

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, October 4, 2011**

ORLEANS TOWN CLERK  
*K. Darling, Asst.*  
'11 OCT 11 9:49AM

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

**ABSENT:** Steve Phillips.

8:30 a.m. Call to Order

**Continuation**

Continued from 9/20/11 (AP1)

**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. presented the Commission with a revised plan with the suggested changes from the previous hearing. Arnold Henson asked if the owner's path to the lake had been eliminated. Stephanie Sequin said the path to the Association beach would remain and be maintained at a maximum of 4' wide. The dug in steps on the other paths would be removed, and the areas replanted and/or allowed to return to their natural vegetated state. Judith Bruce asked if a specification had been made that no lakeside trimming would occur without approval by the Commission, and Stephanie Sequin said yes. Judith Bruce asked for clarification of the location of the existing patios. Stephanie Sequin said the patios in the A.C.E.C existed. Jamie Balliett asked if the Conservation office had a record of the patio's approvals, and John Jannell said yes.

**MOTION:** A motion to issue an Order of Conditions was made by Jamie Balliett and seconded by Judith Bruce.

**VOTE:** 6-0-1; Adrienne Pfluger abstained.

**Request for Determination**

**Town of Orleans Highway Department, Tar Kiln Road.** by GHD Inc. Assessor's Map 96, within road layouts between parcels 4, 5-1, 5-2, & 34. The proposed stormwater improvements to the roadway layout. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and the Pleasant Bay A.C.E.C. Jessica Janney of GHD, Inc. went over the scope of the project. Mark Budnick, Orleans Highway Department Manager, explained that this drainage improvement is the last one needed to be made on Tar Kiln Road.

**MOTION:** A motion to issue a Negative Determination was made by Judith Bruce and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Notice of Intent**

**Elliot & Nancy C. Johnson, 85 Brick Hill Road.** by Ryder & Wilcox, Inc. Assessor's Map 29, Parcel 4. The proposed construction of a barn. Work will occur within 100' of the Edge of Wetland. David Lyttle of Ryder & Wilcox, Dan Davis, Contractor, and Elliot

& Nancy Johnson were present. David Lyttle said the presence of an old stone wall acted as a buffer to protect the isolated wetland. Arnold Henson asked why the barn could not be located north of the existing dwelling and outside the 100' buffer zone. David Lyttle said that area was the existing view of the water from the house, and any additional locations could not be utilized due to zoning regulations. Bob Royce asked for clarification about the number of trees proposed to be removed, and David Lyttle said 8 sycamore maples and one additional dogwood were proposed. Jamie Balliett asked if the wetland itself had been maintained. David Lyttle said the isolated wetland remained wild, though a few paths existed through it. John Jannell recommended that the application be held until a DEP number was issued for the project. David Lyttle asked that the hearing be continued for one week to allow the issuance of a DEP number.

**MOTION:** A motion to continue the hearing to October 11, 2011, was made by Adrienne Pfluger and seconded by James Trainor.

**VOTE:** Unanimous

**176 LLC & Peter H. Carter, 176 &178 Quanset Road.** by Ryder & Wilcox, Inc. Assessor's Map 94, Parcel 4, and Assessor's Map 93, Parcels 21-1 & 21-4. The proposed construction of a new single family dwelling and septic system with I/A technology on an existing foundation, including an addition on a new foundation; the removal of a second existing family dwelling; the pumping & removal of two cesspools; & the pumping & removing of an existing septic system. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and in the Pleasant Bay A.C.E.C.

The proposed construction of a new gravel driveway & parking area; the installation of new underground utilities (water, electric, telephone, & cable) to the proposed renovated single family dwelling; & the removal of a shed. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, on a Coastal Bank, and in the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc. asked that in lieu of a DEP number that he still make his presentation. David Lyttle and Theresa Sprague of Wilkinson Ecological Associates each made a presentation going over the details of each of the separate plans associated with this Notice of Intent for the record. A reduction in the amount of bedrooms proposed, road restoration, and removal of invasive species with a replacement of native species was emphasized. A directional bore would be used to install pipes for the proposed utilities and water lines, as potable water was not available on site. Judith Bruce asked if water and utilities could be in the same pipe. David Lyttle explained that as long as the lines are sleeved properly both the water lines and utilities can be within the same pipe. Arnold Henson asked if the paved driveway would be maintained. David Lyttle presented color sketches which showed the removal of some of the pavement, which in turn would result in the removal of several trees. David Lyttle also gave the Commission a letter of admission from The Tree Company who had taken down 6 dead cedar trees without permission from the Conservation Commission. Replacement trees will be offered for those taken down. The second driveway would still be utilized during the installation of the new septic system and for access for a pumping truck. No additional gravel or maintenance would be performed on this access way; it would be allowed to naturalize. Judith Bruce asked if the boring was not successful would a larger culvert be another option. David Lyttle said while they were confident in the boring, should it not succeed,

