

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
August 21, 2018
6:30 P.M.

Members Present: Alfred Famiglietti, Robert Brock and Carolyn Clough.

Members Absent: Nathaniel Mayo (excused), Kiah Coble (excused) and Joseph Cooper (excused).

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

Chair Alfred Famiglietti called the Public Hearing to order at 6:36 P.M. He reminded those present that the purview of the Commission was the state Wetlands Protect Act and the Town's Wetlands regulation, Chapter 12.

1) **Public Comments:**

None.

2) **Public Hearings:**

a) **CON-19-010 3, 4, and 8 Harbor Hill Road and 37 Bradford Street Extension Request for a Determination of Applicability** filed by the **Provincetown Year-Round Market Rate Housing 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 to connect existing buildings to the Town sewer collection system. Work to take place within a Buffer Zone to a Bordering Vegetated Wetland.

Presentation: Tara Nye Lewis, senior coastal ecologist with the Horsley Witten Group, appeared to present the application. She said that the Town of Provincetown has begun the process of purchasing this property for the purpose of constructing affordable residential dwelling units. She noted that the wastewater on the site is currently being managed by septic systems that were installed in 1988. During an inspection this year made on behalf of the Town, it was discovered that all of the systems have more complications than typical on-site septic systems due to depth below grade, topography and proximity to wetland resource areas. The systems associated with two of the four buildings on the property are no longer in compliance with the Provincetown local by-laws. Consequently, the proposed change in use of the site from timeshare units to affordable housing may increase the wastewater flow to the systems. A risk is that wastewater contained may breakout into the wetland area due to the steep slopes on the property. The work proposed would preemptively safeguard the adjacent wetlands against potential failure of the system because of this potential increased use. She said that a connection to the Town sewer system as opposed to an upgrade of the existing systems would be the more favorable long-term solution to managing wastewater. The old septic systems will be abandoned and filled. A back-up septic system will be on site in case of an emergency. Portions of the proposed work are located within the 100-foot buffer zone to vegetated wetlands. The project will include erosion and sedimentation control to be installed prior to the start. Siltation socks or straw wattles will be placed along the limit of work. Erosion control barriers will remain in place and will be maintained in good condition until all work is complete and all soils have been stabilized. No

structures are being proposed within 80 feet of the vegetated wetland. Erosion control measures will also be installed around the perimeter of the bio-retention areas during site activity. Prompt soil stabilization will be practiced to control erosion in area where disturbances cannot be avoided during construction activity. Temporary seeding or other soil stabilization measures will be provided where construction has ceased on the site. When the site's final grade has been established, the area will be seeded with a native seed mix.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Lewis. The Commission requested that an additional construction condition be added to state that if any mature tree removal has to take place that each tree removed would be replaced with a new tree of a native species to be approved by the Conservation Agent. Mr. Famulare recommended that the letter, dated August 21, 2018, from Horsley Witten Group also be incorporated into the draft conditions. He also recommended a Negative #3 Determination of Applicability and reviewed his draft conditions.

Robert Brock moved to grant a Negative #3 Determination for CON-19-010, 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 connect existing buildings located at 3, 4 and 8 Harbor Hill Road and 37 Bradford Street Extension to the Town sewer collection system with the draft conditions as revised, Carolyn Clough seconded and it was so voted, 3-0.

b) CON-19-006 **106 Bradford Street (Bas Relief Park)** (continued from the meeting of August 7, 2018)

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.

Presentation: Ray Dunetz, via telephone, and Jay Norton, of Coastal Engineering, who was present, reviewed the application. Mr. Norton reviewed the proposed site and project, which includes improvements such as the relocation of an existing brick walk, restoration of the Bas Relief stone and bronze tablet, resetting of secondary monuments, minor re-grading, removal of existing trees in poor condition, removal of invasive species and the planting of new native plants, a meadow lawn on the sloped areas and a new seeded lawn. To minimize sedimentation to neighboring properties, a sedimentation barrier consisting of silt fencing and/or hay bales will be installed in areas subject to downstream sedimentation along the work limit line. New site furnishings, trash receptacles and bike racks are also planned for the site. Upon completion of the work, the access way and staging areas will be returned to their pre-construction conditions. Mr. Dunetz reviewed the landscaping, site preparation, materials and re-grading plans. He said that the brick walkway would be moved onto Town property. He reviewed other design features. He said the proposal involves removing a lot of Norway maples and other trees that are leaning and pose a safety hazard and replacing them. He said that the grounds would be cleaned and that the stone monuments would also be cleaned; first by power-washing with water and, if that was not effective, then by a deeper cleaning process, and if that was too was ineffective, then by a chemical process with a collection protocol to protect the site from chemical contamination. Details for this process would be discussed at the pre-construction meeting.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Norton and Mr. Dunetz. The Commission requested that another dog litterbag station be installed on the east side of the site. Mr. Famulare reviewed the draft conditions. Mr. Norton said that the Department of Environmental Protection commented about a stormwater management report for the project. Mr. Norton said that they were under the impression that it was not applicable to the project because very little is being changed, there is no increase in impervious surfaces and stormwater discharge is not being increased. No stormwater management systems are being provided. He hasn't heard back from DEP about the issue. He requested a continuance to the September 4, 2018 Public Hearing at 6:30 P.M. in order to resolve the DEP stormwater issue. ***Robert Brock moved to grant the request to continue CON-19-006 to the meeting of September 4, 2018 at 6:30 P.M., Alfred Famiglietti seconded and it was so voted, 3-0.***

c) CON-19-007 **381-383 Commercial Street** (*continued from the meeting of August 7, 2018*)

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. Mr. Famulare informed the Commission that the applicant was still working out the details of the construction process with the neighbors. There was a request from the applicant to continue to the meeting of September 18, 2018.

Carolyn Clough moved to grant the request to continue CON-19-007 until the September 18, 2018 Public Hearing at 6:30 P.M., Robert Brock seconded and it was so voted, 3-0.

d) CON-18-088 **153 Commercial Street** (*continued from the meeting of August 7, 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 September 4, 2018.

Robert Brock moved to grant the request to continue CON-18-088 until the September 4, 2018 Public Hearing at 6:30 P.M., Carolyn Clough seconded and it was so voted, 3-0.

e) CON-18-089 **151A Commercial Street** (*continued from the meeting of August 7, 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 September 4, 2018.
Robert Brock moved to grant the request to continue CON-18-089 until the September 4, 2018 Public Hearing at 6:30 P.M., Carolyn Clough seconded and it was so voted, 3-0.

3) **Conservation Agent Update:** Mr. Famulare mentioned that the next meeting would be on state primary election night and the Commission would be meeting in the Auditorium. He said that the Commission would also be holding a special meeting on Tuesday, August 28th at 5:45 P.M. to discuss an enforcement order regarding hydraulic dredging.

4) **Approval of Minutes of August 7, 2018:**

Robert Brock moved to approve the minutes as written, Carolyn Clough seconded and it was so voted, 3-0.

5) **Information:**

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

a) **CON-19-011 48 Shank Painter Road** – removal of tree branches.

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

ADJOURNMENT: *Robert Brock moved to adjourn the Public Hearing at 8:00 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2018
Alfred Famiglietti, Chair