



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: October 7, 2019

The meeting and public hearings were called to order at 5:55 at the Truro Town Hall.

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

Requests for Certificates of Compliance:

248 Shore Road: SE#75-0820; septic upgrade;
586 Shore Road: SE# 75-0995; additions
231 Shore Road: SE#75-0916; 3 cottages;
6 Ryder Beach Way: SE # 75-1073; septic upgrade
13 Josephs Road: SE#75-1059; septic upgrade

Motion: Commissioner Noons-Rose moved to approve all Certificate of Compliance; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.

Field Change: 18 Pilgrims Path, SE#75-1061

The Agent directed the Commissioners to the plans for reference to the proposed change.

Motion: Commissioner McMahon moved to accept the Field Change as presented; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 4-0-0.

DPW Notification: 0 Old County Rd – test pits

Administrative Review Permits:

4 Kill Devil Road: add bracing to beach stair framework
49 Fishermans Road: renourish, biomimicry
7 Longnook Road: new culvert; riprap stone-driveway repair
25 Bay View Road: renourish, biomimicry
0 Fishermans Road: hedge vegetation, clean catch basin
2 Heron Lane: renourish, biomimicry
6 Moorings Way: trim branches along driveway
47 Fisherman's Road: renourish, biomimicry
544 Shore Road: (ATF) Beach Raking
51 Fisherman's Road: renourish, biomimicry
53 Fisherman's Road: renourish, biomimicry

Motion: Commissioner McCutcheon moved approval of all Administrative Review Permits; **second** by Commissioner White; the vote was unanimously in favor, 4-0-0.

Update: Ebb Tide: 538 Shore Rd, SE# 75-1068

Gary Locke of William N. Rogers Land Surveyors provided the Commission with an update. Mr. Locke discussed the ongoing work at the property, and discussed the pending process which would include the Planning and Zoning Boards. Preliminary plans were provided to the Commission for review.

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. and the contractor, Mr. Tim Dickey represented the application. Mr. Lajoie reviewed the work that was previously done at the property and discussed the additional proposed work. Commissioner Noons-Rose asked Mr. Lajoie how the trees will be removed given the location. Mr. Lajoie made a note on the plan that site specific work will be reviewed by the Conservation Commission prior to removal. Mr. Dickey also added that there are several paths at the property to access the area. The Agent asked the Commission to address the previous work done without a permit. Commissioner McMahon suggested invasive mitigation. Commissioner McCutcheon then suggested withholding approval of the Notice of Intent pending receipt of a plan showing mitigation. Mr. Dickey asked to submit a letter about the project into the record, and felt paying the double-fee was reasonable but objected to additional penalties as he had not intended to violate the Act, and his application was not flagged by building department staff, and therefore not reviewed prior to construction. Commissioner McCutcheon suggested that Mr. Dickey submit a proposal for the November 4th meeting for the Commission to consider. The Conservation Commission will discuss resolution of the violations at that time.
The matter was continued to November 4, 2019 by agreement of all parties.

Notice of Intent: 15 North Pamet Road, Rich & Sonia McArdle: SE# 75-1079; additions & enlargement to existing foundation, 2nd-fl. addition, new screened porch & deck; Buffer Zone to Riverfront Area (Map 51, Parcel 13) (continued from 8/5/2019) Richard and Sonia McArdle of 15 North Pamet Road and David Lajoie of FELCO, Inc. reviewed the proposed plans with the Commissioners. At the previous meeting the Commission requested additional details on the landscaping plan and needed a response from MESA. Mr. Lajoie provided an estimated work limit of roughly 6,000sf. NHESP issued a conditional approval, requiring fencing that will protect box turtles to enter the construction area. A plan developed by Horsely and Witten was submitted to the Commission. The Agent stated that the McArdle's deserved praise for their tracking numerous turtles on the property. *[Commissioner Lown joined the meeting.]*
Motion: Commissioner Noons-Rose moved to accept the revised plan dated 9/14/2019 and the Eastern Box Turtle protection plan; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0-0.

