



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: June 5, 2023

Commissioners Present: Chair Carol Girard-Irwin; Vice Chair Linda Noons-Rose; Commissioners Bob White, Larry Lown, & Clint Kershaw. Absent: Diane Messinger
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 5:03 P.M. and provided the virtual meeting instructions.

Notice of Intent: 544 Shore Road, Beach Townhomes Condominium Trust (SE#75-1171): install bulkhead; Barrier Beach, Coastal Beach, Coastal Dune, LSCSF (Map 7, Parcel 5) continued from 5/1/2023 The applicants requested a continuance.

Motion: Commissioner Linda Noons-Rose moved to continue the matter until the July 3, 2023, meeting; **Second:** Commissioner Clint Kershaw; **Vote: 5-0-0;** the motion passed.

Notice of Intent: 6 Castle Road, Pamela Blair (SE#75-1175): vegetation management; River Front, Coastal Bank, LSCSF (Map 50, Parcel 146) Ben

Fairbank represented the project and described the history of vegetation management on the property. The first phase of the proposed plan includes pruning an apple tree and an abutter's maple tree which is hanging over the property line, relocation of a vegetable garden, and the removal of trees threatening existing structures on the property. A new tree will be planted for every tree that is removed. Two trees proposed for removal are in the road layout; the Agent will consult with DPW about them. The second phase of the project is maintenance of the coastal bank and a view corridor, and two black cherry will be flush cut. Chair Carol Girard-Irwin asked about mowing on the coastal bank. Ben Fairbank stated that targeted weed whacking is proposed for the coastal bank. Additionally, they would like to use a targeted application of herbicide on the mugwort. Annual monitoring reports will be submitted to the Conservation Department. Commissioner Linda Noons-Rose suggested pulling the mugwort instead of weed-whacking it, but Ben Fairbank said the mugwort was intertwined with native wildflowers. An abutter, Louis Briggs, sent a letter in opposition to the proposed project and it was read into the record. The Commissioners agreed conditional approval could include No mowing on the coastal bank; Annual weed whacking could only occur between late August and October, and annual monitoring reports shall be submitted to the Conservation department by the end of each year.

Motion: Commissioner Linda Noons-Rose moved to approve the Notice of Intent with conditions; **Second:** Commissioner Bob White; **Vote: 5-0-0;** the motion passed.

The Commissioner agreed to Vote on 19 South Pamet Road and 21 South Pamet Road

together.

Request for Determination of Applicability: 19 South Pamet Road, Sebastian Snow: confirmation of delineations; Coastal Bank, Bordering Vegetated Wetland, LSCSF (Map 51, Parcel 95) continued from 4/3/2023

Request for Determination of Applicability: 21 South Pamet Road, Sebastian Snow: confirmation of delineations; Coastal Bank, Bordering Vegetated Wetland, LSCSF (Map 51, Parcel 36) continued from 4/3/2023 The Commissioners agreed that the delineations shown on the plan were accurate. **Motion: Commissioner Clint Kershaw moved for a Negative 2 determination for both 19 and 21 South Pamet Road; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.** Note, the Commissioners agreed with the delineations. This is a positive 2 determination and that is reflected correctly on the determination of applicability forms.

Notice of Intent: 38 Fisher Road, Kimberly Chester (SE#75-1168): Title 5 upgrade & addition to dwelling; Coastal Bank, Salt Marsh, LSCSF (Map 53, Parcel 35) continued from 5/1/2023 Homeowner Kimberly Chester was on the call and introduced the team members participating in the meeting. Chair Carol Girard-Irwin asked whether they had filed with the Zoning Commission of Appeals. Kimberly Chester confirmed that that application had been submitted. Paul Shea was on the call and explained the revisions to the septic plan. The limit of work was tightened, and they obtained permission from the abutters to use their property for access to the work site. The proposed addition will be within the existing footprint and will go up, not out. Coastal Engineering recently evaluated the foundation and submitted a construction protocol. The project will be done during the off-season. Commissioner Linda Noons-Rose had a question about an old oil tank on the property. The Agent pointed out a significant amount of development in the layout of Fisher Rd. She also inquired about the cement wall on the property and its origin. Kimberly Chester stated that the wall was there when she purchased the property in 1983 and the only work she had done was cosmetic. **Motion: Commissioner Clint Kershaw moved to approve the Notice of Intent; Second: Commissioner Linda Noons-Rose; Vote: 4-0-1 with Commissioner Bob White recusing himself; the motion passed.**

