

**Approved
Meeting Minutes
June 1, 2022
Wellfleet Conservation Commission
Remote meeting via Zoom**

In attendance: Chair Leon Shreves, Clerk Michael Fisher, John Cumbler, Barbara Brennessel, and Marty Murphy. Agent Hillary Greenberg-Lemos and Committee Secretary Christine Bates.
Regrets: Ben Fairbank

4:15 pm Business Meeting

Mail / Discussion

- Agent Greenberg-Lemos reported the Order of Conditions for the Herring River Restoration Project was completed and sent out.
- The Town of Truro Conservation Commission will complete its Herring River Restoration Project Order of Conditions on June 6.
- There were no Jurisdictional Opinions
- Bacteria surveying in some ponds by the APCC will begin shortly.
- King Phillip Road: boats / vessels are appearing in the resource area and will be flagged/left notes by the Agent regarding resource damage. Agent Greenberg-Lemos has been in contact with the Harbor Master who can remove the vessels through his regulations. Signs will be placed at various locations stating “No Vessels Allowed,” or words to that effect. There appears to be public parking at the end of the road only. The road itself is private, with no parking. The Public Access Committee wants access to the beach for shellfishing vehicles.
- Barbara Brennessel stated that there is new construction on King Phillip Road toward the wetland from the current house. Agent Greenberg-Lemos will make a site visit to determine if it is within our jurisdiction.
- Agent Greenberg-Lemos stated that she will let the Commission know when we will go back to in-person meetings. The Town is working on a hybrid meeting model.

Meeting Minutes: Leon Shreves moved to approve the amended May 18, 2022 meeting minutes; seconded by Barbara Brennessel. VOTE: John Cumbler aye; Michael Fisher aye; Barbara Brennessel aye; Leon Shreves aye; and Marty Murphy aye. 5-0.

John Cumbler reported he will be away June 9 through June 22. Barbara Brennessel stated she would like a sabbatical in July and August but would attend a meeting if necessary for a vote.

Michael Fisher moved to adjourn at 4:50 pm; seconded by John Cumbler. VOTE: Barbara Brennessel aye; Michael Fisher aye; John Cumbler aye; Marty Murphy aye; and Leon Shreves aye. 5-0

5:00 pm Public Hearings:

Chair Leon Shreves opened the Public Hearing. In attendance: Chair Leon Shreves, Clerk Michael Fisher, John Cumbler, Barbara Brennessel, and Marty Murphy. Regrets: Ben Fairbank

Cohn, 135 Pine Point Rd., Map 21, Parcels 55 and 54, Certificate of Compliance. Agent Greenberg-Lemos stated that the parcel was subdivided for a new dwelling and new septic system. The new septic was constructed in 2015 or 2016 but the dwelling was never built. The request is for a Certificate of Compliance for the septic system only. Abutter David Mead-Fox commented that there is a walking path through the property, along what had been the railway tracks years ago. Leon Shreves moved to approve the Certificate of Compliance; seconded by Marty Murphy. VOTE: Leon Shreves aye; Barbara Brennessel aye; Marty Murphy aye; Michael Fisher aye; and John Cumbler no. 4-1.

Finken, 560 Old Chequessett Neck Rd., Map 19, Parcel 3, RDA, septic upgrade. Jason Ellis described the project and stated that there is a small area to place the system due to the well locations. The RDA is for access to the site and the system will be out of the 100' buffer zone. A small part of the septic system will be in the Flood Zone. All disturbance will be restored. Conservation grass and jute netting will be planted on the slope and no trees can be planted because they could affect the system. Barbara Brennessel moved to identify the RDA as a Negative 2; seconded by Marty Murphy. VOTE: Barbara Brennessel aye; Leon Shreves aye; Michael Fisher disclosed an apparent possible conflict of interest, stated that this disclosure has been approved by the Commonwealth Ethics Commission and the Wellfleet Selectboard, and stated that he can act objectively on this application, aye; Marty Murphy aye; and John Cumbler abstain. 4-0-1

