

PROVINCETOWN CONSERVATION COMMISSION

February 26, 2004
6:30 P.M.

Members Present: Elaine Anderson, Dieter Groll, Sarah Robin, George Bryant (arrived at 7:40 P.M.), Paul Tasha and. John Santos.

Members Absent: None.

Others Present: Mark Latour and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:39 P.M.

I. PUBLIC STATEMENTS:

None.

II. OLD BUSINESS:

Certificate of Compliance

351A Commercial Street –

Dieter Groll, Elaine Anderson, John Santos, Sarah Robin, and Paul Tasha sat on the case. A note from Roger Dias was read regarding the issuance of a Certificate of Compliance.

Elaine Anderson moved to grant a Certificate of Compliance for the property located as 351A Commercial Street, Paul Tasha seconded and it was so voted, 5-0.

10 Hobson Avenue – There was a letter on file reiterating the need for Henry Block to submit a Determination of Applicability for the property located at 10 Hobson Avenue before the next meeting.

III. NEW BUSINESS:

This discussion is tabled until the arrival of Mark Latour.

Dieter Groll moved to table the discussion until the arrival of Mark Latour, Elaine Anderson seconded and it was so voted, 5-0.

IV. PUBLIC MEETING:

Determination of Applicability

Application by Robert Valois, Architectural Designer, representing David Martin 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 **47 Commercial Street** in Provincetown. Dieter Groll, Elaine Anderson, Sarah Robin, Paul Tasha and John Santos sat on the case.

Presentation: Robert Valois appeared to present the application. The applicant seeks to build a second story deck at the premises. The deck will be no closer to the resource area than the existing structure and there will be no additional runoff as a result of the construction.

Commission Discussion: The Commission questioned Mr. Valois about the location of the debris receptacles, the type of decking to be used, whether heavy vehicles needed to be used on the beach, and where materials at the site would be stored. They reminded Mr. Valois that the debris from the construction site needed to be kept off the beach.

Elaine Anderson moved to grant a Negative Determination for the property located at 45

Commercial Street, with the following conditions:

- *Debris be disposed of in the appropriate receptacles located on Commercial Street;*
- *No heavy vehicles be allowed on the beach;*
- *No storage of materials be allowed on the beach; and*
- *The drainage at the site remains the same,*

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

Determination of Applicability

Application by Patrick Patrick, representing Elizabeth Patrick 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 **232 Bradford Street** in Provincetown.

There was a letter from the applicant requesting a continuance.

Paul Tasha moved to grant a continuance, Sarah Robin seconded and it was so voted, 5-0.

V. PUBLIC HEARING:

Notice of Intent

Application by Independent Environmental Consultants, Inc., representing Martha Roderick for a 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 **72 West Vine Street** in Provincetown. Dieter Groll disclosed a conflict of interest with this application that was waived by Town Manager, Keith Bergman. Dieter Groll, Elaine Anderson, Sarah Robin, Paul Tasha and John Santos sat on the case.

Presentation: John Shea, of Independent Environmental Consultants, Inc. appeared to present the application. The applicant seeks to convert an existing horse barn into a three-bedroom house. Most of the work will occur outside the 100' buffer zone.

Commission Discussion: The Commission questioned the veracity of the wetland delineation at the property. Mario DiGregorio, who is a wetland specialist, was responsible for the current delineation. Gary Locke, a surveyor, joined in the discussion. The Commission concluded that the issue of the wetland delineation needed to be clarified before the discussion about the application could continue. The Commission would like to hire an independent environmental specialist to delineate the wetland. The applicant would like to see Mr. DiGregorio's field notes and have him appear to discuss his data. The case will be continued until the March 25, 2004 hearing.

John Santos moved to continue the application by Independent Environmental Consultants, Inc., representing Martha Roderick for a 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 72 West Vine Street in Provincetown, Elaine Anderson seconded and it was so voted, 5-0.

