

Orleans Conservation Commission
Town Hall, Nauset Room
Hearing Meeting, Tuesday, May 6, 2014

'15 JAN 12 9:36AM
CMay

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

ABSENT: Jim O'Brien; 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

Revised Plan

Donald & Karen Bachman: Order SE# 54-2187, 2 Mayona Circle. The Order for the removal of an existing dwelling & construction of a single family dwelling; the pumping & abandonment of existing cesspools; the installation of a new septic system, & grading & landscaping has been revised to allow for a flat area adjacent to the walkout portion of the basement and expand the limit of work. Work will occur within 100' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. David Lyttle of Ryder & Wilcox, Inc, was present. David Lyttle explained that the hearing was continued pending John Jannell speaking with the neighbor to the south regarding the proposed no-mow zone mitigation for the jointly owned property, at 21 The Lane, in front of the project site. John Jannell explained that the Order of Conditions was approved with a condition that there be a no-mow zone established on the commonly owned property, and the other owner did not agree with this condition. John Jannell explained that he set up an on-site after the previous meeting to ensure that the resource area was no longer being mowed. John Jannell reported that the other owner, Mr. Troy, was no mowing the resource area, and that he had established his own no-mow area. John Jannell explained that Mr. Troy wanted to keep the existing lawn, and that no fertilizers were used to maintain it. Judith Bruce inquired about additional mitigation, and that the removal of invasive species and planting of natives would be an option. David Lyttle said that his client would be more than willing to remove the invasives that John Jannell witnessed on site. John Jannell explained that the reason that mitigation had continued onto the joint lot was because there was limited area for mitigation on 2 Mayona Circle, which was otherwise well treed. John Jannell recommended the applicants to plant native species around their project, and recommended that given the concerns with the adjacent lot, asked that they ensure that whatever was removed be on 2 Mayona Circle as opposed to the joint-owned property. Judith Bruce suggested that recommendation, and John Jannell said he would include the invasive species removal with the approved Revised Plan letter to the applicant. Judith Bruce inquired if this should be a special condition, and John Jannell felt that a letter with the recommendations to remove the invasive species was suitable.

MOTION: A motion to approve the revised site plan was made by Steve Phillips and seconded by Judy Brainerd

VOTE: 5-0-2; Motion approved, Rich Nadler & Kevin Galligan abstained.

New Business

Review the Environmental Notification Form for the Town of Orleans Habitat Conservation Plan: Adaptive Management for Non-Essential Vehicle Access (Conservation Management Permit). Comment period closes 5/13/2014. Nathan Sears, Natural Resources Manager for the Town of Orleans, was present. Judith Bruce announced that this was nothing which the Commission approved or disapproved, but that it had been circulated to the Commission for their review. John Jannell noted that a letter of support or a letter of concern could be written by the Commission. Judith Bruce voiced her initial concern for the birds on the beach, but after reading the ENF, felt that it did not risk the hatchlings. Judith Bruce was not sure if it would be disruptive to bird's nesting, and Nathan Sears explained that it was looking at the hatchlings who took longer to fledge, for birds that were re-nesting, or birds that were late to nest. Judith Bruce reiterated that the State experts would be weighing in on the issues, and that any additional concerns were outside of the Conservation Commission purview, such as chick monitoring during the busy season and public control. Kevin Galligan felt that the ENF incorporated the management plan well, and supported a letter of encouragement noting that this was an extension of the 1991 Order and practice which would be revised as necessary to apply to Nauset Beach South. Rich Nadler felt that it covered the issues well, and Judy Brainerd noted that although not any situations could be anticipated, the plan was good. Bob Royce pointed out the importance of emergency vehicles and access to the beach. Judith Bruce noted the loss of portions of the barrier beach towards the Chatham side. John Jannell noted that included in the filing was the 1991 order, incorporate its consistency with the protective measures, and make them aware that the Commission was actively hearing a Notice of Intent for the Orleans ORV Beach Management Plan for Nauset Beach South. Judith Bruce asked that there be a caveat that the Commission was in support pending any comments by NHESP. John Jannell recommended that the letter state that the Commission was actively hearing a Notice on the ORV Beach Management Plan.

MOTION: A motion for the Agent and Chair to draft and submit a letter referencing the existing Nauset Beach Management Plan, its adaptive nature, response to the dynamic conditions on site, as well as to the current Notice of Intent being heard by the Commission to formally apply it to Nauset Beach South was made by Kevin Galligan and seconded by Steve Phillips.

VOTE: Unanimous.

Administrative Reviews

Robert & Ginny Mullin, 68 Keziah's Lane. The proposed installation of stone steps, removal of invasives, planting of natives, and removal of saplings and trees. Work to be done by Second Nature Gardenworks. John Jannell explained that this had been held pending a discussion between the two joint owners of the property, and a letter had been submitted for the record by the other owner giving permission to complete the proposed work.

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

VOTE: Unanimous.

