

**Orleans Conservation Commission**  
**Town Hall, Skaket Room**  
**Hearing Meeting, Tuesday, August 16, 2011**

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10 Derling, Asst.  
ORLEANS TOWN CLERK

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

**ABSENT:** Bob Royce

8:30 a.m.      Call to Order

**Notice of Intent**

**Charles S. Adorney, 3 Norseman Drive.** by Ryder & Wilcox, Inc. Assessor's Map 21, Parcel 38. The proposed construction of dug-in steps and a timber stairway on a Coastal Bank. Work will occur on a Coastal Bank and on Land Subject to Coastal Storm Flowage. David Lyttle of Ryder & Wilcox, Charles Adorney, and Mark Adorney, were present. Arnold Henson asked how many sets of stairs existed in the area. David Lyttle replied that very few existed. John Jannell pointed out that there was a dug-in step access way to the water at 7 Norseman Drive. Judith Bruce was concerned about the amount of hardscape proposed, and the public view from the water. David Lyttle pointed out that a portion of the stairway would be hidden by the cedar and oak trees on site. Judith Bruce asked about the sitting area located at the top of the proposed dug-in steps. Adrienne Pfluger brought up the aesthetics of the stairway, and felt that the top should be the least obtrusive portion of the structure. David Lyttle explained that according to the Building Code, the stairway could not go more than 12' (in elevation change) without a landing. James Trainor asked if one of the landings along the stairway could be moved behind a tree, and David Lyttle felt that it may be more disruptive to the cedar tree. Steve Phillips was concerned about setting a precedence for future applicants to install stairways in an area where very few existed. David Lyttle reminded the Commission that his proposal complied with both local and state regulations, but that the landing size and location were up for discussion to be either reduced in size or removed. A platform of some sort would be needed to transition from the dug-in steps to the stairway, but a reduction in size was an option. Jamie Balliett asked if mitigation was proposed for the vegetation removal. David Lyttle said no mitigation was proposed; he thought the plants to be cut during the installation of the sonotubes would grow back quickly. David Lyttle offered to revise the plan to include the planting of some trees, and said he would speak to his client. David Lyttle also explained that there was an error on the plan, and that  $\frac{3}{4}$  spacing would be offered. Jamie Balliett asked if the dug-in steps could be expanded resulting in a reduction of the amount of hardscape proposed. David Lyttle said that due to the steep slope of the bank, it would not be possible to extend the dug-in steps further than proposed. Adrienne Pfluger asked for clarification on the definition of floating steps, and David Lyttle explained that they were steps connected to the deck not supported by posts. Arnold Henson was concerned about the landing at the top of the stairway, Judith Bruce was concerned about the view and mitigation, and Steve Phillips was concerned about

setting a precedence for future filings. David Lyttle asked that the hearing be continued for one week to August 23, 2011, to discuss the Commission's opinions with his client.

