

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM**

**March 29, 2016
6:30 P.M.**

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

Members Absent: None.

Others Present: Anna Meade (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

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

PUBLIC STATEMENTS:

None.

NEW BUSINESS:

Administrative Review

Application for **Administrative Review** by Andrew Linderá on behalf of Angel Morales to remove a deck and add a three-season room in an expanded footprint and construct a new deck at the property located at **27 Blueberry Avenue** in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP). The applicant was not present. Mr. Minsky said that he, Ms. Meade and Ms. Prato did a site visit at the property. The request is for an alteration in a previously developed lawn area and the project would have minimal to no impact.

Barbara Prato moved to approve the Administrative Review by Andrew Linderá, on behalf of Angel Morales, to remove a deck and add a three-season room in an expanded footprint and construct a new deck at the property located at 27 Blueberry Avenue within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP) with the Standard Order of Conditions, Mark Irving seconded and it was so voted, 4-0.

Administrative Review

Application for **Administrative Review** by William N. Rogers, II on behalf of **Christopher Santos** to construct a single family home, install a septic system and construct a retaining wall with appurtenances on a vacant lot at the property located at **668R Commercial Street** in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP).

Presentation: William N. Rogers, II appeared to present the application.

Commission Discussion: The Commission discussed the project. Mr. Minsky reiterated that the property was within the Commission's jurisdiction and that the request was for an alteration to a wooded, vegetated undeveloped area. The Commission discussed whether the project should be filed under a local Notice of Intent. Mr. Minsky requested of Mr. Rogers that the site be clearly staked, including the limit of work and the location of the proposed retaining wall and the

property line. The Commission questioned Mr. Rogers about the ownership of two storage containers and some debris located on land adjacent to the property. Mr. Minsky stated that the Commission would like to find out who is responsible for the fill and who owns the property where it was dumped.

Dennis Minsky moved to direct William N. Rogers, II, on behalf of Christopher Santos, to file a local Chapter 12 MESA Notice of Intent to construct a single family home, install a septic system and construct a retaining wall with appurtenances on a vacant lot at the property located at 668R Commercial Street, Mark Irving seconded and it was so voted, 4-0.

Administrative Review

Application for **Administrative Review** by William N. Rogers, II, on behalf of **William Sandie**, to construct a garage on the property located at **22 Pilgrim Heights Road** in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP).

Presentation: William N. Rogers, II appeared to present the application.

Commission Discussion: The Commission discussed the project. Mr. Minsky stated that the addition of a garage would have minimal impact and it was located in a previously developed area of the lot. The only issue he noted at the site visit was that one limb of a tree on the property would have to be removed. He requested that Ms. Meade visit the site prior to the start of construction and report back to the Commission if there were any changes, as the site was not currently staked.

Dennis Minsky moved to approve the Administrative Review by William N. Rogers, II, on behalf of William Sandie, to construct a garage on the property located at 22 Pilgrim Heights Road within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP) with the Standard Order of Conditions, including meeting with the Conservation Agent prior to the start of construction, Mark Irving seconded and it was so voted, 4-0.

Administrative Review

Application for **Administrative Review** by William N. Rogers, II, on behalf of **Maria Bizzotto**, for the demolition of an existing building and the construction of a three-unit townhouse in a developed area on the property located at **52 Franklin Street** in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP).

Presentation: William N. Rogers, II appeared to present the application.

Commission Discussion: The Commission discussed the project and questioned Mr. Rogers.

Dennis Minsky moved to approve the Administrative Review by William N. Rogers, II, on behalf of Maria Bizzotto, for the demolition of an existing building and the construction of a three-unit townhouse in a developed area on the property located at 52 Franklin Street within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP) with the Standard Order of Conditions, including a pre-construction site visit by the Conservation Agent, Barbara Prato seconded.

The Commission discussed the motion.

The motion was so voted, 4-0.

Administrative Review

Application for **Administrative Review** by Nadine Licostie to remove non-indigenous trees on the property located at **105 Bradford Street Extension** in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP). The applicant was not present. Ms. Meade explained that this filing was the result of the issuance of an Enforcement Order by the Commission. There was a request from the applicant to postpone the matter to the April 19, 2016 Public Meeting.

Barbara Prato moved to postpone the Administrative Review by Nadine Licostie to remove non-indigenous trees on the property located at 105 Bradford Street Extension in Provincetown within the jurisdiction of the General By-Law Chapter 12 and the Natural Heritage and Endangered Species Act Program (NHESP) to the April 19, 2016 Public Meeting at 6:30 P.M., Dennis Minsky seconded and it was so voted, 4-0.

