CONSERVATION COMMISSION
PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Wednesday, March 9, 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 4:03 p.m.

Staff in attendance:	Jeff Carlson, Natural Resources Coordinator; Terry Norton, Town Minutes Taker
Attending Members:	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding (remote participation), Topham
Absent Members:	None
Late Arrivals:	Golding, called at 4:09 p.m.
Earlier Departure:	Golding, 7:39 p.m.

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment – Emily Molden, Nantucket Land Council – NLC will be holding workshop on invasive plants at Bartlett Farm Hayloft on Wednesday, March 30, 2016. It is worth 3 credits towards a professional landscaping license. Commissioners and members of the public are invited to attend.

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock's Court (42.3.4-84) SE48-2834 **Cont (03/23/2016)**
2. Edwin Snider RT – 1 Brock's Court (42.3.4-84) SE48-2835 **Cont (03/23/2016)**
3. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **Cont (03/23/2016)**
4. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **Cont (03/23/2016)**
5. Town of Nantucket – Quaise Road Layout (26-13) SE48-2852

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Dave Fronzuto**, Office of Emergency Management (OEM) and Safety Coordinator – Submitted photos of the site at the table. Hopes that grading the parking away from the bank will mitigate the gully issue.
Public	**Lucy Dillon**, Bassett Road – Concerned about the Department of Public Works (DPW) construction vehicles causing damage to Quaise Road; would ask the commission to condition that they park outside the area. Suggested a sign at the end of the road explaining that a turn-around is very difficult.
Discussion (4:07)	**Erisman** – It seemed like there was a lot of seepage coming out of the bank adding to the gully issue; would like a remedy to that. Also would like to see a planting plan to alleviate the problem; a constructed wetland area would give that water a place to go. **Champoux** – Redirecting pedestrian and vehicular traffic from the existing gully path should help the run-off erosion. Suggested a planting berm. **Steinauer** – Suggested a grid under the new beach access to prevent creation of a gully there.
Staff	Will schedule a field visit.
Motion	Continued to March 23 without objection.
Vote	N/A

6. *Callahan – 4 Morgan Square (87-3.1) SE48-2861

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Recused	Topham
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Michael Connelly**, for David Haines – For a swimming pool within the 100-foot setback.
Public	None
Discussion (4:17)	None
Staff	Massachusetts Natural Heritage (MNH) determination came in with no adverse impact/no take. No waivers are required. Construction is outside the 50-foot buffer. Have everything needed to close.
Motion	**Motion to Close.** (made by: LaFleur) (seconded by: Bennett)
Vote	Carried 6-0: Voice Vote: Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

7. *Shea – 8 Walsh Street (42.4.1-83) SE48-2863

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Mark Rits**, Site Design Engineering – In-fill addition partially inside a 50-foot buffer to a "degraded" wetland surrounded by construction on all sides. On piers in lawn/landscape area. Jurisdiction is bordering vegetated wetlands and land subject to coastal storm flowage. Groundwater is within 2 feet here; will need waivers for 2-foot separation for the piers. Could do infiltration with the downspouts but don't expect much success. Asked for a continuance.
Public	None
Discussion (4:20)	**Steinauer** – The wetland is dominated by phragmites; it's an opportunity to clean that out. **Rits** – Only a portion is on his clients property but willing to hand remove that and plant winterberry etc. in that portion under his client's control. **Champoux** – Would like to see a planting plan.
Staff	Can condition a clip-and-drip as an option to remove the phragmites.
Motion	Continued to March 23 without objection.
Vote	N/A

8. *Welsh – 101 Eel Point Road (32-7) SE48 – 2864

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Mark Rits**, Site Design Engineering – Asking to move an existing deck off the bank and attach to the house; the abandoned area will be planted with American Beach Grass. The bank is protected by sand bags so no active erosion. Asked for a continuance.
Public	None
Discussion (4:26)	**Erisman** – Asked about the type of machinery. **Rits** – The deck will be dismantled by hand and rebuilt by hand.
Staff	This will have to be continued to hear from Massachusetts Natural Heritage.
Motion	Continued to March 23 without objection.
Vote	N/A

