

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, June 14, 2011

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

ABSENT: Steve Phillips; Jim O'Brien (Associate Member).

8:30 a.m. Call to Order

ORLEANS TOWN CLERK
IC Darling, Asst.
'11 JUN 21 10:27AM

Continuations

Last Heard 6/7/11 (SP1, JB1)

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. A revised plan has been submitted showing mitigation plantings, a proposed outdoor shower, repair of existing split rail fence and installation of additional split rail fence. 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 how far away the proposed deck would be from the edge of the resource area. Jason Ellis of JC Ellis Design Co, Inc. said the proposed deck would be 14-15' from the Edge of the Salt Marsh; the entire property is within the A.C.E.C. Judith Bruce was concerned about the increase in structure on such a sensitive area, and felt a reduction in the size of the deck would be best. Adrienne Pfluger agreed. Theresa Sprague of Wilkinson Ecological Design went over the planting and restoration plan which provided a 3 to 1 replacement of plantings in exchange for the deck. Arnold Henson was concerned that the applicant would continue to pick at the resource area. James Trainor said he favored a deck and remediation to lawn furniture and activity in the buffer zone. Adrienne Pfluger was concerned about a proposed landing along the side of the house which was not shown on the plan. Jason Ellis suggested that the applicant could file for the landing under an Administrative Review, and the Commission said they would prefer a complete plan outlining all of the proposed work versus a separate filing for the landing. Jason Ellis asked if he could step outside the hearing room to speak with his clients regarding the Commission's suggestions.

8:49am

Jason Ellis, Theresa Sprague, and Timothy and Carol Counihan, the new owners, returned to the hearing room. Jason Ellis explained that his clients were willing to reduce the deck to 10' wide, and hoped that the Amended Order could be approved subject to a revised plan to be approved by the Conservation Administrator. Judith Bruce asked if the planting area would be moved in conjunction with the reduction of the deck. Theresa Sprague felt that the amount of plantings offered were substantial. Judith Bruce clarified her request by asking that the mitigation plantings not be increased but shifted closer to the house in conjunction with the reduction of the deck. John Jannell asked about the 8 proposed cedar trees to be planted, and Theresa Sprague said the number of cedar trees to be planted had been reduced to 4. The

Commission went over the required changes to the plan to be incorporated into the approval.

MOTION: A motion to approve the Amended Order of Conditions pending two revised plans (one septic plan and one land management plan) which showed the landing alongside the house, the reduction in the footprint of the deck to 10' wide, a 2' access path around the proposed deck, the shift of the plantings closer to the deck, and the reduction of 8 proposed cedars to 4 proposed cedars was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: 5-0-1; Jamie Balliett abstained.

Certificate of Compliance

Last Heard 10/12/2010 (JB1, SP1, JT1, JO1)

Ross Bierkan (McCrossan) 2006, 20 Bufflehead Lane. COC request for an Order to remove and rebuild a dwelling. The dwelling was built as shown on the site plan with the addition of 3 AC units on the north side of the dwelling. The old driveway has been abandoned and 8 Black Chokecherry trees have been planted in the area. John Jannell explained that the Certificate of Compliance issuance was held pending the planting of the abandoned driveway. Arnold Henson asked if the applicant was in substantial compliance, and John Jannell said yes.

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

VOTE: Unanimous

Administrative Reviews

Brian Kavanaugh, 100 Freeman Lane. The after the fact filing for the installation of a 4' fence over existing lawn. Work has occurred within 100' of the Top of a Coastal Bank. John Jannell explained that after visiting the site for a separate filing, a fence was noted on the property for which the Conservation Department did not have a record of a filing.

MOTION: A motion to approve the after the fact application was made by Judith Bruce and seconded by James Trainor.

VOTE: Unanimous

Joshua & Kathleen Larson, 10 Academy Place. The proposed replacement of existing deck railing and posts to bring up to building code. Work will occur within 50' of the Top of a Coastal Bank.

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

VOTE: Unanimous

James Britton III, 16 Archer Lane. The proposed removal of 12 to 15 dead pitch pines threatening the house. Trees will be replaced by 4 Maple leaf viburnum, 4 Bayberry, and 4 Beach Plums will be planted. Work will occur within the A.C.E.C., and within 100' of the Edge of a Salt Marsh and Top of the Coastal Bank. Judith Bruce asked if the trees were threatening the house, and John Jannell said the dead red pines were

threatening the other live trees. John Jannell noted that the red pine population on the property had been completely wiped out and there will be standing dead pine remaining.

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

VOTE: Unanimous

Charles Silbert, 29 Gesner Road The proposed removal and treatment of invasive vines by hand along the property line and on the Orleans Conservation Trust property. Work to be done within the A.C.E.C. and within 50' of the Edge of Wetland. John Jannell explained that there was a letter on record from the Orleans Conservation Trust endorsing this work. Adrienne Pfluger asked who would be doing the work. John Jannell said that Wilkinson Ecological Design had flagged the invasives to be removed, and that the applicant would be doing the manual labor.

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

VOTE: Unanimous

Patrick Donovan, 22 Harbor View Lane. The proposed pruning of 10-15 trees and removal of 3 dead pines to maintain an existing view. Work will occur within 100' of the Top of a Coastal Bank and the Edge of Salt Marsh. Work to be done by Cape Tree LLC. John Jannell said that the trees to be cut were stump sprouts (2-4" DBH) being taken from 8' in height to 6' in height, with the 3 dead pines to be slash removal. John Jannell explained that the pruning will take place in an existing view corridor that was previously permitted. This application is intended to maintain that corridor.

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

VOTE: Unanimous

Request to Use Conservation Properties

Windmill Wedding 8/21/11 Keller & Pritchett 4-7pm 40-60 People

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on June 7, 2011.

MOTION: A motion to approve the minutes from June 7, 2011 was made by Adrienne Pfluger and seconded by Bob Royce.

VOTE: 5-0-1; Jamie Balliett abstained.

Other Member's Business

Administrator's Business

John Jannell updated the Commission on 10 Sparrow Lane. He reported that the plantings were in the ground in accordance with the June 1st, 2011 deadline.

John Jannell asked the Commission about raising the weekly rental rate at Sea Call Farm from \$90 to \$100 in conjunction with the Park's Department raising their rates. Judith Bruce was concerned about properly notifying the tenants, and John Jannell said the tenant was aware of the potential increase.

MOTION: A motion to approve the increase, subject to an increase voted by the Park Commissioners, of the weekly rental rate from \$90 to \$100 was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

The commission discussed the site visits. The meeting was adjourned at 9:00am.

Respectfully submitted,

Erin G. Shupenis, Principal Clerk, Orleans Conservation Department