



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: April 1, 2019

The meeting and public hearings were called to order at 6:00 P.M. at the Truro Town Hall. Commissioners Present: Deborah McCutcheon, Henry Lum, Jack McMahon; Diane Messinger; Larry Lown; Linda Noons-Rose and Robert White; Others Present: Emily Beebe, Conservation Agent

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 3/4/2019)*

The applicant requested a continuance to May 6, 2019.

Motion: Commissioner Lown moved to continue the matter to May 6, 2019; seconded by Commissioner White; the vote was unanimously in favor, 7-0-0.

Notice of Intent: 670 Shore Rd U:9; John Mignano, SE# 75-1063; expand existing deck; Barrier Beach, LSCSF, Coastal Dune (Map 2, Parcel 12.9) *(continued from 3/4/2019)*

The applicant requested a continuance to May 6, 2019.

Motion: Commissioner Lown moved to continue the matter to May 6, 2019; seconded by Commissioner White; the vote was unanimously in favor, 7-0-0.

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 3/4/2019)*

The applicant requested a continuance to May 6, 2019.

Motion: Commissioner Lown moved to continue the matter to May 6, 2019; seconded by Commissioner White; the vote was unanimously in favor, 7-0-0.

Administrative Review Permit: 53 Fishermans Rd – beach grass

Gray Van Staden of Bayberry Gardens approached. Mr. Van Staden proposes to assist the property owner with dune stabilization by planting additional beach grass. Mr. Van Staden also proposes to access the area by rope as to minimize any disturbance. Mr. Van Staden previously planted beach grass at the base and top of the dune.

Motion: Commissioner Lown moved to approve as presented; seconded by Commissioner Noons-Rose; Vote: 5-0-2.

Notice of Intent: 0 Fisherman's Rd, Cranberry Hill Assoc.; replacement of middle and upper sections of beach stairs; Coastal Bank. (Map 42, Parcel 131)

Ken Conrad and John Maclay, members of the Cranberry Hill Association, approached. Mr. Maclay discussed the intended repairs to the platforms and ramps that lead to the stairs to the beach. Mr. Maclay stated that the coastal bank would be revegetated under the area of the existing ramp structure. The new structure will be higher off the ground.

Motion: Commissioner Lown moved to approve as presented with the condition that by a certain date the serpentine fence in the association be repaired.

Discussion occurred on the motion: Commissioner Noons-Rose objected to the imposition of additional conditions that do not relate to the matter at hand; discussion occurred regarding the Commission's authority to impose additional conditions for an unrelated matter. Commissioner Messinger inquired about the proposed planting; Mr. O'Reilly pointed out the phased planting schedule noted on the plans. Commissioner McMahon expressed concern about the method of planting and, specifically, that it may be washed away due to the compost and grass seed being planted on a steep bank. Mr. O'Reilly discussed the erosion control blanket that will be installed. Peter Weiss, of 23 Crest View Circle, spoke from the audience. Mr. Weiss had no objection to the proposed work but wanted to inquire if the work will impact the Coastal Bank near his house. The work area is set back from his property and is not anticipated to affect the Coastal Bank. An abutter also spoke from the audience. The abutter noted that a significant amount of water collects in the area of the proposed work site. The abutter asked if any sort of drain, gravel or dry well could be installed to resolve the issue. Mr. Maclay discussed the grading of the parking lot which was designed to gradually disperse the water into a catch basin. The Agent suggested that a condition be set to allow for current and future maintenance of the area. The Agent then confirmed that the regulations allow for an additional condition to be set for repair or removal of the fence. Commissioner Lown stated the importance of addressing the loose wood from fencing on the beach. Mr. Maclay indicated that the association did not include fence repairs in the application as they have yet to assess the cost and necessary repairs.

Motion: Commissioner McCutcheon moved to issue the Notice of Intent with the conditions that: 1.) all the wood in the resulting structure must be marked, as required by the regulations, with the property owners' identifying information; and 2.) the Cranberry Hill Association has 60 days to submit a Notice of Intent to repair or remove the serpentine fence in front of the association's beach; if the association believes it does not have jurisdiction, it may submit an inquiry to the Conservation Commission and a determination will be made; The Commission will set forth guidelines to determine when a fence needs to be repaired and what materials can be utilized; Commissioner Noons-Rose requested an amendment to the motion to include a condition to eliminate the compost and grass seed from the plan and replace it with beach grass and further to address the drainage issue in the parking lot; Mr. Maclay requested to clarify the condition regarding the drainage in the parking lot by confirming that the association will continue to clean out the swale and will continue to plant native grasses around the edges of the parking lot; seconded by Commissioner McMahon; the vote was unanimously in favor, 7-0-0.

