



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, June 25, 2020 – 1:00 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 1:00 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

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. The Town of Nantucket – 34 Washington Street (42.2.3-2) SE48-3300

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Patrick Quinlin, Stephen Kelleher Architect
Stephen Kelleher, Stephen Kelleher Architect
Tarja McGrail, Coastal Engineering Co., Inc.
William Pittman, Chief of Police
Sheila Lucey, Harbor Master
Charles Gibson, Deputy Chief of Police
Public None
Discussion (1:09) **McGrail** – Reviewed updates to the plans made since submission. Proposing 500 SF restoration area planted with dune grass. With reducing impervious surface and mitigation areas, there will be an environmental benefit.
Lucey – Explained the need for a new building: upgraded public restrooms, new public meeting space, emergency equipment storage, and minimal office space.
Gibson – The emergency response equipment is shown as in the trailer; being in a trailer allows for the equipment to be moved away from the waterfront in the event of a storm.
Pittman – The current building is close to failing: floor is compromised; foundation compromised; broken pipes. He is concerned the structure is an accident waiting to happen.
Topham – Asked if this has been reviewed by the Historic District Commission (HDC) – not yet.
Golding – Our principal hope was a smaller building to open up the wetland water view. The conditions of the current building are not relevant going forward. Had hoped the trailer would be kept across the street to minimize congestion on the water.
Engelbourg – He’s also concerned about the trailer; with an enclosure and roof, it adds additional impervious surface for runoff. Would like the Harbor Master to incorporate storage into the building itself.
LaFleur – He’s agreeable with the design. Incorporating the trailer into the building increases its size.
Gibson – The height is dictated by the Velocity Zone; the size is driven by Americans with Disability Act (ADA) accessibility requirements for the bathrooms; the number of toilets is driven by the usage. Incorporating the storage would force the building to be larger. They can’t run across the street for the equipment in the event of an emergency.
Topham – We had asked for the information and we received it. He was hoping to be looking at plans reflecting HDC comments; currently it is a massive, towering building on this property. He feels the first-floor program should not change.
Phillips – She too was hoping to see HDC comments on reducing the mass. Asked if the HDC will review this before ConCom approval.
Gibson – As far as HDC, the program from a study dictated the needs to be met by the design building. He doesn’t know how they could change the building without eliminating some of the required program.

Golding – He mirror’s Mr. Topsham’s and Ms. Phillips views. The scenic water view is our purview. He would feel more comfortable if the plans had already been reviewed by the HDC.

Beale – He would hate for it go to HDC and undergo a redesign after we approved this; it would then have come back to us. He too would like it to have HDC approval.

Erisman – She agrees. She understands the requirements, but the building seems massive in the face of opening up the water view. She understands concerns about crossing Washington Street, but this might be a time to look at changing driving practices along that street.

Topham – The design would work on the Cape, but it is not for Nantucket. He too feels this will go through a redesign during the HDC process. Understands why the equipment shouldn’t be across the street but moving it would clutter the site and further decrease the harbor view.

Phillips – Agrees with Ms. Erisman’s idea of adapting the use of Washington Street to allow the equipment storage to be across the street.

Kelleher– HDC height restriction is 30 feet; we’re in Velocity Zone 11. We got approval to build this with a flood-proof first floor in order to keep it under the 30-foot limit. The massing is based upon the needs of the Harbor Master. This meets all ConCom requirements; that is what ConCom needs to focus on.

LaFleur – Washington Street is the main truck route into town; he can see two trucks stopped side-by-side blocking access to the equipment in the event of an emergency.

Golding – The chances of Mr. LaFleur’s scenario are highly unlikely; besides, emergency vehicles have to reach the area as well. The watershed view is within ConCom purview.

Lucey – We have to be on this side of the street; much of what we respond to is what we see from our offices and we need our equipment with us. Having to wait to cross the street jeopardizes public safety.

