

Final
Wellfleet Conservation Commission
Hybrid: in person at 300 Main Street, Wellfleet, and on Zoom
Meeting Minutes
January 3, 2024

In attendance: Chair Leon Shreves, Clerk Michael Fisher, Barbara Brennessel, Robert Stewart, John Cumbler, John Portnoy, Conservation Agent Beth Pyles, Committee Secretary Jennifer Elsensohn.

Also present: Stephen Douglass.

Business Meeting

4:03 p.m. Chair Leon Shreves opened the Business Meeting. A quorum was present.

Mail/Discussion:

Communication from the Wellfleet Seasonal Residents Association about an Informational Meeting in July 2024

Michael Fisher had been approached by members of the Board of Trustees of the Wellfleet Seasonal Residents Association (“WSRA”) to see if the Conservation Commission (“the Commission”) would provide an informational meeting regarding the scope of the Conservation Commission’s jurisdiction and the responsibilities of homeowners who wish to do work within the Commission’s jurisdiction. The seasonal residents own over 60% of the homes in Wellfleet. If the Commission agrees to participate, the WSRA’s Board would host the meeting in person at the Wellfleet Adult Community Center and virtually on Zoom. They have requested that a member or members of the Commission be present as well as the Conservation Agent. Chair Shreves expressed his approval of the plan as well as an interest in accumulating information that can be shared in a concise form with every landowner holding property within the Commission’s jurisdiction. Barbara Brennessel noted that the Commission created such an informational pamphlet some years ago, probably with the assistance of AmeriCorps. Brennessel will send to Jen Elsensohn a scan of that pamphlet, as well as another created by the Woods Hole Sea Grant and Barnstable County. Commissioners suggested putting this information in the tax bill and also having the Building Commissioner distribute the pamphlet to permit seekers, contractors, and engineers. The pamphlet could also be augmented with more recent information about sea level rise and increasing storm intensities. Commissioners discussed linking the Commission’s presentation at the WSRA meeting with one at the same meeting by the Health Agent about the Section 208 Area Wide Quality Management Plan to reduce nitrogen in the Wellfleet ground and harbor waters. John Cumbler felt that the two are linked and that the informational session would benefit from discussing the two together. Agent Pyles will reach out to the Assistant Health Agent Gary Locke to obtain his opinion on sequencing the presentations. The WSRA’s Board will also be consulted.

Discussion: Future Working Session on Bylaws.

The Commissioners acknowledged that the updated Wellfleet Conservation Bylaws should be ready to be submitted for a near future Town Meeting. Before the bylaws can be placed on the Town Meeting warrant, they need to be approved by the Select Board, be made available to the public, and be presented at a public hearing. The Commissioners discussed when a working session to finish revising the Bylaws might occur, at a time when all the Commissioners could participate. John Portnoy will be travelling until February 16 so the working session should take place soon after that. Agent Pyles and Secretary Elsensohn will create an online poll with tentative dates and times. The main final unfinished portion of the Bylaws pertains to possibly redesignating areas of the Commission's authority to take sea level rise and changing environmental conditions into account. At the last working session on the Bylaws (at the March 1, 2023 Business Meeting), various options were suggested for a change to Article 3 of the Bylaws stating the extent of the lands protected by the Commission. Michael Fisher read aloud the options proposed. Commissioners requested that Fisher create graphics for the proposed working session that would illustrate the options using hypothetical properties.

Discussion: Violations

Brennessel asked about the best method for reporting violations. Agent Pyles recommended that when Commissioners become aware of violations, they email the consolidated information to her. If someone is actively in violation, the Agent stated that she should be called immediately. John Cumbler suggested creating a priority scale to assist the Agent: 1. Major violation; 2. Lesser Violation; 3. Minor violation. Agent Pyles suggested that this proposed scale of violations could be adjusted as necessary. It was also recommended that the updated brochure discussed earlier should contain information for the public on how to report violations.

Minutes:

Barbara Brennessel moved to approve the December 12, 2023, Meeting Minutes. John Cumbler seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The Minutes were approved 6-0.

Barbara Brennessel moved to approve the December 20, 2023, Meeting Minutes with one correction. John Portnoy seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The Minutes were approved 6-0.

Jurisdictional Opinion: Douglass, 925 Chequessett Neck Road, Map 19, Parcel 100 to remove a tree uprooted during a storm.

Homeowner Stephen Douglass was present to answer any questions. The applicant had applied for an Emergency Jurisdictional Opinion to remove a tree that had been uprooted during a windstorm and threatened to fall on the owner's new generator. Agent Beth Pyles had made a site visit before and after the tree was removed. Agent Pyles determined that this request was reasonable and necessary, as the uprooted tree posed a safety hazard. Pyles reported that the tree has been successfully removed, keeping the stump and roots intact to prevent further erosion. Michael Fisher moved to affirm the Agent's Emergency Jurisdictional Opinion. Barbara

Brennessel seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The Emergency Jurisdictional Opinion was affirmed 6-0.

Adjournment:

At 4:32 p.m. Barbara Brennessel moved to close the Business Meeting. Michael Fisher seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye, Leon Shreves, aye. The motion was approved 6-0. The business meeting was adjourned.

