

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
February 19, 2019
6:00 P.M.

Members Present: Alfred Famiglietti, Nathaniel Mayo, Robert Brock and Brett McNeilly.

Members Absent: Kiah Coble (excused) and Joseph Cooper (excused).

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

Chair Alfred Famiglietti called the meeting to order at 6:05 P.M. and explained the purview of the Conservation Commission.

1) **Work Session:**

a) Presentation on Resilient Provincetown: the Municipal Vulnerability Preparedness Plan. Mr. Famulare reviewed a PowerPoint presentation of the program and explained how the Town was taking advantage of the grants it has received, including vulnerability studies and mitigation measures to be implemented. The consulting firm certified by the state for such purpose, Woodard & Curran, will be assisting and leading the Town in the MVP process. The firm has worked with the Town on engineering projects in the past. Mr. Famulare reminded the Commission of the scheduled day-long community workshop that will be held on March 15th, which will be a presentation of the Town's effort to improve its resiliency to sea level rise. It will include what the Town knows, what has been accomplished and what projects are underway to identify challenges and goals that the Town faces. In addition, it will characterize the natural hazards, identify the Town's vulnerabilities and strengths and identify and prioritize community actions. He said that Mark Borelli, from the Center for Coastal Studies, will speak and Mr. Famulare is trying to engage Greg Berman, a coastal geologist with Barnstable County, to participate as well. Reports of the workshop will be generated for those who cannot attend and a community listening session will be scheduled to provide feedback and answer questions. Additional funding has been received to provide a listening session targeting the Town's environmental justice population, which he explained is based on income and the ability to speak English and includes racial minority populations. The Town has an environmental justice population based upon income. These segments of the population have historically been negatively affected by environmental degradation and repercussions from climate change. He reviewed outreach measures to educate the public and inform other Town Boards about the workshop. In addition, he said a press release will be prepared and Facebook notifications will be posted. An additional workshop for seasonal residents will be scheduled in May. The purpose of the workshops are to discuss and identify vulnerabilities with respect to the Town's infrastructure, environment, social fabric and economic vitality and then to identify actions to reduce risk. The Commission questioned Mr. Famulare and discussed the issues.

b) Proposed revisions to Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law: This agenda item is postponed until later in the evening.

Chair Alfred Famiglietti adjourned the Work Session and called the Public Hearings to order at 6:35 P.M.

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

3) **Public Hearings:**

a) **CON-19-043 0-Foot Washington Avenue (Town Landing)** *(continued from the meeting of February 5, 2019)*

Request for a Determination of Applicability by the **Town of Provincetown**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, for vegetation management to accommodate access to the beach at the Town Landing. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach, a Coastal Dune and a Buffer Zone. Mr. Famulare informed the Commission and the public that both Mr. Famiglietti and Mr. McNeilly submitted affidavits pursuant to the Mullin Rule, attesting to the fact that they had viewed a recording of a meeting they had missed where the matter was briefly discussed and are thus qualified to sit on the matter. He read emails from David Gluck, an abutter to the Town Landing, into the record. There was a request from Mr. Gluck to continue the matter to the March 5, 2019 Public Hearing at 6:30 P.M. The Commission briefly reviewed and discussed some photographs submitted by Mr. Gluck. ***Nathaniel Mayo moved to grant the request to continue CON-19-043 to the March 5, 2019 Public Hearing at 6:30 P.M., Robert Brock seconded and it was so voted, 4-0.***

b) **CON-19-052 493, 495 & 495A Commercial Street** *(continued from the meeting of February 5, 2019; TO BE CONTINUED TO THE MEETING OF MARCH 5, 2019)*

