



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, December 16, 2021 – 5:00 p.m.

This meeting was held via remote participation using ZOOM and YouTube.

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

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

Staff in attendance: Terry Norton, Town Minutes Taker

Attending Members: Erisman, Golding, Engelbourg, Phillips, Beale, Williams

Absent Members: LaFleur

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment

Burton Balkind – Regarding the propose 20,000 cubic feet of sand for the SBPF geotubes to come back in compliance, asked that any the Order of Conditions require mitigation sand be placed at the toe of the geotubes. It does no good if all the sand is on top; there should be no time when the toe of the geotubes is exposed.

II. PUBLIC HEARING

A. Notice of Intent

1. Lower Pocomo Nominee Trust – 88 Pocomo Road (15-42) SE48-3432 (**Cont. to 1/6**)
2. Pocomo Point Realty Trust – 90 Pocomo Road (15-43) SE48-3438 (**Cont. to 1/6**)
3. Land Bank – 1,3,5,7,9,11,13,15,15A Miacomet Road (67-49,345,346,679,680,681,682) SE48- 3480 (**Cont. to 1/6**)
4. Spencer – 3 Fulling Mill Road (27-27) SE48-3483 (Madden)

Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams

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

Representative Brian Madden, LEC Environmental

Public None

Discussion (5:05) **Madden** – Asking to continue to the 6th

Staff None

Motion Continued to January 6th.

Roll-call Vote N/A

5. NIR Retail LLC – 4 Harbor Square (42.2.4-1) SE48-3486 (Barnicle)

Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams

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

Representative Katie Barnicle, Ilex Environmental

Public None

Discussion (5:04) **Barnicle** – This is Straight Wharf Fish; it's within the flood plain and 100' buffer to coastal bank and land under the ocean. Work will be on the doors and external shingling; most changes are interior. We'll be doing exploratory work to determine if any additional work will be required under an amended order.

Williams – She believes there is some foundation repair work as well.

Beale – Asked what will be there.

Barnicle – Any foundation work will probably be on the interior. It will be a fish market and restaurant.

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 Williams-aye

6. *Sampson – 14 Aurora Way (56-445) SE48-3489 (Gasbarro)

Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (5:10) **Gasbarro** – This is within the 100' buffer to a vegetated wetland as delineated by Brian Madden, LEC Environmental; work is for residential development of a vacant lot to be served by Town sewer. We are preserving the 50% between the 50' and 25' buffers.

Erisman – We had a letter from an abutter asking about water flow.

Gasbarro – His client intends to reach out to that neighbor. This will have a crawl space. The wetland will be protected.

Erisman – Burton Balkind asked that the footprint not infringe on the 50' buffer.
Gasbarro – It does not infringe on the 50' buffer; there is no structure within the 50.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

B. Amended Order of Conditions

1. Rabil – 141 Cliff Road (30-1,2,3,4,5,6&7) SE48-3026 (Santos) **(Cont. to 1/6)**

III. PUBLIC MEETING

C. Minor Modifications

1. CedarView Point, LLC – 40 Shawkemo Road (27-4) SE48-3316 (Madden)
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:15) **Madden** – The work is to add a walkway off the guesthouse stone patio that minimally encroaches into the 100' buffer to a coastal bank. The guesthouse has been reconstructed; there will be landscape management activities – replace existing vegetation with native species and remove 2 trees all outside the 50' buffer to the coastal bank.
 Staff Recommends issuing.
 Motion **Motion to Issue.** (made by: Beale) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye
2. 45 Shawkemo Road, LLC – 45 Shawkemo Road (27-18) SE48-3411(Madden)
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:18) **Madden** – This is to provide grading detail to the proposed driveway; the driveway minimally encroaches into the 100' buffer to an isolated vegetated wetland.
 Staff Recommends issuing.
 Motion **Motion to Issue.** (made by: Williams) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye
3. DuPont – 47 Millbrook (Lot 1) (56-231(portion) SE48-3415 (Madden)
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:22) **Madden** – This is for the updated house layout and details for new construction; all structural aspects are outside the 50' buffer. There are also additional septic upgrade details, also outside the 50' buffer.
 Staff Recommends issuing.
 Motion **Motion to Issue.** (made by: Williams) (seconded)
 Roll-call Vote Carried //Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

