



CONSERVATION COMMISSION

SPECIAL MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Monday, March 29, 2021 – 4:00 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 4:00 p.m. by Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director; Terry Norton, Town Minutes Taker

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

Absent Members: LaFleur

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment: None

II. PUBLIC HEARING

A. Notice of Intent

1. Town of Nantucket (DPW) – Town Wide (Various) SE48-3366

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

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

Representative Gene Crouch, Senior environmental scientist VHB

Tori Brown, VHB

Rob McNeil, Director Department Public Works (DPW)

Public None

Discussion (4:00) **McNeil** – We will need to continue; do not have input from Massachusetts Natural Heritage (MNH). Have spoken with the division and have accomplished a lot. This will be a living-breathing document his staff will be trained in.

Crouch – Thinks an agreement with MNH is close at which point he hopes they can provide a letter of no-take within a week or two. This would be for maintenance work only in buffer zones or flood areas that extend into the road. Work would be in the vicinity of sensitive habitat areas. Provided a document for Commissioners to review.

Erisman – We’ve had time to review the information. She has some concerns about some of the main roads that bisect a lot of resource areas and buffers. Doesn’t think there’s enough notification to the drivers about when they are entering these areas, such as signage. Asked if DPW can notify drivers they are in the area of critical habitat or reduce the speed limit.

McNeil – Polpis and Wauwinet have been identified as being underserved; the DPW has taken a proactive approach of imaging those corridors and a complete replacement program for cross areas. The intent is to provide adequate passage for hydrology and hydraulics for critters involved. Doesn’t know if signage would be appropriate for that.

Erisman – Signage might not be the answer but reducing speed might be. When we talk about clearing sight lines, we aren’t talking about slowing traffic through these critical areas.

Engelbourg – Agrees with Ms. Erisman. If the DPW is committed to reviewing culverts and connections and getting MNH and ConCom input, having those structures ecologically designed would be much better than signage.

Phillips – As she was going through the detailed plans, in terms of providing monitoring reports, asked if there is a mechanism for those reports to go to the NRD if there are changes. In terms of emergency work in a resource area, we should make it clear that NRD is to be notified immediately so we are working together.

Crouch – We are asking for maintenance activities only. There would be no change in current notification requirements for emergency work in a resource area; this NOI also doesn’t cover new or expansion work. Relative to monitoring reports, we weren’t talking about monitoring regarding this NOI. Asked what Ms. Phillips thinks we would be monitoring.

Erisman – She’d like some reporting on the maintenance activities to create a record of work.

Phillips – That’s what she is trying to determine; you’ve got good requirements for what the DPW will do to assess the need for maintenance. It would be good for us know what DPW has found that requires the work. It would be good to have some sharing of information. When the DPW sets up a work schedule, they should send NRD a copy.

McNeil – Communication between departments has been strong especially regarding any work around a resource area. This is an opportunity to be as comprehensive as possible and have the Commission learn more about the comprehensive activities DPW is involved in. Hopes over the time of the permit, ConCom can come back with questions to help DPW be more efficient with work in resource areas.

Engelbourg – He'd like to see a once-a-year document of an overview of all activities and hours spent on each, so we know more about what's happening. In the Land Bank NOI, it talks about a protocol for staff review of questionable projects; he'd like to see a similar protocol applied here.

Erisman – Agrees about adding that component into the conditions.

Golding – Mr. Engelbourg's point is excellent.

McNeil – Our workorder software was recently updated to include hours on tasks; however, it is not as specific as ConCom has been suggesting. We can print off summaries of hours per tasks but not locations. This process has been helpful and prompted staff to look at priorities and efficiency.

Engelbourg – He understands the software limitations; a general overview would be helpful. It would build in a way that once a year we review what was done.

Erisman – It would be good to quantify if areas are having greater impact.

Beale – Asked if the permit is forever. If we're concerned about *Carte Blanch*, we could have a sunset date if things don't go well.

Erisman – Our permits are only for 3 years. This project wouldn't get a Certificate of Compliance but could be extended.

McNeil – He's interested in involving the Commission to the level of what we do, where we do it, and how we do it; that way, when the public asks what's going on, you can answer the question.

Topham – Hearing that Mr. McNeil, Mr. Carlson, and Ms. Freeman are all communicating is really important. If we know ahead of time, we can check it out and provide comments.

Staff

The DPW and Land Bank is in touch with me the most of all Town departments. Notification ahead of time for mowing work or that a culvert will be cleaned or replaced would be great.

Having a condition that requires a close-of-year check-in on what does or doesn't work would be great. At that point we can make changes to the Order of Conditions.

