



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, May 12, 2022 – 5:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

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

Called to order at 5:03 p.m. by Ms. Erisman

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

Attending Members: Erisman, Golding, Phillips, Beale, Williams

Absent Members: LaFleur, Engelbourg,

Late Arrivals: None

Earlier Departure: Williams, 7:40 pm

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment –

Carlson – Burton Balkind said the Long Pond analysis presented at the Select Board meeting was very helpful. Reviewed the report.

II. PUBLIC HEARING

A. Consideration of Amending Conservation Commission Regulations as Part of Recodification Process

Sitting Erisman, Golding, Phillips, Beale, Williams

Documentation Conservation Commission Regulations

Discussion (5:07) **Carlson** – The Town embarked on the path of standardizing the formatting of all Town regulations. This requires the Commission to adopt the new format. He sent out the reformatted regulations to the Commissioners. Once we adopt the changes, we can start the formal process to update the regulations.

Golding – He would like Commissioners to consider not adopting the new format until our regulations are revisited. He wants to do the revisiting with our existing board.

Erisman – As she understood it, we have to do this first.

Carlson – This public hearing was advertised as solely for the codification of the regulations. Once we do this, we can make all changes in this new format; he feels that can be completed before June 30.

Motion **Motion to Accept the reformatted regulations.** (made by: Golding) (seconded)

Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

B. Notice of Intent

1. 13 Commercial Street LLC – 13 Commercial Wharf (42.2.4-10) SE48-3501 **(Cont. 5/26)**
2. Brant Point Club LLC – 6,8 North Beach Street/4 Dolphin Court (42.1.4-65;65.1;65.2) SE48-3518 **(Cont. 5/26)**
3. Kane – 12 Pond Road (56-295) SE48-3473 **(Cont. 5/26)**
4. Meyer – 307 Polpis Road (25-39) SE48-3517 **(Cont. 5/26)**
5. Nantucket Islands Land Bank – 17 Aurora Way (56-458) SE48-3529 **(Cont. 5/26)**
6. Nicholson – 24 Brewster Road (54-169.3) SE48-3541

Sitting Erisman, Golding, Phillips, Beale, Williams

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

Representative David M. Haines, Haines Hydrogeologic Consulting

Public None

Discussion (5:11) **Haines** – This was continued for a file number, which we still do not have. We corrected the situation but still need to continue for the Department of Environmental Protection (DEP) number. (6:49) **Haines** – The DEP number just came in. Asked that this be closed.

Staff recomm. Recommend continuing.
Have everything needed to close.

