



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission REMOTE Meeting Minutes: September 14, 2020

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

The meeting and public hearings were called to order and virtual instructions were given.

Notice of Intent: 4 Kill Devil Rd, Peter & Nancy Rhoades, SE# 75-1102 (continued from 8/3/2020): David Lajoie, of FELCO, Inc., came back before the Commission with a modified plan which reflected the removal of the pergola, elimination of the walkway from existing deck to the beach stairs and a path at grade; they also proposed to add 300 sq. ft. of mitigation plantings. The proposal still included the request to remove the existing beach stairs and construct a new set further north on the property. The Conservation Department received a letter from the homeowner, which stated that the Chair of the Commission asserted at the previous meeting that raised walkways and decks with ½" spacing do not work and growth does not occur under them. Commissioner McMahon clarified for the record what he said was that certain plantings required more sunlight, and that he made no mention of rosa rugosa and beach grass which are rhizome plants and can grow from one side to the other. Commissioner Noons-Rose felt that the stairs should not be moved as the construction in a new location would be a detriment to the coastal bank/ dune; Commissioners Messinger & Girard-Irwin agreed. Commissioner Lown asked if the Conservation Trust was aware of this project. The Agent informed the Commission that the President of the Truro Conservation Trust (TCT) sent an email in support of the beach stair removal and relocation. It was clarified for Commissioner Lown, that the stairs are on the TCT property, but that the easement and the ownership of the stairs belonged to Mr. Rhoades. Mr. Rhoades further explained that only his parcel has legal access to the stairs. Mr. Lajoie described the new path could be 3' wide with crushed stone or a roll out walkway. He explained that the old path would be restored with plantings. Mr. Rhoades argued that it was best to move the stairs because the erosion under them was very close to his building. Commissioner McMahon asked about how they would mitigate the area where the stairs will be removed. Mr. Lajoie replied that construction note #2 describes a restrictive work limit and beach grass plantings. Commissioner McMahon asked if they could restore the dune with clean/compatible sand and restabilize with jute netting, in addition to the beach grass plantings. Mr. Lajoie and the homeowner agreed to the proposal. Commissioner McMahon also felt that rugosa should be planted near the top of the bank/dune. The homeowner expressed interest in having a raised board walk to the beach stairs but stated that he was willing to keep it sand if it pleased the Commission. Commissioner McMahon felt that he could support keeping the stairs where they are and

allowing a raised walkway over the existing path. The path could be replanted with beach grass and allowed to grow in under the walkway. Mr. Lajoie asked for a continuance.

Motion: Lown moved to continue the hearing to October 5, 2020.

Seconded by Noons-Rose. **Vote: 5-1-0**

Notice of Intent: 51 Depot Rd, Eric & Andrea Pyenson, SE# 75-1104 (continued from 8/3/2020): David Lyttle of Ryder and Wilcox presented a modified proposal: proposed addition of a screened porch on west side; this would decrease roof coverage by 219 sq. ft. (283 sq. ft. reduction in the 50'-100') but there would still be a 64 sq. ft. increase in the 0-50' buffer. The proposal would only require one additional post and eliminated the stairs down to ground. Adrian Punch proposed a mitigation plan that included planting 23 bearberry and 11 sweet fern in between the existing house and the top of the coastal bank. To the southwest, he proposed to remove honeysuckle and replant with beach plum (220 sq. ft.) and elimination of lawn area, which would be planted with a wildflower grass mix. Commissioner McMahon asked if the porch could be moved further south. Mr. Lyttle replied yes, but the proposed location worked with the existing access door and also gave the homeowners a small view of the river/marsh. The Agent asked for more detail on the south-side entrance changes. The timber stairs will be removed and a pathway with 2 stone steps up to the entrance is proposed. The outdoor shower will be moved further south.

The following conditions were suggested: 1.) notes on the plan shall be specifically incorporated into the Order; 2.) mitigation is required and is a condition of the approval; 3.) temporary irrigation is allowed; 4.) the driveway shall remain pervious; and 5.) no transition of lawn area to turf.

