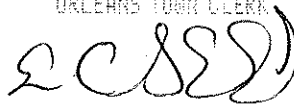


**Orleans Conservation Commission**  
**Via Zoom**  
**Hearing, Tuesday, February 15, 2022**

ASL  
ORLEANS TOWN CLERK  
  
22 MAR 9 3:10PM

**PRESENT:** Chair Ginny Farber, Vice Chair Mike Brink, Clerk Drusilla Henson, Member Ron Mgrdichian, Member Jerry Wander, Associate Member Judith Bruce, Associate Member Alan Carrier, Associate Member Maia Ward & Conservation Agent John Jannell

**ABSENT:** Member Walter North, Member Bob Rothberg

8:50 a.m. Call to Order

**Return to Open Session:**

Meet with Town Counsel

- Confirm any action(s) taken in executive session

Ms. Farber stated that the Commission discussed the upcoming remand hearing with Town Counsel and took no action.

**Request for Determinations**

John & Theresa Rosengren

15 Doane Rd

By Ryder & Wilcox, Inc. Map 21, Parcel 72. The proposed installation of a septic system to replace a failed cesspool. Work will occur within the 100' buffer zone to an Isolated Vegetated Wetland.

Stephanie Sequin, Ryder & Wilcox, was present and reviewed the application. The Commission did not have any questions.

Public comment: Carl Trevison, abutter at 17 Doane Rd, supported this upgrade.

**MOTION:** A motion to close the public hearing was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

**MOTION:** A motion to approve the project with a negative determination at 15 Doane Rd was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

MB, DH, RM, JW, JB, AC, GF

**Notices of Intent**

Carlton Builders, LLC

20 Camp Rd

By Ryder & Wilcox, Inc. Map 12, Parcel 73. The proposed construction of a single-family dwelling, including driveway, patio, and pool, installation of a septic system, and underground utilities. Work will occur within a Riverfront Area.

Stephanie Sequin, Ryder & Wilcox, was present and reviewed the application. She explained that beyond the rear property line there is a river, and it does have a riverfront

boundary of 200'. She further described the site. The proposed house and associated hardscaping are located as close to the road as possible to maximize the buffer from the river while also allowing for parking. The proposed limit of work at its closest point is at 130' from the river, providing more than 100' of natural buffer from the river. The total disturbance in the riverfront area is just under 5,000 sf. For lots created prior to 1997 there are allowances for up to 5,000 sf of disturbance provided they meet certain requirements. This lot was created in 1953 so they are eligible for the allowance. Stormwater must be managed in accordance with DEP standards, she detailed those specs. There shall be no impact to important wildlife habitat. This proposal is not located in NHESP territory, and there are no known or potential vernal pool.

Ms. Farber said her concern was maintaining that 130' of undisturbed area, she'd like to see a delineator so that going forward there's an understanding not to go into that area. Mr. Brink concurred. Mr. Brink said he'd like to see a patio detail showing what will be underneath and spacing of the patio blocks. Mr. Wander asked for specs on the revegetation. Ms. Sequin said they specified native grass. Ms. Bruce asked why isn't the septic proposed where they've indicated reserve? Ms. Sequin said the difficulty there is the grading. They could put the leaching system partially under the driveway in front of the garage because it will be a more level area. Ms. Sequin will take a closer look at whether we can put it in front of the house outside of the Riverfront Area. Ms. Bruce said the project does meet the regulations but if you could accomplish it that would be great. Ms. Farber pointed out it may also help save trees. Mr. Brink asked if this would pull the limit of work even further away from the river? Ms. Sequin said it would increase the distance of the proposal from the river, but the square footage of disturbance would remain the same.

**Public comment:**

Philip Bergson, he likes the concept of the septic tank and leach field moving to the front. Ms. Sequin said the leech field would probably go north of the garage. He had questions about pool drainage. Mr. Jannell suggested showing a backwash pit. Mr. Bergson asked about what was going to happen to the excavated material.

Ms. Sequin requested a continuance to 3/1/22.

**MOTION:** A motion to continue the public hearing to 3/1/22 was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous  
MB, DH, RM, JW, JB, AC, GF

Town of Orleans

141 Portanimicut Rd

By the Town of Orleans. Map 76, Parcel 24. The proposed site restoration and installation of gravel parking. Work will occur within the 100' buffer zone to the Edge of Marsh, on a Coastal Bank, within Land Subject to Coastal Storm Flowage, and within the Pleasant Bay ACEC.

Mr. Jannell reviewed the proposal and detailed the previous filing allowed by the Commission for the property. The building should be coming down shortly. This proposal, if you

approved it, will be implemented by the DPW. Mr. Brink asked if the cedar in the parking lot will be taken down? Mr. Jannell responded, no.

