



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: March 3, 2020

The meeting and public hearings were called to order at 5:30 at the Truro Town Hall. **Commissioners Present:** Chair Jack McMahon, Vice- Chair Bob White, Commissioners Deborah McCutcheon, Larry Lown, Linda Noons-Rose, and Carol Girard-Irwin; **Others Present:** Emily Beebe, Conservation Agent

Administrative Review Permits:

4 Rolling Hills Road: electrical trench

Motion: Commissioner Noons-Rose moved to approve as presented; **seconded** by Commissioner White; the vote was unanimously in favor, 4-0-0.

[Commissioner Lown joined the meeting]

0 Fisherman's Road: nourishment, beach grass, minor stair adjustment

Jim O'Connell of Coastal Advisory Services presented the application. Mr. O'Connell has been analyzing the erosion problem with the coastal bank. Mr. O'Connell proposes to bring in 250 cubic yards of sand and plant 600 culms of American beach grass. The sand will be brought in via the town landing to the south. Mr. O'Connell also proposes to add batter boards to help minimize the gully forming under the beach stairs. A staircase railing will also be replaced. **Motion:** Commissioner Noons-Rose moved to approve as presented; **seconded** by Commissioner Girard-Irwin; the vote was unanimously in favor; 5-0-0.

29 & 31 Knowles Heights Road: nourishment & beach grass

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

[Commissioner McCutcheon joined the meeting]

542 Shore Road: nourishment

Motion: Commissioner Noons-Rose moved to approve as presented with the condition that the applicant shall plant American beach grass; **seconded** by Commissioner White; the vote was unanimously in favor, 6-0-0.

538 Shore Road: nourishment

The work shall be done simultaneously with the work at 542 Shore Road and was conditioned as requested.

Motion: Commissioner Lown moved to approve with the requested conditions; **seconded** by Commissioner Noons-Rose; the vote was unanimously in favor, 6-0-0.

78 Depot Road: tree removal/trimming- The Commission recommends that the trees be

flush cut. **Motion:** Commissioner Noons-Rose moved to approve as presented; **seconded** by Commissioner Girard-Irwin, the vote was unanimously in favor, 6-0-0.

482 Shore Road: nourishment, stone, boardwalk

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

Minutes: 2/3/2020

Commissioner Lown provided some minor corrections. **Motion:** Commissioner Lown moved to accept the minutes as amended; **seconded** by Commissioner Noons-Rose; the vote was unanimously in favor, 6-0-0.

Review of proposed maintenance: 7 & 8 Kestrel Lane, 15, 17 & 19 Avocet Road, SE#'s: 75-0828, 75-0829, 75-0858, 75-0860, 75-0859

The Agent reached out to the DEP to discuss the proposed maintenance and provided the Commission with a summary of their correspondence. Commissioner McMahon stated that he thought the proposal was a good idea as opposed to the previous maintenance plan; the current proposal is less invasive. Commissioner Lown suggested adding a condition that the fence either be repaired or removed. Commissioner Lown discussed the historical narrative of the original work and opined that the repairs were not working. Commissioner Noons-Rose added that if the bank appears to be stable above the envelopes, and that the banking is holding, then the envelopes are doing what they are supposed to do; the envelopes are breaking down and becoming part of the nourishment. Commissioner McCutcheon asked about the reports that are supposed to be filed by the property owners; the Agent confirmed that quarterly reports were received for all the properties.

Motion: Commissioner Lown moved to approve the work as maintenance with the condition that the serpentine fence be repaired or removed; **seconded** by Commissioner White; the vote was unanimously in favor, 6-0-0.

Field Change: 706 Shore Road, re-build after fire, SE# 75-0967

The plan filed with the existing Order of Conditions does not include a water line for the water suppression system. The plan has been revised to include the water line.

Motion: Commissioner Lown moved to approve the field change; **seconded** by Commissioner Noons-Rose; the vote was unanimously in favor, 6-0-0.

