

# PROVINCETOWN CONSERVATION COMMISSION

January 22, 2008

6:30 P.M.

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

**Members Absent:** None.

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

## PUBLIC HEARING

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

**PUBLIC STATEMENTS:** Peter Markunas commented on the new fee schedule noting that the new fee for a Coastal Dune alteration at \$50.00 per linear foot could be excessive for some properties.

**MINUTES: January 8, 2008 – Elaine Anderson moved to approve the language as amended, Lynne Martin seconded and it was so voted, 4-0.**

### NEW BUSINESS:

#### Notice of Intent

Application by **Berg Family Trust c/o, Astrid Berg**, represented by **Woods Hole Group, 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 the reconstruction of an existing outer wharf restaurant and public accessibility improvement at the property located at **371-373 Commercial Street**, in Provincetown.

Lynne Martin recused herself because of a conflict of interest.

**Presentation:** Peter Markunas, of Woods Hole Group, Inc., and Astrid Berg appeared to present the application. This work is being undertaken in order to comply with special conditions issued for the property as a result of the granting of a Chapter 91 license last spring. These conditions include the removal of the dilapidated front deck, improving the public “beachwalk” access along the west side of the property from Commercial Street to the beach and the construction and maintenance of two posts for public dinghy tie-up. Wooden steps will be placed at the end of the walkway in order to access the beach. Mr. Markunas stated that there is a significant drainage problem along that walkway as a result of the slope of the adjacent Town parking lot. The drainage problem needs to be solved before the project can be completed and the applicant is seeking advice and help from the Town in solving the problem, perhaps by their installation of stormwater management drains. A crane will be doing the pile work and will access the beach via the Johnson Street parking lot.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Markunas and Ms. Berg. The Commission requested that the applicant use permeable bricks to construct the walkway and that no CCA wood be used for the decking. And all work will be done in accordance with the ‘Notes’ as written on the site plan submitted. Brian Carlson informed the applicant that after their evaluation of this project, the Department of Environmental Protection reported that the walkway portion of this project is subject to the Stormwater Management Standards. The applicant must submit a Stormwater Management Form to demonstrate compliance to the maximum extent practicable for the walkway. The Commission concluded that the applicant will need to submit the DEP form before they can render a decision. The

applicant requested a continuance.

*Dennis Minsky moved to grant a continuance for the Notice of Intent for the property located at 371-373 Commercial Street, Dieter Groll seconded and it was so voted, 4-0.*

**DISCUSSION: Fees**

The Commission briefly discussed the new fee schedule.

*Elaine Anderson moved to accept the revised fee schedule, Dennis Minsky seconded and it was so voted, 5-0.*

**DISCUSSION: Shank Painter Pond Wildlife Sanctuary Project**

Dennis Minsky has enlisted the help of Irene Seipt, who will assist with the selection of plantings at the site. Dennis would like the Commission to hire her for the project. He will ask her to submit a proposal, including the scope of work to be performed and a planting plan.

The Commission is still looking for exact plans for the benches, the bike rack, signs and picnic tables.

Americorps has plans for the benches and Amber Stonik is preparing a report for the Commission's February 12, 2008 hearing about the progress of the project. According to Brian Carlson, Celine Gandolfo is supposed to be bringing the Robillard parking lot plan to Town Hall.

The Commission discussed the possible use of the fire hydrant at the site for watering purposes. Dennis will contact the Fire Department in regard to this issue.

The Commission discussed the issue of the topsoil at the site. There was much discussion about whether it should be kept or removed. If removed, one of the options mentioned was the use of heavy machinery, such as a backhoe or bobcat. Brian will look into the cost of renting a bobcat for that purpose.

Dennis will ask Irene what kind of soil she would recommend for the site. He will request a preliminary report from her for the February 12, 2008 hearing. Dennis also suggested doing a cost/benefit analysis in regard to the removal of the topsoil.

Brian mentioned the need for an invasive species management plan.

Brian and Amber are bringing a proposal to the Commission to authorize the purchase of materials for the project.

The Commission would like to get Open Space and the Conservation Trust on board with the project soon.

Brian will set up a site visit before the February 12, 2008 hearing and the Commission will flag the site then.

**DISCUSSION: Budget and spending plan for Land Bank funds FY2008**

There is \$11,000.00 available to be spent by the end of June for the maintenance of Land Bank properties, including Nicky's Park and the Shank Painter Pond Wildlife Sanctuary Project. The Commission discussed how the money could be spent on these two projects.

**CORRESPONDENCE:**

There was a letter from Michael McGrath in regard to nitrogen removal from the environment.

From the Department of Conservation and Recreation – There will be a Community Assistance Visit meeting on February 29<sup>th</sup>. The purpose of the meeting is to discuss local floodplain development activity, floodplain review and enforcement practices and other floodplain management questions.

There will be a Cape Cod Erosion Control Workshop in Hyannis on March 12<sup>th</sup>.

Dennis Minsky will contact Gordon Peabody to give his half hour presentation in regard to erosion control. He will look into inviting him to the February 12<sup>th</sup> hearing.

A copy of the Massachusetts Smart Growth/Smart Energy toolkit, a collection of resources that

encourage sustainable development and help communities with a wide range of land use, planning and development issues, was sent to the Commission.

There was information about a potential pre-disaster mitigation and/or flood mitigation assistance grant application from the Massachusetts Emergency Management Agency and Massachusetts DCR.

**CONSERVATION COMMISSION STATEMENTS:**

Elaine Anderson asked Brian about a project going on at the property located at 523 Commercial Street.

The Commission briefly discussed the property located at 149A Commercial Street and the construction of a deck on a flat roof.

Dennis Minsky brought up the subject of floats being stored at the breakwater by the Provincetown Inn. The Commission discussed this issue, including if and what they should do to control it.

**ANY OTHER BUSINESS:**

Dennis reminded the Commissioners that the MACC annual conference is on March 1<sup>st</sup>.

The Commission discussed the FY09 budget.

Lynne Martin showed the Conservation Commission database to the Commissioners. Amber is working on the project.

The Annual Report of the Commission for Town Meeting is due shortly.

*Elaine Anderson moved to go into Executive Session at 9:00 P.M to discuss legal matters and Chair Dennis Minsky polled each Commissioner separately and it was so voted unanimously.*

**ADJOURNMENT:** *Elaine Anderson moved to adjourn at 9:50 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