TOWN OF TRURO

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**CONSERVATION COMMISSION**

**P.O. Box 2030**

**Truro MA 02666-0630**

**Conservation Commission Meeting Minutes: March 6, 2023**

**Commissioners Present:** Chair Carol Girard-Irwin, Linda Noons-Rose; Diane Messinger, Bob White & Larry Lown.

**Absent:** Clint Kershaw

**Others Present:** Emily Beebe, Conservation Agent, Courtney Warren, Assistant Conservation Agent.

This was a remote meeting. Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:00 PM and provided the virtual meeting instructions.

**Public Comment**: There was no public comment.

**Notice of Intent: 423 Shore Road, Jennifer Chisholm (SE# 75-1162) *(cont. from 2/6/2023):***

Brad Malo from Coastal Engineering and Theresa Sprague from Blue Flax were on the call to represent the project. Nathaniel Stevens, project attorney, and Ryan Campbell, architect, were also on the call. Brad Malo confirmed that the Commissioners who were absent from the February meeting had reviewed the materials. He described the key differences between the revised and previous plan as the location of the house and type of foundation. Per the ZBA, the structure needed to be moved to meet setback requirements so the dwelling and all retaining walls/foundation will be removed. The replacement two-bedroom dwelling will now be on pilings. Because of the loss of storage space, a 10’ x 12’ shed is proposed. An I/A septic system will be installed. It is proposed that 1,900 square feet of impervious coverage (concrete/pavement) will be removed. Blue Flax submitted a planting plan to restore all disturbed areas. The Chair asked about the proposed shed, foundation, which will be on blocks or posts. Theresa Sprague described the planting plan which includes restoration of native vegetation and minimal invasive species management. Commissioner Larry Lown asked whether fill would be needed after removal of the retaining walls. Brad Malo explained that there will be no fill added and that the lot would be recontoured. Commissioner Diane Messinger asked whether the storage under the house could be utilized instead of the proposed shed. Brad Malo stated that they looked at alternatives for storage and that putting storage under the house would defeat the purpose of having the building on pilings. The shed must have gutters to downspouts Commissioner Bob White asked about the piling depth and the method for driving them. Brad Malo stated that they are still designing the pilings. They are considering timber pilings, or helical anchors.

Based on discussion about driving piles, the Conservation Agent asked when the project would begin, and Mr. Malo estimated it would start this fall. The Agent suggested that the Commissioners consider a condition as to timing of the pile driving. Commissioner Diane Messinger added that she was impressed by the mitigation strategies being used.

**Motion: Commissioner Bob White moved to approve the Notice of Intent with the following conditions:1. Timber piles shall be used for the foundation and shall be driven or vibrated into the ground. If the piling material or installation method differs from the above, then the Applicant shall come back before the Commission.**

**2. The piles shall be installed between the months of October 1st and May 1st.**

**3. The proposed patio shall be dry-laid and constructed with pervious materials.**

**4. The approved shed shall be no greater than 10’x12’ and shall be supported on blocks or sono-tubes;** **Second: Commissioner Diane Messinger; Vote: 4-0-1, Commissioner Linda Noons-Rose recused herself from the vote; the motion carried.**

**Notice of Intent: 25 Knowles Heights Road, Peter Casperson (SE# 75-1158): *(cont. from2/6/2023)*** Laura Schofield represented the project to install a serpentine drift fence with beach nourishment and plantings. The existing dwelling on the property is on the top of the coastal bank and was built in the 1940s. The initial hearing brought up questions about whether there was enough erosion in the area to require a serpentine fence. Laura Schofield stated that there used to be a wooden bulkhead and boathouse on the property and referred to historical photos and referred to a serpentine fence permitted and installed seven years ago on an abutter’s property to the north, tht she characterized as working well. The commissioners were mostly concerned about maintenance of the fence and pieces of the fence potentially becoming storm debris. Commissioner Diane Messinger asked whether there were gaps for animals to pass through the fence. Laura Schofield responded that the plan calls for a minimum 7.5” gap on every panel. The Conservation Agent read into the record a public comment emailed by Ron Fichtner concerning beach access. Both Commissioner Larry Lown and Commissioner Linda Noons-Rose reminded the applicant of the importance of having sections of the fence identifiable in case there is storm damage. Laura Schofield stated that the plan does call for all wood associated with the fence to be labeled with identification. Commissioner Linda Noons-Rose suggested setting a condition that calls for regular photos of the fence.

