

Final
Wellfleet Conservation Commission
Hybrid: in person at 300 Main Street, Wellfleet, and on Zoom
Meeting Minutes
December 20, 2023

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

Also present (via Zoom): Wellfleet Public Works Department Director Jay Norton, Jude Ahern, Brad Morse.

Regrets: Chair Leon Shreves.

Business Meeting

In the absence of Chair Leon Shreves, Michael Fisher moved to appoint Barbara Brennessel as Acting Chair. John Portnoy seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; Robert Stewart, aye; John Portnoy, aye. Approved 4-0.

4:00 p.m. Acting Chair Barbara Brennessel opened the Business Meeting. A quorum was present.

4:10 p.m. John Cumbler arrived as the discussion on Long Pond was occurring.

Mail/Discussion:

Discussion on Long Pond Landing, 505 Long Pond Rd., Map 16, Parcels 655 and 650:

Barbara Brennessel offered a brief explanation for the reason for this discussion. Director of Community Services Suzanne Grout Thomas had applied for a Request for Determination of Applicability [RDA] to remove a set of stairs and to revegetate the bank at Long Pond Public Landing. On March 2, 2022, the Commission identified this RDA as a Negative 2 ("The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, the said work does not require the filing of a Notice of Intent."). The Commission recommended that wood chips should be used on the path above the stairs instead of the proposed gravel and that appropriate fencing be used to direct foot traffic away from fragile environmental areas. On March 2, 2022, the Select Board voted to replace the stairs, which the Department of Public Works did together with sand renourishment of the Long Pond beach, but no formal application for either project was filed with the Conservation Commission. Brennessel and other Commissioners reported that visitors to the pond have been causing erosion on the bank by using previously cordoned off non-sanctioned social paths.

Department of Public Works [DPW] Director Jay Norton added to the history of the work on this site, acknowledging that the proper applications had not all been made. Norton shared a letter from Suzanne Thomas that installation of the new stairs and fencing at the pond had been approved by the Select Board on March 2, 2022. Brennessel noted that the wood chip replacement, revegetation, and fencing had not been completed. Norton reported that the DPW

has been short-staffed, that it was difficult to obtain fencing, and that he had been under the impression that AmeriCorps interns were going to assist in the project, but they were not available. Norton has visited the site and seen the work that needs to be done. He also affirmed that a new RDA for the replacement of the stairs and the pond beach sand renourishment will be filed. Norton noted that the beach sand needs to be replenished approximately every two years to keep footing safe from exposed roots. John Portnoy asked where the sand the DPW uses comes from. Norton explained that the DPW has a pile of excellent native sand at its facilities that had been approved by the previous Conservation Agent, Hillary Greenberg-Lemos.

The Commissioners stated that the new RDA should contain very specific wording about the Condition that would trigger additional, periodic sand renourishment and that the Commission should be notified when that renourishment occurs. It was noted that an RDA should also be filed for sand renourishment at Gull Pond. A discussion occurred about the installation of appropriate fencing to be placed on the existing fence posts at Long Pond. All agreed that appropriate fencing is crucial for the prevention of foot traffic causing further erosion on the bank near the stairs.

New Cottage on Kendrick Avenue:

John Cumbler asked whether the Commission had approved the erection of a new cottage in a condominium association on Kendrick Avenue. A foundation is currently being installed. The Minutes show no record of an application for this. Agent Beth Pyles will make a site visit.

Minutes:

John Portnoy moved to approve the December 6, 2023, Meeting Minutes. Michael Fisher seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler abstained. The minutes were approved 4-0-1.

Jurisdictional Opinion:

Kaufman, 150 Blue Heron Road, Map 41, Parcel 5: to remove two small trees within the buffer zone.

A site visit had been made by Agent Beth Pyles. The applicants would like to remove two small trees in the 50-foot filter strip in order to erect a 12-foot x 14-foot shed. Their original request was to remove an additional large tree, but the homeowners agreed with the Agent to move the location of the proposed shed to avoid taking down that tree. This project came to Pyles's attention when a building permit application was filed with the Building Inspector's office. Commissioners asked what species of trees were to be removed and whether the location of the shed might be adjusted. The Commissioners recommended that if the shed is to be built within the Commission's jurisdiction, an RDA must be filed for both the shed and tree removal. The Commissioners would then visit the site.

Other Business:

Chipman's Cove:

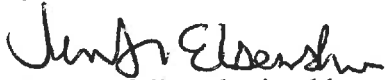
The issue of driving and parking on the marsh of Chipman's Cove has previously been discussed at several Conservation meetings, including an on-site meeting on December 12, 2023, which included the Shellfish Department and local shellfishermen, Barbara Brennessel asked Jen

Elsensohn to place the item on the next agenda, January 3, 2024. Both Jude Ahern and Brad Morse expressed their concern that many shellfishermen would not be able to participate if the meeting took place on January 3. Further, Commissioners have sought further information about: the ownership, location, and access to the paper road at the site; studies on erosion and sea level rise; and the mapping of the area by the National Heritage Endangered Species Program. The Commissioners determined who would research each item. The Cape Cod Extension will be consulted about the relative sensitivity to truck activity of the vegetation on the coastal bank. Elsensohn shared her screen to show the reportedly twenty-year-old map provided by William Nicholson that referred to an agreement made by unknown entities regarding where truck activity would be permitted. The Commission decided that the information gathered by the Agent and Commissioners would be shared via email with the Commissioners, Shellfish Constable Nancy Civetta, the shellfishing community, and the public via the Town website. The Commission noted that the Town website already has an earlier report compiled by the Commission with the assistance of SERI (the Social Environmental Research Institute) that included maps of sea level rise. Due to the expected unavailability of some Commissioners as well as a need for time to complete the requested research, the tentative date of February 21, 2024, was chosen to discuss this issue.

The Commissioners had a brief discussion about changing the format of future meetings to the Public Hearings beginning at 4:00 pm and the Business Meeting to follow. The benefits of adjusting the format would be that when Business Meetings are very short, there would be no time gap before the Public Hearings begin, and when the Business Meetings are very long, they would not have to be continued to the period after the hearings. The question was raised about whether this change would be inconvenient to applicants. The consensus was that most applicants are represented by paid professionals and the 4:00 Public Hearing start time would likely be within their workday. The Commission agreed to begin this format change in the near future.

Adjournment:

Michael Fisher moved to close the Business Meeting. Robert Stewart seconded. A roll call vote was taken: Robert Stewart, aye, John Portnoy aye; Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye. The motion was approved 5-0. The business meeting was adjourned at 5:01 p.m.



Respectfully submitted by,
Jennifer Elsensohn, Committee Secretary

Documents:

Norton—letter from Suzanne Thomas to Commission

Kaufman: Jurisdictional Opinion and pictures

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Fisher—shared screen with map of 150 Blue Heron

Elsensohn—shared screen with Nicholson map and draft minutes from December 12, 2023

