

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, August 12, 2014

ORLEANS TOWN CLERK

CP May

PRESENT: Judith Bruce, Chair; Steve Phillips; Vice Chair; Bob Royce; James Trainor; Jim O'Brien; Judy Brainerd; Rich Nadler; Jane Hussey (Associate); John Jannell, Conservation Administrator.

ABSENT: Kevin Galligan.

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

8:30 a.m. Call to Order

Continuations

Last Heard 8/5/14 (JO1)

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. David Lyttle of Ryder & Wilcox, Inc., was present. David Lyttle announced that an NHESP letter had been issued stating that a take would not occur with the proposed work, and inquired if the Commission had any additional concerns with the revised plans. David Lyttle went over the changes to the revised plan, and Judith Bruce said that she would prefer to see all of the plumbing to the unpermitted half bath in the garage removed. Bob Royce commented that there was a note on the plan referencing the half bath to be removed and disconnected. David Lyttle said that he would be more than willing to adhere to any special conditions which the Commission may include in their Order. David Lyttle pointed out that a new septic tank and pump chamber would be installed at the site, and Judith Bruce asked the Commission about a date certain for the removal of the half bath, suggesting the middle of September, and Steve Phillips thought that the September deadline may be a little tight. David Lyttle commented that the applicant could remove the bathroom soon, and that when the septic got installed, have the piping removed. John Jannell asked that evidence of these removals be provided in the form of letters and photographs.

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

VOTE: Unanimous.

MOTION: A motion to approve the site plan dated July 8, 2014, with the conditions that the bathroom be removed immediately and that when the septic system was installed, the connecting pipes to the garage be removed, was made by Steve Phillips and seconded by Jane Hussey.

VOTE: Unanimous.

Revised Plan

Thomas & Diane Burnham, 70 Captain Linnell Road. The proposed construction of a single-family dwelling; installation of a septic system & utilities; & grading & landscaping has been revised to rotate the approved building clockwise, moving the proposed deck further from the resource area. Work will occur within 100' of the Edge

of Wetland. Stephanie Sequin of Ryder & Wilcox, Inc., was present. Stephanie Sequin went over the proposed changes to the Revised Plan, and Steve Phillips inquired if the retaining wall shown was part of the original approval. Stephanie Sequin commented that while it was a part of the original proposal, the applicant had chosen to eliminate the walkout door underneath the deck. Steve Phillips asked how this would impact the proposed grading, and Stephanie Sequin explained that this would eliminate the borrow pit area on site, bringing it more to the grade level of the deck. Judith Bruce asked if there was any grading within the 75' buffer, and Stephanie Sequin replied that the grading was to take place between the 75' buffer and the limit of work, but that the limit of work had not changed. Judith Bruce questioned if the site visit to go over the trees had taken place, and John Jannell reminded the representative of the special condition which required that upon removal of the brush in the area, the Conservation Administrator had to go out on site with the Contractor of Record to inspect any trees within the buffer proposed to be trimmed or removed. Judith Bruce recalled a significant tree to the northeast of the original proposed house, and Stephanie Sequin explained that the original house had not been designed around any trees. John Jannell explained that what was in front of the Commission was a Revised Plan request, and that no additional conditions could be added unless the applicant was directed to file an Amended Order of Conditions. Rich Nadler wanted to make sure that any subcontractors on site did not clear the area without Conservation Commission approval, and Stephanie Sequin said that she would pass this concern along to her clients. John Jannell pointed out that work could not commence on site until the receipt of an Acknowledgement of Contractor Form and Recording Slip for the Order of Conditions, and Stephanie Sequin said she would provide that information.

MOTION: A motion to approve the Site Plan with a revised date of July 10, 2014, was made by Steve Phillips and seconded by Jim O'Brien.

VOTE: Unanimous.

Certificate of Compliance

Michael & Patricia Schumaecker (2013), 161 Monument Road. The request for a Certificate of Compliance for an Order of Conditions for the expansion of an existing deck. John Jannell explained that this was a small deck expansion which had been completed, and the birch tree which had required special protection looked great.

MOTION: A motion to issue this Certificate of Compliance was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous.

William Gaughan (2013), 40 Winslow Drive. The request for a Certificate of Compliance for an Order of Conditions for the upgrading of an existing septic system including the pumping & abandonment of the existing system. *Jim O'Brien recused himself.* John Jannell noted that all of the work had been completed, including the establishment of a no-mow zone through the placement of rocks.

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

VOTE: 6-0-1; motion approved.

Alphonse & Debra Calvanese (2000), 10 Alewife Way. The request for a Certificate of Compliance for an Order of Conditions for the demolition of an existing garage &

construction of a new detached garage. *Jim O'Brien returned.* John Jannell announced that the work was complete and the Commission could find this in substantial compliance.

MOTION: A motion to issue this Certificate of Compliance was made by Bob Royce and seconded by Jim O'Brien.

