

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, April 17, 2012

'12 APR 24 9:01AM

K. Darling, Asst.
ORLEANS TOWN CLERK

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

ABSENT: Adrienne Pfluger

8:30 a.m.

Call to Order

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. Jen Exner of Wilkinson Ecological Design, David Lyttle of Ryder & Wilcox, and Peter MacBride, applicant, were present. Jen Exner presented the changes to the plan, stating that an established view corridor was now denoted. Judith Bruce asked if a complete removal of the invasives was proposed, and Jen Exner said within the view easement the invasives would be removed. Jamie Balliett asked if any trees were cut on the left hand side of the site plan, and David Lyttle said the cutting occurred on the Coastal Bank. Steve Phillips inquired about the view from the resource areas, and whether or not the house would be screened. David Lyttle explained there was always a view to the water from the deck, but the cutting now provided a view to the marsh. With the re-planting the view from the creek would now be screened. Jen Exner said the bank would now have a more continuous look. John Jannell suggested that this revised plan was a good representation of a permissible view corridor, and suggested a condition that no maintenance pruning or bank work be done without further filing. David Lyttle confirmed that this would be after the 3 year time period of an Order of Conditions. John Jannell confirmed this, and Peter MacBride stated he had a good understanding of the filing process. Jamie Balliett asked if the color copy plan was to scale, and David Lyttle said it was not, and he could provide the Commission with a revised plan. James Trainor asked about the cedar trees located in the red circled areas, and Jen Exner explained that they would be replanted on the edge of the view corridor.

MOTION: A motion to approve this application with the condition that a revised to scale plan be received and a condition that all additional maintenance work done must be filed for was made by Jamie Balliett and seconded by Jim O'Brien.

VOTE: Unanimous

Last Heard 4/3/12 (SP1, JO1)

David Keeffe, 124 Monument Road. by Land Design Associates, Assessor's Map 55, Parcel 24. The proposed construction and repair of stone walls and steps, construction of a granite cobble apron, and mitigation plantings. Work will occur within 50' of the Edge of Wetland, 50' of the Edge of Crystal Lake, and within the Pleasant Bay A.C.E.C. George Reilly of Land Design Associates, and John Burlane of Nauset Gardens, were present. George Reilly discussed the revisions to the site plan, noting that the wooden steps were to remain as is, the ivy was to be removed and replanted with conservation mix, and reiterated that all roof runoff would go into drywells. George Reilly noted a mistake in the

revised plan, a maple tree denoted as a cherry tree. Judith Bruce asked if Natural Heritage had responded to the application, and John Jannell reported that nothing had been received from Natural Heritage, and asked that the Commission not close the hearing. John Jannell pointed out the creation of a no mow zone, and George Reilly explained it would be marked off by either a split rail fence or a stone wall. Judith Bruce suggested a living fence, and John Jannell asked for a revised note on sheet one of the plan. Steve Phillips asked for the detail of the stone line to be shown, and George Reilly asked to continue the hearing for one week to make the revisions and to allow for a response from Natural Heritage.

MOTION: A motion to continue the hearing to April 24, 2012, was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous

Last Heard 4/3/12 (SP1, JO1)

Vivian Robinson, 7 Wildflower Lane. by Wilkinson Ecological Design, Assessor's Map 23, Parcel 22. The proposed restoration plan for work performed without permits. Work has occurred within Land Subject to Coastal Storm Flowage, within a Wetland, and within 50' of the Edge of Wetland. Jen Exner and Jonathan Arce, Landscaper for Classic Landscaping, were present. Jen Exner presented the revised planting plan which included but was not limited to the altering of the driveway configuration, the installation of a split rail fence, the material storage area to be replanted with Red Fescue, and a work completion date of May 15, 2012. James Trainor asked if the cobblestone apron shown on the plan was either existing or proposed, and Jen Exner said it was proposed to continue around the new outlined driveway. Steve Phillips was concerned about the work being done around the existing drainage pipe, and asked for it to be marked to ensure it was not damaged during the fence installation. Jen Exner explained that she was trying to reach Dave Lajoie at Felco Engineering to mark the pipe accordingly, and John Jannell suggested he could prepare a letter asking for a revised plan for the open Order of Conditions to reflect the recent changes to the site plan. Judith Bruce brought up the issue of fines, and suggested a \$250 fine for the landscaper and a performance bond for the owner of \$2500 for the proposed plantings. Jamie Balliett suggested that the owner be fined as well. James Trainor and Judith Bruce felt that the expense to do the work on site in addition to the bond was sufficient. The Commission felt that the performance bond of \$2500 was sufficient.

MOTION: A motion to approve the restoration plan with the condition that the pipe be marked and the receipt of a revised plan from Felco Engineering was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous.

MOTION: A motion to issue a performance bond of \$2500.00 to the applicant was made by James Trainor and seconded by Steve Phillips.

