



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, February 24, 2016 4:00 P.M.
4 Fairgrounds Road, Training Room

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

Called to order at 4:00 p.m.

Staff in attendance: Joanne Cuppone, Natural Resources
Attending Members: Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Absent Members: Topham
Late Arrivals: None
Earlier Departure: None
Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

- A. **Public Comment:** Bruce Mandel, 10 Midland – Asked to reiterate the points he made at the last hearing in regards to the work on erosion of the west end of Madaket Road. Steinauer – Asked him to hold his comments for any clarification that might be required during the discussion on the order of conditions.

II. PUBLIC HEARING

A. Notice of Intent

- 1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **Cont (03/09/2016)**
- 2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **Cont (03/09/2016)**
- 3. Quidnet Properties, LLC – 84 Quidnet Road (21-100 & 101) SE48-2855

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – Have heard from Natural Heritage and Endangered Species Program (NHESP) in regards to placement of the septic system: will not adversely affect and will not result in a prohibitive take under the Endangered Species Act. Reviewed application for septic repair.
 Public None
 Discussion Discussion about what plants will be replanted; the planting list is to be incorporated into the septic design plan.
 Staff No recommendations.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

- 4. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **Cont (03/09/2016)**
- 5. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **Cont (03/09/2016)**
- 6. Town of Nantucket – Quaise Road Layout (26-13) SE48-2852

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative None
 Public **Lucy Dillon**, Bassett Road - Looks like there have been changes with snow fencing; was curious about that. There was discussion about using boulders to keep people from driving on the beach; she’s very concerned about people driving onto the beach.
 Discussion Discussion about holding this; commissioners have questions.
 Staff Mr. Fronzuto is out of the office and not able to attend.
 Motion Continued to 3/9/2016 without objection
 Vote N/A

- 7. *Gut – 13 Columbus Avenue (59.3-110) SE48-2862 **Cont (03/23/2016)**

8. *Callahan – 4 Morgan Square (87-3.1) SE48-2861
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **David M. Haines**, Haines Hydrogeologic Consulting – To build a swimming pool in buffer to bordering vegetated wetland within an existing lawn. Will have to continue to hear from Massachusetts Natural Heritage (MNH) in regards to endangered species. The 100 year flood elevation come up to just below the toe of the slope; do not have a coastal bank. Everything is outside the 50-foot buffer. There will be no significant grading.
 Public None
 Discussion No concerns.
 Staff No recommendations.
 Motion Continued to 3/9/2016 without objection
 Vote N/A
9. *Bouton – 21 Massachusetts Avenue (60.3.1-312) SE48-2860
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **David M. Haines**, Haines Hydrogeologic Consulting – For a septic repair; the existing septic, which will be abandoned, is in the dune field. A tight tank will be installed in the driveway area; all is within the buffer zone to a coastal dune; more than 100 feet from an adjacent saltmarsh. Explained excavation process, the dewatering system, and installation of the tight tank. Will need a waivers for the dewatering within 25 feet of the dune and separation from groundwater: no reasonable alternative and long-term net benefit.
 Public **Emily MacKinnon**, Nantucket Land Council – There is a quotation calculation at the top of the plan stating additional weight will be needed to keep the tank in the ground.
 Discussion **Steinauer** – Expressed a concern about possibly popping out of the ground and the need to anchor the tank.
 Staff No recommendations.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Bennett)
 Vote Carried unanimously

10. *Shea – 8 Walsh Street (42.4.1-83) SE48-2863 **Cont (03/09/2016)**
 11. *Welsh – 101 Eel Point Road (32-7) SE48-2864 **Cont (03/09/2016)**

B. Amended Orders of Conditions

1. Mscisz – 51 Crooked Lane (41-531) SE48-2737
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused None
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative **David M. Haines**, Haines Hydrogeologic Consulting – Asking to enlarge a porch and deck to within 50 feet of the bordering vegetated wetland for installation of a circular stair from the deck. Asked for a waiver as part of the amended order.
Mark Poor, Permits Plus – Explained the reasons for the proposed design of the enlarged deck and porch for installation of the stairs.
 Public None
 Discussion **Steinauer** – Noted that the retaining wall separates it from the wetland; views this as minimal.
Golding – Minimally disruptive.
 Consensus is that it is fine.
 Staff Suggested closing to allow for the drafting of the amended order.
 Motion Continued to 3/9/2016 without objection
 Vote N/A