VOTE: Unanimous.

Administrative Reviews

Rachelle Bernacki, 71 Uncle Israel Road. The proposed installation of a 12x16' shed. Work to be done by Pine Harbor. John Jannell commented that this Administrative Review had been held so that he could speak with the applicant and determine the contents of the shed, which would include stand-up paddle boarding and windsurfing equipment. Judith Bruce noted that there would not be any storage of hazardous materials in the shed, and John Jannell noted that this was not something which he could condition since it was an administrative review and not something which he enforce. The Commission was satisfied that this notation for the lack of hazardous materials would be a sufficient trail for any new owner.

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

VOTE: Unanimous.

Chris Sammartino, 17 Old Farm Road. The proposed removal of 2 Black Locust trees and 3 Sycamore maples. Work to be done by Rob Morrison. John Jannell commented that this was the removal of invasive trees with native oaks and cedars to remain.

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

VOTE: Unanimous.

Kathleen Patten, 17 High Tide Lane. The proposed removal of a cedar tree. Work to be done by Bruce White of Bravo Tree Company. Kathleen Patten, applicant, was present. John Jannell recognized the applicant's presence, and explained that after the Commission voted on the Administrative Review, the applicant would like to address the Commission about the additional tree work necessary on site. John Jannell went over the file history for this property, and that this standing dead cedar tree was something which he recommended approval of its removal.

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

VOTE: Unanimous.

John Jannell passed around photos of the site, explaining that the applicant wanted to get feedback from the Conservation Commission about the removal of additional dead cedar trees. John Jannell noted that there was limited room for replanting, and Judith Bruce inquired about what had caused the die-off. Kathleen Patten explained that her arborist said it was the shotgun beetle which moved from tree to tree, and Judith Bruce asked why replanting would not be helpful. John Jannell noted that there was limited room for removal, and Kathleen commented that she also owned the adjacent lot which was well treed. Judith Bruce pointed out that dead trees did provide a benefit to the environment, and Rich Nadler inquired if the infestation was moving. Kathleen Patten

understood that the beetle did move from tree to tree, and that in a previous application she had planted blueberry bushes which had worked well on the site. Judith Bruce noted that a canopy layer would be needed as well as the established shrub layer, and John Jannell commented that there may be room for an additional tree. Rich Nadler felt that it may be proactive to remove the infested trees to save those which had not been impacted by the beetle, and Judy Brainerd suggested that replanting with tupelo may be beneficial. John Jannell announced that there was not an application for additional work at this time, and Kathleen Patten thanked the Commission for their time.

Andrew & Monica Cattano, 33 Harvey's Lane. The proposed removal of up to 12 tree of heaven, 1 sycamore maple, and pruning of deadwood on cedar trees. The planting of 3 Arrowood Viburnums and 1 shade tree. Work to be done by applicant. John Jannell went over the proposed work, and Judith Bruce inquired if additional planting was proposed since the house was becoming more visible from the resource area. John Jannell explained that of the 12 trees, 3 were located between the house and the resource area, with the remaining along the side. John Jannell noted that the black willow on site which provided screening was to remain, and that the bank itself was very steep. Judith Bruce felt that any additional tree removal for this site would need a 1 to 1 replacement, and John Jannell said that he would make a note in the file stating as such.

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

VOTE: Unanimous.

Ronald Corrigan, 48 Bridge Road. The proposed removal of an existing shed and replacement with a new 10'x12' shed. Work to be done by Minot Reynolds (removal) and applicant. John Jannell explained that the applicant had a legal existing shed within the 50' buffer that would be removed, and a new shed will be installed outside the 50' buffer. John Jannell noted that the applicant would be installing a lawn mower and gas tank, but that the new shed would be within existing lawn outside of the 50' buffer zone.

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

VOTE: Unanimous.

Joshua Rosenbloom, 28 Viking Road. The proposed removal of three pines, 2 down trees, trimming of holly, and the raising of the canopy of an existing spruce. Work to be done by A to Z Treez. John Jannell noted that this was minor work on the opposite side of the river, with the spruce that they wanted to limb being dead, but not something which they wanted to remove.

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

VOTE: Unanimous.

Peter Matheson, 4 Seal Lane. The proposed removal of a pitch pine tree leaning over the road. Work to be done by Nauset Landscapes. John Jannell commented that this tree was partially blown down over a traveled way, and needed to come down.

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

VOTE: Unanimous.

Dwight Wilson, 14 Tides End Lane. The proposed removal of a cherry tree. Work to be done by A to Z Treez. John Jannell explained that this was storm damage from the July 4th storm, and recommended approval.

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

VOTE: Unanimous.

Other Member's Business

Administrator's Business

Site Visits

The Commission discussed the site visits.

The meeting was adjourned at 9:09am

Respectfully submitted,

Erin C. Ellis, Principal Clerk, Orleans Conservation Commission