

C. May

TOWN OF ORLEANS
TOWN CLERKS OFFICE

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 10, 2010

10 AUG 17 AM 11:34

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

ABSENT: Jennifer Wood, Conservation Administrator

8:30 a.m. Call to Order

Certificates of Compliance

Man Kong Tsui & Susan Ip (2007), 31 Ruggles Road. Request for a Certificate of Compliance for the pruning of a large oak tree and habitat restoration. This tree has been pruned yearly to encourage growth on the top. The habitat restoration work has been completed.

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

VOTE: Unanimous

Man-Kong Tsui & Susan Ip, (2010), 31 Ruggles Road. Request for a Certificate of Compliance for in ground stone steps over a Coastal Bank. The stairs have been installed and there is no erosion.

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

VOTE: Unanimous

Last Heard July 13, 2010

Frank and Virginia Middleton(2006), 126 Skaket Beach Road. This Certificate of Compliance request was held due to lack of mitigation. The original Order was to build 2 new houses and take down an existing one and to allow a 50' naturalized buffer from the salt marsh. The drive and part of the yard are in Land Subject to Coastal Storm Flowage. Only 1 new house was built and the old house was not moved. They are now offering a no-mow zone on the water side of the existing drive which would range from a 6 to 40' buffer and also a no-mow zone on the north side of the house of approximately 40'. An as-built was submitted to show the mitigation areas. Judith Bruce asked if the Commission felt the applicant had offered the best solution to this site, to which Arnold Henson said yes.

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

VOTE: Unanimous

Administrative Reviews

Last heard July 3, 2010 as a Certificate of Compliance request

Kevin Wise, 14 Surf Path. The Certificate of Compliance request was held due to changes in the landscaping plan where as the 5 red cedars were not viable. This proposal includes 4 red cedars (4-5' height) and 2 groupings of bayberry, beach plum or viburnum. They would like to post a bond for this work and have the Certificate of Compliance released. Bob Perry, engineer, George Cavanaugh, Kevin Wise's attorney, and Kevin Wise, were present. Arnold Henson declared that if this was acceptable, the approval would be subject to a bond on the property and a 3-year upkeep schedule for the landscaping. Judith Bruce said that given the failure of the first landscape plan, a bond would be best. Arnold Henson felt a \$5,000.00 bond would be adequate, and Steve Phillips concurred.

MOTION: A motion to approve this project subject to posting a bond and an upkeep schedule for the next three years was made by Judith Bruce and seconded by James Trainor.

VOTE: Unanimous

Linda Odenbach, 41 Orié Lane. Request to remove two pines. One pine has already been removed and the other is dying. These pines are in the right of way to the shore for Orié Lane and one has been replaced with a pin oak and the other is proposed to be replaced with a white pine. Arnold Henson read a letter from the Orié Lane Association into the record that was concerned with the new trees blocking the right of way. Jane Corlette, Marvin Corlette, and Sandy Ginnis, members of the Orié Lane Association were present. Jane Corlette said she was also speaking on behalf of Robert Jones, a fellow abutter. Jane Corlette asked if the Odenbachs did not mow or maintain the Right of Way was the Association permitted to mow/maintain it on their own and was it legal for the Odenbachs to refuse access over the path to guests of the members of the Association. Arnold Henson stated that these issues was legally beyond the scope of the Conservation Commission, and it would be best for the Association to contact a lawyer. Sandy Ginnis asked if the Commission knew whether or not the Odenbachs were storing pieces of their dock outside of their parcel, or within their parcel. Arnold Henson reiterated that this issue was again beyond the scope of the Commission. Steve Phillips asked whether or not an application had been filed for the removal and replacement of the tree in the first place. He said regardless of whether the tree was alive or dead there should have been a filing for this work. Arnold Henson was concerned as to why the applicants wanted to replace the tree in the Right of Way. He asked to hold this filing until they could get more information. Sandy Ginnis asked to be on record that she was against any impedance within the Right of Way, and was therefore against the planting of the white pine there.

Last Heard July 20, 2010

John Harrington, 25 Skymeadow Drive. At the first site visit, 10 trees were tagged in Pink to prune and 9 trees were tagged in Orange to remove in the buffer. 12 other trees are tagged in Orange to remove outside the buffer. At the second site visit, 9 trees were tagged in Orange for removal in the buffer and 1 tree was tagged in pink for pruning in the buffer. 5 of the 9 trees are oaks. One of these oaks is of a substantial size. The remaining 4 trees are a pitch pine, a locust, a sassafras tree, and a dead sassafras. None of these trees are leaning toward the house. Work by A to Z Treez. Work is within 100' to a freshwater wetland or a coastal bank. Arnold Henson read Jenny Wood's statement where she said she could understand the request to remove the locust and the pitch pine, but did not understand why they wanted to remove the oaks and sassafras. She suggested that if the owner wants to pursue the removal of these trees they offer the Commission the opinion of a professional arborist. The Commission agreed.

Revised Plan

Charles Silbert (2009), 68 Keziah's Lane The site plan has been revised to show a minor alteration to the driveway, the relocation of a portion of the circular drive. Although this would increase the amount of drive within the 100' buffer it would reduce the number of curb cuts.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on August 3, 2010.

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

VOTE: Unanimous

Other Member's Business

Administrator's Business

Site Visits

Douglas Kuhn

10-12 Priscilla Road

The proposed installation of a new septic system for an existing dwelling and removal of walls and roof on a detached studio building. Work will occur within 50 feet of a Vegetated Wetland and a Ditch.

Martin & Elaine Benante

121 Lake Drive

The proposed construction of an earthen berm landward of an existing stone revetment. This berm will help to prevent flooding of the low area between the house and stone revetment. Work will occur on Land Subject to Coastal Storm Flowage and within the Pleasant Bay ACEC.

David Strickler & Elaine Pattison

1 Standish Way

The proposed renovations to an existing house. Work will occur within 100 feet of the Top of a Coastal Bank.

Edward Mitchell

22 Karen Way

The proposed upgrading of the sewage disposal system including abandonment of the existing septic system. Work will occur within 100 feet of a Freshwater Wetland.

The meeting was adjourned at 8:44am.