

PROVINCETOWN CONSERVATION COMMISSION

July 18, 2006

6:30 P.M.

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

Members Absent: Paul Tasha and Robin Evans.

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

Co-Chair Elaine Anderson called the meeting to order at 6:40 P.M.

The Commission agreed to discuss the Jimmy's Pond Self-Help Grant application first on the agenda after approving minutes.

MINUTES:

June 20, 2006 – *Dennis Minsky moved to approve the language as written, Lynne Martin seconded and it was so voted, 3-0.*

Jimmy's Pond Self-Help Grant Application –

Erica Larner informed the Commission of a grant that was being written by Paula Goldberg to acquire the property located at 74 Harry Kemp Way. Ms. Goldberg needs a cover letter with Commission signatures.

Dennis Minsky moved to approve the Jimmy's Pond Self-Help Grant application, Lynne Martin seconded and it was so voted, 3-0.

PUBLIC STATEMENTS:

None.

Ratification of Decision

Ratification of a Positive Determination of Applicability (Sections 2b, 4 and 5) 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**.

Erica Larner read the decision. *Elaine Anderson moved to approve the language as written, Dennis Minsky seconded and it was so voted, 4-0.*

Ratification of Order of Conditions

Ratification of an Order of Conditions for Thomas Roberts 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 **59 Commercial Street**.

Erica Larner read the Order of Conditions. *Elaine Anderson moved to approve the language as written, Dennis Minsky seconded and it was so voted, 4-0.*

Determination of Applicability

Application by Jerome and Lorraine Harris 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 establish a pathway over an easement at **781 Commercial Street**, in Provincetown.

The applicant requested to withdraw the application without prejudice.

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.

Presentation: Attorney Christopher J. Snow and Paul Shea, of Environmental Consultants, Inc., appeared to discuss the application.

Public Comment: Elizabeth Patrick asked if the public portion of the application would remain open if the case was continued. Mimi Gross, an abutter, is concerned about the preservation of a quaking bog in the area. Rod MacLeod, an abutter, said that the neighbors have many disagreements with the proposal and that he appreciated the Commission's gathering information from many sources. Ed Fitzgerald, an abutter, commented on the wetlands in the area and implored the Commission to gather information from as many sources as possible and to err on the side of caution when making their decision. Celine Gandolfo, speaking for the Provincetown Conservation Trust, encouraged the Commission to require the applicant to have a wildlife study done because the Trust is concerned about the disruption of wildlife habitat at the site.

Commission Discussion: The Commission did a site visit on July 14th. The Commission reviewed and discussed with the applicant the two choices they had for a wetlands consultant to advise them about this project. After a brief discussion, ***Dennis Minsky moved to select ENSR to advise the Conservation Commission about the project at 34 and 36 Snow's Lane, Lynne Martin seconded and it was so voted, 3-0.*** The Commission questioned Attorney Snow and Mr. Shea. Erica Larner presented the Commission with new information concerning the project, including GPS plans of the area she had received from the Department of Public Works, test pit results from the Health Department showing that ground water was found 2 feet below grade in the area, a letter from Doug Taylor, Building Commissioner addressing the demolition issue at the site and information from the Natural Heritage and Endangered Species Program of the Division of Wildlife and Fisheries recommending that a wild life assessment study be done in the area. Erica stated that she agreed with the latter recommendation and the applicant agreed to consider the request. The Commission agreed to a continuance until the September 19, 2006 hearing as requested by the applicant.

Notice of Intent

Application by Demetrios Daphnis 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 six new dwelling, retaining walls and appurtenances at **67 Harry Kemp Way**, in Provincetown.

Presentation: Paul Shea, of Environmental Consultants, Inc., Gary Locke and Demetrios Daphnis appeared to present the application. The applicant submitted a high-lighted site plan.

