



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, August 6, 2020 – 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; Joanne Dodd, Natural Resources Coordinator

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

Absent Members: Topham, Engelbourg

Agenda adopted by unanimous consents

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Eli Zabar – 47 Squam Road (13-22) SE48-3253 (**Cont. 08/20/2020**)
2. Nantucket Point of View, LLC – 9 Lincoln Avenue (30-137) SE48-3278 (**Cont. 08/20/2020**)
3. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285 (**Cont. 08/20/2020**)
4. 5 Sherburne Way, LLC – 5 Sherburne Way (30-38) SE48-3321

Sitting Erisman, Golding, LaFleur, Phillips, Beale

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

Representative Art Gasbarro, Nantucket Engineering & Survey
Sarah Alger, Sarah F. Alger P.C.

Public None

Discussion (5:07) **Gasbarro** – Reviewed revised plan and supplemental information per previous requests. The resource is a stable, well-vegetated, non-eroding bank. This was continued for response from Massachusetts Natural Heritage (MNH), which we have received.

Golding – This is a great improvement.

Beale – Asked what is to prevent the neighbor from using the old path and ending up with two paths on one property.

Gasbarro – The asphalt path will be removed and replanted as well as the second path at the bottom of the bank; the neighbor will use the small, remaining section to get back onto their property.

Erisman – Appreciates elimination of the landings.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
5. *Nantucket Island Land Bank – 73 Washington Street (42.2.3-41.3) SE48-3313

Sitting Erisman, Golding, LaFleur, Phillips, Beale

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

Representative Rachel Freeman, Nantucket Islands Land Bank

Public None

Discussion (5:17) **Freeman** – This is for a pocket park; resource areas are a coastal beach and land subject to coastal storm flowage. This property is within 100-feet of the buffer to the beach.

Erisman – She’d prefer all native species; she’d like to see no cultivars in all land Land Bank projects; they should lead by example.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

6. *Nantucket Island Land Bank – 35 Almanack Pond Road (46-7.1) SE48-3317
- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Rachel Freeman, Environmental Coordinator Nantucket Islands Land Bank
Taylor Donovan, Field Ecologist Nantucket Islands Land Bank
- Public Ron Turcotte, Nantucket Land Counsel
Rick Atherton
- Discussion (5:23) **Donavan** – This is for a 234-foot-long boardwalk located in the wetland resource area; the boardwalk will be elevated 18” above grade. Resource area includes a bordering vegetated wetland.
Phillips – Appreciates this; it’s a wonderful addition.
Golding – Agrees with Ms. Phillips.
Erisman – She loves wetland trails but is worried about developing new boardwalks within the wetland resource area without an educational component. She has seen people and dogs going off the boardwalks in other areas.
Donavan – We can look into that and add signage about species, etc.
Erisman – Signage is important because these are new trails with a lot of rare and delicate species; the public needs that type of education.
LaFleur – We could condition signage; Ms. Erisman’s points are excellent.
Beale – He shares Ms. Erisman’s concerns about the delicate nature of this property. He’s leery about improvements to such a pristine and very natural area.
Golding – He’d prefer a brochure to signs; though signage about being careful and respectful would be good. A boardwalk channels people who would not be as observant as we would like. Hopes an unobtrusive educational component will be added.
Phillips – She has a stability disability and prefers easy access when getting on a trail. That kind of accessibility can be a down side with unleashed dogs. Nantucket Conservation Foundation (NCF) has an app: ACK Trails; asked if the Land Bank has thought about a similar app on the fragility of plants rather than signage.
Freeman – That is something to work on. We’re working with NCF to come up with a collaboration. We currently have an Instagram presence and a website.
Erisman – Pointed out that boardwalks can be very slippery with just morning dew.
Beale – This is in the middle of nowhere with few people visiting the area. Asked why this project.
Freeman – The Land Bank is always looking for projects to increase access to pristine areas like this.
Carlson – Read comments from Mr. Turcotte: recreational trails are specifically excluded in the definition of water dependent use; alternate routes should be considered; reminded the commission that in the past it has determined these types of boardwalks are detrimental to wildlife habitat.
Freeman – We’ve looked at walking trails that avoid the wetland.
Erisman – There was a project abutting Crooked Lane requesting a lot of boardwalk structures within the wetland areas; she didn’t support that.
Atherton – There has been a long-time discussion about a walkway in the Creeks as part of a Harbor Walk. He’s aware there are walkways in the country that cross wetlands; if it’s done well and thoughtfully there is no reason not to do it.
Beale – Asked if there is a loop that includes NCF property
Donavan – She can provide that information.
Golding – In Florida, all State parks have miles of elevated walkways; he thinks combining education and doing this well is worthwhile.
Freeman – Asked for a 2-week continuance for additional information.
- Staff In water dependent use, boardwalks over wetland for education are called out as water-dependent-use whereas boardwalks for recreational use are not. The commission would have to make a finding justifying whether or not this is a water dependent use.
Performance Standard No. 6 requires elevated walkways over wetlands to be determined water dependent.
- Motion Continued to Aug. 20.
- Roll-call Vote N/A
7. 62 Cliff Road Realty Trust – 62 Cliff Road (41-20) SE48-3306 (**Cont. 08/20/2020**)
8. Cedar View Point, LLC – 40 Shawkemo Road (27-4) SE48-3316
- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Brian Madden, LEC Environmental
- Public None
- Discussion (5:54) **Madden** – This is for minor grading and driveway work within the 100-foot buffer; it was held for Massachusetts Natural Heritage response, which we have.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: LaFleur) (seconded)
- Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