Pittman – He’s in and out of that office; you are potentially talking about 3 lanes of traffic with a proposed bike path. The worst place for a crosswalk is the middle of a straight road. A boat fire can become a multiple-boat fire within seconds. We also need to consider security of that equipment. Also, if we move the equipment trailer across the street, we will lose parking.

Engelbourg – He has been involved as a volunteer firefighter, he knows the last thing you want is for one incident to become two; he understands the concerns about dragging equipment across the road during a fire. He would still like them to find a way for the equipment storage to be incorporated into the building.

Topham – He believes the HDC will want changes to the building; if it comes back the same, okay.

Phillips – She wants to maintain that view shed; it might mean making hard decisions about the number of cars going downtown and changing main routes into town. Suggested the idea of warning lights to stop traffic in the event of an emergency. We need to do anything we can to reduce traffic, keeps view sheds open, and be welcoming needs to be looked at.

Pittman – Agrees the flashing lights would be good but there is an Island bylaw prohibiting them.

Golding – Asked where the equipment is kept now and how often it is used and if there has been significant damage and loss of life because of the current conditions. Objected to Mr. Kelleher’s reference to “fighting” ConCom.

Lucey – We respond at least once a day in the summer: people falling, people suffering injury, boats taking on water. Most of the time it’s because we see it happening. Cruise ships carry a lot of elderly and we respond to a lot of medical issues. The equipment is currently stored where we can find space; we want it to be secure and readily accessible.

Pittman – The equipment is stored inside the building; that includes gas tanks, which is an extreme safety issue.

Kelleher – He’s been going through this process since 1975 and apologized for characterizing it as a battle.

Gibson – Asked if it’s okay for the building to be where it is proposed.

Erisman – From her perspective, she understands the equipment should be on the water side of the street. However, agrees with Mr. Topham about the structure’s massing, which is quite large, given the wetland scenic views. Would like them to go to the HDC before ConCom rules on it.

Phillips – None of us were saying to put the entire facility on the other side of the street; the issue is the emergency equipment. We might want to look at changing the bylaw to allow use of emergency flashers.

Erisman – Hasn’t seen a lighting plan for this; she would like to know about how that might impact the water.

Gibson – Asked for a one-month continuance to go to the HDC.

Staff

Much we are talking about is best for our NP&EDC representative to take up with that board. Pointed out that there are three vegetative wetlands in and around the parking area across the street. Explained natural Resources were moved because of having to cross Washington Street multiple times a day. For ¾ of the year, Marine Department staff is minimal; extra people in the event of an emergency don’t exist.

Motion

Continued until July 23rd.

