



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, March 20, 2019

4 Fairgrounds Road, Training Room – 5:00 p.m.

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

Called to order at 5:05 p.m.

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

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

Absent Members: None

Late Arrivals: None

Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment:

Nate Mayo, Vineyard Wind – The Order of Conditions was approved March 6 and they received that yesterday. Special Condition 21 does not appear to conform with the discussion from March 6; the video does not support the intent of the stated condition. There appears to be a transcription error between what was voted in and what appeared in the final Order of Condition. Asked that the issue be taken up during Other Business to discuss and accept the change.

II. PUBLIC HEARING

A. Notice of Intent

1. Mary D. Starr – 19 East Creek Road (55-60) SE48-2985 **(Cont. 5/1/2019)**
2. Gregory Reyes – 19 East Creek Road (55-60) SE48-3065 **(Cont. 5/1/2019)**
3. Town of Nantucket – 4 Bathing Beach Road (29-1) SE48-3163 **(Cont. 4/10/2019)**
4. Hither Creek Boatyard – 20 North Cambridge Street (59.4-2, 38-14, 38-15, 60-17) SE48-3136 **(Cont. 4/10/2019)**
5. LAZ Family N.T. – 20 Waquoit Road (90-5) SE48-3131 **(Cont. 5/1/2019)**
6. BSS Hummock Pond, LLC – 289 Hummock Pond (83-4) **Withdrawn**

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

Discussion (5:10) None

Staff The Commission needs to accept the withdrawal.

Motion **Motion to Accept the withdrawal.** (made by: LaFleur) (seconded by: Steinauer)

Vote Carried unanimously

7. Jemison – 195C Hummock Pond Road (65-23.2) SE48-3165

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

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

Representative Mark Rits, Site Design Engineering,

Public None

Discussion (5:10) **Rits** – This is for a pool with landscaping and grading outside the 50-foot buffer. There was discussion about how to condition this with in conjunction with the restoration work under another Order of Conditions.

Champoux – Our hope was that the restoration work would have started and be in progress to ensure survivability of the plantings before the pool would be installed.

Rits – His client would be willing to do that with the caveat that restoration work adjacent to the pool be held off until after the pool is installed.

Champoux – He doesn't feel comfortable allowing the pool to go forward until the restoration work is completed in compliance.

Erisman – Agrees. Will want protection of the restoration work while working on the pool.

Rits – We will probably install a split-rail fence and a silt fence; he can provide a revised plan showing that.

Staff In situations like this, we can issue a partial certificate of compliance on the restoration work providing for a second phase to be completed once the pool is done. Recommend a condition that states if there is unapproved intrusion into the no-disturb zone that nullifies this order of conditions.

Have everything needed to close.

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

Vote Carried unanimously

8. *21 Crooked Lane, LLC – 1 West Chester Street Ext (41-480) SE48-3169
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
 Public Emily Molden, Nantucket Land Council
 Discussion (5:19) **Gasbarro** – For work in the buffer zone to a vegetated wetland; work includes a pool, pool cabana and retaining wall within existing lawn area. He has a revised plan that removes one cabana. Asked for a waiver for a portion of the retaining wall within the 50-foot buffer. They have permission for a 10-foot wide path leading into the resource area; that has been reduced to 5 feet wide.
Champoux – Asked if the fence follows the wetland line.
Gasbarro – That is part of previous permitting; the silt fence would follow the 25-foot buffer.
Erisman – She has a problem with the wall extending into wetlands in this area; there’s too much water. Feels there are too many structures.
Golding – If everything were on the west side of the property, it would be outside the 50-foot buffer.
Gasbarro – The pool and cabana have already been reduced and brought close to the house to keep it out of the 50-foot buffer. The pool and cabana are placed to meet HDC concerns about visibility from a publicly-travelled way.
Champoux – Asked the material of the walls.
Gasbarro – It would be a structural wall to retain the pool and patio area. The pool will have an auto-cover. We could put in some infiltrators to catch run off.
Erisman – She appreciates giving up five feet on the path, but her concern is maintaining that within the resource area.
Cassidy – This time of the year, the path is very damp; but there never is really any standing water. There would be no benefit to putting in an elevated walkway.
Erisman – We should condition the path be maintained with a weed whacker.
Molden – The history of the includes an enforcement order. The retaining wall is technically a structure. For an application that requires a waiver, the Commission should be cautious about allowing a structural element in exchange for vegetation restoration.
Reade – The Land Council holds the conservation restriction on the property.
Gasbarro – He requested the waiver under both Sections A & B.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded by: Steinauer)
 Vote Carried unanimously
9. Abrams Point Realty Trust – 30 Rabbit Run Road (28-6) SE48-3168
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (5:38) **Gasbarro** – This is for a dock relocation, which would have the least impact on resource areas. He has added seasonal steps on both sides of the dock to allow passage along the beach. There is eel grass along this section of shoreline; he feels a seasonal floating dock supported by seasonal pilings would have the least impact. He also does not believe there will be any impact on shellfish.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously
10. *LHGS Holding, LLC – 15 Cathcart Road (43-69) SE48-3178
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (5:41) **Gasbarro** – This is to create a new beach access path through a coastal bank and coastal dune. The existing path is on a neighboring property and has been getting flooded when the pond pipes were not working. He worked with the landscaper to select the location of the new path to avoid substantial vegetation. The path will be hand cut; on the slope, there will be steps of 6x6 timbers cut in across the slope.
Erisman – She’s concerned about the amount of path going through the dune. Asked why they don’t walk along Cathcart Road. This path bisects the wetland habitat, which inhibits the development of organisms.
Gasbarro – They want to stay on their own property to reach their own beach. The winding path minimizes what needs to be disturbed and they wouldn’t need a stairway to reach the beach. The only real disturbance would be to cut in for the timbers; this will not be a lawn-like walking path.
Golding – The walkway will be elevated through the wetland.
Erisman – In terms of habitat, you want to go one side or the other of the wetland.

