



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, April 10, 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 5:04 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

1. Terry Norton, co-owner 26 North Cambridge Street – Loss of eel grass beds in the Little Neck area.

II. PUBLIC HEARING

A. Notice of Intent

1. Town of Nantucket – 4 Bathing Beach Road (29-1) SE48-3163 (**Cont. 05/01/2019**)
2. Hither Creek Boatyard – 20 North Cambridge Street (59.4-2, 38-14, 38-15, 60-17) SE48-3136

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

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

Representative Paul Santos, Nantucket Surveyors

Public Bill Grieder, 10 F Street and President of Madaket Conservation Association (MCA).

Discussion (5:07) **Santos** – Due to confusion, we thought there would not be a full board; therefore Mr. Dan Bailey, attorney for Peter Bordes, Beverly Hall, and David Billings did not come. We are asking that this not go forward today and it be continued to May 1, 2019.

Letter submitted into the packet.

Grieder – As President of MCA, he wrote an article for the newsletter which someone submitted into the file as an argument against this proposal. He’s here to set the record straight; due to the split in opinion of the MCA membership, the organization has pointedly taken no position on this issue; the article was written at the request of the Harbormaster to support an increase in the enforcement budget for removal of illegal items from the Creek.

Staff None

Motion Continued to May 1, 2019 by unanimous consent.

Vote N/A //Topham recused

3. 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

Steven Cohen, Cohen & Cohen Law P.C.

Public None

Discussion (5:14) **Gasbarro** – This is for beach access; he’s submitted a revised plan and report from Brian Madden, LEC Environmental. An elevated walkway will be across the resource area only. He feels the project is justified and will have no adverse impact.

Champoux – The relocated pathway seems reasonable and is well thought out.

Topham – Likes the redesign.

Staff Visited this site with commissioner Champoux.

Have everything needed to close.

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

Vote Carried unanimously

4. Booya, LLC – 9 Crow’s Nest Way (12-20) SE48-3175 (**Cont. 05/01/2019**)

5. Sheep Commons, LLC – 214 Polpis Road (26-16) SE48-3187
 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 (5:18) **Gasbarro** – He reviewed the septic system; it is being upgraded with a new leach field outside the buffer. Massachusetts Natural Heritage has signed off and we have a file number.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Steinauer) (seconded by: Topham)
 Vote Carried unanimously
6. *J J McAtee Jr. 1996 Revocable Trust Agreement – 220 Polpis Road (26-22.1) SE48-3185
 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 (5:19) **Rits** – This is a septic upgrade to Septitech on a lot with an unusual shape and surrounded by wetland resource areas; all the proposed work is within the 100-foot buffer; most is within the 50-foot buffer and some within the 25-foot buffer. The force main will be sleeved where it abuts the 25-foot buffer; there is no reasonable alternative location, but all work will be within previously disturbed areas. Proposing silt fencing along portions of the driveway closest to the wetland.
Erisman – Even with the uphill slope from the yard to the wetland, she’s concerned about trenching material being moved up the hill into proximity to the wetlands.
Rits – It’s about a 3-foot rise in the lawn to the wetlands. An almost identical system was installed at the neighbors.
Champoux – He’d like to see silt fencing along the entire driveway to ensure everything is contained.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously
7. *J J McAtee Jr. 1996 Revocable Trust Agreement – 226 Polpis Road (26-22.4) SE48-3186
 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 (5:25) **Rits** – This property is almost identical to 220 Polpis Road with the same type of work. They will occupy the existing force main. We will be pressure testing the main before we occupy it; if there are issues, we will be back before the board.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously
8. *Cuneo – 122 Wauwinet Road (11-32) SE48-3189
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Jack Vaccaro, Project Scientist, Epsilon Associates Inc.
 Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
 Public None
 Discussion (5:29) **Vaccaro** – Reviewed the extensive resource areas. The work is to establish a series of boardwalks across the wetland and a drainage ditch; the board walk will be close to the existing footpath to minimize disturbance. This is also for a septic upgrade. Feel this meets all the performance standards. A habitat impinges upon the small boardwalk across the ditch; a copy of the NOI has gone to Massachusetts Natural Heritage.
Erisman – Looking at a Google Map 2019 photo, it looks like there are a lot of boats stored; one is near the ditch.
Champoux – Asked for details on the boardwalk construction: height, material, spacing between deck planks, etc. Feels this will be a net improvement.
Steinauer – The studies indicated the height of the boardwalk is the most critical aspect.
Erisman – The plan shows where the existing path goes off property; there isn’t anywhere after that for people to go; she’s concerned about further damage to the resource areas.
Vaccaro – Asked for 3-week continuance
 Staff We haven’t gotten a formal MNH letter; he will forward the letter to the commissioners.
 The Google photos were taken late last summer.
 Guidance indicates north-south orientation of openings in the decking allows for passage of east-west light and the boardwalk should have a 1:1 ratio between width and height.
 Motion Continued to May 1, 2019 by unanimous consent.
 Vote N/A

