ORLEANS TOWN CLERK
'13 MAY 7 11:02AM

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, April 9, 2013

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

8:30 a.m. Call to Order

Nancy O'Mara is a voting member for the purpose of this work meeting.

Continuations
Last Heard 3/19/13
Christopher Frey, 11 Freeman Lane. Assessor's Map 5, Parcel 48. The proposed replanting of the buffer zone as a result of the unpermitted removal of trees & bushes. Work occurred and will occur within 100' of the Edge of Wetland. John Jannell reported that the Conservation Department received a request from the applicant asking the hearing to be continued to April 16, 2013.
MOTION: A motion to continue the hearing to April 16, 2013, was made by Bob Royce and seconded by Steve Phillips.
VOTE: unanimous

Last Heard 4/2/13
Donald & Karen Bachman, 2 Mayona Circle. by Ryder & Wilcox, Inc. Assessor's Map 50, Parcel 105. The proposed removal of an existing dwelling & construction of a single family dwelling; the pumping & abandonment of existing cesspools; the installation of a new septic system, & grading & landscaping. Work will occur within 100' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox explained that at the previous hearing the Commission requested a letter from the other co-owners of the lot at 21 The Lane for a no mow zone up to the 25' buffer line. David Lyttle explained a letter from the Bachmans had been submitted and that due to the relationship with the co-owner of 21 The Lane, the applicants were hesitant to request a letter from the other owner. Judith Bruce noted that the neighbor needed to be notified, and David Lyttle explained that this proposed work was on adjoining property where work had not been proposed. David Lyttle said that the applicant was willing to agree to the no-mow zone, and suggested sending the co-owner a letter that this no-mow zone would be a condition of the Order of Conditions. Judith Bruce agreed that the co-owner needed to be notified, and did not want to start a fight between the two neighbors. John Jannell said the Conservation Department could prepare the letter making the co-owner aware of this Condition, but was concerned that if this was not done, the Bachmans would not be able to receive a Certificate of Compliance upon completion of the work. David Lyttle said the applicant was aware of this, and Judith Bruce asked the Commission their thoughts. James Trainor noted that the letter to the co-owner should be sent Certified Request Return Receipt, and the Commission agreed. Judith Bruce felt this was a good solution, and John Jannell explained that what would be stamped into record would be the plan showing the proposed work at 2 Mayona Circle and a

second plan showing the existing conditions at 2 Mayona Circle and the no-mow zone at 21 The Lane.
MOTION: A motion to approve the site plan dated 3/29/13 and subsequent existing conditions plan dated 3/26/13 was made by Bob Royce and seconded by James Trainor.
VOTE: 5-0-1; Motion Approved, Steve Phillips abstained.

Last Heard 4/2/13
Eric & Helen Dicke, 66 Davis Road. by Land Design Associates. Assessor's Map 89, Parcel 18. The proposed construction of a single family dwelling & the removal of invasive species. Work will occur within 100' of the Edge of an Unnamed Pond & the Edge of a Wetland. George Reilly of Land Design Associates was present. Judith Bruce announced that a DEP number had been issued for this project, and George Reilly asked the Commission if they had any additional questions. Judith Bruce asked about an on-going condition to be included in the Order that referenced the on-going monitoring by the Orleans Conservation Trust (OCT). George Reilly said a letter had been submitted to the Orleans Conservation Department about the monitoring. John Jannell confirmed received of this letter in support of the project, and it stated that work would be taking place in cooperation with the OCT. John Jannell suggested that if an Order of Conditions was issued for this project that it include that the Land Management Plan be completed as part of any Order.
MOTION: A motion to approve the plan dated 3/5/13 with the condition that the project is to be monitored in conjunction with the OCT and subject to the Land Management Plan being completed was made by James Trainor and seconded by Bob Royce.
VOTE: 5-0-1; Motion Approved, Steve Phillips abstained.

