

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, April 22, 2014

ORLEANS TOWN CLERK
R. D. ... ASST
'14 NOV 18 3:01PM

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

ABSENT: Steve Phillips, Vice Chair.

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

8:30 a.m. Call to Order

Continuations

Last Heard 4/15/14 (RN1)

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. John Jannell announced that a letter had been received requesting that the hearing be continued to April 29th.

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

VOTE: Unanimous.

Revised Plan

Douglas & Rebecca Fellows SE 54-2149, 62 Captain Linnell Road. The proposed renovations to an existing dwelling, construction of dormers and farmers porch, enclosure of a screened porch to living space, and relocation of deck stairs has been revised to remove the driveway and construct brick walks. Work will occur within 100' of a Salt Marsh, Top of a Coastal Bank, and Land Subject to Coastal Storm Flowage. Phil Cheney, Landscape Designer, was present. Phil Cheney went over the proposed changes, and John Jannell commented that the majority of the changes were to the foundation plants. Rich Nadler asked if the brick was to be dry laid, and Phil Cheney replied yes. John Jannell suggested that the Commission accept this plan in addition to the approved site plans of record.

MOTION: A motion to accept this revised plan in addition to the approved plans of record was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous.

Administrative Reviews

George Brescia, 15 Packet Landing. The proposed removal of an oak tree. John Jannell asked that the Commission hold this application so that he may speak with the homeowner and discuss replanting. The Commission agreed to table the application.

Robert & Ginny Mullin, 68 Keziah's Lane. The proposed installation of stone steps, removal of invasives, transplanting of natives, and removal of saplings and trees. Work

to be done by Second Nature Gardenworks. Shannon Goheen of Second Nature Gardenworks was present. Shannon Goheen went over the application, highlighting the existing site conditions as well as the proposed vegetative and hardscape work, noting that McNamara Brothers would be executing the proposed work. Judith Bruce was concerned that the proposed work was a lot under an Administrative Review, and inquired where the buffer zones were on the plan. John Jannell noted that all of the work was within the A.C.E.C., and inquired if the existing creosote tie would be used. Shannon Goheen said she would be landscaping over it. Judith Bruce asked if this meant removing, and Shannon Goheen clarified yes. John Jannell questioned if the wall was proposed to be the same height, and Shannon Goheen said it would be raised 6". John Jannell inquired if she would be on site, and Shannon Goheen explained that she was on site to ensure that the work was done properly. John Jannell felt that the proposed work could be approved under an Administrative Review, and Judith Bruce asked if there were any trees coming down which would diminish the screening from the resource area of the house. Shannon Goheen said trees removed would be between the house and the road. Rich Nadler inquired about the existing cherry tree and whether or not it would be removed, and Shannon Goheen explained that it could not be removed without doing damage. James Trainor was uncomfortable approving a plan that did not have the delineations and buffer zones of the resource areas, and John Jannell commented that there was one on file with the open Order of Conditions for the reconstruction of the licensed pier. John Jannell inquired if the representative had spoken with the neighbor who was part owner of the property, and Shannon Goheen replied no. Kevin Galligan inquired about the homeowner situation on site, and if this was a condominium, if the owner had the right to perform the work on site, or whether or not notice was required. Shannon Goheen stated that the clients had led her to believe that they owned the parcel, and Judith Bruce noted that they may be walking into a situation where the lot lines were unclear. Jim O'Brien recommended that the representative obtain written correspondence of the other owner, and the Commission concurred. Rich Nadler inquired if the stone walls or stairs were cemented, and Shannon Goheen replied they were to be dry-laid. Jim O'Brien asked that the buffer zones be put on the plan so that the Commission could have clarification, and Jane Hussey asked if the propane tanks were in the artists shed. Shannon Goheen noted that they were on the back deck, and John Jannell suggested that the applicant could return the following week with what the Commission requested. Rich Nadler and Jim O'Brien inquired if it could be approved pending receipt of the materials, and John Jannell felt it would be best to return next week with the necessary items. Shannon Goheen reiterated that the Commission wanted to have written approval of the neighbor, as well as have the plan show the 50-75-100' buffer lines, and the Commission concurred.

Sandra Jorgensen, 7 Harborview East. The proposed removal of 1 dead pine, 3 smaller trees, and the lower branches of a maple tree. Work to be done by Tom Coburn.

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

VOTE: Unanimous.

