



Conservation Commission

Public Meeting Agenda

April 18, 2017

The Provincetown Conservation Commission will hold an Executive Session at 6:00 p.m. followed by a Public Hearing which will be held at 6:30 p.m. on **Tuesday, April 18, 2017 in the Judge Welsh Hearing Room**, Town Hall, 260 Commercial Street, Provincetown, MA.

Executive Session: 6:00 p.m.

Vote to enter into Executive Session pursuant to M.G.L. c. 30A, s. 21(a)(3) to discuss litigating strategy where an open session may have a detrimental effect on the Town's litigating position and the chair so declares, for the following cases:

Aqua King Fishery, LLC v. Conservation Commission, Barnstable Superior Court, C.A. No. 2015-00064; Conservation Commission v. Stellwagen Bank Fisheries Corp., Barnstable Superior Court, C.A. No. 2015-00387; Conservation Commission v. Patricio Palacios, Barnstable Superior Court, C.A. No. 2015-00386

End Executive Session

Open Session

Public Meeting: 6:30 p.m.

- 1) **Public Comments** on any item not on the agenda below
 - 2) **Public Hearings**
 - a) CON-17-129 **76 R Bayberry Ave** (*applicant requests to continue to the meeting of May 16th*)
Notice of Intent by Christopher Wise pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetland Protection Bylaw to dig trenches in roadways and campsites to bring electric, water and sewer connections to 183 campsites. Work to take place within NHESP Estimated and Priority Habitat, Bordering Land Subject to Flooding, and the 100 – foot Buffer Zone to Bordering Vegetated Wetland.
 - b) CON-17-133 **7 Duncan Lane** (*continued from the meeting of March 21st*)
Notice of Intent by Bennett Environmental Associates, Inc. on behalf of Thomas Boland and Jim Farley pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to demolish the existing dwelling and construct a new dwelling within the existing footprint, upgrade the
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septic system and associated sitework and grading. Work to take place within the Buffer Zone to Bordering Vegetated Wetland.

- c) **CON-17-136 225 Commercial Street** *(continued from the meeting of March 21st)*
Notice of Intent filed by Robert Anderson pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to expand a deck and lower the grade of an existing patio to achieve ADA compliance within the outside service area of the restaurant, and to place temporary tables and seating beyond the seawall. Work to take place within Coastal Beach, Coastal Dune and Land Subject to Coastal Storm Flowage.
- d) **CON-17-141 Shank Painter Road (between the Bark Park and Cumberland Farms)**
Local Bylaw Filing by the Provincetown Department of Public Works, pursuant to the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the replacement of a damaged groundwater monitoring well in a location adjacent to the existing monitoring well. Work to take place within NHESP Estimated and Priority Habitat.
- e) **CON-17-142 579 Commercial Street**
Notice of Intent filed by Coastal Engineering Co. on behalf of Joseph Realmuto and Paul Korenberg, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to upgrade and raise an existing single-family home at least 2 feet above the base flood elevation by replacing the concrete block foundation with a FEMA compliant pile foundation. Work to take place within Land Subject to Coastal Storm Flowage.
- f) **CON-17-143 Ryder Street Extension, Bennett Pier (Old Fuel Dock)**
Request for Determination of Applicability filed by Stephen Wisbauer, Provincetown Shellfish Warden, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, to install 5 helical piles to support repairs to an existing pier. This work has already been performed within Land Under the Ocean.

3) **Enforcement Orders**

- a) **76 R Bayberry Ave.**
Unauthorized dumping of leaf and other vegetative debris within inland bank, Priority Habitat of Rare Species, Estimated Habitat of Rare Wildlife, Bordering Land Subject to Flooding, and associated 100-foot buffer zone.
- b) **793 & 795 Commercial Street**
Unauthorized removal of vegetation and excavation within coastal bank and 100' buffer zone.

4) **Request by Jonathan Sinaiko to control vole population at Suzanne's Garden**

5) **Conservation Agent Update**

- a) Appointment of Timothy Famulare and Gloria McPherson as agents of the Conservation Commission.
- b) CON-17-134 **24 Ship's Way** - Sign Local Bylaw Order of Conditions (approved at 3/21/17 hearing).

6) **Information**

Administrative Review Applications Approved by Agent:

- a) 73 Commercial Street – remove two dead pine trees; cut stumps below grade; replace with like kind, 6-8 ft. in height.
- b) 258A Bradford Street, Unit 4 – remove one dead white elm tree.
- c) 455 Commercial Street – repair seawall and patio.

7) **Approval of Minutes of February 21, March 7, and March 21, 2017**

8) **Any other business that shall properly come before the Commission**

Dennis Minsky, Chair

Posted by the Assistant Town Clerk: www.provincetown-ma.gov, 4/13/17 4:00 pm dv