



# CONSERVATION COMMISSION PUBLIC MEETING

131 Pleasant Street  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Thursday, October 7, 2021 – 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,  
Seth Engelbourg, Maureen Phillips, Mark Beale, and Linda Williams

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

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

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

Absent Members: LaFleur

Late Arrivals: Phillips, 5:02 pm

Earlier Departure: Williams, 7:05 pm

\*Matter has not been heard

## I. PUBLIC MEETING

### A. Announcements

### B. Public Comment – None

## II. PUBLIC HEARING

### A. Notice of Intent

1. Land Bank – Island Wide Land Bank Properties (Various) SE48-3337 (**Withdrawn**)

Sitting (7:13) Erisman, Golding, Engelbourg, Phillips, Beale

Motion **Motion to Approve the withdrawal.** (made by: Golding) (seconded)

Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

2. Lower Pocomo Nominee Trust – 88 Pocomo Road (15-42) SE48-3432 (**Cont. to 10/28**)

3. Pocomo Point Realty Trust – 90 Pocomo Road (15-43) SE48-3438 (**Cont. to 10/28**)

4. Warrens Landing N.T. – 40 Warrens Landing Road (38-45) SE48-3466 (**Cont. to 10/28**)

5. Anchialine Properties, LLC – 19 East Creek Road (55-60) SE48-3465

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

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

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (5:02) **Santos** – Reviewed the project and revisions made per previous comments. We can cantilever and bracket off the addition; this is on the back most easterly end. Provided a planting list and construction protocol.

**Erisman** – Appreciates removal of the pergola.

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

6. Gilbert – 16 D Street (60.2.1-2) SE48-3467

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

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

Representative Ryan Maxwell, Bracken Engineering

Public None

Discussion (5:12) **Maxwell** – Provided information about the location of the air conditioning units (A/C) outside the 50’ buffer and revised the deck. Using helical piles to minimize construction impact within the 25’ buffer.

**Engelbourg** – Regarding the revised scope of the deck, asked if it is now outside the 25’ buffer. We talked about no pilings within the 25’ buffer. Asked how many piles would be needed on the northwest (2).

**Golding** – With a roof over it, this is no longer a deck; our 25’ line is sacrosanct. He’s disappointed this revised plan doesn’t take ConCom concerns in consideration.

**Beale** – As proposed, it’s likely the vote will be no.

**Engelbourg** – He’d like to see a revised plan removing the deck.

**Phillips** – Asked what was removed or is not being planned.

**Maxwell** – If as proposed this would not go forward, he’s sure the owner is willing to remove the deck from within the 25’ buffer. Asked for a continuance

Staff None

Motion Continued to October 28<sup>th</sup>.

Roll-call Vote N/A

7. RJG Nominee Trust – 13 Crows Nest Way (12-19) SE48-3470

- 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** – Septic upgrade; received the Massachusetts Natural Heritage (MNH) letter determining no impact and no take.  
No comments
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Williams) (seconded)
- Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Phillips, and Williams-aye

8. \*Land Bank – Rear Backus Lane (67-483) SE48-3477

- Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Rachel Freeman, Nantucket Islands Land Bank
- Public None
- Discussion (5:23) **Freeman** – There is Japanese Knotweed on this site, but this is for an area adjacent to a homeowner who has become overwhelmed trying to hand-treat the Knotweed. There is a nice wetland on this site; its buffer is highly disturbed. We propose to put two pigs into pasture surrounded by a low electric fence and see what happens over a week to 2 weeks. We also plan to remove a large soil pile covered with invasive species; it's in an area adjacent to where the pigs will go. We used pigs to remove Oriental Bittersweet; that was very successful.  
**Phillips** – She researched this and is glad to see someone using pigs for a natural removal; this is an interesting plan and a better way to control Knotweed.  
**Golding** – He too has researched using pigs this way.  
**Engelbourg** – This is a creative use of resources for a collaborative project. Japanese Knotweed spreads through fragmentation; asked if there is a way to clean and sanitize the pigs before they leave the site to prevent spread. This project will require a waiver; he'd feel more comfort with a waiver since a fence is being installed and the soil pile is being removed.  
**Beale** – Pointed out that the wetland isn't delineated on any plans. Asked the ConCom policy about setting critters loose within the 25' buffer.  
**Freeman** – The pigs could be cleaned so no material leaves the site on their hooves. She will resend the wetland delineation; this will be within the 25' buffer.  
**Erisman** – We can condition restoration of soil. She agrees about the need for a waiver on this. Bobby King asked how the site will be accessed and asked for clarification if the work will occur within the wetland setback.  
**Freeman** – Work will be within the wetland buffer. Mr. Backus and his sister are on board with allowing access across their property. This is a very small area on the edge of the wetlands for a very short time. We're keeping it small and finite to ascertain the effectiveness.
- Staff We received the wetland delineation; staff did verify the resource area.  
This is only our 2<sup>nd</sup> project where livestock is being used to remove invasives. It's a simple permit, required since it isn't an actual agricultural use. We don't have an actual policy for using livestock.  
Section 5 of our local regulations grant waivers for invasive species work within the buffer zone; work within the wetland itself requires an NOI.  
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

