



Conservation Commission

Public Meeting Agenda

July 18, 2017

The Provincetown Conservation Commission will hold an Executive Session at 6:00 pm, followed by a Work session at 6:15 pm, followed by Public Hearings, which will be held beginning at 6:30 pm on **Tuesday, July 18, 2017 in the Judge Welsh Hearing Room**, Town Hall, 260 Commercial Street, Provincetown, MA.

1) **Executive Session** 6:00 p.m.

Executive session pursuant to G.L. c. 30A, §21(a)(3), to discuss litigation strategy in the following matters:

- (i) 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) **Work Session:** 6:15 p.m.

- a) Update on B Street Garden activities
- b) Approval of Sharon Bunn as member of B Street Garden Advisory Group

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

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

a) CON-17-129 **76 R Bayberry Avenue** *(continued from the meeting of June 20, 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.

b) CON-17-163 **74R and 76R Bayberry Avenue** *(continued from the meeting of June 6, 2017)*

Notice of Intent filed by Coastal Acres Properties, LLC, 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 a seasonal leaf collection management plan for the campground area. 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-18-001 **17 Point Street**

Local Bylaw Filing by Louis L. Lima, et al., pursuant to the Provincetown General Bylaws Chapter 12, Wetlands Protection Bylaw, for the installation of proposed septic system, proposed retaining wall,

proposed building, proposed stone walls with appurtenances. Work to take place within NHESP Estimated and Priority Habitat.

d) **CON-18-002 58-60 Bradford Street**

Notice of Intent filed by Meili, LLC, 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 elevating and renovating existing structures on FEMA compliant foundations and associated site improvements. Work to take place within Bordering Land Subject to Flooding or Land Subject to Coastal Storm Flowage.

e) **CON-18-003 94 Harry Kemp Way**

Notice of Intent filed by Heal, Inc., 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 removal of portions of gravel parking areas to be replaced with mitigation plantings and the installation of bike rack, walkways, handicap parking, and related site improvements. Work to take place within NHESP Estimated and Priority Habitat and the 100-foot Buffer Zone to Bordering Vegetated Wetland.

5) **Emergency Certification**

a) **CON-17-172 315-A-319 Commercial Street (Lopes Square)**

Ratification of Emergency Certification issued to Luco Realty, Inc., dated June 26, 2017, for the demolition of structures damaged by fire within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to Coastal Beach.

6) **Request for Certificate of Compliance**

a) **CON-17-155 321 Commercial Street**

Request for Certificate of Compliance filed by 321 Commercial Street LLC for the Order of Conditions (DEP File No. SE 058-05), dated June 7, 2017, to permit a crawlspace, beneath the flooring of the existing building to accommodate future utility inspections/work.

7) **Approval of Minutes of June 20, 2017**

8) **Information**

a) Administrative Review Applications Approved by Agent:

- (1) **CON-18-004 179 Commercial Street** – replacement of gate in alley, replacement of privacy fence, removal of chain-link fence and removal of tree embedded in chain link fence.

b) Superseding Amended Order of Conditions:

- (1) **101 Commercial Street** – Issuance by Department of Environmental Protection of Superseding Amended Order of Conditions, affirming Conservation Commission's approval of the construction of 14-inch-high landscape retaining wall within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to Coastal Beach.

9) **Any other business that shall properly come before the Commission**

Dennis Minsky, Chair

Posted by the Town Clerk: www.provincetown-ma.gov, 7/13/17 4:10 pm dv