

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Hearing Meeting, Tuesday, March 1, 2011**

*Delaney*  
TOWN OF ORLEANS  
TOWN CLERKS OFFICE

11 MAR -8 AM 8:48

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

**ABSENT:** Arnold Henson, Chairman  
8:30 a.m. Call to Order

**Continuations**

Last Heard 2/15/11 (AP1)

**Livingston Van De Water, 225 Brick Hill Road.** by Ryder & Wilcox, Inc. Assessor's Map 12, Parcel 58. The proposed installation of a gravel driveway. Work will occur within 100' of the Edge of Wetland. The Commission reiterated their concern about work within less than 25' from the Edge of Wetland and asked if the work could be moved out of the 50' buffer. David Lyttle of Ryder & Wilcox brought up the applicants concern about accessing the back lot for which the driveway would be built. Adrienne Pfluger asked if the shed located on the plan could be removed and the driveway relocated so that it crossed through its current location. David Lyttle said he would address this option with his clients. John Jannell went over the by-law in reference to the variance filed and stated only selected removal of vegetation is allowed within the 25' buffer. Judith Bruce and Adrienne Pfluger asked about the potential elimination of fill and grade within the 50'buffer zone, and David Lyttle said through relocation of the driveway this could be an option. Jamie Balliett asked if a driveway was installed how many lots would be created, and David Lyttle said the property would be divided into two lots total; one for the present house and one for a second home which would be built outside of the 100' buffer to the Edge of Wetland. Adrienne Pfluger asked about driveway maintenance, including what type of topical application would be used to reduce and eliminate weed growth. David Lyttle said he was willing to allow conditions on the driveway which would eliminate the usage of any type of herbicides on the gravel driveway. Steve Phillips revisited the idea of relocating the driveway to the present driveway location, and creating a parking area for the main house closer to the existing shed. David Lyttle said he would take this suggestion along with the additional comments from the Commission to his clients and asked to continue the hearing until March 15<sup>th</sup>.

**MOTION:** A motion to continue the hearing to March 15<sup>th</sup> was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE:** Unanimous

Last Heard 2/15/11 (AP1)

**Arey's Pond LLC, 10 Sparrow Lane.** by Ryder & Wilcox, Inc. Assessor's Map 69 Parcel 17-4. The after the fact cutting of plants and trees and proposed replanting plan. Work occurred and will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and in the Pleasant Bay A.C.E.C. David Lyttle, Ben Zehnder representation for Arey's Pond LLC, Seth Wilkinson of Wilkinson Ecological Design, and Peter Rush of Arey's Pond LLC, were present. Judith Bruce asked about the lawn area on the revised plan, and Seth Wilkinson explained that the lawn area had always been there, and was neither being expanded upon nor improved. Jamie was concerned that by doubling the amount of species

planted that overcrowding would occur. Seth Wilkinson said although trees have overcrowding issues, maritime shrubs are clonal and will adjust as growth occurs. Steve Phillips asked about maintenance for the plantings, and Seth Wilkinson explained that the area would be well irrigated. The Commission discussed the implementation of a bond to cover the replacement cost for any lost plants and suggested \$5,000.00. John Jannell explained that if the plan is to the Commissions satisfaction that a suggested motion had been prepared by Town Council. Jamie Balliett read into the record Town Counsel's suggested motion.

**MOTION:** A motion was made by Jamie Balliett to approve the restoration plan dated February, 28<sup>th</sup>, 2011 and prepared for Arey's Pond LLC, by Ryder and Wilcox Inc. and Wilkinson Ecological Design, in response to Paragraph C of the Enforcement Order issued to Arey's Pond LLC and dated 1/25/2011. Furthermore, the restoration plan shall be completed in accordance with the following conditions:

- all plantings detailed on the plan shall be installed by June 1<sup>st</sup>, 2011
- if a new contractor/installer takes over this project, they must have approval from the Conservation Commission before commencing work on this site.

The motion was seconded by Bob Royce.

**VOTE:** Unanimous

**MOTION:** A motion to post a bond for \$5,000 for 10 Sparrow Lane was made by James Trainor and seconded by Jamie Balliett.

**VOTE:** Unanimous.

#### **Chairman's Business**

Approval of the Minutes from the Work Meeting on February 22, 2011.

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

**VOTE:** Unanimous

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

##### **Administrator's Business**

John Jannell discussed the Department of Conservation and Recreation boardwalk on the former Gavigan property on Cape Cod Bay. The boardwalk has been severely undermined by erosion and poses a public safety concern. The DCR would like to remove it on Wednesday 3/2/2011 and file an after the fact on March 8<sup>th</sup>. Steve Phillips inquired if this removal would eliminate the beach access at this location, and John Jannell said it would no longer be an access path for the public due to safety concerns. The Commissioners agreed that the boardwalk needs to be removed.

John Jannell reported 4 Eastern Red Cedars and 1 maple have been cut down on the Meadow on the Cove Conservation property. John Jannell explained that the Orleans Police Department was involved because the trees were illegally removed from Town-owned property. Additional information would be provided as the investigation progressed.

The meeting was adjourned at 9:21am.

Respectfully submitted,  
Erin C. Shupenis, Orleans Conservation Department