



Conservation Commission

Public Meeting Agenda

UPDATED

September 19, 2017

The Provincetown Conservation Commission will hold an Executive Session at 6:00 pm, followed by Public Hearings beginning at 6:30 p.m. on **Tuesday, September 19, 2017, in the Judge Welsh Hearing Room**, Town Hall, 260 Commercial Street, Provincetown, MA.

1) **Executive Session** 6:00

Executive session pursuant to G.L. c. 30A, §21(a)(3), to discuss litigation strategy in the following matters: Aqua King Fishery, LLC v. Conservation Commission, Barnstable Superior Court, C.A. No. 2015-00064; Conservation Commission v. Stellwagen Bank Fisheries Corp., Barnstable Superior Court, C.A. No. 2015-00387; Conservation Commission v. Patricio Palacios, Barnstable Superior Court, C.A. No. 2015-00386; and (ii) the Request for Superseding Determination of Applicability filed with the Massachusetts Dept. of Environmental Protection by David Kelley regarding commercial fishing operations for surf clams utilizing hydraulic fishing gear off Herring Cove; if discussing the matters in open session will have a detrimental effect on the Town's litigating position and the chair so declares.

2) **Public Comments** on any item not on the agenda below

3) **Public Hearings**

a) **CON-18-025 645 Commercial Street**

Request for Determination of Applicability filed by 645 Commercial LLP, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to repair foundation footings on the west side of existing house. Work to take place within Land Subject to Coastal Storm Flowage and Buffer Zone to Coastal Beach.

b) **CON-18-024 Province Lands Road**

Notice of Intent filed by the Massachusetts Department of Transportation, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40), to reconstruct an existing sidewalk with concrete sidewalk, reconstruct existing wooden railings, and repair eroded slopes along Province Lands Road. Work to take place within Land Subject to Coastal Storm Flowage and Buffer Zone to Salt Marsh and Coastal Beach. (This project is exempt from Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw.)

- c) [CON-18-030](#) **3 Heather's Way**
Administrative Review Application by Robert Sheehan, pursuant to the Provincetown General Bylaws Chapter 12, Wetland Protection Bylaw, for the installation of a 6'x10' shed. Work to take place within Buffer Zone to Isolated Vegetated Wetland.
- d) [CON-18-019](#) **157A Commercial Street and 0 Atlantic Avenue Foot** *(continued from the meeting of September 5, 2017)*
Notice of Intent filed by Alfred P. Famiglietti & James M. Staniscia and the Town of Provincetown, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to construct a proposed vinyl bulkhead and an access stairway to the beach. Work to take place within Land Subject to Coastal Storm Flowage, Coastal Dune, and Buffer Zone to Coastal Beach.
- 4) **Emergency Certification**
 - a) [CON-18-022](#) **561 Commercial Street**
Update on Emergency Certification issued to Marcey Oil Company, dated August 23, 2017, for remediation of a release of fuel oil and site restoration work within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to Coastal Beach.
- 5) **Enforcement Orders**
 - a) [ENFCON-18-001](#) **173 Commercial Street**
Unauthorized installation of kayak racks and wooden posts within Coastal Beach and Land Subject to Coastal Storm Flowage.
 - b) [ENFCON-18-002](#) **6 Winston Avenue**
Unauthorized construction of wooden walkway/deck within Coastal Dune and Land Subject to Coastal Storm Flowage.
- 6) **Request for Certificate of Compliance**
 - a) [CON-18-031](#) – **10 Meadow Road**
Request for Certificate of Compliance by Thomas Sproat, for the Order of Conditions (DEP File No. SE 058-0528) issued to Leslie Starr, dated October 6, 2014, to repair a boulder retaining wall.
- 7) **Conservation Agent Update**
- 8) **Approval of Minutes of August 15, 2017 and September 5, 2017**
- 9) **Information**
Administrative Review Applications Approved by Agent:
 - a) CON-18-026 **539 Commercial Street** – replace siding on pile-supported building over beach.
 - b) CON-18-027 **269 Commercial Street** – annual SKIP benefit party on beach behind Tin Pan Alley.

10) **Any other business that shall properly come before the Commission**

Dennis Minsky, Chair

Posted by the Town Clerk: www.provincetown-ma.gov 9/14/17 4:10 pm dv

REVISED: 9/15/17 11:40 am dv