9. *White – 47A West Chester Street (41-227.1) SE48-2865

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Brian Madden**, LEC Environmental – Reviewed the differences between this and the previously denied project; this is a more streamlined, simplified project. Presented the details of this project. 1500 square foot (SF) planting enhancement area between the 25 & 50-foot buffer. Will provide a long-term net benefit. **Steven Cohen**, Cohen & Cohen Law PC, - A legally important point he wants to make for the record is the location of the addition is because it is a bathroom going off a bedroom for an elderly person and it can't be put anywhere else on the house.
Public	None
Discussion (4:30)	**Erisman** – Asked if vegetation will be cleared for the silt fence. (No) Bennett – Ensured the cottage is outside the buffer zones.
Staff	Heard a similar project that was denied; the main decision is the project has changed significantly enough that the commission can hear it. The driveway and pull off area are complete and correct. Have everything needed to close.
Motion	Motion to Rehear. (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye
Motion	**Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

10. *Sabelhaus – 2 Quaise Pastures (26-20.6) SE48-2867

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
Recused	Topham
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Brian Madden**, LEC Environmental – For an addition within 100-foot buffer of a bordering vegetated wetlands. Fieldstone walls to be removed. No structural work within the 50-foot buffer. Driveway extension is the only work within MNH because it goes into the shrub line and are waiting for that. No work is within the 25-foot zone. There is an isolated vegetated wetland in southern portion of property. Asked for a continuance Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public	None
Discussion (4:41)	**Erisman** – Asked if vegetation is being cleared for the driveway. **Madden** – Said there might be some invasive species if the commission wants to condition for that removal.
Staff	None
Motion	Continued to March 23 without objection.
Vote	N/A

11. *The Town of Nantucket – Polpis Harbor Entrance Channel (19:78-Lot 17 & Lot 4-1) SE48-2866

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Dave Fronzuto**, OEM and Safety Coordinator – Proposing to excavate about 8300 cubic yards. **Mike Count**, CLE Engineering, Inc. – Reviewed shoaling issues of the channel into Polpis Harbor. Dredging is within the authorized channel. There is eel grass present; so proposing to shift the channel while still maintaining the 50-foot width without impact to eel grass. Dredged sand should qualify for beneficial reuse on nourishment projects. Explained the dredging process and pumping of sand into a scow; while water separates, it will be pumped back into the harbor. Sand is to be stored at the Town stockpile at the DPW site. Looking to permit future maintenance dredging from a limited land-based operation from the corner of Quaise Point, the access for which will be the east end of Quaise Road. Asked for a continuance. **Christine Player** , CLE Engineering, Inc. – Believes there are wetland regulations for maintenance dredging that allows the commission to issue an order up to 5-year; she verify that.
Public	**Emily Molden**, Nantucket Land Council – The eel grass mapping done this past year didn't include this area so they weren't able to do ground trooping. The patches adjacent to the new channel, three seasons will have passed since the last survey and things can have changed. Would like a survey done before work starts. The EMF comment letter said for the dredge portion, the top of the slope should remain 25 meters from the all eel grass beds; there isn't enough space for that to happen. Recommend a condition about a silt curtain especially in areas near eel grass beds. Asked about the actual protocols for the land-based maintenance dredging. Quaise Point is Town property but access is private property; that should be ironed out before maintenance takes place. Agrees the Airport site is a preferred stockpile site. The DPW is a wetland area and that delineation needs to be clarified.
Discussion (4:47)	**Steinauer** – The on-going request is permission for 10 years but our permits only last three years with three one-year extensions. **Erisman** – This is shorebird habitat; work will have to be after the birds have migrated out. Asked if eel grass will be monitored during the dredging. **Count** – Massachusetts Natural Heritage wants that done to ensure no beds are being impacted. **Golding** – Page 354 of the packet the EMF letter talks about winter flounder spawning from January through May. **Player** – Typically winter flounder restrictions finish by January 15-30; that's the latest winter flounder spawn in this region of the state. **Champoux** – The land-based dredging sounds dicey; asked for information on that. **Fronzuto** – There is access on the Jay property that was used in 1993. Because of the sensitivity of the area, couldn't beach nourish without impacting eel grass; stockpiling is the alternative. **Steinauer** – Stockpiled sand after time can pick up nasty weeds; at the DPW there is some stuff that we would have to be careful about transporting out.. **Bennett** – There is an oyster farm; a curtain should be put around the scow to protect it from siltation and slurry. **Fronzuto** – The scow and the barge would be in the Quaise Basin, which is about 27 feet deep. It won't be close to the shore so anything coming out of the scuppers will go into deep water. **Erisman** – Asked if the sediment has been tested for heavy metals. With nutrient loading issues in the harbor, would like to see an analysis of the sediment. **Player** – Under the Department of Environmental Protection (DEP) 401 regulation, testing for those materials is not required unless unusual circumstances arise where DEP feels it is warranted. We do need to