CONSERVATION AGENT REPORT:

Enforcement Order: 105 Bradford Street Extension: Cutting of trees without a permit: Ms. Meade explained the circumstances of the Enforcement Order, which involves a property line dispute as well as the cutting of trees. The Commission discussed the issue and decided to require a professional restoration plan from the owner of the property located at 105 Bradford Street Extension.

Dennis Minsky moved to approve the Enforcement Order for the cutting of trees without a permit at the property located at 105 Bradford Street Extension and to require the owner of the property to submit a professional restoration plan to be discussed at the April 19, 2016 Public Meeting at 6:30 P.M., Barbara Prato seconded.

The Commission discussed the motion.

The motion was so voted, 4-0.

OLD BUSINESS:

155 Commercial Street: Request for extension of time to file: The Commission discussed retrofitting the illegal fence on the beach and the request from the applicant for an extension of time to file. The Commission decided to allow the applicant a month to submit a professional plan, with a timeline, for the Public Meeting on May 17th and require the appearance of either the applicant or a representative for the applicant. The Commission requested the professional plan by April 25th, and if not submitted by that date, fines will be levied.

Dennis Minsky moved to direct the Conservation Agent to communicate with the West Beach Condominium Association in regard to the ongoing Enforcement Order that a professional plan to remedy the illegal fence must be filed on or before April 25th or fines will be imposed, Mark Irving seconded and it was so voted, 4-0.

Flyer's Boat Yard: Review and Approve Order of Conditions: The Commission briefly discussed the Order. ***Dennis Minsky moved to approve the Order of Conditions for the Flyer's Boat Yard project, Barbara Prato seconded and it was so voted, 4-0.***

Provincetown Marina: Review and Approve Order of Conditions *Dennis Minsky moved to approve the Order of Conditions for the Provincetown Marina project as amended, Barbara Prato seconded and it was so voted, 4-0.*

MacMillan Pier: Review and Approve Order of Conditions: Ms. Meade explained that a 'Use' section was added. *Dennis Minsky moved to approve the Order of Conditions for the MacMillan Pier project as amended, Barbara Prato seconded and it was so voted, 4-0.*

Harbour Drive: Review and Approve Order of Conditions: The Commission briefly discussed the Order of Conditions. The Commission discussed revisions, including adding the following requirements discussed at a previous meeting; that a certified monitor is present during raking activities, that raking not occur below the wrack line and that the MESA letter is attached to the actual Order. Ms. Meade will revise the Order and bring it back to the Commission for signatures.

MINUTES: March 15, 2016 – *Dennis Minsky moved to approve the language as written, Barbara Prato seconded and it was so voted, 4-0.*

ANY OTHER BUSINESS

Mr. Minsky reported that Ted Malone emailed him regarding specific species in a planting plan for his Stable Path development, including swamp sweet bells and holly and whether they were indigenous plants. After some research, he determined that they are native species.

Mr. Minsky met with the Conservation Trust and there was a suggestion raised to plant a small, 100 sq. ft., butterfly garden at the B Street Garden. He said that the area needs an overall management plan for the 'wilder' part that is overrun with invasives. He suggested that the Commission apply for a grant for a professional planting plan in the future. The idea was discussed. Mr. Minsky will invite Eric Larsen, Deputy Director of the Department of Public Works, to the next meeting to update the Commission with more details regarding the status of the B Street Garden stormwater management plan to mitigate the drainage of an outfall pipe in the area.

Ms. Meade reported that there is a deck being constructed at 377 Commercial Street. She did a site visit and determined that construction is occurring in a resource area. The Commission discussed the issue. *Dennis Minsky moved to issue an Enforcement Order for the construction of a deck in a resource area without a permit and to a request that the property owners attend the next Conservation Commission meeting on April 19, 2016 at 6:30 P.M., Barbara Prato seconded and it was so voted, 4-0.*

Mr. Minsky reported that the Americorps volunteer is working for the Town again for two days a week.

Mr. Minsky said that the issue of fining the owners of 3 Oppen Lane for unpermitted vista pruning would be on the agenda for the next meeting. The Commission briefly discussed the issue.

Ms. Meade reported that a planting plan for 10 Oak Drive had been submitted. The Commission will discuss the plan at the next hearing after having an opportunity to research the species proposed in the plan.

Ms. Meade stated that Rex McKinsey, Harbormaster, sent the Commission self-verification form notifying the Commission that pilings will be removed at the end of the Pier in April.

The Public Meeting was adjourned at 8:00 P.M.

WORK SESSION: Discussion of Permit Review Threshold and Application Guidelines:

Dennis Minsky called the Work Session to order at 8:00 P.M.

The Commission discussed Appendix A fees for work proposed in resource areas and the Permit Review Threshold and Application Guidelines. The Commission will vote at the next meeting to approve the revisions.

ADJOURNMENT: *Barbara Prato moved to adjourn the Work Session at 8:30 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2016

Dennis Minsky Minsky, Chair