

PROVINCETOWN CONSERVATION COMMISSION

April 18, 2006

6:30 P.M.

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

Members Absent: George Bryant and Robin Evans.

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

Co-Chair Dieter Groll called the meeting to order at 6:32 P.M.

PUBLIC STATEMENTS:

None.

Enforcement Order

139 Commercial Street

Topsoil has been dumped onto a coastal dune abutting the rear of the parcel.

Conservation Agent, Erica Lerner stated that the topsoil needs to be removed as well as the paint station that was set up on top of the dune. Erica spoke to Bob O'Malley, the property manager, and he stated that he needed to receive permission from the owner in order to remove the soil. Emily Beebe commented on the situation.

Elaine Anderson moved to ratify the Enforcement Order for the property at 139 Commercial Street, Paul Tasha seconded and it was so voted, 4-0.

Enforcement Order

6 Oak Drive

Fill has been dumped along the edge of a fence. This fill has eroded into an isolated, vegetated wetland. John Reis, the owner of the property has removed the fill and installed silt fencing to the satisfaction of the Conservation Agent.

Elaine Anderson moved to ratify the Enforcement Order for the property at 6 Oak Drive, Paul Tasha seconded and it was so voted, 4-0.

Non-Criminal Citation

139 Commercial Street

Topsoil has been dumped onto a coastal dune abutting the rear of the parcel.

This notice has been sent to the property owner.

Emergency Certification

Sixth Town Landing, Good Templar Place. The applicant proposes to remove a concrete launch ramp and nourish the landing with sand to abate a public safety emergency.

Presentation: David Guertin, head of the Department of Public Works, appeared to request permission for emergency repairs. He submitted a handout that briefly delineated the interim measures taken by the Town at the site. The Town needs the permission of the Conservation Commission in order to move forward to remedy the situation.

Public Comment: John Santos had a concern about how and to where the macadam would be removed.

Commission Discussion: The Commission questioned Mr. Guertin.

Paul Tasha moved to certify the request made by David Guertin as an emergency and authorize the Town of Provincetown to proceed with the repairs as presented by David Guertin, Elaine Anderson seconded and it was so voted, 4-0.

Determination of Applicability

Application by McHoul Funeral Home 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 install a holding tank with associated trenching at the property located at **94 Harry Kemp Way**, in Provincetown.

Presentation: Emily Beebe appeared to present the application. The applicant seeks to install a waste-holding tank and a waste-distribution tank just outside the buffer zone of a nearby wetland. The work will be confined to the driveway area and silt fencing will line the limit of work.

Public Comment: None.

Commission Discussion: The Commission questioned Ms. Beebe.

John Santos moved to grant a Negative #2 Determination with the condition that the hay bales as shown on the site plan be changed to straw bales, Elaine Anderson seconded and it was so voted, 5-0.

Determination of Applicability

Application by Leonard Enos, Jr. 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 construct two stairways to access a proposed second floor deck at the property located at **315A-319 Commercial Street**, in Provincetown. The applicant was not present and the application was postponed to the end of the hearing.

Determination of Applicability

Application by the Town of Provincetown - DPW 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 construct storm water collection and infiltration facilities at the property located at **the right-of-way adjacent to 1 Commercial Street**, in Provincetown.

Presentation: Russ Kleekamp, of Stearns & Wheler, LLC, appeared to present the application. The applicant seeks to install flow control structures at the site to prevent storm water from reaching the bay.

Public Comment: The Commission questioned Mr. Kleekamp.

Dennis Minsky moved to grant a Negative #2 Determination, Elaine Anderson seconded and it was so voted, 5-0.

Notice of Intent

Application by the Union Wharf Condominium 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 repair three pilings under an existing building at the property located at **97 Commercial Street**, in Provincetown.

Presentation: Tim Brady, of East Cape Engineering, appeared to present the application. The new pilings will be sistered to the old pilings for added support. Mike Winkler will be doing the job by mounting a crane on a barge. All work will be performed on the water side of the site.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Brady. The Commission would like to have more information about the pilings and how they will be driven into the ground as well as a more detailed construction protocol for the project. In addition, DEP will require an engineer-stamped plan to be submitted before any work can be begun. Mr. Brady requested a continuance until the May 2, 2006 hearing.

Elaine Anderson moved to grant the request for a continuance, Dennis Minsky seconded and it was so voted, 5-0.

Notice of Intent

Application by the Douglas Taylor 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 relocate an existing dwelling at the property located at **11A Mermaid Avenue**, in Provincetown.

Presentation: Doug Taylor appeared to present the application. The applicant seeks to move the dwelling closer to the ocean and install a concrete foundation for boat storage and maintenance. He intends to employ and follow the standard order of conditions for the site, including not using any heavy machinery on the beach, using straw bales to delineate the limit of work, submitting a detailed planting plan for the site, informing the Commission 48 hours before the commencement of any work, using off-site disposal, cleaning the beach daily and making sure that material storage is secure and landward.

Public Comment: Mark Irving, an abutter had a question about the location of the coastal dune in the area. Mary Anne Boswell, an abutter had concerns about the use of heavy machinery. Henry Bloch, an abutter, was concerned about vehicle access to the property.

Commission Discussion: The Commission questioned Mr. Taylor. The Commission requested more of a construction protocol for the project and a better idea where the coastal dune is located. Mr. Taylor requested a continuance until the May 2, 2006 hearing when he will submit the requested information to the Commission,

Dennis Minsky moved to grant the request for a continuance, Dieter Groll seconded and it was so voted, 5-0.

Determination of Applicability

Application by Leonard Enos, Jr. 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 construct two stairways to access a proposed second floor deck at the property located at **315A-319 Commercial Street**, in Provincetown. The Commission will continue this application until the May 2, 2006 hearing.

Elaine Anderson moved to grant a continuance, Paul Tasha seconded and it was so voted, 5-0.

The Commission was informed that the new fees have been advertised and will be in effect as of May 1, 2006.

The Commission reiterated the need to work on the management plan for Clapp's Pond.

Dennis Minsky went out to Shankpainter Pond Sanctuary and observed that the trail had been mounded. He subsequently learned that Celine Gandolfo had done it.

ADJOURNMENT:

Elaine Anderson moved to adjourn the meeting at 9:30 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