



TOWN OF TRURO
Conservation Commission
24 Town Hall Road
P.O. Box 2030, Truro MA 02666

Conservation Commission Meeting Minutes: October 2, 2017

The meeting and public hearings were called to order at 6:05 P.M. in the Selectman's Meeting Room.

Commissioners Present: Deborah McCutcheon, Chair, James Bisceglia, Vice Chair; Diane Messinger; Linda Noons-Rose; Henry Lum; Larry Lown; Jack McMahon **Others Present:** Emily Beebe, Conservation Agent

75 Depot Road, 0 Pamet River, 0 & 16 Great Hills Road, Town of Truro; SE#75-1015: Notice of Intent for Maintenance dredging. This matter was continued from September 11, 2017 to allow additional time for review by and comments from the Truro Beach commission. Don Munroe from Coastal Engineer described the project scope to the Commissioners. The dredged material is beach compatible and will be added to the beach on the north side of the jetty as nourishment.

Motion to issue the Order of Conditions to include standard pre-construction conditions and comments made by the Division of marine fisheries, and Natural Heritage and Endangered Species Act, by Commissioner Bisceglia; seconded by Commissioner Messinger. Vote was 6-0-1 (Chair McCutcheon abstained)

33 Cooper Road, Robert Davoli & Eileen McDonagh; SE#75-1017: Notice of Intent to replace beach stairs. Due to concerns by abutters, and pending comment letter from NHESP the applicant requested that the project discussion be continued from the September 11 hearing; subsequently, revised plans and protocols have been received. The applicants were represented by Attorney Sarah Turano Flores who described the project changes to the Commission. A detailed project deconstruction/construction and planting protocol has been submitted. The project scope and size has been completely changed, and the proposed project has been significantly reduced so that it is smaller than the existing stair and very similar in its location. The stair will be higher above grade, with batter boards, and the treads will be open with spacing between the boards to allow maximum light infiltration.

The bank in the area will be stabilized with jute netting and planted with beach grass and other salt tolerant native plants. The applicants submitted an analysis of the bank and project prepared by their coastal geologist Jim O'Connell.

Commissioner Noons-Rose recused herself from the matter, as she noted that she had missed the first hearing; she remained at the table.

The abutters submitted a letter dated 9/27/17 with suggested special conditions, that included a pre-construction meeting that the owners would have to attend, and they asked for a special condition that the abutters be allowed to attend.

Attorney Flores stated that she found this condition unusual, and that the owners are aware of the requirement that the Orders of Conditions must be adhered to. There was discussion by the Commissioners about whether the owners should be required to attend

the pre-construction site visit. Commissioner Bisceglia stated that he would not vote to require the owners to be present but suggested they should be encouraged to attend, in order to address the concerns of the abutters as an opportunity to improve things between parties. **A Motion was made by Commissioner McCutcheon to condition the requirement of the owner's attendance at the pre-construction site visit; seconded by Commissioner Messinger; vote was 2-4-1 (with Commissioner Noons-Rose abstaining). Motion fails.**

A Commissioner stated their concern that when the applicant originally proposed this project they apparently had no concerns for the Coastal Bank or their neighbors as evidenced by the first design and in the way they constructed their house. There was also discussion on the suggested condition that abutters be present at the pre-construction meeting.

A motion was made by Commissioner Bisceglia that the abutters be permitted to attend the pre-construction meeting; seconded by Commissioner Lown. Voted 5-1-1, the motion carries.

Attorney Turano-Flores commented that the condition seemed intrusive; the discussion included clarification that the abutters are invited but their presence is not required; they will not participate in the pre-construction meeting.

A motion was made by Commissioner McCutcheon that the Notice of Intent is accepted with standard conditions, and that the construction protocols be included with the last section of stairs being seasonally removed; seconded by Commissioner Bisceglia. Voted 6-0-1, the motion carries.

Conditions also include time of year restrictions as per Town of Truro access permit requirements and the conditions of NHESP; project protocols as submitted.

17 & 19 Sandpiper Road, Catherine Haynes; SE#75-1021: Notice of Intent to construct a garage, re-configure septic system and driveway, re-grading. This project application was continued from September 11, 2017 to allow the Commission to meet the project engineer on-site and discuss their concerns about the proposed garage sited on the steep slope.

Dave Lajoie presented the project, which has changed to allow a shorter section of driveway, and additional plantings.

