

## PROVINCETOWN CONSERVATION COMMISSION

September 19, 2006

6:30 P.M.

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

**Members Absent:** Elaine Anderson, Paul Tasha and Robin Evans.

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

Co-Chair Dieter Groll called the meeting to order at 6:50 P.M.

### **PUBLIC STATEMENTS:**

Carl Roach updated the Commission concerning the issue of the Cape Tip Motocross club's desire to use an area of the Clapp's Pond Resource Area for motocross riding.

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

Application by the **Richard Weitzen, Trustee of At The Beach Trust**, 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 of a deck extension over a coastal beach at the property located at **615 Commercial Street**, in Provincetown.

**Presentation:** Stephen Magliocco appeared to present the application. The applicant seeks to extend a deck out over a coastal dune.

**Public Comment:** None.

**Commission Discussion:** The Commission questioned Mr. Magliocco. Erica requested a copy of the revised plans.

### **FINDINGS:**

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

### **SPECIAL CONDITIONS OF APPROVAL:**

#### **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. 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. Within one month of receipt of this Order of Conditions and prior to the commencement of any work approved herein, any change to the plans 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.
2. 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.
3. 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.
4. 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.
5. No CCA-treated or creosote-treated materials shall be used.
6. 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.

***Dennis Minsky moved to grant the Notice of Intent contingent upon the issuance of a file number and no negative comment from the Department of Environmental Protection and with the following additional conditions:***

- *the deck boards have 3/4" spacing separating them;*
- *the location of the stairs remain the same;*
- *any change of plans be approved by staff;*
- *no machinery be allowed on the beach; and*
- *all work on the deck be done by hand.*

***Lynne Martin seconded and it was so voted, 3-0.***

#### **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. This case is continued with no testimony.

#### **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. This case is continued with no testimony.

**CORRESPONDENCE:**

The Commission will send the Division of Conservation Sciences a copy of the Provincetown Open Space and Recreation Plan Update. The Commission will recommend that DCS approve the plan that is submitted.

*Dieter Groll moved to recommend that the Division of Conservation Sciences approve the Provincetown Open Space and Recreation Plan Update, Dennis Minsky seconded and it was so voted, 3-0.*

The Commission was informed that their budget had been approved by the Town Manager.

**ANY OTHER BUSINESS:**

The Commission discussed M.G.L. c. 39, § 23D, a new law concerning quorums, and decided to recommend its adoption. The Commission also discussed taping their hearings.

*Dennis Minsky moved to refer to the Board of Selectman, in order that they may begin the process of approving and adopting, M.G.L. c. 39, §23D, the quorum-saving law.*

Erica was not able to obtain the grant that she had applied for. She did discover that there is money (\$9,000.00) available for hardening the existing walking trail over the old railroad bed at 61 Howland Street and she intends to bring a Request for Determination for that property at the next hearing. If all of the money is not used, the excess may be able to be used for signage on trails and maps.

**ADJOURNMENT:**

*Lynne Martin moved to adjourn the meeting at 8:15 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