



# CONSERVATION COMMISSION GEOTUBE COMPLIANCE WORKSHOP

131 Pleasant Street  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)  
Thursday, February 17, 2022

*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: Jeff Carlson, Natural Resources Director; Vince Murphy, Coastal Resilience Coordinator

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

Absent Members: LaFleur

Late Arrival: Williams

Other Town Attendees: Libby Gibson, Town Manager; Ken Beaugrand, Real Estate Specialist; Matt Fee, Select Board; Kate Edwards, Arcadis; Jennifer Lachmayr, Arcadis

Public: R.J. Turcotte, Nantucket Land Council; William Cohen, Baxter Road; Burton Balkind; Girard Ruddick, 6 Bayberry Lane

## **I. PUBLIC MEETING**

### **A. Opening Statements**

**Gibson** – Three Town staff are assigned to this issue: myself, Mr. Beaugrand, and Vince Murphy; We also have a consulting team and Town Counsel. Town is meeting with ‘Sconset Beach Preservation Fund (SBPF) frequently to be on top of this more so than in the past.

**Beaugrand** – He’s working on the road relocation as it came out of the Arcadis recommendations. Looking at relocating access, sewer, water, and other services.

**Fee** – The Town is working diligently to get the homeowners to give the Town easements. We are here to figure out how to improve operations and oversight. We need to find a way that is replicable in other places.

### **B. Baxter Road Geotubes Compliance Workshop (DEP File Number SE48-2824)**

1. Memorandum of Understanding (MOU)
2. Compliance Plan
3. Operations and Maintenance (O&M) Manual

Documentation PowerPoint® presentation; MOU; Compliance Plan; O&M Manual

Discussion **Edwards** – Explained the concept of Enhanced Town Stewardship with more oversight of the area and ConCom’s concerns and frustration with the project. Our goal today is to create a Compliance Plan to move forward to ensure required sand is kept on the tubes. There is a MOU under development.

**Murphy** – Reviewed objectives: Participate in this workshop, discuss evolving and advancing the partnership, collaborate on revisions, and gain consensus on a path forward. Reviewed existing, on-going coastal resilience projects. A long-term planning session for Baxter Road took place February 2021. The next step is a NOI for another a project that might help stabilize the area with greater Town oversight. Also, there will be a shovel-ready road relocation plan.

The tool necessary is the MOU; principles of that are partnership, enforcement tools, and opportunity.

Reviewed the Compliance Plan components: backlog sand implementation, sand placement location and manner, and quarterly reporting and compliance spot checks.

**Edwards** – Explained the O&M Manual Components: outline roles and responsibilities, monitoring, system maintenance, and reporting and compliance with the plan. Monitoring doesn’t change but clarified what and when monitoring and reports happens. Outline where sand comes from and how to ensure it is clean before placement on the template. Added timelines to ensure complete monitoring reports are submitted in a timely manner; SBPF must submit reports 5 days prior to the actual submittal date to allow the Town time to review those plans.

**Murphy** – Next steps: revisions to compliance plan and O&M manual based upon outcome of this meeting; filing; look ahead – near future and spring.

**Phillips** – Asked if “the Town” includes ConCom or references those people on this call excepting ConCom.

**Murphy** – In the MOU, it names myself and Ms. Gibson as the points of contact and to maintain daily supervisory roles.

**Engelbourg** – In the Compliance Plan it references 47,471 for the sand backlog; others have looked at that deficit came up with different numbers. Asked if the Town has tried to understand those differences.

**Murphy** – He tried to contact some of the non-profit on-Island interests but got no response; we went with a more reasonable number from one of the reports.

**Engelbourg** – Regarding the O&M plan, SBPF has in the past attempted to unilaterally stop doing the required wading shots and use extrapolation instead. The ConCom has never approved that change in protocol in the

past. Now they are asking us to approve that change again because they claim the difference in percentages between the extrapolated and measured values is low. But the absolute values (not percentages) is not negligible. There is no reason to accept the protocol change now if we have repeatedly refused to do so before.

**Fee** – He did a tour with Mr. Carlson; the bags are structurally sound. They have a layer of UV protection.

**Erisman** – She doesn't know that we ever received information about the longevity of the tubes. Asked what the average lifespan of a geo-tube is in this situation.

**Engelbourg** – He appreciates the visual inspection, but he's looking at a report on the tensile strength originally versus now.

