



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, December 17, 2020 – 5:00 p.m.

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker’s March 12, 2020 Order Regarding Open Meeting Law*

Commissioners: Ashley Erisman (Chair), Ian Golding (Vice Chair), David LaFleur, Joe Topham, Seth Engelbourg, Maureen Phillips, and Mark Beale

Called to order at 5:00 p.m. by Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director; Joanne Dodd, Natural Resources Coordinator

Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Town of Nantucket (DPW) – Town Wide (Various) SE48-3366 (**Cont. 01/28/2020**)
2. Nantucket Islands Land Bank – All Land Bank Properties (Various) SE48-3337

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

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

Representative Rachel Freeman, Nantucket Islands Land Bank

Public None

Discussion (5:07)

Freeman – Reviewed information submitted at the request of the commissioners. Stated it might not be possible to submit maintenance logs; pointed out that this would be renewed every 3 years. Submitted information about vista pruning; this would propose some new areas for vista pruning that have not had that done before. If we don’t vista prune mindfully, the abutters will do it without regard to the environment. Defined repair versus replacement; if we are repairing 25% or less of a structure, that would be maintenance; anything greater would be more of a replacement.

Engelbourg – To the maintenance log, he’s not asking for daily updates; the logs would account for what was actually done and could be in the form of a list. In terms of vista pruning, appreciates the illustration; he thinks it’s difficult because the proposed locations aren’t in place. Suggested a photo of all proposed locations with the cut level marked on the photo and a list of species to be pruned. In terms of structural repair/maintenance 25% is a good starting point, but we need to have information on specifically what is being repaired; there’s a huge difference between 25% repair above water and 25% repair in water, such as on a bulkhead.

Beale – Asked if this type of open-ended NOI is being done around the State.

Golding – Asked for more background on why Land Bank is asking for this; it could set a difficult precedent.

Freeman – Reminded it would be reviewed every 3 years. It’s a good point and she understands if someone else were in her position, they might think differently about the NOI. The big reason is because there are a large number of things we do that are “grandfathered” practices in wetland resource areas; she thinks this isn’t bringing anything new to the table but is formalizing the practices, which have been done without oversight. This also gives Massachusetts Natural Heritage (MNH) a chance to chime in.

Engelbourg – It might be more up front to go through each structural element and define them in the document. Also, he doesn’t want 25% to be a fixed number; a 26.1% repair might not be that big a difference. It’s better to look at the scope and to break that out for each element.

Topham – We told Marsha Fader that we need information on what she’s doing each year; that is in the form of a letter. Agrees that we need something memorializing work going forward. However, if a resource area changes, we need to reassess work in that area.

Erisman – If they go outside the scope of the Order, we can call them in.

Beale – He wonders if it would make sense to have a less than 3-year permit; renew it on an annual basis. He’s reluctant about a 3-year, open-ended permit.

Freeman – An annual report would be a good way to go; we do have a number of open permits that could be wrapped into an annual report. Asked if the commission would allow installation of a split-rail fence outside the 50-foot buffer.

Golding – He would prefer not giving a *carte blanche* for a fence. He’s still having issues with the 25% and the difference between maintenance and replacement.

Erisman – She is similarly anxious.

Engelbourg – Asked if the fencing is ever temporary

Freeman – It is usually permanent; it is something she'd be willing to come in for. Suggested 10% or less for maintenance.

Engelbourg – If you replace 10% of a board walk every year, over 3 years that becomes replacement. Suggested that after 10% work is done in a year, any further work requires an NOI over the 3-year life of the permit.

Phillips – If we have annual review of the projects, there would be better understanding and planning of what is being done. A lot of this discussion has been around abutters being unhelpful; asked how much homeowners are aware of restrictions on Land Bank property and if any public education has been done.

Freeman – Recently we started revising our encroachment policy. She doesn't know how many people actually know and how much is accidental versus intentional. We've put together our encroachment policy and sent it out.

Phillips – Unfortunately we see a lot of "I want what I want, and I'll go do that." The more education we can provide, the better, especially in sensitive areas.

Erisman – People should know when they are trespassing and what they are not allowed to do on other properties. Feels enforcement is appropriate in stopping behavior.

Topham – Agrees with Ms. Phillips. There is a lot of activity happening on public property, which is not acceptable. It's up to us and these organizations to stop the behavior.

