



**TOWN OF TRURO**  
**Conservation Commission**  
24 Town Hall Road  
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**Conservation Commission Meeting Minutes**

**June 6, 2016**

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

**Members Present:** Deborah McCutcheon, Diane Messinger, Larry Lown, Henry Lum, Jim Bisceglia

**Others Present:** Emily Beebe-Conservation Agent

**32 Shore Road, Administrative Review, Christian Union Church:** Carol Bishop represented the Christian Union Church. They would like to clear an area for a community garden. The site has been used for a garden in the past. Ethan Poulin staked the area of the garden in the buffer zone. **Motion to approve the Administrative Review by Lum; second by Messinger. Approved unanimously.**

**1 Sky View Drive, Proposed Conservation Restriction:** Fred Gaechter was present for the Truro Conservation Trust. The property will have a CR held by the Trust. **Motion to approve the Conservation Restriction by Lown; second by Bisceglia. Approved unanimously.**

**648 Shore Road Unit 1, Request for Determination of Applicability, Susan & Robert Casper:** Mr. Casper would like to do an exact replacement of the current deck with no increase in square footage. The deck is in a completely developed area and the work will not increase the impact on the resource area. **Motion to find a Negative 3 Determination that the work is in the buffer zone, but will not be detrimental to an area subject to protection under the Act and a Notice of Intent is not required. Motion by Lown; second by Messinger. Approved unanimously.**

**8 Falcon Lane, Request for Determination of Applicability, Edward Frechette, applicant, Donna Ward, owner:** Chris Lucy represented the applicant who would like to remove tree to improve his view. Property owner Donna Ward has given approval for this as long as the Commission gives approval. Chair McCutcheon believes the Commission was looking at the incorrect tree at the site visit; due to the invasive vegetation removal at the property there is flagging in numerous spots. Lown proposed approving the request with the condition that the Conservation Agent views the correct tree and deems it ok for removal. The Commission chose to plan another site visit and continue the hearing. **Motion to continue to the June 22, 2016 meeting. Motion by Lown; second by Bisceglia. Approved unanimously.**

**1 Merryfield Path, Notice of Intent, Steven Corkin, SE#75-0982:** This hearing was continued from May 2, 2016. Owner Steve Corkin and representative Tim Callis were

present. A three year plan was put together to maintain the bank, and remove invasive vegetation. Nick Brown spoke up for the abutter, and stated that he is in support of this plan. **Motion to approve the Notice of Intent with the additional conditions that fertilizer is not used, temporary irrigation is allowed for no more than two growing seasons and vista pruning requires on-site approval by the Conservation Agent. Motion by Lum; seconded by Messinger. Motion approved unanimously.**

**214 and 216 Shore Rd (off Beach Point Landing), Notice of Intent ; Daniel Smith, applicant, SE#75-0966:** This is continued to the June 22, 2016 hearing in order to consider the pending opinion from Town Counsel.

**8 Sam's Way, Notice of Intent, Nancy A. Dyer, Trustee of Dyer Realty Trust; SE#75-0985:** This hearing was continued from May 2, 2016. The proposal includes construction of a new single family dwelling and a drift fence. David Lajoie and Lester J. Murphy, Jr. were presented for the applicant. FELCO has reduced the size of the dwelling and moved it 10' farther back from the top of the coastal bank. Variances for the septic system have been approved by the Board of Health. The Commission is concerned with erosion on the bank and how the construction project may exacerbate it. Mr. Lajoie believes they can replant and stabilize the area. Jim Haggerty of Reef Builders presented some 3D views to show the topography with the proposed dwelling. Commissioner Lum suggested that it may be useful to understand the erosion rate of the bank. Mr. Murphy responded that this was an area with little erosion. The Commission requested a regrading plan and a re-vegetation plan. The Chair stated she would like the applicant to address erosion on the face of the bank from water runoff near the stairway on the Coastal Bank; this should be addressed with planting and the addition of batter boards to the stair. **Motion to continue to the July 11, 2016 meeting. Motion by Bisceglia; second by McCutcheon. Approved unanimously.**

