

Final  
Wellfleet Conservation Commission  
Meeting Minutes  
October 4, 2023

**In attendance via Zoom:** Chair Leon Shreves, Clerk Michael Fisher, Barbara Brennessel, Robert Stewart, John Cumbler, Martin Murphy, Committee Secretary Jennifer Elsensohn.

**Regrets:** Benjamin Fairbank.

**Also present:** Zach Frazier and Jude Ahern.

**Business Meeting**

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

**Mail/Discussion:**

**Bartlett, 50 Steele Road, Map 4, Parcel 33,** Notice of Intent, restoring view corridor by pruning and installing native plantings: updated material received.

The Commissioners deemed this added information sufficient to answer their outstanding concerns about the Notice of Intent approved at the September 20, 2023 meeting.

**Falk/Pascual, 117 Samoset Avenue, Map 28, Parcel 107,** Amended Order of Conditions for plans that have been previously approved by both the Conservation Commission and Board of Health (continued).

Jennifer Elsensohn explained that she had been asked to place this case on the Business Meeting agenda by Wellfleet Assistant Health Agent Gary Locke, but after it had been advertised in the newspaper, the applicant requested to continue it to the October 18 meeting. No Conservation Commission action was necessary at this time.

**2024 Meeting Schedule:**

The approved 2024 Meeting Schedule was amended: Thursday, December 21, 2023 will be the deadline for materials to be delivered for the meeting on January 17, 2024; and a meeting was scheduled for Juneteenth (June 19), 2024 which is a federal holiday, so that meeting should be removed. It was agreed by the Commissioners that the changes should be made.

**Minutes:**

Robert Stewart noted an error in the draft minutes: Benjamin Fairbank was incorrectly listed as present. Michael Fisher moved to approve the September 20, 2023 Meeting Minutes with the correction that Benjamin Fairbank was not present. Barbara Brennessel seconded. A roll call vote was taken: Robert Stewart, aye; Martin Murphy, abstained; Michael Fisher, aye, Barbara Brennessel, aye; Leon Shreves, aye; John Cumbler, aye. The minutes were approved 5-0-1.

**Meeting in Person:**

The Commission had agreed to begin hybrid meetings in November 2023. The Wellfleet Adult Community Center does not have availability at the time and dates that the Commission meets. Jen Elsensohn asked if there were any other Town locations that are suitable for hybrid meetings.

update on the information requested from the Shellfish Constable Civetta. Shreves informed Ahern that the Commission had been copied on an email from the Constable to the State requesting an extension on her report due to the work overload that the department is experiencing. It was clarified by Brennessel that, before this last Order of Conditions Extension, reports on cultching activities were not required by the Commission; such reports were only required to be sent to the National Park Service about cultching in the National Seashore. The new Conditions require such information should be posted publicly on the Town website going forward. Ahern again asserted that she wants to know where the cultch is and who is supervising this project. The Commission noted that the Agent is the Supervisor for this project, and currently there is no Agent.

Michael Fisher moved to adjourn the Business Meeting. John Cumbler seconded. A roll call vote was taken: John Cumbler, aye; Martin Murphy, aye; Barbara Brennessel, aye; Robert Stewart, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved 6-0. The business meeting was adjourned at 4:46 pm.

#### **Public Hearings:**

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

**Present:** Chair Leon Shreves, Robert Stewart, Barbara Brennessel, John Cumbler, Martin Murphy, Clerk Michael Fisher, and Committee Secretary Jennifer Elsensohn.

