

PROVINCETOWN CONSERVATION COMMISSION
TOWN HALL AUDITORIUM
May 3, 2011
6:30 P.M.

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

Members Absent: Barbara Prato (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:

Candace Nagle proposed inaugurating environmental checks and balances and accountability in light of the recent clear-cutting of trees at 90 Shank Painter Road. She suggested that the Commission, along with the Beautification Committee and the Animal Welfare Committee, join forces to bring an article to the Fall Town Meeting to the effect that the Board of Selectmen cannot just randomly clear-cut trees or any areas without those three boards weighing in on the issue.

Dana McCanel commented on the cormorant droppings on the breakwater and her concern about how much of that material is being washed into the Bay. She would like the Commission to consider that issue when discussing the topic of water quality in the Bay.

Frank Vassello agreed with Ms. Nagle's statement about the clear-cutting of the trees at 90 Shank Painter Road. He also commented on the removal of trees all over Town. He would like to see some environmental checks and balances put into place as well.

Both Dennis Minsky and David Hale spoke briefly to the issue of the tree clear-cutting. Dennis mentioned the current status of the trees at the Route 6 staging area. Rob Adams reported that those trees are being inspected according to a pre-arranged time table. A report will be made to the Commission. Dennis would also like members of the Commission to inspect the area. Candace requested that the issue she brought up be put on the Commission's agenda. It will be on the next Public Meeting agenda.

MINUTES: April 19, 2011 – *David Hale moved to approve the language as amended, Dennis Minsky seconded and it was so voted, 4-0.*

DISCUSSION:

De-Watering activities relative to Phase 3 sewer expansion project:

Rob Adams appeared to answer questions about the project. Dennis read from the minutes of April 19, 2011, which summarized letters received by the Commission. He also read from a second letter written by Carol Plessner, which included the nine questions she wanted answered in

writing. The answers were given by Mr. Adams and the Commission during the subsequent discussion. Rob Adams also recapped the project and answered the questions from the public. The following are the nine questions with answers:

- Is the Commission satisfied that the requirements of Section 40 of the Wetlands Protection Act have been followed in this project?
Answer: A tentative 'Yes'. David Guertin stated that the Town would do testing on the water going forward if the Commission wanted it done. He will send the Commission a protocol to review and make comments.
- Were the Department of Environmental Protection and Environmental Protection Agency permits obtained, and if so, why are the requirements for reduction of harm to the environment not being implemented?
Answer: Yes. If the implementations referenced were filters, according to Mr. Adams, filters were installed. On-site settling basins would not be a possibility. Settling tank trucks would be impractical because of the sheer number required to handle the volume of water discharged.
- Why are the safeguards listed in the Notice of Intent and Notice of Change not being followed?
Answer: There were safeguards used, including the rip-rap around the discharge pipe to prevent erosion. The Commission could have done a better job by requiring testing of the water.
- Why is the information in the construction stormwater pollution prevention plan being ignored?
Answer: There were safeguards to prevent erosion in place as stated above. The Commission should have made testing a requirement.
- Why are there no dissipation devices being used in this project?
Answer: A rock pile was used to dissipate the water.
- When did de-watering discharge begin?
Answer: December 27th.
- Why is the Conservation Commission not being fully informed of the progress of every step of this project?
Answer: The Commission has been informed along the way.
- Why is the safety of the public not being taken into consideration in a manner in which the discharge is being handled?
Answer: The safety of the public is not the jurisdiction of the Commission.
- Why is the discharge of groundwater not being tested for bacterial and chemical contamination on a regular basis?
Answer: The Commission needs to do a better job in that regard. Dennis contacted wetland scientists when the de-watering began and none had any reservations about the process.

Dennis summarized that the project is not perfect, but must move forward to its conclusion and in the future the Commission will require water quality testing.

Notice of Intent

Application by the **Town of Provincetown** 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 proposed project includes construction of site improvements and new drainage infrastructure which will capture and treat stormwater run-off that currently collects on the 6th Town Landing at Good Templar Place and discharges into Provincetown Harbor at **131A** and **129R Commercial Street** in Provincetown.

Presentation: Russ Kleekamp appeared to present the application. The project includes the construction of stormwater collection and infiltration facilities for the first inch of run-off prior to reaching Provincetown Harbor at Good Templar Place Town Landing. The installation of these stormwater facilities will mitigate local flooding due to rain events. There is currently no drainage installed in Good Templar Place, with the exception of a carved concrete depression towards the end of the landing, which causes high velocities of stormwater run-off and erosion. The extent of the excavated area is anticipated to be approximately 100' in length and will extend across the width of the roadway. The entire road surface from the entrance of the landing will be resurfaced with new pavement and any disturbed shoulder areas will be restored to the existing conditions or better. In addition to the new drainage structures, a set of concrete stairs will be constructed immediately following the end of the landing and concrete retaining walls will be constructed on either side of the stairs to provide stability against erosion. The stairs will be back-filled to the top of the stairs with previously-excavated beach sand. Water and sewer infrastructure is also being proposed for future use so roadway and paving does not get re-disturbed.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Kleekamp. David Guertin, DPW Director, joined the discussion. He raised the issue of Shank Painter Pond, which has been getting some attention lately, and the need for testing to determine baseline data. It may be the next part of the Town's drainage system that needs to be examined and possibly corrected. The entire system, built in the 40's and 50's, was designed to gather surface water and dump it somewhere. He suggested that the Commission may want to ask the Board of Selectmen to redirect public money from DPW to pay for the testing of Shank Painter Pond.

