

**PROVINCETOWN CONSERVATION COMMISSION
EMERGENCY MEETING
DEPT. OF COMMUNITY DEVELOPMENT CONFERENCE ROOM
JUNE 24, 2016
11:00 A.M.**

Members Present: Dennis Minsky (left at 11:27 A.M.), Lynne Martin, Barbara Prato, Alfred Famiglietti and Scott Donahue.

Members Absent: Mark Irving (excused).

Others Present: Gloria McPherson (Town Planner) and Ellen C. Battaglini (Permit Coordinator).

EMERGENCY MEETING

Chair Dennis Minsky called the Public Hearing to order at 11:00 A.M

Discussion regarding rescinding the Stop Work Order issued Wednesday, June 22, for work being performed at 99 Commercial Street under an expired Order of Conditions:

Ms. McPherson explained the purpose of the Emergency Meeting was to discuss rescinding the ‘stop work’ order that the Commission issued for the work being performed at 99 Commercial Street. She explained that she had questions about the procedure because the usual practice under the Wetlands Protection Act is to issue an Enforcement Order to cease and desist. She explained that it is not uncommon for applicants to finish projects after Orders of Conditions have expired. She questions the function of stopping work and asking the owner to file an NOI and what would be different in regard to a subsequent Order issued by the Commission. Now, the process is stalled and no work is being done to complete the project. The Commission has the option of continue to fine the applicant for each day a project continues until it is completed. She recommended that the Commission rescind the ‘stop work’ order and continue to fine the project every day that work, which the Commission had previously authorized, continues until it has been completed. The Commission discussed the issue.

Dennis Minsky moved to rescind the ‘stop work’ order in regard to 99 Commercial Street and to issue an Enforcement Order to cease and desist, Scott Donahue seconded.

The Commission discussed the motion.

Public Comment: Attorney Christopher Snow, representing Siobhan Carew, who has a 78 % interest in ownership of the condominium association at 99 Commercial Street, said that his client was opposed to any work continuing without the submission of a new NOI.

The Commission continued to discuss the issue. Ms. McPherson recommended that the Commission issue conditions, similar to the original conditions, as part of an Enforcement Order for the completion of the project.

Barbara Prato moved to rescind the 'stop work' order in regard to 99 Commercial Street and to issue an Enforcement Order to cease and desist and require the unit owners performing the work to file a new Notice of Intent, Lynne Martin seconded and it was so voted, 4-0.

ADJOURNMENT: *Barbara Prato moved to adjourn the Emergency Meeting at 11:35 A.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2016
Dennis Minsky, Chair