

**PROVINCETOWN CONSERVATION COMMISSION**  
**JUDGE WELSH ROOM**  
**February 21, 2017**  
**6:30 P.M.**

**Members Present:** Dennis Minsky, Mark Irving, Alfred Famiglietti, Nathaniel Mayo, Gregory Howe and Robert Brock.

**Members Absent:** Kiah Coble (excused).

**Others Present:** David Gardner (Assistant Town Manager) and Ellen C. Battaglini (Permit Coordinator)

**PUBLIC HEARING**

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

1) **PUBLIC COMMENTS:**  
None.

2) **PUBLIC HEARINGS:**

a) Case # CON-17-126: **543 Commercial St.**

Request for a **Determination of Applicability** by **Elaine Quigley** pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to remove existing asphalt and concrete and install pavers and cobblestone edging. Work to take place within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to a Coastal Beach.

**Presentation:** Elaine Quigley and Ethan Poulin appeared to discuss the application. Mr. Poulin explained that the project involves replacing some of the asphalt and concrete walkways with concrete pavers, which are more permeable, and adding cobblestone edging.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Poulin about the process for the removal of the concrete and asphalt. He stated that no material will be stockpiled on the site.

*Alfred Familglietti moved to grant a Negative #2 and #3 Determinations pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to remove existing asphalt and concrete and install pavers and cobblestone edging with the Standard Order of Conditions for pre-construction numbers 1-5, for construction, numbers 2-8 and 10-11 and post-construction, numbers 1-4, Dennis Minsky seconded and it was so voted, 5-0.*

b) Case # CON-17-128: **755 Commercial St.**

Request for a **Determination of Applicability** by **Dorothy K. Seavey** pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to plant 3 rows of grasses, forbs and shrubs in an

area presently lacking vegetation. Work to take place within a Coastal Beach and Land Subject to Coastal Storm Flowage.

**Presentation:** Gordon Peabody and Caitlin Higgins appeared to present the application. Mr. Peabody reviewed the project, which involves re-vegetating a bare area at the rear of the site. He speculated what might have been planted there in the past, perhaps invasive species of vegetation, or vegetation that had not been tended correctly, considering the environment. He is proposing to plant low density, high diversity native vegetation, such as Crinkled hair grass, beach grass, Rosa rugosa, golden rod and bayberry.

**Public Comment:** Fernando Lopez, an abutter, asked why the project was being undertaken.

**Commission Discussion:** The Commission questioned Mr. Peabody.

**Mark Irving moved to grant a Negative #2 Determination pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to plant 3 rows of grasses, forbs and shrubs in an area presently lacking vegetation with the Standard Order of Conditions for pre-construction, numbers 1-5, for construction, numbers 1, 2, 4, and 9 and for post-construction, numbers 1-3, Dennis Minsky seconded and it was so voted, 5-0.**

d) Case # CON-17-130: **101 Commercial St.** DEP File # 058-0533.

Request for a partial **Certificate of Compliance** by **Greg Connors** pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, for the construction of foundation pilings, deck and house. Work to take place within the 100-foot Buffer Zone to a Coastal Beach and Land Subject to Coastal Storm Flowage.

**Presentation:** The applicant did not appear. There was a written request from Land & Sea Engineering, LLC, on behalf of Mr. Connors, informing the Commission that all the piles, split caps and joists had been installed according to the design plans.

**Public Comment:** None.

**Nathaniel Mayo moved to grant the request for a partial Certificate of Compliance by Greg Connors pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, for the construction of foundation pilings, deck and house, Mark Irving seconded and it was so voted, 5-0.**

c) Case # CON-17-129: **76R Bayberry Avenue**

**Notice of Intent** application by **Chris Wise** pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to dig trenches in roadways and campsites to bring electric, water and sewer connections to 183 campsites. Work to take place within NHESP Estimated and Priority Habitat, Bordering Land Subject to Flooding and the 100-foot Buffer Zone to a Bordering Vegetative Wetland.

**Presentation:** Paul Shea, of Independent Environmental Consultants, and Chris Wise appeared to present the application. Mr. Shea said that the project is currently under review by Natural Heritage and has a DEP File No. of 058-0583 with no additional comments. The project involves the installation of utilities, water, sewer and electric, in existing roadway to individual campsites in an already disturbed area. There will be only temporary impacts to the site due to trenching,

however, no trees, shrubs or saplings will be removed. Any species that are altered as a result of the construction activity will return after construction has been completed.

**Public Comment:** There was a letter from an abutting property regarding the project, requesting a postponement until more information was available about the owners' intent for the long-term use of the property. Mr. Minsky said that the issue before the Commission was not related to that of the abutting property's concern. Mike Minori spoke about the letter and indicated that it was not intended for consideration by the Commission, but was directed to the Town Manager.

**Commission Discussion:** Mr. Minsky was concerned that the site plans submitted were not certified by a licensed land surveyor, but labeled 'conceptual', in terms of whether it could make a decision about the project based upon the site plans. The Commission questioned Mr. Shea and Mr. Wise, who explained the conceptual plans. Mr. Shea reviewed the wetland delineations on the plans. There will be only temporary disturbances and primarily outside 100' buffer zone. Only a few of the sites near the pond are located within 50'-100' to the resource area. Mr. Wise offered to submit 'as built' plans after the completion of the project. He explained that there would be no grading done on the site and no structures would be built. Mr. Minsky again reiterated respecting the process and having the proper documents. Mr. Shea said that they could submit an overlay of Plans 1, a William N. Rogers plan, and 4, a Schofield Brothers plan, so the Commission can see the work relative to the resource area and the buffer to the resource area. A licensed professional would sign the resulting plan. The Commission questioned Mr. Wise about the project. Mr. Wise requested a continuance to the March 7, 2017 Public Hearing. He said the site would be spray-painted to indicate where the lines would be located so Commissioners could do a site visit before the next hearing.

*Alfred Famiglietti moved to grant the request to continue to the March 7, 2017 Public Hearing at 6:30 P.M., Nathaniel Mayo seconded and it was so voted, 5-0.*

3) **Conservation Agent Report:** None.

4) **Information:**

a) Administrative Review Applications Approved by Agent: None.

b) **MACC Annual Conference:** Saturday, March 4<sup>th</sup> at the College of Holy Cross, Worcester, MA.

c) Massachusetts Land Conservation Conference: March 25, 2017 at Worcester Technical High School in Worcester, MA.

5) **Approval of Minutes 2/7/17:**

*Dennis Minsky moved to approve the minutes of February 7, 2017 as amended, Robert Brock seconded and it was so voted, 4-0-2 (Alfred Famiglietti and Mark Irving abstaining).*

6) **Any other Business:** None.

**ADJOURNMENT:** *Dennis Minsky moved to adjourn the Public Hearing at 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
Dennis Minsky, Chair