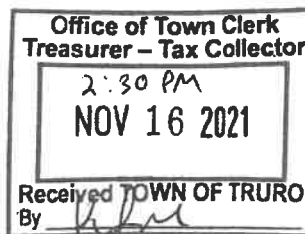




**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630



Conservation Commission Meeting Minutes: July 12, 2021

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

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

Notice of Intent: 7 Hughes Rd, Linnet Hultin, SE# 75-1124: David Lajoie, of FELCO, Inc. represented the project which included the upgrade of an existing septic system within the buffer zone to a certified vernal pool. Mr. Lajoie designed the proposed septic system with an Innovative Alternative (IA) component and a raised leaching field that complied with Title 5's depth to groundwater requirement. The Agent read a letter from an abutter, Michael Silva, into the record. Mr. Silva was also present at the meeting and stated his concern regarding the effect of the project on local wildlife. He stated that he had seen an otter in the area. Mr. Lajoie stated that the new system would not impact wildlife, and the Commissioners felt that the IA system was an improvement to the area. Commissioner McMahon asked if a tighter work limit could be put into place. Mr. Lajoie to adjust it.

Motion: Commissioner Lown moved to approve the application.
Seconded by Messinger. Vote: 5-0-0, motion carries.

Notice of Intent: 82 South Pamet Rd, Victor & Laura Rivera, SE# 75-1121
(continued from 6/7/2021): Dave Bennett, of Bennett Environmental, represented the project, along with Ben Zehnder, of Latanzi, Spaulding & Landreth, and Cameron Larsen of ECR. Mr. Bennett informed the Commission that the Applicants agreed to mitigate the project with removal of invasive species and planting bare areas; Dave noted that the mitigation versus square feet of disturbance from the project ratio was 3:1, and that the project received approval from NHESP. Commissioner Messinger expressed concern with the foliar spraying of herbicide. Mr. Larsen stated that a licensed herbicide applicator will be doing the work and they will assess the site to determine if foliar spraying is appropriate. Commissioner Messinger asked if the invasive species removal areas will be replanted. Mr. Larsen replied that the planting will be from the Commission's approved planting list. Mr. Bennett stated that he felt the removal method would more likely be "cut & wipe" rather than foliar spraying. Discussion ensued regarding "Rodeo" versus "Round-Up". Commissioner McMahon suggested conditioning the Order by removing option #4 (foliar spraying). Mr. Bennett asked if foliar spraying could be left as an option, but not be used unless permission was given by the Commission. Commissioner McMahon felt that they could leave foliar spraying as an option, but to use clove oil instead of a glyphosate-based herbicide. Commissioner

McMahon questioned the work limit. Mr. Bennett stated that the work limit will be the top of the Coastal Bank. The following conditions were discussed: 1.) Item #4 on page 2, of the Additional Information Memo, shall be amended to read as follows: "...with an appropriate non-glyphosate based, wetland-approved herbicide solution..."; foliar spraying is not approved; 2.) Prior to the start of any vista pruning, the applicant shall contact the Conservation Agent to set-up a site visit to preview proposed work; 3.) temporary irrigation is approved (3 years) 4.) the notes on the plan are specifically incorporated into the Order.

Motion: Commissioner Girard-Irwin moved to approve the application as conditioned. **Seconded** by Commissioner White. **Vote: 5-0-0, motion carries.**

Request for Determination of Applicability: 648 & 654 Shore Rd, Dunes Colony & Sea Gull Motel: Debbie Ryan, President of the Dunes Colony Condominium, represented the project which included the replacement of fence panels without prior approval. Ms. Ryan stated that the support posts were not replaced and that there was no ground disturbance for the replacement of the panels. She added that there is 5" of space between the bottom of the fence panels and the beach. Commissioner Girard-Irwin pointed out that the spacing isn't consistent and in some areas the panels were closer to the sand. The Agent stated that fences within the Coastal Dune should not impede the movement of sand nor wildlife. Commissioner White suggested raising the bottom of the fence. Discussion ensued regarding the cutting of the bottom portion of the fence panels off to create a greater gap. The Agent suggested a 12"-18" clearance. Commissioner White suggested cutting to the bottom of the horizontal 2x4. Ms. Ryan said that by doing that, it would give about 9"-10". Commissioner Girard-Irwin felt that removing the fence was best. Commissioner McMahon suggested critter cuts. Commissioner Lown suggested continuing the application and conducting a site visit.

