

Approved  
Wellfleet Conservation Commission  
November 16, 2022  
Zoom Meeting

**In attendance:** Chair Leon Shreves, Clerk Michael Fisher, Ben Fairbank, Barbara Brennessel, John Cumbler, and Marty Murphy; Agent Greenberg-Lemos; and Christine Bates, Committee Sec'y.

**4:00 pm Business Meeting**

Chair Leon Shreves opened the Business Meeting

**Mail / Discussion**

**2023 Event of Andy Scherding & Kathleen Walker** Wellfleet Sprint Triathlon. Mr. Scherding stated that this is a multi-stage race. As held in September 2022, it included biking, running, and swimming from Gull Pond, to Long Pond, and to Great Pond, with permission from the National Seashore, Wellfleet and Truro. They have already talked to the Truro Conservation Commission and plan to talk to the National Seashore regarding the next event which will take place in September 2023. This coming year, they plan to eliminate the bicycle part of the event. He stated that there are approximately 6 events on the East Coast similar to this one. There was discussion regarding the access to and from the Wellfleet ponds, with potential erosion on the banks and widening of the trails. Kathleen Walker stated that they are going to keep the maximum attendance the same (150) and people do not bunch up. Last year 86 people participated. Mr. Scherding stated that they have contacted a landowner on Great Pond who has previously granted permission to exit or enter on their property. The Commission responded that they would like to minimize the amount of traffic on the beaches and trails. One other event will be held on June 17, 2023 at Long Pond, with no access via the footpaths. . The Commission expressed concern with the narrow trails and what the erosion may be, along with not knowing the water level of the ponds may be. Barbara Brennessel reminded everyone this is when the herring return from Gull, Higgins, and Herring ponds to the ocean. Mr. Scherding stated that spectators are only allowed to view the event from a paved road. There will be a designated spot for people to stop and put their running shoes on. Agent Greenberg-Lemos stated that there have been no issues from the events of previous years. After further discussion, the applicants requested to come back to the business meeting at the December 7 with a list of options which will include the trails to be used and the entrance and exit points at the ponds.

**Jurisdictional Opinions**

The Pearl Restaurant, 250 Commercial St, Map 21, Parcel 106, would like to place pavers under the ice machine to keep it level (there is already an awning over the machine). The area is approximately 13 feet x 5 feet. Michael Fisher recommended limiting the number of pavers and just support the corners, if possible. Agent Greenberg-Lemos will request further information. Barbara Brennessel moved to continue; seconded by Michael Fisher. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank, aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

Brenda Correia, 70 E. Commercial St, Map 15, Parcel 80, remove a diseased cypress along the property line, on land owned by Carol Thomas, 80 East Commercial Street, Map 15, Parcel 81. The request went into detail regarding the state of the tree. Agent Greenberg-Lemos that she made a site visit and the tree is dead. She also reported that she has written a letter to Ms. Thomas regarding other issues on her property. Barbara Brennessel moved to approve the Jurisdictional Opinion with the Condition that Ms. Thomas give written permission; seconded by Leon Shreves. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

Kerrie Urban, 25 Blue Heron Rd, Map 42, Parcel 114, foundation is settling due to poor soil. Agent Greenberg-Lemos stated that they propose using diamond piers to support the equipment used to lift the house, so there will be little disturbance to the resources. It is in the ACEC. Barbara Brennessel moved for an RDA to be filed for this project; seconded by John Cumbler. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

**Lt. Island Rd,** - Agent Greenberg-Lemos reported on the signs on both sides of the road and the bridge that had been recently installed by DPW stating: “no launching of water craft on either side.” The issue is parking on the wetland along the road and launching of watercraft from trailers, leaving ruts in the marsh. She was told by DPW that the signs cannot come down until there is a better option. It was recommended to further delineate areas for parking without limiting the launching of small boats.

John Cumbler reported there are 5 stumps of trees recently cut at the old Bruce McGibbins property, 415 Old Chequesset Neck Road, Map 12, Parcel 52. Agent Greenberg-Lemos will send a letter to the current property owner stating there are violations with cutting down trees within the Commission’s jurisdiction without permission.