Steve Sagon, 3 Payson Lane. The proposed mowing of a meadow area in the Spring and Fall, the hand removal of green brier, and maintenance of the view corridor. Work to be done by Harrow & Seed. John Jannell reported that this meadow and view corridor had been created under an Order of Conditions, and reported that the applicant was given permission by the Conservation Administrator to mow in the Spring. John Jannell explained that the Commission could approve the remaining work with a vote, and Judith Bruce commended the applicant on the healthy status of the property.

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

VOTE: Unanimous.

David Driscoll, 26 Horseshoe Lane. The proposed removal of 4 dead and down storm damaged cedar trees and 1 broken oak branch on the Top of the Bank. Work to be done by Bartlett Tree Experts. John Jannell explained that this was wind damage from the winter, and the property had two open Orders of Conditions for work on the site. John Jannell commented that the property was otherwise well treed with cedars.

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

VOTE: Unanimous.

Gary Webster, 28 Twinings Lane. The proposed pruning of oaks inside the established view corridor by 4-8'. Work to be done by Bartlett Tree Experts. John Jannell explained that this was an established and approved view corridor, and the proposed Administrative Review was consistent with what the Commission had approved under the now closed Order.

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

VOTE: Unanimous.

Michael & Elizabeth Bell, 43 Nichols Road. The proposed annual view easement cutting over 45 Nichols Road. Work to be done by Jeffrey LaVoie. John Jannell explained that this was an annual request and recommended that the Commission could approve this without further filing.

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

VOTE: Unanimous

Marcia Galazzi, 24 Tom's Hollow Lane. The proposed annual nourishment of potholes with clean gravel and stone mix. Work to be done by Paul Daniels. John Jannell explained that this was an annual application.

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

VOTE: Unanimous.

Kathleen Patten, 17 High Tide Lane. The proposed replacement of floorboards on an existing deck and the removal of 2 cedar trees. Judith Bruce noted that these were cedar trees growing through the deck, and John Jannell noted that all of the other cedars adjacent to the deck screened the house from the resource area.

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

VOTE: Unanimous.

Conservation Restriction

Orleans Conservation Trust, 1 Braddock's Way. The request for a vote of support and a signed Municipal Certificate for a Conservation Restriction at 1 Braddock's Way. *James Trainor recused himself.* Kris Ramsay of the Orleans Conservation Trust was present. Kris Ramsay explained that the Orleans Conservation Trust was looking for a vote of support and a signed municipal agreement from the Orleans Conservation Commission. Kris Ramsay went over the previous restriction on the site, and the overall details of the site, noting that it had connections to other Orleans Conservation Trust properties. Judith Bruce inquired if there was a house on the property, and Kris Ramsay explained that while there was not a house on the site, the family retained a 50' easement to potentially create a driveway to access Braddock's Way. Judith Bruce noted that the map provided made it clear how this property would connect to the other existing Orleans Conservation Properties and Kevin Galligan asked if the Compact would hold the title on the property. Kris Ramsay confirmed this, noting that in order for the family to qualify for the new state tax credit, they needed to donate the property to an incorporated non-profit. Kevin Galligan pointed out that the Conservation Restriction had potentially conflicting language, asking if there would be public access, and while Kris Ramsay said he would take another look over the restriction, it would be available for the public. Kevin Galligan pointed out at the beginning of the narrative the family history there may be some conflicts, and Kris Ramsay said he would re-evaluate it. John Jannell noted that any decision made by the Commission would be forwarded to the Board of Selectmen in the form of a memo.

MOTION: A motion to support the Conservation Restriction and sign the municipal certificate was made by Kevin Galligan and seconded by Bob Royce.

VOTE: 6-0-1; motion approved.

Chairman's Business

James Trainor returned. Approval of the Minutes from the Meeting on November 12th & 19th, 2013. Steve Phillips inquired if the minutes were circulated, and Judith Bruce and Kevin Galligan recalled reviewing the minutes. John Jannell suggested that the Commission could hold voting the approval of these minutes until the following meeting. Steve Phillips did recall receiving the minutes, but agreed to hold their approval pending the following meeting.

Other Business

Orleans Conservation Commission Hearing Meeting 5-6-14

Request from Town Administrator to approve the use of the Wetland Filing Fees to help offset expenses to support the work of the Conservation Office and Parks Department in the care and maintenance of properties under their jurisdiction and control. Judith Bruce inquired if John Kelly needed to join the meeting, and John Jannell said he was willing to attend the meeting if the Commission wanted him to attend. Judith Bruce went over the history of this annual request, and Steve Phillips asked for periodic updates from Nathan Sears, Natural Resources Manager, on the status of the Conservation Commission Properties. Judith Bruce suggested fall and spring would be good times for the Commission to receive such updates.

MOTION: A motion to approve this expenditure was made by Steve Phillips and seconded by Bob Royce.

VOTE: Unanimous.

John Jannell explained that he would forward a letter along with the Commission's request for fall and spring updates.

Other Member's Business

Administrator's Business

Request to expend up to \$250 from the Repair/Maintenance Public Property account for maintenance supplies for Sea Call Farm. John Jannell explained that this was for equipment to be used on the property and that the account did have the necessary funds.

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

VOTE: Unanimous.

The meeting was adjourned at 9:14am

Respectfully submitted,

Erin C. Shupenis, Principal Clerk, Orleans Conservation Department