

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, November 5, 2013

PRESENT: Judith Bruce, Chairwoman; Steve Phillips, Vice-Chairman; Bob Royce; James Trainor; Judy Brainerd; Philips Marshall; Rich Nadler, Associate; Jane Hussey; Associate; Kevin Galligan, Associate; John Jannell, Conservation Administrator.

ABSENT: Jim O'Brien.

For the purpose of this hearing, Rich Nadler will be voting.

8:30 a.m. Call to Order

Continuations

Last Heard 9/17/13

Samuel J. & Nancy H. Scialabba, 32 Harbor View Lane. by Ryder & Wilcox, Inc. Assessor's Map 29, Parcel 11. The after the fact cutting of trees on a Coastal Bank. Work occurred on a Coastal Bank & within 100' of the Edge of a Salt Marsh. David Lytle of Ryder & Wilcox, and Jen Exner of Wilkinson Ecological Design, were present. Jen Exner went over the submitted Land Management Plan, and Judith Bruce expected the applicant to address just the tree replacement as opposed to providing a land management plan. Judith Bruce asked that a site visit be scheduled to see the new scope of the work with Jen Exner going over the Land Management Plan, and Steve Phillips inquired if this would delay any proposed plantings. Jen Exner explained that they were proposing to plant in the spring, giving ample time for the winter storm season to end. Steve Phillips inquired about the view corridor shown, and Jen Exner explained that this was a view easement which belonged to the neighbors. Steve Phillips inquired if this was an approved view easement, and Jen Exner said no. David Lytle commented that this was a deeded view easement which the neighbor would have to come in front of the Commission to maintain, and Jane Hussey inquired if the suckers off of the oaks were to remain. Jen Exner commented that it would depend on the zone, and Rich Nadler hoped that the oaks would be allowed to grow and therefore prevent a possible gall wasp infestation. Jen Exner agreed that they needed to work with the best that they could, and Rich Nadler suggested picking the best oaks positioned for success. Steve Phillips inquired about planting trees other than the 6, and Jen Exner pointed out the constraints of the site, noting that planting smaller trees lead to greater adaptability. Steve Phillips suggesting allowing the existing trees to regrow, and Judith Bruce concurred, stating that more than 6 trees should be allowed to grow. Judith Bruce pointed out that a view corridor did not mean a clear cut, and Jen Exner reiterated that this was a very steep Coastal Bank. Judith Bruce explained that this was an Enforcement Issue, and Jen Exner stated that the letter from the Conservation Commission asked for a 1 to 1 replacement of the trees which had been removed. John Jannell pointed out that the replacement suggested was a minimum, and Jen Exner suggested that they could go out to determine how many trees were to remain. Rich Nadler inquired what the difference would be for groundwater to be taken up by an oak tree as opposed to groundcover, and Jen Exner explained that grasses

and forbes had dense root systems which kept soils in place and allowed for filtration. David Lyttle heard the concerns of the Commission and inquired how many trees the Commission would require, and Judith Bruce felt that this would be best determined once the Commission conducted a second on-site. John Jannell pointed out that it would be beneficial to have the Land Management Plan while conducting the on-site, and since spring planting was what was proposed, this would not cause problems with the proposed timeline. David Lyttle asked that the hearing be continued to the first week in December, with the site visit the week prior.

MOTION: A motion to continue the hearing to December 3rd with a site visit on November 26th was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Last Heard 10/22/13

John F. McCoy, 20-23 Preservation Path. by Ryder & Wilcox, Inc. Assessor's Map 24, Parcels 100 & 104. The proposed upgrading of an existing septic system including the pumping & abandonment of an existing leaching field, & the installation of a new septic system to serve an existing single-family dwelling. Work will occur within 100' of a Salt Marsh, Coastal Bank, & Land Subject to Coastal Storm Flowage. Stephanie Sequin of Ryder & Wilcox, was present. *Judith Bruce abstained from this hearing.* Stephanie Sequin explained that a DEP number had been issued for the proposed work and they proposed to allow two trees to be replanted.

MOTION: A motion to close the hearing was made by Bob Royce and seconded by Steve Phillips.

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 10-21-13 was made by Steve Phillips and seconded by Bob Royce.

VOTE: 6-0-1; motion approved.

