



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, July 31, 2019

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

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

Called to order at 5:02 p.m.

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

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

Absent Members: None

Late Arrivals: LaFleur, 5:06 p.m.

Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment

1. **Bruce Mandell** – Submitted two documents at the table with ConCom jurisdictional information highlighted. He is here regarding the ConCom approval to allow Vineyard Wind to run its cable through Nantucket jurisdiction. Wants the ConCom to reconsider that approval based upon new information that has come forward and might have impacted the prior decision; asked this be made a future agenda item. The Block Island wind farm cable has to be replaced due to shifting sands, which caused it to rise and be exposed. NOAA states the voltage being carried by the cable will adversely impact fisheries and habitat. Martha’s Vineyard ConCom has denied the laying of the cable unless additional impact information is provided.

Carlson – We have a provision under the code and local bylaw that allows the reconsideration of a project in the event significant information comes forward that could have impacted the board’s vote.

Golding – Our purview for the cable is a small length and the width between 3- and 6-foot wide.

Val Oliver, ACK Rats – Asked for a copy of the order of conditions; it isn’t available on line.

Phillips – She’s part of the committee working with outside experts to deal with Vineyard Wind; we are the guinea pigs. We have worked hard to get Vineyard Wind to agree to mitigation in the form of money for programs. The Bureau of Ocean Energy Management has gotten Vineyard Wind to reconsider their earlier offers; getting mitigation is an on-going process. If we should decide to reconsider this, the Select Board should be provided the information being reviewed.

Erisman – The wind farm itself is outside our jurisdiction; only a small portion of the cable is within our jurisdiction.

Steinauer – In the previous hearings, no one come in and indicated the Europe wind farms were having problems.

Mandell – Some of the problems with wind farms in Europe are referenced in the documents he provided. The goal of this committee is to protect that area in which the cable is being laid. He is looking to address those issues which fall within ConCom Jurisdiction; he would be happy to participate in the reconsideration.

2. **David Lovett** – Scott White on Madaket Harbor has put up a fence to block passage on the beach.

Carlson – The Police have been involved with that site; he’s been trying to catch up with them to get information.

Lovett – Another issue is the owners of 39 Tennessee Avenue have put up an unpermitted dock on “Lot C” which is owned by the Town and abuts the creek; they don’t own the land. He brought this up in December of 1996.

Carlson – That is being pursued by the Harbormaster.

II. PUBLIC HEARING

A. Notice of Intent

1. Mary D. Starr – 19 East Creek Road (55-60) SE48-2985
2. Gregory Reyes – 19 East Creek Road (55-60) SE48-3065

Sitting: Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips

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

Representative: Brian Madden, LEC Environmental

Public: None

Discussion (5:28): **Madden** – Requested a continuance to the 14th.

Staff: The representative, Paul Santos, Nantucket Surveyors, won’t be here.

Motion: Continued to August 14 by unanimous consent.

Vote: N/A

3. LAZ Family N.T. – 20 Waquoit Road (90-5) SE48-3131(**Cont. 08/28/19**)

4. Grant L. & Margaret C. Cambridge – 10 Medouie Creek Road (20-31.1) SE48-3216
- Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Kevin Dale, Vaughan, Dale, Hunter & Beaudette P.C.
Brian Madden, LEC Environmental
- Public None
- Discussion (5:30) **Dale** – At the last hearing, a remediation planting plan was requested; it has been provided; it also identifies three swamp white oak saplings that will be kept.
Madden – Reviewed the planting plan.
Phillips – Looking at how the site is occupied, if the retaining wall were removed, all of it could be replanted with native vegetation, which is better for the long term. She’s not convinced by the reason not to remove it; sure, it’s stabilized but the wall is still intrusive.
Madden – Removing the wall would set the clock back on plants that are well established.
Erisman – She appreciates the remediation plan; but she was hoping for the buffer to be extended up to the retaining wall. A small portion of the pool fence, which encroaches into the buffer, should be pulled out.
Engelbourg – The left side of the 25-foot buffer looks to have ample room to push the wall back out of the 25-foot buffer.
Discussion about moving the intruding portion of the retaining wall out of the 25-foot buffer.
Steinauer – The fall back is whether or not we would have permitted the wall in this location in the first place; the answer is no, we would not. The wall would delineate the edge of the 25-foot buffer.
Phillips – She still doesn’t get putting a retaining wall in the 50-foot buffer; she’d still prefer the wall be removed in its entirety.
Dale – Relocating the wall in the 50-foot buffer and replanting the 25-foot buffer makes the most sense. Asked for a continuance to August 28 in order to file a revised mitigation plan and showing relocation of the wall; he would also ask for a continuance of the date to issue the certificate of compliance to September 21.
- Staff None
- Motion Continued to August 28 by unanimous consent.
- Vote N/A
5. James M. Godec – 40 Squam Road (13-27) SE48-3218
- Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Brian Madden, LEC Environmental
James Godec, owner
Dawn Hill Holdgate
- Public R.J. Turcotte, Nantucket Land Council
Rick Atherton, Squam Road
D.Anne Atherton, Squam Road
- Discussion (5:51) **Madden** – This was continued for Massachusetts Natural Heritage determination letter, which we’ve received; it reiterated prior conditions for Northern Harrier breeding activities. Submitted a supplemental letter that addressed issues raised by abutters; the pool doesn’t meet the 2-foot separation from groundwater and needs the no reasonable alternative/no adverse impact waiver. Runoff will be directed toward infiltration chambers away from the wetlands. We can provide an erosion control blanket during construction. Feels this project is being appropriately mitigated for stormwater runoff and protects the wetland resource area.
Godec – Only a portion of the pool will be within 2-feet. The Squam Creek culvert is 250 yards uphill from this location.
Erisman – If the pool and pool house were moved, would there still be groundwater issues.
Madden – Yes. Noted that everything on this lot is within the 100-foot buffer.
Engelbourg – Only the deep end not meet the 2-foot separation; suggested a uniform depth of 4 feet to have the pool without the waiver.
Madden – It’s less the 10 square feet that would be within 2 feet of groundwater; he doesn’t see that causing an adverse impact. The waiver as written speaks to the whole project as proposed.
Turcotte – Mentioned a reasonable alternative regarding the pool and pool house, a partially above-ground pool with the pool house on a slab foundation rather than crawl space.
Madden – A partially above-ground pool would require grading, which would cause greater disruption.
R.Atherton – Submitted letters of concerns from neighbors at the table. This area can easily be subject to flooding. There are alternatives that could be presented that do not require a waiver, so no reasonable alternative does not apply; they should come back with an alternative development that doesn’t require a waiver.
Steinauer – This is the first time Massachusetts Natural Heritage has come down on the side of Harriers; asked if there is a record of a nest in the area.
Madden – Imposition of the restriction is an increased trend in the past couple of years.
Phillips – Asked about the scale of the pool house, if it includes plumbing and bedrooms.

Godec – Currently it is a place for people change. If in the future he wants to put in a bedroom in this, he has to remove a bedroom in the house because he has a 4-bedroom I/A system.

Hill Holdgate – Also, there can't be a bathroom in this structure without going through that process.

Erisman – She would like to see alternatives for the pool and pool house that would eliminate the need for a waiver.

Steinauer – As long the pool is out of the groundwater, he doesn't see a need for the 2-foot separation. He's more concerned with how the pool would be drained. The amount of structural footprint on the lot is another department's concern. They meet the basic requirement of everything out of the 50-foot buffer.

Golding – He understand the 2-foot separation to ensure groundwater can easily flow without intrusion. He'd like to see alternatives.

D.Atherton – At the last hearing, there was talk about draining the pool and water being put into a truck. Doesn't understand how the vehicle would access the pool; on the plan it looks like it would be the second curb cut. Asked if the second curb cut is being permitted.

Steinauer – Our approval of the project does include the second curb cut.

Golding – He asks why the garage says shed; he'd like to see that corrected.

Madden – Still doesn't see how the pool would have an adverse impact on the resource area.

Godec – Asked about waivers granted in the past.

Erisman – We need to see the presentation of why there is no reasonable alternatives; we've heard of several.

