



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### **Conservation Commission Meeting Minutes: July 2, 2018**

**The meeting was called to order at 6:00 P.M. in the Selectman's Meeting Room.**

**Commissioners Present:** Chair, Deborah McCutcheon; Diane Messinger; Larry Lown; Jack McMahon; Linda Noons-Rose; Henry Lum. **Others Present:** Emily Beebe, Conservation Agent (Commissioner Lum joined the meeting at 6:05.)

**Notice of Intent, 309,311, 315, 320, 322, 328 Shore Road, SE #75-1048;Town of Truro** (Map 13, Parcel 6, 7, 8, 17, 18, 19) Notice of Intent for repairs to the East Harbor outfall pipe & dune restoration at Noons Landing. This project takes place in multiple resource areas including a Barrier Beach, Land Subject to Coastal Storm Flowage, Coastal Beach and Land Under the Ocean. Bob Hamilton, P.E., Mitchell Buck, P.E., and Nils Wiberg, P.E. (Fuss & O'Neil), all members of the Woods Hole Group, presented the Phase I plan to the Commission. Mitchell Buck described in great detail why the project was divided into two phases: 1) available staging area on Shore Rd for construction materials is limited; 2) If both phases (I & II) are done at the same time, tidal flow will have to be stopped for an extended period of time and potentially create a negative environmental impact; 3) Phase I will be completed more quickly if done separately.

The proposed project includes demolition and construction of a 48" x 72" Elliptical Culvert to match the existing culvert section and Coastal Dune Restoration. Commissioner Messinger asked about longevity of the culvert. Mr. Buck responded that it should last approximately fifty years. Commissioner Noons-Rose asked a question regarding the replacement of the rest of the culvert. Mr. Buck responded that Phase II would replace the culvert landward of the Shore Road junction to Moon Pond. The culvert located under Route 6 would not be replaced by this project, as this area is under the jurisdiction of MA DOT. She also asked about the expected starting time of Phase I. Mr. Buck responded that they have a late Fall-Winter-Spring, time frame. Chair McCutcheon, asked for a Phase I completion time frame. Mr. Buck responded, before summer 2019, with Phase II to be completed by winter 2019, after plans are submitted for this phase. Commissioner Messinger had several questions regarding the MA DOT culvert area. The Conservation Agent, asked Mr. Buck to clarify the details of a temporary pipe installed to keep water moving and provide access for fish and other creatures. The Chair requested that the consultants have special Conditions fully prepared for the board to review no later than 7/05/2018, by 12 noon. This was requested due to the complexity of the project. The Woods Hole Group agreed to this deadline. The Agent, requested this case be continued to the August 6, 2018, meeting. **Motion for a special short meeting of board members on July 9, 2018 to**

**review the applicant's Order of Conditions and a motion to continue the case until the August 6, 2018 made by Chair McCutcheon, seconded by Commissioner Noons-Rose. Vote was unanimously in favor.**

**Notice of Intent, 120 Prince Valley Road, SE #075-1045, William & Jean Cooper;** (Map 59, Parcel 68) *(continued from June 4, 2018 for a file number)* Notice of Intent for proposed addition, stairs & landing; Buffer Zone to Bordering Vegetated Wetland. Jason Ellis appeared before the board for clients Alex Gregory & Dan Reynolds. Mr. Ellis referenced the Board of Health variance approval needed for the 30' x 15' proposed addition. Chair McCutcheon asked Mr. Ellis several questions regarding endangered species and the location of the property within the National Seashore. Mr. Ellis presented information from National Heritage that confirmed that there is no issue regarding endangered species for this site. He also gave information from Lauren McKean, Cape Cod National Seashore, stating that this property is not a contested property. The Chair motioned to add a condition to require a turtle exclusionary fence throughout the construction process; a condition to prevent use of pesticides and fertilizers was also suggested. **Motion by to approve by Commissioner McMahon, seconded by Commissioner Noons-Rose; the vote was unanimously in favor.**

