

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 13, 2013

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

8:30 a.m. Call to Order

Continuations

Last Heard 7/9/13 (JB1)

Steve Simon, 8 & 10 Beach Road. Assessor's Map 36, Parcel 23 & 24. The proposed installation of a water line. Work will occur within 25' of the Edge of Wetland. John Jannell announced that a request to continue the hearing to September 17th, 2013. Judith Bruce recalled that the Commission also wanted to conduct an on-site, which would need to be posted. John Jannell noted that at the last public hearing, the Commission wanted a site plan showing the existing utilities, as well as have the property marked by Dig Safe. John Jannell explained that the applicant had been out of the country, and recommended a continuation to September 17th. Judith Bruce explained that this would mean that the site visit would be on September 10th, with the meeting on September 17th.

MOTION: A motion to continue the hearing to September 17, with a site visit on September 10, was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Last Heard 8/6/13

Richard A. Collison, 189 Skaket Beach Road. by Ryder & Wilcox, Inc. Assessor's Map 23, Parcel 17. The proposed upgrading of an existing septic system including the pumping & abandonment &/or removal of the existing system, & the installation of a water service to serve an existing single-family dwelling. Work will occur within 100' of a Coastal Dune System. Stephanie Sequin of Ryder & Wilcox, Inc., was present. Judith Bruce recalled that the Commission was waiting to hear from NHESP, and John Jannell reported that a letter had been received. Stephanie Sequin explained that Amy Coman of NHESP was not aware of the correct meeting time for the Orleans Conservation Commission, and would try to make sure that future comment letters were received prior to the start of future hearings. Stephanie Sequin explained that in addition to a response from NHESP, the hearing was continued to consider alternative treatment of this design. Stephanie Sequin explained that this property was for sale, and the owner was unwilling to upgrade the septic system of a house which they would no longer occupy. Stephanie Sequin noted that this house had been built in the 1940's, and that it was located both beyond 100' from Skaket Beach and above groundwater. Stephanie Sequin understood that the condos in front of this property needed I/A technology, but that it was due to the site restrictions and proximity to the resource area. Judith Bruce recalled that the proposal was going from a cesspool to a Title V system, and that while septic systems were not their specialty, in some incidents the

Commission recommended the use of alternative technology to protect the resource area. Steve Phillips pointed out that the Order of Conditions being subject to approval by the Board of Health was a standard requirement. Stephanie Sequin explained that a hearing was scheduled with the Board of Health on August 15th, and Judith Bruce understood that since there was not a new owner on board, it would be difficult to encumber a future owner with the requirements of an alternative technology septic system. Carter Buckley, abutter at 10 Wildflower Lane, requested that the current property contours would not be adjusted as part of the work on the property. Judith Bruce did not recall that work would be done, and John Jannell asked for clarification from the representative. Stephanie Sequin explained that this was not a proposed raised system, and did not require a containment wall. John Jannell noted a 16' contour proposed, and Stephanie Sequin said that this was included in the legend. John Jannell noted that while there was not any proposed grading, the 16' and 18' contour lines were called out on the plan. Stephanie Sequin explained that on the second sheet of the site plan, the final minimum grade would be 16.5'. The height at Test Hole 2 currently existed at 16.2', and this would mean that the grade may be increased by a couple of inches to provide the proper cover required. John Jannell felt that the abutter's concerns would be addressed, and that there were no major changes to grade. Judith Bruce inquired from the abutter if his concern had been addressed, and Carter Buckley explained that he did not want to see this change be 3-4'. John Jannell said that since the last hearing the Conservation Department requested a Variance Letter showing that the applicant requested relief from work within the Coastal Dune and within a certain proximity to additional resources. John Jannell recommended that the Commission include a requirement that any future plans would require delineation of the resource areas. Judith Bruce pointed out that the Commission did not want a future owner to try to expand the existing dwelling given the sensitivity of the area which it was located. Stephanie Sequin asked for clarity, since the Commission had used the word "work." Stephanie Sequin asked for maintenance of the existing property was permissible, to maintain what was there, and John Jannell explained that until the Commission saw a proposal, it would be difficult to give the owner advice. Jim O'Brien suggested using a word such as expansion be provided to give a future owner some clarity, and Judith Bruce noted that any work on this property would require Conservation Commission approval. Jim O'Brien did not want to put a condition about future work on the property, and Judith Bruce clarified that the Commission had identified this area as very sensitive and should recognize it accordingly. Jim O'Brien reiterated that this should not be included in the Order, and Judith Bruce felt that it would be the only way to ensure the applicant understands. Steve Phillips pointed out the plan note showing that the plan was for septic upgrade only, and that any additional work may require further delineation of the resource area. Stephanie Sequin suggested that additional improvement may be discouraged, as long as there was a differentiation between improvement and maintenance. Judith Bruce felt that this should not be handled differently than any other project, and could not recall any incidence where maintenance of a property was not approved. Judith Bruce wanted to make it clear that a future owner could not expand this property, and recommended that it be incorporated into the Order. James Trainor noted that on the septic plan there was a note that there would be a deed restriction limiting the site to two bedrooms, and Judith Bruce felt that the

