

**Orleans Conservation Commission**  
**Town Hall, Skaket Room**  
**Hearing Meeting, Tuesday, February 5, 2013**

ORLEANS TOWN CLERK  
*C. May*  
'13 MAR 5 11:33AM

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

***Please note: the minutes reflect the order in which each filings were addressed, and is different than the published Agenda. This change was to accommodate the applicants for the proposed projects.***

8:30 a.m.      Call to Order

**Continuations**

Last Heard 1/15/13

**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. stated that while he would have John Jannell directly address the report by Greg Berman of WHOI on the proposed project, David Lyttle felt the report said that the proposed work was good. David Lyttle said while at this time he did not have a revised plan, the stones to be placed at the front of the gabions would not be placed on the gabion itself, the Hampton property which had been noted as suffering from erosion would be planted and stabilized, and the area of lawn clippings noted in the field by the Conservation Commission during their site visit would be removed. John Jannell said the Greg Berman report had been received on Monday, February 4, 2013, and circulated to the Commission immediately. John Jannell felt the report, which was very constructive, included suggestions for suitable special conditions which included inspections and monitoring of the work, as well as initial nourishment with a schedule and round stones in the baskets instead of angular rock. John Jannell asked if David Lyttle had read the suggested conditions from Greg Berman. David Lyttle felt the suggestions presented were agreeable given the amount of clay on the site. David Lyttle was concerned about the proposed nourishment and it smothering the abutting marsh given the long term transportation of material in a northeast direction. Judith Bruce said the Commission typically suggested matching the material on site for nourishment, but that the marsh would benefit from organic material as opposed to sterile sand. David Lyttle noted that while on site, it was noted that sediment from East Egg had gone onto the beach. David Lyttle said he would like to prepare a revised plan to incorporate Greg Berman's suggestions, and asked if additional items should be included on the revised plans. Judith Bruce was in favor of the suggestions from the report, and Steve Phillips asked how the proposed work would be tied into the existing seawall. David Lyttle said that after speaking with Greg Berman on site and Albert Avellar, caretaker for the abutting Gullquist property, a separate Administrative Review would be filed for a small extension of the existing bulkhead providing stabilization at the same time. Steve Phillips asked if this proposed application and work would be done at the same time, and David Lyttle said yes.

David Lyttle explained that a second Administrative Review would be filed for the nourishment of East Egg, which would take place while the work on 27 and 34 Carlton was being done. David Lyttle felt this would ensure the integrity of the East Egg gabions, and would put together a construction protocol for this work. Steve Phillips inquired about a note in the report which asked for the material to match the resource areas. Steve Phillips asked about the proposed plantings and what would be planted. David Lyttle said he would provide that information with the revised plan. Judith Bruce inquired about the potential for invasive plant management at this site. David Lyttle said the applicant would be happy to come back in the future with an invasive management plan and combining it with additional future work proposed at 34 Carlton Road. Steve Phillips asked if this work could be done under the current filing, and David Lyttle said at this time they were not prepared to include invasive plant management with this application. Judith Bruce asked John Jannell if repairs to a bulkhead could be permitted under Administrative Reviews. John Jannell said the toe armouring extended onto two properties, and felt that the control which an Order of Conditions would provide for this proposed work would give the Commission proper control over the sites. John Jannell asked about the need for the driven piles, and asked if a nourishment plan showing cross sections could be provided to the Commission.

**MOTION:** A motion to continue the hearing to February 12, 2013, was made by Jim O'Brien and seconded by Judy Brainerd.

