

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
June 7, 2011
6:30 P.M.

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

Members Absent: Jack McMahon (excused)

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

Dennis Minsky called the Public Meeting to order at 6:31 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: May 17, 2011 – The Commission deferred approval.

Request for Determination of Applicability

Application by **Ann Maguire, Trustee**, for a **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 repair and replacement to the existing steel sheet piling bulkhead at the property located at **493 Commercial Street** in Provincetown.

Presentation: William N. Rogers, II and Mike Winkler appeared to present the application for the repair of an existing bulkhead. The work will consist of the installation of two helical tie-back anchors to the most easterly and westerly units, the installation of through-bolt steel channel whalers to sheet piling on the seaward face, a repair to the east and west end of channel whalers that have become disconnected and the welding of channel whalers with plates at existing spacings. There will be no need for machinery on the beach.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers and Mr. Winkler.

Lynne Martin moved to grant a Negative #3 Determination with the Standard Order of Conditions for site work to include the repair and replacement of an existing steel sheet piling bulkhead at the property located at 493 Commercial Street, Dennis Minsky seconded.

Dennis Minsky amended the motion to include the requirement that the applicant notify the Conservation Agent while the project is occurring, Lynne Martin seconded and it was so voted, 5-0.

Request for a Certificate of Compliance

Application for a Request for a Certificate of Compliance for work conducted under DEP Permit Numbers SE-058-0481 for the property located at **665 Commercial Street** in Provincetown. Brian Carlson has done a site visit.

Presentation: Lisa Rose Fabian Lustigman was present. There was a letter in the file from Coastal Engineering Company, Inc. attesting to their final inspection of the property and its substantial compliance with the plan entitled, "Plan Showing Proposed Bulkhead Replacement" by Coastal Engineering Company, Inc., dated 4/21/10, and the Order of Conditions issued on June 22, 2010.

Public Comment: None.

Commission Discussion: The Commission briefly discussed the Request.

David Hale moved to issue a Certificate of Compliance for work conducted under DEP Permit Numbes SE-058-0481 for the property located at 665 Commercial Street, Hank Janowsky seconded and it was so voted, 5-0.

After the Fact Notice of Intent (continued from April 19, 2011):

Application by **Cliff Schorer and the Provincetown Conservation Trust** for an **After the Fact 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 will include a mitigation of a bentonite clay spill into a protected wetland resource area at the property located at **2**

Commercial Street in Provincetown. Brian gave an update of the progress of the application. Signatures from both the Provincetown Conservation Trust and Mr. Schorer have been obtained.

Mr. Schorer was required to file with Natural Heritage and MESA. The former has determined that the project will have no adverse effects, however the latter has yet to make a determination.

Dennis Minsky moved to approve an After the Fact Notice of Intent under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 with a scope of work to include the mitigation of a bentonite clay spill into a protected wetland resource area at the property located at 2 Commercial Street with the Standard Order of Conditions and with the contingency that MESA final approval is received, Barbara Prato seconded.

The Commission discussed the motion. It was noted that Mr. Schorer has not yet paid the environmental consultant hired by the Commission.

The motion was so voted, 5-0.

CONSERVATION BOARD STATEMENTS:

B Street Garden Update:

David Hale provided an update. New beds have been added and there has been a proposal from an electrician to donate work to install a solar-powered well. He wants the advisory group to bring a master plan before the Commission before any other work is done. He has double-checked the setbacks from the resource area. The trunks of some existing fruit trees are on, and approximately three beds are bisected by, the line. The Commission discussed the issue and wants the advisory group to devise a master plan.

Dredging of Shank Painter Pond:

David Hale reported on his eye-witness account of the dredging process. He said it went well and he talked with the wetland biologist on site about what was occurring. Bull frogs, gold fish and cat fish were put back into the Pond.

Cemetery Invasives:

Lynne Martin reported on the presence of a large expanse of invasive species in an area of the cemetery where grading, clearing of trees and the installation of a fence has recently taken place. She would like Brian to look into it. Dennis will also investigate.

Shank Painter Pond Study:

David Hale reported on the status of the Shank painter Pond Study that the Board of Selectmen approved. The BOS approved \$24,000.00 to study the Shank Painter Pond watershed area and \$16,000.00 to study the flora and fauna around the B Street Garden area. Included in the studies will be an identification of any possible pollution sources and an assessment of the water quality of Shank Painter Pond.

ANY OTHER BUSINESS:

Hawthorne Wildlife Sanctuary Management Plan:

The Management Plan for the Hawthorne Wildlife Sanctuary is ready to sign.

Dennis Minsky moved to approve the Hawthorne Wildlife Sanctuary Management Plan, David Hale seconded.

Dennis amended the motion.

Dennis Minsky moved to amend his motion to approve the Hawthorne Wildlife Sanctuary Management Plan following any changes by the Commonwealth of Massachusetts, David Hale seconded and it was so voted, 5-0.

David Hale moved to sign the Acceptance of the Deed for 15 Aunt Sukey’s Way, Lot 25, Land Court Plan #39970-G, Dennis Minsky seconded and it was so voted, 5-0.

52 Pleasant Street Stone Wall:

The Commission received a letter from Dorothy Palanza and another abutter regarding a stone retaining wall that was just constructed, and fill that was placed, at the property at 89 Franklin Street, Map 7-1, Parcel 51. The letters expressed concern about run-off into the wetland in the area and that the retaining wall is in the buffer zone. Brian and Dennis investigated the property and Brian researched the Conservation Commission decision regarding the project. The Commission discussed the issue.

Dennis Minsky moved to request the property owner of 89 Franklin Street, Doug Dolezal, to appear before the Commission to discuss the project at its next Public Hearing, David Hale seconded and it was so voted, 5-0.

Dennis Minsky moved to go into Executive Session at 7:45 P.M., pursuant to M.G.L. c. 39 s. 23B, to discuss litigation and not to reconvene in Regular Session, David Hale seconded. Each Commissioner was polled separately: Dennis Minsky: yes; Lynne Martin: yes; David Hale: yes; Hank Janowsky: yes; and Barbara Prato: yes.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2011

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2011

Dennis Minsky, Chair