



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### **Conservation Commission Meeting Minutes: January 4, 2021**

**Commissioners Present:** Chair Jack McMahon, Commissioners Larry Lown, Bob White, Carol Girard-Irwin, Diane Messinger, & Linda Noons-Rose **Absent:** Commissioners Deborah McCutcheon **Others Present:** Emily Beebe, Conservation Agent

**The meeting and public hearings were called to order at 5:00 at the Truro Town Hall and virtual instructions were given.**

**Notice of Intent: 522 Shore Rd, Sutton Place, SE#75-1106 (continued from 12/7/2020):** Stan Humphries, of ECR, presented additional detail on the proposal to construct a sturdy serpentine fence. The additional information describes the preservation of beach access and dune enhancement. A sketch plan shows the vegetated area will be expanded by planting beach grass and beach plums. Two seating areas were proposed. Commissioner McMahon felt that the plan would help to protect the dune form and plantings. Commissioner Messinger asked if the open area between the units and proposed sand fence would be all sand. Mr. Humphries confirmed. The Agent asked the height of the snow fence. Mr. Humphries confirmed that it would be 4' snow fence, slightly dug in. Commissioner Girard-Irwin asked if the seating areas would contain a picnic bench and/or permanent furniture; Mr. Humphries replied in the negative and explained that the area would be more transitory. The Agent noted that there is one 8' fence section that is removable. Mr. Humphries confirmed that it will only be removed for maintenance. The following conditions were suggested: 1.) the 8' removable fence section shall only be removed for maintenance purposes; 2.) every spring for the 3-year validity of the Order, the applicant shall replenish the area behind the sand drift fence, as needed, with beach sand and American beach grass; 3.) an annual report of activities shall be submitted along with before and after pictures; 4.) the Conservation Department shall be notified 48 hrs before any repair work is done on the snow fencing and/or the sand drift fence; 5.) only clean and compatible sand shall be used for replenishment; 6.) construction specifications and plan shall be incorporated into the Order; 7.) 2-gallon beach plums shall be planted, 4' apart, with temporary irrigation.

**Motion:** Messinger moved to approve the application as conditioned.

**Seconded** by McMahon by Messinger. **Vote: 6-0-0**

**Notice of Intent: 503 Shore Rd, Unit 21, Jean Marzilli, SE#75-1083 (continued from 12/7/2020):** Jean Marzilli, property owner, described her project which included the addition of a mahogany deck to her condominium unit. She originally submitted her NOI over a year ago and the Commission took issue with the fact that the deck was not removable because the property is in a flood zone. She is now requesting permission for a deck less-than 200 sq. ft., on sonotubes at grade, that would be removed seasonally. A new plan had not been submitted reflecting the changes proposed, as Ms. Marzilli was

hoping for a sense of approval before she incurred the additional costs of a revised plan. Commissioners Messinger and White questioned the number of proposed sonotubes and their depth. Ms. Marzilli did not have the information at that time. They asked to have this information on a revised plan and noted that a sketch plan would be acceptable. The Commission also asked for information as to where the excavated material will be placed and how concrete overpour will be addressed. Commissioner Lown questioned where the removable pieces will be stored. Ms. Marzilli stated that the plan is to store them within the condo but questioned whether she could anchor them to the back of the condo above the flood plain. The Agent saw no issue but asked that Ms. Marzilli talk to her builder and come up with a plan to how it would work.

