

PROVINCETOWN CONSERVATION COMMISSION

January 4, 2005
6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, John Santos (left at 7:52 P.M.), George Bryant and Paul Tasha.

Members Absent: None.

Others Present: David McLean-Perkins (Conservation Commission Secretary) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:33 P.M.

PUBLIC STATEMENTS:

None.

OLD BUSINESS:

Notice of Intent (continued from 12/14/04)

Application Coastal Engineering, Inc. representing 599 Commercial Street Realty Trust, Elizabeth Villari, Trustee, 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. Applicant seeks approval for and addition to a single-family dwelling and modifications to accommodate handicap accessibility for the property located at 599 Commercial Street in Provincetown.

Presentation: Attorney Lester J. Murphy and Pete Markunas appeared to discuss the application. The applicant submitted new plans of the proposed addition and modifications showing elevations. A report from coastal geologist, Lee L. Weishar, PhD., hired by the applicant to inspect the premises and review the plans was also submitted. His opinion as to the impact of the additional structure on the front and the handicap ramp on the side of the house on the storm flowage is that there would be no effect on the floodwater and no influence on wave motion in the event of a major storm. An abutter was present with a letter protesting the application, but was not allowed to submit any new evidence to the Commission. John Bologna, from Coastal Engineering, spoke about the report and reiterated that Dr. Weisher had concluded that there would be no increase in flooding in the area as a result of the new addition or the ramp.

Commission Discussion: The Commission questioned Mr. Markunas, but felt that the report submitted had not answered their questions about the project and hadn't explored all viable alternative locations for the handicap ramp. The Commission informed the applicant that they would like to see elevations of each of the platforms, that is the specific elevations of each of the landings, on the house and that they would like these a week before the next hearing so they can be reviewed ahead of time. The Commission also requested a further exploration of Dr. Weishar's suggestion about connecting the ramp and one of the back decks and more specific dimensions on the existing deck. The applicant requested a continuance until the January 18, 2005 hearing.

NEW BUSINESS:

PUBLIC MEETING:

Determination of Applicability

Application by Vaughn Cabral, representing Cabral Enterprises, 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. The applicant seeks approval to repair fire damage to buildings on the pier, for the property located at **9 Ryder Street**

Extension in Provincetown.

Presentation: Vaughn Cabral appeared to present the application. The applicant seeks to rebuild on the same footprint.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Mr. Cabral.

Elaine Anderson moved to grant a Negative #3 Determination with the following conditions:

- *Debris is kept out of the bay;*
- *A dumpster will be on site; and*
- *The building will be built on the same footprint as the previous one.*

John Santos seconded and it was so voted, 5-0.

PUBLIC MEETING:

Request for Negative Declaration: Chapter 91 Amnesty License Application

1. Francis J. Santos, 131A Commercial Street –

Presentation: Ann Colbourn appeared to present the request. There are no changes to the property, what existed there in 1996, exists there today. There have been no objections to the amnesty license.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Ms. Colbourn.

George Bryant moved to issue a statement that the Conservation Commission has reviewed plans of the property and that the structure on the property does exist and that the Commission has no objections to Francis J. Santos proceeding with his application for a Chapter 91 license for the property located at 131A Commercial Street and no further action is required by the Commission, Paul Tasha seconded and it was so voted, 4-0.

DISCUSSION:

1. 2005 meeting dates – The Commission decided that their hearings will take place on the first and third Tuesday of each month and begin at 6:30 P.M.

MINUTES: December 14, 2004 – George Bryant moved to approve the language as written, Paul Tasha seconded and it was so voted, 4-0.

ADJOURNMENT:

Elaine Andersons moved to adjourn the meeting at 8:10 P.M. and it was so voted unanimously.

NEXT MEETING

The next meeting will be on January 18, 2005.

These minutes were approved by a vote of the Conservation Commission at their meeting on January 18, 2005.

Respectfully submitted,

Ellen C. Battaglini

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