Susan Goldman, 18B Pershing Lane. The proposed removal of a fallen tree. *Jane Hussey recused herself.* John Jannell noted that the Commission could approve this without further filing.

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

VOTE: Unanimous.

Jane Hussey returned.

Harold Tubman, 9 Meadow Way. The proposed construction of a 10'x16' shed and removal of one tree. Work to be done by Ben Ering. *Rich Nadler recused himself.* John Jannell noted that neither the builder nor the applicant were present, and asked that the Commission hold the application so that he could determine whether or not the shed was proposed in the same location as the proposed garage which had not been built, but that a Certificate of Compliance had not been filed. Kevin Galligan recalled that the shed would have to be registered given the proposed size, and John Jannell concurred that the work would require a building permit.

Lauren Hiestand, 15 Orissa Drive. The proposed removal of a locust fallen on an existing house. Work to be done by Tree Fellers. John Jannell recommended that the Commission approved the application as listed.

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

VOTE: Unanimous.

Pochet Property Homeowners Association, Pochet Road. The proposed removal of invasive species including but not limited to 4 locust trees and bittersweet, cleaning up of existing debris, and restoration/mitigation with plants and grasses. Work to be done by Harrow & Seed. Bill Bower of the Pochet Property Homeowners Association (PPOA), was present. John Jannell read into record the proposed work protocol from Adrian Punch, and Judith Bruce noted that this was a case where an Administrative Review had been approved and the person performing the work did work beyond the approved scope. Bill Bower explained that he was out of town the week when the work occurred, and has since been working with Adrian Punch and John Jannell to rectify the situation. Judith Bruce noted that while the proposed work was something which was generally better suited for a Notice of Intent, it was currently prime planting season. Judith Bruce suggested that if the work was not complete that the Commission could follow up with Enforcement Action, but that their main concern was getting the issue resolved. Kevin Galligan agreed, and inquired if Adrian Punch could start immediately, and Bill Bower said yes. Ken Johnson, property owner at 19 Gosnold Road, pointed out that his property was going through a restoration project which entailed a 3-5 year process with an irrigation system in place. Ken Johnson asked what the chances were of the plantings surviving, and John Jannell asked if the applicant had any ideas for the irrigation of the site. Bill Bower noted that there were two options, one of which was using the water from the house on the corner, and the other to bring a truck and a sprayer into the area to ensure the plant's survivability. Caroline Itzler, of 20 Fell's Lane, asked if it was necessary that the locust trees be removed since they provided privacy for the parking area. John Jannell passed around photos of the trees, and Jane Hussey and Judith Bruce agreed that it provided screening from the resource areas.

Rich Nadler noted that it would create a wind source, and John Jannell suggested that the applicant could return the following year to address these trees based on the success of the proposed plantings. Judy Brainerd suggested holding off until the new plantings provided shading, and Kevin Galligan inquired if the applicant would be agreeable. Bill Bowers said yes, and Kevin Galligan noted that locusts had the possibility of coming down during a storm event. Ken Johnson asked for additional details about what had been previously approved, and John Jannell went over the filing history and subsequent need for the restoration plan. Judith Bruce did not think that Bill Bower anticipated the use of a machine for removal in this area, and Kevin Galligan did not anticipate this reoccurring. John Jannell reiterated that the watering of the area would be necessary for the success of this work, and James Trainor asked if any thought to protecting the plants so that no one would drive over them had been suggested. Bill Bower noted that although the left hand side was protected with rocks and a berm, the right hand side did not have any protection. Bill Bower explained that although people typically did not park on the right hand side, it may be appropriate to introduce some rock to ensure that people do not park on the new plantings.

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

VOTE: Unanimous.

Other Member's Business

Judith Bruce asked that the Commission read over the HCP since there was an opportunity to comment, and inquired whether or not it was necessary to have a noticed meeting in order to comment on it. Kevin Galligan did not think it was necessary for the Commission to meet, and Jane Hussey noted that she was planning on making a site visit. John Jannell stated that the town's filing with MEPA had been circulated, and that there was no need for the Commission to meet, and suggested that it may not be necessary to meet on May 6th. Bob Royce and Judy Brainerd felt it would be important to meet on May 6th to provide all of their comments, and Judith Bruce agreed that they should meet then to discuss the application.

Administrator's Business

Site Visits

The meeting was adjourned at 9:24am.

Respectfully submitted,

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