



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Wednesday, July 13, 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: Joanne Dodd, Natural Resources Office Administrator; Terry Norton, Minutes Taker
Attending Members: Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Absent Members: Bennett
Late Arrivals: LaFleur, 4:03 p.m.; Golding, 4:05 p.m.
Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 (07/27/16)
2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 (07/27/16)
3. *Holt – 98 Squam Road – (12-36) SE48-2898

Sitting	Steinauer, 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 – Submitted revised plans at the table moving pool 5 feet away from the wetlands to allow the fence to be squared off and the pergola being replaced by a cabana. Resource areas are a bordering vegetated wetland and isolated vegetated wetland; work is within the 50-foot buffer zone. Temporary dewatering will be outside the 100-foot buffer zone. Will ask for a waiver based on 2-foot separation from ground water. Asked for a continuance for two weeks.
Public	Cormac Collier , Executive Director Nantucket Land Council – Noted that a 2014 aerial photo showed the garage and the lawn were not there; the last permit through ConCom was for the dwelling and walkway. When new information arises, the ConCom can retroactively address items within the buffer zones; would like the ConCom to address that. Would also like to know why the isolated vegetated wetland wasn’t flagged and why there is lawn within the 25-foot buffer and when the garage was built.
Discussion (4:03)	Steinauer – Mr. Carlson would have to be consulted in regards to whether or not the previous work was permitted. Golding – Would like to have a site visit.
Staff	None
Motion	Continued to July 27, 2016 without objection.
Vote	N/A
	4. Windy Point Trust – 5 Hulbert Avenue (29.2.3-5) SE48-2897
Sitting	Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Recused	None
Documentation	Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
Representative	Jeff Blackwell , Blackwell & Assoc – The revised plans show a raised boardwalk. Asking for 2” boards with ½ inch spacing. Steven Cohen , Cohen & Cohen Law PC – Other private parties use the walkway but it is not for public use; it is in an abutters way.
Public	None
Discussion (4:18)	Erisman – It shouldn’t go over the dune She’s opposed to this; there is a path. Steinauer – This would be an improvement over walking through the dune. Champoux – At the last meeting, he noted that a permitted boardwalk would have been required it be elevated. Topham – Agrees it should be elevated.
Staff	Have everything needed to close.
Motion	Motion to Close. (made by: LaFleur) (seconded by: Champoux)
Vote	Carried unanimously

5. * Five on a Dime – 8 Pilgrim Court (41-217.3, 217.4 & Portion of 217) SE48-2899
 Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Dan Malloy**, Site Design Engineering – This is for a house and grading in an area previously approved for alteration. Resource area is a wetland on abutting property. Ground water depth varies around 10 feet in the area of the proposed work.
- Public None
 Discussion (4:30) **Steinauer** – Confirmed that everything within the 50-foot buffer is natural vegetation.
Erisman – Asked about the proposed lighting.
Malloy – Presently only looking at low landscape lighting for the pool.
Golding – Would like to know how irrigation will be handled.
Steinauer – They would have to go by the best management practices in regards to irrigation.
 Discussion about whether or not there is a need to mitigate drainage.
Steinauer – This can be conditioned to include drainage.
Golding – Wants the pool conditioned to be drained outside the 100-foot buffer.
- Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded by: LeFleur)
 Vote Carried unanimously
6. * Laz Family NT – 20 Waquoit Road (90-5) SE48-____ (07/27/16)
 7. *78 Wauwinet Road LLC – 78 Wauwinet Road (14-18) SE48-____
- Sitting Steinauer, 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 work on a lawn and patio in the buffer to bordering vegetated wetlands. Most work is outside the 100-foot buffer but subject to Massachusetts Natural Heritage review. Looking to preserve the natural trees and vegetation in the area. Outside the 100-foot buffer, ground water is below 12 feet. Don't have Massachusetts Natural Heritage sign off.
 Requested a two-week continuance.
- Public None
 Discussion (4:43) **Erisman** – Asked if there would be any brush cutting.
Gasbarro – To some degree to clear land for construction, but screening from the road will be preserved.
- Staff None
 Motion Continued to July 27, 2016 without objection.
 Vote N/A

