

Orleans Conservation Commission
Town Hall, Skaket Room
Hearing Meeting, Tuesday, January 15, 2013

ORLEANS TOWN CLERK
C. Maef
13 FEB 26 10:24AM

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

David Wiener, 72 Keziah's Lane. by East Cape Engineering, Inc. Assessor's Map 49, Parcel 53. The proposed removal of an existing licensed pier and float, and construction of a new pier and seasonal float. Work will occur within a Salt Marsh, Land Under Water, Land Subject to Coastal Storm Flowage, and within the Pleasant Bay A.C.E.C. Tim Brady of East Cape Engineering presented the plan which was for the upgrading of an existing licensed pier within the same location, same size, with an increase in height and installation of a handrail. Tim Brady noted that a letter from NHESP had been received restricting the time for work to commence. Judith Bruce asked if the ties on the ground were being switched to pilings, and Tim said there were currently cross ties located low to the ground. Jamie Balliett asked what the height was of the existing dock, and Tim said around elevation 5'. Jamie Balliett confirmed that the applicant was looking for a 3' elevation increase, and if this was in compliance with Orleans and State regulations. Tim Brady explained that the height increase was due to flooding problems. John Jannell said this proposal was in compliance with regulations, and there is a good marsh community on site which should benefit from the increase in height. Judith Bruce asked about the proposed time restriction by NHESP, and Tim Brady said they asked for work to only be conducted from April 15-June 15 of any calendar year. Steve Phillips and Judith Bruce were concerned that this work would in fact be detrimental to the turtle population, and John Jannell noted that the species of concern had not been mentioned in the NHESP letter. Steve Phillips thought that the work should be conducted prior to these dates, and Judith Bruce was concerned that the proposed restricted dates were in conflict with turtle activity in this area. John Jannell read into record the quote from the NHESP letter, which stated that "During the period of April 15-June 15, all work associated with the removal and installation of the pier and float must be completed. No work is approved outside this period." Judith Bruce suggested following up with NHESP to confirm that these dates would not conflict with the nesting turtles, and Tim Brady asked if the Order of Conditions could be issued with the date included once clarification had been provided. John Jannell felt it would be better to continue the hearing for one week to receive clarification from NHESP, and Steve Phillips asked if the applicant would be amenable to this continuation. Tim Brady said a week's time would be fine for a continuation.

MOTION: A motion to continue the hearing to January 22, 2013, was made by Jamie Balliett and seconded by Jim O'Brien.

VOTE: Unanimous.

Clifford Hampton & Thomas P. Heiser, 27 & 34 Carlton Road. by Ryder & Wilcox, Inc. Assessor's Map 82, Parcel 1 & 2. The proposed replacement of an existing timber stairway and the stabilization of an eroding Coastal Bank with gabions. Work will occur on Land Subject to Coastal Storm Flowage, on a Coastal Beach, and within the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc. went over the scope of the project, noting that the current gabion protection was in failure, and the proposed project would include the usage of roundstone versus chinkstone. David Lyttle passed around a handout showing a clearer picture of how the area would look once complete. David Lyttle noted that a planting plan had not been provided at this time, and the proposed stairway would be a better fit for the area given the unusual configuration. Judith Bruce said that she conducted a second site visit where she noted significant erosion underneath the stairs at East Egg. Judith Bruce asked if the current stones which were strewn throughout the beach from the failed gabions would be reused in the new baskets, and David Lyttle said yes. Judith Bruce suggested an on-going inspection of the baskets so that they would be replaced before they opened up again and rocks ended back on the beach. David Lyttle said that the previous stabilization may not have been engineered in advance, as the baskets were not dug in place but rather installed along the toe of the coastal bank. The timber bulkhead located to the north also exacerbates the storm waves, and he hoped that with nourishment they would be able to connect the marsh in front of the bulkhead to the marsh in front of East Egg. Judith Bruce suggested that input from Greg Berman, Coastal Processes Specialist from Woods Hole Sea Grant, would be beneficial for this application, and David Lyttle said that would be fine. Steve Phillips noted that the plan called for 11 rows of gabions, and asked if the height of the gabions would be matched to the south. David Lyttle said they would like to go 1' higher, which would require two more rows. Steve Phillips said that the return on the abutting Gullquist property was severely eroded, and knowing that the applicant proposed to tie into it, how it would be repaired. David Lyttle said a methodology had not been explored yet, and he would have a meeting with Albert Avellar, caretaker for the property, to determine how this would be approached and how it would be filed for with the Conservation Commission. David Lyttle explained that the long term approach would be to eventually replace the failing portion of the bulkhead on the north side. James Trainor asked if there was a change to the angle of the stairs, and if there would be a change in the height of the stairway going down to the beach. David Lyttle said the angle was changing, but when the stairway came down, it would be in front of the gabions. David Lyttle said they hoped to find stones to make into steps or use granite stones to get from the stairs safely onto the beach. Jamie Balliett said that based on a photo provided to the Commission, the erosion was shown occurring further up. David Lyttle said this would be addressed in planting specifications. Judith Bruce noted there had been a fair amount of cutting and new cuts done in this area, and David Lyttle asked if these were seen recently. Judith Bruce noted that this work appeared to have occurred within the last couple of weeks. Steve Phillips asked about a date to continue the hearing, and David Lyttle asked to continue for 3 weeks to February 5, 2013, to allow Greg Berman to visit the site and put together a report.