**VOTE:** Unanimous.

### **Notice of Intent**

**John F. Whitesides, 22 Franz Road.** by Ryder & Wilcox, Inc. Assessor's Map 16, Parcel 4. The proposed construction of a new foundation & first floor, the reuse of the existing house as the second floor & roof, & the construction of a patio. Work will occur within 100' of a Coastal Dune. David Lyttle of Ryder & Wilcox, Inc., and Kristen Rufo, Attorney from La Tanzi, Spaulding, & Landreth, P.C., representing Barry Jacobs of 8 Franz Road, were present. David Lyttle presented the history of this property, noting that in 2006, the applicant filed a Notice of Intent for work on this site. Jenny Wood, former Conservation Administrator, questioned the delineation of the Coastal Dune, and LEC Environmental established the dune line which is shown on the proposed plan in front of the Commission. David Lyttle said while the delineation does not match the abutting properties, they were not in front of the Commission questioning the delineation shown. David Lyttle went over the proposed plan, noting that a planting plan would be provided for the site similar to the one done by Wilkinson Ecological Design which abutted the applicant to the west. David Lyttle felt the site could be improved through planting such species including but not limited to Eastern Red Cedar, Bayberry, and Virginia Rose. Judith Bruce noted that the abutting property had a well vegetated dune, and David Lyttle felt it provided wildlife habitat. David Lyttle passed around a Google Earth handout illustrating the delineation of the dune line throughout the area, showing the irregularities as to how a dune may be defined. David Lyttle also provided coverage calculations of the work within the buffer zone. Judith Bruce felt this was a tough site because this would be considered new construction. Judith Bruce said the Commission would want to see the existing and proposed usage square footage, and was concerned about the amount of work proposed within the resource area. Judith Bruce suggested that the applicant also consider a smaller structure within the existing footprint. David Lyttle was concerned about the mention of work within the resource area

and said that after several conversations with John Jannell, determined that the buffer zone to a resource area was not in fact a resource area. Judith Bruce pointed out that the Commission preferred new construction outside of the 50' buffer, and 75' when feasible. Judith Bruce asked that the usable square footage and volume be provided, and David Lyttle did not think that this information did not have to be provided under the Wetlands By-Law regulations. John Jannell pointed out that the Commission did in fact have a right to request this information when determining if this work would trigger new re-construction. Judith Bruce stated that by asking for the information the Commission was not saying no, but rather wanted to see the comparison between the current and proposed. Judith Bruce asked about the A.C.E.C. contour, and John Jannell explained that it was at elevation 10. David Lyttle said this could be included on a revised plan. Judy Brainerd asked if back in 2006 when LEC Environmental delineated the dune if they looked at adjacent properties. David Lyttle felt the way it was represented on this property was accurate for this site. Kristen Rufo explained that she represented Barry Jacobs of 8 Franz Road who was in opposition of the project, and also had a letter from Timothy and Peter Hollingworth of 14 Franz Road against the proposed work. Kristen Rufo explained that her client's primary concern was that this was a significant expansion from what presently existed on the lot, and that they would be disturbing a lot of land within the buffer zone. Kristen Rufo said there was significant concern about the damage which would take place within the buffer zone by overdigging a foundation. Kristen Rufo did not believe that the applicant provided a clear reason or reasons as to why the variance should be granted. Kristen Rufo explained that her client suggested that the applicant work within the existing footprint. James Trainor asked Kristen Rufo who where her client was located on the Google map which David Lyttle provided, and David Lyttle asked where the Hollingsworth's were located. Kristen Rufo pointed out the two homes, and read into record the concerns set forth by the Hollingsworths. Steve Phillips asked if the existing foundation was a full foundation, and David Lyttle said it was a block crawlspace foundation. David Lyttle pointed out that the construction notes on the plans called for a fabric siltfence to be installed prior to construction, and intend to restore the area where the house will be temporarily located. David Lyttle said he would be willing to submit a more detailed variance request as well as a planting plan. Steve Phillips asked about the proposed mitigation, and asked if it could include the restoration of the temporary location of the house. David Lyttle said they had roughly sketched an area of 6,000' to be improved upon, and that the current area where the house would be stored was sparsely vegetated lawn area and cedar trees. Jamie Balliett inquired if the current proposed plan exceeded the 25% increase which would trigger re-constriction. David Lyttle said he considered this re-construction within the 50' buffer, and asked that John Jannell forward his e-mails regarding the buffer zone clarification. John Jannell said that David Lyttle was correct in his statement that the proposed Limit of Work was located within the buffer zone and not a resource area, and that the delineation line was accurate for the site. John Jannell stated that the calculations requested by the Commission would help them determine if this work was re-construction within the 50' buffer, and whether enough information was provided to the Commission to allow them to grant the variance for re-construction within the 50' buffer. Judith Bruce explained that moving a house further away from the resource area was generally looked upon as a good thing, and that the relocation and restructuring of the house would be better examined once the proposed mitigation was offered to the Commission. Judith Bruce suggested that while volume calculations may not be