Notice of Intent

Town of Orleans, Hubler Lane. Assessor's Map 38, Between Parcels 15, 16-1, 16-2, 16-3, 17, & 18. The proposed construction of a gravel access road to the public beach within the existing road layout including drainage improvements & restoration with native plantings. Work will occur within 100' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. George Meservey, Director of Planning and Community Development, Tom Daley, DPW Director, and David Lyttle were present. George Meservey went over the proposed work, including the history of the site and the habitat assessment paid for by the Town of Orleans. Judith Bruce inquired if the entire shaded area was to be removed, and Tom Daley clarified that they proposed to remove up to the higher drainage trench. Judith Bruce asked about the trench down and whether or not it would be deeper than the stone, as she was trying to differentiate between the new road. Tom Daley explained that it would be processed sand and gravel the same level of the asphalt, and Judith Bruce questioned if the lower trench was adequate to pick up the runoff from the other trench, or should proposed to be larger. Steve Phillips asked whether all of the asphalt was to be taken out, and Tom Daley said that since he had not been out on site with the engineer, he was not sure how far they would go with

the removal. David Lyttle clarified that everything shown on the plan was what was within Conservation Commission jurisdiction, and any additional removal was proposed, it would be located outside of jurisdiction. Judith Bruce commented that the impact from outside of jurisdiction was significant, and the Commission may deem it necessary to assert jurisdiction. Tom Daley reassured the Commission that, if anything, they may remove additional pavement, and Steve Phillips pointed out that the concern was for sheeting if there was a significant slope. George Meservey felt that this was an environmentally benign project, and Kevin Galligan asked for clarification that this road would be if the main gates were down, and whether or not it would accommodate foot traffic. George Meservey explained that this would be limited to town access and emergency vehicles, with any other purpose, such as vehicular access due to shorebird nesting, to come back in front of the Commission. Kevin Galligan asked for confirmation that the natural grade would be maintained, and Tom Daley said there would be some fill needed to keep it at grade. Kevin Galligan asked for clarification on the grade, and David Lyttle pointed out where this was indicated on the plan. Steve Phillips inquired about the amount of fill, and David Lyttle did not have that number, although he commented that they would be raising the grade 1-2'. Jane Hussey asked if this would be access for walking, and George Meservey explained that for the dwellings down at the beach, if the gate was unavailable, that this would be access. Steve Phillips inquired about invasive plant management, and George Meservey noted that this area was entirely comprised of invasives, with only the apple tree to remain. James Trainor questioned what was going to contain the proposed 2' fill, and asked if the road would slope to the sides. Tom Daley confirmed this, and David Lyttle pointed out that the siltfence would be present until the slope stabilized. James Trainor pointed out that the slope could be 16-17' with a 14' wide road, and David Lyttle commented that the road, at its widest, would be 22'. James Trainor asked if there would be any plantings for the side, and George Meservey explained that none were proposed at this time. David Lyttle brought up the standard construction note that it would be revegetated, and stated that the Conservation Administrator would ensure that it was done. A DEP number has been issued for this project, and the Commission could act should they wish to do so today.

MOTION: A motion to close the hearing was made by James Trainor and seconded by Judy Brainerd.

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 6-26-13 with the condition that the apple tree was to remain in place was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Town of Orleans, 239 Beach Road. Assessor's Map 14, Parcel 11. The proposed construction of a semi-open air pavilion addition to the existing Nauset Beach Administration Building. Work will occur within 100' of a Coastal Dune, Coastal Beach, & Land Subject to Coastal Storm Flowage. Ron Collins, Building and Facilities Maintenance Manager, Tom Daley, and David Lyttle, were present. Ron Collins presented the plan to the Commission, and Judith Bruce inquired why cement slab was

proposed instead of decking, and Ron Collins stated that the concern was for wheelchair access. David Lyttle pointed out that they were following through with the design which Paul Fulcher, former Parks & Beaches Manager, had informally presented. James Trainor asked what was going to be between Liam's and the new area to remove the sand, and Ron Collins explained that the dimensions of the dwelling took into account existing asphalt. Rich Nadler inquired if wood was proposed and if the sand would stay between the two structures, and Steve Phillips thought that it should be slightly elevated. Ron Collins explained that the distance between the existing Administration Building and asphalt were the same, and that the structure was proposed accordingly for shoveling purposed, and they were debating about bringing in a skid steer. Steve Phillips agreed, and asked what would be the best solution. Ron Collins felt that keeping the slab at the existing elevation would mean no ramp issues, and David Lyttle concurred that raising it slightly would not help with sand issues. Judith Bruce asked if in terms of water, it would be better to be decking and allow for water to drain away as opposed to asphalt, and David Lyttle pointed out that there would be a roof over it. Judith Bruce asked about storm events, and Ron Collins suggested that they may use pervious concrete in this area, but would need to be priced out. Philips Marshall asked if the sand would have any impact on the porousness of this, and Ron Collins said no. Rich Nadler recalled that Verizon would be doing work on this site, and asked if the power line from the existing building would be put underground. Kevin Galligan asked about the foundation design for the pavilion area including the design of the relocation of the sheds, and Ron Collins stated that they would continue to sit on the sand. Judy Brainerd inquired if they would be anchored, and Ron Collins noted that the size of the sheds made them under the threshold for a slab. David Lyttle explained that he could address the stormwater standard issues but would not know their impacts until he reviewed them, and John Jannell recommended that the Commission continue the hearing until this was determined.