**MOTION:** A motion to continue the hearing to August 23, 2011, was made by Steve Phillips and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Richard M. & Claire L. Hannafin, 317 South Orleans Road.** by Ryder & Wilcox, Inc. Assessor's Map 69, Page 13. The proposed construction of a second-story addition to an existing single family dwelling, the removal and management of invasive plant species, and selective vista pruning. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. Stephanie Sequin of Ryder & Wilcox, Inc. and Theresa Sprague of Wilkinson Ecological Design were present. Judith Bruce asked about the bedroom count for both the main house and the cottage. Stephanie Sequin said there were 4 bedrooms in the main house and 1 in the cottage, neither of which would change with the proposed second story addition which would result in a new master bedroom. Adrienne asked if this expansion of the existing master bedroom would result in a deck being installed. Stephanie Sequin said no. Steve Phillips asked if an architectural plan had been completed, and if the addition would be a wall of glass windows. Stephanie Sequin said that no plan had been made official, but that the applicant would try to match the existing style of the house. Steve Phillips asked about the structure in front of the deck, and Theresa Sprague explained that it was the mounting for an existing flagpole which was currently being repaired. Theresa Sprague explained that the proposed planting plan included maintaining the existing view corridor. Judith Bruce asked why the view corridor proposed was the width of the house, and understood that permission had not been granted to establish any view corridor. Theresa Sprague was not aware of the applicant having ever been in front of the board. Judith Bruce felt that replacement canopy species should be included in the mitigation plan. Theresa Sprague showed pictures of neighboring homes, and felt that the pitch pines currently in front of the house provided for screening from the water. Arnold Henson felt that the pictures of the neighboring homes which did not have adequate screening were a good example of what the current property would look like from the water if the mitigation plan was implemented as it presently stood. Judith Bruce was concerned as pitch pines do not have a good survivability rate, and felt that allowing oaks to grow up would be a good mitigation tool. Theresa Sprague felt that if oaks were allowed to grow, they would grow up to completely screen the view which they were trying to maintain. Judith Bruce suggested a condition that if any of the pitch pines were lost that they be replaced with oaks or similar canopy species. Judith Bruce felt that a more reasonable view needed to be brought in front of the Commission, and that the current unpermitted maintained view was not something which should be established as the view corridor. Arnold Henson was concerned about the next person who would own the home, and Jamie Balliett suggested Theresa Sprague return with a more narrow view. Steve Phillips asked if the amount of glass to be used with the addition also be provided, and John Jannell asked for the final proposed elevations to be submitted for record. Stephanie Sequin asked to be continued for one week to August 23, 2011, to incorporate the Commissions suggestions into the plan.

**MOTION:** A motion to continue the hearing to August 23, 2011, was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

#### **Revised Plan**

**David Hobson, 58 Pershing Lane.** Request to revise the mitigation plan to increase the number of native plantings and provide a mitigation timeline. Work will occur within 50' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. Jim O'Brien recused himself. John Jannell said progress was being made on the Order which would now include a more comprehensive planting plan.

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

**VOTE:** Unanimous

**Douglas Kuhn, 10-12 Priscilla Road.** Request to revise the installation of a new septic system for an existing dwelling and removal of walls and roof on a detached studio building transforming it into a deck. The detached studio building is now proposed to be removed entirely, and the area revegetated with native plantings. Temporary access will be created to remove the building. Work will occur within 50 feet of a Vegetated Wetland and a Ditch. John Jannell explained that originally the house was proposed to be removed by hand with the deck to remain. Now the applicant would like to revise the plan to allow for temporary access for a machine to perform the removal. Under this revised plan the entire structure is now proposed to be removed from the resource area. Adrienne Pfluger asked who would be doing the revegetating of the temporary accessway, and Steve Phillips asked if there was a revegetation plan. Stephanie Sequin said that she was unsure who would be doing the work, and that at this time there was just a note on the revised plan detailing the replanting work. Judith Bruce felt that even if replanting was not offered, the area would have revegetated itself. John Jannell described the proposed outright removal as an overall improvement to what was originally approved.

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

**VOTE:** Unanimous

#### **Administrative Reviews**

Last Heard 8/9/11 (JB1)

**Susan Walker, 15 Saltworks Circle.** The proposed repair of existing erosion along path leading to the beach and along the house. Work will occur within 100' of the Top of a Coastal Bank and the Edge of Salt Marsh. Work to be done by Sorbello Landscaping, Inc. John Jannell explained that after the on-site, the applicant tested the existing drywell only to discover that it was in failure; a second drywell will be installed outside of the 100' buffer zone. The applicant wanted to still add the gravel, but at this time has removed the stairs from the application. Steve Phillips was concerned that without the installation of the steps, a major rainstorm would wash out the new gravel. Judith Bruce said that the applicant could always return with an application for the stairs if the second drywell did not deter silt from washing out the gravel.