Certificate of Compliance: 379 Shore Road, SE#75-0778: **Motion:** Commissioner Lown moved to approve the certificate of compliance; **seconded** by Commissioner Noons-Rose; the vote was unanimously in favor, 6-0-0.

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 2/3/2020)

The applicant requested a continuance to May 4, 2020. **Motion:** Commissioner Noons-Rose moved to approve the continuance to May 4, 2020; **seconded** by Commissioner

White; the vote was unanimously in favor, 6-0-0.

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 2/3/2020)

The applicant requested a continuance to April 6, 2020.

Motion: Commissioner Lown moved to approve the continuance to April 6, 2020; **seconded** by Commissioner Noons-Rose; Vote: 6-0-0.

Notice of Intent: 572 Shore Road, Mariellen Serena; SE# 75-1087; glass panels installed within existing porch footprint & roof; Barrier Beach, LSCSF. (Map 5, Parcel 30) (continued from 2/3/2020)

The property owner, Mariellen Serena, presented her application. Ms. Serena read from an email she received from the Building Commissioner, Richard Stevens, which stated that no zoning relief was required for the proposed work. Ms. Serena indicated that no digging will occur in any manner. Ms. Serena also discussed the vegetation that holds the sand; no vegetation will be altered, and she said she has never seen sand on the deck. Two letters in support of Ms. Serena were submitted to the Agent. Commissioner McMahon asked about the mahogany decking; Ms. Serena confirmed the decking will remain and won't be changed. Commissioner McMahon also asked about the sketches provided; there is no plan for how the structure will appear after constructed. A peer review was discussed. Commissioner McCutcheon asked if a peer review was necessary. Commissioner Lown felt that a peer review may not be necessary as the flooring won't be changed, there will be no heat, no machinery is necessary and there is no expansion of the footprint. Commissioner Noons-Rose asked if the applicant planned on asking for an additional deck expansion; Ms. Serena confirmed she would not. Commissioner White supported the proposed work. Commissioner McMahon's concern involved the movement of sand up against a wall that is currently an open-air deck and if it will have any impact on the integrity on the dune and vegetation. The Agent specified that conditions of the approval are: there will be no machinery used, no heat will be added, no change in the flooring, no removal of the beach rose bush, the work limit will be strictly enforced and that nothing will be laid on the dune or in the vegetation. **Motion:** Commissioner McCutcheon moved to approve with the conditions that there will be no machinery used; no heat will be added; no change in the flooring; no removal of the beach rose bush; the work limit will be strictly enforced and that nothing will be laid on the dune or in the vegetation; **seconded** by Commissioner White; Vote: 5-1-0.

Notice of Intent: 14 Resolution Road, Carol Warshawsky; SE# 75-1089; additions to dwelling; Buffer Zone to a Coastal Bank. (Map 45, Parcel 69) (continued from 2/3/2020)

David Lajoie of FELCO, Inc., Mark Hammer of Hammer Architects and the property owner, Carol Warshawsky presented the application. Mr. Lajoie reviewed the revised plan that reflects the construction protocol and access. Commissioner McMahon stated that the addition does not comply with the local regulations because no alternatives have been presented. Mr. Lajoie responded that this matter was extensively discussed at the previous meeting. Mr. Hammer spoke about the unique layout of the property and added that no matter where they build, it will be within the 100' buffer zone. Mr. Lajoie further discussed the proximity to the resource areas. Commissioner McCutcheon noted that she