9. *Nantucket Conservation Foundation (NCF) – Medouie Creek & 5 Quaise Pasture Road (20,26-25,21) SE48-3190
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Jennifer Karberg, Research Program Supervisor Nantucket Conservation Foundation (NCF)
- Public None
- Discussion (5:00) **Karberg** – NCF is looking to do work to prevent die out of a salt marsh NCF owns and where a homeowner expressed interest in research being done. Saltmarshes are experiencing die-back due to proliferation of the purple crab; explained other places have seen that after the crab population drops, and grass comes back but there is no saltmarsh. The plan is to do trapping and removal of the crab and plant out pockets core grass; they will monitor the population of the crabs before the work starts at the beginning of the summer and at the end of the season. The State indicated the best way to kill them humanely is to freeze them. This phenomenon has been researched in Rhode Island and indicates their predator is larger fish, which if that population is fished off, the crab population rises; also, green crabs, which are invasive, will eat the purple crabs, but they don't want to transport a green crab population into the salt marsh.
Topham – Asked for a follow up on the success of the project.
Karberg – Asked for a continuance to May 1.
- Staff With green crabs, we're working with the Land Council to a develop a secondary market for green crabs. This is within Massachusetts Natural Heritage and we haven't heard from them yet.
- Motion Continued to May 1, 2019 by unanimous consent.
- Vote N/A
10. *David L. Douglas Trust – 20 Fulling Mill Road (27-23.1) SE48-3191
- 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 (5:57) **Gasbarro** – Septic system upgrade to maximum feasible compliance and new well within buffer to a bordering vegetated wetland in the harbor watershed district. There is no viable alternative in location for the septic. We will need a waiver under long-term net benefit. The leach trench will be abandoned, and the existing tank emptied and bottom crushed. There are existing wood wall and stone wall; half of the wood wall will come out and the remaining wall kept under 30 inches. There is a well across the street we have to keep 100 feet from and are moving this property's well to make room for the septic.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Steinauer) (seconded by: Champoux)
- Vote Carried
11. *Pocomo Road Nominee Trust – 72 Pocomo Road (15-37) SE48-3188
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, 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 (6:02) **Madden** – This is to address unauthorized brush cutting activity; the extent of the cutting is indicated on the plans. Resource areas impacted were a coastal bank and a vegetated wetland. He has not observed much in the way of invasive species on the property; if there is a need to address it, we are proposing yearly monitoring. We are proposing a series of permanent markers to prevent future brush cutting within the resource area buffers and will monitor for future encroachment. We will remove the material, assess the soil, and replant with high-bush blueberry and arrowwood. There is a facet of actual work to install an infiltrator out of the zoning setback but within the 100-foot buffer.
Reade – This was discovered by Jeff Blackwell, Blackwell & Associates when he was working on the site. The previous owner's people did the work. There will be on-going monitoring of this.
Erisman – She thinks people doing this work should be made to come before this board.
Madden – It might not be obvious what resource areas come into play here. The owner hopes the permanent posts demarking the buffer zone will prevent this from happening again.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Champoux) (seconded by: LaFleur)
- Vote Carried unanimously

