

PROVINCETOWN CONSERVATION COMMISSION
JUDGE WELSH ROOM
January 17, 2012
6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin, David Hale and Barbara Prato (arrived at 6:30 P.M.).

Members Absent: Hank Janowsky (excused).

Others Present: Brian Carlson (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

JOINT MEETING WITH HARBOR COMMITTEE

Harbor Committee: Jerry Irmer, Roger Chauvette and Phillip Scholl.

Others Present: Rex McKinsey, Harbormaster.

Chair Dennis Minsky called the Joint Meeting to order at 6:00 P.M.

Brian Carlson gave a brief overview of the status of the Commission's RFQ for a Coastal Beach Environmental Monitoring Program. Rex reported that the two RFQs that were received were rejected because of high proposed costs so the RFQ was revised. He reviewed the minor revisions, including eliminating shellfish from the study and re-drafting the frequency of the assessment parameter to be more specific, revising it to read, "...prior to the pilot project activity for a baseline, midway through the program and at the end of the pilot project with additional samples as needed to ensure reliable data." The Commission recommended a repetition of the second sentence of the last paragraph in the first paragraph as well, inserting it after the third sentence in that paragraph. The Commission, Rex and the Harbor Committee discussed the changes. After more discussion the Commission decided to strike the word "only" from the second sentence in the last paragraph. Rex suggested that a decision be made by March 20th after the receipt of new RFQs. Once the decision is made, the information will go to the Harbor Committee for a vote to recommend the proposal to the Board of Selectmen.

David Hale moved to approve the RFQ with the minor changes as discussed, Dennis Minsky seconded and it was so voted, 3-0.

Chair Dennis Minsky adjourned the Joint Meeting at 6:23 P.M.

PUBLIC HEARING

Chair Dennis Minsky called the Public Hearing to order at 6:30 P.M.

PUBLIC STATEMENTS:

None.

MINUTES: December 6, 2011 – *David Hale moved to approve the language as amended, Barbara Prato seconded and it was so voted, 4-0.*

OLD BUSINESS:

Notice of Intent

Application by **The 175 Beach House, LLC, Michael J. Zeppieri**, represented by **William N. Rogers, II**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the installation of timber piles and construction of beach access stairs at the property located at **175 Commercial Street** in Provincetown.

Presentation: William N. Rogers, II appeared to discuss the application. The project has been assigned a file number by DEP and received no comments.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Mr. Rogers.

David Hale moved to approve the Notice of Intent for the 175 Beach House, LLC, Michael J. Zeppieri, under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12 for a scope of work to include the installation of timber piles and construction of beach access stairs at the property located at 175 Commercial Street with the Standard Order of Conditions and with the Special Condition that there shall be no work access from the beach, that it be all landward from the parking area, Barbara Prato seconded and it was so voted, 4-0.

Notice of Intent

Application by **The Skiff Condominium**, represented by **William N. Rogers, II**, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the proposed renovation of Building B in accordance with FEMA regulations at the property located at **67 Commercial Street** in Provincetown.

Presentation: William N. Rogers, II appeared to discuss the application. The project has been assigned a file number by DEP and received no comments.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Mr. Rogers.

David Hale moved to approve the Notice of Intent for the Skiff Condominium under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12 for a scope of work to include the proposed renovation of Building B in accordance with FEMA regulations at the property located at 67 Commercial Street with the Standard Order of Conditions, Barbara Prato seconded and it was so voted, 4-0.

NEW BUSINESS:

Notice of Intent

Application by **John Reed, II** for a **Notice of Intent** under the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include the installation of a dwelling, garage and permeable driveway at the property located at **3 Heathers Way** in Provincetown.

Presentation: William N. Rogers, II, John Reed, II and John Vosburgh appeared to present the application. The lot had previously been approved for a different type of building. This project consists of installing a dwelling/garage and permeable driveway with appurtenances as delineated on the submitted plans. The plan submitted was revised on January 17, 2012; the only change being that the size of the deck was reduced. The existing septic system and concrete retaining walls were installed for the original project. The application was filed with MESA, but as yet no response has been received.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers, Mr. Reed and Mr. Vosburgh. The Commission asked about the possibility of re-locating the building on the lot farther away from the resource area since the proposed location was within the buffer zone of a resource area. Mr. Rogers informed the Commission that all regulations, including Conservation Regulations, are in effect for a seven-year period subsequent to the approval of any subdivision. This project is still within that seven-year time limit. He also reminded the Commission that there are regulations about proximity of the structure to the septic system. To determine if the position of the structure can be changed on the lot, Mr. Rogers agreed to check the location of the septic system and the wetland line to verify that they are correctly sited on the plan. Mr. Rogers requested a continuance to the February 7, 2012 Public Hearing.

David Hale moved to grant the request to continue the Notice of Intent until the February 7, 2012 Public Hearing, Barbara Prato seconded and it was so voted, 4-0.

Notice of Intent

Application by **Rob Anderson** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will an addition to an existing structure and related work at the property located at **255 Commercial Street** in Provincetown. This case is postponed.

Notice of Intent

Application by **WK Red Clay, LLC** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 40) and the Provincetown Wetlands By-Law, Chapter 12. The scope of work will include relocation and reconfiguration of two Phase II residential units and associated site work, including drainage system improvements and parking and driveway modifications within land subject to coastal storm flowage and the buffer zone of an isolated wetland at the property located at **21 Bradford Street Extension**, in Provincetown.