David Hale moved to approve the Notice of Intent for the Town of Provincetown under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 to include construction of site improvements and new drainage infrastructure which will capture and treat stormwater run-off that currently collects on the 6th Town Landing at Good Templar Place and discharges into Provincetown Harbor at 131A and 129R Commercial Street with the Standard Order of Conditions, Dennis Minsky seconded and it was so voted, 5-0.

DISCUSSION:

Johnson Street Parking Lot:

The Town seeks to appease the owner of the property abutting to the east of the Johnson Street Parking Lot in regard to stormwater run-off in the area. The Town built a berm to divert water from her deck to the end of the walkway. She complained that the sheeting action of the water was impeding her business and property. The Town requested that Mr. Kleekamp come up with a solution to the problem. He explained the proposal to divert the flow of water in another direction, requiring the removal of some beach grass. This is only a short term solution and the

Town intends to seek a long term solution at some point. The Commission briefly discussed the issue, decided that no action needed to be taken and that the Order of Conditions should not be changed.

Browne Street Outfall Pipe:

The Commission briefly discussed the outfall pipe with Mr. Guertin and Russ Kleekamp. David Hale reported on the results of the February testing of the water from the outfall pipe and his research of the regulations of 314 CMR 3.00, the Division of Water Pollution Permit Program. He stressed that the mapping of the storm drains in the Browne Street area and testing of the water from the outfall pipe emptying into Shank Painter Pond should be a priority of the Commission and that it should ask the BOS to map the stormwater drainage in the Browne Street area. The Commission would like to request of the Town a specific effort to map the drainage system in the Browne Street and Stop-n-Shop areas and begin a regular battery of water quality testing in that area. Mr. Guertin stated that the DPW supports the position and volunteered to work on the testing language. David speculated that nitrogen loading may be the cause of the algae bloom in the Pond.

After the Fact Notice of Intent

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. There is still no DEP number assigned to the project. *David Hale moved to continue the After the Fact Notice of Intent for 2 Commercial Street, Dennis Minsky 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 at the property located at **33 Pilgrim Heights Road**, in Provincetown.

Presentation: Ken Kruse and Donald Coté appeared to present the Request. The proposed work has been completed and more plantings were done than what was required, including 54 shrubs and 450 beach grass plugs.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Kruse and Mr. Coté.

Lynne Martin moved to issue a Certificate of Compliance for work conducted at the property located at 33 Pilgrim Heights Road, David Hale 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-058-0403 (for septic system and buildings), SE-058-0454 (garage, final grading and landscaping) and SE-058-0461 (re-grading, as-built and final grading plan) for the property located at **5 Harbour Drive** in Provincetown.

Presentation: Billy Rogers appeared to present the Request. All the work has been performed to specifications.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers.

Dennis Minsky moved to issue Certificates of Compliance for DEP Permit Numbers SE-058-0403, SE-058-0454 and SE-058-0461, David Hale seconded and it was so voted, 5-0.

Cleaning the sand filtration pond on Shank Painter Road and removing any trash in the sump pond located near 25 Shank Painter Road:

The Commission discussed amending the Order of Conditions issued for the project undertaken by the Town. Teri Lambrou joined the discussion. The Commission is concerned about the safety of the wildlife in and around the Pond during the project.

Dennis Minsky moved to direct the Town to provide the Commission with a biological evaluation of the potential impact of dredging on the resource area prior to doing the work, David Hale seconded and it was so voted, 5-0.

B-Street Garden Advisory Group Appointments:

There was one application for the Advisory Group.

Hawthorne Wildlife Sanctuary Conservation Restriction Review:

The Commission briefly reviewed the boilerplate Restriction.

Dennis Minsky moved to approve the Conservation Restriction for the Hawthorne Wildlife Sanctuary, David Hale seconded and it was so voted, 5-0.

ANY OTHER BUSINESS:

Greg Howe is requesting that a member of the Commission attend the Cemetery restoration meeting.

The two proposals for the environmental study Shank Painter Pond were briefly examined. The Commission will review and discuss at the next Public Hearing.

Power-washing of Mt. Gilboa water tank – Brian briefly reviewed the project. The Commission decided that this project could be handled as an Administrative Review and requested that Brian find out more information, including the volume and water quality of the run-off generated by the project.

ADJOURNMENT: *Jack McMahon moved to adjourn at 9:30 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