

Public Meeting

CERTIFICATES OF COMPLIANCE

Windy Point Trust

5 Hulbert Ave

(29.2.3-5)

SE48-1522

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B4896

September 2, 2016

Mr. Jeff Carlson, Natural Resources Coordinator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SE48-1522, #5 Hulbert Avenue. Map 29.2.3, Parcel 5

Dear Jeff:

I am writing to request a Certificate of Compliance for the referenced project. I certify that the project was completed in substantial compliance with the Order of Conditions.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.



JLB/dmm

LEGEND

-  DENOTES EXISTING CONTOUR
-  DENOTES EXISTING HEDGE

NANTUCKET HARBOR

SHORELINE OBSERVED 12:00 PM 04/20/2016
 PUBLISHED LOW TIDE 12:18 PM

NOTES:

THE PROPERTY LIES WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE, EL. 10.4 1934 HTL DATUM.

SITE BENCHMARK:
 RE-BAR WITH CAP
 EL= 6.66'
 '34 HTL

COASTAL DUNE BOUNDARY PER SE48-1522.

29.2.3-3
 N/F
 NINE HULBERT AVENUE
 REAL ESTATE TRUST
 LOT 4 L.C.C. 15759-E
 CERT. 13704
 #9 HULBERT AVENUE

29.2.3-6
 N/F
 CLIFFORD S. ASNESS REVOCABLE TRUST
 LOT 2 L.C.C. 14616-C
 CERT. 25644
 #3 HULBERT AVENUE

**Site Plan of Land
 To Accompany A Request
 For Certificate Of Compliance
 in Nantucket, MA**

Prepared for
WINDY POINT TRUST

Cert. 10332 L.C.C. 10221-A
 Deed Bk./Pg.: 196/210

Assesor Map 29.2.3, Parcel 05

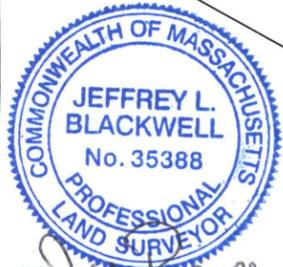
Scale: 1" = 20' September 6, 2016

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TEASDALE CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9026

GRAPHIC SCALE



(IN FEET)
 1 inch = 20 ft.



Ceylon Elves, LLC

286 Polpis Road

(25-33)

SE48-2761



September 9, 2016

Jeff Carlson, Administrator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: 286 Polpis Road
Map 25 Parcel 33
SE48-2761

Dear Jeff:

I am writing to request a Certificate of Compliance for the referenced project. The work was completed in substantial compliance with the issued Order of Conditions. Attached are a Site Plan, and the front-page copy of the Order recorded at the Nantucket Registry of Deeds.

Please feel free to contact me with any questions or concerns regarding this matter.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS, LEED AP

A handwritten signature in blue ink, which appears to read "Arthur D. Gasbarro". The signature is written in a cursive style and is positioned above a thin horizontal line.

CC: Ceylon Elves, LLC

Fargo Way RT

10 Fargo Way

(14-15 & 61)

SE48-2647



September 10, 2016

Mr. Andrew Bennett, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: 10 Fargo Way
Map 14 Parcels 15 & 61
SE48-2647

Dear Mr. Chairman:

I am writing to request a Certificate of Compliance for the referenced project. The work was completed in substantial compliance with the issued Order of Conditions. Attached are a Site Plan, photographs and front-page copy of the Order recorded at the Nantucket Registry of Deeds.

Please feel free to contact me should you have any questions or concerns with this request.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS, LEED AP