Roll-call Vote

N/A

2. Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241
- 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
Steven Cohen, Cohen & Cohen Law P.C.
- Public None
- Discussion (2:11) **Gasbarro** – This is the steel-sheet bulkhead; reviewed a revised plan removing the easterly extension. It’s now the same length as the original, licensed structure. Reiterated disturbance that would be caused by removing the existing timber bulkhead. Will lose the public access with loss of the extension.
Carlson – Status of Chapter 91 licenses related to changing conditions: talked to Dave Hill of Massachusetts Waterways about how conditions pertain to the licenses and how Massachusetts Waterways is looking at that; anytime a material change causes a move of the area of the structure, that would require a new license. They are requiring new licenses for moves of 5 or more feet; material change in the same location isn’t requiring a new license.
Golding – Now that high tide is several feet up the bulkhead, asked why that isn’t considered a resource area change.
Carlson – The major differentiation is Massachusetts Waterways has allowed the structure as long as the lesser permitting level hasn’t changed on an existing license. They are looking at reviewing their regulations.
Beale – There is some serious end scouring on the east side undermining the uplands. There are three rock jetties. Asked the useful life of the bulkhead as it stands now; some timbers are still green.
Gasbarro – He can’t give an estimate on complete failure; it will fail in sections starting with the areas most subjected to wet-dry cycle. He advises against patchwork repairs. It’s not rotted yet, but it is aging. Regarding end scour, he doesn’t think the stone groin remnants are accelerating erosion; in this situation it is due to the wave environment.
Beale – We need to look at the future; we’ve seen some ridiculous peninsulas along the shoreline. Doesn’t know where to go with this.
Golding – He agrees with Mr. Beale; he’s not convinced they can’t move the house back. The resource area hasn’t been accurately surveyed in decades. If the house is moved back, asked if the Chapter 91 license becomes moot.
Engelbourg – He too agrees with Mr. Beale and Mr. Golding. Appreciates removal of the return. Mr. Gasbarro suggested that the pedestrian easement can’t be provided without the return; suggested a softer solution and keeping the easement.
Gasbarro – We surveyed the current conditions of the entire lot in preparation of this plan. Public access has been formally withdrawn. We performed similar alternative analyses for the return; those would require extensive excavation. The aspect of a peninsula is a given with a coastal erosion structure (CES). It’s not just rot, but he suspects some tie-back rods have snapped; if so, a big storm could take out pieces of the structure.
Topham – The license is in place and they have to maintain this; he’s upset at the loss of the easement but understands. He thinks Mr. Gasbarro has checked all the boxes and is being proactive.
Cohen – The issues being raised are beyond the scope of the request; preventing a peninsula isn’t a performance standard. Hopes the Commission answers the questions in front of them. They will come back with an NOI request for the extension with the public access easement. Asked the Commission to approve the replacement of the existing structure.
LaFleur – Agrees with Mr. Topham. They have the right to maintain this. There is a proper way to drive the sheets without disturbance. Removing the existing timber structure would cause extreme disturbance.
Phillips – This is a pre-1978 structure and a replacement directly in front of the existing licensed bulkhead. We are left with the issue of end scour; they want to fix this bulkhead then get on to the extension; suggested that application be a condition to approving this application.
Erisman – She has previously voted for in-kind replacement of bulkheads in front of pre-1978 houses. We are now talking about alternatives. The applicant has to come back to address the eastern end scour. In the future we should look at a regulation pushing for more living-shoreline discussion.
Beale – He can’t vote for this unless they meet the requirement for public access.
Golding – Not providing the access is a reason to deny this. Read the Performance Standard regarding no new bulkheads; that house can be moved. Encouraged this be denied.
Engelbourg – Read the Performance Standard for coastal beach/coastal bank. Agrees with Mr. Golding and Mr. Beale. We need to enforce requiring environmentally friendly structures in the future.
Gasbarro – The public access across the area of end scour worsening the situation. Chapter 91 access refers to the intertidal zone.
Discussion about public access across the property and whether or not the proposal is approvable without it.
Gasbarro – We would like to close the hearing.
- Staff Chapter 91 will enforce their own requirements for public access. We need to focus on our interests. It would be hard to deny this based upon Chapter 91 license jurisdiction.
- Motion **Motion to Close.** (made by: Topham) (seconded)
- Roll-call Vote Carried 6-1//Beale-aye, Engelbourg-nay, Erisman-aye; Golding-aye; LaFleur-aye; Phillips-aye; Topham-aye

- 3. Eli Zabar – 47 Squam Road (13-22) SE48-3253 **(Cont. 07/23/2020)**
- 4. 46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48-3264 **(Cont. 07/23/2020)**
- 5. Croquet Pitch, LLC – 24 West Chester Street (42.4.3-57) SE48-3305

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (3:12) **Gasbarro** – Reviewed the revised site plan and additional information provided: moved temporary dewatering to the west side, added silt fences, added a raingarden on southwest corner, added restoration area on east side, and provided a landscaping plan with plant list. All proposed structures are outside the 50-foot buffer. We eliminated enclosing the west side porch within the 50-foot setback. Gutters and downspouts will run to the raingarden. This is a 48,000-plus square-foot lot; about 7,820 square feet, including the addition, meets the definition for structure.

