



TOWN OF TRURO
Conservation Commission
24 Town Hall Road
P.O. Box 2030, Truro MA 02666

Conservation Commission Meeting Minutes: June 5, 2017

The meeting and public hearings were called to order at 6:35 P.M. in the Selectman's Meeting Room.

Commissioners Present: Deborah McCutcheon, Chair; Jim Bisceglia, Vice Chair; Linda Noons-Rose; Larry Lown; Diane Messinger; Jack McMahon; Henry Lum

Others Present: Emily Beebe, Assistant Health/Conservation Agent

466 Shore Road, Eleanor Collins; (permit extension request), SE # 75-0830 existing order for replacing bulkhead. There was brief discussion about the need for maintenance and repairs at this location. Motion to extend the permit 3 years from the present date of expiration. **Motion by Commissioner Bisceglia; Seconded by Commissioner Messinger; Vote was unanimously in favor.**

25 and 25A Twine Field Road; Truro Conservation Trust (Map 36, Parcel 35,39)

Request from Fred Gaechter of the Truro Conservation Trust for a letter of support for a State grant application. Mr. Gaechter was present to discuss the project with the Commission. **Motion to send a letter of support for the project. Motion by Commissioner Messinger; Seconded by Commissioner Lown. Vote was unanimously in favor.**

7 Truro Center Rd, Town of Truro, (notice of intent); expand driveway, create handicap parking, build walkway; Riverfront, Land Subject to Coastal Storm Flowage, (Map 51, Parcel 12) *The applicant has requested that this matter be continued until August 7, 2017*

41 Bay View Rd, Seascape LLC, (notice of intent), SE#75-10 Application to replace beach stairs down a Coastal Bank and in Land Subject to Coastal Storm Flowage. (Map 39, Parcel 67). Dave LaJoie from Felco was present to review the project. The entire structure will be replaced. Existing sonotubes will be replaced with helical piers. The piers will be removed in those cases when it can be done with minimal disturbance. **Motion to issue an order of Conditions, including a condition that the concrete piers that are removable at time of construction shall be removed; those that are left shall be removed over time by the homeowner. Motion by Commissioner Lown; Seconded by Commissioner Noons-Rose. Vote was unanimously in favor.**

11 Longnook Rd, Peter Staaterman, (request for determination of applicability)-

Extend victory garden within buffer zone to a Bordering Vegetated Wetland. (Map 46, Parcel 140) Commissioner Noons-Rose recused herself from the matter. There was brief discussion about Conservation Commission jurisdiction regarding farming. Approving the exemption would be a negative determination and the applicant would not need to file

a Notice of Intent. **Motion to grant the exemption. Motion by Commissioner Bisceglia; Seconded by Commissioner McMahon. Vote was 6-1-0 in favor.**

The chair made a brief statement directed to those people who come before the Conservation Commission about the importance of treating the Commissioners politely. She stated that the Conservation Commission is a volunteer board that puts a great deal of personal time into learning the Statutes and the processes required to be a Commissioner, which they do not get paid for.

She explained that the Commission “expects that the public that come before us are owed a duty of politeness as we try to understand how we can help them; on the other hand we also are entitled to and have earned the respect of the people who come before us. Everybody gets along better when we treat each other fairly.”

She continued: “I have been aware of some things that have happened at hearings when I was not present... and I thought this was a necessary thing to raise. We don’t get people who are good and thoughtful people to come and work for the town for free unless we appreciate their work. That’s my speech for the night.”

The hearings continued:

10 Cabral Farm Road, David Dewitt, (request for determination of applicability)-

The applicant presented a farm plan showing agricultural activities within the buffer zone of an isolated wetland. (Map 42, Parcel 177). The Commission heard from David DeWitt about the history and the types of farming activities at this location. He discussed their establishment of a lateral buffer from the wetland area; this setback area has been staked. Approving the exemption would be a negative determination which would mean that the applicant would not need to file a Notice of Intent. The traditional use of the land for farming is clear; the site plan is intended to protect future farming. There were concerns expressed about the site and some piles, including metal; **Motion to approve a conditional jurisdictional finding that this land historically has been farmed, and that it qualifies for a farming exemption; that the cleanup for the property would proceed and that the applicant come back in 3 months to discuss the cleanup of the property including what has been done and with a plan for what remains to be done.** Moved by Commissioner McCutcheon; Seconded Commissioner Lown. Voted unanimously in favor.

55 Pond Road- Notice of Non Compliance to the Order of Conditions, SE #75-942,

Discussion on enforcement options for work done by contractor outside the limit of work, and other non-compliance with the order of conditions. The contractor on this project is GFM enterprises.

