



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### **Conservation Commission REMOTE Meeting Minutes: June 1, 2020**

**Commissioners Present:** Chair Jack McMahon, Commissioners Larry Lown, Bob White, Diane Messinger. Carol Girard-Irwin. **Absent:** Commissioners McCutcheon & Linda Noons-Rose. **Others Present:** Emily Beebe, Conservation Agent; David Lajoie of FELCO; Brian Hopkins of Augustus Construction; Jarrod Cabral, DPW Director; Nils Wiberg of Fuss & O'Neill, Georgann Kerr from the Division of Ecological Restoration; Leslie Fields from Woods Hole Group

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

**Notice of Intent: 4 Heron Ln, 4 Heron Ln Trust, #75-1100 (continued from 4/5/2020):** David Lajoie of FELCO, Inc. discussed the revised plan submitted that reflected a decrease in deck size, from 8'x18' down to 6'x14'. The existing deck will also be reduced in size. Commissioner White suggested that there be a tradeoff of area from the existing deck in order to have the new deck. Mr. Lajoie agreed that 84 sq. ft. could be removed from the existing deck and used for the new deck. Commissioner McMahon agreed to lift the Stop Work Order pending the receipt of the new plan. The Agent stated that the vegetation within the mitigation area shall be comprised of low-lying plants that will not conflict with the view; bearberry was suggested. Discussion ensued regarding the Autumn Olive/Russian Olive on-site and its removal. Commissioner White suggested this work could be done at a later time.

**Motion:** Messinger moved to approve the application with the following conditions: 1.) a revised plan shall be submitted that shows no net increase in deck area; 2.) Bearberry and Bayberry shall be added to the mitigation area; 3.) the Stop Work Order shall be lifted once the revised plan has been submitted.

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

**Request for Determination of Applicability: 31 Stephens Way, Hopper House LLC:** David Lajoie of FELCO, described the project which included the upgrade of the septic system at the property. A waste line would need to be redone within the 50' buffer from the top of the bank. The septic tank and leach area are out of the buffer zone completely, with the leach area being over 150' from the top of the bank. Commissioner McMahon asked if there was any revegetation proposed for the disturbed area. Mr. Lajoie requested that they be allowed to revegetate with native plants and grasses. Commissioner McMahon suggested American beach grass or bearberry.

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

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

**Notice of Intent: Eagle Neck Creek, Town of Truro, #75-1101:** Georgann Kerr from the Division of Ecological Restoration; Leslie Fields from Woods Hole Group; Nils

Wiberg from Fuss & O'Neill, and Jarrod Cabral from the Truro DPW represented the project. Ms. Fields presented the project via a PowerPoint presentation which included some of the following information: Since 2001, Eagle Neck Creek has been studied/planned as a potential restoration project and the proposal is filed as a Limited Restoration Project. The original culvert collapsed and now only an 8" pipe is controlling the water flow which has restricted the amount of water that needs to flow to the salt marsh on the east side of Old County Road. This has led to degradation of the creek. The goal is to restore ecological functions and habitat quality with the following objectives: restore tidal flow at the railroad berm; address remnant fill impacting the channel and salt marsh; re-use sediment onsite; restore tidal flow at Old County Rd; and manage potential storm flooding and sea level rise impacts at Stick Bridge Rd. Site History included: man-made alterations that have restricted the tidal flow which included the railroad berm with an original flapper valve and the culvert under Old County Rd. The original 8" culvert under Old County Road, had been replaced with two 36" culverts in 1994, both of those culverts failed, and the Town then installed an 8" PVC pipe within one of the old culverts. This resulted in a 1.6-acre tidal range in what should be a 16-acre marsh system. Sediment samples from the channel have been tested and shown to be uncontaminated. The proposal is to replace the 8" pipe and collapsed culverts with an 8'x8' box culvert, which would restore 15.4-acres of salt marsh; remove 50' of railroad berm & dredge a 20' wide channel; dredge 1,200' of tidal channel (maintaining natural widths) to remove tidal restrictions; and raise the elevation of Stick Bridge Rd by 1-3'. Commissioner Lown questioned the difference between artificial and natural coastal bank; Ms. Fields replied that the entire area contained artificial coastal banks, which were man-made and that no natural coastal banks existed on-site. Commissioner Messinger asked why they didn't propose to eliminate the whole railroad berm. Ms. Kerr's reasons included cost of removal and current use of the land. The Agent questioned how the stockpiling would occur. Ms. Fields stated that the proposal includes the material stockpiled for a few days and then used in the areas proposed (marsh restoration, raising of Stick Bridge Rd), instead of trucking it off-site. Mr. Wiberg added that stormwater management improvements are also a part of the project, as existing catch basins are not functioning properly. Abutter Anna Poor (12&14 Salt Marsh Ln) questioned the affect of the project on a degraded area of land at the south end of the railroad bed. Ms. Fields replied that the degradation in that area wouldn't be significantly impacted by the project, other than the increased tidal flow removing some of the dead vegetation. Ms. Poor questioned access for the land equipment; Ms. Fields stated that the thought is to use Abby Lane, but that detail would ultimately be left to the contractor. Abutter Loic Rossignon (8 Stick Bridge Rd) questioned the Stick Bridge Rd portion of the project. Ms. Fields described the project as follows: clearing of invasive vegetation, raising the road, and replanting disturbed areas with native grasses. The Agent asked for the area of the two salt marsh restoration pockets by the railroad berm. Ms. Fields stated that the combined total was 7,565 sq. ft. Project start date is proposed for Fall/Winter 2021. Suggested conditions: 1.) stockpiling for 2-3 intervals is allowed; 2.) the Operation and Maintenance agreement is specifically incorporated into the Order; and 3.) the water quality certification shall be submitted to the Conservation Department. The Agent asked for a continuance in order to prepare a draft of the conditions.

**Motion:** Messinger moved to continue the hearing to July 6, 2020 meeting.

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

**Administrative Reviews:**

**15-19 Avocet and 7&8 Kestrel Ln:** biomimicry proposal.

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

**Seconded** by Girard-Irwin. **Vote: 5-0-0**

**0 Ryder Beach Rd, 0 South Pamet Rd, 216 Shore Rd:** increase width of access paths to provide enough space for people to enter and exit, 6' apart, per Covid19 requirements. Commissioner Messinger felt the proposal was too destructive. Commissioner Lown expressed concern over the permanency of the proposal and the effects on the resource area at Ryder Beach Rd. The Agent added that the change would improve access for emergency vehicles. This made Commissioner Lown feel that it was that much more permanent and that it would allow/promote private vehicles to use it. He wanted to condition the Ryder Beach Rd proposal to restrict the excavation depth to 12-18" deep. Commissioner McMahon felt the emergency access to Ryder Beach was important. Commissioners White and Girard-Irwin felt that providing adequate access, with Covid19 safety in mind, was pertinent as well.

**Ryder Beach:** Condition: grade shall not be lowered more than 24".

**Motion:** Girard-Irwin moved to approve the application as conditioned.

**Seconded** by White. **Vote: 4-0-1** with Lown abstaining.

**Beach Point Landing:** no conditions suggested.

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

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

**Ballston Beach:** no conditions suggested.

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

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

**Certificates of Compliance:**

7 Marshall Ln (#75-1074)

572 Shore Rd (#75-1087)

42 Corn Hill Rd (#75-1033)

42 Corn Hill Rd (#75-1082)

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

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

Lown moved to adjourn.

Respectfully Submitted,

  
Arozana Davis

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



