



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

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

Wednesday, January 4, 2017

4 Fairgrounds Road, Training Room – 4:00 p.m.

**Commissioners:** Andrew Bennett(Chair), Ashley Erisman(Vice Chair), Ernie Steinauer, David LaFleur,  
Ben Champoux, Ian Golding, Joe Topham

Called to order at 4:01 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Coordinator; Terry Norton, Town Minutes Taker

Attending Members: Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham

Absent Members: Golding

Late Arrivals: None

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 – 2 Brock’s Court (42.3.4-84) SE48-2834 **(Cont 02/01/2017)**

2. Sunset House, LLC – 15 Hallowell Lane (30-10) SE48-2924 **(Cont 01/18/2017)**

3. \*E. Garrett Bewkes III – 67 Squam Road (13-14) SE48-2940

Sitting Bennett, Erisman, Steinauer, LaFleur, Topham

Recused Champoux

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Installation of swimming pool within buffer to bordering vegetated wetland and manage invasive species. Waiver is required due to being within two feet of seasonal high groundwater and pool fence is within 50-feet of the bordering vegetated wetland. Temporary dewatering will be outside the 50-foot buffer; amenable to all restrictions for pools.

Public None

Discussion (4:03) **Erisman** – Asked about the area of work during construction to ensure it won’t encroach on the buffer.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: LaFleur) (seconded by: Steinauer)

Vote Carried unanimously

4. \*Maddelone – 14 Western Avenue (87-41) SE48-2937

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

Recused None

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative **Don Bracken**, Bracken Engineering, Inc. – Replace failed septic within coastal dune; revegetate disturbed area; construct new foundation under existing footprint and addition; an exterior basement stairwell; reconstruct existing porches and decks; relocated existing outdoor shower; and construct dry-laid patio. There will be removal of some pitch pines and one cedar.

Public None

Discussion (4:09) Discussion about whether or not the stability of the bank will be affected by the installation of the new septic.

Staff Have everything needed to close.

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

Vote Carried unanimously

**III. PUBLIC MEETING**

**A. Requests for Determination of Applicability**

1. Carpenter – 17 Columbus Avenue (59.3-108)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff Recommend issuing with a Positive 2A confirming the boundaries and Negative 3 for work in the buffer zone.  
 Representative **Jeff Blackwell**, Blackwell & Associates, Inc. – For clearing brush to no closer than 50 feet from the wetland boundary and construction of a deck no closer than 100 feet from the boundary.  
 Discussion (4:16) **Erisman** – Wants the boundary well marked so that the person doing the clearing will not encroach into the buffers.  
 Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)  
 Vote Carried unanimously

2. East Eden LLC & 82 Baxter Road LLC – 82 & 82A Baxter Road (49-39,38)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff On the northerly lot, the lawn crossing the 25 was not permitted; asked if it could be allowed to naturally regrow to the 25-foot line.  
 Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – To determine whether or not the area is subject to the Wetlands Protection Act (WPA) and whether or not the boundary resource areas are accurately delineated for installation of landscape and stormwater drainage improvements within buffer zone to a bordering vegetated wetland. No waivers required. Explained the drainage improvements. Vegetation within drainage swale to be grasses.  
 Discussion (4:19) **Erisman** – Asked how much volume of water the swales could handle.  
**Gasbarro** – Would have to get that information. He’s trying to keep the system to get drainage away from the house simple. The downspouts are next to the house and they are getting water into the foundation.  
**Erisman** – Her concern is it will impact the wetland more than it will improve the conditions for the house.  
**Gasbarro** – With this system the roof runoff isn’t tracking across the lawn into the wetland; he sees that as an improvement.  
**Bennett** – Suggested something more pervious than the dry-laid stone for the patio.  
 Motion **Motion to Issue as recommended.** (made by: Champoux) (seconded by: LaFleur)  
 Vote Carried unanimously

3. Heirs of Charles W. Brinton – 10 Ocean Avenue (73.2.4-23)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff Read definition for Coastal Bank; in this case, the flood zone and coastal dune do not intersect.  
 Representative **Paul J. Santos**, Nantucket Surveyors, LLC – To determine whether or not the area is subject to WPA and whether or not the boundary resource areas are accurately delineated; resource areas: land subject to coastal storm flowage, coastal beach, and coastal dune. The coastal dune does not touch the slope area of Ocean Avenue so does not touch this property. This parcel is within 100-foot buffer of the coastal dune. There is a property on Lincoln Avenue which is the similar situation. Referenced a report by Brian Madden, LEC Environmental.  
 Public **Paul Jensen**, Cohen & Cohen.  
**Cormac Collier**, Executive Director Nantucket Land Council – Noted that the definition of the coastal bank has a flaw in that the toe of the dune must intersect the property and abutting property is not considered.  
 Discussion (4:35) Discussion about the structures that have existed for many years but been connected over time.  
 Motion **Motion to Issue as recommended.** (made by: LaFleur) (seconded by: Champoux)  
 Vote Carried unanimously

4. U.S. Reif Marine Nantucket Fee, LLC – 134 Orange Street (55-49)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff Passed out letters of concerns from the abutters at 4 Harbor Terrace.  
 After the fire, he went out to assess whether or not any contaminants flowed off site into resource areas; most flow went toward Orange Street.  
 A lot of the area in question isn't within ConCom jurisdiction; if they put a catch basin inside the 100-foot line, they would have to submit a Notice of Intent otherwise they don't need to. This could be condition that no water from the building can be discharged within ConCom jurisdiction.  
 Recommend issuing with a Positive 2A confirming the boundaries and Negative 3 for work in the buffer zone

