



Truro Conservation Commission

Monday December 2, 2024

Hybrid Meeting start at 5:00 PM
Truro Town Hall, 24 Town Hall Rd

AMENDED

PUBLIC MEETING AGENDA

This will be a hybrid meeting. Citizens can view the meeting on Channel 8 in Truro and on the Town's website on the "Truro TV Channel 8" button under "Helpful Links" on the homepage. Once the meeting has started, click on the green "Watch" button in the upper right of the page. **To provide comment during the meeting, you may call in or email.**

To call-in toll-free dial 1-646-558-8656 and enter the following Meeting ID when prompted: 833 9225 6598

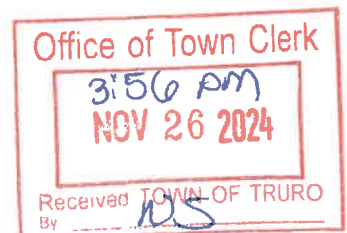
You can join this Zoom meeting from your computer, tablet or smartphone at

<https://us02web.zoom.us/j/83392256598>

Please note that there may be a slight delay (15-30 seconds) between the meeting and the live stream (and television broadcast). If you are watching the meeting and calling in, please lower the volume on your computer or television during public comment so that you may be heard clearly. We ask that you identify yourself when calling in; citizens may also provide public comment for this meeting by emailing the Conservation Agent at ebecbe@truro-ma.gov with your comments.

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

1. **Notice of Intent: 556 Shore Rd, 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)*
2. **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)*
3. **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)*
4. **Notice of Intent: 544 Shore Rd, Bay Beach Town Homes (SE#75-):** coir log array, sand drift fence, & nourishment; Barrier Beach, Land Subject to Coastal Storm Flowage, Coastal Dune. (Map 7, Parcel 5)
5. **Notice of Intent: 5 Great Hills Ln, 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)
6. **Request for Amended Order of Conditions: 6 River View Rd, Liz & Rob Morrison (SE#75-1154):** amend a previously approved Order of Conditions to include vista corridors; Riverfront Area and Buffer Zone to a Coastal Bank. (Map 50, Parcel 267)
7. **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)*
8. **Field Change:** 8 Great Hills Rd, SE# 75-1182
9. **Field Change:** 522 Shore Rd; SE# 75-1187
10. **Extension Request:** Mass DOT, SE# 75-0951

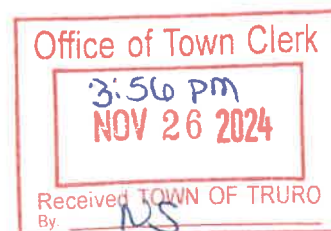


11. **Administrative Review Applications:** 1.) 8 Castle Rd: cut down 2 dead trees; 2.) 490 Shore Rd – extension request

12. **Minutes**

13. **Mitigation discussion**

Site visits: Commissioners will meet at Town Hall on Monday, December 2, 2024, at 9:00 AM and proceed to: 10 Thornley Meadow Rd, 5 Great Hills Ln, 6 Riverview Rd, 544 Shore Rd, 566 Shore Rd





Law Offices of Bruce A. Bierhans, LLC ATTORNEYS AT LAW

Mailing address:

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bruce@bierlaw.com • www.bierlaw.com

ATTORNEY ROBERT A. GEORGE
OF COUNSEL

November 27, 2024

Via Email and FedEx

Truro Conservation Commission
Attn: Carol Girard-Irwin, Chair
P.O. Box 2030
Truro, MA 02666-0630

Re: Shoreline Beach Condominium – Dune Preservation Project

Dear Madam Chair and Board Members,

This firm has been retained by the Shoreline Beach Condominium, located at 556 Shore Road in Truro, to offer a legal opinion regarding the Condominium's recently proposed dune preservation project. Specifically, we have been asked whether the Condominium is required to obtain the consent of Rick and Connie Bashian, who purport to hold an easement across the Condominium's property, before constructing a coir log dune across the easement and a wooden staircase to the beach over the dune. As explained below, it is our opinion that the Condominium does not need the Bashians' consent because the proposed project would appropriately balance the interests of both the property and easement holders in accordance with Massachusetts law.

Background

On November 4, 2024, the Conservation Commission held a public hearing on the Condominium's Notice of Intent regarding its proposed dune preservation project. As explained to the Commission, the Condominium proposes to construct a coir log dune, protected by a sturdy drift fence, along the entirety of its beachfront. The Condominium's neighbor to its west has already constructed a coir log dune and drift fence, and its easterly neighbor – the Bay Beach Town Homes – has a similar coir log dune application pending before the Commission. If approved, the coir log dunes on all three properties would form a continuous dune roughly 1000 feet long that would greatly reduce erosion.

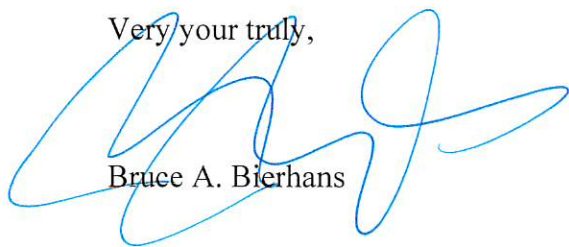
At the November 4th hearing, the Bashians submitted a letter to the Commission in which they: (i) asserted easement rights across the Condominium's property, (ii) objected to any coir log dune or drift fence extending into their "6 foot Walking Path Easement," and (iii) claimed that "if the coir log array is to extend into the Walking Path Easement it would need to be done with the permission of the Easement Holders." The Bashians are incorrect.

Legal Analysis

Under the Massachusetts Supreme Judicial Court's landmark decision in *M.P.M. Builders, LLC v. Dwyer*, 442 Mass. 87 (2004), a burdened property owner is permitted to make "reasonable changes in the location or dimensions of an easement . . . if the changes do not (a) significantly lessen the utility of the easement, (b) increase the burdens on the owner of the easement in its use and enjoyment, or (c) frustrate the purpose for which the easement was created." *Id.* at 91, citing Restatement (Third) of Property (Servitudes) § 4.8(3). In adopting this standard, the SJC reasoned that it "strikes an appropriate balance between the interests of the respective estate owners by permitting the servient owner to develop his land without unreasonably interfering with the easement holder's rights." *Id.* at 89. For more than twenty years, Massachusetts courts have followed the ruling in *M.P.M. Builders* to allow reasonable easement changes. *See, e.g., Martin v. Simmons Props., LLC*, 467 Mass. 1 (2014) (allowing reasonable modification of easement dimensions); *Randall v. Nadis*, 19 LCR 231 (2011) (allowing four-foot shift in easement to accommodate home expansion); *Moses v. Cohen*, 15 LCR 41 (2007) (allowing relocation of beach path easement to allow for construction).

Here, the proposed easement modification – a coir log dune and stairway to the beach – easily satisfies the *M.P.M. Builders* criteria, as it would not significantly lessen the easement's utility, increase the Bashians' burdens in using or enjoying their easement, or frustrate the easement's purpose. Indeed, the Bashians would be able to access the beach using their easement as conveniently as before, while also benefiting from reduced erosion. Simply put, the proposed easement modification appropriately balances the interests of both the Condominium and the Bashians in accordance with well-established Massachusetts law.

Very truly,



Bruce A. Bierhans

cc: Donald Routhier



COASTAL BANK PREPPED & TRENCH DUG FOR FIRST FIBER ROLL



FIBER ROLLS BEING PLACED



ENTIRE ARRAY IN PLACE



WHIPS & ANCHORS IN PLACE



DRIVING ANCHORS



INSTALLATION IS NOURISHED WITH SAND & PLANTED WITH BEACHGRASS





BEFORE



IMMEDIATELY FOLLOWING INSTALLATION



INSTALLATION IS NOURISHED WITH SAND & PLANTED WITH BEACHGRASS



INSTALLATION IS NOURISHED WITH SAND & PLANTED WITH BEACHGRASS



ERODING COASTAL BANK ON NANTUCKET SOUND BEFORE



DURING INSTALLATION PROCESS



INSTALLATION IS NOURISHED WITH SAND & PLANTED WITH BEACHGRASS



DURING INSTALLATION PROCESS



INSTALLATION IS NOURISHED WITH SAND & PLANTED WITH BEACHGRASS



PREVIOUSLY HEAVILY ERODED BANK



INITIAL BANK STABILIZATION AND BLANKETING WORK
IN PROCESS



BEACH GRASS PLUGS IMMEDIATELY AFTER PLANTING



STORM DAMAGE ON BANK



DOUBLE BLANKETS ON BANK



BEACH GRASS PLUGS AFTER 6 MONTHS

2750890137
November 26, 2024

Emily Beebe – Conservation Agent
Town of Truro Conservation Department
24 Town Hall Road
Truro, MA 02667

e: EBeebe@truro-MA.gov

cc: ADavis@truro-MA.gov (Arozana Davis – Assistant Conservation Agent)

cc: CWarren@truro-MA.gov (Courtney Warren – Assistant Conservation Agent)

Re: Supplemental Information – Conservation Filing NOI #075-1198
10 Thornley Meadow, Truro, MA - Map 53, Parcel 87

Dear Ms. Beebe and Commission Members:

On behalf of our clients, Roland & Lucia Letendre, Tighe & Bond is pleased to provide the following supplemental information related to the after-the-fact filing required for work done at 10 Thornley Meadow Road in Truro, MA. It is our understanding that in the fall of 2023, an existing dug-in timber pathway steps were replaced generally in-kind with what existed previously. The steps are located on a coastal bank with an access path leading through a coastal dune. The steps which are primarily located on 10 Thornley (with the exception of a small area at the base) are enjoyed by the neighboring property (4 Button Hill Road) through a deeded easement. A footpath above the coastal bank leads from the stairs up to the 10 Thornley residential structure.

The work done onsite in the fall of 2023 included replacing the timbers to generally match the prior timbers. Select vegetation around the steps was removed to allow for the installation. It is understood that this work was done without prior review from the Conservation Commission. Our intent is to rectify this oversight and provide safe passage to the beach while minimizing the environmental impact to the resource areas.

Given the prior existence of the footpath and the steps we would like to propose maintaining the timber steps as they exist today (with modifications to one timber at the base to prevent undermining of the steps). Also proposed is providing additional plantings, and to remove invasive species in the areas of the new plantings. We intend to comply with the Wetlands Protection Act, the Order of Conditions, and other appropriate governing regulations.

Based on the site plan from Ryder & Wilcox and a wetland delineation survey done by Tighe & Bond, the steps, as constructed today, are located entirely on the coastal bank, stopping short of the coastal dune and the FEMA High Hazard VE flood zone. A conservation restriction, from December of 1999, exists onsite as delineated on the site plan. This restriction prohibits the construction of permanent building structures (amongst other items) in this area. The restriction does specifically note the right of the homeowner to maintain the “existing” footpath through the coastal bank. The restriction does not appear to be in contrast with any of the work done previously or any work proposed in this document.

To determine the extent of the impact of the previous of the prior stairs, we have reviewed historical ariel imagery in the area of the stairs. These photos were generated from Nearmaps, an ariel technology company which provides high resolution ariel satellite images. Images from March of 2023, April of 2021, and April of 2020 (enclosed) clearly show the existence of the timber steps prior to fall of 2023.

While the exact number and lengths of the timbers existing prior to fall of 2023 is difficult to determine, based on the imagery, and our understanding of the site, there appeared to be approximately 18 total timbers forming the steps from the top of the bank to the base. The timbers appear to be 6x6 (nominal) members with a length of four to five feet each. For simplicity an average length of 4.5 feet is assumed. The previous construction had the following impact on the coast bank; approximately 81 linear feet of timber, roughly 37 square feet of timber with a volume of displaced sand of 8.5 cubic feet (assuming half the timber is buried). The entire area of disturbance for the steps appeared to be roughly 140 square feet based on the satellite imagery.

A site plan by Ryder & Wilcox (attached) was produced to show the current conditions of the stairs (and site as a whole). Onsite review and measurements of the conditions as they exist today found a total of 18 timbers in place on the coastal bank. Timbers varied in length with 12 timbers four feet long, two six feet long, and two eight feet long, equaling 76 linear feet. The current timbers are all 6x6 (nominal). The current timbers provide an area impact on the coastal bank of 38.5 square feet and a volume of displaced sand of 8.82 feet cubed.

The reconstructed steps were constructed in the same footprint as the previous steps and the distributed area is similar at approximately 150 square feet of the coastal bank. In recognition of this disturbance, plantings in select areas totaling 450 square feet is proposed. This includes beach grass plantings on each side of the stair (150 square feet total) and an area of new plantings off the existing footpath (300 square feet total). These new plantings will include beach plum, bayberry, or inkberry. Invasive oriental bittersweet and honeysuckle will be removed (by hand) in the areas surrounding the replanting.

Based on these calculations, the increase in impact on the bank is less than 5% (3.7%). The increase in disturbance is calculated to be approximately 7%, however this is difficult to verify due to shifts in the sand and vegetation on the bank. Based on the imagery found it is clear that the current conditions largely match what was previously in place. Note that no impact to the coastal dune, or land subject to coastal storm flowage existed previously nor currently as the stairs are set landward of these areas.

Please note that the elevated stairs and the platform are no longer part of this proposed project. The only additional element that is proposed is one timber at the base of the stair to better form the toe of the stair system, so it is not undermined which could potentially cause stabilization concerns for the dune system. This will not have an impact on the area of disturbance noted above and will result in a minimal change to the impact calculations noted.

We appreciate your time and consideration regarding this filing.

Very truly yours,

TIGHE & BOND, INC.



Marshall H Puffer, PE
Project Manager
t: 508.237.3467
e: mpuffer@tighebond.com



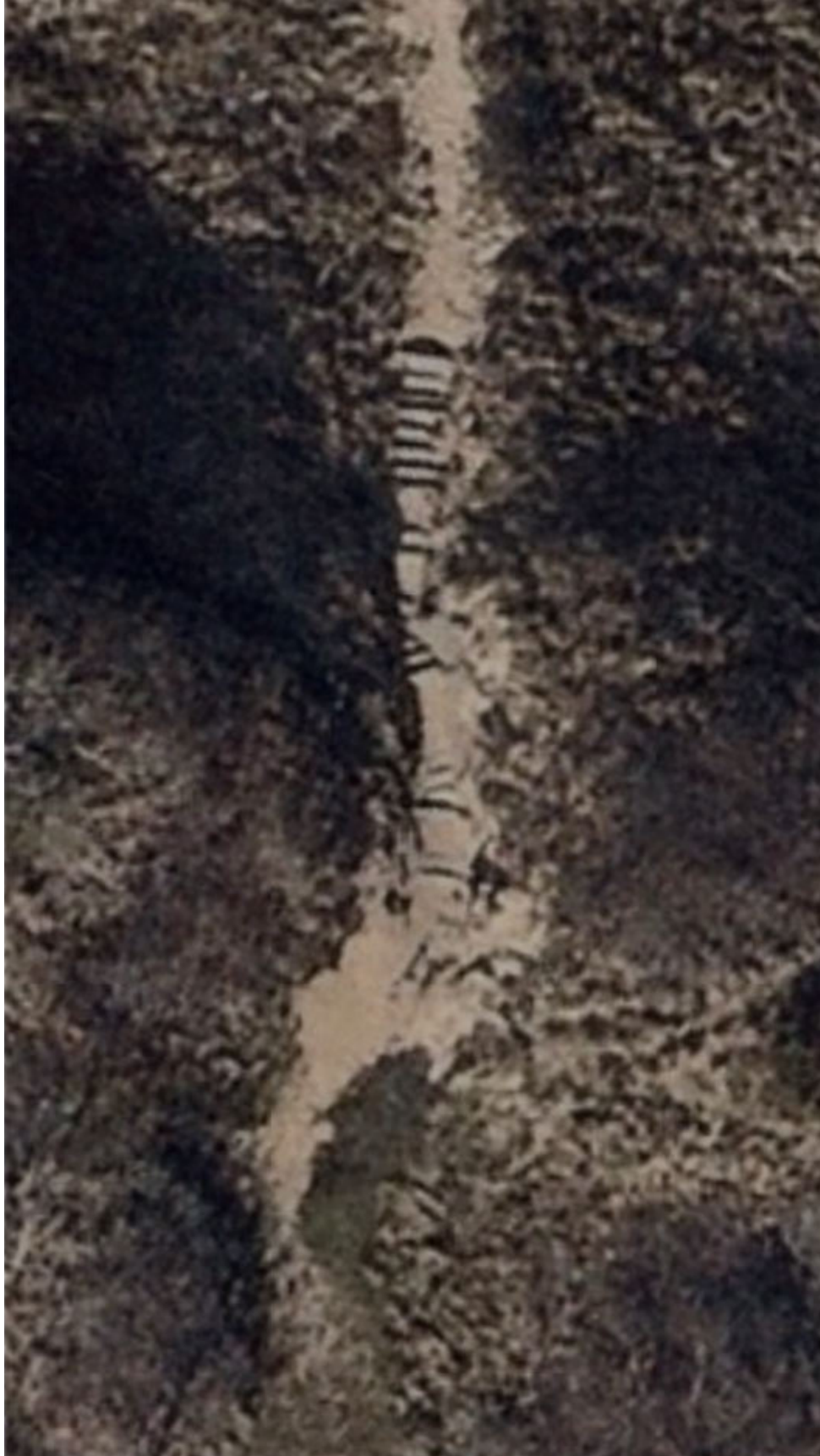
Enclosed: Historic Nearmaps Imagery
 Site Plan (by Ryder & Wilcox)



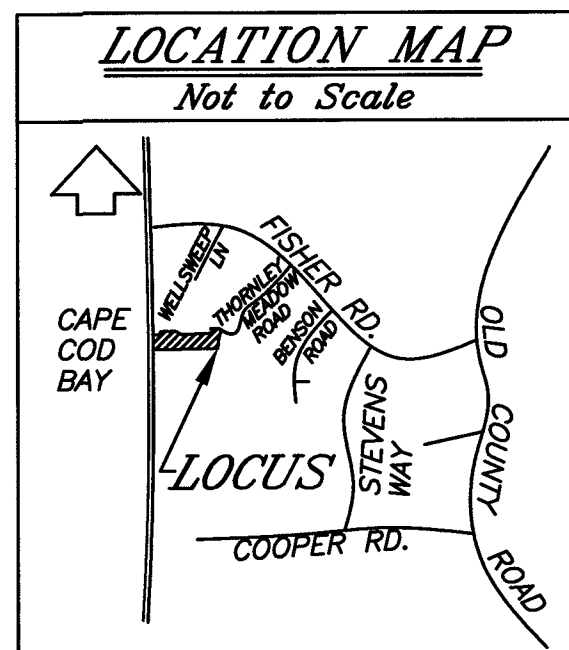
STEPS/PATHWAY ON FRIDAY MARCH 31, 2023



STEPS/PATHWAY ON SUNDAY APRIL 9, 2021



STEPS/PATHWAY ON FRIDAY APRIL 17, 2020

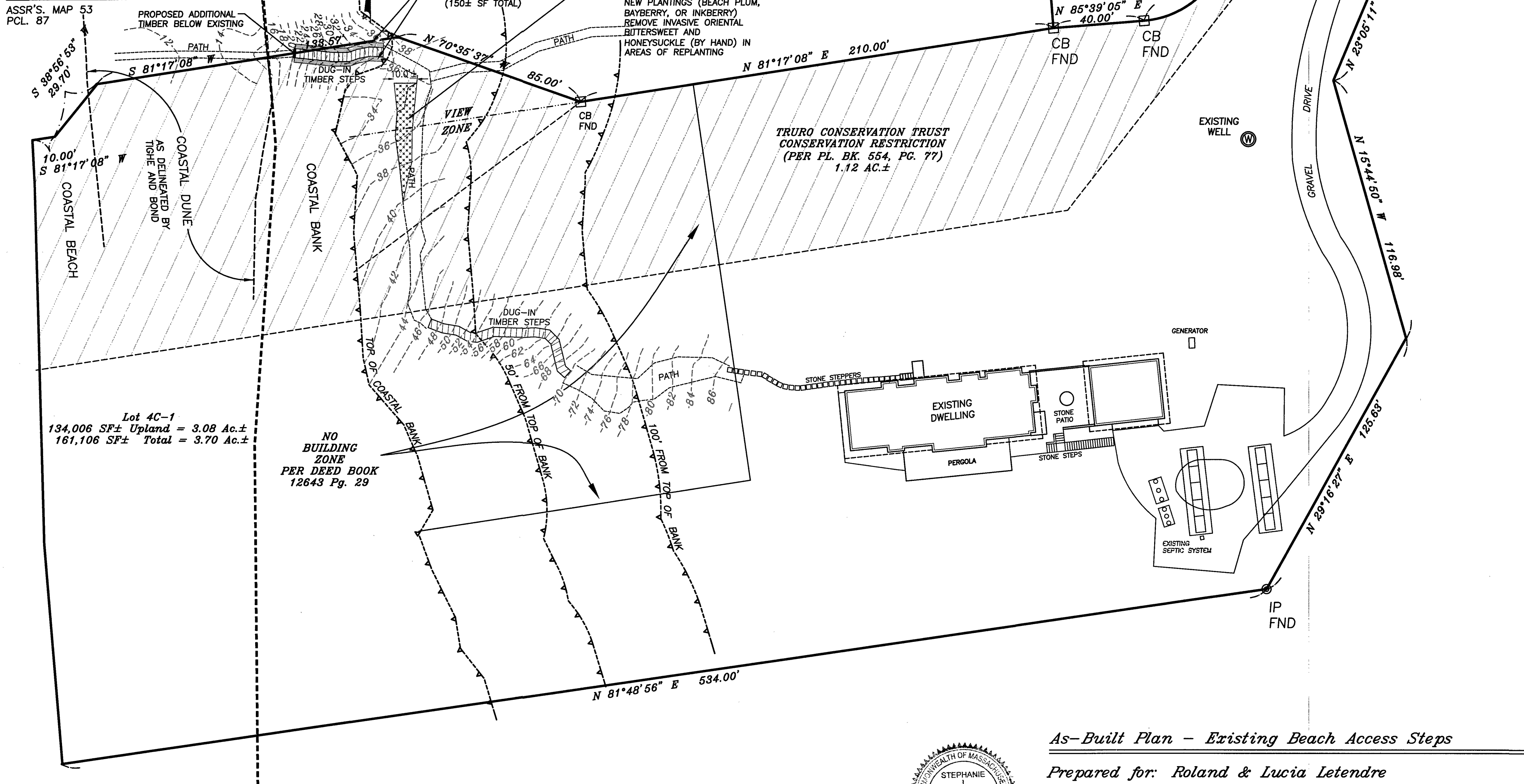


SITE PLAN

1" = 30'

