



Conservation Commission

Public Meeting Agenda **UPDATED**

June 20, 2017

The Provincetown Conservation Commission will hold an Executive Session at 5:30 pm, followed by a Staff Update session at 6:00 pm, followed by Public Hearings, which will be held beginning at 6:30 pm on **Tuesday, June 20, 2017 in the Judge Welsh Hearing Room**, Town Hall, 260 Commercial Street, Provincetown, MA.

1) **Executive Session** 5:30

Executive session pursuant to G.L. c. 30A, §21(a)(3), to discuss litigation strategy in the following matters: Aqua King Fishery, LLC v. Conservation Commission, Barnstable Superior Court, C.A. No. 2015-00064; Conservation Commission v. Stellwagen Bank Fisheries Corp., Barnstable Superior Court, C.A. No. 2015-00387; Conservation Commission v. Patricio Palacios, Barnstable Superior Court, C.A. No. 2015-00386; and (ii) the Request for Superseding Determination of Applicability filed with the Massachusetts Dept. of Environmental Protection by David Kelley regarding commercial fishing operations for surf clams utilizing hydraulic fishing gear off Herring Cove; if discussing the matters in open session will have a detrimental effect on the Town's litigating position and the chair so declares.

2) **Staff Update** 6:00 p.m.

Public update regarding the status of (i) the litigation of the following cases: Aqua King Fishery, LLC v. Conservation Commission, Barnstable Superior Court, C.A. No. 2015-00064; Conservation Commission v. Stellwagen Bank Fisheries Corp., Barnstable Superior Court, C.A. No. 2015-00387; Conservation Commission v. Patricio Palacios, Barnstable Superior Court, C.A. No. 2015-00386; and (ii) the Request for Superseding Determination of Applicability filed with the Massachusetts Dept. of Environmental Protection by David Kelley regarding commercial fishing operations for surf clams utilizing hydraulic fishing gear off Herring Cove.

3) **Public Comments** on any item not on the agenda below

4) **Public Hearings** 6:30 p.m.

a) CON-17-171 **Shank Painter Pond Wildlife Sanctuary, 185 Route 6**

Administrative Review Application by Cody J. Salisbury, Provincetown Water Superintendent, pursuant to the Provincetown General Bylaws Chapter 12, Wetland Protection Bylaw for the installation of an 8"x2" tap on a water main to facilitate flushing of water main. Work to take place within NHESP Estimated and Priority Habitat and Buffer Zone to Isolated Vegetated Wetland.

b) CON-17-129 **76 R Bayberry Avenue** (*continued from the meeting of June 6, 2017*)

Notice of Intent by Christopher Wise pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and Provincetown General Bylaws Chapter 12, Wetland Protection Bylaw to dig trenches in roadways and campsites to bring electric, water and sewer connections to 183 campsites. Work to take place within NHESP Estimated and Priority Habitat, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to Bordering Vegetated Wetland.

- c) **CON-17-166 24 Pilgrim Heights Road**
Request for Determination of Applicability filed by Frank Mockler and Stephen Griffin, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the construction of a one-story addition to the existing residence within an existing brick patio. Work to take place within NHESP Estimated and Priority Habitat, and the 100-foot Buffer Zone to an Isolated Vegetated Wetland.
 - d) **CON-17-167 57 Pleasant Street**
Request for Determination of Applicability filed by Michael Metivier and Kevin Luczkow, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s.40) and the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the replacement and expansion of an existing wooden deck. Work to take place within NHESP Estimated and Priority Habitat, Bordering Land Subject to Flooding, and the 100-foot Buffer Zone to a Bordering Vegetated Wetland.
- 5) **Approval of Minutes of June 6, 2017**
 - 6) **Information**
Administrative Review Applications Approved by Agent:
 - a) **CON-17-170 379 R Commercial Street** –replacement of wooden posts supporting second floor deck and installation of sonotubes.
 - 7) **Any other business that shall properly come before the Commission**

Dennis Minsky, Chair

Posted by the Acting Town Clerk: www.provincetown-ma.gov , 6/15/17 3:05 pm dv

REVISED: 6/16/17 11:45 am dv