

Orleans Conservation Commission
Nauset Room or Via Zoom
Hearing, Tuesday, January 2, 2024

'24 JAN 18 12:29PM
Jeff Hays
ORLEANS TOWN CLERK

PRESENT: Chair Drusilla Henson, Vice Chair Jerry Wander, Clerk Ginny Farber, Member Walter North, Member Mike Brink, Member Judith Bruce, Associate Member Ken Johnson & Conservation Agent John Jannell

ABSENT: Member Bob Rothberg, Associate Member Maia Ward

8:30 a.m. Call to Order

Notice of Intent

Allison Glick 3 Norsemans Dr
By Ryder & Wilcox, Inc. Map 21, parcel 38. The proposed construction of a swimming pool, landscaping, and native plantings. Work will occur within the buffer zone to the Top of a Coastal Bank.

David Lyttle, Ryder & Wilcox, and Phil Cheney, landscape architect, were present. Mr. Lyttle reviewed the proposed work and the resource areas. Mr. Cheney reviewed the mitigation, specifically the area right near the top of the Coastal Bank. Mr. Lyttle passed out some photos of the site to the Commission to aid in the discussion.

Mr. Brink asked about the backwash pit. Mr. Lyttle said the backwash pit will go immediately south of the pool equipment. Mr. Brink asked if there is any chance of moving the pool back so it's outside of the 75' buffer more? Mr. Lyttle responded that we want to allow for a new septic to go in up to the 100' buffer and that requires a 20' setback from the pool. We could move it 3' left to maintain that 20' setback, but that's it. Mr. Cheney said they'd lose an additional Holly if they move it 3' and that wouldn't be worth it in his opinion. Ms. Bruce asked about the proposal to replace the deck, she asked if it was on the same footprint. Mr. Lyttle responded. Ms. Bruce asked about limbing the cedars, she said any pruning needs to be applied for. She questioned whether this lot could support a pool, it may be overdevelopment of the lot. By installing the pool, you are eliminating a wildlife corridor. Mr. Lyttle responded this project doesn't require any variance and it can be approved with conditions and I think we can work with you on that. Ms. Bruce said it could go a long way to mitigation if all plants on the property be native.

Ms. Henson asked about the southwest side and asked if there is a large spruce coming down. What are the other 3 trees proposed for removal? Mr. Lyttle and Mr. Cheney explained. Ms. Henson requested that they make clearer on the plan what's coming out and what's going in. She didn't consider there to be an equal swap of coverage going in and coming out. She agreed with Ms. Bruce, this site doesn't support a pool. The pool fence right on the property line does not support a wildlife corridor. Did you consider putting the pool on the northwest side so you could push it way further back.

Mr. Lyttle said that other towns specifically address mitigation in their regulations. It would be helpful to get a general idea to be able to come back in with a proposal that reflects everyone's comments.

Ms. Farber asked if there are any new plantings on the coastal bank proposed? Mr. Cheney responded, yes.

Mr. North asked if they could push the pool back closer to the house. Mr. Lyttle responded that we can move it 3' in a westerly direction. Mr. North thought that having the fence blocking an entire side of the property was unacceptable. Mr. Lyttle said they will move the fence.

Mr. Jannell asked about the cedars closest to the 100' and inside the pool fence currently, is there a chance of leaving those? Mr. Cheney said it would be very difficult to keep.

The Commission requested this be on the on-site agenda for 1/10/24.

Mr. Lyttle requested a continuance to 1/16/23.

No public comment was heard.

MOTION: A motion to continue the public hearing to 1/16/24 was made by Jerry Wander and seconded by Ginny Farber.

VOTE: 7-0-0 Unanimous

Continuations

Eastward Companies 44 Tonset Rd
By Eastward Companies. Map 34, Parcel 27. The proposed invasive species management and native plant restoration. Work will occur within the 100' buffer zone to a vegetated Wetland and Salt Marsh.

Eastward Companies 46 Tonset Rd
By Eastward Companies. Map 34, Parcel 29-1. The proposed invasive species management and native plant restoration. Work will occur within the 100' buffer zone to a vegetated Wetland and Salt Marsh.

Ms. Henson reported that these projects were intended to be continued to 1/16/23 so the Commission will discuss these projects then.

