

Town of Truro  
Conservation Commission  
P.O.Box 2030  
Truro, MA 02666-0630

*After-the-  
fact*

Conservation Commission  
TOWN OF TRURO  
APR 10 2023

8

Dear Commission members,

We are the owners of 494 Shore Rd North Truro, MA. This past winter a storm damaged our "existing" deck and shed making it unsafe. We are requesting this board allow us to rebuild a new deck and shed in the same location.

The deck and shed will be slightly bigger. Plans are attached. We are in the process of completing our house renovation with new sea-grass and plantings as mitigation.

We would propose to continue with additional sea-grass and planting in the areas around the deck and shed. Approx area 200 square feet + - in front of and around the deck and water side of shed continuing with sea-grass that we will already be adding after completion of the renovation project. We have been told "fall" is the best season for planting sea-grass. We should be ready you commission to come out at that point to inspect.

Thank you for your consideration,

*Shawn Sankinels 4/10/2023*  
*Elena Fay 4/10/2023*

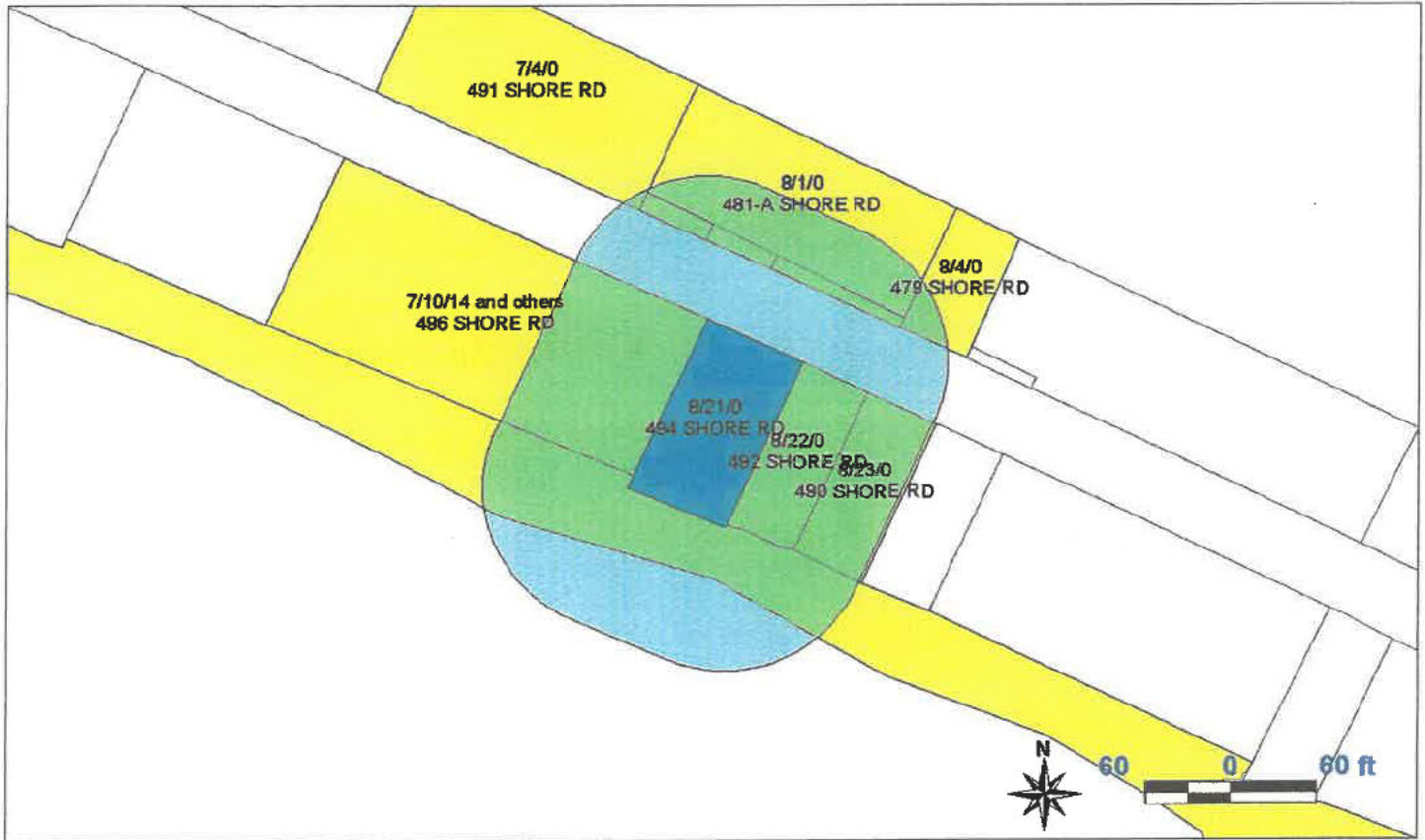
[REDACTED]  
North Truro, MA 02652

Key	Parcel ID	Owner	Location
5929	7-10-15-R	JOAN THOMPSON LIVING TRUST TRS: JOAN F THOMPSON	496 SHORE RD
5930	7-10-16-R	MCCUSKER JAMES T	496 SHORE RD
5931	7-10-17-R	DUBOIS REALTY TRUST TRS: DUBOIS LEONARD A ET AL	496 SHORE RD
5932	7-10-18-R	MCCUSKER JAMES T	496 SHORE RD
5933	7-10-19-R	MCCAFFREY MATTHEW J & LEE	496 SHORE RD
5934	7-10-20-R	MCCUSKER JAMES T	496 SHORE RD
5935	7-10-21-R	MCCUSKER JAMES T	496 SHORE RD
6947	7-10-22-E	CROWS NEST CONDO TRUST c/o James McCusker	496 SHORE RD
248	8-1-0-R	VANNELLI ROBERT L & MICHELE E	481-A SHORE RD
249	8-2-0-R	BEARCE WILLIAM C III	487 SHORE RD
250	8-3-0-R	ALKIRE DOROTHEA DALY	485 SHORE RD
251	8-4-0-R	SILVA CHARLES W	479 SHORE RD
266	8-21-0-R	SANTANGELO SHARON M & FAY DONNA M	494 SHORE RD
267	8-22-0-R	KEEGAN LAURA	492 SHORE RD
268	8-23-0-R	490 SHORE ROAD REALTY TRUST TRS: SILVA CHARLES W & HELEN T	490 SHORE RD
279	8-34-0-R	OWNER UNKNOWN	481 SHORE RD

  
 4/4/2023 Page 2



Abutters List Within 100 feet of Parcel 8/21/0



Key	Parcel ID	Owner	Location	Mailing Street	Mailing City	ST ZipCd/Country
236	7-4-0-R	NEAREN & CUBBERLEY NOMINEE TR TRS: CHRISTOPHER SNOW	491 SHORE RD			
5915	7-10-1-R	MCCUSKER JAMES T	496 SHORE RD			
5916	7-10-2-R	WADE JEFFREY S & PAMELA J	496 SHORE RD			
5917	7-10-3-R	MCHUGH STEPHEN M	496 SHORE RD			
5918	7-10-4-R	MCHUGH STEPHEN M	496 SHORE RD			
5919	7-10-5-R	MEDAGLIA JANE E	496 SHORE RD			
5920	7-10-6-R	SHEPARD SUSAN & HAMS MARCIA	496 SHORE RD			
5921	7-10-7-R	FEATHERSTONE THERESA I	496 SHORE RD			
5922	7-10-8-R	MCHUGH STEPHEN	496 SHORE RD			
5923	7-10-9-R	DUNCAN BAILEY PROPERTIES LLC MGR: THOMAS PFLEPSSEN	496 SHORE RD			
5924	7-10-10-R	MCHUGH STEPHEN	496 SHORE RD			
5925	7-10-11-R	PINSLEY LAUREN J & C/O MCHUGH STEPHEN	496 SHORE RD			
5926	7-10-12-R	MCCUSKER JAMES T	496 SHORE RD			
5927	7-10-13-R	MCCUSKER JAMES T	496 SHORE RD			
5928	7-10-14-R	MCCUSKER JAMES T	496 SHORE RD			

8/24/2023  
4/4/2023

## NOTIFICATION TO ABUTTERS

Check One:    This is the applicant                      Applicant's Representative                      Other

Dear Abutter:

You are being notified pursuant to Massachusetts General Law 131, Section 40 and 310 CMR 10.00, Wetlands Protection Act that a:

☒ Notice of Intent    ☐ Amended Order of Conditions    ☐ Abbreviated Notice of Intent    ☐ Abbreviated Notice of Resource Area Delineation (ANRAD)

has been submitted to the Truro Conservation Commission regarding a project at

494 SHORE RD N. TRURO, MA Map 8 Parcel 21.

### Applicant (Owner) Information:

(1) Name: SHARON SANTANGELO Address: [REDACTED]

(2) Name: DONNA FAY Address: [REDACTED]

### Representative Information:

Name: \_\_\_\_\_ Organization: \_\_\_\_\_

Address: \_\_\_\_\_

### 1. Description of Proposed Project:

REPLACEMENT OF EXISTING DECK + SHED (DAMAGED)

The public hearing begins at 5 o'clock pm on MAY OR JUNE, 2023  
(date of hearing)

The hearing will be:

☒ remote – the agenda for the hearing will be posted by the Town of Truro on their website and in Town Hall. The agenda and meeting link will be available at <https://www.truro-ma.gov>

☐ In person at the Truro Town Hall, 2nd Floor -Selectmen's Meeting Room, 24 Town Hall Road, Truro MA 02666

☐ Truro Community Center, 7 Standish Way MA 02666

The Notice of Intent, plans and other pertinent information may be examined prior to the public hearing at the Truro Conservation Commission Office, Town Hall, 24 Town Hall Rd., Truro, Tuesday thru Friday, from 8am to 4pm. Office :508-349-7004 x 130

Sharon Santangelo  
Signature of Applicant or Representative

4/4/2023  
Date

\*\* The Notice of the public hearing, including its date, time and place, will be published at least five (5) days in advance in the Provincetown Independent Newspaper and will be posted in the Truro Town Hall no less than forty-eight (48) hours in advance of the meeting.



**TRURO ASSESSORS OFFICE**

**PO Box 2012 Truro, MA 02666**

**Telephone: (508) 214-0921**

**Fax: (508) 349-5506**

**Date:** April 4, 2023

**To:** Sharon M. Santangelo

**From:** Assessors Department

**Certified Abutters List:** 494 Shore Road (Map 8, Parcel 21)

**Conservation Commission**

Attached is a combined list of abutters for the property located at 494 Shore Road.

The current owners are Sharon M. Santangelo and Donna M. Fay.

The names and addresses of the abutters are as of March 31, 2023 according to the most recent documents received from the Barnstable County Registry of Deeds.

Certified by:

Olga Farrell  
Assessing Clerk



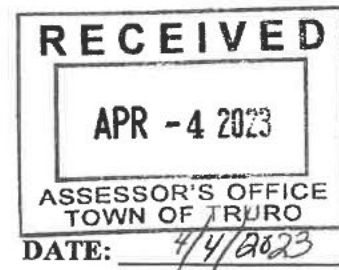


# TOWN OF TRURO

## Assessors Office

### Certified Abutters List

### Request Form



NAME OF APPLICANT: SHARON SANTANGELO

NAME OF AGENT (if any): \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

CONTACT: HOME/CELL \_\_\_\_\_

EMAIL \_\_\_\_\_

PROPERTY LOCATION: 494 SHORE RD N. TRURO

(street address)

PROPERTY IDENTIFICATION NUMBER: MAP 8 PARCEL 21 EXT. \_\_\_\_\_

(if condominium)

#### ABUTTERS LIST NEEDED FOR:

(please check all applicable)

**FEE: \$15.00 per checked item**

(Fee must accompany the application unless other arrangements are made)

\_\_\_ Board of Health<sup>5</sup>

\_\_\_ Planning Board (PB)

\_\_\_ Zoning Board of Appeals (ZBA)

\_\_\_ Cape Cod Commission

\_\_\_ Special Permit<sup>1</sup>

\_\_\_ Special Permit<sup>1</sup>

☒ Conservation Commission<sup>4</sup>

\_\_\_ Site Plan<sup>2</sup>

\_\_\_ Variance<sup>1</sup>

\_\_\_ Licensing

\_\_\_ Preliminary Subdivision<sup>3</sup>

\_\_\_ Definitive Subdivision<sup>3</sup>

Type: \_\_\_\_\_

\_\_\_ Accessory Dwelling Unit (ADU)<sup>2</sup>

\_\_\_ Other \_\_\_\_\_

(Fee: Inquire with Assessors)

(Please Specify)

**Note: Per M.G.L., processing may take up to 10 calendar days. Please plan accordingly.**

#### THIS SECTION FOR ASSESSORS OFFICE USE ONLY

Date request received by Assessors: 4/4/2023

Date completed: 4/4/2023

List completed by: D. Farrell

Date paid: 4/4/2023 Cash/Check ☒

<sup>1</sup> Abutters, owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line.

<sup>2</sup> Abutters to the subject property, abutters to the abutters, and owners of properties across the street from the subject property.

<sup>3</sup> Landowners immediately bordering the proposed subdivision, landowners immediately bordering the immediate abutters, and landowners located across the streets and ways bordering the proposed subdivision. **Note:** For Definitive Subdivision only, responsibility of applicant to notify abutters and produce evidence as required.

<sup>4</sup> All abutters within 300 feet of parcel, except Beach Point between Knowles Heights Road and Provincetown border, in which case it is all abutters within 100 feet. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.

<sup>5</sup> Abutters sharing any boundary or corner in any direction – including land across a street, river or stream. **Note:** Responsibility of applicant to notify abutters and produce evidence as required.



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

Provided by MassDEP:

**WPA Form 3 - Notice of Intent**

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

MassDEP File Number

Document Transaction Number

City/Town

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



**Note:**  
 Before  
 completing this  
 form consult  
 your local  
 Conservation  
 Commission  
 regarding any  
 municipal bylaw  
 or ordinance.

**A. General Information**

1. Project Location (Note: electronic filers will click on button to locate project site):

494 SHORE RD

a. Street Address

N. TRURO

b. City/Town

c. Zip Code

Latitude and Longitude:

8

f. Assessors Map/Plat Number

d. Latitude

e. Longitude

21

g. Parcel /Lot Number

2. Applicant:

SHAREN SANTANGELD

a. First Name

b. Last Name

c. Organization

P.O. BOX 590

d. Street Address

N. TRURO

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

3. Property owner (required if different from applicant):

☐ Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

a. First Name

b. Last Name

c. Company

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

a. Total Fee Paid

b. State Fee Paid

c. City/Town Fee Paid



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**A. General Information (continued)**

**6. General Project Description:**

REPLACE EXISTING STORM DAMAGED DECK + SHED

**7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home             | 2. <input type="checkbox"/> Residential Subdivision       |
| 3. <input type="checkbox"/> Commercial/Industrial                     | 4. <input type="checkbox"/> Dock/Pier                     |
| 5. <input type="checkbox"/> Utilities                                 | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation                |
| 9. <input type="checkbox"/> Other                                     |   |

**7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?**

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

**2. Limited Project Type**

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

**8. Property recorded at the Registry of Deeds for:**

BARNSTABLE COUNTY

a. County

34315

c. Book

b. Certificate # (if registered land)

29

d. Page Number

**B. Buffer Zone & Resource Area Impacts (temporary & permanent)**

- ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		square feet _____

4. Proposed alteration of the Riverfront Area:

a. total square feet \_\_\_\_\_ b. square feet within 100 ft. \_\_\_\_\_ c. square feet between 100 ft. and 200 ft. \_\_\_\_\_

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

**Note:** for coastal riverfront areas, please complete Section B.2.f. above.





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Document Transaction Number \_\_\_\_\_

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

**B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)**

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:  
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input checked="" type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____ ?

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above _____ 1. cubic yards dredged _____ ?	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. ☐ Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW \_\_\_\_\_

b. square feet of Salt Marsh \_\_\_\_\_

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings \_\_\_\_\_

b. number of replacement stream crossings \_\_\_\_\_



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**C. Other Applicable Standards and Requirements**

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

**Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review**

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program  
 Division of Fisheries and Wildlife  
 1 Rabbit Hill Road  
 Westborough, MA 01581

online map  
 b. Date of map \_\_\_\_\_

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

**c. Submit Supplemental Information for Endangered Species Review\***

1. ☐ Percentage/acreage of property to be altered:
 

(a) within wetland Resource Area	_____ percentage/acreage
(b) outside Resource Area	_____ percentage/acreage
2. ☐ Assessor's Map or right-of-way plan of site
2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work \*\*
  - (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)
  - (b) ☐ Photographs representative of the site

\* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

\*\* MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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**C. Other Applicable Standards and Requirements (cont'd)**

- (c) ☐ MESA filing fee (fee information available at [http://www.mass.gov/dfwele/dfw/nhESP/regulatory\\_review/esa/esa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/esa/esa_fee_schedule.htm)). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

*Projects altering 10 or more acres of land, also submit:*

- (d) ☐ Vegetation cover type map of site
- (e) ☐ Project plans showing Priority & Estimated Habitat boundaries
- (f) ☐ OR Check One of the Following

1. ☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, [http://www.mass.gov/dfwele/dfw/nhESP/regulatory\\_review/esa/esa\\_exemptions.htm](http://www.mass.gov/dfwele/dfw/nhESP/regulatory_review/esa/esa_exemptions.htm); the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # \_\_\_\_\_ b. Date submitted to NHESP \_\_\_\_\_

3. ☐ Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

- a. ☐ Not applicable – project is in inland resource area only b. ☐ Yes ☒ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -  
 Southeast Marine Fisheries Station  
 Attn: Environmental Reviewer  
 836 South Rodney French Blvd.  
 New Bedford, MA 02744  
 Email: [DMF.EnvReview-South@state.ma.us](mailto:DMF.EnvReview-South@state.ma.us)

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -  
 North Shore Office  
 Attn: Environmental Reviewer  
 30 Emerson Avenue  
 Gloucester, MA 01930  
 Email: [DMF.EnvReview-North@state.ma.us](mailto:DMF.EnvReview-North@state.ma.us)

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



**Massachusetts Department of Environmental Protection**  
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**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

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City/Town

**C. Other Applicable Standards and Requirements (cont'd)**

**Online Users:**  
 Include your  
 document  
 transaction  
 number  
 (provided on your  
 receipt page)  
 with all  
 supplementary  
 information you  
 submit to the  
 Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. ☐ Yes ☒ No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. ☐ Yes ☒ No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
  2. ☐ A portion of the site constitutes redevelopment
  3. ☐ Proprietary BMPs are included in the Stormwater Management System.
- b. ☒ No. Check why the project is exempt:
1. ☒ Single-family house
  2. ☐ Emergency road repair
  3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

**D. Additional Information**

- ☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

**Online Users:** Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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MassDEP File Number

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City/Town

**D. Additional Information (cont'd)**

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

REPLACEMENT DECK + SHED (EXISTING DAMAGED BY STORM)

a. Plan Title

LAFRENIERE ARCHITECTS

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☒ Attach NOI Wetland Fee Transmittal Form
9. ☐ Attach Stormwater Report, if needed.

**E. Fees**

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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

**WPA Form 3 – Notice of Intent**

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

**F. Signatures and Submittal Requirements**

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

*Shawn Santangelo*

1. Signature of Applicant

*4/4/2023*

2. Date

*Ronny Fay*

3. Signature of Property Owner (if different)

*4/4/2023*

4. Date

5. Signature of Representative (if any)

6. Date

**For Conservation Commission:**

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

**For MassDEP:**

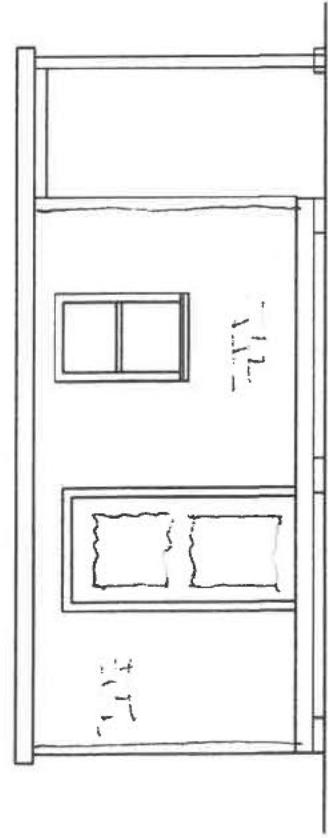
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

**Other:**

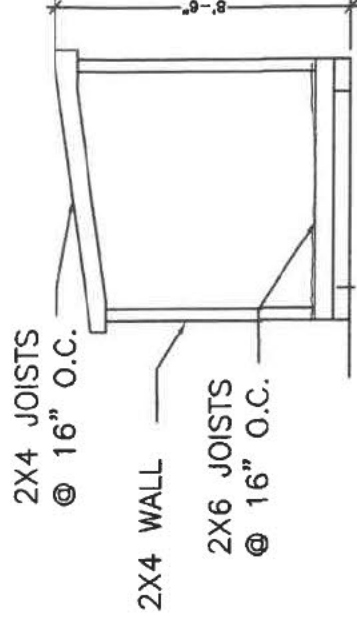
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

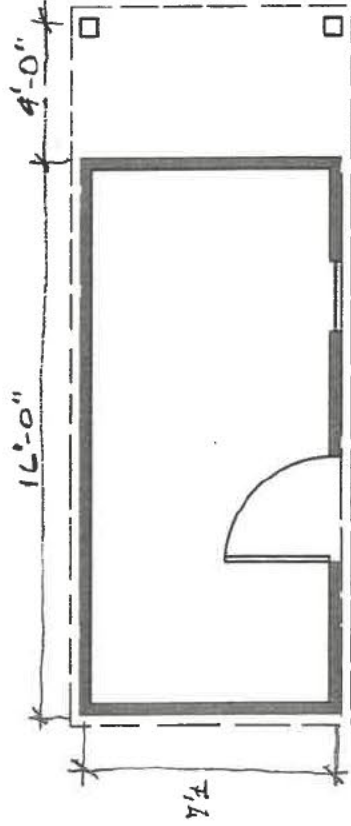




ELEVATION



SECTION OF SHED



PLAN

DECK MATERIALS:

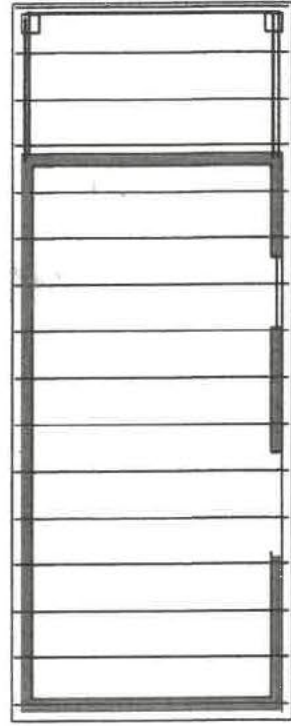
PRESSURE TREATED WOOD FRAMING

DECKING:  $\frac{5}{8}$ " TREKS

SHED MATERIALS

CEDAR SHINGLES - NATURAL

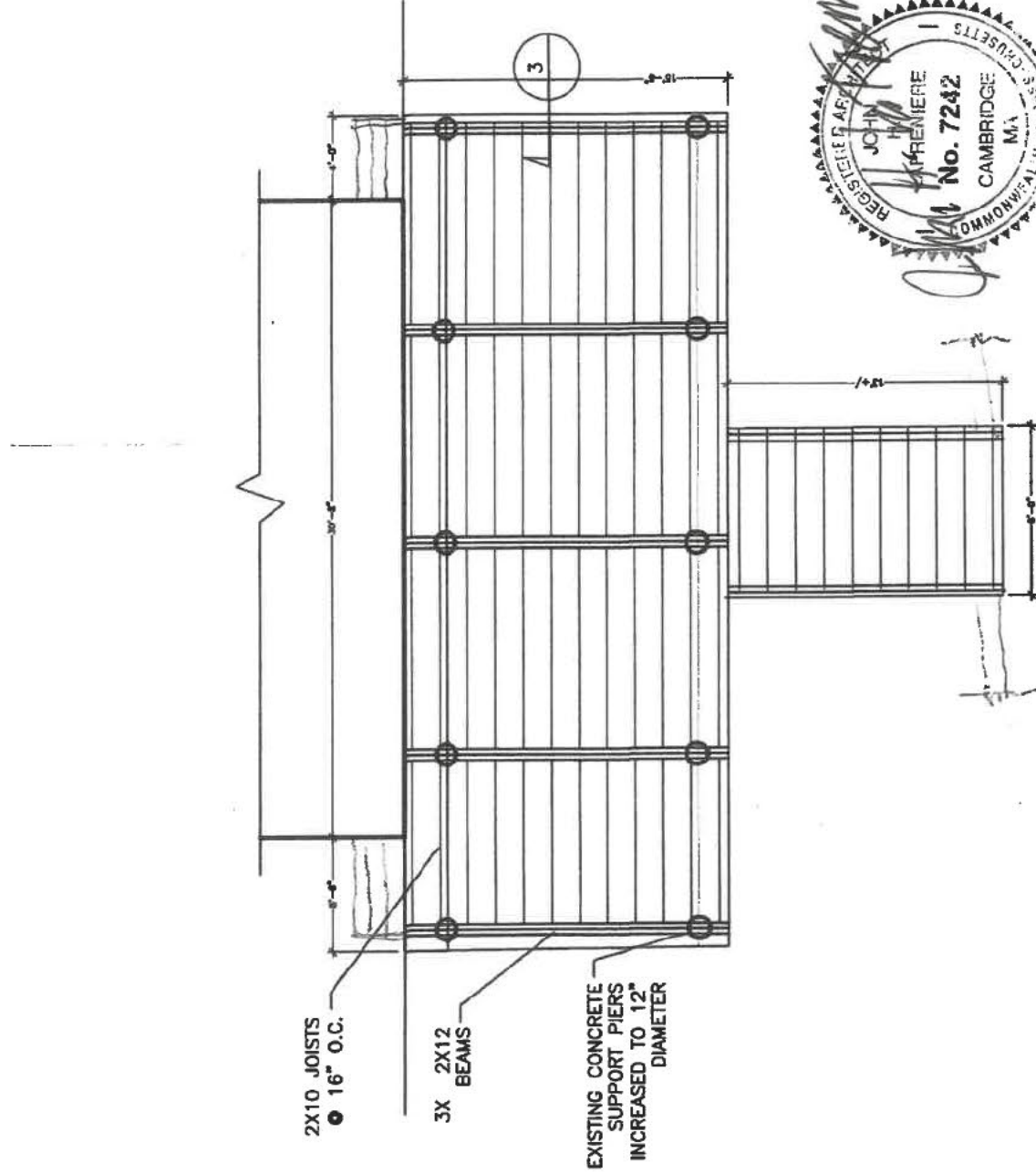
WHITE PAINTED TRIM



FRAMING PLAN

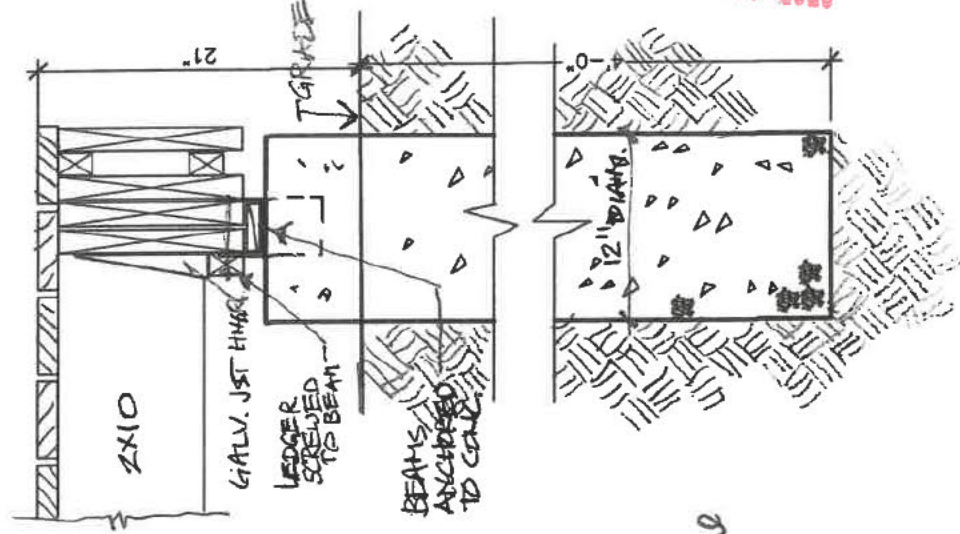
**1** REBUILT SHED

SCALE: 3/16"=1'-0"



**2** PLAN OF REPLACEMENT DECK

SCALE: 1/8"=1'-0"



**3** DETAIL OF DECK FRAMING

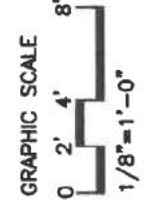
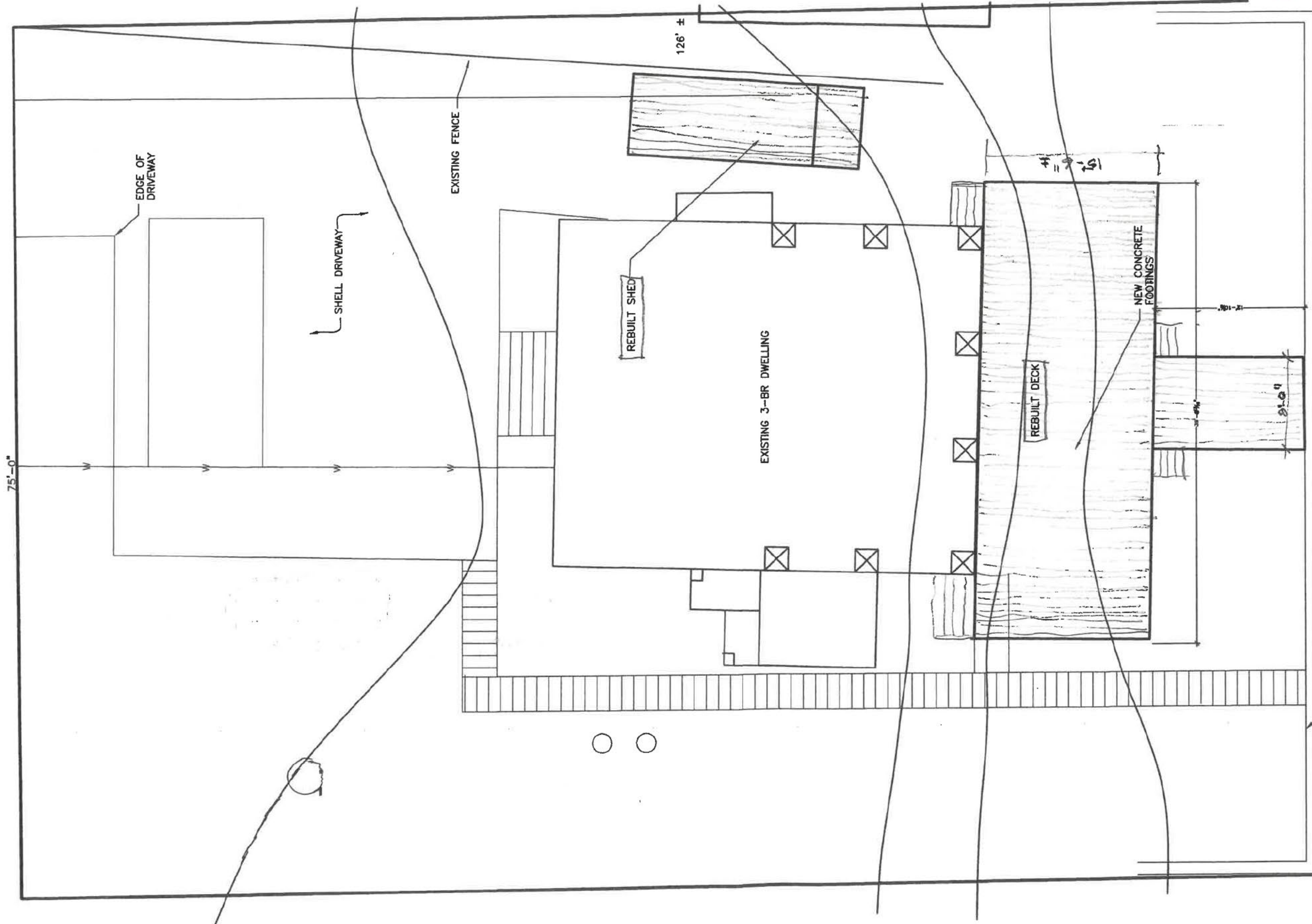
SCALE: 1 1/2"=1'-0"