VOTE: Unanimous

MOTION: A motion to issue a \$250 fine to the landscaper was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous

Notice of Intent

Anne Marie Savasta & Robert L. Jordan, Jr., 16 Locust Road. by Ryder & Wilcox Inc. Assessor's Map 25, Parcel 26. The proposed construction of an addition and deck onto a single family dwelling. Work will occur within 100' of the Edge of Two Wetlands. David

Lyttle went over the proposed work, and James Trainor asked if the outside shower was connected to drains. David Lyttle said there was stone underneath to allow for ground infiltration. Jamie Balliett asked if there was a new set of stairs proposed off of the deck, and David Lyttle said he would speak with the applicant and provide a revised plan if stairs were proposed. John Jannell explained that a DEP file number had not been received at this time, and recommended that the applicant be sought to determine if new stairs were proposed. David Lyttle asked for the hearing to be continued for one week to April 24, 2012, to speak with the applicant and receive a DEP number.

MOTION: A motion to continue the hearing to April 24, 2012, was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous.

Pleasant Bay Narrows Trust, 111 Davis Road. by Ryder & Wilcox, Inc. Assessor's Map 89, Parcel 23. The proposed flaking and reconstruction of an existing boathouse, removal of invasive species, and the planting of native species. Work will occur on a Coastal Bank, on a Coastal Dune, on Land Subject to Coastal Storm Flowage, and in the Pleasant Bay A.C.E.C. David Lyttle, Bay Bancroft, Trustee for Pleasant Bay Narrows Trust, and Mike Losordo, caretaker for the Pleasant Bay Narrows Trust, were present. David Lyttle went over the history of how the applicants have worked in conjunction with Wilkinson Ecological Design to restore the bank. Judith Bruce said the Commission typically likes to see an area completely replanted before a second restoration project had begun on site. Bay Bancroft went over the "family work parties," and how these organized events scheduled for the plantings and restoration of the bank for this spring, beginning the weekend of April 28th. David Lyttle stated that he has acted as the inspector or the clerk of the works to ensure that the work is done according to plan by the Trustees. Judith Bruce was concerned about watering the bank and ensuring plant survivability, and Bay Bancroft explained that a drip hose irrigation system would be installed during the next work party at the end of April. Bay Bancroft explained that the boathouse would be moved and relocated in 2013, as there was not enough manpower at this time, and the Trustees did not want to hire someone to do the work. Steve Phillips inquired about the mechanical removal of the invasive species to be done before the planting of the native species, and whether or not it would be done from the resource area. Mike Losordo explained the work would be done from the driveway area, as the bank was too steep to work elsewhere. Jamie Balliett asked if the boathouse would be changing in height or size, and David Lyttle said it would be reduced to a size of 20' x 20', with fewer posts. John Jannell asked if details could be provided on the boathouse, foundation details, construction details for the boathouse move, and more salt tolerant plants to be planted. Bay Bancroft thought that Seth Wilkinson had a list of the plants to be used, and David Lyttle asked for the hearing to be continued for one week to April 24, 2012.

MOTION: A motion to continue the hearing to April 24, 2012, was made by Jamie Balliett and seconded by James Trainor.

VOTE: Unanimous.

Restoration Plans

Forrester & Linda Quinn, 4 Overland Way. by Ryder & Wilcox, Inc. Assessor's Map 39, Parcel 16. Proposed restoration plan for operations that have encroached onto town property. Work has occurred within 100' of the Edge of Wetland and the Cape Cod Bay A.C.E.C. Stephanie Sequin of Ryder & Wilcox, Inc., Theresa Sprague of Blue Flax Design, and Forrester Quinn, applicant, were present. Stephanie Sequin passed out a revised

plan showing the corrected A.C.E.C. line for the area, and went over the history of the site. Theresa Sprague explained that her concept restoration plan was based on the existing plants on site. John Jannell stated that the restoration plan has come in voluntarily as Conservation Commission jurisdiction exists on the Town parcel that has been encroached upon. John Jannell stated there was a 1989 agreement to allow Forrester Quinn to use a portion of the town property within Conservation Jurisdiction. John Jannell advised the Commission to review the site, the encroachment, and the jurisdiction and work towards a plan that the Commission may allow to remain. Judith Bruce was concerned that activity be pulled away from the Coastal Bank, and the focus is on the bank's restoration. James Trainor suggested that the work limit be the 50' buffer line, and Judith Bruce thought the area between the 25 to 50' buffers be restored. Stephanie Sequin clarified that the trapezoid area where parking existing along the southerly side was where plantings were sought in addition to a total restoration of the 50' buffer. Judith Bruce suggested pulling activity out of the trapezoid area, and James Trainor asked if the loam pile could be moved north east of the 50' line. James Trainor stated that he did not want runoff going over the bank, and suggested a berm between where the trees were parked and the 50' buffer. Judith Bruce felt the wetland could be protected at the 25' buffer line with a berm. Judith Bruce was concerned about the drain being fixed in that area, and the potential for mission creep. Stephanie Sequin asked if the Commission wanted the upper area restored, and Judith Bruce clarified that from a conservation standpoint, the other buffer zone would be what they sought to restore. John Jannell said that ultimately Forrester Quinn would have to go to the selectmen to secure the usage of the town land, and the upper area should be at least treed and put back into somewhat of its original condition. Judith Bruce said that from a conservation standpoint, the area to the north is outside of conservation jurisdiction, and James Trainor said the 1997 aerial photos showed that the equipment had been historically present. Judith Bruce asked if the applicant should present the conceptual plan to the selectman, and Steve Phillips suggested the applicant return with a revised plan that the Commission has seen and can recommend. Steve Phillips suggested that the loose soils on site be relocated outside of the 50' buffer, and asked about the tank storage on site. Forrester Quinn explained that the tanks were state licensed diesel fuel storage tanks, and suggested that he could install concrete blocks, exposing them by 1', to ensure that loose soils did not go into the resource area. Steve Phillips inquired about the drainage on site, and John Jannell explained that the catch basin was a town owned basin. Steve Phillips asked if a determination could be made regarding the capacity of the drainage within the parking area. Forrester Quinn suggested that he could also regrade the area to aid with drainage, and suggested a pipe run parallel into a retention basin and outside of the 100' buffer. Stephanie Sequin explained that they would need to speak with someone regarding their drainage concerns, and asked to continue the hearing for three weeks to May 8, 2012.

