

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM IN TOWN HALL
January 25, 2011
6:30 P.M.

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

Absent: None.

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

Dennis Minsky called the Public Meeting to order at 6:30 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: January 6, 2010 – *Hank Janowsky moved to approve the language as amended, Dennis Minsky seconded and it was so voted, 5-0.*

January 11, 2010 – *Hank Janowsky moved to approve the language as amended, David Hale seconded and it was so voted, 6-0.*

DISCUSSION:

Update from AECOM on Phase 3 Sewer Installation Project:

Rob Adams and Gary Poisson appeared to discuss the update. There are five different areas included in Phase 3, each served by a pump station. The five include the Thistlemore, the Snail Road, the Kendall Lane, the Commodore Avenue and the West End pump stations. It is anticipated that the work will be done by spring. There is currently de-watering going on at the West End and the Thistlemore pump stations. There was a temporary discharge into the wetland next to Thistlemore Road, but then it was determined that the wetland could not handle that volume of water. That operation was ceased and now there is a temporary de-watering pipe running down Thistlemore, across Bradford Street and discharging through an outfall pipe at 647 Commercial Street. Mr. Adams invited Commissioners to come out to the beach while the operation was occurring. He informed the Commissioners that he will keep them apprised of when and where the de-watering will occur. The plan is to move on to the Kendall Lane pump station when the Thistlemore station has been completed.

Public Comment: Robena and Bronwyn Malicoat, abutters to the wetland next to Thistlemore Road, were upset and concerned as property owners about the flooding that has taken place in the area and questioned whether the water could be diverted to the bay and away from the wetland.

Commission Discussion: The Commission questioned Mr. Adams and Mr. Poisson. They agreed to divert water from the Thistlemore de-watering operation into the bay and away from the wetland.

Provincetown Conservation Trust: Provincetown Green Arts Festival:

Dorothy Palanza, the chair of the Green Arts Festival, appeared to give an overview of the project. The concept for the Festival is to use Conservation Trust lands for outdoor multi-disciplined art installations and sculptures. There has been a written call to artists to submit work, including specifications for any artwork to be considered. Her recommendation is to place the art at the trail heads. She feels that holding this Festival will increase public awareness of conservation land in Provincetown. It will also give young artist, environmental or otherwise, to visit and experience Provincetown and to exhibit their work. A percentage of money received for the sale of the art in conjunction with the Festival will go to the Conservation Trust. Many arts and other organizations in Town are collaborating with the Festival.

Commission Discussion: The Commission questioned Ms. Palanza about the Festival. Ms. Palanza agreed to keep the Commission informed of what pieces of art are chosen and where they will be located.

Hank Janowsky moved to endorse the Provincetown Green Arts Festival, Dennis Minsky seconded and it was so voted, 5-0.

Request for Determination of Applicability

Application by **Paul Fanizzi**, represented by **Safe Harbor Environmental**, 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 scope of work will be the replacement of pilings from an existing wave-break located at **539 Commercial Street** in Provincetown.

Presentation: Gordon Peabody and Sarah Parkington appeared to present the application. The project involves the replacement of broken, damaged pilings. Approximately twenty-four pilings will be replaced. No material will be left on site overnight and pilings will be brought in daily. A small front-end loader will be used for the work. The Kendall Lane Town Landing will be the access point. Either Ms. Parkington or Mr. Peabody will be on site while the work is being performed. Mr. Peabody will be in touch with Brian before and during the project and will photo-document the work. The anticipated time for completion is six or seven days.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Parkington and Mr. Peabody.

David Hale moved to issue a Negative #3 Determination for the replacement of pilings from an existing wave-break located at 539 Commercial Street, Jack McMahon seconded and it was so voted, 5-0.

Notice of Intent

Application by **Mary Moore**, represented by **East Cape Engineering, 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 repair and replacement of existing timber bulkhead at the property located at **477 Commercial Street** in Provincetown. This application has been postponed to the February 1, 2011 Public Hearing.

PRESENTATION:

Conservation Commission Education and Outreach Materials & “Greenway” GIS Map Project:

Mark Pfeifer appeared to present his research on the topic. He presented his GIS map of the Greenway and the Commission questioned Pfeif and discussed the map. Sherry Dranch joined

the discussion. Several issues were brought up, including next steps, devising a good, solid definition of 'Greenway', and dealing with ownership and zoning issues associated with the land to be included in the Greenway.

ADMINISTRATIVE REVIEW:

71 Commercial Street – No one was present to discuss the project. The owner of the property, John Dreyer, seeks to replace fifteen non-structural hickory fender pilings that border a pier on the property. A hand rail runs through the fender pilings. The Commission reviewed the project and decided to require the property owner's representative, Noah Santos, to file a Determination of Applicability. The Commission's decision was based on unanswered questions about the project and what will be involved, the location of the work in the resource area and the fact that some type of heavy equipment will most likely be required in order to sink the new fender piles.

DISCUSSION:

Conservation Commission 2010 Annual Report – The Commission reviewed the Report and made changes.

CONSERVATION BOARD STATEMENTS:

Dennis announced that the Finance Director, Dan Hoort, will be meeting with any Commissioner interested in the Commission's budget.

David Hale moved to issue a Type 4 violation of the Provincetown Wetlands By-Law Chapter 12 to the owner of 659 Commercial Street for unauthorized activity beyond the scope of the Order of Conditions, that being the presence of heavy equipment (front-end loader) in a resource area in front of 665 Commercial Street on January 20, 2011, and to levy a fine of \$300.00, Jack McMahan seconded.

The Commission discussed the motion.

And the motion was so voted, 2-3 (Dennis Minsky, Hank Janowsky and Lynne Martin opposed).

David Hale moved to issue a Type 4 violation of the Provincetown Wetlands By-Law Chapter 12 to the owner of 661 Commercial Street for unauthorized activity beyond the scope of the Order of Conditions, that being the presence of heavy equipment (front-end loader) in a resource area in front of 665 Commercial Street on January 20, 2011, and to levy a fine of \$300.00, Hank Janowsky seconded.

Jack McMahan recused himself because of a conflict of interest. The Commission discussed the motion.

And the motion was so voted, 1-3 (Dennis Minsky, Hank Janowsky and Lynne Martin opposed).

David Hale reported that there is a pipe that empties into Shank Painter Pond that runs from storm drains located on Browne Street. He would like to recommend that Brian, or someone else,

investigate the origin of the water and have samples of the water taken and tested for water quality. He said that there has been an algae bloom in summer on Shank Painter Pond for the last couple of years. Dennis reminded the Commission that it has a duty to assess and to maintain the long-range health of Shank Painter Pond and other bodies of water under its jurisdiction. A long-term water quality study was suggested.

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