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Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, April 15, 2014

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

ABSENT: Rich Nadler, Associate.

For the purpose of today's hearing, Jane Hussey will be a voting member.

8:30 a.m. Call to Order

Continuations

Last Heard 4/1/14 (JH1)

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, Kellie Connolley of Terra Inc, Sarah Turano-Flores of Nutter, McClennen, & Fish LLP, and Peter Polhemus and Aaron Udvardy of Polhemus, Savery, & DaSilva were present. Sarah Turano-Flores went over the changes to the site plan, including the reduction in lawn area, addition of trees. The installation of a rain garden in the road layout has been worked out with the abutter who owned that side of the property line, and it will not impact the easement. Judith Bruce commended the applicants on the installation of a rain garden, and inquired about the before and after square footage calculations. David Lyttle pointed out that the square footage and footprint did not change, from existing to proposed, only the volume. Judith Bruce recalled that this proposal included a second floor, and Sarah Turano-Flores noted that it was a 21% increase. Steve Phillips said that while a percentage was provided, the Commission was looking for the actual before and after numbers. Judith Bruce was concerned that there was still no screening in front of the house, and David Lyttle replied that there only was a window view of which the farthest viewpoint could be the public landing on Brick Hill Road. Judith Bruce commented that a view window did not mean devoid of canopy species, and David Lyttle felt that the applicant had gone from a panoramic vista to a window. David Lyttle was concerned that the Commission did not explain where they wanted the trees, and the Commission stated that their position to install trees in front of the house had been clear. Sarah Turano-Flores pointed out that the property had additional proposed landscaping in the form of the shrub and understory layers, and Judith Bruce pointed out that there was a very public vista at the Barley Neck Landing. David Lyttle felt that they had done a good job of creating a buffer, and Steve Phillips felt that there should be additional shrubs between the two existing trees. Steve Phillips wanted the applicants to focus on this area, and Kevin Galligan felt that the message had been clearly outlined for the applicant when they left the previous meeting that the Commission wanted to have additional trees between the oak and cherry. Kevin Galligan was concerned about the lowbush

blueberry being impacted by salt spray, and inquired about other planting options if it did not take. Kevin Galligan asked about the staging and demo area to be called out, and David Lyttle commented that it had been addressed in the Construction Notes, number 5. David Lyttle also noted the pipe into the concrete wall, and Jane Hussey said that she was looking for the additional canopy trees. Steve Phillips reiterated that the focus of the planting should be between the two trees on site, and James Trainor commented that they had decreased the impervious groundcover by 300. James Trainor felt that with the planting of the bulkhead there was a tremendous amount of giving to the natural landscape, and that the owner should be able to see Meetinghouse Pond. Judith Bruce agreed that they should be able to enjoy the view, and Steve Phillips noted that they needed to go a little bit further with additional plantings. Sarah Turano-Flores explained that the sides had been focused on for replanting as a buffer zone for storm events, and Judith Bruce noted that anytime someone wished to expand or put additional use to a property, the Commission wanted to improve it from an environmental standpoint. Judith Bruce wanted the property to blend in with the overall area, and Sarah Turano-Flores noted that the aesthetic by-law did not dictate how a property was to blend. Judy Brainerd pointed out that from the pond and across the water the view of this property was of the house, and that they wanted to soften this view. Kellie Connolley explained that the landscape design was an attempt to create usable space for the children while creating a natural state of the area. Jane Hussey asked if there had been any consideration to plant juniper to soften the view of the bulkhead, and Kellie Connolley explained that juniper had limited wildlife value. James Trainor pointed out that the view window had been reduced by 30-40%. Steve Phillips reiterated that the house stood out from the Town Landing, and that there were other ways to filter and screen the view while still providing the homeowner with a view of the water. Steve Phillips felt that more plantings within the trees would not restrict the homeowner's use of the property, and Judith Bruce suggested shadblow which did not have a massive canopy and provided a filtered view. Kellie Connolley was uncomfortable with shadblow and noted that she would have to speak with the homeowners about adding trees. Judith Bruce asked about the tree whose species was undetermined, and pointed out that two trees provided 90% of the screening of the house from the resource area. Kellie Connolley inquired about a condition that when the cherry tree dies that it be replaced with an indigenous species. Judy Brainerd inquired about the proposed pergola in the back of the house, and Kellie Connolley said it would be an open structure. Kevin Galligan was open to the condition for replacement, and John Jannell asked if there was any increase in volume. Sarah Turano-Flores was unaware of the need for this calculation, and John Jannell pointed out the aesthetic criteria which needed to be met. John Jannell noted that NHESP comments had not been received, and Sarah Turano-Flores felt that this was a plan the applicants were comfortable having the Commission vote upon today. John Jannell noted that the Order would be subject to any requirements from NHESP if the Commission chose to vote today, and Judith Bruce suggested that they could informally pole the Commission. Sarah Turano-Flores explained that she was looking for feedback, and Kevin Galligan said that he liked the ideas the plan presented. Judy Brainerd agreed that there was terrific improvement to the site, and that down towards the front there should be medium shrubs. Bob Royce concurred, and noted that west of the dock

