

PROVINCETOWN CONSERVATION COMMISSION

August 13, 2008

6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin, Jack McMahon and Richard Silver.

Members Absent: David Hale (excused).

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

PUBLIC MEETING

Chair Dennis Minsky called the Public Meeting to order at 6:38 P.M.

PUBLIC STATEMENTS: None.

MINUTES: July 22, 2008 – *The vote was postponed.*

July 15, 2008 – *The vote was postponed.*

NEW BUSINESS:

Certificate of Compliance

Request for a Certificate of Compliance by **Bull Ring Wharf Condominium**, represented by **Coastal Engineering Co., Inc.**, for work done under DEP file number SE 058-0415 at the property located at **383 Commercial Street**, Provincetown.

Presentation: No one appeared on behalf of the applicant. There was a letter submitted to the Commission from Coastal Engineering Co., Inc. stating that they had made a final inspection of the premises. They found that the work had been completed and was in substantial conformance with the revised plan, "Bull Ring Wharf", by Coastal Engineering Co., Inc., Sheets 1-6, dated April 13, 2006, specifications and Order of Conditions issued on August 15, 2006.

Public Comment: None.

Lynne Martin moved to approve the Certificate of Compliance for the property located at 383 Commercial Street, Jack McMahon seconded and it was so voted, 5-0.

Notice of Intent

Application by the **Judy Mencher**, represented by **Paul Shea**, for a **Notice of Intent** under the Provincetown Wetlands By-Law Chapter 12. The applicant seeks to construct two residential buildings (4 units), septic systems, parking spaces, walkways, retaining walls, and landscape at the property located at **27-31 Bangs Street** in Provincetown.

Presentation: Attorney Lester J. Murphy, William N. Rogers and Paul Shea appeared to present the application. The applicant seeks to build 4 units in 2 buildings on the premises. The western part of the lot needs to be filled in order to bring it up to the grade of the road. Sheet piling will be used instead of concrete in the construction project because it would be less intrusive to the wetland in the area, which does not qualify as a state-regulated wetland. The trees on the private way that accesses the property will not be touched. The limit of work for construction will be 70' from the wetland. The project has been submitted to MESA and Natural Heritage, but has not received any responses as of this date.

Public Comment: None. There was one letter in opposition in the file.

Commission Discussion: The Commission questioned Attorney Murphy, Billy Rogers and Paul Shea. The site had not been staked, therefore the Commission decided to schedule a site visit before they

deliberated on the application. The site visit will take place on Tuesday, August 19, 2008. The applicant requested a continuance until the August 26, 2008 hearing.

Richard Silver moved to approve the request for a continuance until the August 26, 2008 hearing, Dennis Minsky seconded and it was so voted, 4-0.

DISCUSSION:

609-611 COMMERCIAL STREET: Dennis Minsky stated that in light of much interest and additional information from the applicant, the Commission would vote on whether to reconsider Elia Sinaiko's request for an Amended Order of Conditions for the property located at 609-611 Commercial Street.

Dennis Minsky moved to reconsider Elia Sinaiko's request for an Amended Order of Conditions for the property located at 609-611 Commercial Street, Jack McMahan seconded and it was so voted, 4-0.

Presentation: Gordon Peabody, of Safe Harbor, representing Mr. Sinaiko, appeared to discuss the reconsideration. Mr. Peabody had done research on the project and consulted with several people, including Bill Fitts, who has long worked on wooden bulkheads in the East End, and Katelyn Siddell, who works for East Cape Engineering, and who appeared before the Commission to request a extension of the Order of Conditions for the project, and Mike Winkler, who installed the bulkhead. Mr. Peabody presented the Commission with the results of his inquiries in a hand-out entitled "Elements for reconsideration", which he was confident would convince the Commission of the worthiness of the reconsideration. Mr. Peabody proceeded to explain each of his 'Elements'. The only deviation from the original plan, according to Mr. Peabody, was the 12-14" of space between the old and the new bulkhead, a space that needs to be preserved in order to install a new bulkhead while preserving the pre-existing one. He reminded the Commission that abutters' rights, including the right to appeal the decision, are still preserved with an Amended Order of Conditions and that no new information about the project would be gleaned from Mr. Sinaiko's applying for a new Notice of Intent. Finally, he concluded with the statement that there was no intent on the applicant's, or the applicant's agents', part to mislead the Commission or misrepresent the bulkhead.

Public Comment: Seamus Henchy, Jonathan Sinaiko, Hank Janowski and Andy Pecorzak spoke in favor of the request.

Commission Discussion: The Commission questioned Mr. Peabody. An informal poll of the Commissioners indicated that the Commission would support the hearing of a new request for an Amended Order of Conditions for 609-611 Commercial Street.

ANY OTHER BUSINESS:

2 COMMERCIAL STREET: The Commission discussed 2 Commercial Street and the Order of Conditions that were issued for the property. The Commission decided to make a site visit. The site visit is scheduled for Tuesday, August 19, 2008 after the site visit at 49A Commercial Street.

49A COMMERCIAL STREET: The Commission discussed the bulkhead at the property. Lynne Martin had pictures of the bulkhead. The Commission decided to make a site visit on Tuesday, August 19, 2008 at 2:00 P.M. Brian will talk to Fred Ambrose.

BISSELL'S TENNIS COURTS: Brian met with Mark Kinnane, the contractor for the project, who is requesting an extension for one of the timber walls. He feels this is necessary in order to be in compliance with the Provincetown Fire Department and to improve safety issues near the edge of the cul-de-sac. The grade required for the wall will be reduced and, therefore, limit run-off into the wetland. Brian also informed the Commission that there had been changes to the design of retaining walls behind other units on the property. Brian reminded Mr. Kinanne that 'critter' ramps are supposed to be installed at the site. The Commission decided to schedule a site visit. The site visit will take place on Tuesday, August 19, 2008 after the site visit at 2 Commercial Street.

SEAMEN'S BANK: Seamen's Bank, with the help of Lou Gitto, is trying to fashion a Chapter 91 license that includes access and amenities which are somewhat in keeping with the Provincetown Harbor Plan. Mr. Gitto has written a letter to the Commission, and included proposed plans, asking if the Commission would allow a deck and bench structure 6' wide (and perhaps wider at the east end) to be constructed immediately seaward of the back wall of the parking area behind the bank and, if so, would the structure be able to be constructed close to ground level so as not to require a railing. The Commission discussed the project.

IRENE SEIPT: Dennis reported that Irene has gone beyond the scope of her landscaping duties at the Shank Painter Pond Sanctuary. He is requesting that the Commission pay her another \$500.00 for her additional work.

Lynne Martin moved to appropriate \$500.00 to pay Irene Seipt for her continued maintenance work done at the Shank Painter Pond Sanctuary, Dennis Minsky seconded and it was so voted, 4-0.

ADJOURNMENT: *Lynne Martin 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, Chair