

# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

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

Wednesday, May 22, 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 5:00 p.m.

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

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

Absent Members: None

Late Arrivals: Champoux, 5:14 p.m.

Earlier Departure: None

Agenda adopted by unanimous consent

\*Matter has not been heard

### **I. PUBLIC MEETING**

#### **A. Announcements**

#### **B. Public Comment – None**

### **II. PUBLIC HEARING**

#### **A. Notice of Intent**

1. Mary D. Starr – 19 East Creek Road (55-60) SE48-2985 (**Cont. 06/19/19**)
2. Gregory Reyes – 19 East Creek Road (55-60) SE48-3065 (**Cont. 06/19/19**)
3. Booya, LLC – 9 Crow’s Nest Way (12-20) SE48-3175 (**Cont. 06/05/19**)
4. Candice M. Heydt Trustee – 20 Brant Point Road (29-153) SE48-3199

Sitting Bennett, Erisman, Steinauer, LaFleur, Golding

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

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (5:03) **Santos** – We were awaiting a Department of Environmental Protection (DEP) file number; this is for an addition to a boathouse within buffer to bordering vegetated wetland and within land subject to coastal storm flowage.

Staff Have everything needed to close.

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

Vote Carried 5-0//Topham recused

5. Rebecca M. Gilbreth, ETAL – 92 Hulbert Avenue (30-51) SE48-3197

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

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

Representative Mark Rits, Site Design Engineering

Public None

Discussion (5:04) **Rits** – This is for elevation of the Bug Lights; reviewed information on the foundation. Added, the bug light on the south is going up about 5 feet; that requires extending the stairs 8 or 9 feet. The proposal is to build an elevation section off the rear stairs; the ground disturbance would not change.

**Erisman** – Concerned the stairs will extend into the no-build zone.

**Rits** – This is a grandfathered structure and must have the staircase.

**Bennett** – Asked if the stairs will have an apron around it.

**Rits** – It have a lattice screen.

**Steinauer** – He doesn’t think the disturbance will be that much more. Asked if it could be conditioned for staff to okay the plant list.

**Rits** – Reviewed the plant list.

Staff Have everything needed to close.

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

Vote Carried unanimously

6. Netore, LLC – 34 Dukes Road (56-187) SE48-3196

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 (5:11) **Gasbarro** – This is for residential redevelopment within buffer to bordering vegetated wetland. Property served by a well and is on Town sewer. Groundwater is around elevation 15. Explained how the pool would be constructed where it intrudes into the groundwater and the dewatering that would be necessary.  
**Bennett** – His concern is the surface run off ending up within ConCom jurisdiction fairly quickly.  
**Champoux** – Pools are drained down about a foot before the winter so when that happens there is the potential for runoff ending up in our jurisdiction.  
**Gasbarro** – There were has to be a mechanism that tracks the rate of loss from evaporation. The landscape plan is still under development.

Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Steinauer) (seconded by: Champoux)  
 Vote Carried unanimously

7. Hither Creek Boatyard – 20 North Cambridge Street (59.4-2, 38-14, 38-15, 60-17) SE48-3136

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Paul Santos, Nantucket Surveyors

Stan Humphries, LEC Environmental  
 Catherine Slattery, Madaket Marine  
 Chloe Coggins, Madaket Marine Coastal Resources Consultant  
 Sarah Alger, Sarah F. Alger P.C.  
 Chris Shannon, Madaket Marine

Public Dan Bailey, Pierce Atwood, LLP, for Beverley Hall, David Billings, and Peter Bordes  
 Thomas Oberg, 30 Macy’s Lane  
 Cheryl Emery, 46 Tennessee Avenue  
 Chris D. Emery, 46 Tennessee Avenue  
 R.J. Turcotte, Nantucket Land Council  
 Maureen Phillips, 30 Long Pond Drive  
 Ian Golding

