

PROVINCETOWN CONSERVATION COMMISSION

**November 1, 2005
6:00 P.M.**

Members Present: Dieter Groll, John Santos (departed at 7:30 P.M.), George Bryant and Dennis Minsky.

Members Absent: Paul Tasha (excused) and Elaine Anderson (excused).

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

WORK SESSION

The Commission discussed the warrant for the Special Town Meeting to be held on Monday, November 7, 2005. The Commission decided that there was one article for which their vote in support was necessary.

Dieter Groll moved to recommend Article I, Wastewater Optimization and Expansion, of the Special Town Meeting, Dennis Minsky seconded and it was so voted, 3-0-1 (George Bryant abstaining). There was no public comment on the recommendation.

The Commission also discussed application fees and into which coffers those fees would go.

The Work Session was adjourned at 6:30 P.M.

PUBLIC HEARING

Co –Chair Dieter Groll called the Public Hearing to order at 6:30 P.M.

PUBLIC STATEMENTS:

Peter Souza stated that there were dirt bikes and all terrain vehicles out at Clapp's Pond the previous weekend. The police were called and stated that they were powerless to do anything about it, citing jurisdiction.

John Lambrou spoke about the situation at Clapp's Pond with the Cape Cod Moto Cross Association. He questioned that concept of "passive recreation" and stated that he thought everyone should be able to cooperate to use the land around Clapp's Pond wisely.

CERTIFICATE OF COMPLIANCE:

Presentation: John Reis representing Salvatore DeRose for the property located at 17 Somerset Road for construction of retaining walls and clearing, grubbing and grading for future single-family dwelling. Mr. Reis is requesting that a Certificate of Compliance for the Order of Conditions be issued for the first phase of the project on Somerset Road.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Reis. The Commission told Mr. Reis that he would need to submit a landscaping plan, clarifying the plantings on site, and consult with the Conservation Agent concerning that plan.

John Santos moved to approve the issuance of a Certificate of Compliance for the Order of Conditions dated June 5, 2003, George Bryant seconded and it was so voted, 3-0.

Determination of Applicability

Application by Elizabeth Mackin 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 upgrade an existing cesspool to a septic system in compliance with Title V at the property located at **6 Duncan Lane**, in Provincetown. Dennis Minsky recused himself because he is an abutter to the property. Dieter Groll explained to the applicant that since only 3 members of the Commission were seated, he would need a unanimous vote to be granted a determination, whether negative or positive. Therefore, the applicant had the choice of moving forward or waiting until more commissioners were seated. The applicant's representative chose to proceed.

Presentation: Eric Mitchell, of J.C. Ellis Design Co., appeared to present the application. The work limit is on the east side of Duncan Lane, the Board of Health has already approved the project. The applicant agreed to extend the hay bales along the southern edge of the property.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Mitchell.

John Santos moved to approve a Negative #3 Determination for the property located at 6 Duncan Lane with the condition that hay bales be placed along the southern edge of the property, George Bryant seconded and it was so voted, 4-0.

Peter Markunas of Coastal Engineering Co., Inc. inquired as to whether the Commission had approved the planting of the eelgrass. He was told that the Commission had voted to have the eelgrass planted.

Determination of Applicability

Application by John R. Dreyer 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 replace a concrete patio with a timber deck at the property located at **71 Commercial Street**, in Provincetown.

Presentation: Peter Markunas, of Coastal Engineering Co., Inc., appeared to present the application. He stated that concrete on the bulkhead is cracking and collapsing and the applicant intends to remove a portion of the concrete and construct a timber deck.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Markunas.

George Bryant moved to approve a Negative #2 Determination with the conditions that ACQ pressure-treated lumber would be used for the deck and that the general notes on a plan dated September 23, 2005 would be incorporated by reference, Dennis Minsky seconded and it was so voted, 4-0.

Notice of Intent

Application by Katzel Nominee Trust & Royce-Smithkin Nominee Trust 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 renovation of an existing building on the property located at **437-439 Commercial Street**, in Provincetown.

Presentation: Deborah Paine, Mike Winkler, Paul Shea and William N. Rogers appeared to present the

application. The applicant seeks to repair pilings and replace the floor under the entire structure. The building will be lifted and moved while the replacement of the floor occurs. There will be no alteration to the resource area. ACQ pressure-treated wood will be used above the ground, but CCA pressure-treated will be used underwater for the pilings.

Public Comment: None.

Commission Discussion: The Commission questioned the applicant's representatives.

George Bryant moved to grant a Notice of Intent for the property located at 437-439 Commercial Street with the following conditions:

- *The work will be done based on the tidal schedule;*
- *Storage of vehicle will be above the high tide line;*
- *Debris will be secured on site and removed daily; and*
- *Peanut oil will be used to power the pile driver.*

Dennis Minsky seconded and it was so voted, 3-0.

Paul Shea and William N. Rogers appeared before the Commission to discuss the Bullring Condominiums and the precarious condition that the sills and pilings are in. They will present an application at the November 15, 2005 hearing.

The Commission discussed the situation at 17 Somerset Road.

Dieter Groll presented an update on the Clapp's Pond situation to the Commission. A meeting was held with Ted Meyer, Provincetown Police Chief, Officer Pallero of the Provincetown Police Department, Ranger Bass of the National Park Service and Jason Zimmer, District Supervisor for the Department of Wildlife and Fisheries. At that meeting it was decided that no motorized vehicles would be allowed on conservation land extending from the tip of the Cape to the Truro border.

The Commission discussed appointing Robin Evans to the Conservation Commission.

George Bryant moved to approve the appointment of Robin Evans to the Provincetown Conservation Commission, Dennis Minsky seconded and it was so voted, 3-0.

The Commission discussed a letter concerning the installation of an ADA-approved handicap accessible ramp on MacMillan Wharf.

The Commission discussed the raising of the two boats that had sunk at MacMillan Wharf and would like to ask some questions of Harbormaster Rex McKinsey concerning the situation.

ADJOURNMENT: Dennis Minsky moved to adjourn at 9:10 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