



**TOWN OF TRURO
CONSERVATION COMMISSION**
P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: March 1, 2021

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

The Chair called the meeting and public hearings to order at 5:02 and provided virtual instructions.

Minutes:

May 4, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Commissioner White. **Vote: 4-0-0** (*At this time, Commissioner Lown experienced internet issues and left the meeting*)

June 1, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0.**

August 3, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

September 14, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

October 5, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

November 2, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

December 7, 2020

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

January 4, 2021

Motion: Commissioner Girard-Irwin moved to approve as amended with any grammatical corrections Commissioner Lown may have.

Seconded by Chair McMahon. **Vote: 4-0-0**

Request for Determination of Applicability: 18 Phat's Valley Rd, Peter Fields

(continued from 2/1/2021): Peter Fields, homeowner, was not present.

Motion: Chair McMahon moved to push the hearing to a later point on the agenda to give the Applicant time to arrive.

Seconded by Commissioner White. **Vote: 4-0-0**

Notice of Intent: 4 Rolling Hills Rd, Mark & Laura Shlomchik, SE#75-1117:

David Lytle of Ryder & Wilcox, informed the Commission that he had received a DEP number. Commissioner McMahon gave a brief overview of the project from the February 1, 2021 meeting; (*Commissioner Lown rejoined the meeting*) the following conditions were proposed: 1.) all concrete overpour shall be removed from the site; 2.) temporary irrigation is required; and 3.) construction protocol and the notes on the plan are specifically incorporated into the Order.

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

Second by the Chair **Vote: 5-0-0**

Notices of Intent: 39 Bay View Rd, 41 Bay View Rd and 4 Heron Lane; Lawrence Gottesdiener, SE# 75-1115, 1116, 1114:

Commissioner McMahon noted that all three properties were owned by the same entity and that the Commission would discuss all three at once and vote on them separately. Stan Humphries of ECR represents the owners and described the current proposal to install 4-5 coir fiber logs placed at the toe of the Coastal Bank along the three referenced properties. The most important part of the project is the installation of the bottom log; it needs to be deep enough to prevent being undercut as the beach erodes. He was asked to compare this proposal with a project for coir envelopes approved in 2010 for properties on Kestrel Lane and Avocet Road (Shearwater); he stated that the logs were smaller than the ones used on the Shearwater properties and that duckbill anchors are now proposed instead of helical anchors. The number of logs used will depend on the elevation of the beach and the proposal does not include planting the logs after their installation because the lower 2-3' of the logs will experience wave action and vegetation will not last. Commissioner Noons-Rose questioned if the plan included the repair of the existing sand drift fence at #41 Bay View Road. Mr. Humphries stated that it did not but that he was open to it as a condition. Commissioner McMahon stated that according to local regulations, the property owner is responsible for repairing the fence or taking it out. Commissioner Girard-Irwin questioned the depth of the first log and the number of logs proposed. Mr. Humphries stated that the logs are 20" in diameter and therefore would need to be about 40" down, but the depth would depend on beach elevations at the time of construction and that he felt 5 rows would be sufficient. If that changes, then he said he would come back to the

Commission. Discussion ensued regarding the possible reconstruction of beach stair to accommodate the construction. The Chair felt that it could be addressed via a condition; he also questioned if the logs would be replenished or covered with sand annually. Mr. Humphries replied in the affirmative. There was a question about access to the site; no access site had been chosen at this time. Commissioner Lown questioned how much sand has been used for replenishment for the logs within Shearwater. Mr. Humphries reply was "thousands of cubic yards". Discussion ensued regarding sediment type and compatibility. Mr. Humphries proposed to submit bi-monthly reports. Commissioner Lown asked if any of the houses were built pre-1978. Mr. Humphries replied that one house was. The Agent asked if the goal was to keep the logs covered at all times with sacrificial sand. Mr. Humphries replied in the affirmative and added that there may be a need to renourish and re-vegetate above the logs. The Agent noted that access from the Corn Hill landing would be the closest entrance point and that the Applicant must notify abutters prior to proposed travel; further, the Agent reminded him that re-nourishment of the bank toe to cover the logs must be delivered from the private property under Truro Conservation regulations -rather than over-sand access. It was suggested that the hearing be continued to allow development of a rough draft of conditions.

Motion: Commissioner Lown moved to continue the hearing to April 5, 2021.