Presentation: Delman Trent, Reggie Donoghue and Mark Kinnane appeared to present the application. The applicant submitted a revised site plan for Phase II. The changes included separating Units 13 and 14, keeping Units 12 and 13 as one smaller structure, moving Unit 14 closer to Unit 15, connecting them with a common shed and foundation, and making driveway, parking, drainage and elevation revisions. Mr. Trent stated that the revisions will “make the site function better.” The specific revisions include an added turnaround between Units 15 and 16 to allow for easier access for vehicles and additional parking spaces, paving the driveway with

asphalt so that it is consistent with the Phase I driveway and to better control storm water run-off and an additional rain garden at the south end of the driveway. The infiltration basin has been up-sized to accommodate the increase in run-off that will result from the added paving. The applicant's concern with a gravel driveway is the difficulty it presents when plowing snow and the potentially damaging effects of inadvertently pushing gravel into the rain gardens when snow is being plowed. In addition, a large propane tank is located under the driveway and paving will serve as better protection than gravel. The re-alignment of the buildings will allow for outdoor storage for each unit. The grading has been lowered so less fill will be coming onto the site. There are minor changes in the placement of patios and the addition of winding gravel pathways to direct the flow of pedestrian travel around the buildings. Brian reported that DEP has assigned a file number with no comments. Natural Heritage issued a letter with no comments.

Public Comment: Michelle Hunton, speaking on behalf of the abutting Hatches Harbor Condominium, spoke against the revisions and made alternative suggestions for solving some of the issues discussed. Joan Gibbons, a unit owner at Hatches Harbor Condominium, suggested permeable pavers as opposed to the impervious asphalt for the driveway.

Commission Discussion: The Commission questioned Mr. Trent, Mr. Donoghue and Mr. Kinnane. The Commission discussed its concerns, including the increase in the number of parking spaces, the paving of the driveway with asphalt, the size of the south turnaround and the increase in size and the location of some of the patios. The Commission suggested that the applicant should allow the area behind Unit 15 to naturalize and re-vegetate, eliminate parking spaces 15B and 16B and allow 15C and 16C to be gravel, to look at reducing the south turnaround area or moving it northward and to reduce the size of the patios on Units 16 and 17. The applicant agreed to take the suggestions under advisement and to specifically reconsider the gravel pathways between the units, possibly using landscaping or stepping stone instead, to guide foot traffic and to look further into reducing the parking spaces. The applicant requested a continuance to the February 7, 2012 Public Hearing.

Barbara Prato moved to grant the request for a continuance to the February 7, 2012 Public Hearing, Lynne Martin seconded and it was so voted, 4-0.

CONSERVATION BOARD STATEMENTS/ANY OTHER BUSINESS:

Dennis, David and Brian made a site visit to 789 Commercial Street to inspect unauthorized work being done based on a report. The nature of the work was filling and clearing of a dune top. The work was done on land located in the buffer zone of a resource area according to a Mass. GIS map. An enforcement order needs to be issued for work done without an Order of Conditions.

Dennis Minsky moved to issue an Enforcement Order for work being done at the property located at 789 Commercial Street, Barbara Prato seconded and it was so voted, 4-0.

Dennis reported that there is a small shack in the area of Clapp's Pond. It will need to be removed.

Dennis Minsky moved to direct Brian Carlson to look into the process of removing the illegal structure in the area of Clapp's Pond, Barbara Prato seconded and it was so voted, 4-0.

Brian and Dennis did a site visit at Good Templar Place. Brian summarized the proposed work to rebuild the Town Landing, which will include the construction concrete stairs and a retaining

wall as well as the installation of a new stormwater retention treatment basin. There is no start date yet, but Brian will be notified when there is. The finish date deadline is April 30th.

Brian reported that the Town has received a 'Green Community' designation and received \$143,000 in grant money for energy efficiency/reduction measures. The Town is eligible for more grant money as a result of the designation.

Dennis said that the issue of the use of Round-up at Fishburn Court, as raised by Catherine Russo, will be discussed at the Work Session. The Commission briefly discussed the issue.

Dennis Minsky read a letter from Sherry Dranch in regard to the proposed greenway and creating a definition for it. This issue should be a project for the Open Space Committee and not the Commission.

MACC conference is on March 3, 2012.

Dennis reminded Commissioners alternates on the Commission were needed and the Annual Report is due on January 25, 2012.

David reported on the B Street Garden Advisory Group. The Master Plan is almost complete. It will be submitted to the Commission for review and approval. David asked the Commission for approval to enter into a contract with a horticulturist to consult in regard to re-planting areas cleared of invasive species along with an expenditure of \$250.

Dennis Minsky moved to approve the expenditure of up to \$250 out of the B Street Garden account for the contracting of a botanical consultant to advise the B Street Advisory Group in regard to the natural re-vegetation of the B Street Garden, Lynne Martin seconded and it was so voted, 4-0.

Commissioners were asked to look through the 2010 Annual Report and make suggestions to Brian for the 2011 Report before January 25th.

ADJOURNMENT: Barbara Prato moved to adjourn at 8:45 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2012

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2012
Dennis Minsky, Chair