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TOWN OF ORLEANS
TOWN CLERKS OFFICE

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 3, 2010

10 AUG 10 AM 10:28

PRESENT: Bob Royce, Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Adrienne Pfluger; James Trainor; Steve Philips; Jamie Balliet (Associate Member);

ABSENT: Jim O'Brien (Associate Member); Jennifer Wood, Conservation Administrator

8:30 a.m. Call to Order

Notice of Intent

Jay Stewart, 26 Deer Run The proposed construction of a 4-bedroom dwelling and an attached garage. Work will occur within 100' of the top of a Coastal Bank. David Lyttle of Ryder & Wilcox, Theresa Sprague and Seth Wilkinson from Wilkinson Ecological, Jay Stewart the applicant, and John Stevens, President of the Grandview Association, and Richard Page, Vice President of the Grandview Association, were present. David Lyttle stated that this would be new construction as this is a vacant lot filled with invasive species. Only a limited area is 100 feet away from the coastal bank. The septic has been placed beyond the buffer. The only variance sought from the Board of Health regulations is for a system within 2 feet of the adjacent lot which is also owned by the Stewarts. David Lyttle stated that the house itself would only encompass 5.5% of the overall lot. The grading would be kept to a minimum due to the property's steep embankment and the installation of a lawn is not proposed. David Lyttle said that the way the deck goes around they can still sit on the deck to look out onto the water. Judith Bruce asked if the house could be turned slightly to take part of it out of the buffer zone. Arnold Henson suggested changing the angle of the home or eliminating the garage. David Lyttle agreed that a 2 car garage is a luxury. David Lyttle explained that this property has 236 feet of road frontage, and the owners also own the adjacent lot with 113 feet of frontage. 150' is required under the Orleans Building Code. David Lyttle stated that the possibility of changing the property lines could be explored, but that the current developed Stewart property is already in violation for a minimal amount of frontage and the frontage could not be reduced on that lot. Arnold Henson said that relative to the buildable area on this lot this is a big house. David Lyttle concurred, but stated that for this neighborhood this is not a big home. David Lyttle also said that there is an opportunity to take off the garage, but would prefer to keep it and entertain moving the property line. John Stevens was concerned about the septic system's proximity to the road. The Board of Health requires a 10' setback and they have 11 feet. John Stevens then said that although Jay Stewart was not a part of the Grandview Association Covenant, should he join, the covenant requires a minimum of a two car garage, and therefore he was in support of keeping the garage. Richard Page was concerned with water quality and asked that the

septic system be leached properly. David Lyttle said only lawn area would be over the leaching area, which would be over 100 feet away from the resource areas, therefore making runoff minimal. Arnold Henson asked if the garage was eliminated would it be possible to park underneath. David Lyttle explained that it was not feasible due to the elevation change. Jamie Balliet asked if any other permits had been issued on this property. David Lyttle said there have been no other filings for this parcel. John Stevens asked if there were plans to extend the revetment, which David Lyttle said no.

Theresa Sprague stated that over 80% of the lot was covered with invasive species, the remaining native species were being choked out by bittersweet and honeysuckle. Wilkinson Ecological Design is proposing a complete restoration of the parcel including the eradication of the invasive species and recreation of an understory for the property. Adrienne Pfluger asked what the view corridor for this parcel looked like, and whether or not trees may be planted to reduce the impact. Theresa Sprague explained that they will be planting numerous shrubs and plants, but that given the slope of the parcel it would be difficult to plant large mature trees or ensure their survival. David Lyttle said that they would be keeping two large Cherry trees, and they would like to maintain the view corridor from the north to northeast. There is a large pitch pine in the center of the view corridor which will not be taken down. Steve Philips asked for additional screening, as none of the proposed trees would provide screening from the water. Judith Bruce said an 18" cedar and 12" cedar were going to be removed and they were the only two trees that would provide screening. Seth Wilkinson said that he would look into how much pruning would have to be done for those trees to both survive and be out of the deck. Adrienne Pfluger asked about the pathways. David Lyttle declared that they would like to keep the two paths leading to the water, but would adhere to the 4-foot maximum wide path. James Trainor asked if an alternative septic system could be used, or if the leaching area could be put into the driveway, therefore allowing the house to be moved back more from the bank. David Lyttle said that was a possibility, but that they must adhere to the setbacks required for the system in relation to the foundation and property lines. Steve Philips asked that hay bales be used in conjunction with the silt fence, which David Lyttle concurred.