MOTION: A motion to continue the hearing to February 5, 2013, was made by Jamie Balliett and seconded by Steve Phillips.

VOTE: Unanimous.

Stephen Brodeur, 25 Weeset Proprietors Way. by Coastal Engineering Company, Inc. Assessor's Map 6, Parcel 4. The proposed property redevelopment including select structural & site demolition; reconstruction & reconfiguration of the existing dwelling; installation of a new septic system; & the enlargement of buffer planting areas. 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. Dave Michniewicz of Coastal Engineering Company, Inc., Sarah Turano-Flores of Nutter, McClennen, & Fish LLP, legal representation for the applicant, and Phil Cheney, Landscape Designer, were present. Sarah Turano-Flores went over the history of the property, noting that the approval of the revetment in a previous filing would be done in conjunction with the redevelopment of the house. Sarah Turano-Flores noted that they did not have proposed elevations and would have to return with these numbers. Sarah Turano-Flores showed the Commission a larger illustration of the work proposed on site, and Judith Bruce explained that the Commission wanted to see the existing footprint and the new proposed footprint outlined over it so the Commission could determine what new structure was proposed. David Michniewicz explained the work proposed, while utilizing the existing foundation, and would be selective demolition, with one area of the foundation to be expanded. Judith Bruce asked if there would be an expansion of the deck, and David Michniewicz said no, it would be a cantilevered balcony. The current driveway would become lawn area, and living space would be expanded on the east side. A farmer track driveway would be created in front of the new garage, and a new septic system would be installed which would include the septic tank in the driveway, with the remaining components outside of the 100' buffer zone. Runoff would be recharged from either stone drip trench or gutter downspouts and dripline, collected in a biofiltration basin, and connected to a drywell. Lawn area will be removed, and vegetation mitigation will be roughly 3,000 square feet. Judith Bruce asked if this was new mitigation, and David Michniewicz said this was new mitigation in addition to what had previously been approved under other Notice of Intent's still active for this property. Judith Bruce asked if the existing driveway was proposed to be eliminated. David Michniewicz said yes, where the driveway currently came down and was shared would be eliminated so the application would have their own driveway, with the existing courtyard also to be removed. Judith Bruce asked if the back area by the patio and deck indicated if the building was moving towards the water. David Michniewicz said the existing foundation and support wall would remain, but the first floor would cantilever out. Dave Michniewicz said the deck currently extended 11' in the 0-50' buffer zone, and proposed would be a total of 27' in the 0-50 buffer zone. Judith Bruce asked if this proposed increase would be to deck or building, and Dave Michniewicz said this would be an increase in enclosed heated space. Judith Bruce asked if there would be an additional deck located off of this area, and Dave Michniewicz clarified that a deck would be added in the 50-75' buffer. Judith Bruce was concerned about further expansion towards the water, since the site itself was very developed. Judith Bruce commended the moving of the garage outside of the 100' buffer zone, and felt the stormwater mitigation was good. Steve Phillips asked about the limit of work by the driveway, and if it could be tightened up. Dave Michniewicz said the limit of work was located in its proposed location to accommodate the proposed fill needed to create a manageable slope for the driveway. Steve Phillips asked how much fill would be

