



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: September 9, 2019

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

Minutes: 7/1/2019

Motion: Commissioner Lown moved to accept the June 1, 2019 minutes; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0-0.

Minutes: 8/5/2019

Motion: Commissioner McMahon moved to accept the August 5 minutes with one minor correction; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

[Commissioner Noons-Rose joined the meeting at 5:41pm]

Requests for Certificates of Compliance:

242 Shore Road: SE#75-0997: septic upgrade, renovations, deck and walkway

Motion: Commissioner Lown moved to approve the certificate of compliance; seconded by Commissioner Messinger; the vote was unanimously in favor, 6-0-0.

660 Shore Road: SE#75-0690: shed

Motion: Commissioner McMahon moved to approve the certificate of compliance; seconded by Commissioner White; the vote was unanimously in favor, 6-0-0.

Administrative Review Permits:

4 Kill Devil Road: add bracing to beach stair framework

The applicant intends to replace the stairway in the future and intends to utilize the bracing as a temporary measure until such time as the stairway can be replaced. There was concern about the amount of proposed work.

Motion: Commissioner Messinger moved to table the matter until the October 7th meeting; seconded by Commissioner McMahon; the vote was unanimously in favor, 6-0-0.

33 Cooper Road: New stair treads and decking only

The applicant is requesting an extension of time to complete work previously approved under an Administrative Review Permit.

Motion: Commissioner Lown moved to approve an extension to November 1, 2019;

seconded by Commissioner McMahon; the vote was unanimously in favor, 6-0-0.

606 Shore Road: remove dead pine, cut to flush

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner Messinger; the vote was unanimously in favor, 6-0-0.

Corn Hill Road & Castle Road: new conduit, handholes

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 6-0-0.

168 Shore Road: remove stone, shell, concrete walkways-replace with bluestone

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner Messinger; the vote was unanimously in favor, 6-0-0.

544 Shore Road: install snow fence on dunes

Laurie Ferrari of Peters Property Management came to the table representing the applicants who would like to install a snow fence to protect the remaining beach; the dune and grass have eroded from storms and people walking on it. A 4' fence will be installed behind the dune, not on the water side, using 4x4 posts.

Motion: Commissioner McCutcheon moved to approve; seconded by Commissioner White. **Discussion occurred on the motion:** Commissioner Messinger asked Ms. Ferrari about planting and adding sand. Ms. Ferrari responded that the applicant has no plans to add sand, but they would be open to planting. Commissioner Lown asked if there is a designated path to the beach. Ms. Ferrari referred to the easement in the middle of the buildings; once the fence is installed, there will no longer be access to the beach over the dune; the property owners/tenants will have to access the beach via the easement area. The Agent and the Commission discussed the use of the Administrative Review Permit for the proposed work instead of a Notice of Intent. Commissioner Noons-Rose asked if there is an existing fence; Ms. Ferrari stated that the east side of the property has no fence and the west side has a small piece of fence buried in the sand. Sandra Wheeler, owner of Unit 8, came to the table. Ms. Wheeler asked the Commission to approve the fencing. Ms. Wheeler noted that over the summer tenants were seen "snowboarding" on the dune and people are misusing the property; she respectfully asked for some sort of fence to be approved to protect the dune. Joan Dreyfuss, owner of Unit 9, also spoke to the misuse of the dune area and appealed to the Commission to help the owners protect the dune. Commissioner McCutcheon inquired about the assent of the other unit owners; Ms. Dreyfuss stated that the applicants did not have the vote of all unit owners to proceed with the project. Commissioner Lown asked if an order to install the fence could be issued by the Commission in the interests of protecting the resource area. The Agent confirmed that the applicant is asking for the Commission to issue an order. The Agent explained that from the edge of the building seaward is an exclusive use area, for each unit that goes seaward. The private property owners do not want to have fenced or grassed; this leaves them almost no space within which to build a coastal dune. The Agent suggested approving the permit with the condition that a Notice of Intent shall be filed before the end of the year, to be accompanied by a professional site plan and a prescription for management.

Motion: Commissioner Lown moved that the applicant be instructed to put a snow fence across the dune in front of the building as soon as possible; that beach grass will be planted when available; and in January the applicant will appear in front of the Commission with a Notice of Intent, and a management plan for nourishment, beach grass and fencing to address how the dune will be protected going forward; seconded by Commissioner McMahon; the vote was unanimously in favor, 6-0-0.

2 Corn Hill Lane: re-place decking/rail with Azak

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner Messinger; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 76 Ryder Beach Road, Charles & Priscilla Cornell: SE# 75-1072 addition, screen porch, deck; Buffer Zone to BVW, LSCSF; (Map 64, Parcel 20) (continued from 8/5/2019)

David Lajoie of FELCO, Inc. and the property owner, Priscilla Cornell came to the table representing the application. Mr. Lajoie summarized the proposed project for the Commission. The Agent noted for the Commission that the application was filed in June of 2019, so the application falls under the previous iteration of the Conservation Regulations. Commissioner Messinger asked Ms. Cornell about the trees that were recently cut down. Ms. Cornell responded that oak trees were removed for the purpose of planting a vegetable garden. The Agent noted that no permit was pulled for the removal of the trees. Ms. Cornell said she was unaware that a permit was required. The Agent referenced the discussion she had with Ms. Cornell during the site visit at which time the Agent discussed the need for permits. Commissioner McMahon asked if the property is in the MESA jurisdiction; Mr. Lajoie confirmed it is. Commissioner Lown asked if an increase in septic capacity was required for the addition; Mr. Lajoie confirmed that an increase is not required. The Agent supported an after-the-fact filing for the cutting of the trees without a permit. A planting plan is required from Mr. Lajoie. Commissioner Lown asked Ms. Cornell if anything is being done to the barn at this time; Ms. Cornell responded that it may be used in the future once she and her husband reside at the property full-time.

