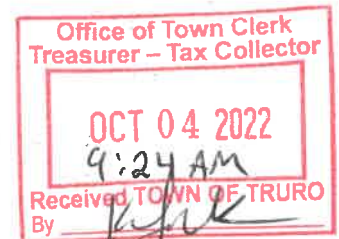




**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630



Conservation Commission Meeting Minutes: June 6, 2022

Commissioners Present: Vice Chair Commissioner Linda Noons-Rose Commissioners Bob White, Mark Adams, Diane Messinger, Amy Wolff & Larry Lown

Absent: Chair Carol Girard-Irwin **Others Present:** Emily Beebe, Conservation Agent. This was a remote meeting. The Vice Chair Linda Noons-Rose called the meeting and public hearings to order at 5:03 and provided the virtual meeting instructions.

Public Comment: there was no public comment

Review and Acceptance of a Conservation Restriction for 15 Laura's Way

Fred Gaechter, President of Trustees of the Truro Conservation Trust, and Mark Robinson, President of the Cape Cod Compact of Conservation Trusts, were on the call to represent the matter. Fred Gaechter explained that the Compact will hold the conservation restriction as required by MA law. The conservation restriction document has been reviewed and approved by the Commonwealth as written. After acceptance by the Conservation Commission, the Selectboard will review the document. **Motion:** Commissioner Mark Adams moved to accept the conservation restriction; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; the motion passed.

Herring River Restoration Project Presentation- Phase 1; SE # 75-1144:

(Continued from 5/2/2022) Vice Chair, Linda Noons-Rose, read the six findings of the Conservation Commission into the record. Commissioner Larry Lown asked about the expected changes in salinity with increased tidal presence and the impact on mosquito populations. Carole Ridley explained that the project will increase salinity in the lower portions of the wetland system and have other beneficial impacts, thus lowering the levels of mosquito larvae. Martha Craig, Executive Director Friends of Herring River, also noted the salinity of the upper portion would remain much lower and remain fresher water.

Motion: Commissioner Bob White moved to approve the findings; **Second:** Commissioner Amy Wolff; **Vote:** 6-0-0; the motion passed.

Motion: Commissioner Diane Messinger moved to approve the special conditions. **Second:** Commissioner Amy Wolff; **Vote:** 6-0-0; the motion passed.

Motion: Commissioner Bob White moved to close the hearing; **Second:** Commissioner Amy Wolff; **Vote:** 6-0-0; the motion passed.

Notice of Intent: 9A Francis Road, Michelle Jaffe; SE# 75-1147:

Michelle Jaffe was on the call to represent the filing; they are proposing to install a new 2nd floor deck along with stairs on the side of the house. The installation will utilize diamond pier footings. Commissioner Messinger asked whether there would be a planting plan and also asked about delineating a work limit. Ms. Jaffe stated that they will

use orange construction fencing to define the limit of work and that they were intending to revegetate with native species. Commissioner Bob White stated that normally the Commission likes to see the project staked prior to the site visit especially on a small site as this was. The Commissioners asked for some clarifications on the distances as well as site conditions shown on the proposed drawing which Ms. Jaffe provided. Conditions discussed included: a construction fence location to be addressed at the pre-construction site visit and a more definitive planting plan to include removal of invasive plants on the property be submitted. **Motion: Commissioner Diane Messinger moved to approve the filing with conditions. Second: Commissioner Mark Adams; Vote: 6-0-0; the motion passed.**

Notice of Intent: 33 Cooper Road, Robert Davoli; SE# 75-1137: *(continued from 5/2/2022)* Stephanie Sequin from Ryder & Wilcox was on the call to represent the project. They are proposing a 140 sq. ft deck addition and 60 sq ft of it would be located in the 100-ft buffer zone to the Coastal Bank. The deck will be installed with diamond pier footings. She described their improved mitigation plan to replant the areas where they will be removing isolated invasive plants. Caitrine Higgins from Wilkinson Ecological Design explained that the ratio of mitigation to proposed construction was 4:1. Commissioner White expressed that the new planting plan was far superior to the previous version. Caitrine Higgins also mentioned that the herbicide will be applied with cut and wipe method and only directly onto the plant. Abutter Sarah Lutz voiced her vote of confidence in her neighbor's commitment to the ecology of the area and gave her support for this proposed project.

