

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, January 24, 2012

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Dorley, ASSY
ORLEANS TOWN CLERK

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

8:30 a.m. Call to Order

Continuation

Last Heard 12/20/11 (AH1), 1/10/12

Stephen Brodeur, 25 Weeset Proprietors Way. by Coastal Engineering Company, Inc. Assessor's Map 6, Parcel 4. The proposed reconstruction of a stone revetment, installation of stone retaining walls, removal of existing patio areas, and mitigation plantings. Work will occur on the Top of a Coastal Bank, within Land Subject to Coastal Storm Flowage, and within 100' of the Top of a Coastal Bank, Edge of Salt Marsh, Coastal Beach, Land Subject to Coastal Storm Flowage, and the Nauset Estuary. Jason Norton of Coastal Engineering Company, Inc., Phil Cheney, landscape designer, and Sarah Turano-Flores, of Nutter, McClennen, & Fish LLP, were present for the applicant. Jason Norton went over the changes to the revised plan, including input from the report generated by Greg Berman of the Woods Hole Sea Grant Program. Phil Cheney explained that switch grass was added to the plan at the toe of the revetment. Judith Bruce asked if there were any additional plantings proposed should the marsh be damaged during the reconstruction of the stone revetment. Jason Norton explained that there was a note in the construction protocol dictating that any area which was damaged within the resource areas would be restored in kind. Jason Norton noted that no work was proposed beyond the limit of work. Judith Bruce asked if the rocks from the jetty would be used for the revetment, and Jason Norton said no. Judith Bruce was concerned about the amount of fill proposed, and Steve Phillips asked about a reference question in Greg Berman's report which asked where the drainage would flow. Jason Norton said the drainage direction would not deviate from the present south-easterly direction. Steve Phillips pointed out that toe stones wider than 6-inches were brought up as a potential problem, and Jason Norton suggested a condition which would require stones of a certain size to be removed by hand, but also conditioned that no machines would be allowed on the beach for their removal. Steve Phillips felt that the removal of these chink stones would allow for grass to recolonize. Steve Phillips asked if additional taller trees would be lost on site during construction, and whether larger species could be planted to allocate for their loss. Phil Cheney said the two serviceberries to be planted would be larger, but a revision to the plan could include additional canopy species. Jamie Balliett stated that cedar trees had historically done well in the area, and felt they would provide ample screening from the resource area. Jamie Balliett asked if white oak had been explored as an option, and Phil Cheney said he would look to see if either white oak or black oak were commercially available. Jamie Balliett asked if the area would be sprinklered, and Phil Cheney offered installing a temporary irrigation system. John Jannell asked if any groundcover was proposed in the area of the plantings. Phil Cheney suggested he would use bark mulch to avoid having the smaller shrub species compete with groundcover. Judith Bruce stated that bark mulch did not have a net benefit to the area, and that the Commission preferred to

see naturalized areas naturalized. Phil Cheney said he could use a lower growing fescue variety, and Sarah Turano-Flores asked if the Order of Conditions could be conditioned to allow bark mulch for the first year only. Judith Bruce asked if there were problems in the past with groundcover out-competing low growing bushes, and John Jannell stated that only the low bush blueberry on the plan may have a difficult time establishing itself. Steve Phillips asked if the owner had seen the Greg Berman report indicating a concern regarding basement flooding, and Sarah Turano-Flores said yes. Steve Phillips was concerned that the break in the wall would result in the potential flooding of the basement, and asked if sandbags were considered should a storm event occur. Jason Norton explained that their NAVD contour of 9.8' was below the proposed wall height of 10.5'. There was no direct path for the wave action into the basement, but the owner, in the event of a major storm event, would take the necessary precautions to secure the area. Judith Bruce explained that her concern was the ~+91800 sq ft of fill to be brought in, and it resulting in the degradation of the cedar trees on site. Judith Bruce asked why a berm could not be built, and Jason Norton stated that a berm would create more of a sluiceway, had the potential for more scour during storm events, and was displeasing aesthetically. Phil Cheney felt the cedar trees would not be impacted, and any impact to the outspread canopy would not result in significant damage. John Jannell was concerned that the trees located on the plan were not an accurate depiction of the drip lines/canopy, and asked where the limit of fill line would be on the plan. Jason Norton stated that the trees were survey shot, and the temporary construction line shown on the plan was also the fill line. Phil Cheney felt that the cedar trees would be able to withstand the fill. John Jannell asked about the northern portion of the revetment located against the wall, and how it would be constructed without going onto the beach. Jason Norton explained that the machinery would go in and work backwards within the limit of the revetment. John Jannell explained that he had spoken with Sarah Turano-Flores about the proposed granite steps, thus resulting in the removal of the wooden stairway permitted under SE 54-2102. John Jannell asked if the wooden stairway would be needed during construction, and Jason Norton said no. John Jannell explained that as a matter of procedure, 3 copies of a revised plan and a letter must be submitted for the Commission's approval of the removal of the stairway as a separate discussion as it is under a different filing; the new stairs within the proposed revetment would be dealt with in current filing. Judith Bruce felt the removal of the wooden stairs and replacement with granite stairs within the revetment would be fine. Judith Bruce remained concerned about the removal of hardscape as mitigation for the proposed fill, and Steve Phillips asked if the person using the grader would be monitored to confirm that what was staked on site was what would be put in for fill. Jason Norton said the person would be monitored, and Jamie Balliett suggested the condition that any harmed trees must be replaced. John Jannell asked that a note showing the replacement of the sycamore maple with white oak, and an increase in cedar trees be included in a revised plan. John Jannell suggested to the Commission that they not act on the current hearing until a revised plan was submitted showing the removal of the wooden staircase in exchange for the granite steps. Judith Bruce asked that a revised plan include a reference to the restoration of the marsh, and Jamie Balliett asked that additional cedar trees be incorporated onto the plan. Phil Cheney confirmed that the Commission wanted a native seed mix shown on the plan as groundcover, and the Commission concurred. Jason Norton and Phil Cheney asked that the hearing be continued to February 7, 2012, to incorporate the Commission's suggestions into a revised set of plans.