Motion by Commissioner Bisceglia, to accept the Notice of Intent with conditions to include standard conditions, construction protocol and the plan notes; seconded by Commissioner McMahon. Voted 4-2-1, the motion carries.

8 Mill Pond Road, Dennis Tracy; SE#75-1023: Notice of Intent for re-grading, removal of vegetation, re-planting in Riverfront and in the buffer of Coastal Bank. Due to insufficient project details this project was continued from September 11, 2017.

Revised plans were submitted. Dave LaJoie represented Mr. Tracey. It was noted that the application still lacked specificity about removal of invasive plants from the Coastal Bank; this aspect of the project had been described by the owner during the September 11 site visit. The Agent asked the Commission to hold off on issuing an Order of Conditions until the details of the invasive management were submitted, to include whether herbicides would be used.

Motion by Commissioner McCutcheon to continue the project until November 6;

seconded by Commissioner Bisceglia. Voted 5-0-2, motion carries.

566 Shore Road Road, Ocean breeze Condominiums; Request for Determination of Applicability for annual beach grass and snow fence plan. Tracy Myrhum represented the association with the request for their seasonal plan. **Motion to approve with conditions as a negative 3. Motion by Commissioner Messinger, seconded by Commissioner Commissioner Bisceglia. The vote was unanimous in favor.**

596 Shore Road Road, Anchorage Condominiums; Request for Determination of Applicability for annual beach grass and snow fence plan. Stephen Hoerschbeck represented the association with the request for their seasonal plan.

A motion for a negative 3 determination with conditions was made by Commissioner Lown; seconded by Commissioner Noons-Rose. The vote was 7-0-0, the motion carries.

5 Great Hills Lane, Kevin Wise; SE#75-1024: Notice of Intent for landscaping, installation of an underground propane tank, replacement of driveway and other landscaping activities to remove spotted knotweed and scotch broom, and also remove the poison ivy from the walkway areas. The AC unit will be relocated. A Hot-tub is proposed to be located on the existing deck.

Theresa Sprague of Blue Flax design was present to discuss the proposal. The paved driveway will be removed, and an articulated concrete block driveway will replace it. The adjacent shell driveway will be reduced in size. The elevated walkway to the beach will be removed and replaced with a roll-out at grade removable board walk to be removed seasonally. The stair will need to be adjusted to accommodate the removal of the boardwalk, this will be shown on a revised plan, submitted prior to the next meeting.

The contractor submitted the FEMA specifications for burying the propane tank.

The project has not yet received comments from NHESP, and therefore the matter will be continued to the next meeting on November 6, 2017. A revised plan will be submitted that shows the removable walk-way.

587 Shore Road, Judith Dutra; SE#75-102 : Notice of Intent for upgrade and expansion of a septic system and construction of 3 new cottages adjacent to the existing single family dwelling, on the Barrier Beach, Coastal Dune and Land subject to Coastal Storm Flowage. No DEP file number had been issued for this project. Tim Brady of East Cape Engineering was present to provide an overview of the project and field any questions from the commission, with the understanding that the matter could not close until a file number had been received. The project proposal was copied from a virtually identical proposal approved by the Commission in 2008, the Order has now expired. The major change in the plan is the update of new flood map data. There was a question from Commissioner Lown about the flood plain change. Mr. Brady responded that it was a flood zone, but “not the worst kind”, that being the velocity zone, and that flooding in this area would not have big waves. He later stated that there could be waves of up to 3 feet, as this area is an A-zone. The flood zone in this location has changed from elevation 10’ to elevation 13’.

The Conservation Agent expressed concern about the delineation of a freshwater wetland located to the northwest of the wetland. There were no flags or documentation from the

previous filing. Mr. Brady offered to meet on-site to review the delineation.

The previous order that expired was not closed out, and a certificate of compliance must be requested. **Chairman McCutcheon moved that the certificate of compliance be filed for SE # 75-767. Seconded by Lown, the vote was unanimously in favor.**

There was a question about the square footage of the cottages. Mr. Brady did not have the details beyond the footprint. Mr. Brady stated that they were just seeking reapprove for the sale of the property, and that the new owner would assume the new Order of Conditions.

