



TOWN OF TRURO
Conservation Commission
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Minutes of Public Meeting

March 7, 2016

6:30 P.M., Selectmen's Meeting Room

Members Present: Peter Romanelli, Deborah McCutcheon, Larry Lown, Jim Bisceglia

Others Present: Emily Beebe-Assistant Health/Conservation Agent

At 6:30 the meeting was opened by Chair Romanelli.

Minutes

Motion to approve the January 4, 2016 minutes as corrected by Bisceglia; seconded by Lown. The motion was approved 3-0-1 with McCutcheon abstaining.

Approval of the February 1, 2016 minutes was postponed until the April 4, 2016 meeting.

Public Hearings

Chair Romanelli turned the meeting over to the Vice-Chair Deborah McCutcheon.

618 Shore Road, Notice of Intent, Lexvest East Harbour LLC, SE# 75-977: The hearing was opened for a notice of intent to construct 6 new cottages with septic system, upgrades to the existing systems, redevelopment of the motel and addition of a parking lot. Attorney J. Lester Murphy, Consultant Paul Shay and Gary Lock from William Rogers office were represented the applicant. Mr. Shay described the resource areas and the project. The property is bordered by Cape Cod Bay and Shore Rd. The applicants propose to change the motel into condominiums, install 3 new Title V septic systems and rearrange parking. New development of 6 "flood compliant" cottages on pilings would be constructed south of the existing wooden bulkhead. Flood waters would be allowed to pass under the cottages and the pilings would be supported with sonotube footings. No change in grading or materials is proposed under the cottages and the area will remain pervious. A MESA application was filed, and NHESP has requested additional information. Commissioner McCutcheon stated that the Commission has not allowed development beyond the bulkhead on Beach Point. She pointed out that a large part of this area is accreted land and that the Commission is most concerned with the work proposed south of the bulkhead and that the Commission needs expert analysis from a consultant to thoroughly review the matter. Mr. Murphy responded that he has faith in his professionals, and understands the Commission has a right to hire a consultant at the applicant's expense, but would like to know the role of the consultant. Commissioner McCutcheon responded that the consultant would, among other things, analyze the land forms, how they will be affected during a storm event and how the proposed development might affect the flood plain. McCutcheon observed that as the facts are developed and the issues identified, the Commission may decide that different issues be addressed by

Commission's consultant. **Motion to hire a consultant due to the complexity of the issues by Lown; seconded by Romanelli. The motion was approved unanimously.** The applicant's representatives asked if the new development proposed south of the bulkhead was the source of the issues. Commissioner McCutcheon stated that the seaward side is the focus, but the landward side has issues as well, such as the parking area and impervious surfaces. The Agent asked for a key to the staking on site, and for the height of the wall retaining the new soil absorption system. The top of the wall is at elevation 10' (i.e. 3' above existing grade).

Abutter Chuck Meunier asked if only technical information will be discussed at future meetings or if other aspects of the project will be brought up. McCutcheon stated the Commission will discuss all issues that arise that are a part of Conservation Commission jurisdiction, but not items such as aesthetics. Mr. Meunier will wait to a later meeting to provide comment. Abutter Beverly Phaneuf commented on the precedent that this project would set and that if it were permitted, others would begin applying to move buildings forward and the area will be drastically changed. Billy Rogers commented that Anchorage on the Bay was allowed to move their cottages seaward and mentioned that the plan for East Harbor was presented to the Board of Health.

Motion to continue to the April 4, 2016 meeting for further discussion by Romanelli; seconded by Bisceglia. The motion was approved unanimously. The Conservation Agent will advise Attorney Lester Murphy when a consultant is chosen.

1 Mill Pond Road, Thomas Littauer, Request for extension of time to remove storage containers: Pursuant to an enforcement Order with compliance date of March 1, 2016. Thomas Littauer and Richard Littauer were present and are referred to herein as "Thomas" and "Richard". Thomas asked in writing for a 4 month extension to remove the containers from the property, stating that he had been unable to have a discussion with his brother regarding the items on the property. Thomas stated that the property is owned by a trust and he is 100% beneficiary of the trust. Richard responded that a major dispute between the brothers is the ownership of the property. Thomas referred to a letter to Richard, (with a confirmation of receipt provided by an Elder Services representative) which stated Thomas is giving Richard until April 1, 2016 to make plans to have the containers removed. Thomas stated that he was willing to remove the contents and have them shipped to a storage facility owned by a third brother. Thomas asked Richard to communicate regarding a plan for removal, and stated that if Richard did not respond by April 1, "professionals will be involved". Richard described his plan to move the containers upland (and out of Commission jurisdiction) but said that Thomas had interfered with that arrangement. There was discussion about continuing for one more month before issuing fines. **Motion to continue to the April 4, 2016 meeting for further discussion by Bisceglia; seconded by Romanelli. The motion was approved 3-1-0 with Lown voting against.**

