



**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630

Office of Town Clerk

2:18 pm
FEB 07 2024

Received TOWN OF TRURO
By: *JS*

Conservation Commission Meeting Minutes: January 8, 2024

Commissioners Present: Chair Carol Girard-Irwin; Commissioners Clint Kershaw & Diane Messinger were present in person. Vice Chair Linda Noons-Rose & Commissioner Bob White were present virtually. **Others Present:** Emily Beebe, Conservation Agent; Courtney Warren, Assistant Conservation Agent.

This was hybrid meeting with both in-person and remote participants. Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:04 pm and provided the virtual meeting instructions.

Notice of Intent: 522 Shore Road, Sutton Place Condominium (SE#75-1187): coastal stabilization; Barrier Beach, Coastal Dune, and Land Subject to Coastal Storm Flowage. (Map 7, Parcel 8) This matter was continued from 12/4/2023. Representative Stan Humphries shared four figures: the original proposal and three more drawings (2, 2a, and 3) that depicted various increased nourishment options. Commissioner Clint Kershaw questioned why not also add a “natural” barrier to the artificial one, and he suggested that the project include extending the sturdy drift fence from property line to property line. Stan Humphries replied that the intent of the proposed project was to protect the infrastructure and those units that fronted the beach, not to protect the bare dune, due to the cost. He did suggest that the abutting property (Ebb Tide) might be interested in a combined project. The Agent noted that the local regulations require a 25-foot setback from abutting property lines for fencing projects. If Ebb Tide would be interested in continuing the fence, that would be a separate project. Chair Carol Girard-Irwin asked if the Commission could approve all of the options so that they could start with option 2 or 2a and then do option 3 if necessary. Commissioner Linda Noons-Rose agreed with that idea but also suggested that they include tapered sand nourishment beyond the ends of the fencing. Commissioner Diane Messinger wanted to make sure that all nourished areas would be planted with beach grass to which Stan Humphries confirmed that each alternative included planting the entire area. The Agent asked if all options were realistically on the table and also suggested that all three could be allowed. There was then discussion about managing foot traffic and furniture placement to give the restored area the best chance of success. After more discussion, the Commission decided to approve option 2a with the requirement for ongoing maintenance. Other conditions include: the NHESP conditions, quarterly site photos be submitted to the Conservation department, a 45-degree sand nourishment tie-in (“flare”) from the sturdy fence to the existing dune along with jute netting and beach grass plantings; all access pathways/usage to be the same as the previous order, but using 4’ snow fence to demarcate the paths, and the use plan would be evaluated after 3 years. **Motion:** Commissioner Clint Kershaw moved to approve option 2a with conditions; **Second:** Chair Carol Girard-Irwin; **Vote:** 5-0; the motion passed.

Notice of Intent: 432 Shore Road Unit 8, Travis & Anne Zukowski (SE#75-1191): renovate existing building onto flood compliant foundation with two additions to footprint;

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Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage. (Map 9, Parcel 8.8)
This matter was continued from 12/4/2023 and the applicant has requested a continuation to the February 5, 2024 meeting. **Motion:** Chair Carol Girard-Irwin moved to continue the hearing until February 5, 2024. **Second:** Commissioner Diane Messinger; **Vote:** 5-0; the motion passed.