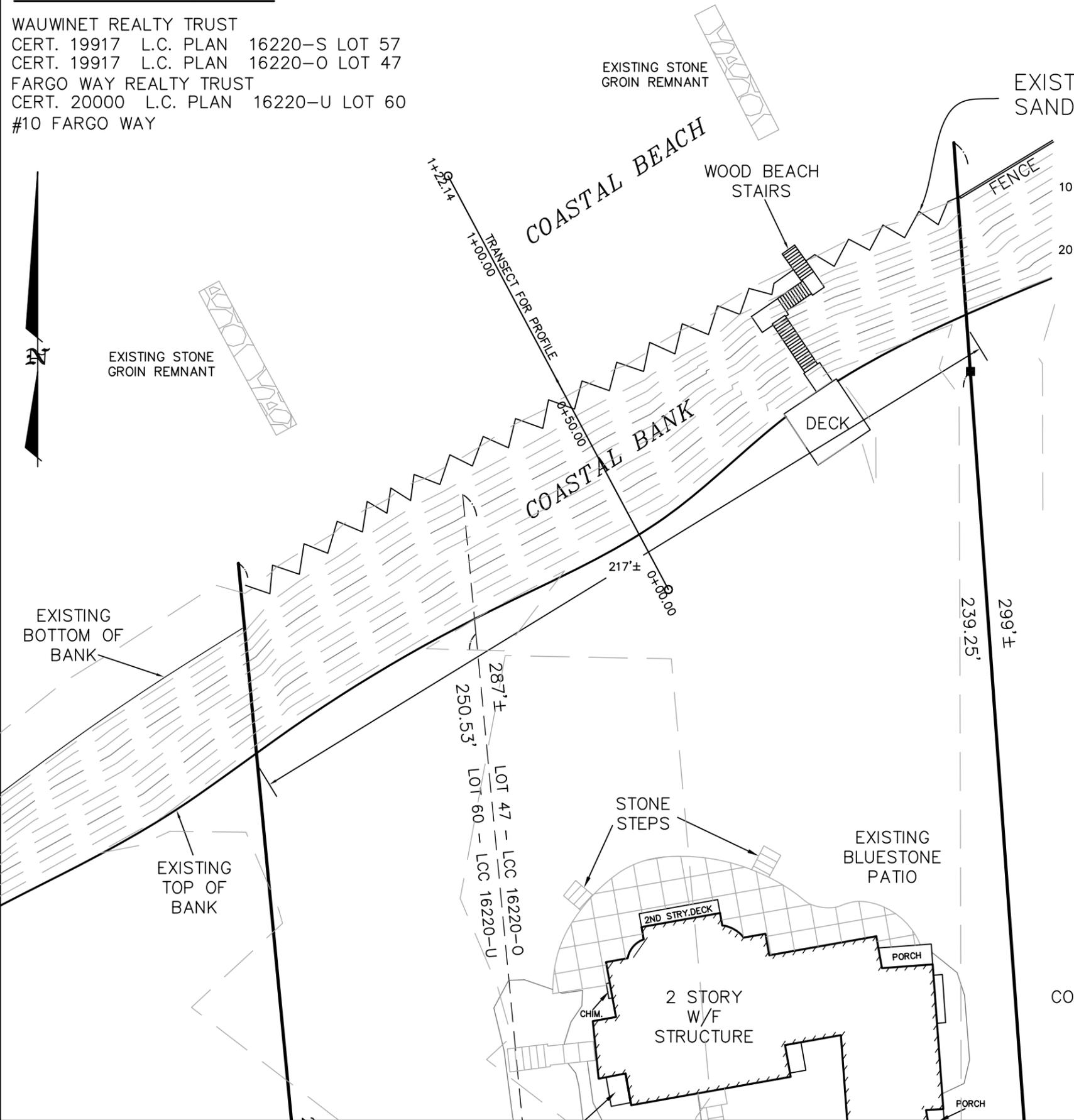
A handwritten signature in blue ink that reads "Arthur D. Gasbarro". The signature is written in a cursive style and is contained within a thin blue rectangular border.

CC: Michael Fay, Trustee



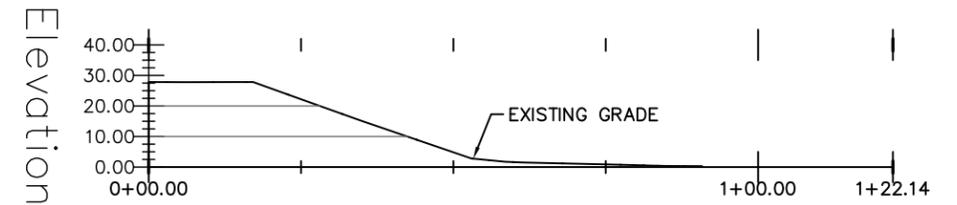
OWNER INFORMATION

WAUWINET REALTY TRUST
 CERT. 19917 L.C. PLAN 16220-S LOT 57
 CERT. 19917 L.C. PLAN 16220-O LOT 47
 FARGO WAY REALTY TRUST
 CERT. 20000 L.C. PLAN 16220-U LOT 60
 #10 FARGO WAY



EXISTING ZIG-ZAG TIMBER SAND DRIFT FENCE WITH 8" DIA TIMBER POSTS.

