

PROVINCETOWN CONSERVATION COMMISSION

January 23, 2003
6:30 P.M.

Present: Susan Avellar, Peter Souza, Sheila Benzer

Absent: Roger Chauvette (excused)

Others: Roger Dias (Conservation Agent), Ellen C. Battaglini (Recording Secretary)

Acting Chair Susan Avellar called the meeting to order at 6:32 P.M.

I. PUBLIC STATEMENTS:

None.

II. NEW BUSINESS:

83 Commercial Street - West End Racing Club - Request to amend Order of Conditions
The applicant did not appear, so the item was moved to the end of the agenda.

III. PUBLIC MEETING:

Determination of Applicability (continued from 12-26-02)

Application by A.J. Santos representing Lamontagne Realty Trust 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 for the property located at **111 Commercial Street** in Provincetown.

Presentation: A.J. Santos appeared to present the application. The applicant wants to put a deck on the south side of the structure.

Public Comment: None.

Commission Discussion: The Commission questioned the applicant about the deck area. The deck is part of the structure and the Commission is concerned about the potential for the deck to be enclosed and made into a living space. Susan Avellar expressed a concern about buildings being pushed out towards sensitive resource areas and buffer zones.

Susan Avellar moved to grant the applicant a Negative #2 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 for the property located at 111 Commercial Street, with the following conditions:

- **that the applicant will not alter the resource area, including filling it with dredge material;**
- **that the applicant will police the area daily in order to remove debris; and**
- **if debris is found, it will be stored on the north side of the main house, away from the resource area.**

Peter Souza seconded and it was so voted, 3-0.

Determination of Applicability

Application by A.J. Santos representing Lamontagne Realty Trust 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 for the property located at **111 Commercial Street** in Provincetown.

Presentation: A.J. Santos appeared to present the application. The applicant wants to replace the pilings at the end of the existing pier on the property. The pilings will be installed by hand.

Public Comment: None

Commission Discussion: Roger Dias informed the applicant that any work done in the resource area needs a Notice Of Intent. Susan Avellar asked the applicant to file for a Notice of Intent.

Susan Avellar moved to grant a positive #1 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 for the property located at 111 Commercial Street, Peter Souza seconded and it was so voted, 3-0.

Determination of Applicability

Application by Capizzi Home Improvement representing Richard Gibson 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 for the property located at **65A Howland Street** in Provincetown.

Presentation: Aaron Roderick, from Capizzi Home Improvement, appeared to present the application. The applicant wants to replace some windows and doors at the property. He also would like to renovate an existing deck and to construct a new one.

Public Comment: None.

Commission Discussion: The Commission questioned the applicant about his use of materials for the decks. They requested that the applicant not use pressure-treated lumber to construct or renovate the decks. Peter Souza felt that the new deck would be infringing on the resource area and would require a Notice of Intent to be filed. The Commission decided that the original deck could be renovated, but the construction of a new deck would require a Notice of Intent. The Commission emphasized its position that structures should not be built into or within buffer zones and that the Commission is opposed to buildings or new structures “creeping” towards resource areas.

Peter Souza moved to grant a Positive #1 Determination 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 for the property located at 65A Howland Street, Sheila Benzer seconded and it was so voted, 3-0. The Commission also strongly recommended that pressure-treated lumber not be used in the project.

83 Commercial Street - John Santos appeared to represent the West End Racing Club, but was confused as to why the Request to Amend Order of Conditions was on the agenda. No one on the Commission could clarify the confusion.

IV. PUBLIC HEARING:

Notice of Intent

Application by Slade Associates, representing Heather Bruce, for Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at **353C Commercial Street**, in Provincetown.

Presentation: Chet Lay of Slade Associates and Heather Bruce appeared to present the application. The applicant wants to replace the rotten existing pilings with new ones. The construction protocol according to Anchor Marine, the contractor, was read into the record by Mr. Lay and then submitted to the Commission. The applicant agreed to use an alternative to pressure-treated lumber.

Public Comment: None.

Commission Discussion: Roger Dias asked Mr. Lay about erosion control and regrading plans for the project and whether the building met FEMA standards. The applicant agreed to install a silt fence in the work area and pick up any debris that escapes

Sheila Benzer moved to grant a Notice of Intent under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws, and under the Wetlands Protection Act M.G.L. c. 131, § 40 for the property located at 353C Commercial Street, in Provincetown, with the following Order of Conditions:

- *A silt fence be erected for erosion control;*
- *All disturbed areas are to be returned to their natural state;*
- *The piles and timbers will be of non arsenic-treated lumber; and*
- *The applicant will do the work between the new and full moon or the full and the new moon in order to mitigate the effects of the high tide,*

Peter Souza seconded and it was so voted, 3-0.

V. OTHER BUSINESS:

Site Visit - 575 Commercial Street - cancelled for yesterday and will be rescheduled according to Attorney Ron Friese, who represents the Farrellys. The Commission will be notified of the new site visit date.

Horse Barn - the site visit to the horse barn will be rescheduled when the snow clears.

Fisheries and Wildlife letter - Susan Avellar is still working on the letter.

DPW Site - The Commission has issues surrounding the selection of the DPW site for the location of the new Manor. The Commission believes that the land there is Conservation Trust land and that some of the land may be contaminated with hidden oil spills and buried automobiles.

Susan Avellar will be stepping down as Acting Chair at the February 27, 2003 meeting.

Susan Avellar has discussed the adoption of wetland regulations that conform to the new Provincetown Wetlands By-Law with the Director of Community Development, Jon Gilmore. There is no money in the budget to hire an attorney. She hopes to be able to work with Mr. Gilmore on the project and bring the proposed regulations to the Commission for their approval. Several Work Sessions would be scheduled to discuss the regulations before they were presented at a public hearing.

VI. MINUTES:

December 26, 2002 - *Susan Avellar moved to approve the minutes as amended, Peter Souza seconded and it was so voted, 3-0.*

VII. ANY OTHER BUSINESS THAT SHALL PROPERLY COME BEFORE THE COMMISSION:

Sheila Benzer read a letter regarding the Meadows Motel project that expressed the Commission's views on the topic. The Commission is opposed to the affordable housing project and suggests that the project be scaled down or more suitable sites in town be chosen.

ADJOURNMENT: *Peter Souza moved to adjourn at 8:35 P.M. and it was so voted unanimously.*

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2003
Susan Avellar, Acting Chair