Erisman – Because the lawn goes up to the wetland, asked about soil testing and fertilizer use reporting.

Gasbarro – He’s not aware of that having been done; okay if it’s a condition of a new order.

Phillips – One concern is it was squashed in among the wetlands; the soil testing and fertilizer reporting would help her feel more comfortable.

Engelbourg – Agrees about the testing and reporting with no fertilizer within the 25-foot buffer.

Staff Have everything needed to close.

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

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

- 6. Nantucket Point of View, LLC -9 Lincoln Avenue (30-137) SE48-3278 **(Cont. 08/06/2020)**
- 7. 62 Cliff Road Realty Trust – 62 Cliff Road (41-20) SE48-3306 **(Cont. 07/09/2020)**
- 8. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285 **(Cont. 07/09/2020)**
- 9. *ETG Nominee Trust – 6 Old Harbor Road (40-95) SE48-____ **(Cont. 07/09/2020)**
- 10. *Arthur Schwabe – 8 Caroline Way (82-27) SE48-____ **(Cont. 07/09/2020)**
- 11. *Phyllis J. & Donald T. Visco – 67 Easton Street (42.4.1-115.1) SE48-3308 **(Cont. 07/09/2020)**

B. Amended Order of Conditions

- 1. 11 Meadow Lane, LLC – 11 Meadow Lane (41-448.1) SE48-3098

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 (4:12) **Santos** – This request is to remove invasive vines between the 25- and 50-buffer; at the hearing for the order, we had agreed to treat that area as no-disturb. We have approximately 1000 square feet of oriental bittersweet and multi-floral rose.

Engelbourg – In the updated photo, he can see both the vines.

Staff None

Motion **Motion to Approve the amended order.** (made by: Phillips) (seconded)

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

III. PUBLIC MEETING

C. Requests for Determination of Applicability

- 1. 15 Cliff Road Nantucket, LLC – 15 Cliff Road (42.4.4-56)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (4:16) **Gasbarro** – The flood zone intersects the fully vegetated slope, which qualifies it as a coastal bank; this is to confirm that resource area.

Staff Recommend Positive 2A confirming the resource area

Motion **Motion to Issue as a Positive 2A.** (made by: Topham) (seconded)

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

D. Minor Modifications

- 1. Lotte Leschly QPRT & Jan Leschly QPRT- 65 Squam Road (13-15) SE48- 3233

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (4:19) **Gasbarro** – This is to permit two sets of stairs; one set is under a cantilevered deck and the other two steps are cantilevered so as not to touch the ground but extends outside the permitted footprint. There is no reasonable alternative.

Staff Recommend issue as a minor modification.

Motion **Motion to Issue the minor modification.** (made by: Topham) (seconded)

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

E. Certificates of Compliance

1. Amy & Michael McGowan – 10 Bassett Road (26-39) SE48-2299
2. Amy & Michael McGowan – 10 Bassett Road (26-39) SE48-2427

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:24) **Art Gasbarro**, Nantucket Engineering & Survey – These were for after-the-fact work. The situation matches the plans and a pool that was never done.

Engelbourg – Confirmed the meadow is all native plants.

Motion **Motion to Issue for both SE48-2299 and SE48-2427.** (made by: Phillips) (seconded)

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

3. David L. Douglass Trust – 20 Fulling Mill Road (27-23.1) SE48-3191

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:26) **Art Gasbarro**, Nantucket Engineering & Survey – This was a septic upgrade within Nantucket Harbor Watershed District; received Board of Health (BOH) Certificate of Compliance, which is included in the packet. Work is in substantial compliance

Motion to Issue. (made by: Engelbourg) (seconded)

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

4. Robert C. & Welby C. Kuratek – 312 Polpis Road (20-46.2) SE48-3202

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:28) **Paul Santos**, Nantucket Surveyors – This was a septic upgrade within the harbor watershed district. Work was done and have submitted the BOH Certificate of Compliance.

