

*C. May*

TOWN OF ORLEANS  
TOWN CLERKS OFFICE

10 OCT 12 AM 10:05

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, October 5, 2010**

**PRESENT:** Arnold Henson, Chairman; Bob Royce; Adrienne Pfluger; James Trainor; Jamie Balliett; Jennifer Wood, Conservation Administrator

**ABSENT:** Judith Bruce, Vice-Chairman; Steve Phillips; Jim O'Brien (Associate Member)

8:30am      Call to Order

**Notices of Intent**

**David J. & Pamela L Driscoll, 26 Horseshoe Lane.** The proposed stabilization of a coastal bank. Work will include the removal of several trees, installation of fiber rolls and replanting of the area with native species. Work will occur on a Coastal Bank, Land Subject to Coastal Storm Flowage, and within 100 feet of the Top of a Coastal Bank. David Lyttle of Ryder & Wilcox said the fiber rolls are going to be completely covered at this site because they last longer when they are not exposed to UV light. 8 trees will have to be removed to set up a narrow track for continued coverage of the fiber rolls with sand. He said he would bring in a new plan as this one shows the Coastal Bank below the flood elevation. Arnold Henson asked why the applicants wanted to do the bank restoration work when their home was not in immediate danger. Seth Wilkinson said the bank was at a manageable phase now. It would be harder to stabilize it if it lost the crest of the bank and was in the low area in front of the dwelling. They would also lose their well. Jamie Balliett asked if they were able to measure how fast the bank was eroding. David Lyttle said there was good data for the beaches but not in Pleasant Bay. They lost 8 feet in one storm on Pleasant Bay at another site. Arnold Henson was concerned that this fiber roll installation would lead to others before it was necessary. David Lyttle said the installation of fiber rolls with the sand over them would supply sand as nourishment to the system and help build up the marshes in that area. Jenny Wood said they had a good planting plan and asked if the Order should be conditioned that the fiber rolls had to remain buried. The Commission said yes.

**MOTION:** A motion to approve the revised plan showing the new coastal bank delineation with the condition that the fiber rolls remain buried and the planting plan is incorporated into the Order was made by Jamie Balliett and seconded by James Trainor.

**VOTE:** Unanimous.

**Vincent Ollivier & Kevin Galligan, 22 Great Oak Road.** The proposed removal of a portion of an existing dwelling and the construction of additions to a single-family dwelling. Work will occur within 100 feet of an Inland Bank. David Lyttle explained that this is the removal of the part of the building built in the 50's that is not up to code. They are replacing that building with an apartment above. There

will be an overall increase of 15% living space. There is also a deck and stairway for access to the second floor apartment. Jenny Wood said that she did not think this was a significant change to what was there already.

**MOTION:** A motion to approve the site plan was made by James Trainor and seconded by Jamie Balliett.

**VOTE:** Unanimous

**Ethel Alemian, 41 Willie Atwood Road.** The proposed installation of a new septic system including the abandonment of existing cesspools, conversion of the existing well to an irrigation well, and the installation of town water. Work will occur within 100 feet of the Top of a Coastal Bank. Jenny Wood asked if the oil tank on the property could be replaced with one with a liner, and a member of the audience said that the removal of the oil tank was part of a condition on the sale of the property.

**MOTION:** A motion to approve this project pending the approval of the Board of Health and the removal of the old oil tank was made by Jamie Balliett and seconded by Arnold Henson.

