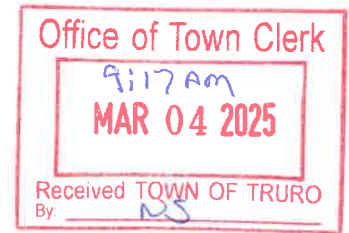




TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630



Conservation Commission Meeting Minutes: December 2, 2024

Commissioners Present: Chair Carol Girard-Irwin, Vice Chair Linda Noons-Rose, Commissioners Bob White, Clint Kershaw, and Connie Mather. **Absent:** Diane Messinger; **Others Present:** Emily Beebe, Conservation Agent; Courtney Warren, Assistant Conservation Agent; Select Board member Nancy Medoff (present virtually)

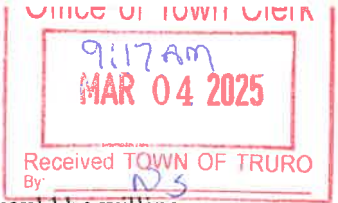
This was a hybrid meeting with both in-person and remote participants. Chair Carol Girard-Irwin called the meeting and public hearings to order at 5:04 pm and provided the virtual meeting instructions.

Notice of Intent: 17 Avocet Road, Jennifer & Michael Freitag (SE#075-1204): replacement of sand drift fence, coir logs, and beach stairs; Coastal Beach; Land Subject to Coastal Storm Flowage, and Coastal Bank. (Map 39, Parcel 217) *(continued from 11/4/2024)* The applicant has requested a continuance until the January 6, 2025 meeting. **Motion: Commissioner Linda Noons-Rose moved to continue the hearing until January 6, 2025; Second: Commissioner Bob White; Vote: 5-0-0; the motion carried.**

Notice of Intent: 5 Great Hills Lane, Kevin Wise (SE#75-11207): coir log array, sand drift fence, & nourishment; Coastal Dune, Coastal Beach & Land Subject to Coastal Storm Flowage. (Map 53, Parcel 1) The applicant requested a continuance until January 6, 2025, so that the project could be properly staked for the Commissioners site visit. **Motion: Commissioner Clint Kershaw moved to continue the hearing until January 6, 2025; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion carried.**

Notice of Intent: 20 Toms Hill Road, Joseph Fiorello (SE#075-): demolish and replace dwelling (this was a previously approved project with an expired OOC); Riverfront Area & Buffer Zone to a Coastal Bank. (Map 46, Parcel 342) *(continued from 11/4/2024)* The applicant requested a continuance until the January 6, 2025 meeting. **Motion: Commissioner Linda Noons-Rose moved to continue the hearing until January 6, 2025; Second: Chair Carol Girard-Irwin; Vote: 5-0-0; the motion carried.**

Notice of Intent: 556 Shore Road, Shoreline Beach Condo Trust (SE#75-1205): sand drift fence, coir envelopes, and nourishment work; Barrier Beach, Land Subject to Coastal Storm Flowage, and Coastal Dune. (Map 6, Parcel 6) *(continued from 11/4/2024)* Stan Humphries of ECR noted that the staking had been completed and reported that conversations have continued between the easement holder and the condo association trustees. Trustee Bob Frattaroli was on-line to represent the condo association and easement holder Rick Bashian was present in person. The Trustees provided a letter from their attorney opining that the project could be done as long as access for the easement holder was provided. The Commissioners discussed whether or not they could approve this work before the issue with the easement holder and the Trustees was settled and questioned whether or not town counsel should review this. Rick Bashian stated that he was in support of the work to preserve the dune and wanted to come to a resolution of the easement issue. Stan Humphries and Bob Frattaroli noted that the access paths through the proposed installation had been reduced by one. Stan Humphries also said that they were concerned about getting this



project installed prior to storm season. Bob Frattaroli stated that if necessary they would be willing to leave the easement unprotected. Discussion was about what was shown on the current plan and if the Commissioners could condition their approval to exclude the easement. The Agent stated that they could condition that the installation not extend into the easement area at all. Rick Bashian, easement holder, and Bob Frattaroli, Trustee, both agreed to that condition. **Motion:** Commissioner Linda Noons-Rose moved to approve the request with conditions to include the installation will not encroach on the easement and the standard conditions for sand drift fence, coir, and nourishment with ongoing conditions; and NHESP conditions. **Second:** Chair Carol Girard-Irwin; **Vote:** 4-1-0 with Commissioner Clint Kershaw opposed; the motion carried.

