

PROVINCETOWN CONSERVATION COMMISSION
CAUCUS HALL
February 19, 2013
6:30 P.M.

Members Present: Dennis Minsky, Barbara Prato and Mark Irving.

Members Absent: Lynne Martin (excused) and David Hale (unexcused).

Others Present: Brian Carlson (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Chair Dennis Minsky called the Public Meeting to order at 6:32 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: February 5, 2012 – *Barbara Prato moved to approve the language as amended, Dennis Minsky seconded and it was so voted, 3-0.*

Dennis inquired of Brian if he had communicated to the Daphnis team that the Commission wanted an update on the removal of invasives at 67 Harry Kemp Way. He replied that he had through Town Counsel.

Dennis and Brian did not meet with Cliff Schorer at 2 Commercial Street because of a communication mix-up. The Commission will request that he produce a Certificate of Compliance for work that was done at the property. A site visit should be conducted.

The issue of boats on beach grass will be an on-going one for the Commission.

DISCUSSION:

Conservation Commission database:

The Access database keeps track of what filings are open and what filings are closed. It is not current. The Commission would like to update the database in order to strengthen its enforcement capacity. The Commission discussed how to improve the database. Brian said that the Americorps volunteers have been inputting the historical data and that Conservation Commission data is available on the Department of Community Development's internal laser fiche database. The Commission would like to direct the Conservation Agent to make it a priority to increase input into the Access database by the Americorps volunteer. Brian will look into employing other means, such as volunteer labor, to help in the process. Dennis suggested that once the database is updated, each Commissioner could research a portion of the files to find out what work has not been completed and report back to the Commission. A Commissioner would then be assigned properties where work is being done and conduct site visits to investigate whether or not work has been completed and/or if it was being done according to the Order of Conditions assigned to the project. Lynne Martin will update this issue at the next Public Meeting.

Educational and outreach materials update:

The Commission briefly reviewed and discussed the Province Lands Visitor's Guide. Dennis encouraged Commissioners to examine the Guide and make comments and send revisions to Brian who suggested adding the Sateriale and Dune's Edge properties to the Guide.

Herbicide and pesticide use:

The Commission reviewed the Wellfleet Organic Land Management Policy. Dennis said that the bulk of it concerns synthetic fertilizers as well as pesticides. The Commission needs to decide whether to address synthetic fertilizers. Wellfleet is more concerned with the health issues posed by the pollution of their drinking water, whereas Provincetown would not have that issue. The Commission needs to figure out which of the Wellfleet policies is relevant to Provincetown. He reviewed the purpose of the Management Policy, including the effort to encourage the reduction and elimination of the use of toxic pesticides and synthetic fertilizers on private property. He suggested that it would be a good policy to adopt for Provincetown. All pesticides except those that appear on the EPA 25b exempted list are subject to the Wellfleet policy. He stated that he attended a conference in Bourne and one of the talks was on invasive species, including phragmites. He learned that nearly everyone uses Rodeo herbicide, which is a water-based Roundup, to kill this invasive. He surmises that the group headed by Catherine Russo will bring an article to Town Meeting this spring. He doesn't think it is wise to forbid the Town to use an herbicide. He thinks the Commission should incorporate something similar to this document and insert an exempt clause to the effect that a Town body, or subcommittee, would review the use of Roundup or Rodeo. The Commission discussed the issue. It was agreed that introducing an article at fall Town Meeting was realistic. Dennis summarized that the Commission needs to decide whether to include fertilizers as well as pesticides and write a clause concerning the creation of a review board to grant exemptions for proposals to use a pesticide on Town-owned property. He briefly reviewed the integrated pest management clause in the Policy. Wellfleet grants authority to the Board of Health to decide if pesticides can be used if other less toxic measures have failed. Dennis will talk with the Chair of the Wellfleet Conservation Commission for further information.

Approval of Conservation Restriction for Dune's Edge Campground:

Dennis and Brian met with Town Counsel to review the Conservation Restriction and to give input. The latter has sent back the revisions and Dennis has proofed them. The revisions included an enumeration of the exact buildings on the property, a definition of off-season and a clause stating that the land would remain a campground in perpetuity. The Commission briefly discussed the CR and then signed the document.

Certificate of Compliance

Application by **Joseph Taves**, represented by **William N. Rogers, II, P.E.,P.L.S.**, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands By-Law, Chapter 12 for a **Certificate of Compliance** for work conducted at the property located at **48 Shank Painter Road** in Provincetown. This was granted at the last Public Hearing.

Certificate of Compliance

Application by **Thomas Bombardier** represented by **William N. Rogers, II, P.E.,P.L.S.**, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands

By-Law, Chapter 12 for a **Certificate of Compliance** for work conducted at the property located at **107 Commercial Street** in Provincetown. Billy Rogers is seeking another Certificate of Compliance with original signatures for recording. The original was damaged along with other documents during the last storm when his pipes froze.

CONSERVATION BOARD STATEMENTS:

Gordon Peabody sent a communication to Dennis and Brian regarding dunes as it related to the Seamen’s Bank project. Dennis reviewed the document which included a statement from 310 CMR in regard to performance standards for dune structure, specifically that dunes needed a 24” clearance for movement and growth. The Commission briefly discussed the boardwalk behind the bank. Mr. Peabody’s document added that when the wind blows onto the dune, it will be restricted by the deck and the increase in velocity will exacerbate dune erosion with added resistance and compression from the wall. There will be a net loss of dune performance. Brian reminded the Commission that Paul Shea alleged that the dune behind the bank was not functioning as a dune. Mr. Peabody suggested that flow-through rugged fiberglass decking was available and has been used in the National Seashore on beaches and salt marshes and would allow light and rain to pass through the decking so that performance standards for habitat were maintained. He also commented on the Commission’s new by-law for extended jurisdiction for MESA review, specifically in regard to an applicant coming into a regulatory board meeting to address requirements under a by-law with no guidelines, performance standards or any available information. He found it somewhat intimidating. He will send an outline for review by the Commission to help in the development of guidelines for a MESA review under the new by-law. The Commission discussed the issue. Brian suggested requiring a habitat assessment study by applicants in order to identify what species are on a property. The Commission discussed the difficulty of getting information out of MESA as to what species are located in areas on their map. It was agreed that the by-law should have more structure.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:35 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2013

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2013
Dennis Minsky, Chair