

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, June 12, 2012

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

8:30 a.m. Call to Order

Administrative Reviews

Lawrence & Anne Spaulding, 5 Blossom Lane. The proposed trimming for view maintenance and removal of poison ivy. Work will occur within 100' of the Top of a Coastal Bank and the Pleasant Bay A.C.E.C. John Jannell explained the applicant applied for similar work in 2004 and 2009. Adrienne Pfluger asked how the poison ivy would be removed, and John Jannell said it was located in the lawn area and he thought it would be pulled out.

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

VOTE: Unanimous

65 Old Colony Way LLC, 65 Old Colony Way. The proposed removal of 4 locust and 2 maple trees. Work will occur within 100' of the Edge of Wetland. Todd Thayer, owner, was present. John Jannell clarified that the trees proposed to be removed outside of the limit of work were invasives located outside of the limit of work. Judith Bruce asked the applicant if there were any additional questions or concerns. Todd Thayer asked about regrading the bank to make it function as a berm. Steve Phillips asked if this would result in the removal of additional trees, and Judith Bruce asked if the regrading would be done away from the building. Todd Thayer said he would like to go 10' more into the buffer zone, with no additional trees being removed as a result. John Jannell explained that this plan change would be best heard under a Revised Plan to the open Order of Conditions, and the Administrative Review being heard today would be for the removal of the 4 locust trees and 2 invasive maples only.

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

VOTE: Unanimous

Janine Corsano, 100 Namequoit Road. The proposed removal of 2 oak trees. Work will occur within 100' of the Edge of Wetland. John Jannell reported that after conducting an on-site and speaking with the applicant, the applicant now wishes to keep the trees and discuss trimming during the Request for Determination of Applicability hearing on June 19, 2012. John Jannell recommended that the application be formally turned down.

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

VOTE: 0-7-0; Motion Denied.

Old Cape Sotheby's, 6 Route 6A. The proposed removal of 2 locusts and 1 standing dead cedar. Work will occur within 100' of the Edge of Wetland and within Land Subject to Coastal Storm Flowage. Work to be done by A to Z Treez.

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

VOTE: 6-0-1; James Trainor abstained.

Request to Use Conservation Properties

Windmill Wedding Rehearsal 9/7/12 Amundsen/Dunn 4-7pm 20 People

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

VOTE: Unanimous

Windmill Wedding Ceremony-Time Change 9/8/12 Amundsen/Dunn 2pm-6pm
100 People

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on June 5, 2012

MOTION: A motion to approve the minutes was made by Steve Phillips and seconded by Bob Royce.

VOTE: 6-0-1; Adrienne Pfluger abstained.

Other Member's Business

Discussion of local Wetlands Filing Fees 196A-5.

John Jannell explained that a town fee comparison sheet had been included in the weekly packets, and states that the fees had last been changed in 2004. The Commission debated the fact that Orleans generally had the lowest fees, and James Trainor commended the town for keeping the fees at a low rate to encourage people to file with the Conservation Commission versus performing illegal cuttings due to high filing fee costs. Adrienne Pfluger agreed that by encouraging the public to come into the Conservation Department, they were educated as to the do's and don'ts of work within the resource area. James Trainor noted that in several towns Administrative Reviews did not have a fee, and Judith Bruce suggested that these towns perhaps required either Request for Determination of Applicability filings or more stringent Notice of Intent Filings whereas Orleans had the simpler Administrative Review application. James Trainor suggested that the Administrative Review remain at \$10, and Steve Phillips proposed that the Administrative Review increase to \$20, and Judith Bruce felt it was important to have the fee encourage the public to file with the Conservation Department without feeling as though they were spending a significant amount of money. Jamie Balliett suggested a different approach, that the fee for an Administrative Review for vegetation to remain at \$10, with an Administrative Review for Construction

increasing to \$20. John Jannell explained that two separate forms for Administrative Reviews, one for Construction and one for Vegetation, did exist. James Trainor explained that he equivocated the fees to taxes, and wanted to make sure that the fees stayed reasonable and fair for the applicants. Bob Royce felt the lower fee allowed filing to be an open process, and Jim O'Brien agreed that the current lower Orleans fees were still comparable to Wellfleet and Eastham. James Trainor suggested that the Commission instead look to increase the fees for violations, and create a stronger foundation for wetlands by-law violators. John Jannell explained that would have to be done under Town Meeting, but would research the necessary steps. Jamie Balliett asked that John Jannell prepare for the Commission a comparison of other town's wetlands violation fee structure. The Commission discussed which fees should increase, and Judith Bruce suggested going through each one to ensure the Commission agreed on the proposed changes.

Jamie Balliett recommended that the Administrative Review for Vegetation remain at \$10, with the Administrative Review for Construction to increase to \$20; the Commission unanimously agreed.

Judith Bruce suggested increasing the Amended Order of Conditions to \$50, James Trainor was concerned about the increase, but Steve Phillips pointed out that the average cost for an Amended Order of Conditions was \$86. Jim O'Brien agreed that \$50 was a reasonable fee, and the Commission unanimously agreed on the change.

Steve Phillips recommended the Extension Request increase to \$100, and Jamie Balliett suggested that it increase to only \$50. Steve Phillips felt the average reflected that the increase only needed to be to \$50, and the Commission unanimously agreed.

Judith Bruce suggested increasing the Request for Determination of Applicability to \$25, and the Commission unanimously agreed.

The Commission debated the amount of time spent on Certificates of Compliance and the amount of time the Conservation Administrator spent aiding the applicant on closing out their Order of Conditions. The Commission discussed the need for reminder letters to be sent out to ensure that older Orders of Conditions were being closed out to ensure smoother property transferring during the sale process. Jamie Balliett suggested increasing the fee from \$30 to \$40, and the Commission unanimously agreed on the change.

John Jannell explained that he would put together the legal ad to advertise the changes to the fees and would schedule it for a date certain.

Administrator's Business

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:17

Respectfully submitted,

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