

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 14, 2012

ORLEANS TOWN CLERK

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

8:30 a.m. Call to Order

Continuations

Last Heard 7/17/2012

Thomas H. McAboy, 11 High Tide Lane. by Ryder & Wilcox, Inc. Assessor's Map 43, Parcel 6. The proposed construction of a gravel driveway. Work will occur within 100' of the Edge of a Bordering Vegetated Wetland, an Isolated Wetland, on Land Subject to Coastal Storm Flowage, and within the Pleasant Bay A.C.E.C. Stephanie Sequin explained that due to scheduling conflicts, she had been unable to meet with the applicant to determine if the application would continue forward. Stephanie Sequin asked to continue to September 4, 2012, to meet with the applicant.

MOTION: A motion to continue the hearing to September 4, 2012, was made by James Trainor and seconded by Bob Royce.

VOTE: Unanimous

Last Heard 7/24/24 (JO1)

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 of Ryder & Wilcox, Inc., and Jeff Castellani of Lycott Environmental, were present. Stephanie Sequin explained that the revised plan had been presented to the Commission which included a detailed work protocol by Keith Johnson of Billingsgate Land Management, and a revised cattails management plan which showed a minimum 5' buffer of cattails to be maintained throughout. John Jannell reported that Christine Odiaga, DEP Southeast Region Circuit Rider, wrote an e-mail asking for additional information regarding this filing. Stephanie Sequin stated that Christine Odiaga had been copied on all proposed changes and revisions, and would speak with her to determine what additional information DEP required should there be any additional file comments or concerns. Jeff Castellani asked if the phragmites removal would be able to take place as it was part of the current active Order of Conditions, and it was a time sensitive removal. Stephanie Sequin reminded the Commission that the Amended Order request was also for a change in contractor, a condition under the Orleans Special Conditions. Judith Bruce polled the Commission, who all were in support of the removal of the phragmites under the open Order of Conditions. Judith Bruce felt that Christine Odiaga's concerns over the cattail removal were valid, although the Commission felt the changes to the plan which now provided a buffer to the resource areas would be something for which an Amended Order of Conditions may be issued. Judith Bruce asked if it was a problem for Jeff Castellani to start the phragmites work with his machinery only to return with the equipment again.

Jeff Castellani explained the hydroraking was a separate contract from the phragmites removal, and the phragmites removal would utilize different equipment than the cattails. Stephanie Sequin asked to continue the hearing for one week to August 21, 2012, in hopes that she could get a hold of Christine Odiaga.

MOTION: A motion to continue the hearing to August 21, 2012, was made by Adrienne Pfluger and seconded by Bob Royce.

VOTE: Unanimous

Last Heard 8/7/12 (JB1)

Franklin & Kimberly Moss, 46 Old Field Road. by Ryder & Wilcox, Inc. Assessor's Map 64, Parcel 3. Proposed landscaping; the rebuilding of stairs & second floor deck attached to an existing single family dwelling; & mitigation plantings. Work will occur within 100' of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and within the Pleasant Bay A.C.E.C. David Lyttle reported that a DEP number had been received, and the plan had been revised to provide protective fencing around the existing cedar. Adrienne Pfluger asked if Natural Heritage had commented on the project. David Lyttle explained the project was exempt because it was a single family house and the work would be taking place in existing lawn area.

MOTION: A motion to approve the site plan dated August 20, 2012, and subsequent Landscape Plan and Mitigation Plant List was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: 6-0-1; Motion approved, Jamie Balliett abstained

Certificate of Compliance

East Egg Homeowner's Association (2009), 19 Little Bay Road. The request for a Certificate of Compliance for an Order of Conditions for the stabilization of the toe of an eroding bank beneath an existing timber stairway. John Jannell passed around site photos of the area, noting that this request and the next request were subsequently located within the same area. John Jannell explained the slumped area shown on the photos was where the current project and an abutting project met, with the slumping portion being on the abutting lot. John Jannell noted that any additional gabion toe protection work for this site would require a new filing.

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

VOTE: Unanimous

East Egg Homeowners/Hornsby (2010), 19 & 21 Little Bay Road. The request for a Certificate of Compliance for an Order of Conditions for the installation of gabion toe protection with sand cover.

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

VOTE: Unanimous

Request for Extension

65 Old Colony Way LLC, 65 Old Colony Way. Request for a 2 year extension to complete the work under this Order of Conditions. John Jannell mentioned that this would be the only other extension permissible, as this Order of Conditions had already been extended for one year, and three years is the maximum allowed. Stephanie

Sequin explained that the building was almost done, and the remaining time would be for the vegetation work to be done and become established.

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

VOTE: Unanimous

Administrative Reviews

Last Heard 8/7/12 (JO1)

Roberta Hurlburt, 41 Nauset Road. The proposed installation of a storage shed and removal of rosa rugosa. Work will occur within 100' of the Top of a Coastal Bank. Work to be done by Pine Harbor. John Jannell reported that the applicant moved the proposed shed outside of the 75' buffer per the Commission's request.

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

VOTE: Unanimous

Andy & Monica Cattano, 33 Harvey's Lane. The proposed removal of 6 black locusts; 1 cedar; tree of heaven; removal of vines; removal of existing shed; and the replacement of the cedar with either a red maple or a linden. Work will occur within 100' of the Edge of Wetland and Edge of Harvey's Pond. Work to be done by applicant. John Jannell clarified the applicant wanted to remove as many trees of heaven as possible, and additionally wanted to put crushed shell on an existing grass driveway to delineate the existing parking area. Judith Bruce was concerned that the installation of a shell driveway would lead to regrading and therefore beyond the scope of an Administrative Review. Steve Phillips asked if the shed would be replaced, and John Jannell said no. Bob Royce said that while a dusting of shells would be permissible, the creation of a driveway was a concern. John Jannell said the driveway could be eliminated from the Administrative Review request, and Steve Phillips asked if that would be considered a condition of the application. John Jannell said no, and explained he would speak with the applicant and let her know the Commission's concern. John Jannell felt the remainder of the work proposed was permissible under an Administrative Review.

MOTION: A motion to approve this application with a note from John Jannell saying that no driveway work is to occur with this Administrative Review was made by Steve Phillips and seconded by Bob Royce.

VOTE: Unanimous

Orleans Yacht Club, 39 Cove Road. The proposed annual pruning of rosa rugosa to maintain a 2-3' height. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and Land Subject to Coastal Storm Flowage. Bob Royce, Adrienne Pfluger, and Steve Phillips recused themselves. John Jannell reported this is an annual request for pruning located by the top of the rock and concrete patio.

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

VOTE: 4-0-3; Motion approved.

Department of Fish & Game, 110 Bakers Pond Road. The proposed repair to existing public fishing/car-top boat access. Work will consist of granular stone being placed at the road curb and regading. Work will occur within 100' of an Inland Pond

(Bakers Pond) and Edge of Wetland. Work to be done by Department of Fish & Game. John Jannell explained that the current area used for parking had been eroding, and it made it difficult to get a small car into the area without bottoming out. Judith Bruce felt this would be of benefit, and James Trainor concurred. Steve Phillips asked if a limit of work with siltfence was provided, and if not, would it be necessary. John Jannell said a limit of work was shown, and that since the driveway was all silt and sand, a siltfence would not be necessary.

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

VOTE: Unanimous

Request to Use Conservation Properties

Windmill Wedding May 18, 2013 Renke 65 People 3-6pm

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

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the Meeting on August 7, 2012

Bob Royce questioned the reference to the Orleans Yacht Club, and Erin Shupenis said she would review the minutes and edit them accordingly. The Commission held the approval of the minutes until this review could be made.

Other Member's Business

Administrator's Business

John Jannell reported that he attended a meeting with the Agricultural Council, a new group in the Town of Orleans charged with promoting local agriculture. John Jannell said he provided the Council with a summary of the work done to date on the Putnam Property, and additional work proposed. Jamie Balliett asked what additional work would be done at Putnam, and John Jannell explained he would be filing for another Barnstable County Land Management Grant for mowing the bluestem and small brush. Jamie Balliett asked if the cleanup of the greenhouse structures was complete, and John Jannell reported the structures were gone. John Jannell said the Council would like to eventually have a joint meeting with the Conservation Commission, and the Commission felt that was fine.

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:11am

Respectfully submitted,

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