

PROVINCETOWN CONSERVATION COMMISSION

October 7, 2008

6:30 P.M.

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

Members Absent: None.

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

PUBLIC MEETING

Chair Dennis Minsky called the Public Meeting to order at 6:35 P.M.

PUBLIC STATEMENTS: None.

MINUTES: September 9, 2008 – *Jack McMahon moved to approve the language as written, Lynne Martin seconded and it was so voted, 4-0-1 (Richard Silver abstaining).*

September 23, 2008 – Regular Session - *Lynne Martin moved to approve the language as written, David Hale seconded and it was so voted, 3-0-2 (Richard Silver and Jack McMahon abstaining).*

September 23, 2008 – Executive Session - *Lynne Martin moved to approve the language as written, David Hale seconded and it was so voted, 3-0-2 (Richard Silver and Jack McMahon abstaining).*

NEW BUSINESS:

Notice of Intent

Application by **Susan C. Bestgen**, represented by William N. Rogers, for a **Notice of Intent** under the Provincetown Wetlands By-Law Chapter 12. The applicant proposes construction of a single family home and garage at the property located at **78 West Vine Street** in Provincetown.

Presentation: William N. Rogers appeared to present the application. The applicant seeks to construct a structure within the 100' buffer zone of an isolated vegetated wetland subject to flooding. Specifically, approximately half of the proposed structure is within the 70' buffer zone. The proposed septic system is outside of the 100' buffer zone and its location is as close to the house as is legally acceptable. Even though the lot is approximately 25,000 square feet, the location of the structure was limited due to the setback requirements for the Residential 1 Zoning District, the setback requirements from the septic system and the dense vegetation and topography of the lot. The limit of work for the construction is inside the 50' buffer zone.

Public Comment: Anne Howard joined the discussion.

Commission Discussion: The Commission questioned Mr. Rogers. After much discussion, the Commission suggested that the applicant endeavor to re-site, or re-angle, the house so as to move it further away from the 70' buffer zone, re-configure the house and the garage on the lot, or reduce the size of the proposed house. The applicant requested a continuance until the October 21, 2008 hearing. *Jack McMahon moved to accept the request to continue until the October 21, 2008, David Hale seconded and it was so voted, 5-0.*

OLD BUSINESS:

Request for a Certificate of Compliance

Application by **Elia Sinaiko** for a request for a **Certificate of Compliance** for work completed under DEP File Number SE058-0379 for the property located at **609-611 Commercial Street** in Provincetown. This request is for a project involving the reconstruction of an existing timber bulkhead.
Presentation: No one appeared to present the request.

Commission Discussion: The applicant has presented proof of the recording of the Order of Conditions, has paid the fee for the Request and has submitted a letter from Tim Brady, of East Cape Engineering, Inc., certifying that the work has been satisfactorily completed and is in compliance with the Order of Conditions as issued by the Commission on October 20, 2004, and as amended on October 2, 2008. The fines levied by the Commission are being appealed in Orleans District Court, which will be heard on October 21, 2008. David Hale suggested that the Commission table the issue until after the hearing and revisit the request at the next hearing on October 21, 2008. The appeal period for the Amended Order of Conditions is still running.

David Hale moved to postpone the vote on the Request for a Certificate of Compliance until the next hearing on October 21, 2008, Lynne Martin seconded and it was so voted, 5-0.

DISCUSSION:

AMERICORPS:

Lisa Buchs, the new Americorps volunteer, was introduced to the Commission. She will be working on Tuesdays and Wednesdays and will work on many issues, including grant writing and community outreach.

