



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: August 5, 2019

The meeting and public hearings were called to order by Commissioner McMahon at 5:35 P.M. at the Truro Town Hall. Commissioners Present: Deborah McCutcheon, Jack McMahon, Diane Messinger; Larry Lown; and Robert White; Others Present: Emily Beebe, Conservation Agent

Minutes: 7/1/2019; Motion: Commissioner Lown moved to continue to August 5; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.

Requests for Certificates of Compliance:

8 Sam's Way SE #75-0985; new home/serpentine fence *(The certificate of compliance will be issued subject to an on-going condition: #C-7)*

660 Shore Road, Unit:1, SE#75-1075; (after-the-fact) construct deck

19 Avocet Rd; SE#75-1013; (work not done)

1 Merryfield Path; SE#75-0982; land management plan: *(The certificate of compliance will be issued subject to on-going conditions: #1, 3, 4 & 5)*

Motion: Commissioner Lown moved to approve all of the certificates of compliance, subject to the noted on-going conditions; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

Extension request: 15 Cabral Farm Road (#75-959) – septic upgrade

The applicant is requesting a one-year extension for the installation of the septic system. The applicant renewed their Board of Health variance and is ready to begin work.

Motion: Commissioner Messinger moved to approve the extension request; seconded by Commissioner Lown; the vote was unanimously in favor, 4-0-0.

Administrative Review Permits:

559 Shore Road: "ATF" ("after-the-fact") driveway maintenance work

Alden Silva failed to appear at the previously scheduled meeting, and accordingly, was issued a non-criminal violation citation for \$300.00. Mr. Alden Silva came to the table to discuss the driveway maintenance. Mr. Silva stated that he was unaware that a permit was required for the work. Mr. Silva re-surfaced an existing stone driveway and replaced it with crushed shells. The footprint of the driveway remained the same.

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

6 Bearberry Lane: replace 6 beach stair posts-The applicant will be working on the support posts and replacing a beam; the work will be performed within the existing framework of the stairs.

Motion: Commissioner White moved to approve the permit; seconded by Commissioner Lown; the vote was unanimously in favor, 4-0-0.

33 Cooper Road: new stair treads and decking only

The applicant installed stairs to plan; proposes to replace the stair treads/decking within the existing frame. **Motion: Commissioner Messinger moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.**

4 Heron Way: implement removable stair requirement

The Agent inspected the stairway that was built under an Order of Conditions that included the last section of the stairs be removable; upon inspection this condition was not done. The applicant requests installing a removable stair. Commissioner White suggested a condition that the stairway be removed seasonally. Commissioner McMahon expressed concern regarding the application and requested a construction protocol, and a sketch prior to the commencement of work. Discussion occurred regarding the applicant's pending sale of the property. Commissioner McMahon requested an additional condition that beach grass is planted. **Motion: Commissioner Messinger moved to approve the permit subject to the condition that the applicant will provide a sketch and construction protocol and will have a discussion with the Agent prior to the commencement of work; the approval is further conditioned upon the applicant planting beach grass; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.**

[Commissioner McCutcheon joined the meeting at 5:50pm]

334 Shore Road: beach nourishment

Martin Young of White Village Condominium came to the table to discuss the application. The applicant will be replenishing sand.

Motion: Commissioner Messinger moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0, motion carries.

586 Shore Road: move fence, add split rail fence, change plantings

Motion: Commissioner Lown moved to approve the permit; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

460 Shore Road: replace deck boards

The applicant will replace the deck boards within the existing framing.

Motion: Commissioner Messinger moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

503 Shore Road: rake seaweed from snow fencing

Motion: Commissioner McMahon moved to approve the permit; seconded by Commissioner White; the vote was unanimously in favor, 5-0-0.

Notice of Intent: 218 Shore Road, Silva Family Heritage Trust; SE# 75-1076 replace bulkhead; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 17 Parcel 18)
David Lajoie of FELCO, Inc. and the property owner, Albert Silva came to the table to

discuss the application which continued from the July 1 hearing. Mr. Lajoie addressed prior discussions relative to the Town property that abuts the property of Mr. Silva. Mr. Lajoie added notes to the plan based upon the site visit made by the Commissioners. Mr. Lajoie discussed the dune restoration plan, which will include snow fencing, replacement of sand and jute netting over the sand for stabilization. Planting beach grass and the re-nourishment of sand can be done under on-going conditions. Mr. Silva discussed his meeting with DPW Director Jarrod Cabral at the property. Commissioner McCutcheon asked Mr. Silva if the Town was amendable to him maintaining a portion of the Town's land; Mr. Silva stated that the DPW Director had offered his approval. The Agent asked Mr. Silva about nourishment; Mr. Silva explained that because of the failing bulkhead, the sand was being lost under the bulkhead. Mr. Silva is hoping that with the new bulkhead, it should help resolve the erosion issue behind the bulkhead. The Agent requested a condition to cover the area from the edge of the existing scarp to the toe of the proposed fencing structure which will extend from the wall to the landing, the area will be re-graded, then juted and planted.

