

PROVINCETOWN CONSERVATION COMMISSION

December 26, 2002
6:30 P.M.

Members Present: Susan Avellar, Peter Souza, Sheila Benzer, Roger Chauvette

Members Absent: Paul Stefani (unexcused)

Others Present: Roger Dias (Conservation Agent), Ellen C. Battaglini (Recording Secretary)

PUBLIC MEETING

Acting Chair Susan Avellar called Public Meeting to order at 6:32 P.M.

I. PUBLIC STATEMENTS:

None.

II. NEW BUSINESS:

88 Bradford Street Extension – Sherry Costa

Request by John Reis of Golden Hammer Construction for slight change to building plans. Roger Dias stated that there would be no impact to the resource area and that, in his opinion, the change was a minimal alteration to the original plans. There was no further discussion by the Commission.

Peter Souza moved to approve the slight change to the building plans at 88 Bradford Street Extension, Roger Chauvette seconded and it was so voted, 4-0.

III. PUBLIC MEETING:

Determination of Applicability

Application by A.J. Santos representing Lamontagne Realty Trust, for Determination of Applicability 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 111 Commercial Street, Provincetown. Mr. Santos had not arrived so the Commission moved on to the next case. (This was later postponed until the next session because the applicant did not appear.)

IV. PUBLIC HEARING

Notice of Intent (continued from 11/21/02)

Application by Coastal Engineering, representing Cape Associates and Sandbar Condominium, 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 **149A Commercial Street, Building B**, Provincetown.

Presentation: Attorney Christopher J. Snow, representing Laura Rood, Rich Bryant of Coastal Engineering, Laura Rood, owner, and Robert Valois, Designer, appeared to present the application. Attorney Snow gave a brief summary of the legal issues pertaining to the application. Rich Bryant summarized the scope of the project that will not intrude any further into the resource area.

Public Comment: None.

Commission Discussion: The Commission questioned the applicants. The Commission inquired

as to whether the floor height is to be raised and if the current cesspools would be removed from the site. They also requested that beach grass be planted on the beach side of the premises in order to mitigate the effects of erosion.

Peter Souza moved to approve for a 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 149A Commercial Street, Building B, Provincetown, with an additional Order of Conditions as follows:

- *No Copper Chromium Arsenate (CCA) treated lumber be used on any part of the structure that will be exposed to the elements of wind, sun or rain;*
- *After the removal of the septic system, beach grass and Rosa Rugosa will be planted on the beach side of the premises;*
- *The upper deck is to be cantilevered or knee-braced into the building;*
- *A deed restriction is to be placed on the property prohibiting any further expansion or encroachment of the building, including the deck, in a southward direction;*
- *The first floor height will be 12 feet above mean sea level; and*
- *The existing septic system will be removed by hand and the debris will be taken to an appropriate disposal site.*

Roger Chauvette seconded and it was so voted, 3-1 (Susan Avellar dissenting).

V. OTHER BUSINESS:

161 Commercial Street – Billy Rogers – discussion of The Boatlip.

Presentation: Billy Rogers, engineer, Rich Farrell, owner, and Stan Humphries, a wetlands biologist, appeared to discuss the matter. Rich Farrell gave a brief history of the erosion problems that have been occurring at the site and what the group assembled intended upon doing to try and solve the problem. They are seeking an emergency exemption to build a new sea wall in front of the old one in order to stop the erosion. This exemption would then be followed, in 30 days, by an application for a Notice of Intent. Mr. Humphries added that a structural emergency exists at the premises and they are continuing to do exploratory work, the results of which will be on the NOI application.

Public Comment: None.

Commission Discussion: The Commissioners questioned Mr. Rogers and Mr. Humphries about the situation.

Susan Avellar moved to grant the request for an emergency project subject to a full filing of a Notice of Intent with the following conditions;

- *No heavy equipment will be allowed on the beach without prior consultation with Roger Dias;*
- *That a deed restriction be placed on the property stating that the purpose of the new sea wall is to protect the leaching field and not for the purpose of extending the structure of the building at the site; and*
- *DEP shall be notified within 7 days, along with an order of conditions, per 310 CMR 10.06.*

Peter Souza seconded and it was so voted, 4-0.

48 Shankpainter Road – Joe Taves – request to be hooked up to the municipal sewer (with the consideration that other properties near preservation areas be hooked up).

Mr. Taves did not appear for the request.

122 Bradford Street Extension – Meadows Motel Redevelopment – Ted Malone – Informational presentation prior to Chapter 40B comprehensive permit. (No public comment).

Ted Malone and Michael Bunn appeared to make the presentation. Mr. Malone stated that the

project will respect the resource area and he will make every effort to mitigate any potential impacts on the area. He believes that the project will enhance and serve the habitats in this isolated resource area that is subject to flooding. He is making this presentation in order to solicit the opinions of the Commissioners and ask if they have any particular concerns about the project before it is submitted for a comprehensive permit.

Commission Discussion: Sheila Benzer questioned Mr. Malone about his willingness to walk the property with the Commissioners and his willingness to work with the Commissioners if they have any concerns. Mr. Malone was eager to do both. The Commissioners had concerns about the building that was closest to the resource area. They inquired as to whether the building could be made smaller or could be moved farther away from its present location. Mr. Malone indicated that he would look into those possibilities. The Commission scheduled a site visit to the property on Monday, January 13, 2003 at 11:00 A.M., with a snow date of Wednesday, January 15, 2003 at 11:00 A.M. The Commission will also hold a Work Session on Thursday, January 16, 2003, at 6:00 P.M.

Discussion of Department of Fisheries and Wildlife concerns with regard to Site Y.

Susan Avellar is concerned with the acquisition of Site Y and has drafted a letter. If the Manor will not be located at Site Y, then the Commission recommends that Site Y be used as a greenway. Ms. Avellar will write a letter to reflect that opinion and present it at the next meeting.

VI. MINUTES

November 21, 2002 - Roger Chauvette moved to approved the minutes as written, Peter Souza seconded and it was so voted, 3-0-1 (Sheila Benzer abstaining).

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

Bayberry Hollow Riding Stables on West Vine Street Extension – The stable uses a chemical that keeps flies away to treat its piles of manure. The result of the use of the chemical is that the manure does not get broken down and the piles remain intact. According to state regulations, the manure is supposed to be removed or spread around the property. Sheila Benzer is also concerned about the over-cutting of the horse trails in that area. The Commission will write a letter to the stables informing them of its concerns.

Wetland Regulations – No progress has been made on this issue and the Commission will write another letter to Keith Bergman about the issue. The possibility of there being free funding to hire an attorney to advise the Commission on this issue was discussed.

Boat at Cabral's Wharf – The Commission is still concerned about the presence of the old Navy boat at Cabral's Wharf and the possibility that lead paint from the vessel will leach into the bay.

ADJOURNMENT:

Peter Souza moved to adjourn the meeting at 10:20 P.M., it was so voted unanimously.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2003
Susan Avellar, Acting Chair