

**Orleans Conservation Commission**  
**Nauset Room or Via Zoom**  
**Hearing, Tuesday, April 18<sup>th</sup>, 2023**

*Jerry Wander*  
'23 MAY 23 11:03AM

**PRESENT:** Vice Chair Drusilla Henson, Clerk Jerry Wander, Member Walter North, Member Bob Rothberg (Via Zoom), Member Mike Brink, Associate Member Judith Bruce, Associate Member Maia Ward (Via Zoom), Associate Member Ken Johnson & Conservation Agent John Jannell  
**ABSENT:** Chair Ginny Farber, Member Ron Mgrdichian

8:30 a.m. Call to Order

**Chairman's Business**

Discuss Local Wetlands Bylaw Ch. 196A

Ms. Henson stated this is an opportunity to discuss how we can move this forward and what we can do next. She asked, do we have Commissioners who would like to be part of the effort to update the local regulations?

Mr. North said it could be a two-step process where first we have a small working group to try to develop a charge, and then the charge would be shared with select board to get their approval to start the process, then have a more integrated group look at the bylaw.

Mr. Jannell clarified that the agenda posting was incorrect in saying this was a Bylaw discussion, 196A is the local regulation, not bylaw. He reviewed the difference between Ch. 160, the bylaw, and 196A, the regulations and the process by which one would go about revising or updating those.

Mr. North said the initial task force should determine the scope of work and a charge so there is some understanding of where we want to end up.

Mr. Brink said it would be important for a task force to be in touch with other boards and committees so there is understanding and support.

Ms. Ward volunteered to be part of the task force.

Ms. Henson volunteered, Mr. Wander volunteered, and Mr. North volunteered to be part of the task force. Mr. Jannell pointed out that there shouldn't be a quorum of members.

The Commission decided that Ms. Ward, Mr. Wander, and Ms. Henson would be on the task force.

**Continuations**

David V Lawler, Trustee, 56 Nauset Road Realty Trust 56 Nauset Road  
By Coastal Engineering Co., Map 22 Parcel 24. The proposed removal of an existing dwelling and construction of new dwelling and associated site improvements. Work is proposed within 100 feet from the top of a Coastal Bank.

***\*The applicant has requested a continuance to 5/16/23***

No public comment was heard.

**MOTION:** A motion to continue the public hearing to 5/16/23 was made by Jerry Wander and seconded by Mike Brink.

Discussion: Ms. Bruce said there have been a lot of continuation requests and the clock does not go on forever. Mr. Jannell said he would check in with the representative. Theresa Sprague, Blue Flax Design, came to the table and said they are working with these clients on this project, and they are working on redesigning the house to make it smaller.

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

Brenda Foley 54 Gibson Rd  
By BlueFlax Design LLC. Map 19, Parcel 28. The proposed addition to an existing single-family dwelling, reconstruction of parking, invasive plant management, restoration plantings, and landscape improvements including minor regrading and access improvements. 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.

Theresa Sprague, Blue Flax Design, was present and reviewed the changes made to the proposal at the previous meeting. Mr. Brink thought each issue had been resolved. The Commission thanked the applicant and representative.

No public comment was heard.

**MOTION:** A motion to close the public hearing was made by Jerry Wander and seconded by Mike Brink

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

MB, DH, JW, WN, BR, MW, KJ

**MOTION:** A motion to approve the project for 54 Gibson Rd attaching the conservation commission findings and standard conditions and with the special condition that no material be brought in was made by Jerry Wander and seconded by Mike Brink.

References: TS Land Surveying Site plan; BFD planting plan 4/10/23; BFD coverage calculations 3/17/23; LMP 3/17/23

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

MB, DH, JW, WN, BR, MW, KJ

### **Administrative Review**

Robert Mullin 68 Keziah's Ln  
The proposed removal of nine trees to facilitate operation of 23-26 solar panels and also for protection of the home structure.

Mr. Jannell described the request and the property. He reported that he made a site visit and included photos in the digital packet. Robert Mullin, property owner, was present via Zoom.

The Commission discussed the existing canopy and the proposed trees removals; they thought it may be something they need to see before approval.

