



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, August 28, 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 5:00 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

Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment:

RJ Turcotte, Nantucket Land Council (NLC) – It came to our attention that ‘Sconset Beach Preservation Fund (SBPF) has changed their monitoring protocol from quarterly to bi-annually. He’s been trying to find out if they have applied for the amendment to reduce that frequency. **Staff** – We are actively looking into that.

II. PUBLIC HEARING

A. Notice of Intent

1. Mary D. Starr – 19 East Creek Road (55-60) SE48-2985 (**Cont. 09/25/2019**)
2. Gregory Reyes – 1 9 East Creek Road (55-60) SE48-3065 (**Cont. 09/25/2019**)
3. LAZ Family N.T. – 20 Waquoit Road (90-5) SE48-3131 (**Cont. 09/11/2019**)
4. *Marsha Fader – 36 Liberty Street (42.3.4-83) SE48-3206

Sitting Erisman, LaFleur, Topham, Engelbourg, Phillips

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

Representative David M. Haines, Haines Hydrogeologic Consulting
Marsha Fader, owner

Public Lucy Dillon, 37 Liberty Street
Gregg Elder

Discussion (5:03) **Haines** – This is to continue the routine maintenance that has taken place since 1910. The plan in the NOI shows the original 1910 design. It is mostly mowed lawn area with historical and indigenous plants. Would like to plant a hedge of inkberry along the property line with a wire wild-life fence. There is stonework along the edge of the pond and maintain the man-made pond and repair the bank, then fence off the bank until it is reestablished. All work will be done by hand.

Phillips – The scope of work states they want equipment for special events; asked what that means.

Haines – To keep using as a lawn and erect a tent if there is a party. They want to continue using the land as it has been used.

Erisman – Among plant species listed, there is an expansion of using cultivars that wouldn’t be allowed in the wetland area and they didn’t exist in 1910.

Fader – She thought she was matching the area.

Engelbourg – About the water lilies for the pond, there is no species listed on the type. He wants to ensure the water plant is not an invasive species. If it is invasive, the removal must be to off the site. The new list includes species that weren’t included on the original plan.

Erisman – About the pond fence, doesn’t know about denying wildlife access to the pond.

Haines – It would be just to protect the repaired bank until it’s established again.

Dillon – She looks out over this yard, which is a pleasure. Ms. Fader diligently works the land. She supports this application.

Elder – His family used to own this property. The pond was put in by his ancestor; the only way to maintain it is to regularly remove lilies when they get overgrown which is beneficial to the area.

Erisman – If a tent is put up, it should be outside the wetland area.

Fader – No flooring would ever be in the wetland.

Staff We reviewed the wetland line and agree with the line on the plan. Our most recent inspection did include a significant population of marsh pennywort, which isn’t unexpected.

Have everything needed to close.

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

Vote Carried 5-0 (Steinauer & Golding recused)

