



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, May 4, 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, LaFleur, Champoux, Topham
Absent Members: Golding
Late Arrivals: None
Earlier Departure:

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment

Steinauer – Someone will be speaking about the infection of Black Oaks by cynipid gall wasps on Saturday May 7, 10 a.m. at Bartlett's Farm.

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock's Court (42.3.4-84) SE48-2834 **(Cont 05/18/2016)**
2. Edwin Snider RT – 1 Brock's Court (42.3.4-84) SE48-2835 **(Cont 05/18/2016)**
3. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **(Cont 08/10/2016)**
4. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **(Cont 08/10/2016)**
5. Pocomo Neighbours – 47, 53, 55, 57, 61, 63, & 69 Pocomo Road (Multiple) SE48-2874 **(Cont 05/18/2016)**
6. *The Trustees of Reservations – Costaka Coatue Wildlife Refuge and Great Point (7-1.7) SE48-_____

Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	Fred Pollnac , acting superintendent – Seeking to continue the 1995 management plan; no planned alterations.
Public	None
Discussion	Erisman – Asked if the plan includes management of invasive species. Pollnac – The plan was modified in 2000 to include invasive species but there is no current management being enacted; they are doing a survey. Asked for a continuance.
Staff	Waiting to hear from Massachusetts Natural Heritage (MNH).
Motion	Continued to May 18 without objections.
Vote	N/A
	7. *The Town of Nantucket – Consue Springs off Union Street (55.1.4-15) SE48-2880
Sitting	Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	Kara Buzanoski , Director Department of Public Works – This NOI is for installation of pipes and dredging for the new outfall to Consue Springs stormwater project. This will be coordinated with a Nantucket Islands Land Bank proposal for removal of invasive species. Steve D'ambrosio , GZA GeoEnvironmental, Inc. – Reviewed resource areas. About 200 cubic yards of sediment material will be removed from Goose Pond requiring it to be dredged to elevation minus-5. Presented work to be done.
Public	Emily Molden, Nantucket Land Council Tom Kershaw, 2 Duck Pond Lane
Discussion	Champoux – Asked if the sewer pipe in the middle of the old railroad is part of this scope of work. Buzanoski – No. Steinauer – Asked what would be done with the spoils of the pond; those might be toxic and full of phragmites propagules. D'ambrosio – Multiple samples have been taken from the pond and tested; they meet criteria for disposal at the land fill.

Buzanoski – That material will go into the digester; soil will be composted. Compost put out in landscaping waste is made available for general use; the other goes to the top of the land fill. Explained the steps that will be taken to ensure the phragmites don't end up in landscaping compost.

Steinauer – He is concerned about phragmites propagules going out to the public.

Erisman – Asked how much water that the ditch would normally handle will go into the pipe. Her concern is losing some of the naturally-occurring filtering of the runoff as it goes through the ditch.

D'ambrosio – Doesn't have that figure currently available. The ditch is mostly due to the stormwater.

LaFleur – Noted that the jacking a culvert is substantially different than digging a trench. Jacking will disturb a tremendous amount of area. Would like to see a detailed cross-section on the culvert pipe.

Steinauer – Asked if the railroad can handle heavy equipment.

D'ambrosio – The equipment to be used is conventional construction equipment. Will cap the existing culverts, install a sump pump, the pump line will discharge into an area that can dissipate the energy of the pump, then flow off into the saltmarsh. Turbid water will be trapped to allow sediment to settle out before going into the saltmarsh.

Steinauer – Asked if the additional culvert will expand the pond or keep it small.

D'ambrosio – With normal flow, it might be a little lower than it is today.

Topham – There is an 8 inch pipe; asked what that is or if it's trash.

Molden – Overall this will be a long-term net benefit for the area. Asked if one of the pipes will be for overflow or direct drain for stormwater. Suggested the board condition that soil containing phragmites be placed in compost that won't be made available. The file contained an old report showing modeling that speaks well to commissioner concerns about the level of the pond with the current pipes; water comes in on the high tide but doesn't flush out with the low tide. Would like to see reports after the work to show the pond levels changing with the tide.

