

**PROVINCETOWN CONSERVATION COMMISSION**  
**JUDGE WELSH ROOM**  
**October 3, 2017**  
**6:00 P.M.**

**Members Present:** Dennis Minsky, Alfred Famiglietti, Nathaniel Mayo and Kiah Coble.

**Members Absent:** Robert Brock (excused) and Gregory Howe (excused).

**Others Present:** Tim Famulare, Conservation Agent and Ellen C. Battaglini, Permit Coordinator.

Chair Dennis Minsky called the Public Meeting to order at 6:01 P.M.

1) **Public Meeting:** Presentation by the Cape Cod National Seashore regarding research associated with Long Point to Race Point coastal system evolution study, including, among other things, the potential effects of hydraulic dredging.

Dr. Nita Tallent, Chief of Natural Resource Management and Science at the Cape Cod National Seashore, briefly reviewed the proposed research project exploring the response of physical processes and biological elements of the near shore and seafloor ecosystem to disturbances from storms or other causes, such as recreational boating and commercial fishing. She also introduced Sean Mulligan, the interim Superintendent of the Cape Cod National Seashore. Dr. Tallent said that the study will include mapping and measuring the seafloor and compaction and the characteristics of the organisms that live in that ecosystem. The study would involve the disturbance of some sites. Other sites would be left undisturbed. Comparison of disturbed and undisturbed landscapes will be able to identify changes might be occurring. The disturbance treatment will include hydraulic dredging will be included. Then, several times over the next couple of years, the organisms that are collected in the dredge would be examined, measured and identified, and then released on site. No clams will be collected during the process. The Center for Coastal Studies will be concurrently involved in this process and will be measuring currents and monitoring wave action off Herring Cove beach.

Dr. Mark Borelli, of the CCS, explained how the sample collection process would take place. Mr. Famulare and the Commission questioned Mr. Borelli about the study.

Dieter Groll asked a question about Herring Cove being assessed as a high-energy environment. Mr. Borelli said that wave data would be collected during the study on a quarterly basis. Mr. Groll also asked about the location of an information-gathering buoy in Cape Cod Bay.

4) **Request for Certificate of Compliance**

a) CON-18-031 – 10 Meadow Road (*continued from the meeting of September 19, 2017*)

Request for Certificate of Compliance by Thomas Sproat for the Order of Conditions (DEP File No. SE 058-0528) issued to Leslie Starr, dated October 6, 2014, to repair a boulder retaining wall. Mr. Famulare said that this matter would be continued, as the Commission has not yet received a letter from the engineer certifying substantial compliance with the Order of Conditions.

7) **Information:**

Administrative Review applications approved by Agent:

a) **CON-18-029 88 Bradford Street Extension** – removal of a tree leaning on house. Mr. Famulare briefly reviewed the issue.

6) **Approval of Minutes of August 15, 2017**: *Nathaniel Mayo moved to approve the language as amended, Alfred Famiglietti seconded and it was so voted, 3-0-1 (Kiah Coble abstaining).*

**September 19, 2017**: *Nathaniel Mayo moved to approve the minutes as written, Dennis Minsky seconded and it was so voted, 4-0.*

Chair Dennis Minsky thanked former Commissioner Mark Irving for his service on the Commission.

5) **Conservation Agent Update**

Mr. Famulare announced that the semi-annual MACC conference would take place on October 28<sup>th</sup> in Sturbridge.

The Dept. of Environmental Protection site visit took place at 99 Commercial Street on September 28<sup>th</sup>. Mr. Famulare said that information was gathered and a decision would be rendered in a few weeks.

Chair Dennis Minsky adjourned the Public Meeting at 6:26P.M.

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

2) **Public Comments** on any item not on the agenda below:  
None.

3) **Public Hearings**:

a) **CON-18-028 212 Bradford Street**

**Request for Determination of Applicability** filed by **PMR Realty, LLC**, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, to construct a dormer on the east side of the existing building. Work to take place within Land Subject to Coastal Storm Flowage.

**Presentation:** Michael McIntyre and Gary Pasnick appeared to present the application. Mr. McIntyre described the project. The structure is located in a flood zone.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. McIntyre and Mr. Pasnick. Mr. Famulare reviewed his draft conditions.

*Alfred Famiglietti moved to grant a Negative #2 Determination pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, to construct a dormer on the east side of the existing building on the property located at 212 Bradford Street, CON-18-028, with the draft conditions as discussed, Dennis Minsky seconded and it was so voted, 4-0.*

b) CON-18-032 **487 Commercial Street**

**Notice of Intent** by **Pamela Cyr and Joyce Holupka** pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law, to renovate an existing dwelling within an existing footprint, reconstruct a multi-level deck and support system, reconfigure entrances and implement new pervious hardscapes and indigenous vegetation. Work to take place within Land Subject to Coastal Storm Flowage and Buffer Zone to a Coastal Beach.

