

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
March 7, 2017
6:00 P.M.

Members Present: Dennis Minsky, Mark Irving, Alfred Famiglietti, Nathaniel Mayo, Kiah Coble, Gregory Howe and Robert Brock.

Members Absent: None.

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

WORK SESSION

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

The Commission signed paperwork from the last meeting.

Ms. McPherson said that she got a citizen's request for enforcement from Susan Avellar for vegetation clearing on Tiny's Way, specifically on land behind 2, 4 and 6 Tiny's Way on a 10' right of way that belongs to all residents of the street. She said it was in a MESA jurisdictional area and she would have to do research in the street file about any kind of maintenance of vegetation in the area.

The Commission heard brief reports from the three Commissioners, Mr. Brock, Mr. Famiglietti and Mr. Minsky, who attended the Massachusetts Association of Conservation Commissions Annual Conference. Ms. McPherson said that she would bring a draft of a form regarding a property owner's understanding of Commission orders of conditions to the next hearing for review.

Mr. Minsky reiterated that the Commission will hold a Work Session to discuss public outreach and education via pamphlets for homeowners, landscapers and contractors.

PUBLIC HEARING

Chair Dennis Minsky called the Public Hearing to order at 6:33 P.M.

1) **PUBLIC COMMENTS:**
None.

2) **PUBLIC HEARINGS:**

a) Case # CON-17-129: **76R Bayberry Avenue** (*continued from the meeting of February 21st*)

Notice of Intent application by **Chris Wise** pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, 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 a Bordering Vegetative Wetland. There was a request from the applicant to continue the matter to the March 21, 2017 Public Hearing in order to complete amended plans. *Alfred Famiglietti moved to grant the request to continue Case #CON-17-129 until the March 21, 2017 Public Hearing at 6:30 P.M., Mark Irving seconded and it was so voted, 5-0.*

b) Case # CON-17-131: **60 West Franklin St.**

Request for **Administrative Review and Approval** by **Bruce Deeley**, on behalf of **Mimi Gross**, pursuant to the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to reconstruct an existing deck without enlarging, but adding concrete piers for support. Work to take place within NHESP Estimated and Priority Habitat.

Presentation: Bruce Deeley appeared to present the application. He stated that the project involved removing and rebuilding a deck to comply with the Massachusetts Building Code. The deck is located on a lawn at the site and sono-tubes, which will be manually installed, will replace cinder blocks for support.

Public Comment: None.

Commission Discussion: All Commissioners had done site visits. The Commission questioned Mr. Deeley.

Mark Irving moved to approve the Administrative Review pursuant to the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to reconstruct an existing deck without enlarging, but adding concrete piers for support at the property located at 60 West Franklin Street, Alfred Famiglietti seconded.

The motion was amended.

Dennis Minsky moved to approve the Administrative Review pursuant to the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, to reconstruct an existing deck without enlarging, but adding concrete piers for support at the property located at 60 West Franklin Street, with the Standard Order of Conditions for construction, numbers 4 and 5, Mark Irving seconded and it was so voted, 5-0.

c) Case # CON-17-132: **765 Commercial St.**

Request for a **Determination of Applicability** by **Safe Harbor Environmental Services**, on behalf of **Wiebe Tinga**, pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, for the planting of native vegetation. Work to take place within a Buffer Zone to a Coastal Dune.

Presentation: Gordon Peabody appeared to present the application. He said that there were bare areas on the site and the homeowner seeks to plant native vegetation to cover them.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Peabody.

Nathaniel Mayo moved to grant a Negative #2 Determination of Applicability pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetland Protection By-Law, for the planting of native vegetation with the

Standard Order of Conditions for construction, numbers 1, 2 and 9-12 and post-construction numbers, 1 and 2, Dennis Minsky seconded and it was so voted, 5-0.

d) Case # CON-17-133 **7 Duncan Lane**

Notice of Intent application by the **Bennett Environmental Associates, Inc.**, on behalf of **Thomas Boland** and **James Farley**, pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Law, Chapter 12, Wetlands Protection By-Law, to demolish an existing dwelling and construct a new dwelling within the existing footprint, upgrade a septic system and associated site work and grading. Work to take place within the 100-foot Buffer Zone to a Bordering Vegetated Wetland. Dennis Minsky and Nathaniel Mayo recused themselves because of conflicts of interest. Alfred Famiglietti was Acting Chair. **Presentation:** David Bennett, Tom Boland and Jim Farley appeared to present the application. Mr. Bennett reviewed the project, which includes an upgrade from cesspools to a Title V septic system and the partial demolition and reconstruction of an existing structure. Restorative vegetation will be planted after the construction activities. There will be no expansion in the footprint of the new building beyond that of the existing dwelling. The resource areas have been flagged.

Public Comment: None. There were 2 letters in support of the application. Ms. McPherson noted that the DEP file number is SE 058-0564, with no comments.

Commission Discussion: The Commission questioned Messrs. Bennett, Boland and Farley about the project. Mr. Bennett reviewed the construction protocols for the project. The Commission noted that there were no elevation plans for the proposed structure. Mr. Bennett said he would make them available to the Commission. Questions concerning the storage of materials and equipment on the site during the construction process were asked of Mr. Bennett. The Commission was concerned about the proximity of the proposed structure and construction activities to the lot line, which is at the top of a slope. The Commission questioned Mr. Bennett about options for excavating the foundation given this proximity. Mr. Bennett explained that plastic sheet piles or 3/8" steel would be driven into the ground to hold back the soil when excavating for the foundation. He said that he could further define the construction protocol for that portion of the project to allay the concerns of the Commission. The Commission also requested more detail concerning the foundation and the construction control for its installation and structural plans for the sheet-piling plan. Suggestions were made to the applicants to install a half-cellar, pulling the foundation wall back from the slope and using helical pilings, or other similar foundation system, in that area and possibly leaving a minimum area of 10' between the slope and the foundation to facilitate the movement of materials and equipment. The applicants will take the suggestions under consideration. Mr. Bennett asked for a continuation of the case. The Commission requested a more specific and substantive planting plan, the location of the dumpster and fill on the property. Mr. Bennett will develop a narrative to address the Commission's requests and he will get the Commission an engineered foundation and shoring plan for the next hearing.

Alfred Famiglietti moved to grant the request to continue the Case #CON-17-133 until the March 21, 2017, Public Hearing at 6:30 P.M., Mark Irving seconded and it was so voted, 5-0.

3) **Conservation Agent Report:** None.

- 4) **Information:**
a) Administrative Review Applications Approved by Agent:
143 Commercial St. – remove dead pine tree and replace with like-kind, 5-6 ft. in height.
b) Massachusetts Land Conservation Conference: March 25, 2017, at Worcester Technical High School in Worcester, MA.
- 5) **Approval of Minutes 2/21/17:** The minutes were not ready.
- 6) **Any other Business:** Mark Irving read the Commission a letter he received from State Senator Julian Cyr suggesting scheduling a meeting with the Commission.

Ms. McPherson said that she has scheduled a wetland boundary delineation for 94 Harry Kemp Way on March 20th at 2:30 P.M.

ADJOURNMENT: *Dennis Minsky moved to adjourn the Public Hearing at 8:15 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2017
Dennis Minsky, Chair