needed to regrade, and David Michniewicz said no more than 2' of fill would be needed. Steve Phillips asked about the stakes located along the northern boundary, and whether or not this was the construction access. Dave Michniewicz said the construction access would not be along that side. Judith Bruce said the plan indicated that the existing driveway goes to the proposed garage, and Sarah Turano-Flores pointed out the orientation on her plan. Steve Phillips asked if consideration had been made to face the garage towards the south and going in that way, or shortening the driveway. Judith Bruce was concerned why a new driveway would be brought in when a driveway already existed to access the site. Jamie Balliett asked if this moving had to deal with the leaching field, and Sarah Turano-Flores noted that the new leaching field was proposed where the current driveway existed. David Michniewicz noted that lawn would be removed by the relocation of the driveway, and Judith Bruce felt the installation of a new driveway was not a benefit to the buffer zone of the resource area. David Michniewicz noted that the runoff would be handled with a biofiltration. David Michniewicz said that the cantilevered living space proposed within the 0-50' buffer zone would not have access outside of the building, and there would be no activity or work on the ground as a result. Judith Bruce asked if the patio was being removed, and David Michniewicz said two of the patios were being removed as part of the Order of Conditions for the revetment reconstruction. James Trainor asked if the increase to volume was known, and David Michniewicz said the building envelope had not been fully designed, although he anticipated the increase to be more than 25%. David Michniewicz noted that the architects were looking to bring the elevation down of the proposed building, and James Trainor inquired as to how the elevation could be brought down and the volume increased. Sarah Turano-Flores said the applicants had been made aware that they could not increase the size of the building, and that the proposed design would be that of an English-style cottage, and was not sure if the 25% increase in volume would be exceeded. Judith Bruce explained that for re-construction the Commission typically wanted to see the existing and proposed footprint in terms of square footage, footprint of usable space, and the volume calculations. Judith Bruce asked about the number of bedrooms proposed, and David Michniewicz thought there would be two additional bedrooms. Jamie Balliett asked how many bedrooms currently existed, and David Michniewicz said the septic was designed for four bedrooms, but the lot was 65,000 square feet, and they were asked to design a 6 bedroom septic system. Judith Bruce was concerned about the increased usage of the site which may result in an increase impact on the resource areas. David Michniewicz asked for clarification as the lot size and proposed septic system would comply with Board of Health regulations. Steve Phillips said the concern of the Conservation Commission was increase use to the resource area and buffer zone. Judith Bruce noted that the Commission typically sought new construction outside of the 75' buffer zone, but that this site was difficult given its proximity to the resource areas. David Michniewicz was still concerned about the increase in usage, and Judith Bruce explained that the increase in septic capacity and bedrooms would mean more people using the property. Jamie Balliett felt there was a strong effort in the design the driveway, but that the septic system proposed was only a standard Title V system.

Jim O'Brien left at 9:33am

John Jannell asked if the revetment project work would use the existing gravel driveway, as the impacts of the installation of the revetment would be mitigated by

utilizing the existing driveway. John Jannell listed that the Commission was concerned about learning more about the cantilevered deck, proposed addition, screened porch, garage, and volume calculations. Steve Phillips asked if Phil Cheney wanted to speak on behalf of the project, and Phil Cheney said he was glad to answer any questions. Steve Phillips asked about the number of trees to be removed. Phil Cheney said 5 trees located in the proposed drive area would be replaced by 6 new trees in the 0-50' buffer zone down by the water near the stairway. Steve Phillips recalled a great deal of discussion about screening from the resource area, and asked if changes had been made which would open up that area. Phil Cheney said the proposed trees from the other open Orders of Conditions for the property were still in place. Judith Bruce noted that there was a tree down on the bank, and Phil Cheney said none of the new trees which had been planted had come down. James Trainor was concerned about the increase in living space within the 50' buffer zone when there was no relief provided within the buffer zone. Sarah Turano-Flores felt the architects would be able to better answer the questions regarding the cantilevered living space. Judith Bruce asked if anyone in the audience had any questions, and Sarah Turano-Flores asked for the hearing to be continued to February 12, 2013. Sarah Turano-Flores confirmed that the Commission wanted an overlay plan of the existing and proposed footprint, and Steve Phillips said yes.