Commission Discussion: The Commission did a site visit on July 14th. The Commission reviewed and discussed with the applicant the two choices they had for a wetlands consultant to advise them about this project. After a brief discussion, ***Elaine Anderson moved to select ENSR to advise the Conservation Commission about the project at 67 Harry Kemp Way, Dennis Minsky seconded and it was so voted, 3-0.*** The Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries

and Wildlife has concluded that the wildlife habitat in the area may be affected by the proposal to build six new dwellings. Erica Larner advised the Commission to require a plant species study be done at the site as well as a wildlife habitat study and added that she would like to see drainage calculations for run-off at the site as well since the site is so close to a wetland. The Commission discussed storm water management issues with Mr. Shea. Gary Locke stated that they would be using subsurface dry wells to accommodate run-off from the dwellings and that they were also not planning on increasing the impervious surfaces at the site. The applicant has requested a storm water management form from DEP, but has not yet received it. The Commission granted the applicant a continuance until the September 19, 2006 hearing.

Public Comment: None. The public comment portion of the hearing will be held open in order to gather new information

Notice of Intent

Application by Bull Ring Wharf Condominium Association 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 to conduct foundation, structural and building envelope repairs at the property located at **383 Commercial Street**, in Provincetown.

Presentation: John Bologna, of Coastal Engineering, Inc., appeared to present the application. The demolition permit has been issued, but no work has begun as of yet.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Bologna. Erica Larner stated that the DEP has not issued a file number for this project yet, but she encouraged the Commission to approve the Notice of Intent without DEP comment because of the critical and precarious condition of the building at the site. If DEP issues any negative comments, the Commission can revisit and discuss the application further. The Commission will continue the hearing until the August 1, 2006 hearing when the Decision will be ratified pending DEP approval.

Dennis Minsky moved to approve the Notice of Intent for the property located at 383 Commercial Street contingent upon the approval and issuance of a file number by DEP, Lynne Martin seconded and it was so voted, 4-0.

Notice of Intent

Application by the Town of Provincetown - DPW 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 to remove concrete boat launching pad and fill undermined area with sand at **Good Templar Place**, in Provincetown. No one representing the Town of Provincetown was present at the hearing so the case is continued until the August 1, 2006 hearing.

Notice of Intent

Application by the Robert Nee 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 to enclose an area under a second floor deck at the property located at **345A Commercial Street**, in Provincetown.

Presentation: Robert Valois and Charlie Collins appeared to present the application. The applicant seeks to build an 11' by 11' screened room under a second floor deck. The property has Chapter 91 approval. All debris will be removed via Commercial Street.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Valois and Mr. Collins. Erica Larner stated that DEP has not issued comment or a file number for this project yet. The Commission will approve this Notice of Intent contingent upon approval and no adverse comments from DEP. The case is continued until the August 1, 2006 hearing when the Order of Conditions will be ratified pending DEP

approval.

Dennis Minsky moved to approve the Notice of Intent for the property located at 345A Commercial Street contingent upon approval and issuance of a file number by DEP, Lynne Martin seconded and it was so voted, 4-0.

Amended Order of Conditions

Application by the Robert Duffy 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 to replace existing concrete bulkhead with sheet-pile bulkhead at the property located at **27 Commercial Street**, in Provincetown.

Presentation: John Bologna, of Coastal Engineering, Inc., appeared to present the amended Order of Conditions. The work at the site will be done via a barge anchored in the bay which will drive in the sheet pilings. This is a change in material not in the scope of the work being performed.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Bologna.

Dennis Minsky moved to approve the Amended Order of Conditions on a drawing dated July 14, 2006, for the property located at 27 Commercial Street, Lynne Martin seconded and it was so voted, 4-0.

MINUTES: June 6, 2006 – Elaine Anderson moved to approve the language as written, Dennis Minsky seconded and it was so voted, 4-0.

CORRESPONDENCE:

GIS training and software – The Commission discussed this opportunity.

Lynne Martin – The Commission briefly discussed the disclosure concerning the fact that Lynne Martin is an employee of the Town of Provincetown.

ANY OTHER BUSINESS:

The Commission discussed the management plan for the conservation properties under their purview, including the Shank Painter Pond Sanctuary. *Elaine Anderson moved to approve the draft management plan for the conservation areas under the control of the Provincetown Conservation Commission and to send them to the Board of Selectmen for approval, Dennis Minsky seconded and it was so voted, 4-0.*

ADJOURNMENT:

Dennis Minsky moved to adjourn the meeting at 10:00 P.M. and move into Executive Session 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