



**TOWN OF TRURO**  
**Conservation Commission**

**PUBLIC MEETING AGENDA**  
**Monday, March 6, 2023**  
**Meeting start time 5:00**



**Remote Meeting Access Instructions**

This will be a remote meeting. Citizens can view the meeting on Channel 18 in Truro and on the Town's web site on the "Truro TV Channel 18" button under "Helpful Links" on the homepage. Once the meeting has started, click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting, please call-in toll free at 1 877 309 2073 and enter the following access code when prompted: 464-567-165#** To join this meeting from your computer, tablet or smartphone: <https://global.gotomeeting.com/join/464567165> Please note that there may be a slight delay (15-30 seconds) between the meeting and the live-stream (and television broadcast). If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in; citizens may also provide public comment for this meeting by emailing the Conservation Agent at [ebcebe@truro-ma.gov](mailto:ebcebe@truro-ma.gov) with your comments.

**PUBLIC HEARINGS:** The Truro Conservation Commission holds the following public hearings in accordance with the provisions of MGL Ch. 131, s. 40, the Wetlands Protection Act and the Truro Conservation Bylaw, Chapter 8:

1. **Notice of Intent: 423 Shore Road, Jennifer Chisholm (SE# 75-1162):** demo/rebuild dwelling, cesspool upgrade, site improvements; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 9, Parcel 1) *(cont. from 2/6/2023)*
2. **Notice of Intent: 25 Knowles Heights Road, Peter Casperson (SE# 75-1158):** sand drift fence, beach nourishment & beach grass plantings; Coastal Beach, LSCSF *(cont. from 2/6/2023)*
3. **Notice of Intent: 4 River View Road, Christopher Lucy (SE# 75-1163):** small tree removal & crown reduction; Bordering Vegetated Wetland, Riverfront area. (Map 50, Parcel 266) *(cont. from 2/6/2023)*
4. **Notice of Intent: 33 Black Pond Road, Catherine Shainberg: (SE# 75-1165):** two additions; Buffer zone of a Bordering Vegetated Wetland. (Map 61, Parcel 12) *(continued from 1/9/2023)*
5. **Notice of Intent: 2 Marian Lane, Paul & Nancy Fenichel (SE# 75-1164):** construction of a new deck & screen porch; Coastal Bank. (Map 50, Parcel 47) *(continued from 2/6/2023)*
6. **Notice of Intent: 590 Shore Rd, Ross Zachs, Big Monkey LLC (SE# 75-1166):** demo & replace structure; Barrier Beach, Coastal Dune, & Land Subject to Coastal Storm Flowage. (Map 5, Parcel 19)
7. **Notice of Intent: 31 Mill Pond Rd, Margaret Clark & Timothy Richards:** vista pruning & native plantings; Riverfront Area, Buffer Zone to a Coastal Bank. (Map 50, Parcel 287)
8. **Request for Determination of Applicability: 21 Crestview Circle, Crest View Holdings LLC, Shannon Wu:** erosion control; Coastal Bank (Map 42, Parcel 39)
9. **Request for Determination of Applicability: 38 Pond Rd, Christopher Roemlein:** 1:1 deck replacement; Coastal Dune. (Map 39, Parcel 15)
10. **Request for Determination of Applicability: 75 Depot Rd, Town of Truro:** boat ramp repairs; Land Subject to Coastal Storm Flowage. (Map 50, Parcel 18)
11. **Certificate of Compliance:** 15 Cabral Farm Rd, SE# 75-989
12. **Certificate of Compliance:** 482 Shore Rd, SE# 75-700
13. **Administrative Reviews:** 1.) 446 Shore Rd: 30-day extension request; 2.) 2 Corn Hill Path: 60-day extension request
14. **Minutes:**

**Site visits:** Commissioners will meet at Town Hall on Monday, March 6, 2023, at 10:00 AM and proceed to:

1) 75 Depot Rd; 2.) 31 Mill Pond Rd; 3) 21 Crestview Circle; 4) 38 Pond Rd; 5.) 25 Knowles Heights Rd; 6.) 590 Shore Rd



March 3, 2023

Project #C13065.06 BPM/jlg

Conservation Commission  
Attn: Emily Beebe, Agent  
24 Town Hall Road  
Truro, MA 02666

**By Hand Delivery**

**Re: Revised Plans for Notice of Intent**  
Proposed Dwelling Replacement and Sewage Disposal System  
Jennifer Chisholm, Trustee Beach Point Trust  
423 Shore Road  
Truro, MA  
Map 9 Parcel 1

Dear Ms. Beebe and Commission Members:

On behalf of our client, Jennifer Chisholm, we are submitting 9 copies of the REVISED plans for the above-referenced project. The plan changes are in response to the Commission's comments from both the February 6, 2023 public hearing and the Zoning Board of Appeals public hearing held on February 27, 2023.

The project revisions include:

- Elimination of the proposed concrete foundation.
- Proposed dwelling to be constructed entirely on a post/pier type supports, with 2ft (min) separation to ground.
- Removal of the existing concrete retaining walls.
- Relocation of the proposed dwelling to meet the street-side zoning setback requirements.
- Proposed 10x12 ft storage shed to the east of the property (in lieu of an enclosed foundation under the dwelling)

The following items are enclosed:

- Coastal Engineering Company, Inc. "Plan Showing Proposed Site Modifications," Revised Dated 03/02/2023
- R. Campbell Design LLC – Architectural Drawings: A0.01, A2.01, A2.02, A5.01- Revised Dated 03/02/2023

We are requesting the Commission's review of these plans at the **March 6, 2023** public hearing. If you have any questions or require additional information, please give our office a call. Thank you.

Sincerely,

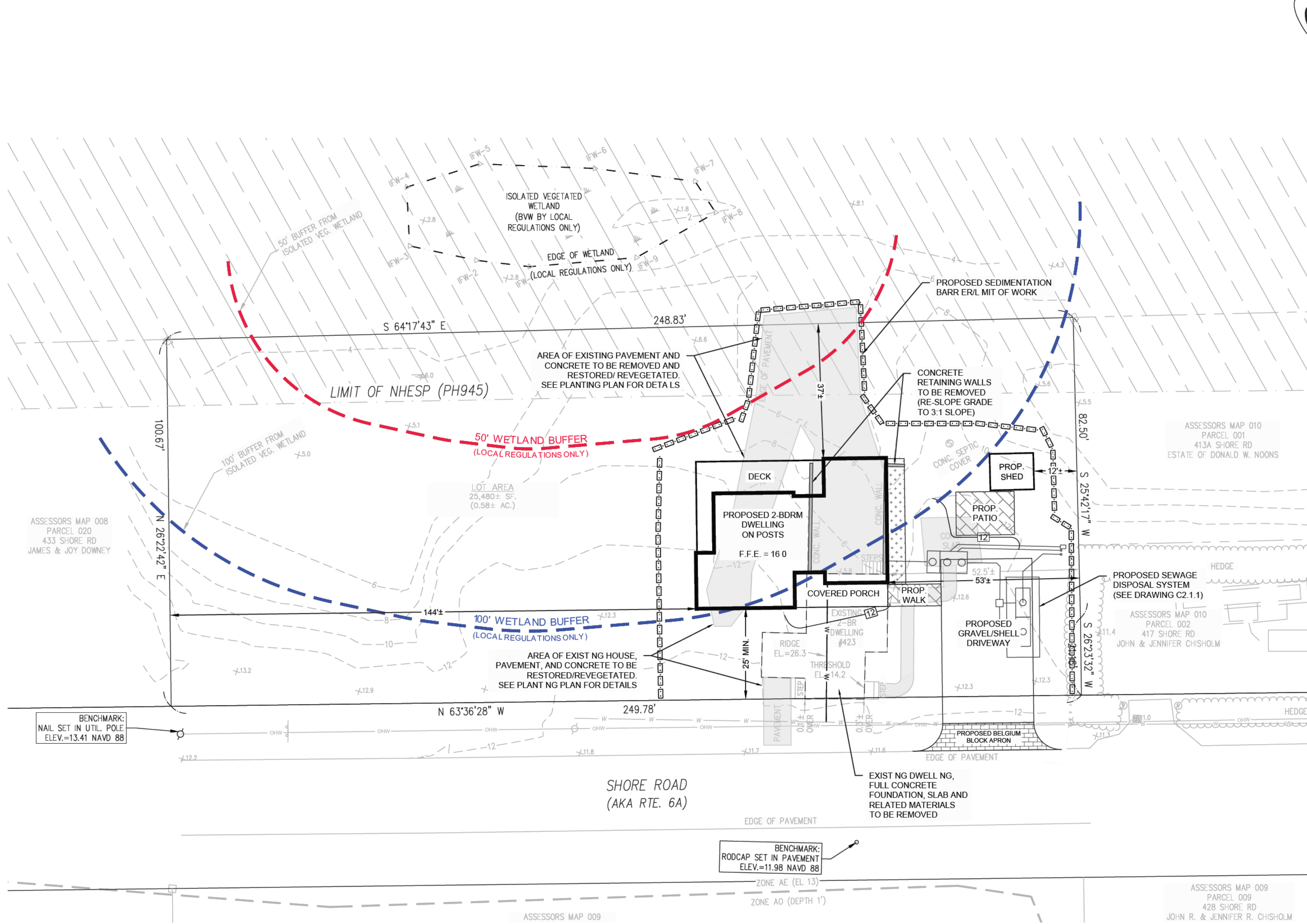
COASTAL ENGINEERING CO., INC.

Bradford P. Malo, Project Manager

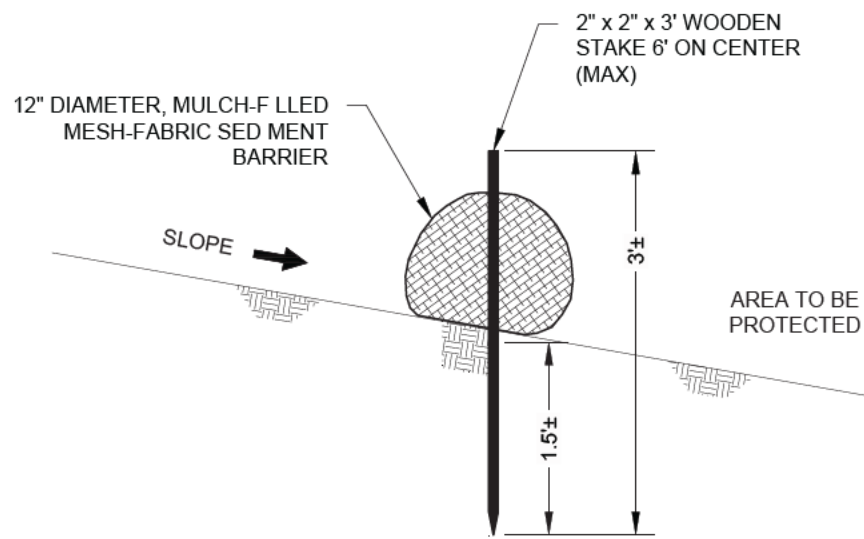
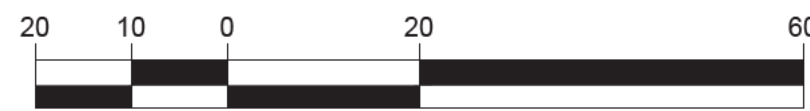
Enclosures: as stated

cc: Mass. DEP/SERO - Wetlands  
NHESP  
Jennifer Chisholm, Beach Point Trust

F:\SDSKPROJ\013000\0130065-06-CIV.dwg 3/2/2023 10:25 AM



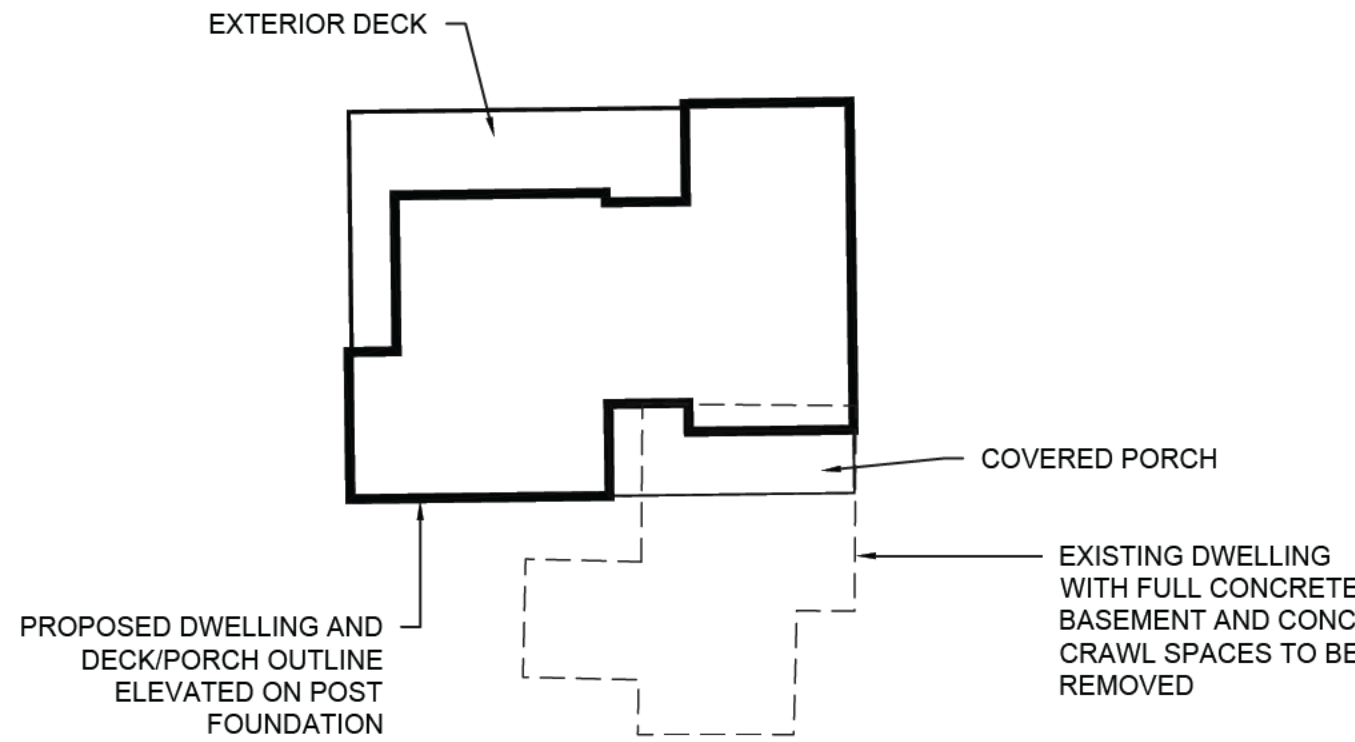
PLAN



SEDIMENTATION BARRIER DETAIL  
NOT TO SCALE

NOTES:

1. SLEEVE ENDS OF MESH-FABRIC SECTIONS TOGETHER TO FORM A CONTINUOUS SEDIMENT BARRIER.
2. SILTATION BARRIER SHALL BE INSTALLED PRIOR TO CONSTRUCTION AND MAINTAINED UNTIL RE-VEGETATION OF AREA DISTURBED BY CONSTRUCTION.
3. AREAS DISTURBED BY CONSTRUCTION SHALL BE RE-VEGETATED PRIOR TO COMPLETION OF PROJECT.
4. SEDIMENT SHALL BE REMOVED FROM BARRIER WHEN DEPTH EXCEEDS 1/2 THE HEIGHT OF THE BARRIER.



FOUNDATION PLAN

NOT TO SCALE

CONSERVATION COMMISSION NOTES:

1. SEE "PLANTING PLAN" PREPARED BY BLUEFLAX DESIGN FOR GROUND RESTORATION AND REPLANTED AREAS.
2. THIS PROJECT LIES WITHIN A FEMA 100 YEAR FLOOD HAZARD AREA (LSCSF), A BARRIER BEACH, DUNE, AND BUFFER ZONE TO A VEGETATED WETLAND.
3. WORK WITHIN THE NHEP PRIORITY HABITAT INCLUDES PAVEMENT/CONCRETE REMOVAL AND NATIVE PLANTING ACTIVITY ONLY.
4. AREA FROM EXISTING FOUNDATION AND RETAINING WALL REMOVAL TO BE RESHAPED TO BLEND WITH ADJACENT GRADES. RESULTING SLOPES TO BE GRADED AT 3:1 MAXIMUM. PROPOSED GRADE CHANGES BEYOND EXISTING DWELLING AND RETAINING WALLS ARE LESS THAN 2' IN AREA OF CONSTRUCTION.
5. ALL CONSTRUCTION TO BE DESIGNED IN COMPLIANCE WITH APPLICABLE MASS STATE BUILDING CODES FOR FLOOD ZONE CONSTRUCTION.
6. THE PROPOSED SEWAGE DISPOSAL SYSTEM WITH I/A TECHNOLOGY FOR THIS PROJECT WAS APPROVED BY THE TRURO BOH ON AUGUST 16, 2022.
7. ALL ROOF RUNOFF TO BE CONTROLLED VIA GUTTERS TO DOWNSPOUTS + DRYWELL OR STONE DRIP EDGES.

LOCAL BVW COVERAGE TABLE 0'-50' BUFFER

SUBJECT	EXISTING	PROPOSED	CHANGE
BUILDING & PORCHES (ROOFED)	0 S.F. ±	0 S.F. ±	NO CHANGE
DECKS	0 S.F. ±	0 S.F. ±	NO CHANGE
HARDSCAPES (WALLS, PATIO, PAVED DRIVEWAY)	406 S.F. ±	0 S.F. ±	406 S.F. DECREASE
0'-50' TOTAL BUFFER ZONE COVERAGE	406 S.F. ±	0 S.F. ±	406 S.F. DECREASE

LOCAL BVW COVERAGE TABLE 50'-100' BUFFER

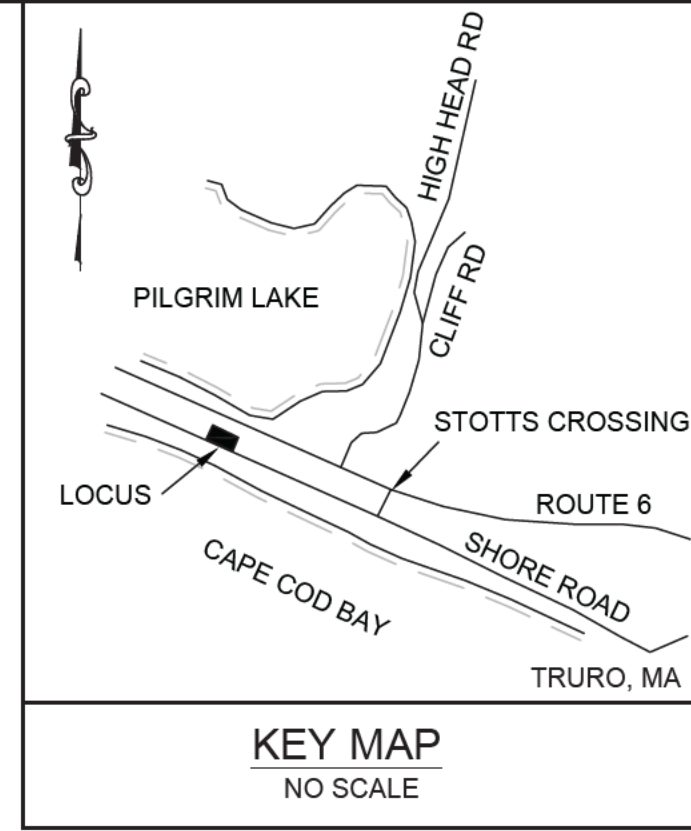
SUBJECT	EXISTING	PROPOSED	CHANGE
BUILDING & PORCHES (ROOFED)	3 S.F. ±	1,356 S.F. ±	1,356 S.F. INCREASE
DECKS	0 S.F. ±	391 S.F. ±	391 S.F. INCREASE
HARDSCAPES (WALLS, PATIO, PAVED DRIVEWAY)	1,786 S.F. ±	0 S.F. ±	1,786 S.F. DECREASE
50'-100' TOTAL BUFFER ZONE COVERAGE	1,789 S.F. ±	1,747 S.F. ±	42 S.F. DECREASE

TOTAL AREA OF RESTORATION PLANTING + MITIGATION AND ADDITIONAL INVASIVE SPECIES MANAGEMENT: 19,881± S.F.

RESOURCE AREA COVERAGE TABLE\*

SUBJECT	EXISTING	PROPOSED	CHANGE
BUILDING & PORCHES, INCL. SHED	837 S.F. ±	1,846 S.F. ±	1,009 S.F. INCREASE
CONCRETE FOUNDATION	[837 S.F. ±]	[0 S.F. ±]	[837 S.F. DECREASE]
POST/PILE FOUNDATION	[0 S.F. ±]	[1,533 S.F. ±]	[1,533 S.F. INCREASE]
DECK - POST FOUNDATION	[0 S.F. ±]	[391 S.F. ±]	[391 S.F. INCREASE]
HARDSCAPES (IMPERVIOUS) - PAVEMENT & CONCRETE, INCLUDING WALLS	2,912 S.F. ±	0 S.F. ±	2,912 S.F. DECREASE
HARDSCAPES (PERVIOUS) - PERVIOUS PAVERS & GRAVEL	[0 S.F. ±]	[1,220 S.F. ±]	[1,220 S.F. INCREASE]
TOTAL IMPERVIOUS COVERAGE	3,749 S.F. ±	1,846 S.F. ±	1,903 S.F. DECREASE

\*NOTE: ENTIRE SITE LIES WITHIN A RESOURCE AREA - LSCSF, BARRIER BEACH [BRACKETED NUMBERS EXCLUDED FROM TOTAL IMPERVIOUS COVERAGE]



REFERENCE:

ASSESSORS MAP 9, PARCEL 1  
DEED BOOK 13943, PAGE 346  
PLAN BOOK 268, PAGE 69

SEE C.1.2.1 "PLAN SHOWING EXISTING SITE CONDITIONS" BY COASTAL ENGINEERING COMPANY, INC. DATED 6/23/2021

SEE C.2.1.1 "PLAN SHOWING PROPOSED SEWAGE DISPOSAL SYSTEM" BY CEC DATED 8/4/2022, APPROVED BY BOH 8/16/2022

NOTES:

1. VERTICAL DATUM IN U.S. SURVEY FEET REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAV88) BASED UPON THE HEXAGON SMARTNET RTK NETWORK.
2. EXISTING UTILITIES, UNDERGROUND AND OVERHEAD, MAY EXIST IN ADDITION TO THE UTILITY INFORMATION SHOWN ON THESE PLANS. THIS PLAN MUST NOT BE USED TO LOCATE UNDERGROUND UTILITIES. CALL DIG SAFE AT 811 PRIOR TO STARTING ANY EXCAVATION.
3. THE SUBJECT PREMISES AS SHOWN LIES WITHIN FLOOD ZONE AE (EL. 13), AS INDICATED ON FLOOD INSURANCE RATE MAP NUMBER #25001C0117J FOR BARNSTABLE COUNTY MASSACHUSETTS WITH AN EFFECTIVE DATE OF JULY 16, 2014.

LEGEND

EXISTING

- BOUND
- CATCH BASIN
- WATER GATE
- MISC. SIGN
- POST
- UTILITY POLE
- OVERHEAD WIRES
- CONTOUR
- SPOT ELEV.

PROPOSED

- PROPOSED SPOT ELEVATION
- PROPOSED CONTOUR
- SEDIMENTATION BARRIER/WORK LIMIT
- EXISTING PAVEMENT TO BE REMOVED
- PERVIOUS PAVERS
- PLANTING BED

COASTAL  
engineering co.  
260 Cranberry Hwy., Orleans, MA 02853  
508.253.6311 F 508.253.6700 F

BY	JUB/BPM
REVISION	
DATE	03-02-2023
NO.	1

SEAL

PROJECT: BEACH POINT TRUST  
JENNIFER CHISHOLM, TRUSTEE  
423 SHORE ROAD  
TRURO, MA

SHEET TITLE: PLAN SHOWING PROPOSED SITE IMPROVEMENTS

SCALE: AS NOTED

DRAWING FILE: C13065-06-CIV.dwg

DATE: REV 1 - 03-02-2023 04-12-2023

DRAWN BY: JJB

CHECKED BY: BPM

C2.1.2

1 OF 1 SHEETS

PROJECT NO. C13065.06

ISSUED FOR CONSERVATION COMMISSION  
REVIEW. NOT FOR CONSTRUCTION.



