

**PROVINCETOWN  
CONSERVATION COMMISSION  
JUDGE WELSH ROOM  
September 15, 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:**

**Consideration of application by Christopher Brooke to be an alternate member of the Conservation Commission:**

Chris Brooke appeared to discuss his application for a position as an alternate on the Commission. The Commission briefly questioned him. Dennis explained to Mr. Brooke that new applicants are usually educated before joining the Commission. He recommended that Mr. Brooke meet with Austin to review some documents to get a better idea of what the Commission does and how it operates. He invited Mr. Brooke to attend the Commission's meeting on either October 5<sup>th</sup> or October 20<sup>th</sup> to continue the discussion.

**Request by Coastal Engineering Co., Inc. on behalf of Delft Haven II Condominium Trust for an extension of Notice of Intent filing deadline mandated by the Enforcement Order dated 5/28/15:**

Austin reviewed the issue at the property which involved the moving of large quantities of sand in a resource area without permission. The sand was moved using a bobcat last spring. An Enforcement Order was issued at that time and the Condominium Trust was informed that it needed to stop the work and file a Notice of Intent by September. John Vasconcellos, a unit owner, requested an extension of the filing deadline to November 23<sup>rd</sup> for a hearing on the December 15<sup>th</sup>. The reason for the request is because the first engineering company that was first hired couldn't do the job, necessitating the engagement of another company, Coastal Engineering, to file for an extension and to subsequently file an NOI. The Commission received a letter from Coastal Engineering in this regard, which also stated that the restoration design, planting and implementation of the project would be conducted by Wilkinson Ecological Design. The NOI to be filed would describe the work that had been completed and asking permission to do further work in the resource area. The Commission briefly discussed the issue.

***Dennis Minsky moved to grant an extension of the filing deadline for a Notice of Intent mandated by an Enforcement Order dated 5/28/15 issued to the Delft Haven II Condominium Trust, represented by Coastal Engineering Co, Inc., until November 24, 2015, Mark Irving seconded.***

The Commission discussed the motion.

*Dennis Minsky moved to grant an extension of the filing deadline for a Notice of Intent mandated by the Enforcement Order dated 5/28/15 on the Delft Haven II Condominium Trust represented by Coastal Engineering until November 23, 2015, with the condition that no work be performed prior to the NOI filing, Mark Irving seconded and it was so voted, 4-0.*

**MINUTES: September 1, 2015 –** *Dennis Minsky moved to approve the language as written, Barbara Prato seconded and it was so voted, 4-0.*

**ANY OTHER BUSINESS:**

Austin has not had time to investigate Gordon Peabody’s idea to nourish the beaches with excavated sand from the George’s Path project.

There is no update on 31 Point Street. Austin will email Lyn Plummer and Paul Shea asking for reports that were due. Staff will have an update at the next meeting.

Barbara raised the issue of the job description for the Town’s Resource Manager, which includes the duties of Conservation Agent. Dennis said that he had spoken to the new Town Manager about the position. The Commission discussed the issue. The Commission had a concern about the position being part of the Department of Public Works. Dennis will contact the Town Manager and convey the unanimous concern of the Commission members about placing the position in the DPW and whether that decision could be re-evaluated. The Commission will take further action if the response is negative.

**Vote to enter into Executive Session pursuant to M.G.L. c. 30A, Section 21(a)(3) to discuss ongoing litigation with respect to hydraulic clamming activity:**

*At 7:00 P.M., Dennis Minsky moved to go into Executive Session pursuant to M.G.L. c. 30A, Section 21(a)(3) to discuss pending litigation with respect to hydraulic clamming activity specifically in the cases of Aqua King Fishery, LLC v. the Town of Provincetown Conservation Commission and the Town of Provincetown by and through its Conservation Commission and Harbormaster v. Patricio A. Palacios, David L. Kelley and Stephen F. Lozinak and the Town of Provincetown by and through its Conservation Commission and Harbormaster v. Stellwagen Bank Fisheries Corporation, and not to reconvene in Open Session, Barbara Prato seconded.*

**Roll call vote:**

Lynne Martin: Yes

Mark Irving: Yes

Barbara Prato: Yes

Dennis Minsky: Yes

*And it was so voted, 4-0.*

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2015

Dennis Minsky, Chair