

Final  
Wellfleet Conservation Commission  
Hybrid: in person at 300 Main Street, Wellfleet, and on Zoom  
Meeting Minutes  
February 7, 2024

**In attendance:** Chair Leon Shreves, Clerk Michael Fisher, Barbara Brennessel, John Cumbler, and Committee Secretary Jennifer Elsensohn.

**Also Present:** In Person: Rebecca Taylor, Shellfish Constable Nancy Civetta, and via Zoom: Attorney Matthieu Massengill, Cole Bateman of Coastal Engineering, and Realtor Amanda Robinson.

**Regrets:** Robert Stewart, John Portnoy.

**Public Hearings:**

At 4:05 pm, Chair Leon Shreves opened the Public Hearings. A quorum was present.

**Michelson, 21 Samoset Avenue, Map 28, Parcel 184.0:** Certificate of Compliance for proposed shorefront protection and beach nourishment

Cole Bateman of Coastal Engineering was present via Zoom to represent the project. Bateman reported that the homeowner is seeking a Certificate of Compliance for a revetment and beach sand elevation monitoring on the property. This beach is located in a velocity zone. The original project was done in conjunction with a few neighbors, but only this property owner is seeking the Certificate of Compliance. The most recent monitoring, in August 2023, showed the project has met the Order of Conditions. There have been no adverse effects noted. There has been no need for sand renourishment, with a minor accretion of sand. Additionally, vegetation has been growing on the ground above the revetment. Barbara Brennessel stated that homes that have a revetment have the Condition of sand elevation monitoring in perpetuity. Brennessel suggested that, respecting the burden of the cost of monitoring on the homeowner, a Condition for monitoring every other year be imposed.

Barbara Brennessel moved to approve the Certificate of Compliance with the Condition that bi-annual monitoring of the beach level, with subsequent renourishment as needed. John Cumbler seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

Brennessel asked whether there is a letter to remind homeowners that renourishment needs to be completed yearly. John Cumbler recommended that Jen Elsensohn ask former Conservation Agent Hillary Lemos-Greenberg about the appropriate practice for noting the need for monitoring and possible sand renourishment.

**Hamacher, 12 Pleasant Point Landing, Map 35, Parcel 106:** After-the-Fact Request for Determination of Applicability for an existing outdoor rinsing station.

A site visit was made by Commissioners. No representative was present at the meeting for this project. The Commissioners had questions about what work had been completed. In the absence of a representative, they suggested that this hearing be continued.

Leon Shreves moved continue this hearing indefinitely so that Theresa Hamacher or a representative has time to present the information needed. John Cumbler seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

Jude Ahern asked for clarification on the Conditions that Commissioners place on outdoor rinsing stations. Michael Fisher explained that it is a layer of wood chips below the floor that supports bacteria that consume nitrogen. Ahern asked whether the Commission regularly asks homeowners to do this. Fisher answered “yes,” if the station is within the 100-foot buffer zone, and added that when the Conservation Commission completes its revision of its Bylaws and Regulations that this condition will be codified.

**Grillo, 40 Pine Point Road, Map 21, Parcel 68:** Request for Certificate of Compliance for a septic upgrade.

Attorney Matthieu Massengill, via Zoom, and realtor, Amanda Robinson, represented this project. No original file was located in the records of the Health and Conservation Department. A recorded copy of an Order of Conditions was supplied by Robinson through Massengill. The Title 5 septic system was installed in 1996. There have been no triggers for an upgrade since the system was installed. The homeowners are now selling the property, so they are closing out permits.

Barbara Brennessel moved to approve the Certificate of Compliance. Michael Fisher seconded. A roll call vote was taken: John Cumbler, aye; Barbara Brennessel, aye; Michael Fisher, aye; Leon Shreves, aye. The motion was approved 4-0.

**Taylor, Intertidal Zone of Mayo Beach, Map 20, Parcels 734B and 734C:** Request for Determination of Applicability to extend boundaries of shellfishing grant for the farming of quahogs and oysters.

