



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Wednesday, March 23, 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: Jeff Carlson, Natural Resources Coordinator  
Attending Members: Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
Absent Members: LaFleur  
Late Arrivals: Joe Topham 4:04 p.m.  
Earlier Departure:

Agenda adopted by unanimous consent

\*Matter has not been heard

### **I. PUBLIC MEETING**

- A. Public Comment –**
- B.** Lucy Dillon – “Love Thy Nature” will be showing at Starlight Theatre Thursday at three at no charge.
- C.** Emily Molden, Nantucket Land Council – Next Wed, March 30 at 9, Invasive Plant Workshop; it will be filmed and worth 3 licensing credits

### **II. PUBLIC HEARING**

#### **A. Notice of Intent**

- 1. Lily Pond R.T. – 27 N. Liberty Street (41-158 Lot A) SE48-2678 **Withdrawn**
- 2. Lily Pond R.T. – 29 N. Liberty Street (41-158 Lot B) SE48-2677 **Withdrawn**
- 3. Lily Pond R.T. – 31 N. Liberty Street (41-158 Lot C) SE48-2679 **Withdrawn**

Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
Discussion (4:04) None  
Staff The board needs to accept the withdrawal  
Motion **Motion to Accept the withdrawal.** (made by: Bennett) (seconded by: Champoux)  
Vote Carried unanimously

- 4. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **(04/06/2016)**
- 5. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **(04/06/2016)**
- 6. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **(04/06/2016)**
- 7. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **(04/06/2016)**
- 8. \*Gut – 13 Columbus Avenue (59.3-110) SE48-2862

Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Joe Topham  
Recused None  
Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.  
Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Reviewed project within the buffer to a bordering vegetated wetlands. The wetland boundary has been adjusted as reflected in the revised plan. That resulted in a larger area of the addition, 54 square feet (SF), being within the buffer zone. There is no apparent alternative on such a tight site. Requesting a waiver based on no reasonable alternative/no adverse impact. When the site inspection was done, it was discovered that a free-standing stone fire pit had been built; that will be removed and area replanted with grass. The walkway will be revegetated as well.  
**Gary Gut**, for Zachary Gut – Feels this house is of the scale of historic Madaket.  
Public None  
Discussion (4:06) **Golding** – Feels it should be granted; the prior was submitted in good faith.  
No concerns.  
Staff Have everything needed to close.  
Motion **Motion to Close.** (made by: Golding) (seconded by: Champoux)  
Vote Carried unanimously

9. Shea – 8 Walsh Street (42.4.1-83) SE48-2863
- Sitting Steinauer, Bennett, Erisman, 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 – Recapped the project inside the 50-foot buffer to an isolated vegetated wetland. At the last meeting, there was talk about removal of Phragmites; he revised the plan to indicate the plants and spacing; 339-340 SF of land on this property will be replanted.
- Public None  
 Discussion (4:15) None  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Bennett)  
 Vote Carried unanimously
10. Welsh – 101 Eel Point Road (32-7) SE48 – 2864
- Sitting Steinauer, Bennett, Erisman, 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 – This is a request to relocate a standing deck on the bank and to attach it to the house; work will be done with hand-held tools and no heavy equipment. Massachusetts Natural Heritage determined this is a No Take.
- Public None  
 Discussion (4:17) None  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Bennett)  
 Vote Carried unanimously
11. Sabelhaus – 2 Quaise Pastures (26-20.6) SE48-2867
- Sitting Steinauer, Bennett, Erisman, Champoux, Golding  
 Recused Joe Topham  
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.  
 Representative **Don Bracken**, Bracken Engineering, Inc. – We were waiting for the Massachusetts Natural Heritage letter; received that and MNH has determined this is a No Take.
- Public None  
 Discussion (4:18) None  
 Staff No waivers required. Reviewed the project. Have everything needed to close.  
 Motion **Motion to Close.** (made by: Bennett) (seconded by: Champoux)  
 Vote Carried 5-0
12. \*Nantucket Island Land Bank – 46 & 48 South Cambridge Street (59.3-41 & 42) SE48-2871
- Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Recused None  
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.  
 Representative **Paul Santos**, Nantucket Surveyors – Reviewed the project: raze or move the existing structure, abandon existing septic, and remove the fencing and driveway. They will be coming forward at a later date with a detailed plan for a dock, viewing platform, and parking for public access to Long Pond. As yet, they do not have a response Natural Heritage and Endangered Species Program (NHESP). Requested continuance for two weeks.
- Public None  
 Discussion (4:20) **Erisman** – In regards to restoration of the area, expressed concerned about the introduction of invasive species in loam brought onto the site.  
**Champoux** – Suggested a Condition for using a screened loam over a compost.  
 Discussion about the difference between loam and topsoil.  
 Staff Can add condition this for monitoring for invasive species.  
 Motion Continued to April 6 without objection  
 Vote N/A

