

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, July 24, 2012

ORLEANS TOWN CLERK

K. Daly, Asst.

'12 AUG 7 10:19AM

PRESENT:: Judith Bruce, Chairwoman; Steve Phillips, Vice-Chairman; Bob Royce; Adrienne Pfluger; James Trainor; Jamie Balliett; John Jannell, Conservation Administrator

ABSENT: Jim O'Brien.

8:30 a.m. Call to Order

Continuations

Last Heard 6/19/12 (SP1)

Dean & Edna Wieggers, 9 Larboard Lane. by Ryder & Wilcox, Inc. Assessor's Map 36, Parcel 114. The proposed removal of an existing deck, and the construction of a screened porch and pergola. Work will occur within 100' of the Edge of 2 Wetlands. *Prior to the commencement of the hearing, Steve Phillips signed an affidavit citing he had reviewed previous testimony and read the approved minutes from the previous hearing, thus allowing him to be a voting member for this hearing.* Russ Holden of Ryder & Wilcox, Inc. and Dean Wieggers, applicant, were present. Russ Holden discussed the changes to the revised plan, noting that the swing set to be removed had already been taken off of the property, and the existing drainage pipe going into the wetland would be cut to and left in place to allow for muskrat and mouse habitat. A 6' buffer had been delineated with stakes to demonstrate the no-mow zone, and the replacement trees location would be determined once the screened-in porch was installed. Judith Bruce commended the engineer on the revised plan, and Steve Phillips inquired if the English Ivy would be removed. Dean Wieggers said the ivy was gradually being removed, and Russ Holden explained this area was included as part of the mitigation plan.

MOTION: A motion to approve the project dated July 16, 2012, was made by Steve Phillips and seconded by Adrienne Pfluger.

VOTE: Unanimous

Last Heard 7/3/12 (JB1)

George & Carolann Najarian, 33 Bufflehead Lane. by Ryder & Wilcox, Inc. Assessor's Map 1, Parcel 27. The proposed replacement of an existing culvert, removal of cattails, and phragmites, has been amended to remove the culvert replacement from the proposed plan. Work will occur within a Salt Marsh, in a Bordering Vegetated Wetland, on Land Subject to Coastal Storm Flowage, and within 100' of the Edge of a Salt Marsh. *Stephanie Sequin asked for the Commission to allow the next hearing to be heard in hopes that Jeff Castellani of Lycott Environmental would arrive.*

Last Heard 7/17/12

Vince & Evelyn VanNorman, 22 Karen Way. by JC Ellis Design, Inc. Assessor's Map 35, Parcel 44. The proposed construction of an addition to an existing dwelling and driveway extension. Work will occur within 100' of the Edge of Wetland. Jason Ellis of JC Ellis Design Company, Inc. and Keith Johnson of Billingsgate Land Management were present. Jason Ellis explained that Keith Johnson provided the Commission with a revised planting plan, and Judith Bruce asked if there was a date certain for the new

plantings to be installed. Keith Johnson explained a planting timeline had been provided on page 4, with groundcover to be installed in the fall of 2012. Keith Johnson said a specific date had not been provided; he was concerned about minimizing the new plants reaction to the treatment used on the knotweed area where they would be installed. Judith Bruce wanted to make sure the owners knew this mitigation was to be completed along with the addition before a Certificate of Compliance could be issued, and Steve Phillips asked if a copy of the contract had been provided. Keith Johnson suggested the contract be included as a special condition for the Order of Conditions. John Jannell explained that he had watched the meeting and felt the revised Land Management Plan provided was what the Commission had requested. John Jannell said he tried to contact the applicant, and asked if the applicants were comfortable with the proposed mitigation. Keith Johnson said the revised plan met the applicant's goals. John Jannell said that the Commission had discussed a date certain for the plants to be installed, and Judith Bruce said she felt the date certain was the one referenced in the Land Management Plan. Adrienne Pfluger asked if a yearly report would be provided, and John Jannell said the Land Management Plan did not offer this condition. Judith Bruce explained that the Commission was concerned about the planting plan being executed due to the unapproved clearing of the knotweed. Keith Johnson said that through the NOI process he felt the applicant had come to an understanding of the overall process for work within the buffer zone to a resource area.

