



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### Conservation Commission Meeting Minutes: October 1, 2018

The meeting and public hearings were called to order at 6:00 P.M. in the Selectman's Meeting Room. Commissioners Present: Diane Messinger; Jack McMahon; Larry Lown; Henry Lum; Linda Noons-Rose; Chair, Deborah McCutcheon; Others Present: Emily Beebe, Conservation Agent

**Notice of Intent: 2 Kill Devil Rd, Martha Wright Crouch/Lorin Wright; SE #75-;** new dwelling, extend shell driveway, install split rail fence, trenching & piping to existing well and septic system; Buffer Zone to a Coastal Bank, Land Subject to Coastal Storm Flowage. (Map 42, Parcel 303) *(moved to November 5, 2018 meeting)*

### Request for an Amended Order of Conditions:

**408 Shore Rd, Kevin Shea (075-0998);** to amend a previously approved order of conditions. (Map 10, Parcel 41)

Kevin Shea and Judy Richland were present. Mr. Shea filed for a building permit, but the landscaping plans were not included with the original application. Mr. Shea and Ms. Richland completed the bulkhead and the house will now be built on the lot. The location of the house has moved slightly due to a boundary agreement that increased the size of the lot. Mr. Shea submitted landscaping plans that were not specified in the earlier Order of Conditions. Mr. Shea discussed the approval of water service by the Town of Provincetown. Mr. Shea has received approval from the Selectmen and the Board of Health. Mr. Shea reviewed the water line placement with the commissioners. David Ditacchio of 412 Shore Road spoke in support of Mr. Shea and Ms. Richland's efforts.

**Motion to accept the proposed changes stated by the applicant by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.**

**Notice of Intent: 20 Toms Hill Rd, Joseph Fiorello; SE #75-1049;** removal and replacement of dwelling, includes new driveway and site utilities & vegetation management; Coastal Bank, Land Subject to Coastal Storm Flowage, Riverfront Area and Salt Marsh (Map 46, Parcel 342) *(continued from September 10, 2018)*  
Matt Farrell of J.M. O'Reilly & Associates and Jim Haggerty of Reef Builders appeared on behalf of Joseph Fiorello. Mr. Farrell and Mr. Haggerty presented revised plans to the commissioners. Per statutory requirements, Mr. Farrell and Mr. Haggerty waived their right to have Commissioner McCutcheon excluded from the discussion as she was not present at the original hearing. The location of the house has been moved as a result of the previous meeting. A deck has been added on the south side of the proposed porch. The plan presented represents the re-design of the house and also moving the house 10' landward from the position shown in "Alternative 1". Commissioner McCutcheon asked about moving the house out of the commission's jurisdiction. Mr. Farrell explained that

the existing dwelling allows for a flat area; if the new house is situated in another location, it would require immense grading. The existing lawn will be removed and the proposed pruning presented in "Alternative 1" has been removed. Mr. Farrell discussed the changes made from "Alternative 1" at the request of the commissioners, which changes are reflected on the "Alternative 2" plan. A construction protocol was submitted and discussed. Commissioner McCutcheon asked if Mr. Farrell and Mr. Haggerty have seen any turtles. Mr. Farrell indicated he has not. Commissioner Lown asked about the increased footprint of the house. Commissioner Messinger expressed concern about the amount of destruction of the habitat that will be caused by the new proposed location of the house. Commissioner Messinger felt that by moving the house farther out of the buffer zone more of a disturbance will occur. Discussion occurred regarding the disturbances created by the original plan and the new alternative plan. The Agent commented on the proposed changes and felt the revised plans before the commissioners represented a better option in terms of impact on the environment. A neighbor, Mr. Brotman, spoke in support of Mr. Fiorello.

**Motion to accept the construction protocol as presented on October 1, 2018, to be incorporated in the Order of Conditions, and shall include turtle exclusion practices by Commissioner McCutcheon; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0.**

**Notice of Intent: 460 Shore Rd, Estate of Barbara Stewart; SE #75-**; septic system upgrade; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 8, Parcel 32) David Lajoie of FELCO, Inc., appeared on behalf of the Estate of Barbara Stewart. The house is located on Beach Point. A new septic system is needed, which will be situated as far from the bay as possible.