Gasbarro – Explained why the proposed path was chosen versus going either side of the wetland. Suggested a site visit to see the dunes and vegetation. The owner doesn't want any new cuts through the dunes that would allow flood waters to come through.

Bennett – He'd like to visit the site. The proposed pathway is flagged.

Gasbarro – Asked for a 3-week continuance

Staff None

Motion Continued to April 10 by unanimous consent.

Vote N/A

11. *Penant Realty Trust – 4 & 5 Costaka Course Way (14-12,14 & 14.1) SE48-3177

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

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Seth Wilkinson, Wilkinson Environmental

Public None

Discussion (5:54) **Gasbarro** – This is a coastal stabilization project that abuts a similar project on the east. There is a portion of an existing stabilization project in front of the structure that would be removed prior to installation of the fiber roll array. This is not a high-energy wave environment. We would be amenable to conditions put on similar projects permitted in the past. Access would be from the existing asphalt driveway to the top of the coastal bank with a ramp down to the beach.

Wilkinson – Other such arrays have vegetated very quickly. There is Japanese knotweed that will have to be removed.

Erisman – This area has a lot of fresh water coming out of the bank and questions if the bank would stabilize.

Wilkinson – There are similar conditions at 141 Cliff Road and 10 Fargo Road; those banks have stabilized well. The freshwater assists the plants and flows through the fiber rolls.

Champoux – Asked about the maintenance protocol for more robust fiber rolls if over 10 years they have depleted.

Wilkinson – Explained how fiber rolls can be replaced.

Erisman – She thinks the sediment here is different than most of Pocomo.

Wilkinson – Sediment is highly variable. We general default to guidance on that which recommends somewhat courser sediment than what comes out of the bank.

Staff We are waiting for Massachusetts Natural Heritage; but they have passed the 30-days response time and feels the commission can close the hearing.

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

Vote Carried unanimously

12. *Lauretta Lane Nominee – 5 Lauretta Lane (14-53) SE48-3184

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

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Seth Wilkinson, Wilkinson Environmental

Public None

Discussion (6:07) **Gasbarro** – This is for an ecological restoration to improve the vegetated community.

Wilkinson – This is a saltmarsh restoration project, the first on Nantucket. This has already gone through the State process. Addressed restoration of the upland area to include invasive species removal of white poplars, border privet, honeysuckle, and Swedish ivy. Explained how the saltmarsh would be restored; noted that there is a lot of algae in the marsh.

Erisman – Dead stalks in the marsh might be a natural progression to a more open saltmarsh. She's concerned about putting in peat and plants and stopping the marsh function of absorbing storm surge.

Wilkinson – What's happening here is not natural. It wasn't a saltmarsh historically; there is a culvert. We are leaving the hydrology alone to address areas that were previously saltmarsh.

Erisman – She wants to see the underlying hydrology of the situation.

Bennett – Asked if they had looked at other saltmarshes.

Wilkinson – Adjacent properties with saltmarshes are having similar issues.

