



TOWN OF TRURO
Conservation Commission
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Conservation Commission Meeting Minutes

September 12, 2016

6:30 P.M. in the Selectman's Meeting Room

Members Present: Chair Deborah McCutcheon, Linda Noons-Rose, Jim Bisceglia, Larry Lown, Henry Lum, Jack McMahon, Diane Messinger

Others Present: Emily Beebe-Assistant Health/Conservation Agent

42 Shore Rd, Request for Determination of Applicability, JC and Nancy Hotchkiss, proposed septic upgrade. The proposal included replacement of the leaching area to replace a failed pit. Tim Brady from East Cape Engineering presented the project details.. The Board of Health approved the plan with a condition that resulted in a plan change showing an additional chamber in the septic tank; the revised plan was distributed to the Commissioners. An RDA filing was chosen because of the simplicity, location and duration of the installation. The property offers no option for siting the system other than the proposed location. **Motion to find a negative 3 determination that work is within the buffer zone, but will not alter an area subject to the Act and a Notice of Intent is not required. Motion by Bisceglia; second by Noons-Rose. Motion approved 7-0-1 with McCutcheon abstaining.**

15 Cabral Farm Rd, Notice of Intent, Truro Center for the Arts at Castle Hill, proposed septic upgrade SE# 75-0989: This matter was continued from the August 1, 2016 hearing. **Septic Installation:** David Lajoie represented Castle Hill, who is buying the property from the Trustee that is managing the estate of Joyce Johnson. Residents David Dewitt and John Demasi were present as abutters. A revised plan was developed to show the location of an irrigation well belonging to the abutter. The revised, variance plan was approved by the Board of Health. Mr. Dewitt expressed his concern about wastewater at this site, as they operate a farm. He stated that his concerns about wastewater have not been addressed: a tight tank was not adequately investigated; he is concerned that the pump will fail, in part because there is no electricity at the site; he is concerned that the bank on the Demasi property adjacent to the proposed location for the leaching area will be destabilized during the installation of the septic system. Mr. Lajoie addressed the question about a tight tank reporting that a tight tank is not permitted if a Title V design can be approved. He further stated that the septic leaching area was placed near the property line in order to maximize the distance from the wetland and Mr. Lajoie does not believe it is an unstable bank. Chair McCutcheon stated that the Commission cannot advise Mr. Demasi regarding what actions he should take if his property is damaged and further, the Commission has no authority regarding variances granted by the BOH. The Commission's role is to review how this project affects the Wetlands Protection Act and believes that those conditions have been met with this plan. **Motion to approve the Notice of Intent with special conditions including the requirement that a pre-construction site visit take place in part to determine if metal sheathing is needed to provide stability during construction. Motion by Bisceglia; second by Messinger. Approved unanimously.**

Conservation restriction for 15 Cabral Farm Road: Fred Gaechter was present on behalf of the Truro Conservation Trust to answer any questions about a Conservation Restriction for the

property. The Commission asked if the property can be sold. Mr. Gaechter said that it can be sold, but that the conservation restriction stays attached to the deed. **Public Comment:** Nick Brown stated his support for the restrictions. **Motion to approve and sign the Conservation Restriction by Lown; second by Noons-Rose. Approved unanimously.**

131 South Pamet Rd, Notice of Intent, John Hyland, septic upgrade, SE# 75-0993: The septic system needs to be upgraded in order to sell the property. John Schnaible from Coastal Engineering and the owner, John Hyland were both present. The existing well will be relocated and a septic tank and pump chamber installed. The work limit is shown on the plan. Access will be from the road that leads to the beach and the staging area will be on the property's parking area. Work will take approximately one week to complete and disturbed areas will be re-vegetated. The Board of Health has approved the plans. Commissioner Messinger stated her concern regarding the removal of vegetation in such a fragile area. Mr. Schnaible replied that they will leave as much vegetation as possible, but locations for the system are limited. Mr. Hyland stated that in the future they may present a new plan to the BOH asking for variances that would allow for more environmental protection. McCutcheon stated that any changes in plans must be brought before the Commission before work is done. The Commission would like a vegetation plan submitted to the Agent prior to work commencing. **Motion to approve the Notice of Intent as submitted with the plan dated 8/29/2016 with the special conditions including the requirement that a vegetation plan be submitted by October 3, 2016. Motion by Lum; second by Messinger. Approved unanimously.**

3 Toms Hill Path, Request to Amend Order of Conditions, Brian Boyle; replace garage, SE# 75-0979: The applicant seeks an amendment that would allow him to remove the existing garage and replace it with a two car garage with an affordable accessory dwelling unit above. Builder/Designer Tim Dickey, Owner Brian Boyle and Engineer David Lajoie were present. The proposal includes working closer to the Coastal Bank than the original Order of Conditions allowed. There was no work proposed on the garage in the original application. **Public Comment:** Suzanne Thompson, abutter, asked questions about the current and proposed size of the garage and what the staking on the property indicates. The current size is 18 feet x25 feet and around 12 feet tall. The proposed garage will be 6 feet wider and 3 feet longer and 18 feet tall. The staking on site delineates the work limit and where the silt fencing will be installed. The other questions posed by the abutter were outside the purview of the Commission; she was directed to attend the hearings of the BOH and ZBA for answers to her questions. **Motion to approve the change in plans and incorporate the notes listed on the plans as a special condition; Moved by Bisceglia; second by Lum. Approved unanimously.**