Conservation Commission  
TOWN OF TRURO  
APR 10 2023

A-2  
APR 8, 2023



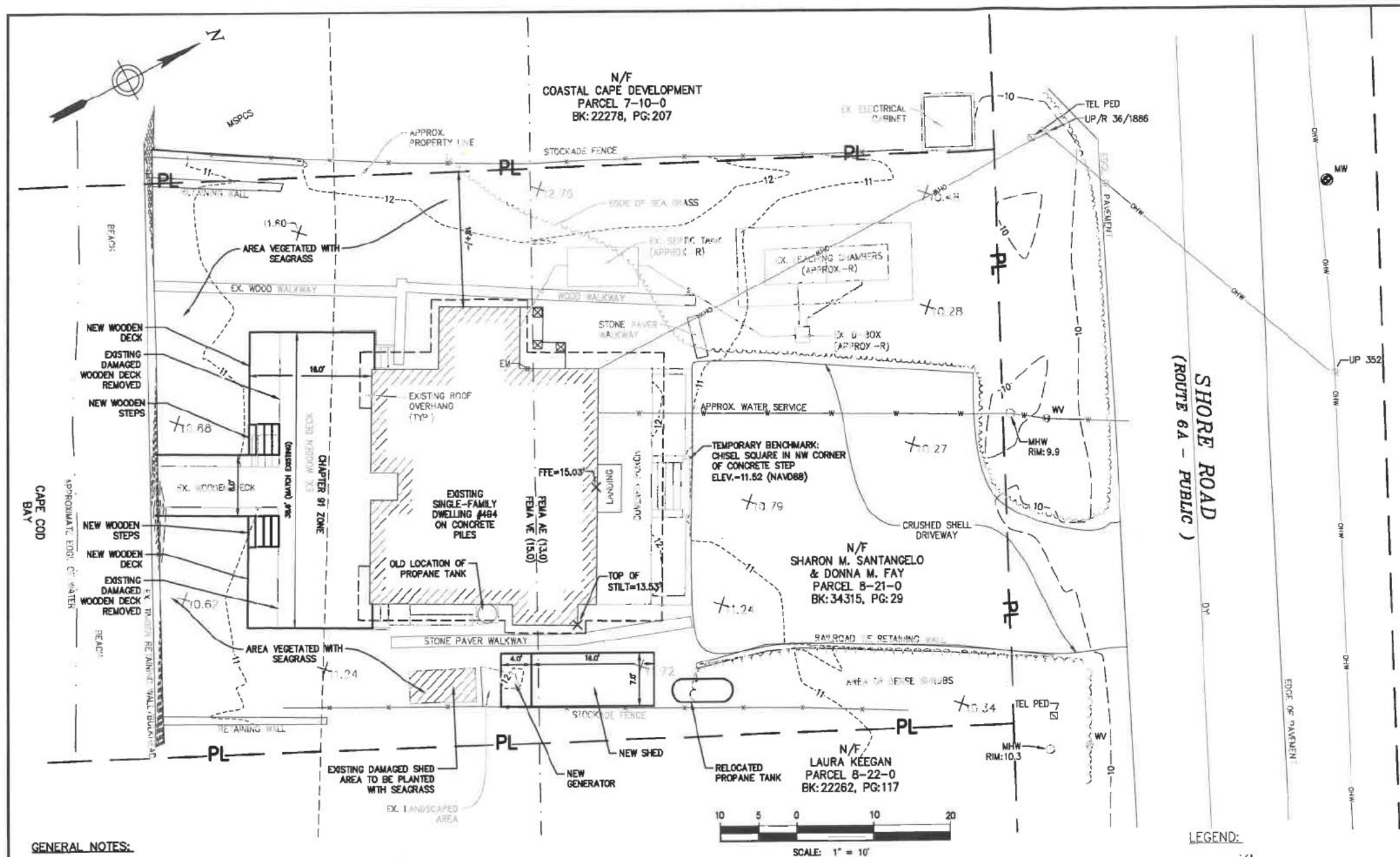


3'-6" X 6'-0" ADDITION TO FRONT SIDE OF EXISTING ADDITION

A-1  
(1 OF 2)

REPLACEMENT OF DECK AND SHED DAMAGED BY STORM





#### GENERAL NOTES:

1. THE EXISTING CONDITIONS INFORMATION SHOWN HEREON IS THE RESULT OF AN ON-THE-GROUND SURVEY PERFORMED IN MARCH OF 2022.

2. ALL DEED REFERENCES ARE TO BARNSTABLE COUNTY REGISTRY OF DEEDS UNLESS OTHERWISE NOTED.

3. LOCUS OWNER OF RECORD:

SHARON M. SANTANGELO  
& DONNA M. FAY  
DEED BOOK 34315 PAGE 29  
PARCEL 8-21-0

4. TOPOGRAPHY, CONTOURS AND BENCHMARKS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88). TEMPORARY BENCHMARKS, REFERENCED TO THE DATUM ARE INDICATED ON THE SURVEY.

IN THE EVENT THAT BENCHMARKS (TBM'S), ESTABLISHED FOR THIS PROJECT AND PUBLISHED ON THIS SURVEY ARE DESTROYED, NOT RECOVERABLE OR A DISCREPANCY IS FOUND, THE USER SHOULD NOTIFY THIS ENGINEER IN WRITING PRIOR TO COMMENCING OR CONTINUING ANY WORK.

5. THE PROJECT AREA IS LOCATED IN LAND SUBJECT TO COASTAL STORM FLOWAGE, FLOOD ZONE "VE" AND "AE" AS SHOWN ON FLOOD INSURANCE RATE MAP FOR BARNSTABLE COUNTY, COMMUNITY PANEL NUMBER 25001C0117J, EFFECTIVE DATE JULY 16, 2014.

6. LOCATION OF SUBSURFACE UTILITIES SHOWN HEREON ARE APPROXIMATE AND ADDITIONAL UTILITIES MAY EXIST THAT ARE NOT SHOWN ON THIS PLAN. LOCATIONS ARE COMPILED FROM UTILITY PLANS OF RECORD AND DIG-SAFE FIELD MARKINGS. RIM AND INVERT INFORMATION HAS BEEN COMPILED AND FIELD VERIFIED WHERE POSSIBLE. THIS INFORMATION IS NOT TO BE USED FOR CONSTRUCTION. PRIOR TO ANY CONSTRUCTION, CONTACT DIG-SAFE (811) TO FIELD VERIFY LOCATION OF ALL UTILITIES.

#### PLAN REFERENCES:

PLAN ENTITLED: "SEWERAGE DISPOSAL SYSTEM & FOUNDATION DETAILS FOR REPLACEMENT" PREPARED BY COASTAL ENGINEERING CO., DATED: 1-28-1991

PLAN BOOK: 224, PAGE: 3  
PLAN BOOK: 625, PAGE: 70

8. THE LOCUS PARCEL IS LOCATED IN THE TOWN OF TRURO BEACH POINT LIMITED BUSINESS DISTRICT (BP) AS DEFINED BY THE TOWN OF TRURO ZONING MAP. MINIMUM SETBACK REQUIREMENTS ARE:

FRONT SETBACK: .....25'  
SIDE SETBACK: .....25' (1)  
REAR SETBACK: .....N/A

(1) EXCEPT IN THOSE PORTIONS OF THE BEACH POINT LIMITED BUSINESS DISTRICT SERVED BY THE TOWN OF PROVINCETOWN WATER SYSTEM, WHERE THE MINIMUM SIDEYARD AND BACKYARD SETBACKS SHALL BE EQUIVALENT TO FIVE (5) FT PER STORY OF THE BUILDING OR STRUCTURE IN QUESTION. STRUCTURES LESS THAN A FULL STORY SHALL MEET THE MINIMUM 5 FT SETBACK.

#### LEGEND:

	BUILDING LINE
	PARCEL BOUNDARY LINE
	EASEMENT LINE
	ADJOINING PARCEL LINE
	STREET/HIGHWAY LINE
	EDGE OF ASPHALT
	EDGE OF CONCRETE
	EDGE OF CRUSHED SHELLS
	FENCE
	OVERHEAD UTILITY LINE
	WATER LINE
	TELEPHONE PEDESTAL
	UTILITY POLE
	WATER MANHOLE
	WATER VALVE
	MONITORING WELL



PREPARED FOR:

SHARON M.  
SANTANGELO  
& DONNA M. FAY

494 SHORE ROAD  
TRURO, MA  
02666



IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR, TO ALTER IN ANY WAY, IF AN ITEM BEARING THE STAMP OF A LICENSED PROFESSIONAL IS ALTERED, THE ALTERING ENGINEER, ARCHITECT, LANDSCAPE ARCHITECT OR LAND SURVEYOR SHALL STAMP THE DOCUMENT AND INCLUDE THE NOTATION "ALTERED BY" FOLLOWED BY THEIR SIGNATURE, THE DATE OF SUCH ALTERATION AND A BRIEF DESCRIPTION OF THE ALTERATION.

PROJECT LOCATION:

494 SHORE ROAD  
(ROUTE 6A)

TRURO, MA

#### PROPOSED MINOR SINGLE-FAMILY ADDITION PLAN

Designed By:	Drawn By:	Checked By:
HD	CDE	HD
Issue Date:	Project No:	Scale:
03/28/2022	10022	1" = 10'

Drawing No.:

SHEET 1 OF 1

Conservation Commission  
TOWN OF TRURO

APR 20 2023

APR 10 2023



## Attachment A Project Narrative

### 1.0. Introduction

The proposed project is located at 3 Corn Hill Path, Truro Massachusetts. This property is bounded by Cape Cod Bay to the west, a residence to the north, a residence to the south, and Corn Hill Landing to the east. The property owner has recently demolished the existing building and built a new dwelling on the property. The landform, on this property, slopes up significantly from the beach and dune to the top of the coastal bank at elevation 90'+/-. From the top of coastal bank (on the southern portion of the property) the landform slopes up gradually to the location of the existing driveway. From there, a steep slope drops off significantly down to the street which is at elevation 58'+/-.

The project goal is to allow access over the Coastal Bank to the beach while minimizing the impact to the resource areas.

### 1.1. Project Description

The proposed project is to build an access stairway down the Coastal Bank to the beach. The beach access stairs will extend from the existing boardwalk and deck to minimize upland disturbance. The portion of the steps located below the base flood elevation (BFE) will be a seasonally removable section of stairs to be stored out of the resource areas during the off-season. The beach access stairs will originate at the existing boardwalk and are designed to be located greater than two (2) feet above the existing grade.

The proposed project shall have no cumulative effects on the adjacent property's stairways, nor the coastal dune it is to be constructed on. See the attached reports by Blueflax Design LLC, and Environmental Consulting & Restoration, LLC for further clarification and analysis.

### 1.2. Permit History

The Subject Property has an existing dwelling with an elevated boardwalk to a platform overlooking the Coastal Bank. Table 1 below shows the permits and licenses issued to this property per our online research at the Barnstable County Registry of Deeds. Please note that there may be other historic permits that may not have been discovered during research due to a multitude of reasons, including clerical errors in the recording process, incorrect address, and/or change of address.

TABLE 1: PERMIT HISTORY

Permit/License Number	Agency	Issued	Expiration	Description
OOC SE 75-524	Truro Conservation Commission	11/21/2001	11/21/2004	Sand Drift Fence
OOC SE 75-1123	Truro Conservation Commission	10/08/2021	10/08/2024	Site Improvements



### 1.3. Wetland Resource Areas and Performance Standards

The proposed project is located within a Coastal Barrier Beach system with Coastal Beach and Dune, Coastal Bank, and Land Subject to Coastal Storm Flowage (LSCSF). There is a shellfish suitability area offshore of the subject property that will not be adversely impacted by the proposed project. The project is not located within Natural Heritage Endangered Species Program (NHESP) estimated and priority habitat for endangered and threatened wildlife species. The Resource Areas are covered by Performance Standards under the 310 CMR 10.00: Wetlands Protection Act Regulations. The Town of Truro Wetlands Bylaw and Truro Conservation Commission Regulations are addressed through the filing of this application for work to be completed within wetland resource areas. We have addressed the potential impacts to these Resource Areas based on the Performance Standards under the State Wetland Protection Regulations and the applicable Truro Wetland Regulation in the following sections. The graphic below shows the wetland delineations provided by Massachusetts GIS (Massmapper).



**State Wetlands Protection Act 310 CMR 10.00**

**10.04 Land Subject to Coastal Storm Flowage** means land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater"

Portions of the proposed work are within LSCSF. The proposed work will have minimal impact to the LSCSF due to the seasonal removal of the lowest portion of the access stairs.

**10.27: Coastal Beaches** means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.

The proposed project includes work within the Coastal Barrier Beach system's Coastal Dune. The only potential impact within the Coastal Beach is the seasonal impact of the bottom of the beach access stairs. The Coastal Beach is not expected to be significantly impacted by the access stairs.

**10.28: Coastal Dune** means any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

The proposed stairway will use helical piles for the supports which minimize the impact to the dune and allow sediment to move freely with any wind and wave action. Additionally, the section of stairway located within the coastal dune will be seasonally removable to reduce the impact to the area.

**10.30: Coastal Banks** means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland.

The proposed stairway will use helical piles for the supports which minimize the impact to the bank and allow sediment to move freely with any wind and wave action. The stairs will be 2 feet or greater above the grade of the bank to allow for light to reach under the decking and stairs. Any areas that are disturbed during construction will be restored to the previous condition of the Coastal Bank.

#### **Truro Conservation Regulations**

The Truro Conservation Regulations' applicable resource area performance standards are covered within the performance standards above with the exception of the performance standard for access stairs over the Coastal Bank.

*9. A stairway or boardwalk may be permitted over a Coastal Bank provided that it has no adverse impact on the form and function of the Coastal Bank and the following criteria are met:*

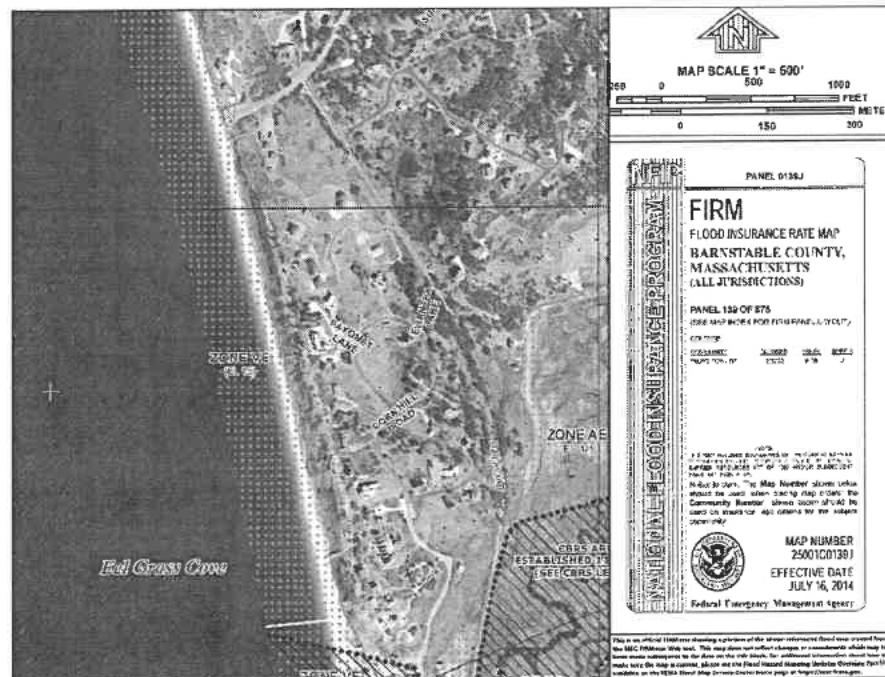
- i. With the exception of the pilings, all other parts of the stairway or boardwalk shall be elevated 24 inches above the surface of the ground.*
- ii. All stairways shall follow the contours of the land as closely as possible.*
- iii. Stairways shall incorporate open risers.*
- iv. Decking planks shall be spaced a minimum of ½ inch apart.*
- v. The stairway structure shall be no more than 4 feet in overall width, including but not limited to the supporting posts and hand rails.*
- vi. The preservative treatment for any wood touching the surface of the ground shall be non-toxic. Use of CCA and creosote treated lumber is prohibited.*
- vii. The Commission may allow a resting landing on a stairway that shall seat no more than two individuals in some instances due to the height, steepness or other factors of the bank.*
- viii. All stairways shall be maintained in good condition. Stairways that fail or collapse shall be removed or repaired immediately.*
- ix. All stair designs shall be removable when located in the flood plain.*
- x. All stair designs should use batten boards on the upslope side of the support posts to reduce erosion.*

The proposed elevated stairs follow the above regulations with the stairs a minimum of 2' over the bank with a maximum width of 4' including the handrails. The portion of the stairs within the floodplain will be seasonably removable and stored out of the wetland resource areas. The decking boards shall be spaced a minimum of ½" apart and the stairs follow the natural bank contours with resting landings as necessary for safety and to traverse the bank.

#### **1.4. Other Protected Resource Areas**

Other resource areas protected under regulations include FEMA and the Coastal Barrier Resource System (CBRS), Natural Heritage Endangered Species Program (NHESP), Area of Critical Environmental Concern (ACEC), Shellfish, and Outstanding Resource Waters (ORW). The proposed project does not fall within ORW, CBRS, ACEC, shellfish habitat areas, or within an NHESP habitat area.

## FEMA



The proposed project is located in a FEMA Zone VE (EL 15). The portion of the stairs within the FEMA flood zone are seasonal, to be removed during the winter storm season.

### 1.5. Alternatives Analysis

The following paragraphs describe the alternatives that were reviewed in the feasibility and design phases of project development. The alternatives were reviewed based on reaching the project goals while minimizing impacts to the resource areas, constructability, and remaining economically feasible.

#### *Alternative 1 – No Action*

Alternative 1 is to not change the current conditions at the subject property. With no changes to the subject property, there will be no access to the beach from the upland area. Without safe access, people could attempt to go down the bank to reach the beach in an unsafe manner and inadvertently cause harm to themselves or the resource area.

#### *Alternative 2A – Construct Beach Access Stairs (2022 Submission)*

Alternative 2A includes the construction of stairs from the elevated walkway giving access to the beach. This will prevent any unsafe traversing of the coastal bank which could lead to injury and degradation of the resource area. The overall impact to the resource area will be minimal due to helical piles for support, a portion to be removed seasonally, and restoration of anything impacted during construction.

A previous Notice of Intent was submitted in 2022 that proposed installing a timber stairway down to the beach below the property's coastal dune. The proposed stairway would be installed perpendicular to the existing slope with landings for people to sit at intervals while ascending or descending the stairway. The proposed stairway would require some vegetation to be cut along the slope to allow for proper assembly. The overall length of this alternative timber stairway is approximately 200 feet long.

To install this layout of the stairway there are two possible methods of installing helical piles: a roller crane at the top and bottom of the existing coastal bank, or an all-terrain crawler with a helical pile attachment.

A roller crane positioned at the top and bottom of the slope would allow for material to be easily transported to the point of stairway construction. The crane at the top of the slope would be able to remain in one location during the duration of the project while the crane at the bottom of the slope would need to be either moved after working for the day or driven to a point up the slope where it would be out of the tide cycle. The use of a crane would minimize any unnecessary disturbance to the existing bank vegetation during the construction of the stairs. The roller crane would be positioned approximately 10 feet back from the top of the bank. A crane would be more costly and would require greater setup than using an all-terrain crawler.

An all-terrain crawler with a helical pile driver would allow for easy site access and movement. The crawler would be able to drive helical piles as it traveled down the slope allowing for more precise driving of piles. An all-terrain crawler would require the vegetation along the desired stairway to be completely cleared, increasing the required revegetation of the slope after construction is completed. The use of an all-terrain crawler would require additional equipment, such as a crane, to move materials up and down the slope to the location of construction.

*Alternative 2B – Construct Beach Access Stairs (Current submission)*

Alternative 2B includes an alternate stairway path from the elevated walkway giving access to the beach. The alternate stairway would instead be partially angled down the slope prior to proceeding perpendicular to the beach. The stairway would be approximately 200 feet long and require fewer landings than the previous alternative.

This alternative would require the same installation considerations and equipment as Alternative 2A: A roller crane at the top and bottom of the existing coastal bank, or an all-terrain crawler with a helical pile attachment.

With the revised alignment in Alternative 2B, a roller crane at the top of the coastal bank would be staged 25 feet back from the top of the bank, reducing the potential impact it could have on the slope. All other equipment considerations such as vegetation impact and equipment staging remain the same as alternative 2A.

The considerations of using an all-terrain crawler to install helical piles remains the same as alternative 2A remains the same.

*Alternative 3 – Hillside Elevator & Railway*

Alternative 3 is the installation of a hill hiker system which is an inclined elevator system for transporting people up and down the coastal bank on a tramway that is powered by a cable motor at the top of the bank. This system could be installed fully parallel to the slope, being the shortest distance over the height of the bank. This alternative would require an additional power service that is installed at the top of the bank and is only operational with power.

The installation of a hill hiker system will require the same equipment as the previous alternatives, either a roller crane at the top and bottom of the existing coastal bank or an all-terrain crawler with a helical pile attachment. The considerations of using an all-terrain crawler to install helical piles remains the same as alternative 2A. This option was deemed unsuitable based on the power requirements and



the additional interruption on the resource area caused by yearly inspections and maintenance which would need to occur from within the resource area. Additionally, to support the structure there may need to be larger timber or concrete pier walls which would further shade and permanently alter resource areas.

## **Construction Protocol**

### **Pre-Construction Requirements**

A sign bearing the MA DEP file number shall be posted in compliance with the Order of Conditions issued by the Truro Conservation Commission. Prior to any construction or site disturbance activity, the erosion and sedimentation barriers shall be installed in the location(s) shown on the plan. A copy of the approved plans and the Order of Conditions shall be provided to the Contractor and shall be on site at times.

### **On-Site Pre-Construction Conference**

Prior to the start of any sitework or construction, a pre-construction meeting will be held on site to discuss the project requirements with the following parties represented:

- General Contractor
- Sitework Contractor
- Coastal Engineering Co., Inc. Engineer
- Conservation Commission Agent

Topics to be discussed during the meeting include but are not limited to the following maintenance of erosion and sedimentation control barrier, the limit of work, construction sequencing and scheduling, material and equipment storage and project contacts. During the preconstruction conference, the Engineer and Conservation Agent shall inspect the erosion and sedimentation barrier. Any deficiencies shall be addressed prior to the commencement of work.

### **Limit of Work**

The Sitework Contractor shall familiarize themselves with the boundaries of the property and the limit of work. The Contractor shall exercise care in order to protect adjacent properties and wetland resource areas. The Contractor shall not operate equipment outside the limit of work as shown on the approved plan and delineated by the erosion and sedimentation control barrier. The contractor shall practice good housekeeping measures during the day-to-day operations at the site. The site should be policed daily to remove any litter or construction debris. Care shall be taken that no debris be allowed outside the limit of work. Debris outside the limit of work shall be picked up immediately.

The limit of work is to be kept to a minimum due to vegetation on the project site. The contractor on the site will coordinate work with Blueflex to minimize disturbances and work around vegetation that is not to be disturbed.

### **Construction Access**

Construction access shall be from the existing paved road and gravel driveway. Any storage of equipment shall take place within the driveway. The access will traverse from the driveway to the top of the bank. A crane will be located at the top of the bank to move supplies to the stairway construction site. Using the crane will minimize the impact of the construction to the coastal bank area by eliminating the need for the crews to repeatedly traverse the slope carrying tools and materials. This will also reduce the restoration area once construction is complete. All areas disturbed will be returned to pre-construction conditions after the work is complete.

As construction progresses down the bank, a crane will be brought in and positioned at the bottom of the proposed limit of work to continue the minimal impact of equipment within the work area. Due to existing timber posts that are at the base of the slope, the crane will need to be positioned further down the slope and potentially into the intertidal area. This would require the crane to be moved to and from the work area daily and would limit work that required this crane to work around the tide schedule. To eliminate this impediment, it is recommended that dune nourishment be included in this project as a means to elevate equipment out of the tide cycle and to allow work to occur at all levels of the tide.

*Nourishment alternative 1 – behind timber fence (temporary)*

Alternative 1 is to construct the nourishment behind the existing timber fence. This would require less sand than other alternatives and would be constructed to a higher elevation to keep the work area level for equipment to sit on when in use. This alternative would be considered temporary due to the limited amount of sand used which would erode into the beach. This alternative is recommended due to the ease of construction and the lack of permits required.

*Nourishment Alternative 2 – outshore of timber fence*

Alternative 2 is to construct a larger permanent nourishment area outshore of the timber post fence. This alternative would allow for a wider area of work for the crane, but would require a greater amount of sand to be transported to the site to build the dune. In addition to this, building a nourishment dune outshore of the timber fence would include filling sand below the High Tide Line. By crossing this line, additional permitting would be required which would delay the construction process. For these reasons, this alternative is not recommended.

A sketch of this option has been attached as part of this package.

**Construction Operations**

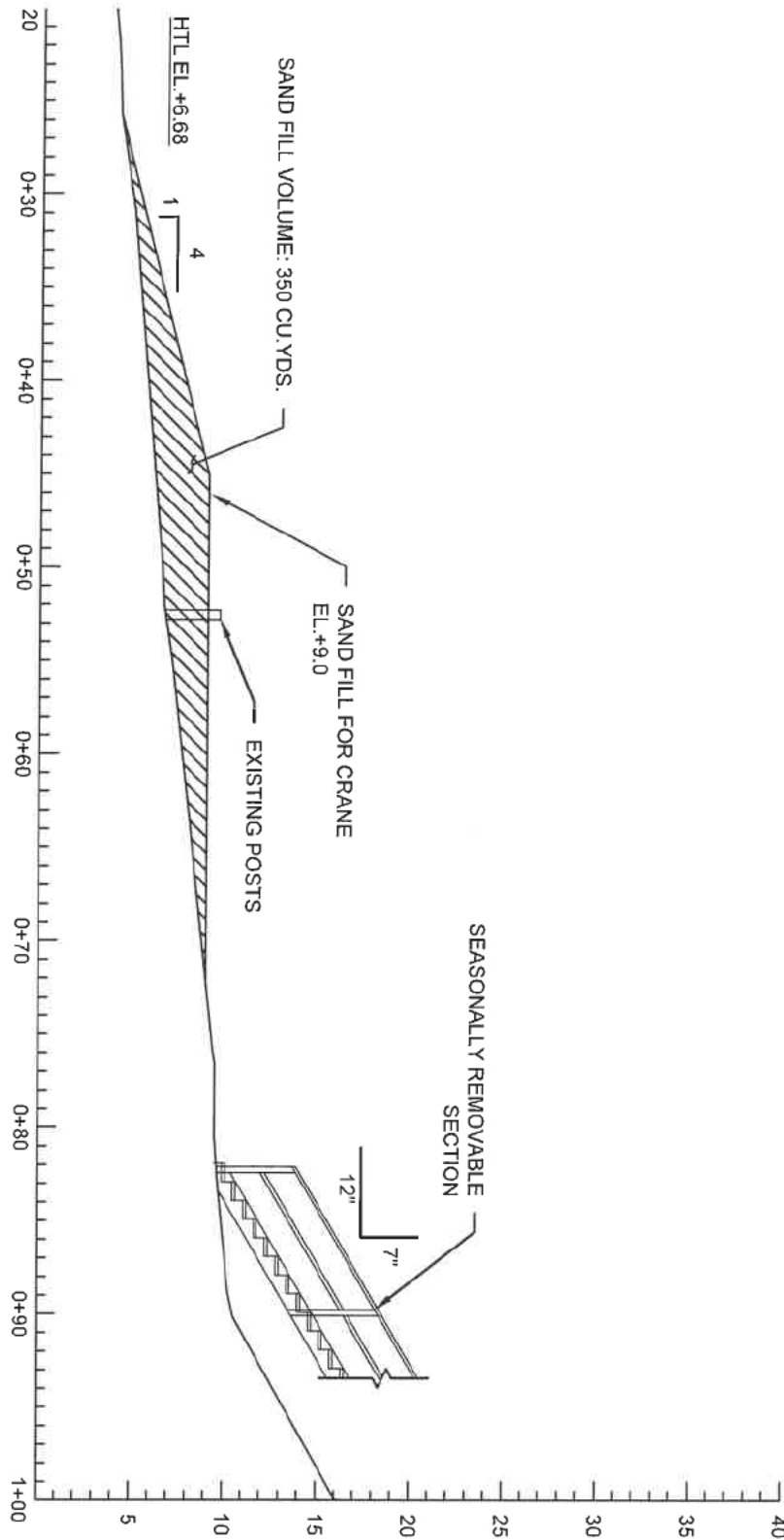
Any construction debris which will not be removed from the site at the end of the workday shall be placed in dumpsters. The dumpsters shall be located in the existing driveway. The dumpsters shall be covered at the end of the workday and emptied when full. The Contractor shall police the site daily in order to prevent wind-blown material from entering abutting properties or resource areas.

**1.6. Summary and Recommendations**

The project is to install timber stairs that are proposed in Alternative 2B. The layout proposed in alternative 2B would limit the amount of vegetation disturbed and trees cut, as well as minimize any mitigation required.

The preferred method of constructing the timber stairway and installing the helical anchors is with a roller crane. By using a roller crane, equipment and materials can quickly and efficiently be moved around the project site with minimal worker effort. The damage and disturbance to vegetation would be minimized due to materials being lifted over existing vegetation instead of being moving through it.

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Coastal Engineering Co., Inc. © 2023

DRAWN BY: XXX  
C19541-01-MAR\_Sand nourishment 230313.dwg



ALT 2

PROP. NOURISHMENT

TALBOT STAIRS TRURO, MA

SHEET NO.  
**SKC-1**

PROJECT NO.  
C19541.01

SCALE  
AS NOTED

DATE  
04/10/2023





Environmental Consulting & Restoration, LLC



April 10, 2023

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

**RE: Notice of Intent, Proposed Beach Stairs, 3 Corn Hill Path**

Dear Members of the Conservation Commission:

Please accept this supplemental information associated with the Notice of Intent application submitted by The Coastal Engineering Company (CEC) on behalf of Gerry Talbot. The proposed beach stairs project is located at 3 Corn Hill Path in Truro (the Site). The Town of Truro Assessors Department references the site as Parcel #45-24-0. We understand that the NOI application is being submitted in accordance with the Massachusetts Wetlands Protection Act and the Town of Truro Wetlands Protection Bylaw.

