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Dexing, Asst.  
ORLEANS TOWN CLERK

**Orleans Conservation Commission**  
**Town Hall, Skaket Room**  
**Hearing Meeting, Tuesday, November 15, 2011**

**PRESENT:** Arnold Henson, Chairman; Judith Bruce, Vice-Chairman; Bob Royce; Adrienne Pfluger; Steve Phillips; James Trainor; Jamie Balliett; John Jannell, Conservation Administrator.

**ABSENT:** Jim O'Brien (Associate Member)

8:30 a.m. Call to Order

**Request for Determination**

**Norman A. Gray, Jr., 35 Alden Road.** by Dover Land Surveying, Inc. Assessor's Map 13, Parcel 90. The proposed upgrading of an existing septic system including the removal of an existing cesspool. Work will occur within 100' of the Top of a Coastal Bank. Norman Gray, the applicant, and Evan Wilmarth of Dover Land Surveying, Inc., were present. Evan Wilmarth presented the advantages of using a Microfast System versus a traditional septic system, stating that access to the back to install a new traditional system would result in the displacement of accessory buildings and landscaping. Arnold Henson asked if the system had to be cleaned and maintained the same way as a traditional system. Evan Wilmarth explained that the system would have to be tested on a quarterly basis for the first year, after which it would be tested once a year. Steve Phillips asked about the cesspool, and whether or not it would be removed. Evan Wilmarth said the cesspool would be abandoned, pumped, & cleaned. Steve Phillips was concerned about the ability to bring in a machine to take care of the cesspool. Evan Wilmarth explained that a majority of the work on the cesspool could be done by hand. John Jannell reported that he went on site with Bob Canning, Orleans Health Agent, and reported that the use of I/A technology system offered a better effluent quality. Judith Bruce stated that ordinarily the Commission preferred a system away from the resource area, but that the proposed I/A system would be installed on existing lawn.

**MOTION:** A motion to issue a Negative Determination was made by Steve Phillips and seconded by Jamie Balliett.

**VOTE:** Unanimous

**Notice of Intent**

**Dan A. Berlinghoff, Donald R. Mattison, & Margaret Rose Libby Mattison, 38**

**Hinkle Lane.** by Ryder & Wilcox, Inc. Assessor's Map 60, Parcel 14. The proposed construction of a single-family dwelling, installation of a septic system & utilities, & grading & landscaping. Work will occur within 100' of a Vegetated Inland Wetland and an Inland Pond (Baker's Pond). Dan Berlinghoff, the application, and David Lyttle of Ryder & Wilcox, Inc. were present. David Lyttle explained that three applicants were listed on the Notice of Intent because when it was filed, Dan Berlinghoff had not purchased the property. David Lyttle asked that when the Order of Conditions was issued, that it be issued to Dan Berlinghoff. In the absence of a DEP number and a letter from Natural Heritage, David Lyttle presented the proposed project, stating that all the proposed work would be outside the 75' buffer zone. An undisturbed 75' buffer

would be provided, with the understanding that if a path to the water was to be created, it would be under a separate filing. David Lyttle went over a preliminary letter received by Natural Heritage which went over the species that were either of Special Concern or Threatened. Judith Bruce asked whether or not Eastern Box Turtles were on the list. David Lyttle said no, and the species listed were four plants. Judith Bruce brought up that Baker's Pond had excellent water quality, and asked whether or not the proposed driveway would be bermed throughout to protect it. David Lyttle explained that the stormwater would go from the south side into a stormwater trench. Judith Bruce asked if the landscaping on site would require fertilizer, and Dan Berlinghoff said no. Steve Phillips asked if it would be possible to route the stormwater from the road. David Lyttle felt additional stormwater runoff would not be a concern. David Lyttle was not sure if the road was private or public, and suggested that he could ask the town to install drainage at the end of the cul de sac. Adrienne Pfluger inquired about the foot traffic underneath the deck located at the 75' buffer line, and whether or not people would be traversing within the 50' to 75' buffer zone. David Lyttle explained that while the area did not provide much room for walking, it could not be guaranteed that the area would not be traversed. David Lyttle said the applicant did not want to maintain a lawn area, but could come back with a landscape plan. John Jannell asked how the soils would be stabilized after construction in the absence of a lawn. David Lyttle said this was something he could incorporate in a landscape plan. John Jannell asked if the limit of work could be tightened up given that the site was presently a healthy oak community. Jamie Balliett asked if a specific view corridor was being sought. Dan Berlinghoff said he was very happy with the current view, and was not proposing creating a view corridor at this time. Jamie Balliett reminded the applicant that a view corridor would be something the Commission would have jurisdiction over, and asked that the applicant look into the possibility of what would happen once a portion of the canopy was removed due to the house construction. James Trainor asked if the house could be flipped so that it resulted in fewer grading issues. David Lyttle said that option had been explored, but it would result in the same grading concerns. Catherine Hammond, an abutter, asked what guarantee the homeowner had when purchasing a vacant lot if it was deemed unbuildable by the Conservation Department, and asked if the house could be built outside the 100' buffer zone. John Jannell explained that the Commission could only review the plans which were formally presented to them, and any work outside of the 100' buffer zone would not require Commission review. David Lyttle reviewed that the Commission was looking for a landscaping plan and a sufficient note on how the bank would be stabilized. Jamie Balliett included the possibility of a view corridor, and David Lyttle said they were not prepared to include a view corridor in this filing. David Lyttle asked to be continued for 3 weeks to December 6, 2011.

**MOTION:** A motion to continue the hearing to December 6, 2011, was made by Judith Bruce and seconded by Jamie Balliett.

