

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
January 16, 2018
6:15 P.M.

Members Present: Alfred Famiglietti, Nathaniel Mayo, Kiah Coble and Gregory Howe.

Members Absent: Robert Brock (excused).

Others Present: Tim Famulare, Conservation Agent and Ellen C. Battaglini, Permit Coordinator.

Vice Chair Alfred Famiglietti called the Public Hearing to order at 6:15 P.M.

1) **Work Session:**

a) Election of Chair and Vice Chair: *Nathaniel Mayo moved to nominate Alfred Famiglietti for Chair, Gregory Howe seconded and it was so voted, 4-0.*

Alfred Famiglietti moved to nominate Nathaniel Mayo for Vice Chair, Gregory Howe seconded and it was so voted, 4-0.

b) Review Determination of Applicability form (WPA Form 2): Tim Famulare reviewed the form.

Chair Alfred Famiglietti adjourned the Work Session and called the Public Hearing to order at 6:30 P.M.

2) **Public Comments:**

None.

3) **Public Hearings:**

a) **CON-18-053 16 Pilgrim Heights Road**

Request for a **Determination of Applicability** filed by **Ted Smith Architect, LLC**, on behalf of **Matthew W. Patsky**, pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws Chapter 12, Wetlands Protection By-Law, to cut into the roof of an existing structure to install new decks, dormer a portion of the roof and construct a bulkhead to the basement. Work to take place within a Buffer Zone to a Bordering Vegetated Wetland.

Presentation: Ted Smith, representing Mr. Patsky, appeared to present the application. He reviewed the project which includes cutting into the roof of an existing structure on the east and west elevations to construct new decks and to install a dormer in the center portion of the roof. In addition, a new bulkhead to the basement will be constructed on the east elevation. The driveway will serve as a staging area for material and debris.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Smith. Mr. Famulare recommended a Negative #3 Determination subject to draft conditions, which he reviewed.

Nathaniel Mayo moved to grant a Negative #3 Determination to CON-18-053, 21 Pilgrim Heights Road, pursuant to the Massachusetts Wetland Protection Act (M.G.L. c. 131, s. 40) and

the Provincetown General By-Laws Chapter 12, Wetlands Protection By-Law, to cut into the roof of an existing structure to install new decks, dormer a portion of the roof and construct a bulkhead to the basement with the conditions as offered by staff, Kiah Coble seconded and it was so voted, 4-0.

b) **CON-18-054 16 Holway Avenue**

Notice of Intent by **Safe Harbor**, on behalf of **Susan M. Harrison** and **Leslie A. Brock** pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law to demolish one of two existing structures and construct two one-bedroom cottages with decks. Work to take place within Land Subject to Flooding and Land Subject to Coastal Storm Flowage.

Presentation: Gordon Peabody and Christina Smith, of Safe Harbor, appeared to present the application. Mr. Peabody reviewed the project and the vegetation on the site. He reviewed the Safe Harbor Environmental Management Plan for the project. The contractor, Kevin Bazarian, has agreed to follow Safe Harbor's deconstruction protocol in the removal of structures and he reviewed that protocol. The project involves demolishing one structure and leaving two others untouched and the construction of two one-bedroom cottages with deck. No changes in elevation will be made. A future garage as indicated on the site plan will not be erected at this time. Ms. Smith reviewed the proposed native vegetation to be planted on the site.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Peabody and Ms. Smith. Mr. Famulare clarified the distinction between the designation of 'land subject to flooding' and 'land subject to coastal storm flowage' and reviewed the draft conditions for the site.

Nathaniel Mayo moved to approve the Notice of Intent for 16 Holway Avenue, CON-18-054, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law to demolish one of two existing structures and construct two one-bedroom cottages with decks subject to the Order of Conditions recommended by staff, Kiah Coble seconded and it was so voted, 4-0.

4) **Conservation Agent Update:**

a) **CON-18-009 99 Commercial Street** – Department of Environmental Protection's Superseding Positive Determination of Applicability, dated December 19, 2017. Mr. Famulare reviewed the history of the project and reviewed the DEP's superseding orders indicating that the applicant would have to file a Notice of Intent with the Commission.

5) **Approval of Minutes of December 19, 2017:**

December 19, 2017: *Nathaniel Mayo moved to approve the language as written, Gregory Howe seconded and it was so voted, 3-0-1 (Alfred Famiglietti abstaining).*

6) **Any other business that shall properly come before the Commission:** None.

ADJOURNMENT: *Nathaniel Mayo moved to adjourn the Public Hearing at 7:15 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2018
Kiah Coble, Acting Chair