Profile View of Transect



**SITE PLAN OF LAND
 In Nantucket, MA**

Prepared for
**FARGO WAY REALTY TRUST
 & WAUWINET REALTY TRUST**

10 FARGO WAY - MAP 14 - 15 & 61

Scale: 1"= 30' JULY 6, 2016

14-17
 N/F
 COTOCKTA NOMINEE TRUST
 CERT. #22108
 L.C.C. 16220-P
 LOT 50 & 51

NANTUCKET
 ENGINEERING
 & SURVEY, PC

20 Mary Ann Drive Nantucket, MA 02554
 NantucketEngineer.com 508-825-5053

Draft Minutes



CONSERVATION COMMISSION PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, September 7, 2016 4:00 P.M.
4 Fairgrounds Road, Training Room & Community Room

Commissioners: Andrew Bennett(Chair), Ashley Erisman(Vice Chair), Ernie Steinauer, David LaFleur,
Ben Champoux, Ian Golding, Joe Topham

Called to order at 4:04 p.m.

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

Attending Members: Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Absent Members: Golding

Late Arrivals: LaFleur, 4:07 p.m.

Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **Cont (9/21/16)**

2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **Cont (9/21/16)**

3. Haulover LLC – 165 Wauwinet Road (7-1.1) SE48-2907

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Don Bracken, Bracken Engineering, Inc.

Public None

Discussion (4:06) **Bracken** – Reviewed contents of a letter submitted by Brian Madden, LEC Environmental

Staff Have received the sign off from Massachusetts Natural Heritage. Have everything needed to close.

Motion **Motion to Close.** (made by: Champoux) (seconded by: Steinauer)

Vote Carried unanimously

4. Town of Nantucket –Shimmo Creek (adjacent to 43-1) SE48- 2913 **Cont (09/21/2016)**

5. Nantucket Conservation Foundation – Medouie Creek (20-25) SE48-2915;l/

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Karen Beattie, Nantucket Conservation Foundation

Public None

Discussion (4:08) None

Staff Held for Massachusetts Natural Heritage sign off, which we have. Have everything needed to close.

Motion **Motion to Close.** (made by: Steinauer) (seconded by: LaFleur)

Vote Carried unanimously

6. Sykes – 63 North Liberty Street (41-144) SE48-2911

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Jeff Blackwell, Blackwell and Associates

Public Emily Molden, Nantucket Land Council

Discussion (4:09) **Blackwell** – Submitted request for waiver for 2-foot separation from ground water.

Molden – Due to placement of foundation asked what the groundwater is.

Blackwell – The Building Code requires a 4-foot depth below grade. In reviewing the auger holes for the wetlands to east, he anticipates there is as much 1.5 to 2 feet into the hydrate indicators of annual high groundwater.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)

