



**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630



Conservation Commission Meeting Minutes: September 12, 2022

Commissioners Present: Chair Commissioner Carol Girard-Irwin, Vice Chair Commissioner Linda Noons-Rose Commissioners Bob White, Mark Adams, Diane Messinger, Clint Kershaw, & Larry Lown **Others Present:** Emily Beebe, Conservation Agent.

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

Public Comment: there was no public comment

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

Motion: Commissioner Diane Messinger made a motion to continue the filing until the October 3, 2022 meeting; **Second:** Commissioner Mark Adams; **Vote:** 7-0-0; **the motion passed.**

Request for Determination of Applicability: 9 South Bridge Path, Deidri

Reddington: Dave Ortolani was on the call to represent the project which is a one for one deck replacement. All the materials for the job will be stored in the driveway and any excavation will be conducted by hand. The crew will establish a work limit with erosion control. **Motion:** Commissioner Mark Adams made a motion for a negative 3 determination; **Second:** Commissioner Bob White; **Vote:** 7-0-0; **the motion passed.**

Request for Determination of Applicability: 393 & 395 Shore Road, Marie Porzio &

Julie Murtagh: Gordon Peabody from Safe Harbor Environmental was on the call to represent the project. He described the project as a pet-safe enclosure. All trees and native vegetation would remain with only invasives being removed. No new grass will be planted. The fence is proposed to be an open cyclone type fence to allow for the passage of water. Discussion followed around several topics including: type/number of dogs, other fence projects on similar properties, wildlife passage, and the size of the enclosure. The Agent asked how the invasives would be removed and if they were proposing to replace the invasives with native species. Gordon Peabody added that no trees would be removed, and that all invasive species would be removed by hand without herbicides. He agreed to planting a dozen bayberry plants along the fence. Commissioner Linda Noons-Rose proposed a reduction in the size of the fenced-in area as compromise. **Motion:** Commissioner Diane Messinger moved for a negative 3 determination with the condition that the fenced area be reduced, and the revised plan submitted; **Second:** Commissioner Mark Adams; **Vote:** 7-0-0; **the motion passed.**

Request for Determination of Applicability: 444 Shore Road, Joseph Shapiro & Lynn Clark:

Gordon Peabody was on the call to represent the project. This is a landscaping project which includes the removal of invasives, planting of native species, the addition of a shell pathway to the street, and installation of picket fence. Commissioner Clint Kershaw asked about the material for fence construction. After discussion it was decided that wood would be the best choice of material since any plastic fencing could be problematic in a flood plain.

Motion: Commissioner Clint Kershaw moved for a negative 3 determination with the condition that wood be utilized for the fence; **Second:** Commissioner Mark Adams; **Vote:** 6-0-0; **the motion passed with Larry Lown having technical difficulties and therefore not being able to vote.**

Request for Determination of Applicability: 32 Cooper Road, Sarah Lutz & Jon Van Rens:

Stephanie Sequin described the project as a septic system upgrade to a Microfast I/A system. She described the access corridor for the project. A silt fence will be used to delineate the work limit as well as for erosion control. All disturbed areas will be revegetated with native species and invasives will also be removed. Additional tree removal is proposed, specifically an oak and four small cedars near the existing deck/walkway. They plan to plant four cedars to replace those that are removed. Some other pitch pines and Russian olives will be flush cut. They also plan selective trimming in the area of the existing cesspool. All the work will be conducted using handheld tools and all brush will be removed from the site once the work is complete. The Conservation Agent said that the cesspool will need to be removed and not just filled and abandoned in place. The Agent also suggested having staff be present when the tree trimmings take place to ensure the health of the trees and that trimming is selective. Stephanie Sequin offered amend the plan to add language to require the contractor to provide 24-hour notice of work beginning to the conservation department.