was not present at the last hearing for this matter; Mr. Lajoie agreed to a waiver and accepted Commissioner McCutcheon's participation. Commissioner Lown cited Section 6.5, Chapter 2, of the Conservation Regulations relative to structures in the buffer zone; Mr. Lajoie agreed that the project does not comply as proposed, but there is a procedure allowing the Commission to grant a variance. Mr. Lajoie reviewed the calculations for the areas of disturbance. Commissioner Noons-Rose does not like the location of the addition and is concerned that it may eventually impact the bank. Commissioner McMahon asked about the proposed mitigation. Mr. Lajoie responded that all disturbed areas can be re-planted as suggested by the Commission. Commissioner White agreed with Commissioner Noons-Rose that the project is pushing right up to the top of the coastal bank and felt that the addition could be moved back in line with the existing structure. The Agent discussed the confusion regarding the size of the foundation slab as shown on the plans and asked for the elevation of the slab; Mr. Lajoie provided an approximate elevation of 95'. There was discussion about the proposed work limit and erosion control; Mr. Lajoie proposed a staked silt fence and straw waddles. Commissioner McMahon asked if the trees shown on the plan will be uprooted; Mr. Lajoie confirmed the trees in the area of the addition will be uprooted. The Agent discussed the lack of specific numbers on the landscape plan. Commissioner McMahon requested solid information regarding the grading and re-grading. Mr. Lajoie responded that there is no proposed re-grading; the soil will be excavated for the concrete footings for the walk out area. When the building is finished, there will be no grade change. Mr. Lajoie offered that the building could be pulled back to and the plan modified from a 22' dimension to a 20' dimension. **Motion:** Commissioner McCutcheon moved to approve with the condition that the dimensions on the plan will be modified from 22' to 20', in line with the existing house; a revised planting plan reflecting specific numbers and plantings will be submitted within two weeks; the work limit and erosion control will be addressed by a staked silt fence and straw waddles; **seconded** by Commissioner Lown; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 379 Shore Road, Charles Silva: SE# 75-1090: demo and rebuild cottage; Barrier Beach, Coastal Dune, LSCSF. (Map 10, Parcel 10) (continued from 2/3/2020) Chuck Silva of 39 Ship's Way, Provincetown presented the application. Mr. Silva agreed to a waiver and accepted the participation of Commissioner McCutcheon as she was not present at the previous hearing. Mr. Silva provided the Commission with a revised plan dated February 21, 2020, reflecting the proposed improvements, the work limit and re-planting areas. The driveway is also clearly defined on the revised plan. The proposed cottage will be built on the existing foundation and there will be no increase in bedrooms. The cottage will increase in size from a flat-roof single-story to one and one-half stories, with an additional 500sf. Commissioner McMahon asked that the dumpster at the property be covered at night. **Motion:** Commissioner Lown moved to approve as presented; **seconded** by Commission Noons-Rose; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 49 Fisher Road, Douglas Ambrose: SE#75-1093: demo & rebuilding dwelling; Land Subject to Coastal Storm Flowage, Coastal Dune. (Map 53, Parcel 24) David Lajoie of FELCO, Inc. presented the application. The applicant proposes to demolish the existing building and construct a new building on pilings. Commissioner

McMahon asked about the existing boardwalk that was not removable. Commissioner Noons-Rose added that the boardwalk appears to be new. The Agent confirmed that there was no filing for the installation of the walkway. Commissioner Noons-Rose told Mr. Lajoie that the house was staked, but the proposed deck was not. Commissioner Lown pointed out that the property owner has not decided what they want to build yet. The Agent asked if the project is an in-kind replacement of the building; Mr. Lajoie responded that it is almost in-kind. The Agent asked Mr. Lajoie to have the plan reflect how much built structure is existing within resource areas now and what is proposed. Commissioner Lown asked about the MESA jurisdiction; Mr. Lajoie confirmed that part of the structure is in MESA. Mr. Lajoie received the MESA report, a copy of which he provided to the Commission. There was discussion about the absence of a final bldg. plan and foundation plan. Mr. Lajoie responded that he will request a continuance and obtain information regarding the walkway. Commissioner Noons-Rose asked about the note on the plan that references an approximate, existing leach area for the septic system. Mr. Lajoie responded that he prepared the septic plan based upon the installers card on file with the Health Department. Mr. Lajoie added that there will be no change in the number of bedrooms in the new house, so an upgrade will not be required. **Motion:** Commissioner White moved to continue the matter to April 6, 2020; **seconded** by Commissioner Lown; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 263 Shore Road, Unit 2, Mark and I-Ching Katie Scott: SE#75-1094; new foundation & house renovation; Barrier Beach, Land Subject to Coastal Storm Flowage; Coastal Dune

