

**PROVINCETOWN CONSERVATION COMMISSION  
VIRTUAL MEETING**

**May 5, 2020**

**6:00 P.M.**

**Members Present Virtually:** Nathaniel Mayo, Robert Brock, Oriana Conklin, Brett McNeilly and Thomas Skinner.

**Members Absent:** Alfred Famiglietti (excused) and Joseph Cooper (excused).

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

Conservation Agent Tim Famulare introduced the remote participation meeting and explained how applicants and the public could participate. He reviewed the protocol of the meeting.

Vice Chair Nathaniel Mayo called the Public Meeting to order at 6:12 P.M. and reviewed the purview of the Commission.

1) **Public Comments:** None.

2) **Public Hearings:**

a) **CON-20-062 30 Shank Painter Road**

**Notice of Intent** filed by the **Meili West, 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 to demolish an existing building and construct a new multi-family condominium and associated site improvements. Work to take place within Land Subject to Coastal Storm Flowage.

**Presentation:** Brad Malo, of Coastal Engineering Co., Ted Roach, of Meili West, LLC, Rafael Hernandez, of Acropolis Design Consultants, and Attorney Christopher J. Snow, on behalf of the applicant, were present in the meeting to discuss the application. Mr. Malo said that the proposed project includes the demolition of the structure on the property and its replacement with a three-story building. The development will have a partly enclosed parking and a common outdoor roof deck. Infrastructure improvements will include a pervious paver parking area, shell surfacing, walkways, sewer and water connections, a drainage system comprised of two catch basins, stormwater recharge basins located in the parking area, and other utilities and site-appropriate landscaping. The existing elevation of the site varies from 7.6' to 8.5', except for a catch basin located at 7.1', and very little grade changes will be made, only enough fill will be brought in to direct drainage to the catch basins. A stormwater management plan for a 25-year storm has been designed and submitted. Concrete sidewalks will be sloped towards vegetated areas except where required for accessibility purposes.

**Public Comment:** None.

**Commission Discussion:** Mr. Famulare reviewed the Commission's jurisdiction for the Commission's new member. The Commission will be looking at how the applicant proposes to mitigate flooding on the site. The design plan shows a significant infiltration system for roof and surface runoff. He mentioned that a stormwater management plan, the narrative of which is in the materials, has been submitted by the applicant for this project because the project proposes a

substantial redevelopment of the site. He mentioned that the Commission would have to make a finding and grant a waiver from Standard 2 of state's stormwater report checklist because of the property's location in land subject to coastal storm flowage and the fact that all stormwater will be contained on the site and there will be no new discharge of stormwater to a freshwater body. He then reviewed the draft conditions, noting preconstruction condition #6 regarding the final foundation design being approved by the Building Commissioner. He said that the existing sewage disposal system on the property will have to be pumped and removed pursuant to Title 5 requirements. Numbers 13-15 are conditions typically seen in properties located in flood zones and are ongoing maintenance conditions. He noted that under the post-construction conditions, there were some documents/plans required that are part of the stormwater management report and have to do with perpetual maintenance of the stormwater management system to make sure it continues to perform properly. He concluded the review by saying that a long term pollution prevention plan and an emergency spill clean-up plan are required, and the storage of chemicals or other hazardous materials would have to be below base flood elevation of 9', and not in sheds or other structures or areas that are below that, all of which are also ongoing maintenance conditions.

***Robert Brock moved to approve the Notice of Intent, CON-20-062, 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 demolish an existing building and construct a new multi-family condominium and associated site improvements at the property located at 30 Shank Painter Road, subject to the draft Order of Conditions as discussed and a waiver of Standard 2 in the Stormwater Management Report is granted because the project is located in land subject to coastal storm flowage, Oriana Conklin seconded and it was so voted, 5-0 by roll call.***

b) CON-20-058 345A Commercial Street (continued from the meeting of April 21, 2020) **After-the-Fact Notice of Intent** filed by **Richard Baker**, on behalf of **Fish and Yee Condominium Association**, 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 reconstruct an existing deck and install new concrete footings. Work to take place within Land Subject to Coastal Storm Flowage and a Coastal Dune. Mr. Famulare gave the Commission an update on the project and several issues related to the work being done. He recommended continuing it to May 19, 2020. ***Oriana Conklin moved to continue CON-20-058 to the meeting of May 19, 2020 at 6:00 P.M., Robert Brock seconded and it was so voted, 5-0 by roll call.***

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

a) CONLGY-17-004 143 Commercial Street:  
Request to Extend Order of Conditions (DEP File No. 058-0525), issued May 14, 2014, as amended July 13, 2017, and previously extended to May 14, 2020, filed by George Tagaris for the construction of a new building and replacement of two existing cottages. Mr. Famulare said that Mr. Tagares has requested to withdraw the request.

4) **Conservation Agent Update:** Mr. Famulare welcomed Thomas Skinner, the new alternate member of the Commission. Mr. Skinner briefly gave some background on his work experiences.

Mr. Famulare said that he is getting ready to issue some permits and he will be trying to find a way to get Commissioners' signatures on documents. He is researching the issue and will keep the Commission apprised.

5) **Approval of Minutes of February 4, March 3, March 17, and April 21, 2020:**

**February 4, 2020:** *Oriana Conklin moved to approve the minutes as written, Robert Brock seconded and it was so voted, 5-0.*

**March 3, 2020:** *Oriana Conklin moved to approve the minutes as written, Robert Brock seconded and it was so voted, 5-0.*

**March 17, 2020:** *Oriana Conklin moved to approve the minutes as written, Robert Brock seconded and it was so voted, 5-0.*

**April 21, 2020:** *Oriana Conklin moved to approve the minutes as written, Robert Brock seconded and it was so voted, 5-0.*

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

**ADJOURNMENT:** *Thomas Skinner moved to adjourn the Public Hearing at 7:00 P.M., Oriana Conklin seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

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