

**Orleans Conservation Commission**  
**Town Hall, Nauset Room**  
**Work Meeting, Tuesday, July 23, 2013**

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ORLEANS TOWN CLERK

**PRESENT:** Judith Bruce, Chairwoman; Steve Phillips, Vice-Chairman; Jim O'Brien; Jamie Balliett; Nancy O'Mara, Associate; Philips Marshall, Associate; John Jannell, Conservation Administrator.

**ABSENT:** Bob Royce; James Trainor

8:30 a.m. Call to Order

*For the purpose of this meeting, Nancy O'Mara and Philips Marshall will be voting members.*

**Continuations**

Last Heard 7/2/13 (NO1, JT1)

**Robert & Robin Bardwell, 14 Pond View Road.** by East Cape Engineering, Inc. Assessor's Map 43, Parcel 11. The proposed removal of an existing dwelling, construction of a new dwelling, gazebo, & plantings. Work will occur within 100' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. Tim Brady of East Cape Engineering and Trevor Kurz of Kurzhaus Designs were present. *James Trainor arrived.* Tim Brady explained that the Commission had been given a package of revised materials dated July 15<sup>th</sup>, which included a revised Site Plan, Landscape Plan, & Narrative. Tim Brady explained that after meeting with the clients, it was determined that trying to take the proposed building outside of the 50' buffer did not work for the site, aesthetically, or for the owners. Tim Brady felt that the proposed mitigation outweighed the building corner located within the 50' buffer, and noted that the patio at the house would be dry-laid, and the patio on the existing house would go to stone steps, making a patio on the south side. Everything else would be revegetated within the 0-25' buffer with shrubs and conservation mix which would be mowed occasionally. Tim Brady noted that they proposed to match the adjacent slopes, and have jute netting on the bank until the plants were installed. The current parking area, comprised of gravel on asphalt, would be removed, and replanted with plantings. This, in addition to removing driveway out of the buffer zone, would also raise the driveway about 5'. Judith Bruce commented that on the landscape plan specific quantities of plantings were not listed, and Tim Brady said the area would be seeded. Judith Bruce noted that it said plugs on the lower Bank, and Tim Brady said these would be installed 12" on center. Judith Bruce confirmed that the area would be planted this was with however many plantings the area would take based on that spacing, and Tim Brady said yes. Judith Bruce was concerned that a single jute mat would hold the bank, and Tim Brady said that it was a nice stable bank, but suggested a giber roll at the bottom to help with any erosion until the vegetation takes hold. Judith Bruce pointed out that the area did not receive a lot of wave action, noting that the entire bank was coming out and being restored. Tim Brady felt that there was a lot of erosion on Pleasant Bay. Steve Phillips asked if the stairs at the end of the stone wall were to be removed. Tim Brady explained that the stone wall was to be removed, with the existing wall around the house to be cut back, and showed Steve Phillips the steps in question would stay. Judith Bruce confirmed that the entire stair was not proposed to be taken out, and Tim

Brady said that only a portion was to be removed. Steve Phillips inquired if clean sand was the best material to be used, and Tim Brady explained that the clean sand was for the filling and there would be loam on top. Jamie Balliett asked about the square footage of the existing versus proposed, as he was trying to determine how much new building was proposed between the 50-75' buffer zone. Tim Brady explained that a table had been provided, and Steve Phillips recalled this document. Judith Bruce asked the other Commissioners for their thoughts, and John Jannell explained that a DEP number had been received as well as a letter from NHESP. John Jannell questioned whether Dave Hill, Environmental Engineer from Massachusetts DEP Waterways Regulation Program, had been contacted to determine if the removal of the pavement would result in a modification to the existing license, and Tim Brady noted that he typically wrote a letter outlining that the proposed work was a minor modification. John Jannell inquired if the slab of the house was part of the revetment, and Tim Brady explained that the edge of the slab was licensed, and would be removing the slab from the license. Judith Bruce asked about the suggested fiber roll, and John Jannell felt that since there was a licensed revetment and it was not needed since the bank was not eroding. Judith Bruce was concerned about when the house was taken out, and Tim Brady explained that the stones across the front were to remain. Judith Bruce clarified that she was concerned about the sides, and Tim Brady noted that this area was above Mean High Water and not part of the revetment. John Jannell asked that the applicant be considerate of the top of the slab, and Jamie Balliett thought it would be helpful to have a construction protocol for the staging. John Jannell noted that this came up at the last hearing, and that the applicant requested that the house was built first, and the demo to come second. John Jannell recommended a time of year restriction be included since there was a very healthy fronting marsh, and suggested that the removal would be best in the winter. Tim Brady stated that there was not a formal construction protocol, and could put something together to outline the procedure. Tim Brady anticipated that the existing house would come down in the winter and be stabilized by the spring. Judith Bruce asked if the applicants were no longer requesting the new house to be built first, and suggested that demo during the dormant season would be fine. John Jannell suggested additional conditions including that the fill and stabilization work take place during the winter months, with the bank planted prior to the spring. Steve Phillips suggested that the applicant speak with the Conservation Administrator to determine the timing for the plantings, and Tim Brady suggested that they meet on site prior to the start of planting.