39 State Highway, Request to Extend Order of Conditions, SE# 75-0925: Tim Dickey represented the owner who has requested a one year extension to finish the planting. **Motion to Extend the Order of Conditions by one year by Lown; second by Noons-Rose. Approved unanimously.**

596 Shore Rd, Administrative Review, Anchorage on the Bay, proposed biomimicry: Agent recommends approval. **Motion to approve the Administrative Review by Bisceglia; second by McCutcheon. Approved unanimously.**

8 Sams Way, Change in Plans, Dyer Realty Trust, SE# 75-0985: David Lajoie represented the owners. The change in plan lowers the elevation of the foundation by one foot. **Motion to approve the change in plans by McCutcheon; second by Noons-Rose. Approved unanimously.**

29 Great Hills Rd, Change in Plans, George Vaida, SE# 75-0969: David Lajoie represented

the owners. The applicant would like to increase the pool length to 39 feet from 36 feet. The work limit will stay the same. The placement of the mechanicals is not shown; the Commission stated that they shall be outside of the buffer zone. **Motion to approve the change in plans by Lown; second by Bisceglia. Approved 6-1-0 with Messinger voting against.**

3 Left Handed Rd, Change in Plans, Shane Burhoe, SE# 75-0986: Motion to approve the placement of storm drains by Bisceglia; second by McCutcheon. Approved unanimously.

29 Knowles Heights Rd, Certificate of Compliance, SE# 75-0521: Motion to approve the Certificate of Compliance by Noons-Rose; second by Lum. Approved unanimously.

84 Prince Valley Rd, Unpermitted Work: Henry Lum recused himself. Tree cutting and removal of shrubs, re-grading and disturbance for underground electric and telephone line and unrelated site work was done without a permit. The owner, Nancy Pease was present, with Tom Kane as her representative. In early August the Conservation office received a phone call stating work was being done in or near a wetland. The agent responded and visited the site; it appeared that work had been done in the buffer, and the contractor was ordered to stop work. The contractor(s) complied. The homeowner questioned what work fell within the jurisdiction of the Conservation Commission. A Commissioner suggested that the extent of the work that has been done and proposed work be shown on a site plan to determine what permitting is required. McCutcheon stated that an Enforcement Order will not be issued as long as permits are applied for in a timely manner. The applicant needs to discuss the project with the Agent to determine what filing is best. **Motion to keep the Stop Work Order in place until applications are submitted and reviewed by the Commission. Motion by McCutcheon; seconded by Bisceglia. Approved unanimously.**

2 Corn Hill Landing, Non-Compliance at Inspection, SE# 75-0971: Christina Daglio, homeowner, was present to discuss a letter of non-compliance received for the non-compliant work done by GFM on the drift fence. She was not aware the contractor had not followed the Order of Conditions until receiving the letter. The Commission had expected that the contractor would be present at this meeting, but notified the Agent at 4PM this day that he would not be attending. The Commission chose to continue the matter until the October 3, 2016 meeting so that the contractor would be in attendance.

Jim Bisceglia excused himself; a quorum was still present.

361 Shore Rd, Unpermitted Work: Chris Correa was present on behalf of Ethan Poulin. Unpermitted work at this site included landscaping and hardscaping near an isolated wetland, in the flood zone and on a Barrier Beach. Work has ceased since the contractor was notified that permitting was needed. An after the fact filing had been requested by the agent and was in process for the following meeting. The Commission wanted to speak directly to the Contractor and so continued the matter until the October 3, 2016 meeting.

378 Shore Rd, request for Certificate of Compliance, SE# 75-0961:

The beach stair repair is in compliance. **Motion to approve the Certificate of Compliance for SE# 75-0961 by Lown; second by Messinger. Approved Unanimously.**

Request for Certificate of Compliance, SE# 75-0955:

This project included construction of a new garage; additional landscaping work was done that that was not on the approved plan. David Lajoie represented the owner. The Commission would like to talk to the contractor who did the work at the October 3, 2016 meeting.

Approval of Minutes: Lown will submit any corrections he has. **Motion to approve the July 11, 2016, July 19, 2016 and August 1, 2016 meeting minutes with corrections by Lown; second by McCutcheon. Approved unanimously.**

617 Shore Rd, Notice of Intent, Dorothy Nearen, proposed septic upgrade, SE# 75-0990:

This was continued from the last meeting in order to receive the DEP#. **Motion to approve the Notice of Intent with the usual conditions and incorporating the plan notes by Noons-Rose; second by McMahon. Approved unanimously.**

Motion to adjourn by McCutcheon; second by Messinger. Approved unanimously.

The meeting adjourned at 8:43 p.m.

Site Visit Minutes: **September 12, 2016;** 1:15 P.M. at Cobb Library parking lot.

Members Present: Linda Noons-Rose, Diane Messinger, Henry Lum, Larry Lown

Staff Present: Emily Beebe-Asst Health/Conservation Agent, Nicole Smith-Secretary

3 Toms Hill Path: Brian Boyle and Tim Dickey met the Commission on site. The Commission viewed the staking for the new garage.

42 Shore Road: The Commission viewed the staked area of the proposed septic upgrade.

361 Shore Road: The Commission viewed the work that has been done without a permit.

378 Shore Road: The Commission viewed the work that has been done, some of which was not on the original plan.

31 South Pamet Rd: John Hyland was on-site. The Commission viewed the staked area of the proposed septic upgrade.

3:00 p.m. site visits concluded.

Respectfully Submitted, Nicole Smith, Secretary