



**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630

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Conservation Commission Meeting Minutes: July 11, 2022

Commissioners Present: Chair Commissioner Carol Girard-Irwin, Vice Chair Commissioner Linda Noons-Rose, Commissioners Bob White, Mark Adams, Diane Messinger & Larry Lown **Absent:** none **Others Present:** Emily Beebe, Conservation Agent Courtney Warren, Assistant Conservation Agent.

This was a remote meeting. Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:01 PM and provided virtual instructions.

Public Comment: There was no public comment.

Notice of Intent: 491 Shore Rd, Jennifer E. Cabral, SE# 75-1150:

Jennifer Cabral was on the call to represent the project. She is proposing to repair an existing dilapidated garage, raise it up on pilings, and transform it into a workshop. Commissioner Diane Messinger inquired about a bathroom that is shown on the proposed plans and what the surrounding septic and well conditions are on the property. She also had a question about the stairway being outside of the original footprint. The stairway is necessary to access the newly raised building, which will be used for woodworking. The plan is to install an incinerating toilet and a sink. A discussion about this type of toilet and a water connection ensued and the applicants were asked for more information. The Conservation Agent mentioned that there would be an issue with the sink, as it generates grey water which needs a title 5 septic system for disposal. Commissioner Linda Noons-Rose asked about any plans to deal with the roof run off. Paul Shea was on the call and stated that the sand around the small building is quite coarse and pervious and makes roof run off a non-issue. Commissioner White suggested removal of the paved section of driveway as a benefit and Paul Shea confirmed that the proposed driveway would be pervious. There was more discussion about containment/management of storm water. Paul Shea discussed the proposed plans for the structure and that raising the structure will reduce flood impacts. The area under the new structure will become pervious and it currently is not. Commissioner Diane Messinger asked about staking the lot and what was planned for the area underneath the raised structure. Mr. Shea answered that it would just be open sand and that the property could be staked. The Conservation Agent noted that there was a discrepancy between the proposed and existing site plans and that the location of the access point to the shed must be shown on the plan before the hearing closed, further, that the site plan properly depicts the Bordering Vegetative Wetland, but the narrative does not; lastly, the matter of the details about the gray water/sink. A letter from an abutter (Russell and Nancy Braun) was read for the record and reflected the abutter's support for the proposed project. The applicants asked for a continuance until the August 1st, 2022 meeting.

Motion: Commissioner Linda Noons-Rose moved to continue until the August 1, 2022, meeting. **Second:** Commissioner Mark Adams; **Vote:** 6-0-0; the motion passed.

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Request for Determination of Applicability: 599 Shore Rd, Natividad Carmona Natividad Carmona was on the call to represent the project. This was an after-the-fact filing for a fence replacement. The work was done as a safety precaution using the existing fence holes and the owner was unaware that he needed a filing. The Commission encouraged Mr. Carmona to contact the Conservation Agent if he had any questions concerning future projects. **Motion: Commissioner Bob White moved to approve a negative 3 determination; Second: Commissioner Linda Noons-Rose; Vote: 6-0-0; the vote was unanimous, and the motion passed.** NS

Notice of Intent: 39 Bayview Rd, Lawrence Gottesdiener; SE# 75-1140:

Daniel Ojala and Ben Zehnder were on the call to represent the project. Daniel Ojala described the proposal to remove the existing home and build a new house that is completely out of the 50 ft buffer zone and as far landward as zoning setbacks allow. Six Thousand square feet of the site will be revegetated with native plants. This revised plan shows the proposed pool rotated 90 degrees from the location on the original plans. Commission Chair Carol Girard Irwin asked whether a work limit had been established. Mr. Ojala explained that the work limit would run along the top of the coastal bank to provide a generous work area, since most of the area would be revegetated once the project was complete. Much of the discussion centered on the pool: its location, depth, weight relative to the sand it would displace, type of pavement around the pool, and its general permissibility in the buffer zone. Commissioner Carol Girard Irwin asked whether the pool could be rotated 90 degrees so that it would be almost completely out of the buffer zone. Mr. Ojala explained that the automatic pool cover that proposed instead of a fence would prevent that move. Attorney Ben Zehnder stated that the regulations seek to minimize impact in resource areas but that the proposed project was in the buffer zone and that a pool could be allowed if the circumstances were right. He stated that the applicant was proposing to remove their house completely from the 50 ft buffer zone and replace it with a smaller structure. The Agent suggested that it was important to consider all the alternatives and examine what is practicable in this area and what offers the most protection to the surrounding resource areas. Attorney Zehnder requested a continuance until the August 1st, 2022, meeting. **Motion: Commissioner Linda Noons Rose moved to grant the continuance; Second: Commissioner Bob White; Vote: 5-1-0.**