**MOTION:** A motion to close the hearing was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE:** Unanimous

**MOTION:** A motion to approve the site plan dated 7-16-13, including the landscaping plan dated 7-16-13, with the conditions that the planting was in consultation with the Conservation Administration and that the demo of the existing house takes place between November 1-May 1 was made by Steve Phillips and seconded by Judy Brainerd.

**VOTE:** Unanimous.

Last Heard 7/2/13 (NO1, JT1)

**Jacquelyn & Robert Moore II, 25 Primrose Lane.** by Ryder & Wilcox, Inc. Assessor's Map 57, Parcel 22. The proposed construction of a gabion revetment to stabilize an eroding Coastal Bank due to a failed fiber roll revetment. Work will occur on a Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage, & in the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc, and Robert Moore, applicant, were present. *Steve Phillips recused himself.* David Lyttle presented the Revised Plan, noting that there was a section shown how the gabions could be expanded landward, the return was not changing but the height of the gabions at the end was being reduced and planted with beach grass. This area would be addressed yearly to prevent end scour. David Lyttle pointed out that the gabions would be stopped before the neighbor's property, and felt that those who used the Primrose Lane access would have stable steps. Jamie Balliett inquired about the composition of the steps, and Judy Brainerd asked if the steps were in fact made out of the gabions themselves. David Lyttle confirmed Judy Brainerd's statement, and Jamie Balliett asked for an image of this proposed composition. David Lyttle explained that the gabions would be configured so that there were only 4 steps, dropping 2' in elevation and the steps being 6". Jamie Balliett asked if this would require a railing, and David Lyttle said he would return to the Commission should one be required. Jamie Balliett liked the thought of a railing, and David Lyttle pointed out that a person would be able to put their hand on the cedar tree. David Lyttle pointed out that there would be a slight amount of limbing of the cedar tree because people would be ducking underneath it, but that this design would allow them to save the cedar tree. John Jannell noted that a DEP number for this project had been issued, as well as a letter from NHESP stating that the project will not result in a take. John Jannell pointed out at the initial hearing the neighbors were concerned about scour, and recommended a special condition be included for the life of the Order that nourishment be required if scouring became a problem. Judith Bruce explained that she went back to the site and noted that the grasses were holding the soil well, and felt that as long as it was covered and planted, as well as the work taking place during the dormant season, that it would be fine. David Lyttle said a note to that effect had been added. And John Jannell pointed out that there was a healthy fronting marsh and recommended that this be winter work only.

**MOTION:** A motion to close the hearing was made by Jim O'Brien and seconded by James Trainor.

**VOTE:** Unanimous.

**MOTION:** A motion to approve the site plan dated 7-7-13, with the conditions that the scour be monitored and work was only to take place from November 1-May 1 was made by Jim O'Brien and seconded by James Trainor.