necessary, a comparison of the existing and proposed usable space would be to the benefit of the Commission. Jamie Balliett inquired if the applicant had considered changing the configuration of the house to move it outside of the 50' buffer, and David Lyttle said that the applicant had a tie to the existing house, and were adamant about keeping the existing structure. Judith Bruce asked if the house could be rotated, and David Lyttle said the applicant wanted to preserve the front screened porch so that they could sit and enjoy the views. Jamie Balliett asked about the proposed increase in the ridge elevation, and David Lyttle said while specific numbers had not been provided, the actual height of the house would be around 26'. Steve Phillips asked about the line outside of the property which defined Franz Road, and who owned this roadway. David Lyttle said the road was a private 10' wide road, and the line delineated the roadway but not the actual road. Steve Phillips asked if there would be any problem temporarily locating the house within the roadway, in terms of emergency vehicles and general traversing. David Lyttle said he was not sure if this would be permissible. James Trainor noted that this application was for a smaller home to match the abutting house sizes, and felt the numbers which David Lyttle would prepare would make a difference in the Commission's determination. James Trainor pointed out to Kristen Rufo that the proposed house would somewhat match in size to the abutter against the project. Kristen Rufo said that the applicant was not contesting the proposed variance, but rather that reasonable alternatives had not been proposed to achieve the desired expansion. David Lyttle asked for a continuation for two weeks to February 19, 2013, and that the e-mails between John Jannell and David Lyttle regarding buffer zones be circulated.

**MOTION:** A motion to continue the hearing to February 19, 2013, was made by Bob Royce and seconded by Jim O'Brien.

**VOTE:** Unanimous.

**Susan C. Kelley, 221 Rock Harbor Road.** by Ryder & Wilcox, Inc. Assessor's Map 17, Parcel 89. The proposed pumping & abandonment or removal of existing cesspools, & the installation of a new septic system to serve an existing single-family dwelling. Work will occur within 100' of a Coastal Bank, Salt Marsh, Land Subject to Coastal Storm Flowage, & within a Riverfront. Stephanie Sequin of Ryder & Wilcox, Inc. went over the existing site conditions, noting that this application included the replumbing of the wastepipes to bring a new wasteline out. The proposed septic system would be located between the building and the road, with the new leaching system 82' from the Top of Bank. Judith Bruce explained that during the on-site the Commission noted the proximity of the proposed septic system to the two linden trees on site, and were concerned about root damage during excavating for the new system. Bob Royce suggested shifting the system to the east to stay away from the larger of the two trees. Stephanie Sequin said the existing water line came in on the right side of the building, and the applicant was trying to avoid the expense by relocating the water line. Judith Bruce and Steve Phillips discussed different possibilities for shifting the system to reduce the impact, and asked for John Jannell's advice on this issue. John Jannell asked if the Commission wanted to extend the Limit of Work to protect the linden trees. Stephanie Sequin said they could wrap the Limit of Work around the northside of the trunks, and John Jannell inquired if they could move it as far as the dripline, or if there was an overdig required for the system installation. Stephanie Sequin said the limit of work could be extended, as there was not an overdig required for this system. Stephanie Sequin pointed out that by moving the leaching field

west to northwest, it would be up to the Board of Health to grant a greater variance. James Trainor felt there would not be much of a gain by moving the system, and suggested leaving it as proposed. Steve Phillips asked if the system could be rotated in its proposed location, and James Trainor noted that this would bring the proposed location further to the trees which they were trying to protect. Judith Bruce said the Commission was concerned with the protection of the trees, and did not want to put the applicant in a more difficult place with the Board of Health. Jim O'Brien felt the applicant had provided the best accommodations for the issues on this site.

**MOTION:** A motion to approve the site plan dated January 9, 2013, with the condition that the limit of work be installed as close as possible to the SAS to protect the roots of the two linden trees as shown on the plan was made by Steve Phillips and seconded by Judy Brainerd.

