



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



Conservation Commission Meeting Minutes: December 5, 2022

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

This was a remote meeting. The Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:04 and provided the virtual meeting instructions.

Public Comment: There was no public comment.

Notice of Intent: 25 Knowles Heights Road, Peter Casperson (SE# 75-1158):

A continuance was requested by e-mail until the February 6th, 2023, meeting.

Motion: Commissioner Bob White moved to continue the request until February 6, 2023; **Second:** Commissioner Larry Lown; **Vote:** 5-0-0; **the motion passed.**

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

A continuance was requested until the January 9th, 2023, meeting. **Motion:**

Commissioner Diane Messinger moved to continue the request until January 9, 2023; **Second:** Commission Linda Noons-Rose; **Vote:** 5-0-0; **the motion passed.**

Notice of Intent: 33 Black Pond Road, Catherine Shainberg: A continuance was requested until the January 9th, 2023, meeting. **Motion:** Chair Carol Girard-Irwin moved to continue the request until January 9, 2023; **Second:** Commissioner Bob White; **Vote:** 5-0-0; **the motion passed.**

Notice of Intent: 2 Marian Lane, Paul & Nancy Fenichel: A continuance was requested until the January 9th, 2023, meeting. **Motion:** Commissioner Bob White moved to continue the request until January 9, 2023; **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-0; **the motion passed.**

Notice of Intent: 4 Payomet Lane; 4, 6&23 Corn Hill Landing; 2&3 Corn Hill Path, Rob Berman, (SE#75-1159): Stan Humphries requested a continuance until the January 9th, 2023, meeting.

Motion: Commissioner Bob White moved to continue the request until January 9, 2023; **Second:** Commission Linda Noons-Rose; **Vote:** 5-0-0; **the motion passed.**

Notice of Intent: 63 Head of the Meadow Road, Jay Merchant (SE# 75-1160): construction of a deck & mitigation; Buffer Zone to a Coastal Bank. (Map 3, Parcel 33) Steve McKenna represented the project on behalf of the homeowner. He described the

property and the proposed project to construct a 14'X14' elevated deck in an existing altered area in the buffer zone to the coastal bank. The elevated deck will keep activity in one location to protect vegetation and to reduce erosion. They also propose to relocate the existing pathway to the sitting area. The new path will be shorter than the existing path. Mitigation for the project will include restoration of the existing sitting area and path with native plantings to match existing plant profiles. Planting will be done in the spring under the supervision of a planting professional and a planting plan will be submitted. Temporary irrigation will be used to support the newly planted vegetation over the first growing season. Commissioner Diane Messinger asked if vegetation would be able to grow under the elevated deck. The deck will be built over an area without much vegetation, and they will revegetate around the deck. Commissioner Carol Girard-Irwin added that the planting plan should be a condition for approval and suggested using appropriate spacing between deck boards to allow vegetation to grow under the deck. Commissioner Bob White added that ½ inch spacing between deck boards would be adequate. The Agent stated that the path restoration and mitigation plantings outweigh the amount of proposed activity and supports granting of the variance because of the benefit to the buffer zone and resource area. **Motion: Commissioner Linda Noons-Rose moved to approve the Notice of Intent; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

Notice of Intent: 6 Baker Lane, Richard & Jill Meyer (SE#75-1161): demo/rebuild single family home, upgrade septic system, mitigation; Buffer Zone to a Coastal Bank. (Map 50, Parcel 272) Theresa Sprague represented the project on behalf of the applicants. She described the property resource areas and stated that the project area is entirely within the 100-foot buffer zone to the coastal bank. The project includes the demolition of a single-family dwelling and reconstruction of a smaller, more energy efficient home. An alternatives analysis was presented. Mitigation includes: upgrade of the septic system to an innovative/alternative system and reduction of the size of the house from four bedrooms existing to two bedrooms proposed, reduction of driveway area, removal of lawn, invasive vegetation removal followed by planting of native species, and removal of existing oil burning furnace and oil storage tank. Chair Carol Girard-Irwin noted a discrepancy between the narrative and the coverage calculations pertaining to the square footage of the house. Commissioner Bob White would like to see a work limit staked. He also added that clarification is needed as to which trees are marked for removal on the plan. Commissioner Linda Noons-Rose would like a clear planting and revegetation plan. Theresa Sprague agreed to mark trees for removal with one color and ones that are to remain with another. The Conservation Agent also requested that grades be added to the plan for the retaining wall and the area surrounding the house including top of foundation. Theresa Sprague requested a continuation until the January 9, 2023, meeting. **Motion: Commissioner Diane Messinger moved to continue the request until January 9, 2023; Second: Commission Linda Noons-Rose; Vote: 5-0-0; the motion passed.**

