

Final  
Wellfleet Conservation Commission  
Hybrid: in person at 300 Main Street, Wellfleet, and on Zoom  
Meeting Minutes  
December 6, 2023

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

**Also present:** William Nicholson, Brad Morse, and Shellfish Constable Nancy Civetta.

**Regrets:** John Cumbler.

**Business Meeting**

4:04 p.m. Chair Leon Shreves opened the Business Meeting. A quorum was present.

**Mail/Discussion:**

A letter regarding driving and parking on vegetated areas on Chipman's Cove from a concerned resident, William Nicholson, had been received and read by the Commissioners. William Nicholson was present via Zoom to answer questions. A twenty-year-old map, which is attached to the letter, has routes marked on the shoreline to the north and the south of Old Pier Road. The letter also states that an agreement had been made about the areas where driving and parking would be permitted. No one present was familiar with the map, or who made the agreement. Leon Shreves suggested that much has changed on the marsh in twenty years, so perhaps looking to the future rather than 20 years ago would be more productive. John Portnoy had sent two emails to the Commission containing satellite photographs of Chipman's Cove, taken in different seasons over a multi-year period. Portnoy noted that the pictures were for comparison, but he was not interpreting them. Michael Fisher invited Nicholson to attend the Commission's public meeting at Chipman's Cove to be held on December 12 at noon.

Commissioners questioned whether shellfishing by grant-holders and wild-pickers has increased since culching began in the Chipman's Cove area under discussion. Nancy Civetta stated that culching has long been done in that area, so it is difficult to quantify any change over time. Civetta also noted that there has been no substantial change of access to Chipman's Cove recently except that a cut-through that used to exist at Indian Neck has been blocked off. Shellfish Advisory Board member Brad Morse added that, in his opinion, wild-picking in the Chipman's Cove area has not increased over the past thirty years—if anything it has decreased since many wild-pickers have transitioned to grants. Morse also commented that the shoreline vegetation in question is seasonal, and that very few people park in the areas that Nicholson's letter addressed.

Commissioners questioned the presence of a large barge which has been moored off Chipman's Cove beach, noting that in mid-tide and below the barge sits on the bottom. Civetta reported that the barge is outside of her jurisdiction, and that it would be an issue for the Harbormaster. The barge was constructed in a way that it is not easily removed from the water and is currently being

stored in the inner harbor. The Commissioners concluded that it would be most appropriate to continue discussion of these issues at the meeting on December 12 at Chipman's Cove at noon.

**Minutes:**

Barbara Brennessel moved to approve the November 15, 2023 Meeting Minutes. John Portnoy seconded. A roll call vote was taken: Michael Fisher, aye, John Portnoy aye; Barbara Brennessel, aye; Robert Stewart, abstained; Leon Shreves, aye. The minutes were approved 4-0-1.

Michael Fisher moved to close the Business Meeting. Barbara Brennessel seconded. A roll call vote was taken: Michael Fisher, aye, John Portnoy aye; Barbara Brennessel, aye; Robert Stewart, aye; Leon Shreves, aye. The motion was approved 5-0. The business meeting was adjourned at 4:23 p.m.

**Public Hearings:**

5:00 p.m. Chair Leon Shreves opened the Public Hearings.

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

**Also Present:** Jason Ellis.

**Regrets:** John Cumbler.

**Downs, 40 Arey Lane, Map 36, Parcel 24,** Notice of Intent to build a proposed addition within the 100-foot buffer zone to salt marsh and land subject to coastal storm flowage.

A site visit was made by Agent Beth Pyles today and by the Commissioners before the last meeting. Jason Ellis was present to represent the project. Ellis had submitted a revised site plan which included a planting plan with 535 square feet of mitigation which is more than double the area that will be disturbed by the addition. The plan also shows that four downspout drywells will be installed, one on each corner of the house. Commissioners asked about the presence of the existing outdoor rinsing station on the revised plan. Ellis informed the Commissioners that the shower will be removed. The Commissioners noted there will be a Condition that nothing will be stored beneath any area of the deck and commended Ellis for a robust planting plan. A question about the condition of the vegetation near the marsh was raised, to which Agent Pyles responded that it is quite densely vegetated.

Michael Fisher moved to approve the revised Notice of Intent with the following Condition: that nothing be stored beneath the deck or porch. John Portnoy seconded. A roll call vote was taken: Michael Fisher, aye, John Portnoy aye; Barbara Brennessel, aye; Robert Stewart, aye; Leon Shreves, aye. The motion was approved. 5-0.

John Portnoy is the Supervisor.

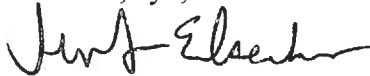
**J&B Construction LLC, 41-43 9<sup>th</sup> Street, Map 40, Parcel 155:** Requesting an Extension Permit for Orders of Conditions on a house construction project.

A site visit was made by Agent Beth Pyles. No representative was present for the project. A site plan, originally from 2020 but with a newly revised footprint of the proposed structure had been submitted and reviewed by the Commissioners. A brief discussion of the project history in the Commission's past Minutes yielded the understanding that, while facing multiple challenges, including a legal dispute with a neighbor, the applicant had been in regular contact with the Agent, the Commission, and the Zoning Board of Appeals to resolve the obstacles which have been stalling the project. It was also noted that the applicant had erroneously been told by the former Agent that this project qualified for the time extension by the State that was implemented during the Covid pandemic. The Conditions, in fact, will expire on December 14, 2023. The applicant, when asking for this extension of the Order of Conditions, expressed the intention to return soon to the Commission with an Amended Order of Conditions.

Michael Fisher moved to extend the Order of Conditions for one year with the following Conditions: that the applicant would return to the Commission with a request for an Amended Order of Conditions application within that year. Robert Stewart seconded. A roll call vote was taken: Michael Fisher, aye, John Portnoy aye; Barbara Brennessel, aye; Robert Stewart, aye; Leon Shreves, aye. The motion was approved. 5-0

**Adjournment:**

At 5:15 pm, Michael Fisher moved to adjourn the Public Hearings. John Portnoy seconded. A roll call vote was taken: Michael Fisher, aye, John Portnoy aye; Barbara Brennessel, aye; Robert Stewart, aye; Leon Shreves, aye. The motion was approved. 5-0.



Respectfully submitted by,  
Jennifer Elsensohn, Committee Secretary

**Documents:**

**Nicholson:** letter regarding Chipman's Cove

**Minutes**—November 15, 2023

**Downs**—Notice of Intent and supporting documents

**J&B Construction LLC**—Extension of Order of Conditions and supporting documents

