

# PROVINCETOWN CONSERVATION COMMISSION

January 13, 2009

6:30 P.M.

**Members Present:** Dennis Minsky, Lynne Martin, David Hale and Jack McMahon.

**Members Absent:** Richard Silver (excused).

**Others Present:** Brian Carlson (Conservation Agent), Ellen C. Battaglini (Recording Secretary).

## PUBLIC HEARING

Chair Dennis Minsky called the Public Meeting to order at 6:32 P.M.

### PUBLIC STATEMENTS:

None.

**MINUTES: December 16, 2008** – *Lynne Martin moved to approve the language as amended, David Hale seconded and it was so voted, 4-0.*

### NEW BUSINESS:

#### Request for a Certificate of Compliance

Application by **Richard R. Bennett**, represented by **William N. Rogers, II** for a request for a **Certificate of Compliance** for work completed under DEP File Number SE058-0375 under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for the property located at **333R Commercial Street** in Provincetown.

**Presentation:** The applicant did not appear.

**Commission Discussion:** Brian Carlson explained that work had never been done under the Order of Conditions that was issued for the property. Billy Rogers seeks to have the Commission verify that the Order of Conditions has lapsed and is no longer valid and that the work regulated by the Order was never started. The Commission briefly discussed the issue.

*Lynne Martin moved to grant the Certificate of Compliance for DEP File Number SE058-0375 for the property located at 333R Commercial Street, David Hale seconded and it was so voted, 4-0.*

#### Request for an Extension to an Order of Conditions

Application by **Captain Jack's Wharf Condominium Association** represented by **Coastal Engineering Company, Inc.** for a **Request for an Extension to an Order of Conditions** with DEP File Number SE 058-0399 under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for work at **73 ½ Commercial Street** in Provincetown.

**Presentation:** The applicant did not appear. The applicant seeks an extension of 2 years.

**Commission Discussion:** There was a letter in the file concerning work done at the premises. The Commission discussed the letter and the issue. The Commission decided that it needed more information in order to render a decision. Dennis Minsky requested that Brian Carlson contact the applicant in order to clarify what exactly has been done at the premise.

*Lynne Martin moved to postpone granting the Request for an Extension to an Order of Conditions for the property located at 73 ½ Commercial Street to the January 27, 2009 hearing, and to direct Brian Carlson to contact Donald K. Munroe at Coastal Engineering, Inc. in order to clarify the following questions of the Conservation Commission:*

- *What work has been done to date at the site?*

- *What work is being planned or is expected to be done at the site?*
- *Do you anticipate that 2 years, including time spent due to any unforeseen circumstances that may arise during the course of work being performed, is a realistic and/or adequate period of time in which to complete the work?*

*Dennis Minsky seconded and it was so voted, 4-0.*

*Notice of Intent*

Application by **Lori D. Pressman**, represented by **East Cape Engineering, Inc.**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes the construction of a 45' wooden bulkhead at the property located at **655 Commercial Street** in Provincetown.

**Presentation:** Katelyn Siddell appeared to present the application. The applicant proposes to stabilize an existing 45' wooden bulkhead, including the installation of an additional wooden bulkhead on the seaward side of the existing bulkhead. The distance between the existing and the proposed will be 10" and the proposed bulkhead would be tied back to the existing wall. All materials will be live-loaded to and from the site. All unused materials will be removed from the site and disposed of immediately upon completion of the construction. Some equipment and materials will be stored on the applicant's property, on the landward side of the existing bulkhead. The contractor estimates a 2 week time frame for the project to be completed.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Ms. Siddell.

*Lynne Martin moved to grant the Notice of Intent for the property located at 655 Commercial Street, with the Standard Order of Conditions and the scope of work as submitted by the East Cape Engineering, Inc. In addition to those conditions, the applicant must procure a beach access permit before beginning the project and the existing staircase at the premises be replaced with one having the same dimensions and in the same configuration, Dennis Minsky seconded and it was so voted 4-0.*

*Notice of Intent*

Application by **Jason Stone**, for **Notices of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes new construction to include garages/accessory use structures inclusive of landscaping and dune restoration at lots 12, 13, 14, 15 and 16 and pergolas on lots 13, 14, 15 and 16 at the properties located at **6, 7, 8, and 9 Harbour Drive** in Provincetown. Brian Carlson informed the Commission that the applicant has requested a postponement to the January 27, 2009 hearing.

*Lynne Martin moved to grant the request for a postponement until the January 27, 2009 hearing, Dennis Minsky seconded and it was so voted, 4-0.*

## **DISCUSSION:**

### NPS:

Dennis informed the Commission that the letter was mailed yesterday. He has been contacted by the Banner about the issue.

### Land Management Projects:

Brian reminded the Commission that spring was coming up and planting at Shank Painter Pond Sanctuary needs to be planned. Everyone agreed that Irene Seipt needed to be contacted about the project. The irrigation system needs to be addressed. Brian will call Irene about getting a plan and a price.

The Whistle Path sign and the Fox Run sign are being stored at the DPW garage until they can be installed. Sites need to be designated for their placement.

The Commission discussed signage at Clapp's Pond. The Commission received \$5,450.00 for signage.

### CSA:

The Community Supported Agriculture project was discussed. Lisa is doing research on the subject. Brian will contact Don Liptak and ask him about the effect a community garden might have on the resource area.

### Lisa's Scope of Work:

The Commission briefly discussed Lisa's updated scope of work.

### Beach Cleaning:

Jerry Irmer, the chairman of the Harbor Committee, will be appearing before the Commission with a Notice of Intent for beach cleaning.

### 609-611 Commercial Street:

Elia Sinaiko would like to appear before the Commission in order to discuss the matter related to his bulkhead project, specifically he would like to know the Commission's reasoning behind the recent decision to continue to pursue the court case. The Commission briefly discussed the issue.

### 2 Commercial Street:

Dennis reported that there have been changes made to the Memorandum of Understanding and that there is a final draft. Cliff Schorer will appear before the Commission at some point in order to discuss the MOU. The Commission will get a copy of the MOU before this occurs.

### Workshop:

There will be a Coastal Erosion Control workshop taking place on Wednesday, March 11, 2009.

### MACC:

The Annual Environmental Conference Training Programs and Workshops will be held in Worcester on Saturday, February 28, 2009. The Commission discussed the topics.

Annual Town Report:

The Commission briefly discussed the Commission's 2008 Annual Town Report.

ArcGIS Workshop:

A training workshop will be held on February 5 and 6 and February 10 and 12 by Mass GIS. The Commission discussed the subject.

Norcross Wildlife Foundation:

The New England Grass Roots Fund recommended to Brian that the Commission apply for a grant from this foundation in order to purchase technology, including 2 GPS units, a GIS computer, Adobe software, and digital cameras. Lynne and Brian have been working on these.

*Dennis Minsky moved to go into Executive Session at 8:00 P.M. in order to discuss personnel issues. He polled each Commissioner separately and all agreed to go into Executive Session.*

**ADJOURNMENT:** *Lynne Martin moved to adjourn at 8:05 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on \_\_\_\_\_, 2009.

Respectfully submitted,  
Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2008  
Dennis Minsky, Chair