9. \*Lloyd Realty LLC – 7 Heather Lane (30-24.2) SE48-3478

- Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Paul Santos, Nantucket Surveyors  
Rhoda Weinmann
- Public Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP for David Wolfe, east abutter  
R.J. Turcotte, Nantucket Land Council, Inc.
- Discussion (5:43) **Santos** – This is for construction of a single-family dwelling (SFD) and patio with associated grading and landscaping within the buffer to a coastal bank. Reviewed past permits issued on this property; the beach stairs are still there. Work is outside any mapped areas. The house is located outside the 50' buffer. No waivers are required. The 2 sets of beachstairs to the east are on 2 different properties.  
**Golding** – The patio, in its reduced form, is still massive and right up to the 25' buffer. We don't know what the patio will be made of and if there would be runoff toward the bank. The benchmark to the west is 327' away from the entrance to the lot; there is room for them to move it back.  
**Beale** – There are three beach stairs in a row and work permitted to the east and west; he'd like to do a site visit.  
**Erisman** – This property is surrounded by homes with individual beach access.  
**Phillips** – Shares Mr. Goldings concerns about the patio; her biggest concern is it comes right up to the 25' buffer. Given the extent of the construction within the buffer, she hopes the new owners would agree to move it farther from the 25' buffer.

**Engelbourg** – He agrees we need to update the regulations for patios, but we need to consider the resource areas is a well-vegetated, stable coastal bank; he has no concerns with the patio. The patio will be at a high point, but we can ask for subsurface infiltration for runoff.

**Santos** – The patio at its closest to the 25’ buffer is 7’ away; typically, we’d have some type of sub-drain system. A site visit would be helpful. The patio is at elevation 50; the grade then drops toward Heather Lane.

**Reade** – The house is outside the 50’ buffer. His client’s concern is the patio; feels the 50’ buffer should remain undisturbed. The regulation prohibits non-water-dependent structures within 50’ of the resource area; also, ConCom can enforce the patio surface being pervious. Part of the definition for structure can be applied to impervious surfaces; he sees no difference between a patio and a playing court, driveway, or walkway. Asked that the waiver be required then not granted.

**Turcotte** – Asked if the Commission considers this an eroding bank; this bank hasn’t moved much but the bank to the east has moved.

**Erisman** – We haven’t discussed this as an eroding bank, but she considers it an eroding bank, so we would want to apply extra footage. She is in Mr. Engelbourg’s camp regarding this patio. It would be good to submit information on the patio material and how it would be laid down.

**Phillips** – Thinks a site visit would be helpful; she’d be interested to see the relative placement of the neighboring houses vis-à-vis the proposed patio area and how it would impact the viewshed. A site visit would also help to see what is happening with the bank.

**Engelbourg** – In the case of this definition of structure, it’s hard to indicate a structure based upon its materials. We need to update the definition so as not to be confusing.

**Golding** – If the bluestone doesn’t have spaces between the stones, it’s impervious and the question is how quickly it can dissipate water. Asked for information on where the water would go and if the bluestone would be laid with spaces between.

**Santos** – Regarding the patio, we know what has been permitted and allowed up to this point; this application is consistent with what’s been permitted within the 25’ and 50’ buffer. This is a very stable bank and thinks erosion rates will support that. Regarding the viewshed, with what’s built to either side, this won’t be that different and the patio won’t affect the view shed. Asked for a 3-week continuance.

Staff None

Motion Continued to October 28<sup>th</sup>.