**24 Pond Rd, Request to Amend an Order of Conditions, Robert Fanelli, SE # 75-0981:** The hearing was opened to consider amending the Order of Conditions for a revised plan. Stephanie Sequin of Ryder & Wilcox represented the applicant; John Martin was present as the contractor for the job. The original plan showed replacement of the cesspool with a conventional title 5 system for the purpose of a real estate transfer. The Board of Health had expressed concern with the number and significance of variances needed for installation of a conventional system at this site, and encouraged the applicant to explore alternatives. Ryder & Wilcox returned to the Board of Health with a plan for a tight tank, which was approved. The revised plan will be easier to install. Mrs. Sequin requested that the Order of Conditions be revised to allow immediate installation of the tight tank. Karen Ryman, abutter, had questions about tight tanks; how close the tank will be to the pond and when the construction will take place. Work is proposed when the ten day appeal period is over, and will take 3-5 days. **Motion to approve the Request for an Amended Order by Bisceglia; second by Messinger. Approved unanimously.**

**31 Mill Pond, Discussion of Enforcement Order, Martha Ingram:** The Commission would like Mrs. Ingram to install some sort of fencing/barricade at the mouth of this area in order to restrict parking on the lot and to allow the area to revegetate. If the DPW needs to use the property they will be required to come before the Commission. Mrs.

Ingrum agreed to these conditions. **Motion to lift the Enforcement Order and to require the installation of entry blocking for the property. Motion by Lown; second by Messinger. Approved unanimously.**

**8 Atwood Lane, Notice of Intent, Elaine Reily, SE#75-0984:** This hearing was continued from May 2, 2016. The project includes invasive species removal with native plant restoration. Elaine Reily, applicant, and Chet Lay, representative were on hand. The DEP number and NHESP opinion have been issued. NHESP finds that No Take will result from this project. The Commission had mentioned that the staking in the field did not seem to match the plan and this has been resolved. **Motion to approve the Notice of Intent. Motion by Lum; second by Messinger. Approved unanimously.**

**71 Depot Road, Administrative Review, Susan Goldstone:** Mrs. Goldstone would like to replace the existing shed in existing footprint with no changes. **Motion to accept the Administrative Review. Motion by Bisceglia; second by Messinger. Approved unanimously.**

**4A Pond Road, Administrative Review, Kristen Reed:** Ms. Reed would like to install granite cobblestones to create a walkway in the area she parks the car. She will bind the stones with sand and will not use cement. The stones for the firepit will not be dug in, but will just be placed on the ground. The location of the fire pit will be approximately 45' from the wetland and in an area that is already disturbed. **Motion to approve the Administrative Review. Motion by Lum; second by Lown. Approved unanimously.**

**43 Knowles Heights Road, Notice of Intent, Rosemary Boyle, SE# 75-0987:** Proposal includes landscaping. David Lajoie represented the applicant who would like to install new fencing, expand the parking area and deck and do landscaping within the 100' buffer zone. Mr. Lajoie was not going to file for this work using a Notice of Intent, but he was informed that dumping of brush on the coastal bank has occurred in the past. A note was included on the plan that no brush is to be thrown over the bank. Most of the work will be done 70'-80' from the top of the bank. The Commission noted that piles from an old serpentine fence remain on the beach and they should be removed or the fence repaired. Mr. Lajoie is unsure what the owners have planned, but he will discuss it with them and get back to the Commission. **Motion to approve the Notice of Intent with the condition that something is done with the fence piles. Motion by Bisceglia; second by Lown. Approved unanimously.**

**1 Left Handed Road, Notice of Intent, Shane Burhoe, SE# 75-0986:** Proposal for installation of a swimming pool and mitigation for work done in the wetland buffer without review or approval. Property owners Shane and Adrienne Burhoe and representative Paul Shea were present. The Commission visited the site that afternoon, and found that the proposed pool area was not staked. The applicants would like to install a 14'x31.5' in-ground swimming pool with a 2,900 sq. ft. pervious paver patio surround. An existing shed will be moved outside of the buffer zone. NHESP did not comment on the project. An abutter wrote a letter expressing concern about impact on his well-water quality that may result from the Burhoes filling the pool from their well. He asked if pool water could be brought from off-site. A variety of projects on the site have been done