6 River View Road, Notice of Intent, Peter and Peggotty Gilson, SE# 75-975: The proposal includes flush cutting pitch pines and scrub oaks for a view corridor on their neighbors property. Chet Lay was present on behalf of the applicants. The resource areas include a well vegetated, stable Coastal Bank in Riverfront Area. Lown asked how many oaks are being removed and Mr. Lay replied eight or nine fairly small oaks. The Agent asked for clarification on what the goal of the removal would be. The removal of trees

and pruning will thin out the area to provide a filtered view of the Pamet, but it will not be completely open. **Motion to approve the Notice of Intent with the noted conditions by Lown; second by Romanelli. The motion was approved unanimously.**

3 Toms Hill Path, Notice of Intent and Administrative Review, Brian Boyle, SE# 75-979: The hearing was opened to consider a proposal for replacement of the foundation of an existing home, and a small addition. Tim Dickey represented the applicant. The new foundation and repairs to the structure will include expansion of the kitchen which increases the footprint in the buffer zone by 4'. It was suggested that the lawn could be seeded as a Cape Cod lawn, with no use of fertilizers (including organic) or irrigation; Mr. Dickey was agreeable to this. **Motion to approve the Notice of Intent by Romanelli; second by Lown. The motion was approved unanimously.**

There was also discussion of an administrative review application filed by Mr. Dickey to allow some work to continue at the site until the Order of Conditions had been issued.

Motion to approve the request for Administrative Review by Romanelli; seconded by Bisceglia. The motion was approved unanimously.

420 Shore Road, Notice of Intent, Marcia Brill, SE# 75-976: The hearing was opened to consider a proposal to shore up a deteriorated steel bulkhead by placing a wooden bulkhead with posts immediately proximate to the existing steel bulkhead. . Tim Brady of East Cape Engineering represented the applicant. The wooden bulkhead will be built directly seaward of the existing steel bulkhead. Equipment on the beach will be necessary for driving pilings, and other work. The Commission directed the applicant to refer to Commission regulations and policies for seasonal work restrictions and reminded the applicant that a staging permit from the Board of Selectmen must be sought if access to project from the seaward side is required. The Agent inquired as to sand nourishment. Brady declined, on the basis that sand nourishment of such projects had not been a routine requirement in Truro. Brady cited cost as justification for refusal. Brady pointed out that other bulkheads have been replaced without an order for sand nourishment and raised a concern about fairness and equal treatment were a requirement to be applied to the instant project. Commissioner McCutcheon agreed that required sand nourishment of such projects should be done by regulation and not ad hoc. Commissioner Bisceglia suggested that if the regulations change to include a nourishment requirement, and the project has not been completed, it must follow those regulations. **Motion to approve the Notice of Intent with stated conditions by Romanelli; second by McCutcheon. The motion was approved unanimously.**

7 Knowles Heights Road, Notice of Intent, Judith Bettua, SE# 75-980: The hearing was opened on the application for a new Order of Conditions to complete construction activities on a dwelling previously permitted under a now expired order applicable to three residences. Applicant was represented by Tim Brady, of East Cape Engineering and Don Bliss, developer. Mr. Brady stated that request was for reissuance, without change, of the initial, expired Order, and described the only outstanding work as plantings on the Coastal Bank. Commissioner Lown had questions about the irrigation and lawn on the property. Mr. Bliss stated he thought the irrigation was a requirement and the Agent stated that a temporary irrigation system had been discussed. Mr. Bliss said the already installed system may be temporary and will check. Mr. Brady stated that the

Commissions initial approval included a vegetated buffer to the top of the bank to include only native plantings; he requested clarification by the new order sought by this application, or at the hearing on Certificate of Compliance. After further discussion it was agreed that a new order should clarify all outstanding questions and issues. It was also decided that a further site visit should occur, for clarification of outstanding issues.

Motion to continue to the April 4, 2016 meeting by Bisceglia; seconded by McCutcheon. The motion was approved unanimously.

