

**PROVINCETOWN
CONSERVATION COMMISSION
TOWN HALL AUDITORIUM
January 20, 2015
6:30 P.M.**

Members Present: Dennis Minsky, Lynne Martin, David Hale, Barbara Prato and Mark Irving.

Members Absent: None.

Others Present: Austin Brandt (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

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

PUBLIC STATEMENTS:

None.

NEW BUSINESS:

Notice of Intent

Application by **Dean R. Madden**, represented by **William N. Rogers, II**, 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 scope of work will include the proposed construction of a dwelling, retaining walls and permeable driveway at the property located at **951R Commercial Street** in Provincetown.

Presentation: Attorney Lester J. Murphy, William N. Rogers, II, Paul Shea and Dean Madden appeared to present the application. Attorney Murphy stated that the applicant seeks to build a single-family residence. The property is located in the FEMA 'A' Zone, which is an area subject to coastal storm flowage and comes under the jurisdiction of the Commission. The application has been filed with Natural Heritage, which has made a finding that 'no take' would result from the project. The placement of the structure on the lot was dictated by the need to demonstrate that a septic system could be installed on the property. The applicant intends to hook up to the sewer system, but it has not been determined if this will be possible. If sewer hook-up were not available, the applicant would have to return to the Commission for a new filing for a septic system installation.

Mr. Shea stated that the property is an upland parcel. The coastal resource is to the south of the proposed development. The proposed project is outside the 100' buffer zone of the primary coastal dune. To the east and west are developed sites containing residential structures located within the coastal flood zone. The structure will be built according to current flood-compliant standards of the State Building Code. There are no performance standards associated with land subject to coastal storm flowage under the Commonwealth's Wetland Regulations. No isolated wetland resource areas were observed within the parcel. Mr. Rogers stated that the proposal includes a crawl space with flood vents. There is a carport located at the front of the house. A 12' wide driveway will be installed to the property, which abuts Cleveland Street. There is a section of the lot that will remain in its natural, permeable condition in order to absorb flood flows, a

situation that is not present on either abutting lot. Attorney Murphy reiterated that the project as designed will not alter the ability of the property to handle coastal storm flowage. The project does have a DEP file number assigned to it.

Public Comment: Steven Sola, an abutter, had questions about the project. There were 8 letters in opposition to the project and 4 letters with concerns about the project.

Commission Discussion: The Commission questioned Attorney Murphy, Mr. Shea, Mr. Rogers and Mr. Madden about the project. The Commission discussed vegetative mitigation for the project with Mr. Shea.

David Hale moved to approve Notice of Intent under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12 for work to include the proposed construction of a dwelling, retaining walls and permeable driveway at the property located at 951R Commercial Street with the Standard Order of Conditions and with the Special Conditions that there is no alteration of beach grass and current vegetation located south of the limit of work and that a landscaping plan showing native species for mitigation of disturbed areas around, and to the north of, the structure, subject to the approval of the Conservation Agent, is submitted, Dennis Minsky seconded and it was so voted, 5-0.

Request by **Demetri Daphnis** for a refund from the escrow account related to the Phragmites removal project at **67 Harry Kemp Way** in Provincetown. A letter from Mr. Daphnis was submitted to the Commission stating that he had completed two out of three stages of the Phragmites removal and requesting that a total of \$4,900 from an escrow account be refunded. He also stated that the third and final stage of the removal was to occur in September or October of 2015. Mr. Daphnis also submitted an invoice from EarthSpace, LLC showing two charges; one for \$2,200 and one for \$2,700 for the removal of Phragmites in October of 2011 and October of 2014, respectively. The Commission questioned Paul Shea, who at one time worked for Mr. Daphnis on the project. The Commission had no evidence of the removal and discussed how to proceed with the request. The Commission directed the Conservation Agent to find out more information about the issue, including who did the work, the scope of the work and when it was done.

MINUTES: December 16, 2014 – Dennis Minsky moved to approve the language as amended, David Hale seconded and it was so voted, 4-0.

January 6, 2015 – Dennis Minsky moved to approve the language as written, David Hale seconded and it was so voted, 5-0.

2015 Annual Report: The Commission reviewed and amended the 2014 Annual Report.

Rex McKinsey has requested the Commission help pay for diving services related to the documenting the hydraulic dredging activity off of Herring Cove Beach. He is requesting that the Commission pay the sum of \$500. The Commission briefly discussed the issue. The Commission decided to table the issue until the Work Session in February and, in the meantime, would like information about the budget.

Dennis asked if any of the Commissioners would like to attend the annual MACC conference.

Discussion of potential workshop items:

Ideas mentioned included crafting performance standards for the Commission’s MESA local By-Law. Dennis mentioned that Austin was working on that issue. Other ideas included formulating Department of Public Works’ protocols for work done in or near a resource area and the Commission’s budget.

David requested that Commissioners receive packets two weeks before meetings.

The Commission briefly discussed broadcasting Commission meetings on PTV.

ADJOURNMENT: *Barbara Prato moved to adjourn at 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2015
Dennis Minsky, Chair