



TOWN OF TRURO CONSERVATION COMMISSION

**P.O. Box 2030
Truro MA 02666-0630**

Conservation Commission Meeting Minutes: November 6, 2017

The meeting and public hearings were called to order at 6:00 P.M. in the Selectman's Meeting Room.

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

Minutes of September 11 and October 2 were considered: Commissioner Messinger requested that more of the discussion regarding 33 Cooper Road be included to reflect that the property owners did not appear to be as concerned with the health of the Coastal Bank or their neighbors Commissioners Lum and Lown submitted written edits.

Motion to approve with corrections suggested; motion by Commissioner Bisceglia; Seconded by Commissioner McMahon; Voted 6-0-0, motion carries.

21,33&32 Cooper Road; 53&55 Fisherman's Road; 4 Heron Lane: Safe Harbor presented their Administrative Review permits for nourishment, planting beach grass and biomimicry. All 6 projects are subject to staging permits from the Town to use Town Landings. **Motion to approve these administrative review permits, Motion by Chair Bisceglia Seconded by Commissioner Lown. Voted 6-0-0, motion carries.**

3 Outwater Lane, Brian Boyle, proposed Conservation Restriction:

Fred Gaechter, President of the Truro Conservation Trust described the process to be followed for this conservation restriction. A portion of Mr. Boyle's land will be held as open space and a portion can be used for non-animal agricultural use. This parcel is adjacent to the land where Mr. Boyle's house is situated. The Restriction will be held by the Truro Conservation Trust. The CR is in perpetuity. **Commissioner Lown moved to approve issuance of the Conservation restriction; Commissioner Messinger seconded; Voted 6-0-0, motion carries.**

8 Mill Pond Road, Dennis Tracy; SE#75-1023: Notice of Intent for re-grading, removal of vegetation, and re-planting; resource areas are Riverfront and the buffer of a Coastal Bank. Due to insufficient project details this project was continued from the October 2, 2017 hearing.

Revised plans and a planting plan dated 11-3-17 were submitted at the table by Mr. Punch of Harrow & Seed; Dave LaJoie represented Mr. Tracey. The details of the landscaping and invasive plant management plans were submitted. Conditions discussed include a pre-construction site visit to re-start the project; notes on the site plan, Harrow and Seed planting specifications, and invasive plant management specifications.

Motion by Commissioner Bisceglia to approve the project with conditions as discussed; Seconded by Commissioner Noons-Rose. Voted 6-0-0, motion carries.

Mr. LaJoie addressed the Commission and requested a continuance of the hearing for 449 Shore Road; **Commissioner Bisceglia moved to continue the hearing for 449 Shore Road until December 4, 2017; seconded by Commissioner Messinger. Voted 6-0-0, motion carries.**

592 Shore Road, Lori & Katherine Burroughs: Request for Determination of Applicability to allow 1:1 replacement of landscape ties and a concrete block retaining wall with new landscape ties, and re-shelling the driveway. Resource areas are Barrier Beach; Coastal Dune and Land Subject to Coastal Storm Flowage. Mr. Robert Martin Jr. was present to answer questions. **Commissioner Bisceglia moved for a negative 3 determination; Seconded by Commissioner Lown; Vote was 6-0-0 in favor.**

587 Shore Road, Judith Dutra; SE#75-1025: Notice of Intent for upgrade and expansion of a septic system and construction of 3 new cottages adjacent to the existing single family dwelling. Continuation of Hearing from October 2, 2017 for file number and additional information. Tim Brady of East Cape Engineering was present to provide an update on new information submitted and to answer questions raised at the last hearing. Mr. Brady addressed the question about the delineation of the Bordering Vegetated wetland areas located to the northwest and east of the property. The Agent questioned the wetlands location on the plan but did not believe they were significantly closer to the project and believed that the setback would remain between 50 to 100' from the Resource Area; the agent suggested that the Commission accept the plans but make a finding that the freshwater wetland Resource Area locations are not approved as shown. Mr. Brady stated that they have encountered findings like this in other towns, where the detail will not impact the overall project conditions. The entire area is in a flood zone and on a Barrier Beach and there are significant public interests relative to those Resource Areas.

Following the hearing on October 2 Mr. Brady submitted revised plans and revised details about the project construction, including design of a new drainage swale to be located under the pile-supported buildings. The drainage swale will be stone lined and contained by a berm of soil, to address the runoff from the site; requires a maintenance plan to ensure it does not cease to leach. The berm should be blanketed with jute to be stabilized and be planted with appropriate vegetation prior to the issuance of a Certificate of Compliance. It was reported that a considerable amount of debris including tires/tanks/metal/bricks has been dumped in the back of the lot and in the highway layout, and these discarded materials should be removed. This was agreed to by the engineer. There was discussion about a note on the plan stating "final grade would be determined in the field"; the engineer said that this note was in error, and would be removed from the plan; this was discussed as a condition. The Commission discussed a motion with conditions, including that all debris be hauled out from the rear of the property, that the pre-construction site visit include a planting plan and maintenance plan for the berm; that the final grading note on the plan be removed, that other notes on East Capes site plan and narrative be included as conditions. **Motion to approve with conditions; Motion by Commissioner Bisceglia; seconded by Commissioner Noons-Rose. Vote was 6-0-0 in favor.**

