

Approved
Wellfleet Conservation Commission
Meeting Minutes

November 6, 2019 7:00 pm

Town Hall Meeting Room

Attendees: Deborah Freeman, Barbara Brennessel, John Cumbler, Michael Fisher, John Portnoy, Assistant Agent Douglas Guey-Lee, and Christine Bates, Committee Secretary

4:00 - Business Meeting & Conservation Agent's Report
Mail / Discussion

- List of towns now receiving digital plans and materials for NOI's and RDA's. prior to the public hearings.
- A copy of Section 30 of our by-laws regarding road maintenance (no run-off, storm waters) into resources. The DPW performed vegetation removal and repaved Gull Pond Road with no permit from the Commission. Doug Guey-Lee will request that someone from the DPW come to a meeting as this is an after-the-fact activity. Barbara Brennessel moved to have DPW come to the November 20, 2019 meeting to present a plan for the repaving and removal of vegetation.
- Deborah Freeman recommended that other boards and committees participate in writing a letter to the Select Board regarding nitrates in the harbor

DLTA – no discussion

Select Board meeting discussion: Deborah Freeman requested members of the Commission to attend a meeting with her. Deborah will contact members with the proposed meeting date.

1400 Chequessett Neck Road. Attorney Ben Zehnder and Seth Wilkinson came to the table. The meeting minutes of January 16, 2019 were reviewed. Attorney Zehnder disagreed with having to come to the Commission each time there is renourishment and stated that notifying the Agent was the only requirement. The Order of Conditions were approved and a Certificate of Compliance was issued and he stated it didn't limit how often or how much renourishment could take place. He stated there was a change in methodology of placing the sand which the Commission approved earlier in the year when renourishment was performed. Further discussion included plantings on the bank, the washing away of the sand and renourishing in a short period of time, the amount of sand, environmental impact to shellfish and other consequences, and the septic tank and containers of gasoline on the bank and beach. Seth Wilkinson stated over 5,000 cubic yards have been placed to date. Doug Guey-Lee placed a verbal stop order today when it was noticed sand was being placed on the property. Attorney Zehnder reiterated that the Order of Conditions stated renourishment is in perpetuity as needed and Agent Greenberg-Lemos is notified of the activity. The Commission requested the Agent also be notified of the amount of sand. Attorney Zehnder will discuss the removal of the septic tank with Mr. Blasch and Agent Greenberg-Lemos. Deborah Freeman questioned if the beach renourishment is no longer appropriate as the beach conditions change, what will happen. Seth Wilkinson stated if the home is damaged or condemned, renourishment would stop. Seth

Wilkinson also stated he would make sure further activity would not happen on town owned land. The verbal stop order is not in effect and work can continue.

Jurisdictional Opinions

Christine Odiaga – Herring River Project, add another monitoring well at 680 Chequessett Road by the Chequessett Yacht & Country Club. The Commission reviewed the previous RDA for monitors which was approved. Barbara Brennessel stated she is involved with Friends of Herring River, John Cumbler is an abutter, Michael Fisher is a member of Conservation Trust and Deborah Freeman served on the Friends of Herring River Board for 9 years. The Commission agreed there were no conflicts of interest in taking a vote. John Cumbler moved to approve the Jurisdictional Opinion; seconded by Barbara Brennessel; passed 4-0. (John Portnoy was not in attendance at this point in time)

90 Aunt Sarah's Way, Polumbo, Doug Guey-Lee stated the woodshed was removed and the new shed will be constructed further from the resources. Barbara Brennessel moved to approve the Jurisdictional Opinion; seconded Deborah Freeman; passed 4-0.

Meeting Minutes of 10/2/19 Michael Fisher moved to approve the amended 10/2/19 meeting minutes; seconded by Barbara Brennessel; passed 4-0.

5:00 pm PUBLIC HEARINGS:

Robin, 29 Briar Lane, Map 14, Parcel 26, Extension of OOC. Doug Guey-Lee read the Order of Conditions. Ms. Robin stated that the back deck is not completed. Barbara Brennessel moved to approve the extension for 3 years; seconded by John Cumbler; passed 4-0.

Glaze, 625 Old Wharf Road, Map 35, Parcel 14, Request for COC. Michael Fisher recused himself. Doug Guey-Lee stated that this is an old Order of Conditions regarding sand nourishment. Doug Guey-Lee stated based on the information provided by Coastal Engineering, this is in compliance. The special conditions included annual renourishment for the Glazes. Barbara Brennessel moved to continue to 11/20/19 based on the lack of information; seconded by John Cumbler; passed 4-0.

John Portnoy arrived at the meeting.

