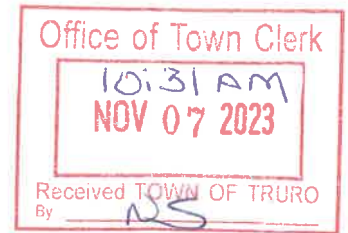




**TOWN OF TRURO  
CONSERVATION COMMISSION**  
P.O. Box 2030  
Truro MA 02666-0630



**Conservation Commission Meeting Minutes: September 11, 2023**

**Commissioners Present:** Chair Carol Girard-Irwin; Vice Chair Linda Noons-Rose; Commissioners Larry Lown, Clint Kershaw, Bob White & Diane Messinger.

**Others Present:** Emily Beebe, Conservation Agent, Courtney Warren, Assistant Conservation Agent; DPW Director Jarrod Cabral

This was a remote meeting. Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:02 P.M. and provided the virtual meeting instructions.

**Notice of Intent: 0 Pamet Harbor, Town of Truro (SE#75-1178): erosion control; Barrier Beach, Coastal Dunes, Coastal Beaches, Land Subject to Coastal Storm Flowage (Map 49, Parcel 16)** Wetlands scientist Hannah Raddatz from BSC was representing the project to install coir envelopes and provide sand nourishment to re-establish the dune. DPW Director Jarrod Cabral described the project as an attempt to preserve the sand and reduce erosion in the area. The project will be monitored and maintained annually. The Commission had questions about the eventual outcome of the proposed erosion maintenance. The National Heritage & Endangered Species Program (NHESP) conditions allowed for five years, and the Agent suggested mirroring that time allowance in the Truro Conservation approval.

**Motion:** Commissioner Messinger moved to approve the Notice of Intent with the condition that the NHESP conditions be included and that the Order of Conditions be valid for 5 years; **Second:** Commissioner White; **Vote:** 6-0-0; the motion passed.

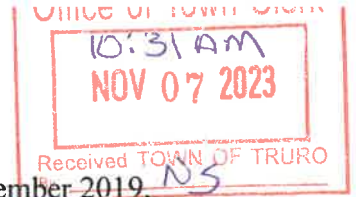
**Notice of Intent: 525 Shore Road Unit 7, Paul & Cheryl Silvernail (SE#75-1180): After-the-fact filing; construction of retaining wall & creation of lawn: Barrier Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (Map 6, Parcel 5.7)**

Homeowner Cheryl Silvernail and their representative Paul Shea were on the call to represent the after-the-fact filing. Paul Shea discussed the ATF filing and the work that had been done. A planting plan sketch was submitted for the meeting and he described it as site restoration in an active back yard. He stated the property owners wish to keep the retaining wall and add a fence with the plantings and would use the "Harmony" seed mix instead of turf grass.

The Chair asked about the fence as there was no detail submitted. The owner described it as an alternating slat fence set up inside the retaining wall.

Commissioner Lown suggested that all property owners have been advised about the wetlands protection act, and why didn't they know? The homeowner said she had never been notified, and they had first purchased a condo at 660 Shore Road. Commissioner Messinger asked how the retaining wall would be removed.

Commissioner Kershaw asked for photos of what it looked like when they bought the unit.



The Agent stated that the Silvernails had purchased on beach point in September 2019, and the town had inserted a flyer about wetlands jurisdiction in the tax bills in November 2019.

Commissioner Kershaw suggested that the retaining wall, sand and loam should be removed, and the area restored- and that planting on top of the violation would not satisfy him.

Paul Shea said the property had been eroded and that there was a lot of digging on the property by dogs; he said that 30 cu yds of sand and 10 cu yds of loam had been delivered to the property.

Commissioner White felt that they were skirting the issue, which was a violation, and that the retaining wall had to go, and most of the fill, maybe they keep some loam to do the planting. Commissioner Lown asked if the proposed fence was flagged. The Chair responded – no- and asked if any Commissioners wanted to see the retaining wall remain. The Chair pointed out that all of the proposed plantings were inside the proposed fence, and stated that the Commissioners needed more information to approve the work.

Paul Shea stated that knowing that the retaining wall needed to come out changed everything. There was discussion on the seed mix.

The Chair reiterated- that it was the Commissioners' opinion that the wall needed to be removed, but possibly some of the fill set aside. No information on the dimensions of the wall was submitted. Commissioner Lown asked if it should be continued?

The Chair suggested that they needed a motion to possibly deny the application. The Agent suggested it could be denied, but the Commissioners could just approve some of the work. Paul Shea then asked for a continuance to get a revised plan into the office that showed what work should be done. The Chair wanted it clear about what needed to happen with the retaining wall, and Paul Shea agreed that he understood.

**Motion: Commissioner Kershaw moved to continue the matter until the October 3, 2023 meeting and that new plans should show removal of the retaining wall and the soil, and that the fence location will be staked for another site visit; Second: Commissioner Larry Lown; Vote: 5-0-1; Commissioner Noons-Rose recused; 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)**

The applicant requested a continuance until the October 3<sup>rd</sup>, 2023, meeting.

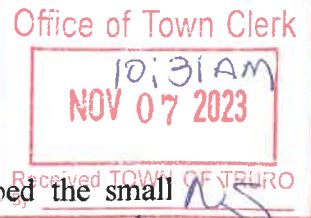
**Motion: Commissioner White moved to continue the matter until the October 3, 2023 meeting; Second: Commissioner Lown; Vote: 6-0-0; the motion passed.**

**Notice of Intent: 40 Fisher Road, Janet L. Capasso (SE#75-1185): cesspool upgrade to I/A; Buffer Zone to a Coastal Bank, Buffer Zone to a Salt Marsh, Land Subject to Coastal Storm Flowage (Map 53, Parcel 34)**

Paul Shea was representing the project which is a cesspool upgrade to an I/A system.

