

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, May 8, 2012

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

ABSENT: Judith Bruce, Chairwoman.

8:30 a.m. Call to Order

Continuations

Last Heard 4/17/12 (AP1)

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. John Jannell reported a letter had been received by the Conservation Department requesting a continuance to May 22, 2012.

MOTION: A motion to continue the hearing to May 22, 2012 was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous.

Last Heard 5/1/12 (JB1)

Frank D. Csonger and Lauren B. Csonger, 47 Nauset Road. by Ryder & Wilcox, Inc. Assessor's Map 22, Parcel 71. The proposed removal of invasive plant species, and the planting of native plant species for habitat enhancement. Work will occur on a Coastal Bank and Land Subject to Coastal Storm Flowage. David Lyttle of Ryder & Wilcox, Inc. and Jen Exner of Wilkinson Ecological were present. Jen Exner passed around a packet which was also e-mailed to the concerned abutters demonstrating similar habitat enhancement projects which had been successfully completed. Jamie Balliett asked if the applicant had been approached about restoring the entire bank. Jen Exner explained that at this time due to budget constraints, the applicant would like to continue as proposed. Bob Royce felt the representatives had conducted a thorough presentation of the work proposed.

MOTION: A motion to approve this project was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous

Last Heard 5/1/12 (JB1)

Philip and Janine Howarth, 20 Snow Way. by Ryder & Wilcox, Inc. Assessor's Map 5 Parcel 22. The proposed construction of a guesthouse/boat barn, pool house, tennis court, driveway, and installation of underground utilities. The proposed management of invasive species. Work will occur in the buffer zone to an inland pond, Intermittent stream, Bordering Vegetative Wetland, Top of a Coastal Bank, on a Coastal Bank, on Land Subject to Coastal Storm Flowage, in a Salt Marsh and in a Bordering Vegetated Wetland. David Lyttle went over the changes to the revised plan which included a note regarding underground utilities, showing that after conducting hand auger tests, they would determine if the utilities would be either directionally bored or moled. David Lyttle

reported that the culvert pipe was in very good shape, and the directional bore or mole would take place underneath the pipe. The driveway and parking areas within the 100' buffer zone would be a pervious surface. David Lyttle addressed Jamie Balliett's previous concern about the drainage on the tennis court, which would slope to the east where a French drain would be installed, and another to be at the northwest corner to collect the drainage from the hill. Jen Exner explained the revised Restoration Plan eliminated the proposed platform, and noted that siltation fence would be installed along any soils susceptible to erosion. Steve Phillips inquired about the trail to the pond which had been eliminated from the plan, and Jen Exner explained that it had been removed from the Restoration Plan but was an existing path. David Lyttle said that the applicant wished to maintain this existing path, and Steve Phillips asked that it be shown on a revised plan as part of the record. Jamie Balliett inquired about the silt fence shown around the tennis court, and David Lyttle explained it was a secondary silt fence. John Jannell asked about the area in front of the barn and where the paving would commence. David Lyttle outlined that as soon as you went by the parking area for the boat barn, the proposed second catch basin demarcated the beginning of the paved area, with the second catch basin to intercept rain runoff. John Jannell mentioned that protection of the culvert was mentioned at the last hearing, and asked what would be done to protect it from damage throughout construction. David Lyttle stated a revised plan showing a steel plate to be used for protection of the culvert during construction would be provided. John Jannell suggested that a note requiring the steel plate could be included in the Order of Conditions, and David Lyttle and Jen Exner stated that they could provide revised plans showing the steel plate and the existing path by the end of the day should the commission act on their application. Steve Phillips inquired if a steel plate would be sufficient protection for the culvert, and David Lyttle explained that this same technique had been utilized at 176 Quanset where the causeway was narrower.

MOTION: A motion to approve this project with a revised plan showing that the existing trail to the pond is to be shown on the Restoration Plan and a steel plate will be used to protect the culvert during construction to be shown on the Site Plan was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous.

