

PROVINCETOWN CONSERVATION COMMISSION

August 2, 2005
6:30 P.M.

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

Members Absent: George Bryant (excused), 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 6:37 P.M.

PUBLIC STATEMENTS:

None.

John Santos moved to suspend the order of the agenda and discuss the application by Stearns & Wheler on behalf of the Town of Provincetown first.

Emergency Amended Order of Conditions

Stearns & Wheler on behalf of the Town of Provincetown to request an emergency amended order of conditions for the **Atlantic Avenue Town Landing** for the construction of wooden steps.

Presentation: David Guertin, Director of the Department of Public Works, appeared to discuss the request. Mr. Guertin is requesting that a wooden platform with stairs leading down to the beach be constructed at the Atlantic Avenue Town Landing. Mr. Guertin also discussed digging out the Town bay beach drains and the plan that was conceived by Conservation Commission member Paul Tasha and brought to the DPW. The plan involves digging, mounding and pushing the sand away from the mouths of the drains along the bay beach. As of now, the Town is only permitted to dig and mound around these drains. He also commented regarding the Commission's concern about beach nourishment saying that the issue needs to be addressed by the Board of Selectmen who then directs the DPW to work on the problem. The DPW cannot act without the permission of the Board of Selectmen. Mr. Guertin said he was willing to work up a protocol for Mr. Tasha's plan if the Commission wanted him to. Mr. Guertin also suggested that the Commission could craft an article concerning this issue to be placed on the warrant for Town Meeting.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Guertin concerning the feasibility of trucking the excavated sand from the drain openings to nourish the beach where needed. The Commission also discussed whether they should approach the Board of Selectmen concerning the transportation of sand on the bay beach in order that the Board would make that one of their goals for the near future.

Elaine Anderson moved to grant an amendment to the Order of Conditions for the Atlantic Avenue Town Landing to permit the construction of a deck and stairs as a temporary measure, thereby allowing for more time to undertake further study of the ongoing issue of beach nourishment and erosion that has been a concern of the Conservation Commission and, further, to accept the suggestion to dig, mound and push the sand at the town by beach drains in an effort to resolve that environmental problem, Dieter Groll seconded and it was so voted, 2-1 (John Santos opposed).

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.
This application is continued.

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.
The applicant requested to withdraw his application without prejudice.
Elaine Anderson moved to accept the withdrawal without prejudice, John Santos seconded and it was so voted, 3-0.

Determination of Applicability

Application by James Walker on behalf of the American Lighthouse Foundation/Race Point Lighthouse for a 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 install a Title V septic system at the property located at **Race Point Lighthouse**, Provincetown.
Presentation: James Walker, Chairman of the Cape Cod Chapter of the American Lighthouse Foundation appeared to present the application. Mr. Walker would like to install a septic system consisting of a fiberglass septic tank on site in order that another bathroom and kitchenette can be built in a structure on the property. There is only a cesspool on site presently.
Public Comment: None.
Commission Discussion: The Commission questioned Mr. Walker. Doug Taylor, Building Commissioner, suggested that Mr. Walker should meet with the Health Agent and get through that process before the Conservation Commission discusses his application.
Elaine Anderson moved to continue the application until the September 6, 2005 hearing, John Santos seconded and it was so voted, 3-0.

Notice of Intent

Application by Robert Silva 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 demolition and reconstruction of a dwelling and a septic system upgrade within the 100' buffer zone to a coastal dune for the property located at **7 Winston Court**, Provincetown.
Presentation: Attorney Lester J. Murphy, Eric Mitchell of J.C. Ellis Design, and Robert Silva appeared to present the application. The applicant seeks to enlarge the structure on site. The foundation of the structure will be raised 2 feet and the deck placed on pilings in compliance with FEMA regulations. The cesspool will also be upgraded to a Title V system. The lot line will constitute the work limit.
Public Comment: None
Commission Discussion: the Commission questioned Attorney Murphy, Mr. Mitchell and Mr. Silva.
John Santos moved to approve the Notice of Intent with the standard Order of Conditions for the property located at 7 Winston Court, Provincetown, Elaine Anderson seconded and it was so voted, 3-0.

Determination of Applicability

Application by Neal Kimball of Kimball Residential Design on behalf of James Sheehan for a 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 for modifications to a structure within the existing footprint to remove the existing, non-conforming wood deck (due to zoning setbacks), and to replace it with a raised flagstone patio by raising it 8” and leveling off the area behind the house within the footprint of the existing deck. The perimeter around the patio will be retained with treated wood timbers. Approximately 75% of the raised patio falls outside of the 100’ buffer zone of the nearest wetland at the property located at **10 Commercial Street, Unit #14**, Provincetown. Dieter Groll would have to recuse himself because of a conflict of interest leaving no quorum to hear the application. The application is postponed until the August 16, 2005 hearing.

DISCUSSION:

1. The Commission discussed the Atlantic Avenue Town Landing and the motion that was made. ***Dieter Groll moved to reconsider the previous motion, John Santos seconded.*** No vote was taken.
2. Brian Carlson has submitted his letter of resignation to become the new Health Inspector.
3. The job of Conservation Agent was declined by the person who was offered the job.
4. Brian Wall, attorney for the abutters of 781 Commercial Street has applied to the Department of Environmental Protection for a superceding Order of Conditions.

MINUTES: July 19, 2005 – *John Santos moved to approve the language as written, Elaine Anderson seconded and it was so voted, 3-0.*

ADJOURNMENT:

Elaine Anderson 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 _____, 2005.

Respectfully submitted,

Ellen C. Battaglini

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