



**TOWN OF TRURO**  
**Conservation Commission**  
24 Town Hall Road  
P.O. Box 2030, Truro MA 02666

**Conservation Commission Meeting Minutes: March 6, 2017**

**The meeting was called to order at 6:00 P.M. in the Selectman's Meeting Room.**

**Commissioners Present:** Deborah McCutcheon, Chair, Diane Messinger, Henry Lum, Linda Noons-Rose, Larry Lown and Jack McMahon

**Others Present:** Emily Beebe, Assistant Health/Conservation Agent

AmeriCorps member Katie LeVander presented a brief educational slide show for the Commission and public about vernal pools.

**The public hearings were called to order at 6:00 P.M.**

**618 Shore Rd, NOI for Lexvest East Harbour LLC; SE#75-1002.** (Map 5, Parcel 13)

This matter was continued from February 6, 2017; revised plans have been submitted. Project scope includes redevelopment of cottage colony site on a Barrier Beach and within Land Subject to Coastal Storm Flowage. William Rogers, PE, Paul Shea and MarieEllen Serena represented the owners.

Proposed changes include additional parking area using crushed shell for infiltration.

Proposed walkways to cottages will be replaced with permeable pavers. Pathways shown to be removed will be replaced with loam and seeded grass. A 4' fence will be established from the deck to be removed at the bulkhead, and north to the manhole past the parking area. "FPD" is shown on the plan to denote *future proposed decks*, as the area for potential expansion; they are shown as compliant with zoning setbacks. No decks are being applied for, but the area is shown to allow the owners from having to come back with other Notices of Intent. They could be constructed under this Order of Conditions. There was discussion about the details and specifics of future work:

Construction could be a deck and/or patio but not enclosed space at any time with the exception of a shower enclosure, and a deck not less than 6" nor more than 24" from the ground. If there are pavers they should be permeable, and if patio blocks or bricks they should be dry-laid and not concrete. The FPD footprint would contain extra outside uses such as outside showers, ac pads, etc. There also should be no increased use of turf, but loam and seed with a compatible seed.

**Motion to accept the site plan as revised February 23, 2017 with conditions to include:**

Pavement of the parking area as shown on the plan to be replaced with crushed shell; new pathways made with permeable pavers, and removed pathways loamed and seeded with fescue seed mix without fertilizers; the FPD to be used for decks not less than six inches nor more than twenty four inches above the grade, or if a patio, shall be dry laid and permeable; any shower added to the FPD area may be enclosed, but no additional fences shall be added to the property except that shown on the approved plan; no additional turf shall be added to the lot. **Motion by Commissioner Noons-Rose; Seconded by Commissioner Messinger; Approved unanimously.**

**17 Long Dune Lane, NOI for Moore Truro Realty Trust; SE#75-1008.** (Map 48, Parcel 9) Project scope includes a septic upgrade on a parcel abutting the Pamet river-basin and located in Riverfront Area and the buffer zone to Coastal Bank. David Lajoie of Felco represented the applicants. The proposal includes mitigation of planting disturbed areas in the buffer zone with native plants. **Motion to approve the proposed plan dated February 14, 2017; Motion by Commissioner Lown; Second by Commissioner Lum. Approved unanimously.**

**23 Great Hills Rd, NOI for David Vargo & Sheila Collins; SE#75-1004;** (Map 53, Parcel 4) This matter was continued from February 6, 2017; revised plans have been submitted. The project includes the modification of an existing driveway, addition of a new deck and stair within the Riverfront Area and the buffer zone to Coastal Bank. The revisions have eliminated the request for work done on the east side of Great Hills Road. There was discussion about the wetland delineation on the west side of the property, which was a question raised at the site visit. The concern raised by the chair was that it appeared that the landform was a coastal bank, and that the top of bank probably occurred at about the 50 foot contour; this meant that the entire house was in the buffer zone to a Coastal Bank. Mr. Lajoie disagreed, and there was back and forth about the wetland regulations and the DEP policy on Coastal Banks. Mr. Lajoie agreed that a work limit could be established for the house project; the Coastal Bank delineation in this area will be further explored at another time.

**Motion to approve the proposed plan dated February 13, 2017, with condition that a work limit be established no more than 15' from the building and that no construction is authorized to occur on the easterly side of Great Hills Road. Motion by Commissioner Messinger; Second by Commissioner McMahon. Approved unanimously.**

**8 Castle Road, SE# 75-0841** Dave Lajoie was present to make a request for a field change to accept a revised site plan dated 2-11-17 that shows the proposed building location rotated from the approved footprint, but still within the same limit of work and same elevations. **Motion by Commissioner Noons-Rose; Second by Commissioner Messinger. Approved unanimously.**

**4 Rolling Hills Rd; NOI for SNARK Realty Trust, SE#75-1007;** (Map 58, Parcel 56) This project includes an upgraded septic system with portions in the buffer Zone to Coastal Bank. Dave Lajoie presented the plan. **Motion to approve and condition any comments provided from NHESP. Motion by Commissioner Lum; Second by Commissioner Noons-Rose. Approved unanimously.**

**7 Yacht Club Road,** Pamet Harbor Yacht Club; (Map 50, Parcel 37). An administrative review permit was filed for the 1:1 replacement of decking and rails. Gordon Peabody was present to describe the work. The administrative review permit allows repairs of existing structures within the same footprint. **Motion by Commissioner Lown; Second by Commissioner Noons-Rose. Approved unanimously.**

**482 Shore Rd, NOI for the Seaside Inn, SE#75-1005;** (Map 8, Parcel 25). Scope of work includes repair to a bulkhead; a sinkhole has developed on the landward side of the wall. The permit would allow exploration and repairs to the wall. Discussion included methodology and extent of repairs. The wall itself was characterized by Tim Brady of East Cape Engineering as being in good shape; however there is some damage to it, of unknown origin as evidenced by the sinkhole. Mr. Brady explained that the work would likely be completed by May, and would be done from the beach side with a track mounted excavator. There was a question on the location of the septic system, but this was not known by the engineer, nor was it clear if there was a chapter 91 license for the wall, which is located below MHW.

