



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, December 22, 2022 – 5:00 p.m.

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

Commissioners: Ashley Erisman (Chair), Ian Golding (Vice Chair), Seth Engelbourg, Mark Beale, Linda Williams, Mike Misurelli, and Joe Plandowski

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

Staff in attendance: Will Dell'Erba, Conservation Agent; Terry Norton, Town Minutes Taker

Attending Members: Erisman, Beale, Williams, Misurelli, and Plandowski

Absent Members: Golding, Engelbourg

Late Arrivals: Williams, 5:07 pm.

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment

R.J. Turcotte, Nantucket Land Council – The Select Board has 1 more meeting before the January 12th 'Sconset Beach Preservation Fund meeting. If the Commission hasn't heard back about getting independent counsel, suggested writing another letter.

Erisman – Will try to send a reminder message.

II. PUBLIC HEARING

A. Notice of Intent

1. Easton Street, LLC – 55 Easton Street (42.4.1-86) SE48-3590

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

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

Representative Brian Madden, LEC Environmental
Don Bracken, Bracken Engineering

Public None

Discussion (5:04) **Madden** – Project involves raising and relocating an existing building and improvements within the flood zone and buffer to isolated vegetated wetlands to the northwest. Provided clarification on reduction of the footprint, 49sf (square feet) within the 50' buffer and increased separation from the wetland. Shifting the house away from the wetland within the 50' with proposed construction in the outer 50. If we shift it closer to Easton Street, we run into Historic District Commission (HDC) concerns and other issues.

Beale – It hasn't been moved far enough from the wetland for his liking. It could be moved south and with a different configuration be outside the 50'.

Bracken – They tried moving it as close to the street as possible; we have zoning issues as well. Reconfiguring the structure is not possible.

Erisman – Agrees with Mr. Beale about the proposed addition within the 50' where there is already some degradation.

Williams – There is substantial garage between this and the little wetlands, which doesn't show up on the Department for Environmental Protection (DEP) or Town maps. She has no problem with the proposed plan. Sense of the Commission regarding the waiver for work within the 50' buffer:

Misurelli, Plandowski, & Williams support the waiver.

Beale & Erisman do not support the waiver.

Bracken – Asked for a continuance.

Staff recomm. Have everything needed to close.

Motion Continued to January 5th.

Vote N/A

2. 36B Lily Street, LLC – 36B Lily Street (42.4.3-94) SE48-3597

Sitting Erisman, Beale, Misurelli, Plandowski

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

Representative Brian Madden, LEC Environmental
Dan Bailey, Pierce Attwood

Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP, for the Loweys
Rachael Freeman, Nantucket Islands Land Bank