Extension Request

Sherry Floren 14 Twitchknot Farm Wy, 29 & 35 Uncle Marks Wy
DEP # SE 54-2484: The proposed removal of invasive plant species along with site restoration. Work will occur within 100' to the top of a Coastal Bank and edge of a Pond, on a Coastal Bank, and within Land Subject to Coastal Storm Flowage.

Mr. Jannell reviewed the extension request. He said he did require additional plantings be installed, that he was out there recently, and that the last monitoring report was in October. The area he requested more trees be added was on the Uncle Mark's side, the woodland area that needed more understory plantings.

John Beatty, neighbor to the property, gave a history of the property sale and work that has occurred since the Order was issued. He asked, how many extensions do you grant, generally speaking when can I expect to see this project completed. Mr. Jannell responded that a lot of the delay was due to lack of water and covid. He continued, when an applicant files an

NOI, all applicants are eligible for up to two extension requests for a total of not more than 3 years.

MOTION: A motion to approve the extension request at 14 Twitchknot Farm Wy, 29 & 35 Uncle Marks Wy was made by Jerry Wander and seconded by Ginny Farber.

VOTE: 7-0-0 Unanimous

Administrative Reviews

Michelle Lamy

117 Rock Harbor Rd

The proposed like for like replacement of Capt. Cass Lobster Shack.

Mr. Jannell reported on the applicant's request. He said it's a flat site, so he's not very concerned about potential runoff, there is no foundation work required. We can request a wattle on the backside which is a shell driveway.

MOTION: A motion to approve the project at 117 Rock Harbor Rd with the condition that erosion control be installed on the back side of the property was made by Jerry Wander and seconded by Ginny Farber

VOTE: 7-0-0 Unanimous

Cassandra Pires

88 Rock Harbor Rd

The proposed 150 sq. ft. addition over existing footprint.

Mr. Jannell reviewed the packet information and the resource area. Cassandra Pires, property owner, was present and reviewed the proposed work.

Ms. Henson was concerned about the work in the 50' buffer zone and what kind of controls we have with just an AR. She requested no materials storage inside the 50' buffer zone. The Commission specified that during construction all activity should stay in the driveway to the right of the house including the dumpster and building materials.

MOTION: A motion to approve the project at 88 Rock Harbor Rd with special condition that all construction material will be stored outside the 50' buffer was made by Jerry Wander and seconded by Ginny Farber

VOTE: 7-0-0 Unanimous

Namequoit Sailing Association

71 Keziahs Ln

The proposed replacement of 1'x6' wood decking on pier and ramp with thruflow decking.

Mr. Jannell reviewed the request for the applicant. The license plan shows timber decking, and they'd like to replace it with thruflow decking (fiber glass with irregular 1" spacing). It allows maximum light penetration through it. Ms. Farber said they should require cutting of that material off site and no in-the-water work.

MOTION: A motion to approve the project at 71 Keziahs Lane with the condition that cutting of that material occurs off site and no in-the-water work occurs was made by Jerry Wander and seconded by Ginny Farber.

VOTE: 7-0-0 Unanimous

Monitoring Report

Stephen & Jeanne Hasenmiller
DEP # 54-2615

32 Beach Plum Ln

Administrator's Business

Vote spend a gift of \$4,500.00 for the purpose of purchasing replacement benches at Kent's Point

MOTION: A motion to approve the spending of \$4,500 for the purpose of purchasing replacement benches at Kent's Point was made by Jerry Wander and seconded by Ginny Farber.

VOTE: 7-0-0 Unanimous

Chairman's Business

Ms. Henson took the opportunity to thank Mike Brink for his 9 years of service as a Conservation Commissioner.

Mr. North said DEP has issued draft regulations for stormwater management and LSCSF and will be rolling it out more publicly with workshops. In February we schedule a session to discuss what these regulations might mean.

Mr. Jannell said we will track that. Mr. North said we should take a look and see whether they're a good idea and perhaps provide some public comment from the Town and be a part of the regulatory approval process.

Meeting minutes of 12/19/23

MOTION: A motion to approve the minutes was made by Jerry Wander and seconded by Ginny Farber

VOTE: 7-0-0 Unanimous

MOTION: A motion to adjourn the public hearing was made by Jerry Wander and seconded by Ginny Farber.

VOTE: 7-0-0 Unanimous

The meeting adjourned at 9:44 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation