



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, May 14, 2020 – 5:00 p.m.

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

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

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

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

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

Earlier Departure: None

Agenda adopted by unanimous consents

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Eli Zabar – 47 Squam Road (13-22) SE48-3253 **(Cont. 09/17/2020)**
2. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285 **(Cont. 09/17/2020)**
3. Benton & Kelly Heyworth – 8 Pond Road (56-156) SE48-3324

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

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

Representative Brian Madden, LEC Environmental
Don Bracken, Bracken Engineering

Public None

Discussion (5:06) **Madden** – Reviewed the project. Based upon the last hearing, the applicant is proposing to relocate the shed, which was installed in the wetlands prior to the revision of the definition for wetlands, into the existing driveway. Also proposing to remove the wire mesh fence which is within the 50-foot buffer. The guesthouse foundation has been revised to a mono-slab.

Beale – It looks like the guesthouse could be pulled completely out of the resource area.

Madden – It is right against the setback lines.

Erisman – Appreciates they are moving the shed.

Staff Have everything needed to close.

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

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

4. Nantucket Island Land Bank – 35 Almanack Pond Road (46-7.1) SE48-3317 **(Cont. 09/17/2020)**
5. *Tina Eger McGoldrick Trust – 33 Quidnet Road (21-27.2) SE48-3327 **(Cont. 09/17/2020)**
6. Wallack ACK, LLC – 45 Hulbert Avenue (29-16) SE48-3331

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

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

Representative Sarah Alger, Sarah F. Alger P.C.
Stan Humphries, Environmental Consulting & Restoration, LLC
Jeff Blackwell, Blackwell & Assoc.

Public None

Discussion (5:12) **Alger** – Reviewed project. Moved structures back to reduce structures within the buffer; reviewed other changes based upon prior concerns. Seeking a waiver under net benefit. Provided an alternative analysis. It is not our position this structure is falling down, however, it needs upgrading and repair to the extent it must meet code; feels the replacement of the structure would be less damaging. Cited similar projects permitted along Hulbert Avenue.

Engelbourg – Looking at the planting list, lavender and little bluestone have a mature height of 3 to 4 feet; an abutter’s lawyer was asking for plants to be 3 feet or less and the proposed goldenrod grows to 6 feet. There are other goldenrod species that would comply with the abutter’s request.

Alger – We reintroduced goldenrod at the commission’s request.

Golding – Asked if west of the property is a public right of way.

- Topham** – On page A1.0, the foundation plan, asked if the concrete wall between below-grade storage could be eliminated.
- Alger** – All the walls below grade is being eliminated; she included that to illustrate what is being eliminated.
- Phillips** – Regarding the lawn on the west side which they say can't be disturbed, wonders if it would be possible to have more mitigation by making the lawns less manicured and more natural.
- Alger** – Would prefer not to do that; we have a considerable amount of plantings on this already. We haven't done our final landscape plan.
- Erisman** – They have to follow best management practices for fertilizer and we can condition them to submit soil tests and not use fertilizer. Normally with properties on a water body or wetland, we condition lighting away from the resource area; asked if that covers indoor lighting as well; many of these new houses have aggressive indoor lighting that shines out into the resource area.
- Staff Wetland scenic views are related to the view from public areas, not from private property.
The area labeled formerly Henry Street is public access over the top of the dunes to the beach. Doesn't think plantings will have an impact on that access.
We can condition this that all lighting be directed away from resource areas except for land subject to coastal storm flowage. He assumes it means any and all light.
Have everything needed to close.
- Motion **Motion to Close.** (made by: Topham) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
7. *Mary Jo Buckland – 113 Hummock Pond Road (546-59) SE48-3330 **(Cont. 09/17/2020)**
8. *Douglas M. Raymond – 5 Cornish Street (42.4.1-95) SE48-3335
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Don Bracken, Bracken Engineering
- Public None
- Discussion (5:33) **Bracken** – This is to add a 1-story addition with porch to the front and increase parking in land subject to coastal storm flowage. Would use helical screws for the foundation given groundwater depth; property is at elevation 4.5 and flood is at elevation 9. There is no proposed grade change. There will be no dewatering.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Beale) (seconded)
- Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye; LaFleur “lost connection”
9. *Roberta M. Brown – 9 Beach Street (73.1.3-24) SE48-3336
- Sitting Erisman, Golding, LaFleur, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors
- Public Burton Balkind
- Discussion (5:37) **Santos** – This is to relocate an existing cottage onto this property. Resource areas are a coastal dune/coastal bank interface located to the east; it is outside land subject to coastal storm flowage. No waivers are necessary; as all work is outside the 50-foot buffer. Also, we will be upgrading the existing septic, which requires a waiver as it is less than 100 feet from the resource; we have a Board of Health variance for that setback. Staff has provided copies of the plan to the abutter; we will be meeting with them to discuss screening. No grade change is proposed.
- Erisman** – Asked the date of the structure being moved.
- Santos** – That was built in the mid to late 1980s; it is coming from outside the resource area. It will be new construction on this site.
- Balkind** – Asked how often an approval to move closer to a resource area happens.
- Staff If you move a pre-1978 structure to another lot closer to the resource area, it does not retain its pre-1978 status.
Moving a structure closer to the resource area is rare; this is the first he remembers.
Have everything needed to close.
- Motion **Motion to Close.** (made by: Phillips) (seconded)
- Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips; Topham recused; LaFleur off the call
- B. Amended Order of Conditions**
1. Gisela G. Lienhard – 11 Jonathan Way (75-42) SE48-3217
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Jeff Blackwell, Blackwell & Assoc.
- Public None
- Discussion (5:45) **Blackwell** – Reduced size of the pool; pitched the patio away from the wetland to direct splash away; added downspouts going into sub-surface infiltration chambers; eliminated the need for the 2-foot groundwater offset waiver; and moved the toilet's vacuum composting chamber up to the 1st floor. Brush along the proposed path will be cut by hand; everything will hand pruned, trimmed, and cut to provide access to the east end of the property.

