



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, March 25, 2021 – 5:00 p.m.

*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. by Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director; Terry Norton Town Minutes Taker

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

Absent Members: LaFleur

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment:

Tobias Glidden – Over the last several weeks Nantucket has seen sea clam dredging; it’s important for ConCom to examine the issue of trawling and dredging around Nantucket; there is important habitat that needs protecting around our Island. Asked the Board to set up a date to discuss it. Ray DeCosta and Pete Kaizer join him in this request.

Pete Kaizer – There was a non-binding vote to protect the waters around Nantucket. Municipalities have a say in what happens to land under the ocean out to three miles. Nantucket used this authority with bay scallop dredging. ConCom has the authority to regulate use of equipment within Nantucket municipal waters. Sea clam dredging started in New Jersey and wiped out the population in 5 years; the commercial dredgers are moving up here. We need to set limits on what gear can or cannot be used.

Ray DeCosta – He’d like ConCom to have a meeting with the people who have been involved in this battle over the last few years. Once ConCom hears and learns about the issues facing our coastal waters, he believes the Commission will be inclined to make changes. The dredging impacts erosion and our marine life habitats. Squid trawlers will be coming in soon. Concerned the clam trawlers will follow.

Topham – Asked them to go to Mr. Carlson and draft something because they know the equipment that will be used.

Golding – Agrees with Mr. Topham. Had a Coastal Resiliency Advisory Committee (CRAC) meeting where representatives from Coastal Zone Management (CZM) said grants are still available; he wonders if there is State money to act on this as quickly as possible.

Engelbourg – We are in the process of regulatory updates; that’s an avenue to enact some changes. Would like a regulatory review from Mr. Carlson.

Carlson – About the mechanism to do this, Provincetown passed a prohibition against similar activity, so there is precedent for an NOI to be used to protect our land under the ocean. Our Town Counsel served Provincetown; he’s been talking with them about this issue and was asked to send anything we put together to them for review. He will forward a draft of what he’s worked up to the commissioners.

DeCosta – These trawlers are monitored by AIS; you can easily find where they are fishing through a variety of monitors. Appreciates the Board’s concern. This has been going on for over 5 years now; it’s a big concern to local commercial fishermen. He’d love for ConCom to provide a meeting time with them. If you don’t spend a lot of time on the water as we do, you don’t see what’s happening.

Topham – When they get their yearly permit, asked if there is a way to control how many boats are in our municipal waters and how much they can take; like we do with commercial scallopers within the harbor.

Glidden – The important thing is about protecting habitat from dredging; that should be the focus of the discussion.

Carlson – ConCom only has the ability to regulate impact to habitat. Most fisheries are managed through the Department of Marine Fisheries. We would solely be focused on protecting habitat from negative impact.

Kaizer – We tried this at Town Meeting with a non-binding vote and it passed unanimously. New Bedford, Boston and Gloucester have year-round protection from use of mobile gear have protection against mobile gear that tears up the bottom. The State set up a management area that bans this type of equipment; it’s nothing new. We can’t ignore this any longer.

Golding – Asked if CZM grant money could be available and could it be used to find proof of damage to the bottom. Perhaps we should consider a motion for Town Counsel to draw up a regulation that mimics New Bedford, Boston, and Gloucester.

Carlson – He’ll add it as a topic to a regulatory agenda. He’s been compiling information from Provincetown and can have that for review.

Engelbourg – Commercial fisheries are called out as a protected interest and dredging is addressed in our Performance Standards for land under the ocean.

Kaizer – He’s not against commercial fisherman; the problem is the gear used that destroys marine habitat, especially the bottom.

II. PUBLIC HEARING

A. Notice of Intent:

1. Town of Nantucket (DPW) – Town Wide (Various) SE48-3366 **Cont. 03/29/2021)**
2. Nantucket Islands Land Bank – All Land Bank Properties (Various) SE48-3337 (**Cont. 03/29/2021)**)
3. Nantucket Islands Land Bank – Consue Springs (55-Variou) SE48-3407

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Rachael Freeman, Nantucket Islands Land Bank (NILB)
 Public None
 Discussion (5:36) **Freeman** – This is the phragmites and Japanese knotweed mitigation project. Work here will ultimately involves dredging at the Town level and replacement of the culvert. Reviewed the method for invasive species removal, similar to projects on the Great Ponds.

Erisman – The timing of the Japanese knotweed work could coincide with the nesting season.

