

**PROVINCETOWN  
CONSERVATION COMMISSION  
JUDGE WELSH ROOM  
August 27, 2013  
6:30 P.M.**

**Members Present:** Dennis Minsky, Lynne Martin and Barbara Prato.

**Members Absent:** David Hale (excused), Mark Irving (excused) and  
Jesse Cartwright (excused).

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

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

**PUBLIC STATEMENTS:**

None.

**MINUTES:** Postponed.

**OLD BUSINESS:**

*Administrative Review*

Application by **Victor DePoalo** for proposed work construction of a new two-family structure with three bedrooms in each unit on a vacant lot located on land protected under local Wetlands Protection By-Law Chapter 12 at the property located at **162 Bradford Street Extension** in Provincetown. This matter was tabled.

*Administrative Review*

Application by **David Romeo** for proposed re-development to include six buildings at the property located at **44-48 Winslow Street** in Provincetown.

**Presentation:** Gordon Peabody and Nadia Bricault, of Safe Harbor, appeared to present the application. A booklet including the Administrative Review application, a synopsis, narrative and mitigations, photos, a MESA Project Review Form, a Determination letter issued by NHESP, a controlling concrete explanation and a site plan was submitted. Mr. Peabody stated that viburnum, Arrow wood and Eastern red cedar will be planted instead of the previously proposed Leyland cypress. Highbush blueberries, shad bush, Pennsylvania sedge, Little bluestem and Deschampsia flexuosa, or wavy hair grass, will also be planted on the site. Safe Harbor will monitor the project until it is complete. Not all buildings will be built at the same time due to growth management allocation of gallons for bedrooms. All derelict buildings will be removed and all existing glass on the site will be recycled. Several existing trees will remain on the site including a large maple. Where possible, some smaller native plants may be removed prior to demolition for re-planting at a later date.

**Public Comment:** None.

**Commission Discussion:** The Commission inquired as to whether the planting could begin before the construction begins. Mr. Peabody stated that the borders could be planted right away

and all bare areas will be stabilized with native grass seed. The Commission asked for confirmation that no Leyland cypress will be used on the site. Dennis requested that a formal statement that establishes a timeline for the project and stating that no Leyland cypress will be planted be submitted by the applicant and that consultation with the Conservation Agent also be required.

*Lynne Martin moved to approve the Administrative Review for the application by David Romeo for proposed re-development to include six buildings at the property located at 44-48 Winslow Street with the condition that a statement establishing a timeline and that no Leyland cypress be planted be submitted, that the Conservation Agent be consulted regarding the project including a site visits, Barbara Prato seconded and it was so voted, 3-0.*

## **NEW BUSINESS:**

### **Certificate of Compliance**

Application by **Fraser and Cecile Lemley**, represented by **Coastal Engineering Company, Inc.**, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands By-Law, Chapter 12 for a **Certificate of Compliance** for work done under #SE-058-0479 conducted at the property located at **661 Commercial Street** in Provincetown. Emily Flax appeared to discuss the request.

*Barbara Prato moved to issue a Certificate of Compliance for work done under #SE-058-0479 conducted at the property located at 661 Commercial Street, Dennis Minsky seconded and it was so voted, 3-0.*

### **Certificate of Compliance**

Application by **Fraser and Cecile Lemley**, represented by **Coastal Engineering Company, Inc.**, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and the Provincetown Wetlands By-Law, Chapter 12 for a **Certificate of Compliance** for work done under #SE-058-0248 conducted at the property located at **661 Commercial Street** in Provincetown. Emily Flax appeared to discuss the request.

*Barbara Prato moved to issue a Certificate of Compliance for work done under #SE-058-0248 conducted at the property located at 661 Commercial Street, Dennis Minsky seconded and it was so voted, 3-0.*

**MINUTES: August 6, 2013 – Lynne Martin moved to approve the language as amended, Barbara Prato seconded and it was so voted, 3-0.**

The Commission still needs to approve the minutes of the April 16<sup>th</sup>, June 4<sup>th</sup> and June 18<sup>th</sup> Public Hearings.

## **CONSERVATION BOARD STATEMENTS:**

Dennis reported that the Cape Cod Commission is in receipt of a nomination form proposing a fertilizer management District of Critical Planning Concern pursuant to Sections 10 and 11 of the CCC Act. This is an opportunity to adopt local fertilizer management regulations. He will do more research into the issue.

Lynne printed out several native planting lists from the Cape Cod Cooperative Extension, the Cape Cod Commission and the Natural Resources Conservation Service in Massachusetts.

***Lynne Martin moved to put the Cape Cod Commission's native planting list for reference purposes on the Town website, Barbara Prato seconded and it was so voted, 3-0.***

Dennis suggested adding a narrative outlining the advantages of planting native species and the disadvantages of planting non-native species.

Dennis informed the Commission that Todd Westrick, a landscaper, is advising the Commission regarding invasive species removal and implementing a planting plan for the trailhead area at the Shank Painter Pond Wildlife Sanctuary. Mr. Westrick also helped with the writing a narrative on a grant application submitted to the Barnstable County LAND Management program to fund these activities. He has sent the Commission an invoice for his services. The Commission would like more information concerning the proposal and the work performed by Mr. Westrick before voting to approve the expenditure. The Commission discussed the issue and will discuss the topic further at its next Public Hearing. Barbara suggested that the Commission consider applying for Community Preservation Committee funds. Dennis brought up funding for the project involving the mini-wetland solution to the storm drain pipe issue at the B-Street Garden. Lynne suggested compiling a list of Conservation areas and prioritizing clean-ups or remediation projects such as Shank Painter Pond, for those areas and trying to figure out how to fund those projects.

***ADJOURNMENT: Barbara Prato moved to adjourn at 7:25 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