Discussion (5:22) **Santos** – We are going with the seasonal 8-slip, semi-fixed configuration adjacent to the existing docking area; formation is 5-foot main dock and 4-foot finger docks. Proposing a helical anchor system to hold the dock in place; they will be set and left in place permanently. Hazelettmarine.com is the website for the Conservation Elastic Mooring Systems; explained how the system works. Distance to the salt marsh is 10 feet with props set back no less than 25 feet and no boats allowed between the dock and salt marsh. There would be no moorings in this area. Reviewed the three revisions the Army Corps of Engineers (ACE) attached to the previous application which the commission approved: setback of 10 feet off the salt marsh with boats to be bow in, the zone of reconfiguration had to be changed so no boats could dock between dock and salt marsh, and the cleats on salt marsh side of dock eliminated. Those have been incorporated into this proposal. Read into the record a written opinion supporting this proposal from Sheila Lucey, Harbormaster. Read into the record recommendation from Massachusetts Department of Marine Fisheries (DMF); they recommended the 25-foot setback from the marsh. Read into the record two items from Mr. Humphries regarding the salt marsh and State and Local regulations and performance standards. Respectfully ask the commission to approve this application as proposed. Offered the following conditions: prior to installation the applicant will supply revised plan showing helical anchor and conservation mooring system; submission of an as-built survey and aerial photo within 90 days of completion of construction and show the delineation of salt marsh resource area; and updated survey and aerial photos showing salt marsh edge and undercutting no later than December 30; prior to the annual start of work, will provide photos showing edge of salt marsh, composition, eel grass, and shellfish within the expansion area; and no boats shall be docked on the salt marsh side of the floats with signage. Ms. Coggins is working with Nantucket Land Counsel to come up with a marsh monitoring plan. Will have to take small boats to these docks since they aren’t attached to the main dock; there will be no moorings within this area.

**Steinauer** – Suggested monitoring the edge of the salt marsh in an area away from the project; thinks there will be some marsh retreat with global sea rise.  
**Bennett** – Appreciates the smaller size and use of helical anchors.  
**Champoux** – The recommended 25-foot setback from the salt marsh puts this pier system within navigable water. All things considered this is better and less intrusive.  
**LaFleur** – Asked if there is a minimum boat size.

**Santos** – The piers are 28 feet. There will not be a lot of dock movement that would be detrimental to the marsh; this will create a buffer to the marsh from prop wash. This will probably go back to ACE in the Chapter 91 process.

**Bennett** – Opened the discussion to the public; asked for new information only. The commissioners received and read all the letters.

**Bailey** – This is the first time this particular plan has been addressed. Our concerns are the same: over impact on Hither Creek from more vessels; DMF states you have to find no adverse impact to the salt marsh; this is designed with 8 slips to avoid Chapter 91 leaving total authority to protect recreational interests in the hands of ConCom; helical anchors will be within 10 feet of the salt marsh and don't know the impact of drilling those anchors will have. Their previous approval had 30-foot diameter around the moorings, which is okay for 14 or 15-foot boats; however, 25-foot boats will require a 60-foot diameter and his plan shows how congested that would be for navigation.

**Oberg** – Pointed out that the creek is a spawning area for American Shad. There should be no construction between March 15 and June 15, maybe even March 1 to July 1 to protect the eggs and the shellfish. Feels the moorings should be left; the piers are going too far.

**Coggins** – Reviewed the proposed monitoring of the health of the marsh. She hasn't written anything up for monitoring of marine fauna. Reviewed her qualifications.

**Bennett** – Stated he read up on Marine life in Madaket in a study that has been kept up; it is available on line.

**Santos** – Referenced the LEC report which states all work will be prohibited between March 18 and June 15 of any year.

**Shannon** – The piers would be in place June 15<sup>th</sup>.

**C.Emery** – No one has talked about the water quality; and pollutants in the water

**Staff** – For Madaket Harbor, the Town measures for nutrient loading within Hither Creek; it is on the cusp excessive nutrient loading. When you add resources into an area, you run the risk of increasing that; there are a number of access points along Hither Creek, which is a highly travelled area.

**Bennett** – Asked if the town monitors petrochemicals.

**Staff** – We rely on other studies; we look at other reports for bottom paint.

**C.Emery** – Her concern is the impact on the habitat; there is a lot of wildlife in the area.

**C.D.Emery** – One of his concerns is the future of the Creek; the past proposal was a much more extensive dock. If this is permitted, they could ask to extend it, thus increasing the negative impact.

**Turcotte** – The Land Council is not collaborating on this proposal; we provided some information for Ms. Coggins monitoring program. Our main concern is the impact to the adjacent saltmarsh. Increased boat activity could have an impact along the edge of the marsh; there needs to be on-going monitoring, and we request the opportunity to review any final monitoring. The commission needs failure criteria and reporting requirements so that if there is impact to the saltmarsh, another permit would not be issued.

**Champoux** – Asked what the is for a new Chapter 91 license: 10 slips or what?

**Staff** – There is an existing Chapter 91 permit; any expansion to that would require an addition Chapter 91 permit. Right now, we should focus on the expansion at hand.

**Steinauer** – He doesn't understand how a floating dock increases wave energy; he would think lifting a heavy dock would attenuate the energy.

**Bennett** – That is getting off the subject.

**Phillips** – She too is concerned about water quality and asked for a study to be done. Also, regarding traversing to and from the dock, thinks the activity of loading and unloading of the dinghies should be addressed.

**Santos** – An abutter's exhibit shows the boat radius around two mooring being removed. Regarding navigation, you have a letter from the harbormaster speaking to that. The benefit of a seasonal float is that the commission has the annual opportunity to change the positions of the dock if there is any impact. With all the challenges of running the marina, they have worked diligently to protect the Creek. Asked that the hearing be closed.

**Golding** – Asked if the dock has been designed with any thought to wave attenuation.

**Shannon** – We have looked at floats along the creek, they do act as wave attenuators.

Staff Have everything needed to close.

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

Vote Carried 4-1//Erisman opposed; Golding and Topham recused

8. Sankaty Head Golf Club – 8 & 18 Hoicks Hollow Road (23-9,5) SE48-3194

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

Documentation Site and topographical plans, photos, requisite departmental reports, correspondence, sample of blanket material.

Representative Varoujan Hagopian, Coastal Engineer GEI Consultants, Inc.

Brad Saunders, Regulator Specialist GEI Consultants, Inc.

Kevin Dale, Vaughan, Dale, Hunter, and Beaudette P.C.

Public R.J. Turcotte, Nantucket Land Council

Discussion (6:28) **Hagopian** – Explained the coir material to be used and how sand can migrate through it. Massachusetts Natural Heritage (MNH) expressed concern about the projection of Section A; explained how that will be mitigated. Average erosion rate is 686 cubic yards (CY) of sand a year. The last concern was the easement; we are outside that by 2 feet. We have direct access to the beach. No work will take place during the nesting season.

**Champoux** – The trigger point of 6 inches is good but we’ve seen a series of storm leave a CES exposed. Asked if they have a contract with someone to ensure the bags stay covered. The biggest concern is that this be maintained into the future.

**Hagopian** – We have qualified back-hoe operators to do the recovering work. There are guarantees in place to ensure the structure is maintained.

**Steinauer** – Asked if the structures are pre-1978. (Yes) This is 385 feet long with 686 cubic yards of sand per year; that’s less than 2 yards per foot. This isn’t a lot of sand per linear foot. We typically require mitigation sand to be added every year regardless of how much is loss; we could condition this that the 686 CY of sand is put on every.

**Hagopian** – The site will be inspected twice a year – spring and fall – and after very significant storm. If the trigger threshold is met, we will inform the commission.

**Golding** – Appreciates the photos of the bank cross section. Asked if the sacrificial sand will include coarse material or be pure sand.