**Phillips** – It's mentioned the SBPF will be responsible for all maintenance costs and there are some on-going fundraising among the members. She sees no mention of a performance bond if as time passes ensures continued maintenance.

**Edwards** – A performance bond is contemplated as going into the MOU.

**Murphy** – We also included SBPF financial history to demonstrate their ability to generate funds.

**Fee** – The bond will be in there. Also working on defining "Neighborhood" and who is responsible.

**Erisman** – We have been dealing with that issue in other projects where someone decides to opt out of the project.

**Beale** – SBPF has had trouble locating sand and talked about bringing it in from offshore in slurry form. He's concerned about the Island's limited sand resources, especially if there is an expansion.

**Erisman** – Different sand sources were outlined. She's concerned about private sites on the list with the possibility of PFAS contamination spreading beyond the Airport.

**Fee** – The sand source is still on the table; we all recognize that and area negotiating on obtaining sand.

**Lachmayer** – According to the manufacturer, if the tubes are properly maintained, they should last up to 100 years. We know of systems in place more than 20 years already.

**Erisman** – It makes her nervous having material in a resource area that don't naturally bio-degrade.

**Phillips** – The question of other areas using these materials, she assumed that has been good maintenance. However, there is data to show these tubes have not been properly maintained. Agrees with Mr. Engelbourg about getting professional assessment of the tensile strength of the tubes. We had 48 hours to review all this material but not enough time to go back over other promised undertakings and what has and has not happened. It would have been more helpful to have more time to review.

**Erisman** – She also was hoping to have more time to compare the Order of Conditions with the maintenance.

**Golding** – He did not get any of the paperwork. He also hasn't been able to see the PowerPoint presentation. Asked if there is discussion about extending the project.

**Erisman** – The Town presented a plan for catch-up on sand mitigation and bringing the structure into compliance. The packet information was posted on Tuesday. We are not discussing the extension.

**Carlson** – He resent the materials to Mr. Golding.

**Fee** – Sand and catch-up sand amount was, as he understands it, based upon what the Land Council recommended. Other parts were based upon input from ConCom and other parties to put together a quality document.

**Erisman** – Opened it to the public for questions about the presentation; she will cut people off if they diverge from that.

**Turcotte** – The NLC did submit a mitigation plan to come back into compliance; that is part of the public record. The plan Trey Ruffin and Dave Freebold worked on included much higher volumes of sand to get this project back into compliance; that continues to grow, and we don't know where the deficit is. This is the 3<sup>rd</sup> ConCom meeting in a row where he has asked about the quarterly reports, which are long overdue.

**Cohen** – His house is on Baxter Road south of the project; so, this is very important to him. He hopes the right conclusion is reached. He thinks this could become a template for the Island.

**Balkind** – Asked if the referenced NOI was for an expansion. Asked if they would be discussion the Order of Conditions for this.

**Erisman** – No.

**Carlson** – Tonight we're talking about compliance. Any discussion on future expansion is not up for discussion. If anyone has comments, they can email them to him and they will become part of the public record.

**Ruddick** – Thanked the commission for working through this; he believes in trying to protect and preserve all parts of the Island. Asked what else residents can do to support all organizations working on this. Research has shown geo-tubes do the job without hurting other beaches.

**Erisman** – If everyone could be better steward of resource areas, that would be help.

**Lachmayer** – Clarified that the intent of this meeting is to have a workshop on the compliance matter for the existing system before moving forward with an expanding system. We'd like another workshop when we are ready to file for the expanded system.

**Erisman** – Sometimes seeing the extension on a document is difficult while the current project is still out of compliance. That expansion would be after current violations are dealt with.

**Murphy** – Asked for feedback, thoughts, or comments on the increased leadership role the Town might take, should we proceed with compliance.

**Erisman** – The Town needs to be a true partner.

**Phillips** – Agrees with that. Accountability has been a one of the biggest problems; we wouldn't be here if people had taken actions discussed years ago.

**Murphy** – We have laid out a lot more responsibility and partnership for the Town to increase oversight and to ensure the Town receives the quarterly reports at the proper time. We've created an easy-to-follow schedule for delivery of reports.

**Erisman** – Thanked members of the Town and Arcadis for the preservation and comments. At this point, we need to think about what was presented and reconvene on these issues.

**C. Adjournment**

Motion                    **Motion to adjourn at 5:03 pm.** (made by: Engelbourg) (seconded)

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

Submitted by:  
Terry L. Norton