

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, September 25, 2012

PRESENT: Steve Phillips, Vice-Chairman; Bob Royce; James Trainor; Jamie Balliett;
John Jannell, Conservation Administrator

ABSENT: Judith Bruce, Chairwoman; Adrienne Pfluger; Jim O'Brien

8:30 a.m. Call to Order

Please note: the minutes reflect the order in which each filings were addressed, and is different than the published Agenda.

Certificate of Compliance

Michael W. & Rosanne D. Panio (1992), 197 Quanset Road. The request for a Certificate of Compliance for an Order of Conditions for the placement of chink stone to control erosion on the bank. John Jannell explained that this Order had expired, and was superseded by the next Certificate of Compliance request on the agenda today which sought to stabilize the bank on site. John Jannell reported that this Order of Conditions was in substantial compliance and could be closed.

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

VOTE: Unanimous.

Michael W. & Rosanne D. Panio (2009), 197 Quanset Road. The request for a Certificate of Compliance for an Order of Conditions for bank restoration and stabilization. Jay Norton of Coastal Engineering Company, Inc. was present. John Jannell said this Order of Conditions was for additional work on the Coastal Bank remaining from the 1992 Order of Conditions. At that time, material was approved to be placed at the toe of the bank. The project has been partially successful but the bank is still an eroding coastal bank. The owner has expressed a desire to continue to plug the upper marsh with marsh grass, and will do so under the Administrative Review process. Steve Phillips asked if this bank stabilization approach had been deemed successful. Jay Norton said the applicant thought it was the best approach to naturally stabilize the bank. In general it has been successful.

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

VOTE: Unanimous

Breakwater Enterprises (2005), 11 Center Place. The request for a Certificate of Compliance for an Order of Conditions for the construction of 2 townhouse buildings with a total of 5 apartments; the installation of a septic system to serve the new units and 2 existing buildings; grading, and landscaping. John Jannell reported this Order of Conditions was in substantial compliance.

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

VOTE: Unanimous.

Edward Filardi (2002), 29 Payson Lane. The request for a Certificate of Compliance for an Order of Conditions for the construction of a single-family dwelling; guest house; pool; driveway construction; grading; the installation of a sewage disposal system; and the construction of a path, stairs, and landing to access Pochet Inlet. John Jannell went over the file history for this property, citing that this Certificate of Compliance was initially denied in 2005 for lack of an as-built plan for the site. Since that time, Ryder & Wilcox has provided an as-built plan for the site, and John Jannell reported this Order can be found in compliance.

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

VOTE: Unanimous

Edward Filardi (2005), 29 Payson Lane. The request for a Certificate of Compliance for an Order of Conditions for Vegetation Alteration greater than 50' from the Top of the Bank. John Jannell said this was an original plan from Bartlett Tree Company which had been since taken over by Uncommon Ground. The area to the rear of the deck was seeded with native groundcover, and the additional plantings were well established. John Jannell noted a third Order of Conditions for the removal of invasive species and replacement with native species will still be recorded against this property and that is not ready for a Certificate of Compliance.

MOTION: A motion to issue a Certificate of Compliance was made by Bob Royce and seconded by James Trainor.

VOTE: Unanimous.

Richard Miller (2008), 10 Little Marsh Lane. The request for a Certificate of Compliance for an Order of Conditions for the installation of utilities, access steps, and mitigation plantings. John Jannell reported the Request for the Certificate of Compliance also included a letter noting deviations from the plan. Neither the steps nor the outdoor shower were built, but the utilities were installed and the mitigation plantings are well established.

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

VOTE: unanimous

Continuations

Last Heard 9/4/12 (AP1, JO1)

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 Stone, applicant, were present. Stephanie Sequin passed around a revised plan which provided two mitigation planting areas totaling 800 square feet. The portion of the addition located within the 75' buffer was 378 square feet, and with the removal of a 110 square foot shed within the 75' buffer, resulted in a net increase of 268 square feet within the 75' buffer. Stephanie Sequin added that a paved berm was proposed to prevent rainwater from washing over into the driveway, and a note on the plan called for the washout material to be removed,

reseeded and loamed. Lastly, Stephanie Sequin noted that the deck had been reduced as additional mitigation. Steve Phillips inquired about the right of way located on the property for the bog maintenance, and Stephanie Sequin said the mitigation proposed was outside of the access corridor to ensure the mitigation's success. Jamie Balliett asked John Jannell if the construction of a berm would alter the water entering the wetland and recharge this resource area. John Jannell was not sure, as the revised plan showing these drainage alterations had been provided at the meeting, and John Jannell was unable to go out on site with this revised plan to determine if the proposed location of the paved berm would have a negative impact on the resource area. John Jannell felt an earthen berm may be a better solution, and asked how the water was directed over the property at this time. Stephanie Sequin said the water comes off of the pavement, runs across the driveway, and towards the bog; further down the road there is a catch basin. James Trainor thought the installation of the berm would be a positive, as the area was heavily vegetated below. Steve Phillips inquired if a fiber mat would be necessary along the driveway where it would be seeded, and Stephanie Sequin said the area was fairly level. Steve Phillips asked if the closing of the hearing should be held until the runoff concerns could be addressed, and John Jannell said it would be up to the Commission. John Jannell asked if the area between the access corridor and bog was maintained by stones, and that no one cut or clears the area. Joyce Stone confirmed it was maintained by stones, and Stephanie Sequin said the owners of the bog only had rights within the right of way. Steve Phillips felt the work proposed was acceptable given the proposed mitigation.