Champoux – Asked if this restoration would mitigate flooding in the area.

Wilkinson – It would make the saltmarsh a more effective sponge.

Golding – Asked if they looked for chemical contamination.

Wilkinson – No; it's not economically feasible for such a small project.

Champoux – Asked how the invasive plants would be removed.

Wilkinson – Explained the invasive species removal work and clean up to prevent regrowth.

Steinauer – Will have to condition the project to monitor how this works on the saltmarsh.

Erisman – She's concerned about overtopping getting stuck in the marsh and not draining back into the harbor.

Gasbarro – Replacement of the culvert with a box culvert would exceed the scope of this proposal, which stops at the property line. All the septic systems in this area are being upgraded under Regulation 54.

Golding – Asked if the renovated saltmarsh would increase the growth of animalcule.

Wilkinson – He will ask about that.

- Staff We have people who do voluntary water testing.
Have everything needed to close.
- Motion **Motion to Close.** (made by: LaFleur) (seconded by: Steinauer)
- Vote Carried unanimously
13. *RJG Nominee Trust – 13 Crow’s Nest Way (12-19) SE48-3172
- Sitting Bennett, Erisman, Steinauer, LaFleur, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Brian Madden, LEC Environmental
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
- Public None
- Discussion (6:33) **Madden** – This is a restoration project and driveway improvements. Resource areas are bordering vegetated wetland and isolated vegetated wetland and coastal dunes. We will restore the vegetated wetlands buffer zone and protect the coastal dune with better definition of the driveway and parking. Reviewed the wetland restoration planting plan.
Erisman – Asked if the restoration would be irrigated for three years to establish the vegetation.
Madden – Doesn’t think that will be necessary.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Steinauer) (seconded by: Topham)
- Vote Carried 6-0///Champoux - recused
14. *Booya, LLC – 9 Crow’s Nest Way (12-20) SE48-3175
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
- Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
- Discussion (6:37) **Santos** – Based on an abutter’s concerns, asked for a 3-week continuance.
- Staff None
- Motion Continued to April 10 by unanimous consent.
- Vote N/A
15. *Harvey C. Jones, Jr – 16 Old North Wharf (42.3.1-253) SE48-3176
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
- Public None
- Discussion (6:38) **Santos** – This is for an addition, renovation, lifting, and new foundation within land subject to coastal storm flowage, Nantucket Harbor, a coastal bank - the bulkhead - and historic tidelands. We will need to develop a dewatering plan and a geotechnical report, which will both be provided to the commission prior to start of work. He has asked for waivers under the premise of no adverse impact/no reasonable alternative. Decking is at elevation 4 with the Velocity Zone level is at elevation 11.
Golding – He finds the before and after drawings show a great change to the scale of the structure.
Santos – The porch in the back is being enclosed with a landing and stairs added.
Erisman – She questions increasing livable space by enclosing the porch within the resource areas.
Topham – The east and west elevations, he’s curious how the water would flow through.
Reade – All structures on Old North Wharf are under a Chapter 91 license as one property. There are issues we’d have to deal with under Chapter 91 for this project, as well as providing additional public access.
Erisman – She is not for enclosing the porch; she believes it will impact the waterfront.
- Staff Asked if this is currently licensed under Chapter 91.
Have everything needed to close.
- Motion **Motion to Close.** (made by: Topham) (seconded by: LaFleur)
- Vote Carried unanimously
16. *28 EPR Trust – 28 Eel Point Road (40-44) SE48-3174
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Mark Rits, Site Design Engineering
- Public None
- Discussion (6:50) **Rits** – This property has been approved for a demolition and grading proposal. This is for the redevelopment of the site: all work is within the previously disturbed area. All structures are outside the 50-foot buffer and the septic is outside the 100-foot buffer. The slope leading into the swales is gentler than previously approved.
Bennett – His concern is the run off into the wetlands.
Rits – The patio will have open joints. The pool has an auto-cover so no fence. Explained the swales will channel run off away from the wetland. The stabilization plants are detailed in the previous permit.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Champoux) (seconded by: LaFleur)
- Vote Carried 6-0//Topham – Recused

