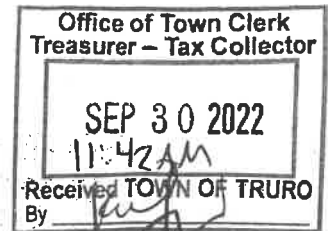




**TOWN OF TRURO  
CONSERVATION COMMISSION**  
P.O. Box 2030  
Truro MA 02666-0630



**Conservation Commission Meeting Minutes: April 4, 2022**

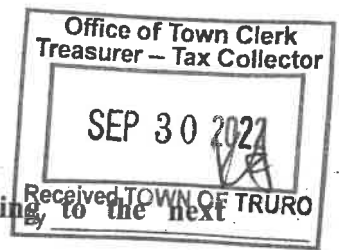
**Commissioners Present:** Chair Carol Girard-Irwin, Commissioners Bob White, Diane Messinger, Linda Noons-Rose & Larry Lown **Absent:** 0 **Others Present:** Emily Beebe, Conservation Agent.

**This was a remote meeting. The Chair called the meeting and public hearings to order at 5:03 and provided virtual instructions.**

**Public Comment:** There was none.

**Notice of Intent: 538 Shore Road, Ebbtide Condominiums; SE# 75-1133:**

Paul Shea of Independent Environmental Consultants was on the call to represent the project. He reviewed the conditions of the barrier beach on-site with the Conservation Agent on March 17, 2022. There is an 8 ft easement that allows occupants of Ebbtide Condominiums and Sea Song Condominiums access to the beach. The project will include demolishing three buildings and rebuilding three new structures on pilings which will encourage coastal dune formation. There was discussion around the easement and how best to configure and maintain it. A serpentine configuration would be best for dune formation and maintaining access but is opposed by Sea Song. According to Attorney Christopher Snow, the easement is subject to the Wetland Protection Act. The easement requires the applicant to maintain unimpeded access to the beach. The Agent suggested that a condition could be drafted regarding the easement with language to allow flexibility as long as performance standards are met. Maintenance of the easement and the dune will be important. Attorney Ben Zehnder was on the call to represent the immediate abutters and expressed two concerns. First that the construction will occur very close to the property line and second that there be no increase in habitable area. A request was made at the last meeting to see a comparison of existing vs the proposed structures, but this information has not been provided yet. Commissioner Bob White agreed that a detailed analysis would be helpful. Gary Locke with William Rogers Engineering gave some details around the changes in square footage of each of the three structures as well as their elevation changes. Buildings 1 and 2 were proposed to have minor increases in square footage because of reconfiguration due to location of the septic system. Building 3 would have a net decrease in square footage. Additionally, Mr. Locke explained that Building 3 is currently 1.91 ft from the property line at its closest point while the proposed building will be 3 ft from the property line. Attorney Ben Zehnder reiterated that his clients are concerned about an increase in habitable living space. If a condition could be created to ensure no increase in habitable living space would result from the new construction, they would be satisfied. An abutter also asked for more information about how the pilings would be installed. The Agent suggested that the applicant provide construction protocols and a schedule for when work can occur.



**Motion:** Commissioner Bob White moved to continue the filing to the next Conservation Commission meeting on May 2, 2022.

**Second:** Commissioner Diane Messenger; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Abbreviated Notice of Resource Area Delineation (ANRAD): 4 Phat's Valley Road, Patrick Rice.**

**SE# 75-1136:**

Paul Shea was on the call to represent the project. The ANRAD was filed by John O'Reilly. Resource areas were flagged and Lynne Hamlyn, environmental consultant, along with the property owner, the Conservation Agent, and John O'Reilly conducted a site visit. The main question was around bordering vegetated wetlands on the site. The flags for the salt marsh were moved closer to the road and a new area added directly adjacent to the roadway. However, the most inland resource area on this property is the top of the coastal bank. All changes are reflected on the site plan. The Commissioners had no concerns about delineations.