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

Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

7. 9 Columbus Avenue Nominee Trust – 9 Columbus Avenue (59.3-112) SE48- 3537
- Sitting Erisman, Golding, Phillips, Beale, Williams
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative David M. Haines, Haines Hydrogeologic Consulting
- Public None
- Discussion (5:13) **Haines** – This lot is within buffers to a coastal bank and wetland. Asking for a waiver under no adverse impact, no reasonable alternative, and overall net benefit. The current septic is still viable but is closer to the wetland with no I/A; under Board of Health regulations and with the proposed amount work, it must be upgraded to an I/A. Reviewed the revegetation/restoration of the buffer; no cultivars or use of fertilizer.
Beale – Asked if the footprint is being increased. He appreciates the upgrade of the septic to I/A.
Haines – That’s a deck over an existing patio. The house was built in 1961.
- Staff recomm. Have everything needed to close.
- Motion **Motion to Close.** (made by: Beale) (seconded)
- Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
8. Lehrman Dynasty Trust – 18 Washing Pond Road (31-18.1) SE48- 3534
- Sitting Erisman, Golding, Phillips, Beale, Williams
- Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
- Representative Mark Rits, Site Design Engineering
 Dan Mulloy, Site Design Engineering
 Dan Bailey, Pierce Attwood
- Public R.J. Turcotte, Nantucket Land Council (NLCL)
- Discussion (5:21) **Rits** – At the last meeting, there were requests for additional information regarding the condition, repair, and age of the groin; reviewed that additional information. Mr. Engelbourg had requested an analysis of alternative solutions; the groin and bulkhead are designed as cohesive; the sand trapped in and around the groin act to dissipate wave energy and is eroded during winter storms. The main alternatives we came up with were 1) an off-shore reef or breakwater, which would have to extend laterally 100s of feet to either side onto properties outside our control and would be detrimental to existing shellfish habitat; 2) construct a beach with a nourishment project which would also have to extend beyond this property and remove shellfish habitat; and 3) a living shoreline, marsh, or planted fiber-roll array in front of the bulkhead, which would require us to build out a beach in front of the bulkhead and groins. Reviewed the ConCom approval history for work on this site.
Bailey – He was involved with this in 2009; from a legal perspective, this is a grandfathered structure, and they have the legal right to do the in-kind replacement work without an NOI.
Erisman – Appreciates the information submitted supporting the upkeep.
Beale – This area has changed dramatically over the years; public access has changed. Asked how the public can navigate along that property at any point above half tide. Asked for justification of this application in light of that.
Rits – He feels that is a seasonal phenomenon; the aerial photos are dated 2019 and in spring – summer it is passable with a very wide beach developing by the end of summer. If conditions have changed to require stairs at either end, we can provide that.
Mulloy – He has witnessed the public traversing over the top of the bulkhead on numerous occasions.
Golding – For someone his age, there’s no way he could scramble over the bulkhead. Asked if the Chapter 91 license is still the governing license (yes). Page 2 of the license limits the use of the structure; page 3 of the application says the structure was demolished in 2007. He’d like a ruling from Town Counsel on how the license remained valid. Page 3 of the license Condition 9 requires free passage of the public; at 3 pm today at low tide, there was only about 1’ of beach. Condition 10 states no limiting of the free passage at any time of day; it doesn’t indicate winter or summer conditions; to him that means anytime any day. Under the Americans with Disabilities Act (ADA), someone in a wheelchair has no way to go over that bulkhead.
Bailey – The Chapter 91 conditions are standard requirement for waterfront property; this license allows the groins to extend into mean high water. The suggestion for stairs is a good one and safer than scrambling. This license allows the maintenance of the bulkhead and groins; it doesn’t limit the repairing or replacing of the structure. Sea level will rise; there is constant accretion and erosion; you can’t constantly change the structure with those changes.
Erisman – In the future, regulations will require that structures come back in for repairs with dynamic changes in the shoreline.
Williams – In that decision, it doesn’t state the distance of mean high or mean low; can’t see that ConCom can deny this when the language is not specific.
Golding – Based on the plans upon which the license is predicated, the mean high-water line is well below the bulkhead.
Erisman – Asked if they would allow stairs over the bulkhead.
Rits – Yes. When the bulkhead was built, there was a pre-1978 structure that was subsequently reconstructed in place.
Erisman – She recalls there being a discussion at the last hearing about there being no structures that are eligible for statutory protection.

Golding – He has aerial photos from 1975 that show no bulkheads; the aerials don’t show bulkheads until 1998. Feels that once that cottage was reconstructed it became ineligible for statutory protection.

Bailey – We couldn’t build it today, but we have one. It’s authorized by DEP, ConCom, and has a Chapter 91 license. All we are doing is making a repair in conjunction with the existing Order of Conditions. We urge ConCom to approve this request.

Erisman – These are important questions we have to ask in the face of sea-level rise. Apologized if Mr. Bailey feels ConCom is being unfair.

Williams – The original structure was there in 1998; the original structure was rebuilt in that footprint in the early 2000s.

Phillips – Mr. Bailey stated that he believes a grandfathered structure doesn’t require an NOI for repair/replacement. Asked if he meant to go that far, for a structure to be dealt with without notice to ConCom.

Bailey – The rule says that use and normal maintenance may be continued; we are maintaining this structure that was blown out. He feels it was prudent to come to ConCom so the work could be conditioned.

