

PROVINCETOWN CONSERVATION COMMISSION

June 16, 2009

6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin, Jack McMahon, David Hale and Richard Silver

Members Absent: None.

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

PUBLIC HEARING

Chair Dennis Minsky called the Public Meeting to order at 6:35 P.M.

PUBLIC STATEMENTS:

None.

Partial Certificate of Compliance

Application by **Dave Krohn, WK Red Clay, LLC**, represented by Martin R. Donoghue, of Coastal Engineering, Co., Inc., under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant seeks a Partial Certificate of Compliance for DEP permit number SE 058-0427 for the property located at **21 Bradford Street Extension** in Provincetown.

Presentation: Dave Krohn and Reggie Donoghue appeared to request the Certificate.

Commission Discussion: The Commission conducted a site visit at 5:00 P.M. and had a discussion with Mr. Krohn and Mr. Donoghue at the property.

David Hale moved to grant a Partial Certificate of Compliance for Phase 1A and 1B for DEP permit number SE 058-0427 at the property located at 21 Bradford Street Extension, Jack McMahon seconded and it was so voted, 5-0.

NEW BUSINESS:

Notice of Intent

Application by **Town of Provincetown**, represented Tom Touchet of AECOM, 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 an extension to the existing Provincetown sewer collection system to the east end of Commercial Street. The project includes the construction of approximately 3,200 feet of gravity sewers; 11,400 feet of sewer force mains; and two submersible, below-grade sewer pumping stations. All work will occur within the existing paved roadways or along the shoulder of the roadways.

Presentation: Rob Adams and Tom Touchet appeared to present the application. This is Phase 3 of the Sewer Extension Project. As part of this project, 50 properties will be redirected off the vacuum system and into a new gravity sewer collection system in the east end of Commercial Street. By redirecting these properties off the vacuum system, additional capacity on the east vacuum main will be made available for new properties. The proposed gravity sewers will serve approximately 85 new properties, including the Cape Inn and the Breakwater Motel at 692 Commercial Street. The proposed project involves work within the 100-foot buffer zone and the 100-year flood plain adjacent to Provincetown Harbor. All activities will be located within existing paved surfaces, previously developed areas, or within 10 feet of the shoulder of existing paved roadways. A copy of this NOI has been sent to the Massachusetts Natural Heritage & Endangered Species Program. Disturbed areas previously vegetated

prior to the proposed activity will be restored with an appropriate seed mix. No new impervious surfaces will be created for pipe installation activities.

Public Comment: Richard Gibson and Jerry Cassis had a question about the location of the sewer pipes in relation to the water mains. George Nader and Charlie Pisano wanted to know what properties would have the opportunity to connect to the sewer in the Thistlemore/Bradford Acres neighborhood and what kind of disturbances/inconveniences would be occurring in the neighborhood as a result of the project.

Commission Discussion: The Commission questioned Mr. Adams and Mr. Touchet. The Commission is concerned about the location of the pump stations on the south side of Commercial Street and the potential for flooding in that area. The Commission requested more specific information from Mr. Adams and Mr. Touchet about the location of the pump stations. The Division of Marine Fisheries had no recommendation for the project. The project does have a DEP file number. There is no letter yet from the Natural Heritage & Endangered Species Program, but Mr. Adams expects it shortly. Mr. Adams requested a continuance to the July 21, 2009 hearing.

David Hale moved to grant a continuance until the July 21, 2009 hearing, Dennis Minsky seconded and it was so voted, 5-0.

DISCUSSION:

2 Commercial Street Standing Order of Conditions and Property Owner Requests :

The owner requested a postponement to the July 21, 2009 hearing.

Request by Provincetown Pier Corporation – Wind-Generation Test Equipment:

No one appeared to discuss this issue. Brian had a letter from the Harbormaster regarding a request from DEP concerning permitting requirements to place wind-generating test equipment on the pier. The Commission tabled the issue until someone appeared to answer questions regarding the equipment.

Update on Suzanne’s Garden PARC Grant Application:

The Board of Selectmen asked Brian to write a grant to the State to help fund the purchase the land for Suzanne’s garden, which was authorized by Town Meeting. The grant would cover 50% of the purchase price of \$250,000.00. Brian is asking the Commission to vote for a recommendation letter from the Commission to be sent with the grant application. The deadline for the application is July 15, 2009. A conservation restriction, which the Commission will be required to sign, will be attached to the property.

David Hale moved to support the PARC grant application and to generate a letter of support and recommendation from the Conservation Commission, Richard Silver seconded and it was so voted, 5-0.

Approval of Conservation Restriction for the Browne Street Community Garden and Conservation Area:

The Commission reviewed and discussed the revised Conservation Restriction.

David Hale moved to approve the Conservation Restriction for the Browne Street Community Garden and Conservation Area as amended, Dennis Minsky seconded and it was so voted, 5-0.

The Commission signed the Restriction. The Commission discussed how to proceed with the implementation of the Community Garden, possibly forming a public committee to guide the process.

Establishment of an Easement off Browne Street for Public Access to Property:

As a result of the title research, it appears that the Town, by right, already has an 8’ wide access easement over Shirley Cabral’s property. There is also an extra 4’ wide strip of land between the Cabral property and the abutting Silva property whose ownership is unknown. The Town could, therefore, do a taking of that 4’ wide easement, but that process could not be completed by the end of June. The options presented to the Commission are to establish and use the 8’ easement only or to, in addition, acquire the additional 4’ as a taking, at a later date. The Commission discussed the two options.

Lynne Martin moved to instruct the Town Manager to execute the 8’ wide easement option now and

then to pursue the acquisition of the additional 4' wide, as a taking, at a later date, Dennis Minsky seconded and it was so voted, 5-0.

The Commission signed an acceptance of the deed for the Browne Street property.

Approval of FY10 Goals and Objectives:

The Commission discussed the Town-wide Proposals and the Department-specific Objectives for the Conservation Commission.

Lynne Martin moved to approve the FY10 Proposed Department Goals and Objectives for the Conservation Commission, Dennis Minsky seconded and it was so voted, 5-0.

MINUTES: April 28, 2009 – Jack McMahon moved to approve the language as written, Richard Silver seconded and it was so voted, 3-0.

The approval of the minutes of March 3, March 10, April 14 and May 12, 2009 will be postponed.

ANY OTHER BUSINESS:

Bay Harbour Drive:

Brian, Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Building Commissioner Russ Braun and Town Counsel have scheduled a meeting with Paul Shea, Jason Stone and Mr. Stone's attorney to discuss the Bay Harbour subdivision. Brian will report back to the Commission at its next hearing.

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