Phillips – She was pleased to see the new composting system. Asked if it could be used elsewhere on the Island.

Blackwell – It is a system with more wide-spread acceptance in Europe and in more rural areas. He thinks it could be used to the purpose to off-set the need for a foundation.

Erisman – She feels “duped” by this project. Asked if this could be conditioned that the landscaper be named and meet with Staff prior to starting work to ensure they follow the conditions. Wants a condition that no electricity or plumbing run down the path to the shed.

Beale – Asked how much of a change in groundcover of the two structures there is from the initial Order of Conditions and this amendment.

Blackwell – 532 square feet (sf) more; the original structure was 1368 sf; he’s now showing 1900 sf between the two proposed structures.

Golding – Asked what the structure is on the east corner.

Blackwell – That is described as a place to “get away from it all.” Appreciates the conditions for no electricity or water; however, he could envision a low-wattage light bulb at the shed which wouldn’t cause intrusion. The path does not require a waiver.

Golding – We need to condition that shed in such a way it doesn’t become something else.

Engelbourg – Agrees this comes down to good conditions. He’d hate to see the shed become a place where a machinery or a grill are set up; condition it for no water, no mechanicals, and no electricity so it maintains its character as represented here. We need conditions regarding the path, especially where it pinches up to the 25-foot buffer; we also need a physical demarcation for the 25-foot buffer. Given the technology for the vacuum chamber composting toilet, that will require someone from off Island to install; we should condition that the installer meet with staff on site before the toilet goes in.

Erisman – Her concern with the path is how many stepping stones there will be; the rototilling loaming and seeding the path is disconcerting and she would like to avoid it that work close to the 25-foot buffer.

Blackwell – A landscape architect has been hired but hasn’t developed a plan. Support submission of the plan as part of the order of conditions.

Erisman – There were photos of native plants in the original submission; asked if those are in place or proposed.

Blackwell – All the landscape architect did was go through the ConCom plant list and suggest plants to the buyer. The landscape plan will be specific as to the locations of plants.

Erisman – Everything on the planting plan looks good except the Pacific scrub oak.

Blackwell – Asked for a continuance for two weeks to provide additional information.

Staff You can close the hearing and issue the amendment at the next hearing with the conditions. Have everything needed to close but given the laundry list of things requested, he’d like a chance to write a draft amended order and issue it at the next hearing. Closing this will stop further information from coming in.

Motion Continued to September 17th.

Roll-call Vote N/A

2. REC 21 WP, LLC – 21 Washing Pond Road (31-31) SE48-3263

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

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

Representative David M. Haines, Haines Hydrogeologic Consulting

Public None

Discussion (6:07) **Haines** – This is to include a retaining wall outside the 50-foot no-build zone along the edge of the pool. The wall reduces a lot of proposed grading into the 50-foot setback to the wetland. The wall will be 1-foot to 5-feet high. There is an existing walking path to the pond; his client wants to add to it by bringing it to the cabana and then snake through to the pond.