**Motion:** Commissioner Bob White moved to approve the abbreviated notice of resource area delineation.

**Second:** Commissioner Diane Messenger; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 17 Coast Guard Road, Rachel Kalin, Trustee; SE# 75-1135:**

Bryan Weiner, civil engineer with Coastal Engineering, was on the call to represent the project. He summarized the revisions to the original plan made due to the feedback from the previous meeting. Cottage 6 will remain as is, instead of removing and rebuilding it. One of the original footpaths will remain while the other will be vegetated. Both have been clarified on the plan. The new plan results in a reduction of 1831 sq feet of coverage. Attorney Ben Zehnder explained that the existing unit will be remodeled within the existing footprint. This was confirmed by Mr. Weiner.

**Motion:** Commissioner Bob White moved to approve the notice of intent.

**Second:** Commissioner Carol Girard-Irwin; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Request for an Amended Order of Conditions: 127 & 133 South Pamet Road, Tom Dennis; SE# 75-1128:**

Commissioner Girard-Irwin summarized the history of the property listing the orders of conditions and the emergency certification that have been approved so far. Attorney Ben Zehnder and the homeowner, Tom Dennis, were on the call to represent the project. Attorney Ben Zehnder explained that the plans to relocate the house have changed slightly to meet the zoning requirements. Proposal for moving the house and all revegetation plans remain the same. Commissioner Girard-Irwin highlighted the differences in the house location for the amended location plan. It was originally 25 ft from the north property line and is now proposed to be 53 ft. It was also 34 ft from the west side of the property (S. Pamet Rd) and is now proposed to be 51 ft from that line. Commissioner Girard Irwin inquired as to what the plan was for the other two existing dwellings on the property. Attorney Zehnder explained that the intention is to file a new

Notice of Intent for the other structures including a "trigger point" for retreat. The intent is to eventually abandon the existing studio but that the existing summer rentals needed to be honored. Attorney Zehnder proposed a 60-day time frame for filing a new NOI that will propose an overall solution for the property including trigger points that would dictate the timing for moving/removing the other structures.

The conditions from the original NOI will remain in effect, and the amended order of conditions would reference the original conditions and include what new conditions the Commission found should be added.

Abutter Clyde Watson expressed concerns about permitting, and was opposed to three structures on the site. Commissioner Girard-Irwin stated that the Commission is obligated to only enforce the Wetlands Protection Act and the Truro Conservation By-laws, which is a narrow portion of the entire Town permitting process. The Town Planner also weighed in that she agreed with the Chair and the Agent on the narrow focus of the Commission's authority and that they did have the authority to act on the petition that was currently before them. Attorney Ian Hinchy representing Abutter Watson detailed the process for amended orders of conditions and suggested that the Commission should not be hasty in approving it. Attorney Hinchy also questioned the delineation of the coastal bank and coastal dune. The Agent commented that the matter in question had been previously discussed and further, that there was no question about the resource area delineation. Lauren McKean, National Park Service Planner, expressed a desire to see one NOI and to wait for the ZBA process. A letter she had submitted earlier had been distributed to the Commissioners.

**Motion:** Commissioner Linda Noons-Rose moved to approve the request with the conditions that a new NOI be filed in the next 60 days to address the other structures, septic approval through the Board of Health, and all existing conditions will carry.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimously approved.

**Request for Determination of Applicability: 53 Corn Hill Road, Polly Condit:**

This is an oil spill clean-up. Cameron Larson and David Bennet were on the call to represent the project. The Agent suggested the following conditions: no additional lawn space be created; any lawn restoration be done with native grass species. David Bennett thanked the Commission for allowing them to expedite this project and stated that they had removed soil from about 50% of the area as intended. About 75 yards of material was generated and is being managed at an offsite facility for thermal processing. He added that they expect to have the project completed within two weeks and will then begin the restoration process.

**Motion:** Commissioner Linda Noons-Rose moved for a negative 3 determination.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimously passed.