Public Hearings:

At 5:00 pm, Leon Shreves opened the Public Hearings.

Present: Chair Leon Shreves, Clerk Michael Fisher, Barbara Brennessel, Robert Stewart, John Cumbler, John Portnoy, Conservation Agent Beth Pyles, Committee Secretary Jennifer Elsensohn.

Also Present: Stephanie Sequin of Ryder Wilcox (via Zoom).

Announcements:

Chair Shreves made two announcements:

1. The continuation of the Chipman's Cove discussion about driving on the beach would occur at the Business Meeting of February 21, 2024.
2. Beginning February 7, 2024, the Conservation Commission's Public Hearings will begin at 4:00 pm, and the Business Meeting will follow. Elsensohn noted that she publicized this change to those engineers, agents, and other interested parties who most consistently make presentations for public hearings as well as to applicants who have already made submissions.

Neilan, 107 & 113 Samoset Avenue, Map 28, Parcel 108 & 109: requesting a Certificate of Compliance for a in septic system upgrade and to replace concrete walkway.

The Commissioners made a site visit today. Conditions included that no fertilizer would be used on the vegetation and that there be proper spacing between the walkway slabs. The Commissioners inspected the stone slabs that replaced the concrete slabs previously in place. The work follows the same contours as the previous walkway and the spacing between slabs is consistent with the Condition's requirements for drainage. The Commissioners did not note any evidence of fertilizer use.

John Portnoy moved to approve the Certificate of Compliance. John Cumbler seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye, Leon Shreves, aye. The motion was approved 6-0.

Pilcher/Foust, 475 Chequessett Neck Road, Map 19, Parcel 125: requesting a Certificate of Compliance for removal and replacement of timber walkway over salt marsh.

Stephanie Sequin of Ryder Wilcox represented the applicant via Zoom. The Commissioners made a site visit today. The Commissioners agreed that the walkway appeared to be in compliance with the original Application. The Commissioners noted that sections of the walkway have already become tilted, possibly from frost heaving. Michael Fisher inquired about the origin of a pile of sand at the water end of the walkway and also the purpose of a fenced area on the top of the coastal bank. John Portnoy said the sandpile was a natural deposit of wind-blown sand that would probably continue to accrue. Stephanie Sequin stated that she was unaware of the purpose of the fenced area and informed the Commissioners that the property is under contract for sale. When asked by Commissioners, Sequin also did not have any information about the septic system. Previous to the meeting, Elsensohn had checked the property file and found that a Title 5 system is in place which had passed inspection on January 2, 2024. Fisher asked Sequin to make sure that the new owner is aware of the unevenness of the walkway and that the sand deposit might affect the installation of a future walkway.

John Cumbler moved to approve the Certificate of Compliance with the Condition that this approval does not authorize a future replacement walkway. John Portnoy seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye, Leon Shreves, aye. The motion was approved 6-0.

Lanfranchi, 30 1st Avenue, Map 30, Parcel 123: Request for Determination of Applicability to remove dead trees and vista trimming.

No representative was present on behalf of the applicant. The Commissioners made a site visit today. Chair Shreves noted that numerous trees were marked for removal or trimming, totaling in excess of the limit for a Request for Determination of Applicability. It was further noted that not all of the trees have evidently been marked for removal or trimming due to safety reasons, but rather were apparently intended for removal or trimming to improve the vista. The Commissioners noted that there are very specific requirements of volume and extent of trimming for vista pruning. Removing vegetation close to the water is detrimental to erosion control. A question was raised about the relatively beach access stairs, but Elsensohn stated that the staircase had been permitted at the August 17, 2022, meeting. The Commissioners concurred that the scope of this proposed tree work will require a Notice of Intent.

Leon Shreves moved to find a positive determination (i.e., “The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act.” “The work depicted on the plan(s) is subject to the Wetlands Protection Act.” “Therefore, said work requires the filing of a Notice of Intent,”). John Portnoy seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye, Leon Shreves, aye. The motion was approved 6-0.

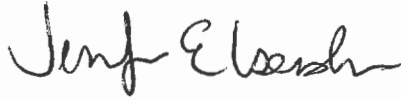
Elsensohn was instructed to provide vista pruning regulations to the applicant.

Adjournment:

At 5:18 p.m., Michael Fisher moved to close the Public Hearings. John Portnoy seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara

Brennessel, aye; John Cumbler, aye, Leon Shreves, aye. The motion was approved 6-0. The business meeting was adjourned.

Respectfully submitted by,

A handwritten signature in black ink, appearing to read "Jenifer Elsensohn". The signature is fluid and cursive, with the first name "Jenifer" and last name "Elsensohn" clearly distinguishable.

Jennifer Elsensohn, Committee Secretary

Documents:

Minutes—December 12, 2023 and December 20, 2023

Douglass: Jurisdictional Opinion and pictures

Neilan—request for certificate of compliance and supporting documentation

Pilcher/Foust—request for certificate of compliance and supporting documentation

Lanfranchi —request for determination of applicability

