

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM**

**August 4, 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.

NEW BUSINESS:

Discussion with Provincetown Water Superintendent Cody Salisbury regarding upcoming maintenance work at the Mt. Gilboa water tank located at **120 Gilboa Rd.:**

Cody Salisbury informed the Commission that the Town intended to perform maintenance activities at this site. The Water Department periodically performs maintenance work on this water storage tank, which requires that it be fully drained. He said that the tank contained approximately 2.3 million gallons of water and that the same standard operating procedures, which the Commission approved in 2007 when similar work was performed, will be followed. The tank maintenance was being undertaken because of an issue with the feed line at the base of it. While drained, the tank will be de-chlorinated, the interior wall cleaned and spot repairs made to the exterior and interior coating of the tank where corrosion has occurred. He predicted that the tank would be back in service in 3 to 4 weeks and the work would begin after Labor Day. The Commission questioned Mr. Salisbury and expressed concern about scouring when the tank was drained, which was an issue the last time the tank maintenance was performed. Mr. Salisbury explained that the discharge would be monitored on a daily basis and a vehicle would be on site with a diffuser to control the flow of water onto a tarp and discharge it into hay bales and silt fencing. Dennis stated that if the Commission approved the Certificate of Compliance for the project, the standard operating procedures would be ongoing unless there was some change in the circumstances of the procedure. There was no public comment.

Barbara Prato moved to issue a Certificate of Compliance under DEP File No. SE 058-0431, with the standard operating procedures listed as ongoing conditions for the Provincetown Department of Public Works for maintenance work at the Mt. Gilboa water tank located at 120 Gilboa Rd., Dennis Minsky seconded and it was so voted, 4-0.

Application by **Kathleen C. Meads Family Trust** represented by **Coastal Engineering Co., Inc.** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12. The scope of work proposed includes construction of a driveway and two residential units including a single family dwelling and a

two-unit dwelling located within Estimated Habitat of Rare Species at **5-7 George's Path** in Provincetown.

Presentation: Gordon Peabody and John McElwee appeared to discuss the project. Mr. Peabody had submitted a land management plan, compiled by Safe Harbor, for the site. He stated that he had tried to keep as many resources on the site as possible, at the request of the applicant. He reviewed the plan, which included protocols for conserving the biomass, the geomass, the hydrology and water quality, and a revised site plan. The previous site plan had been revised to show the absence of pavement in the parking area, as had been requested by the Commission. A significant portion of habitat replanting will consist of vegetation transplanted from the site. Native replantings will reflect the diversity and the abundance of the existing habitat. The native underburden will be available as beach nourishment if needed. Austin called the Commission's attention to a list of conditions he had drafted for the project.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Peabody and Mr. McElwee, who stated that the limit of work had been pulled in as much as possible in order to minimize the disturbed area, as had been requested by the Commission. The Commission requested that the planting and transplanting on the site be professionally supervised. Austin noted Special Condition #5 concerning the supervision of the planting and transplanting. The Commission briefly discussed it. Mr. Peabody agreed to submit a letter certifying his involvement in the project and documenting that Safe Harbor would notify the Commission if there were any changes to the plans.

Dennis Minsky moved to approve the Notice of Intent by Kathleen C. Meads Family Trust represented by Coastal Engineering Co., Inc. under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12 for work to include construction of a driveway and two residential units including a single family dwelling and a two-unit dwelling located within Estimated Habitat of Rare Species at 5-7 George's Path, with the Standard Order of Conditions, with the sixteen Special Conditions as drafted by the Conservation Agent and with the stipulation that the Commission get some assurance of Safe Harbor's involvement in the project, Mark Irving seconded and it was so voted, 4-0.

Notice of applicant's withdrawal at 129 Commercial Street:

Austin explained that the property is located in flood zone AE, which has no performance standards, but is protected by the Wetlands Protection Act. The applicant had submitted a Notice of Intent to demolish, replace and expand an existing building. A week after the submission, the applicant withdrew the application. There was a letter from Tim Brady to the Commission requesting that the application fee paid to the Town, \$637.50, be refunded. The Commission discussed the request and reviewed its options. Austin explained the fee structure and how the fees are used.

Lynne Martin moved to keep the local by-law fee of \$100.00 and refund \$537.50 to the applicant of the Notice of Intent for 129 Commercial Street, Dennis Minsky seconded and it was so voted, 4-0.

Review of proposals for wetland delineation Browne Street:

Lynne Martin moved to postpone the review of proposals for wetland delineation and production of a site plan for the Browne Street Community Garden located at 6R Browne Street, Barbara Prato seconded.

The Commission discussed the motion and the project.
The motion was so voted, 3-1 (Dennis Minsky opposed).

MINUTES: July 21, 2015 – Dennis Minsky moved to approve the language as written, Barbara Prato seconded and it was so voted, 4-0.

ANY OTHER BUSINESS:

The Commission discussed the former sewer staging areas on Route 6. Austin read an email that he had received from Rich Waldo regarding the topic. Dennis suggested that the Commission move to have an environmental assessment of the area done, even if the Commission had to pay for it.

There is nothing to report in regard to the hard fencing at the property near the Boatslip.

In regard to the weeds on Provincelands Road, Dennis noted that the area is not within the Commission's jurisdiction.

Lynne raised the issue of the condition of the marsh at the Moors. She will do a site visit with Austin. She also mentioned that the Hatches Harbor Condominium Association hooked up to the sewer and clear-cut some vegetation on the hill right across the street from the marsh.

ADJOURNMENT: Barbara Prato moved to adjourn at 7:47 P.M. and it was so voted unanimously.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2015

Dennis Minsky, Chair