

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, March 4, 2014

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

ABSENT: Judith Bruce, Chair; 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 2/25/14 (JB1, JH1, JRB1)

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 Lytle of Ryder & Wilcox, Inc, and John Winslow, sons of the applicants and representatives for the family, were present. David Lytle recalled that the Commission was looking for a planting Specification for the Coastal Bank, and reiterated that the applicants wanted to do the work themselves. David Lytle read into record the Planting Specification document prepared for the Commission, commenting that he had not given a specific number of plants to be installed, but rather hoped that this was something which the family could work with the Conservation Administrator to determine if there were enough plantings given the density proposed. Steve Phillips recalled that the Commission was concerned about who would be completing the filter fabric installation, and David Lytle stated that this was one of the first things to be done, and would be completed by the Contractor of Record. John Jannell commented that the application was also held so that they could circulate the correspondence from DEP, which was determined to be fairly straightforward, and explained that the applicant needed a new Chapter 91 Waterways license. David Lytle explained that they intended to pursue whether or not a new license was needed, and pointed out on the site plan Profile BB showed that all of the proposed work was occurring landward of Mean High Water or within the footprint of the previous two licenses. David Lytle was hopeful that they would be able to move forward without having to receive a new license, and Steve Phillips recalled that this work was an extension of the existing footprint. David Lytle explained that it was smaller than the licensed footprint, and occurred landward. Steve Phillips asked about what had previously been done on site, and David Lytle explained that they were not going as far back as the work which had occurred in 1995 and 2000. Kevin Galligan inquired that if the state made modifications to the proposed work, would the Conservation Department's filing need to be amended. David Lytle said that there was always that potential. John Jannell went over the special conditions discussed at the previous hearing. John Jannell read into record the four DMF conditions, asking that they be included in any Order. John Jannell also recommended to the Commission that the Order be subject to receipt of a Chapter 91 Waterways License and or approval,

and that no work is permitted to commence until the license has been obtained. John Jannell pointed out that while Greg Berman's report did not bring it up at this time, he often included a special condition which asked that the rock have a rough face to break up wave action. No relocation of glacial boulders is to be permitted with this filing, although the Commission understood that the trap rock on site would be used for the armoring of this bank. In addition, the trimming of the adjacent lot had been brought up, and suggested a separate condition that allowed for the trimming of this area to be permitted with a height of 4', and to be filed for under Administrative Review. John Jannell specified that due to the sensitivity of the area, a Time of Year restriction previously discussed also be included, limiting the work to November 1st to April 1st. Kevin Galligan asked about the erosion control blanket, and whether or not it should be specified as the heavier material. John Jannell noted that the Planting Specification stated that it would be 100% biodegradable, and David Lyttle specified that it would be a 900 gram coir blanket, which could also be included as another special condition. Kevin Galligan asked that the trimming work be clarified to state that the vegetation could be trimming to no less than 4' in height. Steve Phillips inquired how the family would access the steep slope while planting the area, and David Lyttle explained that they would more than likely use aluminum ladders to go up and down the bank without causing any damage. John Jannell commented that since the Commission was going to include a Time of Year restriction, they have the site blanketed and seeded prior to April 1st. David Lyttle suggested that it also be planted in an appropriate time, suggested that he could amend the Planting Specifications to include that the 900 gram coir blanket would be installed by the contractor.

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

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 2-20-14, and include the Conditions read into the record by the Conservation Commission Agent, was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Notice of Intent

Kenneth J. & Albarosa Cuccina Gandolfi, 84 Captain Linnell Road. by Ryder & Wilcox, Inc. Assessor's Map 32, Parcel 53. The proposed removal of an existing deck & construction of a screened porch attached to an existing single-family dwelling. Work will occur within 100' of the Top of a Coastal Bank, Edge of Wetland, Stream, & Land Subject to Coastal Storm Flowage. David Lyttle went over the existing site conditions, explaining that the existing porch would have to be removed in order to install the sonotubes for the screened porch, and would remain open to the bottom as it currently existed. David Lyttle pointed out that this was not going to be a 3-season room with habitable space, but rather a screened in porch since the area became buggy during the summer. David Lyttle remarked that the Commission had seen a sump pump dispose of water from the basement while out on their site visit, and after a discussion with Stephanie Sequin from Ryder & Wilcox, Inc., suggested that they could perhaps install a shallow leaching basin to pipe the water from the sump pump into it when the existing deck was removed. David Lyttle was not sure how else to approach the situation, and thought they could conduct a hand auger to determine the soil conditions

