

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

10 DEC 14 AM 9:12  
TOWN CLERK'S OFFICE  
Y. Delaney ASST  
TOWN OF ORLEANS

**PRESENT:** Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Bob Royce; Adrienne Pfluger; Steve Phillips; James Trainor; Jamie Balliett; Jim O'Brien (Associate Member); John Jannell, Acting Conservation Administrator.

**ABSENT:** Jennifer Wood, Conservation Administrator  
8:30 a.m. Call to Order

**Notice of Intent  
Continuations**

Continued from 9/21/2010 (JBr1, AP1, JBa1), 10/5/10

**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. The applicant requests that this hearing be continued to December 14, 2010.

**MOTION:** A motion to continue the hearing to December 14 was made by Judith Bruce and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

Continued from 10/19/2010, 11/16/2010

**Robert & Sally Roda (AH1), 187 Namequoit Road.** by Coastal Engineering Co, Inc.. The proposed installation of a rock revetment and beach nourishment to a Coastal Bank. Work will occur on a Coastal Bank, Coastal Beach, and within 100' of the Top of a Coastal Bank. A new plan has been submitted. Roy Okurowski of Coastal Engineering explained that after the site visit by the Conservation Commission, the plan was changed to eliminate any rock being brought in from off site; existing rock will be excavated and used to cover the coir envelopes. Seth Wilkinson of Wilkinson Ecological Design said that the revegetated areas would extend outward, and that rock from the groin located on the Roda's property would be used to cover the coir envelopes. Arnold Henson asked what the commitment would be for renourishment, as there was concern about an ongoing obligation to the site. Roy Okurowski explained that after the initial 300 yards of sand was used on site, each spring observations would be done to determine how much sand would be required to renourish, then the site would be renourished accordingly. Seth Wilkinson explained the standard for the sand nourishment would be 1-2' of sand on top of the rocks at all times to ensure the coir envelopes worked effectively. Judith Bruce asked if the sand access ramp would be maintained or would only be used during the construction. Seth Wilkinson said they would like to maintain the ramp to no greater than 6', and that it will be planted and blanketed, with the ramp itself only being used during the dormant season. Arnold Henson brought up concern about end scour, and the southeast fetch's effect on the bank project. Roy Okurowski explained that end scour would not be a factor because the rocks would be buried. Steve Phillips asked about the maintenance of the coir envelopes, and who would be performing the monitoring. Robert Roda, the applicant, said that he was at the house 8 months a year, and Seth Wilkinson explained his

company, in the event of a major storm, monitors all of their projects to ensure that no damage has occurred. Judith Bruce emphasized that if a storm event occurred during the winter it would not be left to be replenished until to the spring, and Arnold Henson suggested it be conditioned that the area be renourished annually and after a storm event. Robert Roda agreed with this condition, and Arnold Henson said his concern was with the ongoing maintenance for the bank should the property be sold. Adrienne Pfluger asked about the trees that would be lost due to the cutting back of the bank, and Seth Wilkinson said they would be relocating the trees on either side of the construction access.

**MOTION:** A motion to approve the November 29, 2010 plan with the condition that any time at which the toe stones are exposed or in the event of a storm they must be covered by sand as detailed in accordance with the ongoing conditions was made by Judith Bruce and seconded by Adrienne Pfluger.

**VOTE:** 6-0-1; James Trainor recused.

Continued from 11/2/2010, 11/16/2010

**Patrick Dwyer, 27 Standish Road.** by Ryder & Wilcox, Inc. The proposed removal of an existing dwelling and the construction of a new single-family dwelling. Work will occur within 100' of Land Subject to Coastal Storm Flowage, a Coastal Bank, and a Coastal Dune. Construction access to the site will be within Land Subject to Coastal Storm Flowage. A new plan has been submitted. Stephanie Sequin of Ryder & Wilcox went over the changes for the new submission, and John Jannell said that the Variance requested at the last hearing had been submitted. Judith Bruce asked if the dwelling would become 2-stories, and said that a planting plan would be needed for screening for the resource area. Stephanie Sequin said that the building would be 2-stories, and a planting plan would be submitted. Judith Bruce asked that the proposed landscaping plan include naturalized areas. Patrick Dwyer, the applicant, said he was not interested in maintaining a lawn and would like to plant beach rose and beach grass. Steve Phillips suggested that the planting plan provide a view corridor, and Judith Bruce asked that the planting plan include cedar trees.

**MOTION:** A motion to approve this project pending the submission of an approved planting plan was made by Judith Bruce and seconded by Jamie Balliett.

**VOTE:** Unanimous

### **Certificates of Compliance**

Last heard 10/5/10 and site visit Commission said they could substitute shrubs.