Motion: Commissioner Girard-Irwin moved to continue the hearing to August 2, 2021. **Seconded** by Commissioner Messinger. **Vote: 5-0-0, motion carries.**

Request for Determination of Applicability: 15 & 19 Avocet, 7 & 8 Kestrel Ln, 8 Falcon Ln: The applicant could not make the meeting and Stan Humphries, of ECR, represented the project which included the installation of a single row sand fence to keep the public from climbing on the Coastal Bank. They proposed that the fence would be removed for the winter and then replaced in the spring. Commissioner Messinger did not like the potential disturbance of the removal and insertion of the fence every year. Commissioner McMahon expressed concern over the exposed coir envelopes. The Agent suggested the use of symbolic fencing.

Motion: Commissioner Messinger moved to approve the application as a negative 3, but not as proposed; approval was with the condition that symbolic fencing with ample signage be used instead of sand fencing, with wording on the signs to the effect of "Keep Off: Coastal Erosion".

Seconded by Commissioner Girard-Irwin. **Vote: 5-0-0, motion carries.**

Request for Determination of Applicability: 522 Shore Rd, Sutton Place Condos: The project was described by Stan Humphries, of ECR. A small portion of the leaching area of a septic system serving the property has repeatedly been uncovered, and the surrounding grade reduced by wind & wave action. The proposal is the installation of 2

rows of 20" diameter/30' long coconut fiber logs to protect the system. The logs will be anchored with stainless steel cables and duckbill anchors, covered with 18-24" of sand and planted with beach grass. The Agent noted that emailed descriptions of the project details established information that was important to incorporate into the record. The email dated 6/22/2021. Mr. Humphries proposed to inspect the site every winter, giving ample time to nourish and revegetate as needed before the next summer season begins. The Agent suggested the following conditions: (1) the coconut fiber logs shall be kept covered at all times with 18"-24" of sand; (2) the Applicant shall notify the Conservation Department in writing 48 hours prior to placement of sand; and (3) an annual volume of sand shall be submitted to the Agent.

Motion: Commissioner White moved to approve the application as a negative 3 as conditioned.

Seconded by Commissioner Messinger. Vote: 5-0-0, motion carries.

Notice of Intent: 72 Depot Rd, Anne Robertson & Mary Perkins, SE# 75-1125:

David Lajoie of FELCO, Inc. and Mark Hammer Architects, presented the project. The notice of intent described the work as the removal the second floor of the existing dwelling and construct a new 2-story home with an addition, decks and a garage. The actual project description included the demolition of the entire home, and the reconstruction of a new home on the existing foundation. This also include an expansion of the footprint for an addition and the construction of a new garage. Commissioner McMahon asked for the square footage of the proposed dwelling as it was not provided on the plan, and the total amount of disturbance was not provided. Commissioner Girard-Irwin questioned the lack of alternatives. Mr. Lajoie provided a verbal alternative analysis but felt that the original proposal was the best option since the proposed area of disturbance would be within an existing lawn area. Commissioner McMahon asked for their mitigation ideas. The Agent reminded the Commission that is up to the Applicant to provide mitigation and prove that the project is a benefit to the resource area, as required in the Truro regulations. Mr. Lajoie said that landscape plans will be provided to the Commission. Mr. Leblanc, landscape architect, joined the conversation and said that there was the ability for mitigation by way of elimination of lawn area and removal of invasive species. The Agent questioned what the Applicant would do if they found that the foundation was in need of repairs or replacement. Mr. Hammer replied that the foundation was relatively new and was in great shape. The Agent also questioned why the garage location was not proposed outside of the Commission's jurisdiction as required per the local regulations. Commissioner White asked how much bigger the new deck would be. Mr. Hammer said they are planning 1:1 but it could be slightly larger. Commissioner McMahon questioned the type of foundation under the addition. Mr. Hammer stated that it would be a crawlspace. The Agent and Mr. Lajoie discussed the effect of the project on habitat. Commissioner McMahon asked if there would be a greater amount of stormwater to dispose of on the property. Mr. Lajoie replied that there would be because of the new addition and garage but that it would be mitigated by way of downspouts and additional vegetation. The Applicant agreed to provide a mitigation/landscape plan and an alternatives analysis at the next meeting.

Motion: Commissioner Messinger moved to continue the hearing to the August 2, 2021 meeting.

Seconded by McMahon. Vote: 5-0-0, motion carries.

Notice of Intent: 33 Ryder Beach Rd, CIW Truro, LLC, SE# 75-1126: David Lajoie, of FELCO Inc., represented the project which included the upgrade of a cesspool to an innovative alternative septic system and the relocation of the existing well.