**Motion: Commissioner Diane Messinger moved to approve the Notice of Intent with the following conditions:** **1. Biannual pictures of the fence shall be provided to the Conservation Department. The pictures should be taken in the Spring and in the Fall after 11/30 from the same locations to show the condition of the fence and the coastal dune, 2. All sections of the fence shall be marked and identifiable;** **Second: Commissioner Larry Lown; Vote: 5-0-0; the motion passed.**

**Notice of Intent: 4 River View Road, Christopher Lucy (SE#75-1163): *(cont. from 2/6/2023):*** Chris Lucy reviewed the proposed revegetation plans that includes the property owner planting bayberry and bearberry; he also detailed the clean-up methods proposed. **Motion: Commissioner Bob White moved to approve the Notice of Intent;** **Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Notice of Intent: 33 Black Pond Road, Catherine Shainberg: (SE# 75-1165): *(continued from 1/9/2023)*** Jason Ellis described the project as two small, proposed additions. When asked about a mitigation plan, Jason Ellis responded that the site is well-vegetated and that the plan does call for conservation grass seed mix to be planted in disturbed areas. Regan McCarthy spoke on behalf of the homeowner and stated that the area is naturally heavily vegetated and that there isn’t any additional area for mitigation. The Conservation Agent gave a brief overview of the proposed project and described the site. A site visit was conducted last fall. Jason Ellis added that the addition of gutters with down spouts and dry wells will mitigate stormwater runoff. Commissioner Bob White stated that he had no problem with this project and appreciates the addition of the gutters. Jason Ellis added that most material will be brought in by hand and there will be no tree removal. Chair Carol Girard-Irwin clarified that this filing was not held up by the Commission, rather, the filing began as a Request for Determination, and it took several months for the DEP file number to issue. The Conservation Agent suggested that Harmony seed mix would be the better choice of seed, and reminded the applicant that no fertilizer should be used. Commissioner Bob White also added that orange fencing could be used to delineate the work limit. Access will be reviewed at the pre-construction meeting.**Motion: Commissioner Diane Messinger moved to approve the Notice of Intent with the condition that all disturbed areas shall be restored with Harmony Seed Mix and no fertilizers shall be used on-site. Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion passed.**

**Notice of Intent: 2 Marian Lane, Paul & Nancy Fenichel (SE# 75-1164): *(continued from 2/6/2023)*** Jason Ellis provided a brief overview of the proposed construction of a 500 sq. ft. second floor deck and screened-in porch. The area proposed for the footings, under the second story deck is not currently vegetated and is sand. Jason Ellis added that they are open to any mitigation suggestions. He proposed installing aggregate and erosion fabric under the deck since nothing was likely to grow there. Commissioner Diane Messinger asked if downspouts/drywells would help on this site and Jason Ellis said they would likely be beneficial. Commissioner Linda Noons-Rose stated that this area is sensitive to erosion and the disturbed area would need to be restored. Jason Ellis suggested having a plan formulated in the next two weeks for mitigation. Chair Carol Girard-Irwin agreed that two weeks would be a good time frame to prepare a mitigation plan. The Conservation Agent added that an onsite meeting could be held with the Conservation staff to discuss mitigation and revegetation.**Motion: Commissioner Linda Noons-Rose moved to approve the Notice of Intent with the conditions including plantings, aggregate under the deck and the addition of gutters with downspouts/drywells. Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Notice of Intent: 590 Shore Rd, Ross Zachs, Big Monkey LLC (SE# 75-1166):**