**Introduction**

The proposed project basically consists of constructing a 4' wide set of timber stairs without risers and supported by helical piles above the flood Zone VE el.15' as shown on *Plan Showing Proposed Beach Access Stairway* (3 sheets) dated 4/10/23 and prepared by Coastal Engineering Company. The project will primarily be located within the Coastal Bank, Coastal Dune, the associated Buffer Zones, and Land Subject to Coastal Storm Flowage, with minor impact to Coastal Beach because of the crane transport process. ECR has evaluated the existing conditions and the proposed project as summarized below.

**Site Description**

The Site consists of a developed, single-family residential, waterfront property that is approximately 145 feet wide and has no beach access. It is surrounded by single-family dwellings to the east, south and north, with Cape Cod Bay on the west. Three properties to the immediate north and one property to the immediate south have beach access stairways. Geology of the Site is mapped as Wellfleet outwash deposits (i.e., glacial) with a portion of the area mapped as cliff-top dune (not a Coastal Dune) along the ridgeline. The soils are mapped as Hooksan sand, 3 to 15 percent slopes. The slope of the west-facing embankment is approximately 2:1 and it shows no signs of active erosion caused by coastal storms, surface water runoff or groundwater breakout. The Coastal Dune located at the toe of the Coastal Bank is protecting the bank from coastal erosion. Wind erosion of surface sediments in unvegetated areas upwards of the ridgeline is apparent. The growth of vegetation and consequential improvement in stability of the landform between the beach and the ridgeline has occurred over the last 15 years.

Environmental Consulting & Restoration, LLC (ECR) performed an evaluation of existing Site conditions on June 7, 2021, April 20, 2022 and March 22, 2023. As a result of the field work and review of available environmental databases, ECR confirms that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Coastal Beach;

- Coastal Dune;
- Coastal Bank;
- 100-foot Buffer Zone to a Coastal Bank; and,
- Land Subject to Coastal Storm Flowage.

Notes:

1. The Site is not located within an area mapped as Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (NHESP).
2. The project is not located within Ch. 91 tidelands jurisdiction.
3. The Site is not located within an Area of Critical Environmental Concern (ACEC).

### Proposed Activities

The proposed project occurs within a Coastal Bank, Coastal Dune, Coastal Beach, Land Subject to Coastal Storm Flowage (LSCSF), and the Buffer Zone to a Coastal Bank. The proposed beach access project will involve the following activities:

- Establish the Limit of Work (LOW) – Prior to the start of work, the limit of work is 45 feet at its widest point and will be established in the field around the proposed project area.
- Construction Access – All materials and equipment used in the project will be delivered to and from the existing driveway and parking area. An area with 4 pads that will be no closer to the top of bank than 20' will be temporarily used for the placement of a crane. In addition, beach access for the crane will be necessary to complete construction from the bottom.
- Infill Stairway – This section is 26 feet long and connects to the first of eight landings to the existing elevated boardwalk at the top of bank.
- Stairway Construction – The *Beach Stair Crane Logistics* narrative and *Grove GMK3050 Spec Sheet* apply to this project. A total of 48 helical piles will be driven into the bank to support a set of 4-foot wide, timber stairs with a minimal clearance of 2' above the bank surface. Any tree cutting that may be necessary will include only the trunk and roots will remain in place.
- Dune Nourishment – The area between the proposed crane position on the Coastal Beach and the west end of the stairway is occupied by a low-lying Coastal Dune that is sparsely vegetated with beachgrass. To mitigate any alterations to that area during the project construction, 130 cubic yards of sand nourishment and 480 culms of beachgrass to be added within an area of 4,800 square feet.
- Revegetation – All areas within the LOW will be replanted in kind with salt tolerant grasses and shrubs.

### Analysis of Performance Standards

The proposed project impacts are located within a Coastal Beach Coastal Dune, Coastal Bank, and within 50 feet of a Coastal Bank. The activities are subject to the *Massachusetts Wetlands Protection Act*, the associated *Massachusetts Wetland Regulations (310 CMR 10.00)*, the *Truro Conservation Bylaw (Chapter VIII)*, and the associated *Conservation Regulations for the Bylaw*. Specifically, the proposed project is subject to the state performance standards under 310 CMR

10.27(3) for Coastal Beach, 10.28(3 and 5) for Coastal Dune, 10.30(4 and 6) for Coastal Bank, and to the town specifications under Sections 2.02(b)(2,3 and 5) for additional activities, 2.04(e)(9. i-x) for Coastal Bank, and 2.05(c)(1. i-vii) for Land Subject to Coastal Storm Flowage. The state does not have any performance standards for Land Subject to Coastal Storm Flowage. ECR has evaluated the project from a geologic perspective and addresses the physical characteristics of the proposal. The engineering aspects are addressed by CEC and the vegetative or biological characteristics are addressed by BlueFlax Design, LLC. Below, the state performance standards are shown in italics to include an analysis of how the proposed project meets those specific standards directly below.

310 CMR 10.27 Coastal Beach

*WHEN A COASTAL BEACH IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL, OR PROTECTION OF WILDLIFE HABITAT, 310 CMR 10.27(3) THROUGH (7) SHALL APPLY* (Note that (4) does not apply):

*(3) Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.*

The crane track vehicle will approach the site from the south at Corn Hill Landing and travel 0.4 miles where it will be stationed for construction of the lower stair sections. The crane will be positioned above the spring high tide line and seaward of the Coastal Dune. The length of time for usage of the crane will be several weeks. If threatened by coastal storms, the crane may need to be driven back to Corn Hill Landing and return to finish the project after the storm passes by.

310 CMR 10.28 Coastal Dune

*WHEN A COASTAL DUNE IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL OR THE PROTECTION OF WILDLIFE HABITAT, 310 10.28(3) THROUGH (6) SHALL APPLY* (Note that (4) and (6) do not apply):

*(3) Any alteration of, or structure on, a coastal dune or within 100 feet of a coastal dune shall not have an adverse effect on the coastal dune by:*

- (a) affecting the ability of waves to remove sand from the dune;*
- (b) disturbing the vegetative cover so as to destabilize the dune;*
- (c) causing any modification of the dune form that would increase the potential for storm or flood damage;*
- (d) interfering with the landward or lateral movement of the dune;*
- (e) causing removal of sand from the dune artificially; or*
- (f) interfering with mapped or otherwise identified bird nesting habitat.*

The seasonal section of the stairway will be supported by piles that will remain in place in the off-season. Waves and wind will have the ability to remove sand from or add sand to the dune. Vegetative cover will be restored after construction and be sustained throughout the year, since no risers are proposed, sunlight will be permitted. Movement of the dune will be allowed under the stairway between the piles and no sand will be artificially removed during construction. Thus, the project will not have a short- or long-term adverse effect on the coastal dune.



Dune nourishment and vegetation are proposed to enhance the dune and for the purposes of storm damage prevention and flood control. As a result, these natural materials will have no adverse impacts on the functions protected in subsections a-f under this Section of the regulations.

(5): *The following projects may be permitted, provided that they adhere to the provisions of 310 CMR 10.28(3):*

- (a) pedestrian walkways, designed to minimize the disturbance to the vegetative cover and traditional bird nesting habitat;*
- (b) fencing and other devices designed to increase dune development; and*
- (c) plantings compatible with the natural vegetative cover.*

The beach stairs serve as a pedestrian walkway listed in (a) and their elevated design will minimize the disturbance to the vegetative cover and any traditional bird nesting habitat.

310 CMR 10.30 Coastal Bank

*WHEN A COASTAL BANK IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION OR FLOOD CONTROL BECAUSE IT SUPPLIES SEDIMENT TO COASTAL BEACHES, COASTAL DUNES OR BARRIER BEACHES, 310 CMR 10.30(3) THROUGH (5) SHALL APPLY (Note that (3), (5),(7) and (8) do not apply):*

- (4) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.*

The proposed project activities will not have an effect on wave action and the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action since the components of the project are primarily located above or outside the mapped floodplain.

*WHEN A COASTAL BANK IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION OR FLOOD CONTROL BECAUSE IT IS A VERTICAL BUFFER TO STORM WATERS, 310 CMR 10.30(6) THROUGH (8) SHALL APPLY:*

- (6) Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

Construction of the stairs involves the application of the *Beach Stair Crane Logistics* narrative and *Grove GMK3050 Spec Sheet*. The proposed stairway supported by helical piles will be located a minimum of 2 feet above the Coastal Bank and vegetation will be permitted to grow beneath the stairs. Erosion and sediment controls will be established and maintained throughout the construction period. In addition, post construction monitoring is proposed to ensure revegetation and erosion controls are successful prior to requesting a Certificate of Compliance. As a result, the project on the Coastal Bank will have no short- or long-term adverse effects on the stability of the coastal bank.

Regarding the local regulations, the physical characteristics of the Site and the engineering design of the project comply with the following regulatory requirements:

## 1.05 General Provisions

- a.3. *The activity proposed will not have an adverse impact of either an immediate or cumulative nature upon the public interests and values as identified under section 1.02.*

The immediate or short-term impacts of the project have been addressed above and below by virtue of the detailed general requirements specified in section 2.04(e) of the Bylaw regulations. However, the cumulative nature of stairway projects is equally important to address, both from a physical (i.e., geology) and biological (i.e., botany) perspective. For this cumulative assessment, ECR will largely opine on the physical impacts and BlueFlax will opine on the biological impacts on the Coastal Bank, as well as the Coastal Dune where stairways have been constructed.

The neighborhood associated with Corn Hill Landing has five (5) existing stairways) that have been constructed, repaired and maintained since 1978 or within the last 45 years. ECR conducted a third Site evaluation within the neighborhood that focused on the elevation of the structures and ground conditions of each stairway on March 22, 2023. The field notes are included with this letter (Attachment 1) along with photos for each property (see attached). The distance between the stairways located at the southernmost and northernmost locations is approximately 830 feet. The distance from the top of Coastal Bank and the toe of the Coastal Dune is approximately 190 feet. Therefore, the area of the resource areas identified in our assessment is approximately 158,000 square feet (830' x 190'). Presuming that the limit of work area for each stairway was 10' wide and that each stairway is 190' in length, the area for potential impacts would be approximately 190 square feet or a diminutive 1.2% of the assessed area. Both the geology and soils are identical within the neighborhood and each property has the same baseline condition of that described above for the project Site.

In our opinion, any physical changes to the bank and dune resources are negligible due to the previously constructed stairways and there are no signs of active erosion or instability. Therefore, we believe that the activity proposed will not have an immediate or cumulative adverse impact on any of the following public interests and values:

- protection of public and private water supply;
- protection of groundwater quality and supply;
- protection of land containing shellfish;
- protection of fisheries;
- protection of wildlife habitat;
- protection of rare species habitat;
- control of: flooding; erosion and sedimentation;
- prevention of: pollution and storm damage; and
- aquaculture.

## 2.02 Additional Requirements for Activities located in Resource Areas

- b. *Within resource areas, the Commission may issue an Order of Conditions allowing the following activities:*
2. *Selective Cutting of vegetation;*
  3. *Elevated stairways over a Coastal Bank and Inland Bank; and,*
  5. *Planting of native vegetation.*

## 2.04: Coastal Bank

e. General requirements

9. A stairway or boardwalk may be permitted over a Coastal Bank provided that it has no adverse impact on the form and function of the Coastal Bank and the following criteria are met:

- i. With the exception of the pilings, all other parts of the stairway or boardwalk shall be elevated 24 inches above the surface of the ground.
- ii. All stairways shall follow the contours of the land as closely as possible.
- iii. Stairways shall incorporate open risers.
- iv. Decking planks shall be spaced a minimum of ½ inch apart.
- v. The stairway structure shall be no more than 4 feet in overall width, including but not limited to the supporting posts and hand rails.
- vi. The preservative treatment for any wood touching the surface of the ground shall be non-toxic. Use of CCA and creosote treated lumber is prohibited.
- vii. The Commission may allow a resting landing on a stairway that shall seat no more than two individuals in some instances due to the height, steepness or other factors of the bank.
- viii. All stairways shall be maintained in good condition. Stairways that fail or collapse shall be removed or repaired immediately.
- ix. All stair designs shall be removable when located in the flood plain.
- x. All stair designs should use batten boards on the upslope side of the support posts to reduce erosion.

2.05: Land Subject to Coastal Storm Flowage

c. Performance Standards

1. In addition to the interests and values set forth above in Sections 2.05(a) and (b), the following standards shall also be applied to work within LSCSF:

Any activity subject to jurisdiction, and proposed on LSCSF shall not:

- i. Reduce the ability of the resource to absorb and contain flood waters;
- ii. Reduce the ability of the resource to buffer more inland areas from flooding and wave damage;
- iii. Displace or divert flood waters to other areas;
- iv. Cause or create the likelihood of damage by debris to other structures on land within the flood plain (collateral damage); built structures such as stairs or walkways shall be seasonally removable;
- v. Cause ground or surface pollution triggered by coastal storm flowage; and,
- vi. Reduce the ability of the resource to serve as a wildlife habitat and migration corridor through activities such as, but not limited to the removal of vegetative cover and/or installation of fencing and other similar structures.
- vii. Any activity proposed in the floodplain may require mitigation to enhance or restore natural functions of the floodplain.

**Conclusions**

The proposed Beach Access Stairway project will be located in a stable, noneroding Coastal Bank and partially in a Coastal Dune and LSCSF. Construction control measures will be implemented and maintained throughout the duration of the construction process to prevent any negative impacts to environmentally sensitive areas. Disturbed areas will be nourished and stabilized upon the completion of work. Based on the information provided in the NOI application, the project protects the interests of the *Massachusetts Wetlands Protection Act* and the *Truro Conservation Bylaw*.

If you have any questions or require additional information, please contact me at (617) 543-1654 or [stan@ecrwetlands.com](mailto:stan@ecrwetlands.com).

Sincerely,  
**Environmental Consulting & Restoration, LLC**

*Stan Humphries*

Stan Humphries  
Coastal Geologist

CC: Department of Environmental Protection, Wetland Division, 20 Riverside Drive, Lakeville, MA 02347

### 3 Corn Hill Path, Truro

Re: Coastal Bank Stairway Evaluation

Notes from site visit on March 22, 2023

Moving from south to north (6 Corn Hill Landing to 6 Payomet Lane)

4/6 Corn Hill Landing (Association/Community):

- Built in 1978;
- Multiple switchbacks;
- Varying height above bank – up to 4.5 feet off dune, to 1.5 feet, then some stretches of the stairs are just a few inches above the bank; and,
- Varying density of vegetation under stairway, but geologically stable.

2 Corn Hill Path:

- Built in 2003;
- Stairway elevated approximately 4 feet above Dune;
- Height above bank varies 1.5 to 3 feet;
- Less clearance at the top of the bank, more clearance as the stairway moves down the bank;
- Mostly good vegetation in the dune under stairway with some sparse growth;
- Good vegetation on the bank under the stairway; and,
- Noted some minor erosion or drainage scoring under lowest platform on the bank.

3 Corn Hill Path:

- No access to the beach;
- Bank has similar form to the bank at 2 Corn Hill Path;
- Bank is very well vegetated and stable – no erosion; and,
- Small pines along the top of the bank.

23 Corn Hill Landing:

- Built in 1992 and extended in 2020;
- Stairway is straight down the bank along the top half, then switchbacks along the bottom half;
- 4 ft 9 inches of clearance above dune;
- About 3 feet max. clearance above bank; and,
- Good vegetation under stairway on bank (stable) and dune.

4 Payomet Lane:

- Built in 2006 and repaired in 2020;
- Limited clearance above dune, about 1.5 feet;
- Much more clearance over bank, about 4.5 feet max.;
- Bank fully vegetated and stable; and,
- Mono-pile design used to support stairway in some areas.



## ATTACHMENT 1

### 6 Payomet Lane

- Built in 1999;
- About 3 feet clearance over dune;
- As much as 5.5 feet clearance over bank;
- Mono-pile design used to support landing over dune; and,
- Bank very stable and well vegetated with grasses and woody plants.

4 & 6 Corn Hill Landing



4 & 6 Corn Hill Landing



## 2 Corn Hill Path





## 2 Corn Hill Path





23 Corn Hill Landing





4 Payomet Ln.





4 Payomet Ln.



6 Payomet Ln.





6 Payomet Ln.





VEGETATION ANALYSIS AND RECOMMENDATIONS FOR PROTECTION AND RESTORATION  
BEACH STAIR ACCESS CONSTRUCTION  
3 CORN HILL PATH, TRURO  
APRIL 8, 2023

## Introduction

This report is presented to the Truro Conservation Commission as a supplement to a Notice of Intent filing completed by Coastal Engineering, Inc and additional supplemental report submitted by Stan Humphries, Environmental Consulting and Restoration LLC.

The main goals of this report are to:

1. Provide analysis of the composition and health of the vegetation existing within the coastal resource areas and buffer zones to the resource areas.
2. Consider short term and cumulative impacts of beach stair construction to the existing vegetation within the coastal resource areas and buffer zones to the resource areas.
3. Make recommendations to minimize damage to the existing vegetation during stair construction, and to restore vegetation in areas that are disturbed through the construction process.

BlueFlax Design LLC had previously submitted a Land Management Plan (June 22, 2021 Rvsd September 30, 2021) for mitigation and restoration of vegetation for the construction of a new single family dwelling on this site.

That management plan describes the plant community on site:

The coastal bank appears to be stable and well vegetated with a mix of grasses, native maritime shrubs, and Japanese black pine . . . Vegetation on the upland portions of the site varies from a nearly pristine sandplain/heathland plant community within the 50' buffer comprised of bearberry, (*Arctostaphylos uva-ursi*) beach heather (*Hudsonia erichoides*), reindeer lichen (*Cladonia rangiferina*), bayberry (*Myrica pensylvanica*), beach plum (*Prunus maritima*), and eastern redcedar (*Juniperus virginiana*), to a mainly non-native, exotic, and invasive plant community around the dwelling and driveway, and on the eastern slope. Asiatic bittersweet (*Celastrus orbiculatus*), shrub honeysuckle (*Lonicera spp*), Autumn olive (*Elaeagnus umbellata*), Japanese black pine (*Pinus thunbergii*) and weeping love grass (*Eragrostis curvula*) make up 80%+ of the vegetative cover in these areas.

This new report provides a more in-depth inventory of vegetation existing on the coastal bank on this and surrounding properties, with analysis of impacts of previous stair installations to the plant community, and consideration of the overall health and function of the vegetation on this coastal bank.

It is important to note that since the previous Land Management Plan for 3 Corn Hill Path was approved by the Truro Conservation Commission, Japanese black pine, which makes up a significant portion of the canopy cover on this coastal bank, has been identified by the Massachusetts Invasive Plant Advisory Group as an invasive plant species which may, "have the ability to reproduce rapidly and displace native species[and] displace or otherwise harm native species. Invasive plants threaten natural communities by reducing habitat and food for native insects, birds, and other wildlife."

Vegetation Composition and Health within the Coastal Bank Resource Area and Buffer Zone to the top of Coastal Bank.

Two site visits were conducted, the first on March 1, 2023 to observe vegetation on the coastal bank within and between the areas of the existing bank stairways located to the north and south of the subject property (described in detail on page 5 of the report submitted by Environmental Consulting and Restoration LLC.), and a second on April 4, 2023 to reassess the proposed crane staging area within the 50' buffer zone.

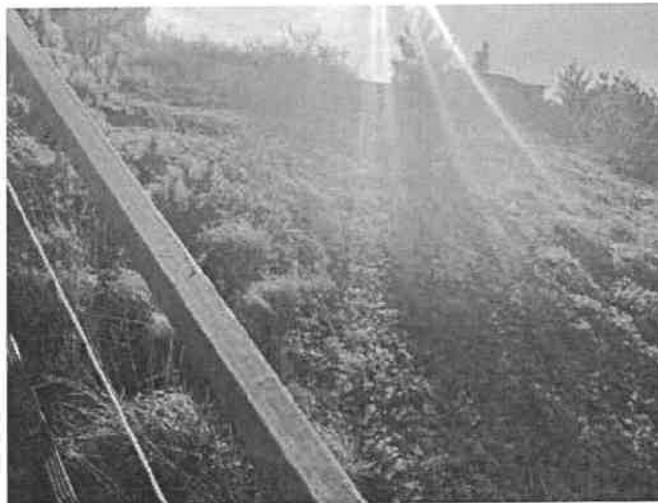
Vegetation on the coastal bank around and between the staircase located directly to the south of 3 Corn Hill Path and the furthest staircase to the north of 3 Corn Hill Path (6 Payomet Landing) is comprised of a patch-like mix of herbaceous vegetation including American beachgrass (*Ammophila breviligulata*), little bluestem (*Schizachyrium scoparium*) and beach heather (*Hudsonia spp.*), low woody vegetation consisting of large areas of bearberry (*Arctostaphylos uva ursi*), small thickets of larger shrub vegetation including northern bayberry (*Myrica pensylvanica*), beach plum (*Prunus maritima*), and blueberry (*Vaccinium spp.*), and wind pruned trees including scrub oak (*Quercus ilicifolia*), eastern red cedar (*Juniperus virginiana*), serviceberry (*Amelanchier canadensis*), and prolific Japanese black pine (*Pinus thunbergii*). Open sandy areas were noted between thickets of vegetation, but as described in the report by Environmental Consulting and Restoration LLC, no areas of active erosion were observed.

The toe of the bank and dune are thickly vegetated with both woody and herbaceous vegetation.

The health of the vegetation on this coastal bank overall appears to be excellent. No large areas of damaged or dead vegetation were observed. Japanese black pine seedlings were noted establishing throughout this bank system, and should be monitored given the species recent listing as invasive.



Looking northwest from the stairway located at 2 Corn Hill Path - bearberry, bayberry, black pine, and herbaceous groundcover species are noted.



Looking directly south of stairs located at 2 Corn Hill Path.



Looking southwest of stairs at 2 Corn Hill Path.



Looking north across the bank in front of 3 Corn Hill Path to staircase located at 23 Corn Hill Landing.



Coastal Bank - 3 Corn Hill Path right of frame, staircase located at 23 Corn Hill Landing center, staircase at 4 Payomet Lane left of frame.



Coastal Bank and dune - looking north from 3 Corn Hill Path right of frame towards staircases located at 23 Corn Hill Landing and 4 and 6 Payomet Lane. Bank and dune around and between staircases are well vegetated.

### Short Term and Cumulative Impacts of Staircase Construction on Vegetation.

Observation of existing vegetation directly around and underneath existing staircases located at the Association/Community staircase (4 & 6 Corn Hill Path), 2 Corn Hill Path, 23 Corn Hill Landing, 4 Payomet Lane, and 6 Payomet Lane leads to a conclusion of no long-term adverse impact to vegetation caused by the construction of these staircases.

Satellite imagery back to 1995 is surprisingly high quality for this area. Satellite imagery from April 1995 clearly shows existing staircases located at 4 and 6 Corn Hill Path (association/community) and 23 Corn Hill Landing. Staircases at 2 Corn Hill Path and 6 Payomet Lane are clearly seen in April 2005 satellite imagery, which is consistent with the report by Environmental Consulting and Restoration LLC noting that the staircase at 2 Corn Hill Path was constructed in 2003, and 6 Payomet Lane was constructed in 1999. Vegetation is clearly seen established around both of the staircases in the April 2005 satellite image (note that deciduous vegetation is likely not seen in this image due to time of year). July 2007 image shows the dwelling at 4 Payomet Lane under construction, and that staircase appears in the next satellite image taken in May 2010. Satellite images of this area in March 2012 onward show the bank to be well vegetated with vegetation patterns consistent with what we see today.

















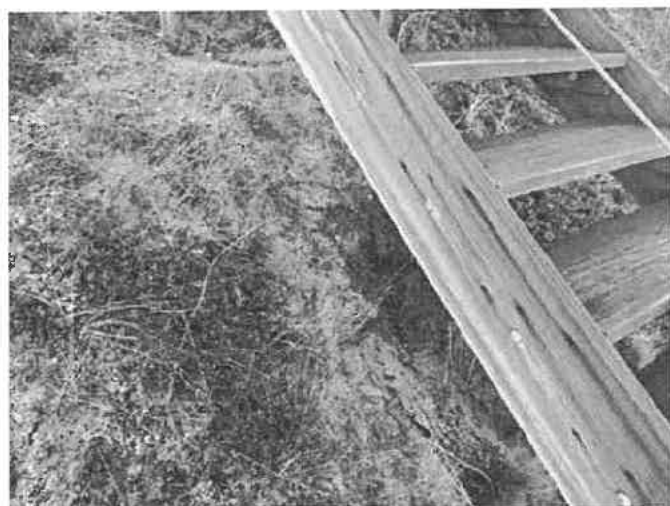
Ground level inspection of vegetation directly around and underneath existing staircases is consistent with species composition and density found on undeveloped areas of this coastal bank. As reported in Attachment 1 of the Environmental Consulting and Restoration LLC submission, the vegetation under the staircases varies from very well vegetated with both woody and herbaceous vegetation to areas with more sparse vegetation directly underneath the staircases. The height of staircases above grade appears to have an impact on vegetation establishment underneath, with staircases elevated three feet or greater above the bank having the greatest density of vegetation, and no areas of minor drainage scour. Overall the vegetation around and underneath all staircases is stable and thriving.



2 Corn Hill Path - dense vegetation located directly around the staircase



2 Corn Hill Path - bearberry growing under staircase landing where light is able to penetrate



2 Corn Hill Path - (above and right) Areas where staircase is located closer to grade have less vegetation.







23 Corn Hill Landing - dense vegetation located directly around the staircase



23 Corn Hill Landing - Eastern redcedar takes advantage of protection provided by the staircase



23 Corn Hill Landing - Serviceberry grows along the staircase at higher elevations



23 Corn Hill Landing - a thicket of woody vegetation including serviceberry and beach plum grows along the staircase.



4 Payomet Lane - Vegetation around and underneath staircase is thriving. Note significant Japanese black pine cover.



6 Payomet Lane - Staircase elevation allows for ample sunlight penetration. Vegetation is fully established around and underneath staircase.



6 Payomet Lane - Staircase elevation allows for ample sunlight penetration. Vegetation is fully established around and underneath staircase.

## Conclusion

While there would have undoubtedly been some short-term impacts to vegetation during the staircase construction process, previously constructed staircases on this bank do not appear to have had any long term, cumulative impacts to the vegetation composition and density on this coastal bank, either directly around the staircases themselves, or on surrounding, undeveloped portions of this coastal bank. Indeed, satellite imagery indicates that the density of vegetation cover on this bank has increased between 1995 and today's existing conditions. Satellite imagery shows that vegetation located in the area of staircase construction at 4 Payomet Lane, the mostly recently constructed staircase, suffered little short term damage, and regenerated rapidly after construction. From this we could conclude that with a staircase construction methodology designed to minimize soil disturbance, protect existing vegetation, and restore disturbed areas, that the health and density of vegetation on this bank, and the ecological services that this vegetation provides, will suffer no long-term adverse impacts.

Recommendations to Minimize Damage to the Existing Vegetation during Stair Construction, and to Restore Vegetation in Areas that Are Disturbed through the Construction Process at 3 Corn Hill Path.

- Site staircase in locations that will minimize damage to sensitive native vegetation (e.g. bearberry, beach heather, reindeer lichen), opting for locations that are:
  - 1) currently devoid of vegetation,
  - 2) supporting invasive Japanese black pine that should be cut and removed,
  - 3) supporting woody vegetation that can be flush cut to allow for some protection during the construction process, and will rapidly regenerate once construction is completed.
- Maintain the tightest limit of work possible to minimize foot traffic and materials staging on the coastal bank.
- Once staircase location is staked (using guidance provided in the first recommendation), flush cut all vegetation within the limit of work as described in 3. This vegetation includes bayberry, beach plum, scrub oak, serviceberry, and blueberry. Flush cutting vegetation will prevent damage to above ground portions of the plant, while protecting the plants root systems. The woody vegetation listed above responds well to flush cutting and will rapidly regenerate from the existing root system, with an average growth rate of 3 feet per year. Regenerating native vegetation is well acclimated to this site's harsh conditions including wind, salt, and dry, nutrient poor soils, and will require no additional inputs (e.g. water, fertilizer etc) to re-establish.
- Stage the crane to be located at the top of the coastal bank (within the 50' buffer) in areas where Japanese black pine is currently located. Japanese black pine should be cut and removed prior to the crane being staged on site.
- Once stair construction is complete any areas that suffered significant soil disturbance (e.g. excavation) should be planted with a mix of vegetation that will support rapid regeneration of vegetation cover, starting with bare root American beach grass. This includes both bank and coastal dune areas. The site should then be monitored over the next few growing seasons, allowing for existing native vegetation to regenerate. Any regenerating Japanese black pine within previously disturbed areas should be cut and removed. After three growing seasons, any areas that were previously vegetated within the limit of work that are not showing signs of regeneration should be planted with a mix of native woody shrubs and herbaceous groundcover species (that are currently found on site) at small container or bare root sizes to support rapid establishment with minimal disturbance and watering needs.
- We do not recommend installing overhead irrigation on this bank. Restoration planting recommendations are based on minimizing disturbance in any form (planting, watering etc) on the coastal bank. Restoration plantings in upland areas (i.e. 50' buffer zone) may require temporary drip irrigation to establish.

These recommendations will help minimize disturbance to existing native vegetation, protect existing native vegetation to the extent feasible during construction, and will support the regeneration of native vegetation and allow for restoration of disturbed areas that do not rapidly regenerate.

## ORDER OF CONDITIONS

## WETLANDS PROTECTION ACT

G.L. C. 131, s. 40

Conservation Commission  
TOWN OF TRURO

APR 14 2023

CITY/TOWN Truro, Mass.FILE NUMBER SE 75-29TO: NAME Nicholas L. BrownADDRESS 19 Coolidge Road  
Wayland, Mass.CERTIFIED MAIL NUMBER None

## PROJECT LOCATION:

Address Truro, Mass.Recorded at Registry of Barnstable Co., Book 2772, Page 034 and 2775 097.Certificate (if registered) None

## REGARDING:

Notice of Intent dated September 21, 1978and plans titled and dated Plan & Elevations, Beach Stairs, Sept. 21, 1978THIS ORDER IS ISSUED ON(date) October 14, 1978

Pursuant to the authority of G.L. c. 131, s. 40, the Truro Conservation Commission has reviewed your Notice of Intent and plans identified above, and has determined that the area on which the proposed work is to be done is significant to one or more of the interests listed in G.L. c. 131, s. 40. The Commission hereby orders that the following conditions are necessary to protect said interests and all work shall be performed in strict accordance with them and with the Notice of Intent and plans identified above except where such plans are modified by said conditions.

## CONDITIONS

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this order.
2. This order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws and/or regulations.
4. The work authorized hereunder shall be completed within one (1) year from the date of this order unless it is for a maintenance dredging project subject to Section 5(9). The order may be extended by the issuing authority for one or more additional one-year periods upon application to the said issuing authority at least thirty (30) days prior to the expiration date of the order or its extension.



5. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including, without limiting the generality of the foregoing, lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
6. No work may be commenced until all appeal periods have elapsed from the order of the Conservation Commission or from a final order by the Department of Environmental Quality Engineering.
7. No work shall be undertaken until the final order, with respect to the proposed project, has been recorded in the Registry of Deeds for the district in which the land is located within the chain of title of the affected property. The Document number indicating such recording shall be submitted on the form at the end of this order to the issuer of this order prior to commencement of work.
8. A sign shall be displayed at the site not less than two square feet or more than three square feet bearing the words, "Massachusetts Department of Environmental Quality Engineering. Number SE 75-29".
9. Where the Department of Environmental Quality Engineering is requested to make a determination and to issue a superseding order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
10. Upon completion of the work described herein, the applicant shall forthwith request, in writing, that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
11. The work shall conform to the following described plans and additional conditions:
12. All work shall be under supervision of the Conservation Commission, who shall be given notice 48 HOURS IN ADVANCE that the work is to be performed.
13. The provisions of Truro By-law XVII, if applicable, must be complied with.
14. For any change made or intended to be made in the plans or in the work, the applicant shall file a new Notice of Intent or inquire in writing of the Commission whether the change is substantial enough to require a new Notice of Intent.
15. Building of walkway and stairs is permitted as in plans submitted. When construction is completed, all damaged areas must be planted with indigenous species to reduce erosion.
16. Damage to the structure must be promptly repaired or the structure removed.
17. No seawall or other similar protective structure may be built.
18. The structure must be maintained at all times.



The applicant, any person aggrieved by this order, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to appeal this order to the Department of Environmental Quality Engineering provided the request is made in writing and by certified mail to the Department within ten (10) days from the issuance of this order.

ISSUED BY Truro Conservation Commission

Charles L. Smith  
Stephen B. Buba  
Neil L. Bunker  
Lawrence Segura  
Walter B. Poyall  
John C. Cloutier

On this 16<sup>th</sup> day of OCTOBER 1976, before me personally  
appeared WALTER S. DAVIS to me  
known to be the person described in, and who executed, the foregoing instrument  
and acknowledged that he executed the same as his free act and deed.

Walter S. Davis

My Commission expires

1/1/83

DETACH ON DOTTED LINE AND SUBMIT TO THE ISSUER OF THIS ORDER PRIOR TO COMMENCEMENT OF WORK.

TO Truro Conservation Commission (Issuing Authority)

PLEASE BE ADVISED THAT THE ORDER OF CONDITIONS FOR THE PROJECT AT Corn Hill,

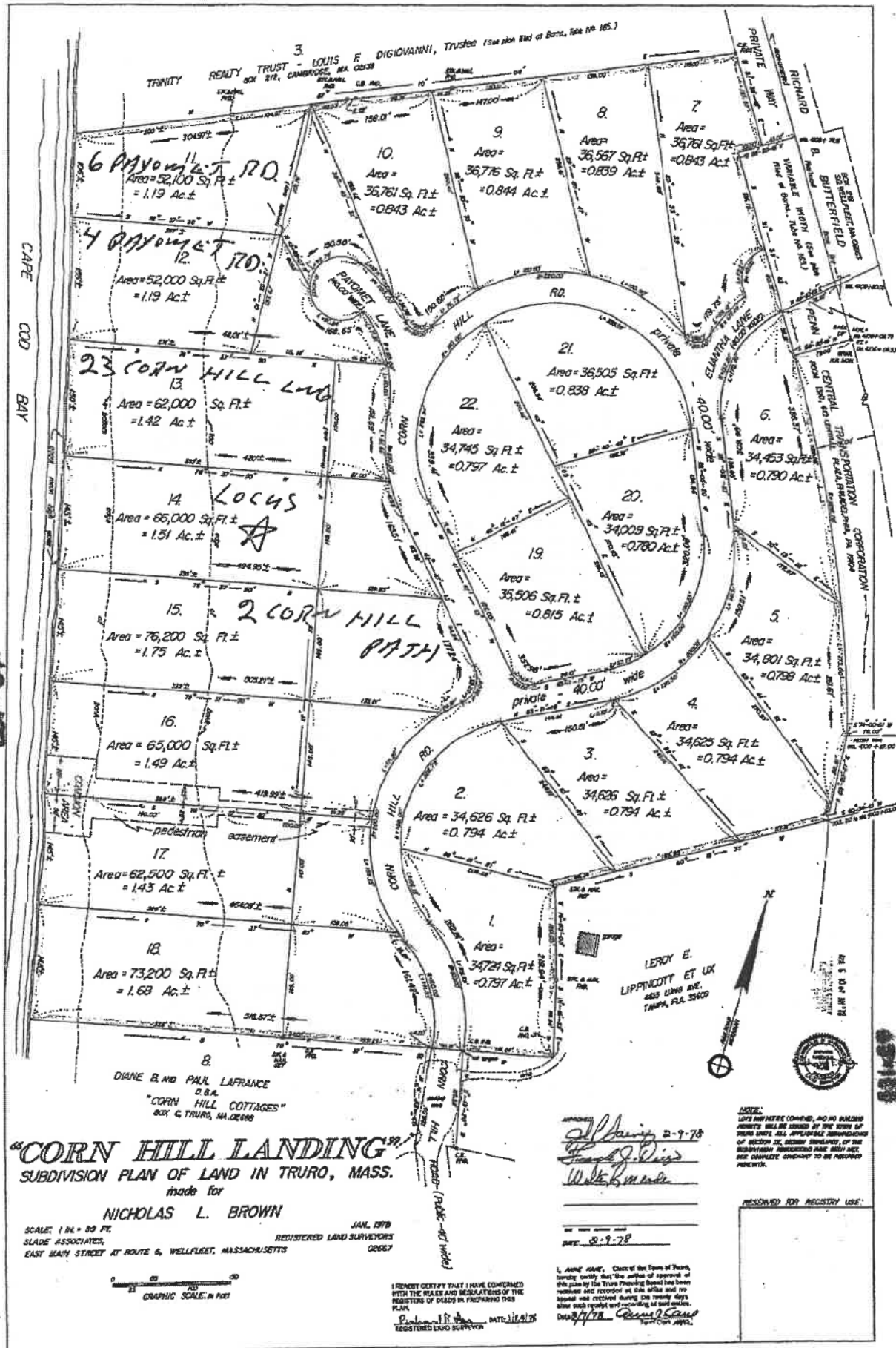
FILE NUMBER SE 75-29, HAS BEEN RECORDED AT THE REGISTRY OF

ON (DATE) \_\_\_\_\_

If recorded land, the instrument number which identifies this transaction is \_\_\_\_\_  
If registered land, the document number which identifies this transaction is \_\_\_\_\_

Signed \_\_\_\_\_

Applicant



24  
We, NICHOLAS L. BROWN, of 19 Coolidge Road, Wayland, County of Middlesex, Massachusetts,  
and ALAN GREENWALD, of 129 Concord Street, Framingham, County of Middlesex,  
Massachusetts,

BOOK 2772 PAGE 034

24665

of

~~xxxxxx~~

~~xxxxxx~~ for CONSIDERATION UNDER ONE HUNDRED (\$100.00) DOLLARS ~~xxxxxx~~ paid  
grant to ALAN GREENWALD, of 129 Concord Street, Framingham, County of Middlesex,  
Massachusetts,

xxx

with quitclaim covenants

the land in Truro, County of Barnstable, Massachusetts, being shown as Lots 3, 4, 5, 7, 8, 10, 13, 14, 15, 16 and 22 on a plan of land entitled, "Corn Hill Landing". Sub-division Plan Of Land In Truro, ~~XXXXXXXXXXXXXXXXXXXX~~ Mass., made for Nicholas L. Brown, Scale: 1 in. = 50 ft., Jan., 1978, Slade Associates, Registered Land Surveyors, East Main Street At Route 6A, Wellfleet, Massachusetts, which plan is recorded with the Barnstable Registry of Deeds in Plan Book 321, Page 27, and to which plan reference may be had for a more particular description of said lots.

Lot 3 contains, according to said plan, 34,626 Sq. Ft. ±.  
Lot 4 contains, according to said plan, 34,625 Sq. Ft. ±.  
Lot 5 contains, according to said plan, 34,801 Sq. Ft. ±.  
Lot 7 contains, according to said plan, 36,761 Sq. Ft. ±.  
Lot 8 contains, according to said plan, 36,567 Sq. Ft. ±.  
Lot 10 contains, according to said plan, 36,761 Sq. Ft. ±.  
Lot 13 contains, according to said plan, 62,000 Sq. Ft. ±.  
Lot 14 contains, according to said plan, 66,000 Sq. Ft. ±.  
Lot 15 contains, according to said plan, 76,200 Sq. Ft. ±.  
Lot 16 contains, according to said plan, 65,000 Sq. Ft. ±.  
Lot 22 contains, according to said plan, 34,745 Sq. Ft. ±.

The above premises are conveyed with the right to use Corn Hill Road, Eliantha Lane and Payomet Lane, as shown on said plan, as is necessary to gain access to the nearest public way, in common with others lawfully entitled thereto. The Grantors reserve the fee interest in said Corn Hill Road, Eliantha Lane and Payomet Lane, as shown on said plan.

This conveyance includes the fee in those portions of Lots 13, 14, 15 and 16 that lie between the low and high water marks in Cape Cod Bay insofar as the Grantors may legally convey the same, and subject to the rights of the public in and to the same according to law.

The premises are conveyed subject to and with the benefit of:

I. The Covenants, Restrictions And Obligations contained in "Declaration Of Covenants, Restrictions And Regulations Applicable To Corn Hill Landing", to be recorded herewith;

II. The right of way shown as "Town Way, 40' Wide" running from Corn Hill Road on the South to the land now or formerly of LeRoy E. Lippincott et ux on the North, as shown on a plan of land entitled, "Subdivision Plan Of Land In Truro, Made For LeRoy E. Lippincott, D-B-A Corn Hill Cottages, Inc.", which plan is recorded with said Deeds as Plan No. 248, Page 35;

(over)

②

III. The right of the owners and/or occupants thereof to use, together with others lawfully entitled thereto, for access and egress to the beach area, the "pedestrian easement" and "common area" across Lots 16 and 17, as shown on the plan entitled "Corn Hill Landing", recorded with said Deeds in Plan Book 321, Page 27, above referred to;

BOOK 2772 PAGE 035

IV. The right of the owners and/or occupants of the non-waterfront lots, namely Lots 1 through 10 inclusive, and Lots 19 through 22 inclusive, as shown on the above mentioned plan, to utilize, in common with others lawfully entitled thereto, the beach area designated as "common area" on said plan;

V. Subject to an easement to the New Bedford Gas And Edison Light Company, dated July 14, 1978, and recorded with said Deeds in Book 2748 Page 274;

VI. The terms, provisions and obligations set forth in the "Declaration Of Trust Of Corn Hill Landing Homeowners' Trust", to be recorded herewith.

The owners and/or occupants of all of the waterfront lots, as shown on the plan entitled, "Corn Hill Landing", recorded with said Deeds in Plan Book 321, Page 27, above referred to, namely Lots 11 through 18 inclusive, shall have the right to utilize the beach areas between the "bottom edge of the bank" and the "mean high water line" for access and egress to the beach areas of their respective lots, and this transfer is made subject to and with the benefit of such rights.

The acceptance and recording of this deed shall constitute an acceptance by the Grantee herein named, and all heirs, successors, assigns and lessees of the Grantee, of all restrictions and other matters set forth or referred to herein including, without limitation, the acceptance of all of the terms and provisions of said Corn Hill Landing Homeowners' Trust, and an agreement to pay any and all assessments levied by the trustees of said Corn Hill Landing Homeowners' Trust for common facilities' expenses, pursuant to and in accordance with the provisions of said Corn Hill Landing Homeowners' Trust.

Being a portion of the premises conveyed to these Grantors by deed of Corn Hill Cottages, Inc., dated April 20, 1978, and recorded with said Deeds in Book 2700, Page 337.

WEINER JENNIFER

C/O SIX PAYOMET LN TRURO REALT

PO BOX 411

BRYN ATHYN, PA 19009

PARCEL ID

45-13-0

LOCATION

6 PAYOMET LN

CLASS

1090

CLASS%

100

DESCRIPTION

MULTIPLE HBES

BN ID

1

CARD

1 of 2

TRANSFER HISTORY

SIX PAYOMET LN TRURO REAL

WEINER JENNIFER

SIMONS SALLY J

DOS

01/14/2022 QS

11/17/2010 QS

09/25/1998 QS

T

QS

QS

QS

SALE PRICE

5,590,000

4,300,000

740,000

BK-PG (Cert)

34831-298

25009-140

11724-117+

ADJ BASE

1.00

SAF

1.00

VC

9.50

Lpl

1.00

WF2

9.50

CREDIT AMT

2,305,200

ADJ VALUE

89,680

TOTAL

1.170 Acres

ZONING

N

RES

130

FRNT

WPL

Nbrhd

CORN HILL

Init1

NO ADJ

Init2

NO ADJ

TY

SV

QUAL

1.00

COND

1.00

DIM/NOTE

1.00 BEACH STAIRS

YB

2000

UNITS

1

BCH

1.00

WDK

1.00

WDK

1.00

SPG

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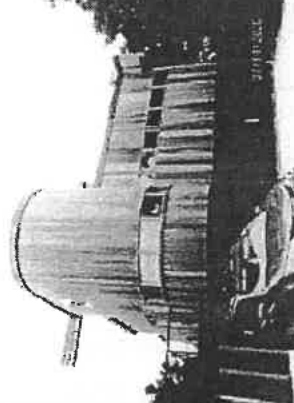
6 PAYOMET LN.

Town of TRURO - Fiscal Year 2023

Key: 2099

CURRENT OWNER		PARCEL ID		LOCATION		CLASS		CLASS %		MULTIPLE HSES		BN ID		BN		CARD	
WEIMER JENNIFER C/O SIX PAYOMET LN TRURO REALT PO BOX 411 BRYN ATHYN, PA 19009		45-13-0		6 PAYOMET LN		1090		100		PMT DT		2		2		2 of 2	
TRANSFER HISTORY		DOS		T		SALE PRICE		BK-PG (Cert)		AMOUNT		INSP		BY		1st %	

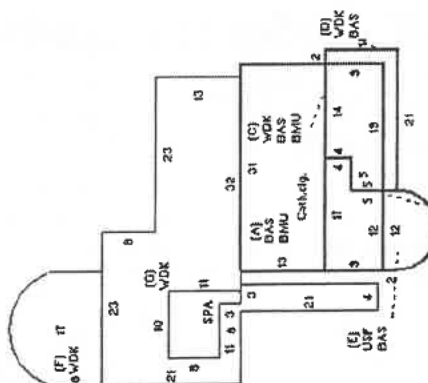
CD	T	ACISFLN	Nbhd	Int1	Int2	ADJ BASE	SAF	Int3	VC	CREDIT AMT	ADJ VALUE
TOTAL											
ZONING											
FRONT											
ASSESSED											
CURRENT											542,400
PREVIOUS											
LAND											
BUILDING											
DETACHED											
OTHER											
TOTAL											

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO	07/14/2020
									

BUILDING	CO	ADJ	DESC	MEASURE	7/14/2020	LG
MODEL	1	1.10	RESIDENTIAL	LIST	7/14/2020	C19
STYLE	8	1.55	CONTEMPORARY (100%)	REVIEW	4/6/2021	MR
QUALITY	V	1.00	VERY GOOD (100%)			
U FRAME	1	1.00	WOOD FRAME (100%)			

ELEMENT		CD	DESCRIPTION	ADJ	S	BAT	T	UNITS	YB	ADJ PRICE	RCN	TOTAL RCN	CONDITION ELEM	CD
FOUNDATION		4	BSMT WALL	1.00	+	BMU	N	BSMT UNFINISHED	682	117.53	80,156	886,634		
EXT. COVER		10	VERT. BOARD	1.00	+	USF	L	UP-STRY FIN	209	371.01	77,640			
ROOF SHAPE		4	FLAT/FISHED	1.00	+	BAS	L	BAS AREA	823	468.96	385,952			
ROOF COVER		7	ROLL	1.00	+	WOK	N	ATT WOOD DECK	1,201	69.54	83,515			
FLOOR COVER		4	TILE	1.00	+	BMG	O	BSMT GARAGE	3	11,147.93	33,444			
INT. FINISH		2	DRYWALL	1.00	+	F21	O	FPL 2S TOP	1	23,226.70	23,227			
HEATING/COOLING		9	WARM/COOL AIR	1.03	+	ODS	O	OUT DOOR SHOWER	1	0.00				
FUEL SOURCE		2	GAS	1.00										
CAPACITY														
STORIES (FAR)		2												
ROOMS		4												
BEDROOMS		1												
BATHROOMS		1												
FIXTURES		4												
UNITS		1												
EFF. YR/AGE											2000 / 21			
COND											21	21 %		
ECON											0			
DEPR											21	% GO	79	
RCNLD														\$542,400

PER 5/12 LIST: KITCHEN HAS 2-BURNER STOVE TOP + COUNTER + SINK + UNDER COUNTER FRIDGE + DW



BLDG COMMENTS

7/14/2020 Interior data confirmed at door of Bldg #1.  
Right side unmeasurable due to overgrowth.  
SIDING=REDWOOD. BATH HAS 4 FIXT. RM COUNT  
INCL 2ND FLR LOFT. HAS GAS INSERT IN FPL



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number

# WPA Form 5 - Order of Conditions

for DEP use only

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



## Applicant Information

COPY

OFFICIAL COPY  
BK 12005 PG243 5159  
01-21-1999 12 09:04

The Notice of Intent for this project was filed on:

Truro Conservation Commission NOT December 17, 1998

For:

OFFICIAL

OFFICIAL

SE 75-451

The public hearing was closed on:  
December 28, 1998

Project File Number:

Date:

To:

Sally J. Simons

Title and Date of final Plans and Other Documents:

SP-1 PROPOSED BEACH STAIRS

& SITE IMPROVEMENTS 12-16-98

COASTAL ENGINEERING CO, INC.

JOHN A BOLOGNA, P.E. #33776

Address: [REDACTED]  
BOSTON, MA 02116  
City/Town:  
State: Zip Code:

The project site is located at:

6 Payomet Lane, Truro

City/Town:

Assessors map 45, parcel 13

Assessor's Map/Parcel:

Page 1 of 1

and the property is recorded at the Registry of Deeds for:

Barnstable County, Book 121

County:

Book:

Page:

City/Town: State: Zip:

#2, 12/4/98, SIMONS RESIDENCE  
DECKING PLAN,  
#3, 12/4/98, SIMONS RESIDENCE  
BEACH STAIR DETAILS,  
DANIEL SULLIVAN, ARCHITECT

## B Findings

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this commission finds that the area in which work is proposed is significant to the following interests of the Wetlands Protection Act (check all that apply):

- ☐ Public Water Supply
- ☐ Private Water Supply
- ☐ Groundwater Supply
- ☒ Flood Control
- ☒ Land Containing Shellfish
- ☒ Fisheries
- ☒ Storm Damage Prevention
- ☐ Prevention of Pollution
- ☐ Protection of Wildlife Habitat

Furthermore, this Commission hereby finds that the project, as proposed, is:  
(check one of the following boxes)

Approved subject to:

- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all the work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



COASTAL ENGINEERING CO., INC.

CIVIL - STRUCTURAL - ENVIRONMENTAL - SURVEYING  
REGISTERED ENGINEERS & LAND SURVEYORS  
260 Cranberry Hwy., Orleans, MA 02653  
TEL: 508-255-6311 FAX: 508-255-6700

C14797

6 PAYOMET LANE

66



## WPA Form 5 - Order of Conditions

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

### B Findings (cont.)

A L

O F F I C I A L

C O P Y

C O P Y

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetlands regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.

- the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(b)(c).

### General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - (a) the work is a maintenance dredging project as provided for in the Act; or
  - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or

debris, including but not limited to lumber, bricks, plaster, wire, tath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.

N O T

A N

E I

C O

N O T

This Order does not become final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of the work.

9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words:

"Massachusetts Department of Environmental Protection"  
[or, "MA DEP"] "File Number"

MA DEP File Number SE 75-451

Project File Number

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the following attached plans and special conditions:

Final Approved Plans (attach additional plan references as needed):

See above, page 1

Title

Dates

Signed and Stamped by

On the part of



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

BK12005 PG245 5159

**WPA Form 5 - Order of Conditions**

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

**Findings (cont.)** **OFFICIAL**  
**COPY** **COPY**

13. Any changes to the plans identified in Condition # 12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent. **Findings as to municipal law, bylaw, or ordinance**  
**Furthermore, the**  
**Conservation Commission**

14. The Agent or members of the Conservation Commission and Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.

**hereby finds (check one that applies):**

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal law, ordinance, or bylaw, specifically

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

**Name and citation of municipal law, bylaw, or ordinance**

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall serve as the limit of work (unless another limit of work line has been noted in the plans of record) and be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

- ☒ that the following additional conditions are necessary to comply with a municipal law, bylaw, or ordinance, specifically

**none**

**Name and citation of municipal law, bylaw, or ordinance**

17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary.

The Commission orders that all the work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

**Additional conditions relating to municipal law, bylaw, or ordinance:**

**Special Conditions (Use additional paper if necessary)**

**see attached Page 3-A**

**Special Conditions**

17a. For any change made or intended in the plans or work, the applicant shall file a new Notice of Intent or inquire in writing to the Commission whether the change is significant enough to the interests of the Wetlands Protection Act to require a new Notice.

17b. The applicant shall give written notice to the Commission 48 HOURS IN ADVANCE that the work is to be begun and all work shall be under supervision of the Commission. C O P Y

17c. The Commission finds that the site of the proposed beach access stair is beach, coastal bank, and buffer zone, bordering Cape Cod Bay. The coastal bank is eroding intermittently as the base of the slope is undercut by storm wave action. A N

17d. The applicant acknowledges the risk of building on an eroding bank and is prepared to move or remove the structures permitted under this Order at any time in the future if necessary because of erosion.

17e. The portion of the structures on the beach and the lower part of the stair should be built to be removable in winter to prevent storm damage.

17f. Section 30(3) of the Wetlands Regulations promulgated under the Wetland Protection Act requires that no coastal engineering structure such as bulkhead, revetment, retaining wall, or seawall, shall be permitted at any time in the future to protect the work permitted under this Order.

17g. Proposed structures shall be located according to the plan by Coastal Engineering Co. and built according to the details on drawings by Daniel Sullivan, Architect. The stair shall be at least one foot above the grade. Horizontal deck boards and stair treads shall have boards at least  $\frac{1}{2}$  inch space between them, more if permitted by code, to allow light to reach plants which control erosion.

17h. Disturbed and bare areas shall be stabilized to prevent unnatural erosion by wind or water. Plant materials may include beach, grass, rose rugosa, bearberry, native grasses, beach plum, beach pea, seaside goldenrod, or other plants. If planting is unable to hold the soil, replanting will be required.

17i. The applicant shall maintain a copy of the Notice of Intent and drawings filed with it, and this Order available on the site for inspection during construction.

17j. The Commission accepts the above described work subject to the above conditions. The Commission expects the proposed stair will provide significant protection to the coastal bank from possible foot traffic which would be likely to destroy plants which control erosion, and from alteration by foot traffic.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

BK12005 PG247

5159

## WPA Form 5 - Order of Conditions

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

**B Findings (cont.)** **OFFICIAL COPY**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

On this 19<sup>TH</sup> day of JANUARY, 1999  
**OFFICIAL COPY**

This Order must be signed by a majority of the conservation commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate regional office of the Department of Environmental Protection.

Signatures:

\* Howard S. Truwin  
John Mungliani  
Albert Stiles

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Howard S. Truwin  
Notary Public  
October 29, 1998  
My commission expires

This Order is issued to the applicant as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

JANUARY 19, 1999

### C Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the conservation commission and to the applicant. If he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

BK12005 PG248

5159

## WPA Form 5 - Order of Conditions

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

### D Recording Information

OFFICIAL

COPY

COPY

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information shall be submitted to the

Town of Truro

Conservation Commission

on the form below, which must be stamped by the Registry of Deeds.

Detach on dotted line and submit to the Conservation Commission.

To: Town of Truro Conservation Commission

Conservation Commission

Please be advised that the Order of Conditions for the project at

6 Paymet Lane, SE 75-451, Sally J. Simons

Project Location

DEP Form 5

has been recorded at the Registry of Deeds of

County

and has been noted in the chain of title of the affected property in

Book

Page

in accordance with the Order of Conditions issued on

Date

If recorded land, the instrument number which identifies this transaction is

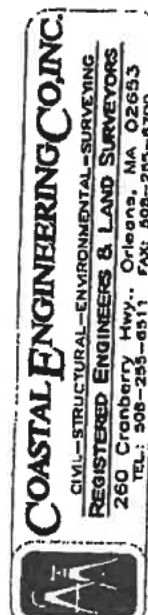
Instrument Number

If registered land, the document number which identifies this transaction is

Document Number

Signature of Applicant

BARNSTABLE REGISTRY OF DEEDS



4 PAYOMET LN.

Key: 2104

Town of TRURO - Fiscal Year 2023

9/1/2022 6:23 pm SEQ #: 2,135

CURRENT OWNER		PARCEL ID		LOCATION	
PAYOMET HOLDINGS LLC MGR: ELIZABETH MARY WILSON 77 LIVINGSTON ST NEW HAVEN, CT 06511		48-18-0		4 PAYOMET LN	
		TRANSFER HISTORY			
		DOS	T	SALE PRICE	BK-PG (Cert)
		03/26/2021	OS	5,000,000	33944-298
		03/11/2021	N		1 33877-246
		10/15/2004	OS	1,850,000	19136-129+
		SACHS ROBERT & TAGGART CAR			
		ADJ BASE	SAF	ADJ AMT	ADJ VALUE
		1.00	1.00	2,974,450	2,305,200
		1.00	1.00	227,050	98,770

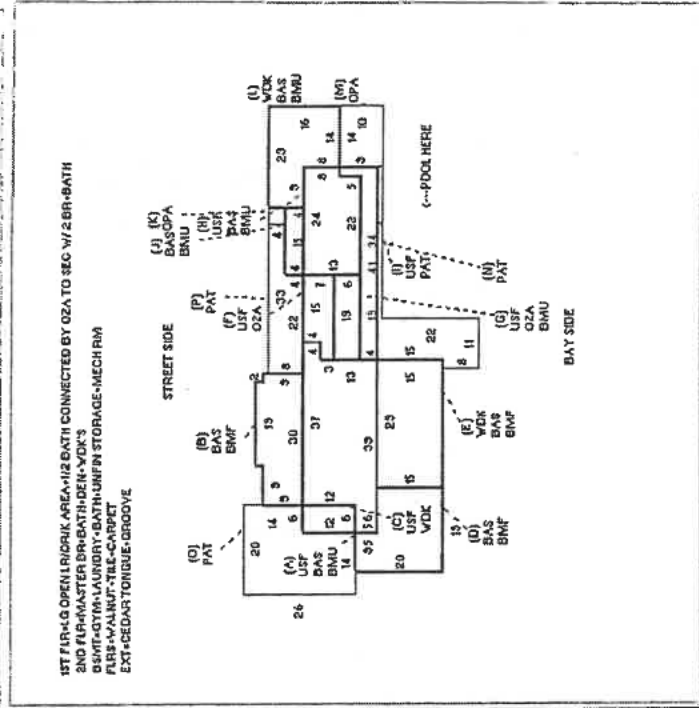
TOTAL		ZONING		RES		FRNT		PREVIOUS	
Nhd		CORN HILL		N		0		2,072,300	
Inf1		NO ADJ		O				1,181,100	
Inf2		NO ADJ		E				43,500	
								197,500	
								3,444,300	

SPG		COND		DIMINUTE		YB		UNITS		ADJ PRICE		RCNLD	
E		1.80		1.00		40-22		2007		51.84		45,800	
M		0.80		0.75		1		2010		0.00			

BUILDING		CD		ADJ		DESC		MEASURE		1/27/2017		LG	
MODEL		1		1.10		RESIDENTIAL		LIST		521/2008		JH	
STYLE		8		1.55		CONTEMPORARY (100%)		REVIEW		4/6/2021		MR	
QUALITY		1		1.00		VERY GOOD (100%)							
FRAME		1		1.00		WOOD FRAME (100%)							

YEAR BLT		2007		SIZE ADJ		CAPACITY		UNITS		ADJ		ELEMENT		CD		DESCRIPTION		ADJ		S		BAT		T		DESCRIP	
NET AREA		3,732		DETAIL ADJ		OVERALL		OVERALL		1,130		FOUNDATION		4		BSMT WALL		1.00		+		BMU		N		BSMT UNFINISH	
\$N(LA/RCN)		\$494										EXT. COVER		2		CLAPBOARD		1.00		+		BAS		L		BAS AREA	
												ROOF SHAPE		4		FLAT/SHED		1.00		+		USF		L		UP-STRY FIN	
												ROOF COVER		7		ROLL		1.00		+		WKF		N		BSMT FINISH	
												FLOOR COVER		1		HARDWOOD		1.00		+		WDF		N		ATT WOOD DE	
												INT. FINISH		9		PLASTER		1.00		+		OZA		N		OPEN BRZWA	
												HEATING/COOLING		9		WARM/COOL AIR		1.03		+		PAT		N		OPEN PORCH	
												FUEL SOURCE		2		GAS		1.00		+		OPA		N			

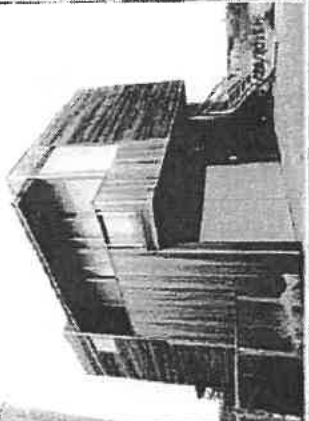
CLASS		CLASS%		DESCRIPTION		BN ID		CARD	
1010		100		SINGLE FAMILY		1		1 of 2	
PMT NO		PMT DT		TY		DESC		AMOUNT	
08-143		07/22/2009		10		ALL OTHERS		23,000	
08-218		09/27/2009		1		SINGLE FAM R		1,500,000	
06-SS14		08/16/2006		50		SPLIT SUB		600,000	
02-190		09/24/2002		1		SINGLE FAM R			



Key: 2104

**Town of TRURO - Fiscal Year 2023**

9/1/2022 6:23 pm SEQ #: 2,136

CURRENT OWNER										PARCEL ID				LOCATION				CLASS				CLASS%				DESCRIPTION				BN ID				CARD							
PAYOMET HOLDINGS LLC										45-18-0				4 PAYOMET LN				1010				100				SINGLE FAMILY				2				2 of 2							
MORIELZABETH MARY WILSON										TRANSEER HISTORY				DOS				I				SALE PRICE				BK-PG (Cort)				AMOUNT				INSP				BY			
77 LIVINGSTON ST																																									
NEW HAVEN, CT 06511																																									
CD	T	ACIS/UN	Nbrd	Int1	Int2	Int3	Lpi	VC	CREDIT AMT	ADJ VALUE																															
TOTAL										ZONING				FRNT				PREVIOUS																							
Nbrd										O								197,500																							
Int1										T																															
Int2										E																															
TY	QUAL	COND	MINUTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO		01/28/2017																															
																																									
												BLDG COMMENTS																													
												ART STUDIO-BATH OVER 1-CAR GAR.																													
BUILDING	CD	ADJ	DESC	MEASURE	1/28/2017	LG																																			
MODEL	1	RESIDENTIAL	JH	5/21/2008																																					
STYLE	14	DET BLDG 100%	MR	12/3/2010																																					
QUALITY	V	1.55 VERY GOOD 100%																																							
FRAME	1	1.00 WOOD FRAME 100%																																							
YEAR BLT	2007	SIZE ADJ	1,000																																						
NET AREA	491	DETAIL ADJ	0.940																																						
\$NLA/RCN	\$468	OVERALL																																							
CAPACITY				UNITS																																					
STORIES(FAR)				2																																					
ROOMS				1																																					
BEDROOMS				1																																					
BATHROOMS				1																																					
FIXTURES				3																																					
UNITS				0																																					
FOUNDATION				2																																					
EXT. COVER				4																																					
ROOF SHAPE				7																																					
ROOF COVER				1.00																																					
FLOOR COVER				1.00																																					
INT. FINISH				1.00																																					
HEATING/COOLING				1.04																																					
FUEL SOURCE				1.00																																					
CLAPBOARD				1.00																																					
FLAT/SHED				1.00																																					
ROLL				1.00																																					
BAS AREA				1.00																																					
UP-STRY FIN				1.00																																					
BUILT-IN GARAGE				1.00																																					
ATT WOOD DECK				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
BIG				1.00																																					
WDK				1.00																																					
+				1.00																																					
BAS				1.00																																					
USF				1.00																																					
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Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 - Order of Conditions**

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

Bk 21344 Pg 295 #57377  
09-13-2006 @ 03:29p

DEP File Number:

SE 075-0650

Provided by DEP

**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.



From:

NOT  
Truro Conservation Commission  
Conservation Commission

NOT  
AN

This issuance is for (check one):

- ☒ Order of Conditions  
☐ Amended Order of Conditions

OFFICIAL  
COPY

To: Applicant:

Robert Sachs

Property Owner (if different from applicant):

n/a

Name

n/a

Mailing Address

n/a

City/Town

n/a

State

n/a

Zip Code

1. Project Location:

4 Payomet Lane

Street Address

45

Assessors Map/Plat Number

Truro

City/Town

18

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Barnstable

County

n/a

Certificate (if registered land)

19136

Book

129

Page

3. Dates:

August 26, 2005

Date Notice of Intent Filed

January 9, 2006

Date Public Hearing Closed

January 27, 2006  
Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Site Plan/ Sewage Disposal System Design, 4 Payomet Lane, Lot 12, 08/24/05 Rev.: 1/5/06

Title

Date

n/a

n/a

Title

Date

n/a

n/a

Title

Date

5. Final Plans and Documents Signed and Stamped by:

Timothy J. Brady, Professional Engineer, Professional Land Surveyor

Name

6. Total Fee:

\$550.00

(from Appendix B: Wetland Fee Transmittal Form)





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

DEP File Number:

**WPA Form 5 – Order of Conditions**

SE 075-0650

Provided by DEP

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

**B. Findings**

Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Public Water Supply             | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution        |
| <input checked="" type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries                 | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input checked="" type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention   | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied because:**

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions (only applicable to approved projects)**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 5 – Order of Conditions**

SE 075-0650

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

Provided by DEP

**B. Findings (cont.)**

4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]  
"File Number SE 075-0650 "
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



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

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 075-0650

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

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**B. Findings (cont.)**

15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

See page 4-A for Special Findings and Special Conditions.