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

Seconded by White. Vote: 5-0-0, motion carries.

Notice of Intent: 3 Corn Hill Path, Gerald & Marlene Talbot, SE# 75-1123: Attorney Ben Zehnder, of Latanzi, Spaulding & Landreth, presented the project to demolish the existing single-family dwelling within the buffer zone to a Coastal Bank and build a new dwelling setback further from the Coastal Bank, but still in the buffer zone. Mr. Zehnder introduced his project team that included Shawn Riley of Coastal Engineering, Theresa Sprague of BlueFlax Design, and Stan Humphries of ECR. Attorney Zehnder stated that moving of the house out of jurisdiction as required by the local Conservation regulations would result in significant disturbance to the land area because of the topography. Shawn Riley described the property in detail and reviewed their alternatives analysis. He described the alternative #2 as moving the house out of jurisdiction and stated that the result would be about 33,000 sq. ft. of habit/site destruction and about 6700 cubic yards of cut that would need to be hauled off-site. Alternative #3 was to move the house out of jurisdiction down by the road. Mr. Riley stated that they ran into the same issues as previously mentioned. Mr. Riley said the original proposal was the least destructive and required only a minor amount of fill. Ms. Sprague walked the Commission through her land management plan. She stated that the existing coastal bank was well vegetated and that the 0-50 foot buffer zone was well vegetated with a native plant community; the 50-100 foot buffer zone had a mix of native and non-native species and the area around the house was essentially made up of non-natives. She presented her plan and the goals for the site which included the installation of a temporary irrigation system to help the plants become established. Commissioner Messinger asked why they couldn't renovate the existing house, which would have minimal effect on the surrounding environment. Ms. Sprague stated that the area of disturbance around the house is made up on non-native species. Commissioner Lown questioned the sand drift fence at the toe of the bank as it was in disrepair. Mr. Humphries stated that he and the homeowners had been discussing the removal of the fence. Commissioner Girard-Irwin asked how much of the house, in square feet, was within the buffer zone. Mr. Riley replied that there was 601 sq. ft. in the 50-100, which is a decrease from what's existing. Grading options were discussed. Mr. Humphries stated that there was no visible bank instability. Attorney Zehnder questioned Mr. Humphries regarding the effect of the project with specific regards to the performance standards. Commissioner Messinger asked if the Applicant could look at putting a drain at the bottom of the driveway to help with stormwater runoff. Mr. Riley said they would look into it. The Commission asked the Applicants to trim some vegetation on-site to allow them to view the grade and to add staking of the proposed project for a site visit before their next meeting. The Applicants agreed and requested a continuance to August 2.

Motion: Commissioner Messinger moved to continue the hearing to August 2, 2021.

Seconded by White. Vote 5-0-0, motion carries.

Administrative Reviews

1.) 38 Shore Rd: after-the-fact outdoor shower

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

Seconded by Commissioner McMahon. **Vote: 5-0-0, motion carries.**

2.) 6 Corn Hill Landing & 3 Corn Hill Path: tree pruning; The Agent felt that the proposals weren't approvable under an AR application, and suggested the Applicant file a RDA, but that some of the work could be completed.

Motion: Commissioner Girard-Irwin moved to approve the application for the removal of DEAD trees only and that the Applicant file a Request for Determination of Applicability for the rest of the proposal.

Seconded by Commissioner McMahon. **Vote: 5-0-0, motion carries.**

Certificates of Compliance:

20 Mill Pond Rd, SE# 75-1091

Motion: Commissioner Girard-Irwin moved to approve the certificate.

Seconded by Commissioner White. **Vote: 5-0-0, motion carries.**

309, 311, 315, 320, 322, 328 Shore Rd, SE# 75-1048

Motion: Commissioner Lown moved to approve the certificate with ongoing conditions B11 & B14.

Seconded by Messinger. **Vote: 5-0-0, motion carries.**

Reissuance of COC: 494 Shore Rd, SE# 75-0252

Motion: Commissioner Messinger moved to approve the reissuance of the certificate.

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

Public Comment: none

Minutes:

May 3, 2021

Motion: Commissioner White moved to approve as amended.

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

June 7, 2021

Motion: Commissioner Girard-Irwin moved to approve as amended.

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

Commissioner McMahon moved to adjourn.

Seconded by Messinger. **Vote: 5-0-0, motion carries.**

Respectfully Submitted,

Arozana Davis

Approved on 11/1/2021