D'ambrosio - The pipe Ms Molden asked about is a direct pipe.

Steinauer – There might be concern about the impact of this work on the ducks. Asked if any thought had been given to them.

Buzanoski – Believes that with the arrival of construction equipment, the ducks will stay away.

Erisman – Asked when the work will be done.

D'ambrosio – The work will probably take place in the fall and winter.

Erisman – Asked what sort of the dredging material will be sorted out by the catch basin.

D'ambrosio – It is for sediment.

Kershaw – Asked if the work would start this fall and how long it will last.

D'ambrosio – It is possible it could happen this year and take two or three months; the Town would like to move this project forward.

Kershaw – One concern is the storm surge coming through the open pipe and flooding the abutting properties.

D'ambrosio – In a storm event water does overtop the railroad. They are willing to look into something that might mitigate the storm surge into the pond.

Erisman – Noted that this will help the water flow back out as the tide goes out; right now water gets stuck.

Kershaw – Asked where the staging areas are.

Discussion about staging areas for equipment and the type of equipment that might be used.

D'ambrosio – The area is mapped as priority habitat. Asked for a 2-week continuance.

Waiting for MNH comments. He will draft a positive order for the next hearing.

Continued to May 18 without objections.

N/A

8. *Meyer – 41 Dukes Road (56-327) SE48-2881

Sitting Steinauer, Bennett, Erisman, LaFleur, Topham

Recused Champoux

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

Representative **Brian Madden, LEC Environmental** – Proposed sewer connections, abandonment of existing system, expansion of a deck, and installation of a drywell. Wetlands are north and west of the property. NE portion has two sump pumps running into the wetlands; plan to install a drywell and connect the pumps.

Public None

Discussion None

Staff Have everything needed to close.

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

Vote Carried 5-0

Staff
Motion
Vote

Sitting
Recused
Documentation
Representative

Public
Discussion
Staff
Motion
Vote

9. *60 Madaket Road Nominee Trust – 60 Madaket Rd (41-200.1) SE48-2882
- Sitting Steinauer, Bennett, Erisman, 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 – Repair of a failed septic system. Leech fields outside of 100 foot buffer to a wetland; a leech field just inside the 100-foot buffer to an isolated vegetated wetland will be abandoned and site graded. Included minor repair work to the house in this NOI. Installing a conventional Title V system with leech fields outside the buffer.
- Public None
- Discussion None
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Bennett) (seconded by: Champoux)
- Vote Carried unanimously
10. *Middle Slip LLC – 29B Old North Wharf (42.3.1-225.1) SE48-2883
- Sitting Steinauer, Bennett, Erisman, 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 – For work to remove cluster of piles in Nantucket harbor between slips at the end of Old North Wharf; the piles would go back in at a later date. Have a sign-off from Division of Marine Fisheries. Work would be from a barge; installing a silt fence might cause greater disturbance than just removing the piles.
- Public None
- Discussion None
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Champoux) (seconded by: Topham)
- Vote Carried unanimously
11. *Nantucket Islands Land Bank – 17 Commercial Wharf & Unnumbered Lot New Whale Street (42.2.4-7 & 8) SE48-2885
- Sitting Steinauer, Bennett, Erisman, 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 – Redevelopment of existing solid built pier at Petrel Landing; install steel sheeting bulkhead around toe of slope-stone revetment and back fill solid and facilitate handicapped access to the pier. Reviewed the landscape plan. Looking to dredge a portion of the area. Interests are purely recreational open to all users. Have done several eel-grass surveys; reduced the dredge footprint as a result; siltation curtains will be set and anchored by divers around the area of work. Resource areas: land subject to coastal storm flowage, coastal bank (stone revetment), land under the ocean, and land containing shellfish. Would agree to pre- and post-construction monitoring of the eel grass.
- Pam Newburg**, PhD – She has done the eel grass surveys and hasn't find a lot of shellfish in this area and the eel grass that is stable and well delineated. The dredging was cut back to avoid that habitat. There are some quahogs but it is not a significant shellfish habitat. There is a stormwater runoff pipe that hasn't helped the area. Explained how the field survey of the eel grass was done to delineate it properly.
- Erick Savetsky, Executive Director Nantucket Islands Land Bank
- Rachel Freeman, Environmental Coordinator Nantucket Islands Land Bank
- Sarah Alger, Sarah F. Alger P.C.
- Public Sarah A. Turano-Flores, attorney for David Muller, 13 Commercial Wharf
- Milton Rowland, Chair Commission on Disability
- Emily Molden, Nantucket Land Council
- Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP, for Rich Corey, 12 Commercial Wharf
- Discussion **Turano-Flores** – Reviewed the scope of the project. Concerns include certain performance standards that must be met and it is her opinion that those can't be met: flood control and erosion control functions and protection for marine fisheries and habitats. Reviewed components and how each relates back to the pertinent State and local performance standards. Requested the commission to continue this in order to perform a comprehensive assessment of this project. Noted that the Land Bank is required by their special legislation to keep land they require in predominantly natural and open state; this would be converted to a commercial wharf, which she believes is beyond passive recreation. That raises concerns under both the Land Bank act and Article 97 of the amendment to the Massachusetts Constitution requiring entities such as the Land Bank not to convert the use of open environmental space to more intensive use without a 2/3 vote of both houses of the State legislation.
- Steinauer** – He has concerns about the planting plan; this board has been pushing for more native genotypes rather than cultivars.
- Erisman** – The large trees will ruin the wetland scenic views in an area where you can see the harbor. She is also concerned about the parking at the end the pier; the plan in the packet shows one parking spot.