Roll-call Vote N/A

10. \*Larrabee – 13 Millbrook Lane (56-324.2) SE48-3476

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

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

Representative Jason Larrabee, owner

Public None

Discussion (6:18) **Larrabee** – Wants to put up a fence along Millbrook Road; the road has encroached onto his lot and into the adjacent wooded wetlands. The fence would be within the buffer.

**Erisman** – She has noticed some dumping along this parcel. She has been concerned about rogue grading; asked if anyone talked to Marty McGowan and his grading crew. Asked if it’s possible to get an enforcement action going regarding the road grading.

**Golding** – Thanked Mr. Larrabee for bringing this to ConCom’s attention.

Staff The road has moved easterly and encroached into the 25’ buffer and the wetland itself. We suggested the fence. 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

11. \*22 Easton Street, LLC – 22 & 24 Easton Street (42.1.4-12&12.1) SE48-3472

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 (6:24) **Madden** – This is for reconstruction of a primary dwelling, guesthouse, studio/garage, pool, utilities, and landscaping outside the 50’ buffer to the coastal bank within a flood zone; no work is proposed within the velocity zone. The foundation will be a shallow crawlspace with flood vents. Runoff will be directed to perimeter, stone, infiltration trenches. No waivers are required. Some wood walkways will be at grade and some elevated.

**Golding** – The entire application was missing from the commissioners’ packet. No one’s had a chance to review it; he’d like this deferred to the next meeting to allow time to review it.

**Madden** – Given that not everyone has had a chance to review this, asked for a continuance.

Staff None

Motion Continued to October 28<sup>th</sup>.

Roll-call Vote N/A

12. \*Skeffington-Silva – 14 Harbor View Way (42.4.1-26) SE48-3471
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Ryan Maxwell, Bracken Engineering  
Public None  
Discussion (6:32) **Maxwell** – Work within land subject to coastal storm flowage and within 100’ of a coastal beach; all work is outside the 50’ buffer. Scope of work is to raise the house 1’ and construct an addition. We can add infiltration to the roof.  
**Golding** – The lot is pretty much full; asked where rainwater will go.  
Staff 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-aye; Williams recused
13. \*Kane – 12 Pond Road (56-295) SE48-3473
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale, Williams  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Brian Madden, LEC Environmental  
Joe Topham, designer  
Public R.J. Turcotte, Nantucket Land Council, Inc. (NLC)  
Discussion (6:35) **Madden** – This is for an addition, reconfiguring a deck, garage/studio, driveway, utilities, and landscaping. The garage and driveway are partially outside the 100’ buffer. A portion of the addition is within the 50’ buffer; reviewed significant improvements they are making within the 50’ buffer. Asking for a waiver for the reconstruction work within the 50’ buffer. Runoff will be directed to a subsurface infiltration system; the addition foundation is a crawl space on footings 2’ above high groundwater. The existing deck is elevated.  
**Engelbourg** – Understands some of the intent, but he’s not sure he agrees with the long-term net benefit when they are building an addition with footings at 2’ from high groundwater.  
**Beale** – He’s troubled by the construction of the addition within the buffer and the deck still being within the buffer zone; he also doesn’t see the net benefit.  
**Phillips** – Agrees about the location of the deck; the mitigation doesn’t seem to be sufficient to consider it a net benefit.  
**Golding** – He also agrees; he’s especially opposed to the addition within the 50’ buffer.  
**Topham** – Asked about changes to the structure the might help mitigate issues. We found water higher than the existing foundation, which isn’t wet.  
**Engelbourg** – Asked if a few more test pits could be done.  
**Madden** – Don Bracken, Bracken Engineering did the test pits. The size of the addition is relatively small. This neighborhood has issues with groundwater; there are wetlands across Meadow View.  
**Erisman** – It would be helpful if that deck shifts to another side.  
**Turcotte** – NLC is concerned about construction within the buffer; asked if there was a way to get the addition out of the 50’ buffer.  
**Topham** – The Historic District Commission wants the addition subordinate and set back from the main mass; the floating connector allows water to flow under.  
**Madden** – Asked for a continuance  
Staff None  
Motion Continued to October 28<sup>th</sup>.  
Roll-call Vote N/A
14. \*8 Walsh LLC – 8 Walsh Street (42.4.1-83) SE48-3474
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Art Gasbarro, Nantucket Engineering & Survey  
Public Charles Phillips, 4 Swain Street  
Discussion (6:52) **Gasbarro** – This work is to remove and construct a garage on land subject to coastal storm flowage and within a buffer to bordering vegetated wetland; the new garage would be farther from the wetland buffer and within maintained lawn and driveway. A waiver for work within 25’ buffer and a structure within 50’ buffer has been requested based upon a long-term net benefit. The garage foundation would be slab on grade and disturbed areas will be restored.  
**Engelbourg** – As proposed, he has significant reservations. Within the 50’ no-build zone, the structural area is increasing and replacing a simple garage at grade with a habitable dwelling with footings within 2’ of high groundwater. The waiver doesn’t meet the requirements for no adverse impact/no reasonable alternative as the project is proposed.  
**Erisman** – She agrees; she doesn’t see the long-term net benefit because of the footprint increase.  
**Beale** – He agrees; this is a jump in usage from a 1-story garage to living quarters.  
**C.Phillips** – He strongly opposes adding the 2<sup>nd</sup>-story to the garage. He’s concerned about the grading required; he’s concerned about the addition, which has been started within the 25’-50’ buffer. He’d be okay with replacing the garage but not improving it to the extent proposed.

