

PROVINCETOWN CONSERVATION COMMISSION

January 3, 2006

6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, George Bryant, Dennis Minsky, Paul Tasha and Robin Evans.

Members Absent: John Santos (excused).

Others Present: Brian Carlson (Health Inspector) Erica Lerner (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Elaine Anderson called the meeting to order at 6:37 P.M. The Commission briefly discussed their intention of adopting the 5 minute rule as policy. The applicant has 5 minutes to present the application, there will be 5 minutes for public comment and the Commission has 5 minutes to question the applicant. George Bryant stated his objection to the new policy.

PUBLIC STATEMENTS:

Peter Souza spoke of his concern about the 40 acres of land under the jurisdiction of the Conservation Commission. He is disturbed by the amount of trash and dog feces at the Clapp's Pond site. He is also concerned about the increasing number of ruts made by vehicles. He encouraged the Commission to investigate some kind of permitting system for vehicles.

Determination of Applicability

Application by Mark T. Gallant for a Request for a 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 an existing timber wall with poured concrete walls with a drainage system, patio and walkway at the property located at **21R Bradford Street Extension**, Provincetown. Dieter Groll, Elaine Anderson, Dennis Minsky, Paul Tasha and Robin Evans sat on the case.

Presentation: Tom Edwards, of Residential Development, representing Mark T. Gallant appeared to present the application. There are two timber walls that are rotting on site and need to be replaced

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Edwards. Erica Lerner reported to the Commission that she had conducted a site visit. The property is located on the outer limits of an already disturbed site.

Dennis Minsky moved to grant a Negative #3 Determination with the condition that the applicant place a silt fence delineating the limit of work, removing construction debris from the site and replanting vegetation after construction has ended, Paul Tasha seconded and it was so voted, 5-0.

Notice of Intent

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 within a resource area at Race Point Lighthouse. Dieter Groll, Elaine Anderson, Dennis Minsky, George Bryant and Robin Evans sat on the case.

Presentation: James Walker appeared to present the application. A Department of Environmental Protection number has been received by the Commission. The septic system needed to be enlarged to include the back building and moved to a different location on site.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Walker. Mr. Walker stated that the existing cesspool will be filled with the sand that was dug up. The Commission requested that the applicant replace the beach grass that is disturbed during construction.

FINDINGS OF INTEREST:

- storm drainage prevention;
- prevention of pollution;
- protection of wildlife habitation; and
- flood control.

Elaine Anderson moved to grant a Notice of Intent based on the findings of interest to the Commission with the following conditions:

- *wildlife habitations are protected in the area before the plover nesting season, specifically before April 1, 2006, or such date as the National Seashore shall determine;*
- *the Order of Conditions are recorded at the Barnstable County Registry of Deeds;*
- *copies of the Order of Conditions be given to the contractor;*
- *the contractor be held liable in the contract for complying with the Order of Conditions;*
- *other permits needed are obtained before construction is commenced;*
- *the Conservation Commission be notified of any changes in plans;*
- *sediment control be maintained;*
- *the Conservation Commission maintain the right of entry to the site for inspection purposes;*
- *work is completed within a three-year time limit;*
- *Board of Health approval be obtained before commencement of any work;*
- *no area will be left unvegetated for more than 30 days. All areas disturbed during construction shall be revegetated immediately following completion of work at the site;*
- *proposed vegetation be implemented. Plantings must be well-established and failed plantings must be replaced; and*
- *a Certificate of Compliance be obtained from the Conservation Commission after the project is completed.*

Dennis Minsky seconded and it was so voted, 5-0.

ANY OTHER BUSINESS:

Shank Painter Pond Resource Area – The Commission discussed their concerns about this project with Ron Robillard of the Open Space Committee, including erosion issues at the site, the elevated trail being an obstacle to wildlife movement, the mounds of top soil that were deposited there potentially containing seeds of invasive species, what distance the trail is from the resource area and whether the observation deck is a detriment to turtle nesting areas. Erica Larner has spoken with the Natural Heritage Foundation to try and find solutions to these concerns. Mr. Robillard promised to try and get a turtle expert out to the site for an opinion. The Commission wants to have the soil examined by the U.S. Department of Agriculture to confirm what it contains. Erica will speak to the U.S.D.A. about the soil testing and the wildlife corridor, will investigate the erosion of the bluestone, signage, railings and a replanting plan. The Commission is also waiting for a site plan for the area.

Mill Pond – Paul Tasha spoke of his concern about the amount of sand that is accumulating in Mill Pond, which is preventing tidal flow in the area. The north paths at Herring Cove and erosion in the area were also discussed.

The Provincetown Estuarine Water Quality Monitoring Project grant proposal to the Environmental Protection Agency was discussed

MINUTES: November 15, 2005 – *Dennis Minsky moved to approve the language as written, Paul Tasha seconded and it was so voted, 4-0.*

MINUTES: November 1, 2005 – *Dieter Groll moved to approve the language as written, Dennis Minsky seconded and it was so voted, 3-0.*

MINUTES: March 1, 2005 – *Dieter Groll 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 8:30 P.M. and it was so voted unanimously.

These minutes were approved by a vote of the Conservation Commission at their meeting on _____, 2006.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2006
Dieter Groll and Elaine Anderson, Co-Chairs