

**PROVINCETOWN CONSERVATION COMMISSION  
JUDGE WELSH ROOM  
6:30 P.M.**

**Members Present:** Alfred Famiglietti, Nathaniel Mayo (arrived at 6:41 P.M.), Robert Brock, Joseph Cooper and Oriana Conklin.

**Members Absent:** Brett McNeilly (excused).

**Others Present:** Tim Famulare, Conservation Agent, and Ellen C. Battaglini, Permit Coordinator.

Chair Alfred Famiglietti called the Public Hearings to order at 6:33 P.M. and briefly summarized the Commission's purview.

1) **Public Comments** on any item not on the agenda below: None.

Mr. Famiglietti said that the Commission would take the agenda item #3, **Request for Extension of Order of Conditions**, out of order.

3) **Request for Extension of Order of Conditions:**

a) **CON-19-021 350 Bradford Street**

Request to Extend Order of Conditions, issued June 1, 2016, filed by BPJC, LLC, for a multi-unit residential development. Gordon Peabody appeared to request the extension. He said that this is still an on-going project and the Order of Conditions was set to expire in 60 days. He is asking that the Commission pre-emptively extend the Order. The request is for a 2-year extension, he said, given the Commission's vegetation survival requirement. The Commission briefly questioned Mr. Peabody who added that the project already had a partial Certificate of Compliance.

*Joseph Cooper moved to grant the request for a 2-year extension of an Order of Conditions issued June 1, 2016, filed by BPJC, LLC, for a multi-unit residential development at the property located at 350 Bradford Street, Alfred Famiglietti seconded and it was so voted, 4-0.*

2) **Public Hearings:**

a) **CON-19-058 66 & 72 West Vine Street** *(continued from the meeting of March 5, 2019)*

**THE APPLICANT HAS REQUESTED TO WITHDRAW THIS NOTICE OF INTENT.**

**Notice of Intent** filed by **David Krohn** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law to replace an existing horse barn, add three residences and a culinary barn with two bedrooms, re-align fencing and landscape retaining walls, install a septic system, upgrade utilities and associated site improvements. Work to take place within a Buffer Zone to a Bordering Vegetated Wetlands. Mr. Famulare read a letter he had received from Atlantic Design Engineering regarding the project. *Joseph Cooper moved to grant the request to withdraw CON-19-058 for the property located at 66 & 72 West Vine Street, Alfred Famiglietti seconded and it was so voted, 5-0.*

b) CON-19-052 493, 495 & 495A Commercial Street (continued from the meeting of March 19, 2019)

**Notice of Intent** filed by the **Bay Shore Realty Trust**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for proposed repair of an existing steel sheet-pile wall. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach and a Buffer Zone to a Coastal Beach. There was a request to extend the matter to the meeting of May 7, 2019 at 6:30 P.M.

**Nathaniel Mayo moved to grant the request to continue CON-19-052 to the Public Hearing of May 7, 2019 at 6:30 P.M., Oriana Conklin seconded and it was so voted, 5-0.**

c) CON-19-055 565 Commercial Street (continued from the meeting of March 19, 2019)

**Notice of Intent** filed by **Russell and Elizabeth Gaudreau** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the removal and replacement of a lower level deck. Work to take place within Land Subject to Coastal Storm Flowage and a Buffer Zone to a Coastal Beach.

**Presentation:** Tim Brady, of East Cape Engineering, presented the application. He reviewed the project to replace an existing pile-supported deck, located in the V flood zone, which has been storm-damaged and is in poor shape. He reviewed a site plan showing the scope of the proposed work and a structural framing plan showing the deck design. He said that all pilings will be removed and new pilings will be installed as necessary, as many as 14, and some may be re-used, if possible. The deck, which is free-standing, will be re-installed in same location and at the same height as the previous deck. Work will take place from a vacant lot next door and a crane will be assembled there. There will be no equipment on the beach.

**Public Comment:** None.

**Commission Discussion:** The Commission and Mr. Famulare questioned Mr. Brady who said that all debris will be hauled off the site on a daily basis. Mr. Famulare reviewed the Order of Conditions and amended #6 to delete the phrase, "...or within another approved site access location: First Town Landing."

**Oriana Conklin moved to approve the Notice of Intent, CON-19-055, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the removal and replacement of a lower level deck at the property located at 565 Commercial Street with the Special Conditions as amended, Alfred Famiglietti seconded and it was so voted, 5-0.**

d) CON-18-089 151A Commercial Street (continued from the meeting of March 19, 2019)

**Request to Amend an Order of Conditions** (DEP File No. SE 058-0595) filed by **Joseph Smith and Scott A. Popkowski**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, to change the western alignment of the previously-approved vinyl sheetpile wall. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach, and a Buffer Zone to a Coastal Beach. Chair Alfred Famiglietti recused himself because of a conflict on interest. Vice-Chair Nathaniel Mayo read the case into the record. Mr. Famulare said that the Commission had received a report, with recommendations on how to move forward, from the Cape Cod Cooperative Extension. He said that he then shared the report with Attorney Jamy Madeja, who

represented the applicant. He subsequently received a request from her to withdraw the application. *Joseph Cooper moved to grant the request to withdraw the Request to Amend an Order of Conditions, CON-18-089, for the property located at 151A Commercial Street, Robert Brock seconded and it was so voted, 4-0.*

