

Orleans Conservation Commission
Town Hall, Skaket Room
Work Meeting, Tuesday, March 27, 2012

'12 APR 10 10:13AM
K. Davlin, Asst.
ORLEANS TOWN CLERK

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

ABSENT: Jamie Balliett

Continuations

Last Heard 3/6/12 (JT1)

Peter A MacBride, 19 Gosnold Road. by Ryder & Wilcox, Inc, Assessors Map 45 Parcel 12. The proposed after the fact cutting in a view easement and proposed restoration plantings. Work occurred and will occur within the Pleasant Bay ACEC, on a Coastal Bank, and within 100' of the Top of a Coastal Bank. John Jannell reported that a letter had been received asking that the hearing be continued to April 3, 2012.

MOTION: A motion to continue the hearing to April 3, 2012, was made by Bob Royce and seconded by Adrienne Pfluger.

VOTE: Unanimous

Last Heard 3/20/12 (JO1)

Robert J. Anslow, Jr. Et Al, 46 Freeman Lane. by Ryder & Wilcox, Inc. Assessor's Map 5, Parcel 27. The proposed establishment of a view corridor. Work will occur on a Coastal Bank, on Land Subject to Coastal Storm Flowage, and within 100' of the Edge of Salt Marsh and Top of a Coastal Bank. David Lyttle of Ryder & Wilcox, Inc. and Paul Moore of Ponderosa Landscaping were present. David Lyttle explained that since the last hearing, he and Paul Moore went out and flagged in pink the trees to be included in the first phase of the work proposed. David Lyttle was concerned that the effort to remove trees during phase one may be too aggressive, as both mature trees and smaller trees had been flagged for removal. Judith Bruce thought that in the previous hearing it was determined that the trees to be removed during phase one would be the unhealthy and smaller in diameter cedar trees, as well as the invasives on site, as opposed to the mature trees. Adrienne Pfluger concurred, and John Jannell explained that when he conducted a second site visit, he was still confused by all of the flagging on site and which trees would be removed during phase one due to the numerous types of flagging used on site. James Trainor asked if only 12 trees were proposed to be removed in phase one, and Judith Bruce felt the issue was which trees were proposed to be removed. David Lyttle explained that he had changed the plan to eliminate the removal of the 3 trees on the Coastal Bank after the last hearing. Steve Phillips asked that the autumn olive shown on the original plan to be removed be put back on a revised plan as a tree to be taken out. Judith Bruce agreed that the invasives located on the Coastal Bank should be removed. David Lyttle felt the best approach would be to conduct a joint onsite, and the Commission asked that John Jannell go on site with David Lyttle and Paul Moore to determine which trees would be removed during phase one. David Lyttle asked that the hearing be continued for one week to April 3, 2012, to be able to conduct the site visit and revise the plan accordingly.

MOTION: A motion to continue the hearing to April 3, 2012, was made by Adrienne Pfluger and seconded by Steve Phillips.

VOTE: Unanimous

Certificate of Compliance

Alan Taber (1992), 16 Uncle Ben's Way. The request for a Certificate of Compliance for an Order of Conditions for the construction of a Title V septic system. Richard Laraja, of Laraja and Kanaga, P.C., went over the file history including the connection to the Community of Jesus septage treatment facility. John Jannell clarified that this request for a Certificate of Compliance was for work to be performed under an Order of Conditions taken out by the previous owner, Alan Taber, and had not occurred. The request for a Certificate of Compliance would be for an Invalid Order of Conditions as no work had occurred under the permit.

MOTION: A motion to issue a Certificate of Compliance was made by Jim O'Brien and seconded by James Trainor.

VOTE: Unanimous

Administrative Reviews

Last Heard 3/6/12 (JT1, JO1)

Elaine Downs, 58 Tonset Road. The after the fact construction of a chain link fence. Work occurred within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and the Pleasant Bay A.C.E.C. Elaine Downs, applicant, explained that she had installed a privacy fence due to conflict with her neighbors. Elaine Downs said that she had asked the installers to make sure the fence was 6" from the ground, but the installers had not put it in as instructed. Elaine Downs asked if Philip Metzidakis, abutter at 64 Tonset Road, was proposing to replace the existing chain link fence with split rail fence as part of the after the fact filing for his deck construction, as she did not want to pay for or maintain a split rail fence at this location. John Jannell, after reviewing the approved site plan for 64 Tonset Road, explained that the split rail fence mitigation was no longer part of the approved plan. Elaine Downs voiced her concern that Philip Metzidakis would be traversing on her land once he established the path which he received approval for from the Conservation Commission. The Conservation Commission understood Elaine Down's desire to prevent future trespassing problems by having the chain link fence, and requested that she raise the fence between 6"-12" from the ground to allow for animal passage. Elaine Downs explained that she had spoken with Landmark Fence Company who said they would be able to raise the fence to allow passage.