Motion: Commissioner Lown moved to approve the Notice of Intent and the plan dated July 29, 2019 with the condition that the area from the edge of the existing scarp to the tow of the proposed fencing structure will be re-graded, then juted and planted; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Notice of Intent: 1 Moorings Way, James Sloman Rev. Trust of 2010 c/o Tim Dickey: SE# 75-107 construct two-bedroom studio, in-ground pool, decking and walkway, removal of 14 trees; Buffer Zone to a Coastal Bank and Riverfront Area. (Map 46, Parcel 113) David Lajoie of FELCO, Inc. came to the table representing the application and requested a continuance to September 9, 2019. **Motion:** Commissioner McCutcheon moved to continue the matter to September 9, 2019; seconded by Commissioner McMahon; Discussion occurred on the motion: Commissioner Lown inquired about the proposed work within the resource areas. The Agent noted that the plans will need to reflect the resource areas when Mr. Lajoie returns. The Agent also referenced the work performed at the property without a permit that will need to be addressed by the applicant. **The vote was unanimously in favor, 5-0-0.**

Notice of Intent: 76 Ryder Beach Road, Charles & Priscilla Cornell: SE# 75-1072 addition, screen porch, deck; Buffer Zone to BVW, Land Subject to Coastal Storm Flowage. (Map 64, Parcel 20) *(continued from 7/1/2019)*

The applicant requested a continuance to September 9, 2019.

A vote was unanimously in favor, 5-0-0.

Notice of Intent: 2 Corn Hill Landing, Julian Adams, Trustee, Julian Adams 2010 Qualified personal residence trust: SE# 75-1077 construction of a swimming pool and deck expansion; Buffer Zone to a Coastal Bank. (Map 45, Parcel 36)

Stephanie Sequin of Ryder & Wilcox came to the table representing the application. Ms. Sequin summarized the size and layout of the property. The applicant proposes to install a small, narrow pool, 50' long x 6' wide x 4' deep, positioned adjacent to the side of the building, and proposes to extend the existing deck landward to provide access to the pool. A portion of the pool will have a poured concrete wall. Ms. Sequin provided a

construction protocol with the Notice of Intent. Access to the work area will be from the existing driveway. The work limit was discussed relative to the level of disturbance. Ms. Sequin spoke to the property owner's desire to return the property to a natural, vegetated state after the construction. Commissioner McMahon stated his opposition to the concrete wall and the connecting deck located in the buffer zone. The Agent noted that under the new Conservation regulations the applicant must demonstrate why it cannot be sited outside the buffer. Commissioner Messinger asked why the wall is needed within the buffer zone. Ms. Sequin stated that moving the pool landward could be accomplished, but the owner still needs to access the pool from the house. Ms. Sequin asked the Commission what parts of the project were of concern; Commissioner McMahon responded that the concrete wall and decking are within the buffer zone, and that the degree of disturbance required to bring in concrete is a good deal more than what is required for simple footings; the construction of the wall will occur in a sensitive area. Commissioner McCutcheon suggested that Ms. Sequin inform the applicants that the Commission will not approve the proposed plan and they should consider alternatives. The Agent noted that the regulations state that if an alternative to what is proposed is available outside of the resource area or buffer zone and is practicable, meaning it can be done, then it must be done. The Agent further stated that the pool water not only must be pumped out, but the water must be trucked in, not drawn from a well.

Motion: Commissioner McCutcheon moved to continue the matter to September 9, 2019; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Request for Determination of Applicability: 471 Shore Road, U:26, Hilda Neilly; construct landing and stairs; Barrier Beach, Land Subject to Coastal Storm Flowage (Map 8, Parcel 7.26 Bob Henrique came to the table representing the applicant. Ms. Neilly has received the approval of the condominium association to construct the landing and stairs. The construction will occur in a previously disturbed area. A deck was constructed under a previous permit; the applicant now wishes to add the stairs and landing. Mr. Henrique will install 10" sonotubes for the posts.

Motion: Commissioner Lown moved to accept the request and to find a Negative 3 Determination; the interests of the Act are not affected by the work; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0-0.

Commissioner Lown moved to adjourn the meeting; seconded by Commissioner McCutcheon; the meeting adjourned at 6:56pm.

Minutes prepared by Michelle Fogarty

On August 5, 2019, the following Commissioners met at the Cobb Library at 1 PM for site visits: Larry Lown, Deborah McCutcheon and Diane Messinger, accompanied by Conservation agent E.Beebe. The Commissioners visited 2 Corn Hill Landing, where they met the owner, and Steph Sequin of Ryder and Wilcox. They went to 1 Moorings way and met the owner. They went to 471 Shore Road and concluded their site visits at 3 PM.

