

# PROVINCETOWN CONSERVATION COMMISSION

**JULY 25, 2002**

**6:30 P.M.**

**Members Present:** Susan Avellar (Acting Chair), Sheila Benzer, Robin Evans, Peter Souza

**Members Absent:** None

**Others Present:** Roger Dias (Conservation Agent)

## PUBLIC MEETING

Acting Chair Susan Avellar called the Public Meeting to order at 6:40 P.M.

### I. PUBLIC STATEMENTS:

John Reis to discuss his project at 88 Bradford Street Extension (Sherry Costa, owner), asking why he has been asked to appear before ConCom for an amended Order of Conditions (Notice of Intent dated November 6, 2001). Reis contended that he has not done anything different from the plans. Chair Avellar points out that the project was supposed to be a renovation, but the building is completely down. Following discussion, the Commission agreed that a new plan would not have any additional impact on the resource area. The Commission recommended that the builder: 1) be more candid with the Commission concerning building description, and 2) notify the enforcement agent.

### II. NEW BUSINESS:

There was none.

### III. PUBLIC MEETING:

#### *Determination of Applicability*

Application by Environmental Partners Group, representing the Town of Provincetown, for Determination of Applicability under the Provincetown Wetlands Bylaw, Chapter 12 of the Provincetown General Bylaws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at **Route 6 center median strip** in Provincetown.

**Presentation:** Paul Gabriel and Todd Palmatier of Environmental Partners Group appeared to present the application, a request to move waste water pipes from the original location to the Route 6 median strip, due to wires in the original location. OSHA requests a trench box, which requires laying back slopes with a wide machine.

**Commission Discussion:** Members of the public rose to express their concerns: Eric Dray concerned with clearing of land, said that the corridor offers a view to visitors that is both historic and environmental, and that leaching areas have been clear-cut. Celine Gandolfo rose to support Mr. Dray's remarks. The Commission decided to go back to the site with the contractor, to walk the area and to plot the pipe area, and to discuss what kind of machine could be used to set the trench, and scheduled the site visit for 7:00 a.m. on Monday, July 29, 2002, and a continuation of this public meeting at 7:00 p.m. on Tuesday, July 30, 2002.

Determination of Applicability

Application by J.C. Ellis Design Co., Inc., representing the Town of Provincetown, for Determination of Applicability under the Provincetown Wetlands Bylaw, Chapter 12 of the Provincetown General Bylaws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at **777 Commercial Street** in Provincetown.

**Presentation:** There was no Board of Health approval on application. Applicant requested and was granted a continuance to the August 22, 2002 Conservation Commission meeting.

Determination of Applicability

Application by Tom Thompson, representing Richard Murray and William Dougal, for Determination of Applicability under the Provincetown Wetlands Bylaw, Chapter 12 of the Provincetown General Bylaws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at **63 Commercial Street** in Provincetown.

**Presentation:** Tom Thompson, designer, and Richard Murray, owner, presented. The property is on the bayside. West side is being removed to conform to setback. Addition of one-half story is proposed, bringing height to 29' (allowed to go to 33'). Already approved by Historical Commission, needs Zoning and Board of Health.

**Commission Discussion:** Abutter Marty Epp (65A & B Commercial) expressed concern about debris clean-up, light tires for the beach. Walter Winn, tenant of Rick Murray, expressed support.

**Acting Chair Susan Avellar moved to grant a negative #3 determination, subject to the following conditions: debris must be removed daily, no heavy equipment may be used on the beach without prior notice to enforcement agent, building material to be stored on the west side of property and deck, and if crane is used, it will come from the West End Parking Lot. Beach area must be policed. Peter Souza seconded the motion, and it was so voted, 4-0-0.**

Determination of Applicability

Application by Tom Thompson, representing John and Donna Farrelly, for Determination of Applicability under the Provincetown Wetlands Bylaw, Chapter 12 of the Provincetown General Bylaws, and under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at **575 Commercial Street** in Provincetown.

**Presentation:** Tom Thompson, designer, presented.

**Commission Discussion:** Velocity zone delineation is needed. Bayside structure of building is on pilings but, due to substantial renovation, entire building may have to be on pilings. This project has not been before the Zoning Board of Appeals. Applicant requested and was granted a continuance to the August 22, 2002 ConCom meeting, pending determination of velocity zone.

#### **IV. PUBLIC HEARING:**

Notice of Intent (Continued from April 24, 2002, May 23, 2002 and June 27, 2002)

Application by Maria Kuliopulos 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 **6 Sandy Hill Lane**, Provincetown.

**Presentation:** Neither the applicant nor a representative was present.

**Commission Discussion:** In the absence of Board of Health approval, any definitive building plan or project plan, and in the absence of the applicant or a representative, the Commission votes to deny this Notice of Intent.

**Acting Chair Susan Avellar moved to deny this Notice of Intent as presented to the Conservation Commission, Robin Evans seconded, and it was so voted, 4-0-0.**

**V. OTHER BUSINESS:**

1. Petrochemical eruption  
The Commission felt that evidence of a petrochemical eruption caused in the harbor by a vessel in the employ of AGM Marine Contractors warrants a letter to the firm. *Peter Souza moves that a letter be sent, Robin Evans seconded, and it was so voted, 4-0-0.*
2. Sheila Benzer brought order forms for booklets pertaining to wetlands. She reiterated the need for secretarial coverage at meetings, and asked that the meetings be moved to the Judge Welsh Room, if possible.
3. Peter Souza suggested writing a letter to the Cape Cod National Seashore to request a joint meeting to discuss erosion from foot traffic; he will draft the letter.

**APPROVAL OF MINUTES:**

*Peter Souza moved to approve the minutes of June 27, 2002 as amended, Susan Avallar seconded and it was so voted, 4-0-0.*

**ADJOURNMENT:**

*Susan Avallar moved to adjourn the meeting at 9:40 P.M., it was so voted unanimously.*

Respectfully submitted,

Susan Avallar

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2002.