Notice of Intent

Application by Felco, Inc. representing Francis John Santos for a 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 **131A Commercial Street** in Provincetown.

Elaine Anderson recused herself because of a conflict of interest. Dieter Groll, Sarah Robin and Paul Tasha sat on the case.

Presentation: David LaJoie, from Felco, Inc., appeared to present the application. The applicant seeks to repair a small section of the dock located at the premises. The construction is now in Phase I of the overall dock extension. The work will be done from the existing pier, the storage

of materials will be on land, not on the pier, access to the site will be via Good Templar Place, and the Shellfish Constable and the Marine Superintendent have written letters of support for the project.

Commission Discussion: The Commission questioned Mr. LaJoie. The Commission requested that the applicant contact Roger Dias if digging on the beach were ever necessary.

Paul Tasha moved to grant a 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 131A Commercial Street in Provincetown, Sarah Robin seconded and it was so voted, 3-0.

VII. OTHER BUSINESS:

Cape Cod National Seashore Letter – Old Harbor Lifesaving Station

Dieter Groll, Elaine Anderson, Sarah Robin, George Bryant and John Santos sat on the case.

Presentation: Judith Oset, an employee of the National Seashore, appeared before the Commission. The Seashore is concerned about erosion at the Old Harbor Lifesaving Station. There are critical safety issues involved and the Seashore would like an emergency permit, to be followed by the filing of a Determination of Applicability or a Notice of Intent within 21 days, to address these issues.

Commission Discussion: The Commission made a request that if the Seashore were amenable to a request that all of the macadam be removed, then a Determination of Applicability would not be necessary.

Elaine Anderson moved to approve the emergency permit for the National Seashore to address the erosion issue at the Old Harbor Lifesaving Station with the condition that the macadam be removed, Dieter Groll seconded and it was so voted, 5-0.

III. NEW BUSINESS:

There is a pool of money available to the Conservation Commission to pay for legal consultants. Applicant fees for Determinations of Applicability and Notices of Intent go to pay for legal notices in the newspaper. There was a brief discussion of fees that the Town charges to applicants.

VII. SPECIAL WORK SESSION:

- A. Discussion of the management of Clapp's Pond.
Two members of the Conservation Trust, Joe Notaro and Celine Gandolpho, appeared to join the discussion as well as Robin Evans and Steve Milkewicz, of the Open Space Committee. Peter Souza, a former member of the Conservation Commission, talked about the management plan and asked the Commission to hold a public hearing soon. The longer the Commission delays, he stated, the more the area will continue to deteriorate. He also stated that the Conservation Commission had written regulations concerning the management of Clapp's Pond, but they had never been approved. There was a discussion of the subject and the Commission concluded that the existing, unapproved management plan should probably be revised and there should be additional discussion about how it will be enforced. Dieter Groll, Elaine Anderson, Sarah Robin and George Bryant were seated.

George Bryant moved to hold a Public Hearing on the issue of the management of Clapp's Pond, Elaine Anderson seconded and it was so voted, 4-0.

The Commission discussed scheduling a site visit to the Clapp's pond area on Monday, March 1, 2004 at 10:00 A.M., with a rain date of Tuesday, March 2, 2004 at 10:00 A.M. The Commission proposed forming a subcommittee to consult with members of the Conservation Trust and the Open Space Committee before the Public Hearing.

- B. Updating the Town's Open Space Plan with the Open Space Committee, Conservation Trust and Conservation Committee.
The discussion concerning this issue and the Clapp's Pond management plan will continue at the April 22, 2004 hearing.

IX. MINUTES:

December 29, 2003 and January 22, 2004 – Elaine Anderson moved to approve the minutes of December 29, 2003 and January 22, 2004, Sarah Robin seconded and it was so voted, 4-0.

ADJOURNMENT:

Elaine Anderson moved to adjourn the meeting at 9:10 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on March 25, 2004.

NEXT MEETING

The next meeting will be on March 25, 2004.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2003
Dieter Groll and Elaine Anderson, Co-Chairs