



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: December 7, 2020

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

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

Notice of Intent: 4 Kill Devil Rd, Peter Rhoades, SE# 75-1102 (continued from 11/2/2020): David Lajoie of FELCO, Inc., presented revised plans that proposed the removal and replacement of the existing beach stairs (with 2 platforms and a removable bottom section). The proposal also included a boardwalk from the top platform of the beach stairs, to the east towards the back of the property. Messinger questioned if the boardwalk was raised. Mr. Lajoie confirmed and explained that it was 24" off the ground. Messinger questioned the size of the lower platform; Mr. Lajoie stated that it was 4'x4'. The Agent suggested that the narrative from the Applicant and the notes on the FELCO plan be incorporated into the Order as conditions. In addition, she discussed conditioning the replenishment of the Coastal Dune and re-grading once the stairs were repaired. She suggested adding enough material (sand) to fill the dip in the grade and create a uniform grade. Once filled, jute matting shall be staked and the area re-planted with American Beach Grass. The material used shall have grain size that is compatible with existing sand. The Agent noted that the matter of the resource delineation is not a settled matter at this location. Mr. Rhoades questioned whether the walkway should be 3' wide instead of 4' wide. Mr. Lajoie explained that the 4' width is standard. The Agent suggested conditioning the Order to say that the boardwalk shall not be wider than 4'. **Motion:** Girard-Irwin moved to approve the proposal with conditions discussed; **second** by Messinger. **Vote: 4-0-0.**

Notice of Intent: 522 Shore Rd, Sutton Place, SE#75-1106 (continued from 11/2/2020): Stan Humphries, of ECR, read a narrative addressing the concerns the Commission had at the prior meeting. He stated that the sturdy serpentine design would set an example of what could be used in the future. He explained that an 8' opening will be left in front of unit 10 for machine/material access; a removable section of fence will be placed 3' seaward of that location. The project will also include beach nourishment which consisted of 120 cubic yards of compatible sand to be placed in between the proposed fence and the eroded dune face during the initial project. Mr. Humphries proposed that for the following years after the initial install, that if the sand is not at least ½ the fence height or a minimum of 2' above existing grade, they will replenish with 120 cubic yards. No nourishment in front of the fence will be required. The project will also include planting beach grass. Lown questioned the difference between materials in the

existing serpentine fences in Truro and the proposed fence. Mr. Humphries stated that instead of 2x3 slats, there will be 4x4 slats with connecting members at the top and bottom. The posts will be 8" in diameter, 10' long, and 6' down into the ground. Lown expressed concern over setting precedence for more of these fences along the coastline. The Agent stated that this specific property is unique and that there are few tools that the property owners can use to protect the property and the buildings; further, area landward of the proposed fence, has been destroyed by pedestrian use. The Agent asked Mr. Humphries to either propose conditions for the use of the area that would protect it (such as a land use plan) and allow the land to heal, thereby supporting the proposed fence project. Mr. Humphries said he would talk with the trustees. The Commission continued to discuss the use of the land in between the homes and the fence proposal. Lown questioned the number of access paths to the beach; Mr. Humphries informed him that there were two. McMahon described how beach grass helps protect the environment from erosion through sediment accrual. Mr. Humphries requested a continuance.

Motion: Lown moved to continue the hearing to the January 4, 2021 meeting.

Seconded by Messinger. **Vote: 4-0-0**

Notice of Intent: 503 Shore Rd, Unit 21, Jean Marzilli, SE#75-1083 (continued from 11/2/2020):

Motion: Girard-Irwin moved to continue the hearing to the January 4, 2021 meeting.