Motion to Issue. (made by: Topham) (seconded)

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

5. Liberty Realty Trust – 36 North Liberty Street (41-265) NAN-113

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff This was for an addition; work is in compliance.

Discussion (4:30) No comments.

Motion to Issue. (made by: Topham) (seconded)

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

6. Silver Fox Partners Real Estate, LLC – 235 Madaket Road (59.4-364) SE48-3121

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff In our review we found issues; asking this be carried forward for two weeks to resolve those issues.

Discussion (4:31) None

Motion Continued to July 9th.

Roll-call Vote N/A

F. Orders of Condition

1. Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions

Staff The order is very sparse since he didn't know how the discussion would go. They have to follow protocols, but we don't have a lot of conditions for bulkheads.

Agrees we should protect and encourage as much public access as possible; but within the intertidal zone, that is the purview of Chapter 91. They still have to go through that process.

Discussion (4:32) **Erisman** – Asked if this required a waiver – for the pre-1978 structure.

Golding – We should discuss whether we want to approve or deny this.

Erisman – Asked who would support drafting a positive order of conditions.

Those who would approve: Beale with conditions, Erisman, Topham, and LaFleur.

Beale – Questions whether or not ConCom can require an easement.

Erisman – That is within the Chapter 91 license.

Golding – There are clearly grounds for requiring full public access and he wants a legal opinion on that.

Engelbourg – The conditions as written are fine. In terms of legal opinion, since we closed the public hearing, it's too late for that.

Topham – This has the Chapter 91 process to go through; they will address public access.

Motion **Motion to Approve the order as drafted.** (made by: Phillips) (seconded)

Roll-call Vote Carried 5-2// Beale, Erisman, LaFleur, Phillips, and Topham-aye; Engelbourg and Golding-nay;

2. Croquet Pitch, LLC – 24 Westchester Street (42.4.3-57) SE48- 3305

- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Documentation Draft Order of Conditions
- Staff Will add Cond 22 ref annual soil testing; Cond 23 no fertilizer within the 25-foot buffer
- Discussion (4:41) **Erisman** – We talked about soil testing and no fertilizer within the 25-foot buffer.
- Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

G. Other Business

1. Approval of Minutes 6/11/2020:

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

2. Town of Nantucket – Sesachacha Road (21-20) SE48-2967

- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Representatives Charles Johnson, 8 Sesachacha Road

Mika Johnson, 8 Sesachacha Road
Williams Paulsen, 9 Sesachacha Road, Quidnet-Squam Association

- Other speakers Sarah Alger, Sarah F. Alger P.C., Alan Shuch of 45 Quidnet Road

Discussion (3:25) **Carlson** – This commission approved bank restoration and invasive species removal; recently that area was disturbed without benefit of permit. Sent Mr. Johnson an enforcement order.

C.Johnson – Read the email, dated June 13th 2020, sent to Mr. Carlson about work he did on the site. A third parcel of land on which he cleared and placed a bench, is within the street right of way. The Quidnet-Squam Association supports his work, which opens up the view of the pond. Said no invasive species removal was done by Mr. Shuch.

Paulsen – He tried to do this work in the past pointing out that the Town had neglected the right of way; said Mr. Carlson never got back to him and that he was referred to Nantucket Islands Land Bank, which also never returned his calls. The trees were supposed to be planted at the bottom of bank; Mr. Shuch planted one at the top of the bank; he has not adhered to the permit and has not completed the work covered by the permit. Our neighborhood is behind opening the view; we are opposed to Mr. Shuch not completing the work he applied for. Asked for a 30-day stay from any work on the bank; an in-person visit by all Commissioners; and a public hearing on this issue.

Erisman – Plants were cleared from a wetland resource area; Mr. Shuch went through proper channels to get a permit for his work. Without explicit permission from the Town, Mr. Johnson shouldn't have done any work. Mr. Shuch had a permit and has asked for an extension, which we granted. He has an open permit with the ConCom.

