



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### Conservation Commission Meeting Minutes: February 1, 2021

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

**The Chair called the meeting and public hearings to order at 5:00 and provided instructions for the virtual meeting.**

**Notice of Intent: 503 Shore Rd, Unit 21, Jean Marzilli, SE#75-1083 (continued from 1/4/2021):** Jean Marzilli, property owner presented additional details on the deck construction; they included the following: no more than 9 sonotubes will be used and they will be 9"x12" and 4' deep, concrete overpour will be removed from the site, wood will be pressure treated with a mahogany surface, stainless steel screws will be used, and the deck will be built in 3 pieces so that it is easily removable. Commissioner McMahon stated that the sand removed for the installation of the sonotubes, should be left on-site and that if any material or debris are left overnight, that a tarp shall be placed over it so that it does not get blown around.

**Motion:** Commissioner White moved to approve the application as conditioned.  
**Second:** by Commissioner Noons-Rose. **Vote: 5-0-0** (Commissioner Lown was not yet present at this time).

**Notice of Intent: 23 Corn Hill Landing, Steven Pinker, SE#75-1107 (continued from 1/4/2021):** Steven Pinker, homeowner, explained his current proposal which included moving the proposed addition further back from the coastal bank, placing the upper-level addition on posts, tearing out some of the existing decks and adding some new, and re-vegetation of the existing bare areas and the proposed disturbed areas. The garage addition was removed from the proposal at the January meeting. This proposal would create a net-zero increase of developed area. Commissioner McMahon questioned the use of sonotubes for the upper-level addition. Mr. Steven Phillips, contractor, stated that the upper level would be supported by two posts which would be attached to two concrete sonotubes/big feet that would be 24" in diameter. Mr. Phillips added that access for the project would be from the existing driveway to the east side and that the work limit will be defined by an orange construction fence.

**Motion:** Commissioner Girard-Irwin moved to approve the application.  
**Second** by Commissioner Messinger. **Vote: 5-0-1** with Commissioner Lown abstaining.

**Notice of Intent: 31 Mill Pond Road, Margaret Clarke, SE# 75-1108 (continued from 1/4/2021):** Tim Richards and Meg Clarke, property owners, came back before the Commission with a revised plan. The new proposal sites the entire deck outside of the

100' buffer zone to the coastal bank and a reduction in its size to 270 sq. ft., along with the elimination of the proposed second outdoor shower. The Agent brought up the matter of the parking area to the south of the property on the Mill Pond Road side, which had been an issue for the Commission with the previous owner. The Agent confirmed with the homeowners that they understand that the area is not to be improved in any way, and any work they would propose would have to come before the Commission for their approval. The homeowners stated that they would put up two posts and a chain to make sure the area was not used for parking.

**Motion:** Commissioner White moved to approve the application as conditioned.

**Second** by Commissioner Noons-Rose. **Vote: 6-0-0**

**Notice of Intent: 1 Circuit Way, Michael Grossman, SE# 75-1111 (continued from 1/4/2021):** Marcus Springer, of Over/Under Architects, provided the Commission with a new narrative, construction protocol, and revised site plan which included a propane tank that was not shown on the original plan. He reminded the Commission that the project takes place solely within the footprint of the existing house and that the work will be done from within the house and from the roadside of the property. Commissioner Girard-Irwin confirmed with the Applicant that the concrete slab for the propane tank was going on the existing asphalt driveway. The Agent asked if Mr. Springer could add a revision date to his plan and suggested to the Commission that they adopt all the documents submitted as conditions for the project.

