



# TOWN OF TRURO

## Conservation Commission

24 Town Hall Road

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

### Minutes

### Site Visits

November 4, 2013

1:00 P.M. Met at the Cobb Library parking lot.

**Members Present:** Deborah McCutcheon (Chair), Peter Romanelli, Larry Lown,  
Al Silva, Diane Messinger

**Others Present:** Emily Beebe-Health/Conservation Field Agent, Nicole Smith-Secretary

**2 Pond Rd:** Members viewed where proposed additional deck will be. It was noted there is a computer monitor in the wetland.

**21 Pond Rd:** Members viewed the proposed area of placement for septic system components.

**41 Pond Rd:** Members viewed the area where the proposed sonotube would be located.

**403 Shore Rd:** Members viewed the area where dumping of fill and debris has occurred.

**503 and 522 Shore Rd:** Members viewed area where proposed deck would go and cottages with proposed outdoor showers.

2:40 Site visits concluded.

### Meeting

November 4, 2013

### Workshop

**6:30 P.M. in the Selectman's Meeting Room**  
**Members Present:** Deborah McCutcheon (Chair), Peter Romanelli, Larry Lown, Al Silva, Diane Messinger

**Others Present:** Patricia Pajaron-Health/Conservation Agent, Nicole Smith-Secretary

A separate workshop was held on October 29<sup>th</sup>, 2013 to revise Conservation Commission Policies, Procedures and Regulations. Once they are formatted they will be voted on.

**Regular Meeting**  
**6:35 P.M.**

**Others Present:** Chet Lay, John Patterson, David Lajoie, Gary Lock, Eric Shapiro, Rick Bashian, Gordon Peabody, John Lavendier, John Shea, Rod Gaskell, Stan Humphries

Motion to approve minutes by Lown, 2<sup>nd</sup> by Romanelli. Messenger and McCutcheon abstain. Approved 3-0-2.

**2 Pond Rd, Request for Amended Order of Conditions by Slade Associates for John Patterson, SE#075-0921:** Chet Lay stated that the deck was removed and they want to replace it with a slightly smaller deck and add 1<sup>st</sup> and 2<sup>nd</sup> floor deck with stairs. The sonotubes will be hand dug and they will add silt fence if wanted. The 2<sup>nd</sup> story deck will be on the west face of the building only. Messenger noted that there is a computer monitor in the wetland that needs to be removed and Patterson stated it would be taken care of. Motion to accept Amended Order of Conditions as filed by Lown, 2<sup>nd</sup> by Romanelli. Unanimous.

**21 Pond Rd, Notice of Intent by Felco Engineering, Inc. for Ellen English of Pilgrim Pond Realty Trust II:** David Lajoie from Felco, Inc. spoke. It is proposed to upgrade septic system and install a septic tank and pump chamber. The cesspools will be removed by excavation and clean sand will be put in. Motion to approve with usual Order of Conditions by Silva, 2<sup>nd</sup> by Romanelli. Unanimous.

**503/522 Shore Rd, Request for Amended Order of Conditions by William N. Rogers II for Lexvest Sutton LLC. SE# 075-0857:** Gary Lock and Eric Shapiro present. There was a letter from the owners of Sunrise Cottages regarding the Lexvest Sutton property and the outdoor showers. The owners of Sunrise Cottages have been spoken with and the subsurface drains will aim away from Sunrise Cottages and all showers are to dry wells; any concerns seem to have been taken care of. McCutcheon would like to know who owns the fence between the Lexvest Sutton and Sunrise Cottages properties. The fence is sagging and appears dangerous. According to Shapiro it is owned by Sunrise Cottages and it has been discussed and they plan on repairing it. Motion to send letter to owners of Sunrise Cottages to fix fence by Romanelli, 2<sup>nd</sup> by Messenger. Unanimous.

Summary of changes given by Gary Lock: Plan with Revision date October 24<sup>th</sup>, 2013

A: Brick patio instead of beach grass that was originally on plan

B: Instead of beach grass there will be a shell area behind unit 28

C: Proposed outdoor showers for unites 22, 23, 25, 26, 28 and 29

D: Wood platforms for outdoor showers

E: Trash and recycling enclosure had to be moved away from a utility pole

F: Renovation of unit 19 doorways because there had to be a landing out of the door

G: Existing wood walkway on sand by unit 2 was not shown on initial plan

H: Shift location of existing module for unit 7 and 8. It will be 3 ft closer to the road and add 3 ft cantilever for deck. The whole building will be coming down. Initially a 3 ft deck was proposed in front of the unit, they plan to remove that deck and move module 3 ft closer to the road. They will use an 8ft cantilever with no foundation. It will be 14-20

inches off the ground.

I: Units 11, 14, 15, 17 wooden platforms at grade

J: Relocated approved outdoor shower of unit 9

K: Repair walkway that was in disrepair

McCutcheon asked why the wooden platforms are on the ground; Lock is unsure why they chose to do this. Romanelli asked to know what has already been done. The wood platforms for 11, 14, 15, 17, the brick patio is existing, the walkway is now in place. Romanelli stated that the walkways should be raised off of the ground. Lown stated that it was noticed units 15 and 17 have hookups for outdoor showers. The Commission was informed that unit owners have started to do work on their own and they were directed to stop putting in platforms until going in front of conservation. All units are now owned by others except 7, 8, 9, 12, 13 and 20. The developer has an open Order of Conditions and they are trying to resolve issues before attempting to close the order. Jane Donoghue is in charge of the condo management company. McCutcheon advised that something in writing be given to the unit owners that informs them that they need approval from the Conservation Commission to do work and a copy should be given to the Commission; this should be sent certified. The wood platforms are being laid on the ground and no light is able to get through; the Commission wants them to be elevated off the ground. Silva stated that the repaired walkway is not elevated and maintaining that dune is very important. The walkway needs to be elevated so sand can move and vegetation can grow. Romanelli noted that sand between the cottages was moving onto the street and fencing should be considered. The Commission will need another site visit and will make arrangements for date and time. Motion to continue until December 2<sup>nd</sup> meeting by Silva, 2<sup>nd</sup> Romanelli. Unanimous.