Seconded by Messinger. **Vote: 4-0-0**

Notice of Intent: 23 Corn Hill Landing, Steven Pinker, SE#75-1107: Steve Phillips, of Geiger Phillips, described the project: 10' addition to garage (~140 sq ft), two-story addition on the south side of dwelling (~333 sq ft.). Mr. Phillips apologized for not proposing mitigation with his filing. He discussed topics that were brought up at the site visit earlier that day, such as why the addition isn't between the road and the front of the house. He stated that it was a heavily vegetated area and that they don't want to destroy the existing habitat. Another issue that was brought up at the site visit was the topping of vegetation that had occurred without permitting. Mr. Phillips suggested rectifying this by adding some woody plants from the Commission's approved plant list, within the 50' buffer zone. He stated that the homeowner was open to other mitigation suggestions. McMahon noted that if Mr. Phillips put the addition on the roadside of the house, most of the work would be out of their jurisdiction. He also noted American beach grass, juniper virginiana, and scrub pine exist in the area of the proposed bedroom addition and that the 50' buffer zone is already heavily vegetated. He suggested moving the addition to the roadside of the house. Messinger agreed. The Agent commented that reducing some of the existing developed area in the buffer zone could create an "exchange of square footage" with regards to the proposed addition. She noted that a landscape plan would add benefit to the proposal. Mr. Phillips request a continuance. McMahon suggested giving up the deck extension and garage expansion. Girard-Irwin questioned the lack of measurements with regards to the deck expansion. Mr. Phillips replied that he did not have that number at the moment.

Motion: Girard-Irwin moved to continue the hearing to January 4, 2021.

Seconded by Messinger. **Vote: 4-0-0**

Notice of Intent: 23 Bay View Rd, Matthew & Paula McCue (no SE# issued by the time of the meeting): David Lyttle of Ryder & Wilcox described the project, which included the repair of an existing set of beach stairs and vegetation management. Mr. Lyttle stated that the bottom section of the stairs shall be removable. Lindsey of Cape Organics represented the vegetation management portion of the project. He explained that the process would include invasive species removal and re-vegetation with native species. The Agent questioned what three years would look like as far as the project is concerned, as only the first year was described in the narrative. Lindsey said they would revisit the project/site annually and, if needed, implement the schedule stated in the narrative. He also stated that at the time that the Request for Certificate of Compliance is filed, he would request ongoing conditions to continue to manage the invasives via a notification to the Conservation Department. The Agent suggested a condition as follows: ongoing conditions would be considered and would include maintenance consistent with the original Order of Conditions. Lindsey agreed. The Agent questioned if chemical removal is also a part of the project; Lindsey confirmed and said it would all be based on timing as far as seasons.

Motion: Messinger moved to approve the application as condition.

Seconded by Girard-Irwin. **Vote: 4-0-0**

Notice of Intent: 9 Castle Terrace, Megan Hinton (no SE# issued by time of the meeting): Justin Reis, of Reis Services, described the project, which included the listing of two dwellings and pouring new foundations. There will be no changes to existing square footage of the buildings. McMahon asked if any work was proposed for the third cottage; Mr. Reis confirmed that there were no plans at this time. McMahon expressed concern about runoff from the driveway towards the wetland. Mr. Reis stated that he has no intentions of staging any equipment near that area. He suggested that he might take some excavate from the foundation hole and place it in the area of concern, following it up with some jute netting and re-vegetation. The Agent requested that the work limit be tightened on the south side of the project; Mr. Reis agreed. The Agent suggested using straw waddles in addition to the silt fence, alongside the top of the bank heading down towards the vegetated wetland. Lown asked if any other work was associated with this project. Mr. Reis said that the foundations were the only things included in his scope of work. He stated that if there are repairs needed caused by the lifting of the home, then he would be doing that as well. The following conditions were suggested: 1.) concrete overpour protocol with regards to designated location and removal from site, 2.) restoration of any disturbed areas shall be done with native grasses and/or native plants.

Motion: Lown moved to approve the application with the stated conditions.

Seconded by Messinger. **Vote: 4-0-0**

Extension Request: MassDOT, Route 6, 6A, South Pamet & Highland Rds, SE#75-0951: The Agent expressed support for the request.

Motion: Girard-Irwin moved to approve a one-year extension.