get a DEP 401 water quality certification and that might be something they require. Testing for materials that happen less than 10% of the time is not a usual protocol under DEP regulations.
Golding – He would also like to see an analysis of the nitrate and phosphate loading.
Fronzuto – This discussion came up in 1993 and there have been no oil spills or industrial activity such as would be found around the Town Pier and boat yards. Whatever nutrient loading going on can only be improved by the dredging.
Erisman – Asked what tests CLE might be able to perform on the sediment for pesticides.
Player – What she is hearing is water-quality issues, not nutrient loading issues. Contaminants in the water don't necessarily attach themselves to the sediment.
Golding – Asked if the phosphates and nitrates from the old bog might have precipitated out into the sediment.
Player – In her opinion, that isn't something that attaches to the sediment itself as heavy metal or PVC, which are solid materials. It is not common to test sediment for nitrates and phosphates.
Steinauer – Even if there is a short-term impact, we are looking at a long-term benefit to the water quality in Polpis Harbor.
Erisman – In her opinion, before the sediment is put back out anywhere, it should be tested for these things.
Player – It wouldn't be onerous to test the sand post dredging.
Topham – Asked how close the stockpile site at the DPW is to Long Pond.
Champoux – He would be more concerned about what would get into the sand, not what's coming out of the sand. He would prefer it's not stockpiled at the dump; the Airport site near Miles Reis would be better.
Erisman – Agrees; the dump is contaminated.
Fronzuto – They prefer the DPW as there is competition for the other site. The site at the DPW is available. There is a second DPW site near the office building.
Consensus of the commission is still concerned about contamination of the sand if stockpiled anywhere at the DPW.
Fronzuto – The sand would be tested before reuse. Said he has already be contacted by contractors for sand for their nourishment project; it might not need to be stockpiled due to the need.
Steinauer – Could condition the permit so that all stockpiling occurs outside ConCom jurisdiction.
Count – They did verify the wetland vegetation at the DPW wetland area. Keeping outside that 100-feet would limit the sites.
Golding – Asked if anyone has addressed the effect dredging might have on the clam population.
Bennett – Asked if it is possible to clear out and move clam and oyster seedlings before the dredging starts. Review of further information requested.
Golding – Asked the ratio of material dredged to material that escapes for effect on the clam bed.
Player – A hydraulic dredge has less of that occurring because of the sucking action as opposed to an open bucket dredge. The plan is to used a bucket dredge with an enclosed cap to minimize loss of sediment during the dredging process.
Steinauer – That is the purpose of the silt curtain.
LaFleur – Explained how precise the dredging process is and loss of sediment is minimal.

Staff	Ms Player is correct; it is part of the new provisions for maintenance dredging; that is under the state act. We can come up with a procedure to overcome the local bylaw procedures. Asked the representatives if they had a preferred stockpile site. Noted that before the commission conditions for area of disposal, it might not be within ConCom jurisdiction. It can be conditioned before it is reused. The area is mapped habitat with MNH; haven't received comments back from MNH.
Motion	Continued to March 23 without objection.
Vote	N/A

12. *Minella – 15 Gingy Lane (41-849) NAN-125

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Mark Rits**, Site Design Engineering – There is an isolated vegetated wetland on an abutting property; this is for development of the property with all structural components outside the 50-foot buffer with a small portion of pervious patio inside the buffer to the isolated vegetated wetland and a little minor grading. Silt fence will be installed between 25- and 50-foot buffers; greater than 50% between the 25- and 50-foot buffers will be maintained as current native vegetation. No well or septic is necessary.
Public	None
Discussion (5:29)	**Erisman** – Asked if the existing vegetation that will remain is actual native.
Staff	Just under local bylaw. Existing vegetation is some native and some non-native. Have everything needed to close.
Motion	**Motion to Close.** (made by: Bennett) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

