

Orleans Conservation Commission
Nauset Room or Via Zoom
Hearing, Tuesday, February 21, 2023

ORLEANS TOWN CLERK
est
ECJ
'23 MAR 28 11:48AM

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

Notices of Intent

Chester & Therese Snavely 20 Seacrest Dr
By Ponderosa Landscaping, Inc. Map 27, Parcel 13. The proposed installation of a path down the bank, removal of selected vegetation, and planting of native shrubs and perennials. Work will occur within the 100' buffer zone to the top of the Coastal Bank and on the Coastal Bank.

Charles Wentz, Ponderosa Landscaping, was present and reviewed the proposed vegetation management and the pathway. Since the path has gone off course, they are proposing to take out the portion that has meandered onto their property. There is a stone patio to the right rear of the house that would be off the deck, that's the only hardscape on the proposed plan. He reviewed the proposed view corridors and the plan for vegetation on the coastal bank. He reviewed the proposed pathway down the bank.

Mr. Brink was concerned about the chain-link fence going beyond the 50' BZ. Mr. Wentz offered to reduce the fence to come back behind the 50' BZ. Ms. Bruce said they typically prefer fences and dog activity outside of the 75' buffer zone. Ms. Farber said the firepit would not be allowed in the 50' buffer zone. Mr. Wentz offered to get rid of that.

Mr. North asked, does the lawn currently go to the Top of the Bank? Mr. Wentz responded, yes. He said they could propose a no mow zone or they could plant it.

Ms. Bruce said her issues are with the Coastal Bank, there is no reason to put a path down the bank where there is already immediate access. Ms. Bruce also wanted to point out that we allow for filtered views not open views.

Ms. Henson said loss of habitat was her concern. She'd like some of the saplings to have a chance to regenerate. Let some trees come up and then we can talk about maintaining view corridors. She requested they provide more vegetated buffer between the bank and the lawn. Ms. Bruce said she was ok with correcting the association path but there should be no tree removals to bring the path to direct center of the easement as long as it's in the legal easement.

Mr. Jannell stated the comments on installing the path so close to other access are accurate, there should be no new stairways where one can achieve reasonable legal access. He said they should look at replacing lawn with habitat, anywhere between the existing lawn and top of bank would provide more value.

Public comment:

Lynne Bruneau, abutter, 2 Seacrest Dr, said she reviewed the narrative for the proposed landscape plan. She provided a history of the easement that was filed with a land court in 1986, She wondered whether the newly surveyed markings are consistent with the land court in 1986. Regarding the liability, the association received association liability insurance, so the concept of liability is covered. Regarding the dog fence, the only other fence in the area is around the swimming pool. She would be happy if there wasn't a dog fence, and that the association path not be called a public path.

Mr. Jannell read in a letter from Willian P. Fitzgerald of 27 Seacrest Drive.

Mr. Rothberg asked for confirmation that the property line and easement are properly surveyed.

Mr. Jannell said the property line was staked, what we didn't have was the edge of the easement marked. You have ten feet to work with, it can meander. If it's meandering outside of the ten-foot easement, then we can go from there.

Mr. Wentz requested a continuance to 3/7/23. Ms. Farber said we will plan to stop out there as a group again.

MOTION: A motion to continue the public hearing to 3/7/23 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

MB, GF, DH, RM, WN, BR, JW

David & Sonja Formato

12 Tides End Ln

By Onsite Engineering, Inc. Map 43, Parcel 25. The proposed modifications to an existing licensed dock and installation of a seasonal walkway. Work will occur within Land Under the Ocean, within a Salt Marsh, within Land Containing Shellfish, within Land Subject to Coastal Storm Flowage, and within the Pleasant Bay ACEC.

David and Sonja Formato, property owners, were present and reviewed the proposal. He reported that the goal is to maximize light penetration and minimize disturbance using seasonal sections and a highly perforated decking material. By regulation we could be using standard pressure treated decking boards as part of the dock or walkway surface. What we are proposing at great expense is a product that's the highest perforated surface on the market, allowing 50% light penetration.

Mr. Jannell said the applicant has done the work to reach out the DEP Waterways in advance and included a letter stating that it's a minor modification of the existing license, predominantly because the modifications are landward of the existing structure.