5 Great Hills Lane, Kevin Wise; SE#75-1024: Notice of Intent for installation of an underground propane tank, replacement of driveway and other landscaping activities. This project was continued from the October 2 hearing for NHESP comment. Revised plans have been submitted; changes include the rolled-out board-walk; Conditions will include incorporating the notes from the revised site plan and revised land management plan. **Motion by Commissioner Bisceglia to approve the project with conditions; Seconded by Commissioner Lown. Voted 6-0-0, motion carries.**

538 Shore Road, Klement Bellairs; SE#75-1022: Notice of Intent for demolition and re-construction of dwelling; Resource Areas include: Coastal Beach, Coastal Dune, Barrier Beach and Land Subject to Coastal Storm Flowage. This was continued from the October 2, 2017 hearing. Paul Shea, from Independent Environmental Partners was present with the owner. There are three buildings on the property. Building 2 is the subject of the application. The project includes interior changes, and construction of 2 narrow additions to square off the building and replacement of the deck in the same location without expansion. There will be no changes to the existing foundation. The Agent suggested that the property owner be required to plant beach grass in every area possible. A question was asked about roof runoff; the owner stated they would install new gutters to downspouts. **Motion by Commissioner Bisceglia to approve the project with conditions as discussed; Seconded by Commissioner Noons-Rose. Voted 6-0-0, motion carries.**

408 Shore Road, Kevin Shea; SE #75-879; Request to amend an Order of Conditions to allow approval of a new site plan showing an additional 10' of property. Mr. Shea and his wife Judith Richland were present to answer questions. The new plan was basically the same with the exception of the 10' change, and a "timber retaining wall" which was on the approved 2012 plan, and yet not on the new plan. This was an inadvertent omission and Mr. Shea indicated that he would have the timber retaining wall included on the new plan. New Conditions include revising the new plan to show the timber retaining wall. **Motion by Commissioner Bisceglia to approve the project with conditions as discussed; Seconded by Commissioner Noons-Rose. Voted 6-0-0, motion carries.** There was a question from the audience about planting beach-grass. Mr. Shea said he did not want to plant the grass and then have it destroyed by the construction process. He said he intended to submit a landscaping plan. The owner suggested that the start date for the project was proposed as February, 2018. The Agent suggested that if the construction has not commenced by February that the owner be required to plant grass during the April, 2018 beach-grass season. There was an additional question from an audience member, (who was an abutter), about a pathway, which is apparently in dispute with the property owner. **Motion to amend the previous approval to include the conditions about the beach grass and the timber wall. Motion by Commissioner Bisceglia to amend the order with additional conditions; Seconded by Commissioner Lown. Voted 6-0-0, motion carries.**

The following administrative review permits were heard and voted as a group:

7 Truro Center Road ; cut back phragmites 4' beyond fence; remove and replace existing snow fences; extend snow fence. (*Town of Truro*)

556 Shore Road; snow fencing, planting beach grass/bayberry.

466 Shore Road; new water line .

Mill Pond Road; repair to rip rap (*Town of Truro*)

276 Shore Road, units 1-23; water service connections to each cottage. (13- 12 thru 22)

Motion by Commissioner Bisceglia to approve the permits; Seconded by Commissioner Noons-Rose. Voted 6-0-0, motion carries.

17 Long Dune Lane; (field change) map 48, parcel 9; SE#75-1008- revised plan dated 2/13/17 shows addition of a vegetated berm, planted with native shrubs for screening.

Motion by Commissioner Bisceglia to approve the field change; Seconded by Commissioner Noons-Rose. Voted 6-0-0, motion carries.

The following certificates of compliance were considered together:

3 Dune Way; (Certificate of Compliance request) map 58, parcel 29; SE#75-318

2 Merryfield Path (formerly 23 Bay view Road); (Certificate of Compliance request) map 39, parcel 311; SE#75-605

4 Rolling Hills Road; (Certificate of Compliance request) map 58, parcel 56; SE#75-1007

39 Route 6; (Certificate of Compliance request) map 60, parcel 28; SE #75-0925

471 Shore Road; (Certificate of Compliance request) map 8, parcel 7.24, 7.25); SE #75-0662

Motion by Commissioner Bisceglia to approve the Certificates; Seconded by Commissioner McMahon. Voted 6-0-0, motion carries.

3 Depot Road, Susan Kurtzman; SE #75- 1027: Notice of Intent for addition to garage/studio; Buffer Zone to Coastal Bank. (Map 50, Parcel 289). The addition will extend the existing garage, and it will be built on a 4' frost wall. A limit of work has been staked. Minimal vegetation will be disturbed. All work will be staged from the driveway.

Motion by Commissioner Bisceglia to approve the issuance of a Notice of Intent with conditions; Seconded by Commissioner Lum. Voted 6-0-0, motion carries.

The meeting was adjourned at 7:11 PM

NOVEMBER 6 : Site visit minutes:Commissioners in attendance: Linda Noons-Rose, Diane Messinger, Larry Lown, Jack McMahon and Henry Lum, accompanied by Emily Beebe.

The Commission met at Cobb Library at 1:00 PM and proceeded to 3 Depot Road where they met Mr. Tim Dickey and Mrs. Kurtzman in the area of proposed construction. Mr. Dickey provided a brief description of the project; the Commission viewed the staked area behind the garage.

The Commission drove to Beach Point and looked at the project area of 449 Shore Road; they proceeded to 538 Shore Road and viewed the unit where construction is proposed. They went to 592 Shore Road and looked at the walls to be replaced at the property.

The Commission went to 587 Shore Road at the route 6 side where they met with Gordon Peabody of SafeHarbor to view the wetland stakes.

The site visits concluded at 3:15 PM.

Minutes prepared by E. Beebe