

**PROVINCETOWN CONSERVATION COMMISSION**  
**TOWN HALL AUDITORIUM**  
**March 15, 2011**  
**6:30 P.M.**

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

**Members Absent:** None.

**Others Present:** Brian Carlson (Conservation Agent), Ellen C. Battaglini (Recording Secretary) and the Provincetown Harbor Committee.

**WORK SESSION**

Dennis Minsky called the Work Session to order at 6:30 P.M.

**MINUTES: March 1, 2011 – *David Hale moved to approve the language as written, Jack McMahon seconded and it was so voted, 5-0.***

**Request for Extension**

Application by **Robert Cummings & Dennis Condon** for an **Extension to an Order of Conditions** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes the installation of a palletized patio, rainwater harvesting system, emergency generator, and an outdoor shower within the buffer zone of a Coastal Beach and Bank, and within Land Subject to Coastal Storm Flowage under **DEP File Number SE 58-0444** at the property located at **599 Commercial Street** in Provincetown.

**Presentation:** Dennis Condon appeared to present the request. All of the work has been completed except for the installation of a generator. Mr. Condon is waiting until money is available to purchase a generator.

**Public Comment:** None.

**Commission Discussion:** The Commission briefly questioned Mr. Condon.

***David Hale moved to grant an Extension of the Order of Conditions under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for the property located at 599 Commercial Street until April 28, 2014, Barbara Prato seconded and it was so voted, 5-0.***

**Notice of Intent** (continued from February 15, 2010)

Application by **Gerard Irmer, Chair, Provincetown Harbor Committee**, represented by **Peter Markunas, of Woods Hole Group, Inc.**, 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 will include the annual springtime removal of fall and winter accumulated wrack and debris and periodic seasonal beach-raking.

**Presentation:** Rex McKinsey, Harbormaster, appeared to discuss the project. The Harbor Committee was also present to answer questions. Jerry Irmer began with a brief review of the

beach cleaning proposal up to this point. Mr. McKinsey reviewed a report about the revised scope of work. The report answered many questions and addressed many of the concerns that the Commission had voiced in previous meetings. Included in the report was the location of the subject area to be cleaned and a confirmation that no other beach raking projects would be permitted until the results of this pilot project had been reported to the Commission. The proposed activity would take place only between May 15<sup>th</sup> and October 15<sup>th</sup> and, except for the spring clean-up, the beach rake would only be operated one day per week. The report went on to argue that alternative methods of beach cleaning have not been particularly successful. It spoke to the monitoring plan, indicating that a template using wetlands monitoring protocols would be developed in order to study the effects of the beach raking on the environment. Specific parameters of the monitoring plan were mentioned and the report recommended that a Joint Public Hearing of the Conservation Commission and the Harbor Committee would be held at the end of each season to assess data and hear public comment regarding the project. The mechanical equipment and the labor considerations related to the DPW was mentioned, including discussion of how the cleaning of the beach was consistent with not only the state-approved Harbor Plan, but with the Conservation By-Laws and Regulations. The report concluded that the project will adequately address the concerns for both the protection of the environment and public health and several proposed conditions for the beach rake pilot project for the Commission's consideration were suggested.

A report from David Guertin, DPW Director, outlining his concerns related to the project was also submitted.

Lynne Martin left at 7:20 P.M.

**Commission Discussion:** The Commission questioned Mr. McKinsey, Mr. Irmer and the Harbor Committee. Dennis stated that should the NOI be approved, the Commission and the Harbor Committee would need to design a study that would monitor all aspects of the operation on the beach, as the Commission's responsibility is to protect the resource area. The beach cleaning is an alteration and the Commission must have an assessment of how much of an alteration is occurring and if it is an acceptable alteration in terms of the physical and biological elements. He emphasized that this is a trial for three years after which time if, in the opinion of the Commission, the trial was not successful, then beach cleaning would not be allowed. Lastly, he mentioned the need to formulate a comprehensive beach management plan to study the dynamics of the Town's beaches, to identify the danger areas, to list some alternatives for dealing with those areas and to suggest remedies. Finally, he suggested tying the beach raking issue into the comprehensive beach management plan and hoped that the Harbor Committee would take the lead in pursuing, and possibly funding, that plan.

Lynne Martin returned at 7:30 P.M.

Dennis also suggested that some of the conditions for the project would include specific times of year, frequencies, specific areas and oversight of the operation, including pick-up and disposal, an emergency protocol, an emphasis on the fact that this is a trial period, based on monitoring and analysis to be developed jointly by the Commission and the Harbor Committee and the hiring of an independent consultant to perform the study, to be paid for by the Harbor Committee. In addition, the project must be contingent upon being consistent with a

comprehensive beach management plan, which the Harbor Committee would also pledge to support. If possible, Brian would like to have a tentative schedule, based upon the tides, of when the raking might take place and some logistical details, including where the truck that will remove the debris will be parked on the beach.

