

Principals
ORLEANS TOWN CLERK
June 17, 2022
12 JUN 17 2:02PM

Orleans Conservation Commission
Nauset Room or Via Zoom
Hearing, Tuesday, May 17th, 2022

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

ABSENT: Clerk Drusilla Henson; Associate Member Alan Carrier

8:30 a.m. Call to Order

Ms. Ward will be voting in Ms. Henson's absence.

Request for Determinations

Joel & Joanne Stein 7 Beach Plum Ln
By J.C. Ellis Design Co., Inc. Map 23, Parcel 46. The proposed construction of a screened porch and deck on an existing dwelling. Work will occur within the 100' buffer zone to a Cranberry Bog.

Jason Ellis, J.C. Ellis Design, was present to review the proposal. He reported there would be limited disturbance and it's already a cleared area. Mr. Brink asked about the downspouts and requested they be directed into drywells. Mr. Ellis said yes, they could do that if the Commission wants them to. Mr. Brink asked if any tree removals are required? Mr. Ellis responded that if a cedar needs to come out, they will propose replacement in the buffer zone with a native tree.

No public comment was heard.

MOTION: A motion to close the public hearing was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

MOTION: A motion to approve the project with a negative determination at 7 Beach Plum Ln with the special condition that the downspouts be directed to drywells and if there is a tree removal it shall be replaced with a native tree in the buffer zone was made by Mike Brink and seconded by Bob Rothberg.

References: Site plan dated 4/5/22; Jeff Harris Building and footprint additions 1/19/22; ABC elevations 12/2/21.

VOTE: 7-0-0 Unanimous

Enforcement Hearing

Shawn Christian & Hannah Wyman

207 Brick Hill Rd

By Wilkinson Ecological Design. Map 12, Parcel 61. The proposed restoration plan for the clearing of vegetation within the 100' buffer zone to a Pond and within a Bordering Vegetated Wetland.

Caitrin Higgins and Steve Labranche from Wilkinson Ecological Design (WED) were present to review the proposal. Ms. Higgins reviewed what was cut, mostly nonnative vegetation. The only natives impacted were the viburnums and winterberry by the pond. She reported that those are starting to regrow. She reviewed the restoration plan in detail.

Ms. Farber requested they review the milestone dates. Ms. Higgins reviewed the milestones including reports and communications with the Agent.

Ms. Farber asked if we could include specific dates and then carry those forward. They worked through the dates together: Milestone #1: report that planting is completed by June 20th; Milestone #2: summer/fall report on 12/21/22; Milestone #3: communication with office regarding mortality and planting done by 6/21/23; Milestone #4: report 12/21/23; Milestone #5: communication with office regarding mortality and planting done by 6/21/24; Milestone #6: report by 12/21/24

Mr. Jannell suggested folding in a survivability report and a commitment to replace anything that's died.

Mr. Rothberg said he preferred the applicant get Eastern Red Cedars instead of tupelo if possible.

Ms. Bruce said while there is dense planting proposed in the 50' buffer zone there is not a lot proposed between the 50' buffer zone and the house. Ms. Higgins said they were just looking at where the unauthorized work had taken place. Ms. Bruce thought that they should have plantings nearly up to the house. Ms. Farber pointed out that if there are future deck and house plans, they wouldn't want to plant and then have to rip it out. Ms. Bruce still thought they should plant more in this area. Mr. Rothberg did not think they needed to require this. Ms. Bruce suggested they somehow specify that this area is not going to become lawn and no future pruning is allowed. There should be no lawn established in the 100' buffer zone.

Hannah Wyman, property owner, was present and thanked the Commission.

Chris Klaehn, an abutter, thought the plan looked great but was worried because she didn't see a deck on the plan. Mr. Jannell clarified that no work outside of the restoration was being proposed and no future work is allowed until they are in compliance with this restoration plan.

Mr. Jannell said he thought the Commission could act subject to a revision to the plan that no lawn be established within the 100' buffer without Commission approval; subject to revisions in the restoration plan narrative to include the reporting milestones with dates; and 2 more milestones that cover reporting and replacement of any plants subject to mortality. He said that if milestones are not met, daily fines may be levied.

Mr. Brink asked about the white pipes they'd seen on site. Ms. Higgins said they used to be connected to the house, but they are not now. There is no water coming out of them now.

