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Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, October 19, 2010

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

ABSENT: Arnold Henson, Chairman

8:30am Call to Order

Continuations

heard 10/5/10 & 10/12/10 (JBr2, SP1, JO1)

Rosemary King Nelson & Robert King, 16 Haywood Lane. The proposed modification of a 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 said they did not want to make any changes to the existing dock. He had spoken to the harbormaster, Dawson Farber, who said that the dock was not a hindrance to navigation. David Lyttle said if the dock was shortened it could cause prop scour, shortening the ramp would make it steeper, and turning the float would reduce the ability to dock 2 boats to 1. Jenny Wood brought up that the 3' of pier length was a concern because it was not in compliance with the old license. Jim O'Brien brought up that even if the Commission approved the dock, the application would still have to go to the State for licensing. James Trainor remarked that he would rather approve the current location of the dock than be presented with the request to increase the length of the pier due to prop scour as a result of water depth issues. Steve Phillips made a motion to close the hearing, and James Trainor seconded.

MOTION: A motion to approve this project pending the license being approved by the state and a letter from Dawson Farber was made by Steve Phillips and seconded by Bob Royce.

VOTE: 6-0-1, Judith Bruce abstained.

Notice of Intent

Robert & Sally Roda, 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. John Schnaible of Coastal Engineering said they have tried fiber rolls at this site and would like to use a more permanent solution. He said there was an existing rock wall on this bank and they were going to expand it for rock scour protection with boulders and sand nourishment. Bob Royce asked how big the boulders would be, and how the proposed scour protection was different from a revetment. John Schnaible said the boulders would be between 2 to 4 tons in size. A rock revetment would be more vertical. Bob Royce said this structure is to the 10' contour, which is as high as a revetment. Jenny Wood said when the Notice for

the fiber rolls was filed in 2004 the Commission requested that the plan be changed to remove the solid rock wall Coastal Engineering had drawn on their plan. There was no rock wall protecting this bank. The groins shown on the site plan are not as large and solid as shown. There are rocks on the beach that appear and disappear with the sand. Robert Roda said sometimes the rocks are there and when he first lived there he thought someone had stolen his rocks. Adrienne Pfluger asked if the rock groin was accurately depicted on the plan, and John Schnaible said that although there was a groin, the drawing was not accurate to the site. Bob Royce asked that a site plan that described the site better be submitted. Seth Wilkinson went over the conditions of the site after the February 25, 2010 storm which impacted many of the banks on this shore. He explained that the remaining trees were actually pulling the bank down versus stabilizing the bank. This plan would include regrading the bank, adding sand nourishment, and planting small shrubs and grasses. Judith Bruce agreed that the removal of the trees would be best if they are destabilizing the bank. She said this was a proposal for a revetment even if they were calling it a scour apron. Jenny Wood was concerned that the rocks themselves shown on the plan were drawn incorrectly, and that the number of rocks on the beach was significantly less than what was shown on the plan. Adrienne Pfluger asked if there was any renourishment done when the fiber rolls were initially installed in 2003, No nourishment was done and the bank was not regraded as it was on the property at the end of Namequoit Point that did well in the storm. Judith Bruce felt that given the success of the fiber rolls at the end of Namequoit Point that fiber rolls should be given a second try. Bob Royce asked how many cubic yards of boulders were proposed, and John Schnaible said he was unsure of the number for the boulders, but that 300 yards of sand was proposed to be used. Sally Roda said that she preferred the rocks because the fiber rolls took more management. Jenny Wood brought up that according to Massachusetts DEP regulations, any house built after 1978 was not allowed to harden the bank; adding rocks to the bank is hardening the bank. Judith Bruce felt that given the size of the proposed boulders this would be a revetment, and softer solutions were available: She said this structure would impact the abutters and they would end up with the whole shoreline being armored. Bob Royce and Adrienne Pfluger concurred. Steve Phillips said the Roda's would need to provide permanent access to renourish the beach. Seth Wilkinson explained his method of shooting sand from the top of the bank onto the bottom. Steve Phillips thought the opinion of a Coastal Geologist would be helpful. The Commission agreed to contact Greg Berman once a new plan with alternatives was submitted. Seth Wilkinson and John Schnaible asked if they could continue the hearing for 4 weeks so that they could design different options for the bank stabilization.

MOTION: A motion to continue the hearing to November 16, 2010 was made by Jamie Balliett and seconded by Adrienne Pfluger.

VOTE: 6-0-1, James Trainor recused himself.

Jim O'Brien left at 9:41am

Certificates of Compliance

Neal Satran (2007), 60 Pershing Lane. This request for a COC for an Order to construct an enclosed porch in place of a deck was held from November 24, 2009 for the planting plan to be completed. The plants have been installed by Wilkinson Ecological Design and are doing well.

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

VOTE: Unanimous

Christopher Ewen (2008), 220 Brick Hill Road. COC request for an Order for a new dwelling and barn. The dwelling was built as shown with the addition of landscaping including 2 patios and a stone walk way and utilities such as propane tanks, air-conditioning units, and a generator. They have put up a split rail fence along the limit of work as requested in the Order. A small section of the fence was built outside the limit of work to include the deck. It was moved about 8 feet. The deck is still 72' from the wetland.

