



## CONSERVATION COMMISSION

### PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

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

Wednesday, May 18, 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 4:02 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Coordinator  
 Attending Members: Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham  
 Absent Members: None  
 Late Arrivals: LaFleur, 4:03 p.m.  
 Earlier Departure: None  
 Agenda adopted by unanimous consent

\*Matter has not been heard

#### **I. PUBLIC MEETING**

- A. Public Comment** – Emily Molden, Nantucket Land Council – Discussion about availability of a video link for symposium held May 7, 2016 about cynipid gall wasps.

#### **II. PUBLIC HEARING**

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

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **(06/29/2016)**
2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **(06/29/2016)**
3. Pocomo Neighbours – 47,53,55,57,61,63 & 69 Pocomo Road (Multiple) SE48-2874

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	<b>Arthur D. Gasbarro</b> , Nantucket Engineering & Survey – Have not received sign off from Massachusetts Natural Heritage; asked for a continuance for two weeks.
Public	None
Discussion (4:05)	None
Staff	None
Motion	Continued to June 1 by unanimous consent.
Vote	N/A

  

4. The Trustees of Reservations – Costaka Coatue Wildlife Refuge and Great Point (7-1.7) SE48- 2884	
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 (4:06)	Discussion about continuing in order to allow members to look over the plans.
Staff	The Massachusetts Natural Heritage letter was received with two conditions to be included into the order. Recommends attaching the detailed plan to the order.
Motion	Continued to June 1 by unanimous consent.
Vote	N/A

  

5. The Town of Nantucket – Consue Springs off Union Street (55.1.4-15) SE48-2880	
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 (4:10)	<b>Erisman</b> – Asked if the “mystery pipe” had been identified since the last meeting. <b>Champoux</b> – There was discussion about whether or not there would be flood gates; the abutters were concerned opening the channel would increase the storm surge. The culvert will help the out flow. <b>Erisman</b> – There was a request for before- and after-installation modeling of water levels. <b>Steinauer</b> – The flood gates are contradictory to the reasons for opening the culverts.
Staff	Massachusetts Natural Heritage had no comments. Drafted a positive order. Can condition the removal of the pipe. Have everything needed to close.
Motion	<b>Motion to Close.</b> (made by: Champoux) (seconded by: Topham)
Vote	Carried 6-0//Golding abstained.

6. \*Bell – 13C Willard Street (42.4.1-15.3) SE48-2887
- 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 – work within land subject to coastal storm flowage and within 100-foot buffer of bordering vegetated wetlands. Raise structure onto new foundation compliant with flood codes, addition of steps, remove a portion of existing deck within zoning setback, and add infill to deck between bordering vegetated wetlands resource area. Dewatering would be temporary subject to a permit from the Town. Not proposing any fill.
- Public **Carole Beller**, 3 Willard Street for Brant Point Assn. – Can’t imagine how the house can be raised without destroying the neighbor’s house.  
**Gary Beller**, 3 Willard Street – Work last year occurred during the summer season; asked when this work would begin. He knows zoning can put restrictions on external construction.  
**David Callahan** – Supports this project; these houses are getting flooded and need to be lifted.
- Discussion (4:14) None  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Bennett)  
 Vote Carried unanimously
7. \*Hilderbrand – 60 Crooked Lane (41-198) SE48-2886
- 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 – There is a bordering vegetated wetland to the north in excess of 100 feet from the property. Reviewed the scope of work that will be outside the 50-foot no-build buffer but within the 100-foot buffer; there will be a shed within the 50-foot no-build zone. Asked for two waivers: work within 2 feet of the groundwater table for the pool; construction of the shed within 50-foot no-build zone. Explained the client is willing to change the shed to keep it outside the no-build zone. Do not need Massachusetts Natural Heritage review.
- Public None  
 Discussion (4:23) **Golding** – Asked about the area around the pool and if it would be porous.  
**Santos** – There is no indication about the material of the area around the pool.  
**Steinauer** – Given the size of the pool patio, most of it is outside the 50-foot zone with plenty of land to allow any runoff to percolate back into the ground.
- Staff Have everything needed to close unless the board wants to see revisions to the shed. The shed can be conditioned to be outside the 50.  
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Bennett)  
 Vote Carried unanimously
8. \*Asness RT – 3 Hulbert Avenue (29.2.3-6) SE48-2890
- 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 – Two coastal resource areas: land subject to coastal storm flowage and coastal dune on the water side of property before a bulkhead, which acts as a coastal bank. Work is for enclosing front-porch area with supports, rework the deck, add an outdoor shower, move a step off center, add a bay window on the east side of the structure, and addition of a generator adjacent to Hulbert Avenue. The majority of the work is to occur within the 50-foot no-build zone. Waivers required: for work in 50-foot no-build, and work within land subject to coastal storm flowage.
- Public None  
 Discussion (4:33) **Erisman** – Asked how the outdoor shower will drain.  
**Steinauer** – The shower drain should be conditioned to discharge outside the 50-foot buffer.
- Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)  
 Vote Carried unanimously