**Findings as to municipal bylaw or ordinance**

Furthermore, the n/a hereby finds (check one that applies):  
 Conservation Commission

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

n/a

Municipal Ordinance or Bylaw

n/a

Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

n/a

Municipal Ordinance or Bylaw

n/a

Citation

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



# TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030  
Truro MA 02666-0630

NOT A N O T  
O F F I C I A L O F F I C I A L  
C O P Y C O P Y

Tel: 508-349-7004

DEP File No. SE 075-0650  
Applicant: Robert Sachs

## Special findings:

1. The Commission finds the site of the proposed construction of a new dwelling with pool and septic system is in the buffer zone within 100 feet of the top of a coastal bank and the proposed stairway is on the coastal bank bordering Cape Cod Bay. Average movement of the shoreline landward has been one foot, measured horizontally per year, but future erosion is not expected to be uniform or predictable.

## Special conditions:

1. Section 30(3) of the Wetlands Regulations promulgated under Mass. General Law 131 s. 40 requires that no coastal engineering structure such as bulkhead, revetment, or seawall, shall be permitted on an eroding coastal bank at any time in the future to protect the structures permitted under this Order of Conditions. The Applicant acknowledges the risk of building near an eroding coastal bank and is prepared to move, remove, or relocate the structures if necessary in the future.
2. For any change made or intended in the plans or work, the Applicant shall file a new Notice of Intent or inquire in writing to the Commission whether the change is significant enough to the interests of the Act to require further filing.
3. The Applicant shall give written notice to the Commission 48 HOURS IN ADVANCE that work is to be begun and all work shall be under supervision of the Commission. Members of the Commission or its agent shall have the right to enter upon and inspect the site at reasonable hours to ensure compliance with this Order.
4. The pool shown on the plan at 35 feet from the top of the bank is acceptable to the Commission.
5. Pool water shall be brought to the site. Water removed from the pool shall be removed from the site.
6. The Applicant shall place a work limit fence of staked hay bales between the work area and the top of the bank and across the entire property, to the approval of the Commission before any other work is permitted on the site. The Applicant shall permit no earth, materials, vehicles, or other equipment seaward of the work limit fence, or in a position where they could be eroded onto the bank by wind or water.
7. The Applicant shall replant bare and disturbed areas to prevent unnatural erosion by wind or water. Plant materials may include American beach grass, rosa rugosa, beach plum, beach pea, bearberry, seaside goldenrod, or other plant materials to prevent excess erosion by wind or water.
8. The stair to the beach shall have batter boards parallel to the contour at all support posts to prevent erosion.
9. Roof drainage shall be to gutters and drywells to prevent ground erosion. Driveway paving shall drain to drywells.
10. When the work is completed, the Applicant shall apply in writing to the Commission for a Certificate of Compliance and shall include a statement from the engineer who signed the plans that the work is complete according to the drawings, the notice of intent, and this order.
11. The Commission will inspect the site before issuing a Certificate of Compliance.
12. The Commission accepts the above described project as described in the Notice of Intent, subject to the above Order of Conditions.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 5 – Order of Conditions**

SE 075-0650

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

**B. Findings (cont.)**

Additional conditions relating to municipal ordinance or bylaw:

n/a

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OFFICIAL

COPY

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date

January 27, 2006

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

Frank G. Smith  
Albert Silva  
Howard L. Lin

On

25<sup>th</sup>  
Day

Of

Jan. 2006  
Month and Year

before me personally appeared

JAMES T. Downey  
is personally known to me

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Notary Public

Julia L. DuPree

Julia L. DuPree

1-29-2010

My Commission Expires  
January 29, 2010

This Order is issued to the applicant as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

January 27, 2006





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 – Order of Conditions

SE 075-0650

Provided by DEP

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

### C. Appeals

OFFICIAL COPY OFFICIAL COPY

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E: Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within 30 business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

### D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Truro Conservation Commission  
Conservation Commission

BARNSTABLE REGISTRY OF DEEDS

OCT 06 2020

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

**Request for Determination**

Project address: 4 Payomet Lane

Map 45

Parcel 18

- Is the project located in a resource area or buffer zone Staircase is above coastal bank
- Resource Area Type(s): \_\_\_\_\_
- 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) Repair and replace as necessary existing staircase posts, rails, and treads to ensure safety. None of the repair work to be performed will involve staircase supports that touch the coastal bank.

**Attached site plan titles/dates, and any other plan or narratives title/dates:** The attached site plan dated 8/24/05 shows the location of the existing staircase. Note: To minimize impact to the bank, a straight staircase was built rather than one that used a zig-zag design. See attached photos.

**Describe the best management practices/mitigation that will be used on the site:** Contractor will use property owner's driveway as the staging area for construction and bring materials from the driveway to the top of the staircase. Construction debris will be hand carried to the driveway for disposal.

**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: Robert Sachs 10/5/20  
Owners printed name and signature: Robert Sachs

50



TRURO, MA

REF: ASSESSORS MAP 4.5 PARCEL 18

PREPARED FOR: ROBERT SACHS

SCALE: 1"=40' DATE: 08/24/05

REVISED: 1/5/08 - HOUSE LOCATION, AND  
GARAGE FOOTPRINT, SEWAGE LOCATION

REVISED: 6/27/08-HOUSE & GARAGE  
LOCATION, RETAINING WALLS, GRADING

DWG: 04240SP

04-240

**East Cape Engineering, Inc.**

**CIVIL ENGINEERS  
LAND SURVEYORS**

# 44 Route 28, Orleans, Mass.  
(508) 255-7120

BOARD OF HEALTH  
TRURO, MASS.

DATE \_\_\_\_\_

57



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

OCT 03 2020

# WPA Form 1- Request for Determination of Applicability

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

Truro  
City/Town

## 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:

Robert Sack

[Redacted]

Truro MA

[Redacted]

State

Zip Code

02666-0596

Fax Number (if applicable)

2. Representative (if any):

Firm

N.A.

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:

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).



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):

*4 Payomet Lane*  
Street Address

*Truro*  
City/Town

*45*  
Assessors Map/Plat Number

*18*  
Parcel/Lot Number

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

*Beach stairs. See site plan dated 8/24/05 as revised 6/26/06*

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

Title	Date
Title	Date
Title	Date

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

*Repair and replace as necessary existing staircase posts, rails and treads. None of the repair work will be to staircase supports that touch the coastal bank.*





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

Town of 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:

Robert Sachs  
Name

P.O. Box 596  
Mailing Address

Truro,  
City/Town

MA  
State

02666-0596  
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.

Robert Sachs  
Signature of Applicant

10/7/20  
Date

Signature of Representative (if any)

Date

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

**WPA Form 2 – 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.



From:

Truro  
Conservation Commission

To: Applicant

Robert Sachs

Name

PO Box 596

Mailing Address

Truro

City/Town

MA

State

02666

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Copy of existing site plan showing staircase & photographs

Title

submitted with RDA

Date

Title

Date

Title

Date

2. Date Request Filed:

10/8/2020

**B. Determination**

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Repair existing beach stair posts, rails, and treads. No work to be done on the support posts.

Project Location:

4 Payomet Ln

Street Address

45

Assessors Map/Plat Number

Truro

City/Town

18

Parcel/Lot Number



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

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

**B. Determination (cont.)**

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

**Positive Determination**

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

☐ 1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

☐ 2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

☐ 2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

☐ 3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

☐ 4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

☐ 5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Determination (cont.)**

- ☐ 6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

- ☐ 7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

☐ Alternatives limited to the lot on which the project is located.

☐ Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.

☐ Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.

☐ Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

**Negative Determination**

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- ☐ 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- ☐ 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- ☒ 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

- ☐ 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 2 – Determination of Applicability**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**B. Determination (cont.)**

- ☐ 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- ☐ 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

**C. Authorization**

This Determination is issued to the applicant and delivered as follows:

- ☐ by hand delivery on

- ☒ by certified mail, return receipt requested on

Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) and the property owner (if different from the applicant).



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 2 – Determination of Applicability**

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

**C. Authorization (cont.)**

Truro Conservation Commission

Signatures:

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Signature

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

Printed Name

**D. Appeals**

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <https://www.mass.gov/service-details/massdep-regional-offices-by-community>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.

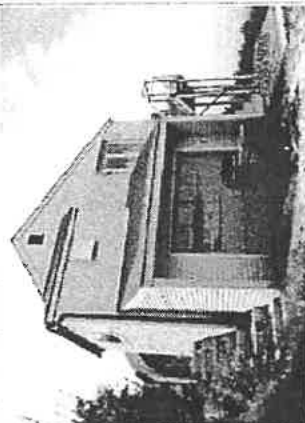
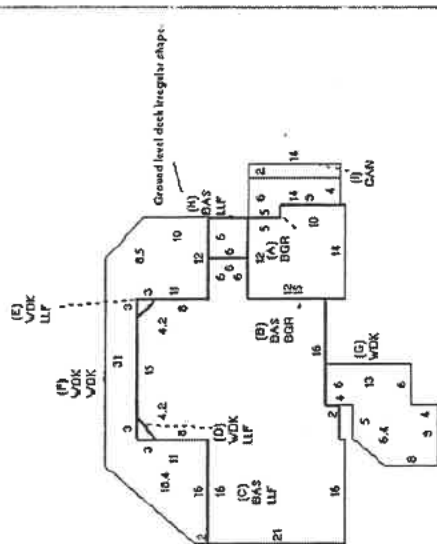
23 CORN HILL CDG.

Key: 2105

Town of TRURO - Fiscal Year 2023

9/1/2022 8:23 am SEQ #: 2,137

CURRENT OWNER		PARCEL ID		LOCATION		CLASS		CLASS %		SINGLE FAMILY		DESCRIPTION		BN		CARO	
PINKER STEVEN 107 SOUTH ST #6D BOSTON, MA 02111		45-19-4		23 CORN HILL LNDG		1010		100		PMT QT		DESC		1		1 of 1	
TRANSFER HISTORY		DOS		T		SALE PRICE		BK, PG (Cert)		PMT NO		TY		AMOUNT		INSP	
PINKER STEVEN		10/29/2008		99		232,395,257		232,395,257		21-251		07/20/2021		232,000		12/16/2021	
PINKER STEVEN & BORNSTEIN LEONARD & LINDA		09/29/2003		0		1,500,000		177,165,58		07-185		08/31/2007		13,000		05/21/2008	
		09/05/1992		99		347,672				05-133		09/26/2005		500		05/21/2007	
										05-234		11/21/2003		160,000		09/01/2005	
										92-038		04/24/1992		9,500		08/31/1992	
CD		T		AC/SF/LN		Nbrd		Int1		Int2		Int3		Ld1		VC	
100		A		0.775		13		1.00		1.00		1.00		1.00		WF2	
300		A		0.645		13		1.00		1.00		1.00		1.00		WF2	
TOTAL		1.420 Acres		ZONING		RES		FRNT		D		ASSESSED		CURRENT		PREVIOUS	
Nbrd		CORN HILL		NO ADJ		NO ADJ		NO ADJ		NO ADJ		LAND		2,451,700		2,113,400	
Int1		NO ADJ		NO ADJ		NO ADJ		NO ADJ		NO ADJ		BUILDING		599,300		447,700	
Int2		NO ADJ		NO ADJ		NO ADJ		NO ADJ		NO ADJ		OTHER		0		0	
TOTAL		1.420 Acres		ZONING		RES		FRNT		D		TOTAL		3,051,000		2,561,100	
TY		QUAL		COND		DIM/NOTE		YB		UNITS		RCNLD		RCNLD		RCNLD	
BCH		A		1.00/A		0.75 BEACH STAIRS		1		0.00		0.00		0.00		0.00	
PHOTO		08/29/2022		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD	
BLDG COMMENTS		Woodstove in Liv Rm.		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD		RCNLD	
MEASURE		9/29/2022		LG		LG		MR		MR		MR		MR		MR	
LIST		1.00		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
REVIEW		4/5/2021		MR		MR		MR		MR		MR		MR		MR	
ELEMENT		CD		DESCRIPTION		ADJ		S		BAT		T		DESCRIPTION		UNITS	
FOUNDATION		4		BSMT WALL		1.00		1.00		1.00		1.00		N SF BSMT GARAGE		268	
EXT COVER		2		CLAPBOARD		1.00		1.00		1.00		1.00		L BAS AREA		1,218	
ROOF SHAPE		1		GABLE		1.00		1.00		1.00		1.00		L LOWER LEVEL FIN		1,028	
ROOF COVER		1		ASPHALT SHINGLE		1.00		1.00		1.00		1.00		N ATT WOOD DECK		1,097	
FLOOR COVER		2		HARDWOOD		1.00		1.00		1.00		1.00		CAN N CANOPY		28	
INT. FINISH		5		ELECTRIC		0.95		0.95		0.95		0.95		O OUT DOOR SHOWER		1	
HEATING/COOLING		3		ELECTRIC		1.00		1.00		1.00		1.00					
FUEL SOURCE																	
CAPACITY		UNITS		ADJ		ADJ		ADJ		ADJ		ADJ		ADJ		ADJ	
STORIES(FAR)		1		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
ROOMS		5		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
BEDROOMS		3		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
BATHROOMS		2.5		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
FIXTURES		8		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
UNITS		0		1.00		1.00		1.00		1.00		1.00		1.00		1.00	
TOTAL RCN		809,866		CONDITION ELEM		CD		CD		CD		CD		CD		CD	
EFF. YR/AGE		1985 / 26		COND		25		26		26		26		26		26	
				FUNC		0		0		0		0		0		0	
				ECON		0		0		0		0		0		0	
				DEPR		25		25		25		25		25		25	
				RCNLD		\$599,300		\$599,300		\$599,300		\$599,300		\$599,300		\$599,300	



4866

23650

310 CMR 10.99

BOOK 7979 PAGE 173

Form 5

NOT  
AN  
OFFICIAL  
COPY



Commonwealth  
of Massachusetts

NOT  
AN  
OFFICIAL  
COPY

Order of Conditions  
Massachusetts Wetlands Protection Act  
G.L. c. 131, §40

NOT

DEP File No.

A 88 75-276

OFFICIAL COPY

City/Town

OTroy

Applicant

Bornstein

NOT

AN

OFFICIAL  
COPY

Town of Truro Conservation Commission

From

Leonard Bornstein

Leonard Bornstein

To

(Name of Applicant)

12 Trysting Place/Box 375  
N. Scituate, MA. 02060

(Name of property owner)

12 Trysting Place/Box 375  
N. Scituate, MA 02060

Address

Address

This Order is issued and delivered as follows:

☐ by hand delivery to applicant or representative on \_\_\_\_\_ (date)

☒ by certified mail, return receipt requested on April 14, 1992 (date)

This project is located at Lot 13, Corn Hill Road, Assessors Atlas sheet 45 lot 19

The property is recorded at the Registry of Barnstable County

Book 3476 Page 6772

Certificate (if registered)

The Notice of intent for this project was filed on March 24, 1992 (date)

The public hearing was closed on April 6, 1992 (date)

Findings

The Commission has reviewed the above-referenced Notice of intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act (check as appropriate):

- ☐ Public water supply  
☐ Private water supply  
☐ Ground water supply

- ☒ Flood control  
☒ Storm damage prevention  
☐ Prevention of pollution

- ☒ Land containing shellfish  
☒ Fisheries  
☐ Protection of wildlife habitat

Total Filing Fee Submitted \$55.00

State Share 15.00

City/Town Share

40.00

(1/2 fee in excess of \$25)

Total Refund Due \$

City/Town Portion \$  
(1/2 total)

State Portion \$  
(1/2 total)

Effective 11/10/89

5-1

69

Therefore, the Commission ~~NOT~~ AN hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission ~~NOT~~ AN orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

## General Conditions

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. This Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - (a) the work is a maintenance dredging project as provided for in the Act; or
  - (b) the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, carcasses, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is to be done. The recording information shall be submitted to the Commission on the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE 75-276".
10. Where the Department of Environmental Protection is requested to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.
12. The work shall conform to the following plans and special conditions:



	NOT AN OFFICIAL COPY	NOT AN OFFICIAL COPY
Plans		On File with
Time	Dated	Signed and Stamped by
PLAN	NOT AN OFFICIAL COPY	NOT AN OFFICIAL COPY
SHOWING PROPOSED STAIR CONSTRUCTION FOR LEONARD BORNSTEIN		Future Conservation Commission
	MAR 19, 1992	Terry A. Ryder, P.E.

## Special Conditions (Use additional paper if necessary)

- 12a. No work shall be done until condition 8 above is complied with.
- 12b. The applicant shall give written notice to the Commission 48 HOURS IN ADVANCE that the work is to be done and all work shall be under supervision of the Commission.
- 12c. For any change intended or made in the plans or work, the applicant shall file a new Notice of Intent or inquire in writing to the Commission whether the change is significant enough to require a new Notice.
- 12d. Members of the Commission or its agent shall have the right to enter upon and inspect the site to ensure compliance with this Order.
- 12e. The Commission finds the site of the proposed stair is an eroding coastal bank of Cape Cod Bay. Average landward movement of the top of the bank has historically been one horizontal foot per year, but future erosion is not expected to be uniform or predictable. Section 30(3) of the Wetlands Regulations promulgated under Massachusetts General Law 131 section 40 requires that no coastal engineering structure such as bulkhead, revetment, retaining wall or seawall shall be permitted at any time in the future to protect the structures permitted under this Order. The applicant acknowledges the risk of building on an eroding bank and is prepared to move, remove, or repair the structures if they become unusable. Debris shall be removed from the site to an approved landfill.
- 12f. The proposed 12 x 12 ft. platform deck is not permitted. A landing 6 x 6 ft. at 6 ft. landward of the top of the bank is permitted. No storage structure shall be built at the bottom of the stair.
- 12g. Disturbed areas of the bank shall be replanted to stabilize it, using where possible indigenous species such as beach grass, beach plum, beach pea, bayberry, or rosa rugosa. (continued on page 5-3B)

(Leave Space Blank)

Plans:

BOOK 7979 PAGE 176

Title	Dated	NOT A N Signed and Stamped by:	NOT A N On File with:
		O F F I C I A L C O P Y	O F F I C I A L C O P Y
		N O T A N	N O T A N
		O F F I C I A L C O P Y	O F F I C I A L C O P Y

Special Conditions (use additional paper if necessary)

- 12h. No machines shall be used on the bank or between the house and the bank. All excavation shall be by hand.
- 12j. When the work is complete, the applicant shall apply in writing to the Commission for a certificate of compliance which shall be recorded as in condition 8 above, and shall include a written statement from the engineer who signed and stamped the plan, stating that the work was done according to the Notice of Intent and drawings filed with the Notice, and according to this Order, or describing any deviation. The Commission will inspect the site and issue a certificate of compliance if the work complies.
- 12g. Construction of proposed stair as described above is approved subject to the above conditions.

(Leave Space Blank)

NOT

AN

NOT

AN

Issued By City of Truro OFFICIAL Conservation Commission OFFICIAL Conservation Commission  
COPY COPY

Signature(s)

NOT

OFFICIAL

NOT

OFFICIAL

Ruth B. DanderJohn M. DanderHarry Towle

This Order must be signed by a majority of the Conservation Commission.

On this 14TH day of April, 19 92, before me  
personally appeared CHARLES S. DAVIDSON, to me known to be the  
person described in and who executed the foregoing instrument and acknowledged that he/she executed  
the same as his/her free act and deed.



My commission expires

The applicant, or agent, any person aggrieved by this Order, any owner of land abutting the land upon which the proposed work is to be done or any person owning all or part of the city or town in which such land is located are hereby notified of their right to request the Department of Environmental Control Engineering to issue a Superceding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

RECORDED APR 21 92

Detach on dotted line and submit to the Truro Conservation Commission prior to commencement of work.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 8B - Certificate of Compliance**

SE 75-276

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

Provided by DEP

**A. Project 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. This Certificate of Compliance is issued to:

Leonard Bornstein

Name

12 Trysting Place/Box 375

Mailing Address

N. Scituate

City/Town

MA

State

02060

Zip Code

2. This Certificate of Compliance is issued for work regulated by a final Order of Conditions issued to:

Leonard Bornstein

Name

April 14, 1992

Dated

SE 75-276

DEP File Number

3. The project site is located at:

2 Payomet Lane, Lot 13, Corn Hill Road

Street Address

45

Assessors Map/Plat Number

Truro

City/Town

19

Parcel/Lot Number

the final Order of Condition was recorded at the Registry of Deeds for:

Leonard Bornstein

Property Owner (if different)

Barnstable

County

7979

Book

173

Page

Certificate

4. A site inspection was made in the presence of the applicant, or the applicant's agent, on:

Date

**B. Certification**

Check all that apply:



**Complete Certification:** It is hereby certified that the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.



**Partial Certification:** It is hereby certified that only the following portions of work regulated by the above-referenced Order of Conditions have been satisfactorily completed. The project areas or work subject to this partial certification that have been completed and are released from this Order are:



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

**WPA Form 8B - Certificate of Compliance**

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

DEP File Number:

SE 75-276

Provided by DEP

OFFICIAL  
COPY

OFFICIAL  
COPY

**B. Certification (cont.)**

- ☐ **Invalid Order of Conditions:** It is hereby certified that the work regulated by the above-referenced Order of Conditions never commenced. The Order of Conditions has lapsed and is therefore no longer valid. No future work subject to regulation under the Wetlands Protection Act may commence without filing a new Notice of Intent and receiving a new Order of Conditions.
- ☐ **Ongoing Conditions:** The following conditions of the Order shall continue: (Include any conditions contained in the Final Order, such as maintenance or monitoring, that should continue for a longer period).

Condition Numbers:

N/A

**C. Authorization**

Issued by:

Truro Conservation Commission  
 Conservation Commission

MAY 3, 2004

Date of Issuance

This Certificate must be signed by a majority of the Conservation Commission and a copy sent to the applicant and appropriate DEP Regional Office (See Appendix A).

Signatures:

*Alfred Guadagnoli*  
*Stephen A. Li*  
*John T. Lussard*

*James T. Dawney*

On

Day

5<sup>th</sup>

Of

Month and Year

May 2004

before me personally appeared

*James T. Dawney*

me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

*Julia L. DuPree*  
 Notary Public

Julia L. DuPree  
 Notary Public

My commission expires January 29, 2010

1/29/2010









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

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 75-642

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

O F F I C I A L O F F I C I A L

**B. Findings** C O P Y C O P Y

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- a. ☐ Public Water Supply      b. ☐ Land Containing Shellfish      c. ☐ Prevention of Pollution  
 d. ☐ Private Water Supply      e. ☐ Fisheries      f. ☒ Protection of Wildlife Habitat  
 g. ☐ Groundwater Supply      h. ☒ Storm Damage Prevention      i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied because:**

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued. A description of the performance standards which the proposed work cannot meet is attached to this Order.
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	a. linear feet Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet e. cu.yd dredged	b. square feet f. cu.yd dredged	c. square feet	d. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 75-642

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

O F F I C I A L

O F F I C I A L

**B. Findings (cont.)**

C O P Y

Resource Area	NOT	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
7. <input type="checkbox"/> Bordering Land Subject to Flooding	AN	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage		e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding		a. square feet	b. square feet		
Cubic Feet Flood Storage		c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront area		a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft		c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft		g. square feet	h. square feet	i. square feet	j. square feet

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. c/y nourishmt.	d. c/y nourishmt.
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. cu.yd dredged	d. cu.yd dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. cu.yd dredged	b. cu.yd dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 - Order of Conditions

SE 75-642

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

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### C. General Conditions Under Massachusetts Wetlands Protection Act

(only applicable to approved projects)

N O T

A N

A N

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]

"File Number SE 75-642"



**TOWN OF TRURO  
CONSERVATION COMMISSION**

NOT AN OFFICIAL COPY  
P.O. Box 2030  
Truro MA 02666-0630  
NOT AN OFFICIAL COPY

Tel: 508-487-2702  
Fax: 508-487-2762

DEP File No. SE 75-642  
Pinker, Steven  
23 Corn Hill Landing

NOT AN OFFICIAL COPY  
NOT AN OFFICIAL COPY

**Special findings:**

1. The Commission finds the site of the proposed serpentine erosion fence is on a coastal beach.

**Special conditions:**

1. The level walkway shall be at a minimum 2 feet above grade to lowest horizontal member.
2. The existing lowest 6 steps shall be removed to obtain a 2 foot clearance.
3. The stairs and fence must be kept in repair or removed to prevent debris on the beach.
4. For any change made or intended in the plans or work, the Applicant shall file a new Notice of Intent or inquire in writing to the Commission whether the change is significant enough to the interests of the Act to require further filing.
5. The Applicant shall give written notice to the Commission 48 HOURS IN ADVANCE that the work is to be begun and all work shall be under supervision of the Commission. Members of the Commission or its agent shall have the right to enter upon and inspect the site at reasonable hours to ensure compliance with this Order.
6. The Commission accepts the work described in the Notice of Intent and drawing, subject to the above conditions.
7. The Commission will inspect the site before issuing a Certificate of Compliance



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

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 75-642

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

O F F I C I A L O F F I C I A L

**C. General Conditions Under Massachusetts Wetlands Protection Act**

10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
15. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
18. All work associated with this Order is required to comply with the Massachusetts Stormwater Policy Standards.

**Special Conditions:**

See page 5a

If you need more space for additional conditions, select box to attach a text document ☒





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

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 75-642

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

O F F I C I A L O F F I C I A L

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The N/A A N A hereby finds (check one that applies):  
Conservation Commission A L O F F I C I A L
3. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

N/AN/A

a. Municipal Ordinance or Bylaw

b. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

4. ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

N/AN/A

a. Municipal Ordinance or Bylaw

b. Citation

The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

- a. The special conditions relating to municipal ordinance or bylaw are as follows:

N/A

If you need more space for additional conditions, select box to attach a text document ☐



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

DEP File Number:

**WPA Form 5 - Order of Conditions**

SE 75-642

Massachusetts Wetlands Protection Act M.G.L. cA131, §40

OFFICIAL OFFICIAL

**E. Issuance COPY**

COPY

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

August 1, 2005

1. Date of Issuance

4

2. Number of Signers

Signatures:

*Edward C. McArthur*  
*Howard S. Erwin*  
*Albert Silva*  
*Fred Schlegel*

**Notary Acknowledgement**

Commonwealth of Massachusetts County of

Barnstable

On this August 1<sup>ST</sup> of

August 2005  
 Month Year

Before me, the undersigned Notary Public,  
 personally appeared

Howard S. Erwin  
 Name of Document Signer

proved to me through satisfactory evidence of identification, which was/were

personally known  
 Description of evidence of identification

to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she signed it voluntarily for its stated purpose.

As member of

Truro  
 City/Town

Conservation Commission



Place notary seal and/or any stamp above

This Order is issued to the applicant as follows:

☐ by hand delivery on

☒ by certified mail, return receipt requested, on

Date

Date

August 1, 2005



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

## WPA Form 5 - Order of Conditions

SE 75-842

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

O F F I C I A L

O F F I C I A L

### F. Appeals

C O P Y

C O P Y

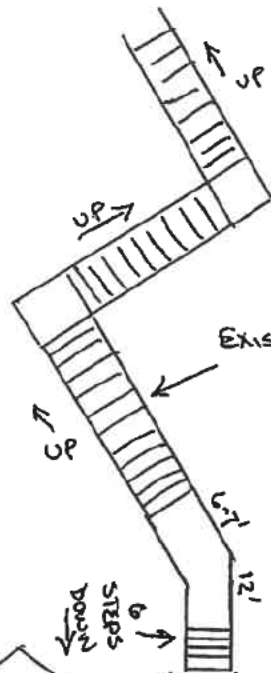
The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant. Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order or Determination, or providing written information to the Department prior to issuance of a Superseding Order or Determination.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Section G, Recording Information is available on the following page.

