

# PROVINCETOWN CONSERVATION COMMISSION

September 14, 2004  
6:30 P.M.

**Members Present:** Dieter Groll, Elaine Anderson, John Santos and Paul Tasha (arrived at 7:00 P.M.).

**Members Absent:** George Bryant.

**Others Present:** David McLean (Conservation Commission Secretary) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:37 P.M.

## **PUBLIC STATEMENTS:**

None.

## **OLD BUSINESS:**

**Notice of Intent** (*continued from 3/25/04, 4/22/04, 5/27/04, 6/24/04, 7/22/04 and 8/26/04*)

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 will be continued.

## **NEW BUSINESS**

### **PUBLIC HEARING:**

#### **Abbreviated Notice of Intent**

Application by Lauren McKean, representing Cape Cod National Seashore, 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. Applicant seeks approval for the installation of two two-stall vault toilets in the North and South parking lots and installation of a septic lift station along and within the existing septic/sewer lines between the bathhouse and boathouse for the property located at **Herring Cove Beach and parking area** in Provincetown.

**Presentation:** Harrison Gruman, of the Cape Cod National Seashore, appeared to present the application. The new system will be cleaner and easier to maintain than the old and will have the added advantage of being open year-round.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Gruman. The Commission decided that it would like more specific information about the location in question, particularly in regard to its position vis-a-vis the high water mark, and thus requested that the applicant to stake out the area so they can make a site visit. The applicant requested a continuance until the September 28, 2004 hearing.

*John Santos moved to accept the applicant's request for a continuance, Elaine Anderson seconded and it was so voted, 3-0.*

### **PUBLIC MEETING:**

#### **Determination of Applicability**

Application by David Nicolau, representing 599 Commercial Realty Trust, 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. The applicant seeks approval for the addition of a 16' by 19.3' deck on the south side of the first floor of the building on the property located at **599 Commercial Street** in Provincetown.

**Presentation:** Attorney Lester J. Murphy and David Nicolau appeared to present the application. The applicant has revised the dimensions of the deck to 12' by 19.3'.

**Public Comment:** Andres Branger, an abutter, spoke against the application and read a letter from two other abutters also opposing the application. Steve and Trudy Cook, who are abutters, voiced their opposition to the project. Kevin R. Shea and Judith Richland, who live at 597 Commercial Street, also spoke against the project and submitted a letter to the Commission outlining their concerns.

**Commission Discussion:** The Commission questioned Attorney Murphy and Mr. Nicolau. The Commission stated that they would like to see revised plans showing what is existing and what is proposed, including the location of the 100' buffer zone and the forced high water mark in relation to the proposed deck. Mr. Murphy, on behalf of his clients, requested a withdrawal without prejudice.

*John Santos moved to accept the request for a withdrawal without prejudice, Elaine Anderson seconded and it was so voted, 4-0.*

### **Determination of Applicability**

Application by David Nicolau, representing Marybeth Sherry Costa, 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. The applicant seeks approval for a proposed freestanding structure with 2-3 bedrooms within the 100' buffer zone on the east side of the property located at **88 Bradford Street Extension** in Provincetown.

**Presentation:** David Nicolau appeared to present the application. He stated that this is an informal request and that his client seeks to figure out the best location for a dwelling on the property.

**Commission Discussion:** The Commission discussed the issue with Mr. Nicolau. Mr. Nicolau requested a withdrawal without prejudice.

*John Santos moved to accept the withdrawal without prejudice, Elaine Anderson seconded and it was so voted, 4-0.*

### **Determination of Applicability**

Application by David Nicolau 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. The applicant seeks approval for the installation of a pool in the 100' buffer zone at the property located at **5 Maple Court** in Provincetown.

**Presentation:** David Nicolau appeared to present the application. The pool will measure 14' by 28' and only a small corner intrudes into the 100' buffer zone.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Nicolau. They sought answers to a number of questions, including how will the pool be drained and where will the water be pumped to, how much square footage of the pool intrudes into the 100' buffer zone and what kind of wetland abuts the property. The applicant requested a continuance until the October 26, 2004 hearing.

*John Santos moved to accept the continuance until the October 26, 2004 hearing, Elaine Anderson seconded and it was so voted, 4-0.*

**MINUTES: August 26, 2004** – *John Santos moved to approve the language as written, Elaine Anderson seconded and it was so voted, 4-0.*

### **DISCUSSION:**

The Commission discussed the conservation restriction related to the acquisition of a portion of the former Curtis property located at 290 Bradford Street. The Commission needs to schedule a Work Session to discuss the legal language in the restriction sent to them by Town Counsel via Keith Bergman.

The Commission discussed the report concerning beach nourishment in front of the Cape Inn. John Santos will draft a letter concerning this issue.

The Commission discussed writing a letter to DPW Director David Guertin concerning the crane on the beach next to the Old Reliable. Dieter Groll will draft a letter to David Guertin with a copy sent to the owner of the premises.

### **ADJOURNMENT:**

*John Santos moved to adjourn the meeting at 8:30 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on September 28, 2004.

**NEXT MEETING**

The next meeting will be on October 12, 2004.

Respectfully submitted,

Ellen C. Battaglini

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