

C. D. May

TOWN OF ORLEANS
TOWN CLERKS OFFICE

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, July 06, 2010

10 JUL 13 AM 9:23

PRESENT: Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Adrienne Pfluger, Steve Phillips, (Members); Jim O'Brien, Jamie Balliett (Associate Members); and Jennifer Wood, Conservation Administrator.

ABSENT: Bob Royce, James Trainor, (Members)

8:30 a.m. Call to Order

Request for Determination

MA. Dept. of Transportation-Highway Division, Routes 6,6A, 28, The proposed trimming or removal of unsafe trees within the State Highway Layout within the 100' buffer to fresh and coastal wetlands.

MOTION: A motion to continue the project to July 20, 2010 was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous

Amended Order

Olson/Hiestand, 15 Orissa Drive, by East Cape Engineering, Inc., Assessor's Map 57, Parcel 15,. The Order for a septic system is proposed to be amended for the location of the leaching field within the 100 foot buffer to a Coastal Bank. Tim Brady from East Cape Engineering and Dave Olson, the owner, were present. High groundwater was found on the second lot where the leaching system was designed to be placed. Soil testing showed high ground water throughout Lot 2. Only a raised system could be built on Lot 2. The ground water was not high on Lot 1 at the site of the original leaching system but there it was very close to the resource area. This proposal places the leaching system on Lot 1 and partly within the Cul De Sac. Arnold Henson was concerned about ownership of the road particularly any ramifications the board may ensue by approving the project. Tim Brady said it is owned by abutters to the road and they had given up their rights to the Cul de Sac. Dave Olsen stated that he had spoken with his lawyer who found that they are allowed to construct halfway through the road. Steve Phillips asked about emergency vehicle access. Tim Brady said this would improve the access because of the clearing needed to finish the installation of the system. Judith Bruce said that this redesign was the best option.

MOTION: A motion to approve this project was made by Jamie Balliet and seconded by Jim O'Brien.

VOTE: Unanimous

Certificates of Compliance

Watson/ Atty. Correia(2005), 52 Bakers Pond Road, COC request for an Order that was filed at our request for vegetation restoration. 18 red maples and 10

native shrubs were planted. The area is well vegetated now and there is no erosion.

MOTION: A motion to approve this project was made by Arnold Henson and seconded by Adrienne Pfluger.

VOTE: 5-0-1 Jim O'Brien recused himself.

Tompkins/ Sterman-Isenberg (1984), 23 Blue Heron Way, COC request for an Order for an addition is built as shown according to a site plan from 1993 for a septic upgrade.

MOTION: A motion to approve this project was made by Steve Phillips and seconded by Judith Bruce.

VOTE: Unanimous

Arey's Pond LLC/ Peter Rush, 10 Sparrow Lane, COC request for an Order for habitat improvement. The invasive species have been removed and woody plants and a native field mix have been put in. To allow this area to naturalize, Jenny Wood suggested we leave special condition #3 on the COC. Special Condition #3. *The Commission accepts this work as habitat improvement and not to establish any views or existing lawns on this site.* The Commission agreed that by leaving this condition on the COC the area would be allowed to naturalize.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Jamie Balliet.

VOTE: Unanimous

Request to Return Bond

Arey's Pond LLC/ Peter Rush, 10 Sparrow Lane, A \$5,000 bond was held for a restoration planting plan by Wilkinson Ecological Design. The invasive plants have been removed and the new woody plants and native field mix have been planted and are doing well.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Administrative Reviews

Pilgrim lake Terrace Association, Pilgrim Lake Terrace East, Request to build 4-5 in-ground steps on the path to Pilgrim Lake to stop erosion on the path. No trees or shrubs will be cut or removed. Steps will be of landscape ties held in place with rebar. The area behind the ties will be filled with gravel. Steve Phillips asked if the work was going to be done by a professional or the homeowners. Seth Wilkinson of Wilkinson Ecological Designs was present and stated that he had been advising the association and had been hired to complete the work.

MOTION: A motion to approve this project was made by Jamie Balliet and seconded by Judith Bruce.