Vote Carried unanimously

7. *Colson – 9 Hallowell Road (30-14,15,257) SE48-2916
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused Topham
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Bob Emack
 Public None
 Discussion (4:13) **Emack** – For work within the buffer to a coastal dune, two dwellings to be lifted and placed on a new, poured, full foundations and replace an attached garage with living space on a crawl space.
Erisman – Asked if erosion rates are applicable with a bulkhead.
Champoux – Asked what will happen to the existing while house is being lifted.
Emack – Stated he doesn’t know the plans for the deck.
Champoux – Would feel better about approving this with some insurance the deck will not move.
Emack – Asked for a two-week continuance
- Staff The 2nd floor plan is changing and the roof is being raised but there is no change to the existing footprint so that is non-jurisdictional. The bulkhead is a non-eroding coastal bank in this case. Architectural plans show no change in the deck.
- Motion Continued 9/21 without objection
 Vote N/A
8. *Pocomo Road NT & Acklandia RT- 72 & 78 Pocomo Road (15-37 & 39) SE48-2919
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Arthur D. Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (4:21) **Gasbarro** – This is for installation of a timber, zig-zag, sanddrift fence at the base of coastal bank and for work on a beach; the anticipation is to collect wind-blown sand a the toe of the bank. Proposing that sand nourishment be included to place some within the triangles of the fence to help promote establishment of a fore dune; also propose supplemental planting of beach grass on the bank itself. Explained access points. Expects the initial volume of sand nourishment to be about 600 yards. No work will be below mean high water and amenable to a condition for that. Described the erosion and slumping occurring.
Erisman – Asked how close this will be to the creek to the south.
Gasbarro – The project terminates about the middle of the property and the creek is well clear of that. Explained how the fence will terminate.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: LaFleur) (seconded by: Steinauer)
 Vote Carried unanimously
9. *Clarkford Partners NT – 17 Kimball Avenue (30-30) SE48-2917
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (4:30) **Santos** – This is for the redevelopment and reconstruction of an existing dwelling. The work associated with the 2nd dwelling is outside the 100-foot buffer. Jurisdictional work within 100-feet of top of coastal bank includes a new foundation and addition; reviewed work outside the 50-foot buffer. Applied for waive for work within the 50-foot setback under no reasonable alternative/no adverse impact. No work occurs within a Natural Heritage and Endangered Species Program (NHESP) area.
Champoux – Everything on the west is outside the 50-foot buffer. The increase within the 50-foot buffer looks to be where the steps are.
Santos – The portion that’s a pergola and deck will become an addition. The east elevation basement access is outside the 50-foot buffer.
Erisman – Asked for clarification about what part of the basement is full and the area of proposed increase.
Santos – Currently a portion of the basement is a full basement; that will be expanded under the entire house. The septic is moving to outside the 100-foot buffer. Noted that he did not calculate the area of basement expansion due to it being in an area previously disturbed, the bank being non-eroding, and no groundwater issues.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously

10. *96 West Chester NT – 96 West Chester Street (41-483) SE48-2918

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public Emily Molden, Nantucket Land Council
 James Lentowski, Nantucket Conservation Foundation (NCF)
 Steven Cohen, Cohen & Cohen Law PC, for an abutter

Discussion (4:40) **Haines** – This is for installation of a swimming pool outside the 50-foot buffer to bordering vegetated wetlands that surrounds the property. They will have to dewater because water table is at about 12.5 and the pool is at 16 and going about 8 feet; explained the proposed dewatering process. Excavated material will be removed from the property. Asking for a waiver for work within two-feet of water table under no reasonable alternative. Explained the salt-based filtration system. Clarified the location of the pool fence.
Erisman – The pool will displace ground water very close to wetlands.
Haines – Noted that in this area, all water flows toward the ocean, not the wetland; he believes the groundwater will come to equilibrium.
Molden – Asked for clarification on the relation of the groundwater to the bottom of the pool. Concerns include: construction in a high-water area with Spring being a wet season when the construction could worsen run-off issues. She is interested in confirmation that there are no other wetlands within 50 feet. Asked for monitoring during dewatering.
Haines – The pool’s bottom will be at elevation 8. He is very certain there are no other wetlands.
Lentowski – Submitted at the table a locus plan showing abutters and near neighbors. One item that popped out was the representation of all work occurring within lawn area; he is concerned about the proximity to NCF property because this is notoriously high groundwater area. He’s not clear about the area right of the parking which shows as encroaching on NCF property. If the pool is on the property line, there is no way to install the fence without coming onto NCF property; he doesn’t want a situation where the owners have to come onto NCF property to maintain the fence. Spring is traditional the time for this work and it is wet; would prefer the work be done during the dry season. Also high groundwater could push the pool out of the ground; there are engineering solutions to that and wants to know that is being done. Also, when the pool is emptied, it should not be dumped on NCF property.
Cohen – There are concerns with the pool and no actual groundwater levels; that area floods. Also the salt filtering system becomes chlorine; the pool could get flooded and flush that chlorinated water into the wetland environment. The commission should condition that there is a designated way to empty the pool so that a siphon hose isn’t used. Also there should be consideration of protection of the scenic view. It should be incumbent upon the applicant to provide screening, not the NCF.
Haines – Explained that the salt does convert into a very small percentage of chlorine.
Steinauer – There would even be concern about pumping that water into a leech pit because that works back into the groundwater.
Haines – If there is concern about the salt-filter system, he will research other systems.
Lentowski – He’s concerned about this setting a precedent for more pools in the area.
Haines – Asked for a two-week continuance

Staff Noted that the silt fence crosses the 50-foot buffer but the pool fence does not. There are concerns: how and where the pool will be drained, the confirmed depth of groundwater, and protocol for work adjacent to abutting lots to prevent encroachment.

