

**PROVINCETOWN  
CONSERVATION COMMISSION  
JUDGE WELSH ROOM  
November 3, 2015  
6:30 P.M.**

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

**Members Absent:** Mark Irving (excused).

**Others Present:** David Gardner (Acting Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

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

**PUBLIC STATEMENTS:**

Derik Burgess appeared to discuss with the Commission whether his project at 506 Commercial Street, which is in the FEMA flood zone AE, should be filed as a Determination of Applicability or an Administrative Review. He explained that the project would involve the construction of a 10' by 12' addition on the building at the site and that no excavation or foundation work would occur. He has already filed an application for a RDA, scheduled to be heard at the next meeting on November 17<sup>th</sup>. The Commission discussed the issue with Mr. Burgess and advised that he follow through on the application as filed.

**OLD BUSINESS:**

**6-1-9-6 Meadow Road Condominium Order of Conditions: Planting plan review discussion:**

Leslie Starr, who is a Trustee of the Meadow Road Condominium, appeared to discuss the issue. She said that the work on the revetment had been completed and that the Commission had included in its Order of Conditions for that project that she develop a planting plan that included a three-year sustainability requirement for the vegetation. She asked the Commission if it wanted additional planting done in that area. The Commission discussed the issue and made suggestions for native plantings. It requested that Ms. Starr submit a plan showing the vegetation that was in the area before the work was begun and a detailed planting plan for the new landscaping. She responded that she had a planting plan from a landscape designer that will be submitted to the Commission.

**NEW BUSINESS:**

**Administrative Review**

Application by **David Wilson** for an Administrative Review for a residential addition to an existing single -family structure in a previously disturbed lawn/landscaped area within the NHESP Habitat Area and the Local By-Law at the property located at **30 Bayberry Avenue**, in Provincetown.

**Presentation:** William N. Rogers, II, Jeff Mulliken and David Wilson appeared to present the application. The applicant seeks to build two additions, including a screened-in and a covered porch, and a deck on a structure, and to remove a shed on the site. The additions will be located on the east and north side of the structure. The screened-in porch will be located on the west and the covered porch on the east side of the structure. The existing shed is located on the northwest side of the property.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Rogers, Mr. Mulliken and Mr. Wilson.

*Dennis Minsky moved to approve the request for a residential addition to be added to an existing single-family structure in a previously disturbed lawn/landscaped area within the NHESP Habitat Area and subject to the Local By-Law at the property located at 30 Bayberry Avenue with the standard order of conditions and with the condition that the applicant submit an approved planting plan of native species for the area where the shed will be removed, Lynne Martin seconded and it was so voted, 4-0.*

### Administrative Review

Application by **Chris Lucy** on behalf of **Eric and Elena Ende**, to remove a tree from the front yard and four to five *Alianthus* trees from the rear yard on land subject to the Wetlands Protection Act, M.G.L., c. 131, s. 40 located at **457 Commercial Street** in Provincetown. The Commission briefly reviewed the application, questioning the location of the trees listed in the application and whether they were on the applicant's or an abutting property. *Dennis Minsky moved to continue the application to the November 17, 2015 Public Meeting at 6:30 P.M., David Hale seconded and it was so voted, 4-0.*

### Notice of Intent

Application by the **Town of Provincetown** represented by **Richard Waldo, Public Works Director**, 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 project improvements at the historic Winthrop Street Cemetery, including establishing a uniform walking path network and installing signage, markers, benches, fencing and restoration plantings at the property located at **43 Winthrop Street** in Provincetown.

**Presentation:** Richard Waldo, Michelle Jarusiewicz, Ray Dunetz and Brian Madden presented the application. The Town proposes work activity within Land Subject to Coastal Storm Flowage and a Priority Habitat of Rare Species/Estimated Habitat of Rare Wildlife. Two Isolated Vegetated Wetlands occur off-site within 100' of the project site. The proposed improvements to the Cemetery include establishing a formal walking path network and installing interpretive signage/markers, benches, fencing and restoration plantings.

A 6' wide stone dust path is proposed to extend northwesterly from the Winthrop Street entrance to the north entrance. An ADA-compliant path will be installed on the flat surface portion of the walkway network. Fencing at the Winthrop Street entrance will be minimally adjusted by relocating three granite posts and an existing entrance sign.

A formal 4' wide path will be created to loop around the cemetery, including a spur to access the Mayflower Memorial. Existing soil material will largely remain in place and existing vegetation within the corridor will be removed by hand when necessary. Minor field adjustments will be made to avoid headstones. 6" high directional wood markers will be installed along the 4' wide trail.

A 4' wide fence opening will be created on the Court Street side of the Cemetery to access the existing wooden steps. Two new granite posts will be installed at the entrance and overhanging vegetation will be pruned as needed.

Revegetation of denuded areas will take place with native, drought-resistant species, including little bluestem, Pennsylvania sedge, American beach grass, bearberry, sweet fern and trailing arbutus. Topsoil taken from the creation of the trail may be spread out on the denuded areas. Open exposed areas within the grassland will be reseeded with lawn grasses. Snow fencing will be installed throughout to deter human traffic and protect the restoration areas. The DPW would utilize Americorps volunteers to manage invasives, potentially with herbicides, however a formal plan will be submitted to the Commission for review and approval prior to use. Based upon a review by MESA, the project will not result in a 'take' of state-listed rare species. The DEP file

no. is SE058-0538.

**Public Comment:** Tom Myers and Joe Castro, abutters, had questions and concerns about the project.

**Commission Discussion:** The Commission questioned Mr. Waldo, Mr. Madden and Mr. Dunetz. The applicant agreed to stake the site before the contractor arrives.

*Barbara Prato moved to grant Town of Provincetown represented by Richard Waldo, Public Works Director, 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 for work to include proposed project improvements at the historic Winthrop Street Cemetery, including establishing a uniform walking path network and installing signage, markers, benches, fencing and restoration plantings at the property located at 43 Winthrop Street with the Standard Order of Conditions and with the Special Condition that an invasive species management plan be submitted, Lynne Martin seconded and it was so voted, 4-0.*

### **CONSERVATION AGENT REPORT:**

An Administrative Review approval was issued on 10-29-15 for 315-319 Commercial Street for a roof replacement.

The construction of a cottage replacement is scheduled to begin at 401½ Commercial Street under an Order of Conditions and a DEP file number of SE58-0507.

**Discussion of Permit Review Threshold and Application Guidelines:** David handed out a sheet showing permit review thresholds and application guidelines for the Commission's review. The issue will be put on the agenda for the meeting on November 17, 2015.

### **ANY OTHER BUSINESS:**

The Commission briefly discussed the proposed 2016 meeting schedule. *David Hale moved to approve the proposed 2016 meeting schedule with the meetings scheduled for 8/16/16 and 11/1/16 stricken, Dennis Minsky seconded and it was so voted, 4-0.*

**MINUTES:** October 20, 2015 – *Dennis Minsky moved to approve the language as written, David Hale seconded and it was so voted, 4-0.*

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

Respectfully submitted,

Ellen C. Battaglini

Approved by

Dennis Minsky, Chair



on 11/17, 2015