Freeman – We have a proposal to cut the knotweed repeatedly starting in July; we could postpone that.

Engelbourg – It’s reasonable to consider nesting issues. From his experience and knowledge, Japanese knotweed has low viability as a nesting site for birds. A quick walkthrough prior to cutting should be sufficient.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

4. *Nantucket Islands Land Bank – 160 & 162 Orange Street (55-62.1 & 62) SE48-3405

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Rachael Freeman, NILB
 Public None
 Discussion (5:44) **Gasbarro** – This is within the buffer to bordering vegetative wetland (BVW) and saltmarsh; the proposal is to relocate an existing structure to as close to Orange Street as possible but still partially within the buffer to the BVW. Doesn’t believe there will any adverse impact on areas of interest. Rubble will be removed from the current location and restored to grade with some clean fill and topsoil then planted with a conservation mix.

Phillips – Asked what use the building will have.

Freeman – It is designated to become storage and shop space.

Golding – Suggested the possibility of setting it up as a public toilet.

Freeman – The cottage is being moved because its current location will come into public use quickly. In its proposed location, the family has right of use until 2037.

Erisman – This is moving 12 feet and doesn’t know if zoning will break their setback. Sea level rise will push toward Orange Street and it should go as close as possible to the street. Asked if they approached zoning.

Gasbarro – No. In this case given the topography, greater alteration and disturbance would have to happen to get it closer to the road. The proposed location is already disturbed and cleared.

Engelbourg – North of the road, south of the proposed site is a significant hill that would have to be cleared and regraded.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

5. *Nantucket Conservation Foundation – Capaum Pond (31-12) SE48-3400

Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Naomi Valentine, SWCA Environmental Consultants
 Karen Beattie, Nantucket Conservation Foundation (NCF)
 Public None
 Discussion (5:53) **Valentine** – Proposal addresses algae problem within Capaum Pond. Removal of phragmites would be a future project. There will be continued monitoring post work. Resource areas are land under the water and land subject to coastal storm flowage. The pond has high levels of nutrients so in the future will investigate the source. Explained the process for managing the phosphorous. The perimeter of the work overlaps MNH habitat. Regarding questions in the MNH letter: access from path east of the pond; beach contains habitat; will supply supplemental information on dosing of alum; monitoring of alum application and water quality; could look at future use of SeaKlear rather than alum. We do not yet have determination from MNH

Golding – Asked if they have the impacts of copper-based algaecide.

Valentine – Copper-based algaecide is for direct control; we hope to avoid that by the proposed removal program.

Golding – Asked about before and after aquatic life sampling.

Valentine – We don't have a proposal for wildlife monitoring, but we will be monitoring elements that affect wildlife.

Golding – It says treatment can cause fish kill; he'd like to have some sort of aquatic monitoring to see the actual affect.

Valentine – The reason this can cause fish kills is the treatment of algae can reduce the oxygen level; that's why we won't treat more than half the pond at a time.

Erisman – Algaecides make her nervous because folks with smaller wetlands might want to use algaecide; we might want to write something into our findings. You're saying the phosphorous will precipitate out; asked if it binds to the bottom of the pond.

Valentine – Yes, alum binds to the sediment and blocks the constant release of phosphorous from the sediment; however, she doesn't want to guarantee phosphorous won't re-enter the water column.

Engelbourg – His understanding is that alum treatments aren't permanent. After time and disturbance of the sediment, the bond breaks down.

Valentine – The goal is to eliminate the current hazard while long-term alternatives are considered.

Phillips – Nutrients will continue to enter into the pond; asked how long before they can focus on finding the source of the nutrients.

Beattie – We are working with the Land Council, and they've done a great job on water quality. It could be from any place, but we've been communicating with the neighbors and the Land Council has reached out with education about fertilizer use and septic systems.

Valentine – Asked for a 2-week continuance.

Staff None

Motion Continued to April 8.

Roll-call Vote N/A

6. Mouline – 27 Wanoma Way (92.4-306) SE48-3392

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

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

Representative Jeff Blackwell, Blackwell & Assoc.