Rebecca Taylor represented her project with the support of Shellfish Constable Nancy Civetta. Commissioners noted that Taylor has completed her application very well. The application has triggered a MESA (Massachusetts Endangered Species Act) project review which is not yet completed. Barbara Brennessel stated that this application can be approved with the Condition that the review is submitted. Brennessel also asked Taylor how long filing with all of the agencies took. Taylor responded that it has been a year. The application’s mention of potential future “grow out technology” prompted a question from the Commission. Taylor explained that technologies exist to improve shellfish production without increasing the height of the racks. This technology includes hanging baskets that allow the growing or storage of oysters below the racks. Taylor stated that she is the only person listed on her grant and the extension will not increase vehicular traffic at the site. Taylor shared that the recent debris from the recent harbor dredging hit the back of her grant and has caused serious drainage issues. Additionally, the

changing tides, sea level shifts, and a driveway between grants that has recently been installed are all causing the need for extension shoreward. Nancy Civetta clarified that a mark on the submitted map notes a neighbor's proposed future extension project. Taylor's grant will not exceed the seven acres allowed per grant.

John Cumbler moved to identify this Request for Determination of Applicability as 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.") with the condition that Natural Heritage paperwork be filed and submitted to the Conservation Commission. Michael Fisher seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

#### **Adjournment:**

At 4:33 p.m., Leon Shreves moved to close the Public Hearings. Michael Fisher seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

#### **Business Meeting**

**In attendance:** Chair Leon Shreves, Clerk Michael Fisher, Barbara Brennessel, John Cumbler, and Committee Secretary Jennifer Elsensohn.

4:34 p.m. Chair Leon Shreves opened the Business Meeting. A quorum was present.

#### **Jurisdictional Opinions:**

**Chapnick, 57 Wigwam Street, Map 35, Parcel 158:** Jurisdictional Opinion to remove a pile of brush, prune three pitch pines to provide six feet of clearance to the house.

A site visit was made by Commissioners. No concerns were expressed about this project as long as the homeowner understands that only pruning of the trees is allowed, not removal. The outdoor rinsing station should be reconstructed for nitrogen mitigation.

Leon Shreves moved to approve the Jurisdictional Opinion to prune three trees with the condition that the outdoor rinsing station be fitted with wood chips for nitrogen mitigation. Michael Fisher seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

**Iacuessa, 206 Old Wharf Road, Map 36, Parcel 21:** Jurisdictional Opinion to remove a pitch pine that is leaning over the driveway.

A site visit was made by Commissioners. They noted that the pitch pine is leaning over the driveway and should be removed. It was determined that three native bushes should be planted in mitigation for the tree.

John Cumbler moved to approve the Jurisdictional Opinion with the Condition that three native bushes be planted in mitigation for the tree. Michael Fisher seconded. A roll call vote was taken:

Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

**Mail/Discussion:**

**Harborside Village Cooperative Corporation**

A letter was received by the Conservation Commission on February 5 from the Harborside Village Cooperative Corporation President Stephen Coyne regarding the flooding that occurred passed 195 Kendrick Avenue on January 13, 2024. Later on February 5, Jen Elsensohn was informed that the Wellfleet Department of Public Works is working with the Cape Cod Conservation District on a plan to address flooding and wastewater in that very area. Following the flood, an engineer acting on behalf of John Chapman, the owner of 195 Kendrick Avenue, had reached out to the Conservation Office to request an emergency order to build a retaining wall to shield the house from future flooding. He was, at first, directed by Conservation Agent Beth Pyles, to apply for a Notice of Intent. Elsensohn has since directed both the engineer and the President of the Corporation to speak with Jay Norton or Pete Morris of the Wellfleet Department of Public Works to learn how this proposed project will impact their respective properties. Brennessel noted that the Conservation Commission had told the members of the Harborside Village Cooperative Corporation that they need to raise their trailer homes in light of expected increased flooding in that area.

**Open.gov**

Jen Elsensohn has notified the Commissioners and the public that the Town is now using an online permitting platform. While there will be a six-month grace period, applicants are encouraged to begin using the web-based program immediately. The web address is: <https://wellfleetma.portal.opengov.com/> and a link can be found on the Conservation Commission page of the Town website. Elsensohn asked the Commissioners whether in future they would like hardcopies of specific portions of applications. Elsensohn offered to email PDF's of the routine form submissions, and would ask applicants to continue to provide hard copies of narratives and maps. The Commissioners concurred.

