

PROVINCETOWN CONSERVATION COMMISSION

February 10, 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 6:33 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: December 16, 2008 – *Jack McMahon moved to approve the language as written, David Hale seconded and it was so voted, 3-0-1 (Lynne Martin abstaining).*

NEW BUSINESS:

Request for an Extension to an Order of Conditions:

Application by **Jason Stone**, for an **Request for an Extension of an Order of Conditions** for DEP File Numbers SE58-0384 and SE58-0404 under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for lots 12, 13, 14, 15 and 16 at the properties located at **6, 7, 8, and 9 Harbour Drive** in Provincetown in Provincetown..

Presentation: Paul Shea, William N. Rogers, II, Jason Stone and Patrick Eeley appeared to present the request. There were 5 Orders of Conditions issued to William A. Gordon, Clancy Realty Trust, for this property in April of 2006. The expiration date for these Orders is April 4, 2009. The applicant is requesting an extension for all 5 Orders of Condition for three years as the project is currently still under construction and will not be completed by the expiration date. These Orders pertain to the roadway entering the project and the 5 houses closest to the beach. There are no proposed changes to the plans.

Commission Discussion: The Commission questioned Mr. Shea and Mr. Rogers.

Lynne Martin moved to grant a three-year extension for the Orders of Conditions for Lots 12-16 located at 6, 7, 8, and 9 Harbour Drive, Dennis Minsky seconded and it was so voted, 4-0.

OLD BUSINESS:

Notice of Intent (postponed from the January 27, 2009 hearing)

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.

Presentation: Paul Shea, William N. Rogers, II, Jason Stone and Patrick Eeley appeared to present the application. The proposed project includes landscaping, grading and construction activities within upland areas of land within Lots 12-16. Proposed alterations include construction of garage structures, pergola, decks, privet hedges, grass areas and pathways to the coastal beach and coastal waters. The proposed landscape plantings will be native, salt-tolerant plant and grass species which can survive the

conditions of this coastal environment. Efforts will be made to encourage the enhancement and stabilization of the protective coastal dunes within the properties. Snow fencing will be installed at the seaward limits of the coastal dune to help trap wind-blown sand and add to the elevations of the coastal dunes. American beach grass will be planted within the coastal dunes to help fortify against coastal storm flow impacts and erosion. Informational signs will be installed at the coastal dunes in order to prohibit and discourage pedestrian traffic. The limits of disturbance will be lined with hay bales to control sedimentation migration towards Provincetown Harbor. Access for heavy equipment and material will be from Harbour Drive. A covered dumpster will be placed on site and monitored by the contractor. The project has a sign-off from Natural Heritage.

Public Comment: There was one letter from an abutter with several concerns, including the lack of beach grass along the waterline of the property and the impact the construction may have on the abutting property.

Commission Discussion: The Commission questioned Mr. Shea, Mr. Rogers, Mr. Stone and Mr. Eeley. After much discussion, the applicant and the Commission agreed upon several changes to the project. Mr. Shea will contact MESA about the revised betterment plans for the project.

LOT 12:

Jack McMahan moved to approve the Notice of Intent for Lot 12 located at Harbour Drive in Provincetown with the Standard Order of Conditions and the following Special Conditions:

- *the pergola will be pulled back even with the deck;*
- *the privet on the landscaping plan will be replaced with Eastern red cedar;*
- *any lawn areas will be pulled back to the patios;*
- *the forward beach will be planted with appropriate native plantings, including beach grass, and meandering trails will be established;*
- *the limit of work will be established on the west side of Lot 12;*
- *the existing hay bales will be removed and replaced with silt fencing; and*
- *a monthly inspection, with reports to Conservation Agent Brian Carlson, of Lot 12 will be conducted.*

David Hale seconded and it was so voted, 4-0.

LOT 13:

Jack McMahan moved to approve the Notice of Intent for Lot 13 located at Harbour Drive in Provincetown with the Standard Order of Conditions and the following Special Conditions:

- *the privet on the landscaping plan will be replaced with Eastern red cedar;*
- *any lawn areas will be pulled back to the patios;*
- *the forward beach will be planted with appropriate native plantings, including beach grass, and meandering trails will be established;*
- *the existing hay bales will be removed and replaced with silt fencing; and*
- *a monthly inspection, with reports to Conservation Agent Brian Carlson, of Lot 13 will be conducted.*

David Hale seconded and it was so voted, 4-0.

LOT 14:

Jack McMahan moved to approve the Notice of Intent for Lot 14 located at Harbour Drive in Provincetown with the Standard Order of Conditions and the following Special Conditions:

- *the privet on the landscaping plan will be replaced with Eastern red cedar;*
- *any lawn areas will be pulled back to the patios;*
- *the forward beach will be planted with appropriate native plantings, including beach grass, and meandering trails will be established;*

- *the existing hay bales will be removed and replaced with silt fencing; and*
- *a monthly inspection, with reports to Conservation Agent Brian Carlson, of Lot 14 be conducted.*

David Hale seconded and it was so voted, 4-0.