**Hagopian** – It will be pure sand.

**Golding** – He’s concerns that the gravel and cobble that naturally occurs in these banks is not being replaced and the littoral system will be starved.

**Hagopian** – We are trying to stabilize the bank through revegetation.

**Steinauer** – Asked how big a rock will migrate away from the shore.

**Hagopian** – Wave action has a lot of power to move stones; cobble will migrate into deeper water.

**Erisman** – Asked about the longevity of the coir rolls if they remain covered.

**Hagopian** – If they are covered, they can last up to 20 years; if they are exposed, they last 2 or 3 years. The lower section will be rolled coir, not sand filled. The top level will be the coir blankets.

**Golding** – Attachment 3, photos 2 & 3 show a considerable amount of cobble. Attachment 5 is the grain-size analysis states there is no cobble. He would like the sacrificial material to approximate what comes out of the bank.

**Hagopian** – Admitted he wasn’t concentrating on the stone; they would accept adjusting that as a condition. He will do an analysis of the stone.

**Topham** – Asked about the access point; there were issues about using that.

**Dale** – Sankaty Head Golf Club owns that portion of Hoicks Hollow Road; the Town has the right to use it.

**Steinauer** – He’s reluctant to let go of the standard for maintaining the rate of erosion. He doesn’t think plovers nest in this area because the bank is too steep. His concern is having sand in the system to maintain those beaches were plovers do nest.

Further discussion about the mitigation sand and whether or not the 686 CY will be sufficient.

**Dale** – We have no concerns with putting the 686 CY on annually; thinks it would be helpful to talk to MNH.

**Turcotte** – This commission needs to ensure timely mitigation that is also the correct type; it matters what the composition is. This is a new design and ask the ConCom to decide if this is in fact a CES; the posts are put there by man and hold up this entire structure.

**Hagopian** – The posts aren’t there to create a structure, they are there to prevent creeping as the materials at the bottom of the project consolidate.

**Erisman** – She feels there are enough different materials that it qualifies as a structure. The pre-1978 buildings qualify for protection by a CES.

**Steinauer** – This is more heavy-duty than the standard Wilkinson Array, which he feels qualifies as a structure. He feels this is permissible as a CES.

**Dale** – The structure at Shimmo Pond Road was deemed not to be a structure; this has the same material.

**Hagopian** – He can reduce the posts by a foot; if they are an issue, they can be removed once their purpose is served.

Discussion about the posts and whether they should be conditioned for removal once settling has occurred.

**Golding** – Noted that the parking lot is being protected with no structure; asked the legality of that.

Staff

The Hoicks Hollow access has been damaged and required repair in the past. If they are going to use that site, they will have to do something similar. They can use a conveyor to get sand over the bank; it’s been done before.

This area is south of any plover nests for decades; the next site south is in the Low Beach area. MNH gets their information from aerial photos, not so much from boots on the ground.

Explained a finding would be necessary to label this as a CES and for the pre-1978 structures in imminent danger and no environmentally better alternative to mitigate the problem.

The way DEP explains that if there is a structure on the lot entitled to protection, the whole lot is entitled.

Have everything needed to close.

