

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM
July 15, 2014
6:30 P.M.**

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

Members Absent: Mark Irving (excused) and David Hale (excused).

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

Chair Dennis Minsky called the Public Hearing to order at 6:33 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: Postponed.

OLD BUSINESS:

27 Ship's Way Road – Violation Notice for work without a permit:

Charles T. Silva appeared to discuss the violation notice. He explained that he had had access to a bobcat and was clearing dirt and brush that was blocking the entrance to the property. He moved the dirt to the back of the property, forming a berm, and flattened the grade, filling in several holes. He planted bamboo on the berm. He said that no fill was removed or brought onto the property. He recalls performing the work in the middle of June.

Dennis explained why there was a violation notice issued for the property. Brian said that the letter, dated June 19, 2014, notifying the owner of the property was not claimed because the owner was on vacation. He explained the MESA jurisdiction and the local by-law to Mr. Silva. A portion of the back of the property is located within a wetland area, however the entire parcel is within the MESA jurisdiction and subject to the local by-law. The violation that was sent to the owner of the property was a Type I violation for doing unpermitted work in an area where the Commission has jurisdiction. Mr. Silva said that he was not aware that he was violating a local by-law when he did the work.

The Commission discussed the issue with Mr. Silva.

Brian said that he has not heard back from the Commonwealth about this situation.

The Commission fined the owner of the property \$300 at its last meeting. Dennis said that when he spoke to the owner of the property, he was assured that no other work would be performed on the property. Mr. Silva explained that during the winter, some of his neighbors park vehicles or store boat trailers on the property and use it as a turn-around. He was trying to make the property more accessible to those people. Dennis suggested that in the future, if Mr. Silva wanted to do further work, he should contact the Conservation Agent before undertaking it.

NEW BUSINESS:

Notice of Intent

Application by **Edward Boxer**, represented by **David LaJoie, of Felco, Inc.**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the proposed construction of an upgrade to the onsite septic system at the property located at **14 Off Conwell Street** in Provincetown. Dennis said that he checked with the Commonwealth about the land in question and was told that it is an isolated vegetated wetland. The applicant is being heard under the local by-law only.

Presentation: Edward Boxer and David LaJoie, of Felco, Inc., appeared to present the application. The proposed project consists of installing a new septic system for an existing three-bedroom dwelling within the buffer zone of an isolated vegetated wetland. The leach area for the septic system will be above ground and will be contained with a constructed polyvinyl 4.5 high retaining wall due to the high ground water level in the area. The septic system will be located as far away from the wetland as possible while maintaining setbacks for construction reasons. All disturbed areas will be re-vegetated and stabilized with native grasses as noted on the site plan. All excavated material will be stored within the limit of work and removed from the site. The proposed work limit is to the north of the driveway, close to the wetland, so the rest of the driveway can be used for access.

Public Comment: Peter Kammerman, an abutter, had concerns about the project and the efficacy of the septic system.

Commission Discussion: The Commission questioned Mr. LaJoie and Mr. Boxer.

Lynne Martin moved to approve the application for a Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 for work to include the proposed construction of an upgrade to the onsite septic system at the property located at 14 Off Conwell Street with the Standard Order of Conditions and with the Special Conditions that a silt fence will be installed along the limit of work and that all disturbed areas be re-vegetated with native plantings, Barbara Prato seconded and it was so voted, 3-0.

Certificate of Compliance

Application by **China Trust**, represented by **Coastal Engineering Co., Inc.**, for a Certificate of Compliance for work conducted under DEP file no. SE 58-0411 at the property located at **361A Commercial Street** in Provincetown. Neither the applicant nor a representative from Coastal Engineering appeared. Brian explained that Coastal Engineering had submitted a letter attesting to a final inspection of the property and a finding that the work had been completed and was in substantial compliance with the plan specifications and with an Order of Conditions issued on May 15, 2006.

Barbara Prato moved to issue a Certificate of Compliance for work completed under SE58-0411 at the property located at 361A Commercial Street, Dennis Minsky seconded and it was so voted, 3-0.

DISCUSSION:

Vegetation removal along Route 6:

The Department of Public Works has been trimming trees and removing dead trees on Route 6. According to DPW, this is a regular maintenance procedure performed at intersections for safety

reasons. The Commission discussed the issue. The Commission agreed that DPW should seek the Commission's approval before it undertakes this kind of work in the future. Dennis suggested coming up with a standard operating procedure for vegetation management. The Commission decided to invite DPW Director Rich Waldo to attend the next Public Hearing to discuss developing an SOP for vegetation maintenance, which would include contacting the Conservation Agent prior to the commencement of any vegetative maintenance work.

CONSERVATION COMMISSION STATEMENTS:

Dennis mentioned that Brian was going to look into the viability of using excavated sand to nourish beaches.

Peter Petas withdrew his application until the fall.

MINUTES: June 17, 2014 – *Barbara Prato moved to approve the language as written, Dennis Minsky seconded and it was so voted, 3-0.*

July 8, 2014 – *Barbara Prato moved to approve the language as written, Dennis Minsky seconded and it was so voted, 3-0.*

Brian said that he has received an Administrative Review from Ocean's Edge Condominium for the installation of a palletized boardwalk along an existing beach path. The Condominium wants to lay deck boards down on the beach without sand anchors. He asked the Commission how they would like to proceed with the request. The Commission decided to request that a Request for Determination be filed.

Barbara Prato has the quote for the Foss Woods monument. Dennis suggested a site visit and that a decision be made when more Commissioners were present. Brian will take some pictures. The issue will go on a future agenda for a thorough review.

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 _____, 2014

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2014
Dennis Minsky, Chair