

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, September 7, 2010

10 SEP 14 AM 10:07
TOWN OF ORLEANS
TOWN CLERK'S OFFICE
Deputy Assn.

PRESENT: Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; James Trainor; Steve Phillips; Jamie Balliett; Jennifer Wood, Conservation Administrator
ABSENT: Bob Royce; Adrienne Pfluger; Jim O'Brien (Associate Member)

8:30am Call to Order

Notices of Intent

James King, 5 Baxter Lane. The proposed installation of a new septic system for an existing dwelling including the abandonment of the existing septic system. Work will occur within 100 feet of a Freshwater Wetland. Jason Ellis said this is a 2-bedroom house that will remain 2-bedroom. This NOI is filed under the Orleans Wetland Bylaw only. Several variances are required from the Board of Health. They are meeting next week. The Commission felt that this plan placed the leaching field as far as possible from the wetland.

MOTION: A motion to approve this project pending the approval of the Board of Health was made by Steve Phillips and seconded by Judith Bruce.

VOTE: Unanimous

Roland & Ethel Nelson, 60 Champlain Road. The proposed upgrade of the sewage disposal system including the abandonment of existing cesspools. Work will occur within 100 feet of a Freshwater Wetland. Jason Ellis said that this will be a shared system to serve the two condos on the parcel. The tank and pump chamber are greater than 50' from the wetland and the leaching field is greater than 100 feet up by the road. Jenny Wood asked that the Order be conditioned to eliminate the mowing of the wetland. The Commission asked for a no mow zone to be established. Jason Ellis said that his clients would be fine with no longer mowing north of the driveway to Unit 2.

MOTION: A motion to approve this project pending the establishment of a no mow zone on the wetland side of the driveway and approval of the Board of Health was made by Judith Bruce and seconded by Arnold Henson.

VOTE: Unanimous

Continuations

Previously heard 8/17/10, 9/7/10

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 Lyttle presented the Commission with a letter from the abutters to the east stating their approval for work on their property. David Lyttle explained that a previous Order had not received a Certificate of Compliance because the proposed planting was not completed. The applicants do not want to

complete the planting until the berm is installed to allow access through the vegetation. They propose to remove the existing vegetation, install the sand fill, and return the vegetation onto the berm. The area is heavily vegetated with beach grass and bayberry and more plants would be supplemented upon completion of the project. David Lyttle addressed the issue of annual nourishment over the revetment as requested by Judith Bruce at the first hearing. He said any nourishment here would be below Mean High Tide and would require a Chapter 91 filing. Judith Bruce asked about placing sand on top of the revetment from the berm over. David Lyttle said he would consider this. He did not think annual nourishment was practical but the owners would want to replace the sand berm in the event of a major storm. Jenny Wood said the Order could be conditioned that the berm would have to be replaced within a certain time period after the storm. Arnold Henson asked why the clients were proposing this work. David Lyttle said that due to the topography of the parcel any water that went over the revetment stayed in the low area in front of the dwelling. Arnold Henson said that low area would eventually become a marsh. David Lyttle said that his clients were aware of this especially as the property to the west has no revetment and the flood water may eventually come in from the side. Steve Phillips asked if the planting plan was going to take in to account future storms when the berm needed to be repaired. David Lyttle did not have a new planting plan to go with this project. Jenny Wood asked what was going to be planted on the berm after a storm event? David Lyttle asked to continue to September 14, 2010 for a planting plan for this project.

Certificates of Compliance

Preston and Birgitta Hay (2008) and Amended, 289 South Orleans Road

COC request for an Order to move a house and put an addition on it. This Order was amended to allow fill to the drive area and put a pipe between the two wetlands. Water was running toward the pipe on the day of the site visit. They were required to vegetate and leave the original house site naturalized. This is a field area now without any pathways. They have planted several trees and shrubs that are doing well. There are no eroding bare areas but vegetation is sparse under the maples where there is heavy shade. Most of the open areas in the yard have seeded in with non-native plants. There were some remnants of a native seed mix up near the street. There is a mulched area over the septic with some non-native shrubs. Jenny Wood said that the applicants had made a good effort given the small size of this project, and Jamie Balliett thought the movement of the house further from the wetland was also a significant effort. Steve Phillips asked about the location of the area of mulch, and Jenny Wood explained that a large part of it was outside the buffer zone.

MOTION: A motion to issue the Certificate of Compliance for the Order and the Amended Order was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: Unanimous.

