

**PROVINCETOWN  
CONSERVATION COMMISSION  
CAUCUS HALL  
April 21, 2015  
6:30 P.M.**

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

**Members Absent:** Lynne Martin (excused).

**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.

**MINUTES: March 3, 2015 –** *Dennis Minsky moved to approve the language as written, Barbara Prato seconded and it was so voted, 4-0.*

**March 17, 2015 –** *Barbara Prato moved to approve the language as written, Dennis Minsky seconded and it was so voted, 4-0.*

**OLD BUSINESS:**

*Notice of Intent* (continued from March 3, 2015)

Application by **Ray Booth & John Shea**, represented by **William N. Rogers, II**, for a **Notice of Intent** under the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the proposed construction of a single-family dwelling at the property located at **33 Point Street** in Provincetown.

**Presentation:** William N. Rogers, II and Paul Shea appeared to discuss the application. The applicant had submitted a revised site plan, including an outline of the structure and the deck, per the Commission's request. Mr. Rogers indicated that there had been a slight reduction in the size of the deck. Mr. Shea said that he did an inventory of the vegetation in the area where the house and the deck will be constructed, counting the number and species of trees that would need to be removed, also per the request of the Commission. He noted that there were 33 maple trees, of diameters ranging from 2" to 9", on the property that would have to be removed, however there were also about 30 maple saplings that would remain after the house was constructed. He also informed the Commission that the project, as originally designed and presented, had received an approval from MESA.

**Commission Discussion:** Given that the 50' buffer zone was heavily vegetated, the Commission asked Mr. Shea if any more could be planted in that area in order to mitigate for the loss of trees and shrubs as a result of the proposed construction. He stated that there was no room for mitigation in the buffer zone. At its previous hearing on the matter, the Commission had discussed ways to protect the vegetation on the property, including reducing the size of the deck, and reiterated that it was particularly concerned about the amount of trees and shrubs that would

have to be removed during construction. The Commission also discussed the new site plan with Mr. Rogers. The Commission noted that there had not been a significant reduction in the size of the deck as had been discussed and requested of the applicant at the previous hearing. The Commission discussed imposing a Special Condition in its Order of Conditions regarding the size of the deck. Dennis suggested that the size of the deck be lessened by at least 80 sq. ft. off the west elevation in addition to the proposed reduced size as shown on the revised plan. The Commission decided to close the public hearing of the NOI, prepare conditions for the next meeting and vote on the project at that time.

***Dennis Minsky moved to close the public hearing of the NOI, Barbara Prato seconded and it was so voted, 4-0.***

Discussion of potential Conservation Commission comments on Comprehensive Permit “Project Eligibility/Site Approval” application to MassHousing by BPJC, LLC for the demolition of an existing vacant restaurant and the construction of a 24-unit condominium building, of which 6 units will be affordable, at the property located at **350 Bradford Street**. *No public comments will be taken on this agenda item.*

There were two members of the public present for the discussion of this topic.

***Dennis Minsky moved to allow the public to speak, Barbara Prato seconded.***

The Commission discussed the motion.

***The motion was defeated, 0-4.***

Dennis explained the Commission’s jurisdiction as it related to the project, which was to protect any resource areas that might be affected by the project. The resource in the area that has been identified is land subject to flooding. The Commission’s comments to MassHousing would be in regard to the interests of the Wetlands Act, primarily related to stormwater management and possible limitations to building elevation. The Commission briefly discussed the project.

***Dennis Minsky moved to direct the Conservation Agent to write a letter to MassHousing establishing the Commission’s jurisdiction in the area based on the 100-year flood zone and expressing the Commission’s concerns in regard to flood zone issues, including stormwater management, related to the proposed project, Barbara Prato seconded and it was so voted, 4-0.***

Request by **Demetri Daphnis** for refund from escrow account related to the Phragmites removal project at **67 Harry Kemp Way**: The Commission discussed Mr. Daphnis’ request to withdraw \$2700 from the escrow fund established for the property and a letter from Mr. Daphnis dated February 20, 2015. The Commission determined that the Phragmites removal that Mr. Daphnis has performed on the property, as confirmed in a letter from Paul Shea, represented about one-third of the work to be completed pursuant to the Order of Conditions for the property.

***Dennis Minsky moved to release \$2700 from the escrow account related to the Phragmites removal project at 67 Harry Kemp Way to Demetri Daphnis, Mark Irving seconded and it was so voted, 3-1 (Barbara Prato opposed).***

## **NEW BUSINESS:**

Confirmation of **Melville Coté** as a member of the **B-Street Garden Advisory Group**:

***Dennis Minsky moved to approve Melville Coté to become a member of the B-Street Garden Advisory Group, Mark Irving seconded and it was so voted, 4-0.***

Potential reimbursement to the Provincetown Public Pier Corp. for expenses incurred by diver's work related to hydraulic clamming activities:

***Dennis Minsky moved to reimburse the Provincetown Public Pier Corp. the sum of \$800 for diving services related to hydraulic clamming activity, Barbara Prato seconded and it was so voted, 4-0.***

The Commission discussed the issue and decided that in the future it would like to receive a request for funding prior to services being rendered.

Discussion of potential Conservation Commission comments on Chapter 91 Waterways License Application #W15-4398-N by **Cabral Enterprises, Inc.** for the property located at **Fishermen's Wharf, 9 Ryder Street Ext.:** The Commission was not prepared to comment on the subject. The Conservation Agent will send an electronic copy from Peter Markunas, the engineer on the project, to Commission members and the topic will be discussed at the Work Session on May 5, 2015.

**ANY OTHER BUSINESS:**

Amy Ball, of Horsley Witten, met with Dennis and Austin regarding the airport project. The proposed airport renovations will be coming to the Commission in phases.

Austin reported that the Town got a \$3000 grant to plant dune grass on a Town beach for the purposes of storm mitigation. An NOI will come before the Commission on May 5<sup>th</sup> for this project. The Town beach will be the Gosnold Street Town Landing and the private property located at 255-257 Commercial Street. The Commission discussed the topic.

Dennis said that there was a request from the B-Street Garden Advisory Group to add garden plots to the property because of the length of the waiting list. The Commission discussed the issue and would like to review the management plan for the Garden, as it may define the setbacks. Austin gave a brief update on the Garden.

***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