



## TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

### Conservation Commission Meeting Minutes: July 3, 2023

**Commissioners Present:** Chair Carol Girard-Irwin; Commissioners Larry Lown, Clint Kershaw, & Diane Messinger **Absent:** Vice Chair Linda Noons-Rose, Commissioner Bob White **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 5:00 P.M. and provided the virtual meeting instructions.

#### Discussion on proposed stormwater general bylaw:

The Conservation Agent described the purpose for and intent of the draft general bylaw "*Stormwater Management by drainage, erosion and sediment control*". There were no comments or questions from the Commissioners or the public at this time, and the Chair encouraged Commissioners and members of the public to send any comments or questions by email to the Agent.

**Notice of Intent: 0 Pamet Harbor, Town of Truro (SE#75-1178): Barrier Beach, Coastal Dune, Coastal Beach, Land Subject to Coastal Storm Flowage (Map 49, Parcel 16)** Chair Carol Girard-Irwin introduced the agenda item and stated that the Commission was waiting for comment from NHESP. Hannah Raddatz, from BSC group represented the project and reported that NHESP had asked for alternatives for the project. BSC group was preparing a response and expected to be ready for the August Conservation Commission meeting. She gave an overview of the proposed coir envelope system as the least invasive, most effective way of minimizing erosion at the toe of the Jetty. The construction process would likely take about a week with access being gained from the Corn Hill parking lot. Commissioner Clint Kershaw asked about the anchor posts. Hannah Raddatz stated that the anchor posts will be 10' oak stakes. Commissioner Lown asked about the location of coir envelopes. They will extend from the base of the dune to the base of the jetty.

**Motion:** Commissioner Diane Messinger moved to continue the matter until the August 7, 2023, meeting; **Second:** Commissioner Clint Kershaw; **Vote: 4-0-0;** the motion passed.

**Request for Determination of Applicability: 218, 242 & 248 Shore Road, Jason Silva:** beach raking; Coastal Beach, Land Subject to Coastal Storm Flowage (Map 17, Parcel 16, 17, 18) *continued from 6/5/2023.* **Motion:** Commissioner Clint Kershaw moved for a negative 3 determination; **Second:** Commissioner Larry Lown; **Vote: 4-0-0;** the motion passed.

**Request for Determination of Applicability: 4 Old Pamet Road, Keith Thurgood:** 4 2023

Septic upgrade; Coastal Bank, Riverfront Area (Map 50, Parcel 234) *continued from 6/5/2023* **Motion: Commissioner Clint Kershaw moved for a negative 3 determination: Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

**Request for Determination of Applicability: 8 Falcon Lane, Charles & Donna Ward: Proposed installation of 4-foot wooden fence; Bordering Vegetated Wetland (Map 39, Parcel 245) continued from 6/5/2023.** The proposal included installing a wooden fence with steel wire panels. The Agent shared her screen to show an image of the proposed fence panels. Nick Crawford was on the call representing the project. The Commissioners asked for an opening under the fence to allow for the passage of wildlife. The applicant agreed to a 6" space. **Motion: Commissioner Clint Kershaw moved to make a negative 3 determination with the condition that the bottom of the fence panels have a 6" gap from the ground. Second: Commissioner Larry Lown; Vote: 4-0-0; the motion passed.**

