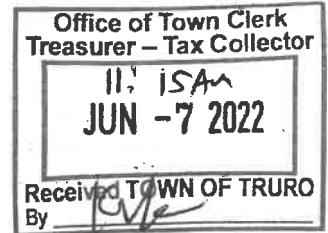




**TOWN OF TRURO  
CONSERVATION COMMISSION**  
P.O. Box 2030  
Truro MA 02666-0630



**Conservation Commission Meeting Minutes: March 7, 2022**

**Commissioners Present:** Chair Carol Girard-Irwin, Diane Messinger, Linda Noons-Rose, Bob White **Absent:** Larry Lown **Present:** Conservation Agent Emily Beebe.  
**The Chair called the meeting and public hearings to order at 5:04 PM and provided instructions for the virtual meeting.**

**Notice of Intent: 494 Shore Road:** The applicant requested a continuance to April 4<sup>th</sup>, 2022.

**Motion:** Commissioner Linda Noons-Rose moved to continue the matter until the April 4<sup>th</sup>, 2022, Conservation Meeting; **Second:** Commissioner Bob White; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for Determination of Applicability: 41 Fisher Road:** The applicant requested a continuance to April 4<sup>th</sup>, 2022

**Motion:** Commissioner Diane Messinger moved to continue the matter until the April 4<sup>th</sup>, 2022, Conservation meeting;

**Second:** Commissioner Bob White; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for Determination of Applicability: 630 Shore Road:**

The applicant requested a continuance. **Motion:** Commissioner Bob White moved to continue the matter till the April 4<sup>th</sup>, 2022, Conservation meeting; **Second:** Commissioner Diane Messinger; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 538 Shore Road, Ebbitide Condominiums:** The applicant requested a continuance to April 4<sup>th</sup>, 2022.

**Motion:** Commissioner Diane Messinger moved to continue the matter until the April 4<sup>th</sup>, 2022, Conservation meeting; **Second:** Commissioner Bob White; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 590 Shore Road, Big Monkey LLC; SE# 75-1130:**

The applicant requested a continuance.

**Motion:** Commissioner Bob White moved to continue the matter until the April 4<sup>th</sup>, 2022, Conservation meeting; **Second:** Commissioner Diane Messinger; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for an Amended Order of Conditions: 0 Fisherman's Road, Cranberry Hill Association, SE# 75-1065:**

John O'Reilly was present to discuss the re-location/reorientation of a beach stairway. The original order of Conditions was requested in 2019 to seek approval for a stairway

replacement leading to the bay. The homeowner's association is now seeking an amendment to the order of Conditions to reorient their access. The stairway amendment proposal plans show a section of the stairs that was originally planned to face north-south and turned to face east-west. The amendment would result in 150 sf less structure in the buffer zone to the Coastal Bank. The proposed amendment would also address a drainage issue in the parking lot with the installation of a stone trench and french drains. The Chair stated that she supported the drainage proposal, but while on the site-visit noticed stakes on an undisturbed part of the Coastal Bank. Mr. O'Reilly confirmed Commissioner Girard-Irwin's impression and added that the amended proposal going over the Coastal Bank is identical to the one that was approved in 2019. Commissioner Girard-Irwin asked if there was concern about erosion under the proposed elevated stairway in the original 2019 approval. Mr. O'Reilly stated they had been working on stabilizing the bank to help impede erosion and explained that there were two major contributors to the erosion: 1. Wind and waves coming off the bay, and 2. Surface water that is coming down the existing pathway. He also explained that keeping the elevated stairway will be the most responsive solution as the Coastal Bank recedes. The new proposal has an 18-inch vertical separation between the joists and grade. The construction process will include trimming the vegetation about 1-foot beyond the stair/walkway, removal of any invasive plants in that immediate area, replanting of native species and removal of the existing pathway and any foreign material, such as PVC pipe, gravel, and anything left over from the general structure. American Beach Grass and native shrub clusters will be planted as a means for mitigation to allow for natural rehabilitation of the habitat.

**Motion:** Commissioner Diane Messinger moved to approve the amended Order of Condition for 0 Fisherman's Road. **Second:** Commissioner Bob White;  
**Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for an Extension to an Order of Conditions: 0 Fisherman's Road, SE# 75-1065:**

The applicant requested a two-year extension on the order of conditions

**Motion:** Commissioner Diane Messinger; **Second:** Commissioner Linda Noons-Rose  
**Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 17 Coast Guard Road; SE# 75-1135:**

Brian Weiner from CEC gave a summary of the proposed plan and noted that it requests minimal work in conservation jurisdiction and includes regrading for the home, and buffer zone plantings. The applicants have been working with Wilkinson Ecological Design to construct a comprehensive landscape restoration plan for the site.

