

**PROVINCETOWN  
CONSERVATION COMMISSION  
COMMUNITY DEVELOPMENT CONFERENCE ROOM  
MAY 5, 2015  
6:30 P.M.**

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

**Members Absent:** Barbara Prato (excused).

**Others Present:** Austin Brandt (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.

**OLD BUSINESS:**

**Issuance of Order of Conditions for Notice of Intent** application by **Ray Booth & John Shea** and represented by **William N. Rogers, II** under the Provincetown Wetlands By-Law, Chapter 12. Scope of work to include proposed construction of a single-family dwelling at the property located at **33 Point Street** in Provincetown.

William N. Rogers, II was present. He had submitted a revised deck plan for the structure. The Commission discussed the draft Order of Conditions, which includes a restriction on the size of the deck. Austin noted that pursuant to Special Condition #3, nothing outside of the footprint of the structure or the deck could be removed without the prior approval of the Conservation Agent or the Commission, which means that the applicant would need that before performing any landscaping activities. The condition would remain in effect in perpetuity.

*Dennis Minsky moved to approve the Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 for work to include the proposed construction of a single-family dwelling at the property located at 33 Point Street as drawn on the final revision of plans dated 4/28/15, showing a reduction of the deck to 343 +/- sq. ft., with the Standard Order of Conditions and with Special Conditions as presented to the Commission, Lynne Martin seconded and it was so voted, 3-1 (David Hale opposed).*

**NEW BUSINESS:**

**Discussion of violation at 698 Commercial Street and possible issuance of enforcement order:** Mr. Jim Sichta, the new general manager of the Harbor Hotel, located at 698

Commercial Street appeared to discuss the issue with the Commission. The violation was issued because of the illegal dumping of sand and concrete debris in an isolated vegetated wetland, behind the property. Mr. Sichta was informed of the illegal activity and he had the debris and sand cleaned out of the area the next day. He also picked up some trash that was in the area as a remedial gesture. Austin re-inspected the site and it looked good. The Commission discussed the issue and explained to Mr. Sichta what the Commission's options were in terms of the violation.

After some discussion, the Commission decided not to fine the Harbor Hotel, as it was pleased with the outcome of the situation. The Commission discussed further remediation measures. Mr. Sichta agreed to monitor the area and clear any trash that might appear in the future.

***Dennis Minsky moved to approve the issuance of a violation notice on April 27th to the Harbor Hotel, David Hale seconded and it was so voted, 4-0.***

**Discussion of, and possible decision on, the creation of additional plots at the B-Street Community Garden:** Austin reviewed Alice's memo concerning the expansion of the B-Street Garden, including the cost estimates. The plan proposed five new 8' by 12' beds and four elevated 3' by 7' beds. He is looking for input and ideas from the Commission on the project. He said that an Americorps work crew will be coming on May 19<sup>th</sup> and this could be one of their projects if the Commission approved the plan. The Commission discussed the proposed project and where the 60' buffer zone from the wetland was located.

***Dennis Minsky moved to approve the expenditure of up to \$1400 of B-Street Garden funds, which may or may not be offset by other funds, on materials to construct beds, in-ground and standing, the placement of which will be determined at a later date, Mark Irving seconded.***

The Commission discussed the motion. Dave made a comment that he disagreed with the use of an inappropriate source to delineate the wetland buffer zone, as it was a source that the Commission would never allow an applicant to use.

***The motion was so voted, 3-0-1 (David Hale abstaining).***

**Request for Determination of Applicability:**

Application by the **Town of Provincetown** and represented by **Austin Brandt**, 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 seeks approval for site work to include proposed planting of American beach grass on the properties of **Gosnold Street Town Landing** and **255-257 Commercial Street** in Provincetown.

Austin reviewed the project. A Barnstable County Land Grant for \$3000 will fund the beach grass planting project. Dennis, Austin and Rex McKinsey looked at various sites. This project would be in keeping with the Town's other coastal resiliency grants and is part of an effort to increase protection against storm flowage without using hard structures such as bulkheads. This type of protection is referred to as green infrastructure and will help to protect flooding around Town Hall. No sand will be moved during the project. An AmeriCorps work group will be planting the beach grass.

***Dennis Minsky moved to approve a Negative #3 Determination under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law, Chapter 12 for the Town of Provincetown's proposed planting of American beach grass on the properties of Gosnold Street Town Landing and 255-257 Commercial Street, Mark Irving seconded and it was so voted, 4-0.***

**ANY OTHER BUSINESS:**

Lynne Martin said that it was brought to her attention that tree trimming and tree and soil removal was occurring at Duarte’s parking lot on Bradford Street. She raised the issue of the possible presence of hazardous waste in the soil. Austin will investigate and report back to the Commission.

**MINUTES: April 21, 2015 – *David Hale moved to approve the language as written, Mark Irving seconded and it was so voted, 4-0.***

Austin e-mailed the Commission’s letter regarding the proposed project at 350 Bradford Street. The Commission briefly discussed the project.

**ADJOURNMENT: *Mark Irving moved to adjourn at 8:00 P.M. and it was so voted unanimously.***

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2015  
Dennis Minsky, Chair