

Orleans Conservation Commission
Town Hall, Nauset Room
Work Meeting, Tuesday, September 9, 2014

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

ABSENT: Bob Royce.

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)

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., was present. Tim Brady presented the changes to the site plan, and Judith Bruce inquired why the pool had not been moved outside of the 75' buffer zone. Tim Brady did not recall that this was a concern for the Commission, and Judith Bruce pointed out that the Conservation Commission had a regulation which noted that all new construction was to be located outside of the 75' buffer zone when feasible. Judith Bruce explained that the Commission needed to know why it was not feasible to locate the pool outside of the 75' buffer, and Tim Brady replied that while it was feasible to move the pool outside of the 75' buffer, it was their position that the mitigation on site outweighed the work within the 75' buffer. Judith Bruce pointed out that there was enough room on site to move the pool outside of the 75' buffer zone, and Tim Brady asked that the Commission be polled. Jane Hussey did not recall the discussion to remove the pool outside of the 75' buffer zone, and Steve Phillips noted that he asked for the pool to be moved outside of the 75' buffer. Steve Phillips was concerned that the Commission had not outlined their concern more clearly, and Rich Nadler asked about the location of the A.C.E.C. line on the site plan. Tim Brady showed him where it existed on the plan, and Judy Brainerd did not recall the discussion of moving the pool at the last meeting. Kevin Galligan felt that it was made clear to the representative that the pool needed to be outside of the 75' buffer, and felt that they needed to return to the performance standard. Kevin Galligan pointed out that the representative stated that it was feasible to move the pool outside of the 75' buffer, and that this was something which the Commission required of all of their applicants. Rich Nadler asked what the impacts would be by moving the pool outside of the 75' buffer in relation to the commercial property located behind the subject property, and Tim Brady explained that the applicant wanted to have their buildings located in relation to the existing house. Tim Brady suggested that they could move it a little bit further to the North, and Jane Hussey noted that the existing house was well within the 75' buffer. Tim Brady inquired if the bylaw was handy, and John Jannell read into record the performance standard regarding construction within the 75' buffer zone. Tim

Brady commented that this was neither a building nor an addition, and Judith Bruce stated that pools, decks, and patios qualified as building. Tim Brady explained that he would be requesting a continuance, but asked that the Commission still be polled. Rich Nadler said that while he was not entirely opposed, he would like to see more canopy species in Area C, as well as know the proposed elevation for the boat house, and Tim Brady said 22'. Rich Nadler felt that this was a tough proposal, and Kevin Galligan wanted to stick by the regulations, reiterating "where feasible." Judy Brainerd was inclined to agree, noting that there was enough room for it to be located outside of the 75' buffer. Tim Brady stated that he would want to continue the hearing for one month, and Steve Phillips inquired about the 100' Year Flood Plan note. Tim Brady explained that the note was to differentiate the NAVD versus NGVD in relation to converting the old data, and Steve Phillips asked why it was not easier to quote the new elevation. Tim Brady explained that there was no standard for this, and that the easiest thing to do was to convert all of the old topography. John Jannell commented that other plans would more than likely include such a note. David Lyttle of Ryder & Wilcox explained that there was an additional cost for the applicant and time which it would take to do something like this for existing and older data, and that providing a note was something which his firm could include on a plan. Jane Hussey inquired about the material for the deck, and asked if it would be on the ground. Tim Brady stated that the material had not been determined, and that it would be an open air deck. Tim Brady requested that the meeting be continued to October 7th.

MOTION: A motion to continue the hearing to October 7, 2014 was made by Steve Phillips and seconded by Jane Hussey.

VOTE: Unanimous.

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 show a stepping stone walkway around the northwest corner of the house connecting to a proposed dry-laid patio on the west side of the house. Work will occur within 100' of the Top of a Coastal Bank & within the Pleasant Bay A.C.E.C. David Lyttle noted that the patio had been altered since the last meeting to terminate at the 50' buffer line, and Judith Bruce replied that this was what the Commission had requested. John Jannell explained that the Commission could vote to accept this as a Revised Plan to an open Order of Conditions.

MOTION: A motion to accept the Revised Plan was made by Steve Phillips and seconded by Judy Brainerd.

VOTE: Unanimous.

Enforcement Hearing

Last Heard 8/19/14 (JO1)

Stop & Shop, 10 Route 6A.

John Jannell announced that this was scheduled incorrectly, and the Enforcement Hearing was scheduled for Tuesday, August 16th.

Administrative Reviews

Orleans DPW/Natural Resources, Nauset Spit. The proposed installation of a barrier on the ORV corridor. Judith Bruce asked if this application had been withdrawn, and John Jannell explained that the DPW/Natural Resources Department accomplished what they needed under the existing Order of Conditions.

Jeanne Hasenmiller, 28 Beach Plum Lane. The proposed removal of a dead tree. Work to be done by A to Z Treez. John Jannell pointed out that the Commission had been on this site the previous year, and that they had seen this tree. Judith Bruce recalled the tree, and Kevin Galligan inquired if there had been problems with maintenance. John Jannell was not sure, but pointed out that the tree located in the circle of the driveway was doing ok. Rich Nadler inquired about what triggered replacement of trees for a property, and John Jannell passed around pictures of the site. The Commission debated what would trigger tree replacement, and Jim O'Brien felt comfortable to leave recommendations regarding applications to the Conservation Administrator. Rich Nadler felt that at some point a replacement policy would have to be created, and John Jannell noted that there were several applications for the upcoming agenda which dealt with standing dead trees. Jim O'Brien left that it was more of a judgment call for each property, with some properties benefitting from tree removal due to shading. Rich Nadler agreed that it would be a difficult call, and the Commission asked John Jannell to take note of certain properties which may need replacement for those trees to be removed.

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

VOTE: Unanimous.

Ken & Ginger Winslow, 4 Ewing Drive. The proposed pumping & filling of existing cesspools & installation of new septic tanks. Stephanie Sequin of Ryder & Wilcox, Inc., was present. John Jannell noted that the Commission had been out on site for the Revetment project that has an Order of Conditions from the Commission, and that the new leaching system would be outside of the 100' buffer zone.

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

VOTE: Unanimous.

Robert & Judith Wilkinson, 20 Pershing Lane. The proposed removal of a dying cherry tree. Work to be done by the applicant. John Jannell explained that this cherry tree was close to the house, and Judith Bruce inquired if replacement should be offered. John Jannell noted that while there was not a lot of room for replacement, replanting had taken place with the Order of Conditions issued for deck work done earlier on the property. Judith Bruce commented that the property was well screened from the resource area.

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

VOTE: 6-0-1; Jane Hussey abstained, motion approved.

Other Member's Business

Administrator's Business

Update on Kent's Pont Wildfire Planning

-Site walk conducted with representatives from Northeast Forest Fire Management LLC on 9/4/14

John Jannell announced that Bill Clark has hired Northeast Fire Management LLC, two foresters that specialize in wildfire, to assess the risk of the site. An onsite was conducted on September 4th, and we hope to get a report within the next couple of weeks. A grant application had been submitted, and John Jannell hoped that the Orleans Conservation Department would receive the grant. John Jannell pointed that they were taking the neighbor's letters seriously, and the Commission inquired if smoking was permitted on the property. John Jannell explained that the abutters had asked to open back up the Land Management Plan, and would work with Northeast Forest Fire Management to bring this item back in front of the Commission.

Judith Bruce thanked the potential associate candidates for attending the meeting.

The Commission discussed the site visits.

The meeting was adjourned at 9:19am

Respectfully submitted,

Erin C. Ellis, Principal Clerk, Orleans Conservation Department