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Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, September 4, 2012

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

ABSENT: Adrienne Pfluger; Jim O'Brien

8:30 a.m. Call to Order

Continuations

Last Heard 8/14/2012

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 of Ryder & Wilcox, Inc. explained that after a discussion with the applicant regarding the Commission's and abutter's concerns over the application, the applicant wished to formally withdraw the Notice of Intent without prejudice, with any new work to be filed under a new Notice.

MOTION: A motion to accept the formal withdrawal of the Notice of Intent was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous

Notice of Intent

Joyce R. & Kevin C. Stone, 25 Childs Homestead Road. by Ryder & Wilcox, Inc. Assessor's Map 33, Parcel 17. The proposed construction of an addition to a single family dwelling. Work will occur within 100' of the Top of an Inland Bank/Edge of Bog. Stephanie Sequin of Ryder & Wilcox, Inc and Joyce and Kevin Stone, applicants, were present. Stephanie Sequin passed around a revised plan which changed the construction access area to provide for existing plantings to remain undisturbed. Judith Bruce asked if the 2 bedroom would remain a 2 bedroom, and if it could be pushed outside of 75' buffer. Stephanie Sequin said it would remain a 2 bedroom house, and due to the site of the existing septic system and associated reserve, the proposed addition could not be moved. Judith Bruce thought the proposed addition only had to be 10' from the foundation, and Stephanie Sequin explained because it was a proposed full foundation, the required setback from the septic system was 20'. Steve Phillips asked if this addition could be on a slab foundation, and Stephanie Sequin stated that due to the existing grade, a slab foundation was not suitable. Steve Phillips asked what the existing square footage was on site. Stephanie Sequin said it was 1,040 sq ft, and Steve Phillips asked to confirm that the increase in square footage would be 576 sq ft. Stephanie Sequin confirmed this, saying this would be an increase of 55%. Judith Bruce pointed out that this would trigger new construction, and Stephanie Sequin said since the regulation said outside of the 75' buffer where feasible, the other option would be to impact the future location of the leaching area. Judith Bruce suggested the potential reduction of the proposed addition, and Jamie Balliett asked if the only possible location on site for the reserve was the one shown on the plan. Stephanie Sequin said this location was outside of the 100' buffer zone and was the most suitable

location without requiring Board of Health Variances due to the proximity to the addition and/or property lines. Judith Bruce asked about potential mitigation. Stephanie Sequin explained that while some mitigation could be proposed, the access easement for the cranberry bog was owned by the owner of the bog and therefore could not be planted. Judith Bruce suggested work on the existing driveway, and Steve Phillips inquired if a no-mow zone would be an option. Stephanie Sequin said a no-mow zone could be established south of the access easement. John Jannell asked about the current condition of the bog, and Judith Bruce asked what the defoliation easement shown on the plan meant. Stephanie Sequin said she was not sure if the bog was working. John Jannell thought the defoliation easement was related to the abandoned bog use. Judith Bruce pointed out that a DEP number had not been issued for this work, and Steve Phillips pointed out that if the addition was reduced to less than 25% increase it would not trigger new construction. James Trainor pointed out that a 1,600 square foot house was not a big house, and Judith Bruce felt that mitigation may be a better option. Stephanie Sequin asked to continue the hearing to September 18, 2012, to incorporate the Commission's suggestions into a revised plan.

MOTION: A motion to continue the hearing to September 18, 2012, was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous

Janine M. Corsano, 100 Namequoit Road. by Ryder & Wilcox, Inc. Assessor's Map 69, Parcel 51. The proposed construction of a deck and patio; replacement of timber steps with handrail; and landscaping to include the removal of limbs from 2 oak trees and removal of English Ivy from buffer zone. Work will occur within 100' of the Edge of Wetland. Stephanie Sequin pointed out that the applicant, Janine Corsano, was in the audience. Stephanie Sequin reminded the Commission that this work initially came in under a Request for Determination, and voted by the Commission as a positive determination, with the request that the applicant return with a Notice of Intent should she wish to proceed with the proposed work. Judith Bruce commended the applicant for including the English Ivy removal, and asked how it would be done, and what plantings would be installed as a result of the removal. Stephanie Sequin explained the ivy would be removed and from there see how large the disturbed areas were before determining how it would be planted. Jamie Balliett suggested that more details needed to be provided, including the removal technique and what would be installed after exposing the bare areas. Judith Bruce suggested flagging the limbs of the oaks and allowing John Jannell to conduct a site visit to determine which were to be removed. Janine Corsano said that after speaking with several professionals, she planned on removing the ivy by hand. Janine Corsano asked what additional specifics the Commission sought, and Judith Bruce explained the Commission would like to see what would be planted in its place. Jamie Balliett suggested that in certain projects mats are installed to ensure the new plantings stabilize accordingly. Janine Corsano said she had provided a list, and Stephanie Sequin explained she had the list but it had not been circulated to the Commission. Stephanie Sequin asked to continue the hearing for one week to September 11, 2012, to include the planting details and methodology for ivy removal.

