



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)  
Thursday, April 30, 2020

*This meeting was held via remote participation using ZOOM and YouTube,  
Pursuant to Governor Baker's March 12, 2020 Order Regarding Open Meeting Law*

**Commissioners:** Ashley Erisman (Chair), Ian Golding (Vice Chair), David LaFleur, Joe Topham,  
Seth Engelbourg, Maureen Phillips, and Mark Beale

Called to order at 5:00 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Director; Joanne Dodd, Natural Resources Coordinator

Attending Members: Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Absent Members: LaFleur

Agenda adopted by unanimous consent

\*Matter has not been heard

### **I. PUBLIC MEETING**

**A. Announcements**

**B. Public Comment – None**

### **II. PUBLIC HEARING**

**A. Notice of Intent**

1. Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Art Gasbarro, Nantucket Engineering & Survey  
Steven Cohen, Cohen & Cohen Law P.C.

Public R.J. Turcott, Nantucket Land Council, Inc.

Discussion (5:08) **Gasbarro** – For a new bulkhead in front of a failing timber bulkhead; provided another revision to the plan. The owner has agreed to install a 5-foot pedestrian easement to transit from the road on the east to the Nantucket Islands Land Bank property on the west for use at high tide. The extension protects the integrity of the structure.

**Golding** – The public has the right to walk past the property unless the property is restricted for public safety; he contends the property owner is obliged to provide access. The copy of the License 933 says commencing of property line may extend northwest approximately 10 feet and along mean-high water for 120 feet. We've discussed in increasing depth what we face with sea level rise; he would like to know if the current Chapter 91 license is no longer valid because it was based upon the high tide line at the time of issuance. He contends the house can be moved back.

**Engelbourg** – Reiterated his point that the applicant hasn't done the necessary alternative analysis for more environmentally friendly solutions. He has provided outlines for those options and they are in the packet. It's something this commission should be serious about at that process should begin with this property. He understands the need for the proposed extension, but he believes that constitutes a new structure that is not currently licensed; that also needs to be taken seriously. Read the local regulations pertinent to the requirement for environmentally friendly solutions.

**Topham** – His understanding is that this bulkhead can be rebuilt; he doesn't see this site as conducive to a different type of structure or moving the buildings.

**Erisman** – We have previously allowed bulkheads to be rebuilt; she is concerned about the extension, which should be more environmentally friendly.

**Beale** – Suggested putting all applicants on notice that ConCom will be requiring alternative analyses with their coastal engineering structures (CES).

**Carlson** – We've requested the analyses before. It changes site by site what options are available; if the commission wants to flush that out more they may. If there is going to be a requirement for a more in-depth analysis, that guideline should be provided to applicants. Living shorelines and other options have been contemplated before.

**Phillips** – This is a difficult case. She had hoped to find something that would make her more confident with choosing a direction. This was presented without any real alternative analyses; the regulation does state it is a requirement. We need to assist upon that analyses and we are allowed to ask for it. She is inclined to ask for a real alternative analysis; it's what we need to do for the environment.

**Engelbourg** – There has been a permitting history for repairing bulkheads; however, he feels it is time to take the regulations seriously. He wants to see the analysis.

**Gasbarro** – Regarding the Chapter 91 license, the requirement to pass and repass is the intertidal zone, which is on the face of the bulkhead. Page 113 of the packet shows the actual plan showing mean-high water; the

license location is where the bulkhead exists on the ground and mean-high water exists. The extension is proposed to maintain the stability of the licensed structure; that is not dissimilar to other previously approved bulkhead replacements. Justification is the granting of the easement outside the intertidal zone. Regarding the alternative analysis, page 99 of the packet is a letter he submitted with the application about his alternative analyses; reviewed other types of structures and why the current proposal was decided upon.

**Cohen** – Mr. Gasbarro hit the right points on the intertidal zone and the alternative analysis. The beach is eroded and there is a seawall to the west. Something wider would dig into the existing bluff. Argues his clients are not legally bound to provide access across the intertidal zone; erosion can erase public access. Asked this be approved as proposed.

**Erisman** – It is important that we try to nail down how this will impact the resource area in three years rather than allowing something that won't impact now but will call damage in the future.

**Golding** – He sees where high tide skirts the bulkhead but right now there is no exposed beach at high tide. He feels conflicted. He feels the readings of the regulations he cited means that they must grant an easement in this situation. He feels there has been no analysis about moving the house back.