13. *7 & 9 Maine Ave NT – 9 Maine Avenue (60.3.1-425) SE48-2868

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Paul Santos**, Nantucket Surveyors – Follow-up NOI to a Friendly Enforcement issued at the last meeting for relocation of "Eel Skin" away from a rapidly eroding shoreline. All relocation work will occur outside the 100-foot buffer to the coastal bank. Area is outside MESA. Will be reconnected to the existing septic system. The abandoned location would be graded and seeded with beach grass. The well will also be relocated.
Public	None
Discussion (5:32)	None
Staff	Have everything needed to close.
Motion	**Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

14. *Sip & Sea TR – 10 North Road (43-81) SE48-2869

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Arthur D. Gasbarro**, Nantucket Engineering & Survey – For coastal stabilization on a small portion of the property, which has an existing timber bulkhead across the property. The west abutting property was approved for a fiber-roll array with sand cover; proposing the same for the 80-foot gap between that property and the existing bulkhead. Included orders of conditions placed on the abutting fiber-roll project, which his client is willing to accept. The plan shows two areas of vegetation to be avoided with the project; willing to monitor those areas with quarterly photos. The tubes and timber bulkhead will interlock.
Public	None
Discussion (5:47)	**Erisman** – There had been old metal fencing; asked if that is still there. Gasbarro – He did not see it but there is a pile up of eel grass that could be burying it.
Staff	Can condition that any remnants or debris have to be removed. Have everything needed to close.
Motion	**Motion to Close.** (made by: Champoux) (seconded by: Bennett)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

B. Amended Orders of Conditions

1. Mscisz – 51 Crooked Lane (41-531) SE48-2737

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site and topographical plans, photos, requisite departmental l reports and correspondence.
Representative	None
Public	None
Discussion (5:45)	**Bennett** – It is all contained behind an existing stone wall.
Staff	Continued from the last meeting. This qualifies as an amended order.
Motion	**Motion to Close and Issue as an amended order.** (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

2. Hoff – 99 Cliff Road (30-627) NAN-124

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site and topographical plans, photos, requisite departmental l reports and correspondence.
Representative	None
Public	None
Discussion (5:48)	None
Staff	The pool, cabana, and septic have shifted mostly to outside ConCom jurisdiction. Within jurisdiction, the house no longer crosses the buffer; the studio/garage has been slightly shifted outside the 50-foot buffer to the isolated vegetated wetland and the driveway has been reconfigured. Though there is a lot of changes, it does qualify as an amended order. No waivers are needed. A little earthen berm is already permitted to redirect driveway runoff away from the wetland.
Motion	**Motion to Close and Issue as an amended order.** (made by: Topham) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

3. Griswold – 14 Sachem Road (30-240) SE48-2738

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site and topographical plans, photos, requisite departmental l reports and correspondence.
Representative	**Paul Santos**, Nantucket Surveyors – Request is for expansion of the elevated decking along the northern side of the structure. The work occurs within the 50-foot buffer; 120 square feet (SF) of the deck is within the 25-foot no disturb. Waivers for the NOI were issued under net benefit. If stairs need to be put in, they can go in outside the 50 where the deck is almost at grade. Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public	None
Discussion (5:49)	**Steinauer** – Ensured the decking would be open to allow rain to pass through. **LaFleur** – Asked if steps will be in the buffer.
Staff	Have everything needed to close and issue.
Motion	**Motion to Close and Issue the amended order.** (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

III. PUBLIC MEETING

A. Request for Determination of Applicability

1. *3 Grant Ave LLC – 3 Grant Avenue (30-57)

