



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

TOWN OF TRURO
9:30 AM
MAR 25 2022

RECEIVED
TOWN CLERK

Conservation Commission Meeting Minutes: September 13, 2021

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

The Vice-Chair called the meeting and public hearings to order at 5:04PM.

Reorganization of the Commission: Vice-Chair Girard-Irwin acknowledged the resignation of Chair, Jack McMahon and thanked him for his service.

Motion: Commissioner Lown moved to appoint Vice-Chair Girard Irwin to Chair.

Seconded by Commissioner Noons-Rose; 5-0-0, motion carries.

Motion: Commissioner White moved to appoint Commissioner Noons-Rose to Vice-Chair, seconded by Commissioner Lown. 5-0-0, motion carries.

Chair Girard-Irwin provided instructions. For the virtual meeting.

Request for Determination of Applicability: 648 & 654 Shore Road, Dunes Colony & Sea Gull Motel (continued from July 12, 2021): Debbie Ryan represented the project. She stated that she felt that the work done, did not count as an "activity" under the Wetlands Protection Act and local regulations. Commissioner Noons-Rose and White disagreed. The Commission also noted that if the fence replacement had come before the Commission prior to work starting, they would have required that the fence panels be raised so that the coastal dune could migrate under it. The Agent added that had this application come before the Commission, prior to construction, it would have been an approvable project.

Motion: Commissioner Noons-Rose moved to approve the application as a negative 3 with the condition that the fence panels shall be 6" from grade.

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

Request for Determination of Applicability: 642 Shore Rd, Units 6 & 7, William Purman & Donna Petsch: Christine DeAmbrose and Donna Petsch represented the project, which included a small deck expansion and the replacement of an existing deck. The Agent recommended that the Applicant file a Notice of Intent for the project, as it included the expansion of a deck.

Motion: Commissioner Lown moved to continue the hearing pending the submittal of information by the contractor regarding the size of the deck and the materials that will be used. There was no second.

Motion: Commissioner White moved to deny the application (positive 1) and require that a Notice of Intent be filed for the project.

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

TOWN OF TRURO
MAR 25 2022
RECEIVED
TOWN CLERK

Request for Determination of Applicability: 4A Pond Rd, Kristen Reed: Kristen Reed represented herself. Her project included the construction of a shed within an existing developed area. She added that it will be used for household storage and stated that she would not store any hazardous chemicals in it. Ms. Reed mentioned that she would be removing invasive knotweed, and is open to adding some native plantings to the site. Chair Girard-Irwin and Commissioner White suggested stone be added to the dripline to help with roof runoff.

Motion: Commissioner Noons-Rose moved to approve the application as a negative 3 with the condition that a stone trench shall be installed at the dripline of the shed roof in order to catch roof runoff.

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

Request for Determination of Applicability: 2 Ryder Hollow Rd, Lawrence Cebula: Laura Schofield, of Schofield Brothers, represented the project. The proposal was to upgrade the existing cesspool to a Title 5 septic system outside of the 100' buffer zone and to relocate the well to maintain the 100' separation to the soil absorption system. Plantings were also a part of the proposal. Ms. Schofield proposed two new locations for the well; the preferable location being farthest to the north but also being the location that presented the most topographical challenges. Commissioners White & Noons-Rose preferred the location to the north and suggested laying steel plates or mats down to protect the bearberry.

Motion: Commissioner Noons-Rose moved to approve the application as a negative 3 with the condition that the contractor shall use steel plates to protect the bearberry for the installation of the well in the northerly location.

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

Request for Determination of Applicability: 642 Shore Rd, Little Skipper: Christine DeAmbrose and Donna Petsch, represented the application which addressed the replacement of a fence without prior approval. The Applicants also asked to replace a few more sections of fence that hadn't been done yet. Chair Girard-Irwin suggested that the fence panels shall be at least 6" from the ground.

Motion: Commissioner White moved to approve the application as a negative 3 with the condition that fence panels shall be at least 6" from grade.

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

Request for an Amended Order of Conditions: 1 Circuit Way, SE# 75-1111: Marcus Springer, of OverUnder, represented the request. He stated that after a discussion with the contractor, the original work limit was not feasible, and he was requesting an expansion of the work limit. He requested the following work limit expansions: (1) within the driveway area, the work limit would need to be expanded by 4' on one side and 2' on the other; (2) the wooden retaining wall on the east side of the house needs to be replaced, so he asked for the work limit to be expanded to include the area; (3) on the North side of the home, access was needed to install a window/access to a/c mobile condensing unit & invasive species; (4) on the western side of the house, he requested a 2' work limit from the existing deck. In addition to the work limit expansion, Mr.