Jennifer Chisholm  
TRURO, MA

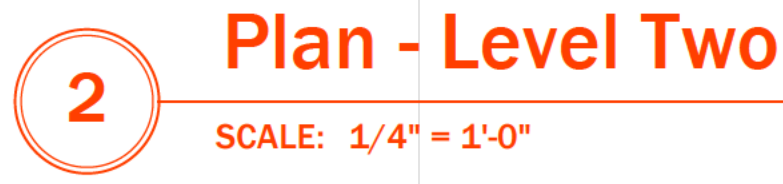
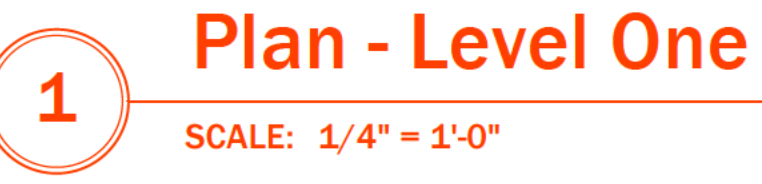
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Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

# Building Plan

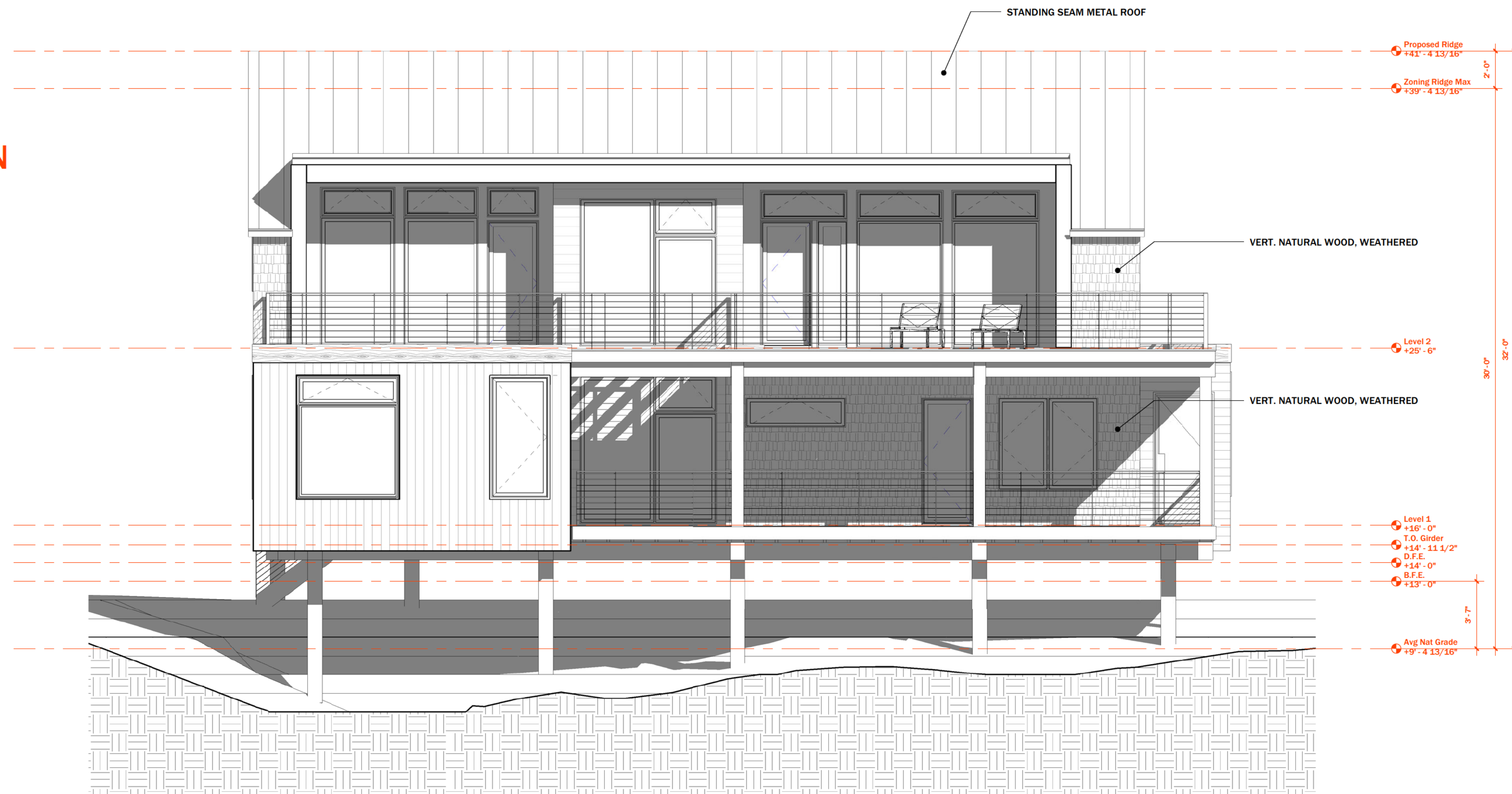
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Scale	1/4" = 1'-0"
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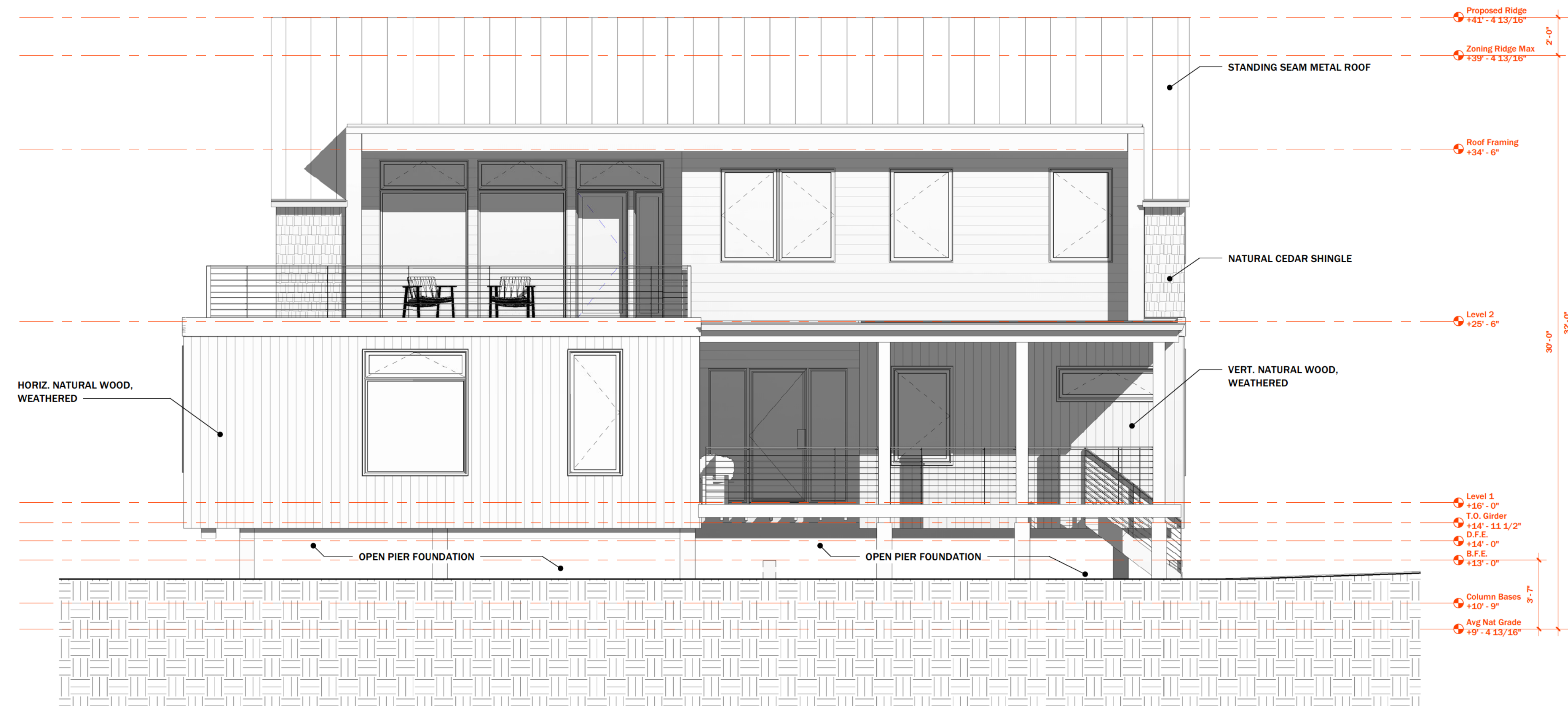
**PRELIMINARY -  
NOT FOR CONSTRUCTION**

**PRELIMINARY -  
NOT FOR CONSTRUCTION**



## 1 Elevation - North

SCALE: 1/4" = 1'-0"



## 2 Elevation - South

SCALE: 1/4" = 1'-0"



423 SHORE ROAD

**Jennifer Chisholm**  
TRURO, MA

[illegible]

Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

## Exterior Elevations

## A2.01

Scale  $1/4" = 1'-0"$

© 2022 R. CAMPBELL DESIGN LLC

3/2/2023 4:43:00 PM



Jennifer Chisholm  
TRURO, MA

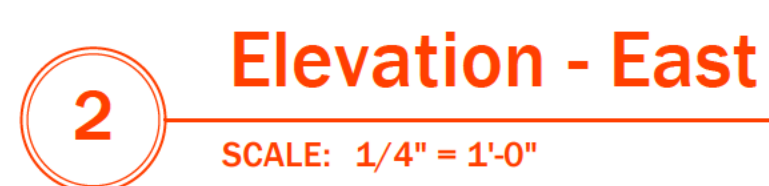
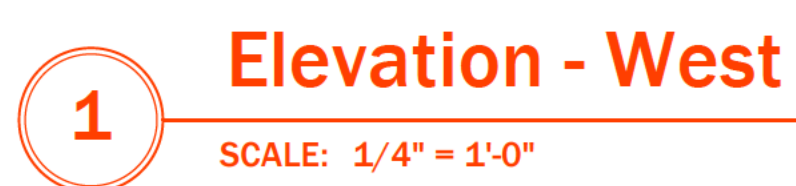
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Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

# Exterior Elevations

## A2.02

Scale	1/4" = 1'-0"
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**PRELIMINARY -  
NOT FOR CONSTRUCTION**



Jennifer Chisholm  
TRURO, MA

[illegible]

Project Number	20220901
Date	Issue Date
Drawn By	Author
Checked By	Checker

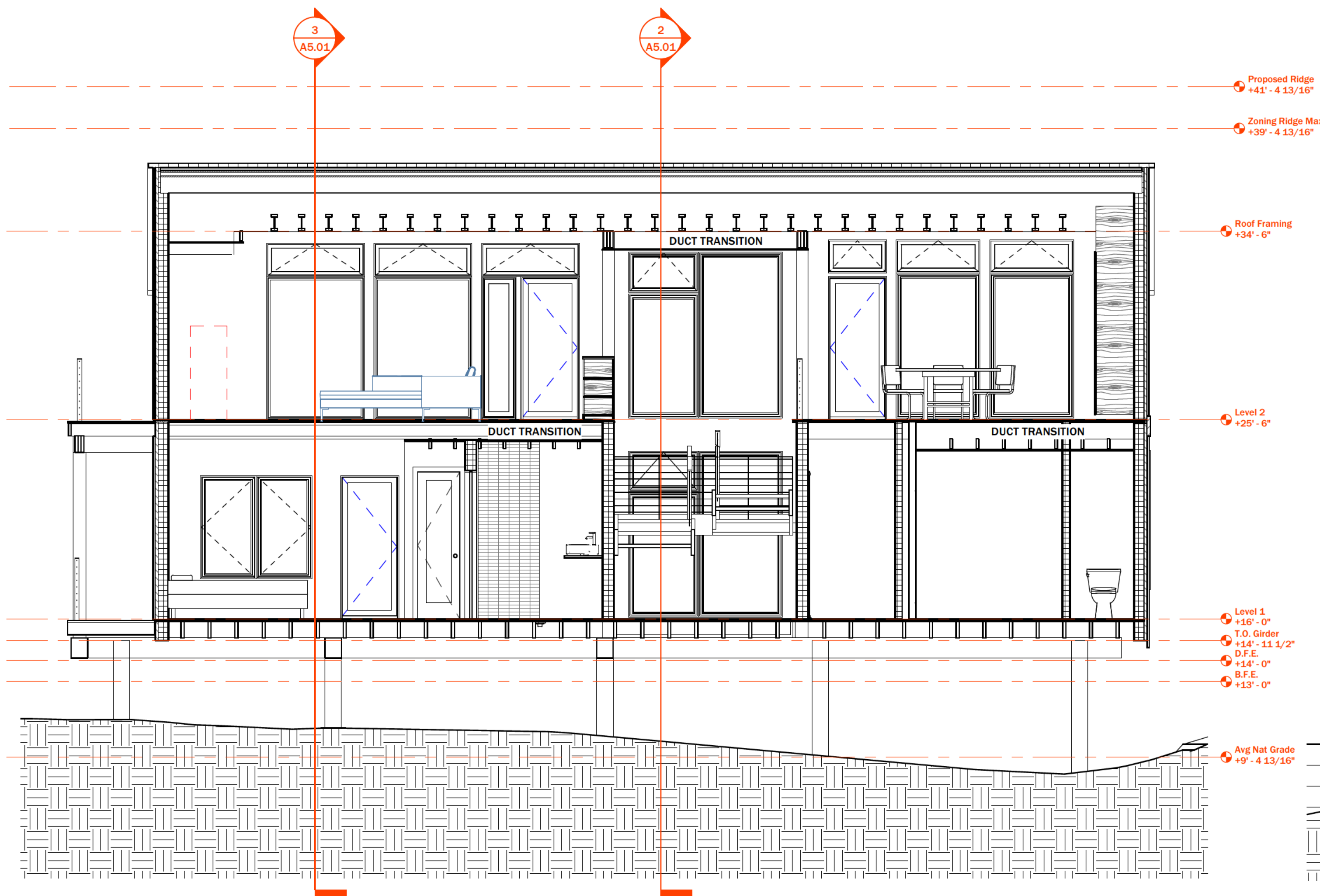
## Building Sections

# A5.01

Scale	As indicated
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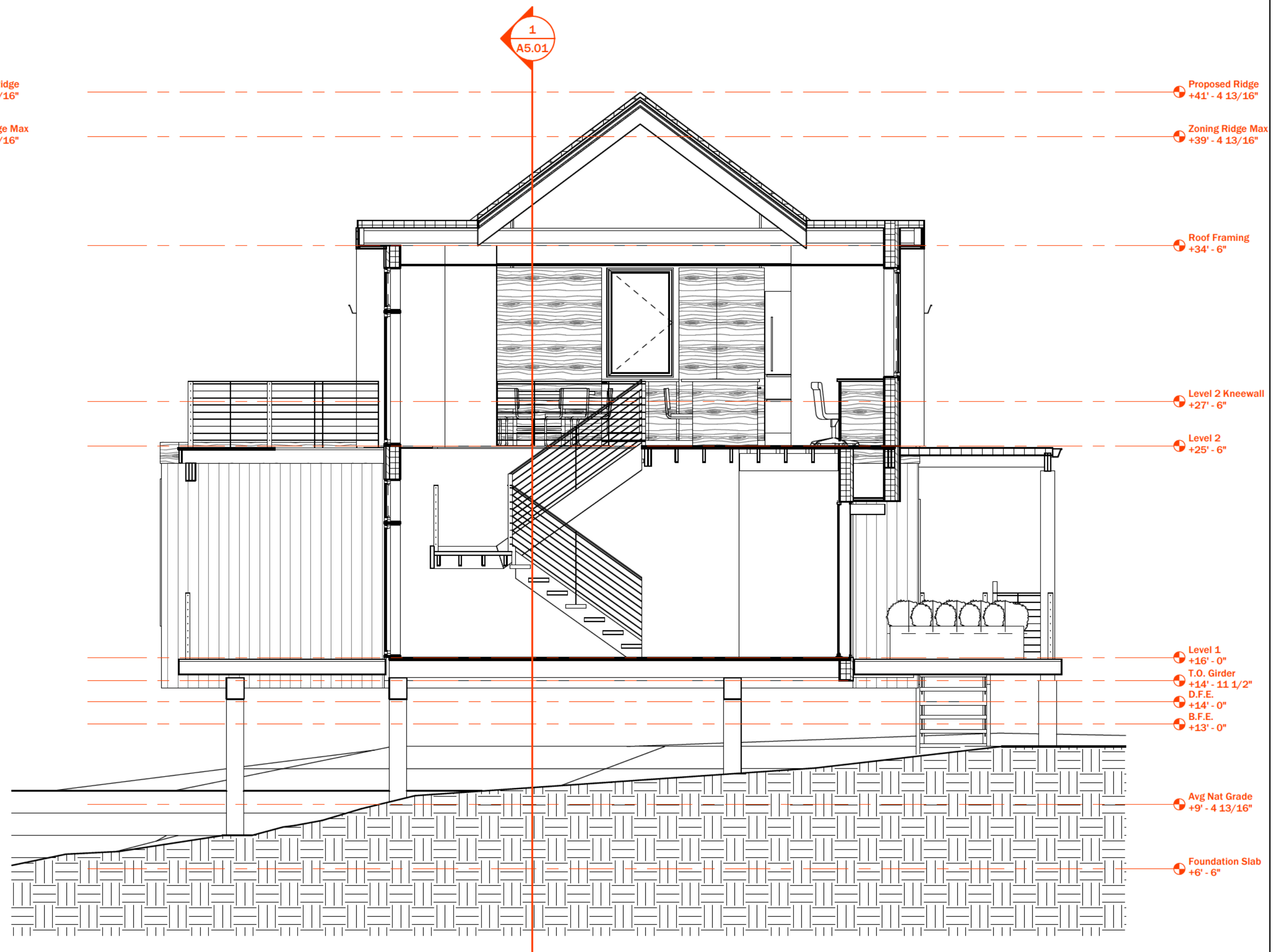
© 2022 R. CAMPBELL DESIGN LLC

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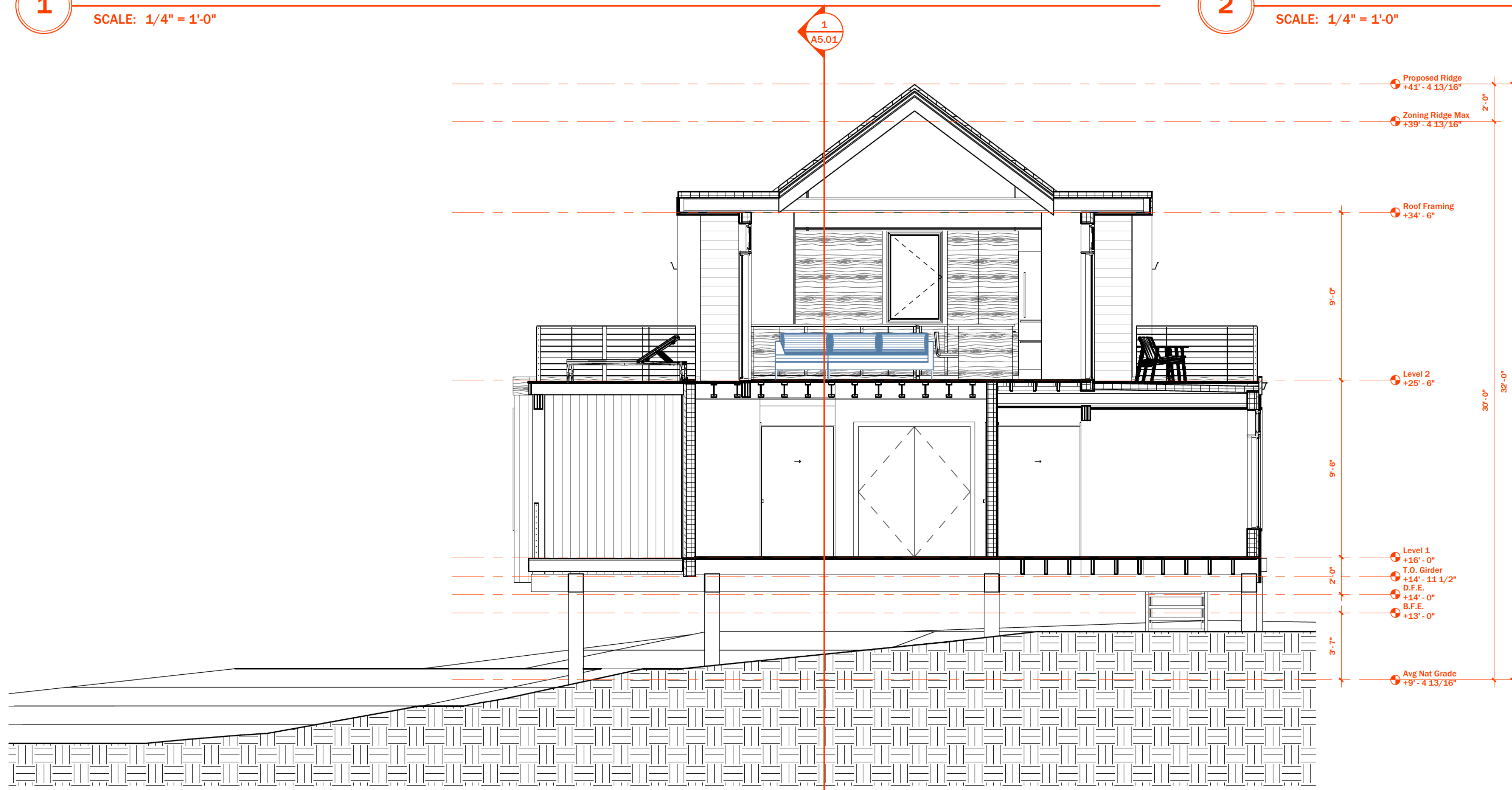


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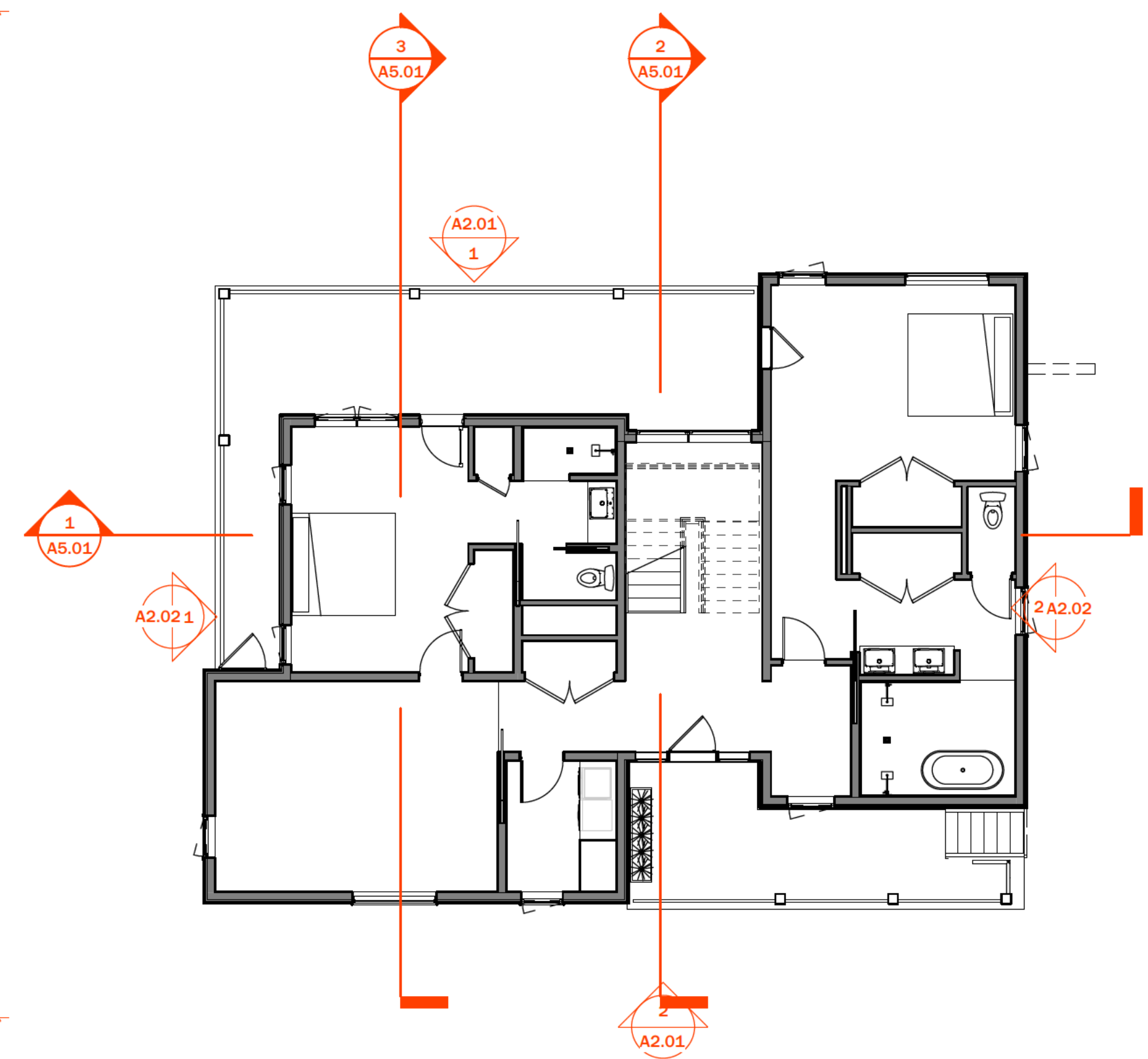
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2 Section 4  
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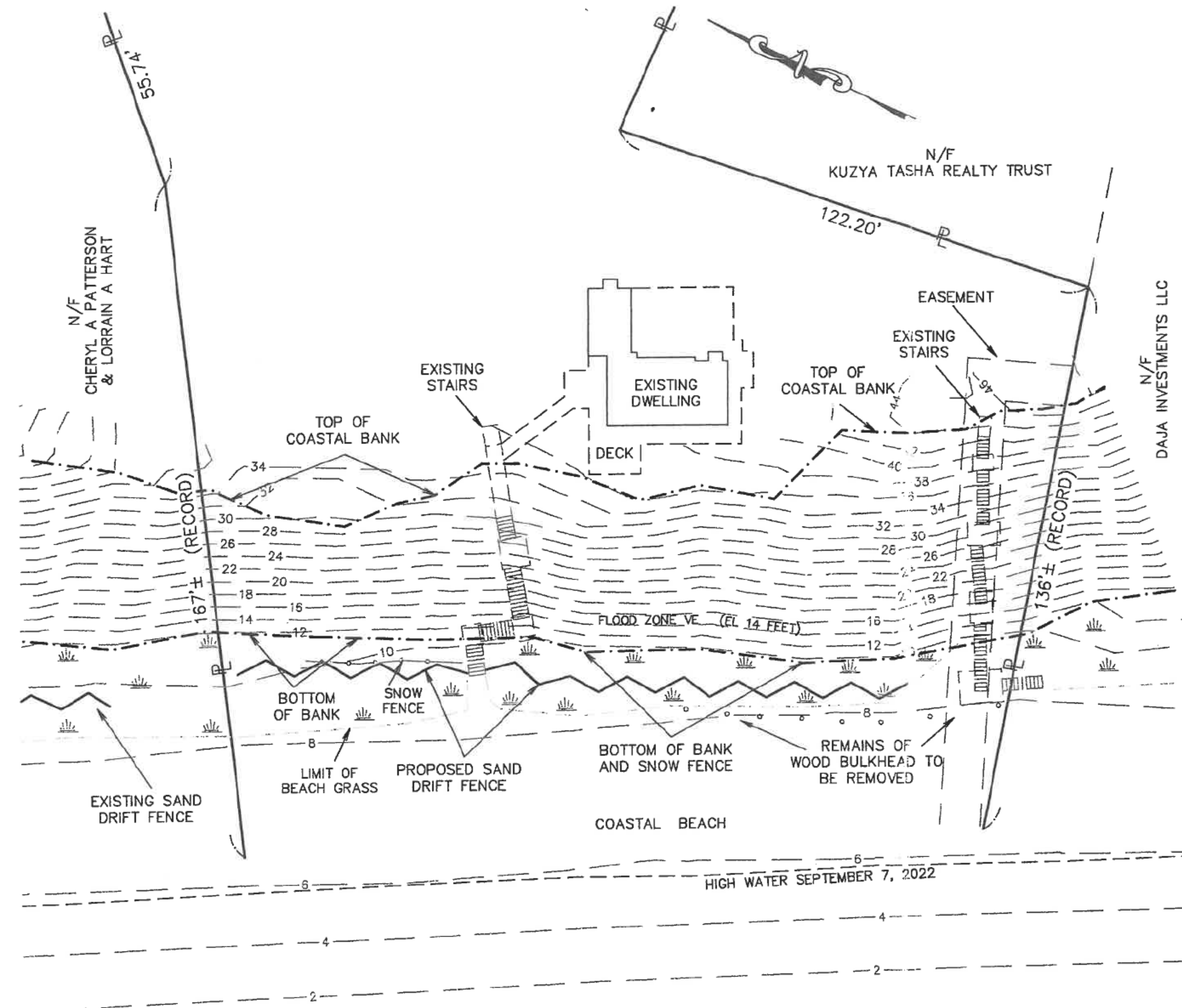


