

12 DEC 4 9:16AM

K. D. Kelly, Asst
ORLEANS TOWN CLERK

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, November 20, 2012

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

8:30 a.m. Call to Order

Notice of Intent

Hamish & Kathryn Wilkinson, 45 Bridge Road. by Schofield Brothers of Cape Cod, Assessor's Map 17, Parcel 87. The proposed construction of an addition to a single family dwelling. Work will occur within 100' of the Edge of Salt Marsh and Land Subject to Coastal Storm Flowage. Laura Schofield of Schofield Brothers of Cape Cod, Seth Wilkinson of Wilkinson Ecological Design, and Hamish and Lucas Wilkinson, applicants, were present. Laura Schofield went over the proposed addition and outlined the resource areas. Seth Wilkinson explained that the mitigation work would be the treatment and removal of the phragmites on the property, which would be about 10,000 square feet. Seth Wilkinson went over the phragmites treatment procedure which would be a cut, bundle, and drip which had become an effective means of phragmite treatment. Judith Bruce asked if this resource area was a Salt Marsh or an Isolated Fresh Wetland. Seth Wilkinson said that the vegetation indicated more of a Bordering Vegetated Wetland to a Salt Marsh. Judith Bruce asked if the applicant was aware of the commitment entailed with the removal of the phragmites, and Seth Wilkinson said yes. Steve Phillips felt the proposed addition was fine, but asked about the purpose of the fence along the Edge of Wetland and throughout the property. Seth Wilkinson said the fence, which was there prior to Hamish and Kathryn Wilkinson purchasing it, was for containment of the two children and small dog on the property. The applicants had thought of ways to make it wildlife friendly, but were concerned about the small dog escaping. Steve Phillips was concerned that since there was no prior approval on record for the fence, and that it may set precedence. Steve Phillips was concerned that since it was not approved before it was installed, it should be moved and part of the area naturalized as part of the mitigation for the addition. Seth Wilkinson did not think it would set precedence, and Steve Phillips thought the fence looked new. Seth Wilkinson explained the applicant was maintaining it, and the 10,000 square foot phragmites mitigation was offsetting the 414 square foot addition. Judith Bruce noted that in previous cases the Commission had asked applicants to install fences as they kept pets and small children outside of the resource areas. John Jannell explained that a DEP number had been issued for the project, and that any Order issued would include the standard language requiring that the land management plan be executed as part of the Order of Conditions. Steve Phillips asked if the fence could be shortened to allow for critter passage. Seth Wilkinson spoke with Hamish Wilkinson, and said that the fence could be raised 4-6" to allow for turtles and small mammals to pass.

MOTION: A motion to approve the site plan with the conditions that the fence be raised 4-6" and the invasive management plan be included with the Order of Conditions was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous

Ken Eisner, Countryside Building & Development, 8 High Street. by Ryder & Wilcox, Inc. Assessor's Map 37, Parcel 12. The proposed construction of a single family dwelling; installation of a septic system and utilities; construction of a driveway; grading; landscaping; and mitigation. Work will occur within 100' of an Intermittent Stream and the Edge of Two Wetlands. David Lyttle of Ryder & Wilcox, Inc, Ken Eisner, applicant, and Erin Hilley, Jen Exner, Tabitha Kaigle, and Seth Wilkinson of Wilkinson Ecological Design, were present. David Lyttle opened the hearing stating that there were two constants with this filing; only one commissioner from the 2000 denial of the development of this property remained on the Conservation Commission, Bob Royce, and Don Shall delineated the wetlands at this location back in 2000 and again with Erin Hilley's aid in 2012. David Lyttle went over the proposed work to the site, noting that the driveway would be crossing a swale, what was once called the intermittent stream. David Lyttle said the wetland delineation was done during the summer, with Erin Hilley and Don Shall, where they showed the swale ending before it reached the northerly wetland. David Lyttle said the two resource areas were a shrub swamp to the south and a wet meadow to the north. The proposed dwelling would be located at the highest portion of the lot, with an elevated septic system due to indications of high ground water found during soil testing. David Lyttle noted that there was no wildlife habitat survey provided in the previous denial, nor was there a mitigation plan provided where food and protection was shown for wildlife. Drainage for the proposed house would be stone at the roof dripline and drywells, and David Lyttle stated that the proposed grades will not interfere with the water flow. Steve Phillips was confused about the water flow between the wetlands, asking where the water flow was in Wetland B, the shrub swamp to the south, and Wetland A, the northern wet meadow shared with the neighbor. David Lyttle explained that the wetland closer to Main Street, wetland B, when it floods, goes into Wetland A. Erin Hilley explained that 12 years ago, Don Shall identified an intermittent stream on the site. When the delineation was performed this summer, it was determined that there was not an intermittent stream because there was not a clarified channel, and the vegetation was predominantly upland species. Erin Hilley felt that Wetland A was an isolated vegetated wetland overflowing into the swale. Judith Bruce noted that it had been a very dry spring and an equally dry summer, with record low groundwater. Judith Bruce asked if either one of these wetlands could be considered a vernal pool. Erin Hilley said that while she could not say for certain that it was or was not a vernal pool, there was probably not two months of standing water in the wetlands to allow for amphibians to breed. Judith Bruce asked if evidence would be found during the time of delineation, and Erin Hilley explained that snail shells or fingernail clam evidence would be found if this was the case. Steve Phillips asked if perched water was encountered during the delineation, and Erin Hilley said no. Steve Phillips asked about water being found 2' underground, and David Lyttle said this was consistent with High Street, as there was a deep clay layer throughout. Steve Phillips was concerned because the site was boggy all over, and Erin Hilley said at 14-16" deep

they came across the clay layer but not any perched water. Steve Phillips asked if Erin Hilley was suggesting that something had changed in the 12 years between the two delineations. Erin Hilley said she was not sure, since there were predominantly upland plants, she was not sure if the hydrology had changed. Steve Phillips asked if the plants were new or if they had been there for the past 10 years. Erin Hilley said she was unsure, as there was evidence of disturbance at the site. Steve Phillips asked where the two catch basins on the road drained, and David Lyttle said he was not sure. Steve Phillips asked if the house was proposed on a full foundation, and David Lyttle said that in order to maintain the proper separation, it had to be partially on a slab foundation. David Lyttle felt confident about the delineation and was confident that while there was not an intermittent stream on site, it could be Isolated Land Subject to Flooding. David Lyttle was confident that they could comply with the standards in 10.53.3.3 which allowed for construction of a new driveway. Steve Phillips brought up in the previous filing there were concerns about punching through the clay layer and changing the hydrology of the area through construction. David Lyttle noted that the previous Conservation Commission was often concerned about underground hydrologic connections, and that hydrology is a grey area given that water can run along a clay layer. The work proposed is in the rear of the property, which would involve excavating the clay, filling the excavated area with sand, and installing the septic system. David Lyttle felt the wetlands were there due to rainwater and the clay layer keeping them there. Steve Phillips said that in the 2000 hearing, there was reference to an existing culvert, with talk about flood levels and water running from Wetland A to Wetland B. John Jannell explained that the 2000 project was not filed by David Lyttle, and David Lyttle guessed that the applicant was referring to the proposed culvert. Steve Phillips asked if there was a buried pipe on site, and David Lyttle said no. Erin Hilley thought the reference may be to the culvert north of the adjacent property. Steve Phillips asked if the abutters were notified. David Lyttle said yes, and they would also be notified for the Board of Health hearing. David Lyttle noted that another reason the previous filing was denied was for aesthetic reasons due to a raised septic system, which would be an evergreen screen between the property lines and the raised septic system. Tabitha Kaigle went over the invasive species management proposal for this site, explaining that this property was heavily invaded and that the proposed work was based on the restoration of the existing 5 native plant communities. Tabitha Kaigle said that there was a significant amount of native species which would be able to flourish through the removal of the various invasive species. Any native species which had been damaged by the invasive species would be pruned and allowed to resprout. In total, 36,000 square feet of restoration was proposed. One oak was proposed to be removed due to construction, with the driveway routed through the existing cedar grove and protected during construction. If for some reason damage occurred to the cedar trees, they would be replaced at a 1 to 1 rate, and 6 additional white oaks would be planted. David Lyttle corrected Tabitha Kaigle explaining that three oaks, one cherry, and one cedar will have to be removed as a result of the project. Bob Royce asked if one of the oaks was located at the corner of the house, and David Lyttle said yes. Bob Royce agreed that the intermittent stream was a false reading as there was no real stream bed, but his concern was that the basement would be sitting in clay, and a drywell located outside of the house would mean the water would have nowhere to go. David Lyttle said that