Motion  
Vote

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

9. Edwin Snider Realty Trust – 2 Brocks Court (42.3.4-84) SE48-3198  
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Topham  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Mark Rits, Site Design Engineering  
 Sarah Alger, Sarah F. Alger P.C.  
 Brian Madden, LEC Environmental  
 Public Paul Feldman, for the Nichols and Elders  
 Ian Golding, 31 Hussey Street  
 Discussion (7:20) **Rits** – This a continuation for wetland restoration and installation of a fence. Reviewed the restoration planting plan.  
**Steinauer** – In general he likes the plan; asked how the tupelo stand would be maintained and kept from spreading to the neighbors. Likes the idea of trees to suck up the excess groundwater.  
**Madden** – Those can be planted farther from the abutters.  
**Feldman** – The impact on drainage is very important to his clients and seems not to be addressed. Another item is the proper mitigation for the activity that occurred. There is a lot of conversation about the previous owner doing the unpermitted work; for the record, he wants to point out there was substantial unpermitted activity by the current owner – moved the structure, added fill, constructed an addition, and a patio. Read into the record a letter with requests the ConCom take two steps against the current owner. Also, they installed a sump pump in the crawl space that discharged into a drainage pipe in the lawn area; we were told it was disconnected and removed, but none of his clients saw any work to remove it. They want an answer as to whether or not that was removed.  
**Bennett** – Asked if there is evidence of the neighbor’s site, before the house was moved.  
**Rits** – To his knowledge, we don’t have any information. In the photo provided by Mr. Feldman, there is a location on the Elder’s property, which is the former site of a tree, which was removed. On the Nichols property, there is a sump pump that pumps directly into the wetland; Ms. Alger has photos. The sump pump installed on this property was part of an enforcement action; it discharged into a dry well. Our answer to the drainage issue is an extensive planting plan including species that will take up water.  
**Bennett** – We have a lot of evidence of standing water in this area.  
**Golding** – He was told that before the house was moved, electricity was cut off and the basement filled with water, which wrecked the house.  
**Alger** – Reviewed photos of the house: pre- and post-construction, site conditions, conditions on abutting properties, etc.  
**Feldman** – Rebutted comments made against his clients. We are asking this commission to request the retaining wall and fill be removed and restore the area.  
**Steinauer** – He’s heard enough; this discussion is going around in circles.  
 Staff We are talking about changing the drainage patterns in delineated wetlands; under no circumstances has this board ever permitted changing hydrology within a vegetated wetland. Now that we have current delineations that show a vast contiguous wetland spanning several properties, you can’t move water from one part to another; our definition of wetlands and marsh and swamp call for standing water; we are talking about water being where water is supposed to be. If the retaining wall weren’t there, the wetlands might have extended further. None of these houses would be permitted today because of the wetland, but these are old. It is the ConCom’s duty to protect the wetland; now we’re talking about changing how a wetland is functioning, which flies in the face of our regulations. This neighborhood has to find a way to make it work.  
 Have everything needed to close.  
 Motion **Motion to Close.** (made by: Steinauer) (seconded by: Champoux)  
 Vote Carried 6-0//Golding recused  
 10. \*Town of Nantucket – Jetties Beach, Jetties Beach Playground, the end of Jefferson Avenue & Children’s Beach (29-1, 29-2, Road Layout, 42.4.2-9) SE48-3200  
 Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Charles Rogers, Deputy Director DPW  
 Public None  
 Discussion (8:01) **Rogers** – This is for Americans with Disabilities (ADA) compliant at-grade boardwalks to replace the mats at the noted beaches. The grant for these is contingent upon the ramps being in place by June 30, 2019. Nantucket High School has built the ramps and platforms for two beaches; at Children’s and Jetties, a contractor will build those. This is in partnership with Commission on disabilities; these are seasonal and broken down at the end of each season, around Labor Day.  
**Erisman** – Asked about the installation interfering with nesting plovers at Jetties Beach. Appreciates involvement of the high school in this.  
**Topham** – Asked about vehicle access to Jetties Beach.  
**Rogers** – Asked for a 2-week continuance.

Staff The one hang-up is MNH; they still have some more questions and want to see a Town Beach Management Plan. They should be easy and quick to install.  
When we site the walkways, we split the difference between the nesting fence and the dune to leave a 15-foot buffer either side. Also noted Jetties Beach is closed to driving from April 15 to September 15.

Motion Continued to June 5 by unanimous consent.

Vote N/A

11. \* Robert C. & Welby C. Kurtatek – 312 Polpis Road (20-46.2) SE48-3202

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 (8:13) **Santos** – This is at the intersection of Quidnet and Polpis; under local regulations 64:03.B and 64:03.F.2 the septic requires upgrade to an I/A system. Waivers are for long-term net benefit and work within 25-foot buffer and work groundwater separation.