MOTION: A motion to close the public hearing was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

MOTION: A motion to approve the project at 207 Brick Hill Road subject to the receipt of a revised WED site plan with a plan note that no lawn be established in the buffer zone, receipt of a revised WED restoration plan narrative with specific dates and milestones, no work in the buffer zone outside this scope of work was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

GF, MB, JW, RM, WN, BR, MW

***Revised Plan**

Joel & Sally Hughes

16 Sheep's Pasture Pt

By Wilkinson Ecological Design. Map 13, Parcel 40. The plan is proposed to be revised to show additional invasive plant management.

Caitrin Higgins and Steve Labranche, WED, were present and reviewed the proposal. Mr. Labranche reviewed what they had intended to request at today's meeting but that there had been a miscommunication and the work has already been done.

Mr. Jannell stated that it was unclear what plantings were being proposed as part of the revised plan request. He requested that the applicant provide them with a more detailed plan showing the new proposed plantings versus the previously approved plantings.

Joel Hughes, homeowner, apologized for the poor communication that led to the work occurring before approval. He said they've taken the plans you've approved and added plantings based on what's happened to vegetation over the winter and in coordination with the neighbor. The revised plan will include plantings on the neighbor's side, and they are giving back some lawn from what's on the originally approved plan.

Mr. Jannell said we do need a revised plan showing the plantings on the property line, as it stands today it is not clear enough to act on.

No public comment was heard.

MOTION: A motion to continue revised plan request to 6/7/22 at 16 Sheep's Pasture Pt was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

Certificates of Compliance

Roger Stacey

629 So. Orleans Rd

DEP # SE 054-32: The proposed boathouse restoration.

Mr. Jannell reviewed that this project was never started. The boathouse was spruced up by another order 15 years later that was found in compliance.

MOTION: A motion to approve the issuance of a Certificate of Compliance at 629 S. Orleans Rd was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

Roger Stacey

632 So. Orleans Rd

DEP # SE 054-1446: Th upgrade of a sewage disposal system and water service installation to serve an existing single-family dwelling within Land Subject to Coastal Storm Flowage and within the 100' buffer zone of the top of a Coastal Bank and a Salt Marsh.

Mr. Jannell reviewed the project, his site visit, and said it could be found in compliance.

MOTION: A motion to approve the issuance of a Certificate of Compliance at 632 S Orleans Rd was made by Mike Brink and seconded by Drusy Henson.

VOTE: 7-0-0 Unanimous

Nicholas J. Mazzaresse Revocable Trust

80 Toms Hollow Ln

DEP # SE 054-2222: The replacement of an existing wooden stairway & landscaping. Work occurred within the 100' buffer zone to a Coastal Beach and Coastal Bank, on a Coastal Beach, Coastal Bank, and within Land Subject to Coastal Storm Flowage, & the Pleasant Bay A.C.E.C.

Mr. Jannell reviewed the project, and his site visit, and said it could be found in compliance. The project was half completed under the Order before it expired and then approved via an Administrative Review to go forward with the other half.

MOTION: A motion to approve the issuance of a Certificate of Compliance at 80 Tom's Hollow Ln was made by Mike Brink and seconded by Drusy Henson.

VOTE: 7-0-0 Unanimous

Administrative Reviews

Jack & Sharon Gill

7 Portside Ln

The proposed planting of native shrubs.

Mr. Jannell reviewed the application. He wanted to bring the project to the Commission to make sure they are aware of it since the property owner will be doing some digging at the top of the coastal bank.

MOTION: A motion to approve the project at 7 Portside Ln was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

*Rich Boyle

89 Brick Hill Rd

The proposed removal of 3 trees, including one dead tree.

Mr. Jannell reported that he had put this back on the agenda today because after talking to the homeowner he reported he had a request from the insurance company to remove the tree. The office is still waiting for receipt of that. The Commission took no action because they did not have the insurance information.

Other Business

Mr. North asked about the petition on the town meeting warrant regarding clear cutting. Mr. Jannell reported that it was a nonbinding resolution, and it lands with the Select Board.

Mr. Runyon said it was a petition article and he wasn't sure if anyone wants to carry it further. He hasn't heard about anyone wanting to take the lead.

Mr. Jannell said he thought the Select Board would have to decide if they're going to take it up or not.

Discussion

Chairman's Business

Meeting minutes of 5/3/22

MOTION: A motion to approve the minutes was made by Mike Brink and seconded by Bob Rothberg.

VOTE: 7-0-0 Unanimous

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

VOTE: 7-0-0 Unanimous

Ms. Bruce voted because Mr. North was absent from the previous hearing.

The meeting adjourned at 9:44 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation

