

# PROVINCETOWN CONSERVATION COMMISSION

April 13, 2010

6:30 P.M.

**Members Present:** Dennis Minsky, Lynne Martin, David Hale, Richard Silver and Hank Janowsky.

**Members Absent:** Jack McMahon (excused).

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

Dennis Minsky called the Public Meeting to order at 6:31 P.M.

## **Request for an Amended Order of Conditions (DEP Permit # 58-0427)**

Application by **WK Red Clay, LLC, Herring Cove Village**, 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 amended scope of work will include: re-orient the approved six dwelling units in Phase II, add a private swimming pool in place of one of the tennis courts (all outside the 50' buffer zone), reduce fencing and commercial tennis courts which will be replaced with 7,350+/- square feet of green space at **21 Bradford Street Extension**, in Provincetown. This case is postponed because of a noticing error.

## **PUBLIC STATEMENTS:**

None.

**MINUTES: March 23, 2010 – Hank Janowsky moved to approve the language as written, David Hale seconded and it was so voted, 4-0-1 (Richard Silver abstaining).**

## **OLD BUSINESS:**

**Update and Discussion:** Phase 3 Sewer Construction update: David Guertin and Rob Adams appeared to discuss the project. Mr. Guertin stated that construction will continue moving to Bradford Street between Howland Street and Thistlemore Road. Mr. Adams gave an update on the restoration of the laydown areas along Route 6. In all three areas, the fill and old silt fencing have been removed and the areas have been cleaned-up, raked and graded. The straw wattles in Areas 2 and 3 have been installed. They have been coordinating with NHESP about the planting materials and the custom seed mix to be used. The plant material will be delivered to the Town next Monday, the locations will be staked out on Tuesday and Wednesday, and the contractor will be planting on subsequent days. All of the restoration work should be complete by the end of next week. As for the Phase 3 project, it has been divided into two parts: Phase 3A will include water main work on Bradford Street working east towards Thistlemore Road. Because work can only be done until the Wednesday before Memorial Day weekend, the anticipated stopping point would probably be around Kendall Lane. Phase 3B of the project will include work at Beach Point and in the West End. A Notice of Intent will be filed for that work. Mr. Adams stated that the pump station location near Thistlemore Road will be moved from where it was initially proposed to a location across the street. Mr. Adams also updated the Commission about the

work being done in the median strip of Route 6. He mentioned that an enhanced endangered species survey will be taking place at the end of June, as worked out with NHESP. The surveys will be performed along both sides of the Route 6 corridor and excluding the median strip, 100' from the center of the median, or about 50-75' from the edge of the pavement. The Commission questioned Mr. Guertin and Mr. Adams.

Notice of Intent (continued from March 23, 2010)

Application by **Kevin McCune (NStar Electric)** 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. NStar Electric is proposing to install an underground electric conduit and manhole system within the street layout along **Commercial Street in the East End and along Snail Road** in Provincetown.

**Presentation:** Kevin McCune, of NStar, appeared to discuss the application. A DEP file number has been issued for the project and Natural Heritage had no comment. The durations should be about 2 to 3 months.

**Public Comment:** None.

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

*David Hale moved to approve the project as proposed by NStar Electric to install an underground electric conduit and manhole system within the street layout along Commercial Street in the East End and along Snail Road with the Standard Order of Conditions and with the Special Conditions that the Conservation Agent be notified 72 hours before the start of the project and that a site visit to verify that erosion control measures are in place has been conducted before the start of the project, Dennis Minsky seconded and it was so voted, 4-0-1 (Richard Silver abstaining).*

## **NEW BUSINESS:**

Request for a Certificate of Compliance

Request by **Gordon Peabody, c/o Safe Harbor**, representing the **Mews Condominium Trust**, for a Request for a Certificate of Compliance under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for DEP Permit Number 58-0289 for the property located at **359 Commercial Street** in Provincetown.

Request for a Certificate of Compliance

Request by **Gordon Peabody, c/o Safe Harbor**, representing the **Mews Condominium Trust**, for a Request for a Certificate of Compliance under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for DEP Permit Number 58-0474 for the property located at **359 Commercial Street** in Provincetown.