**VOTE:** Unanimous.

Last Heard 7/2/13 (NO1, JT1)

**Kevin & Marcia Doherty, 4 Duck Pond Lane.** by Blue Flax Design. Assessor's Map 28, Parcel 153. The after the fact filing for unauthorized cutting, filling, & grading in a Bordering Vegetated Wetland, mitigation of disturbed areas, & management of invasive species. Work will occur in a Bordering Vegetated Wetland, within 100' of the Edge of a Bordering Vegetated Wetland, & within 100' of the Edge of Critchett's Pond. Theresa Sprague of Blue Flax Design and Jamie Veara of Zisson & Veara, were present.

Theresa Sprague explained to the Commission that while a revised Site Plan had been circulated with a subsequent letter, she had not reproduced the 11 page Land Management Plan since the methodology of the work had not changed. Theresa Sprague noted that during the previous hearing the Commission was concerned about the shape of the buffer (BVW), suggesting that a contour line be used for the planting line. At the request of the applicant, the proposed planting line had been straightened out, increasing the buffer plantings. The major change to the plan was the adjustment of the BVW line to the edge of pond. Theresa Sprague reported that the restoration plantings were all in the ground at this time, and that new information had been received between last night and this morning changing the dispersal of the viburnums, noting that they would no longer be clustered and therefore impeding the view. Judith Bruce asked where they would now be located, and Theresa Sprague explained that 16 would be located along the edge of the property line, and the minty green line overlapped by the BVW line to the lime green line shown on the plan. Two additional red maples were proposed, although evidence of stumps had not been found, as well as two additional Amelanchier. The exposure of the house from the road had also been brought up as a concern, and photos had been provided showing that the house had been covered quite well. Theresa Sprague pointed out that the applicant had permission to remove grape as well as prune the oak and maple in front of the house, and Judith Bruce noted that the pruning had been limited to dead limbs. Theresa Sprague reiterated that she had not been familiar with the before look of the site, and did not have pictures showing what it had previously looked like on site. Theresa Sprague explained that she did have pictures of the plantings on site now showing a significant amount of growth. Theresa Sprague passed around the photos, and Jamie Veara noted that the house in the center of the photos was the applicants. Theresa Sprague confirmed this, noting that there was significant growth in the pond with plants blooming in the water. Theresa Sprague estimated that the viburnum had grown about 2-3' so far this season, and additional growth was noted in the winterberry and highbush blueberry. Judith Bruce was pleased to see more area protected within the buffer zone, but was concerned about the fence proposed within the BVW. Jamie Veara pointed out that the fence was on the previous plan which had been revised, was proposed to be no more than 4' high, and was an innocuous split rail fence. Jamie Veara noted that it would be consistent with the other fence on site. By moving the proposed viburnum off of the property line, this would avoid blocking the view corridor of the neighbor while at the same time keep a demarcation of the property line. Judith Bruce was concerned that this would cause problems with wildlife passage, and noted that the Commission liked to see open areas for wildlife to go between properties. Jamie Veara explained that in his own experience, the majority of larger wildlife were able to jump a 4' high fence, and did not create a significant impediment. Judith Bruce agreed that this would not create a significant impact, but felt it would be better without, and Jamie Veara said the fence was something the owner wanted to install. Jamie Balliett inquired the extent of the fence, Theresa Sprague said it would stop between the planting area, and Jamie Veara noted that this was the green line. Theresa Sprague explained that there would be access to the pond. Jamie Veara asked that, given the recent changes to the configuration of the viburnum, how the Commission would act on such a plan. Jamie Veara was concerned because they did not want to continue the hearing, and inquired if an as-built could be submitted showing the new locations of the plantings when they were complete. John Jannell suggested that the Commission could approve something subject to a Revised



