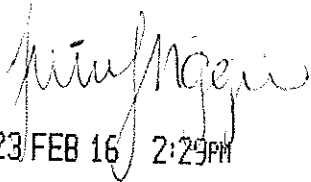


Orleans Conservation Commission
Nauset Room or Via Zoom
Hearing, Tuesday, January 17, 2023


'23 FEB 16 2:29PM

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

ABSENT: Associate Member Maia Ward

8:30 a.m. Call to Order

New Business

Meet with Tom Biebighauser, Wetland Ecologist and Wildlife Biologist, regarding design of Wetlands Restoration at Putnam

Tom Biebighauser, Wetland Ecologist and Wildlife Biologist, was present via Zoom. Mr. Jannell introduced Mr. Biebighauser. He stated that Tom has 43 years of experience doing wetland restoration and training and completes about 150 restorations each year. He is active in design and construction. Today we're going to talk about design and do a meet and greet with Tom and hear about his workflow.

Mr. Biebighauser reviewed his history of work on the Cape. He reviewed his plan to visit Putnam Farm for 3 days in March where he will look at the area on the ground to see what might be possible for management. Mr. Biebighauser described his philosophy about not just protecting wetlands, but managing them to improve them. Wetlands can be improved for better wildlife viewing opportunities including shorebirds, herons, waterfowl, etc. You can increase the area of open water to manage bat populations, attracting more bats that control insects in the area. More open water also attracts swallows who are insect eaters. You can expose areas of soil to help turtles for nesting and help pollinators. He likes to install large debris to wetlands for turtles and bird perching.

Mr. Biebighauser described some of his work with Ian Ives, of MA Audubon. He stated they've been building wetlands to provide habitat for rare species. Mr. Ives has already reviewed the area and will be looking at improving pollinator habitat.

Ian Ives was present via Zoom. He stated that he has worked with Tom for many years and he's learned a lot about Tom's technical expertise. He immediately gave thought to one of the main purposes of the property, agriculture, and how ecological management benefits farming. It will foster pollinator biodiversity on the site. He shared his thoughts about how both wetlands could be enhanced. There are a number of pollinators in MA that are wetland specific and in some of these cases the wetland pollinator species are state listed rare species.

Mr. Jannell told the Commission we're entering a group learning opportunity with Tom. You can see how the restoration can support the other passive recreational uses of the property including agriculture.

Mr. North thanked Mr. Biebighauser. He gets uncomfortable when he hears active management of open space. How will it be appropriate and not destructive. How do you manage the actual work, for example. Do you plan to change drainage characteristics?

Mr. Biebighauser-it can be done by hand or heavy equipment. Some control of nonnative species is best done using an excavator because it has less impact on the ground. Most wetlands are drained using heavy equipment. In reading the management for Putnam they two wetlands were dug out historically and used for irrigation. We will look at rare species and what can benefit, and we will look at what techniques are most efficient and least damaging? Sometimes less damage using the equipment rather than a group of people. You will make the decision how you want to do the work.

Mr. Ives added that the right tools for the job can be explored. When we were managing MA Audubon property there were a lot of questions. We work within jurisdictional requirements and regulations and know that the right tools are site specific.

Ms. Farber pointed out the Commission wears two hats, one is land management and the other is regulatory. She said she was happy they discussed alternatives analysis and regulations.

Ms. Henson said she looked forward to the effort and learning as much as she can.

Ms. Bruce said she was nervous about and excavator. Improved wildlife viewing is not a wetland interest, but she is looking forward to creating habitat for some rare species.

Mr. Jannell stated, when we do the on-site you will see these are not pristine isolated wetlands, there are spoil piles and garbage. These are local only wetlands; they are in the flood zone. Keep an open mind, restoration often involves disturbance.

Rick Francolini asked Mr. Biebighauser to briefly discuss what part 2 might look like form the workshop perspective, both community engagement and education.

Mr. Biebighauser-I worked with MA Audubon and we invite the community and other professionals to come and learn. It's a great training opportunity. A registration fee will help cover the costs of the management of these wetlands.