Motion Continued to 9/21/2016 without objection.
 Vote N/A

B. Amended Orders of Conditions

1. MAK Daddy Trust – 68/72 Monomoy Road (43-119,115) SE48-2803 **Cont (09/21/2016)**
2. Smithburg, Inc – 143 Wauwinet Road (11-8) SE48-2536

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Recused None
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Arthur D. Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (5:09) **Gasbarro** – This is for renovation to a previously approved single-family dwelling; resource areas are Mass Barrier beach, coastal dune, vegetated wetland, and land subject to coastal storm flowage. The new structure elements are not within the buffer to the wetland. The slab-on-grade structure is being lifted onto piers; this will be a benefit by allowing sand to migrate under the structure. Reviewed the structural design changes. There is an existing new I/A septic and there no expansion of bedrooms.
Erisman – The connector deck looks like it’s sitting in the sand on one side; the sand should be able to travel below that deck.
Gasbarro – If that deck is removed, people would be walking on the sand.
Champoux – Asked if raising the deck would have a significant effect on the resource area.
Gasbarro – If the deck is to be raised, it would have to be cut out and new piers sunken.

Bennett – If he recalls correctly, the intent with the original NOI approval of the 2nd-story deck and deck below it was to keep the space between buildings open.

Gasbarro – Noted that the main structure is being renovated at grade and the smaller structure raised; he believes the sand will continue to move around the area.

Staff In the original plan, there was an addition proposed over the existing deck. Recommend closing and issuing.

Motion **Motion to Close and Issue.** (made by: LaFleur) (seconded by: Champoux)

Vote Carried unanimously

III. PUBLIC MEETING

A. Minor Modifications

1. 181 Taurus Trust – 181 Eel Point Road (33-21) SE48-2788

Sitting Bennett, Erisman, Steinauer, LaFleur, Topham

Recused Champoux

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Don Bracken, Bracken Engineering, Inc.

Public None

Discussion (5:30) **Bracken** – This is to adjust the landscaping between the 50-foot and 100-foot buffers; the pool area and retaining walls have been reconfigured. The limit of work remains the same.

Staff Recommend that is be issued as a minor modification.

Motion **Motion to Issue.** (made by: Steinauer) (seconded by: LaFleur)

Vote Carried 5-0

2. Beach Nut, LLC – 1A Crow’s Nest Way (12-24) SE48-2895

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (5:34) **Santos** – This is to move the pool outside of 100-foot buffer and shift house.

Staff Recommend that is be issued as a minor modification.

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

Vote Carried unanimously

3. Collis – 5 Galen Avenue (29-122) SE48-2815

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative Jeff Blackwell, Blackwell and Associates

Public None

Discussion (5:35) **Blackwell** – Three elements have been added: stepping stones on the east, a brick patio close to Galen Avenue, and two-timber high planting bed.

Erisman – Her concern is the fertilizer and soil being used in the planting bed.

Blackwell – His sense is that the owner is going to be very hands-on in regards to the vegetables. The lawn area around the planters was allowed under the original permit.

Discussion about the vegetable planters’ effect on the environment as compared to the lawn.

Champoux – Can condition the use of fertilizer.

Staff The relevant question is whether to ask for a NOI for the planters or to ask they be removed.

Recommend that is be issued as a minor modification.

Motion **Motion to Issue.** (made by: Steinauer) (seconded by: Champoux)

Vote Carried unanimously

B. Certificates of Compliance

1. Collis – 5 Galen Avenue (29-122) SE48-2815

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Staff They are in substantial compliance

Discussion (5:46) None

Motion **Motion to Issue.** (made by: Steinauer) (seconded by: Champoux)

Vote Carried unanimously

2. Giles Realty Trust – Off Tennessee Avenue (60.1.2-33) SE48-2839

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Staff They issued their first report. They are in compliance. Recommend issuing with on-going Condition 20.

Discussion (5:46) **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Explained the purposes for the Order of Conditions. Noted there are phragmites in the area.

Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)

Vote Carried unanimously

- 3. Haulover, LLC – 165 Wauwinet Road (7-1.1) SE48-1084
- 4. Haulover, LLC – 165 Wauwinet Road (7-1.1) SE48-2894

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff Recommend these be issued.
 Discussion(5:50) **Jeff Blackwell**, Blackwell and Associates – Recapped the two Orders of Conditions.
 Motion **Motion to Issue SE48-1084.** (made by: Topham) (seconded by: Champoux)
 Vote Carried unanimously
 Motion **Motion to Issue SE48-2894.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

- 5. Cosay – 141 Cliff Road (30-1) SE48-2671

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff Recommend this be issued
 Discussion (5:53) **Paul Santos**, Nantucket Surveyors – Reviewed the project. In compliance.
 Motion **Motion to Issue.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

- 6. Wesquo Capital Partners – 57 Washington Street (42.2.3-37) SE48-2791
- 7. Wesquo Capital Partners – 57 Washington Street Lot 1A (42.2.3-37) SE48-2796
- 8. Wesquo Capital Partners – 57 Washington Street Lot 1B (42.2.3-37) SE48-2837

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Joe Topham
 Staff They are all three in compliance.
 Discussion(5:54) **Paul Santos**, Nantucket Surveyors – SE48-2791 is for the demolition of an existing dwelling. SE48-2796 is for the renovation of an existing dwelling at 57 Washington Street and added second dwelling. For SE48-2837 is for construction of an existing dwelling at 59 Washington with secondary dwelling & landscaping.
 Motion **Motion to Issue all three Certificates of Compliance.** (made by: LaFleur) (seconded by: Erisman)
 Vote Carried unanimously

Motion to recess and reconvene at 6:05 p.m. in the second-floor Training Room. (made by: Champoux) (seconded by: LaFleur) Carried unanimously
 Called back into order at 6:05 p.m.

C. Orders of Condition

- 1. Haulover LLC - 165 Wauwinet Road (7-1.1) SE48-2907

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff Upgrade to septi-tech system within barrier beach. Condition 4: testing for the Board of Health and the Operation and Maintenance Agreement be on file with the commission.
 Discussion (6:07) None
 Motion **Motion to Issue as drafted.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried unanimously

- 2. Nantucket Conservation Foundation – Medouie Creek (20-25) SE48-2915

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff Spot treatment of Phragmites in a restored area. Condition 21: specifies type of herbicide used to be submitted in writing and license of applicator be on file. Condition 23: all species to be verified on the Nantucket Invasive Species list prior to treatment to ensure they aren't native phragmites. Condition 24: photos and list of species removed and treatment.
 Discussion (6:08) **Steinauer** – Confirmed the reason for mentioning of the triclopyr.
Erisman – Asked how the verification of species would be submitted.
 Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously

- 3. Sykes – 63 North Liberty Street (41.144) SE48-2911

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff Memorialized no materials stored in the 50-foot setback and no permanent dewatering is permitted.
 Discussion (6:12) None
 Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

- 4. Pocomo Road NT & Acklandia RT- 72 & 78 Pocomo Road (15-37 & 39) SE48-2919

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
 Staff For sanddrift fencing. Included getting permission to work on the beach from the beach manager and monitoring report for photos in spring and added a condition about what will happen if there is a negative impact. Will add Condition 23 for nourishment reporting.
 Discussion (6:13) **Erisman** – Asked if there is any nourishing, they need to report how much.
 Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

5. Clarkford Partners NT – 17 Kimball Avenue (30-30) SE48-2917

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Joe Topham
Staff No additional conditions. Will add Condition 19 about marking the end of lawn.
Discussion (6:16) **Erisman** – Wants to include marking the current end of lawn so that they don't mow to the top of bank.
Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: Topham)
Vote Carried unanimously

D. Extension Requests

1. Weed Realty Trust – 41 Almanac Pond Road (46-11.2) SE48-2662

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
Staff None
Discussion (6:18) **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Still trying to work with utilities to finalize the utility plan; asking for three 1-year extensions in order to do that and do the installation.
Motion **Motion to Issue three 1-year extensions.** (made by: Steinauer) (seconded by: LaFleur)
Vote Carried unanimously

2. Rowe – 137 Wauwinet Road (11-11.1) SE48-2468

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
Staff None
Discussion(6:21) **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Asking for a 1-year extension to install the septic system.
Motion **Motion to Issue one 1-year extension.** (made by: LaFleur) (seconded by: Champoux)
Vote Carried unanimously

3. Liberty Realty Trust – 36 North Liberty Street (41-265) NAN-113

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
Staff Work is not yet completed; asking for a 1 year extension.
Discussion (6:23) None
Motion **Motion to Issue one 1-year extension.** (made by: Steinauer) (seconded by: Champoux)
Vote Carried unanimously

E. Monitoring Reports(6:18)

- 1. Glidden – 87 Eel Point Road (32-11) SE48-2564
- 2. CMDM, LLC 93 & 99 Eel Point Road (30-9 & 10) SE48-2479

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham
Staff None
Discussion (6:25) **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Presented the monitoring reports for all three properties: volume of sand delivered for each project, linear feet of repaired, sand-filled, coir tubes, and repaired panels.