near the bulkhead could stand for some low shrubs. Judith Bruce would like to see some screening to break up the front view, and Steve Phillips said that they were almost there. James Trainor said he would vote positively on the proposed work, and Jim O'Brien felt that they took an open field and had added a significant amount of cover. Jane Hussey wanted to see something cascading to help the view of the bulkhead from the water. David Lyttle asked about the floor area calculation, and Judith Bruce asked that they provide the usable square footage. David Lyttle requested that the hearing be continued to April 29th.

MOTION: A motion to continue the hearing to April 29th was made by Judy Brainerd and seconded by Jane Hussey.

VOTE: Unanimous.

Notice of Intent

Orleans Conservation Trust, 160 Namequoit Road. Assessor's Map 70, Parcel 34.

The proposed Land Management of the Namequoit Bog including but not limited to invasive species control & selective removal of vegetation. Work will occur within a Bog, in a Bordering Vegetated Wetland, in Bordering Land Subject to Flooding, in Land Subject to Coastal Storm Flowage, & in the Pleasant Bay A.C.E.C. *James Trainor recused himself. For the purpose of this hearing, Kevin Galligan would be a voting member.* Kris Ramsay of the Orleans Conservation Trust (OCT) was present. Kris Ramsay went over the history of the property, outlining the resource areas for the site, and noting that the Conservation Commission has a second oversight on this property. Kris Ramsay explained that while the plan showed over 700,000 square feet of work to be done, this estimation included all of the wetland resource areas. Kris Ramsay pointed out that there had not been any negative abutter feedback at this time, and that a letter of support had been provided to the Commission from a supporter of their work. Judith Bruce commended Kris Ramsay on this report, and pointed out that this was a difficult confused system. Judith Bruce's concern was that every time they tried to manage an area, versus backing off and letting nature take its course, it ended better by letting it be. Judith Bruce inquired about it letting it be an area to have saltmarsh established, and Kris Ramsay said that they had spoken at length with state specialists who were unsure if there would be a break which would open it up to become a brackish system. Judith Bruce asked if the OCT would be taking on accountability for the raising and lowering of the water levels, and Kris Ramsay said that it would be a slow process done in consultation with state employees. Kris Ramsay pointed out that the danger of pulling the sluice now did not outweigh the benefit of restoring this area now, and that this work was a 3 year proposal. Kevin Galligan thanked Kris Ramsay for the detailed report, and inquired if the Conservation Department had a current as-built of the sluice. John Jannell said that while the office did not have a copy, Kris Ramsay had provided a copy of the water control device as proposed but without final elevations. Kevin Galligan asked what the Commission would be approving under an Order of Conditions, and John Jannell explained that it would be the work itself, the Land Management Plan. Kevin Galligan was concerned about the broad nature of portions of the report, and John Jannell pointed out that the Commission could condition any Order issued as needed. Judith Bruce suggested an annual report and annual site visit, as well as a photo record showing the scour. Steve Phillips confirmed that there

