

PROVINCETOWN CONSERVATION COMMISSION
CAUCUS HALL
November 1, 2011
6:30 P.M.

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

Members Absent: Lynne Martin (excused).

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

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

PUBLIC STATEMENTS:

Catherine Russo spoke in regard to a property owner of 8 Fishburn Court indiscriminately spraying Round-Up on his property. She submitted two articles to the Commission regarding the toxic hazards of spraying with Round-Up and the issue of toxic trespassing. She requested that the Commission help in a Town-wide educational campaign about the use of pesticides and herbicides. She would also like to see the issue studied by a committee of concerned citizens and then brought to the Board of Selectmen or the Board of Health, or to have either of those Boards set-up a such a committee. Dennis informed Ms. Russo that the Commission is concerned about the issue and how to limit or eliminate the use of these chemicals. Mike Canizales recommended the Commonwealth's Department of Agriculture to help guide the Town regarding herbicide and pesticide regulations. He mentioned other organizations and resources to look to for guidance as well. He will e-mail Brian with those resources.

MINUTES: October 18, 2011 – *David Hale moved to approve the language as amended, Hank Janowsky seconded and it was so voted, 3-0.*

NEW BUSINESS:

Notice of Intent

Application by **Provincetown Condominium Association, c/o Peter's Property Management**, for a **Notice of Intent** under the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law Chapter 12. The scope of work will include the repair of an existing bulkhead structure at the property located at **577 Commercial Street** in Provincetown.

Presentation: Tim Brady, of East Cape Engineering, Inc., appeared to present the application. The work will occur on a coastal beach and within land subject to coastal storm flowage. The project involves a repair to a bulkhead. The existing bulkhead is typical, consisting of wood pilings with horizontal sheathing behind it, and is in poor condition. The sheathing is in the worst shape, the pilings are not as deteriorated. Some pilings may need to be replaced and that will be determined as the project proceeds. The little sand that remains behind the bulkhead, having been eroded away by wave action, will be replaced. Some of the existing decking will be removed to access behind the bulkhead in order to replace the sheathing, the tie-backs and the sand.

Equipment to haul sand will access the beach from the Kendall Lane Town Landing. There has been a DEP File number assigned to the project.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Brady. If any replacement of pilings is necessary, Mr. Brady will contact Brian to make a site visit.

Dennis Minsky moved to approve the Notice of Intent Provincetown Condominium Association, c/o Peter's Property Management, for a Notice of Intent under the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law Chapter 12 for work to include the repair of an existing bulkhead structure at the property located at 577 Commercial Street with the Standard Order of Conditions in addition to the conditions that the Conservation Agent be notified if any pilings need to be replaced and that sand backfill be clean and acquired from an off-site location, Barbara Prato seconded and it was so voted, 4-0.

Request for Determination of Applicability

Application by the **Town of Provincetown** 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 road work and installation of bike and pedestrian pathways along the roadway known as **Province Lands Road and Bradford Street Extension** in Provincetown.

Presentation: Brian began the presentation of the application. The purpose of the project is to increase public safety along Province Lands Road and Bradford Street Extension. David Gardner, Assistant Town Manager, continued the presentation. The BOS nominated five bike trails connection projects within the Town. This connection was their first priority and will connect the Provincetown Rotary with the recently-completed National Seashore bikeway on Province Lands Road. The proposal includes a 4' bike/pedestrian path on both lanes of travel from just prior to the Rotary to the National Seashore boundary. The intersection of Bradford Street Extension and Province Lands Road will also be re-worked to improve public safety.

Public Comment: Mike Canizales spoke in favor of the application. Bill Glass corrected the error of referring to Moors Road as Province Lands Road and asked several questions about the project.

Commission Discussion: The Commission questioned Brian and Mr. Gardner. Dennis requested that the Town provide some type of mitigation to any resource areas disturbed by the project.

David Hale moved to issue a Negative #3 Determination for road work and installation of bike and pedestrian pathways along the roadway known as Province Lands Road and Bradford Street Extension with the Standard Order of Conditions, including some mitigation for disturbed areas, specifically those north of Bradford Street Extension and extending along towards the National Seashore, Dennis Minsky seconded and it was so voted, 4-0.

ANY OTHER BUSINESS:

Shank Painter Pond Study:

Russ Kleekamp appeared to update the Commission on the project. The sampling has been completed, an eight-round sampling event conducted bi-weekly. He summarized some of the difficulties he encountered while collecting samples. Sampling was done at the outfall pipe on Browne Street as well. Around mid-July, the pipe had completely dried up. Based on his observations, he has surmised that there was a water main break, a crack in the pipe and ground

water was entering the pipe or there was an illegal hook-up to the pipe. Liz Moran, who will analyze the samples, has offered to meet with the Commission to review the sampling results. The Commission questioned Mr. Kleekamp and discussed the project.

CONSERVATION BOARD STATEMENTS:

B Street Garden:

Brian reported on the two clean-up days, which included the repair of the shed at the site. David reported on the meeting of the Advisory Group where a Master Plan was formulated and will be submitted to the Commission at a future meeting. He summarized several aspects of the Plan, including the removal of trumpet vine at the site.

Dennis reported that he and Brian had met with a representative of R.B. Our in regard to the de-watering operation at Snail Road. The water pipe will be run under the road and the water will be discharged onto the rip-rap on the beach. There will be water testing, but Dennis has no details. The Commission briefly discussed the project.

Dennis and Brian made a site visit to 2 Commercial Street. Some material remains, but the clean-up will continue throughout the winter, according to Cliff Schorer.

Brian requested a vote to approve an expenditure of \$261.65 for materials for the Garden. ***Hank Janowsky moved to approve the expenditure of \$261.65 for B Street Garden materials, Barbara Prato seconded and it was so voted, 4-0.***

Todd Westrick, of the Beautification Committee, volunteered to get a quote to remove dead pine trees at the Shank Painter Pond Sanctuary. Dennis said the Commission could discuss that project, however he thought there should be an effort to remove invasives and plant more native species, especially at the gateway.

ADJOURNMENT: Hank Janowsky moved to adjourn at 8:03 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