13. \*Great State Properties, LLC – 92 Washington Street (42.2.3-22) SE48-2870
- Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham
- Recused None
- Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
- Representative **Stan Humphries**, LEC Environmental – Resource areas include: coastal beach and coastal bank and land subject to coastal storm flowage. Proposal is to build a 900 SF garage/studio at elevation 5. Explained that slab on grade for non-livable space doesn't have to be elevated as long as there are flood vents. The habitable space will be above the 100-year flood level. This meets all flood-zone requirements. Explained the general plan for landscaping.
- Public None
- Discussion (4:27) **Topham** – The storm surge will still get forced between buildings and accelerate causing washout; the retaining walls will be detrimental to the flow of flood waters.  
**Erisman** – She wants to see a more detailed landscape plan; the proposed landscaping looks extensive for being in the flood zone. Noted that each plant would have each a handful of fertilizer in it.  
**Golding** – Would like to see where the shed is moving to.  
**Steinauer** – We base flood zone projects upon compliance and this is compliant.  
 Discussion about the impact the project would have on the flow of flood waters.  
**Humphries** – Suggested moving the garage to the other side; that would open up the area for flow.  
 Asked for a continuance.
- Staff Reviewed land subject to coastal storm flowage interest of protection; this is not a wildlife habitat area.
- Motion Continued to April 6 without objection
- Vote N/A
14. Town of Nantucket – Quaise Road Layout (26-13) SE48-2852
- Sitting Steinauer, Bennett, Erisman, 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 a revised plan at the table; reviewed changes made following the site visit of March 21. The goal is to improve public access, fix erosion, and fix drainage. Explained about delineating the path with snow fencing to help brush on both sides to recover. The parking will be graded with no additional surface material. Reviewed the signage. Believes the coir logs are 12”X20”; he’ll check that. Noted that he will be the project manager and on site for this and the other two erosion projects.
- Public **Lucy Dillon**, Bassett Road – She is happy with the changes; agrees with Mr. Golding that the path should be left natural and delineated with posts with rope. She is still concerned about the split rail, which is not on Town property. Suggested blocking off the road with parking on the Land Bank property and access restricted to pedestrian traffic. Asked she be notified when the work starts.  
**Emily Molden**, Nantucket Land Council – NLC’s concern is handing off the plan to whoever will perform the work; she would like there to be a list of the vegetation to be planted and dimensions of the coir logs. If work is taking place on adjacent property, asked if there is permission for that work.
- Discussion (4:41) **Golding** – Would prefer a rope and posts to delineate the access path.  
**Champoux** – Suggested no gravel on the footpath. Doesn't want to restrict the vehicles to the Land Bank property.  
**Erisman** – Her main concern is the sand fill; it should be clean.  
**Golding** – Asked what is being done about the split-rail fence on private property.  
**Fronzuto** – They have been trying to contact the owner of the abutting property where the split-rail fence is located but he's hard to reach; the fence has been there and been used for a long.  
**Steinauer** – Asked the consensus of the board about if this should stay open for a planting plan or can that be left to staff. Consensus is to close and let staff approve the planting plan.  
**Erisman** – Asked for storm-report monitoring.
- Staff (4:05) Mr. Fronzuto is dealing with a brush fire and asked this be moved down.  
 Have everything needed to close.
- Motion **Motion to Close.** (made by: Champoux) (seconded by: Topham)
- Vote Carried unanimously