MOTION: A motion to continue the hearing to February 12, 2013, was made by Jamie Balliett and seconded by Steve Phillips.

VOTE: Unanimous

Revised Plan

Last Heard 1/8/13

Robert & Sally Roda, 187 Namequoit Road. The proposed installation of scour protection and beach nourishment on a Coastal Bank. Plans have been revised to present a revised grading schematic; the addition of 200 cubic yards of fill to the Coastal Bank, and the installation of a Geocell layer on the Coastal Bank. Work will occur on a Coastal Bank, Coastal Beach, Land Under the Ocean, and within 100' of the Top of a Coastal Bank. *James Trainor recused himself.* Jay Norton of Coastal Engineering Company, Inc. and Robert and Sally Roda, Owners, were present. Jay Norton explained that as a follow up to the previous hearing, the original approved planting plan was now what would be used on site and the comment "or as approved equal" per Steve Phillip's request regarding the erosion control blanket had been removed. Judith Bruce asked who the new contractor would be, and Jay Norton said NETCO. John Jannell confirmed this was NETCO out of Lexington, Massachusetts, and Jay Norton said yes. Jay Norton explained that the landscaping work would be subbed out, with Greg Morris Landscaping performing it. Judith Bruce asked that if NETCO was taking over the execution of the Acknowledgement of Contractor that they have someone on site to oversee the project. Steve Phillips said the contractor must be on-site when the sub-contractor was on site.

MOTION: A motion to approve the Revised Site Plan dated 1-9-13 with the change of contractor being changed to NETCO of Lexington, MA was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Joyce R. & Kevin C. Stone, 25 Childs Homestead Road. The proposed construction of an addition to a single family dwelling has been revised to include the installation of a sewer pipe and relocation of the steps to grade. Work will occur within 100' of the Top of an Inland Bank/Edge of Bog. *Jamie Balliett stepped out.* Stephanie Sequin of Ryder & Wilcox, Inc. passed around extra copied of the Revised Plan change. Stephanie Sequin explained that during the construction it was determined that the plumbing components of the existing system could not connect to the addition internally, and a waste pipe had to be run outside of the house within the buffer zone. Stephanie Sequin said the original steps to grade were now relocated away from the building. Steve Phillips inquired about the current water line in relation to the proposed waste pipe, and Stephanie Sequin said the sewer line would be sleeved.

MOTION: A motion to accept the Revised Plan was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous.

Certificate of Compliance

Greg DeLory (2009), 124 Namequoit Road. The request for a Certificate of Compliance for an Order of Conditions for the conversion of two concrete patios to decks. The patio/deck repair on the north side of the house was completed per plan, and the south side deck was not done but rather a raised kitchen garden was installed to grade. *Jamie Balliett returned.* John Jannell explained that instead of building a second deck a raised kitchen garden bed at grade was installed. Bob Royce asked for clarification of the raised garden bed at grade, and Judith Bruce explained that the raised box sat on the existing grade.

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

VOTE: Unanimous.