Murphy Loagy Bay area, RDA, shell fishing extension. Shea Murphy stated that the Army Corps letter was sent. Barbara Brennessel stated that the boundary inshore triangle may block access for another shell fisherman. The two seaward areas extend into the channel. One boundary is abutting another grant we have not approved as yet. Access is over town owned areas and we need to consider the competing uses of this resource. There is a lot of traffic in terms of wildlife and vessel passage. She stated that, according to the Regulations, anything more than ½ acre has to go through the NOI process and this is larger than that. Further, there is supposed to be an access corridor between grants. Mr. Murphy stated that the extended grant would go out another 40' at one end, and he would share another corner with a neighbor. Agent Greenberg-Lemos looked at the GIS location of Blackfish Creek and where it runs into the grant. Nancy Civetta, Shellfish Warden, stated that the boat access area will never be closed and the proposed areas have been reviewed by the Harbor Master, the Select Board, and the Division of Marine Fisheries all of which approved the grant extensions. Ms. Civetta stated that MEPA review is not required for anything less than 2 acres; this grant will be less than that. There was discussion which application to use (RDA or NOI) and Nancy gave directions based on the state regulations. John Cumbler stated that this is an area with dolphin strandings and is concerned with all the grants in the area. Shea Murphy described his daily work process which includes

utilizing racks and bags, bringing the gear in for storage during the winter, how he accesses his grant, and stated that he has never seen any dolphins stranded and there is no problem with wildlife. When it is low tide, the boats go on the other side of the sandbar. Patrick Winslow, a shell fisherman, stated that he was approved for an extension in 2009 and has served on the Conservation Commission. In his day, RDAs were approved for shell fishermen. The Commission relied on other agencies to determine if things affect the resources. He doesn't feel some of the issues being brought up are in the Commission's purview. Agent Greenberg-Lemos stated that she feels RDAs are acceptable and any extensions would have to be reviewed by the Commission. Our concern is beach nourishment and landings. Leon Shreves identified the RDA as a Negative 2 with the Conditions: 1) Section 2000-7-C be removed from the proposal and 2) access is to be from Omaha Road; seconded by Marty Murphy. VOTE: Barbara Brennessel recused; Marty Murphy aye; John Cumbler aye; Michael Fisher aye; and Leon Shreves aye. 4-0-1.

Winslow, Blackfish Creek area, RDA, Shellfish grant. Patrick Winslow stated that his extension is at the end of the point, where the channel veers further out. The extension will make a straight line for access along the line of a neighbor's farm. Army Corps letter and appropriate certificates have been issued and reviewed by the Harbor Master. There was a small adjustment made and was approved by the Selectboard. Access to the grant is to be via Omaha Rd. Marty Murphy identified the RDA as a Negative 2; seconded by Leon Shreves. VOTE: Leon Shreves aye; Barbara Brennessel aye; Marty Murphy aye; Michael Fisher aye; and John Cumbler aye. 5-0.

Bacco, 80 Kemp Circle, Map 16, Parcel 646, RDA, removal of ten trees close to driveway and dwelling. Leon Shreves noted some of the trees are endangering the driveway and building. There is a guest cottage that has an oak tree close to it. Mr. Bacco stated that due to the recent windstorms, the trees have bent over and are creating safety issues. Shannon professional tree service will be doing the work. Barbara Brennessel questioned if this should be a NOI filing due to the number of trees to be taken down. Mr. Bacco stated that they are bringing a crane in, removing the top of trees, then cutting the trees to a stump, and removing them from the property. They don't want to impact the rhododendrons and the property is already heavily wooded. John Cumbler requested mitigation tree planting plan and Mr. Bacco stated that they have already replanted some trees and they are not doing well due to the lack of sunshine, but they will utilize some of the chips on the property. Leon Shreves moved to approve; seconded Marty Murphy. VOTE: Barbara Brennessel aye; Michael Fisher aye; Leon Shreves aye; John Cumbler aye; and Marty Murphy aye. 5-0.

Chequessett Yacht & Country Club, 675 Chequessett Neck Rd., Map 19, Parcel 115, NOI, After the Fact filing: approval for deck area east of boathouse building. Install seasonal tent, remove bittersweet and replace with native plants. Matt Farrell and Barry McLaughlin responded to issues from the previous meeting. There will be 18 events for the season and the tent will be installed a day before the event and taken down the day after which results in 54 days total. It was noted the tent has been up since the past weekend and Mr. McLaughlin stated that the tent company had several other locations to remove tents from since it was a holiday weekend. A revised plan was submitted which identifies the removal and relocation of the deck to the northern side with a set of stairs. The entire deck will be outside of the 50' buffer zone.