**8 Pilgrims Path, Notice of Intent by David Bergmark:** Email was sent by the owners stating they would not be able to attend and would like to continue until spring. Motion to continue until March 2014 meeting by Silva, 2<sup>nd</sup> by Romanelli. Unanimous.

**539 Shore Rd Request for Use of Grass Mixture by Rick Bashian SE#075-920:**

Proposal to use "Harmony" low maintenance grass mixture which is not on approved planting list. Mr. Bashian's reasoning for wanting to grow this mixture is: it will grow in sand, very low maintenance, will root 6-8 inches, and does not grow too tall and that will make it easier to control poison ivy. Agent Pajaron said positives were no fertilizer or watering needed and it has some native species in it. Romanelli stated that while it has similar species it is unknown if they are native or invasive. Bashian informed the commission that he has planted bearberry on the slope and planted dune grass on the bottom of slope and would like to use the grass only in the flat area at the top of the slope. Motion to ask for an opinion on the grass mixture and to then make a decision by Silva, 2<sup>nd</sup> by Romanelli. Unanimous.

**Head of the Meadow Beach, Administrative Review Permit by Safe Harbor**

**Environmental for the Town of Truro:** Gordon Peabody Present. The dune next to the parking lot parking lot needs to be protected. There will be controlled access patrons will have many alternatives. The only path that will be going perpendicular to the dune is the handicap accessible one. Biomimicry will be used this winter until grass planting can be

done and is stable. This project is similar to the one done at Ballston Beach. The biomimicry will be removed before the busy beach season and there will be signage to inform public what is going on and asking them to be good stewards. Motion to approve the Administrative Review permit by Romanelli, 2<sup>nd</sup> by Silva. Unanimous.

**41 Pond Rd Administrative Review Permit by John Lavendier for Richard Bayler and Patricia Bellinger:** John Lavendier spoke. The proposal is to extend the existing upper deck by 5.5 feet by 19.5 feet on the west side of the property. One sonotube will be installed to support one post at the SW corner of deck. No machinery would be used as the sonotube would be hand dug. Silva inquired why only one sonotube would be used and Lavendier replied that two would be easier but they will use a slight cantilever instead. McCutcheon stated that this may be better suited for an NOI since it is so close to a coastal bank; if other repairs to the deck are to be done they need to be on the NOI as well. Lown and Silva both suggested going to the building department first to make sure only one sonotube would be needed and that more excavation wouldn't need to be done in the future. Motion to deny Administrative Review and suggest that a meeting with building commissioner occurs and then come back with a Notice of Intent. Motion by McCutcheon, 2<sup>nd</sup> by Lown. Unanimous.

**7 Kestrel Ln, Request for Certificate of Compliance for Alan Marasco and Deborah Mawhinney:** Land Use Planner Rod Gaskell, Attorney John Shea and Stan Humphries from LEC Environmental present. The owners have found a buyer and are looking to receive 4 Certificates of Compliance. The COCs correspond with construction of the house, the deck, sand fencing and coir envelope project. Representatives submitted alternatives analysis report as per Special Condition 21; this required a multi-disciplinary team. Mr. Gaskell covered basics of report and it was looked at from three different perspectives: effect on site, legal/regulatory and the logistics of moving the building. The recent erosion rate is 2.7 ft. per year average. Key factors considered in the report are: buffer zone plantings, MESA map, septic system, having to file an NOI for any work and Shearwater regulations. McCutcheon asked if owners are aware of alternatives analysis and understand the ESCROW requirements. Shea stated he was unsure if they had the report but it is likely they do. The new owners understand the obligation to maintain an ESCROW account in order to secure compliance with the Order of Conditions regarding coir envelopes. Per the alternatives analysis report removing piece of house so it is further from bank does not buy enough time compared with the cost of removing it. Moving house buys 15 more years. Motion to issue COCs requested. Motion by Messinger, 2<sup>nd</sup> by Romanelli, Silva abstained. Approved 4-0-1.

**416 Shore Rd, Certificate of Compliance for Kenneth Shapiro:** Agent Pajaron informed the Commission that the requirements on the Order of Conditions have not been met. Motion to deny Certificate of Compliance by Romanelli, 2<sup>nd</sup> by Messinger. Unanimous.

**403 Shore Rd, Enforcement Order for Anne Ditacchio:** Fill and debris has been dumped on the property that is beginning to go into the swale. Agent Pajaron has sent a certified letter and spoken with the owners. They left in August and won't be back until next year. Their intent is to extend a driveway to store a boat. Motion to ratify Enforcement Order to stop all work by Romanelli, 2<sup>nd</sup> by Messinger. A motion to require property owner or agent to immediately put up a no dumping sign and a barrier along the roadway prohibiting vehicle access by Romanelli, 2<sup>nd</sup> by Lown. Unanimous. Motion to submit retrospective NOI by January 2014 meeting with a plan to remove all deposited material including detailed description of what has been deposited, when and by whom by Lown, 2<sup>nd</sup> by Romanelli. Unanimous.

2014 Meeting schedule is approved.

A Motion to adjourn by McCutcheon, 2<sup>nd</sup> by Lown. Unanimous.

Adjourn at 8:35 p.m.

Respectfully,

Nicole Smith  
Conservation Commission Secretary

Approved December 2<sup>nd</sup>, 2013, 7-0 unanimous