MOTION: A motion to continue the hearing to November 12 was made by James Trainor and seconded by Judy Brainerd.

VOTE:

Cynthia A. Kawie, 36 Gibson Road. by Ryder & Wilcox, Inc. Assessor's Map 19, Parcel 22. The proposed construction of a screen porch on an existing deck; proposed extension of a deck; installation of an outdoor rinse area; & removal & replacement of existing stairs on a Coastal Bank. Work will occur within 100' of a Coastal Bank, & on a Coastal Bank & on Land Subject to Coastal Storm Flowage. Stephanie Sequin went over the proposed work on site, and Judith Bruce confirmed that there was no proposal for a deck on top of the screened porch. Stephanie Sequin said this was correct, and went over the proposed stair work as well as the elimination of a portion of the driveway. Judith Bruce complimented the applicant on the proposed English Ivy and knotweed removal. Judy Brainerd inquired what it would be replaced with, and Stephanie Sequin said it would be grass. Steve Phillips asked if the gutters on the west side would go into drywells, and Stephanie Sequin said that could be tied into the proposed system. Steve Phillips asked that the east side also be included, and asked if there was a plan to maintain the path. Stephanie Sequin agreed to the additional tie in, and said that the path would be mowed once or twice a year. Steve Phillips asked that the AC pad as

well as the rinse area be shown on the plan, and Stephanie Sequin confirmed that the Commission also wanted to see the removal of the English Ivy and knotweed, and make sure that the downspouts were connected to drywells. Kevin Galligan asked that the collection pan at the rinse area also be shown, and Stephanie Sequin asked to continue the hearing for two weeks to make the necessary changes.

MOTION: A motion to continue the hearing to November 19, 2013, was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

Todd G. & Robin B. Thayer, 82 Arey's Lane. by Ryder & Wilcox, Inc. Assessor's Map 62, Parcel 89. The proposed pumping & abandonment of an existing septic system & the installation of a new septic system to serve an existing single-family dwelling. Work will occur within 100' of an Inland Bank on Pilgrim Lake, Top of a Coastal Bank, Edge of Wetland, Land Subject to Coastal Storm Flowage, & within the Pleasant Bay A.C.E.C. Stephanie Sequin went over the existing site conditions, explaining the constraints given the resource areas. Judith Bruce did not think there was any other spot to locate the new septic system. John Jannell circulated photos of the site, commenting that a DEP number had been issued for this application, and any Order of Conditions would carry a special condition that it was subject to BOH approval.

MOTION: A motion to close the hearing was made by James Trainor and seconded by Judy Brainerd.

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 10-11-13 with the condition that the Order be subject to Board of Health approval was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous.

Daniel & Andrea Schmieg, 13 Kingsbury Lane. by Ryder & Wilcox, Inc. Assessor's Map 71, Parcel 1. The proposed reconstruction of an existing boathouse; stabilization of an eroding bank; replacement of failing fiber rolls with gabion/fiber roll toe protection; removal of invasive plant species, & plant with native species. Work will occur on a Coastal Bank, on a Coastal Beach, on Land Subject to Coastal Storm Flowage, & within the Pleasant Bay A.C.E.C. David Lyttle, Jeff Norgeot, Contractor, Seth Wilkinson of Wilkinson Ecological Design, and Daniel and Andrea Schmieg, applicants, were present. David Lyttle went over the existing site conditions, including the proposed work, and Seth Wilkinson went over the proposed fiber roll and bank restoration work, including the history of storm events and their impact on the site. David Lyttle commented that Jeff Norgeot would be overseeing most of the work, and Judith Bruce asked if the red line shown on the plan was the new flooring for the boathouse. David Lyttle noted that it would be within ½', and Judith Bruce was concerned about the need to push out the bottom of the Bank and be more towards the water. David Lyttle explained that Profile BB showed the creation of a very stable slope, and that in the long term additional sediment would be provided to the beach. Seth Wilkinson clarified that they were trying to create a more stable embankment with a uniform slope, and Judith Bruce felt that while beach nourishment was a good thing, burying the fringe marsh may