**Public Comment:** Linda Balestrieri, of Beach Point Condominiums, asked if the long range goal was to clean the entire length of the Town beaches, assuming that the assessment after the trial period was positive.

Lynne Martin left at 7:50 P.M.

*Dennis Minsky moved to approve the Notice of Intent by Gerard Irmer, Chair, Provincetown Harbor Committee under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for a mechanized beach raking plan for a period of three years with an Order of Conditions that includes the following:*

- *specific times of the year;*
- *specific frequencies;*
- *specific area to be flagged;*
- *specific oversight by the Conservation Agent of all aspects of the operation from pick-up to disposal;*
- *emergency protocol to be included;*
- *emphasis on the fact that this a trial period based on a monitoring study, that study to be developed jointly by the Conservation Commission and the Harbor Committee and put out to bid; and*
- *this operation is contingent on being consistent with a comprehensive beach management plan, when such a plan exists, and is not to contravene anything that is in that management plan.*

*Jack McMahan seconded and it was so voted 4-1 (David Hale opposed).*

The conditions will be formulated in the next 21 days.

Lynne Martin returned at 8:07 P.M.

Mr. McKinsey asked the Commission vote to recommend to the Board of Selectmen, pursuant to changes approved by the Pier Corporation and the Harbor Committee, revisions in the Harbor Regulations 3-2-1 (a) related to the storage of vessels on the beach and changes to Appendix B in regard to charging a fee of \$10 for Beached Boat permits.

*Jack McMahan moved that the Conservation Commission support the Harbormaster's revision of Harbor Regulation 3-2-1 (a) as well as changes and additions to Appendix B, David Hale seconded and it was so voted, 5-0.*

The Commission also reviewed the beach grass information sheet to be distributed to Beached Boat permit holders.

## **ANY OTHER BUSINESS:**

### **Thistlemore Road:**

The de-watering pipe ruptured at the base where it was connected to the existing outfall pipe. There was much public concern in the neighborhood about possible scouring occurring on the beach. Rob Adams has shut down the operation for a couple of days in order to fix the connection.

### **Power-Washing Mt. Gilboa Water Tank:**

David Guertin was supposed to appear to discuss this issue. The water tank is covered in mold. He will do this at a later Meeting.

### **Shank Painter Pond Upland:**

David, Brian and Dennis met with an independent wildlife biologist who has taken an interest in the area and has sent them papers on nitrification. The Commission has received more than 10 responses to the RFP.

### **Conservation Restriction for the Hawthorne Property:**

Town Counsel is still working on it.

### **Old Colony Nature Path Signs:**

Samples of the signs were shown to the Commission. A funding source needs to be found to purchase the signs. The Commission discussed the issue. Brian will do research.

## **PUBLIC HEARING**

**Conservation Commission: Natural Environment Articles:** In accordance with § 2-2-1 of the Provincetown Charter, the Provincetown Conservation Commission will determine the number of Commission members in favor or opposed to the petitioned articles concerning the Natural Environment for the April 4, 2011 Annual and Special Town Meetings.

### ATM Article 5 (4):

David Hale moved to endorse, Dennis Minsky seconded and it was so voted, 5-0.

### ATM Article 5 (6):

Jack McMahan moved to endorse, Dennis Minsky seconded and it was so voted, 4-0-1 (Hank Janowsky abstaining).

### ATM Article 6 (3):

David Hale moved to endorse, Dennis Minsky seconded and it was so voted, 5-0.

### ATM Article 7:

Lynne Martin moved to endorse, Hank Janowsky seconded and it was so voted, 5-0.

ATM Article 16:

Dennis Minsky moved to reserve recommendation, Hank Janowsky seconded and it was so voted, 4-0-1 (Jack McMahon abstaining).

ATM Article 26:

Dennis Minsky moved to endorse, Lynne Martin seconded and it was so voted, 5-0.

ATM Article 31:

Dennis Minsky moved to reserve recommendation, Lynne Martin seconded and it was so voted, 5-0.

ATM Article 38:

David Hale moved to oppose, Hank Janowsky seconded and it was so voted, 5-0.

STM Article 6:

David Hale moved to approve. There was no second.

Dennis Minsky moved to reserve recommendation, Hank Janowsky seconded and it was so voted, 3-1-1 (David Hale opposed and Lynne Martin abstaining).

***ADJOURNMENT: Jack McMahon moved to adjourn at 9:00 P.M. and it was so voted unanimously.***

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