

Final  
Wellfleet Conservation Commission  
Chipman's Cove Beach at the End of Old Pier Road, Wellfleet  
Meeting Minutes  
December 12, 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, Shellfish Constable Nancy Civetta, Assistant Shellfish Constable John Mankevetch, Sonya Woodman, Nick Nicholson, Nate Johnson, Tim Hughes, David Seitler, Alfred Pickard, Blake Olson, Brad Morse, Diane Brunt, Evan Bruinooge, and Lee Clark.

**Regrets:** John Cumbler.

**Business Meeting**

12:06 p.m. Chair Leon Shreves opened the Business Meeting. A quorum was present.

**Chipman's Cove Discussion:**

A complaint had been made regarding trucks driving on the beach and marsh area of Chipman's Cove, which prompted an information-gathering site visit on November 15, 2023 and subsequent discussion among the Conservation Commissioners at a regularly scheduled meeting on that same day. Following that discussion, the Commission received a letter from abutter William Nicholson, which initiated further discussion on the issue at the Commission's December 6, 2023 meeting. This December 12, 2023 on-site meeting was held to follow up on these previous discussions. The Commission decided that this on-site meeting would consist of a conversation among the Conservation Commissioners, the Shellfish Constable, and members of the public and the shellfishing community about the most useful way to gather information about environmental protection and to foster understanding among the various parties. The Conservation Commission is bound to protect the wetlands by the Massachusetts Wetlands Protection Act (WPA) Massachusetts General Law (MGL) 131 40, the Wellfleet Environmental Protection Bylaws, and the Wellfleet Environmental Protection Regulations. The goal is finding a legal and equitable way to protect the wetland resources along Chipman's Cove while also allowing shellfishermen access to their adjacent wild-picking areas. The Wellfleet Wetland Protection Bylaws and Regulations do not permit vehicles to drive or park on marsh areas. A key question is how much the vehicular activity on Chipman's Cove is adversely affecting low marsh grass migration up the beach due to sea level rise.

Diane Brunt asked permission to record the meeting. All present assented. Several other shellfishermen also recorded segments of the meeting.

The first area discussed was the northeastern flank of the entryway from Old Pier Road to the Cove shoreline. There is a sand strip that divides the high marsh grasses from the low marsh grasses. The fishermen reported that some of their trucks are backing up along this sand strip until where the high and low marsh grasses connect. This area of access makes it possible for

shellfishermen to haul their catch up from the low-tide flats. Some shellfishermen also reported that very few trucks use this area, and that they then traverse the low marsh grass on foot, pulling wheeled carts to carry their equipment and catch that together weigh approximately 85 pounds. Barbara Brennessel noted that the map from twenty years ago provided by Nicholson mentions an agreement of unknown origin stating that no driving was permitted on this side of the marsh. To date, no such written agreement has been located in Conservation Department files.

Turning to the southwest-side shoreline area from Old Pier Road, Sonya Woodman displayed OnX Hunt, a GPS phone app used to find property lines, primarily for hunting purposes. This app showed that the area of concern includes a paper road. That road's ownership and access rights are currently unknown, but shellfishermen and Commissioners expressed a desire to research these facts. Shellfishermen stated that there does not appear to be any significant evidence of erosion in this area.

Google Earth photographs of this area had been shared by John Portnoy with the Commission and the Shellfish Constable and were forwarded by Constable Nancy Civetta via email to the shellfishermen before the meeting. It was noted that the pictures are difficult to interpret but seem to show an increase in vegetation between 2021 and now. The Commissioners explained that one of their major concerns is allowing low marsh grass migration up the bank. This is important because the low grasses currently in the marsh will eventually die from repeated flooding due to sea level rise. Sea level rise in this area is currently approximately 2-3 millimeters per year but is expected to increase significantly. The low marsh grass serves as a protective barrier against storm surge. It also captures nutrients and feeds shellfish. If it does not have the opportunity to migrate up the bank, this will be a serious loss of wetland resources. The Commissioners noted that a variety of high marsh grass is growing between the tire tracks left by trucks.

