

PROVINCETOWN CONSERVATION COMMISSION

June 10, 2008

6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin and David Hale.

Members Absent: Jack McMahon (unexcused) and Richard Silver (unexcused).

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

PUBLIC MEETING

Chair Dennis Minsky called the Public Meeting to order at 6:32 P.M.

PUBLIC STATEMENTS: Jack Papetsas and Laura Papetsas spoke to the Board in regard to the property located at 101 ½ Commercial Street, which is the subject of a Determination of Applicability. They were concerned about the number of continuances that the applicant has requested from the Commission. The latest continuance is to a hearing scheduled for August 12, 2008. Mr. Papetsas and Ms. Papetsas, who are direct abutters to the property, will not be able to attend that hearing due to the fact that they run a restaurant and their work schedule is very busy at that time of the year. They inquired of the Commission if it would be possible to move the continuance to a hearing sometime after Labor Day. Chair Dennis Minsky replied that the Commission would take the request under consideration and discuss the issue under the appropriate agenda item.

MINUTES: May 13, 2008 – Joint Session – There was not a quorum of members to approve these minutes. They will be approved at the next hearing.

May 13, 2008 – Regular Session – David Hale moved to approve the language as written, Lynne Martin seconded and it was so voted, 4-0.

May 13, 2008 – Executive Session – Lynne Martin moved to approve the language as written, David Hale seconded and it was so voted, 4-0.

OLD BUSINESS:

Request for Determination of Applicability

Application by **Joel Shaw (West Beach Club Condo Trust)**, represented by **Cape Associates, Inc.**, for a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes site work for the construction of a 15' by 15' pressure-treated deck on the beach at the property located at **101 ½ Commercial Street**, in Provincetown. The applicant seeks a continuance until the August 12, 2008 hearing. The Commission briefly discussed the request, taking into consideration the request of the Papetsas' during the Public Statements, and decided to continue the matter until the September 9, 2008 hearing.

Lynne Martin moved to continue the Determination of Applicability for the property located at 101 ½ Commercial Street until the September 9, 2008 hearing, David Hale seconded and it was so voted, 3-0.

Notice of Intent

Application by the **National Park Service – Cape Cod National Seashore** 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 applicant proposes renovations to an existing bike trail with work to include clearing of downed trees and brush, re-pavement of the trail, re-location of the bike trail at segments # 1-5, stabilization along the bike trail corridor, the construction of pull-offs, the removal and replacement of wood retaining walls and other work at the **Cape Cod National Seashore** in Provincetown.

Presentation: Lauren McKean, who represented the application when it was initially heard by the Commission, was not able to attend the hearing, but she submitted new information to be reviewed by the Commission.

Commission Discussion: The Commission had informed Ms. McKean at the previous hearing that additional information was needed, including a Department of Environmental Protection file number, which has now been obtained and a Natural Heritage determination, a copy of which has now also been sent to the Commission. Ms. McKean also submitted a completed Checklist for Stormwater Report that was requested by the DEP, which the Commission will incorporate into their Order of Special Conditions for the project.

Public Comment: Christine Odiaga commented that the National Seashore is to be commended for their proposed use of wattles to restrict all construction activity to the footprint of the bike path in wetland areas.

David Hale moved to approve the Notice of Intent for the Cape Cod National Seashore with the Standard Order of Conditions and the Special Conditions as discussed, Lynne Martin seconded and it was so voted, 3-0.

Notice of Intent

Application by **Lisa Gledhill** and **Debbie Blanton** 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 work includes the elevation of an existing house to comply with FEMA standards and replacement of an approximately 400 square feet addition at the rear of the house at the property located at **124 Commercial Street** in Provincetown. This case has been withdrawn without prejudice at the request of the attorney representing the property owner.

NEW BUSINESS:

Request for Determination of Applicability

Application by **George Remien, Beach Point Club** for a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes site work to include installation of a pump chamber and a leach field for an existing cottage at the property located at **963 Commercial Street** in Provincetown.

Presentation: David LaJoie, of Felco Engineering, appeared to present the application. The applicant seeks to install a septic system at the property. The work will primarily be done in the driveway area. The limit of work is on the southerly side of the driveway.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. LaJoie.

Dennis Minsky moved to grant a Negative #3 Determination for the proposed installation of a pump chamber and a leach field at the property located at 963 Commercial Street, with the Standard Order of Conditions and contingent upon the project's approval by the Board of Health, David Hale seconded and it was so voted, 3-0.