Last Heard 4/2/13
Steven Vorel, 5 Little Marsh Lane. by Ryder & Wilcox, Inc. Assessor's Map 69, Parcel 43. The proposed installation of a Title 5 septic system to replace an existing failed system & the pumping & filling of the existing leaching pit. Work will occur within 100' of the Edge of an Inland Wetland. Stephanie Sequin of Ryder & Wilcox, Inc. said this was continued from last week because a DEP had not been received. Stephanie Sequin reported that DEP number had since been issued, and on April 4, 2013, the Board of Health approved the variances from their regulations as shown on the Conservation Commission's site plans.
MOTION: A motion to approve the plan dated 3/4/13 was made by Bob Royce and seconded by James Trainor.
VOTE: 5-0-1; Motion Approve, Steve Phillips abstained.

Revised Plan
Peter & Susan Worley, 26 Deer Run. Order SE 54- 2069. The proposed construction of a 4-bedroom dwelling and an attached garage has been revised to include proposed changes to landscaping and stairs. David Lyttle of Ryder & Wilcox, Inc. and Tabitha Kaigle of Wilkinson Ecological Design were present. David Lyttle went over the proposed revisions, noting that this work was proposed within the approved existing limit of work, the patios were to be dry laid, and the steps were stones to be placed on the ground. David Lyttle said the Land Management Plan was in its 3rd year, and the eradication of the invasives had been completed. David Lyttle noted that the house was

located within the landscape, and it was difficult to see it from the resource areas. Steve Phillips noted that the existing contour versus the proposed contour went from 18 to 34, and David Lyttle said that was a computation error which could easily be corrected. Steve Phillips was concerned that the original approval date was not indicated on this revised plan, and David Lyttle said while the property had a detailed land management plan, a landscape plan was never provided to the Commission. Steve Phillips pointed out that the Commission typically liked to see the previous plan to determine what had been approved and what was now proposed in a Revised Plan. David Lyttle explained the approved plan was very busy, but that he could provide a plan showing what had been approved and what was now proposed. John Jannell noted that the re-contouring of the area had made the plan itself very busy. Judith Bruce asked if the stairs and landing were new, and David Lyttle said yes. David Lyttle explained that a smaller stone wall was proposed along with two curved stone walls, and a series of stone steps going into two patios. Judith Bruce confirmed that the 50' buffer would remain naturalized and untouched, as the proposed work went up to the 50' buffer line. David Lyttle explained that the temporary steps used during construction would now be the location of the proposed steps, and that this work could easily be done within the approved Limit of work and existing grades. Judith Bruce felt a site visit would help the Commission better see how the proposed work would impact the area, and David Lyttle encouraged the Commission to add it to their site visits to be conducted at the end of the meeting. Judy Brainerd and Nancy O'Mara pointed out that they had made a site visit earlier that week, and Judy Brainerd said she understood the need for the stairs given the existing grade. Judy Brainerd was concerned that when she walked to the bottom of the bank, that the left side of the house had a filtered view through the trees but that the right side was very exposed. David Lyttle said this view from Doane Way or Mill Pond Road would demonstrate a view of the house from the resource area was consistent with the abutting properties. Judith Bruce asked if additional plantings were proposed. Tabitha Kaigle said additional serviceberry were to be planted on site, and thought they were in the location on concern. Judy Brainerd inquired if a cedar tree had fallen, and David Lyttle said one north of the limit of work had fallen during the recent storm events. Judy Brainerd thought that may have opened up the view from the resource area, and David Lyttle confirmed this. Steve Phillips asked if two stone walls shown were no longer going to be constructed, and David Lyttle said they were originally to facilitate the grading but would now no longer be built. Judith Bruce asked the Commission if anyone objected to including 26 Deer Run to their site visits, and no one objected. John Jannell suggested the applicant also correct the topographical concern, and David Lyttle said a week's continuance would be enough time to revise the plan. David Lyttle pointed out that the planting work had not begun on site, and Tabitha Kaigle noted that it was to start this spring. John Jannell asked that the Amelanchier be pointed out to the Commission, and Tabitha indicated to the Commission where on the site plan these were located. Tabitha Kaigle explained that some cedars had fallen during the winter storm events, and Judith Bruce suggested replacing the cedar that was lost. David Lyttle recalled a condition in the Order stating as such, and Judith Bruce asked that it be included in the revised landscape plan. David Lyttle asked that the Revised Plan discussion be continued for one week to provide the Commission with the necessary corrections to the plan.

MOTION: A motion to continue the Revised Plan discussion to April 16, 2013, was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous.

