

PROVINCETOWN CONSERVATION COMMISSION

**February 28, 2002
5:00 P.M.**

Members Present: John Bennett (Chair), Sheila Benzer, Peter Souza, Robin Evans

Members Absent: Robert Guerreiro (Vice Chair) (excused), Susan Avellar (excused)

Others Present: Roger Dias (Conservation Agent), Ellen C. Battaglini (Recording Secretary), Pat White (DRM Secretary, present for work session only)

I. WORK SESSION

John Bennett called the Work Session to order at 5:10 P.M.

Provincetown Wetlands By-Law – Questions and Answers with Kate Connolly of Kopelman & Paige

Attorney Kate Connolly appeared before the Commission to answer questions and clear up any confusion the Commission may have about the Provincetown Wetlands By-Law. The Commission questioned the panel about the definition, the interpretation, the delineation and the implementation of the 100-foot buffer zone of a wetland and the recourses available to an aggrieved abutter when an area is designated as such by the Commission. The Commission expressed their opinions about the strength of the local versus the state by-law. Attorney Connolly discussed how to set up a fund for consultant's fees. The Commission had requested models of wetland by-laws from Attorney Connolly and she left material for their perusal. Mario DiGregorio of Horsley & Witten, Inc., who was present in the audience, then joined the panel and presented the Commission with the wetland by-laws of Dennis and Falmouth, both of which he thought were exemplary.

Chair John Bennett closed the Work Session and called the Public Hearing to order at 6:50 P.M.

II. PUBLIC STATEMENTS:

None.

III. PUBLIC HEARING:

Notice of Intent

Application by Mario DeGregorio, PWS, of Horsley & Witten, Inc. representing Sherry Costa for Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 for the property located at **88 Bradford Street Extension**, Provincetown.

Presentation: Roy Cramer, Alan Cabral from Felco Engineering and Mario DiGregorio from Horsley & Witten, Inc. presented the application for Sherry Costa. The applicant was denied a Notice of Intent last fall and is re-applying. The Commission questioned Mr. DiGregorio about the project. Chair John Bennett suggested that Sheila Benzer be appointed as a liaison to the project and oversee the location of fourteen cherry trees that will be planted on the property.

Public Comment: None

Commission Discussion: The Commission discussed the project.

Chair John Bennett moved to approve the Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 for the property located at 88 Bradford Street Extension, Provincetown and the issuance of an Order of Conditions to include the following special conditions:

- ***There will be no trimming or disturbance of any natural vegetation north or west of the workline;***
- ***There will be no work done downslope of the work limit;***
- ***There will be no further alteration for any work to be done without prior approval of the Conservation Commission;***
- ***The work limit line will be moved on the plot plan to 6 feet behind Cottages 2-5 and remain at 5 feet behind Cottage 1;***
- ***All debris that is generated behind Cottages 1-6 must be cleared;***
- ***Sheila Benzer will serve as a liaison between the Conservation Commission and the project;***
- ***The NOI will incorporate all the standard construction protocol and plans;***
- ***Mario DiGregorio will be present on the site as an environmental monitor when work is being done on Cottage 1.***

Peter Souza seconded and it was so voted, 3-1 (abstain).

Notice of Intent

Application by William N. Rogers, II, PE, PLS, of William N. Rogers Civil Engineers, representing The Boatslip, LLC for Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 for the property located at **161 Commercial Street**, Provincetown.

Presentation: William N. Rogers, II, John Rice, Paul Lauritson, and Richard Ferrell presented the application. The applicants presented a letter written by Warren Alexander, Building Commissioner, to the Commission concerning the project.

Public Comment: None

Commission Discussion: The Commission discussed the project and questioned the applicants and their representatives.

John Bennett moved to approve the Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131 § 40 and to issue an Order of Conditions pursuant to construction protocol with special conditions to be drafted by Chair John Bennett for the property located at 161 Commercial Street, Provincetown, Robin Evans seconded and it was so voted, 3-1 (opposed).

IV. PUBLIC MEETING:

Mario DiGregorio addressed the Commission concerning retaining walls in respect to saving the birch

trees at the old burn dump. The retaining walls would be dry-fit and interlocking and would protect the trees from the fill. Planting vegetation would not work because the slope is too steep. The retaining walls would be a solution that would deal with the fill area and any creep that might happen when the burn dump is capped. Mr. DiGregorio asked the Commission how to proceed to implement this idea. The Commission recommended that he file a Request for Determination.

V. NEW BUSINESS:

None.

VI. OTHER BUSINESS:

Rick Murray appeared before the Commission to request that a certificate of compliance be issued for his properties at 30 Bradford Street Extension and 2 Creek Round Hill Road. The certificate would evidence the fact that no wetland by-laws were violated in the construction of the buildings located on those properties. The Commission consulted with Roger Dias concerning the issue. Chair John Bennett will write a letter that says Mr. Murray is in compliance with the Provincetown Wetland By-Laws.

Discussion

Celine Gandolpho, a member of the Open Space Committee, appeared to present a report regarding the management of Shankpainter Pond and the Locke property. She discussed the erosion control and regrowth plans for these areas, stating that an expert in revegetation from the United States Department of Agriculture had been consulted. She informed the Commission that Americorps volunteers would be helping with the erosion control. The Provincetown Conservation Trust in conjunction with the Open Space Committee under the aegis of the Conservation Commission would be considering the issue of how to properly manage the land. Ms. Gandolpho would like to set up a joint meeting of the Provincetown Conservation Trust, the Open Space Committee and the Conservation Commission to find out more about access to funds. She suggested scheduling the meeting for April 11, 2002 at 5:00 P.M. She also reminded the Commission that they are an abutter to the water tower on Mt. Gilboa where Sprint wants to place a repeater. She expressed her concerns about the location of the repeater and its effect on the environment. She suggested that the Commission write a letter to the Planning Board to express their concerns and comments concerning the location of the repeater.

Sheila Benzer indicated that David Guertin agreed to plant 560 trees to replace the trees that were removed at the old Burn Dump whenever it is decided where they will be planted. Ms. Benzer would be willing to go to Mr. Guertin and offer to start the revegetation process.

VI. MINUTES:

John Bennett made a motion to approve the minutes of the January 24, 2002 meeting, Sheila Benzer seconded and it was so voted, 4-0.

VII. ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE BOARD:

None.

ADJOURNMENT:

Sheila Benzer made a motion to adjourn the meeting at 9:20 P.M., Chair John Bennett seconded and it was so voted unanimously.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2002
John Bennett, Chairman