12. *Andrew Biggio – 155 Wauwinet Road (11-1) SE48-3192
 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 (6:13) **Gasbarro** – This has an NOI for lifting and renovating the structure and replacing a retaining wall. The contractor built a new wall which is 4-feet tall where the original was flush with the deck and he also removed and replaced concrete walls; work occurred within the resource area. This is to request the new walls remain as well as to upgrade the septic. We are completely within coastal dune and barrier beach; all disturbed areas will be planted with American beach grass. Believe there will be no adverse impact and the upgrade system is a long-term net benefit. Will have to continue for 3 weeks for Massachusetts Natural Heritage.
 Staff If the surveyor can't make it, Natural Resources staff is also available.
 Motion Continued to May 1, 2019 by unanimous consent.
 Vote N/A

13. *Deombeleg – 137 Polpis Road (44-7.1) SE48-3193
 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 None
 Discussion (6:25) **Santos** – The on-site resource area is a small isolated vegetated wetland and north of the property is an area that hasn't been flagged. This is for construction of an in-ground pool and associated landscaping and upgrade of the septic within the harbor watershed district. Work does not require waivers; all work is outside the 50-foot no-build zone within an area already developed. The site is about 20 feet above the isolated vegetated wetland. There is a man-made, lined pond east of the wetland. There are no concerns under the Massachusetts Endangered Species Act. David M. Haines, Haines Hydrogeologic Consulting, delineated the isolated vegetated wetland report. The deer fence will be moved to outside the resource area.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously

B. Amended Orders of Conditions

1. Nantucket Islands Land Bank – 63 Madaket Road formerly 21 Crooked Lane (41-480.1) SE48-3122
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Rachel Freeman, Nantucket Islands Land Bank
 Public None
 Discussion (6:31) **Freeman** – In the original order, boardwalks were permitted for access over wetlands; the Land Bank believes an additional boardwalk will be necessary. They are exploring parking options; but one has yet come to light.
Erisman – Asked how the trails are maintained. Also, what will keep motorized vehicles – dirt bikes and electric bikes - off the property; she's concerned people might try to use them here.
Freeman – A walking mower will be used to maintain the paths and they can post the property against motor vehicles.
Steinauer – He was opposed to the original notice and is opposed to this. Most sites have a lot of dry trails with a little bit of boardwalk over wetlands; this site has a lot of boardwalk over wetland with a bit little of dry trails; he feels it should be kept as open space and not for public access.
Golding – He supports the idea of opening this to the public for a natural experience.
Champoux – He also supports this.
 Staff Our performance standards for vegetate wetlands calls for an elevated walkway over wetlands for pedestrian passage; to deny this, you'd have to prove why it isn't applicable.
 Motion **Motion to Issue as an amended order.** (made by: Golding) (seconded by: Champoux)
 Vote Carried 6-1//Steinauer opposed

2. Rabbit Run Road I LLC & Rabbit Run Road II, LLC – 22,24,26 Rabbit Run Road (28,43-8,9 &180) SE48-2664
 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 (6:44) **Madden** – The order of conditions for construction was extended and has an amendment for rerouting Rabbit Run Road. This amendment is for a pool outside the 50-foot buffer with 2-foot separation from ground water and landscaping and equipment.
 Discussion about operation of the covers on auto-cover pools.
 Staff None
 Motion **Motion to Issue as an amended order.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

III. PUBLIC MEETING

A. Requests for Determination of Applicability

1. Nantucket Islands School of Design and The Arts, Inc – 23 Wauwinet Road (20-36)

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 (6:49) **Madden** – For upgrade of the septic outside the 100-foot buffer. Sited the resource areas and locations.
 Staff This should be issued as a Negative 3 for work within the buffer zone.
 Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

