

PROVINCETOWN CONSERVATION COMMISSION

March 24, 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 6:35 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: March 3, 2009 – Postponed. **March 10, 2009** – Postponed.

NEW BUSINESS:

Administrative Review

21 Bradford Street Extension – Parking area modifications

Presentation: Reggie Donoghue appeared to present the request. The area in question is located close to the traffic circle in Phase 1 of the project. The approved plan had gravel-surfaced parking spaces that ran parallel to the drive. The applicant seeks to change the configuration of those spaces to perpendicular in order to increase the number from 9 to 13. No spaces will be moved closer to the wetlands. The applicant also seeks to install a temporary gravel dumpster pad adjacent to the traffic circle until Phase 2 is developed. Mr. Donoghue asserts that there will be no adverse impact as a result of the change.

Commission Discussion: The Commission questioned Mr. Donoghue. The Commission decided that the requested change was not significant. The applicant informed the Commission that he would like to return in order to request that it issue a partial Compliance Order when Phase 1 is completed in order to satisfy any mortgagors' of the property. A site visit is required for the certificate of compliance.

The Commission will take the next agenda item out of order.

REVIEW OF NATURAL ENVIRONMENT ARTICLES FOR SPECIAL AND ANNUAL TOWN MEETING:

ARTICLE 2 STM: Wastewater Optimization and Expansion – Borrowing Authorization

David Guertin and Ron Gamella appeared to present the Article to the Commission and request their endorsement. The Commission questioned Mr. Guertin and Mr. Gamella.

Lynne Martin moved to endorse Article 2, Wastewater Optimization and Expansion – Borrowing Authority, as printed in the warrant for the Special Town Meeting, David Hale seconded and it was so voted, 4-0.

Notice of Intent

Application by **Hirschel McGinnis**, 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 work to include the removal of two existing sheds and construction of a single bedroom dwelling at the property located at **61 Pleasant Street** in Provincetown.

Presentation: Matthew Creighton, a representative from the BSC Group, and Hirschel McGinnis

appeared to present the application. The project involves removing two existing sheds and constructing a single-bedroom dwelling with an associated brick walkway. The property is bordered on three sides by bordering vegetated wetlands. The proposed dwelling will be constructed on sono tubes and will be located over an existing disturbed area of lawn and sheds. It will be 780 square feet and located over the footprint of the two existing sheds, as well as a small area of maintained lawn. This dwelling will not be located any closer to the wetlands than the closest existing shed. The existing home will be reduced to a four-bedroom home in order to allow for the one bedroom proposed in the accessory dwelling. The remodeling of the home will be done within the existing footprint. A mitigation protocol was also submitted to the Commission. The applicant has not yet heard back from Natural Heritage.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Creighton and Mr. McGinnis. The Commission suggested that some type of permeable material be used instead of brick for the walkway and patio. Mr. McGinnis indicated that he would like to install rain-collection barrels, a cistern, or other water-collection and storage system, in order to collect, store and reuse any runoff. The Commission also would like to see a betterment of the property, as a large portion of it is located within the 50' buffer of a resource area. A planting plan for the property was suggested, consisting of a reduction in the lawn area on the premises and an increase in native plants, at a two-to-one ratio, in addition to some invasive removal. Dennis requested that the when the applicant had devised the betterment plan that he flag the premises to indicate the change. He also requested that the construction process itself be addressed and clarified further.

The applicant requested a continuance to the April 14, 2009 hearing.

Lynne Martin moved to grant the request for a continuance to the April 14, 2009 hearing, David Hale seconded and it was so voted, 4-0.

DISCUSSION:

PROPOSED REGULATION CHANGES AND SET HEARING DATE TO APPROVE NEW REGULATIONS. The Commission is postponing this discussion until later in the evening.

REVIEW OF NATURAL ENVIRONMENT ARTICLES FOR SPECIAL TOWN MEETING AND ANNUAL TOWN MEETING:

ARTICLE 10, 2e:

Jonathan Sinaiko appeared before the Commission to discuss the appropriation of \$100,000.00 of undesignated CPC funds for the open space purchase of land located at 608 Commercial Street, commonly known as Suzanne's Garden.

David Hale moved that the Conservation Commission endorse Article 10, 2e, as printed in the warrant of the Annual Town Meeting, Jack McMahan seconded and it was so voted, 3-0-1 (Lynne Martin abstaining).

ARTICLE 17:

The Commission discussed this Article entitled "Land Bank – Acquisition of land for Community Agricultural, Conservation and Open Space".

David Hale moved that the Conservation Commission endorse Article 17 as printed in the warrant for the Annual Town Meeting, Dennis Minsky seconded and it was so voted, 4-0.

ARTICLE 25:

The Commission discussed the Article entitled "Control of Dogs".

Jack McMahan moved that the Conservation Commission endorse Article 25 as printed in the warrant for Annual Town Meeting, Dennis Minsky seconded and it was so voted, 3-0-1 (David Hale abstaining).

ARTICLE 27:

The Commission discussed the Zoning By-Law Amendment Article entitled "Floodplain District Boundaries and Base Flood Elevation".

David Hale moved that the Conservation Commission reserve endorsement of Article 27 as printed in the warrant of the Annual Town Meeting, Dennis Minsky seconded and it was so voted, 4-0.

PROPOSED REGULATION CHANGES:

The Commission decided to set a hearing date of May 12, 2009 to approve their new regulations.

CONSERVATION BOARD STATEMENTS:

The turtle signs are up.

Dennis will speak to Article 17 and the Land Bank acquisition of the Browne Street lots for a community garden at Annual Town Meeting.

The Commission agreed that the planting at Shank Painter Pond needs to be addressed soon.

The Commission signed a new signature page for an Amended Order for 333R Commercial Street after Brian made some clerical changes to the old Order.

ADJOURNMENT: *Lynne Martin moved to adjourn at 9:00 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 _____, 2009
Dennis Minsky, Chair