



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### Conservation Commission Meeting Minutes: February 3, 2020

The meeting and public hearings were called to order at 5:30 at the Truro Town Hall.

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

Minutes: 12/5/2019 and 1/6/2020

**Motion:** Commissioner Lown moved to approve the December 5<sup>th</sup> minutes with minor corrections; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

**Motion:** Commissioner Noons-Rose moved to approve the January 6<sup>th</sup> minutes with minor corrections; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

### Field Change: 386 Shore Road - use of town landing (DEP #SE 75-886)

A bulkhead is being constructed at the property; the pre-construction site visit revealed that accessing the property from the town landing and beach would have less impact than accessing the area over the property owner's dune. To facilitate access, the property owner has applied for a field change and a Staging Permit. The Commissioners visited the site on February 4<sup>th</sup> and agree that it would be best to access the work site via the town landing. A condition of the permit is that the property will need to be staked to clarify what restoration must be completed after the bulkhead work is done.

**Motion:** Commissioner Noons-Rose moved to approve the field change; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

### Administrative Review Permits:

#### 0 Fisherman's Road: cut vegetation

**Motion:** Commissioner Lown moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

#### 41 Bay View Road: building earthen berm

**Motion:** Commissioner Lown moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

#### 334 Shore Road: sand nourishment (White Village)

**Motion:** Commissioner Noons-Rose moved to approve the permit; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0-0.

**Emergency Certification:** Mill Pond Road stabilization of road shoulder

The Commissioners visited the site in January. The work was completed by the DPW.

**Motion:** Commissioner Lown moved the ratification of the emergency certification; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

**Appointment:** Linda Noons-Rose to WROC

**Motion:** Commissioner Lown moved to approve the appointment; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

**Agents Report:** Climate Action Committee

Mr. Fred Gaechter came to the table representing the Climate Action Committee ("CAC"). The CAC's mission is to understand all the potential impacts of climate change on Truro and to inform the Select Board's development of Town policies that support mitigation and adaptation. The CAC would like to collaborate with the Conservation Commission. Mr. Gaechter discussed such things as proper plant selection for mitigation, to favor plants that are most successful at sequestering carbon, and the effect rising sea levels will have upon wetlands. He suggested that we might schedule a joint meeting with the Commission.

**The Commission responded favorably toward working with the Climate Action Committee.**

**Agents Report:** CZM grant update

The Agent reported on work being done regionally with agents from Provincetown, Wellfleet and Eastham on a state grant under the Department of Coastal Zone Management. The grant allows for the towns to work together as a regional group on a multi-phase project to develop a shoreline management plan. The planning area includes the bay side from Rock Harbor to Race Point. The 4 towns will share an inter-municipal agreement to move forward with the shore-front management process. The goal in the process is to look at management strategies for the Outer Cape shoreline as whole, as opposed to four individual towns. Under this first phase the Center for Coastal Studies will provide an assessment of the project area in order to understand how the shorefront is managed. A public presentation of phase I and Phase II scope is anticipated in late spring.

**Notice of Intent:** 503 Shore Road, Unit 21; SE# 75-1083; new deck; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 7, Parcel 2.21) *(continued from 1/6/2020)*

The applicant requested a continuance to March 2, 2020.

**Motion:** Commissioner Messinger moved to continue the matter to March 2, 2020; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

**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 1/6/2020).*

This matter was previously heard in November 2019. Attorney Benjamin Zehnder and Jason Ellis of JC Ellis Design came to the table on behalf of the applicant. Prior to the meeting Mr. Ellis staked the location of the house, driveway, leach facility and the septic

tank at the property. Mr. Ellis also added two stakes to illustrate the elevations for the first floor of the house and the top of the fill for the septic system. The Commissioners viewed the site and the staking at the site visit earlier that day. Attorney Zehnder submitted for the record copies of previous approvals granted by the Commission for the construction of three cottages at 587 Shore Road and for the garage structure at 417 Shore Road. Attorney Zehnder then summarized the previous proceedings and appearances before the Commission, as well as the design changes based on feedback from the Commission.

Commissioner McMahon asked Mr. Ellis about the elevation from Route 6A to the proposed house; Mr. Ellis responded that the elevation is 11 feet. Commissioner McMahon noted that the stakes were very helpful in identifying the raise in grades in relation to neighboring properties and the berm in the back of the property.