9. BSS Hummock Pond, LLC & Hummock Pond Holdings, LLC – 287/289 Hummock Pond Rd (83-4;39) SE48-3320
(Cont. 08/20/2020)

10. *Nantucket Conservation Foundation – Windswept Bog; Barnard Valley Road (25-38) SE48-3329

- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Karen Beattie, Director Stewardship Nantucket Conservation Foundation
- Public Burton Balkind
- Discussion (5:56) **Beattie** – This is for invasive species removal of phragmites; this area is no longer actively farmed. We’re working on a site-wide wetland restoration plan, which should be ready in a couple of years. Phragmites must be removed before that restoration starts. There are endangered species in the area, which will be managed.
Carlson – Read Mr. Balkind’s comments: asked if there are endangered animal species within the bog which would be impacted by herbicides.
Beattie – There is a population of spotted turtles, which we are monitoring. There will be no spraying; it will be clip and drip. Asked for a 2-week continuance.
- Staff Waiting for Massachusetts Natural Heritage comments.
He will put together a positive draft order for the next hearing.
- Motion Continued to August 20.
- Roll-call Vote N/A

11. *Nantucket 62 Walsh, LLC – 60 & 62 Walsh Street (85.2 & 85) SE48-3326

- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
- Public None
- Discussion (6:04) **Santos** – These two properties are under single ownership and handled as a single lot. This is for removal and/or raising of a single-family dwelling. Work also involves manipulation of 62 Walsh Street. Work is all within land subject to coastal storm flowage; there are no other resource areas. Detailed the specific work.
Golding – Asked what the aggregate square footage of is the “elevated” rain garden and how flooding of neighboring properties will be handled.
Santos – The rain garden isn’t elevated; it’s a depressed area to collect rain water along the southerly property line.
Golding – Asked about grading and if run-off would be handled by French drains.
Santos – There would be shallow trenches around the house and direct grading would be kept away from the abutters.
Erisman – Asked if this is designed as a true rain garden or just a group of plants that like wet feet.
Santos – He asked for an area along the southerly property line for plants that like dampness and to act as a buffer. Roof runoff will be handled by a shallow infiltration system.
Phillips – The plan shows the moved and old buildings; she found it hard to see what exactly is going on. She wants to understand the groundcover increase and where the boundary lines are.
Santos – He feels the plan is clear with color coding and is very detailed; if requested, he can drop off hard copies for the commissioners. An existing-condition plan shows what’s there today, another plan shows a merging of all the work, and another shows the proposal. There are no buffer zones; the land is the resource area. No waivers are required.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Beale) (seconded)
- Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