plan clearly outlined that expansion would not be acceptable. John Jannell explained that the letter from NHESP stating that the proposed work would not result in a take.

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 7-12-13, pointing out that the Conservation Commission accepts the delineation of the resource area for the septic upgrade only; any other project may require the delineation of the extent of the dune system was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Last Heard 8/6/13

Timothy F. Geithner, 158 Tonset Road. by Ryder & Wilcox, Inc. Assessor's Map 27, Parcel 7. The proposed repair of a timber stairway & the construction of a landing & steps onto an existing boathouse. Work will occur on a Coastal Bank, on Land Subject to Coastal Storm Flowage, & a Coastal Beach. David Lyttle of Ryder & Wilcox, Inc. was present. Judith Bruce recalled that the Commission was waiting for comments from NHESP, and John Jannell reported that a letter had been received stating that the proposed work would not result in a take. Steve Phillips requested that fill be put around the roots of the oak, and David Lyttle asked that it be a condition of the Order since he was unable to revise the site plan.

MOTION: A motion to close the hearing was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 7-12-13 with the condition that soil be placed around the bare roots of the tree adjacent to the boathouse was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous.

Revised Plan

Sarah Bartholomew, 6 Harvey's Lane. The proposed construction of an addition, patio, screened-in porch, and deck onto an existing dwelling has been revised to show changes to the Conservation Notes showing a once-a-year mow to the mitigation area and the patio retaining wall to be constructed from timber instead of block. Work will occur within 100' of the Edge of Wetland. Sarah Bartholomew, applicant, was present. John Jannell explained that 3 copies of a revised plan had been submitted. John Jannell went over the history of the filing, explaining that as mitigation a no-mow zone was accepted as mitigation. John Jannell noted that the applicant wanted to mow this area once a year, and that this was an attempt to keep the vines and growth out of this area. John Jannell pointed out the change in wall material would be an after the fact acceptance, and passed around photos to the Commission of the site.

MOTION: A motion to accept the Revised Plan was made by Jim O'Brien and seconded by Judy Brainerd.

VOTE: Unanimous.

Judith Bruce brought up that time of year for mowing had not been discussed, and John Jannell explained that he and the applicant had thought early spring would be best. John Jannell noted that once a Certificate of Compliance was requested when the work was complete, the annual mow would either be an on-going condition or something which she could file for on an annual basis.

Administrative Reviews

Dave Hubbard, 41 Defiance Lane. The proposed cutting of phragmites. Work to be done by applicant. Judith Bruce recalled that this was an annual request, and John Jannell agreed, stating that the applicant cuts the phragmites by hand.

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

VOTE: Unanimous.

Dick Rowson, 14 Alden Road. The proposed removal of 2 Sycamore Maples and bittersweet. Work to be done by Arborsmith Landscape. John Jannell said this was a flush cut and removal, with the bittersweet to be removed located within the trees.

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

VOTE: Unanimous.

