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ORLEANS TOWN CLERK

11 MAY 24 10:06AM

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, May 17, 2011

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

8:30 a.m. Call to Order

Notice of Intent

Garner LeStage, 12 LeStage Road. by Ryder & Wilcox, Inc. Assessor's Map 50, Parcel 130. The proposed removal of an existing dwelling, pumping and abandoning of an existing cesspool, the construction of a single family dwelling, the installation of a new septic system, and the grading and installation of a new driveway. Work will occur within 100' of the Top of a Coastal Bank and in the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox went over the purpose of the new driveway to provide town water to the proposed house. Arnold Henson asked about the plan for the area covered by the existing house, and David Lyttle said it would be transformed into Cape Cod Lawn. Steve Phillips asked about the work to be done within the 50' buffer. David Lyttle explained that the house would be moving from 11.9' from the Top of the Coastal Bank to 30.5' from the Top of the Coastal Bank, and would be going from one story to two stories. David Lyttle mentioned that Orleans Zoning By-law Section requires that new structures be set back a "minimum distance equal to one and one-half (1 ½) times the building height from any coastal bank." Steve Phillips asked about screening of the house, and David Lyttle explained that the applicant would replace any removed canopy trees. Adrienne Pfluger asked how many trees would be removed from the site. David Lyttle said 4 oak trees and 17 pitch pines were proposed to be removed, the majority of which outside the A.C.E.C.. Judith Bruce was concerned about the potential increase of usage within the A.C.E.C.. David Lyttle felt the application demonstrated an overall improvement to the site, but would re-examine the impact to the resource area. James Trainor asked if an easement was needed for the proposed driveway through 3 separate lots. David Lyttle said all 3 parcels were owned by the applicant, but that an easement would be established should any of the properties change hands. John Jannell asked about a planting plan for this site, as the locus was at the tail end of a Turtle Habitat Restoration Order of Conditions being executed by Wilkinson Ecological Design. John Jannell stated that the bank was in good condition, and felt that maintaining the canopy layer along the coastal bank where the existing cottage would be removed should be incorporated in a restoration plan. David Lyttle said the applicant was willing to replant the area invaded with English ivy with woody native vegetation. John Jannell asked about the grading along the proposed driveway, and if there would be issues with drainage. David Lyttle explained that although he was not concerned about the runoff, they were proposing a dry-laid 2-4' tall wall. Garner LeStage, the applicant, explained that the existing driveway resulted in excessive vehicle parking, and felt the proposed driveway would also provide privacy for the proposed dwelling.

David Lyttle asked to continue the hearing 2 weeks to June 7th to examine the Commission's suggestions.

MOTION: A motion to continue the hearing to June 7th was made by Judith Bruce and seconded by James Trainor.

VOTE: Unanimous

Pleasant Bay Narrows Trust, 111 Davis Road. by Ryder & Wilcox, Inc. Assessor's Map 89, Parcel 23. The proposed extension of a stone revetment replacing an existing gabion revetment. Work will occur on a Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage, and in the Pleasant Bay A.C.E.C.. David Lyttle explained that this project was the result of a failed Gabion Toe Protection. Mon Cochran, a trustee speaking on behalf of the Pleasant Bay Narrows Trust, explained that the trustees wanted to create a 50-year plan to provide stabilization to the existing bank. Due to the April 2007 break, the Narrows has seen a significant rise in sea level and an increased fetch. David Lyttle explained that the proposed stone revetment would be installed in conjunction with the removal of invasive species along the bank. John Jannell explained that Greg Berman, A Coastal Processes Specialist with Woods Hole Sea Grant Program and Cape Cod Cooperative Extension, would provide a 3rd party review of the proposed project. John Jannell said he asked Greg Berman about end scour and the nourishment required for this site. John Jannell asked about a planting plan, and Mon Cochran explained that a planting/management plan would be submitted. Mon Cochran asked if the invasives located in the southern area could be removed coming from the top with a small machine and bucket. John Jannell suggested that hand removal would be the best approach given the sensitive nature of that area. Steve Phillips asked if renourishment had been done recently, and where the sand went when it washed away. Mon Cochran explained that they had filed an Administrative Review in January for renourishment, and within 2 weeks the 25 cubic yards of sand had washed away, heading in a northerly direction. Judith Bruce and Steve Phillips were concerned about burying the marsh with the renourishment efforts. Steve Phillips asked about the 5 trees that would be lost with the stone revetment installation, and if replacement would be offered. Mon Cochran said they were willing to replace the lost trees. Steve Phillips asked if the proposed view platform would be sticking out, and Adrienne Pfluger asked if a railing would be installed. David Lyttle said the proposed platform would be located on top of the revetment, and Mon Cochran said the family wanted to seasonally place a bench on the platform for viewing. Jamie Balliett asked who would be completing the work. David Lyttle explained that members of the trust would be performing the invasive removal, and David Lyttle would act as the overseer. The sea wall builder had not been determined, though a discussion with Jeff Norgeot had begun. Jamie Balliett asked if they had been able to calculate how much had been lost behind the gabions. David Lyttle said he did not have that calculation. Jamie Balliett asked about the proposed elevation of the bottom of the revetment, and David Lyttle said the bottom elevation of the revetment would 13'. Arnold Henson asked what would be done with the existing gabions, and David Lyttle said those that were in good condition would be reused at the garage's northwest corner, buried and planted. The remaining baskets would either be stored on site to be used at a later time, or if in disrepair, removed from the site. David Lyttle asked that the hearing be continued for 1 week to May 24th so that

