

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
June 5, 2018
6:30 P.M.

Members Present: Alfred Famiglietti, Kiah Coble and Joseph Cooper.

Members Absent: Nathaniel Mayo (excused) and Robert Brock (excused).

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

Chair Alfred Famiglietti called the Public Hearing to order at 6:34 P.M.

1) **Public Comments:**

None.

2) **Public Hearings:**

a) CON-18-084 **1 High Pole Hill Road** (*continued from the meeting of May 15th; to be continued to the meeting of June 19th*)

Notice of Intent filed by the **Cape Cod Pilgrim Memorial Association** pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law for the construction of a proposed funicular (inclined elevator) and associated site improvements. Work to take place within Land Subject to Coastal Storm Flowage. There was a request from Coastal Engineering to postpone this application to the June 19, 2018 Public Hearing.

Kiah Coble moved to grant the request to postpone to the Public Hearing of June 19, 2018 at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 3-0.

b) CON-18-090 **242 Commercial Street**

Request for **Determination of Applicability** filed by Timothy Barry, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, for the removal/abandonment of existing sewage disposal system and construction of connection to sewer service. Work to take place within Land Subject to Coastal Storm Flowage.

Presentation: Stacy Kanega, of Coastal Engineering, and Tim Barry appeared to present the application. Ms. Kanega reviewed the project, which involves the removal or abandonment of existing cesspool(s) and the installation of a gravity sewer service pipe to connect to the existing 101 Bradford Street sewer service along Bradford Street. Approximately 74 linear feet of pipe will be installed as part of the project and the finished grades will be restored to the existing conditions grades. The disturbed portions of the site are proposed to be restored to the existing conditions following the sewer service installation. The project proposal will reduce the potential for adverse impacts to the resource area during construction and post-construction measures will be implemented to stabilize any disturbed areas. Erosion and sedimentation control mechanisms will be implemented prior to the start of construction and will be maintained until final stabilization of the site. Equipment and material staging will be in the north yard.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Kanega. Mr. Famulare reviewed his draft conditions and suggested a Negative #2 Determination. The conditions are the standard ones, with the addition of #10 and #11, which he noted.

Joseph Cooper made a motion to grant a Negative #2 Determination to CON-18-090, pursuant to the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown General By-Laws, Chapter 12, Wetlands Protection By-Law, for the removal/abandonment of existing sewage disposal system and construction of connection to sewer service at the property located at 242 Commercial Street, with the draft conditions as proposed by the Conservation Agent, Alfred Famiglietti seconded and it was so voted, 3-0.

c) CON-18-087 **453 Commercial Street**

Notice of Intent filed by the **Andrew P. Selwyn Irrevocable Trust**, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law for the repair of a concrete seawall. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach and a Buffer Zone to a Coastal Beach.

Presentation: Tim Brady, of East Cape Engineering, Inc., appeared to present the application. He reviewed the project, which involves the repair of a cracked seawall. He said that all work would be done by hand with hand tools. It may be necessary to use electric tools, such as a hammer drill and any dust from these tools will be controlled with water. No excavation will occur. A stairway is located approximately 12” from the top of the wall. This section of wall will be filled in to match the adjacent wall in order to provide better flood protection. The stairway will be reconstructed in the same location and high enough to cross the new wall height.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Brady. The Commission recommended that the stairway be designed and reconstructed so as to be removable and, in addition, that the stairway be removed before coastal storms. Mr. Famulare reviewed his draft conditions, including special conditions #8, and #10-15.

