

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM
February 2, 2016
6:30 P.M.**

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

Members Absent: None.

Others Present: Anna Meade (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Chair Dennis Minsky called the Public Hearing to order at 6:31 P.M.

PUBLIC STATEMENTS:

None.

Dave Krohn was present to request an extension of an Order of Conditions that is set to expire on March 15th for a property located at 61A West Vine Street. Anna informed the Commission that there was no noticing requirement for extending an Order and that it needed to be extended at least a month before the expiration date. Dennis said that the Commission had received a recommendation from Town Planner Gloria McPherson that the Order be extended for one year, even though the Commission had the power to extend it for three. Mr. Krohn stated that he had bought the property, which is the old Gale Force farm, and will be operating it as a farm. He is requesting that the Order be extended for more than one year. The Commission questioned Mr. Krohn.

David Hale moved to extend the Order of Conditions for the property located at 61A West Vine Street for three years, Dennis Minsky seconded and it was so voted, 5-0.

OLD BUSINESS:

Winthrop Street Cemetery – Invasive Species Management Plan review discussion: Rich Waldo, Department of Public Works Director, appeared to discuss the Plan, which would include standard operating procedures for all Town-owned cemeteries. He said that ideally, all vegetation could be managed without the use of herbicides, however they would have to be utilized in certain situations. When needed, a specific application method called snip and wipe will be utilized. This method negates the need for spraying. A professional would be hired to apply the herbicide in those situations. Mr. Waldo said that the Town has had Americorps perform some invasive species removal and he hoped that the Town could get them to do a regular annual removal. He was looking for some feedback, revisions or an approval of the protocols. The Commission discussed the protocols and recommended some changes. One revision was a request that the Conservation Agent be notified before any herbicides were applied on Town property, in order that the Commission could become part of the process. Mr. Waldo agreed to notify the Conservation Agent at least 24 hours before an application took place. Anna suggested a revision of the third bullet point, under the heading “Potential Herbicide Treatment”, to insert the words, “of nuisance vegetation” after the word, “systems”. A notice to the Conservation Agent bullet point will be added to that section as well.

Mark Irving moved to approve the Invasive Species Management Plan for cemetery maintenance with revisions made on 2/2/16, Barbara Prato seconded and it was so voted, 5-0. Dennis added that the Commission would like SOPs for all work done by DPW that affects, or potentially affects, any natural area in Town. These activities would include beach nourishment, mowing, tree cutting, etc. The Commission discussed how that might be accomplished. The Commission briefly discussed Gordon Peabody's suggestion to utilize sand from Town construction sites for beach nourishment projects.

CONSERVATION AGENT REPORT:

3 Heather's Way – Anna reminded the Commission that the original owners of the property had an Order of Conditions that included plantings. A Certificate of Compliance for that Order was issued by the Commission. A subsequent owner has dug up and removed the plantings and planted Leyland cypress in the same area, which is a buffer zone. An Enforcement Order for altering the buffer zone of a resource area without a permit has not yet been sent. The Commission suggested that the Conservation Agent photograph the plantings that were removed and the new plantings, and directed Anna to issue an Enforcement Order to the current owner. She said that the Enforcement Order would compel the owner to appear before the Commission. Anna added that the owner is requesting permission to construct a porch on the front of the structure.

Malicoat property: There has been no progress on this issue.

12 Somerset Road: There has been no progress on this issue.

MACC Conference: The Commission briefly discussed the Conference. The Commissioners will send their seminar choices to Anna for registration purposes. The Commission discussed the role of the Town's Americorps worker.

401½ Commercial Street: Anna explained that Ellen had contacted her about work being done at the property without adequate silt fencing having been erected. Anna will call Kevin Bazarian tomorrow about the issue.

Dennis said that Doug Johnstone reminded him about submitting an Annual Report for Town Meeting. He briefly reviewed the Report. The Commission discussed the stormwater improvement project at Shank Painter Pond. Dennis said that Michelle Jarusiewicz had contacted him about the fact that the Commission had not yet spent the money, \$153,000, granted it by the Community Preservation Committee for the project. Dennis reviewed the proposal, which included drainage area mapping, water quality and habitat assessment evaluation, further delineation of the stormwater collection area that contributes to the outfall, complete test pits and subsurface investigations on the property, complete land surveying of the outfall and the property, alternatives evaluation to assess and identify the best remedial solution for the outfall, coordinating with stakeholders, completing a preliminary design for the selected remedial solution and developing a long term monitoring program for the Pond. The Commission briefly discussed the issue. Lynne Martin will mention the issue to Eric Larsen. Dennis revised the Annual Report.

155 Commercial Street – Review and sign revised Enforcement Order.

242 Bradford Street – Review and sign Order of Conditions.

MINUTES: January 19, 2016 – *Barbara Prato moved to approve the language as written, David Hale seconded and it was so voted, 5-0.*

Work Session: Review Commission procedures: The Commission reviewed the guidelines and suggested revisions. Commissioners will continue to review and condense the guidelines and the list for further discussion at the next Public Meeting.

Dennis reviewed some possible performance standards for the MESA by-law. He will type it up and send it to Anna.

The Commission discussed topics for future Work Sessions, such as developing a standard order of conditions for MESA by-law projects. The next Public Meeting will be on February 16th and begin at 6:00 P.M. as a Work Session. The guidelines will be discussed as well as the standards for the local MESA by-law.

ADJOURNMENT: *Barbara Prato moved to adjourn at 8:08 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2016

Dennis Minsky, Chair