**Notice of Intent: 40 South Pamet Road, Benoit & Elizabeth Allehaut; SE# 75-1138:**

Brad Malo from Coastal Engineering was on the call to represent the project as well as Theresa Sprague from Blue Flax Design to speak to the land management details. Mr. Malo described the property and the existing structures: an existing historic dwelling with additions, a dilapidated shed, and a large, maintained lawn. The existing structures all lie within land subject to coastal storm flowage and is in an AE flood zone with an elevation

of 14 and 15. Much of the property is within the 200-foot riverfront area and the buffer zone to the bordering vegetated wetland. There is also an isolated coastal bank. The proposal is to renovate the dwelling including replacing the foundation and reconstructing portions of the structure. Flood vents will be included. The shed is proposed to be removed and replaced with a two-story structure with a carport. Theresa Sprague described the existing vegetation on the property including a lawn that surrounds the dwelling on all sides as well as invasive plants throughout the property. The mitigation proposal includes removal of invasive vegetation from about 16,700 square feet of heavily invaded areas and 6,700 square feet of lawn. These areas would be revegetated with native species. Discussion occurred about the coastal bank delineation and the Agent agreed that the bank does just end. A lengthy discussion followed about the shed and its habitable space. Attorney Ben Zehnder explained that this project still needs to go through the zoning and planning boards but offered a condition around the use of the shed. The Agent reminded the Commission that use of structures was outside of their scope and that the proposal would remove some development from the bordering vegetated wetland and would move structures away from the resource areas. Abutter Richard Larkin was concerned with both the removal of vegetation that currently screens his property as well as setbacks from the property line. The Agent suggested conditions: to require the land management plan to be completed and monitored within a specific timeframe as submitted in the vegetation plan, to maintain the native species plantings as naturalized, not as a manicured area. A brief discussion occurred about using salt tolerant species in the bordering vegetated wetland with an eye toward future restorations of the Pamet river. Theresa Sprague agreed to submit a transitional plan within a week.

**Motion: Commissioner Bob White moved to approve the notice of intent with conditions.**

**Second: Commissioner Carol Girard-Irwin; Vote: 5-0-0; the vote was unanimous, and the motion passed.**

**Notice of Intent: 40 Corn Hill Road, Jonathon Curtis & Susan Goldstein; SE# 75-1139:** Sam Basta was on the call to represent this driveway modification and landscape improvement project. Cameron Larson from ECR was on the call to summarize the resource areas that were delineated on the property. The resource areas include: a coastal bank, a coastal dune, and river front areas. The applicant proposes to reconfigure the portion of the existing driveway that is in the buffer zone to the coastal bank. The section of the driveway that is in riverfront area will remain as is. Landscaping work will consist of planting native grasses, removal of invasive species for a net reduction of the amount of lawn on the property. The Commissioners discussed the fact that the outside shower and walkway appeared to be newly installed. The Agent suggested an after-the-fact filing and Attorney Ben Zehnder agreed to that request.

**Motion: Commissioner Linda Noons-Rose moved to approve the notice of intent with the conditions that the after-the-fact filing be submitted and the vegetation removal plan be submitted.**

**Second: Commissioner Diane Messenger; Vote: 4-0-1; with Bob White recusing himself, the motion passed.**

**Notice of Intent: 39 Bay View Road, Lawrence Gottesdiener; SE# 75-1140:**

Daniel Ojala was on the call to represent the project. The proposed project is to demolish the existing home and rebuild further back from the coastal bank; a swimming pool is also proposed. Wilkinson Environmental has developed a plan to remove invasive species and revegetate the area. Although moving the house back away from the resource area is a positive change, all of the Commissioners expressed concern around the proposed swimming pool and the fact that there is a regulatory conflict. Other discussion centered around the changes to the footprint, square footage, and height of the proposed structure. An abutter, Joe Connolly asked for information on the proposed house/pool and was concerned about the height of the proposed structure. Commissioner Lown pointed out that the proposed dwelling is two stories, while the existing home is one story, and he wanted to see specifics about the height. An overall height was given as 26 feet. Dan Ojala stated that a neighbor was interested in reusing the existing home on their lot across the street. The Agent had sent information about local regulation requirements to submit an alternative analysis. Daniel Ojala agreed that a continuance would be appropriate to allow time to meet and submit more documentation.

**Motion:** Commissioner Bob White moved to continue the filing to the May 2, 2022, meeting. **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 41 Bay View Road, Seascape, LLC; SE# 75-1141:**

Daniel Ojala of Down Cape Engineering was on the call to represent the project. He explained that the proposed project includes raising a deck and transforming it into a screened porch, walkway, hardscaping, and small sheds for storage. The hardscaping will be moved away from the buffer zone to the coastal bank. An adequate alternatives analysis had not been provided. A continuance was requested so that the alternatives analysis could be submitted.