15. The Town of Nantucket – Polpis Harbor Entrance Channel (19:78-Lot 17 & Lot 4-1) SE48-2866
- Sitting Steinauer, Bennett, Erisman, 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 – Submitted additional documentation and heard from Massachusetts Endangered Species Act (MESA) and Massachusetts Natural Heritage. Reviewed access for the maintenance dredging.  
**Mike Count**, CLE Engineering, Inc. – A pre- and post-dredge eel grass survey was proposed and can be conditioned. Currently filing through Department of Environmental Protection (DEP) for water quality certification, which also has to go through the Army Corps of Engineers.
- Public **Emily Molden**, Nantucket Land Council – In regards to the land access, NLC holds a conservation restriction on the Jay property, which wasn't in place at the time of the last dredging; she's not certain that allows this access. Noted that the access point goes through a wetland lined with coastal dunes so there is concern about granting a permit without knowing what the access will entail. There is no roadway. Suggested not including the maintenance at this time and have them come back later for an amendment.
- Discussion (4:56) **Golding** – 35 years ago the eel grass was so dense you couldn't see the bottom; wonders if there is something in the sediment from the cranberry bogs that stops the eel grass from reseeding.  
**Fronzuto** – It might be in the sediment and the Polpis but not in the channel.  
**Count** – Did nine different fiber core samples and shifted the channel to avoid the eel grass so there will be no dredging near the eel grass.  
**Erisman** – Asked about the excavator that will go onto the beach and the material which will be stockpiled on the beach until it can be trucked out.  
**Fronzuto** – That is for the maintenance dredging. The initial dredging material will be removed with a clamshell and stored on a barge or pumped into a barge.  
**Steinauer** – There was also concern about the location for stockpiling the sediment. The concern with the Department of Public Works (DPW) site is the proximity of invasive species that could get into the sediment.  
**Count** – The stockpile plan was based upon isolating the dredged material within its own area. One proposed area is currently clear of any material; the other area is in the southern section. The area would be lined and the down-slope lined with hay bales or Jersey barriers. Another site is at the airport.  
**Golding** – Asked for confirmation that the previous channel was 100 feet wide and the proposal is 60 feet wide.  
**Fronzuto** – It will be 60 feet. Explained how the width is determined. To Ms Molden's point, noted that the proposed access is clear and wide enough for a truck. However, he didn't know about the conservation restriction and her suggestion allows for time to work with NLC about the access.
- Staff Reviewed Massachusetts Natural Heritage comments that would be included in the Order of Conditions. The Eel Grass Survey done last year didn't show any data points within Polpis Harbor because the mapping done before that hadn't shown any eel grass in Polpis Harbor. It was discussed at the last meeting that before there is reuse of sediment here, a sample is to be sent for testing of the nutrient content. That can be conditioned to be done. Believes Ms Molden's suggestion for an amendment is sensible and would allow for memorializing and condition specific land-based operation so the board would know exactly which access will be used and if brush clearing will be necessary. That would be conditioned in the orders. Have everything needed to close.
- Motion **Motion to Close.** (made by: Golding) (seconded by: Champoux)
- Vote Carried unanimously

**III. PUBLIC MEETING**

**A. Request for Determination of Applicability**

1. \* 6 North Star Lane, LLC – 6 North Star Lane (30-213)

