

PROVINCETOWN CONSERVATION COMMISSION

October 24, 2002
6:30 P.M.

Members Present: Susan Avellar, Peter Souza, Sheila Benzer, Robin Evans and Roger Chauvette

Members Absent: None

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

PUBLIC MEETING

Acting Chair Susan Avellar called Public Meeting to order at 6:33 P.M.

I. PUBLIC STATEMENTS:

None

II. NEW BUSINESS

48 Shankpainter Road – Possible amendment to Order of Conditions
The applicant did not appear.

III. PUBLIC MEETING:

Determination of Applicability (Continued from 9-26-02)

Application by David B. Lajoie of Felco, Inc., representing the White Sands Beach Club, Inc., 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 for the property located at **6 Sandy Hill Lane** in Provincetown.

Presentation: David B. Lajoie and Maria Kuliopulos appeared to present the application. The application involves the rebuilding of a damaged structure. The structure is outside the buffer zone, but access to the site involves crossing the buffer zone. The applicant had a letter from John Rice, who will be doing the demolition and excavation, describing the protocol that he will be following in order that there be no damage to the buffer zone.

Public Comment: None.

Commission Discussion: Acting Chair Susan Avellar made a brief comment about the complaint lodged by Ms. Kuliopulos against the Commission with the Town Manager. The Commission questioned Mr. Lajoie about whether there would be any tree removal at the site, whether animals currently living in the empty house would be harmed when the excavation commenced. Sheila Benzer and Peter Souza will act as liaisons to the project and will receive 48 hours notice before the work begins in order to empty the house of feral cats and other animals. The applicant was questioned about storm water runoff and agreed that pressure-treated wood will not be used in the project.

Sheila Benzer moved to grant a Negative Determination (#3) subject to the following conditions:

- *The construction protocol outlined by John Rice in his letter to the Commission will be followed;*
- *The Conservation Commission liaisons will be notified 48 hours in advance before demolition begins in order to remove any animals on the site;*
- *The roof runoff will be contained by downspouts and drywells;*
- *No pressure-treated lumber will be used on site;*

- *Any trees that need to be removed outside the buffer zone during demolition be replaced carefully because the property is right on the edge of a resource area; and*
- *The limits of the work line be flagged and both straw bales and silt fences be in place before the demolition and excavation begin,*

Robin Evans seconded and it was so voted, 5-0-0.

Determination of Applicability

Application by Mariellen Serena 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 for the property located at **820 Commercial Street**, Provincetown.

Presentation: Mariellen Serena appeared to present the application. The applicant is concerned about any development that may occur on the property, which is currently for sale. The property is being advertised as buildable.

Public Comment: None.

Commission Discussion: the Commission assured Ms. Serena that the property was subject to the Wetlands Protection Act and that any work done on the property would need to be with the consent of the Commission.

IV. PUBLIC HEARING:

Notice of Intent

Application by Bourne Consulting Engineering representing the Town of Provincetown (David Guertin, DPW Director) 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 **41° 54.4', 70° 13.3' W, in Cape Cod Bay, known as the Cape Cod Disposal Area**, Provincetown.

This application was withdrawn.

Notice of Intent

Application by Coastal Engineering representing John and Donna Farrelly 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 **575 Commercial Street**, Provincetown.

Presentation: Rich Bryant, of Coastal Engineering, Tom Thompson, Designer, and Tom DiFrancesca, General Contactor, appeared to present the application. The property is within the 100' buffer zone and a coastal beach and is thus subject to coastal zone flooding.

Public Comment: Mario DiGregorio, a wetlands specialist, representing 9 condominium unit owners at 577 Commercial Street, questioned the Board of Health confirmation that needs to happen before a project is heard by the Conservation Commission. The applicant replied that the Board of Health has reviewed the site plans and septic plans and Health Agent, George Heufelder, has pronounced the system adequate for the property. The property will also be hooking up to the sewer. Donna Farrelly, one of the owners, assured the Commission that it was not the intention of her and her husband to tax the septic system.

Commission Discussion: The Commission questioned the applicants.

Susan Avellar moved to approve the 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 as written for the property located at 575 Commercial Street, Provincetown, with the following Order of Conditions:

- *The south side of the deck not be used for storage of excavation or construction materials;*

- *The beach be patrolled for debris daily;*
- *No mechanical equipment be allowed on the beach;*
- *Prior to demolition and /or construction, Acting Conservation Agent Roger Dias be notified of the erosion control standards being put in place;*
- *The applicant has agreed to supply written verification that the cesspool is up to code and verification that the new construction conforms to its use;*
- *The applicant has agreed to verify the sign-on to the sewer project; and*
- *A copy of the inspection of sea wall to be attached to the Order of Conditions, Robin Evans seconded and it was so voted, 5-0-0.*

V. OTHER BUSINESS:

Discussion of possible acquisition of surplus highway property.

The Commission discussed the acquisition of surplus state highway property of 100+ acres. The Provincetown Housing Authority has expressed interest in several parcels of the land. Peter Souza feels that the Commission should make a proposal to purchase the land as they do have the authority to acquire land through grants and other programs. Any proposal would need to go to Town Meeting and be approved. Robin Evans suggested an amendment.

Susan Avellar moved to accept the proposal, Sheila Benzer seconded and it was so voted, 5-0-0.

VI. APPROVAL OF MINUTES:

Peter Souza moved to approve the minutes of October 24 2002, Robin Evans seconded and it was so voted, 3-0-2 (abstain).

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

The Commission discussed the situation of the Wetland Regulations and the non-response of the Town Manager regarding them.

The Commission wishes to express their concerns at the November 4, 2002 Board of Selectmen's meeting. Robin Evans will make a list of concerns.

Susan Avellar wrote a letter regarding 139 Commercial Street on October 18, 2002.

A list of meetings for 2003 was presented to the Commission.

The Commission would like to place the issue of the boat moored at Cabral's Wharf on the agenda for the November 21, 2002 meeting

ADJOURNMENT:

Robin Evans moved to adjourn the meeting at 9:34 P.M., it was so voted unanimously.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2002
Susan Avellar, Acting Chair