Seconded by Lown. **Vote: 4-0-0**

Emergency Certification: 538 Shore Rd: The Agent updated the Commission about the property. Previously the Commission had approved repair work to the property with the condition that develop plans they could file for permits that would allow them to lift and

move the buildings landward. The plans have been drafted and the Applicant is slated to go before the Planning Board.

Currently, the property recently experienced storm damage and needed to conduct some repairs. Jack had approved and now the Commission needs to ratify.

Motion: Messinger moved to approve the Emergency Certification.

Seconded by Lown. **Vote: 4-0-0**

Field Change: 19 Great Hills Rd (SE#75-1092): The order of conditions was issued for this project referencing the upgrade of the septic system within the narrative but not shown on the plan, as the septic design plan had not been completed.

Motion: Messinger moved to approve the field change to accept the plan showing the septic upgrade with the Order of Conditions.

Seconded by Girard-Irwin. **Vote: 4-0-0**

Public Comment: The Agent read comment letters into the record regarding over-sand beach access for sand replenishment projects and the issue of trespassing. The Chair acknowledged the letters and said the Commission would take them under advisement.

Certificates of Compliance:

120 Prince Valley Rd (#75-1045): The Agent read the letter submitted by the representative, JC Ellis Design, that listed items that were done on-site that were not a part of the original approval nor the amendment request. An as-built plan was submitted along with the narrative. The Agent informed the Commission that the property has already changed hands and that the work was done by the prior owner. Lown requested to see the original NOI and OOC prior to making a decision on the request. McMahon requested that they continue the discussion to the January 4, 2021 meeting. The Agent stated that she will make sure that someone is present to discuss the filing.

Motion: Lown moved to continue the hearing to the January 4, 2021 meeting.

Seconded by Messinger. **Vote: 4-0-0**

10 Secor Ln (#75-0952): The Agent stated that everything was in order with the request and encouraged the Commission to approve the request.

Motion: Girard-Irwin moved to approve the request.

Seconded by Lown. **Vote: 4-0-0**

Administrative Reviews:

- **445 Shore Rd:** The Agent stated that this application was on the last meeting agenda, but was overlooked. Plantings, stair repair
- **525 Shore Rd:** water lines/meter pit
- **9 South Bridge Path:** after-the-fact tree removal
- **542 Shore Rd:** sand replenishment
- **51 Fishermans Rd:** sand replenishment
- **53 Fishermans Rd:** sand replenishment
- **2 Heron Ln:** sand replenishment

Gordon Peabody, of Safe Harbor, represented the last three Admin Reviews. He stated that all replenishment will be done over the Coastal Bank at the subject property and not via the beach.

Motion: Messinger moved to approve all of the administrative reviews.

Seconded by Girard-Irwin.

Discussion: The Agent and Lown discussed the idea of work without prior approvals and what process exists. **Vote: 4-0-0**

Gordon stated that there was a fourth administrative review that did not make the agenda – 47 Fishermans Rd. He planned on doing all the projects at once. The Commission could not make a decision on the request because it was not on the agenda. **The Agent suggested that we give the administrative reviews (51 & 53 Fishermans Rd, 2 Heron Ln) a 60-day approval so they would line up with 47 Fishermans Rd, which will be heard on 1/4/2021.** The Commission agreed.

Motion: Messinger moved to approve the administrative reviews for 51 & 53 Fishermans Rd, giving the Applicant 60 days to complete the work.

Seconded by Girard-Irwin. **Vote: 4-0-0**

The Agent requested that the Commission reconsider the administrative review for 542 Shore Rd. The Applicant requested a 4-month approval.

Motion: Lown moved to approve the administrative review for 542 Shore Rd, giving the Applicant a 4-month approval.

Seconded by Messinger. **Vote: 4-0-0**

March 2020 Minutes: moved to the January 4, 2021 meeting.

Meeting adjourned. **Vote: 4-0-0**

Respectfully Submitted,


Arozana Davis

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



