



TOWN OF TRURO

Conservation Commission

24 Town Hall Road

P.O. Box 2030, Truro MA 02666

Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

Regular Meeting

February 18th, 2014

1:00 P.M. in Selectman's Meeting Room

Members Present: Linda Noons Rose, Larry Lown, Diane Messinger, Deborah McCutcheon, Peter Romanelli, Al Silva

Others Present: Patricia Pajaron-Health/Conservation Agent, Nicole Smith-Secretary

Others Present: David Lajoie (Felco Engineering), John Hopkins (Augustus Construction)

26 Great Hills Rd, Notice of Intent by Felco Engineering for John R. Canavari Revocable Trust, SE# 075-0933: David Lajoie and John Hopkins presenting. The plan is to add a 2nd floor addition onto the existing house, all of which would be in the existing footprint. The septic and well have been put in. There is a restricted work limit because the building is close to the top of the bank. There will be roofing on top of existing deck. McCutcheon asked how they are planning to ensure that work and equipment won't go over the top of the bank. There will be no machinery anywhere but the driveway. All work on the far side will be done by hand. Silva had a suggestion to use straw bales because of the steepness on the east side of the existing deck. John Hopkins mentioned the house will be built off property as much as possible and then brought onto site. McCutcheon asked why a crane was needed. John Hopkins responded that the additional story for the house will be built off-site as much as possible and then brought on site and lifted in place with the crane. The crane will operate from the driveway to help with roof removal and then those materials will be immediately taken off site. This increases the speed of the project while decreasing site disturbance. McCutcheon asked if the crane will be on top of the driveway/leach field. Hopkins responded it will be situated on top of the leach field with an under layer of steel plates for the crane arms. Lajoie noted it was built as a heavy duty leach area. Lown asked if the house meets zoning height restrictions. The building does not exceed height restrictions as it will be 28.6 feet above grade. There are no setback or height issues and they do not think it will have to go to the ZBA.

Motion by Silva to approve the project as submitted in the Notice of Intent and incorporating the specific construction protocols set forth in the Notice. In addition to our usual conditions, and added to the construction protocols from the Notice, which are to be set out in the OOC, the commission also orders that straw bales be placed on the east work limit to protect the marsh. Lastly, the OOC will specifically

state that any changes in the project as presented to the Commission must be submitted for Commission approval in Advance.

Motion seconded by Romanelli. Lown asked why they needed to be in front of the Conservation Commission so quickly. Nick Brown, speaking from the audience, stated that the sale is part of a tax free exchange which must be completed within 180 days or be disqualified from tax free treatment, therefore losing any time could be costly. **Motion was approved unanimously, 6-0.**

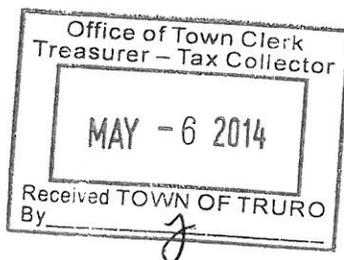
5 Yacht Club Rd, Enforcement Order, John E. Allen and Barbara Cordi-Allen:

Conservation Agent Pajaron informed the Commission that the Enforcement Order needs to be reviewed and, if warranted, ratified by the Commission. The property owner has not complied with the order, although, by email, the owner did make a public records request for records of other projects. That request was responded to and a further email request was received this day. The chair stated that the issues raised in the records request are not relevant to this enforcement order. The property owners claim that a NOI was filed for the fence, although the Commission's files do not support that claim. The enforcement order required removal of the fence within 5 days. No appeal has been filed. Silva suggested giving her 5 days to comply after the enforcement order is ratified. **Motion to ratify the enforcement order requiring the removal of the fence. Motion by Romanelli, 2nd by Silva. Unanimous 6-0.** Discussion moved to question of penalties for non-compliance. The Chair suggested that per diem penalties should not start until some period after the owner receives notice of ratification. The suggestion was made that a ten day period should suffice. According to the Commission By-law, fines of not more than \$300 per diem can be imposed.

Motion to impose per diem penalty of \$50 commencing 10 days from this date of February 18th, 2014, that is on February 28, 2014. Motion by Romanelli, 2nd by Messinger.

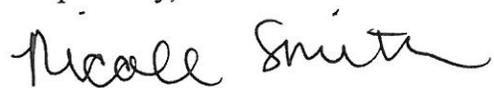
Motion to serve the Allens with a copy of the Truro Conservation Bylaw under which this action is taken; to review this matter at the next meeting of the Commission (March 3, 2014) and at every meeting thereafter until resolved; and to notify the Allens that the per diem penalties may be increased by vote of the Commission upon review at set forth above. In addition to the foregoing action in enforcement of our order, the Commission directed that you be notified that, while our primary interest is in securing compliance with our Bylaw, we are willing to entertain evidence of extenuating circumstances with regard to the removal of the fence and the penalty to be imposed. The Commission requests a prompt response by the Allens. Motion made by Romanelli, 2nd by Messinger. Unanimous 6-0.

Lown mentioned there is a post close to the water and it appears she had plans to continue the fence further. Each meeting where there is no response will cause the per diem penalty to increase. After that a lien will be placed against the property to ensure the money is received. The enforcement order was issued January 24th and there are 30 days to file an appeal in superior court.



Meeting adjourned at 1:50 P.M.

Respectfully,



Nicole Smith
Conservation Commission Secretary
Approved May 5th, 2014; 6-0