**VOTE:** Unanimous

**Rosemary King Nelson & Robert King, 16 Haywood Lane.** The proposed modification of an existing Chapter 91 Waterways License. The pier is located on a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and Land under a Body of Water. David Lyttle explained that the existing dock was not built to match the Chapter 91 license. This filing is to license the existing configuration of the dock. Arnold Henson said this structure is located in a critical area next to the channel. David Lyttle said the original dock allowed for the pier to extend 70' out into the river with an L-shaped section and a 12'x12' float shoreward of the L-shaped section. The dock which was built did not include the L-shaped section and the ramp and float are seaward of the dock. Arnold Henson asked why the float on the dock could not be angled back towards the shore now. David Lyttle said the water was too shallow. Jamie Balliett asked why the licensed dock had a proposed float of 12' by 12' and the owner had built a 12' by 16' float. Jenny Wood asked that a plan be provided which showed the licensed dock and the existing dock overlaid so the Commission could see where the changes were. She said an Order of Conditions was issued for the dock according to the license in 1978 but there is no recording slip. She asked if there was an active Waterways License. David Lyttle said yes there was. Charles Howard, abutter, and Chris Nelson, son, claimed the location of the dock in the channel had not been a problem for boat traffic. Rosemary King Nelson said the ramp and float were removed every winter. David Lyttle asked to continue to October 12, 2010.

**MOTION:** A motion to continue to October 12, 2010 was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

### **Amended Order**

**Daniel & Andrea Schmeig, 13 Kingsbury Lane.** The proposed demolition of an existing dwelling & construction of a new dwelling & swimming pool has been amended to include an extension of the existing fiber roll toe protection. Work will occur within 100' of the Top of a Coastal Bank. Seth Wilkinson explained these fiber rolls would be an extension of the area where fiber rolls are already in place. They are proposing to add 2000 cubic yards of fill down the bank from the building project. Arnold Henson asked if these fiber rolls would remain buried. Seth Wilkinson said the existing fiber rolls were to remain exposed, but the new fiber rolls would be closely watched to determine where the fill went and if they would need any more. Jenny Wood suggested a monitoring report so that the Commission could decide whether they thought more fill was needed for the site. Seth said due to the exposure of the bank, it would be difficult to entirely cover the bottom two fiber rolls. Seth Wilkinson and David Lyttle said they were willing to come back in a year with a monitoring report to show where the fill settled including how much of the fiber rolls remained buried. .

**MOTION:** A motion to approve this project with the condition that a monitoring report be provided was made by Bob Royce and seconded by James Trainor.

**VOTE:** Unanimous

### **Continuations**

Continued from 9/21/2010 (JBr1, AP1,JBa1)

**Patrick & Janet Regan, 21 Tanglewood Terrace.** By Ryder & Wilcox, Inc. and Assessor's Map 20, Parcel 82,. The proposed removal of invasive plants and planting of native plants. Work will occur on and within the buffer to a Coastal Bank.

**MOTION:** A motion to continue the hearing until December 7, 2010 was made by James Trainor and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

Continued from 9/21/2010 (JBr1, AP1,JBa1)

**Michael Levangie & Sandra Lucchesi, 55 Freemans Lane.** By Ryder & Wilcox, Inc. and Assessor's Map 5, Parcel 31. The proposed construction of a sunroom, swimming pool, and patio. Work will occur within 100 feet of a Coastal Bank and Land Subject to Coastal Storm Flowage. David Lyttle explained the changes to the plan which included the reduction of the bluestone patio and the increase in the planting area. Jenny Wood said this planting plan needs an understory of groundcovers or a native seed mix. She said there is a lot of bittersweet on this property. Craig Pannacione, of Crossroads Landscape and Pools, said they would be willing to remove the bittersweet and add an understory. Jenny Wood asked why the fence was still located on the plan within the 50' buffer. Craig Pannacione said they will not put the fence within the 50' buffer.

**MOTION:** A motion to approve the revised plan dated September 21, 2010, with the condition that the fence not be built within the 50' buffer and that a native

seed mixture or ground cover be put in-between plantings was made by James Trainor and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**James Trainor left at 9:48am**

**Certificates of Compliance**

Richard & Jenny Cohen (1999)

14 Viking Road

Request to issue the Certificate of Compliance for the proposed installation of a deck and porch, construction of a path, and removal of a tree; the porch was not built. The deck has an entranceway from the front as well as the side. The site is well vegetated.