Motion: Commissioner Larry Lown moved to approve the filing with conditions. Second: Commissioner Diane Messinger; Vote: 6-0-0; the motion passed.

Notice of Intent: 590 Shore Road, Big Monkey LLC; SE# 75-1130: *(continued from 5/2/2022)* The applicant has requested to withdraw this application without prejudice.

Motion: Commissioner Bob White moved to accept the request to withdraw.

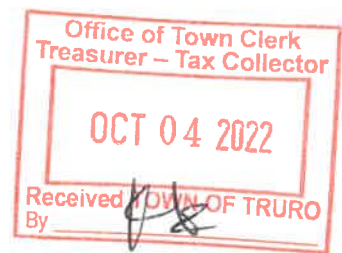
Second: Commissioner Linda Noons Rose; Vote: 6-0-0; the motion passed.

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

(continued from 5/2/2022) The applicant's representative requested a continuance until the next meeting on July 11, 2022.

Motion: Commissioner Diane Messinger moved to continue the filing until July 11, 2022. Second: Commissioner Larry Lown; Vote: 6-0-0; the motion passed.

Notice of Intent: 41 Bay View Road, Seascape, LLC; SE# 75-1141: *(continued from 5/2/2022)* Attorney Ben Zehnder and Daniel Ojala from Down Cape Engineering were on the call to present the project. Mr. Ojala explained the alternatives analysis. The Conservation Agent summarized the updates to the project. The existing driveway area will be decreased and the currently developed areas will be revegetated. The existing deck will be reconfigured, and the height adjusted to be all one level, and about 300 feet of the deck will be removed. A new walkway and a small bump-out over an existing deck are proposed. The planting plan requires native species to be added across the property. Commissioner Messinger asked about the existing lawn and Mr. Ojala responded that they would reseed disturbed areas with a drought tolerant seed mix. Attorney Zehnder



agreed to allow the two new commissioners to vote on the matter.

Motion: Commissioner Diane Messinger moved to approve the filing with conditions. Second: Commissioner Bob White; Vote: 6-0-0; the motion passed.

Request for Determination of Applicability: 271 Shore Road; Mylan Janopolis,:

Mylan Janopolis was on the call to represent the request to add a second story deck above an existing developed patio. Mr. Janopolis also explained that the invasive species currently populating the patio area will be removed. Commissioner White was concerned no limit of work was staked for the site visit. It was agreed that a pre-construction site visit will be conducted to establish a work limit. The sono-tube footings shown on the existing plan will be replaced with Bigfoot precast footings to help prevent settling. Commissioner Wolff asked that the plan and drawings be updated to reflect this change. Commissioner Messinger inquired about the patio that had been pulled up. Mr. Janopolis stated that the existing patio will be reinstalled as is after the construction of the deck is complete. Discussion followed about the measurements of the patio area and the use of permeable materials. Mylan Janopolis stated that all materials are permeable. Commissioner Noons-Rose asked about mitigation plans for the area. No plantings are planned but invasive species will be removed. Conditions include: a pre-construction visit to ensure the limit of work is properly delineated; Updated documentation to reflect the change from sono-tubes to the Bigfoot precast footings; Photos/sketch showing the plan for the patio area.

Motion: Commissioner Mark Adams moved for a negative 3 determination with conditions; Second: Commissioner Amy Wolff; Vote: 6-0-0; the motion passed.

Notice of Intent: 3 Corn Hill Path, Gerald & Marlene Talbot, SE#75-1149 :

Todd Turcotte from Coastal Engineering was on the call to represent the project and apologized that the site was not staked for the site visit earlier. He described current beach access was via a neighbor's stairs. Vice Chair Linda Noons-Rose noted that the proposed stair will require a variance from the local Conservation regulations, and she asked whether there was a community beach access. The Conservation Agent indicated that there was a community stair, and which homeowners have access would need to be explored. Commissioner Bob White stated that they need a clearer depiction of what was being proposed. The Conservation Agent suggested meeting with the engineer on site prior to the July 11th meeting. The Commissioners discussed what they would need to see in the proposal so that the engineer can be prepared. The applicants requested a continuance to the July meeting.

