



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, February 15, 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 4:02 p.m.

Staff in attendance: Joanne Dodd, Natural Resources Office Administrator; Terry Norton, Town Minutes Taker
Attending Members: Bennett, Erisman, Steinauer, Champoux, Topham
Absent Members: LaFleur, Golding
Late Arrivals: None
Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment – (4:56) Frank Powers, 164 Hummock Pond Road – We are abutters to the Sustainable Nantucket community gardens at 168 Hummock Pond Road. There is an expansion of the gardens underway on Nantucket Land Bank property behind us. There was active mowing through wetlands; we have a wetland survey being done as they cut across our border through the wetland. When he spoke with Sustainable Nantucket, they explained ways of how they can go around the wetlands protection act. It sounds plausible but this commission and Nantucket Land Bank officials were unaware of the work. Staff – Mr. Powers reached out to the office and they did a site visit but couldn't locate the cutting. Mr. Carlson is working with the Department of Environmental Protection on this.

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 2 Brock's Court (42.3.4-84) SE48-2834 **(Cont 03/15/2017)**
2. Sunset House, LLC – 15 Hallowell Lane (30-10) SE48-2924 **(Cont 03/01/2017)**
3. Nantucket Islands Land Bank –17 Commercial Wharf & Unnumbered Lot New Whale Street (42.2.4-7 & 8) SE48-2885 **(Cont 03/15/2017)**
4. 141 Main Street, LLC – 141 Main Street (41-172) SE48-2947

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative **Kevin Dale**, Vaughn, Dale, Hunter and Beaudette P.C. – The NOI is to relocate an in-ground swimming pool 90 feet from a bordering vegetated wetland; the bottom of the pool is at 6 feet. There was discussion at the prior hearing about the depth of groundwater and if excavation of the pool would pierce the clay; a hole was dug and no water was observed at 7.5 feet.

Public None
Discussion (4:03) **Erisman** – She's satisfied with the information provided.
Staff Have everything needed to close.
Motion **Motion to Close.** (made by: Champoux) (seconded by: Steinauer)
Voice vote Carried 5-0

5. *The Adam P. Kocoloski Living Trust – 57 Polpis Road (54-25) SE48-2949

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative **Brian Madden**, LEC Environmental – This is for the installation of a 7-foot deep pool outside the 50-foot buffer to a bordering vegetated wetland, which is on the southern portion site. There will also be a cabana and patio on the west side of the pool. During the site visit it was observed that there is standing water off the back porch in the lawn area; there is a sump pump that drains into that portion of the lawn. The pool bottom has the two feet of separation from the ground water; that is based on the soil tests done in 2001 for the septic system. There was no indication of a restrictive or variegated layer. They will revegetate the low-lying area with native plants; the area is outside the proposed location for the fence. He doesn't believe the project will impact the hydrology of the wetland. Asked for a 2-week continuance.

Public None
Discussion (4:07) **Champoux** – There is a potential clay layer; he would like a hole drilled to ensure that won't be peirced.
Staff None
Motion Continued to March 1 without objection.
Voice vote N/A

6. *Eelgrass, LLC – 11 Sherburne Turnpike (30-36) SE48-2948

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative **Brian Madden**, LEC Environmental – This is for the relocation of an existing structure. Resource areas are a coastal bank and coastal dune. Six inches of loam will be brought and the vacated area reseeded.
 Public None
 Discussion (4:18) None
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 5-0

B. Request for Determination

1. *James J. & Mary P. Houlihan – 28 Swift Rock Road (40-43)

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative **John Bracken**, Bracken Engineering, Inc. – Determination of wetland boundaries.
 Public None
 Discussion (4:20) None
 Staff Recommend issue as a Positive 2A and Negative 3.
 Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: Champoux)
 Voice vote Carried 5-0

C. Amended Orders of Conditions

1. 12 Oak Hollow Trust – 12B Oak Hollow Road (56-128.2) NAN-115

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative **John Bracken**, Bracken Engineering, Inc. – Barn and greenhouse proposed within 100-foot buffer but outside the 50-foot buffer with no work within 25-foot buffer of an isolated vegetated wetland. A force main will be laid along the driveway to road; all is outside the 100-foot buffer.
 Public None
 Discussion (4:22) **Erisman** – Asked if there will be fertilizing of plants in the greenhouse. She’s concerned about the barn and greenhouse being closer to the isolated vegetated wetland than anything in the original approval.
Bracken – He doesn’t know if there will be fertilizing of plants. Within the 50-foot buffer, there is heavy vegetation around the wetlands.
 Staff Recommend approval.
 Motion **Motion to Approve.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 5-0

2. 62 Walsh Street, LLC – 62 Walsh St (29-85) SE48-2933

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – The only resource area is land subject to coastal storm flowage. The amendment eliminates the raised spa and creates a covered porch over an existing patio and replacing the garage with a 140 square foot shed with attached shower. Both are less intrusive than the previously proposed. Read into the record a letter of objection to the shed from an abutter. He spoke to the abutter’s counsel about mitigating the visibility of the shower.
 Public None
 Discussion (4:29) **Erisman** – Asked if the covered porch will have drainage or sheet off.
Santos – There isn’t any proposed drainage but believes the owner will want to capture runoff.
 Staff Recommend approval.
 Motion **Motion to Approve.** (made by: Topham) (seconded by: Steinauer)
 Voice vote Carried 5-0