5. 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 (5:21) **Dale** – This is to improve structures within the 50 & 25-foot buffers. Addressed concerns raised at the last hearing. A new plan that shows removal of the retaining wall from the buffers zone and that area regraded. Also, we have planting within the 25-foot plan; within the 50-foot buffer all that’s left is a pervious parking area and stone walkway.
- Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Phillips) (seconded by: Engelbourg)
 Vote Carried unanimously
6. Gisela Leinhard – 11 Jonathan Way (75-42) SE48-3217
- Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Jeff Blackwell, Blackwell & Associates
 Joel Quick, Pierce Atwood, LLP
- Public R.J. Turcott, Nantucket Land Council, Inc.
 Discussion (5:24) **Blackwell** – Reviewed information submitted at the board’s request: groundwater study and no reasonable alternative. There was reference to a denial for a similar project on 42 Wauwinet Road; explained why this is different than that situation.
Quick – A letter was submitted on August 23 referencing the other property and groundwater flow on this property. The leach field is as far away as possible from all resource areas. The house will be on a crawl space; any dewatering will be temporary into an infiltration area.
Golding – According to a U.S. Geological Service 2011 paper, groundwater flow margin for error runs from 15 to 20 degrees. He questions how accurate these models are; also, from 2018, a paper casts doubt on groundwater models being accurate. We should look at how accurate these measurements really are.
Blackwell – The three studies have consistency of monitoring groundwater flow. There might be a slight variation, but it won’t direct the leach-field flow toward the wetland.
Engelbourg – In terms of groundwater flow, he agrees it will flow away from the wetland but asked if there is any grading at the edge of the property that might redirect the flow back to the wetland.
Blackwell – The grade rises toward the road with the slope toward Tom Nevers Pond but there is a lot of upland between here and the pond.
Erisman – She’s concerned about the need for two separate waivers: foundation from groundwater and the septic from groundwater.
Blackwell – The bottom of the crawl space footings would be about 1-foot above groundwater.
Steinauer – He has problems with pools and basements displacing groundwater; footings won’t obstruct flow.
Golding – Asked if another location for the leach field was considered.
Blackwell – The location chosen maximizes distances from the wetlands and private wells.
Phillips – This is clearly a way to shoe-horn a development into an area that would otherwise be too small.
Quick – He feels this is the best that we can do with this structure and septic fields. The lot was established 50 years ago.
Engelbourg – Examining the position of the structure and driveway, the plan shows the top of the driveway is at elevation 9.2; that might be a better location for the house to maximize the separation from groundwater.
Blackwell – The house is currently outside the 50-foot setback from the leach field.
Steinauer – We haven’t considered something like a composting toilet; that might work with the grey water going through the septic and the black water being composted and hauled to the composter at the landfill. He’d be more comfortable if the black water weren’t going into a septic which is within the buffer.
Engelbourg – The phosphorous of Tom Nevers Pond is very high.
Blackwell – We’re not within the buffer for the pond.
Steinauer – In our sandy soil, we don’t have particles that would absorb chemicals; there is very little in the way of horizontal buffers.
Phillips – Asked about a tight tank here.
Turcotte – Read from the Nantucket Resource Water Management Plan. Flow will be southeast and eventually reach the wetland and the pond; this is not an area for a leach field.
Engelbourg – Asked if there are systems that reduce phosphorous.
Blackwell – There is; three of them are on Island but they have not done well here.
Steinauer – If the study showed water flowing toward the pond we’d agree with it without question; we can’t decide to pick and choose which studies we agree with. We’ve relied on these studies in the past.
Erisman – She’d still like to see some alternatives.
Blackwell – Requested a 2-week continuance.

Staff He'd have to talk to the Health Department about their analysis of composting toilets.
The requirement for tight tank, you have to demonstrate there is no other Title 5 system that can be used.

Motion Continued to Sept. 11 by unanimous consent.

Vote N/A

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

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 (5:59) **Gasbarro** – This is the second hearing; reviewed supplemental information that addresses previous concerns.
Have everything needed to close.

Staff

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

Vote Carried unanimously

8. *115 Baxter Rd, LLC and 117 Baxter Rd, LLC – 115 & 117 Baxter Road (75-42) SE48-3232

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
Steven Cohen, Cohen & Cohen Law P.C.
Jill Kelly, Owner

Public R.J. Turcott, Nantucket Land Council, Inc.
Burt Balkind, Coastal Conservancy