Plan being submitted showing the relocation of the plant stock, and Steve Phillips inquired about the proposed privacy fence crossing the 50' contour line, and whether or not it was necessary to extend as far as it was shown. Theresa Sprague explained that this privacy for a deck and a hot tub, and wanted to cover them from the corner of the house. Steve Phillips inquired how high the fence would be, and Theresa Sprague felt it would be an average of 6'. Jamie Veara noted that the proposed fence would be no higher than 6'. James Norcross, attorney from Toabe & Riley, representing Robert & Nancy Burkert of 7 Harbor View Lane, mentioned that the applicant had agreed to work with the abutters. James Norcross felt that the 4' split rail fence to the pond was an unnecessary structure, and that the delineation of the property line could be accomplished by stone work or one 16" single-rail fence which wildlife would be able to easily pass. This would also maintain a more natural look, and reiterated that his clients continued to be very concerned about the installation of a split rail fence along this property line. Theresa Sprague explained that the purpose of the split rail fence from the north to south line was to prevent mowers from cutting the mitigation plantings, and the split rail east to west was being delineated for personal reasons by the applicant. Judith Bruce noted that the Commission generally did not allow or permit fences within the 50' buffer, and that there was supposed to be an undisturbed buffer created for this site. Theresa Sprague said that up until this time the area had been regularly mowed, and that since in the past there had been confusion about the property line, that this would delineate it for the future as to not cause additional confusion. Judith Bruce reminded them that property line debates were not within the Commission's purview, and Jamie Veara inquired that if there was not a concern with an 18" fence as suggested by James Norcross, then what was wrong with a 4' fence. Jamie Veara felt that the fence did not interfere with the performance standards, and that the fence area would maintain consistency for the additional fencing throughout the property. Steve Phillips asked if a single row could be considered within the BVW, and Jamie Veara noted that split rail was the preferred look. Judith Bruce noted that once the area was grown in that the fence would not be seen, and Jamie Veara explained that for the present circumstances the fence could be seen from the deck. Theresa Sprague pointed out that the fence would end at the BVW, not into the resource area, and Steve Phillips asked for clarification about the north to south lines. Theresa Sprague explained that the fence at the BVW line ran east outside of Conservation Commission jurisdiction, and went over the different colored lines and their subsequent meaning. Steve Phillips inquired if a single rail fence could be considered in the yellow area, and Judith Bruce asked if boulders would be an option. Jamie Veara explained that, as of a discussion last night, he had been instructed by the applicant that the preference was to a split rail fence, and would like the Commission to consider this as proposed. Judy Brainerd inquired why there was a preference when it would be covered by shrubs, and felt that the applicant was adding extra unnecessary fence. Jamie Veara reiterated that it was to keep things consistent on the property, and that the applicant did not want to change the proposed split rail fence along the north property line. Judith Bruce noted that in previous situations the Commission had made exceptions about permitting fences up to the BVW in the case for dogs or to protect the resource area, but reminded the representatives that this was a property with a bad wetlands violation. The Commission was looking to have this area improved/fixed, and while the Commission did not want to continue to drag the process along, wanted to come to a solution. Jamie Veara did not think that the allegation of the prior actions should have any impact on the

NOI filing of what was proposed. Judith Bruce noted that this was an area where structure was now proposed, and Jamie Veara pointed out that this was a hedgerow of plantings that was now proposed as a fence, and they hoped that they could move forward and, as a benefit to the area, finish the hearing process today. Judith Bruce agreed, and John Jannell felt that while the Commission could act on this application today, they still needed a revised plan showing the new location of the viburnums. John Jannell noted that he did not have a picture of what the site looked like right now, and during the last meeting the Commission asked for the current fence to be shown on the site plan. John Jannell inquired if the lawn had been removed up to wetland flag 10, and Theresa Sprague said yes. John Jannell noted that in front of you was the proposed fencing of 4' high with two rails, and asked if this would run along the 56' contour line. Theresa Sprague said yes, and John Jannell noted that the Commission had come a long way with the applicant, and that this notice covers the maintenance work as well as the work mitigation area. Judith Bruce felt the final issue was the height of the split rail fence, and whether or not it would be acceptable to be one or two rails. Steve Phillips wondered if over time the two rails would blend in with the vegetation, making it a non-issue. Theresa Sprague pointed out that the originally proposed viburnums around the fence were to be relocated on site, and that along the fence line would be a meadow grass mix. Steve Phillips suggested that the neighbors could put up their own plantings, and James Trainor felt that the split rail fence was somewhat of a safety for a landscaper not to cross property lines. James Trainor felt that wildlife would be able to pass over or through the fence, and Jamie Balliett inquired if mowing inside the fenced area would occur. Theresa Sprague said that no mowing would occur, and Jamie Balliett asked if an annual mow was proposed. Theresa Sprague said that it would be proposed as maintenance, and Jamie Veara explained that the applicant would have to file before any mowing could occur. Jamie Balliett inquired about how a mower could access the site, and Theresa Sprague noted that a gate would be installed.