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 3/4/2019)*

David Lajoie of FELCO, Inc. represented the property owner. Mr. Lajoie discussed the resource areas; an independent consultant was engaged to delineate the edge of the wetland. The consultant reviewed the site and installed four flags that mark the edge of the wetland. Mr. Lajoie discussed the determinations made by the consultant. FELCO also hired an additional consultant to review the report; the FELCO consultant

determined the site is not bordering a vegetated wetland, which is counter to the determination made by the first consultant. The proposed home will be built on pilings due to the flood plain. Commissioner Messinger discussed the contrary views of the consultants. Mr. Lajoie stated that despite the contradictions in the boundary distinctions, the setback will still be maintained, and the wetland area will not be interfered with. The Agent requested to clarify the resource area from a jurisdictional perspective: the consultant noted that the property is in a coastal dune; the sediment that is present provides confirmation of a coastal dune. The Agent further discussed the resource areas, the impacts on a coastal dune and the various wetlands and stated that the adding of fill alters the dune shape. Mr. Lajoie stated that the fill is incremental and does not create additional flooding. Commissioner McMahon asked Mr. Lajoie if the property would connect to town sewer. Mr. Lajoie stated that the town sewer does not run in that area, but the property will use town water. Commissioner McMahon then inquired about erosion; Mr. Lajoie responded that the property will be planted. Commissioner Messinger discussed the cumulative effects of building within resource areas. Commissioner Noons-Rose stated that the Town has not deemed the Beach Point area as unbuildable. Commissioner Lown asked about zoning approval; Mr. Lajoie stated that zoning approval, if necessary, has not been obtained. The Agent discussed the purported mitigation shown on the plan and noted that the plantings are not mitigation.

Motion: Commissioner Noons-Rose moved to approve as presented. Discussion occurred on the motion: Commissioner McCutcheon stated that if the application was approved, without going to the zoning board, it sets a precedent; Commissioner Noons-Rose responded that she is unaware of any instance where an applicant has been required to obtain zoning board approval; Commissioner McMahon stated that the setbacks do not match up and the property is within a wetland area. Mr. Lajoie suggested requesting a continuance, reducing some of the fill, but restated his position that incremental fill does not create any more flooding. Mr. Lajoie also proposed changing some of the septic design to remove some fill and show plantings under the building. Commissioner Noons-Rose asked Mr. Lajoie if he has ever had an instance where he's gone to the zoning board and they've allowed less of a setback; Mr. Lajoie stated he would be willing to try that. Commissioner McCutchen was amendable to Mr. Lajoie's request for a continuance and suggested that the consultants be in attendance at the next hearing. **Commissioner Noons-Rose withdrew her motion.**

Motion: Commissioner McCutcheon moved to continue to June 3, 2019; seconded by Commissioner Noons-Rose. Discussion occurred on the motion: Commissioner Lown asked if a legal opinion would be required if the Commission denied the applicant's request. The Agent discussed the minimum standards for buildability. **The vote was unanimously in favor, 7-0-0.**

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) (continued from 3/4/2019)

David Lajoie of FELCO, Inc. represented the owners. Mr. Lajoie directed the Commissioners to the revised architectural plans ("Scheme B"). The plan shows a revised location for the pool and deck, which are now located outside the buffer zone. The 4' walkway from the existing house to the wooden deck will be located within the buffer zone; the walkway to the main deck will be elevated off the ground. Commissioner

McCutchen asked Mr. Lajoie to waive her right of participation as she was not in attendance at the original meeting. Commissioner McCutcheon requested the addition of the condition that water for the pool be brought in by truck. Mr. Lajoie agreed to add the condition to the plan notes.

Motion: Commissioner Lown moved to approve the site plan with the agreed upon modifications, to be supplied by the engineer within two weeks, which shall be attached to the “Scheme B” plan; seconded by Commissioner McMahon; the vote was unanimously in favor, 7-0-0.