Hill Holdgate – Asked if the project could be removed tonight if the waiver requirement were removed and were conditioned upon a 4-foot pool.

Discussion about the use of the structure labeled "garage" that the applicant says is a shed.

Madden – Asked to close with a 4-foot pool in this shape.

Staff

One condition that goes with every permit is that any applicant is required to get all other necessary permits; if they can't get a permit, they must either modify the existing plan or can't do the project.

The garage (shed) is outside the 50-foot setback; we cannot regulate use.

Motion

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

Vote

Carried unanimously

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

Sitting

Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips

Documentation

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

Representative

Brian Madden, LEC Environmental

Public

None

Discussion (6:31)

Madden – This is for brush-cutting activity; proposed work was scaled back to outside ConCom jurisdiction. The issue is getting into the site. This was held for Massachusetts Natural Heritage.

Staff

Have everything needed to close.

Motion

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

Vote

Carried unanimously

7. *Gisela Leinhard – 11 Jonathan Way (75-42) SE48-3217 (**Cont. 08/14/19**)

8. *Lotte Leschly QPRT & Jan Leschly QPRT – 65 Squam Road (13-15) SE48-_____

Sitting

Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips

Documentation

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

Representative

Art Gasbarro, Nantucket Engineering & Survey

Public

None

Discussion (6:33)

Gasbarro – This is for work within the buffer to a bordering vegetated wetland; the site is highly restricted. Asking for permission to construct two cantilevered 2nd-floor decks so supports don't hit the ground; also asking for a small addition off the existing garage. The waiver is under no reasonable alternative/no adverse impact; there is no other place for the decks. We don't have a file number so will need to ask for a continuance.

Phillips – Asked if there would be a way to have mitigating plants under the decks.

Gasbarro – Not proposing any plantings or mitigation; it would remain lawn area. There is a small existing patio under the south elevation deck.

Erisman – She's uncomfortable with this; even though these don't touch the ground, the decks will alter run off. She'd like some mitigation considering how close the lawn is to the resource area.

Gasbarro – He will provide information on decks and their impact on runoff.

Steinauer – If the decking is spaced, he thinks the lawn grass could tolerate a little more concentrated drip. He wants to ensure these decks won't become structures; need to be careful calling them structures if they have no impact on the ground.

Gasbarro – He will provide a recommendation limiting the ability of that to happen in the future. Asked to continue to August 14.

Staff

None

Motion

Continued to August 14 by unanimous consent.

