



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, June 10, 2021 – 5:00 p.m.

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

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

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

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

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

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Town of Nantucket DPW – Surfside Beach (87-60 & 131) SE48-3420

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

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

Representative Steven Reichert, Fuss & O’Neil

Robert McNeil, Director Department of Public Works (DPW)

Public None

Discussion (5:05) **McNeil** – It helped to share the foundation of this application during the site visit.

Engelbourg – During the site visit, a few issues came to mind. Behind the deck, it appears the area was either mown or brush cut; Mr. McNeil cited as one of the primary reasons for the expanded deck is to restrict access into that area and keep people from trampling across the dunes. We need to find a constructive way to minimize access going forward. Another issue is that south of the proposed deck, there’s a stand of Japanese Black Pine, which acts highly invasively on Nantucket. A full-scale restoration could help.

Beale – He agrees with Mr. Engelbourg about limiting the access to the west of the building; that would be important. We looked and measured options; he appreciates the idea of the waiver project. He believes a 9’ deck would be more suitable.

Topham – Agrees with Mr. Beale. In replacing the shower door, could shift them around to allow easier wheelchair access. The split rail fence should run all the way to the deck to stop people from walking on the dunes.

Engelbourg – It was obvious that the site is constrained with other uses, but he still believes bringing people to the back of the building for an accessible watershed view is not necessary. There is a beautiful view from the parking lot; there should be ways to reconfigure some of the uses.

Erisman – Agrees with what’s been said. It seems the expanded deck is more to serve the need of the concessionaire; she opposes expanding the deck into the no-build zone before the building is renovated.

Topham – Shared a drawing reducing the deck to 5’ and shifting the ramp over; it allows access and lessens the impact on the resource area.

Phillips – Appreciates the comments and agrees with Ms. Erisman’s comments about doing all the work at the same time rather than disturbing the area now and later. Before we add to the deck, we should look at the entire building footprint.

McNeil – As we looked at the deck and adjacent slope, the idea was to use the deck as a definitive way to prevent passage behind the structure. He’s happy to go back to the drawing board and consider Mr. Topham’s suggestion.

Erisman – It might be helpful to have written correspondence to the concessionaire so that they know they should not be mowing in the resource area.

Golding – He shares the expressed concerns. However, what was said about using the cantilevered deck to change pedestrian traffic resonates with him; he would approve it the way it stands.

McNeil – Asked for a continuance.

Staff Clarified that the deck being proposed is within the buffer to the resource area; it still requires a waiver.

Motion Continued to June 24th.

Roll-call Vote N/A; LaFleur-recused

2. Randolph G. Sharp, Jr. Trust – 49 Meadowview Drive (56-390) SE48-3428
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:24) **Madden** – We modified the pool to achieve 2’ separation from ground water.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
3. Drake Real Estate, LLC – 2 Horn Beam Road (21-118.5) SE48-3429
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:25) **Madden** – We received Massachusetts Natural Heritage letter of no adverse impact and no take; no waivers are proposed.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
4. 87 Eel Point Road Realty Trust – 87 Eel Point Road (32-11) SE48-3430
 Sitting Erisman, Golding, LaFleur, Topham, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:27) **Madden** – A request was made for more beach grass in lieu of lawn within the 50’ buffer. He hasn’t yet submitted a revised plan but explained the revegetation area; he can submit it before the end of the week.
Golding – Asked for a more specific site plan.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded)
 Roll-call Vote Carried 6-0//Beale, Erisman, Golding, LaFleur, Phillips, and Topham-aye; Engelbourg-recused
5. *Galiher – 34 Washing Pond Road (31-13.3) SE48-____
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public R.J. Turcotte, Nantucket Land Council, Inc.
 Discussion (5:31) **Gasbarro** – We submitted a notice a year ago to remove structures and retainage which has been completed. All redevelopment is outside the 100’ buffer. This is for a path and set of beach stairs in the same location as the old beach stairs. There has been extensive restoration of the buffer zone done under the prior Order of Conditions. Black Pine and eastern red cedar is proposed along the west side as a screen.
Engelbourg – Okay with the path and stairs. He’s concerned about planting Black Pine; as mentioned earlier it is being brought up to be included as an invasive plant. Suggested pitch pine or more red cedar.
Golding – Wants to see a cross section of the stairs with railings.
Beale – Asked the success rate of the American Beach grass.
Gasbarro – It hasn’t been in for a full season, but they are growing. We would accept a condition for monitoring that.
Erisman – Agrees about not using the Japanese Black Pine.
Turcotte – On the landscape plan, it says existing vegetation right of the path to remain; asked what it is.
Gasbarro – Some areas that hadn’t been disturbed had some bayberry and poison ivy; the intent is to show that the disturbed areas were planted with beach grass and the rest left alone. Asked for a 2-week continuance to provide additional information and a file number.
 Staff None
 Motion Continued to June 24th.
 Roll-call Vote N/A
6. *46 Union Trust – 46 Union Street (42.2.3-28) SE48-3436
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (5:40) **Santos** – This is for renovations and addition of a deck and pervious parking area within land subject to coastal storm flowage. Currently parking is along Meader Street; will use grass-paver parking along the northeast property line so it looks like lawn. Plantings shown on the plan along the northerly and southerly property lines replaces current plants and a fence with indigenous plants. This site is not subject to review under the Massachusetts Endangered Species Act (MESA).