result in killing it off. Seth Wilkinson pointed out that they were seeing *Spartina* moving landward, and that he felt Pleasant Bay needed additional elevation to create more fringe marsh, although he did not want to do anything which would cause risk to the marsh. David Lyttle noted that they would want to do the appropriate environmental thing, and Seth Wilkinson explained that an annual survey of the fringe marsh had been included in the proposed work. Judith Bruce inquired if there would be additional screening needed with the new Top of the Bank, and David Lyttle explained that there was only one small cherry tree to be removed, and that the grade was much lower than the land and therefore not an issue. Judith Bruce commented that the work previously done looked to be in good shape, although a little scour had been observed. Judith Bruce was concerned about installing gabions for a system which seemed to be healing naturally, and wanted to consult Greg Berman, Coastal Processes Specialist for Woods Hole Sea grant and the Cape Cod Cooperative Extension. David Lyttle noted that this project provided permanent construction access, where in the past they had disturbed the natural 50' buffer, and Seth Wilkinson commented that they were not proposing to install gabions for the entire 274' of Bank, with fiber rolls installed at a much more reasonable angle. Judith Bruce asked if the gabions were proposed along the bottom, and Seth Wilkinson said no. John Jannell went over the file history of the work on site, and asked if 7 baskets were to be buried. David Lyttle confirmed this, and explained that history had shown that it was better to go deeper. John Jannell pointed out that most were below the current beach elevation, and David Lyttle explained that they anticipated 2.5-3' of the gabions to be exposed. Seth Wilkinson noted that after a major storm event on site, he had seen beach erosion which would be comparable to that type of exposure of the gabions. John Jannell asked if they felt confident that they could keep the baskets buried, and Seth Wilkinson responded that he knew that major storms broke in that area, but thought that the proposal was in the best interest. John Jannell inquired if high or low density fiber rolls were to be used, and Seth Wilkinson said they would be low density salvaged ones, and thought that the proposed work would mean that the new rolls would be well vegetated. John Jannell pointed out that the construction access originally came around the point, and asked about a way to do it without going over the vegetation. Jeff Norgeot pointed out that area was a good place for machines to hide during storms as well as during constructions, and although they crossed the point when they did work, there was no damage. John Jannell recommended that going forward mats should be used on the point, and wanted more detail from Wilkinson Ecological Design on the plant management. Seth Wilkinson reported that there was an opportunity to finish what had been started under the 2010 Order of Conditions, and that the plant management program was in good shape. Seth Wilkinson pointed out that there had been a wall of invasive species from the 75' line to the Top of the Bank, which had all been restored in 2010. John Jannell read into record the supplemental note, and asked why the applicant was proposed to cut the Top of the Bank instead of retreating, but understood that the boathouse needed relief. Steve Phillips inquired about the increase in elevation on the east side, thinking it was going to elevation 14', and David Lyttle corrected that it was not going to go that high, and that what was proposed was a combination of fiber rolls and toe protection. Steve Phillips asked if the 10' elevation was adequate or if it would be topped, and David Lyttle explained that the proposed elevation was an attempt to balance the fiber roll and