BARNSTABLE REGISTRY OF DEEDS

PLAN VIEW



NO SCALE

EXTENSION

EXISTING

UP

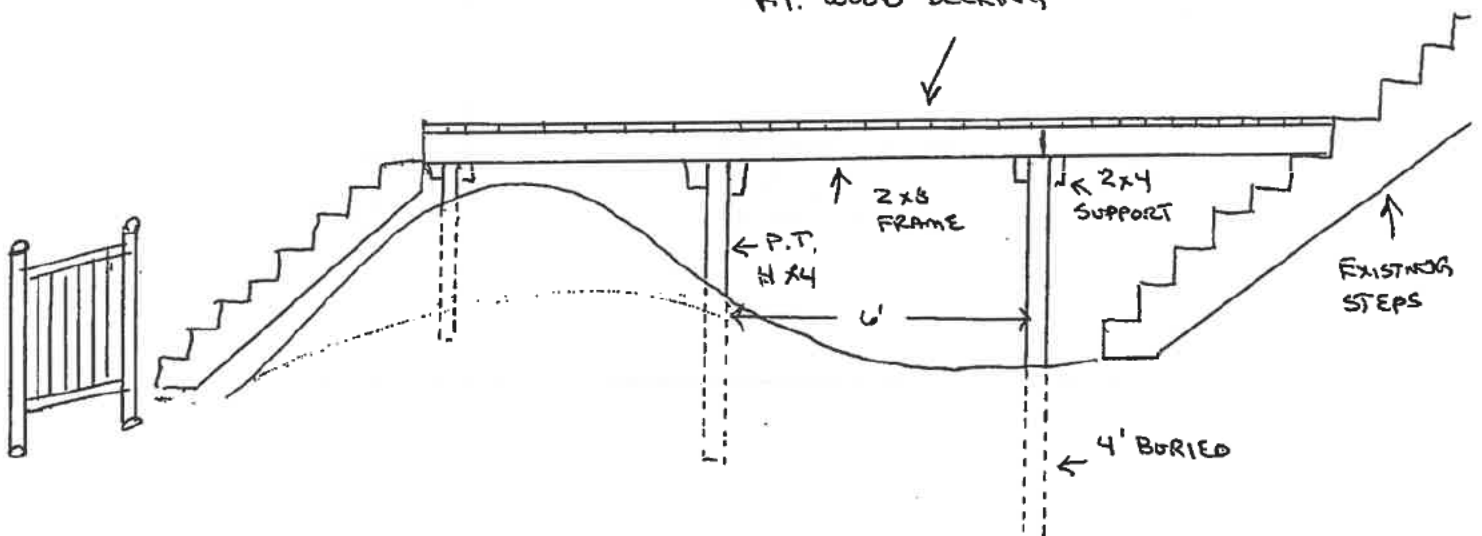
UP

6" x 12"

WOOD STAIRS

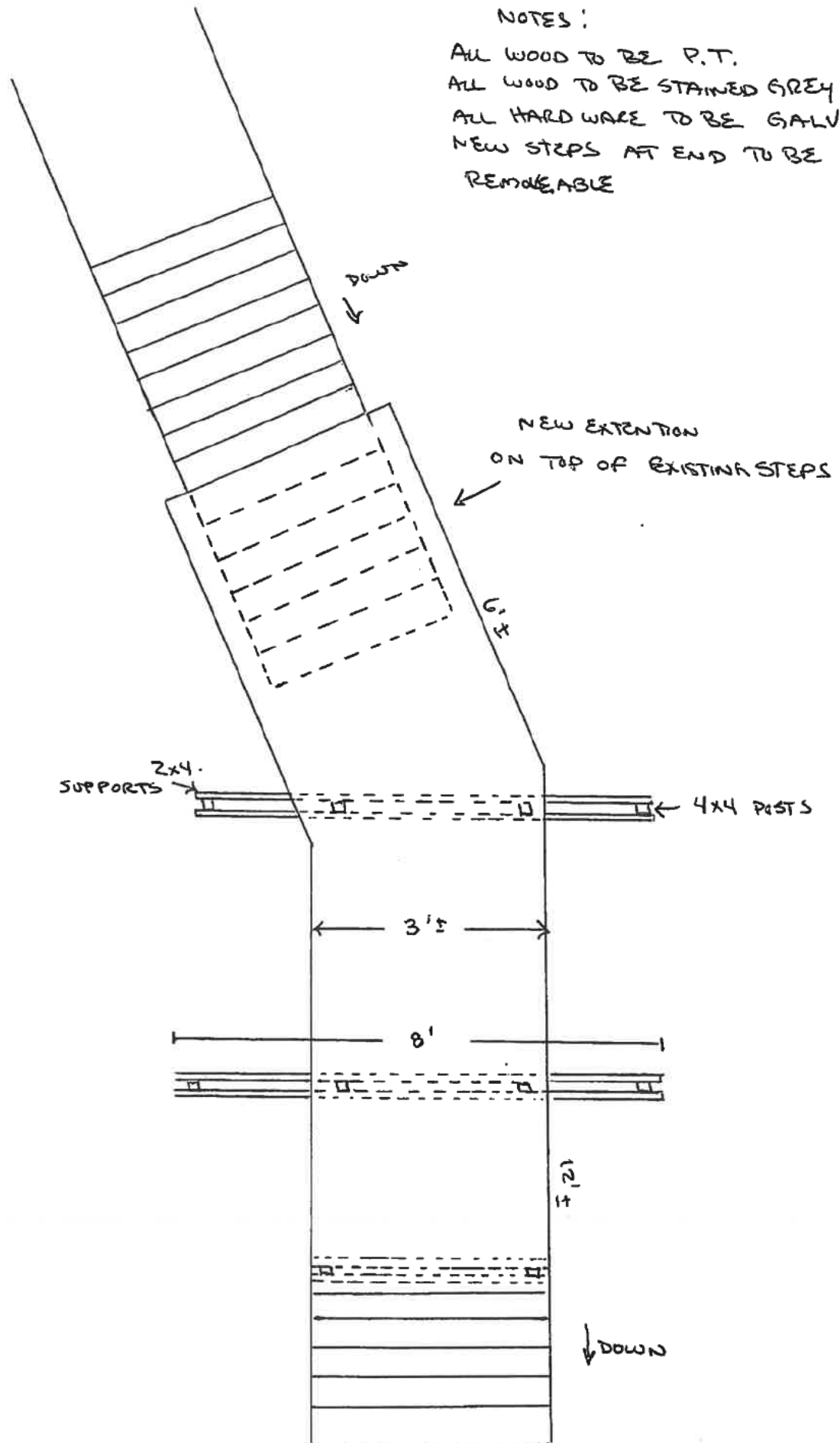
ELEVATION VIEW

P.T. WOOD DECKING



NOTES:

ALL WOOD TO BE P.T.  
ALL WOOD TO BE STAINED GREY  
ALL HARDWARE TO BE GALV.  
NEW STEPS AT END TO BE  
REMOVABLE









Bk 16867 Pg325 #53627  
05-06-2003 @ 10:29a  
DEP File Number:

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

SE 75-575  
Provided by DEP

**WPA Form 5 - Order of Conditions**

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

OFFICIAL OFFICIAL

**A. General Information**

COPY

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

From: NOT

NOT

Truro Conservation Commission  
Conservation Commission

AN

OFFICIAL

This issuance is for (check one):

COPY

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

Roger W. Blethen & Pamela A. Keating

Property Owner (if different from applicant):

Name  
95 Main Street

Name

Mailing Address  
Dover MA 02030

Mailing Address

City/Town State Zip Code

City/Town State Zip Code

1. Project Location:

2 Corn Hill Path

Truro

Street Address  
45

City/Town

Assessors Map/Plat Number

Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Barnstable

11174

090

County

Book

Page

Certificate (if registered land)

3. Dates:

March 7, 2003

April 7, 2003

April 25, 2003

Date Notice of Intent Filed

Date Public Hearing Closed

Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Felco Site Plan #02163

Date: 2-21-2002

Title

Date

5. Final Plans and Documents Signed and Stamped by:

Francis W. Lajoie, Professional Engineer

Name

6. Total Fee:

\$55

(from Appendix B: Wetland Fee Transmittal Form)

7 88



Bk 16867 Pg 326 #53627

DEP File Number:

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

SE 75-575

Provided by DEP

**WPA Form 5 - Order of Conditions**

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

O F F I C I A L

O F F I C I A L

**B. Findings**

C O P Y

C O P Y

Findings pursuant to the Massachusetts Wetlands Protection Act

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act. Check all that apply:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Public Water Supply  | <input checked="" type="checkbox"/> Land Containing Shellfish | <input type="checkbox"/> Prevention of Pollution                   |
| <input type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries                 | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply   | <input checked="" type="checkbox"/> Storm Damage Prevention   | <input checked="" type="checkbox"/> Flood Control                  |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- ☒ the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**Denied because:**

- ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).

**General Conditions (only applicable to approved projects)**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.



Bk 16867 Pg 327 #53627

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

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**WPA Form 5 - Order of Conditions**

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Massachusetts Wetlands Protection Act M.G.L. c. 43A, §40

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**B. Findings (cont)**

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4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
7. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  
"Massachusetts Department of Environmental Protection" [or, "MA DEP"]  
"File Number SE 75-575"
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
14. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:

SE 75-575

Provided by DEP

**WPA Form 5 - Order of Conditions**

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

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**B. Findings (cont)**

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15. This Order of Conditions shall apply to any successor in interest, or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.

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16. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.

17. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

See Special finding on page 4-A.

Special Conditions (use additional paper, if necessary):

See special conditions on page 4-A.

**Findings as to municipal bylaw or ordinance**

Furthermore, the \_\_\_\_\_ hereby finds (check one that applies):  
Conservation Commission

- ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Name

Municipal Ordinance or Bylaw

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- ☐ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Name

Municipal Ordinance or Bylaw

The Commission orders that all work shall be performed in accordance with the said additional conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.



BK 16867 Pg329 #53627

TOWN OF TRURO  
CONSERVATION COMMISSION

DEP File Number  
SE 75-575

NOT AN OFFICIAL COPY P.O. Box 2030 Truro MA 02666-0630 NOT AN OFFICIAL COPY

Tel: 508-487-2702  
Fax: 508-487-2762

N O T

N O T

Special finding: A N

**A N**

The Commission finds the site of the proposed walkway and stairs on a coastal bank, coastal dune, and buffer zone within 100 feet of the top of the coastal bank bordering Cape Cod Bay. The coastal bank is eroding and the top of the coastal bank moves landward approximately one foot per year on average. Section 30(3) of the Wetlands Regulations promulgated under the Act requires that no coastal engineering structure such as bulkhead, revetment, retaining wall, or seawall, shall be permitted at any time in the future to protect the work permitted under this Order.

Special conditions:

1. The Applicant shall give written notice to the Commission 48 HOURS IN ADVANCE that the work is to be begun and all work shall be under supervision of the Commission.
2. The Applicant shall maintain a copy of the Notice of Intent and this Order on the job site for inspection during the work.
3. The proposed stair shall be at least two feet above grade and the horizontal boards of the stair treads and platforms shall be at least  $\frac{1}{2}$  inch apart to permit sunlight to reach the vegetation below.
4. At least every second pair of stair support posts shall be connected with batter boards at grade to prevent earth from sliding down the slope.
5. All posts shall be hand dug. No vehicles shall be permitted on the slope.
6. The lowest section of stairs shall be removable for winter storm conditions.
7. The Applicant shall plant bare and disturbed areas, including the area presently bare at the top of the bank, to prevent unnatural erosion by wind or water. Plant materials may include American beach grass, rosa rugosa, beach plum, beach pea, bearberry, rosa rugosa, seaside goldenrod, or other materials.
8. When the work is completed, the Applicant shall make a written request to the Commission for a Certificate of Compliance and include a statement from the engineer who signed the drawings stating the work has been done according to the drawings. The Commission will inspect the site before issuing a Certificate.
9. The Commission expects the proposed work will provide significant protection to the coastal bank and the interests of the Act by removing the risk of foot traffic on the coastal bank which would disturb vegetation and cause excess erosion.
10. The Commission accepts the proposed work described in the Notice of Intent, subject to the above Conditions.



Bk 16867 Pg330 #53627

Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

DEP File Number:  
SE 75-575

Provided by DEP

**WPA Form 5 - Order of Conditions**

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

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**B. Findings (cont.)**Additional conditions relating to municipal ordinance or bylaw: **NOT**

AN AN  
OFFICIAL OFFICIAL  
COPY COPY

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of Issuance.

April 25, 2003

Date

This Order must be signed by a majority of the Conservation Commission. The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office (see Appendix A) and the property owner (if different from applicant).

Signatures:

Albert Silva  
James M. Gpa  
James T. Downey

On 24<sup>th</sup> Day or April Month and Year 2003

before me personally appeared

James T. Downey

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

Dusan Travenca  
Notary Public My Commission Expires December 4, 2009

This Order is issued to the applicant as follows:

☐ by hand delivery on☒ by certified mail, return receipt requested, on

Date

April 25, 2003

Date





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

DEP File Number:

SE 75-575

Provided by DEP

**WPA Form 5 - Order of Conditions**

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

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**C. Appeals**

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The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate DEP Regional Office to issue a Superseding Order of Conditions. The request must be made by Certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Appendix E Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act, (M.G.L. c. 131, § 40) and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

**D. Recording Information**

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Truro Conservation Commission

Conservation Commission

#287  
Felco, Inc.  
Engineering / Land Surveying  
P.O. Box 1366  
Orleans, MA 02653

24.





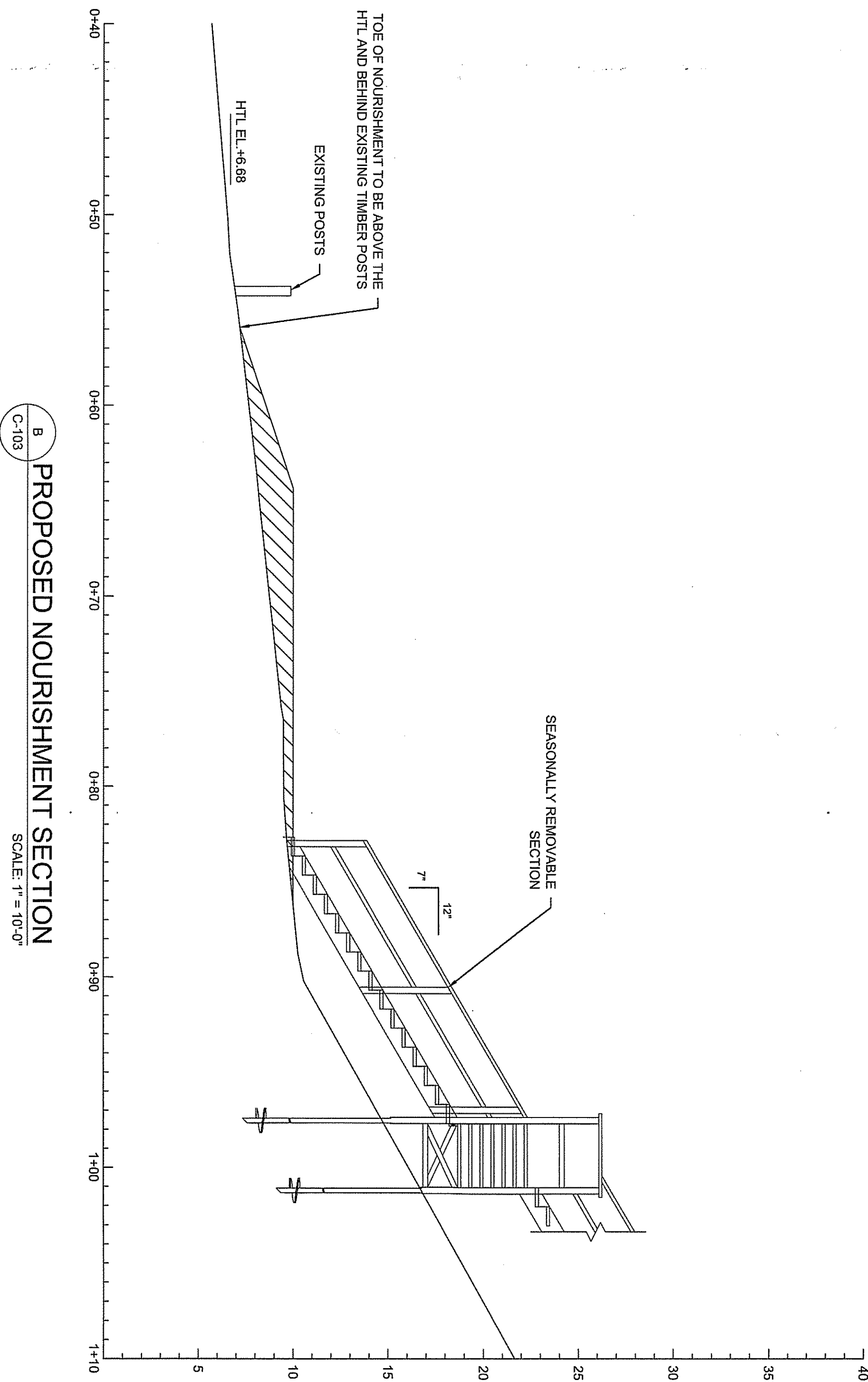


THIS DRAWING IS PREPARED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DETAILS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.



C-102

2 OF 3 SHEETS

PROJECT NO. C19541.00



THIS DRAWING IS PREPARED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION. CONTRACTOR SHALL OBTAIN FINAL CONSTRUCTION DETAILS FROM THE ENGINEER PRIOR TO PREPARATION OF CONSTRUCTION BID AND BEFORE BEGINNING ANY WORK.

 <b>COASTAL</b> engineering co. <small>280 CANTY WAY, SUITE 101, CHASS          508.255.6511 • 508.255.6700 F</small>		<table border="1"> <tr> <td>BY</td> <td></td> <td>REVISION</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>NO.</td> <td>DATE</td> <td></td> <td></td> </tr> </table>		BY		REVISION																						NO.	DATE		
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PROJECT NO. C-103		3 OF 3 SHEETS C1954.100																													

APR 11 2023

10



**FAIRBANK**  
ECOLOGICAL DESIGN

Benjamin Fairbank  
*Principal Designer*

—  
336 Main Street  
Wellfleet, MA 02667

**(203) 415-2220**

**fairbank.b@gmail.com**

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10 APRIL 2023

Truro Conservation Commission  
24 Town Hall Road  
Truro, MA 02666

**RE: Notice of Intent Application for**  
Pamela Blair  
6 Castle Road  
Truro, MA 02666

Dear Commission:

Thank you for hearing this Notice of Intent application for site improvements and mitigation work at 6 Castle Road.

Attached are details of property background and history, objectives of this NOI, project goals, existing conditions pictures, proposed site improvements, concepts and proposal for coastal bank and meadow management, plant list, and management timeline. Also attached are Existing Conditions/Vegetation Analysis and Proposed Plan for this riverfront property.

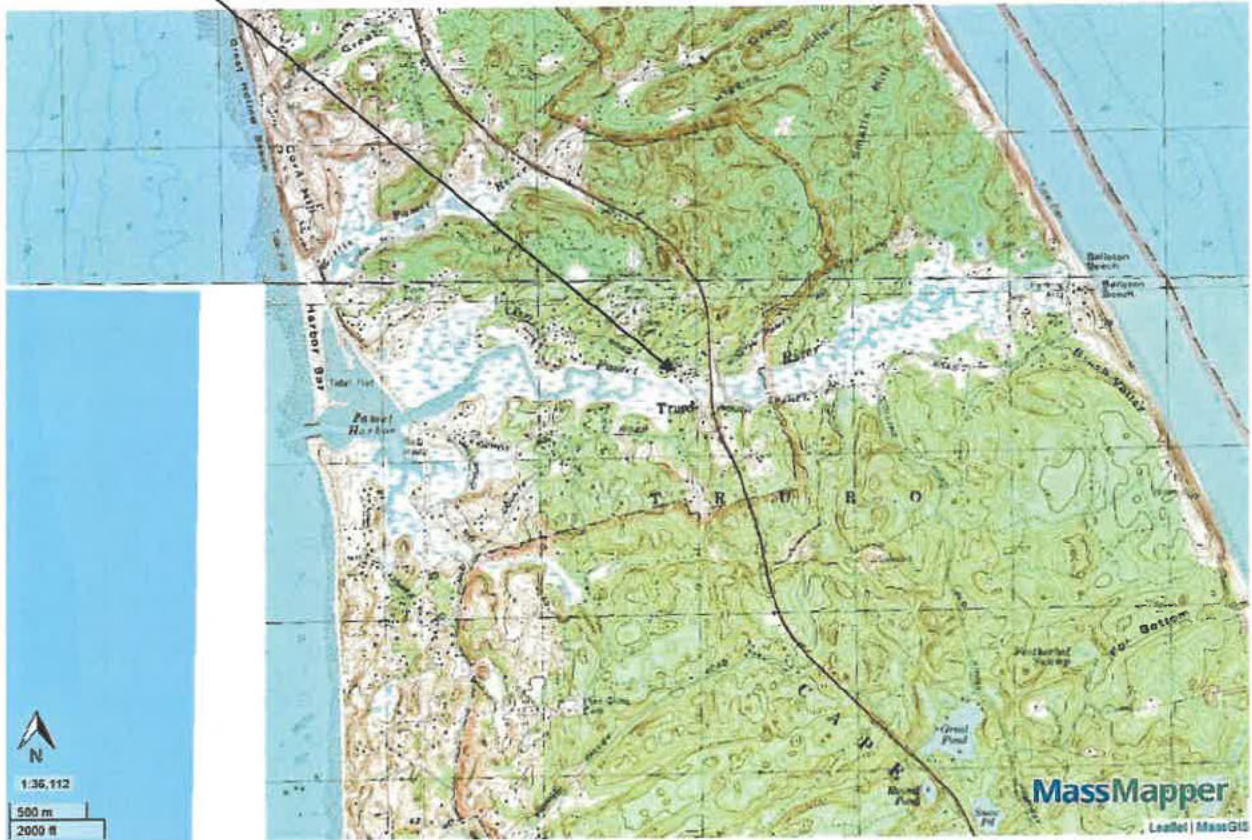
We look forward to our discussion.

Sincerely,

Benjamin Fairbank



**LOCUS MAP**  
6 Castle Road





## **I. Background Considerations:**

Pamela Blair hired Fairbank Ecological Design, LLC (FED) to prepare and implement a plan for site improvements and mitigation to improve current site conditions on 6 Castle Road. The attached proposed management plan principally applies to areas that were previously improved under a 2012 NOI, SE# 75-0896 (amended 2013, extended 2015, COC issued 2017). The work predominantly involves the 5000+ sq. ft of coastal bank area and adjacent areas as well as a heavily infested small bank near the garage. These areas were dense with *Ailanthus* saplings, Multiflora Rose, Oriental Bittersweet, Black Locust trees, Winged Euonymus, and other invasive species. It was so extensive that after careful removal, sparing native plants, these areas needed to be almost completely revegetated with native species.

The entire property is 0.83 acres, with the 1800+ sq.ft. historic house being located primarily outside of the 50-foot filter strip. A screened-in porch and surrounding deck, located 42 feet from the top of the bank, was added as a part of the 2012 NOI. There is also a detached 10' x 20' garage, located just over 50 feet from the closest edge of the wetland delineation line to the ESE.

See a more complete history of permitting by the Blairs in Section 4. There are currently ongoing conditions of the OOC which permit the ability to replace failed or failing native plantings and limited, selective management of invasive species on the coastal bank with an EPA approved herbicide by a licensed applicator using cut and wipe method, or stem-injection, by hand. Last fall, Administrative Review filing was approved to permit planting of several native plugs on the coastal bank to try to assist with establishing a better root system on the bank while this more comprehensive NOI was being written.

Of note, there are no areas of Critical Environmental Concern (ACEC) or National Heritage and Endangered Species (NHESP) estimated priority habitats mapped within the property.

In sum, FED is responding to a site that is experiencing degradation due to erosion and invasive plant species colonization despite significant management efforts for roughly ten years prior to hire last Summer. Factors contributing to this include exposure to the prevailing winds, prolonged hours of southern light exposure, salinity, drought, coastal storms, in combination with areas of steep slopes which are all stressors to native plant establishment, thereby leading to a perpetual need for invasive species control. Future management efforts should envision a self-sustaining plant/animal community that is resilient to the disturbances associated with this bank, but we acknowledge that this bank will always need some form of management.

The Blairs have put an extraordinary amount of time, effort and huge expenses into trying to maintain and improve their land and historic home. Recognizing that they have only been partially successful, they wish to continue moving forward, keeping with the overarching environmental concerns of the state and town.

## **II. Objectives:**

The objectives of this NOI are to get approval to:

1. Restore, augment, and manage all portions of the riverfront bank areas as well as remove invasive plants and maintain whatever currently exists on the entire property. This includes a clear list of ongoing conditions associated with property maintenance (See Sections 6).
2. Complete existing tree or shrub pruning needed for plant health or safety reasons as recommended by Bartlett Tree Experts.
3. Maintain existing view and selectively remove or prune trees and high growing shrubs within that area to preserve the view.
4. Re-naturalize the 180-square foot enclosed garden area that currently includes raised beds as well as reduce lawn in the adjacent area in favor of using portable, natural cedar raised garden containers in a different full sun area with access to water for growing vegetables or an annual cutting garden.
5. Establish a long-term land management plan with a few more approvable ongoing conditions for routine maintenance for the entire property, including resource areas or upland area (See Section 8).

## **III. Project Goals:**

The goals of this project are as follows:

- Site improvements that lead to an overall reduction of “disturbed area”.
- Continue restoration of the bank and other areas of the property, reducing invasives while increasing natives.
- Continue management of the property in a way that supports native plant & animal communities that are resilient to site conditions in the most manageable way feasible.

FED is proposing a plan specifically to establish resilient plant and animal communities on the coastal bank in support of the interests of Wetlands Protection Act and Town of Truro Wetlands Regulations. The goal is to enhance the ecological function of this riverfront property by

- a) removing and managing invasive plant species that compete with desirable native species,
- b) re-naturalizing previously disturbed areas or areas where native plantings have failed or are failing by replanting with native shrubs, grasses, and perennials,
- c) improving soil protection and stability and increasing storm water filtration via establishing a denser vegetative native plant root system, potentially decreasing runoff into the Pamet River BVW, and

d) expanding morphological and phenological duration and diversity for better wildlife habitat by selecting a strategic menu of native plant species that can withstand site conditions and support foraging, pollination, and shelter.

This proposal and 3–5-year management plan will mitigate areas that have not done well and generate an overall positive gain that will generate plant/animal communities that are resilient to the disturbances associated with this bank.

#### **IV. Detailed regulatory background and achievements:**

This proposal follows over ten years of previous applications before the Truro Conservation Commission involving a variety of site improvements and restoration efforts:

- **September 2012.** NOI submitted to construct a porch and deck, and remove extensive, dense areas of invasive plants on the entire coastal bank and on the small bank between the house and detached garage. It was proposed to remove numerous invasives by hand (Oriental Bittersweet, Multiflora Rose, Tree-of-Heaven, Black Locust, Japanese Honeysuckle).
- **May 2013.** NOI amendment was submitted to revise specific sections of the NOI to include use of mini-excavator and hand application of an EPA-approved herbicide as a more effective means to remove invasives. A list of plants to replace invasives was submitted, separately to ConsCom, to add to the previous proposed planting list, such as: Red & Black Chokeberry, Sweet Fern, Virginia/Carolina Rose, Northern Arrowwood, Inkberry, Bayberry, Red Cedar, Tupelo, and Hay Scented Fern, along with unspecified native forbs, grasses and seeds which could tolerate site conditions. There was no formally proposed planting plan or long term land management plan submitted at that time.
- **June 2013.** Invasive management commenced and were replaced with above-mentioned plants as well as 100 one-gallon native grasses and perennials and 50 three-gallon Shrubs. Bare areas were seeded with a native perennial and grass mix (Ernst Seed Harmony Mix 153) and laid with an erosion control blanket. A narrow garden was installed around the perimeter of the new porch deck. Temporary irrigation was installed to cover the first phase of the project.
- **July 2013.** Porch construction work completed.
- **March 2014.** Bare areas on the steep slope of the bank were planted with 25 Bearberry (did not survive) and ivy was removed under a large pine tree.
- **April 2014.** The scope of work was increased to restore an additional area of the coastal bank, more plantings were added, including one 12'-14' Red Maple, six 15-gallon Tupelo trees, and twelve three-gallon shrubs along with seaside goldenrod plugs.
- **Fall 2014.** Planted four 5'-6' Eastern Red Cedar trees, for privacy
- **April 2015.** Planted three Cranberrybush Viburnum and plugs of Switchgrass and Indian Grass.
- **July 2015.** Planted 2 more red cedars, two more Red Maples, 6 Clethra, 8 Viburnum, 10 bearberry (which did not survive), 14 native perennials, 100 Little Bluestem plugs, 25

Hay Scented Fern, and 12 Columbine plugs. Added additional temporary irrigation (mostly drip) to support the newly restored areas, located far from the main house.

- **August 2015.** Extended Order of Conditions granted to be able to continue work, temporary irrigation and invasive management until September 17, 2017. One additional Dogwood and one Red Maple were added, and a few failing Inkberry and Tupelos were replaced.

In total, 17 trees, 120+shrubs, 180+ perennials/grasses, 100+ plugs and Native flower seeds/grasses were planted.

Between 2017 and present, several other permits were obtained to repair, maintain, or improve the safety of structures or vegetative management on the property, and the temporary irrigation was removed as requested, following a misunderstanding of whether it was allowed as a part of approved ongoing conditions.

October 2022 - Permitting was approved to add several herbaceous plugs on the coastal bank, as previously described, after hand pulling the invasive species including colonies of aggressive Mugwort throughout the meadow area in addition to Multiflora Rosa, Burning Bush, and Vine Honeysuckle and Ailanthus saplings. More management will be required as these invasives will likely rebound in the next growing season. The pictures below depict the extent of invasives as of the Summer of 2022 and in prior years.

