

PROVINCETOWN CONSERVATION COMMISSION
CAUCUS HALL
November 13, 2012
6:30 P.M.

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

Members Absent: David Hale (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: *Lynne Martin moved to postpone approval of the minutes of October 2 and 16, 2012, Mark Irving seconded and it was so voted, 4-0.*

Notice of Intent

Application by the **Town of Provincetown**, represented by **Robert B. Adams, 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 scope of work will include construction of an underground public utility (sewer lines) and infrastructure to be located with the Province Lands Road, Bradford Street Extension, Bayberry Avenue, Blueberry Avenue, Kimberly Lane, Browne Street Extension, Race Road and Route 6 force mains (Herring Cove force main and existing 6-inch force main extension) within the **Town of Provincetown**.

Presentation: John Finnegan and Tom Touchet appeared to present the application. Phase 4 of the sewer extension will expand the existing sewer system and previously-permitted sewer expansion activities currently underway and include the Province Lands Road and Bradford Street Extension project area, the Bayberry project area (Bayberry Avenue, Blueberry Avenue, Kimberly Lane, Browne Street Extension and Race Road) and the Route 6 Force Mains project area (Herring Cove and existing 6-inch force main extension). The proposed project will also include asphalt cutting, trench excavating, pipe-laying, the construction of manholes, back-filling, the installation of the Bayberry below-grade pump station and site restoration. Heavy equipment will be used for this work. The trench width is estimated to be a maximum of 8' wide for gravity sewers and force main installation for most areas. Maximum clearing of vegetation for the gravity sewer segment between Blueberry Avenue and Kimberly Lane along the Browne Street Extension is anticipated to be about 15' wide to facilitate equipment access. Excavated soil will be used to back-fill trenches to grade. Those trenches will be covered with steel plates at the end of each day. Soil not used for back-filling will be covered or surrounded by straw bales and silt fencing to prevent erosion or the sedimentation of adjacent areas. Disturbed areas previously vegetated prior to the proposed activities will be restored with an appropriate seed mix. Areas which were paved prior to proposed activities will be re-paved. No new impervious surfaces will be created for pipe installation activities. The Bayberry Avenue pump station will result in a minimal amount of impervious surface; approximately 100 sq. ft. of pre-cast concrete

for the top of the well, approximately 50 sq. ft. for the top of the pre-cast concrete valve vault and approximately 25 sq. ft. for the above-ground pump control/electrical cabinet and associated concrete pad. A general permit for construction site de-watering will be obtained from EPA or MA DEP, as groundwater may be encountered during excavation. Portions of the project are located within estimated and priority habitat, however surface disturbance from activities in the areas in question will occur either in existing paved roadways, within 10' of the shoulders of roadways, or other existing paved/maintained lawn areas and therefore exempt from MESA review. Project impacts within estimated and priority habitat have been minimized to the maximum extent possible. Only two specific locations are subject to review under MESA, a portion of the Bayberry Pump Station limits of work and the limits of work for clearing for equipment access for the gravity sewer segment located between Blueberry Avenue and Kimberly Lane along Browne Street Extension. Previously vegetated areas temporarily disturbed by construction activities, including shoulders of roadways, will be re-seeded with an appropriate seed mix. Woody vegetation removed for pump station installation and gravity sewer installation between Blueberry Avenue and Kimberly Lane, along Browne Street Extension in the Bayberry project area, will be replaced with an herbaceous seed mix to minimize the possibility of woody root issues over the new piping in the area. Mr. Touchet has spoken with Eve Schluetter, who is reviewing the project one more time before she issues a letter from Natural Heritage. Brian reported that there is a DEP file number assigned to the project.

Commission Discussion: The Commission was concerned about the location of the staging areas and discussed those areas and their proximity to wildlife habitat. Another issue of concern was the de-watering process at the pump station area. According to Mr. Touchet, the pump station de-watering project will be similar to that which took place on Thistlemore Road. Piping is proposed to be run through the campground and the water discharged into Shank Painter Pond with the installation of a velocity-dissipating structure nearby. Measures will be taken to ensure that no erosion or scouring will occur on public or private property, or on the banks or bottoms of waterbodies as a result of de-watering operations. The Commission requested a contingency plan in writing for the de-watering operations, to which Mr. Touchet agreed. The Commission requested that both pre- and post-testing of discharged water take place following the protocol established for the de-watering project at Thistlemore Road, as there is a concern regarding changing the acidity or the salinity of the existing water in Shank Painter Pond. Mr. Touchet responded that the water to be discharged will be ground water, similar to the water in Shank Painter Pond. The Commission requested some mitigation in the area of impact of the gravity sewer pipe installation and pump station installation within the Bayberry project area. Mr. Touchet indicated that the proposal is to plant a herbaceous seed mix as stated on p. 24 of the application. Brian added that the Cape Cod Commission will be issuing their letter tomorrow.

Public Comment: Billy Rogers said that he believes the Town abandoned Browne Street Extension and no longer legally owns it, suggesting that the Town might want to clarify ownership before the project begins.

