

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, February 1, 2011

11 FEB - 8 AM 8:55
TOWN OF ORLEANS
TOWN CLERKS OFFICE
K. DeWitt, 8-857

PRESENT: Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Bob Royce; Adrienne Pfluger; Steve Phillips; James Trainor; Jamie Balliett; John Jannell, Conservation Administrator.

ABSENT: Jim O'Brien (Associate Member)
8:30 a.m. Call to Order

Notice of Intent

Town of Orleans, 192 Skaket Beach Road. by Woods Hole Group, Inc. Assessor's Map 15, Parcel 6. The proposed annual excavation of tidal flats to be used for renourishment of Skaket Beach. Work will occur within Land Subject to Coastal Storm Flowage, Land Under Waterbodies, Coastal Beaches, and in the A.C.E.C.. John Jannell explained the Conservation Office had received a letter from Woods Hole Group, Inc. to request the project be withdrawn without prejudice as the original Order falls under the tolling period for the Massachusetts Permit Extension Act of 2010 and no new permit is needed until February 22, 2013. Mark O'Leary, an abutter, asked for clarification of the project. Judith Bruce explained that this was annual nourishment, and John Jannell offered to go over the nourishment project and plan after the meeting. Dave Hubbard, another interested citizen, asked about the sand in the Skaket Beach parking lot, and whether or not snow fence could be installed to reduce sand scatter. Dave Hubbard also asked about the condition of Little Namskaket Beach. Arnold Henson suggested that Dave Hubbard speak with Paul Fulcher from the Parks Department.

Nello & Holly Trevisan, 69 Captain Linnell Road. by Ryder & Wilcox, Inc. Assessor's Map 32, Parcel 31. The proposed construction of a single family dwelling including installation of a septic system, utilities, grading, and landscaping. Work will occur within 100' of an Inland Bank and Bordering Vegetated Wetland. Stephanie Sequin of Ryder & Wilcox explained that mowing within the buffer zone by the current owner had occurred to market the property, and a planting plan to restore the area would be submitted. Arnold Henson stated that a motion would not be made until the Commission received a satisfactory planting plan. Steve Phillips asked that the plan include the removal of the wood debris and brush within the wetland seen during the site visit. Judith Bruce explained that although the size of the lot conditioned the location of the house, new construction was not generally permitted within the 50 to 75' buffer zone to a resource area. A planting plan conditioning no mowing occurs within the buffer was suggested, as well as the installation of a fence. Judith Bruce also asked the applicant to provide substantial plantings in the 50' to 75' buffer on the planting plan. Adrienne Pfluger asked whether or not steps off of the deck would be installed, and Stephanie Sequin said that two steps on both the east and west side of the deck would be built. James Trainor asked about the size of the septic tank proposed, and Stephanie Sequin explained that the 1500 gallon septic tank was the minimum size tank required per Title V. Stephanie Sequin asked to continue the hearing to February 15 to provide a planting plan for the property.

MOTION: A motion to continue the hearing to February 15th was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Janet Holian, 30 Twinings Lane. by Ryder & Wilcox, Inc. Assessor's Map 88, Parcel 20. The proposed removal of invasive species and replanting of native species. Work will occur within and on a Coastal Bank and on Land Subject to Coastal Storm Flowage. Theresa Sprague of Wilkinson Ecological explained that the scope of the plan would be changing to reflect the Conservation Commissions ideas from the site visit and from the hearing. Arnold Henson asked why the Black Locusts were being removed when the trees did not obscure the view. David Chalker of Bartlett Tree Experts explained that the trees were being removed because they are an invasive species which has been traveling down the bank. This removal would not open up the public view but rather would create windows for the applicant to look out onto Quanset Pond. Steve Phillips asked how many trees would be removed, and if the view corridor on the plan was changed, would it reduce or alter the number of trees to be removed. Theresa Sprague said the revised plan would include all of the trees to be removed. Arnold Henson was concerned that the plan which the Commission approved be very specific to which trees may be cut. Judith Bruce was concerned with the public view from the water. John Jannell asked if the revised plan would only show one view corridor down the middle of the bank and Theresa Sprague said yes it would. John Jannell also asked about the Black Locusts being removed, and what sized Black Tupelos would be planted in their place. Theresa Sprague said 10-25 gallon Black Tupelos would be planted, and David Chalker said they would mature to a height of 20-25'. Steve Phillips asked if these trees would grow to the same mature height as the Black Locusts. David Chalker said no, but that the tupelo would spread out over time. Steve Phillips asked that the trees to be planted be located on the revised plan, and Judith Bruce asked that the revised plan only incorporate the removal of the black locusts and not include the pruning of the additional oaks and pines. Theresa Sprague suggested a 2-phase approach with the removal of the invasive trees being the first phase, and the Commission conducting an on-site once this had been approved and completed. Theresa Sprague asked that the hearing be continued until February 15th to meet with her client and submit a revised plan.

MOTION: A motion to continue the hearing to February 15th was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Administrative Reviews

Dolores Alberti, Gesner Road. The proposed preliminary pruning and cutting of invasive vines, and dead, fallen, dying, and deformed branches damaged from invasive growth. Work to occur within 100' of the Edge of Wetland, Coastal Bank, and within the A.C.E.C. Work to be done by Wilkinson Ecological. Steve Phillips was concerned that the work said preliminary, and Theresa Sprague explained that this Administrative Review was part of a larger 3-phase plan to be carried out once the property was sold. Judith Bruce was concerned that without a Notice of Intent the new owner would have no obligation to complete the work started under the Administrative Review. Theresa Sprague asked if the application could be re-worded to only remove the invasive vines along the bank to increase the curb appeal of the property for a future buyer. Arnold Henson said they would consider the application withdrawn at this time and that a new application specifying only the vines to be removed be submitted.

Chairman's Business

Approval of the Minutes from the Work Meeting on January 25, 2011.

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

VOTE: Unanimous

Other Member's Business

Administrator's Business

The Commission discussed the memo for 10 Sparrow Lane which discussed fines and what could be implemented. John Jannell explained after his discussion with Town Council the act of cutting constitutes a single offense and the work occurred on one day, January 6, 2011. Therefore the Commission can vote to authorize the Administrator to issue a fine of \$200.00. The Commission discussed fining both the workers and the owner. John Jannell said that fines can be issued to the owner and the worker in this case. Formal action on any fines was tabled until the Commission can perform the site visit on February 8.

The meeting was adjourned at 9:15am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department