e) CON-19-063 149A Commercial Street

**Notice of Intent** filed by **Sandbar Village Condominium** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the construction of a proposed bulkhead. Work to take place within Land Subject to Coast Storm Flowage, a Coastal Dune, a Coastal Beach, and a Buffer Zone to a Coastal Dune and a Coastal Beach. Mr. Famulare said that the Commission had received a report from the Cape Cod Cooperative Extension regarding the project and given the issues raised in the report and the previous withdrawal of the Request to Amend an Order of Conditions, there was a request to continue the case to the May 7, 2019 Public Hearing at 6:30 P.M. *Nathaniel Mayo moved to grant the request to continue CON-19-063 to the meeting of May 7, 2019 at 6:30 P.M., Oriana Conklin seconded and it was so voted, 5-0.*

f) CON 19-065 193A Commercial Street

**Notice of Intent** filed by **Frank and Lea Club Ptown, LLC** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the removal of an existing fiberglass tank and the installation of a grease trap under an existing deck and the installation of 12 helical piles to repair an existing foundation. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach, and a Buffer Zone to a Coastal Beach.

**Presentation:** Jason Ellis presented the application. He said that the kitchen on the premises is being re-configured and a new grease trap is required. He reviewed the project, which includes the removal of an existing fiberglass tank and the installation of a 2,000-gallon precast poly or fiberglass grease trap in the same location, under an existing deck. In addition, he said, 12 helical piles to support the existing, compromised concrete foundation, will be installed by Anchor Marine. He said he did not have any more details or a structural plan for that aspect of the work and said that it could be withdrawn from the present proposal if the Commission required structural drawings. He will return with a new filing for the foundation work. All work to install the grease trap will be performed from the Court Street Town Landing. He said that the least invasive protocol would include a mini-excavator that would actually do the digging work and a large loader with rubber tires to remove the fill. The grease tank can be brought in by hand. He said that the job should take about two days. The existing abandoned septic tank components are still in the ground and the property is connected to the sewer system.

**Public Comments:** Ryan Campbell, the owner of an abutting unit in the condominium, spoke in support of the application. Brian Piccini, an abutter, had concerns about the proposed grease trap failure and communication issues with the new owners of the property.

**Commission Discussion:** The Commission agreed that the foundation work would require a new hearing and questioned Mr. Ellis about the design and integrity of the grease trap and issues regarding potential leakage of grease into the resource area. Mr. Ellis described the grease-monitoring system, which would alert the property owner before the system needed pumping. Many times the alert goes directly to the pumping service. He said that steel covers and hatches

are part of the system. Mr. Famulare suggested that a condition be added stating that the grease trap maintenance be only from Commercial Street. Mr. Ellis reviewed the design calculations of the grease trap based on the number of seats assigned to the business on site. He also reviewed the construction notes and suggested an option of installing steel manhole covers, attached by lag-bolts and a rubber gasket to prevent leakage and said that the owners would be amenable to that. The Commission agreed to impose that condition. He agreed to submit a revised plan with that information. Mr. Famulare amended conditions to include lock and seal covers on the grease trap, that access to grease trap be from Commercial Street only and that the replacement of pilings will require a new application.

*Nathaniel Mayo moved to approve the Notice of Intent, CON-19-065, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the removal of an existing fiberglass tank and the installation of a grease trap under an existing deck at the property located at 193A Commercial Street subject the conditions as amended, including that the application is only for the removal of an old grease trap and installation of a new grease trap, that there be maintenance access from Commercial Street only and not from the beach, and that the grease trap include locking, sealed covers, Joseph Cooper seconded and it was so voted, 5-0.*

4) **Request for Certificate of Compliance:**

a) CON-19-066 963 Commercial Street, Unit 15 (second-story addition to an existing structure). Mr. Famulare reviewed the project. He visited the site today and said an on-going condition is that no herbicides or synthetic fertilizers can be used on the property. He recommended the issuance of a full certificate of compliance.

*Nathaniel Mayo moved to grant a full Certificate of Compliance for CON-19-66 for the project at 963 Commercial Street, Unit 15, Alfred Famiglietti seconded and it was so voted, 5-0.*

5) **Conservation Agent Updates:** Mr. Famulare said that Americorps came to the B Street Garden on April 1<sup>st</sup> to reconstruct three of the standing beds reserved for people with accessibility issues. He had purchased materials for two, but it was decided that three would be done. He is requesting approval of funds for expenses related to the third bed, \$437.20, plus miscellaneous items, mesh, peastone and fabric, for all three, and \$63.74 for lunch, for a total of \$500.94. Also, he announced that the Commission received a Community Preservation Commission grant for \$32,000 to replace the beds.

*Nathaniel Mayo moved to approve the B Street Garden expenses, Alfred Famiglietti seconded and it was so voted, 5-0.*

Mr. Famulare said that on Sunday, the Harbormaster was informed about hydraulic dredging of surf clams off Herring Cove beach. He said that fisherman was spoken to today and the Commission should be seeing an Enforcement Order and an application related to the activity shortly. He asked the Commissioners about holding a special meeting to address some enforcement matters. Mr. Famulare will let the Commissioners know if a date and time can be found, however he said the meeting would be tentatively scheduled for April 30<sup>th</sup> at 4:00 P.M.

6) **Approval of Minutes of March 19, 2019:**

*Nathaniel Mayo moved to approve the minutes as written, Robert Brock seconded and it was so voted, 5-0.*

7) **Any other business that shall properly come before the Commission:** None.

**ADJOURNMENT:** *Nathaniel Mayo moved to adjourn the Public Hearing at 8:00 P.M., Robert Brock seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2019  
Alfred Famiglietti, Chair