



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: February 6, 2023

Commissioners Present: Linda Noons-Rose; Diane Messinger, Larry Lown, & Clint Kershaw.

Absent: Chair Carol Girard-Irwin & Bob White.

Others Present: Emily Beebe, Conservation Agent, Courtney Warren, Assistant Conservation Agent.

This was a remote meeting. Vice Chair Linda Noons-Rose called the meeting and public hearings to order at 5:02 and provided the virtual meeting instructions.

Public Comment: There was no public comment.

Mill Pond Culvert restoration alternatives: Presentation by DPW Director Jarrod

Cabral: Jarrod Cabral described the goal of the proposed project as the replacement of an undersized culvert leading to Mill Pond to restore the ecological function of the salt marsh. He gave an overview of four different alternatives including two culvert options and two breach options. Water resources consultant Scott Horsley's comments were read into the record supporting this approach.

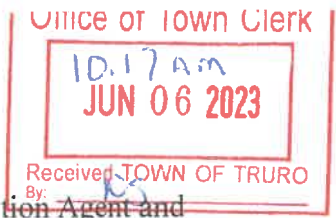
The Conservation Agent inquired about the need to elevate the road in the future, and how that might tie into funding. Jarrod Cabral responded that the road did not need to be raised now, other than what is required to install the culvert. USDA grant funding is available for 75% of the work to remove or replace the culvert; costs to raise the entire road is not eligible for that funding.

Commissioner Clint Kershaw asked if the road were to be raised, how much wider the road would need to be. The exact answer to that would come in later design phases and would impact permitting.

Jan Worthington stated that she was concerned that the abutters on Depot Road have not been given a chance to offer their opinions. She added that all repercussions should be considered before a decision is agreed on. Mitch Buck, engineer from Woods Hole Group, responded by stating that the project is still in the preliminary stages and will need to undergo permitting where a lot of those questions and concerns will be addressed.

Gregg Greenough, a resident at 9 Mill Pond Rd, asked what the word abandon meant in terms of what would happen over time. Jarrod Cabral stated that if a breach option was chosen, the area could become a recreational area with a pedestrian bridge. Abandoned refers to the use of the road.





Carole Reichelm, direct abutter, added her thanks for the Health & Conservation Agent and DPW Director Jarrod Cabral's work on the Mill Pond Project. She does not believe there has been near enough study on the potential impacts to the area and is concerned about unintended consequences that could occur. She also expressed concern over being the first in the state to complete such a process and would prefer more data on similar projects before making a well-educated decision on how to move forward. Jarrod Cabral talked about the funding timelines that will drive the decision making about selection of an alternative. Mitch Buck discussed the studies that had been done and the scour issues that are occurring because of the undersized culvert.

A question was read from the chat: "How is legal title held for Mill Pond Road?". Jarrod Cabral stated that the road itself is owned by the town and within the pond, there are pie shaped pieces- some with status of "owner-unknown".

Meg C asked where one would park if they wanted to kayak and if there could be a bridge for cars or pedestrians. Jarrod Cabral responded that a bridge for vehicles was not under consideration and that any proposal for recreational areas would be developed in the future.

Oren Sherman, resident of Depot Road, was concerned that traffic would increase exponentially because of this project. At certain times of day, there are blind spots on the road due to low sun angle. He would like the danger factor to be considered.

Cynthia Conroy, resident of Depot Road, also wants the danger due to increased traffic to be addressed. She had to throw her dog in a ditch to avoid being hit. It was also stated that widening the road or adding sidewalks would not improve the safety issue.

Commissioner Clint Kershaw stated that the environmental benefit of moving forward with the expansion of the culvert outweighs some of the disadvantages.

Jarrod Cabral added that public safety and road access will be addressed. An emergency action plan has been drafted and six different traffic studies have been done over the years.