Carlson – Read comments from R.J. Turcotte, Nantucket Land Council. Right now, these maintenance activities are happening with no oversight.

Engelbourg – He thinks that it is a positive for large land owners to have the NOIs and work reviewed so we have a standard protocol.

Erisman – This is a step in the right direction by giving us an idea of what's going on Island wide. That could help with future planning.

Freeman – Asked for a continuance to January 28th.

Staff

He got an example NOI from the Town of Spencer for their Highway Department from 2011. He thinks this is something that's needed to ensure Town work is being done properly. It becomes Standard Operating Procedures with expectations for repair work.

The one thing interesting from the Spencer report is they require a look 1 year ahead. We might request something like that conditioned in the Order of Conditions. We get calls from Land Bank for work done to their property by abutters and this would help in tracking those violations. Also, they have the right to come in for an amended order or minor modification, bringing them back before the commission and ensuring they are doing the work as conditioned.

An annual report is something we do on a lot of projects. If new information comes in or there are adverse impacts, the commission can issue an enforcement order or can revoke the permit. If you want them to come in every year to "bless" the permit, that can be done through the annual report.

You need to be able to address encroachment problems through a staff approval format to bring people before the commission.

If our largest land owners are being responsible and setting an example, that helps us put pressure on smaller property owners by having a standard practice. It would be more open and transparent.

Motion

Continued to January 28th.

Roll-call Vote

N/A

3. Weissenberger – 84 Pocomo Road (15-40) SE48-3364

Sitting

Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation

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

Representative

Art Gasbarro, Nantucket Engineering & Survey

Public

None

Discussion (5:56)

Gasbarro – This is for a sand-drift fence at the toe of a coastal bank; there is an extensive amount of sand-drift fencing either side of this. He's submitted a revised plan showing the fence for 16 feet into the property in the area of the fiber-roll array to avoid this being a coastal engineering structure (CES).

Erisman – Appreciates the changes; however, she doesn't see how she can permit this at this location because it steps it up to a CES. The reason for the fiber rolls was to have a natural system and the fence takes away from that. We need to try a lesser solution first. For the resource area, signage would be a better option.

Engelbourg – He agrees with Ms. Erisman. The fencing in front of the fiber rolls will build up sand. The snow fencing is an ingenious solution, but concerns were already expressed that it isn't a maintainable material. Two posts and a rope with signs is a better solution.

Golding – Looking at Google aerials, he sees this is splitting the baby in half; there are two post-1978 house with this fencing.

Erisman – Those two houses don't have the coir rolls; it's the combination.

Gasbarro – He did the permits to the south and Mr. Santos did those to the north; those fences are permitted.

Engelbourg – If any abutters came in asking for coir rolls, we'd say no. The issue is having both.

LaFleur – He'd like to know how the others feel about Mr. Topham's suggestion for posts with lines to help mark the area.

Erisman – She'd need more information on the posts: how many and how large.

Phillips – Thinks Mr. Topham's suggestion about the posts and ropes should be tried first.

Engelbourg – Agrees, we'd have to review the posts, but would also like to review the proposal.