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	None
Public	None
Discussion (5:25)	**Steinauer** – The bank is a mess; it has a lot of stuff dumped on it. Wonders if the applicant would be willing to replant with native trees to make up for the habitat loss. **Erisman** – Agrees with Mr. Steinauer about planting native trees. Noted the undersoil is weedy. **Champoux** – They are on the invasive species list and supports their removal. Pointed out that they grow in a cluster and sprouts will grow out of any remaining root system. Discussion about how to reduce the ability of the maples to sprout.
Staff	They are looking to remove sycamore maples in the buffer to the vegetated wetlands, which is the only resource area affected. They have a 3-year plan to take out sprouts that come up. Can put a condition on the prohibits any dumping of debris on the bank requesting an annual photo showing the condition of the bank. They don't want to tear up the stumps and roots for fear of exacerbating any erosion issues. Through the Negative 3 that would permit the work, you can condition the cleaning up of the bank of other debris, removal of any invasive species, replanting with native trees, and monitoring of resprouts.
Motion	**Motion to Issue as a Negative 3 with conditions noted.** (made by: LaFleur) (seconded by: Bennett)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

B. Minor Modifications

1. Oakhill Investments LLC-341A Madaket Road (60.2.4-64.5) SE48-2828 **Cont (03/23/2016)**
2. Forty-Seven Monomoy TR- 47 Monomoy Road (54-295) SE48-2843

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	**Paul Santos**, Nantucket Surveyors – Request for moving a retaining wall and spa within the 100-foot buffer but outside the 50-foot buffer. No waivers are required. Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public	None
Discussion (6:04)	None
Staff	None
Motion	**Motion to Issue.** (made by: Topham) (seconded by: Bennett)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

C. Certificates of Compliance

1. Neilsen – 21 Wanoma Way (92.4-301) SE48-2684

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff	Work was completed in compliance with the NOI and minor modifications and amended order. Recommend this is with no on-going conditions.
Discussion (6:06)	None
Motion	**Motion to Issue.** (made by: Bennett) (seconded by: LaFleur)
Vote	Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

2. Butnell Corporation – 127 Orange Street (55-146) NAN-090

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

Staff: The design engineer review states that it is in compliance with the permit and functioning without issues. The maintenance originally permitted was not possible; the maintenance they are doing works well. Recommend that this be issued with no on-going conditions.

Discussion (6:07): **Dave Theroux** – Reviewed the history of the project. The drainage allows stormwater to seep through the parking pavement into an underlying system then further into the ground and seems to be functioning as designed to prevent runoff.

Erisman – Asked how often this porous material needs to be maintained.

Judith Butnell, owner – It is brand new, there is no maintenance history. They keep it as clean as possible.

Golding – Asked if there is a life expectancy attached when it was laid down.

Butnell – No; she doesn't think it has to be replaced as long as it is maintained and does its job.

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

Vote: Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

3. Seven Pond Road RT – 7 Pond Road (56-153) SE48-2845

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

Staff: Recommend that this be issued with no on-going conditions.

Discussion (6:13): None

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

Vote: Carried unanimously: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding - Aye

4. Sconset Beach Preservation Fund – 87-105 Baxter Road (Multiple parcels) SE48-2824 - partial

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

Staff (6:14): A partial as-built upon completion of the initial project was part of the requirement for the original permit. This is the first opportunity to discuss the structure.

Applicant Representatives: Maria Hartnett, Geologist Epsilon Associates, Inc.
Jamie Feeley, Construction Manager Cottage and Castle Inc
Arthur D. Gasbarro, Nantucket Engineering & Survey
Steven Cohen, Cohen & Cohen LLP

Public: Emily Molden, Nantucket Land Council
Peter Brace, 67 Milestone Road

Discussion: **Hartnett** – Reviewed the as-built plan with the sand template updated as of February 2016. Change from the original design plan is the drainage system. Total length of the project is about 947 feet.

Erisman – Asked about the anchor tube.

Hartnett – That is part of what was installed in December 2013 under the emergency certification and prevents scour below the tube; it is connected by a scour apron to the lowest tube, which is set at elevation zero; the fourth tube is at about elevation 27.

Steinauer – Asked about the height of the wave wash in the last few storms.

Hartnett – After winter storm Jonas in January 2016, the sand removal was up to the second tier. After winter storm Mars in early February 2016, sand was removed up to the third tier. Between the two storms, there was only one day they could do work on the southern 150 feet or so; the crew had to be diverted to work on the drainage system. February 10 through12 the crew finished replacing the sand and graded. Neither storm triggered the significant storm reporting requirement. Try to get to work within 5 days or less after a storm

Erisman – Asked if there was other criteria for sand loss regardless of the storm.

