



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission REMOTE Meeting Minutes: May 4, 2020

Commissioners Present: Chair Jack McMahon, Commissioners Larry Lown, Linda Noons-Rose, Bob White, Deborah McCutcheon, Diane Messinger and Carol Girard-Irwin. **Others Present:** Emily Beebe, Conservation Agent, David Lajoie of FELCO, Jason Ellis of JC Ellis Design

The meeting and public hearings were called to order at 2:30PM and virtual instructions were given.

Notice of Intent: 5 Bearberry Ln, Hilltop at Great Hollow LP, SE# 75-1098 (continued from 4/15/2020): David Lajoie, of FELCO, Inc., described the revised beach stair plan which reflected a reduction in size for platform "D" (now shown as 4'x4'), and a set of stairs going north down to the beach. These changes took the bottom section out of the Common Easement area and on to private property. Mr. Lajoie requested that the Commission approve the original plan, with the stairs going south in order to keep the stairs within the easement. The Commission and Mr. Lajoie discussed the disrepair of the existing sand drift fence. Commissioner Noons-Rose stated her lack of satisfaction with sand drift fences and therefore the replacement of one. The Agent stated that if the Commission didn't allow the repair of the sand drift fence, then they should require that the parts be removed. Commissioner McMahon asked if Mr. Lajoie could address the idea of either removing the fence or fixing it. Mr. Lajoie stated that the pilings were still in the ground and didn't feel that they would be easy to remove, so he suggested that he come back before the Commission with a separate proposal for the repair of the sand drift fence. Commissioner Girard-Irwin questioned the size of platform "D"; Mr. Lajoie stated that it was the size of the other existing platforms. The Agent suggested conditioning the approval of the stair with a note saying that the Applicant must email the Commission with a plan for the fence (either repair or removal) by the next meeting, or the Commission will order the removal of the fence, and the Commission agreed with this. Commissioner Girard-Irwin noted that batten boards were missing on the upper section of the stair. The Agent suggested making their replacement a condition as follows: batten boards shall be placed on the existing beach stair and new section, running with the grade at every vertical member.

Motion: Commissioner Lown motioned to approve the stairway, shown on plan dated 2-17-2020, with the condition that the Applicant email the Commission their intent for the sand drift fence by their next meeting and that batten boards be added as previously conditioned. **Seconded** by Commissioner Girard-Irwin. **Vote: 6-0-1**

Notice of Intent: 503 Shore Rd, Unit 21, SE#75-1083: The Applicant had requested a continuance to the August 3, 2020 meeting.

Motion: Commissioner Messinger motioned to move the hearing to the August 3, 2020 meeting.

Seconded by Commissioner Noons-Rose. Vote: 7-0-0

Notice of Intent: 405 Shore Rd, Kenneth Shapiro, SE# 75-1062 (continued from 4/15/2020): Ben Zehnder of LaTanzi Spaulding & Landreth, Jason Ellis of JC Ellis Design, and Theresa Sprague of Blue Flax Design, represented the property owner. Attorney Zehnder gave approval for Commission member Girard-Irwin to participate in the conversation and vote. Attorney Zehnder informed the Commission that ZBA and BOH approvals have been given for a one-bedroom dwelling to be constructed on the property. The most recent plan submitted to the Commission shows a one-level home to be built on piers. The property and the elevations have been staked. The driveway has been moved to protect existing vegetation from where it was previously proposed. Ms. Sprague addressed the Commission and discussed existing vegetation on-site, both natives and non-natives. The most recent proposal includes a tighter work limit and transplanting a few eastern red cedar saplings, bearberry, and reindeer lichen within the west side of the lot. Other disturbed areas will be replanted with bearberry and beach plum. Commissioner McMahon noted that there was no narrative addressing the effects on Coastal Dune performance standards. Attorney Zehnder said he had previously submitted one in October 2019 and read the majority of it into the record per the request of the Commission. The Agent noted that the letter did not address performance standards for a Coastal Dune. Further discussion ensued regarding the lack of narrative. Commissioner Lown brought up the possible need for an Independent Consultant. Commissioner McMahon said the lack of coastal dune performance standards narrative could be a basis for a vote regarding the Independent Consultant. Discussion ensued regarding Zoning and Board of Health approvals. Commissioner McMahon stated that he felt the Applicants had done everything that the Commission asked. Commissioners Lown and White agreed. Abutter Annie Ditacchio expressed her lack of support for the project. The Agent read a letter from Ms. Ditacchio into the record.

Motion: Lown moved to approve the application with conditions.

Seconded by Girard-Irwin. **Vote:4-2-0** (Noons-Rose did not vote)

Further discussion on conditions: Construction protocol, letter from JC Ellis Design dated 4/27/2020, the planting plan by Blue Flax, and any notes on the plans shall be incorporated into the Order; the excavated materials will be brought off-site during construction and brought back on-site and be placed within the work limit construction debris shall be removed daily; a covered dumpster shall be used, the work limit shall be delineated via a wooden or plastic construction fence; the contractor shall sign a document noting that they have read, understood and will comply with the Order of Conditions; walkways and driveway shall remain pervious; the planting plan shall be implemented by Blue Flax and at any such time that it changes, the Conservation Department shall be notified and the new entity shall be a qualified landscaper; any transplants that do not survive shall be replaced 1:1; no construction materials shall be placed/stored on the east side of the lot.

Motion: Messinger moved to approve the conditions as discussed.

Seconded by White. **Vote: 6-0-0** (Noons-Rose did not vote)

Notice of Intent: 4 Heron Ln, 4 Heron Ln Trust, #75-1100: David Lajoie of FELCO, Inc., represented the project. He explained the project to the Commission which included an 8'x18' deck off the northwest corner of the dwelling and squaring off the

existing deck. The decks will be supported by sonotubes and there is an 800 sq ft mitigation area proposed on the south side of the lot. Commissioner McMahon asked if the Applicant had requested approval from the Commission for the work that was being done on the decks currently. Mr. Lajoie was unaware of any work that was underway. Commissioner McMahon stated that a Stop Work Order should be issued right way. He informed Mr. Lajoie of the work that was underway without any Conservation Commission approvals or precautions in place; further, that the planting plan for the mitigation area was inadequate. Commissioner White agreed that a Stop Work Order was needed. Mr. Lajoie requested a continuance. The Agent referenced the building permit that was approved for the work that did NOT reference any exterior work other than the replacement of sliders. She also noted that the Conservation Regulations state that the Commission does not want any further development into the buffer zone and therefore felt the application did not meet the local requirements. She also noted that the alternatives analysis did not support the proposal.

Motion: Lown moved to continue the application to the next meeting.

Seconded by Noons-Rose. **Vote: 6-0-0** (McCutcheon did not join the line to vote)

Administrative Reviews:

482 Shore Rd: beach stair replacement

Motion: Messinger moved to approve the administrative review.

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

7 Truro Center Rd: dead tree removal

Motion: Girard-Irwin moved to approve the administrative review.

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

544 Shore Rd: septic repair

Motion: White moved to approve the administrative review.

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

Noons-Rose moved to adjourn. **Vote: 6-0-0**

Respectfully Submitted,

Arozana Davis

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