**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; this area is now an extension of the lawn. Steve Phillips asked about the current condition of the driveway, and Seth Wilkinson said he had removed the gravel on it. Judith Bruce asked about the naturalization of that area, and John Jannell said that when he went on site, 7 Chokecherries had been planted, though needed to become established. Arnold Henson wanted to hold the application so that a follow up site visit may be performed.

Last Heard 11/23/10 (BR1, SP1, JO1)

**Terri & Fred Clark, 14 Pride's Path.** COC request for an Order for the construction of the breezeway, garage addition, and driveway and Septic System alterations. None of the proposed mitigation work was completed. The applicant will re-file for the remaining work to be done under a new Notice of Intent. David Lyttle of Ryder & Wilcox explained that the applicant wished to have a Certificate for the work completed because the Order of Conditions was going to expire, and the applicant would be unable to proceed with the work at this time due to financial restrictions. Arnold Henson was concerned why the applicant wanted a Certificate versus an Extension on the approved Order. David Lyttle said the Certificate would be for the construction that was completed, and the mitigation to the driveway. David Lyttle was concerned that if the applicant was put in a bind they would have to sell their property, and would need a Certificate of Compliance in order to complete the real estate transfer. The Commission debated whether or not property could be transferred with an outstanding Order. Judith Bruce was concerned if the applicant was issued a Certificate for the work completed and then had a new filing for the work not completed under the existing Order, that the amount of mitigation offered for the new filing would not be comparable. David Lyttle said he would file an Amended Order for the work to be done, and an Administrative Review for the mitigation.

**Mark & Susan Adorney (2/28/2006), 47 Twiss Road.** COC Request for an Order for the removal of an existing dwelling, construction of a new dwelling, installation of a new septic system, construction and grading of a driveway, and an approved landscaping plan. Two AC units were installed off of the southwest end of the dwelling, a generator was installed off the northside connector between the garage and the dwelling, and an underground propane tank was installed off of the north side of the building. An as-built plan has not been submitted to reflect these changes. Judith Bruce said the applicant would need as as-built to receive their Certificate of Compliance. The Commission asked whether or not the applicant was in compliance, and John Jannell said that they had completed the work.

**MOTION:** A motion to issue the Certificate of Compliance pending the submission of an as-built was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

**Mark & Susan Adorney (12/5/2006), 47 Twiss Road.** COC request for an Order to remove a timber bulkhead and install gabion toe protection to stabilize an existing eroding bank.

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

**VOTE:** Unanimous

**IJM Trust, 315 South Orleans Road.** COC request for an Order to install a Title V septic system. The system was installed in 1994 and received a Certificate of Compliance with the Health Department.

**MOTION:** A motion to issue the Certificate of Compliance was made by Judith Bruce and seconded by Steve Phillips.

**VOTE:** Unanimous

Last Heard September 14, 2010 (AH1, AP1, JB1)

**William & Nancy Brotherton (2007), 17 Blue Rock Road.** COC request for an Order to remodel and add an addition to an existing house including a new foundation, additional driveway construction, and the installation of a water service. A revised plan was submitted and approved by the Commission on 10/19/10. A planting plan has been submitted and approved showing only native plantings and areas on the bank and slope to be revegetated. John Jannell recommended that no action be taken at this time. The plants had only been in the ground a couple of months and needed time to become established. Russell Holden of Ryder & Wilcox asked about the timeline for the plantings, and Steve Phillips asked if the applicant was aware of the maintenance required for the plantings. John Jannell stated that the plants had been put in per the plan, and they needed to be established for a period of time before the Certificate of Compliance could be issued. Russell Holden said he would inform the applicant.

**William & Nancy Brotherton (Amended), 17 Blue Rock Road.** COC request for an Order to remodel and add an addition to an existing house that was amended to upgrade the septic system. A revised plan was submitted and approved by the Commission 10/19/10. John Jannell recommended that no action be taken at this time, as the Certificate of Compliance included plantings that have not been established; the Commission concurred.

**Mark Picton (2/14/95) (JB1) (JO1), 22-24 Priscilla Lane.** COC request for an Order for additions to an existing dwellings and a new septic system. An As-Built Plan has been submitted reflecting the following changes: The driveway has a different configuration. One of the decks on Dwelling B is smaller. The additions to Dwelling A were not built other than a foundation off the west side. The deck on the northwest corner of Dwelling B was not built. The area around the wetlands was allowed to naturalize. The pipe emptying into the wetland and the rubble within the wetland have both been removed as per the request of the Commission from the 11/3/09 hearing. Two drywells have been installed to handle the roof runoff and foundation draining as part of a newly issued Order, DEP# SE 54-2054. The remaining work being performed on the site falls under the newly issued Order.

**MOTION:**A motion to issue the Certificate of Compliance was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

**Mark Picton (11/3/97) (JB1) (JO1), 22-24 Priscilla Lane.** COC request for an Amended Order which reconfigured the footprint of the structures and the parking areas.