17. *Old North Wharf Cooperative, Inc – Old North Wharf (42.3.1-257 & 256) SE48-3171
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Carlos Pena, Foth-CLE Engineering Group
 Public None
 Discussion (6:58) **Pena** – This is to replace the Co-op/Omega Pier; it will be moved over 2 feet.
Champoux – Asked if this needs a silt curtain.
Pena – It won't be demolished and the piles will be pulled.
 Staff This would be conditioned to minimize siltation; a silt curtain would go around the work area.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously
18. *Gibbs – 4 Galen Avenue (29-37) SE48-3182
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Don Bracken, Bracken Engineering
 Public None
 Discussion (7:02) **Bracken** – This is for an elevated, single-car garage within a coastal flood zone. The garage will be built in compliance with FEMA regulations and will have a temporary ramp for access. There are no proposed grade changes under this NOI, but there are some grade changes within an outstanding order of conditions; will bring the two permits into compliance regarding that grading. Suggested additional vegetation to compensate for any increase in grade. We could put in some shallow trenches to help with runoff.
Steinauer – We typically require any hazardous material be stored above the flood level.
 Staff This can be conditioned regarding fill.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously
19. *CRM Management – 73 Hulbert Avenue (29-5) SE48-3179
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Don Bracken, Bracken Engineering
 Public Emily Molden, Nantucket Land Council
 Discussion (7:09) **Madden** – The property is within the flood zone, with coastal dune and coastal bank. This is to repair an existing pool, which requires drawdown of ground water around the pool. Explained how the work will be done and the drainage from the existing pool and drawdown will go into a storm drain on Hulbert Avenue.
LaFleur – This is a deep pool.
Bracken – It is the deepest pool on the Island with the deep end being 12 feet; ground water is at elevation 7 and needs to be drawn down to one foot below the pool bottom.
Golding – He's concerned the draining of the groundwater will cause soil compaction and impact future groundwater flow.
Erisman – Removing groundwater will impact the plants in the area.
Golding – He has heard of people freezing the ground water around the pool to preclude having to draw it down. Asked if that had been considered.
Bracken – No.
Molden – Depending on how long the pumping goes on, the wetlands on adjacent properties should be monitored for impact. The pumped water will go into the harbor.
 Staff This came in because there was a question whether or not this is regular pool maintenance; we decided it is. However, we felt due to the level of work it would be better to have a permit.
 The closest vegetated wetland is about 100 yards away.
 Given this is temporary work, you could condition it with a time limit on how long they can drain the ground water; if that will be exceeded, they will have to come back in for an extension.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

20. *48 Walsh Street Trust – 48 Walsh Street (29-101) SE48-3183
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Don Bracken, Bracken Engineering
 Public Amanda Cross, 46 Walsh Street
 Discussion (7:24) **Bracken** – The existing house will be demolished, and a new structure built to code. No proposed grade changes. The brick deck and walkways will be eliminated resulting in more green space.
Cross – The land is not level and slopes toward Walsh; her concern is water draining or being pumped away from the house into the abutters and into the street. She’s concerned about the deck; does it have slats, so water can run through and infiltrate below. Wants to know what materials are being used and will the basement have a sump pump.
Bracken – He doesn’t have any information about the deck.
Steinauer – There is so much water there, there’s no place for it go but into the street. This is land subject to coastal storm flowage.
Topham – The old foundation didn’t provide for flood water to flow through pushing water away; the new foundation should provide the flow through.
Erisman – The roof should have gutters, so water doesn’t sheet off toward the abutters.
Bracken – Suggested several ways to handle run off to keep it on the property.
 Staff The old house had a sump pump off the back; that activity is not part of this proposal and can be conditioned. Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded by: LaFleur)
 Vote Carried unanimously
21. *8 Bishops Rise, LLC – 8 Bishops Rise (40-32) SE48-3181
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (7:36) **Madden** – This is for new construction on a vacant lot: dwelling, pool, fence, cabana, retaining wall septic. The eastern portion is flagged as a bordering vegetated wetland. Only a small portion of the pool fence and retaining wall will be within the buffer zone. The building envelop has been previously approved under the subdivision permit. No waivers are being requested.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Topham)
 Vote Carried unanimously
22. *262 Polpis Nominee Trust – 262 Polpis Road (25-1) SE48-3180
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (7:39) **Madden** – The site has a wetland. The work is outside the 50-foot buffer and is for replacing the deck with a granite stoop and moving the crawl space access to the side, where there are no ground water issues. Another aspect is installing a new game court located in existing lawn area outside the 100-foot buffer to the bordering vegetated wetland.
Erisman – A silt fence would be needed for construction vehicles associated with construction of the game court.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously
23. *Sheep Commons, LLC – 214 Polpis Road (26-16) SE48-____
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (7:45) **Gasbarro** – This is for the upgrade of an existing septic and leech pit to a new tank with septi-tech processor and raised leech bed; the leech bed will be outside the buffer but there will be grading within the buffer to create the septic mound. Requested a continuance.
 Staff We do not have a file number so will have to continue.
 Motion Continued to April 10 by unanimous consent.
 Vote Carried