Discussion (5:19)	Madden – Eliminated the proposed structure within the 50’ buffer to the wetland to the west. Net decrease of 74sf outside the buffer. Replaced gravel-surface driveway turnout area that extended into land subject to flooding with reinforced grass. Substituted a boardwalk with a grass-inset pervious walkway. Parking was reconfigured. Designed to avoid adverse impact to resource area. Using best management practices for installation of the mono-slab foundation. Meets standards other than 2’ separation from ground water. Misurelli – Confirmed that construction of the structure has not yet started. Beale – Confirmed the only construction within the 50 anywhere on the property is a portion of parking. He’s somewhat concerned about the density of the project. Madden – The waiver for groundwater separation is already in place. Helical piles will go into the groundwater. Explained construction of the mono-slab foundation. Beale – In an area so prone to flooding, he thinks the foundation is too close to the groundwater; thinks they would raise it a foot or so. Reade – We appreciate the changes regarding moving the house; however, the waiver for separation to groundwater is a concern due to the overall hydrology; the waiver is not appropriate regarding the intense development of this site. Freeman – The Land Bank is very engaged in this property and has spent a lot of time looking at hydrology and stormwater. The combination of being in the buffer, within land subject to flooding, and the waiver could increase the amount of standing water. Appreciate the reduction of the house and change of driveway surface. Erisman – Asked if the house could be lifted above the flood level. Madden – It’s not a common practice to construct it that way; he’d have to consult engineers on the feasibility. The existing slab is about 6’ above grade. Bailey – Suggested continuing and getting back after talking with engineers to address the flooding.
Staff recomm.	None
Motion	Continued to January 5 th .
Vote	N/A
3. Kaizer Realty Trust – 43 Millbrook Road (56-233) SE48-3601	
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Brian Madden, LEC Environmental Peter Kaizer, owner
Public	None
Discussion (5:37)	Madden – Reviewed changes to the garage; it’s in a previously disturbed area. Explained constraints regarding the location of the garage, most importantly being 10’ from the septic. The restoration mitigation area is 2450sf within the 50’ and 25’ buffers. Misurelli – Asked about the lawn in the back. Madden – That’s 1010sf to be revegetated with a native seed mix. Erisman – We’ll want survivability monitoring to ensure the plants take hold.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Williams) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
4. Purcell – 32 Dukes Road (56-188) SE48-3602	
Sitting	Erisman, Beale, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Brian Madden, LEC Environmental
Public	None
Discussion (5:43)	Madden – Reviewed revisions to the cottage – remove the basement access and stone retaining wall within the 50’ buffer to an offsite bordering vegetated wetland.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Misurelli) (seconded)
Vote	Carried 4-0//Beale, Erisman, Misurelli, Plandowski-aye; Williams recused
5. Trustees of Eel Point Nominee Trust – 77 Hummock Pond Road (56-311) SE48-3603	
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Paul Santos, Nantucket Surveyors
Public	None
Discussion (5:46)	Santos – Reviewed the redevelopment of the site. Had asked this be included for a site visit. Proposing a crawl-space foundation. The ground water separation waiver is for removal of the existing foundation. Will be tying into Town sewer and water. Misurelli – The site visit was helpful. Regarding the tear-out of the foundation, confirmed it represents the over-dig into the 50’. Plandowski – Cleaning up the site will be a huge improvement. Beale – He had asked about the amount of buildable area outside the 50’ buffer but within zoning setbacks. Cleaning up the site really appeals. Santos – It’s a triangular space under 2000 sf. The proposed area of structures is about 1824sf.

	Williams – She thinks it’s a net gain with little impact.
	Erisman – The current house is “C” shaped with an indent; asked if the design could be shifted to prevent any construction within the 50’.
	Santos – That indent is completely outside the 50’ buffer. He’d like to be able to maintain that one piece within the 50’. A substantial water shed feeds through that area coming up from Hummock Pond. We’ve asked for a waiver for work within the 25 and 50 and groundwater separation for removal of the existing foundation.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Williams) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
6. *Nantucket	Islands Land Bank – Tom Nevers (91-3) SE48-3605
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Rachael Freeman, Nantucket Islands Land Bank,
Public	None
Discussion (6:01)	Freeman - This is to install removable aluminum stairs within a coastal bank, coastal beach, land subject to coastal storm flowage, and land under the ocean; it’s a water-dependent use. Hoping this will prevent bank degradation from foot traffic. Misurelli – Asked if the stairs are custom made or stock. Freeman – they come in different lengths; we can trade out different sizes and lengths. They will be pulled up for storm events and winter.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Beale) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
7. *Nantucket	Whales End II, LLC – 43 & 45 Squam Road (13-23; 24) SE48-3607
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Brian Madden, LEC Environmental Don Bracken, Bracken Engineering
Public	None
Discussion (6:06)	Madden – Reviewed the scope of the project; resource areas are a coastal dune, bordering vegetated wetlands, and isolated vegetated wetlands. No waivers are required. Waiting on Massachusetts Natural Heritage. Erisman – Asked if the barn is for animals. Madden – He believes that isn’t the intent but if he’s misspeaking, he will let the Commission know. Erisman – Tony Cahill at 44 Squam Road asked the finished elevation of the main, drainage runoff to Squam Pond and elevation above groundwater separation. Madden – High ground water is at 8.8; garage on slab 13.2; barn 17.0; dwelling with crawlspace 1 st floor is 17.0. He doesn’t know what that is compared to existing. Have the 2’ separation from ground water. Runoff will go to subsurface infiltration areas. Bracken – The existing is around elevation 17. The barn will be a cabana-type structure. Misurelli – It was helpful having Mark Cutone’s plans. Erisman – Mr. Cahill also asked if this is within the maximum allowable height. Bracken – The height is within zoning compliance.
Staff recomm.	None
Motion	Continued to January 5 th .
Vote	N/A
8. *JFM Cacique, LLC	– 36 Easton Street (42.1.4-19) SE48-3609
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Brian Madden, LEC Environmental
Public	None
Discussion (6:14)	Madden – This is for a garage with 2 nd -floor living space within 100’ of the harbor, coastal beach, and coastal bank and within the 100’ buffer to a wetland across the street. It will have a slab foundation with flood vents. Requesting a waiver for 2’ separation from groundwater.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Misurelli) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
9. *Nantucket	Islands Land Bank – 40 Western Avenue (87-84) SE48-3606
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Rachael Freeman, Nantucket Islands Land Bank,
Public	None
Discussion (6:17)	Freeman – This is for aluminum beach stairs. Resource areas are a coastal dune and coastal bank. The stairs will be pulled during storms events and winter. Misurelli – Asked if they put signage to direct people to the stairs to prevent walking through the dune field.