B. Minor Modifications

1. Albert III & Tamara Lee Rabil – 141 Cliff Road (30-1-7) SE48-2972

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 None
 Discussion (6:52) **Santos** – This is for a synthetic putting green within a manicured lawn. The system is pervious with infiltration under the synthetic lawn.
Erisman – Her concern is that golf balls will be driven into the open.
Champoux – This would have less impact than a grass green.
 Staff None
 Motion **Motion to Issue as a Minor Modification.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried unanimously

2. Twenty-two Brewster Road Nominee Trust – 22 Brewster Road (54-169.1) SE48-3088

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public None
 Discussion (6:55) **Haines** – A shed with a basement, a porch, and retaining walls was proposed. The owner wants to build the shed on sonotubes and slide it back some and eliminate the retaining walls.
 Staff None
 Motion **Motion to Issue as a Minor Modification.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

3. Lorusso – 316 Polpis Road (25-7) SE48-2922

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public None
 Discussion (6:58) **Haines** – A fence was proposed at the back edge of the pool; they found they will need a retaining wall, which will eliminate the need for the pool fence.
 Staff This is between the 50-foot and 100-foot buffers.
 Motion **Motion to Issue as a Minor Modification.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously

4. Van Den Born – 135 Wauwinet Road (11-12) SE48-2961

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 (7:01) **Gasbarro** – This is for the final design of the structure; reviewed the changes from the permitted design. The boardwalk and stairs were relocated closer to the existing path providing more direct access. Also, the condensers are on a bracket off the side of the house and this shows the location of the propane tank.
 Staff None
 Motion **Motion to Issue as a Minor Modification.** (made by: Golding) (seconded by: Champoux)
 Vote Carried unanimously

C. Certificates of Compliance

1. 56 Monomoy Road Realty Trust – 56 Monomoy Road (43-31) SE48-1194

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff This was for construction of the home; it is in compliance and recommend issue.
 Discussion (7:05) None
 Motion **Motion to Issue.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously

D. Orders of Condition

1. 21 Crooked Lane, LLC – 1 West Chester Street Extension (41-480) SE48-3169
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff We had requested the path be maintained by a string trimmer.
 Discussion (7:07) **Erisman** – The means of maintenance was part of the permission to have a retaining wall; we need to make sure the language on maintaining the path and markers ensures it doesn't widen over time.
Art Gasbarro, Nantucket Engineering & Survey – The trail is 8-feet wide and meets with Land Bank trails; it's a short path.
 Motion **Motion to Approve as drafted.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried 6-1//Erisman opposed
2. LHGS Holding, LLC – 15 Cathcart Road (43-69) SE48-3178
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff He included the path habitat.
 Discussion (7:13) None
 Motion **Motion to Approve as drafted.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried 6-1//Erisman opposed
3. Penant Realty Trust – 4 & 5 Costaka Course Way (14-12,14 & 14.1) SE48-3177
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff This is to replace a series of tubes with a Wilkinson-style array. Reviewed the conditions to include restoration after damage needs to be notified in writing to the office. This includes coir wrapping instead of synthetic wrapping.
 Discussion (7:15) None
 Motion **Motion to Approve as drafted.** (made by: Champoux) (seconded by: Topham)
 Vote Carried 6-1//Erisman opposed
4. Sheep Commons, LLC – 214 Polpis Road (26-16) SE48-3187
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff This is for septic replacement.
 Discussion (7:18) None
 Motion **Motion to Approve as drafted.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously
5. J J McAtee Jr. 1996 Revocable Trust Agreement – 220 Polpis Road (26-22.1) SE48-3185
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff Condition 20 will be changed to require the silt fence be along the entire length of the driveway.
 Discussion (7:19) None
 Motion **Motion to Approve as amended.** (made by: Steinauer) (seconded by: Topham)
 Vote Carried unanimously
6. J J McAtee Jr. 1996 Revocable Trust Agreement – 226 Polpis Road (26-22.4) SE48-3186
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff No special conditions for this.
 Discussion (7:21) None
 Motion **Motion to Approve as drafted.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously
7. David L. Douglas Trust – 20 Fulling Mill Road (27-23.1) SE48-3191
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff No special conditions for this.
 Discussion (7:22) None
 Motion **Motion to Approve as drafted.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously
8. Pocomo Road Nominee Trust – 72 Pocomo Road (15-37) SE48-3188
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff Reviewed the conditions. He tries to leave planting flexibility in the condition to prevent amended orders because a few more plants are needed.
 Violations run with the property, not the owner; the order of conditions gets recorded against the title, which is a very permanent record.
 Discussion (7:23) Question about the violation.
 Motion **Motion to Approve as drafted.** (made by: Champoux) (seconded by: Steinauer)
 Vote Carried unanimously
9. Deombeleg – 137 Polpis Road (44-7.1) SE48-3193
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff No special conditions for this.
 Discussion (7:28) None
 Motion **Motion to Issue as drafted.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