**MOTION:** A motion to approve this work was made by James Trainor and seconded by Jamie Balliett.

**VOTE:** Unanimous

Last Heard 8/9/11 (JB1)

**Roy Steigbigel, 136 Portanimicut Road.** The proposed cutting of two standing dead pitch pines. Work will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and in an A.C.E.C. Work to be done by The Tree Wizard. John Jannell explained that the application will be held until he could speak with The Tree Wizard.

**John Kraus, 3 Duck Marsh Lane.** The proposed trimming of an oak hanging over the back of the house. Work will occur within 100' of the Edge of Salt Marsh and Top of a Coastal Bank. Work to be done by applicant.

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

**VOTE:** Unanimous

**Herbert Gullquist, 77 Portanimicut Road.** The proposed demolition of an existing 6 bedroom dwelling and filling of the hole from the foundation with loam and seed. Only the limit of work will be within the buffer zone. Work will occur within 100' of the Edge of Wetland. Work to be done by Albert Avellar. Jamie Balliett asked about the existing septic system, and whether or not it would be pumped and filled. John Jannell explained that it was located outside the buffer zone, and there was no indication if it would be abandoned but the Board of Health may require abandonment.

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

**VOTE:** Unanimous

**Jayne Hamel, 12 Deacon Road.** The proposed removal of a dead oak tree, and the trimming of one cedar and one oak tree. Work will occur within the A.C.E.C. and within 50' of the Top of a Coastal Bank. Judith Bruce asked if the area was well treed, and John Jannell said yes.

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

**VOTE:** Unanimous

**Orleans Yacht Club, 39 Cove Road.** The after the fact removal of a broken branch leaning over the parking area. Work had occurred within 100' of the Top of a Coastal Bank and the Edge of a Salt Marsh. John Jannell explained that he received a call from Bob Royce of the Orleans Yacht Club indicating the need to remove the branch for public safety, and that an after the fact filing would be coming into the office.

**MOTION:** A motion to approve this After the Fact filing was made by Jamie Balliett and seconded by James Trainor.

**VOTE:** 4-0-3; Arnold Henson, Adrienne Pfluger, and Steve Phillips abstained.

**Glenn Maggio, 169 Monument Road.** The after the fact cutting and removal of two 6" maple trees, cutting and removing of grape vines, trimming of branches in a large maple, and the removal of brush and debris. Work had occurred within 50' of Pilgrim Lake and in the Pleasant Bay A.C.E.C. John Jannell explained that this was an after the fact filing in response to an enforcement letter. Judith Bruce asked if there was any idea as to who had done the unpermitted work. Jason Ellis of JC Ellis Design Company stated that the applicant had hired inexperienced workers. John Jannell explained that the application included work to be done, namely the removal of the brush and trimming of the maple tree. Steve Phillips suggested that a professional should be brought on site to tidy up the work which had been illegally done. James Trainor asked if this work would have been approved if it had come to the Commission as a filing. John Jannell said it would be very difficult to determine if the work would have been acceptable, as the status of the cut trees was unknown prior to their cutting and removal. Judith Bruce asked about fines, and Arnold Henson felt that the Commission would not gain anything by either denying the application or fining the applicant. Steve Phillips felt that the hiring of a professional to clean up the poorly done work would equivocate to a fee. Arnold Henson suggested that they include a letter with the filing dictating that work must be completed within 30 days of receipt of the letter, or fines would be issued. Jamie Balliett asked that the letter be circulated to the Commission.

**MOTION:** A motion to approve the after the fact filing and a letter stating the Commissions requests was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

### **Chairman's Business**

Approval of the Minutes from the Meeting on August 9, 2011

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

**VOTE:** 6-0-1; Jamie Balliett abstained.

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

**MOTION:** Judith Bruce nominated Steve Phillips to be reappointed to the Community Preservation Committee as the representative for the Orleans Conservation Department, which James Trainor seconded.

**VOTE:** Unanimous.

The meeting was adjourned at 9:40am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department