The abutter from the North, Joe Padzicki, was present to inquire about the height of the proposed cottages. Mr. Brady stated that there were not building design plans. A Commissioner asked if we would receive those details, Mr. Brady stated that the Commission did not need those details. The chair responded that the Commission does not approve hypothetical houses. It was noted that the original proposal was thin on details required under present standards, such as construction protocol, re-vegetation plan, and a site plan that reflected the complete elements of the project, not merely an outline of the footprint for a proposed structure; stairs from the elevated structures, walkways and all “built” areas would need to be included on the site plan for review by the Commission. They will need to see that storm-water is taken care of, they need a construction protocol to address stockpiling, storage of materials, piling construction detail, details on revegetation, the type of surface of the driveway.

Motion to continue to November 6, by Commissioner Bisceglia, seconded by McCutcheon, vote was unanimous in favor (7-0-0).

503 Shore Road; unit 27; Mary & Jean Moore; SE#75-1019 and 503 Shore Road; unit 28; Lisa Loveland; SE#75-1020: Notices of Intent to construct a deck.

This was approved at the September 11 hearing, but re-opened at this hearing at the request of the Conservation agent to revise the Order of Conditions, based upon new information. A letter from the Building Commissioner explained the nature of his concerns about the previous approval, that had included attaching the proposed deck(s) to the building and the ground, which would implicate local zoning procedures. If the proposal were changed to allow the decks to be free-standing from the building and weighted rather than attached, the Commission’s goals could be met, and the applicant would be compliant with zoning. Tim Brady delivered revised plans that depicted the changes to both projects. The Commission was open to changing the Conditions. There was a **motion to incorporate the revised plan dated 9-25-17, including the letter from the project engineer and the letter from the Building Commissioner into the Order of Conditions; motion by Commissioner Bisceglia, Seconded by Chair McCutcheon; Vote was unanimous in favor.**

There was a second motion, as above to approve the revisions for the second unit, by Commissioner Bisceglia, Seconded by Chair McCutcheon; the Vote was unanimous in favor.

11 Coast Guard Terrace: A certificate of compliance request was submitted for SE #75-1006. **There was a motion, as above to approve the issuance of a certificate of compliance, by Commissioner Bisceglia, Seconded by Chair McCutcheon; the Vote**

was unanimous in favor.

Ryder Beach Road; An administrative review permit was requested by the Town of Truro to repair the roadway at the south end with minor re-grading and adding fill.

Motion to approve administrative review permit by Commissioner Lown; seconded by Commissioner Messinger; vote was unanimous in favor

53 Fisherman's Road; An administrative review permit was requested to allow nourishment at the toe of the bank and planting of beach grass. **Motion to approve administrative review permit by Commissioner Lown; seconded by Commissioner Noons-Rose; vote was unanimous in favor.**

276 Shore Road, units 1-23; An administrative review permit was requested for the water service connections for 23 cottages. **Motion to approve administrative review permit by Commissioner Lown, seconded by Commissioner Noons-Rose, vote was unanimous in favor.**

(Commissioner Bisceglia left the meeting.)

The minutes of September 11, 2017 were continued to the November 6 meeting.

538 Shore Road, Klement Bellairs; SE#75-1022; Notice of Intent for demolition and re-construction of dwelling; Coastal Beach, Coastal Dune, Barrier Beach and Land Subject to Coastal Storm Flowage. This was continued from September 11, 2017. The applicant's representative submitted a written request for an additional continuance until the November 6 meeting. Motion to continue by Commissioner Lown; seconded by Chair McCutcheon; vote was unanimous in favor.

Meeting was adjourned at 7:56 PM.

Site visit minutes

Commissioners in attendance: Linda Noons-Rose, Dianne Messinger, Deborah McCutcheon, Larry Lown, Jack McMahon, Jim Bisceglia and Henry Lum, accompanied by Emily Beebe.

The Commission met at Cobb Library at 1:00 and proceeded to 17 Sandpiper Road where they viewed the stakes and the plan with the Agent, and discussed the results of the site visit from the previous week that was held with Dave LaJoie. They proceeded to 5 Great Hills Lane where they met Teresa Sprague and the staff of Blue Flax design and reviewed the staked area, and proposed activities.

The Commission drove to Beach Point and looked at the dune area at 566 Shore Road; they proceeded to 587 Shore Road and viewed the stakes showing the locations of the septic components and cottages. The Commission walked across the street and looked at the dune area of 596 Shore Road. The site visits concluded at 2:50.

Minutes prepared by E. Beebe