Notice of Intent filed by the **Bay Shore Realty Trust**, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for proposed repair of an existing steel sheet-pile wall. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach and a Buffer Zone to a Coastal Beach. Mr. Famulare informed the Commission and the public that both Mr. Famiglietti and Mr. McNeilly submitted affidavits pursuant to the Mullin Rule, attesting to the fact that they had viewed a recording of a meeting they missed where the matter was discussed and are thus qualified to sit on the matter, however, there was a request from the applicant to continue the matter to the March 5, 2019 Public Hearing in order to coordinate more design changes with its engineer. ***Nathaniel Mayo moved to grant the request to continue CON-19-052 to the Public Hearing of March 5, 2019 at 6:30 P.M., Robert Brock seconded and it was so voted, 4-0.***

c) **CON 19-055 565 Commercial Street**

Notice of Intent filed by the **Russell and Elizabeth Gaudreau** pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, §40) and Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law for the removal and replacement of a lower level deck. Work to take place within Land Subject to Coastal Storm Flowage and a Buffer Zone to a Coastal Beach. Mr. Famulare said that there was a request from the applicant to continue the matter to the March 5, 2019 Public Hearing at 6:30 P.M. He said that he and Mr. Famiglietti did a site visit and decided that structural plans showing the depth and location of the new piles and the elevation of the new

deck would be appropriate. *Nathaniel Mayo moved to grant the request to continue CON-19-055 to the Public Hearing of March 5, 2019 at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 4-0.*

4) **Approval of Plans**

a) **CON-18-063 1 Commercial Street** – review and approval of monitoring and maintenance plan for walkway at Provincetown Inn (*continued from the meeting of February 5, 2019*). Mr. Famulare briefly reviewed the project regarding filling voids in the pavement around the Provincetown Inn. Mr. Famulare informed the Commission and the public that both Mr. Famiglietti and Mr. McNeilly submitted affidavits pursuant to the Mullin Rule, attesting to the fact that they had viewed a recording of a meeting they missed where the matter was discussed and are thus qualified to sit on the matter, however the applicant has requested a continuance to the March 5, 2019 Public Hearing at 6:30 P.M. *Nathaniel Mayo moved to grant the request to continue CON-18-063 to the Public Hearing of March 5, 2019 at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 4-0.*

5) **Requests for Certificate of Compliance**

a) **CON-19-053 14 Schueler Boulevard** (*continued from the meeting of February 5, 2019*). Mr. Famulare explained that the project involved raising a structure and he recommended approving the Request. *Nathaniel Mayo moved to approve the Request for a Certificate of Compliance for CON-19-053, Robert Brock seconded and it was so voted, 4-0.*

6) **Conservation Agent Update:**

Massachusetts Association of Conservation Commissions, Annual Environmental Conference, March 2, 2019, College of the Holy Cross, Worcester, MA. Mr. Famulare reminded the Commission of the Conference and said that if anyone was interested in attending, they should contact him.

b) Proposed revisions to Provincetown General By-Laws, Chapter 12, **Wetland Protection By-Law**: Mr. Famulare reviewed his proposed revisions and explained why they were being changed. The revisions will be presented to the Spring Town Meeting in April for approval. The Commission questioned Mr. Famulare and discussed the proposed revisions. *Nathaniel Mayo moved to approve the proposed revisions to the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, Robert Brock seconded and it was so voted, 4-0.*

7) **Approval of Minutes of February 5, 2019:**

Nathaniel Mayo moved to approve the minutes as written, Robert Brock seconded and it was so voted, 4-0.

8) **Information**

Administrative Review Applications Approved by Agent:

a) **CON-19-056 359 Commercial Street** – removal of chimney.

9) **Any other business that shall properly come before the Commission:** Mr. Famiglietti brought up the issue of making sure that an applicant of a proposed project, which was under consideration by the Commission, knew of and understood conditions that may be imposed by the Commission. If an applicant cannot attend a public hearing where the matter is being discussed, he suggested that the Commission obtain a writing signed by the applicant stating that he or she had read and fully understood any conditions issued for the project. The Commission briefly discussed the issue. *Nathaniel Mayo moved that the Commission direct Mr. Famulare to generate a form to be signed by property owners whose projects are reviewed by the Commission stating that they have read and understood any Order of Conditions issued by the Commission regarding that project, Alfred Famiglietti seconded and it was so voted, 4-0.*

ADJOURNMENT: *Alfred Famiglietti moved to adjourn the Public Hearing at 7:30 P.M., Nathaniel Mayo seconded and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2019
Alfred Famiglietti, Chair