	Freeman – We do have signs directing people away from damaged paths.
	Erisman – Agrees signs will be helpful to keep people from jumping off the dunes.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Beale) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
10. *ACK Hang Ten, LLC – 21 Meader Street (42.2.3-44) SE48-_____	
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Art Gasbarro, Nantucket Engineering & Survey
Public	Diane Coombs, 44 Union Street Cohen, for 46 Union and 3 Francis
Discussion (6:23)	Gasbarro - An enforcement order was issued for unpermitted work within land subject to coastal storm flowage, installation of timber retaining walls and raise the grade. The proposal is to restore the grade to match the properties around and put down a seed mix, install a fence, and driveway. Would like to maintain the timber as a curb so surface water won't flow onto this property. We included with our filing the name of a credentialed wetland scientist to confirm there is not a vegetated wetland on the property. Also include Order of Conditions issued for adjacent properties that did not indicate any wetlands. Erisman – This was previously before us then pulled; asked why. It makes her nervous to see photos of wetland vegetation without information on the soil. The scientist's report confirms there is no wetland. Gasbarro – Their intent was to engage the professional wetland scientist. Coombs – That might not be classified as a wetland, but the corner where these properties meet is very wet. There is a natural flow from Union Street both above and below ground; nothing should be allowed that would stop that flow of water to the harbor because it would make my property unlivable. Erisman – There have been many hydrologic changes with the rise in sea level. Concerns have been expressed. Thinks a site visit would be helpful. Williams – The 4 structures in front of this toward the harbor are on helical piers; Mr. Glowacki's structure is also on helical piers. Plandowski – He would like a site visit. Cohen – His clients' concerns are, to the extent there was a disturbed and damaged wetland, it should be restored. Mr. Haines' 2020 letter indicates he saw significant wetland plants and hydrology; Staff at the time agreed with Mr. Haines that those were wetland plants and soils. The commission should require restoration of the wetlands. The timber walls around the property artificially change the grade and change the water flow. Coombs – Every house on Fayette Street is on a foundation. If any commissioners want to come onto her property, she will allow them. Misurelli – Information that comes in on meeting day makes it hard to go into the hearing with a full perspective; asked that information come in advance of the meeting day. Gasbarro – He strongly disagrees with the level of study done by Mr. Haines and Mr. Shore; there's no information that supports there being a wetland. The fill is not coming up. Asked for a continuance for a site visit.
Staff recomm.	Staff went out today and agree with the assessment.
Motion	The site visit would be Jan 3 rd at 4 pm.
Vote	Continued to January 5 th . N/A
11. *Jen Sankaty Lighthouse Trust – 37 Sankaty Head Road (48-2) SE48-3608	
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Don Bracken, Bracken Engineering
Public	None
Discussion (6:58)	Bracken – A coastal bank is the only resource area that would be impacted by this project. Explained the scope of work; a section of porch and deck will be within the 50' buffer and septic tanks within the 50' buffer will be removed. Existing lawn within the 25' buffer will be restored with natural vegetation. The site slopes away from the bank so there is no runoff in that direction. Do not know the erosion rate of this bank.
Staff recomm.	Have everything needed to close.
Motion	Motion to Close. (made by: Plandowski) (seconded)
Vote	Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
12. *Huckleberry Friend Trust – 13 & 17 East Tristram Avenue (31-37 & 4) SE48-_____	
Sitting	Erisman, Beale, Williams, Misurelli, Plandowski
Documentation	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Representative	Art Gasbarro, Nantucket Engineering & Survey
Public	None
Discussion (7:02)	Gasbarro – This is for seasonal beach stairs serviced by an existing boardwalk. Existing stairs would be constructed in kind and requesting a cantilevered bench off the side of the walkway. Erisman – She is not in favor of the bench midway of a coastal bank. There is plenty of space to put a 12' bench not within the resource area.

Williams – Many of the stairs along this bluff have intermediary benches, but they're small; a 12' bench is excessive.

Beale – There's an existing set of stairs on the west with a platform and this runs east off the existing. They don't need 2 sets of stairs and no bench.

Erisman – One access is appropriate.

Gasbarro – Asked for a continuance. We'll come back with a reduced bench.

Staff recomm. None

Motion Continued to January 5th.

Vote N/A

B. Amended Order of Conditions

1. Linda Loring Nature Foundation, Inc – 90, 100, 124, 130, 136 Eel Point Road (various) SE48-3500

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (7:11) **Gasbarro** – This is related to an approved elevated walkway; there are areas of overland flow over which we want to extend the elevated walkway and leave the existing grade to function as it does.

Erisman – When she saw the photo of the runoff, it explained the request to her.

Staff recomm. Staff agrees. Have everything needed to Issue.

Motion **Motion to Issue the amended order.** (made by: Williams) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

2. Nantucket Islands Land Bank – 32 Western Avenue (87-81) SE48-3582

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

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

Representative Rachael Freeman, Nantucket Islands Land Bank,

Public None

Discussion (7:15) **Freeman** – This is for aluminum stairs where improvement work was permitted.

Williams – Asked where the stairs go when they are pulled up and about the possibility of damage.

Freeman – We have a crew involved in the process; they tend to get stored on the lot or an adjacent parking lot. The stairs don't lean against the bank. The most damage comes from installation of the platform at the top. All our stairs will be removed in the winter due to very active erosion.

Staff recomm. Have everything needed to issue.

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

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

3. 41 Hulbert, LLC – 41 Hulbert Avenue (29-18) SE48-3565

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

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

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (7:19) **Santos** – This amended order is to elevate the primary dwelling to 1st-floor elevation 10.2 in compliance with the 9th Edition of the Building Code; there will no change to the existing grade and roof drainage will be tied to subsurface drainage. Will need to add steps on the northerly and southerly side; that would require some infill within the 100' buffer. Resource area is land subject to coastal storm flowage and a 25' setback from a timber bulkhead acting as a coastal bank.

Erisman – The expanded access steps on the harbor side look like they could go within the deck so as not to encroach into the 50' buffer.

Santos – When we extended the steps, we reduced their width.

Staff recomm. Have everything needed to issue.

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

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. 16 Gardner Road, LLC – 16 Gardner Road (43-93)

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (7:26) **Gasbarro** – This is for a shed outside the 50' buffer to a wetland.

Staff recomm. He was out there earlier and given the intersection of the road between the resource area and shed, there will be little to no adverse impact to the wetland.

Recommend issue as a Negative 3 for work within the buffer.

