

**PROVINCETOWN CONSERVATION COMMISSION**  
**JUDGE WELSH ROOM**  
**July 19, 2011**  
**6:30 P.M.**

**Members Present:** Dennis Minsky, Lynne Martin, Hank Janowsky and Barbara Prato.

**Members Absent:** David Hale (excused).

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

Dennis Minsky called the Public Meeting to order at 6:38 P.M.

**PUBLIC STATEMENTS:**

None.

***Notice of Intent*** (continued from June 21, 2011)

Application by the **Joyce Holupka & Pamela Cyr**, represented by **Coastal Engineering Company, 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 proposed scope of work will include a new sheet pile bulkhead at the property located at **485 Commercial Street** in Provincetown.

**Presentation:** Reggie Donoghue appeared to discuss the application. The applicant submitted revised plans based on input from the previous Public Hearing. The footprint of the bulkhead has been revised to be continuous to the neighboring wall of the easterly abutter. The drift fence is remaining and has been indicated as such on the revised plan. The applicant also provided a letter from the westerly abutter, Tony Jackett, supporting the project and pictures of the beach area and the applicants' efforts to protect the property from 2008-2011.

**Public Comment:** Ann Maguire, an abutter, spoke of her concern about potential damage to her property as a result of the project and is requesting that the applicant obtain an insurance policy in order to protect that property. William N. Rogers, II, spoke about the project on behalf of Ms. Maguire. He had concerns that he would like to discuss with Mr. Donoghue, including more detail on elevations in the area and information concerning how the piles will be driven. He is concerned given the fragile nature of the brick foundation on the abutting structure on Ms. Maguire's property.

**Commission Discussion:** The Commission questioned Mr. Donoghue. The Commission believes that there had been a pre-existing sea wall at the property. As part of an Order of Conditions, the Commission would require annual inspections, inspections after major storm events and some re-vegetation. In addition, if there is any scouring caused by the sheet pile bulkhead, beach nourishment should be provided. The applicant requested a continuance to the August 2, 2011 Public Hearing in order to consult with Ms. Maguire and Mr. Rogers about the project.

***Barbara Prato moved to grant the request for a continuance until the August 2, 2011 Public Hearing, Hank Janowsky seconded and it was so voted, 4-0.***



### Notice of Intent

Application by the **Peter Petas**, represented by **Coastal Engineering Company, 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 proposed scope of work will include a renovation of an existing wood frame building, reduction of the footprint, landscape improvements and the repair and maintenance of an existing wharf at the property located at **463 Commercial Street** in Provincetown.

**Presentation:** Reggie Donoghue, Ted Jones and Peter Petas appeared to present the application. The project involves the renovation of an existing wood frame building, including the removal of portions of the building that will result in the reduction of the building footprint, the repair and maintenance of the existing wharf, landscape improvements and associated site work. Approximately 660 sq. ft. of the north end of the building will be removed, 330 sq. ft. for the portion of the building located on the wharf in order to use that area as a deck, renovation of the building for use as a single family dwelling and pile replacement and the repair and maintenance of the pile-supported wharf structure. A 3.5' pedestrian easement will be placed on the west side of the property. Access to the site will be from Commercial Street. The area between the building and Commercial Street will be used for the staging of construction and material storage. Access to the site from the Harbor side will be necessary for work on the wharf. Debris removed daily from the site will be put in a dumpster or truck to be removed.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Donoghue, Mr. Petas and Mr. Jones. *Lynne Martin moved to grant the Notice of Intent for the scope of work to include a renovation of an existing wood frame building, reduction of the footprint, landscape improvements and the repair and maintenance of an existing wharf at the property located at 463 Commercial Street, referencing plan C 1.2.1, dated 6/22/11, with the Standard Order of Conditions, the incorporation of the construction protocol submitted by Coastal Engineering and with the Special Conditions that no vehicles or machinery will be left on the beach or on a Town Landing for the duration of the project and that no concrete over-pour shall occur at the site, Dennis Minsky seconded and it was so voted, 4-0.*

### Request for an Amended Order of Conditions

Application by **Merrill Lynch Trust Co. – Mary Kass Trust**, represented by **Coastal Engineering Company, Inc.**, for a **Request for an Amended Order of Conditions** 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 a proposed sheet pile wall along the previously approved concrete wall repair at the property located at **571 Commercial Street** in Provincetown.

**Presentation:** Reggie Donoghue appeared to present the application. The Commission has already approved a plan to repair the existing concrete bulkhead. The cost of doing that repair was comparable to installing the vinyl wall. The proposed installation would provide a viable alternative for the applicant. The existing concrete wall will remain in place while the driving of vinyl sheet piling takes place immediately seaward of that wall.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Donoghue. The extent of the resource area lost between the existing concrete bulkhead and the new vinyl sheeting would be approximately 90 sq. ft. Several piles in front of the wall will need to be removed as well. The

Commission was concerned about the loss of resource area and requested additional information from Mr. Donoghue, including more details of the concrete patching job. The Division of Marine Fisheries had a request to minimize the seaward encroachment of the vinyl sheet pile wall wherever possible. Mr. Donoghue requested a continuance to the August 2, 2011 Public Hearing. *Lynne Martin moved to grant the request to continue to the August 2, 2011 Public Hearing, Dennis Minsky seconded and it was so voted, 4-0.*

**Review of Conservation Commission draft education and outreach materials:**

Pfeif gave a presentation of the draft education and outreach materials he has been working on for the approval of the Commission. The Commission voted to approve the new seal as designed by Pfeif.

**ANY OTHER BUSINESS:**

**Shank Painter Pond Study:**

Brian read an e-mail from Russ Kleekamp about the status of the study.

**2 Commercial Street:**

The fine has been paid. No date has been set for the removal work.

**Derelict Boat Removal from the Beach:**

The project should start on Thursday.

**Beach Rake Study:**

The Commission would like to keep this issue on the radar.

**ADJOURNMENT:** *Lynne Martin moved to adjourn at 8:30 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on \_\_\_\_\_, 2011

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2011

Dennis Minsky, Chair