



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission REMOTE Meeting Minutes: August 3, 2020

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

The meeting and public hearings were called to order at 2:00PM and virtual instructions were given.

Notice of Intent: Eagle Neck Creek, Town of Truro, #75-1101 (continued from 6/1/2020): Jarrod Cabral from the Truro DPW represented the project. The Agent reviewed mitigation for the project which included: elevating Stick Bridge Rd to address flood elevations modeled; erosion and sediment control during construction. There were time of year restrictions imposed to protect endangered species **per DMF's approval letter** which stated: there shall be no work in the water from March 15 – Oct 31, if feasible; using exclusionary fence to protect Eastern Box Turtle; restrict dredging 3 hours before and after high tide; use turbidity curtains during the dredging; use a bypass pipe under Old County Rd during construction to maintain water flow. Other mitigations include re-use of dredge sediment to enhance the salt marsh; follow a fuel storage and refueling protocol; employ a post construction monitoring and maintenance plan; and use an endangered species prevention and control plan. The Agent felt that each mitigation item should be conditioned within the Order. Mr. Cabral explained that there will be daily job site meetings with himself and the on-site contractor. In his absence, the highway foreman or the Conservation Agent would stand in.

Motion: McMahon moved to approve the application with conditions described.

Seconded by Messinger. **Vote: 5-0-0**

Motion#2: McMahon moved to approve the variance as described.

Seconded by Messinger. **Vote: 5-0-0**

Notice of Intent: 503 Shore Rd, U:21, Jean Marzilli, SE# 75-1083 (continued from 6/1/2020): The Applicant sent an email requesting a continuance to the October 6, 2020 meeting.

Motion: McMahon moved to continue the hearing to October 6, 2020.

Seconded by Messinger. **Vote: 5-0-0**

Request for Amended Order of Conditions: 66 Depot Rd, Michael Miller, SE# 75-1034 (continued from 6/1/2020): Tim Callis represented the amendment request which included an area of mitigation and a request for ongoing conditions in order to continue invasive species maintenance. Mr. Callis had planted an apple tree prior to understanding that it was an area of proposed mitigation. In addition to the apple tree, he proposed to plant the area with 13 bayberry, 3 beach plum, 6 blueberry, and 1 viburnum.

Commissioner McMahon asked if Mr. Callis would cut down the poplar next to the studio. Mr. Callis agreed and stated that he would notify the Agent prior to any vegetation maintenance. Commissioner Lown questioned if the existing irrigation was part of the original approval. The Agent stated that it wasn't. Mr. Callis asked that the temporary irrigation be allowed to remain until the plants were established and apologized for not including the system in the request. The Agent suggested that the irrigation system be removed after 3 years. Mr. Callis agreed.

Motion: Messinger moved to approve the application as conditioned.

Seconded by McMahon. **Vote: 5-0-0**

Request for Determination of Applicability: 178-190 Shore Rd, Horizons Beach

Condos (continued from 6/1/2020): Bob Reedy, of J.M. O'Reilly & Associates, represented the project which included the upgrade of one of the four septic systems on the property. The Agent noted for the record, that she believed that the area was a coastal dune because of its location west of the High Head landform.

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

Seconded by McMahon. **Vote: 5-0-0**

Notice of Intent: 8 Stick Bridge Rd, Robert Anderson & Loic Rossignon, SE# 75-1103 (continued from 6/1/2020):

David Lyttle, of Ryder & Wilcox, represented the applicants who propose a project that includes construction of a 36'x 32' barn with a parking area and the removal of an existing cabin and shed; these activities are located within jurisdiction; the shed will be relocated outside of Conservation jurisdiction. The barn is sited as far away from the resource area as possible and located where grading is minimal. The proposal also includes the removal of poplar trees to enhance a meadow; some fruit trees will be planted. The creation of the meadow, relocation of shed and the removal of the cabin and shed were proposed as mitigation. Commissioner McMahon asked if there was plumbing in the barn. Mr. Lyttle replied in the negative but stated that there will be electricity. The Agent questioned maintenance of the meadow and suggested that the meadow only be mowed once a year in late Fall. There was a question about the grading. Mr. Lyttle explained that they will not be making any grade changes around the garage and that the rear wall will have a deeper footing. He stated that all grades will be returned to within 6"-12" of what currently exists. There was a discussion about the proposed drainage trench within the driveway. Mr. Lyttle described the stone trench as 2' wide and 2' deep and stated that he felt it would handle all of the stormwater flow coming from the site. Commissioner Messinger asked if the barn could be moved completely out of their jurisdiction. Mr. Lyttle explained that locating it on the other side of the home would require disturbing a significant area for a new driveway for the construction and access and would interrupt the layout of the site. The Agent suggested the following conditions: 1.) Disturbed areas be replanted with native grasses; 2.) proposed trench installed within the driveway during the regrading process; 3.) the driveway shall remain pervious; 4.) construction notes on the plan shall be specifically incorporated into the Order; 5.) herbicide application on the white poplar shall be done by the homeowner, but if not, then the Conservation Department shall be notified and the contractor shall be a MA certified applicator.