**Motion:** Commissioner Messinger moved to approve the application as conditioned.

**Second:** by Commissioner Girard-Irwin. **Vote: 6-0-0**

**Notice of Intent: 118 North Pamet Rd, Christopher & Jennifer Sousa, SE#75-1110 (continued from 1/4/2021):** Tim Brady of East Cape Engineering, stated that he received approval from NHESP with no comments. The Commission had concerns over the proposed parking area at their last meeting. Mr. Brady explained that the area where the parking is proposed (80' back from the top of the coastal bank), will be disturbed during construction and that it's a convenient location for accessing the house. He added that creating a parking area on the westerly side of the driveway would create more disturbance, as it's heavily vegetated, and that it would require a 10' retaining wall because of the steep grade. Commissioner White asked what size retaining wall would be needed for the parking area as it is proposed. Mr. Brady said a 2'-3' high one would be needed. Commissioner Messinger had concern over the proposed new location of the house. Mr. Brady acknowledged that the house will only have about 30 years (at the average erosion rate of 2'-3' per year) before it's in danger again. The Agent felt that the area they chose was the best area considering the surrounding resource areas (marsh, coastal dune and the coastal bank), but questioned the size of the driveway area that will be abandoned and replanted. Mr. Brady stated that it will be about 30'x12' and noted that the remaining space would be left to help the homeowners navigate into the proposed parking area. Mr. Brady suggested an on-site with the Agent prior to restoration. The Agent suggested adding bayberry, bearberry and American beach grass and asked Mr. Brady to add a revision date to his plan. Mr. Brady said he has a revised plan that the Commission has not seen yet (amended for the Board of Health) with a revision date of 1/15/2021 that he will send in. Commissioner Noons-Rose questioned the install of the septic tank, with regards to the size of the hole and caving issues. Mr. Brady said if

needed, they will use a dig box to hold the sand in place.

**Motion:** Commissioner Noons-Rose moved to approve the application as conditioned.

**Second:** by Commissioner White. **Vote: 6-0-0**

**Request for Determination of Applicability: 18 Phat's Valley Rd, Peter Fields:** Peter Fields, homeowner, described his project to remove of an existing shed and construct a new one. Commissioner McMahon asked where the debris would be going. Mr. Fields stated that he would bring it to Daniels in Orleans. Discussion ensued regarding the use of the building. Mr. Fields stated that in addition to being a shed, he was also hoping for it to be a bunk house. He added that the inside would be all unfinished with exposed studs and screening for windows. He explained that all work materials would be put away every night. The Agent advised the Commission that they should look at the proposal as just a shed and not address the potential overnight camping aspect of Mr. Fields verbal proposal. Commissioner McMahon stated that the shed will not be on a foundation, that it will not have electricity or plumbing, and that it will not be a bunk house. Commissioner Noons-Rose stated that it should not be used for the storage of chemicals. The homeowner offered to remove the proposed porch attached to the shed. Commissioner McMahon asked that the entire footprint of the structure not exceed 200' sq. ft.; it was suggested that Mr. Fields come back to the Commission at their next meeting with a revised drawing.

**Motion:** Noons-Rose moved to continue the hearing to March 1, 2021.

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

**Notice of Intent: 4 Rolling Hills Rd, Mark & Laura Shlomchik, SE#:** David Lyttle, of Ryder & Wilcox, represented the project which included the reconstruction of an existing deck, retaining wall, and the addition of a spiral stair (64 sq. ft.) supported by one footing. In addition, the Applicant proposes to plant all the bare areas on the property and remove an area of invasive plant species. Commissioner McMahon questioned the construction of the outdoor shower. Mr. Lyttle apologized and stated that he did not know when it was constructed. Commissioner McMahon felt that the existing red cedar trees will need some temporary irrigation and additional ground coverage. Commissioner McMahon asked if all the sonotubes were going to be replaced. Mr. Lyttle replied in the affirmative and stated that all concrete overpour will be taken off-site. The hearing needed to be continued because they did not have a DEP number.

