

PROVINCETOWN CONSERVATION COMMISSION

April 22, 2008

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson, Lynne Martin, David Hale and Jack McMahon.

Members Absent: Dieter Groll (unexcused).

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

PUBLIC MEETING

Co-Chair Dennis Minsky called the Public Meeting to order at 6:32 P.M.

PUBLIC STATEMENTS: None.

MINUTES: March 11, 2008 – *David Hale moved to approve the language as written, Jack McMahon seconded and it was so voted, 5-0.*

March 25, 2008 – *David Hale moved to approve the language as written, Lynne Martin seconded and it was so voted, 4-0-1 (Dennis Minsky abstaining).*

April 15, 2008 – *David Hale moved to approve the language as written, Jack McMahon seconded and it was so voted, 3-0-2 (Elaine Anderson and Lynne Martin abstaining).*

OLD BUSINESS:

Notice of Intent (continued from April 15, 2008)

Application by **Robert Cummings & Dennis Condon** 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. Scope of work to include the proposed installation of a palletized patio, rainwater harvesting system, emergency generator and an outdoor shower at **599 Commercial Street** in Provincetown.

Presentation: Reggie Donoghue appeared to discuss the project. Mr. Donoghue submitted revised plans. The plans showed a proposed step, measuring between 6” and 7”, to be inserted behind the bulkhead in a further effort to alleviate the flooding problem at the premises and in response to the concerns of the eastside abutter. There has been a file number issued to the project from the Department of Environmental Protection and the property has already obtained a Chapter 91 license.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Donoghue.

Dennis Minsky moved to approve the Notice of Intent for the property located at 599 Commercial Street, scope of work to include the proposed installation of a palletized patio, rainwater harvesting system, emergency generator and an outdoor shower, with the standard conditions, the operational protocol, the construction protocol as listed on the plans submitted by the applicant and the Chapter 91 plans, Elaine Anderson seconded and it was so voted, 5-0.

Request for Determination of Applicability

Application by **Shoreline Construction** for a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant seeks determination of floodplains and wetland areas at the property located

at **29 Bradford Street Extension** in Provincetown.

The applicant did not appear. The Commission has not had communication with the applicant in several months. The Commission briefly discussed the matter.

Dennis Minsky moved to deny the Request for Determination of Applicability for the property located at 29 Bradford Street Extension, Elaine Anderson seconded and it was so voted, 5-0.

NEW BUSINESS:

Timothy Trani, who resides at 49 Commercial Street, appeared with his attorney Chris Carroll to report a violation in the Order of Conditions for the property located at 49A Commercial Street. Mr. Trani submitted a letter he had written to Brian Carlson outlining the violations at the property. The contractor and his crew, hired by the owners of 49A Commercial Street, are contaminating Mr. Trani's property with debris and harmful chemicals, denying him access to his property and are in direct violation of their Chapter 91 license. Mr. Trani submitted photographs of his property, and the property in question, to the Commission in order to illustrate his allegations. Attorney Carroll requested that the Commission issue an Enforcement Order or a change in the Order of Conditions for the property.

Commission Discussion: The Commission questioned Mr. Trani and Attorney Carroll about the matter. Brian Carlson reported to the Commission that he had made a site visit and spoke to the contractor, Fred Ambrose, about the project. He said that some of the debris, as pictured in the photographs submitted by Mr. Trani, had been picked up when he was onsite. The Commission took the testimony of Mr. Trani and Attorney Carroll under advisement and decided that the matter warranted further investigation. They will write a letter to Lou Gitto, of DEP, to report the results of their investigation.

OLD BUSINESS:

Request for Determination of Applicability (continued from April 15, 2008)

Application by the **Provincetown Conservation Commission** for a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes site work to include trail maintenance and expansion as well as passive recreation enhancements at the property located at **74 Harry Kemp Way (Nicky's Park – Ray and Nicky Wells Town Conservation Area)** in Provincetown.

Presentation: Brian Carlson appeared to discuss the project. He discussed the concerns about the project voiced by Dr. Andrews at the previous hearing.

David Hale moved to approve the plan as submitted, Lynne Martin seconded.

Commission Discussion: The Commission discussed the plan as submitted. They decided to amend the plan by re-locating the 'un-official' sign and changing the placement of the benches at the site.

Dennis Minsky moved to amend David Hale's previous motion to say that the Conservation Commission issues a Negative #3 Determination for the site work to include trail maintenance and expansion, as well as passive recreation enhancements at the property located at 74 Harry Kemp Way (Nicky's Park – Ray and Nicky Wells Town Conservation Area), which will also include re-positioning the 'unofficial' sign and a change in the location of the proposed benches, whose locations will be determined in consultation with abutters to the property, David Hale seconded and it was so voted, 5-0.

Request for Determination of Applicability

Application by **Joel Shaw (West Beach Club Condo Trust)**, represented by **Cape Associates, Inc.**, for a Request for Determination of Applicability under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes site work for the construction of a 15' by 15' pressure-treated deck on the beach at the property located at **101 ½ Commercial Street**, in Provincetown. The application is continued until the May 13, 2008 hearing.

DISCUSSION:

Rogue Wave Proposal – This matter will be discussed in Executive Session.

COMMISSION BOARD STATEMENTS:

Elaine Anderson reported that the project at the Shank Painter Pond Sanctuary needs volunteers to help move soil. Dennis Minsky discussed the invasives he has found at the site, including chickweed and mustard grass. He would like to document what was there before the project and what is there after the project concludes. The Commission briefly discussed these issues.

ANY OTHER BUSINESS:

Signage Project: The Land Bank will be paying for the signs to be located at Town Conservation properties. Brian Carlson submitted a comparative chart of different signs, which included size, price, pros and cons, manufacturing company, design fees and final costs. He also submitted a chart and photographs of signs already in use on various Cape Cod Conservation lands. The Commission briefly discussed the issue and decided to devote a Work Session to discussing the topic with the Open Space Committee.

Chair Dennis Minsky moved to go into Executive Session at 8:20 P.M to discuss pending litigation, polling each Commissioner separately for their vote. The vote was unanimous.

ADJOURNMENT: *David Hale moved to adjourn at 8:45 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