LOT 15:

Jack McMahon moved to approve the Notice of Intent for Lot 15 located at Harbour Drive in Provincetown with the Standard Order of Conditions and the following Special Condition:

- *the privet on the landscaping plan will be replaced with Eastern red cedar;*
- *any lawn areas will be pulled back to the patios;*
- *the forward beach will be planted with appropriate native plantings, including beach grass, and meandering trails will be established;*
- *the bare, sloped area behind Lot 15 will be replanted;*
- *the existing hay bales will be removed and replaced with silt fencing; and*
- *a monthly inspection, with reports to Conservation Agent Brian Carlson, of Lot 15 will be conducted.*

David Hale seconded and it was so voted, 4-0.

LOT 16:

Jack McMahon moved to approve the Notice of Intent for Lot 16 located at Harbour Drive in Provincetown with the Standard Order of Conditions and the following Special Conditions:

- *the privet on the landscaping plan will be replaced with Eastern red cedar;*
- *any lawn areas will be pulled back to the patios;*
- *the forward beach will be planted with appropriate native plantings, including beach grass, and meandering trails will be established;*
- *the bare, sloped area behind Lot 16 will be replanted;*
- *the limit of work will be established on the east side of Lot 16;*
- *the existing hay bales will be removed and replaced with silt fencing; and*
- *a monthly inspection, with reports to Conservation Agent Brian Carlson, of Lot 16 will be conducted.*

David Hale seconded and it was so voted, 4-0.

DISCUSSION:

State LAND Grant Application and Community Garden:

The Commission held a joint Work Session with Open Space Committee to discuss the draft application to the Executive Office of Energy and Environmental Affairs for a LAND Grant FY 09. This grant will be used for the acquisition of 2.29 acres of land, in three separate parcels located behind Browne Street, to be preserved in perpetuity for uses of non-commercial agriculture, conservation and passive recreation, including the proposed establishment of a community garden and the preservation of a natural buffer zone around a bordering vegetated wetland and pond.

The Commission made a decision to contract with Cape Cod & Islands Appraisal to appraise the lots on Browne Street; to recommend approval of the LAND grant to the Board of Selectmen; and to request the Open Space Committee to place an article on the warrant in the sum of \$200,000 from the Land Bank to be used for acquisition of Browne Street property; *David Hale moved to hire Cape Cod & Islands Appraisal to appraise the 3 parcels on Browne Street, Lynne Martin seconded and it was so voted, 4-0.*

The February 24th hearing will be rescheduled to March 3rd at 6:00 P.M. The Request for Determination for the lots behind Browne Street will be on the agenda.

CONSERVATION BOARD STATEMENTS:

Jack McMahon mentioned The Banner articles on gill-netting. Paul Tasha would like the Commission to write a letter in support of his position on the issue. Brian will draft a letter for the Commission to approve.

OTHER BUSINESS:

The Commission received a copy of a letter from the Army Corps of Engineers in regard to Elia Sinaiko's intention to maintain the existing wooden stairs at 609-611 Commercial Street. The Corps is informing Mr. Sinaiko's engineer that his project may involve activities that require a permit from them. There is no action to be taken at this time by the Commission on this matter.

Dennis reported that he got a response to his letter to National Seashore Superintendent George Price in which he stated that he looked forward to cooperating with the Commission in regard to Mill Pond and the dunes located between New Beach and Wood End. The Seashore is looking for funding opportunities to correct the problem that is causing the resource damage to Mill Pond. He suggested that the Commission work in conjunction with Mark Adams in establishing designated trails, with the use of snow fencing and additional signage, through the dunes from New Beach to Wood End.

Dennis talked with the Town of Dennis' Conservation Agent about their beach cleaning procedures. They allow normal maintenance on most of their beaches, and their beach fees provide money for this activity. There is a yearly meeting with DPW. They only clean the wrack line and do not go any higher. Dennis is not sure whether it is a good model for Provincetown to follow.

The Commission briefly discussed Elia Sinaiko's application for a seat on the Commission. The Commission discussed the subject briefly and decided to wait for a full Commission to be present in order to make a decision.

Celine Gandolfo, as a member of the Conservation Trust, wrote a letter to the Commission suggesting that they apply for a grant to purchase Suzanne Sinaiko's Garden in the East End. She thought it would serve as a complement to the proposed community garden in the West End. The Commission discussed

the matter. The property has not yet been appraised nor has it been divided. The deadline for the grant is in March. Dennis has a copy of Jonathan Sinaiko's application to the CPC for Commissioners to examine. He will tell Mr. Sinaiko that he needs to get an appraisal and make a formal application to the Commission in order for them to consider the purchase. Dennis also suggested that the Commission wait to find out what Mark Robinson's opinion is and bring the topic up at the next meeting.

ADJOURNMENT: *Lynne Martin moved to adjourn at 9:20 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