Notice of Intent: 10 Thornley Meadow Road, Roland & Lucia Letendre (SE#075-1198): after-the-fact filing for beach stair replacement and beach grass trimming; Coastal Bank & Coastal Dune. (Map 53, Parcel 87) *(continued from 10/7/2024)*

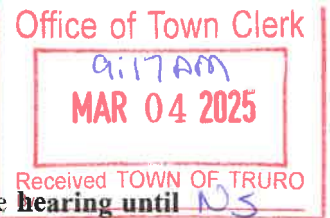
Marshall Puffer from Tighe & Bond shared a presentation that used aerial photos to document the presence of the inground steps in 1995. He shared an updated plan which would leave the inground steps as is and add plantings as mitigation. He described the Conservation Restrictions on the property stating that access and the right to maintain the access are allowable activities but structures and clear cutting are prohibited. Mr. Puffer noted that the stairs are in the coastal bank and the coastal dune area “stops short” of the disturbed area. For mitigation, they proposed to plant an area three times that of the dug in steps and would work with the Trust to choose acceptable native plants. Chair Carol Girard-Irwin stated that it was clear something was previously existing but noted that the steps are currently being washed out and growth of vegetation is impeded. Commissioner Kershaw stated that the bank was eroding because of the steps and asked if an elevated stairway could replace both sets of timber steps. The Agent asked if all the work done without a permit was shown on the plan as there is a second set of replaced in-ground timbers closer to the house. Mr. Puffer replied that he had only focused on the steps on the coastal bank because the steps closer to the house had not been discussed previously. The Agent asked if he had seen that both sets of steps are called out in the enforcement letter that was sent to the homeowner, and noted that a small amount of work is shown on the abutting property. There was a request for more information about the easement. Although not shown on the plan, the two properties have dual easements for beach access for both properties, one across the dune on the abutter’s property and the other across the Letendre’s property. Mr. Puffer asked if maintenance or replacement in kind could have been approved. The Chair stated that it was not likely and the Commissioners agreed that they are not helping the bank. Mr. Puffer stated that the Conservation Trust restriction does not allow structures to be built across that area, and at that time the Agent suggested setting up a meeting with the Trust to determine what would be allowed.

Mr. Puffer stated that removing the steps would potentially destabilize the bank. He clarified for the Commission that the lower set of steps on the coastal bank were completely within the area of the conservation restriction. The upper steps are in the buffer zone to the coastal bank. He stated that he had concerns about removing the steps and destabilizing the bank. The Agent suggested that an alternatives analysis should be presented and stated that after-the-fact filings are difficult. She noted that there has been confusion with this filing and explained that this was an attempt to resolve an unpermitted matter with something that both the Commission and the applicant can find acceptable. The Commissioners discussed several options and asked Mr. Puffer for an alternatives analysis. Fred Gaechter, chair of the Conservation Trust, noted that the conservation restriction was approved by the Commonwealth and that any proposal would need to follow all the requirements of that document. He noted that the Trust should have been consulted earlier in this process. Mr. Puffer replied that the path predated the conservation restriction, then requested a continuance to the February 3, 2025 meeting. **Motion:** Commissioner Clint Kershaw moved to continue the hearing until February 3, 2025; **Second:** Chair Carol Girard-Irwin; **Vote:** 5-0-0; the motion carried.