Ms. Bruce asked about cutting the English oak. Mr. Jannell said it was previously managed that way and they'd like to do it to open up the public view shed. Ms. Bruce was opposed to it coming down.

Ms. Henson asked about signage or fencing to prevent people from walking on the marsh to access the beach. Ms. Bruce suggested a sign pointing them to where to appropriately access the site.

Mr. Lyttle was concerned that the Commissioners had not brought up what the kayak, dinghy storage, etc. will look like.

Mr. Jannell requested a continuance to 3/1/22 so that he has the opportunity to present the Rec Advisory Committee design for approval.

**MOTION:** A motion to continue the public hearing to 3/1/22 was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous  
MB, DH, RM, JW, JB, AC, GF

#### **Amended Order of Conditions**

Hugo & Kara Brown 64 Freeman Ln  
By Ryder & Wilcox, Inc. Map 5, Parcel 30. DEP #SE 54-2529. The proposed construction of a screen porch within a portion of the footprint of the previously approved deck. Work will occur within the 100' buffer zone to the top of a Coastal Bank.

Stephanie Sequin, Ryder & Wilcox, was present and reviewed the application. Hugo Brown, homeowner, was present. Ms. Sequin described that the mosquitos have been unbearable, so they'd like to construct a screened in porch. There is no encroachment towards to Coastal Bank and two drywells will be installed at the walkout level that will come from the screened porch roof.

Ms. Faber wanted to discuss the expanded roof area. As mitigation for the increased roof coverage she suggested native plantings along that buffer strip (Rachel's Cove side). She pointed out a gutter near the rinse station that's currently running toward the wetland. She asked if any trees are coming down as a result of this new proposal? Ms. Sequin said, no.

Ms. Sequin asked how wide of a planting strip they'd like to see.. Farber requested enough to take up the runoff. Ms. Bruce suggested a 5-10' strip of native low growing shrubs.

No public comment was heard.

Ms. Sequin requested a continuance to 3/1/22.

**MOTION:** A motion to continue the public hearing to 3/1/22 was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous  
MB, DH, RM, JW, JB, AC, GF

**Continuations**

Andy & Maria LeStage 14 Hayward Ln  
By Ryder & Wilcox, Inc. Map 50, Parcel 2-1. The proposed construction of a single-family dwelling, landscaping, invasive species removal and site restoration. Work will occur within the 100' Buffer Zone to the top of a Coastal Bank, on a Coastal Bank, within Land Subject to Coastal Storm Flowage, and within the Pleasant Bay ACEC.

David Lyttle, Ryder & Wilcox, was present and reviewed the application. Theresa Sprague, Blue Flax Design, said they've increased the restoration area by reducing the patio size and replanting some of the area that was previously going to be lawn. She reviewed the site plan including trees that are to remain, trees that are proposed, etc. Ms. Sprague said that by implementing this plan they will be providing multilayer habitat.

Ms. Bruce thought the plan provided everything they asked for. This is a site severely impaired by invasives.

No public comment was heard.

**MOTION:** A motion to close the public hearing was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

**MOTION:** A motion to approve the project at 14 Hayward Ln attaching the Conservation Commission findings and standard conditions and with the special condition that there be a Contractor Change Clause was made by Mike Brink and seconded by Drusy Henson.

References: Ryder & Wilcox Project narrative and Site plan 2/2/22; SV design elevations, Blue Flax Design Land Management Plan and planting plan dated 2/8/22, patio detail

**VOTE:** 7-0-0 Unanimous

MB, DH, RM, JW, JB, AC, GF

TLW 150 Tonset LLC 150 Tonset Rd  
By Ryder & Wilcox, Inc. Map 27, Parcel 8. The proposed establishment of 3 view corridors, site restoration, and installation of a kayak rack. Work will occur within the 100' buffer zone to the top of a Coastal Bank, on a Coastal Bank, and within Land Subject to Coastal Storm Flowage.

David Lyttle, Ryder & Wilcox, was present and reviewed the design for the kayak rack. They decided to orient it parallel to the shoreline so they can access it without going all the way around and without affecting the vegetation. Ms. Sprague said the kayak rack will be camouflaged by the high tide bush. Mr. Brink agreed with the placement, he said this is a unique circumstance and he was fine with the orientation of the kayak rack.

No public comment was heard.

**MOTION:** A motion to close the public hearing was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

**MOTION:** A motion to approve the project at 150 Tonset Rd attaching the Conservation Commission findings and standard conditions and with the special conditions that there be a contractor change clause and the herbicide application occur by a MA certified, licensed applicator was made by Mike Brink and seconded by Drusy Henson.