Staff Have everything needed to close.

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

Vote Carried unanimously

12. \* William J. and Cynthia E. Mayer – 20 Gingly Lane (41-848) NAN-128

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 (8:16) **Madden** – This is for wetland buffer restoration and removal of phragmites if they are noted. Reviewed the planting plan, which includes native species.

Staff This is evaluated under the local wetlands act only.  
Have everything needed to close.

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

Vote Carried unanimously

13. \*Olof Clausson – 30 Eel Point Road (40-44.1) SE48-3201

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 (8:20) **Madden** – This is for a garage. No work within the 25-foot buffer and no structure within the 50-foot buffer. This is priority habitat so need MNH review. Asked for a 2-week continuance.

Staff We haven't heard from MNH=.

Motion Continued to June 5 by unanimous consent.

Vote N/A

14. \*Nantucket Islands Land Bank – 4 Codfish Park (73.2.4-42) SE48-\_\_\_\_ (**Withdraw**)

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

Staff Need a motion to accept the withdrawal.

Discussion (8:23) None

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

Vote Carried unanimously

**B. Amended Orders of Conditions**

1. Hulbert ACK, LLC – 2 Hulbert Avenue (42.1.4-2.1) SE48-3142

2. Hulbert ACK II, LLC – 4 Hulbert Avenue (42.1.4-2) SE48-3141

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 (8:23) **Santos** – A section of 4 Hulbert is being transferred into 2 Hulbert Avenue. The pool has been removed from the application. All within land subject to coastal storm flowage and a bordering vegetated wetland to the west. Property is serviced by Town water and sewer. The top of foundation elevation proposed is 9. He has asked for a waiver for foundation at less than 2 feet from high groundwater for the foundation footers. Asked for 6 inches of fill around the area of the main dwelling, which averages elevation 3.5.; the lowest elevation on site is 2.5.

**Golding** – This is a massive house; doesn't like the idea of raising the grade.

**Erisman** – Agrees. Would prefer plantings be native within the buffer; no cultivars.

**Steinauer** – Agrees with Mr. Golding; we don't normally allow fill in the land subject to coastal storm flowage.

Staff Recommend close and issue.

Motion **Motion to Close and Issue SE48-3142 and SE48-3141 as conditioned.** (made by: Steinauer) (seconded by: LaFleur)

- Vote Carried unanimously
3. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893
- 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 (8:34) **Gasbarro** – This is for installation of an elevated boardwalk across a saltmarsh and coastal dune. Will be installed by hand; stands 18” above grade with no railings.
- Staff Recommend close and issue.
- Motion **Motion to Close and Issue.** (made by: Steinauer) (seconded by: LaFleur)
- Vote Carried unanimously
4. Peter & Jennifer Garran – 36 Pocomo Road (14-79) NAN-126
- 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 (8:37) **Madden** – The NOI was in response to an enforcement order. This amendment is for additional wetland restoration work and monitoring. Restoration work has started; presented photos of conditions before work started. Noted the isolated vegetated wetland is fully vegetated with native vegetation. Explained the work that is taking place.
- Staff Thinks it might be helpful to have a site visit to look at the progress.
- Motion **Motion to Approve as presented.** (made by: Golding) (seconded by: Topham)
- Vote Carried unanimously