9:17 AM
MAR 04 2025

Received TOWN OF TRURO

Notice of Intent: 544 Shore Road, Bay Beach Town Homes (SE#75-1208): coir log array, sand drift fence, & nourishment; Barrier Beach, Land Subject to Coastal Storm Flowage, Coastal Dune. (Map 7, Parcel 5) Brian Madden from LEC represented the project along with Michael Bonner from Sumco, designer Darren Grady, and attorney George Hailer. Mr. Madden described the dune restoration project as coir envelopes, coir logs, sand drift fencing, nourishment, and plantings. He shared his screen to describe the proposed plan. Snow fencing, nourishment, and beach grass were installed last year as an interim measure, but that work suffered significant storm damage. They propose a more robust solution with coir logs installed on the face of the existing dune transitioning to coir envelopes. Mr. Madden described the construction access plan and stated that they had permission from abutters on either side to extend this installation to the property lines, and tie into the project at Shoreline Condos (556 Shore Rd). Beach access for the condo owners will be from the breezeway to a 6' easement in the center over the coir envelopes on a sand path with a mobimat, and there are conditions from NHESP. Commissioner Kershaw expressed concerns about keeping foot traffic off the project when completed. They propose to install snow fencing on the landward side to keep people off the restored dune. According to the management plan, beach access for occupants would be by exiting the street side of the units and using the central breezeway to the sand path. Commissioner Kershaw stated that he preferred a physical barrier because of the history of misuse of the dune area. Commissioner Linda Noons-Rose noted that the stakes appeared to be much further seaward in the field than they appeared on the plan and asked how far they were from mean high water (MHW). Chair Carol Girard-Irwin also stated that the stakes seemed much further seaward than the fences on neighboring properties. Mr. Madden said that the distance from MHW varied, but that it was 20-30 feet, and the intent was to follow the contour of the shoreline. Chair Carol Girard-Irwin asked if the installation could be pulled more landward. Michael Bonner from Sumco stated that it would be difficult to move the east end closer because of the space needed to recreate the dune but that the west end could be brought more landward. The Agent asked for clarification on how the proposed array would work and about the purpose of the vertical members. Michael Bonner replied that the drift fence would be immediately seaward of the coir envelopes and that the vertical green oak posts would support the envelopes. The Agent confirmed receipt of letters from the abutters on both sides giving permission to bring the fence to the property line. Easement holder Rick Bashian of 535 Shore Rd is fully supportive of the project except for the location because of his easement rights. He stated that he owns one easement for passage and one for usage and it appears the fence is well beyond 37' from the building. He is also concerned about the property owners using the dune as a beach while proposing to build a fence and replacement dune across his beach usage area. Commissioner Bob White agreed that the placement of the fence is very far seaward and would lead to not having any beach there. Commissioner Linda Noons-Rose also noted that the 37' should have been staked and agreed that there will be no place to sit at high tide. Abutter Marie Belding stated that she was under the impression that this fence was going to line up with her fence. The Agent noted that none of the platforms off any of the decks have been approved and should not be there. Attorney George Hailer, representing Bay Beach Town Homes, opined that the easement issues were out of the purview of the Conservation Commission. He asked to continue the matter so that he could further discuss this with the abutter. The Agent thanked Mr. Hailer and noted that everyone wants to increase resiliency. The best way to protect the building and the usage of the property is to address the concept of exclusive use areas. She also stated that the management plan should be further discussed and amended to reflect standard conditions for this area. Mr. Madden agreed to amend the management plan and stated that the design of the dune follows the shoreline, but the installation could be brought landward where possible. Commissioner Kershaw stated that the association should remove the exclusive use areas now as they are contributing to the issues at this property. Commissioner Linda Noons-Rose asked the Agent about the well-established beach grass and what would happen if it were to get covered. The Agent replied that beach grass will grow back up through several inches of sand or more. The Agent also suggested a site visit with the engineer. Brian Madden requested a continuance until



January 6, 2025. **Motion:** Commissioner Clint Kershaw moved to continue the hearing until January 6, 2025; **Second:** Commissioner Linda Noons-Rose; **Vote:** 5-0-0; the motion carried.

Request for Amended Order of Conditions: 6 River View Road, Liz & Rob Morrison (SE#75-1154): This request would amend a previously approved Order of Conditions to include vista corridors; Riverfront Area and Buffer Zone to a Coastal Bank. (Map 50, Parcel 267)

