

PROVINCETOWN CONSERVATION COMMISSION

February 21, 2006

6:30 P.M.

Members Present: Dieter Groll, George Bryant (departed at 7:35 P.M.), Dennis Minsky, Paul Tasha and Robin Evans (departed at 7:10 P.M.).

Members Absent: Elaine Anderson, John Santos.

Others Present: Erica Larner (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the meeting to order at 6:41 P.M.

The Commission briefly discussed the letter of notice for the Shank Painter Pond Sanctuary with Erica Larner. It was agreed that another discussion needed to ensue in order to move forward on the issue. The Commission also discussed whether the hardener at the site should stay or not in light of the fact that the United States Department of Agriculture recommended that it should be removed.

Dennis Minsky moved to accept the letter of notice written Erica Larner from the Provincetown Conservation Commission to the Provincetown Conservation Trust concerning the Shank Painter Sanctuary, Robin Evans seconded and it was so voted, 4-0-1 (George Bryant abstain).

Erica Larner discussed the issue of the Clapp's Pond Management Plan with the Commission. She asked if she could have the Commission's permission to work on developing a plan.

Dennis Minsky moved to allow Erica Larner to work on developing a management plan for the Clapp's Pond Resource Area, Robin Evans seconded and it was so voted, 5-0.

The Commission then discussed the issue of Cape Tip Moto-Cross and Carl Roach. The Commission decided that the enforcement order issued by the Commission needed to be rescinded and another one issued. Erica will work on that for the next meeting.

Paul Tasha is concerned about the impending cuts in the Town budget and how that may affect Erica's job as Conservation Agent. He would like the Commission to write a letter to the Board of Selectmen and/or the Town Manager stressing how important her job is to the Commission and the Town. Erica will work on that letter.

Notice of Intent

Application by Martha Roderick 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 convert an existing horse stable and grounds to a single-family house with a septic system, retaining wall, grading and landscaping at the property located at **72 West Vine Street**, in Provincetown. Dieter Groll, Dennis Minsky and Paul Tasha sat on the case.

Presentation: William N. Rogers, III, Paul Shea and Attorney Matthew Dupuy appeared to present the application. The changes to this plan are in response to the denial from the Commission of the previous application of the applicant concerning the same locus. The proposal is for one three bedroom house, instead of two houses with a total of eight bedrooms. There has been no comment from the Department of Environmental Protection as of yet, but a plan has been submitted to Natural Heritage, which ruled that there would be no impact on animal habitat as a result of the project.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers, Mr. Shea and Attorney Dupuy. Erica suggested that the straw bale limit of work be moved. The applicant will submit new plans.

FINDINGS OF INTEREST:

- Storm damage prevention;

- Prevention of pollution;
- Protection of wildlife habitat; and
- Flood control.

Dennis Minsky moved to approve the Notice of Intent for the property located at 72 West Vine Street with the following special conditions:

- *Within one month of receipt of this Order of Conditions and prior to the commencement of any work approved herein, General Condition number 8 (recording requirement) on page 4 shall be complied with.*
- *It is the responsibility of the applicant, the owner and/or successor(s) and the project contractors to ensure that all conditions of this Order are complied with. The applicant shall provide copies of the Order of Conditions and approved plans (and any approved revisions thereof) to project contractors prior to the start of work.*
- *This document shall be included in any construction contracts and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting from failure to comply with its conditions.*
- *A sign shall be displayed showing the DEP file number, preferably not placed on a living tree.*
- *The Conservation Commission shall receive notice 72 hours in advance of the start of work. If requested, a meeting will be held on the site to ensure compliance before work begins.*
- *Staked strawbales backed by trenched-in siltation fencing or approved alternative shall be set along the approved work limit line. Effective sediment controls shall remain until the site is stabilized with vegetation.*
- *A sequence of color photographs showing the undisturbed buffer zone shall be submitted to the Conservation Commission. Note: the strawbales and siltation fence must show in the foreground (or bottom of) the photographs.*
- *A general landscaping plan shall be submitted to and approved by the conservation agent.*
- *The work shall conform to the plans and special conditions referenced in this order.*
- *Any change to the plans identified in Condition #12 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.*
- *All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.*
- *The work limit shown on the approved plan shall be strictly observed. This work limit must be maintained until all construction is complete. There is to be no use of machinery, storage of machinery or materials, stockpiling of fill, or construction activity beyond this line at any time.*
- *There shall be no disturbance of the site, including cutting of vegetation, beyond the work limit. This condition shall continue over time.*
- *All debris, fill, and excavated material shall be stockpiled far enough away from wetland resource areas, and at a location to prevent sediment from entering wetland resource areas.*
- *The Conservation Commission, its employees, and its agents shall have a right of entry to inspect for compliance with the provisions of this Order of Conditions.*
- *This permit is valid for 3 years from the date of issuance, unless extended by the Commission at the request of the applicant. Caution: a future Amended Order does not change the expiration date.*

- *Any fill used for this project shall be clean fill. Fill shall contain no trash, refuse, rubbish, or debris.*
- *Drywells or graveled trenches along the drip lines shall be installed to accommodate roof runoff.*
- *The driveway shall be constructed of pervious material (gravel or shell) or alternate as approved by the Conservation Commission.*
- *Work limit markers (wood stakes) shall remain until a Certificate of Compliance is issued for this project.*
- *At the completion of work, or by the expiration of this Order, the applicant shall request in writing a Certificate of Compliance for the work herein permitted. Where a project has been completed in accordance with plans stamped by a registered professional engineer, architect, landscape architect or land surveyor, a written statement by such a professional person certifying substantial compliance with the plans and setting forth what deviation, if any, exists with the record plans approved in the Order shall accompany the request for a Certificate of Compliance. At the time of the request for a Certificate of Compliance, an updated sequence of color photographs of the undisturbed buffer zone shall be also submitted.*

This Order of Conditions will also include any conditions requested by Natural Heritage. Dieter Groll seconded and it was so voted, 2-1 (Paul Tasha opposed).

ADJOURNMENT:

Dennis Minsky 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 _____, 2006.

Respectfully submitted,

Ellen C. Battaglini

Approved by _____ on _____, 2006

Dieter Groll and Elaine Anderson, Co-Chairs