the installation of a larger culvert and or trenching would be explored. Judith Bruce asked about the driveway width, and once construction was complete, if it could be tightened up from 12' wide to 10' wide. David Lyttle said that he had misspoken on the site visit and that the proposed driveway would be 10'. David Lyttle said he would be fine with a condition limiting all construction access outside of the work on the new septic system to be limited to the new driveway. Judith Bruce asked whether a large turn around area on the property was proposed. David Lyttle said that since there was not a significant amount of parking available on-site, a turnaround is proposed. The concrete wall will be extended so that there will be no infringement on the marsh. Judith Bruce asked about the proposed lawn care on site. Theresa Sprague said that the only fertilizing proposed would be compost, and that a seed mix, mowed at one inch in height after its first growing season, would be re-seeded and allowed to over-compete with the crab grass. Jamie Balliett asked whether or not trees would be proposed for screening from the water. David Lyttle explained that historically trees were not within the view corridor. Jamie Balliett was concerned about an increase in frontage for the new house making it even more visible from the resource area, and asked that David Lyttle look at the option of planting trees within the view corridor. David Lyttle said he would be willing to conduct another site visit, as he would prefer to not have to plant trees in an area which historically did not have any. Judith Bruce asked about the two pipes coming from the existing cottage, and David Lyttle said they would be removed once the cottage was taken down. David Lyttle said he had not provided a detailed construction protocol, and would have to return to the Commission with that prior to their approval. Adrienne Pfluger asked if there was a dock on site. David Lyttle said that there was an existing dock license for the property, and due to a family illness, the dock had not been put in the water in several years. David Lyttle said he would file for the dock under a separate Notice with the Commission. John Jannell said there were several details which he would like to go over with David Lyttle before he returned to the Commission, and asked the Commission whether or not they would like to consider a performance bond for the driveway and plantings. John Jannell asked about the utility poles on site, and what their function would be once the underground utilities were installed. Theresa Sprague said the suggestion on-site of an Osprey pole was well accepted by their client. John Jannell brought up that previous filings had been denied by the Commission for the buildup of the roadway. David Lyttle said those filings were done under Administrative Reviews, and did not anticipate coming back to the Commission with maintenance filings for the lower driveway. John Jannell asked if the details for a final driveway could be included. John Jannell also asked if any dewatering for the utility trenching was needed in the area of the wetland by Quanset road. David Lyttle said he would arrange to do a hand-bore to determine groundwater elevation, but had hoped that the work would take place during the fall and winter. Arnold Henson asked that a complete package be put together for the Commission to approve. James Trainor asked if the 8" water main proposed would be something that the abutters could access and utilize. David Lyttle stated that the abutters would be able to tie into both the underground utilities and water lines. Roger Reed, one of the owners of 178 Quanset Road, asked that the driveway where the utilities were proposed keep its current character, where a strip of grass was through the center and no gravel be used. Roger Reed requested that any work on the roadway be completed by March 1<sup>st</sup> so that the owners of 178 Quanset could access their property. Vegetative screening was requested so that there would not be a blanket view of the newly proposed property,

and moving Hydrant #1 from its proposed location at the fork of the road to another location. David Lyttle said the proposed location of the hydrant was per the suggestion of the water department, and the remaining points he would be happy to work with to ensure the abutters were satisfied. David Lyttle hoped for a gravel driveway a grass strip through the center, and Judith Bruce felt what was dirt in the driveway should remain dirt, with gravel only in the area where the driveway starts into the marsh. Jamie Balliett asked David Lyttle to find out where other Osprey poles were located within the area. John Jannell recommended David Lyttle work out a Construction Protocol for the specifics. David Lyttle agreed to meet with John Jannell to prepare the Construction details and put them before the Commission as part of the application. David Lyttle asked that the hearing be continued to October 18, 2011, to incorporate all of the suggestions.

**MOTION:** A motion to continue the hearing to October 18, 2011, was made by Judith Bruce and seconded by Jamie Balliett.

**VOTE:** Unanimous

### **Administrative Reviews**

**Richard Breinlinger, 4 Hinkle Lane.** The proposed removal of 4 standing dead Pitch Pine trees and pruning of an additional tree. Work will occur within 100' of the Edge of Bakers Pond and within 100' of an Isolated Vegetated Wetland. Richard Breinlinger, the applicant, was concerned about the aesthetic appearance from Bakers Pond of the standing dead trees. John Jannell felt that the trees had been dead for some time and would recommend approval. Adrienne Pfluger asked if replacement trees would be offered. John Jannell said the area was well treed, and the property itself was well screened from Bakers Pond. Judith Bruce asked about the proposed pruning, and Richard Breinlinger said the maple branches were ½ inch in diameter and would be lifted where they touch the deck.