Staff Looked at the adjacent lot to the east to assess the potential wetlands; confirmed there is a vegetated wetland on that lot; everything shown here is outside the appropriate setback.
Have everything needed to close.

Motion **Motion to Close.** (made by: Beale) (seconded)

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

7. *EPR RGH, LLC – 119 Eel Point Road (33-17.2) SE48-3437

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

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

Representative Paul Santos, Nantucket Surveyors

Public R.J. Turcotte, Nantucket Land Council, Inc.

Discussion (5:47) **Santos** – This is for removal of brush along northerly portion of the property between the development and the coastal bank up to the 25’ no-disturb zone; primarily growth is invasive honeysuckle and poison ivy to be replaced with lawn. All structures are outside the 100’ buffer.
Erisman – The silt fence is on top of the bank and looks like it is right on the 25’ no-disturb line.
Beale – Asked that beach grass be planted in the 50 to 25 zones closer to the coastal bank.
Santos – He thinks they would be willing to work out a transition from lawn to buffer.
Golding – He agrees with Mr. Beale; he’d also like to see a transition.
Erisman – Also agrees; that cutting up to the 25’ buffer would be harsh.
Turcotte – He agrees with what has been said about native vegetation on the bank, especially if a staircase is going in.
Santos – He’ll come back with a plan. Asked for a continuance.

Staff None

Motion Continued to June 24th.

Roll-call Vote N/A

8. * Swartz – 153 Polpis Road (44-13) SE48-3434

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

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

Representative Jeff Blackwell, Blackwell & Assoc.

Public None

Discussion (5:55) **Blackwell** – This is for abandonment of a conventional septic within the 50’ buffer and replace with I/A and leach fields 82’ away, installation of a new well in lawn area 25’ away from the wetland, and construction of an addition to the house about 90’ from the wetlands. A waiver is required for removal of the old leach field.

Staff Have everything needed to close.

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

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

9. *Sconset Trust, Inc – Linden Avenue Right-of-Way (N/A) SE48-3433 (**Cont. 07/08/2021**)

10. *Winthrop Nantucket Nominee Trust – 9 Salem Street (42.3.1-89) SE48-3435

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

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

Representative Dan Bailey, Pierce Attwood, L.P.
Taylor Donovan, VHB
William Taber, VHB
Aidan Cullinane, Pierce Attwood, L.P.
Katie Kudzma, VHB
Peter Braverman, Winthrop