Discussion (6:01) **Gasbarro** – This is to relocate a pre-1978 structure within the buffer to the eroding bank to obtain maximum possible separation from the bank. They are in the process of obtaining a license from the Select Board to have the structure within the Baxter Road layout, where there are no municipal services or pavement. We would like to reuse sand material from the foundation excavation to stabilize the bank by dumping it over the bank. We feel the removal of the current foundation will destabilize the bank; the owners wish to use it for an underground garage and storage with a deck over it.
Steinauer – This is the sort of plan we like to see.
Erisman – She doesn't agree with putting a structure on the current foundation.
Gasbarro – We could add infiltration chambers; the grade falls toward the road, not the bank. The southwest corner of the lot is the lowest point.
Golding – Questions if relocating the structure continues to afford it pre-1978 protection. This came up for pre-1978 houses moved across Baxter Road.
Cohen – The house dates from the 1940s. He feels it would continue to be afforded protection.
Erisman – This structure would still be within the 50-foot buffer to the bank; that's what concerns her. Normally, we wouldn't approve a structure on the lot.
Engelbourg – His concern is the garage with potential livable space on a pre-1978 foundation. Questions if that means there are not two pre-1978 structures on the lots.
Erisman – Asked how much construction room would be needed to remove the foundation.
Gasbarro – When it becomes exposed, it would be removed from the road side.
Turcotte – We have no issues with moving the house. As far as building another structure, that doesn't make sense. Suggested the excavated dirt be used to fill the foundation; better yet remove the foundation.
Balkind – He supports moving structures away from the bank. He's seen foundations removed before; it can be done.
Kelly – If we take the foundation out, the bank will collapse; it's a very deep basement. The basement space other than the garage is for storage.
Erisman – She's not comfortable with allowing the garage in and putting a deck on the current foundation.
Steinauer – A 13,000 square foot deck is not tiny.
Cohen – It's currently a 1-car garage with a basement mechanical area. There is no finished space.
Engelbourg – He's also not comfortable with the garage, especially the decking over it. He'd prefer a vegetative cover to deal with the run off.
Erisman – Even with a green roof it would be considered structural under out regulations. If it can't be removed, it should be filled whatever is excavated for the new location.
Golding – By allowing the deck on the foundation, we would essentially be permitting a new structure within the 50-foot buffer.
Steinauer – We could condition it that it doesn't qualify as a pre-1978 structure.
Phillips – She's not sure conditioning it as not pre-1978 is the way to go. Explained the legalities of doing that.
Cohen – Suggested they could remove the part closest to the bank and keep the small piece of the garage.
Gasbarro – Asked to continue the hearing for a revised plan. Asked if it would be amenable to the commission he could mark up the plan to become a plan of record; that would allow them to get a building permit to move the house as soon as possible.
Engelbourg – Asked about it having a green roof.
Gasbarro – Explained there are a lot of difficulties and permits connected to doing that.

Discussion about conditioning that when the bank is 5 feet from the foundation, it will be removed.
Golding – He’s not in favor of allowing them to construct a garage.
Erisman – She wants to see a revised plan.
Cohen – Asked for a 2-week continuance.

Staff The Department of Environmental Protection, in their guidance, relates to the idea of maintaining the pre-1978 status as long as you move farther from the resource area; you can lose the protection by moving closer. You can have a finding that grants it protection. Department of Environmental Protection recommends any substantial change be provided on a revised plan before the hearing is closed.

Motion Continued to September 11 by unanimous consent.

Vote N/A

9. Nantucket Property Trust – 13 Hallowell Lane (30-11) SE48-3225

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 (6:36) **Gasbarro** – We provided a letter responding to comments about the mean-high water line.
 Staff We were waiting for Massachusetts Natural Heritage comments; we’ve received those. Have everything needed to close.

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

Vote Carried unanimously

10. Ceylon Elves, LLC – 3 Wyers Way Lot A (41-380) SE48-3230

11. Ceylon Elves, LLC – 3 Wyers Way Lot B (41-380) SE48-3229

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
 Steven Cohen, Cohen & Cohen Law P.C.

Public Jesse Bell, Assistant Director Nantucket Islands Land Bank
 R.J. Turcott, Nantucket Land Council, Inc.