- Sitting Steinauer, Bennett, Erisman, 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 – This is for determination of a wetland land and associated buffer zone in relation to brush cutting. Most of the proposed brush cutting is outside the 50-foot buffer with a small portion is inside the 50; greater than 50% of the 25-50 will remain native vegetation. The site will come in for an NOI for additional work.
- Public None
- Discussion (5:18) **Golding** – Sees no reason not to follow the contour of the 50-foot buffer.  
**Steinauer** – What is proposed is not against the regulations.
- Staff Recommend Positive 2A to confirm the resource boundaries and Negative 3 for work in the buffer zone.
- Motion **Motion to Issue as recommended.** (made by: Bennett) (seconded by: Topham)
- Vote Carried unanimously

**B. Minor Modifications**

1. Oakhill Investments LLC-341 A Madaket Road (60.2.4-64.5) SE48-2828
  - Sitting Steinauer, Bennett, Erisman, 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 – This is a request for a split rail along the northern property line. A portion of the fence would be within the 25-foot buffer to the top of the bank; no vegetation will be removed and holes hand augured. Vegetation is all native and natural.
  - Public None
  - Discussion (5:23) **Erisman** – She was against putting in the vegetation; feels putting a split rail through the vegetation is excessive.  
**Golding** – Believes the fence will look awful.  
**Rits** – The vegetation is tall and the fence won’t be readily visible.  
**Champoux** – Suggested running the fence just up to the vegetation. You can’t install a fence without cutting the brush.  
**Rits** – If the fence stops at the vegetation, a stake will be planted to mark the northeast corner of the property.
  - Staff This was in active appeal; Town Counsel has cleared hearing this. Recommend approving with the changes proposed.
  - Motion **Motion to Approve as a minor modification with the proposed changes.** (made by: Bennett) (seconded by: Champoux)
  - Vote Carried unanimously
2. McCarthy Nantucket House, LLC – 12 Coffin Street (42.3.1-77) SE48-2759
  - Sitting Steinauer, Bennett, Erisman, 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 – This is for approval of a revised landscape plan more in keeping with original conditions and includes an elevated board walkway. The property is within land subject to coastal storm flowage. This plan shows above two ground propane tanks and the existing drive. An existing terrace would be raised with infiltration chambers underneath. For rain runoff, propose a basin in the yard with a line to the catch basin in the road. The proposed plantings have also been identified. There are waivers included with the NOI and this does not propose an increase in scope.
  - Public None
  - Discussion (5:31) **Erisman** – Thinks more wetland plants should be included to help absorb standing water.  
**Steinauer** – Hydrangeas handle that type of water very well. Asked about the boardwalk material.  
**Gasbarro** – It would be all wood. Fibergrate® doesn’t meet the aesthetic the owner is looking for.
  - Staff This is to clarify what the landscape will look like so there will be no issues when the property comes in for the certificate. They are not change or increasing the scope of work or the impact.  
This falls within the scope of a minor modification.
  - Motion **Motion to Approve as a minor modification.** (made by: Topham) (seconded by: Champoux)
  - Vote Carried unanimously
3. Emmy Real Estate Trust – 2 North Star Lane (30-188) SE48-2705
  - Sitting Steinauer, Bennett, Erisman, 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 – This is a landscaping proposal for work within the buffer to a boarder vegetated wetland; will replant a previously disturbed area within the no-disturb zone. Asking for allowance of plantings only between the 25 and 38 line. Proposing a dry-laid stone terrace and raised circular fire pit; that’s the extent of the hardscaping.
  - Public None
  - Discussion (5:42) **Erisman** – The plantings should be native between the 25 and 38 line. Also wants a condition for no cultivars.  
Discussion about the types of plants to go within the 50-foot line, cedar versus Leland Cyprus.
  - Staff This falls within the scope of a minor modification.
  - Motion **Motion to Approve as a minor modification.** (made by: Bennett) (seconded by: Champoux)
  - Vote Carried unanimously

