


ORLEANS TOWN CLERK

Orleans Conservation Commission
Nauset Room or Via Zoom
Hearing, Tuesday, July 18th, 2023

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

8:30 a.m. Call to Order

Meet with new Town Manager, Kimberly Newman

Ms. Farber suggested that while the Commission waits for Kimberly Newman they move on to other business. Mr. North suggested the Commission send a note of appreciation to Ron Mgrdichian for his service on the Commission.

The chair suggested the Commission jump ahead to vote on meeting minutes and review monitoring reports.

Chairman's Business

Meeting minutes of 6/20/23

MOTION: A motion to approve the minutes was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

Monitoring Reports

Eastward Companies 10 Howard Wy
DEP # SE 54-2586

Mark Kritzman & Elizabeth Gorman 6 & 16 Hammatt Rd
DEP # SE 54-2545

John & Anna Sommers 7 South Little Bay Rd
DEP # 54-2568

Shawn Christian & Hannah Wyman 207 Brick Hill Rd

The Commission did not have any questions or comments on the monitoring reports.

Kimberly Newman, entered the meeting and introduced herself to the Commission.
Each Commissioner introduced themselves and discussed some of their roles in the community.

Notice of Intent

Towhee Lane, LLC

71 Towhee Ln

By WRS Engineering, LLC. Map 92, Parcel 60. The proposed reconstruction of an existing licensed boathouse and deck in kind, increase in deck elevation of 1 foot, removal of existing walkway and replacement with elevated walkway, installation of aluminum walkway, installation of pile supported boat lifts, restoration of Coastal Bank, and increase in elevation of existing revetment. Work will occur on a Coastal Bank, in Land Subject to Coastal Storm Flowage, and within the Pleasant Bay ACEC.

Roy Orgonowski, WRS engineering, was present and reviewed the application. Don Bliss, a partner in the project, was present in the hearing. Mr. Orgonowski walked the Commission through the project narrative. He reviewed the local performance standards and how the project meets them. He went over the alternatives analysis.

Ms. Farber asked if the boat lifts require new pilings? Mr. Orgonowski said no. Ms. Farber requested elevations showing what that might look like. She asked him to take into consideration that we have an aesthetics criteria so the view from the public watershed is going to be important.

Ms. Farber said in Chapter 14, structures in the resource area increase in volume or square footage is considered a significant impact, so we need a volume, sq. footage, and footprint calculation. We need to know the current and proposed size to confirm the boathouse is not increasing. She also requested a floor plan.

Mr. Jannell clarified that they should provide an as-built of what is there and what is proposed. We ask for seaward elevation, which will be 3 sides for you, to demonstrate compliance with the Commission's aesthetic wetland interest. The performance standard is to blend. He noted that the utilities aren't shown on the plan. Will the FEMA requirements force you to replace all of the pilings and go up?

Ms. Farber stated we would need to know where the septage is getting pumped, and where the electricity is being trenched in. In other words, we need to see utilities on the site plan.

Mr. Wander said the aluminum stairway may be an issue for aesthetics. Mr. Orgonowski said they could build it out of wood if aesthetics is the issue. Ms. Bruce said aluminum won't meet our aesthetic criteria.

Mr. Wander asked what type of lighting is proposed on the outside of the structure.

Ms. Henson would like to see an image of the plastic that goes around the piles. She requested a limit of work be shown on the plan.

Mr. Orgonowski said access will be via the road during construction, but they have no intention of using it after construction. Ms. Bruce said there's no way we can provide access over the top of bank, it will have to be barge accessed and constructed.

Ms. Henson pointed out that there was an increase in square footage because of the stairway. Mr. Orgonowski said that they are decreasing the footprint of the boathouse because they are eliminating one of two sets of stairs.

Mr. Johnson asked how you will transport the boulders to the revetment. It would be a reach to have enough draft on the barge to get to the revetment. The road would be the least impactful.

Ms. Farber requested Greg Berman do an evaluation of the Coastal Bank processes and the Coastal Engineered Structure.

Mr. North asked, is this a licensed revetment? Mr. Orgonowski said he couldn't find any records of the revetment. Mr. North asked, if it's not a licensed structure what do we do? Ms. Jannell responded with the options.

Mr. Wander asked how they intend to achieve the 2:1 slope. Ms. Farber asked that the site be staked. She pointed out that if they are cutting the bank to reduce the slope you will lose 30 feet of the mitigation required with the home construction Order of Conditions. Ms. Farber said we need the same amount of mitigation we had before.

Mr. Orgonowski requested a continuance to 9/5/23

No public comment was heard.

MOTION: A motion to continue the public hearing to 9/5/23 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous
JB, DH, GF, WN, BR, JW, KJ

Mary Callahan

181 Brick Hill Rd

By Schofield Brothers of Cape Cod. Map 20, Parcel 87. The proposed raze and replacement of an existing dwelling. Work will occur within the 100' buffer zone to a Vernal Pool.

Laura Schofield, Schofield Brothers of Cape Cod, reviewed the existing conditions and proposed project. She reviewed how they measured and located the limits of the Isolated Land Subject to Flooding (ILSF). Within the ILSF there is a Vernal Pool. The limit of work is outside the 50' buffer from the ILSF. Currently a cesspool is within 75' of the vernal pool. Title V requires the leaching field be outside 100' from a vernal pool, which they are proposing, so this will be a benefit. The house is going over an existing grassy area. In terms of mitigation, the actual limit of ILSF in the spring is further out than the ponded area that's there most of the year. We are proposing a 25' buffer strip to protect and create a no mow zone and a wet meadow habitat that will blend with existing lawn.

