

PROVINCETOWN CONSERVATION COMMISSION

November 6, 2007

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson and David Hale.

Members Absent: Lynne Martin(excused) and Dieter Groll (unexcused).

Others Present: Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

PUBLIC HEARING

Chair Dennis Minsky called the Public Hearing to order at 6:32 P.M. He polled the Commission concerning taking the agenda out of order and all assented.

PUBLIC STATEMENTS: None.

OLD BUSINESS:

Notice of Intent (continued from October 16, 2007)

Application by **Burton I. & Brunetta R. Wolfman** 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 seeks to repair an existing timber bulkhead at the property located at **657 Commercial Street**, in Provincetown.

Presentation: Katelyn Merrill from East Cape Engineering appeared to discuss the revised project. She submitted new plans as requested by the Commission. The existing bulkhead is a 43' timber bulkhead and will be stabilized. The applicant proposes to locate a new bulkhead, comprised of wood sheathing, walers and pilings, 3 feet seaward of the existing bulkhead. The area between the new and the existing bulkhead will be back-filled with sand.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Merrill. They informed her that they would not like to see the bulkhead encroach 3 feet further into the resource area. Ms. Merrill will talk to her clients about the Commission's concerns. She requested a continuance until the November 20, 2007 hearing.

Elaine Anderson moved to accept the request for a continuance until the November 20, 2007 hearing, David Hale seconded and it was so voted, 3-0.

NEW BUSINESS:

Notice of Intent

Application by **Russell A. Gaudreau, Jr.** 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 seeks repair of decks and pilings and reinforcement of a concrete bulkhead at the property located at **565 Commercial Street**, in Provincetown.

Presentation: Katelyn Merrill of East Cape Engineering appeared to present the application. The applicant seeks to repair existing decks, replace deck pilings and stabilize an existing bulkhead by installing steel sheet piling at the toe of the bulkhead. Ms. Merrill stated that the deck will be reinforced with 2x12 joists, which will then be connected to pilings that will be driven into the sand and back-filled with concrete. The work will involve the use of a crane from a landing belonging to an abutter on the south side of the property. The applicant has gotten permission from the abutter to use this landing.

There will be no increase in the footprint of the deck and no disruption of the resource area.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Merrill. The Commission noted that there is no DEP file number for this project. Ms. Merrill will call and find out if there is a number assigned yet. The Commission would also like to see a letter in writing from the abutter granting the applicant permission to use the landing.

David Hale moved to approve the Notice of Intent for the property located at 565 Commercial Street with the standard Order of Conditions in addition to the following:

- *access will be from the landward side of the resource area;*
- *all work will be staged from the landward side of the resource area;*
- *building materials will be stored on site;*
- *submission of a letter from the abutter giving the applicant permission to use the landing; and*
- *the issuance of a DEP file number and no negative comments.*

Dennis Minsky seconded and it was so voted, 3-0.

Notice of Intent

Application by **Michael Winstanley** 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 seeks to restore approximately 500 square feet (5' by 100') along the existing line of beach grass to replace beach grass that was removed at the property located at **781 Commercial Street**, in Provincetown.

Presentation: No one presented the application. The applicant proposes to mitigate damage he caused to the resource area when he cleared beach grass. He is proposing to replace the beach grass that he had removed and remove debris on the site.

Public Comment: None.

Commission Discussion: The Commission discussed the application and whether the property was located in an estimated habitat for rare wildlife as indicated on the map published by the Natural Heritage and Endangered Species Program. The Commission also agreed that any debris removal at the site should be done before the beach grass is planted and it should be planted during the appropriate planting season.

David Hale moved to reject the Notice of Intent for the property located at 781 Commercial Street for lack of adequate information and an incorrect application and to issue another enforcement order and fine against the applicant. This motion was not seconded and failed. The Commission then discussed approving the application with conditions relating to the site work and planting schedule.

Dennis Minsky moved to approve the Notice of Intent for the property located at 781 Commercial Street with the condition that a specific date be chosen for the planting of the beach grass, that a protocol be submitted for the debris removal prior to the planting and that the applicant make a MESA filing, Elaine Anderson seconded and it was so voted, 2-1 (David Hale opposed).

DISCUSSION: New Regulations and Fees

The Commission discussed the new fee schedule on a hand-out from Brian Carlson. The Commission decided to hold off voting to approve the fees until more Commissioners were present.

Conservation Commission Budget Appropriation

The Commission's Finance subcommittee was not present so this topic is continued until the subcommittee's report is read.

Massachusetts Conservation Mapping Assistance Partnership Program

This is a program offering GIS training and use of GIS software. The Commission discussed the program.

APPOINTMENTS:

There are two alternate appointments open on the Commission. The Commission discussed the possibility of putting an ad in the Banner for membership.

CORRESPONDENCE:

The Commission discussed a letter from William Parish and Steve Paridise, of the Orleans Conservation Commission, proposing changes to the State regulations concerning illegal tree cutting. They are proposing stiffer fines, a fine for each tree instead of several trees constituting one violation. They have enclosed a petition to sign and send to back to them at which time they will give to Senator O'Leary or Representative Peake. The Commission agreed to support the proposition, but will wait until the full Commission is seated to officially vote on the proposition.

Rex McKinsey, the Provincetown Harbormaster, is seeking letters of recommendation from the Commission in regard to the Proposal for Design and Construction of Vessel Sewage Pumpout Facility at MacMillan Pier. This is in response to the Coastal Pollutant Remediation Grant Program for which the Town had applied. This is an effort to reduce or eliminate as many sources of non-point source pollution as possible in the Harbor. The Commission agreed to sign the letters of support.

Rex also briefly discussed a proposal for FY2008-09 to continue the Provincetown Estuarine Water Quality Monitoring Project, for the scientific monitoring and data collection related to water quality in the Harbor.

COMMISSION STATEMENTS:

Dennis Minsky wanted to discuss the project going on at the Airport and its potential impact on the resource areas nearby. The Commission is concerned about the proposed project and what it will entail.

ANY OTHER BUSINESS:

The Commission discussed expenditures for the MACC training in January.

Elaine Anderson moved to approve expenditures for Commission members to attend the MACC training in January of 2008, David Hale seconded and it was so voted, 3-0.

The Commission has made a MESA filing for the Shank Painter Pond Resource Area project

The Commission discussed how to remove the dirt pile at the above site.

There is an update on the issue of box turtles at the transfer station, many of which are being killed due to mowing at the site. The mowing will not occur during the box turtle migration season.

There will be a site visit with Jim Mahala in regard to the Harris' trail and the request of Michael Winstanley for a superceding Order of Conditions for the project on Friday, November 9 at 1:00 P.M.

ADJOURNMENT: *Elaine Anderson moved to adjourn at 8:45 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2007.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2007
Dennis Minsky and Elaine Anderson, Co-Chairs