Certificate of Compliance
Richard T. & Joy L. Kanter (2007), 120 Freeman Lane. Order SE 54-1880. The request for a Certificate of Compliance for an Order of Conditions for the removal of a pool house and the construction of an addition to an existing dwelling. John Jannell reported that the project was complete and the Commission could find it in compliance.
MOTION: A motion to issue this Certificate of Compliance was made by Bob Royce and seconded by Judy Brainerd.
VOTE: Unanimous.

Administrative Reviews
Gary Brusseau, 11 Center Place Unit H. The proposed continuation of a garden bed including the removal of 4 standing locusts; 18 maple saplings; one cherry tree; trimming of two maples; removal of underbrush; and installation of 6-12" of loam, and the opening of a view to the pond including the removal of 3 locusts; removal of downed trees; and the mowing of briars to create a view corridor. John Jannell explained that although some of the proposed work was storm damage related, there was a substantial amount of work proposed under this Administrative Review. Judith Bruce felt this work required a Notice of Intent, and John Jannell said that he would try to work with the owners to find a better way to file for this work.
MOTION: A motion to approve this application was made by Steve Phillips and seconded by James Trainor.
VOTE: 0-6-0; Motion Denied, Please file a Notice of Intent.

Thomas Joy, 13 Morgans Way. The proposed thinning of the understory of 3 to 4 understory oaks. John Jannell explained that the applicant wanted to thin these trees to release more mature oaks, and they wanted to plant 4 Red Maples by the existing Red Maple swamp.
MOTION: A motion to approve this Administrative Review was made by James Trainor and seconded by Bob Royce.
VOTE: Unanimous

Geoffrey Kanter, 120 Freeman Lane. The proposed removal of a storm damaged cedar. John Jannell explained that this was a historically wind thrown tree which had lateral damage and had previously been cabled in order to keep it in the ground. Judith Bruce agreed that it was not a healthy tree, and asked if it should be replaced. Steve Phillips pointed out that an Administrative Review could not be conditioned, and Judith Bruce suggested reaching out to the applicant and asking him to revise his application. John Jannell said he would contact the applicant to determine if a replacement tree would be something which they would offer, and the Commission asked to hold the application pending contact with the applicant.

Virginia Snedecor, 19 Weston Taylor Lane. The proposed trimming of vegetation and removal of trees over deeded view. Work to be done by Black Duck Landscape. Judith Bruce recalled that this work had been done in the past, and John Jannell said this was an annual request which the applicant had written permission from the Henson family.

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

Teresa Cochran, 118 Areys Lane. The proposed removal of underbrush, invasives, and fallen locust trees. John Jannell explained this was work on the side of yard, and the underbrush was greenbrier. The clean-up would be of dead fall from over the years. Judith Bruce asked if the area required additional plantings, and John Jannell said this was a well treed area which had a previous Order for mitigation plantings which were in good health.
MOTION: A motion to approve this work was made by James Trainor and seconded by Bob Royce.
VOTE: Unanimous.

James Trainor recused himself.
Orleans Conservation Trust, 11 Drummond Road & 13 Champlain Road. The proposed installation of boardwalks within existing walking trails. Kris Ramsay of the Orleans Conservation Trust was present. John Jannell explained that this application had been held up due to the initial appearance of the proposed work. John Jannell said that after conducting a site visit he discovered that no digging was to occur, that these were existing walking trails, and the boardwalks would be laid on sleepers on the ground and not dug in. Judith Bruce explained that the Commission had been concerned that substantial work was being constructed under and AR, and Kris Ramsay felt his initial paperwork overdesigned the work necessary to protect the trails. Kris Ramsay stated that this work was to protect the existing wetland vegetation, and Judith Bruce felt the work could almost be considered maintenance for the existing trails.
MOTION: A motion to approve this Administrative Review was made by Bob Royce and seconded by Judy Brainerd.
VOTE: 5-0-1; Motion approved.

Chairman's Business
Approval of the Minutes from the Meeting on March 26, 2013
MOTION: A motion to approve the minutes was made by James Trainor and seconded by Judy Brainerd.
VOTE: Unanimous

The Commission discussed the site visits.

The meeting was adjourned at 9:08am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department