

'11 SEP 27 8:49AM  
Orleans Ass.  
ORLEANS TOWN CLERK

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, September 20, 2011**

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

**ABSENT:** Adrienne Pfluger.

**Continuation**

Continued from 9/6/11 (AP1, JT1)

**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 and Charles and Mark Adorney, the applicants, were present. David Lyttle went over the distances from the locus to the public landing and mill pond landings, both of which were greater than 500' as required for stairways on Coastal Banks. Arnold Henson asked how many sets of access stairs were on the bank, and whether or not the neighbors had been approached regarding a shared stairway. David Lyttle said that the neighbors had not been contacted and he would provide something in writing upon the request of the Commission. David Lyttle provided photos looking from the bottom of the Coastal Bank to the top of the proposed stairway, illustrating that Mark Adorney was primarily shaded by the trees which would remain on the property. Patricia Fuchs, an abutter, was concerned about potential for erosion on the Coastal Bank, as erosion had previously occurred. Charles Adorney said that he had lost a portion of the Bank as a result of a fireworks incident which resulted in the loss of a portion of the Bank. Judith Bruce was concerned about the access path on the neighbor's property and the degradation which it caused to the Coastal Bank and the chance that this would be repeated should the stair be permitted. Jamie Balliett asked if the Commission had the capability to condition an Order to ask that the applicant not use the marsh area for boat traversing or storage. John Jannell said the Commission had the capability to condition the Order and any subsequent Certificate of Compliance to never permit the storage of kayaks on the Bottom of the Coastal Bank. Judith Bruce felt while the applicant had every right to access the water, any traversing through the marsh would result in the degradation of the marsh. Jamie Balliett was satisfied with the proposed mitigation, and Judith Bruce said that the applicant had proposed to hand dig in the area and not remove vegetation at the Bottom of the Bank. James Trainor felt the applicant should have access to the water, and Arnold Henson was concerned about the precedent being set by permitting stairs on the Coastal Bank.

**MOTION:** A motion to approve this Notice of Intent dated September 15, 2011, with the mitigation for cedars as shown on the plan, was made by Steve Phillips and seconded by Jim O'Brien.

**VOTE:** 5-1-1; Judith Bruce opposed, Arnold Henson abstained, motion passes.

**Notice of Intent**

**Hugh & Peggy Quigley, 19 Pilgrim Lake Terrace East.** by Ryder & Wilcox, Inc. Assessor's Map 62, Parcel 42. The proposed addition of a screen porch onto an

existing single family dwelling. Work will occur within 100' of the Top of Bank (Pilgrim Lake-A Great Pond), Bordering Vegetated Wetland, and the Pleasant Bay A.C.E.C. Stephanie Sequin of Ryder & Wilcox, Inc. went over the resource areas to be impacted on site. John Jannell explained that during the on-site, the Commission discovered there were items not shown on the plan. A set of timber stairs and three paths to the water were omitted from the plan, one of which looked like it was mowed annually. No record of established paths or permitting of annual mowing in the resource area were found in the Conservation files for the property. Stephanie Sequin said there was a path to access the water, and two paths to access the Association path to the water, and that both of these were done by the previous applicant. James Trainor felt a path to the water and the Association path were permissible. Judith Bruce asked that the timber stairs and its associated path which did not lead anywhere should be removed and abandoned. Stephanie Sequin asked the Commission if they had any concerns regarding the proposed addition. Judith Bruce said she was more concerned about the paths through the resource areas. Arnold Henson was concerned about a plan being provided showing an accurate record of the proposed and existing conditions. Jamie Balliett asked if the Conservation Department had a record of the previous patios and structures being approved, and John Jannell said yes. Steve Phillips was concerned about the shrubs being cut on the bank, and Judith Bruce said that the owners path to the water be reduced to 4' wide. John Jannell asked about the proposed area for plantings and noted there is little room there. Stephanie Sequin agreed and said these were not mitigation plantings due to the limited area. Stephanie Sequin asked that the hearing be continued for two weeks to October 4, 2011, to incorporate the necessary changes to the plan.

**MOTION:** A motion to continue the hearing to October 4, 2011, was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