MOTION: A motion to continue the hearing to February 7, 2012, was made by Jamie Balliett and seconded by Jim O'Brien.

VOTE: Unanimous

Last Heard 1/3/12 (SP1, JB1)

Raymond P. Ormerod, 101 Brick Hill Road. by Ryder & Wilcox, Inc, Assessor's Map 28 Parcel 154. The proposed replacement and extension of an existing deck onto a single family home. Work will occur within 100 feet of Edge of Wetland and an Inland Pond. John Jannell reported that a letter had been received asking to continue the hearing to February 7, 2012

MOTION: A motion to continue the hearing to February 7, 2012, was made by Adrienne Pfluger and seconded by Bob Royce.

VOTE: Unanimous

Last Heard 1/17/12 (JO1)

Richard & Wendy Cohen, 74 Freeman's Lane. by Coastal Engineering Co., Inc. Assessor's Map 1, Parcel 2. The proposed construction of a screened porch, reconstruction of a pool shed, modification of a deck, and planting mitigation. Work will occur within 100' of the Top of a Coastal Bank, Edge of Marsh, Land Subject to Coastal Storm Flowage, and the Nauset Estuary. John Schnaible of Coastal Engineering Co, Inc., went over the revisions to the plan which included but was not limited to the increasing the planting mitigation, replaced the paved driveway with a permeable material, sonotubes for the porch, and drainage off of the pool house including the installation of drywells. Judith Bruce asked if drainage would be provided underneath the porch, and John Schnaible explained that there would be stone. Steve Phillips felt the changes to the plan were what the Commission had requested.

MOTION: A motion to approve the plan dated January 20, 2012, was made by Steve Phillips and seconded by James Trainor.

VOTE: 6-0-1; Motion passes, Jim O'Brien abstained.

Administrative Reviews

Peter Franchot, 5 Pond Road. The proposed after the fact removal of storm damaged trees and the planting of 5 Rhododendrons. Work occurred within 100' of the Edge of Wetland and the A.C.E.C. Work was done by Jason Reeves. Marcel Costantino, caretaker for the homeowner, went over the history of the after the fact filing, explaining that the trees had come down during the fall storm events. John Jannell explained that this work was done after the amnesty provision had been revoked by the Conservation Commission. The owner, Peter Franchot, had initially contracted Jason Reeves to conduct the work, and when the work had not been done, decided to hire another landscaper. Marcel Costantino was present on behalf of the property owner to determine what could be done, as the owner was displeased that the work was done without a permit by the landscaper, and had hoped he would be able to do additional work at a later time only after receiving permission from the Commission. John Jannell passed around photos of the site, and Judith Bruce asked if the hand railed ramp shown had been permitted. Marcel Costantino was unsure of the status of the hand railed ramp, and John Jannell asked if the property was part of a condo. Marcel Costantino confirmed it was a condo. John Jannell explained that there was an open Order of Conditions from 2003 from the previous owner, which was for a new septic system and

plantings as a result of illegal cuttings done. John Jannell said that while he was on site, he noticed that the plantings were not completed as proposed on the 2003 approved plan. Steve Phillips stated that the current after the fact filing should be dealt with as one issue, the handrail as another, and the remaining work to be done when it is filed for accordingly. James Trainor noted that he had previously owned this property, the area in question was a common area for the condo owners, and the handrail itself could have been put in by another owner and not the applicant. Marcel Costantino asked if the removal of the stumps and reseedling of the area would be permitted. Judith Bruce stated that what was before them today was the after the fact work, and any new work would have to come in front of the Commission as a separate filing. Marcel Costantino said that the owner had contacted another landscaper, and would be filing for the new work accordingly. Jamie Balliett asked that a letter be sent to Jason Reeves about the need to file for any work within the buffer zone of resource areas. **MOTION**: A motion to approve the after the fact work was made by Jamie Balliett and seconded by Adrienne Pfluger.

VOTE: Unanimous

Marcel Costantino asked that he receive a copy of the 2003 Order so that the new owner could bring the property into compliance. Judith Bruce reminded Marcel Costantino that the work to be done under the approved Order of Conditions was separate from the issue with the handrail and the proposed re-seeding and stump removal. James Trainor reminded the Commission that this area was common property, and asked that the Commission receive letters of permission from the other owners.

Chairman's Business

Approval of the Minutes from the Meeting on January 17, 2012

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

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

Other Member's Business

Administrator's Business

John Jannell reported that Dawson Farber, Harbormaster, and the Woods Hole Oceanographic Institute would be conducting a red tide study within Roberts Cove for 6 weeks beginning in mid-March. John Jannell will circulate the details of the experiment and its timeline to Commissioners.

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:35

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department