Public None

Discussion (5:58) **Bailey** – Introduced the team. This is to remove of 8 of 11 storage tanks from the fuel tank farm; no soil remediation will take place at this time. The 3 remaining tanks in the southeast corner supply marine fuel.
Donovan – This is within land subject to coastal storm flowage. The work is to demolish tanks within the resource area and buffer zones as well as removal of some dike walls for access, and site investigation; this will result 4800 sf reduction in pervious surfaces
Taber – Reviewed process to be followed to remove the tanks and precautions to prevent further pollution of soil. Working closing with the Fire Chief. We can’t do a site investigation until all the tanks are removed; that will entail sampling soil and water within the diked area.
Bailey – Regarding environmental conditions, this site has considerable petroleum contamination. This was one of the first sites reported to the Department of Environmental Protection (DEP) but has been 100% compliant with DEP regulations.
Golding – When the marina was being built, the land was so saturated with fuel it was ignited from a pickax spark. Asked how the fuel within the tanks would be dealt with.
Taber – Nine of the 11 tanks have been completely cleaned out; there is no fuel and no sediment, and they have been certified as gas free.
Topham – Asked what happens if there is a flood after the section of dikes are removed and before the investigation.

Taber – Everything tends to drain to the center of the tank farm since it is lower than the edge. If there is a flood, dyke walls will remain around most of it with a chain-link fence tied down to the concrete. If we know a storm is coming, we can place sandbags along the opening to prevent encroaching flood waters.

Phillips – Reading through the project and all the layers and interlocking sections, asked how all the reports will be monitored as well as ensuring everything is removed correctly. What reports would be made available to Town entities.

Taber – We are working with an experienced tank remover; we’ll have an engineer on site taking photos and documenting what’s going on; at times, we might need to have a police or fire detail present.

Phillips – Asked how we would know if something were not going right; we’ve had issues trying to get larger projects to provide their reports. Asked what the thresholds for reporting would be.

Taber – We are required to follow Mass DEP, U.S. Department of Agriculture, and Occupational Safety and Health Administration standards; explained those standards. We aren’t getting into the soil at this point; there will be trained construction supervisors on site; we need to report spills of 10 gallons or more, any accidents, and potential public safety risks.

Phillips – This is going to be an avidly followed project; we will be looking to you to keep us well informed.

Beale – Asked if they are monitoring the test wells in the area.

Taber – Yes and reporting to the DEP; those wells have been monitored for some years now.

Erismán – Pointed out that the off season is when Nantucket gets more flooding and storms. We received a letter from the Fire Chief who mentioned foam put on this site; asked if the combo of fuel and PFAS would put this on the level of a superfund.

Tuber – He doesn’t anticipate it being a super-fund site; we expect to find PFAS.

Bailey – This is not part of the sole aquifer water source for the Island’s drinking water.

Erismán – If PFAS is getting into the harbor, it’s getting into the fish and shellfish and so to our tables.

Staff He can make the Fire Chief’s letter publicly available.

Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erismán, Golding, LaFleur, Phillips, and Topham-aye

B. Amended Order of Conditions

1. Snowdon – 11 Massachusetts Avenue (60-80) SE48-3148

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

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

Representative Jeff Blackwell, Blackwell & Assoc.

Public R.J. Turcotte, Nantucket Land Council, Inc.

Discussion (6:31) **Blackwell** – This was continued because we didn’t have a response on the MESA application; that response is mainly concerned with piping plovers. Work will not take place during the fledgling season. The Snowdons, who are an older couple, have asked for a handrail on one side of the boardwalk, so revised plans show that.

Golding – From Jackson Point Pier there is an uninterrupted view of this; he’s opposed to handrails. Asked for a site visit.

Topham – Regarding a site visit, asked for flagging at the top of the proposed rail.

Erismán – Agrees this would be good to look at.

Phillips – There are times older persons need that help and handrails are important. We have to balance that need with the wetland scenic view.

Golding – This isn’t for the purpose of making it accessible to the public, this is for private use. In his opinion, it would be very different if it were for public access.

Turcotte – The Land Council strongly discourages permitting the boardwalk. The current path goes over sand, and a permanent structure in that location would be detrimental to the salt marsh.

Blackwell – Asked for a continuance; he’ll place some visual reference points. This is a safety issue; the rail itself would have no impact on the salt marsh and the boardwalk will increase the health of the salt marsh.

Staff He thinks we can go back to our original site-visit process for this.

Motion Continued to June 24th.