1 Bluff Terrace, Notice of Intent, 1 Bluff Terrace LLC, SE# 75-978: This application pertains to the second house approved under the original order, and likewise seeks a new Order applicable to this property, in conjunction with the hearing for the above application. **Motion to continue to the April 4, 2016 meeting by Bisceglia; seconded by McCutcheon. The motion was approved unanimously. This property is also subject to further site visit with above applicant.**

471 Shore Road, Unit 24, Change in Plans, Anthony Hoginski, SE# 75-821: The applicants have an Order of Conditions to replace a deck, but would like to change the configuration of the stairs. **Motion to approve the Change in Plans by Lown; seconded by Romanelli. The motion was approved unanimously.**

24 Pond Road, Notice of Intent, Robert Fanelli, SE# 75-981: Application for upgrade to septic system. Stephanie Sequin of Ryder and Wilcox represented the applicant. The dwelling/studio on the property is located with minimal from bank of the pond, and from Pond Road. A combination septic tank and pump chamber are proposed in the driveway; a force main directs the wastewater to a raised leaching field with containment wall to the yard located eastward of the dwelling/studio. Excavation for the force main shall be by hand. The adjusted groundwater height is about 2' below grade. Elevation of the pond is 4.6' and the yard is 7'. The limit of work will be maintained throughout the construction. All excavate will be taken offsite. The project will be heard by the BOH on April 6th for the variances requested. Because of the size of the lot, equipment may need to be in the road during construction and a police detail will be needed. The Agent suggested the addition of straw waddles or a filter sock to the pond side of the silt fencing; Ms. Sequin agreed. Overnight storage of equipment was discussed. The Agent stated that the presence of elevated groundwater will require dewatering during construction of the wall and a protocol should be developed by the engineer; this can be reviewed at the pre-construction site visit. Commissioner McCutcheon suggested condition that an individual be assigned to check the site for turtles each day prior to the start of work; the Agent suggested adding a time of year restriction for the project. Ms. Sequin, on behalf of the owners, stated that construction is dependent on BOH approval process, and cost estimates. Ms. Sequin stated that the project could not be completed until after the summer. A response from NHESP is pending. Commissioner Lown stated that the benefits of reduced nutrient loading in the pond outweigh the negatives of this project. **Motion to approve the Notice of Intent as submitted with our usual order of conditions, with incorporation of construction notes as additional conditions, and including the following special conditions (1) that straw waddles or a filter sock be applied around the silt fence (2) that a dewatering protocol will be reviewed prior to construction, and (3) that adequate provisions to**

prevent the disturbance of turtles shall be in place and approved as additional conditions prior to the start of construction. Motion by McCutcheon, seconded by Romanelli. The motion was approved unanimously.

15 Perry Road, Perry Family Ltd. Partnership: Request for administrative review establishing the work limit in the buffer zone for a building project located outside of the buffer zone. Gordon Peabody was present to answer any questions. Protocols are listed on the site plan by Slade Associates. **Motion to approve plan as submitted by McCutcheon; seconded by Bisceglia. The motion was approved unanimously.**

31 Mill Pond, Enforcement, Martha Ingram: The March 1, 2016 deadline for removal of the storage units has passed without compliance. The Agent suggested that this enforcement action should have the same compliance time frame as the 1 Mill Pond property; it also should be under an Enforcement Order. **Motion to issue an Enforcement Order requiring the containers be removed by April 4, 2016, and that the property owner be notified that her appearance is required before the Commission on April 4, 2016. Motion by McCutcheon; seconded by Bisceglia. The motion was approved unanimously.**

Discussion on Conservation Commission Fee Schedule: Discussion of a Work session to be held on a weekday afternoon in April to review and update fees and regulations. Commission requested that the Agent schedule a work session for the Commission during the month of April. **Motion to adjourn by Bisceglia; seconded by McCutcheon. The motion was approved unanimously.**

The meeting adjourned at 8:30 p.m.

Site Visit Minutes

March 7, 2106

1:15 p.m. Met at Cobb Library parking lot

Members Present: Peter Romanelli, Larry Lown, Deborah McCutcheon

Others Present: Emily Beebe, Conservation Agent; Nicole Smith, Secretary

6 River View Road: The Commissioners viewed the area where the applicants wish to do vista pruning. The trees involved were flagged. What view the applicants are aiming for needs to be clarified. It was noted that the understory could benefit from some tree removal.

3 Toms Hill Path: Peter Romanelli joined the site visits at this point. Tim Dickey was on-site. The Commissioners viewed the work that was done; Mr. Dickey explained the foundation and addition work. Silt fencing was in place.

24 Pond Rd: The Commissioners viewed the staked area where the septic system would be placed.

7 Knowles Heights Rd/1 Bluff Terrace: Don Bliss was on-site. The Commissioners viewed existing conditions on both lots.

420 Shore Rd: The Commissioners viewed the existing steel bulkhead; it was noted it is deteriorating.

618 Shore Road: Deborah McCutcheon joined the site visits at this point. The Commissioners viewed the staked area where new cottages/ septic system are proposed. The stakes were not labeled. McCutcheon wanted the time of visit noted as 2:40 p.m. because of the tide.

Site visits concluded at 3:00 p.m.

Respectfully submitted,

Nicole Smith, Secretary
Approved April 19, 2016