

PROVINCETOWN CONSERVATION COMMISSION

June 20, 2006

6:30 P.M.

Members Present: Dieter Groll, Elaine Anderson, Dennis Minsky, Robin Evans and Lynne Martin.

Members Absent: Paul Tasha..

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

Co-Chair Elaine Anderson called the meeting to order at 6:35 P.M.

PUBLIC STATEMENTS:

None.

Discussion:

Beach Nourishment of Town of Provincetown beaches with Graham Giese

Graham Giese spoke to the Commission about beach nourishment, including the history of the formation of Provincetown and its hook and the consequences of rising sea levels on the inner arch of the shoreline. He briefly discussed the effects of removing the groins at Herring Cove beach that would allow sand to be moved towards Wood End and for sand to accumulate on the beach where the recent breakage occurred. He concluded that he believed that it is reasonable to nourish the beach, but is not advocating that the Conservation Commission undertake the project. He added that he would be concerned about the ecological effects, specifically what habitats would be affected by the nourishment process, and that he felt that the shoreline, overall, was at equilibrium.

Ratification of Decision

Ratification of a Positive 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 at the property located at **139 Commercial Street**. The decision was not ready to be ratified. The Commission will discuss the issue later in the hearing.

Notice of Intent

Application by the Independent Environmental Consultants, Inc. , representing Snow Realty Trust I, II, Scott Andonian, Trustee, for a Notice on 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. The applicant seeks approval for construction of one single family dwelling on each lot with appurtenances, and the upgrade of sanitary subsurface disposal systems on each lot with appurtenances at the property located at **34 and 36 Snow's Lane**, in Provincetown. Dieter Groll and Robin Evans recused themselves because of conflicts of interest. Elaine Anderson chaired the hearing.

Presentation: Attorney Christopher J. Snow, Neal Kimball, William N. Rogers, Paul Shea, of Independent Environmental Consultants, Inc., and Scott Andonian appeared to present the application. The applicant submitted revised plans.

Public Comment: Miriam Gross, an abutter, spoke of her concerns about damage being done to her property as a result of the project. Gary Delius, an abutter, who was speaking as a representative of the Provincetown Conservation Trust, spoke of concerns regarding building within the 100' buffer zone, Celine Gandolfo, was concerned about the effect of the project on the Shank Painter Pond Sanctuary. Elizabeth Patrick asked the Commission if the public portion of the hearing could be left open if the application is continued. Rod Macleod, an abutter spoke against the project and urged the Commissioners to do a site visit before they made a decision. Robert Payson and Mary Lambrou, both abutters, spoke against the application, citing their concerns about flooding in the area.

Commission Discussion: The Commission questioned Attorney Snow, Mr. Kimball, Mr. Rogers and Mr. Shea. Erica Lerner's concerns, as conveyed by Brian Carlson, included the lack of contours for the

new grades shown on the site plan, the lack of a re-vegetation plan, her disagreement with the wetlands delineation in the area, and the absence of a scale on the site plan. She also would like to see the demolition permit that was approved by the department of Community Development. She concluded her comments with a recommendation that an environmental consultant be hired to advise the Commission. The Commission concluded that they would like to make a site visit to the property before rendering a decision and requested that the site be flagged to show the proposed location of the dwelling. The applicant requested a continuance to the July 18, 2006 hearing. The Commission scheduled a site visit for July 14, 2006 at 5:00 P.M.

Notice of Intent

Application by the Independent Environmental Consultants, Inc., representing Demetrios Daphnis, for 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. The applicant seeks approval for the construction of six new dwellings, retaining walls and appurtenances at the property located at **67 Harry Kemp Way**, in Provincetown.

Presentation: Paul Shea, of Environmental Consultants, Inc., William N. Rogers, II and Demetrios Daphnis appeared to present the application.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Shea, Mr. Rogers and Mr. Daphnis. Erica Lerner's concerns, as conveyed by Brian Carlson, included the lack of contours on the site plan, including the existing and proposed grades, her disagreement with the wetlands delineation, the planting of Leyland cypress, a non-native species, on the site, the level of the ground water in the area, the proposed retaining wall and fill, the driveway access, erosion at the site and the lack of feedback on the project from Natural Heritage. The Commission also discussed hiring an outside consultant to advise them. The applicant requested a continuance until the July 18, 2006 hearing. The public portion of the hearing will be kept open for further comments at the next hearing.

Dennis Minsky moved to impose, per the Provincetown Wetlands By-Laws, a consultant fee to be paid by the applicant, not to exceed \$2,500.00, Robin Evans seconded and it was so voted, 5-0. The Commission will present the applicant with a list of consultants at the July 18, 2006 hearing.

Notice of Intent

Application by the Coastal Engineering, Inc. , representing Thomas G. Roberts, for 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. The applicant seeks approval for the proposed renovation of two existing, single-family dwellings and the removal of a garage at the property located at **59 Commercial Street**, in Provincetown. Dieter Groll recused himself because of a conflict of interest. Elaine Anderson chaired the hearing.

Presentation: Reggie Donoghue, of Coastal Engineering, Inc., Neal Kimball and Thomas G. Roberts appeared to present the application. The applicant seeks to install a new foundation for the waterfront property and submitted a structural plan for that foundation. There will be no structural changes to the building on the street. Both buildings will retain their respective footprints and access for the work will be from the West End parking lot. The applicant also submitted a construction protocol and suggested special condition to be followed to the Commission.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Donoghue and Mr. Kimball.

Dennis Minsky moved to grant a Notice of Intent with the general Order of Conditions and the additional Special Conditions and construction protocol as submitted by the applicant, Lynne Martin seconded and it was so voted, 4-0.

Ratification of Decision

The Commission discussed the ratification of the Positive Determination for 139 Commercial Street.

Dennis Minsky moved to include the following determinations:

- *The boundaries of the resource areas are not confirmed by this determination, regardless of whether such boundaries are contained on the plans attached to this Determination;*
- *The work described on the referenced plans and documents is within an area subject to the protection under the Wetlands Protection Act, therefore said work requires the filing of a Notice of Intent;*
- *The area and/or work described on referenced plans and documents is subject to review by the Town of Provincetown pursuant to the Provincetown Wetland By-Law, General By-Law c. 12;*

with clarifying details to be added based on the findings from the Conservation Commission hearing of the case on June 6, 2006, Elaine Anderson seconded and it was so voted, 5-0.

MINUTES:

May 20, 2006 – Elaine Anderson moved to approve the language as written, Dennis Minsky seconded and it was so voted, 5-0.

OTHER BUSINESS:

Shank Painter Pond Sanctuary – The Commission discusses the issues at the Sanctuary and how to resolve them, including how to remove the topsoil that was laden with seeds from invasive species. A particular species, Lady’s Thumb, has been identified as growing out of the topsoil and the Commission discussed ways to remove it and prevent its spread. The Commission also discussed their funding and concluded that they needed to consult with the Board of Selectmen and ask for guidance. Robin Evans agreed to explore the use of Land Bank Funds and report back to the Commission.

ADJOURNMENT:

Dennis Minsky moved to adjourn the meeting at 10:15 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