Motion: Commissioner Larry Lown moved to continue the filing to July 11, 2022. Second: Commissioner Diane Messinger; Vote: 6-0-0; the motion passed.

Request for Determination of Applicability: 20 Ryder Beach Road; Frances Adams:

Frances Adams was on the call to represent the project. The proposed project includes replacing and expanding the second story deck to mirror the ground-floor deck. Commissioner White suggested a pre-construction visit to assure that the best management practices were being implemented to protect the resource area. The Conservation Agent explained that a limit of work would need to be staked and erosion control fencing would need to be in place for the pre-construction site visit. The Agent also suggested that the contractor consider using diamond piers as they would have less



impact. **Motion:** Commissioner Mark Adams moved for a negative 3 determination with conditions; **Second:** Commissioner Bob White; **Vote:** 6-0-0; the motion passed.

Request for Determination of Applicability: 468 Shore Road, Beatrice Fay:

The Conservation Agent presented the project on behalf of the homeowner, who had requested this. The proposal includes 1-to-1 replacement of an existing fence, and the bottom of the fence would be 6 inches off the ground. The Commission discussed a condition that the replacement fence be built no higher than the existing one. The property is on the bay, and the velocity zone extends approximately 40 feet back from the bulkhead toward the edge of the house. The Conservation Agent explained the hazards of a velocity zone and that structures in this area should be minimized or eliminated. The Commissioners discussed alternatives to the complete replacement of the fence including allowing only a partial fence or other methods to create privacy. The Commissioners agreed that the fence could be replaced in the area outside of the velocity zone, which is the area 40 ft back from the bulkhead. Eleanor Collins, an abutter to the property, stated that she appreciated the Conservation Commission's hard work in keeping the resource areas protected. Conditions are to be as follows: fence may be replaced outside the velocity zone; must be no higher than the existing fence; must have a 6" gap at the bottom. **Motion:** Commissioner Mark Adams moved for a negative 3 determination with conditions; **Second:** Commissioner Larry Lown; **Vote:** 5-1-0; the motion passed.

Notice of Intent: 40 Corn Hill Rd, Jonathan Curtis & Susan Goldstein, SE# 75-1148:

Attorney Ben Zehnder and Sam Basta were on the call to present the project. This is an after-the-fact filing for an outdoor shower and a walkway. **Motion:** Commissioner Larry Lown moved to approve the filing; **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-1 with Commissioner Amy Wolff abstaining; the motion passed.

Administrative Review Permit requests:

The commission considered the administrative reviews in one vote:

1.) **538 Shore Road:** sand replenishment; 2.) **21 South Pamet Rd:** previously approved tree pruning – extension (60-day request); 3.) **Cold Storage Parking Lot:** bench installation; 4.) **476 Shore Rd:** beach grass plantings; 5.) **566 Shore Rd:** snow fencing; 6.) **510 Shore Rd, U:A:** 1:1 replacement of railings & deck boards; 7.) **33 Cooper Rd:** extension request (plantings); 8.) **7 Yacht Club Rd:** removal of 1 dead pine tree

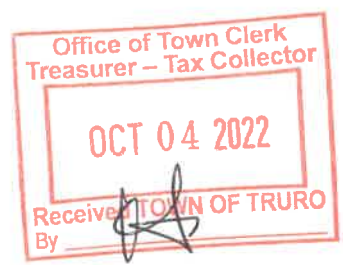
Motion: Commissioner Diane Messinger moved to approve the administrative reviews; **Second:** Commissioner Bob White; **Vote:** 6-0-0; the motion passed.

Minutes: 2/7/2022; 3/7/2022; **Motion:** Commissioner Larry Lown moved to approve the minutes with amendments; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; the motion passed.

Commissioner Amy Wolff moved to adjourn the meeting.

Second: Commissioner Larry Lown **Vote:** 6-0-0; the motion passed.

The meeting was adjourned at 7:43 PM.



Respectfully Submitted by Nina Richey