**Motion:** White moved to continue the hearing to March 1, 2021.

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

#### **Certificates of Compliance:**

**417 Shore Rd (#75-1051):** Mr. Malo had submitted a Request for Certificate of Compliance acknowledging items that were different from the original approval. They were as follows: bluestone walkway around the house, outdoor shower, and the existing privet hedge still in place. The Commission took no issue with the privet hedge. Commissioner White questioned the material used between the bluestones. Mr. Malo was unsure and could not address its permeability. The outdoor shower was also questioned. Mr. Malo stated that the work that took place was inside the approved work area. The Agent suggested continuing the hearing to March 1, 2021 so that the Applicant could get details on the material used between the bluestones and in order for the

Commission to investigate what was included in the original approval. The Commission acknowledged that the Order of Conditions was still valid and open.

**Motion:** Lown moved to continue the hearing to March 1, 2021.

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

- 1.) **596 Shore Rd, U:E, SE# 75-0540**
- 2.) **40 South Pamet Rd, SE# 75-0711**
- 3.) **40 South Pamet Rd, SE# 75-0376**
- 4.) **Dune Way/Cobb Farm: Reissuance, SE# 75-44**
- 5.) **5 Dune Way, SE# 75-091**

**Motion:** Commissioner Messinger moved to issue the Certificates of Compliance for items 1-5 listed above.

**Second** by The Chair; **Vote: 6-0-0**

**DPW Notification: Snows Park:** notice of tree trimming work, no action needed

**Emergency Certification: 544 Shore Rd:** Michael McGrath, P.E., represented the project which included the placement of 80 cubic yards of sand to the south end of the building where the foundation is being undermined by erosion. All access would be through the center breezeway of the building and NHESP has approved the work. The Agent supported the project but felt that a management plan needed to be put into place to help protect the property and the resource areas. Mr. McGrath stated that he found remnants of an old existing bulkhead buried in the sand and hopes to come back before the Commission with a Notice of Intent to rebuild the structure. The Agent stated for the record that no plans/photos/paperwork had been found that support any historical bulkhead at the site. It was re-stated that a management plan still needs to be put into place as far as the use that occurs on the frontal dune. The Agent suggested the following condition: the Applicant has 4 months to file a NOI to address a management plan. Mr. McGrath agreed.

**Motion:** Commissioner Messinger move to approve the Emergency Certification as conditioned. **Second** by the Chair. **Vote: 6-0-0**

**Administrative Reviews:**

- 1.) **492 Shore Road:** waler replacement

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

**Second** by the Chair; **Vote: 6-0-0**

- 2.) **Mill Pond Road:** remove and reset guardrails
- 3.) **Head of the Meadow:** bike repair station
- 4.) **Snows Park:** bike repair station

**Motion:** Lown moved to approve applications 2-4.

**Second** by the Chair; **Vote: 6-0-0**

- 5.) **525 Shore Road:** water meter/line work

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

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

6.) 9 South Bridge Path: limbing of trees around house

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

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

7.) 596 Shore Rd: water meter/line work. Jim McCusker gave a summary of the project.

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

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

**Public Comment:** Pamela Wolff, 11 Blackfish Rd, stated her concern for the oak tree in the middle of Snows Park and asked if the Town could pay special attention to it.

**Minutes:** May 4, 2020; June 1, 2020; August 3, 2020; September 14, 2020; October 5, 2020; November 2, 2020; December 7, 2020; January 4, 2021

**Motion:** Lown moved to continue the approval of the minutes to March 1, 2021.

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

Messinger moved to close the meeting.

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

Meeting adjourned.

Respectfully Submitted,

  
Arzana Davis

**Approved 4-5-2021, Vote: 4-0-0**

**SITE VISITS: Members Present:** Chair Jack McMahon, Commissioners Carol Girard-Irwin, Diane Messinger & Bob White.

**4 Rolling Hills Road (NOI):** Commissioners observed staking.

**118 North Pamet Rd (NOI):** Commissioners witnessed the new staking.

**417 Shore Rd (COC):** Commissioners observed the additional work, including blue stone squares and outdoor shower.