**Motion:** Commissioner Carol Girard-Irwin moved to continue the filing to the May 2, 2022, meeting.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 39 Corn Hill Road, Unit 10, Donna Kull:**

The Conservation Agent commented that a file number had not yet been issued and the Commission would need it to issue an order of conditions. Gordon Peabody from Safe Harbor Environmental and the homeowner were on the call to represent the project. Mr. Peabody summarized the project as adding a small, 40 square foot, kitchen bump out. To mitigate the construction a 7 to 1 planting plan is proposed which would include woody stems and ground cover consisting of crinkle hair grass and American beach grass. Gordon Peabody requested a continuance to the May meeting.

**Motion:** Commissioner Larry Lown moved to continue the filing to the May 2, 2022, meeting.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 29 Knowles Heights Road, David Walsh:**

Thad Eldredge from East-Southeast was on the call to represent the project. He stated that

they would like to request a continuance and summarized the plan as the removal of the existing dwelling and construction of a new dwelling outside of the 50-foot buffer zone to the coastal bank. Mitigation will include revegetation and a grading plan. They also will be extending the raised walkway. The Agent stated that the proposal to move the new dwelling outside of the 50-foot buffer zone is a benefit to the resource area but that more information was needed. The applicant requested a continuance until the May 2<sup>nd</sup>, 2022, meeting.

**Motion:** Commissioner Bob White moved to continue the filing to the May 2, 2022 meeting.

**Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 494 Shore Road, Sharon Santangelo (continued from March 7, 2022):**

Sharon Santangelo was on the call to represent the project. The Agent stated that stakes on site matched the plan that had been submitted. Additionally, a file number has been issued. Conditions of the order are to be best management practices.

**Motion:** Commissioner Bob White moved to approve the Notice of Intent.

**Second:** Commissioner Larry Lown; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Notice of Intent: 33 Cooper Road, Robert Davoli; SE# 75-1137:**

The applicant requested a continuance until the May 2, 2022, meeting.

**Motion:** Commissioner Carol Girard-Irwin moved to continue the filing to the May 2<sup>nd</sup>, 2022, meeting.

**Second:** Commissioner Larry Lown; **Vote:** 5-0-0; 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 until the May 2, 2022, meeting.

**Motion:** Commissioner Carol Girard-Irwin moved to continue the filing to the May 2, 2022, meeting.

**Second:** Commissioner Bob White **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Request for Determination of Applicability: 41 Fisher Road, Peter Tufano:**

The applicant requested a continuance until the May 2<sup>nd</sup>, 2022, meeting.

**Motion:** Commissioner Diane Messenger moved to continue the filing to the May 2, 2022, meeting.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Request for Determination of Applicability: 630 Shore Road, Unit 9, Joshua Weinbaum:**

The application is being withdrawn.

**Motion:** Commissioner Bob White moved to accept the withdrawal.

**Second:** Commissioner Carol Girard-Irwin; **Vote:** 5-0-0; the vote was unanimous,

and the motion passed.

**Request for Determination of Applicability: 207 Shore Road, Town of Truro:**

Access path

**Motion:** Commissioner Carol Girard-Irwin moved for a negative 3 determination.

**Second:** Commissioner Larry Lown; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

**Administrative Review Permit requests:**

- 1.) 488 Shore Road: sand replenishment.
- 2.) 538 Shore Road: sand replenishment.
- 3.) 33 Cooper Road: Applicant is requesting an extension to June 6, 2022.
- 4.) 566 Shore Rd: plant 200 bundles of beach grass

The Commissioners decided to approve all the administrative reviews together.

**Motion:** Commissioner Carol Girard-Irwin moved to approve the Administrative Review Permits.

**Second:** Commissioner Bob White; **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

Commissioner Larry Lown moved to adjourn the meeting.

**Second:** Diane Messinger **Vote:** 5-0-0; the vote was unanimous, and the motion passed.

The meeting was adjourned at 9:20 PM.

Respectfully Submitted by Nina Richey