Commissioner McMahon then asked Mr. Ellis about keeping the integrity of the berm in the event of a storm. Mr. Ellis explained that the area of the proposed driveway is the highest part of the lot; the elevation will be drawn back toward the back of the house so it's flat. Mr. Ellis also noted that he wasn't sure if there is any good way to maintain the fill in place during a storm, unless a jute mat was placed over the fill. There was a question about what would happen to excess material, Mr. Ellis replied that there would be no stockpiling of material, but it would be removed from the site and brought back. It was suggested that using jute mat could assist with maintaining the fill until the beach grass is planted. Discussion occurred regarding maintaining the existing vegetation on the bank near the garage; Attorney Zehnder suggested narrowing the driveway.

Commissioner Messinger asked about the type of foundation that was proposed; Attorney Zehnder referred to sheet A3-3 of the foundation plan dated October 2, 2019. The Agent reviewed the foundation plans and asked Mr. Ellis to confirm that the footing is a continuous footing for the posts to sit on; Mr. Ellis confirmed that was correct.

Commissioner Noons-Rose asked if a narrative was provided for how the footings would be installed; the Agent confirmed a narrative is not provided or described on the plans. The Commissioners were under the impression that the pilings would be driven pilings. Commissioner White asked about the depth of the pilings; Mr. Ellis responded that pilings would be structurally engineered to a certain depth, to be determined by a structural engineer. He then stated that they felt the foundation proposed would be less disruptive, as the driving of piles would take days and there would be constant vibrations from the impact.

The Commission discussed the need for a construction protocol; it was noted that the protocol must be very specific and include how the project will be phased; the Commission will want the protocol to illustrate how impacts will be minimized. An updated planting plan is also required; these would be restoration plantings. The Agent discussed the vegetation at the back of the property and asked Mr. Ellis if the septic re-grading could be moved closer to the building to save some of the trees at the property line; Mr. Ellis agreed that it could be done. Commissioner McMahon asked Mr. Ellis to communicate with a landscaper regarding the construction protocol and conditions. Commissioner Lown asked what percent of the land would be impacted; the Agent estimated about 2/3 of the lot area appeared to be within the work limit; Mr. Zehnder stated they would calculate the total disturbed area. Commissioner Lown asked about what mitigation was proposed; the Agent suggested mitigation plantings and a full

restoration should be included on the planting plan.

Abutters David Ditacchio and Annie Ditacchio of 412 Shore Road came to table to address the Commission. Mrs. Ditacchio read from a prepared statement stating their opposition to the proposed construction on the lot. Of prime concern was the loss of habitat for economic value.

Commissioner Messinger asked about the buildability of the lot; Commissioner McMahon responded that it was not the purview of the Commission to determine buildability, but instead to be stewards of the land. Attorney Zehnder referenced the prior action of the Commission which required the applicant to obtain approval from the Zoning Board prior to returning to the Commission; this resulted in a later filing. The agent commented that the Commissioners present had attended all of the meetings for the project, The Commission then discussed the possibility of engaging an independent consultant. The Agent stated that a peer review would allow someone to review the completeness of the application relative to the performance standards of the Wetlands Protection Act. Attorney Zehnder suggested submitting the construction protocol, mitigation and landscaping plans at the next meeting, and then the need for an independent consultant could be considered. Attorney Zehnder requested a continuance to March 2.

**Motion:** Commissioner Messinger moved to continue the matter to March 2, 2020; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

**Notice of Intent: 572 Shore Road; Mariellen Serena; SE# 75-1087; glass panels installed within existing porch footprint & roof system; Barrier Beach, LSCSF. (Map 5, Parcel 30)** The applicant requested a continuance to March 2, 2020.

**Motion:** Commissioner Messinger moved to continue the matter to March 2, 2020; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0-0.

**Notice of Intent: 21 Crestview Circle, Sasco Farms Cape Cod LLC; SE# 75-1088; remove invasive plants, re-vegetate with native species; Buffer Zone to a Coastal Bank. (Map 42, Parcel 39)**

Charles Wentz of Ponderosa Landscaping came to the table on behalf of the applicant. Mr. Wentz discussed the proposed pruning and removal of invasive species, as well as the re-vegetation with native species. No oaks will be removed but pruned back. Commissioner Messinger asked about the watering of the new plantings. Mr. Wentz responded that a temporary irrigation system will be installed. The Agent asked about the vining on the crest of the bank; Mr. Wentz responded that they will remove vines and invasive plants as possible. The Agent then asked about on-going conditions; Mr. Wentz said the area will need to be monitored each year. Commissioner McMahon suggested a fall site visit. The Agent requested that Mr. Wentz submit an email photo report to the office with before and after photos.