**VOTE:** Unanimous.

**134 Namequoit LLC, 134 Namequoit Road.** by Ryder & Wilcox, Inc. Assessor's Map 70, Parcel 13. The proposed removal of an existing single family-dwelling; the construction of a new single family dwelling, patio, & pool; grading; landscaping; & the stabilization of an eroding Coastal Bank. Work will occur within 100' of a Coastal Bank, Salt Marsh, & Land Subject to Coastal Storm Flowage; on a Coastal Bank; & within the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc, and Tabitha Kaigle and Jen Exner of Wilkinson Ecological Design were present. David Lyttle went over the proposed changes to the site, noting that Tabitha Kaigle and Jen Exner would present the Restoration and Land Management Plans proposed for the site. Steve Phillips asked about a discrepancy between the Ryder & Wilcox Plan which showed the proposed pool outside of the 75' buffer, and the Wilkinson Ecological which showed the pool within the 75' buffer to the resource area. Tabitha Kaigle said the Ryder & Wilcox Plan accurately depicted the proposed plan, and that was a change which would need to be made to the Wilkinson Ecological Design Plan. Judith Bruce asked about the proposed regrading of the Coastal Bank. Tabitha Kaigle went over the coverage tables for work on the site, stating that while there was an increase in coverage between the 75-100' buffer of 258', over 11,000' of mitigation was proposed, including removal of invasives, replanting up to the 100' line of the buffer, and an additional 5,000' of replanting of upland species. Tabitha Kaigle explained that a non-native English Oak and two scarlet oaks were proposed to be removed because their roots had been undermined due to erosion problems. The regrading would push upland soils into the disturbed areas caused by erosion from undermined trees and foot traffic on the Coastal Bank. David Lyttle pointed out that the previous owner had intentions of installing a boat ramp, with rights having been sold to neighbors to use it as an access site. David Lyttle said the new owners did not have any intentions of installing a boat ramp, and bought back the rights which the previous owner had sold. Judith Bruce said she was concerned about the regrading and the damage to the healthy beach plum community on the bank, and that the proposed work would be counterintuitive. Judith Bruce felt the proposed removal of the invasive English oak was fine, but that it was a shame to remove the native oak when this would eliminate any screening from the resource area. Judith Bruce reminded them that the establishment of a view corridor did not provide a clear cut view, but rather allowed for window views through the resource area while still providing screening of the house. Judith Bruce felt that additional screening trees needed to be included, and that given the amount of mitigation



proposed, she did not have a problem with the expansion within the 75-100' buffer. Jen Exner understood the concern about the beach plum population, and that this work within the beach plum colony was a proactive solution to the scarping of the bank which had increased over the years. David Lyttle said that the proposed view corridor was 25', and asked what would be sought to break-up the panoramic view. Judith Bruce noted that the two trees which provided significant screening from the resource area were being removed, and that a view corridor meant you saw the resource area from your property through vegetation. Judith Bruce was concerned that the proposed view corridor was devoid of canopy species, and suggested plantings within this area. Jen Exner felt canopy species such as Eastern Red Cedar would eliminate any view of the resource area, and Judith Bruce suggested planting Tupelo or native Oak species, and Jen Exner said they would take this into consideration. David Lyttle felt if the erosion on the bank continued, the beach plum population would be lost regardless, and that the proposed bank work will hopefully be a better solution. David Lyttle noted that the location of the property did not warrant the need for a soft solution, but rather the area could be regraded, stabilized with mats, and replanted. Steve Phillips asked what would be done with the removed soil, and Jen Exner explained that it would be pulled back and used to alleviate the steepness of the slope along the side bank. Steve Phillips inquired if all of the material would remain on site, and Jen Exner said yes. David Lyttle said any extra soil would be used to bring the elevation of the low area on property up 2-3 feet. Steve Phillips asked if the trees to be removed could be replaced with a comparable canopy species, and Jen Exner was concerned about finding a tree of a similar size. Judith Bruce suggested moving back the trees being removed, and Judy Brainerd asked if the beach plum could be relocated and replanted. Jen Exner was concerned about being able to bring the proper equipment in to move that population, and Judith Bruce suggested using the trees to be removed from the larger population to replace the trees to be removed on the Coastal Bank. Jen Exner felt that some of the saplings would make good candidates to be relocated on the bank. John Jannell noted that while the construction was staying outside of the 75' buffer, the replanting with Amelanchier was not shown on the plan being replanted within the area where the trees were to be removed. John Jannell asked if only 2 trees were being replanted when 4 were to be removed. Jen Exner said the Amelanchier would be located near the neighboring house to provide screening. John Jannell asked if plantings were to be located throughout the erosion control blanket, and Jen Exner said yes. Tabitha Kaigle noted that one of the trees to be removed was a double stemmed English Oak, which made the total number of trees to be removed 3. Jamie Balliett asked about the height of the new roof, and David Lyttle said he would provide that information when they returned with a revised plan. Jamie Balliett followed up on comments made about the view corridor, and noted that it needed to be a more filtered view, regardless of the view of abutting properties. Judith Bruce concurred, and Jamie Balliett explained that while the proposed work including the reduction of the width of the path to conservation standards, the path was quite visible from the resource area. John Jannell noted that there was a lengthy regulatory history for this site, and this proposed restoration was a good clean new start for the property. David Lyttle asked to continue the hearing to February 12, 2013, to incorporate the Commission's suggestions, and Judith Bruce asked that the revised plan include more canopy species.