E. Other Business

1. Conveyance of properties/Signing of Deeds – 3 Baltimore Street

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff There are a few properties owned by the Town in care of the Conservation Commission; this is part of a land swap between Madaket Land Trust and Town of Nantucket. The swap requires an endorsement from the board. Madaket Land Trust will get a nicer piece of property and the Town will get more parking for Madaket Beach.

Discussion (7:29) None
 Motion Motion that the Conservation Commission hereby vote to transfer the care, custody, management and control of the property located at 3 Baltimore Street, shown on Land Court Plan No. 3092-67 as Lot 695 filed with the Nantucket Registry District of the Land Court, to the Board of Selectmen for purposes of conveyance to the Madaket Land Trust, as authorized by vote of Article 101 of the 2015 Annual Town Meeting and pursuant to Chapter 165 of the Acts of 2016; and further authorize the Conservation Commission to take such action as may be necessary to effect the purpose of this vote. (made by: Champoux) (seconded by: LaFleur)

Vote Carried unanimously

2. Dewatering Permits – Consue Springs

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff We had a request for Thursday and Friday to clean up some utility installed as part of the building project; the dewatering was to discharge directly into Consue Springs. They have request to pump into a settling infiltration plant then into Consue Springs rather than into the road and then into Consue Springs. Public Health and Public Works have signed off on the application. The tank is located on the construction parcel. The settling tank is arguably a better option than pumping into the road. The Town has engaged a consultant to deal with ground water regulations; currently there are no municipal regulations to guide dewatering outside of State regulations.

Discussion (7:33) Champoux – Likes the settling tank.

3. Approval of Minutes 03/20/2019: Approved by unanimous consent.

4. Monitoring Report: None

5. Enforcement Actions

a. 24 Saccacha Road

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff He sent out a notice to the property for cutting; owner said Massachusetts Audubon is monitoring the work. We'll all get together with Audubon.

Discussion (7:38) **Steinauer** – This property used to be a meadow and Audubon went around about it being an avian habitat. It's been taken over by invasive bushes and the owner was given permission to mow it; we told the owner that the wetland needs to be delineated, but he seems resistant to having the done. There's a drainage problem going down the hill; there's a lot of sediment.

b. 290 Polpis Road

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
 Staff We've been in on-going discussion with the owner. Usually the stop-work order is included in the violation notification.

Discussion (7:41) **Erisman** – Asked the status of this violation. Asked if an enforcement order includes stop work.

6. Reports:

a. CPC, Golding

7. Commissioners Comment

a. Champoux – He thinks an informational packet from Natural Resources staff to landscapers might help them understand what they can or cannot do and what to pay attention to. Increasing the fines might help.

b. Golding – Was walking the beach at Bassett and Quaise Roads, and it's quite impassible with the erosion control structures there. Also, there is a new house easily within 100 feet of the beach; he doesn't remember them coming to us. He'd like to know if there is a way to guarantee passage along the beach.

c. Emily Molden, Nantucket Land Council – Thanked the Board for discussion Consue Springs dewatering, especially because of the direct discharge.

8. Administrator/Staff Reports

a. None

Adjourned at 7:51 p.m. by unanimous consent.

Submitted by:
 Terry L. Norton