**Notice of Intent, 8 Moorings Way, SE #075-1044, Marsh House Realty Trust;** (Map 46, Parcel 115) This matter was continued from June 4, 2018 for more information about moving the dwelling. Resource areas include Coastal Bank, and Land Subject to Coastal Storm Flowage. Robert Reidy, of JM O'Reilly & Associates, Inc. addressed the Commission. He provided all information requested from the meeting of June 4, 2018 in a new narrative and plan. He stated that construction and site stabilization would be completed by December 2018 or they would not be able to start until March 2019. The retaining wall shape has changed, septic & pump chamber were moved, and non-creosote 4-foot wide walkway is proposed. The top of foundation will be raised due to new retaining wall locations and revised grades. Questions about the size, location and intent of the proposed boat shed were asked by the Conservation Agent and the Chair. Chair suggested taking the boat shed off the plans at this time, as there were unresolved questions about the location. The applicant was in agreement. **There was a motion to approve the plans but delete boat shed; Motion by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor.**

**Notice of Intent, 39 Old Outermost Road, SE #075-1047, Joseph Keenan;**(Map 41, Parcel 1) Notice of Intent for relocation of dwelling; project is in the buffer Zone to a Costal Bank. Tim Brady, P. E. representing Joseph Keenan, presented the NOI to the board. He presented the board with a no-take letter from Natural Heritage regarding the property. The Agent suggested conditions including revegetation and that all portions of the dwelling/living area be removed.

**Motion to approve with conditions by Commissioner Messinger; seconded by Commissioner Lum; the vote was unanimously in favor**

**Request for Field Change: 33 Cooper Road, SE # 075-1017, Robert Davoli & Eileen McDonagh;** (Map 58, Parcel 65) proposed addition of landing for stairs.

Stephanie Sequin, P. E. of Ryder & Wilcox presented the proposal to the Commission and described that the footprint of the landing for the stairs would change since the elevations on the stair were too high, and there will be a new stair platform outside/above the flood zone. **Motion to approve the field change by Commissioner Lum, seconded by Commissioner Messinger; the vote was unanimously in favor.**

**Notice of Intent 6 Ocean Bluff Lane, SE # 075-1046, Kenneth Kuchin;**

(Map 37, Parcel 5) Notice of Intent for landscaping, hardscaping, deck, driveway/parking revision, work proposed in the buffer zone to Isolated Wetland. Tim Brady P.E. and contractor Patrick Coffey presented their project. Tim Brady explained the plans that show a 2 foot x 4 foot walkway, a stone driveway with a turnout, a 12 foot x 20 foot deck, and landscaping in the buffer zone.

Commissioner Noons-Rose described the Commissioners site visit earlier that day during which they watched the proposed work being conducted in the jurisdictional area without the approval sought at this hearing!

The Agent requested that this matter be tabled until the August 6, 2018 meeting and that a stop work order and a fine be issued. **Chair McCutcheon moved to have the Buffer Zone delineated by tape so the construction team will know without a doubt where jurisdiction lies; no work may be done in buffer zone until further discussion with the Commission, and to continue the hearing on the Notice of Intent and administrative review permit until the August 6, 2018 meeting; seconded by Commissioner Noons-Rose; the vote was unanimously in favor.**

**Notice of Violation, 660 Shore Road, unit 3** (Map 2, Parcel 3) – construction of a deck without permit; Coastal Dune, Barrier Beach, LSCSF. Chair McCutcheon asked the Conservation Agent if a Stop Work Order had been issued. Conservation Agent informed the board that the work had already been completed. **Motion: The Chair moved to issue a Stop Work Order and to continue to the August 6, 2018 meeting; seconded by Commissioner McMahon; the vote was unanimously in favor.**

**Administrative review permit:** 544 Shore Road; boardwalk between Units 1 & 2; fence; Barrier Beach/Flood Zone. The Agent described the proposal for a seasonal rollout walkway,

positioned at an angle to minimize plant damage. In addition they would add a fence to direct traffic and recommended approval.

**There was a motion to approve by Commissioner Lum; seconded by Commissioner Messinger.** There was discussion on the motion including questions from the abutters. The agent suggested that the board table this case until the August 6, 2018 meeting. The original motion was retracted.

**Motion to continue by Commissioner Messinger; seconded by Commissioner McMahon; the vote was unanimously in favor.**

**The following administrative review permits were voted together:**

- 4 Button Hill Road; invasive plant removal; buffer zone of Coastal Bank. The Agent clarified location of project to the board and recommended approval.
- 26 Great Hills Road; install generator; trench electric lines; Buffer Zone of Coastal Bank.

**Motion to approve the administrative review permits by the Chair; seconded by Commissioner Lum; the vote was unanimously in favor.**

**Motion to adjourn by the Chair. Meeting adjourned at 8:08 pm.**

Minutes prepared by L. Budnick