

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, August 28, 2012**

ORLEANS TOWN CLERK  
*C. May*  
'12 SEP 4 10:23AM

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

**ABSENT:** Jamie Balliett

8:30 a.m.      Call to Order

**Revised Plan**

Last Heard 8/21/12 (JO1)

**65 Old Colony Way LLC, 65 Old Colony Way.** The proposed construction a single office building and mitigation plantings has been revised to change the location of the proposed driveway. Work will occur within 100' of the Edge of Wetland. Stephanie Sequin of Ryder & Wilcox, and Todd Thayer, applicant, were present. Stephanie Sequin passed to the Commission enlarged copies of the revised plan specifically showing the driveway, and full-sized revised Landscape Plans accounting for the proposed changing of the driveway location. Judith Bruce was concerned about a note which had been cut off with the enlarged plan saying a location to be determined. Stephanie Sequin clarified that this was for the location of the septage vent. Judith Bruce inquired about the grass creep area, and Stephanie Sequin said this would look like a honeycomb area with grass growing through it. Steve Phillips asked if this honeycomb planting could be used instead of pavement either throughout the property or within the parking overflow areas. Stephanie Sequin explained the surface was not the most suitable for traversing, and may be a problem when plowed during the winter months. Judith Bruce thought that with the amount of traffic which would be coming through the area, grass would be difficult to become established. Steve Phillips asked if this honeycomb surface had been considered for the overflow area, and Stephanie Sequin stated it was not as this building would have consistent year round traffic. John Jannell felt the revised Landscaping plan which incorporated the 4 maples trees to be planted provided an accurate record of the mitigation to take place on site.

**MOTION:** A motion to approve the revised Site Plan dated August 22, 2012, and revised Landscape Plan, dated August 27, 2012, was made by Steve Phillips and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Certificate of Compliance**

**Mary Ann Meils (1997), 30 Deer Run.** The request for a Certificate of Compliance for an Order of Conditions for the pruning of shrubs and removal of vines to create view windows. John Jannell explained that this Order of Conditions was upheld due to heavy clearing which had occurred without Commission approval. The applicant filed an Administrative Review which encompassed a replanting effort prepared by Wilkinson Ecological, and the Commission in turn required a performance bond for the proposed planting. John Jannell reported that the pruning and removal of vines was in compliance.

**MOTION:** A motion to issue the Certificate of Compliance was made by Adrienne Pfluger and seconded by Bob Royce.

**VOTE:** Unanimous

**Bond Release**

**Mary Ann Meils, 30 Deer Run.** The request to release the \$4,000 performance bond issued on 2/19/2008. John Jannell reported that the plantings associated with this performance bond were well established and the bond could be released. The work has been completed.

**MOTION:** A motion to release the bond was made by James Trainor and seconded by Jim O'Brien.

**VOTE:** Unanimous

**Administrative Reviews**

**Colleen Young, 10 Towhee Lane.** The proposed removal and replanting of 3 mountain laurels, and plantings of 16 native shrubs. Work will occur within 100' of the Edge of Pond (Deep Pond) and Inland Bank. Work to be done by applicant. John Jannell explained that these proposed plantings were proposed on a property under an expired Order of Conditions.

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

**VOTE:** Unanimous

**Susan Jayne & Francis Moran, 7 Boulder Lane.** The proposed construction of a deck. Work will occur within 100' of Pond (Shoal Pond) and Bordering Vegetated Wetland. Susan Jayne & Francis Moran, applicants, were present. *Judith Bruce announced that while she was a direct abutter, she had no financial interest in the work proposed nor was she a relative, and if the Commission or the applicant so directed, she would recuse herself. The Commission and the Applicant determined that her participation at the hearing would be acceptable, and she did not recuse herself from the hearing.* John Jannell reported the applicants calculated the square footage of work proposed within the 100' buffer zone to be around 100 feet of the 550 proposed deck. John Jannell felt the work would be contained within an existing approved retaining wall, thus not resulting in any impact to the wetland interests. John Jannell noted that a comment on the bottom of the Administrative Review Form would state that sonotubes would be dug by hand, and the applicants nodded that they were agreeable to such a note. Steve Phillips asked if this would be a second floor deck, and Francis Moran said it would be ground level. Steve Phillips asked if the surface would be pervious, or if a railing was proposed. Francis Moran said the surface would be Azek, and Susan Jayne Moran explained that there would only be a step down from the house to the deck, with it being fairly flat, and no rail was proposed. Judith Bruce reminded the applicant that while it had not occurred while they owned the property, illegal clearing had taken place and had been dealt with accordingly with the previous owner; any work done within the buffer zone to the resource area required Conservation Commission approval. James Trainor felt the work proposed would have minimal impact on the resource area.

