



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: March 4, 2019

The meeting and public hearings were called to order by Vice Chair McMahon at 6:00 P.M. at the Truro Town Hall.

Commissioners Present: Jack McMahon; Diane Messinger; Larry Lown; Linda Noons-Rose and Robert White; **Others Present:** Emily Beebe, Conservation Agent

Notice of Intent: 670 Shore Rd U:9; John Mignano, SE# 75-1054; repair existing deck and expansion of deck; Barrier Beach, LSCSF, Coastal Dune (Map 2, Parcel 12.9) (Continued from 2/4/2019) The applicant requested a further continuance until April 1.

Notice of Intent: 405 Shore Rd, Kenneth Shapiro, SE# 75-1062; removal of garage, construction of dwelling, septic system and appurtenances; Barrier beach, LSCSF, Coastal Dune. (Map 10, Parcel 5) Continued from 2/4/2019. The applicant requested a continuance until April 1.

Notice of Intent: 18 Pilgrims Path, Sally & Christopher Lutz, SE# 75-1061; swimming pool, decking; Buffer Zone to a Coastal Bank. (Map 35, Parcel 103)
David Lajoie of FELCO, Inc. and Mark Hammer of Hammer Architects represented the owners who seek to install a swimming pool, decking, a security fence and alter the driveway to allow for the pool area. The proposed project is located partially within the buffer zone of the coastal bank. Commissioner McMahon asked why the pool can't be rotated to remove it from the Conservation Commission's jurisdiction. Mr. Hammer replied that only 10 feet of the pool is within the jurisdiction. Mr. Hammer also responded that alternatives had been looked at, but it would have been much costlier and would involve a greater amount of decking. Commissioner McMahon mentioned the large number of trees being removed to install the deck. Mr. Lajoie stated that if the pool was rotated it would cause additional alterations to the driveway area. Commissioner Lown agreed that if the pool was rotated it would remove the project from the Commission's jurisdiction and that he would like to see an alternative location for the pool. Mr. Hammer reiterated that the design as presented would allow the property owners easier access to the home, a portion of which is accessed by an exterior spiral staircase. Commissioner Noons-Rose stated that she would like to see the pool repositioned. The Agent inquired about a reduction of the project area in the buffer zone and the addition of mitigation. **Motion to continue to April 1st by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor 5-0-0.**

Administrative Review Permit:

14 Truro Center Rd- removal of lobster tank; add crushed stone to pathway.

Motion to approve as presented by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Administrative Review Permit: 14 Truro Center Rd-resurface existing deck; install cleanout for building sewer line. Prior to any presentation or discussion an audience member inquired about abutter notification, and why they had not been notified about the permit and meeting. The Agent explained the application and issuance process for an Administrative Review Permit, which applies to projects with a limited scope of work, and therefore does not require abutter notification.

Ave Rosenthal, property owner, and Pete Mullin, contractor, approached the table to answer the Commissioners questions. They propose re-surfacing the deck, not re-building it, or expanding it. They also wanted to add screening to the sides of the deck. Vice Chair McMahon asked Mr. Mullin about the proposed pergola; Mr. Mullin confirmed that there is no existing pergola. Mr. Mullin also discussed the proposed wood privacy screening. Commissioner McMahon stated that the top of the pergola should be open-air and not screened. Mr. Mullin stated that the pergola will be within the footprint of the existing deck. Comments were made by audience members about their concerns about the uses of the deck, and about things they had heard about the new business. Vice Chair McMahon clarified that some of the questions and concerns aired by the abutters did not fall under of the jurisdiction of the Commission and should be directed to the appropriate boards or committees. Additional comments by an audience member were made relative to the impact on the estuary and salt marsh. The audience members were later identified as abutters Louise Briggs and Bruce Decker.

Motion to approve the administrative review permit as presented by Commissioner Messinger; seconded by Commissioner White with the condition that the pergola shall be open air, shall not catch water and shall not have a roof; work shall be within the existing footprint and on the existing deck; and that there shall not be any connection between the railing, pergola and top part with screen; the pergola should not be enclosed; the vote was unanimously in favor, 5-0-0.

Administrative Review Permit: 3 Kill Devil Rd: repair stair bracing, sister and replace 6 stair posts with helical screw anchors

Anthony Baker, property owner, and Brian Hopkins of Augustus Construction approached. The Agent stated that after the discussion on-site with Commissioner White, it was suggested a condition of the approval should be that the contractor should have a spill kit for hydraulic equipment on site in the event of leaking hydraulics. Mr. Hopkins stated that he would comply with that condition.

