

PROVINCETOWN CONSERVATION COMMISSION

November 21, 2006

5:30 P.M.

WORK SESSION

FINAL OPEN SPACE PLAN REVISION

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

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

Others Present: Brian Carlson (Health Inspector and Project Coordinator), Julie Conroy, Horsley Witten Group (Town Consultant), Steve Milkewicz (Open Space Committee member) and Ellen C. Battaglini (Recording Secretary).

Invitees: Open Space Committee Members, Conservation Commission, Recreation Commission, Recreation Department, Tracy Roderick, Department of Community Development, Doug Taylor, Grants Administrator, Michelle Jarusiewicz, Town Manager, Keith Bergman

Co-Chair Elaine Anderson called the Work Session to order at 5:30 P.M.

- I. Introduction – Brian Carlson introduced Julie Conroy, Environmental Planner, of the Horsley Witten Group, Inc. (HW) to discuss the Draft Provincetown Open Space Plan with the Commission and the invitees. HW has been working on the Draft Provincetown Open Space Plan and has submitted it to the Conservation Commission in order to get feedback. The Town would like to revise the Draft Plan in response to comments received from the Cape Cod Commission (CCC), Town Boards and Massachusetts Executive Office of Environmental Affairs Division of Conservation Services (DCS) and then submit a final Open Space and Recreation Plan to DCS for their approval.
- II. Overview of Project
 - a) Tasks/Responsibilities (Review New Scope of Work)
 - b) Timeline (Review proposed schedule) – Julie, handed out a chart of the proposed timeline) and discussed the tasks to be undertaken by HW:
 - attending one coordination meeting with the Open Space Committee and the Town's Project Manager (Brian Carlson) and collect additional comment letters and discuss DCS comments;
 - revising the Draft Plan according to the specific comments provided by DCS in their letter of Conditional Approval, dated September 29, 2006, as well as one round of comments from Town staff, Town Boards/Committees, the CCC, as appropriate and agreed upon by Brian;
 - revising map 7A and 7B of the submitted required maps according to comments received;
 - distributing electronic copies of the Draft Final Plan to involved Boards for final edits/comments. They will also serve as the document coordinator and incorporate public comments as supplied by the Town;
 - receiving timely input from Town staff, Boards and Committees, particularly regarding items listed above; and
 - incorporating final comments/edits and prepare a Final Plan for submittal to DCS according to the State's *Open Space and Recreation Plan Requirements*. Upon approval from DCS, HW will also deliver printed copies for distribution within the Town, at the discretion of Brian.

- III. Discuss EOEA (Area of Critical Environmental Concern) & CCC Comments – Julie stated that she was not sure whether there was an area of critical environmental concern in Provincetown or not. She passed out a letter addressed to Brian from the Executive Office of Environmental Affairs discussing their comments to the draft Open Space and Recreation Plan in response to the submittal of the plan to their office. The Commission discussed the recommendations made regarding Section 3 and 4 of the Plan. The Commission suggested that Town Consultant, John Ryan's, report on the housing situation in the Town of Provincetown be given to Julie.
- a) Section 5 – Definition of Legally Protected Open Space/Matrix of Town-Owned Open Space – The suggestion is that more specific information needs to be provided as to the land being preserved and how it will be preserved, i.e. deed restrictions, etc.
 - b) Revision of Map 7A: Open Space Areas - Julie distributed a Plan of Provincetown Showing Land Restricted as Open Space to those present and invited comments and/or suggestions to be e-mailed to her.
 - c) Five-Year Action Plan Responsibilities – The DCS suggests that the Town include funding sources and identify responsible parties for each priority. The Commission briefly discussed Americans with Disabilities Act issues. The DCS refers to Section 504, which is a report on municipal property under the jurisdiction of the Conservation Commission or Park Commission. It includes information on administrative and employment practices for the Town as well. Administrative information includes formal designation of an ADA coordinator, a grievance procedure for the general public and a review of the Town's employment practices.

Co-Chair Elaine Anderson adjourned the Work Session at 6:35 P.M.