Notice of Intent: 476 Shore Rd, Janice Bazyk; bulkhead replacement; Barrier Beach, Land Subject to Coastal Storm Flowage, Coastal Dune. (Map 8, Parcel 26)

David Lajoie of FELCO, Inc. approached. The Agent discussed with Mr. Lajoie the return on the east side of locus; the steel plate detail and the timber wall.

Motion: Commissioner Lown moved to accept the site plan and Notice of Intent as presented with no additional conditions; seconded by Commissioner Lum; the vote was unanimously in favor, 7-0-0.

Notice of Intent: 31 Cormorant Rd, Joseph Mazzella; vista pruning; Inland Bank. (Map 39, Parcel 248)

Michael Talbot of Environmental Landscape Consultants approached. Mr. Talbot presented a rendering of the site reflecting the proposed vista pruning areas. Commissioner Messinger inquired about the method of cutting trees. The Agent suggested a condition that the trees not be topped. Commissioner Lown asked about the oak tree being removed; Mr. Talbot explained that the removal of the tree would eliminate the need for ongoing trimming. The Agent asked Mr. Talbot about the band shown on the plan. Mr. Talbot explained that the band is a 35’ setback imposed by the homeowners’ association.

Motion: Commissioner Lown moved to approve the plan as presented by the applicant, with the condition that a walk-through is scheduled prior to the commencement of work; seconded by Commissioner Messinger; the vote was unanimously in favor, 7-0-0.

Administrative Review Permit: 490 Shore Rd – repair to seawall walers & backfill

Chuck Silva of 490 Shore Road approached. Mr. Silva previously received an emergency permit for the repair of the seawall, but due to delays in receiving the timber, was unable to make the repairs within the 30-day allowance.

Motion: Commissioner Messinger moved to approve as presented; seconded by Commissioner Noons- Rose; the vote was unanimously in favor, 7-0-0.

Administrative Review Permit: 544 Shore Rd – renourishment

Laurie Ferrari of Peters Property Management approached. Ms. Peters proposes to bring in 400 yards of clean sand for re-nourishment. The sand will be brought in across the property. The Agent inquired about planting beach grass; Ms. Peters stated that she hadn’t gotten that far in the process. The Agent suggested a condition for the planting of beach grass. Commissioner McCutcheon requested that Ms. Peters inform the condominium association that they need to proceed with planting beach grass in the

month of April. The Agent will meet on site with Ms. Ferrari at a later date to determine the location and quantity of grass planting.

Motion: Commissioner Lown moved to approve as presented; seconded by Commissioner Messinger; the vote was unanimously in favor, 7-0-0.

Request for Certificate of Compliance: 17 Avocet Rd (#075-0860)

Motion: Commissioner Lown moved to approve; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 7-0-0.

Request for Certificate of Compliance: 372 Shore Rd (#075-0968)

Motion: Commissioner Lown moved to approve; seconded by Commissioner Messinger; the vote was unanimously in favor, 7-0-0.

Administrative Review Permit: 17 Avocet Rd – storage box on beach stair landing

Motion: Commissioner Lown moved to approve; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 7-0-0.

Administrative Review Permit: 372 Shore Rd – septic repair

Motion: Commissioner Lown moved to approve; seconded by Commissioner Messinger; the vote was unanimously in favor, 7-0-0.

Administrative Review Permits:

14 Truro Center Rd- trench for building sewer

618 Shore Rd – septic repair, water meter

2 Heron Ln – coastal bank renourishment

218 Shore Rd – replace sand behind seawall

271 Shore Rd – extension, work on bulkhead and ramp

476 Shore Rd – replace sand behind seawall

4 Heron Ln – coastal bank renourishment

361 Shore Rd – removal of dead trees

Motion: Commissioner Lown moved to approve all of the above Administrative Review Permits; seconded by Commissioner Lum; the vote was unanimously in favor, 7-0-0.

DPW Notifications: 1.) Move two sheds from Head of Meadow to Coast Guard & Longnook, install new shed at Ballston; 2.) Loam& seed farmers mkt area; & Truro Conservation Trust parking lot 3) Bury dead whale at Fisher beach

Emergency Certifications: 17 Avocet Rd

Reissuance of COC: #75-0528 4 Bay View Path, 15 Bay View Rd, 17 Bay View Rd, 19 Bay View Rd

Motion to adjourn by Commissioner McCutcheon. The meeting adjourned at 8:34pm.

Minutes prepared by Michelle Fogarty

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