3 Section 1  
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## 4 Key Plan - Level 1

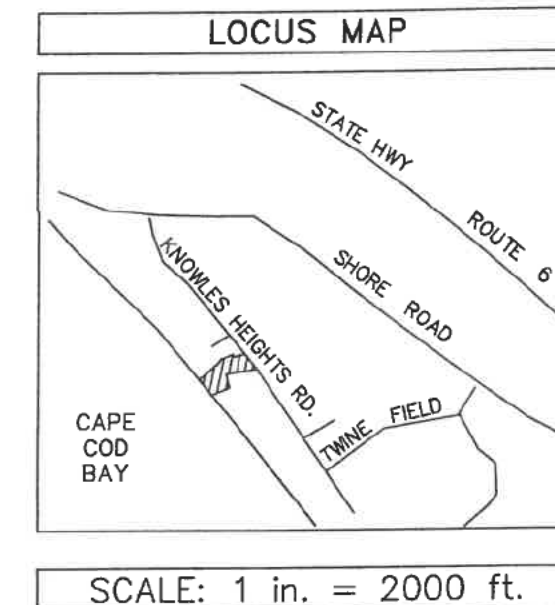
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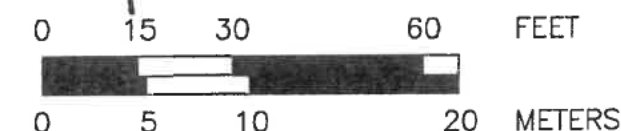
CAPE COD BAY

0-12597

Conservation Commission  
TOWN OF TRURO  
SEP 09 2022



0-12597



~ 25 KNOWLES HEIGHTS ROAD ~

# PROPOSED SAND DRIFT FENCE AND EXISTING CONDITIONS PLAN OF LAND IN TRURO, MA

PREPARED FOR:  
PETER CASPERSON

SCALE: 1" = 30' DATE: SEPTEMBER 9, 2022  
SCHOFIELD BROTHERS OF CAPE COD  
PROFESSIONAL LAND SURVEYING AND ENVIRONMENTAL PERMITTING  
161 CRANBERRY HIGHWAY, PO BOX 101, ORLEANS MA  
TEL. NO. 508-255-2098 FAX NO. 508-240-1215

COPYRIGHT 2022, BY SCHOFIELD BROTHERS OF CAPE COD

## NOTES

- 1.) VERTICAL DATUM BASED ON NAVD 88.
- 2.) TOPOGRAPHIC DATA OBTAINED FROM FIELD SURVEY PERFORMED ON SEPTEMBER 7, 2022
- 3.) THE LOWER PORTION OF THE COASTAL BANK FALLS WITHIN FLOOD ZONE VE (EL 14 FEET) FLOOD INSURANCE RATE MAP 25001C 0136J
- 4.) ALL WORK SHALL CONFORM TO THE CONDITIONS SET FORTH IN THE ORDER OF CONDITIONS ISSUED BY THE TRURO CONSERVATION COMMISSION.
- 5.) AS MUCH AS POSSIBLE, CARE SHALL BE TAKEN TO AVOID UNNECESSARY DISRUPTION TO EXISTING VEGETATION.
- 6.) ALL HARDWARE (NUTS, BOLTS, WASHERS, WOOD JOINERS, ETC.) SHALL BE HOT-DIP GALVANIZED STEEL.
- 7.) NO CONSTRUCTION MATERIAL SHALL BE STORED OR DEPOSITED ON THE COASTAL BEACH.

## LEGEND SYMBOLS AND ABBREVIATIONS SHOWN ON THIS PLAN

x139.5	SPOT GRADE
132 — — —	EXISTING CONTOUR
⊥	PROPERTY LINE
(TYP)	TYPICAL
MIN	MINIMUM
MAX	MAXIMUM
O.C.	ON CENTER

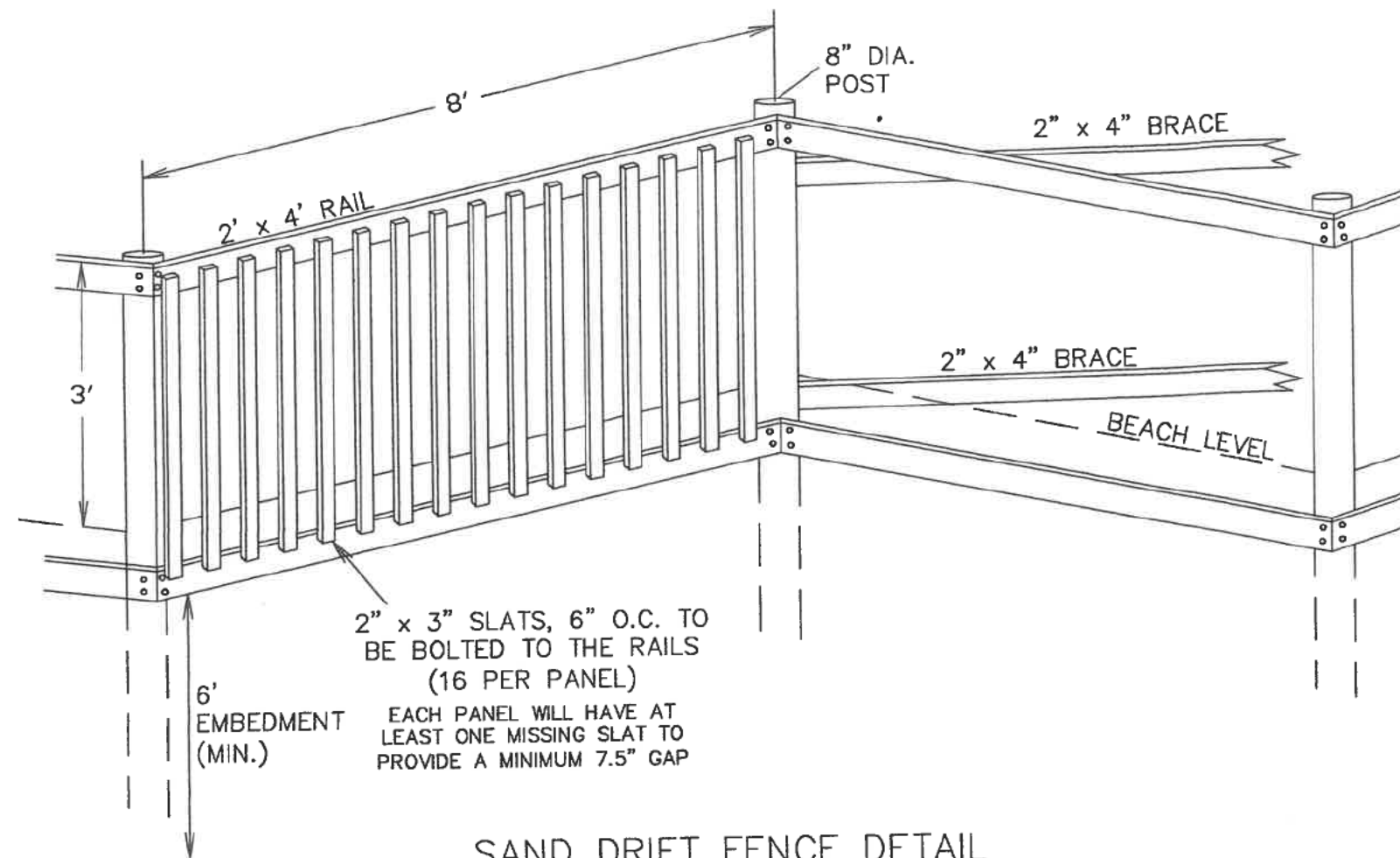
~ 25 KNOWLES HEIGHTS ROAD ~

## PROPOSED SAND DRIFT FENCE AND EXISTING CONDITIONS PLAN OF LAND IN TRURO, MA

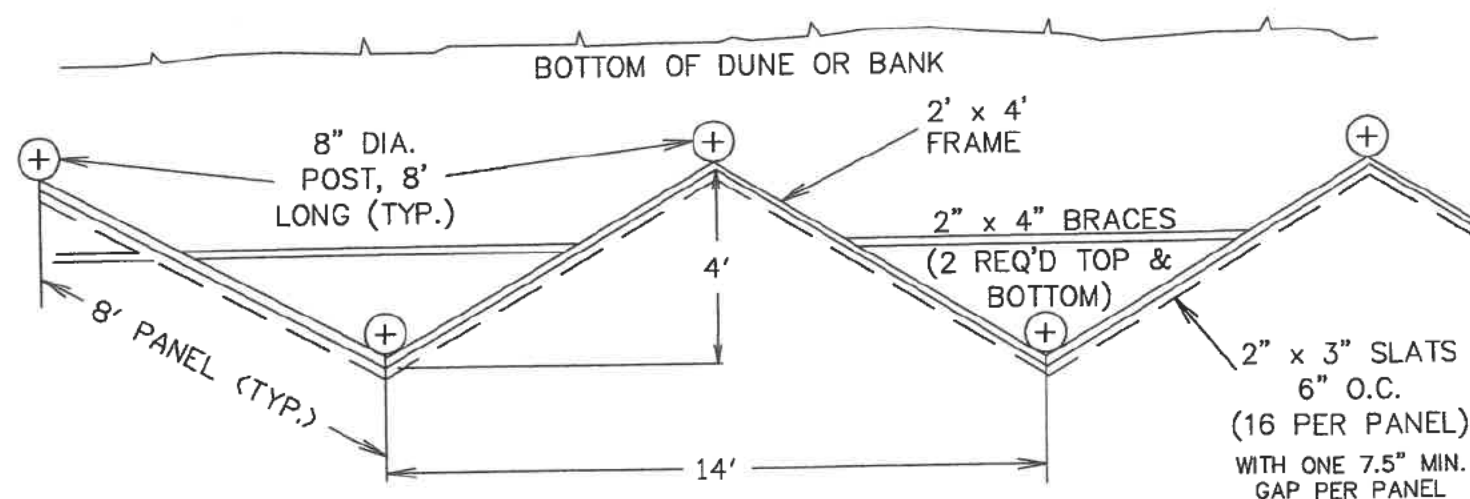
PREPARED FOR:  
PETER CASPERSON

SCALE: AS NOTED DATE: SEPTEMBER 9, 2022  
SCHOFIELD BROTHERS OF CAPE COD  
PROFESSIONAL LAND SURVEYING AND ENVIRONMENTAL PERMITTING  
161 CRANBERRY HIGHWAY, PO BOX 101, ORLEANS MA  
TEL. NO. 508-255-2098 FAX NO. 508-240-1215

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SAND DRIFT FENCE DETAIL  
NOT TO SCALE



PLAN VIEW  
NOT TO SCALE

0-12597

**Christopher R. Lucy**

Phone (508) 349-1810  
Email [homely1@comcast.net](mailto:homely1@comcast.net)

Conservation Commission  
TOWN OF TRURO

FEB 21 2023

16 Glacier Drive  
P.O. Box 944  
Truro, MA. 02666

Conservation Commission  
TOWN OF TRURO

FEB 21 2023

## NOTICE OF INTENT NARRATIVE 4 RIVER VIEW ROAD, MAP 50, PARCEL 266

WE ARE REQUESTING, THROUGH THIS NOI, TO REMOVE ~~40~~ 8 BLACK PINE TREES, VARYING FROM 3" DIAMETER TO 10" DIAMETER, FROM WITHIN THE 100' WETLANDS SETBACK AND THE 200' RIVER SETBACK. THESE PINES WILL BE REMOVED TO RE-ESTABLISH AND MAINTAIN THE VISTA FROM THE HOME. WE ARE ALSO REQUESTING TO REDUCE THE HEIGHTS OF THE REMAINING PINES IN THE SAME AREA THROUGH SELECTIVE PRUNING TO, AGAIN, RE-ESTABLISH AND MAINTAIN THE VISTA FROM THE HOME.

FROM THE PICTURES AND THE MAP (CIRCLED IN GREEN), #1 IS A 6" DIAMETER BLACK PINE AND #2 IS A 3" SCUB OAK. #3 IS A SMALL AREA OF LOW PINE AND OAK BRUSH (ABOUT 40 SQUARE FEET), #4 IS A 10" BLACK PINE AND #5 IS A 6" BLACK PINE. THE TREES AND BRUSH IN THIS AREA ARE BEING REQUESTED TO BE REMOVED TO ESTABLISH A VISTA FROM THE ENCLOSED SCREEN PORCH ON THE LOWER LEVEL AND THE PORCH ROOF TOP DECK.

NUMBERS 6, 7, 8, AND 9 ARE ALL PINES AND ARE BEING REQUESTED TO BE REMOVED TO RE-ESTABLISH THE VISTA FROM THE DECK AND FROM WITHIN THE HOME. A NUMBER OF THESE TREES HAVE BEEN TOPPED AND REMOVED IN THIS AREA IN THE PAST AND HAVE NOW GROWN BACK INTO THE VIEW.

FINALLY, THE AREA OUTLINED IN BLUE ON THE MAP IS THE AREA WE ARE REQUESTING TO REDUCE IN HEIGHT TO, AGAIN, RE-ESTABLISH THE VIEW FROM THE HOME AND DECK. THESE PINES TAKE WELL TO TRIMMING SO LONG AS IT'S DONE IN THE WINTER MONTHS, REDUCING THE CHANCE OF TURPENTINE BEETLES INVADING THE SAPPING CUTS. THERE ARE POTENTIALLY ~~10-15~~ MAX TREES TO BE TRIMMED AND THEY WILL BE TRIMMED NO MORE THAN 5' LOWER THAN THEIR CURRENT HEIGHTS.

TREES TO BE CUT WILL BE CUT FLUSH TO GRADE. ALL LOGS, BRUSH AND CUTTINGS WILL BE REMOVED FROM THE SITE WITHOUT THE USE OF MACHINERY, ALL BY HAND.

## **UPDATED 2/20/23**

AFTER THE LAST CONSCOM MEETING, I MET WITH THE CONSERVATION AGENT AND IT WAS DECIDED THAT THE BARE AREAS COVERED CURRENTLY WITH PINE BRANCH CUTTINGS WILL HAVE THE CUTTINGS REMOVED AND THE BARE AREAS WILL BE PLANTED WITH A COMBINATION OF BEARBERRY IN THE CENTRAL AREA WHERE THE BRUSH WAS AND BAYBERRY ALONG THE EDGES AND THROUGHOUT. THE BEARBERRY WILL BE 4" POTS PLACED APPROXIMATELY 12" ON CENTER AND THE BAYBERRY WILL BE 3 GALLON POTS PLACED 4' ON CENTER. THERE IS APPROXIMATELY 600 SQUARE FEET OF AREA TO BE REVEGITATED WITH THE PROPERTY OWNERS COMMITTING TO HAND WATERING AND ABOVE GROUND WATERING SYSTEMS TO ALLOW THE NEW PLANTS TO ESTABLISH THEMSELVES.



February 9, 2023

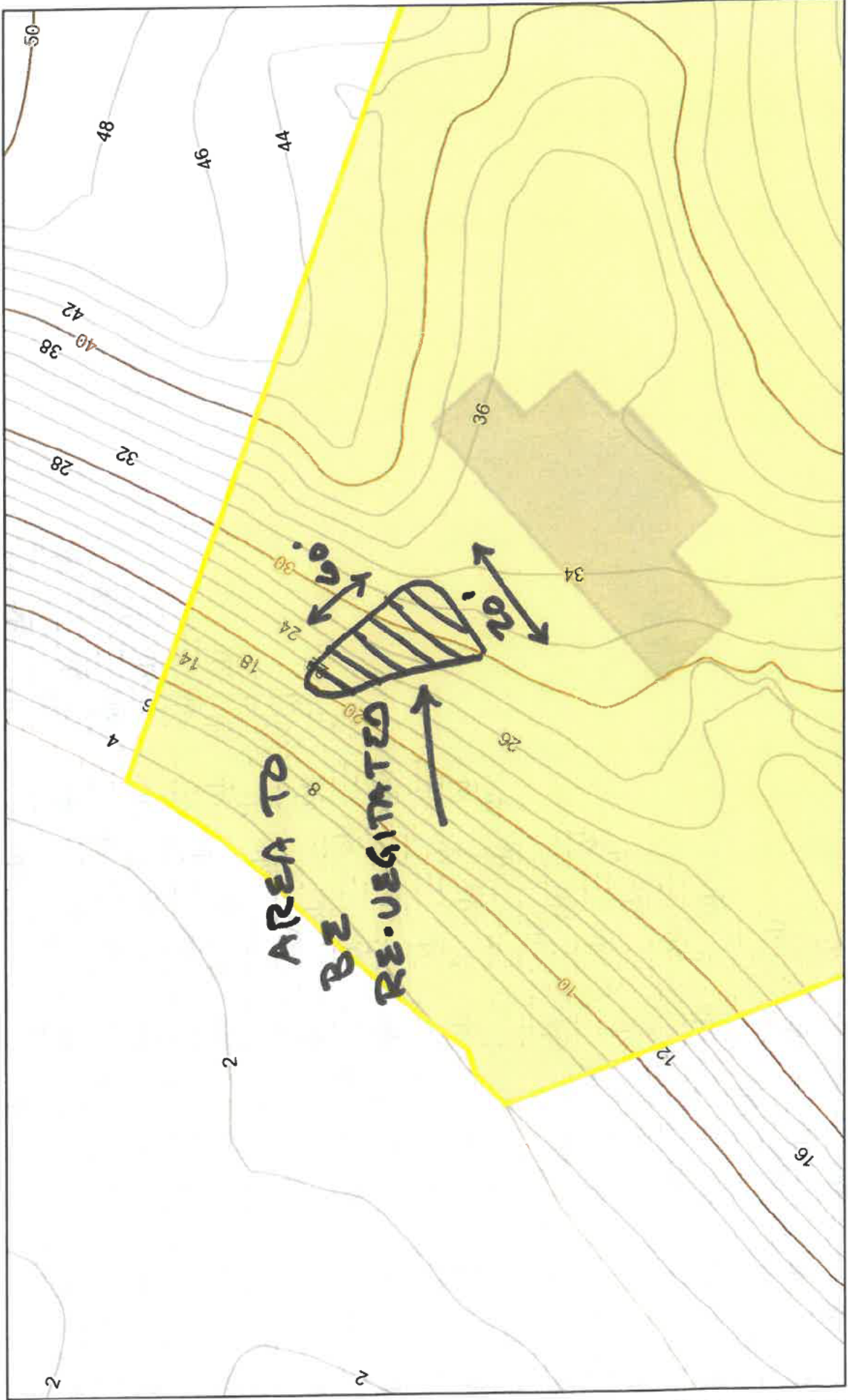
Truro, MA

1 inch = 35 Feet

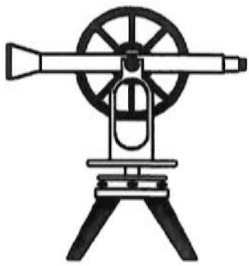


CAI Technologies

www.cai-tech.com



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# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL [jason@jccellisdesign.com](mailto:jason@jccellisdesign.com)

February 7, 2023

Truro Conservation Commission  
Town of Truro  
24 Town Hall Road  
Truro, MA 02666

**Re: Catherine Shainberg**  
**33 Black Pond Road, Truro, MA**  
**Assessor's Map 61, Parcel 12**

Dear Commissioners,

This letter accompanies a Notice of Intent and associated plans for a proposed addition to an existing dwelling. The work lies within a wetland resource area as defined in the Truro Conservation Regulations (100' buffer zone). In accordance with section II, chapter 1.05, e, 1 & 2 of the Truro Conservation Regulation, the applicant seeks a variance from section II, chapter 2.02. a 3 of the Truro Conservation Regulation to allow work within a defined wetland resource area.

The proposed additions are located within an existing lawn and landscaped area on the landward side of the existing dwelling. The existing dwelling is located entirely within the 100-ft. buffer zone to a Bordering Vegetated Wetland (B.V.W.). Proposed access to the work area will be located on the landward side of the dwelling and away from the wetlands. The project, as proposed, will not adversely affect the public interests and values protected by the Truro Wetlands Bylaw and Regulations. Any areas disturbed by construction activities will be restored to existing conditions upon completion of construction. Due to the configuration of the existing dwelling, there are no alternatives that will provide more protection to the public interests than that which is proposed other than not building the additions altogether. The proposed additions are located as far from the B.V.W. as possible.

Thank you for your attention to this request.

