

PROVINCETOWN CONSERVATION COMMISSION

March 4 2008

6:30 P.M.

Members Present: Dennis Minsky, Elaine Anderson, Lynne Martin and David Hale.

Members Absent: Dieter Groll (excused).

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

PUBLIC MEETING

Co-Chair Dennis Minsky called the Public Meeting to order at 6:32 P.M.

PUBLIC STATEMENTS: None.

DISCUSSION: Drafting of Town Meeting Warrant Articles

The Commission discussed the proposed changes to the Provincetown Wetlands Protection By-Law.

12-5-1. NOTICE. Any applicant must notify abutters, and abutters of abutters within a distance of **100 feet** (previously 200 feet), when a permit application or a Determination of Applicability to be heard by the Commission has been filed. Brian informed the Commission that the abutter notices issued by Assessor's office currently use 100 feet as an abutter distance.

Lynne Martin moved to change the existing wording from 200 feet to 100 feet in order to comply with the State, Elaine Anderson seconded and it was so voted, 4-0.

12-6. COORDINATION WITH OTHER BOARDS. The Director of Regulatory Management is being changed to the **Permit Coordinator** because the former position no longer exists.

Elaine Anderson moved to accept the language as amended, changing 'Director of Regulatory Management' to 'Permit Coordinator', in order to accurately reflect the employee position that currently handles coordination with the other Town Boards, Lynne Martin seconded and it was so voted, 4-0.

12-9-1-7. PASSIVE RECREATION. The Commission discussed this new addition to the 'Definitions'. The Commission amended the definition to read in part: "Passive recreation refers to non-consumptive, **non-motorized** uses, such as wildlife observation, walking, biking, canoeing, as well as trail-based hiking, mountain biking, horseback riding and picnicking. The goal of providing passive recreational uses is to **promote** the least impact on the wetland ecosystem...."

Dennis Minsky moved to approve the 12-9-1-7 as amended, Elaine Anderson seconded.

David Hale moved to amend 12-9-1-7 by adding 'and fishing' after 'canoeing', Lynne Martin seconded and it was so voted, 4-0.

12-11-3. ENFORCEMENT ALTERNATIVES. The amendment to this section is to bring the by-law into conformity with the local regulations. The changes are to capitalize the 'p' in police and the 'o' in officer and to add '**Harbormaster or Shellfish Constable**' after Conservation Agent.

Dennis Minsky moved to approve 12-11-3 as amended, Elaine Anderson seconded and it was so voted, 4-0.

12-16. WETLAND PROTECTION FUND. The Commission discussed this section.

The word **'Act'** was added between 'Protection' and 'Fund' in the title of the section. Under A.2., 'the city of' was scratched and 'community' was changed to **'Town'**.

Under A.3., the words 'the city of' were scratched and **'the'** was inserted.

Under B.1. The words 'city auditor' were stricken.

Under B.2. The words 'city auditor' were stricken. The letter **'d'** was added to 'impose'. The words **'Wetlands Protection Act'** were inserted before 'fund'.

Under B.3. The words 'or city auditor' were stricken in the second line and the words 'or auditor' were stricken in the fourth line. The words **'Wetlands Protection Act'** were inserted before fund in the seventh line.

C. The title is re-named USE OF **CONSERVATION COMMISSION FUNDS**, amended from USE OF WETLAND FEES.

Under C.1. Strike the word 'local' in the first line. Add the word **'Act'** between 'Protection' and 'Fund'.

Under C.2. Add an apostrophe to 'Commissions'. Scratch 'the' in the sixth line and add an 's' to the word 'fund'.

Under C.3.i. Add a colon after the word 'expenditures'. Add **'Wetlands Protection Act'** between 'revolving' and 'fund'. Capitalize 'wetland protection act' in the fourth line.

Under C.3.ii. Add a colon after 'Non-allowable expenditures'.

Under C.4. Add **'Wetland Protection Act'** between 'revolving' and 'fund'.

Dennis Minsky moved to approve the amendments to 12-16, Elaine Anderson seconded and it was so voted, 4-0.

DISCUSSION: Chapter 91 Amnesty License Application: 63 Commercial Street

Brian Carlson received legal documents from Felco Engineering. After doing some research, he could find no evidence of a change in use of the property or any change in the footprint of the deck that is subject to Chapter 91 jurisdiction.

Elaine Anderson moved to direct the Conservation Agent, Brian Carlson, to write a letter on behalf of the Commission, clearing the way for the approval of the Chapter 91 Amnesty License for the property located at 63 Commercial Street, Dennis Minsky seconded and it was so voted, 4-0.

APPOINTMENTS:

The Commission discussed Jack McMahon's application.

Elaine Anderson moved to appoint Jack McMahon as an alternate member of the Conservation Commission with a term to expire on 12/31/10, Lynne Martin seconded and it was so voted, 4-0.

Chair Dennis Minsky moved to go into Executive Session at 8:00 P.M to discuss legal matters, polling each Commissioner separately. The vote was unanimous.

ADJOURNMENT: *Lynne Martin moved to adjourn 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 _____, 2008.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008
Dennis Minsky and Elaine Anderson, Co-Chairs