Staff – They have to meet the nourishment requirements but the reporting requirements were tied to sustained wind speed.

Discussion about the speed with which template sand is lost during different types of storms and the replenishment trigger, which is exposure of half the height of the second tube; and the problems faced in the replenishment process.

Hartnett – During construction, about 4,000 CY of nourishment sand was lost. During storm Jonas, estimate about 2,000 CY of nourishment sand lost. During storm Mars, estimate about 1000-1500 CY was lost. We estimate of the contribution to be about 7,000 CY of sand. The annual survey due in the Fall will have precise volumes. Explained how 4,000 CY of nourishment was lost during construction of the fourth tube.

Steinauer – Suggested that mitigation volume should be calculated in linear feet to ascertain how much of the 22,000 linear feet per year nourishment requirement has been used.

Golding – Noted that the loss so far this year has been much less than was anticipated.

Hartnett – The loss of mitigation sand has been much greater than nourishment provided by an unprotected bluff. The mitigation volume was calculated on long-term retreat rate whereas things can be fairly stable for a few years then a large amount of erosion in one year.

Erisman – Asked for clarification on how the sand delivery invoices are broken down.

Hartnett – Explained the breakdown of the sand delivery reports.
Steinauer – Asked Mr. Carlson if this meets expectations for an as-built.
Staff – The intent of the condition, is to determine what the baseline is for the project: what it looks like, where it's positioned, nourishment volumes have been met, the template is correctly constructed. The weekly construction reports are very informative. As part of the initial as-built, he would find it helpful to see where the established transects run through the structure and have a profile of those transects to see how the volume of sand sits on the project.
Erisman – Questions prioritizing the drainage system over the renourishment between storms Jonas and Mars. The purpose of the nourishment sand is to protect other sites as well as the geo-tubes, the drainage system protects only this project.
Champoux – Noted that even if the crews don't get out to replace lost sand, rain washes sand down off the top of the project providing some donation from the sand above.
Feeley – Explained that installation of the drainage pipe prohibited bringing the dozer down onto the beach to place the sand. Noted that the situation was atypical and not their normal response time.
Staff – Mr. Feeley is also required to keep the daily work logs anytime they go on the beach; those are due in. He asked this information stick to the as-built condition.
Hartnett – The water-level of the wetland monitoring is required this Spring. Existing wells are no long there; submitted information about where the new wells will be located.
Molden – Asked about the date of the template cross-section included in the as-built
Gasbarro – The cross section is dated February 17, 2016; explained the cross section, which includes a graphic representation of the tubes and template sand. Stated that he does not specifically know what the tide was at the time the rods were run but that should be in the notes. The observed water line has little bearing on jurisdictional tide lines.
Review of photos submitted at the table by Ms Hartnett.
Molden – A concern is ensuring the commission understands how much of the mitigation volume is on top of the geo-tubes versus in front and is available to the system during storms. Asked how the sand loss from a storm is calculated.
Hartnett – It is an estimate based upon how much sand is replaced.
Molden – As the course of the year goes by, asked if there's a way to keep track of how much mitigation sand is stored on top and ensure it is pushed down. Likes Mr. Carlson's suggestion for a cross section of the transects. The amount of sand on top of the fourth tube, only extends where the tube is and extends the entire length and can't count as mitigation. Her question is whether or not the sand at the northern and southern extent where there are only three tubes is counted as mitigation.
Steinauer – There are transects on the unprotected bank which are monitored yearly. We want to know how the sand loss from this system compares to an unprotected bank.
Hartnett – That would be part of the annual aerial survey.
Discussion about the sand on top of the fourth tube and sand on top of the third tube at the extents being counted toward mitigation.
Erisman – Suggested adjusting the storm reporting requirements to define a significant storm as when winds are a certain speed for a 10th of the time for over 24 hours instead of consecutively.
Molden – Asked for clarification for the renourishment trigger: does it require ½ the height for the full length of the system.
Hartnett – It is for whatever location the exposure occurs; renourishment is required in that location.
Molden – Asked for clarification on the location of the tubes installed under the emergency certification.
Gasbarro – That was brought forth as reported by the contractor; there is a relation between those and the tubes above.
Molden – Suggested the commission check the status of the third-party review. Suggested the commission visit the site before issuing the certification.
Erisman – Would like more time to review the packet.
Steinauer – He thought the questions was whether or not it was built to specification.
Staff – Read the appropriate condition. The condition requires the approval of an as-built about how it was constructed and if it is in compliance with the permit. It doesn't ask for an evaluation on performance at this time; that comes with the monitoring reports.
Hartnett – Some of the concerns would be addressed at the annual review.
Erisman – Asked that the clay mat be included on the plan for reference in relation to the tubes.
Brace – The clay spur is located at 105 Baxter Road in front of the north end of the tube.
Bennett – Asked if there is a designated volume in mind for sand to be placed in front of the second tube.
Feeley – It is between 2 CY to 2.5 CY from the second tube up to where it rounds off at the top. It depends on what is needed to cover the front of the template.
Steinauer – In the future as part of the storm reports or quarterly reports, he would like to know the condition of the plantings on the bluff above the tubes and how the gullies are holding up.
Discussion about keeping this open to allow further time to review the packet further and for a site visit.