**Motion:** White moved to continue the hearing to the February 1, 2021 meeting.

**Seconded** by Messinger. **Vote: 5-0-1**, with Lown abstaining.

**Notice of Intent: 23 Corn Hill Landing, Steven Pinker, SE#75-1107 (continued from 12/7/2020):**

Steve Phillips, of Geiger-Phillips, answered questions that the Commissioner's had from the previous meeting which included the following: 15,600 sq ft of buffer zone currently exists, 3300 sq. ft. of that is currently developed, and that the Applicant is proposing an additional 384 sq. ft. of development. He further discussed the alternatives analysis and stated that they have now eliminated the garage expansion from the project proposal and reduced the ground level decks from 228 sq. ft. to 60 sq. ft. Mr. Phillips also discussed the planting plan, drafted by Bayberry Gardens, which included sweet fern, beach plum, ink berry, and bayberry. He stated that any other disturbed areas would be planted with American beach grass and that the topped pine trees would be removed. Commissioner McMahon asked if the bedroom addition could be constructed on the already developed/garage side of the house, where the garage addition was originally proposed. Mr. Phillips felt that he could not make that happen without the room meeting the definition of a bedroom, creating a potential Board of Health issue. Commissioner Messinger was not comfortable regarding the development within the buffer zone, which is restricted per the local Conservation Regulations. Commissioner Lown questioned how the upper deck will be supported. Mr. Phillips stated that it will be bolted to the house. The Agent asked if there was a proposal to reduce the square footage of any of the existing decks. Mr. Phillips replied in the negative. Commissioner McMahon asked Mr. Phillips to move the addition further out of the buffer zone and to bring back a revised plan to the Commission. Mr. Phillips requested a continuance.

**Motion:** Girard-Irwin moved to continue the hearing to February 1, 2021.

**Seconded** by Messinger. **Vote: 6-0-0**

**Notice of Intent: 31 Mill Pond Rd, Margaret Clarke, SE# 75-1108:** Tim Richards, Meg Clarke, and David Lajoie (FELCO, Inc.), represented the project. Mr. Richards explained the project proposal which included a deck expansion and the addition of an outdoor shower. The Applicant also proposed 780 sq. ft. of mitigation by planting native plants species and in place of the irrigated lawn. Mr. Lajoie gave details on the surrounding resource areas and stated that the deck addition occurs minimally within the buffer zone to the Coastal Bank and most of the work is within the 100-200' Riverfront area. Commissioner McMahon felt that the 16.5'x20'x12' deck could be reduced and was not in favor of the proposed outdoor shower location. Commissioner Messinger expressed her concern for groundwater with regards to people using soaps in the outdoor

shower. Commissioner White suggested moving the deck further north to get it out of the buffer zone more. Commissioner White & Girard-Irwin agreed with Commissioner Messinger's concern with regards to the outdoor shower. Commissioner McMahon brought up a previous issue with the lower parking area on Mill Pond Rd that have never been rectified by the previous owner. The Agent suggested adding the lower parking area into the order for the application in front of the Commission. The Applicant's agreed. Commissioner McMahon asked that the Applicant look at reducing the size of the deck or move it further north and eliminate an outdoor shower. Mr. Lajoie requested a continuance.

**Motion:** White moved to continue the hearing to February 1, 2021.

**Seconded** by Messinger. **Vote: 6-0-0**

**Notice of Intent: 1 Circuit Way, Michael Grossman, SE# 75-1111:** Marcus Springer, of OverUnder Architects, described the project, which was to enclose the existing deck for the creation of a bedroom and the placement of a roof deck on top of the enclosed space. All the work will take place within the existing footprint, within the 100' buffer zone to a coastal bank. The Agent and Mr. Springer clarified that all work will be done from within the existing home and from on top of the existing decking; therefore, creating no additional disturbance to the resource area. Commissioner McMahon requested a construction protocol and a strict work limit.

**Motion:** Girard-Irwin moved to continue the hearing to February 1, 2021.

**Seconded** by Noons-Rose. **Vote: 6-0-0**

**Notice of Intent: 118 North Pamet Rd, Christopher & Jennifer Sousa, SE#75-1110:** Tim Brady of East Cape Engineering, described the project which included the lifting and moving of the existing dwelling back from the top of the coastal bank and the demolition of an existing garage. Mr. Brady acknowledged that the Applicants were aware that the house would not last forever on the site but hope to get another 25-30 years out of it. He stated that the new house position is almost entirely out of the buffer zone to the top of the coastal bank, but as the bank erodes, that will change. In addition, Mr. Brady stated that the project falls within NHESP habitat and that he is still waiting for their approval letter. The area where the garage is being demolished, will be regraded, and planted with American beach grass. The house will be on a partial foundation (pilings and timber walls) and pilings because of the grade. There will be 25 pilings total, including the ones supporting the decks. The house footprint will remain the same but an 8'x14' shed will be added to the northerly side to make up for the lack of garage. Commissioner McMahon asked how the dwelling will be removed. Mr. Brady replied that steel beams will be used under the building, along with wood cribbing, jacks, and rollers. The Agent asked for alternatives analysis on the parking area, and the removal of the septic tank instead of the "pump & fill" as proposed on the plan. Mr. Brady addressed the parking area and said it was restricted by the steep grade on-site. The Commission felt that another location should be proposed. Commissioner White asked if Mr. Brady could re-stake the site before next meeting. Mr. Brady agreed.