Vote

N/A

9. *85 North Sankaty, LLC – 85 Sankaty Road (42-91) SE48-3226
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public None
 Discussion (6:43) **Haines** – This is for a house, garage, landscaping, pool, and patio. Portion of work is within buffer to a bordering vegetated wetland. The house is outside the 100-foot buffer and all structures outside the 50-foot buffer. All work will be graded two feet, so no waivers or dewatering is required. There will be a canister filtration system with no discharge inside the buffer. The site is on Town water and sewer.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Golding)
 Vote Carried unanimously
10. *115 Baxter Road, LLC and 117 Baxter Road, LLC – 115 & 117 Baxter Road (75-42) SE48-____ (Cont. 08/14/19)
11. *Andrew O’ Brien Living Trust and Sonja Anderson Living Trust – 13 C Street (60.1.2-76) SE48-____
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (6:48) **Gasbarro** – This is for a grass walking path within the buffer to a coastal bank; stairs down the coastal bank and across saltmarsh to reach the beach. This exact plan was granted in 2012 but that permit expired. We don’t have a file number so will need to request a continuance.
 Staff None
 Motion Continued to August 14 by unanimous consent.
 Vote N/A
12. *102 Wauwinet Road Nominee Trust – 102 Wauwinet Road (11-24.2) SE48-3222
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Caitrin Higgins, Wilkinson Ecological Designs
 Public None
 Discussion (6:53) **Madden** – The wetland is surrounded by lawn and overgrown with foxgrape.
Higgins – There aren’t many native plants existing; propose to remove non-native, aggressive species then seed and stabilize with native plants and create a buffer around the wetland.
Erisman – The boardwalk should be removed from the wetland.
Higgins – Feels creating a buffer is mitigation for the boardwalk.
Steinauer – Asked if the removal of the invasive species and application of herbicides would all manual.
Madden – Asked for a 2-week continuance.
 Staff Need to have a plan of record
 Motion Continued to August 14 by unanimous consent.
 Vote N/A
13. *Trevor R.P. & Margaret Ann B. Price – 10 Long Pond Drive (59-24) SE48-3223
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (7:01) **Madden** – This site has a coastal bank, by definition. Asking to enclose a 2nd-floor deck for living space. This is within the 50-foot buffer but on the far side of the house from the 25-foot buffer with no structural increase aside from the staircase.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Engelbourg)
 Vote Carried unanimously
14. *Joseph Saluti – 174 Cliff Road (41-63) SE48-3224
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Mark Rits, Site Design Engineering
 Public None
 Discussion (7:04) **Rits** – The wetland boundary was confirmed in May 2019. This is for site modifications: enclose an existing porch and construct a new porch outside the 50-foot buffer; reconfigure the 50-foot buffer to a small man-made pond that has become a wetland; install septic components within the buffer; add a deck; install a new well; construct a shed outside the 50-foot buffer; and construct a retaining wall and pool outside the 50-foot buffer. Did a follow-up test pit and found a bit of a perched water table on top of dry sand; the wetland is at elevation 13-14; ground water is at 12 feet. we are revising the pool to 6 feet deep to be 2-feet above high ground water. Proposing buffer zone replanting areas to increase the amount of vegetation between the 25- and 50-foot buffers to bring it up to 50%.

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

15. *Nantucket Islands Land Bank – Washington Street and Consue Springs (55/55.1.4-415/15) SE48-3220
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Rachel Freeman, Nantucket Islands Landbank
 Public None
 Discussion (7:12) **Freeman** – This is for site improvement of public access; resource saltmarsh, bordering vegetated wetland and land subject to coastal storm flowage. On the Washington street lot outside the 50-foot buffer will add split-rail fence, remove hedgerow, and revegetate the area. On Consue Springs duck pond, work is within the bordering vegetated wetland and coastal bank: maintain timber bulkhead, asking to lay Fibergrate® on the path to the wetland rather than install a raised walkway; and install a split-rail fence.
Engelbourg – About the fence, asked why it is being installed.
Freeman – Vehicles are parking on the wetland path; the fence would prevent that.

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

B. Amended Orders of Conditions

1. Nantucket Islands Land Bank – 21 & 27 Easy Street (42.4.2-20 & 18) SE48-3002
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Roger Michniewicz, Coastal Engineering Co., Inc.
 Richard Fitzgerald, Marine Structural Engineer
 Rachel Freeman, Nantucket Islands Landbank
 Public None
 Discussion (7:19) **Michniewicz** – The site is supported by a bulkhead. There is concern about the stability of the structure at 29 Easy Street; the bulkhead protecting that is deteriorating; that has resulted in a wash-out hole on our property in a 2018 nor'easter. Asking to construct a 70-foot long buried sheet-pile wall along the property line and repair the existing bulkhead along the harbor.
Fitzgerald – Explained how the bulkhead and sheeting would be constructed. An issue with this site is that the work platforms will be grounded in mud at low tide.
Phillips – The package is very technical and brief; she'd like more information.
Fitzgerald – The platforms would be about 10X6 and the work will take about two months in the Spring.
Phillips – She thinks it fair to expect further flooding; asked about the longevity of this project in the face of rising water.
Fitzgerald – The bulkheads will be fine; a coated surface can last 20 years. Rising water impacts the land behind the bulkhead.
Erisman – Asked if this requires a siltation curtain.
Fitzgerald – Yes; a debris boom will surround the work area.
Freeman – the Landbank is well aware this work is part of the larger discussion of coastal resiliency.

