

PROVINCETOWN CONSERVATION COMMISSION

**August 26, 2004
6:30 P.M.**

Members Present: Dieter Groll, Elaine Anderson, John Santos and George Bryant.

Members Absent: Paul Tasha.

Others Present: David McLean-Perkins (Community Development Secretary) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:45 P.M.

PUBLIC STATEMENTS:

None.

OLD BUSINESS:

Notice of Intent (continued from 7/22/04)

Application by Roxane C. Pratten and Independent Environmental Consultants, Inc., representing Margaret Gifford, 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 **333 Commercial Street** in Provincetown. Applicant seeks approval for construction of a wooden deck, wooden walkway to coastal waters and re-vegetation of loose sand within land subject to coastal storm flowage and 100' buffer zone.

Presentation: William N. Rogers, II, P.E., P.L.S., and Paul Shea of Environmental Consultants, Inc., appeared to present the application. New plans showing a 4' natural walkway were submitted.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Mr. Shea and Mr. Rogers.

John Santos 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 333 Commercial Street for the construction of a wooden deck, wooden walkway to coastal waters and re-vegetation of loose sand within land subject to coastal storm flowage and 100' buffer zone, Elaine Anderson seconded and it was so voted, 3-0.

Notice of Intent (continued from 3/25/04, 4/22/04, 5/27/04, 6/24/04 and 7/22/04)

Application by Independent Environmental Consultants, Inc., representing Martha Roderick, 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 **72 West Vine Street** in Provincetown.

This case is continued until the September 14, 2004 hearing.

Determination of Applicability (continued from 7/22/04)

Application by Frank Vasello, representing the Provincetown Community Compact, Inc., for Request 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 **between Route 6 and Shank Painter Road** in Provincetown. The applicant seeks approval for temporary site-specific sculptures, from various artists, to be chosen by a

jury of six people. All work will be temporary and will have minimum impact on the environment. All work will be removed at the end of the exhibition in October.

Presentation: Frank Vasello appeared to present the application. The applicant submitted a map showing the location of the sculptures and a written proposal to the Commission.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Vasello.

John Santos moved to grant a Negative #3 Determination 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 temporary site-specific sculptures on the property located between Route 6 and Shank Painter Road, with the conditions that Ship's Way not be used and that Mr. Vasello monitor the site weekly, Elaine Anderson seconded and it was so voted, 4-0.

PUBLIC MEETING:

Certificate of Compliance:

1. Bruce A. Flint, 191A Commercial Street –

Presentation: Chet Lay, of Slade Associates, appeared to request two Certificates. He stated that all work at the premises has been completed and complies with the Orders of Conditions issued by the Commission. There were two Orders of Conditions issued because the first had lapsed.

George Bryant moved to grant a Certificate of Compliance for SE-366 at 191A Commercial Street, Elaine Anderson seconded and it was so voted, 4-0.

George Bryant moved to grant a Certificate of Compliance for SE 58-322 at 191A Commercial Street, Elaine Anderson seconded and it was so voted, 4-0.

Discussion

1. 409A Commercial Street – written complaint

A written complaint had been received about the property located at 409A Commercial Street from an abutter. The complaint concerned the use of a weed whacker and weed killer to clear beach grass located on the beach side of the premises.

Maxine White, owner of the property, appeared before the Commission.

Ms. White stated that she had no idea that she was breaking the law when she cleared the beach grass in question. She stated that weed killer was only used once and then discontinued. Ms. White and Mr. White, who was seated in the audience, said that they would discontinue the use of the weed whacker to remove beach grass from their property.

John Santos moved to recommend that no weed killer or a weed whacker be used to remove beach grass on the beach side of the premises located at 409A Commercial Street and that the Whites continue to maintain the property as they have in the past, Elaine Anderson seconded and it was so voted, 4-0.

2. Revise day and/or frequency of Conservation Commission meeting schedule –

The Commission discussed the issue and decided to change the day on which they meet to Tuesdays, beginning in September of 2004. They will meet on the second and fourth Tuesday of each month, the latter day only if another hearing or workshop is needed that month. The next scheduled hearing of the Conservation Commission will be on September 14, 2004.

John Santos moved to approve the new meeting schedule, George Bryant seconded and it was so voted, 4-0.

MINUTES: July 22, 2004 – John Santos moved to approve the language as amended, George Bryant seconded and it was so voted, 4-0.

OTHER BUSINESS:

The Commission chose a representative to the Community Preservation Committee.

John Santos moved to nominate Elaine Anderson as the Conservation Committee's representative to the Community Preservation Committee with George Bryant as alternate, George Bryant seconded and it was so voted, 3-0.

George Bryant presented pictures that he had taken of the Volvo of North America sand sculpture event held in August on a Town beach. The Commission discussed the event and their objections to how it was presented. Many aspects of the event had not been approved by the Conservation Commission beforehand and the Commission would like someone, either a representative of Volvo of North America or Steve Melamed, who brought the proposal on behalf of Volvo before the Commission, to appear before them to answer questions pertaining to their concerns.

George Bryant moved to request that a representative of Volvo of North America appear before the Conservation Commission to explain what they intended to present and what was actually presented, in regard to the sand sculptures constructed on a Town beach, John Santos seconded and it was so voted, 4-0. George Bryant will write a letter to Volvo of North America expressing the Conservation Commission's dismay at Volvo's handling of the event.

The Commission briefly discussed the Old Reliable and what is happening at the premises.

The Commission discussed the use of public beaches for commercial purposes by businesses which do not possess Chapter 91 licenses, e.g. the Kite Store.

George Bryant moved that the Conservation Commission write a letter explaining why these businesses should not be allowed to use public beaches for commercial purposes unless they obtain Chapter 91 licenses, Elaine Anderson seconded and it was so voted, 4-0. George Bryant will draft a letter.

ADJOURNMENT:

John Santos moved to adjourn the meeting at 8:00 P.M. and it was so voted unanimously.

NEXT MEETING

The next meeting will be on September 14, 2004.

These minutes were approved by a vote of the Conservation Commission at their meeting on September 14, 2004.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2004
Dieter Groll and Elaine Anderson, Co-Chairs