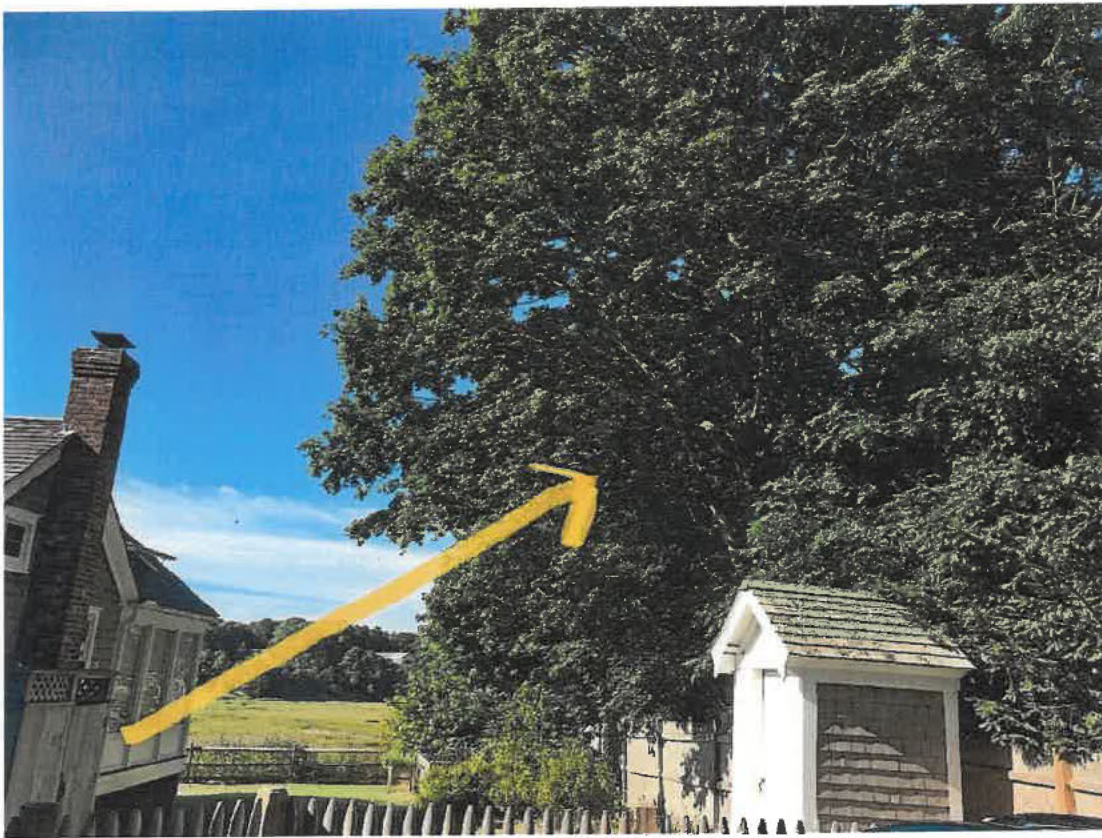
## V. Pictures



*Location of existing garden bed, to be removed.*

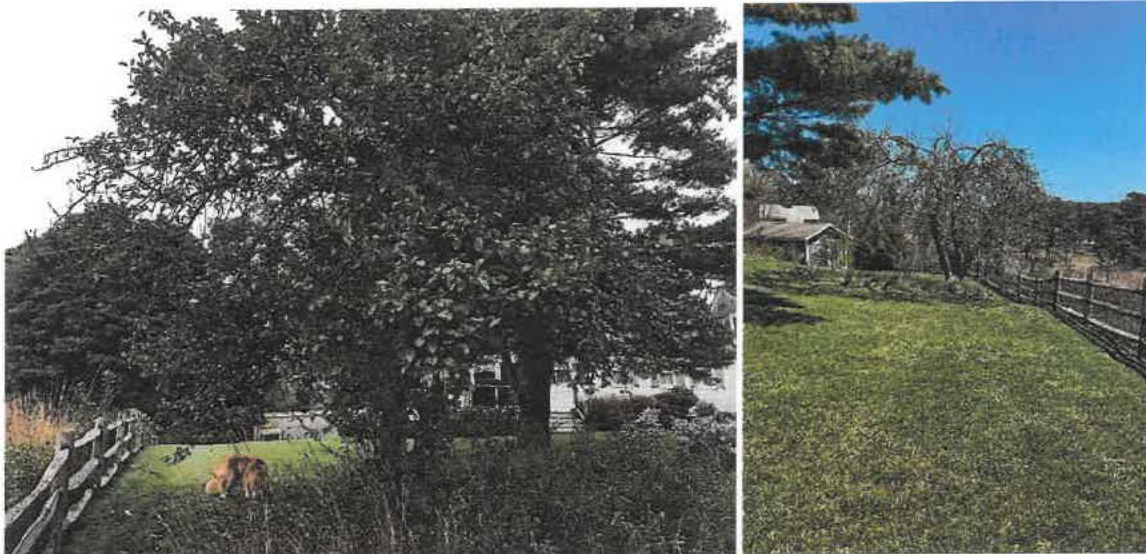


*Location of proposed garden beds.*



*Location of tree trimming: 15% of the crown of this Norway Maple will be pruned only on the side of the Blair property (as recommended by Bartlett Tree Experts) in order to thin out more extensive branch growth on this side of the tree..*





*From left to right: location of apple tree facing West, location of apple tree facing East. We would like to prune this tree 10-15% of the crown, as recommended by Bartlett Tree Experts. Notable are limbs that are hanging over the top, which stresses tree nutrient metabolism.*



*Arrows left to right: location of Pin Cherry, Black Oak and overhanging Black Locust trees to be removed (too close to house).*





*Facing Southeast – Thickets predominate the lower portion of the bank while a mix of grass, herbaceous perennials and extensive invasive species inhabit above. The orange flagging marks where the Beach Plums and Fragrant Sumac will be planted, expanding the thicket layer upslope for erosion control. Also note the extent of the Pin Cherry's crown, which we will prune 20% down for vista pruning.*



*Facing West – A healthy thicket of High-Tide Bush and Pin Cherries is growing pretty much all along the bottom of the bank. There are patches of exposed substrate towards the top due to die off of natives and hand-pulling of Mugwort that was carried out in the Summer of 2022.*



*At the top of the bank during peak growing season – While many native grasses and wildflowers are doing well, notable are the patches of bare substrate and invasive Mugwort growing rhizomially throughout.*





*There is healthy undergrowth of grasses within the thicket of Beach Plums, which are also doing well. We would like to fill more of these exposed areas with herbaceous perennials/grasses so that there is no exposed earth as seen here.*



*The undergrowth of the Beach Plum thicket is predominated by non-natives: Common Mugwort, Burning Bush and Soapwort. There needs to be at least one year of invasive control before we commence any planting.*





*Mountainmint and Oxeye Sunflower are doing well in some spots, but notable is the colonization of the Mugwort.*



*Example of heavy erosion occurring through the mid-section of the hillside. This was densely planted with plugs that were approved for planting in October 2022.*

## VI. PROPOSED SITE IMPROVEMENTS

1. *Vegetable Garden Removal.* We are proposing to remove the current, open picket fence enclosure, raised bed vegetable garden and re-naturalize the area with a few select native trees, bushes and perennials as indicated on the proposed planting plan. We will install three 3'x6' portable natural cedar raised garden containers, as noted in the plan (See attached specs)

The current raised beds were installed in 1996 and are made up of railroad ties, surrounded by stones contained within a 3'-high open picket fence, altogether measuring 180 square feet. The soil within the beds has been infiltrated with invasive species roots from nearby mature Black Locust and Norway Maple trees. A mini-excavator will be used for the sole purpose of getting rid of this and properly disposed of off-site. The freshwater spigot will be relocated closer to the raised deck as a source of water access for this area.

Three raised bottomless garden containers will be located near the deck in a full sun area (see attached specification sheet). This is the ideal area for the raised garden containers, as there will also be nearby access to water and there are fewer roots underground than on other areas of the property. Some minor ground-leveling may be needed for installation. The stones from the former garden area will be used within the walls of the container to enhance drainage within, transported and installed by hand. Any excess waste material will be removed off-site.

The former garden and nearby lawn area nearby will be re-naturalized. Ferns and Cranberrybush Viburnum are doing well in this area. Native plants such as Red Maple, Northern Bayberry, and Lady Fern will be added with a small path remaining to access the gate for coastal bank management when needed.

2. *Tree Pruning.* An assessment by Bartlett Tree Experts in 2020 verbally suggested selective pruning of the 100'+ Norway Maple that is growing on the neighboring property. Pruning will only occur on the 6 Castle Roadside of the property line, and will not exceed 15% of the overall crown, but will be done in a fashion to maintain privacy between the two properties in this area. Selective branches of trees overhanging the property line will be pruned to lessen impact on fencing or the garden shed.

Pruning of the crown of the 100+ yr.old Apple tree located South of the White Pine is necessary for its health due to an overcrowded crown. Up to 15% of the crown needs to be removed per Bartlett. In addition, the Red Maples and some of the larger Pin Cherry trees closer to Castle Road need to be pruned for health and structural integrity. Branches of tall locust trees or other trees on the Castle roadside of the property will also be trimmed to avoid harm to the house or people.

3. *Tree Removal.* We would like to remove two problematic trees (young White Oak and Black Cherry sapling) that are too close to the North side of the house, as noted on the planting Plan. In addition, we would like to remove the multi-stemmed Norway Maple at the edge of the property, near the driveway turn around. In addition, if the Town of Truro permits, we would like to remove the invasive poplar tree which may be just out of jurisdiction of the commission. Tree pruning to preserve the view corridor as described in the next section.

4. *Maintaining the existing view corridor.* In accordance with the Town's bylaws, we are proposing to establish the viewshed delineated on the plan. The two pin cherries at the bottom of the bank in this viewshed have less than 5" DBH of their trunks and will be flush cut to the ground. They will be replaced by shrubs on the coastal bank at 3:1 shrub to tree ratio. The stumps will be monitored for regrowth and saplings will be removed by hand.

In addition, we would like to prune several high tide shrubs that have migrated closer to the top of the bank to maintain a height of 4'.

## VII. Coastal Bank and Meadow Management Proposal

We look forward to discussing best practices for maintaining the coastal bank plantings and the meadow area. To that end, we would like to direct the Commission's attention to a menu of meadow management principles upon which we are basing our proposal. Below is a glossary of terms that are used to understand and measure the health and wellness of a meadow.

### Glossary of Terms

**Asynchrony** – When plant-animal mutualisms do not synchronize in time. For example: the period of time when a Monarch Butterfly arrives to its summer migration area happening before Milkweeds start to bloom locally (the shorter that period of time, the better).

**Eco-Type Region** – A geographic area that hosts plant species with its own sub-set of genes (physical characteristics, bloom time, etc.) that are different from the same plant species in other areas.

**Mutualism** – The symbiotic interface between plants and animals when their interaction benefits both. For example: pollination.

**Phenology** – The distribution of time of a plant's growth, blooming, and fruiting throughout the year.

**Soil Morphology** – The physical makeup and structure of the soil.

**Specialist Species** – The grouping of animal species whose survival relies on a specific guild or family of plant species as a host or food source. For example: the Monarch caterpillar is the only insect adapted to avoid consuming the toxins in the Common Milkweed leaf they were born on, a ready food source whose consumption does not harm the plant. Alternatively, a **Generalist Species** can survive on a variety of plant guilds or families as a host or food source.

## A. Management Objectives

These terms are intended to guide our conversation and iteration of the overall objectives and management strategies to accomplish our goals. As follows:

**i. Integrated Pest Management** – The first order of business is to identify and control the existence of invasive species on site. The United States Department of Agriculture’s 2012 “Non-Native Invasive Species Best Management Practices” manual lays out a host of recommendations, as follows:

- Management practices must be based on severity and type of invasives on site. The degree of management activity must be weighed with the severity.
- Effective pre-treatment of invasives may require scheduling it within one to two years prior to management activity (ie, planting).
- Minimize ground disturbance and distribution of invasive seed/fruit.
- Integrate holistic practices that promote the impacted resources, where possible (Nitrogen-fixing annual cover crop seeding, hand-pulling, re-vegetation).

**ii. Establishing Healthy Plant/Animal Communities** – Once the severity of invasives is mitigated, it is important to implement long-term holistic control strategies. There are a lot of ways to go about it, such as increasing biodiversity, creating controlled disturbances, etc. We will factor in the following principles to guide the way.

- *Increase plant competition* by selecting plants that increase the phenological phase of any given plant guild or family. For example, using the Asteraceae family, you could plant Oxeye Sunflower, Heath Aster, and Black-Eyed Susan and provide a phenological phase in that family as wide as May to October. This eliminates or reduces asynchrony and creates a well-nested site. A recent study showed that extending the phenological phase increases both competition and facilitation (net gain) of that plant family.
- *A well-nested site is a well-pollinated site.* As an increase in phenology in plants supports more specialist animal species, they are pollinated more and ultimately self-propagated, generation after generation.
- *Plants and seeds sourced regionally versus locally* – The rationale behind installing plants that are local eco-types to the area is based on the idea that they are genetically predisposed to the mutualisms in which they participate and ecosystem services they provide for that area. That being said, many studies now suggest these interconnections are becoming increasingly stressed and bottlenecked due to climate change. A recent study compared the growth of locally sourced seed versus regionally and found that there was no clear advantage to either. Albeit inconclusive, this points to the larger issue that an increase in droughts in conjunction with higher-than-average annual rainfall has led to whiplash disturbances. These conditions may negatively impact local eco-types such as a decrease in phenological duration, increase in asynchrony, and overall intolerance of increasingly regular climate disturbances. Therefore, it is recommended that plants are sourced from both local and regional vendors to diversify the gene pool and support adaptation to a changing climate.



- *Thickets versus Herbaceous* – Thickets are a successive trait to any meadow as woody plants begin to take over the lower growing herbaceous layer. Grasses and woody perennials are more tolerant of disturbances than wildflowers. Areas that are vulnerable to disturbances such as erosion or wind should incorporate thickets.
- *Increase Root Competition* – One way in which meadows survive disturbances is when its morphology is crowded and well-constituted. When plants are competing for root space, they go down bringing them closer to groundwater. This also prevents roots from growing laterally, which causes plants to flop in the summer heat. This also reduces the overall temperature of the substrate. All of this makes plants more tolerant of droughts, wind, and erosion alike.

**iii. Long-Term Management Strategies** – There is a host of strategies to ensure long-term health of the bank that should be factored in throughout all management phases, from start to finish. Maintaining the bank as a meadow is an intentional management approach to mitigating local invasive species colonization and encouraging biodiversity. To that end, we apply the following principles.

- *Increased native plant competition mitigates invasive species colonization* – Plant selection should have a 30%-70% grass to wildflower ratio because grasses are more resilient to disturbance and can easily overwhelm wildflowers if this ratio is not maintained. If grasses are allowed to succeed, herbaceous competition will decrease, and the meadow will consequently become more vulnerable to invasive species colonization.
- *Controlled Disturbance as Management Strategy* – Weed-whacking a meadow at least two times of year and locations is a biomimicry of the natural grazing of mammals. It disperses native seeds, enriches the soil's organic layer, provides a natural mulch, and controls the succession of grasses and woody perennials. In areas of disturbance, it is important to plant biennials because their early establishment facilitates that of perennials that are slower to mature. Next generations of these biennials are also facilitated by seed dispersal via weed whacking. This is a seasonal-based management technique that is vital to maintaining a healthy meadow and should be done two to three times a year, starting at the end of August.
- *Irrigation* – Plant selection should be tolerant of conditions on site in terms of water needs. In dry meadows, plants will obviously need to be drought-tolerant but will require irrigation however long it takes for the meadow to establish (three to five years), and maybe longer during high stress periods so that roots are not compromised.

### C. Coastal Bank & Meadow Management Proposal

With our meadow management tool kit in tow, we envision this meadow ultimately as self-sustaining and low-in-maintenance. However, due to the many obstacles to this effort in the past (see above timeline), the many disturbances this bank has experienced, and the persistence of invasives on abutting properties, we acknowledge that this bank will be a perpetual management challenge. Our proposal merely works to mitigate the impacts of invasive species and disturbances such that it establishes an equilibrium requiring the least number of inputs in the long run. This will require a proactive and consistent approach, using the above-mentioned strategies as our guide.

**i. Invasives Removal** – Since the extension of the Order of Conditions expired in 2017, there have been limited inputs to the management of the bank, periods of drought, and invasive plants have begun to re-colonize. Degradation is notable throughout. While many native plants are establishing nicely, there is significant colonization of Bittersweet, Common Mugwort, Winged Euonymus, Tree-of-Heaven, Black Locust, etc. (see full list on plan). Furthermore, erosion is notable along the base of the bank. We have responded to this by implementing work approved in an October 2022 Administrative Review to install 256 native wildflower plugs. We also pulled out by hand as many invasives that we could find. This is a good start, but overall, conditions are still not suitable for the native plants and stability of the bank.

The next phase is to selectively treat invasives with an EPA-approved systemic herbicide by a state licensed applicator. This work will be carried out once in August 2023 and again in October 2023. Clippings will be removed from the site by hand. This stage will be when we also carry out all Vista pruning and regular pruning for the property. See Plan for details.

**ii. Planting & Seeding** – Any further planting should not commence until we are certain that at least 80% of invasives are eliminated from the bank (see USDA best practices, Section IV.B.i), with the goal of 95% removal by the end of three years and sustained after that. If we conclude that invasives are mitigated at the 80% rate by October 2023, we would like to proceed with planting at that time. In the event that some of these plants and plugs are not available at market, we seek permission to plant other species that are available, whatever is native to Cape Cod as listed by the Town of Truro Conservation Commission approved planting lists, or on the Association to Preserve Cape Cod's "CapeCodNativePlants.org".

The first stage of planting will be with thicket species. As noted on the planting plan, the following is a list of shrubs in 1–5-gallon containers and trees in ball & burlap and/or 15-30—gallon containers to be installed, including:

- a. *Acer rubrum*, Red Maple
- b. *Comptonia peregrina*, Sweet Fern
- c. *Juniperus virginiana*, Eastern Red Cedar
- d. *Myrica pensylvanica*, Northern Bayberry
- e. *Prunus maritima*, Beach Plum
- f. *Rhus aromatica*, Fragrant Sumac
- g. *Rosa virginiana*, Virginia Rose

The second stage of planting is herbaceous perennials to be planted as plugs and/or seeded. The following is a list that we merely seek permission to plant and seed but for which is contingent on market and seasonal availability. There is no exact quantity for each species, but we are proposing to install a total of up to 500+ plugs.

- a. *Andropogon gerardii*, Big Bluestem Grass
- b. *Baptisia tinctoria*, Yellow Wild Indigo
- c. *Chelone glabra*, White Turtlehead
- d. *Coreopsis lanceolata*, Lanceleaf Coreopsis
- e. *Coreopsis verticillata*, Threadleaf Coreopsis
- f. *Desmodium canadense*, Showy Tick Trefoil
- g. *Euribia divaricata*, White Wood Aster
- h. *Gaylussacia baccata*, Black Huckleberry
- i. *Lupinus perennis*, Wild Lupine
- j. *Nuttallanthus canadensis*, Blue Toadflax
- k. *Penstemon digitalis*, Foxglove Beardtongue
- l. *Pycnanthemum muticum*, Blunt Mountainmint
- m. *Pycnanthemum tenuifolium*, Narrow-leaved Mountainmint
- n. *Pycnanthemum virginianum*, Common Mountainmint
- o. *Rudbeckia hirta*, Black-Eyed Susan
- p. *Sympyotrichum cordifolium*, Blue Wood Aster
- q. *Solidago flexicaulis*, Broadleaf Goldenrod
- r. *Schizachyrium scoparium*, Little Bluestem Grass
- s. *Vaccinium angustifolium*, Lowbush Blueberry

In the event that invasive species control has not reached the desired 80% threshold and/or there remain bare spots without vegetation, we need to augment the area with seeds containing annual cover crops and will delay planting plugs until the Spring of 2024. Seeds would be purchased from Ernst Seeds, including:

- a. *Avena sativa*, Oats
- b. *Lolium perenne*, Winter Ryegrass
- c. *Secale cereale*, Ryegrass

**iii. Irrigation** – Temporary irrigation is again needed, and will be composed of the most water-sparing equipment, such as micro-spray emitters, either with or without MP Rotors and/or drip hoses that lie as close to the ground as feasible while still providing coverage for the large perennial/grass and steeper areas of the bank. Drip hoses will likely be used for the new shrubs and trees in their various locations. Watering, using a programmed timer, will occur in the early mornings or evenings between May and October. The amount and days to water will be based on current weather conditions/forecasts to permit survivability of the new plantings or successful seed germination. A black poly main line may be needed to be secured laterally across the top of the bank near to where the fencing is or laterally below, only if absolutely necessary, to help deliver water for the system.

**iv. Controlled Disturbance** – We are also proposing to weed-whack the meadow to a 6" height where herbaceous perennials and biennials predominate in the late Summer/Fall, at first following initial planting a total of three times in the season, starting in late August (for explanation, see Section IV.B.iii), and then three times every other year thereafter. We would like to carry this out again every other year as routine management primarily to promote biennial growth and to inhibit grass colonization (to maintain the 3-7 ratio mentioned in Section VI.B.i). We would also like this to be included in the ongoing conditions.

**v. Ongoing Conditions** – We are requesting a series of ongoing conditions to survive the expiration of the Blair's OOC as an acknowledgement that successful management and the associated management strategies we have thus far laid out will require a continued effort after three years is over and beyond. The following is a list of ongoing conditions of activities we are requesting that, with notice to the Conservation Department, will allow for this sustained effort to occur with precision in time and without future unnecessary administrative delays:

- Ability to utilize an EPA-approved herbicide by a state-licensed applicator or hand-pulling of invasives (as needed).
- Ability to replace dead or dying plantings using the plant listings included herein
- Weed-whacking every other year three times a year, six inches to the ground, non-invasive clippings will remain on the ground. We will do this until perennials are established and invasives are at least 95% reduced.
- Continue planting and associated management practices with an additional three years from time of planting until full meadow establishment has been achieved. Annual monitoring reports will be submitted to note progress and address needs.
- Seasonal irrigation to continue.
- Permit structural pruning of dead, dying, overcrowded, or otherwise impacted limbs of trees and shrubs for plant health as determined by professional horticulturalists, as well as maintenance of the view corridor.
- General property maintenance, as needed: top-dressing of both driveways with either shell or gravel, removal of dead or dying tree or shrub limbs, hedge-trimming of the Forsythia hedge along Castle Road, mulching in the garden, replacement of dead or dying plants.

## LAND MANAGEMENT TIMELINE:

	Yr 1				Yr 2				Yr 3			
Action	F a l l 1	W i n t e r 1	S p r i n g 1	S u m m e r 1	F a l l 2	W i n t e r 2	S p r i n g 2	S u m m e r 2	F a l l 3	W i n t e r 3	S p r i n g 3	S u m m e r 3
Cut invasive species to the ground and wipe on the surface of the stump an EPA-approved systemic herbicide.												
Remove all cut material from site.												
Install temporary irrigation.												
Submit monitoring report to the Truro Conservation Commission.												
Mow or weed-whack herbaceous plants of coastal bank to promote biennial growth while perennials get established.												

	Yr 4				Yr 5				Yr 6			
Action	F a l l 4	W i n t e r 4	S p r i n g 4	S u m m e r 4	F a l l 5	W i n t e r 5	S p r i n g 5	S u m m e r 5	F a l l 6	W i n t e r 6	S p r i n g 6	S u m m e r 6
Cut invasive species to the ground and wipe on the surface of the stump an EPA-approved systemic herbicide.												
Remove all cut material from site.												
Maintain temporary irrigation as ongoing condition.												
Submit monitoring report to the Truro Conservation Commission.												
Mow or weed-whack herbaceous plants of coastal bank to promote biennial growth while perennials get established (one-time only).												

## **ATTACHMENTS:**

- 1) Sheet 1: Vegetation Analysis, dated 4/6/23
- 2) Sheet 2: Planting Plan, dated 4/6/23
- 3) Specifications for 6'x3' Raised Cedar Garden Beds by  
Outdoor Living Today



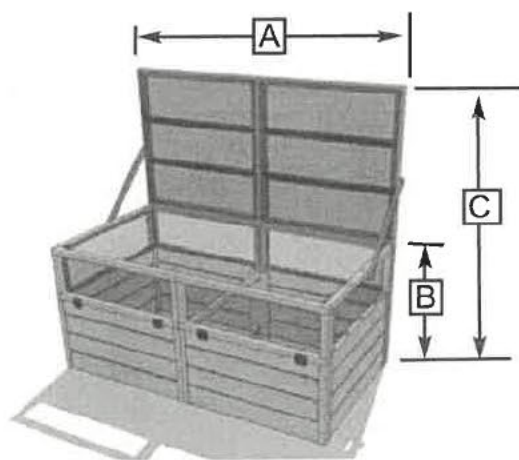
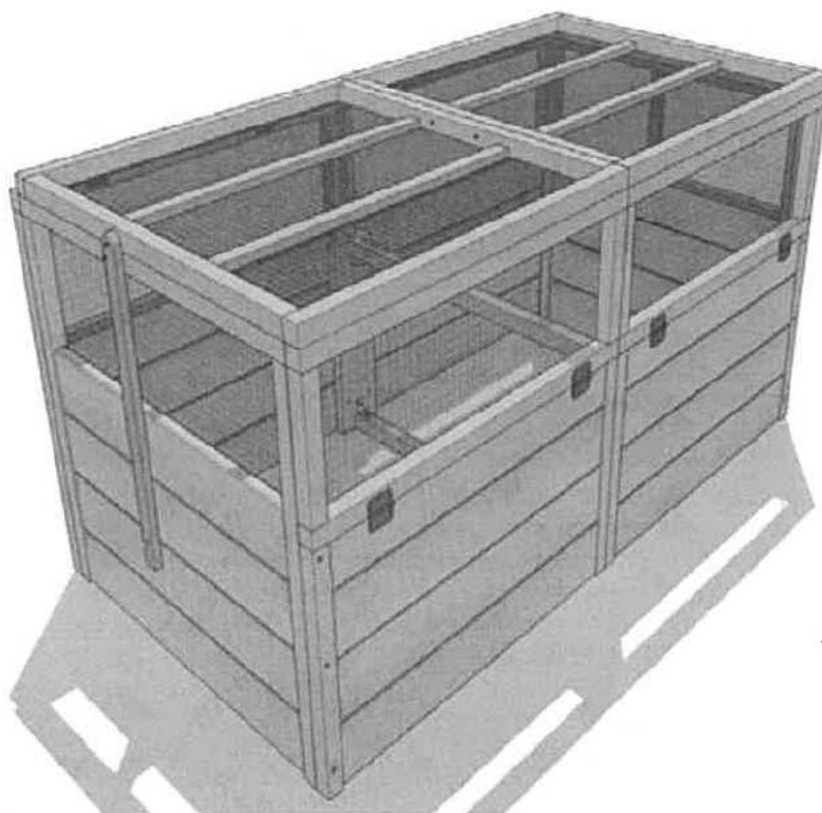
# 6'X3' Garden in a Box Trellis / Lid Kit Item# RB63T

Licensed Under U. S. PATENT No. RE44055

Thank you for purchasing a 6' x 3'  
Raised Garden Bed Trellis/Lid Kit.  
Please take the time to identify all  
the parts prior to  
assembly.

Please use Safety Eyewear and Gloves  
while assembling. Be sure to read and  
follow all operating instructions for any  
tools used during assembly.  
Remember- NO SAW CUTTING IS  
REQUIRED!

**Safety Points and Other Considerations**  
Please follow this instruction manual when  
assembling your Raised Garden Bed and  
retain the manual for future maintenance  
purposes.



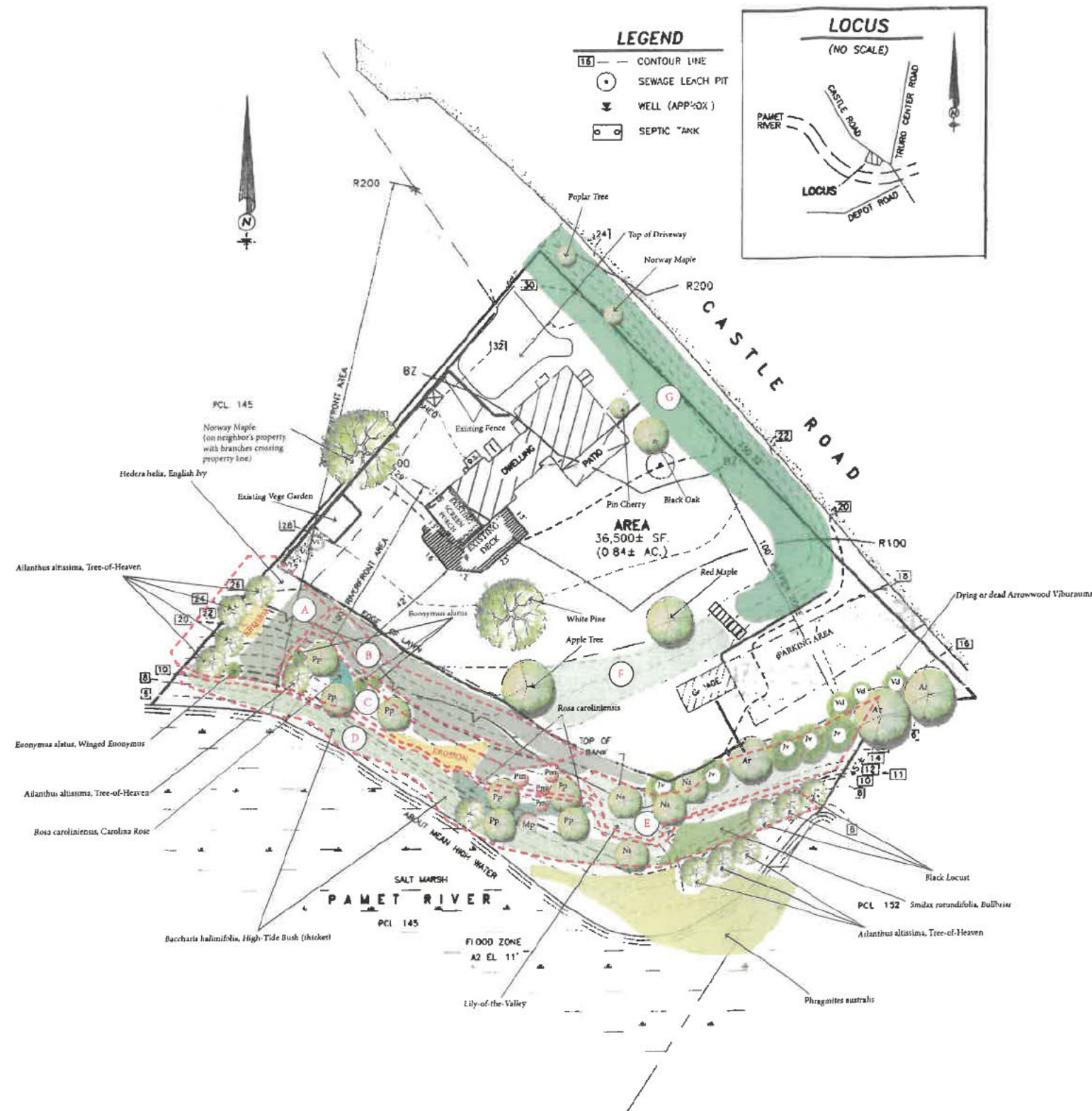
## Trellis/Lid Dimensions:

A: Width = 72"  
B: Height with Lid Closed = 35"  
C: Height to top of Trellis = 71"

**Estimated Assembly Time for the  
Lid/Trellis Option = 1/2 Hour.**

In the event of a missing or broken piece, simply call the Outdoor Living Today Customer Support Line @ 1-888-658-1658 within 30 days of the delivery of your purchase. It is our commitment to you to courier replacement parts, free of charge, within 10 business days of this notification. Replacement parts will not be provided free of charge after the 30 day grace period.





#### NATIVE PLANTS FOUND ON SITE:

ID	Botanical Name	Common Name
Ar	<i>Acer rubrum</i>	Red Maple
Ba	<i>Baptisia australis</i>	False Indigo
Ev	<i>Euonymus virginiana</i>	Eastern Red Cedar
Ns	<i>Nyssa sylvatica</i>	Tupelo Tree
Pm	<i>Prunus maritima</i>	Beach Plum
Pp	<i>Prunus pennsylvanica</i>	Pin Cherry
Pv	<i>Panicum virgatum</i>	Switchgrass
Rc	<i>Rosa carolinensis</i>	Carolina Rose
Rb	<i>Rudbeckia hirta</i>	Black-Eyed Susan
Sa	<i>Salidago sempervirens</i>	Seaside Goldenrod
Sc	<i>Salidago canadensis</i>	Canada Goldenrod
Sn	<i>Sorghastrum nutans</i>	Indian Grass
Ss	<i>Schizanthus scoparium</i>	Little Bluestem Grass
Vd	<i>Viburnum dentatum</i>	Arrowwood Viburnum
Vt	<i>Viburnum trilobum</i>	Cranberrybush Viburnum

#### INVASIVE PLANTS FOUND ON SITE:

ID	Botanical Name	Common Name
Aa	<i>Ailanthus altissima</i>	Tree-of-Heaven
Av	<i>Artemisia vulgaris</i>	Common Mugwort
Co	<i>Celastrus orbiculatus</i>	Oriental Bittersweet
Cl	<i>Cyrtanthus lousiae</i>	Black Swallow-wort
Ea	<i>Euonymus alata</i>	Winged Euonymus
Hh	<i>Hedera helix</i>	English Ivy
Hl	<i>Hicoria lanata</i>	Velvet Grass
Pa	<i>Phragmites australis</i>	Phragmites
Po	<i>Populus alba</i>	Poplar Tree
Sr	<i>Smilax rotundifolia</i>	Bullbrier

#### VEGETATION ANALYSIS:

There are several noteworthy vegetative patterns developing throughout 6 Castle Road since the initial restoration and meadow management has commenced in 2013. Succession of native grasses, wildflowers and thickets is proceeding nicely in some areas while other areas indicate degradation caused by invasive plants and erosion. The plan (left) is broken down into six sections that each present their own unique conditions and challenges, identifiable by their respective successional trends.