Motion: Commissioner Lown moved to approve the plan as submitted with the conditions that the applicant submit a planting plan to be approved by the Agent; no irrigation in the lawn area; no fertilizer, pesticides or herbicides shall be used; and an after-the fact-filing be submitted for the removal of the trees, which replacement will be determined by the Commission; seconded by Commissioner Messinger; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 2 Corn Hill Landing, Julian Adams, Trustee, Julian Adams 2010 Qualified personal residence trust: SE# 75-1077 construction of a swimming pool and deck expansion; Buffer Zone to a Coastal Bank. (Map 45, Parcel 36) (continued from 8/5/2019)

Stephanie Sequin of Ryder & Wilcox came to the table to represent the application. Ms. Sequin was before the Commission last month and has prepared a revised plan. The pool and surrounding retaining wall have been moved entirely outside of the 100' buffer, including the limit of work. A small expansion of the existing deck is located within the

100' buffer. Ms. Sequin estimated the area within the buffer to be approximately 38sf. Ms. Sequin asserted that the project complies with the performance standards. Commissioner McMahon complimented the revised plan.

Motion: Commissioner McMahon moved to approve the revised plan of August 30, 2019 with the conditions that a pre-construction site visit shall be conducted; and the pool water will be brought in by truck and pumped out to a container truck; seconded by Commissioner Lown; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 15 North Pamet Road, Rich & Sonia McArdle: SE# 75-106 additions to an existing dwelling, slightly enlarging the foundation, second-floor addition, screen porch & new deck area; Buffer Zone to Riverfront Area (Map 51, Parcel 13)

Rich McArdle, owner of the property, Don DiRocco and Mark Hammer of Hammer Architects and David Lajoie of FELCO, Inc. came to the table to represent the application. Mr. Lajoie summarized the proposed project and the impacted resource areas. The Agent asked about the foundation on the south side of the existing dwelling. Mr. Hammer explained that the existing portion of the building that is now the family room is being taken down and replaced by a new family room; in order to reduce disturbance on the site, the building will be slightly outside the existing foundation. This will also allow for the use of smaller equipment and the basement will be used as the staging area. Mr. McArdle explained that the bulkhead door to the basement will be removed; the only access to the basement will be from the interior of the house. The tarmac driveway will be removed, and the new driveway will be composed of shells. The Agent asked Mr. Lajoie about MESA approval; Mr. Lajoie has received conditional approval subject to the final location of the driveway. Commissioner Noons-Rose discussed the removal of invasive plants and increasing the work limit. The Agent asked that the key be added to the planting plan to identify the type and location of plantings. This matter will be continued pending receipt of MESA approval.

Motion: A joint motion to continue the matter to October 7, 2019 was agreed upon between the Commission and the applicant.

Notice of Intent: 405 Shore Road, 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 7/1/2019)

This matter was continued to October 7, 2019 at the request of the applicant.

Notice of Intent: 1 Moorings Way, James Sloman Rev. Trust of 2010 c/o Tim Dickey: SE# 75-1078; construct two-bedroom studio, in-ground pool, decking and walkway, removal of 14 trees; Buffer Zone to a Coastal Bank and Riverfront Area. (Map 46, Parcel 113) (continued from 8/5/2019)

David Lajoie of FELCO, Inc. came to the table to represent the application. The filing represents exterior work that was done on the existing building; it became apparent to the contractor during construction that the work was being done within Conservation jurisdiction. Work was stopped pending filing with the Commission. In conjunction with the work that was previously done without a permit, the applicant proposes to add a new building that will house a two-bedroom studio, with a corresponding septic system, and to build a pool. Both the studio and pool will be located outside the buffer zone. The

owner also began installing a brick walkway. Commissioner Lown asked Mr. Lajoie about the work that was done to the screen porch and foundation. Mr. Lajoie stated that the contractor, Tim Dickey, did obtain a building permit, but he did not file a permit application with the Commission. Commissioner Lown requested to speak with Mr. Dickey and the Building Commissioner. The Agent also added that the plan filed with the building permit was prepared in 1993 and did not accurately represent the current configuration of the property. Commissioner McMahon asked about the proposal to remove 14 trees. Mr. Lajoie explained that the owner does not want the trees there. Commissioner McMahon suggested a condition that the owner be required to leave the trees. Mr. Lajoie said that he would be willing to delete the removal of the trees from the plan, and that the owner could file a separate application for the trees at a later time. Commissioner Lown was opposed to approving the applicants request pending a conversation with Tim Dickey and the Building Commissioner. Commissioner McCutcheon also requested additional information about the view corridors and that the owner be present at the next meeting. Mr. Lajoie requested a continuance to October 7, 2019.

Motion: A joint motion to continue the matter to October 7, 2019 was agreed upon between the Commission and Mr. Lajoie.

Request for Certificate of Compliance: 4 Heron Lane, SE#75-0875

Commissioner McCutcheon suggested the Commission issue the Certificate of Compliance to correct the record. **Motion:** Commissioner McCutcheon moved to approve the nunc-protunc action of the Commission in amending the record to accurately reflect the issuance of a Certificate of Compliance; seconded Commissioner Lown; the vote was unanimously in favor, 6-0-0.

Motion: Commissioner Lown moved to adjourn; seconded by Commissioner Noons-Rose.

Minutes prepared by Michelle Fogarty