Enforcement Order

Sean Smith, 21 Bog Hollow Road. The proposed issuance of an Enforcement Order for the alteration of a land within 50' of the Edge of Wetland and Land Subject to Coastal Flowage and the un-authorized open air storage of salvage materials and un-registered vehicles. Sean Smith, owner, was present. John Jannell provided the Commission with a report of how the Enforcement action was brought up to the Conservation Commission. He noted that an on-site was conducted on Monday, January 7, 2013, alongside Bob Canning of the Orleans Health Department and Brian Harrison of the Orleans Building Department, where a number of violations were noted. John Jannell explained they had since reached out to the owner, who had indicated that he was willing to clean up the property and work with the town. John Jannell noted the owner was at the on-site inspection on January 7th, 2013. John Jannell noted that a series of aerial photos had been passed to the Commission from 2005 to 2011, as well as photos taken during the on-site inspection on January 7, 2013. John Jannell noted that a citizen's petition was received the afternoon of January 7, 2013, asking for a clean-up to take place on this site. John Jannell noted that none of the petitioners appeared to be in the audience, otherwise he would recommend that they have a chance to be heard. Judith Bruce noted that the petitioners asked for criminal action to take place, and that was beyond the scope of the Conservation Commission. John

Jannell felt their petition suggested Enforcement Action to take place under 160-10. John Jannell explained that he did not witness any criminal actions, and that the impacts for the Commission to address were located within the buffer zone to the resource areas under their jurisdiction, a Commission matter. John Jannell explained that this lot was developed in 1973, and throughout its history had been associated with construction and concrete. The aerial photos showed the approximate footprint of the original development area, and the issues today included a discussion to retreat from the buffer zone. John Jannell suggested that an Enforcement Order be issued for retreat and cleanup which would include a follow up schedule or a series of inspections throughout, as well as a date certain for work to be completed. Once the clean-up has taken place, the Commission could seek to enter into another Enforcement Order for the restoration of the site. The full impacts to the buffer area are not easy to assess at this site due to the vehicle storage. John Jannell said a discussion of the conditions to be put forth included a stop work order, removal of all materials and unregistered vehicles, and a retreat to the original building and parking footprint. Judith Bruce felt a retreat to the original footprint would give the Commission a better idea if there was the restoration needs or overall fixing of the buffer zone needed. Steve Phillips asked about the resource areas on site, and John Jannell said that there were a number of resource areas on site. The wetland edge was located from old plans only, and was not current. Judith Bruce clarified that the green line shown on the photo plan was the estimated wetland edge, and John Jannell explained that wetland buffer zones encumber the entire property. The rear of the property abuts upper Namskaket marsh which is largely brackish, and the resource area across the road is Hurley's Bog, which was more of a freshwater system. Steve Phillips asked about the relationship between Sean Smith and the NStar property. Sean Smith explained that he leased a portion of the NStar property to store material from his house lifting business. Sean Smith explained he wanted to use the area outside of the buffer zone for storage, and Jamie Balliett and Judith Bruce asked where the area on the NStar property this would be located. Sean Smith showed the Commission where on the map this area was located, and John Jannell noted that NStar had cleared within the buffer zone. Judith Bruce asked if the area owned by NStar had been previously developed as storage, and Sean Smith said yes. John Jannell said there was a record of an on-site conducted by Jenny Wood in 2009 with NStar stating that the original clearing was outside of the 100' buffer zone. The Commission was concerned about the use of the property, John Jannell said in front of the Commission today was an Enforcement Order for violations, and use could be addressed at a later time. Judith Bruce was concerned where the excess materials would be stored. Sean Smith said he was removing the vehicles which had been left behind by previous owners, and materials which were to be used for work would be brought into the building. Judith Bruce clarified that the applicant would not be expanding into the NStar area, and Sean Smith said that through his agreement, he had initially moved things onto the this area. Steve Phillips asked about the larger vehicles on site, particularly the RV, School bus, and tractor trailer. Sean Smith explained these vehicles stored materials for his business which could not get wet or damaged by inclement weather. Steve Phillips asked if there was a better storage area available. Sean Smith said the inside was currently full, and that he hoped to restack the timbers stored in the buffer zone alongside the building similar to a lumber yard. James Trainor asked if there was a delineation of the resource areas on file, and John Jannell said