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

**VOTE:** Unanimous.

*Jim O'Brien left at 10:08am*

**Certificate of Compliance**

**David Ohnemus (2008), 19 Ruggles Road.** The request for a Certificate of Compliance for an Order of Conditions for the reconstruction of dug-in timber steps on a coastal bank, a retaining wall, and steps in front of the house; a retaining wall to the east of the house; an eroding dirt driveway with "Turfstone," and the existing decks, the installation of an outside rinse area; and the installation of a retaining wall to allow for a parking area. John Jannell noted that the project was in substantial compliance and complete.

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

**VOTE:** Unanimous.

**Administrative Reviews**

Last Heard 1/22/13 (JB1 JO1)

**Andrew Santonelli, 67 Uncle Israels Road.** The proposed after the fact construction of a split rail fence. Work occurred within 100' a Bordering Vegetated Wetland and the Edge of Uncle Israel's Pond. John Jannell asked that this be taken out of order as the applicant was expected to attend the hearing.

**Jen Burton, 13 Quail Hill Road.** The proposed footprint replacement of an existing deck. Work will occur within 100' of the Edge of Wetland. Work to be done by Brendan Parker. Brendan Parker was present. John Jannell explained that in addition to the replacement of the work within the footprint, there was a proposed 12'x4' ramp to grade to access the deck. John Jannell passed around a series of photos, and Judith Bruce asked about the current size of the deck. Brendan Parker said it was currently 8' wide and 4' across. John Jannell felt this application was suitable under an Administrative Review, and Brendan Parker noted that 2 additional footings would be installed. Steve Phillips confirmed that the applicant wanted to extend this deck to the edge of the existing dwelling, and Brendan Parker said yes. Steve Phillips felt the work proposed would not have a significant impact to the buffer zone.

**MOTION:** A motion to approve this work was made by Jamie Balliett and seconded by Judy Brainerd.

**VOTE:** Unanimous.

**Richard Beaulieu, 33 Herring Brook Way.** The proposed removal of a brick patio and replacement with a blue stone patio, replacement of steps, installation of a hot tub, and removal of 2,430 square feet of ivy and 4 arborvitaes. Work will occur within 100' of the Top of a Coastal Bank and within the Pleasant Bay A.C.E.C. Work to be done by Dan Meany. Dan Meany, landscaper for this project, and Richard Beaulieu, applicant, were present. John Jannell went over the history of the property, noting that in the past the Commission had approved a side patio including plantings which were completed by Dan Meany. John Jannell explained that he was concerned about the proposed hot tub on site, as it would be located within the A.C.E.C., and inquired about where the hot tub would drain. Dan Meany said they were currently considering the installation of a drywell in the