Roll-call Vote N/A

2. Jeffrey Lee – 15 Aurora Way (56-447) SE48-2993 **Withdrawn**

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

Discussion None

Motion **Motion to Accept with withdrawal.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erismán, Golding, LaFleur, Phillips, and Topham-aye

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. Sally Horchow Trustee – 27 East Tristram Avenue (31-2)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Discussion (6:41) **Madden** – This is to confirm the wetland boundaries. There is some flood zone and coastal dunes in the northern portion but not seeking confirmation of those boundaries.
 Staff recomm. Agree with the delineation and recommend Positive 2A. We could also confirm the flood zone because it’s on the map
 Motion **Motion to Issue as a Positive 2A.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

D. Minor Modifications

1. Gallaher & Aquiar – 4 Pond Road (56-158) SE48-3404

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Discussion (6:43) **Santos** – This is to eliminate a proposed 523 SF 1-story garage and downsize. No waivers are requested.
 Staff recomm. Have everything needed to issue.
 Motion **Motion to Issue the Minor Modification.** (made by: Beale) (seconded)
 Roll-call Vote Carried //Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

E. Certificates of Compliance

1. Nantucket Islands Land Bank – Lovers Ln/Clifford St (88-48) Se48-3417

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Representative None
 Staff recomm. This was one of 3 stairs approved for the Land Bank. Work is complete and in compliance.
 Discussion (6:45) None
 Motion **Motion to Issue.** (made by: LaFleur) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. MLR3, LLC – 45 Shawkemo Road (27-18) SE48-3221

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Representative None
 Staff recomm. This was for brush cutting and installation of the driveway. Work within our jurisdiction is complete and in compliance.
 Discussion (6:46) None
 Motion **Motion to Issue.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

3. Salvatore – 111 Hummock Pond Road (56-58 SE48-1533)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Representative None
 Staff recomm. This was for installation of a septic; the Board of Health has issued their Certificate of Compliance. Recommend issuing.
 Discussion (6:48) None
 Motion **Motion to Issue.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

F. Orders of Condition

1. Randolph G. Sharp, Jr. Trust – 49 Meadowview Drive (56-390) SE48-3428

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff They revised the plan, so they don’t need the waiver. He included the new set of standard pool conditions.
 Discussion (6:49) None
 Motion **Motion to Approve as drafted.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Drake Real Estate, LLC – 2 Horn Beam Road (21-118.5) SE48-3429

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff He included the standard pool conditions. Condition 24 requires the air conditioning and pool equipment to be outside the 50’ buffer.
 Discussion (6:51) **Beale** – Suggested Condition 24 become another standard pool condition.
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