would be no salt water inundation unless there were extreme high tides, and Kris Ramsay clarified that there was only salt water in and out of the canals, not over. Judith Bruce inquired about the flapper valve, and Kris Ramsay said that there were holes for eels which provided some salinity. Steve Phillips pointed out that during the site visit the water level was 1' over the walking paths, and Kris Ramsay said that this was when freshwater was being held with boards. Kris Ramsay explained that they tried to keep the soil conditions wet to discourage the briers, and that during the summer time they would not hold the water above the main root system. Steve Phillips asked that Kris Ramsay be more specific about the water levels to be maintained, John Jannell pointed to page 7 of the Land Management Report which touched on the water levels to be maintained. John Jannell asked that it be detailed through the spring season, and Kris Ramsay said that in the winter Atlantic White Cedars liked to have water, and would expand on that. Steve Phillips asked if the main ditch was still active, and if they were still functioning. Kris Ramsay said that there was one running northeast and one running on the eastern boundary that had been focused on, and that year to year the others could be focused on as they were cleaned. Kris Ramsay commented that the other channels were not as deep as the main channels, and it would be determined by what vegetation came up as a result of the cleaning out of the smaller channels. John Jannell asked about the installed invert elevations, and Kris Ramsay said that he would speak with his state consultant to provide him with that information. Judith Bruce inquired if the Commission should continue the hearing, and John Jannell said that they could act on the proposed work and condition it accordingly. Kris Ramsay stated that he would make the necessary revisions under short order, and Jim O'Brien suggested giving John Jannell discretion to review the changes to ensure that the additional details were provided for the record.

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

VOTE: Unanimous.

MOTION: A motion to issue an Order of Conditions pending the clarification of the points the Commission brought forward to be incorporated into the plan, and include an annual site visit and report, was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Minglewood Homes, 27 Franz Road. by Clark Engineering LLC, Assessor's Map 16, Parcel 5. The proposed lifting of an existing single family dwelling; demolition of an existing foundation; construction of a new foundation; expansion of & replacement of decks; & second floor expansion. Work will occur within 100' of a Salt Marsh, Coastal Dune, & Land Subject to Coastal Storm Flowage. *James Trainor returned as a voting member.* Tim Smith of Minglewood Homes, Tabitha Kaigle and Caitrin Higgins of Wilkinson Ecological Design, and Wendy Jones of Clark Engineering were present. Wendy Jones went over the proposed construction work on site, and Caitrin Higgins outlined the proposed mitigation. Judith Bruce inquired about the Dune delineation shown at the far edge of the road, and inquired if it was in fact on the house side. Wendy Jones recalled that Dave Clark spoke with David Lyttle of Ryder & Wilcox, Inc., to get information on the history of the delineations on site, but was unaware herself of

the delineation. Judith Bruce asked for clarification on the Salt Marsh on the edge of the property, and John Jannell pointed out that the delineation was missing the A.C.E.C. boundary present on the rear of the property. John Jannell noted that each property on this road needed a dune delineation and suggested submitting additional information used to delineate the dune at this site. Judith Bruce asked for comparisons on the square footage, and Wendy Jones said that the existing was 1485', with the proposed to be 1100'+/-. Steve Phillips was concerned because the numbers provided by the builder were different, and Wendy Jones said that the numbers submitted by Minglewood Homes were the correct ones. Steve Phillips pointed out that the V zone elevation was 14' and that the property at its highest point was at elevation 12', and that the proposed increase was 63% which triggered new construction. Steve Phillips asked about a discrepancy between an area which appeared to be a dormer, and if the shed was to be removed, and Tim Smith explained that there needed to be a change to show the portion which looked like a dormer to be lower. Wendy Jones clarified that the shed was to remain, and Steve Phillips asked if a sump pump would be needed. Wendy Jones explained that once everything was raised, it would be above adjusted groundwater, and Tim Smith stated that since it was in the velocity zone it would have a sump pump. Steve Phillips questioned where the water would be pumped, and Judith Bruce asked if the oil tank would be replaced. Wendy Jones noted that the water to be pumped had not been addressed, and Tim Smith said that the oil tank would be replaced if it needed to meet certain requirements. Judith Bruce pointed out that this was new construction in a resource area, and suggested that this property needed to sit on pilings because of potential flooding in this area. Tim Smith explained that these reasons were why they wanted to lift the house, and Judith Bruce inquired if the applicant would be able to convert from oil to gas. Tim Smith was not sure if this was an option, and Steve Phillips inquired about the increase in the ridge elevation. Tim Smith replied that the foundation would be 2' higher, and Judith Bruce asked for a more accurate delineation of the Dune so that the Commission could determine how the proposed work would impact the aesthetic criteria of their regulations. Steve Phillips asked what the proposed screening from the beach would be, and Caitrin Higgins stated that there were 6 Eastern Red Cedars already on site, and two additional were proposed on the eastern side to block the view from the resource area. Steve Phillips asked about the shaded areas shown on the plan, and Caitrin Higgins clarified that those included grasses, bearberry, and herbaceous shrubs. Caitrin Higgins pointed out that from the property line north, 10-15' from the street, would not be touched, and Steve Phillips asked if there were any additional tree species proposed since cedar trees did not get very large. Caitrin Higgins explained that because the area was so exposed to the wind that it was difficult to have larger species grow on site. John Jannell noted that prickly pear, an endangered species listed by the Natural Heritage and Endangered Species Program (NHESP), was on site, and noted that a filing with NHESP had not been noted in the Notice of Intent. Caitrin Higgins explained that NHESP had been contacted, that it was found outside of the limit of work, and that NHESP may or may not require them to fill out observation forms. John Jannell suggested that they speak with NHESP regarding the prickly pear, and Caitrin Higgins said that she would report back to the Commission on NHESP's comments. Steve Phillips felt that there was an opportunity to increase the number of proposed Eastern