Mr. North wanted to discuss mosquito control and their alteration of natural sites that is not subject to our regulations. Their methodology it antiquated, how do we start to address this?

Mr. Biebighauser responded that in reading the land management plan for Putnam, he noted that the water levels are being controlled by the mosquito control. We have found a healthy wetland reduces the mosquito population by inviting species that consume their larvae.

Mr. Jannell said he can show Tom a wood box culvert between the county wetland and the marsh and some of the other hydrologic connections in that area.

Michael Herman, Selectboard Liaison, asked if there may be any unintended consequences of putting wetlands in the middle of agricultural areas. I assume you will study and address that. He looks forward to seeing the results.

Continuations

Philip Dutton

38 Weston Taylor's Ln

By Ryder & Wilcox, Inc. Map 57, Parcel 58. The proposed replacement of existing dug-in timber steps with new dug in steps and a timber stairway and the installation of a kayak rack. Work will occur on a Coastal Beach, on a Coastal Bank, and within Land Subject to Coastal Storm Flowage.

Mr. Jannell reported that the applicant has requested a continuance to 2/7/23.

No public comment was heard.

MOTION: A motion to continue the public hearing for 38 Weston Taylor's Lane to 2/7/23 was made by Jerry Wander and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous
MB, GF, RM, WN, BR, JW, JB

Town of Orleans

Rock Harbor Navigation Channel (adjacent to 46 Anchor Dr & 113 Rock Harbor Rd)
By Foth Infrastructure & Environment, LLC. The proposed maintenance dredging of the Rock Harbor Navigation Channel. Work will occur within Land Under the Ocean, on a Barrier Beach, on a Coastal Beach, and within Land Containing Shellfish.

**Applicant has requested a continuance to 2/7/23*

Ms. Farber reported that the applicant has requested a continuance. Mr. Jannell said they're aligning these meetings with Eastham because of the joint filing and because we're waiting to hear from NHESP.

No public comment was heard.

MOTION: A motion to continue the public hearing to 2/7/23 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous
MB, GF, RM, WN, BR, JW, DH

Extension Request

Storm G. Thacher, Trustee

24 Weeset Proprietor's Wy

DEP # SE 054-2423: A request to extend the Order of Conditions issued for the raze and reconstruction of the single-family dwelling.

Mr. Jannell reported that he is familiar with the site, they have completed the restoration effort but they have not started work on the structure yet. He recommended the Commission grant the extension.

MOTION: A motion to approve the extension request for 24 Weeset Proprietor's Way to 2/12/25 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous
MB, GF, RM, WN, BR, JW, DH

Certificates of Compliance

A Little Inn, LLC

654 S. Orleans Rd

DEP # SE 54-1555: The modification to an existing driveway within the buffer zone to an inland bank.

Mr. Jannell reported he'd done his inspection and the project is in substantial compliance. He reviewed some aspects that were not built.

MOTION: A motion to approve the Certificate of Compliance for 654 S. Orleans Rd, specifically DEP # 54-1555, was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

A Little Inn, LLC

654 S. Orleans Rd

DEP #: 54-1632: The renovation of an existing building including installation of a new foundation within the 100' buffer zone to a coastal bank.

Mr. Jannell reported he'd done his inspection and the project is in substantial compliance.

MOTION: A motion to approve the Certificate of Compliance for 654 S. Orleans Rd, specifically DEP # 54-1632, was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Correspondence

Monitoring reports

Dawson Farber III, Restoration Plantings

53 Kenneth Ln

Andrew A Barnard, DEP # SE 54-2514

50 Aspinet Rd

Susan Ratigan & David Barrosse, DEP # SE 54-2595

4 & 6 Franz Rd

Cedar Pond Adaptive Management Monitoring Program 2022 Semi Annual Report

Ms. Farber reported that we have 4 pieces of correspondence, she read them in for the record. If you'd like to discuss them further, please request them as a future agenda item. Mr. Jannell reiterated that if you need questions answered I can have the contractor come in. He reviewed the basics of where each project stands.

Mr. Jannell briefly reviewed the Cedar Pond file history leading up to why this report is required.