**Presentation:** Jay Norton, of Coastal Engineering, appeared to present the application. He reviewed the project. There is an existing non-engineered wooden bulkhead system on the south elevation of the site that will be replaced and has recently received approval. The backyard area consists of a brick patio and shell walkway that leads to the beach. The brick patio, which is impervious, will be replaced with a pervious material. The existing dwelling is comprised of boardwalks on the east and west elevations, concrete pads and a second story deck. The second story deck supports are not properly engineered and need to be redesigned and reconstructed. The existing dwelling will be renovated within the existing footprint. A construction protocol for the project was submitted. Mr. Norton said that no landscaping plan had been developed yet, however one will be submitted prior to construction. He added that there will be an increase in the amount of permeable hardscape and vegetation. The project has received a DEP File No.

**Public Comment:** None.

**Commission Discussion:** The Commission and Mr. Famulare questioned Mr. Norton. Mr. Famulare will send Mr. Norton a list of native plants for consideration.

*Nathaniel Mayo moved to approve the Notice of Intent, CON-18-032, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law, to renovate an existing dwelling within an existing footprint, reconstruct a multi-level deck and support system, reconfigure entrances and implement new pervious hardscapes and indigenous vegetation at the property located at 487 Commercial Street with the conditions as discussed and amended, Dennis Minsky seconded and it was so voted, 4-0.*

c) CON-18-033 **657 Commercial Street**

**Request for Determination of Applicability** filed by **Consuelo Isaacson**, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, to remove areas of lower deck, modify and relocate exterior stair sets, extend a first floor deck, construct a second floor deck, enlarge a dormer and install new treads and railings on beach stairs. Work to take place within Land Subject to Coastal Storm Flowage and Buffer Zone to Coastal Beach.

**Presentation:** Mark Kinnane, of Cape Associates, appeared to present the application. He explained that areas of the lower deck will be removed, the width of the lower stairs will be reduced, the first floor deck stairs will be relocated and the porch roof will be removed. New treads and railings will be installed on the beach stairs.

**Public Comment:** Lori Pressman, an abutter, asked about an outdoor shower and its drainage.

**Commission Discussion:** The Commission questioned Mr. Kinnane about the shower on the west side of the structure. Mr. Kinnane said that the shower would be replaced.

*Alfred Famiglietti moved to grant a Negative #3 Determination pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws,*

*Chapter 12, Wetlands Protection By-Law, to remove areas of lower deck, modify and relocate exterior stair sets, extend a first floor deck, construct a second floor deck, enlarge a dormer and install new treads and railings on beach stairs for the property located at 657 Commercial Street, CON-18-033, with the Standard Order of Conditions and with an additional condition that if the existing shower on the west side of the structure is to be renovated that, prior to construction, a section showing a dry well to be constructed in the area of the shower shall be submitted and approved by the Conservation Agent, Nathaniel Mayo seconded and it was so voted, 4-0.*

d) CON 18-017 **67 Harry Kemp Way** (continued from the meeting of September 5, 2017)

**Local By-Law Filing by Demetrios Daphnis**, pursuant to Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law, for the construction of four residential buildings, walkways, driveway, parking spaces, septic system, grading, landscaping and native plantings. Work to take place within Buffer Zone to an Isolated Vegetated Wetland. There was a request from the applicant to continue to the October 17, 2017 Public Hearing.

*Nathaniel Mayo moved to grant the request to continue CON-18-017 to the October 17, 2017 Public Hearing at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 4-0.*

e) CON-18-019 **157A Commercial Street and 0 Atlantic Avenue Foot** (continued from the meeting of September 19, 2017)

**Notice of Intent by Alfred P. Famiglietti & James M. Staniscia and the Town of Provincetown** pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law to construct a vinyl bulkhead and an access stairway to the beach. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Dune and a Buffer Zone to a Coastal Beach. Alfred Famiglietti recused himself because of a conflict of interest. There was a request from the applicant to continue this case until the October 17, 2017 Public Hearing.

*Nathaniel Mayo moved to grant the request to continue CON-18-019 to the October 17, 2017 Public Hearing at 6:30 P.M., Dennis Minsky seconded and it was so voted, 3-0.*

8) **Any other business that shall properly come before the commission:** None.

**ADJOURNMENT:** *Nathaniel Mayo moved to adjourn the Public Hearing at 7:00 P.M. and it was so voted unanimously.*

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2017  
Dennis Minsky, Chair