Gordon Peabody presented the project, at this location where a similar plan was withdrawn in the previous year, after many hearings due to un-resolved conflicts with the abutter to the west. One of their existing structures encroaches on that abutter’s property. The current proposal will demolish that building and rebuild it on pilings in a location that conforms to the zoning set-back requirements. Ross Zachs, the homeowner, described the project and the mitigation strategies. The new structure will have gutters, downspouts, and dry wells, and gravel/woodchips under the outdoor shower. The building will be elevated, and native seed mix will be planted underneath it. They will be doing some additional native plantings and will be removing some impervious surfaces on the property. Both Commissioner Diane Messinger and Bob White expressed their approval of the project proposal. Deb Paine was on the call representing the abutters and stated that they were happy with the progress of the project as compared to the previous filing. The abutters are willing to work with the applicants to allow for an expanded limit of work if needed. **Motion: Commissioner Linda Noons-Rose moved to approve the Notice of Intent; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.**

**Notice of Intent: 31 Mill Pond Rd, Margaret Clark & Timothy Richards:**

Charles Wentz with Ponderosa Landscaping and Ken McPhee from Bartlett tree services were on the call. Bartlett will do the tree removal and Ponderosa will handle the planting. Ken MacPhee described the work as removal of invasive species (black pine) and not vista pruning. The tree stumps and roots would remain, and regrowth managed. Charles Wentz described the planting plan. Temporary irrigation would be utilized for the new plantings and a straw wattle will be installed for erosion control. Plantings will occur in bare areas of the slope. Chair Carol Girard-Irwin asked whether the oaks would be removed. They will not be removed, rather they will be pruned. Commissioner Diane Messinger about the need to cut anything because the view is spectacular as it is. Japanese Black Pine needs to be removed because as a colonizing species it will take over the bank and spread throughout the property. Commissioner Bob White asked what steps would be taken to protect the existing native species. Ken MacPhee explained that access would be from Mill Pond which would protect those species.

**Motion: Commissioner Larry Lown moved to approve the Notice of Intent; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.**

**Request for Determination of Applicability: 21 Crestview Circle, Crest View Holdings LLC, Shannon Wu: erosion control; Coastal Bank (Map 42, Parcel 39)**

Gordon Peabody was presented the project for limited planting near the base of a coastal bank. Chair Carol Girard Irwin stated that she supports the need for native plantings in the area. **Motion: Chair Carol Girard-Irwin moved a determination of negative 3; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Request for Determination of Applicability: 38 Pond Rd, Christopher Roemlein: 1:1 deck replacement; Coastal Dune. (Map 39, Parcel 15)** The builder/representative Josh Grandel did not attend, but the Conservation Agent described the project as a one for one deck replacement and stairway access. The limit of work will be around the driveway area of the house. The materials will be stored in the driveway.  **Motion: Chair Carol Girard Irwin moved a determination of negative 3; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Request for Determination of Applicability: 75 Depot Rd, Town of Truro: boat ramp repairs; Land Subject to Coastal Storm Flowage. (Map 50, Parcel 18)**

The Conservation Agent indicated that this is a project that the State is working on with the Town. It includes a controlled power-wash of the boat ramp followed by application of a sealant to fill the cracks. **Motion: Commissioner Bob White moved for a determination of negative 3; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Certificate of Compliance: 15 Cabral Farm Rd, SE# 75-989**This project included the upgrade to a septic system. **Motion: Commissioner Diane Messinger moved to approve; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.**

**Certificate of Compliance: 482 Shore Rd, SE# 75-700** Beach grass planting has now been completed to finish the work under this order. **Motion: Commissioner Diane Messinger moved to approve; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.**

**Administrative Reviews: 1.) 446 Shore Rd: 30-day extension request; 2.) 2 Corn Hill Path: 60-day extension request.** The Administrative Reviews were voted on together since they were both extensions to previously approved work.  **Motion: Chair Carol Girard Irwin moved to approve the Administrative Review Request; Second: Bob White; Vote: 5-0-0; the motion passed.**

**Minutes:**

**December 5, 2022 and January 9, 2022: Motion:** **Bob White moved to approve both sets of minutes as amended; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

**Commissioner Diane Messinger moved to adjourn the meeting.**

**Second: Commissioner Bob White; Vote: 5-0-0.**

**The meeting was adjourned at 7:32 PM.**

Respectfully Submitted by Nina Richey