



**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: December 6, 2021**

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

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

**Notice of Intent: 590 Shore Road, Big Monkey LLC; SE# 75-1130(continued from 11/1/2021):** Gordon Peabody of Safe Harbor represented the project along with the homeowners: Mike Miller and Ross Zachs. 590 Shore Road has two dwellings on the property which the homeowners refer to as "Low tide" and "High tide". Mr. Miller stated they will be placing the Low tide building, currently on a cement slab, on pilings and will plant native species on 22.3% of the property for mitigation. Mr. Miller reported they are increasing lot coverage less than 1%, going from 15.18%-15.89% with 22.3% mitigation coverage. Mr. Miller stated that resource standards would be improved using the mitigations. The executive summary describes the increase in lot coverage would be 217 square feet. The Commission requested an updated version of the executive summary regarding the updated calculations mentioned by Mr. Miller and Mr. Zachs. Commissioner White expressed that the new construction proposal appeared to be a win-win because the lot coverage would only increase 217 square feet and the proposed construction included moving the house that is currently on a slab and in a flood zone, up on pilings out of the flood zone.

The homeowners communicated they were also willing to discuss their property across the street as an option for mitigation. The lot is unbuilt and largely wooded. The subject property at 590 Shore Road has an easement to allow that part of the "low-tide" structure which is located on their neighbor's property (at 592 Shore Road) to remain, and to be maintained. The applicant's counsel, Ilena Quirk stated that the property was located in an area where historically, the lot lines were indeterminant and therefore the allocation of the lot lines had been assigned somewhat arbitrarily, which created the need for easements. Mr. Ross stated that he had a signed document from the abutters approving the construction within the two-foot allowance stated in the easement. The Agent requested a copy of the easement to be added to the record. The Commissioners requested elevations of the proposed structure and a copy of the easement. The Commissioners agreed that another site visit was needed before the next meeting on January 3<sup>rd</sup>, 2022.

**Motion:** The Commissioner Chair moved to continue the matter to January 3<sup>rd</sup>, 2022  
**Seconded** by Commissioner Noons- Rose. **Vote: 5-0-0, motion carries.**

**Notice of Intent: 72 Depot Road, Anne Robertson & Mary Perkins; SE# 75-1125:** David Lajoie of FELCO, Inc. represented the applicant. The Commission Chair asked if

TOWN OF TRURO  
MAR 25 2022

RECEIVED  
TOWN CLERK

the matter was to be continued. Mr. Lajoie was present on the call and requested a continuance which was agreed upon.

**Motion:** Commissioner Messinger moved to continue the matter for January 3<sup>rd</sup>, 2022.

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

**Request for Determination of Applicability: 126 Old County Rd, Jonathon & Kelly**

**Funke** The owners of 126 Old County Road requested a determination of applicability to finish the driveway. A portion of the driveway is in the buffer zone of a Coastal Bank. Safe Harbor had submitted a narrative and sketch plans to the Commission that depicted methods to control erosion of the slopes adjacent to the driveway. The Commission Chair inquired about the materials proposed. The plan show that jute, native plantings, and erosion control wattles would be used.

**Motion:** Commissioner White moved that a negative 3 determination of applicability be issued for 126 Old County Rd.

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

**Request for Determination of Applicability: 321 Shore Road, White Village**

**Condominium:** 312 Shore Road is a condominium community that has filed a determination of applicability "after the fact" for a walkway. The property is located on a Barrier Beach, in a Coastal Dune and Land Subject to Coastal storm flowage. The Commissioners communicated that they had done a site visit prior to the meeting (12/06/2021). Harry Palmer and Attorney Yates were on-the call to represent the project and one of the applicants. Mr. Palmer stated the fence was installed as a safety measure for his tenants and allowed the tenants to walk safely to the recycling and trash area of the property without the traffic hazards of Shore Road. Attorney Yates was concerned that the letter of enforcement had improperly been sent to his client, Helena Motta, who is a member of the Condominium Association, but is not an individual that represents the Association. He made it clear that the Condominium Association is taking on responsibility for the matter. Commissioner White explained that if they had come before the Commission **prior** to doing the work, he would not have approved the way the walkway and fence was built. He suggested that a different and more permeable material could be used to replace the current material. Commissioner Lown agreed that the material for the walkway should be replaced with something more permeable such as gravel or shell. Mr. Palmer stated that the walkway had not caused any pooling, flooding or erosion since it was built and needed the frame of the walkway in order to prevent the material from being washed away by weather. The Commissioners agreed that the frame of the walkway could stay in place, but the material of the walkway should be replaced with something more permeable. Mr. Palmer agreed to replace the material of the walkway and meet any conditions set forth by the commission.

**Motion:** Commissioner Lown moved that a negative 3 determination of applicability should be issued, with the condition that the pavers be removed, and a more permeable material be put in their place by April 1, 2022.

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

**Request for Extension (3 years): Route 6A, Highland Road & South Pamet Road,**

**MASS DOT (#75-0951):** Extension requested by MASS DOT to continue maintenance in both areas. It was suggested that the matter be moved to the January 3,

2022, meeting. **Motion:** Continuance to January 3, 2022; **Seconded** by Commissioner Girard-Irwin. **Vote: 5-0-0, motion carries**

#### **Administrative Reviews**

1.) 6 Bakers Lane: tree trimming/ pruning of cherry and oak limbs.

**Motion:** Commissioner Messinger moved to approve the maintenance pruning and tree trimming. **Seconded** by Commissioner White. **Vote: 5-0-0, motion carries.**

2.) Ext Request: 18 Castle Road and 3 Carr Lane: tree trimming/ removal

3.) Ext Request: 11 Castle Road: tree trimming/removal

**Motion:** Commissioner Messinger moved to approve both extension requests **Seconded** by Commissioner White. **Vote: 5-0-0, motion carries.**

**Field Change:** 33 Ryder Beach Rd; SE # 75-1126

A Notice of Intent had been filed in the spring for the upgrade of the septic system. A change in the tank location warranted a field change shown on a revised plan, which would not change any of the conditions in the Order. The agent encouraged the commission to approve the field change as the new plan would reduce disturbance.

**Motion:** Commissioner Messinger moved to approve the field change.

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

**Update** from Dan Smith on Aquaculture Grant; SE# 75-966

A 2-acre grant was issued to Dan Smith between Top Mast and Horizon on the beach where he has since been growing oysters. Scott Lindell who works for Woods hole institute has proposed a research project to raise kelp. This has been approved by MA division of Marine fisheries. Mr. Smith offered that he would use all natural materials already present in the ocean and 6 helix anchors for the Kelp growing array. They will then begin testing a variety of materials on the array to observe if the Kelp grows in the environment. Kelp is beneficial as it provides habitat and may also become economically feasible to grow.

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

**16 Stoney Hill Rd/7 Glacier Dr.**

The Order of Conditions for this project was issued in 1992 but was mistakenly recorded on the neighbor's deed. The issue came up when a real-estate title search was done for a sale. Approving the certificate of compliance will close-out the issue on both 16 Stoney Hill Road and the abutting property that the Order of Conditions was recorded on.

**Motion:** Commissioner Lown moved to approve the Certificate.

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

Commissioner White moved to adjourn the meeting 6:38 PM

Seconded by Commissioner Noons-Rose.

Respectfully Submitted,

Janina Richey

Approved 3/7/2022, 4-0-0

TOWN OF TRURO  
*KA*

MAR 25 2022

RECEIVED  
TOWN CLERK