when a cellar hole was dug in clay, the cellar hole was excavated one foot deeper than required; wick holes are dug in a couple of places near the perimeter of the foundation into clean sand, and filled them back up with clean sand. This allows the water coming down the clay layer, able to percolate down to the clean sand. Tabitha Kaigle mentioned that the trees referenced by David Lyttle were outside of the Conservation Commission jurisdiction. James Trainor asked to confirm that the septic system would require a 20' overdig, and David Lyttle clarified that it would be a 16' excavation. James Trainor asked if there was a 10' wall, if there was the potential for 6' of additional clay underneath that, and David Lyttle said that was correct. James Trainor asked if that would have to be dug through to get to the wick holes, and David Lyttle clarified that the wick holes were only dug in a couple of places to allow for percolation, and this method helped prevent flooding in any portion of the house. James Trainor asked how deep the clay layer was by the foundation, and David Lyttle said he was not sure, as they typically did not do test holes for foundations. David Lyttle said this was common practice for foundation work to dig to determine where clean sand was located. Judith Bruce asked if the excavator would have to go to 50', and David Lyttle was confident that sand would be found at the 82-83' line, as that was where the test holes indicated the clean sand line. James Trainor was concerned about how this would impact runoff for the wetlands. David Lyttle felt that the house, located outside of the 50' buffer, would not cause significant runoff problems, but the creation of impervious surfaces would create runoff which would be contained with a roof dripline and downspouts. Unless the ground was frozen, David Lyttle did not feel that the runoff would be increased significantly. Tabitha Kaigle noted that with the substantial amount of material added on site, the runoff would be buffered and filtered. Judith Bruce was concerned about the delineation of the wetlands, and that they may in fact be larger than what was shown on the plan given the dry year and current dry cycle. Judith Bruce also thought that the invasive species on site were providing a significant amount of seeds to be spread throughout the area. Erin Hilley asked if the delineation line from 2000 and the current delineation line were fairly consistent, and was not sure if the trend 12 years ago was more wet then the last 12 years. Judith Bruce said the cycle was roughly 10 years, and Erin Hilley felt the delineations were in line with adjacent delineations within this area. John Jannell said that during the on-site a comparison of the delineations was not discussed. John Jannell noted that he witnessed the swale which did not have a significant disconnect between the two wetlands, 5-10 feet, coming across as a natural delta. John Jannell asked if soil logs were available and their locations. Erin Hilley said there was a lot of soil analysis performed, and one site was flagged where vegetation and soil assessment was performed. John Jannell felt the soils would be the best indicators for the wetland delineation and hydrology. John Jannell noted that the application left out three resources shown on the 2000 plan, which were Inland Bank, Stream, and Land Under Water. John Jannell said he was still concerned about what exactly was on the site for the resource areas, and where the buffer was located. The northern wetland had the most change, which also changed the buffer to the septic system. Judith Bruce asked if John Jannell was looking for soil analysis of the northern wetland. John Jannell asked if soil logs were done for the stream area in question, so that it could be demonstrated why this resource area changes and why the delineation had changed. John Jannell noted that there were