**MOTION:** A motion to issue the Certificate of Compliance was made by Judith Bruce and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

### **Administrative Review**

**Tom & Mary Heiser, 27 Carlton Road.** The proposed construction of a screened porch and the rebuild of an existing deck in the existing footprint. The porch will be constructed on hand dug sono tube footings. Work to occur within 100' of the Top of a Coastal Bank. Judith Bruce asked if this would be a screened porch of the existing deck, and David Lyttle said no, and the new deck would extend 11' into the 100' buffer zone. Judith Bruce asked if the room would be a 3 season room or a screened in deck, and whether or not the work would be done in the ACEC. David Lyttle said it would be a screened in deck, and work would not occur within the ACEC. Arnold Henson was concerned about setting a precedent, and Judith Bruce said that screened in porches in deck areas had been approved through Administrative Reviews in the past. Steve Phillips asked if stairs would be built to access the porch, and David Lyttle said no.

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

**VOTE:** Unanimous

**Jay Hagenbuckle, Nauset Beach Camp #4.** The proposed residing of the camp with cedar shingles. Work will occur within 100' of the top of a Coastal Bank, Coastal Dune, Barrier Beach, and Land Subject to Coastal Storm Flowage. Work to be done by Kurt Martin.

**MOTION:** A motion to approve this project was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

**Bill Sargent, 63 Old Field Road.** The proposed construction of an additional 70 feet of gabions to protect the toe of the marsh. This would be a continuation of gabions located East of the marsh. Work will occur within Coastal Beach, Salt Marsh, Land Subject to Coastal Storm Flowage, and Coastal Bank. The Commission determined that the scope of the project was too big to be filed under an Administrative Review.

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

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

**Sara Corcoran, 111 Freeman Lane.** The proposed mowing around the fruit trees and mowing a path to maintain the honey beehive. Work will occur within 100' of a Freshwater Wetland.

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

**VOTE:** Unanimous

**McLennen Trust, 661 S. Orleans Road.** The proposed removal of dead and dangerous trees. Work will occur within 100' of the top of a Coastal Bank. Work to be done by Miranda's Landscaping. Adrienne Pfluger asked how many trees were going to be removed. John Jannell reported that 3 pitch pines would be removed, and their removal was the result of the installation of underground utilities damaging the roots.

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

**VOTE:** Unanimous

**Town of Orleans, Across from Franz Road.** The proposed removal of 1 oak shrub within the 50' buffer zone. The oak shrub will be replaced with one 3-4' tall beach plum; Dan Connolly has been consulted. Work to be done by Wilkinson Ecological. Judith Bruce asked if the tree was located in the Skaket Dune. John Jannell said the tree was located in the Skaket Dune in the town right-of-way, and had been repetitively hit by snow plows. John Jannell said the oak shrub had been topped for a view. The Commission requested that John Jannell write in his comments that no pruning of the beach plum would be permitted.

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

**VOTE:** Unanimous

**Dave Winnick, 10 Windy Hill Road.** The proposed installation of a natural gas generator on the back left side of the house. Work will occur within 100' of Edge of Wetland. Work to be done by Mark Kiefer. John Jannell said the applicant moved the proposed location of the generator to a more suitable location between the house and the driveway.

**MOTION** A motion to approve this project was made by Steve Phillips and seconded by Bob Royce.

**VOTE:** Unanimous

#### **Request for Extension**

**Joy Fopiano, 16 Honeysuckle Lane.** Request for a 1 year extension to complete the work under the Order. Work is by East Cape Engineering.

**MOTION:** A motion to approve the Extension was made by Judith Bruce and seconded by Bob Royce.

**VOTE:** 7-0.

**Jill Fopiano, 12 Honeysuckle Lane.** Request for a 1 year extension to complete the work under the Order. Work is by East Cape Engineering.

**MOTION:** A motion to approve the Extension was made by Judith Bruce and seconded by Bob Royce.

**VOTE:** 7-0.

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

**Windmill, Wedding, 6/18/11, Matt Condon & Allyson Vallone, 30 People, 3-6pm**

**MOTION:** A motion to approve this event was made by Adrienne Pfluger and seconded by James Trainor.

**VOTE:** Unanimous

**Windmill, Wedding, 9/24/11, Phoenix Kovacs & Donald Vinci, 180 People , 4-6pm**

**MOTION:** A motion to approve this event was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

**Kent's Point**, Educational Walk, 12/11/10, Kris Ramsey & Bob Prescott, 10-25 People  
10am-12pm

**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 November 23, 2010.

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

**VOTE:** 6-0-1, Steve Phillips abstained.

The meeting was adjourned at 10:03am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Commission

### **Site Visit**

Continued from 9/21/2010 (JBr1, AP1, JBa1), 10/5/10

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.