there was a delineation done awhile back which had long since expired. John Jannell noted that the area itself had 0.7 acres of wetland and 0.4 acres of upland, which resulted in the property largely being encumbered by the buffer zones. Jamie Balliett felt the first two conditions outlined within the Enforcement Order were fine, but asked which photo documentation of the footprint would be acceptable as the appropriate retreating location. John Jannell indicated that the 2005 photo gave the most accurate version of the footprint. Sean Smith went over the history of the property prior to his purchase, and explained that a majority of the product left within the buffer zone had been there from previous tenants. Judith Bruce asked if in Sean Smith's opinion he would be able to retreat to the paved area shown on the 2005 site plan. Sean Smith said yes, with the area of gravel to be used for storage. John Jannell noted that this area was also within the private roadway, and suggested that the 2005 site photo be attached to the Enforcement Order for reference as the point of retreatment. Steve Phillips asked if all of the unregistered vehicles were Sean Smith's property, and Sean Smith said yes. Jamie Balliett confirmed that the applicant was comfortable with the area which he would have to retreat, and asked about a timeline for the work to be completed. Jamie Balliett suggested 30 days for the retreat and removal of materials within the buffer zone, and Sean Smith said there was work actively taking place on site. Steve Phillips suggested that a weekly check in could take place, and Jamie Balliett noted that they would not want to interrupt the applicant's daily work schedule to accommodate site inspections. Steve Phillips suggested conducting drive-by's, and Sean Smith said the management of the materials on site was something which he was taking on himself. Sean Smith was concerned that 30 days may be pushing it to complete all of the work, and asked that a goal of 60 days be set. Steve Phillips asked how many vehicles he could remove with his work trucks, and Sean Smith said 2. Steve Phillips asked if roughly 30 vehicles were stored on site, and Sean Smith explained that 4 had already been moved. James Trainor said a 60 day timeline with a record being kept of what was being removed would be good to show the progress being made. Judith Bruce suggested weekly or bi-weekly reports, and James Trainor felt bi-weekly reports would be fine. Steve Phillips asked John Jannell if this Enforcement Action would trigger fines, and John Jannell said no.

MOTION: A motion to issue an Enforcement Order was made by James Trainor and seconded by Jamie Balliett.

VOTE: Unanimous.

Public Hearing: Wetlands Filing Fees

Conduct Public Hearing on Proposed Fee Changes to the Orleans Wetland Regulations, 196-A.5. Fees: Vote Required. John Jannell explained the history of the change to the filing fees, noting that the proposing filing fee changes were advertised in the Cape Codder on December 28, 2012. Judith Bruce read into record the current fees and the proposed changes. John Jannell asked the Commission if they would set a date certain for the regulations to go into place, and suggested February 15, 2013, so that the Conservation Department had ample time to notify engineers and change 196A of the Orleans Wetland Regulations.

MOTION: A motion to accept the changes to the Wetland Filing Fees and make them effective February 15, 2015, was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous.

Administrative Reviews

John Coughlan, 15 Blue Heron Way. The proposed removal of 2 leaning black locusts. Work will occur within 100' of the Top of a Coastal Bank, Salt Marsh, and within the Pleasant Bay A.C.E.C. Work to be done by Bartlett Tree. John Jannell explained the trees were located adjacent to the studio and were not going to open up the view from the resource area.

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

VOTE: Unanimous.

Christopher Frey, 11 Freeman Lane. The proposed after the fact removal of trees and bushes within 100' of the Edge of Wetland. Work will occur within 100' of the Edge of Wetland. Christopher Frey, applicant, explained that two plans were submitted to the Conservation Department, one of which showed what was removed from the site, which included 5 cedar trees, 2 honeysuckle trees, 2 locust trees, and the subsequent understory. The second plan, which was a restoration plan, included a buffer zone of plantings between the wetland and the rest of the property, but needed to be modified to eliminate the non-native species proposed. John Jannell said this application came to the Commission after the Conservation Commission Chair signed an enforcement letter for unpermitted vegetation removal. John Jannell said that he conducted an on-site and noted that the area was now cleared land. John Jannell recommended that the Commission not accept the Administrative Review for replanting since there would be no way to ensure plant survivability, and recommended that a Notice of Intent be filed for the restoration work. John Jannell suggested that if the Commission so wished to permit the restoration under an Administrative Review that a bond be required to assure the plant's survivability. Judith Bruce was not aware that Administrative Reviews could be bonded and felt that since an Administrative Review could not be conditioned, an absolute planting plan needed to be submitted. Christopher Frey suggested that he speak with John Jannell, and Judith Bruce asked John Jannell whether the delineation shown on the submitted plan was appropriate. John Jannell said most of what remained was fill and ditch, with the clearing done after the fact. Jamie Balliett asked if the proposed planting plan provided was ready to be executed. John Jannell said no, since the plan included non-native species within the 50' buffer zone, and he did not recommend the Commission approve it. Jamie Balliett suggested that John Jannell and Chris Frey work together, Steve Phillips felt the restoration work that was needed required a Notice of Intent. Jamie Balliett said that this process would also protect the applicant in terms of knowing exactly what the Commission required.