4. Dannheim – 97 Low Beach Road (75-31.2) NAN-119
- Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham
- Recused None
- Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
- Representative **Don Bracken**, Bracken Engineering – Changes are based upon architectural changes to the design: structure is now outside the 100-foot buffer; the pool and hardscaping 57 feet from the wetlands; no change drive and septic. Proposing a wood-post with wire-mesh pool fence outside the 50-foot buffer within existing vegetation. Explained why the fence needs to be reviewed by MNH.
- Public None
- Discussion (5:48) **Erisman** – Doesn't like to see a fence going through vegetation, especially with a clearing. Would like to wait for MNH to make a determination on the fence.  
**Steinauer** – Asked if the openings in the wire fence allows small animals to get through. Would prefer the fence to be along the edge of the clearing.  
**Bracken** – Suggested approving with the fence outside the clearing.
- Staff The fence meets the code for a pool fence with openings big enough for rabbits. The MNH is a separate process than this; can still act on this. This fits within the scope of the minor modification.
- Motion **Motion to Approve as a minor modification with the fence along the edge of the clearing.** (made by: Bennett) (seconded by: Topham)
- Vote Carried unanimously

**C. Certificates of Compliance**

1. Sconset Beach Preservation Fund (87-105 Baxter Road ( Multiple Parcels) SE48-2824 - Partial
- Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham
- Staff (5:56) This is a continuation of the public meeting held at the site Monday, March 21. This certificate is required by the Order of Conditions to be filed for signoff on the initial structure to ensure it was constructed in compliance. It does not contemplate performance of the structure.
- Representatives Jamie Feeley, Construction Manager Cottage and Castle Inc  
 Arthur D. Gasbarro, Nantucket Engineering & Survey
- Public D. Anne Atherton, 48 Squam Road  
 Emily Molden, Nantucket Land Council
- Discussion (5:58) **Golding** – There was discussion last time about the accuracy of the transects and the sand template and whether or not one could shift from estimates to a more accurate method of measuring it. He noticed the 5,000 cubic yards (CY) was the estimated loss when the northern end of the bluff collapsed during construction. Asked if there is a more accurate figure.  
**Feeley** – The numbers are estimates resulting from a series of conversations between Maria Hartnett and himself; they used photography, measurements, and dimensions. It is not an exact science but there was no rounding up.  
**Steinauer** – Asked Mr. Feeley to provide an outline of the steps in the process so that others might use it or critique it.  
 Feeley – They can add that to their list of tracking and monitoring requirements.  
**Gasbarro** – A detailed LIDAR survey will be undertaken in April. Noted a photograph taken February 17, 2016 showing the top of the waterline; that has already changed. The survey will provide exact topographic data and the photograph and establish a baseline. This can be used for comparison in the future.  
**Erisman** – Asked if the gullies are represented.  
**Gasbarro** – There isn't much of the gullies at this point; they've filled in.  
**Feeley** – 2,000 CY of sand was contributed Monday, March 21 right in front of the viewing stand for the purpose of vegetating. With management of storm runoff from above and stabilizing vegetation, there shouldn't be any issues going forward with what's being lost off the face of the bluff.  
**Steinauer** – With all the discussion about 22 yards per linear foot per year of mitigation sand, it will be interesting to see if we ever get a really big storm what kind of contribution that mitigation is provided.  
**Golding** – He's pleased with the details provided.  
**Atherton** – Special Condition 58 called for an independent peer review of the data and recording. Asked about the status of that requirement.  
**Staff** – People are engaged to review the data and monitoring reports as they come in. It is up to the commission whether or not the as-built undergoes a peer review.  
**Atherton** – She thinks the monitoring is important but this is the baseline data; as a member of the public, she thought that was on-going. The structure has been in place for over a year even if technically it was not complete. In terms of a walkable beach and other conditions, asked if they have to wait until the annual review next fall. Suggested the commission hold a special hearing to inform the public about the monitoring process and what can be expected.  
**Staff** – The first report and performance evaluation will come with the report that is due within the next few weeks which will include: first performance report, the LIDAR survey, and sand budget report. Noted that there are different people employed for different aspects of the peer review; some of those reviewers are on the West Coast to avoid using people who have worked on this project. The review that includes the Summer and Fall will have the invertebrate peer review report.

