



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

**Conservation Commission Meeting Minutes: August 7, 2017**

**The meeting and public hearings were called to order at 6:05 P.M. in the Selectman's Meeting Room.**

**Commissioners Present:** Deborah McCutcheon, Chair; Diane Messinger; Henry Lum; Larry Lown; Jack McMahon; James Bisceglia; **Others Present:** Emily Beebe, Assistant Health/Conservation Agent

**33 Cooper Road, SE 75-1017;** (Map 58, Parcel 65)

Notice of Intent to replace beach stairs; Resource areas include the Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage. Stephanie Sequin from Ryder and Wilcox, and Michael Price, Architect were present to describe the project, which included a new stair design with a zig-zag orientation across the bank and mitigation plantings. The applicant proposes to replace the stairs to address safety issues, and to address the design inconsistencies of the existing stair. They will use helical piles, no solid risers, spacing of boards with at least ½" spacing with 18" elevation off face of the Coastal Bank, and no CCE lumber would be used. The bottom set of stairs will be removable in winter.

The project is located in mapped MESA priority habitat, and the applicant had not received a review letter from the agency as of the meeting.

A commissioner asked why they did not follow the original stair design, as the proposed stair is so much bigger with more landings. The architect explained the rationale for switchback, and said that the area was not any bigger than what is proposed, and will be friendlier to the bank.

The abutters delivered a letter to the Conservation office this afternoon. The Commissioners received the letter at the meeting and therefore had not reviewed it. A copy of the letter was sent to the applicant's representative.

Abutter Karen Tosh addressed the Commission with her concerns that the applicant has not met the burden of proof demonstrating that the proposal will not impact the Coastal Bank. The concerns are included in her letter. The abutters feel that the applicant could repair the existing stair. Other neighbors addressed the Commission stating that their stairs had been in existence since 1988, have been repaired and are safe.

The Commission asked the applicant to return at the next hearing date with additional information. They should address the concerns of the letter; asked for information on project access; asked for a more detailed construction protocol and a detailed deconstruction protocol.

**A motion was made to continue to September 11 hearing. Motion by Commissioner McCutcheon; Seconded by Commissioner Bisceglia; Voted unanimously in favor.**

**19 Avocet Rd, SE 75- 1013;** (Map 39, Parcel 218) Notice of Intent to replace beach stairs on a Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage. David Lajoie from FELCO was present to describe the application which includes a 1:1 replacement of the beach stairs at this location using helical piers for support members. The stairs include batter boards and replanting on the Coastal Bank. There was discussion about the existing platform at the base of the stairs which is now on the beach. He agreed to move the platform 10' back from the existing location. A Commissioner commented that the deck was invasive, and should not be re-located, and instead removed.

Mr. Lajoie will submit a revised plan that shows the deck relocated, with a set of removable steps. **A motion was made to approve the application as shown with the standard conditions, including moving the platform back 10' the last set be removable stairs and changes to be shown on a site plan submitted within 1 week. Motion by Commissioner Bisceglia; Seconded by Commissioner Messinger; Voted unanimously in favor.**

**66 Depot Rd, SE 75-1014;** (Map 50, Parcel 28) Notice of Intent for a residential upgrade to the septic system; project in Riverfront and the buffer to Coastal Bank. John Schnaible from Coastal engineering represented the applicant. Deborah McCutcheon recused herself from the hearing.

The system is being replaced with a new septic tank and leaching area. The proposal includes increasing the separation of the leaching area from the Salt Marsh. **A motion was made to approve the application as shown with the standard conditions; the condition that all disturbed areas be revegetated with native plants, and a condition that stockpiling of materials only be allowed on the street side of the house.**

**Motion by Commissioner Bisceglia; Seconded by Commissioner Lown; Voted unanimously in favor.**

**75 Depot Road, 0 Pamet River, 0 & 16 Great Hills Road, SE 75-1015;** (Map 50, parcel 18; Map 49, parcels 33, 21, 37) **Town of Truro;** Notice of Intent for Maintenance dredging; Land under the Ocean; Coastal Beach; Salt Marsh; Land Containing Shellfish. This matter was continued to September 11 in order to receive comments from NHESP. **A motion was made to continue the hearing until September 11. Motion by Commissioner McCutcheon; Seconded by Commissioner Bisceglia; Voted unanimously in favor.**

**27 Perry Rd, SE 75-1016;** (Map 45, Parcel 144) Notice of Intent for construction of new dwelling in the buffer to a Coastal Bank, Land Subject to Coastal Storm Flowage. Tim Brady from East Cape engineering and Gordon Peabody of Safe Harbor were present to discuss the project. The single family house will be sited in the buffer zone of a Coastal Bank; the driveway will come through the flood plain and uphill into the lot. Upslope drainage will be managed using a stepped drainage swale system on the upslope side of the pervious driveway. Native plantings are proposed across the lot.