on site and the feasibility of this approach. Steve Phillips inquired if there was a high water table on site, and thought that the shallow leaching basin was a better solution than a typical drywell. David Lyttle said this was correct, and Rich Nadler inquired if the water from the wetland was what was going into the basement and then being disposed of back into the wetland. David Lyttle commented that it was the way that the water was cycled which was a concern, and Steve Phillips asked if oil heat was present on site. David Lyttle confirmed that there was a double-walled oil tank on site, and James Trainor asked if the proposed leaching basin could be moved further from the wetland. David Lyttle said this was something which they needed to address, and thought that it could be moved further from the wetland. Steve Phillips felt that the downspout that emptied under the deck also needed to be captured, and suggested hooking it up to the same location where the sump pump would be directed. James Trainor asked for confirmation that the deck was going from 19'x16' to 16'x16', and whether or not a stairway was proposed. David Lyttle confirmed the dimensions, and stated that a landing with two steps to grade was proposed. James Trainor stated that there would no longer be a deck on site, and David Lyttle said that this was correct. Kevin Galligan commended the applicant on their willingness to address the sump pump with a leaching basin, and commented that the garden area, while healthy, had areas where the filter fabric was exposed. David Lyttle asked for additional details, and John Jannell noted that in 2009 a rain garden had been constructed as mitigation for a shed. John Jannell felt that the landscaper may have used the filter fabric to keep down the greenbrier, and suggested that this area also may be used for bio retention. David Lyttle said that he would like to speak with the applicants, and John Jannell noted that the Commission was waiting on a letter from NHESP. David Lyttle explained that although the project was exempt given the proposed work, he would like to continue the hearing for two weeks to incorporate the Commission's suggestions.

MOTION: A motion to continue the hearing to March 18th was made by Jim O'Brien and seconded by Judy Brainerd.

VOTE: Unanimous.

Request for Determination of Applicability

Christina Nichols & Arthur B. Nichols IV, 62 & 45 Old Field Road. by Ryder & Wilcox, Inc. Assessor's Map 64, Parcels 5 & 7. The proposed construction of a potable well & water line. Work will occur within 100' of the Edge of Salt Marsh, Top of Coastal Bank & within Land Subject to Coastal Storm Flowage & the Pleasant Bay A.C.E.C. Stephanie Sequin of Ryder & Wilcox, Inc, was present. Stephanie Sequin explained that this was essentially a peninsula which, due to rising sea levels, had salt water intrusion in their well. Stephanie Sequin explained that the applicants owned 45 Old Field Road which had a Conservation Restriction on it, but was able to use the property for utility installation. The applicants decided to explore this parcel for a potential potable water lens, and successfully found a water source which could be tied into the existing house with minimal tree disturbance. Steve Phillips inquired if any trees would be taken down through this water line installation, and Stephanie Sequin explained that, to the maximum extent possible, they would follow along the edge of clearing and existing paths to create minimal disturbance. The machine to be used would be a mini excavator, with a trench dug 4-5' into the ground below the frost line, and would be back filled. Kevin Galligan commended the applicants on the application of their Conservation Restriction. Rich Nadler inquired about the tree stump which the

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Commission observed during their site visit on February 25th, and John Jannell said that he would follow up with this as a separate issue.

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

VOTE: Unanimous.

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

VOTE: Unanimous.

Certificate of Compliance

Jonathan Stark (2008), 110 Monument Road. The request for a Certificate of Compliance for an Order of Conditions for the plant management and landscaping for an existing dwelling. John Jannell reported that the Commission could vote to issue this Certificate of Compliance.

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

VOTE: Unanimous.

Chairman's Business

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

MOTION: A motion to approve these minutes was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Approval of the Minutes from the Meeting on February 25, 2014.

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

VOTE: Unanimous.

Other Member's Business

Kevin Galligan pointed out the article written by Doug Fraser of the Cape Cod Times on February 27th discussing the decline of butterflies, and the need for milkweed as habitat. Kevin Galligan noted that the DEP plant list did not include milkweed as a recommended plant, noting that it was a tolerant perennial, and felt that it should be on the list. Kevin Galligan inquired how the Commission may be able to add this to the recommended species list, and said that he would forward the information along to the Commission.

The meeting was adjourned at 9:12am

Respectfully submitted,

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