Nancy Civetta and John Mankevetch explained that the activities of endangered species in this area are limited to the time periods when shellfishing is not permitted. This area is closed to shellfishing after April 30, which is before the turtle (diamondback terrapin) and horseshoe crab activities begin. Additionally, the Shellfish Department staff begin walking the low tide sea bottom on May 1, looking for contaminated clams. In June culching activity begins. Mankevetch also reported that soon after the close of the shellfishing season, evidence of driving on this beach area is all but erased. Civetta noted that the level of activity and the geomorphology of this area have undergone a good deal of change over time. The beach road used to extend to Cove Road, intersecting with it further to the southwest. Currently this Chipman's Cove section serves as a sand road for only half of the year. Further, the former sand road further southwest previously used by trucks has now filled in with marsh grasses. Barbara Brennessel added that when the driving ceased on the west side of Chipman's Cove at Indian Neck, the vegetation grew back in there. Shellfisherman David Seitler pointed out that there are many trails along the shore where foot traffic causes damage. Seitler also noted that all inshore areas change constantly. Shellfisherman Nathan Johnson brought his wheeled cart over to show the Commissioners what apparatus the fishermen use to bring in their catch.

Throughout the conversation, shellfishermen shared their concerns about being able to access their shellfish wild picking areas, and stated that the Commission should find a balance between

protecting the environment and protecting the livelihood of shellfishermen. The shellfishermen also expressed their frustration about the following issues: how their access points have been reduced over the years; that they perceived Commission decisions to be preferential for the wealthy; and, that the Town does not block many shoreline walking paths which also damage the marsh grasses. Shellfishermen also argued that this is a difficult area to shellfish and restricting access would make it impossible for some shellfishermen to continue. Some shellfishermen stated that they parked their trucks and stored their gear on their lawns at home all winter, with no damage to their lawns. John Portnoy explained that parking on a lawn in winter is not the same thing as parking on marsh grass in winter since marsh grass is damaged by driving and parking on it. Participants noted that if something must be sacrificed to provide shellfishermen access, then losing high marsh grasses would be less harmful to the marsh than losing low marsh grasses.

Leon Shreves asked whether moving the sand road further up the bank onto the high marsh grasses while avoiding the low marsh grasses might be a compromise solution. There was a lengthy discussion about how far the road could be moved, who owns that property, the exact location of the paper road, who would have access to it, and whether moving the road would actually help the marsh overall.

The question of mitigation was raised by some shellfishermen: Is it possible, as it is in the case of cutting down a tree and doing mitigation planting, to provide some other form of mitigation in order to retain the road?

The group moved approximately 100 feet northeast to near a set of beach access stairs. This was the location initially proposed by Commissioners to be the furthest point vehicles would be allowed and it would serve as a turnaround area. This would be more acceptable from a conservation standpoint because it is sandy and above the marsh. Some shellfishermen stated that these stairs are symbolic of how the wealthy receive preferential treatment. The fishermen also expressed their dissatisfaction with this proposed site since it does not help them in accessing shellfish beds further southwest nor is the sand at this spot conducive to trucks turning around easily.

The need for an equitable solution and a long-term plan was generally agreed upon. Nancy Civetta requested that the Commissioners keep the cost-benefit ratio in mind. She asked that they consider the shortness of the shellfishing season, the fact that very few vehicles are present at the same time, and the fact that there are some things, like revetments in certain cases, that must be allowed by the Commission because they are grandfathered in. Civetta asked that as the Commission devises a long-term plan, the Commissioners be flexible in their thinking and give consideration to the needs of the shellfishing community. Civetta advocated for better communication with the shellfishermen at the beginning of the fishing season, monitoring their driving and parking on the beach, and perhaps the Shellfish Department should apply for a grant to study the effects of sea level changes here and in comparable locations as a first course of action.

Information that was requested during the meeting includes: to whom the paper road belongs and its exact location; the source of the map and alleged agreement provided by William Nicholson;

whether further maps of this area showing the historical erosion and studies on sea level rise exist; and how the Natural Heritage and Endangered Species agency maps this area.

**Adjournment:**

At 1:16 pm, Michael Fisher moved to adjourn the Public 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.

Respectfully submitted by,  
Jennifer Elsensohn, Committee Secretary



**Documents:**

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

**Portnoy:** Google Maps of Chipman's Cove over a span of several years

**Portnoy and Civetta:** The Impact of Off-road Vehicles on Coastal Ecosystems in Cape Cod National Seashore by Stephen P. Leatherman, Paul J. Godfrey

**Woodman:** information shared via onX Hunt app