

Approved
Wellfleet Conservation Commission
Meeting Minutes
February 3, 2021, 2021
Remote Meeting

Attendees: Deborah Freeman, Michael Fisher, Leon Shreves, Barbara Brennessel, Ben Fairbank, John Portnoy, John Cumbler, Agent Hillary Greenberg Lemos, and Christine Bates, Committee Secretary.

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

Mail / Discussion

Agent Greenberg-Lemos reported that she sent letters regarding violations to the properties at 135 Old Truro Road (fencing) and 100 W. Main Street.

Open Space, land transfer Map 30, Parcel 186. Barbara Brennessel moved to approve Map 30, Parcel 186 for purposes of Open Space Conservation; seconded by Leon Shreves. VOTE: Michael Fisher recused, John Cumbler recused, John Portnoy aye; Leon Shreves aye; Ben Fairbank aye. Barbara Brennessel aye; and Deborah Freeman aye. 5-0-2

Wellfleet Conservation Trust – Herring River trail (formerly Fouse property) to be called Herring River Overlook. After making a site visit earlier in the day, John Portnoy moved to approve the Jurisdictional Opinion on minor cutting for trail establishment and bench placement as shown on the submitted map; seconded by Barbara Brennessel. VOTE: Michael Fisher recused, John Portnoy aye; Leon Shreves aye; Ben Fairbank aye; Barbara Brennessel aye John Cumbler aye and Deborah Freeman aye. 6-0-1

3rd Harbor Plan: John Riehl was unable to attend tonight and would like to come to a future meeting. It was recommended this be continued to March 3 and if there are any comments or recommendations, to send them to Agent Greenberg-Lemos who will then forward them to the rest of the Commission.

Vessel Report (attachment) Barbara Brennessel stated this would be included in the regulations under revision.

Jurisdictional Opinions

166 Pine Point Rd, remove 1 mature Black Locust tree, and 31 Alves Road, request to remove mature Black Locust tree. Site visit was made by Agent and both requests are reasonable. The stumps will be left in the ground. The area is vegetated. John Portnoy moved to approve the 166 Pine Point Road Jurisdictional Opinion; seconded by Barbara Brennessel. VOTE: Michael Fisher recused, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 6-0-1 Barbara Brennessel moved to approve the 31 Alves Road Jurisdictional Opinion; seconded by John Cumbler. VOTE: Michael Fisher recused, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 6-0-1

Ken McPhee, 665 Chequesset Neck Rd, remove 1 Black Locust and prune 1 Pitch Pine. A site visit was made by the Agent. Five 3-gallon Bayberry plants will be planted. Because the owners want to keep the trees, Mr. McPhee stated he would remove the crown. He would have to prune again in 7 years. Barbara Brennessel moved to approve the Jurisdictional Opinion; seconded by Leon Shreves. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Meeting Minutes: Barbara Brennessel moved to approve the amended Jan 20, 2021 meeting minutes; seconded by Leon Shreves. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Barbara Brennessel moved to approve the minutes of the regulations working session held on February 2, 2021; seconded by John Cumbler. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; and Deborah Freeman aye. 6-0

Peer Review: Agent Greenberg-Lemos stated she had received checks from Michelson and Boehringer to work with Woods Hole Group. She is still waiting for Simone money and expects to get that underway next week.

Barbara Brennessel reported there are trees marked on property at Anawan Road. Agent Greenberg-Lemos stated we have not heard from anyone nor received any paperwork.

Agent Greenberg-Lemos will contact Bob Boehringer regarding his dangling stairway on Cliff Road.

Michael Fisher stated he recuses himself from votes involving properties owned by or abutting the Wellfleet Conservation Trust.

There was some discussion regarding the Robo call regarding COVID.

Michael Fisher moved to adjourn the business meeting at 4:50 pm; seconded by Barbara Brennessel. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

5:00 pm

Public Hearings:

Nickerson Real Estate Holdings Co, LLC (Mid-Cape) 45 Commercial St., Map 15, Parcel 102: request for one year extension. Agent Greenberg-Lemos read the Request for Extension letter. John Cumbler stated there has been significant flooding in the area and the shed is within the area. Agent Greenberg-Lemos stated the foundation design has vents for flooding so it is compliant and that they still have to apply for a building permit. John Portnoy would like to see their plans in regards to FEMA and the high water levels. Nancy Civetta stated she is also