he may provide a planting plan and follow up with Greg Berman's suggestions once his report was submitted.

MOTION: A motion to continue the hearing to May 24, 2011 was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Certificate of Compliance

Estate of Elbert Brinning, 23 Deerwood Lane. The proposed request for a Certificate of Compliance for an Order of Conditions for the construction of a detached garage and a gravel driveway. Steve Phillips asked when the Order was issued, and John Jannell said 5/5/2000.

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

VOTE: Unanimous

Review OCT Conservation Restriction

Kris Ramsay of the Orleans Conservation Trust would like to request a Conservation Restriction on a parcel the OCT is purchasing through State Conservation Partnership Grant Funding.

Kris Ramsay of the Orleans Conservation Trust explained that a Conservation Restriction Authorization by the Conservation Commission allowed the Trust to apply for the State Conservation Partnership Grant which required a second guarantor on its application. Jamie Balliett asked if Town Council had been approached with this Conservation Restriction request. Kris Ramsay explained that if approval was granted today, the application would go forth for a July deadline. If the grant was awarded to the OCT, a formal Conservation Restriction would be presented to the board sometime in November. John Jannell explained that in addition the Town Administrator and Selectmen would vote to approve this restriction. Adrienne Pfluger asked which rare and endangered species were located on site. Kris Ramsay said although they had not been observed on site, species of concern included spotted salamander, wood frogs, and eastern box turtles. Arnold Henson asked if the property would be open to the public. Kris Ramsay explained that all OCT lands were open to the public. Judith Bruce asked if the entire property was in the A.C.E.C. and Kris Ramsay said yes. Arnold Henson asked what formal action from the Conservation Commission was needed. Kris Ramsay asked for a vote and a commitment letter.

MOTION: A motion to approve a Conservation Restriction and issue a letter of commitment to the Orleans Conservation Trust for 94 Monument Road was made by Judith Bruce and seconded by Jamie Balliett.

VOTE: 6-0-1; James Trainor abstained.

Administrative Reviews

Richard Costa, 10 Hayward Lane. The proposed removal of 1 dying Maple, 2 dead Locusts, 9 additional Locusts, and the pruning of 2 Cherry trees. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and within the A.C.E.C.. Work to be done by A to Z Treez. John Jannell felt the removal of the Locusts and pruning of the Cherry trees was ok, but felt that a

replacement tree for the removal of the Maple should be offered. Arnold Henson asked if the applicant should file a Notice given the number of trees. John Jannell explained that the site was well treed and the understory would benefit from the removal of the Locusts. Some dead trees would remain on site for wildlife habitat. The Commission felt the removal of the Maple tree warranted a replacement tree. John Jannell said he would speak with the applicant and provide a revised application for the following hearing.

Donald Wilkins, 13 Greymoor Way. The proposed use of an existing driveway for machine access for Septic System upgrade. Work will occur within 100' of the Edge of Wetland. John Jannell explained that the applicant needed to cross through a portion of the buffer zone in order to access the new Septic System location.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on May 10, 2011.

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

VOTE: Unanimous

Request to Use Conservation Properties

Window on the Cove Wedding 7/22/11 Mandell/White 12-2pm 30 People

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

VOTE: Unanimous

Kent's Point Kayak Trip 7/10/11 Eldredge 10am-12pm 30-50 People

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

VOTE: Unanimous

The meeting was adjourned at 9:45am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department