



Conservation Commission

Public Meeting Agenda

November 7, 2017

The Provincetown Conservation Commission will hold an Executive Session at 6:00 p.m., followed by a Work Session at 6:15 p.m., followed by Public Hearings beginning at 6:30 p.m. on **Tuesday, November 7, 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 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) **Work Session** 6:15 p.m.

Discussion regarding use of herbicides in invasive plant species management.

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

4) **Public Hearings** 6:30 p.m.

a) **CON-18-043** **247 Commercial Street**

Administrative Review Application by Richard J. Murray, DMD, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General Bylaws Chapter 12, Wetland Protection Bylaw, to remove all macadam/black tar from courtyard and install proper drains, sub surface structure, and thick pavers. Work to take place within Land Subject to Coastal Storm Flowage Buffer Zone to Coastal Beach.

b) **CON-18-017** **67 Harry Kemp Way** (*continued from the meeting of October 17, 2017*)

Local Bylaw Filing by Demetrios Daphnis, pursuant to the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the construction of four residential buildings, walkways, driveway, parking spaces, septic system, grading, landscaping, and native

plantings. Work to take place within Buffer Zone to an Isolated Vegetated Wetland.

- c) [CON-18-019](#) **157A Commercial Street and 0 Atlantic Avenue Foot** *(continued from the meeting of October 17, 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.

- 5) **Enforcement Order Update**
 - a) [31 Point Street](#) – Final report to Commission on slope re-vegetation and stabilization.

- 6) **Request for Certificate of Compliance**
 - a) [CON-18-039](#) – **485 Commercial Street**
Request for Certificate of Compliance by Joyce Halupka & Pamela Cyr, for the Order of Conditions (DEP File No. SE 058-0449), dated July 15, 2008, for proposed house renovations, addition, and associated sitework.
 - b) [CON-18-040](#) – **485 Commercial Street**
Request for Certificate of Compliance by Joyce Halupka & Pamela Cyr, for the Order of Conditions (DEP File No. SE 058-0473), dated April 13, 2010, for proposed shorefront protection.
 - c) [CON-18-041](#) – **485 Commercial Street**
Request for Certificate of Compliance by Joyce Halupka & Pamela Cyr, for the Order of Conditions (DEP File No. SE 058-0496), dated October 7, 2011, for proposed shorefront protection.

- 7) **Conservation Agent Update**

- 8) **Approval of Minutes of October 17, 2017**

- 9) **Information**
Administrative Review Applications Approved by Agent:
 - a) [CON-18-042](#) **46 Shank Painter Road**– Installation of pre-made steps onto brick patio from cement wall providing access to street.

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

Dennis Minsky, Chair
