

PROVINCETOWN CONSERVATION COMMISSION

June 7, 2005
6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, John Santos, George Bryant and Paul Tasha.

Members Absent: John Santos (unexcused) and Brian Carlson (excused).

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 6:45 P.M.

PUBLIC STATEMENTS:

None.

Determination of Applicability

Application by William N. Rogers II, P.E., P.L.S. on behalf of Off Cemetery Road Realty Trust, Kenneth C. Weiss, Trustee, 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 remove the existing dwelling and cesspools and perform minor grading at the locus site.

Presentation: William N. Rogers, II appeared to present the application.

Public Comment: Andrea Monetti, an abutter, wanted to know when the work would begin.

Commission Discussion: The Commission questioned Mr. Rogers. The discussion included where the work limit line would be located (10' from the cesspools), the placement of straw bales around that work limit and the request that the work limit be delineated on the site plan.

Paul Tasha moved to grant a Negative #3 Determination with the condition that the limit of work be delineated on the site plan and administratively approved, George Bryant seconded and it was so voted, 4-0.

Coastal Engineering Company, Inc. – revised plans for **Robert Duffy, 27 Commercial Street**. The case is continued until June 21, 2005.

Notice of Intent (continued from 05/17/05)

Application by Michael Winstanley represented by David Lajoie of Felco Engineering, Inc., 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 for the property located at **781 Commercial Street** in Provincetown.

Presentation: Attorney E. James Veara, Alan Cabral and Michael Winstanley appeared to continue the presentation. The applicant submitted the information that the Commission had requested at a previous hearing, including a piling protocol, a storm drainage plan for the site, building elevation plans and a report from their environmental consultant, Lynne Hamlyn, reconfirming her initial assessment that the mound in the northeast corner of the property was not a coastal bank. A vegetation plan, which the Commission had also requested, had already been submitted by the applicant.

Commission Discussion: The Commission questioned Attorney Veara, Mr. Cabral and Mr. Winstanley. The Commission discussed the construction protocol submitted by the applicant.

The Commission was particularly concerned about the pilings, asking questions about how many there will be, how big will they be and how will they be installed. The applicant stated that when they hire a

contractor they will know more about this issue and agreed to hold a pre-construction protocol meeting on site before the piling work begins.

Paul Tasha moved to grant a Notice of Intent for the property located at 781 Commercial Street with the following conditions:

- ***There will be no heavy equipment on the beach;***
- ***There will be no filling at the site;***
- ***All excavation will be done from the driveway area;***
- ***No fertilization will take place;***
- ***A detailed vegetation plan and piling plan will be provided;***
- ***A meeting with the contractor will take place 48 hours before the beginning of construction;***
- ***The pilings will be made of wood, tapered and approximately 1' in diameter;***
- ***Straw bales will be placed on the northerly and southerly boundaries of the site and on the southerly side of the boardwalk;***
- ***Daily clean-up of the beach on site will take place;***
- ***Material storage will be on the landward side of the site;***
- ***Covered dumpsters will be placed on site; and***
- ***Excavation material not removed daily will be tarped overnight.***

Elaine Anderson seconded.

Attorney Brian Wall interjected with a point of order. He objected to the fact that the public was not able to comment on the new information provided by the applicant.

Paul Tasha moved to withdraw his previous motion.

Paul Tasha moved to open the meeting to public comment, Elaine Anderson seconded and it was so voted, 4-0.

Public Comment: Attorney Brian Wall, representing two abutters, spoke about the new information provided by the applicant. He argued that he should be granted time in order to consult with his clients and their environmental consultant about the new information and urged the Commission to continue the application. Attorney Veara objected to Attorney Wall's statements and accused him of trying to needlessly delay the process.

Elaine Anderson moved the previous motion, Paul Tasha seconded and it was so voted, 4-0.

MINUTES: May 3, 2005 – Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 4-0.

MINUTES: March 29, 2005 – Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 4-0.

MINUTES: April 19, 2005 – Elaine Anderson moved to approve the language as written, Dieter Groll seconded and it was so voted, 4-0.

ANY OTHER BUSINESS:

1. The Commission discussed the work being done at the Malicoat property. Paul Tasha volunteered to make a site visit.
2. An application for one of the open positions on the Commission had been submitted by Mona Anderson.
Elaine Anderson moved to table the application, Dieter Groll seconded.
3. The Macmillan Pier floats and the idea of issuing a stop-work order was discussed. The Town was supposed to return to the Commission with more details about the floats and has failed to do so.

George Bryant moved to issue a stop-work order for the Macmillan Pier floats being installed by the Town, Dieter Groll seconded and it was so voted, 3-0.

4. There is a MACC workshop about using GIS data, which Co-Chair Dieter Groll would like to attend.

ADJOURNMENT:

Paul Tasha moved to adjourn the meeting 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 June 21, 2005.

Respectfully submitted,

Ellen C. Battaglini

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