12. *Scott H. Kurland – 14 North Cambridge Street (59.4-101) SE48-3325

- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
- Public None
- Discussion (6:19) **Santos** – This is for a septic upgrade within the buffer to a bordering vegetated wetland and land subject to coastal storm flowage. The current system doesn’t meet Board of Health (BOH) groundwater separation requirements. Requires a waiver as the existing septic is within the 100-foot setback; this is the only location for a septic.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Golding) (seconded)
- Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

13. *SDW 18 Meadow, LLC – 18 Meadow Lane (41-406) SE48-3323
- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
Brian Madden, LEC Environmental
- Public None
- Discussion (6:23) **Madden** – This is for a pool, patio, and landscaping outside the 50-foot buffer to a bordering vegetated wetland. The pool will maintain the 2-foot separation from high groundwater. The plan includes an outdoor shower and firepit, within existing lawn area.
Golding – Clarified the location of the outdoor shower; asked where it would drain.
Madden – It will infiltrate through a drain.
Erisman – The shower is outside the 50-foot buffer. She’s concerned about the infinity edge of the pool right on the 50-foot buffer; she’s not sure the construction team will maintain a margin that narrow. Wants a native grass species planted.
Madden – The infinity edge catch trench is lined with concrete and is about 1 foot wide. There is about 2 feet vertical between the top of the pool and the edge of the trench.
Erisman – Would prefer the pool be pulled back farther from the 50-foot buffer so it’s safer for us.
Santos – We have room to slide the pool toward Meadow Lane. Until we put a stake in the ground, no work starts.
- Staff The firepit was excavated into the ground and looks like stones were piled and a fire made within; we asked it be added to the plan.
On our inspections we would see pools constructed at an elevation higher than the basin. The basin is 2-foot high 1foot wide with drains at the bottom; the splash water is recirculated. Infinity edges that drain along the long edge have more of a splash issue than those that drain along the short edge.
The permit is specific that it be located outside the 50-foot; if it isn’t, they can’t be issued a Certificate of Compliance. Would also suggest a fence be placed to indication construction can’t cross.
Have everything needed to close.
- Motion **Motion to Close.** (made by: Beale) (seconded)
- Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
14. *Benton & Kelly Heyworth – 8 Pond Road (56-156) SE48-3324
- Sitting Erisman, Golding, LaFleur, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Brian Madden, LEC Environmental
- Public R.J. Turcotte, Nantucket Land Council, Inc.
- Discussion (6:33) **Madden** – This is for a sewer connection and abandonment of the existing septic and tank and a guesthouse patio marginally within the 100-foot buffer to a bordering vegetated wetland. An outdoor shower and crawl space are also proposed. Requesting a waiver for 2-foot separation for the foundation from high groundwater. A front entry way will replace an existing stoop and patio; the porch encroaches into the 50-foot buffer. Requesting a waiver based upon no adverse impact.
Erisman – She is wondering about the site history: shed within the wetlands. Would like the shed removed and the wetlands restored.
Madden – There had been a lawn in the south with some expansion in the early 2000; the shed is evident in 2003.
Erisman – The wire mesh should be removed to allow animals to move through. She’d like to see some level wetland restoration.
Phillip – The shed is odd, and she wonders if it is causing more damage from people going back and forth.
Carlson – Read Mr. Turcotte’s comments: asked if the guesthouse can be constructed on a slab to avoid the intrusion into the groundwater intrusion.
Madden – Even with a slab there would be less than 2 feet of separation. Asked for a 2-week continuance.
- Staff Groundwater flows south-southeast toward Miacomet Pond.
Back in 1993, the Department of Environmental Protection was only requiring vegetation to define a wetland; as a result, we’ve had a lot of problems in this area. If waivers are involved, the commission can ask about the level of restoration.
- Motion Continued to August 20.
- Roll-call Vote N/A
15. *Tina Eger McGoldrick Trust – 33 Quidnet Road (21-27.2) SE48-3327 (Cont. 08/20/2020)
- B. Amended Order of Conditions**
1. Gisela G. Lienhard – 11 Jonathan Way (75-42) SE48-3217 (Cont. 08/20/2020)