PROVINCETOWN CONSERVATION COMMISSION

November 21, 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: Brian Carlson (Health Inspector) and Ellen C. Battaglini (Recording Secretary).

Co-Chair Dieter Groll called the hearing to order at 7:05 P.M.

PUBLIC STATEMENTS:

None.

DISCUSSION:

Ray Wells: Nicky's Peace Park for 74 Harry Kemp Way

This discussion is continued until the December 5, 2006 hearing.

EXTENSION PERMIT:

SE58-0369 – Application by Luco Realty, Inc. for a two-year Extension Permit at **323-323 ½**

Commercial Street, in Provincetown.

Presentation: William N. Rogers, Engineer, and Leonard Enos appeared to discuss the permit.

This two-year extension request is the result of changes in the requirements to obtain a Chapter 91 license for the site. The State has been moving slowly in granting the license and has been holding up the start of the project. The original NOI is set to expire on December 18, 2006 and the work now cannot be started until next fall.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Rogers and Mr. Enos.

Elaine Anderson moved to grant an Extension Permit for the property at 323-323 ½ Commercial Street (DEP file # SE58-0369), 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 until the December 5, 2006 hearing.

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, Environmental Consultant, William N. Rogers, Engineer, Demetrios Daphnis and Attorney Christopher J. Snow appeared to present the application. The applicant has received and submitted to the Conservation Commission a copy of the report from ENSR written by Donald G. Schall, Senior Biologist. The report "concluded that the wetland boundary line reviewed in the field inspection properly reflects the edge of the Isolated Vegetated Wetland present on the lot." The

applicant also submitted revised plans showing 5 buildings proposed for the site and a 25' vegetated plant buffer zone. The applicant revised the plans according to Mr. Schall's recommendations. They have filed the new plan with Natural Heritage and are awaiting a response. There will be no exiting doors on the side of the property facing the wetland.

Public Comment: None.

Commission Discussion: The Commission questioned Mr. Daphnis and his representatives. The Commission concluded that they would like to see rear elevation sketches for the project and hear any comments from Natural Heritage on the new plans before rendering a decision.

Elaine Anderson moved to continue the case until the December 5, 2006 hearing, Lynne Martin seconded and it was so voted, 3-0.

CORRESPONDENCE:

A Cape Cod Office of the Department of Environmental Protection is now in Hyannis and there will be an opening reception on November 29, 2006.

Sewer Extension - There is a DEP letter to DPW concerning the sewer extension. They request information on the depth of the groundwater in the area and a request for the submission of a de-watering plan for the pump house to be located on the property now occupied by the DPW garage. A letter was received from Natural Heritage in regard to the sewer extension determining that the project will not result in any short term or long term adverse effects on the habitat of site-listed wildlife species. The Commission informed Brian that it would like more information concerning this letter.

ANY OTHER BUSINESS:

The Commission received an application for a Chapter 91 amnesty license from Rosemary Bryant for the property located at 473 Commercial Street. Coastal Engineering is requesting, on behalf of their client, that acknowledgement and approval be granted for the existence and continued use of pre-existing structures (bulkhead deck and beach access stairs) as well as notification to the Waterways Regulatory Branch of the DEP that "no further action is required on the part of the Provincetown Conservation Commission". Those structures pre-exist the requirement of notification and conditioning in accordance with the Massachusetts Wetlands Protection Act.

Elaine Anderson moved to have the Conservation Commission issue a letter in accordance with the request made by Coastal Engineering in regard to a Chapter 91 amnesty license for the property located at 473 Commercial Street, Lynne Martin seconded and it was so voted, 3-0.

The Commission discussed the budget figures briefly. *Elaine Anderson moved to nominate Lynne Martin to be the treasurer for the Commission, Dieter Groll seconded and it was so voted, 3-0.* Lynne will make quarterly reports to the Commission.

Elaine Anderson moved to go into Executive Session at 9:00 P.M. to discuss pending litigation. Each member was polled separately, each assenting to the motion.

ADJOURNMENT:

Elaine Anderson moved to adjourn at 9:30 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