



NANTUCKET CONSERVATION COMMISSION
Updated Agenda for Wednesday, October 26, 2011
4:00 P.M. on the 2nd Floor of the Public Safety Facility 4 Fairgrounds Road

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment

II. PUBLIC HEARING

A. Notice of Intent

1. 91 Low Beach LLC – 91 Low Beach Road (Layout) (75-031) SE48-2353
2. Heneghan – 47 Massachusetts Ave. (60.3.4-97) SE48-2374
3. Sconset Beach Preservation Fund – 63-67 and 79-83 Baxter Road SE48-2395 (cont to 11/9)
4. Waters Edge N.T. – 16 Medouie Creek Road (20-26) SE48-2417 (cont to 11/9)
5. *Everets – 28 Willard Street (29-112.2) SE48-
6. *Badger – 91 West Chester Street (41-827) SE48-
7. *Cunningham – 103 Eel Point Road (32-6) SE48-
8. *Thornburg – 273 & 281 Hummock Pond Road (83-3,41&42.2) SE48-
9. *Thirty Seven Squam Road N.T. – 41 Squam Road (13-25) SE48-

B. Amended Orders of Conditions

1. *Thirty Seven Squam Road N.T. – 37 Squam Road (13-26) SE48-2393

III. PUBLIC MEETING

A. Minor Modifications

1. *Playe – 5 California Ave. (60.3.1-448 & 60.2.4-37&38) SE48-2251
2. *Cosgrove – 10 North Star Lane (30-208) NAN-100

B. Certificates of Compliance

1. *Merson – 71 Baxter Road (49-26.1) SE48-2138
2. *Minella, Trustee – 68 and 72 North Liberty Street (41-234) SE48-2216

C. Orders of Conditions (If the public hearing is closed – for discussion and/or issuance)

1. *Locke – 34B Grove Lane (41-433) SE48-2416
2. *Chiu – 33 Squam Road (21-2) SE48-2418
3. *Gut - 13 Columbus Ave. (59.3-110) SE48-2419
4. Discussion of other closed notice of intent public hearings

D. Other Business

1. Reports:
 - i. CPC
 - ii. NP&EDC
 - iii. Fertilizer Use Committee
 - iv. Other / Miscellaneous Reports
2. Commissioners Comment
3. Administrator/ Staff Report
 - i. Approval of Minutes
 - ii. GHYC Water Sampling Report
 - iii. Enforcement Actions

PUBLIC MEETINGS AND PUBLIC HEARING

(from pp. 5-7 of the Nantucket Conservation Commission's Information and Procedures)

Public Meetings and Public Hearings are not the same. Public Meetings are conducted so that the Commission may discuss matters affecting the interests of the public and the rights of individuals in an open forum. To act on a matter, a quorum of the Commission (four of the seven members) must be present. Public Hearings are conducted for the same overall reasons as the Public Meeting – to protect both the public interest and the rights of individuals – with the additional purpose of gathering relevant information from the applicant, interested parties, and the public at large, and providing the Commission with the means of gathering the information necessary to developing an informed opinion and to issuing Orders that are fully supported by the appropriate facts, laws, and science.

Public Meetings, and Public Hearings held within Public Meetings, are held in conformance with the Massachusetts Open Meetings Law, M.G.L. Ch. 39 §§23A-C, and the Code of the Town of Nantucket §§1-7, 2-1, et seq., 136-4, where applicable. Pursuant to Section 1-7 of the Code of the Town of Nantucket, the Commission conducts business in accordance with parliamentary procedure as set out by Roberts Rules. The tenth edition is the most recent and presently effective version of Robert Rules. Additionally, where appropriate, the Commission follows the guidelines for Conservation Commission Meetings and Hearings set out by the Massachusetts Association of Conservation Commissions (MACC), the state umbrella organization of Conservation Commissions that works for strong, workable, science-based laws and regulations.

The Chairman or Chairwoman (hereinafter “Chair”) presides at Public Meetings and Public Hearings. In the absence of the Chair, the Vice Chair, or another Commissioner designated by the Chair presides. Public Hearings are conducted with an appropriate degree of formality, in accordance with Roberts Rules of Order, and with reference to state and local laws and regulations. During the Public Hearing portion of the Public Meeting, the Commission follows the following procedures:

- A. The Hearing is called by the applicant's name and the address of the proposed activity. The applicant may or may not be the owner of the property.
- B. The applicant, or the applicant's representative, presents the proposal to the Commission by describing the activity or project, its environmental impact, and its location relative to resource areas and buffer zones.
- C. The Commissioners or the Commission staff may at this point have questions for the applicant or the applicant's representative relating to clarity of the application.
- D. Interested parties, whether abutters, representatives of other entities, or the public, are invited to provide evidence or propose questions relevant to the project, to the resource area, to the protected interests arising by statute or regulation in relation to the resource area, and/or to the performance standards for such activities in such resource areas. Any questions must be directed to and through the Chair, not to the applicant or another person at the hearing. The time available for such public input may be limited by the Chair, especially where a large number of people seek to address the Commission. Public input should be limited to new information—if some one already has provided the same information to the Commission it is unnecessary for it to be restated by another speaker. For the above reasons, it is helpful to the Commission, and often will have more impact, if comments or questions are submitted in writing, in advance if at all possible.
- E. The Commission staff and/or technical consultants retained by the Commission will provide any additional information they may deem relevant to the application, may answer questions from the Commission, and may provide a recommendation to the Commission.
- F. The Commissioners may have additional questions from either the applicant or from persons who have provided evidence or other input to the Hearing.
- G. The Chairman will ask if the applicant has any additional information based on the questions and input outlined above.
- H. The Commission then will deliberate and decide a course of action. The Commission should not be interrupted during its deliberations.

Comments and questions are welcomed at the appropriate time in the hearing. Those most helpful to assisting the Commission in fulfilling its legal mandate are those comments or questions that pertain to the proposal or resource areas that are the subject of the Public Hearing. Issues beyond the Commission's jurisdiction are not legally relevant and should be avoided.

Because of the acoustics of the room in which the Commissions conducts Public Meetings, it can be difficult for Commissioners to hear those appearing before the Commission, or each other for that matter, if people are engaging in conversation elsewhere in the room. Please take all private conversations to the hallway outside.

Please note that the Commission keeps minutes of its proceedings in accordance with state law. The person keeping the minutes must record the names of persons addressing the Commission, and those addressing the Commission may need to spell their names if the spelling is not obvious. The files related to applications are available for public review at the Commission's office during normal business hours in advance of, and following the Public Meeting. They are not available for such review during the meeting, when such review would be distracting to Commissioners and staff, and would interfere with the orderly conduct of the Public Meeting.

Typically, the persons appearing before the Commission are professionals, that is, persons who are paid to attend the hearings on behalf of their client or employer. Such persons are expected to understand the rules and procedures of the Commission, and the relevancy of evidence, commentary, or questions submitted to the Commission.

It is not unusual for members of the public to appear before the Commission, especially in response to a notice that an activity is proposed on an abutting or nearby property. The Commission's staff is available to assist the public in understanding the applications under consideration by the Commission relative to resource areas and protected interests. The public may visit the Commission's office and examine the application, the plans that are part of the application, and other materials that may be related to the proposal. Recognizing that non-professionals are not as familiar with the rules and procedures, the Chair is likely to allow them a little more leeway than might be permitted professionals practicing before the Commission. Nevertheless, this guide to Information & Procedures is designed to inform everyone of the practices and procedures. The Chair may redirect anyone at any point if they go beyond what is appropriate under the Commission's rules of procedure.