

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, February 25, 2014

14 MAR 4 9:20AM
K. Darby, Asst
ORLEANS TOWN CLERK

PRESENT: Steve Phillips; Vice Chair; Bob Royce; James Trainor; Jim O'Brien; Rich Nadler, Associate; Kevin Galligan (Associate); John Jannell, Conservation Administrator.

ABSENT: Judith Bruce, Chair; Judy Brainerd; Jane Hussey, Associate.

For the purpose of today's hearing, Rich Nadler and Kevin Galligan will be voting members.

8:30 a.m. Call to Order

Continuations

Last Heard 2/18/14

Donald Widen, 19 Fox Ridge Drive. by JC Ellis Design Company, Inc. Assessor's Map 50, Parcel 47. The proposed construction of a portion of a patio & the clearing of brush & revegetation with lawn area to the 75' buffer line. Work will occur within 100' of a Bordering Vegetated Wetland & a Ditch. Jason Ellis of JC Ellis Design Company, Inc., was present. Jason Ellis explained that the project had been discussed at the previous hearing, and had been continued to wait for the issuance of a DEP number, and since that time, a number had been issued. Jason Ellis inquired if the Commission had any additional comments or concerns, which the Commission did not.

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

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 1-16-14 was made by Steve Phillips and seconded by Bob Royce.

VOTE: Unanimous.

Last Heard 2/18/14

Nanon Winslow, Ginger & Kenelm W. Winslow, Jr, 2 & 4 Ewing Drive. by Ryder & Wilcox, Inc. Assessor's Map 93, Parcel 12 & 13. The proposed repair of an existing rock revetment. Work will occur on a Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage, & in the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc., and John & Josh Winslow, sons of the applicants and representatives for the family, were present. David Lyttle explained that a revised plan had been submitted showing the staging area where Jeff Norgeot anticipated the excavator to be located, as well as the construction access across the property. David Lyttle also read into record the Construction Protocol submitted for the proposed work, pointed out that a comments from Greg Berman, Coastal Processes Specialist for Woods Hole Sea grant and the Cape Cod Cooperative Extension, had been received, as well as a comment letter from the Division of Marine Fisheries. The letter from DMF asked that the seaward encroachment be minimized, where possible. While David Lyttle did not feel as though there were specific comments to address from Greg Berman's report, he pointed out that in e-mail corresponding with David E. Hill, Environmental Engineer, MassDEP-Waterways Regulation Program, it was determined that a new Chapter 91 Waterways license will be

required by the state. John Jannell inquired if the applicant was looking for an Order of Conditions subject to the receipt of a new Chapter 91 Waterways license, and David Lyttle pointed out that they could not apply for a new license until an OOC had been issued for the project. John Jannell asked that he receive a copy of the corresponding e-mails for the record, and David Lyttle apologized for not submitting this to the Conservation office. John Jannell's only comment regarding the report was to point out that Greg Berman clarified the function of the groin, recommending it be left alone. John Jannell noted that the Commission had received a copy of the DMF letter, and asked that the 4 specific conditions mentioned in the letter be incorporated into any OOC issued. John Jannell noted that while they had received a DEP number, he wanted to review the waterways correspondence prior to the issuance of any Order. David Lyttle said this was fine, commenting that the timeline of the project had been altered due to the need for a new Chapter 91 license. John Jannell asked about who will complete the erosion control blanket work to be done given that the family had proposed to complete the plantings on site. David Lyttle noted that relevant to Kevin Galligan's comments regarding the cutting which had been done in front of Lot 24, the family had been doing this for decades, and would like to continue. David Lyttle noted that the applicants understood that they could only trim to a certain height, and inquired if the cutting could continue but be limited to a 3-4' height. Steve Phillips asked if this had been an established view corridor or had only been historic cutting, or whether or not the Commission had ever approved a certain amount of cutting to take place. David Lyttle stated that this was not an established view corridor, but that they had always done this work, and wanted to be clear to what was permitted moving forward. John Jannell brought up the e-mail correspondence electronically and read it into record, noting that any Order which the Commission issued should include a special condition that it was subject to obtaining a new DEP Waterways license. David Lyttle pointed out that since the proposed work was also located in the Pleasant Bay A.C.E.C., it would require the filing of an ENF. Steve Phillips asked if there were additional details available on the plantings. David Lyttle commented that he needed to work with the family to develop such material, and suggested that it be approved conditionally upon John Jannell approval of the plants to be installed. John Jannell noted that this decision was up to the Board, and Steve Phillips said that if the Conservation Administrator was comfortable with this condition that they would defer to his judgment. John Jannell preferred to receive as much detail up front to be included with the OOC since the licensing process would take months to be resolved. Rich Nadler inquired about the licensing process, and David Lyttle explained that the state had up to 180 days to respond, in addition to filing the ENF which would require site visits by multiple departments. David Lyttle explained that they had initially hoped to complete the work by April, and Rich Nadler inquired about the timeline to complete the proposed project. David Lyttle explained that the project itself would only take a couple of weeks, and Steve Phillips pointed out that one of the conditions of the work was for it to be complete between November 1st to April 1st of any given year. Rich Nadler inquired about the planting survivability condition, and John Jannell explained that this condition typically covered the plantings for 3 growing seasons, with the condition that the plants be replaced should they experience nursery shock or die-off. Kevin Galligan inquired about the condition which stated that appropriate erosion control measures would be taken, since he did not see it on the plan. John Jannell explained that was also the reason he asked for additional information about the slope stabilization. Jim O'Brien commented that the Commission needed to address the cutting request, and felt that