Ms. Bruce said on the monitoring report for 53 Kenneth, she was surprised to see the contractor thought it was growing well. Since is state that the wildflower area is being managed by the homeowner, I think it does need to be on our next agenda. Mr. Brink and Ms. Henson said the agreed.

Mr. Wander asked if we should have a site visit before we put 53 Kenneth on the agenda. Mr. Jannell said its not an open order so we don't have right of entry on this property.

Administrator's Business

Putnam Farm Update

Mr. Jannell reviewed his meeting with the Agricultural Advisory Committee where they reviewed and determined a preferred Phase 4 plot layout. It could accommodate eight new plots including an area for circulation, windrows, and green space.

Ms. Henson added that during the session for configuration we were careful to defend the wetlands. This layout is the most protective of the wetland area. There is an area for growing vegetation between the wetland and the plots.

Mr. North asked how far away the plots are from the wetland. Mr. Jannell responded that Phase 4 will be approximately 75-100' from the wetland.

Ms. Henson said we also paid attention to having separation where the green walking path is.

Ms. Henson reported that we will not be offering the storage behind phase 1 and that will be further protective of the wetland behind it.

Mr. Jannell said in all concepts we maintained an area for materials storage to serve Phase 4. The existing storage area serves the first three phases and is far away for Phase 4 users.

Mr. Brink asked, how do we prevent Phase 4 growers from making additional trails? Mr. Jannell and Ms. Henson said there were already well used paths in the area. Mr. Brink said we may want to consider signage for staying on paths.

Mr. North asked if the power and water will be available for Phase 4? Mr. Jannell said the irrigation well was designed in a manner to serve all agricultural phases. We have not gone out to bid on the well yet.

Mr. North asked, what were the other alternatives, and did they differ? Were there serious tradeoffs or were they minor? Ms. Henson responded they are relatively minor, this alternative was the best for grower vehicle access and avoided having to expand the parking lot, and to provide more room for hedgerows.

Mr. Brink said it is nice that there were alternatives that were thoughtfully reviewed.

Mr. Jannell said this is not fit to any rollout schedule, our priority is to get the irrigation well installed. However, if you are supportive of the Ag council recommendation for this layout, I would like to do more thinning in this area to release some of the cedars that are there so they make good candidates for transplant.

Mr. Jannell said he sees heads nodding in agreement around the table. Ms. Farber said she senses consensus.

Ms. Henson said the two electric poles have been installed and they look ok.

Chairman's Business

Review and vote on draft letter to Select Board regarding funding request for the Conservation Fund

Ms. Farber thanked Mr. Jannell, Mr. North, and Mr. Wander for their input on the letter. Mr. Jannell said the Commission would need to vote to send this to the Select Board. He briefly reviewed the letter.

Ms. Farber wanted to make sure its clear that we have already spent approximately \$10,000 out of the fund having encumbered it. Mr. Jannell said the encumbrances had been accounted for in the letter.

MOTION: A motion to approve the draft letter and send it to the Select Board was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Update on Wastewater Management Advisory Committee

Ms. Farber stated the Committee has been meeting every couple weeks for the last couple of months. We have moved to propose a Phase 3 for sewerage that is focused on phosphorous removal for Pilgrim and Crystal Lake which would also have associated nitrogen removal. There will be a warrant article going to the Select Board soon. My job is to check in with you guys and discuss any potential issues.

Mr. North asked, did the Committee look into tradeoffs of alternative technology. Ms. Farber responded that if we stay on the course, we are on we are positioned so that there will be no need for homeowners to go with IA systems, though there are some specific sites that might need them.

Mr. North said he meant the consensus wastewater management plan for Orleans has said we're going to assess reactive barriers. Ms. Farber said we're still waiting for DEP. Ms. Bruce said there hasn't been formal discussion about this, but we are still looking at permitting reactive barriers for a number of areas.

Mr. North said, we have a consensus plan that was difficult to achieve, we are modifying that plan and to the extent we do adapt we have to inform the public.

Meeting minutes of 1/3/22

MOTION: A motion to approve the minutes of 1/3/23 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

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

VOTE: 7-0-0 Unanimous

The meeting adjourned at 9:50 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation