

# PROVINCETOWN CONSERVATION COMMISSION

September 6, 2005

6:30 P.M.

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

**Members Absent:** None.

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

Co-Chair Dieter Groll called the meeting to order at 6:38 P.M.

## **PUBLIC STATEMENTS:**

None.

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

Application by James Walker on behalf of American Lighthouse Foundation/Race Point Lighthouse, 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 install a Title V septic system at the property located at **Race Point Lighthouse** in Provincetown.

The applicant was not present at the hearing.

***Elaine Anderson moved to continue the application, John Santos seconded and it was so voted, 3-0.***

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

Application by Joseph Smith represented by Reggie Donoghue of Coastal Engineering 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 proposed renovations to an existing single-family dwelling and associated site improvements to the property located at **151A Commercial Street** in Provincetown

**Presentation:** Attorney Christopher J. Snow, Reggie Donoghue and Joseph Smith appeared to present the application. The applicant seeks to renovate an existing two-family dwelling, including replacing a dilapidated foundation, enclosing a stairwell on the west side of the structure and reconfiguring a patio. In addition, the first floor will be raised 8", a deck will be constructed under the present one and gutter and down spouts will be placed on the exterior of the structure, which will lead to a stormwater recharge basin. These renovations will result in the dwelling being brought into compliance with the Massachusetts Stormwater Management regulations.

**Public Comment:** The Conant Street Neighborhood Association wrote a letter to the Commission expressing their concern about the project, including the question of access to the property for heavy machinery and the use of the Atlantic Avenue town landing to access the beach. A letter was received from the law firm of Burns & Levinson, representing the Edgewater Condominium Trust, stating the Trust's opposition to the project, in particular the environmental damage that may result from accessing the beach from the Atlantic Avenue town landing. Donald Vaughn, a trustee of the Edgewater Condominium Trust, spoke against the application as did Richard Schmidt, a resident of the condominium. Laura Rood, an abutter, spoke in favor of the application. Co-chair Dieter Groll did not close the public portion of the application as the Commission is still receiving new information from the applicant.

**Commission Discussion:** The Commission questioned Attorney Snow and Mr. Donoghue. After further

discussion, the Commission concluded that they would like to see more measures to stabilize the coastal dune located on the beach in front of the property, a set of building plans for the structure located on the site and more detailed plans about the new foundation to be installed. In addition, the Commission requested that the applicant provide a demolition protocol for the project, more information on the limit of work and mitigation of damage to the resource area, a plan showing elevations on site, both proposed and existing, and the location of staging areas to be used. The applicant requested a continuance until the October 4, 2005 hearing.

*Elaine Anderson moved to approve the continuance, John Santos seconded and it was so voted, 4-0.*

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

Application by Nancy Finley, on behalf of the Cape Cod National Seashore, 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 to repair eroded rock aprons on either side of the Hatches Harbor dike culvert to arrest erosion and undermining of the dike at the property located at **Hatches Harbor Dike Road** in Provincetown.

**Presentation:** John Portnoy, ecologist, B.B. Diwadkar, environmental engineer, and Mark Adams, mapping expert, appeared to present the application. The stone apron landward and seaward at Hatches Harbor is being eroded by the hydrostatic force of the tidal flow and is in need of repair.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Portnoy, Mr. Diwadkar and Mr. Adams. *Paul Tasha moved to grant a Notice of Intent with the standard Order of Conditions, John Santos seconded and it was so voted, 5-0.*

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

Application by Nancy Finley, on behalf of the Cape Cod National Seashore, 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 to remove exposed rock from four artificial jetties in front of Herring Cove bathhouse; remove eroded asphalt debris from a former seawall at the property located at **Herring Cove Public Beach** in Provincetown.

**Presentation:** Mark Adams presented the application. The applicant seeks to remove the eroded and broken pieces of asphalt that are a hazard and an eyesore at Herring Cove Beach. Eventually, when resources are available, the entire sea wall and jetties will be removed and the barrier dune on site restored.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Adams.

*John Santos moved to approve the Notice of Intent with the standard Order of Conditions, Paul Tasha seconded and it was so voted, 4-0.*

## **PUBLIC HEARING ON FEE INCREASES:**

Building Commission Doug Taylor spoke to the Commission about the proposed fee increases. The fees are charged to offset the costs associated with the Conservation Commission, including the costs of procuring the services from the Department of Community Development.

*Elaine Anderson moved to approve the fee increases, Paul Tasha seconded and it was so voted, 3-1 (John Santos abstaining).*

## **ANY OTHER BUSINESS:**

1. **29 Commercial Street** – Orders of Conditions were placed on the premises in 1996 and the Commission needs to issue a Certificate of Compliance to release those orders. Doug Taylor will make a site visit to determine if those orders have been complied with and report back to the Commission.

2. **10 Commercial Street** – This application was discussed because a quorum was not present for two consecutive Conservation Commission hearings. The Commission was unclear as to what the law was about that situation and where the application goes from here.
3. **Coastal Engineering** – *Paul Tasha moved to allow proposed eelgrass harvesting and test planting for a proposed mitigation project in Provincetown Harbor, Elaine Anderson seconded and it was so voted, 3-0.*

**MINUTES: August 16, 2005** – *Elaine Anderson moved to approve the language as written, Paul Tasha seconded and it was so voted, 4-0.*

**ADJOURNMENT:**

*Elaine Anderson moved to adjourn the meeting at 9:40 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