

PROVINCETOWN CONSERVATION COMMISSION

January 24, 2002
6:30 P.M.

Members Present: John Bennett, Robert Guerreiro, Susan Avellar, Sheila Benzer, Robin Evans

Members Absent: None

Others Present: Roger Dias (Conservation Agent), Ellen C. Battaglini (Recording Secretary)

John Bennett called the meeting to order at 6:40 P.M.

I. PUBLIC STATEMENTS:

- Anne Lord addressed the Board concerning Site "Y." John Bennett explained that the Conservation Commission had made a site visit to Site "Y" with an engineer, architect and an environmental specialist, but nothing has been approved by the Board. The Board, however, does not oppose site, subject to a Notice of Intent and a full review.

MISCELLANEOUS

- **John Bennett welcomed Peter Souza as an alternate member and Sheila Benzer as a full member of the Conservation Commission.**

II. PUBLIC HEARINGS:

Notice of Intent

Application by Coastal Engineering, Inc., representing Robert Steinberg for 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 for the property located at **651 Commercial Street**, Provincetown.

Presentation: Mark Burgess for Coastal Engineering appeared to present the application. He presented a revised plan for the bulkhead located at 651 Commercial Street and explained that helical screw anchors would be used in the construction of the bulkhead and that there would be no change to its height.

Public Comment: None.

Commission Discussion: The Board questioned Mr. Burgess about the bulkhead, the helical screw anchors and the work being done on the site.

Robert Guerreiro moved to approve the Notice of Intent and the issuance of an Order of Conditions to include the following special conditions:

- *The stairs coming off the bulkhead to the beach shall be seasonal and be anchored into the earth;*
- *There shall be adequate emergency cleanup materials on site in case of a hydraulic oil spill.*

Sheila Benzer seconded and it was so voted 5-0.

Abbreviated Notice of Resource Area Delineation

Application by the Town of Provincetown represented by Horsley & Witten, Inc., for Abbreviated Notice of Resource Area Delineation 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 for the property located at **Site "Y," the site located to the south of Route 6, along the old railroad line, bordered to the west by Howland Street**, Provincetown.

Presentation: Mario DiGregorio presented the application with preliminary comments from David

Guertin (Director of Public Works). Mr. Guertin said that the Town is submitting an Abbreviated Notice of Resource Area Delineation because it allows the project to remain within the jurisdiction of the Provincetown Conservation Commission. He added that he will continue to keep the Commission abreast of what is going on in regard to this project.

Mr. DiGregorio then proceeded to present the application, which seeks to establish the extent of bordering vegetated wetland and other resource areas on land subject to protection under M.G.L. c. 131 §40. The application for the ANRAD is to confirm a delineated boundary of bordering vegetated wetlands and other resource areas located within Site "Y" prior to filing a Notice of Intent for proposed work. Mr. DiGregorio, frequently referring to a large map of Site "Y" that he had set up in the meeting room, said that the existing conditions at Site "Y" included 8 wetlands. He then proceeded to point out these delineated areas and their respective 100-foot buffer zones on the map.

Public Comment: Anne Lord expressed her concerns about the project. Chair John Bennett responded that the Commission had been asked only to approve the wetland delineations as presented by Mario DiGregorio. Paul Tasha spoke about his concerns with the water table at Site "Y" and the fact that the region is currently experiencing drought conditions. Mr. DiGregorio responded to that issue.