**Motion:** Commissioner Messinger moved to approve with ongoing conditions; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.

**Notice of Intent: 14 Resolution Road, Carol Warshawsky; SE# 75-1089; additions to dwelling; Buffer Zone to a Coastal Bank. (Map 45, Parcel 69)**

David Lajoie of FELCO, Inc., Mark Hammer of Hammer Architects and the property

owner, Carol Warshawsky came to the table to discuss the application. Mr. Lajoie reviewed the proposed plan that reflects the addition to the property. Commissioner McMahon noted that the project falls under the new regulations, and he expressed concern about the seeded lawn area shown on the plan; the disturbance of wildlife habitat at the back of the house; the proximity of work to the top of the bank; storm water runoff and the lack of sufficient alternatives analysis and that the plans do not seem to agree with each other.

Commissioner Messinger asked why the addition isn't located on the flat side of the property, away from the bank. Mr. Hammer responded that there is nowhere to connect the addition on that side of the house; he also discussed the location of the addition in proximity to the resource areas and said that the bank is vegetated with mature trees. Commissioner Messinger stated- It's a most confusing house! - to which Mr. Lajoie corrected her – it's unique! He added further, anywhere they work on this house, will be in the buffer zone.

Commissioner Noons-Rose added that the roof will be shedding water toward the banking. Mr. Hammer responded that the water could be addressed via drainage and downspouts.

The Agent discussed the requirements: that the plans show the areas of disturbance and the amount of proposed disturbance; that a work protocol and a more in-depth alternatives analysis should be developed. Discussion occurred regarding the areas of disturbance and re-vegetation. Commissioner Lown reiterated that the major area of concern for the Commission is that within the work area, there will be considerable disturbance. In response to Commissioner McMahon's concerns about the construction staging and access, the Agent asked Mr. Lajoie to add an access corridor to an updated plan or to provide a sketch in the construction protocol. Commissioner McMahon asked Mr. Lajoie to provide revised plans reflecting a larger scale, the construction access and protocol, re-grading with revised contours (if any), the percentages of disturbed work areas, a more sufficient alternatives analysis and a re-planting plan.

**Motion:** Commissioner Noons-Rose moved to continue the matter to March 2, 2020; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0-0.

**Notice of Intent: 379 Shore Road: Charles Silva; SE# 75-1090: demo and rebuild cottage; Barrier Beach, Coastal Dune; LSCSF. (Map 10, Parcel 10)**

The property owner, Mr. Chuck Silva came to the table to present the application. The cottage was moved from the Highland Light site in the 1980's to its current location at 379 Shore Road. Mr. Silva proposes to demolish the cottage but will keep the existing foundation. The demolition will be done by hand and by excavator. Mr. Silva described the proposed construction and work limit.

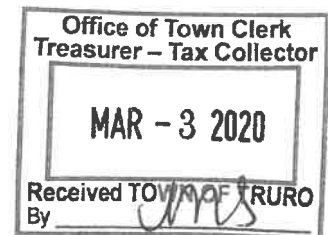
Commissioner Noons-Rose told Mr. Silva that the location of the driveway needs to be delineated on the plan. The Agent added that a plan showing the proposed conditions needs to be provided, and the notes need to be clear about what is existing and what is proposed. A planting plan also needs to be provided. The Agent added that on a Barrier beach the performance standards are largely about planting and drainage.

Mr. Silva suggested continuing the hearing to allow him to return with an updated plan reflecting re-planting, the designated driveway space, the work limit and construction protocol.

**Motion: Commissioner Lown moved to continue the matter to March 2, 2020; seconded by Commissioner Noons-Rose; the vote was unanimously in favor, 5-0-0.**

**Commissioner Lown moved to adjourn the meeting; seconded by Commissioner Noons-Rose; the meeting was adjourned at approximately 8:00pm.**

**On Monday February 3, 2020 at 1PM the Truro Conservation Commissioners met at the Cobb Library for the following Site visits: 14 Resolution Road; 21 Crestview Circle; 379 Shore Road (Mr. Silva met the Commissioners on site); 386 Shore Road and 405 Shore Rd.**



Minutes prepared by Michelle Fogarty