Phillips – This construction is within our jurisdiction and was originally give permission pursuant to our rules and regulations; she doesn’t see how the grandfathered-status lessens the involvement of ConCom to ensure there is no extension and that proper maintenance is being done. She wants to go on record that she disagrees with Mr. Bailey’s assertion that grandfathering precludes a need for an NOI.

Erisman – Our revision of regulations will have to define repair versus rebuilding.

Golding – Read from the Massachusetts ADA Equality Act of 2010 requiring access for people with disabilities. He argues that the same applies to where the public has a right to access along the beach.

Bailey – There are certain public rights where the ADA applies; normally it doesn’t apply to private properties. He’s not aware of an instance where DEP Chapter 91 has tried to impose ADA requirements to waterfront lateral access.

Beale – Looking at the plan of the new groin going out to the north; it’s 30’ long. With the change of conditions along that shore, perhaps we should consider it be shorter than 30’. If it’s going out 30’, it will be awash at all times and you won’t be able to walk around it at any time.

Rits – The original permit approved a groin of that size; high and low water were based upon the conditions on the day the survey was done.

Mulloy – The Chapter 91 plans distinguish where the zone is; it’s relatively true today that mean-high water touches the bottom of the bulkhead. When looking at this, you’re seeing a high tide, which is higher than mean high water; there’s about a 3’ change in water between tides.

Rits – Reiterated they would be willing to provide stair access at both ends to allow people to transverse on the bulkhead.

Golding – It seems obvious in the Chapter 91 plan that when the license was granted, the groin was mid-way between mean-low and mean-high water. Asked at what point does the 30’ groin become land under the ocean.

Turcotte – A bulkhead and groin protect the structures; if it’s true the structures were there when the bulkhead was built then replace, that’s a legal question to ask Counsel. The bulkhead extends into the public trust; one of these times, someone is going to be climbing over one of these structures in waders and get knocked down and drown; it’s important to have safe access.

Erisman – Burton Balkind requested a condition insuring protection of nesting plovers.

Asked if Commissioners wants Town Counsel’s opinion on this before closing. She personally understands this structure is grandfathered and the addition of stairs for public access is helpful.

Phillips – We have a structure that was permitted to remain as a coastal engineering structure in order to protect an eligible structure; that structure is no longer eligible for protection. That is why she’s struggling with the idea that this structure is grandfathered; in her mind this no longer serves a purpose. To her that is a significant question that should be answered.

Golding – Ms. Phillips put it very well. The Chapter 91 license is valid until 2091; he challenges what the beach will look like at that time. He wants an opinion and for Town Counsel to prepare a legal argument to deny this. Appreciates the offer to put in stairs.

Beale – He would support a move to ask Town Counsel on the issue of pre-1978 protection and if we would be protecting the bulkhead for no reason.

Mulloy – Asked if there would be further information the applicant could provide the commission.

Golding – He’d like to see an engineer’s design of how the stairs would be constructed.

Rits – Asked for a 2-week continuance.

Staff recomm. You must remember that Chapter 91 compliance or validation isn’t within jurisdiction of the ConCom. We can ask them to look into it, but we can’t enforce their license. It would be smart to ask Town Counsel if that is germane to our situation here.

We can provide a restriction from April 15th through September 30th to protect nesting birds.

Motion Continued to May 26

Roll call vote N/A

9. Ack Hang Ten LLC – 21 Meader Street (42.2.3-44) SE48-____ (Cont. 5/26)

10. Carol W. Dean Revocable Trust – 48 West Miacomet Road (86-4) SE48-3535
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (6:26) **Santos** – This is for seasonal aluminum beach stairs and was continued for a response from Natural Heritage and Endangered Species Program (NHESP) and Mr. Golding had asked for details on the stairs. The drawing plans have been submitted. NHESP response acknowledges this area has an indication of Plovers and conditioned their determination that standard dates for nesting be adhered to. We propose the area would need to be reviewed by an appropriate professional so that the installation and removal don't cause problems.
 Staff recomm. Have everything needed to close.
 Motion **Motion to Close.** (made by: Phillips) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
11. *Pac-Rim Realty Trust – 196 Hummock Pond Road (65-30) SE48-3538
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Jason Olbres, owner
 Public None
 Discussion (6:30) **Haines** – This is for construction of a house-garage with 2nd floor and pool within the buffer to a bordering vegetated wetland. The wetland was delineated and reviewed by the commission last fall. Construction will occur in the front; septic will be outside the 100' buffer. Not asking for waivers. More than 50% of the 25-50 will be maintained in its natural state. There will be a filtration system to prevent discharge into the wetlands. The silt fence will go along the 16' elevation. By Town regulation, no fertilizer will be used.
Golding – Asked what would be planted; we don't have a plan for the proposed garden.
Haines – Reviewed the grasses specified on the plans. Anything within the 50' buffer will be indigenous and drought tolerant; you can condition for that.
Erisman – We want to specify native because that's a beautiful wet meadow. The meadow has been visible since she was a child; the way this is set up, that viewshed is lost. Asked if that viewshed from the bike path has any standing.
Golding – The bottom line is everyone knows when a wetland view is gone; that is part of our purview. He doesn't understand, asked if the four "hash" marks represents a structure by the parking area. Suggested moving the garage closer to the house to create a wider view corridor down the left property line.
Olbres – We have to maintain at least 12' minimum between structures. It is currently 16'. The circumstances are pretty restrictive because we didn't want to get near the resource areas. We need to leave room up front for the septic fields and maintain the house design out of the 50' buffer. If the two structures are too close together, they will look odd.
Haines – He likes the idea of the Finding being in the Order of Conditions; it would have to go back to the Historic District Commission (HDC), which could result in a minor modification. He'd like to close tonight.
 Staff recomm. Wetland scenic views are from a public way; he tends to agree it's a nice wet meadow. Unfortunately, wetland scenic views are subjective and are hard to uphold, especially if some view corridors will still exist. Along the zoning setbacks, there is a view corridor and there is a gap through the middle of the lot between structures. We could include a finding that an effort be made to maximize the width of the view corridor; we could include that with any application, so they have it for the HDC.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
- C. Amended Order of Conditions**
 1. Philips, Trustee – 19 East Tristram Ave (31-4.1) SE48-3304 (Santos)
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (6:50) **Santos** – We had asked this be continued.
 Staff recomm. None
 Motion Continued to May 26
 Roll call vote N/A

III. PUBLIC MEETING

C. Minor Modifications

1. EPR RGH LLC – 119 Eel Point Road (33-17.2) SE48-3437

Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (6:50) **Santos** – This minor modification is for a low retaining wall and shed outside the 50’ setback in and area approved as lawn.
Golding – There doesn’t seem to be an obvious reason. Asked its height. He’d like it conditioned to be no more than 3’ tall.
Santos – He’d like to talk to the landscaper first, but it is proposed as 2’ to 3’ to transition between the low and higher elevations. You can’t see it from the road or the beach. He’d be happy with it being conditioned at less the 4’.

Staff recomm. Recommend issue as a Minor Modification.
 Motion **Motion to Issue a Minor Modification.** (made by: Phillips) (seconded)

- Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
 2. William & Elizabeth Scannell – 119R Eel Point Road (33-17.1) SE48-3378 (Santos)

Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (6:55) **Santos** – This is for a low landscape retaining wall similar to SE48-3437; it is in a previously approved lawn area. Also asking for wooden beach stairs to be removed seasonally; the stairs would not extend the full height of the bank. Top of bank is between elevation 26 and 35.

Staff recomm. Recommend issue as a Minor Modification.
 Motion **Motion to Issue a Minor Modification.** (made by: Golding) (seconded)

- Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

D. Requests for Determination of Applicability

1. None

E. Certificates of Compliance

1. Lauretta Lane Nominee Trust – 3, 5, & 7 Lauretta Lane (14-53 & 90) SE48-2735
2. Lauretta Lane Nominee Trust – 3 & 5 Lauretta Lane (14-53 & 90) SE48-3101
3. Lauretta Lane Nominee Trust – 5 & 7 Lauretta Lane (14-53) SE48-3184

Sitting Erisman, Golding, Phillips, Beale, Williams
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Staff recomm. Reviewed the scope of work for these Order of Conditions. SE48-2735 and SE48-3101 work is completed and in good order. For SE48-3184 we’ve been watching this; photo monitoring shows everything is in order. Comfortable with issuing the Certs with no on-going conditions.

Discussion (6:58) None
 Motion **Motion to Approve.** (made by: Beale) (seconded)
 Roll call vote Carried //Beale, Erisman, Golding, Phillips, and Williams-aye

4. S/P Norwell, LLC – 1 Mariner Way (55.1.4-72) SE48-2743
5. S/P Norwell, LLC – 2 Mariner Way (55.1.4-72.2) SE48-2744
6. S/P Norwell, LLC – 4 Mariner Way (55.1.4-72.4) SE48-2746

Sitting Erisman, Golding, Phillips, Beale
 Representative Kathryn Barnicle, ILEX Environmental, Inc.
 Staff recomm. New Order of Conditions were issued on these lots; these are the expired orders to be invalidated.

Discussion (7:02) None
 Motion **Motion to Invalidate all 3 orders.** (made by: Phillips) (seconded)
 Roll call vote Carried 4-0//Beale, Erisman, Golding, and Phillips-aye; Williams recused

F. Orders of Condition

1. Linda Loring Nature Foundation – 90,110,124,13&136 Eel Point Road (39;32;33;38 – 2;33;18;4,3,6&41) SE48-3500

Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff He included conditions specific to management of invasive species and some monitoring.
 Discussion (7:04) None

Motion **Motion to Issue as drafted.** (made by: Williams) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

2. Park City Wind LLC – New England Wind Connector SE48-3524
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Representatives Pat Johnson, External Affairs Manager Avangrid Renewables
 Hans Van Lingen, Avangrid Renewables
 Staff Reviewed Findings, some reused from Vineyard Wind. Reviewed the Conditions.
 This falls under many jurisdictions, and we don't know what other requirements will be put on this. We can have them file all the required reports and have them come in annually. For some reports, as time passes the reporting time increases.
 They provided a benthic monitoring plan for DEP and Marine Fisheries; we have the video monitoring component; reviewed ConCom required surveys pre- and post-installation.
 On Condition 23, read the rewritten sentence per Mr. Golding's suggestion.
 Added Condition 20 – renumbered the other condition – requesting the list of all monitor requirements and times due prior to start of offshore installation.
- Discussion (7:06) **Golding** – Noted typographical errors under Provision 23. Asked why an annual report isn't being required.
Johnson – There are numerous Federal and State reports; he's not sure of the frequency.
van Lingen – There will very likely be annual reports required by other agencies.
Beale – We discussed various monitoring aspects; asked how we will get information on how this is doing from year to year. Nothing says we have anything post installation.
Johnson – Under Condition 19, we file the benthic monitoring plan pre-installation; we're sure DEP will require a post-installation monitoring plan.
Phillips – She thinks Mr. Carlson has done good work on this draft order so we get what we need when we need it; there are so many agencies and none of it is finalized. Someone mentioned a monitoring matrix; asked if there's a way for it to be part of the record shows the many types of monitoring would be helpful for ConCom; asked if they could provide that list.
van Lingen – We will be doing it for the pre-construction kickoff; he sees no issue with doing that pre- offshore construction.
Golding – Suggested a rephrasing of the 1st sentence of Condition 23.
- Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
3. Nicholson – 24 Brewster Road (54-169.3) SE48-3541
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff Standard conditions.
 Discussion (7:28) None
- Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
4. 9 Columbus Avenue Nominee Trust – 9 Columbus Avenue (59.3-112) SE48- 3537
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff Has the standard condition regarding fill.
 Added Condition 20 requiring photo monitoring of the replanted area and Condition 21 prohibiting cultivars.
- Discussion (7:29) **Erisman** – Asked about adding the condition requiring native species.
 Motion **Motion to Issue as amended.** (made by: Williams) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
5. Carol W. Dean Revocable Trust – 48 West Miacomet Road (86-4) SE48-3535
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff He doesn't have anything special for this.
 He'll add Condition 19 regarding off-season storage of the stairs outside the 50' setback.
- Discussion (7:32) **Golding** – Asked where the stairs will be stored.
 Motion **Motion to Issue as amended.** (made by:) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye
6. Pac-Rim Realty Trust – 196 Hummock Pond Road (65-30) SE48-3538
 Sitting Erisman, Golding, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff Reviewed Finding 2 resulting from the discussion regarding providing a viewshed corridor.
 Condition 27 prohibits use of cultivars.
- Discussion (7:34) **Golding** – Asked to add “by vegetation” or such. He feels viewshed corridors are disappearing. The plantings should be conditioned as native.
 Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