Commissioner Bob White confirmed with the representative that the current plan involved only the demolition of one existing cottage and reconstruction in the same footprint. The Chair asked why the project didn't locate the new cottage outside of the buffer zone and therefore, not impact any resource areas. Seth Wilkinson, representing the land management side of the project presented his ecological management and restoration plan which included removing invasive species, (Japanese Knotweed and Japanese black pine) from the buffer zone to the Coastal Bank. They also plan to replace them with 278 native shrubs, Pitch Pines, Eastern Red Cedar and Scrub Oak. A variance will be needed for them to re-build a new cottage within the buffer zone to the Coastal Bank after the demolition of the existing cottage even though it would be further from the

Office of Town Clerk  
Treasurer – Tax Collector

JUN -7 2022

Received TOWN OF TRURO  
By *[Signature]*

Coastal Bank as it was evident that it could be constructed outside the buffer. No variance had been requested. Brian Weiner stated that the existing pathways would not be reconstructed or altered in any way, however they propose a second path for scenic/vista purposes. The Commission asked for more information and the applicant agreed to continue the matter until the next meeting.

**Motion: Commissioner Bob White moved to continue the matter for April 4, 2022:**

**Second: Commissioner Linda Noons-Rose.**

**Vote: 4-0-0; the vote was unanimous the motion passed.**

**Notice of Intent: 68 Depot Road:**

Charles Wentz was on the call and explained that the homeowners would like to remove and prune plants and trees on the property and replant vegetation. Charles Wentz stated that for mitigation they are proposing to plant 306 native plants. Commissioner Bob White stated that he was in support of the plan and that it would improve the overall area. The Agent stated that the Riverfront comes up higher than the plan shows and did not agree with the delineation but that the plantings seem to be within the scope of the resource area. Any non-native plantings along the foundation area will require submission of a comprehensive list.

**Motion: Commissioner Bob White moved to approve with conditions; Second: Commissioner Diane Messinger.**

**Vote: 4-0-0; the was unanimous and the motion passed.**

**Notice of Intent: 33 Cooper Road:**

The engineer was present to explain that revised documents showing a smaller footprint of the previously proposed deck expansion were submitted. Since the amended designs were submitted late, the commissioners had not reviewed the material and did not conduct a site visit prior to the meeting. A continuance was requested by the applicant's representative.

**Motion: Commissioner Diane Messinger moved to continue the matter until the April 4, 2022, Meeting.**

**Second: Commissioner Bob White; Vote: 4-0-0; the vote was unanimous the motion passed.**

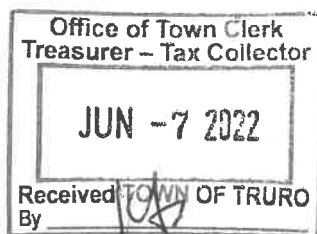
**Request for Determination of Applicability: 31 Bay View Road:**

John O' Reilly was on the call to represent the proposal for a cesspool upgrade. The property is a 4-bedroom dwelling currently being served by 3 cesspools. There is a cesspool on the waterside of the building currently that will result in some disturbance to the Coastal Bank. The Agent suggested to condition the approval, and that all the cesspools shall be removed.

**Motion: Commissioner Diane Messinger moved for a negative 3 determination of applicability with the condition stated. Second: Commissioner Bob White; Vote: 4-0-0; the vote was unanimous the motion passed.**

**Request for Determination of Applicability: 22 Great Hills Road:**

Fred Vanderschmidt and Todd Schwebel were present to represent the request. He explained that the project entails removing a chimney and installing a gas fireplace. The limit of work is approximately a 15-to-20-foot radius around the chimney. Commissioners Bob White and Diane Messinger agreed that the plan was sufficient.



**Motion:** Commissioner Bob White moved for a negative-3 determination of applicability; **Second:** Commissioner Linda Noons-Rose; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for Determination of Applicability: 655/657 Shore Road:**

John O'Reilly and the homeowner were on the call to request with an after-the-fact filing approval for a 3-foot 5-inch-tall fence that was constructed for the purpose of keeping the homeowner's dogs within the enclosure and offering her some safety from Shore Road. The fence was constructed in the LSCSF, Coastal Dune and a Barrier Beach. Mr. O'Reilly stated that no native plants were disturbed during the erecting of the fence. Commissioner Diane Messinger mentioned that at the site visit she noticed that the surrounding area did not look to have been disturbed when the fence was put up and it looked as though the fence had some separation beneath it to allow grass to grow underneath it. Chair Commissioner Girard-Irwin reiterated the importance of filing with conservation before doing any structural or environmental work in the future.

