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Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, November 27, 2012

K. D. Kelly, Asst
ORLEANS TOWN CLERK

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

Certificate of Compliance

Vince & Evelyn Van Norman (2012), 22 Karen Way. The request for a Certificate of Compliance for an Order of Conditions for the construction of an addition and driveway reconfiguration. No work occurred under this Order of Conditions. John Jannell reported that this was a request for a Certificate of Compliance to release the Order of Conditions from being recorded against the deed.

MOTION: A motion to release the Certificate of Compliance with the finding that no work occurred was made by Steve Phillips and seconded by James Trainor.

VOTE: 6-0-1; Jim O'Brien abstained, motion approved.

Theresa Cochran-English (2008), 118 Arey's Lane. The request for a Certificate of Compliance for an Order of Conditions for the removal and reconstruction of portions of an existing dwelling, deck reconstruction, and installation of a Title V septic system. John Jannell reported that the 2008 project was in compliance. Within the Order of Conditions, there was a special condition that a bare area be planted. A landscape plan was received in 2009 and executed accordingly.

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

VOTE: Unanimous.

Administrative Reviews

Judith Brainerd, 9 High Tide Lane. The proposed removal of a locust tree and surrounding multi flora rose and replanting with native shrubs and ground cover. Work will occur within 100' of the Edge of Wetland and the Pleasant Bay A.C.E.C. Work to be done by Seaside Arborists. *Judith Brainerd recused herself.* John Jannell explained this was a planting project located at the 100' buffer adjacent to High Tide Lane and recommended approval under this Administrative Review.

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

VOTE: Unanimous

Brad Maher, 43 Towhee Lane. The proposed repair of a storm damaged bank by removing 4 undermined trees, adding clean sand to scarp line, removing elevated stair section, repair existing dug in rock stair, and plant with salt tolerant grasses. Work will occur on a Coastal Bank, Land Subject to Coastal Storm Flowage, Coastal Beach, and within the Pleasant Bay A.C.E.C. Work to be done by Jeff Norgeot. *Judith Bruce*

recused herself. John Jannell noted the next two applications were due to storm damage. John Jannell explained that Brad Maher, applicant, and Jeff Norgeot, proposed contractor, contacted John Jannell and conducted an on-site. John Jannell passed around photos showing that the applicant lost about 1' of his bank and the roots of the 4 trees to be removed were exposed. While walking on the site, it was determined that an elevated stairway had been installed without permission from the Orleans Conservation Commission, and therefore John Jannell recommended that it be removed. The scarp line would be nourished with clean sand, and the existing stone path would be rebuilt in place. Jamie Balliett asked how much fill was proposed and what the access for the site would be for the work to be done. John Jannell said the access area was from the existing lawn, and the applicant had proposed 60 yards of fill. John Jannell said the applicant could not attend the meeting. Jamie Balliett felt that based on the photos material other than sand would be beneficial to help stabilize the area. John Jannell noted that applicants in the past had used other material comprised of a stone sand mix, but that on his recommendation, John Jannell felt it would be best to use clean sand, as a stone mix typically left the beach with more stone and less sand. Steve Philips asked if Jeff Norgeot had put together the proposal, and John Jannell said yes. James Trainor asked if the removal of the elevated stairs was for a set of permanent or temporary stairs. John Jannell pointed out that the applicant had an existing stepping stone stair which was accessible from the lawn and proposed to be replaced. Jamie Balliett felt the application was beyond the scope of an Administrative Review.

MOTION: A motion to approve this Administrative Review was made by Jim O'Brien and seconded by Judy Brainerd.

VOTE: 5-1-0; Motion approved.

Jim Turnbull, 11 Country Lane. The proposed removal of 2 storm damaged trees. Work will occur within 100' of the Edge of Pilgrim Lake and the Pleasant Bay A.C.E.C. John Jannell said the applicant wanted to remove these storm damaged trees out of the well treed buffer.

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

VOTE: Unanimous

Carol Bloch, 25 Harvey's Lane. The proposed removal of a leaning Cherry tree. Work will occur within 100' of the Edge of Wetland. John Jannell explained this tree was leaning over Harvey's Lane, and the wetland was across the road and owned by the Orleans Conservation Trust.

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

VOTE: Unanimous

Conservation Restriction: Vote

Window on Twinings Pond CR, 10 & 18 Twinings Lane. Vote to approve Orleans Conservation Trust Conservation Restriction. *James Trainor recused himself.* Kris Ramsay of the Orleans Conservation Trust explained that roughly one year ago the

Orleans Conservation Commission voted to hold a Conservation Restriction and be the lead applicant for the State LAND Grant. Since that time, additional fundraising had been done, and the Orleans Conservation Trust needs to move ahead with the Conservation Restriction, with the understanding that this purchase may have to close by the end of the year 2012. Kris Ramsay provided the Commission with a letter from Mike Ford, Town Council, in support of the proposed CR, and the next step would be to get on the December 5, 2012, Selectmen's agenda. Kris Ramsay noted that a CR was also held on 22 Twinings Lane by the Orleans Conservation Commission, which did not allow for the mechanical removal of invasive species. This CR for 10 and 18 Twinings Lane would have this same requirement, thus not preventing confusion between what work could be done on which lot. Judith Bruce did not feel that the property at 10 and 18 Twinings was heavily invaded with invasive species and the property itself was fairly steep. Kris Ramsay agreed that it was not heavily invaded. Jamie Balliett inquired about what would happen with this purchase if the state grant did not come through for the purchase of this property. Kris Ramsay explained that fundraising by the Orleans Conservation Trust was done under the assumption that the grant would not be received. The Orleans Conservation Trust was continuing to fundraise, and needed between \$25-40,000.00 more to complete the purchase of this property.

MOTION: A motion to approve the Orleans Conservation Trust Conservation Restriction was made by Jim O'Brien and seconded by Bob Royce.

VOTE: Unanimous.

Sea Call Farm License Agreement

Discussion to amend the Sea Call Farm License agreement between the Sea Call Supporters and the Town of Orleans. John Jannell explained that before the Commission was the annual license agreement, with the proposed changes that the garage door rebuilt as a result of recent storm damage, the sills replaced on the existing windows, and the work on the greenhouse eliminated from the agreement as it had been completed. John Jannell noted that a larger discussion with the Sea Call Supporters would be conducted at a later meeting. James Trainor asked why the applicants had not signed the agreement prior to the Orleans Conservation Commission. John Jannell said the Commission needed to be comfortable with the changes before the Sea Call Supporters signed the agreement. John Jannell said that he would look into the Sea Call Supporters signing the agreement first if the Commission wishes to proceed that way.

MOTION: A motion to sign the Sea Call Farm License agreement was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the Meeting on November 13, 2012, and November 20, 2012. Judith Bruce suggested that due to the in depth nature of these minutes, the Commission wait to vote to approve them until ample time had been given to review them.

Other Member's Business

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Administrator's Business

John Jannell extended thanks to Dan Connolley, Tree Warden, the AmeriCorps Wellfleet House, and the AmeriCorps Seashore house for their work yesterday on Orleans Conservation Commission properties. This work was one of 6 days which the volunteers would be working on various properties. The work yesterday included but was not limited to locust removal at Hopkins Gardens and invasive vine removal on Meadow of the Cove.

The Commission discussed the site visits.

The meeting was adjourned at 8:52am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department