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TOWN OF ORLEANS
TOWN CLERKS OFFICE

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Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, November 16, 2010

PRESENT: Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Bob Royce; Adrienne Pfluger; James Trainor; Steve Phillips; 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

Alan & Virginia George, 10 Carver Road. by East Cape Engineering, Inc. Assessor's Map 21, Parcel 77. The proposed removal of a portion of an existing dwelling, construction of an addition, and remodel of an existing dwelling. Work will occur within 100' of Edge of Wetland. Arnold Henson asked why the addition had to be within the 100' Buffer, and why it could not be reduced in size or shifted to the west. Chris Wickson of East Cape Engineering said the applicant did not want to reduce the size of the addition. Steve Phillips asked whether or not an eastward shift would be possible, and Chris Wickson said he was unaware of the architect's plans for the addition and whether or not a shift would be possible. Arnold Henson was concerned about setting a precedence of allowing infringements within the 100' buffer zone. John Jannell asked what the projection line marked out on the plan was, and Chris Wickson said it was a cellar bulkhead access for the southern portion of the lot. Judith Bruce was concerned that there are two different wetlands being encroached upon. Chris Wickson asked to continue to November 23, 2010.

MOTION: A motion to continue the hearing until November 23, 2010 was made by Steve Phillips and seconded by Judith Bruce.

VOTE: Unanimous

Last Heard as an AR Request 10/19/10, 10/12/10

Steven & Susan Karp, 21 Arey's Lane. by Ryder & Wilcox, Inc. Assessor's Map 62, Parcel 57. The proposed renovations to an existing cottage, including emergency removal and replacement of the roof. Work will occur within 100' of a Coastal Bank, Salt Marsh, and within Land Subject to Coastal Storm Flowage. Stephanie Sequin of Ryder & Wilcox explained that the previous ridge elevation was roughly 14', and the new proposed ridge would be 13.3'. The original floor area was 540 square feet on the first level, 270 square feet on the second floor. The second floor would be eliminated, though there will be an increase of volume from 5,750 to 6,080 cubic feet; the pitch of the roof would be at 4.5. Arnold Henson asked if a condition requiring it to remain a 1 bedroom would be a possibility, and Stephanie Sequin said that would be fine. Judith Bruce asked why the ACEC was not marked on the plan, and whether or not the entire project was within the ACEC. Stephanie Sequin said the entire project was within the ACEC, and could be marked on the plan as such. John Jannell asked if the driveway would be used as a staging area, and recommended that limits of work

be installed along the dirt driveway. Adrienne Pfluger asked if the cinder block wall located in the back was always present, and Steve Karp, the applicant, said yes. Ann Carron, an abutter, read letters from Mr Welsh (her father), Mr. & Mrs. Smith, and herself, all abutters, in objection to the work to be done. Susan Karp, the applicant, read a letter in endorsement of the project. Two additional letters from abutters were submitted in favor of the project. Ann Carron asked whether or not the property was served by a cesspool, and Stephanie Sequin said the applicant had installed a new septic system under the address 315 South Orleans Road. The Commission discussed whether or not the property was considered new construction. Arnold Henson was concerned whether the septic system had received a Certificate of Compliance from the Health Department. John Jannell requested a variance for the work to be done, and for a revised plan to be submitted showing both the buffer zones and ACEC. Judith Bruce asked that the plan be changed to show the dry ditch was in fact a perennial stream. Stephanie Sequin asked for the hearing to be continued to November 23, 2010. **MOTION:** A motion to continue the hearing to November 23 was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: Unanimous

D. Jeffrey Karlson & Trisha Daly-Carlson, 11 Sage's Way. by Ryder & Wilcox, Inc. Assessor's Map 5, Parcel 12. The proposed installation of an in-ground swimming pool, including construction of retaining walls, fence, and shed. Work will occur within 100' of Edge of Wetland. Arnold Henson asked whether or not the pool could be moved outside of the 100' buffer. Stephanie Sequin explained that due to the location of the leaching field and proximity to the roadway, they could not move the pool. Jamie Balliett asked if a pool was proposed in the original Notice, and Stephanie Sequin said no. Steve Phillips requested the installation of straw bales due to the steep slope along the property. Jeff Karlson, the applicant, agreed to install the straw bales where necessary along the limit of work once the retaining wall was installed. Judith Bruce asked that the straw bales be removed 30 days after the work was completed.

