

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
October 4, 2016
6:00 P.M.

Members Present: Dennis Minsky, Lynne Martin, Barbara Prato and Alfred Famiglietti.

Members Absent: Mark Irving (excused).

Others Present: Gloria McPherson (Town Planner), Deb Albenberg (Conservation Agent) and Ellen C. Battaglini (Permit Coordinator).

WORK SESSION

Chair Dennis Minsky called the Work Session to order at 6:00 P.M.

The Commission discussed the potential performance standards for the local MESA by-law jurisdictional areas that Mr. Minsky had drafted.

Mr. Minsky suggested revisiting the Commission's application review guidelines. Ms. McPherson suggested that the Commission discuss making a list of standard order of conditions for Notices of Intent at the next Work Session.

Chair Dennis Minsky adjourned the Work Session at 6:30 P.M.

PUBLIC HEARING

Chair Dennis Minsky called the Public Hearing to order at 6:30 P.M.

1) **PUBLIC COMMENTS:**

None.

2) **PUBLIC HEARINGS:**

a) **Local By-Law Filing**

CON #17-029 *(continued from September 6th)*

Application by **Diana Prideaux-Brune and Anne E. Mahoney** pursuant to the Provincetown Wetlands Protection By-Law, Chapter 12, regarding demolition of two existing structures and replacing them with a single-family residence, septic system and associated site work at the property located at **226B Bradford Street**. The work will take place within NHESP Estimated and Priority Habitat. The applicant has requested another continuance, this time to the November 1, 2016 Public Hearing. ***Dennis Minsky moved to grant the request to continue CON #17-029 to the November 1, 2016 Public Hearing, Barbara Prato seconded and it was so voted, 4-0.***

b) **Notice of Intent**

CON #17-053 – 7 Creek Round Hill Road

Application by **Ross Lajeunesse**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and to the Provincetown Wetlands Protection By-Law, Chapter 12, to rebuild retaining walls, timber walls and landscape walls and to install new wooden decks, a wooden boardwalk and new plantings. The work will take place within a 100' buffer to a bordering vegetated wetland.

Presentation: Deborah Paine, contractor, William N. Rogers, II, civil engineer, Paul Shea, of Independent Environmental Consultants, and Todd Westrick, landscape designer, appeared to discuss the application. Ms. Paine reviewed the project which involves landscaping improvements, including the construction of new wooden decks, wooden boardwalks, reinforced concrete retaining walls, timber retaining walls, stone curbing, grading and new landscaped planting areas. She said that most of the retaining walls have failed or are ineffective. A bordering vegetated wetland is located at the bottom of a slope behind the existing structure on the property. No site alterations are proposed within the existing freshwater wetland resource area or within the 50' buffer zone. Site alterations are proposed within the upland area of land located within the 50-100' buffer zone of land that has been altered in the past. Adequate temporary erosion controls, including silt socks and silt fencing, will be installed at the limit of work lines in order to protect the wetland resource area during construction. A MESA application has been filed with Natural Heritage for the proposed project as well as a Department of Environmental Protection Notice of Intent application. The applicant is willing to comply with any conditions that Natural Heritage may impose on the project. SE 058-0555 is the DEP File Number assigned to the project. All construction machines, trucks and materials will be brought in from Creek Round Hill Road. A construction protocol was submitted with the applicant's material.

Mr. Shea said that some site alterations will take place within the 50-100' buffer zone, as the house itself is within that zone. Landscaping will take place in the front and the rear of the property, but no activity will take place closer to the wetland.

Mr. Rogers reviewed the retaining wall installation. There will not be much change in the elevations on the property. He said that helical piles with caps will be used for some of the retaining walls instead of reinforced concrete in order to avoid having to dig down too deeply into the sand.

Mr. Westrick reviewed how the planting scheme would be implemented. An irrigation system will most likely be installed and a well will be drilled in an area near the street.

Public Comment: Michelle Viotty, an abutter, had questions about the project and the protection of her property. Ms. Paine said she would speak with Ms. Viotty about the project. There were no letters in the file.

Commission Discussion: The Commission questioned Mr. Rogers, Ms. Paine, Mr. Westrick and Mr. Shea. The Commission discussed conditions to protect the wetland.

Dennis Minsky moved to approve the NOI application by Russ Lajeunesse pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and to the Provincetown Wetlands Protection By-Law, Chapter 12, to rebuild retaining walls, timber walls and

landscape walls and to install new wooden decks, a wooden boardwalk and new plantings with the Standard Order of Conditions, including the placement of straw bales along the limit of work for erosion control, the removal of debris and the securing of the work site on a daily basis and holding a pre-construction meeting with the Conservation Agent and with the Special Conditions that the straw bales, each secured in the ground with two sticks, remain in place until the end of construction, that no over-pouring of concrete occur on site, that all conditions imposed on the project by Natural Heritage will be followed, that any plantings have a three-year survivability requirement, that jute mesh be used if necessary, that an irrigation system be installed on site and that all access will be within the limit of work, Barbara Prato seconded and it was so voted, 4-0.

c) **Request for Determination of Applicability**
CON #17-054 – 149A Commercial Street, #2

Application by **John Cockeril** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and to the Provincetown Wetlands Protection By-Law, Chapter 12, to remove a dormer on the north side of the building, reconstruct a gable and remove and replace sections of an exterior wall to fit new windows. The work will take place within Land Subject to Coastal Storm Flowage and the 100' Buffer to a Coastal Beach.

Presentation: Chris Beasley appeared to present the application. The project involves the removal of a portion of the roof, located on the north side of the building and measuring 8' by 6', and lowering it to form a small gable. In addition, a 25' section of the side elevation second floor wall will be removed to accommodate windows. The roof section is not on the south side next to the resource area. The majority of work will be done on the street side of the property.

Public Comment: None. There were no letters in the file.

Commission Discussion: Mr. Minsky said that he and the Conservation Agent and Mr. Famiglietti did a site visit.

Dennis Minsky moved to issue a Negative #2 and #3 Determination pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and to the Provincetown Wetlands Protection By-Law, Chapter 12, to remove a dormer on the north side of the building, reconstruct a gable and remove and replace sections of an exterior wall to fit new windows at the property located at 149A Commercial Street, #2 with the conditions that the site be secured at the end of each day and that materials be properly stored and accessed on the site, Lynne Martin seconded and it was so voted, 4-0.

3) **Enforcement Order:**
ENFCON #17-008 – 37A Commercial Street

Ratification of an EO issued for the release of sanitary sewage (dish and/or bath water) onto sand with a bucket (BLSF). Ms. Albenberg reviewed the situation. The Commission briefly discussed the issue. *Dennis Minsky moved to ratify the Enforcement Order issued for ENFCON #17-008-37A Court Street, Barbara Prato seconded and it was so voted, 4-0.*

4) **Conservation Agent Report:**

31 Point Street Update: Ms. Albenberg reported that new plantings have been installed and a watering system with a timer is functional. Invasives have been removed. She reviewed the

plantings. She said that seeding and germination have been successful. She will be doing a site visit to inspect the plantings.

Violation Notice issued to 225 Commercial Street: Ms. Albenberg reported that a grill, chairs and a table and a ping-pong table were situated on the beach. These are all unpermitted items. The Commission briefly discussed the issue. Ms. Albenberg said that she has told the owners to remove the items from the beach and to file a Request for Determination of Applicability if they would like to put those items back on the beach. Ms. McPherson mentioned that the owners will be coming to the Commission in the near future for their annual Holiday Market event.

5) **Information:**

- a) **MACC trainings:** Fall Fundamentals for Conservation Commissioners Webinars
 - Unit 104: Wetland Functions and Values
Wednesday, October 5 – 5:45 P.M. – 8:30 P.M. via Webinar
- b) **Administrative Review Applications Approved by Agent** with Standard Order of Conditions
 - i) CON #17-055 **277 Commercial Street** – Replace rotted pine trim with Azek trim;
 - ii) CON #17-058: **519 Commercial Street** – Replace 2 doors and 1 south side window and trim;
 - iii) CON #17-049: **161 Commercial Street** – Replace all decking; and
 - iv) CON #17-045: **15 Commercial Street** – Remove willow limbs in parking lot.

6) **Approval of Minutes: September 20, 2016:** *Dennis Minsky moved to approve the language as written, Alfred Famiglietti seconded and it was so voted, 3-0-1 (Lynne Martin abstaining).*

7) **Any Other Business:**

ADJOURNMENT: *Barbara Prato moved to adjourn the Public Meeting at 7:45 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2016
Dennis Minsky, Chair