

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, November 8, 2011

'11 NOV 15 9:39AM
C. Darling Asst.
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 11/1/11

Vivian Robinson, 7 Wildflower Lane. by Felco, Inc. Assessor's Map 23, Parcel 22.

The proposed replacement and extension of an existing deck. Work will occur within Land Subject to Coastal Storm Flowage and within 50' of the Edge of Wetland.

John Jannell reported a letter had been received requesting a continuance to November 22, 2011.

MOTION: A motion to continue the hearing to November 22, 2011, was made by Judith Bruce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Certificate of Compliance

Joan Karter (2007), 10 Sages Way. The request for a Certificate of Compliance for an Order of Conditions for the construction of a single family dwelling, garage, decks, sewage disposal system, driveway, associated utilities, and plantings. Arnold Henson asked about the conditions on site. John Jannell reported that the site looks good; all the plants are installed, and the buffer area is established. John Jannell recommended that the Commission hold this application until the temporary irrigation on site was removed. The Commission agreed to continue the hearing until the temporary irrigation has been removed.

Administrative Reviews

Continued from 8/9/11 (JB1)

Roy Steigbigel, 136 Portanimiticut 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 reported that this Administrative Review had been on hold since July so that it could be determined what would be done with the tree debris and ensure it would not be left on the Top of the Coastal Bank as indicated on the application. The Conservation Department has since been contacted that the work is no longer proposed. John Jannell requested a formal denial of the application.

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

VOTE: 0-6-1; Jamie Balliett abstained, Motion denied.

Last Heard 10/18/2011

Richard Klimoski, 64 Gibson Road. The proposed trimming of 4 to 10 tree tops. Work will occur on a Coastal Bank. Work to be done by Bravo Company. John Jannell explained that this application had been on hold until he was able to contact the applicant's representative. John Jannell reported he met with Bruce White of Bravo Company, who understood that this type of work may require a more formal filing; the application itself was filed by the owner. Judith Bruce asked how the Commission should proceed. John Jannell recommended that topping 10 trees and major trimming on the Coastal Bank required a Notice of Intent.

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

VOTE: 0-7-0; Motion Denied.

Continued from 10/25/11

Laura Arnold, 18 Towhee Lane. The proposed removal of a dead leaning pitch pine, pruning of branches over driveway, pruning of 3 Oaks in adjacent to deck, and the removal of an Autumn Olive. Work will occur within 100' of the Edge of Deep Pond. Work to be done by Bartlett Tree Experts. John Jannell explained this application was on hold until the applicant contacted the Conservation Department with the name of the arborist to be used to ensure best pruning practices were followed. John Jannell reported that Bartlett Tree Experts would be performing the work. Judith Bruce felt the proposed work would not be a major impact to the resource area as it was a well-treed site.

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

VOTE: Unanimous

Orleans Yacht Club, 39 Cove Road. The proposed rebuilding of the mast locker. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and Land Subject to Coastal Storm Flowage. *Arnold Henson, Chairman, Bob Royce, Adrienne Pfluger, & Steve Phillips recused themselves. Judith Bruce, Vice-Chair, to preside over the hearing, with Judith Bruce, James Trainor, Jamie Balliett, & Jim O'Brien as voting members.* John Jannell reported that the proposal includes no expansion of footprint, digging or excavation, and no increase in impervious area. The mast locker is cantilevered off the side of the building and will be rebuilt not to exceed the ridge line.

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

VOTE: 4-0-4; Motion passes.

Muriel Gross, 60 Briar Springs Road. Request for annual mowing of town landing area to prevent reoccurrence of invasive species, maintain 4' wide path, and lower surrounding bramble to a height of 3'. This maintenance has been completed under an Administrative Review for the past 4 years. Work will occur within 100' of the Top of a Coastal Bank. John Jannell reminded the Commission that each approval has been

accompanied by a note on the application, as Jenny Wood had done in the past, which states, "Working on Town Property requires liability insurance."

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

VOTE: Unanimous

Molly Hidden, 10 Bufflehead Lane. The proposed installation of a ground mounted solar panel system; 3 rows of 12 panels with 8 sono tubes per row. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and Land Subject to Coastal Storm Flowage. Work to be done by My Generation Solar. Judith Bruce thought this was the Commission's first ground mounted solar proposal under an Administrative Review; and asked whether or not it was far enough from the ground to allow for wildlife passage. Steve Phillips thought this would qualify as a structure in the resource area. Jamie Balliett was concerned about the size of the ground mounted system and the runoff. John Jannell said he was concerned about an open Order of Conditions which called for the proposed site to be a naturalized area per the 2009 Wilkinson Ecological Plan; a problem which would come up later when the applicant applied for a Certificate of Compliance. Judith Bruce asked where in the resource area it would be located. Steve Phillips thought this work should be filed for as a Notice of Intent. Jamie Balliett asked for clarification on the number of panels proposed, and John Jannell stated it would be 36 panels with a total of 24 sono tubes. James Trainor asked about the dimensions of each solar panel. John Jannell said they were roughly 3'x4', and he was concerned about addressing stormwater runoff. Arnold Henson wanted to ensure that an accurate record was kept. Judith Bruce asked if a formal rejection was required, or just a Notice of Intent recommendation given. John Jannell recommended turning down this Administrative Review request and requiring either an Amended Order of Conditions or a Notice of Intent. He said a formal rejection was necessary, and he would write the applicant expressing the Commission's recommendation of a Notice of Intent.

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

VOTE: 0-7-0; Motion Denied, Please file a Notice of Intent.

Edward Ghory, 19 Brick Hill Road. The proposed re-dressing of existing driveway 3/8ths native stone and repair of pothole at end of driveway. Work will occur within 100' of the Edge of Wetland. Work to be done by AMA. John Jannell said the applicants, Edward & Anne Ghory, were present should the Commission have any questions. John Jannell noted while on site, a cedar tree limb had come down due to the recent storm event. An approval to remove the limb was to be included in the Administrative Review approval.

MOTION: A motion to approve this application with the addition of the branch removal was made by Judith Bruce and seconded by Jamie Balliett.

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on November 1, 2011

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

VOTE: Unanimous

Other Member's Business

Jamie Balliett asked if the sub-committee could report and act on the Conservation Restriction on 38 Kenneth Lane. John Jannell asked that the report wait until it could be formally posted. A report and vote will be an agenda item on November 15, 2011.

Administrator's Business

John Jannell announced to the Commission that he was presently accepting estimates to move the 3 10-14' Eastern Red Cedar trees from Putnam Farm to Meadow on the Cove. The Trees would be harvested from the area on Putnam intended to be open field in the Land Management Plan. This work would be paid for under the Barnstable County Land Grant received by the Conservation Department.

The Commission discussed the site visits.

The meeting was adjourned at 8:44

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department