MOTION: A motion to approve the application with the condition that straw bales be put in where necessary was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Jim O'Brien left @ 9:26am

Amended Order

Richard & Joan Hinckley, 5 Sparrowhawk Road. by Ryder & Wilcox, Inc. Assessor's Map 44, Parcel 110. The proposed construction of an addition and deck to an existing single-family dwelling has been amended to include the construction of a detached garage. Work will occur within 100' of the Edge of Wetland. David Lytle of Ryder & Wilcox explained that the work would be incorporated with the existing Order, which would extend the BVW towards the

existing dwelling. Arnold Henson asked why the garage could not be constructed outside the 100' buffer, and David Lyttle explained that there was a large section of cedar trees behind the proposed garage location, and the applicant would like to keep the natural buffer area. Steve Phillips agreed that the cedar trees behind the proposed garage provided a good natural buffer. Judith Bruce was concerned that the applicants had previously stated they did not want to have a garage, and David Lyttle said his clients had changed their minds. Judith Bruce asked if they could rotate the garage so that they could move a portion of it outside of the buffer zone. David Lyttle explained that this location demonstrated the least amount of impact for tree removal. Steve Phillips agreed that this site was the best location, and asked that the Amended Order include a condition to remove a drywell pipe south of the deck which was draining into the wetland. Jamie Balliett asked if the applicant would be willing to plant 2 replacement trees for the two which would be removed, and David Lyttle agreed.

MOTION: A motion to approve the Amended Order with the condition that the 2 trees to be removed be replaced and the fixing/changing of the drywell pipe located on the south end of the deck was made by Jamie Balliett and seconded by Judith Bruce.

VOTE: Unanimous

Continuations

Continued from October 19, 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 went over the 5 options for bank stabilization, stating that a system of sand-filled envelopes and scour protection using rocks to cover and bury the sand envelopes, was the ideal option. Arnold Henson asked why end scour would not be an issue for the neighbors. Roy Okurowski said the rocks would be fanned so that the reveal would only be one row of rocks, with the sediment being concentrated and allowing the waves to dissipate. The intent would be to nourish the beaches and marshes and over time increase the height of the beach. Arnold Henson asked if the ends could be cut off at a 90-degree angle, and Roy Okurowski said he could draft an amendment to show the cross sections of the rocks. Seth Wilkinson of Wilkinson Ecological addressed fiber rolls and 13 Kingsbury Lane, a nearby property which saw success with fiber rolls. Seth Wilkinson explained that the slope of the bank makes it difficult to maintain the fiber rolls versus the other property which had a natural ramp allowing them to maintain the area. Scour has begun because of wave action, causing trees to be undermined. A combination of planting and aggressive seeding plan to restore habitat value and mitigation would be implemented. Seth Wilkinson explained the neighbors were concerned about their banks, and were concerned with what the Roda's would be doing. Arnold Henson asked why wave action would not be an issue. Roy Okurowski said the sand envelopes would be protected by the rocks put on top of them and waves would be unable

to penetrate through the rock layer. Jeff Norgeot, on behalf of the applicant, spoke about the beach scour for the abutters. Jeff Norgeot had previously installed the sand envelopes at a different location, and explained that usage of smaller rocks, placed low and wide, reduced scour and fetch. Judith Bruce asked if the grade of the slope would be changed, and how much cut back was proposed. Royal Okurowski said the slope would go from a 1 to 1 to a 1 to 1.5, and the cut back would be between 10 to 15 feet. Judith Bruce asked whether or not rocks would be brought in, and Roy Okurowski said compatible sized stones would be brought in. Steve Phillips asked what size stones would be brought in, as in the previous hearing 2-3 ton rocks were suggested, and on the most recently submitted plan 6-8 ton rocks were indicated. Roy Okurowski said the rocks would only be 300 to 400 pounds. Judith Bruce brought up the DEP 1978 law regarding Coastal Engineering Structures, and Seth Wilkinson said that it was not a cut and dry Coastal Engineering Structure. Roy Okurowski said the rock wall was grandfathered, and Judith Bruce asked if the wall was licensed and permitted. Judith Bruce indicated that the rock was not grandfathered. Bob Royce asked if there were any plans showing the pre-existing structure, and John Jannell said it was unclear on the plan, as existing stones were present but it was not a wall. Bob Royce asked for clarification of the sand envelopes. Seth Wilkinson explained that there were 10' wide, 4' deep, and built on site. Steve Phillips asked if the gap between the existing groin and the rock exacerbated the wave action, and Seth Wilkinson said back scour was an issue in that area. Steve Phillips asked if they could remove the groin, and Seth Wilkinson said the applicants did not want to take that action at this time. Concern of whether or not the structure would be defined as a revetment was brought up by the Commission. There was concern that properties on either side would be affected, and that any structure permitted would both set precedence for future applicants and could be a violation of DEP regulations. Judith Bruce was concerned that the depiction of the rock wall on the site plan was accurate, and read the minutes from 2003 where the Commission asked the engineer to re-draw the rock wall more accurately. Arnold Henson felt a site visit with the entire Commission and the applicant would be best. The Commission asked for more examples of sand envelope structures and Roy Okurowski agreed. Roy Okurowski asked for a site visit on November 23 with a continuation of the hearing to December 7.