**VOTE:** Unanimous

**Frank I. & Sylvia White, 31 Canal Road.** by Ryder & Wilcox, Inc. Assessor's Map 18, Parcel 25. The proposed construction of a commercial structure with an apartment, installation of a septic tank connected to an existing leach field, utilities, driveway, grading & landscaping. Work will occur within 100' of the Edge of Wetland, Ditch, and

on Land Subject to Coastal Storm Flowage. *Arnold Henson, Chairman, and Steve Phillips recused themselves.* David Lyttle went over the proposed project, and Frank White, the applicant, explained his hope to keep the native planted island intact and therefore allowing the driveway to come within 50' of the Edge of Ditch. Frank White stated that he would like to install a security fence: something not indicated on the plan but would have to be included in a revised plan. Jamie Balliett asked if the applicant had considered moving the driveway outside the 50' buffer zone. David Lyttle felt that given the present condition of the ditch, it was a reasonable proposal. Jamie Balliett asked about providing a more direct route with the driveway, and David Lyttle said a direct path would end up through the existing native planted island. James Trainor pointed out that the proposed driveway would be going through an open area, and Jamie Balliett asked if any grading would be proposed. Frank White explained that he was planning on laying the gravel without digging, and had not planned on any grading. Judith Bruce was troubled by the clearing which had taken place without prior approval and discovered during the site visit. Frank White apologized for doing the preliminary cutting without prior approval by the Conservation Commission. Judith Bruce was concerned about a note on the planting plan which indicated that plant specs would be determined after construction. John Jannell noted that the plan itself called for 10 canopy species and 30 shrubs, a significant amount of material, and felt the plan note was something which had been on other previously approved planting plans. Judith Bruce asked that the mowing which had occurred behind the garage to the edge of the wetland cease. Frank White said this area was to be replanted with native shrubs, and would no longer be mowed. John Jannell was concerned about a lack of a stormwater report which was required by DEP, as the building proposed was commercial. David Lyttle said he was unfamiliar with the process for filing a stormwater report, but would speak with his colleague, Stephanie Sequin, and return to the Conservation Commission with his findings. John Jannell asked that the fences be shown on a revised Site Plan. Jamie Balliett asked John Jannell if the planting plan was satisfactory. John Jannell said yes, and he would recommend a condition that it be completed as part of this Order. David Lyttle asked that the hearing be continued to December 6, 2011, so that he could work on the stormwater report information for the Commission and prepare a revised plan.

**MOTION:** A motion to continue the hearing to December 6, 2011, was made by Jamie Balliett and seconded by Adrienne Pfluger.

**VOTE:** 5-0-2; Motion Passes.

### **Administrative Reviews**

**Christopher Frey, 71 Briar Springs Road.** The proposed removal of 3 dead trees and the removal of one dead cedar branch. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. Christopher Frey, the applicant, stated that the branch to be removed had come down during the recent storm event. John Jannell recommended approval and stated that no further filing would be necessary for this proposed work.

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

**VOTE:** Unanimous

**Christopher Frey, 71 Briar Springs Road.** The proposed vista pruning of 4-6 feet of the canopy from the black cherry trees and 3-5 feet from the Eastern Red Cedar trees. Work will occur on a Coastal Bank, and within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. Work to be done by Bartlett Tree Company. John Jannell explained that this pruning was located in the approved view corridor. John Jannell reported that he had a letter from Bartlett Tree Experts stating the pruning would not harm the trees. Chris Frey stated that the work would be done in the spring, and John Jannell told the applicant that the approval would be good for one year.

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

**VOTE:** Unanimous

**Richard Miller, 10 Little Marsh Lane.** The proposed pruning of 3 oak trees. Work will occur within 50' of the Top of a Coastal Bank, and within Land Subject to Coastal Storm Flowage and the Pleasant Bay A.C.E.C. Work to be done by applicant. Arnold Henson asked if the pruning proposed would hurt the overall health of the trees. John Jannell told the Commission that the applicant wanted to prune the branches, and was aware that any removal of trees would require a larger filing.

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

**VOTE:** Unanimous

**Louis C. Morongell, 15 Uncle Harvey's Way.** The proposed removal of invasive species, minor pruning, and the removal of 3 saplings. Work will occur within 100' of the Edge of Uncle Harvey's Pond. Work to be done by applicant.

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

**VOTE:** Unanimous

**Charles S. Adorney, 3 Norsemans Drive.** The proposed replacement of rotted boards on an existing deck and steps. 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 Paul Leach. Arnold Henson asked if this was a replacement of the decking already on site. John Jannell said this work was replacement of the existing decking.

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

**VOTE:** Unanimous

**John Longden, 8 Quinn Road.** The proposed removal of one pine and one oak tree as a result of storm damage. Work will occur within 100' of the Top of a Coastal Bank. Work to be done by Misty Hill Landscape Design. John Jannell explained that both of these trees were broken half way up the stem due to the recent storm event.

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

**VOTE:** Unanimous

**Request to Use Conservation Properties**

Windmill Wedding 9/8/2012 Amundsen/Dunn 3pm-6pm 100 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 November 8, 2011

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

**VOTE:** Unanimous

**Other Member's Business**

Sub Committee to report on the Orleans Conservation Trust Conservation Restriction for 38 Kenneth Lane. -Vote Required-

*James Trainor recused himself.* Steve Phillips reported that the appointed subcommittee went out on a site visit with Kris Ramsay of the Orleans Conservation Trust, and felt the Municipal Certificate should be signed.

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

**VOTE:** 6-0-1; Motion approved.

The meeting was adjourned at 9:34am.

Respectfully submitted,

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