**Topham** – Several years ago, we allowed bulkheads to be retained and rebuilt along Easton Street. He understands the 1000-foot rule but that conflicts with certain areas where removal of a bulkhead would cause more damage. The Land Bank is coming up for an amendment for their park on Easy Street; he questions holding them to this same standard being discussed here. The applicant has created public access past the structure.

**Cohen** – We don't have new information to provide, but the commission raises good points. We can ask Mr. Gasbarro to write-up the analyses and why they don't work here but might work elsewhere.

**Beale** – He would like to see what a living shoreline plan would look like; a write-up would not be sufficient. He wants to know how much land they would gain or lose.

Further discussion about the alternative analyses and what alternatives commissioners wish to see.

**Carlson** – Read public comments from Mr. Turcott as posted in the chat. The Town has been noticed about this project.

**Gasbarro** – Asked for a continuance to develop the requested information.

Staff recomm. None

Motion Continued to May 14<sup>th</sup>.

Roll-call Vote N/A

2. \*Lotte Leschly QPRT & Jan Leschly QPRT – 65 Squam Road (13-15) SE48-3301

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Art Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (5:53) **Gasbarro** – This is for upgrade of a septic with an I/A component; it's within the 50-foot buffer to a bordering vegetated wetland. The existing leech pit will be abandoned in favor of an elevated leech pit. The force main will run down the driveway. This proposal is maximum feasible compliance; there are no better alternatives. There is no expansion of bedroom capacity. We are awaiting Massachusetts Natural Heritage (MNH) so will have to continue to May 14<sup>th</sup>.

Staff None

Motion Continued to May 14<sup>th</sup>.

Roll-call Vote N/A

3. 46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48-3264 (Cont. 05/28/2020)

4. Nantucket Point of View, LLC – 9 Lincoln Avenue (30-137) SE48-3278 (Cont. 05/14/2020)

5. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285 (Cont. 05/14/2020)

6. 300 Polpis Road, LLC – 300 Polpis Road (88-20 & 11) SE48-3295

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Jeff Blackwell, Blackwell & Assoc.

Public D. Anne Atherton, Nantucket Coastal Conservancy

Discussion (5:57) **Blackwell** – Reviewed information submitted at commissioners' requests to include the size of the John Deere mini excavator. Regarding moving the building, it is a pre-1978 structure and the staging for that move as well as eliminating the foundation would be more detrimental than the proposed work.

**Erisman** – Asked what is going on behind the wetland; stuff is being pulled up. She wants a clear plan showing the activity going on. If the structure is going to remain in the current location, she'd like to see a trade-off to buffer the wetlands.

**Blackwell** – In his conversation with the property owner, those undertakings are on hold due to COVID situation. He has pulled out debris and there is a dumpster on site; clean-up is taking place as it can prior to any work on the foundation. Landscaping is proposed for the area around the building; the natural growth will be allowed to revegetate up to the building with access from the south side. He expects Staff will monitor the situation.

**Erisman** – It looks like the dumpster is within the 25-foot buffer.

**Topham** – The dumpster is clearly within the 50-foot buffer if not the 25-foot buffer; it should be moved. We need a list of what the landscaper has seen within the wetlands and what is being removed and how and how any damage to the resource area and buffers will be repaired.

**Engelbourg** – The photos indicated the wetlands almost touch the building. Would like to see a remediation and mitigation plans. Even with a small excavator there will be damage to the wetlands.

**Phillips** – She too has gone by the site, she was surprised to hear cleanup has been done and is concerned about what it looked like before. She too would like to see detailed information about how work will be done.

**Blackwell** – The property is a former farm from when sensibilities did not match concerns of today regarding the disposal of useless materials and equipment. The landscaper must pull abandoned vehicles out of the wetland brush, much of which is grapevine and honeysuckle; he will create a plan.

**Erisman** – She would also like to see a statement from the homeowner. All this stuff is under the brush, but it is being accumulated and left on top of the brush.

**Engelbourg** – It is helpful to know site characteristics and the status of the debris. The vehicle is the biggest concern; the force of dragging through the vegetation will cause irreparable damage so replacement plant species is crucial.

**Topham** – We don't know if there is a rare plant that could be damaged with the removal of the vehicle. We need to know what is growing on that site.

**Golding** – D. Anne Atherton's comment states the property was owned by the same family since 1978; the family was very casual in its approach to wetlands. He doesn't think the contractor has the whole onus of what is there.

**Blackwell** – Requested a continuance to May 28<sup>th</sup>.

Staff None

Motion Continued to May 28<sup>th</sup>.