**Motion to accept the NOI with the order of conditions as presented by Commissioner McMahon; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0.**

**Notice of Intent: 417 Shore Rd, John & Jennifer Chisholm; SE #75-**; convert garage into dwelling, install septic system & associated site improvements; Barrier Beach; Land Subject to Coastal Storm Flowage. (Map 10, Parcel 2)

Brad Malo of Coastal Engineering appeared on behalf of John and Jennifer Chisholm. The Chisholm's are proposing to add a second story to the existing garage, which will contain living space. A Title 5 septic system will be installed in the driveway area. The proposed second story addition also includes an exterior stairway as required by the building commissioner. A small 18sf cantilevered deck off the driveway side will also be added. The foundation will be replaced with a flood resistant foundation. The garage, due to age and condition, may have to be re-built within the same footprint.

The Agent requested that Mr. Malo put together a construction protocol for the replacement of the foundation slab. The Agent also discussed plantings and vegetation cover.

**Motion to approve, and that the protocol be developed by agreement between the Conservation Agent and Coastal Engineering, which will be incorporated in the order, by Commissioner Lum; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.**

**Certificates of Compliance:** 503 Shore Rd U:19 (SE# 075-0911)

Scott Powell and Philip Scholl, the former owners of the condominium unit, were present. During their ownership they received approval to install a patio on the west side of the cottage. After a conversation with the building commissioner, it was decided that a deck would be less of a disturbance than a patio. The owners proceeded with the deck, which was not approved under the Order of Conditions. The Agent had requested an as built plan from Mr. Powell and Mr. Scholl for deck to correct the record. The plan was submitted as requested. The patio work did not require a building permit.

**Motion to issue the Certificate of Compliance by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.**

**Administrative Review Permit:** 6 Pond Road: trimming of vegetation (requesting 60 days)  
Josiah Mayo of 6 Pond Road was present. Mr. Mayo requested a 60 day window for pruning at the property.

**Motion to approve a 60 day permit as requested for the trimming of vegetation by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.**

**Administrative Review Permits:**

**2 Meetinghouse Rd U:1:** remove 4 dead trees  
**The vote was unanimously in favor, 5-0**

**0 Fisherman's Rd:** native plantings  
**Motion to approve by Commissioner Lum, seconded by Commissioner McCutcheon; the vote was unanimously in favor, 5-0**

**0 Fisherman's Rd:** trimming of vegetation  
**Motion to approve by Commissioner Lum; seconded by Commissioner McCutcheon; the vote was unanimously in favor, 5-0**

**630 Shore Rd:** update water meters  
**Motion to approve by Commissioner McCutcheon; seconded by McMahon; the vote was unanimously in favor, 5-0**

**4 Kill Devil Rd:** beach grass planting  
**Motion to approve by Commissioner Messinger; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0**

**62 Corn Hill Rd:** installation of waste pipe from septic to laundry shed  
**Motion to approve by Commissioner Messinger; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0**

**6 Castle Rd:** driveway/right of way maintenance  
Discussion commenced regarding the right of way. A condition was set that an email shall be sent from the easement holder to the property owner.  
**Motion to approve with the stated condition by Commissioner McCutcheon;**

**seconded by Commissioner Messinger; the vote was unanimously in favor.**

**Discussion:** Proposed Amendments to the Truro Conservation Regulations  
The commissioners will meet on October 11<sup>th</sup> at 3:00pm to finalize the amendments.

**Motion to adjourn the meeting by Commissioner McMahon; the vote was unanimously in favor, 5-0. The meeting adjourned at Motion to adjourn by McMahon, so moved.**

**Motion to adjourn the meeting by Commissioner Lown; the vote was unanimously in favor, 5-0. The meeting adjourned at 7:30pm.**

Minutes prepared by