MOTION: A motion to approve the plan dated September 21, 2012, was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous.

Administrative Reviews

Towhee Lane Association, 49 Towhee Lane. The proposed removal of invasive species along a beach access path. Work will occur within 100' of the Top of a Coastal Bank and Land Subject to Coastal Storm Flowage. Work to be done by Blue Flax Design. John Jannell said that Theresa Sprague of Blue Flax Design would conduct the invasive species removal by hand.

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

VOTE: Unanimous.

Bruce & Amy Albert, 49 Sparrowhawk Road. The proposed clearing of a view. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, and within the Pleasant Bay A.C.E.C. Work to be done by Tim Baker, Baker Tree Service. John Jannell noted that the work proposed was over 47 Sparrowhawk Road, an area where a Certificate of Compliance had recently been issued for restoration work. John Jannell recommended the Commission ask the landowner where the work is proposed to file. James Trainor asked if something would be needed in writing. Jamie Balliett suggested a Notice of Intent with both the homeowner of 47 Sparrowhawk where the work was proposed and the homeowner of 49 Sparrowhawk proposing to do the work.

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

VOTE: 0-4-0; Motion Denied. Please submit a Notice of Intent,

Barbara Kraushaar, 29 & 33 Keziah's Lane. The after the fact pruning of an existing path for water access. Work occurred within 100' of the Top of a Coastal Bank and Salt Marsh, and within Land Subject to Coastal Storm Flowage and the Pleasant Bay A.C.E.C. John Jannell explained this application was received after an Enforcement Letter was sent out for work done without Conservation Commission approval. During the site visit, it was noted that the path had been in existence, and the work was for bamboo plantings which jumped the path every year, and the topping of black cherry trees. Steve Phillips asked if the work done had adhered to the Conservation Regulations. John Jannell said that it did, and had the application come in prior to the work commencing, he would have recommended approval. James Trainor asked if the maintained path adhered to 4' wide maximum requirement, and John Jannell said yes.

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

VOTE: Unanimous

John Jannell said a letter would accompany the approval stating that any future work must be filed for and approved by the Orleans Conservation Commission prior to its commencement.

John B. & Marcia W. Sortor, 30 Pershing Lane. The proposed trimming of trees for view restoration and removal of bittersweet and poison ivy. Work will occur within 100' of the Top of a Coastal Bank and within Land Subject to Coastal Storm Flowage and the Pleasant Bay A.C.E.C. John Jannell explained this was a property recently found in compliance with an Open Order of Conditions for construction, grading, and landscaping. The proposed view trimming is to restore a 2008 view. Steve Phillips asked if the work proposed work was within an approved view corridor. John Jannell explained the view corridor was not specifically called that in the Notice of Intent, but pictures of this area to be pruned were part of the original record, and the mitigation plantings were in excellent shape. Steve Phillips asked if the pruning would expand the view as it existed in 2008, and John Jannell said no, that is not proposed.

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

VOTE: Unanimous

Phil & Loretta Fair, 14 Megs Lane. The proposed construction of a handicap access ramp. Work will occur within 100' of the Edge of Wetland, Edge of Crystal Lake, and within the Pleasant Bay A.C.E.C. John Jannell explained this was proposed pressure treated decking on the side of the house, and the builder had committed to hand digging the sonotubes. John Jannell said the property was largely unmanaged landscape, with the house and built environment taking up only a small portion of the lot. Steve Phillips noted the very corner of the house where work was proposed was the 75' buffer line, and the deck to connect to the ramp is the only spot with work within the 75' buffer. John Jannell stated while the work was certainly permissible, the question would be whether or not mitigation was needed in exchange for this work. Jamie Balliett felt the access was important, and Bob Royce agreed.

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

VOTE: Unanimous

Philip Benton, 34 Twinings Lane. The proposed annual reduction in canopy height of several oaks located in the rear view corridor. Work to be done within the Pleasant Bay A.C.E.C. and on the Coastal Bank. Work to be done by Bartlett Tree Company. John Jannell explained this was an annual request, and although the Conservation Commission approved the work last year, the applicant did not do it. Bob Royce asked if the canopy work was done to aid another person's view, and John Jannell said no this is the applicants property and the applicants view.

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

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the Meeting on September 11, 2012

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

VOTE: Unanimous.

Other Member's Business

Administrator's Business

The Commission discussed the site visits.

The meeting was adjourned at 9:08am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department