

## *MISSION*

The Nantucket Conservation Commission is charged under state law with the protection of the Island's natural resources. The Commission administers and enforces state and local environmental statutes, bylaws, and regulations aimed at protecting coastal and inland wetland resource areas. The Conservation Commission Act of 1957 also directs the Conservation Commission to coordinate the activities of unofficial bodies organized for resource protection.

The Massachusetts Wetlands Protection Act (the "Act") identifies and protects eight public interests served by wetlands: the protection of public and private water supply, the protection of ground water supply, flood control, storm damage prevention, prevention of pollution, protection of land containing shellfish, protection of fisheries, and protection of wildlife habitat. The Act requires that anyone wishing to perform work that may affect wetlands must first apply for, and obtain, written permission from the Conservation Commission, which administers the Act locally.

The Commission also administers Nantucket's local wetlands bylaw. This bylaw, adopted in 1983, regulates activities deemed to have a significant or cumulative effect on wetland values including the eight identified above under the state act, as well as erosion control and "recreation and wetland scenic views." It does so by requiring a permit to remove, fill, dredge, alter, or build upon or within 100 feet of a number of enumerated protected resource areas. The application process for obtaining a local permit is the same as for the state permit.

By authority of the bylaw, the Commission has over the years adopted regulations that set forth detailed requirements which further the interests of the bylaw. The regulations set out standards which provide to the Commission, as well as the public and those coming before the Commission, precise guidelines and limitations governing alterations to any of the resource areas or buffer zones under the Commission's jurisdiction. Copies of the regulations are available on the Town of Nantucket website.

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

## ***THE COMMISSIONERS***

The Conservation Commission is comprised of seven Commissioners who are appointed by the Nantucket Board of Selectmen for staggered three-year terms. The Commission elects a chairman, vice chairman, and, if it wishes, a secretary. Appointments and elections of officers are made at the beginning of the fiscal year beginning on July 1.

## ***OFFICE***

The Conservation Commission office is located on the second floor of the old fire station at 131 Pleasant Street. The office generally is open 8:00 a.m. to 3:00 p.m. Monday through Friday. Due to limited staffing resources and duties that take staff out of the office, occasionally there will be times when the office is closed. You also may make an appointment to meet with the staff, either in the office or, if warranted, on site. The Commission's phone number is (508) 228-7230. Voicemail is available when the staff is not. All Commission files are available on the Town of Nantucket Laserfiche Archives. Email at [concom@nantucket-ma.gov](mailto:concom@nantucket-ma.gov)

## ***FILES***

The Conservation Commission has completed the process of having all previous filings scanned and stored on the Town of Nantucket Laserfiche archives. These files are stored by Map and Parcel. This archive can be found at:  
<https://records.nantucket-ma.gov/WebLink/Browse.aspx?id=52196&dbid=0&repo=TownofNantucket>

## ***MEETING DATES***

The Commission holds public meetings in accordance with the posted schedule on the Town website. The Commission efforts to hold all public hearings on Thursdays beginning at 5PM and all Public Meeting items at a 3PM meeting on alternate Thursdays.

In addition, the Commission may hold meetings in addition to those meetings on the regular schedule. Such meetings typically are held only for large projects with significant public interest and will be posted in accordance with Open Meeting Law requirements.

## *COMMISSION MEETINGS*

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. 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.

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 both online and at the Commission’s office during normal business hours in advance of and following the Public Hearing/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 Hearing/Meeting.

Typically, the people appearing before the Commission are professionals, that is people 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.

If you have any questions, suggestions, or comments about this publication and the information contained within it, please contact the Conservation Commission office.

## ***PUBLIC HEARINGS***

The Commission conducts Public Hearings every other week to consider applications, review documentation, hear testimony from interested parties, and act on applications. At these biweekly Public Meetings, the Commission may consider some or all of the following, as well as other matters not listed:

- Notices of Intent – in which an applicant seeks permission to conduct activity within a resource area or the buffer zone to a resource area as outlined in state and local statutes. Notices of Intent are the subject of a Public Hearing, held within and during the first portion of the regularly scheduled Public Meeting.
- Amended Orders of Conditions – in which an applicant seeks to amend a previously issued (and unexpired) Order of Conditions. Just as with the Notice of Intent from which the original Order of Conditions was issued, an Amended Order of Conditions is the subject of a Public Hearing.
- Abbreviated Notice of Resource Area Delineation (ANRAD) - provides a procedure for an applicant to confirm the delineation of a Bordering Vegetated Wetland (BVW). If an ANRAD is filed for a BVW delineation, confirmation of other resource areas may also be requested provided the other resource area boundaries are identified on the plans which accompany the boundary delineation.

### ***PUBLIC HEARING PROCEDURE***

- 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.
- D. Interested parties, whether abutters, representatives of other entities, or the public, are invited by the Chair 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 when a large number of people seek to address the Commission. Public input should be limited to new information—if someone 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. Please refer to the chart and information provided towards the end of these Procedures to help determine the resource areas under the Commission's jurisdiction and the interests associated with those resource areas.

## *PUBLIC MEETINGS*

The Commission conducts Public Meetings on alternate weeks from the Public Hearings to consider applications, review documentation, hear testimony from interested parties, and act on applications. In addition, these meetings can be used to discuss regulations, enforcement actions or monitoring reports. These public meetings may facilitate workshop style meetings to discuss other topics as well. At these biweekly Public Meetings, the Commission may consider some or all of the following, as well as other matters not listed:

- Requests for Determination – in which an applicant seeks a determination from the Commission whether a site or proposed activity falls within state or local jurisdiction or is otherwise subject or not subject to the jurisdiction of the Conservation Commission.
- Orders of Conditions – following the closing of a Public Hearing on an application, the Commission may issue an Order of Conditions, defining the scope of the permitted activity and setting out in detail the conditions placed on the activity to ensure that it protects resource areas and wetland interests subject to the Commission’s jurisdiction. Alternately, the Commission may issue a denial of the project or activity. Orders of Conditions are openly debated and discussed between the Commissioners and, where appropriate, the staff. Orders are not open to public debate or comment, as at the point where they are discussed, the Public Hearing is closed. Traditionally, the Commission will seek feedback from the applicant on the clarity of the Orders to ensure that the applicant understands what he/she is being permitted or prohibited by the Orders. No other comment is appropriate.
- Minor Modifications/Plan Changes – in which the Commission considers a minor modification to a previously permitted activity. Minor Modifications differ from Amended Orders of Conditions in that the former proposes a change that is not significantly different, while the latter contemplates expansion of the work originally permitted.
- Extensions – in which an applicant seeks an extension of time in which to complete an activity permitted under an Order of Conditions. Such an Order requires that all work be completed within three years of issuance, but allows for three one-year extensions, if applied for a minimum of 30 days prior to expiration of either the Order or the previous extension.
- Certificates of Compliance – in which an applicant seeks final review of a previously permitted project by the Commission to ensure that it complies with the requirements set out in the Order of Conditions.
- Other Business – during which the Commission conducts other business related to and arising under the Massachusetts Conservation Acts, including, but not limited to:
  - Public Comment – during this period the Commission learns of the concerns and interests of the public relating to both general matters as well as to site-specific issues.
  - Reports – during this period the Commission hears reports from its staff on substantive and procedural issues of concern to the Commission.
  - Discussion of matters arising out of the Commission’s role in the community. The Commission participates in a formal capacity in several other Town and County Boards or Commissions