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K. Darling, Asst.  
ORLEANS TOWN CLERK

**Orleans Conservation Commission**  
**Town Hall, Skaket Room**  
**Work Meeting, Tuesday, February 14, 2012**

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

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

**Continuation**

Last Heard 2/7/12 (JB1)

**Max & Anne Makowsky, 5 Deep Pond Circle.** by Ryder & Wilcox, Inc. Assessor's Map 87, Parcel 111. The proposed rebuilding of an existing dock. Work will occur on a Bordering Vegetation Wetland and Land Under Water Bodies. David Lyttle of Ryder & Wilcox explained that a letter had not been received by Natural Heritage, and asked whether or not the Order of Conditions could be issued subject to Natural Heritage's recommendations. John Jannell advised the Commission against this type of approval, and offered to David Lyttle that should Natural Heritage have any specific requirements he thought unfit, he would be able to discuss them with the Conservation Commission instead of being subject to them under a conditional approval. David Lyttle agreed, and asked that the hearing be continued to February 21, 2012.

**MOTION**: A motion to continue the hearing to February 21, 2012, was made by James Trainor and seconded by Adrienne Pfluger.

**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. *(Prior to the commencement of the hearing, Steve Phillips signed an affidavit citing he had reviewed previous testimony and read the approved minutes from the previous hearing, thus allowing him to be a voting member for this hearing.)* David Lyttle provided the Commission with a revised plan, noting that it included a revised note asking for timber stairs in the gravel walkway to reduce erosion due to stormwater. David Lyttle went over the additional changes to the plan, the removal of pachysandra and vinca, the discontinuing of cutting within the Bordering Vegetated Wetland, and the planting of 8 viburnums. Judith Bruce stated that she was familiar with this inland pond, and was concerned that if the applicant stopped pruning the native but invasive grape, it would result in the grape overtaking the area. Judith Bruce asked if the Order could be conditioned to either permit the cuttings, or meet on site with the applicant to discuss the grape management. David Lyttle suggested that when the applicant was in Orleans during the summer an on-site with John Jannell could be scheduled to determine the best management practices for this species, and Steve Phillips agreed. John Jannell reminded the Commission that the issuance of the Order of Conditions would allow access to the site, and both the deck and plant management could be monitored as it

occurred. James Trainor asked how many square feet the deck extension would be, and David Lyttle said 128'.

**MOTION:** A motion to approve the plan dated February 14, 2012, with the condition that the grape be monitored, was made by Steve Phillips and seconded by Adrienne Pfluger.

**VOTE:** 5-0-1; Jamie Balliett abstained.

### **Certificate of Compliance**

**Thomas& Susan McCrossan (1999), 46 Captain Linnell Road.** The request for a Certificate of Compliance for an Order of Conditions for the repair to an existing two bedroom house with a second story addition, driveway, and septic system. John Jannell explained that a previous request for a Certificate of Compliance had been denied in 2001 due to a relocation of a proposed driveway; the driveway has since been approved under a Revised Plan. Judith Bruce asked if the Order was in substantial compliance under the Revised Plan, and John Jannell said yes.

**MOTION:** A motion to issue this Certificate of Compliance was made by Adrienne Pfluger and seconded by Bob Royce.

**VOTE:** 5-0-1; Jamie Balliett abstained.

### **Revised Plan**

**Phillip & Claire Ruggieri, 106 Beach Road.** The proposed building of a single family dwelling has been revised to include the installation of underground utilities. Work will occur within 100' of 3 Isolated Wetlands. Stephanie Sequin of Ryder & Wilcox, Inc. explained that the relocation of the electrical line would shorten the run and eliminate the need for a transformer. The location of the proposed gas line is now shown going along the existing driveway in conjunction with the approved water line. Judith Bruce asked if this electrical relocation would result in more or less disturbance to the buffer zone. Stephanie Sequin explained that all of the work to install the electrical line minus a small section located along the utility easement would be outside of the buffer zone.