Administrative Reviews

Previously Heard 8/10/2010/8/17/2010

Linda Odenbach, 41 Orie Lane. The request to remove and replace two pines has been reduced to the work that has already been completed. This work was to remove 1 dead pine tree and replace it with a pin oak. The other pine will remain. The Orie Lane Association requested that the newly planted tree be removed as once the tree has matured, it would block the right of way. The Commission decided the tree should be relocated off the right of way either in the applicant's yard or elsewhere. The applicant will be informed.

Previously Heard 7/20/2010

Steve and Kelly Burns, 561 South Orleans Road. Request to leave a flag installed on a dead limbed cedar. Request to leave a removable wooden dock (3' wide & 12' long) at the edge of the pond for a child that cannot go in the water. Approval of this AR would not grant approval of a permanent dock at this site. An Order would have to be issued approving this dock to make it permanent. Arnold Henson explained that the Commission was concerned about the precedent set with this case. Kelly Burns asked if the dock could be a temporary solution, with a yearly approval. Judith Bruce explained that any approval of a dock would have to be carefully examined, as they can cause disruption to the buffer zone and create shading problems. Jamie Balliett suggested that there are several town landings which could be used for fishing. Kelly Burns asked what she could file for approval of the dock. Jenny Wood explained that a Notice of Intent would be the next step. Kelly Burns decided to withdraw the Administrative Review for approval of the dock. The Commission asked that she remove the dock, and she will receive a letter with this request.

David Carvalho, 158 Namequoit Road. Request to repair the brick walkway and replace the railroad tie steps and driveway edging with ideal roman piza block. The roses in the existing planting beds will be replaced with new roses. Request to remove one dead tree and to prune 1 branch on a cedar, two branches on an oak and the suckers off another oak. Request to place paving stone around the boulders placed in the driveway. Request to put a new planting bed next to the stairs and drive with native shrubs and groundcovers. Work is within the ACEC and within 50' of the stream connection between Paw Wah Pond and Namequoit Bog and to the Coastal Bank on the other side of the street. Work by Thomas Murzyn. Arnold Henson asked if they would be expanding the existing structures. Thomas Murzyn said that he would only be replacing what presently existed.

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

VOTE: Unanimous

Previously Heard 7/20/2010

William Benjamin, 184 Quanset Road. Request to remove 2 dead locust trees northeast of the house in a heavily vegetated area. Request to remove 8 trees to the south of the house. 6 of these trees are pitch pines. The other two are oaks that are near the swimming pool. The tree removal to the south is to get more light on the swimming pool. They will replace the trees with sweet pepper bush. Work is within 100 feet of a vegetated wetland and a coastal bank.

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

VOTE: Unanimous

Bill Brotherton, 17 Blue Rock Road. Request to remove 2 dead standing red cedars and one cedar that has gone over. Work is within 100' to the top of a coastal bank. Work to be done by Bartlett Tree.

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

VOTE: Unanimous

Dwight Wilson, 14 Tides End Lane. Request to install new red cedar shingles on the front of the house roof. Work by Seaside Roofing and Siding.

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

VOTE: Unanimous

John Stix, 175 Namequoit Road. Request to remove 8 trees that are dead on the coastal bank and the beach. There are other trees in the area. Jenny Wood explained that the applicant was very specific and careful in choosing which trees would be removed. Judith Bruce asked if this area included a bank which had been damaged by recent storms, and Jenny Wood confirmed that it was the same area.

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

VOTE: Unanimous

George Tazzini, 42 Loomis Lane. Request to flush cut 9 dying cedar trees. The trees were not tagged. Work to be done within 100' of the Top of a Coastal Bank. Cedars have already been removed from this area with earlier filings. We do not have a restoration plan in place for this site. Judith Bruce asked if the previously removed trees had been replaced with any new plantings. Jenny Wood said that the applicant had planted new shrubs, but that an overall planting plan was not provided. Arnold Henson stated that the Commission would hold the Administrative Review until a planting plan was provided.

Revised Plan

Andrea Lobkowitz (2010), 27 Monument Road. Request to revise the plan to include a rock retaining wall along the edge of the property to support the grade from the drive. This wall is within 100' to a vernal pool.

MOTION: A motion to approve the revised plan was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous.

Request to Use Conservation Property

Windmill Wedding 10/3/10, Carrie & Scott Saglibene, 30 People, 1-2pm

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on August 24, 2010.

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

VOTE: 4-0-1, James Trainor abstained.

The Meeting was adjourned at 9:20am

Respectfully submitted.

Erin Shupenis, Principal Clerk, Conservation Commission