

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
November 15, 2011
6:30 P.M.

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

Members Absent: None.

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:

None.

MINUTES: November 1, 2011 – *David Hale moved to approve the language as written, Barbara Prato seconded and it was so voted, 4-0.*

NEW BUSINESS:

Notice of Intent

Application by **Jason E. Stone** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include proposed swimming pool and landscaping at the property located at **6 Harbour Drive (Lot 16)**, in Provincetown.

Presentation: Paul Shea and Jen Malila, landscape designer, appeared to present the application. A landscaping site plan was submitted with the application. The project includes the construction of an in-ground saltwater swimming pool and landscaping activities, including the planting of new native, salt-tolerant plants. The pool will be located within the 50' buffer zone and the 100' buffer zone of the landward limit of a coastal dune, within areas of past site alterations and man-made features. The native plantings will provide new wildlife habitat within the site. Also included in the project is the installation of a removable plastic pathway from the existing house and an osprey pole and nesting area. A MESA filing was made and the determination stated that the subject property does not contain estimated or priority habitat. Adequate erosion controls will be used during the construction phase of the project and the project will have no adverse impacts on the existing coastal wetland resource areas. There has not been a DEP file number assigned to the project.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Shea and Ms. Malila. Mr. Stone joined the discussion. Mr. Shea requested a continuance to the December 6, 2011 Public Hearing because there was no DEP file number assigned to the project, no letter from Natural Heritage and the location of the pool had not been staked at the site.

Barbara Prato moved to grant a continuance until the December 6, 2011 Public Hearing, Dennis Minsky seconded and it was so voted, 5-0.

ADMINISTRATIVE REVIEWS:

Town of Provincetown Wastewater Treatment Plant Expansion Project:

Brian reviewed the Town's request. The proposed project will include the addition of a flow equalization tank and associated piping at the property located at 200 Route 6 in Provincetown. The majority of the piping/work will be located within paved and previously-developed areas at the existing wastewater treatment plant site. Natural Heritage has determined that the project will not result in a "take" of state-listed rare species. The area of impact is approximately 50' in diameter. The Commission discussed the project.

The Commission discussed asking the Town to undertake some kind of mitigation at the site, such as getting rid of invasives in the area, including knotweed and knapweed.

Lynne Martin moved to approve the Administrative Amendment for the Town of Provincetown's Wastewater Treatment Plant Expansion Project with the condition that there be some betterment on site, including the removal of invasive and the planting of native species within the proposed limit of work and the removal of trash around the site, Dennis Minsky seconded and it was so voted, 5-0.

Herring Cove Village, Phase II, WK Red Clay, LLC:

The applicant seeks to re-configure Units 13 & 14, the access drive, parking, and associated site work. The applicant also requests approval to change the surface of the drive and parking areas from gravel to bituminous asphalt paving and upgrade the stormwater recharge system. The Commission discussed the request. The Commission decided that the proposed modifications were not minor and that the changes go beyond the scope of an Administrative Review or an amended Order of Conditions and thus warrants the filing of a new Notice of Intent.

Dennis Minsky moved to request that WK Red Clay, LLC file a new Notice of Intent for the proposed changes at Herring Cove Village, Lynne Martin seconded and it was so voted, 5-0.

ANY OTHER BUSINESS:

67 Harry Kemp Way:

The Board of Selectmen signed off on the gift fund and the Commission needs to approve the document.

David Hale moved, pursuant to M.G.L. c. 44, s. 53, to approve the Gift Agreement between Mr. Demetrios Daphnis, owner of the property located at 67 Harry Kemp Way in Provincetown and the Town of Provincetown, through its Conservation Commission, as a Special Order of Conditions for Wetland Permit No. SE 058-0414, issued on 10/28/11, Dennis Minsky seconded and it was so voted, 5-0.

Brian asked the Commission to approve the expenditure of \$113.16 for shed repair materials.

David Hale moved to approve the expenditure of \$113.16 for B Street Garden shed repair materials, Barbara Prato seconded and it was so voted, 5-0.

Dennis reminded the Commissioners of the meeting in regard to the water sampling at Shank Painter Pond on Friday, December 2, 2011.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:40 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