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

**VOTE:** Unanimous

**Richard Breinlinger, 4 Hinkle Lane.** The proposed building of a utility shed approximately 12' by 25' with a poured concrete floor under an existing elevated deck. Work will occur within 50' of the Edge of Bakers Pond and within 50' of an Isolated Vegetated Wetland. John Jannell apologized for not being able to speak with the applicant prior to the hearing to inform him that work within 50' of a resource area requires a Variance Request under the Orleans Wetland's By-Law, and therefore cannot be permitted under an Administrative Review.

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

**VOTE:** 0-7-0; Application denied.

**Joseph Dumczius, 52 Pershing Lane.** The proposed removal of a blue spruce tree adjacent to the house. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C.

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

**VOTE:** Unanimous

**Barbara Barnett, 66 Tides End Lane.** The proposed replacement of the mahogany decking with composite decking on the existing deck. 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 Tom Hughes. John Jannell explained that the work was being done to a deck adjacent to an existing screened porch.

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

**VOTE:** Unanimous

**Beth Spicka, 24 Uncle Mark's Way.** The proposed removal of a large privet at the Top of a Coastal Bank and 4 Sycamore Maple saplings. Work will occur within 100' of the Top of a Coastal Bank.

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

**VOTE:** Unanimous

**Alexander Lawler, 134 Portanimiticut Road.** The proposed removal of 5 tall Pitch Pines. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and the Pleasant Bay A.C.E.C. John Jannell said the trees appeared to be healthy and did not seem to be an immediate threat to the dwelling. A phone call to the applicant had not been returned. The trees are alive and located within the Pleasant Bay ACEC and no replacement was being offered. John Jannell did not recommend approval.

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

**VOTE:** 0-7-0; Application denied.

**Orleans Yacht Club, 39 Cove Road.** The proposed repairs to an existing licensed revetment. Work will occur on Land Subject to Coastal Storm Flowage, Coastal Bank, and Salt Marsh. Work to be done by the Orleans Yacht Club. *Arnold Henson, Bob Royce, and Adrienne Pfluger recused themselves.* Bob Royce, representative for the Orleans Yacht Club, passed around photos of the area where work was proposed. John Jannell went over the recent file history regarding repairs to this licensed revetment. Judith Bruce asked if chink stone and sand would be used on site. Bob Royce explained that only chink stone would be used to fill the voids between the rocks on the revetment above the high water mark. John Jannell reported that when Greg Berman, Coastal Geologist for Woods Hole, was in town, they walked the site to determine if any material from the previous approved chink stone work had ended up in the marsh. John Jannell reported that no evidence of chink stone was present in the marsh from the previous work and a similar repair effort was supportable at this time. John Jannell did recommended that the proposed work take place after November 1<sup>st</sup> when the marsh would be dormant. Jamie Balliett asked if any large machinery would be required to complete this work. Bob Royce said all the work would be done by hand.

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

**VOTE:** 4-0-3; Motion passes.

**Jim Hughes, 5 Skaket Circle.** The proposed removal of one leaning locust, topping of two additional damaged locusts, and removal of one broken limb from of a maple tree as a result of the recent storm event. Work will occur within 100' of the Edge of a Salt Marsh and the Cape Cod Bay A.C.E.C. Work to be done by A to Z Treez. John Jannell said that he spoke with A to Z Treez where he specified that the maple was only to be pruned and this would be noted on the application.

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

**VOTE:** Unanimous

**William Grant, 21 Ellis Road.** The proposed topping of a locust tree and the removal of a brush pile. Work will occur within 100' of the Top of a Coastal Bank, Edge of Marsh, and the A.C.E.C.. Work to be done by A to Z Treez. John Jannell said the majority of the top of the tree came down during the recent storm event but they intend to leave 1/3 to re-spout.

**MOTION:** A motion to approve this application was made by Jim O'Brien and seconded by Judith Bruce.

**VOTE:** Unanimous

#### **Request to Use Conservation Properties**

**Meadow on the Cove Wedding** 8/25/2012 Halbeck/Luik 4-6pm 25 People

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

**VOTE:** Unanimous

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

Approval of the Minutes from the Meeting on August 23, 2011.

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

**VOTE:** 4-0-3; James Trainor, Jamie Balliett, and Jim O'Brien abstained.

Approval of the Minutes from the Meeting on September 27, 2011.

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

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

The meeting was adjourned at 10:05am.

Respectfully submitted,

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