

PROVINCETOWN CONSERVATION COMMISSION

October 4, 2005
6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, John Santos, George Bryant (departed at 7:55 P.M.) and Paul Tasha (arrived at 6:22 P.M.).

Members Absent: None.

Others Present: Maxine Notaro (Permit Coordinator), Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

WORK SESSION

Co-Chair Dieter Groll called the Work Session to order at 5:45 P.M.

The Commission discussed the Provincetown Wetland By-Laws and the limited set of regulations attached to those by-laws. Due to time constraints, it was decided that a separate Work Session would be scheduled to discuss the by-laws.

The inconsistency in the location of high water marks on site plans brought before the Commission was briefly discussed.

Making Conservation Commission applications more user-friendly was also discussed.

Town Counsel John Goldrosen, Esq. arrived to discuss pending litigation against the Commission.

PUBLIC STATEMENTS:

None.

Determination of Applicability (continued from 09/20/05)

Application by James Walker on behalf of American Lighthouse Foundation/Race Point Lighthouse, 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 install a Title V septic system at the property located at **Race Point Lighthouse** in Provincetown. Dieter Groll, Elaine Anderson, John Santos, George Bryant and Paul Tasha sat on the case.

Presentation: Alan Cabral, of Felco Engineering, Inc., and James Walker appeared to present the application. The applicant submitted the required drawings. The septic system is for a two-bedroom residence and little disruption to the immediate area will occur and no vegetation will be disturbed.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Cabral and Mr. Walker.

Elaine Anderson moved to grant a Negative #3 Determination with the condition that the applicant obtain approval from the Board of Health, Paul Tasha seconded and it was so voted, 4-0-1 George Bryant abstaining.

Notice of Intent (continued from 09/06/05 and 09/20/05)

Application by Joseph Smith represented by Reggie Donoghue of Coastal Engineering 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. The applicant seeks approval for proposed renovations to an existing single-family dwelling and associated site improvements to the property located at **151A Commercial Street** in Provincetown. Dieter Groll, Elaine Anderson, John Santos, George Bryant and Paul Tasha sat on the case.

Presentation: Attorney Christopher J. Snow and Reggie Donoghue appeared to present the application. The applicant submitted revised plans, showing details of the proposed staging area, a structural report and details, existing and proposed building elevations, mitigating measures to be taken to protect the resource area, including jute matting placed on the dune and straw bales, a better definition of the resource area and the limit of work. The applicant also proposes to nourish the dune with compatible sand. The revised plans were also sent to the Department of Environmental Protection. Attorney Snow also informed the Commission that a reasonable accord had been reached with the Edgewater Condominium Trust.

Public Comment: None. There was 1 letter from an abutter in support of the project.

Commission Discussion: The Commission questioned Attorney Snow and Mr. Donoghue.

Paul Tasha moved to approve the Notice of Intent with the following conditions:

- *A pre-construction conference with the acting Conservation Agent or another representative of the Conservation Commission occur;*
- *The performance standard narrative included and referenced herein and the construction protocol submitted by the applicant dated 09/27/05 be followed;*
- *The preferred course of access is via 151 Commercial Street (landward entryway) and if that access fails, than access will be via beach as described on the submitted plans; and*
- *Nourishment or proposed nourishment will be used to repair any damage to the property and not cover any existing vegetation.*

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

Notice of Intent (continued from 09/20/05)

Application by Anthony Yeager and Cygnet Realty Trust, Daniel Drake Elias, Trustee, represented by David LaJoie of Felco Engineering, Inc., 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. The applicant seeks approval for a garage addition to an existing single-family dwelling and proposed pool with surrounding deck within the buffer zone to a bordering vegetated wetland to the property located at **30-36 Bradford Street Extension**, Provincetown. Dieter Groll, Elaine Anderson and John Santos sat on the case.

Presentation: Alan Cabral, of Felco Engineering, Inc., Anthony Yeager and Daniel Drake Elias appeared to present the revised application with the pool deleted and the work limit modified to reflect the deletion.

Commission Discussion: The Commission questioned Mr. Cabral.

Elaine Anderson moved to approve the Notice of Intent with the following condition:

- *That the revised application based on a revised plan dated 09/28/05 incorporating the construction notes and construction protocol from the original filing be followed.*

John Santos seconded and it was so voted, 3-0.

Notice of Intent

Application by Richard Ferrell, The Boatslip, LLC, represented by Susan A. Bernstein, Attorney at Law, 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.

Emergency repairs and renovations were conducted in 2002, under Order of Conditions SE# 66-347.

This submission includes final “as-built” plans to reflect actual repairs. Dieter Groll, Elaine Anderson, John Santos and Paul Tasha sat on the case.

Presentation: Paul Shea, of Independent Environmental Consultants, Inc. and Michael Landow

appeared to present the application.

Paul Tasha moved to approve the “as-built” plans dated June 3, 2005 with the standard Order of Conditions and no approval beyond what is already approved, Elaine Anderson seconded and it was so voted, 4-0.

Discussion of Enforcement Order issued to Cape Tip Moto-Cross Association –

Carl Roach appeared to discuss the enforcement order. Mr. Roach admitted to cutting the deer runs and trails in the area as he claims he does every few years. He also pointed out some of the errors that appear in Order, including the designation of the parcel in question and the correction of a name, address and designation of an individual.

Public Comment: Glory Reis spoke in favor of the CTMXA being allowed to continue to use the trails at Clapp’s Pond. Peter Souza reiterated his opinion that the Association should not be using the trails and Mr. Roach should not be cutting deer runs or trails in the resource area. Maxine Notaro spoke in favor of the use of the bike trails, as did John Santos, speaking as a private citizen.

Paul Tasha moved to revise and reissue the cease and desist order issued by the Conservation Commission with the correct name and address and parcel number and consider remuneration in accordance with the formula utilized by the National Seashore for similar incidents, Elaine Anderson seconded and it was so voted, 3-0-1 (John Santos abstaining).

MINUTES: September 20, 2005 – Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 4-0.

ADJOURNMENT:

Elaine Anderson moved to adjourn the meeting at 9:40 P.M. and it was so voted unanimously.

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

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2005
Dieter Groll and Elaine Anderson, Co-Chairs