

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, December 13, 2011

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C. May
ORLEANS TOWN CLERK

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

ABSENT: Arnold Henson, Chairman
8:30 a.m. Call to Order

Certificate of Compliance

Francis Maloney (2003), 22 Winslow Drive. The request for a Certificate of Compliance for an Order of Conditions for the construction of additions and deck onto an existing single family dwelling. No work occurred under this Order of Conditions. John Jannell announced that Ryder & Wilcox filed for the Certificate of Compliance, asked that it be declared invalid, as no work occurred under the Order, and it has since expired.

MOTION: A motion to approve this Certificate of Compliance as an Invalid Order of Conditions was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous

Revised Plan

Brian & Brianna Seppala, 21 Brewster Cross Road. A revised planting plan has been submitted showing an additional landscape wall and the removal of proposed rock features. Work will occur within 100' of a Bordering Vegetated Wetland. Work to be done by Trish Arrow. John Jannell explained that this was a change in the landscape plan which removed a rock feature and replaced it with timber features. Judith Bruce asked what the distance between the work and the Edge of Boland's Pond. John Jannell said the work was outside the 50' buffer zone. John Jannell passed around copies of the revised plan, stating that it was the same amount of plant material, but with a more beneficial arrangement. John Jannell was concerned that there was no note of groundcover, and Jamie Balliett asked if a revised plan should be provided. Judith Bruce asked about a live fence which had now been omitted. John Jannell described a live fence exists of natural vegetation. The planting proposed planting of the side yards creates a more natural buffer than the original linear live fence. Jamie Balliett asked if the changes were well documented to the satisfaction of the Conservation Administrator. John Jannell was comfortable with the changes as well as the original language in the Order of Conditions which remains.

MOTION: A motion to approve the revised plan was made by Jamie Balliett and seconded by Steve Phillips.

VOTE: Unanimous.

Administrative Reviews

Last Heard 12/6/11 (JB1, JO1)

Norman Eaton, 88 Tonset Road. The proposed removal of a locust tree damaged by recent storm events. Work will occur within 100' of the Top of a Coastal Bank. John

Jannell spoke with the applicant, and clarified that the application was for the removal of one locust tree whose top had come down during the recent storm events.

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

VOTE: Unanimous

Francis Maloney, 22 Winslow Drive. The proposed construction of a second story addition and an exterior stairway to access said addition. Work will occur within 100' of the Edge of Wetland. Adrienne Pfluger asked if a limit of work would be installed, and Steve Phillips asked about the location of the proposed stairway. David Lyttle of Ryder & Wilcox explained the only work to occur within the buffer zone would be a sonotube for the deck, and the stairway was located outside of the buffer zone. The addition would be on the second story. Judith Bruce felt the amount of work was very minimal within the resource area, and therefore did not require a more detailed filing.

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

VOTE: Unanimous

Gerald Mulligan, 16 Ewing Drive. The proposed installation of a 250 gallon underground propane tank. Work will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and within the Pleasant Bay A.C.E.C. Work to be done by Snow's. John Jannell stated that almost the entire lot was within the 50' buffer to a resource area. David Lyttle said that there were currently 3 open Orders on the property, two of which were close to filing for Certificates of Compliance. James Trainor felt the large size of the tank meant fewer fillings, which would result in a reduction of the impact to the buffer zone. Judith Bruce stated that if a leak were to occur underground the groundwater would not be impacted.

MOTION: A motion to approve the installation of the propane tank was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous.

George Brescia, 15 Packet Landing. The proposed installation 4' high chain link fence to extend 240' +/- . Work will occur on a Coastal Bank, within the Pleasant Bay A.C.E.C., within Land Subject to Coastal Storm Flowage, and within 100' of the Edge of a Salt Marsh and Top of a Coastal Bank. Work to be done by Walpole Woodworks. John Jannell explained that he met with the applicant and went over the application for the chain link fence. John Jannell reported he advised the applicant and the fence company that the application would be difficult to support either as an Administrative Review or a Notice of Intent. Judith Bruce felt the installation of a chain link fence within the resource area would greatly impede wildlife traversing in addition to causing additional damage to the resource areas through its installation.

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

VOTE: 0-7-0; Application Denied.

Barbara LeStage, 12 Haywood Lane. The proposed pruning of a Norway Maple and the removal of two locust trees as a result of recent storm event. Work will occur 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 reported he had no issues with the proposed work and he reminded the Commission that they have an open Order of Conditions on the property for other planting and land management work.

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

VOTE: Unanimous

Steve Simon, 24 Beach Road. The proposed removal of one fallen dead locust and locust stumps. Work will occur within 100' of the Edge of Wetland. Work to be done by applicant. Jamie Balliett asked how many stumps were proposed to be removed, and Steve Simon, the applicant, said 3 stumps and their root-balls were to be removed. John Jannell stated that the applicant does traverse his easement, and this removal was for safety, not to clear a path. Judith Bruce reminded the applicant that the root-balls were typically beneficial for wildlife, and Steve Simon said he was willing to leave them and instead remove the stump itself. Jamie Balliett asked if abutters were notified of the proposed work. John Jannell said under an Administrative Review abutter notification was not required. Steve Phillips asked if excavation would be taking place, and Steve Simon said no.

MOTION: A motion to approve this work was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous

Upon the commencement of this review, Steve Phillips asked that a note be provided by the Conservation Administrator reminding the applicant that no excavation was to occur as a result of the stump removal.

Rick Porter, 52 Beach Road. The proposed removal of 8 oak trees. Work will occur within 50' of the Top of an Inland Bank and Edge of Wetland. Work to be done by Bartlett Tree Company. John Jannell asked that the Commission hold the application until he spoke with Bartlett Tree Company. Steve Phillips stated he visited the site and was concerned that 10 trees were flagged for removal as opposed to the 8 proposed on the application. Steve Phillips was also concerned that the drainage from the gutters drained onto the surface, resulting in erosion on the west side of the house. Adrienne Pfluger asked John Jannell to find out whether replacement trees would be offered, and James Trainor asked about the health of the oak tree adjacent to the deck. The Commission agreed to hold the application until John Jannell spoke with Bartlett Tree Company.

Thomas Woods, 7 Larboard Lane. The proposed removal of a broken limb and pruning of a willow tree. Work will occur within 25' of the Edge of a Pond and a Bordering Vegetated Wetland. Work to be done by Colson's Landscaping. John Jannell explained that he met with Colson's Landscaping and the applicant. The proposed work will remove the broken limb and reduce the height of mature stems through pruning to prevent future damage to the willow.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on December 6, 2011

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

VOTE: 5-0-2; Jamie Balliett and Jim O'Brien abstained.

The Commission discussed the site visits.

The meeting was adjourned at 8:56am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department