

**PROVINCETOWN  
CONSERVATION COMMISSION  
JUDGE WELSH ROOM  
October 1, 2013  
6:30 P.M.**

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

**Members Absent:** David Hale (excused) and Jesse Cartwright (excused).

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

Chair Dennis Minsky called the Public Hearing to order at 6:30 P.M.

**PUBLIC STATEMENTS:**

None.

**MINUTES:** Postponed.

**OLD BUSINESS:**

**Administrative Review**

Application by **Victor DePoalo** for proposed work construction of a new two-family structure with three bedrooms in each unit on a vacant lot located on land protected under local Wetlands Protection By-Law Chapter 12 at the property located at **162 Bradford Street Extension** in Provincetown.

**Presentation:** Victor DePoalo presented the application. This project has been approved by Natural Heritage.

**Public Comment:** None.

**Commission Discussion:** The Commission inquired of the applicant if he had a landscaping plan for the area around the building. Mr. DePoalo stated that he wants the area to look as natural as possible with a mixture of scrub pines and grasses. He will submit a planting plan to the Commission. Dennis stated that the Commission's approval would be contingent upon a detailed planting plan with a timeline and consultation with the Conservation Agent as the landscaping progressed. Dennis stated that there is a three-year survivability requirement for plantings and any plant that dies would need to be replaced.

***Dennis Minsky moved to approve the proposed construction of a new two-family structure with three bedrooms in each unit on a vacant lot located on land protected under local Wetlands Protection By-Law Chapter 12 at the property located at 162 Bradford Street Extension with the condition that a detailed planting plan with a timeline be submitted and that the Conservation Agent be consulted during the construction process, Barbara Prato seconded and it was so voted, 4-0.***

## **NEW BUSINESS:**

### **Administrative Review**

Application by **Rick Murray** for the proposed use of a private beach and installation of a temporary tent located at the **Crown and Anchor complex**, in Provincetown. This matter is tabled as the applicant was not present.

### **Certificate of Compliance**

Application by **Neil Hanscomb** 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 done under #SE-058-0410 conducted at the property located at **11 Mermaid Avenue** in Provincetown.

**Presentation:** Neil Hanscomb appeared to discuss the Certificate. He explained that the proposed work was never started.

**Public Comment:** None.

**Commission Discussion:** The Commission had no questions for the applicant.

**Barbara Prato moved to issue a Certificate of Compliance for work done under #SE-058-0410 conducted at the property located at 11 Mermaid Avenue, Dennis Minsky seconded and it was so voted, 4-0.**

### **Certificate of Compliance**

Application by **WK Red Clay, LLC** 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 done under #SE-058-0482 conducted at the property located at **21 Bradford Street Extension** in Provincetown.

**Presentation:** Delwyn Trent appeared to discuss the Certificate. There was a letter from Reggie Donoghue certifying that landscaping and storm water management work has been completed in compliance with the Order of Conditions for the property.

**Public Comment:** None.

**Commission Discussion:** The Commission had no questions for the applicant.

**Lynne Martin moved to issue a Certificate of Compliance for work done under #SE-058-0482 conducted at the property located at 21 Bradford Street Extension, Dennis Minsky seconded and it was so voted, 4-0.**

### **Certificate of Compliance**

Application by **WK Red Clay, LLC** 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 done under #SE-058-0503 conducted at the property located at **21 Bradford Street Extension** in Provincetown.

**Presentation:** Delwyn Trent appeared to discuss the Certificate. There was a letter from Reggie Donoghue certifying that the landscaping and storm water management work has been completed in compliance with the Order of Conditions for the property.

**Public Comment:** None.

**Commission Discussion:** The Commission had no questions for the applicant.

**Barbara Prato moved to issue a Certificate of Compliance for work done under #SE-058-0503 conducted at the property located at 21 Bradford Street Extension, Dennis Minsky seconded and it was so voted, 4-0.**

### Certificate of Compliance

Application by **WK Red Clay, LLC** 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 done under #SE-058-0427 conducted at the property located at **21 Bradford Street Extension** in Provincetown.

**Presentation:** Delwyn Trent appeared to discuss the Certificate. There was a letter from Reggie Donoghue certifying that the landscaping and storm water management work has been completed in compliance with the Order of Conditions for the property.