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

Ben Zehnder, Todd Turcotte, and Teresa Sprague were on the call to represent the project. Todd Turcotte presented the proposed plan to construct a stairway as an extension from an existing boardwalk down to the beach. The plan would utilize a crane at the top to supply materials down the coastal bank as well as a crane on the beach. All of the commissioners expressed concerns about the potential for significant impact to the resource area and didn't feel there was enough justification for such a disturbance given that there was a shared (community) beach access stair located a short distance from the property. Mr. Turcotte explained that the access to the neighborhood stairway is about 1,420 feet compared to 250 feet using the proposed stairway. The Conservation Agent explained that although the regulations can allow stairways because there is an alternative, a conclusion could be reached that the impact of constructing the proposed stairway is unnecessary and an adverse impact on the resource area and buffer zone. The

well-vegetated area between the house and top of the bank is a sand-plain heathland, a rare habitat defined as critically imperiled by Natural Heritage. Theresa Sprague detailed the mitigation plans for the project and noted that the area was sand-plain heathland with a very healthy plant community; this which need to be preserved as much as possible and restored where necessary. The area where the crane would be set would need to be restored. The plan for preserving the healthy vegetation would be to remove much of it prior to construction, to save the plants, and then replant after construction, especially since several of the species found in the area of proposed disturbance are not available commercially. (Neither *hudsonia* or reindeer lichen can be found in nurseries) The plan for the top of the bank is to revegetate with little blue stem and beach grass to help keep that area stable. The Agent asked Todd Turcotte how he proposes to get the cranes onto the beach. He explained that the plan is to use the Corn Hill access and that he does understand the process for getting permission from the abutters and the town. Commissioner Messinger expressed concern about the impacts that the cranes would make in a fragile area.

Ben Zehnder asked for continuance to further develop the proposal.

Motion: Commissioner Girard Irwin made a motion to continue the matter as requested; Second: Commissioner Linda Noons-Rose; Vote: 0-5-1;

(Commissioner Larry Lown abstained due to technical issues.)

The motion failed.

Ben Zehnder then requested to withdraw the application without prejudice.

Motion: Commissioner Bob White moved to accept the withdrawal request without prejudice. Second: Commissioner Linda Noons-Rose; Vote: 6-0-0; the motion passed.

Administrative Review Permit requests:

1.) **21 South Pamet Rd:** rebuild existing stairs and extend existing timber landscape wall, add planter. This 60-day request is for work proposed in the buffer zone to a coastal bank. The Conservation Agent reviewed the Administrative Review requirements, which state that no machines be used to perform the work. If machinery is required, an RDA would be necessary. Dawn Snow was on the call to represent the project. She would like to repair some stone and timber stairs and shift them slightly for safety on the steep grade. Carol Girard-Irwin wanted to clarify if the proposed plan is a one-to-one replacement and not any additional work. Dawn Snow affirmed that the proposal is for a one for one replacement of existing stairs, but she was not sure whether the timber stairs would require machinery. The Agent explained the process for returning for an RDA if need be.

Motion: Bob White moved to approve the Administrative Review permit with the condition that no machines shall be used to complete the proposed work.

Second: Linda Noons-Rose; Vote: 5-0-1 ; the motion passed. (Commissioner Larry Lown abstains due to technical issues)

2.) **4A Pond Rd:** tree limb removal- ratification.

Motion: Commissioner Carol Girard-Irwin moved to approve the administrative review permit. Second: Commissioner Diane Messinger; Vote: 5-0-1; the motion passed. (Commissioner Larry Lown abstains due to technical issues)

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Certificate of Compliance Request:

218 Shore Rd, SE# 75-1076

The Conservation Agent explained that this is a project with ongoing conditions to maintain the seawall.

Motion: Commissioner Bob White moved to approve the certificate of compliance with ongoing conditions. Second: Commissioner Linda Noons Rose; Vote: 5-0-1; the motion passed. (Commissioner Larry Lown abstains due to technical issues)

Minutes: No minutes were ready for review.

Commissioner Carol Girard Irwin moved to adjourn the meeting.
Second: Commissioner Bob White Vote: 5-0-1; the motion passed.
(Commissioner Larry Lown abstains due to technical issues)

The meeting was adjourned at 7:43 PM.

Respectfully Submitted by Nina Richey

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