Staff	Gasbarro – He’s hearing what’s being said. Asked for a continuance to discuss this with the owner.
Motion	Typically, we allow zig-zag fencing or coir rolls alone, but when a fence is combined with coir rolls they are CES. This is currently coir logs.
Roll-call Vote	Continued to January 7 th .
	N/A
4. 5 Sherburne Way, LLC – 5 Sherburne Way (30-38) SE48-3363	
Sitting	Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation	Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative	Art Gasbarro, Nantucket Engineering & Survey
Public	None
Discussion (6:09)	Gasbarro – This is work within the buffer to a coastal bank; we provided a revised plan and letter. Reviewed the revised plan. Minor grading is planned; would like to add a closed-roof, geothermal well system for HVAC purposes. Golding – The patio is very extensive; asked how that would affect drainage. Gasbarro – He doesn’t expect it to be different from current conditions due to removal of 1100 square feet (sf) of roofing from within the buffer area. Golding – He’s not sure the previous dwelling roof is germane; he’d prefer more detail about where the runoff would go. Gasbarro – As long as we don’t have runoff in such a way as there is concentrated flow, it will serve to recharge the coastal bank and surrounding groundwater. Topham – It looks like the topography says 52.9, then there’s a note of elevation 65. Gasbarro – The 1 st floor is elevation 56; the terrace is 55 and the grade 54. The lowest grade is 52 at the southwest corner. We can accept a condition that outside the buffer zone there is subsurface infiltration. We don’t have fully developed architectural plans. The runoff would flow to the south. Topham – He’d like to see a cross section of the lot; he needs more detail. He’s having a problem with the patio; he shares Mr. Golding’s concern. Seeing the north and west elevations of the structure would be help. Engelbourg – If water is entering the ground, there should be no issue with the over-land flow; he’d be fine with any sub-surface infiltration but most runoff would be handled by the plants. Phillips – Comparing the new and old plans, it’s very busy. She’s also having trouble understanding what’s happening with the patio. More clarity would be helpful. LaFleur – He agrees. The removal is for the better; but more detail about runoff and drainage would help. Gasbarro – Asked for a continuance
Staff	None
Motion	Continued to January 7 th .
Roll-call Vote	N/A
5. *High Tide Partners, LLC – 8 Ackermuck Way – Lot 1 (41-618) SE48-____	
Sitting	Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation	Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative	Mark Rits, Site Design Engineering
Public	None
Discussion (7:07)	Rits – This is site development with all structural components outside the 50-foot buffer zone. Preserving 50% of the native vegetation between the 25- and 50-foot buffer. The pool is about 1/3 inside the 100-foot buffer. We will be grading part of the hill down and will put in a retaining wall. Golding – He’s uneasy with the 50% rule; he’d like to see a detailed schematic of what plants are being removed and what will replace them. He’s very uneasy about removing that much vegetation that close to the wetland. Rits – We’re planning to put lawn in its place but can provide a list of what is being removed. To his knowledge, it has been standard practice to allow removal of vegetation up to 50%. Erisman – We are trying to memorialize that disturbance; if there are important trees and things, those should be avoided. Demarcation of the no-disturb buffer would be good to have once the lawn is installed. Rits – We survey-rotated every tree on this site and are proposing to remove only one tree within the 50-foot buffer and our limit of work. The wetland is at elevation 13-14; clearing will be around elevation 22 so they aren’t wet species. Topham – Wants to see an up-dated topography plan; looks like there’s a lot of regrading. Engelbourg – More detail would be good; could add the condition that no tree over 4” can be cut. A technical concern is with the project description introduction, the map location is incorrect. Beale – Asked if there is an irrigation plan. Rits – No irrigation is proposed. Golding – Perhaps we should condition no irrigation at all. Erisman – Agrees especially within the 50. Rits – Asked for a continuance to Jan 7 th .
Staff	None
Motion	Continued to January 7 th .
Roll-call Vote	N/A