**Atherton** – Reiterated concerns about monitoring of public access and a walkable beach at high tide.  
**Steinauer** – The as-built is the starting point; from here we see how it changes. Asked the board if they feel this is an accurate depiction of conditions on the ground.  
**Golding** – No.  
**Erisman** – Asked how often Ms Hartnett is on the site.  
**Feeley** – Extremely rarely if ever, Ms Hartnett is involved in all the information and report. She makes the determination as to whether or not the standards for an official report have been met.  
**Erisman** – At the last meeting she couldn’t get answers about the location of the benchmark and clay knob; at the site visit it was apparent that the benchmark is on the clay knob.  
**Steinauer** – Going back to the Certificate of Compliance, the question is whether or not the structure is substantially in compliance as to how it was built. We realize this is an on-going project and want to be on top of it over years; however, we didn’t want to wait three years to find out it wasn’t constructed in compliance.  
**Staff** – What’s required of the permit is a partial certificate that says the structure as constructed was constructed as permitted. The permit and its conditions are still in full effect except for this one condition to certify construction. Read the condition appropriate to this hearing requiring the as-built plan.  
**Golding** – Where it has been leveled out between the 3<sup>rd</sup> and 4<sup>th</sup> geo-tube, there seems to be considerably more sand than was asked for. The reason being is to have sand available in an emergency; that is reasonable to him.  
**Feeley** – Stated that by putting all the sand out there, the truck traffic impact is reduced to once a year versus twice a year; it’s a lot less setting up and breaking down. The down side is that if a big storm comes and takes it all, they have to cover the tubes back up and put back the 22 CY.  
**Gasbarro** – To that end, the plan shows the elevation of the top of the tube and the elevation of the top of the sand.  
**Erisman** – Since there were changed to the drainage, asked if there is something in the language that states that was amended between the initial permit and now.  
**Staff** – There could be or it could be noted as part of the substantial compliance.  
**Gasbarro** – It is in the plan that there was a shift in the laying of the pipe.  
**Molden** – To Mr. Golding’s point about the depth of sand being shown on the 3<sup>rd</sup> but not the 4<sup>th</sup> tube, the order of conditions requires that the 22 CY is delivered to the site at a certain point in the year, but a certain amount will be sitting on top of 4<sup>th</sup> tube for a length of time. Moving forward with the monitoring and reporting, it would be good to document the total value that is entering the system as opposed to just what’s being delivered to the site. Right now there isn’t a trigger to show the volume is getting into the system.  
**Steinauer** – We don’t necessarily want that 22 CY to go into the system every year because the natural system didn’t dump 22 CY into the system every year. That’s an average over time. As 22 CY is delivered a year and no “mountain” is building up, we will know that sand is getting into the system. Depending on how these questions are answered, we can make modifications.  
**Golding** – Said he is pleased with what has been produced.

Motion **Motion to Issue the partial certificate of compliance.** (made by: Golding) (seconded by: Champoux)  
 Vote Carried 5-1//Erisman opposed

**D. Orders of Condition**

1. Town of Nantucket – Quaise Road Layout (26-13) SE48-2852

Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Reviewed conditions of the draft that don’t include any requested at this meeting; included a condition for a 6” high vegetated berm to go around the parking area to keep water contained. He will add Condition 25: requiring a pre-construction meeting. Added the normal storm-reporting condition.

Discussion (6:28) **Erisman** – Asked for a condition about drainage.  
**Golding** – There was talk at the site about raising grade closest to the harbor to make it level; the 6” lip would be after that.

Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: Champoux)  
 Vote Carried unanimously

2. Gut – 13 Columbus Avenue (59.3-110) SE48-2862

Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Included a conditions about no cultivars and removal of invasive species and photo-monitoring about the area where the fire pit was removed. A waiver was required and is included.