concerned. John Cumbler moved to deny the requested extension and have them reapply with a new NOI; seconded by Barbara Brennessel. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Miller, 246 King Phillip Rd., Map 34, Parcel 12, NOI, excavate along existing basement, construct 16' x 14' study, reduce and rebuild existing deck, expand another deck, maintenance on beach boardwalk and stairs Cont'd Steven Phillips represented the applicant and stated the owners worked with Davey Tree Company for the work done last year but the owner did not have paperwork. Davey Tree Company told the owner he had received a permit for the work performed; however, there is no paperwork in our files. He stated the deck will produce a net addition of 24 square feet of disturbance to the lot. He stated he does not have information regarding beach nourishment. Agent Greenberg Lemos stated the applicant or Davey Tree Company would have to provide paperwork for the tree trimming or it would be considered an "after-the-fact" filing, which entails fines. The Commission also requires the beach nourishment calculation. It appears there have been repairs on the stairs without approval. Michael Fisher moved to continue to February 17, 2021; seconded by Ben Fairbank. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Shaderowfsky, 77 and 83 Samoset Ave., Map 28, Parcels 114 and 113, NOI, construct vinyl seawall Cont'd At the applicant's request, Barbara Brennessel moved to continue to February 17, 2021; seconded by John Portnoy. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Hoeland, Trustee, 1440 Chequessett Neck Rd., Map 18, Parcel 7, NOI, Install 3 sand-filled coir envelopes along toe of the eroding coastal bank (Cont'd) Attorney Ben Zehnder and Seth Wilkinson represented the applicant. Agent Greenberg-Lemos requested Attorney Zehnder review what activity occurred for the Emergency Certification. The property was in danger of further erosion and the Emergency Certification was issued. Seth Wilkinson explained the construction of the three coir envelopes which have sand placed over them. He stated it held up well during the past weather with the wind and rain. He stated he anticipates the envelopes to last approximately 3 years. John Portnoy asked if he expected the coir rolls would be exposed so quickly and Seth stated that the sand was eroded by the recent storm, but its loss over time was expected to contribute to beach nourishment. Nancy Civetta requested information on how much sand was used in 2019 and 2020 as she is concerned with the shellfish beds and eelgrass. Mr. Wilkinson stated that this is short term solution and should be effective in preventing bank retreat for 2 to 3 years and could be renewed at that point. He did not see the stairway as a problem, i.e affecting bank stability. Any new stairs would go over the surface of the coir rolls. Although there is some scouring on the north side, he didn't believe it will continue. Agent Greenberg-Lemos questioned if they intend to plant the bank and feels beach grass might have a better chance of growing. She also inquired if there is a maintenance plan regarding erosion to protect abutters' properties. Wilkinson stated he doesn't feel there is any potential impact to

abutters. Leon Shreves noted all three tiers of the coir envelopes were exposed and Mr. Wilkinson replied the sand inside the envelopes will start to come out based on future storms.

Dr. Weller, abutter to the immediate north, expressed concerns about the rate of erosion and doesn't feel it has been adequately addressed for the potential scouring on his property. From what he has read, scouring is the end result of the envelopes when they are undercut and not properly anchored. He recommended plantings be used on the envelopes. He would like to see conditions that require constant evaluation of the envelopes and a continuous nourishment of both north and south and not just the coirs, along with plantings. Barbara Brennessel agrees with Dr. Weller in regards to constant evaluations and she stated there is shellfish habitat in the area and we do not know where the sand is going. Agent Greenberg is concerned about the coir rolls not being covered and is concerned there is no plan to keep them covered with sand. Seth said sand nourishment alone is not enough to stop erosion and there has been 16 feet of erosion at the top of the bank. He feels the envelopes will protect the house for the short term. Brian Carlstrom of CCNS, stated that he feels the house should be moved and any materials need to be removed that are detrimental to the beach, should they go over the bank. Ben Zehnder stated NHESP letter set the amount of nourishment and feels it will work for the short-term solution. Nancy Civetta stated she has received complaints from fishermen how the area has changed and would like to know where the sand is moving because excess sand could bury shellfish. Seth stated the volume of sand was less than the sand nourishment, 932 cu yds and 130 outside (??-JP). The regulatory authorities require assessment of all soft solutions. The Shellfish Dept. would like to monitor what is happening on the flats regarding the sand amounts. Further discussion amongst the Commission included monitoring (i.e. surveying) changes in the beach profile, to shed light on the fate of added sand, plantings, and staircase replacement. Dr. Weller stated it is erroneous to say the density of the sand in the envelopes is the same as what is on the bank. The sand is moist and hardens and feels there will be end scouring. If the envelopes are anchored at the ends, they can "windshield wiper" back and forth if allowed to be moved. Seth responded that he did not say there would be no effects. Attorney Zehnder stated this is a Notice of Intent for an emergency and not a permanent solution and doesn't feel there should be any conditions regarding a stairway. He recommends abutters hire their own experts. Agent Greenberg-Lemos read NHESP letter regarding nourishment and she is not sure of the amount or if it can be exceeded. She feels there should be maintenance and monitoring. Attorney Zehnder stated they would do periodic reviews for the Commission. John Portnoy stated when spring tides and northwest winds happen, it creates more erosion. Nate Jones, Coastal Engineering, stated when they do monitoring, it is strictly on the owners property. They typically go to mean low water. Agent Greenberg-Lemos stated we want to keep the coir rolls in place and do whatever we can to maintain their integrity and structure, and keeping it stabilized to make sure it will hold up. John Cumbler wants the Commission to determine how much and when sand is placed. Wilkinson said that it will be the envelopes that protect the dwelling, not the sand that covers them, and if necessary, they can replace the envelopes. There was further discussion regarding the life span of coirs based on sand placement, sunlight, water movement. Attorney Zehnder stated he would like to have a discussion with Agent Greenberg-Lemos regarding any conditions. Agent Greenberg-Lemos will consult with some experts. The Commission would like the following to be addressed: quantitative comparison of sediment grain size of both the natural beach and added sand, production of a maintenance monitoring report, beach profile plan with monitoring from the top of the bank to mean low water and laterally to the property bounds,

planting plan, coir rolls to be kept covered with sand. Barbara Brennessel moved to continue to February 17, 2021; seconded by Leon Shreves. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

John Cumbler moved to adjourn at 6:50 pm; seconded by Leon Shreves. VOTE: Michael Fisher aye, John Portnoy aye; John Cumbler aye; Barbara Brennessel aye; Leon Shreves aye; Ben Fairbank aye; and Deborah Freeman aye. 7-0

Respectfully submitted,

Christine Bates, Committee Secretary

Documents:

Vessel Report

Nickerson Real Estate Holdings: Request for one-year extension

Miller (246 King Phillip Rd) revised site plan

Shaderowfsky: request for continuation

Hoeland, Trustee: NOI and back up materials