III. PUBLIC MEETING

A. Request for Determination of Applicability

1. *3 Grant Ave LLC – 3 Grant Avenue (30-57) **Cont (03/09/2016)**

B. Minor Modifications

1. Oakhill Investments LLC – 341A Madaket Road (60.2.4-64.5) SE48-2828 **Cont (03/09/2016)**

C. Certificates of Compliance

1. Scavo – 8 Galen Avenue (29-113) SE48-2653

- Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Staff None
 Discussion **Steinauer** – Mr. Carlson recommends this be approved with no on-going conditions.
 Motion **Motion to Approve.** (made by: Golding) (seconded by: Champoux)
 Vote Carried unanimously

D. Orders of Condition

- 1. Quidnet Properties, LLC – 84 Quidnet Road (21-100 & 101) SE48-2855

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Staff None
Discussion **Steinauer** – Asked for an additional condition that the planting plan will be presented before work starts.
Motion **Motion to Issue as amended.** (made by: Bennett) (seconded by: Champoux)
Vote Carried unanimously

- 2. Town of Nantucket – Madaket Road Layout (Adjacent 60-140) SE48-2854

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Staff Passed out draft orders of conditions. Said she checked and that once a hearing is closed, no more testimony can be taken.
Discussion **Steinauer** – We can ask for clarification; asked Mr. Mandel to speak.
Mandel – One condition listed directs access into the Chicago Street lot; several items might impact this. Regarding storm water run-off, asked this include engineered storm water infrastructure catch basins. Regarding rerouting of beach traffic and signage, noted that Chicago Street is not a public street and maintenance will have to be worked out with the Department of Public Works (DPW) also asked that a sacrificial berm be added for the parking area as that is eroding too.
Steinauer – He would have to come in for an amended order and not delay the project. Can't expand the project without Mr. Fronzuto. Suggested Mr. Mandel speak with Mr. Fronzuto.
Bill Grieder, 10 F Street – Agrees with Mr. Mandel. His concern is that the DPW is depositing snow on this very section of the road thus exacerbating the problem. Encouraged the board to stop that.
Steinauer – Suggested taking that to Mr. Carlson; it might require an enforcement order.
Erisman – Thinks the DPW needs to talk to the ConCom about some things they are doing out there, cited the use of rubble at the parking lot. Asked if a planting plan was submitted or if that is to be submitted for approval; plantings will help mitigate the water. The snow fence has to stop; it's all over the place out there.
Steinauer – Don't recall a planting plan. Mr. Fronzuto talked about beach grass. Mr. Carlson should go look at the beach.
Motion **Motion to Issue as drafted.** (made by: Bennett) (seconded by: LaFleur)
Vote Carried unanimously

- 3. Town of Nantucket – Hummock Pond Road (Adjacent 83-30) SE48-2853

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Staff Passed out draft orders of conditions
Discussion **Steinauer** – There is a long down-hill run to this point.
Erisman – Will need to construct wetlands on the side to stop the water further back.
Motion **Motion to Issue as drafted.** (made by: Bennett) (seconded by: LaFleur)
Vote Carried unanimously

E. Enforcement Actions

- 1. Bathon – 9 Maine Avenue (60.3.1-425)

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Representative **Paul Santos**, Nantucket Surveyors – The dwelling is within about 30 feet of the eroding shoreline. Asking for the enforcement in order to get a building permit to move the structure. Filed a full NOI to be heard at the next meeting. A similar enforcement order was issued for 12/14 Maine Avenue
Staff None
Discussion None
Motion **Motion to Issue the enforcement order.** (made by: Erisman) (seconded by: Bennett)
Vote Carried unanimously

IV. Other Business

- 1. Approval of Minutes: 02/10/2016 – Approved by unanimous consent.
- 2. Monitoring Reports: none
- 3. Reports:
 - a. CPC, Golding – Nothing to report.
 - b. NP&EDC, Bennett – Nothing to report.
 - c. Mosquito Control Committee, Erisman – Nothing to report
- 4. Commissioners Comment:
 - a. Erisman – Would like to know the status of stopping pipes from discharging into the harbor.
 - b. Champoux – Quaise Road is pretty steep in some areas. Concerned about water flowing down the road causing the problem and which is more appropriate: flowing into a wetland or onto the beach.
- 5. Administrator/Staff Reports: nothing to report.

Motion to Adjourn: 4:57 p.m.

Submitted by:
Terry L. Norton