Notice of Intent: 2 Katherine Road, Andrew & Marian Carboy: small addition, rebuild porch & fencing; Coastal Bank, LSCSF (Map 59, Parcel 52) continued from 5/1/2023 Angela Tanner was on the call representing the project. She described the revisions made to the landscaping and building plans since the last meeting. The descriptor "optional" was removed and the amount of mitigation was increased. Chair Carol Girard-Irwin asked about the increased mitigation area. Angela Tanner stated that the mitigation now proposed was about twice as much as the original plan. Commissioner Larry Lown noted the large lawn and asked about the care of that lawn. Angela Tanner stated that it is not a fertilized lawn and will just be mowed. Commissioner Linda Noons-Rose was curious if there was an alternative deck proposal that would be pervious. The Agent suggested open pavers and allowing more room between the joints. The Commission decided to approve the Notice of Intent with the following conditions: The patio shall be laid with large joint openings that shall be filled with gravel and shall be pitched to the South/East side of the property with a drainage catchment installed. The mitigation area shall be allowed to integrate with what is existing without a maintenance path.

Motion: Commissioner Linda Noons-Rose moved to approve the Notice of Intent with conditions; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.

Notice of Intent: 494 Shore Road, Sharon Santangelo (SE# 75-1173): “After the fact” replacement of deck & shed; Barrier Beach, Coastal Dune, LSCSF (Map 8, Parcel 21) continued from 5/1/2023 Owner Sharon Santangelo represented her project and submitted a revised plan showing proposed mitigation. Chair Carol Girard-Irwin explained that the Commission could only approve a 1-for-1 replacement of the deck and shed. Commissioner Clint Kershaw asked about the mitigation plan. The Commissioners agreed that approval should be contingent on the one-for-one replacement of both the deck and the shed. The Conservation Agent shared her screen to show what the owner had proposed to mitigate a previously approved and constructed project, compared to what mitigation the owner proposed for the current situation, and there was significant overlap. Areas already committed for mitigation were being proposed again. Commissioner Bob White suggested adding temporary irrigation to ensure that plantings were successful. The Agent requested that the owner submit her proof of abutter notification. The Commission agreed to approve the Notice of Intent with the condition that the shed be returned to its original 4 x 8’ size, the deck be a one-for-one replacement with no expansion, and that temporary non-automated (handheld) irrigation may be utilized to support the new plantings. **Motion: Commissioner Bob White moved to approve the Notice of Intent with conditions; Second: Commissioner Larry Lown; Vote: 5-0-0; the motion passed.**

Notice of Intent: 3 Corn Hill Path, Gerald & Marlene Talbot (SE#75-1172): beach access staircase; Coastal Dunes, Coastal Bank, LSCSF (Map 45, Parcel 24) continued from 5/1/2023 Ben Zehnder represented the project and introduced the team members. Todd Turcotte, an engineer with Coastal Engineering shared a presentation of project proposal with the Commission and highlighted the crane location for the proposed work. He stated that the outriggers for the crane were proposed to be set down in areas where there was either no vegetation or invasive black pine. Theresa Sprague reviewed the vegetation plan and removal of invasives. The Commissioners discussed the path of the stairs at length including ways to make it less invasive and to preserve vegetation. Todd Turcotte explained to the Commission that the number of switchbacks was determined by the slope of the bank and cannot easily be changed. Additionally, there was a concern raised about being prepared for any potential leak of a hydraulic fluid from the crane. The Agent noted that the plan was missing an alternatives analysis and that a project should always look to avoid impacts first rather than just minimize them. She asked that the applicant consider what they might be willing to give up in a negotiation, such as the viewing platform. The discussion then turned to the heathland and the fact that many of those plant species cannot be sourced. The Agent suggested the applicant detail the area of disturbance and inventory the plants that would be impacted. The Commissioners were concerned about the cumulative effect on the resource area and agreed that this was a very difficult proposal. The Agent suggested that the Commission develop a finding that the sandplain grassland habitat was significant, and since some of the plant species could not be sourced, the project would cause permanent damage to that habitat.

