

*K. DeLong, ASST.*  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE  
10 DEC -8 AM 9:19

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, November 23, 2010**

**PRESENT:** Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Adrienne Pfluger; James Trainor; Jamie Balliett; John Jannell, Acting Conservation Administrator.

**ABSENT:** Bob Royce; Steve Phillips; Jim O'Brien (Associate Member); Jennifer Wood, Conservation Administrator

8:30 a.m. Call to Order

**Continuation**

Last Heard 11/16/2010

**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. Tim Brady noted that the bulkhead on the revised plan had been moved out of the 100' buffer area. Arnold Henson asked whether or not there was a variance request, and Tim Brady of East Cape Engineering said one was not required for this application. An abutter from 9 Carver Road asked if there would be a wind turbine placed on top of the roof. Tim Brady said the applicant may build a vertical turbine that would extend 3' above the roof in the future.

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

**VOTE:** Unanimous

Last Heard 11/16/2010

**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 submitted a new plan which noted that the property was located within the Pleasant Bay ACEC. The dry ditch was re-labeled as a perennial stream, and location of the improved driveway surface was shown on the plan. Stephanie Sequin also addressed the adequacy of the septic system which was shown as being in compliance with the Orleans Health Department. John Jannell noted that the septic work from the previous order has been completed and the applicant is in compliance; a request for a Certificate of Compliance will be addressed at the December 7<sup>th</sup> hearing. A variance has been submitted for the work to be done to the cottage. Adrienne Pfluger brought up Arnold Henson's limitation of a 1 bedroom designation on the cottage, and Stephanie Sequin agreed to the limitation.

**MOTION:** A motion to approve the project with the condition that the cottage be limited to one bedroom was made by Judith Bruce and seconded by Jamie Balliett.

**VOTE:** Unanimous

**Certificates of Compliance**

**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. Arnold Henson was uneasy with the Commission issuing a Certificate of Compliance when only a portion of the work was completed under the Order. Judith Bruce was concerned because the land management plan had not been executed. David Lyttle of Ryder & Wilcox said the applicant would do the work at a later time under a new filing. Arnold Henson asked why the applicant wanted the Certificate at this juncture, and David Lyttle said they wanted a Certificate for the work completed at this time. Arnold Henson asked that a letter be written outlining the work completed and for David Lyttle to withdraw the remaining portion of the filing. A letter for a Partial Certificate of Compliance will be submitted for the next meeting.

**James Corley & Sally Everett, 152 Namequoit Road.** COC request for an Order to construct an addition onto an existing dwelling, construct a detached garage, and gravel driveway construction. A revised plan approved by the Commission on July 28, 2009, shows the reduction in the driveway and includes a planting plan. The Order had been conditioned to include additional plantings for screening and the installation of a groundcover layer if necessary. John Jannell noted the plants had been in the ground only a couple of months. Mr. Jannell noted the Order of Conditions required 3 growing seasons to allow the plants to become established. John Jannell met with the applicants and they determined the best course of action would be to take no action at this time and they would come back at a later date for their COC. Arnold Henson agreed that the applicant should come back when the work was completed.

**Kent & Jean Arnold, 23 Meg's Lane.** COC request for an Order to construct a screened-in porch and entryway additions to an existing dwelling, including a proposed planting area. Only one AC pad has been installed, and a stone retaining wall not shown on the approved plan has been built north and west of the addition. The entryway was constructed at 10'x16' instead of 12'x18'. No As Built has been submitted. John Jannell felt the plantings were in good condition. The Commission requested an as-built plan showing the changes to the site.

**MOTION:** A motion to approve the COC pending the submission of an As-Built Plan showing the retaining walls was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

### **Revised Plan**

**Andrea Lobkowicz, 27 Monument Road.** The Order to install an addition and renovations to an existing single family dwelling is proposed to be revised to move the house. The change would result in the moving of the addition 4' to the east of the original footprint. The deck would move to within 58' of the wetland, extending the deck approximately 4' from the existing deck. Judith Bruce asked whether the revised plan moved the house or the addition. Russell Holden of Ryder & Wilcox explained that the addition would be moving so that it would line up with the original house. James Trainor asked if there would be an increase in the square footage from the original application. Russell Holden said the size of the addition would not be changing, but it would increase the amount of impact within the buffer zone by 2'. Arnold Henson asked when the work would occur, and Russell Holden said within the next 2 years.