Roll-call Vote N/A

7. Timothy & Elizabeth Quinlisk – 88 Quidnet Road (21-109) SE48-3297

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Jeff Blackwell, Blackwell & Assoc.

Public None

Discussion (6:21) **Blackwell** – Reviewed information submitted at the request of the commissioners; agreed to move the structure to comply with the 50-foot setback. They will have to apply for a new well.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: Golding) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

8. The Town of Nantucket – 34 Washington Street (42.2.3-2) SE48-3300

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Tarja McGrail, Coastal Engineering

Patrick Quinlan, Cohen & Cohen

Public R.J. Turcott, Nantucket Land Council, Inc.

Discussion (6:24) **McGrail** – Reviewed information provided as requested by commissioners.

**Engelbourg** – Regarding the trailer storage, the Town Tiny House regulations allows structures on wheels to be shingled; thinks this trailer could be shingled, rather than building a shed for it.

**McGrail** – That would have to be discussed; it is valuable to have exterior storage that can be locked up to safeguard equipment used on the pier.

**Golding** – His objection remains; he sees no reason the trailer can't be across the road. Asked that the application be continued until the public can comment in person. He would prefer the existing footprint be used and for the structure to be on piers in the face of rising sea level.

**Erisman** – She is increasingly concerned with the size of the structure. People using the showers and public bathrooms could cross the street to keep the water-front structure smaller; the Town could install better crosswalks and signage.

**Quinlan** – This is the Harbor Master building; they need to be close to the water with access to their vessels. The building offers public bathroom facilities for the pier and general public; it also meets modern building codes and be elevated. It will be out of the velocity zone if not out of the flood plain. The 1<sup>st</sup> floor is primarily public spaces: washrooms, toilets, and public information. The 2<sup>nd</sup> floor is offices and meeting rooms for the lifeguards and Harbor Master. We have a variance from the Building Code from 2015. Explained the need for the storage shelter and equipment to be stored there; there carport for a trailer reduces the expense for the Town.

**Erisman** – This still feels excessive with Town property across the street that could hold the bathrooms and storage.

**Engelbourg** – The trailer would be off-site during a storm but holds equipment that might need to be used during a storm. If it's critical equipment it should be stored in the building.

**Quinlan** – If water comes up to Elevation 11, no one use the building.

**Topham** – Agrees the trailer could be parked across the street; he wants to see Historic District Commission’s (HDC) critique comments on this building; he sees the vernacular being drastically changed by HDC. Agrees the bathrooms being across the street could be problematic.

**Golding** – Agrees with Mr. Topham. He’d like to see something constructed within the existing footprint with bathrooms on the ground and the Harbor Master’s office upstairs; he questions the need for a meeting room.

**Beale** – Agrees with all the commissioner comments.

**Phillips** – She also agrees with her fellow commissioners, especially how it would change the viewscape of Washington Street and having the HDC’s input before we look at this again.

**Carlson** – Read Mr. Turcott’s comments. The parent regulation driving the performance standards imposes restrictions; you have the ability to condition related to wetland scenic views as long as the mitigates or protects the scenic views.

**McGrail** – Asked for a continuance to May 28<sup>th</sup>.

Staff None  
 Motion Continued to May 28<sup>th</sup>.  
 Roll-call Vote N/A

9. \*11 Meadow Lane, LLC – 11 Meadow Lane (41-448) SE48-3299

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Paul Santos, Nantucket Surveyors  
 Public None

Discussion (6:45) **Santos** – This parcel was subdivided into two residential lots; the east lot is being developed. This is for the development of the vacant lot with a house and guesthouse within the 100-foot buffer to a bordering vegetated wetland associated with a drainage ditch running east to west. The pool and house will meet the 2-foot separation from groundwater. The pool is outside the 100-foot buffer.

**Engelbourg** – Asked if there was a landscaping plan for this; wants to ensure it uses only native plants.

**Santos** – There is a developed site plan prepared by Atlantic Landscaping Inc., but it doesn’t list plants. The eastern property had a condition for no work within the 25-foot buffer.

**Topham** – Asked about the retaining wall.

**Santos** – It is 2-feet tall.

**Golding** – Asked about the contour lines, if they are existing.

**Santos** – The pool area will be elevated to 17 with a retaining wall and stairs down to Elevation 14.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: Topham) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

10. \*Hulbert Acker II, LLC – 4 Hulbert Avenue (42.1.4-2) SE48- 3298

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Paul Santos, Nantucket Surveyors  
 Public None

Discussion (6:53) **Santos** – This is to lift the structure to be compliant with flood-zone standards; the site is within land subject to coastal storm flowage and a bordering vegetated wetland along one side. There will be no expansion of the structure; a rear wall will be removed. We will have to increase the stairs into the structure. The property is not within Natural Heritage Endangered Species Program jurisdiction.