**Notice of Intent: 544 Shore Road, Beach Townhomes Condominium Trust (SE#75-1171): install bulkhead; Barrier Beach, Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 7, Parcel 5) continued from 6/5/2023.** The applicant requested a continuance until the August 7, 2023, meeting. **Motion: Chair Carol Girard-Irwin moved to continue the matter until the August 7, 2023, meeting; Second: Commissioner Larry Lown; Vote: 4-0-0; 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) continued from 6/5/2023.** Brian Madden from LEC represented the project which he said was intended to be a short-term solution that is adaptable to the constantly changing beach conditions while the association pursues a more permanent solution. They are proposing to add snow fencing and sand nourishment followed by revegetation with American Beach grass to restore the dune. An interim management plan was submitted and emphasizes that there shall be no foot traffic or storage in the restored area. Beach access from the units will be limited to one central path with a mobi-mat that will be installed and removed seasonally. He added that they were agreeable to annual monitoring. Commissioner Clint Kershaw thanked the association for their work so far but suggested developing a deliberate plan to prevent people from walking over the newly restored dune. The current proposal was to wrap the fence around the restored area and to add signage. The Commissioners suggested adding fencing that would be perpendicular to the proposed fencing to prevent occupants of individual units from traversing the area to access the beach. Discussion ensued around whether this should be symbolic fencing or the same fence material as the main fencing. Brian Madden was open to the idea. Commissioner Diane Messinger agreed with the other Commissioners, that something needs to be put up to keep people walking over the dune but was not in favor of the perpendicular fencing. Trustees of the Baybeach Townhomes, Nancy Gallo, Peter Spina and Nancy Beiner, were on the call and stated that they believed the fencing between units was reasonable. Alba Lopez, another trustee, had concerns about maintaining each unit's exclusive use area. Abutter Pat Callinan asked about the sand nourishment to which Brian Madden stated that they are proposing

**Carol Girard-Irwin moved for a negative 3 determination Second: Commissioner Clint Kershaw; Vote: 4-0-0; the motion passed.**

**Request For Determination of Applicability: 582 Shore Rd, Susan Connolly: 1:1 replacement of 2 decks: Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 5, Parcel 23)** Mariellen Serena represented the project. Chair Carol Girard-Irwin asked the applicant for clarification since the application was for a one-for-one replacement of two decks but it appeared different in the field. The square footage of the deck will remain the same but will be in a slightly different configuration. Invasive species will be removed. Drainage will be improved by removing brick and adding stone. Additionally, furniture that is in the vegetation will be moved. **Motion: Commissioner Clint Kershaw moved for a negative 3 determination with the condition the deck replacement be a one-for-one replacement. Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

**Notice of Intent: 525 Shore Rd Unit 7, Paul & Cheryl Silvernail (SE#75-1180): After-the-fact filling for cutting vegetation, constructing a retaining wall & creating a lawn: Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 6, Parcel 5.7)** This is an after-the-fact filing. Owner Cheryl Silvernail represented the project and explained that she felt that the back area where the work was done was unsafe for children to play in and a fence had fallen down. She had a retaining wall constructed and brought in sand and loam as fill. Chair Carol Girard-Irwin explained why the filling of the wetland was a violation of the Wetlands Protection Act. Commissioner Larry Lown asked whether the homeowner had ever received a Conservation notice since they had moved to the location. Cheryl Silvernail stated that she was unaware she was in Conservation jurisdiction. Commissioner Diane Messinger asked how they propose to restore the area. Commissioner Clint Kershaw asked about the need for a site plan. Commissioner Larry Lown wanted to know what kind of retaining wall was constructed. The retaining wall is about 3 feet high and of pressure treated lumber. The Agent explained to the owner that in after-the-fact filings, the Commission attempts to gain an understanding of what the goal of the work was and discusses whether the project *would have* been approved if it was proposed; then they would determine what mitigation was needed. In this case, the goal was to create a safe place for the children with a new fence. The Commission agreed that a proposal for removing the wall and loam as well as a site plan would be required before anything could be approved. The applicant requested a continuance until the August 7, 2023, meeting. **Motion: Chair Carol Girard-Irwin moved to continue the matter until the August 7, 2023 meeting; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

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

- (1) 33 Cooper Rd, #75-1017;
- (2) 389 Shore Rd, #75-1029;
- (3) 258 Shore Rd, SE#75-1030;
- (4) 405 Shore Rd, SE#75-1062;
- (5) 19 Bay View Rd, SE#75-1031

**Motion: Commissioner Larry Lown moved to approve all of the Certificates of**

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cubic yards of sand nourishment primarily on the eastern side of the property. Easement holder and abutter Rick Bashian was on the call and was in favor of re-establishing a dune but is concerned about the exact location of the fencing. Abutter Marie Belding asked if the sandbags would be removed. Brian Madden confirmed that they would be removed.