**MOTION:** A motion to close the hearing was made by Jamie Balliett and seconded by Jim O'Brien.

**VOTE:** Unanimous

**MOTION:** A motion to approve this work with the conditions that a revised site plan be submitted with the new viburnum location, the privacy fence was not to exceed 6' and be 12" above grade, and approval from the Conservation Commission was needed before mowing was to occur was made by Steve Phillips and seconded by Jim O'Brien.

**VOTE:** Unanimous.

*Jim O'Brien left at 9:36am.*

### **Enforcement Order**

**Kevin & Marcia Doherty, 4 Duck Pond Lane.** The discussion of the Restoration Plan required under an Enforcement Order for the alteration of land within 50' of the Edge of Wetland and an Critchett's Pond. Update on progress and compliance. Jamie Veara explained that it was his understanding that all of the restoration plantings had been completed within the time frame granted under the extension, and any other portions of the enforcement were addressed in the Notice of Intent. Jamie Veara pointed out that the applicant had an initial approval to remove the grape from the Conservation Commission. Jamie Veara felt that the work done on the property was not with a

malicious intent, and that the vegetation was growing back, the applicant showed good faith to work with the neighbor, and felt that fines changed the landscape and made it so an applicant would not be willing to work with the Commission in the future. Judith Bruce agreed that the applicant did have permission to hand pull grape and prune branches, but did not comprehend how the applicant thought that he had permission to take a chainsaw into the resource area and clear. Judith Bruce felt that the restoration plan was acceptable, but more could have been done to provide additional area for wildlife. Judith Bruce noted that abutters reported that work had been done by Kevin Doherty for upwards of 60 days, but that the Commission had an initial recommendation of a violation lasting 5-7 days. Judith Bruce suggesting splitting the difference, recommending 6 days' worth of fines totaling \$2,000, and that this in combination with the planting was fair. Judith Bruce asked the Commission for their thoughts, and Steve Phillips felt that 6 days was a conservative estimate given the amount of damage. Jamie Veara noted that the timeline of events and when work took place were disputed facts, and that the applicant was not present at the hearing to defend himself. Jamie Veara was concerned that this was a never ending battle, and Judith Bruce noted that the Commission was only considering 6 days of violations, not 60. Jamie Veara pointed out that one of the complaints was anonymous, and Jamie Balliett asked for an estimate of what had been spent on the restoration plantings and planting effort on site. Judith Bruce did not think that was the Commission's concern, and Judy Brainerd noted that the applicant spent more than the Commission could assess for fines. Jamie Veara noted that the applicant had spent substantially more than the fines the Commission was contemplating, and Steve Phillips noted that a fine was being contemplated as a result of his actions. James Trainor used an example of a policeman giving a ticket for speeding to someone who had disobeyed the law, and noted that the applicant did stop doing work on site. Steve Phillips asked for an elaboration, and James Trainor explained that he had a difficult time with the period for which this discussion had extended. James Trainor felt \$2,000 fine proposed was too high, and Judith Bruce noted that the last fine issued by the Commission was to a fence company for \$200. John Jannell noted that this was the last portion of business for this property, and went over the history of the filing. John Jannell reminded the Commission that the original timeline had been extended twice, and that on a request by the Commission, he had prepared a memorandum of fines, with a timeline based on records of complaints and site visits. Judith Bruce thanked John Jannell for the memo, and felt that \$2,000 was a small fee given what had transpired on site. Steve Phillips suggested a middle ground of \$1,000, and Judy Brainerd and Jamie Balliett agreed. Judy Brainerd pointed out that work on this site did not end today, and that it would have to be monitored. John Jannell noted that the Commission would have to make a formal motion to issue the fine.

**MOTION:** A motion to move 160-10E, and issue a fine of \$1,000.00 to the applicant Kevin Doherty, was made by Steve Phillips and seconded by Philips Marshall.