**Engelbourg** – The plan shows a proposed American hornbeam trees; those aren’t native.

**Santos** – Those are on 2 Hulbert Ave. He will amend this plan showing those eliminated.

**Carlson** – The hornbeam trees will be discussed under Minor Modifications for 2 Hulbert.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: Beale) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

**B. Amended Orders of Conditions**

1. Nantucket Public Schools – Backus Lane (67-Variou) SE48-3073

Sitting Golding (acting chair), Topham, Engelbourg, Phillips, Beale  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative John McMeeking, SMRT Architects.  
 Diane O’Neil, NPS Facilities Manager  
 Public Burton Balkind

Discussion (6:59) **McMeeking** – Reviewed the original order. We are between Phase 1 and Phase 2. This is to install five tennis courts in place of the parking and bus drop-off; it requires a small modular retaining wall outside the 50-foot buffer but grading within the buffer is necessary. Explained the revised stormwater management plan; tennis court run off is considered clean.

**Beale** – Asked about lighting.

**McMeeking** – There will be security and safety lighting only for the Tennis Court.

**Topham** – Asked about mitigation for the area to be used within the 50-foot buffer.

**McMeeking** – Thinks a 200-foot area can be added.

**Engelbourg** – About the stone infiltration area, he would prefer vegetated bioretention areas instead.

**McMeeking** – His only concern is erosion of the 2-court area while it is being raised.

**Engelbourg** – If the courts are replacing the parking, asked how the parking will be compensated.

**O’Neil** – There is parking across the street at the elementary and intermediate schools; we’ve also removed arborvitae between the fields and the schools.

**Golding** – Asked if there will be bicycle racks.

**McMeeking** – That’s a great idea, though they would have to be secured on concrete pads.

**Topham** – Asked if the schools have talked to the Muse about using their parking during the day.

**O’Neil** – No, we are working to keep the one-campus plan. Parking has been a huge discussion. She will pose that suggestion to Michael Cozort.

**Carlson** – Said Mr. Balkind asked if there will be water available to participants.

**O’Neil** – Yes.

Staff Recommend approval as conditioned for native plantings and bioretention while still allowing the option for gravel in some situations.

Motion **Motion to Approve as amended by Mr. Carlson.** (made by: Topham) (seconded)

Roll-call Vote Carried 5-0//Beale-aye; Engelbourg-aye; Golding-aye; Phillips-aye; Topham-aye; Erisman-recused

2. Nantucket Islands Land Bank – 21 & 27 Easy Street (42.4.2-20 & 18) SE48-3002

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Roger Michniewicz, Coastal Engineering

Public None

Discussion (7:22) **Michniewicz** – Reviewed changes to the project: three ladders along the face of the bulkhead and address on-going erosion between this property and 29 Easy Street; that bulkhead is dilapidated. Explained how that area would be stabilized on the Land Bank property through the construction of the fence with footings.

**Engelbourg** – Asked the justification for three ladders; thinks one would be sufficient.

**Michniewicz** – This abuts the boat basin; the Land Bank feels it’s a good idea to have ladders along the bulkhead should someone fall in.

**Golding** – He doesn’t think the number of ladders makes a difference; applauds the Land Bank for taking that precaution.

**Phillips** – If the neighbor did their work at the same time, asked if the first part of the proposed would be necessary.

**Michniewicz** – It could take them a year to a year and a half to get all their permits; our work is ready to go.

**Engelbourg** – He doesn’t love this project and knows the Land Bank can’t control the neighbor. He wants to go on record that he believes in the same principals for this site as were expressed for 25 Quaise.

Staff None

Motion **Motion to Approve the amended order.** (made by: Golding) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-; Golding-; Phillips-; Topham-

**III. PUBLIC MEETING**

**C. Requests for Determination of Applicability**

1. The Karin Alper Revocable Trust of 2005 – 1 Wamasquid Place & 49 Meadow View Drive (56-113; 390) (Cont. 05/14/2020)

**D. Minor Modifications**

1. Hulbert ACK, LLC – 2 Hulbert Avenue #2 (42.1.4-2.1) SE48-3142

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (7:38) **Santos** – Proposing White Oak trees along the property line.