Notice of Intent: 423 Shore Road, Jennifer Chisholm (SE# 75-1162):

Vice Chair Linda Noons-Rose recused herself and turned the meeting over to Commissioner Diane Messinger for this agenda item. Brad Malo, Theresa Sprague, Ryan Campbell, and Nathaniel Stevens represented the applicant of the project. Before beginning Brad Malo asked if there were enough Commissioners for a hearing. The Agent suggested that although a quorum of Commissioners was still present with the recusal of one member, the hearing should be continued to the next meeting. She suggested that he could proceed with an overview of the project and receive the Commissioners feedback. Attorney Nathaniel Stevens agreed since the Commissioners who are absent from this meeting could review the hearing materials and recording prior to the next meeting. Brad Malo shared his screen and described the proposed project. The existing structure would be removed, and a new structure built. The existing cesspool would be replaced with an I/A system which the Board of Health has already approved. They are proposing to build a concrete foundation with flood vents, a portion of the new structure would be on pilings. The proposal includes removal of most of the existing

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pavement, but two concrete retaining walls would remain. The revegetation plan was described by Theresa Sprague. Commissioner Clint Kershaw inquired about the existing foundation and the proposed foundation coverage. Commissioner Diane Messinger asked why the new structure was not entirely on pilings. Commissioner Larry Lown asked about the mown path and if it would be a lawn. Theresa Sprague responded that they would plant a mixture of micro-clover and warm season grasses that would be mowable to provide access to the storage structure under the building. It is not intended to be a manicured lawn. Commissioner Lown also enquired about trash seen on the site visit; it was stated that the trash is not on the project property. **Motion: Commissioner Larry Lown moved to continue the agenda item until the March 6, 2023, meeting; Second: Commissioner Clint Kershaw; Vote: 3-0-1; with Commissioner Linda Noons-Rose recusing; the motion carried.**

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

The applicants requested a continuance until the March 6th, 2023 meeting.

Motion: Commissioner Clint Kershaw moved to continue the filing until the March 6, 2023 meeting; Second: Commissioner Diane Messinger; Vote: 4-0-0; 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): The applicants requested to withdraw the filing.

Motion: Commissioner Clint Kershaw moved to accept the withdrawal request; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.

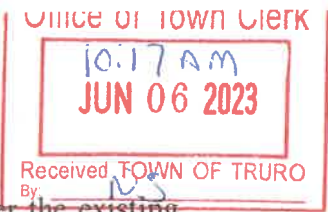
Notice of Intent: 4 River View Rd, Christopher Lucy:

Chris Lucy represented the request to flush cut and remove trees on the property to restore a view corridor. The proposed trees marked for removal include nine black pines, and one oak tree; a mixture of pine and oaks will be trimmed. The black pines have been trimmed in the past. All work would be done manually without machinery. Vice Chair Linda Noons-Rose stated that there is no file number assigned to the project and therefore a vote cannot be taken today. Commissioner Clint Kershaw asked whether the trees could be removed and replanted with native shrubs that would reduce the need for future trimming. Mr. Lucy stated he is not opposed to native planting in place of the removed trees, but it would require irrigation. Chair Linda Noons-Rose stated that the bank is relatively steep and not well vegetated and asked whether they couldn't revegetate those bare areas. Chris Lucy stated that the applicants are not opposed to a planting plan and would meet the Agent in the field to discuss the details.

Motion: Commissioner Clint Kershaw moved to continue the request until March 6, 2023; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.

Request for Determination of Applicability: 2 Ryder Hollow Road:

This request is for the deck only, the septic system will follow at a later date. John Buck described the project as building a new deck and rebuilding an existing deck. He shared his screen to show specifics of the plans. The proposed new deck will sit on top of the existing driveway retaining wall. The existing deck will be rebuilt utilizing diamond piers in the same footing locations. There will be no need for any machinery during any of this work. Commissioner Clint Kershaw inquired if the retaining wall is adequate for footings. John



Buck answered that it was. Commissioner Diane Messinger asked whether the existing deck would remain. John Buck responded that it will be demo'd and reframed in the same footprint. Commissioner Diane Messinger also asked about staging for the project and stated that they would need to delineate a work limit. A work limit will be established at not more than 10-feet around the deck, and orange construction fencing would be acceptable. **Motion: Commissioner Clint Kershaw moved for a negative 3 determination with the condition that limit of work be established; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