MOTION: A motion to approve the Site Plan dated June 6, 2012, and the inclusion of the Land Management Plan dated July 16, 2012, was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous

George & Carolann Najarian, 33 Bufflehead Lane. by Ryder & Wilcox, Inc.

Assessor's Map 1, Parcel 27. The proposed replacement of an existing culvert, removal of cattails, and phragmites, has been amended to remove the culvert replacement from the proposed plan. Work will occur within a Salt Marsh, in a Bordering Vegetated Wetland, on Land Subject to Coastal Storm Flowage, and within 100' of the Edge of a Salt Marsh.

8:45am Stephanie Sequin of Ryder & Wilcox explained that Jeff Castellani was unable to make the hearing, and asked that she present the revised plan to determine the next course of action. Stephanie Sequin provided the Commission with enlarged copies of the proposed work, and Judith Bruce asked why the cattail removal was going right into the Edge of Bank in certain spots. Stephanie Sequin thought this was to provide a clear swath through the cattails. Jamie Balliett asked how the areas were chosen, and if there was an indication to the depth of water in these areas. Stephanie Sequin thought that Jeff Castellani tried to maximize the buffer to the Edge of Wetlands while at the same time reducing the amount of cattails to be removed to the suggested 33%. John Jannell explained that at the previous hearing the applicant had been challenged to reduce the amount of work proposed in July 3, 2012 hearing. John Jannell said he shared the Commission's concern about the complete removal of the obligate plant along the indicated areas along the pond shore. Steve Phillips asked if there was an advantage to the newly proposed plan versus the original plan. Stephanie Sequin indicated that this revised plan had a wider buffer adjacent to the BVW. James Trainor noted the plan from the previous hearing showed concentric rings, and Judith Bruce asked if the revised plan did in fact represent half of what had been proposed at the

previous hearing. Stephanie Sequin said the revised plan green hatching represented 1/3rd of the total cattail population for this pond. Judith Bruce asked why the removal would be in the middle of the wetland by the culvert, and if there was a better offloading station available. Stephanie Sequin said they wanted to keep the ditch that connected the pond to the culvert open, and due to the narrowness of the road, the area by the culvert was the best location. Judith Bruce noted that this area had been clear-cut and replanted, and did not want the applicant to re-damage this restored area. Stephanie Sequin asked if a restoration plan for the offloading area would be sufficient, and John Jannell felt that while this could be dealt with in the Order of Conditions as a special condition, it would be best to hear from Jeff Castellani. Stephanie Sequin suggested the meeting be continued to August 7, 2012, to have Jeff Castellani at the hearing to address the Commission's concerns.

MOTION: A motion to continue the hearing to August 7, 2012, was made by James Trainor and seconded by Adrienne Pfluger.

VOTE: Unanimous

Last Heard 7/17/12

John Ostman, 106 Baker's Pond Road. by Ryder & Wilcox, Inc. Assessor's Map 53, Parcel 23. The proposed construction of a 4' cantilevered deck extension to an existing single-family dwelling. Work will occur within 100' of an Inland Pond (Baker's Pond) and Edge of Wetland. David Lyttle of Ryder & Wilcox, Inc., said the plan had been revised to move the two drywells further away from the wetland, and install a third drywell underneath the deck for the outdoor shower. Judith Bruce commended the applicants on being good stewards of the area. Steve Phillips asked if a DEP number had been issued, and John Jannell reported that one had been issued for this project.

MOTION: A motion to approve the plan dated July 18, 2012, was made by Steve Phillips and seconded by Adrienne Pfluger.

VOTE: Unanimous

Certificate of Compliance

Jack & Marcia Sortor (2006), 30 Pershing Lane. The request for a Certificate of Compliance for an Order of Conditions for the removal of an existing dwelling and the construction of a new dwelling; grading; landscaping; and the reconfiguration of an existing driveway. John Jannell said the original Certificate of Compliance request was denied due to an area which needed to be planted, and reported that the area was now in full compliance.

