

# PROVINCETOWN CONSERVATION COMMISSION

June 26, 2003  
6:30 P.M.

**Members Present:** Susan Avellar, Roger Chauvette and Paul Tasha.

**Members Absent:** Peter Souza and Sheila Benzer (excused).

**Others Present:** Mark Latour and Ellen C. Battaglini (Recording Secretary).

## PUBLIC MEETING

### I. PUBLIC STATEMENTS:

None.

### II. PUBLIC MEETING:

#### *Determination of Applicability (continued from 5-22-03)*

Application by Peter Souza for Determination of Applicability under the Massachusetts Wetland Protection Act, M.G.L. c. 131, § 40 for the property located at **122 Bradford Street Extension** in Provincetown.

Continued until July 24, 2003.

#### *Determination of Applicability*

Application by William N. Rogers, II, P.E., P.L.S., representing Anita A. Butler for Determination of Applicability under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws and under the Massachusetts Wetland Protection Act, M.G.L. c. 131, § 40 for the property located at **15 Creek Round Hill Road** in Provincetown.

**Presentation:** William N. Rogers, II appeared to present the application. Mr. Rogers would like to get some input and direction from the Commission before his client constructs a house on the lot. The lot is located in an environmentally sensitive area that abuts a wetland.

**Commission Discussion:** Acting Chair Susan Avellar read the report of the Acting Conservation Agent Roger Dias. The Commissioners questioned Mr. Rogers about the lot. They decided to do a site visit, which they would set up individually. The applicant requested a continuance.

### III. PUBLIC HEARING:

#### *Notice of Intent*

Application by William N Rogers, II, P.E., P.L.S., representing Salvatore DeRose, for 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 **17 Somerset Road** in Provincetown.

**Presentation:** William N. Rogers, II, Attorney Lester J. Murphy, Mario DiGregorio, wetlands specialist, Salvatore DeRose and Richard Ferry, contractor, appeared to present the application. The project that is the subject of this application is only site work, not for any construction at the property. The site, which borders on an isolated vegetative wetland, will be cleared of any vegetation. Mr. DiGregorio feels that adequate erosion and sedimentation control measures, including the erection of a keystone wall consisting of interlocking stone, can be implemented in order to prevent any impact on the wetland until native vegetation can be restored.

**Public Comment:** Sandra Alsante, an abutter to the property, voiced her concern about the project's proximity to the wetland and the location of the turnaround in the cul de sac. David

Brody, another abutter, is concerned about the project being done correctly, so there will be no conflict within the neighborhood once it is completed. Laura Brody, an abutter, inquired why the project was being done in phases. There was one letter on file from another abutter, Cynthia Gast, stating her concern about the location of the driveway.

**Commission Discussion:** Acting Chair Susan Avellar read the report of the Acting Conservation Agent. His concerns included the discharge that may be allowed into the buffer zone of the wetland and storm water management. The Commissioners questioned the panel. The first phase of the project will consist of:

- The construction of the keystone wall;
- Construction of an access drive and stone wall;
- The clearing and grubbing of the site;
- Grading at the site and the trucking in of some fill; and
- Establishing an erosion control system.

*Roger Chauvette moved to grant 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 17 Somerset Road in Provincetown with the issuance of the following Order of Conditions:*

- *The wetlands will be clearly delineated before any construction or demolition begins;*
- *Double straw bales and silt fencing will be trenched in beginning at the southwest corner of the lower section, then running southeast for 30', then switching to single straw bales and silt fencing to end of the lot line;*
- *Before any construction commences, that the Acting Conservation Agent, Roger Dias, be notified so that he can inspect the site;*
- *The property roadway is to consist of 6" minus stone to 3" minus stone to granular sill and compacted in 1' lifts and 50' trap rock be used for the temporary construction access;*
- *At no time will there be stockpiling of fill at the site;*
- *There will be no clearing of land except that needed for the accommodation of the driveway stonewall and the keystone wall.*
- *No other building is to take place on the land without the applicant appearing before the Conservation Commission nor without the approval of the Zoning Board of Appeals, the Planning Board and the Board of Health; and*
- *The driveway and erosion control barriers will be inspected by William N. Rogers, II, especially after a major storm or the falling of great amounts of rain,*  
*Paul Tasha seconded and it was so voted, 3-0.*

#### *Notice of Intent*

Application by William N Rogers, II, P.E., P.L.S., representing Phillip Retzky, for 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 **61 Pleasant Street** in Provincetown.