Emmons, 119 Hamblen Farm Rd., Map 19, Parcel 13, Request for Determination of Applicability, installation of new septic system for the main dwelling. David Lajoie had a discussion with Doug Guey-Lee outside of this meeting and stated this project was previously approved but the RDA expired. This is the same project and the conditions of the site have not changed. John Cumbler identified the RDA as a Negative 2; seconded by John Portnoy; approved 5-0.

Simon / Sagan, 55 Alves Rd., Map 154, Parcel 136, RDA, construct 8' x 10' shed. Michael Fisher recused himself. Margaret Sagan provided the history of a previously approved NOI. The ZBA would not allow the shed within the front setback. The Sagan's have since identified a

new location for the shed. There will be no tree removal for the shed. Barbara Brennessel identified the RDA as a Negative 3; seconded by John Cumbler; passed 4-0

Weintraub & Morehouse, 81 Hiller Ave., Map 20, Parcel 77, Request for Determination of Applicability, proposed installation of Title 5 septic system. Stephanie Sequin from Wilcox and Ryder represented the applicants. She gave an overview of the property as well as the topography of the land. There are cesspools which need to be replaced with a Title V system. She identified the limit of work, location of the leach field, and removal of two trees for access of vehicles. Ms. Sequin stated that they will be going before the Board of Health. The Commission observed that there was dumping of brush on the property over the coastal bank; the brush needs to be removed. A plan is required to identify the location of the trees and mitigation plantings. John Portnoy recommended planting shrubs. Ms. Sequin will provide a revised plan to the Conservation Agent who will advise what and where to plant for mitigation. Barbara Brennessel identified the RDA as a Negative 3; seconded by John Cumbler; passed 5-0.

Nazarian, 3187 Route 6, Map 13, Parcel 69, NOI, upgrade the existing sewage system within the 100 ft. buffer zone. Michael Fisher recused himself. Matt Farrell represented the applicant and stated that they will be replacing the system. This project is before the Board of Health because they requested that the leach field be reduced in size which is identified in the revised plans. John Cumbler moved to approve the NOI; seconded by Barbara Brennessel; passed 4-0. Supervisor: John Cumbler

Kielb, 3187 Route 6, Map 13, Parcel 69, Request for Determination of Applicability, poured cement pad to accommodate a mini-split condenser. Michael Fisher recused himself. Mr. Kielb identified the location for the cement pad. He stated the house is heated with electric heat and the condenser will provide heat at a lower cost. The house is quite old and has rotted in the walls; therefore he does not want to attach the condenser to the house. John Cumbler identified the RDA as a Negative 3; seconded by Barbara Brennessel; passed 4-0.

Coser & Perrin, 210 Buttry Way, Map 16, Parcel 618, NOI, repairs to existing residence and replace deck (Cont'd.) Tim Dickey provided a revised site plan, which identifies the current path to be used for moving the kayaks, canoes and seasonal float. A wooden rack will be placed in the driveway for the kayaks. The owner has contacted the Harbormaster for approval of the float. 96 square feet of mitigation planting was noted in the plan. Mr. Dickey stated transport by hand could be used to move the float without doing any damage to the resources. John Cumbler moved to approve the NOI with conditions; seconded by Barbara Brennessel; passed 5-0. Supervisor: John Portnoy

The Public Hearings were closed at 6:06 pm and the Business meeting was reopened.

John Cumbler expressed concerned that the Commission is not specifying conditions. Deborah Freeman stated we should be more specific as to the amount and timing of renourishment. If situations change, we need to have a way to make adjustments to protect the resources and the property. John Portnoy stated the Commission went to an expert for another case and he recommends the Commission get free service (Greg Berman) or have the applicant pay for an expert. The Commission would like to have the Shellfish Dept informed of renourishment

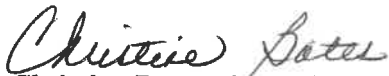
locations. It was agreed the Commission needs an explanation of the amount of sand, how often it will be applied and where it will travel to. Also, the Commission wants the time of year renourishment will take place, how often after storms renourishment will take place, the condition of the water and weather. Since we cannot change Orders of Conditions, our new by-laws should be reflected in them.

John Cumbler reported Greg Berman will be giving a talk at 6:00 on 1/20/19 at Eastham Library. Because this conflicts with our hearings, it was suggested we invite him to come to Wellfleet for a presentation.

The Executive Session meeting minutes of 10/2/19 will be reviewed on 11/20/10 as well as John Cumbler's letter to the Select Board.

Barbara Brennessel moved to adjourn at 6:20 pm, seconded by John Portnoy, passed 5-0

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Christine Bates".

Christine Bates, Committee Secretary.