Respectfully,

Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

jason@jcellisdesign.com

---

**From:** SERO\_NOI@MassMail.state.ma.us  
**Sent:** Tuesday, February 14, 2023 2:32 PM  
**To:** jason@jcellisdesign.com; nate.corcoran@mass.gov  
**Cc:** sero\_noi@state.ma.us; ebeebe@truro-ma.gov; bdoasst2@truro-ma.gov; sero\_noi@state.ma.us  
**Subject:** MassDEP NOI File Number

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
SOUTHEAST REGIONAL OFFICE  
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 02/14/2023

Municipality TRURO

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

<b>Applicant</b> CATHERINE SHAINBERG		<b>Owner Address</b>	
<b>Address</b>	73 5TH AVENUE, #8B, NEW YORK NY		
<b>Locus</b>	33 BLACK POND ROAD , TRURO MA		

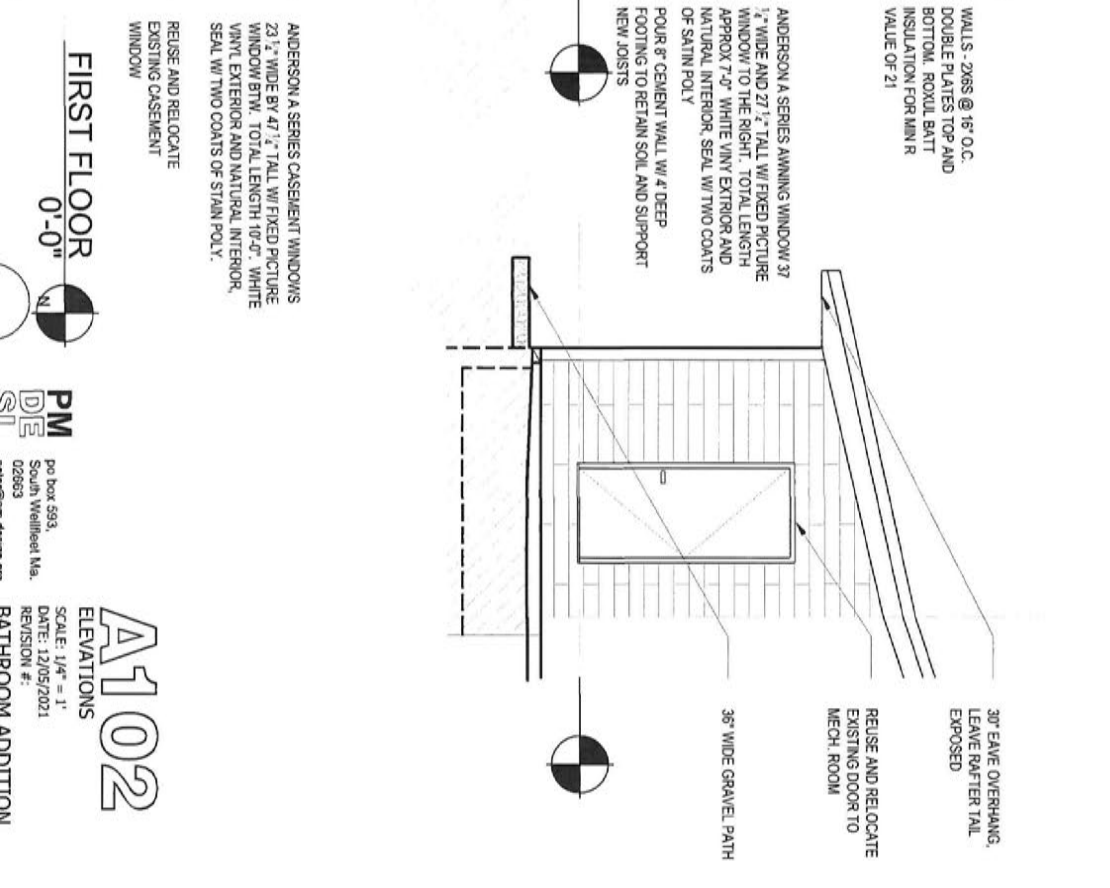
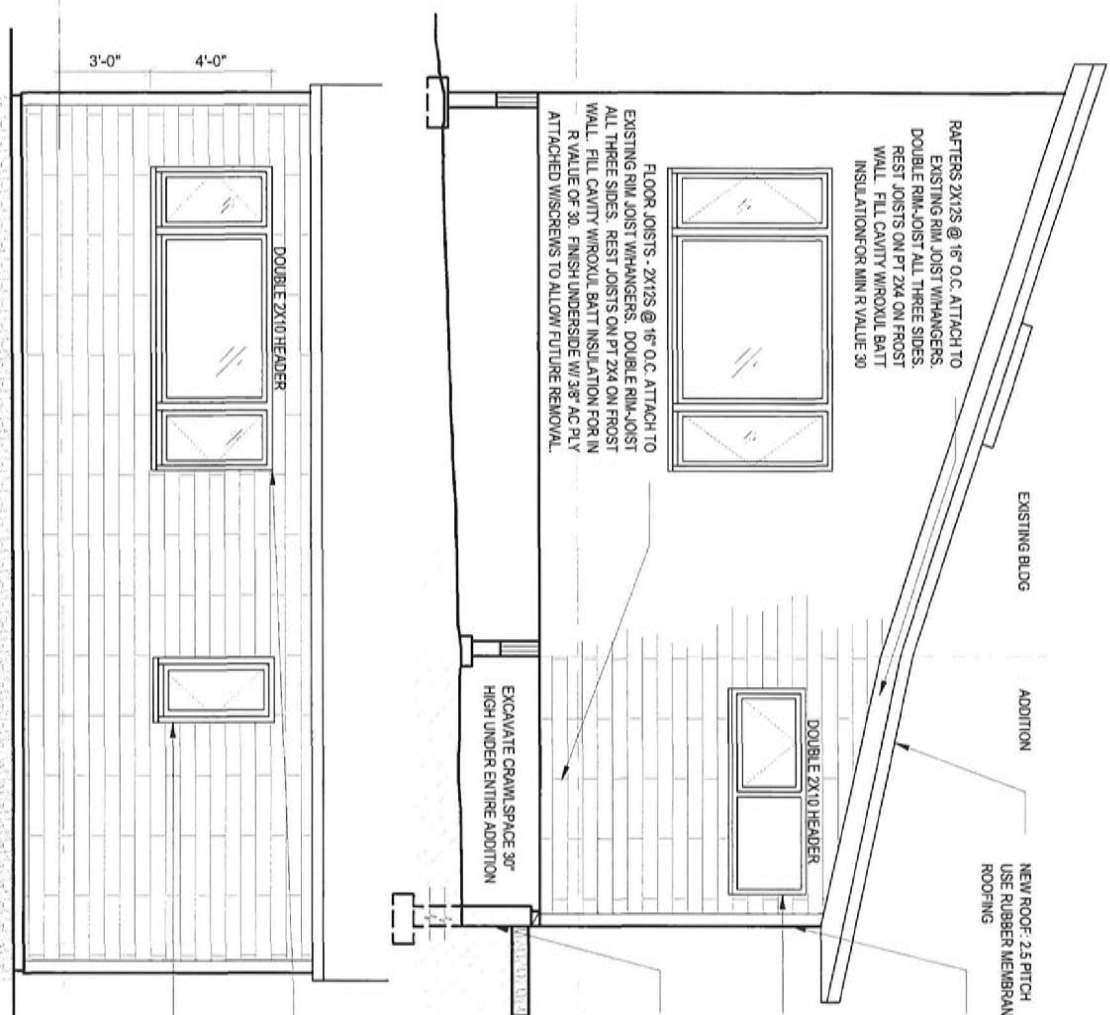
This project has been assigned the following file # : **SE 075-1165**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Regards,  
for MassDEP,

(508)-946-2723  
Nate.Corcoran@mass.gov

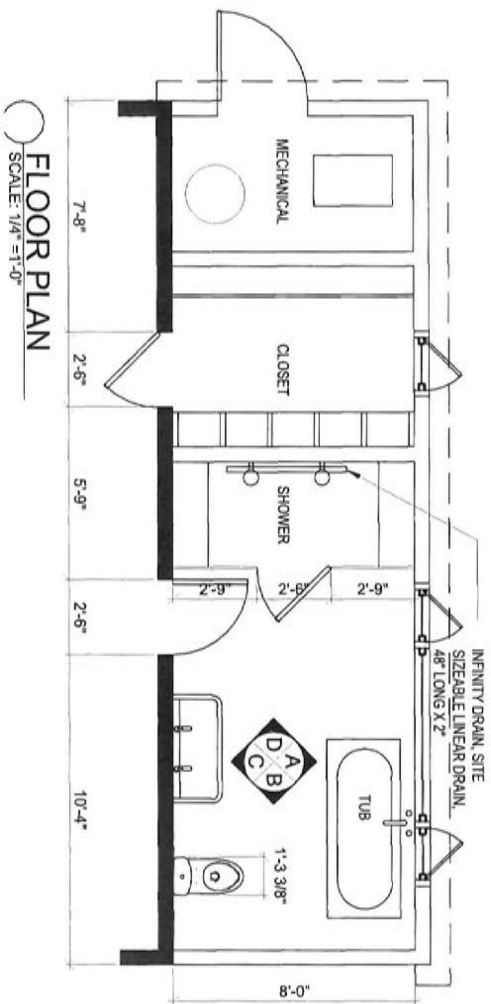


**FIRST FLOOR**  
0'-0"

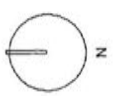
**PM**  
**IDE**  
**SI**  
**GN**

po box 593,  
South Wellfleet Ma,  
02663  
peter@pm-design.org  
www.pn-design.org  
cell : 774-722-4944

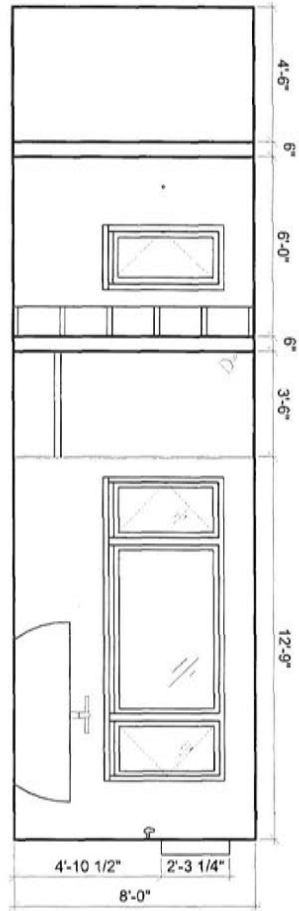
**A102**  
ELEVATIONS  
SCALE: 1/4" = 1'  
DATE: 12/05/2021  
REVISION #:  
**BATHROOM ADDITION**



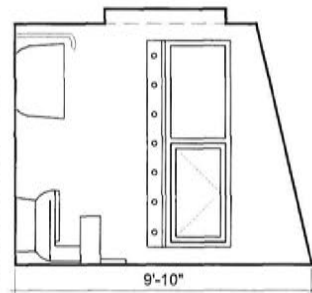
PM  
 DE  
 SI  
 GN  
 po box 593,  
 South Wellfleet Ma.  
 02563  
 pef@pm-design.org  
 www.pn-design.org  
 cell : 774.722.4944



**A100**  
 FLOOR PLAN  
 SCALE: 1/4" = 1'  
 DATE: 12/05/2021  
 REVISION #:  
 BATHROOM ADDITION

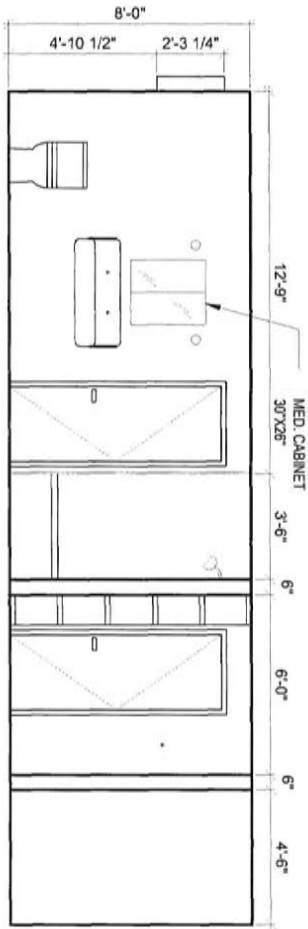


**ELEVATION A**  
SCALE: 1/4" = 1'-0"

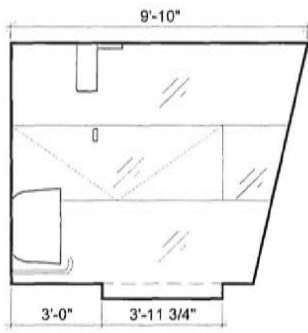


**ELEVATION B**  
SCALE: 1/4" = 1'-0"

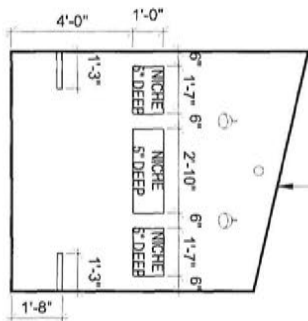
SHOWER HEADS @ 7'-0" OFF FLOOR,  
CENTER HEADS AND CONTROLS BTW  
NICHERS. MATERIAL OF SEAT TBD.  
PROVIDE STEEL BRACKETS IN WALL  
ON TWO SIDES



**ELEVATION C**  
SCALE: 1/4" = 1'-0"



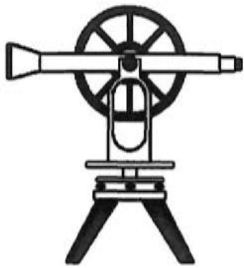
**ELEVATION D**  
SCALE: 1/4" = 1'-0"



**ELEVATION D2**  
SCALE: 1/4" = 1'-0"

**PM**  
**DESIGN**  
**GN**  
PO BOX 593,  
South Wellfleet Ma,  
02563  
peter@pdm-design.org  
www.pdm-design.org  
cell : 774-722-4944

**A101**  
INTERIOR ELEVATIONS  
SCALE: 1/4" = 1'  
DATE: 12/05/2021  
REVISION #:  
BATHROOM ADDITION



# J.C. ELLIS DESIGN COMPANY, INC.

SEPTIC SYSTEM DESIGN & ENGINEERING – SEPTIC INSPECTION –  
SITE PLANNING – WETLAND CONSULTATION & PERMITTING  
P.O. BOX 81, NORTH EASTHAM, MA 02651 PHONE 508-240-2220 FAX 508-240-2221  
EMAIL [jason@jccellisdesign.com](mailto:jason@jccellisdesign.com)

February 7, 2023

Truro Conservation Commission  
Town of Truro  
24 Town Hall Road  
Truro, MA 02666

**Re: Paul & Nancy Fenichel  
2 Marian Lane, Truro, MA  
Assessor's Map 50, Parcel 47**

Dear Commissioners,

This letter accompanies a Notice of Intent and associated plans for the proposed construction of a deck on an existing dwelling. The work lies within a wetland resource area as defined in the Truro Conservation Regulations (100' buffer zone). In accordance with section II, chapter 1.05, e, 1 & 2 of the Truro Conservation Regulation, the applicant seeks a variance from section II, chapter 2.02. a 3 of the Truro Conservation Regulation to allow work within a defined wetland resource area.

The proposed deck is located within an existing disturbed area and will be supported on 7- "big foot" footings. Proposed access to the work area will be from the landward side of the dwelling and away from the wetland resource areas. The project, as proposed, will not adversely affect the public interests and values protected by the Truro Wetlands Bylaw and Regulations. Any areas disturbed by construction activities will be restored to existing conditions upon completion of construction. There are no available alternatives, other than not building the deck altogether, that will provide more protection to the public interests than that which is proposed. The existing dwelling is designed, configured and constructed to accommodate a deck in the proposed configuration.

Thank you for your attention to this request.

Respectfully,

Jason C. Ellis, R.S., L.S.I.T.  
J.C. Ellis Design Co., Inc.

**From:** SERO\_NOI@MassMail.state.ma.us  
**Sent:** Tuesday, February 14, 2023 2:31 PM  
**To:** jason@jcellisdesign.com; nate.corcoran@mass.gov  
**Cc:** sero\_noi@state.ma.us; ebeebe@truro-ma.gov; bdoasst2@truro-ma.gov; sero\_noi@state.ma.us  
**Subject:** MassDEP NOI File Number

COMMONWEALTH OF MASSACHUSETTS  
EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
**DEPARTMENT OF ENVIRONMENTAL PROTECTION**  
SOUTHEAST REGIONAL OFFICE  
20 RIVERSIDE DRIVE, LAKEVILLE, MA 02347 508-946-2700

Date: 02/14/2023

Municipality TRURO

RE: **NOTIFICATION OF WETLANDS PROTECTION ACT FILE NUMBER**

The Department of Environmental Protection has received a Notice of Intent filed in accordance with the Wetlands Protection Act (M.G.L. c. 131, §40):

<b>Applicant</b>	PAUL & NANCY FENICHEL	<b>Owner Address</b>
<b>Address</b>	PO BOX 459,TRURO MA	
<b>Locus</b>	2 MARIAN LANE , TRURO MA	

This project has been assigned the following file # : **SE 075-1164**

ISSUANCE OF A FILE NUMBER INDICATES ONLY COMPLETENESS OF SUBMITTAL, NOT APPROVAL OF APPLICATION

Although a file # is being issued, please note the following:

Regards,  
for MassDEP,

(508)-946-2723  
Nate.Corcoran@mass.gov

FEB 13 2023

# SAFE HARBOR

ENVIRONMENTAL MANAGEMENT  
HABITAT RESTORATION



## ENVIRONMENTAL MANAGEMENT PLAN

### ***Remove Streetside Structure on Slab, Rebuild on Pilings, With Mitigations***

To: Town of Truro Conservation Commission Date: February 13, 2023

Attn: Emily Beebe, Conservation Agent, Cc: Arozana Davis

From: Gordon Peabody, Safe Harbor Environmental

Office: 95 Commercial St. Room 211, Wellfleet, MA, Mail: P.O. Box 880, Wellfleet, MA, 02667

Contact: email [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com) Phone: 508-237-3724

RE: 590 Shore Rd., North Truro – Map 5 – Parcel 19, (Big Monkey LLC)



EAST ELEVATION, SHOWING GROWING SPACE BENEATH STRUCTURE

### **Synopsis:**

Activity is proposed within a significantly altered, historically disturbed, street side area of the property, listed as barrier beach/coastal dune, flood zone AE (12') buffer zone to a barrier beach shrub swamp. The owners wish to replace an existing, street side, FEMA non-compliant slab on grade structure, with compliant, raised structure on pilings. Existing structure to be removed from encroachment on adjacent property. Proposed structure increase has been reduced to 64 sq ft. Extensive (90:1) Native mitigation replantings total 4,938 sq ft (activity area 1,838sq ft; under building 3' or more open space approx. 800 sq ft; and proactive beach grass plantings on beach side 2,300 sq ft, spring 2021 AR). This proposal requires a Variance with Alternatives Analysis, under ***Conservation Regulation 2.02***, included below.

### **Revised ALTERNATIVE ANALYSES:**

- a. No Action: property would continue to be unable to meet performance standards for resource area.
- b. Demolish non-compliant structure and do not rebuild. Revegetate. Substantial loss of property value to owners with no return on costs and loss of taxable revenue to Town. Habitat, Flood Control and Storm Damage Prevention interests improved.
- c. Demolish non-compliant structure, rebuild at compliant elevation with poured foundation corners and breakaway flood vents. Revegetate. Structure would comply with FEMA guidelines per Engineer. Habitat, Flood Control, Storm Damage Prevention interests improved.
- d. ***Demolish non-compliant structure (including portion encroaching neighbor's property) as shown on site plan and rebuild as shown, at FEMA compliant elevation on pilings. Mitigate with Native vegetation 90-1, for 64 sq ft increase per Planting Plan, including beneath structure. Replacement structure and comprehensive mitigations, will significantly improve the Beach Point Resource area functions and satisfy performance Standards for Habitat, Flood Control and Storm Damage Prevention, in the Interests of the Wetland Protection Act and Town Conservation Bylaws.***

***"d." IS THE PREFERRED ALTERNATIVE***

### **I. COMPREHENSIVE Environmental Management Plan:**

1. **Goal:** To maintain Performance Standards using Mitigations and Strategies which effectively improve and protect resource area functions.
2. **Protected Public Interests:** Habitat; Storm Damage Prevention; Flood Control.
3. **Site Characteristics:**
  - a. **Existing conditions-** Activity proposed in partially vegetated, poorly performing area, characterized by a streetside structure on concrete slab, with random, eclectic collections of buoys, driftwood and a large rubber shark.
  - b. **Topography-** Proposed activity will be approx. 350 feet inland from the beach and primary dune. Currently characterized by sand at grade. Area created by aeolian process during the previous 2,200 years. Satellite imagery confirms preexisting disturbance which has substantially altered property.
4. **Existing Vegetation Beach side of property, Undisturbed natural area:** Good representation of diverse native ground cover grasses and woody stem Vegetation: Seaside Goldenrod; American Beach Grass; Rugosa Rose; Beach Plums; Bayberry.
5. **Existing Vegetation Street side of property, Significantly disturbed area:** Minimal Native vegetation, Beach Grass; Seaside Goldenrod; Bayberry; Rugosa rose; Crinkle hair grass.
6. **Narrative:**
  - a. Site shall be professionally staked and flagged per site plan of Record (SPOR)
  - b. The DEP # shall be prominently posted at the road.
  - c. Safe Harbor shall record the Order of Conditions (O.O.C.) and provide copy of said recording to the Agent, the owner's, and a laminated copy to prime contractor.

- d. Erosion control systems shall be installed along Limit of Work (LOW), per protocols in **"EROSION CONTROL GUIDELINES"** Safe Harbor, 2020, 7 pgs. Double line of 24" sand fence 6" apart with plastic net construction fencing staked directly behind 2<sup>nd</sup> sand fence. Contractor fencing secured with wood stakes every ten feet, laced and stapled.
- e. Preconstruction site meeting shall be scheduled and held, to address the order of conditions (OOC), limit of work (LOW), and any other issues. **(Details II. 2. B.)**
- f. Compliance inspections shall begin.
- g. Deconstruction work shall begin, per **"DECONSTRUCTION GUIDELINES"**, Safe Harbor, 2020, 4 pgs. **(Details II. 5.)**
- h. Deconstruction Materials shall be kept in a covered dumpster inside the LOW or removed daily.
- i. End of day visual inspections by contractor shall prevent unintentional migration on non-indigenous materials beyond the LOW.
- j. Transplants of native vegetation shall begin, per **"BIOMASS MANAGEMENT GUIDELINES"**, Safe Harbor, 2020, 5 pgs.
- k. Excavation for piling installation shall begin, per **"GEOMASS MANAGEMENT GUIDELINES"** Safe Harbor, 2020, 2 pgs.
- l. Excavation materials will be stored off site.
- m. Piling installation shall begin.
- n. All Concrete work shall be managed per **"CONCRETE MANAGEMENT GUIDELINES"** Safe Harbor, 2020, 5 pages.
- o. Piles will be as shown on foundation plan.
- p. Framing activity shall begin.
- q. Sheathing activity shall begin.
- r. Limited revegetation work shall begin.
- s. Fenestration, roofing and cladding shall begin.
- t. Utilities and interior work shall begin.
- u. Revegetation work shall be completed, per submitted Safe Harbor Planting Plan.
- v. Periodic compliance reports shall be provided to the Commission by Safe Harbor.
- w. End of Growing Season Reports shall be provided to Commission by Safe Harbor.
- x. Within three years, and following project completion, with stabilized, performing vegetation, Safe Harbor shall request Certificate of Compliance.

## **II. Project Protocols**

### **1. Project Inspections**

- a. Regular site inspections, to assure compliance with performance standards, shall be made weekly by Safe Harbor.
- b. For the duration of deconstruction, excavation or construction activity, end of day inspections shall be performed by a representative of the contractor on site, to control unintentional migration of non-indigenous materials beyond the Limit of Work (L.O.W.).
- c. The L.O.W. shall be inspected and maintained weekly by Safe Harbor, to maintain performance standards, pending site stability with native vegetation.
- d. Mechanized equipment shall carry absorbent, spill response materials.

- e. Mechanized equipment shall be inspected daily to prevent unintentional petrochemical discharge.
- f. Safe Harbor shall provide compliance documentation for onsite concrete management protocol.

## 2. Communications and Liaison

- a. **Site Conference** Prior to site activity, the Applicant's representative of record (Safe Harbor), shall coordinate a site conference. Notifications regarding this meeting shall be sent to: the Conservation Commission; the Conservation Agent; the Applicant's representative of record; the Prime Contractor; relevant sub-contractors; the Property Owners and interested parties requesting notification.
- b. Safe Harbor shall provide regular progress reports and photo documentation to the Commission Agent, pending issuance of Certificate of Compliance (C of C).

## 3. Erosion Control

- a. EC shall be per **"EROSION CONTROL GUIDELINES"** Safe Harbor, 2020, 7 pgs.
- b. This system shall be inspected weekly and following storm pulse events to maintain performance standards.
- c. **Sand Fence**
  - i. Sand fencing will be installed as shown on the approved site plan.
  - ii. 24" sand fencing will be used.
  - iii. A double line of 24" sand fencing, spaced six inches apart.
  - iv. The sand fencing shall be installed using a rubber mallet to drive each slat individually into the sand.
  - v. Anytime sand fencing becomes 50% buried, additional fencing will be installed along the same line.
  - vi. Sand fencing shall be maintained, pending site stabilization.
  - vii. A 4' Orange Contractor fence will be used to prevent unintentional migration of wind-blown debris into resource areas.



Safe Harbor images by Gordon Peabody. Installation of 24" sand fence

#### 4. Mechanized Equipment

- a. Mechanized equipment shall be stored in designated area.
- b. Mechanized equipment shall be provided with absorbent response materials to protect against unintentional petrochemical leaks.