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Motion: Commissioner Bob White moved to support the finding that the information submitted does not prove that damage to the sandplain heathland can be avoided and this cannot be mitigated. **Second:** Linda Noons-Rose; **Vote:** 4-1-0 with Commissioner Clint Kershaw opposed; the motion passed.

Motion: Chair Carol Girard-Irwin moved to not approve the Notice of Intent because the information submitted did not show sufficient evidence that damage to the sandplain heathland could be avoided. **Second:** Commissioner Larry Lown; **Vote:** 4-1-0 with Commissioner Clint Kershaw opposed; the motion passed and the NOI was not approved.

Notice of Intent: 398 Shore Road, Judy Powers (SE#75-1177): Title 5 Upgrade; Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 10, Parcel 23) John O'Reilly represented the project to upgrade an existing cesspool with an innovative/alternative system and stated that due to the lot size and constraints, the system had to be located on the waterside of the cottage. There was discussion about how best to protect the dunes on the property. John O'Reilly stated part of the proposal is to restore any dune area that is damaged by the installation. Commissioner Linda Noons-Rose noted that it may take years to restore the dune. Commissioner Clint Kershaw asked if the homeowners could wait for a potential sewer connection. The Agent stated that an Administrative Consent Order process was being discussed with the Board of Health, but in the meantime the homeowners needed approval for this upgrade. After more discussion, the Agent suggested approval on the condition that a field change be submitted for moving the septic tank and leaching area as close as possible to the dwelling with the addition of a poly barrier and that a dune restoration plan be submitted to the Conservation Department. **Motion:** Commissioner Clint Kershaw moved to approve the Notice of Intent with conditions; **Second:** Chair Carol Girard-Irwin; **Vote:** 5-0-0; the motion passed.

Notice of Intent: 50 Collins Road, Roger Yochelson (SE#75-1176): Title 5 Upgrade; Bordering Vegetated Wetland (Map 56, Parcel 23) John O'Reilly represented the project to upgrade a cesspool to an I/A system. The design attempts to maximize distance from the pond while maintaining setbacks to the various wells in the area. There are no proposed upgrades to the dwelling. **Motion:** Commissioner Clint Kershaw moved to approve the Notice of Intent as presented; **Second:** Commissioner Bob White; **Vote:** 5-0-0; the motion passed.

Request for Determination of Applicability: 218, 242 & 248 Shore Road, Jason Silva: beach raking; Coastal Beach, LSCSF (Map 17, Parcel 16, 17, 18) Jason Silva was on the call to represent the proposed beach raking project. Commissioner Clint Kershaw asked a question about the type of rake that was being utilized. Jason Silva requested a continuance to add 209 Shore Road to the legal ad. **Motion:** Commissioner Bob White moved to continue the request until the July 3, 2023 meeting; **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-0; the motion passed.

Request for Determination of Applicability: 4 Old Pamet Road, Keith Thurlox: Septic upgrade; Coastal Bank, Riverfront Area (Map 50, Parcel 234) David Bennet represented the project on behalf of CSN Engineering. Commissioner Clint Kershaw

Motion: Commissioner Linda Noons-Rose moved to ratify the emergency certifications; **Second:** Commissioner Bob White; **Vote: 5-0-0;** the motion passed.

The Commissioners agreed to vote on all the Certificates of Compliance together.