### III. PUBLIC MEETING

#### A. Requests for Determination of Applicability

1. Ambrecht – 13 Ginky Lane (41-850)
- 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 David White, 47A West Chester Street
- Discussion (8:44) **Rits** – This is for a retaining wall about 1.5 feet off the property line with fill behind it; the wall and fill will be outside the 50-foot buffer within the 100-foot buffer. The structure will be entirely outside the 100-foot buffer.
- Erisman** – She wants to ensure the fill is free of any invasives.
- White** – The concern is the fill has already been added to the property and it is already at a higher elevation with a steep slope down to his property. Wants the wall set back farther from the property line to protect trees within 3 feet of the property line.
- Rits** – The trees are about 2-feet off the property line. Will be about 2.5 feet tall with 2-foot deep footings.
- Golding** – He shares Mr. White’s concern about the safety of the trees and asked Mr. Rits to talk to his client about moving the wall even farther back.
- Rits** – He will discuss this with the applicant; asked it be continued two weeks.
- Staff None
- Motion Continued to June 5 by unanimous consent.
- Vote N/A
2. Saluti – 174 Cliff Road (41-63)
- 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 (8:54) **Rits** – This is to confirm the boundary.
- Staff We verified the delineation. Recommend issue as a Positive 2A.
- Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)
- Vote Carried unanimously
3. Gloria M. Jones Trust – 77 Pocomo Road (15-6)
- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Jeff Blackwell, Blackwell & Assoc.
- Public None
- Discussion (8:55) **Blackwell** – This is for demolition and removal of a septic and leach field and debris and the disturbed area to be restored inside the 50-foot buffer.
- Staff Recommend issue as a Positive 2A for work within the buffer and Negative 3.
- Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)
- Vote Carried unanimously

**B. Minor Modifications**

1. Longpath Nominee Trust – 876 Hummock Pond Road (56-310.1) SE48-2352
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
  - Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
  - Representative Jeff Blackwell, Blackwell & Assoc.
  - Public None
  - Discussion (8:58) **Blackwell** – This is to revise the site plan for the final configuration of the house. Also, the septic that had been proposed has been eliminated in lieu of hooking up to Town sewer.
  - Staff Recommend this be approved as a minor mod.
  - Motion **Motion to Approve the minor modification.** (made by: Steinauer) (seconded by: Champoux)
  - Vote Carried Unanimously

**C. Certificates of Compliance**

1. Town of Nantucket Natural Resources Department – Shimmo Creek (adjacent to 1 Pimney’s Point & 14 Shawkemo Road.) Adjacent to 43-1&2.1 SE48-2913 **(Cont. 06/05/19)**
2. Gallagher – 45 Millbrook Rd (56-232) SE48-3066 **(Cont. 06/05/19)**
3. Pippins Way Homeowners Association Trust – 12 Gardner Road (43-94.2) SE48-2034
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
  - Staff This is the as-built on the road drainage structures; it is now functioning and in substantial compliance. Ownership is also now transferring to the homeowner’s association.
  - Discussion (9:01) None
  - Motion **Motion to Issue the Certificate of Compliance.** (made by: Steinauer) (seconded by: LaFleur)
  - Vote Carried unanimously
4. Town of Nantucket – Hummock Pond Road – Milk Street to Cisco Beach (66-129) SE48-2437
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
  - Staff This is the bike path. The wetlands restoration area is growing with native plants; there is on-going monitoring of the restoration area. If the commission feels the slope needs addition attention, we can ask they come in with an NOI to get it conditioned; it wasn’t part of the original scope of work.
  - Discussion (9:04) **Emily Molden**, Nantucket Land Council – Agrees that the restoration section looks better but her concern is the bank adjacent to it still has issues with sediment running down it. There are areas where sediment channels are forming in the wetland.
  - Motion Continued to June 5 by unanimous consent.
  - Vote N/A
5. Gregory Segall – 25 Starbucks Road (60-121) SE48-2832
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham
  - Staff This is constructed in compliance.
  - Discussion (9:11) None
  - Motion **Motion to Issue.** (made by: Golding) (seconded by: Topham)
  - Vote Carried unanimously