Alger – Her client didn't do anything wrong; in 2017 he was granted an order for his work; the work was done by Seth Wilkinson; the work was gifted to the Town. No trees were shown on the plan because there were existing mature trees, which were cut down by Mr. Johnson. Asked for a fine to help replace the cedar that was cut down. Mr. Shuch went through the process and has eradicated the bamboo and other vines from his property and the abutting Town property. She would like this to be replanted with native species and replace the cedar tree; Mr. Shuch will undertake the work and again gift to the Town.

C.Johnson – I did not clear any vegetation planted by Mr. Shuch; he had not eradicated invasive species. I pulled cinderblocks and trash from the area. The cedar tree I cut down was 90% dead; he'll replace it but not in the same place. Would like to prune the area in the future to keep the pond view open.

Erisman – A mature tree allows habitat opportunities; we do not allow vista pruning.

Paulsen – Reiterated the need for an in-person visit by commissioners to ascertain if Mr. Shuch did the work he claims and what was cleared.

Carlson – The first step is to go through the planting plan and count what is in place within the planting area. The expectation should be to have the work completed in total compliance with the permitted plan before anything additional moves forward. From the top of the bank to the corner of the road layout is about 13 to 14 feet; everything is within ConCom jurisdiction.

Engelbourg – It is clear to him on the landscape plan how many of each plant was proposed; it would be easy to locate each of those plants.

Topham – He'd like to visit the site after the plants are surveyed.

Carlson – Staff will have to verify every plant that is there, but it shouldn't be more than a morning's work.

M.Johnson – She emailed a very detailed rebuttal of Ms. Alger's presentation of June 4th. Read a brief statement into the record regarding comments made at the previous hearing and Mr. Johnson's work. The land in question is a public right of way.

Carlson – At the end of the day, whatever work did or didn't take place, we have a process in place to get work permitted and that is the work that is allowed to be done. That is not what we have in front of us. Recommend following the steps he laid out.

C.Johnson – Objects to the way he was characterized by Ms. Alger and how his wife was cut off.

Erisman – The Commission sees there was no malicious intent in Mr. Johnson's work. She feels both sides should participate in the next hearing regarding the staff report.

- Motion **Motion to follow the directive to have staff survey the property to ensure the plants match the landscape plan and if not move forward from there regarding the violation.** (made by: Engelbourg) (seconded)
- Roll-call Vote Carried 7-0//Beale; Engelbourg; Erisman; Golding; LaFleur; Phillips; Topham-aye
- 3. Discussion of SBPF – 77-122 Baxter Road SE 48-1659; SBPF – 65-67 Baxter Road SE48-1602
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Representatives Steven Cohen, Cohen & Cohen Law P.C.
Dwight Dunk, Epsilon Consulting, LLC
- Other speakers None
- Discussion (4:43) **Carlson** – Haven’t had a chance to get the report together; asked to carry this over.
- Motion Continued to July 9th
- Roll-call Vote N/A
- 4. Reports:
 - a. CRAC, Golding
- 5. Commissioners Comment
 - a. Erisman – She appreciates everyone’s support and loved serving on the Commission; we have been respectful of each other and applicants and that should be carried forward. In 2019, the board had three scientists; it concerns her that only one person is left with a science background.
All commissioners expressed their admiration for Ms. Erisman and her tenure as chairman.
 - b. Beale – Asked Mr. Carlson to let him know when he goes out to Quidnet.
Carlson – He will go through it once by himself then schedule a site visit with the commissioners.
- 6. Administrator/Staff Reports
 - a. The Select Board will make appointments on Monday; after that we have to reaffirm all our appointments to other committees.
 - b. Sent out suggestions on how to deal with violations; if anyone has thoughts, send him an email. He would then check with Town Counsel to ensure they are legal.

H. Adjournment

- Motion **Motion to Adjourn at 4:56 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

