

**PROVINCETOWN CONSERVATION COMMISSION
MEETING MINUTES**

June 5, 2007

6:30 P.M.

Members Present: Dennis Minsky, Dieter Groll, Elaine Anderson, Lynne Martin and David Hale.

Members Absent: Paul Tasha.

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

PUBLIC HEARING

Co-chair Dennis Minsky called the Public Hearing to order at 6:32 P.M.

PUBLIC STATEMENTS:

Barbara Rushmore spoke about the Town drainpipe that extends under her property at 605 Commercial Street. She informed the Commission that the pipe is now covered over with sand so deeply that the DPW cannot dig it out after storms. She would like to see the pipe extended outward another 10 feet. She is asking the Commission for their guidance on the issue. She has already spoken to David Guertin about the situation. The Commission informed Ms. Rushmore that they would conduct a site visit to investigate the issue and then contact DPW about how best to resolve the problem.

MINUTES: April 17, 2007 – Regular Session – *Lynne Martin moved to approve the language as written, David Hale seconded and it was so voted, 5-0.*

April 17, 2007 – Executive Session – *Elaine Anderson moved to approve the minutes as written, David Hale seconded and it was so voted, 5-0.*

NEW BUSINESS:

Notice of Intent

Application by **Richard L. Bready**, represented by **Coastal Engineering Company, Inc.**, for a Notice of Intent under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40 and the Provincetown Wetlands By-Law Chapter 12. The applicant has filed a Notice of Intent for proposed landscaping improvements at the property located at **531 Commercial Street**, in Provincetown.

Presentation: Reggie Donoghue, John DeSouza, Patrick Eley and Glen Parker appeared to present the application. The applicant seeks to make minor changes to the landscaping plan previously submitted to the Commission, including the construction of a garden shed and an outdoor shower and the installation of a plumbed barbeque on the premises.

Public Comment: Albert and Joan Marsh, abutters to the east of the premises, both spoke against the application, stating their concern about the proximity of the structure to their property line, which has negatively impacted their garden on the west side of their property. Martin Huey, John Livingstone, Alexandra Smith, Joanne Gaffney, all neighbors of the project, spoke against the application. There was 1 letter in the file from John Livingstone, reiterating his opposition to the project.

Commission Discussion: The Commission questioned Mr. Donoghue, Mr. De Souza, Mr. Eley and Mr. Parker. The Commission requested that the applicant make some changes to the proposed landscaping plans.

Public Comment: Albert and Joan Marsh and John Livingstone spoke again in opposition to the

project.

Commission Discussion: The Commission made the following requests for changes:

- removal of the irrigation well on the property;
- moving the shower area to the west side of the property and reducing its size;
- only native species to be planted on site; and
- moving the proposed deck behind the seawall and removing it and storing it off site in the off season;

The Commission also requested that the applicant submit percolation rates for the cobblestones that will be used for paving the driveway at the site and urged the applicant to increase the green space and reduce the lot coverage. The Commission also requested that the applicant submit revised plans with the recommended changes before the next hearing. The application is continued until the June 19, 2007 hearing.

Elaine Anderson moved to grant a continuance for the Notice of Intent for proposed landscaping improvements at the property located at 531 Commercial Street, Dieter Groll seconded and it was so voted, 5-0.

The Commission briefly discussed the need to formulate both performance and design standards to apply to projects that come before them.

CORRESPONDENCE:

The Commission discussed a letter from the Massachusetts Association of Conservation Commissions endorsing the Public Lands Preservation Act, aka, Article 97. The bill would make it the policy of the Commonwealth to approve change in use or disposition of land acquired for natural resource purposes only if there is no feasible alternative and if equivalent replacement land is provided, in other words, if there is no net loss.

Dieter Groll moved to endorse and support the Public Lands Preservation Act, Elaine Anderson seconded and it was so voted, 5-0. The Commission will write a formal letter in support of Article 97, using the form that was attached to the MACC letter.

The Commission briefly discussed an issue at 3 Browne Street concerning water filling the basement of the structure on the premises. The homeowner was pumping the water into the Town sewer system. The situation has been resolved with the intervention of the Health Agent, according to Brian Carlson.

CONSERVATION BOARD STATEMENTS:

The Commission discussed the illegal discharge of water on conservation land near Mt. Gilboa. The Commission would like to prevent the situation from occurring again in the future. Sandy Turner at the DPW was contacted and she agreed to file a Notice of Intent. Dennis Minsky will send a letter on behalf of the Commission stating the need for DPW to submit an NOI in order to avoid the issuance of an Enforcement Order.

The issue of beach cleaning was discussed in regard to the standards that should be applied when debris collects on the beach after storms. The Commission discussed setting standards as to what constitutes a health hazard, and thus can be cleared from, and what needs to remain on the beach.

The Commission discussed the property at 21 Bradford Street Extension and the Order of Conditions that will be applied to the project. The Commission seeks assurances from the applicant that the upland area will be preserved and not developed and that a conservation restriction will be placed on the wetland areas. In addition to this, the Commission would like to also to restrict the tennis court area, if

in the future it does not remain a tennis court, to passive recreation. The Commission will hold a meeting on June 14, 2007 at 7:00 P.M. to endeavor to finalize the Order of Conditions for the property located at 21 Bradford Street Extension.

ADJOURNMENT: *Elaine Anderson moved to adjourn 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 _____, 2007.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2007
Dennis Minsky and Elaine Anderson, Co-Chairs