David Lajoie of FELCO, Inc. presented the application. The applicant proposes to lift the building and construct a pile foundation and return the building to the foundation. No changes will be made to the building. Commissioner McMahon asked about the existing foundation. Mr. Lajoie responded that the unit is on concrete blocks that are about one foot in the ground; the unit will be lifted, and the concrete blocks will be removed. The Agent asked what prompted the owners to undertake the work. Mr. Lajoie responded that the property owners would like to comply with flood insurance requirements. Mr. Lajoie also added that the pilings will be wood and described the process for lifting the building. The Commission discussed possible re-vegetation options. **Motion:** Commissioner Lown moved to approve with the condition that American beach grass will be planted within the disturbed areas; **seconded** by Commissioner Girard-Irwin; the vote was unanimously in favor, 6-0-0.

Notice of Intent: 5 & 6 River View Road, Peter & Peggotty Gilson & Diana Worthington: SE#75-1095; vista pruning; Coastal Bank & Riverfront Area. (Map 50, Parcels 267,268)

Commissioner White recused himself from this matter. Christopher Lucy presented the application. Mr. Lucy discussed the prior tree work and the proposed maintenance. The applicant previously removed trees under an Order of Conditions and would like to propose a management plan for the suckered trees. The Commission was unclear about the extent of the work, as the flagging of the trees on site was confusing and the view corridor was not clearly marked; they suggested another site visit with Mr. Lucy. **Motion:** Commissioner Noons-Rose moved to continue the matter to April 6, 2020; **seconded** by McCutcheon; the vote was unanimously in favor, 6-0-0.

Request to Amend an Order of Conditions: 5 Great Hills Ln, Kevin Wise: #75-1024; reconfiguration of the driveway; Coastal Dune, Land Subject to Coastal Storm Flowage. (Map 53, Parcel 1)

David Lyttle of Ryder & Wilcox, Ryan Weber of Ryan Weber, Inc. and Theresa Sprague from Blue Flax Design presented the application. Mr. Lyttle provided the Commissioners with the coverage calculations. The property owner would like to construct safer access to the garage under the house. The applicant proposes to install two concrete walls; in between the walls the asphalt will be removed and replaced with articulated concrete. Mr. Lyttle revised the plan to reflect minor changes by adjusting the driveway size and reduced the proposed existing shell driveway by 4' on the northerly end. The Agent asked Mr. Lyttle about the trench drain. There is an existing trench drain at the bottom of the driveway. Mr. Lyttle proposes to install a dry well within the driveway, under the articulated concrete driveway. Mr. Lyttle provided detail as to what articulated concrete is and how it works. The Agent suggested that the shell driveway could be further reduced in size. Mr. Weber clarified that the driveway was significantly larger when the current owner acquired the property and has since reduced the size. Mr. Lyttle added that the plan shows how the driveway was reduced and the proposed 4' reduction. Mr. Weber expressed concern that if the driveway was further reduced, it would limit the parking and it may result in visitors parking in the dune. Commissioner Lown asked how the driveway would be delineated to ensure it does not creep out again. Mr. Weber responded that a fence placed at the end of the driveway could be repositioned. **Motion:** Commissioner McCutcheon moved to approve as presented; **seconded** by Commissioner Noons-Rose; the vote was unanimously in favor, 6-0-0.