3. Haulover, LLC – 165 Wauwinet Road (7-1.1) SE48-2932

Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative **Brian Madden**, LEC Environmental – During the initial Massachusetts Natural Heritage (MNH) review process, relocation of snow fencing was discussed. It is moving further landward, 20 to 25 feet off the top of the dune. Installation of the fence will be done by hand to minimize impact with no work between April 1 and August 31.
 Public None
 Discussion (4:38) **Erisman** – She hasn’t seen evidence of success with fences and is concerned about impact to beach grass root systems.
Madden – That is the case when it’s on the beach; MNH felt this will help build up the dune.
 Staff Recommend approval.
 Motion **Motion to Approve.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 4-1//Erisman opposed.

4. *3 Beacon Lane Nominee Trust – 3 Beacon Lane (21-26.9) SE48-2892 (Cont 03/01/2017)

III. PUBLIC MEETING

A. Certificates of Compliance

1. Nantucket Island Land Bank – Off North Gully Road (73.1.3-122) SE48-2875
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff Recommend issue. There are no on-going conditions.
 Discussion (4:44) None
 Motion **Motion to Issue.** (made by: Steinauer) (seconded by: Champoux)
 Voice vote Carried 5-0
2. FAB ACK2 LLC – 15 Laretta Lane (14-10.1) SE48-2191
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff Closes out a certificate on work that was never done.
 Discussion (4:45) None
 Motion **Motion to Issue.** (made by: Steinauer) (seconded by: Champoux)
 Voice vote Carried 5-0
3. Sanford – 16, 22, 26 Easton Street (42.1.4-11,22,13 Respectively) SE48-2699
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff Recommend issue.
 Discussion(4:45) None
 Motion **Motion to Issue.** (made by: Topham) (seconded by: Steinauer)
 Voice vote Carried 5-0
4. Taylor – 78 Millbrook Road (57-23) SE48-1882 **(Reissue)**
5. Taylor – 78 Millbrook Road (57-23) SE48-1954 **(Reissue)**
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff None
 Discussion (4:46) None
 Motion **Motion to Issue both SE48-1882 and SE48-1954.** (made by: Steinauer) (seconded by: Erisman)
 Voice vote Carried 5-0

B. Orders of Condition

1. 141 Main Street, LLC – 141 Main Street (41-172) SE48-2947
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff None
 Discussion (4:47) **Erisman** – We had asked for drainage outside the 100 foot buffer to the wetlands.
Jessie Dutra, Waterscape Design – The only reason to drain a pool is to remodel it, which happens once every 15 years or so. Pointed out that the 100-foot buffer crosses through the pool.
Bennett – Asked if wording about chlorination of water needs to be included.
 Consensus no.
 Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: Topham)
 Voice vote Carried 5-0
2. Eelgrass, LLC – 11 Sherburne Turnpike (30-36) SE48-2948
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff None
 Discussion (4: 51) **Erisman** – Fill on the other side of the retaining wall is odd.
 Motion **Motion to Issue as drafted.** (made by: Steinauer) (seconded by: Champoux)
 Voice vote Carried 5-0

C. Extension Requests

1. Stock- 50 Squam Road (13-31) SE48-2641 **(Withdrawn)**
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff None
 Discussion (4:53) None
 Motion **Motion to Approve the withdrawal.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 5-0
2. Wallace - 12B Oak Hollow Road (56-128.2) NAN-115
 Sitting Bennett, Erisman, Steinauer, Champoux, Topham
 Staff Asking for one 1-year extension.
 Discussion (4:54) None
 Motion **Motion to Issue the 1-year extension.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 5-0
3. Oak Hollow Realty Trust – 12A Oak Hollow Road (56-128.1) NAN-116
 Sitting Bennett, Erisman, Steinauer, Champoux
 Staff Asking for one 1-year extension.
 Discussion(4:54) None
 Motion **Motion to Issue the 1-year extension.** (made by: Champoux) (seconded by: Steinauer)
 Voice vote Carried 4-0 //Topham recused

D. Other Business

1. Approval of Minutes 2/1/2017: Approved by unanimous consent.
2. Enforcement Actions: (5:04)
 - a. Thompson – 14 Fargo Way: Reviewed the draft letter to be sent to the property owner ordering them to appear before the board at the next meeting. Erisman – This property has not been in compliance for three years; they were notified of that many meetings ago and have not come before the board. **Motion to Approve the letter.** (made by: Champoux) (seconded by: Topham) Carried 5-0
3. Reports:
 - a. NP&EDC, Bennett - nothing
 - b. Mosquito Control Committee, Erisman - nothing
4. Commissioners Comment:
 - a. None
5. Administrator/Staff Reports:
 - a. None

Motion to Adjourn: 5:15 p.m.

Submitted by:
Terry L. Norton