### **Meeting Minutes – to be reviewed at next meeting.**

Leon Shreves moved to close the business meeting at 6:00 pm; seconded by John Cumbler. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

### **5:00 Public Hearings**

Chair Leon Shreves opened the Public Hearings

Attending: Leon Shreves, John Cumbler, Ben Fairbank, Michael Fisher, Marty Murphy, and Barbara Brennessel.

**MASS DOT Rte 6 / Main Street, NOI, Stormwater Report – Improvement Project.** Brian Madden of LEC provided a brief overview of the history of the area and how long it has taken to get this project ready. He identified the project limits along Route 6 and Main Street. The resources are: salt marshes at Duck Creek, coastal banks, portions within the flood zone, bordering wetland system east of Route 6, isolated vegetated wetland, Hawes Pond, and Duck Creek (classified as a river). The Harbor, ACEC, and areas south of Main St have diamond back

terrapin and wetlands. This is a public safety improvement project including on Main Street and Route 6, with bike lanes, and sidewalks. There will be stormwater control upgrades. The tide gate at the culvert to Hawes Pond under Main Street will be replaced with a self-regulating tide gate designed to improve the tidal flush as well as protect the landowner's property. It will help facilitate eel passage as well. Thereafter, the Town's DPW will need to check the tide gate once a month and maintain it. Jill Baumbach, engineer, stated that the metric will be the flood levels of abutting properties. The manufacturer will provide a warranty and train DPW personnel. Jill McLaughlin of Stantec stated that they do not generally perform work during the summer. There will be terrapin protection during construction. Barbara Brennessel moved to approve the NOI; seconded by Leon Shreves. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

**Magierski & Romanczak**, 15 Heron Point Rd., Map 40, Parcel 6, RDA, Septic System upgrade. Brad Malo of Coastal Engineering reviewed the property and all resources; he stated that they have an existing Title 5 system. They will install an enhanced I/A system. Any disturbed areas will be replaced with vegetation in kind. There will be one cedar tree removed and it will be replaced with a native tree somewhere on the property. There will be a time restriction for the work. John Cumbler identified the RDA as a Negative 2; seconded by Barbara Brennessel. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

**Rugo**, 5 Indian Neck Rd., Map 28, Parcel 230, NOI, septic Upgrade. Due to an incomplete application and no representative of the applicant, Barbara Brennessel moved to continue indefinitely; seconded by John Cumbler. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

**Boehringer, (Wellfleet Conservation Trust owner)** 10 Bay View Ave., Map 35, Parcel 33, NOI, repair sand fencing along coastal bank base (this had been continued indefinitely). It was announced this project was incorrectly advertised since the work is for a revetment. Mr. Boehringer stated that this project was last before the Commission on April 5, 2022. The Commission informed Mr. Boehringer that there are now other options available, including a living shoreline, which has proven to be successful for a couple of other similar properties. It was also brought to Mr. Boehringer's attention that he may be required to upgrade his septic system. Nancy Civetta, Shellfish Warden, stated that she talked with Greg Berman regarding the sand movement and that the area has been stable over time. Mr. Boehringer and Don Monroe, his engineer, will look at the other options and revise their application in light of the other options available. Barbara Brennessel moved to continue indefinitely; seconded by John Cumbler. VOTE: Leon Shreves aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. Michael Fisher recused. 5-0.

Michael Fisher moved to adjourn at 6:25 pm; seconded by John Cumbler. VOTE: Leon Shreves aye, Michael Fisher aye, Ben Fairbank aye, Barbara Brennessel aye, John Cumbler aye; Marty Murphy aye. 6-0.

Respectfully submitted,

Christine Bates, Committee Secretary

Documents:

MA DOT: Notice of Intent and back up materials

Magierski & Romanaczak – Request for Determination and back up materials

Rugo – Incomplete application

Boehringer – request for continuation