Revised Plans

Cape Tradewinds II Realty Trust, 8, 14, 5 Canal Road. by Coastal Engineering, Co., Inc. Assessor's Map 18, Parcel 21. The proposed renovation of existing buildings & parking areas; construction of new stormwater drainage systems; removal of an existing cesspool & installation of a new on-site sewage disposal system; & adjacent road improvements. ***The Plan has been revised to include only the removal of an existing cesspool & installation of a new on-site sewage disposal system.*** Work will occur within 100' of a Coastal Bank & a Freshwater Wetland. Dave Michniewicz of Coastal Engineering Company, Inc. went over the file history for this site, explaining the revised site plan was to eliminate all the proposed work except for the proposed upgrade of the septic system serving Cape Tradewinds Gift Shop, which in turn would now house Mandy's Cape Creamery within the existing building. Steve Phillips was concerned about all of the mitigation plantings which would be lost due to the reduction in the scope of the project. Dave Michniewicz explained that this revised plan was to keep the current Order active in the event that the work approved under the original Order would be of interest to a new tenant for the existing brick building which was

currently unoccupied. John Jannell explained to the Commission that the plan could either be accepted which would allow only the upgrade of the Cape Tradewinds Gift Shop septic system, or find the Order invalid and ask the applicant to file in a different manner. Steve Phillips asked if the new system would connect the existing brick building's system to the Cape Tradewinds Gift Shop as previously approved. Dave Michniewicz explained that the new system proposed under the Revised Plan was to only upgrade the Cape Tradewinds Gift Shop's septic system; the system currently serving the brick building was intact and would remain as a separate system. John Jannell was concerned that when the applicant looked to obtain a Certificate of Compliance that it may be difficult given the amount of work approved under this Order, and suggested that the applicant either Amend the Order, find it invalid, or file in a different manner. John Jannell was concerned that if the applicant wanted to move forward with all of the work proposed that the Revised Plan would cancel out the previous approvals and require that the applicant re-file for the work approved under the existing Order. Steve Phillips asked if a tenant had been found for the brick building, and Dave Michniewicz said that the applicant was actively seeking a tenant for the brick building, but one had yet to be found. James Trainor asked if a new tenant was found for the brick building, if they would have to upgrade the septic system, and Dave Michniewicz said no. Steve Phillips was concerned about the time that had lapsed between the approval and the execution of the work. Dave Michniewicz explained that the cost to the road improvements, intersection concerns, and the recession had slowed the execution process. Dave Michniewicz said that he would like to speak with the applicant to confirm that they would be agreeable to the Revised Plan replacing the current approved plan. Jim O'Brien suggested that due to the location of the components within the buffer zone, an Administrative Review would be sufficient. John Jannell stated that an Administrative Review at this time would be in conflict with the existing Order of Conditions, but if a Certificate of Compliance for an invalid Order of Conditions was sought and then an Administrative Review was applied for, this would eliminate that conflict. Steve Phillips and Bob Royce felt that mitigation for the upgrade of the septic system would be necessary regardless, and Steve Phillips suggested mitigation to screen the wetland from the building. Dave Michniewicz said the buildings were well screened from the wetland. Dave Michniewicz asked for a continuance to May 15, 2012, so he may speak with the applicant about the Commission's concerns.

MOTION: A motion to continue to May 15, 2012, was made by Jamie Balliett and seconded by Jim O'Brien.

VOTE: 5-0-1; Adrienne Pfluger abstained.

Peter & Susan Worley, 26 Deer Run. The proposed construction of a 4-bedroom dwelling and an attached garage. ***The plan has been revised to change the configuration of the building with a decrease in total square footage of 4 square feet.*** Work will occur within 100' of the Top of a Coastal Bank and Land Subject to Coastal Storm Flowage. David Lyttle presented the revised plan which outlined the proposed changes to the house which included a reduction in the building coverage. Steve Phillips explained that he had watched the previous hearing where a Revised Plan was presented, and voiced his concern that the garage proposed within the 50-75' buffer should be removed. David Lyttle felt the Commission's major concern was the increase in square footage, and Steve Phillips felt that Chairwoman Judith Bruce suggested that the proposed house may not warrant a garage given the sensitive area