Imad Mouline, owner

Public None

Discussion (7:54) **Blackwell** – Reviewed information about erosion rates and photos as requested at the previous hearing. Minor changes proposed: move beach stairs 10 feet easterly, eliminated bottom landing, and 4X4 posts replaced with helical anchored piers.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

7. Weissenberger – 84 Pocomo Road (15-40) SE48-3364 (**Cont. 04/08/2021**)

8. Trojah Nominee Trust – 26 Easy Street (13-22) SE48-3369 (**Cont. 04/08/2021**)

9. *Robert Goldrich & Brian Rice – 41 Crooked Lane (41-202) SE48-3406

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 (6:18) **Gasbarro** – This is for a garage within 100-foot buffer to a BVW. It's almost entirely within an existing shell driveway and partially within lawn area. This will need to go to Zoning Board of Appeals (ZBA) to be within the front-yard setback. Requesting a waiver for 2-foot separation from groundwater under no reasonable alternative/no adverse impact. Construction will be slab on grade.

Beale – Asked if they will continue to meet parking requirements for 2 dwellings.

Gasbarro – the bylaw counts the space inside the garage.

Engelbourg – Asked what is requiring the foundation wall and footings.

Gasbarro – Reviewed the foundation wall detail at the mudsill. Sonotubes indicate a floor structure.

Phillips – Asked if the footing is within 6" of the groundwater and if it is enough separation. That's practically in groundwater.

Gasbarro – High groundwater is based upon redoximorphic details which indicate the highest level the water fluctuates. If there were a case where water touched the footing, the questions is if that has any actual impact.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Engelbourg, Erisman, Golding, Phillips, Topham, and Beale-aye

10. *Goran & Melinda Puljic – 14 Almanack Pond Road (25-12) SE48-3391
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:29) **Madden** – Reviewed supplemental material requested by the commission. Recommend ½” openings at the bottom of the fence to keep small turtles out. Received MNH letter of determination.
Engelbourg – This is an improvement, but he’s concerned about the use of lime and it spreading to the wetland and adjacent native-vegetated areas. Once you change the acidity of the soil with lime, it lasts up to 100 years.
Madden – It would be used sparingly if at all.
Erisman – She had similar questions about the soil tests; asked that the test be submitted to the Commission and as well as documentation of fertilizer use. This is right on a wetland.
- Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
11. Wendy & James Douglas – 339 Polpis Road (24-23) SE48-3398
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Mark Rits, Site Design Engineering
 Public NOne
 Discussion (6:35) **Rits** – This is to construct a porch partially within the 100-foot buffer and brush cutting and clearing up into the 50-foot buffer. Revised the plan to show work area within the 50-foot buffer. No clearing or cutting proposed within the 25-foot buffer. Within the cut area, we will leave all healthy trees and brush in place and seed with mix of taller grasses. We will permanently demark the 25-foot buffer. MNH determined no-take/no adverse impact.
- Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
12. High Tide Partners, LLC – 8 Ackermuck Way – Lot 2 (41-618) SE48-3397
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Mark Rits, Site Design Engineering
 Dan Mulloy, Site Design Engineering
 Public None
 Discussion (6:39) **Rits** – Reviewed information provided in response to commissioner questions and concerns: grading, moving the house back, and potential runoff from patio.
Erisman – She’s still very concerned about how wide open it is leading to the wetland even with the proposed infiltration. Some vegetation should be planted to mitigate that straight-shot run off. Asked for a condition that if the owner isn’t willing to plant, there will be no upgrade to turfgrass for the lawn. There’s only about 2 or 3 feet of unmowed vegetation between the mowed lawn and open water.
Rits – Thinks the owners will be happy to leave the lawn as is; it’s not maintained as a traditional lawn. Willing to propose planting a 5-foot native vegetative buffer with a foot path to the pond.
Engelbourg – That is a reasonable suggestion. With grading, the steepness of the slope will increase.
Golding – Agrees that is a good suggestion.
- Staff That buffer could be conditioned.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
13. *Sweet Meadow Sylvia Lane, LLC – 74 West Chester Street (41-478) SE48-3379 (Cont. 04/08/2021)
14. *Gallaher & Aguiar - 4 Pond Road (56-158) SE48-3404
- 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 (6:48) **Santos** – This is to construct a new structure for storage within the 100-foot buffer to a BVW. They are abandoning the existing on-site septic and connecting to Town sewer. No grade change proposed. Slab on grade construction. Addressed concerns of Kay Sheehan, abutter, about grade change. Soil is sand, so will recharge the area for the proposed structure and the existing structure into a subsurface leaching system. There is some historic yard waste, which will be cleaned up.
Phillips – Asked what the foundation will be (slab on grade). We had a discussion earlier about if a shed needs a slab the foundation will be the least possible.
Santos – It doesn’t matter here; there is no groundwater issue.

Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
 15. *Holdgate – 26 Monomoy Road (54-146) SE48-3403
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Dawn Hill Holdgate, co-owner
 Public None
 Discussion (6:56) **Santos** – This was previously before the ConCom for an RDA for flood zone, wetland and coastal bank buffers. This is to add a garage to the dwelling and a 14X36 pool. Site is elevated above the resource areas. This had been connected to on-site septic; the property is currently tied into Town sewer. Ground water and soil testing indicate material is a fine-medium sand and groundwater is at a depth where we don't require a waiver. There is an existing shed in the flood zone and 50-foot buffer. Mr. Willet, abutter to the north, sent me a comment that a pool in this location is not appropriate. The Bennetts, at 27 Monomoy Road to the south, expressed concerns with their view corridor.
Beale – Asked how they will address the grade fill northwest of the pool.
Santos – That edge of the pool would be designed as a wall.
Golding – Asked if it would make sense to have that wall on the plan before we approve it.
Erisman – She would want to see that as well as the planting plan. Asked if they would consider moving the shed.
Santos – It's been there since 1952 but he'll ask the question.
Topham – Asked why there are 2 propane tanks.
Santos – That is all existing.
Hill Holdgate – One tank is for the generator and one for home heating oil. There will probably be a new tank installed to bring the whole property to one tank. The garage structure will have solar panels. There is no vegetation planned for around the pool and the retaining wall would be part of the pool.
Golding – Asked if the garage has a driveway.
Hill Holdgate – the garage would be used for the lawn equipment. It will have a dirt floor.
Santos – Asked for 2-week continuance.
 Staff None
 Motion Continued to April 8.
 Roll-call Vote N/A
 16. *2013 Freedom Trust – 9 Fulling Mill Road (27-25) SE48-3408
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Carson Hale, Oehme, Van Sweden
 Robert Johnson, Oehme, Van Sweden
 Public None
 Discussion (7:09) **Haines** – This is for a garden; replaces existing vegetation. Resource areas are a BVW and saltmarshes. Work will maintain the existing 25-foot buffer and the minimum between 25- and 50-foot setbacks. A new edge of lawn will be established. An existing stone walkway will be removed and replaced with a low wall. Anything within 50 feet will be native species and cultivars removed. No irrigation is proposed or exists within the 50-foot buffer. No pesticides or herbicides will be used within the 50. A rose garden will be on the west side
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Engelbourg) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
 17. *Richard F. Larrabee, Jr. – 9 Millbrook Road (56-324) SE48-____
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Rich Larrabee, owner
 Public None
 Discussion (7:15) **Haines** – This is for construction of a house, septic, driveway, and landscaping. There is a wetland missed in the design and work had started when they intruded into that wetland; it has been delineated and a silt fence and straw waddle added to stabilize the area. These areas will be leveled and restored to existing conditions, about 4400 square feet; proposing a New England wetland seed mix. House and septic are outside the buffer, but some grading will intrude into the 100-foot buffer. Asking to keep the well installed next to the wetland. Have not received a file number.
Erisman – That wetland was obvious to her and it's sad to see the disturbance. Asked where the driveway will go.