#### 5. Deconstruction Protocol

- a. Shall be per **"DECONSTRUCTION GUIDELINES"**, Safe Harbor, 2020, 4 pgs.
- b. Electric, propane and water service shall be disconnected
- c. The contractor or a Safe Harbor representative will personally inspect structure scheduled for removal in order to confirm removal of all fuels, cleaners, paints, chemicals, poisons and toxic products.
- d. Hand defenestration may precede demolition.
- e. Wood retaining wall shall be removed.
- f. Vegetable garden shall be removed.
- g. Yard debris shall be removed.
- h. Covered dumpsters or trucks shall be used for removal of debris.
- i. End of day inspections shall be made by contractor representative.
- j. Demolition materials shall be properly disposed of: wood-to-wood recycling area and concrete/bricks to ABC recycling facility.

#### 6. Concrete Pilings Protocols

- a. Concrete work shall be per **"CONCRETE MANAGEMENT GUIDELINES"** Safe Harbor, 2020, 5 pages.
- b. Concrete over pour shall be directed onto a tarp for later removal.
- c. Concrete over pour on tarps shall be left to harden for recycling.
- d. Overpour is not a waste product. When it has dried it may be broken up and re-used to facilitate ground water recharge in dry wells.



#### 7. General Management

- a. Prior to site activity, the DEP-issued SE number shall be laminated in very large, bold font and posted prominently, facing the Town Way.
- b. Prior to activity, the site shall be professionally staked, per Site plan of Record.

- c. Prior to site activity, the Limit of Work (L.O.W.) as shown in green on site plan, shall be identified with 4' Oak stakes, 10' O C, flagged single green.
- d. Prior to site activity, the erosion control systems shall be installed as shown on the approved site plan of record. *See Erosion Control Protocol* for details.
- e. Onsite trash containers, fitted with a device to secure the lids, shall be used to prevent human food waste from entering the native ecosystem.
- f. Worker parking shall be identified, as shown on site plan.
- g. Worker toilet shall be in place.
- h. Covered dumpster shall be placed inside the L.O.W. as shown on SPOR.
- i. Construction materials storage shall be inside the L.O.W.

## **8. Water Quality**

- a. Best Management Practices (BMP) and Integrated Pest Management (IPM) standards shall be utilized for weeds, insects and rodents.
- b. Non-leaching decking materials shall be used.
- c. Playground safe ACQ materials are recommended for use.
- d. Herbicides, pesticides, fungicides, fertilizer and rodenticides shall be prohibited.

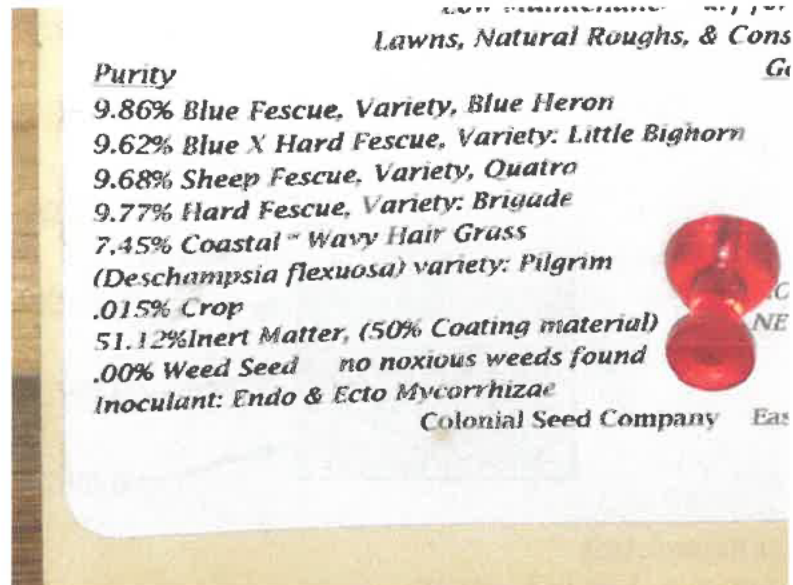
## **9. Integrated Pest Management**

- 1. IPM avoids and prevents unnecessary exposure to toxic chemicals.
- 2. IPM Effectively prevents nuisance, health and economic impacts.
- 3. Mosquitoes: Avoid collection of standing water that might breed mosquitoes.  
Utilize Bat houses near roof to provide housing for major predator.
- 4. Cockroaches: Provide regular cleaning service in food areas.  
Do not store food in open areas.
- 5. Fleas: If house pets are allowed outside, use flea balm herbs on pet.  
Vacuum upholstered furniture regularly.
- 6. Ticks: Utilize cleared walking pathways to beach  
Always check clothing prior to entering home.
- 7. Mice: keep grains in glass containers.  
Keep food service areas clean.  
Use spring traps if mice are detected.
- 8. Rats: be certain all trash is secured in closed containers.  
Be sure trash pick ups are frequent.  
If rat holes are detected, use traps.  
Do not use outside bird feeders.  
Provide tall (24') pole to attract hawks that feed on Rats, Mice and Squirrels.
- 9. Squirrels: Check roof corners for squirrel activity.  
If squirrels have entered house, install one way panel and live traps.

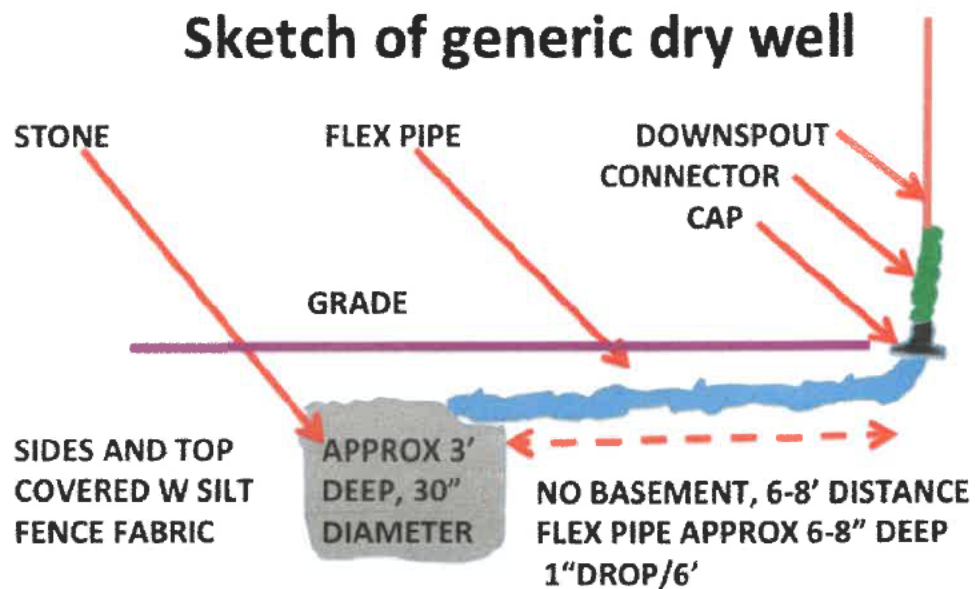
## **10. Hydrology**

### **a. Permeability**

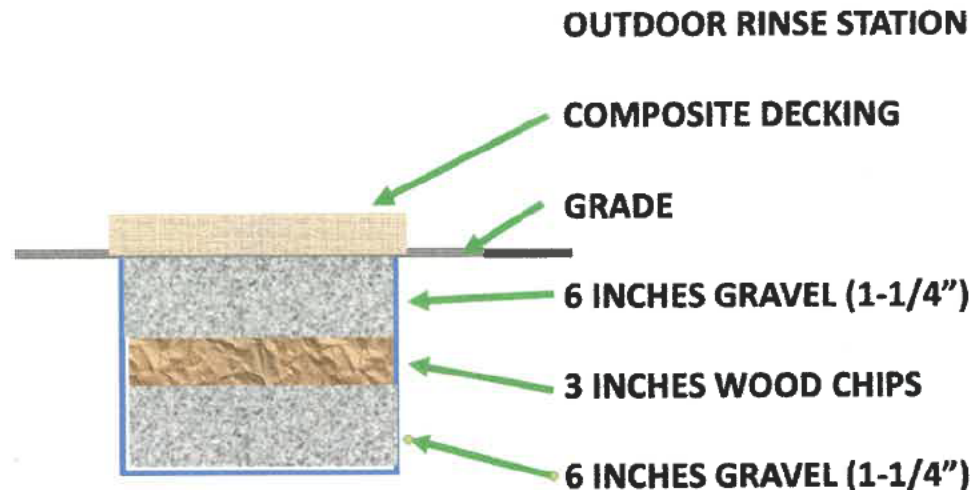
- i. Parking surfaces shall use semipermeable native shells
- ii. Walkways shall be grassed with Harmony Mix. Plantings in bare areas within the LOW shall be native Harmony Mix (see details below)



- iii.
- b. **Storm Water**
- Sheet flow from roofs will be directed to dry wells, for groundwater recharge.



- c. **Soapless Outdoor Rinse Area**
- Outdoor rinse area shall be directed to nitrogen reducing dry well system.
  - Drywell shall use 36" layered gravel/wood chip filtration system.



## 11. Habitat Restoration

### a. Conservation of Biomass

- i. Per "**BIOMASS MANAGEMENT GUIDELINES**", Safe Harbor, 2020, 5pgs
- ii. Existing, identified native species will be used to restore this site.
- iii. Prior to site activity, pre-existing native vegetation shall be carefully removed as appropriate, following Safe Harbor transplant protocol.
- iv. Qualified Safe Harbor workers, following Safe Harbor revegetation protocols, shall perform transplant removal and replanting activity.
- v. Indigenous transplants conserve microorganism community, preserve indigenous pH and may require less amending.

### b. Revegetation

- i. Revegetation shall follow guidelines in approved Planting Plan.
- ii. Plantings in bare areas within the LOW shall be native Grasses, Ground Cover and woody stem species, including but not limited to: Crinkle hair grass; American Beach Grass; Beach Plum; Seaside Goldenrod; Bayberry.
- iii. All planting activity shall be performed by hand.
- iv. No fertilizers, fungicides, herbicides or pesticides shall be used.
- v. Limited hand watering during time of drought may be necessary during the first growing season.
- vi. Grass areas shall be no mow and woody stems shall be pruned mid-winter as necessary by qualified workers.
- vii. Safe Harbor shall provide End of Growing Season Reports to the Commission pending issuance of a Certificate of Compliance.

## 12. Materials Protocol

- a. Building materials shall be staged within the L.O.W.
- b. Covered Dumpster shall be stored within the L.O.W.

## 13. Exterior Night Lighting

- a. Daylight sensitive control systems shall be used.
- b. Dark Sky systems shall be used.

590 SHORE RD

FEBRUARY 13, 2023

PLANTING PLAN

LIMIT OF WORK

HARMONY MIX SEEDING

AMERICAN BEACH GRASS;

CRINKLE HAIR GRASS;

BAYBERRY; BEACH PLUM;

SEASIDE GOLDENROD;

ROSA VIRGINIANA

PLANTING TOTALS (4,938 SQ')

800 SQ FT UNDER HOUSE

1,838 SQ FT FRONT AREAS

2,300 SQ FT PROACTIVE 2021

PLANT TOTALS

SEASIDE GOLDENROD 200 PLUGS

BAYBERRY 40-2 GAL, 4' OC

BEACH PLUM 40-2 GAL, 5' OC

ROSA VIRGINIANA 25-2GAL 4'OC

BEACH GRASS 2,000 STEMS

CRINKLE HAIR GRASS 250 PLUGS





**Date:** February 13, 2023

**To:** Truro Conservation Commission, MA DEP

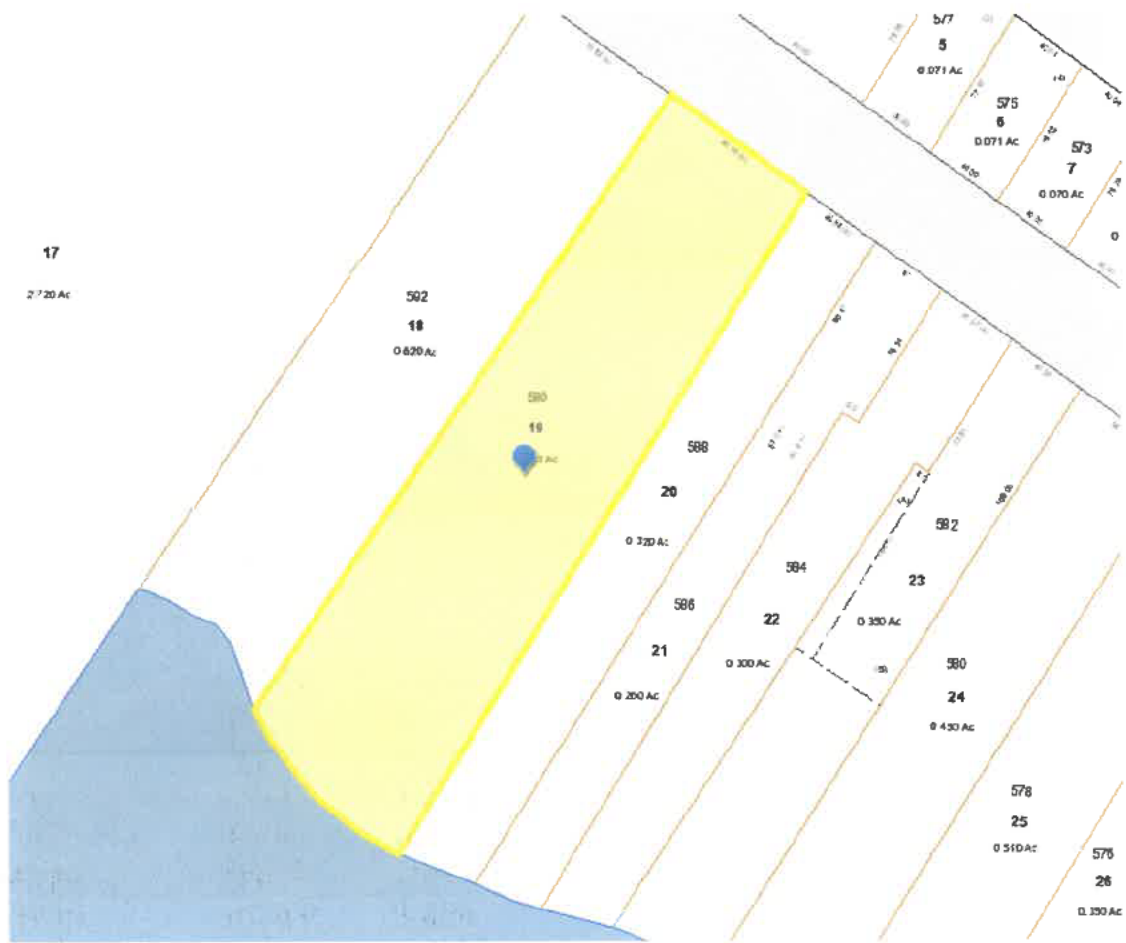
**From:** Safe Harbor Environmental

**Contact:** Gordon Peabody, Director, 508-237-3724

**95 Commercial Street, Wellfleet, MA, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com)**

**Re:** 590 Shore Road, Truro, MA 02666 – Map 5 – Parcel 19

**Title:** Locus Map



**Date: February 13, 2023**

**To: Truro Conservation Commission, MA DEP**

**From: Safe Harbor Environmental**

**Contact: Gordon Peabody, Director, 508-237-3724**

**95 Commercial Street, Wellfleet, MA, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com)**

**Re: 590 Shore Road, Truro, MA 02666 - Map 5 - Parcel 19**

**Title: Assessor's Map**



**Date:** February 13, 2023

**To:** Truro Conservation Commission, MA DEP

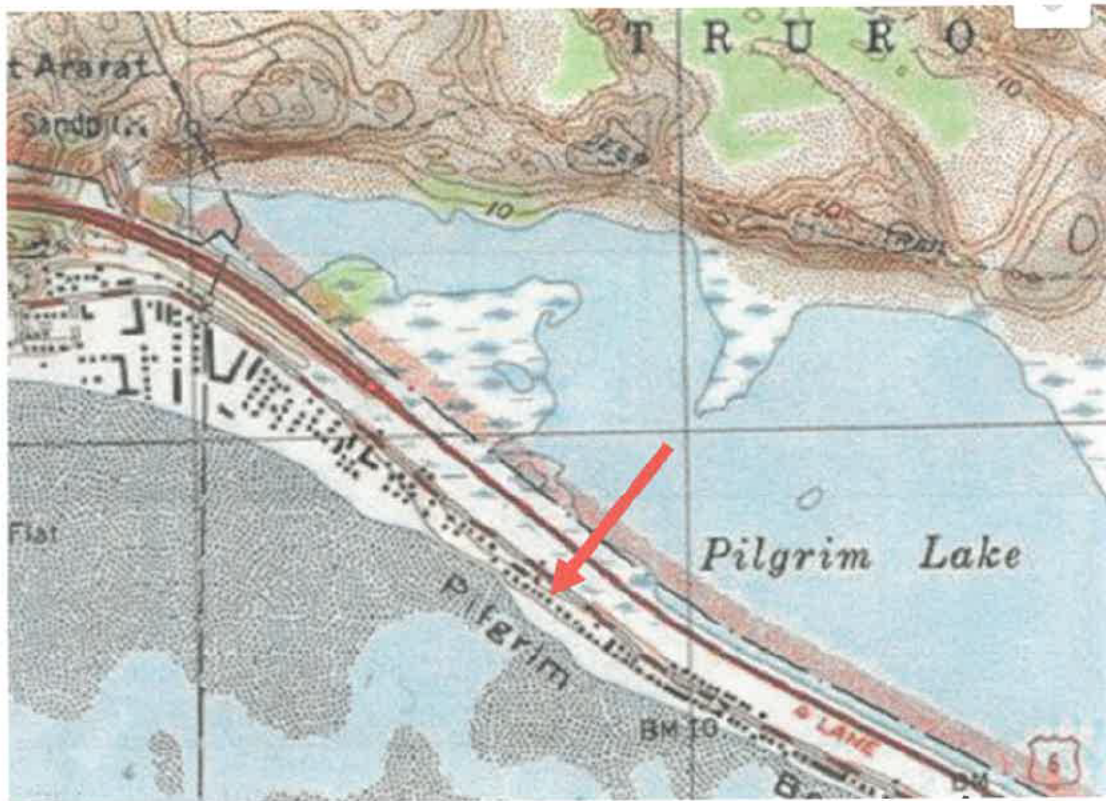
**From:** Safe Harbor Environmental

**Contact:** Gordon Peabody, Director, 508-237-3724

**95 Commercial Street, Wellfleet, MA, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com)**

**Re:** 590 Shore Road, Truro, MA 02666 – Map 5 – Parcel 19

**Title:** NHESP Map



Date: February 13, 2023

To: Truro Conservation Commission, MA DEP

From: Safe Harbor Environmental

Contact: Gordon Peabody, Director, 508-237-3724

95 Commercial Street, Wellfleet, MA, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com)

Re: 590 Shore Road, Truro, MA 02666 - Map 5 - Parcel 19

Title: USGS Map

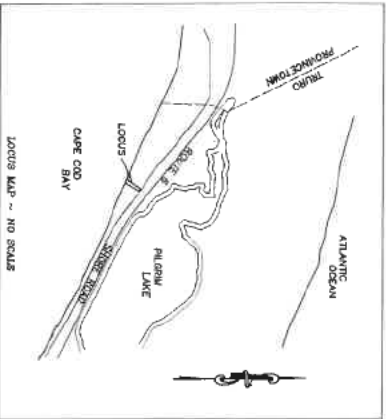
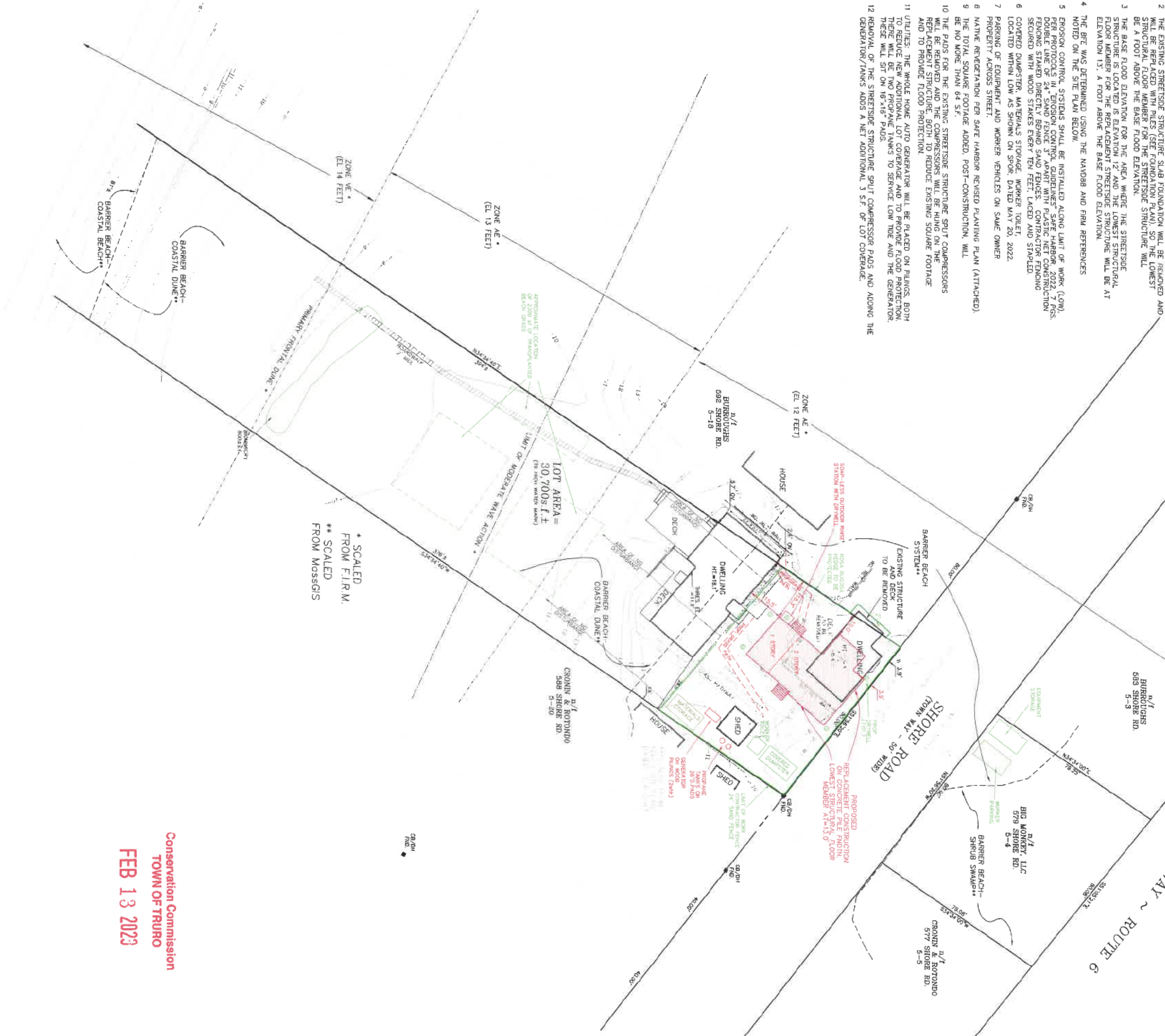


TABLE OF FOOTPRINT AREAS (in sq. ft.)				
	EXISTING	PROPOSED	CHANGE	
STREETSIDE STRUCTURE	634	1214	580	
STREETSIDE STRUCTURE DECK	327	0	-327	
BEACHSIDE STRUCTURE	1310	1310	0	
BEACHSIDE STRUCTURE DECKS & CONC. PAD	828	691	-137	
WOOD WALKWAYS	152	152	0	
WOOD WALKWAYS	124	69	-55	
WOOD WALKWAYS	17	20	3	
TOTAL	3592	3653	61	

- SAFE HARBOR BULLET POINTS
- 1 WOOD RETAINING WALL TO BE REMOVED.
  - 2 THE EXISTING STREETSIDE STRUCTURE SLAB FOUNDATION WILL BE REMOVED AND WILL BE REPLACED WITH PILES (SEE FOUNDATION PLAN). SO THE LOWEST STRUCTURAL FLOOR MEMBER FOR THE STREETSIDE STRUCTURE WILL BE A FOOT ABOVE THE BASE FLOOD ELEVATION.
  - 3 THE BASE FLOOD ELEVATION FOR THE AREA WHERE THE STREETSIDE STRUCTURE IS LOCATED IS ELEVATION 12' AND THE LOWEST STRUCTURAL FLOOR MEMBER FOR THE REPLACEMENT STREETSIDE STRUCTURE WILL BE AT ELEVATION 13'. A FOOT ABOVE THE BASE FLOOD ELEVATION.
  - 4 THE BRE WAS DETERMINED USING THE NAVD83 AND FIRM REFERENCES NOTED ON THE SITE PLAN BELOW.
  - 5 EROSION CONTROL SYSTEMS SHALL BE INSTALLED ALONG LIMIT OF WORK (LOW) PER PHOTOGRAPHS IN EROSION CONTROL GUIDELINES SAFE HARBOR, 2022. 7 PGS. DELETED FROM THE PLAN. SAND FILLING SHALL BE INSTALLED AND CONSTRUCTION FENCING STAKED DIRECTLY BEHIND SAND FENCES. CONTRACTOR FENCING SECURED WITH WOOD STAKES EVERY TEN FEET, LACED AND STAPLED.
  - 6 COVERED DUMPSTER, MATERIALS STORAGE, WORKER TOILET, LOCATED WITHIN LOW AS SHOWN ON SPON. DATED MAY 20, 2022.
  - 7 PARKING OF EQUIPMENT AND WORKER VEHICLES ON SAME OWNER PROPERTY ACROSS STREET.
  - 8 NATIVE REVEGETATION PER SAFE HARBOR REVISED PLANTING PLAN (ATTACHED).
  - 9 THE TOTAL SQUARE FOOTAGE ADDED, POST-CONSTRUCTION, WILL BE NO MORE THAN 64 S.F.
  - 10 THE PADS FOR THE EXISTING STREETSIDE STRUCTURE SPLIT COMPRESSORS WILL BE REMOVED AND THE COMPRESSORS WILL BE PLUNGED ON THE REPLACEMENT STRUCTURE SPLIT TO REDUCE EXISTING SQUARE FOOTAGE AND TO PROVIDE FLOOD PROTECTION.
  - 11 UTILITIES: THE WHOLE HOME AUTO GENERATOR WILL BE PLACED ON PILINGS, BOTH TO REDUCE NEW ADDITIONAL LOT COVERAGE AND TO PROVIDE FLOOD PROTECTION. THERE WILL BE TWO PROPOSED TANKS TO SERVICE LOW TIDE AND THE GENERATOR. THESE WILL SIT ON 18 X16 PADS.
  - 12 REMOVAL OF THE STREETSIDE STRUCTURE SPLIT COMPRESSOR PADS AND ADDING THE GENERATOR/TANKS ADDS A NET ADDITIONAL 3 S.F. OF LOT COVERAGE.