Discussion (6:39) **Cohen** – There is some potential question about whether or not Wyers Way is a public road of if it belongs to the Land Bank; that brings into question if his client has the right to improve this. For the purpose of this application, sticking to the properties only. We will not close to allow time if corrections are needed.
Haines – Reviewed supplemental information provided in response to questions posed at the prior hearing. Still asking for a waiver from 2-foot separation from groundwater; A temporary monitoring well was installed in the winter; the bottom of footings will be at elevation 14 while the groundwater fluctuates be elevations 12 & 13. We will do work in the Fall when the water table is at its lowest. There is permeable soil goes 4 feet down with about 2 feet of soil being added. Feels there is no impact to the wetland resource area. The driveway is being realigned so that it will reduced by 6% in the area between the 25 & 50-foot buffers; asking for a waiver for work to remove 735 square feet (SF) of invasive species and convert 690 SF of lawn into buffer.
Golding – Asked if Mr. Haines feels an alternative analysis is necessary.
Haines – It slopes up from elevation 15.5 to 16.3. We aren’t planning on dewatering so there will be no siltation. Groundwater will flow around and under the foundation. There is a split rail fence that will be replaced with a board fence outside the 50-foot buffer.
Engelbourg – Alteration, of more the 50% of land in the 25 & 50-foot buffers, is a concern; feels that could be tweaked to bring that down by 14%.
Erisman – The new lot lines were drawn without looking at the resource areas and buffers.
Steinauer – The 50% was to protect native vegetation; he feels altering lawn even to driveway is different.
Engelbourg – A lawn absorbs water better than a pervious driveway.
Topham – Suggested a grass-strip driveway.
 Discussion about the need to reduce the amount of driveway in the buffer zones.
Erisman – She’d like to see an alternative to the waiver for the 2-foot separation.
Bell - Here to assert the Land Bank’s ownership of Wyers Way. The subdividing was based upon an assumption of access.
Engelbourg – Asked if there is alternative access to the property.
Cohen – The lot was created in 1954 and the second plan was served by the Planning Board in 1968, which show Wyers Way as access. If this is land lock, it’s subject to the State Right of Access, which isn’t ConCom jurisdiction.
Turcotte – Clarified their letter, as far as moving the driveway to the west side and moving the structure uphill would lessen impact on the resource area and possibly eliminate need for waivers.
Haines – Asked for a 2-week continuance.

Staff The way the 50% is written, it doesn’t contemplate what that alteration is; by the letter of the law, converting a driveway to lawn would still require the waiver. Access is a matter between the applicant and the Land Bank.

- Motion Continued to September 11 by unanimous consent.
 Vote N/A
12. Constance & Thomas Cigarran – 25 East Tristam Avenue (31-1) SE48-3235
 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 (7:08) **Gasbarro** – This is the second hearing for beach stairs. We were waiting on a Department of Environmental Protection number, which we now have.
Golding – We’re missing an opportunity to ensure public access.
Engelbourg – There is a possibility for public access but that’s outside our purview.
Erisman – It’s for a specific group.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Topham)
 Vote Carried unanimously
13. Sara & Thomas D.C. Brown & Little – 9 North Avenue (42.4.4 – 58) SE48-3234
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (7:11) **Gasbarro** – Provided a revised plan showing a Belgium block boarder around a pervious drive and no parking permitted on the lawn. The structures predate the regulations. Work will be within the flood zone. It’s only 3 square feet of the addition intruding into the wetland buffer.
Steinauer – He doesn’t have a problem with the sliver over the line.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded by: LaFleur)
 Vote Carried 6-0 (Engelbourg recused)
14. *Dworetzky/Banse Family Trust – 8 Shawkemo Road (43-90) SE48-3237
 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 (7:18) **Haines** – This is for the removal of the existing house and construction of a new house, pool, and garage/apartment. Work is within buffer to the bordering vegetated wetland. A previous NOI relocate a wooden fence and restored the buffer zone; that work has been completed. Not asking for any waivers. Landscape plan shows a buffer established at 37.5 feet. A portion of the house and garage are within the buffer. There will be no fertilizer or pesticides used.
Engelbourg – The landscape plan shows a cultivar.
Erisman – Confirmed the split rail fence is being moved to the 37.5-foot mark with the relocated fence. Should be conditioned for no cultivars within the 50-foot buffer.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Engelbourg) (seconded by: LaFleur)
 Vote Carried unanimously
15. *Elizabeth & Robert Rothbard – 3 Brooks Farm Road (41-222.7) SE48-3238
 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 (7:25) **Gasbarro** – This is for residential development within the buffer to an isolated vegetated wetland on a vacant lot. Structural elements are outside the 50-foot buffer and limit of work will be at the 38-foot line. Submitted a stamped surveyor plan at the table. The only waiver is for separation from groundwater for the footings; any dewatering would be temporary and that can be done on the property without impact to the wetland.
Erisman – The plant species aren’t called out. Any roses have to be noted as native. Asked about the Hydrangea.
Gasbarro – Hydrangea would go around the perimeter of the house.
Turcotte – Asked that alternatives be explored to negate the need for a waiver.
Gasbarro – We’re doing and 8.5-foot foundation wall to keep it above the groundwater elevation. They want a basement rather than a crawl space. He did a test pit at the construction site, and the structure would about 2-feet higher than groundwater elevation was observed. There is another structure and driveway proposed outside ConCom jurisdiction; that’s why the main house is going in this location.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Golding)
 Vote Carried unanimously

