

PROVINCETOWN CONSERVATION COMMISSION
CAUCUS HALL
April 10, 2012
6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin and Barbara Prato.

Members Absent: David Hale and Hank Janowsky (both excused).

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

Chair Dennis Minsky called the Public Hearing to order at 6:30 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: March 20, 2012 – *Lynne Martin moved to approve the language as amended, Barbara Prato seconded and it was so voted, 3-0.*

NEW BUSINESS:

Notice of Intent (continued from April 3, 2012)

Application by the **Airport Commission, Town of Provincetown**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work to include the reconstruction of approximately 2,100 linear feet at easterly end of the existing parallel taxiway at the property located at the **Provincetown Municipal Airport**, in Provincetown.

Presentation: Maryann Magner, Stephen Fletcher, design engineer, Mike Garrity, project engineer, and Butch Lisenby, Airport Manager, appeared to present the application. 2100 linear feet of an existing 60' wide parallel taxiway will be reconstructed within the existing footprint. Of the 2100 LF, approximately 1200 LF that is currently 60' wide will be reduced to 40' in width. Pavement would be removed along the northern edge of pavement and converted to turf. Recycled/reclaimed pavement material will re-used on site as a base material to the extent feasible. Excess material will be disposed of at an approved facility in accordance with state regulations. New hot-mix asphalt will be paved over the entire area of work followed by miscellaneous pavement markings. The area of pavement removal will be restored as grassland. Included in the presentation was a stormwater run-off report which identified, simulated and addressed the impact and conveyance of stormwater surface run-off for the reconstruction project. Water quantity and water quality issues have been addressed by design and the project will not introduce any non-mitigated increases in discharge flows, volumes or any new direct surface discharges either on or off the property. The project's design will not create detrimental impacts to any downstream receiving water or to other nearby, existing drainage conveyance systems. There will be a net decrease of .65 acres in impervious surfaces within the site boundary area. For proposed mitigation, a construction protocol for erosion control and Eastern Box turtle protection, in addition to a grassland restoration plan, were included in the presentation.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Magner, Mr. Fletcher, Mr. Garrity and Mr. Lisenby.

Lynne Martin moved to approve the Notice of Intent by the Airport Commission, Town of Provincetown, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12 for work to include the reconstruction of approximately 2,100 linear feet at easterly end of the existing parallel taxiway at the property located at the Provincetown Municipal Airport with the Standard Order of Conditions and with the Special Conditions that 72 hour notice be given to the Conservation Agent before work begins and that the Conservation Agent make a site visit after the limit of work is installed, Barbara Prato seconded and it was so voted, 3-0.

OLD BUSINESS:

Notice of Intent (continued from March 20, 2012)

Application by **Alfred Famiglietti & James Staniscia** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work to include the proposed shorefront protection at **157A Commercial Street** in Provincetown.

Presentation: Jay Norton appeared to discuss the application. There was an on-site meeting with Greg Berman, Dennis, Lynne, Roy Okurowski and several neighbors to discuss the proposed project. The meeting went well and the neighbors' concerns were addressed. An emergency request was submitted on March 23rd to start construction. Dennis reviewed the Commission's proposed draft conditions, including the replacement of coirs, if necessary, and their immediate removal if unsuccessful, the planting of beach grass in the area, the removal of debris and the requirement that no metal staples be present in the coirs. Christine Odiaga suggested that a threshold to trigger nourishment be established in addition to the regular schedule of nourishment and specifics be developed for the monitoring. Dennis reviewed Greg Berman's observations, including the need for the coirs to be buried and kept covered.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Norton and discussed the conditions for approval. James Staniscia joined the discussion.

Lynne Martin moved to grant the Notice of Intent for Alfred Famiglietti & James Staniscia for a Notice of Intent under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12 for work to include the proposed shorefront protection at 157A Commercial Street with the Standard Order of Conditions and with the following Special Conditions:

- *the coirs be tied into the rip-rap under the stairs at the Town Landing next to the Boatslip;*
- *the planting of beach grass as proposed;*
- *debris removal from the beach;*
- *the coirs contain no metal staples;*
- *nourishment will take place at the end of the summer, if needed, and at the end of February, if needed, or at any other time as needed, the standard being if coirs have been exposed for over a month in the winter or two weeks in the summer;*
- *a biannual monitoring of the coirs; and*
- *the vegetation survive in perpetuity or be replaced.*

Barbara Prato seconded and it was so voted, 3-0.

ANY OTHER BUSINESS:

Beach Rake Monitoring Program:

Brian reported that the Board of Selectmen approved the first-year environmental monitoring program to be administered by the Provincetown Center for Coastal Studies. Eve Costa and Owen Nichols will be the primary scientists working on the program. The pre-raking analysis will take place before the end of April and the raking will begin on May 15th.

Herbicides:

Dennis spoke with the Town of Wellfleet about their local regulation to ban the use of herbicides on Town-owned property. According to Town Counsel, Provincetown's Board of Health regulation regarding herbicides and pesticides is possibly not legal. Dennis suggested modeling a local regulation on Wellfleet's. The Commission discussed the issue.

Old Colony Way:

Dennis noticed yard waste being dumped near the resource area. The Commission discussed how to deal with the issue.

Dennis Minsky moved to direct the Conservation Agent to instruct the Americorps volunteer to design a flyer to distribute to property owners in the area of Old Colony Way and to publish in the newspaper, Barbara Prato seconded and it was so voted, 3-0.

Robena Malicoat was informed of the Town's intention to use the fire access road when sewer work was being performed on Thistlemore Road. She requested that pot holes in the road be filled as the road is becoming difficult to drive on. Brian and Dennis met with her at the site.

Dennis Minsky moved to permit some improvement of several of the ruts in the fire access road from Fortuna Road eastward, Barbara Prato seconded and it was so voted, 3-0.

Creek Road:

On April 7th, Dorothy Palanza, of the Conservation Trust, was alerted that heavy machinery had traversed the Trust's property at 56 Creek Road and damaged some vegetation in order to access property at 42 Franklin Street for the purposes of installing a patio. Ethan Poulin was in charge of the work and agreed to cease working until the issue was resolved. Dennis and Dorothy visited the site. On the 9th of April, Brian, Dennis and Ethan met on the site. It was resolved that Mr. Poulin made a reasonable mistake because of the erroneous placement of the Trust sign on the property, the inadequate posting of the Trust boundaries and a Banner advertisement in regard to the sale of the property to Glen Rigoff. He agreed to replace the damaged privet with native species and to deposit some weed-free mulch on the disrupted clearing.

Dennis Minsky moved that the Commission approve the Administrative Review determination by the Conservation Agent, Barbara Prato seconded and it was so voted, 3-0.

225 Commercial Street:

There is a request by the owners to leave the propane tank in the back of the property.

Dennis Minsky moved to approve the Administrative Review to allow the propane tank to remain on the property at 225 Commercial Street, Barbara Prato seconded and it was so voted, 3-0.

Brian reminded the Commission that the first meeting after Town Meeting traditionally includes the election of officers. He will include it on the next agenda.

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:45 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2012

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2012
Dennis Minsky, Chair