DATUM

NAVD 88



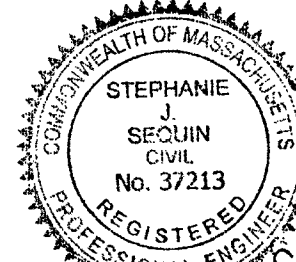
As-Built Plan - Existing Beach Access Steps

Prepared for: Roland & Lucia Letendre
Location: 10 Thornley Meadow Road - Truro, MA

Ryder & Wilcox, Inc., P.E. & P.L.S.
3 Giddiah Hill Rd.
P.O. Box 439
So. Orleans, MA, 02662
Tel. (508) 255-8312
Fax. (508) 240-2306

Scale: 1" = 30'
Drawn by DJC
Date - January 24, 2024
Rev. - November 25, 2024

Job No. 9041



Stephanie J. Sequin
11/25/24

1.

Introduction

On behalf of the Applicant, Bay Beach Townhome Condominium Trust/Association, LEC Environmental Consultants, Inc., (LEC) is filing this Notice of Intent Application (NOI) for a proposed dune restoration project, consisting of coir envelopes and logs, sand nourishment, plantings, and sand-drift fencing. Proposed work activities occur on a Coastal Beach, Coastal Dune, Barrier Beach, and Land Subject to Coastal Storm Flowage as protected under the *Massachusetts Wetlands Protection Act and Regulations* (310 CMR 10.00) and the *Truro Conservation Bylaw* (Chapter VIII of the General By-Laws) and *Truro Conservation Regulations*.

The proposed dune restoration project is necessary to protect Resource Areas and the Bay Beach Condominiums that have experienced continued and significant coastal storm damage, despite implementing prior short-term interim measures. Emergency certifications have been issued in the recent past to protect the exposed foundation of the existing condominium building resulting from significant erosion/storm damage.

Temporary sandbags have been placed on multiple occasions. Immediately following the installation of replacement snow fencing and sand nourishment in winter 2023-2024, the nourishment material was immediately washed away and the snow fencing experienced heavy damage that required immediate repairs through coordination with the Conservation Commission staff. This project is designed to provide more long-term and reliable measures to minimize storm damage to the building while protecting the interests of the Resource Areas.

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, and proposed project that will protect the interests and values of the Resource Areas. Project details are depicted on the *Site Plan*, prepared by Grady Consulting, LLC, dated October 28, 2024 (Appendix E).

2.

General Site Description

The project site affords frontage on Shore Road (north) and Cape Cod Bay (south), south of Route 6 and Pilgrim Lake in North Truro. The Bay Beach Townhome Condominiums contain 10 units within a long rectangular building and two adjacent cottages. Based on Assessor's records, the structures appear to have been constructed in 1963. All three structures are visible on historic aerial images from 1971 (see photograph below via historicaerials.com). A paved parking lot exists between the long rectangular building and Shore Road.



T

The subject parcel is located within a Coastal Dune, Land Subject to Coastal Storm Flowage, and on a Barrier Beach between Pilgrim Lake and Cape Cod Bay. Coastal Beach extends along Cape Cod Bay. A more robust and vegetated Coastal Dune previously existing seaward of the building as evident on prior aerial images (i.e., 2013-2014 MassGIS Aerial Orthophoto). As recently as summer 2021, snow fencing with American beachgrass (*Ammophila breviligulata*) plugs and cedar shims (biomimicry) were present within the Coastal Dune to trap and build-up sand. Ensuing winter storms in 2022-2023 eroded significant portions of the Coastal Dune, eliminated the snow fencing (except remnant westerly sections), and exposed the easterly foundation of the building (refer to photographs, Appendix B).

Following approvals to replace the snow fencing and sand nourishment, the nourishment material was immediately washed away and the snow fencing experienced heavy damage that required immediate repairs through coordination with the Conservation Commission staff. Existing conditions are depicted in the photographs (Appendix B) and on the (Existing Conditions) *Site Plan* (Appendix D).

2.1 FEMA Designation

According to the *Federal Emergency Management Agency Flood Insurance Rate Maps*, for Barnstable County, Massachusetts (Map Number 25001C0117J), dated July 16, 2014, the subject parcel is located within Zone VE (El. 15) – *Coastal areas with a 1% or greater chance of flooding (base flood elevation determined)* (Appendix A, Figure 3).

2.2 NHESP Designation

According to the 15th Edition of the *Massachusetts Natural Heritage Atlas* (effective August 1, 2021), areas south of the long-rectangular building are located within Priority Habitat of Rare Species/Estimated Habitat of Rare Wildlife mapped by the Massachusetts Natural Heritage and Endangered Species Program (NHESP) (Appendix A, Figure 4).

The seaward Coastal Resource areas are specifically mapped as the southeasterly terminus of potential Piping Plover and Least Tern foraging habitat as the beach narrows, in comparison to wider beach/dune conditions to the north. No viable shorebird nesting habitat is present on-site or immediately proximate.

A copy of the NOI is concurrently being submitted to NHESP for Streamlined Review under the WPA/MESA. Based on similar approved projects on immediately proximate properties (NHESP #23-8571—#522 Shore Road and NHESP #23-8570—#566 Shore Road), the Applicant is confirming the implementation of the following conditions:

1. **Time of Year Restriction:** To protect state-listed species, work associated with installation and maintenance of the dune restoration shall not be conducted during the period April 1 – August 31, unless otherwise approved in writing by the Division.
2. **State-listed Species Protection:** The property owner(s) have the responsibility of protecting breeding Piping Plovers or state-listed species of terns that may be on this section of beach. Therefore, the property owner(s) must allow regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by the Division, during the period April 1 – August 31 and shall allow any nests, scrapes, or unfledged chicks to be protected with symbolic fencing (warning signs and twine fencing).
3. **Nourishment:** As proposed, the coir system will be covered with 6" - 8" of compatible sand cover. The Applicant is responsible to replenish the sand cover and maintaining the coir system. All nourishment and maintenance must avoid the shorebird nesting period (April 1 – August 31), unless otherwise approved in writing by the Division.

3. Wetland Resource Areas

Wetland Resource Areas associated with the project include Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage (LSCSF), and Barrier Beach.

3.1 Coastal Beach

Coastal Beach is defined in 310 CMR 10.27(2) as *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.*

Coastal Beach extends from the Mean Low Water (MLW) line to the Coastal Dune. Mean High Water is El. 4.65. The beach is composed of coarse to medium sand.

3.2 Coastal Dune

Coastal Dune is defined at 310 CMR 10.28(2) as *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 Coastal Dune is located upgradient of the Coastal Beach, equivalent to El. 8, and extends up to/through the long rectangular building. The northwesterly portion of the Coastal Dune is the remaining natural landform of the dune vegetated with beachgrass, and remnant beach rose (*Rosa rugosa*) and seaside goldenrod (*Solidago sempervirens*), while the remaining Coastal Dune within the fencing contains the American beachgrass plantings.

3.3 Land Subject to Coastal Storm Flowage

Land Subject to Coastal Storm Flowage (LSCSF) is defined at 310 CMR 10.04 as *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.*

As previously indicated, the entire site is mapped within a Zone VE (El. 15) – *Coastal areas with a 1% or greater chance of flooding (base flood elevation determined).* The entire site is therefore within LSCSF.

3.4 Barrier Beach

Coastal Dune is defined at 310 CMR 10.29(2) as *a narrow low-lying strip of land generally consisting of coastal beaches and coastal dunes extending roughly parallel to the trend of the coast. It is separated from the mainland by a narrow body of fresh, brackish or saline water or a marsh system. A barrier beach may be joined to the mainland at one or both ends.*

As previously stated, the subject parcel is situated on a Barrier Beach between Cape Cod Bay and Pilgrim Lake.

4. Project Description

The proposed project involves the installation of a dune restoration project, consisting of coir envelopes and logs, sand nourishment, plantings, and sand-drift fencing extending parallel to the long-rectangular building. The project has been designed to build up the eroding Coastal Dune, while protecting the landward structures. The project has been designed to improve coastal storm resiliency and reduce vulnerability to flood damage.

Prior installation of snow fencing, biomimicry, sand nourishment, American beachgrass plugs, etc., have proven unsuccessful to protect the Coastal Dune and on-site buildings, thus necessitating the current proposal. Taking no action will result in extensive damage to the Resource Areas, buildings, and infrastructure.

Access is proposed through the abutting gravel parking lot for Shoreline Condominiums, 566 Shore Road (see Google Maps photo below). The existing fence (on-site) will be temporarily removed and replaced following installation. Machinery will continue between the west end of the Bay Beach building and the remaining dune mound (to remain undisturbed) to reach the work area. Anticipated machinery includes an excavator and skid steer. The skid steer can pass through the breezeway, but an excavator cannot.



Coir envelopes will be installed within the Coastal Dune for a length of approximately 192± linear feet. The 3 foot by 3 foot envelopes will be installed in three tiers with top elevations depicted on the Dune Restoration Detail. The excavator will be utilized to excavate and place the envelopes and install 5 inch by 5 inch wood posts three feet on-center. An end return is proposed of the easterly terminus of the coir envelopes.

The coir envelopes transition to stacked coir logs on the west end. Four 20" diameter coir logs will be installed on the seaward face of the remaining dune mound on the westerly end (29.2 linear feet) of the property, to connect to the coir system proposed on the abutting Shoreline Condominium property (#566 Shore Road), pending approval by the Commission. The coir logs will be secured in place using interlocking galvanized cables with 4-foot duckbill anchors. Additional details are depicted on the Dune Restoration and Coir Log Detail included on the *Site Plan* (Appendix E).

The sand drift fencing ("serpentine fence") will be installed in accordance with Section 7.05 of the Truro Conservation Regulations. The only minor difference in the proposed design is the use of 4 inch by 4 inch slats in lieu of 2 inch by 3 inch slats for the fencing to be more resilient to storm damage; however, similar to recently approved projects. While a gap is present to allow singular access via the centrally located six-foot-wide easement, the sand drift fencing design provides overlap to prevent/minimize storm overwash through the opening. The fencing will connect to that proposed on the abutting Shoreline Condominium property (#566 Shore Road). Additional information is depicted on the Sand Draft Fence Detail (Appendix E). The pre-existing snow fencing on the landward (building) side of the dune restoration will be replaced in kind.

The coir envelopes and logs will be covered with 6-8 inches of clean, compatible sand and planted with American beachgrass. Approximately 170± cubic yards of sand nourishment have been currently estimated based on existing site conditions; however the final amount will be reported to the Commission. Excluding the six-foot-wide access easement, the dune restoration footprint between the fencing will be revegetated with bare root American Beachgrass plantings, spaced 12 inches on center with two culms per hole.

Seasonal beach access mats (Mobi-mat) will be installed to provide beach access through the six-foot-wide walkway easement. Should grades become problematic for access, the Mobi-mat will be replaced with wooden beach stairs.

All proposed work will occur upgradient of Mean High Water.

5.0 Regulatory Compliance

The proposed project has been designed to comply with the Coastal Beach, Coastal Dune, Barrier Beach, and LSCSF performance standards outlined under the WPA Regulations and/or the *Truro Conservation Regulations*.

Barrier Beach performance standards under 310 CMR 10.29 are addressed under Coastal Beaches (310 CMR 10.27) and Coastal Dunes (310 CMR 10.28). Considering that work activities on the Coastal Beach are temporary and will not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any on-site, adjacent, or downdrift Coastal Beach, the following focuses on Coastal Dune under 310 CMR 10.28 of the WPA Regulations and Section 2.05 of the *Truro Conservation Regulations*. Furthermore, the project does not have an adverse effect on specified habitat sites of Rare Species, through the implementation of the above-referenced NHESP conditions.

5.1 Coastal Dune

As stated under 310 CMR 10.28,

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:

(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 project has been designed to restore the form and function of the Coastal Dune and enhance associated interests related to storm damage prevention, flood control, and the protection of wildlife habitat. The project will facilitate the rebuilding of the dune and vegetative stability but will continue to allow the dune to migrate and provide a sediment source for downdrift beaches and nearshore sand bars, etc., while avoiding interfering with bird nesting habitat.

(4) Notwithstanding the provisions of 310 CMR 10.28(3), when a building already exists upon a coastal dune, a project accessory to the existing building may be permitted, provided that such work, using the best commercially available measures, minimizes the adverse effect on the coastal dune caused by the impacts listed in 310 CMR 10.28(3)(b) through (e). Such an accessory project may include, but is not limited to, a small shed or a small parking area for residences. It shall not include coastal engineering structures.

Not applicable for the proposed project.

(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 pedestrian walkway through the access easement avoids disturbance to vegetative cover and traditional bird nesting habitat. The project has been designed to increase dune development and includes American beachgrass plantings to enhance natural vegetative cover.

(6) Notwithstanding the provisions of 310 CMR 10.28(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.

As noted above, the NHESP conditions related to Time-of-Year Restrictions, State-listed Species Protection, and Nourishment are proposed to avoid an adverse effect on specified habitat sites of Rare Species.

5.2 Land Subject to Coastal Storm Flowage

As stated under Section 2.05 of the *Truro Conservation Regulations*:

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.*

The proposed dune restoration project will allow for the Resource Areas to absorb and contain floodwaters, while providing enhanced flood control and storm damage prevention to buffer inland areas, while not adversely displacing or diverting floodwaters to other areas. Flood waters in the mapped Zone VE (El. 15) will continue to flow over the restored dune. The proposed sand drift fencing is more resilient and the anchoring system for the coir envelopes and logs will minimize displacement, resulting in a more durable project; however, continuous maintenance will be required. No new ground or surface pollution will be triggered. The restored and vegetated dune will provide enhanced wildlife habitat.

The project involves initial sand nourishment (currently estimated at 170± cubic yards) and renourishment in response to storms in compliance with NHESP requirements and the *Truro Conservation Regulations*. A Management Plan (Appendix C) has also been included to review the long-term protection of Coastal Resource Areas.

6.0

Summary

On behalf of the Bay Beach Townhome Condominium Trust/Association, LEC is filing this NOI Application for a dune restoration project, consisting of coir envelopes and logs, sand nourishment, plantings, and sand-drift fencing. The proposed dune restoration is necessary to protect the Resource Areas and landward structures and infrastructure that have experienced continued and significant coastal storm damage. The project has been designed to improve coastal storm resiliency, reduce vulnerability to flood damage, and enhance Resource Area interests in compliance with the *Massachusetts Wetlands Protection Act and Regulations* (310 CMR 10.00) and the *Truro Conservation Bylaw* (Chapter VIII of the General By-Laws) and *Truro Conservation Regulations*.

Appendix B

Photographs



Photo 1: Northeasterly view of shoreline (3/28/23).



Photo 2: Northeasterly view of shoreline (9/5/24).



Photo 3: Northwesterly view of shoreline (3/28/23).



Photo 4: Northwesterly view of shoreline (9/5/24).



Photos 5 & 6: Northwestern view following winter storm damage (1/16/24).





Photos 7 & 8: Winter storm damage; easterly portion of foundation exposed (1/16/24).





Photo 9: Winter storm damage (3/10/24).



Photo 10: Winter storm damage (3/10/24).



Photo 11: Northeasterly view of shoreline (9/5/24).



Photo 12: Northwesterly view of shoreline (9/5/24).

Appendix C

Management Plan

Management Plan

Bay Beach Townhomes Condominium Trust/Association

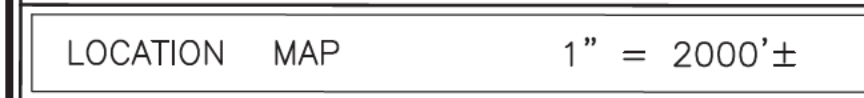
544 Shore Road, Truro, MA

Purpose: The Management Plan is intended to provide long-term protection of Coastal Resource Areas (Coastal Dune and Coastal Beach on a Barrier Beach and within Land Subject to Coastal Storm Flowage) at the Bay Beach Townhomes Condominiums, 544 Shore Road in Truro, MA, associated with the proposed conditions depicted on the *Site Plan*, prepared by Grading Consulting, LLC, dated 11/19/24.

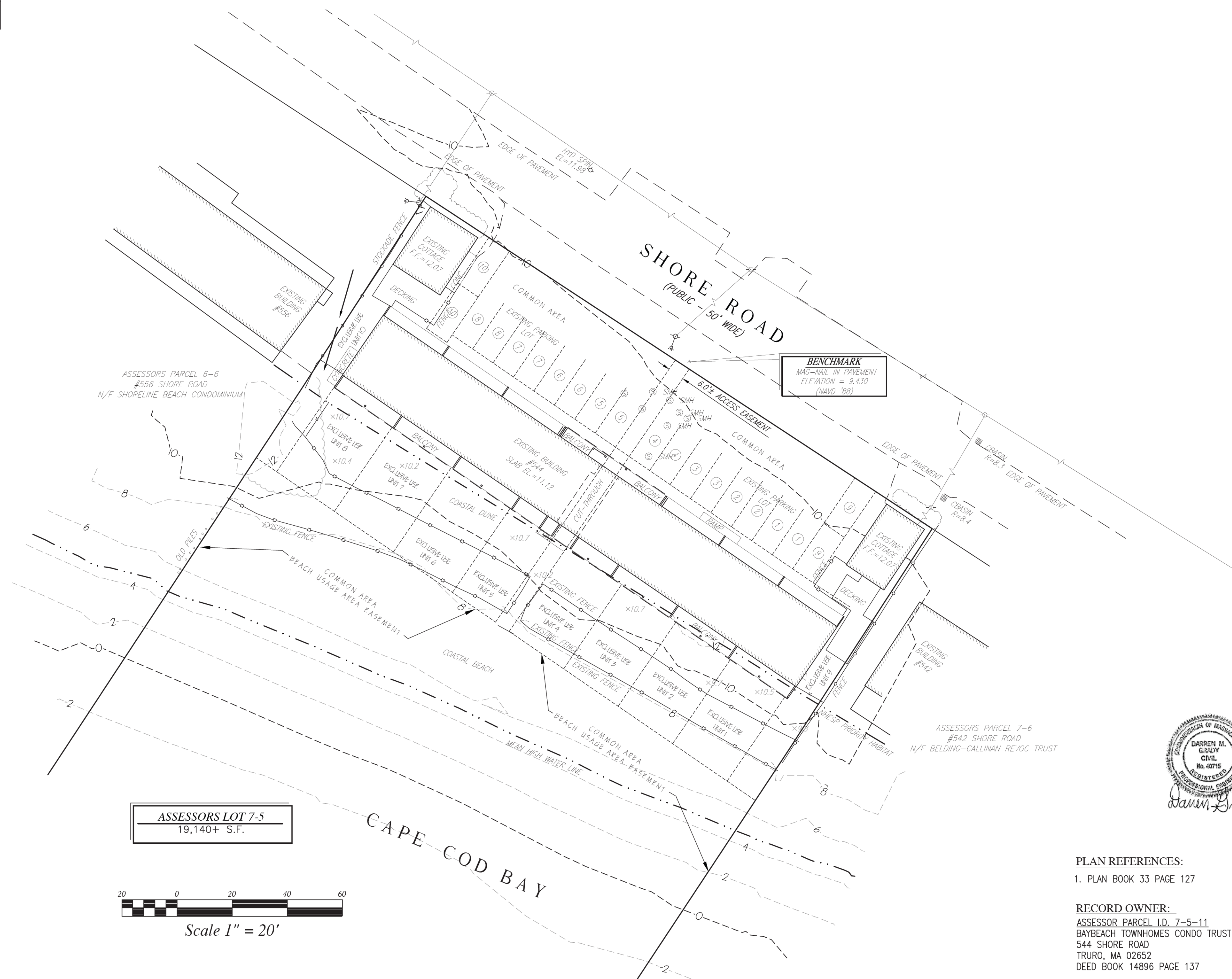
The following reviews management goals/objectives:

- 1) The coir envelopes and logs shall be covered with 6" - 8" of compatible sand cover. Approximately 170± cubic yards of sand nourishment have been current estimated.
- 2) The sand nourishment area and any unvegetated areas within the interior of the fencing, excluding the 6-foot-wide beach access easement, shall be planted with American beachgrass. Existing vegetation outside of the coir envelopes/logs shall remain undisturbed.