The septic project installation is contrary to the Provincetown Wetlands By-Law, according to the Acting Conservation Agent's report. A new permit is required and the applicant must appear before the Board of Health before the Commission can render a decision. The application is continued until the July 24, 2003 hearing.

#### *Notice of Intent*

Application by William N Rogers, II, P.E., P.L.S., representing Chandler House Condominium, for 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 **481 Commercial Street** in Provincetown.

**Presentation:** William N. Rogers, II appeared to present the application. He is representing Ann McGuire, trustee of the Chandler House Condominium. The applicant wishes to replace pilings at the premises. There are unsafe cedar pilings supporting the decking now and new 12” diameter cedar pilings will replace these in the exact same location. The crane that will be used in the replacement of the pilings will be on land and not on the coastal beach.

**Public Comment:** None.

**Commission Discussion:** Acting Chair Susan Avellar read Mr. Dias’ report. The Commissioners questioned Mr. Rogers. The applicant will look into alternatives to pressure-treated lumber and will also investigate the repair of the storm-damaged deck.

*Susan Avellar moved to grant 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 481 Commercial Street in Provincetown, with the issuance of the following Order of Conditions:*

- *Access to the property will be by the land side and not the beach side;*
- *Demolition debris will be removed daily; and*
- *All performance standards set forth in the Provincetown Wetlands By-Law are to be observed,*

*Roger Chauvette seconded and it was so voted, 3-0.*

#### *Notice of Intent*

Application by Robert J. Freeman of Schofield Brothers of Cape Cod, representing Ronnie Szeszler, for 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 **385 Commercial Street** in Provincetown.

**Presentation:** Attorney Lester J. Murphy, representing Ronnie Szeszler, Laura Schofield and Bob Freeman, of Schofield Brothers, appeared to present the application. The applicant wants to tear down the rear building at the premises and replace it with a new one. Most of the work will be done on the east side of the property and the applicant has obtained the permission to use the neighbor’s parking lot.

**Commission Discussion:** The Commission informed the applicant that additional information would need to be submitted before their decision could be rendered:

- Foundation plan;
- Reference made to the old cesspool being filled in as part of an already permitted process;
- Building plan;
- Identification of material to be used for replacing deck and walkways; and
- Where the materials will be stored on site, how will the demolition debris will be removed from the site and where it will be deposited off-site.

The applicant requested a continuance until the July 24, 2003 hearing

#### **IV. OLD BUSINESS:**

- **Ken Weiss** – the Certificate of Compliance on an earlier Order of Conditions was never signed and the applicant is ready to convey several units. Attorney Lester J. Murphy appeared to represent Ken Weiss. Attorney Murphy requested that the Conservation Commission signoff on the Certificate and hold it, pending the completion of work that remains unfinished and the subsequent inspection of that work by Roger Dias. The Commission denied his request.
- **Certificate of Compliance** – 1 Bayberry Avenue – The Commission signed the Certificate of Compliance.

**V. MINUTES:**

*May 22, 2003 – Roger Chauvette moved to approve the minutes of May 22, 2003, Paul Tasha seconded and it was so voted, 3-0.*

**VI. OTHER BUSINESS:**

- **722 Commercial Street** – There was a request submitted to the Conservation Commission in August of 2002, to widen the driveway at the premises, which is located in a coastal dune area. Acting Conservation Agent, Roger Dias, wants to look at the site because it appears that some vegetation has been removed. Acting Chair Susan Avellar will write the owners of the property a letter requesting that they replace any indigenous plants that were removed or she will put an enforcement order into place against the property.
- **Mark Latour** – Invasive species removal was briefly discussed.

**ADJOURNMENT:**

*Roger Chauvette moved to adjourn the meeting at 9:35 P.M. and it was so voted unanimously.*

These minutes were approved by a vote of the Conservation Commission at their meeting on July 24, 2003.

**NEXT MEETING**

The next meeting will be on August 28, 2003.

Respectfully submitted,

Ellen C. Battaglini

Approved by \_\_\_\_\_ on \_\_\_\_\_, 2003  
Susan Avellar, Acting Chair