

**PROVINCETOWN  
CONSERVATION COMMISSION  
COMMUNITY DEVELOPMENT CONFERENCE ROOM  
July 21, 2015  
6:30 P.M.**

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

**Members Absent:** David Hale (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:**

Discussion with Town Planner Gloria McPherson regarding the Local Comprehensive Planning process and request for a Conservation Commission representative on the Local Planning Committee:

Ms. McPherson appeared to discuss the position on the Local Planning Committee. She had submitted a report to the Commission outlining the responsibilities and the time commitment required for the position. Also included was a review of the LCP project and the processes involved. The Commission questioned Ms. McPherson about the requirements and discussed the position.

*Dennis Minsky moved to nominate Lynne Martin as the Conservation Commission's representative on the Local Planning Committee with the understanding that she would get appropriate support from other Commissioners as needed, Mark Irving seconded and it was so voted, 4-0.*

Discussion with Paul Tasha:

Mr. Tasha stated that he had wanted to show the Commission a video he had taken of Herring Cove shelf where the hydraulic clam vessels were dredging this past winter in order to show the damage that was caused by their activities. However, he ended up losing his camera and the video along with it. He said that the Division of Marine Fisheries' position had always been that hydraulic clamming activity in this area, which has been characterized by the agency as high energy and very dynamic, was a temporary alteration with short term effects and that the area would go back to its normal state within days or weeks. But Mr. Tasha's observations are that this area has not returned to a normal state after the hydraulic clamming activities of the past winter. He said it used to be a relatively flat area and now it is very uneven, even terraced in places. He thinks that thousands of tons of substrate had been repositioned and hundreds of tons of cobble had been stripped out and dumped over the shelf in the area. He will return when he has taken more video footage. He added that there was no court date yet for the hydraulic clamming vessels that were given citations last year and he was concerned that this year's season, beginning on November 1<sup>st</sup>, was fast approaching.

Austin updated the Commission regarding the status of the on-going legal procedures against several hydraulic clamming vessels. Dennis reiterated that the goal of the Commission was to establish jurisdiction in the area without being contested and that will happen in the courts.

Review of proposals for production of a site plan for the **Browne Street Garden** located at **6R Browne Street** in Provincetown:

Austin reviewed the three proposals submitted to the Commission, including one from William N. Rogers, II, one from Chet Lay, of Slade Associates, and one from the firm of Ryder & Wilcox. The Commission discussed the project and the bids. Austin explained that the project involved obtaining an engineered site plan that will show the location of wetland delineation flags, the 60' buffer zone and current garden plots on one plan.

***Mark Irving moved to approve the bid of William N. Rogers, II for \$1265 to survey the B Street Garden area, Dennis Minsky seconded.***

The Commission discussed the motion and what work the bids would entail. The Commission was concerned that two of the bids were not specific enough in describing their proposed work. The Commission wanted to review a more detailed proposal before voting at the next hearing, and to vote on the Safe Harbor proposal as well.

***The motion was so voted, 1-3 (Dennis Minsky, Lynne Martin and Barbara Prato opposed).***

The motion was defeated.

***Dennis Minsky moved to direct the Conservation Agent to request a more structured proposal to be presented at the next meeting and to resubmit and advertise the proposal by Safe Harbor.***

Dennis revised his motion.

***Dennis Minsky moved to direct the Conservation Agent to contact the two low bidders and ask them to reformat and add detail to their bids for proposed work and to include the Safe Harbor bid for the accompanying wetland delineation work to be posted for the next meeting, Mark Irving seconded and it was so voted, 4-0.***

## **NEW BUSINESS:**

Update on dune stabilization at **31 Point Street** in Provincetown:

Lyn Plummer and Kevin Bazarian appeared to discuss the issue. Ms. Plummer reviewed what was happening at the property. The Commission had received two status reports from Paul Shea of Independent Environmental Consultants. She said that her plan was to start digging the footings next week. They will be using a small 36" excavator and not hand-digging seven footings as previously indicated. The Commission questioned Ms. Plummer and discussed changing its permitting conditions for the property in light of the new information provided. Ms. Plummer said she had asked Billy Rogers to supervise the installation of the footings and to stake their exact locations. After some discussion, the Commission decided to allow a 36" sidewalk excavator to dig the seven footing holes, which Mr. Rogers will stake prior to the digging, and agreed to allow him to supervise the installation of the footings. In addition, the Commission will allow Mr. Shea to submit post-footings report at the end of July and another report at the end of August. Ms. Plummer was agreeable to the schedule.

***Dennis Minsky moved to update the Commission's permitting of the construction at 31 Point Street to now allow a 36" sidewalk excavator to excavate seven holes, 8' from the foundation, with said work to be supervised by William N. Rogers, II, accompanied by an assessment by Paul Shea after that work is done and another assessment a month later, Barbara Prato seconded, and it was so voted, 4-0.***

**Possible Issuance of Order of Conditions for Notice of Intent** application by **Provincetown Airport Commission** and represented by **Horsley and Witten Group, Inc.**, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 s. 40) for proposed capital improvement projects consisting of twelve (12) separate construction elements at the **Provincetown Municipal Airport at 176 Race Point Road** in Provincetown.

Austin reviewed the draft Order of Conditions.

*Dennis Minsky moved to issue an Order of Conditions for the Notice of Intent application by Provincetown Airport Commission and represented by Horsley and Witten Group, Inc., under the Massachusetts Wetlands Protection Act (M.G.L. c. 131 s. 40) for proposed capital improvement projects consisting of twelve (12) separate construction elements at the Provincetown Municipal Airport at 176 Race Point Road as drafted by the Conservation Agent including the Special Condition read by same, Lynne Martin seconded.*

The Commission discussed the motion.

*The motion was so voted, 4-0.*

**MINUTES: June 16, 2015** – *Dennis Minsky moved to approve the language as revised, Barbara Prato seconded and it was so voted, 4-0.*

#### **ANY OTHER BUSINESS:**

There was a report of construction vehicles accessing Somerset Road via Whistlestop Path.

Austin has spoken with Rich Waldo about the Gross property and he will correct the re-seeding issues.

Dennis said that an application to join the Commission was received, however the applicant did not show up and no action will be taken.

Barbara said there were two incidents of dumping at Whistlestop Path. The Department of Public Works had cleared the debris. She said that she had mentioned the incidents to Sergeant Lopes and the midnight staff at the Police Department and asked if they could keep an eye on the area.

She was also concerned that the grass was being cut in the staging areas on Route 6. The Commission briefly discussed the issue. Austin will look into the issue and ask Rich Waldo to give the Commission a written report of the progress of the three staging areas.

Lynne said that there had been hard fencing erected on the beach at a property near the Town Landing next to the Boatslip. Austin was aware of the issue.

Dennis mentioned that there seemed to be a lot of weeds along the side of Provincelands Road. Austin will look into it.

**ADJOURNMENT:** *Barbara Prato moved to adjourn at 8:35 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2015

Dennis Minsky, Chair