16. *Sarah McLane – 6 Gull Island Lane (42.4.3-16) SE48-3236

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Sarah McLane, owner
 Public None
 Discussion (7:32) **Madden** – This is for two additions to the house and removal of cantilevered elements within buffer to wetlands across the street. No work is within the 25-foot buffer. The additions will be on crawl spaces. The existing foundation will be rehabilitated in place.
Erisman – Her concern is ensuring construction vehicles along the wetland.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Topham) (seconded by: LaFleur)
 Vote Carried unanimously

B. Amended Orders of Conditions

1. Sixty-Four Walsh Street, LLC – 66 Walsh Street (Formerly 64 Walsh Street Lot 1) (29-94.1) SE48-2921

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 (7:36) **Rits** – The amendment is for a shed on the Walsh Street side; it is already in place. Resource is land subject to coastal storm flowage. The shed is 10X12.
Erisman – This area is having trouble with flooding during rain events; we keep adding more and more. We need to look at this area more critically. Rain runoff will land beside the shed.
Engelbourg – Suggested shrubs could be planted around the shed to help absorb runoff.
 Staff Brant Point has many problems beyond what we will talk about. The land subject to coastal storm flowage resource area doesn't allow for rainfall impact. The flooding is from coastal storm flowage, not rain fall.
 Motion **Motion to Close and Issue.** (made by: LaFleur) (seconded by: Golding)
 Vote Carried unanimously

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. 123 Cliff Road Nominee Trust – 123 Cliff Road (41-3)

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 (7:42) **Gasbarro** – This is for resource area boundary determination.
 Staff We reviewed this and recommend issuance as a Positive 2A for work within the buffer zone.
 Motion **Motion to Issue as recommended.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

2. 78 Wauwinet Road, LLC – 78 Wauwinet Road (14-18)

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 (7:43) **Gasbarro** – This is for resource area determination; boundaries were approved in 2012. We have updated the coastal bank erosion.
 Staff We confirmed it originally and still agree. Recommend issuance as a Positive 2A for work within the buffer.
 Motion **Motion to Issue as recommended.** (made by: Steinauer) (seconded by: Topham)
 Vote Carried unanimously

D. Minor Modifications

1. Petrocelli – 2 North Beach Street (42.4.1-64) SE48-3135

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Paul Santos, Nantucket Surveyors
 Public None
 Discussion (7:46) **Santos** – This is for eliminating the living space component; there will be just an open porch. The resource areas are land subject to coastal storm flowage and a wetland at the corner of Easton Street.
 Staff Recommend approval.
 Motion **Motion to Approve.** (made by: LaFleur) (seconded by: Phillips)
 Vote Carried unanimously

2. 205 EP Trust – 205 Eel Point Road (38-31) SE48-3040

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Jeff Blackwell, Blackwell & Associates

Public none
 Discussion (7:48) **Blackwell** – This is to substitute a pergola with a small deck near the pool and bluestone walkway more than 50 feet from the coastal bank.
 Staff Recommend approval.
 Motion **Motion to Approve.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

E. Certificates of Compliance

1. Monomoy, LLC – 20 Monomoy Road (54-145) SE48-2952
 Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff This can be issued; all is in compliance.
 Discussion (7:51) None
 Motion **Motion to Issue.** (made by: Golding) (seconded by: Steinauer)
 Vote Carried unanimously

2. Hardman – 51B Madaket Road (41-325.1) SE48-3110 (**Cont. 09/11/2019**)

3. Oak Hollow Realty Trust – 12A Oak Hollow Lane (56-128.1) NAN-116

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff This is in compliance. It can be issued with no ongoing conditions.
 Discussion (7:52) None
 Motion **Motion to Issue.** (made by: Engelbourg) (seconded by: LaFleur)
 Vote Carried unanimously

4. 205 EP Trust – 205 Eel Point Road (38-31) SE48-3240

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff This is in compliance
 Discussion (7:50) None
 Motion **Motion to Issue.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