Motion **Motion to Approve as a Negative 3.** (made by: Beale) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

D. Minor Modifications

1. Nantucket Islands Land Bank – 19 Wauwinet Road (20-35) SE48-3560
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 - Representative Brian Madden, LEC Environmental
 - Public None
 - Discussion (7:30) **Madden** – Reviewed the scope of work covered by the Order of Conditions; this is for a detailed landscaping plan showing a pallet of native shrubs and ADA compliant paths.
Misurelli – He found the plan confusing; asked for clarification.
Erisman – She is concerned about some of the plants in the pollinator garden; wants assurances there are no aggressive, non-native species.
Freeman – We don't have a list of species yet; we would be looking to avoid aggressive, non-native species. She'll submit the list to staff when she gets it.
 - Staff recomm. Recommend issuing the Minor Modification.
 - Motion **Motion to Issue the Minor Modification.** (made by: Plandowski) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
2. Johnson – 34 Easton Street (42.1.4-18) SE48-3469
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 - Representative Art Gasbarro, Nantucket Engineering & Survey
 - Public None
 - Discussion (7:37) **Gasbarro** – This is to increase by 1' the height of the pier approved to be rebuilt in kind.
Misurelli – Asked how it will be raised.
Gasbarro – The current order allows a complete replacement; we'll increase the height of the piles.
 - Staff recomm. Recommend issuing the Minor Modification.
 - Motion **Motion to Issue the Minor Modification.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
3. EPR RGH, LLC – 119 Eel Point Road (33-17.2) SE48-3437
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 - Representative Paul Santos, Nantucket Surveyors
 - Public None
 - Discussion (7:40) **Santos** – This is to change the upper-level aluminum beach stairs to wooden stairs and platforms above the lower-level aluminum stairs.
 - Staff recomm. Recommend issuing the Minor Modification.
 - Motion **Motion to Issue the Minor Modification.** (made by: Beale) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

E. Certificates of Compliance

1. Akseizer – 14 Moors End Lane (43-216) SE48-3461
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Representative Art Gasbarro, Nantucket Engineering & Survey
 - Staff recomm. Agree it's in compliance and can issue the cert with no on-going conditions.
 - Discussion (7:44) **Gasbarro** – Completed in substantial compliance.
 - Motion Motion to Issue. (made by: Misurelli) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
2. Nantucket Islands Land Bank – 80 Miacomet Avenue (66-126) SE48-2394
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Representative Rachael Freeman, Nantucket Islands Land Bank,
 - Staff recomm. Has to look into which conditions would be on-going.
 - Discussion (7:45) **Freeman** – Work was to remove Jap knotweed and will be on-going. We are in compliance.
 Discussion about which conditions would be on-going.
 - Motion Continued to January 5th.
 - Vote N/A
3. Dimartino – 2 Gully Road (formerly 1 Ocean Avenue) (73.2.4-14) SE48-865 Re-issue
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Representative None
 - Staff recomm. None
 - Discussion (7:53) None
 - Motion **Motion to Re-Issue.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