**Motion: Commissioner Noons-Rose moved to approve the Notice of Intent; Second: Commissioner White; Vote: 6-0-0; the motion passed.**

**Notice of Intent: 12 Pilgrims Path, Laura Anello (SE#75-1188): reconfiguration & expansion of single-family residence & walkway replacement; Coastal Bank (Map 35,**



**Parcel 111)** Gordon Peabody was representing the project, and described the small additions which will be located within the footprint of existing decks. A new wooden walkway is proposed as replacement. He described the planting plan which is proposed as mitigation. Abutter Ron Fichtner was on the call and expressed concern about the expansion project, describing it as a fig leaf. Conditions shall include walkway to be at grade and not exceed 4'; no fertilizer use or lawn expansion; and the Safe Harbor Environmental Management plan specifically included in the order. **Motion:** **Commissioner Noons Rose moved to approve the Notice of Intent with conditions;** **Second:** **Commissioner Lown;** **Vote:** 6-0-0; the motion passed.

**Request For Determination of Applicability: 38 Toms Hill Road, Tina Ryman: septic system upgrade; Coastal Bank (Map 49, Parcel 14)** Bob Freeman from Schofield Brothers described a cesspool upgrade to a standard Title 5 system. The design includes room to add enhanced I/A at such time that regulations require it. The proposed erosion control is detailed in the packet. **Motion:** **Commissioner Lown moved to issue a negative 3 determination;** **Second:** **Commissioner Messinger;** **Vote:** 6-0-0; the motion passed.

**Request For Determination of Applicability: 5 Valentina's Way, Estate of Marguerite Yannetty: Septic system upgrade: Buffer Zone to Ryder Pond (Map 60, Parcel 23)** Bob Freeman from Schofield Brothers was on the call. The Agent described the discussion that occurred at the Board of Health meeting about this project and the concern for erosion control. Mr. Freeman described the proposed erosion control using tiered wattles. The Commission discussed the use of gutters/downspouts to dry wells and agreed to condition their approval with their use. **Motion:** **Commissioner Lown moved to issue a negative 3 determination with the condition of gutters/downspouts;** **Second:** **Commissioner Kershaw;** **Vote:** 6-0-0; the motion passed.

**Request For Determination of Applicability: 7 Amity Lane, Irene Selver:** **Septic system upgrade with I/A: Riverfront Area, Bordering Vegetated Wetland, Coastal Bank & Land Subject to Coastal Storm Flowage (Map 46, Parcel 18).** Bob Freeman from Schofield Brothers described their project to upgrade a cesspool to an I/A system. **Motion:** **Commissioner Lown moved to issue a negative 3 determination;** **Second:** **Chair Carol Girard Irwin;** **Vote:** 6-0-0; the motion passed.

Continuances were requested by the next two agenda items. The Commission agreed to address both in one motion.

**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)**

**Notice of Intent: 566 Shore Road Ocean Breeze Condominium (SE#75-1186): shoreline stabilization; Barrier Beach, Coastal Dune, and Land Subject to Coastal Storm Flowage. (Map 5, Parcel 29)**

**Motion:** **Chair Carol Girard-Irwin moved to continue the Notices of Intent for 522 Shore Road and 566 Shore Road until the October 3, 2023 meeting;** **Second:** **Commissioner Messinger;** **Vote:** 6-0-0; the motion passed.

**Request for an Extension to an Order of Conditions: 0 Old County Road (SE# 75-1101)**

This is the Eagle Neck Creek project and a three-year extension is requested in order to establish new plantings. **Motion:** Commissioner Lown moved to approve the 3-year extension request; **Second:** Commissioner Messinger; **Vote:** 6-0-0; the motion passed.

**Certificates of Compliance:**

(1) 49 Fisher Road (SE#75-1093); The Conservation Agent stated that 49 Fisher is not ready for its Certificate of Compliance.

(2) Head of the Meadow Bike Trail (SE#75-1039);

(3) 627 Shore Rd (SE#75-1155)

**Motion:** Chair Carol Girard-Irwin moved to approve the Certificate of Compliance for Head of the Meadow Bike Trail and 627 Shore Road; **Second:** Commissioner White; **Vote:** 6-0-0; the motion passed.

**Administrative Reviews:** (1) 263 Shore Road: fence replacement extension request; (2) 556 Shore Rd: beach grass/shrub plantings

**Motion:** Chair Carol Girard-Irwin moved to approve the Administrative Review requests; **Second:** Commissioner Noons-Rose; **Vote:** 6-0-0; the motion passed.

Commissioner Larry Lown asked if the Commission needed to conduct a site visit for a septic upgrade, and also asked if the Commission could have a review of regulations about fences. Commissioner Kershaw suggested that the Commission consider issuance of a monetary fine for projects not staked; he also suggested that matters that are continued should not be on the next agenda, but the agenda following the next meeting. The Commission agreed to meet to review regulations they may wish to revise.

**Minutes:** May 1, 2023; June 5, 2023; July 3, 2023:

**Motion:** Commissioner Kershaw moved to approve the minutes as presented; **Second:** Chair Carol Girard-Irwin; **Vote:** 6-0-0; the motion passed.

Commissioner Messinger moved to adjourn the meeting; **Second:** Commissioner White; **Vote:** 6-0-0; the motion passed.

The meeting was adjourned at 6:39 PM.

*Respectfully Submitted by Nina Richey*