5. Gilles – 145 Wauwinet Road (11-7) SE48-574

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Staff This is a re-issue.
 Discussion (7:53) None
 Motion **Motion to Re-Issue.** (made by: Golding) (seconded by: Engelbourg)
 Vote Carried unanimously

F. Orders of Condition

1. Marsha Fader – 36 Liberty Street (42.3.4-83) SE48-3206

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation None
 Staff Didn't draft an order for this.
 Discussion (7:53) None
 Motion No action at this time.
 Vote N/A

2. Grant L. & Margaret C. Cambridge – 10 Medouie Creek Road (20-31.1) SE48-3216

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff There is a condition requiring the retaining wall within the buffer be removed. Condition 21 will ban cultivars.
 Discussion (7:54) **Golding** – Suggested different wording specifying it can remain outside the 50-foot buffer.
Erisman – Would like to specify no cultivars.
 Motion **Motion to Approve as amended.** (made by: Steinauer) (seconded by: LaFleur)
 Vote Carried unanimously

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

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Condition 20 will address converting the deck to interior space.
 Discussion (7:56) **Erisman** – The cantilevered deck should not become living space.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: Topham)
 Vote Carried unanimously

2. Nantucket Property Trust – 13 Hallowell Lane (30-11) SE48-3225

Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
 Documentation Draft Order of Conditions
 Staff Included copy of Massachusetts Natural Heritage letter with conditions.
 Discussion (7:58) None
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

3. Constance & Thomas Cigarran – 25 East Tristam Avenue (31-1) SE48-3235
Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
Documentation Draft Order of Conditions
Staff Fairly straight forward.
Discussion (7:59) **Golding** – We missed an opportunity that when the bulkhead was improved to insist on public access along the beach; at high tide the beach is cut off.
Motion **Motion to Issue as drafted.** (made by: Engelbourg) (seconded by: Phillips)
Vote Carried unanimously
4. Sara & Thomas D.C. Brown & Little – 9 North Avenue (42.4.4 – 58) SE48-3234
Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
Documentation None
Staff Didn't draft an order. Will draft a positive order.
Discussion (8:01) None
Motion No action at this time.
Vote N/A
5. Dworetzky/Banse Family Trust – 8 Shawkemo Road (43-90) SE48-3237
Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
Documentation Draft Order of Conditions
Staff Will add Condition 23 banning cultivars within the setback. Condition 24 will relocate the fence.
Discussion (8:02) None
Motion **Motion to Approve as amended.** (made by: Steinauer) (seconded by: Phillips)
Vote Carried unanimously
6. Elizabeth & Robert Rothbard – 3 Brooks Farm Road (41-222.7) SE48-3238
Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
Documentation Draft Order of Conditions
Staff He will add a condition for no cultivars.
Discussion (8:04) None
Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: LaFleur)
Vote Carried unanimously
7. Sarah McLane – 6 Gull Island Lane (42.4.3-16) SE48-3236
Sitting Erisman, Golding, Steinauer, LaFleur, Topham, Engelbourg, Phillips
Documentation Draft Order of Conditions
Staff Fairly straight forward.
Discussion (8:05) None
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: Steinauer)
Vote Carried unanimously

G. Other Business

1. Approval of Minutes – 08/14/2019: adopted by unanimous consent.
2. Monitoring Report: 17 Eat Fire Spring (20-57) SE48-3024
3. Reports:
 - a. CRAC, LaFleur – Meets the 3rd.
 - b. CPC, Topham – Opens for applications in September.
 - c. NP&EDC, Phillips – No August meeting.
 - d. Mosquito Control Committee, Erisman – Nothing to report.
4. Commissioners Comment
 - a. Erisman – Would like to see discussion on regulations scheduled.
 - b. Erisman – Asked if people are submitting plant invoices to confirm no cultivars.
Carlson – Sometimes they do, sometimes we collect tags off plants.
5. Administrator/Staff Reports
 - a. Thursday is the on-site Baxter Road site visit. George Pucci will be there and will call to order if he thinks it necessary.
 - b. Petrel Landing is in the Office of Dispute Resolution. They're appealing the State's superseding order.

Adjourned at 8:12 p.m. by unanimous consent.

Submitted by:
Terry L. Norton