

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, June 7, 2011

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IC Darby, ASST

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

ABSENT: Steve Phillips; Jamie Balliett.
8:30 a.m. Call to Order

Continuations

Last Heard May 17, 2011

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.. The engineer has written a letter requesting the hearing be continued to June 21, 2011.

MOTION: A motion to continue the hearing to June 21, 2011 was made by Bob Royce and seconded by Judith Bruce.

VOTE: Unanimous

Notice of Intent

William Hammatt, 102 Skaket Beach Road. by J.C. Ellis Design Co., Inc. Assessor's Map 24, Parcel 70. The proposed upgrading of an existing septic system, abandonment of existing cesspool, and the partial replacement of an existing foundation. Work will occur within 100' of the Top of a Coastal Bank and the A.C.E.C. Jason Ellis of JC Ellis Design Company, Inc. explained that the Orleans Board of Health recently determined the house to be a 3 bedroom home, and provided a revised plan to the Commission with a reduction to the size of the leaching area. Arnold Henson asked if any changed to the footprint was proposed. Jason Ellis explained that although there were no changes proposed to the footprint, the plan showed the proposed replacement of an older portion of the foundation. Judith Bruce asked the Commission if they felt foundation plans would be necessary before the application could be approved. Jim O'Brien felt the plan did not warrant the submission of foundation plans when no change in the footprint was proposed. John Jannell asked if the replacement of the front portion of the foundation would result in the rear portion of the house being raised in elevation. Jason Ellis explained that this new portion would be poured to match the other full portion of the foundation which had been added in the 70's. John Jannell felt that based on this information foundation plans were not necessary.

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

VOTE: Unanimous

Charles & Mary Longsworth, 8 Priscilla Road. by J.C. Ellis Design Co, Inc. Assessor's Map 22, Parcel 18. The proposed upgrading of an existing septic system and abandonment of existing cesspools. Work will occur within 100' of the Edge of a Bordering Vegetated Wetland. Jason Ellis explained that he had to go back in front of

the Board of Health on July 7, 2011 with his sieve analysis before they could act on the variance request. Arnold Henson asked that Jason Ellis wait to be heard by the Conservation Commission until the Board of Health on July 7th, 2011, to determine that the plan presented would be satisfactory to the Conservation Commission and the Board of Health.

MOTION: A motion to continue the hearing to July 12, 2011 was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Amended Order of Conditions

Richard Stanton, 23 Herring Brook Way. by J.C. Ellis Design Co., Inc. Assessor's Map 55, Parcel 33. The proposed septic system upgrade & water line relocation has been amended to include the construction of a deck, reconfiguration the septic plan, and mitigation landscaping. Work will occur within 100' of a Salt Marsh, within Land Subject to Coastal Storm Flowage & the ACEC, & on a Coastal Bank. Arnold Henson asked Jason Ellis how much closer work was proposed to the resource area. Jason Ellis explained that the proposed deck will be 12' closer to the resource area. The purpose of the deck would be to reduce the impact to the resource area by restricting outdoor activity to the proposed deck. A 10' buffer strip between the deck and the resource area has been proposed. Arnold Henson was concerned about the continual encroachment on the resource area. Jim O'Brien felt the building of a deck would be better than allowing the applicant to maintain a lawn area within the buffer zone as it presently existed. Judith Bruce asked if the height of the building would be changing. Jason Ellis said that the building could not be altered due to Orleans Zoning regulations and the building's proximity to the Top of the Coastal Bank. Judith Bruce asked if there would be any exterior changes, and Jason Ellis said the asphalt walkways would be taken out and wooden walkways put in its place. Theresa Sprague of Wilkinson Ecological explained that a planting plan was being drafted to plant native species and remove invasive species. Bob Royce asked about the existing path to the water and why it was not located on the plan. Theresa Sprague said the applicant wanted to maintain the existing path, and it would be shown on a revised plan. Theresa Sprague went over the proposed planting areas and various species which would be planted throughout the parcel. John Jannell felt the Commission would have a difficult time weighing the benefits of the planting plan versus the building of a deck without seeing the plan. James Trainor was concerned about the size of the deck and asked if a reduction in its size could be explored. Adrienne Pfluger asked that Jason Ellis stake the deck in the field. Jason Ellis asked for the hearing to be continued to June 14th, 2011.

MOTION: A motion to continue the hearing to June 14, 2011 was made by Judith Bruce and seconded by Jim O'Brien.

VOTE: Unanimous

Certificate of Compliance

Fred Hatch (2001), 9 High Street. The proposed request for a Certificate of Compliance for an Order of Conditions for the construction of a single family dwelling, grading, driveway construction, installation of a culvert, water line, and sewage disposal system. John Jannell reported that the applicant was in compliance with the Order of Conditions.

