

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, April 8, 2014

ORLEANS TOWN CLERK
C. M. M. M.
'14 SEP 8 11:18AM

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; Kevin Galligan, 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 4/1/14 (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. David Lyttle of Ryder & Wilcox, Inc., was present. David Lyttle stated that a letter from NHESP had been received by the applicant, and Judith Bruce announced for the record that this was the last piece of paperwork which the Commission was waiting for prior to closing the hearing.

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

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated 3-12-14 was made by Steve Phillips and seconded by Bob Royce.

VOTE: Unanimous.

Revised Plan

Town of Orleans/Parks Department, SE 54-1998, 192 Skaket Beach Road. The Order for removal & reconstruction of a snack bar within an existing parking area; installation of a septic system for bath house & snack bar, & the pumping, abandonment, & removal of the existing system has been revised to alter the size of the snack shack. Work will occur within 100' of a Coastal Beach, Coastal Bank, Coastal Dune, & within Land Subject to Coastal Storm Flowage. Ron Collins, facilities manager for the Town of Orleans, was present. Ron Collins went over the problems with the previously approved plan given that the full impact of the Board of Health had not been addressed. Ron Collins went over the necessary changes due to Health Codes, and Judith Bruce inquired if this was the smallest size to which the structure could be given its proximity to the Coastal Bank. Ron Collins explained that it was overall fixture to fixture, and Judith Bruce did note that it would be over asphalt. Steve Phillips inquired if the design had incorporated the potential for storm damage and the need for it to be moved, and Ron Collins explained that it was still in the concept phase, but that it

required a full foundation with hurricane tie downs. Although these preventative measures would be installed, it could still possibly be picked up and moved, but this was not something which they were planning at this time. James Trainor asked if they had considered turning it sideways, and Ron Collins explained that this design minimized the amount of sand blowing into the shack for health reasons, as well as limited the amount of patrons further encroaching into the parking area. John Jannell went over the file history for this project, noting that the approved plan in 2009 carried two locations for the snack shack: one for the existing, and one for an alternate location. Judy Brainerd inquired about the timeframe for the work, and Ron Collins told the Commission that they had an agreement from Cape Cod Tech, with the permitting work to be done in the Spring, and construction to begin after Labor Day. John Jannell pointed out that the upgrading of the septic system had already been completed. Jim O'Brien asked if there were square foot comparisons between existing and proposed, and Ron Collins said that while the original octagon as submitted was 210', the new facility was proposed to be 504'. Judith Bruce noted that the change looked minimal, and Ron Collins pointed out that the plan view was the outline of the overhang of the building. Rich Nadler pointed out that by boxing out the original approved octagon the square footage was 324'. David Lyttle explained that an octagon design was too difficult for the Cape Cod Tech to build, and the new proposed design is something which they will be able to construct. Judith Bruce noted that this was still structure sitting on asphalt, and John Jannell said the Commission could either accept the Revised Plan or direct the applicant to file an Amended Order of Conditions for the proposed work.

MOTION: A motion to approve the Revised Plan as submitted was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

Discussion

Town of Orleans/Parks Department, SE 54-1947, Skaket Beach. The Order for Annual Nourishment of Skaket Beach will be discussed to review the proposed annual schedule and annual nourishment needs for the beach planned to occur. John Jannell explained that this was on the agenda for work which occurred annually, and Ron Collins explained that this year they would use the sand material stockpiled on Beach Road at the Nauset Beach Motel for nourishment and would not use the offshore donor site. John Jannell explained that the Army Core of Engineers recently renewed the offshore donor site. John Jannell noted that there was no vote required for the existing Order. Ron Collins simply wanted to make the Commission aware that this work would be taking place before May 1st. Ron Collins thanked the Commission for their time.

Certificate of Compliance

Andrew & Sandra Ginnis (1998), 35 Orie Lane. The request for a Certificate of Compliance for an Order of Conditions for the construction of a 4 bedroom dwelling, garage, driveway, grading, water service, septic system, manhole, and drainage pipe. John Jannell explained that the project was in substantial compliance, and the Commission could issue a Certificate of Compliance.

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

VOTE: Unanimous.

Eric & Sandra Jorgensen (2010), 7 Harbor View East. The request for a Certificate of Compliance for an Order of Conditions for the removal of invasive plant species and the planting of native species. John Jannell went over the file history for this property, as well as passed around photos of the site. Judith Bruce inquired if it would be beneficial to leave the temporary irrigation in case it was a dry year, or would it disrupt the Bank. John Jannell said that while it did not cause destabilization, if the applicant felt that the property was in substantial compliance, the plantings should be hearty enough to survive without the additional use of irrigation. Steve Phillips felt that it should be removed since it was not biodegradable and could become a potential hazard since over time it would deteriorate. Rich Nadler inquired how long it had been since the work had begun and plantings were installed, and John Jannell reported that it had been 4 years since the removal phase, and that the plantings had been installed 3 years ago.

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

VOTE: Unanimous.

Administrative Reviews

David Dickerson, 68 Gibson Road. The proposed removal of 2 standing dead cedar trees and bittersweet, and replace with 2 winter berry and two arrowwood viburnums. Work to be done by Conquest Landscaping. John Jannell reported that this would be for the removal of only one cedar tree, and that plantings would include 6 highbush blueberries in addition to the arrowwood.

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

VOTE: Unanimous.

Linda Scholle, 7 Lockwood Lane. The proposed removal of 10-15 trees. Work will occur within 100' of the Edge of Paw Wah Pond and within the Pleasant Bay A.C.E.C. Work to be done by Stephen Tringale. John Jannell stated that Stephen Tringale was the abutter to the property who harvested the black locusts for firewood, and that the lot has a lot of deadfall and was also going to remain well treed. Judith Bruce asked that the tree in the pond be removed first, and John Jannell noted that the removal of that tree was not on the application. Judith Bruce asked that the applicant be made aware that it was on the lot, and thought they could ask him to remove this specific tree.

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

VOTE: Unanimous.

Patricia Johnson, 645 S. Orleans Road. The proposed removal of an oak limb. John Jannell explained that due to the parcel's limited amount of trees, the applicant had filed for this work. The limb itself was sitting on the roof.

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

VOTE: Unanimous.

Charles Roth, 16 Jack Knife Point Road. The proposed removal of honeysuckle and deadwood, and the pruning of viburnum and bayberry. Work to be done by David Gilmore. John Jannell explained that this was a vacant lot which he walked with David Lyttle, and the application was for the removal of 3 viburnums and one bush honeysuckle in addition to the pruning to be done. Judith Bruce was concerned about a new owner wanting to come in to prune the site, and David Lyttle explained that the majority of the work was outside of Conservation Commission jurisdiction. Judith Bruce wanted to make sure that this was a one-time cut, and David Lyttle said that the applicant would come in front of the Commission to do any maintenance pruning.

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

VOTE: Unanimous.

Nancy Roach, 21 Briar Springs Road. The proposed removal of two fallen trees. Work to be done by Mike Kager. John Jannell explained that this was a multi-stemmed red maple that was split and needed to be removed, and would make a note to leave the stump.

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

VOTE: Unanimous.

Orleans Conservation Trust, 112 Skaket Beach Road. The proposed construction of an Osprey Pole. Work to be done by Orleans Conservation Trust volunteers, Massachusetts Audubon Society, and AmeriCorps Cape Cod. *James Trainor and Judith Bruce recused themselves.* Kris Ramsay of the Orleans Conservation Trust was present. Kris Ramsay explained the proposed work, noting that the pole would be hand dug during low tide, and that the height would be estimated around 20'. Steve Phillips inquired if access would be sought through a wooded area which would require cutting, and Kris Ramsay explained that although they may have to traverse through 5-10' of phragmites, no vegetation would be cut.

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

VOTE: 5-0-2; motion approved.

Judith Bruce returned.

Orleans Conservation Trust, Twinings Pond. The proposed installation of a wood duck box. Work to be done by Orleans Conservation Trust. Kris Ramsay pointed out that this was an after the fact application, and explained that they would be willing to remove it should the Commission not approve this application. Kris Ramsay went over the application, noting that it was done prior to approval due to the difficulty to access the site, and that it was a 4x4x12' pole in the muck on a pressure treated pole. Judith

Bruce noted that the birds were extremely secretive and easily disturbed, and that this was a good quiet nesting area for the birds.

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

VOTE: 6-0-1, motion approved.

James Trainor returned.

Chairman's Business

Approval of the Minutes from the Meeting on December 3, 2013.

Judith Bruce reported that these minutes were not ready at this time.

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

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

VOTE: Unanimous.

Approval of the Minutes from the Meeting on March 18th, 2014.

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

VOTE: Unanimous.

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

MOTION: A motion to approve this set of minutes was made by Judy Brainerd and seconded by Bob

VOTE:

Other Member's Business

Inlet Road Determination of Applicability, Richard Cuda et al., Inlet Road. The Commission will review the RDA issued prior to the DEP on-site meeting scheduled for 4/9/14 @ 10AM.

John Jannell stated that the RDA had been re-circulated to the Commission and that the reason for the on-site was because the applicant had sought an appeal for the RDA issued by the Conservation Commission. John Jannell went over the determinations issued for the RDA for Inlet Road as submitted by Richard Cuda. John Jannell explained that he would go over the findings for the DEP representative, as well as all of the abutters, if there were any questions. John Jannell assumed that they would walk up and down the road, and Judith Bruce asked if Mike Ford would be present. John Jannell confirmed that Mike Ford would be present representing the Park Commissioners and the Conservation Commission, and Steve Phillips asked if the road flooded during high tides. John Jannell said no, and that they would be able to drive down a portion of the road without causing too much disturbance. Judith Bruce asked if it would be appropriate to inquire when the Commission would hear a response from DEP, and John Jannell said that they were welcome to ask the representative.

Administrator's Business

Correspondence

Enforcement Letter to 36 Alden Road

John Jannell wanted the Commission to be aware of a violation which had been brought to the Conservation Department's attention, and that he had spoken with the homeowner. Judith Bruce asked if the work had ceased, and John Jannell reported that it had ceased.

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:29

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department