

PROVINCETOWN CONSERVATION COMMISSION

December 18, 2007

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson, Lynne Martin, Dieter Groll and David Hale.

Members Absent: None.

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

PUBLIC HEARING

Co-Chair Dennis Minsky called the Public Hearing to order at 6:35 P.M.

PUBLIC STATEMENTS: None.

MINUTES: December 4, 2007 – Elaine Anderson moved to approve the language as amended, David Hale seconded and it was so voted, 4-0.

OLD BUSINESS:

Request for Extension

Katelyn Merrill, of East Cape Engineering, Inc., is requesting an Extension of an Order of Conditions issued to the property located at **609 Commercial Street** in Provincetown under DEP file no. SE 058-0379.

Presentation: Katelyn Merrill appeared to request the extension. The applicant seeks to extend the completion date for the repair of a bulkhead at the premises. This request is being made due to the unavailability of the materials to be used for the project. The contractor has started the work, but does not anticipate completing the project prior to January 1, 2008, which is the completion date the Commission had previously granted the applicant. Therefore, the applicant requests a completion date of April 1, 2008.

Commission Discussion: The Commission questioned Ms. Merrill.

David Hale moved to grant the Extension of an Order of Conditions, with no changes to the Order of Conditions, for the property located at 609 Commercial Street, DEP File No. SE-058-0379, until April 1, 2008, Dieter Groll seconded and it was so voted, 5-0.

NEW BUSINESS:

DISCUSSION: DMF Response to local regulations on Hydraulic Dredging

The Commission discussed the issues raised in a letter from the Department of Marine Fisheries written in response to a letter from Monte Rome, owner of the F/V Kimberly Ann.

There are two issues that are addressed by the DMF in the letter. The issues are that the DMF doesn't believe that the Conservation Commission has jurisdiction where the hydraulic dredging took place in this instance and that there is no environmental damage caused by the process of hydraulic dredging. The Commission also discussed the possibility of pursuing the violations by the F/V Kimberly Ann as a criminal matter, as there has been no appeal nor payment of the fine as a result of the issuance of the citations. The Commission had previously informed Mr. Rome that a Notice of Intent needed to be filed by December 25, 2007 in order to be heard on January 8, 2008. A Notice of Intent has not yet been filed. Brian Carlson will investigate the options that are now open to the Commission in this matter.

Elaine Anderson moved to direct Brian Carlson to speak to Glen Enos, the prosecuting officer in the

Provincetown Police Department, and to apprise the Conservation Commission of the status of the violations in this matter so the Commission will know how to proceed, Dennis Minsky seconded and it was so voted, 5-0.

The Commission then discussed hiring a consultant to advise them on this matter. They also discussed the possibility of getting the National Seashore involved in the discussion. Chair Dennis Minsky will contact John Portnoy and Graham Geiss and find out what their viewpoints are concerning the issue. Brian Carlson recommended that the Commission might also want to meet and discuss this with Tony Jackett, the Shellfish Constable. The Commission will also ask Paul Tasha for further documentation and information about his first-hand knowledge of and research into this issue.

DISCUSSION: New Regulations and Fees

The Commission discussed the revised new fee schedule.

Elaine Anderson moved to approve the revised fee schedule as amended, David Hale seconded and it was so voted, 5-0.

DISCUSSION: Shank Painter Pond Wildlife Sanctuary Project

The Commission discussed this project that is being undertaken by Americorps. Brian Carlson distributed a hand-out showing the tasks to be undertaken, including the materials and tools needed for each task. The project will not begin until the spring and will involve 2 or 3 days of work. Ron Robillard has a design for the parking area. Mr. Robillard will be invited to discuss his design with the Commission. The Commission then discussed each of the tasks. The Commission had many concerns, including exactly what native plantings will be used, where the top soil will come from for those plantings, the exact location of the split-rail fences at the site and the type of benches that will be used. The Commission would like to conduct a site visit and requests that the site be flagged for the site visit. They also are committed to keeping a close eye on the project as it progresses.

DISCUSSION: Nicky's Park Funding Proposal

Brian Carlson reported that he is applying for more grant money from the Barnstable County Land Management Grant Program for the project. This funding will assist the Commission in the implementation of the Management Plan for Nicky's Park. The Commission discussed the parking area and whether the creation of an unhardened parking area, as is stated in the grant proposal, conforms to the master plan. Brian Carlson stated his wish that the park be designed to be accessible to the less-abled and the handicapped in Town. The Commission discussed the proposal and agreed that the plan should move forward to be presented to the Board of Selectmen.

Elaine Anderson moved to go forward with the Nicky's Park Land Management Plan, David Hale seconded and it was so voted, 5-0.

CORRESPONDENCE:

The Commission discussed a letter from David Guertin concerning the affordable housing proposal slated for 90 Shank Painter Road. The letter states that the Town will be submitting a Notice of Intent to the Commission to be heard on January 22, 2008, as the Town plans to undertake an impacted soil remediation project at the site, which will include the capping of lead-impacted soils. Dennis Minsky would like to make a site visit separately from the other Commission members and invited those who hadn't visited the site to do so.

The 2007 Annual Town Report for the Conservation Commission is due on January 23, 2008.

CONSERVATION COMMISSION STATEMENTS:

None.

ANY OTHER BUSINESS:

Budget Meeting: Elaine Anderson gave a report on the budget meeting with Sharon Lynn that she and Dennis attended. The Commission discussed the various items in the proposed FY2009 budget. The budget discussed is what will be sent to the Town Manager for her recommendations, then to the Board of Selectmen for their recommendations and finally to the Finance Committee for theirs, before being presented to the voters at Town Meeting. The next proposed budget will be due June 30, 2008.

The Commission discussed ways in which they might be able to assure compliance of the Orders of Conditions they issue for various projects in Town. The Commission discussed the idea of generating a map showing where those projects were located.

The Commission briefly discussed the status of the Conservation database. Lynn Martin will bring a computer to the next meeting to show what progress has been made on that database.

The Commission would like to schedule a Work Session to discuss priorities and the budget.

Brian Carlson, Dennis Minsky and Elaine Anderson met with Chuck LaGasse, the new owner of Cabral's Wharf. He informed them that he didn't want to increase the footprint of the wharf, or to change the use of the pier, but would like to expand the number of moorings and slips at the wharf, even perhaps connecting each slip to the Town sewer system. He also mentioned the possibility of installing a wave attenuator in the bay.

Bissell's – Brian Carlson talked to Reggie Donoghue, the engineer on the project, and he agreed to address the problems with the silt fencing and straw bales at the site. Dennis Minsky would like to visit the site again.

2 Commercial Street – Brian Carlson spoke to Greg Morris, who stated that he had already planted the beach grass on the site. The Commission would like access to the site and the property is gated and locked. Brian has not spoken with Rose Kennedy yet about the property.

Banner ad – The Commission discussed putting out a press release in mid-January or February, perhaps in conjunction with an article about a Conservation Commission project. Elaine Anderson will speak to Pru Sowers who reports for the Banner.

ADJOURNMENT: Elaine Anderson moved to adjourn at 8:55 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 and Elaine Anderson, Co-Chairs