**70 Main Street**

An emergency order was issued to the owner by Agent Beth Pyles on January 19, 2024, for the removal of items irrevocably damaged by a fire that occurred in September. Agent Pyles included a set of specific conditions in the order. In the absence of a Conservation Agent, Michael Fisher is acting as the Supervisor of this project. He has made a site visit and discussed this situation with both the owner, John O'Toole and a wetlands biologist (only identified in his email as Bob) who has been hired for the project. Fisher explained to O'Toole that he would need to file for a Request for Determination of Applicability to determine whether a Notice of Intent is necessary for demolition of the damaged building. Since the building is within the 100-foot buffer zone, a Notice of Intent will be necessary rebuilding. O'Toole has been instructed to install a silt fence while work is ongoing. Fisher will check the progress of the project periodically.

**200 Lt. Island Road**

An emergency order was issued to the owner by Agent Beth Pyles on January 26, 2024, in order to fix a chimney leak that was allowing water to enter the house. In the absence of a

Conservation Agent, Barbara Brennessel is acting as the Supervisor of this project and has made a visit to the site. Brennessel reported that the chimney in question appears to be leaking into a lower level of the house. All materials for demolition and repair were conveyed by wheelbarrow.

Barbara Brennessel moved to approve this Emergency Order. Leon Shreves seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

#### **1440 Chequessett Neck Road**

An emergency order was issued by the Conservation Agent Beth Pyles to Cape Associates and Wilkinson Engineering on February 1, 2024, for the removal of a beach access stair platform on the coastal bank, two septic system leaching galleys on the beach, and associated wires protruding from the coastal bank. The National Seashore has been participating in the conversation about dealing with these issues, as has the Health Agent, Heith Martinez. John Cumbler and Leon Shreves are Co-Supervisors on this project.

Jude Ahern asked about the status of the rebuild of a house on Kendrick Avenue that had been mentioned by Commissioner John Cumbler at the December 20, 2023, meeting. Leon Shreves responded that it had been determined by Agent Beth Pyles that the house is not within the Commission's jurisdiction. Ahern asked whether it was not in their jurisdiction because of the new zoning bylaw. Shreves responded that zoning bylaws do not affect jurisdiction of the Commission. Ahern asked for clarification of the jurisdiction of the Commission, to which Commissioners responded that its jurisdiction covers any property within 100 feet of a wetland, 200 feet of a river front, in any Federal Emergency Management Agency flood zone, or in the Area of Critical Environmental Concern. Shreves suggested that perhaps another look at the MassMapper should be taken to make sure. Elsensohn volunteered to do this.

#### **Chipman's Cove Research**

Several pieces of information were requested by both Shellfishermen and Conservation Commissioners at the on-site visit to Chipman's Cove on December 12, 2023. This information has been compiled and is now available on the Town website's Conservation Commission page, with a button on the left side of the screen titled "Chipman's Cove Research." Barbara Brennessel reported that she is anticipating a report containing recommendations on how to protect the high marsh from Steve McKenna, Cape and Islands Regional Coordinator at Mass Coastal Zone Management.

#### **Minutes:**

Barbara Brennessel noted that, in the January 17, 2024, Minutes from it states: "The Commissioners agreed that the Harbormaster should remove the boat [at Pleasant Point] and hold it in the Town's sandpit storage area." Brennessel pointed out that no one was assigned this task of notifying the Harbormaster. Elsensohn volunteered to contact the Harbormaster with this issue.

Barbara Brennessel moved to approve the January 17, 2024, Meeting Minutes. John Cumbler seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0.

**Adjournment:**

At 5:11 p.m. Michael Fisher moved to close the Business Meeting. Barbara Brennessel seconded. A roll call vote was taken: Michael Fisher, aye; Barbara Brennessel, aye; John Cumbler, aye; Leon Shreves, aye. The motion was approved 4-0. The business meeting was adjourned.

Respectfully submitted by,



Jennifer Elsensohn, Committee Secretary

**Documents:**

**Michelson**—Certificate of Compliance and supporting documents.

**Hamacher**—After the Fact Request for Determination of Applicability and supporting documents.

**Grillo**—Certificate of Compliance and supporting documents.

**Taylor**—Request for Determination of Applicability and supporting documents.

**Chapnick**—Jurisdictional Opinion.

**Iacuessa**—Jurisdictional Opinion.

**Coyne**—Letter regarding flooding from 195 Kendrick Avenue.

**O'Toole**—Emergency Order.

**195 Kendrick Avenue**—Emergency Order.

**200 Lt. Island Road**—Emergency Order.

**Minutes**—January 17, 2024.