Abbreviated Notice of Intent: 20 Mill Pond Road, George & Carole Reichhelm: SE#75-1091; repair existing driveway, repair rip rap & stone breakwater; LSCSF, Riverfront Area, buffer to Salt Marsh (Map 54, Parcel 1)

Carol Reichhelm of 20 Mill Pond Road presented the application. Commissioner McMahon asked about the stones near the end of the breakwater. Mrs. Reichhelm responded that the stones will be lifted and re-set, along with the piling. Commissioner Noons-Rose asked about the removal of the stones that are half-buried that will loosen the soil and sediment when removed. Mrs. Reichhelm responded that she prefers to have boulders brought in and piled on top of the existing stones. The Agent requested additional clarification as to exactly how the stones will be installed and/or replaced. Mr. George Reichhelm came to the table to address the Commission. Mr. Reichhelm explained that they desire to reinforce the damage that was done by the stone; no expansion is proposed. Discussion occurred regarding the light at the end of the walkway; the applicants confirmed the light is no longer working and the light will not be reinstalled. Commissioner Girard-Irwin asked about the stone steps that were eliminated by the tumbling stones. Mrs. Reichhelm explained that the steps were actually flat boulders, placed for walking. The contractor will reposition the stones in the same place. Discussion occurred regarding the number of boulders the contractor will bring in. Mr. Reichhelm estimated about a dozen boulders would be installed. The Agent requested a specific amount of stones. Commissioner McCutcheon suggested the applicant return to the Commission if they require more than ten boulders.

Motion: Commissioner White moved to approve as presented with the condition that the electric light will not be reinstalled, and no more than 10 boulders will be installed;

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

Notice of Intent: 19 Great Hills Road, Mark Denyse: SE#75-1092: demo and rebuild dwelling & garage; buffer zone to a Coastal Bank. (Map 49, Parcel 28)

Paul Shea with Independent Environmental Consultants; William N. Rogers, Surveyor; Mark Denyse, property owner and Chris Barry, the architect, presented the application. The applicant would like to remove the existing house, deck and garage and rebuild a new house, deck and garage. The new structures will be almost identical in footprint to what currently exists. The new construction will not be any closer to the coastal bank than what currently exists. Mr. Shea discussed the calculations for the existing conditions and the proposed conditions for the new construction and also discussed the planting plan. Mr. Shea emphasized that all work will occur in previously disturbed areas. The Agent asked about the work limit; Mr. Shea responded that the limit is not shown on the plan. The Agent asked Mr. Shea to submit a revised plan showing the work limit. The Agent also noted that the planting plans do not specify what is going where. Mr. Shea will add additional staking for the contractors to protect the coastal bank. **Motion:** Commissioner Noons-Rose moved to approve as presented with the condition that a revised plan reflecting the work limit and a revegetation plan be submitted by the applicant; **seconded** by Commissioner McCutcheon; the vote was unanimously in favor, 6-0-0.

Public Comment: The Agent noted for the record that an email was received from the owner of Unit 3 regarding 263 Shore Road. The Agent read the letter into record.

Request for extension: 618 Shore Road, LexVest: SE#75-1002

The applicant has requested a three-year extension as the Order of Conditions is due to expire in April. The original Order was for many items, including walkways, which have not been completed. **Motion:** Commissioner White moved to approve a one-year extension; **seconded** by Commissioner Lown; the vote was unanimously in favor, 6-0-0.

Commissioner Lown moved to adjourn the meeting; the meeting was adjourned at 8:47pm.

+++++

On Monday March 2, 2020 at 1:00pm the Truro Conservation Commissioners met at the Cobb Library for the following Site visits:

5&6 River View Road; 20 Mill Pond Road; 19 Great Hills Road; 5 Great Hills Lane; 49 Fisher Road; 14 Resolution Road; 263 Shore Road, Unit 2; and 572 Shore Road

Minutes prepared by Michelle Fogarty

Minutes unanimously approved on 1/4/2021.