Dennis Minsky moved to approve the Notice of Intent application by the Town of Provincetown, represented by Robert B. Adams, 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 for a scope of work to include the construction of an underground public utility (sewer lines) and infrastructure to be located with the Province Lands Road, Bradford Street Extension, Bayberry Avenue, Blueberry Avenue, Kimberly Lane, Browne Street Extension, Race Road and Route 6 force mains (Herring Cove force main and existing 6-inch

force main extension) with the Standard Order of Conditions and the Special Conditions that the de-watering be accompanied by water testing before and after it occurs, pursuant to the protocol established for the de-watering of the Thistlemore pump station, that velocity dissipating discharge mechanisms be used during the de-watering process and that the plantings for mitigating the disturbed areas in the Bayberry project location be specified, Barbara Prato seconded and it was so voted, 3-1 (Lynne Martin opposed).

Certificate of Compliance

Application by **Clancy Realty Trust & Bay Harbour, LLC II**, for a **Certificate of Compliance** for work conducted under DEP file number SE 58-0405, SE 58-0456 and SE 58-0465 for the property located at **10 Harbour Drive** in Provincetown. William N. Rogers, II appeared to present the application and submitted a letter certifying substantial compliance and that the proposed project had been installed in accordance with all appropriate approved plans as modified. Brian has made a site visit and is satisfied that the work has been completed.

Barbara Prato moved to grant a Certificate of Compliance to Clancy Realty Trust & Bay Harbour, LLC II, for work conducted under DEP file number SE 58-0405, SE 58-0456 and SE 58-0465 for the property located at 10 Harbour Drive in Provincetown, Lynne Martin seconded and it was so voted, 4-0.

Certificate of Compliance

Application by **Clancy Realty Trust & Jason Stone, LLC**, for a **Certificate of Compliance** for work conducted under DEP file number SE 58-0407, SE 58-0458, SE 58-0462 and SE 58-0500 for the property located at **6 Harbour Drive** in Provincetown. William N. Rogers, II appeared to present the application and submitted a letter certifying substantial compliance and that the proposed project had been installed in accordance with all appropriate approved plans as modified. The pool has been installed and the appropriate landscaping has been planted.

Barbara Prato moved to grant a Certificate of Compliance to Clancy Realty Trust & Jason Stone, LLC, for work conducted under DEP file number SE 58-407, SE 58-458, SE 58-0462 and SE 58-0500 for the property located at 6 Harbour Drive in Provincetown, Mark Irving seconded and it was so voted, 4-0.

Certificate of Compliance

Application by **Michael Winstanley** for a **Certificate of Compliance** for work conducted at the property located at **781 Commercial Street** in Provincetown. Lynne Hamlyn appeared to present the application and submitted a letter stating that the construction has been completed and the site was inspected for compliance with the Superseding and Amended Orders of Conditions and approved plans.

Lynne Martin moved to grant a Certificate of Compliance to Michael Winstanley for work done at the property located at 781 Commercial in Provincetown, Dennis Minsky seconded and it was so voted, 4-0.

Selection and appointment of B-Street Garden Advisory members:

The Commission discussed the four applications received for membership on the 2013 Advisory Group. The applicants included Rebecca Matarazzi, Liam NcGonigle, Conny Hatch and Lory Stewart. Conny Hatch has served on the Group and Rebecca Matarazzi was appointed during the past growing season. The other two applicants will be new to the Group. The Group will be bringing a proposal to the Commission regarding mandatory service on the part of plot owners.

Dennis Minsky moved to approve the slate of applicants for the 2013 B-Street Advisory Group, Barbara Prato seconded and it was so voted, 4-0.

DISCUSSION:

Browne Street pipe:

There has been no progress on this issue.

Herbicides and Pesticides:

Dennis spoke with Donna Flax about the issue.

Mowing at the Transfer Station:

A document obtained by Brian from the DPW states that the area is mowed twice a year, but is not specific about what times of year. The Commission directed Brian to have a further conversation with Rich Waldo. The Commission has voted in the past to restrict mowing between the months of October and May.

Boats on the beach:

There is no new information on this topic. The Commission briefly discussed the issue and confirmed that it does have jurisdiction over those areas where boats are likely to be placed over beach grass.

Garden next to the pump station:

Barbara Rushmore informed Dennis that the Beautification Committee is planning a garden and boardwalk by the pump station in the center of Town across the street from the Municipal Parking Lot. She is worried about sand blowing off the beach into the garden. She wants, in the winter months only, to erect a 50' sand fence to block the sand from blowing in from the Ryder Street Extension beach. The Commission had concerns about the effect of the sand fence and discussed the issue further. Dennis informed Ms. Rushmore that he would talk to David Guertin and to the Commission.

David Guertin joined the discussion. He indicated that he saw no problem with a fence in that location.

Dennis asked David Guertin about blocking off vehicle access to Clapp's Pond because of safety and environmental concerns. He would not object to closing off that area to vehicular traffic. He suggested keeping the access open and mandating periodic inspections. The Commission briefly discussed the topic. The issue will be put on the agenda in the future.

ADJOURNMENT: *Mark Irving moved to adjourn at 8:15 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