6. Goldrich & Rice – 41 Crooked Lane (41-202) SE48-3368
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (6:23) **Gasbarro** – This is for residential development within the buffer to a vegetated wetland. Reviewed changes to the proposal
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
7. Trojah Nominee Trust – 26 Easy Street (13-22) SE48-3369 (**Cont. 01/07/2021**)
8. *16 Western Preservation Trust, LLC – 16 Western Avenue (87-72) SE48-3371
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (6:25) **Gasbarro** – This is to remove an existing garage and lift the existing house onto a foundation and renovate within the buffer to a coastal dune. Any work within the 50-foot buffer is within the existing footprint. The aerial shows the residential nature of the area. Any disturbance of vegetation between the existing structure and dune would be replaced in kind.
Topham – He saw the architectural drawings; the plan is to restore this house and preserve a part of Nantucket history. He supports this application.
Erisman – The current house has no basement. Adding a basement within the 50-foot buffer concerns her.
Golding It brings up what is new versus what is renovation; the basement is new construction.
Topham – He doesn’t feel a full basement or crawlspace is any different regarding disturbance. If they don’t go down, they have to go up; this applicant wants to save the house.
Erisman – She would like to see this house preserved but is concerned about the basement.
Engelbourg – Asked for specifications on what the modifications are.
Gasbarro – Reviewed the changes. We can’t fix a structure like this without some support; it has to be on something.
Golding – Feels it is clear why this is acceptable.
Gasbarro – The foundation will go under the porch as well.
Beale – That is a pretty big change. Asked if the new foundation within the 25-foot buffer would require a waiver. Asked what’s under the porch now (cobble cinder-block piers).
Carlson – R.J. Turcotte, Nantucket Land Council asked, if the foundation is within 50-foot buffer, could the house be set on pilings; questions why the foundation extends under the porch.
 Burton Balkind asked if there is the ability to hook up to Town sewer (no).
Golding – He didn’t realize the foundation would be expanded to include the porch; he doesn’t support expanding the foundation to support the porch.
Beale – He agrees with Mr. Golding; it’s an expansion within the 25 & 50-foot buffer.
Topham – Reduce the foundation to habitable space only.
Erisman – He agrees.
LaFleur – He agrees as well.
Gasbarro – Asked to continue
 Staff Thinking how the commission treated foundations in the past, he can see the point for a waiver; it’s worth discussing. We haven’t always required that in the past if all the foundation is within the current footprint.
 Motion Continued to January 7th.
 Roll-call Vote N/A
9. Killian – 10 Mayhew Lane (41-443) SE48-3356 (**Cont. 01/28/2021**)
10. 14 North Road, LLC – 14 North Road (43-83) SE48-3359
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:43) **Madden** – Based on comments, all structures shifted south to ensure structural foundations are outside the 50-foot buffer to the top of the coastal bank. There is a net reduction of 2,291sf within the 50-foot buffer. Proposing 1,225sf revegetation within the 25-foot buffer to replace lawn as well as a dry well proposed north of the structure to collect patio runoff. Feel the project meets the standard for net benefit.
Engelbourg – Asked if there is a chance of cantilevering the 2nd-story deck and incorporating the pergola into roof structure of the house.
Madden – Structurally that’s two 2sf posts on the ground, which is *de minimis*.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

11. Norton – 24 North Cambridge Street (38-20) SE48-3358
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:46) **Madden** – Based upon commissioner feedback, we are proposing to remove the portion of the deck that extends into the 50-foot buffer; the pool fence will be located entirely outside the 50-foot buffer. That provides greater than 50% natural area between the 25- & 50-foot buffers.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously /Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
12. *Randy Sharp – 1 Wamasquid Place (56-113.1) SE48-3370 (**Cont. 01/07/2021**)
13. *Mary Jo Buckland – 113 Hummock Pond Road (546-59) SE48-3330
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:49) **Madden** – This was initially for an upgrade to and I/A septic system; it is designed to meet separation from high ground water; the entire lot is within 100-foot buffer to a bordering vegetated wetland. When the NOI was filed, staff informed the property owner about an outstanding enforcement order; proposing to also address the restoration element of that. The wetland boundary has crept landward. The owner started cleaning out debris, which extended into the buffer. He submitted a restoration plan showing the area and planting plan to restore the bordering vegetated wetland now occupied by lawn. The well is now in the wetland; so you can see how much it crept up. We’re removing the driveway expansion into the 25-foot buffer and will relocate the patio to outside the 25-foot buffer. Upgrades will provide a long-term net benefit.
Phillips – Clarified that part of the porch is being moved outside the 25-foot buffer. She’d prefer to see as little as possible within the 50-foot buffer and would like the patio to be removed to outside the 50-foot buffer. It’s unfortunate they decided to put a pergola where they did.
Madden – Relative to the patio, submitted photos; it’s a small footprint and he doesn’t see replacing lawn with patio as a negative since it reduces where fertilizer and watering would take place. We will place permanent markers to define the limit of activities. The terrain northeast of the house is very flat.
Erisman – About 1.5 years ago, they started clearing the lot and she noticed it seemed they were close to the wetlands; she didn’t bring that to Mr. Carlson. She’s happy they are adding markers. Asked if this site can connect to Town water and sewer.
Madden – Sewer doesn’t currently go past this house.
Topham – He recalls this property being covered with a lot of debris; he’s glad it’s being cleaned out.
 Staff The original filing had the porch outside the 50-foot buffer of the wetland as delineated at that time. When the property first changed hands, he talked to the new owner about cleaning up debris within the buffer zone. That message didn’t get through to the current owner. There is a lot of room to get this back into a better degree of compliance.
 Sewer doesn’t go out here; Town water does. The existing well could be used for irrigation only.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: Engelbourg) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

