

**Orleans Conservation Commission**  
**Town Hall, Skaket Room**  
**Work Meeting, Tuesday, November 22, 2011**

'11 DEC 6 9:27AM  
K. Darcy, Asst.  
ORLEANS TOWN CLERK

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

**ABSENT:** Arnold Henson, Chairman; Adrienne Pfluger  
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. David Lajoie of Felco Inc. presented a restoration plan by Wilkinson Ecological Design outlining the removal of invasive species and replanting with native species as mitigation for the proposed deck. Judith Bruce asked what percentage of the deck would be within the 50' buffer, and David Lajoie said ¼ of the proposed deck would be within the 50' buffer zone.

*8:34am Arnold Henson arrived, and abstained from comment as he had not heard the opening presentation by David Lajoie.*

Judith Bruce clarified that no reduction had been made in the proposed deck, but rather a mitigation plan had been provided in exchange. David Lajoie confirmed Judith Bruce's statement. Steve Phillips was very concerned about the work proposed, and its violation of Orleans Wetland Regulation 196A-7.C.(2), which stated that "For new construction, in no instance should the "limit of work" area extend into the fifty foot area." David Lajoie said the proposed limit of work would be within the lawn area. Steve Phillips voiced that this area was still within the 25-50' buffer zone, and asked if the applicant had been approached with moving the deck outside of the 50' buffer zone and around the other side of the house. Jim O'Brien asked Steve Phillips if his opinion would change if the applicant had requested a Variance for the work proposed, and John Jannell reported that the Conservation Department was in receipt of a Variance Request for work to occur within the 50' buffer zone. Jim O'Brien felt the work proposed within the 25-50' buffer zone had less of an impact than a proposal which sought to clear a wooded area. Jen Exner, of Wilkinson Ecological Design, told the Commission that there was a 5' buffer which would be reclaimed for native vegetation and eliminated as a lawn area. James Trainor felt the restoration proposed compensated for the proposed work within the resource area. Jamie Balliett asked if David Lajoie had the calculation of the work proposed within the 50' buffer zone versus the square footage of the restoration work. Jen Exner said the deck area within the buffer zone would be roughly 70 feet, and the planting area roughly 900 feet. Judith Bruce agreed that the restoration proposal was a benefit to the resource area, but that the encroachment on the resource area versus moving the deck outside of the 50' buffer zone was something which needed to be addressed. David Lajoie stated that the deck was proposed in that location on the house to access the deck through sliding glass doors. Steve Phillips

stated that no sliding glass doors were observed during the on-sight, and Judith Bruce concurred. David Lajoie explained that the sliders had not been installed, but were proposed to go the length of the deck. David Lajoie asked if the deck width was reduced to 4', resulting in the removal of the proposed deck outside of the 50' buffer zone, would be acceptable. Judith Bruce felt if the applicant reduced the width and provided the proposed mitigation, that the plan would be acceptable. Bob Royce agreed, and Jamie Balliett asked if the width of the deck would return to 10' beyond the 50' buffer zone. David Lajoie confirmed that the deck would return to a width of 10' once it was outside of the 50' buffer zone. Jamie Balliett asked if a hand drawn plan would be acceptable, and John Jannell asked that a revised plan be provided instead of the deck being hand drawn on the plan to have an accurate record of the revision to the plan. David Lajoie asked that the hearing be continued to December 6, 2011, to make the necessary revisions to the plan.

**MOTION:** A motion to continue the hearing to December 6, 2011, was made by Jim O'Brien and seconded by James Trainor.

**VOTE:** 6-0-1; Arnold Henson abstained.

### **Certificate of Compliance**

Continued from 11/8/2011

**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. John Jannell said this Certificate of Compliance was being held until the temporary irrigation had been removed, which was confirmed during an on-sight earlier in the week. John Jannell explained that Wilkinson Ecological Design requested an on-going condition allowing the applicant to mow the grass area up to twice a year. The Commission felt this twice-annual maintenance was something they could support as an on-going condition for the Certificate of Compliance.

**MOTION:** A motion to issue this Certificate of Compliance with the On-Going Condition that mowing be permitted up to twice a year was made by Judith Bruce and seconded by Jim O'Brien.

**VOTE:** Unanimous

**Charles Silbert (1994), 40 Gesner Road.** The request for a Certificate of Compliance for an Order of Conditions for the licensing, installation, and maintenance of an existing dock. John Jannell stated that this is a licensed dock which had recently replaced its decking per its license's parameters. John Jannell measured the new material and confirmed it was accurate to the license's dimensions.

**MOTION:** A motion to issue this Certificate of Compliance was made by Judith Bruce and seconded by Jim O'Brien.

**VOTE:** Unanimous

**Jennifer & Donald Thulin (2009), 47 Sparrowhawk Road.** The request for a Certificate of Compliance for an Order of Conditions for the reconstruction of an existing deck, enclosure of a portion of the deck for a porch, installation of a bluestone pathway,

expansion of a second deck, spa, replacement of retaining ties with a masonry wall, and plantings. John Jannell explained that the applicant 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

#### **Administrative Reviews**

**Jim Studley, 64 Tides End Lane.** The proposed removal of three locust trees. Work will occur on a Coastal Bank, within the Pleasant Bay A.C.E.C., Land Subject to Coastal Storm Flowage, and within 100' of the Edge of Salt Marsh. Work to be done by A.P. Landscaping. John Jannell explained that two of the three trees were standing dead as a result of being inundated by salt water.

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

**VOTE:** Unanimous

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

Approval of the Minutes from the Meeting on November 15, 2011

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

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

The Commission discussed the site visits. The meeting was adjourned at 8:54am

Respectfully submitted,

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