

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, April 10, 2012**

12 APR 17 10:47AM  
*Donay*  
ORLEANS TOWN CLERK

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

**ABSENT:** Bob Royce; Adrienne Pfluger.

8:30 a.m.

Call to Order

**Continuations**

Last Heard 3/20/12 (JO1)

**Charles Silbert, 40 Gesner Road.** by East Cape Engineering, Inc., Assessor's Map 42, Parcel 91. The proposed removal of an existing dwelling, construction of a single family dwelling, garage, and installation of a new water line and paved driveway. Work will occur within 100' of the Edge of Wetland, Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and the Pleasant Bay A.C.E.C. Tim Brady of East Cape Engineering, Clint Kanaga of Ponderosa Landscaping, and Charles Silbert, applicant, were present. Tim Brady went over the changes to the revised plan, which included an overall reduction in the proposed footprint from 2,159 square feet to 1,934 square feet. Tim Brady explained that the 2 car garage had been reduced to 1 car, but with the reduction, given the proposed location of the house, the 24" oak would not be saved. Judith Bruce asked if the garage was eliminated entirely if the tree could be saved. Tim Brady explained that due to the overall construction of the house, even by eliminating the garage, the tree would not be saved. Tim Brady also showed two limit of works: one during the tear down of the existing house, and a second one to be shifted to both protect the linden tree and 12" oak tree, and to decrease the impact in the buffer zone by moving it closer to the proposed dwelling. Clint Kanaga went over some of the changes to the planting plan, noting that no work was now proposed on the Coastal Bank, as any work on this resource area would require additional filing with Natural Heritage. Clint Kanaga said that the only invasive species removal proposed would be the Japanese Knotweed locating in Area D. The mowed path shown on the plan would connect to other mowed paths throughout the property, and 90% of the existing lawn was to be removed. Clint Kanaga explained that the caliper of the proposed trees would be 2 1/2 -3" in caliper. Judith Bruce asked for clarification, as the planting plan showed 3-4" caliper. Clint Kanaga said that the planting specifics located in the key had the correct sizes, and the key would be used during the execution of the land management plan. Judith Bruce asked what the proposed square footage was in comparison to what presently stood on the property. Tim Brady said the house proposed was 1,934 square feet, the house presently stood at 1,607 square feet. Charles Silbert said that with the current impervious patios included with the existing house, the square footage totaled roughly 1,900 feet. Judith Bruce was concerned that the new construction within the A.C.E.C. was still significant, and Steve Phillips noted that the permeable area had increased as well. Steve Phillips asked why the removal of phragmites had been removed, and what the view from the River would be of the house. Clint Kanaga explained that the current growth on the bank provided good screening for the current house, and Charles Silbert explained that although it was a larger structure, the proposed house would be narrower and set back farther from the

bank. Clint Kanaga stated that the phragmite removal would potentially be addressed in a later filing, as that work would require additional filings with Natural Heritage. Steve Phillips felt the most effective area for screening would be planting area A. Clint Kanaga went over the species to be planted in this area, citing that no lawn would be put in place, and the plants proposed would be 3-5' in height. James Trainor felt the increase in size of the house by roughly 300' was mitigated by the 1300+/- square feet of existing house to be removed outside of the 50' buffer zone. John Jannell explained that after meeting with Clint Kanaga, John Jannell agreed that the reduction in the scope of the work on the Coastal Bank would be best under this proposed Notice of Intent. John Jannell stated that the view corridors were now removed, and the land management plan was better defined. Judith Bruce asked if John Jannell was satisfied with the final revisions to the site, planting, and land management plans. John Jannell felt the revisions were positive, and recommended that if the Commission chose to act upon the Notice today, conditions including that no work take place on the Coastal Bank, no canopy species outside of the limit of work be removed, any views to be established must come under a new filing, and the land management plan must be completed as part of this Order.

**MOTION:** A motion to issue the Order of Conditions with the conditions that no work on the Coastal Bank take place, no canopy species outside of the limit of work are to be removed, any views to be established must come under a new filing, and the land management plan be incorporated into the approval was made by Steve Phillips and seconded by James Trainor.

**VOTE:** 3-1-1

### **Certificate of Compliance**

**Charles Silbert (2009), 68 Keziah's Lane.** The request for a Certificate of Compliance for the upgrading of a septic system to serve an existing dwelling & guest house. John Jannell explained that this Order was in substantial compliance.

**MOTION:** A motion to issue the Certificate of Compliance was made by James Trainor and seconded by Steve Phillips.

**VOTE:** Unanimous.

**Getty Petroleum Corporation (1999), 96 Route 6A.** The request for a Certificate of Compliance for the construction of a Title V septic system. John Jannell said that the firm requesting this Certificate of Compliance was working on bringing this property into compliance with their regulatory concerns, and this Order of Conditions was in compliance.

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

**VOTE:** Unanimous.

### **Revised Plan**

**Nello & Holly Trevisan, 69 Captain Linnell Road.** The approved Order for the construction of a single family dwelling including installation of a septic system, utilities, grading, and landscaping has been revised to include the installation of a shower enclosure, an expansion of the shell driveway, and the extension of a pervious patio. Work will occur within 100' of an Inland Bank and Bordering Vegetated Wetland. Stephanie Sequin of Ryder & Wilcox went over the changes to the revised plan, stating that the proposed plantings located in the expanded driveway area would be re-

dispersed throughout the property. Jamie Balliett asked if there would be additional changes to the planting plan, and Stephanie Sequin confirmed only the site plan was proposed to be revised. Judith Bruce felt the 50' buffer was still being respected, and the area itself was well planted versus being used as lawn. John Jannell reported that while meeting with the applicant on site, the planting work had taken well to the area, the disturbed area which was done by the previous owner had been rectified, and all additional plantings were thriving.

