

# PROVINCETOWN CONSERVATION COMMISSION

July 19, 2005  
6:30 P.M.

**Members Present:** Dieter Groll, Elaine Anderson, and John Santos.

**Members Absent:** George Bryant (unexcused), Paul Tasha (unexcused) and Brian Carlson (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 6:42 P.M.

## **PUBLIC STATEMENTS:**

None.

### ***Determination of Applicability***

Application by **Frank Vasello** 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 curate an outdoor temporary art exhibition of site-specific works sensitive and delicate to the environment at the upland area of Shank Painter Pond located **Off Route 6**, Provincetown.

**Presentation:** Frank Vasello appeared to present the application.

**Public Comment:** Ron Robillard from the Open Space Committee appeared and informed the Commission and the applicant that the site will be under construction and will not be available for any installations this year. The construction starts in September and will hopefully be completed by the spring. He added that the Open Space Committee would like to be consulted about future installations so re-plantings will not be disturbed in the area.

**Commission Discussion:** The Commission discussed alternate sites with Mr. Vasello. He requested a continuance of the application until August 2, 2005, while he explored alternate sites for the installation.

### ***Notice of Intent***

Application by **Richard Ferrell, The Boatslip, LLC and represented by Susan A. Bernstein, Attorney at Law**, 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 the repair and replacement of an existing deck and retaining wall. Emergency repairs and renovations were conducted in 2002, under Order of Conditions, SE #68-347. This submission includes final As-Built plans to reflect actual repairs for the property located at **161 Commercial Street** in Provincetown.

**Presentation:** William N. Rogers, II appeared to present the application. Mr. Rogers recounted the timeline for this project from the initial failure of the deck in September 2, 2001 to the present time. He presented "as-built" plans and would like the Commission to issue an order of conditions for those plans. Since there were only 3 members of the Commission seated, the applicant will need a unanimous vote in order to be granted a Notice of Intent. Mr. Rogers was then asked if the applicant would like to proceed and he answered in the affirmative.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Rogers. The Commission discussed consulting with Town Counsel about this matter, but also had the following questions and corrections to the application:

- The correct file number;
- The structure on the premises is NOT a single-family residence;
- Elaboration on why it took the applicant 3 years to file a Notice of Intent;
- There is missing information on Page 4 of the application, specifically square footage, cubic yardage and linear feet need to be filled in on B 2. d, f, and l;
- A mitigation plan for fixing Atlantic Avenue after the construction is completed;
- Elaboration as to why the property is not subject to DEP Stormwater Policy. What are the applicant's proposal to mitigate stormwater?

***John Santos moved to continue the case, Elaine Anderson seconded and it was so voted, 3-0.*** The case is continued until August 2, 2005.

### **PUBLIC STATEMENTS:**

Kieran Murphy, of 27 Court Street, and Joyce Wiles, a neighbor, reported their concerns about the use of a strip of land that is an extension of Prince Street as a construction storage area by John Lisbon, a local contractor. This piece of land is abutting a pond and legally belongs to the condominium association of 27 Court Street. Doug Taylor sent Mr. Lisbon a letter addressing the issue. Mr. Murphy and Ms. Wiles were asking the Commission what recourse they had. The Commission discussed the issue and recommended that a Wetland Complaint Form be filled out and submitted to them.

### **DISCUSSION:**

1. Atlantic Avenue – The Commission discussed writing a letter to the Town to find out why the job was incomplete and why it wasn't done according to plan.
2. DPW needs to be e-mailed to inform them that John Santos has been named as the liaison between the DPW and the Conservation Commission.
3. Beach clean up – This issue needs to be put on the agenda in addition to a discussion of the removal of abandoned boats.
4. Conservation Agent - The job has been offered to someone who has had experience being a Conservation Agent for 7 years.
5. Hatches Harbor – There is an undermining of the rip-rap that needs to be repaired out on the dike road.

### **ADJOURNMENT:**

***Elaine Anderson moved to adjourn the meeting at 8:25 P.M. and it was so voted unanimously.***

These minutes were approved by a vote of the Conservation Commission at their meeting on August 2, 2005.

Respectfully submitted,

Ellen C. Battaglini

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