**Public Comment:** None.

**Commission Discussion:** The Commission had no questions for the applicant.

**Mark Irving moved to issue a Certificate of Compliance for work done under #SE-058-0427 conducted at the property located at 21 Bradford Street Extension, Lynne Martin seconded and it was so voted, 4-0.**

### Certificate of Compliance

Application by **Maria Kuliopulos** 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 done under #SE-058-056 conducted at the property located at **6 Creek Round Hill Road** in Provincetown.

**Presentation:** Phillip Scholl and Argirios Kuliopulos appeared to discuss the Certificate. Mr. Scholl explained that the Order of Conditions was from 1979 and he did not know what it was for, however he speculated that it was related to the layout of the subdivision before any building occurred on the property.

**Public Comment:** None.

**Commission Discussion:** The Commission discussed the issue with Mr. Scholl. The Commission decided that it would sign off on the Certificate.

**Barbara Prato moved to issue a Certificate of Compliance for work done under #SE-058-0427 conducted at the property located at 6 Creek Round Hill Road, Mark Irving seconded and it was so voted, 4-0.**

### **ANY OTHER BUSINESS:**

Laura Ludwig of the Recycling and Renewable Energy Committee to discuss the Committee's preparation for a possible state-wide proposal to ban plastic bags in stores of a certain size. The Committee is concerned about how people will pick up after their animals without plastic bags. She asked if the Commission was responsible for supplying the doggy bag dispensers on Town beaches. The Commission is not responsible for that service but informed Ms. Ludwig that the Animal Welfare Committee might be.

### Administrative Review

Application by **Rick Murray** for proposed use of private beach and installation of a temporary tent located at the **Crown and Anchor complex**, in Provincetown.

**Presentation:** Rick Murray appeared to discuss the proposal. The intent is to raise a tent behind the Crown & Anchor on the beach for two or three dates next summer. Mr. Murray is in negotiations to hold two or three concerts in the tent. The tent will be placed 20' from the mean high water level and Mr. Murray is requesting to use Gosnold Street for access for the tent

company. If that access is not available, the alternative would be to place planks on the beach and access the area via Ryder Street. There is no vegetation in the proposed tent location.

**Commission Discussion:** The Commission had no issues with the proposal, however the approval was conditioned on the requirement that the Conservation Agent be part of the process. The Commission requested that Mr. Murray put his proposal in writing, including that the tent is temporary and will be located 20' from the mean high water mark, that there is no vegetation in the area, a clean-up plan and that the Conservation Agent will be part of the process.

**MINUTES: August 27, 2013 – *Dennis Minsky moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0.***

**April 16th** – Tabled.

**June 4<sup>th</sup>** – Tabled.

**June 18<sup>th</sup>** – Tabled.

## **DISCUSSION:**

### **Shank Painter Pond Wildlife Sanctuary grant, trailhead planting project and general maintenance of the property:**

Brian thought that the Commission would be getting approximately \$6000 from the County, but he hasn't gotten an official notification. He has spoken with Bill Clark from the Barnstable County Land Management grant program. A proposal from Todd Westrick for work to be done at the site was included in the grant application. Dennis is still unclear about what Mr. Westrick is proposing and is looking for more specificity. Mr. Westrick submitted a bill for \$440 for his services in preparing his proposal and for his assistance on the grant application. Dennis stated that the Commission needs to discuss the issue of the bill, how the Commission, assuming it is going to get the grant, will spend the grant money and if Mr. Westrick's plan will be implemented or if other plans will be solicited. The Commission discussed the bill.

***Lynne Martin moved to pay Todd Westrick's bill, Mark Irving seconded and it was so voted, 4-0.***

The Commission discussed Mr. Westrick's proposal and what work needed to be done at the site. The Commission decided to concentrate first on the trailhead and to schedule a site visit.

## **CONSERVATION BOARD STATEMENTS:**

Lynne brought up the issue of Town-owned off-leash areas. She wants to make sure that the areas, including Foss Woods, Whistle Path Woods and the railroad right-of-way are the only ones in Town. She also reported that she was working on a Town conservation land map. The map contains information about 17 areas.

Brian reported that the sign for the Sateriale property is ready to be picked up.

Barbara reminded the Commission that the deadline for application for Community Development Committee funds is November 1<sup>st</sup>. The Commission will put the topic on the next meeting agenda.

**ADJOURNMENT: *Barbara Prato moved to adjourn at 7:40 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