**Presentation:** Gordon Peabody and Effie Kosta appeared to present the Requests. There is an outstanding Order of Conditions from 1998 to remove the septic tank from the beach, the work for which was never started and the permit expired. The first request is for a 'no action' Certificate as no work was ever done per the Order of Conditions. The second request is for work performed and completed under the Emergency Certification granted by the Commission on January 26, 2010.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Peabody and Ms. Kosta.

*David Hale moved to grant a 'no action' Certificate of Compliance for DEP File Number 58-0289, Dennis Minsky seconded and it was so voted, 5-0.*

*Lynne Martin moved to grant the Certificate of Compliance for DEP File Number 58-0474, Hank Janowsky seconded and it was so voted, 5-0.*

**Notice of Intent**

Application by **Linda Glenn** 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. Scope of work will include installation and repair of steel H-pilings, wave break and framing at **97 Commercial Street**, in Provincetown.

**Presentation:** Tim Brady appeared to present the application. A similar project was approved by the Commission about 3 years ago and the Order of Conditions has expired. The project includes repairs to pilings on an existing building and stabilizing that structure with H-pilings and I-beams. A wave break comprised of horizontally-spaced timbers will be placed under the building. A crane, possibly to be placed in an adjacent driveway, will be used to drive sheet pilings. A rubber-tired vehicle will be used on the beach to move the horizontal beams to the site. Access will be from Capt. Jack's Wharf to the west of the property. There will be an oil spill kit on site and the contractor will hold an onsite pre-construction meeting before any work is commenced.

**Public Comment:** None.

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

*Lynne Martin moved to approve the project to install and repair steel H-pilings, wave break and framing at 97 Commercial Street, in Provincetown with the Standard Order of Conditions and with the Special Conditions that there be a 72-hour notification in order to hold a pre-construction meeting, that a beach access permit be purchased and that oil spill response equipment be on site, Dennis Minsky seconded and it was so voted, 5-0.*

**Notice of Intent**

Application by **Phillip Dawley** 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 scope of work include the clean-up, removal and disposal of the failed concrete bulkhead and slab at **663 Commercial Street**, Map 17, Parcel 1-2-0-R, in Provincetown. This case is continued until the April 27, 2010 Public Hearing.

**Notice of Intent** (continued from March 23, 2010)

Application by **Joyce Holupka** 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 scope of work includes the proposed shorefront protection at **485 Commercial Street**, Map 15-1, Parcel 22, in Provincetown. A DEP file number has been issued for the project.

*Lynne Martin moved to approve the proposed shorefront protection project at 485 Commercial Street with the Standard Order of Conditions and with the Special Condition that the walkway to the beach be angled and that beach nourishment and the planting of indigenous species to aid in the revitalization and restabilization of the dune be an on-going project, Dennis Minsky seconded and it was so voted, 4-0-1 (Richard Silver abstaining).*

**DISCUSSION:**

**B-Street Garden developments and next steps:** David Hale reviewed and presented the most recent developments in regard to the Garden, including an advisory group update. A drawing was

held for the 30 plots, with 70 applications being received. An additional 10 were chosen in case of drop-outs. Some of the accomplishments include the eradication of Japanese knotweed on the site, which is ongoing, the construction of 30 beds, the erection of a shed, and the construction of compost bins. Donations of wheelbarrows have been received and Americorps volunteers have been busy working at the site. Two shallow wells have been dug on the property, a deviation from the original plan to use the well on an adjacent property. David presented the budget, which has had a couple of changes, and the Commission discussed it. The advisory group has discussed a pump for the well and explored getting power, possibly solar, on site to run the pump. The Commission discussed the role of the advisory group and devising some guiding principles and rules for that group. The Commission discussed the beehive on the property and whether it would allow the hive to stay. The donated shed was also discussed.

*Dennis Minsky moved to approve the bees on a trial basis for one year, Lynne Martin seconded and it was so voted, 5-0.*

### **CONSERVATION BOARD STATEMENTS:**

Dennis Minsky brought up the Bangs Street Extension development.

**ADJOURNMENT:** *Lynne Martin moved to adjourn at 9:00 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on \_\_\_\_\_, 2010.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2010  
Dennis Minsky, Chair