III. PUBLIC MEETING

C. Minor Modifications

1. Lenhart – 25 Dukes Road (41-530.3) SE48-2723

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative None
 Staff This is for the reconfiguration of structures and addition of window wells. No change in buffer zones. Recommend issue as Minor Modification.
 Discussion (6:48) None
 Motion **Motion to Issue as a Minor Modification.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

D. Certificates of Compliance

1. Nantucket Conservation Foundation, Inc – 183, 185 & 187 Eel Point Road SE48-2319

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Karen Beattie, Nantucket Conservation Foundation
 Staff Recommend issue with ongoing condition for treatment.
 Discussion (6:50) **Beattie** – This was for invasive species work. Still doing limited amounts of management work with phragmites and grey and rusty willow and Japanese pine. Requesting follow up treatment as needed.
Golding – Asked if it’s been successful.
Beattie – Yes; we have treatment down to one or two hours a year.
 Motion **Motion to Issue with on-going condition allowing continued treatment and monitoring.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

2. Trevor R.P. & Margaret Ann B. Price – 10 Long Pond Drive (59-24) SE48-3223 **(Cont. 08/20/2020)**

3. 77 Pocomo, LLC – 77 Pocomo Road (15-6) SE48-3203

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Jeff Blackwell, Blackwell & Assoc.
 Staff This is in compliance. Recommend carrying on Conditions 19-22 for chemical treatment of the pool and discharge.
 Discussion (6:53) **Blackwell** – Work is mostly wrapped up except for some minor trim work on the gazebo within the pool patio. This is in conformance with the permit.
 Motion **Motion to Issue with on-going Conditions 19-22.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

4. Teddy Boomer, LLC – 94 Tom Nevers Road (91-41) SE48-3095

5. Teddy Boomer, LLC – 94 Tom Nevers Road (91-41) SE48-3125

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Mark Rits, Site Design Engineering
 Dan Mulloy, Site Design Engineering
 Staff Recommend issue SE48-3095 with on-going Condition 19 regarding pool drainage
 Discussion (6:57) **Rits** – The work was for construction of the house, pool, and associated structures; work is in substantial compliance. The second filing was for a set of beach stairs and partial path; work is in substantial compliance.
 Motion **Motion to Issue both with SE48-3095 Condition 19 to be ongoing.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

6. Henry G. Askew – 19 Pilgrim (Formerly 21A Pilgrim Road) (41-213/Lot 1) SE48-2698

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Mark Rits, Site Design Engineering
 Dan Mulloy, Site Design Engineering
 Staff The site is in compliance and no on-going conditions; the pool is outside ConCom jurisdiction.
 Discussion (7:01) **Rits** – This site development within the 100-foot buffer of a wetland. Work is largely in compliance; an outdoor shower was constructed on the north outside 75 feet of the buffer.
 Motion **Motion to Issue.** (made by: LaFleur) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

7. 9 North Road, LLC – 9 North Road (43-131.1) SE48-2786

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Mark Rits, Site Design Engineering
 Dan Mulloy, Site Design Engineering
 Staff Recommend issue with no on-going conditions.
 Discussion (7:03) **Rits** – This was for site development; resource area is a 92.1 coastal jurisdiction bank to the east; all work was outside the 50-foot buffer. The corner of the pool is just within the 100-foot buffer. All work is in substantial compliance.
 Motion **Motion to Issue.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