Notice of Intent: 402 Shore Road, Kevin Shea (SE#75-1193): install seasonal beach access stairs within a shared easement with Ms. Murtagh; Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage. (Map 10, Parcel 22) Attorney Stephanie Keefer of Smolak & Vaughn represented Julie Murtagh. The work is to take place on 402 Shore Road, owned by Kevin Shea. They propose to install removable aluminum stairs to the beach from an existing bulkhead. These stairs would be completely removable and would be removed at the end of the season. An easement across 402 Shore Rd to access the stairs is part of a 2023 judgment from the land court. Chair Carol Girard-Irwin asked for the specifics of the judgment because of the confusion over what the stakes on the site represented. The attorney asserted the application was for the stairs. The chair pointed out that the Commission has jurisdiction over the Coastal Dune and needs to know where the proposed path will be. Attorney Keefer responded that they are not proposing any activity and that the stakes are in the area where the easement right exists. Commissioner Clint Kershaw asked if that meant the area where they will be walking. The answer was yes. Attorney Colleen Cook joined the conversation and stated that the Land Court had made a decision, but no final judgment. A plan was approved by the Land Court and a surveyor placed the stakes. The Agent stated that more supporting information was needed. Applicant Julie Murtagh described how they have been using a path to the beach for many years. Property owner Kevin Shea stated that the path was defined by the end of the old motel building that used to be on the property. Chair Carol Girard-Irwin stated that the Commission would be continuing this matter because they need more information from the Land Court including a better plan and will need review by Town Counsel. **Motion:** Chair Carol Girard-Irwin moved to continue the hearing until February 5, 2024.; **Second:** Clint Kershaw; **Vote:** 5-0; the motion passed.

Notice of Intent: 15 Avocet Road, Richard Summers (SE#75-1194): addition & deck; Buffer Zone to a Coastal Bank. (Map 39, Parcel 222) Representative Laura Schofield described the property and the proposed project which is a small addition and deck. A floor and an exterior wall will be added to enclose an existing 24 sq ft area under the overhang of the roof. The new 45 sq ft deck will be constructed over an existing brick area with the brick to remain in place. No changes to the septic system are required. Construction access will be from the existing driveway and walkway. A dry well is proposed as are plantings on the water side of the house. Commissioner Clint Kershaw asked if the homeowner would then want to cut those trees when they grow to block the view, but Laura Schofield answered no. Commissioner Bob White and Linda Noons-Rose both indicated that they had no issues since the work would be occurring in already disturbed areas. **Motion:** Commissioner Clint Kershaw moved to approve the filing as presented; **Second:** Linda Noons-Rose; **Vote:** 5-0; the motion passed.

Notice of Intent: 17 Coast Guard Road, Outer Shore Nominee Trust (SE#75-1195): restoration of beach stairs; Coastal Bank, Coastal Beach, Land Subject to Coastal Storm

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Flowage. (Map 34, Parcel 3) Catherine Ricks from Tighe & Bond represented the proposal to repair and replace-in-kind a set of stairs that is set into the Coastal Bank. Some deteriorated steps are proposed to be replaced but there is no plan to change the handrails at this time. Commissioner Linda Noons-Rose asked what percentage of the stairs would be changed because she noted that it was currently stable and worried that taking it apart would lead to the need replace the whole thing. Christine Ricks replied that there are some rotted stairs near the bottom and some stringers near the bottom that need to be replaced. The Agent asked if the bottom set could be removable. They had not looked into that option. Commissioner Bob White noted that the limit of work had not been staked and pointed out that since the bank was so well vegetated, they would like to make sure there is a tight work limit to minimize disturbance. He also asked about plans for resetting any pipes that hold up the rope railing. The engineer stated that it did not appear that any needed to be replaced at this time. The Agent requested more information about the proposed limit of work, detail on how many treads would be replaced, a plan for replacement of stringers, and a protocol for resetting any support pipes. Commissioner Clint Kershaw suggested that perhaps the support pipes could be extended rather than removed. Christine Ricks requested a continuance until the February 5, 2024 meeting. **Motion: Commissioner Diane Messinger moved to continue the hearing until February 5, 2024.; Second: Clint Kershaw; Vote: 5-0; the motion passed.**