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

VOTE: 0-6-0 Denied; Please File a Notice of Intent.

Christopher Frey, 71 Briar Springs Road. The proposed removal of 3 cedar trees. 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. Christopher Frey explained that these trees were damaged from the recent storm events, one of which is leaning which would be replaced with a holly tree. Judith Bruce suggested replacing all three of the

trees to be removed, and Christopher Frey was concerned about replacing the trees which were damaged by the stairs. Judith Bruce brought up the need for screening from the resource area, and Christopher Frey said that additional trees had been planted along this bank in the past. John Jannell said that at least three cedar trees had been planted under an Order of Conditions following up unpermitted work, and these cedars were not altered. Judith Bruce asked if John Jannell would accept one holly tree to be planted in exchange for the removal of the three cedar trees. John Jannell said one holly tree would be good given the amount of space on site. Bob Royce noted that the holly tree would fill out, and Judy Brainerd concurred, saying it was a good choice of species.

MOTION: A motion to approve this work with a holly tree replacing the three removed cedar trees was made by Jamie Balliett and seconded by Bob Royce.

VOTE: Unanimous.

John & Maryann Montrym, 5 Holly Lane. The propose cutting of bull briar, poison ivy, invasive species, and selective pruning of an oak tree. Work will occur within 100' of the Edge of Wetland. Work to be done by Ponderosa Landscaping. John Jannell explained this work was for green brier control, and the removal of a branch which fell into the isolated wetland.

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

VOTE: Unanimous.

Nancy Roach, 21 Briar Springs Road. The proposed removal of a dead fall branch. Work will occur within a Vernal Pool. Work to be done by Eager Beaver Tree Service. John Jannell said the applicant was fine with leaving the deadfall on site, but John Jannell was concerned about vine growth and shading emergent vegetation impacting the vernal pool. Steve Phillips asked about how it would be removed, and John Jannell thought that it would be dragged out of the resource area. Judith Bruce suggested that the work be conducted immediately as to not disturb the vernal pool species which would become active in the next couple of months, and John Jannell said he would call the applicant to express the Commission's concern for the work to take place as soon as possible.

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

VOTE: Unanimous.

Sea Call Farm, 82 Tonset Road. The proposed removal of invasive Black Locust, Sycamore Maple saplings, and the pruning of oaks. Work will occur on a Coastal Bank. Work to be done by AmeriCorps and Town of Orleans. John Jannell said the Town, in conjunction with Orleans Conservation Trust and AmeriCorps volunteers from the Bourne house were planning on removing invasive vines from the Coastal Bank. Jamie Balliett asked if there was a plan available, and John Jannell said that on Thursday, January 24, the area would be flagged in conjunction with the Conservation Administrator, who in turn would be on site during the work period on Friday, January 25.

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

VOTE: Unanimous.

Request to Use Conservation Properties

Windmill Wedding 9/21/13 Dennehy/Stuart 5-6:30pm 65 People

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

VOTE: Unanimous.

Meadow on the Cove Wedding 9/14/13 Sligar/Duket 12-5pm
150-200 People

The Commission was concerned about the amount of people proposed to be on this site and the native species which could become trampled as a result. Erin Shupenis said she would follow up with the applicant to ensure they were familiar with the site and the limitations of the area to stand.

The meeting was adjourned at 11:05am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department