gabion array. Steve Phillips assumed that the east end of the fiber rolls would be addressed for end scour, and Seth Wilkinson explained that there would be normal maintenance. Steve Phillips reminded the applicants that the house was quite visible from the water, and although it was outside of the scope of the proposal, additional screening would be beneficial. Seth Wilkinson explained that there had been an attempt to plant 12-14' trees, but due to the significant wind and solar energy present, the cedar trees were growing at a rate of about 30%. Steve Phillips wanted Greg Berman to address restoring the fronting marsh, and David Lyttle pointed out that the fiber roll array placed at the seaward edge collected sand but did not create a fronting marsh. Seth Wilkinson concurred, stating that further down the Atlantic Coast rock shelves were being used, but was something which Chapter 91 would never permit. Judith Bruce inquired if hardening of the bank would be permitted, and David Lyttle said that he would bring in information regarding this issue. David Lyttle pointed out that a house existing prior to 1978 was grandfathered to protect the bank, and Judith Bruce asked about this property since the new house had been moved back and expanded versus remaining in the existing footprint. David Lyttle said he would be able to address that, and Steve Phillips asked if there was a Construction Protocol. David Lyttle was working on that, and Judy Brainerd asked if the staircase would be replaced, inquiring if it would be undermined due to erosion. David Lyttle went over the proposed design, noting that they could stabilize and plant it but thought that it would be on-going. Kevin Galligan inquired about the 8' construction access, and Jeff Norgeot explained that this was a typical width for a mini bobcat. Jeff Norgeot explained that he was open to looking at the development of this from different views, and pointed out that he did not like the signs which the homeowners had posted. John Jannell explained that the Commission had previously approved three 8 ½ x11" signs, and Judith Bruce noted that permission had been granted to the previous owners. Rich Nadler inquired if an assessment had been done of the eastern erosion and what it was endangering, and Seth Wilkinson stated that the large maritime oak which had previously been threatened was no longer in peril. Rich Nadler confirmed that nothing was in danger, and Seth Wilkinson said they were proposing to protect the house where the work was proposed. John Jannell wanted to look at the return details and side profile on the Paw Wah end to meet performance standards on end scour, and Rich Nadler inquired if the oak by the boat house would be removed. David Lyttle explained that the oak tree on the bank was to be removed, but was not sure about the total number. Seth Wilkinson asked to continue for two weeks, and John Jannell felt that they would have a report from Greg Berman by that time.

MOTION: A motion to continue the hearing to November 19, 2013, was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

Amended Order of Conditions

Michael Levangie & Sandra Lucchesi, 55 Freemans Lane. by Ryder & Wilcox, Inc. Assessor's Map 5, Parcel 31. The proposed construction of a sunroom, swimming pool, & patio has been Amended to show a larger sunroom, a new kitchen addition, & a reduction in patio. Work will occur within 100' of a Coastal Bank & Land Subject to Coastal Storm Flowage. David Lyttle went over the revised site plan, explaining that the

approved planting plan had been submitted with the proposed changes highlighted to provide clarification to the newer Commission members. Judith Bruce inquired if the pool fence was outside of the 50' buffer, and David Lyttle confirmed this, stating that they wanted to replace the existing timber steps. Steve Phillips inquired if the treads were to be replaced, and David Lyttle said yes. James Trainor pointed out that the outdoor shower, located within the 50' buffer, was not shown on the previously approved plan, and inquired if it was new. David Lyttle said he would need to speak with the applicant, and Judith Bruce did not think it looked new. David Lyttle asked if the Commission could approve this work pending a revised plan showing it, and James Trainor thought that it was new. David Lyttle explained that he had not concentrated on that portion of the site since no new work was proposed, and Judith Bruce asked if the Commission wanted to ask the applicant to remove the shower or provide additional mitigation to remain. David Lyttle thought that the town aerial photos would show whether or not the structure existed, and thought that it had existed. Rich Nadler inquired whether the bluestone patio would be laid with cement, and David Lyttle noted that it would be dry-laid. Judith Bruce asked the Commission whether or not they wanted to wait to approve this subject to the outdoor shower showing up on a previous filing, and Steve Phillips was confident that David Lyttle's recollection of the outdoor shower existing was correct and would show up accordingly on the town aerial maps.

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

VOTE: Unanimous.

MOTION: A motion to approve this Amended Order of Conditions subject to the condition that the outdoor shower was not new was made by Steve Phillips and seconded by Bob Royce.

VOTE: Unanimous.

Request for Determination of Applicability

Charles Silbert, 30 & 34 Viking Road. by Coastal Engineering Company, Inc. Assessor's Map 70, Parcels 23 & 24. The proposed clearing of vegetation, minor grading, & installation of a new driveway from Viking Road to #34 Viking Road. Work will occur within 100' of the Top of a Coastal Bank. Tarja McGrail of Coastal Engineering Company and Charles Silbert, applicant, were present. Tarja McGrail went over the proposed work including the stormwater management, and Steve Phillips inquired why the work was proposed crossing over #30 instead of being installed on #34. Tarja McGrail explained they were trying to get the curb cut before the utilities, and this location required minimal grading. Steve Phillips inquired if there would be difficulty permitting this crossing, and Tarja McGrail commented that the applicant owned both parcels, with the intent that should one sell, an easement would be granted. Judy Brainerd asked if the surface had to be concrete, and Tarja McGrail stated that it was bituminous concrete, and that since Viking Road was paved, it would hold a better edge. Steve Phillips inquired if pervious pavement would be an option, and Tarja McGrail explained that due to sediment loading, as well as the maintenance concerns associated with vacuuming the pervious concrete, it was not a suitable option for this location.