Red Cedars, and Judith Bruce was concerned that the house, given its location, may not be a suitable candidate to have a second story. Steve Phillips asked that the increase in living space be more specifically detailed for the Commission, and Judith Bruce inquired if there would be a way to screen the second story from the resource area. Tim Smith pointed out that other houses in the area also had second stories, and Judith Bruce stated that each project went through individual regulatory processes. Tim Smith felt the proposed work was a modest proposal, and Wendy Jones was confident that they could make the necessary corrections in a week's time. Judith Bruce reiterated the Commission's concern about the Dune delineation, and Erin Shupenis pointed out that they needed to submit a Variance for the work proposed within the resource area.

MOTION: A motion to continue the hearing to April 22nd was made by Jim O'Brien and seconded by Steve Phillips.

VOTE: Unanimous.

Jim O'Brien left at 10:31am. Kevin Galligan will be a voting member for the remainder of the hearing.

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. Dave Michniewicz of Coastal Engineering Company, Inc, Chris Loud of Keypoint Partners, and Eugene Dubis, of JW Dubis & Sons, Inc., were present. Dave Michniewicz reported that the Division of Marine Fisheries (DMF) had e-mailed a response requesting that a functioning filter should be used on the lower outlet point, and Judith Bruce recalled that the filtering was on the upper pond not on the lower pond. Judith Bruce inquired if there were filter dams at both the lower and upper ponds, and Dave Michniewicz said no. Judith Bruce requested that there be a filter at the lower pipe, and Dave Michniewicz explained that there was filter fabric over the outlet, and any debris that should get washed to the outlet would be trapped from going into Town Cove. John Jannell clarified that it was the goal to protect the outlet, and DMF had requested that during dewatering, there be a temporary filter in front of the outlet pipe. Dave Michniewicz reported that Keypoint Partners had contracted with Coastal Engineering Company for oversight of the on-going maintenance, as well as inspections. Judith Bruce emphasized that a huge portion of the work would be securing the filter for the lower pipe, and that immediate fines would result should at any time the filter not be in place. Dave Michniewicz understood this, and Judith Bruce asked about the water quality sampling that was to have been done showing bacterial counts. Dave Michniewicz explained that they had waited to hear from DMF, and were taking the water samples today, testing for fecal coliform and hydrocarbons. Judith Bruce thought that there was a general testing list, and Steve Phillips questioned whether or not additional tests should be conducted. John Jannell explained that part of the project was annual water testing, and he could look up to see what was intended to be tested. John Jannell asked if the historic testing could be found, and Dave Michniewicz thought the Commission wanted to take a sample of the upper pond to create a baseline. Steve Phillips thought that the water should be tested before it was

