



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: January 7, 2019

The meeting and public hearings were called to order at 6:04 P.M. in the Selectman's Meeting Room. Commissioners Present: Jack McMahon; Diane Messinger; Linda Noons-Rose; Chair, Deborah McCutcheon; Others Present: Emily Beebe, Conservation Agent

Request for Determination of Applicability: 209 Shore Rd, Silva Family Heritage; septic upgrade; Barrier Beach, LSCSF (Map 17, Parcel 7)

Jason Silva of 209 Shore Road o/b/o Silva Family Heritage Trust approached. Mr. Silva would like to remove a cesspool from the property and replace it with a Title 5 septic system. The system will be relocated from the back of the property to the front of the property. The new location will be higher than the current location of the cesspool. Mr. Silva completed the letter of agreement stating that the project as proposed is what will be undertaken.

Motion to approve a negative 3 determination by Commissioner McMahon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Notice of Intent: 4 Kill Devil; Peter & Nancy Rhoades; SE #75-1057; deck/rinsing station; Coastal Dune, Land Subject to Coastal Storm Flowage. (Map 42, Parcel 304) (Continued from December 3, 2018)

Peter and Nancy Rhoades of 4 Kill Devil Road approached. The Rhoades' revised their plans based on the feedback of the Commission at the previous meeting. Mr. Rhoades relocated the deck an additional 4' feet back from the original location and re-oriented to increase setback to the seaward edge of the dune. The walkway will be raised, with the propane tank being located underneath. Beach access was discussed. Commissioner Messinger inquired about the disruption to the vegetation and suggested that the deck be built on top of the house. Mr. Rhoades expressed his desire to maintain the historical look of the cottages. Also referenced was the beach grass planting that occurred in November. The square footage of the revised deck is smaller but is more elongated and has been moved back 4' from the top of the bank.

Motion that the Notice of Intent be accepted as modified by the property owner in the plan dated December 26, 2018 by Commissioner Noons-Rose.

Discussion on the motion: Commissioner McMahon inquired with The Agent about the impacts of the construction of decks in sensitive areas, specifically if a precedent is being set and if the approval is consistent with the By-Laws. The Agent responded with her concerns about the lack of performance standards being met and the disruption of the vegetation as it relates to the protection of the coastal dune. Commissioner Noons-Rose acknowledged that the applicants are trying to designate an area for tenants to congregate and enjoy the view, as opposed to dragging items like chairs and tables through the resource area. Commissioner Messinger expressed concerns about possibly setting a

precedent for allowing decks within resource areas. Commissioner Noons-Rose suggested that any tables being placed on the deck could be fastened to allow for no movement of the furniture and disruption of the beach grass and vegetation. **The motion was seconded by Commissioner McCutcheon; Vote: 3-0-1, motion does not carry. Motion to continue to February 11, 2019 by Commissioner McCutcheon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.**

Request for Determination of Applicability: 8 Great Hills Rd, Paul Shafnacker; septic upgrade; Barrier Beach/Coastal Dune, Land Subject to Coastal Storm Flowage. (Map 53, Parcel 11)

David Lajoie of FELCO, Inc. approached. The applicant is replacing a cesspool. Commissioner Noons-Rose inquired about the location of the well; Mr. Lajoie indicated that the chosen location for the septic system is due to the location of the well. **Motion to accept the negative 3 determination, with the condition that replanting shall be beach grass and similar to that which was removed, by Commissioner McMahan; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.**

Request for Determination of Applicability: 55 Fishermans Rd, Robert Klayman; septic upgrade; Buffer Zone to a Coastal Bank. (Map 42, Parcel 132)

David Lajoie of FELCO, Inc. approached. The property is in the buffer to a coastal bank. The leaching area will be outside the buffer, but the septic tank and pump chamber will be inside the buffer and adjacent to the house.

Motion to approve by Commissioner McMahan; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

Notice of Intent: 7 Yacht Club Rd, Pamet Harbor Yacht Club; SE #75-10 septic upgrade; Coastal Dune, Coastal Bank, LSCSF. (50-37) (Applicant is requesting a continuance to Feb 4, 2019)

David Lajoie of FELCO, Inc. approached and requested a continuance to February 4, 2019.