Second by the Chair; **Vote: 5-0-0**

Notice of Intent: 2 Noah's Way, William Hildreth & Ryan Cooke, No SE# at the time of the meeting: David Lyttle, of Ryder and Wilcox, represented the project and described the history of the property which included the original development of the site, which occurred in 1825. The proposed project includes renovations and additions to the existing dwelling, construction of a garage, removal of invasive vegetation and site restoration (they offer a 4:1 ratio of disturbed area to mitigation/restoration). All proposed activities would occur within 100'-200' of Riverfront except for site restoration. The work proposed within the buffer zone to the Coastal Bank included the construction of a deck and timber steps. Theresa Sprague of Blue Flax design prepared a plan showing the proposed mitigation developed as a land management plan. She stated that the applicants wished to remove the hot tub as proposed, and possibly relocate it on a deck in the future. She described the land management which included 9,450 sq. ft. of restoration within the Commission's jurisdiction with additional restoration outside of jurisdiction. The Chair asked about re-grading after the garage is constructed. Peter Coneen, architect, stated that the east side of the new building will align with the existing grade to the north, and grading would create a ramp to allow access to the backyard; the garage will be constructed on a slab at elevation 24 ft. Commissioner McMahon asked about the screen porch on top of the proposed deck; Mr. Lyttle and Mr. Coneen replied that the porch would be on the north side of the deck and extend over to the east side. When asked, Ms. Sprague added that the applicant would be willing to move their outdoor shower to another location. The Agent asked about the elevation of the addition foundation; Mr. Lyttle replied that it was at elevation 19 feet. Commissioner White inquired about the use of the second (half-story) in the garage. Mr. Coneen stated that it would not be a bedroom but would be usable living space. Mr. Lyttle added that there is no plumbing proposed for the garage. Commissioner Noons-Rose questioned the management of stormwater runoff, especially in front of the proposed garage. Mr. Lyttle agreed that they could install a trench drain to a drywell to address runoff from the

driveway. There was discussion about the additions in the buffer and resource areas that required a variance and they asked for a letter from Mr. Lyttle requesting one. The Commissioners agreed that, based upon the vast site restoration, conditions could be developed. Mr. Lyttle had not received a DEP file# at this time and requested that the meeting be continued.

Motion: Commissioner Girard-Irwin moved to continue the hearing to April 5, 2021.
Seconded by Commissioner Noons-Rose. **Vote: 5-0-0**

Notice of Intent: 542 Shore Rd, Marie Belding & Patricia Callinan, SE# 75-1118: Stan Humphries of ECR presented the project proposing the installation of 50 feet of "sturdy"-serpentine fence; it is designed with a 5-foot removable middle section for seasonal access to the beach by way of a "Moby" mat. Mr. Humphries stated that they did not yet receive an approval from Natural Heritage Endangered Species Program. The Agent expressed concern about the end of the fence being at the property lines and asked about: possible impacts to neighboring properties; any plans for restoration of the coastal dune; and for more information about the 5'-foot removable opening. Mr. Humphries stated that the purpose of the fence is to collect sand and that he has not seen any scour action on other serpentine fences that he has worked with. He stated that there wasn't much area between the beach and the building to rebuild a functioning dune and that the homeowners preferred the proposed location of the 5' removable section of fencing. The Chair questioned the current slope of the replenishment sand and the use of the Moby mat. Marie Belding, homeowner, explained that once the winter months have passed, they will grade the dumped sand into a slope and place the Moby mat down toward the water from there. Commissioners Noons-Rose & White expressed their concern about serpentine fences in general but acknowledged that this homeowner's options were limited. The Chair asked Mr. Humphries to respond in writing about potential impacts from the fence on neighboring properties and how it would be handled, he also asked for a restoration plan for the coastal dune and a plan for monitoring of the site. Comments were made by Mike Flannery a direct abutter concerned about potential scouring on his property and what remedy would be in place to address it. Commissioner McMahon said the topic would be addressed at the April meeting.

Motion: Commissioner Lown moved to continue the hearing to the April 5, 2021 meeting. **Second** by Commissioner McMahon. **Vote: 5-0-0**

Request for an Amended Order of Conditions: 263 Shore Rd, Unit 2, Mark & I-Ching Katie Scott, SE# 75-1094: David Lajoie, of FELCO, Inc., represented the amendment for a proposed landing, deck, and stairs for access to the house. Commissioner McMahon asked about mitigation. Mark Scott, homeowner, stated that their plan includes planting beach grass from the new deck to the fence line on what is now bare sand. The Chair reminded Mr. Lajoie that the request required a variance for expansion in the resource area, and Mr. Lajoie suggested that a variance request was a part of the original Notice of Intent and read the request into the record. The Agent suggested the following condition: replanting of the site shall be considered mitigation.
Motion: Commissioner Lown moved to approve the amendment as conditioned.
Second by Commissioner Noons-Rose. **Vote: 5-0-0**

Request for Determination of Applicability: 2 Bay View Path, Garrett Sharpless:

Mr. Sharpless, homeowner, described the project which included the replacement of the treads and rails on the existing set of beach stairs. All work will be done from the stairs themselves. The Chair asked if the bottom section was retractable; Mr. Sharpless replied in the affirmative.

