

Conservation Commission  
**January 25, 2001 Meeting**

6:30 p.m. meeting begins

Tom Houchard – absent (excused)

Attending: John Bennett, Susan Avellar, Rob \_\_\_\_\_, Sheila Benzer (5 members present)

**Public Hearing re: Town of Provincetown – Old Burn Dump #1**

David Guertin, Director of Public Works, Mark Eisner (?) – Environmental Partners Group, and third person

Bennett hasn't received any information from National Heritage people – hoping we would have in time for meeting. Third application. First application, they responded with recommendation that we have an environmental monitor paid for by the Town representing the Conservation Commission, and recommended that we do some additional erosion control i.e., double hay bales and double silk fences (copy on file) application denied.

2<sup>nd</sup> application continued and withdrawn

3<sup>rd</sup> application being heard tonite. JB states that this application is identical to 1<sup>st</sup> application, with exception that 3<sup>rd</sup> application provides what they had recommended for the 1<sup>st</sup> application, i.e., environmental monitor and additional erosion control. JB questions why the letter to the Conservation Commission on this application would be any different than letter on 1<sup>st</sup> application. Options to continue, with applicants consent, to next meeting or, proceed with OOC worked out at work session in early January (1 week ago).

Susan Avellar would vote to continue until more information or comments is received.

JB requests applicant if they would agree to continuance to next meeting. Applicant agrees.

Motion by Susan Avellar to continue Town of Provincetown – Old Burn Dump, to Feb 22<sup>nd</sup> meeting. Seconded by \_\_\_\_\_ Motion carried 5-0 to continue.

Discussion initiated by town citizen asking why the side slopes have to be included in capping – JB indicates that it is the state that requires the Town to cap it at all – Citizen continues to ask for more information regarding lead levels – JB directs citizen to engineers or to review of information kept by Dave Guertin's office (DPW) (Phase 1, 2, etc.).

Point made that this dump was closed previous to the DEP-mandated time period in which all other burn dumps must be capped (grandfathered). JB indicates again that the decision to cap is not one made solely by the Town – the DEP has mandated that it be capped because of potential human contact with the lead – even if it is extremely deep. Citizen again seeks to pursue the point – JB suggests that she take her point up with the engineer(s) – that their reports would most probably be available for any

citizens' perusal.

Male citizen presented sand from each side of the burn dump – 2 inches of topsoil with no burn dump material (some glass and rocks) – west and east slope are not contaminated (in this citizen's opinion). Suggests citizens do a cleanup with rakes and shovels. Citizen indicates that "the DEP would approve a nuclear waste dump in the middle of Cape Cod Bay", and that he has no faith in the DEP. Citizen indicates that the area was established in 1654 with the intent always to be conservation and recreation (oldest public land in America).

Female citizen read into the record a letter from George Bryant ("noted historian") addressed to JB regarding the historical significance of the burn dump site, urging the Conservation Commission to reject the proposal.

Suggestion made that public statements should be accepted – JB stressed that that is why public hearings are held, so that the public can be heard.

### **Notice of Intent: Captain Jacks Wharf Condo**

– Eric Drey, of Binder & Boland represented Captain Jacks.

Motion by JB to approved the project and grant Order of Conditions with special conditions as follows:

- ❖ Sewage pipe must be dried before any relocation
- ❖ Discarded materials be controlled into waste containers to prevent getting into the water.
- ❖ Oil boom be deployed and in place at all times when the barge is at Capt. Jacks Wharf.
- ❖ Absorbent oil cloth "diapers" be on the barge at all times.
- ❖ And patrol area daily, including the beach, for debris.

Motion seconded by (male) – motion carried 5-0.

### **Request for Determination of Applicability: 20A Commercial St.**

Abutter was the applicant. No one appeared at this meeting.

### **Request for Determination of Applicability – 421 Commercial St.**

– Kevin Bazarian appeared for the applicant. Replacement of a 2<sup>nd</sup> floor deck – structure is rotting – no modifications will be made – replace same for same.

Motion made by JB to determine that proposed work is applicable to Wetlands Protection Act, but will not be the type of work that will adversely affect the wetlands and does not require a Notice of Intent. Motion carried by 5-0 vote.

JB requests Commission member comments – none given.

JB made a motion for adjournment

Discussion regarding holding a work session:

Motion made by JB for work session to be held on February 15, 2001 – seconded and carried.

Tape recorded minutes ended before motion for adjournment could be seconded and carried.

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