TOWN OF TRURO
MAR 25 2022

RECEIVED
TOWN CLERK

Springer informed the Commission that an underground propane tank was added to the plan, but was sited outside the work limit; and the proposed generator location was by the propane tank (this was the preferred location but needs association approval) but if that location was not approved it would be located in the parking area near the house. Art Hultin, contractor for the project, stated that they would work with a landscape professional regarding the removal of vegetation and offered that they would be providing mitigation by cutting invasive vegetation and planting native species. Commissioner Lown asked where the gas line would be located. Mr. Springer replied that it would fall within the work limit adjacent to the driveway. Mr. Hultin added that the plan is to come back before the Commission with a landscape/planting plan, for a more comprehensive management approach to address the invasive plants on the property. New Conditions discussed: (1) an arborist or qualified professional needs to be in communication with the Conservation office prior to cutting vegetation for the work limit; (2) the work limit will need to be staked prior to cutting; (3) native trees and shrubs can be judiciously limbed as approved by the qualified professional; (4) the gas line shall be installed alongside the driveway; (5) any foundation plantings that are reestablished must be native; (6) any replacement of the wood retaining wall shall be 1:1; (7) deck replacement shall be 1:1; (8) any native plants that are cut back, shall have their roots left intact.

Motion: Commissioner White moved to amend the Order as conditioned.

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

Request for an Amended Order of Conditions: 7 Yacht Club Rd, SE# 75-1060:

David Lajoie, of FELCO Inc., represented the amendment request. He described the previously approved system design and informed the Commission that the Order of Conditions had been appealed by an abutter. The design in front of the Commission was the newest one, approved by DEP.

Motion: Commissioner Lown moved to amend the Order.

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

Notice of Intent: 590 Shore Rd, Big Monkey, LLC (SE# 75-1130): Gordon Peabody, of Safe Harbor Environmental, represented the project which included the demolition of an existing accessory building and the construction of a new structure adjacent to the main dwelling. Mr. Peabody felt that he designed the project to conform with the performance standards of a barrier beach. He furthered his point by saying that the existing structure to be removed is on a slab and therefore not meeting performance standards. The new structure would be on a foundation with break-away vents and in compliance with FEMA standards. Commissioner Girard-Irwin pointed out that the new foundation would still not allow the movement of sand. Commissioner Messinger expressed concern over the disturbance of existing vegetation. Mr. Peabody stated that he would transplant any vegetation to be disturbed and added that the property owners had already planted 2300 sq. ft. of beach grass on the beach side of the property earlier in the year. Ross Zachs, property owner, informed the Commission that the area where the new construction would occur is mostly developed and therefore already disturbed with the decks and walkways. The Agent suggested that the applicant come back to the Commission with elevation plans, a new site plan with the construction protocol on it, and the square footage of undeveloped and developed area on the site (proposed and

existing). **Motion:** Commissioner Noons-Rose moved to continue the hearing to November 1, 2021, hearing.

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

Notice of Intent: 8 Falcon Lane, Charles & Donna Ward (SE#75-1129): Mr. Ward represented the project along with Jen Crawford from Crawford Land Management. The project included the limbing and pruning of trees along with the removal of invasive vine and shrub species. The majority of the pruning work will occur on Japanese Black Pine trees that are within the view easement for Shearwater Association. The Agent suggested the following conditions: (1) maintaining the tree heights with a "cut" and then "wait and see" method to assess the cutting that will be needed within the following years; and (2) if there are trees that continue to grow up and not horizontally, then the possibility of flush cutting those trees and replacing them with a lower growing native species could be discussed. The President of the Shearwater Association addressed the Commission to let them know that the Association did not have a comment.

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

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

Request for Determination of Applicability: 3 Corn Hill Path, Gerald & Marlene Talbot (SE#75-1123) (continued from 8/2/2021): Ben Zehnder, of LaTanzi, Spaulding and Landreth, represented the application. He informed that Commission that he had a meeting with the Building Commissioner, Health/Conservation Agent and the Town Planner/Land Use Council regarding the zoning issues/grading issues on the site. That meeting resulted in the submission of third alternative which sited the house outside of the 100' buffer zone with a retaining wall and filling the hillside instead of cutting into it. A new comprehensive construction protocol was also submitted. Discussion ensued regarding alternative 3 and the retaining wall due to the amount of disturbance it would create. Commissioner White felt the retaining wall would be a blight. Commissioner Lown stated that he preferred alternative proposal 1. Chair Girard-Irwin felt the Applicants met the criteria for a variance. The Agent suggested the following conditions: (1) construction protocol is incorporated into the Order; (2) notes on the plan incorporated into the Order; and (3) concrete overpour protocol required.

Motion: Commissioner Lown moved to approve the variance as conditioned, therefore accepting alternative proposal #1.

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

Mr. Zehnder asked to withdraw the RDA for 3 Corn Hill Path.

The Agent interrupted the meeting to let the Chair know that an abutter to 7 Yacht Club Road had written an email stating that she was not able to speak during public comment due to a technical issue. The Agent advised the Commission to reopen the hearing and then continue it to the next meeting. Mr. Lajoie, representative for the 7 Yacht Club application, asked the Agent to email the abutter to see if she could come back to the meeting so that her comment could be made that evening instead of continuing it to the next month. The Commission decided to take a 5-minute break. After the break, Chair Girard-Irwin agreed to move on with the meeting, giving the abutter additional time to re-join the meeting.