References: Ryder & Wilcox Project narrative dated 1/12/22, Ryder & Wilcox Site plan dated 12/15/21, Blue Flax Design Vista Management Plan dated 2/3/22; kayak rack detail, undated.

**VOTE:** 7-0-0 Unanimous

MB, GF, DH, RM, JW, JB, AC

### **Certificates of Compliance**

Dana & Lynne Eldridge

12 Tides End Ln

DEP # SE 054-2406: The installation of a Title 5 septic system for an existing dwelling. Work occurred within 100' to a Salt Marsh, Land Subject to Coastal Storm Flowage, and within the Pleasant Bay ACEC.

Mr. Jannell reported on the request. He recommended approval.

**MOTION:** A motion to approve the issuance of a Certificate of Compliance at 12 Tides End Ln was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

Janet Holian

30 Twinings Ln

DEP # 054-2092: The removal of invasive species and replanting with native species. Work occurred within the 100' buffer zone to the top of a Coastal Bank, on a Coastal Bank, and within the Pleasant Bay ACEC.

Mr. Jannell reported on the request. He recommended approval.

**MOTION:** A motion to approve the issuance of a Certificate of Compliance at 30 Twinings Ln was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

\* John & Theresa Rosengren

15 Doane Rd

DEP # SE 054-2247: The proposed construction of additions & renovations to a single-family dwelling, & the installation of a Title V septic system. Work will occur within 100' of a Bordering Vegetated Wetland.

Mr. Jannell reviewed the request. He reported that this is an old Order, and no work was ever done.

**MOTION:** A motion to approve the issuance of a Certificate of Compliance at 15 Doane Rd was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

## **Enforcement**

Caroline Macon

42 Jack Knife Pt Rd

Map 57, Parcel 72. The unpermitted placement of stones on an existing stone revetment on a Coastal Beach.

Mr. Jannell said the office became aware of the unpermitted work. The stones were being placed on a rock revetment. The office immediately responded and reached out to the homeowner to make sure work stopped. Mr. Jannell shared images of the photos and reported that we sent them a certified letter signed by the chair.

Mr. Jannell read in the letter received from the property owners as response to the letter they received.

Mr. Jannell said this is on the agenda to discuss the options: They can require the Macon's to file for removal or allow the rocks to remain. The placement doesn't substantially change or alter the revetment. It's up to you if you'd like them to permit them after-the-fact. His recommendation is to issue a fine. Ms. Bruce thought the homeowner shouldn't be required to file just remove them. Mr. Brink said we would not have approved this ahead of time, however, now that it's done, to have them go back down and drag them back out would cause more harm. He prefers to issue a citation and a fine. Mr. Carrier said it should not have been done but he sees no adverse impacts to the site. He thinks they should issue a citation and move on. He doesn't want more equipment going down there. Mr. Mgrdichian agrees, not worth removing. Mr. Wander agreed with Ms. Bruce, he said thought by not making them take it out might encourage others to break the rules. Ms. Henson said if we do ask them to remove the rocks, someone could walk them out. It doesn't require a truck or heavy equipment. Mr. Carrier doesn't think anyone could pick them up without risking serious injury. Ms. Farber said having equipment go back on the beach is not something she wants. She believes the homeowners have been good stewards over the years and they understand what they need to be doing.

Mr. Jannell said it wasn't very torn up. The basis of my recommendation was to avoid more activity. If you want the applicant to remove them, they will have to file a notice of intent.

**MOTION:** a motion to issue a citation and a fine to the homeowners of 42 Jack Knife Point Rd and have the rocks remain in the place made by Mike Brink and seconded by Ron Mgrdichian.

**VOTE:** 4-2-1

MB, RM, AC, GF – yay

JW, JB - nay

DH-abstain

## **Administrator's Business/Discussion**

\*Vote to authorize the spending out of the Wetlands Protection Fund for MACC educational trainings for staff and Commissioners

**MOTION:** A vote to authorize up to \$2,000 out of Wetland Protection Funds for MACC training was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

**Other Business**

Ms. Henson reported on the CPC funding request for Putnam. The CPC met last Thursday to review the applications and they voted and approved ours. Mr. Jannell said we can't move on that until it's voted at town meeting. He doesn't think it will be controversial, but they need to vote.

**Discussion****Chairman's Business**

Meeting minutes of 2/1/22

Ms. Farber said there was one attendance issue that she relayed via email; Walter was absent at the last meeting.

**MOTION:** A motion to approve the minutes of 2/1/22 as edited was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

Ms. Ward voted because Mr. Carrier was absent at the previous hearing.

**MOTION:** A motion to adjourn the public hearing was made by Mike Brink and seconded by Drusy Henson.

**VOTE:** 7-0-0 Unanimous

The meeting adjourned at 10:40 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation