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

**VOTE:** Unanimous

**David M. Dunford, 11 Portside Lane.** The proposed removal of 1 damaged pine tree. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and Land Subject to Coastal Storm Flowage. Work to be done by After Hours Tree Service. John Jannell reported that after conducting the site visit, in addition to the proposed pine, a smaller diameter standing dead pine at the top of bank, and oak limb by the stairs were proposed to be removed. Judith Bruce asked if the area was well treed and if there were additional standing dead trees, and John Jannell said yes.

**MOTION:** A motion to approve this work was made by James Trainor and seconded by Jim O'Brien.

**VOTE:** Unanimous

### **Enforcement Order**

**Matthew Thigpen, 169 Monument Road.** The proposed issuance of an Enforcement Order for the removal of an unlicensed dock. John Jannell went over the file history for this Enforcement Order. On July 10, a complaint was received about an unlicensed dock at 169 Monument Road and a Certified Letter was sent to the owner asking for the removal of the dock. On August 1, 2012, another phone call inquiring about the dock status was received, and a second letter was sent on August 3, 2012. On August 23, 2012, the first letter was returned as unclaimed. The second letter has yet to return to the Orleans Conservation Department, and according to the tracking number on the parcel, is waiting at the Post Office to be picked up. John Jannell stated that the next step would be to send the Enforcement Order with a date certain for the dock to be removed, and a copy of the Enforcement Order would be posted at the residence. Jim O'Brien asked if this property was a primary residence, and John Jannell stated that he believed it was not. Steve Phillips inquired if a copy of the letter had been sent to the site address, and whether or not the owner was at the property. John Jannell explained that he did not have a right of entry onto the property as there were no active Orders of Conditions for this property. Adrienne Pfluger inquired as to who would post the letter, and John Jannell said he would post it along with either the sheriff or another Town of Orleans employee. John Jannell went over the Enforcement Order language, which suggested that the dock be removed by September 10, 2012, and failure to do so would result in fines and penalties issued at the Conservation Commission's discretion. Steve Phillips inquired if the dock had been professionally installed, and John Jannell said he did not believe it had been professionally installed.

**MOTION:** A motion to issue this Enforcement Order was made by Bob Royce and seconded by Steve Phillips.

**VOTE:** Unanimous

**Lynda Fagen, 9 Pond Road.** The proposed issuance of an Enforcement Order for the removal of an unlicensed dock. John Jannell reported this dock was also installed without going through the proper permitting process. At this time, the applicant has been made aware through two phone conversations that an Enforcement Order is to be discussed for issuance. Steve Phillips asked if the dock had been professionally installed, and John Jannell said while it was professionally built, it was not professionally installed. The owner floated it across the Lake from the Fisherman's Landing and into place.

**MOTION:** A motion to issue this Enforcement Order was made by Bob Royce and seconded by Adrienne Pfluger.

**VOTE:** Unanimous

**Conservation Restriction**

**The Compact of Cape Cod Conservation Trusts, 62 & 66 Cliff Pond Road.** The request for a recommendation for a Conservation Restriction to be held on 4.1 acres of land between Brewster and Orleans. John Jannell summarized the Conservation Restriction which would be held by Orenda Wildlife Trust, Inc. Judith Bruce inquired where this property was located, and John Jannell explained that it was Shorewood Road off of Bakers Pond Road, with Cliff Road coming in from the other side. The Conservation Restriction had already been approved by the Brewster Conservation Department and Brewster Selectmen, as this was a shared parcel between the two towns. John Jannell said the Compact has requested a vote for a positive determination.

**MOTION:** A motion to make a positive recommendation for the Conservation Restriction to be held on 62 & 66 Cliff Pond Road was made by Bob Royce and seconded by Steve Phillips.

**VOTE:** Unanimous

**Chairman's Business**

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

**MOTION:** A motion to approve the minutes was made by Adrienne Pfluger and seconded by James Trainor.

**VOTE:** Unanimous

**Other Member's Business**

**Administrator's Business**

John Jannell announced that Dan Connolley, Tree Warden for the Town of Orleans, would be working on Sea Call Farm by the old orchard removing locust trees to be replaced by native trees purchased from the Barnstable County Farm.

The commission discussed the site visits.

The meeting was adjourned at 9:04am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department