**Motion:** Messinger moved to continue the hearing to February 1, 2021.

**Seconded** by Lown. **Vote: 6-0-0**

**Notice of Intent: 5 Bearberry Ln, Hilltop at Great Hollow Limited Partnership, (no SE#):** David Lajoie, FELCO, Inc., described the project which included the rebuilding of an old serpentine fence in disrepair. The fence was brought to the Commission's attention when they had done a site visit for a previous filing having to do with existing beach stairs. They had asked the Applicant to come back with a plan for the dilapidated fence, which is what Mr. Lajoie's proposal addressed. The fence would be 6' from the bottom of the coastal bank and the existing pilings will be used and moved to the new location. The Agent reminded Mr. Lajoie that he would have to gather permission from abutting property owners to traverse along the beach on private properties. Mr. Lajoie confirmed.

**Motion:** Lown moved to approve the application.

**Seconded** by Girard-Irwin. **Vote: 5-0-1** with Noons-Rose abstaining.

**Public Comment:** The Agent referenced emails in the Commissioners packets regarding public access from Pamela and Ronald Fichtner and Julia Lester.

### **Certificates of Compliance:**

#### **417 Shore Rd (#75-1051):**

**Motion:** Messinger moved to issue the Certificate of Compliance.

**Seconded** by White. **Vote: 6-0-0**

**120 Prince Valley Rd (#75-1045):** The Agent suggested mitigation via some plantings and the creation of a no-disturb zone between the house and the wetlands. Commissioner McMahon stated the following conditions for an Order to Correct: 1.) at least 15 clethra shall be planted in a row to establish a boundary in back yard between the house and the wetlands; 2.) the lawn area that has been reseeded shall be reseeded with a colonial seed; 3.) any underground irrigation shall be removed.

**Motion:** Girard-Irwin moved to issue the Order to Correct as conditioned.

**Seconded** by Noons-Rose. **Vote: 6-0-0**

#### **3 Corn Hill Path (#75-34):**

**Motion:** White moved to issue the Certificate of Compliance.

**Seconded** by Noons-Rose. **Vote: 6-0-0**

### **Administrative Reviews:**

- **47 Fishermans Rd:** Nourishment will occur over the bank, via the property.

**Motion:** Messinger moved to approve the application.

**Seconded** by Lown. **Vote: 6-0-0**

- **11 Depot Rd:** tree removal

**Motion:** Lown moved to approve the application.

**Seconded by** Noons-Rose. **Vote: 6-0-0**

**Minutes:**

March 3, 2020

**Motion:** Lown moved to approve as submitted.

**Seconded** by by Girard-Irwin. **Vote: 6-0-0**

April 15, 2020

**Motion:** Lown moved to approve as submitted.

**Seconded** by Noons-Rose. **Vote: 6-0-0**

**Request for Determination of Applicability: 18 Phat's Valley Rd, Peter Fields:** The Applicant was not in attendance and therefore the Commission did not act on the application.


**Truro Conservation Trust, Conservation Restriction: 42 Corn Hill:** The Agent suggested the Commission accept the restriction.

**Motion:** Noons-Rose moved to approve the Conservation Restriction for 42 Corn Hill Rd.

**Seconded** by Girard-Irwin. **Vote: 6-0-0**

Meeting adjourned.

Respectfully Submitted,

  
Arozana Davis

*Approved 4-0-0 on 3/1/2021*