G. EXTENSION REQUEST

- 1. None

H. Other Business

- 1. Approval of Minutes:
 - a. 04/07/2022

Motion No action as draft didn't make it into the packet.

Roll call vote N/A

- b. 04/28/2022

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

Roll call vote Carried 5-0//Beale, Erisman, Golding, Phillips, and Williams-aye

- 2. Discussion of Regulatory Update

Sitting Erisman, Golding, Phillips, Beale

Discussion (7:40) **Carlson** – Tomorrow morning, he will provide a marked-up draft set of regulations for commissioner review. There's a new filing structure included. Working on a resiliency and sea-level rise component. Proposing a new category of "minor" activities to mirror the State act; these are things that are borderline maintenance. There's a set of pool guidelines attached. There's a section of viewshed management in hopes to curb out vista cutting. There's an illicit discharge of pool section. He hopes to have a public hearing June 19th.

Erisman – Reminded everyone not to "reply all."

- 3. Enforcement Actions and Potential Enforcement Actions

- a. 8 Meadowview Drive

Sitting Erisman, Golding, Phillips, Beale

Discussion (7:46) **Carlson** – Had responses from the enforcement order we issued out; it seems to be involving additional properties.

Motion No action at this time.

Roll call vote N/A

- 4. Reports:

- a. CRAC, Golding
- b. CPC, Beale

- 5. Commissioners Comment

- a. Golding – He was out on Baxter Road; nothing has been done about the access and hedges in the public way at 71 Baxter Road. Asked what the next step is. There's a hedge blocking the public way and a hedge at the bluff. If you know it's a public way, you can get through; however, the hedges shouldn't be there because it's not their property.

Carlson – Last time we were out there, you could get from the road to the bluff. We'll take another look. It could be a Roads and Right of Way or Zoning issue.

- b. Erisman – Asked where we are with longer-standing enforcements – Hollywood farm and 119 Baxter Road.

Carlson – The person now in control of Hollywood Farm has contacted us; we've scheduled a visit to go out there. 119 Baxter Road has an official complaint filed against them.

- c. Erisman – The silt fences at the Larrabee property off Millbrook Road looks horrendously bad.

Carlson – They are supposed to fix those by the end of this week no later than the end of next week.

- 6. Administrator/Staff Reports

- a. The order for remote meetings expires the end of July; he told the Town ConCom isn't interested in a hybrid format. There is meeting space available to us in the "ugliest" trailer; the interior has been updated.

- b. The Town did pass the homerule petition prohibiting the use of fertilizer; however, it isn't law yet. It has to go the Statehouse for approval. We are preparing for the possibility that it doesn't passing and working with the Health Department for tighter regulations.

- c. At the Select Board meeting, they announced the opening of applications for appointed board positions. Mr. LaFleur will not be reapplying, so we will need at least 1 new commissioner. He will let Commissioners know the deadline date for applying.

- d. The executive session was a placeholder; we don't have any updates. We have on scheduled for 4 on May 17.

I. Adjournment

Motion **Motion to Adjourn at 8:02 p.m.** (made by: Beale) (seconded)

Roll call vote Carried 5-0//Beale Erisman, Golding, and Phillips-aye

Submitted by:
Terry L. Norton