Notice of Intent: 4 River View Road, Stephen & Sharon Patrice: landscaping; Riverfront Area & Buffer Zone to a Coastal Bank. (Map 50, Parcel 266) Landscaper Ethan Poulin described the proposal which includes widening the road/driveway, replacing gravel, adding stepping stones in various locations, removal/replacement of two retaining walls and installation of a new section of driveway, and removal of invasives and revegetation with native species. Chair Carol Girard-Irwin noted that the property was not staked and that they are particularly interested in the location of the top of the Coastal Bank and the edge of the Riverfront area as well as the proposed limit of work. There was discussion about the driveway as well as possibly swapping the location of the path with the planting area. Commission Linda Noons-Rose noted a healthy growth of bearberry about 10 ft from the deck and suggested bringing the limit of work in to protect that area. The Agent suggested that a site visit with Ethan Poulin and the Commission would be useful. Since the site was not staked, the hearing will need to be continued until the February 5, 2024 meeting. **Motion: Commissioner Clint Kershaw moved to continue the hearing until February 5, 2024; Second: Chair Carol Girard-Irwin; Vote: 5-0; the motion passed.**

Request for Determination of Applicability: 14 Salt Marsh Lane, Anna Poor: building sewer line and abandonment of cesspool; Buffer Zone to a Coastal Bank. (Map 54, Parcel 7) Jason Ellis represented this cesspool upgrade. There are two cesspools and a sewer line in jurisdiction. The cesspools will be filled and abandoned, and a new sewer line will be installed. **Motion: Commissioner Clint Kershaw moved for a negative three determination; Second: Linda Noons-Rose; Vote: 5-0; the motion passed.**

Request for Determination of Applicability: 40 South Pamet Road, Benoit & Elizabeth Allehaut: reduction in scope of work to a previously approved Order of Conditions; Riverfront Area, Land Subject to Coastal Storm Flowage, Buffer Zone to a

Bordering Vegetated Wetland and Coastal Bank. (Map 51, Parcel 40) Attorney Ben Zehnder was at the meeting to represent this request. The applicant has an existing order of conditions for work at the site and proposes to reduce the scope of that project. Because this is not an unanticipated change that would qualify for an amended order of conditions and is too large for a simple field change, the applicants have filed an RDA. Although not required for an RDA, abutters have also been notified. This proposal has been through zoning, planning, and historic and all work will be within the existing screened porch. **Motion: Commissioner Clint Kershaw moved for a negative two determination; Second: Chair Carol Girard-Irwin; Vote: 5-0; the motion passed.**

Extension Request: MassDOT, SE# 75-0951- request for a 3-year extension for maintenance; **Motion: Commissioner Clint Kershaw moved to approve a three-year extension; Second: Diane Messinger; Vote: 5-0; the motion passed.**

Field Change: 4 Kill Devil Road, SE# 75-1102- remove elevated wood access walkway; The applicant has an order of conditions for replacement of the stairs that was recently extended. The applicant would like to only replace the stairs without doing the elevated walkway. **Motion: Chair Carol Girard-Irwin moved to approve the field change; Second: Diane Messinger; Vote: 5-0; the motion passed.**

Certificates of Compliance: (1) 4 Rolling Hills Road, SE# 75-1117; (2) 15 Uncle Irv's Way, SE# 75-1132; (3) 16 Great Pond Road, SE# 75-0892 The three certificates of compliance were voted on as a group. **Motion: Commissioner Diane Messinger moved to approve the certificates of compliance.; Second: Clint Kershaw; Vote: 5-0; the motion passed.**

Administrative Review application- 334 Shore Road, Emergency Nourishment ratification; **Motion: Commissioner Clint Kershaw moved to ratify the emergency nourishment request; Second: Diane Messinger; Vote: 5-0; the motion passed.**

Minutes: **Motion: Chair Carol Girard-Irwin moved to approve the minutes from November 6, 2023 and December 4, 2023.; Second: Commissioner Bob White; Vote: 5-0; the motion passed.**

Commissioner Diane Messinger moved to adjourn the meeting; Second: Commissioner Clint Kershaw; Vote: 5-0-0; the motion passed.

The meeting was adjourned at 7:20 PM.

Respectfully Submitted by Courtney Warren CW