Notice of Intent: 33 Black Pond Road, Catherine Shainberg:

Jason Ellis described the project as two small additions. This had been originally submitted as an RDA but the commission asked that a Notice of Intent be filed. Vice Chair Linda Noons-Rose noted that DEP has not assigned a file number to the project yet. Regan McCarthy asked on behalf of the homeowner what items remain to be addressed. A variance request and alternatives analysis need to be submitted in addition to obtaining the DEP file number. **Motion: Commissioner Clint Kershaw moved to continue the request until March 6, 2023; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

Notice of Intent: 2 Marian Lane, Paul & Nancy Fenichel:

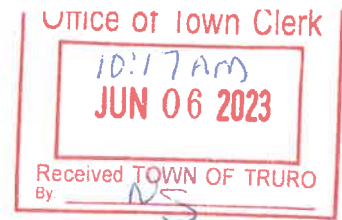
Jason Ellis was on the call and described the project as a proposed deck and screened porch at the top of a stable, vegetated coastal bank. Commissioner Clint Kershaw noted that a work limit was not staked for the Commissioners' site visit. The Conservation Agent added that the application lacks a variance request and alternative analysis. Additionally, DEP has not yet issued a file number.

Motion: Commissioner Clint Kershaw moved to continue the request until March 6, 2023; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.

Extension Request: Mass DOT: Route 6, 6A, South Pamet & Highland Roads, SE #75-951. Vice Chair Linda Noons-Rose stated that this permit was initially issued in 2015 as a five-year permit. A 3-year extension has already been granted. Linda Noons-Rose also stated that a solution should be developed to fix some of the issues, rather than just continuing with maintenance. **Motion: Commissioner Linda Noons-Rose moved to approve a 1-year extension; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

Emergency Certifications: (1) Mass DOT-Route 6; (2) Town of Truro- Pamet Harbor North Jetty. **Motion: Commissioner Linda Noons-Rose moved to ratify both certifications; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**

Field Change: 8 Castle Rd (SE #75-1105). **Motion: Commissioner Clint Kershaw moved to approve the field change; Second: Commissioner Diane Messinger; Vote: 4-0-0; the motion passed.**



Certificate of Compliance: 482 Shore Rd, SE#75-1005

Motion: Commissioner Clint Kershaw moved to approve the Certificate of Compliance; **Second:** Commissioner Linda Noons-Rose; **Vote:** 4-0-0; **the motion passed.**

Administrative Review Permits: (1) 446 Shore Rd: 1:1 replacement of beach access stairs; (2) Easement between 30 Sandpiper Rd & 1 Dune Way: repairs to existing beach access stair handrails & treads; (4) 26 Pond Rd: 60-day ext. request; (5) 2 Corn Hill Path: replace existing driveway with permeable pavers; (6) 556 Shore Rd: installation of snow fencing and plantings.

Motion: Commissioner Larry Lown moved to approve Administrative Review Permits #1-2, #4-6; **Second:** Commissioner Clint Kershaw; **Vote:** 4-0-0; **the motion passed.**

Administrative Review (3) 426 Shore Rd: beach nourishment, 1:1 pole replacement for beach stairs (90-day request) was handled separately so that Commissioner Linda Noons-Rose could recuse herself. **Motion:** Commissioner Clint Kershaw moved to approve the Administrative Review Permit; **Second:** Commissioner Larry Lown; **Vote:** 3-0-1 with Commissioner Linda Noons-Rose abstaining; **the motion passed.**

Minutes: April 14, 2022, Joint meeting with Wellfleet. **Motion:** Clint Kershaw moved to approve the minutes as amended; **Second:** Commissioner Diane Messinger; **Vote:** 3-0-1 with Larry Lown abstaining; **the motion passed.**

Commissioner Linda Noons-Rose moved to adjourn the meeting.
Second: Commissioner Diane Messinger; **Vote:** 4-0-0.

The meeting was adjourned at 7:37 PM.

Respectfully Submitted by Nina Richey