MOTION: A motion to continue the hearing to December 7th was made by Arnold Henson and seconded by Jamie Balliett.

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

Continued from November 2, 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. Stephanie Sequin asked that the hearing be continued to December 7, 2010.

MOTION: A motion to continue the hearing to December 7, 2010 was made by Judith Bruce and seconded by Jamie Balliett.

VOTE: Unanimous

Certificates of Compliance

Craig & Maureen Barre, 20 Alden Road. COC request for an Order for the installation of a new septic system. The work has been completed—Site visit to look at native plantings along top of the Coastal Bank and area over the new septic.

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

VOTE: Unanimous

Herbert Gullquist (2008), 22 Indian Fort Hill Lane. COC request for an Order for the renovation to an existing pool area, repairs to a timber retaining wall, and invasive plant management.

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

VOTE: Unanimous

Herbert Gullquist (2009), 24 Indian Fort Hill Lane. COC request for an Order for the addition to an existing deck and removal of existing platforms. Additional plantings were done in conjunction with SE54-1827 as mitigation for the removal of these platforms.

MOTION: A motion to issue the Certificate of Compliance was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Administrative Reviews

Roger & Jacqueline Pearse, 70 Champlain Road. Request to prune a cedar tree branches and remove invasive vines to improve view. Work will occur within 100' of the Top of a Coastal Bank. Work to be done by contractor. John Jannell met with the applicant who illustrated that he wanted to top an entire row of cedars along the Coastal Bank to improve his view, not just an individual cedar tree. Judith Bruce felt the removal of the invasives was fine, but any additional work would have to be re-filed with a more specific outline as to what would be done.

MOTION: A motion to approve only the removal of invasive vines and not the pruning was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Penni Barnett, 64 Tonset Road. Request to prune tree branches 15' around the house, remove 3 trees, and clear an 18' perimeter around side of the house. Work to be done by S & L Landscaping. John Jannell felt the removal of the 3 trees was fine, but that the perimeter to be cleared should be limited to 10'. Judith Bruce asked if the trees were leaning on the house, and John Jannell said

the project appeared to be a cleanup project. The Commission asked John Jannell to contact the Landscaper to get them to amend their request.

Bram Smith, 6 Duck Pond Lane. Request to prune 2 large oaks and 1 large native red maple located between the driveway and pond. Interior limbs would be removed to reduce weight in canopy and eliminate dead limbs. Work is within 100' of a freshwater pond. Work to be done by Bartlett Tree.

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

VOTE: Unanimous

Brian Kavanaugh, 100 Freeman Lane. Request to replace a window for an existing bathroom. Work will occur within 50' of the Top of a Coastal Bank.

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

VOTE: Unanimous

Last Heard November 2, 2010

Harold & Joan Mayer, 61 Kenneth Lane. Request to remove 2 Pitch Pines and prune a third. Tree stumps will be flush cut. Work will be done within 100' of the Top of a Coastal Bank. Work to be done by The Tree Wizard. Judith Bruce was concerned about screening from the water, and asked whether or not the two trees threatened the house. John Jannell said both trees could fall on the deck. Judith Bruce asked that John Jannell contact the applicant so they could re-file and offer replacement trees to provide screening on the bank.

Last Heard November 2, 2010

Charles Longworth, 8 Priscilla Lane. The digging of 4 Test Holes for the design of a new septic system. Work will be within 50' of a Bordering Vegetated Wetland. Work to be done by Jason Ellis.

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

VOTE: Unanimous

HH Snows & Sons, 22 Main Street. Request to remove overgrowth around oil tanks, propane tanks, and retention pond. A town tree hangs over the oil tanks. No plan has been provided to show how the invasives will be managed. No indication as to who will be doing the work. John Jannell brought up the immediate concern of the trees leaning on the oil tanks, but that the removal of invasives on the tanks would have to be filed as an NOI. Dan Connolly spoke with John Jannell and gave his permission for the applicant to remove the town trees. James Snow, the applicant, agreed to file an NOI for the removal of the invasive species.

MOTION: A motion to approve the removal of town trees hanging over the oil tanks was made by James Trainor and seconded by Judith Bruce.

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on November 9, 2010.

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

VOTE: Unanimous

Other Member's Business

James Snow told the Commission of the site conditions at Sea Call Farm where a drywell was collapsing and causing a sink hole to develop. James Snow asked who he could contact to have this matter addressed, and the Commission advised him to contact Friends of Sea Call Farm. During the interim it was suggested that James Snow fence off the area so that no one would fall into the depression.

The meeting was adjourned at 10:43am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Commission