Motion to approve with the condition that a spill kit for hydraulic equipment be on site and a batter boards will be installed. Motion by Commissioner Noons-Rose; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Administrative Review Permit: 522 Shore Road: Beach nourishment and planting beach grass; Russ Haymer of RKM Property Management o/b/o Sutton Place Condominium approached. Mr. Haymer proposes to plant 1600 bundles of beach grass. The storm that occurred in January eroded the dune at Sutton Place, therefore necessitating re-planting. **Motion to approve as presented by Commissioner Noons-Rose; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.**

Notice of Intent: 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 2/4/2019)

David Lajoie of FELCO, Inc. approached. Mr. Lajoie requested a continuance. A revised plan was presented to the Commissioners showing the BSC wetlands flagging, which was not shown on the original plan. Commissioner Messinger asked what the pilings would be made of for the house. Mr. Lajoie stated that he would gather that information and present it to the Commission at the next meeting

Motion to continue to April 1st by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

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 2/4/2019)

Ryan Weber, contractor, approached. The Agent provided Mr. Weber with a waiver of participation, which was signed by Mr. Weber. Mr. Weber read a brief narrative of the proposed project into record. The narrative addressed the initial application and the subsequent revisions based on the feedback of the Commissioners. Commissioner Messinger inquired about the height of the proposed garage. Mr. Weber described the grade and elevation. Mr. Weber directed the Commissioners to the rendering he provided. Discussion occurred regarding the existing driveway and the proposed alterations thereto. Vice Chair McMahon inquired about the proposed fence. Mr. Weber discussed the fencing material and indicated that no concrete footings would be used to secure the fence. Commissioner White asked Mr. Weber about raising the front of the building to 24 inches and if that was done, how much larger the ramp would be. Mr. Weber discussed the alternative elevations for the ramp leading to the garage. Commissioner White asked Mr. Weber if a material, as an alternative to concrete, could be utilized. Mr. Weber responded that a pervious ramp could be designed. Commissioner Messinger asked Mr. Weber if the garage would have utilities; Mr. Weber stated that the garage would have electricity. Commissioner Noons-Rose expressed understanding of the applicant's desire to have a garage but was concerned about how an accessory structure meeting performance standards. The Agent reiterated the CZM performance standards and project review for coastal dunes. The Agent reminded the Commission that due to the size of the proposed structure, the applicant's proposal does not qualify as an accessory structure, but as redevelopment. Redevelopment must ensure that it does not have any adverse effect to the dunes. The Agent further discussed the lack of permitting for the driveway expansion which appears to have occurred over a few years without any permitting . Vice Chair McMahon spoke to his concerns regarding the size of the project. After lengthy discussions, Mr. Weber asked if he would be able to withdraw the application without prejudice. After brief discussion about this, Mr. Weber requested a continuance to April 1, 2019.

Motion to continue to April 1, 2019 by Commissioner Lown; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

Request to Amend an Order of Conditions & Extension request: 482 Shore Rd, Seaside Inn on Cape Cod Bay Condominiums, #75-1005; additional repairs to

bulkhead; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 8, Parcel 25)
Tim Brady of East Cape Engineering requested an amendment to the Order of Conditions to allow for small repairs/maintenance to take place anywhere along the length of the bulkhead. Mr. Brady anticipates future repairs will be necessary, which will need to be done in a short period of time. Mr. Brady also specified replacement of the railings and repairs to the stair. The original Order of Conditions expires in 2020; Mr. Brady is requesting an extension to 2023.

Motion to approve the amended Order of Conditions and an issue extension to the Order of Conditions to 2023 by Commissioner Lown; seconded by Commissioner Messinger; Commissioner Noons-Rose abstained; Vote: 4-0-1.

Administrative Review Permit: 8 Great Hills Rd: cut and remove 12 pitch pines next to house (beetle)

Motion to approve as presented by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Administrative Review Permit: 271 Shore Road: Repair cap of seawall, add beach nourishment and repair stairs

Motion to approve as presented by Commissioner Lown; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

Administrative Review Permit: 33 Cooper Road: planting Eastern red cedars at top of coastal bank and pruning black cherry tree.

Motion to approve with the condition that the Agent be notified to review any pruning with the arborist prior to commencing work by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Certificate of Compliance request: 408 Shore Road; #75-0879; Kevin Shea

The certificate of compliance was approved.

Field Change Request: Town of Truro, SE# 75-1048; 309, 311, 315, 320, 322, 328 Shore Rd. Proposed extension of time frame for project end date, (special condition A5)

The Town has requested a field change to extend the project completion date based upon a showing of necessity. The field change will allow the Commission to accept the showing of necessity, which is pursuant to the government shutdown that delayed the issuance of the ACOE permit by over a month, thereby delaying the contractor start date.

Motion to approve the field change and accept the showing of necessity by Commissioner Mesinger; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

Discussion: The Commissioners will meet to discuss the amendments to the Truro Regulations at a future date.

The meeting was adjourned at 8:05pm.

Minutes prepared by Michelle Fogarty