Motion: Commissioner Clint Kershaw moved for a negative 3 determination with the condition that the tree trimmings be witnessed by a conservation department staff member and that the cesspool be removed from the Coastal Bank; **Second:** Commissioner Larry Lown; **Vote:** 6-0-0; **the vote passed with Diane Messinger having technical difficulties and therefore not being able to vote.**

Request for Determination of Applicability: 21 South Pamet Road, Dawn Snow:

Dawn Snow was available on the call to represent the project. She explained that she had been approved previously under an Administrative Review but upon further evaluation of the project realized that minimal equipment would be necessary to complete the project and therefore filed for an RDA. The commissioners were satisfied with the project as presented.

Motion: Commissioner Bob White moved for a negative 3 determination; **Second:** Commissioner Clint Kershaw; **Vote:** 7-0-0; **the motion passed.**

Notice of Intent: 127 South Pamet Road, Thomas & Kathleen Dennis:

Brad Malo was on the call to represent the project. The request includes the removal of the existing studio and relocation of the house further back from edge of the Coastal Bank. Meetings with the Zoning Board of Appeals and the Conservation Commission resulted in approval of the original project with the condition that the studio be removed

from the property and that the house be relocated further away from the Coastal Bank leading to this filing. The house would be relocated about eighty-five feet from the top of the Coastal Bank. The studio removal includes the reduction of 2500 square feet of existing pavement with a reconfigured driveway being a permeable material such as stone or shell. The limit of work has been outlined and established. Brad Malo added that the Removal of the studio will happen soon allowing relocation of the house to follow in a year or so in hopes of avoiding an emergency weather event or erosion of the Coastal Bank that would force a move. Commissioner Lown asked what the trigger points are for removing the studio and relocating the house. Tom Dennis, the owner of the property, added that they have not established the trigger points yet but that any work would be done in a way that preserves the resource area. Commissioner Adams clarified that this would be done as a non-emergency action versus waiting for an environmentally triggered event, which is preferable for the resource area. Commissioner White asked whether the reconfiguration of the driveway would create two parking spots. This was confirmed by Mr. Malo. Commissioner Noons-Rose asked what mitigation was being proposed for the project. Mr. Malo addressed the question by referring to the planting plan that had been provided by Blue Flax which details the mitigation efforts. The Conservation Agent stated that it is important to understand the step-by-step protocols and for the Commission to understand the trigger points for action and the restoration planned for the project. She also highlighted the importance of enhancing the reduction in impervious pavement area. The delineations of the resource areas will continue to evolve due to erosion and environmental events. Tom Dennis and Brad Malo agreed that they will discuss the phasing and mitigation implementation with the Conservation Agent. The commission decided that more information would be needed before approval. They are requesting a step-by-step protocol of the phasing of the project as well as a more clarified description of the mitigation and driveway plan.

Motion: Commissioner Diane Messinger moved to continue the hearing until the October 3rd, 2022 meeting; Second: Commissioner Mark Adams; Vote: 7-0-0; the motion passed.

Notice of Intent: 510 Shore Road, SeaHaven Condominium Trust c/o Russell Braun; SE# 75-1153:

Stan Humphries from Environmental Consulting and Restorations represented the project. This is a coastal stabilization project utilizing coir logs in order to provide scour protection to the underground utilities. He explained that there will be four rows of 20" diameter coconut fiber logs, two rows installed at the toe of the coastal dune and two rows on the slope. Beach grass will be planted where possible. The Conservation Agent asked what kind of sand would be utilized to cover the coir logs. Stan Humphries explained that clean medium-to-coarse sand containing less than 10% clay or silt would be utilized. There was discussion around the need to keep the coir logs covered and reasons why that might be delayed. Stan Humphries assured the commission that any coir logs that are exposed by storm action would be recovered after storm season with six to eight inches of cover.

Motion: Commissioner Bob White moved to approve the request on the condition that the coir logs are maintained and recovered after storm season and that no more than 4 months shall pass with them uncovered; Second: Commissioner Clint Kershaw; Vote: 6-0-1; the motion passed with Commissioner Larry Lown having

technical issues that prohibited him from participated in the vote.