without approval including construction of an ice hockey rink; construction of a driveway, shed and parking area; excavation of a toboggan run; and creation of a play area. The toboggan run and play area will be removed and the areas will be planted with native shrubs; additionally, native shrubs are proposed along the property line. This project will not increase the disturbed area on the lot. The total disturbed area in the buffer zone is approximately 7,500 sq. ft and approximately 1,650 sq. ft. is offered as mitigation. Of the work done, it appears that only the plan for the house and septic system were reviewed by the Conservation Commission. The current Commission would like to know why the other work was not brought before the Commission when the property owner knew the area was in the buffer zone. The Burhoes stated that they had been informed that the wetland delineation had changed overtime and that the work was no longer in the 100' buffer zone. The Conservation Agent stated that there was minimal difference between the delineations of the BVW from the original approved plan and the current plan. The applicants stated that there were numerous draft plans and they believed the work was not subject to review by the Conservation Commission; they also believed that because the work was not subject to Building Department review that it did not need a permit. It was shown that the work that was done was indeed in the buffer zone and needed approval. The new pool location was chosen in order to allow access from the deck. Chair McCutcheon did not find that adequate mitigation was offered. Commissioner Lown suggested that they continue the meeting until a plan with more mitigation is submitted and the Commission can view the staked pool location. If it is decided the applicants do not want to install the pool- mitigation for the work without a permit will still need to be done. The Conservation Agent stated that it does not appear that the work has impacted the wetland and that there may be mitigation that can allow the ice rink to stay in place, but the Commission needs to see an increase in mitigation before approval. **Motion to continue to July 11, 2016 by Bisceglia; second by Lum. Approved unanimously.**

**497 Shore Road Unit 5, Administrative Review, Deborah Perry: Motion to approve the Administrative Review by Messinger; second by Bisceglia. Approved unanimously.**

**538 Shore Road, Administrative Review, Peters Property Management: Sand nourishment is needed on the coastal beach. Motion to approve the Notice of Intent by McCutcheon; second by Messinger. Approved by 3-0-2 vote with Bisceglia and Lown abstaining.**

**7 Truro Center Road, Administrative Review, Anne Kaplan: This was continued to the June 22, 2016 meeting so that the Board of Selectmen can make their determination.**

**11 Coast Guard Terrace, Certificate of Compliance, SE# 75-446: The agent inspected the site and found that it is in compliance. Motion to issue a Certificate of Compliance by Messinger; second by McCutcheon. Approved unanimously.**

**Proposed Amendments to the section III of the Truro Conservation Commission policies, procedures and regulations pursuant to the Wetlands Protection Act MGL ch. 40, sect 8C and the Truro Wetlands Protection Bylaw: Motion to approve the revision of Conservation Commission fee schedule by McCutcheon; second by Lum. Approved unanimously.**

**Reorganization of the Conservation Commission: Motion to approve Deborah McCutcheon as Conservation Commission chair; Motion by Lown; second by Bisceglia. Approved unanimously.** Bisceglia motioned to make Diane Messinger Vice-Chair, but she declined. **Motion to approve Jim Bisceglia as Vice-Chair by Lown; and second by McCutcheon. Approved unanimously.**

Numerous issues for discussion were continued until the next meeting which will be held on Wednesday June 22 at 6 PM at Town Hall.

**Motion to adjourn by Bisceglia; second by Lum. Approved unanimously.**

The meeting adjourned at 9:00 p.m.

### **Site Visit Minutes**

**June 6, 2016**

1:15 P.M. Met at the Cobb Library parking lot.

**Members Present:** Deborah McCutcheon, Diane Messinger, Larry Lown, Henry Lum

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

**31 Mill Pond Rd:** The Commission viewed the area and its proximity to the road. There was brief discussion of its use to store snow.

**1 Left Handed Rd:** The Commission viewed the area of proposed work and work that was done without approvals. Proposed project was not staked.

**8 Falcon Ln:** The Commission viewed a flagged tree, but there was some question regarding which tree was the subject of the RDA as the one flagged did not appear to be a willow or inhibit the view of the applicant and there were numerous trees in the area.

**8 Sam's Way:** David Lajoie met the Commission on site. The area was staked and Mr. Lajoie explained how the house would be constructed.

**43 Knowles Heights:** The Commission viewed the area of proposed work and the bank where dumping of brush has occurred in the past.

**497 Shore Rd:** The Commission viewed the area of the proposed outdoor shower.

**648 Shore Rd:** Robert Casper was present. The Commission viewed the deck schedule for replacement.

3:30 P.M. site visits concluded.

Respectfully Submitted,

Nicole Smith, Secretary  
Approved June 22, 2016