**D. Orders of Condition**

1. Hither Creek Boatyard – 20 North Cambridge Street (59.4-2, 38-14, 38-15, 60-17) SE48-3136
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
  - Staff Presented a positive draft based upon the Order of Conditions issued for the prior NOI; reviewed the conditions. Will add to Condition 23 that adverse impact caused by the float constitutes failure criteria. Will a Condition addressing the launch and related activity.
  - Discussion (9:12) **Erisman** – Feels there is still a need for some information on the impact. Wants a condition that the dock will be removed by October 1.  
**Champoux** – Wants failure criteria from adverse impact on the saltmarsh bank and the bottom. Discussion about the dinghy traffic and loading/unloading activity.
  - Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
  - Vote Carried 4-1//Erisman opposed; Golding and Topham recused
2. Sankaty Head Golf Club – 8 & 18 Hoicks Hollow Road (23-9,5) SE48-3194
  - Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding,
  - Staff He will get the actual language for a finding and draft the Order of Conditions.
  - Discussion (9:22) **Steinauer** – Wants language included that declares this to be a structure. The Golf Club buildings qualify for protection from a structure.  
**Erisman** – Agrees. Also wants the cobble added to the bank material.
  - Motion Continued to June 5 by unanimous consent.
  - Vote N/A

3. Candice M. Heydt Trustee – 20 Brant Point Road (29-153) SE48-3199  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding  
Staff This had the waiver for separation from ground water.  
Discussion (9:25) None  
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: Steinauer)  
Vote Carried 6-0//Topham recused
4. Rebecca M. Gilbreth, ETAL – 92 Hulbert Avenue (30-51) SE48-3197  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff This is for the Bug Lights. Will add a condition about no landscaping the 25-foot buffer.  
Discussion (9:26) None  
Motion **Motion to Approve as Amended.** (made by: LaFleur) (seconded by: Champoux)  
Vote Carried unanimously
5. Edwin Snider Realty Trust – 2 Brocks Court (42.3.4-84) SE48-3198  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff Didn't draft an order of conditions. Will have a condition about no further construction on this property.  
Discussion (9:29) None at this time.  
Motion Continued to June 5 by unanimous consent.  
Vote N/A
6. Netore, LLC – 34 Dukes Road (56-187) SE48-3196  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff Will add to Condition 21 about drainage of the pool. Condition 24 will address monitoring how much water goes into the pool. Will add Additional Finding 2 about monitoring the water level of the pool.  
Discussion (9:31) **Golding** – Asked for a condition to monitor the water level for abnormalities that might indicate a leak. Discussion about monitoring the water level.  
Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: Topham)  
Vote Carried unanimously
7. Robert C. & Welby C. Kurtatek – 312 Polpis Road (20-46.2) SE48-3202  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff This is the septic tank replacement.  
Discussion (9:36) None  
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: LaFleur)  
Vote Carried unanimously
8. William J. and Cynthia E. Mayer – 20 Giny Lane (41-848) NAN-128  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff This is for the invasive removal and wetland mitigation. Condition 19 regards use of fertilizer on the steep slopes.  
Discussion (9:38) **Erisman** – Noted an error to be corrected.  
Motion **Motion to Approve as amended.** (made by: Erisman) (seconded by: Champoux)  
Vote Carried unanimously

**E. Extension Requests**

1. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893  
Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux, Golding, Topham  
Staff None  
Discussion (9:40) **Art Gasbarro**, Nantucket Engineering & Survey – This is a request to extend one year.  
Motion **Motion to Grant the one-year extension.** (made by: LaFleur) (seconded by: Champoux)  
Vote Carried unanimously

**F. Other Business**

1. Approval of Minutes: 05/01/2019 & 05/06/2019 – **Motion to Approve the minutes.** (made by: Steinauer)  
Carried unanimously
2. Monitoring Report: Pocomo Neighbors 47, 53, 55, 57, 61, 63 67, & 69 Pocomo road SE48-2874
3. Enforcement Actions:
  - a. None
4. Reports:
  - a. None
5. Commissioners Comment:
  - a. None
6. Administrator/Staff Reports:
  - a. None

Adjourned at 9:42 p.m. by unanimous consent.

Submitted by:  
Terry L. Norton