Notice of Intent: 6 River View Road, Elizabeth & Robert Morrison SE# 75-1154:

David Lyttle was on the call to present the project. The proposal is for the construction of a single-family dwelling and associated landscaping. The second story deck, pervious walkway and patio are all located within the 200-foot river front area and within the 100-foot buffer zone to a coastal bank. A total of 1950 square feet is in the resource area with 510 square feet of it being the pervious walkway. Commissioner Kershaw asked about the path labeled on the plan as "existing" that does not yet seem to exist. Mr. Lyttle indicated that a small foot path does exist but it is not 4' wide. Commissioner Adams said the path was staked clearly but asked that proposed and existing be clearly indicated on the plan. Theresa Sprague was on the call and said that the foot path would need only some vegetation pruning. To create the overlook, they propose to flush cut some existing black huckleberry and then plant with Pennsylvania sedge. The site is naturally vegetated, and no hardscaping is being proposed. Commissioner Girard-Irwin pointed out that they had seen box turtles during their site visit and that their habitat would need to be protected. The representatives said that they would follow protocols for protection of the box turtles. The Conservation Agent highlighted the importance of providing an alternatives analysis to demonstrate that it is not feasible to keep the work completely outside of jurisdiction.

Motion: Commissioner Clint Kershaw moved to continue the request until the October 3rd, 2022 meeting; Second: Commissioner Diane Messinger; Vote: 6-0-1; the motion passed with Bob White abstaining.

Request for Determination of Applicability: 464 Shore Road, David & Kathy Murray:

Stephanie Sequin was on the call to represent the project. The project is a cesspool upgrade for a 3-bedroom cottage in the Beach Point area. The work area available is limited, so the proposed septic system will be in the front yard. The new system will include a Micro Fast nitrogen reduction unit. The soil absorption system will utilize GoodFlow heavy duty concrete chambers allowing it to be located in the driveway. Stephanie Sequin explained that there will be no stockpiling of excavated material on site, and all disturbed areas would be restored after installation. The Conservation Agent stated that drought resistant grass should be planted, and no irrigation should be utilized.

Motion: Commissioner Bob White moved for a negative 3 determination Second: Commissioner Mark Adams; Vote: 7-0-0; the motion passed.

Extension Request: 20 Toms Hill Path, SE# 75-1049

Motion: Commissioner Diane Messinger moved to grant the requested extension Second: Commissioner Clint Kershaw; Vote: 7-0-0; the motion passed.

Administrative Review Permit requests:

1.)566 Shore Road: sand fencing:

Commissioner Clint Kershaw asked if removing the snow fencing seasonally was causing more damage to the dune than leaving the fence installed. Laurie Ferrari was on the call to represent the project and explained that the association will not be removing the fence going forward.

Motion: Commissioner Clint Kershaw moved to approve the request with the condition that the fence remain permanently installed; **Second:** Chair Carol Girard-Irwin; **Vote:** 7-0-0; **the motion passed.**

2.) 482 Shore Road: sand replenishment behind the bulkhead;

Motion: Commissioner Carol Girard Irwin moved to approve the request; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-1; **the vote carried, with Linda Noons-Rose abstaining.**

The following Administrative Review Permit Requests were voted on together:

3.) 4 Pond Road: electrical lines;

4.) 503-522 Shore Road: sand fencing from unit 7 to staircase;

5.) 503-522 Shore Road: sand fencing from cottage #1- #18;

6.) 26 Pond Road: replacement (1:1) of brick entry

Motion: Commissioner Larry Lown moved to approve all of these Administrative Review requests; **Second:** Commissioner Bob White; **Vote:** 7-0-0; **the motion passed.**

Request for COC: 618 Shore Rd, SE# 75-1002

Motion: Commissioner Clint Kershaw moved to approve the Certificate of Compliance; **Second:** Commissioner Larry Lown; **Vote:** 7-0-0; **the motion passed.**

Minutes: 4/4/2022, 5/2/2022

Motion: Commissioner Linda Noons Rose moved to approve the minutes; **Second:** Commissioner Diane Messinger; **Vote:** 7-0-0; **the motion passed.**

Commissioner Larry Lown moved to adjourn the meeting.

Second: Commissioner Linda Noons-Rose; **Vote:** 7-0-0; **the motion passed.**

The meeting was adjourned at 8:23 PM.

Respectfully Submitted by Nina Richey