Beale – Asked if there is a way to control where the pool water goes when pumped out.

Haines – The pool has a cannister system so there is no backwash from the filters.

Golding – Suggested several small berms along the path to prevent water running down it; it drops 12 feet.

Staff The original order of conditions is specific about how and where the pool is pumped. Suggested adding Condition 25 requiring berms or water bars installed at the head of the path to the pond.

Motion **Motion to Close and Issue as amended.** (made by: Golding) (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. The Monomoy Road Real Estate Trust – 26 Monomoy Road (54-148)

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

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

Representative David M. Haines, Haines Hydrogeologic Consulting

Public None

Discussion (6:15) **Haines** – This is to confirm resource area boundaries to a bordering vegetated wetland and a short section of coastal bank, and land subject to coastal storm flowage, which is at elevation 8. This is not within rare species habitat. No work is proposed at this time.

Staff We've been on this site a couple of times and there are revisions based upon hydric soils. This is a difficult site where lawn has not been maintained, allowing wetland encroachment. We feel comfortable with the line. Recommend a Positive 2A confirming the boundaries.

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

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

2. Pocomo Sandune Realty Trust – 29 Pocomo Road (14-81)

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

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

Representative Jeff Blackwell, Blackwell & Assoc.

Public None

Discussion (6:21) **Blackwell** – This is a vacant property upon which the owner plans to construct a gravel driveway; there is a confirmed wetland boundary. Two other resource areas are coastal bank and land subject to coastal storm flowage.

Staff Recommend issuing as Positive 2A confirming the wetland and Negative 3 allowing work within the buffer.

Motion **Motion to Issue as a Positive 2A and Negative 3.** (made by: Golding) (seconded)

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

3. John C. Raphael – 37 Somerset Road (56-108)

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 (6:24) **Gasbarro** – This is to approve the wetland boundary and establish the no-cutting zones on the property; proposed work is for a sewer connection to replace the septic.
Engelbourg – He initially notified staff of this back in February; for him it is disconcerting to see it come in as an RDA to repair the unauthorized work. Does understand the desire to establish the area going forward. If staff feels the cut area is reestablishing, he'll agree with that. He just wants to ensure it returns to its natural state.
Erisman – Since this is an RDA asking to do work, asked if we can attach a monitoring component to ensure the plants come back. Would like a condition that if it doesn't revegetate, they have to come back before the board.
Gasbarro – The area to be demarcated as no work expands beyond the 25-foot buffer. His intent is that posts would be shown in the monitoring. He feels it will naturally repopulate the native species that were there.

Staff Recommend issuing as we have visited this site and agree with the assessment that vegetation is coming back. We notified the owner just before March 13th, when the office was closed for COVID; since we've been back the owner has been in touch with us and no work has taken place.
 You can insert conditions under Negative 3 requiring yearly reports. We can add a photo monitoring condition that, if the plants do not reestablish, an NOI must be filed to rectify the problem.

Motion **Motion to Issue as Positive 2A and Negative 3 including discussed conditions.** (made by: Engelbourg) (seconded)

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

D. Certificates of Compliance

1. Silver Fox Partners Real Estate, LLC – 235 Madaket Road (59.4-364) SE48-3121 **Cont. (09/17/2020)**

2. Take It Easy, LLC – 38 Walsh Street (29-105) SE48-3150

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

Staff This is in compliance.

Discussion (6:33) **Art Gasbarro**, Nantucket Engineering & Survey – Work has been completed in substantial compliance.

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

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

3. Lawrence – 4 Wamasquid Place (56-113.8) SE48-2377

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

Staff Constructed in compliance; vegetation on the wetland side is intact; recommend ongoing Conditions 19 & 20.

Discussion (6:35) None

Motion **Motion to Issue with on-going Conditions 19 and 20.** (made by: Golding) (seconded)

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

4. Deombeleg – 137 Polpis Road (44-7.1) SE48-3193

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

Staff Recommend issue with ongoing conditions 19, 20, 21 relating to discharge of pool water and Condition 22 regarding lighting.

Discussion (6:36) **Paul Santos**, Nantucket Surveyors – It was not necessary to relocate the septic to within ConCom jurisdiction. Work is completed in substantial compliance. There was a precondition that the deer fence within the resource area be removed prior to work; that was done.

Motion **Motion to Issue with on-going Conditions 12, 20, 21, and 22.** (made by: Phillip) (seconded)

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

5. Arthur H. Patterson & Nancy R. Chiswick – 42 Meadow View Drive (56-196) SE48-3243

- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Recommend issue with no on-going conditions.
- Discussion (6:39) **Brian Madden**, LEC Environmental – Work has been completed as approved.
 Motion **Motion to Issue.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
6. Robert C. Wright – 29 Medouie Creek Road (14-35) SE48-565
 7. Robert C. Wright and Suzanne Wright – 29 & 33 Medouie Creek (14-35;36) SE48-1534
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Agree all work is in compliance and that the path is not maintained; recommend issuing both certificates.
 Discussion (6:41) **Jeff Blackwell**, Blackwell & Assoc. – These should be reviewed together because in 2002 the Order of Conditions required reestablishment of the vegetative buffer and continuation of a walking path into the 25-foot setback. Only about half the walking path was constructed and barely mowed. Other elements of the Order of Conditions have been substantially satisfied.
 Motion **Motion to Issue SE48-565 and SE48-1534.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
- E. Orders of Condition**
1. Benton & Kelly Heyworth – 8 Pond Road (56-156) SE48-3324
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft order of conditions.
 Staff Reviewed added conditions made per this evening’s discussion: photo monitoring of the restored area and removal of the shed. He will change Condition 20 to require soil testing and a written fertilizer program. Will add Condition 21 relocating the split-rail fence to the wetland line.
 Discussion (6:45) **Erisman** – Asked if this, because it is mowed into the wetlands, should have a condition about fertilizer and soil testing within the disturbed area.
Topham – Asked that the wetland boundary be flagged or marked in a manner that will prevent mowing.
 Phillips – Suggested using posts.
Erisman – Asked if they were removing the mesh from the fence or all the fence (mesh).
Topham – That fence should be pulled beyond the wetland flags to mark as far as they can go.
 Motion **Motion to Issue as amended.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
2. Wallack ACK, LLC – 45 Hulbert Avenue (29-16) SE48-3331
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft order of conditions.
 Staff He added Condition 20 redirecting “all interior and exterior” lighting away from resource areas and Condition 21 regarding fertilizer use; also added Condition 22 requiring native plants. There might be an existing irrigation system, but he can add Condition 23 prohibiting any new irrigation system or expansion of existing.
 Discussion (6:51) **Golding** – Asked if all lighting should be worded with “exterior and interior.” Also asked if there is an irrigation component due to leaching.
 Motion **Motion to Issue as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
3. Douglas M. Raymond – 5 Cornish Street (42.4.1-95) SE48-3335
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft order of conditions.
 Staff Only condition above normal is for no fill to be added.
 Discussion (6:55) None
 Motion **Motion to Issue as drafted.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
4. Roberta M. Brown – 9 Beach Street (73.1.3-24) SE48-3336
- Voting Erisman, Golding, LaFleur, Engelbourg, Phillips, Beale
 Documentation Draft order of conditions.
 Staff We can clarify this with the addition of Finding 2 stating that the relocated structure is not a pre-1978 structure.
 Discussion (6:56) None
 Motion **Motion to Issue as amended.** (made by: Beale) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, LaFleur, and Phillips; Topham recused
- F. Public Hearing**
1. Amendment of the Town of Nantucket conservation Commission Wetland Protection Regulation
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Town of Nantucket Wetland regulations
 Public None
 Discussion (6:57) **Carlson** – Hasn’t heard back from Town Counsel on this yet; George Pucci has been extremely busy. Hopes they will look at it and get back to him before the next meeting.
 Motion Continued to Sept 17th meeting.
 Roll-call Vote N/A

G. Other Business

- 1. Approval of Minutes 08/20/2020:

Golding – The date says May 14th; page 4, Jonathan Way he’s quoted as saying the waiver was 6-feet – should read 2 feet.