Beach grass shall be planted 6" on center with three to six culms per plant, 8" deep. Rooted beach grass may be planted between April 15 and Memorial Day. If such rooted grass is utilized, planting shall be 12" on center. Dormant or rooted beach grass may be planted between Columbus Day and April 15.
- 3) Following sand nourishment and American beachgrass planting, the landward snow fencing will be replaced in kind with 4x4 wood posts every 4-6 feet apart and angled cross-bars shall be installed as depicted on the *Site Plan*.
- 4) A Mobi-Mat (or Conservation-approved similar) shall be installed from the building "cut through" (breezeway) within the six-foot wide access easement, providing access to the beach. Should grades become problematic for access, the Mobi-mat will be replaced with wooden beach stairs.
- 5) The six-foot wide access easement shall be exclusively utilized for beach access.
- 6) The Condo Trust/Association is responsible to replenish the sand cover and maintain the coir system and fencing. All nourishment and maintenance must avoid the shorebird nesting period (April 1-August 31), unless otherwise approved in writing by NHESP.
- 7) The Condo Trust/Association shall take reasonable steps to ensure the protection of restored dune and vegetation within the interior of the snow fencing and sand drift fencing. No foot traffic, storage of any materials, etc., shall occur within or disturb the interior of the fencing. Signage may be installed to avoid disturbance to the revegetation/restoration areas. Small, seasonal platforms may be allowed off/abutting the back of the units and removed by the end of October and safely stored within the existing building footprint.
- 8) The Mobi-Mat (Conservation-approved similar seasonal walkway) shall be removed by the end of October and safely stored within existing developed portions of the site or off-site.
- 9) Management measures are intended to be adaptive to changing shoreline conditions. Modifications to the Management Plan shall require Conservation staff review and approval.



- FLOOD NOTE**
BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE
VE (EL 15) AS DEPICTED ON FLOOD INSURANCE RATE MAP,
COMMUNITY PANEL No. 25001C 0117J, WHICH BEARS AN EFFECTIVE
DATE OF JULY 16, 2014.



REVISIONS	
JUNE 16, 2023	UPDATED TOPOGRAPHIC SURVEY
SEPT. 18, 2024	UPDATED TOPOGRAPHIC SURVEY
OCT. 28, 2024	DUNE RESTORATION
NOV. 13, 2024	CON COM COMMENTS
NOV. 19, 2024	CON COM COMMENTS

SITE PLAN
ASSESSORS ID 7-5
#544 SHORE ROAD
TRURO, MASSACHUSETTS

PREPARED FOR:
BAY BEACH TOWNHOMES CONDOMINIUM
c/o GEORGE HAILER
88 BLACK FALCON AVENUE, SUITE 345
BOSTON, MA 02210

OCTOBER 8, 2024
SCALE: AS SHOWN
JOB No. 21-309

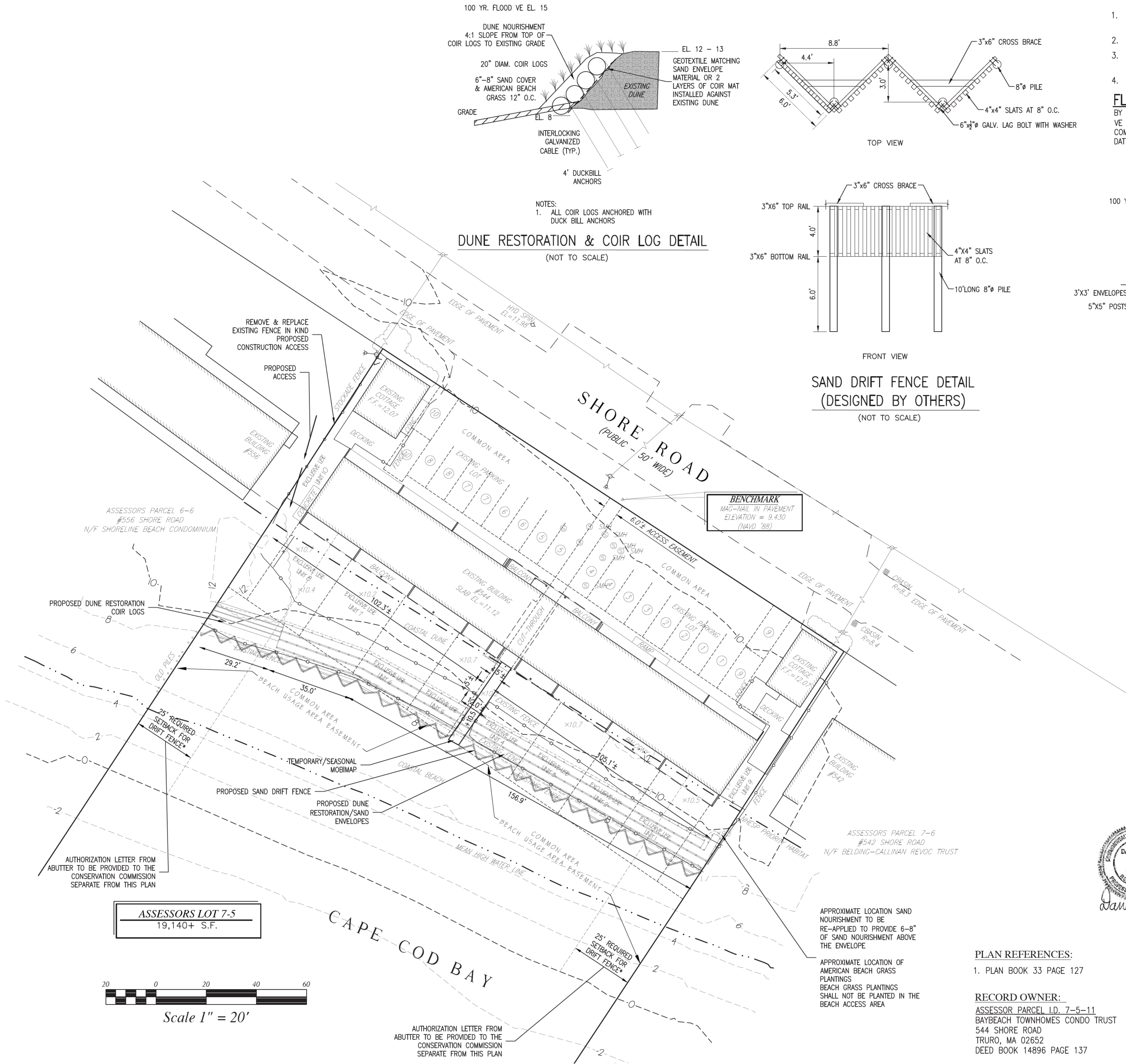
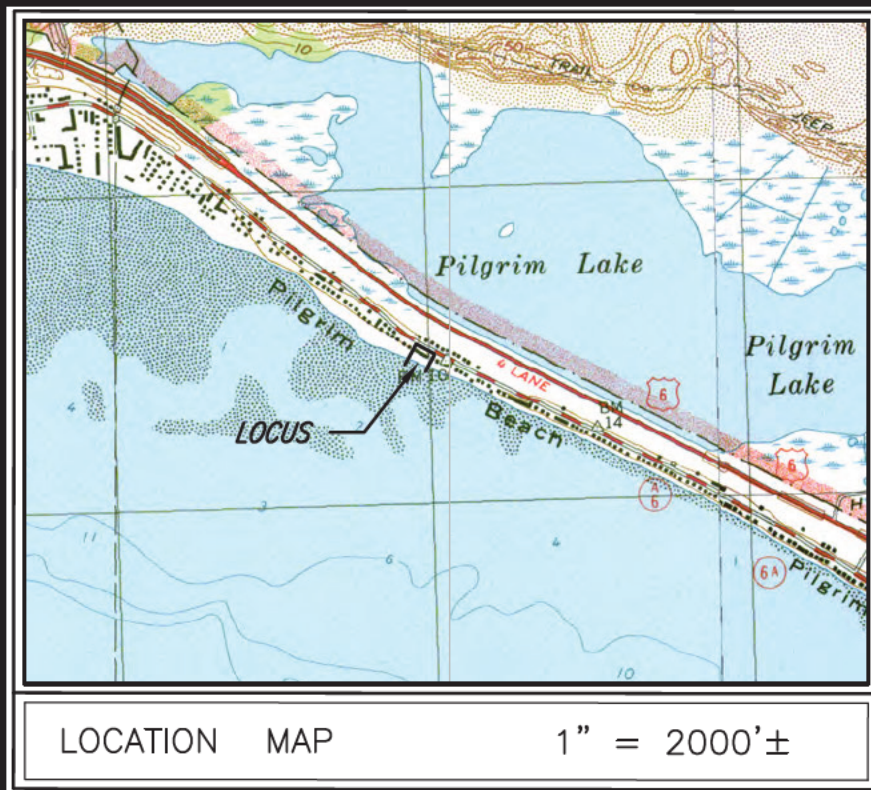
PLAN REFERENCES:

1. PLAN BOOK 33 PAGE 127

RECORD OWNER:
ASSESSOR PARCEL I.D. 7-5-11
BAYBEACH TOWNHOMES CONDO TRUST
544 SHORE ROAD
TRURO, MA 02652
DEED BOOK 14896 PAGE 137

GC

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (781) 585-2300 Fax (781) 585-2378

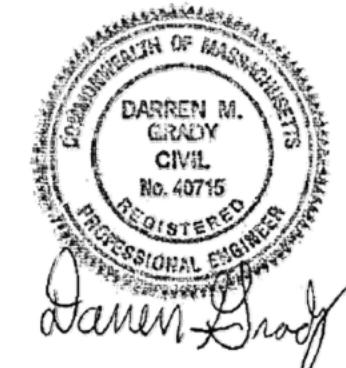


- NOTES**
- TOPOGRAPHIC INFORMATION SHOWN ON THIS PLAN IS BASED ON A FIELD SURVEY DONE BY GRADY CONSULTING, L.L.C. ON AUGUST 2, 2021, JUNE 14, 2023, SEPTEMBER 16, 2024
 - THE SITE IS NOT LOCATED IN AN AQUIFER PROTECTION ZONE II.
 - THIS SITE IS LOCATED IN A COASTAL BEACH, COASTAL DUNE RESOURCE AREA, BARRIER BEACH AND LAND SUBJECT TO COASTAL STORM FLOWAGE.
 - SUBJECT SITE IS IN THE RS-40 ZONING DISTRICT.
- FLOOD NOTE**
- BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED IN ZONE VE (EL 15) AS DEPICTED ON FLOOD INSURANCE RATE MAP, COMMUNITY PANEL No. 25001C 0117J, WHICH BEARS AN EFFECTIVE DATE OF JULY 16, 2014.

Proposed

REVISIONS	
JUNE 16, 2023	UPDATED TOPOGRAPHIC SURVEY
SEPT. 18, 2024	UPDATED TOPOGRAPHIC SURVEY
OCT. 28, 2024	DUNE RESTORATION
NOV. 13, 2024	CON COM COMMENTS
NOV. 19, 2024	CON COM COMMENTS

SITE PLAN
ASSESSORS ID 7-5
#544 SHORE ROAD
TRURO, MASSACHUSETTS



PLAN REFERENCES:

1. PLAN BOOK 33 PAGE 127

RECORD OWNER:

ASSESSOR PARCEL I.D. 7-5-11.
BAYBEACH TOWNHOMES CONDO TRUST
544 SHORE ROAD
TRURO, MA 02652
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PREPARED FOR:
BAY BEACH TOWNHOMES CONDOMINIUM
c/o GEORGE HAILER
88 BLACK FALCON AVENUE, SUITE 345
BOSTON, MA 02210

OCTOBER 8, 2024
SCALE: AS SHOWN
JOB No. 21-309

GRADY CONSULTING, L.L.C.
Civil Engineers, Land Surveyors & Landscape Architects
71 Evergreen Street, Suite 1, Kingston, MA 02364
Phone (781) 585-2300 Fax (781) 585-2378

PROJECT NARRATIVE

1. Introduction

This Notice of Intent (NOI) application has been submitted to permit the proposed shoreline stabilization project located at 5 Great Hills Lane in Truro (the site). The Town of Truro Assessors Department references the site as Parcel #53-1. The proposed project includes the installation of a sand drift fence (also called a "serpentine fence") with a coir log array located along the landward side of the proposed fence at the boundary of a Coastal Beach and Coastal Dune and within Land Subject to Coastal Storm Flowage. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act and the Town of Truro Wetlands Protection Bylaw.

2. Site Description

The site is located at the west end of Great Hills Lane backing on Cape Cod Bay. There are no developed properties that are immediately adjacent to this property. There are several other developed properties located more landward to the east. The site consists of a single-family dwelling, driveway with pervious pavers, a wrap-around deck on the north, west and south sides of the dwelling and beachgrass covering the undeveloped area with the exception of a stone patio and short walkway running towards the beach. There are remnants of a pre-existing sand drift fence posts but no panels with slats (see Photos). The entire site is located within a Coastal Dune and within Land Subject to Coastal Storm Flowage. A Coastal Beach extends from mean low water up to a Coastal Dune and is located approximately 60 feet west of the dwelling, having eroded over 20-25 feet in the last two years. Environmental Consulting & Restoration, LLC (ECR) completed a site review on July 11, 2024 to review the existing conditions. Based on ECR's site visits and review of available environmental databases, ECR can confirm that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Coastal Dune;
- Coastal Beach;
- 100-Foot Buffer Zone; and,
- Land Subject to Coastal Storm Flowage (FEMA flood zone VE).

Notes:

1. The site is located within an area mapped as Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (MaNHESP).
2. The site does not contain or is near a Certified Vernal Pool according to the MaNHESP.
3. The site is not located within an Area of Critical Environmental Concern (ACEC).
4. The site is not located near a USGS mapped stream.

3. Proposed Activities

The purpose of this application is to authorize the installation of a sturdy sand drift fence and coir log array to protect the existing structure onsite. The site has suffered significant erosion historically. The intent of the proposed coir log array is to provide protection to the existing structures onsite and mitigate the chances of a catastrophic loss. The sand drift fence is a maintenance effort with an improved design intended to build up the eroding Coastal Dune by collecting windblown sand, as the previous fence had done. The proposed project will involve the following activities:

- Staking of Existing Utilities – Prior to the start of work, all existing underground utilities shall be staked in the field.
- Removal of the Existing Fence Posts – The existing sand drift fence posts and other decayed members located within the Coastal Beach shall be removed. Some of the fence posts may be satisfactory to reuse. All other fencing materials shall be disposed of offsite.
- Installation of Coir Logs – The proposed coir log array includes a five-tier on-slope configuration of 20-inch diameter coir logs that will span across the site (north to south) approximately 150 linear

feet. A combination of mechanical excavation utilizing a small excavator and hand digging will occur to trench in two rows below grade. The three rows above grade will be placed and backfilled with the excavated sand. The coir logs will be secured in place using interlocking galvanized cables with 4-foot duckbill anchors. The logs will then be covered with 18 inches of clean, compatible sand and planted with American Beachgrass. The bare root beachgrass shall be hand planted from the toe of the array up to the top and spaced 18-inches on center with two culms per hole. For more information, please refer to the Coastal Stabilization Plan.

- Installation of the Sturdy Sand Drift Fence – Drift fencing shall be installed in accordance with the Truro Conservation Regulations, specifically Section 7.05. Drift fencing shall consist of ten-foot timber posts dug six feet into the sand at grade at the time of installation, connected by 6-foot spans of fencing comprised of 4x4 spans and slats. Space between slats is a minimum of 4" to achieve 50% openings. Fence posts are installed alternating 2' on either side of a center line so that a "zig-zag" or serpentine structure results. The fencing will be left open at the access point to allow for beach access following the stabilization activities. Following the requirements of the special conditions outlined in the Truro wetland regulations the wood shall not include any CCA treated lumber.
- Stabilization Activities – The sand path to the beach will be modified for construction access and all disturbed areas associated with the proposed installation will be restored and stabilized. Any areas of disturbed vegetation will be restored with bare root American Beachgrass plantings, spaced 12-inches on center with two culms per hole. Additional beachgrass could be interplanted on the landward side of the fence and array to fill in areas of the unvegetated Coastal Dune as necessary.
- Maintenance Activities – Cover sand on exposed sections of the coir log array will be replaced annually (6-8" depth minimum) after the storm season and replanted with beachgrass prior to April 15th.

4. Regulatory Compliance

Compliance with Massachusetts Wetlands Protection Regulations (310 CMR 10.00)

The following sections analyze the proposed project against the relevant performance standards for Coastal Beach and Coastal Dune. For Coastal Beach, standards (3) and (7) applies to the fencing activity. Standard (4) applies to solid fill structures like groins and jetties, standard (5) applies to beach nourishment, and standard (6) refers to activities in Tidal Flats upon which nothing is being proposed. For Coastal Dune, standards (3), (5) and (6) apply to the coir log array activity. Standard (4) would not apply since it addresses accessory projects related to existing buildings. There are no performance standards for Land Subject to Coastal Storm Flowage. Below, the performance standards are shown in italics to include an analysis of how the proposed project meets those specific standards, directly following not italicized.

310 CMR 10.27 Coastal Beach 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.

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:

(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.

Installation of the sand drift fence will involve some excavation along the beach/dune boundary but the sand will be reused to cover the logs and beachgrass will be handplanted on top of the array to provide additional stabilization and improve sand collection. This construction process will not decrease the volume or change the form of the beach.

(7) Notwithstanding the provisions of 310 CMR 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

The site is mapped in the 2021 version and NHESP will be consulted on the project.

310 CMR 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.

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:

(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;

- (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.*

Waves will have the ability to remove sand from the covered logs at any time. The coir installation will only temporarily disturb the existing vegetative cover, but not permanently destabilize the dune since replanting beachgrass in disturbed areas is proposed. While the logs are designed to stabilize the beach/dune boundary and protect the underground utilities and onsite structures, overwash and wind transport of sand will continue to occur and, thus, will not interfere with the landward or lateral movement of the dune. All sand altered by the log installation will remain in the dune or beach. There is no sand to be artificially removed.

(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.*

Subsections (b) and (c) specifically apply to this project. The buried or covered logs are designed to allow for overwash and windblown sand that will increase dune development. Excessively high tides and storms have eroded the seaward face of the dunes minimizing the ability for the dune to trap and hold sand. This project may be permitted, provided that they adhere to the provisions of 310 CMR 10.28(3), as discussed above.