F. Other Business

- 1. Approval of Minutes 08/24/2016: Approved by unanimous consent
- 2. Enforcement Actions (6:32)
 - a. 4 Swain Street – Cut phragmites without permit
 - b. 312 Polpis Road – Clearing of understory
 - c. Holly Farm – Will keep it open for a while.
 - d. Smith Point (Esther Island) – Moving forward.
 - e. 36 Pocomo Road – Cutting in buffer zone of resource areas.
 - f. 55 & 57 Easton Street – Court appearance in a month.
 - g. Edwin Snider RT – 1 Brock's Court (42.3.4-84)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Joe Topham
Staff Noted that all comments should be related to the enforcement action. Reviewed activities encapsulated in the enforcement action: chicken coop, dry well, relocation of dwelling, and landscaping. Noted that the chicken coop can be ordered to be removed under the enforcement action; he recommends ordering it be removed and issuing a fine.
For the record, anyone is able to file a Request for Determination to establish the location of the wetland lines. Independent of the delineation, we are dealing with the enforcement order.
Noted the \$50 fee has to be posted against each clearly-witnessed violation. He will attest that he has witnessed the well and the chicken coop.

Representative Mark Rits, Site Design Engineering
Dan Malloy

Public Joanna Lewis, 40 Liberty Street
Marsha Fader, 36 Liberty Street

Discussion (6:40) **Rits** – Clarified that the house was moved away from the resource area by a prior owner; this owner filed an NOI to clear that up. There is a dry well that was installed; he has not verified whether or not it is operational. Proposing to come back to address those issues and the chicken coop and fence enclosure.
Erisman – Asked the depth of the dry well and if it constitutes permanent dewatering.
Malloy – The depth is unknown.

Lewis – Submitted at the table a letter from Bruce Perry, Third-party Consultant Conservation Commission, in regards to the property. This property has been in contention a long time. The Chicken coop received Historic District Commission approval, so she assumes the owner has no intention of removing it. Read Mr. Perry’s letter into the record.

Fader – Submitted at the table a letter from Greg Elder,42 Liberty Street. Read Mr. Elder’s letter into the record. Noted that 1 Brock’s Court is now known as 2 Brock’s Court; it was originally 44 Liberty Street.

Bennett – Asked the distance from this property to the abutters house.

Steinauer – Would like to see a plan showing the extent of the fill and placement of the walls in relation to the wetland boundaries.

Bennett – Would like to see a third-party wetland delineation.

Champoux – The well is also in violation. We have no engineering on it.

Steinauer – If they are using the well for dewatering, we need to put a stop to that.

Discussion about how to proceed in regards to the well. Consensus is to cap the pipe to the well and have Natural Resources staff inspect it.

Rits – He will provide pre- and post- plans at the next plan and is willing to cap the pipe.

Erisman – Thinks they should be fined for the house move and other work.

Motion **Motion to remove chicken structure from commission jurisdiction and impose a \$50 fine for its construction without permit.** (made by: Steinauer) (seconded by: LaFleur)

Vote Carried unanimously

Motion **Motion to cap the pipe leading to the drainage pit in a visible location and impose a \$50 fine for construction of the pit within commission jurisdiction without permit.** (made by: Steinauer)

(seconded by: LaFleur)

Vote Carried unanimously

Motion **Motion to keep the remaining items open and subject to review at the September 21, 2016 meeting.** (made by: Champoux) (seconded by: LaFleur)

Vote Carried unanimously

3. Reports:

- a. NP&EDC, Bennett
- b. Mosquito Control Committee, Erisman

4. Commissioners Comment

- a. Bennett – Witnessed a landscaper telling a homeowner that due to regulations he couldn’t use a requested fertilizer.

5. Administrator/Staff Reports

- a. None

Motion to Adjourn: 7:26 p.m.

Submitted by:

Terry L. Norton