MOTION: A motion to continue the hearing to September 11, 2012, was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous

Amended Order of Conditions

176 LLC & Peter H. Carter, 176-178 Quanset Road. by Ryder & Wilcox, Inc. Assessor's Map 94, Parcel 4, and Assessor's Map 93, Parcels 21-1 & 21-4. The proposed construction of a new single family dwelling and septic system with I/A technology on an existing foundation, including an addition on a new foundation; the removal of a second existing family dwelling; the pumping & removal of two cesspools; & the pumping & removing of an existing septic system is proposed to be Amended to expand the scope of the Land Management Plan. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and in the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc. and Seth Wilkinson of Wilkinson Ecological Design, were present. Judith Bruce commended the applicant on the discreet removal of the house resulting in minimal damage to the buffer zone of the resource areas. Seth Wilkinson concurred, saying that due to early rains the seed cover had established itself nicely where the existing house had been. Seth Wilkinson explained the proposed work was a result of the positive results seen with the existing mitigation plan. David Lyttle reported that the underground utilities had been successfully moled underneath the culvert 17'. Judith Bruce asked if there was any damage to the stream or a collapse, and David Lyttle said no. David Lyttle noted that this Amendment would be continued as the site plan was changing the proposed view platform from a square to a round structure, in addition to the reconfiguration of the driveway. Steve Phillips asked if the land management plan changes would result in the removal of any trees. Seth Wilkinson explained that the work would primarily be done by hand, with an existing path remaining as well as the wooded vegetation. Judith Bruce and Seth Wilkins confirmed that no trees natives would be removed. Max Makowsky of 176 Quanset LLC asked if the planting plan could be approved pending the receipt of a revised site plan showing the platform and driveway changes so that the work on the bank could begin. David Lyttle felt his revised plan could be dealt with at a later time, and suggested that in come in under a Revised Plan at a later date, with the increase to the Land Management Plan to be considered as mitigation for the proposed increase in size of the platform. The Commission felt this would be suitable, and John Jannell noted that this Phase Two Planting Plan would be incorporated with the current conditions of the existing Order of Conditions, which itself had 5 separate plans. Judith Bruce suggested that a Revised Plan could be dealt with at a later time with consideration taken for the mitigation approval, and John Jannell asked that all special conditions incorporated within the original Order of Conditions be carried over in an Amended Order of Conditions.

MOTION: A motion to approve this Amended Order of Conditions with the conditions that all special conditions approved under the Original Order be incorporated was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous

Administrative Reviews

Last Heard 8/21/12 (JO1, AP1)

Joan Mayer, 57 Kenneth Lane. The proposed after the fact replacement of platform and stair section. All work was done by hand and occurred within the existing footprint. Work occurred within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, Salt Marsh, and within the Pleasant Bay A.C.E.C. David Lyttle explained that

after the scheduled on-site with the Conservation Commission, it was understood that the Administrative Review would be denied. David Lyttle reported that a Notice of Intent filing was being prepared for the work, with a new stair design which would reduce the platform and take advantage of the scarp by pulling the stairway back. Judith Bruce suggested the elimination of the platform entirely, and John Jannell thanked the applicant for allowing the site visit with the full Commission to take place.

MOTION: A motion to approve this After the Fact application was made by Jamie Balliett and seconded by Bob Royce.

VOTE: 0-5-0; Motion Denied, Please file a Notice of Intent.

Edmund Hafner, 73 Uncle Israels Road. The proposed after the fact trimming/limbing of trees over the driveway. Work occurred within 100' of the Edge of Wetland. John Jannell reported this was after the fact work brought to the attention of the homeowner who was unaware the existing driveway was in Conservation Commission jurisdiction. Judith Bruce asked if the applicant was now aware of the Conservation Commission buffer zone as it pertained to his property, and John Jannell said yes.

MOTION: A motion to approve this After the Fact application was made by James Trainor and seconded by Steve Phillips.

VOTE: Unanimous

Pochet Island Trust, 70 Paysons Lane. The proposed residing of a boathouse, including the replacement of existing trim and rotted sills/windows. Work will occur on a Coastal Bank and within land Subject to Coastal Storm Flowage and the Pleasant Bay A.C.E.C. Work to be done by Stanley Gove. John Jannell explained this was an existing older beach house, and was not sure whether the residing fell under Conservation Commission jurisdiction. Steve Phillips recalled a similar debate regarding work done on the beach houses on the outer beach. Judith Bruce pointed out that by requiring filing, it made the applicant aware of the need to remove all of the debris as a result of this work, and provided an accurate record of work on site. John: one of two old boathouses, often confused to do with residing, recommend approval

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

VOTE: Unanimous

Jill Somerville, 28 Beach Plum Lane. The proposed removal of 3 dead pine trees close to house. Work will occur within 100' of the Edge of Wetland and Salt Marsh. John Jannell reported the trees were standing dead in close proximity to the existing house.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on August 21, 2012,

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

VOTE: Unanimous

Approval of the Minutes from the Meeting on August 28, 2012.

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

VOTE: 4-0-1; Jamie Balliett abstained.

Other Member's Business

Jamie Balliett asked if John Jannell could conduct a site visit at the house at the corner of Ruggles Road and Tonset Road, as it appeared that the silt fence was in failure and clearing and grading had recently took place. John Jannell reported that in fact he had conducted a site recently and has been in touch with the owner and contractors for the job. The owner in fact has an open Order of Conditions for work to the house, but what took place recently was removal of trees on Town property and re-grading of Town property within the Conservation Commissions jurisdiction. A formal tree hearing would be taking place with the Planning Board and Tree Warden to determine the appropriate action. John Jannell asked if the Commission would like to submit a letter concerning the work being done within the buffer zone without Commission approval, and Jamie Balliett suggested that a letter be written along with the Conservation Commission Chairwoman's discretion. James Trainor requested that the Commission receive a copy of all approved plans for the site. John Jannell agreed to put 1 Ruggles Road on the agenda for discussion.

Administrator's Business

John Jannell reported that the Conservation Department received another \$4,000.00 from the Barnstable County Land Management Grant program for work to be done on Putnam Farm. This would include the mowing of the old field, the purchase of weed wrenches to be used during AmeriCorps work parties, and additional invasive species removal and site work. Steve Phillips asked where the weed wrenches would be stored, and John Jannell hoped the Parks and Beaches or Highway departments would be able to store these hand tools.

The meeting was adjourned at 9:29am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department