Harry Ahlheim, 38 Briar Springs Road. The proposed repair of an existing septic system including the abandonment of an existing cesspool and the installation of a pump chamber and septic tank. David Lyttle of Ryder & Wilcox, Inc. passed around copies of a site plan showing the proposed work. David Lyttle explained that the applicants went over the proposed work, noting that after the abandonment of the cesspool, the components for the new septic system would be located at a minimum of 91' from the Edge of Wetland, with the leaching field outside of Conservation Commission jurisdiction. David Lyttle said all of the work was occurring within existing lawn, with the new system elevated above groundwater, and placed in such a way to save the Cherry trees on site. Judith Bruce was initially concerned that components were located within the buffer zone, and David Lyttle explained that due to the existing sewer line, some components needed to be located within the buffer zone. Judith Bruce asked about the existing grade, and David Lyttle stated that there was no grade change within Conservation Commission jurisdiction. David Lyttle explained that the raised portion would be located outside of the buffer zone, and would be done with a grade change instead of with walls. John Janell stated that he made an on-site, and noted that the tank components were to be left behind within jurisdiction. John Jannell pointed out an undisturbed buffer to the Edge of Wetland, with work taking place within existing lawn, and did not feel that the Commission would have conditioned it further had it come under another filing. Judith Bruce inquired if the Commission was ok with this work coming under this type of filing, and James Trainor pointed out that this was the upgrade of a septic system with cesspool components being upgraded to a Title 5 system.

MOTION: A motion to approve this application was made by Jim O'Brien and seconded by James Trainor.

VOTE: Unanimous.

Anne Kilguss, 17 Herring Brook Way. The proposed trimming of holly trees and removal of dead locust branches. Work to be done by After Hours Tree Service. Judith Bruce recalled that these were in fact town trees, and John Jannell confirmed this. John Jannell explained that the applicant wanted to trim the holly trees around the house, and that the applicant and Dan Connolley, Tree Warden, were in talks about trimming the dead branches, one of which hung over the roadway. John Jannell recommended approval of the trimming work for the holly trees.

MOTION: A motion to approve the trimming of the holly trees was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

Michael & Priscilla Isner, 14 High Tide Lane. The proposed removal of 4 trees. *Judy Brainerd recused herself.* John Jannell explained that these were pitch pines to be removed due to their proximity to the neighbor's house, located outside of the 50' buffer, and that there was a healthy understory present.

MOTION: A motion to approve this work was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous.

Thomas Lazay, 11 Salt Works Circle. The proposed removal of a leaning oak and the pruning of a second oak. Work to be done by A to Z Treez. John Jannell explained that this was the removal of one branch of one oak, and the removal of a leaning oak. John Jannell explained that although this was a significant tree to be removed, the site was otherwise well treed and visual impact would not be significant.

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

VOTE: Unanimous.

Robert Stromsted, 8 Tides End Lane. The proposed trimming of a cherry tree and bushes. John Jannell explained that after meeting with the applicants, recommended that the Commission approve only the trimming of the cherry tree. The additional trimming work is within an area which had been planted under an Order of Conditions, and needed to be filed for separately once the applicants determined what they wanted to do within that area.

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

VOTE: Unanimous.

Celeste Omerod, 101 Brick Hill Road. The proposed removal of 2 storm damaged trees. Work to be done by Tree Fellers. John Jannell explained that the applicants were under Order for work on their deck, and wanted to remove a pitch pine which was down, and a second which was coming down. John Jannell felt the property was otherwise well treed and recommended approval.

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

VOTE: Unanimous.

Charles Woodward, 17 Lucy's Lane. The proposed removal 1 trees. Work to be done by Bartlett Tree Experts. John Jannell explained that this was a large linden roughly 90' from the Top of a Coastal Bank, and was located close and partially on the house.

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

VOTE: Unanimous.

Phil Benton, 34 Twinings Lane. The proposed reduction of all oak species in rear to 2-3'. Work to be done by Bartlett Tree Experts. John Jannell said this was work which the Commission has approved since 2001, going back to an Order of Conditions which had been closed out. John Jannell reported that the applicants had mature pine growth on site, and trimmed the oak trees to allow for a filtered view through the pines of the water.

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

VOTE: Unanimous.