Certificates of Compliance:

- (1) 8 Kestrel Lane (SE# 75-1040) – work never done;
- (2) 66 Depot Road (SE# 75-1034)
- (3) 66 Depot Rd (SE# 75-1014)
- (4) 538 Shore Road Unit 2 (SE#75-1022)
- (5) 0 Tom's Hill Rd (SE# 75-1035)

Motion: Chair Carol Girard-Irwin moved to approve the Certificates of Compliance; **Second:** Commissioner Bob White; **Vote: 5-0-0;** the motion passed.

Extension Request: 31 Cormorant Road, SE#75-1066 (extension from Covid Extension Act date) **Motion:** Commissioner Larry Lown moved to approve the extension request for 3 years until July 2026; **Second:** Commissioner Linda Noons-Rose; **Vote: 5-0-0;** the motion passed.

Minutes: February 6, 2023: **Motion:** Commissioner Clint Kershaw moved to approve the minutes as presented; **Second:** Commissioner Bob White; **Vote: 5-0-0;** the motion passed.

Commissioner Linda Noons-Rose moved to adjourn the meeting.; **Second:** Chair Carol Girard-Irwin; **Vote: 5-0-0.**

The meeting was adjourned at 9:11 PM.

Respectfully Submitted by Nina Richey

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recommended not hearing this request since the property was not staked prior to the site visit. David Bennet requested to be heard since this is an upgrade of failed septic system with no expansion of use, and the required Board of Health variances had been granted. Discussion ensued around the failure and timing. The homeowners experienced a backup and then test holes were done in December, so the failure was prior to December. No pumping records were available at this time. Since it was decided that this was not an imminent health threat, the Commission asked the applicant to request a continuance to the July 3, 2023 meeting to allow for the property to be staked, and Mr. Bennett asked for a continuance. **Motion: Commissioner Clint Kershaw moved to continue the matter to the July 3, 2023 meeting.; Second: Commissioner Larry Lown; Vote: 5-0-0; the motion passed.**

Request for Determination of Applicability: 544 Shore Road, Baybeach Townhomes Condominium Trust/Association: snow fencing, sand nourishment and beachgrass plantings; Coastal Beach, Coastal Dune, LSCF, Barrier Beach (Map 7, Parcel 5)

Brian Madden represented the project which is to install snow fencing, add sand nourishment, and plant beach grass to support the growth of the Coastal dune in front of the BayBeach Townhomes condominiums. Commissioner Clint Kershaw asked how the sand would be delivered to the beach. The Agent asked that all the plastic sandbags be removed and suggested the Condo association develop an access plan to keep people off the vegetation, so it has a chance to grow and stabilize. Rick Bashian, an abutter and easement holder, made a comment concerning the placement of the fence and the sand deposits. Sandra Wheeler, a co-owner of the condominium, stated that there are conflicting opinions within the condominium association. Chair Carol Girard-Irwin stated that a plan to address these issues must be submitted before the project could be approved. Brian Madden requested a continuance until the July 3, 2023, meeting.

Motion: Chair Carol Girard-Irwin moved to continue the request until the July 3 Conservation Commission meeting.; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion passed.

Request for Determination of Applicability: 8 Falcon Lane, Charles & Donna Ward: proposed installation of 4-foot wooden fence; Buffer zone to a bordering Vegetated Wetland (Map 39, Parcel 245) Angela Tanner was on the call to represent the project to install a fence for a dog enclosure. The area was not staked for the Commissioners site visit. Commissioner Clint Kershaw asked what the fence panels would look like, and Angela Tanner shared a picture of a fence similar to what is proposed. The applicant requested to continue the matter until the July 3, 2023 meeting so that the property could be properly staked. **Motion: Chair Bob White moved to continue the request until the July 3, 2023 meeting.; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion passed.**

Administrative Reviews: (1) 209 Shore Road: annual beach raking

Motion: Commissioner Bob White moved to approve the Administrative Request; Second: Chair Carol Girard-Irwin; Vote: 5-0-0; the motion passed.

Emergency certifications: (1) 538 Shore Road Unit 1 replace damaged elements of foundation; (2) 538 Shore Road Unit 3 replace damaged elements of foundation.