

# PROVINCETOWN CONSERVATION COMMISSION

April 14, 2009

6:30 P.M.

**Members Present:** Dennis Minsky, Lynne Martin, Jack McMahon and Richard Silver.

**Members Absent:** David Hale (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:

Rick Murray spoke to the Commission about an event he is sponsoring during Family Week (August 1-8, 2009) on the beach behind the Crown & Anchor. He is appearing before the Commission to ask its opinion on whether the event would cause damage or other harm to the resource area. The area in question, where games will take place, will be fenced off and only accessible through the Crown & Anchor. Mr. Murray submitted a plot plan showing the location of the proposed cordoned-off area. He anticipates between 100 and 200 people will attend the events. The Commission recommended that Mr. Murray acquire a beach permit.

**MINUTES: March 24, 2009** – *Lynne Martin moved to approve the language as amended, Jack McMahon seconded and it was so voted, 3-0-1 (Richard Silver abstaining).*

### OLD BUSINESS:

*Notice of Intent (continued from March 24, 2009)*

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 and Hirschel McGinnis appeared to discuss the application. The project has received a determination from Natural Heritage that no Take, as defined in 310 CMR 10.02 and 10.04, will result. The applicant submitted a site plan with a drawing of how the property will be accessed by construction equipment, and a detailed project narrative, which included a betterment plan, species identification sheets, construction methodology, foundation elevations, foundation plan and the main house addition plan. A pervious paver, with 1/8" gaps in between, will be used for the walkway instead of brick. And instead of the previously proposed patio, a smaller deck is planned. An addition is being proposed for the kitchen area, measuring 4' by 10'. It is outside the 50' buffer zone and will be elevated on sono tubes to match the height of the existing structure.

**Commission Discussion:** The Commission questioned Mr. Creighton and Mr. McGinnis. The Commission discussed the topic of concrete overpour. Mr. Creighton assured the Commission that the contractor will practice slurry containment in order to mitigate concrete spillage at the site.

*Jack McMahon moved to grant the Notice of Intent for the proposed work to include the removal of two existing sheds and construction of a single bedroom dwelling at the property located at 61 Pleasant Street with the Standard Order of Conditions and with the Special Condition that there shall be slurry containment in order to mitigate any cement run-off at the site, Dennis Minsky seconded and it was so voted, 4-0.*

## **DISCUSSION:**

### **ENFORCEMENT ISSUE – 6 Duncan Lane**

Dennis Minsky recused himself from the discussion because he is an abutter to the property. It has come to the attention of the Commission that some trees located in the 50' buffer zone have been felled by workers on the project at 6 Duncan Lane. Brian asked the Commission if it wanted to issue an Enforcement Order or invite the property owners to meet with it in order to discuss the problem and how they intend to mitigate it. The Commission decided on the latter option.

### **REVIEW OF PROPOSED REGULATION CHANGES AND ADDITIONS:**

Dennis suggested that the Commission hold off on this discussion until the next hearing.

### **UPDATE ON SHANK PAINTER POND RESTORATION PROJECT AND PLANS FOR BROWNE STREET GARDEN:**

Brian and Dennis met with Irene Seipt about the Shank Painter project. Some of the priority issues that came out of that meeting were:

- placing soil and mulch along the edge of the trail, as the trail can be an obstacle to the movement of turtles;
- planting the hill/slope on the left with sweet fern and little bluestem;
- planting the open area in the interior with seaside goldenrod, asters and butterfly weeds;
- planting on the mounds of existing soil in the interior area, on the right-hand side, with beach plum, including possibly connecting reducing or re-configuring the piles; and
- addressing the erosion of the trail.

The Commission discussed the erosion issue and how to address it. Dennis proposed that the Commission pay Irene \$1,000.00 to tend and maintain Shank Painter Sanctuary. The money will come out of existing grant funds and will leave about \$3,700.00 for plant purchases and the \$500.00 that has already been ear-marked for Clapp's Pond signage.

Brian reported that there are work days scheduled for April 24<sup>th</sup>, May 8<sup>th</sup> and May 18<sup>th</sup> for Americorps and anyone else who wants to help out.

*Lynne Martin moved to appropriate the sum of \$1,000.00 to pay Irene Seipt to tend and maintain Shank Painter Pond Sanctuary, Dennis Minsky seconded and it was so voted, 4-0.*

Brian hasn't yet heard about the grant for the Browne Street property, but expects to hear soon. Dennis would like to do a site visit and measure the area in order to get an idea about how many garden plots could be fit within it.

## **CONSERVATION BOARD STATEMENTS:**

Dennis reported that Craig Thatcher and Mark Adams would like to organize a joint work party with the Commission, Americorps and the Seashore people to deal with the issue of the erosion of the primary dunes between Herring Cove Beach and Wood End. The Seashore proposed installing fencing to direct foot traffic. The Commission briefly discussed the issue and a possible time to schedule a meeting. Dennis will get back to the Seashore and suggest late May or June.

Dennis Minsky mentioned the project at Pepe's Wharf and whether the project conforms to the building plans as presented and approved by the Commission. Brian will look into the issue.

**ADJOURNMENT:** *Lynne Martin moved to adjourn at 8:10 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