DISCUSSION:

Rogue Wave Proposal (*continued from May 13, 2008*) – The Commission discussed whether to move forward with this project. The Commission previously approved the project and the procurement had been signed by the Town Manager, but the contract had not yet been drawn up or executed. Mr. Aubrey had to go away on business and told Brian that he would like to give the eel grass, if present, a chance to

grow.

David Minsky moved that the Conservation Commission suspend the contract with Steve Aubrey of Rogue Wave until further notice, Lynne Martin seconded and it was so voted, 3-0.

DISCUSSION:

Beach Cleaning Regulations – The Harbor Committee seeks to purchase a mechanical beach raking machine and the local Conservation Regulations that prevent the activity of beach raking. The Commission discussed the issue, including what role the wrack line plays in, and what effects it has on, the ecosystem of the Town beaches.

Public Comment: Celine Gandolfo spoke against beach cleaning and suggested raising the fines for dog owners who neglect to pick up their dogs' feces. Christine Odiaga cautioned the Commission about what kind of information they disseminate about wrack lines and the performance of Town beaches.

Dennis Minsky moved to issue a statement that the Conservation Commission has considered all aspects of the Harbor Committee's proposal for mechanical beach raking and finds it to be not in accordance with the local Conservation regulations and further, that much of the cleaning of the Town beaches can be accomplished by hand, Lynne Martin seconded and it was so voted, 3-0.

ANY OTHER BUSINESS:

Brian Carlson read a letter requesting a recommendation from the Commission to the DEP for the Town's grant proposal for its stormwater improvement project in the Provincetown Harbor Watershed. The goal of the project is to implement stormwater best management practices in three different areas that currently contribute stormwater run-off to Provincetown Harbor. Public education will be included to inform residents of the reasons for the project and how they can contribute to water quality manage

Christine Odiaga handed out information to the Commission, up-dated them on what is new at the DEP, including the Wetland Information Resource (WIRE) on their website, which would streamline the application process for both applicants and the DEP. She also informed the Commission of up-coming, relevant workshops, which would be especially educational for new Commission members.

Brian got a letter from Richard Davis, who owns land on Browne Street. Mr Davis wants to donate or sell the land to the Town for conservation purposes. Brian has talked to Mr. Davis and passed the information along to David Gardner, Assistant Town Manager and to Town Manager, Sharon Lynn.

Dennis mentioned several issues, including the environmental grants for Commission projects that Brian is working on. The Commission needs to explore those further. He also mentioned the flood control situation in the West End and the regional approach to beach nourishment that the Commission has discussed in the past and Steve Milkewicz's concern about boat storage on the beach.

Celine mentioned the large number of vehicles on the grounds of Coastal Acres and her concern about possible pollution of the land caused by those vehicles.

Signage for Conservation Land – The Commission, in conjunction with Celine Gandolfo, discussed of what material the signs should be made. The Commission decided to purchase high-pressure laminate from Genesis Graphics for 4 interpretive signs, 3 (for Nicky's Park, Whistlepath Woods and the Curtis Property), all of which are 12' by 12', and 1 (for Shank Painter Pond), which is 18' by 24'. The Commission would like Brian to get quotes for some kind of plastic material (like Trex) that looks like wood for the property signs and the second Nicky's Park sign. Brian will investigate what colors are available for the signs and the lettering, and it needs to be further established what fonts are going to be used. Dennis will work on language for the signs. This information will be gathered for the next hearing on June 24, 2008.

The stop-work order on the project at 49A Commercial Street was lifted. The contractor supplied Brian with amended information for the file and thus was allowed to continue the work.

There was a letter from the owners of 599 Commercial Street requesting to access the property from the beach using a rubber-tired tractor, traveling below the high tide line, for the removal of earth materials in preparation of proposed site improvements. The Commission discussed this request and decided to deny the request. They felt there was a lack of sufficient justification for the request.

There was a request from Elia Sinaiko, of 609-611 Commercial Street, to amend his sea wall plan to include some construction along the easterly and westerly returns, as the sheet pilings that comprise the returns present a serious hazard because they leave open holes surrounded by steel edges. The Commission discussed the issue and decided to ask Mr. Sinaiko to appear before them for an amended Order of Conditions for the project.

Dennis Minsky moved to request Elia Sinaiko to appear before the Conservation Commission for an Amended Order of Conditions for the proposed work at 609-611 Commercial Street, Lynne Martin seconded and it was so voted, 3-0.

The Commission discussed 2 Commercial Street and the fact that no planting at the property seems to have occurred to date. Dennis would like to have a site visit scheduled.

Dennis suggested that the Commission should present a desk plaque for Elaine Anderson in gratitude for her work on the Commission.

ADJOURNMENT: Lynne Martin moved to adjourn at 9:50 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2008.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008
Dennis Minsky, Chair