Theresa Sprague from Blue Flax represented the request. The original application did not request any vista management because the owners wanted to wait until the house was constructed to determine appropriate view corridors. One main vista corridor would provide filtered views toward the river and bay. With some light pruning, the area where the previously approved well was installed would provide a filtered view toward the marsh. She outlined the trees targeted for removal and noted that the very healthy understory would be allowed to in-fill. Shrubs such as low bush blueberry, bayberry, and bearberry would be planted mainly in the area that was disturbed during construction of the well. Additionally, existing huckleberry would be transplanted from the seating area to that disturbed area. Chair Carol Girard-Irwin asked for clarification of trees to be removed. Commissioner Kershaw asked if they proposed replacement trees. No trees are proposed to be planted, but shrubs would be planted at 2:1. The Agent noted it was easier to support vista pruning in the understory where bearberry and bayberry were dominant. Some thinning would easily provide a discrete window with filtered views. Commissioner Linda Noons-Rose asked about the 4' footpath. The Agent noted that this was an existing footpath as confirmed by Commissioner Bob White. Theresa Sprague stated that maintaining this path at a 3-4' width was approved under the original order and that there is no proposal to further improve the path. The Commissioners were concerned that not all of the smaller pitch pines targeted for removal were tagged. The Agent suggested scheduling another site visit to allow the Commissioners to view the site from the second floor of the home. Theresa Sprague asked for a continuation until the Feb 3, 2025, meeting. **Motion:** Commissioner Linda Noons-Rose moved to continue the hearing until February 3, 2025. **Second:** Chair Carol Girard-Irwin; **Vote:** 4-0-1 with Commissioner Bob White abstaining; the motion carried.

Field Change: 8 Great Hills Rd, SE# 75-1182. **Motion:** Chair Carol Girard-Irwin moved to approve the field change; **Second:** Commissioner Clint Kershaw; **Vote:** 5-0-0; the motion carried.

Field Change: 522 Shore Rd; SE# 75-1187 **Motion:** Commissioner Clint Kershaw moved to approve the field change; **Second:** Chair Carol Girard-Irwin; **Vote:** 5-0-0; the motion carried.

Extension Request: Mass DOT, SE# 75-0951 **Motion:** Commissioner Bob White moved to approve the field change; **Second:** Commissioner Clint Kershaw; **Vote:** 5-0-0; the motion carried. When preparing the state paperwork, it was discovered that this was extended last year until 1/14/2027.

Administrative Review Applications: 1.) 8 Castle Road: cut down 2 dead trees; 2.) 490 Shore Road – extension request **Motion:** Commissioner Connie Mather moved to approve the cutting of the dead tree closest to the house at 8 Castle Road but not the dead tree on the bank; **Second:** Commissioner Clint Kershaw; **Vote:** 5-0-0; the motion carried. **Motion:** Commissioner Clint Kershaw moved to approve the extension request for 490 Shore Road; **Second:** Chair Carol Girard-Irwin; **Vote:** 5-0-0

Minutes October 7, 2024, **Motion:** Chair Carol Girard-Irwin moved to approve the minutes from October 7, 2024 as presented; **Second:** Commissioner Clint Kershaw; **Vote:** 5-0-0; the motion carried.

Commissioner Kershaw asked that staff send a letter to the unit owners at 544 Shore Road, reminding them that deck extensions are not allowed. Commissioner Linda Noons-Rose asked that no storage on the decks be included in that letter. **Motion: Commissioner Clint Kershaw moved to have staff draft a letter to the owners at 544 Shore Road; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion carried.**

Commissioner Kershaw asked the Commission to consider implementing a policy around staking, suggesting that if a property is not properly staked prior to the scheduled site visit, that project could not be on another agenda for 90 days. Chair Carol Girard-Irwin and Connie Mather both suggested 60 days instead. **Motion: Commissioner Clint Kershaw moved to accept a staking policy as discussed; Second: Commissioner Connie Mather; Vote: 5-0-0; the motion carried.**

Commissioner Kershaw asked the Commission to form a committee that would include himself and Connie Mather to work on defining mitigation in Truro Conservation regulations. **Motion: Chair Carol Girard-Irwin moved to form a mitigation committee as discussed; Second: Commissioner Linda Noons-Rose; Vote: 5-0-0; the motion carried.**

Commissioner Clint Kershaw moved to adjourn the meeting; Second: Chair Carol Girard-Irwin; Vote: 5-0-0; the motion carried.

The meeting was adjourned at 7:57 PM.

Respectfully submitted by Courtney Warren CW