III. PUBLIC MEETING

C. Minor Modification

1. Nantucket Electrical Company – 1 Candle Street (42.3.1-37) SE48-3334
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Melissa Kaplan, BSC Group
 Public None
 Discussion (7:18) **Kaplan** – Since the Order of Condition was issued, Nantucket Electric needs to make changes to underground conduit work; reviewed the changes. No resource areas will be impacted; all work is within the road.
Golding – This is all within a flood plain; asked how it is made waterproof.
Kaplan – The electrical wires are within the conduit placed in a concrete case all underground.
 Staff Recommend issue as a minor modification.
 Motion **Motion to Issue the minor modification.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

D. Certificates of Compliance

1. BFP Properties, LP - 13 Easton Street (42.1.4-26) SE48-2490
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff Agree it is in substantial compliance; there are no on-going conditions.
 - Discussion (7:23) **Art Gasbarro**, Nantucket Engineering & Survey – The work is complete and in substantial compliance.
 - Motion **Motion to Issue.** (made by: Phillips) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
2. KAMADIF, LLC – 32 Dukes Road (56-188) SE48-2356
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff This is now in substantial compliance; on-going Conditions 19, 20, 21, 22 and 23 are related to the pool.
 - Discussion (7:26) **Jeff Blackwell**, Blackwell & Associates – The amended order brought this into compliance.
 - Motion **Motion to Issue with on-going Conditions 19-23.** (made by: Golding) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
3. Clarkford Partners Nominee Trust – 17 Kimball Avenue (30-30) SE48-1870
4. Clarkford Partners Nominee Trust – 17 Kimball Avenue (30-30) SE48-2917
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff Agree work is in substantial compliance.
 - Discussion (7:28) **Paul Santos**, Nantucket Surveyors – Both orders are completed in substantial compliance.
 - Motion **Motion to Issue SE48-1870 & SE48-2917.** (made by: Engelbourg) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
5. Clarkford Partners Nominee Trust – 17 Kimball Avenue (30-30) SE48-3154
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff Agree work is in substantial compliance; issue with on-going Conditions 8-21.
 - Discussion (7:31) **Paul Santos**, Nantucket Surveyors – Inspection reports submitted with this request. Work is completed in substantial compliance.
 - Motion **Motion to Issue with on-going Conditions 8-21.** (made by: Phillips) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
6. Jason W. Maroney – 29 Rhode Island Avenue (60.3.1-132) SE48-3271
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff No on-going conditions.
 - Discussion (7:35) **Paul Santos**, Nantucket Surveyors – Work is completed in accordance with the order.
 - Motion **Motion to Approve.** (made by: Beale) (seconded)
 - Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, LaFleur, Phillips, and Topham-aye; Golding – no vote.
7. Patrick S. Keating – 49 Red Barn Road (63-15) SE48-3262
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Staff Agree it is in substantial compliance.
 - Discussion (7:37) **Paul Santos**, Nantucket Surveyors – Work is in substantial compliance.
 - Motion **Motion to Issue.** (made by: Engelbourg) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

E. Orders of Condition

1. Goldrich & Rice – 41 Crooked Lane (41-202) SE48-3368
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Documentation Draft Order of Conditions
 - Staff Conditioned that all debris be stored outside the 50-foot setback.
 - Discussion (7:39) None
 - Motion Motion to Issue as drafted. (made by: Beale) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
2. 14 North Road, LLC – 14 North Road (43-83) SE48-3359
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Documentation Draft Order of Conditions
 - Staff It has updated Department of Environmental Protection information; Findings 4 & 5 relate to the fact it's new construction within 100 feet of a coastal bank and not eligible for a CES in the future. Regular pool conditions. Condition 19 requires annual photos restoration area.
 - Discussion (7:41) None
 - Motion **Motion to Approve as drafted.** (made by: LaFleur) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

3. Norton – 24 North Cambridge St (38-20) SE48-3358
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff This includes the standard pool conditions and requires annual photos of restoration are; permanent markers are to be installed to prevent intrusion. Condition 24 can be carried as an on-going condition and go on in perpetuity on the Certificate of Compliance.

