

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM
MARCH 19, 2013
6:30 P.M.**

Members Present: Dennis Minsky, David Hale, Lynne Martin, Barbara Prato and Mark Irving.

Members Absent: None.

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

Chair Dennis Minsky called the Public Hearing to order at 6:31 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: Postponed.

Dennis had a request to take the issue of the emergency repair work at the West End Racing Club out of order.

DISCUSSION:

West End Racing Club emergency repair work:

Francis Santos, a director of the West End Racing Club appeared to discuss the emergency repair work. The work involves the ramp at the site which was damaged during a winter storm. There has been a filing for emergency mitigation to repair the ramp. The pilings have been driven and when warmer weather arrives, the repair will be completed. There were no comments or questions from the Commission. Dennis inquired about a letter from an abutter alleging that the ramp had been expanded. Mr. Santos said that only six pilings existed at the time the ramp was damaged and only six were replaced. Mr. Santos stated that all work would be done by hand. There were no comments from the public.

David Hale moved to ratify the emergency repairs that have commenced, and will be completed, at the West End Racing Club, Mark Irving seconded and it was so voted, 5-0.

Request for a Determination of Applicability:

Application by **Dewey Condominium Trust**, represented by **Safe Harbor Environmental** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands By-Law, Chapter 12. The applicant seeks approval for site work to include relocating a beach access path from private property to the Winston Avenue Extension and transplanting of native vegetation at the property located at **Winston Avenue Extension (a private way)** in Provincetown. Mark Irving recused himself because of a conflict of interest.

Presentation: Gordon Peabody and Nadia Brickall, both of Safe Harbor Environmental, appeared to present the application. The proposal is to relocate a neighborhood beach access pathway to prevent traversing the abutting private property. The previous pathway was located

on this property and the owner seeks to remove it in order to avoid liability issues. Some of the relocated access would utilize a pre-existing footpath. The footpath would be laid out in a meandering, zig-zag pattern. Vegetation would be transplanted by Safe Harbor workers from the proposed access path to the previous access pathway across the abutting property so there will be no net loss of vegetation. The new pathway will be 4' wide and will, in addition, utilize the Winston Avenue has a 40' right-of-way that goes down to the beach.

Public Comment: There was a letter from Steven Lampert, the abutting property owner, in support of the pathway.

Commission Discussion: The Commission asked about vehicle access to the beach on the proposed pathway. Mr. Peabody stated that he wanted to inform the neighbors about their options for regulating access. The neighbors are sensitive to the fact that the public uses the access and they are neither advertising to, nor discouraging, previous users of the pathway. The previous pathway was 8' and the proposed will be 4'. The decrease in width will minimize impact on the resource area. The neighborhood can decide how to use the path after it has been established. The Commission was concerned that people have been used to driving along the path and may continue even though the width has been decreased. Mr. Peabody suggested letting people know where the nearest Town landing was located for beach access and said that the neighbors would have to meet and decide whether to install a post to discourage vehicle access. The proposal was reviewed by the Board of Selectmen, which indicated its interest in seeing one path replaced with another in kind.

David Hale moved to grant a Negative #3 Determination for the application by the Dewey Condominium Trust, represented by Safe Harbor Environmental, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands By-Law, Chapter 12 to construct a 4' wide beach access within the boundaries of Winston Avenue Extension with the condition that a sign describing alternative public access to the beach be posted, Dennis Minsky seconded.

Dennis Minsky added that the Commission would like the sign to be small and tasteful, the path 4' wide, that all work will be done by hand as described by the applicant and that the Conservation Agent will be kept apprised of the start, and progress, of the project.

The motion was so voted, 4-0.

Administrative Review: 31 Bangs Street Extension. Request to construct a deck within the buffer to an isolated vegetated wetland protected under Chapter 12 Wetlands Protection By-Law. David Richards appeared to present the request. The deck will be located within the boundaries of the unit owner's exclusive area as described in the Master Deed of the Bangs Street Village Condominium Trust. Pressure-treated pilings will be dug into the ground and all dirt not used for backfill will be removed by hand. No work will be done on the slope located in the area. There was no public comment. The Commission had no issues with the project.

Dennis Minsky moved to approve the Administrative Review to construct a deck within the buffer to an isolated vegetated wetland protected under Chapter 12 Wetlands Protection By-Law with the Standard Order of Conditions and including the conditions that no work be done on the slope, no materials be located in the resource area, all debris be removed daily, and that a site visit be scheduled with the Conservation Agent, Barbara Prato seconded and it was so voted, 5-0.

Administrative Review: 160 Bradford Street Extension. Request to construct one structure consisting of two dwelling units within land protected under Chapter 12 Wetlands Protection By-Law. Victor DePoalo appeared to present the request. The stakes on the site indicate the boundary of the natural habitat creation, not the location of any structure. The project includes the construction of a two-family home with 3 bedrooms. Brian spoke with Natural Heritage who said that the site plan dated May 18, 2012, revised December 18, 2012, for the eight lot subdivision with building envelopes was already reviewed and no more information was needed regarding the project.

David Hale moved to approve the Administrative Review to construct one structure consisting of two dwelling units within land protected under Chapter 12 Wetlands Protection By-Law with the Standard Order of Conditions, Dennis Minsky seconded and it was so voted, 5-0.

DISCUSSION:

Erosion at 153, 147 and 149A Commercial Street:

Laurie Ferrari, of Peters Property Management, appeared to discuss the issue. She submitted pictures of the erosion damage. There are decks being undermined, water coming up to buildings and dune and beach grass loss. She will be meeting with Coastal Engineering to explore mitigation options for property owners from 145 to 157A Commercial Street. Her company manages all of those properties except 155 Commercial Street, but is hoping they will participate in a solution to the issue. The Commission would support any work in that area to mitigate the effects of erosion, including beach nourishment and plantings and other techniques for capturing and holding sand.

NATURAL ENVIRONMENT TOWN MEETING WARRANT ARTICLES:

STM:

Article 11: ***David Hale moved to recommend, Dennis Minsky seconded and it was so voted, 5-0-0.***

ATM:

Article 5 (3): ***David Hale moved to recommend, Mark Irving seconded and it was so voted, 5-0-0.***

Article 21: ***Dennis Minsky moved to recommend, David Hale seconded and it was so voted, 5-0-0.***

Article 26: ***Dennis Minsky moved to recommend.*** There was no second.

Article 27: ***Dennis Minsky moved to recommend, David Hale seconded and it was so voted, 3-2-0.***

MINUTES: March 5, 2012 – Barbara Prato moved to approve the language as amended, David Hale seconded and it was so voted, 5-0.

Dennis spoke with Tony Jackett about the project at 99 Commercial Street. He would be happy to be involved and didn't think that the cost would be greater than \$100.

Dennis has not heard from anyone in Wellfleet about the herbicide issue.

Dennis has spoken to Maureen Hurst about getting a Council on Aging person to work on the database. Lynne Martin has been cleaning up the database and will start working on it at home.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:45 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2013

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2013
Dennis Minsky, Chair