

**PROVINCETOWN
CONSERVATION COMMISSION
CAUCUS HALL
November 12, 2013
6:30 P.M.**

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

Members Absent: Lynne Martin (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:

James Turner asked about the Commission's Administrative Review process, particularly as it related to abutter notifications and if the applicant for the Administrative Review on the agenda this evening was applying for a permit of some kind. Dennis explained the Administrative Review process and why the applicant was appearing before the Commission.

MINUTES: Postponed.

NEW BUSINESS:

Administrative Review

Application by **Brad Locke** for proposed site redevelopment to include multi-family residential dwelling units on land protected under local Wetlands Protection By-Law Chapter 12. The proposed work includes driveway and utilities at the property located at **664R Commercial Street** in Provincetown.

Presentation: Reggie Donoghue of Coastal Engineering and Brad Locke appeared to discuss the application. The proposal is to develop of multi-family residential units, infrastructure, driveway, drainage and landscaping. The portion of the project before the Commission is located within estimated priority habitat and includes the access drive and grading, utilities and a portion of one of the units. Twelve parking spaces are included in the development as well as a proposed driveway composed of bituminous concrete paving. The driveway will be installed prior to construction in order to prevent impacts on abutting properties and habitat. MESA has concluded that the proposal will not result in a prohibited take of state-listed species. Mr. Donoghue explained that the project will require approvals from the Zoning Board of Appeals and the Planning Board, affording abutters and the general public with opportunities for comment.

Public Comment: James Turner commented on the lack of delineation at the site.

Commission Discussion: The Commission questioned Mr. Donoghue and Mr. Locke about the proposal. Brian, Dennis, David and Jesse did a site visit and Mark and David visited the site independently. Dennis thought that the site was not adequately staked, despite the fact that the Commission does not have jurisdiction over the entire project. He initially thought about suggesting that the applicant continue the matter and properly delineate the area. The driveway is an alteration of habitat and in his opinion the applicant should file for a Notice of Intent. The

portion of the site within the habitat is 8500 sq. ft. and the actual proposed alteration is 5500 sq. ft. The Commission was concerned about the size of the project and the consensus was that a Notice of Intent would need to be filed. Dennis would like to know an exact assessment of what is being lost within that 5500 sq. ft. and how to mitigate it, which would mean, at a minimum, a professional planting plan and a species study. He reminded the applicant that the Commission does have the right to require a professional wildlife habitat analysis of the area in question.

Dennis Minsky moved to require that the Administrative Review result in the filing of a Notice of Intent for the proposed site redevelopment to include multi-family residential dwelling units at the property located at 664R Commercial Street, Barbara Prato seconded and it was so voted, 4-0.

DISCUSSION:

Community Preservation Act Grant application:

Brian presented the Commission with a proposal for the CPC grant. It includes mitigation for the outfall pipe at the B Street Garden, which may be contributing to the decline in water quality in the eastern end of Shank Painter Pond. It was written by and based on research by Nate Weeks of GHD. The Commission had tried to get state grant funds for this project in the past. The application is seeking money to support the effort to identify and remediate non-point source water quality problems in Provincetown. The Commission discussed the proposal. Barbara suggested some changes in the application, such as stating how much money has already been spent on the on-going study, elaborating the problem to be solved, including the initial report, providing supporting data for costs associated with the project, and enumerating the matching funds contributed by DPW and the work of Americorps volunteers.

Dennis Minsky moved to approve the CPC grant application with the changes discussed by the Commission, David Hale seconded and it was so voted, 4-0.

FEMA letter:

Dennis mentioned a letter he got from FEMA acknowledging its receipt of letters from residents who are complaining about the preliminary flood insurance rate map and study for the Town of Provincetown.

2014 Commission Schedule:

The Commission discussed the 2014 schedule and made some changes, such as the meetings on May 6th and September 16th will take place in the Town Hall Auditorium, the meeting scheduled for August 19th is deleted, the meetings in October will be on the 7th and the 21st and the November meeting will be on the 18th.

The Commission reviewed the newly published Visitor's Guide.

MINUTES: October 15, 2013 – Dennis Minsky moved to approve the language as written, Barbara Prato seconded and it was so voted, 3-0-1 (David Hale abstaining).

Brian reported that the Commission received \$4500 from the County for the Shank Painter Pond Sanctuary. The Americorps work day at Shank Painter Pond Sanctuary and B Street Garden was successful. The trail head at Shank Painter Pond Sanctuary was cleared and weed suppression in the form of tarps was put into place. Invasive removal took place at the B Street Garden.

Brian has been attending the Cape Cod Commission water quality working group process for regional water quality planning. The Board of Health is interested in reviving the water quality group that used to meet. One of the Board of Selectmen's priorities for the year is the comprehensive beach management plan, which that group could undertake.

Austin, the new Americorps person, is smart and motivated and working out well.

An article about the pervious pavement will be in the Banner. There were no water testing failures in the downtown area this past summer.

Dennis mentioned the B Street Garden meeting run by Austin. There were three plots taken back, which will be re-assigned to people on the waiting list. The Group is re-writing the requirements for membership and it seems to be a good group of people. They will be meeting with Wellfleet to compare notes.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:30 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