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Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, April 1, 2014

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

ABSENT: Jane Hussey (Associate).

For the purpose of today's hearing, Rich Nadler will be a voting member.

8:30 a.m. Call to Order

Continuations

Last Heard 3/18/14 (JH1)

Francis & Susan Kelly, 50 Arey's Lane. by JM O'Reilly & Associates, Inc. Assessor's Map 70, Parcel 1. The proposed renovation of an existing dwelling including a second floor addition & installation of a new sewage disposal system. Work will occur within 100' of a Coastal Bank, Riverfront Area, & within the Pleasant Bay A.C.E.C. Matt Farrell from JM O'Reilly & Associates, Inc., and Francis and Susan Kelly, applicants, were present. Matt Farrell went over the proposed work, noting the plantings to be installed and the applicant's desire to keep the existing garage. Matt Farrell provided the Commission with photos from Arey's Pond, noting that very little of the house would be observed from the resource area. Judith Bruce was concerned about the amount of mitigation proposed given that this was new construction, and was concerned about the accessory garage building in addition to the garage underneath the house. Jim O'Brien and James Trainor felt that this was a modest renovation with ample mitigation, and Steve Phillips was concerned about setting precedence for new construction within the A.C.E.C. Steve Phillips inquired if bumping out the addition towards the back would be more sufficient, or relocating the garage. Matt Farrell commented that this addition proposed was exactly what the applicant wanted, keeping it within the existing footprint to minimize cost. Steve Phillips wondered if it could be addressed in a different way, and Judith Bruce was concerned about the greater than 25% increase in construction. Jim O'Brien felt that the Commission needed to recognize where the existing foundation was, and Bob Royce felt that staying within the existing footprint was very good. Rich Nadler pointed out that the regulations were clear that the approval of one project did not set precedence for future projects, although he would like the garage to be moved outside of the 50' buffer zone. Judith Bruce noted that it would still be within the A.C.E.C., and Rich Nadler noted that the applicants were going to change the existing driveway. Kevin Galligan stated that while he was not a voting member today, he felt that it was a well thought out plan. Judy Brainerd pointed out that there were no gutters or downspouts on the garage, and Matt Farrell said that if the Commission wanted to condition that it would not be a problem. Judith Bruce confirmed that there would not be any changes to the garage, and Matt Farrell reiterated that there would not be any changes to the garage. Steve Phillips inquired about the delineation of the Coastal Bank, and Matt Farrell went over the 4:1 and 10:1 slopes present on the site. John

Jannell commented that gutters and downspouts were part of the standard conditions, and would be part of the house project. Matt Farrell felt it would be fine to proposed gravel under the dripline of the roof.

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

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 3/26/14 with the condition that the garage roof runoff shall be contained by the installation of a gravel roof dripline or guttering to downspouts was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Last Heard 3/25/14 (JBR1, JH1)

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. Judith Bruce announced that a letter from NHESP had still not been received, and David Lyttle asked to continue the hearing for one week in hopes of receiving the letter.

MOTION: A motion to continue the hearing to April 8th was made by James Trainor and seconded by Judy Brainerd.

VOTE: Unanimous

Notice of Intent

Michael & Tracy Roberge, 27 Cheney Road. by Ryder & Wilcox, Inc. Assessor's Map 42, Parcel 2. The proposed renovations to an existing 4 bedroom dwelling, construction of an arbor, & landscaping. Work will occur within 100' of a Salt Marsh, on a Coastal Bank, on Land Subject to Coastal Storm Flowage, & within the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc., Sarah Turano-Flores of Nutter, McClennen, & Fish LLP, Kellie Connelly and Jade Cummings of Terra Ink, and Peter Polhemus of Polhemus, Savery, & DaSilva Architects, were present. Sarah Turano-Flores provided a general overview of the proposed work, introducing all of the people work on the site. David Lyttle presented the existing conditions on site as well as the proposed changes to the existing landscaping. Jade Connolly went over the details of the new naturalized buffer zone, and Kelly Connelly went over the proposed plantings for this site and their overall impact to the resource area. Kellie Connelly explained that the turf blue grass would be removed and replaced with sod to establish immediately. Peter Polhemus provided photos to the Commission showing a photo-shopped version of how the house would look once the construction and mitigation plantings were complete. Judith Bruce inquired on the productivity of the I/A system, and David Lyttle said it was under a service contract, and that he would provide that information to the Commission. Judith Bruce suggested that more plant material was necessary to uptake the nutrients from Cheney Road and the driveway, and Kellie Connelly asked about turf grass pavers. Judith Bruce was not aware of the mechanics of these pavers, but noted that they had been used in certain instances. Kellie Connelly noted that these often