Mr. Brady agreed that the NOI was for repair only, and not large scale replacement of the wall, and modified the proposal specific to repairing a 20' section as shown on the site plan submitted. The chair requested that the engineer return to the Commission with more information if the project was not completed by May; the engineer consented to this.

**Motion to approve repair plans with condition that Mr. Brady will return to the Commission if the work is not completed by May 1. Motion by Commissioner Lown; Second by Commissioner Noons-Rose. Approved unanimously.**

**11 Coast Guard Terrace, NOI for Robinson Investment LLC, SE#75-1006;** (Map 34, Parcel 1) expand deck and move stairway, Buffer Zone to Coastal Bank. This project was presented by Tim Brady of East Cape Engineering. The Commission began the hearing with questions about the grass roof. Although it is with the footprint, Commissioner Lown expressed concerns that that they could be fertilizing it, and felt the Commission should know more about it. Another issue raised was that of a set of stairs and short retaining wall located on the North side of the property; they are not shown on the site plan and were not permitted. Mr. Brady was not aware of them and said he would look into it. Commissioner Messinger expressed concern about relocating the stair to the deck closer to the top of the bank, and expanding at the edge of the bank. A continuance was suggested to address these items. Commissioners requested a site visit with the engineer be scheduled for April 3. **Motion to continue to April 3, by Commissioner Lown; Second by Commissioner Noons-Rose. Approved unanimously.**

**51 Fishermans Rd, RDA** for William Segal; (Map 42, Parcel 99)

Proposal for addition of nourishment and replanting, maintenance of existing drift fence on a Coastal Bank & Coastal Beach. Mark Burgess from Shorefront Consulting presented the details of the project. The Commission informed him that the project would require an access permit from the Board of Selectmen. The Commission was not inclined to allow the repairs to a drift fence under the RDA. Mr. Burgess withdrew this aspect of the project. **Motion to find a negative 3 for the nourishment and planting work only. Motion by Lown; second by Noons-Rose. Approved unanimously.**

**Consent agreement with GFM Enterprises, regarding drift fences north of CornHill.**

This matter was tabled at the February 6 meeting. Jennifer and Greg Morris of GFM Enterprises were present to sign the consent decree. The draft was reviewed by GFM, and they agreed they were satisfied with it had the opportunity to review it with counsel. Jennifer agreed to sign as the CEO of the company.

Prior to signing, there was a discussion about a grammatical error, which is a legal phrase “to issue”, as well as “inter alia”, and a typo identified. These were corrected, corrections initialed and the document was signed by both parties.

**466 Shore Road**(Map 8, Parcel 29) **Discussion** on non-compliance with contractor Bob Martin for work backfilling a bulkhead on a Barrier Beach and within Land Subject to Coastal Storm Flowage. A notice of violation was sent from the Commission for work that the contractor had believed was an emergency. The contractor completed work on the property without a permit. The chair reviewed the process for permits and emergencies, and reinforced the contractor’s responsibilities to reach out to other officers of the Commission or office staff in the future. The chair suggested that having spent the entire evening listening to the Commissions meeting was probably punishment enough. The contractor agreed. Commissioner McCutcheon said, “If we see you here again we won’t be happy; therefore I make a motion that we tell Mr. Martin to sin no more” This motion was not seconded.

Mr. Martin asked a question about the limits of work before a permit is required, and the response was that small alterations and tree removal require an administrative permit.

**Motion to discharge the action for unpermitted work; Motion by McCutcheon second by Messinger. Approved unanimously.**

**6 Pond Road**, AR permit for Katherine Reed and Josiah Mayo (Map 36, Parcel 123) **Motion to approve by McMahon; second by Lown. Approved unanimously.**

**10 Cabral Farm Road**, emergency AR permit for John Demassi (Map 42, Parcel 177) Request for removal of brush. **Motion to approve by McCutcheon; second by Lown. Approved unanimously.**

**26 Great Hills Road**, request for certificate of compliance for Paul and Diane Teta (Map 49, Parcel 27) **Motion to approve by Lown; second by Messinger. Approved unanimously.**

**630 Shore Road**, unit 1; AR permit to rebuild chimney (Map 2, Parcel 177) **Motion to approve by McMahon; second by Noons-Rose. Approved unanimously.**

**670 Shore Road**, unit 6; AR permit to replace 20’ of foundation (Map 2, Parcel 12.6) **Motion to approve by Lown; second by Noons-Rose. Approved unanimously.**

The Minutes of February 6, 2017 were considered, and discussion and corrections ensued. **Motion to approve the minutes February 6, 2017; Motion by Commissioner Lown; second by Commissioner McCutcheon. Approved unanimously.**

There will be a beach cleanup on March 25, 2017, from 2-4 PM and meeting at Corn Hill.

**Motion to adjourn the meeting by McCutcheon; second by Messinger; Approved unanimously. Meeting adjourned at 8:36.**

**Site Visit Minutes**

March 6, 2017. Commissioners Messinger, Lown, Noons-Rose, McCutcheon and McMahon met at 1:15 at the Cobb Library parking lot; Assistant Health/Conservation Agent, Emily Beebe was also present. The Commission went to 4 Rolling Hills Road; 17 Long Dune Lane; Ballston Beach; 51 Fisherman's Road; 11 Coast Guard Terrace and 482 Shore Road.

Site visits concluded at 3:15.

Minutes prepared by E. Beebe

*EB*  
approved 4/6/17