

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 2, 2011

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Kerling Asst.
ORLEANS TOWN CLERK

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

ABSENT: Jamie Balliett

8:30 a.m. Call to Order

Notice of Intent

Michael & Denise Bernatchez, 30 & 31 Beach Plum Lane. by Ryder & Wilcox, Inc. Assessor's Map 23, Parcels 5 & 6. The proposed removal and management of invasive phragmites. Work will occur within a Salt Marsh, Coastal Bank, on Land Subject to Coastal Storm Flowage, and in the Inner Cape Cod Bay A.C.E.C. David Lyttle of Ryder & Wilcox said that Seth Wilkinson of Wilkinson Ecological Design would make the presentation for the applicant. John Jannell asked about the proposed work on 39 Willie Atwood Road and whether or not permission from this owner had been granted. Seth Wilkinson said the owner of 39 Willie Atwood Road (Now 28 Beach Plum) had e-mailed an approval letter and would be sending a hard copy to the Conservation Department. John Jannell explained that any approval from the Conservation Department would be pending the issuance of a DEP number and comments from Natural Heritage. Arnold Henson asked how the process would result in the eradication of the phragmites. Seth Wilkinson explained the biological components of the plant, and how through a 3-treatment process, Wilkinson Ecological had been able to eradicate phragmites in several areas throughout the Cape.

MOTION: A motion to approve this project pending the issuance of a DEP number, comments by Natural Heritage, and the receipt of permission for work to commence on 39 Willie Atwood Road (Now 28 Beach Plum) was made by Steve Phillips and seconded by Judith Bruce.

VOTE: unanimous

Certificate of Compliance

David Lyttle went over the comprehensive history of the 4 open Orders of Condition for these three parcels. John Jannell asked that the Commission go through each one individually so that they could be assessed accordingly.

Hope Thomson (1970 DF-511), 33 Snow Shore Road. The request for a Certificate of Compliance for an Order of Conditions for the construction of a stone revetment. John Jannell explained that this Order was in substantial compliance, though when it was built, filter fabric may not be present but was listed as optional on the plan.

MOTION: A motion to issue this Certificate of Compliance was made by Bob Royce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Hope Thomson (1970 DF-532), 53 Snow Shore Road. The request for a Certificate of Compliance for an Order of Conditions for the construction of two stone groins in Nauset Harbor. John Jannell recommended that this Certificate of Compliance be issued as an Invalid Certificate, which would release the lien put in place by the Order for this work which was never done. Judith Bruce asked if the Order would be invalid regardless because it had expired. John Jannell explained that the recording of this Order acted as a break to the chain in the title, and still acted as a lien on the deed until a Certificate was issued.

MOTION: A motion to issue an Invalid Certificate of Compliance was made by Judith Bruce and seconded by Bob Royce.

VOTE: Unanimous

Hope Davis (1975 SE 54-9), 33 Snow Shore Road. The request for a Certificate of Compliance for an Order of Conditions for the construction of a solid stone filled pier (groin) in Nauset Harbor. John Jannell explained that this single groin Order of Conditions was a replacement filing for DR-532, which asked for the construction of 2 stone groins. This single stone groin was constructed and built per plan.

MOTION: A motion to issue this Certificate of Compliance was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous

Bali Realty Trust (2006), 33, 53, & 59 Snow Shore Road. The request for a Certificate of Compliance for an Order of Conditions for the filing, regrading, and planting of a bank landward of an existing stone revetment & groin. David Lyttle explained that the plantings were not done per plan, but requested that a Certificate of Compliance be issued in exchange for a performance bond for the plantings that were to be put in place. David Lyttle passed around the Planting Specifics written by Wilkinson Ecological Design, Inc. for 33 Snow Shore Road on July 29, 2011, which outlined specific shrubs and gave a rough estimate for cost. The estimate for cost was \$3,091.00. The Commission discussed issuing a bond for \$5,000.00 in exchange for the issuance of the Certificate of Compliance.

MOTION: A motion to issue the Certificate of Compliance pending the receipt of a Performance Bond for the plantings to be done landward of the existing stone revetment and groin for \$5,000.00 was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Administrative Review

Dave Hubbard, 41 Defiance Lane. The proposed hand cutting of phragmites. Work will occur within 100' of the Edge of a Salt Marsh, Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and within an A.C.E.C. Work to be done by applicant. John Jannell explained that this work had been done in 2007, 2008, and 2009 under approved Administrative Reviews.

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

VOTE: Unanimous

Melinda Oleksiak, 212 Brick Hill Road. The proposed removal of an existing stone patio and replacement with a new stone patio. Work to be done within 100' of the Edge of Icehouse Pond. Work to be done by SWS Services. John Jannell explained that this would not be an increase in size but a re-arrangement of what currently existed on site.

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

VOTE: Unanimous

Constance Wood, 17 Old Farm Road. The proposed upgrading of an existing septic system. The existing system located within the buffer zone will be pumped and abandoned, and the proposed new system will be located outside of the buffer zone. Work will occur within 100' of the Edge of Wetland. Work to be done by Speakman Construction. Judith Bruce was concerned that the application would not be pumping and filling the system. John Jannell looked at the application and noted for the record that the plan said the existing system would be pumped and filled, not just abandoned.

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

VOTE: Unanimous

Carol Flynn, 18 Countryside Drive. The proposed upgrading of an existing septic system. Only a new pipe connecting to a second septic tank will be within the buffer zone. Work will occur within 100' of the Edge of Wetland. Work to be done by Speakman Construction.

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

VOTE: Unanimous

Martha Abissi, 33 Old Duck Hole Road. The proposed removal of two pine trees and one choke cherry tree. Work will occur within 100' of a Salt Marsh, Land Subject to Coastal Storm Flowage, and within an A.C.E.C. Work to be done by Ted Brown-ArborTech. John Jannell explained that this work was a result of storm damage and the property was otherwise well-treed.

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

VOTE: Unanimous

Peter Howell, 22 Towhee Lane. Request to create a 3' wide woodchip path. Work will occur within 50' of the Edge of Deep Pond. Work to be done by applicant. Judith Bruce abstained. John Jannell explained that this application was previously approved in 2001 but never acted upon. The same application has been re-submitted today with no uprooting of vegetation or cutting to accompany the new chip path.

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

VOTE: 6-0-1; Judith Bruce abstained.

Request to Use Conservation Properties

Windmill Rehearsal Ceremony 9/16/11 Kotak/Bell 3-7pm 20 People

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

VOTE: Unanimous

Windmill OPC Windmill Tours 9/24/11 & 9/25/11 Orleans Pond Coalition
10am-1pm (9/24) 10am-2pm (9/25) 3-15 People

Judith Bruce noted that the application had to be changed to show the time of usage on Sunday, September 25th to 12pm to 3pm.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on July 26, 2011

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

VOTE: Unanimous

Other Member's Business

Judith Bruce mentioned that she had met a gentleman interested in joining the Conservation Commission, but that he worked during the day and wanted to know if the meeting times could be changed to the evening. The Commission felt that the current time of 8:30am on Tuesdays should not change at this time.

Administrator's Business

John Jannell informed the Commission that he would be applying for a Land Management Grant for Putnam Farm. The grant opportunity has been put out by Barnstable County.

The meeting was adjourned at 9:08am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department