MOTION: A motion to approve this after the fact work with the request that the fence be raised to between 6-12" from the ground to allow for animal traversing was made by Jim O'Brien and seconded by Adrienne Pfluger.

VOTE: Unanimous

David Reibstein, 32 Arey's Lane. The proposed pruning of oak trees. Work will occur within the Pleasant Bay A.C.E.C., Land Subject to Coastal Storm Flowage, and within 100' of the Edge of Arey's Pond. Work to be done by David Gilmore. John Jannell passed around photos, explaining that while he was on site, NStar Electric was performing routine pruning. John Jannell called the applicant to determine whether or not the work proposed was the work done by NStar Electric. John Jannell asked that the Commission hold the application until he spoke with the applicant.

Elizabeth Curtis, 108 Arey's Lane. The proposed removal of 3 locust trees, cutting back of ivy, and the pruning of roses and maple trees. Work will occur within 100' of a Bordering Vegetated Wetland, Arey's Pond, and the Pleasant Bay A.C.E.C. Work to be

done by Covell Brothers Landscaping. John Jannell explained that he spoke with the landscaper on site, and was comfortable with the work proposed. Steve Phillips asked if the stumps were to remain, and John Jannell said yes.

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

VOTE: Unanimous

Richard Beaulieu, 33 Herring Brook Way. The proposed removal of existing English Ivy, installation of an 8' diameter bluestone patio and replacement with 10 Clethra, 4 cranberry viburnum, and fescue. 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. Work to be done by Daniel Meany. Daniel Meany, landscaper for the applicant, explained the overall site conditions, and said that additional native plantings not listed in the application were proposed for the site. Steve Phillips asked about the method of ivy removal, and if any pesticides or herbicides would be used. Daniel Meany explained that a mini excavator would be used to remove the ivy, with the debris being put in a truck and hauled off site; no herbicides or pesticides would be used. Steve Phillips asked if a limit of work fence would be necessary for the work proposed, and John Jannell asked if the work proposed would be taking place within a specific location. Daniel Meany explained that the area where the work would take place was enclosed by landscaping walls comprised of timber and concrete, and no additional work would occur with the exception of stabilizing the soil by the stairs.

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

VOTE: Unanimous

Sally Mills Patnode, 54 Tonset Road. The proposed removal of invasive plants from beach area including bittersweet and phragmites. Work will occur on a Coastal Beach, Land Subject to Coastal Storm Flowage, and within 100' of the Edge of Salt Marsh. Work to be done by Joe Hamblin. John Jannell explained that he spoke with the applicant, and determined the amount of work proposed would be best suited for a Notice of Intent. John Jannell recommended that the Commission deny the application and follow up with a letter asking for a Notice of Intent to be filed for the work proposed.

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

VOTE 0-6-0; Motion denied; please file a Notice of Intent.

Nancy DuRie, 64 Freeman Lane. The proposed cutting back of invasive vines and topping of small trees. Work will occur within 100' of the Top of a Coastal Bank and Rachel's Cove. John Jannell said this view corridor dates back to 2000. John Jannell stated that Michael Levangie of 55 Freemans Lane called the Orleans Conservation Department stating his permission to allow the applicant to work on his property. Steve Phillips asked how many trees were to be cut, and John Jannell said 1 to 2 trees.

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

VOTE: Unanimous

James Shaughnessy, 90 Nauset Heights Road. The proposed installation of a 10'x10' shed. Work will occur within 100' of the Edge of Wetland. Work to be done by Scott Svenningsen. John Jannell reported that the shed would be on sonotubes, next to the septic system, and outside of the 50' buffer zone. John Jannell stated that there was an open Order of Conditions for the septic system which looked to be in substantial compliance, and would send correspondence explaining that the applicant would be able to seek a Certificate of Compliance for the open Order of Conditions.

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

VOTE: Unanimous

Discussion on 196A.5 Orleans Wetland Protection Regulations, Fee Schedule

The Conservation Commission will review and discuss changes to 196A.5 Fees. The Commission decided to wait until all of the Commissioners were present to discuss the fees. The Commission would figure out when all would be present and would re-schedule the discussion at that time.

Chairman's Business

Approval of the Minutes from the Meeting on March 20, 2012.

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

VOTE: 5-0-1; Jim O'Brien abstained, motion passed.

Other Member's Business

Administrator's Business

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:21am.

Respectfully submitted,

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