Request for Determination of Applicability: 28 Great Hills Rd, Kathleen Ordonez: remove and replace existing deck & footings; (Map 49, Parcel 30) Mike Rogers was on the call and described the project as the one-for-one replacement of an 1100 sq ft deck. Commissioner Linda Noons-Rose inquired about the existing vegetation. Mike Rogers

stated that there is no vegetation under the deck currently, just sand and shells which would remain. He also added that he is staying within the original footprint of the deck and would do the work by hand but would prefer to use a small excavator. **Motion: Commissioner Bob White moved for negative 3 determination with the condition that a work limit be established around the existing deck; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion passed.**

Request for a Determination of Applicability: 41 Fisher Rd, Peter Tufano: addition to dwelling; (Map 53, Parcel 28)

Steven Phillips was on the call and stated that the initial filing was based on the "bogus" delineation by the Town of where the wetland was located. He added that he had hired Kane Land Surveyors to conduct an updated survey. The survey found that the flood zone went up to the wood retaining wall. The proposed project is in the 50-foot buffer zone to a Coastal Bank. The client only wanted to pursue the project with an RDA and did not want to file an NOI. **Motion: Chair Carol Girard Irwin moved to issue a positive 3 determination; Second: Commission Bob White; Vote: 5-0-0; the motion passed.**

Administrative Reviews:

(1) **2 Meetinghouse Rd:** 30-day extension request for tree work. **Motion: Chair Carol Girard-Irwin moved to approve the Administrative Request; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion passed.**

(2) **4 River View Rd:** tree trimming/cutting
Commissioner Diane Messinger was concerned about the number of trees that were being cut. Chris Lucy explained that the photos labeled 1-7 and 18 showed trees to be removed for safety of the building, while the photos labeled 8-17 were for tree removal for vista purposes. Some of the trees had been cut/trimmed previously without permission from the Commission. The Commissioners agreed that a Notice of Intent would need to be submitted for the vista pruning, but that they could approve the other trimming under the AR application. **Motion: Commissioner Linda Noons-Rose moved to approve the trimming and cutting depicted in the photos labeled 1-7 and 18; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

(3) **19 Bay View Rd:** 1:1 stair replacement and deck boards (60-day request)
Motion: Chair Carol Girard-Irwin moved to approve the Administrative Request; Second: Commissioner Bob White; Vote: 5-0-0; the motion passed.

26 Pond Rd: 1:1 deck board/railing replacement/removal of street side deck (60-day request) **Motion: Chair Carol Girard Irwin moved to approve the Administrative Request; Second: Commissioner Diane Messinger; Vote: 5-0-0; the motion passed.**

Commissioner Larry Lown left the meeting at 6:20 PM

Request for COC: 20 Pilgrims Path, SE#75-1042 David Michniewicz was on the call representing the applicants because two issues were noted during the site inspection by

the Conservation staff. The irrigation system was still on site, and a pergola was built and was not approved as part of the original Order of Conditions. David Michniewicz shared the amended plan that was drawn by Hawk in March 2020, but never submitted. The Conservation Agent suggested the change was minimal. David Michniewicz stated the irrigation would be removed and approval of the Certificate of Compliance was recommended by the Agent.

Motion: Commissioner Linda Noons-Rose moved to approve the request for a Certificate of Compliance; Second: Commission Diane Messinger; Vote: 4-0-0; the motion passed.

Minutes: September 2022, October 2022: Motion: Commissioner Diane Messinger moved to approve the September 2022 and October 2022 minutes; Second: Commissioner Carol Girard-Irwin; Vote: 4-0-0; the motion passed.

Discussion on the presentation of Truro's Housing Production Plan-Chair Carol Girard-Irwin acknowledged receipt of the housing production plan. The Conservation Agent added that the Conservation Commission would need to vote to adopt the Housing Production Plan for it to move forward. Motion: Chair Carol Girard-Irwin moved to adopt the Housing Production Plan; Second: Commissioner Linda Noons-Rose; Vote: 4-0-0; the motion passed.

**Chair Carol Girard-Irwin moved to adjourn the meeting.
Second: Commissioner Linda Noons-Rose; Vote: 4-0-0.**

The meeting was adjourned at 6:38 PM.

Respectfully Submitted by Nina Richey