significant notes from the 2000 delineation which were not available in the Conservation Commission files, and asked if the report was available. Erin Hilley said she was not sure if Don Shall had the report still from the 2000 delineation. David Lyttle said it was his understanding that back in 2000, the Conservation Commission asked for a second wetland delineation. With respect to the wetland itself, David Lyttle said that wetlands can change over time. David Lyttle asked how long a wetland delineation was good for, and if a delineation from 12 years would be acceptable. Erin Hilley noted that a delineation was good for 3 years. Judith Bruce said that in terms of pond edges and typical wetlands, older delineations were acceptable because their lines remained standard, with high water lines being demarcated via tree markings and soil analysis. David Lyttle asked if new applications required new delineations, and Judith Bruce said yes. David Lyttle said that Don Shall was a certified NHESP biologist, and Erin Hilley said that she and Don Shall went into this site not knowing anything about the wetlands. Erin Hilley said the vegetation and soils were looked at more than once, noting that the northern wetland was mostly comprised of upland species, and was pretty confident with the wetland line shown. Seth Wilkinson felt the Commission brought up some excellent points, and said that since the vegetation had changed, and it was their responsibility to show how it had changed and where it changed. Seth Wilkinson said that Don Shall was an expert, and thought it would be helpful for Don Shall and Erin Hilley to review the soils and have Don Shall speak of the change. Seth Wilkinson said that DEP delineations were good for 3 years, but that a ten year policy was reasonable, as DEP guidelines were based on vegetation and soils. Seth Wilkinson said that soil signatures did not change, and if they change it is on a decade change or larger. Seth Wilkinson noted that Wilkinson Ecological Design has a company policy not to work on a project unless they were going to leave it better than they found it, and the reasonable amount of development proposed in exchange for almost an acre of restoration was an ecological improvement. Seth Wilkinson suggested a site visit with Erin Hilley and Don Shall be conducted with the conservation commission. John Jannell said that while he agreed that wetland lines do change, he was concerned about why this line changed if in fact it did. John Jannell stated that the wetland location is important as there is very little land area available for development outside of the 100' buffer on this lot. Steve Phillips asked if the 220 cubic yards of fill proposed in 2000 was proposed for the current project, and if so where it would be located. David Lyttle said he was not sure about the amount of fill and its potential location. Jamie Balliett asked if the driveway would be paved or pervious, and David Lyttle said it would be pervious. Jamie Balliett said that he would like to know why Inland Bank, Stream, and Land Under Water were not addressed as in the 2000 application, and if a Superseding Order of Conditions was sought in 2000. John Jannell said he was trying to understand the disconnect of the swale to the Edge of Wetland to the north and the northerly wetland line which impacts the connection. Erin Hilley said the identification of the swale was not just related to the delineation, but that DEP did not recognize areas as wetland resources which were just a result of a high precipitation event. David Lyttle said it would be his interpretation to identify this as Isolated Land Subject to Flooding, not Land Under Water, and would reiterate this in writing. Judy Brainerd asked if any of the neighbors were at the meeting about the septic system, Judith Bruce asked if anyone in the audience wished to speak on the application. No one from the audience spoke, and David Lyttle said they were

notified. James Trainor asked if the test holes done in 1997 could be located on the plan, and David Lyttle said yes. James Trainor said the plan called for drywells or crushed stone, and said that he would want the drywells. Jamie Balliett asked if the garage could be moved farther away from the resource area, and if the turnaround area could be relocated. David Lyttle said that he would look into changing the locations, but the turnaround area was thought to be located in the most practical area. Steve Phillips noted that the previous application had the driveway to the west, and Jamie Balliett asked if John Jannell could look into the proposed 8" culvert to determine if this was a big enough pipe and what type of flow could come out of that. Jamie Balliett expressed that due to the weather last week he was unable to make the site visit, and would like an opportunity to go back out on site. Judith Bruce said that while she went on site she did not crawl through the wetland, and Judy Brainerd said she was able to go out with John Jannell and explore the site. Steve Phillips thought it would be helpful to conduct an on-site, and Judith Bruce thought it would also be to the benefit of Erin Hilley and Don Shall. John Jannell said that the site visit would have to be posted. Judith Bruce suggested a site visit to be conducted on November 27, 2012, and David Lyttle said that would be fine. Erin Hilley was concerned that she needed to speak with Don Shall. David Lyttle said the site visit on November 27, 2012, was for the benefit of the Commission, with the site visit with Don Shall and Erin Hilley to be conducted with John Jannell at a later time. Jamie Balliett suggested that the applicant continue the public hearing to December 11, 2012, and David Lyttle felt that would be ample time to revise the plan and take in the Commission's suggestions.