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

**VOTE:** Unanimous

**Pat & Jim Robert, 207 Barley Neck Road.** The Order to construct a dwelling, install a septic system & utilities, construction of driveway, grading, landscaping, and removal of invasives and restoration of native plant communities is proposed to be revised. The northerly section of the deck has not be built but instead an outdoor shower put in its place. A series of retaining walls have been installed within 100' of the Top of a Coastal Bank to reduce runoff, and a stone patio has been built adjacent to the deck and within the Limit of Work. A revised Land Management Plan has also been provided to fill in areas left barren from vista pruning. Judith Bruce asked if the patio had been dry-laid, and Pat Roberts, the applicant, said yes. Judith Bruce asked if the outdoor shower drained into a drywell, and Pat Roberts said that while drywells were located within the vicinity of the outdoor shower, she could not be 100% certain that drainage from the outdoor shower was directed into the drywell. Stephanie Sequin explained that there was a gravel stone bed located next to the outdoor shower, and it should intercept water from the shower. John Jannell asked about the retaining walls on the plan, and Arnold Henson asked if they were located outside of the 50' buffer and the Pleasant Bay ACEC. James Trainor asked where the 75' buffer zone was on the plan. Stephanie Sequin said that the project was located outside of the 50' buffer zone, but that the 75' buffer zone was not shown on the plan. Arnold Henson asked if the view corridor located on the westerly side would look down into the cul de sac at the end of Barley Neck Road. Seth Wilkinson of Wilkinson Ecological said that due to the location of the coastal bank the view corridor will be out onto the water. The cedar grove would also provide dense cover for the view from the water. Judith Bruce asked if all of the invasive species had been removed. Seth Wilkinson said they had all been removed, and through their removal they were able to dictate where the view corridors would be located.

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

**VOTE:** Unanimous

**Richard & Lynn Pell, 118 Barley Neck Road.** The Order to construct a dwelling, guest house, and swimming pool is proposed to be revised. The swimming pool and patio have been reduced in size and an existing shed will be relocated outside of the buffer zone.

**MOTION:** A motion to approve the revised plan was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

### **Administrative Reviews**

Last Heard 11/16/10

**Penni Barnett, 64 Tonset Road.** Request to prune tree branches 15' around the house, remove 3 trees, prune 6 trees, and clear a 10' perimeter around side of the house. Work to be done by S & L Landscaping. John Jannell felt the revised application was a significant improvement.

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

**VOTE:** Unanimous

**Dawson & Lynn Farber, 53 Kenneth Lane.** The proposed removal of 2 trees within 100' of the Top of a Coastal Bank. Trees will be replaced by 2 Eastern Red Cedars, 6-8' in height. Replacement trees will be placed within vegetation voids along newly constructed revetment at the Top of the Bank to provide screening. Work to be done by Anchor Marine. John Jannell met with the applicant who submitted a new Administrative Review after consulting with an arborist. Judith Bruce noted the application had been reduced from 3 live trees to be removed to 2.

**MOTION:** A motion to approve the Administrative Review was made by James Trainor and seconded by Judith Bruce.

**VOTE:** Unanimous

### **Presentation**

Sam Sherman would like to speak about his concerns regarding the bulkhead located in front of the Orleans Inn. Sam Sherman asked the Commission to look into the potentially deteriorating bulkhead in front of the Orleans Inn to determine if the wave action on this parcel could result in the septic system leaching into the water. The Commission agreed to look into his concern.

### **Chairman's Business**

Approval of the Minutes from the Work Meeting on November 16, 2010.

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

**VOTE:** Unanimous

### **Other Member's Business**

John Jannell discussed the Health Emergency at 4 Harbor View East of a failed septic system within 100' of the Top of a Coastal Bank. Work is taking place on the property under an emergency order from the Board of Health. A filing for a new septic system is anticipated. John Jannell also discussed the Permit Extension Act for active Orders of Conditions issued between August of 2008 and August of 2010. John Jannell agreed to follow up with formal correspondence on the Permit Extension Act.. John Jannell went over Sea Call Farm's application for Community Preservation Committee funding to restore the meadow. Judith Bruce asked how it would be funded, and John Jannell explained that a CPC grant would be applied for to fund the project. Jamie Balliett asked about the cost of the project, and why a similar project did not succeed the previous year. A motion was made by Judith Bruce and seconded by Jamie Balliett to write a letter of support for the Sea Call Farm; the vote was unanimous.

The meeting was adjourned at 9:35am

Respectfully Submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department

## **Administrator's Business**

### **Site Visits**

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.