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K. DeWitt, Asst.
ORLEANS TOWN CLERK

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, March 13, 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)

8:30 a.m. Call to Order

Continuations

Last Heard 2/7/12 (JB1)

Philip Metzidakis et al, 64 Tonset Road. by Schofield Brothers of Cape Cod, Assessor's Map 34, Parcel 35-2-r. The after the fact filing of the construction of a deck and the establishment of a trail to the beach. Work has occurred on a Coastal Bank, on Land Subject to Coastal Storm Flowage, and within 100' of the Top of a Coastal Bank, Coastal Beach, Edge of Marsh, Land Subject to Coastal Storm Flowage, and the Edge of Wetland. *(Prior to the commencement of the hearing, Jamie Balliett 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.)*

Laura Schofield of Schofield Brothers of Cape Cod, Philip Metzidakis, applicant, and Penny Barnett, sister of the applicant, were present. Laura Schofield went over the revised plan, which included the reduction of the overall size of the existing deck from 450' to 277' resulting in its removal from the 50' buffer zone, 920' of mitigation including the removal of invasive species and replanting of natives, and the periodic cutting of the phragmites for beach access including the removal of the plant material from the site. Steve Phillips asked whether the existing lighting on the deck would remain, and Adrienne Pfluger asked about the wattage of the deck's light bulbs. Laura Schofield explained that the lights were to remain. Philip Metzidakis said the light bulbs were 60 Watts on dimmers, and were only used when someone was using the structure; a photo of the lights lit up in the evening was circulated to the Commission. Steve Phillips explained his concern stemmed from an abutter's comment at an earlier hearing, and the Commission debated their regulatory power over restricting lighting on structures within the buffer zone to the resource area. James Trainor suggested the lights be lowered to a height of 4', and Philip Metzidakis stated his willingness to either lower the lights or remove them entirely and replace them with recess lighting on the deck. Judith Bruce asked if the plan would need to be changed in order to accommodate this proposed modification. John Jannell said that since the plan did not address the lighting, the Commission could include a special condition in the Order stating the Commission's desire to limit the type of lighting or the height. Steve Phillips asked how much time the applicant would need to reduce the deck, and whether this reduction would result in the exposure of a sonotube. Philip Metzidakis felt that he would be able to reduce the deck within the next several weeks. James Trainor suggested a June 1st deadline which would require that the deck reduction be complete and the mitigation plantings installed. Judith Bruce felt that the proposed plantings provided sufficient

mitigation for the after the fact construction of the deck. Steve Phillips asked if the footpath had changed since the previous hearing, and Laura Schofield said the only change was a note explaining that all plant material from the phragmites would be removed as it was cut. Steve Phillips asked if mowing was considered the best treatment, as through research he had discovered that cutting and wiping during late August/early September was another recommended method of treatment. John Jannell reminded the Commission that the applicant would only be cutting a path in the phragmites stand for access to the beach. Eradication of the plant from the site would be a much larger project not covered under this application. Laura Schofield asked if a variance request was still required, and John Jannell felt the removal of the deck within the 50' buffer zone and the establishment of the footpath required a variance request. Phillip Metzidakis apologized to the Conservation Commission for not obtaining the proper permits for the work he had done, and John Jannell reminded the applicant that he would still need to go to the Building Department to obtain all the permits required.

MOTION: A motion to approve the plan dated March 12, 2012, with the conditions stated above and that any sonotubes exposed as a result of the cutting of the deck must be removed was made by Jamie Balliett and seconded by Adrienne Pfluger.

VOTE: Unanimous

Enforcement Order

Philip Metzidakis et al, 64 Tonset Road. Discussion of the prepared Enforcement Order for violations. Judith Bruce stated that since an Order of Conditions had been issued for this work, a vote for no action on the Enforcement Order was needed.

MOTION: A motion to vote no action on the Enforcement Order was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous

Administrative Reviews

Thomas & Doris Birchfield, 31 Doane Road. The proposed replacement of an existing deck in the existing footprint and replacement of 4 sonotubes. Work will occur within 100' of the Edge of Salt Marsh and the Top of a Coastal Bank. Work to be done by Dan Davis. John Jannell explained that this was a replacement of an existing deck and no expansion was proposed.

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

VOTE: Unanimous

Charles Mason & Susan Hamilton, 45 Viking Road. The proposed maintenance of an existing view corridor. Work will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and the Pleasant Bay A.C.E.C. Work to be done by Billingsgate Land Management. John Jannell said that this was maintenance of an approved view corridor last cut in 2008.

MOTION: A motion to approve this Administrative Review was made by Adrienne Pfluger and seconded by James Trainor.

VOTE: Unanimous

Charles Adorney, 47 Twiss Road. The proposed removal of one live pine tree and one standing dead pine tree. Work will occur within the Pleasant Bay A.C.E.C. and within 100' of the Top of a Coastal Bank and Land Subject to Coastal Storm Flowage. John Jannell corrected the record that the applicant was Mark Adorney, and the work proposed was for two trees, the live one which was threatening a healthy cedar tree.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on March 6, 2012

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

VOTE: 5-0-1; James Trainor Abstained.

Other Member's Business

Administrator's Business

The Commission discussed the site visit.

The meeting was adjourned at 9:08am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department