MOTION: A motion to issue this Certificate was made by Bob Royce and seconded by Jamie Balliett.

VOTE: Unanimous

Gerard Odenbach(2003), 41 Orie Lane. COC request for an Order to maintain an existing dock. The dock is built as shown.

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

VOTE: Unanimous

Last heard 2/2/10

O'Hara/Despotopulos (2006), 44 Gibson Road. This COC request for an Order for a dwelling and a coastal stairway was held for the native grassland part of the landscaping to be completed. They have added 1000 plugs of native grass and the areas look naturalized.

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

VOTE: Unanimous

Administrative Reviews

William & Lynn Ladutko, 43 Route 6A. Request to remodel a small 3 bedroom house that is greater than 50' to the top of a coastal bank. There will be no increase in the footprint or bedrooms. Part of the roof is proposed to be raised 2 feet and a dormer put on the second story. This work will allow the stairway and other parts of the building to be up to code.

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

VOTE: Unanimous

Continued from 10/12/10

Steven and Susan Karp, 21 Arey's Lane. Request to renovate an existing cottage including changing the roof to a continuous gable roof of ? feet. The original roof was in two parts with the front section toward the coastal bank much lower at ? feet and the rear section the top of the shed roof was slightly higher than the proposed roof at ? feet. This building is in 2 resource areas, Land subject to Coastal Storm Flowage and the ACEC and within several feet to a freshwater wetland behind the building and closer than 25' feet to a salt marsh and coastal bank in front of the building. This house would be below the coastal bank because the bank would be extended to the flood level at 13. Even though it is not requested here the foundation of the building and the support structure may need more work. This work requires a variance. David Lyttle said the roof which had been illegally removed now exposed the interior to the elements. He asked if they could approve the work to protect the building. Judith Bruce asked if there would be any change to the existing footprint, and David Lyttle said no. Judith Bruce asked if the work changed greater than 25% of the building and could be considered new construction. David Lyttle said this would be considered new construction. Judith Bruce explained new construction in the resource areas and that close to a stream and a salt marsh would have to be filed under an NOI. David Lyttle asked if they could finish the roof with the assurance that an NOI would be filed for the next hearing meeting on November 16th. Jenny Wood said they could have filed an NOI yesterday and that she had told the applicants that they needed to file an NOI. Steve Phillips and James Trainor asked about the pitch of the roof, and David Lyttle said it was being altered to 4.5' pitch to be brought up to code. The rafters that they had put up without a permit would be removed because they increased the volume of the building too much near the coastal bank. They have also raised the height of the building several feet. David Lyttle asked if there was an Emergency Provision to do work. Jenny Wood said yes there was and the Commission could consider an Emergency Provision. James Trainor suggested approving the Emergency Provision where they would only be allowed to make the building weather tight and any other work on the house would require a Notice of Intent filing. Judith Bruce asked if the plans for the building had been finalized. She said she did not want to see that the building had been build differently than was presented today. She said the Commission may refuse the Notice of Intent, that approval to make the building weather tight was no guarantee that they could leave it that way. Jamie Balliett asked why the applicant could not cover the house with tarps, and Susan Karp said the tarps would not stay in place for more than 2-3 days before coming down. David Lyttle said that he would file an NOI for the November 16th hearing.

MOTION: A motion to permit an emergency provision which grants the Karp's to make the building tight to the weather was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Landscaping Plan Brotherton

William and Nancy Brotherton (2007 & Amended), 17 Blue Rock Road. This was last heard under a request for a COC on 9/14/10 and held for the Landscaping plan to be revised as the approved landscaping plan was not followed. We have an as-built of the structures where the stone patio is smaller than proposed, all the existing pools were removed and 1 was built close to the dwelling, there is a fence within 50'. The planting plan now has only native plants within 50' and the buffer to the coastal bank is proposed to be planted with woody plants. Grass planting with fiber webbing is proposed on the unstable slope. The section of bare bank on the south near the Rosa rugosa is proposed to be planted.

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

VOTE: Unanimous

Request for an Extension

Joan Karter (2007), 10 Sages Way. Request for a 1 year extension to finalize the landscaping plan that is required with the Order to build a new dwelling. This work is by Wilkinson Ecological Design.

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

VOTE: Unanimous

Request to Use Conservation Property

Windmill Wedding 9/10/11Sara Cherchia & Matthew Berry,
100-150 People, 3:30-5:30pm

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on October 12, 2010.

MOTION: A motion to approve the minutes from October 12, 2010 was made by James Trainor and seconded by Jamie Balliett.

VOTE: 5-0-1, Judith Bruce abstained

Other Member's Business

Jenny Wood presented the Commission with the Sea Call Farm Annual agreement to be signed by the Commission. Jamie Balliett asked the cost for the renewal, and Jenny Wood explained that the Farm was not funded under the Town budget.

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

VOTE: Unanimous

The meeting was adjourned at 10:05am.

Respectfully Submitted,
Erin C. Shupenis
Principal Clerk, Conservation Department