CAPE COD BAY

REFERENCES:

LOCAL ORD. BK. 27056 PG. 62

LOCAL ORD. BK. 27056 PG. 63

LOCAL ORD. BK. 27056 PG. 64

LOCAL ORD. BK. 27056 PG. 65

LOCAL ORD. BK. 27056 PG. 66

LOCAL ORD. BK. 27056 PG. 67

LOCAL ORD. BK. 27056 PG. 68

LOCAL ORD. BK. 27056 PG. 69

LOCAL ORD. BK. 27056 PG. 70

LOCAL ORD. BK. 27056 PG. 71

LOCAL ORD. BK. 27056 PG. 72

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LOCAL ORD. BK. 27056 PG. 84

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LOCAL ORD. BK. 27056 PG. 89

LOCAL ORD. BK. 27056 PG. 90

LOCAL ORD. BK. 27056 PG. 91

LOCAL ORD. BK. 27056 PG. 92

LOCAL ORD. BK. 27056 PG. 93

LOCAL ORD. BK. 27056 PG. 94

LOCAL ORD. BK. 27056 PG. 95

LOCAL ORD. BK. 27056 PG. 96

LOCAL ORD. BK. 27056 PG. 97

LOCAL ORD. BK. 27056 PG. 98

LOCAL ORD. BK. 27056 PG. 99

LOCAL ORD. BK. 27056 PG. 100



PROPOSED SITE PLAN

590 SHORE ROAD

TRURO, MA

LAND OF

BIG MONKEY, LLC

KANE LAND SURVEYORS

30 HIGGINS LANE

WELLFLEET, MA

SCALE: 1"=20' FEBRUARY 10, 2023

Conservation Commission

TOWN OF TRURO

FEB 13 2023

**BUCHANAN & ASSOCIATES**  
**100 CAMBRIDGE STREET, SUITE 1400**  
**BOSTON, MA 02114**  
**617-256-8491**  
**JMADEJA@BUCHANANASSOCIATES.COM**

Via Electronic Submission Only:

[ebeebe@truro-ma.gov](mailto:ebeebe@truro-ma.gov)  
[adavis@truro-ma.gov](mailto:adavis@truro-ma.gov)  
[cwarren@truro-ma.gov](mailto:cwarren@truro-ma.gov)

Conservation Agent (Emily Beebe):  
Assistant Conservation Agents (Arizona Davis and Courtney Warren):

March 2, 2023

Town of Truro Conservation Commission, through your Conservation Agents  
P.O. Box 2030  
Truro, MA 02666

RE: 590 Shore Road, DEP File No. 075-1166 Big Monkey, LLC

To the Conservation Commission of Truro via Agents Beebe, Davis and Warren:

Thank you for the opportunity to comment on the revised proposal for demolition and reconstruction at 590 Shore Road, by the owners Big Monkey, LLC. My clients, the Burroughs, are direct abutters at 592 Shore Road.

It is our understanding the public hearing begins March 6, 2023. Could you please let us know if for any reason this date is rescheduled?

We see **many beneficial changes** to the plans as newly submitted to you. We offer the following observations for your consideration.

1. The plans show reduced disturbance area and a relocated new structure, which we see as beneficial.
2. It is our understanding from the applicants that they plan to protect the existing Rosa Rugosa on the Burroughs' property. The applicant has told us they expect their contractors to put protective material around the Rosa Rugosa and to be very careful to protect it. We look forward to the specifics as this moves forward.

3. As the Commissioners may or may not know, there is an easement system on the stretch of homes in this area of Shore Road, because many of the homes were built across what are now property lines. These easements provide each encroaching home with a 2' pedestrian-only easement for the non-exclusive right to enter the adjacent property for 2 feet around the perimeter of the home for the purpose of "maintaining, removing, replacing, and/or renewing" the encroaching home/cottage or substitute structure. The easements also include a requirement to repair and restore any property to its former condition.

This is relevant to your review because the Limit of Work on the applicant's site plan and at Footnote 5 for the proposed demolition is shown on the Burroughs' property by two feet. It is our understanding from emails with the applicants that the only LOW on the Burroughs' property will be the 2' of the existing "Low Tide" structure, to be demolished, as shown on the plan. This is helpful, as it reduces the area of needing or wanting to use the Burroughs' property. Where the LOW is only 2 feet, we want to indicate that if this Commission or the applicant's contractor feels more LOW would be helpful, or to be for more than pedestrian access, the Burroughs are amenable to providing this for the short period of demolition. Either way, the final approved plans should show whatever the LOW will be. Restoration of that area is required in these easements after the work is done and we respectfully request a condition to that effect. Also, the LOW should be the Applicant's own property line once the few days of demolition is complete.

4. It is also our understanding demolition/construction will occur after the summer season. The Burroughs' think this is beneficial.
5. Regarding site disturbance and existing conditions, we see that the site plan shows a new grass path that seems to replace a wooden path on the applicant's property behind the home known as "High Tide." This grass path appears to connect to a wooden walkway on the Burroughs' property. Please note that the Burroughs anticipate removing this wooden walkway on their property and replacing it with Rosa Rugosa or other appropriate plantings as part of their own reduction in disturbed area on their property. To the extent you intend the final plans to show existing conditions when you approve these plans, it is accurate to show that wooden path as currently on the Burroughs' property today, but the Burroughs do not expect the wooden path will be there for long. We do note the presence on the plans of the established path on the south side of the applicant's property to get from the homes to the beach, as this grass path is shown entirely on their property and to our knowledge based on what the applicants tell the Burroughs, this grass path is not changing.
6. Finally, we note with appreciation that the High Tide HVAC was relocated recently to a location not on the Burroughs' property and the plans should be updated to show the change. The propane tank that services "High Tide" is also shown as sitting on the wooden walkway on the Burroughs' property. During construction, the Burroughs hope

this tank will be relocated to be on the applicant's property. Among other things, removing it from the Burroughs' property could then also be counted by the Burroughs as a reduction of disturbance on their property when they propose their own renovation. As long as a major renovation is underway by the applicants, we might as well establish systems that do not rely on the current good will amongst neighbors. We do not know yet if the applicants intend to show this change. We hope the final plans do so.

Thank you for your consideration of our comments. We appreciate your work and your professionalism.

Cordially,  
The Burroughs by their legal counsel,

A handwritten signature in black ink, reading "Jamy B. Madeja". The signature is written in a cursive, flowing style.

Jamy B. Madeja, Esq.

FEB 13 2023

Margaret Clarke and Timothy Richards

31 Mill Pond Road, Truro, MA

February 10, 2023

Map 50 Parcel 287

#### NARRATIVE FOR THE PROPOSED LANDSCAPE PLAN

Refer to the Landscape Plan of January 30, 2023, "View Corridor and Planting".

**Existing Landscape Conditions:** The residential lot has a house located mostly within 200' of a wetland riverfront and a coastal bank as shown on the landscape plan. The dwelling is on a fairly flat area of land with some existing Cape Cod lawn. There is a slope behind the house going down towards the coastal bank and wetland. The slope is vegetated with native plants and non-native Japanese Black Pines. There are no apparent erosion issues and there does not appear to be a problem with invasive Bitter Sweet vine. The soil within the 200 foot buffer zone is probably a loam sand mix, stable overall, with some native and non-native plants around the house.

**Work Area:** The majority of the proposed work to be done is approximately between 35' and 60' from the top of the coastal bank.

**Proposed Landscape Project:** Straw waddle and/or silt fence will be installed at the base of the slope to reduce erosion during construction and define the work limit approximately as shown on the landscape plan.

It is proposed to develop a view corridor from the deck of the house looking towards the water. Remove the existing non-native Japanese Black Pines that are on the slope in the view corridor. Maintain the height of the existing Oak saplings on the bank in the view corridor. Lateral prune a select few of the Oaks that are to the left side of the corridor as viewed from the house. The Japanese Black Pine have seeded themselves over time and their population should be reduced to control the spread of non-native vegetation. Many of the pines are small, see the landscape plan for more details. Flush cut the pines, monitor, and control future stump growth every few years to preserve the view and control spread of the pines. No machines or herbicides will be used.

It is proposed to plant the slope with native plants as shown in the plan, see mitigation details below. Bartlett Tree Experts will do the pruning activity and Ponderosa Landscaping will plant native plants for mitigation.

The goal of the proposed work for the project is to perform the work with little environmental impact to the natural environment, and to restore the site with native vegetation.

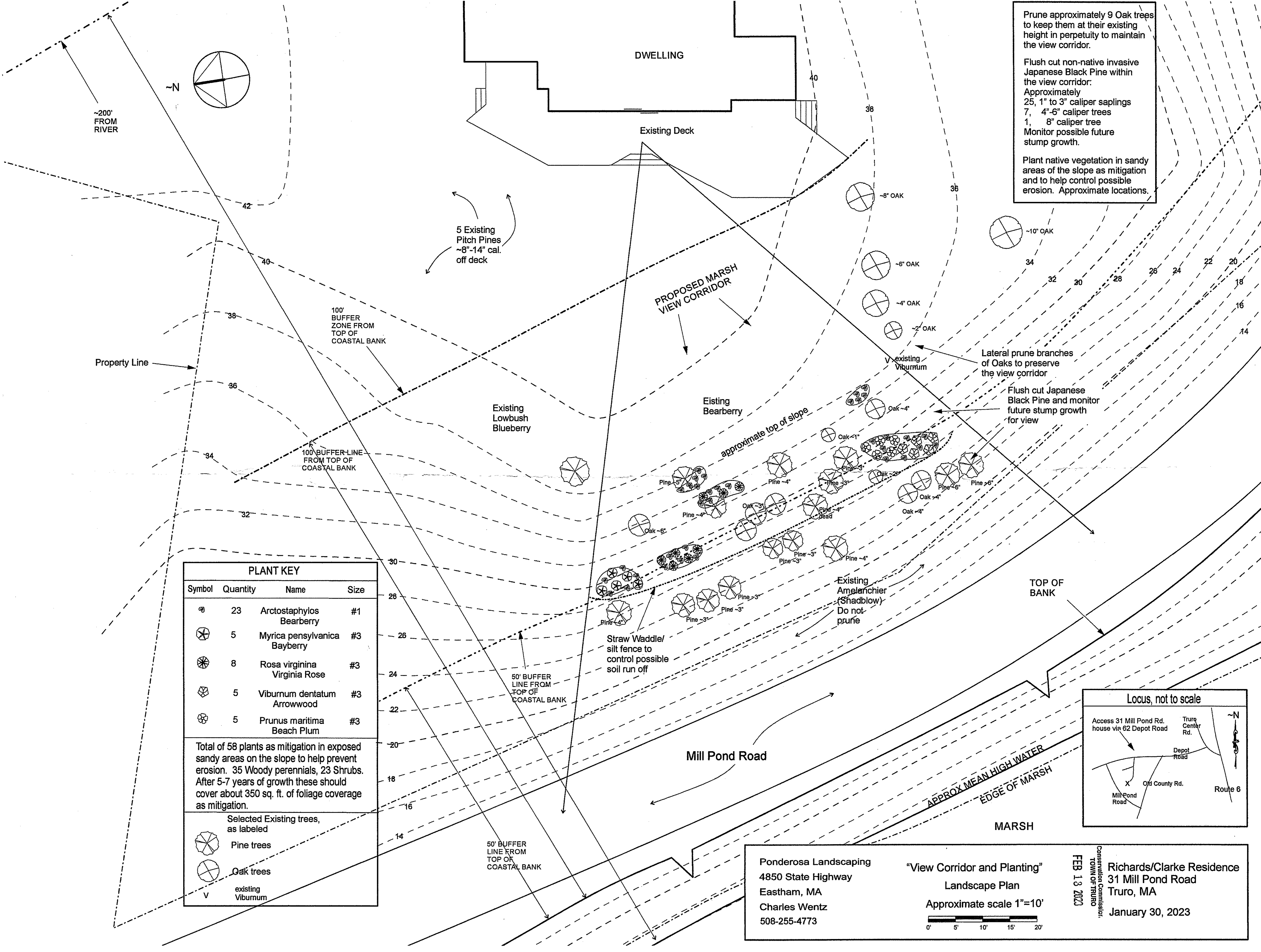
**Mitigation and vegetation restoration, Performance Standards Analysis:** Install a total of 58 native plants including woody shrubs, and ground cover Bearberry vegetation. The plants will be pocket planted with organic material. Quantities, sizes, approximate locations of the proposed plants, is shown on the landscape plan. The goal is to plant most of the material in existing bare spots of the slope to help control possible erosion. Adding shrubs will add to the biodiversity of the site and allow for more wildlife habitat. The work will be done with as little disturbance to the area as is practical and add native plantings to restore the site.

The increased native vegetation will benefit the landscape at the site. The native shrubs will add significant vegetation to the site, help control soil erosion, and allow for increased wildlife habitat.

**General Sequence of Work and Management:** It is proposed to start and complete the project in the spring or fall of 2023. New plantings will be kept watered with temporary irrigation or by hand until they are established. Follow up work will be done periodically to preserve the view in perpetuity.

**Work Construction Protocol:** The contractor will inform the Conservation Agent prior to work commencing and, if needed, will meet on site to review the project. Care will be taken to do minimal detrimental environmental impact to the existing site and revegetate disturbed areas as described.

**Alternative Analysis and Projections:** There seems to be few alternatives to the project. The proposed changes and additions are not extreme. The project has allowed for mitigation and restoration of the lot using native species inside the buffer zone. The environmental benefits of the proposed mitigation planting of native plants will sustain the stability of the soil, improve water filtration through plant root systems, help carbon fixation, and benefit the wildlife habitat.



Prune approximately 9 Oak trees to keep them at their existing height in perpetuity to maintain the view corridor.

Flush cut non-native invasive Japanese Black Pine within the view corridor:

Approximately

- 25, 1" to 3" caliper saplings
- 7, 4"-6" caliper trees
- 1, 8" caliper tree

Monitor possible future stump growth.

Plant native vegetation in sandy areas of the slope as mitigation and to help control possible erosion. Approximate locations.

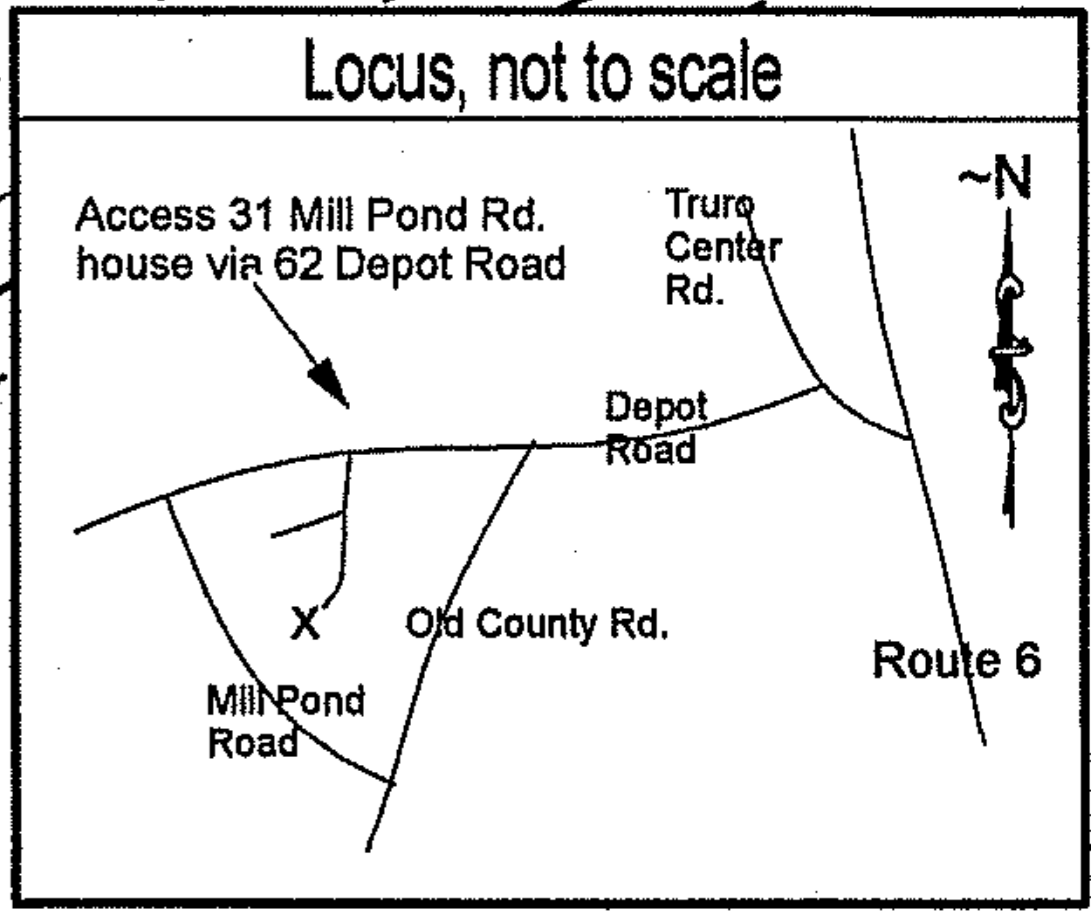
PLANT KEY			
Symbol	Quantity	Name	Size
	23	Arctostaphylos Bearberry	#1
	5	Myrica pensylvanica Bayberry	#3
	8	Rosa virginina Virginia Rose	#3
	5	Viburnum dentatum Arrowwood	#3
	5	Prunus maritima Beach Plum	#3
Total of 58 plants as mitigation in exposed sandy areas on the slope to help prevent erosion. 35 Woody perennials, 23 Shrubs. After 5-7 years of growth these should cover about 350 sq. ft. of foliage coverage as mitigation.			
Selected Existing trees, as labeled			
	Pine trees		
	Oak trees		
	existing Viburnum		

Ponderosa Landscaping  
4850 State Highway  
Eastham, MA  
Charles Wentz  
508-255-4773

"View Corridor and Planting"  
Landscape Plan  
Approximate scale 1"=10'

FEB 13 2023  
Conservation Commissioner  
TOWN OF TRURO

Richards/Clarke Residence  
31 Mill Pond Road  
Truro, MA  
January 30, 2023





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Conservation Commission  
TOWN OF TRURO

**A. General Information**

FEB 13 2023

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab key  
to move your  
cursor - do not  
use the return  
key.



1. Applicant:

Crest View Holdings LLC - Shannon Wu

Name

E-Mail Address

21 Crest View Circle

Mailing Address

Truro

MA

02666

City/Town

State

Zip Code

(917) 355-1945

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Safe Harbor Environmental

Firm

Gordon Peabody

gordonpeabody@gmail.com

Contact Name

E-Mail Address

P.O. Box 880

Mailing Address

Wellfleet

MA

02667

City/Town

State

Zip Code

(508) 237-3724

Phone Number

Fax Number (if applicable)

**B. Determinations**

1. I request the Truro Conservation Commission make the following determination(s). Check any that apply:

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

21 Crest View Circle

Street Address

Truro

City/Town

42

Assessors Map/Plat Number

39

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Eroding Coastal Bank

- c. Plan and/or Map Reference(s):

Esse Residence Truro, MA

Title

12/24/09

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Reduce unnecessary Coastal Bank erosion risk by utilizing a mix of limited plantings of diverse native vegetation on the lower areas of the bank. The upper bank will be left undisturbed, and the lower bank will be planted using ladders to avoid erosion.



## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

### C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

Native plantings to reduce risk of erosion

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Crest View Holdings LLC, Shannon Wu

Name

21 Crest View Circle

Mailing Address

Truro

City/Town

MA

State

02666

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

See Auth. form  
Signature of Applicant

Date

Signature of Representative (if any)

2/13/23  
Date

# SAFE HARBOR

ENVIRONMENTAL MANAGEMENT  
HABITAT RESTORATION



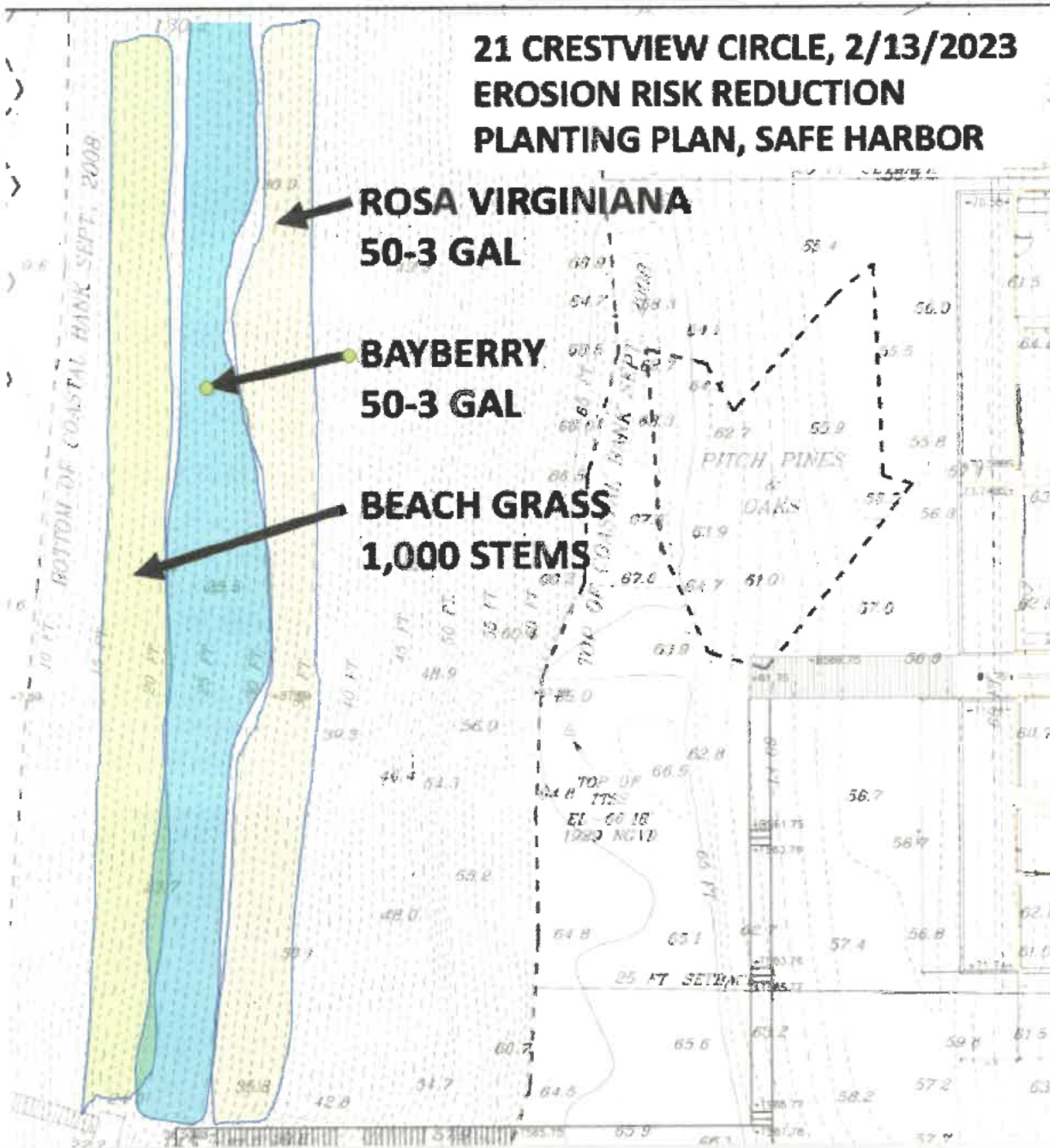
To: Truro Conservation Commission Date: February 13, 2023  
Attn: Conservation Commission Agent; Cc: Arozana Davis  
From: Gordon Peabody, Safe Harbor Environmental  
Office: 95 Commercial St. Room 211, Wellfleet, MA, P.O. Box 880, Wellfleet, MA, 02667  
Contact: email [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com) Phone: 508-237-3724  
**RE: RDA Submission: Crest View Holdings LLC, Shannon Wu**  
**21 Crest View Circle, Truro, MA 02666 – Map 42 – Parcel 39**

## **LAND MANAGEMENT PLAN FOR EROSION RISK REDUCTION on COASTAL BANK**

**SYNOPSIS:** The Coastal Bank at this site is made up of clay and sand layers, which erode at different rates. Several years ago, Safe Harbor did a major stabilization and planting effort, and this more recent proposal is designed to link to the previous effort. The goal of this Land Management Plan is to reduce unnecessary Coastal Bank erosion risk by utilizing mixed plantings on the lower areas of the bank.