MOTION: A motion to continue the hearing to December 11, 2012, with a public on-site on November 27, 2012 was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous

Patricia Johnson, 645 South Orleans Road. by Ryder & Wilcox, Inc. Assessor's Map 96, Parcel 23. The proposed installation of a tight tank connected to an existing single family dwelling and the pumping and abandoning of an existing cesspool. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, Bordering Vegetated Wetland, and within Land Subject to Coastal Storm Flowage and the Pleasant Bay A.C.E.C. Stephanie Sequin, of Ryder & Wilcox, Inc. went over the existing conditions on site, noting the varying flood zone elevations abutting this parcel. Stephanie Sequin explained that there was a tight tank already for the cottage, and this proposed tight tank would be for the main house on site. Judith Bruce asked where the new tight tank would be located, and Stephanie Sequin said the existing tight tank was north of the new proposed tight tank. James Trainor asked how often a 3,000 gallon tight tank had to be pumped, and Stephanie Sequin replied that with frugal water use, the tank would have to be pumped every 5 days. Judith Bruce asked if the Board of Health tracked water usage on the site, and Stephanie Sequin said the Health Department kept records of when the tight tank was pumped. Jamie Balliett asked if the house was serviced by town water, and Judith Bruce asked if DEP required the Board of Health to monitor the water going in and coming out. Stephanie Sequin replied that the house was serviced by town water, and during her research did not see water reports. James Trainor inquired if it would be possible to combine and have one large tight tank for both versus two tight tanks on site. Stephanie Sequin said the combined bedrooms between the

cottage and guest house was 6, which would require a minimum of a 3500 gallon tank. James Trainor felt the one tank solution would be easier, and Stephanie Sequin noted that the two tanks on site would have a combined 5,000 gallon capacity. John Jannell noted that DEP had issued a file number. Jamie Balliett inquired about the type of tight tank proposed, and if it was the strongest version, should a major storm event impact this area. Stephanie Sequin said the H-20 proposed was the stronger reinforced version, and because of the possibility of potential flooding, a cement slab would be poured over the top of the tank.

MOTION: A motion to approve the site plan dated 10-25-12, with the conditions that it meets Board of Health approval and including the Standard Conditions Pertaining to the Construction of a Septic System was made by Steve Phillips and seconded by Jamie Balliett.

VOTE: Unanimous.

Jim O'Brien left at 9:58am

Paul Gossling, 19 Surf Path. by Ryder & Wilcox, Inc. Assessor's Map 30, Parcel 55. The proposed pumping and abandoning of an existing cesspool and the installation of a new septic system to serve an existing single-family dwelling. Work will occur within 100' of the Top of a Coastal Bank. Stephanie Sequin went over the existing conditions, noting that the installation would match the existing topography. Judith Bruce noted that this was a difficult site, and Jamie Balliett asked why the cesspool was not being removed since there would be an excavator on site, but was being pumped and filled with clean sand. Stephanie Sequin said it was difficult to take them out and find a place to properly dispose of them. Steve Phillips asked about the trees to be impacted in the driveway island, and Stephanie Sequin said these would all have to be removed. Judith Bruce asked if this was an opportunity to plant more species, and John Jannell asked if this was a raised system which could have plantings. Stephanie Sequin said that she was hesitant to allow people to plant on top of a system for fear of root infiltration. The chambers were not H-20 rated, and there would be enough of a curb to prevent driving onto the system. Judith Bruce asked what would then be on top of the system, and Stephanie Sequin estimated that it would probably be mulch. Steve Phillips noted that the plan received by the Conservation Commission was only page one of two, and inquired about page two. Stephanie Sequin said page two was the typical profile page for the septic system, and Steve Phillips asked that the second page be submitted for the record. James Trainor asked if the remaining components would be H-20 rated, and Stephanie Sequin explained that the septic tank and d-box were both H-20 rated. John Jannell said that a DEP number had been received, and if an Order of Conditions was issued, he would include the Standard Conditions Pertaining to Construction of a Septic System.

