

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

ORLEANS TOWN CLERK

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PRESENT: Judith Bruce, Chair; Steve Phillips; Vice Chair; Bob Royce; Jim O'Brien; Judy Brainerd; Rich Nadler, Associate; Jane Hussey, Associate; Kevin Galligan, Associate.

ABSENT: James Trainor; John Jannell, Conservation Administrator.

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

8:30 a.m. Call to Order

Member's Business

Annual Re-Organization of the Conservation Commission

Election of a CPA Representative

Judith Bruce announced that the Commission would wait to re-organize until the Selectmen voted to accept the pending resignations, renewals, and elevations of the current members. The Board of Selectmen was scheduled to discuss this matter on July 16, 2014, and therefore the annual re-organization and election of a CPA representative would be addressed at the next meeting.

Continuations

Last Heard 7/1/14 (JBR1 RN1)

Richard Cryer, 52 Willie Atwood Road. by Ryder & Wilcox, Inc. Assessor's Map 23, Parcels 31 & 32. The proposed abandonment of the current septic system & installation of a new septic system. Work will occur within 100' of the Edge of a Wetland. Judith Bruce announced that a request had been received to continue the hearing to August 5, 2014.

MOTION: A motion to continue the hearing to August 5, 2014, was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous

Judith Bruce was concerned about the continuance due to the sensitivity of the issue, and noted that it was imperative that the applicant attend the next meeting. Erin Ellis noted that the continuance had been made because the applicant was waiting for a response from NHESP.

Notice of Intent

Thomas & Teresa Healy, 36 Arey's Lane. by East Cape Engineering, Inc. Assessor's Map 62, Parcel 48. The proposed removal of an existing garage & driveway, construction of a new garage, driveway, deck, pool, pool house, & perform vegetation improvements. Work will occur within 100' of the Edge of Wetland & Coastal Bank, & on a Coastal Bank, in Land Subject to Coastal Storm Flowage, & within the Pleasant Bay A.C.E.C. Tim Brady of East Cape Engineering, Inc, and Lindsay Strode of Cape Organics were present. Tim Brady went over the proposed building work, noting that a majority of the work was outside of the buffer zone. Tim Brady pointed out that the work on the Coastal Bank was the bulk

of the project, and that Lindsay Strode would go over the narrative provided with the filing. Judith Bruce asked Tim Brady that the line for Land Subject to Coastal Storm Flowage (LSCSF) be consistent with the new FEMA maps be shown on the plan, and that the reference should now be for NAVD 88 instead of NGVD 29. Tim Brady noted that the lines were not in effect until July 16, 2014, and Judith Bruce noted no grandfathering is offered to this FEMA map change and that this was the opinion from Town Counsel. Judith Bruce asked about the elevations of the proposed work, and Tim Brady said that the work was primarily an interior renovation, with the exterior work consisting of the replacement of the doors. Judith Bruce asked for confirmation that the work did not exceed 25% which would trigger new construction, and Steve Phillips asked if there was a change to either the building elevation or footprint. Tim Brady commented that there would not be a change in elevation, but that there was a low portion of the existing building footprint to be removed, and would provide the Commission with additional details. Tim Brady went over the change to the LSCSF line and what that would do to the buffer zone line for the site plan. Lindsay Strode went over the narrative provided to the Commission regarding the proposed planting work, and Judith Bruce inquired if all of the canopy species on site were to be removed. Lindsay Strode noted that there was not a significant amount of canopy present but rather trees of minimal value which did provide some canopy for the site. Lindsay Strode went over the current condition of the existing plants on site, and Judith Bruce asked about replacing the holly and cedar trees to be removed. Tim Brady pointed out that there were 15 trees to be planted in Area A, and Judith Bruce felt that a separate planting plan showing where the proposed plantings would be going would be beneficial to the Commission. Jane Hussey noted that there was a significant amount of plantings to be installed, and Kevin Galligan asked that the milkweed on site be located on the site plan as well as relocated in the instance where plantings were being moved. Lindsay Strode commented that he planted butterfly weed, and Kevin Galligan commented that the milkweed would be helpful for the butterfly population. Kevin Galligan pointed out that the proposed work was an improvement to what currently existed. Lindsay Strode went over the additional screening in Areas D&E, and that a mound of existing fill which had been left on site would be re-purposed. Steve Phillips inquired how runoff would be captured on site off of the house and within the property, and Lindsay Strode replied that all of the downspouts would be connected to drywells, and that the installation of a vigorous turf lawn managed organically would also break the flow. Lindsay Strode also mentioned the use of boulders to create a rock wall to retain the grade on site. Kevin Galligan pointed out the Conservation Commission's requirement for native species within the 50' buffer zone, and that Russian juniper had been proposed within this area. Lindsay Strode said this was something which could easily be revised, and Steve Phillips asked that the drywells be located on the site plan. Tim Brady agreed, and Lindsay Strode reiterated that any plant of value on site would be repurposed and relocated as needed. Rich Nadler asked for additional information about the walking path proposed, and Judith Bruce inquired if woodchips or lawn would be used to demarcate the path. Lindsay Strode said that they were considering stepping stones with groundcover around, to create an egress. Rich Nadler inquired if the applicant's dock was across Arey's Lane, and Lindsay Strode said yes. Rich Nadler explained that it was the responsibility of the Commission to protect the view from the resource area, and that when they saw the actual planting schedule for the work on the Coastal Bank, they would want to know if there was anything that was currently providing screening that would no longer be present. Lindsay Strode noted that he tried to create a vista corridor with trees located along the edges, and Rich Nadler

clarified that the Commission would be looking for either the same or an improved view from the water. Lindsay Strode suggested that he could incorporate some deciduous trees such as White Oak, and Tim Brady inquired if the Commission would like to return to the site to see what trees were to be removed. Steve Phillips thought that a second site visit may be beneficial, and so he could get a better understanding of the grading to be done, and Tim Brady commented that there would not be significant grading, but would talk about this during the site visit. Rich Nadler asked if the proposed pool would be visible from the water, or if additional screening was necessary, and Judith Bruce inquired if there was a deck surrounding the pool. Tim Brady stated that the deck would be on the back side, and Judith Bruce asked if the fence was tight to the pool. Tim Brady commented that it was pretty close, and Judith Bruce noted that the proposed landscaping was a significant improvement to the site. Kevin Galligan felt that the site visit would be beneficial, since the Commission would be able to determine if the change to grade by repurposing the mound of fill on site would result in an increased view of the site from the water. Steve Phillips asked if the utility companies would be doing any pruning along this site which may impact the planting plan, and Tim Brady said that he would look into whether or not there was concern for plantings growing up under the utilities. Judith Bruce reiterated the need for the planting plan, and Judy Brainerd asked that the proposed stone walls also be shown. Steve Phillips inquired if annual monitoring of the site had been discussed with the owner, and Lindsay Strode said yes. Judith Bruce noted that annual monitoring may be incorporated into any Order of Conditions issued for this site.

MOTION: A motion to continue the hearing to August 5, 2014, with a second site visit on July 22, 2014, was made by Bob Royce and seconded by Judy Brainerd.

VOTE: Unanimous.

Certificate of Compliance

Administrative Reviews

Other Member's Business

Letter from Charter Review Committee

Discuss upcoming process and any comments to be submitted

Judith Bruce asked the Commission if there were any concerns, and Kevin Galligan said that after contacting the charter and reviewing the material, did not see the need for any input from the Commission at this time. Judith Bruce commended the Committee for providing a good service, and noted that the Commission did not have any comments at this time.

Administrator's Business

The meeting was adjourned at 9:04

Respectfully submitted,

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