

PROVINCETOWN CONSERVATION COMMISSION

March 21, 2006

6:30 P.M.

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

Members Absent: George Bryant.

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

Co-Chair Dieter Groll called the meeting to order at 6:40 P.M.

PUBLIC STATEMENTS:

Peter Souza spoke about implementing the Clapp's Pond Management Plan. He requested that he be included in any of the discussions concerning the plan. He made the suggestion that fencing be constructed in order to protect rare plant species from being destroyed by dirt bikes and mountain bikes.

Enforcement Order

71 Commercial Street

Due to a violation of the Determination of Applicability, public property was damaged. This public property protects against direct discharge of pollutants into a protected resource area (coastal beach and land under ocean).

Conservation Agent, Erica Larner, received a letter from Stearns & Wheler that answered her questions regarding the first row of infiltration units. This row was removed because it was not functioning. They do not recommend replacement because the units will just become clogged again.

John Santos moved to accept the Stearns & Wheler restoration plan, Dennis Minsky seconded and it was so voted, 5-0.

Certificate of Compliance

94 Harry Kemp Way (SE 58-0051)

Install a subsurface sewage disposal system.

Presentation: Attorney Christopher J. Snow appeared to request the issuance of a Certificate of Compliance. The subsurface sewage disposal system has been functioning well since its installation in 1978 based on a plan approved by the Health Agent, the Board of Health and the Conservation Commission. The lack of a Certificate was discovered when a title search of the property was conducted.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Attorney Snow.

Elaine Anderson moved to issue a Certificate of Compliance, 94 Harry Kemp Way from the Order of Conditions issued by the Conservation Commission, Dennis Minsky seconded and it was so voted, 5-0.

Determination of Applicability

Application by William Bonn 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 to raze the existing dwelling per order of the Building Commissioner and rebuild within the same footprint with associated appurtenances at the property located at **4 Pilgrim Heights Road**, in Provincetown.

Presentation: Neal Kimball appeared to present the application. The structure in question has extensive water-related problems. The deterioration of the framing is widespread.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Kimball. The applicant does not yet have a construction protocol for the project.

John Santos moved to grant a Negative #3 Determination for the property located at 4 Pilgrim Heights Road pending the submission of a construction protocol and erosion control procedures by the applicant, Dennis Minsky seconded and it was so voted, 4-0.

Notice of Intent

Application by the Town of Provincetown Department of Public Works under the Provincetown Wetlands By-Law, Chapter 12 of the Provincetown General By-Laws. The applicant seeks to lay a sewer extension line from the Wastewater Treatment plant to 68 Shankpainter Road, in Provincetown.

Presentation: Dana Faris appeared to present the application. The Town seeks to lay down a sewer line for use by the Grand Union and a laundromat to be located at the site.

Public Comment: David Federico stated his concern about any animals being disturbed during construction and whether the proper piping would be used in order to avoid having to re-dig the line.

Commission Discussion: The Commission questioned Mr. Faris.

John Santos moved to grant a Notice of Intent to lay a sewer extension line from the Wastewater Treatment plant to 68 Shankpainter Road as presented by the Town of Provincetown, Elaine Anderson seconded and it was so voted, 3-2 (Robin Evans and Dieter Groll opposed).

Notice of Intent

Application by Clancy Realty Trust 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 construct a single-family dwelling, garage, deck and septic system with grading and landscaping at the property located at **Lot 12, Harbour Drive (formerly 837**

Commercial Street), in Provincetown.

Notice of Intent

Application by Clancy Realty Trust 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 construct a single-family dwelling, garage, deck and septic system with grading and landscaping at the property located at **Lot 16, Harbour Drive (formerly 837**

Commercial Street), in Provincetown.

Notice of Intent

Application by Clancy Realty Trust 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 construct a single-family dwelling, garage, deck and septic system with grading and landscaping at the property located at **Lot 15, Harbour Drive (formerly 837**

Commercial Street), in Provincetown.

