

Approved
Wellfleet Conservation Commission
November 2, 2022
Zoom Meeting

In attendance: Chair Leon Shreves, Clerk Michael Fisher, Ben Fairbank, Barbara Brennessel, John Cumbler, and Marty Murphy; Agent Greenberg-Lemos and Christine Bates, Committee Sec'y.

Business Meeting

4:00 pm Chair Leon Shreves opened the Business Meeting.

Mail / Discussion

Open Space Community Preservation Committee (CPC) \$

Bruce Hurter stated that the Open Space Committee would like to set up an Open Space Land Trust fund to receive CPC awards. The Commission would have the responsibility to allocate dollar amounts from this fund to purchase land, conserve land, hire professionals for projects, etc. Since 10% of CPC funding is reserved for Open Space, this will not affect housing or historical preservation awards. Bruce Hurter outlined the options. There could be a set limit (e.g., \$25,000) above which the request would have to go to Town Meeting. At present, any project requires a lengthy set of approvals from CPC, the Select Board, and Town Meeting. There was discussion regarding getting approvals for expenditures from this new fund. Hurter stated that the Open Space Committee will be meeting with CPC on November 30. Agent Greenberg-Lemos stated that there is already another fund from fees and this new fund could be very useful and shorten the timeline for projects. Agent Greenberg-Lemos will talk with Mary Rogers since she has worked as the CPC Coordinator for years. Agent Greenberg-Lemos recommended writing an article similar to the wetlands regulations. Chair Shreves recommended sending the Selectboard a report outlining the fund and its allocation process. Michael Fisher moved: "The Conservation Commission supports in principle the proposal of the Open Space Committee to the CPC to create an Open Space Land Trust, subject to the regulations of the CPA and to final approval of the Conservation Commission"; seconded by Barbara Brennessel. VOTE: John Cumbler aye; Barbara Brennessel aye; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0

Jurisdictional Opinions

Aubrey McDonough, 110 West Main St. Map 14, Parel 35, remove 2 dead black locust trees and 2 other black locust trees leaning towards the house. Barbara Brennessel moved to approve this Jurisdictional Opinion; seconded by Ben Fairbank. VOTE: John Cumbler aye; Barbara Brennessel; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0

Stephen Curley, 295 Pilgrim Spring Rd., Map 29 Parcel 242, trim oak branches which are rubbing against the roofline, trim pine branches over driveway, remove 3 overgrown cherry trees. John Cumbler moved to approve the trimming of the pine and oak branches but not the cherry tree work without an arborist's plan; seconded by Michael Fisher. VOTE: John Cumbler

aye; Barbara Brennessel; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0.

Yankelovich 1999 Trust Agreement, 374 & 376 King Phillip Road, Map 35, Parcel 182.

Seth Wilkinson and Mark Burgess had come before the Commission previously and received NOI approval for the living shoreline but the applicants had been required to go before the Select Board for access to the property across Town land. They now informed Agent Greenberg-Lemos that they have revised their work protocols so that no materials will be stored on Town property. The Town Manager asked the Commission to write a letter to the Select Board to state the new protocol is acceptable. Agent Greenberg-Lemos will write the letter on behalf of the Commission.

Emergency Orders were issued for repairing washouts at Cahoon Hollow beach and where the Herring River meets Old King's Highway. Another Emergency Order was issued for a fallen tree at the south end of Uncle Tim's Bridge.

Meeting Minutes: Barbara Brennessel moved to approve the amended October 19, 2022 meeting minutes; seconded by Marty Murphy. VOTE: Barbara Brennessel aye; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye; John Cumbler abstain; 5-0-1

Leon Shreves moved to close the business meeting at 4:50 pm; seconded by Michael Fisher. VOTE: John Cumbler aye; Barbara Brennessel; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0

5:00 Public Hearings

Chair Leon Shreves opened the Public Hearings.

Present: John Cumbler; Barbara Brennessel; Michael Fisher; Ben Fairbank; Marty Murphy; Leon Shreves; Agent Greenberg-Lemos; Christine Bates, Committee Secretary.

SLA Nominee Realty Trust, 1005 Chequessett Neck Road, Map 19, Parcel 94, Request for an Amendment to Order of Conditions. At the request of the applicant, Barbara Brennessel moved to continue to December 7, 2022; seconded by Michael Fisher. Agent Greenberg-Lemos informed the applicant that this would be the last request for a continuation. VOTE: Barbara Brennessel aye; Michael Fisher aye; Leon Shreves aye; John Cumbler; Marty Murphy aye. (Ben Fairbank had not yet returned to the meeting). 5-0.

O'Connor, 90 C Lecount Hollow Rd., Map 30, Parcel 9, NOI. Raise and rebuild single family house in current location. Add a screen porch, 2 decks, and a kitchen addition. Remove invasive vegetation and lawn and plant native vegetation in buffer zone. Theresa Sprague shared an architect's rendering and the revised planting plan, but no elevation plans were submitted. Since the last submission, a new bulkhead exit from the basement has been added, for an approximately 70 square feet of additional footprint. She provided information regarding the lot coverage, with a 9 to 1 mitigation for the proposed structure. This site has gone through several renovations through the years, this is the last structure to be renovated. This was a farm that has existed for over 200 years. The construction will take place within areas such as lawns, driveways, etc. The Commission indicated that it was not comfortable with plantings as the

proposal for mitigating expansion of the structure. The Commission also questioned if the first floor could be reduced to 64” in height to eliminate habitable area. Mr. O’Connor stated that he is planning on having a workshop in the cellar and that there are no plans for any sleeping areas. Barbara Brennessel stated that this project will make the house a new construction and will build additions closer to the wetland than the current house. Our regulations don’t allow this. The house is doubling in size. The Commission discussed the amount of construction, the level of plant mitigation being proposed, the required gutters and downspouts, and the possibility of an enhanced I/A system being installed. The sense of the commissioners was that they wanted to see less construction and a new enhanced I/A system. The O’Connor’s requested a continuation to December 7, 2022. Michael Fisher moved to continue to December 7, 2022; seconded by Ben Fairbank. VOTE: John Cumbler aye; Barbara Brennessel; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0

Boehringer, (Wellfleet Conservation Trust owner) 10 Bay View Ave., Map 35, Parcel 33, NOI, repair sand fencing along coastal bank base (this was continued indefinitely) Applicant requested a continuation to 11/16/22. John Cumbler moved to continue to 11/16/22; seconded by Barbara Brennessel. VOTE: John Cumbler aye; Barbara Brennessel; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye; Michael Fisher recused. 5-0

Michael Fisher moved to adjourn at 5:50 pm; seconded by Barbara Brennessel. VOTE: John Cumbler aye; Barbara Brennessel; Michael Fisher aye; Ben Fairbank aye; Marty Murphy aye; Leon Shreves aye. 6-0.

Christine Bates, Committee Secretary

Documents:

SLA Nominee Realty Trust – letter requesting an amendment

O’Connor – revised planting plan and site plan

Boehringer – request for continuation