Motion: Commissioner Noons-Rose moved to approve the application as a negative 3.
Second by Commissioner Girard-Irwin. **Vote: 5-0-0**

Request for Determination of Applicability: 45 Ryder Beach Road, Paula Elaine

Kay: Jason Ellis, of J.C. Ellis Design, presented the project for replacement of an existing deck and possibly some footings. The decking will be removed, placed in a dumpster and taken off-site; the main access and work area will be staged from the existing driveway. The Applicant also proposed to add a roll-out walkway to the beach stairs. Commissioner McMahon asked if the applicant could replenish sand in the area of scouring and plant it with beach grass, OR reduce the deck size at the southwest corner. Commissioner White suggested using some snow fencing on the north side to help build up the area. Commissioner Noons-Rose suggested adding plantings. Mr. Ellis said that he would submit some details on the fencing, sand, and plantings to the Agent.

Motion: Commissioner White moved to approve the application as a negative three with the following conditions: snow fencing, sand replenishment, and plantings shall be done on-site to address the scoured area.

Second by Commissioner Girard-Irwin. **Vote: 5-0-0**

Certificates of Compliance:

417 Shore Road, SE# 75-1051 (continued from 2/1/2021)

Motion: Commissioner White moved to approve the Certificate with the suggested remediation from Coastal Engineering. **Second** by Commissioner McMahon. **Vote: 4-0-1** with Commissioner Noons-Rose abstaining.

17 Long Dune Lane, SE# 75-1081

Motion: Commissioner Girard-Irwin moved to approve the Certificate.
Second by Commissioner McMahon. **Vote: 5-0-0.**

17 Long Dune Lane, SE# 75-1008

Motion: Commissioner McMahon moved to approve the Certificate.
Second by Commissioner White. **Vote: 5-0-0**

6 Ocean Bluff Lane, SE# 75-1046

Motion: Commissioner McMahon moved to approve the Certificate.
Second by Commissioner Girard-Irwin. **Vote: 5-0-0**

Administrative Reviews

1.) 276 Shore Road, Unit 16: rinse station

Motion: Commissioner McMahon moved to approve the application.
Second by Commissioner White. **Vote: 5-0-0**

2.) 608 Shore Road: dbx replacement

Motion: Commissioner McMahon moved to approve the application.

Second by Commissioner White. **Vote: 5-0-0**

3.) 2 Heron Lane: replenishment, plantings: Gordon Peabody, of Safe Harbor, informed the Commission that he notified abutters regarding access and traversing along the beach.

Motion: Commissioner Lown moved to approve the application.

Second by Commissioner McMahon. **Vote: 5-0-0**

Request for Determination of Applicability: 18 Phat's Valley Road, Peter Fields

(continued from above): Peter Fields, homeowner, did not attend the meeting.

Motion: Commissioner Lown moved to continue the hearing to the April 5, 2021 meeting. **Second** by Commissioner Girard-Irwin. **Vote: 5-0-0**

Commissioner White moved to close the meeting.

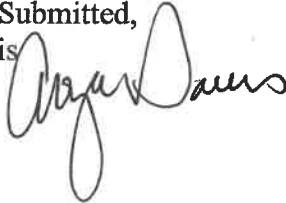
Second by Commissioner Girard-Irwin. **Vote: 5-0-0**

Meeting adjourned.

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

Respectfully Submitted,

Arozana Davis



Site Visit minutes:

On 3/1/2021 at 10 AM Commissioners McMahon, White, Noons-Rose, Girard-Irwin, Lown and Messinger met at the Cobb, and proceeded to the following sites:

45 Ryder Beach Road, where they met Chris from JC Ellis who provided an overview of the project; at 2 Noah's Way they viewed the project stakes; 39 Bay View Road where they viewed all 3 properties owned by Mr. Gottesdiener; 2 Bay View Path; and 542 Shore Road. Site visits concluded at 12:15.