Discussion (7:44) **Beale** – Condition 24 regarding photo monitoring, asked if that is in perpetuity.
 Motion **Motion to Approve as drafted.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

4. Mary Jo Buckland – 113 Hummock Pond Road (546-59) SE48-3330
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff His general sense is for a positive order with heavy monitoring.
 Discussion (7:48) **Erisman** – Talked about no permanent irrigation; wants that added.
 Motion No action at this time.
 Roll-call Vote N/A

F. Other Business

1. Approval of Minutes 11/19/2020 & 12/03/2020:
 Golding – He has a minor change for 12/03, change “of” to “off” on the last page.

Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Reports:
 a. None

3. Enforcement update:

Carlson – Every Friday he’s been reviewing enforcements and he fills out and sends 5 tickets for each day of the week the site was in violation. There are no new enforcements issues.

Beale – Asked the status of 311 Polpis Road, Hollywood Farm.

Erisman – It seems they’ve done more clearing.

Carlson – They are still on the list and receiving tickets; it could reach the point where we send a uniformed officer.

Beale – Asked about 300 Polpis Road.

Carlson – We have to go inspect for debris removal; they are still parking cars in that area.

Engelbourg – Asked at what point a violation becomes a criminal offence.

Carlson – Around \$2100 to \$3,000.

4. Discussion of 36 Lily Street, LLC – 36 & 36B Lily Street (42.4.3-93&94) SE48-3005

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Representatives Alger,
 Brian Madden, LEC Environmental
 Staff Met onsite with our staff, Land Bank, the applicant, property owners, and Rob McNeil to discuss all the issues on the lot and a path on how to move forward. We will be looking at some level of site redesign. Mr. McNeil related his need for easements and details on issues with the drainage. The property owners have agreed to reset the site until the redesign is done in a more sensitive manner and permitted.

Discussion (7:57) **Erisman** – It sounds like positive forward motion.
Golding – Ms. Alger quoted Emergency Order 42 came into existence March 10th; a couple of months later, Governor Baker lifted the moratorium. Asked Mr. Carlson to speak to Town Counsel to find out whether or not they have that grace period.

Carlson – Last he spoke to Town Counsel, they agreed the moratorium was still on-going. Depending on the level of change, the reset might be an amended order or a couple of new NOIs. On-going, Staff is acting as the mediator among the various players; he will put regular update on the agenda.

5. Commissioners Comment

a. Engelbourg – After hearing the Western Avenue application, it might be germane to look at how we calculate structural area and use volumetric, which includes vertical changes, to calculate the square footage.

Erisman – That is a great suggestion, especially for projects like 14 North Road, which have subterranean space.

b. Beale – He’s troubled by applications with massive patios within the 25- to 50-foot buffer.

Erisman – That will come up with our regulation review.

Topham – Not only patios but when its elevated with a retaining wall; that’s why he wanted to see a cross section. When it’s been engineered to be elevated, the retaining wall becomes an issue.

c. Erisman – Was looking at 2021 schedule: we’re sticking with Thursday; however, in January we have a 2-week break with no meeting - the 14th and 21st.

Carlson – Sometime those breaks coincide with vacations.

Erisman – She wants to schedule the regulation update and ‘Sconset Bluff annual review on one of those dates.

Carlson – We have 1.5 hours available on January 5th from 4 to 5:30. We could start on the SBPF annual report if folks are interested.

Topham – Wants to get ahead other boards and lock in the Thursday time block.

Carlson – Meeting space on the virtual platform is hard to come by. If we go back to in-person meetings, he prefers they remain on Thursday; when that time comes, we can discuss it.

d. Golding – He walked the beach in front of the geotubes; at high tide, there is no longer a walkable beach. Also, it's like looking up at a 5-story building. Perhaps the extra material was in anticipation of the storm.

Carlson – He was out there today, and that material is no longer there. Took pictures from the top of the Bluff. Asked Mr. Golding to send him the photos he took.

6. Administrator/Staff Reports

a. This is our last meeting of this year.

G. Adjournment

Motion **Motion to Adjourn at 8:18 p.m.** (made by: LaFleur) (seconded)

Roll-call Vote Carried unanimously//Beale; Engelbourg; Erisman; Golding; LaFleur; Phillips; Topham-aye

Submitted by:
Terry L. Norton

PROPOSED