MOTION: A motion to continue the hearing to August 17th was made by James Trainor and seconded by Jamie Balliet

VOTE: Unanimous

Abbreviated Notice of Intent

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 50 feet of a Coastal Bank. Work by Geiger/Phillips. Steven Phillips, of Geiger/Phillips said this Abbreviated Notice of Intent was filed as the Conservation Commission rejected his Administrative Review due to construction within the 25' buffer. The work totals 375 sq feet and will be built similar to the deck that already exists. Adrienne Pfluger asked what species would be in the proposed planting bed. Steven Phillips said boxwoods and holly

trees. Steve Phillips asked what kind of fertilizer was presently being used, which Steven Phillips said he was unsure. Steve Phillips asked that only organic fertilizer be used. The vegetation within the buffer is mostly fertilized grass. Steven Phillips said they would use strictly organic fertilizer. Judith Bruce said that the work must be done so that any runoff would slope towards the driveway and away from the buffer. James Trainor asked how large the existing deck was, and Steven Phillips said the deck it will connect to is presently under 200 square feet and there is no connection now to the steps outside the door. Judith Bruce said this is a small project and she wants a complete discontinuation of herbicides, pesticides, and fertilizer for the site if approved. Judith Bruce made a motion to close the hearing, Adrienne Pfluger seconded, and the board unanimously decided to close the meeting.

MOTION: A motion to approve this application with the conditions that the land under the new deck slopes toward the driveway, only native species will be planted in the planting area, and that the lawn within the buffer receives organic lawn care only with pre-emergent herbicides, pesticides or quick release chemical fertilizers prohibited on the lawn at this site was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Continuation

Last Heard July 20, 2010 s

MA. Dept. O 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. Tom McGuire and Mike Clemens, Assistant District Engineer, were present from the Massachusetts Department of Transportation. Tom McGuire stated that he was in front of the Commission asking for a negative determination for the removal of dead or dying trees within the wetlands or wetland buffer zones along routes 6, 6A, and 28 for the purpose of public safety. Tom McGuire said they would set up a system to flag the trees in the wetland and buffer zone. Judith Bruce reiterated to Tom McGuire that she hoped Massachusetts DOT would continue to work with Dan Connolly throughout the duration of the project, and to be sensitive to the public's reaction to the overall project. Tom McGuire stated that as public safety is a concern and it is hurricane season, he hopes to take care of this project as soon as possible. Arnold Henson stated that he was satisfied to issue the Negative Determination.

MOTION: A motion to issue a negative determination for this project was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Adrienne Pfluger left the meeting at 9:01am

Request for an Extension of an Order of Conditions

Cove Condominium Trust, 13 S. Orleans Road Request to extend the Order of Conditions issued on 9/18/2007 for the installation of a new Title V septic system. Septic tank and pump chamber to be located within 100' of the top of a coastal

bank. Arnold Henson said the applicants were hoping that they would be able to access the town sewers and therefore avoid the potential damaging work along the coastal bank. Tim Brady said that he was applying for a 3-year extension, as his clients do not want to build the system. Judith Bruce said if the Board of Health was on board, she felt the 3-year extension should be granted. Steve Philips asked how frequently they were monitoring the system to ensure it did not fail prior to the potential connection to the sewers. Tim Brady said they are monitoring the system quarterly and should it fail, the money is available to build the system. Judith Bruce said that the installation of a septic system on this parcel would not protect the cove from nutrient loading and she thought it was in the best interest of the Commission to grant the 3-year extension in hopes that the system would never be built, and town sewers would be accessed.

MOTION: A motion to approve a 3 year extension was made by Jamie Balliet and seconded by Judith Bruce.

VOTE: Unanimous

Request for a Certificate of Compliance

Kevin Wise (2005), 14 Surf Path Request to issue the Certificate of Compliance for an Order for a Landscape Plan. This Order was considered under the Orleans Wetland Bylaw only. It was not in the buffer according to the State. The landscape plan was completed but the 5 red cedars that were planted did not survive. Bob Perry, engineer, George Cavanaugh, Kevin Wise's attorney, and Kevin Wise were present. Bob Perry stated that the landscape plan was designed so that a minimal amount of fill would be used. The native shrubs which were planted were doing well, but the 5 red cedar trees were exposed to a wind corridor and did not survive. If required they would plant the cedars on the south side instead of between the house and the street where they would be more sheltered. Arnold Henson asked if they were requesting an Amendment to the Plan. They would have to file for a change in the plan and when it was accepted and completed they could ask for a COC. Judith Bruce asked if there was a public view of this property. Bob Perry said you could see it from the beach but it was far away. Kevin Wise did not think it was visible. Judith Bruce said we cannot issue a COC within two weeks of planting. Kevin Wise stated that he was never under the impression that if something died he was required to replace it. Judith Bruce explained that a planting plan is an ongoing thing and that if there were concerns with species being unable to survive they should bring it to the Commission as soon as possible.

Administrative Reviews

Last Heard July 13, 2010

Erica and Fred Parra, 60 Payson Lane The request to remove 22 trees has been reduced to 12 trees from the coastal bank on lots 4 and 5 of Payson Lane. These trees include 1 dead undermined eastern red cedar, 1 cedar lying across the beach, 1 cedar leaning toward the beach, 7 live undermined eastern red cedars at the edge of the bank, 1 live black cherry, and 1 live oak. These trees

would be flush cut to the ground and removed from the bank. Work to be done by Wilkinson Ecological Design.

Seth Wilkinson and Theresa Sprague from Wilkinson Ecological Design and Erica Parra the property owner were present. Judith Bruce said this was a reasonable request. Jamie Balliet asked if anything would be planted in their place. Seth Wilkinson said they had looked at fiber rolls and gabion baskets, but it was outside of the budget, and for now would be planting a native warm season grass. Steve Philips asked if the abutting properties had installed erosion controls. Seth Wilkinson stated that the abutting neighbors were also leaving their properties in their native state.

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

VOTE: Unanimous.

Patrick and Janet Regan, 21 Tanglewood Terrace, Request to restore the native plant community within the buffer zone of the coastal bank. Invasive species will be selectively removed over time and native vegetation will be planted in order to restore biodiversity and improve wildlife habitat. 3 oak trees are proposed for removal. This is a large project. Work to be done by Wilkinson Ecological Design. Seth Wilkinson and Theresa Sprague from Wilkinson Ecological Design were present. Arnold Henson stated that Jenny Wood was in favor of the project, but thought it best to be filed as a Notice of Intent or have a bond. Seth Wilkinson said that the owners were over their head, as they had tried to remove some of the invasives through Administrative Reviews but simply had not kept up with the problem. Seth Wilkinson asked if he phased the project and presented the end result, would the Commission be amendable to break it into two to three phases all through Administrative Reviews. Arnold Henson said that since the Commission would be unsure of the end result through the phasing process, he thought it best to file a Notice of Intent and stretch out the implementation of the project.

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

VOTE: 0-7-0 Denied. Asked to file a NOI

Curtis Villamizar, 46 Lake Drive, Request to remove 8 dead pine trees within 100' of a small freshwater wetland. There are many other trees in this area. Work to be done by Peter Due.

MOTION: A Motion to approve this project was made by Steve Philips and seconded by Jamie Balliet.

VOTE: Unanimous

Helen Jones, 18 Uncle Vick's Way, Request to remove and cut back vines outside of bathroom window threatening to go under shingles and prune 2 bushes out front. Work will occur within the 50' buffer zone of a Bordering Vegetated Wetland. Work to be done by Colson's Landscaping.

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

VOTE: Unanimous

Bill Shaughnessy.30 Twinnings Lane Request to remove 1 large pine and 1 small dead cedar near the boathouse, and to prune the limbs of 3 oaks away from boathouse Work will be done within 100' of a Coastal Bank and a Beach. Work to be done by A to Z Treez.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on July 27, 2010.

MOTION: A motion to approve the minutes was made by Judith Bruce and seconded by James Trainor.

VOTE: Unanimous.

The meeting was adjourned at 9:49am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Conservation Department