

**PROVINCETOWN
CONSERVATION COMMISSION
JUDGE WELSH ROOM
September 1, 2015
6:30 P.M.**

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

Members Absent: David Hale (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.

NEW BUSINESS:

Application by **Romaine Macomb**, represented by **Chester Lay**, of Slade Associates, and **Mark Kinnane**, of Cape Associates, 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 proposed addition to rear of dwelling, removal of an existing deck, and the construction of two smaller decks at the property located at **532 Commercial Street** in Provincetown.

Presentation: Mark Kinnane appeared to present the application. The applicant seeks to demolish a small addition in the rear of the structure and build a bigger one, but reduce the size of a deck and reduce the lot coverage. A new foundation to be installed will have flood gates. Austin explained that the property is located in the FEMA AE flood zone, an area subject to coastal storm zone flowage. It is protected under the Wetlands Protection Act but has no performance standards, therefore the Commission must make sure the project protects the interests of the Act. As a single family home, it is exempt from stormwater standards. Mr. Kinnane said that gutters that will empty into drywells will be put back on the structure. The project has a DEP file number.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Kinnane and discussed the project. *Barbara Prato moved to approve the Notice of Intent application of Romaine Macomb, represented by Chester Lay, of Slade Associates, and Mark Kinnane, of Cape Associates, under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40, and the Provincetown Wetlands By-Law, Chapter 12 for a proposed addition to the rear of the dwelling, removal of an existing deck, and the construction of two smaller decks at the property located at 532 Commercial Street with the Standard Order of Conditions and with the Special Condition that gutters draining into drywells for storm water flow will be installed, Dennis Minsky seconded and it was so voted, 4-0.*

Ratification of **Emergency Certification** issued for work related to public safety at the property located at **227R Commercial Street**, in Provincetown;

Austin reviewed the situation at the property. There was a request from the Fire Department to the owner of the property to remove vegetation immediately adjacent to the building for greater access in case of a fire and to remove a potential fire hazard. He issued an Emergency Certification that allowed the owner or the Town to do work to include the removal of vegetation as deemed necessary by the Fire Department and either to demolish or alter the building in order to make it safe. As far as he knows, the only work that has been done is the vegetation removal, the vegetation being primarily invasives. The Emergency Order does state that the party doing the work has to file an after the fact Notice of Intent within 30 days of doing the work. Not enough work has been done at the property to trigger an after the fact NOI. The Commission discussed the situation and concluded that if any further work was done that an after the fact NOI would need to be filed.

Barbara Prato moved to approve the Emergency Certification, issued on August 11, 2015 and expiring on September 11, 2015, for work related to public safety at the property located at 227R Commercial Street, Lynne Martin seconded and it was so voted, 4-0.

Discussion and decision on the allowance of dogs at the B-Street Community Garden:

Austin summarized the issue. It was brought to his attention by the Advisory Group that both gardeners and visitors to the Garden were bringing their dogs, some leashed, others not, to the site. Apparently dogs were observed urinating on garden plots and plants. The Advisory Group agreed that it was enough of a problem that no dogs should be allowed on the property. He said that there had been an unspoken rule that dogs entering the property should be leashed, although he did not know if it was included in the official rules for the Garden. Acting on behalf of the Commission, he sent out an email confirming that dogs were not allowed at the Garden and explained the issue. He subsequently received both negative and positive responses to his email. He then sent out a survey to gauge gardeners' opinions on the issue. About two-thirds of the gardeners responded and he had submitted a copy of the survey and its results, plus email responses he received, to the Commission. The Commission discussed the issue.

Lynne Martin moved to make a rule that dogs need to be on a leash at the B-Street Garden, Dennis Minsky seconded.

The Commission discussed the motion. Dennis suggested posting better, more official signage and holding garden orientations at the beginning of the growing season.

The motion was so voted, 4-0.

ANY OTHER BUSINESS:

Dennis spoke with the Steve Smith, a botanist with the Seashore, who said that he was monitoring the marsh at the moors and he was not sure what was causing the die-off at that location. Mr. Smith said that the Seashore could not do any corrective action until it had a cause for the problem. He thanked the Commission for its vigilance. The Commission briefly discussed the issue.

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

Paul Tasha called Dennis and said that he had walked the Mill Pond area, which is not within the Commission's jurisdiction, and he thinks it is worthy of a biological survey study.

Dennis raised the issue of Gordon Peabody's contention that the underburden from the George's Path project could be used on Town beaches. He asked Austin to look into the protocol for the process.

Dennis also asked Austin to post an Executive Session for the September 15th meeting to bring the Commission up to date on the hydraulic clamming issue.

Austin informed the Commission that the September 15th meeting would be his last, as he is leaving his position, having accepted a new one with Cape Light Compact. The Commission briefly discussed the issue

ADJOURNMENT: *Barbara Prato moved to adjourn at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2015

Dennis Minsky, Chair