

# PROVINCETOWN CONSERVATION COMMISSION

May 27, 2004  
6:30 P.M.

**Members Present:** Dieter Groll, Elaine Anderson, Paul Tasha and George Bryant.

**Members Absent:** John Santos (excused) and Sara Robin (not excused).

**Others Present:** Mark Latour (Deputy Director of the Department of Community Development) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:47 P.M.

## I. PUBLIC STATEMENTS:

None.

## II. OLD BUSINESS:

**Certificate of Compliance – 175 Commercial Street**

Postponed until the June 24, 2004 hearing.

## III. NEW BUSINESS:

**Setting applicant fees for legal ads; Notice of Intent; Determination of Applicability; and for Consultant Fees -**

The Commission voted 3-0 to postpone this discussion until the end of the hearing.

## IV. PUBLIC HEARING AND SPECIAL WORK SESSION:

**A. Discussion of the management of Clapp's Pond –**

**B. Updating the Town's Open Space Plan with the Open Space Committee, Provincetown Conservation Trust and Provincetown Conservation Committee -**

Celine Gandolpho, Robin Evans and Steve Milkewicz, representing the Open Space Committee and the Provincetown Conservation Trust, joined the Commission in this discussion. **Public Comment:** Several ideas and issues were put forth by the public and discussed including:

- i. Placing an environmental sculpture in the area of Clapp's Pond;
- ii. A petition signed by 43 citizens of Truro and Provincetown, the majority residing in the latter town, expressing their wish to keep hunting, fishing, camping and other recreational activities in the area of Clapp's Pond;
- iii. Whether dogs should be leashed or unleashed when being walked in the area;
- iv. Indexing of species of plants and animals present at Clapp's Pond;
- v. Placing signage in the area;
- vi. Removing trash and debris now littering the area of Clapp's Pond;
- vii. Whether hunting is allowed at Clapp's Pond presently; and
- viii. Whether Cape Tip Moto-Cross, a group of motorcycle enthusiasts, can be part of the management plan and in the near future reclaim the trails they previously used in the area now that the sewage treatment plant has been constructed.

**Commission Discussion:** The Commission expressed their desire to keep diversity in the area and that the management plan presently in existence was not written by the seated Commission. It was suggested that Cape Tip Moto-Cross may want to pursue other alternative areas for trails. There was a discussion of the definition of "passive recreation". The Commission stated that

they would like to continue the discussion and that some of their goals for this issue were for the Town to reclaim Evans Field, to put parking spaces at conservation areas and to obscure the view of the new sewage treatment plant with some kind of vegetation.

## V. PUBLIC MEETING:

### ***Request to Extend Order of Conditions (continued from 4/22/04)***

Application by Felco Engineering, Inc., representing Gerald Magid, **57A Pleasant Street**, to request to extend Order of Conditions #SE-58-339.

**Presentation:** David LaJoie, of Felco Engineering, Inc. appeared to discuss the request. The work at the premises has not yet commenced and an extension is needed.

**Commission Discussion:** The Commission discussed for how long an extension could be granted.

**George Bryant moved to grant an extension of the Order of Conditions #SE-58-339, Elaine Anderson seconded and it was so voted, 3-0.**

### ***Determination of Applicability***

Application by Christopher J. Snow, Esq. for Request 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 of **585-587, 589 Commercial Street** in Provincetown.

This case has been withdrawn.

### ***Determination of Applicability***

Application by Cape Associates, Inc., representing Cecile Lemley, for Request 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 of **661 Commercial Street** in Provincetown.

This case has been withdrawn.

**Presentation:** Rich Bryant, of Cape Associates, Inc. appeared to present the case.

There will be excavating occurring around the perimeter of the foundation in order to apply waterproofing to the foundation wall. There will be some removal of shrubs and soil, but these will be replaced after the work is completed.

**Commission Discussion:** The Commission briefly questioned Mr. Bryant.

**George Bryant moved to grant a Negative #2 Determination for the premises located at 661 Commercial Street, Elaine Anderson seconded and it was so voted, 3-0.**

## V. PUBLIC HEARING:

### ***Notice of Intent (continued from 3/25/04 and 4/22/04)***

Application by Independent Environmental Consultants, Inc., representing Martha Roderick, 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 **72 West Vine Street** in Provincetown.

**Presentation:** Paul Shea, of Environmental Consultants, Inc. and William Rogers II, Professional Civil Engineer and Land Surveyor, appeared to discuss the case. The applicant has not received any list of wetland specialists from the Commission as promised. The wetland delineation needs to be established in order for the applicant to appear before the Board of Health.

**Commission Discussion:** The Commission assured the applicant's representatives that a list would be e-mailed to them as soon as possible. The case is continued until the June 24, 2004 hearing.

### ***Notice of Intent***

Application by William Rogers II, Professional Civil Engineer and Land Surveyor, representing Anita Butler, 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 **13 Creek Round Hill** Road in Provincetown.

**Presentation:** Paul Shea, of Environmental Consultants, Inc., William Rogers II, Mark Kinane, of Cape Associates, Inc., and David and Anita Butler appeared to present the application. The applicant wishes to build a new residential structure on the premises.

The Natural Heritage Foundation has been informed of the project, but has not responded as of this date. There will be a double line of hay bales delineating the limit of work, some of which will occur within the 100' buffer zone.

**Public Comment:** Bob Kelly, an abutter, spoke of his concern about the accuracy of the delineation of the wetland on the premises. Don \_\_\_\_\_, another abutter, was concerned about the setback from Creek Round Hill Road.

**Commission Discussion:** The Commission requested that straw bales replace the hay bales as a delineation of the limit of work. They would also like to schedule a site visit. They granted the applicant's request for a continuation until the June 24, 2004 hearing.

## **VI. OTHER BUSINESS:**

**61 Pleasant Street** – Discuss revisions to septic plan.

Barnett Adler appeared to discuss the revisions. He submitted a site plan of the septic system. He stated that the property is being sold and the approved septic plan is going to be implemented. There are out-buildings on the property that are going to be moved and wanted to know if the Commission would have a problem with their new location.

**Discussion of Cape Cod National Seashore process for dealing with sand in parking lot** –

The Seashore wants to try and alleviate the sand in the parking lot at Race Point Beach. Their idea is to switchback the path to the beach to mitigate the problem.

## **VIII. ANY OTHER BUSINESS:**

The Commission talked about the Board of Selectmen's series of sessions to discuss the staffing needs of Town Boards. John Goodrich will be the facilitator of the sessions. The urgent need for a Conservation Agent was discussed and will be discussed with the Board of Selectmen.

The issue of filing fees and consulting fees and the need for a staff link between the consultants and the Commission were discussed. There is a Board of Selectmen's meeting on June 14, 2004 to discuss fees. The Commission needs to have a proposed fee schedule to present to the Selectmen.

The Commission felt that a process by which consultants are hired needs to be formulated. Co-chair Dieter Groll distributed a draft of proposed regulations concerning the hiring of consultants. This will be discussed at the June 24, 2004 hearing.

Elizabeth Patrick is appealing the decision of the Conservation Commission to the Department of Environmental Protection. Co-chair Dieter Groll will talk to Jim Mahala at DEP for information.

The Commission discussed potential policy goals for the coming year. The Board of Selectmen has asked the various Town Boards for this information. The Commission felt that many of the goals formulated last year should be carried through for the following year, including the hiring

of a Conservation Agent, a beach nourishment plan. New goals could include a new location for Cape Tip Moto-Cross trails and a storm drainage master plan

**ADJOURNMENT:**

*Elaine Anderson moved to adjourn the meeting at 10:15 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on June 24, 2004.

**NEXT MEETING**

The next meeting will be on July 22, 2004.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2004  
Dieter Groll and Elaine Anderson, Co-Chairs