

PROVINCETOWN CONSERVATION COMMISSION

January 9th, 2007

6:30 P.M.

Members Present: Elaine Anderson, Dennis Minsky and Lynne Martin.

Members Absent: Dieter Groll, Paul Tasha and Robin Evans.

Others Present: Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Elaine Anderson called the hearing to order at 6:38 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: *December 5, 2006 – Lynne Martin moved to approve the language as written, Dennis Minsky seconded and it was so voted, 3-0.*

OLD BUSINESS:

Notice of Intent (continued from December 19, 2006)

Application by the Independent Environmental Consultants, Inc., representing Snow Realty Trust I, II, Scott Andonian, Trustee, for a Notice on 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 construction of one single family dwelling on each lot with appurtenances, and the upgrade of sanitary subsurface disposal systems on each lot with appurtenances at the property located at **34 and 36 Snow's Lane**, in Provincetown.

Presentation: Paul Shea, Attorney Christopher J. Snow, William N. Rogers and Scott Andonian appeared to discuss the application. Since the last hearing, After requesting further information regarding the project, Natural Heritage has issued a letter stating that they approve of the project with the following conditions:

- a silt fence be placed around the whole perimeter of the work area; and
- the location of the concrete retaining wall be amended so as not to disturb the 3-foot diameter tree on the property.

Attorney Snow informed the Commission that the applicant has contracted with the Town to hook up to the new sewer line.

Public Comment: Celine Gandolfo asked the Commission about restrictions that the land may be subject to and what Don Schall had said about the wildlife habitats being protected on the site. Mimi Gross, an abutter, was concerned about the disturbance in the area and read a letter to the Commission stating her viewpoint.

Commission Discussion: The Commission questioned Mr. Shea, Attorney Snow, Mr. Rogers and Mr. Andonian. The Commission suggested that the access road be moved. The Commission requested that the applicant submit a revised site plan showing the septic system removed, showing the access road moved and a copy of the sewer application. The applicant requested a continuance.

Dennis Minsky moved to accept the request for a continuance until the January 23, 2007 hearing, Lynne Martin seconded and it was so voted, 3-0.

Request for Determination of Applicability (continued from December 19, 2006)

Application by **Off Cemetery Road Realty Trust c/o Kenneth C. Weiss, Trustee** for a Determination of Applicability under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws. The applicant seeks to construct a dwelling, stone retaining wall and perform minor grading at the property located a **5 Heather's Way**, in Provincetown.

Presentation: Paul Shea and William N. Rogers appeared to discuss the application. The site has been cleaned up and the concerns of the Commission as a result of their site visit have been addressed. The building will be moved forward and the wall will be eliminated. Mr. Rogers submitted a revised plan showing the septic system and the new proposed location of the building.

Commission Discussion: The Commission questioned Mr. Rogers. The Commission decided that they would like to conduct another site visit on January 23, 2007 at 2:30 P.M. Mr. Rogers will re-flag the site. The applicant requested a continuance.

Dennis Minsky moved to continue the case until the January 23, 2007 hearing, Lynne Martin seconded and it was so voted, 3-0.

NEW BUSINESS:

Administrative Review of Permit Number SE-58-0412 (*continued from December 19, 2006*)

Coastal Engineering Company, Inc. is seeking an Administrative Review for a field change due to the issuance of a demolition permit to avert a hazard to public health and safety at the property located at **59 Commercial Street** in Provincetown.

Presentation: Reggie Donoghue, of Coastal Engineering Company, Inc., appeared to request the Administrative Review. One of the buildings on site was unsuitable for renovation and the Building Inspector recommended that it be demolished and then reconstructed. The proposed reconstruction will conform very closely to the plans previously submitted for the building's renovation. The proposed reconstructed building will sit on the same foundation.

Commission Discussion: The Commission questioned Mr. Donoghue. They requested that Mr. Donoghue update the construction narrative to reflect the changes in the project and submit that to the Commission.

Dennis Minsky moved to approve the Administrative Review of Permit Number SE58-0412, Lynne Martin seconded and it was so voted, 3-0.

CORRESPONDENCE:

The Department of Environmental Protection issued a superceding Order of Conditions for Permit #58-0385, the Winstanley project on Commercial Street. The abutters had appealed the original Order of Conditions issued by the Commission and as a result superceding Orders were issued by DEP.

ANY OTHER BUSINESS:

Brian Carlson presented the Special Order of Conditions for the project at 67 Harry Kemp Way to the Commissioners for their approval.

The Commission, after a few changes, approved the 2007 hearing schedule.

CONSERVATION COMMISSION STATEMENTS:

The Commissioners agreed that they would like to draft a regulation that deals with the use of herbicides.

Dennis Minsky moved to go into an Executive Session at 8:30 P.M. and it was so voted unanimously by each Commissioner present.

ADJOURNMENT:

Lynne Martin moved to adjourn at 9:03P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2007.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2007
Dieter Groll and Elaine Anderson, Co-Chairs