requiring the applicant to maintain a specific height would be the best way. David Lyttle suggested 3-4', and John Jannell explained that the regulation allows for a 4' height maintenance with Commission approval. David Lyttle asked that he continue the hearing for one week to provide the Commission with the details on the plantings and stabilization control. Rich Nadler suggested that they permit the selective removal of invasives within the 4' area. John Jannell recalled several suggested special conditions discussed at the initial public hearing such as a Time of Year restriction was recommended from November 1st to April 1st, with marsh crossing only to occur during the dormant season, with alterna mats to be used. John Jannell recommended that any OOC issued include a condition that it be subject to receipt of a Chapter 91 waterways license, and felt that the cutting/trimming of the Coastal Bank on Lot 24 could be addressed under the Order. John Jannell felt it would be beneficial to have a commitment on the slope stabilization, with the need for erosion control measures, and recommended that the DMF conditions be addressed. David Lyttle said he would like an opportunity to speak with the applicants on the final plans for the planting work, and John Jannell asked for specifics such as whether the plugs were to be planted through an erosion control blanket or heavy coir also be addressed.

MOTION: A motion to continue the hearing to March 4th was made by Kevin Galligan and seconded by James Trainor.

VOTE: Unanimous.

Administrative Reviews

John Stix, 175 Namequoit Road. The proposed replacement of an existing deck within the same footprint. Work to be done by Michael Ciampa. John Jannell explained that this was footprint replacement of a 16'x14' deck at grade, and recommended approval

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

VOTE: Unanimous.

Request to Use Conservation Properties

Bakers Pond Educational Walk 3/6/14 Orleans Conservation Trust
3-4:30pm 20-30 People

James Trainor recused himself.

MOTION: A motion to approve this event was made by Bob Royce and seconded by Kevin Galligan.

VOTE: 5-0-1; motion approved.

Putnam Farm Educational Walk 4/5/14 Orleans Conservation Trust
9-10am 20-30 People

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

VOTE: 5-0-1; motion approved.

James Trainor returned to the meeting.

Orleans Conservation Commission Work Meeting 2-25-14

Chairman's Business

Approval of the Minutes from the Meeting on September 17, 2013.

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

VOTE: Unanimous

Approval of the Minutes from the Meeting on February 18, 2014

Steve Phillips announced that these minutes were not available at this time.

Steve Phillips announced that the Orleans Conservation Trust was having a meeting on Sustainable Coastal Erosion Control at the Orleans Yacht Club on Monday, March 3, 2014, from 6:30-7:30pm. The event is free but reservations are required.

Administrator's Business

John Jannell announced that he would be scheduling an on-site on Tuesday, March 11th, following the work meeting, to go out to 187 Namequoit Road. John Jannell explained that there had been a lot of questions coming into the Conservation Department regarding this project, and noted that the homeowner and engineer would be present as well at this on-site.

Kevin Galligan announced that as a member of the Cape Cod Community College staff he had been invited to attend a presentation from Mark Ruffalo promoting clean water. Kevin Galligan thought that the water clean-up technology, which was based on the implementation of synthetic eel grass, may have a future benefit to stormwater clean-up. Kevin Galligan explained that additional information could be found on opflex.com.

The Commission discussed the site visits.

The meeting was adjourned at 9:05am

Respectfully submitted,

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