If there is something going wrong, ConCom can still issue an enforcement action. The permit good for 3 years with an option to continue for 3 more years.

Suggested moving this back onto the regular meeting, April 8; he can have a draft order ready.

Motion

Continued to April 8th.

Roll-call Vote

N/A

2. Nantucket Islands Land Bank – All Land Bank Properties (Various) SE48-3337

Sitting

Erisman, Golding, Topham, Engelbourg, Phillips, Beale

Documentation

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

Representative

Rachel Freeman, Nantucket Islands Land Bank

Public

None

Discussion (4:45)

Freeman – She submitted additional information; during the process one thing we figured out is that almost every property falls into MNH or ConCom jurisdiction. That highlighted how environmentally valuable Land Bank property is. She suggested an idea of a staff approval/communication process to figure out what is maintenance and what rises to the level of an NOI; we looked at a full range of projects with Mr. Carlson and have found a couple of repair projects that should be filed as an NOI. She is open to the idea of a yearly report of activities. We don't have a means to track hours unless we are billing out the manhours to a contractor. It would be easy to put together a calendar of what activities happen at what time of year. We don't really have emergencies; we would reach out to Mr. Carlson if a situation did arise. We are not as far along in the MNH process. We've reached out to them and provided a map.

Engelbourg – He likes the idea of Mr. Carlson looking at projects. In the proposed vista-improving locations, he noticed many have a high level of invasive or non-native vegetation; asked when and if those would be removed so as not to spread their seeds.

Freeman – We are very careful of how we dispose of materials if not the time of year. We can work on planning our timing. A lot of vista pruning is done in the winter.

Topham – Suggested a spreadsheet showing the work schedule, similar to what Mr. McNeil said he will do; that would provide an overview of the year to come.

Golding – On the Norwood Farm property, asked who's responsible for maintenance work.

Freeman – We do our property and Nantucket Conservation Foundation (NCF) do theirs; there is one small section that it's easier for them to brush cut.

Golding – East of Almanack Pond, there's recent brushcutting within 50 feet from the pond. He doesn't recall it being permitted. Asked if that was a permitted mow.

Topham – It's getting bad with people cutting their own paths on Town land; it's really becoming a problem.

Erisman – You can call the police, but they will only check Land Bank property; NCF property is private.

Topham – He's also seeing motorcycle tracks on some of the paths.

Erisman – It might be helpful to get together with our open space owners to discuss putting out education material on where their properties area and what activities area and are not appropriate.

McNeil – The Land Bank is coordinating an Island-wide trail system through the DPW; that would be a good opportunity to spread the word.

Freeman – She was thinking the same. All Norwood Farm work was permitted through MNH and Land Bank is doing the work. She noticed extensive clearing east of Almanack Pond Road; that is not on conservation land.

Phillips – Suggested getting the “Inky” to do an information article on what people should not be doing on conservation land.

Engelbourg – There has already been efforts by some organizations to put out educational materials in conjunction with the Westend Trails and Cross-Island Trails.

Freeman – Asked to continue to April 22nd.

Engelbourg – Asked if Mr. Carlson has received any similar NOI requests as this and the DPWs.

Staff

Asked Mr. Golding to send him the map of the brushcutting; he’ll figure out who’s responsible.

People in remote areas are making their own firebreaks without knowing whose property they are cutting.

Almanack Pond Road, we have been to the site of the cutting and spoken with the owner.

Sounds like everyone is generally supportive; thinks the two orders will look similar. Suggested starting to look at both orders on April 8th to be able to discuss it in an open meeting.

NCF are looking at the idea; they are less public than the Land Bank and some of their projects are larger. He and Ms. Freeman have discussing this concept for a very long time. Permits like this would be very helpful for these large-land-owning organizations.

Motion

Continued to April 22nd.

Roll-call Vote

N/A

III. PUBLIC MEETING

C. Orders of Condition

- 1. None

D. Other Business

- 1. Approval of Minutes: None
- 2. Monitoring Reports: None
- 3. Reports:
 - a. None
- 4. Commissioners Comment
 - a. Beale – Noted there is an excellent article in the Cape Cod Times.
- 5. Administrator/Staff Reports
 - a. Put a packet up for Wednesday’s meeting with comments. Included a rough draft of the mobile gear discussion and a document from Provincetown.
 - b. Opened Saccacha Pond last week; it closed up this morning. Will do our water sampling in a couple of days. Scheduled to open Hummock Pond next Monday.
 - c. Wednesday meeting starts at 4 p.m.

E. Adjournment

Motion

Motion to Adjourn at 5:21 p.m. (made by: Golding) (seconded)

Roll-call Vote

Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

Submitted by:

Terry L. Norton