8. Rabbit Run Rd I, LLC & Rabbit Run Road II, LLC – 22,24,26 Rabbit Run Road (28;43-8,9;180) SE48-2664
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Brian Madden, LEC Environmental
 Staff Work is in compliance; recommend no on-going conditions.
 Discussion (7:05) **Madden** – This was for rerouting of Rabbit Run Road; site development; and abandonment of the old driveway. Work is completed in substantial compliance.
 Motion **Motion to Issue.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
9. Nancy(Colson) Seaman – 9 Hallowell Lane (30-14,15 & 257) SE48-2916
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative None
 Staff Asked to continue to 20th; several issues need to be addressed.
 Discussion (7:07) None
 Motion Continued to August 20.
 Roll-call Vote N/A
10. Grant and Margaret Cambridge – 10 Medouie Creek Road (20-31.1) SE48-3216
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative Brian Madden, LEC Environmental
 Staff Everything is replanted, and the wall removed; recommend on-going Condition 19 for photo monitoring for 2 years.
 Discussion (7:08) **Madden** – This was for removal of a retaining wall within the 50-foot buffer.
 Motion **Motion to Issue with on-going Condition 19.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
11. Kathy Gallaher Revocable Trust – 2 Horn Beam Road (21-118.5) SE48-3045
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Representative None
 Staff This is to close out the order.
 Discussion (7:11) None
 Motion **Motion to Close out the order.** (made by: LaFleur) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

E. Orders of Condition

1. ABH, LLC – 4 Stone Barn Way (29-914) SE48-3315
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff Reviewed conditions; will add a condition directing lighting away from the wetland.
 Discussion (7:12) None
 Motion **Motion to Approve as amended.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
2. 5 Sherburne Way, LLC – 5 Sherburne Way (30-38) SE48-3321
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff Will add Condition 20 requiring native plants.
 Discussion (7:14) **Erisman** – Asked if use of native species should be called out.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
3. Nantucket Island Land Bank – 73 Washington Street (42.2.3-41.3) SE48-3313
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff Will add Condition 19 prohibiting use of cultivars.
 Discussion (7:16) **Golding** – We had asked for no cultivars.
 Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
4. Cedar View Point, LLC – 40 Shawkemo Road (27-4) SE48-3316
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff Couldn't think of anything special.
 Discussion (7:18) None
 Motion **Motion to Approve as drafted.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

5. Nantucket 62 Walsh, LLC – 60 & 62 Walsh Street (85.2 & 85) SE48-3326
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff Added a condition for no fill. Will add Condition 20 that the rain garden be all native species – no cultivars. Will add to Condition 19 that all elevations are to remain the same with the exception of the rain garden. Suggested adding Condition 21 requiring photos of the rain garden to submitted at the end of the summer season.
 Discussion (7:19) **Golding** – Asked if something should be added that elevations are to remain the same.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
6. Scott H. Kurland – 14 North Cambridge Street (59.4-101) SE48-3325
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions
 Staff This required a waiver based upon a net benefit, which was included. They must file BOH documentation.
 Discussion (7:23) None
 Motion **Motion to Approve as drafted.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
7. SDW 18 Meadow, LLC – 18 Meadow Lane (41-406) SE48-3323
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Documentation Draft order of conditions.
 Staff Had the normal pool conditions.
 They are obligated to have the pool outside the 50-foot buffer. If the pool is moved 3 or more feet, they have to come back with a minor modification.
 Will add Condition 23 requiring grasses be native species.
 Discussion (7:24) **Beale** – Asked if a new plan be required showing the pool is moved back.
Erisman – They had grasses straddling the 50-foot buffer that should be conditioned native - no cultivars.
 Motion **Motion to Approve as amended.** (made by: LaFleur) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

