

PROVINCETOWN CONSERVATION COMMISSION

December 4, 2007

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson, Lynne Martin, Dieter Groll and David Hale.

Members Absent: None.

Others Present: Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

PUBLIC HEARING

Co-Chair Dennis Minsky called the Public Hearing to order at 6:31 P.M.

PUBLIC STATEMENTS: None.

MINUTES: November 20, 2007 – *Elaine Anderson moved to approve the language as written, David Hale seconded and it was so voted, 2-0-2 (Dennis Minsky and Lynne Martin abstaining).*

OLD BUSINESS:

Notice of Intent

Application by **Ronald Chapman**, represented by **Coastal Engineering Company, 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 seeks to install a bulkhead for shorefront protection at the property located at **157A Commercial Street**, in Provincetown. The applicant requested a continuance to the January 8, 2008 hearing.

Request for Emergency Authorization

Roy Okurowski, of Coastal Engineering, made a written request to the Conservation Commission to put 100 yards of clean sand at the property located at **157 A Commercial Street** to re-nourish the beach and coastal dune and to place a sand drift fence to protect the beach area and the property. Mr. Okurowski says that there is an existing hazardous condition at the site and this emergency project is also necessary for the protection, health and safety of pedestrians who cross that area of the beach going to and from the town landing adjacent to the site. There is currently insufficient protection at the site from a moderate storm system. He states that no work will be done below the mean high water line, all debris will be removed from the site and disposed of properly before any sand is placed on the site, and no heavy machinery or materials will be placed on the beach. Mr. Okurowski is suggesting a start date of November 30, 2007 and an end date of December 30, 2007. The Commission discussed the project.

David Hale moved to approve the Emergency Authorization for the property located at 157 Commercial Street, Dennis Minsky seconded and it was so voted, 4-0.

DISCUSSION: New Regulations and Fees

- The Commission discussed the new proposed fees. The Commissioners approved of the first four categories, which are Request for a Certificate of Compliance, Partial Certificate of Compliance, Amended Conditions and Extension Permit.
- The Commission discussed the After the Fact Notice of Intent and agreed to change some of the language in the text that was unclear. Brian Carlson will work on revising the text.
- The Commission also discussed the Notice of Intent for Subdivisions. The text under the heading in the Fee Type category will be moved to appear under the fee in the Proposed Fee category.

- The Commission would like to put footnotes to explain the acronyms in the Wetland resource area alternation category. The Commission discussed changing the proposed fee for Beach Access Permits for Construction to \$50.00 per day instead of a flat fee of \$50.00.
- The Beach Access Permits were briefly discussed and the Commission decided to approve the amount of \$5.00. Brian Carlson will revise the proposed fee schedule and get that to the Commission at their next hearing.

These new proposed fees will need to be advertised and the Commission will subsequently hold a Public Hearing on them, at which time they can be altered. The Commission will then vote on them at that time and then they will be re-advertised as adopted. Brian Carlson will get a revised version of the new fee schedule to the Commission for the next meeting.

DISCUSSION: Budget

The Finance Subcommittee scheduled a meeting for Friday, December 7, 2007 at 3:00 P.M. Brian Carlson handed out a proposed Wetlands Protection Fund Spending Plan FY2008 and details of the Commission's operating expenses, operating revenues and grants for previous and future fiscal years. The Commission discussed the Wetlands Protection Fund Spending Plan and the FY2009 budget request. The Finance Subcommittee will study and discuss the information and report back to the full Commission.

DISCUSSION: Beach cleaning protocols and procedures

The Commission discussed the new mechanical beach rake that was demonstrated recently for potential beach cleaning between the Old Reliable and Kendall Lane. Dennis Minsky read an e-mail that he had written to Jim O'Connell asking what he thought of the idea of using the beach-cleaning rake on this portion of the Town beaches. The Commission discussed the pros and cons of raking the beach. The Commission is questioning whether the net gain to the environment is worth the cost of the equipment. The Commission decided that they were not ready to go forward on this issue, but when they are ready, they will require a Notice of Intent from the Town. The Commission may also have to revisit their local regulations regarding mechanical beach-cleaning and revise them. Dennis Minsky would like to get a response from his e-mail to Jim O'Connell.

DISCUSSION: 2008 Hearing schedule

The Commission discussed the schedule and made one change. The April 8 hearing will be moved to April 15, 2008. Brian Carlson will check to see when Town elections are and, if need be, revise the schedule accordingly. *Dieter Groll moved to approve the 2008 hearing schedule as amended, Dennis Minsky seconded and it was so voted, 5-0.*

DISCUSSION: Enforcement Order: Hydraulic Dredging without a proper permit

The Harbor Master's Office issued two citations (11/18 and 11/20) for illegal hydraulic dredging to Captain Jon Nordahl of the F/V/ Kimberly Ann. He has 21 days to pay the fines or to request a Court hearing and if he does neither, the issue may become a criminal matter. The Commission had requested that Mr. Nordahl appear before the Commission to explain his actions. He did not appear. The Commission discussed their next steps in the process and the letter they received from the owner of the vessel, Monte Rome, stating that Mr. Nordahl would not be able to attend the hearing because he was out of town. The Commission will be meeting with the Department of Marine Fisheries, two environmental police officers and a representative of the Department of Environmental Protection and Town Manager Sharon Lynn on Thursday, December 6, 2007, to discuss the situation. The Commission then discussed strategy for the meeting, including examining a group of documents about hydraulic dredging and documents related to the local incident and brainstormed what kinds of questions they may be asked concerning the local regulation prohibiting that activity.

ANY OTHER BUSINESS:

Bayberry Avenue – There is a swimming pool going in the ground on Bayberry Avenue. Brian Carlson issued a stop work order for the project because work was being done in the buffer zone of a resource area. According to Brian Carlson, a road being used from the street to the site of the pool passes through a buffer zone. He will handle the situation as an Administrative Review.

Bissell's Tennis Courts – It was reported to Brian Carlson that the silt fencing and straw bales at the site were improperly installed. Dennis Minsky and Elaine Anderson attempted to make a site visit, but could not get access. Brian Carlson will investigate the issue.

2 Commercial Street – Elaine Anderson and Dennis Minsky suggested to the Commission that they get an update on the progress of the project. They attempted to visit the site, but could not enter the property. Brian Carlson will call the representatives of the Trustee and arrange to get into the property for an inspection.

Banner ad – Dennis Minsky wrote an ad and presented it to the Commission and the Commission discussed doing it as a press release instead of an ad.

90 Shank Painter Road – There is an isolated vegetative wetland on this site. There will be filling and capping of an old burn dump in order to make the site buildable. A request for proposals to develop affordable housing on the site has been sent out. The Commission will require the filing of a Determination of Applicability or a Notice of Intent before any building commences on the site.

ADJOURNMENT: *Elaine Anderson moved to adjourn at 10:00 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2008.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008
Dennis Minsky and Elaine Anderson, Co-Chairs