Gasbarro – The plan in the packet is correct; the intent is to have an area of loading and unloading only. There is a gate to prevent vehicles from the pier. Explained the philosophy behind the loading area.
Freeman – The loading area helps meet Americans with Disabilities Act (ADA) compliance.
Rowland – Noted that though the access is being provided, the surface of the pier is not ADA compliant. Discussion about how to make the area more ADA compliant.
Gasbarro – Ultimately they will request a continuance. The intention is not to raise the pier above its current elevation. The steel sheeting might be slightly higher than the stone revetment. Other comments are addressed in the application. He can submit additional information.
Steinauer – Is this a new structure or a repair of an existing structure.
Gasbarro – There is an existing coastal engineering structure with a proposed immediate adjacent coastal engineering structure; there is no currently unprotected shoreline.
Erisman – She shares the abutter’s concern about changing the way stormwater is infiltrated.
Steinauer – The vertical surface adds to the reflection of wave energy; the stone absorbs that.
Gasbarro – The bulkhead would be similar in construction to what was approved recently for Easy Street.
Molden – Concerns included the eel grass and shellfish habitat and installation of the silt fence; that the fence will be installed with divers should be conditioned. Would be interested to see more details on follow-up monitoring and conditioning of any mitigation if necessary following that monitoring report.
Steinauer – Moorings would impact the eel grass.
Gasbarro – Moorings that will be impacted by the work are indicated on the plan. He has met with the Harbor Master about a transition to move moorings as needed. He will include supplemental information on the that.
Molden – Asked if there is still a moratorium on eco-moorings.
Gasbarro – Wouldn’t use helical moorings. He will provide information on the types of mooring that would be used to protect the eel grass. Replacing mooring would be handled by the applicant through the Harbor Master.
Reade – This is currently a location where people come to enjoy the view of the harbor; in its place will be a large dock with large vessels affecting the wetland scenic view. He will be back with his client’s own expert and further questions at the next hearing.
Gasbarro – Requested a continuance to June 1. Noted the proposed use meets with the Harbor Plan.
Erisman – There should be signage and handling of dog waste.