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

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

- 2. Discussion of SBPF – 87-105 Baxter Road (48-Variou) SE48-2824 - Template Maintenance

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

Documentation Related Orders of Conditions and Amended Orders; Sand delivery logs;

Public Rick Atherton

Burton Balkind

Discussion (7:00) **Carlson** – We weren’t able to verify the sand delivery at the last hearing; since then, we’ve been able to track down the invoices and tickets, which are being verified. Town Manager has asked the office to put together a comprehensive list of all open work for not only the geotube but any work to the south – what’s outstanding, applicant, property owner – for Select Board review. There are 6 to 7 outstanding Order of Conditions. Not all conditions were listed on all amendments and we need to figure out how they all work together so the conditions are carried forward and are not overlapping or contradictory.

There was some work that occurred in the southern section coir logs; our restriction was specific against any new material. The tubes are still uncovered.

Looking at 71 Baxter Road, the public access has been intersected by a hedgerow and the path hasn’t been maintained. Someone with mobility issues would have trouble getting to and from the Bluff Walk; we can pursue enforcement or just send a letter requiring access be opened.

Erisman – We should issue an enforcement order to get them in front of us regarding blocking a public way.

Golding – That access was open when John Merson owned it; now you wouldn’t know it is a public access. Also, there was no irrigation for the hedgerow when Mr. Merson owned the property; the new owners installed irrigation and extensive planted and replanted without permit. Agrees an enforcement order should be issued.

Carlson – Would be happy to issue that enforcement. It’s clear in aerial photos where the path and hedgerow used to be.

Golding – Asked why NETCO had front-end loaders down there; thought they weren’t supposed to do any work.

Carlson – They did some work between and on the ends of the tubes where they moved some of the stockpiled material. They didn’t bring in any new material; however, he has asked them to stop all work until further notice.

Erisman – She worries that they aren’t just moving stockpile material but also beach sand.

Carlson – He shares that concern. He’s also trying to straighten out who is responsible since most of the work is on Town-owned land and recorded against 1702. He thinks that goes to the matter where the properties protected by this structure aren’t required to put it on their Certificates of Title; he believes the applicant holds the primary responsibility.

Phillips – Those are the thread of issues running through all these projects. She supports an enforcement order against 71 Baxter Road. We need to be firm and clear that we are looking at the entire project.

Engelbourg – Agrees with Ms. Phillips and about the enforcement order. Agrees the responsibility falls on the applicant in these cases. but the owner and the person who does the work also bare responsibility. Regarding NETCO stockpiling sand is all well and good but it’s hard not to move material while doing that.

Carlson – We’ve been talking about bringing someone onto staff to be our eyes and ears on this project to ensure it gets the necessary review.

Atherton – It’s nice to hear the explanation covering a number of our issues. Who has responsibility kind of eludes him regarding these applications; he’d like that made clear. Mr. Carlson referred to a number of amendments with conditions, he would find it unsettling if the applicant didn’t agree without equivocation that all conditions from the Order of Conditions apply to the amendment.

Balkind – Asked if NETCO can do work on the south project.

Carlson – They cannot do work on those south projects.

Balkind – He has photos of them doing work and of fresh sand. Asked if NETCO was the operative of the logs on the beach.

Carlson – He’s not sure.

Balkind – Hopes an enforcement action comes out of NETCO doing work on the beach.

Erisman – Since we’re waiting for more information, asked if this should be further continued.

Carlson – Yes; hopes to be able to take definitive action on September 17th.

Continued to September 17th.

Motion

Roll-call Vote N/A

Motion **Motion to Issue the enforcement action to 71 Baxter Road.** (made by: Topham) (seconded)

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

- 3. Reports:

- a. NP&EDC, Phillips

4. Commissioners Comment
 - a. Erisman – Asked if the Hollywood Farm owners have made a move.
Carlson – He gave them a firm deadline of August 31 to respond; they didn't. We will be going to the next step to bring them in – issue daily tickets through the sheriff until they come in. If they don't respond to that, we turn it over the police.
5. Administrator/Staff Reports
 - a. We put together an internal request for proposal (RFP) to address the Harbor Plan, which needs to be reaffirmed and adopted by the State. Part of that is establishment of a Harbor Plan Committee. The RFP was a casualty of the COVID shutdown. The primary goals of this update are sea-level rise, climate change, coastal resiliency, and coastal adaptation.
 - b. Ms. Erisman has been named to the settlement group with SBPF. We've talked about setting up an executive session with Town Counsel George Pucci present for an update. Asked if everyone will be available next Thursday for an update on what's been going on. He'll try to schedule it for 4 p.m. September 10th.

H. Adjournment

Motion **Motion to Adjourn at 7:37 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

PROPOSED