Motion: Lown moved to approve the application as conditioned.

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

Notice of Intent: 8 Castle Rd, M. Louise Briggs, #75-1105: David Lajoie of FELCO Inc. described the project for an addition to an existing dwelling; they offer 450 sq. ft. of mitigation plantings close to the top of the bank within existing lawn area. Commissioner McMahon asked if they could tighten the work limit and improve the mitigation offered. Ms. Briggs, property owner, asked if she could use butterfly weed and some native grasses. Commissioner McMahon agreed. Commissioner McMahon asked if the property owner could remove some ailanthus on-site. Ms. Briggs agreed. The Agent was concerned that the numbers depicting square footage on the plan and within the description did not match. Mr. Lajoie said he would fix the error. Elton Elperin, architect for the project, gave additional information on the square feet of the project stating that the proposal includes a net increase of 77 sq. ft. for the porch (245 sq. ft. existing, 322 sq. ft. proposed); and a net increase of 85 sq. ft for the first floor of the home (365 sq. ft. to be demolished, 450 to be constructed). The Commission asked that the Applicants to come back with the following information: tightened work limit, detailed mitigation including the removal of the ailanthus, and accurate description of disturbed area within the Riverfront.

Motion: Messinger moved to continue the hearing to October 5, 2020.

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

Request for Determination of Applicability: 563 Shore Rd, Beau Gribbin: Russell Fulcher, contractor, represented the project which included the extension of a second story deck creating a bridge from one structure to the next. No ground disturbance proposed. The Commission did not have any questions.

Motion: White moved to approve the application as a negative 3.

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

Extension of Order of Conditions: 0 Pamet Rd, 0+16 Great Hills Rd, 75 Depot Rd, Town of Truro, Pamet Harbor Dredging, SE# 75-1015: The request to extend was for 5 additional years.

Motion: White moved to approve the 5-year extension.

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

Certificates of Compliance:

8 Moorings Way, SE#75-1044

458 Shore Rd, SE# 75-0269

588 Shore Rd, SE# 75-1055

588 Shore Rd, SE# 75-1071

460 Shore Rd, SE# 75-0267

2 Corn Hill Landing, SE# 75-1077

3 Carlins Way, SE# 75-0770

3 Carlins Way, SE# 75-0791

299A, 309, 311, 311A & 315 Shore Rd, SE# 75-1080 PARTIAL

1 Moorings Way, SE# 75-1078

1 Circuit Way, SE# 75-681 REISSUANCE

1 Circuit Way, SE# 75-0935

Motion: Messinger moved to issue all the Certificates of Compliance.

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

Administrative Reviews - ratifications:

0 Old County Rd: repair rip rap

Motion: Noons-Rose moved to approve the application.

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

276 Shore Rd, U:9: outdoor shower, conditions: no soap, no permanent standing pad

Motion: Messinger moved to approve the application as conditioned.

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

12 Pilgrims Path: planting trees and removal of knotweed

Motion: Lown moved to approve the application.

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

276 Shore Rd, U:21: outdoor shower, conditions: no soap, no permanent standing pad

Motion: White moved to approve the application as conditioned.

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

Conservation Restriction, 9 Castle Terrace: 4.36-acre restriction, discussion ensued regarding the protection of habitat and wildlife.

Motion: Lown moved to approve the Conservation Restriction.

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

Field Change: 5 Bearberry Ln: David Lajoie, FELCO, Inc., proposed to repair the drift fence via a field change to the previously approved beach stair Order. The Agent questioned the use of the existing posts. Mr. Lajoie stated that the posts will be reused and moved back to within 6' of the toe of the bank. The Agent felt that the proposal did not qualify as a field change. Discussion included if there was a valid Order describing the drift fence and if there was one, they could use the field change request. If a valid Order does not exist, a new Notice of Intent would have to be filed or an amendment to the beach stair Order.

The Commission continued the discussion to October 5, 2020.

Messinger moved to adjourn. Seconded by Noons-Rose.

Respectfully Submitted,

Arozana Davis

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