MOTION: A motion to issue the Certificate of Compliance was made by Jim O'Brien and seconded by Judith Bruce.

VOTE: Unanimous

Administrative Reviews

Priscilla Bloomfield & Ryan Smith, 51 Hopkins Lane. The proposed removal of an old garden fence, removal of old garden beds, and the reseeding of disturbed areas. Work will occur within 100' of the Edge of Wetland. Work to be done by Nauset Landscapes.

MOTION: A motion to approve this work was made by Adrienne Pfluger and seconded by Bob Royce.

VOTE: Unanimous

Brian Kavanaugh, 100 Freeman Lane. The proposed removal of existing greenhouse and replacement with a wooden roofed structure. Work will occur within 50' of the Top of a Coastal Bank. ~~Arnold Henson asked if the greenhouse was attached to the house.~~ John Jannell said it was, and the applicant wanted to take out the glass and change it to wood. Bob Royce asked if it would still function as a greenhouse, and Brian Kavanaugh, the applicant, said no, and there would not be any walls for the new wooden roofed structure.

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

VOTE: Unanimous

David Keefe, 124 Monument Road. The proposed removal of 1 locust, 2 live pines, 3 dead pines, a hanging limb from a Honey Locust, and the removal of existing asphalt, replacement with shell, and renourishment of existing shell driveway. Work will occur within 100' of Edge of Crystal Lake, Edge of Wetland, and the A.C.E.C. Work to be done by A to Z Treez. John Jannell explained that although the work sounded extensive, it was all beneficial to the surrounding resource areas.

MOTION: A motion to approve this application was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Colman W. Thatcher, 20 Snow Way. The proposed re-assembling of an existing stone wall. Work will be done by hand and will also require some trimming of existing vegetation on the southern portion of the wall. Work will occur within 100' of the Edge of Wetland.

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

VOTE: Unanimous

Peter & Diane Sartori, 30 Granny's Lane. Proposed 15' construction access for installation of a new septic system. Construction access will be within 100' of the Edge of a Bordering Vegetated Wetland. John Jannell explained that the wetland was located across the street. Bob Royce asked if the area would be restored once the work was complete, and John Jannell said it was a natural area.

MOTION: A motion to approve the work was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous

Robert Barbarisi, 4 Marshwind Lane. The proposed construction of an 8' by 6' garden shed on pilings. Work will occur within 100' of the Edge of Salt Marsh and the Top of a Coastal Bank.

MOTION: A motion to approve this application was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Joshua & Kathleen Larson, 10 Academy Place. The proposed upgrade of an existing failed septic system. The existing septic tank will be utilized, and the installation of a new pipe from the existing tank is the only work within the buffer zone. All remaining components will be kept outside the 100' buffer to the Top of the Coastal Bank.

MOTION: A motion to approve this work was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Elizabeth Murphy, 11 Windy Hill Lane. The proposed waterproofing of an existing foundation and installation of a drywell to connect existing downspouts. The waterproofing of the foundation will occur within 50' of the Edge of Wetland and the installation of the downspout will occur within the 100' buffer of the Edge of Wetland. Work to be done by Glenn Svenningsen. John Jannell reported that the applicant would be connecting an existing exposed pipe to the proposed drywell.

MOTION: A motion to approve this work was made by Bob Royce and seconded by Judith Bruce.

VOTE: Unanimous

Mr. & Mrs. LeStage, 12 Hayward Lane. The proposed removal of a dying pitch pine and installation of foundation plantings. Work will occur within the A.C.E.C. and within 50' of the Top of a Coastal Bank. Work to be done by Wilkinson Ecological Design.

MOTION: A motion to approve this work was made by Adrienne Pfluger and seconded by Bob Royce.

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Work Meeting on May 24, 2011

MOTION: A motion to approve the minutes from May 24, 2011 was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Other Member's Business

Administrator's Business

The review of proposed facts, findings, and decision for the Denial Order of Conditions for 24 Beach Road. John Jannell asked for the Commission to review and vote to support the Facts and Findings for the Denial Order of Conditions for 24 Beach Road.

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

NOTE: 5-0-1; Arnold Henson Abstained.

Report on Special Conditions and On-Going Conditions for Coastal Engineering Structures to be issued with the Order of Conditions for 111 Davis Road, and report from 5/27/11 on-site with Ryder & Wilcox. John Jannell explained that after the site visit with Ryder & Wilcox, an elevation of 6' had been agreed upon for beach elevation and nourishment on site. The Order of Conditions had Special Conditions for the Coastal Engineering Structure and Ongoing Conditions for the Coastal Engineering Structure which included nourishment requirements, annual maintenance, and in the case of a major storm event, a revisit of the Order.

The meeting was adjourned at 9:08am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department.