Commission Discussion: The members of the Commission then asked questions of Mr. DiGregorio. *Susan Avellar moved that the Commission make a determination that bordering vegetated wetland and other resources subject to jurisdiction have been identified and delineated according to the definitions in 310 CMR 10.00 and issue an Order of Resource Area Delineation to confirm and modify the delineations submitted on a plan by Environmental Partners Group, Inc. dated December 2, 2001, Robert Guerreiro seconded and it was so voted, 5-0.*

MISCELLANEOUS

- **David Guertin brought up a request concerning the Wastewater Treatment Project. The Cape Cod Commission had said that an environmental monitor for the project was not necessary, but that the Provincetown Conservation Commission had wanted one. Mr. Guertin made a request that Sheila Benzer and Peter Souza help him shape a plan for a monitor and then accompany him to a meeting of the Cape Cod Commission with that plan.**
- **Mr. Guertin also addressed the Commission concerning the Notice of Intent applied for by Metcalf & Eddy for the Wastewater Treatment Site and approved by the Commission on December 27, 2001. There has been an extension of the time period within which the Order of Conditions is to be written. The usual period of time is 21 days, but a week and a half has been added.**

III. PUBLIC MEETING:

William Rogers, II, P.E. addressed the Commission concerning the Boatslip Motor Inn on the Beach, located at 161 Commercial Street. There are serious structural problems with the deck at the property and issues concerning beach erosion that are contributing to the undermining of the structural integrity of the deck. Mr. Rogers was appearing before the Commission to present some ideas on how to remedy the structural problems and to ask the Commissioners their opinions on those ideas. He is looking for a temporary solution to the problem that would protect not only the coastal dune located on site, but that would nourish the beach beneath and surrounding the site. This would then allow the appropriate environmental impact and structural studies to be undertaken in order that a more permanent solution, acceptable to the Commission, be reached and implemented.

Commission Discussion: The Commission discussed the issues with Mr. Rogers and suggested that the Boatslip hire a consultant to review the project. The Commission then moved to retain Graham Giese to make recommendations to the Conservation Commission relative to the

problem of the deck and concerning the impact of the project on the coastal dune and beach.

IV. NEW BUSINESS:

None.

V. OTHER BUSINESS:

- There was an update on the Burn Dump Capping. Sheila Benzer gave a report on what trees were saved, stating that 508 trees had been lost. However, she added that David Guertin (Director of Public Works) agreed that each tree that was lost would be replanted.
- There was a discussion by the Commission as to whether there had been a violation of the Order of Conditions for the Wastewater Treatment System. Lynn Hamlin is the monitor on site. The Commission discussed this and indicated that the problem had been corrected.
- Sheila Benzer is the liaison to the Wastewater Treatment System project. She made a report concerning the birch trees on the site.
- There was a status report by the subcommittee (Robert Guerreiro and Susan Avellar) writing up the Order of Conditions for the Wastewater Treatment System. There has been an extension of a week and a half granted to the subcommittee to get the Order of Conditions to the Department of Environmental Protection.
- Susan Avellar will not be able to attend the February 28, 2002 meeting.
- Chair John Bennett introduced the subject of the annual reorganization of the Commission, as set forth by the Town Charter. He asked the Commissioners for a motion regarding this issue. ***Robert Guerreiro moved to hold the election for a new Chair and Vice Chair, Sheila Benzer seconded and it was so voted, 5-0.***
Chair John Bennett then entertained nominations for Chair and Vice Chair.
Robert Guerreiro moved to nominate John Bennett as Chair, Sheila Benzer seconded and it was so voted, 5-0.
John Bennett moved to nominate Robert Guerreiro as Vice Chair, Susan Avellar seconded and it was so voted, 5-0.
- Sheila Benzer raised an issue regarding alternate members of the Commission sitting on an agenda item in the absence of a full member. If the full member subsequently appears, what is the protocol? Does the alternate step down or does the alternate continue to hear the agenda item? According to the "Handbook For Members of Town Boards," page 5, "(T)he selected alternate should sit on a given matter until its conclusion."

VI. MINUTES:

John Bennett made a motion to approve the minutes of the December 27, 2001 meeting with a correction, Susan Avellar seconded and it was so voted, 3-0.

VII. ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE BOARD:

None.

ADJOURNMENT:

John Bennett made a motion to adjourn the meeting at 9:00 P.M. and it was so voted unanimously.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2002
John Bennett, Chairman