F. Orders of Condition

1. Kaizer Realty Trust – 43 Millbrook Road (56-233) SE48-3601
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Reviewed Conditions 18, 19, 20, 21, and 22.
Will add a condition requiring them to submit the herbicide plan before treatment start.
Needs to update Condition 19 to include disposal of materials.
 - Discussion (7:54) **Misurelli** – Asked if we can specify water base herbicide.
Erisman – We can condition they come back for the proposal for herbicide treatment allowing us to approve the methodology. For Condition 21, asked where the 2 years and 6 months came from; we should have a more general survivability and monitoring condition. Removed invasive species need to go through the digester.
Plandowski – Condition should include the language for destruction of removed material.
 - Motion **Motion to Issue as amended.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
2. Purcell – 32 Dukes Road (56-188) SE48-3602
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Condition 19 needs to be updated to include disposal of invasive materials.
 - Discussion (8:01) None
 - Motion **Motion to Issue as amended.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
3. Trustees of Eel Point Nominee Trust – 77 Hummock Pond Road (56-311) SE48-3603
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Will add Condition 20 regarding a revegetation plan
 - Discussion (8:02) **Erisman** – Need a condition requiring they come back with a revegetation plan or a monitoring report assessing the health of native vegetation.
 - Motion **Motion to Issue as amended.** (made by: Misurelli) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
4. Nantucket Islands Land Bank – Tom Nevers (91-3) SE48-3605
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Will add Condition 20 requiring seasonal removal of the stairs and as needed.
 - Discussion (8:05) **Erisman** – The stairs should be removed seasonally and before storms and stored appropriately.
Misurelli – Asked about requiring signage so people don't tromp all over the dunes.
 - Motion **Motion to Issue as amended.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
5. JFM Cacique, LLC – 36 Easton Street (42.1.4-19) SE48-3609
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff None
 - Discussion (8:09) None
 - Motion **Motion to Issue as drafted.** (made by: Misurelli) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye
6. Nantucket Islands Land Bank – 40 Western Avenue (87-84) SE48-3606
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Will add Condition 20 requiring signage
 - Discussion (8:10) **Williams** – This is the one needing signs.
Erisman – Also need a condition for removal of the stairs.
 - Motion MTI as amended. (made by: Plandowski) (seconded)
 - Vote Carried //Beale, Erisman, Misurelli, Plandowski, and Williams-aye
7. Jen Sankaty Lighthouse Trust – 37 Sankaty Head Road (48-2) SE48-3609
 - Sitting Erisman, Beale, Williams, Misurelli, Plandowski
 - Documentation Draft Order of Conditions
 - Staff Has the conditions for the pool.
Will add conditions for monitoring of revegetation and requiring a revegetation plan.
 - Discussion (8:12) **Erisman** – Need to monitor the revegetation and providing a revegetation plan.
 - Motion **Motion to Issue as amended.** (made by: Williams) (seconded)
 - Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

G. EXTENSION REQUEST

1. None

H. Other Business

1. Approval of Minutes

a. 12/01/2022;

Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

b. 12/15/2022:

Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

2. Regulatory Update

Erisman – In the scheduling of our many special meetings, she wants to ensure we don't lose focus on the updating of our regulations; would like to set a date on January 5th meeting.

Misurelli – Mr. Carlson presented a condensed version of our draft regulations to the Select Board.

3. Enforcement updates

a. 2 Gully Road

Sitting Erisman, Beale, Williams, Misurelli, Plandowski

Documentation Photos

Speakers Reade for 'Sconset Trust

Discussion (8:19) **Dell'Erba** – They own a property across the street which today he saw had been clear-cut on the coastal bank. Everything that was there was left lying down.

Reade – At 11 am today, 'Sconset Trust closed on this property; an hour later this issue was brought to his attention. We noted there is an outstanding Order of Conditions that had never been recorded; that was reissued today. We brought the situation to the attention of the seller and his lawyer who assured us that they thought what they did was all right, but they would do what is required to remediate the issue. It was done very recently but before the closing.

Misurelli – Wants to know that in fact the prior owner authorized the work.

Reade – He was told by the seller's lawyer that the seller proceeded in good faith. It was not done on behalf of 'Sconset Trust. Asked what the commission wants done. Would be happy to file an NOI.

Erisman – We have to send the Enforcement Order to the owner, which is now 'Sconset Trust, but we also like to hit those who authorized and did the work. It was probably done to open the view shed for prospective buyers.

Williams – Feels the prior owner knew that what they were doing was not permissible. We should go after the person who did the work.

Misurelli – Pitch Pines are available to be placed back. Asked staff to note caliper sizes of the downed trees.

Dell-Erbe – He wants permission to go onto the property.

Motion **Motion to Issue an Enforcement Order to the prior landowner.** (made by: Beale) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

Motion **Motion to Issue an Enforcement Order to 'Sconset Trust.** (made by: Beale) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

Motion **Motion to Issue an Enforcement Order to individuals who carried out the work.** (made by: Williams) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

4. Reports:

a. CPC, Beale

5. Commissioners Comment

a. Merry Christmas and Happy New Years to everyone.

6. Administrator/Staff Reports

a. None

I. Adjournment

Motion **Motion to Adjourn at 8:37 p.m.** (made by: Williams) (seconded)

Vote Carried 5-0//Beale, Erisman, Misurelli, Plandowski, and Williams-aye

Submitted by:

Terry L. Norton