**VOTE:** Unanimous.

Judith Bruce thanked Jamie Veara and Theresa Sprague for their efforts on this matter.

Last Heard 7/16/13 (NO1, BR1)

**Thomas & Diane Burnham, 70 Captain Linnell Road.** by Ryder & Wilcox, Inc.  
Assessor's Map 32, Parcel 49. The proposed construction of a single-family dwelling;



installation of a septic system & utilities; & grading & landscaping. Work will occur within 100' of the Edge of Wetland. Stephanie Sequin of Ryder & Wilcox, Inc., was present. Stephanie Sequin explained that the only revision to the plan was that prior to the removal of any trees greater than 10"DBH would have to be approved by the Conservation Administrator, and the agent would have the opportunity to require replacement trees as needed. Stephanie Sequin explained that it was their intention to save the large specimen in the southeast corner of the limit of work, and that they were still waiting to hear from NHESP. Steve Phillips noted that his main concern was the trees, and thought that this revised plan was fine. John Jannell noted that there were members of the public present for the hearing, and suggested that the limit of work be adjusted after the limit of work was cleared to provide better protection for the trees. John Jannell pointed out that trees 1 and 2 may benefit from this proposed adjustment, and said that these were located about 15' from the proposed dwelling. Stephanie Sequin felt that tree 2 was further than 15' from the proposed dwelling, and Judith Bruce inquired if the house could be pushed closer to the road. Stephanie Sequin said it was as close as possible, and John Jannell did not think there would be a house/tree conflict given that the limit of work was 20' away. Judith Bruce agreed with the adjusted limit of work proposal, and John Jannell felt it would further strengthen the plan note. Stephanie Sequin suggested making it part of the Order. Charles Ketchuck, abutter from 15 Skymeadow Drive, appreciated the Commission's concern regarding the trees on the property. Charles Ketchuck inquired if they could move the proposed house closer to Captain Linnell road, and whether or not there would be some type of buffer between the road and the back of the house so that the neighbors would have privacy from the new construction. Judith Bruce explained that this was not within the Commission's jurisdiction, and Charles Ketchuck said that while he understood that, he wanted to suggest it. James Trainor felt that if the applicant brought the house closer to Captain Linnell road that the house would then encroach on the proposed septic system. James Trainor felt that the gain would not be significant, and Steve Phillips suggesting shifting the opening to the garage. Stephanie Sequin said that she would have to check with the building designer to determine the connection between the garage and the living space. Stephanie Sequin pointed out that the small square on the easterly footprint was a screened in porch. John Jannell reminded the Commission that they were waiting on NHESP, and Judy Brainerd inquired if this prevented the Commission from acting on the application. John Jannell explained that by acting on this application without NHESP's opinion that the applicant would be bound to the requirements, if any, set by NHESP. Jamie Balliett asked what the typical action would be, and John Jannell recommended continuing the hearing until they heard from NHESP. Stephanie Sequin asked that the hearing be continued to August 6, 2013.

**MOTION:** A motion to continue the hearing to August 6, 2013, was made by Jamie Balliett and seconded by Steve Phillips.

**VOTE:** Unanimous.

Last Heard 7/16/13 (NO1, BR1)

**Burton G. Herman, 9 Windswept Lane.** by Ryder & Wilcox, Inc. Assessor's Map 38, Parcel 6. The proposed construction of an addition to an existing single family dwelling has been amended to expand an existing deck. Work will occur within 100' of the Top of a Coastal Bank. David Lytle passed around a plan showing the location of the AC units, a revegetation note stating that all revegetated areas were to be planted with



native plants 1 gallon 3' on center, and the area around the old AC units would also be vegetated. David Lyttle provided photos of the site, and noted that the person who would execute the plantings would need to speak with John Jannell ahead of time. David Lyttle pointed out that the site was completely undisturbed, and the bank was in good shape. Judith Bruce asked if the entire area that was rosa rugosa was deck, and David Lyttle said almost. Judith Bruce was confused about what was being proposed, asking if the landscape timbers were to hold up the driveway. David Lyttle explained that when the deck was built it would be graded down at an angle, and the area from there to the shell parking area would be vegetated. Philips Marshall inquired what was going between the deck and the driveway, and Judith Bruce pointed out that the driveway would be higher. David Lyttle noted that there would be a natural buffer of rosa rugosa, and Judith Bruce asked how the plantings would be help up. David Lyttle said that he would have to get a builders sketch. John Jannell noted that the applicant had an Order for a deck, and asked if where the steps were proposed to be constructed if a strip was to be maintained. David Lyttle said there would be some cut, and Judith Bruce asked if the deck was in 3 levels. David Lyttle noted that while some type of retaining wall was needed, the client had not provided him with additional details. Judith Bruce noted that while this was a very stable bank, there was a lot of deck already on site, and was concerned about the proposed work. David Lyttle suggested that he could get together with the builder to ensure there were no stormwater or drainage issues on the Coastal Bank, and Steve Phillips inquired how the driveway was graded. David Lyttle said that it was flat and there were no issues with runoff. Jamie Balliett suggested a continuation date of August 6<sup>th</sup>, and David Lyttle said that would be fine.

**MOTION:** A motion to continue the hearing to August 6, 2013, was made by Jamie Balliett and seconded by Judy Brainerd.

**VOTE:** Unanimous.

### **Revised Plan**

**Hamish & Kathryn Wilkinson, 45 Bridge Road.** The proposed construction of an addition to a single family dwelling has been revised to change the proposed building plan to 1.5 stories. Work will occur within 100' of the Edge of Salt Marsh and Land Subject to Coastal Storm Flowage. John Jannell reported that he had spoken with the applicant who said that he had a conflict and needed to be moved to the August 6<sup>th</sup> agenda.

### **Administrative Reviews**

**Hamish & Kathryn Wilkinson, 45 Bridge Road.** The proposed removal of 3 locust trees. John Jannell said the Commission could either hold this application pending a discussion about the revised plan, or act on the removal of these trees.

**MOTION:** A motion to approve this Administrative Review was made by Steve Philips and seconded by Judy Brainerd.

**VOTE:** Unanimous.

**Mary Bast, 128 Monument Road.** The proposed request to extend the existing native planting buffer. John Jannell explained that the applicant proposed to remove lawn and plant natives, work which he supported.

**MOTION:** A motion to approve this application was made by Philips Marshall and seconded by Judy Brainerd.

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**VOTE:** Unanimous.

**Phyllis Thomason, 25 S. Orleans Road.** The proposed removal of bamboo on the Coastal Bank, maintenance, and plantings. Work to be done by Cape Organics. John Jannell noted that this was a replanting effort with the removal of traditional bamboo. Judith Bruce asked about any conditions, and John Jannell reminded that an Administrative Review could not be conditioned.

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

**VOTE:** Unanimous.

**Kathy Udall, 35 Keziahs Lane.** The proposed pruning of a Black Oak. Work to be done by The Tree Wizard. John Jannell noted that this was located directly over the garage, and the property was otherwise well treed.

**MOTION:** A motion to approve this Administrative Review was made by James Trainor and seconded by Judy Brainerd.

**VOTE:** Unanimous.

**Request to Use Conservation Properties**

**Jonathan Young Windmill** Celebrate our Waters Weekend 9/14/13-9/15/1  
OPC 10am-12pm 50 People

**MOTION:** A motion to approve this event was made by Philips Marshall and seconded by Judy Brainerd.

**VOTE:** Unanimous.

**Chairman's Business**

Approval of the Minutes from the Meeting on May 7, 2013

**MOTION** A motion to approve these minutes was made by Judy Brainerd and seconded by James Trainor.

**VOTE:** 6-0-1; Motion approved, Steve Phillips abstained.

Approval of the minutes from May 21, 2013

Erin Shupenis reported that these minutes were not ready at this time.

**Other Member's Business**

Jamie Balliett announced his official resignation as of the end of this meeting due to a recent change in work, and Judith Bruce said the Commission would accept this with regret. Jamie Balliett hoped that he would return, and the Commission thanked him for his dedicated service.

The Commission discussed the site visits.

The meeting was adjourned at 10:25

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department