- 24. *JJ McAtee Jr. 1996 Revocable Trust Agreement – 220 Polpis Road (26-22.1) SE48-_____
- 25. *JJ McAtee Jr. 1996 Revocable Trust Agreement – 226 Polpis Road (26-22.4) SE48-_____
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative None
- Public None
- Discussion (7:47) Not opened at this time.
- Staff Applicant requested a continuance
- Motion Continued to April 10 by unanimously consent.
- Vote Carried

B. Amended Orders of Conditions

- 1. Nantucket Islands Land Bank – 63 Madaket Road, formerly 21 Crooked Lane (41-480.1) SE3122 (Cont. 04/10/2019)

III. PUBLIC MEETING

A. Requests for Determination of Applicability

B. Minor Modifications

C. Certificates of Compliance

- 1. Waterbury – 7 Willard Street (42.4.1-17) SE48-2991

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff For a new porch. Work is compliance and recommends this be issued.
- Discussion (7:49) None
- Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)
- Vote Carried unanimously

- 2. Long – 100 Quidnet Road (21-73) SE48-1796

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff This was for construction of a dwelling and landscaping. Recommends this be issued.
- Discussion (7:48) None
- Motion **Motion to Issue.** (made by: Steinauer) (seconded by: LaFleur)
- Vote Carried unanimously

D. Orders of Condition

- 1. Jemison – 195C Hummock Pond Road (65-23.2) SE48-3165

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff He has the finding regarding the open Order of Conditions. Conditions 19, 20, & 21 address the incomplete work of the restoration area. This has the standard pool conditions. Monitoring is tied to the restoration work.
- Discussion (7:50) **Champoux** – Suggested rewording Condition 21.
- Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
- Vote Carried unanimously

- 2. 21 Crooked Lane, LLC – 1 West Chester Street Ext (41-480) SE48-3169

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff He didn't draft an order. Confirmed he could draft a positive order with monitoring of the path.
- Discussion (7:54) **Bennett** – He doesn't like the sheeting off the patio toward the wetland.
Discussion about conditioning an infiltrator.
Art Gasbarro, Nantucket Engineering & Survey – He did mention that we would add infiltrators
- Motion Continued to April 10 by unanimous consent.
- Vote N/A

- 3. Abrams Point Realty Trust – 30 Rabbit Run Road (28-6) SE48-3168

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff This is the dock and walkway relocation. He has a condition prohibiting lighting and a condition that it should be vegetated naturally, but we can state American Beach grass is to be planted within the coastal dune.
- Discussion (7:56) None
- Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Topham)
- Vote Carried unanimously

- 4. Penant Realty Trust – 4 & 5 Costaka Course Way (14-12,14 & 14.1) SE48-3177

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff Didn't draft an order for this. Confirmed a positive order
- Discussion (7:59) None
- Motion Continued to April 10 by unanimous consent.
- Vote N/A

- 5. Laurretta Lane Nominee – 5 Laurretta Lane (14-53) SE48-3184

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Staff It's conditioned for no cultivars, but they aren't proposing any. A condition requires photo monitoring.
- Discussion (7:59) None
- Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: LaFleur)
- Vote Carried unanimously