Ms. Bruce loved the plan and thanked the applicant for adding mitigation. She asked, would the applicant be amenable to a no-mow until June 1st to give the wildlife a chance to get out of the way. Ms. Henson had a problem with the massive increase in area within the 100-foot buffer. Mr. Wander said his only concern was the increase in the gravel driveway. Mr. North endorsed Ms. Henson's comments. Ms. Bruce pointed out that they prefer straw waddles to hay bales.

No public comment was heard.

MOTION: A motion to close the public hearing was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

MOTION: A motion to approve the project at 181Brick Hill Rd with the special condition to use straw wattles instead of hay bales was made by Drusy Henson and seconded by Jerry Wander.

References: Schofield Brothers Site Plan 6/29/23; project narrative 6/29/23; JC Donald architecture plan 6/28/23

VOTE: 6-1-0

Ms. Henson voted nay.

Continuations

David V Lawler, Trustee, 56 Nauset Road Realty Trust 56 Nauset Rd
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.

Ben Zehnder, representing the applicant, John from Polhemus, Savery, and Desilva, Theresa Sprague from Blue Flax Design were present in the meeting room, and Sean Riley was present via Zoom.

Theresa Sprague, Blue Flax Design, reviewed some calculations that were not accurate on the current plan. She updated the calculations and created a new plan that she provided the Commission. The correction was that there is 2,500 sf of mitigation, not 3,000. There are no other changes to the plan at all.

Mr. North said he continued to be concerned about the scale and the mass in the 50-75' buffer zone in particular. He didn't like the wall-to-wall coverage with impervious surface. Ms. Henson said her concern remains the patio on the side of the house. Ms. Bruce was worried they weren't doing right by this property environmentally.

No public comment was heard.

MOTION: A motion to close the public hearing was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 6-0-0 Unanimous

MOTION: A motion to approve the project at 56 Nauset Rd attaching the conservation commission findings and standard conditions and with the special condition that no stockpiling of materials occur on the coastal bank side of the property, silt fence be established along the coastal bank side of the driveway to prevent parking and turning around in that area and no dumpsters be present in jurisdiction was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 5-1-0

JB, DH, GF, BR, JW

WN-nay

Revised Plan Request

Phil Tinmouth

36 Old Field Rd

DEP # SE 54-2584, Map 64, Parcel 1. The proposed revisions to an approved plan including the addition of decking and stairway, reduction in bluestone patios and walkways, and reduction in pool equipment and rinsing station.

Ms. Henson recused.

Mr. Jannell reviewed the site plans with the Commission. The Commission asked for some clarity on the plans and that was provided by Mr. Jannell.

No public comment was heard.

MOTION: A motion to approve the revised plan for 36 Old Field Rd including the site plan dated 7/10/23; landscape revised drawing dated 3/25/23; and hardscape revised drawing dated 3/25/23 was made by Jerry Wander and seconded by Bob Rothberg.

VOTE: 6-0-0 Unanimous

GF, JB, WN, BR, JW, MW

Enforcement

Sally Mills

54 Tonset Rd

The unpermitted clearing of vegetation in the 100' buffer zone to a salt marsh.

Mr. Jannell said Ms. Mills couldn't be here today so she requested a continuance to the next meeting so she can be present.

MOTION: A motion to continue the enforcement discussion for 54 Tonset Rd to 8/1/23 was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous

JB, Gf, DH, WN, BR, KJ

Administrative Reviews

Moncrieff Cochran

29 Horseshoe Ln

The proposed installation of a ground mounted solar array.

Mr. Jannell reviewed the application. He said it crosses the 100' buffer to the Top of Bank. It's in an open area of lawn and involves no clearing or grading.

MOTION: A motion to approve the Administrative Review for 29 Horseshoe Ln was made by Drusy Henson and seconded by Jerry Wander

VOTE: 7-0-0 Unanimous

JB, GF, DH, WN, BR, JW, KJ

Jack & Ralphine Irrevocable Trust

6 Uncle Jims Ln

The proposed installation of wooden stairs over an existing rock revetment.

Mr. Jannell reviewed the application. He said it's an existing revetment with tile stairs over them. They just want to replace them with wood over the rock. It will be hand removal.

MOTION: A motion to approve the Administrative Review for 6 Uncle Jims Ln was made by Drusy Henson and seconded by Jerry Wander.

VOTE: 7-0-0 Unanimous
JB GH, DH, BR, WN. JW, KJ

Administrator's Business

Friends of Lonnie's Pond request to donate a replacement bench at Kent's Point
Mr. Jannell would like to accept a donation for a bench at Kents Point.

MOTION: A motion to accept the gift of a bench for Kents Point was made by Drusy Henson and seconded by Jerry Wander

VOTE: 7-0-0 Unanimous

Review and discussion of Putnam irrigation well

Mr. Jannell provided an update on the Irrigation well.

MOTION: A motion to authorize Mr. Jannell to explore alternative encasements and possible implementation for the Putnam subject to review by the conservation commission chair was made by Drusy Henson seconded by Judith Bruce.

VOTE: 7-0-0 Unanimous

James & Julie Rainey Welch

92 Tonset Rd

DEP # SE 54-2470: Review of proposed corrections to unpermitted parking area expansion.

Mr. Jannell reviewed the site plan provided. He said he would reach out to the property owner and their engineer to let them know the Commission's thoughts. He suggested gingko replacement in the buffer zone.

Correspondence

Letter from the Orleans Pond Coalition

Ms. Farber reviewed the letter and said thank you to OPC.

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 was adjourned at 11:20 a.m.

Submitted by:

Kristyna Smith, Principal Clerk, Orleans Conservation