3. 87 Eel Point Road Realty Trust – 87 Eel Point Road (32-11) SE48-3430
 - Sitting Erisman, Golding, LaFleur, Topham, Phillips, Beale
 - Documentation Draft Order of Conditions
 - Staff The Findings are that some work is outside our jurisdiction. Kept the condition the pool is not to be drained into area of jurisdiction and a condition requesting photo monitoring of the beach grass
 - Discussion (6:54) None
 - Motion **Motion to Approve as drafted.** (made by: Beale) (seconded)
 - Roll-call Vote Carried 6-0//Beale, Erisman, Golding, LaFleur, Phillips, and Topham-aye; Engelbourg-recused
4. 46 Union Trust – 46 Union Street (42.2.3-28) SE48-3436
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Documentation Draft Order of Conditions
 - Staff No special conditions. Read additional Finding 2 regarding the potential off-site wetland. We don't have a right to access the wetland and must rely on information taken from this site.
 - Discussion (6:56) **Erisman** – Asked if this should have a Finding that a potential wetland potentially impacts this site.
Golding – Asked how close the wetland is. In the aerial, it looks like it comes right up to the property line.
 - Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
5. Swartz – 153 Polpis Road (44-13) SE48-3434
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Documentation None
 - Staff He didn't draft orders since it's a waiver project. Asked how the Commission feels.
 - Discussion (7:02) **Erisman** – This feels like a net benefit.
 - Motion Continued to June 24th.
 - Roll-call Vote N/A
6. Winthrop Nantucket Nominee Trust – 9 Salem Street (42.3.1-89) SE48-3435
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Documentation None
 - Staff Could add a condition that a Flood Control Plan has to be filed with the Commission prior to start of work; he thinks they'll have to provide one to a number of agencies. Myself, Chief Murphy, Chief Pittman, and Roberto Santamaria have talked about this project. We are all interested in ensuring everything is done correctly. A similar project was the temporary flood barriers for National Grid to prevent flood waters from getting into their station. He'll draft a positive order.
 - Discussion (7:03) **Erisman** – She's a little concerned about the logistics of removing the plants but that's outside our purview. Asked if we need a condition to button up the site ahead of a storm.
LaFleur – There is a concrete dike surrounding the entire tank farm with some intermediate concrete dikes. He doesn't think flooding will be an issue as long as the section that is opened for work can be closed off prior to a storm.
Engelbourg – The applicant mentioned a gated fence and sand bags. Asked if a more intensive temporary structure like a swale or retainage could be put into place.
LaFleur – He's confident they will have the steps figured out; they know they're in the velocity zone. Having the protocol in writing should be sufficient.
Beale – Agrees they should provide a Flood Control Plan for when they open the dike.
Topham – A steel plate the same height as the dike wall would be best.
Phillips – Police and Fire are overseeing this. Agrees about the need for the getting the Flood Control Plan before work starts. She's concerned about the coordination between various departments.
Erisman – Once they start removing the tanks and using trucks in there, she's concerned the topography will change to allow rainwater to flow out.
 - Motion Continued to June 24th.
 - Roll-call Vote N/A

G. Extension Requests

1. Three North Gully Road, LLC – 7 North Gully Road (73.1.3-123) SE48-3099
 - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 - Representative Jeff Blackwell, Blackwell & Assoc.
 - Staff recomm. Noted the commission will probably see a rush of these and explained why.
 - Discussion (7:15) **Blackwell** – Asking for a 3-year extension to either acquire a house or construct a new house.
 - Motion **Motion to Issue 3-year extension.** (made by: Topham) (seconded)
 - Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

H. Other Business

1. Approval of Minutes 05/27/2021:

Motion **Motion to Approve as drafted.** (made by: Engelbourg) (seconded)
Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, LaFleur, and Topham-aye; Phillips-recused

2. Reports:

- a. None

3. Enforcements updates

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

Discussion (7:22) **Carlson** – Created a spreadsheet of active enforcements. We’ve asked representatives of active enforcements for clear updates. There are a few not related to open orders which we’ve reached out. Once we have the updates, we’ll send out the enforcement spreadsheet to everyone.

Discussion about possibility of posting the enforcement status spreadsheet to the Town website and/or adding it to the ConCom packet going forward.

Beale – Asked about the status of the Holly Wood Farms enforcement action.

Carlson – Due for another citation; at some point it crosses into a criminal level.

Motion No action at this time.

Roll-call Vote N/A

4. Commissioners Comment

- a. Erisman – Sometimes Mr. Carlson communicates with DEP about enforcement issues; asked about opening communications between DEP and Commissioners.

Carlson – He’s spoken with Nate Corcoran at MassDEP about SBPF. He can invite him to the meeting on June 30th. We talked about a way to make up the missing nourishment material, potential removal, etc.; he said he’d be willing to review any plan or protocol. He’s also talked to Mr. Corcoran about Holly Wood Farms; however, while DEP is supportive of the action, they don’t tend to go after wetland violations. They get involved when it comes to something like a 50-acre-wetland alteration.

5. Administrator/Staff Reports

- a. SBPF review has been moved to June 30th.

- b. This is our last scheduled ZOOM meeting pending how legislation goes through the Statehouse. He’d like to see remote participation continue in some level. In a hybrid meeting, we could have one person managing the ZOOM. Right now, we’re still stuck on Thursday because we have to use the downstairs meeting space at the police station.

I. Adjournment

Motion **Motion to Adjourn at 7:36 p.m.** (made by: Golding) (seconded)

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

Submitted by:

Terry L. Norton