

Orleans Conservation Commission  
Nauset Room or Via Zoom  
Hearing, Tuesday, June 6<sup>th</sup>, 2023

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

**ABSENT:** Member Ron Mgrdichian, Member Walter North

8:30 a.m. Call to Order

**Notice of Intent**

Town of Orleans Conservation Commission 84 Herring Brook Wy  
By LEC Environmental Consultants, Inc. Map 55, Parcel 41. The proposed aquatic vegetation management of the Pilgrim Lake Swim Area to control encroaching nuisance submergent vegetation. Work will occur within the 100' buffer zone to a Bordering Vegetated Wetland, and Bank, and within Land Under Water, Land Subject to Coastal Storm Flowage, and the Pleasant Bay ACEC.

Brian Madden, LEC Environmental Consultants, was present to review the application. John Jannell introduced the Notice of Intent (NOI) and the proposed work. Bob Rothberg entered the meeting at 8:35 a.m. Mr. Jannell said this is a public bathing beach, they are tested for water quality and open for swimming. The Commission saw fit to authorize that a proposal move forward and is seeking to deal with the nuisance vegetation to reopen the swimming area. At Town Meeting there was a request for funding for the Conservation Trust Fund that could be used for this work, this request was approved. The proposal is to remove under 5,000 sf of vegetation to keep the permitting protective and to avoid triggering additional permitting.

Mr. Madden reviewed the Notice of Intent including the performance standards, management plan, and resource areas. He reviewed the alternatives analysis including no action, hand removal, dredging, herbicide, etc. The proposed hydro rake method is the preferred alternative. He reviewed how the hydro rake works and the work protocols.

Mr. Wander asked whether the boardwalk needs to be removed, and are we restricting handicapped access? Mr. Madden responded that it's not serving a use for access anymore.

Mr. Jannell said at first we looked at its removal as potential mitigation but we will need to do more research on that. Ms. Henson said she doesn't think it's necessary to remove. If it's for mitigation reasons it will just be more disturbing.

Ms. Bruce asked questions about the hydro rake and whether it needs 18" to float because there is not 18" of water everywhere there. Mr. Madden responded, some of the shallower reaches would be hand removal.

Ms. Bruce said the sediments are exactly where the nutrients are, you'll be releasing a lot of nutrients into Pilgrim Lake by shaking the sediment loose of the vegetation. I wonder if those sediments and material can't be pulled further back from the pond so it soaks into the ground in upland areas. She said removing sediments could help with the nutrient overload, but she understood that we couldn't do that without a dredge permit.

Mr. Brink said the boardwalk should be left. He suggested doing the raking and taking out the vegetation instead of shaking it and letting the dewatering happen away from the pond.

Mr. Johnson said it feels like you're threading the needle in terms of the time frame. Could you bias the work towards the fall to avoid the potential for winter freeze. Mr. Jannell said we could do that, we need to solidify a contractor.

Ms. Ward asked, can any of the work still be done if there's a thin layer of ice or will it halt everything? Mr. Jannell said it can operate through a thin coat of ice.

Mr. Jannell said his inclination based on the Commission comments is to leave the boardwalk as it exists. He would remove the plan note about its removal. In addition, he would revise the plan to show you where we intend to dewater. He said his intent was to locate it somewhere between the rack line and the paved surface. Does that achieve the water quality goal? I can include a note to brush back the vegetation on the boardwalk if we're going to leave it and a note to top dress the beach with compatible beach sand when we are done.

Ms. Farber requested a note that the entirety of the proposal is in the ACEC. Mr. Jannell asked the Commission to continue the hearing so he can put a few fine points on the plan. Ms. Henson asked to include a plan note for the potential to have to do hand removal in the shoal areas where the machine can't get it.

**Public comment:**

Jamie Balliet, 86 Great Oak Rd, was present and provided a letter to the Commission. He reviewed his letter with the Commission. He discussed the support he's received from other residents including that in 3 days he got 209 signatures of people in support. It includes everyone on RAC, previous Commissioners, etc. He responded to some of the topics discussed by the Commission. He pointed out there are two pine trees, he would encourage really significant trimming so it's not coming over the walkway and also consider taking the pine trees that block parent's views of their children. He requested they don't take the walkway out. And asked the Commission to consider potentially allowing a designated area for launching boats? He isn't sure if there is space but when there are a lot of people using the swim area its difficult to access.

Mr. Jannell responded that the pine trees may be a fall risk and we can deal with those if you want. They are not part of the BVW. Mr. Jannell said we can add that as a plan note.

**MOTION:** A motion to continue the public hearing to 6/20/23 was made by Drusy Henson and seconded by Jerry Wander.

**VOTE:** 7-0-0 Unanimous  
MB, GF, DH, BR, JW, JB, MW

**Certificates of Compliance**

Blue Boat Real Estate LLC 7 Portside Ln  
DEP # SE 54-2493: By Ryder & Wilcox, Inc. Map 63, Parcel 52. The replacement of existing dug-in steps, and replacement of an existing pier, ramp, and float. Work occurred in Land Under the Ocean, Land Subject to Coastal Storm Flowage, a Salt Marsh, and within the Pleasant Bay ACEC.

Mr. Jannell reported that the project is in substantial compliance.

**MOTION:** A motion to approve the issuance of a Certificate of Compliance at 7 Portside Ln was made by Drusy Henson and seconded by Jerry Wander.

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

**Administrator's Business**

Activity Application for site walk at Putnam Farm

Ms. Henson reported on the activity taking place at the farm. The reason for the application for the site walk is that we are expecting a lot of people to be interested. Ms. Farber asked if we could post that in case there is a quorum.

**MOTION:** A motion to approve the activity application for a site walk at Putnam Farm was made by Drusy Henson and seconded by Jerry Wander.

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

Mr. Jannell reported on the well installation and the water quality.

**Chairman's Business**

Review and approve a draft letter to the Planning Board for the Orleans Comprehensive Plan

Ms. Farber read her letter into the record. She will attach to it a document that reviews some of the concerns of the Commission based on the questions asked from the Planning Board.

Ms. Farber asked if there were any edits. The Commission said no. Ms. Farber said we will continue to chat about this.

Ms. Farber said the second document they were asked to review is the open space and recreation section. She reviewed the Commission's responses to this document. Ms. Farber said she wants to add that any purchase of open space should include monies for management. Ms. Farber asked for any edits and the Commission had none.

**MOTION:** A motion to approve and send a letter to the PB for OCP was made by Drusy Henson and seconded by Jerry Wander

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

Meeting minutes of 5/16/23

**MOTION:** A motion to approve the minutes of 5/16/23 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 9:48 a.m.

Submitted by: Kristyna Smith, Principal Clerk, Orleans Conservation