pumped, and Judith Bruce was concerned about whether or not it was functioning. Dave Michniewicz pointed out that it had functioned, and John Jannell reported that samples were previously tested for suspended solids and fecal coliform. Dave Michniewicz felt that this was suitable, and Steve Phillips inquired about the conditions of the catch basins. Dave Michniewicz reported that they were maintained on a regular basis, and Chris Loud said that he could provide that information. Jane hussy pointed out that the catch basin between Papa Gino's and TJ Maxx was in failure, and Dave Michniewicz explained that the water level of the pond was higher than the catch basin, and once the restorative work was completed, they would get the dam corrected and correct the drainage in the parking lot. Judith Bruce added nutrient testing to determine how the system was performing, and Dave Michniewicz pointed out that the lower pond received runoff from road sources other than the filter dam. John Jannell asked that the filter dam, while being worked on, be open to the new filter media, and that they gain control on the volume by working on dry days. Dave Michniewicz was unsure if they could do this, but that they could minimize the impact through the freshwater wetland by stopping up the pipe where it entered the system. Eugene Dubis noted that the catch basins on the site were not leaching, and that any rain event would result in the flooding of the parking lot. Eugene Dubis explained that he was trying to do as much as possible without causing an issue, and Dave Michniewicz noted that if there was a storm event, they would not be skimming from the top, but rather drawing from below the surface and therefore flow it into the filter dam. Steve Phillips asked if this would be an annual thing, and Dave Michniewicz said that it would be quarterly and annual to get back on track with the required maintenance for the site. Judy Brainerd inquired about the work timeline, and Dave Michniewicz said as soon as a protocol was reached work could commence. Eugene Dubis explained that his work would not be able to begin for a month, because they had originally planned to do the work in March, and since that time their schedule had filled. Steve Phillips asked how long the work would take to complete, and Eugene said two to three weeks depending on the condition of the piping and the structures. Judith Bruce emphasized the importance of the Conservation Department receiving a copy of the report, and John Jannell questioned the timetable of the water testing results. Dave Michniewicz replied that it would be a 5 day turnaround, and Steve Phillips asked if hydrocarbons were found, whether or not they would be trucked off site so as to not reach Town Cove. Dave Michniewicz pointed out that since the upper pond was overtopped, hydrocarbons were not being retained. Kevin Galligan was in support of moving the process forward, although he was concerned about the timeline for work to be done and creating mosquito breeding habitat. Kevin Galligan asked whether or not the Engineer was on a long-term contract, and Dave Michniewicz commented that the contract was for services, on-going conditions from the Certificate of Compliance, as well as engineering expenses. Eugene Dubis inquired if John Jannell needed to be notified upon the start of the work, and Judith Bruce said yes.

MOTION: A motion to accept the proposed maintenance work was made by Bob Royce and seconded by Kevin Galligan.

VOTE: Unanimous.

Judith Bruce asked the Commission about their thoughts on fines, and Dave Michniewicz recalled that while it was discussed at the initial hearing, said that he was

not sure what the process would entail. Judith Bruce pointed out that this was not the first time that maintenance work was incomplete, and Steve Phillips suggested that they spell out their position, and include fines if the quarterly and annual processes were not completed. Judith Bruce reminded the Commission that the Certificate of Compliance had included such conditions, and Kevin Galligan noted that it was not the Commission's responsibility to remind the applicant of what is required. Steve Phillips suggested putting into writing the proposed action, and Jane Hussey inquired about the original settlement when the contamination into Town Cove happened. Judith Bruce explained that all fines were waived so that work could be completed, and that 7 years had gone by without work being done. Jane Hussey pointed out that 28 reports had not been completed, and Judith Bruce was concerned that Town Cove was still being polluted. Dave Michniewicz did not think that contamination had occurred, and Judith Bruce stated that the area was closed to shellfish. Dave Michniewicz clarified that there was no documented damage, and that there was also a lot of runoff from the State Highway whose outflow from 6A went into Town Cove. Steve Phillips suggested a \$100/day fine if certain conditions were not met, and Kevin Galligan suggested the first offence of \$200, with subsequent daily fines of \$300. Kevin Galligan heard the other Commissioners point out the lack of work on site for the past 7 years, and suggested a monetary fine such as \$2,000 to be applied. Jane Hussey suggested \$200 for the first report which was absent, with a fine for each of the other 28 reports which were absent, with a cap of \$10,000. Dave Michniewicz pointed out that REHOLD had not been notified that fines would be discussed at today's hearing. John Jannell explained that REHOLD and Keypoint Partners had been notified on March 12th, and suggested a vote to allow the Conservation Administrator to put together a factual record to include all of the details that may or may not have been met or missed, and schedule a formal fine hearing, since REHOLD had not been notified of today's meeting. The Commission agreed that such approach would be suitable, and John Jannell suggested that the Commission look for the second week in May to schedule such a meeting.

MOTION: A motion to schedule a formal fine hearing on May 13th was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

The Commission reiterated that the water quality tests were to be submitted to the Conservation Department, and that Eugene Dubis was to notify the department once work commenced on site.

Certificate of Compliance

Edgewater Orleans Associates, LLC (2006), 148 Route 6A. The request for a Certificate of Compliance for an Order of Conditions for the construction of an apartment building, parking, grading, landscaping, & installation of utilities. John Jannell explained that the applicant finished the remaining portion of the planting work including the 3 year survivability, and the buildings had been completed.