Staff We've looked at the area before; it is not an eel-grass habitat.
 There is a discussion regarding the Easy Street bulkhead and how the whole area functions; currently the bulkhead has varying heights around the basin.
 Recommend close and issue

Motion **Motion to Close and issue.** (made by: Topham) (seconded by: Steinauer)
 Vote Carried unanimously

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. George Thom – 253 Polpis Road (25-23)
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public None
 Discussion (7:34) **Haines** – This is to improve an existing septic by installing I/A components into the system. Leach field is outside the buffer zone all in existing lawn. The Wetlands are off the property. No waivers required.
 Staff Recommend issue as a Positive 2A confirming the boundaries and Negative 3 allowing work in the buffer.
 Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

D. Minor Modifications

1. Biggio-155 Wauwinet Road (11-1) SE48-3192

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (7:38) **Gasbarro** – This is to change the driveway material to brown gravel and add a cobblestone apron. This is within the buffer to the resource area.
Erisman – Does not want them using herbicides to manage grass.
 Staff This could be approved limiting the use of herbicides.
 Recommend approval as a minor modification conditioned with no use of herbicide.
 Motion **Motion to Approve as recommended.** (made by: LaFleur) (seconded by: Engelbourg)
 Vote Carried unanimously

2. Paul J. Brody – 11 E Street (60.2.1-4) SE48-3093

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (7:41) **Madden** – This is to remove a retaining wall and replace a wood patio with a typical deck outside the 50-foot buffer and to provide more detail on the revegetation efforts with a planting plan.
Erisman – There are cultivars on the list; those should be eliminated.
 Staff Explained what constitutes a minor modification versus an amended order.
 Recommend approve as a minor modification with no cultivars.
 Motion **Motion to Approve as recommended.** (made by: LaFleur) (seconded by: Steinauer)
 Vote Carried unanimously

E. Certificates of Compliance

1. Cambridge – 10 Medouie Creek (20-31.1) SE48-2307 **(Cont. 08/28/2019)**
2. Cambridge – 10 Medouie Creek (20-31.1) SE48-1810 **(Cont. 08/28/2019)**
3. Bewkes III – 67 Squam Road (13-14) SE48-3112

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff Work completed and is compliant. Recommend the be issued.
 Discussion (7:45) None
 Motion **Motion to Issue.** (made by: Topham) (seconded by: LaFleur)
 Vote Carried unanimously

4. Jennifer Silver – 45 Starbuck Road (59.3-50) SE48-2571 **(Cont. 08/14/2019)**
5. 9 Swain Street, LLC – 36 Western Avenue (87-133) SE48-3058

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff Structural work is completed, and restoration is complete. Recommend issue with on-going Condition 20.
 Discussion (7:46) None
 Motion **Motion to Issue with on-going Condition 20.** (made by: Steinauer) (seconded by: Engelbourg)
 Vote Carried unanimously

6. Sixty-Four Walsh Street, LLC – 66 Walsh Street (formerly 64 Walsh Street Lot 1) SE48-2921 **(Cont. 09/11/19)**

F. Orders of Condition

1. James M. Godec – 40 Squam Road (13-27) SE48-3218

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Will add Condition 23 about the depth of pool. Will modify Condition 21 about discharging to a truck outside resource area.
 Discussion (7:48) **Golding** – Therefore waivers would not be required. We talked about discharge of the pool
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

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

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Will tack on Massachusetts Natural Heritage conditions.
 Discussion (7:52) None
 Motion **Motion to Approve as amended.** (made by: LaFleur) (seconded by: Steinauer)
 Vote Carried unanimously

3. 85 North Sankaty, LLC – 85 Sankaty Road (42-91) SE48-3226
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff They could use a 150-foot hose to discharge outside the resource area; we can't regulate that; the other lot, 40 Squam, is too small to allow them to do that.
 Discussion (7:52) The Board of Health is working provisions for oversight of pool discharge; it should come very quickly.
Engelbourg – Asked about discharge of the pool to a truck.
Phillips – Asked if there is a way to monitor and follow up on the discharge of pools.
 Motion **Motion to Approve.** (made by: Topham) (seconded by: LaFleur)
 Vote Carried unanimously
4. Joseph Saluti – 174 Cliff Road (41-63) SE48-3224
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Will add Condition 25 limiting the pool to 6 feet deep.
 Discussion (7:58) None
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: Topham)
 Vote Carried unanimously
5. Nantucket Islands Land Bank – Washington Street and Consue Springs (55/55.1.4-415/15) SE48-3220
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Will add Condition 21 allowing the walkway for the life of the permit.
 Discussion (8:00) **Erisman** – Asked if there needs to be a notice that the walkway is temporary
 Motion **Motion to Approve as amended.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