This matter was continued to September 11 in order to receive comments from NHESP. **A motion was made to continue the hearing until September 11. Motion by Commissioner Bisceglia; Seconded by Commissioner Messinger; Voted unanimously in favor.**

**8 Mill Pond Road, Tracy & Hamelin; (Unpermitted work in wetland buffer):**

Regrading; removal of vegetation. (Map 54, Parcel 60) The property owner and Dave Lajoie of FELCO were present to discuss the unpermitted work that was done and the property owner's plans. Work was done in the buffer to a Coastal Bank and in the Riverfront by the contractor Greg Morris.

Dave Lajoie pointed out that the previous plan did not show the Riverfront Area, so the contractor would not have known he was in jurisdiction when working on the area between the street and the house; however, he pointed out, the work on the other side of the house is clearly in the buffer zone which he would have seen if he consulted a plan.

The property owner agreed to file a notice of intent for the September 11 meeting.

The Agent is to cite the contractor for violations to the Bylaw, and also ask the contractor to be present at the September 11 meeting.

**11 Coast Guard Terrace, Notice of Non-Compliance with Order of Conditions,**

**SE #75-1006;** Contractor is Milliken Construction. (Map 34, Parcel 1)

The contractor, David Milliken was before the Commission to review his non-compliance with the Order of Conditions. Mr. Milliken did not call for pre-construction site visit, provide 48 hours written notice, post the DEP sign or have a building permit prior to starting work. He was issued a stop work order.

He stated that this is the first time in 34 years in business that this had happened. He said his building permit fee had been doubled for starting without it. The agent recommended a fine be issued for two of the four violations; building the bulkhead without a permit, and starting work without going through the process. Violations can be ticketed for up to \$300 per violation per day. The Commission issued 2 tickets at \$50 apiece.

The following Administrative review permits were taken together in a vote to approve them:

**4 Corn Hill Landing;** (administrative review permit) remove and replace D-box (Map 45, Parcel 32)

**34 Shore Road;** (administrative review permit) removal of willow tree (Map 36, Parcel 131)

**0 Truro Center Road;** (administrative review permit) (Map 51, Parcel 12) Installation of memorial bench (*Town of Truro*)

**Mill Pond Road ;** (administrative review permit) repair to damaged riprap embankment. (*Town of Truro*)

**Ballston Beach Access Road** (administrative review permit) (Map 48, Parcel 6) add and repair snow fences; add short section of post and rail fence. (*Town of Truro*)

**Slough Pond Road, Black Pond Road, Dyer Hollow Road;** (administrative review permit) – 2 season maintenance by the Town of Truro

**Longnook Beach;** (administrative review permit) (Map 44, Parcel 1) emergency removal of concrete pad from pathway. (*Town of Truro*)

**Motion to approve by Commissioner McCutcheon; Seconded by Commissioner Bisceglia; Voted unanimously in favor.**

The following certificates of compliance were moved together for approval:

**471 Shore Road;** (certificate of compliance) (Map 8, Parcels 7.24 & 7.25)  
**4 Rolling Hills Road;** (certificate of compliance) (Map 58, Parcel 56)  
**7 Yacht Club Road;** (certificate of compliance) (Map 48, Parcel 6)  
**503 Shore Road, unit 24;** (certificate of compliance) (Map 8, Parcels 7.24 & 7.25)  
**Motion to approve by Commissioner McCutcheon; Seconded by Commissioner McMahon; Voted unanimously in favor.**

The minutes of July 3, 2017 were discussed and minor edits were made. **Motion to approve by Commissioner McCutcheon; Seconded by Commissioner Bisceglia; Voted unanimously in favor.**

The Commission's representative to the Community Preservation Committee is due to be re-appointed. **Motion to re-appoint Deborah McCutcheon as the Commission's rep, by Commissioner Bisceglia; Seconded by Commissioner Lown; Voted unanimously in favor.**

There was brief discussion about the minutes being delivered to the Commission sooner to allow them to review the minutes while the meeting is still relatively fresh in their minds.

Other business included the discussion on a new process for applicants who filed an RDA (request for determination of applicability). The applicant would need to file a local "RDA condition" sheet with their RDA form. It is hoped that the use of this RDA condition sheet will allow the commission to make use of the RDA application, which is shorter than a Notice of Intent, and easier to use for smaller projects that exceed the scope of an administrative review. The chair suggested the Commission approve the use of the RDA condition sheet be allowed and evaluated after it has been used for a couple of months. It will be discussed at the November meeting.

**Motion to adjourn the meeting. Motion by Commissioner Messinger; second by Commissioner Bisceglia. Approved unanimously. Meeting adjourned at 7:42.**

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### **Site Visit Minutes**

August 7, 2017. Commissioners Messinger, Lum, Lown and McCutcheon met at 3 PM at the Cobb Library parking lot; Assistant Health/Conservation Agent, Emily Beebe was also present.

The Commission went to 33 Cooper Road; they briefly stopped at 66 Depot Road to view the staking. At 27 Perry Road they met with Tim Brady from East Cape Engineering, Gordon Peabody from Safe Harbor and the owner of the property Claire Perry. They viewed the stakes and the plan. They finished site visits at 19 Avocet Road, where they viewed the stairs down the Coastal Bank.  
Site visits concluded at 4:30.

Minutes prepared by E. Beebe