6. RJG Nominee Trust – 13 Crow’s Nest Way (12-19) SE48-3172
 Sitting Bennett, Erisman, Steinauer, LaFleur, Golding, Topham
 Staff This is the drive way. He can add Condition 21 requiring temporary irrigation.
 Discussion (8:00) **Ben Champoux** – As a member of the public, he wants irrigation to insure establishment of the vegetation.
 Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried 6-0//Champoux - recused
7. Harvey C. Jones. Jr – 16 Old North Wharf (42.3.1-253) SE48-3176
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff He has to correct the permit number and eliminate the reference to the lap pool.
 Discussion (8:02) None
 Motion **Motion to Issue as amended.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried 6-1//Erisman opposed
8. 28 EPR Trust – 28 Eel Point Road (40-44) SE48-3174
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding
 Staff He has a pool condition. He can add a requirement that stabilizes all loose-dirt slopes with bio-degradable fabric.
 Discussion (8:04) **Champoux** – They said this will have swales to prevent erosion but is that memorialized anywhere.
 Motion **Motion to Issue as amended** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried 6-0//Topham - recused
9. Old North Wharf Cooperative, Inc – Old North Wharf (42.3.1-257 & 256) SE48-3171
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff Finger-pier replacement.
 Discussion (8:08) None
 Motion **Motion to Issue as drafted.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously
10. Gibbs – 4 Galen Avenue (29-37) SE48-3182
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff He will add a condition 20 regarding storage of hazardous material and will add Condition 21 regarding runoff from impervious surfaces.
 Discussion (8:08) **Erisman** – We had talked about the hazardous material being stored above the flood level.
 Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously
11. CRM Management – 73 Hulbert Avenue (29-5) SE48-3179
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff This is the pool repair. They will be required to file with the Town; the Department of Public Works might have additional conditions. He will add a condition capping the pumping time to 3 weeks. We don’t monitor the volume of water.
 Discussion (8:10) **Erisman** – Should there be a condition that limits the pumping time to 3 weeks. Asked if there is monitoring of the volume of water coming out.
 Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: Golding)
 Vote Carried unanimously
12. 48 Walsh Street Trust – 48 Walsh Street (29-101) SE48-3183
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff Condition 21 will require the deck to be permeable; he will put “all impervious surface runoff excluding flood water.”
 Discussion (8:14) **Golding** – Asked if we want to condition for trenches.
Champoux – His concern is with all these basements pumping out.
 Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: Topham)
 Vote Carried unanimously
13. 8 Bishops Rise, LLC – 8 Bishops Rise (40-32) SE48-3181
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff This has the fence and a corner of the dwelling in the buffer zone. If they discharge the pool into the wetland, they will be in violation and an Enforcement Order would be issued.
 Discussion (8:17) **Golding** – His concern is that with the pool outside the 100-foot buffer, we can’t condition against pumping out into the wetland.
 Motion **Motion to Issue as drafted.** (made by: Golding) (seconded by: Champoux)
 Vote Carried unanimously
14. 262 Polpis Nominee Trust – 262 Polpis Road (25-1) SE48-3180
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff The silt fence to install the game court is within our jurisdiction; he will add Condition 19 requiring a silt fence on the route of travel from the road to the game court.
 Discussion (8:20) **Erisman** – We had asked for a silt fence for construction vehicles.
 Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

E. Other Business

1. Approval of Minutes 03/06/2019: **Motion to Approve as clarified.** (made by: Steinauer) (seconded by: LaFleur) Carried unanimously
Mayo – The condition as written requires authorization from the Town before they start laying the cable; the discussion at the meeting was required only notification to the Town that work was beginning.
Carlson – Mr. Mayo was looking for clarification on the minutes regarding Condition 21; the board was speaking differently on the level of notification required. You don't need to correct the minutes, but we need to provide clarity. Read the original Condition 21 as written, which states the Town must give a written response before they start work. He referred this to Town Counsel, who felt the condition as written falls within the requirements for notification.
Steinauer – The condition as written allows the Select Board to negate our Order of Conditions by not sending notification to Vineyard Wind. We are the Board that governs this type of activity; as Town representative in this matter, the Select Board should accept our decision. He doesn't think the Town needs to respond. He thinks Mr. Carlson should be allowed to forward the notification to Ms. Gibson and the Select Board. Vineyard Wind have two options for their cables, one avoids Nantucket waters altogether; this notification tells the Town which option they are going to use.
Carlson – It should be very clear what notification is and that it doesn't need to be sign off; it could be Vineyard Wind goes to the Select Board public comment and announces they are starting work. To make more sense, we need to clarify what notification entails. The intent of the condition is to ensure no one is left out. To clarify the condition, we can add something to the effect that the notification provides date of start of work and to be provided to the Natural Resources Department, which in turn will forward it to Town Administration.
2. Monitoring Report
3. Enforcement Actions
 - a. He is looking into unpermitted cutting on Miacomet Pond and Washing Pond and in Quidnet. If he sends out Enforcement Orders, the Commission can ratify them at the next meeting.
4. Reports:
 - a. None
5. Commissioners Comment
 - a. None
6. Administrator/Staff Reports
 - a. Next meeting is three weeks, April 10.
 - b. There is a meeting on March 25 for 'Sconset Beach Preservation Foundation.
 - c. April 1 is Annual Town Meeting.

Adjourned at 8:40 p.m. by unanimous consent.

Submitted by:
Terry L. Norton