F. Other Business

1. Approval of Minutes 07/23/2020:
 Motion **Motion to Approve.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye
2. Town of Nantucket – Sesachacha Road (21-20) SE48-
 Sitting Erisman, Golding, LaFleur, Phillips, Beale
 Staff George Pucci and he talked about the ticketing issue; unfortunately, we were able to call out 3 specific violations and we're obligated to provide a set penalty – \$50 per violation, which totals \$150. Unless we can clearly demonstrate work was done each day, we can't fine per day. We recommend issuing a citation for \$150.
 We will schedule a public hearing for the enforcement section of our regulations, so we can submit an amendment more in keeping with the violations.
 Discussion (7:29) **Phillips** – The tree being cut is a one-time offence. However, regarding the plantings, as long as they are there, that is a continuing violation; equates that to leaving your car illegally parked and getting multiple tickets.
Rick Atherton – His sense is this included a section of Town-own property; when that happens, the Town signs off as property owner. Asked if the Town signed off as owner and who signed that and which Quidnet stakeholders were involved.
Carlson – The NOI was signed by the Town Manager; the individual who proposed the work offered it to the Town as a gift; it went through our NOI procedures, so abutters would have been notified.
Atherton – He thinks perhaps no one in Quidnet was aware of what was happening to that Town-owned piece of property. ConCom would have been better off soliciting more information from the neighbors while the process was on-going; he doesn't think that happened.
Carlson – He spoke to the Quidnet-Squam Homeowners Association and will again. He hopes to get more people involved in developing a plan more in keeping with that area.
Golding – Asked if there is a concept of damages that can be included.
Carlson – The Town can take action for damages as well as the party that did the initial work. Asked for authorization to issue the fine.
 Motion **Motion to Authorize Mr. Carlson to issue of the \$150 citation.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

3. Discussion of SBPF – 77-122 Baxter Road SE 48-1659; SBPF – 65-67 Baxter Road

Sitting Erisman, Golding, LaFleur, Phillips, Beale
 SBPF Reps None
 Public Rick Atherton
 Burton Balkind

Discussion (7:47) **Atherton** – Steven Cohen had mentioned to the ConCom that SBPF had no interest in the project south of the geo-tubes; that’s odd considering SBPF had had been involved all the way through that application process. He would like to see the delivery slips indicating where each delivery came from.

Carlson – We have been endeavoring to get the delivery dates and verify with the sources. The sand delivery records we got were hand-written notes. We have asked George Pucci to put together in writing what is an applicant’s responsibility.

Erisman – When she pulled up the sand-delivery documents, she was stunned by the unprofessional level of the records keeping; she doesn’t know how they can charge someone using that type of documentation.

Carlson – We try our best to ensure any information we get is valid and correct.

Erisman – Mr. Topham tried to hammer home to NETCO the need for the information; then they submitted the poor records.

Atherton – If you need free labor to go through things, he thinks he can find people capable and happy to assist in order to bring this to fruition.

Carlson – We did have a public comment at the start of the meeting related to this issue regarding drawing our attention to the letter, which initially brought the violations to ConCom attention.

Erisman – In this case, she feels we can fine violations per day; we can document that.

Carlson – In this case, the ticket would be issued to the applicant and lumping it all into one punitive action might be the way to go. Recommends carrying this forward at least one more time to get the sand-delivery tickets together; hopes to have it all in the packet by the Friday prior to the next meeting.

Motion Continued to August 20.

Roll-call Vote N/A

4. Reports:

a. CRAC, Golding

Discussion about CRAC having no input regarding the Request for Proposal and how CRAC and the Town could move forward with greater transparency.

5. Commissioners Comment

a. Erisman – About urging the Land Bank to use more native species: asked if Mr. Carlson should attend a Land Bank meeting or if she should.

Carlson – Suggested it’s more impactful if a commissioner attends. A letter could be sent to go to all the Island conservation entities and the Town encouraging use of native species rather than ornamental cultivars.

LaFleur – He is very comfortable having Ms. Erisman represent the Commission at a Land Bank meeting.

Golding – This feeds into the Town boards working together.

Carlson – He sent out a letter, and we have heard back from all Town regulatory boards; they are all interested in a joint discussion to find a common ground regarding the various areas of jurisdiction.

b. Erisman – Asked for an update on the progress of 315 Polpis Road enforcement.

Carlson – We sent an enforcement notice and have engaged fire, police, zoning enforcement, and the Historic District Commission. We have asked the property owner to appear before ConCom.

6. Administrator/Staff Reports

a. None

G. Adjournment

Motion **Motion to Adjourn at 8:23 p.m.** (made by: Beale) (seconded)

Roll-call Vote Carried unanimously//Beale, Erisman, Golding, LaFleur, Phillips-aye

Submitted by:

Terry L. Norton