MOTION: A motion to approve the site plan dated 10-30-12 with a condition that the second page of the site plan be received for the record was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous

Enforcement Order

Last Heard 10/23/12 (JO1)

Bruce Carey, 1 Ruggles Road. The proposed issuance of an Enforcement Order for the removal of trees and vegetation on Town Land and within Conservation Commission jurisdiction. Bruce Carey, applicant, went over the site plan prepared by John Schnaible of Coastal Engineering Company, Inc. Bruce Carey explained that Mark Budnick of the Orleans Highway Department was concerned that by altering the area in front of 1 Ruggles Road that it would cause further problems down Tonset Road. Bruce Carey read aloud the four violations noted in the letter dated October 23, 2012 from the Orleans Conservation Department. The first offense, alteration of Town land within 100' of the Edge of Wetland, was repaired by the landscaper by replacing the grade from the old driveway to the new driveway. The second, removal of vegetation on Town land within 100' of the Edge of Wetland, was resolved by the planting of grasses, installed haybales, and put down a fiber mat. The third violation, the re-grading of Town land within 100' of the Edge of Wetland, is now how it is presently shown on the plan. The fourth, the installation of an irrigation system within 100' of the Edge of Wetland, was installed to maintain the installed grass to prevent further runoff. The request to install the plantings had been stalled by the applicant because he was concerned about road runoff damaging the plantings. Bruce Carey asked for an extension to plant the mitigation plants in the spring, providing time for Mark Budnick to install a catch basin. Judith Bruce asked if the applicant wanted to continue to have the entire area which was Town property along Tonset Road to remain as grass, as it was comprised of trees. Bruce Carey explained that he went in front of the Planning Board, where they decided to replace the trees and require that he pay a fine to have Dan Connolley install the plantings. Judith Bruce said that the 2009 plan showed two areas of planting, one fronting the road and which had been cleared to the ground, regraded, and planted with grass. Bruce Carey said the area had been comprised of hedges, which still allowed for sand runoff from the road to enter his property. Bruce Carey said that Dan Connolley thanked the applicant for cutting back the hedges every year, as they were a safety concern. Bruce Carey said that he spoke with John Jannell and had suggested installing American Holly on site. John Jannell explained that what was in front of the Commission was an Enforcement Order. The applicant had been asked to do specific things outlined in the October 23, 2012 letter, and work with the Planning Board. The Planning Board process has concluded with a fine, which should be paid otherwise the applicant was subject to additional penalties. The erosion control measures, which included the installation of a straw bale siltfence, erosion control blanket, regrading the eroded area, seeding, and the double siltfence were all done. On Friday, November 16, 2012, and again on Monday November 19, 2012, site visits were conducted and irrigation was still on the town property. John Jannell explained that in the Conservation Commissioner's packets was an as-built plan. John Jannell recommended that no action be taken today on the plan, as there were specific steps to be taken when requests to revise plans are submitted to the Conservation Commission. John Jannell felt the Commission could transition away from the Enforcement Order, with the one sprinkler head to be addressed. Mark Budnick can now proceed accordingly, and the current Order of Conditions for this property remains open and active. James Trainor asked if a planting plan would be received from the Town, and John Jannell said he could speak with Dan Connolley and find out exactly what was

being installed within jurisdiction. James Trainor felt it would be beneficial to have both the Town replanting plan and the applicant's restoration plan work together. Bruce Carey was concerned about the area in question, and the changes to the plan. John Jannell explained that the plan in front of the Conservation Commission was different than the approved plan of record associated with the Open Order of Conditions. Bruce Carey asked what changes needed to be shown on the plan. John Jannell said that all the changes done to the site which deviated from the approved plan presented to the Conservation Commission, such as the installation of A/C pads, the change to the deck, and anything else not shown. Judith Bruce noted the plan should reflect where the grass was now located and what was approved. John Jannell reminded the Commission that the Planting Plan was still a requirement, and Steve Phillips did not think the applicant was trying to change the planting plan. Judith Bruce explained that she wanted to see the changes that had recently occurred to the natural shrub community. Judith Bruce asked what would be procedurally called for at this time, and John Jannell said there did not need to be any action on the Enforcement Order. John Jannell recommended that the applicant complete his Order of Conditions. Judith Bruce felt a date certain should be set for Bruce Carey to return with the revised plan, and Steve Phillips asked if the submitted as-built should be acted upon today, and John Jannell said procedurally the Commission should wait to act on a Revised Plan once a Revised Plan was requested. Judith Bruce asked what an appropriate timeline would be, and Steve Phillips asked Bruce Carey how long he would need. Bruce Carey wanted to wait for the inventory from the nursery and felt that middle of the second quarter would be an appropriate time. Steve Phillips stated that the Commission was not going to wait until May for a Revised Plan to be submitted, and Jamie Balliett explained to the applicant that when a change was made to an approved site plan, the request to accept these changes typically needed to be made before the changes occurred. Judith Bruce said there were two issues to be dealt with: the planting plan needed to be planted which would be done, according to the applicant, in May. The other issue is the existing dwelling not built per plan which was not up for review today, but needed to be addressed in the near future. Bruce Carey asked what additional information the Commission required. John Jannell suggested going around the property to make sure the plan submitted today incorporated all of the deviations from the original approved plan which accompanied the Order of Conditions. The Commission discussed potential meeting dates, and Bruce Carey decided upon December 18, 2012.