III. PUBLIC MEETING

A. Minor Modifications

1. Nantucket Barn LLC – 3 North Avenue (42.4.4-17) SE48-2710

- Sitting Steinauer, 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 – This is within land subject to coastal storm flowage behind the Nantucket Hotel; the minor modification is to permit a sewer line to the food grinder shed that was omitted from the plan. It is outside a 25-foot buffer to a surrounding wetland. There is invasive species work associated with the permit.
- Public None
 Discussion (4:51) None
 Staff Have everything needed to close.
 Motion **Motion to Close and Issue.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously

B. Certificates of Compliance

1. Four Saratoga LLC – 14 Tennessee Ave (60.1.2-6) SE48-2506 (07/27/16)
 2. Thompson – 14 Fargo Way(14-17) SE48-2645 (07/27/16)
 3. Girvin – 9 Jonathan Way (75-41) SE48-1102 **Reissue**
 4. Girvin – 9 Jonathan Way (75-41) SE48-1630 **Reissue**

- Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
 Staff None
 Discussion (4:54) None
 Motion **Motion to Reissue both SE48-1102 and SE48-1630.** (made by: Golding) (seconded by: Topham)
 Vote Carried unanimously

5. Elliott – Low Beach Road (92.4-319) SE48-202

Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Staff This certificate is from 1982.
Discussion (4:55) None
Motion **Motion to Issue.** (made by: Champoux) (seconded by: LaFleur)
Vote Carried unanimously

C. Orders of Condition (5:56)

1. Windy Point Trust – 5 Hulbert Avenue (29.2.3-5) SE48-2897

Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion **Steinauer** – This is straight forward.
Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: LaFleur)
Vote Carried 5-1//Erisman opposed

2. Five on a Dime – 8 Pilgrim Court (41-217.3, 217.4 & Portion of 217) SE48-2899

Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Staff Will modify Condition 20 per Mr. Champoux's request.
Discussion **Champoux** – Asked to have this conditioned to maintain the vegetation between the retaining wall and the north line.
Steinauer – Condition 21: roof drainage is to be infiltrated.
Golding – Would like Condition 22 to include that irrigation and lawn maintenance will be held to BMP standards.
Steinauer – That is a standard condition.
Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: LaFleur)
Vote Carried unanimously

D. Extension Requests

1. Waters Edge N.T – 16 Medouie Creek Road (20-26) SE48-2577

Sitting Steinauer, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (5:00) **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Asking for three 1-year extensions due to delays from a long litigation period. Phragmites management is proceeding well; it was a very thick stand and is now sporadic shoots. Monitoring reports were prepared for board review. Explained how the Phragmites were/are being treated.
Erisman – Asked if it is possible for pictures of how the work is being done to be included in the monitoring reports.
Motion **Motion to Issue the three 1-year extensions.** (made by: Champoux) (seconded by: Topham)
Vote Carried unanimously

E. Monitoring Reports

1. Fargo Way R.T – 10 Fargo Way (14-15 & 61) SE48-2647
2. APG/DRS – 80 & 84 Wauwinet Road (14-89.2 & 11-28) SE48-2749
3. Waters Edge N.T – 16 Medouie Creek Road (20-26) SE48-2577

F. Other Business

1. Approval of Minutes: 06/29/2016 – Approved by unanimous consent.
2. Enforcement Actions
 - a. None at this time.
3. Reports:
 - a. CPC, Golding
 - b. Mosquito Control Committee, Erisman
4. Commissioners Comment
 - a. Steinauer – The Hummock Pond Road Bikepath wetland replication area at Pumpkin Pond has knotweed growing on the bank. The Town will be informed. Need a special herbicide application license to remove any invasive species from a public right-of-way, which includes the bike path.
5. Administrator/Staff Reports
 - a. None

Motion to Adjourn: 5:17 p.m.

Submitted by:
Terry L. Norton