**MOTION**: A motion to approve the Revised plan was made by Jim O'Brien and seconded by Jamie Balliett.

**VOTE**: Unanimous.

**Patrick Dwyer, 27 Standish Road**. The approved Order for removal of an existing dwelling and the construction of a new single-family dwelling, underground utilities, water line, sewer, landscape walls and the installation of a drywell, has been revised to include the modification of a retaining wall and steps on the south side of the building. Work will occur on a Coastal Bank, Coastal Beach, and within 50' of the Top of a Coastal Bank. Stephanie Sequin explained the reconfiguration of the steps and wall would allow for these features to remain alongside the house as opposed to encroaching upon the buffer. Judith Bruce commended the applicant for coming in to revise the plan through a hearing versus providing an After the Fact As-Built when a Certificate of Compliance was eventually sought.

**MOTION**: A motion to approve this revised plan was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE**: Unanimous.

### **Administrative Reviews**

**John Page, 26 Tides End Lane**. The proposed removal of 6 black locusts and 1 Norway maple leaning towards house. Work will occur on a Coastal Bank, within the Pleasant Bay A.C.E.C, and within 100' of the Edge of Salt Marsh. Work to be done by Mark Anderson. John Jannell explained that the area was well treed, and the trees to be removed were leaning towards the house and driveway.

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

**VOTE**: Unanimous.

**Scott Daniels, 39 Kenneth Lane**. The proposed replacement of an existing deck. Work will occur within 50' 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 David Reed Construction. John Jannell asked the Commission to hold this application until he spoke with the builder and the applicant to determine what was proposed. The Commission agreed to hold the application.

**Michael & Elizabeth Bell, 43 Nichols Road**. The proposed annual view easement cutting over 45 Nichols Road. Work will occur within 100' of the Edge of Wetland. Work to be done by Jeffrey LaVoie. John Jannell said this was an annual request, with the pruning to be of 2 to 3 oak tree branches and 1 white pine branch.

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

**VOTE**: Unanimous.

**Paul & Katharine Blakely, 23 Beach Plum Lane.** The proposed installation of 3 sections of a split rail fence. Work will occur within 100' of the Edge of Salt Marsh and the Pleasant Bay A.C.E.C. Laura Schofield of Schofield Brothers, and Katharine Blakely, applicant, were present. Laura Schofield explained the applicant wanted to erect a fence reminding neighbors that any work done within Conservation jurisdiction required filing with the Commission. Katharine Blakely explained that the sign was a response to the illegal cutting of a path on their property to the Salt Marsh. John Jannell reported that he had conducted on-site with Kris Ramsay of the Orleans Conservation Trust and determined that no ground disturbance had occurred, and the work appeared to have been done by hand pruners. Steve Phillips asked if the applicant wanted to maintain the path, and whether or not a "No Trespassing" sign would suffice. Katharine Blakely explained that according to the previous owner, there had never historically been a path. Any path created would be through both her private property and Orleans Conservation Trust property, and she had no interest in creating or maintaining a path. Laura Schofield thought the fence and sign may help deter the person responsible for the initial path from recreating it, and remind them that any work done within the buffer zone of the resource area required Conservation Commission approval. James Trainor agreed that a fence and sign was more suitable than a "No Trespassing" sign. Jamie Balliett suggested the applicant also install a "No Trespassing" or "Private Property" sign on their property. Laura Schofield explained that the applicant was installing a sign showing the direction of the beach access to thwart any further trespassing issues.

**MOTION:** A motion to approve this work was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE:** Unanimous.

### **Request to Use Conservation Properties**

**Windmill Wedding 6/23/12      Caywood/May      2-6pm      150 People**

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

**VOTE:** Unanimous

### **Chairman's Business**

Approval of the Minutes from the Meeting on March 27, 2012.

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

**VOTE:** 3-0-2; approved, Steve Phillips and Jim O'Brien abstained.

### **Administrator's Business**

Request from Town Administrator to approve the use of the Wetland Filing Fees account to help offset general fund expenses to support the work of the Conservation Office and Parks Department in the care and maintenance of properties under their jurisdiction and control.

John Jannell said that the memo from John Kelly, Town Administrator, had been circulated, and James Trainor recalled that this was an annual request. Jamie Balliett was concerned that the amount requested was the same despite a reduction in staff hours. Judith Bruce felt unless the fund was reduced by a total balance of \$40,000.00 that the allocation was fine. Jamie Balliett clarified that there were two separate funds.

John Jannell concurred, explaining that the Wetland Filing Fees fund was the fund available for salaries, education, and legal defense, and the Conservation Fund was for management of Conservation properties. The Commission asked about the amount taken in over the past year, discussing that this reduction in deposits was a result of the reduction in filings over the past 5 years.

**MOTION**: A motion to approve this allocation was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE**: Unanimous

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

John Jannell announced that a thank you was in order for the work done at Putnam Farm Conservation area to Tree and Parks Department, AmeriCorps Cape Cod Wellfleet house members, and Kris Ramsay of the Orleans Conservation Trust. This second AmeriCorps group work day made terrific progress.

Judith Bruce announced the Orleans Pond Coalition would be sponsoring a Fertilizer Awareness Day on April 14, 2012, with locations through Cape Cod and indicated on the OPC website.

The Commission discussed the site visits.

The meeting was adjourned at 9:33am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department