**Gasbarro** – The existing garage is slab at grade with a concrete wall on some type of footing. He doesn't see how the 2<sup>nd</sup> floor adversely affects protected interests. There is no proposed grading.

**Engelbourg** – There might be an impact on wetland scenic views with the 2<sup>nd</sup> floor.

**M.Phillips** – Her questions is about how the renovation will get done without disturbance within the 25'; this is a significant change.

**Gasbarro** – Explained construction protocols to protect the 25' buffer. We're requesting a waiver for work within the 25' buffer.

**Golding** – Feels there is enough mitigation to allow work to go forward. Asked for clarification on how land subject to coastal storm flowage requirements are being met.

**Gasbarro** – Explained the garage/studio is slab on grade. Asked for a continuance.

Staff None  
Motion Continued to October 28<sup>th</sup>.  
Roll-call Vote N/A

15. \*Eat Fire Spring Trust-2018 – 12 Margaret's Way (20-9) SE48-3475

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 (7:09) **Gasbarro** – This is for a septic upgrade and construction of a small cottage more than 50' from a wetland. Explained construction methods. Asked for a continuance to hear from MNH.

Staff None  
Motion Continued to Oct 28  
Roll-call Vote N/A

**B. Amended Order of Conditions**

- 1. Scannell – 119R Eel Point Road (33-17.1) SE48-3378 (**Cont. to 10/28**)
- 2. Nantucket Conservation Foundation – Long Pond SE48-3385

Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Naomi Valentine, SWCA  
Karen Beattie, SWCA  
Public None

Discussion (7:14) **Valentine** – During work, it became apparent that manual-mixed-mechanical cutting was not safe due to substantial poison ivy. Proposing use of a Marsh Master to cut phragmites after herbicide treatment.

**Phillips** – The Marsh Master has been very successful on Long Pond; this makes sense.

**Golding** – Asked if they are concerned about compacting and why they didn't go that route initially.

**Valentine** – The desire was to try using the phragmites as a bio-remediation method by accessing enough phragmites to remove the existing bio-mass.

Staff Recommend issuing the Amended Order  
Motion **Motion to Issue.** (made by: Phillips) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

**III. PUBLIC MEETING**

**C. Requests for Determination of Applicability**

- 1. DeBiasio – 39 Meadow View Drive (53-133)

Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative David M. Haines, Haines Hydrogeologic Consulting  
Public None

Discussion (7:20) **Haines** – At the time the NOI was issued, the resource boundaries were not delineated. This is to delineate those resource areas.

Staff We confirmed the resource areas and boundaries.  
Recommend issuing as a Positive 2A confirming resource area.

Motion **Motion to Issue as a Positive 2A.** (made by: Engelbourg) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, And Phillips-aye

2. NISDA – 71 Washington Street (42.2.3-41, 41.1 & 41.2)
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Ryan Maxwell, Bracken Engineering  
Public None  
Discussion (7:24) **Maxwell** – This is for work within land subject to coastal storm flowage to remove structures and level and loam the area.  
**Engelbourg** – Asked if the fill can be conditioned on an RDA.  
Staff Recommend issuing as a Negative 2 for work within resource area.  
Motion **Motion to Issue as a Negative 2 with only clean fill used.** (made by: Engel) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

