

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
November 21, 2017
6:30 P.M.

Members Present: Alfred Famiglietti, Nathaniel Mayo, Kiah Coble and Gregory Howe.

Members Absent: Robert Brock (excused) and Dennis Minsky (excused).

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

Vice Chair Alfred Famiglietti called the Public Meeting to order at 6:32 P.M.

1) **Public Comments:**

None.

2) **Public Hearings:**

a) **CON-18-045 307 Bradford Street**

Determination of Applicability request filed by **Hal Z. Katzen**, 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, for the construction of an approximately 70 sq. ft. addition to the southwest corner of the existing structure and a dormer, and replace some windows and doors, roof, sidewall shingles and trim. Work to take place within Land Subject to Coastal Storm Flowage and a Buffer Zone to an Isolated Vegetated Wetland.

Presentation: Tom Thompson appeared to present the application. Mr. Thompson said that the project would include the installation of 3-12” diameter x 48” deep concrete sono-tube footings in a minimally intrusive procedure. There would be no change in the footprint of the structure.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Thompson. Mr. Famulare reviewed draft conditions.

Nathaniel Mayo moved to grant Negative #2 and #3 Determinations 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, for the construction of an approximately 70 sq. ft. addition to the southwest corner of the existing structure and a dormer, and replace some windows and doors, roof, sidewall shingles and trim for the property located at 307 Bradford Street, CON-18-045, with the draft conditions as discussed, Kiah Coble seconded and it was so voted, 4-0.

b) **CON 18-046 143 Commercial Street**

Administrative Review Application by **George Tagaris**, 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 revise the design of a 5’-wide wooden boardwalk previously approved under Amended Order of Conditions (DEP File No. 058-0525), dated July 13, 2017. Work to take place within a Coastal Dune, Land Subject to Coastal Storm Flowage and a Buffer Zone to a Coastal Beach and Land under the Ocean.

Presentation: George Tagaris appeared to present the application. He said that the revised proposed design would reduce the number of 6” x 6” wooden posts from a total of 14 to 7,

thereby reducing the impact of construction to the beach dune and remaining site. The conditions for the project would remain the same.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Tagares.

Nathaniel Mayo moved to approve the Administrative Review application, CON-18-046, 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 revise the design of a 5'-wide wooden boardwalk previously approved under Amended Order of Conditions (DEP File No. 058-0525), dated July 13, 2017 at the property located at 143 Commercial Street, Kiah Coble seconded and it was so voted, 4-0.

c) CON 18-047 **59 Province Lands Road**

Notice of Intent application by **Rob Blood, 59 Province Lands Road Holdings, LLC**, 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 replace portions of the existing asphalt parking area with landscaping and boardwalks, replace the existing swimming pool and construct retaining walls. Work to take place within a Buffer Zone to a Salt Marsh and an Isolated Vegetated Wetland.

Presentation: Phil Cheney, a landscape architect, appeared to present the application. He described the project, which includes the removal of large areas of asphalt paving and the installation of permeable user- and environmentally-friendly surfaces and to replace the existing swimming pool with a smaller gunite pool. The paved areas are within 100' of a salt marsh. A silt fence will be placed along the edge of the existing asphalt and the paving and sub-grade will be excavated and disposed of off-site. The new surfaces will consist of beach sand, artificial turf, wood boardwalks at grade and stone pavers as shown on the site plan submitted by the applicant. The areas of paved parking adjacent to the new surfaces will be re-paved with asphalt and the upper parking area will be extended to add one space, requiring a small retaining wall. The project will result in the net reduction of impermeable hardscape of about 7132 sq. ft. and native shrubs and grasses will be planted on the site.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Cheney. Mr. Famulare reviewed his draft conditions. He pointed out condition #13, which calls for the asphalt paving to be sloped toward the new courtyard to reduce the runoff onto the street and allow for infiltration of stormwater that is generated on the site. The Commission discussed how the applicant would handle the emptying of the pool and it was agreed that the water would be trucked out of Town.

Nathaniel Mayo moved to approve the NOI application, CON-18-047, 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 replace portions of the existing asphalt parking area with landscaping and boardwalks, replace the existing swimming pool and construct retaining walls on the property located at 59 Province Lands Road with the draft conditions as discussed, Kiah Coble seconded and it was so voted, 4-0.

d) **CON-18-019 157A Commercial Street and 0 Atlantic Avenue Foot 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.

Kiah Coble moved to nominate Nathaniel Mayo as Acting Chair, Gregory Howe seconded and it was so voted, 3-0.

Mr. Famulare said that there was a request from the applicants to continue to the meeting of December 5, 2017.

Gregory Howe moved to grant the request to continue CON-18-019 to the December 5, 2017 Public Hearing at 6:30 P.M., Kiah Coble seconded and it was so voted, 3-0.

3) **Request for Certificate of Compliance**

a) **CON-18-049 – 52 Creek Road**

Request for Certificate of Compliance by Michael Miller/3 Cottages, LLC for the Local By-Law Order of Conditions (Case #CON-16-007), dated May 3, 2016 for the demolition of three cottages and a shed, construction of two 2-family dwellings, enlarging a parking area and the installation of a Title 5 septic system. Chair Alfred Famiglietti said that the applicant had requested to continue to the December 5, 2017 Public Hearing. Mr. Famulare said that this project was initiated before he became the Conservation Agent and he has set up a site visit for himself and the Commission with Safe Harbor on December 5th. He is waiting for a letter of substantial compliance for the septic system from an engineer.

Nathaniel Mayo moved to grant the request to continue CON-18-049 to the December 5, 2017 Public Hearing at 6:30 P.M., Gregory Howe seconded and it was so voted, 4-0.

4) **Conservation Agent Update:** Mr. Famulare told the Commission that he was trying to cut down on the volume of paper generated for meetings. The Commission agreed with the effort. He explained that he would limit the amount of paper in Commissioners' packets by only including a copy of the first page of an application, leaving out the remainder of the application and other documents, such as abutters' lists, that were not essential for rendering a decision.

5) **Approval of Minutes of November 7, 2017:** ***Gregory Howe moved to approve the language as written, Nathaniel Mayo seconded and it was so voted, 4-0.***

6) **Information:**

Administrative Review applications approved by Agent:

a) **CON-18-044 43 Commercial Street** – replace existing wooden deck surface with azek decking.

b) **CON-18-048 15 Commercial Street** – Replace existing wooden deck with like material.

Mr. Famulare briefly reviewed the two projects.

7) **Any other business that shall properly come before the Commission:** None.

ADJOURNMENT: *Nathaniel Mayo moved to adjourn the Public Hearing at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2017
Dennis Minsky, Chair