Mr. Mullin provided a minor clarification of what Mr. Jannell described.

Ms. Henson said it's a lot of trees without the ability to go on site and without having a plan to see where they are in relation to the resource area. Many Commissioners thought that a site visit might provide a level of comfort. Mr. Mullin agreed to have the Commission come to his

property at the next scheduled on-site. Mr. Jannell said this will put you on the schedule for the 4/25 on-site. The Commission took no action.

William Benjamin

184 Quanset Rd

The proposed removal of two trees to prevent shading and create a view.

William Benjamin, property owner, was present to review his application. He described his reasons for the proposal that were also detailed in his letter to the Commission. He stated that taking these two trees would not seriously impact the area. They are upslope from the wetland and his proposal is to cut them down and leave the remains to degrade and there will be no equipment other than a chainsaw.

Mr. Jannell said he did turn down the request. An old plan showed there is roughly 60' of buffer between the pool and the wetland. These trees are within 25-30' to the wetland. The history and criteria led me to turn down the request.

Commissioners were nervous about the close proximity of the trees to the wetland and felt they could not support it. Mr. Wander thought there was no good reason to remove the trees. Mr. North said on an issue like this he defers to the Agent.

There was further discussion between the Commission and the applicant regarding what wetlands interest these trees protect.

**MOTION:** A motion to deny the Administrative Review at 184 Quanset Rd was made by Jerry Wander and seconded by Mike Brink.

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

MB, DH, JW, WN, BR, MW, KJ

Town of Orleans

Kent's Point – 39 Keziah's Ln

The proposed pruning of public views and removal of downed trees and deadwood by Friends of Lonnie's Pond, The Town of Orleans and AmeriCorps.

Mr. Jannell reviewed the proposal. He said, in follow-up to the on-site last week, he worked with the Friend of Lonnie's Pond (FOLP) to revise the hard work and documentation that will be used for this workday and frame it in the context of an AR for your review today. Most of the work will occur along the south trail. The photos are intended to be the guide. We are seeking comments and approval.

Mr. North said there is a lot of deadwood removal proposed. He was nervous about the quantity. Mr. Brink said in some cases we want to eliminate the biomass and its potential for fire. Most of the time we just want to cut and lay it down but taking some of the fuel load out of Kents Point could be a good thing.

Tim Counihan, FOLP, said there are a lot of places wood has just been cut and dropped, these are signs of man's interaction with those woods. I consider it an incomplete job. Fritz Luft, FOLP, said the half-done work is unpleasant aesthetically.

The Commission began to review each page of the request starting with Page 7: Image 45 approve; image 46 deny; shoreline trail limb (pg7) approve; image 52 approve; image 507 C approve; image 58 deny; image 61 approve; image 645 approve; image 247 approve; image 44 approve; image 48 approve; image 63 approve; image 807 approve image 49 approve; image 50

approve; image 51 approve; image 52 approve; image 53 approve; image 54 approve; image 55 deny; image 56 deny; image 57 approve; image 59 deny; image 62 approve; image 64 approve; image 65 deny; image 66 approve; image 67 approve; image 68 approve; image 70 approve; image 71 approve; image 72 approve; image 73 approve; image 74 approve; image 75 approve; image 76 deny; image 78 approve; image 79 approve; image 81 approve; image 82 approve; image 83 deny; image 84 approve; image 85 approve; image 86 approve; image 87 deny; image 88 approve; image 89 deny; image 90 approve; image 91 approve; image 92 approve; image 47 B approved.

**MOTION:** A motion to approve the Administrative Review as laid out using the workday guide just amended and with the allowance to clip nonnative vines from trees was made by Jerry Wander and seconded by Mike Brink.

**VOTE:** 7-0-0 Unanimous  
MB, DH, JW, WN, BR, MW, KJ

#### **Other Business**

Fritz Luft said there are questions raised about longer-term plans for property maintenance in general and he is interested in helping with approach or planning.

#### **Chairman's Business**

Meeting minutes of 4/4/23

**MOTION:** A motion to approve the minutes was made by Jerry Wander and seconded by Mike Brink.

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

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

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

The meeting adjourned at 10:17 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation