

PROVINCETOWN CONSERVATION COMMISSION

December 16, 2008

6:30 P.M.

Members Present: Dennis Minsky, Lynne Martin, David Hale, Jack McMahon and Richard Silver.

Members Absent: None.

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

PUBLIC HEARING

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

PUBLIC STATEMENTS:

None.

MINUTES: October 21, 2008 – *Lynne Martin moved to approve the language as written, Jack McMahon seconded and it was so voted, 4-0-1 (David Hale abstaining).*

November 12, 2008 – *David Hale moved to approve the language as written, Richard Silver seconded and it was so voted, 4-0-1 (Lynne Martin abstaining).*

December 2, 2008 – *Jack McMahon moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0-2 (David Hale and Richard Silver abstaining).*

NEW BUSINESS:

Notice of Intent

Application by **William A. Bonn**, represented by William N. Rogers, II, for a **Notice of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. The applicant proposes to renovate the existing structure in place inclusive of installing proposed decks, palletized boardwalks and revegetation at the property located at **333R Commercial Street** in Provincetown.

Presentation: William N. Rogers, II and Rick Poso appeared to present the application. Mr. Rogers submitted revised plans to the Commission. There were some small revisions that were requested by the Historic District Commission. The applicant seeks to refurbish and expand the building on the premises, including the expansion of a second and third floor deck and the installation of an egress off the west side of the building. The project includes a proposed palletized boardwalk to be installed at grade on the south side and along the east and west sides of the structure. An elevated wood boardwalk is also proposed on the east side of the structure. The limit of work will conform to the property lines and will consist of straw bales and staked silt fencing. *Rosa rugosa* will be planted along the east property line and beach grass and *Rosa rugosa* will be planted on the beach area south of the building. This beach area to the south is littered with debris and old boats, which will be removed during the construction process.

Public Comment: None.

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

Jack McMahon moved to approve the Notice of Intent for the property located at 333R Commercial Street with the Standard Order of Conditions and with the following Special Conditions;

- *Dry wells will be installed, in the appropriate number and size for the building, on the*

property to control storm water run-off;

- *The limit of work will be noted on the site plan;*
- *The proposed planting plan as presented will be maintained for at least three years and any plantings that do not survive will be replaced during this period of time;*
- *The silt fencing will be 5' high; and*
- *There will be no beach access unless the applicant returns to the Conservation Commission to request it.*

David Hale seconded and it was so voted, 5-0.

Request for an Extension to an Order of Conditions

Application by **Captain Jack's Wharf Condominium Association** represented by **Coastal Engineering Company, Inc.** for a **Request for an Extension to an Order of Conditions** with DEP File Number SE 058-0399 under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12 for work at **73 ½ Commercial Street** in Provincetown. This Request is postponed.

Notice of Intent

Application by **David Hale** for a **Notice of Intent** under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, §40 and the Provincetown Wetlands By-Law Chapter 12. Applicant proposes to construct a second story addition to a single-family dwelling within the buffer zone to a bordering vegetated wetland at the property located at **36 Shank Painter Road, #19** in Provincetown.

Presentation: David Hale appeared to present the application. The applicant seeks to add a second story to an existing single-family dwelling. The finished project will be nearly identical to the existing footprint and rooflines, with no appreciable increase to existing, impervious roof surfaces. A concrete pad measuring 3' by 9'6" will be placed on the south side and will enclose house utilities. The project will also include the addition of gutters that will empty into rain barrels. The applicant submitted a detailed construction protocol in his application. The project is exempt from filing with MESA and has a DEP file number.

Public Comment: There was one letter in the file opposed to and one letter in favor of the application. Ginny Binder, who was representing Joseph Taves, an abutter, stated that her client did not object to the project, but he wanted to reserve the right to object based on a boundary line agreement that he wished to establish with the condominium association. Ms. Binder asked if the issue of the boundary line agreement, establishing a clear line in the wetland between Mr. Taves' property and the condominium's property and which has been signed by all but two of the unit owners of the condominium, falls under the jurisdiction of the Commission, and further if the Commission had the power to ensure that the agreement was signed by all of the relevant parties.

Commission Discussion: The Commission did not feel that Mr. Taves' boundary agreement issue was under their jurisdiction. The Commission questioned Mr. Hale.

Jack McMahon moved to approve the Notice of Intent for the property located at 36 Shank Painter Road, #19, with the Standard Order of Conditions, Lynne Martin seconded and it was so voted, 4-0.

DISCUSSION:

Purchase of GIS compatible computer:

Lynne Martin briefed the Commission on her research of the issue. The projected cost of the computer and related equipment would be approximately \$3,200.00. Brian informed the Commission about possible grants for the purchase of the computer. The Commission discussed how to fund the equipment.

David Hales moved to authorize an expenditure of \$2,000.00 for a GIS and computer-related equipment, Jack McMahon seconded and it was so voted, 5-0.

Dennis has called Paul Tasha and Dieter Groll about the hand-held GIS that was previously purchased

by the Conservation Commission.

609-611 Commercial Street:

The hearing date for this case is today. The Commission discussed what they would like to do, as Officer Glen Enos needs to know whether the Commission would like to pursue the matter or not. The Commission discussed the issue of re-affirming or rescinding the fines levied against the property owner, Elia Sinaiko.

David Hale moved to direct Brian write a letter to Officer Glen Enos stating that the Conservation Commission acknowledges that the case has been closed, but that it feels that the violations did occur at the time that the fines were levied and thus Officer Enos should continue to pursue the matter, Lynne Martin seconded and it was so voted, 3-2 (Dennis Minsky and Richard Silver opposed).

CONSERVATION COMMISSION STATEMENTS:

78 West Vine Street:

Brian has had no word from MESA about this property.

National Seashore:

Dennis wrote, but has not yet sent, two memos to George Price. He has sent copies to the other principals that were at that meeting and has not yet heard back from anyone.

2 Commercial Street:

Dennis got an e-mail from David Gardner, in regard to 2 Commercial Street, informing him that Cliff Schorer's attorney, Lester J. Murphy, has requested another meeting in December about the Memorandum of Understanding. Attorney Murphy and his client do not like the MOU in its present form and believe that it's too restrictive. The Commission discussed this subject briefly.

APCC Action Alert:

There was a letter requesting that the Commission contact its representative to the Barnstable Assembly of Delegates, George Bryant, to support the updated RPP, the Regional Policy Plan. This plan is based on the 'land vision' map, which is a planning tool based on designating land uses in towns on Cape Cod. Brian will make copies of the request and the Commission will vote on it at their next meeting.

Commission Budget:

Brian passed out updated figures for the Commission's 2010 budget request detail. The Commission discussed the figures. The Commission did not entirely understand the numbers. Lynne will try to find out more information about this topic.

ADJOURNMENT: *Lynne Martin moved to adjourn at 8:50 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2009.

Respectfully submitted,
Ellen C. Battaglini

Approved by _____ on _____, 2008
Dennis Minsky, Chair