Erosion itself is part of the natural coastal process and should not be stopped but erosion risk can be reduced, when managed with plantings of diverse Native vegetation. The upper bank will remain undisturbed. The lower bank will be planted using ladders to avoid erosion.





1. No pesticides, herbicides or fertilizers shall be used on this project.
2. Limited Native transplants shall be used when available.
3. All work shall be performed by trained Safe Harbor workers.
4. There shall be no "rough footing" allowed on the bank.
5. Work shall be performed from ladders secured with wooden stakes.
6. Safe Harbor will monitor this site and communicate with owners, regularly.
7. This is a high stress environment, survivability is expected to be 70-75%.
8. If and as necessary, limited replantings will be made during the dormant season.

# Title: Locus Map



**To: Town of Truro Conservation Commission**  
**24 Town Hall Road**  
**Truro, MA 02666**

**Re: 21 Crest View Cir, Truro - Map 42, Parcel 39**

**To Whom It May Concern:**

I, Shannon Wu, owner(s) of the  
abovementioned property, hereby authorize Safe Harbor Environmental  
Services to act as the Representative of Record before the Truro  
Conservation Commission.

If you have any questions, please call me at (\_\_\_\_) 9173551945.

Sincerely,

Shannon Wu

cc: Safe Harbor Environmental

**Homeowner Mailing Address (please print):**

21 Crest View Circle, Truro MA

**Date: February 13, 2023**

**To: Truro Conservation Commission**

**From: Safe Harbor Environmental**

**Contact: Gordon Peabody, Director, 508-237-3724**

**95 Commercial Street, Wellfleet, MA, [gordonpeabody@gmail.com](mailto:gordonpeabody@gmail.com)**

**Re: 21 Crest View Circle, Truro, MA 02659 - Map 42 - Parcel 39**

**Title: Letter of Authorization**

Conservation Commission  
TOWN OF TRURO  
FEB 13 2023

JILL  
NEUBAUER

ARCHITECTS

15

DEPOT AVENUE

FALMOUTH MA 02540

508 548-0909

FAX 548-2552

jan@cape.com  
www.janarchitects.com

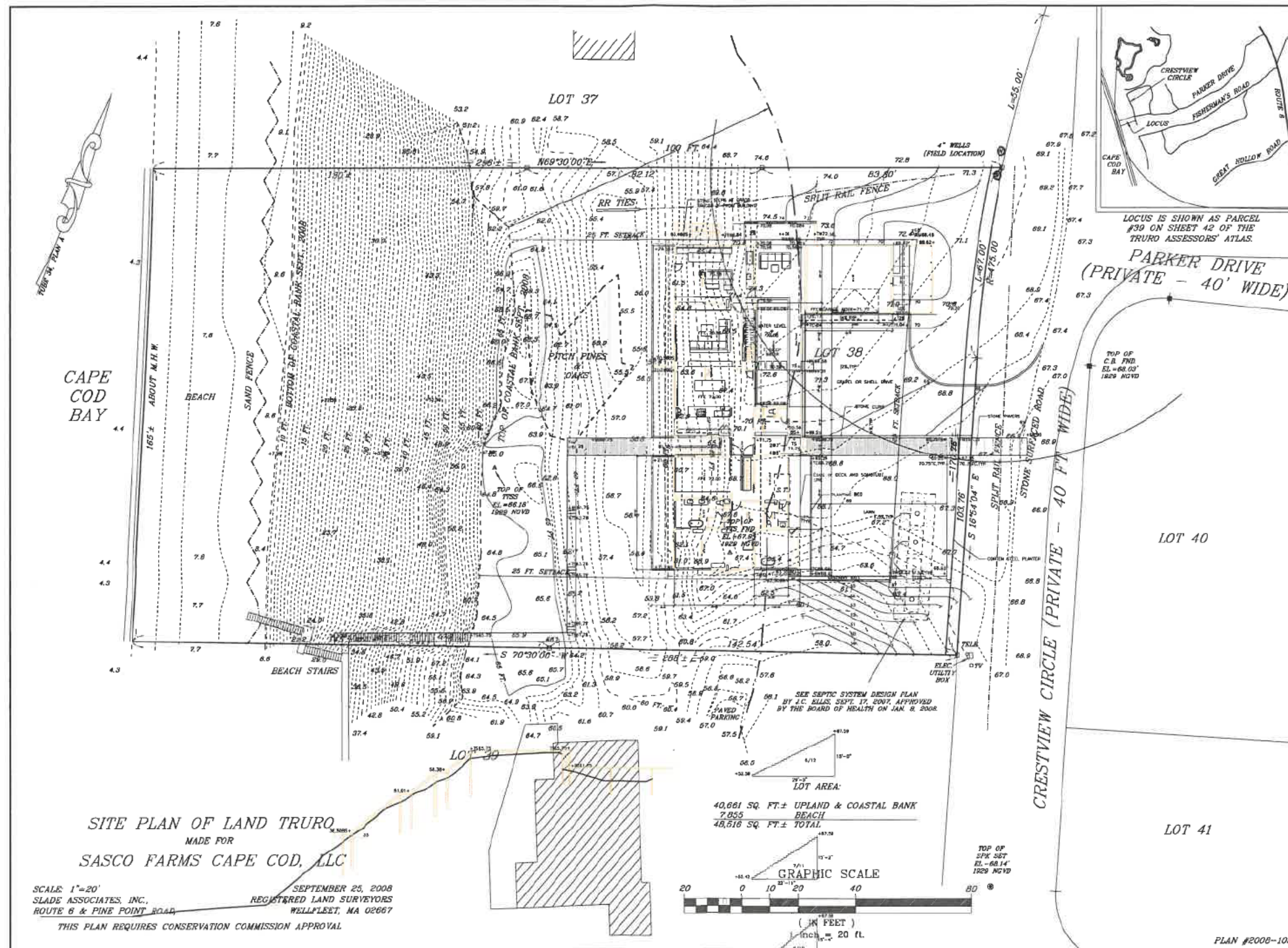
ESSE RESIDENCE  
TRURO, MA

12.24.09	CURRENT SITE PLAN
8.22.08	PRELIMINARY SKETCH

SITE PLAN

1' = 20'

L-001





# 38 Pond Rd

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town

## WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 Conservation Commission  
TOWN OF TRURO

### A. General Information

FEB 10 2023

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Josh Grandel

Name

P.O. Box 297

Mailing Address

Truro

City/Town

508-349-1619

Phone Number

Jgrandel3@ComCast.net

E-Mail Address

MA

State

02666

Zip Code

Fax Number (if applicable)

2. Representative (if any):

Same as above Josh Grandel

Firm

Contact Name

E-Mail Address

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

### B. Determinations

1. I request the Truro Conservation Commission make the following determination(s). Check any that apply:

- ☐ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☒ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☐ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

38 Pond Rd.

Street Address

Truro

City/Town

59-15-0

Assessors Map/Plat Number

15

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The developed parcel that is adjacent to Cape Cod Bay and what appears to be a Coastal Dune to the north.

- c. Plan and/or Map Reference(s):

Proposed Deck

Title

Locust Map

Title

Limit of Work plan

Title

Feb 3/23

Date

Feb 10/23

Date

Feb 10/23

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

This proposed job is taking down existing rotten deck and rebuilding a new one, same size and configuration.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town \_\_\_\_\_

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Name

Mailing Address

City/Town

State

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

Signature of Representative (if any)

Date

**Request for Determination**

Project address: 38 Pond Rd. Map 39 Parcel 150

- Is the project located in a resource area or buffer zone Yes Coastal Dune
- Resource Area Type(s): Coastal Dune
- If Buffer Zone what is the distance from Resource Area: N/A

Description of project: (list all activities and describe methodology for construction or installation including equipment type if applicable) Rip down existing deck that is rotten and unsafe  
Rebuild the same size deck with pressure treated wood

Attached site plan titles/dates, and any other plan or narratives title/dates:

Sight Sketch Josh Grandel not to scale Jan 31/23

Describe the best management practices/mitigation that will be used on the site: We will use silt fence  
to protect debris flying around and limit access around parking area approx 20'x20'

Special Conditions required by the Conservation Include: \_\_\_\_\_

The proposed project is approved subject to the conditions included herein.

The use of town property for beach access or staging of construction materials requires a permit issued by the Board of Selectmen. The owner and applicant/representative are responsible for obtaining this permit prior to work start.

The owner and applicant/representative shall, avoid and otherwise minimize any activities in the buffer zone or in resource areas by use of best management practices on the site, such as:

- Placement of an agreed upon work limit;
- Proper placement of construction materials in developed or already disturbed areas;
- Proper installation/maintenance of erosion control;
- Good housekeeping that includes at a minimum daily trash pickup; no dumping of paint, plaster or concrete on the site but rather, disposing of it properly.

Approval of the project as described herein includes only the scope and specifications reviewed by the Conservation Commission; any changes to this project shall require additional review by the Conservation Commission prior to the work being done. Expansion of the scope of work may result in the applicant being required to file a full notice of intent. Any work done that exceeds the scope defined in the approved application shall be subject to issuance enforcement action; Violation of these conditions may result in issuance of an enforcement Order; non-criminal violation citations to the owner and/or applicant/representative accompanied by fines that accrue per offense and may accrue daily.

By reading and signing this letter of agreement the applicant acknowledges that they have read and understand the terms as stated herein; the scope of this approval is limited to the work described herein; and your signature on this conditional approval is acknowledgement that no work shall go forward until the RDA conditions have been issued by the Conservation Commission.

Applicant/Representative printed name and signature: Joshua Grandel Josh Grandel  
Owners printed name and signature: Christopher Koemlein Chris Koemlein



## TOWN OF TRURO

### Conservation Commission

24 Town Hall Road  
P.O. Box 2030, Truro MA 02666  
Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

#### WAIVER

I, John Brandel (print name), hereby waive the twenty-one (21) day time period for a public hearing following receipt of a: ☐ Notice of Intent ☐ Abbreviated Notice of Intent ☐ Request for Determination of Applicability ☐ Amended Order of Conditions ☐ Abbreviated Notice of Resource Area Delineation by the Truro Conservation Commission under Massachusetts General Laws, Ch. 131, sec. 40, and under Truro Conservation Bylaw, Section 8.5.2.

The ☐ Notice of Intent ☐ Abbreviated Notice of Intent ☒ Request for Determination of Applicability ☐ Amended Order of Conditions ☐ Abbreviated Notice of Resource Area Delineation was submitted on \_\_\_\_\_ (date) for work at 38 Pond Road (address). I understand that the next meeting of the Conservation Commission is scheduled for March 6, 2023 and that the Commission will open the public hearing on that date.

I am the: ☒ Applicant

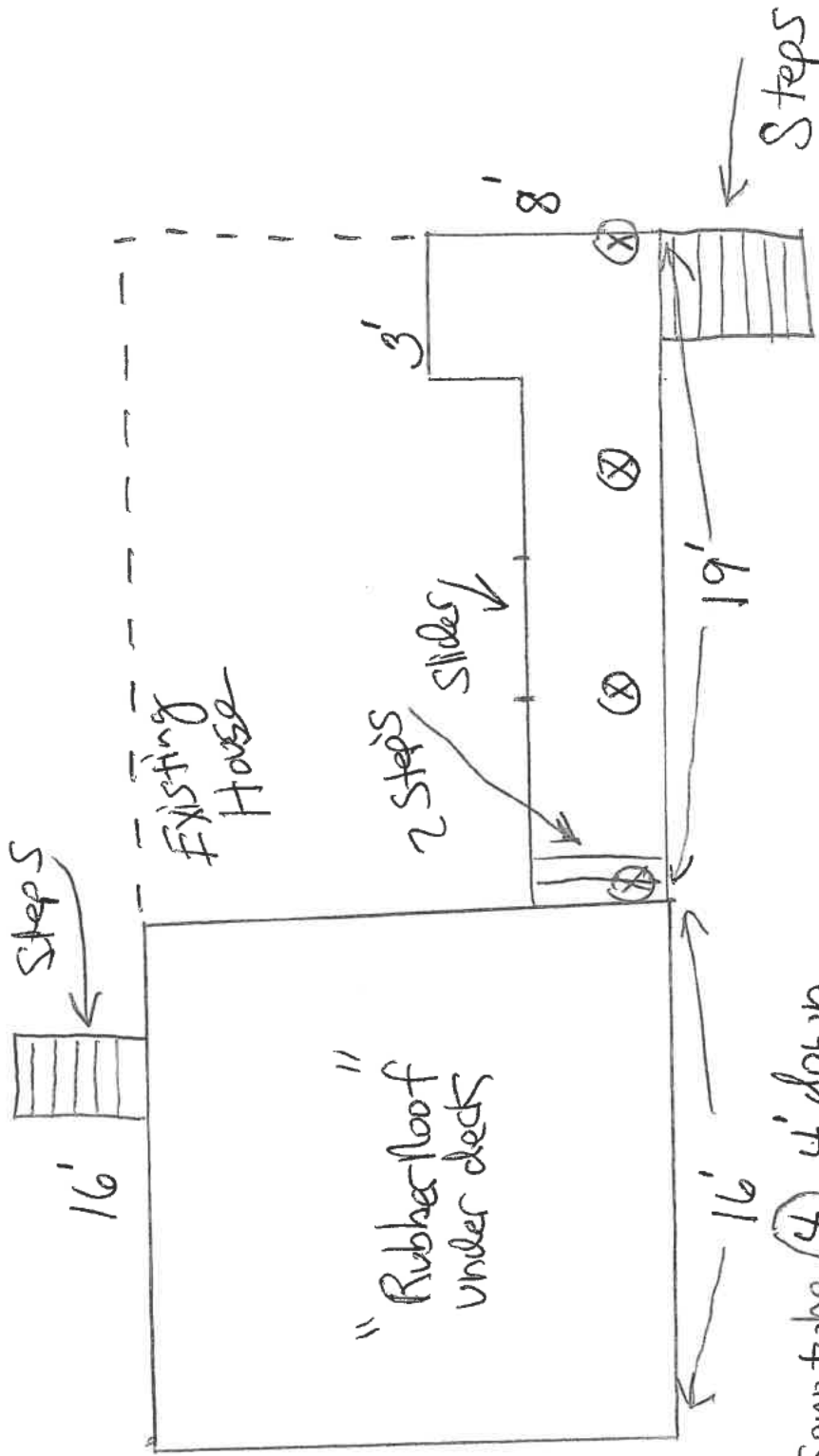
\_\_\_\_ Applicant's Representative

John Brandel  
(signature)

1/31/2023  
(date)

Conservation Commission  
TOWN OF TRURO  
FEB 03 2023

# 38 tons ka Proposed Deck Same Size on Existing



The decking will be Azek  
 Scribed & plugged  
 The Ledger against house  
 will be 8" Lagged every  
 4' All Simpson hardware  
 applied

- \* Joist 2x10 16' on center
- \* 2x6 Sleepers rubber on rubber for flat roof section
- \* 6x6 posts for on top of cement
- \* 2x10 header for support bolted together "Bridle"
- \* 4x4 Bolted for rail post's
- \* 2x4 on the flat
- \* Stainless railings 4" spaces, not done by me



# Locus Map

Truro, MA

1 inch = 139 Feet

February 10, 2023



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



\*Green is Limit of Work  
\*Silt fence

38 Pond Rd  
Truro, MA

1 inch = 35 Feet

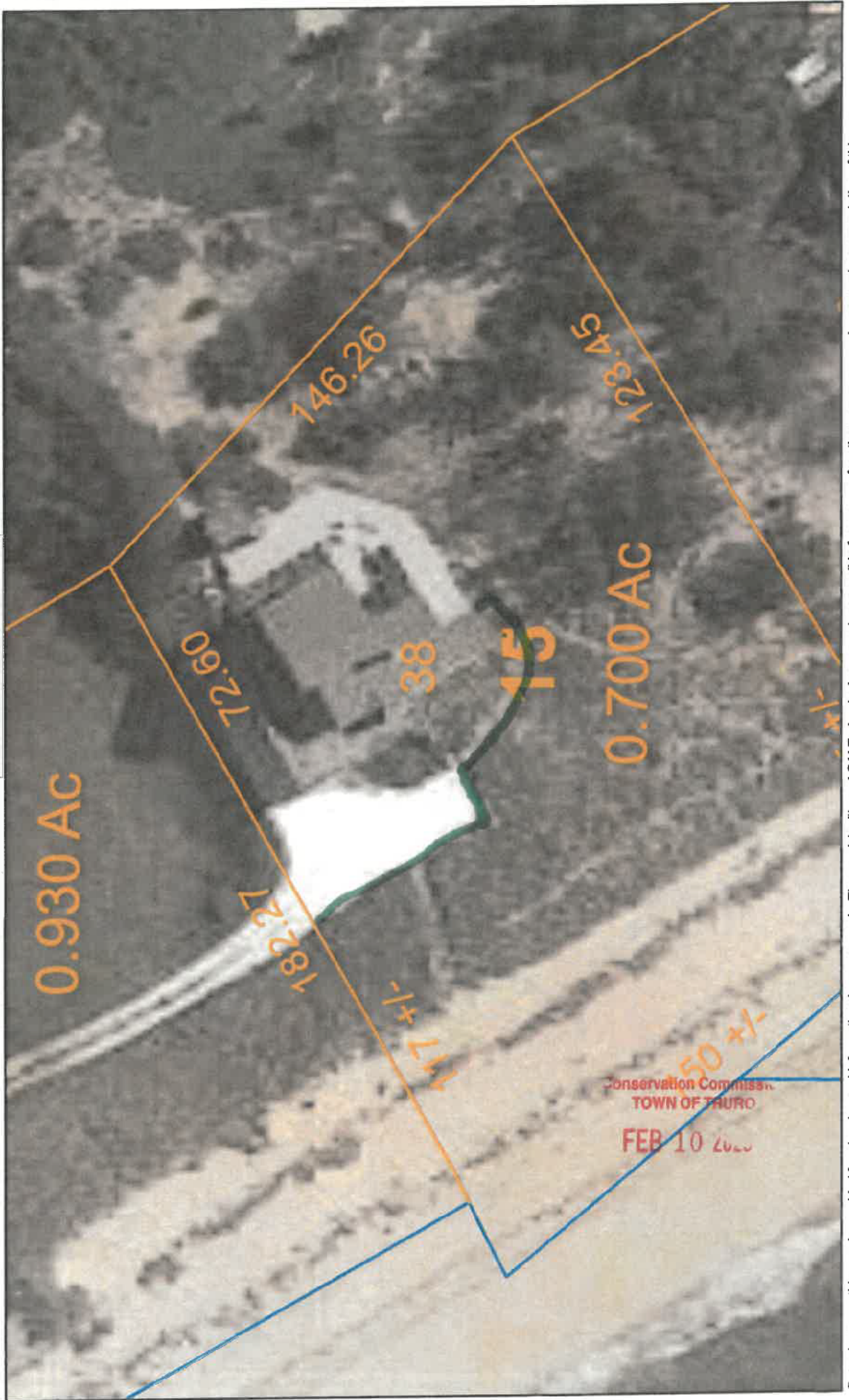
February 10, 2023

Limit of Work  
Plan



CAI Technologies

www.cai-tech.com



Data shown on this map is provided for planning and informational purposes only. The municipality and CAI Technologies are not responsible for any use for other purposes or misuse or misrepresentation of this map.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. General Information**

**Important:**  
When filling out  
forms on the  
computer, use  
only the tab key  
to move your  
cursor - do not  
use the return  
key.



1. Applicant:

Town of Truro & DFG-Office of Fishing & Boating Access  
Name  
1 Rabbit Hill Rd.  
Mailing Address  
Westborough  
City/Town  
617-828-3532  
Phone Number  
doug.cameron@mass.gov  
E-Mail Address  
MA  
State  
01581  
Zip Code  
Fax Number (if applicable)

2. Representative (if any):

DFG Office of Fishing and Boating Access  
Firm  
Douglas H. Cameron  
Contact Name  
1 Rabbit Hill Rd.  
Mailing Address  
Westborough  
City/Town  
617-828-3532  
Phone Number  
doug.cameron@mass.gov  
E-Mail Address  
MA  
State  
01581  
Zip Code  
Fax Number (if applicable)

**B. Determinations**

1. I request the Truro  
Conservation Commission make the following determination(s). Check any that apply:

- ☒ a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- ☐ b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- ☐ c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- ☒ d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Truro  
Name of Municipality

- ☐ e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).

Conservation Commission  
TOWN OF TRURO  
FEB 15 2023



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description**

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

75 Depot Street

Street Address

50

Assessors Map/Plat Number

Truro

City/Town

18

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The area consists of a public boat launch and appurtenant structures, including a boarding pier and floats and parking for vehicles with boat trailers and car-top boats.

- c. Plan and/or Map Reference(s):

Proposed Concrete Repairs

Title

1-30-2023

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Work consists of patching cracks in the existing concrete boat ramp. The cracks will be power-washed to remove any debris and loose concrete. Cracks will be filled with a quick setting epoxy grout. All debris shall be swept up and properly disposed of offsite. All work shall take place from the boat ramp surface and shall be performed above the water line (tidal).



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**C. Project Description (cont.)**

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- ☐ Single family house on a lot recorded on or before 8/1/96
- ☐ Single family house on a lot recorded after 8/1/96
- ☐ Expansion of an existing structure on a lot recorded after 8/1/96
- ☐ Project, other than a single-family house or public project, where the applicant owned the lot before 8/7/96
- ☐ New agriculture or aquaculture project
- ☐ Public project where funds were appropriated prior to 8/7/96
- ☐ Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- ☐ Residential subdivision; institutional, industrial, or commercial project
- ☐ Municipal project
- ☐ District, county, state, or federal government project
- ☐ Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Truro  
City/Town

**WPA Form 1- Request for Determination of Applicability**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**D. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Town of Truro

Name

P.O. Box 2030

Mailing Address

Truro

City/Town

MA

State

02666-2030

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

*Douglas H. Cameron*  
Signature of Applicant

2-15-2023  
Date

*Douglas H. Cameron*  
Signature of Representative (if any)

2-15-2023  
Date

FEB 15 2023

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

**Request for Determination**

Project address: 75 Depot Road Map 50 Parcel 1B

- Is the project located in a resource area or buffer zone Yes
- Resource Area Type(s): Coastal
- If Buffer Zone what is the distance from Resource Area: \_\_\_\_\_

Description of project: (list all activities and describe methodology for construction or installation including equipment type if applicable) The work consists of repairing/patching cracks within the existing concrete boat ramp using a pressure washer, hand tools and epoxy grout

Attached site plan titles/dates, and any other plan or narratives title/dates: Proposed Concrete Repairs January 30, 2023

Describe the best management practices/mitigation that will be used on the site: all debris will be swept and removed from the site. All work will be done in "the dry".

Special Conditions required by the Conservation Include: All work to take place on the surface of the concrete boat ramp

The proposed project is approved subject to the conditions included herein.

The use of town property for beach access or staging of construction materials requires a permit issued by the Board of Selectmen. The owner and applicant/representative are responsible for obtaining this permit prior to work start.

The owner and applicant/representative shall, avoid and otherwise minimize any activities in the buffer zone or in resource areas by use of best management practices on the site, such as:

- Placement of an agreed upon work limit;
- Proper placement of construction materials in developed or already disturbed areas;
- Proper installation/maintenance of erosion control;
- Good housekeeping that includes at a minimum daily trash pickup; no dumping of paint, plaster or concrete on the site but rather, disposing of it properly.

Approval of the project as described herein includes only the scope and specifications reviewed by the Conservation Commission; any changes to this project shall require additional review by the Conservation Commission prior to the work being done. Expansion of the scope of work may result in the applicant being required to file a full notice of intent. Any work done that exceeds the scope defined in the approved application shall be subject to issuance enforcement action; Violation of these conditions may result in issuance of an enforcement Order; non-criminal violation citations to the owner and/or applicant/representative accompanied by fines that accrue per offense and may accrue daily.

By reading and signing this letter of agreement the applicant acknowledges that they have read and understand the terms as stated herein; the scope of this approval is limited to the work described herein; and your signature on this conditional approval is acknowledgement that no work shall go forward until the RDA conditions have been issued by the Conservation Commission.