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

VOTE: Unanimous.

Revised Plan

Robert & Sally Roda SE 54-2083, 187 Namequoit Road. The proposed installation of scour protection and beach nourishment on a Coastal Bank has been revised to install a temporary sand fence. Work will occur on a Coastal Bank, Coastal Beach, Land Under the Ocean, and within 100' of the Top of a Coastal Bank. *James Trainor recused himself. For the purpose of this hearing, Kevin Galligan would be a voting member.* Jay Norton of Coastal Engineering Company, Inc, and Robert and Sally Roda, applicants, were present. Jay Norton noted that there had been a site visit on March 25th to review the status of the existing Order, and went over the proposed work. Judith Bruce asked if the blanket had been put down since the whole slope had been observed as coming down, and Jay Norton said no. Judith Bruce felt that the problem was the lack of the blanket resulting in the silt fence being washed down, and Jay Norton felt that it was the foot traffic which was interfering the natural processes. Judith Bruce noted that the Commission preferring symbolic fencing versus sand fencing, and Kevin Galligan asked that if the Commission did consider this proposed work, what the limit would be. Jay Norton replied it would be April to November, and Kevin Galligan asked if out in November after the growing season. Jay Norton did not feel that symbolic fencing would not deter people from traversing the slope. John Jannell recommended symbolic fencing, and felt that as of right now they needed to blanket and plant the slope. Jay Norton did not understand why the Commission would not permit sand fencing, and John Jannell explained that it was his opinion that once the slope was blanketed and planted that it would be left alone. John Jannell pointed out that other planted slopes in the area were left alone, and that the proposed sand fencing was unnecessary at this time. Judith Bruce pointed out that Brewster had problems with impending wildlife with sand fencing, and that the Coastal Bank on this site should have been blanketed and planted a while ago. Judith Bruce stated that the plantings would stabilize the sand, and Jane Hussey suggested a small sign which asked people not to walk on the Bank. Robert Roda did not feel that a symbolic fence would deter people from using the sand ramp for traversing, and was concerned about the continual use throughout the spring into the summer months of both humans and animal traffic. Judith Bruce said that it was difficult to determine whether or not this was vandalism, and that sand fencing would lead to additional problems. Jay Norton did not feel that this would have any adverse impact, and Kevin Galligan pointed out that they had not met the requirement of the proposed work that the area was to be replanted as soon as practicable. Steve Phillips pointed out that in the plan notes filter cloth was proposed, and Jay Norton said that they were using erosion control blankets. Jay Norton pointed out that no additional changes to the plan had been made since its approval, and Steve Phillips said that they needed to be clear what product they would be using. Judy Brainerd understood that a dog could do damage to a bank, and inquired how long it would take to blanket and plant the area. Jay Norton said two weeks, and Judith Bruce stated that they should move on the blanketing and planting, and if there were still problems, the applicant could return to the Commission. John Jannell explained that while this was not a hearing, the Commission did need to vote on the proposed Revised Plan.

MOTION: A motion to deny this Revised Plan was made by Bob Royce and seconded by Steve Phillips.

VOTE: Unanimous; Revised plan denied.

James Trainor returned to the meeting.

Administrative Reviews

Daniel Davis, 10 Mayo Way. The proposed trimming of an Oak tree due to shading of solar panel array. Work to be done by A to Z Treez. John Jannell recommended that this work could be approved under this type of filing without further review.

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

VOTE: Unanimous.

Ronald & Deborah Fellman, 16 Megs Lane. The proposed removal of an overhanging oak tree. Work to be done by Morrison Tree Service. John Jannell explained that this was a tree leaning over the house spanning the 100' buffer line.

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

VOTE: Unanimous.

Request to Use Conservation Properties

Windmill

Wedding

6/8/2014

Silva

12-5pm

40 People

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

VOTE: Unanimous.

Chairman's Business

Approval of the Minutes from the Meeting on December 2, 2013

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

VOTE: Unanimous.

Other Member's Business

John Jannell thanked all of the members of the Commission who attended the on-site with DEP on Inlet Road, and Kevin Galligan inquired if there was a time clock in which DEP had to respond. John Jannell said that they had 30 days for written comment.

Administrator's Business

The meeting was adjourned at 11:32am.

Respectfully submitted,

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