

## PROVINCETOWN CONSERVATION COMMISSION

August 15, 2006

6:30 P.M.

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

**Members Absent:** Dennis Minsky, Paul Tasha and Robin Evans.

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

Co-Chair Dieter Groll called the meeting to order at 6:45 P.M.

### **PUBLIC STATEMENTS:**

None.

#### ***Determination of Applicability***

Application by **Massachusetts Highway Department** 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 approval of work performed under an Emergency Certification to stabilize the slope on **Province Lands Road**, in Provincetown.

**Presentation:** Tom McGuire, the District Environmental Engineer for the Massachusetts Highway Department, and Bill Travis, Assistant Operation Maintenance Engineer, appeared to present the application. They submitted a typical slope drawing and a USGS locus map. An Emergency Certification had been applied for and granted to make repairs to the roadway that was being undermined at the site causing the guardrail to bend. Repairs to the slope have included replacing the rip-rap that had been eroded away.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. McGuire and Mr. Travis.

**Elaine Anderson moved to grant a Negative Determination #3 for the slope located at Province Lands Road, Lynne Martin seconded and it was so voted, 3-0.**

#### ***Notice of Intent***

Application by the **Town of Provincetown, Department of Public Works**, representing the **Provincetown Board of Selectmen** 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 install storm water facilities and rehabilitate the boat ramp at the property located at **Good Templar Place Town Landing**, in Provincetown.

This application is continued until the September 5, 2006 hearing.

#### ***Notice of Intent***

Application by **Bette Skandalis** 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 construct an addition to an existing single-family dwelling at the property located at **627 Commercial Street**, in Provincetown.

**Presentation:** David Little, representing Bette Skandalis, appeared to present the application. The applicant seeks to build an addition onto the water side of the existing structure.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Little. Erica Larner said she had no concerns about the project, but requested that the applicant submit a reduced set of plans.

#### **Findings:**

- Storm damage prevention;

- Prevention of pollution; and
- Flood control.

### **Order of Conditions:**

#### **Prior to work:**

1. Within one month of receipt of this Order of Conditions and prior to the commencement of any work approved herein, the Order of Conditions has to be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
2. 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.
3. 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.
4. A sign shall be displayed showing the DEP file number, preferably not placed on a living tree.
5. 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.

#### **During work:**

1. The work shall conform to the plans and special conditions referenced in this order.
2. Any change to the plans identified in Condition #1 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Any fill used for this project shall be clean fill. Fill shall contain no trash, refuse, rubbish, or debris.
8. Construction shall conform to the requirements of the State Building Code for construction within the coastal floodplain.
9. Drywells or graveled trenches along the drip lines shall be installed to accommodate roof runoff.

#### **After Work:**

1. 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.

*Lynne Martin moved to grant the Notice of Intent for the property located at 627 Commercial Street, #2 with the aforementioned Order of Conditions and contingent upon the receipt of a reduced set of plans for the project by the Commission, Dieter Groll seconded and it was so voted, 3-0.*

### ***Notice of Intent***

Application by **Ronald Chapman, RL Chapman Properties, LLC** 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 construct an addition and renovate an existing multi-family dwelling at the property located at **157A Commercial Street**, in Provincetown.

**Presentation:** Reggie Donoghue, of Coastal Engineering, Inc., appeared to present the application. The applicant seeks to renovate the structure on site and construct a new addition on to the west side of the structure. All work will be done outside the resource area. The construction site will be accessed via the Town Landing next to the property. A landscape plan was also submitted.

**Public Comment:** Glen Martin, an abutter, had concerns about several issues regarding the project. He stated that the plans for renovation had not yet been approved by the Zoning Board of Appeals and he questioned the legality of raising the height of the building. Rick Valentino, an abutter, speaking on behalf of Stan Martin voiced concerns about the project and the lack of ZBA approval. Erica Larner read a letter in opposition to the project from the condominium association abutting the property.

**Commission Discussion:** The Commission questioned Mr. Donoghue.

### **Findings:**

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

### **Order of Conditions:**

#### **Prior to work:**

1. Within one month of receipt of this Order of Conditions and prior to the commencement of any work approved herein, the Order of Conditions has to be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to this Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
2. 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.
3. 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.
4. A sign shall be displayed showing the DEP file number, preferably not placed on a living tree.
5. 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.
6. Staked straw bales 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.

7. A sequence of color photographs showing the undisturbed buffer zone shall be submitted to the Conservation Commission. Note: the straw bales and siltation fence must show in the foreground (or bottom of) the photographs.
8. It is the responsibility of the applicant to procure all other applicable federal, state and local permits and approvals associated with this project.

**During Work:**

1. The work shall conform to the plans and special conditions referenced in this order.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.
7. Any fill used for this project shall be clean fill. Fill shall contain no trash, refuse, rubbish, or debris.
8. Drywells or graveled trenches along the drip lines shall be installed to accommodate roof runoff and should be directed to drainage basins.
9. No area shall be left unvegetated for more than 30 days. All areas disturbed during construction shall be revegetated immediately following completion of work at the site. Mulching shall not serve as a substitute for the requirement to revegetate disturbed areas at the conclusion of work.
10. Proposed vegetation must be implemented. Plantings must be well established and failed plantings must be replaced.
11. Herbicide, pesticide and fertilizer use is discouraged on lawns within Conservation Commission jurisdiction. If fertilizer is used, only slow-release low-nitrogen fertilizer (with 30-50% water insoluble nitrogen or 'W.I.N') low-phosphorus fertilizer shall be applied. Over-fertilizing shall be avoided (not-to-exceed limit = 1 pound of nitrogen per 1,000 sq. ft. of lawn per application). Ensure that no fertilizer is spread on hard surfaces like driveways and sidewalks.
12. No herbicides or pesticides shall be used on this site within 10 feet of wetland resource areas. This condition shall remain in force permanently.

**After Work:**

1. 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.

**Additional Conditions:** The planters on site will be planted with honeysuckle, the construction protocol as stated on the submitted plans will be followed and there will be no beach access via the 5<sup>th</sup> Town Landing.

***Dieter Groll moved to grant a Notice of Intent and approve the plans for the property located at 157A Commercial Street, with the aforementioned Order of Conditions, Elaine Anderson seconded and it was so voted, 3-0.***

**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 the property located at **Good Templar Place Town Landing** in Provincetown. The Commission opened and continued this application with no testimony.

**Notice of Intent**

Application by the **Mary Moore** 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 work done under an Emergency Certification to repair seawall and backfill at the property located at **471 Commercial Street**, in Provincetown. The applicant requested to continue the application with no testimony.

**ANY OTHER BUSINESS:**

Erica Lerner requested that the Commission institute a new policy of returning the green cards (certified mail) to the applicants. Dieter said he would run it by Town Manager, Keith Bergman.

Erica asked the Commission if they would like more time to give her feedback on the new regulations governing the resource areas in Town or should she just advertise them. The Commission directed her to advertise them for a Public Hearing on October 3, 2006.

Erica informed the Commission that she is applying for a grant of \$5,000 - \$10,000 for land management from Barnstable County. The money, if granted, would allow for signage of various kinds and kiosks for the resource areas in town to encourage people to visit these areas and make them more user-friendly.

Erica told the Commission that the DPW did a great job ridding the Shank Painter Pond Sanctuary of the invasive Lady Slipper plant. The Commission briefly discusses the dirt mounds at the Sanctuary as well.

**ADJOURNMENT:**

***Elaine Anderson moved to adjourn the meeting at 8:30 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