BROWNE STREET EXTENSION PROPERTY:

Brian updated the Commission on the status of this issue. Nancy Richardson, the daughter of the property owner, has contacted him about the purchase of the 3 parcels off Browne Street. He informed the Commission that there are grants available to purchase the land, but it would likely take over a year to write and submit a proposal. He discussed with the Commission several grant possibilities. Dennis recommended that the Commission schedule a site visit. He suggested that the flow of water in that area be documented before the Commission decides if the area could be used for any kind of agricultural purpose. He has consulted with Steven Smith and John Portnoy concerning this issue. They told Dennis that the water flow was north to south and thus would not flow into Shank Painter Pond, which abuts the properties. He reminded the Commission that the criteria for the acquisition of land for conservation purposes takes into consideration its value, such as for animal habitat, and the likelihood that it will be developed. Dennis will ask Steven Smith and Brian will ask Don Liptak, of the USDA, to write a letter to that effect. Brian will continue to research funding sources for land acquisition. Dennis would like Brian to educate the Commission about funding sources for land acquisition and what the process of applying for these grants entails. The Commission will conduct a site visit on October 21, 2008 at 5:30 P.M.

NICKY'S PARK UPDATE:

Last Saturday the upper and lower trails and an access to Jimmy's Pond were cut. Brian is hoping that Americorps will be available to install benches. The grant for work at Nicky's has been extended until November 1, 2008. At least some of the benches should be installed this month and documented in the final report to the grant committee. The property signs will be coming shortly to be installed as well. Brian showed the Commission samples of the signs. The Commission briefly discussed how to demarcate the trails on the site.

SHANK PAINTER POND UPDATE:

There is much weeding to be done at the site. The Commission discussed coordinating their schedules with Irene Seipt and, possibly, with Conservation Trust for this purpose and decided to set a date at the next hearing on October 21, 2008.

MEETING CHANGE FOR DECEMBER 9, 2009:

The Commission changed their December 9, 2008 meeting date to December 2, 2009.

MEETING LOCATION CHANGE:

The Commission hearing on November 18, 2008 will take place in the Grace Gouveia Building. The last meeting in Town Hall will be on October 21, 2008.

THANK-YOU LETTER TO DPW:

Dennis Minsky will write a letter to the Department of Public Works to thank them for their help with the Shank Painter Pond Sanctuary project.

REGULATION AND BY-LAW CHANGES:

Lynne suggested that the Commission might want to have 1 meeting a month for applications submitted to the Commission and 1 for Conservation Work Sessions to deal with regulations and by-law changes. The Commission discussed implementing this scenario for January, February and March. Lynne volunteered to post the information on a Conservation website. Brian will draft a 2009 Conservation Commission schedule to include Work Sessions in January, February and March and work up an agenda for those Work Sessions.

GRANT MONEY:

The Commission received an addition \$5,400.00 for the Shank Painter Pond Sanctuary project and for signage at Clapp's Pond.

BUDGET:

The Town Treasurer, Alex Heilala, confirmed that the Commission has 3 accounts and informed Dennis as to how much money is currently in those accounts. The Conservation Commission revolving fund, which contains Wetlands Protection money generated by State filings, contains \$9,645.73. The local Provincetown Wetlands By-Law funds total \$4,088.57. The General Fund contains \$7,570.35, which originally totaled \$7,846.00. The Commission briefly discussed these accounts.

TURTLE SIGNS:

The Commission discussed the status of this issue. Brian sent the Commissioners information about a sign company website, which he had gotten from the Seashore. He is still doing research.

CONSERVATION COMMISSION STATEMENTS:

Jack McMahon brought up the dune between Wood End and New Beach and the possibility of installing a boardwalk from the bike rack. Dennis has contacted the Seashore about this issue, as well as the silting-in of Mill Pond and the collection of mushrooms in the Seashore. Dennis suggested that the Commission arrange to meet with someone from the Seashore in order to stimulate their action on these items. He thought Mark Adams might come to a meeting to discuss these issues.

Dennis said that the Memorandum of Understanding for 2 Commercial Street is not yet finalized, but he has seen a draft that does address the concerns of the Commission. The Commission will have a chance to vote on the Memorandum when it is complete.

ADJOURNMENT: *Lynne Martin moved to adjourn at 8:20 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