Kiah Coble moved to approve the Notice of Intent, CON-18-087, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law for the repair of a concrete seawall at the property located at 453 Commercial Street, with the draft conditions as amended, Joseph Cooper seconded and it was so voted, 3-0.

d) CON-18-088 **153 Commercial Street**

Notice of Intent filed by the **153 Commercial-6, LLC**, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law for the construction of a vinyl bulkhead to replace an existing timber retaining wall and reconstruction of access stairways and a lower deck. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach and a Buffer Zone to a Coastal Beach. Chair Alfred Famiglietti said that when this case is presented, he would recuse himself because he is an abutter. He said that there was a request by the applicant to postpone the matter to the Public Hearing of June 19, 2018. **Kiah Coble moved to grant the request to postpone CON-18-088 to the June 19, 2018 Public Hearing at 6:30 P.M., Joseph Cooper seconded and it was so voted, 3-0.**

e) **CON-18-089 151A Commercial Street**

Notice of Intent filed by the **Joseph Smith and Scott A. Popkowski**, pursuant to Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law for the construction of a vinyl bulkhead to replace an existing timber retaining wall and the reconstruction of access stairways and a walkway. Work to take place within Land Subject to Coastal Storm Flowage, a Coastal Beach and a Buffer Zone to a Coastal Beach. Alfred Famiglietti said that when this case is presented, he would recuse himself because he is an abutter. He said that there was a request by the applicant to postpone to the Public Hearing of June 19, 2018. *Joseph Cooper moved to grant the request to postpone CON-18-089 to the June 19, 2018 Public Hearing at 6:30 P.M., Kiah Coble seconded and it was so voted, 3-0.*

3) **Conservation Agent Update**

a) **CON-17-129 76R Bayberry Ave.** – Coastal Acres utility installation update. Mr. Famulare reviewed the project for those who were not on the Commission when it was first approved. The project was briefly discussed.

b) **Grant applications:** Mr. Famulare briefly explained the green community designation that the Town had been awarded involved. He noted that a greenhouse gas survey had been done on all Town buildings and vehicles for their electrical and fuel use and that the data got submitted on an annual basis. The Town has designated certain zones for solar installations, such as the transfer station. He said that Town's vehicle inventory is tracked and the Town agrees to buy cars with the best fuel efficiency. The reporting has been brought up to date by Mr. Famulare, as it had not been reported in the last couple of years. He said that that the Town applied for a competitive grant for the boiler to be replaced at the Fire Station. The Town was awarded funding to assist in the replacement of the boiler and other efficiency innovations at the Fire Station in order to promote less fuel consumption. The Town is collaborating with 3 other Outer Cape towns to promote roof-top solar installations for businesses. He said that this group had developed a marketing policy to get businesses involved in order to obtain installation discounts from solar panel installers. The Town has managed to obtain the highest level of discounts. The Commission briefly discussed the issue. Mr. Faulare said that the community center will be getting solar panels, as well as the Town's treatment plant in Truro. He said another grant that the Town has applied for was a municipal preparedness program for hazard mitigation plans to be developed and to engage the community and develop a prioritized work action plan. This process requires public forums to be held. Lastly, a coastal zone resilience grant has been applied for to help close storm inundation pathways in Town.

3) **Approval of Minutes of May 1 and May 15, 2018:**

May 1, 2018: *Joseph Cooper moved to approve the minutes as amended, Kiah Coble seconded and it was so voted, 3-0.*

May 15, 2018: *Joseph Cooper moved to approve the minutes as amended, Kiah Coble seconded and it was so voted, 3-0.*

4) **Information:**

Administrative Review applications approved by the Agent: Mr. Famulare reviewed the matters.

- a) CON-18-091 **7 Commercial Street, Units 7-8** – Repair damaged patio.
- b) CON-18-092 **963 Commercial Street, Unit 24** – Deck replacement.

5) **Any other business that shall properly come before the Commission:** Chair Alfred Famiglietti noted that he had attended an Open Meeting Law forum. He said that the regulations were changed in October of 2016. Mr. Famulare suggested scheduling a work session to discuss the changes.

ADJOURNMENT: *Joseph Cooper moved to adjourn the Public Hearing at 7:30 P.M. and it was so voted unanimously.*

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2018
Alfred Famiglietti, Chair