**A) STEEP SLOPES:** The existence of *Ailanthus altissima* on the abutting property presents a unique management challenge. While the initial removal of *Ailanthus* on 6 Castle Road may have been successful, a new stand of trees is forming due to the inevitable encroachment from the North. The resulting deterioration of soil quality is evident as there are vegetative gaps and significant erosion occurring, preventing desirable plants from succeeding. We also identified English Ivy and Winged Euonymus present in this section. The dark green section indicates where native meadow plants are succeeding, such as *Salidago canadensis* (Canada Goldenrod), *Sorghastrum nutans* (Indian Grass), *Schizanthus scoparium* (Little Bluestem Grass), *Panicum virgatum* (Switchgrass), *Helopsis helianthoides* (Oxeye Sunflower). However, many sightings of *Ailanthus altissima* (Tree-of-Heaven) and *Robinia pseudoacacia* (Black Locust) are colonizing in this area, compromising the desirable successional direction we need to take. This section will have to be managed and monitored rigorously and regularly.

**B) MEADOW:** This section is the strongest performing in terms of meadow succession. In addition to the native plants mentioned above, this section hosts a number of other native herbaceous plants, such as *Tradescantia ohiensis* (Ohio Spiderwort) and *Salidago sempervirens* (Seaside Goldenrod). There are also intermittent patches of *Saponaria ocyroides* (Soapwort), which are non-native however non-invasive as they appear to be naturalizing rather than colonizing. More worrisome is the abundance of *Artemisia vulgaris* (Common Mugwort) and *Celastrus orbiculatus* (Oriental Bittersweet) that has developed as the predominant successional species throughout this section. This is likely to worsen without intervention.

**C) EROSION:** Steep slopes create the largest obstacle to stabilizing the bank in this section. Mixed height thicket species such as *Prunus pennsylvanica* (Pin Cherry), *Prunus maritima* (Beach Plum), and *Rosa carolinensis* (Carolina Rose) are succeeding along the banks, but there is very serious erosion occurring down the middle. This makes this area exceedingly vulnerable to colonization by nearby invasives and also threatens the integrity of the upslope meadow, should the erosion expand upslope. It is reasonable to conclude that both future scenarios are likely without intervention.

**D) THICKETS:** A long, healthy thicket of *Baccharis halimifolia* (High Tide Bush) dominates the most stable section of the bank. This is serving as a buffer to the erosion occurring upslope as well as to other invasives present, such as *Phragmites australis* to the south into the marsh. There is a healthy mix of *Carolina Rose*, *Beach Plum* and *Pin Cherry* throughout the middle. However, the eastern portion of this section is being overtaken by another stand of *Ailanthus altissima*, a thicket of *Smilax rotundifolia* (Bullbrier), and *Robinia pseudoacacia* (Black Locust). Management of this area should be customized to maintain and strengthen a healthy, native thicket.

**E) TREE STAND:** This is the shadiest portion of the bank made up of several *Nyssa sylvatica* (Tupelo) trees. Several plantings such as *Viburnum dentatum* (Arrowwood Viburnum) and *Clethra alnifolia* (Sweet Pepperbush) did not survive here. Overall establishment of native species is fairly low here and thus vulnerable to colonization of invasives such as *Hicoria lanata* (Velvet Grass) and those in Section D, such as *Bullbrier* and *Ailanthus*. Plantings here will need to accommodate shade and well-draining soils.

**F) LANDWARD BANK:** Oriental bittersweet, Multiflora rose, and Common Mugwort are invading this small upland meadow area. Existing native vegetation includes *Red Maple*, *Cranberrybush Viburnum*, and *Flowering Dogwood*.

**G) HEDGE:** The hedge to the road presents a mixture of invasives throughout such as *Asian Bittersweet* and *Winged Euonymus* in the southern section and *Populus alba* (Poplar Tree) in the northern section. There is also a *Cherry Tree* and *Oak Tree* that is too close to the Southeastern corner of the house. Management here will maintain the Forsythia as a hedge while removing the invasives and trees that are too close to the house.

SHEET 1: Existing Conditions w/ Vegetation Analysis  
7 April 2023

1" = 20'  
Pamela Blair  
6 Castle Road  
Truro, MA

FAIRBANK  
ECOLOGICAL DESIGN



NATIVE PLANTS FOUND ON SITE:

ID	Botanical Name	Common Name
Ar	<i>Acer rubrum</i>	Red Maple
Ba	<i>Baptisia australis</i>	False Indigo
Er	<i>Eriophorum virginicum</i>	Eastern Red Cedar
Nt	<i>Nyssa sylvatica</i>	Tupelo Tree
Pm	<i>Prunus maritima</i>	Beach Plum
Pc	<i>Prunus pennsylvanica</i>	Pin Cherry
Pv	<i>Pinus virginiana</i>	White Pine
Rc	<i>Rosa carolinaensis</i>	Carolina Rose
Rh	<i>Rudbeckia hirta</i>	Black-Eyed Susan
Sa	<i>Salix serotina</i>	Sandbar Willow
Sc	<i>Salix caprea</i>	Canada Goldenrod
Sn	<i>Scirpus americanus</i>	Indian Grass
Ss	<i>Sorghastrum nutans</i>	Little Bluestem Grass
Vd	<i>Viburnum dentatum</i>	American Viburnum
Vt	<i>Viburnum trilobum</i>	American Cranberrybush

INVASIVE PLANTS FOUND ON SITE:

ID	Botanical Name	Common Name
Aa	<i>Alliaria officinalis</i>	Tree-of-Heaven
Ar	<i>Acer platanoides</i>	Norway Maple
Ar	<i>Artemisia vulgaris</i>	Common Mugwort
Co	<i>Celastrus orbiculatus</i>	Oriental Bittersweet
Cl	<i>Cimicifuga racemosa</i>	Black Swallow-wort
Er	<i>Eriophorum virginicum</i>	White Pine
Hb	<i>Hedera helix</i>	English Ivy
Hl	<i>Hoculus laevis</i>	Velvet Grass
Ph	<i>Phragmites australis</i>	Phragmites
Po	<i>Populus alba</i>	Poplar Tree
Rh	<i>Rubus idaeus</i>	Black Raspberry
Sr	<i>Smilax rotundifolia</i>	Bullbrier



PLAN NOTES:

- Based on Site Plan by F&B, Inc. on 08/09/2012, revised 12/04/2012.
- This plan proposes mitigation for proposed property management activities, including removal of trees that are too close to the house, relocating the vegetable garden, and pruning aging trees. We are proposing invasive species management and native plant restoration within approximately 5,000 square feet of the riverfront coastal bank and an additional 2,000 square feet within 100 feet of the top of the coastal bank (see attached narrative).
- Vegetable garden will be removed from its current location and replaced with two Red Maple trees, five Northern Bayberry shrubs, and an assortment of native herbaceous plugs as described in the project narrative. All lumber (including pressure treated ties and fencing) will be removed and disposed off-site. Three new garden beds (see attached specifications) will be installed South of the deck as noted on the plan. These beds are designed to be easily taken apart.
- Invasive species on site that will be managed/removed are listed to the left and delineated in the attached Vegetation Analysis (Sheet 1).
- Greenbrier (*Smilax rotundifolia*) and Tree-of-Heaven (*Ailanthus*) growing on the Eastern periphery of the property will be selectively managed to reduce competition with regenerating native species.
- Invasive species will be selectively treated with an EPA-approved systemic herbicide by a licensed applicator and removed by hand.
- All invasive management debris will be removed from the site and brought to an off-site disposal location.
- Selective Tree Management: Pruning of the Norway Maple will only occur on the 6 Castle Road side of the property line and is not to exceed 15% of the crown. Pruning of the Apple Tree will also not exceed 15% of the crown.
- Two trees (Black Oak, Pin Cherry) will be removed because they are too close to the house (outside of the 100' buffer zone).
- The proposed management area will be planted with plants in 1" 15-gallon containers, ball and burlap and/or as plugs, listed below and in the attached narrative.
- The coastal bank will remain in a naturalized state but will require management until the desired plant community is established. This includes a irrigation, annual Fall weed whacking, and herbicide post-treatment. Invasive species management and re-naturalization will be an ongoing effort that will exceed three growing seasons to ensure successful restoration and therefore will require ongoing conditions.
- See attached Land Management Plan for details on planting and invasive species management timeline for the next three seasons.

PLANTING SCHEDULE (see full plant list in Section 7-C in narrative):

ID	BOTANICAL NAME	COMMON NAME	QTY	SIZE
1	<i>Rosa virginiana</i>	Virginia Rose	39	1-5 gal.
2	<i>Rhus aromatica</i>	Fragrant Sumac	28	1-5 gal.
3	<i>Acer rubrum</i>	Red Maple	2	15-30 gal.
4	<i>Prunus maritima</i>	Beach Plum	5	1-5 gal.
5	<i>Myrica pennsylvanica</i>	Northern Bayberry	6	1-5 gal.
6	<i>Comptonia peregrina</i>	Sweet Fern	15	1-5 gal.

SHEET 2: Planting Plan

7 April 2023

1" = 20'

Pamela Blair  
6 Castle Road  
Truro, MA



PERMIT # 2023-07



# TOWN OF TRURO

## Conservation Commission

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

Conservation Commission  
TOWN OF TRURO

MAR 09 2023

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: Dave Hedin Telephone: [REDACTED]

Email address: [REDACTED]

Owner Name: [REDACTED] Telephone: [REDACTED]

(If the applicant [REDACTED] consent to the work MUST be attached to this Application.)

Address of subject property: 23 Bayview Rd Map: [REDACTED] Parcel: 39-311-0

Description of proposed work: Replace 20' LF 2x4 handrail. 30' LF 2x4 stair treads.

Blocking as needed. No Dune Access needed or disturbing of dunes.

Proximity to Resource Areas: Beach Stairs. No Dune Access Needed.

### 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
- Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

#### Sheds and Other Construction Projects:

- No construction within any wetland resource except for minimal projects with the consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks, sono tubes, diamond piers
- Repairs or replacement of existing structures remain within the same 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

#### 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]      3/9/23  
(Signature of Applicant)      (Date)

FOR OFFICE USE ONLY:

Agent's Comments no ground disturbance; 1:1 repair of rotting/weathered components. \*D

Site Inspection Date: 3/28/2023 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: 4/3/2023 Permit Approved: ☒ Yes ☐ No  
Conditions: \_\_\_\_\_

Signature of Commission Chair or Agent: [Signature] Date: 4/5/2023




**Acceptance of Proposal** -I have read all pages of this document and accept the prices, specifications and conditions stated. I understand that upon signing, this proposal becomes a binding contract. You are authorized to do the work specified. Payment will be made as outlined above.

You, the Buyer, may cancel this transaction at any time prior to midnight of the third business day after the date of this transaction.

Cancellation must be done in writing.

**DO NOT SIGN THIS CONTRACT IF THERE ARE ANY BLANK SPACES.**

Signature



Date

1/31/23

Signature

Date

3-28-2023  
A.D.



PAID

PERMIT # 2023-12



# 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 Willis Telephone: [REDACTED]  
Email address: [REDACTED]  
Owner Name: Steven Willis 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: 372 Shore Road Map: 328 Parcel: 10-32-2  
Description of proposed work: Install 1 flight of beach stairs parallel with a 7 foot retaining wall.  
Stairs will be supported by the retaining wall and existing pilings so no excavation or footings required.  
Proximity to Resource Areas: Retaining wall abuts the 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
- Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

#### Sheds and Other Construction Projects:

- No construction within any wetland resource except for minimal projects with the consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks, sono tubes, diamond piers
- Repairs or replacement of existing structures remain within the same 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

#### 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.

Conservation Commission  
TOWN OF TRURO

APR 06 2023



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- 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

old stairs taken out by storm damage

(10)

Site Inspection Date: 4/27/23 Application Approved: Yes No

Conservation Commission Review: Meeting Date: Permit Approved: Yes No  
Conditions:

Signature of Commission Chair or Agent: Date:

LOGGING NORTHWEST

372 SHORE ROAD

BUILDING

DECK

RETAINING WALL

4x4 BRACES  
ATTACHED TO  
WALL

EXISTING PILING

\* STAIR STRINGERS  
IN TWO PARTS BOLTED  
TOGETHER TO ALLOW  
REMOVAL

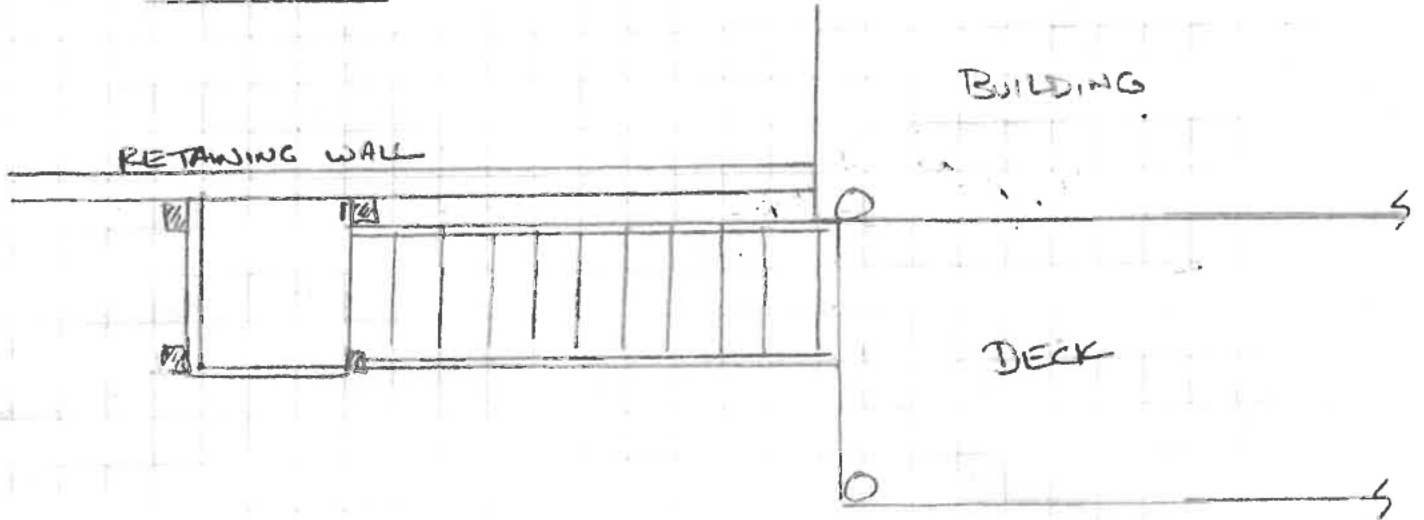
BOTTOM OF STAIRS  
ATTACHED TO  
EXISTING PILING

TOP VIEW

RETAINING WALL

BUILDING

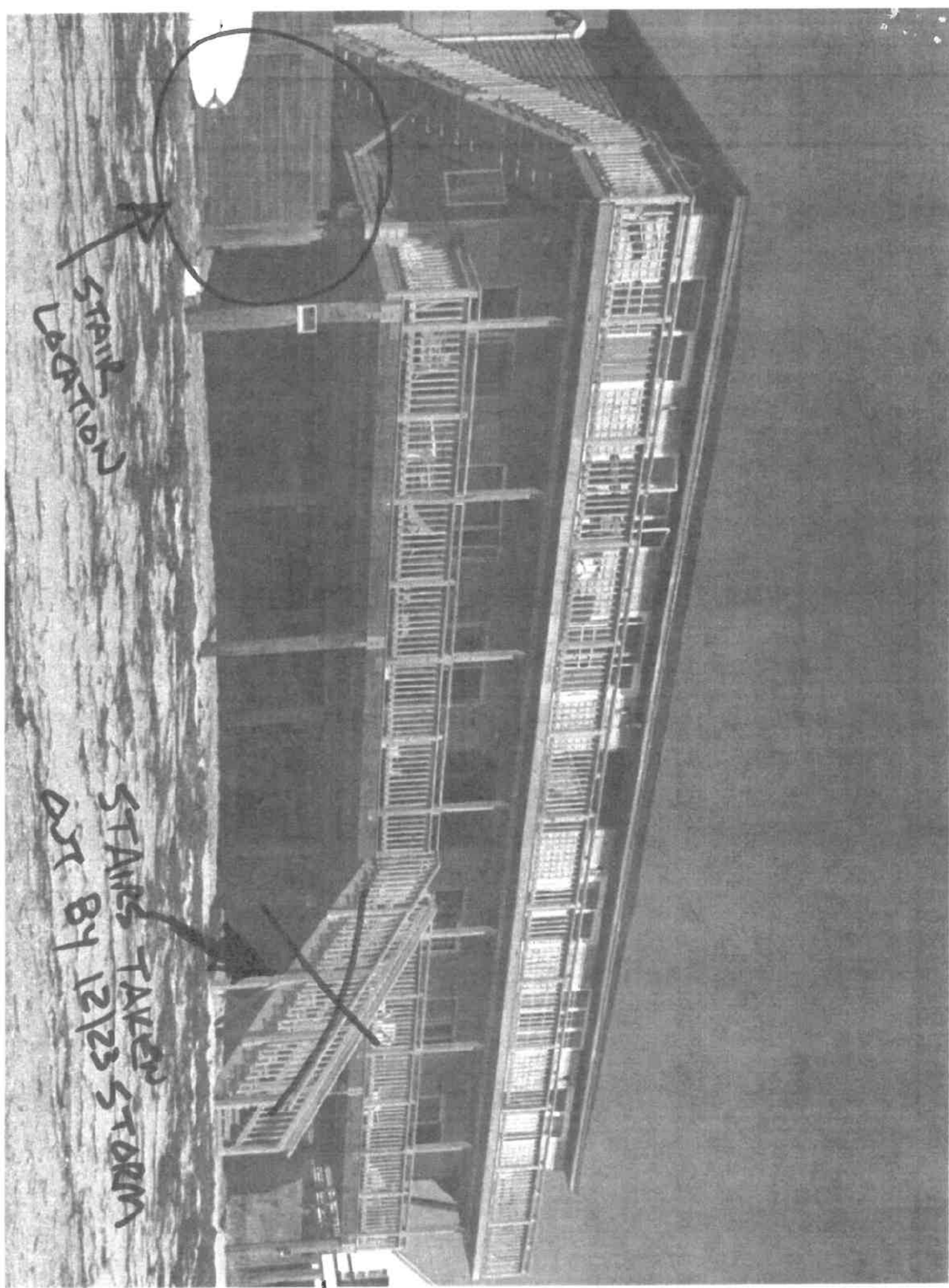
DECK





STAIR-  
LOCATION

STAIRS TAKEN  
BY 12/23 STORM



APR 14 2023



# TOWN OF TRURO

## Conservation Commission

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

PAID

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: [REDACTED] Telephone: [REDACTED]

Email address: [REDACTED]

Owner Name: MARY WELLS 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: 510 SHORE ROAD UNIT B Map: 7 Parcel: 9.8

Description of proposed work: REPLACE DECK IN KIND - DAMAGE DUE TO STORMS - NO STAIRS! NO CHANGED TO SUPPORTING PIERS

Proximity to Resource Areas: IN RESIDENCE - REQUEST 90 DAYS

just  
deck  
boards +  
railings -  
same as  
other unit  
AR filings -  
AP

### 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
- Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

#### Sheds and Other Construction Projects:

- No construction within any wetland resource except for minimal projects with the consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks, sono tubes, diamond piers
- Repairs or replacement of existing structures remain within the same 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

#### 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.



APR 14 2023

- 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.**
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- 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.

Wendy A. Wells      04-14-2023  
(Signature of Applicant)      (Date)

FOR OFFICE USE ONLY:

Agent's Comments: 11 replacement of deck boards + railings; same as other units approved via ARs in the past year      AD  
Site Inspection Date: 4/20/23      Application Approved: ☒ Yes    ☐ No

Conservation Commission Review: Meeting Date: \_\_\_\_\_ Permit Approved: ☐ Yes    ☐ No  
Conditions: \_\_\_\_\_

Signature of Commission Chair or Agent: \_\_\_\_\_ Date: \_\_\_\_\_

HEALTH DEPARTMENT  
TOWN OF TRURO

NOV 02 2022

RECEIVED BY:

HEALTH DEPARTMENT  
TOWN OF TRURO

NOV 21 2022

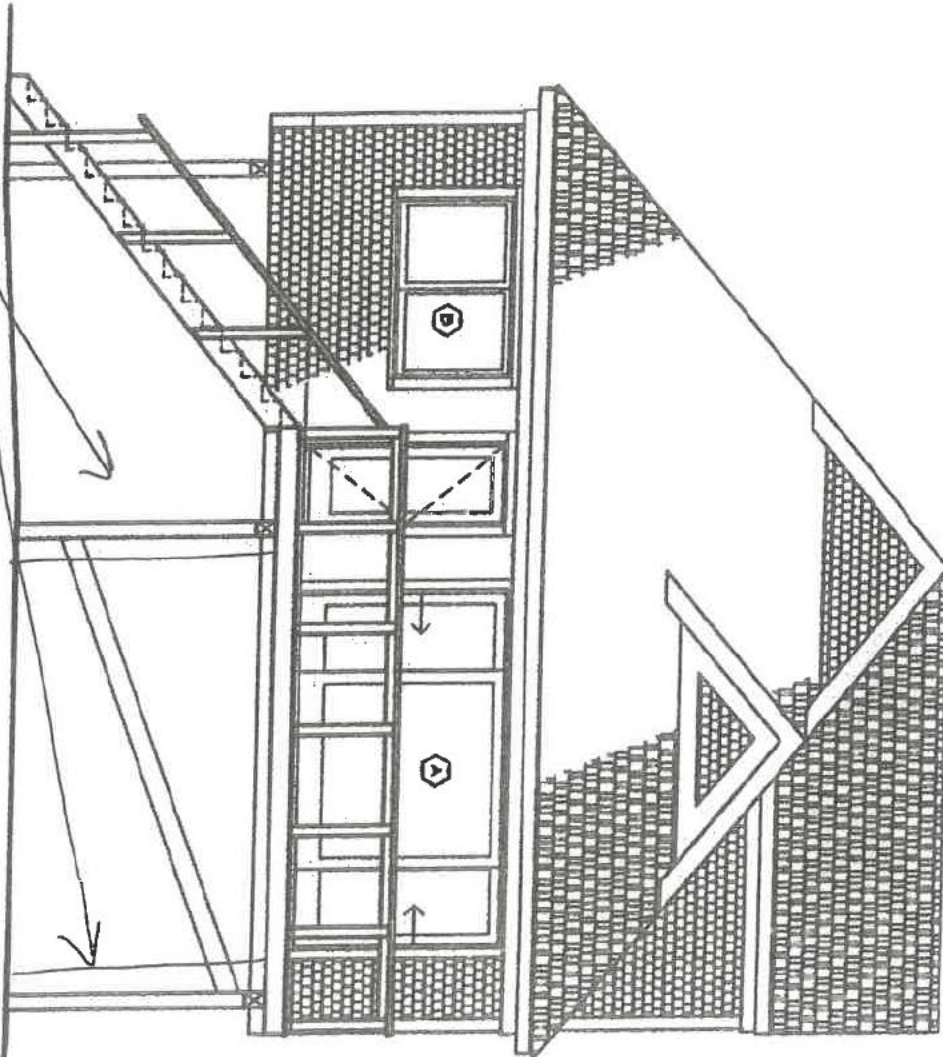
RECEIVED BY:

Conservation Commission  
TOWN OF TRURO

APR 14 2023

EXISTING  
PLANS STAY

PROPOSED SOUTH ELEVATION  
SCALE 1/4" = 1'-0"



JANUARY 27, 2021

P2

PO BOX 182 - PROVINCETOWN, MASSACHUSETTS 02867  
PROPOSED CONDITIONS

UNIT B  
510 SHORE ROAD  
TRURO, MASSACHUSETTS

PERMIT # 2023-15



# TOWN OF TRURO

## Conservation Commission

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

Conservation Commission  
TOWN OF TRURO

APR 18 2023

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

**PERMIT FEE \$20**

Applicant Name: Seaside Inn on Cape Bay Telephone: 917 553-3951

Email address: jarnstein@mac.com

Trustee Owner Name: Jeff Arnstein Telephone: 917 553-3951

(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: 483 Shore Rd Map: 8 Parcel: 25

Description of proposed work: Top off sand behind seawall lost during winter storms - Approx 50 yards of sand

Proximity to Resource Areas: On the beach/dune

### 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
- Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

#### Sheds and Other Construction Projects:

- No construction within any wetland resource except for minimal projects with the consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks, sonotubes, diamond piers.
- Repairs or replacement of existing structures remain within the same 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.

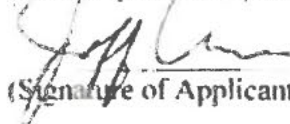
#### Procedure:

- 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.
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- 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)      4-14-23 (Date)

Agent's Comments: sand loss within boxed areas behind bulkhead 

Site Inspection Date 4/27/23 Application Approved ☒ Yes ☐ No

Meeting Date \_\_\_\_\_ Permit Approved Yes ☐ No ☐

Conditions \_\_\_\_\_

Signature of Commission Chair or Agent \_\_\_\_\_

Date \_\_\_\_\_

PAID  
31553

PERMIT # 2023-16



# TOWN OF TRURO

## Conservation Commission

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

Conservation Commission  
TOWN OF TRURO

APR 19 2023

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

**PERMIT FEE \$20**

Applicant Name: Top Mast Resort Telephone: 508-487-1189  
Email address: vacation@topmastresort.com  
Owner Name: Albert Silva Telephone: 508-487-8227  
(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: 209 Shore Rd Map: 17 Parcel: 18  
Description of proposed work: Seasonal Beach Raking of Seaweed

Proximity to Resource Areas: Within

### 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
- Mitigation may be required, i.e., an area to be planted with native species of trees or shrubs.
- Trees for removal must be tagged for inspection.
- No excavation by machinery is required or proposed.

#### Sheds and Other Construction Projects:

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- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks, sonotubes, diamond piers
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- New structures must be less than 160 square feet.
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#### Procedure:

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- 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.
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- 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.

Albert Silva      4/14/23  
(Signature of Applicant)      (Date)

FOR OFFICE USE ONLY:

Agent's Comments

annual beach rating

Site Inspection Date: 4/21/23 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: \_\_\_\_\_ Permit Approved: ☐ Yes ☐ No  
Conditions: \_\_\_\_\_

Signature of Commission Chair or Agent: \_\_\_\_\_ Date: \_\_\_\_\_





# TOWN OF TRURO

## Conservation Commission

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

PERMIT #

2023-17

PAID

Conservation Commission  
TOWN OF TRURO

APR 21 2023

### APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: Diane L. Gilworth

Telephone: [REDACTED]

Email address: [REDACTED]

Owner Name: Diane L. Gilworth

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: 655 Shore Road

Map: 2

Parcel: 1-655

Description of proposed work: replace split rail fence with same footprint. I have attached a schematic of the property as well.

Proximity to Resource Areas: I am not sure what is meant by resource area.

### 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, e.g., to protect existing structures, public safety, traffic visibility, etc.
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#### Sheds and Other Construction Projects:

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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.

Brian J. Hu 4/21/2023  
(Signature of Applicant) (Date)

FOR OFFICE USE ONLY:

Agent's Comments

Approved

1:1 replacement of split rail

Site Inspection Date: 4/21/23 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: \_\_\_\_\_ Permit Approved: ☒ Yes ☐ No  
Conditions: \_\_\_\_\_

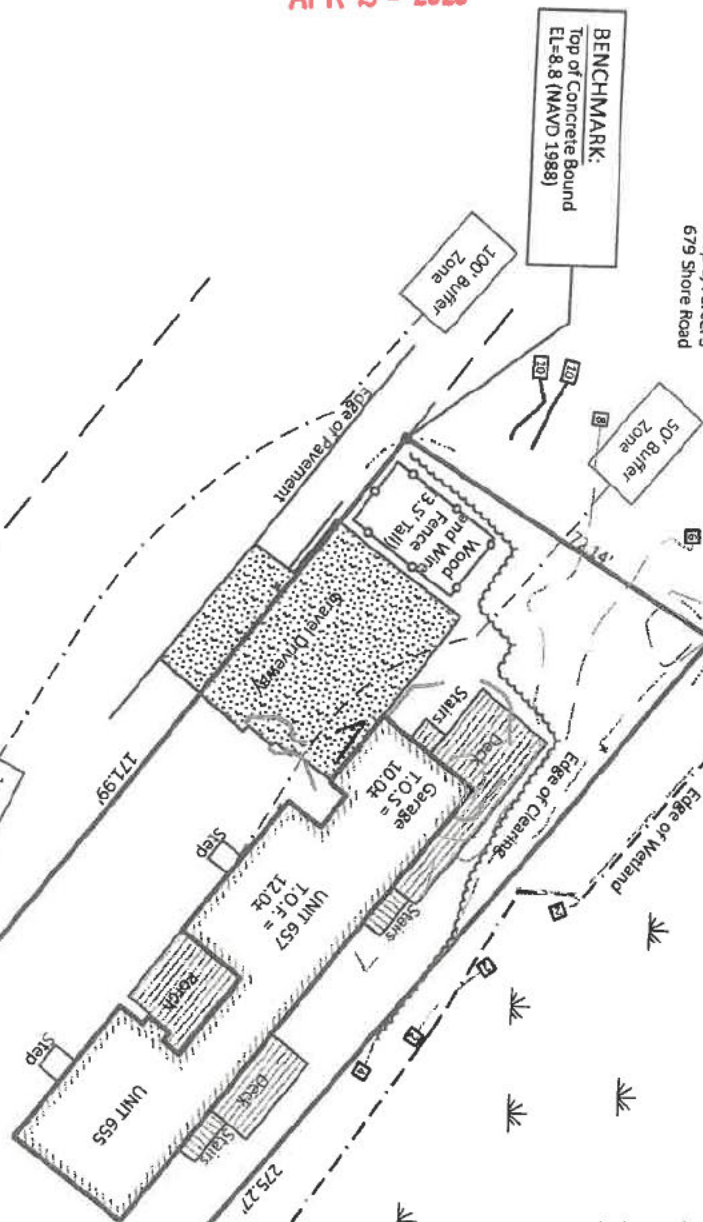
Signature of Commission Chair or Agent: \_\_\_\_\_ Date: \_\_\_\_\_



Kalnmar Village Inc.  
Map 1, Parcel 3  
679 Shore Road

BENCHMARK:  
Top of Concrete Bound  
EL=8.8 (NAVD 1988)

WETLAND RESOURCES  
- VEGETATED WETLAND  
- LAND SUBJECT TO COASTAL STORM FLOODS  
- BARRIER BEACH



LOT  
Area= 18,824 SF±

100 YEAR FLOOD PLAIN ZONE AE EL=12.0  
Panel #25001C01171 7/16/14

SHORE ROAD (ROUTE 6A)  
50' PUBLIC ROAD



Bayview Village Condo Tr  
Map 2, Parcel 2  
647 Shore Road