

PROVINCETOWN CONSERVATION COMMISSION

January 23, 2007

6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, Dennis Minsky and Lynne Martin.

Members Absent: Paul Tasha and Robin Evans.

Others Present: Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Elaine Anderson called the hearing to order at 7:13 P.M.

PUBLIC STATEMENTS:

None.

OLD BUSINESS:

Notice of Intent (continued from January 9, 2007)

Application by the Independent Environmental Consultants, Inc., representing Snow Realty Trust I, II, Scott Andonian, Trustee, for a Notice on 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 for construction of one single family dwelling on each lot with appurtenances, and the upgrade of sanitary subsurface disposal systems on each lot with appurtenances at the property located at **34 and 36 Snow's Lane**, in Provincetown.

Presentation: Paul Shea and William N. Rogers appeared to discuss the application. The applicant submitted a revised site plan based upon changes required by the Commission. The changes included the elimination of the septic system, a change in the location of the access road, a re-drawing of the work limit line and the elimination of the road connecting the two driveways.

Public Comment: Celine Gandolfo was concerned about the use of pesticides in the area and inquired of the Commission whether they could restrict their use by the applicant and also asked if Icehouse Road were going to be altered in any way. Terry Lambrou questioned whether any more trees on the property were going to be eliminated and inquired about the whether the Commission could do anything to protect new plantings from invasive species in the area. She also mentioned the possibility of a buried oil tank on the premises. Gary Joseph mentioned a letter written to the Commission by Mimi Gross, expressing concerns about changes in elevation due to excavation at the site and potential changes in the permeable surfaces in the work area.

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

Dennis Minsky moved to grant a Notice of Intent for the property located at 34 and 36 Snow's Lane with the usual Order of Conditions and with Special Conditions to be formulated by Brian Carlson, Lynne Martin seconded and it was so voted, 3-0.

Request for Determination of Applicability

Application by **Off Cemetery Road Realty Trust c/o Kenneth C. Weiss, Trustee** for a Determination of Applicability under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws. The applicant seeks to construct a dwelling, stone retaining wall and perform minor grading at the property located at **5 Heather's Way**, in Provincetown.

Presentation: Paul Shea and William N. Rogers appeared to present the application. The retaining wall will be removed and the house moved further away from the resource area.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Shea and Mr. Rogers. The Commission requested that the applicant submit a small narrative and a schematic profile of the site, including elevations and a graphic rendering of the site and including all the proposals made by the applicant. The

applicant requested a continuance.

Dennis Minsky moved to continue the case until the February 6, 2007 hearing, Lynne Martin seconded and it was so voted, 4-0.

NEW BUSINESS:

Abbreviated Notice of Resource Area Delineation

Application by **Provincetown Airport Commission**, represented by **Horsley Witten Group, Inc.**, for an Abbreviated Notice of Resource Area Delineation (ANRAD) under the Massachusetts Wetlands Protection Act M.G.L. c. 131, § 40. Under this ANRAD, the Airport Commission is requesting review and approval of certain resource areas relating to the previously filed Environmental Notification Form (ENF) under the Massachusetts Environmental Policy Act for the property located at **176 Race Point Road**, in Provincetown.

Presentation: Maryann T. Magner, of Edwards and Kelcey, Amy Ball, Erin Shupenis, Michael Garrity, of Horsley Witten Group, Inc. and Butch Lisenby, Airport Manager, appeared to present the application. The Airport will be undertaking future capital improvements and thus is seeking to delineate the wetlands in that area. The work to be undertaken will include various improvements related to safety and security limit controls, the runway, the terminal and service access by the Federal Aviation Association.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Magner, Ms. Ball, Ms. Shupenis and Mr. Garrity.

Dennis Minsky moved to approve the accuracy of the ANRAD, Lynne Martin seconded and it was so voted, 4-0.

Request for Determination of Applicability

Application by **Kimball Residential Design** representing **Cynthia Simmons** for a Determination of Applicability under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Massachusetts Wetland Protection Act M.G.L. c. 131, § 40. The applicant seeks approval to remove the existing deteriorated roof and framing members, reconstruct and add two dormers, increase elevations and roof pitch, replace all existing windows and add windows, add bump-out on an entry door, reconstruct existing bump-out and insulate the envelope of the unit interior at the property located at **481 Commercial Street, Unit #2**, in Provincetown. Co-Chair Dieter Groll recused himself because of a conflict of interest.

Presentation: Neal Kimball appeared to present the application. There was storm damage done at the site and to the roof of the structure. The applicant seeks to repair the roof and also seeks to add loft space to the interior of the unit.

Public Comment: None.

Lynne Martin moved to grant a Negative #3 Determination with the standard Order of Conditions, Dennis Minsky seconded and it was so voted, 3-0.

Conservation Restriction Discussion: 74 Harry Kemp Way, New Open Space Land Acquisition – The Commission discussed the revised conservation restriction.

Dennis Minsky moved to approve the conservation restriction for 74 Harry Kemp Way as amended, Dieter Groll seconded and it was so voted, 4-0.

Regulations Discussion: Brian Carlson is soliciting ideas from the Commission about new local regulations. Several ideas were discussed, including restrictions on the use of pesticides and fertilizers and performance standards for applicants. The Commission decided that a Work Session dedicated to discussing this issue would yield more productive ideas. The Work Session will be held on February 20, 2007 at 5:30 P.M.

MINUTES: January 9, 2007 – Executive Session – *Dennis Minsky moved to approve the language*

as amended, Lynne Martin seconded and it was so voted, 3-0-1 (Dieter Groll abstaining).

January 9, 2007 – Regular Session – *Dennis Minsky moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0-1 (Dieter Groll abstaining).*

September 19, 2006 – *Dieter Groll moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0-1 (Elaine Anderson abstaining).*

February 21, 2006 – *Dieter Groll moved to approve the language as written, Dennis Minsky seconded and it was so voted, 2-0-2 (Elaine Anderson and Lynne Martin abstaining).*

May 2, 2006 – *Elaine Anderson moved to approve the language as amended, Dennis Minsky seconded and it was so voted, 3-0-1 (Lynne Martin abstaining).*

October 3, 2006 – *Dennis Minsky moved to approve the language as written, Lynne Martin seconded and it was so voted, 4-0.*

November 21, 2006 – Work Session – *Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 3-0-1 (Dennis Minsky abstaining).*

November 21, 2006 – Regular Session – *Elaine Anderson moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0-1 (Dennis Minsky abstaining).*

November 21, 2006 – Executive Session – *Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 3-0-1 (Dennis Minsky abstaining).*

Co-Chair Elaine Anderson moved to go into Executive Session at 9:20 P.M. Each Commissioner, when polled separately, assented.

ADJOURNMENT:

Lynne Martin moved to adjourn at 9:30 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2007.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2006

Dieter Groll and Elaine Anderson, Co-Chairs