

# PROVINCETOWN CONSERVATION COMMISSION

July 20, 2010

6:30 P.M.

**Members Present:** Dennis Minsky, Lynne Martin, Jack McMahon David Hale, Hank Janowsky and Barbara Prato.

**Members Absent:** Richard Silver (unexcused).

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

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

## **PUBLIC STATEMENTS:**

None.

**MINUTES:** June 15, 2010 – *Hank Janowsky moved to approve the language as amended, David Hale seconded and it was so voted, 5-0.*

### **Request for a Certificate of Compliance**

Request by **Judy K. Mencher** for a Certificate of Compliance for the project regulated under the Provincetown Wetlands By-Law Chapter 12 at the property located at **27-31 Bangs Street** in Provincetown.

**Presentation:** Billy Rogers appeared for a preliminary discussion. He has also submitted a new planting plan for the property. In the Special Order of Conditions for this project, ten trees were supposed to be planted, however only five have been planted so far. Other plantings have not yet been completed. Some annuals have been added. The foundations and the septic system have been completed and certified. The parking spaces have been laid out.

**Public Comment:** There was a letter from an abutter alleging that several of the Standard and Special Order of Conditions have not been complied with and that the construction protocol procedures were not followed.

**Commission Discussion:** The Commission questioned Mr. Rogers about the patio area and the gutters. The Commission did not act on the Request.

### **Request for a Certificate of Compliance**

Request by **Lori D. Pressman** for a Request for a Certificate of Compliance for the property located at **665 Commercial Street**, in Provincetown for the project with DEP Permit Number 58-0453. There was a letter from Tim Brady, of East Cape Engineering, Inc. requesting that a Certificate of Compliance be issued. Mr. Brady did not appear. The Commission postponed this Request.

### **Notice of Intent** (continued from June 15, 2010)

Application by **WK Red Clay, LLC, Herring Cove Village**, 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 scope of work to include the proposed site development at **21 Bradford Street Extension**, Map 5-3, Parcel 23, in Provincetown.

**Presentation:** Attorney Lester J. Murphy, Dave Krohn, Jim Watkins and Reggie Donoghue appeared to present the application. The applicant has submitted revised plans for the property. Attorney Murphy specified the changes in the new plans. The proposed swimming pool will be removed and in its place, the existing tennis court will remain. A maintenance shed will be built adjacent to one of the tennis courts. There will be an increase in the use of pervious materials on site and improvements to the landscaping and mitigation features. Natural Heritage has certified that the new plans do not result in a 'take'. There has been a DEP file number assigned. In addition, these plans were shown to the abutters and their attorney, Ed Patten, who have no objections.

**Commission Discussion:** The Commission questioned Attorney Murphy, Mr. Krohn, Mr. Donoghue and Mr. Watkins.

*David Hale moved to approve the application by WK Red Clay, LLC, Herring Cove Village, for a Notice of Intent with the Standard Order of Conditions and with the Special Conditions that the tennis court maintenance storage shed be moved north of Unit 1,7 outside of the restricted area and within the footprint of the existing tennis court #2, and that the proposed gravel path within the restricted area be shortened and follow the south lawn parallel to court #4, Dennis Minsky seconded and it was so voted, 5-0.*

## **DISCUSSION:**

### **B-Street Garden developments and next steps:**

Brian updated the Commission on the B-Street Garden. He is working on grants for Phase 2. Ryeon has left, but a new Americorps person will be arriving in October.

The shed is nearly done. Justin is helping work on it.

There is an experimental plot for suppressing the Japanese knotweed.

PTV has filmed three episodes for a documentary series at the site. Brian intends to use the episodes to help secure more grant money.

Securing the last four feet of easement is being worked on.

A meeting of the advisory group will take place in September. New advisory group members will be sought. David and Brian will work on guidelines for the group. David would like to step down as the chair of the group.

The new pump is working well.

*Dennis moved to finance Ryeon's appreciation gift up to \$100.00, Lynne Martin seconded and it was so voted, 6-0.*

### **Financial Update:**

Brian reviewed the Commission's accounts as of the end of the FY10. The Commission discussed the finances.

### **On-going Enforcement Investigations:**

34-36 Snow's Lane –There was a partial Certificate of Compliance issued in September of 2009. Brian and David made a site visit. David reviewed the violations at the property, which included the extension of a parking area, the removal of plantings, the installation of a shed and an outdoor shower, and a re-grading of the property which has resulted in the flow of run-off into the adjacent wetland. The Commission discussed the issue.

*Dennis Minsky moved to authorize Brian to send a violation notice specifying the particular offenses to the owners of 36 Snow's Lane, Lynne Martin seconded and it was so voted, 5-0.*

Winkler – The Commission briefly discussed Mike Winkler's violation.

**Local Conservation Regulations:**

The by-law sub-committee of Dennis, Hank and Barbara will be scheduling a meeting soon.

**CONSERVATION BOARD STATEMENTS:**

Michelle Couture contacted Dennis about the outfall pipes on the beach. DPW cleans the pipes and leaves the debris on the beach. Brian will contact David Guertin and Sharon Lynn about the issue and how it is related to proper beach cleaning procedures.

Beach closures at nineteen sites from the East End to the West End are reported weekly. Tests for bacteria are done every Monday and the results are available on Tuesday.

Sherry Dranch asked Dennis about the pursuit of grants.

Dennis had an e-mail from Doug Johnstone about changes in the Open Meeting law.

The Cape Cod Commission will be holding a Public Hearing on the T-Mobile telecommunications monopole that is proposed for the roof of the wastewater treatment plant.

**ADJOURNMENT:** *Lynne Martin moved to adjourn at 8:15 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on \_\_\_\_\_, 2010.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2010  
Dennis Minsky, Chair