

PROVINCETOWN HARBOR COMMITTEE
MEETING – FEBRUARY 27TH, 2002
TOWN HALL – JUDGE WELSH ROOM

Present: Rex McKinsey (Chair), Shelia LaMontagne, Al Davis, Mel Cote

Absent: Joyce Guide (excused), Jack Joyce (resigned)

Other present: Chad Delima, Marine Superintendent, Roger Dias, Building Inspector

Call to Order: 5:32 p.m.

Two sets of meeting minutes were reviewed. Motioned by Mel Cote to accept the meeting minutes of January 30th, seconded by Rex McKinsey. Motioned by Mel Cote to accept the meeting minutes of February 13th, seconded by Shelia LaMontagne.

CHAPTER 91 – AMNESTY LICENSING

The committee reviewed a letter and a discussion ensued re: Chapter 91 and recommendations per 387-395A, 397 – 401A Commercial Street. Motion made by Mel Cote to accept the letter as amended, seconded by Al Davis, all in favor.

The committee reviewed a letter re; Seaman's Bank/ Mini Loop recommendations pertinent to the Harbor Plan. Motion made by Mel to accept the recommendations, seconded by Rex McKinsey. The vote was 2-for, 2- abstain.

The committee reviewed a letter re: 651 Commercial street. Discussion was tabled until the next meeting.

The committee reviewed a letter and memo pertinent to the Wydah Museum-161 MacMillian Wharf. Suggested that the committee continue to review materials more extensively. No further discussion ensued. No motion was made.

The committee reviewed a letter re: 73 Commercial Street – no comment was made, no motion was made.

OLD BUSINESS

Discussions ensued re:

- 111 Commercial Street
- Town Planner job
- 145 –147 Commercial Street
- P.W.C.
- Harbor Regulations

Motion was made by Al Davis to co-sponsor the article pertinent to the Town Planner job, seconded by Mel Cote, all in favor.

Motion was made by Shelia La Montagne to co-sponsor the article pertinent to creation of a cart road at 145-147 Commercial Street. Seconded by Al Davis, all in favor.

Rex McKinsey recused during discussion of PWC – chaired by Al Davis. Motion made by Mel Cote to support a channelized PWC Corridor as presented by Chad DeLima, Marine Superintendent.. Seconded by Shelia LaMontagne, all in favor.

Harbor Regulations discussion tabled until next meeting.

NEW BUSINESS

Storm Drain Assessment Grant Materials given to Mel Cote to review for creation of new assessment.

Visitor Services Board Municipal Grant materials given to Shelia LaMontagne to review and prepare.

Next meetings set for:

3/13 – General Committee meeting – 5:30 p.m.

3/27 –Co-meeting of Harbor Committee and Planning Board – 5:00 p.m. (H.C.) and 6:00 pm respectively –re: Public Hearing pertinent to Cart Road issue.

Meeting adjourned: 6:53 p.m. Motioned by Al Davis to adjourn, seconded by Mel Cote, all in favor.

Respectfully submitted by Stefanie Sanev – On-Call Secretary.

ATTACHMENTS-

February 15, 2002

Sharon Pelosi
Program Chief,
DEP Waterways Regulation Program
One Winter Street – 6th Floor
Boston, MA 02108

Re: Provincetown Harbor Comm. Public Comment
Elena Hall, 387-395A, 397 & 401A Commercial St.
License #W96-6045-N

Dear Sharon,

At our meeting of 13 Feb. 02, the committee reviewed the application for the above listed property. Appendix B of The Harbor Plan recommends #1,2, 5,7,8 and 14; provide perpendicular access, signage and benches, lighting or other amenities, remove fences, seaward 10 feet of bulkhead converted to public greenspace and remove no access type signs.

Given the past access difficulties of these properties, we recommend a dedicated easement for public perpendicular access. The members discussed at length how these recommendations could be implemented. We further recommend the public perpendicular access of reasonable width be provided on the west side of the block of properties. It must be delineated from the parking lot by fence or shrubs such that car bumpers cannot encroach on the pedestrian walkway. Stairs must be provided at the retaining wall, signs shall be posted at each end of the walkway.

Additionally, we recommend if the parcels are sold separately, the conditions apply to each property. If the parking lot is paved in the future, provisions to treat the storm water runoff will be constructed to remove petroleum by products, solid debris and fecal matter. This pollution remediation structure must be acceptable and approved by the DEP and Provincetown DRM prior to construction. The committee voted unanimously to support the recommendations. Also, please find attached historic rights of way research provide by Julia Olszewski of Americorp, an ongoing grant project of HC.

Page 2- Harbor Committee recommendations- License #W96-6045-N Attached Historic Rights of Way

401 Commercial Street

2 deeds from 1904 mention rights in the passageway to the seashore, while later deeds only list the right of way as 80 feet long. (The length of the property) "Private way" listed as a bound in a 1904 deed.

401A Commercial Street

"Together with a right of way in a private road to Commercial Street" listed on at least two deeds. Sold as a second parcel in deeds for 396 Commercial Street, though the 396 parcel has no mention of a right of way.

397 Commercial Street

1914 deed says "subject on the easterly side to a right of way belonging to Zerrie Small." (Then owner of 401 Commercial St.) All subsequent deeds say "subject on the easterly side to a right of way."

None of the other neighboring properties mentioned the right-of-way.

Sincerely,

Rex McKinsey, Chair
Provincetown Harbor Committee
February 14, 2002

Department of Environmental Protection
Waterways Regulation Program
Attn: Magda Pavlak

Regards: Seamen's Bank Mini Loop Connection
Waterways Amnesty Application No. W93-2853-N

Dear Magda,

As promised, we had a discussion of the above agenda item at our January 30th and February 13th meetings. We had a digitized aerial view of the harborfront, a Schofeld line overlay and a copy of your e-mail request. I had researched the Harbor plan for references to the Mini Loops.

Our discussions and review of the pertinent Plan sections have produced some beneficial results. The Plan calls for a 10' wide dry sand

walkway the entire length of the town where practical (V-C-2). It calls for 3 specific Mini Loops and outlines one (V-E-2). In appendix B, On-Site Improvements Key, # 16 is the listed on-site connector to the Mini Loops. Only properties at 193-199, 227 and 359 Commercial St. have that listing. We have been apprised of the typographical error regarding Item #22, listed as fishermen parking, it is actually perpendicular access for the town center Mini Loops. 4 listings appear and we may recommend additional properties later.

The plan calls for specific properties to connect the seaward side of their hard surfaces (parking lots, decks and seawalls) for a Mini Loop pedestrian walkway and provide amenities conducive to public accommodation (benches, waste receptacles, and/or lighting). As parking is a scarce town center commodity, the committee will accept an abbreviated hard surface walkway less than 10 feet wide if the property can provide additional amenities as outlined below. Removing impediments between the abutting properties and signs for the Mini Loop will be required, in any case. Also required are openings to the Dry Sand Beachwalk. Further, the unanimous agreement of the committee is that Mini Loops and access to the beachwalk should maintain the unique character of our fishing village.
Page 2, to Magda Pavlak from Provincetown Harbor Committee 14 Feb. 02

Constructed perpendicular access and signs are the key to successfully moving pedestrian traffic between the congestion of Commercial St. and the Dry Sand Beachwalk. Public accommodations such as viewing areas, decks, lighting and waste receptacles should be just landward of this dry sand path.

To facilitate the perpendicular access to the landward 10 feet of dry sand area above current Mean High Water (the Beachwalk) we recommend a 4-foot wide constructed walkway permanently installed over the dune grasses. So that handicap access is maintained, it must have a ramp allowing wheelchairs, strollers, dinghy and kayak wheels or other carts to effectively transit from decking to dry sand as necessary for pedestrian use or for fishing, fowling and navigation (pitch to conform to ADA requirements). This will visually and practically connect the street access to the Dry Sand Beachwalk while protecting the dune grass as it accretes sand for FEMA velocity zone protection.

As an additional benefit, it can terminate in a viewing area deck approx. 10 to 15 feet long and 6 to 8' wide just landward of the 10' wide Dry Sand Beachwalk. Generally, the viewing area decks would be 10 feet from Mean High Water, farther back where erosion is a concern. Viewing decks can be permanently constructed like the perpendicular walkway or of a material that can be removed during the winter. It must also have a ramp for handicap or wheeled access as described above. It can have benches, tables and/or waste receptacles. The required public access sign should go on the seaward side, next to the dry sand path. We do not envision this constructed area crossing the entire property. In no case would the viewing area be built next to a private structure or so high as to require stairs or railings on the seaward side that could intimidate public access. It must obviously be public accommodation.

Lighting in these areas must not interfere with nighttime navigation. Red, green or flashing lights will not be allowed. Low fixtures shining downward on the path or deck are ideal.

Our vision of perpendicular access for these areas is shown on an accompanying drawing. From Commercial St., one would see a beach access sign at the head of a walkway. Entering the walkway, if a parking lot or other concrete or asphalt surface, at least 4 feet wide and delineated from the
Page 3, to Magda Pavlak from Provincetown Harbor Committee 14 Feb. 02

rest of the area. When designated, a hard surface Mini Loop would be accessed at the seaward part of the lot. If one is crossing sand, it should be a 4-foot wide deck of pressure treated timber permanently anchored or other suitable material. Once past sand dunes or other natural barriers the decking can terminate in a ramp that allows for wheeled use and takes into account some movement of sand. Alternatively, it can have a viewing area (a public deck) constructed parallel to the Dry Sand Beachwalk so long as the previously described criteria are met.

(Note: a drawing was provided on hard copy to DEP, Rex.)

Magda, this letter has outlined in detail the Mini Loops and their connections as we clarify the intentions of the Harbor Plan. While we have not mentioned Seamen's Bank directly in this letter, the bank property is specifically sited on page V-35 of the plan and would be subject to all the above.

Sincerely,

Rex McKinsey, Chair for the Provincetown Harbor Committee