Staff Noted that this project is limited due to the geographical region, not jurisdiction.
 Asked for written comments by May 27 before the June 1 hearing.
 Motion Continued to June 1 without objection.
 Vote N/A

III. PUBLIC MEETING

A. Minor Modifications

- 1. Cliff ACK Realty Trust – 96 Cliff Road (41-15) SE48-2066

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – Minor modification for tree removal of a distressed red maple; have been able to source a 6- to 8-inch red maple. Originally had two trees on the plan but willing to put in three. There is also a sunset red maple, which has habitat value and likes to keep its feet wet.
 Public None
 Discussion **Champoux** – Suggested keeping it a straight red maple, a swamp maple.
Steinauer – Stated that he spoke with Jenn Karberg, who recommended sticking with only one or two trees; over time too many trees would remove water from the wetland as they get larger.
 Discussion about the distressed state of the existing red maple.
 Consensus is to plant three trees in the event that one doesn’t survive.
 Staff The existing tree is on its way out.
 Motion **Motion to Approve as a minor modification.** (made by: Champoux) (seconded by: Bennett)
 Vote Carried unanimously

B. Certificates of Compliance

- 1. Twenty-Two Easton Nominee Trust – 22 Easton Street (42.1.4-12, 12.1) SE48-1646

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff Work permitted was never completed; closing out this Order of Conditions; there is an open Order of Conditions in place for this property.
 Discussion None
 Motion **Motion to Issue.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously

2. Walsh – 46 Shimmo Pond Road (43-77) SE48-939

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff This is to be invalidated; it's in compliance with current permits.
 Discussion None
 Motion **Motion to Issue.** (made by: Erisman) (seconded by: Champoux)
 Vote Carried unanimously

3. Walsh – 46 Shimmo Pond Road (43-77) SE48-2707

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff This was for repair damage to coastal bank. The work is completed and some monitoring has been provided. Suggested it be issued given further providing of information that is correct and reestablishment of vegetation.
 Discussion None
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Bennett)
 Vote Carried unanimously

4. Kafer – 143 Wauwinet Road (11-8) SE48-2858

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff This is the first permit to be closed out for this site. For upgrade to septic system. It is installed correctly and is in compliance with the permit. Asked for on-going Condition 20: Board of Health test data be provided to ConCom.
 Discussion None
 Motion **Motion to Issue with on-going Condition 20.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried

C. Orders of Condition

1. Meyer – 41 Dukes Road (56-327) SE48-2881

Sitting Steinauer, Bennett, Erisman, LaFleur, Topham (Champoux recused)
 Staff This is pretty straight forward.
 Discussion None
 Motion **Motion to Issue as drafted.** (made by: Bennett) (seconded by: LaFleur)
 Vote Carried 5-0

2. 60 Madaket Road Nominee Trust – 60 Madaket Road (41-200.1) SE48-2882

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff This is pretty straight forward. Included the repair work to the house in this.
 Discussion **Erisman** – Noted that the work incurs into the 100-foot buffer only a little bit.
 Motion **Motion to Issue as drafted.** (made by: Bennett) (seconded by: Topham)
 Vote Carried unanimously

3. Middle Slip LLC – 29B Old North Wharf (42.3.1-225.1) SE48-2883

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff Noted a correction in the Department of Environmental Protection (DEP) number to be made. After the discussion, he will strike Condition 20 & Condition 21. Wants to keep Condition 19. The letter from the Division of Marine Fisheries indicated the site was not within a habitat area.
 Discussion None
 Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

4. The Trustees of Reservations – Costaka Coaue Wildlife Refuge and Great Point (7-1.7) SE48-_____

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff Had instructions for a positive order. Asked for further thoughts on conditions. Can ask for a yearly report on what invasive species were pulled.
 Discussion **Steinauer** – They said they will be hand-pulling some invasive species; asked that be included.

