

PROVINCETOWN CONSERVATION COMMISSION

March 1, 2005

6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, John Santos (arrived at 6:44 P.M.), George Bryant (arrived at 7:00 P.M.).

Members Absent: Brian Carlson (excused) and Paul Tasha (unexcused).

Others Present: Doug Taylor (Building Commissioner), Maxine Notaro (Permit Coordinator) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:44 P.M.

John Santos moved to suspend the agenda, Elaine Anderson seconded and it was so voted, 2-1 (DG opposed).

PUBLIC STATEMENTS:

None.

NEW BUSINESS:

PUBLIC HEARING:

Determination of Applicability

Application by Deborah Paine, representing Katzel Nominee Trust, for Request 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. The applicant seeks approval to repair deck joists and girders in a 24' by 24' section of the common deck area. No new piles or footings will be installed; only girders, deck joists and decking will be replaced at the property located at **437-439 Commercial Street**, in Provincetown.

Presentation: Deb Paine appeared to present the application. The deck pilings are fine, but there are rotten joists under the deck. The applicant would like to replace the joists and the decking.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Paine.

John Santos moved to grant a Negative #2 Determination for the plans as presented for the property located at 437-439 Commercial Street, Elaine Anderson seconded and it was so voted, 3-0.

PUBLIC MEETING:

Notice of Intent

Application by Felco Engineering, Inc., on behalf of Dana DeSimone, for a Notice of 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 renovations to an existing dwelling and garage within buffer zone of an isolated wetland and within land subject to coastal storm flowage for the property located at **23R Bradford Street** in Provincetown. Co-chair Dieter Groll recused himself because of a conflict of interest.

Presentation: David LaJoie, of Felco Engineering, Inc., and Neal Kimball appeared to present

the application.

Commission Discussion: Elaine Anderson and George Bryant couldn't locate the property for a site visit and neither felt comfortable discussing the application. The case is continued until March 15, 2005. It was requested of the applicant that more building plans be submitted by that hearing date.

Notice of Intent

Application by Independent Environmental Consultants, Inc. on behalf of Clancy Realty Trust, William A. Gordon, Trustee, for a Notice of 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 removal of 2 structures, cesspools and impervious areas within the 100' buffer zone of coastal dunes and coastal beach for the property located at **837 Commercial Street** in Provincetown.

Presentation: Paul Shea, of Independent Environmental Consultants, Inc., and William N. Rogers, engineer, appeared to present the application.

Public Comment: None.

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

John Santos moved to grant a Notice of Intent, for demolition only, for the property located at 837 Commercial Street with the standard conditions in addition to the following:

- 1. Placement of a siltation fence along the southern edge of the buildings;***
- 2. Backfill where buildings are removed; Any fill shall consist of clean sand of similar grain size and quality to existing sand; and***
- 3. Removal of asphalt and concrete to be disposed of off-site.***

Elaine Anderson seconded and it was so voted, 4-0. A copy of the conditions for this property will be sent to the Massachusetts Department of Fisheries and Wildlife.

PUBLIC HEARING:

Determination of Applicability

Application by Coastal Engineering, Inc., representing Donald F. Winter, for Request 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. The applicant seeks approval the excavation of a crawl space and installation of interior basement walls to create unfinished storage space and area for future bathroom for the property located at **19 Commercial Street**, in Provincetown. Co-Chair Dieter Groll recused himself because of a conflict

Presentation: Reggie Donoghue, of Coastal Engineering, Inc., and Neal Kimball appeared to present the application. Hay bales will be placed adjacent to the excavated area between the work area and the beach to prevent sediment from getting to the beach.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Donoghue and Mr. Kimball.

George Bryant moved to grant a Negative #3 Determination, with the standard conditions, for the plans as presented for the property located at 19 Commercial Street, John Santos seconded and it was so voted, 3-0.

DISCUSSION:

Tor Hanson – Preservation of biodiversity of butterfly species at Evans Field. Mr. Hanson was not present and will be invited to attend a future meeting.

CORRESPONDENCE:

453 Commercial Street – The owner of the property seeks to replace some deck boards, a

part of a railing and several treads on a deck at the site. The Commission briefly discussed the property and how they could deal expeditiously with requests in general that involve only small repairs.

The Commission discussed the plowing of snow and the question of whether snow could be disposed of in the Harbor.

The Commission discussed the revision of the Town's Wetlands Protection By-law. Co-Chair Dieter Groll passed out a copy of a model by-law as written and amended by the Massachusetts Association of Conservation Commissions. Housekeeping changes for the Town's by-law were briefly discussed, including moving some of the language from the MACC model by-law to the local by-law.

Dieter Groll moved that the Provincetown Conservation Commission request a housekeeping article be placed on the Town Warrant for the April, 2005 Town Meeting. The article would involve taking language from the MACC model by-law, as amended in February 2002, and applying it where relevant to the Provincetown Wetland Protection By-Law, Elaine Anderson seconded and it failed, 2-0-2 (George Bryant and John Santos abstain). The Commission then decided to table the matter to a time certain in order to discuss this issue further.

A Town Conservation Agent should be hired in another month and a half according to the County.

The Commission briefly discussed a letter received from the National Seashore stating that they no longer need to present RAD's, DOA's or NOI's to the local conservation commission, unless the project involves pollutants, because federal law usurps local law. The Commission decided to refer the letter to Town Counsel for advice on the topic.

George Bryant moved to refer the letter from the National Seashore to Town Counsel, John Santos seconded and it was so voted, 4-0.

MINUTES: February 15, 2004 – **George Bryant moved to approve the language as amended, Elaine Anderson seconded and it was so voted, 4-0.**

ADJOURNMENT:

Elaine Anderson moved to adjourn to a time specific, that being Friday, March 4, 2005 at 10:00 A.M., John Santos seconded and it was so voted, 4-0.

NEXT MEETING

The next meeting will be on March 15, 2005.

These minutes were approved by a vote of the Conservation Commission at their meeting on March 15, 2005.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2005
Dieter Groll and Elaine Anderson, Co-Chairs