### **Amended Order of Conditions**

**Joy Fopiano, 16 Honeysuckle Lane.** by East Cape Engineering, Inc. Assessor's Map 23, Parcel 26. The proposed removal, reconstruction, & additions to portions of an existing dwelling has been amended to include the construction of a garage and a shell driveway. Work will occur within 100' of a Bog and Land Subject to Coastal Storm Flowage. *Jim O'Brien recused himself from the hearing.* Judith Bruce asked if the entire lot was within Land Subject to Coastal Storm Flowage, as she recalled in the previous hearings for the original Notice of Intent that the Commission was concerned about the amount of expansion in this resource area. Tim Brady said the locus itself was not within Land Subject to Coastal Storm Flowage but was within 100' of this resource area. Judith Bruce also recalled that the Commission was adamant about the abandoning of the driveway from Wildflower Lane, and asked whether or not there was a driveway on Honeysuckle Lane. John Jannell said there was a driveway on Honeysuckle Lane used for 16 Honeysuckle. John Jannell pointed out that the original Order, Special Condition Number 5, stated that "There will be no parking allowed on Wildflower Lane." The area was to be replanted once it was abandoned, and a new letter from Natural Heritage is required due to the proposed changes to the plan. Steve Phillips asked if another condition was provided which asked for the removal of the shed, and John Jannell said it was not part of the Special Conditions in the original Order. Tim Brady felt the removal of the shed could be removed in addition to the

mitigation proposed as a result of the newly proposed driveway. Tim Brady said he sent his request to Natural Heritage on August 23. Steve Phillips asked if they looked at accessing the proposed garage from the Honeysuckle roadway side. Peter Coneen, the builder, a cherry tree would have to be removed, a significant amount of driveway would result, and overall it would not be aesthetically pleasing. John Jannell inquired about the access available on Wildflower Road, and Peter Coneen said that two residents use it on a regular basis. Steve Phillips asked that fences be shown on site as well as the current circular driveway on Honeysuckle Lane. John Jannell asked that other cedars be shown on the plan. Bob Royce asked that the 12' elevation be shown throughout the plan. Judith Bruce was concerned that there was a lot of expansion on a small lot, with the abandoning of a planted area for a driveway. Judith Bruce asked that the applicant provide the coverage percentage numbers. Tim Brady asked to be continued to October 11, 2011, to provide the Commission with the requested information.

**MOTION:** A motion to continue the hearing to October 11, 2011, was made by Judith Bruce and seconded by Jamie Balliett.

**VOTE:** 6-0-1; Jim O'Brien abstained.

**65 Old Colony Way LLC, 65 Old Colony Way.** by Ryder & Wilcox, Inc. Assessor's Map 33, Parcel 44. The proposed mixed-use site development, a portion of which lies within the buffer zones of an adjacent Bordering Vegetated Wetland, has been amended to construct a single office building. Work will occur within 100' of the Edge of Wetland. Judith Bruce asked if the apartments originally proposed would now be eliminated. Stephanie Sequin confirmed that the proposed apartments were now removed from the plan due to Nutrient Management Regulations from the Health Department. An abutter inquired about the square footage of asphalt proposed, and Stephanie Sequin went over the plan with her. Judith Bruce inquired about the amount of non-native species on the proposed planting plan, and John Jannell reported that the non-native plantings are all outside the 50' buffer where natives are required.

**MOTION:** A motion to issue the Amended Order of Conditions was made by Steve Phillips and seconded by Jim O'Brien.

**VOTE:** Unanimous

#### **Administrative Reviews**

**Evelyn & Vincent Van Norm, 22 Karen Way.** The proposed removal of 4 dead locust trees, removal of invasive species, and dead brush. Work will occur within 100' of the Edge of a Bordering Vegetated Wetland. Work to be done by applicant. John Jannell explained that the application had been revised to ask for the proposed removal of 3 locusts and remove Japanese Knotweed.

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

**VOTE:** 6-0-1; Jim O'Brien abstained.

**Margot Basile, 180 Main Street.** The proposed removal of hanging tree limbs as a result of the recent storm event. Work will occur within 100' of the Edge of a Bordering Vegetated Wetland.

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

**VOTE:** Unanimous

**Dean Wiegers, 9 Larboard Lane.** The proposed removal of 2 storm damaged trees. Work will occur within 100' of the Edge of a Pond and a Bordering Vegetated Wetland. John Jannell said these were black locusts which had been severely damaged by the storm.

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

**VOTE:** Unanimous.

**James & Caroline Macon, 42 Jack Knife Point Road.** The proposed removal of a dead oak, a cedar, and the pruning of 4 cedar trees near the boat house. Work will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and the Pleasant Bay A.C.E.C. Work to be done by Bartlett Tree Company. Arnold Henson was concerned about the pruning near the boat house. John Jannell explained that this work was selective enough that this pruning would not diminish the view from the water. John Jannell explained the pruning was so the applicant can paint the boat house. Judith Bruce felt that Bartlett Tree Company would limit themselves to the work proposed in the application.

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

**VOTE:** Unanimous

#### **Chairman's Business**

Approval of the Minutes from the Meeting on August 23, 2011 and September 13, 2011

The meeting of August 23, 2011 cannot be approved at this time due to a lack of a voting quorum.

**MOTION:** A motion to approve the minutes from September 13, 2011, was made by Judith Bruce and seconded by James Trainor.

**VOTE:** Unanimous

The meeting was adjourned at 9:30am.

Respectfully submitted,

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