

**PROVINCETOWN CONSERVATION COMMISSION**

**Auditorium**

**January 21, 2020**

**6:00 P.M.**

**Members Present:** Alfred Famiglietti, Robert Brock, Joseph Cooper, and Brett McNeilly.

**Members Absent:** Nathaniel Mayo (excused), Oriana Conklin (excused) and Dani Niedzielski (excused).

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

Chair Alfred Famiglietti called the Public Meeting to order at 6:04 P.M. and announced that the Commission's meeting new starting time will be at 6:00 P.M.

3) **Discussion of Commission's 2019 Annual Report:** Mr. Famulare summarized the Report briefly and reviewed his revisions. The Commission briefly discussed the Report.

*Joseph Cooper moved to approve the Conservation Commission's 2019 Annual Report, Robert Brock seconded and it was so voted, 4-0.*

4) **Conservation Agent Update:**

a) **MACC Annual Environmental Conference:** February 29, 2020: Mr. Famulare announced the date of the Annual MACC Conference, which will be held at the College of the Holy Cross in Worcester, MA.

b) **CON-20-037 247 Commercial Street** – Annual beach party: Mr. Famulare said that the annual beach party will be the same as in previous years. It will be held on Thursday, July 2<sup>nd</sup>, with a rain date of Friday, July 3<sup>rd</sup>. He passed out the previous conditions and reviewed them. He said the event was usually brought to the Commission for Administrative Review, however since the conditions were the same, he thought, in order to save time, he would ask for authorization to approve the event as the Agent at the staff level. *Joseph Cooper moved the approve CON-20-037 for an annual beach party on the property located at 247 Commercial Street as an Administrative Review by the Agent, Robert Brock seconded and it was so voted, 4-0.*

5) **Approval of Minutes of January 7, 2020:**

**January 7, 2020:** *Joseph Cooper moved to approve the minutes as written, Robert Brock seconded and it was so voted, 4-0.*

Chair Alfred Famiglietti adjourned the Public Meeting at 6:23 P.M.

Chair Alfred Famiglietti called the Public Hearing to order at 6:31 P.M.

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

2) **Public Hearings:**

b) CON-20-038 66 West Vine Street (continued from the meeting of January 7, 2020)  
**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 for construction of one 4-bedroom dwelling, hardscape patios, sewer system, gravel driveway, and retaining walls; re-alignment of existing fencing; and associated utility upgrades and landscape improvements. Work to take place within a Buffer Zone to a Bordering Vegetated Wetland.

**Presentation:** Dave Krohn appeared to discuss the application. A letter from the environmental scientist consulting on the project, Paul Shea, had been submitted regarding the potential for contamination of the resource area from the lateral flow of effluent from the proposed raised leaching fields based upon the Commission's concern and request at the last hearing. Mr. Shea concluded that the proposed development, including the 4-bedroom septic system and leaching field will not have a detrimental effect on the wet meadow, freshwater wetland habitat or the bordering vegetative wetland in the area.

**Public Comment:** There was 1 letter in opposition to the project.

**Commission Discussion:** The Commission discussed the issue in Mr. Shea's letter. Mr. Famulare reviewed the draft conditions. He said that #13 would be stricken from the list of conditions, as he had thought that the retaining walls were proposed to be higher than 4', however the current plans show that the retaining walls would be no higher than 3.9'. He also said that he had revised #26 for the same reason as #13 was removed, as the retaining walls will not be over 4' high.

**Robert Brock moved to approve CON-20-038, a Notice of Intent 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 construction of one 4-bedroom dwelling, hardscape patios, sewer system, gravel driveway, and retaining walls; re-alignment of existing fencing; and associated utility upgrades and landscape improvement for the property located at 66 West Vine Street with the conditions as discussed, Alfred Famiglietti seconded and it was so voted, 4-0.**

a) CON-19-081 0-Foot Gosnold Street (Ryder Street Beach) (continued from the meeting of January 7, 2020)

**Notice of Intent** filed by the **Town of Provincetown**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law to construct a coastal dune on Ryder Street beach; project to include removal of invasive species, installation of sand drift fencing and seasonal mats for pedestrian access, and a planting plan for the dune. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach, and a Coastal Dune. Brett McNeilly had signed a Mullin form attesting to the fact that he had viewed the last hearing of the matter and was qualified to be seated on the case.

Mr. Famulare reviewed the Special Conditions. He said that permission for the project was still being sought from abutting properties and the Town may have to acquire property interests, such as easements, in addition to the abutters' consent. He suggested adding to Condition #16, requiring the installation of fencing along the beach, or front, side of the dune to discourage the public from climbing on the dune.

**Robert Brock moved to approve CON-19-081, a Notice of Intent pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131 §40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law to construct a coastal dune on Ryder Street beach; project to**

*include removal of invasive species, installation of sand drift fencing and seasonal mats for pedestrian access, and a planting plan for the dune at the property located at 0-Foot Gosnold Street (Ryder Street Beach), Brett McNeilly seconded and it was so voted, 4-0.*

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

**ADJOURNMENT:** *Joseph Cooper moved to adjourn the Public Hearing at 7:15 P.M., Brett McNeilly seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2020  
Alfred Famiglietti, Chair