Motion to approve by Commissioner McMahan; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Notice of Intent for 449 Shore Road: Cousins Family Revocable Trust; SE #75-1026; new dwelling, septic system and driveway; Coastal Dune, Barrier Beach; LSCSF; buffer zone to BVW.(Map 8, Parcel 15) (Continued from December 3, 2018) (Applicant is requesting a continuance to Feb 4, 2019)

Motion to accept the continuance to February 4, 2019 by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

Notice of Intent: 5 Great Hills Ln, Kevin & Helene Wise; SE #75-1053; construction of a pile supported garage, fence, air compressor and generator; Barrier Beach, LSCSF, Coastal Dune. (Map 53, Parcel 1) (Continued from December 3, 2018) (Applicant is requesting a continuance to Feb 4, 2019)

Motion to accept the continuance to February 4, 2019 by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

Notice of Intent: 588 Shore Rd, Ellen & Emily Lanigan; SE# 75-1055; construction of an addition. Barrier Beach, Coastal Dune, LSCSF. (Map 5, Parcel 20) (Continued from December 3, 2018) (Applicant is requesting a continuance to Feb 4, 2019)

Motion to accept the continuance to February 4, 2019 by Commissioner McMahon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Request for Determination of Applicability: 1 Moorings Way; cutting & removing vegetation. Riverfront and Coastal Bank buffer, (Map 46, Parcel 113) (Applicant is requesting a continuance to Feb 4, 2019)

Motion to accept the continuance to February 4, 2019 by Commissioner Messinger; seconded by Commissioner McMahon; the vote was unanimously in favor, 4-0-0.

Proposed Conservation Restriction: Recommendation for the Dalton property at 4 Pond Village Avenue

The conservation restriction has been reviewed by town counsel and counsel for the Truro Conservation Trust.

Motion to approve the restriction by Commissioner McMahon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

EMERGENCY CERTIFICATION: 80 South Pamet Road

The requested certification is for the removal of contaminated soil as part of an immediate response action by Bennett Environmental. Contaminated soil is in the back of the property, located in jurisdictional area (river front).

Motion to ratify the emergency certification as previously approved by Commissioner Noons-Rose; seconded by Commissioner McMahon.

EMERGENCY CERTIFICATION: 482 Shore Road

The certification is for the repair of the seawall, which has been compromised and needs emergency repairs. There is an open Order of Conditions, but the work is not within the original Notice of Intent. The Agent suggested to the engineer that they amend the Order of Conditions so that it is open for repairs. Commissioner McMahon asked when the work would be completed. The Agent apprised the commissioners of the ongoing work. Commissioner McCutcheon requested that the property owner be notified that they cannot repair their bulkhead on emergency certifications and they should submit a long-term plan about how they are going to address the continued repairs. The Agent will advise the property owner of the requirement of a long-term plan.

Certificate of Compliance: 3 Depot Road; SE#075-0810

Motion to issue a Certificate of Compliance by Commissioner McMahon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Administrative Review Permit: Snows Park- new memorial bench

Motion to allow a new memorial bench at Snows Park as requested by the Town by Commissioner McMahon; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Administrative Review Permit: 640 Shore Rd: electrical conduit

Motion to approve the electrical conduit as requested by the property owner by Commissioner Messinger; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

Administrative Review Permit: 3 Kill Devil Road: replace footings for existing beach stair

Motion to issue the permit as requested by Commissioner Messinger; seconded by Commissioner Noons-Rose; Vote: 3-0-1, motion does not carry.

Discussion occurred regarding the proposed work. Commissioner McCutcheon requires additional information and the commissioners will make a site visit to examine the proposed work area.

Minutes: December 3, 2018

Motion to ratify the December 3, 2018 minutes by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

Motion to adjourn the meeting at 7:25pm by Commissioner Noons-Rose; seconded by Commissioner McCutcheon; the vote was unanimously in favor, 4-0-0.

Minutes prepared by Michelle Fogarty