D. Requests for Determination of Applicability

E. Certificates of Compliance

1. Hankman Trust – 22 Squam Road (21-40.3) SE48-1567
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale,
 Staff Site in compliance and recommend issuance with no on-going conditions.
 Discussion (5:24) None
 Motion **Motion to Issue.** (made by: Engelbourg) (seconded)
 Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye; Williams recused
2. Brescher – 5 Hinckley Lane (30-170.1 portion) NAN-110
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 Staff Site in compliance and recommend issuance with no on-going conditions.
 Discussion (5:25) None
 Motion **Motion to Issue.** (made by: Golding) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

F. Orders of Condition

1. 8 Walsh LLC – 8 Walsh Street (42.4.1-83) SE48-3474
 Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 Documentation Draft Order of Conditions
 Staff None
 Discussion (5:26) **Erisman** – This is going up on the same footprint.
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

2. NIR Retail LLC – 4 Harbor Square (42.2.4-1) SE48-3486
 - Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 - Documentation Draft Order of Conditions
 - Staff None
 - Discussion (5:27) None
 - Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)
 - Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye
3. Sampson – 14 Aurora Way (56-445) SE48-3489 (Gasbarro)
 - Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 - Documentation Draft Order of Conditions
 - Staff None
 - Discussion (5:29) None
 - Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)
 - Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

G. Extension of Orders

1. 15 East Fire Spring Road, LLC – 15 East Fire Spring Road (20-57) SE48-3033
 - Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 - Staff Asking for three 1-year extensions; been on site and it's in compliance. Recommend issuing.
 - Discussion (5:30) None
 - Motion **Motion to Issue three 1-year extensions.** (made by: Engelbourg) (seconded)
 - Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

H. Other Business

1. Approval of Minutes 12/2/2021:
 - Motion **Motion to Approve as drafted.** (made by: Engelbourg) (seconded)
 - Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye; Williams abstain
2. Monitoring Reports – 24 Almanack Pond Road
 - Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
 - Documentation Monitoring Report
 - Discussion (5:31) **Erisman** – If anyone has questions, send those to Mr. Carlson.
3. Reports:
 - a. None
4. Commissioners Comment
 - a. **Engelbourg** – The Massachusetts Invasive Plant Advisory Group considered listing 3 new species for invasiveness: Scotch broom, Japanese black pine and weeping love grass. The Scotch broom and weeping love grass were recommended to be listed as invasive, and Japanese black pine was recommended as likely invasive. Their advice will go to the Office of Energy and Environment; if the regulatory board takes up those recommendations, the plants will be added to the list.
 - b. **Williams** – Asked about the mowing across Orange Street from Cherry Street; the entire area was mown from the road to the train trestle. When doing such a large area, asked if they run the risk of removing okay plants.
Erisman – That was for invasive phragmites management using the Marsh Master. The Marsh Master is approved in stands which are predominantly invasive species. They have a monitoring component to ensure native species are coming back in.
5. Administrator/Staff Reports: Erisman for Mr. Carlson
 - a. The posting for Ms. Dodd's position closes Friday, December 17th. The hope is the position will be filled mid-January. They do have applicants.
 - b. The commission was served the SBPF appeal today, so the 20-day clock is now started. She personally has not been served. Because of the holiday, we are hoping for an Executive Session next week. We are waiting for our counsel to respond. Asked if Tuesday or Wednesday is better for that meeting.
 Williams – She couldn't do late on Tuesday due to HDC.
 Beale – He will be travelling all day Tuesday.
 Golding – It would have to be short and start around 4 pm on Wednesday.
 Erisman – Wednesday afternoon will provide time to review any of the law firms, which have responded and get this going. Wednesday, December 22 at 4 pm. January 6th, 2022 is our first meeting in the new year.

I. Executive Session

- Motion Not at this time.
- Roll-call Vote N/A

J. Adjournment

- Motion **Motion to Adjourn at 5:42 p.m.** (made by: Beale) (seconded)
- Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

Submitted by:
Terry L. Norton