(6) Notwithstanding the provisions of 310 CMR 10.28(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.

The site is mapped in the 2021 version and NHESP will be consulted on the project.

Compliance with Truro Conservation Regulations (Section II, Chapters 1.0 – 7.0)

The following sections analyze the proposed project against the relevant performance standards for Land Subject to Coastal Storm Flowage (LSCSF). For LSCSF, standards in Chapter 2.05 (c) apply to the

proposed activity. Below, the performance standards are shown in italics to include an analysis of how the proposed project meets those specific standards, directly following not italicized.

Chapter 2.05 (c) Land Subject to Coastal Storm Flowage in the definition states LSCSF: the *abbreviation for land subject to coastal storm flowage. Also described as "Land subject to flooding" and the "flood plain". LSCSF is a resource area without a buffer zone and correlates with the mapped flood plain defined by FEMA mapping... Flood zones are geographic areas that FEMA has defined according to levels of flood risk...VE is where the flood elevation includes wave heights equal to or greater than 3 feet...*

Presumption of Significance: *Where a proposed activity involves work within LSCSF, the Conservation Commission shall presume that such an area is significant to the interests and values of the Bylaw...*

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.*

The buried and covered coir logs will allow flood waters to pass over them and, therefore will not reduce the ability of the Coastal Beach (beach) and Coastal Dune (dune) to absorb contain such waters. The beach and dune will continue to buffer more inland areas from flooding and wave damage because of the low height of the logs. The more sand that the dune can trap will actually increase the buffer capacity of the dune. The biodegradable logs will not act like a solid fill structure which may displace or divert flood waters to other areas. Flood waters in this Zone VE (el. 14) will continue to move landward. The proposed anchoring system with the coir log array will be durable and long lasting so that the likelihood for collateral damage is not caused or created by the project. No pollutants are proposed with the activity. No vegetative cover will be permanently removed since beachgrass will be planted to restore disturbed areas.

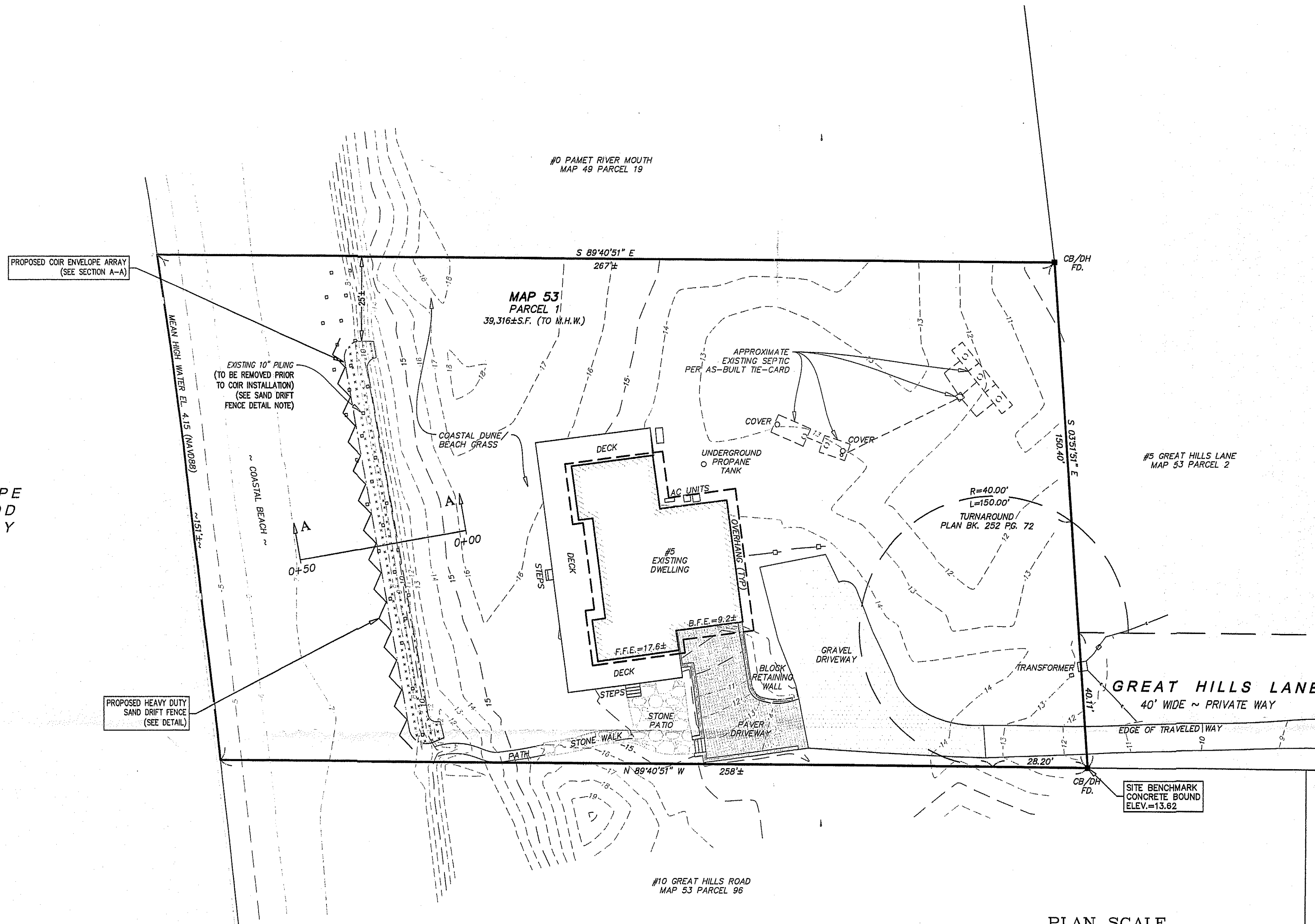
To comply with Section 7.05(11) of the By-Law regulations, the project will include dune nourishment consisting of clean, medium to coarse sand obtained from an inland source. For the initial construction, 100 cubic yards is estimated for placement over the coir log array. For the following years, the amount of nourishment provided will be a function of the cover amount removed during storms.

5. Summary

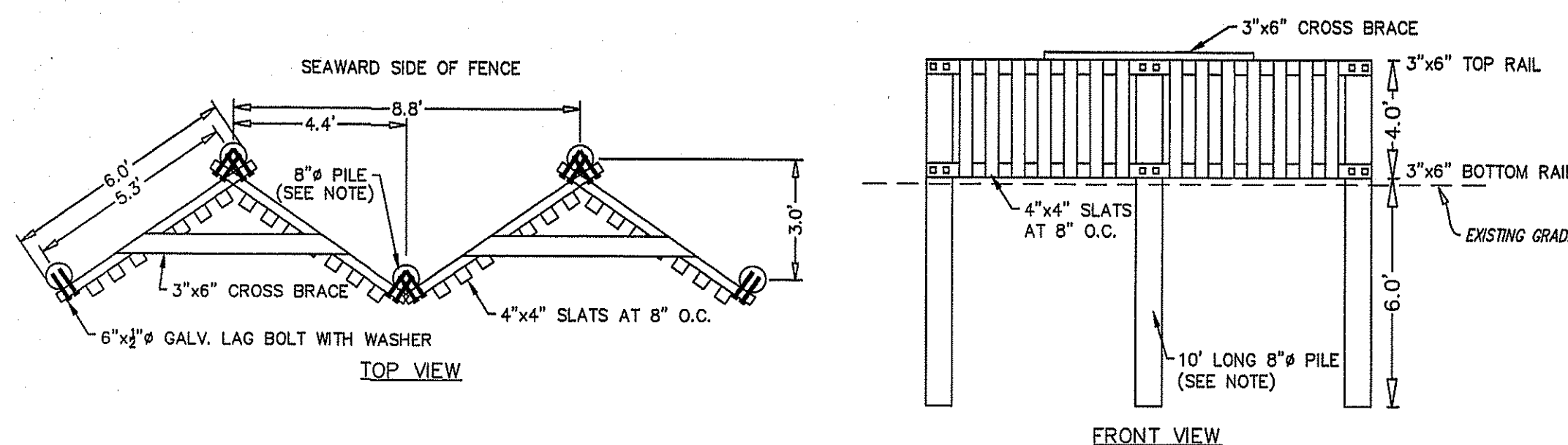
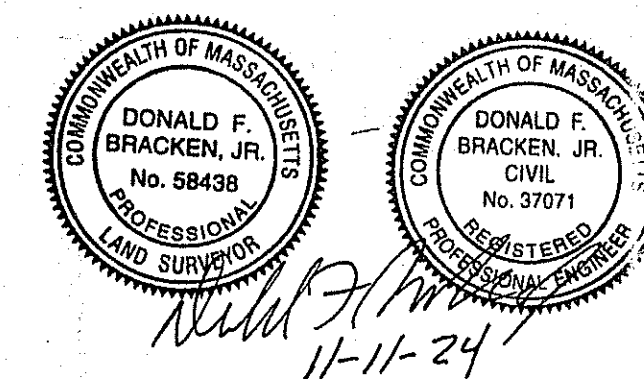
The proposed shoreline protection project includes the installation of a sturdy sand drift fence and five rows of 20-inch diameter coir logs to provide protection to the existing structures on site. The intent of the project is to mitigate the chances of a future catastrophic failure of the existing structures from coastal erosion. Once installed, all disturbed areas will be restored and stabilized upon the completion of work. Stockpiling of materials will be located beyond as far landward as practically possible within an area void of vegetation. Access to the work area shall utilize the existing pervious driveway and existing pathway leading to the beach. Upon completion of work, the applicant shall submit a request for a Certificate of Compliance to the Truro Conservation Commission to close out the anticipated Order of Conditions.

MASS COORDINATE SYSTEM
MAINLAND ZONE MERIDIAN
DETERMINED USING A
CARLSON BR7 GPS RTK UNIT
COLLECTION DATE 09/04/2024

CAPE
COD
BAY



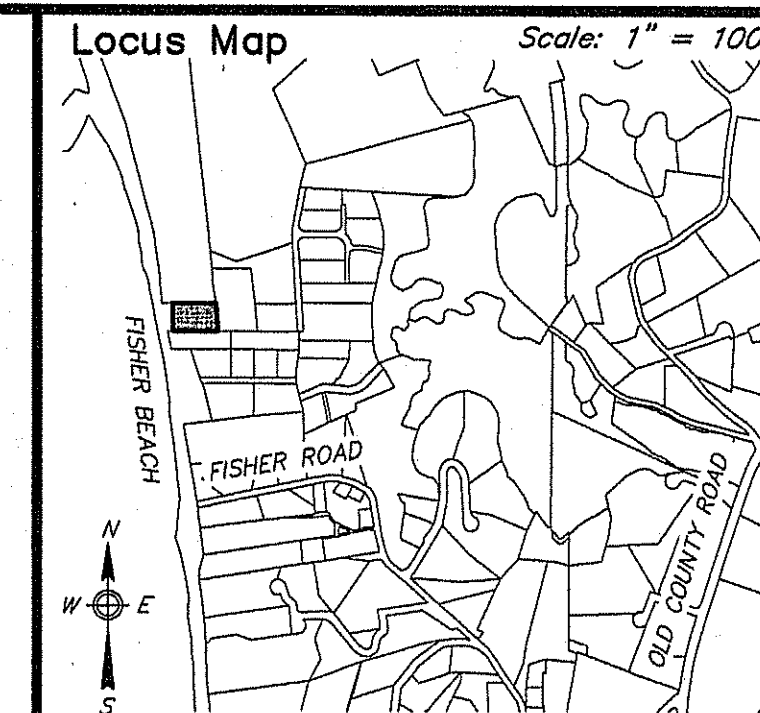
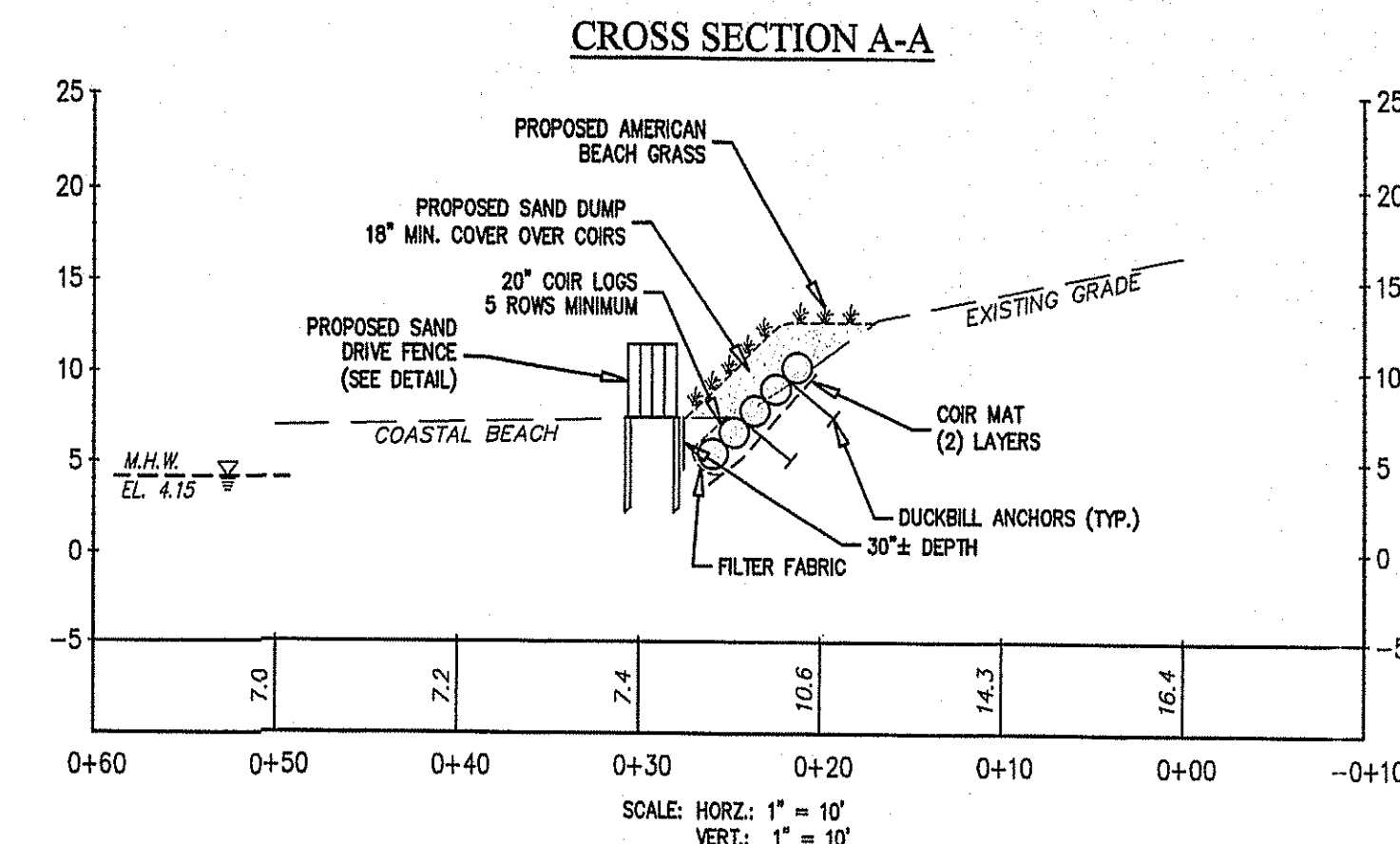
PLAN SCALE
0 4 8 12 16 20 24 28 32 36 40 44 48 52 56 60
1 inch = 20 feet



HEAVY DUTY SAND DRIFT FENCE

NOT TO SCALE

NOTE: EXISTING 10\"/>



Notes

- LOCUS: #5 GREAT HILLS LANE
MAP 53 PARCEL 1
- OWNER: KEVIN J. WISE, Trustee
HELENE WISE, Trustee
THE WISE FAMILY TRUST
32 LAURELWOOD DRIVE
WALLINGFORD, CT 06492
- DEED REF: Deed Bk: 29938 Pg: 106
- PLAN REF: Plan Bk: 252 Pg: 72 (LOT A)
- LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD
AREA "VE" (EL. 14) AS SHOWN ON FEMA FLOOD
INSURANCE RATE MAP No. 25001C-0227-J, dated
07/16/2014.
- LOCUS DOES FALL WITHIN THE NATURAL HERITAGE
and ENDANGERED SPECIES PROGRAM (NHESP) AREAS
OF ESTIMATED HABITATS OF RARE WILDLIFE and
PRIORITY HABITATS OF RARE SPECIES.
- THE CONTRACTOR SHALL PROVIDE ALL MATERIALS,
LABOR, SUPERVISION, TOOLS, EQUIPMENT, FUEL,
SANITARY FACILITIES AND INCIDENTALS NECESSARY
FOR THE FURNISHING, PERFORMANCE AND
COMPLETION OF WORK.
- THE WORK ACTIVITY SHALL OCCUPY A MINIMUM AREA
TO ACCOMPLISH THE INSTALLATION OF THE COASTAL
STABILIZATION SYSTEM. EQUIPMENT AND MATERIALS
HANDLING SHALL BE IN ACCORDANCE WITH THE WORK
PROTOCOL SUBMITTED WITH THE NOTICE OF INTENT,
THE RESULTING ORDER OF CONDITIONS AND AS
DIRECTED BY THE TRURO CONSERVATION
AUTHORITIES.
- THE CONTRACTOR SHALL OBTAIN A COPY OF THE
ORDER OF CONDITIONS ISSUED FOR THE PROJECT BY
THE TRURO CONSERVATION COMMISSION PRIOR TO
THE START OF ANY WORK.
- NO DEVIATION FROM THE DESIGN PLAN SHALL BE
ALLOWED WITHOUT PRIOR APPROVAL FROM THE
DESIGN ENGINEER.
- THE CONTRACTOR IS RESPONSIBLE FOR
RE-ESTABLISHING ALL DISTURBED AREAS TO MATCH
THE EXISTING CONDITION UPON COMPLETION OF THE
COASTAL STABILIZATION UNLESS OTHERWISE
INSTRUCTED.
- CONSTRUCTION ACCESS SHALL BE AFFORDED
THROUGH THE LOCUS PARCEL VIA THE EXISTING
DRIVEWAY AND BEACH ACCESS PATH.

Conservation Commission
TOWN OF TRURO
NOV 12 2024

Prepared By:

BRACKEN
ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 608.833.0070
(fax) 608.833.2282

18 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 608.325.0044
www.brackeneng.com

**COASTAL STABILIZATION
PLAN**
IN TRURO, MASSACHUSETTS
Prepared For:
WISE FAMILY TRUST
#5 GREAT HILLS LANE
MAP 53 PARCEL 1

No.	Date	Revision	Description	By
1	NOVEMBER 11, 2024			JPH/BEI

Checked: DFB/AMG
Sheet: 1 of 1



November 11, 2024

Ms. Carol Girard-Irwin
Truro Conservation Commission Chair
Town of Truro
24 Town Hall Road
Truro, MA 02666

Re: Request to Amend Order of Conditions DEP# SE 75-1154
6 Riverview Road, Liz and Rob Morrison

Dear Ms. Girard-Irwin,

We are writing today to request an amendment to the existing Order of Conditions for the project described above. Specifically, we are proposing to create two filtered vista corridors in order to offer views of the marsh and bay from the second story (main living areas) of the home. No vista management plan was offered at the time of permitting in order to determine the most appropriate views after house construction was completed.

The attached Vista Management Plan dated October 21, 2024 is based off the previously approved new home construction and mitigation plans dated August 19, 2022 (with revisions dated January 4, 2023).

In order to create filtered vistas on this densely canopied lot we are proposing to remove two pitch pines between 4-5" dbh and one 4" dbh red oak, and to prune five oaks and one pitch pine using best management practices.

All trees proposed to be removed shall be replaced in accordance with Truro Conservation Commission requirements with a 2:1 ratio of native shrub restoration. All proposed vista pruning and any other management of above ground vegetation will be limited.

All trees proposed for removal have been tagged in the field with orange flagging tape, and limbs on trees proposed for pruning have been tagged with pink flagging tape. Regenerative pruning of the existing native pitch pine and oak tree community (removal of dead, diseased, obstructing, and weak branches or parts of branches, as well as selective thinning of branches to lessen wind resistance) may be performed where necessary to enhance the health of the trees and increase safety and structure of the canopy and understory vegetation during weather events and other natural causes.

We look forward to answering any questions the Commission may have regarding our request to amend the order of conditions at the Truro Conservation public hearing on December 2, 2024.