MOTION: A motion to close the hearing was made by Steve Phillips and seconded by James Trainor.

VOTE: Unanimous.

MOTION: A motion to issue a negative determination was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Robert & Nancy Burkert, 7 Harbor View Lane. by Environmental Landscape Consultants, LLC. Assessor's Map 28, Parcel 155. The proposed removal of turf & privet hedge & revegetation with native plants. Work will occur within 100' of a Bordering Vegetated Wetland & Critchett's Pond. Michael Talbot of Environmental Landscape Consultants, and Nancy Burkert, applicant, were present. Michael Talbot went over the scope of the project, and Steve Phillips inquired if the Vinca or other invasives were proposed to be removed. Michael Talbot explained that all invasives in the area of the privet were to be removed, and Judith Bruce commended the applicant on their proposed project.

MOTION: A motion to close the hearing was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

MOTION: A motion to issue a negative determination for the landscape plan dated 10-3-13 was made by Steve Phillips and seconded by Rich Nadler.

VOTE: Unanimous.

Certificate of Compliance

Gary & Jean Webster (2009), 28 Twinings Lane. The request for a Certificate of Compliance for an Order of Conditions for the removal of invasive species, plantings of native species, and replacement of "dug-in" timber stairs. John Jannell explained this request was from Wilkinson Ecological Design, who had requested that an on-going condition for management of the stump sprouts be included. John Jannell read into record the specific request from Wilkinson Ecological Design, and Judith Bruce suggested that they come back with an Administrative Review filing for this type of work. John Jannell explained that the applicant wanted to, upon written approval, proceed with the suggested work. John Jannell explained that they could tie this to the contractor of record, and request that upon written notification to the Conservation Department, that they could commence with the work. Rich Nadler inquired whether or not this decision was finite, noting that previous continual pruning efforts had led to gall wasp infestation on other properties. Judith Bruce noted that this work was stump management to get rid of suckers, and Rich Nadler pointed out that this cutting made it more susceptible to the gall wasp. John Jannell agreed with Rich Nadler, and explained that it would be difficult to revoke an on-going condition for a Certificate of Compliance. Rich Nadler inquired if conditions may be put on the on-going condition, and Judy Brainerd inquired if it was contingent upon the same contractor being used for the work. John Jannell recommended that they make Wilkinson Ecological Design the contractor of record, with any other contractor to take over the work to come in front of the

Commission to determine whether or not they could complete the work. Jane Hussey inquired if a new tree could be requested should the existing tree fail, and Judith Bruce explained that they could either allow it or ask the applicant to file every year. John Jannell suggested that the Commission allow the invasive plant management, with the pruning to be filed for under an Administrative Review.

MOTION: A motion to issue this Certificate of Compliance was made by Bob Royce and seconded by Steve Phillips.

VOTE: Unanimous.

John Jannell stating for the record that any pruning going forward is to be filed for under Administrative Review.

Administrative Reviews

Nancy Burkert, 7 Harbor View Lane. The proposed annual removal of briars and grapevine, and mowing of meadow grasses and woody material. Judith Bruce recalled that the applicant had filed for this work in the past, and John Jannell noted that this was work which could be approved under this type of filing.

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

VOTE: Unanimous.

David Patterson, 44 Nichols Road. The proposed annual request for maintenance of the top of coastal bank and buffer pruning. Work to be done by applicant. Judith Bruce inquired if the application knew the limitations of what to prune, and John Jannell explained that this was an annual request which the applicant had made since 2004.

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

VOTE: Unanimous.

Pochet Property Owners Association, Pochet Road. The proposed removal of invasive plants encroaching in parking lot and walking path. William Bower of the Pochet Property Owners Association was present. John Jannell explained that the applicants were going to prune and maintain the existing sand lot for the Association.

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

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the Meeting on October 8

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

VOTE: Unanimous.

Approval of the Minutes from the Meeting on October 15th.

Erin Shupenis reported that these were pending review from the Conservation Administrator.

Orleans Conservation Commission Hearing Meeting 11-5-2013

The meeting was adjourned at 11:07am.

Respectfully submitted,

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