Staff – It will take time to coordinate because there would be questions and discussions, he might have to post the field viewing as a meeting and let other interested persons know and he would have to provide access for all parties to get down in front of the tubes for those not able to go down the stairs.
Cohen – Because Ms Hartnett lives off island, asked if it will be a site viewing or if there is information the commission wants that should be made available at the time of the viewing.
Staff – Hearing comments tonight, the commission wants to see the project in the field and understand what the structure looks like; there isn't a lot of information that has been asked for. The most appropriate person to have on site is Mr. Feeley, who has first-hand knowledge of how it was constructed.
Steinauer – If we need to change this to make it work, we want it to work.

Motion Continued to March 21 for a public field viewing without objection.
Vote N/A

D. Orders of Condition (7:38)

1. Callahan – 4 Morgan Square (87-3.1) SE48-2861

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff Normal pool conditions. Didn't require waivers.
Discussion None
Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: LaFleur)
Vote Carried 6-0: Voice Vote: Topham – Aye; Bennett - Aye; Champoux - Aye; LaFleur - Aye; Steinauer - Aye; Erisman – Aye; Golding – Abstained

2. Bouton – 21 Massachusetts Avenue (60.3.1-312) SE48-2860

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff Normal tight-tank conditions. Didn't require waivers. Has to edit the closing date.
Discussion None
Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Topham)
Vote Carried unanimously

3. White – 47A West Chester Street (41-227.1) SE48-2865

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff Normal monitoring report and photographs. Condition 20 addresses removal of invasive species and cultivars for any replanting.
Discussion None
Motion **Motion to Issue as drafted**. (made by: Champoux) (seconded by: Topham)
Vote Carried unanimously

4. Minella – 15 Gingy Lane (41-849) NAN-125

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff Straight forward with no conditions.
Discussion None
Motion **Motion to Issue as drafted.** (made by: Topham) (seconded by: Champoux)
Vote Carried unanimously

5. 7 & 9 Maine Ave NT – 9 Maine Avenue (60.3.1-425) SE48-2868

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff Only condition is to replant vacated area with beach grass and provide photos that it is growing.
Discussion None
Motion **Motion to Issue as drafted.** (made by: LaFleur) (seconded by: Topham)
Vote Carried unanimously

E. Other Business

1. Approval of Minutes, 02/24/2016: Approved by unanimous consent
2. Monitoring Reports
3. Reports:
   a. NP&EDC, Bennett - Nothing
   b. Mosquito Control Committee, Erisman - Nothing
4. Commissioners Comment
   a. Steinauer – Reminded that daylight savings time is March 12 before the next site visit.
   b. Steinauer – There is a prescribed burn plan for Smooth Hummock; would like to burn off the bluff before vegetation. Asked if that could be done with an RDA or an NOI. Staff – An NOI provides more flexibility.
   c. Erisman – The Wilkinson project abutting 10 North Road, she thought they were to remove the metal posts as part of the project. Staff – He will research that.
5. Administrator/Staff Reports
   a. Noted that if any commissioners are interested in "webinar" classes, the registration might be able to be paid for by the Town.

Motion to Adjourn: 7:48 p.m.

Submitted by:
Terry L. Norton