

PROVINCETOWN CONSERVATION COMMISSION

September 28, 2004
6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, John Santos and Paul Tasha.

Members Absent: George Bryant.

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

Co-Chair Dieter Groll called the meeting to order at 6:40 P.M.

PUBLIC STATEMENTS:

Peter Souza asked the Commission why the Clapp's Pond Management Plan has not been implemented yet and urged the Commission to act on this issue. The Commission responded that it is making every effort to implement this plan and has even expanded its schedule to two hearings a month in order to have more time to deal with such relevant and pressing topics.

OLD BUSINESS:

Abbreviated Notice of Intent *(continued from September 14, 2004)*

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 Grumman, of the Cape Cod National Seashore, appeared to discuss the application.

Public Comment: None.

Commission Discussion: The Commission still has questions about the proposed location of the toilets in relation to the coastal dune. They suggest a location 75' farther down the beach. The applicants, concerned about the visibility of the toilets, want to explore that location further. The Commission suggests appropriate signage to deal with visibility. The applicant requests a continuance in order to try and obtain ecological approval from the Seashore for the suggested location.

NEW BUSINESS

PUBLIC HEARING:

Notice of Intent

Application by Felco, Inc, representing Blueberry Realty Trust, Brian T. Morris, Trustee, 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. Applicant seeks approval for the construction of a single family dwelling within the buffer zone to a fresh water wetland for the property located at **20 Blueberry Avenue**, in Provincetown.

Presentation: Robert Valois, designer, Alan Cabral, from Felco, Inc. and Brian Morris appeared to present the application.

Public Comment: None.

Commission Discussion: The site wasn't staked to show the proposed location of the dwelling for the Commissioners' site visits. The Commission also informed the applicant that they will need to see where the limits of work will be located and the location of the septic system, as well as building plans for the dwelling. In addition, the Commission will need to know what measures will be used to prevent erosion once the straw bales are removed from the site. The applicant requested a continuance until the October 12, 2004 hearing.

Notice of Intent

Application by Felco, Inc, Lester Heller 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. Applicant seeks approval for the removal of an existing retail building to replace with a new mixed-use building elevated on a new foundation, per building code requirements within land subject to coastal storm flowage and within historic tidelands for the property located at **253A Commercial Street**, in Provincetown. Co-Chair Dieter Groll recused himself because of a conflict of interest and Co-Chair Elaine Anderson chaired the applicant's hearing.

Presentation: Ginny Binder, Neal Kimball, Alan Cabral and Lester Heller appeared to present the application. The applicant seeks to build a mixed-use building, containing an art gallery, jewelry shop, woodworking studio and two dwelling units within the Harbor Overlay District in an A2 flood zone. The building will have a flood proof foundation. The applicant will be seeking a Chapter 91 license after approval from the Conservation Commission.

Public Comment: Rick Murray spoke of his concerns about the close proximity of the construction to the Crown & Anchor.

Commission Discussion: The Commission requested that the applicant stake the site to show the exact location of the proposed building and its relation to the high water mark. The Commission also discussed the issue of hiring an independent third party consultant to advise the Commission on this application. The applicant requested a continuance until the October 12, 2004 hearing.

PUBLIC MEETING:

Determination of Applicability

Application by Steve Descoteaux 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 patio, 2 to 3 foot retaining wall to level the surface area and the removal of 6 to 8 shad trees on the property located at **45 Bayberry Avenue**, in Provincetown. Co-Chair Dieter Groll recused himself because of a conflict of interest and Co-Chair Elaine Anderson chaired the applicant's hearing.

Presentation: Steve Descoteaux appeared to present the application.

Commission Discussion: The Commission needs more information about the site, including what kind of wetland is in the area and where it is located, exactly which shad trees will be removed and the limit

of work on the property. The Commission also advised the applicant to hire an engineer to determine if the proposed work is even located within the 100' buffer zone. The applicant requested a continuance until the October 12, 2004 hearing

Determination of Applicability

Application by Felco, Inc., representing Jose and Adelaide DeBarros, 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 of a septic system upgrade for the property located at **20 Aunt Sukey's Way**, in Provincetown.

Presentation: Alan Cabral, of Felco, Inc. appeared to present the application.

Public Comment: None.

Commission Discussion: The Commission briefly discussed the application.

John Santos moved to grant a Negative #3 Determination with the standard Order of Conditions for the property located at 20 Aunt Sukey's Way, Elaine Anderson seconded and it was so voted, 4-0.

CERTIFICATE OF COMPLIANCE:

Ronnie Szeszler – 385 Commercial Street

Presentation: Ronnie Szeszler and Robert Freeman, of Schofield Brothers, appeared to request the certificate. All conditions have been met at the property, except a drywell was not installed because of space constraints and the design of the roofline. Water in that area just flows off of the roof onto a wooden walkway and then percolates through the sand beneath the walkway.

Elaine Anderson moved to grant the Certificate of Compliance for the property located at 385 Commercial Street, John Santos seconded and it was so voted, 3-1.

DISCUSSION:

The Commission discussed the Shank Painter Pond artists' installation that will open on October 10, 2004. A representative from the Conservation Commission and the Open Space Committee will attend. George Bryant will be asked to attend to represent the Commission.

The Commission discussed John Santos' letter to David Guertin regarding beach nourishment in front of the Cape Inn. The storm drains on the beach were also discussed. The Commission feels that the Town and the DPW need to come up with a plan to maintain the drains and prevent them from clogging. Also discussed was the problem of abandoned and condemned boats located on the beach behind the Surf Club. John Santos will send his letter to DPW and cc to Keith Bergman.

Co-Chair Dieter Groll will work with Robin Evans of the Open Space Committee and the Conservation Trust to finalize the management plan for Clapp's Pond.

MINUTES: September 14, 2004 – John Santos moved to approve the language as written, Elaine Anderson seconded and it was so voted, 4-0.

ADJOURNMENT:

John Santos 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 October 12, 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