McClennen Ed F Est/Jalkut, 661 S. Orleans Road. The proposed repair of the scarp at the boathouse and repair of the boathouse. Work to be done by Wilkinson Ecological Design. John Jannell noted that the applicants had damage from the winter storms, and the applicants were proposing to use the material which had ended up in the boathouse as nourishment for the scarp between the boathouse and Route 28. Judith Bruce asked if there would be any change to the foundation, and John Jannell said no. John Jannell pointed out that this work was within the A.C.E.C., but felt that the proposed work was minimal.

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

VOTE: Unanimous.

William Apgar, 24 Ellis Road. The proposed removal of oaks by wires, the broken top of an oak, the pruning of pine and oak limbs, and the removal of all low brush and saplings between the grass and the road. Work to be done by A to Z Treez. Judith Bruce recalled that this application was held since it previously asked for the removal of all of the brush on site. John Jannell met with the applicant, who was fine with allowing the understory to remain, and pointed out that a portion of the site was outside of the Commission's jurisdiction.

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

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the meeting on May 21, 2013.

MOTION: A motion to approve these minutes was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Other Member's Business

Administrator's Business

Request approval of replacement of the Oil Tank at Sea Call Farm.

John Jannell explained that there were two estimates presented to the Commission for the replacement of the oil tank and line, the lower of which being from Snows Fuel Company, which was \$2500. John Jannell reported that these funds were available in the 53 ½ Fund, and the expenditure could be authorized with a vote from the Commission. John Jannell noted that this initial vote had been tabled so that they could explore the option of installing of gas, and after research done by the Sea Call Supporters and Ron Collins, Facilities Manager, which would cost \$7500. John Jannell recommended that the Commission choose the less expensive option, and to replace the oil tank, whose age was unknown.

MOTION: A motion to approve this expenditure was made by Phillips Marshall and seconded by James Trainor.

Before a vote was called, Judith Bruce pointed out that Steve Phillips had a question. Steve Phillips asked about the location of the tank, and whether or not it was a double-walled tank. John Jannell noted that it was in the basement, and the current tank was not a double-walled tank, but that the replacement tank would be double-walled. Judy Brainerd confirmed that the upgraded tank was part of the estimate provided by Snows, and John Jannell confirmed that a double-walled tank would be installed. John Jannell read into record the work order provided by Snows. Judy Brainerd confirmed that they would remove the old tank, and John Jannell said remove and dispose. Judith Bruce noted that a motion had been made and seconded. James Trainor asked if a new furnace would have to be installed if they chose to go with the gas line option, and John Jannell said yes. James Trainor pointed out that the replacement of the oil tank instead of the installation of gas heat was an additional savings to the Commission. James Trainor inquired about the age of the oil burner, and John Jannell pointed out that it was serviced yearly. John Jannell recalled that when Cape Light Compact completed their audit, it was determined that the furnace was in good working order.

VOTE: Unanimous.

John Jannell announced that the repairs to the damaged garage doors which took place during the wind event the previous winter were under way. John Jannell understood that it was all covered under the current insurance policy, and the Sea Call Supporters offered to pay the deductible.

John Jannell invited Judy Brainerd, the Commission's CPC representative, to meet with Agricultural Council yesterday to update them on Putnam Farm. John Jannell received input on a potential water access, as well as the desire for a dedicated access to the

Orleans Conservation Commission Work Meeting 8-13-13

area. John Jannell was working on creating a sketch 20' ROW to present to the County to provide a dedicated access through the use of the CPC funds. Judy Brainerd pointed out that there was a great deal of discussion about alternative means of bringing water onto the property. John Jannell explained that the Council pointed out that the use of water on Agricultural property was very high, and since they were paying the bill, suggested alternative supplies of water. John Jannell noted that there was an existing wellhead on the property.

David Dunford reported that the Board of Selectmen appointed Rich Nadler as an Associate member of the Conservation Commission on August 7, 2013, as well as accepted the resignation of Jamie Balliett and Nancy O'Mara. The interview of Jane Hussey, another Associate Member candidate, was scheduled for the next Board of Selectmen meeting. David Dunford explained that he was waiting for input from the Chair since there was an opening on the Conservation Commission for a regular member.

The Commission discussed the site visits.

The meeting was adjourned at 9:23am.

Respectfully submitted,

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