Discussion (6:32) None

Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: Topham)  
 Vote Carried unanimously

3. Shea – 8 Walsh Street (42.4.1-83) SE48-2863  
 Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Photo-monitoring and copy of the license for the herbicide applicator. A yearly summary is required. No cultivars. If Phragmites show up, they have to get rid of it.  
 Discussion (6:33) Discussion about the stand of Phragmites that covers several lots and how to get rid of them.  
 Motion **Motion to Issue as drafted.** (made by: Topham) (seconded by: Champoux)  
 Vote Carried unanimously
4. Welsh – 101 Eel Point Road (32-7) SE48 – 2864  
 Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Condition: area vacated by the deck is to be planted with American beach grass and photos provided.  
 Discussion (6:36) None  
 Motion **Motion to Issue as amended.** (made by: Bennett) (seconded by: Champoux)  
 Vote Carried unanimously
5. Sabelhaus – 2 Quaise Pastures (26-20.6) SE48-2867  
 Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Most is outside ConCom jurisdiction; the stone walkway is the closest work to the wetlands. This is a developed area being reconfigured.  
 Discussion (6:37) None  
 Motion **Motion to Issue as drafted.** (made by: Topham) (seconded by: Bennett)  
 Vote Carried unanimously
6. The Town of Nantucket – Polpis Harbor Entrance Channel (19:78-Lot 17 & Lot 4-1) SE48-2866  
 Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff Condition 19 is for silt curtains. Conditions 20, 21, 22, & 23 are required from MNH; he broke out the January 15 to May 31 separately because that was requested by the Fisheries and he wanted to memorialize the reason for that closer. Condition 25 requires all dredged materials to be tested for nutrient content prior to reuse. Will add Condition 26 requiring pre- and post-dredging eel grass surveys and Condition 27 requiring an amended order for maintenance dredging.  
 Discussion (6:38) **Champoux** – Clarified that there is no requirement to test the sediment prior to dredging; testing is required only prior to reuse.  
**Erisman** – Asked about testing for heavy metals.  
**Staff** – He can add that to Condition 27.  
**Golding** – This area seems to have gone from being full of aquatic life to being sterile. He'd like to know why. Suggested testing after it's been stored, not before it's reused because that could be years.  
**Staff** – If it tests to have an elevated level of nitrogen and phosphorous, the question becomes what to do with it. Noted also that the dredged sediment will not have interacted with the air in years and it will change pretty quickly.  
**Champoux** – The dredged material has to go somewhere and test results probably wouldn't come back before it has to be stockpiled.  
**Staff** – Will add that a sample from the material when it is on the barge and a sample from when it is at the storage area will be tested at the same time for comparison.  
 Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: Bennett)  
 Vote Carried unanimously
7. Sip & Sea TR – 10 North Road (43-81) SE48-2869  
 Sitting Steinauer, Bennett, Erisman, Champoux, Golding, Topham  
 Staff This is the bio-engineered tie-in between the harbor armor at 10 North Road and the bio-engineered structure at 48 Shimmo Pond Road. Used the same conditions from the 48 Shimmo Pond Road project; it's just not the same length. He will add Condition 32 requiring the removal of stakes and posts in the beach.  
 Discussion (6:48) **Erisman** – There were metal stakes in the beach.  
 Motion **Motion to Issue as amended.** (made by: Bennett) (seconded by: Topham)  
 Vote Carried unanimously

**E. Other Business** (6:51)

1. Approval of Minutes for March, 9, 2016: Approved by unanimous consent
2. Reports:
  - a. CPC, Golding – Nothing to report.
  - b. NP&EDC, Bennett – Nothing to report.
  - c. Mosquito Control Committee, Erisman – Reviewed highlights of March 22 meeting.
3. Commissioners Comment: None
4. Administrator/Staff Reports
  - a. April 2 is Annual Town Meeting at 9 a.m.

Motion to Adjourn: 6:58 p.m.

Submitted by:  
 Terry L. Norton