in which it was proposed. Jamie Balliett asked if there were any calculations done showing the work proposed in the 50-75' buffer and the 75-100' buffer zones. David Lyttle said no, and the proposed revised plan was a reduction of the size. James Trainor asked if there was more glass on the water side for the building. David Lyttle said yes, but that the massing of the structure was reduced. David Lyttle felt the side view was more aesthetically pleasing, and reminded the Commission that this approved Order of Conditions also had a significant planting plan which would aid in screening the house from the resource area. James Trainor felt the revised house plan was more aesthetically pleasing than the previously approved house. Adrienne Pfluger felt the reduction of porches and reduced balcony size made the house appear less busy. Adrienne Pfluger asked if there was an outdoor shower proposed, and David Lyttle said yes.

MOTION: A motion to approve the revised site plan was made by Jim O'Brien and seconded by Bob Royce.

VOTE: Unanimous.

Hugh & Peggy Quigley, 19 Pilgrim Lake Terrace East. by Ryder & Wilcox, Inc. Assessor's Map 62, Parcel 42. The proposed addition of a screen porch onto an existing single family dwelling. ***The plan has been revised to change the proposed screen porch to a proposed addition.*** Work will occur within 100' of the Top of Bank (Pilgrim Lake-A Great Pond), Bordering Vegetated Wetland, and the Pleasant Bay A.C.E.C. Stephanie Sequin of Ryder & Wilcox passed around copies of the revised plan for the Commission showing the proposed work. Steve Phillips asked if the increase in square footage would be around 377', and Stephanie Sequin confirmed this. James Trainor felt the porch was initially approved within the 50' buffer zone because it was for the construction of a seasonal porch; this request now was for an increase of living space within the 50' buffer zone. Stephanie Sequin explained that it was an elevated porch above grade which the owners wanted to turn into habitable space. James Trainor asked if the stairs would be removed or if additional plantings were proposed. Stephanie Sequin said the stairway had not been removed and no additional plantings were proposed at this time. Jamie Balliett agreed with James Trainor, and felt that something needed to offset the proposed increased living space. Bob Royce, Adrienne Pfluger, and Steve Phillips agreed with Jamie Balliett. Stephanie Sequin asked for guidance as to why the Commission required additional mitigation or a different form of filing for the enclosure of the proposed porch. Steve Phillips explained that the use was going from seasonal to year round, and James Trainor reiterated that it was a change in use and an increase in usage within 50' of the Top of a Bank. Stephanie Sequin asked if an Amended Order of Conditions was filed for the work with additional planting mitigation, if it could be approved. Bob Royce was concerned that the applicant was pushing too close to the resource area, and Steve Phillips and Adrienne Pfluger felt that they would vote against an Amended Order. James Trainor suggested the applicant consider moving the proposed addition entirely outside of the 50' buffer. Stephanie Sequin thanked the Commission for their guidance.

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

VOTE: 0-6-0; Motion Denied; Please file a Notice of Intent.

Certificate of Compliance

Bryan & Cynthia Trudell (2010), 25 Prides Path. The request for a Certificate of Compliance for an Order of Conditions for the expansion of a deck. John Jannell reported that the applicant was in compliance.

MOTION: A motion to issue this Certificate of Compliance was made by Jamie Balliett and seconded by Adrienne Pfluger.

VOTE: Unanimous

Administrative Reviews

Edward F. Acton, 62 Monument Road. The proposed upgrading of an existing septic system. Work will occur within 100' of the Edge of Wetland. Work to be done by Ron Simmons. John Jannell explained the work in the buffer zone would be a portion of the overdig.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on May 1, 2012

Erin Shupenis, Principal Clerk, reported that the minutes were not ready at this time, and would be included in the Conservation Commission's weekly packets along with the minutes from the May 8, 2012 work meeting, for approval at the May 15, 2012 meeting.

The Commission discussed the site visits.

The meeting was adjourned at: 9:47am

Respectfully submitted,

Erin Shupenis, Principal Clerk, Orleans Conservation Department