**Motion:** Commissioner Bob White moved for a negative-3 determination; **Second:** Commissioner Diane Messinger; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Abbreviated Notice of Resource Area Delineation: 4 Phats Valley Road**

The applicant, Patrick Rice and his environmental consultant Lynn Hamlyn were on the call to represent the project. Engineer John O'Reilly explained what he shows on his site plan that he prepared for Mr. Rice for the abbreviated notice of resource area delineation. He summarized the resource areas present include salt marsh, riverfront area, land subject to coastal storm flowage at elevation 12 which defines it as an A-zone based on the elevation. He described the two types of coastal banks on site, an abrupt break in slope above the floodplain, and a non-conventional coastal bank that doesn't have a definitive breaking slope along the private road. Ms. Hamlyn stated that she agreed with most of the delineation; however, she stated that she had a disagreement concerning Bordering Vegetated Wetlands, saying that "rarely does a salt marsh just end". Ms. Hamlyn expressed that on this property stiff leaf quack grass, and grounseel bush act as a buffer or a freshwater border to the salt marsh. Ms. Hamlyn stated that she is not challenging the area within the road but feels there the bordering vegetated wetland abutting the road was a resource area not shown on the site plan. Commissioner Messinger mentioned that this road floods all the time and she isn't quite sure what the future access would be. Patrick Rice explained that the abutters have no interest in allowing easements for their roadways and therefore the only access route to the parcel would be the road that is indicated on the site plan. The Agent suggested having Mr. O'Reilly, Ms. Hamlyn, Mr. Rise, and the Agent arrange a site visit to further view the resource areas and delineations with one another.


**Motion:** Commissioner Diane Messinger moved to continue the resource delineation discussion until the April 4, 2022, meeting; **Second:** Commissioner Bob White; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Field Change: 51 Depot Road, SE# 75-1104:**

Adrienne Punch was on the call to represent the field change request at Depot Road. Mr. Punch explained that the proposal is to install approximately 15 irregular steppingstones and five bluestone steps and provide plantings against the foundation, both sides of the

Office of Town Clerk  
Treasurer – Tax Collector

JUN -7 2022

Received TOWN OF TRURO  
By 

steppingstones and steps.

**Motion:** Commissioner Linda Noons Rose moved to approve the field change;

**Second:** Commissioner Diane Messinger; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Administrative Review Permit requests: All the Administrative Reviews were approved together in one motion:**

**1.) 19 Avocet Road:** sand replenishment/beach grass, 60-day request **2.) 15 Avocet Road:** sand replenishment/beach grass, 60-day request; **3.) 17 Avocet Road:** sand replenishment/beach grass; **4.) 7 Kestrel Ln:** sand replenishment/beach grass, 60-day request; **5.) 8 Kestrel Ln:** sand replenishment/beach grass, 60-day request; **6.) 7 Dyers Hollow:** tree removal; **7.) 21 South Pamet Road:** removal of invasives; **8.) 33 Cooper Road:** restoration plantings

**Motion:** Commissioner Bob White moved to approve the administrative reviews;

**Second:** from the Chair; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Emergency Certification: 53 Corn Hill Road:**

An emergency certification was filed for cleanup of an oil spill at the property. David Bennet was on the call to represent the matter. Commissioner Diane Messinger asked how the oil spill occurred. Mr. Bennet stated that it was an accident that happened when an oil company overfilled the tank which caused the tank to burst. He also mentioned that he will be filing an RDA soon for a septic upgrade but is currently focused on getting the oil spill cleaned up in a timely manner.

**Motion:** Commissioner Bob White moved to ratify the emergency certification;

**Second:** Commissioner Linda Noons-Rose; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Request for Certificate of Compliance:** 1.) 29 Perry Road, #75-1016; 2.) 33 Cooper Road, SE# 75-0910; 3.) 39 Bay View Road, SE# 75-1043

**Motion:** Commissioner Diane Messinger moved to approve the requests for certificates of compliance; **Second:** Commissioner Bob White **Vote:** 4-0-0; the vote was unanimous, and the motion passed.

**Proposed Flood Plain Bylaw - 2022 ATM:**

The proposed by-law changes come at the request the State and FEMA; the Agent described the bylaw change briefly and offered to answer questions if the Commissioners had them.

**Proposed Stormwater management bylaw process:** The Agent stated that a workshop session may be suggested to discuss stormwater management and would email the Commissioners about dates and times for the workshop.

**Minutes: December 2021, January 2022**

**Motion:** Commissioner Bob White moved to approve the minutes;

**Second:** Chair Girard-Irwin; **Vote:** 4-0-0; the vote was unanimous, and the motion passed.



Office of Town Clerk  
Treasurer – Tax Collector

JUN -7 2022

Received TOWN OF TRURO  
By 

**Commissioner Bob White moved to adjourn the meeting.  
The meeting adjourned at 7:07 PM.**

Respectfully Submitted,  
Nina Richey