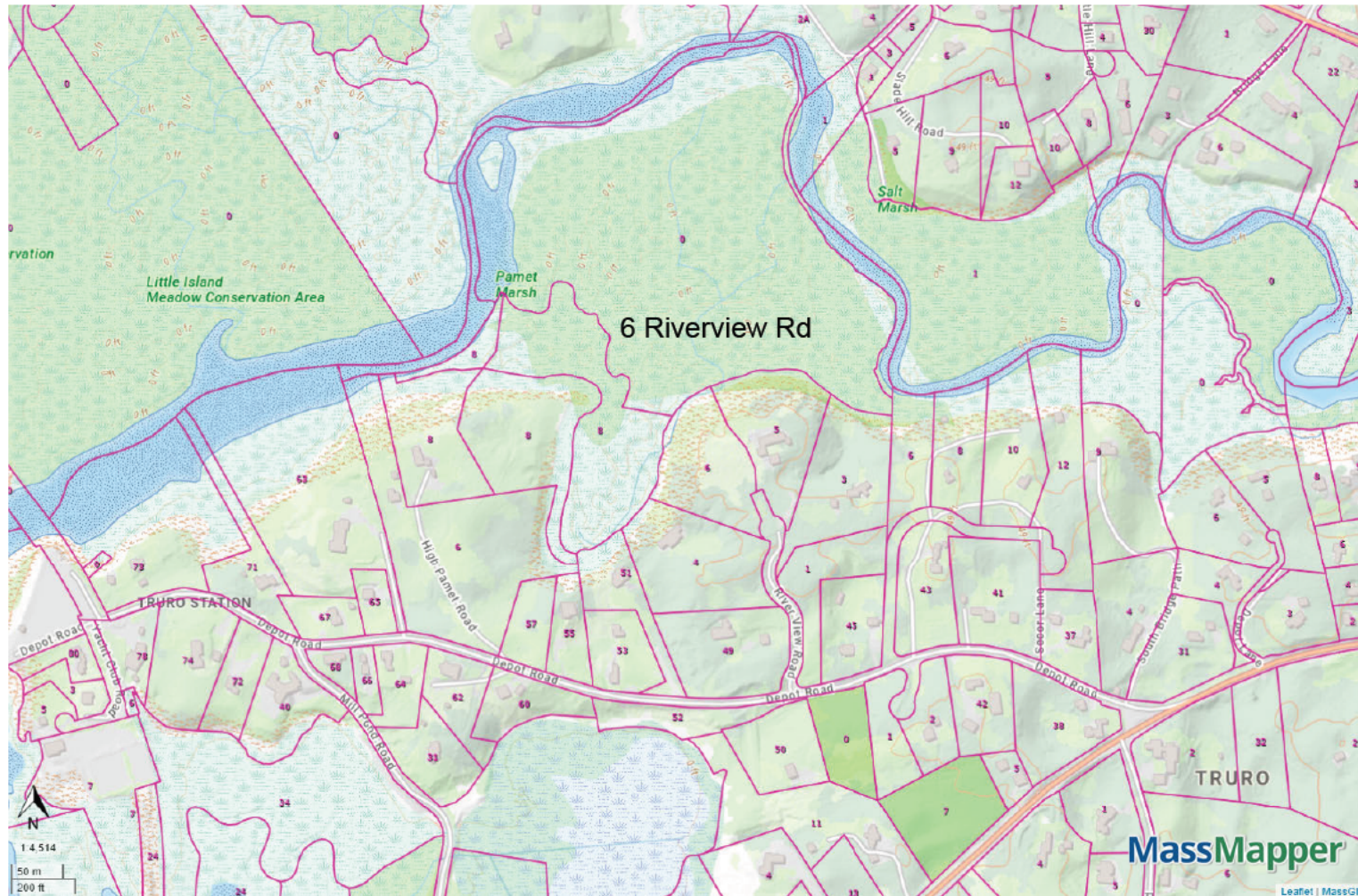
Thank you for your consideration.

Sincerely,

Theresa Sprague

6 Riverview Rd Truro


Property Tax Parcels



- Site plan provided by Ryder Wilcox Inc.

- The property located at 6 River View Road is currently undeveloped. The entire lot is heavily vegetated with a Maritime Forest/Woodland plant community, with oak (*Quercus spp.*) and pitch pine (*Pinus rigida*) being the dominant species on site. Black huckleberry (*Gaylussacia baccata*), lowbush blueberry (*Vaccinium angustifolium*), bayberry (*Myrica pensylvanica*), bearberry (*Arctostaphylos uva-ursi*), Pennsylvania sedge (*Carex pensylvanica*), crinkle hairgrass (*Deschampsia flexuosa*), and poison ivy (*Toxicodendron radicans*) comprise most of the understory and ground cover vegetation.
- This plan proposes to restore native vegetation in areas disturbed by the proposed construction of patio and walkway within the 100' buffer zone to the coastal bank and 200' outer riparian.
- Disturbed vegetation within the work limit in jurisdictional areas will be restored with native vegetation found in abutting naturalized areas, include bearberry, lowbush blueberry, bayberry, and oak. This vegetation will be allowed to naturalize to blend in seamlessly with surrounding vegetated areas.
- A 4' wide footpath will allow property owners access to a small seating area (approximately 256 square feet) located at the top of the coastal bank. No trees will be removed for either the footpath or the seating area. Black huckleberry within the proposed seating area will be flush cut and removed, and the seating area will be planted with Pennsylvania sedge to provide soil cover and stability while allowing for safe and comfortable access.
- REVISED 10/21/2024: VISTA MANAGEMENT PLAN
- This plan identifies two filtered vista corridors at the 6 River View Road property. These two corridors are proposed to provide filtered views of the marsh and bay for the homeowners from their second floor deck and living spaces.
- No Vista Management Plan was proposed at the time of permitting in order to find the most appropriate views after the house construction.
- The cutting, pruning, lifting of canopy, limbing, and any other management of above ground vegetation will be limited. All trees proposed for removal or pruning have been tagged in the field. Regenerative pruning of the existing native pitch pine and oak tree community will be performed where necessary to enhance the health of the trees and increase safety and structure of the canopy and understory vegetation during weather events and other natural causes.
- The area that has been disturbed for the installation of the well will be restored with 409 native shrubs, including lowbush blueberry, bayberry, and bearberry. Crinkle hair grass and Pennsylvania sedge will also be planted throughout this area. This native plant community reflects the diverse matrix of plants seen throughout the property. The proposed plantings for this restoration area where construction disturbance occurred outside the Limit of Work exceeds the Truro Commission's requirement of replacing trees of 6" or less dbh with 2:1 native shrubs.
- Additionally, the approximately 300 square feet of existing black huckleberry that will be removed to accommodate a seating area shall be transplanted in the restoration area. This is an excellent opportunity to relocate existing native vegetation within the same property and encourage it to regenerate and spread over time.





PLANT SCHEDULE WELL RESTORATION

SYMBOL	COMMON / BOTANICAL NAME	CONT	QTY
NATIVE SHRUBS			
	Northern Bayberry / <i>Myrica pensylvanica</i>	3 gal	9

CONCEPT PLANT SCHEDULE WELL RESTORATION

SHADE GROUNDCOVER		1,831 sf
Arctostaphylos uva-ursi / Kinnikinnick	211	1 gal
Carex pensylvanica / Pennsylvania Sedge	211	2" plug
Deschampsia flexuosa / Crinkled Hair Grass	211	2" plug
Vaccinium angustifolium / Lowbush Blueberry	211	1 gal

PLANT SCHEDULE PREVIOUS MITIGATION PLAN

SYMBOL	COMMON / BOTANICAL NAME	CONT	QTY
TREES			
	Swamp White Oak / <i>Quercus bicolor</i>	2/3" cal	1
SHRUBS			
	Northern Bayberry / <i>Morella pensylvanica</i>	3 gal	16
GROUND COVERS			
	Bearberry / <i>Arctostaphylos uva-ursi</i>	1 gal	112
	Lowbush Blueberry / <i>Vaccinium angustifolium</i>	1 gal	78

TOP OF BANK

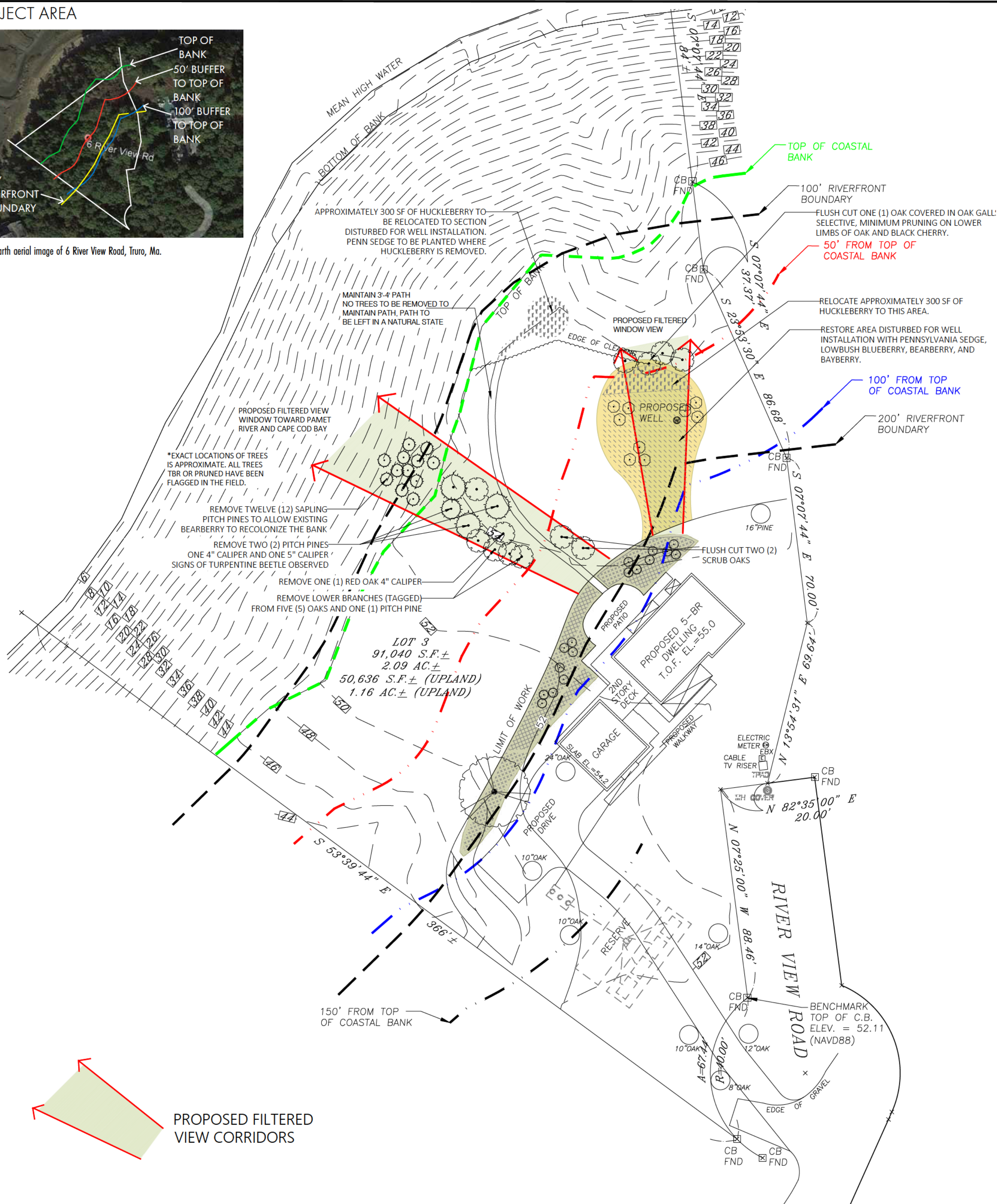
50' BUFFER TO TOP OF BANK

100' BUFFER TO TOP OF BANK

200' RIVERFRONT BOUNDARY

6 River View Rd

Google Earth aerial image of 6 River View Road, Truro, Ma.



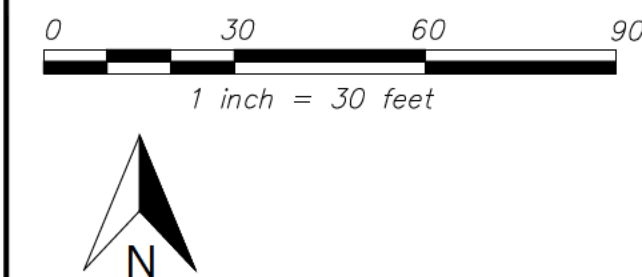
PO 391 HARWICH PORT, MA
774-408-7718 | www.blueflaxdesign.com

VISTA MANAGEMENT PLAN

08/19/22 RSVD 01/04/23

RSVD 10/21/24 for Vista Management

MORRISON RESIDENCE
6 RIVERVIEW ROAD
TRURO, MA



DATE	REVISION	INITIALS
01/04/23	Revise plantings base on Architectural's	TBH
10/21/24	Add Vista Management Plan	CC

SHEET

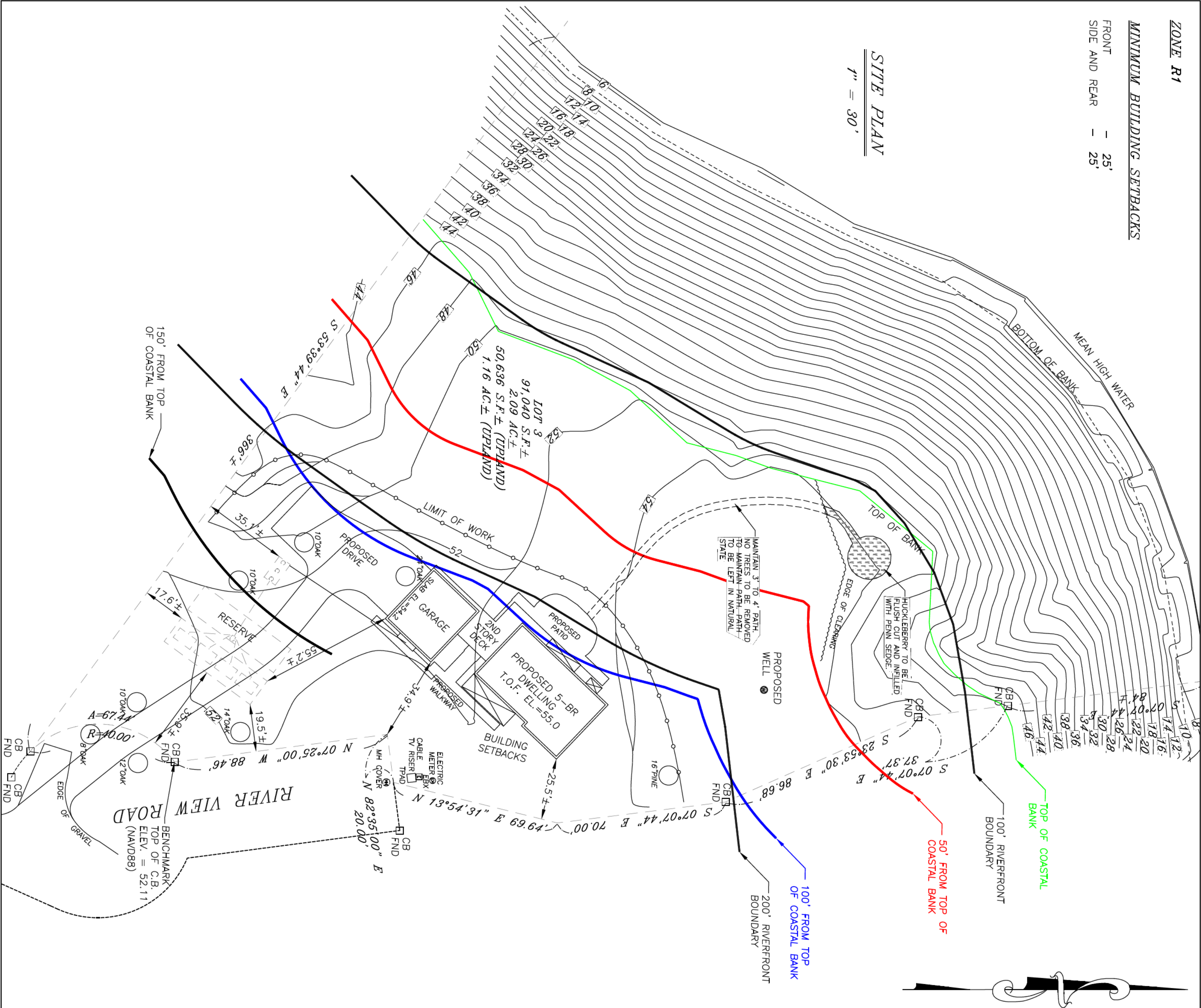
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ZONE R1

MINIMUM BUILDING SETBACKS

FRONT - 25'
SIDE AND REAR - 25'

SITE PLAN
1" = 30'



GENERAL NOTES:

1. SYSTEM IS DESIGNED IN ACCORDANCE WITH "COMMONWEALTH OF MASS., DEPT. OF ENVIRONMENTAL PROTECTION, 310 CMR 15.00; THE STATE ENVIRONMENTAL CODE, TITLE 5; STANDARD REQUIREMENTS FOR THE SITING, CONSTRUCTION, INSPECTION, UPGRADE AND EXPANSION OF ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEMS" AND THE TOWN OF TRURO REGULATIONS.
2. NO WELLS OR WATER SUPPLIES ARE KNOWN TO EXIST WITHIN 100 FEET OF THE PROPOSED SOIL ABSORPTION SYSTEM. ALL WELLS KNOWN TO EXIST WITHIN 150 FT. OF THE SYSTEM ARE SHOWN.
3. PRIOR TO BACKFILLING COMPLETED SYSTEM, NOTIFY THE ENGINEER AND THE HEALTH DEPARTMENT FOR INSPECTION. PROVIDE 24 HOURS (MIN.) NOTICE.
4. CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION.
5. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE BOARD OF HEALTH.

CONSTRUCTION NOTES:

1. LIMITS OF CONSTRUCTION AND/OR GRADING TO BE AS SHOWN ON PLAN AND SHALL BE VISIBLY MARKED, PRIOR TO, AND DURING CONSTRUCTION.
2. FABRIC SILTENCE TO BE SECURELY STAKED IN PLACE PRIOR TO CONSTRUCTION AND SHALL REMAIN IN PLACE UNTIL DISTURBED AREAS HAVE BEEN REVEGETATED.
3. DISTURBED AREAS SHALL BE STABILIZED AND REVEGETATED AS SOON AS PRACTICABLE UPON COMPLETION OF GRADING.
4. ALL EXCESS EXCAVATED MATERIAL SHALL BE STOCKPILED IN THE DRIVEWAY AND REMOVED FROM THE SITE AS SOON AS PRACTICABLE.
5. REGRADE SITE IN ACCORDANCE WITH THE SITE PLAN.
6. ANY ADDITIONAL WORK BEYOND THE SCOPE OF THAT WHICH IS SHOWN HEREON, AND WHICH IS WITHIN 100' OF THE RESOURCE AREAS, WILL REQUIRE CONSERVATION COMMISSION APPROVAL.

TEST HOLE DATA

DATE OF TEST HOLES: 2/28/2022
NO WATER ENCOUNTERED
INSP. BY: D. QUINN (R&W), AROZANA DAVIS (HEALTH DEPT.)

No. 1

DEPTH (IN.)	SOIL HORIZON	SOIL TEXTURE	ELEVATION (FT.)
0 - 4	O	FIBRIC	51.6 - 51.3
4 - 16	A	LOAMY SAND	51.3 - 50.3
16 - 36	B	LOAMY SAND	50.3 - 48.6
36 - 132	C	MEDIUM TO COARSE SAND	48.6 - 40.6

TOP OF PERC AT 40" (C-LAYER) <2MIN./IN.

No. 2

DEPTH (IN.)	SOIL HORIZON	SOIL TEXTURE	ELEVATION (FT.)
0 - 4	O	FIBRIC	52.1 - 51.8
4 - 16	A	LOAMY SAND	51.8 - 50.8
16 - 36	B	LOAMY SAND	50.8 - 49.1
36 - 132	C	MEDIUM TO COARSE SAND	49.1 - 41.1

TOP OF PERC AT 54" (C-LAYER) <2MIN./IN.