Staff None

Motion **Motion to Approve.** (made by: Golding) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

**E. Certificates of Compliance**

1. Seaver – 51 Ocean Avenue (73.3.2-53) SE48-2650

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Staff In compliance and no on-going conditions.

Discussion (7:39) None

Motion **Motion to Issue.** (made by: Topham) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

2. Sankaty Builders, LLC – 73 Baxter Road (49-27) SE48-2494

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Staff In compliance with the on-going condition prohibits a CES on the eroding bank except as allowed by waiver.  
 Discussion (7:40) None  
 Motion **Motion to Issue.** (made by: Beale) (seconded)  
 Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

**F. Orders of Condition**

1. Nantucket Memorial Airport – 14 Airport Road (88-15&16) SE48-3294

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Documentation Order of Conditions  
 Staff The only condition was to remove as much fence as possible and remove posts when they become exposed due to erosion.  
 Discussion (7:42) **Beale** – The waiver indicates no adverse effect; asked if that is accurate.  
**Carlson** – We ask for that on an in-kind application; it’s the best fit.  
**Engelbourg** – In the waiver section, dependent is spelled wrong.  
 Motion **Motion to Approve as amended.** (made by: Phillips) (seconded)  
 Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

2. Timothy & Elizabeth Quinisk – 88 Quidnet Road (21-109) SE48-3297

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Documentation Draft Order of Conditions  
 Staff He didn’t have a lot of conditions. The well is located outside of jurisdiction and would be relocated outside of jurisdiction; they don’t have to come back unless it is going to be relocated within jurisdiction. He will change the preliminary of the order to read “reconstruction.”  
 Discussion (7:45) **Golding** – He doesn’t feel this is a renovation; to him it is clear it is new construction. Want’s the order amended to reflect that.  
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)  
 Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

3. 11 Meadow Lane, LLC – 11 Meadow Lane (41-448) SE48-3299

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 Documentation Draft Order of Conditions.  
 Staff He had nothing to add. He will correct Section 21 to say “drainage of the pool shall be…” He will add Condition 23 stating no cultivars.  
 Discussion (7:48) **Beale** – Section 21 doesn’t read correctly; asked if a word is missing.  
**Engelbourg** – Wants it conditioned for no cultivars  
 Motion **Motion to Approve as amended.** (made by: Topham) (seconded)  
 Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

**G. Other Business**

1. Approval of Minutes 04/16/2020:

Motion **Motion to Approve as amended.** (made by: Golding) (seconded)  
 Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

2. Discussion of - SBPF 87-105 Baxter Road (48-Variou) SE48-2824- Template Maintenance

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale  
 SBPF Reps. Dwight Dunk, Epsilon Associates Inc.  
 Steven Cohen, Cohen & Cohen LP  
 Public RJ Turcott  
 Burton Balkind  
 D. Anne Atherton, Coastal Conservancy  
 Discussion (7:53) **Dunk** – The maintenance permitted two weeks ago was done. There was a question about material remaining on the template; with the recent storms the tubes have become exposed and we are asking to recover those, which will allow more observation of material. Again, we’re asking for permission for the Polpis sand to be delivered. As part of this maintenance work, we’re asking to remove material hanging out of the bluff at 85 Baxter Road. Two other items in the letter were a protocol for use of terrestrial sand, which has been resubmitted for the commission, and the extension of the coir returns to the north and south; all procedures would be followed should it be permitted.  
**Carlson** – Today he walked both the top and bottom sections across the entire face of the structure; he picked up several pieces of washed-in debris but couldn’t recover any construction debris. There is significant debris coming down the bank where the delivery point intersects the ramp.  
**Dunk** – The conical sono-tubes are coming out of 85 Baxter Road.  
**Engelbourg** – The sand analysis procedure still has items missing in the protocol; it would be prudent to have the contractor continue providing material check for construction debris.  
**Golding** – He has information from Florida State he will forward to Mr. Carlson to be included in the sand protocol.  
**Engelbourg** – Regarding the 85 Baxter Road material, requests that material be catalogued and recorded similarly to the current clean up on the template.

**Carlson** – Staff has been working on those; we got mired down with the back-to-work protocols for Construction and Landscaping. He hopes to have those ready by the next meeting.

**Phillips** – About the SBPF viewing station, at the edge of the bluff there are just a couple of ropes with stanchions and it would be very easy for someone to fall off; suggested a more substantial barrier for safety reasons.