5. The Town of Nantucket – Consue Springs off Union Street (55.1.4-15) SE48-2880

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff Had instructions for a positive order. Asked for further thoughts on conditions. Will include the use of a tide gauge at the culvert. Will include a condition about the disposition of the dredged material.
 Discussion **Champoux** – There was concern expressed about ensuring the dredged material is kept separate from publicly available compost. Asked about the abutters request for a flood gate; the flow into the system shouldn't change much.
Erisman – That would impede the in-flow; the flow out will be improved.

D. Monitoring Reports

1. 34 Shawkemo, LLC – 34 Shawkemo Road (27-3) SE48-2540
2. Cigarran – 25 East Tristam Avenue (31-1) SE48-2840
3. Giles RT – Off of Tennessee Avenue (60.1.2-33) SE48-2839

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Staff These are improperly posted; will hold and repost for the next meeting.
 Discussion None

E. Other Business

1. Approval of Minutes April 20, 2016: Held
2. Enforcement Action
 - a. Meyer – 2 North Beach Street (42.4.1-64)

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Staff This was formerly 2 North Beach Street and subdivided into 65 & 67 Easton Street. Without a ConCom permit, the owner installed a gravity sewer manhole with potential to tie into connections. It is within the State jurisdictional zone for land subject to coastal storm flowage, which alone requires a filing, as well as within local land subject to coastal storm flowage. There is an existing isolated vegetated wetland at 69 Easton Street and a potential isolated vegetated wetland on this property, which has never been approved with a clear delineation. Believes that how the manhole is sitting could directly impact that smaller isolated vegetated wetland. This would be the fourth enforcement order on this property; we should issue it out with the requirement to remove the unpermitted structures and restore the area and appear before the commission on May 18. Believes punitive action needs to be issued; this site will continue to be an issue if it is not definitively addressed.
 Discussion **Steinauer** – Asked if the board should ask them to come in first or level the fine at this time.
Staff – Recommended having the owner come before the board then take punitive action when they are present.
 Motion **Motion to Issue the Enforcement Order 2 North Beach Street (aka 65 & 67 Easton Street).** (made by: Bennett) (seconded by: Topham)
 Vote Carried unanimously

- b. Nantucket Island Land Bank, 4 Polpis Harbor Road and 286, 288, & 290 Polpis Road (25-3.1, 33, 34, &3)

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Staff As noted during the site visit, some areas have been significantly cut; the work done crosses a number of properties and he’s not sure of the limits as relates to the stand of cut holly trees. A good percentage of that is within the jurisdictional area of a wetlands; at 290 Polpis Road, there are tracks through the vegetated wetlands from vehicles accessing the work site to include additional areas of cutting within resource areas on 286 & 288 Polpis Road. The enforcement order would be issued for the work that is done.
 Representative Erick Savetsky, Executive Director Nantucket Islands Land Bank
 Bob Gardner, Chair Land Bank Commission
 Neil Patterson, Commissioner Land Bank Commission
 Rachel Freeman, Environmental Coordinator Nantucket Islands Land Bank
 Sarah Alger, Sarah F. Alger P.C.
 Discussion **Erisman** – There was clearly fertilizer applied to the path; asked if that should be separate from the tree cutting.
Staff – At this time, yes.
Champoux – We need to ensure something like this doesn’t happen again. Whoever did this work shouldn’t be doing that kind of work in our community. That whole stand of holly is gone; he doesn’t believe there will be much regeneration from any of them. Asked: 1) where did the directive come from; 2) how could a landscaper think what was done is okay. Just because someone is asked or told to do something does not remove that person from culpability. He wants the person who gave the directive and the person who did the work before this board.
Topham – That work is extreme negligence.
Savetsky – Noted that frequently they get requests to cut back growth. The house that requested this work is quite a distance from the stand and seemed it was a pruning exercise. He and his staff are horrified by how it turned out. Being within wetland jurisdiction is another mistake that was made. A significant error was not devoting sufficient time to ascertain the impact of the potential work. Explained the process usually taken for such requests for pruning of growth; noted the Land Bank will have to reassess that process and do what is necessary to mitigate and repair the damage.
Erisman – As a public citizen, she feels what happened is horrible. In her opinion, private owners shouldn’t be making requests of the Land Bank without the public’s knowledge; doing that serves a specific person over the good of the general public. Reiterated her extreme concern of the vehicles tracking through the wetland.