No. 3

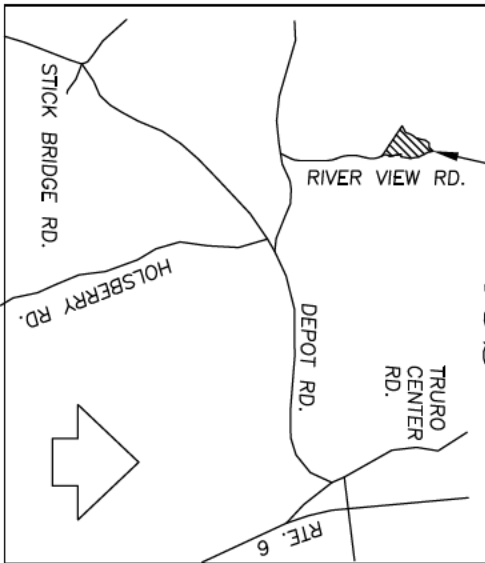
DEPTH (IN.)	SOIL HORIZON	SOIL TEXTURE	ELEVATION (FT.)
0 - 5	O	FIBRIC	52.3 - 51.9
5 - 16	A	LOAMY SAND	51.9 - 51.0
16 - 36	B	LOAMY SAND	51.0 - 49.3
36 - 144	C	MEDIUM TO COARSE SAND	49.3 - 40.3

No. 4

DEPTH (IN.)	SOIL HORIZON	SOIL TEXTURE	ELEVATION (FT.)
0 - 3	O	FIBRIC	52.3 - 52.1
3 - 15	A	LOAMY SAND	52.1 - 51.1
15 - 36	B	LOAMY SAND	51.1 - 49.3
36 - 128	C	MEDIUM TO COARSE SAND	49.3 - 41.6

LOCATION MAP

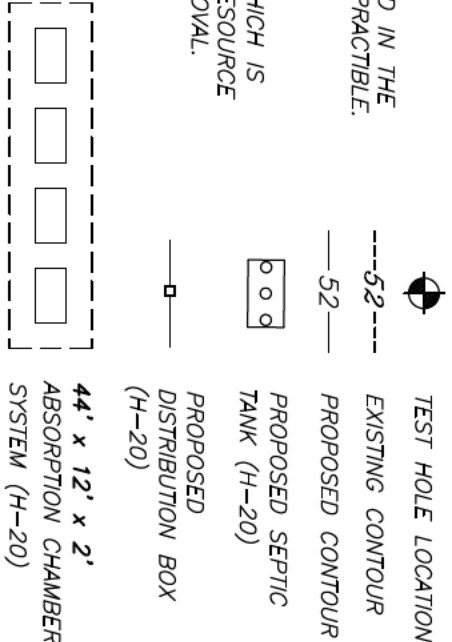
Not to Scale



Reference

Assr's Map 50, Pel. 267
P. Bk. 517, Pg. 92
P. Bk. 531, Pg. 10

LEGEND



PROPOSED DWELLING & ON-SITE SEWAGE TREATMENT AND DISPOSAL SYSTEM

Prepared for: Liz and Rob Morrison

Location: 6 Riverview Road - Truro, MA

Ryder & Wilcox, Inc., P.E. & P.L.S.
3 Giddiah Hill Rd.
P.O. Box 439
So. Orleans, MA, 02662
Tel.(508) 255-8312
Fax.(508) 240-2306

Scale: 1" = 30'
Drawn by - NMA
Date - August 19, 2022
Rev - September 14, 2022
Rev - November 11, 2022
Rev - December 2, 2022

NOV 22 2024

November 22, 2024

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

RE: **Notice of Intent Narrative**

Joseph Fiorello
20 Toms Hill Road
Truro, MA
Assessors Map 46 Parcel 342

Dear Commission Members:

Today I am submitting the attached Notice Of Intent, Site Plans & House Plans, for the above referenced property. The project is for the removal and replacement of the dwelling and for vegetation management within the Coastal Bank, buffer zones and the Riverfront Area.

WETLAND RESOURCES

The property directly abuts a portion of Pamet Salt Marsh, a salt marsh which connects to the Pamet River. Wetland resources include: Salt Marsh, Land Subject to Coastal Storm Foliage, Coastal Bank and Riverfront areas. The 100 year flood elevation, Zone AE is at EL=12 along the coastal bank. The Coastal bank is the most restrictive resource where the 50 and 100 foot Buffer Zones have been established. The Riverfront area is measured from Mean High Water along the Salt Marsh landward 200 Feet.

EXISTING CONDITIONS

The site is currently served by an existing 900 SF dwelling, 92,783 SF of land area, existing 4 Bedroom sewage disposal system and site utilities. The deck attached to the existing dwelling is approximately 71.9 Feet from the coastal bank.

PROJECT DESCRIPTION

The project will include two parts, removal and replacement of the dwelling, including new driveway and site utilities and vegetation management including invasive species removal and pruning native vegetation.

NEW DWELLING

The new dwelling deck will be sited further back from the coastal bank than the existing dwelling. Please refer to the Proposed Site Plan and Existing Condition Site Plan for details. The proposal will reduce disturbances in the 100 foot buffer to the Coastal Bank from 5,192 SF (existing) to 3947 SF (proposed). This is a 1245 SF reduction of the site disturbances within the buffer zone. This is accomplished by siting the new dwelling further from the resources, removal of existing lawn area and replanting with native species.

LAND MANAGEMENT

Please refer to the Mitigation Plan which has been managed by Adrian Noel of Harrow and Seed of Orleans, (sheet 3) and Details (Sheet 4). The areas above the Coastal Bank have been broken into areas A-C & F.

Area A is comprised of White Poplar Trees (*Populus alba*). This area is approximately 3,833 SF and includes the removal of the Poplars including root systems and revegetation with Native Plants, including grass seed to re-create heathland plant community. Area F is existing lawn that will be removed and re-vegetated, approximately 1,885 SF. (Total Mitigation 5,718 SF). Please refer to Planting Plan for details on limits of work,, erosion controls and proposed planting, including plant numbers and species.

Area B & C includes invasive species of Shrub Honeysuckle and Autumn Olive. The shrubs to be removed in these areas are scattered throughout the landscape. The proposal is to remove any existing invasive shrubs and revegetate with native shrubs and heathland grasses per notes 5-10, Sheet 4. We have estimated that approximately 25% of these areas will require re-vegetation. Area B will be approximately 1,630 SF and Area C will be approximately 325 SF. (Total mitigation 1,955 SF).

FUTURE PRUNING

Areas E & D within the Coastal bank are outlined for future pruning of native vegetation. The proposal is to seek approval from the Commission to prune these areas within the coastal bank after the invasive species have been removed. This will allow me to review the views created by invasive removals and complete pruning of natives, as needed, for desired views and also to maintain privacy.

RIVERFRONT AREAS

Under section 310 CMR 10.58 (5) of the Massachusetts Wetlands Protection Act, we are proposing to redevelop within previously developed Riverfront area. The existing degraded area equal 6,629 SF. The proposed degraded areas will be 8,788 SF. This will increase the degraded area by 2,159 SF. The project offsets the 2,159 square feet of increased degraded area with reduction of lawn area and invasive species removal, totaling 7,673 SF (5,718 SF + 1,955 SF = 7673 SF. This mitigation ratio, 3:1, exceeds Riverfront requirements, coupled with the no increase within the 100 foot riparian zone and no increase in degraded areas closer than existing conditions, meets redevelopment requirements of the Wetlands Protection Act 310 CMR 10.58

ALTERNATIVE ANALYSIS

Alternative 1:

Proposed Dwelling Current Proposal is within the 100 foot setback set forth by MA DEP. This plan was approved under the Order of Conditions SE # 0750149 on October 22, 2018. In 2018 a building permit was issued and we began mitigation of the lot in compliance with the Order of Conditions. This Order of Conditions expired January 27, 2024. The design of this house provides access to the land without extensive staircases, thus allowing it to become our age-in-place residence with the space for live-in assistance in our declining years.

Alternative 2:

Move the proposed dwelling behind the 200 foot setback riverfront line. This position will create more disturbance to the natural landscape and will require removal of mature native species than Alternative 1. It will also be sited on the narrowest area of the 2.13 acre lot which means it will be closer to the neighboring dwelling and closer still to the abutting Conservation Trust lot to the east. When we purchased the property from the original developer we granted an easement across our property to Truro Conservation Trust which included trim rights to create view corridors on both of the TCT abutting lots along the Pamet riverfront.

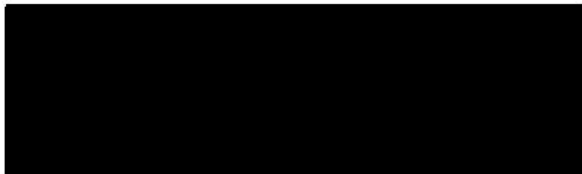
CONCLUSIONS:

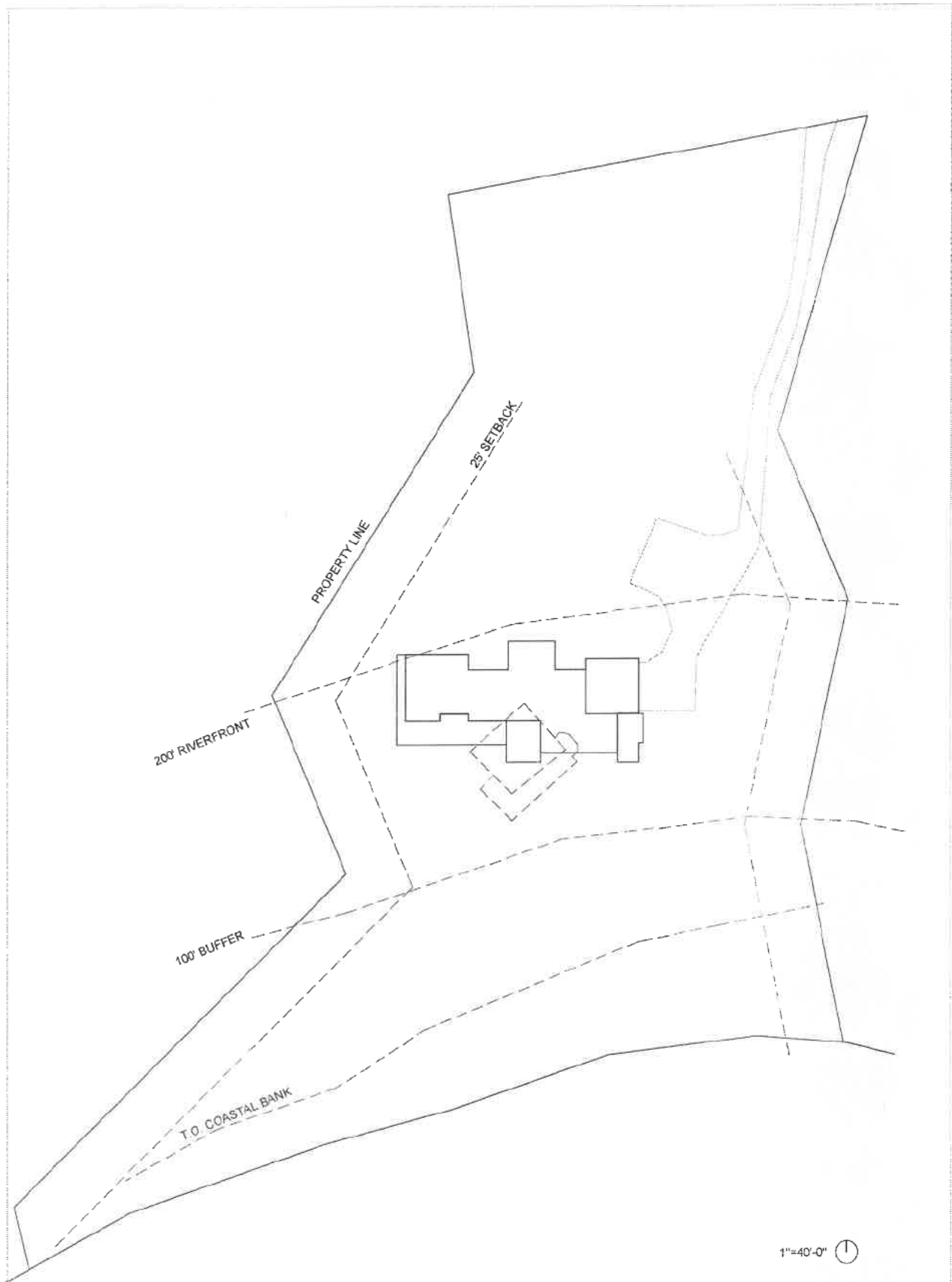
I, along with the project proponents and the Conservation Administrator, Emily Beebe, have worked together, including site meetings and office meetings to review proposals and include the original dwelling location. The current proposal includes redevelopment of the site so that the condition within the buffer zones and the Riverfront will be improved, including reduction of lawn areas, invasive species removal and revegetation of areas to native grass and shrub communities.

I look forward to the Conservation Public Hearing set for December 2, 2024 to present the project. We have made arrangements our project designer, our builders and our certified arborist to attend in person or via the electronic meeting devices set up by the Town of Truro. Please contact me if you need any additional information or if you have any questions.

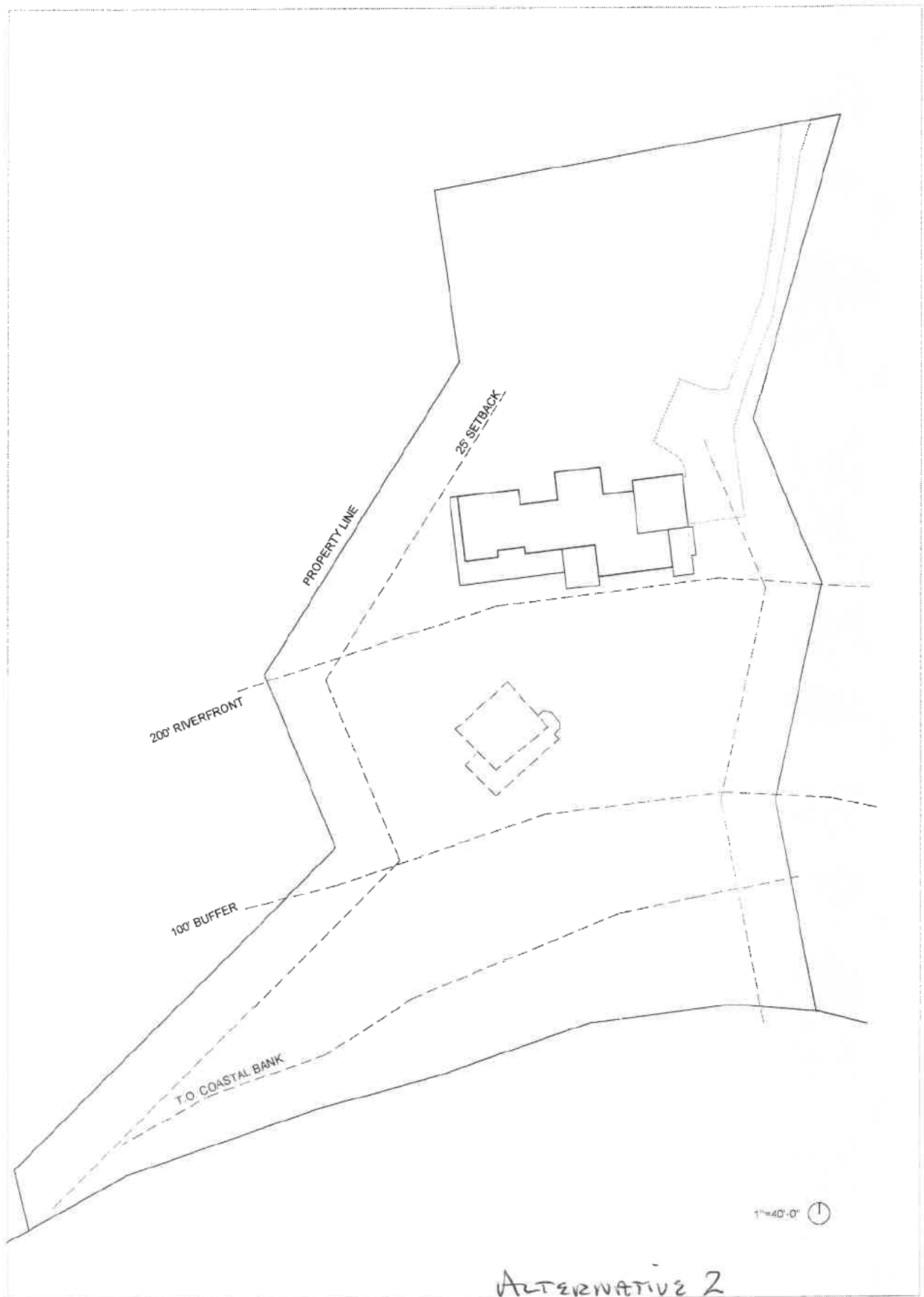
Sincerely,

Joe Fiorello





Alternative 1: Current Proposal
Approved 09/30/22



History of SE 75-1049 – 20 Toms Hill Path

First filed: 7/18/2018

First heard: August 6, 2018, continued to September 10, 2018,
Continued again to October 1, 2018

Approved: October 1, 2018

Issued: October 22, 2018

Amended: December 5, 2019 (view corridor)

Covid Extension: Original expiration 10/22/2021; New expiration 1/27/2023

Extended: Request heard September 2, 2022; New expiration 1/27/2024

Now expired



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: August 6, 2018

The meeting and public hearings were called to order at 6:00 P.M. in the Selectman's Meeting Room. Commissioners Present: Diane Messinger; Larry Lown; Jack McMahon; Linda Noons-Rose and Henry Lum; **Others Present:** Emily Beebe, Conservation Agent

Certificate of Compliance: 617 Shore Rd (#75-1012): Present was Gordon Peabody of Safe Harbor Environmental o/b/o the owners of 617 Shore Road. The owners wanted a recreational area outside of the property. The owners put in a mix of grass, mostly short grass that took off well, then got hit by a drought. The grasses are in the second growing season. Mr. Peabody has been monitoring the growth, and feels that a sustainable ground cover now exists. Mr. Peabody also addressed the reduced number of bird houses. After consultation, it was decided that a dense number of bird houses would only attract English Sparrows, which are an invasive species. Mr. Peabody would like to re-seed in the fall. **Motion to issue the certificate by Commissioner Noons-Rose, seconded by Commissioner Messinger, the vote was unanimously in favor, 5-0.**

Notice of Intent: 20 Toms Hill Rd, Joseph Fiorello; removal and replacement of dwelling, includes new driveway and site utilities & vegetation management; Coastal Bank, Land Subject to Coastal Storm Flowage, Riverfront Area and Salt Marsh (Map 46, Parcel 342); Present were Matt Farrell of J.M. O'Reilly & Associates and Jim Haggerty of Reef Builders on behalf of Joseph Fiorello. Mr. Haggerty discussed the challenges of building a house that takes advantage of the view, but keeps in harmony with the environment. Mr. Farrell reviewed the resource areas and the two major parts of the project. Conservation Agent Emily Beebe advised the commissioners that she had received a letter of approval from Fred Gaechter, Trustee of the Truro Conservation Trust indicating their support for the mitigation portion of the project. The white poplar has invaded both 20 Tom's Hill Road and the trust property adjacent to 20 Tom's Hill Road; eradicating the invasive species will benefit both properties. Discussion occurred regarding the timeline of the removal of the existing home and the mitigation of the invasive species. Joseph Fiorello approached to address the commissioners. Mr. Fiorello explained his desire to build the new home, but does not want to proceed with the removal of the existing home until an approved plan is in place. Commissioner McMahon expressed concern regarding the order of the removal of the house, the mitigation, the building of the new home and the grading areas. Commissioner McMahon also expressed concern regarding the encroachment of the deck and porch into the 100' buffer zone and proposed the reduction of the deck/porch areas. Commissioner Lown inquired as to why the Mr. Fiorello does not re-build the house outside of the buffer zones given the size of the lot and would like to know if there would be more environmental impact if the home is built outside the buffer zone. The Agent proposed that alternative locations, being further out of the jurisdictional areas, be presented by the builders. The concern of the commissioners is that the proposed site is not the least impactful on the environment. Additionally, a construction protocol should be provided to the commission

for consideration. Sally Brotman of 24 Tom's Hill Road approached and spoke in support of Mr. Fiorello's proposed plan. Commissioner Lown inquired with the Agent about the current septic system and if it is satisfactory. The Agent will review the septic plan and noted that the system needs to be inspected. **Motion by Commissioner Lown to continue the matter until September 10th, and that the proponent offer a possible alternative to the current location of the proposed new home; Commissioner Noons-Rose seconded; the vote was unanimously in favor, 5-0.**