**MOTION:** A motion to approve this Certificate of Compliance was made by Arnold Henson and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Ross Bierkan (Hallowell RT) 2005, 20 Bufflehead Lane.** No work was done under this Order for a second story addition.

**MOTION:** A motion to approve this Certificate of Compliance was made by Arnold Henson and seconded by Jamie Balliett

**VOTE:** Unanimous

**Ross Bierkan (Mc Crossan)2006, 20 Bufflehead Lane.** COC request for an Order to remove and rebuild a dwelling. The dwelling was built as shown on the site plan with the addition of 3 AC units on the north side of the dwelling. The 7 trees proposed to be planted in the old driveway were not planted in the driveway. This area is now an extension of the lawn. The Commission will go out on a site visit for this project.

**Ross Bierkan (2007), 20 Bufflehead Lane.** COC request for an Order to remove invasive species and replant native species. The 7 trees proposed to be planted in the old driveway were not planted in the driveway. This area is now an extension of the lawn. The Commission agreed that this COC was for the removal of the invasives which the applicant had done.

**MOTION:** A motion to approve this Certificate of Compliance was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Administrative Reviews**

**Estate of Maureen Schouman, 51 Briar Springs Road.** Request to remove, pump, and fill two existing cesspools. Work to be done within 100' of the Top of a Coastal Bank right next to the paved driveway. Work to be done by AMA.

**MOTION:** A motion to approve this project was made by Adrienne Pfluger and seconded by Jamie Balliett

**VOTE:** Unanimous

**Walter North/Judy Ryon, 178 Barley Neck Road.** This Administrative Review was previously approved September 3, 2009, but work had not been completed. Request to remove invasive species and plant native ones. Work near the street will be approved by the Tree Warden before going forward. Work will occur within 100' buffer zone of a Freshwater Wetland.

**MOTION:** A motion to approve this project was made by Adrienne Pfluger and seconded by Bob Royce.

**VOTE:** Unanimous

**Harvey & Muriel Gross, 60 Briar Springs Road.** Request for annual mowing of town landing area to prevent reoccurrence of invasive species, maintain 4' wide path, and lower surrounding bramble to a height of 3'. This is maintenance for the work completed under an Administrative Review from April 21, 2009 by Wilkinson Ecological. Work within the 100' buffer to a coastal bank.

**MOTION:** A motion to approve this project was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Philip Fair, 14 Megs Lane.** Request to remove two pitch pines too near the dwelling and the hollow trunk of a large oak that could fall on the boat storage area. This oak has another healthy trunk. Work within 100' to Crystal Lake. Work to be done by A to Z Treez.

**MOTION:** A motion to approve this project was made by Adrienne Pfluger and seconded by Jamie Balliett.

**VOTE:** Unanimous

**Judith Brainerd, 9 High Tide Lane.** Request to remove one dying red cedar and replace it with a tupelo. Work within the buffer to a freshwater wetland.

**MOTION:** A motion to approve this project was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**The Orleans Yacht Club, 39 Cove Road.** Request to re-shingle the roof, relocate the kitchen exhaust fan and re-build the spar-mast shed. Work is within the buffer to a coastal bank.

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

**VOTE:** 1-0-3, Arnold Henson, Bob Royce, and Adrienne Pfluger abstained.

#### **Request to Use Conservation Property**

**Windmill Wedding 7/9/1, Thomas Murphy & Kathryn Pelton, 50-60 People 3-5pm**

**MOTION:** A motion to approve this project was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Chairman's Business**

Approval of the Minutes from the Work Meeting on September 28, 2010.

**MOTION:** A motion to approve the minutes was made by Adrienne Pfluger and seconded by Bob Royce.

**VOTE:** Unanimous

The meeting was adjourned at 9:54am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Commission.

**Other Member's Business**

**Administrator's Business**