Review of Consent agreement- request for vote to satisfactorily close the matter

The chair noted that the stairwell project has been completed and looks better.

Motion to accept the improvement project for the stairwell as the project is completed and the terms of the consent order have been satisfied. Moved by Commissioner Bisceglia; Seconded by: Commissioner Lown. Voted unanimously.

Discussion on 55 Pond Road resumed. The issue was discussed at the May meeting with the Contractor and continued in order for the Commission to explore fines. The Commission can issue non-criminal violation citations under the bylaw and regulations. There have been no further violations since they were cited in April. There was discussion about what went wrong at 55 Pond Road, which was described as failure by the contractor to obtain prior approval for changing an approved plan. There was no record of phone-calls or emails to Town Hall, or any other attempt by the contractor to communicate prior to making changes to the approved plan and permit.

The Commission acknowledged that they would have likely granted approval for the change, **if** the contractor had come forward to ask.

The contractor stated they now set up pre-construction site visits for all projects in Truro.

Motion to issue two \$300 non-criminal violation citations for: Changing the plan; accessing Town property without the required permits; by Commissioner Bisceglia; seconded by Commissioner McMahon. Vote was in favor, 5-1-1.

55 Pond Road, (administrative review permit) (Map 38, Parcel 6) new decking on staircase. **Motion to approve the administrative review permit; motion by Commissioner Bisceglia; seconded by Commissioner McMahon. Vote was unanimously in favor.**

Proposed Amendments to the Truro Conservation Commission Policies, Procedures, and Regulations; Section II, Chapter 6: Beach Raking Regulations. The amendment has been advertised as a public hearing. Beach raking has been a jurisdictional, but unpermitted activity on Beach Point for many years. The Commission has developed the new regulations to address this activity for 2 primary reasons: first, to ensure that the work is done in a way that protects the dunes, wrack-line, and nesting shorebirds; and second, to address any potential public health issues, such as garbage, wood with nails, or the off-gassing of accumulated wrack. The regulations specify permitting under an administrative review permit, or a Notice of Intent, depending on the area of Beach Point. **Motion to approve the new regulations; motion by Commissioner Bisceglia; seconded by Chair McCutcheon. Vote was in favor, 6-1**

168 Shore Road ; (administrative review permit) (Map 7, Parcel 7)sealing septic tank

525 Shore Road: (administrative review permit) (Map 6, Parcel 5.6) expanding shell walkway

544 Shore Road,unit #9; (administrative review permit) (Map 7, Parcel 5) fence replacement/reconfiguration

648 Shore Road; (administrative review permit) (Map 7, Parcel 5)

35 Stephens way;(administrative review permit) (Map 2, Parcel 12) replacing/reinforcing decking; minor extension

18 Phat's Valley Road; (administrative review permit) (Map 54, Parcels 6,8,10,11) emergency maintenance to access

0 Great Hollow Beach; (administrative review permit) (Map 42, Parcel 230) addition of memorial bench. **Motion to approve the Administrative Review permits.**

4 Payomet Lane, Robert Sachs, (request for certificate of compliance) SE # 75-0972, (Map 45, Parcel 18)

8 Castle Road, Louise Briggs; (permit extension request), SE # 75-0841
existing order for rebuilding habitable studio.

375 A Shore Road, certificate of compliance; SE # 75-0708, (Map 10, Parcel 8)

All ten of the above listed items were moved together; the motion was to approve; Motion by Chair McCutcheon; seconded by Commissioner Bisceglia. Vote was unanimously approved.

Minutes of May 1, 2017 were reviewed and changes discussed. **Motion to accept with corrections. Motion by Commissioner Noons-Rose; second Commissioner Messinger; Vote was unanimously in favor.**

Motion to adjourn the meeting. Motion by Commissioner Lown; second by Chair McCutcheon. Approved unanimously. Meeting adjourned at 7:39.

Site Visit Minutes

June 5, 2017. Commissioners Messinger, Lown, Noons-Rose, Bisceglia, Lum and McCutcheon met at 1:15 at the Cobb Library parking lot; Assistant Health/Conservation Agent, Emily Beebe was also present.

The Commission went to 11 Long Nook Road, and viewed the expanded victory garden area. At 10 Cabral Farm Road the Commissioners met Dave Dewitt, and viewed the site. The Commission viewed the property at 55 Pond Road, and the final visit was at 41 Bay View Road where the Commission viewed the existing stair that will be replaced.

Site visits concluded at 2:30.

Minutes prepared by E. Beebe