Notice of Intent: 6 Ocean Bluff Lane, Kenneth Kuchin; SE #075-1046; landscaping, hardscaping, deck, driveway/parking revision; buffer Zone to Isolated Wetland (Map 37, Parcel 5) (continued from 7/2/2018); Present were Tim Brady of East Cape Engineering, Keith LeBlanc from LeBlanc Landscape Design and Attorney Benjamin Zehnder. Mr. Brady proposed discussion regarding possible additional mitigation requirements. The Agent requested a distinct boundary between the unmanaged areas and the hard/landscaped areas at the property. Mr. LeBlanc has created a new planting plan reflecting clusters of clethra along the edge of the mown and unmown edges of the landscape. Commissioner McMahon expressed concern regarding the proposed lawn within a resource area. The Agent suggested that the area shown on the landscape plan, located in the buffer zone, be allowed to naturalize; that no fertilizer or pesticides shall be applied in the buffer zone; no permanent irrigation and that there be a Cape Cod lawn using Harmony Mix. The timing of maintenance for the area shall be once a year, respective of nesting. Discussion regarding the driveway/parking revision occurred. **Motion by Commissioner McMahon to approve with the conditions that that the area shown on the landscape plan, located in the buffer zone, be allowed to naturalize; that no fertilizer or pesticides shall be applied in the buffer zone; no permanent irrigation; that there be a Cape Cod lawn using Harmony Mix; the timing of maintenance for the area shall be once a year in the late fall; the driveway to be pervious with clam shell; the stop work period will be lifted on September 6, 2018, and not before the order is recorded with the Registry of Deeds; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0.**

Administrative Review permit application for 6 Ocean Bluff; construct gravel driveway; construct boardwalk; buffer zone of Isolated wetland; This matter was discussed in tandem with the Notice of Intent. Discussion occurred with the parties regarding penalties for work that commenced prior to the issuance of an approval. **Motion to approve by Commissioner McMahon; no second; motion does not pass.**

Notice of Intent for 449 Shore Road, Cousins Family Revocable Trust; SE #75- 1026; dwelling, septic system and driveway; Coastal Dune, Barrier Beach; Land Subject to Coastal Storm Flowage and buffer zone of a Bordering Vegetated Wetland. (Map 8, Parcel 15) (*Continued from 7/2/2018*); *continued to 10/1/2018*

Complaint: 544 Shore Rd LYNNE COMPLETED THIS

Enforcement: 660 Shore Rd Units 1 & 3, construction of decks without permits; Present were Paul Brodeur and Mary Brodeur of 660 Shore Road, Unit 3. The Brodeur's were unaware of the conservation filing requirements for the building of the deck. While the Brodeur's obtained approval from the condominium association to construct a deck, they obtained neither a building permit nor permission from the conservation commission. The owners of Unit 1 sent an email to



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: September 10, 2018

The meeting and public hearings were called to order at 6:00 P.M. in the Selectman's Meeting Room. Commissioners Present: Diane Messinger; Jack McMahon; Larry Lown arrived at 6:25; Chair, Deborah McCutcheon; Others Present: Emily Beebe, Conservation Agent

Notice of Intent: 20 Toms Hill Rd, Joseph Fiorello; removal and replacement of dwelling, includes new driveway and site utilities & vegetation management; Coastal Bank, Land Subject to Coastal Storm Flowage, Riverfront Area and Salt Marsh (Map 46, Parcel 342) (*continued from 8/6/2018*) – The applicant's representatives requested a continuance to 10/1/18. **Motion to continue to 10/1/2018 by Commissioner Messinger; seconded by Commissioner Lum; the vote was unanimously in favor, 4-0.**

Notice of Intent for 449 Shore Road, Cousins Family Revocable Trust; SE #75-1026; dwelling, septic system and driveway; Coastal Dune, Barrier Beach; Land Subject to Coastal Storm Flowage and buffer zone of a Bordering Vegetated Wetland. (Map 8, Parcel 15) (*continued from 7/2/2018*) The applicant requested a continuance to 11/5/18. **Motion to continue by Commissioner Messinger; seconded by Commissioner Lum; the vote was unanimously in favor, 5-0.**

Requests for an Extension to Order of Conditions:

(#75-0892): 16 Great Pond Rd, Cutter/Oliver (abandon cesspool, move cottage further away from pond). **Motion to approve the extension by Commissioner Messinger; seconded by Commissioner Lum; the vote was unanimously in favor, 5-0.**

(#75-0967): 706 Shore Rd, White Sands Beach Club, (demo fire damaged building, construction of new building). **Motion to approve the extension by Commissioner Messinger; seconded by Commissioner Lum; the vote was unanimously in favor, 5-0.**

Certificates of Compliance:

- **49 Fisherman's Rd (SE#75-0865);** Motion to approve by Commissioner Messinger; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0.
- **319 Shore Road (SE#75-0801);**
Christopher Warren and Courtney Warren of 319 Shore Road approached the board. An outstanding Order of Conditions exists for work conducted at the



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: October 1, 2018

The meeting and public hearings were called to order at 6:00 P.M. in the Selectman's Meeting Room. Commissioners Present: Diane Messinger; Jack McMahon; Larry Lown; Henry Lum; Linda Noons-Rose; Chair, Deborah McCutcheon; Others Present: Emily Beebe, Conservation Agent

Notice of Intent: 2 Kill Devil Rd, Martha Wright Crouch/Lorin Wright; SE #75-; new dwelling, extend shell driveway, install split rail fence, trenching & piping to existing well and septic system; Buffer Zone to a Coastal Bank, Land Subject to Coastal Storm Flowage. (Map 42, Parcel 303) *(moved to November 5, 2018 meeting)*

Request for an Amended Order of Conditions:

408 Shore Rd, Kevin Shea (075-0998); to amend a previously approved order of conditions. (Map 10, Parcel 41)

Kevin Shea and Judy Richland were present. Mr. Shea filed for a building permit, but the landscaping plans were not included with the original application. Mr. Shea and Ms. Richland completed the bulkhead and the house will now be built on the lot. The location of the house has moved slightly due to a boundary agreement that increased the size of the lot. Mr. Shea submitted landscaping plans that were not specified in the earlier Order of Conditions. Mr. Shea discussed the approval of water service by the Town of Provincetown. Mr. Shea has received approval from the Selectmen and the Board of Health. Mr. Shea reviewed the water line placement with the commissioners. David Ditacchio of 412 Shore Road spoke in support of Mr. Shea and Ms. Richland's efforts.

Motion to accept the proposed changes stated by the applicant by Commissioner Lown; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.

Notice of Intent: 20 Toms Hill Rd, Joseph Fiorello; SE #75-1049; removal and replacement of dwelling, includes new driveway and site utilities & vegetation management; Coastal Bank, Land Subject to Coastal Storm Flowage, Riverfront Area and Salt Marsh (Map 46, Parcel 342) *(continued from September 10, 2018)*
Matt Farrell of J.M. O'Reilly & Associates and Jim Haggerty of Reef Builders appeared on behalf of Joseph Fiorello. Mr. Farrell and Mr. Haggerty presented revised plans to the commissioners. Per statutory requirements, Mr. Farrell and Mr. Haggerty waived their right to have Commissioner McCutcheon excluded from the discussion as she was not present at the original hearing. The location of the house has been moved as a result of the previous meeting. A deck has been added on the south side of the proposed porch. The plan presented represents the re-design of the house and also moving the house 10' landward from the position shown in "Alternative 1". Commissioner McCutcheon asked about moving the house out of the commission's jurisdiction. Mr. Farrell explained that

over →

the existing dwelling allows for a flat area; if the new house is situated in another location, it would require immense grading. The existing lawn will be removed and the proposed pruning presented in "Alternative 1" has been removed. Mr. Farrell discussed the changes made from "Alternative 1" at the request of the commissioners, which changes are reflected on the "Alternative 2" plan. A construction protocol was submitted and discussed. Commissioner McCutcheon asked if Mr. Farrell and Mr. Haggerty have seen any turtles. Mr. Farrell indicated he has not. Commissioner Lown asked about the increased footprint of the house. Commissioner Messinger expressed concern about the amount of destruction of the habitat that will be caused by the new proposed location of the house. Commissioner Messinger felt that by moving the house farther out of the buffer zone more of a disturbance will occur. Discussion occurred regarding the disturbances created by the original plan and the new alternative plan. The Agent commented on the proposed changes and felt the revised plans before the commissioners represented a better option in terms of impact on the environment. A neighbor, Mr. Brotman, spoke in support of Mr. Fiorello.

Motion to accept the construction protocol as presented on October 1, 2018, to be incorporated in the Order of Conditions, and shall include turtle exclusion practices by Commissioner McCutcheon; seconded by Commissioner McMahon; the vote was unanimously in favor, 5-0.

Notice of Intent: 460 Shore Rd, Estate of Barbara Stewart; SE #75-; septic system upgrade; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 8, Parcel 32) David Lajoie of FELCO, Inc., appeared on behalf of the Estate of Barbara Stewart. The house is located on Beach Point. A new septic system is needed, which will be situated as far from the bay as possible.

Motion to accept the NOI with the order of conditions as presented by Commissioner McMahon; seconded by Commissioner Lown; the vote was unanimously in favor, 5-0.

Notice of Intent: 417 Shore Rd, John & Jennifer Chisholm; SE #75-; convert garage into dwelling, install septic system & associated site improvements; Barrier Beach; Land Subject to Coastal Storm Flowage. (Map 10, Parcel 2)

Brad Malo of Coastal Engineering appeared on behalf of John and Jennifer Chisholm. The Chisholm's are proposing to add a second story to the existing garage, which will contain living space. A Title 5 septic system will be installed in the driveway area. The proposed second story addition also includes an exterior stairway as required by the building commissioner. A small 18sf cantilevered deck off the driveway side will also be added. The foundation will be replaced with a flood resistant foundation. The garage, due to age and condition, may have to be re-built within the same footprint.

The Agent requested that Mr. Malo put together a construction protocol for the replacement of the foundation slab. The Agent also discussed plantings and vegetation cover.

Motion to approve, and that the protocol be developed by agreement between the Conservation Agent and Coastal Engineering, which will be incorporated in the order, by Commissioner Lum; seconded by Commissioner Messinger; the vote was unanimously in favor, 5-0.



**TOWN OF TRURO
CONSERVATION COMMISSION**

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: December 5, 2019

The meeting and public hearings were called to order at 3:30 at the Truro Town Hall.

Commissioners Present: Deborah McCutcheon, Diane Messinger, Linda Noons-Rose and Robert White; **Others Present:** Emily Beebe, Conservation Agent

Minutes: 9/9/2019, 10/7/2019 & 11/4/2019

The minutes were deferred to the January 6, 2020 meeting.

Administrative Review Permits:

566 Shore Road: snow fencing
445 Shore Road: replace driveway surface & add planter box
522 Shore Road: snow fencing
525 Shore Road: replace timbers, re-shell driveway
29 Knowles Heights Road: bldg. sewer
482 Shore Road: working inside bulkhead
19 Avocet Road: replace decking 1:1
Extension of Admin Review: 0 Fisherman's Road (#2019-75)

Motion: Commissioner Noons-Rose moved to approve all Administrative Review Permits as presented; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.

Request for Certificate of Compliance:

0 & 45 Fisherman's Road (SE#75-0877); with on-going conditions;
51 Depot Road (SE#75-0890)

Motion: Commissioner Noons-Rose moved to approve the Certificates of Compliance; seconded by Commissioner Messinger; the vote was unanimously in favor, 4-0-0.

DPW Notification: 0 Head of the Meadow Rd - split rail & snow fencing at beach access

Request for Extension to OOC: Route 6, 6A, South Pamet & Highland Roads, Mass DOT; SE# 75-0951; A 5-year permit issued in 2015 was for maintenance work at Highland and Shore Road & at So. Pamet Road.

Motion: Commissioner Messinger moved to approve a one-year extension; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.

over →

Request for an Amended Order of Conditions: 20 Tom's Hill Road, Joseph

Fiorello; SE# 75-1049; amend a previously approved OOC. (Map 46, Parcel 342)

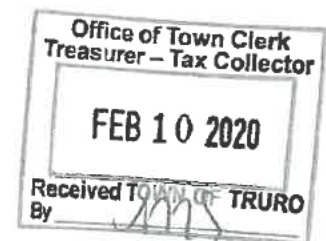
Discussion about expanding the limit of work was held between the owner, Matt Farrell from JM O'Reilly and the Commission. A site plan submitted for the proposed work included vista pruning to the east and west on land belonging to TCT. TCT submitted approval in writing, however the extent of work on the east side was not clearly defined and the Agent suggested removing the east side for consideration. A small window was identified on the east side that could be opened with minimal removals, and conditions for this were discussed. It was suggested that the owner return with a new filing for the vista pruning once the new structure had been built, if there were any view conflicts.

Motion: Chair McCutcheon moved to approve amending the order to allow the work limit change, and create a limited view corridor, with conditions; seconded by Commissioner White; the vote was unanimously in favor, 4-0-0.

Notice of Intent: 503 Shore Road, Unit 21; SE# 75-1083; new deck; Barrier Beach, Land Subject to Coastal Storm Flowage. (Map 7, Parcel 2.21) (continued from 11/4/2019)

This matter was continued to January 6, 2020.

The meeting adjourned at 3:52pm.



Minutes prepared by Michelle Fogarty

technical issues that prohibited him from participated in the vote.

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

David Lytle was on the call to present the project. The proposal is for the construction of a single-family dwelling and associated landscaping. The second story deck, pervious walkway and patio are all located within the 200-foot river front area and within the 100-foot buffer zone to a coastal bank. A total of 1950 square feet is in the resource area with 510 square feet of it being the pervious walkway. Commissioner Kershaw asked about the path labeled on the plan as "existing" that does not yet seem to exist. Mr. Lytle indicated that a small foot path does exist but it is not 4' wide. Commissioner Adams said the path was staked clearly but asked that proposed and existing be clearly indicated on the plan. Theresa Sprague was on the call and said that the foot path would need only some vegetation pruning. To create the overlook, they propose to flush cut some existing black huckleberry and then plant with Pennsylvania sedge. The site is naturally vegetated, and no hardscaping is being proposed. Commissioner Girard-Irwin pointed out that they had seen box turtles during their site visit and that their habitat would need to be protected. The representatives said that they would follow protocols for protection of the box turtles. The Conservation Agent highlighted the importance of providing an alternatives analysis to demonstrate that it is not feasible to keep the work completely outside of jurisdiction.

Motion: Commissioner Clint Kershaw moved to continue the request until the October 3rd, 2022 meeting; Second: Commissioner Diane Messinger; Vote: 6-0-1; the motion passed with Bob White abstaining.

Request for Determination of Applicability: 464 Shore Road, David & Kathy Murray:

Stephanie Sequin was on the call to represent the project. The project is a cesspool upgrade for a 3-bedroom cottage in the Beach Point area. The work area available is limited, so the proposed septic system will be in the front yard. The new system will include a Micro Fast nitrogen reduction unit. The soil absorption system will utilize GoodFlow heavy duty concrete chambers allowing it to be located in the driveway. Stephanie Sequin explained that there will be no stockpiling of excavated material on site, and all disturbed areas would be restored after installation. The Conservation Agent stated that drought resistant grass should be planted, and no irrigation should be utilized.

Motion: Commissioner Bob White moved for a negative 3 determination Second: Commissioner Mark Adams; Vote: 7-0-0; the motion passed.

Extension Request: 20 Toms Hill Path, SE# 75-1049

Motion: Commissioner Diane Messinger moved to grant the requested extension Second: Commissioner Clint Kershaw; Vote: 7-0-0; the motion passed.

Administrative Review Permit requests:

1.)566 Shore Road: sand fencing:

Commissioner Clint Kershaw asked if removing the snow fencing seasonally was causing more damage to the dune than leaving the fence installed. Laurie Ferrari was on the call to represent the project and explained that the association will not be removing the fence going forward.

Motion: Commissioner Clint Kershaw moved to approve the request with the condition that the fence remain permanently installed; **Second:** Chair Carol Girard-Irwin; **Vote:** 7-0-0; **the motion passed.**

2.) 482 Shore Road: sand replenishment behind the bulkhead;

Motion: Commissioner Carol Girard Irwin moved to approve the request; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-1; **the vote carried, with Linda Noons-Rose abstaining.**

The following Administrative Review Permit Requests were voted on together:

3.) 4 Pond Road: electrical lines;

4.) 503-522 Shore Road: sand fencing from unit 7 to staircase;

5.) 503-522 Shore Road: sand fencing from cottage #1- #18;

6.) 26 Pond Road: replacement (1:1) of brick entry

Motion: Commissioner Larry Lown moved to approve all of these Administrative Review requests; **Second:** Commissioner Bob White; **Vote:** 7-0-0; **the motion passed.**

Request for COC: 618 Shore Rd, SE# 75-1002

Motion: Commissioner Clint Kershaw moved to approve the Certificate of Compliance; **Second:** Commissioner Larry Lown; **Vote:** 7-0-0; **the motion passed.**

Minutes: 4/4/2022, 5/2/2022

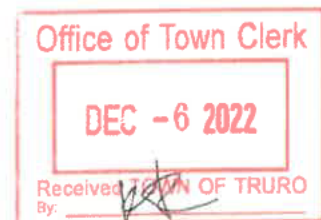
Motion: Commissioner Linda Noons Rose moved to approve the minutes; **Second:** Commissioner Diane Messinger; **Vote:** 7-0-0; **the motion passed.**

Commissioner Larry Lown moved to adjourn the meeting.

Second: Commissioner Linda Noons-Rose; **Vote:** 7-0-0; **the motion passed.**

The meeting was adjourned at 8:23 PM.

Respectfully Submitted by Nina Richey



November 25, 2024

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

**Re: Field change to approved NOI Environmental Management Plan
8 Great Hills Road, Map 53, Parcel 11**

To whom it may concern,

On behalf of the property owners at 8 Great Hills Road, ZEN Associates is proposing a field change to the approved NOI Environmental Management Plan, by Safe Harbor Environmental, dated July 17, 2023.

All notes set forth in the approved NOI Environmental Management Plan, by Safe Harbor Environmental, dated July 17, 2023 still apply with the exception to:

1. Proposed improvement reduce the overall footprint by 119 sf.

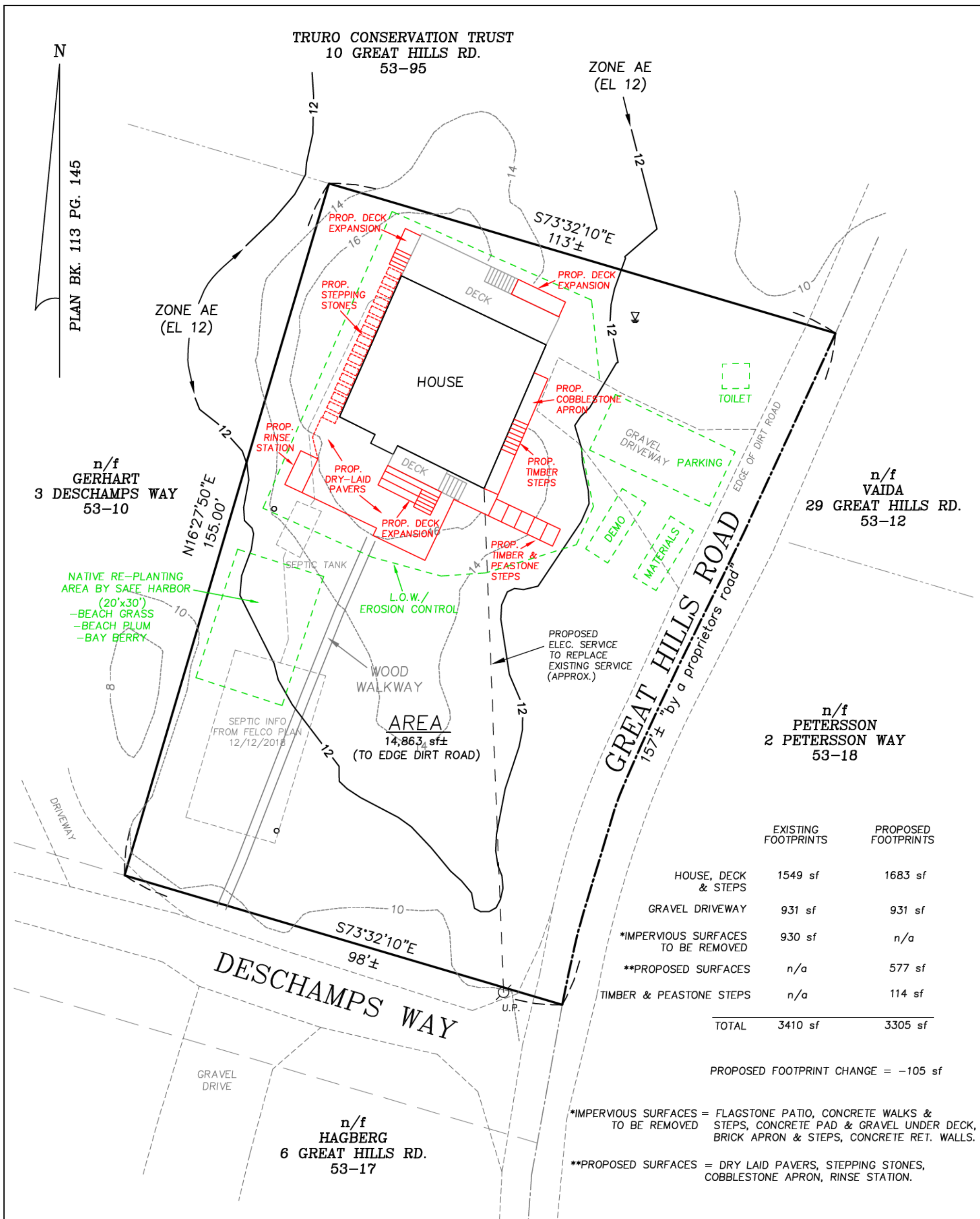
This adjustment reduced the approved footprint of proposed surfaces by 14 sf.

