

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM**

**August 5, 2014
6:30 P.M.**

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

Members Absent: Dennis Minsky (excused), and David Hale (excused).

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

Acting Chair Lynne Martin called the Public Hearing to order at 6:30 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: Postponed to the next Public Hearing.

NEW BUSINESS:

Notice of Intent

Application by **Denise Bartone, NStar Electric**, represented by **John Vieira, Vanasse Hangen Brustlin, 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 and installation of subsurface electrical distribution line from Truro town line to Snail Road in Provincetown and includes the installation of 11 manholes.

Presentation: John Wagner, from VHB, and Mike Zylich, from NStar, appeared to present the application. The applicant seeks to install a ten-mile long underground distribution line, along with 11 associated manholes, along a proposed alignment, from the Truro/Provincetown town line to Snail Road, for a total distance of .8 miles. Work will occur within the 100-foot buffer zone to areas of a coastal bank and bordering vegetated wetlands, as well as the 100-foot buffer zone to land subject to coastal storm flowage. Horizontal directional drilling and conduit installation will take place between the manholes. Excavated areas will typically be 10' by 12' by 10' deep. No permanent impacts to wetland areas are anticipated. All excavation work will occur in upland areas in the 100-foot buffer zones. Temporary impacts associated with the work pads will occur along the existing roadway. Erosion controls, including straw wattles and filter fabric in catch basins will be installed at the limits of work to prevent sediment from entering wetland resource areas. All surface vegetation and contours of the area will be restored to pre-existing conditions. NHESP has determined that the project will not result in a "take" of state-listed rare species and DEP has assigned a number to the project, SE-058-0526.

Public Comment: Gordon Peabody commented that the habitat along the Greenway could be improved with the planting of more pitch pines. There was a letter from George Price, Superintendent of the National Seashore, requesting a copy of the application for review.

Commission Discussion: The Commission questioned Mr. Wagner and Mr. Zylich. The Commission was particularly concerned with where the laydown areas were going to be located. *Barbara Prato moved to approve the Notice of Intent by Denise Bartone, NStar Electric, represented by John Vieira, Vanasse Hangen Brustlin, Inc., under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12 for work to include the proposed construction and installation of subsurface electrical distribution line from Truro town line to Snail Road in Provincetown and including the installation of 11 manholes with the Standard Order of Conditions and with Special Conditions that no equipment or excavated materials shall be stored overnight in the buffer zone, that all disturbed areas are re-vegetated with native plantings and that before any work commences the Conservation Agent shall be informed and shall conduct a site visit, Mark Irving seconded and it was so voted, 3-0.*

Notice of Intent

Application by **Scott Nagel & Allan Tibbetts** 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 demolition and rebuilding of an existing shed and installation of a new foundation at the property located at **57A Pleasant Street** in Provincetown. This case is continued to the September 16, 2014 Public Hearing at 6:30 P.M.

Notice of Intent

Application by **Leslie Starr, the Meadow Road Condominium**, and represented by **Roger P. Michniewicz, Coastal Engineering Co., 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 repair to a stone revetment at the property located at **10 Meadow Road** in Provincetown. Brian Carlson recused himself from the application and left the room.

Presentation: Jay Norton from Coastal Engineering appeared to present the application. An existing wooden deck has incurred some damage and the loss of some of its footing supports due to the settlement and lateral movement of the adjacent stone revetment. The existing bank needs to be stabilized in order to rectify the deck foundation problem to ensure the stability of the existing adjacent paved parking area. Additional revetment stone will be added to the lower portion of the existing embankment slope and to provide a secure area for the reconstruction of the deck post footings. Up to about 76 linear feet of the existing stone revetment will be stabilized. Access to the work site will be via the existing paved driveway. A proposed temporary soil ramp will be build from the driveway down to a 10' wide temporary construction access area. Vegetation will be removed, temporarily planted elsewhere and then replanted throughout the temporary construction access area after it has been returned to its current grades.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Norton. The Commission had questions about the excavation of the site. The Commission was not comfortable making a ruling and would like to speak with the contractor about how the excavation is going to take place. NHESP has not issued a letter regarding the project and the DEP File No. is 058-0528. The Commission continued the application to the September 16, 2014 Public Hearing at 6:30 P.M.

Partial Certificate of Compliance

Application **Mary Kass**, represented by **Gordon Peabody**, for a Partial Certificate of Compliance for work conducted under DEP file no. SE 58-0447 at the property located at **571 Commercial Street** in Provincetown.

Presentation: Gordon Peabody, of Safe Harbor, appeared to request the Certificate. This was a two-part project, the first of which entailed the installation of a new seawall. This was never complete and if it is pursued in the future, a new filing would be made. The second part of the project, which included the replacement of a pre-existing deck and pilings, has been completed. There was a letter in the file from Cape Associates attesting to the fact that the wood deck replacement construction work performed by Cape Associates is in accordance with the plans provided by Coastal Engineering. All structural specifications on the plan were executed as detailed on the plans. Cape Associates was not contracted to perform any concrete seawall repair work at the property. Brian has done a site visit.

Barbara Prato moved to grant the Partial Certificate of Compliance for work conducted under DEP file no. SE 58-0447 at the property located at 571 Commercial Street, Mark Irving seconded and it was so voted, 3-0.

CONSERVATION COMMISSION STATEMENTS:

Barbara Prato would like to put the Foss Woods monument on the next agenda.

Brian announced that the Barnstable County Land Management grant application was due next week and asked for suggestions on projects to fund. The Commission briefly discussed the issue, including funding for the maintenance of conservation areas.

Lynne asked when the B Street Garden project was going to begin. Brian will contact Eric Larsen.

ADJOURNMENT: Barbara Prato moved to adjourn at 7:20 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