

PROVINCETOWN CONSERVATION COMMISSION

August 26, 2008

6:30 P.M.

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

Members Absent: David Hale (excused) and Richard Silver (unexcused).

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

PUBLIC MEETING

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

PUBLIC STATEMENTS: None.

MINUTES: July 15, 2008 – *Jack McMahon moved to approve the language as written, Dennis Minsky seconded and it was so voted, 3-0.*

July 22, 2008 – *Jack McMahon moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0.*

August 13, 2008 – *The vote was postponed.*

NEW BUSINESS:

78 West Vine Street – William N. Rogers appeared before the Commission to request a brief discussion concerning the property at 78 West Vine Street. The Commission agreed to discuss the project. Mr. Rogers represents the owner of the property, Susan Bestgen, who is proposing to build a three-bedroom dwelling at the site. There is a wetland in the area that comes under the jurisdiction of the local conservation regulations and Mr. Rogers explained that the house needs to be within the 70' buffer in order to conform to zoning and septic setbacks. He is seeking guidance from the Commission regarding this issue. He asked the Commission if they would consider allowing the dwelling to be built between the 50' and 70' buffer zone as he does not want to do further work on the project if the Commission would not consider this siting of the house. The Commission would like to see the property in question and scheduled a site visit for September 9th at 5:00 P.M.

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 discuss the application. Mr. Shea pointed out that the closest point of disturbance would be 70' from the wetland, which lies in a topographical depression at 16' below grade. The extent of the disturbed area will be where a sheet pile-driven retaining wall will be located between Building One and Two. Inside the retaining wall will be filled-in order to bring the site up to street level. It may also help to protect that area that is nearest the wetland.

Public Comment: There was a 1 letter from an abutter in opposition to the project.

Commission Discussion: The Commission questioned Attorney Murphy, Billy Rogers and Paul Shea. The Commission is concerned about debris that has been dumped into the wetland area and requested that if the applicant is provided with access to the resource area by the abutter, she would agree to clean up that debris. Attorney Murphy indicated that his client would be amenable to that. Brian will contact the abutter about obtaining access for the purpose of cleaning up the resource area. The Commission also requested that the applicant plant native shrubs, *e.g.*, bayberry and blueberry, to replace the trees that will be removed during construction in order to stabilize the buffer zone, and also recommended the planting of indigenous species in lieu of the installation of lawns at the site.

Jack McMahon moved to approve the Notice of Intent for the property located at 27-31 Bangs Street with the standard Order of Conditions and the following Special Order of Conditions:

- *the applicant will agree to the additional planting of native shrubs on the southeast slope;*
- *the applicant will agree to limit all plantings on the site to indigenous, low-nutrient, low-water plants; and*
- *if granted access to the resource area, the applicant will clean up the existing debris in the wetland area or will allow someone else access across her property for the purpose of cleaning up that existing debris.*

Lynne Martin seconded and it was so voted, 3-0.

Notice of Intent

Application by the **Elia Sinaiko** for a request for an **Amended Order of Conditions** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant seeks an Amended Order of Conditions for permit number SE 058-0379 for reconstruction of an existing bulkhead at the property located at **609-611 Commercial Street** in Provincetown. This case is postponed until September 23rd, 2008 hearing.

2 COMMERCIAL STREET: The Commission discussed 2 Commercial Street and the Order of Conditions for the property with Cliff Schorer, who has contracted to buy the property. Mr. Schorer assured the Commission that he is willing to satisfy the Order of Conditions, whose satisfaction was made part of the Purchase and Sale Agreement for the property, and is asking the Commission for guidance. Mr. Schorer discussed his plans for the property with the Commission. He stated that he is willing to use the planting plan already proposed for the property. After much discussion, he agreed to take the landscape drawings that were submitted to the Conservation Commission, which were only partially realized, and give them to a landscape architect in order that a more specific planting plan can be drawn up. That planting plan, he suggested could show hypothetical lot lines in order that the Commission can get an idea of where he is intending to build.

David Gardner, Assistant Town Manager, joined the discussion and informed the Commission about the current status of the project *vis-à-vis* the Planning Board and the Cape Cod Commission. He told the Commission that a proposal to have a representative from the Planning Board and the Conservation Commission, along with Town Counsel, meet with Mr. Schorer's attorney in order to come up with a Memorandum of Understanding regarding the property, was being suggested. The intent of this is to move the project back into the jurisdiction of the Planning Board and take it out of the jurisdiction of the Cape Cod Commission. The Conservation Commission, along with Mr. Gardner and Mr. Schorer, discussed the existing Order of Conditions, and the implications of amending them, the status of the discretionary referral and how the project would be removed from the jurisdiction of the Cape Cod Commission.

The Commission then discussed who they would like to represent them at the joint meeting if such a meeting does take place.

Jack McMahon moved to nominate Dennis Minsky to represent the Conservation Commission at the joint meeting to discuss a Memorandum of Understanding concerning the development of the property located at 2 Commercial Street, Lynne Martin seconded and it was so voted, 3-0.

SEAMEN'S BANK: The Commission discussed the proposed Chapter 91 license project.
Lynne Martin moved to have Brian Carlson inform Lou Gitto that the Commission supports the Seamen's Bank Chapter 91 draft license, Jack McMahon seconded and it was so voted, 3-0.

BARNSTABLE COUNTY LAND MANAGEMENT GRANT PROGRAM:

The Commission discussed the grant proposals.

Dennis Minsky moved to approve the grant proposal for the Barnstable County Land Management Grant Program and the New England Grass Roots Environmental Fund, Lynne Martin seconded and it was so voted, 3-0.

FY09 APPROPRIATIONS:

The Commission briefly discussed the Wetlands Protection Fund Spending Plan for FY09.

Jack McMahon moved to approve the Wetlands Protection Fund Spending Plan for FY09, Dennis Minsky seconded and it was so voted, 3-0.

CONSERVATION BOARD STATEMENTS:

Dennis thinks that Irene Seipt should be paid \$500.00 in order to compensate her for the many hours she has worked at the Shank Painter Pond Sanctuary.

The interpretive signs have been created and sent to the printing company. The company wants to lighten up the color of the signs and make the language more readable by changing the contrast between the background and the written text. The Commission discussed the changes. The cost would be \$90.00.

Dennis Minsky moved to approve \$90.00 to fund the changes to the interpretive signs, Jack McMahon seconded and it was so voted, 3-0.

ADJOURNMENT: *Lynne Martin moved to adjourn at 8:30 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