

PROVINCETOWN CONSERVATION COMMISSION

September 22, 2009

6:30 P.M.

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

Members Absent: Jack McMahon (unexcused).

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

PUBLIC HEARING

Chair Dennis Minsky called the Public Meeting to order at 6:37 P.M.

PUBLIC STATEMENTS:

None.

NEW BUSINESS:

Notice of Intent

Application by **Boathouse Condominium** 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 repair work of an existing concrete bulkhead at the property located at **555 Commercial Street** in Provincetown.

Presentation: Katelyn Siddell, of East Cape Engineering, Inc., and John Chuckran, of Atlantic Concrete Construction, Inc., appeared to present the application. The existing bulkhead was constructed prior to 1942 and is in disrepair. Portions of it will be repaired. Mr. Chuckran presented a scope of work for the proposed project. The Division of Marine Fisheries has no recommendations for the project at this time. The property does possess a Chapter 91 license to repair and maintain the bulkhead.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Siddell and Mr. Chuckran.

David Hale moved to approve the Notice of Intent under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law Chapter 12 for the repair of an existing concrete bulkhead at the property located at the Boathouse Condominium at 555 Commercial Street, with the Standard Order of Conditions and with the Special Order of Conditions that material safety data sheets for the project's materiel be provided to the Conservation Commission and a beach access permit obtained from the Conservation Agent prior to the start of the project and that the Conservation Agent monitor the progress of the proposed project, Dennis Minsky seconded and it was so voted, 4-0.

Request for Certificate of Compliance

Application by **Snow Realty Trust II, Scott Andonian, Trustee** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant requests a Certificate of Compliance for work under DEP Permit SE 058-0413 for the lot 07-1-005 for the property located at **36 Snows Lane** in Provincetown.

Presentation: Scott Andonian appeared to present the application. This request is for a Partial Certificate of Compliance, as there were two houses under one DEP permit number and this is for one of the houses. The other house has not been completed yet. Brian did a site visit at the property and recommends the issuance of the Partial Certificate. William N. Rogers will be submitting a letter of compliance to Brian certifying that what appears on the site plan has been built. The planting plan

prepared for the project was compiled based upon consultation with Lynne W. Hamlin, Wetlands Consultant.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Andonian.

Lynne Martin moved to issue a Partial Certificate of Compliance under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for work done under DEP permit number SE058-0413 for lot number 07-1-005 for the property located at 36 Snows Lane, a/k/a 25 Race Road, Dennis Minsky seconded and it was so voted, 4-0.

ANY OTHER BUSINESS:

Frank Vassello appeared before the Commission to discuss the six proposals he has received from various artists for projects to be included in the Quaking Bog 2009 project out at Shank Painter Pond Sanctuary, opening on Sunday, October 11th and continuing through the 31st. Frank briefly discussed each proposal, including the proposed material to be utilized. The Commission discussed the proposals and questioned Frank. Dennis stated the Commission appreciates that he organizes this show every year because it draws attention to Shank Painter Pond and that it is a use of the area that the Commission applauds. Frank emphasized that not non-native plant material will be introduced to the site as result of any of the projects. He will endeavor to provide more finalized plans and dates to Brian. Dennis would like to see some kind of Commission oversight of the installation of the projects.

Dennis Minsky moved to approve the proposals submitted by Frank Vassello for Quaking Bog 2009 with the conditions that he provide notice of when the projects will be installed, that more a detailed description of each art project be provided as they develop and that no living material be introduced without the prior approval of the Conservation Commission, Richard Silver seconded and it was so voted, 4-0.

OLD BUSINESS:

Notice of Intent (continued from August 25, 2009)

Application by **Donald E. Cote & Kenneth J. Kruse**, represented by David LaJoie, of Felco, Inc., for a **Notice of Intent** under the Provincetown Wetlands By-Law Chapter 12. The applicant proposes construction of a single family dwelling and drive within the 100' buffer zone of an isolated wetland at the property located at **33 Pilgrim Heights Road** in Provincetown.

Presentation: The applicants did not appear, however they did submit final plans from Felco Engineering, including the berm at the foot of the parking area and a driveway in front of the house that directs water away from the wetland into a vegetated swale near the street as recommended at the July 21, 2009 hearing. They also submitted a more detailed version of the proposed landscaping plan with a list of specific plants, sizes and numbers. Brian did hear from Natural Heritage that there is no take for the project.

Commission Discussion: The Commission discussed the plans. Dennis found many non-native species in the planting plan. There was no list of invasives to be removed from the property and no maintenance plan. MESA has not yet submitted a letter in regard to the project. The Commission had requested a planting plan from a licensed landscape architect, however in their letter of submission, the applicants stated that "given the short time frame and the busy time of the season, we have been unable to have a professional landscaper draw plans." The Commission decided to continue the case until the October 13, 2009 hearing and would like to obtain from the applicants, a list of the invasives to be removed from the property, a maintenance plan and a planting plan containing only native species.

DISCUSSION:

Browne Street Community Garden Advisory Group:

David briefly reported on the first meeting of the Advisory Group, which was held on September 15th at the site. The next meeting is scheduled for the second Tuesday in October. Dennis has spoken with the

woman who runs the community garden in Wellfleet and Laura Kelly, an organic gardener, and both willing to offer their input.

CONSERVATION STATEMENTS:

Lynne pointed out the Commission's failure to impose a time frame for the proposed plantings at 2 Commercial Street. The original Order of Conditions was issued on October 31, 2007. The Commission briefly discussed the issue.

Dennis noted the article on beach raking in The Banner.

Dennis would like to push to attack the phragmites and if not, to, at the very least, stake it out.

ADJOURNMENT: *Lynne Martin moved to adjourn at 8:00 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