Applicant/Representative printed name and signature: Douglas H. Cameron, MHC  
Owners printed name and signature: \_\_\_\_\_



## TOWN OF TRURO

### Conservation Commission

24 Town Hall Road  
P.O. Box 2030, Truro MA 02666  
Tel: 508-349-7004, Ext. 31 Fax: 508-349-5508

#### WAIVER

I, Douglas H. Cameron (print name), hereby waive the twenty-one (21) day time period for a public hearing following receipt of a: ☐ Notice of Intent ☐ Abbreviated Notice of Intent ☒ Request for Determination of Applicability ☐ Amended Order of Conditions ☐ Abbreviated Notice of Resource Area Delineation by the Truro Conservation Commission under Massachusetts General Laws, Ch. 131, sec. 40, and under Truro Conservation Bylaw, Section 8.5.2.

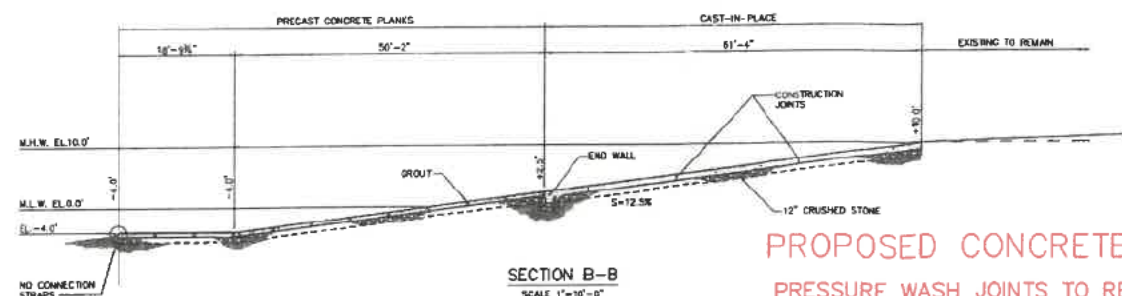
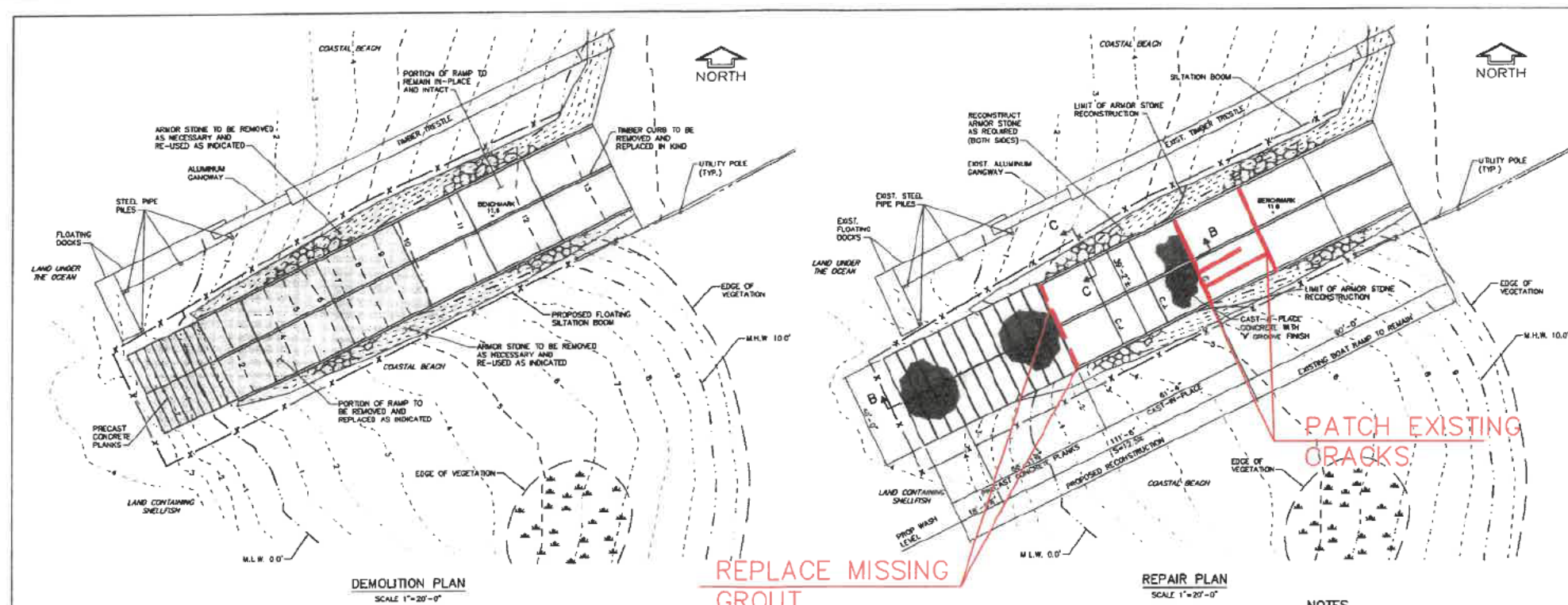
The ☐ Notice of Intent ☐ Abbreviated Notice of Intent ☒ Request for Determination of Applicability ☐ Amended Order of Conditions ☐ Abbreviated Notice of Resource Area Delineation was submitted on 2-15-2023 (date) for work at 75 Depot Road (boat ramp), Truro (address). I understand that the next meeting of the Conservation Commission is scheduled for March 6, 2023 and that the Commission will open the public hearing on that date.

I am the: X Applicant  
X Applicant's Representative

Douglas H. Cameron  
(signature)

2-15-2023  
(date)

Conservation Commission  
TOWN OF TRURO  
FEB 15 2023



### PROPOSED CONCRETE REPAIRS

PRESSURE WASH JOINTS TO REMOVE DEBRIS AND LOOSE CONCRETE. FILL JOINT/CRACKS WITH FAST SETTING EPOXY GROUT. ALL WORK TO BE PERFORMED DURING LOW WATER. ANY DEBRIS SHALL BE REMOVED FROM SITE.

DEPARTMENT OF FISH & GAME — FISHING & BOATING ACCESS  
JANUARY 30, 2023

### NOTES

- EXISTING LOCATION AND TOPOGRAPHIC INFORMATION TAKEN FROM A SURVEY PERFORMED BY OCEAN & COASTAL CONSULTANTS ON OCTOBER 26, 2005.
- BENCHMARK IS A CHISELED CROSS IN THE CONCRETE DECK, EL. +11.84 M.L.W. AS SHOWN ON PLAN TO ACCOMPANY PETITION OF THE TOWN OF TRURO, MA FOR CHANNEL & BASIN MAINTENANCE DREDGING IN PANET RIVER TRURO, BARNSTABLE COUNTY, MA, SHT. 3 OF 6, PREPARED BY COASTAL ENGINEERING COMPANY, INC., DATED APRIL 2005.

GRAPHIC SCALES  
CHECK GRAPHIC SCALES BEFORE USING  
1"=40'-0" 0 40 80 FT.  
1"=10'-0" 0 10 20 FT.

PROPOSED PUBLIC ACCESS FACILITY IMPROVEMENTS BOAT RAMP RECONSTRUCTION PANET RIVER TRURO, MA	
DEMOLITION & REPAIR PLANS AND SECTION	
DEPARTMENT OF FISH AND GAME FISHING AND BOATING ACCESS	
OCEAN AND COASTAL CONSULTANTS, INC. 50 RESERV ROAD, SUITE 201 PLYMOUTH, MA 02360	
DATE: 11/29/05	SHEET 2 OF 3
PROJECT NUMBER: PA-218	PLAN NUMBER: PA-218



REVISED 9/4/2007

Construction

PAID  
27995

PERMIT # 2023-04



# TOWN OF TRURO

## Conservation Commission

24 Town Hall Road  
P.O. Box 2030, Truro MA 02666

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: STEVEN PHILLIPS PHILLIPS, INC. GEIGER- Telephone: 508-349-9543  
Email address: steve@geiger-phillips.com

Owner Name: MARK YOUNG & GARY SULLIVAN Telephone: [REDACTED]

(If the applicant is not the owner of the property, written consent to the work MUST be attached to this Application.)

Address of subject property: 446 SHORE RD Map: 9 Parcel: 06

Description of proposed work: REPLACE BEACH ACCESS STAIRS  
181

Proximity to Resource Areas: COASTAL BANK & BEACH

### CRITERIA FOR ADMINISTRATIVE REVIEW (AR) PERMITS

#### Vegetation Projects:

- No removal of vegetation within any inland or coastal wetland resource.
- No uprooting of vegetation.
- No mowing to the ground or clear cutting
- Any proposed tree removal is demonstrated to be necessary for existing structures, public safety, traffic or
- Mitigation may be required, i.e., an area of shrubs.
- Trees for removal must be tagged for inspection
- No excavation by machinery is required

#### Sheds and Other Construction Projects:

- No construction within any wetland resource without the consent of the Conservation Agent.
- Any proposed new construction is more than 100 feet from the wetland boundary
- No excavation by machinery is required
- Foundation for structure shall be concrete
- Repairs or replacement of existing structures
- New structures must be less than 160 square feet.
- Only minimal projects such as biomimicry, sand nourishment, beach grass and planting of native species shall be allowed under this permit

#### Procedure:

- The fee shall be submitted with the Administrative Review Application.
- The Agent shall conduct a site visit, at which time the proposed project must be clearly defined in the field with stakes. Trees shall be flagged.

JAN 13 2023

30-day extension  
request due  
to supply chain  
issue.

3/6 mtg.

- If the Agent determines that all of the conditions of this Policy are met, the Agent may approve the Application. If the conditions of this policy are not met; the application is incomplete; or the field ID is inadequate the application is denied.
- If the Agent approves the application, such approval must be ratified by the Truro Conservation Commission prior to the issuance of this permit and prior to the commencement of any work.
- Any Property Owner, contractor or other agent of the owner performing any work pursuant to an Administrative Review permit shall have a copy of the permit available at the site at all times during the period that the work is being performed.
- Upon approval and ratification by the Commission, an Administrative Permit shall issue.
- The applicant shall notify the Commission prior to the start of the work, and must complete the work within thirty (30) days of issuance of the permit, unless otherwise permitted by the Commission.
- The Conservation Agent shall inspect the property to verify that the work completed is within the scope of the Approved Application.
- Any work beyond the scope of the approved Administrative Review shall be subject to enforcement action.
- NOTE: Use of town property for beach access or staging of construction materials requires a permit issued by the Board of Selectmen.

By signing this permit application, you are acknowledging that you have read and understand the terms as stated herein. You are also aware that no work shall go forward until the permit has been issued by the Conservation Commission.

Steven Phillips 1-11-23  
(Signature of Applicant) (Date)  
GEIGER-PHILLIPS, INC

FOR OFFICE USE ONLY:

Agent's Comments

stairway washed away in storm

Site Inspection Date: 1/30/2023 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: 2/10/2023 Permit Approved: ☒ Yes ☐ No  
Conditions:

Signature of Commission Chair or Agent:

A. Davis

Date: 2/7/2023

JAN 27 2023

PERMIT # 2023-06



# TOWN OF TRURO

## Conservation Commission

24 Town Hall Road  
P.O. Box 2030, Truro MA 02666

PAID  
1/24/23

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: Cape Associates, Inc. / Marybeth Bourgeois Telephone: 508-255-1770 x 725

Email address: mbourgeois@capeassociates.com

Owner Name: David Daglio

Telephone: [REDACTED]

(If the applicant is not the owner of the property, written consent to the work MUST be attached to this Application.)

Address of subject property: 2 Corn Hill Path, Truro Map: 45 Parcel: 25

Description of proposed work: Replace existing gravel driveway with permeable pavers. Product specifications included with application. Septic cover will remain accessible.

Proximity to Resource Areas: One corner of driveway within 100' of coastal bank.

### CRITERIA FOR ADMINISTRATIVE REVIEW (AR) PERMITS

#### Vegetation Projects:

- No removal of vegetation within any inland or coastal wetland resource.
- No uprooting of vegetation.
- No mowing to the ground or clear cutting.
- Any proposed tree removal is demonstrated to be existing structures, public safety, traffic visibility.
- Mitigation may be required, i.e., an area to be planted with trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

60-day ext.  
request due  
to supply chain  
issues.

#### Sheds and Other Construction Projects:

- No construction *within* any wetland resource except with the written consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the wetland boundary.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks.
- Repairs or replacement of existing structures remain within the original footprint.
- New structures must be less than 160 square feet.
- Only minimal projects such as biomimicry, sand nourishment, beach grass and planting of native species shall be allowed under this permit.

3/6  
mtg

#### Procedure:

- The fee shall be submitted with the Administrative Review Application.
- The Agent shall conduct a site visit, at which time the proposed project must be clearly defined in the field with stakes. Trees shall be flagged.

- If the Agent determines that all of the conditions of this Policy are met, the Agent may approve the Application. If the conditions of this policy are not met; the application is incomplete; or the field ID is inadequate the application is denied.
- **If the Agent approves the application, such approval must be ratified by the Truro Conservation Commission prior to the issuance of this permit and prior to the commencement of any work.**
- Any Property Owner, contractor or other agent of the owner performing any work pursuant to an Administrative Review permit shall have a copy of the permit available at the site at all times during the period that the work is being performed.
- Upon approval and ratification by the Commission, an Administrative Permit shall issue.
- The applicant shall notify the Commission prior to the start of the work, and must complete the work within thirty (30) days of issuance of the permit, unless otherwise permitted by the Commission.
- The Conservation Agent shall inspect the property to verify that the work completed is within the scope of the Approved Application.
- Any work beyond the scope of the approved Administrative Review shall be subject to enforcement action.
- NOTE: Use of town property for beach access or staging of construction materials requires a permit issued by the Board of Selectmen.

By signing this permit application, you are acknowledging that you have read and understand the terms as stated herein. You are also aware that no work shall go forward until the permit has been issued by the Conservation Commission.

\_\_\_\_\_  
(Signature of Applicant)

\_\_\_\_\_  
(Date)

**FOR OFFICE USE ONLY:**

Agent's Comments previous material in place + being used to create basketball court. already altered area.

Site Inspection Date: 1/30/2023 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: 2/6/2023 Permit Approved: ☒ Yes ☐ No  
Conditions: \_\_\_\_\_

Signature of Commission Chair or Agent: Adrian Date: 2/7/2023



**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 6<sup>th</sup>, 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 9<sup>th</sup>, 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 9<sup>th</sup>, 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 9<sup>th</sup>, 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: 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 9<sup>th</sup>, 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: Commission 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



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

**Conservation Commission Meeting Minutes: January 9, 2023**

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

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

**Public Comment:** There was no public comment.

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

David Lyttle represented the applicants and gave a project overview. The locations of the proposed structures have shifted further landward of the buffer zone to the coastal bank. The only portions of the structure left in the Commission's jurisdiction are a cantilevered deck and porch. Theresa Sprague was also on the call to explain the proposed mitigation for any construction disturbance. They plan to match existing vegetation and no trees in jurisdiction will be removed. They propose to maintain an existing path to a sitting area. The huckleberry in the sitting area will be flush cut and the area will be revegetated with Pennsylvania sedge. A box turtle protection plan was submitted. Both Clint Kershaw and Diane Messinger asked about the width of the path and the proposed flush cutting. Theresa Sprague stated their goal to maintain a safe path and remove the huckleberry from the existing clearing and replace it with native grasses. Chair Carol Girard-Irwin asked for more detail on the turtle protection plan which Theresa Sprague then provided. Commissioner Diane Messinger asked about the success of these types of plans. The Agent stated she has seen it done successfully in the past. Commissioner Carol Girard Irwin noted that following the turtle protocol would be a condition for approval. Commissioner Linda Noons-Rose asked about how the turtle protocol gets relayed to the contractors. The Agent responded that this information will be discussed with the contractors at the pre-construction site visit.

**Motion:** Commissioner Clint Kershaw moved to approve the request with the condition that the box turtle protection plan be part of the order of conditions; **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-1; Commissioner Bob White Recused himself; **the motion passed.**

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

A continuance was requested until the February 2, 2023 meeting.

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

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

A continuance was requested until the February 2, 2023 meeting.

**Motion: Commissioner Carol Girard-Irwin moved to continue the request until February 6, 2023; Second: Commissioner Clint Kershaw; Vote: 6-0-0; 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):**

A continuance was requested until the February 2, 2023 meeting.

**Motion: Commissioner Clint Kershaw moved to continue the request until February 6, 2023; Second: Chair Carol Girard-Irwin; Vote: 6-0-0; the motion passed.**

**Notice of Intent: 6 Baker Lane, Richard & Jill Meyer (SE#75-1161):**

Theresa Sprague was on the call to represent the project along with architect Paul Krueger. She noted that trees to be removed had been flagged and a limit of work added. She described the changes from the last meeting including a redesigned driveway, grading plan, and an updated alternatives analysis with table. She also reviewed the benefits of the proposed mitigation for the project which will include reduction of the use from four bedrooms to two and upgrade of the septic system to an innovative/alternative system, removal of existing oil burning furnace and oil storage tank, reduction of driveway area, conversion of the lawn to drought tolerant grasses, and management of invasive vegetation followed by planting of more robust native vegetation. She also reviewed the coverage calculations of the structure and noted that the proposed dwelling will offer a reduction in coverage. Chair Carol Girard-Irwin inquired about the increase in deck space and what materials the new deck would be made of. Paul Krueger stated that the deck would be wood, and the pathway consists of pervious material. Commissioner Clint Kershaw asked where the generator and the septic system would be located. Theresa Sprague answered that the septic system is currently being designed and that they would provide a notation showing the generator on the plan. Commissioner Diane Messinger suggested donating the house for affordable housing. Paul Krueger stated that they could make the house available to the town. Commissioner Bob White added that a 3/8" space should be provided between deck boards for the proposed deck. Theresa Sprague confirmed for the Agent that no machinery would be used outside of the limit of work. Aaron Patterson was on the call representing the neighboring Dunn family and expressed concern about construction traffic and potential damage to Baker Lane itself. The Agent suggested conditioning approval to ensure the driveway does not wash out and the road is maintained. The homeowner stated that it is in his interest to preserve the area, including keeping the road in optimal condition. Another abutter, Elliot Laidlaw, expressed concern about the potential turning around of construction vehicles at the end of the road and wanted to ensure that his plantings were protected. The Agent added that she could collect the abutters' email addresses and stay in contact with them about roadway concerns. The Commission preferred to condition the project to ensure that the contractor develop and adhere to a construction parking protocol. They were clear that the contractor shall be responsible for preventing runoff from the lane onto Mill Pond Road, or abutters properties, and shall ensure that Mill Pond Road is properly swept, and maintained free from any sediment that may migrate from the lane. The contractor is responsible for repairing the lane access as needed to its original condition and understands that erosion of the lane onto Mill Pond Road may cause the project to be

stopped by the Town to ensure that downstream wetland resources are not impacted by stormwater runoff.

**Motion:** Commissioner Clint Kershaw moved to approve the request with the condition that septic approval be obtained from the Board of Health, that the owner be responsible for any damage, and that a construction vehicle parking protocol be developed. Also, the possibility of donating the home should be investigated;  
**Second:** Commissioner Bob White; **Vote:** 6-0-0; **the motion passed.**

**Request for Determination of Applicability: 432 Shore Road Cottages 3 & 4, Vito Moreno:**

Vito Moreno was representing the project. The project is a one-for-one replacement of an existing walkway with dry-laid, pervious pavers.

**Motion:** Commissioner Carol Girard-Irwin moved for a negative 3 determination;  
**Second:** Commissioner Clint Kershaw; **Vote:** 6-0-0; **the motion passed.**

**Request for Determination of Applicability: 22 Great Hills Road, Jason & Pamela Moriarty:**

Fred Vanderschmidt was representing the project. There is an existing foundation under the house that needs more support. Commissioner Clint Kershaw asked whether all the work would be conducted by hand and Mr. Vanderschmidt confirmed. Chair Carol Girard-Irwin mentioned that construction debris was observed on the property at their site visit and that it needed to be picked up and maintained.

**Motion:** Commissioner Clint Kershaw moved for a negative 3 determination with the condition that the site be kept clean; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; **the motion passed.**

**Request for Determination of Applicability: 492 Shore Road, Laura Keegan:**

Chair Carol Girard-Irwin described the project as a septic upgrade on a barrier beach. No representative was present but since a sufficient plan had been provided the commission was comfortable approving the request.

**Motion:** Commissioner Clint Kershaw moved for a negative 3 determination;  
**Second:** Commissioner Carol Girard-Irwin; **Vote:** 6-0-0; **the motion passed.**

**Request for Determination of Applicability: 15 Depot Road, Kelsey Tyler:**

John O'Reilly was on the call to represent the project. This is an upgrade from a cesspool and leach pit to a Title 5 septic system. The resource areas are a Coastal Bank, Land Subject to Coastal Storm Flowage, and Riverfront area. Both the cesspool and leach will be pumped, filled by hand, and abandoned. No machinery shall be used due to the proximity of the existing cesspool to the Coastal Bank.

**Motion:** Commissioner Clint Kershaw moved for a negative 3 determination;  
**Second:** Chair Carol Girard-Irwin; **Vote:** 6-0-0; **the motion passed.**

**Administrative Reviews:**

(1) 334 Shore Rd: sand replacement-ratification for emergency work done;

This is a ratification request for emergency work already done.

**Motion:** Chair Carol Girard-Irwin moved to approve the request; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; **the motion passed.**

**The rest of the Administrative Reviews were voted on all together:**

(1) **2 Obbo Dr:** removal of black locust; (2) **4 River View Rd:** 30-day extension request;  
(3) **276 Shore Rd:** water line work; (4) **51 Depot Rd:** limb removal

**Motion:** Commissioner Linda Noons-Rose moved to approve the Administrative Review Requests; **Second:** Chair Carol Girard-Irwin; **Vote:** 6-0-0; **the motion passed.**

**Discussion on process to update Open Space and Recreation plan**

**Minutes**

1. A letter of endorsement from the Commission will be required but the plan is still in draft format.
2. Commissioner Larry Lown will e-mail the Conservation Agent with questions.

**Minutes:**

**Motion:** Clint Kershaw moved to approve the November 7, 2022, minutes as amended; **Second:** Commissioner Bob White; **Vote:** 6-0-0; **the motion passed.**

**Chair Carol Girard-Irwin moved to adjourn the meeting.**

**Second: Commissioner Clint Kershaw; Vote: 6-0-0.**

**The meeting was adjourned at 6:53 PM.**

Respectfully Submitted by Nina Richey



# TOWN OF TRURO

## **PROPOSED GENERAL BYLAW:**

### **STORMWATER MANAGEMENT by DRAINAGE, EROSION AND SEDIMENT CONTROL**

[HISTORY: Proposed as Draft to TBoH 1-17-2023]

#### **§ 1. Purpose.**

The purpose of this bylaw is to protect, maintain and enhance the public health, safety, environment and general welfare by establishing minimum requirements to control the adverse effects of stormwater runoff and erosion. Through proper management of stormwater, sediment and erosion controls this bylaw safeguards the public health, safety, environment and general welfare of the public. This bylaw serves to protect surface water and groundwater resources, promote groundwater recharge and prevent flooding.

#### **§ 2. Applicability.**

The requirements of this bylaw shall apply to existing development, new development, and redevelopment projects to minimize adverse impacts of erosion and stormwater runoff, off-site and downstream, which would be borne by abutters, townspeople, the general public and wetland resource areas. The Select Board may delegate from time-to-time certain duties described in this bylaw to designees who will act on its behalf for the purposes of enforcement.

#### **§ 3. Drainage requirements.**

- a. **Runoff.** All runoff from impervious surfaces of a lot shall be recharged on that lot. Runoff shall be diverted towards areas covered with vegetation for surface infiltration.
- b. **Stormwater.** All stormwater drainage shall be contained on the development site and away from wetland resources. All stormwater shall be treated on site unless there is a public benefit to connecting to another drainage system or allowing stormwater to flow off site. Commercial development shall be required to handle calculated flows from a 25-year storm.
- c. **Drains.** In no instance shall roof drains, subsurface drains, or overflow drains of any kind be directed to the public road layout.

§ 4. Erosion and sediment control requirements.

- a. Erosion. Erosion control provisions shall be designed and executed to prevent erosion or excessive uncontrolled surface water runoff from draining onto any public way, both during and after construction. No grading or clearing of land shall begin until all required erosion control measures are in place and fully constructed. Permanent erosion control measures including but not limited to re-vegetation, retention basins and siltation barriers may be required to ensure stormwater will not discharge onto the public way.
- b. Sediment control. The Town may require measures to reduce tracking of sediment from construction vehicles onto the public way. The contractor is required to clean up any sediment inadvertently discharged, through tracking or other means, into the public way or drainage systems. In no case shall sediment be allowed to discharge onto a public way or into public drainage infrastructure.

§ 5. Fines and penalties.

Any person violating this chapter shall be punished by a fine of not more than two hundred dollars (\$200.) for each offense and may have their permit revoked. Each day that such offense continues shall constitute a separate offense.