- Larrabee** – The proposed driveway will be on the other side of the existing. The construction driveway was for delivery of the pre-fab structures.
- Haines** – Wetland restoration will be supervised by a wetland scientist.
- Phillips** – It says the soil pile will be removed using an excavator to reach into the wetland; wonders how intrusive that will be and where the excavator will be located.
- Haines** – The excavator will be upland of the silt fence and reach into the soil pile.
- Phillips** – Appreciates that they have a proposal to move the well though they want to keep it where it is; she feels, however, that should also be removed from the wetland.
- Erisman** – Agrees with Ms. Phillips about the well.
- Larrabee** – If we have to move it, we will.
- Haines** – Since the house site is outside the buffer, Mr. Larrabee wants to dig the foundation and set the houses down.
- Erisman** – We might need to wait on the appeals period before he can put the house down.
- Larrabee** – Equipment can access the foundation area from the existing driveway. Asked for a 2-week continuance.
- Staff The proposed driveway is outside the 50-foot buffer and moves to outside the 100-foot buffer. If the building is outside the wetland buffer zone and ConCom jurisdiction, the commission can't restrict work.
- Motion Continued to April 8.
- Roll-call Vote N/A
18. *Kim Glowacki – 5 Meader Street (42.2.3-40) SE48-3402
19. *Kim Glowacki – 44 Washington Street (42.2.3-7) SE48-3401
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Don Bracken, Bracken Engineering
Dan Bailey, Pierce Attwood, L.P.
- Public None
- Discussion (7:33) **Bracken** – Resource areas: land subject to coastal storm flowage, velocity flood zone, coastal bank, and coastal beach. All materials will be removed and properly disposed. The Washington Street structure will be removed, and the area returned to its natural state.
Topham – Water is about 2.5 feet below grade.
Beale – Asked why Mr. Glowacki is applying for 44 Washington Street when the Land Bank owns the property.
Baily – There's a written agreement with the Land Bank that gives him the right to move the building.
- Staff Have everything needed to close.
- Motion **Motion to Close both SE48-3402 and SE48-3401.** (made by: Topham) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
20. *Town of Nantucket – Cow Pond Lane (55-Variou) SE48-_____
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Steven Reichert, Fuss & O'Neil
Rob McNeil, Director Department of Public Works (DPW)
- Public None
- Discussion (7:43) **McNeil** – This is to improve First Way with a multi-use path and improve Cow Pond Lane to the Cemetery and address stormwater issues.
Reichert – Explained the new stormwater infiltration system. Stormwater currently flows into the wetland. We will be requesting a 2-week continuance.
Erisman – Asked about the vegetation of the retention basin.
Reichert – Will be putting in conservation seed mix.
Erisman – This is an opportunity for the Town to do a rain garden which could be used as a teaching tool for students.
McNeil – We are working with the Land bank to create rain gardens along the Madaket Bike Path. DPW is committed to doing this kind of thing.
- Staff None
- Motion Continued to April 8.
- Roll-call Vote N/A
- B. Amended Order of Conditions:**
1. Safe Harbor Realty Trust – 2 Harbor View Way (42.4.1-31) SE48-3008
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Don Bracken, Bracken Engineering
- Public None

Discussion (8:01) **Bracken** – Explained why this is an as-built situation. The resource area is a flood zone. He doesn't believe what has been constructed will have an adverse impact. We completed an elevation certificate and we comply with FEMA flood zone.
Beale – Asked when the porch was added; he is not happy with that.
Bracken – It should have been designed that way to begin with; the foundation was in when they went back to the HDC for approval of the porch.
Erisman – She wishes the contractor were here; they could give a better explanation about the disconnect.
Staff Part of it is on the Town; when you go for your building permit, you're supposed to have all the plans and those plans should match the plans on record; someone didn't do that.
Motion **Motion to Close and Issue.** (made by: Engel) (seconded)
Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye// Topham recused

III. PUBLIC MEETING

C. Minor Modification:

1. Killian – 10 Mayhew Lane (41-443) SE48-3356
Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Brian Madden, LEC Environmental
Public None
Discussion (8:09) **Madden** – This is an update to get the new pool dimensions on record. All work is outside the 50-foot buffer.
Staff None
Motion **Motion to Issue.** (made by: Topham) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

D. Certificates of Compliance:

1. Sweet Meadow Sylvia Lane, LLC –74 West Chester Street (41-478) SE48-3017 **(Cont. 04/08/2021)**
2. Windyside Realty Trust – 9 Sherburne Way (30-37) SE48-294
Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
Staff For construction of a set of bveach stairs in 1985. It is in the permitted location and correct.
Discussion (8:10) None
Motion **Motion to Issue.** (made by: Topham) (seconded)
Roll-call Vote Carried unanimously/ /Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

E. Orders of Condition:

1. Nantucket Islands Land Bank – Consue Springs (55-Variou) SE48-3407
Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Normal suite of conditions for invasive species removal. Invasive species don't require waivers, we grant them automatically. Will add Condition 24 requiring a survey for nesting birds and cutting to be delayed if found.
Discussion (8:11) **Erisman** – Wants to add that they do a check for nests in the Japanese Knotweed before they doing any cutting.
Engelbourg – Any bird could use any species but the probability of using Japanese Knotweed is low. Redwing Blackbirds like to nest in Phragmites. If any bird nest is found, they should hold off on cutting. Listed native plants, such as cattails, that could be used to replace the removed plants.
Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
2. Nantucket Islands Land Bank – 160 & 162 Orange Street (55-62.1 & 62) SE48-3405
Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
Documentation None
Staff Asked for input.
Discussion (8:17) **Beale** – Suggested an addendum to the NOI for all their properties.
Erisman – We will be discussion those on Monday. Suggested standard conditions.
Motion Continued for Monday March 29.
Roll-call Vote N/A
3. Mouline – 27 Wanoma Way (92.4-306) SE48-3392
Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff No special conditions.
Discussion (8:20) None
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