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 7/1/2019) (applicant is requesting a continuance to November 4, 2019)

A continuance was requested by the applicant's attorney, Benjamin Zehnder, to

November 4, 2019; the continuance was granted.

Notice of Intent: 299A, 309, 311, 311A, 315 Shore Rd & Route 6 Layout, East Harbor/Town of Truro: SE# 75-1080; repair of culvert; Barrier Beach, LSCSF. (Map 13, Parcels 5, 6, 7, 8, 13) Jarrod Cabral, DPW Director, Mitchell Buck of Woods Hole Group and Nils Wiberg of Fuss & O'Neill, Inc. represented the application to replace the underground culvert between Shore Road and Route 6 in-kind. The project involves stopping water flow through the culvert for as short a period of time as possible, so that the sections can be replaced. Mr. Buck discussed the repair process in detail. DPW Director Cabral noted for the Commission that the vendors will be required to have all materials on-site as to avoid any delays, and thus minimize the water shutoff period. Mr. Wiberg discussed the work occurring within the easement and also some area owned by the MA DOT. The Agent asked about the rough timeline for the project; Mr. Wiberg estimated about 120 days total. Commissioner Lown asked if the pipe under Route 6 was adequate to handle the new construction; Director Cabral responded that MA DOT indicated there were no concerns regarding the culvert under Route 6 relative to this project. **Motion: Commissioner Noons-Rose moved to accept the Notice of Intent for the East Harbor culvert repair; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.**

Notice of Intent: 42 Corn Hill Rd, Mason Morfit & Jane Bunker: SE# 75-1082; upgrade septic system; Barrier Beach, Coastal Dune, LSCSF. (Map 45, Parcel 52) David Lajoie of FELCO, Inc. represented the application. Mr. Lajoie discussed the placement of the upgraded septic system on the west side of the property. Commissioner Lown asked about the building at the property; Mr. Lajoie responded that no work will be done on the building.

Motion: Commissioner McCutcheon moved to accept the revised plan dated 9-16-2019 and to issue the permit based on the revisions that the house will not be moved. Commissioner Lown noted that the matter is a new filing, and therefore, the plan is not revised. Commissioner McMahon asked if the new filing supersedes the previous filing; the Agent confirmed the new filing prevails. Commissioner McCutcheon withdrew her motion.

Motion: Commissioner McMahon moved to accept the plan as presented with the condition that the owner submit within 20 days the original plan [from the previous filing] and original certificate of compliance to be filed without work performed under it; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

Notice of Intent: 17 Long Dune Ln, Moore Truro Realty Trust: SE# 75-1082; replace pilings for existing dwelling; new 8x12 shed; Coastal Bank, Buffer Zone to Coastal Bank, Riverfront Area. (Map 48, Parcel 9)

David Lajoie of FELCO, Inc. represented the application and discussed the proposed work to replace the footings under the house, plus the addition of a shed at the property. A location for a shed had been cut in, leveled, and was pending delivery of the shed when it was discovered by the assistant agent, at the site for another purpose; the shed installation process was stopped until a filing could be made. Commissioner Lown asked about the garage noted on the plan, as the garage does not exist as shown on the plan. The

Agent suggested that Mr. Lajoie might change the label on the plan to remove reference to the garage and further, develop a condition that the applicant restore the disturbed area by re-planting and re-grading. Much discussion occurred regarding the location of the shed. Commissioner White re-directed the discussion to the more urgent matter of the piling replacement. Commissioner Noons-Rose wanted confirmation that the location of the shed would be out of the sideline setbacks. Commissioner Lown was concerned that the plan does not accurately reflect the proposed work and pointed out that the previous work was done without approvals, he also asked what would be done about the disturbed area. Mr. Lajoie will revise the plan and present it at a future meeting.

The matter was continued to November 4, 2019 by agreement of all parties.

At 7:10 the meeting was adjourned.

Minutes prepared by Michelle Fogarty