**Motion:** Commissioner Clint Kershaw moved for a negative 3 determination with the condition that perpendicular fencing be installed in between exclusive use areas and a pre-construction meeting be held to verify fencing locations. **Second:** Chair Carol Girard-Irwin; **Vote:** 3-1-0 with Commissioner Diane Messinger dissenting; the motion carried.

**Request For Determination of Applicability:** 462 Shore Rd, Cousins Family Revocable Trust, Carol Knox, Trustee; cesspool upgrade: Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 8, Parcel 31) Stephanie Sequin from Ryder and Wilcox represented the project and answered questions from the commissioners. **Motion:** Commissioner Clint Kershaw moved for a negative 3 determination; **Second:** Chair Carol Girard-Irwin; **Vote:** 4-0-0; the motion passed.

**Notice of Intent:** 21 South Pamet Road, Dawn & Sebastian Snow (SE#75-1181): installation of saltwater pool; buffer zone to Coastal Bank (Map 51, Parcel 36)

Gordon Peabody from Safe Harbor Environmental represented the project. He explained that the proposed pool was outside of the riverfront area, but a small part of the pool decking is in the buffer zone to the coastal bank. The pool is proposed to be fiberglass not concrete, and the only lighting will be underwater. A storm drain will be installed. They propose to mitigate by removing invasives and installing a robust number of native plants. Commissioner Clint Kershaw asked about any other structures such as a pool house. Gordon Peabody replied that no structures were proposed. Commissioner Larry Lown asked about the size of the pool and why a crane was needed for the project. Gordon Peabody answered that the pool is 14 x 30' and that crane is needed to place the pool. **Motion:** Chair Carol Girard-Irwin made a motion to approve the Notice of Intent with the condition that the environmental management plan be included in the Order. **Second:** Commissioner Diane Messinger; **Vote:** 3-0-1 (Commissioner Lown abstained); the motion passed.

**Request For Determination of Applicability:** 16 Great Pond Road, Courtney Oliver & Daryl Cutter; 3' X 14' addition on a deck: Buffer Zone to Great Pond (Map 55, Parcel 24) **Motion:** Chair Carol Girard-Irwin moved for a negative 3 determination; **Second:** Commissioner Clint Kershaw; **Vote:** 4-0-0; the motion passed.

**Request For Determination of Applicability:** 16 Great Pond Road, Courtney Oliver & Daryl Cutter; Fill and abandon cesspool: Buffer Zone to Great Pond (Map 55, Parcel 24) **Motion:** Commissioner Clint Kershaw moved for a negative 3 determination; **Second:** Commissioner Diane Messinger; **Vote:** 4-0-0; the motion passed.

**Notice of Intent:** 392 Shore Road, Richard S. Goldberg (SE#75-1179): Title Upgrade: Barrier Beach, Coastal Beaches (Map 26, Parcel 10) Paul Shea was on the call to represent the project to upgrade a cesspool. The proposed system would be as close to Shore Rd as is possible, and the design has Board of Health approval. **Motion:** Chair Carol Girard-Irwin moved for a negative 3 determination; **Second:** Commissioner Clint Kershaw; **Vote:** 4-0-0; the motion passed.

**Compliance; Second: Chair Carol Girard-Irwin; Vote: 4-0-0; the motion passed.**

**Administrative Review Applications: (1) 263 Shore Rd Unit 2, fencing**

**Motion: Commissioner Clint Kershaw moved to approve the Administrative Review Application; Second: Commissioner Diane Messinger; Vote: 3-0-1 with Commissioner Larry Lown abstaining; the motion carried.**

Commissioner Larry Lown left the meeting.

**Minutes: March 6, 2023**

**Motion: Chair Carol Girard-Irwin moved to approve the minutes as presented;**

**Second: Commissioner Clint Kershaw; Vote: 3-0-0; the motion carried.**

**Minutes: April 3, 2023**

**Motion: Chair Carol Girard-Irwin moved to approve the minutes as presented;**

**Second: Commissioner Clint Kershaw; Vote: 3-0-0; the motion passed.**

**Commissioner Clint Kershaw moved to adjourn the meeting; Second: Commissioner Diane Messinger; Vote: 3-0-0; the motion passed.**

**The meeting was adjourned at 6:56 PM.**

Respectfully Submitted by Nina Richey

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