Champoux – Who did this work is not a professional arborist; we need to get to a point that establishes some metrics of professionalism in the industry.

Savetsky – Noted that the road used is under a permit to build bridges across wetlands for mowing access.

Erisman – Everyone needs to be aware of the need for habitat, both wetlands and trees.

Discussion about having the person who did the work come before the board to explain why the trees were cut as they were.

Gardner – This is an unfortunate circumstance resulting from a number of factors. The commission is reviewing what happened to take the necessary steps to ensure it doesn't happen again. Affirmed the commitment of the staff and Commission to maintaining their properties in a responsible manner.

Erisman – Asked who okayed the work.

Savetsky – It was reviewed and approved by staff under his attention. It should have gone to the Commission.

Gardner – Explained the process of presenting maintenance plan to the commission. The Land Bank takes responsibility. The Commission is committed to putting in the safeguards to ensure a similar situation does not occur again.

Erisman – Feels private owners should not be able to request a view prune.

Steinauer – Noted that ConCom can't tell the Land Bank how to manage their property; asked the board to stick to the issues at hand.

Patterson – Going forward, he wants to ensure that if any property owner wants a view shed cut, it must be on the agenda and come to the Commission for the decision.

Staff – The Land Bank understands something terrible happened and they are taking steps to ensure it doesn't happen again. Our role is to figure out how to make our regulations hold to a violation that took place and get all involved parties to the table to discuss what took place to put into action a plan to mitigate the situation and/or evaluate what happened within ConCom jurisdiction.

Freeman – Noted that usually Jeff Pollock, Property Management supervisor, contacts her about all work requiring permitting. Suggested that perhaps this project was rushed and this is how it was missed.

Erisman – Asked if the land is within MNH jurisdiction.

Freeman – It is.

Erisman – Noted that the house that requested the pruning has also cut down all shrubbery on the property. Asked if a buffer at the end of that property for mediation could be part of this enforcement action.

Staff – It depends on whether or not they are in compliance with their existing permit SE48-2761. Work that is not on their property is not directly their responsibility. There is some cutting that has been done on their property that he would like to quantify as well as some small issues in other spots that need to be addressed. He wants as many people involved to come before the board to get as much information as possible; the board needs to know exactly what happened on which property and all owners involved know what is expected of them as steward of their properties. There is a clear violation on 4 Polpis Road for which an enforcement order would be issued; read the enforcement order.

Freeman – Has a proposal for steps to restore the area she would like the board to take a look at. Reviewed the draft plan for restoration with boundary lines and resource areas.

Champoux – It is spring and those trees that can sprout will show it; however, for some there is nothing left to sprout. If the holly is going to be replaced, it has to be in kind and bigger than saplings.

Staff – Procedurally, if a vehicle is going to be brought into the area, its access has to be made clear and what steps will be made to protect the resource areas from further damage. It will be very helpful to get the wetland buffers on record.

Steinauer – Suggested Ms Freeman talk to Brian Madden about what plants to put into the wetlands.

Staff – He has prepared Enforcement Orders for all four properties in and around the site of the cutting; they all read the same.

Motion

Motion to Issue Enforcement Orders for 4 Polpis Harbor Road, 286 Polpis Road, 288 Polpis Road, and 290 Polpis Road. (made by: Topham) (seconded by: Champoux)

Vote

Carried unanimously

- 3. Reports:
 - a. NP&EDC, Bennett
 - b. Mosquito Control Committee, Erisman
- 4. Commissioners Comment – None
- 5. Administrator/Staff Reports – None

Motion to Adjourn: 7:12 p.m.

Submitted by:
Terry L. Norton