required significant irrigation, which may end up working against the site. Judith Bruce commented that the Commission was concerned about how well screened the property was from the resource area, and wanted to see a planting plan which included screening from the front. Judith Bruce pointed out that the applicant had limbed up existing cedars without permission, and that a broken up view from the resource area would go a long way, in addition to eliminating the use of fertilizers and pesticides. Kevin Galligan inquired if this was a tear down and re-build, and Peter Polhemus clarified that they were working with the existing walls, and that with removing the existing bay window, they would be adding that space to the front entry. Kevin Galligan pointed out that there was not an area called out for staging or demo debris, and Peter Polhemus replied that the work area was outside of the resource area, with plenty of ability to get rid of the debris. Kevin Galligan asked that this be called out on the site plan, and David Lyttle said that they would put a note for all of the staging to take place within the driveway. Kevin Galligan was concerned about the cutting which had taken place, and the existing drainage within Cheney Road. David Lyttle noted that this was within the road layout, but thought that there was an opportunity to create a drainage trench. Rich Nadler felt that any additional screening that they could provide would be good, noting that this was new construction versus reconstruction. David Lyttle commented that he had worked with the previous owner to replace the bulkhead, and Rich Nadler pointed out that he was concerned about the cumulative effect of the work done on the property throughout its history. Rich Nadler asked if the chimney was to be removed, and Peter Polhemus said yes. Judy Brainerd agreed that more screening was needed, and that they should have a filtered view. Judy Brainerd inquired about the mowing of the lawn, and Kellie Connolley noted that the type of grass they proposed to use preferred to be 4-6" in height, and needed less mowing. Kellie Connolley pointed out that the plant material chosen were better if they were not cared for too much. Judith Bruce asked if the owners were in agreement with this mowing height, and Kellie Connolley commented that typically at the end of the project they educated the owners on the work. Steve Phillips inquired if the existing four bedroom house was to remain as four bedrooms, and David Lyttle said yes. Steve Phillips asked about the increase of the two sections on the left from the water, and Peter Polhemus pointed out the garage section to be 3', and the other section to be a 2' increase. Steve Phillips brought up concern over the visual impact, noting the 21% increase in volume, and inquired about the amount of glass to be used. Peter Polhemus explained that they used a type of glass does not reflect the same way, and looked grey from the outside. Steve Phillips felt that more screening was necessary, pointing out that this house stood out more than others along the pond, and James Trainor felt the applicants were leading them to believe that the property would stand out less, when in fact they were literally doubling the amount of glass and therefore making it stand out tremendously. Peter Polhemus felt that the non-reflective glass would make a difference, and James Trainor asked if the pavers which were proposed were suitable for New England weather. Kellie Connolley said that they were generated in the South but sold in supply houses in the Northeast, and Judith Bruce commented that this was an increase in usable square footage. David Lyttle did not feel that this was an adverse impact, and Judith Bruce pointed out that any increase within the A.C.E.C. was considered an adverse impact which was often addressed by the mitigation. Judith Bruce felt that the addition of

canopy species was necessary, and Rich Nadler noted that where the house was located it was very visible from Meetinghouse Pond, and that in addition to new screening, the proposed work seemed more like new construction as opposed to reconstruction. Sarah Turano-Flores explained that they addressed the work as though it was new construction, and that they would need to continue the hearing since a DEP number had not been issued and NHESP had not issued a comment letter. Sarah Turano-Flores felt that screening could be difficult at this site, that the proposed house would be less visible, and that it was supposed to sit deeper than the current house. Judith Bruce said that while the Commission was not looking for a forest of trees, but rather a filtered view, and needed to see additional trees and shrubs. Kellie Connolley brought up her concern with planting trees too close to the bulkhead, resulting in long term damage to the bulkhead. Judy Brainerd asked for a softened view of the house and the patio, and Steve Phillips felt that less glass would help reduce the visual impact. Kevin Galligan asked that a transition to the no-mow zone, such as though the use of planting blueberries be considered, and Judith Bruce pointed out that this would help in ridding the property of their geese problem. David Lyttle understood the Commission's concern about the increase in glass, and noted that the applicants also wanted to make sure that they had a lawn area for their children to enjoy sports. John Jannell noted that the plan of record from 1967 shows the same footprint of the house, and asked why the paved driveway was not being entirely removed. David Lyttle felt it was appropriate to keep a portion to intercept drainage with the garden, and Judith Bruce suggested that a rain garden be provided to uptake some of the runoff. John Jannell pointed out a couple of mislabeled trees on the site plan, and felt that there was an opportunity to provide screening on all sides of the dwelling. John Jannell noted that this did not trigger new construction, but that the entire property was contained within the A.C.E.C. John Jannell asked about the 10' easement and that there were no plants proposed, and David Lyttle explained that this was a public easement, and Sarah Turano Flores noted that it could not be obstructed. The applicants asked that the hearing be continued for two weeks to address the Commission's concerns.

MOTION: A motion to continue the hearing to April 15th was made by James Trainor and seconded by Jim O'Brien.

VOTE: Unanimous.

Revised Plan

Robert Adamo, C/O Robert Michael LLC, Order SE 54-2204, 47 Briar Springs Road. The plan for the construction of a single-family dwelling; the installation of a Title V septic system & utilities; driveway & landscaping has been revised to include the installation of two rock retaining walls. Work will occur within 100' of a Coastal Bank & Ditch. Jeff Brown of J Brown Landscaping, Inc, was present. Jeff Brown went over the proposed work, and John Jannell reviewed the original approved work. John Jannell noted that during recent site visits, there had been erosion problems, and that this proposed work was to satisfy these concerns. Judith Bruce inquired if it would be dry laid, and Jeff Brown replied yes. Steve Phillips wondered if this was an opportunity to catch runoff into a rain garden, and Jeff Brown pointed out that the soil was all clay, and that there was not a location to install a rain garden. Jeff Brown commented that any water caught in the existing pipe system headed into the existing drainage. John

Jannell inquired about the location of the drywell, and Jeff Brown said the bump out was where the water went into the lower area. Judith Bruce felt that the proposed work was a good solution.

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

VOTE: Unanimous.

John Whitesides Order SE 54-2182, 22 Franz Road. The plan for the construction of a new house and the construction of a patio has been revised to show relocation of the gravel driveway, installation of a buried propane tank and generator, location of air conditioning units, stone wall, and a fence. Work will occur within 100' of a Coastal Dune. David Lyttle was present. David Lyttle went over the proposed revisions to the site, noting that the new driveway would be behind the house and comprised of a gravel shell combination, and the existing driveway would be restored to Cape Cod lawn. Judith Bruce asked for details on the proposed fence, and David Lyttle said it would be a 6' wooden privacy fence. Judith Bruce asked that it be lifted a minimum of 6-8" to allow critter passage, and David Lyttle noted that he would advise his client accordingly. Steve Phillips was concerned about the stone wall along the inside of the driveway and fence line, and James Trainor pointed out that the driveway would now be located outside of the 50' buffer. Steve Phillips inquired about the cedar trees in the corner, and David Lyttle noted that the proposed driveway would be within the existing limit of work.

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

VOTE: Unanimous.

Certificate of Compliance

Brian & Cynthia Trudell (2012), 25 Prides Path. The request for a Certificate of Compliance for an Order of Conditions for landscape improvements and vista pruning. John Jannell reported that work under this Order of Conditions was complete and the Commission could find the applicant in compliance.

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

VOTE: Unanimous.

Proposed Maintenance Work

Stop & Shop, 10 Route 6A. The Proposed Filter Dam Maintenance Work under the On-Going Maintenance Condition for the Certificate of Compliance for Order SE 54-878. John Jannell reported to the Commission that he had both called and e-mailed Division of Marine Fisheries, and was waiting for their response on dewatering questions. Steve Phillips inquired if the water testing had been done, and John Jannell understood that while Coastal Engineering Company was under contract, they were concerned about testing too early prior to dewatering. Kevin Galligan inquired if DMF had a time which they must respond to the Commission, and John Jannell said no.

Correspondence

Enforcement Letter for Pochet Property Owners Association (PPOA).

John Jannell announced that there was an Administrative Review filed for work on the property, but that additional work without the Commission's approval had taken place. John Jannell spoke with the representative from the PPOA who was currently out of the area, but would be filing to replant the area. John Jannell explained that this was an enforcement letter, but that it was private property, and therefore the Commission had no right of entry at this point. John Jannell anticipated that he would have more information when the applicant returned the following week.

Chairman's Business

Approval of the Minutes from the Meeting on March 11th and March 25, 2014

Judith Bruce announced that the minutes were not available for the Commission to review at this time.

Other Member's Business

David Dunford summarized the recent actions of the Board of Selectmen on the HCP, noting that a Notice of Intent for the South Side of Nauset Beach would be coming in front of the Commission in the near future. Judith Bruce noted that they could not discuss this topic since it was not listed on the agenda, and David Dunford stated that he wanted to make the Commission aware. John Jannell thanked him for the report and noted that the Commission would be receiving a Notice of Intent from the Orleans Board of Parks Commissioners.

Administrator's Business

The meeting was adjourned at 10:34am.

Respectfully submitted,

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