Representative **Paul J. Santos**, Nantucket Surveyors, LLC – To determine whether or not the area is subject to the WPA and whether or not the boundary resource areas are accurately delineated for construction of a new commercial building to replace structure destroyed by fire. The slab from the previous building is still in place. Coastal bank is the most restrictive resource area; all the buildings predate the 1970s wetland regulations. Reviewed the construction plans resulting in a small increase of groundcover but no change in impervious area. The new building within the former footprint would be within the 100-foot buffer. Addressed drainage concerns expressed by the Hollisters: the site has existing catch basins which will be inspected and cleaned; will have the ability to do soil testing in area of small structure to be removed. Test borings were done on the site when the damaged building was removed. Groundwater is shallow in this area. The building will have an enclosed internal water system for oil off the trucks that. Suspects the new buildings will have a gutter system.  
 Marianne Hanley, Reade, Gullicksen, Hanley, & Gifford LLP  
 Walter Spokowski, Marine Home Center (MHC)  
 Ron Foster, MHC

Public **Steve Hollister**, 4 Harbor Terrace – Referenced the submitted letter of concerns. Would like the drainage solution to be part of the permit to ensure it stays on MHC property.

Discussion (4:47) **Champoux** – Asked if there would be any repaving.  
**Santos** – Yes, for driveway and new foundation.  
**Hanley** – The Planning Board isn't going to sign off on the project unless the drainage is sufficient.

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

**B. Certificates of Compliance**

1. Thompson – 14 Fargo Way (14-17) SE48-2645 (**Cont 02/01/2017**)

**C. Orders of Condition**

1. Maddelone – 14 Western Avenue (87-41) SE48-2937

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff Noted error: needs to include Condition 21 for the Massachusetts Natural Heritage (MNH) restriction of no work between April 1 to August 31. Will add Condition 22: all removed trees to be replaced with red cedar and the remaining areas revegetated with American Beach Grass.

Discussion (5:15) **Bennett** – Asked about replacement plantings.  
 Motion **Motion to Approve as amended.** (made by: Champoux) (seconded by: LaFleur)  
 Vote Carried 5-1//Erisman opposed

2. Garrett Bewkes III – 67 Squam Road (13-14) SE48-2940

Sitting Bennett, Erisman, Steinauer, LaFleur, Topham  
 Staff He will delete the reference to the shed.

Discussion (5:20) **Erisman** – She had concerns about the original project; doesn't think she can approve the pool.  
**Steinauer** – The shed was removed under a previous Order of Conditions.  
 Motion **Motion to Approve as amended.** (made by: Steinauer) (seconded by: LaFleur)  
 Vote Carried 4-1//Erisman opposed; Champoux recused

**D. Extension Requests**

1. Goldsmith – 86 Pocomo Road (15-41) SE48-2626

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Staff None

Representative **Paul Santos**, Nantucket Surveyors – Reviewed the extension request for sand drift fencing project be extended 3 years to provide monitoring reports.

Discussion (5:24) None  
 Motion **Motion to Approve three one-year extensions.** (made by: LaFleur) (seconded by: Champoux)  
 Vote Carried unanimously

**E. Monitoring Reports**

1. Nantucket Island Land Bank – 21/23 Sesachacha Road (21-16) SE48-2775
2. Nantucket Island Land Bank – 22 Cathcart Road (43-68) SE48-2810
3. Nantucket Island Land Bank – 27 North Cambridge Street (38-24) SE48-2527
4. Nantucket Island Land Bank – 28,30A,30B Washington Street (42.3.2-23.1,23.2,23.3) SE48-2526
5. Nantucket Island Land Bank – 158 Orange Street (55-611) SE48-2689

6. Nantucket Island Land Bank – 72 Washington Street (42.2.3-17) SE48-2741

7. Nantucket Island Land Bank – Long Pond (59-59.3) SE48-2771

8. Nantucket Island Land Bank – 80 Miacomet Avenue (66-126) SE48-2394

**F. Other Business** (5:29)

1. Approval of Minutes 12/14/2016: Approved by unanimously consent

2. Enforcement Actions:

a. 175 Polpis Road – Staff has been in touch with the property owner about the unauthorized cutting on Nantucket Islands Land Bank property.

b. Shawkemo Road – Has received the certified mail receipt for the enforcement letter.

c. NIR Boat Basin – Also has received the certified mail receipt in regards to ConCom’s request to see maintenance logs of drainage basins in the Harbor Stop & Shop parking lot. The Chapter 91 license issued in 2008/2009 covered the parking lot only.

3. Reports:

a. NP&EDC, Bennett – nothing to report.

b. Mosquito Control Committee, Erisman – nothing to report.

4. Commissioners Comment

a. Champoux – Asked about 2 Brocks Court.

Staff – The attorneys for the abutters and owners are trying to schedule a meeting. Once the meeting is conducted, the project will come back to ConCom; hopefully with a resolution that satisfies everyone.

b. Bennett – Received an email about the genetic mice project discussion on January 18, 2017.

5. Administrator/Staff Reports

a. Asked if there is interest in a workshop to discuss on-site drainage; there are no performance standards dealing with on-site drainage. He would also like to adopt a fee schedule for enforcement.

Champoux – He would like a “round-table” on vista pruning.

Discussion about education for landscapers on restrictions on pruning, fertilizer, and brush cutting.

b. Had an issue with the ‘Sconset Beach Preservation Foundation peer reviewer; that review will be set now that all reports have been received by the requisite agencies.

Motion to Adjourn: 5:51 p.m.

Submitted by:

Terry L. Norton