VOTE: Unanimous

Snow Point Assoc., Freeman Lane, Request for maintenance on a coastal bank, at the Association Right of Way.: on the left facing the water- mow the strip of grass at the top and for 2 feet next to the landscape tie steps. On the right – prune the bayberry bushes to 4' and the Rugosa roses to 3' or the ground, cut back the shrubs and bittersweet to the fence, Work by Ocean Edge Landscaping. Steve Phillips asked why they were just trimming the bittersweet and not treating it. Jenny Wood said it was coming over from the abutting property. Judith Bruce asked why they were cutting the vegetation to the ground 2' to the left of the stairs. Jenny Wood said it was growing over the steps and they wanted people to use the steps as much as possible to reduce erosion. Arnold Henson declared that they had approved similar work here before.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Jim O'Brien.

VOTE: Unanimous

William Reiher, 7 Richwood Farm Lane Request to remove the 1 large oak off of the smaller trees it has fallen into. Work is within the buffer to a freshwater wetland. Steve Phillips questioned if the work would be completed by a professional. William Reiher, the property owner was present and said yes.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Jim O'Brien.

VOTE: Unanimous

Man-Kong Tsui, 31 Ruggles Road Request to reduce the height of cedars and oaks located in existing view corridors by removing 1-3 feet of their outer canopy. This work on a coastal bank was also done last year. Work by Bartlett Tree Experts. Arnold Henson was concerned that pruning the trees 1-3 feet a year was too much. Jenny Wood said there is enough growth throughout the year to allow this pruning without reducing the cover.

MOTION: A motion to approve this project was made by Jim O'Brien and seconded by Judith Bruce.

VOTE: Unanimous

Brian Trudell, 25 Prides Path, Request to enlarge a deck that goes to the top of a coastal bank. The addition to the deck would be landward of the existing deck and would begin within 17 feet of a coastal bank. Work by Geiger/Phillips. Steven Phillips from Geiger/Phillips was present. Jenny Wood suggested that they needed a variance for construction this close to the top of the coastal bank. Steven Phillips said he was proposing to expand the existing deck and the new work would be done by the house and driveway. Arnold Henson was concerned with this work being accepted under an AR. Steve Phillips thought they would need a site visit to go forward. The Commission thought a variance was necessary.

MOTION: A motion to approve this project was made by Jim O'Brien and seconded by Judith Bruce.

VOTE: 0-7-0 Denied. A Notice of Intent must be filed for this work.

Mark Kritzman, 6 Hammatt Road, Request to prune one apple tree on the coastal bank. Filed by Jay Petit.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Jim O'Brien.

VOTE: Unanimous

Betty Dee Kling, 168 Quanset Road, Request to remove 2 dead pitch pines. Work is within the buffer to a coastal bank and a pond. There are many other trees and they are planting a tupelo. Work by the Tree Wizard.

MOTION: A motion to approve this project was made by Judith Bruce and seconded by Jim O'Brien.

VOTE: Unanimous

David Driscoll, 26 Horseshoe Lane, Request to remove 10 fallen and about to fall trees from a coastal bank to prevent the bank from sliding. Work by Bartlett Tree Experts. The Commission was concerned with the number of trees being removed. Jamie Balliet asked if they would be replanting. David Lyttle stated that he had taken Jenny Wood on a site visit and the owners were concerned about the stability of the bank and planned to file an NOI in the future. For now they wanted to prevent the bank from getting worse from trees going over and pulling up a large section of the bank.

MOTION: A motion to approve this project was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: Unanimous

Ana and Steve Mernick, 29 Franz Road, Request to remove 3 dead black pine trees near the dwelling.

MOTION: A motion to approve this project was made by Adrienne Pfluger and seconded by Judith Bruce.

VOTE: Unanimous

Nancy Hart, 52 Captain Linnell Request to replace a deck top and two sliders within 50' to a coastal bank. They are also proposing a new ½ bath inside the dwelling. Work by Haig's Homes. Steve Philips declared that nothing was being done to change the exterior of the existing house.

MOTION: A motion to approve this project was made by Steve Philips and seconded by Adrienne Pfluger.

VOTE: Unanimous

Request to Sign Grant Application

Request for the Commissioners to sign the grant application for the (LAND Grant) Local Acquisitions for Natural Diversity Grant for \$187200.00 for the Putnam Farm off of Bridge Road. The Commission signed the application.

Chairman's Business

Approval of the Minutes from the Work Meeting on June 22, 2010.

MOTION: A motion to approve the minutes after the requested changes are made was made by Judith Bruce and seconded by Steve Philips.

VOTE: Unanimous

Other Member's Business**Administrator's Business**

The meeting was adjourned at 9:10am

Respectfully submitted,

Erin Shupenis, Principal Clerk, Conservation Commission

Approved

Dated