

PROVINCETOWN CONSERVATION COMMISSION

September 5, 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), Erica Larner (Conservation Agent) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Elaine Anderson called the meeting to order at 6:45 P.M.

PUBLIC STATEMENTS:

None.

Co-Chair Elaine Anderson called for a motion to move the approval of the minutes until later in the evening.

Dennis Minsky moved to approve the minutes later in the evening, Lynne Martin seconded and it was so voted, 3-0.

Enforcement Order

837 Commercial Street – Clancy Realty Trust, William Gordon, Trustee – Grading/raking of the beach has occurred. The applicant, through his attorney Lester J. Murphy, requested a postponement until more Commissioners were present that evening.

Certificate of Compliance

459, 461 Commercial Street – Installation of a septic system, SE58-0192

Sacha Richter appeared to request the Certificate and submitted a letter from the Provincetown Sewer Project confirming that the premises are hooked up to the Town sewer system. The Title V system on site is no longer being used.

Dennis Minsky moved to grant the Certificate of Compliance for the property at 459,461 Commercial Street, Lynne Martin seconded and it was so voted, 3-0.

Notice of Intent (continued from August 15, 2006)

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.

Presentation: Russell Kleekamp appeared to present the application. The Town seeks to contain and treat storm water run-off at the site. The plan is to pave the entire landing and install storm water facilities.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Kleekamp.

Dennis Minsky moved to grant the Notice of Intent with the Standard Order of Conditions, Lynne Martin seconded and it was so voted, 3-0-1 (Dieter Groll abstain).

Notice of Intent (continued from August 15, 2006)

Application by **Richard Bready** 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 renovate the existing dwelling with an addition at **531 Commercial Street**, in Provincetown.

Presentation: Reggie Donoghue, Glen Parker and John Machado appeared to present the application. The applicant seeks to renovate an existing dwelling by constructing an addition on a slab on grade. A landscaping plan was submitted and access will be from Commercial Street. A stairway on the waterside will be removed and replaced and a stairway on the street side will be removed.

Public Comment: None.

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

Elaine Anderson moved to grant a Notice of Intent with the Standard Order of Conditions, Dennis Minsky seconded and it was so voted, 5-0.

Enforcement Order

837 Commercial Street – Clancy Realty Trust, William Gordon, Trustee – Grading/raking of the beach has occurred. The applicant, through his attorney Lester J. Murphy, requested a postponement until more Commissioners were present that evening. Robin Evans recused herself because of a conflict of interest. Erica Larner gave a report on her findings. Grading and raking has been going on at the site. The area disturbed is about the size of two football fields. The applicant was told to stop the activity and the Commission will discuss with the applicant whether or not they were permitted to grade the beach. Erica believes that the applicant went beyond the work limit due to a lack of understanding of what the intent of the Commission was and is asking the Commissioners what they would like her to do.

Presentation: Attorney Lester J. Murphy and William Gordon appeared to discuss the Order. The applicant submitted pictures of what the beach has looked like for the last 30 years to show that it has remained constant.

Commission Discussion: The Commission questioned Attorney Murphy and Mr. Gordon. Per the Enforcement Order, the property owner shall take the following action to prevent further violations of the Act:

- the property owner shall refrain from grading the beach, foreign debris may be hand-removed, leaving the rack line intact; and
- any cleaning or regrading of the beach must be permitted through the Conservation Commission.

Failure to comply with the Enforcement Order shall result in the issuance of further Enforcement Orders, non-criminal citations of \$300.00, stop work orders and possible restoration requirements. The Commission informed the applicant that if he wanted permission to continue the grading and raking of the beach at the site, another Notice of Intent would need to be filed and approved.

Dennis Minsky moved to ratify the Enforcement Order at 837 Commercial Street, Elaine Anderson seconded and it was so voted, 4-0.

Notice of Intent (continued from August 15, 2006)

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 a seawall and backfill at the property located at **471 Commercial Street**, in Provincetown.

Presentation: Joe Notaro appeared to present the application. The area of repair is located at the bottom of the sea wall. The hole in this location is causing a loss of fill at the site.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Notaro. Erica Larner informed the Commission that the Department of Environmental Protection had not assigned this project a file number yet and she has received no comment from them.

Robin Evans moved to grant a Notice of Intent with the Standard Conditions and contingent upon receiving a DEP file number and no negative comments in regard to the project located at 471 Commercial Street, Dennis Minsky seconded and it was so voted, 5-0.

PURPLE LOOSESTRIFE:

The Commission discussed the problem of loosestrife in the Town of Provincetown. They also discussed possible options for its eradication, including a beetle that just eats loosestrife, and the possibility of mapping its location.

CORRESPONDENCE:

The grant application for the land management of Clapp’s Pond and Shank Painter Sanctuary has been approved by the Board of Selectmen. Sandy Turner, at the Department of Public Works, informed Erica Lerner that she could provide wooden, engraved signs for those areas.

EXECUTIVE SESSION:

Elaine Anderson made a motion to go into Executive Session at 8:35 P.M. for the purpose of discussing pending litigation. Each Commissioner was polled separately and each voted in the affirmative to go into Executive Session.

ADJOURNMENT

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