

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM
January 19, 2016
6:30 P.M.**

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

Members Absent: David Hale (excused).

Others Present: Anna Meade (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:

155 Commercial Street – Review Enforcement Order issued 12/15/15: Rich Mills, of RKM Property Management, representing the West Beach Condominium Association, appeared to discuss the issue. He provided historical data, including photographs, indicating the existence of a fence on the property. He said that the fence has been there at least since 2006, and was installed to prevent the erosion of a dune located behind it. A previous fence was destroyed during a storm and was replaced with the current one. The Commission questioned Mr. Mills and explained why the Enforcement Order and fine were issued. The Commission discussed the appropriateness of the Enforcement Order. Dennis suggested withdrawing the fine and modifying the Enforcement Order to require that the existing fence be retrofitted to allow it to perform as more of an erosion control device.

Dennis Minsky moved to withdraw the Enforcement Order issued on 12/15/15 for 155 Commercial Street, Barbara Prato seconded and it was so voted, 4-0.

Dennis Minsky moved to withdraw the fine for a Type I violation for unpermitted work performed in a resource area issued on 12/15/15 to 155 Commercial Street, Barbara Prato seconded.

The Commission discussed the motion.

The motion was so voted, 4-0.

The Commission discussed a new Enforcement Order.

Dennis Minsky moved to issue an Enforcement Order to 155 Commercial Street requiring that the property owners explore with a professional consultant how that fence could better serve as an erosion control device, Barbara Prato seconded.

The Commission discussed the motion.

The motion was so voted, 3-1 (Mark Irving opposed).

29 Point Street – Sign Order of Conditions approved at 1/5/16 meeting.

NEW BUSINESS:

Notice of Intent

Application by **Cynthia Binder**, represented by **Martin Donoghue, P.E.**, of **Coastal Engineering**, 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. Scope of work to include construction of an addition to an existing smaller building and renovations to a larger building at the property located at **242 Bradford Street** in Provincetown. Anna recused herself from the hearing because of a conflict of interest.

Presentation: Sean Riley, of Coastal Engineering, and Ginny Binder appeared to present the application. A construction protocol, project narrative and planting plan had been submitted to the Commission. Mr. Riley said that the project was being heard by the Commission because it was located on land subject to coastal storm flowage, a FEMA Flood Zone A, therefore the structure will be flood-compliant. The project will include taking the existing dwelling in the rear, lifting it and placing it to one side of the property. A FEMA-compliant foundation will be constructed and the structure will be put back on the new foundation. A foundation for the new addition will then be installed. Both the foundations will have flood vents, which protect houses and buildings in floodplains by preventing hydrostatic pressure buildup that can destroy structures. The finished floor of the existing building and the addition will be raised up to an elevation of 9.05 in order to be above the 100-year flood elevation. Utilities will be located above the flood elevation and the existing patios between the two buildings on the lot will be replaced in the same footprint after construction utilizing pervious pavers. The area of the proposed addition was previously the site of a raised Title V sewage disposal system leaching area surrounded by concrete walls, which will be removed during the construction. The property has been hooked up to the Town sewer system. Some interior renovations will be made to the second floor of the front building on Bradford Street. The DEP File No. is SE 058-0542.

Commission Discussion: The Commission questioned Mr. Riley and Ms. Binder.

Barbara Prato moved to approve the Notice of Intent application by Cynthia Binder 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 an addition to an existing smaller building and renovations to a larger building at the property located at 242 Bradford Street with the Standard Order of Conditions, Dennis Minsky seconded and it was so voted, 4-0.

MINUTES: January 5, 2016 – Dennis Minsky moved to approve the language as amended, Barbara Prato seconded and it was so voted, 4-0.

ANY OTHER BUSINESS:

Old Colony Nature Path: The Commission briefly discussed the Malicoat easement in the east end. Anna will talk to Doug Johnstone about the issue or call Department of Public Works Director Rich Waldo to find out if the Town is responsible for the maintenance of the road.

Anna has not yet spoken with the owner of 12 Somerset Drive.

Dennis met with Lisa Westerveldt about the issue of dumping at the east end of Old Colony Nature Path.

CONSERVATION AGENT REPORT:

3 Heather’s Way: An abutter reported that there were some alterations to mandated plantings in the buffer zone to a resource area. The plantings in question had been dug up and Leland cypress had been planted in their place. Anna has not yet been contacted the owner of the property. The Commission briefly discussed the issue.

Lynne Martin moved to issue an Enforcement Order for 3 Heather’s Way requesting that property owner appear at a Public Meeting to discuss the issue of doing unpermitted work in a buffer zone to a resource area, Barbara Prato seconded and it was so voted, 4-0.

Harbor Drive: There was a request from a homeowner to rake the beach abutting Harbor Drive. Paul Shea was hired to represent her at a Conservation Commission meeting. Mr. Shea indicated that the project would include no mechanized equipment for the removal of material, only hand removal, the activity will be performed at an appropriate time of the year and not in a shore bird area and the material removed would be composted. Mr. Shea said he will be filing an NOI. The Commission briefly discussed the issue.

The Commission discussed holding Work Sessions at 6:00 P.M. before Public Meetings to discuss some issues.

Discussion of Permit Review Threshold and Application Guidelines: This matter was not discussed.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2016

Dennis Minsky, Chair