9. \*Lindsay – 15 Pippins Way (43-94.3) SE48-2888
- 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 **Jeffrey Blackwell**, Blackwell & Associates, Inc. – This is for construction on a lot within a subdivision of a house, garage, and cottage outside the 50-foot buffer to the wetland resource area. MNH approved the limit of work uphill from the 25-foot no-disturb zone. Asked to maintain an existing path to the pond. The well exists; the septic will be an enhanced treatment system.
- Public None  
 Discussion (4:39) **Steinauer** – Would like to see brush within the 25-foot buffer be allowed to regrow.  
**Blackwell** – There will be an underground pipe that allows air release for the well pump chamber; that can be placed so as not to run toward the silt fence.  
**Steinauer** – Asked if the monitoring wells would remain in place.  
**Erisman** – The area between the resource area and development is very important habitat; this should be conditioned to ensure no fertilizer or pesticide is used in that area. Also, outdoor lighting should not affect the resource area. Would like to see the planting plan.  
 Discussion about planting black locust.  
**Blackwell** – Requested a continuance.
- Staff The previous order required use of monitoring wells; they aren't leaving at least as long as that order of conditions is open. Still waiting for the Massachusetts Natural Heritage letter on this.  
 Motion Continued to June 1 by unanimous consent.  
 Vote N/A
10. \*Knight – 12 East Lincoln Avenue (42.4.1-47) SE48-2889
- 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 **Jeffrey Blackwell**, Blackwell & Associates, Inc. – This is for development of vacant lot within land subject to coastal storm flowage. Structures must be elevated above the flood zone. Will have to dewater the site; dewatering is to go into the storm drain. Waiver requested for the high groundwater.
- Public None  
 Discussion (4:58) **Erisman** – Asked how roof runoff will be treated.  
**Blackwell** – Can go with shell infiltration or direct it into the storm drain. Hadn't asked for down spouts.  
**Steinauer** – Would like to have that drainage information.  
 Blackwell – Requested a continuance.
- Staff Will draft a positive order.  
 Motion Continued to June 1 by unanimous consent.  
 Vote N/A

**III. PUBLIC MEETING**

**A. Request for Determination of Applicability**

1. 40 Jefferson, LLC – 40 Jefferson Avenue (30-119)

- 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 **Stan Humphries**, LEC Environmental – Requesting negative determination; no resource areas within 100 feet of property.  
 Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
- Public None  
 Discussion (4:59) None  
 Staff Zone X, on the plan, is the 500-year flood plan; our land subject to coastal storm flowage relates to the 100-year flood zone. Mr. Humphries depiction is accurate. Recommend this be issued as a Negative 1 confirming there are no areas of jurisdiction.
- Motion **Motion to Issue as a Negative 1.** (made by: Topham) (seconded by: Bennett)  
 Vote Carried unanimously

**B. Certificates of Compliance**

1. Kafer – 143 Wauwinet Road (11-8) SE48-909

- Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham  
 Staff This is the last order outstanding on this property; work was completed in compliance. Recommend this be issued.
- Discussion (5:06) None  
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)  
 Vote Carried unanimously

**C. Orders of Condition**

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

Sitting Staff Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham  
 Suggests adding Condition 24 relating to monitoring for storm surge. Condition 19 for monitoring reports shall include water-level measurements for tidal flow compared to pre-work flow. There is a condition about material removed from site that might contain invasive species. Will add a condition that the unidentified pipe to be removed.

Discussion (5:07) **Champoux** – Asked if the order contained anything about the unidentified pipe, which was previous discussed.

**Erisman** – Asked if testing every 6 months for heavy metals could be added.

Discussion about whether or not there is a need for testing of heavy metals and how burdensome that testing is.

**Champoux** – There is a sewer pipe running through the railroad bed; asked where the culvert would be in relation to that and how would the culvert be installed so as not to break the sewer pipe.

Discussion about installation of the culvert in relation to the sewer pipe.

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

Vote Carried unanimously

2. Bell – 13C Willard Street (42.4.1-15.3) SE48-2887

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

Noted an error that needs to be corrected. Can't place work schedule restrictions unless it is tied to an interest such as protection of shorebirds or to something specific.

Discussion (5:15) **Steinauer** – Noted another error to be corrected.

Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Bennett)

Vote Carried unanimously

3. Asness RT – 3 Hulbert Avenue (29.2.3-6) SE48-2890

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

Condition 20 will be added in regards to the drain for the outdoor shower.

Discussion (5:18) None

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

Vote Carried unanimously

4. Hilderbrand – 60 Crooked Lane (41-198) SE48-2886

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

Will include standard pool conditions and condition that the shed be located outside the 50-foot buffer.

Discussion (5:20) **Steinauer** – This is pretty straight forward.

Motion Motion to Issue as will be drafted. (made by: Champoux) (seconded by: Lafleur)

Vote Not Carried unanimously

**D. Monitoring Reports**

1. Cigarran-25 East Tristam Avenue (31-1) SE48-2840
2. Giles RT- Off Of Tennessee Avenue (60.1.2-33) SE48-2839

**IV. Other Business**

1. Approval of Minutes: April 20, 2016 & May 04, 2016 – Approved by unanimous consent
2. Enforcement Actions
  - a. 2 North Beach Street, aka 65 & 67 Easton Street: Owners wish to appear before the commission in two weeks.
  - b. Holly Farm, 286, 288, 290 Polpis Road: Met with project representatives of 286 Polpis Road and none of the unpermitted cutting took place on that property; 288 Polpis owner identified no work took place there; 290 Polpis Road owner hadn't authorized work on her property; staff will meet with them and their representative when they are available to discuss how to repair the damage.
  - c. Holly Farm, 4 Polpis Harbor Road Rachel Freeman, Nantucket Islands Land Bank is doing the delineations and is monitoring for signs of regrowth in the cut trees, Ms Freeman's plan will be ready for review with the commission at the next meeting. It would be nice to get the performer of the work in front of the commission. Discussion about what changes the commissioners would like to see come out of this event.
3. Reports:
  - a. CPC, Golding
  - b. NP&EDC, Bennett
  - c. Mosquito Control Committee, Erisman
4. Commissioners Comment
  - a. Erisman – Should set a date to go over regulations. Staff – Asked commissioners to forward to staff a summary of concerns about specific regulations.
5. Administrator/Staff Reports

Motion to Adjourn: 5:45 p.m.

Submitted by:  
 Terry L. Norton