4. Robert Goldrich & Brian Rice – 41 Crooked Lane (41-202) SE48-3406
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Found a typographical error. Conditioned all construction material to be stored off site. Mr. Gasbarro explained the groundwater situation well.
 Discussion (8:21) **Beale** – Asked if there was an issue about the water level.
 Motion **Motion to Approve as amended.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
5. Goran & Melinda Puljic – 14 Almanack Pond Road (25-12) SE48-3391
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff He added to Condition 19 that specific types of herbicide and pesticides be used. Will add Condition 20 requiring soil tests be submitted prior to any soil amendment and annually.
 Discussion (8:23) **Erisman** – Agreed to submit their oil tests.
Engelbourg – We need a soil test prior to any amendment.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
6. Wendy & James Douglas – 339 Polpis Road (24-23) SE48-3398
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Included a photo monitoring component and that all native trees greater than 4” diameter are to be maintained. Added a condition for marking limit of work.
 Discussion (8:27) **Engelbourg** – Asked if we need a condition that the extent of the brushcutting area is to be delineated.
 Motion **Motion to Approve as amended.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
7. High Tide Partners, LLC – 8 Ackermuck Way – Lot 2 (41-618) SE48-3397
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Standard suite of pool conditions. Will add Condition 25 about maintaining a 8- to 10-foot buffer and path.
 Discussion (8:29) None
 Motion **Motion to Approve as amended.** (made by: Engel) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
8. Gallaher & Aguiar – 4 Pond Road (56-158) SE48-3403
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Memorialized landscaping debris needs to be removed.
 Discussion (8:36) None
 Motion **Motion to Approve as drafted.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
9. 2013 Freedom Trust – 9 Fulling Mill Road (27-25) SE48-3408
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff This is pretty straight forward. Added the area outside the rose garden is to be no cultivars
 Discussion (8:38) **Engelbourg** – The landscape plan is good but asked the outside the fence should be no cultivars.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
10. Kim Glowacki – 5 Meader Street (42.2.3-40) SE48-3402
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Can add that the foundation is to be helical piers.
 Discussion (8:43) **Topham** – We controlled 57 & 59 with helical piers without disturbing the water line or inhibiting water flow.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
11. Kim Glowacki – 44 Washington Street (42.2.3-7) SE48-3401
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff We’ll see the Land Bank on this property later for the restoration.
 Discussion (8:47) **Beale** – Asked if “restoration of the site” is sufficient.
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

F. Other Business:

1. Approval of Minutes 3/11/2020:

Motion **Motion to Approve as drafted.** (made by: Phillips) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

2. Reports:

- a. CRAC, Golding
- b. CPC, Topham
- c. NP&EDC, Phillips

3. Monitoring Reports: SE48-3190 Nantucket Conservation Foundation Medouie Creek/5 Quaise Pasture Road

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

Discussion (8:58) None

4. Commissioners Comment

a. **Engelbourg** – He feels uncomfortable being asked medical questions in a public forum.

b. **Golding** – He went by 36 Lily Street; steel pilings are being driven along the side of the road going down toward the pond; doesn't know if it's outside the 100-foot buffer.

Carlson – He will look into that.

c. **Phillips** – Announced one of the Ospreys returned to Long Pond.

d. **Topham** – After the Land Bank Farmers Market on Hummock Pond Road, there are some pipes and debris going from the edge of the fence into the wetland. Took a photo and will email it to Mr. Carlson.

5. Administrator/Staff Reports

a. Opened Saccacha Pond today.

b. Mr. McNeil wants to give an update.

McNeil – We have been pursuing a professional consultant to help us through the process of permitting the living shoreline project including wave attenuation and the final disposition of the wall. Drafting a letter to the Eastern District Audubon Director.

Golding – He was disconcerted by Audubon's observation that their letter had been ignored for three months. Asked about that.

McNeil – He is drafting a letter now. He and Mr. Carlson have been watching the Saccacha Pond wave action and noted it did blow over the road causing freezing conditions. He will send photos to the Commissioners.

c. Monday Meeting is the general NOI for NILB and DPW. Wednesday meeting is regulations.

G. Adjournment:

Motion **Motion to Adjourn at 9:13 p.m.** (made by: Golding) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

Submitted by:

Terry L. Norton