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

VOTE: Unanimous

Administrative Reviews

Ed Johannemann, 10 Arey's Lane. The proposed topping of a locust tree. Work will occur within 100' of the Edge of Wetland and the Pleasant Bay A.C.E.C. Work to be done by A to Z Treez. John Jannell stated that this area was well treed, and there had been success with this topping method.

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

VOTE: Unanimous

Dave Hubbard, 41 Defiance Lane. The proposed hand cutting of phragmites. Work will occur within 100' of the Edge of a Salt Marsh, Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and within an A.C.E.C. Work to be done by applicant. John Jannell explained this was work which had been done and approved in 2007, 2008, 2009, and 2011 with some fairly good success.

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

VOTE: Unanimous

Gerry Nolin, 125 Rock Harbor Road. The proposed removal of one tree and installation of underground utilities. Work will occur within 100' of the Edge of a Salt Marsh and Edge of Wetland. John Jannell announced that Tim Brady of East Cape Engineering would hopefully be attending the meeting to discuss his proposal and go over the future work for this site. John Jannell passed around photos of the site, and said that trimming the tree versus a complete removal may be a better approach. Steve Phillips asked if the utilities could be moled in, and Bob Royce felt the tree may be too big to remove. John Jannell said after speaking with the owner, the concern was the tree's proximity to the house. Judith Bruce asked if the applicant would be willing to trim versus remove the tree, and Steve Phillips asked if an arborist had looked at it. John Jannell said there was old evidence of the tree having been cared for in the past, and since it was a large trunked specimen, its removal would prove difficult. James Trainor asked about the bulkhead on site, and John Jannell said the applicant would be filing more formally to work on the house in the near future. The Commission discussed formal rejection or tabling, and decided to table the application. John Jannell said he would try to reach out to the applicant to discuss the Commission's concerns, and Jamie Balliett asked if the Tree Warden would be able to look at it to determine the tree's ownership. John Jannell said that he had confirmed it was a private tree.

Chairman's Business

Approval of the Minutes from the Meeting on July 3, 2012.

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

VOTE: 5-0-1; Judith Bruce abstained

Approval of the Minutes from the Meeting on July 17, 2012

MOTION: A motion to approve these minutes were made by Jamie Balliett and seconded by Adrienne Pfluger.

VOTE: 5-0-1; Judith Bruce abstained

Other Member's Business

Annual Conservation Commission Re-Organization and Election of Officers.

John Jannell explained this was put on the agenda as an annual request. Adrienne Pfluger felt the reorganization had recently taken place and therefore did not need to re-occur. James Trainor felt it would be best to reorganize once new members were appointed. Jamie Balliett felt that unless someone wished to change their role, there would be no need to reorganize.

MOTION: A motion that the Commission had already reorganized and would therefore not act on reorganization at this time was made by Adrienne Pfluger and seconded by Jamie Balliett.

VOTE: Unanimous

Appoint Communalty Preservation Commission Member

Steve Phillips announced that he would not be renewing his position as the Conservation Commission representative on the CPC. Judith Bruce inquired on how often the CPC met. Steve Phillips explained the meetings were weekly when the applications came in, and during the summer the committee did not meet. At this time no one from the Conservation Commission wished to volunteer to sit on the CPC.

Administrator's Business

Tim Brady of East Cape Engineering arrived at the meeting to discuss his application for an Administrative Review at 125 Rock Harbor Road. Judith Bruce explained that the Commission was reluctant to allow the tree removal until an arborist was consulted to determine if it was a hazard to the home. Time Brady asked if the underground utilities could be installed if the tree was to remain and Judith Bruce thought that would be acceptable. Tim Brady said a Notice of Intent would be submitted in the near future. Steve Phillips asked if the utilities would be moled, as he was concerned about damaging the tree. Tim Brady said he would be fine with holding the application to the August 7, 2012 meeting to determine how the underground utilities would be installed and to consult an arborist. James Trainor said that while the Commission wants to save the tree, if the arborist determines that it is a threat to the house make the Commission aware.

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:17am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department