Motion: Noons-Rose moved to approve as conditioned.

Seconded by Messinger. **Vote: 5-0-0**

Notice of Intent: 4 Kill Devil Rd, Peter & Nancy Rhoades, SE# 75-1102 (continued from 6/1/2020): David Lajoie, of FELCO, Inc., represented the project proposal to construct a pergola, walkway, and relocate/repair the beach stairs. The beach stairs are located on 4 Kill Devil but also partly on the neighboring property, owned by Truro Conservation Trust and are within an easement created for the stairway. The walkway would start from the platform between both buildings and lead to the beach stairs. Commissioner McMahon was not in favor of the proposal. Commissioner Noons-Rose asked why the stairs need to be moved. Peter Rhoades, homeowner, described his concern over the erosion that was occurring under the existing stairs. Commissioner McMahon questioned who would fix the disturbance under the existing stairs, once they were removed, since the property owner benefitted from the easement but does not own the land. Mr. Rhoades replied that he would work with Truro Conservation Trust to restore the area. The Agent asked if the use of the stairs was restricted to 4 Kill Devil Rd. Mr. Rhoades confirmed. The Commission discussed restoration of the erosion under the existing beach stairs. Mr. Lajoie requested a continuance.

Motion: Noons-Rose moved to continue the hearing to September 14, 2020.

Seconded by Lown. **Vote: 4-1-0**

Notice of Intent: 51 Depot Rd, Eric & Andrea Pvenson, SE# 75-1104: David Lyttle of Ryder and Wilcox, represented the applicants, who propose to construct a larger deck to the west of the existing deck on the water side of the house, as well as a screened porch. They would remove the front and side porch, which results in a 17 sq. ft. reduction of impervious surface. Additional mitigation would include the planting of a 200 sq. ft. area with bayberry and low bush blueberry. Commissioner McMahon noted that allof the work proposed was within the 0'-50' portion of the buffer zone, which the Commission regulations established as a vegetated buffer zone. Commissioner Lown asked how many additional square feet were proposed. Mr. Lyttle stated that there were 51 additional square feet. Commissioner McMahon noted that the work limit proposed would require the removal of existing vegetation. Mr. Lyttle proposed removing the east side deck in order to obtain permission to build the proposed west side deck. Commissioner McMahon still felt that there was too much disturbance within the 0-50' buffer. Mr. Lyttle requested a continuation.

Motion: Lown moved to continue the hearing to the September 14, 2020 meeting.

Seconded by Messinger; **Vote: 5-0-0**

Certificates of Compliance:

30, 32 Sandpiper Rd, & 1 Dune Way (#75-0766)

Motion: Lown moved to issue the Certificate of Compliance.

Seconded by Messinger; **Vote: 5-0-0**

Administrative Reviews - ratifications:

595 Shore Rd

209 Shore Rd

14C Truro Center Rd

19 Avocet Rd, 7 Kestrel Ln, 8 Kestrel Ln, 17 Avocet Rd, 15 Avocet Rd

5 Marshall Ln

Motion: White moved to ratify the administrative review applications.
Seconded by McMahon. **Vote: 5-0-0**

Administrative Reviews:

276 Shore Rd U:2: conditions: no soap, no enclosures, no permanent standing pad
276 Shore Rd U:8: conditions: no soap, no enclosures, no permanent standing pad
276 Shore Rd U:6: conditions: no soap, no enclosures, no permanent standing pad
276 Shore Rd U:1: conditions: no soap, no enclosures, no permanent standing pad
276 Shore Rd U:3: conditions: no soap, no enclosures, no permanent standing pad
14C Truro Center Rd: condition: all limbs will be flagged

Motion: Messenger moved to approve the administrative reviews.

Seconded by McMahon. **Vote: 5-0-0**

Field Change: 17 Long Dune Ln: Applicant proposes to change the entrance way to a previously approved shed from a ramp to a ground-level deck. The Agent stated that the shed location was within the 90-100' buffer. Commissioner Lown took issue with the property owner's history with the Commission. The Agent suggested that they take a look to make sure that the deck hasn't been built yet and if it hadn't, then the field change would be considered approved.

Motion: White moved to approve the field change as conditioned.

Seconded by McMahon. **Vote: 3-1-0** (Noons-Rose was not present for the vote)

Messenger moved to adjourn.

Respectfully Submitted,


Arozana Davis

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