The water runoff from Chequessett Neck Road will be addressed by building a berm and apron to redirect the water from ponding in front of the building and running down the driveway. Mr. Farrell stated that the water is from Chequessett Neck Road and he will discuss the problem with the DPW. Mr. McLaughlin stated that there are drains in front of the club house and will also try to resolve this issue with DPW. The additional after the fact filing fee was paid. Agent Greenberg-Lemos requested she be provided a list of the dates of the events. The anchors for the tent will remain in place and not be removed for each event. Marty Murphy stated that he is concerned with the amount of disruption with removing the decking and rebuilding within the bank. Gent Greenberg-Lemos responded that the decking was built illegally. John Cumbler moved to approve the NOI; seconded by Barbara Brennessel. VOTE: Barbara Brennessel aye; Michael Fisher disclosed an apparent possible conflict of interest, stated that this disclosure has been approved by the Commonwealth Ethics Commission and the Wellfleet Selectboard, and stated that he can act objectively on this application, aye; Marty Murphy aye; John Cumbler aye; and Leon Shreves aye. 5-0

Caviness, 360 Cove Rd, Map 28, Parcel 24, NOI, Construct a workshop addition, elevated swimming pool, deck and patio and mitigation plantings. Jason Ellis represented the applicant and provided a new site plan. He stated that the pool is precast, will be set with a crane, will be a saltwater pool, and all water will be pumped into a truck and removed. It will be 40" below grade and placed on 6 to 8 inches of crushed stone for a base, and will be sticking out of the ground 2 feet. The exterior of the pool will have a stone veneer on it. Any excavation debris left from the site will be removed. Mr. Ellis stated that the pool installation company does work in Chatham and Provincetown and these are called plunge pools. The proposed disturbed area is 1,706 sq. ft. within 100' buffer zone and the total existing and proposed disturbed area is 3,680 sq. ft. Wooden vegetable planter beds will be moved to outside of the buffer zone, brush piles will be removed, no cutting of vegetation is permitted without Conservation Commission approval. The addition will have gutters with down spouts. Barbara Brennessel stated that all of this area is closer to the wetlands than the current house, and according to our regulations, not acceptable. She asked if the construction could be moved to the other side of the house, away from the wetlands. Mr. Ellis stated that there is a dirt road, which goes to another house, between the work zone and the wetland and dune. Barbara Brennessel stated that this road gets flooded. The existing septic system is within one of the two Flood Zones. The Title 5 septic system passed inspection as the time of the purchase of the property, some years ago. Agent Greenberg-Lemos recommended an upgrade to the septic system because the inspection will expire relatively soon and the system is old and would probably fail another test. The Commission would like to see an enhanced I/A system installed as mitigation. Mr. Ellis stated that it would have to be located at the north side on a slope and would cost between \$35,000 to \$45,000. The Commission noted that there is a subsidy available from the Town. Mr. Ellis proposed the Commission approve the NOI with the Condition they will have to upgrade the septic to an enhanced I/A system. The owners will have the option to abandon the entire project if they do not want to upgrade the septic system. Michael Fisher moved to approve the NOI with the Condition of an enhanced I/A system; seconded by Leon Shreves. VOTE: Barbara Brennessel no; Leon Shreves aye; Michael Fisher aye; Marty Murphy aye; and John Cumbler aye. 4-1

Leon Shreves moved to adjourn at 7:00 pm; seconded by Michael Fisher. VOTE: Leon Shreves aye; Barbara Brennessel aye; Michel Fisher aye; Marty Murphy aye; and John Cumbler aye. 5-0

Respectfully submitted,

Christine Bates

Documents:

Cohn: No new paperwork (continued hearing)

Finken: Request for Determination of Applicability and back up materials

Murphy: Approval letters

Winslow: Request for Determination of Applicability and back up materials with approval letters

Bacco: Request for Determination and back up materials

Chequessett Yacht and Country Club: Revised paperwork

Caviness: revised site plan