#### D. Minor Modifications

1. Atkinson – 82 Baxter Road (49-39) SE48-3462
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
Representative Art Gasbarro, Nantucket Engineering & Survey  
Public None  
Discussion (7:27) **Gasbarro** – This is to rotate a structure within the buffer to a bordering vegetated wetland; the change takes it farther from the resource area.  
Staff Recommend issuing the Minor Modification.  
Motion **Motion to Issue the Minor Modification.** (made by: Beale) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

#### E. Certificates of Compliance

1. Delay – 11 Osprey Way (82-3) SE48-1291
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Staff This is in compliance; recommend issue.  
Discussion (7:29) None  
Motion **Motion to Issue.** (made by: Phillips) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

#### F. Orders of Condition

1. Moores Realty Trust – 14 Tautemo Way (83-13) SE48-3468
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Draft Order of Conditions  
Staff Reviewed conditions requiring before and after photos. Will add Condition 20 requiring removal of the cobble and sandbags.  
Discussion (7:30) **Engelbourg** – He had asked that all the cobble and sandbags be removed.  
**Golding** – There was concern about lack of continuity.  
**Engelbourg** – He had brought that up and asked that the meeting points be squared up; they offered to do their best.  
Motion **Motion to Issue as amended.** (made by: Golding) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye
2. RJG Nominee Trust – 13 Crows Nest Way (12-19) SE48-3470
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Draft Order of Conditions  
Staff Included standard conditions for septic removal.  
Discussion (7:33) None  
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye
3. Land Bank – Rear Backus Lane (67-483) SE48-3477
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Draft Order of Conditions  
Staff He'll need to add something about the waiver related to work within the resource area related to long-term net benefit. He'll add Condition 20 requiring a Minor Modification describing additional restoration work to be done, when the time comes.  
Discussion (7:35) **Beale** – We asked them to grade and seed the area with appropriate plant material.  
Motion **Motion to Issue as amended.** (made by: Beale) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye
4. Larrabee – 13 Millbrook Lane (56-324.2) SE48-3476
- Sitting Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation Draft Order of Conditions  
Staff He has not special conditions. He'll speak with Marty McGowan about the road grading.  
Discussion (7:40) None  
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)  
Roll-call Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

5. Skeffington-Silva – 14 Harbor View Way (42.4.1-26) SE48-3471

Sitting           Erisman, Golding, Engelbourg, Phillips, Beale  
Documentation   Draft Order of Conditions  
Staff             Will add Condition 20 regarding a subsurface infiltration.  
Discussion (7:42) **Golding** – He'd like something added about the infiltration system.  
Motion           **Motion to Approve as amended.** (made by: Engel) (seconded)  
Roll-call Vote   Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

**G. Other Business**

1. Approval of Minutes 9/23/2021:

Motion           **Motion to Approve as drafted.** (made by: Phillips) (seconded)  
Roll-call Vote   Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Phillips-aye

2. Monitoring Reports - None

3. Reports:

- a. CRAC, Golding
- b. CPC, Beale

4. Commissioners Comment

a. **Erisman** – She's been talking with Mr. Carlson about the regulatory updates and fitting them into the scheduled; they discussed the idea of a Saturday workshop.

**Engelbourg** – Asked if the bylaw needs to be updated when the regulations are updated.

**Carlson** – There's no bylaw section that would need to be updated; he did put in a placeholder Town article in case a change to the bylaw is needed; Town articles don't have the same time constraint as citizen articles.

b. **Beale** – Asked for a staffing update.

**Carlson** – The Union has approved a revised job description for Ms. Dodd's position; hopefully the position will be in the newspaper. They hired a Coastal Research Technician; they start in less than 2 weeks. Reviewed how the new staff will handle enforcement issues.

5. Administrator/Staff Reports

a. We will be adjourning from Executive Session.

b. Erisman – Asked for a motion to go into executive session and stated ConCom will not return to open session.

**H. Executive Session**

Motion           **Motion to enter into Executive Session at 7:54 pm for the purpose 3: to discuss strategy with respect to litigation with regard to Siasconset Beach Preservation Fund (SBPF) Geotextile Tube Project Removal Order (SBPF v Nantucket Conservation Commission), where an open meeting may have a detrimental effect on the litigation position of the Conservation Commission.** (made by: Golding) (seconded by:)

Roll-call Vote   Carried 5-0// Beale, Engelbourg, Erisman, Golding, and Phillips-aye

Submitted by:  
Terry L. Norton