MOTION: A motion to continue the hearing to May 8, 2012, was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous.

Jim O'Brien left at 9:58am.

Administrative Reviews

Dorthea Pershing, 42 Pershing Lane. The proposed removal of 4 black locust trees, 1 standing dead pitch pine, and 1 damaged oak tree. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. Work to be done by The Tree Wizard.

John Jannell stated the work was a result of winter storm events, and Judith Bruce felt the area was well treed.

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

VOTE: Unanimous

Marcia Galazzi, 24 Tom's Hollow Lane. The proposed annual nourishment of potholes with clean gravel and stone mix. Work will occur within 100' of the Edge of two Wetlands. Work to be done by Paul Daniels.

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

VOTE: Unanimous

Basil Bourque, 7 Blossom Lane. The proposed construction of a stone patio, removal of one cedar tree, and replacement with 2 cedar trees as mitigation. Work will occur within 100' of the Top of a Coastal Bank. John Jannell said there was an open active Order for the Bank restoration, the area was well screened, and the majority of the house was outside of Conservation jurisdiction.

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

VOTE: Unanimous

Scott Walker, 45 Grandview Drive. The proposed mowing of a field. Work will occur within 100' of the Edge of Wetland. John Jannell explained that this would be the mowing of raspberry outside of the 50' buffer, and the applicant wanted to mow a path to the rear of the subject property. Steve Phillips asked if nesting birds were a concern, and John Jannell said at this time nesting was not a concern.

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

VOTE: Unanimous

Greg Delory, 15 Country Lane. The proposed upgrading of an existing septic system including the filling of two cesspools. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C.

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

VOTE: Unanimous

Greg Delory, 15 Country Lane. The proposed replacement of an existing deck. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. John Jannell said this deck was being replaced to be brought up to code with new decking and posts. Judith Bruce asked if only what existed was to be replaced, and John Jannell confirmed that it would be replaced as-is.

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

VOTE: Unanimous

Douglas & Rebecca Fellows, 62 Captain Linnell Road. The proposed construction of dormers, enclosure of an existing screened in porch, construction of a farmers porch, and

the relocation of existing deck stairs. Work will occur within 100' of the Top of a Coastal Bank, Edge of Salt Marsh, and within Land Subject to Coastal Storm Flowage. Stephanie Sequin was present. John Jannell explained that this work was proposed within the 50' buffer zone, the limit of work was within the 50' buffer zone, and a variance request was needed. Judith Bruce felt this was a lot of work to be done under an Administrative Review. Stephanie Sequin explained that the existing porch was 30' from the Top of Coastal Bank, and would not require any excavation work, with the majority of the increase in square footage being the farmers porch located on the roadway side of the parcel. Steve Phillips asked if the area to be dormered had historically been habitable space, and Stephanie Sequin said no. John Jannell was concerned that on the corner of the house was located within the buffer zone and there was no record of it. Stephanie Sequin asked if there was a Certificate of Compliance for the house, and John Jannell said yes and it did not show the small deck on the corner. John Jannell explained the variance request was required given the work was within the 50' buffer zone, and Stephanie Sequin asked if the dormers also fell into the category for the need for a variance request. Judith Bruce said the dormers were not a part of the variance request, but that the work proposed under this Administrative Review were too large. Jamie Balliett asked if a variance request had been provided, and Stephanie Sequin explained that she only filed an Administrative Review. James Trainor asked if the porch would become a heated area, and Stephanie Sequin said yes, and that it would become part of the house.

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

VOTE: 0-5-0; motion denied, please file a Notice of Intent.

Request to Use Conservation Properties

Windmill Week of Hope Event 5/26/12 Lower Cape Outreach 1-4pm 50 People

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on April 3, 2012, and April 10, 2012.

MOTION: A motion to approve the minutes dated April 3, 2012, was made by James Trainor and seconded by Jamie Balliett.

VOTE: 3-0-2; approved. Steve Phillips and Bob Royce abstained.

MOTION: A motion to approve the minutes dated April 10, 2012, was made by

VOTE: 4-0-1; approved, Bob Royce abstained.

The meeting was adjourned at 10:11am.

Respectfully submitted,

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