

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
August 7, 2018
6:30 P.M.

Members Present: Alfred Famiglietti, Joseph Cooper and Carolyn Clough.

Members Absent: Nathaniel Mayo (excused), Kiah Coble (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-18-088 **153 Commercial Street** (*continued from the meeting of July 17, 2018*)
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. There was a request from the applicant to continue to the meeting of August 21, 2018.
Joseph Cooper moved to grant the request to continue CON-18-088 until the August 21, 2018 Public Hearing at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 3-0.

b) CON-18-089 **151A Commercial Street** (*continued from the meeting of July 17, 2018*)
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. There was a request from the applicant to continue to the meeting of August 21, 2018.
Joseph Cooper moved to grant the request to continue CON-18-089 until the August 21, 2018 Public Hearing at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 3-0.

c) CON-19-006 **106 Bradford Street (Bas Relief Park)**
Notice of Intent application by **Ray Dunetz Landscape Architecture**, on behalf of the **Town of Provincetown** 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 landscaping and site improvements, including Bas Relief restoration. Work to take place within Land Subject to Coastal Storm Flowage. There was a request from the applicant to postpone to the meeting of August 21, 2018. Mr. Famulare informed the Commission that the applicant was requesting a

postponement in order to implement the Tree Warden's suggestions regarding the proposed vegetation.

Carolyn Clough moved to grant the request to postpone CON-19-006 until the August 21, 2018 Public Hearing at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 3-0.

d) CON-19-007 **381-383 Commercial Street**

Notice of Intent filed by the **Bull Ring Condominium 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 proposed pile addition for structural support of a building and deck. Work to take place within a Coastal Beach and Land Subject to Coastal Storm Flowage.

Presentation: Catherine Ricks, of Coastal Engineering, appeared to present the application. She reviewed the project, which is necessary because of the consistent inundation by salt water that has caused deterioration of the timber piles supporting the deck structure. Many of the piles have been reduced in diameter and risk failure. And many have completely deteriorated just beneath the sand and are not supporting the deck. The project involves upgrading the existing support system by installing new piles, replacing and sistering existing grade beams and replacing hangers. The proposed new piles are helical and encased in concrete. Existing grade beams will be sistered or replaced with new drop beams. All access will be from Town Landing #1.

Public Comment: Ronnie Szeszler and Chuck Whelan, both abutters, had concerns about the impact of the project, given its close proximity to the project, on their property directly to the east of the structure and how access to the site is proposed.

Commission Discussion: The Commission questioned Ms. Ricks. Based upon the concerns of the abutters, Ms. Ricks reviewed the pre-construction and construction protocols, for the project as well as access issues. She said that she would furnish Ms. Szeszler with plans and a timetable when it was known. She agreed to re-draw the limit of work on the east elevation to address a concern of Ms. Szeszler's and agreed that sand would be restored to pre-construction heights, and replenished in kind. In addition, she noted that the exact location of the farthest pile to the north had not yet been determined as to whether it would be installed outside or inside the structure and, based upon the concern of the abutters, would inform them as soon as it was known. Mr. Famulare reviewed draft conditions. Ken Okun, a Trustee of the applicant condominium association, joined the discussion and reassured the abutters as to his willingness to work throughout the construction period with them to address their concerns. Mr. Famulare said that the project had yet to have a DEP file number assigned.

Joseph Cooper moved to continue CON-19-007 until the August 21, 2018 Public Hearing at 6:30 P.M., Carolyn Clough seconded and it was so voted, 3-0.

e) CON-19-008 **90 Race Point Road (Transfer Station)**

Local By-Law Filing application by **Eversource Energy** pursuant to the Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law to conduct subsurface environmental and geotechnical investigation borings. Work to take place within NHESP Estimated and Priority Habitat.

Presentation: Colin Duncan, of TRC, an engineering, environmental consulting and construction firm, and Mike Zylich and Bob Smith, both of Eversource, appeared to present the application. Mr. Duncan reviewed the project, which involves performing subsurface environmental and geotechnical investigations for determining soil conditions in consideration of an energy storage

and reliability project. Five borings will be drilled at the site and will be performed using an ATV-mounted rig and the boring area will be reached from the transfer station access road. The rig will navigate around trees to the greatest degree possible, however several trees may be removed for adequate access. Most of the soil will be returned to the boring holes and the work will be performed during August of 2018. Aside from the removal of several trees, no permanent impacts are proposed. An information request had been submitted to NHESP requesting specific species information and, as a result, two species have been identified; the Eastern spadefoot toad and the box turtle. Sweeps of the area will occur before the boring commences and during the boring process and other measures to avoid impacts on these species will be developed in consultation with NHESP and the Commission.

Public Comment: None.

Commission Discussion: The Commission questioned Messrs. Duncan, Zylich and Smith. The Commission was concerned about the removal of trees and what kind of mitigation the applicant would propose. Mr. Famulare suggested the replacement of any understory vegetation that was removed as well. He will revise the draft conditions based upon the Commission's concerns regarding the tree removal and require that the access route for the machinery to be laid out, prior to the pre-construction meeting, in such a way as to minimize it. As a post-construction condition, he also suggested that if Eversource decided not to use the site after performing the borings that a planting plan for damaged or removed vegetation plan be submitted within a year of the completion of the work. He reviewed the other draft conditions.

Joseph Cooper moved to approve the Local By-Law Filing application, CON-19-008, pursuant to the Provincetown General By-Laws, Chapter 12, Wetland Protection By-Law to conduct subsurface environmental and geotechnical investigation borings at the property located at 90 Race Point Road with revised conditions as discussed, Carolyn Clough seconded and it was so voted, 3-0.

3) **Request for Certificate of Compliance:** Mr. Famulare reviewed the Order of Conditions for the projects. Gordon Peabody reviewed Safe Harbor's work on the projects.

a) **CON-19-005 5-7 George's Path**

Joseph Cooper moved to approve a Certificate of Compliance for CON-19-005, except for condition #13, Alfred Famiglietti seconded and it was so voted, 3-0.

b) **CON-19-009 29 Point Street**

Joseph Cooper moved to approve a Certificate of Compliance for CON-19-009, Carolyn Clough seconded and it was so voted, 3-0.

5) **Conservation Agent Update:** Mr. Famulare reviewed the Green Communities grant to purchase a new, more efficient dual fuel boiler for the Fire Station, and for other water and electricity upgrades. The Town has also received utility incentives from Cape Light Compact and he has closed out a grant for a new boiler at the old Library building on Commercial and Freeman Streets. In addition, he reviewed a Coastal Resilience grant for \$150,000 from the Office of Coastal Zone Management that was received for a dune enhancement project to mitigate flooding at the Gosnold and Ryder Street beaches.

6) **Approval of Minutes of July 17, 2018:**

Alfred Famiglietti moved to approve the minutes as written, Joseph Cooper seconded and it was so voted, 3-0.

6) **Information:**

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

- a) CON-19-004 75 Province Lands Road – removal of dead cedar tree

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

ADJOURNMENT: *Joseph Cooper moved to adjourn the Public Hearing at 8:02 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
Alfred Famiglietti, Chair