TOWN OF TRURO
MAR 25 2022

RECEIVED
TOWN CLERK

Notice of Intent: 72 Depot Road, Anne Robertson & Mary Perkins, SE# 75-1125
(continued from 8/2/2021): David Lajoie of FELCO, Inc., represented the applicants. Mr. Lajoie discussed the plan revisions and stated that the total disturbed area within the Riverfront area would be 6,592 sq. ft. including the existing path from south side of dwelling down to the beach. He reminded the Commission that the entire home would be demolished except for the foundation and a new addition would also occur when the house was rebuilt. Chair Girard-Irwin noted that the plan had a stone patio & walkway, and additional decking added to it since the prior meeting. Mr. Lajoie acknowledged the additions and added that the patio and walkway would be permeable. Keith Leblanc, landscape architect for the project, described the elevations for the project. He stated that elevation 28 ran between the 100' and 200' Riverfront Area and that the spot grade for the garage was at 27.29 and for the addition it was 29.79. The grading would all be within 1' of the existing grade and therefore the project would require little fill and cutting. Mr. Leblanc described the proposed planting of bare areas within the existing lawn area and the possibility of invasive species removal. Mr. Leblanc further described the proposed patio, which included blue stone on top of blue stone dust and stated that it was shown on the previous plan. Commissioner Messinger asked why the garage hadn't been moved out of the 200' Riverfront area. The Agent reminded the Commission that the Riverfront area is a resource area and NOT a buffer zone and that new construction is not allowed in a resource area unless a variance is given. Mr. Lajoie stated that the garage is going to be constructed in an already disturbed location. Mr. Hammer argued that pushing the garage outside of the riparian zone would result in more disturbance by way of additional walkway/canopy. The Agent stated that local regulations consider this project a substantial demolition and therefore require the new construction to occur out of the buffer zone, if possible. She added that the alternatives analysis should reflect this requirement, but not one of the alternatives submitted addressed it nor did it show minimized impacts. Commissioner Lown motioned to approve the project with the condition that the garage be moved out of the riparian zone. Chair Girard-Irwin felt that they did not meet the burden of proof for the variance requested. Mr. Lajoie disagreed and stated that all of the construction will occur within an existing lawn. He also stated that the disturbed area within the buffer zone is about 3,000 sq. ft. The Agent disagreed and said that number did not include the existing lawn and garden areas, along with the pathway, and also added that the numbers haven't been consistent. Commissioner Lown questioned the lack of a second on his motion. Chair Girard-Irwin stated that she did not accept the motion. Mr. Lajoie requested a continuance to the October 4, 2021 and stated that he would talk to the homeowners about moving the garage outside of the Riverfront Area and eliminating some hardscape.

Motion: Commissioner Noons-Rose moved to continue the hearing to the 10/4/2021 meeting. **Seconded** by Commissioner White. **Vote: 5-0-0, motion carries.**

The abutter for 7 Yacht Club Rd returned to the meeting.

The Commissioners voted, 5-0, to reopen the hearing for 7 Yacht Club Rd. Mrs. Allen, abutter, informed the Commission that the superseding order of conditions is under appeal. The Commission felt that they could approve the amended order, as the new plan included more wastewater treatment and did not have a retaining wall as a part of the design.

Motion: Commissioner Messinger moved to approve the amended order.

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

Field Change 127 & 133 South Pamet Rd (SE# 75-1128): Tom Dennis, homeowner, represented the field change along with Jon Schnaible from Coastal Engineering and Ben Zehnder from Latanzi, Spaulding & Landreth. The plan was revised to show the house ~17' further away from the easterly property line than the previous plan showed. Commissioner Lown questioned how the piers would be handled, based upon the two alternatives provided by the Applicant. The Commission and Mr. Dennis decided that cutting the piles at grade would be the least disruptive.

Motion: Commissioner Noons-Rose moved to approve the field change.

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

Administrative Reviews

556 Shore Rd: snow fence & plantings

Motion: Commissioner White moved to approve the application.

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

23 Crestview Circle: emergency authorization for electrical trenching

Motion: Commissioner Messinger moved to ratify the application.

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

0 Fishermans Rd: stabilize beach stairs that were affected by erosion

Motion: Commissioner Messinger moved to approve the application.

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

8 Falcon Ln: planting of bare areas, requested to October 30, 2021 to complete the project **Motion:** Commissioner White moved to approve the application.

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

Extension Request (5 Years): Town of Truro, SE# 75-0956; Pamet Harbor Dredging

Motion: Commissioner White moved to approve the extension.

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

Certificates of Compliance: (1) 15 North Pamet Rd (SE# 75-1079); (2) 603 Shore Rd (SE# 75-1099); (3) 31 Mill Pond Rd (SE# 75-1108)

Motion: Commissioner Lown moved to approve the certificates of compliance.

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

Public Comment: none

Commissioner White moved to adjourn.

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

Respectfully Submitted,
Arozana Davis

TOWN OF TRURO
KE
MAR 25 2022
RECEIVED
TOWN CLERK