Notice of Intent

Application by Clancy Realty Trust 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 construct a single-family dwelling, garage, deck and septic system

with grading and landscaping at the property located at **Lot 14, Harbour Drive (formerly 837 Commercial Street)**, in Provincetown.

Notice of Intent

Application by Clancy Realty Trust 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 construct a single-family dwelling, garage, deck and septic system with grading and landscaping at the property located at **Lot 13, Harbour Drive (formerly 837 Commercial Street)**, in Provincetown.

The Commission heard these applications together. Dieter Groll, Elaine Anderson, Dennis Minsky and John Santos sat on the case.

Presentation: Paul Shea, of Environmental Consultants, Inc., and William Gordon appeared to discuss the application. The applicant submitted new information that the Commission had requested at the last hearing. This included:

- A revised site plan showing the limit of the coastal beach;
- A storm management form from the Department of Environmental Protection;
- A letter from Natural Heritage attesting to the fact that the subdivision is not located in an animal habitat area; and
- A map showing the existing buildings over-layed on the proposed structures.

DEP also requested that the applicant mark the landward limit of the coastal beach on each of the lot plans. The applicant had already agree to re-vegetate the area with salt-resistant plantings.

Public Comment: None.

Commission Discussion: The Commission briefly questioned Mr. Shea and Mr. Gordon.

Lot 12:

Dieter Groll moved to grant a Notice of Intent for Lot 12 Harbour Drive with the Order of Conditions and construction protocol as set forth in the handbook submitted by the applicant, John Santos seconded and it was so voted, 4-0.

Lot 13:

John Santos moved to grant a Notice of Intent for Lot 13 Harbour Drive with the Order of Conditions and construction protocol as set forth in the handbook submitted by the applicant, Elaine Anderson seconded and it was so voted, 4-0.

Lot 14:

Dennis Minsky moved to grant a Notice of Intent for Lot 14 Harbour Drive with the Order of Conditions and construction protocol as set forth in the handbook submitted by the applicant, John Santos seconded and it was so voted, 4-0.

Lot 15:

Elaine Anderson moved to grant a Notice of Intent for Lot 15 Harbour Drive with the Order of Conditions and construction protocol as set forth in the handbook submitted by the applicant, John Santos seconded and it was so voted, 4-0.

Lot 16:

Dieter Groll moved to grant a Notice of Intent for Lot 12 Harbour Drive with the Order of Conditions and construction protocol as set forth in the handbook submitted by the applicant, John Santos seconded and it was so voted, 4-0.

REVIEW OF TOWN MEETING WARRANT ARTICLES:

Special Town Meeting:

Article 1: *Dennis Minsky moved to recommend Article 1, Elaine Anderson seconded and it was so voted, 4-0.*

Article 3: *Elaine Anderson moved to recommend Article 3, Dennis Minsky seconded and it was so voted, 3-1 (John Santos opposed).*

Annual Town Meeting:

Article 7: *John Santos moved to recommend Article 7, Elaine Anderson seconded and it was so voted, 4-0.*

Article 29: The Commission agrees that a place for the Cape Tip Motocross Club to operate is needed, but the parcel of land that is suggested is not acceptable to the Commission. The Commission supports the effort, but is not prepared to recommend this article as written.

DISCUSSION ON SHANKPAINTER SANCTUARY:

Erica Larner needs the authority of the Commission to contact DPW to remove the bluestone and the path at the Shankpainter Sanctuary.

The Provincetown Conservation Trust sent a letter to Erica stating that they agree with the removal of the bluestone and the path and that they would like to remove the deck as well. The Commission discussed the removal of the deck and decided not to do anything at this time. *Dieter Groll moved to authorize Erica Larner to pursue funding for the removing the trail and the bluestone as mention in the PCT letter, with the proviso that the Commission will revisit the topic of the deck in the future, Dennis Minsky seconded and it was so voted, 4-0.*

ADJOURNMENT:

Elaine Anderson moved to adjourn the meeting at 9:45 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