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Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, October 11, 2011

ORLEANS TOWN CLERK

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

8:30 a.m. Call to Order

Continuation

Continued from 9/20/11 (AP1)

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. A letter has been received asking for this to be continued to October 18, 2011.

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

VOTE: Unanimous

Continued from 10/4/2011 (SP1)

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. John Jannell reminded the Commission that although this was heard the previous week, a DEP number had not been issued and it was recommended to table the application until one was received. John Jannell reported that a DEP number has since been issued and the Commission can take action.

MOTION: A motion to approve this Notice of Intent was made by Judith Bruce and seconded by Bob Royce.

VOTE: 6-0-1; Steve Phillips abstained

Certificate of Compliance

Christopher P. Frey (2003), 71 Briar Springs Road. The Request for a Certificate of Compliance for an Order of Conditions for the installation of a pool with a stone patio including relocating large rocks and fencing, reconstructing a concrete pad, the addition of raised beach access stairs, and vista pruning. John Jannell went over the history of this filing, explaining that over the past 8 months he has met with Chris Frey on site three times to go over the progress of this Order. The insurance company for this property has requested the owner install a handrail along the access steps for safety purposes, and John Jannell has explained that this is something which must be done under a separate filing. Judith Bruce asked if all of the additional requirements under the Order of Conditions had been satisfied, and John Jannell reported it was in substantial compliance.

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

VOTE: Unanimous

James & Carol Flynn (1983), 18 Countryside Drive. The Request for a Certificate of Compliance for an Order of Conditions for the construction of a single family dwelling. John Jannell stated that this was an Order for the construction of a single family dwelling, and no special conditions were set when the Order was issued. The house has been built and the property was in substantial compliance.

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

VOTE: Unanimous

Revised Plans

Garner LeStage, 12 LeStage Road. The proposed removal of an existing dwelling, pumping and abandoning of an existing cesspool, the construction of a single family dwelling, the installation of a new septic system, and the grading and installation of a new driveway has been revised to move the dwelling 0.9' further away from the Top of the Coastal Bank. Work will occur within 100' of the Top of a Coastal Bank and in the Pleasant Bay A.C.E.C. David Lytle of Ryder & Wilcox, Inc. explained that the architect and applicant made some changes to the design proposed, resulting in the moving of the garage and a shift of the proposed dwelling 0.9' further away from the resource areas.

MOTION: A motion to accept the Revised Plan was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Town of Orleans, River Road Boat Ramp. The proposed reconstruction of an existing boat ramp has been revised to shift the boat ramp and make a modification to decrease the toe elevation. Work will occur within 100' of Land Under the Ocean, Coastal Bank, Salt Marsh, and Land Subject to Coastal Storm Flowage. John Jannell recounted his conversation with Dawson Farber, the Orleans Harbormaster, who explained that the proposed changes were recommendations from the Department of Marine Fisheries. Judith Bruce asked if the revision would result in additional cordgrass disturbance. Jamie Balliett thought this area was devoid of cordgrass from boat ramp use, and John Jannell felt this was why the area was proposed to be replanted as mitigation. The Commission discussed the increase in toe elevation.

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

VOTE: Unanimous

Patrick Dwyer, 27 Standish Road. The approved Order for removal of an existing dwelling and the construction of a new single-family dwelling, underground utilities, water line, and sewer line has been revised to include landscape walls and the installation of a drywell. A planting plan has been submitted for approval. Work will occur on a Coastal Bank, Coastal Beach, and within 50' of the Top of a Coastal Bank. Patrick Dwyer, the applicant, Stephanie Sequin of Ryder & Wilcox, Inc., and Phil Cheney, Landscape Designer, were present. John Jannell had asked the applicant to provide a revised plan because retaining walls and a set of steps to the basement were added to the landscaping plan without prior approval by the Conservation Commission. A landscaping plan was a requirement of the approved Order. Judith Bruce asked if there were any concerns regarding the two plans. John Jannell said that all of the plant

species proposed within the 50' buffer zone were native species, and although it was not a condition of the original Order, the Commission had implied that it would like to see canopy species offered. John Jannell pointed out one Eastern Red Cedar has been proposed, along with many smaller shrub species. Judith Bruce recalled that the current view from the water was open, but that the building would be going from one story to two stories. Phil Cheney said the naturalized areas were an ideal location for beach grass and sweet fern, in addition to the other plants proposed.

MOTION: A motion to approve the Revised Plan and the Planting Plan was made by Judith Bruce and seconded by Steve Phillips.

VOTE: Unanimous

Administrative Reviews

David & Linda Houghton, 86 Gibson Road. The proposed removal of bittersweet. Work will occur on and within 50' of the Top of a Coastal Bank. Work to be done by Colson Landscaping. John Jannell met with the applicant on site who had last filed for this work in 2000, and wanted to perform this maintenance again. The native species were flagged to ensure they would not be removed by the landscape company.

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

VOTE: Unanimous.

Kent & Jean Arnold, 23 Meg's Lane. The proposed trimming of 4 oaks and removal of 1 locust. Work will occur within 100' of the Top of an Inland Bank (Crystal Lake) and the Pleasant Bay A.C.E.C. Work to be done by Tree Co, Inc. John Jannell explained that this pruning would be selective, and the area was well treed.

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

VOTE: Unanimous

Vivian Robinson, 7 Wildflower Lane. The proposed extension of an existing deck from 10x25' to 10x38'. Work will occur within 100' of the Edge of a Bordering Vegetated Wetland. John Jannell stated that he did not recommend this work as it was beyond the scope of an Administrative Review; interior work had already begun on site. John Jannell contacted the engineer, and asked the Commission whether or not he should recommend the filing of a Notice of Intent or a Request for Determination for the work proposed. Steve Phillips said he went on site and noticed that a storage shed had been built underneath the porch, which prevented light from hitting the ground and did not allow passage for critters. Steve Phillips asked that the applicant remove this shed. John Jannell felt that points such as that would make him recommend a Notice of Intent. Jamie Balliett asked where in the buffer zone this proposed work was located. John Jannell explained that the drainage ditch was not delineated, and therefore he was unsure of the proposed work's proximity to the resource areas. Jamie Balliett asked how they could receive a permit from the Building Department for interior demolition without approval of the Conservation Department. John Jannell explained that for interior remodeling where no exterior work was proposed did not require a Conservation Department approval.

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

VOTE: 0-7-0; Motion denied; Please file a Notice of Intent

Chairman's Business

Approval of the Minutes from the Meeting on October 4, 2011

MOTION: A motion to approve the minutes pending changes was made by Jamie Balliett and seconded by Bob Royce.

VOTE: 6-0-1; Steve Phillips abstained.

Other Member's Business

John Jannell reported to the Commission that the Conservation Department was in receipt of an appeal by an abutter of the recently issued Order of Conditions for 3 Norseman Drive. Jamie Balliett asked if anything had occurred in the court system at this time. John Jannell explained that they had only received the paperwork, and would notify the Commission once an on-site was scheduled and information was received by the office.

The Commission discussed the site visits.

The meeting was adjourned at 8:55am.

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department