**Erisman** – They want us to approve delivery of Polpis Harbor Sand.

**Carlson** – The sequence is important: the maintenance, catalogue and clearing of 85 Baxter Road material and then the Polpis Harbor sand.

**Cohen** – Suggested it might be okay to deliver Polpis Harbor sand to the north end; we don't want to deliver at or near 85 Baxter Road until the debris is deleted.

**Carlson** – Delivery is from the vacant lot near 85 Baxter Road.

**Golding** – He would prefer to see work done in the order Mr. Carlson laid out.

**Carlson** – Sequence: a machine scrapes the top and the debris is collected and disposed of; clean-up at 85 Baxter Road and remove all debris in jeopardy of getting onto the template or sand deliver area; Polpis Harbor sand can be delivered and distributed. In between each step, we will inspect to verify work is completed and there are no further concerns.

Motion

**Motion to Approve the sequencing.** (made by: Topham) (seconded)

Roll-call Vote

Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

**Erisman** – Staff will work on the protocols for sand sourcing.

**Carlson** – He will have that ready for the May 14<sup>th</sup> meeting.

**Cohen** – Asked if there are any restrictions remaining from the Enforcement Order.

**Carlson** – You can vote to lift the cease and desist; Polpis Harbor is the approved sand source and any other source would have to be reviewed.

**Dunk** – Regarding on-going post-storm maintenance, asked if the previous protocol as noted under the original order is okay.

**Erisman** – She prefers continued oversight until the Polpis Harbor Sand is approved.

**Golding** – Agrees.

**Engelbourg** – Agrees and wants to see the sand protocol.

**Carlson** – We have not gotten an answer back from the Select Board regarding the letter the commission sent them. We will confirm they have the letter and try to get a firm date of discussion. Read public comment posted in the chat from Mr. Turcott, Ms. Atherton, and Mr. Balkind.

We've taken up punitive action and it is part of the Select Board letter; anything we do as far as enforcement or letters gets sent to the Department of Environmental Protection.

**Cohen** – He feels we are in a dangerous situation where the contractor could inadvertently get into trouble; he understands the vote just taken allows for work to cover the tubes, clean up around 85 Baxter road, and lastly delivery of Polpis Harbor sand to the north end. He doesn't understand why regular post-storm and other ordinary maintenance wouldn't be allowed. Coming back for every little thing isn't a wise use of time.'

**Erisman** – There has been a real lack of responsibility by SBPF and she's not willing to let them do more work until ConCom gets feedback from the Select Board. We are discussing this every two weeks. Asked if we should vote on continued oversight.

**Phillips** – We are here to be bothered and she agrees the oversight should continue.

**Topham** – Also agrees.

**Carlson** – It would be appropriate to continue the discussion on sand sampling and debris clearance.

Motion

No action

Roll-call Vote

N/A

3. Reports:

- a. CPC, Topham
- b. NP&EDC, Phillips

4. Commissioners Comment

- a. Engelbourg – Wants the discussion on banning glyphosate on the agenda.
- b. Topham – He got a text message from Ben Champoux that there are some issues at 7 Chase.
- c. Erisman – Confirmed that landscapers not following protocols is reported to Mr. Carlson.
  - Carlson – Too many people per truck has been the largest and most difficult problem to deal with. A big piece of confusion is how local Emergency Order Nr. 6 relates to the Governor's Stay-at-Home Order.
  - Golding – He noticed a substantial increase in work-vehicle traffic from several days ago.

5. Administrator/Staff Reports

- a. 7 Chase Link Circle, we had reports of unpermitted cutting, east of Tuppyancy Links. We don't have any files on 7 Chase Link Circle; it is held in a conservation restriction with Nantucket Land Council. It looks like the cutting is very close to the 100-foot buffer. Did a site visit with the conservator and saw cuttings in violation with the conservation restriction and within the 100-foot buffer. Asked the Commission to ratify an Enforcement Order. We will follow up tomorrow to ensure the workers are not on the site.

Golding – Asked if that is a \$50-per-day violation.

Carlson – Explained the need for the Select Board to weigh in before fining the property owner. He wants to ensure work was done within jurisdiction before issuing the Enforcement Order.

Motion Motion to Issue the Enforcement Order. (made by: Engelbourg) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

Motion to Adjourn at 8:41 p.m. (made by: Topham) (seconded)

Roll-call Vote Carried 6-0//Beale-aye; Engelbourg-aye; Erisman-aye; Golding-aye; Phillips-aye; Topham-aye

Submitted by:

Terry L. Norton

PROPOSED