

PROVINCETOWN CONSERVATION COMMISSION

October 12, 2004
6:30 P.M.

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

Members Absent: None.

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

Co-Chair Dieter Groll called the meeting to order at 6:38 P.M.

PUBLIC STATEMENTS:

None.

OLD BUSINESS:

Abbreviated Notice of Intent (*continued from 09/14/04 and 09/28/04*)

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: Ben Pierson appeared to discuss the application.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Pierson.

Elaine Anderson moved to approve the Abbreviated Notice of Intent 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 with the following conditions:

- *The asphalt be removed and disposed of;*
- *A snow fence be installed to help keep neighboring dune intact;*
- *The Seashore monitor the tanks for pumping; and*
- *Storm drains be monitored and cleaned, and that any sand present not be returned to the beach, but be disposed of at an appropriate facility.*

Paul Tasha seconded and it was so voted 3-1-1 (abstain).

John Santos moved to require the Seashore to make a test hole and return to the Conservation Commission with the results of that test hole and with information regarding any subsequent test holes dug when obtained, George Bryant seconded and it was so voted, 4-0-1 (abstain).

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.

Alan Cabral appeared to request a continuance until the October 26, 2004 hearing.

Notice of Intent

Application by Felco, Inc, representing 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: Neal Kimball, Alan Cabral and Ginny Binder appeared to present the application.

Commission Discussion: The Commission questioned Mr. Kimball, Mr. Cabral and Ms. Binder. The Commission informed the applicants that the plans presented were not to scale.

George Bryant moved to grant a Notice of Intent 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, with the request that detailed engineering plans and a construction protocol accompanying those plans be submitted to the Conservation Commission when available, John Santos seconded and it was so voted, 3-1 (opposed). Co-Chair Elaine Anderson questioned the acceptability of George Bryant making the motion due to his absence at the 9/28/04 Conservation Commission hearing when the application was first presented with abutter statements.

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. He submitted a map showing the location of the wetland and the wetland buffer abutting the property.

Commission Discussion: The Commission briefly discussed the application.

John Santos moved to grant a Negative #1 Determination of Applicability 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, George Bryant seconded and it was so voted, 4-0.

NEW BUSINESS

PUBLIC HEARING:

Notice of Intent

Application by East Cape Engineering, Inc., representing Elia Sinaiko, 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. The applicant seeks approval to reconstruct an existing bulkhead for the property located at **609-611 Commercial Street**, in Provincetown.

Presentation: Elia Sinaiko appeared to present the application. The new bulkhead will be built directly in front of the old one

Public Comment: Deborah Paine related her experience in a similar situation as to the procedure that the crane operator will use to remove and reconstruct the bulkhead.

Commission Discussion: The Commission questioned Mr. Sinaiko.

George Bryant moved to grant a Notice of Intent to reconstruct an existing bulkhead for the property located at 609-611 Commercial Street, in Provincetown, with the standard Order of Conditions and the condition that access to the beach be via the Kendall Lane Town landing, but if that is not possible, then via the Town landing located to the east of the Cape Inn, Paul Tasha seconded and it was so voted, 5-0.

PUBLIC MEETING:

Determination of Applicability

Application by Deborah Paine, Inc. representing Marjorie Phillips and Michael O'Connor, 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 to remove and replace seven windows, in kind, in the bump-out bay on the waterside of the house on the property located at **105 Commercial Street**, in Provincetown.

Presentation: Deborah Paine appeared to present the application. Standard construction protocol will be followed, including the placement of a tarp in order to catch any debris from the project and locating a dumpster near the construction site.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Ms. Paine.

John Santos moved to grant a Negative #3 Determination of Applicability to remove and replace seven windows, in kind, in the bump-out bay on the waterside of the house on the property located at 105 Commercial Street, in Provincetown.

Conservation Commission: Natural Environment Articles:

ARTICLE 6: *Paul Tasha moved to support Article 6, George Bryant seconded and it was so voted, 5-0.*

ARTICLE 10: *John Santos moved to not support Article 7, Paul Tasha seconded and it was so voted, 1-0-1 (abstaine).*

DISCUSSION:

Woodland Acres (Wells) Conservation Restriction.

The Commission will continue this discussion until the October 26, 2004 hearing.

CORRESPONDENCE:

Co-Chair Dieter Groll is still working on the letter to the DPW.

The Commission has received a letter from the Department of Environmental Protection upholding the Commission's decision on Rick Wrigley's property.

MINUTES: September 28, 2004 – Elaine Anderson moved to approve the language as written, John Santos seconded and it was so voted, 4-0-1 (abstain).

ADJOURNMENT:

John Santos moved to adjourn the meeting at 8:25 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on October 26, 2004.

NEXT MEETING

The next meeting will be on October 26, 2004.

Respectfully submitted,

Ellen C. Battaglini

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