G. Other Business

1. Approval of Minutes 07/17/2019: Adopted by unanimous consent.
2. Monitoring Report: None
3. Cigarran – 25 East Tristram Avenue

- Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Representatives Maria Zodda, 3 Dionis Beach Road
 John Millar, 3 Dionis Beach Road
 Art Gasbarro, Nantucket Engineering & Survey for 25 East Tristram Avenue
- Discussion (8:04) **Carlson** – Ms. Zodda asked this be posted to have a discussion.
Zodda – Read a statement into the record objecting to work done at 25 East Tristram that interferes with residents' beach rights by blocking a public-access easement. Asked what conditions were allowed. She asked for the entire order of conditions but didn't get it.
Millar – It would be good to know if they've exceeded their bounds. They've blocked public access to the beach.
Erisman – With coastal erosion project, we require sand mitigation to maintain the beach. The interference of access is an unforeseen consequence. It would be better to have a proper access point rather than walking down the face of the bank. The sand is there to compensate for sand no longer coming from a bank that would go into the littoral system.
Gasbarro – It is a large volume of sand and required; the owner did not intend to stop others from reaching the beach. The way is not a public way though others might have rights to use it; that is a legal issue. The Cigarran family absolutely has rights to place the sand and installed a seasonal staircase to the beach; he has filed a NOI to permit the staircase. This is the first year for the staircase.
Carlson – Read the condition about beach nourishment.
Millar – This is the first year we've seen the 450 cubic yards of sand dumped there; the stone revetment is now covered by sand. In the past, smaller amounts were used.
Engelbourg – If they had just put stone in there, that would be unprecedented. In terms of the seasonal stairs, a NOI would come in and been issued. The ladder the neighbors put in could have an enforcement order issued against it.
Carlson – The owner has an outstanding issue, whether the beach grass was planted or is naturally occurring.
Golding – Asked where this is going; should the sand have been restricted to in front of the property.
Carlson – The Cigarrans can put the sand on any land they have rights to. There is the matter of legal rights versus easement rights for using the right of way.
Zodda – Contends Mr. Cigarran put sand beyond the area for which he has right of use.
Gasbarro – The greatest concern is access; he wants to look at if simple shovel work would fix that issue. In terms of loss, another way to look at it is contribution of sand into the system. He will provide his contact information to work out the issues with the neighbors. The sand is clean and compatible.
Steinauer – This is a broad issue with minimal information. Mr. Gasbarro is trying to come up with a solution and we should wait for the notice and the plan.

4. Reports:
 - a. CRAC, Carlson – The next meeting is after Labor Day.
 - b. CPC, Topham – None
 - c. NP&EDC, Phillips – None
 - d. Mosquito Control Committee, Erisman – None
5. Commissioners Comment:
 - a. Steinauer – Asked Staff send Paul Santos a card of condolence.
 - b. Golding – The audio of the videos is hard to hear; asked if something can be done to improve that.
 - c. Engelbourg – In the regulator update, he'd like to discuss seed sources for (restoration) plantings.
 - d. Erisman – Wants periodic updates regarding the 'Sconset Beach Preservation Foundation (SBPF) appeal.
6. Administrator/Staff Reports:
 - a. Summerhouse Pool – That is being handled by the Board of Health.
 - b. SBPF – There is an unfounded rumor George Pucci is not working the appeal for the Town; Mr. Pucci is handling the appeal. A Department of Environmental Protection site visit is scheduled for August 7 at 1 p.m.; he can post it as a meeting in the event more than three commissioners are present. Suggested it is useful for commissioners to attend the appeal to show support for the decision.

Adjourned at 8:43 p.m. by unanimous consent.

Submitted by:
Terry L. Norton