front yard in the driveway, combining this and the drainage for the gutters. Judith Bruce asked if this drywell would be located within or outside of the A.C.E.C. Richard Beaulieu said it would be outside of the A.C.E.C., and Dan Meany specified that it would be between the d-box and the water line. John Jannell passed around photos of the area where the drywell was proposed, and Jamie Balliett was concerned that it may need a larger drywell. Dan Meany said the drywell proposed was stackable, similar to what Boston Water and Sewer used. Judy Brainerd asked how big the hot tub would be, and Dan Meany said at this time he was not sure. Bob Royce asked how the water from the hot tub in the back yard would be transported to the drywell in the front of the house. Dan Meany explained that it would be pumped to the drywell, with it being drained once every two years. James Trainor noted that the plan called for the removal of a significant amount of ivy, and inquired as to what would be planted in its place. Dan Meany listed off the proposed species to be planted, noting that these would help stabilize the berm. Judith Bruce said while a hot tub within the A.C.E.C. was not typically looked upon favorably, there was a significant benefit to the removal of 2,000 square feet of ivy. Steve Phillips asked if there was an alternate location for the hot tub, and Richard Beaulieu explained that the other option would be to the right of the property close to the driveway. Steve Phillips recalled a recent application which required the applicant to remove a hot tub outside of the resource area, and Jamie Balliett asked whether a hot tub was either a portable item or was deemed structure. Dan Meany said it would need blocks underneath. Jamie Balliett noted that this was an Administrative Review which meant it could not be conditioned, and Judith Bruce did not want to direct an applicant towards a Notice of Intent if it was not warranted. John Jannell noted that the Commission would have survivability as a condition for the plantings with an Order of Conditions, and Dan Meany suggested that he could put up a silt fence. John Jannell said he was concerned about the concrete with the hot tub, and was not sure how to recommend the Commission proceed. Steve Phillips was concerned that this was structure within the A.C.E.C., and because there was an alternate location for the hot tub, was against the application. Judith Bruce felt the proposed mitigation made the work proposed less of an impact. James Trainor felt there was an overall improvement to the site, and Dan Meany said this work would not require a great deal of excavation, and Richard Beaulieu said this work would allow the applicant to connect the outdoor rinse area to the proposed drywell.

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

**VOTE:** 5-1-0; Motion approved.

**Jonathan Rourke, 4 Iyanough Road.** The proposed abandonment of an existing cesspool and installation of a septic tank; the pump chamber and piping are located within the buffer zone. Work will occur within 100' of the Edge of an Isolated Vegetated Wetland. Jason Ellis of JC Ellis Design Company was present. John Jannell said this was a proposed septic replacement. The wetland which governed the buffer zone for this property was located across the street from this site, and John Jannell did not feel that there would be an impact to the resource area due to the slope of the street, resulting in any silt or sand heading towards Priscilla Road if it escaped the work limit shown on this plan. Judith Bruce inquired if there was a siltfence proposed, and John Jannell said one was shown on the site. Jason Ellis noted that there was newly installed drainage on the roadway as a result of a recent Highway Department approved project.



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

**VOTE:** Unanimous.

**Sandra H. Ginnis, 35 Orie Lane.** The proposed pruning of eastern red cedar trees and cutting of invasive vines. Work will occur within 100' of the Top of a Coastal Bank, Land Subject to Coastal Storm Flowage, and the Pleasant Bay A.C.E.C. Work to be done by applicant. John Jannell said this was maintenance work and after walking the site with the applicant, felt it was approvable under an Administrative Review.

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

**VOTE:** Unanimous.

John Jannell brought back up the 67 Uncle Israels Road application, and Judith Bruce asked that the record reflect that this pond in fact was an unnamed Pond, and the proposed after the fact work was for the construction of a chain link fence, not a split rail fence. John Jannell stated that he would like to continue to work with the applicant, and would contact him about today's hearing. Judith Bruce was concerned that this fence prevented wildlife passage, and was concerned about the applicant not attending the meeting. John Jannell said that he had spoken with the applicant and had expected him to attend the meeting. Judith Bruce felt that if the applicant chose not to attend the next hearing that an Enforcement Order should be prepared.

**Chairman's Business**

Approval of the Minutes from the Meeting on January 8, 2013

**MOTION:** A motion to approve the minutes was made by Bob Royce and seconded by Jamie Balliett.

**VOTE:** Unanimous.

Approval of the Minutes from the Meeting on January 22, 2013.

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

**VOTE:** 5-0-1; Jamie Balliett abstained.

The meeting was adjourned at 10:34am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department.