**Also Present:** Gordon Peabody, Paul Shea, John Ross, David Lyttle, Theresa Sprague, Mac Hay

**Ross, 945 Chequessett Neck Road, Map 19, Parcel 98, Certificate of Compliance, replace 30' of seawall (continued).**

Paul Shea stated that John Ross, homeowner, would like to provide annual beach nourishment as necessary instead of annually just monitoring his property. He stated that, after the seawall restoration project was completed, the beach has been gaining sand for the last four years, not losing sand. The applicant asked if his engineers could monitor the property for just the next three years to confirm the trend. Ross explained that the original Order of Conditions from March 2019 stated that the only ongoing Condition was to provide "standard" beach nourishment, which he requested clarification about from the Commission. In past meetings about this application, Guest Agent Hillary Greenberg-Lemos recommended that the Condition of annual inspections be ongoing. John Cumbler moved to grant the Certificate of Compliance with the condition that biannual monitoring of the level of the beach continue. Michael Fisher seconded. David Lyttle stated that when he had presented cases to Conservation Commissions in the past, the Commission had approved the Certificate of Compliance with ongoing Conditions. Shea reminded the Commission that the original project was to fix thirty feet of a seawall which has been completed. Barbara Brennessel expressed concern about what might change about the movement of sand in this area once the Herring River dike is installed. A roll call vote was taken on John Cumbler's motion to grant the Certificate of Compliance with the Condition that biannual monitoring continue: John Cumbler, aye; Martin Murphy, no; Barbara Brennessel, no; Robert Stewart, no; Michael Fisher, aye; Leon Shreves, no. The motion was denied 2-4.

Attorney Karen LaVoie spoke on behalf of the applicant. The septic system was installed, inspected, and passed by the Health Department in 2002. The owners did not realize that they also needed a Certificate of Compliance. The property was sold two weeks ago and the septic system passed inspection then. The Commission asked if the new homeowners were aware that they will have to upgrade the system to the new standards that are coming soon. LaVoie said that she would inform them.

Barbara Brennessel moved to grant the Certificate of Compliance. Michael Fisher seconded. A roll call vote was taken: John Cumbler, aye; Martin Murphy, aye; Barbara Brennessel, aye; Robert Stewart, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved 6-0.

**Town of Wellfleet, Lt. Island Road, Notice of Intent, Repairing and repaving the road.**

Director of the Department of Public Works Jay Norton and engineer Kevin McHugh indicated by email that the materials necessary for the Commission to make a determination were not yet available. The applicant requested that this hearing be continued until October 18.

Barbara Brennessel moved to continue this application to October 18. John Cumbler seconded. A roll call vote was taken: John Cumbler, aye; Martin Murphy, aye; Barbara Brennessel, aye; Robert Stewart, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved. 6-0.

**Belvernon, 75 & 91 Commercial Street, Map 21, Parcels 133 & 129, Notice of Intent, constructing a covered deck and seasonal pergola over proposed dining area.**

David Lyttle, owner Mac Hay, and Theresa Sprague of Blue Flax presented this project. A letter from Ryder-Wilcox was submitted with some of the additional information requested by the Commission at the September 20 meeting. The letter included a request for a variance from Section 2.01 (4) 3 of the Wellfleet Environmental Protection Regulations to allow the proposed work in the 50-foot filter strip. Fisher reminded Lyttle that the total disturbed area on the plots, including buildings, walkways, etc., needs to be noted on the plan and was not included in the letter. Lyttle stated that he had misunderstood what had been requested. He stated that he will get the calculations to the Commission soon. Lyttle also stated that the project would welcome recommendations on what type of footings for the posts should be used. Fisher said that the Commission usually prefers diamond piers to sonotubes since they do not go as deep into the ground. Lyttle said they would be comfortable with that being made a Condition.

Barbara Brennessel moved to continue the hearing to October 18, 2023, Michael Fisher seconded. A roll call vote was taken: John Cumbler, aye; Martin Murphy, aye; Barbara Brennessel, aye; Robert Stewart, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved 6-0.

**Adjournment:**

At 6:05 pm, Michael Fisher moved to adjourn the Public Hearings. John Cumbler seconded. A roll call vote was taken: John Cumbler, aye; Martin Murphy, aye; Barbara Brennessel, aye; Robert Stewart, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved. 6-0