**MOTION:** A motion to approve the revised plan was made by James Trainor and seconded by Jamie Balliett.

**VOTE:** Unanimous

### **Administrative Reviews**

**Jack Reohr, 104 Freeman Lane.** The annual request to cutback invasive species on the coastal bank. Work will occur on and within 100 feet of the Top of a Coastal Bank. Work to be done by applicant. John Jannell explained that this annual application had not been filed for the previous year, but with that exception, had been filed for every year since 2001 to manage the invasive species.

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

**VOTE:** Unanimous

**Ron Corrigan, 48 Bridge Road.** The proposed pumping and filling of an existing cesspool and installation of a new Title V septic system. Work will occur within 100' of the Edge of Wetland. Work to be done by Minot Reynolds. John Jannell explained that

only the cesspool was within the buffer zone, with the remainder of the work outside of the buffer to the Edge of Wetland.

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

**VOTE:** Unanimous

**Peter Franchot, 5 Pond Road.** The proposed removal of a tree stump, locust, and the modification of existing walkway to make spacing between decking ½". Work will occur within 100' of the Edge of Wetland and the A.C.E.C. Judith Bruce asked if the walkway was presently sitting on the ground, and John Jannell explained that the ramp was on sleepers. Judith Bruce asked John Jannell's opinion on the application. John Jannell stated that due to the slope of the area, something was needed to aid traversing. Marcel Costantino, care taker for the homeowner, stated that the treads were proposed to be farther apart to allow for plant growth underneath. Judith Bruce felt the issue was to not allow water to collect and cascade resulting in erosion in the area. Marcel Costantino suggested that he drill holes on the ramp allowing the ramp to weep. The Commission felt this would be a good solution to reduce the erosion and allow the applicant to keep the ramp. Judith Bruce asked if the application would need to be modified before the Administrative Review was approved. John Jannell stated that the minutes would reflect the minor change to the application, which would now include drilling holes within the ramp as the modification to the existing walkway in addition to the proposed tree removal. Marcel Costantino asked if the tree company needed to come into the Conservation Department, and John Jannell explained that this approval included the removal of the two trees, and did not need a second application.

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

**VOTE:** Unanimous

### **Chairman's Business**

Approval of the Minutes from the Meeting on February 7, 2012

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

**VOTE:** 5-0-1; Jamie Balliett abstained.

### **Other Member's Business**

### **Administrator's Business**

Filing Fees Discussion and Regulations Update Discussion:

Set future date to hold public hearing on any proposed changes to Chapter 196A Town of Orleans Wetlands Regulations.

John Jannell asked that the Commission consider looking at a comparison study to determine changing the existing fee schedule, and asked if a date certain should be provided at this time. The Commission asked that a comparison study be provided so that they may compare their fees with neighboring towns. Steve Phillips proposed

additional changes to the Administrative Review procedures, and suggested abutter notification included in certain incidences. The Commission voiced its concern over requiring abutter notification when it was required under the more stringent filings such as Notice of Intent, and was an additional expense for the applicant. Jamie Balliett suggested that Steve Phillips call MACC to ask for guidance in any proposed language to be added. Judith Bruce stated that a date certain should not be scheduled at this time until they were able to look over the comparison study. The Commission requested the balances of the two Conservation Funds and their potential uses in addition to the comparison study.

Sea Call Farm: Update on Gardner's initiative to replace the Garden Fence.  
*Vote to support fence replacement requested.*

John Jannell explained that these funds would be coming from Sea Call Farm's account comprised of the annual rental fees which the gardens collected each year from plot rentals. Jamie Balliett asked what type of fence would be installed. John Jannell replied that the fence would be a replacement of the existing fence to prevent rabbits from eating the gardener's plantings. The work to be done would be by the Nauset High School Key Club in conjunction with the gardeners and Sea Call Supporters.

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

**VOTE**: Unanimous

The meeting was adjourned at 9:16am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department