Sincerely,



Peter White/je
Principal
ZEN Associates
10 Micro Drive, Woburn, MA 01801





REFERENCE:

- ASSRS MAP 53 PARCEL 11
- DB 34085 PG. 322
- PB 113 PG. 145 -F2
- * (REC'D. FEB. 17, 1954)
- L.O.W., RE-PLANTING, ETC. FROM
PLANS BY SAFE HARBOR.

NOTE:

- DATUM= NAVD88
- FLOOD ZONE AE (EL12)
- LOCUS WITHIN COASTAL DUNE RESOURCE AREA



PROPOSED PLAN
8 GREAT HILLS ROAD
TRURO, MA

LAND OF

BRUCE SULLIVAN
& JOANNE GALKA

KANE LAND SURVEYORS
30 HIGGINS LANE
WELLFLEET, MA

SCALE: 1"=20' JULY 12, 2023

8 Great Hills Road, Truro, Massachusetts 02666

Date: November 25, 2024
Scale: 1" = 20'-0"



North

REFERENCE:

- ASSRS MAP 53 PARCEL 11
- DB 34085 PG. 322
- PB 113 PG. 145 -F2
- * (REC'D. FEB. 17, 1954)
- L.O.W., RE-PLANTING, ETC. FROM PLANS BY SAFE HARBOR.

NOTE:

- DATUM= NAVD88
- FLOOD ZONE AE (EL12)
- LOCUS WITHIN COASTAL DUNE RESOURCE AREA





	EXISTING FOOTPRINTS	PROPOSED FOOTPRINTS
HOUSE, DECK & STEPS	1549 sf	1683 sf
GRAVEL DRIVEWAY	931 sf	931 sf
*IMPERVIOUS SURFACES TO BE REMOVED	930 sf	n/a
**PROPOSED SURFACES	n/a	577 sf
TIMBER & PEASTONE STEPS	n/a	114 sf
TOTAL	3410 sf	3305 sf

2023-07-12 PROPOSED FOOTPRINT CHANGE = -105 sf

*IMPERVIOUS SURFACES = FLAGSTONE PATIO, CONCRETE WALKS &
TO BE REMOVED STEPS, CONCRETE PAD & GRAVEL UNDER DECK,
BRICK APRON & STEPS, CONCRETE RET. WALLS.

**PROPOSED SURFACES = DRY LAID PAVERS, STEPPING STONES,
COBBLESTONE APRON, RINSE STATION.

2023-07-12	Proposed Footprint	3305 sf
2024-11-25	Deck, Steps, Proposed Surfaces REMOVED FROM PLAN	 -278 sf
2024-11-25	Deck, Steps, Proposed Surfaces ADDED TO PLAN	 264 sf
2024-11-25 Proposed Footprint Change		-14 sf
Proposed Footprints		3291 sf



ZEN Associates, Inc.
the balance of art, science, and nature

November 27th, 2024

Truro Conservation Commission
Attn: Arozana Davis

Re: 522 Shore Road Access

Dear Arozana,

I am writing this letter to request a change to the access plan for the construction that will take place at 522 Shore Road, Truro, Massachusetts. SumCo would like to access the property through the undeveloped land at the north end of the property as discussed at the pre-construction meeting.

If this area can be used for access, we would build a sand ramp down the beach from the top of the bank to limit further Erosion. The Equipment that we will be using will consist of an excavator and a skid steer. The Access path will be kept as narrow as possible.

After completion of the project the access area would be restored by adding sand to be a consistent grade with the surrounding dune. We will then plant beach grass to stabilize the area.

Please feel free to contact me if you have any questions or concerns.

Sincerely,

Michael Bonner
SumCo Eco-Contracting
978-518-6098
mbonner@sumcoeco.com











Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary & CEO
Jonathan L. Gulliver, Highway Administrator



October 24, 2024

Carol Girard-Irwin, Chairman
Truro Conservation Commission
Town Hall
24 Town Hall Road
Truro, MA 02666

Conservation Commission
TOWN OF TRURO

NOV 19 2024

Dear Mrs. Girard-Irwin:

This letter concerns an ongoing MassDOT Highway Division effort to maintain the drainage systems on Routes 6, 6A, South Pamet Road, and Highland Road in the Town of Truro. Your Commission issued an Order of Conditions to MassDOT in January 2015 so that the appropriate mechanism would be in place if it was found necessary to perform drainage systems maintenance on short notice in or near a jurisdictional wetland. This Order of Conditions was extended for one year in 2024 and is due to expire January 7, 2025.

This letter is a request that you issue an Extension to the original Order of Conditions Department of Environmental Protection File #SE75-0951 for an additional three years so that this pro-active public safety-oriented effort can continue.

If you have any questions concerning this request, please feel free to contact Andrea L. Coates, District Environmental Engineer, at (857)368-5085 or email andrea.coates@dot.state.ma.us. Please use the MassDOT District 5 Address of 1000 County Street, Taunton, MA 02780 for written correspondence and for the mailing of permits.


Sincerely,


Mary-Joe Perry (Nov 6, 2024 11:42 EST)

Mary-Joe Perry
District Highway Director


ALC (Oct 25, 2024 09:43 EDT)

ALC/prc

cc: Richard F. Bilski, District Projects Development Engineer 
Terrance G. Roche, District Maintenance Engineer
Massachusetts Department of Environmental Protection- S.E. Regional Office

Ten Park Plaza, Suite 4160, Boston, MA 02116
Tel: 857-368-4636, TTY: 857-368-0655
mass.gov/massdot

NOV 18 2024

PERMIT # 2024-052



TOWN OF TRURO

Conservation Commission

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

PAID
1654

APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: M Louise Briggs

Telephone: [REDACTED]

Email address: [REDACTED]

Owner Name: M Louise Briggs

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: 8 Castle Rd.

Map: 50

Parcel: 145

Description of proposed work: remove large tree which is dying near house
remove almost hollow cherry tree at river bank

Proximity to Resource Areas: inside buffer zone

+ limb locust overhanging house.

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.
- 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] *11/18/24*
(Signature of Applicant) (Date)

FOR OFFICE USE ONLY:

Agent's Comments: Big tree by house is completely rotten inside + close to the dwelling; limbing of locust is for solar-panel installation. Question The need for cutting the cherry?
Site Inspection Date: 11/22/24 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: 12/2/24 Permit Approved: ☐ Yes ☐ No
Conditions: _____

Signature of Commission Chair or Agent: _____ Date: _____

Louise is worried about the cherry falling in a storm and hurting the bank. We spoke about how it provides habitat and its not endangering any structure. I informed her that

I would leave the decision up to you. - Arzana





Limbs



To the conservation agent on behalf CC board,

I am writing to ask for a 30 day extension to the Administrative Review permit granted 10/7 for 490 shore rd. Permit # 2024-34, replacing several sections of seawall whaler, no machine on beach no sand in or out. Cape Cod Escavating will do work but are very busy, however will complete work within this timeframe.

Thank You Chuck Silva Owner



Mr. Silva filed This extension request prior to
The expiration date but he missed the last
agenda as he brought this in after it was posted.
So even though his permit is expired, he did file
for the extension prior to the expiration.

- Arozana

SEP 10 2024

PERMIT # 2024-34



TOWN OF TRURO **PAID**

514

Conservation Commission

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

APPLICATION FOR ADMINISTRATIVE REVIEW PERMIT

PERMIT FEE \$20

Applicant Name: Charles T Silen Telephone: [REDACTED]
Email address: [REDACTED]
Owner Name: [REDACTED] 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: 490 Shore Rd Map: 8 Parcel: 23
Description of proposed work: replace 3-4 sections of middle wharf from property side, no sand in or out
Proximity to Resource Areas: In it no machine on 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:

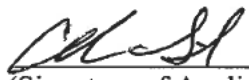
- No construction within any wetland resource except for minimal projects with the consent of the Conservation Agent.
- Any proposed new construction is more than 50' from the edge of resource area.
- No excavation by machinery is required or proposed.
- Foundation for structure shall be concrete blocks,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

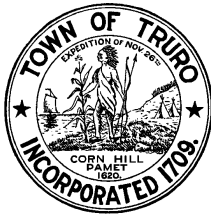
 9/10/24
(Signature of Applicant) (Date)

FOR OFFICE USE ONLY
Agent's Comments _____

Site Inspection Date: 9/10/24 Application Approved: ☒ Yes ☐ No

Conservation Commission Review: Meeting Date: 10/7/2024 Permit Approved: ☒ Yes ☐ No
Conditions: _____

Signature of Commission Chair or Agent: C. Warren Date: 10/8/2024



TOWN OF TRURO CONSERVATION COMMISSION

P.O. Box 2030
Truro MA 02666-0630

Conservation Commission Meeting Minutes: October 7, 2024

Commissioners Present: Chair Carol Girard-Irwin, Vice Chair Linda Noons-Rose, Commissioners Bob White, Diane Messinger, Clint Kershaw, and Connie Mather.

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 5:00 pm and provided the virtual meeting instructions.

Notice of Intent: 20 Toms Hill Road, Joseph Fiorello: 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) Because a DEP file# has not yet been issued, representative Ross Silva requested a continuance until the November 4, 2024 meeting.

Motion: Chair Carol Girard-Irwin moved to continue the hearing until November 4, 2024; **Second:** Commissioner Linda Noons-Rose; **Vote:** 6-0-0; the motion carried.

Notice of Intent: 10 Thornley Meadow Road, Roland & Lucia Letendre: after-the-fact filing for beach stair replacement and beach grass trimming; Coastal Bank & Coastal Dune. (Map 53, Parcel 87) (*continued from 9/9/2024*) Mashall Puffer stated that Tighe & Bond had recently been hired to address this after-the-fact filing. He shared a presentation detailing the history of the project and the current proposal. After discussions with the Letendres and the abutter who shares the stairs, they are proposing to maintain the inground timbers that were installed without a permit and would provide mitigation for that. The mitigation would include planting beach grass to maintain the path, an elevated platform for the storage of kayaks, beach chairs, etc. Additionally, the path to the house would be delineated with native species such as bayberry. The Agent stated that the site plan would need to be revised to include delineations of the resource areas as requested. All unpermitted work should be clearly indicated on the plan as well as all proposed mitigation including a planting plan. Commissioner Linda Noons-Rose noted the importance of having the site staked prior to the commissioners' site visit. Commissioner Bob White asked that more details be provided about the proposed raised platform such as size, construction materials, height, spacing, etc. Commissioner Clint Kershaw noted that the "new" steps were already being undermined and that issue would need to be addressed. The Agent also requested the applicant provide more information about the Conservation Restriction that exists on part of the property. Abutter Yvette Dubinsky stated that the path was on her property at 4 Button Hill Rd and not 10 Thornley Meadow. She was aware that the Letendres had improved the stairs and spoke in support of them but said she had not been notified of these meetings. The Agent again stated that an updated site plan that clearly shows the unpermitted work be provided and also suggested to the Commission that abutters be renotified. Marshall Puffer requested a continuance until the December 2, 2024

meeting. **Motion:** Commissioner Linda Noons-Rose moved to continue the hearing until December 2, 2024 with the condition that abutters be renotified; **Second:** Commissioner Bob White; **Vote:** 6-0-0; the motion carried.

Notice of Intent: 17 Avocet Road, Jennifer & Michael Freitag: 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) Jennifer Crawford and several other members of the project team were present virtually for the meeting. She described the property and the proposed project. There are pilings on the beach from an old serpentine fence and the existing access stairway is in need of repair. This property was part of a multi-property toe stabilization effort that began with coir tubes which were later replaced with a fiber roll installation, but now has some slumping. The proposed project has four elements. The first is the replacement of the access stairway in the same location with slight configuration changes. The second is the replacement of the fiber roll array. They propose to start below grade at the elevation of mean high water and extend up to the 15' flood elevation. The array would be wrapped in burlap or similar material to provide UV protection while waiting for nourishment. This new array would be woven into the arrays on the adjacent properties. The third element is the installation of a sturdy drift fence proposed to be constructed of greenheart oak. The existing pilings would be reused if possible, but this fence is proposed to be much lower to protect the lower portion of the coir array. The final project elements would be nourishment and revegetation of a bare area on the bank. Access for this project would ideally be from Cold Storage Beach but a backup plan for access over the bank is also included. Chair Carol Girard-Irwin noted that the original installation was in 2011 which was replaced in early 2020. These installations were four rolls high, which is the limit according to the Truro Conservation By-laws. She also stated that the by-laws call for a 25' set back to abutting properties. The Agent said that this is the largest array that has been proposed in town. She noted that we have detailed photographic evidence of the array on this property. It appears to be in good shape but there was an issue with some cables being cut, leading to some disrepair. The Agent would like to get an opinion from Bryan McCormack from the Cape Cod Cooperative Extension and is particularly interested in how this would mesh with the properties to either side. The setback for the fence is 25' but the coir is less (15'). She suggested discussing each element of this large project in sections.

Coir:

Commissioner Clint Kershaw asked the total length of the property. It is ~150 feet. He also suggested that since the current installation seemed to be working well, renourishing what is existing and rebuilding the fence might be considered. Tara Marden, consultant, detailed some of the permitting history of the property and stated that the original installation was coir envelopes but that replacement of those with fiber rolls was considered maintenance under the existing on-going conditions. She was not aware of any site plans for this replacement and noted that the 17 Avocet Rd installation is one row shorter than the neighboring properties. The Agent clarified that the original coir envelopes that were installed disintegrated and Stan Humphries proposed adding the coir rolls on top of the bank as maintenance under the on-going conditions. That work was approved by DEP and the Conservation Commission at the time and nourishment links it all together. She wondered if the existing array could be repaired under the same on-going conditions. Chair Carol Girard-Irwin asked a clarifying question about the number of rolls allowed by the

by-laws. The Agent confirmed that it says four rolls but that something different could be approved. She also noted the need to document what is on the abutting properties. She also asked about a 2024 repair that was described as retensioning of the anchors. Commissioner Linda Noons-Rose was concerned about what would happen if the coir rolls broke loose and asked how these would be anchored. Nick Crawford answered that the bottom roll of the array is the foundation and stated that was the reason for the greater number of buried rolls. He also noted that these rolls are proposed to have four duckbill anchors above and four below. These anchors are a minimum of 4' deep.

Stairs:

Commissioner Clint Kershaw asked for clarification on the method of installation of the stairs and how the posts would be installed into the bank. Structural engineer Lars Jensen noted that framing detail is described on the plan and Nick Crawford stated that ideally they would be installed from the bottom up by hand. Commissioner Linda Noons-Rose commented that the proposed resting area was rather large and seemed more like a deck. Jen Crawford noted that the square feet of coverage of the proposed stairs is less than the existing stairs. Engineer Lars Jensen explained that the orientation of the platform at 90 degrees helps keep a lower profile.

Commissioner Bob White asked the Agent about the number of rolls. Are 11 rolls allowable or not? The Agent replied that other than the base it seems similar to what is on the abutting properties. She would like to get Bryan McCormack's opinion on this matter since this is the largest installation that has been proposed in Truro.

Abutter Wendy Lurie wants to be clear that the 25' setback on either side is adhered to. She didn't realize there was a plan to bury more than one roll and wants to understand how digging down to install this won't disturb both the bank and the beach. Why is the slope ratio different than what their installations are? Will the setbacks apply to the underground logs as well? Abutter Rick Summers also wondered how the new coir will mesh with the old logs that span the two properties. Will there be any junctions at the property line? How will new layers below be tied into the existing layers? Nick Crawford agreed to provide a more detailed sketch showing how the connections will be made. Jen Crawford requested a continuance until the November 4, 2024 meeting. **Motion: Commissioner Bob White moved to continue the hearing until the November 4, 2024 meeting; Second: Commissioner Linda Noons-Rose; Vote: 6-0-0; the motion carried.**

Request for Determination of Applicability: 655 & 657 Shore Road, Diane Gilmore & Claudia Dent: installation of gas tanks and a raised generator; Land Subject to Coastal Storm Flowage, Barrier Beach, Coastal Dune. (Map 2, Parcel 1) Representative Annie Groth described the request to install a generator to power both properties. The generator would be located in front of the shed on a 24" platform (1' above the foundation). The propane tanks that supply the generator would be located the required 10' away and be raised. Commissioner Clint Kershaw asked the Agent if there were any requirement for the propane tanks to be on a slab and anchored. She replied yes and that they would be inspected. Representative Annie Groth specifically thanked Assistant Agent Arozana Davis for her help with this application. **Motion: Commissioner Clint Kershaw moved for a negative 3 determination; Second: Commissioner Bob White; Vote: 6-0-0; the motion carried.**

Administrative Review Applications: 1.) **8 Falcon Lane:** dead tree removal; 2.) **386 Shore Road:** sand nourishment; 3.) **490 Shore Road:** replace middle whalers on bulkhead; 4.) **510 Shore Road, Unit: A:** rinse station; 5.) **472 Shore Road:** sand nourishment; 6.) **25 Bay View Road:** sand nourishment; 7.) **1 Merryfield Path:** sand nourishment; 8.) **0 Bay View Road:** sand nourishment; 9.) **17 Bay View Road:** sand nourishment; 10.) **29 Bay View Road:** sand nourishment; 11.) **19 Bay View Road:** sand nourishment; 12.) **55 Pond Road:** sand nourishment; 13.) **4 Bay View Path:** sand nourishment; 14.) **23 Bay View Road:** sand nourishment; 15.) **2 Bay View Path:** sand nourishment; 16.) **1 Circuit Way:** vegetation plantings **Motion:** Commissioner Clint Kershaw moved to approve the administrative Review permit applications; **Second:** Chair Carol Girard-Irwin; **Vote:** 6-0-0; the motion carried.

Request for Certificate of Compliance: 1.) 73 Depot Road, SE# 75-1127 **Motion:** Chair Carol Girard-Irwin moved to approve the COC request for 73 Depot Road; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; the motion carried.

Minutes July 1, 2024, August 5, 2024 **Motion:** Commissioner Clint Kershaw moved to approve the minutes from July 1, 2024 and the minutes from August 5, 2024 as presented; **Second:** Commissioner Diane Messinger; **Vote:** 6-0-0; the motion carried.

Commissioner Clint Kershaw has noticed that mitigation is not defined in our regulations and would like to have a discussion about mitigation on the next agenda.

The Commissioners would also like to have a discussion of the cleanup of storm debris from the beach drift fences.

Commissioner Bob White moved to adjourn the meeting; Second: Commissioner Diane Messinger; Vote: 6-0-0; the motion carried.

The meeting was adjourned at 7:00 PM.

Respectfully Submitted by Courtney Warren