Mr. Mgrdichian asked, what's the chemical component? Mr. Formato responded polypropylene.

Ms. Henson said she does think the marsh will benefit. Her concern was moving across a wildlife corridor. If the applicant could create a better buffer between what is now lawn, and the edge of meetinghouse pond wildlife could move through that area instead.

The Commission and applicant discussed whether the float will be sitting on the bottom of the pond at low tide. Ms. Bruce suggested a float stop, even though it does require

additional poles in the water, its better than it sitting on the bottom. Mr. Formato said if there is some mitigation method, we are happy to entertain that.

The Commission and the applicant discussed the pros and cons of a long walkway, but that ultimately is gets the activity up off the marsh.

Since the applicant had not yet received correspondence from NHESP they requested a continuance to 3/7/21.

No public comment was heard.

MOTION: A motion to continue the public hearing by 3/7/23 was made by Drusy Henson and seconded by Jerry Wander.

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

Revised Plan Request

Eastward Companies

76 Rock Harbor Rd

By J.M. O'Reilly & Associates. Map 16, Parcel 92. The proposed addition of a ramp and paver walkway. Work will occur within the 100' buffer zone to a Bordering Vegetated Wetland.

Susan Ladue, Eastward Companies, was present via Zoom. She reported that the new homeowner has a child that is wheelchair bound so they are proposing to add a ramp and paver walkway to the approved plan. She reviewed the specs of the proposed and that it's over an area approved as existing lawn.

MOTION: A motion to approve the revised plan request for 76 Rock Harbor Rd was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Administrative Review

Garner Lestage

30 Cedar Cove

The proposed repair to boathouse sills, doors, sidewalls, and roof caps and addition of approximately 7 cy of compatible sand.

Mr. Rothberg recused.

Mr. Jannell reviewed the proposal. He said it is largely maintenance and given that, you can approve it with an Administrative Review. Mr. North asked about the sand. Mr. Jannell responded that it's a sand floor, its within the footprint of the boathouse.

MOTION: A motion to approve the project at 30 Cedar Cove Rd was made by Drusy Henson and seconded by Jerry Wander.

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

The proposed repair to an existing bluestone patio and bluestone steps.
Mr. Rothberg recused.

Mr. Jannell reviewed the proposal. The home was constructed with an OOC about 8 years ago, this is to fix the base under the patios some of which are hazardous. It will involve machines over the lawn.

MOTION: A motion to approve the project at 24 The Lane was made by Drusy Henson and seconded by Jerry Wander.

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

Mr. Rothberg returned to the meeting.

Administrator's Business

Discussion of Conservation Trust Fund Spending

Mr. Jannell reported that there was an old policy that was voted to allow the office to pay small bills. We had that authorization vote on file and I thought it was appropriate to talk about again. When we submit bills against the fund, we do have to submit your authorization vote with the bills. Given how much we've talked about this fund I wanted to bring it back up.

MOTION: A motion to vote to allow the conservation agent to spend, without a vote from the Commission, up to \$2,000 from the Trust fund for the maintenance and care of conservation properties made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Mr. North suggested unanticipated maintenance of conservation managed property, Ms. Henson revised.

Review proposed changes to the 2023 Putnam Farm Rules & Responsibilities

Mr. Jannell discussed and presented this to the Agg Council and they did vote in support of these.

MOTION: A motion to approve the rule changes to Putnam Farm Rules & Responsibilities document was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Correspondence

Monitoring Report

MC LLC, DEP # SE 54-2587

251 Route 6A

53 Kenneth Ln - letter

Ms. Farber recused.

Mr. Jannell sent a letter to the homeowner regarding the two specific questions: a dead cedar and mowing of the access path. He received immediate response from homeowner and Blueflax Design. I am going to set up an on-site to talk about the mowing.

Ms. Bruce asked Mr. Jannell to make the clarification that access is for purposes of maintenance, not for regular use and enjoyment during the season.

Ms. Farber returned to the meeting room.

Mr. Jannell provided updates on: Putnam Farm including the opportunity to participate in the design of the wetlands; Pilgrim Lake swim area; kiosks; and well bid.

Chairman's Business

Meeting minutes of 2/7/23

MOTION: A motion to approve the minutes 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 10:33 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation

