

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
December 6, 2011
6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin, David Hale and Barbara Prato.

Members Absent: Hank Janowsky (excused).

Others Present: Brian Carlson (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Chair Dennis Minsky called the Public Meeting to order at 6:31 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: November 15, 2011 – *David Hale moved to approve the language as amended, Barbara Prato seconded and it was so voted, 4-0.*

NEW BUSINESS:

Notice of Intent (continued from November 15, 2011)

Application by **Jason E. Stone** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include proposed swimming pool and landscaping at the property located at **6 Harbour Drive (Lot 16)**, in Provincetown.

Presentation: Paul Shea, Jason Stone and Jen Malila appeared to discuss the application. A DEP file number has been assigned to the project and there were no comments concerning the proposal. The National Heritage Endangered Species Program approved the project, but requested that the osprey pole be removed. The site was staked for review by the Commissioners. Ms. Malila put together a spreadsheet comparing the square footage of plantings, pool, stone pavement and lawn in both the 0-50' and the 50-100' buffer zones in the 2011 plan as compared to the 2009 plan. Mr. Shea also provided more information regarding the saline pool. The walkway will be made of teak and capable of being rolled up when not in use.

Commission Discussion: The Commission questioned Mr. Shea, Mr. Stone and Ms. Malila. The Commission was concerned about overflow from the pool and the hot tub. It requested that the drainage strip on the hot tub be connected to a drywell and that some apparatus to deal with pool overflow be installed.

Dennis Minsky moved to approve the Notice of Intent under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12 for proposed work to include a swimming pool and landscaping at the property located at 6 Harbour Drive (Lot 16) with the Standard Order of Conditions and with the following Special Conditions: that any de-watering of the pool shall occur outside the 100' buffer zone either into a truck or a drywell; that there be some apparatus to deal with pool overflow drainage; that the walkway shall be no more than 23" wide, with spacing between the slats, made of natural, untreated wood, placed in a zig-zag pattern and present no longer than May through

October; that the sand fence, pergola and the water feature shall be removed; that the hot tub shall be located above ground on crushed stone, covered and with the drainage strip connected to a drywell; that there shall be no beach access to perform work at the property; and that the vegetation plan dated October 11, 2011, as revised November 25, 2011, shall replace the 2009 vegetation plan, Barbara Prato seconded.

The motion was briefly discussed.

David Hale moved to amend the motion to include a 3-year survivability requirement for all plantings on site, Dennis Minsky seconded the amended motion and it was so voted, 4-0.

Notice of Intent

Application by **The 175 Beach House, LLC, Michael J. Zeppieri**, represented by **William N. Rogers, II**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the installation of timber piles and construction of beach access stairs at the property located at **175 Commercial Street** in Provincetown.

Presentation: Billy Rogers, Rich Waldo and Mike Winkler appeared to present the application. A Chapter 91 license is in the process of being secured for the existing wooden bulkhead. This process involves the required installation of beach access stairs. The proposed project consists of installing four 10" diameter timber piles to a depth of 12' below grade and having 9' exposed above grade. The timber piles will be placed 3-5' apart on center. The beach access stairs will be constructed after the completion of the pile installation. The stairs will be 3' wide and include a 3' by 5' landing. All structural elements of the stairs will be anchored into new and existing timber piles. There has been no DEP file number assigned to this project. The Division of Marine Fisheries had no issues with the project. All work will be done from the parking lot area and no machinery will be placed on the beach.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers, Mr. Waldo and Mr. Winkler. Mr. Rogers requested a continuance to the January 17, 2012 Public Hearing due to the absence of a DEP file number.

Dennis Minsky moved to grant the request for a continuance to the January 17, 2012 Public Hearing, Barbara Prato seconded and it was so voted, 4-0.

Notice of Intent

Application by **The Skiff Condominium**, represented by **William N. Roger, II**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the proposed renovation of Building B in accordance with FEMA regulations at the property located at **67 Commercial Street** in Provincetown.

Presentation: Gary Locke, Rich Waldo and Greg Morris appeared to present the application. The existing building is being raised in order to bring it into compliance with the State Building Code and the National Flood Insurance Regulatory requirements. The first floor has to be raised at least to the same height as the base flood elevation. The building is located in Flood Zone A2 and the base flood elevation is 11'. The existing floor elevation is 10.5' and will be raised to a height of 12.1'. The existing wood piles under the structure are not in good shape, so a new foundation will be installed. It will consist of concrete piers on a grade beam supported with 16 helical piles, 6 batter piles and 10 vertical piles. There will be no pile driving. An electrical augur

will be used to put in the piles. The building will be cribbed and lifted in place in order to allow an excavator to perform work underneath. No DEP file number has been assigned to the project.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Locke, Mr. Waldo and Mr. Morris. Mr. Locke requested a continuance to the January 17, 2012 Public Hearing as no DEP file has been assigned to the project.

Barbara Prato moved to grant the request for a continuance to the January 17, 2012 Public Hearing, Lynne Martin seconded and it was so voted, 4-0.

CONSERVATION BOATD STATEMENTS:

Dennis reported that Doug Johnstone needs an annual report from the Commission by January 25, 2012 for the spring Town Meeting. Brian will work on it and the Commission can review and approve it at the January 17, 2012 Meeting.

David inquired as to whether the new conservation by-law had been approved by the Attorney General. It had and it is in effect. Brian reported that the process an applicant needs to follow if a project falls under the Commission's new jurisdiction is explained on the Town's website. The Commission discussed the topic. Lynne will work on a map for the Department of Community Development so they will know which applications they receive will be subject to the new by-law.

Brian reported that he met with Reggie Donoghue and David Gardner at the new Outer Cape Health parking lot.

Lynne reported that Conwell Lumber is having an issue with its neighbors related to the access off Harry Kemp Way. Conwell Lumber is looking to pave 2700 sq. ft. of pervious surface at that location so that tractor trailers can unload at the premises. The Commission discussed whether it might have jurisdiction over the area under the new conservation by-law.

ADJOURNMENT: Barbara Prato moved to adjourn at 8:12 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2012

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2012
Dennis Minsky, Chair