MOTION: A motion to take no action on the Enforcement Order and expect a Revised Plan to be submitted for the December 18, 2012 Conservation Commission meeting was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous

Certificate of Compliance

Molly Hidden (2011), 10 Bufflehead Lane. The request for a Certificate of Compliance for an Order of Conditions for the installation of a ground mounted solar array. John Jannell reported the solar panel array was installed per plan.

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

VOTE: Unanimous

Administrative Reviews

Carl Trevison, 25c Doane Road. The proposed removal of a cedar tree threatening house. Work will occur within 100' of the Edge of Wetland. Carl Trevison was present. John Jannell reported that the tree was on the house. John Jannell noted that the condo association members were good stewards to the area and kept a complete tree inventory of the site.

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

VOTE: Unanimous

Stephen Onesti, 81 Freeman Lane. The proposed trimming of 2 Autumn Olives and the annual mowing of a meadow. Work will occur within 100' of the Edge of Salt Marsh. Work to be done by Ponderosa Landscaping. Steve Phillips asked why the Autumn Olive was not removed from the site. John Jannell said the applicant preferred to trim every year versus removing it and replanting it.

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

VOTE: Unanimous

Chairman's Business

Approval of the Minutes from the Meeting on November 13, 2012

Erin Shupenis reported that the minutes were not ready from the November 13, 2012 meeting.

Other Member's Business

Administrator's Business

Request to expend Funds for Conservation Property repairs.

John Jannell reported that the use of Conservation Funds was permitted for maintenance of Conservation properties. John Jannell presented the Commission with a list of material cost needs to accompany maintenance on several Conservation properties totaling \$8100.00. James Trainor was concerned about the \$800 proposed for a picnic table, and John Jannell noted that it was proposed to be metal and maintenance free and before any tables were purchased the Commission could review them. John Jannell said these projects would take longer than a year's time, and the funds would be expended only as bills were received for the materials. Materials themselves would not be stockpiled but rather would be ordered and installed at the same time. Judith Bruce noted that this proposed list of repairs did not include the construction of access stairs for the Gavigan property. John Jannell explained that since the Conservation Commission did not hold/manage the Gavigan property, funds from the Conservation Fund could not be allocated for its maintenance or improvement. Jamie Balliett asked if the Parks Department would be doing the work, and if the Conservation Commission would then be paying them hourly through these funds.

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John Jannell stated that the Parks Department would be doing the work, and their department was in charge of maintaining the Conservation Properties. Steve Phillips asked about the varying prices for material between Christians on Paw Wah, and John Jannell explained that he was heavily relying on the Parks Department for cost estimates. James Trainor asked what types of posts would be used, and John Jannell said they would likely be either locust. Judith Bruce said that they could question the specific costs should concerns come in, and was amenable for a motion to allocate up to but no more than \$8100.00 for material costs.

MOTION: A motion to approve the allocation of up to \$8100.00 for the repair of Conservation Properties was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous.

John Jannell announced that the Wellfleet House AmeriCorps group was at Hopkins Gardens doing tree removal with Dan Connolley, Tree Warden for the Town of Orleans. John Jannell said this would be followed up with a garden work day, with invasive species being removed to eliminate the shading, as well as a small area in the back where there is locust removal, something which had previously taken place 10 years ago. John Jannell noted that Mary King, garden coordinator for Hopkins Gardens, had been notified of the proposed work.

The meeting was adjourned at 10:47am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department