



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, February 25, 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, Joe Topham, Seth Engelbourg, Maureen Phillips, and Mark Beale

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

Staff in attendance: Joanne Dodd, Natural Resources Coordinator; Terry Norton, Town Minutes Taker

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

Absent Members: LaFleur

Agenda adopted by unanimous consents

*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 (**Cont. 03/25/2021**)

2. *Nantucket Conservation Foundation – 11 Heads of Plain Road (Various) SE48-3385

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

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

Representative Naomi Valentine, SWCA

Karen Beattie, Nantucket Conservation Foundation (NCF)

Public None

Discussion (5:07) **Valentine** – Had been waiting for State agencies’ responses; we have those. Reviewed the State restrictions and requirements from Department of Marine Fisheries (DMF) and Massachusetts Natural Heritage (MNH).

Golding – He had asked for examples where the Clearcast.

Valentine – She wasn’t able to trace down case studies in Massachusetts. We’ve used it in western Massachusetts and confirmed with another license applicator that it has been used across Massachusetts. From our experience, it’s been as effective as a glyphosate in eliminating growth in the following growing season.

Golding – His concern is will it have a negative impact on aquatic life.

Valentine – Documentation included is in line with the broad use of the chemical. The history of pesticide use in the US has been dubious; after reviews, we are much more vigilant now.

Engelbourg – Reviewed the history of studies on Clearcast; it’s unlikely to have a negative effect. We could request monitoring report on aquatic species.

Beale – Would like to know the reaction of landowners on the western side of the pond.

Erisman – They would have been notified and have had the opportunity to respond.

Beattie – Those two owners sent letters of support which are in the packet.

Phillips – Page 3, Wildlife Observations, it says SWCA did not observe amphibians or fish. She’s lived on the pond and there are snapping turtles, water birds, and fish.

Valentine – The survey was on a specific day and we weren’t looking for all wildlife.

Golding – There is the possible issue of nest disturbance; asked if they are guarding against that.

Valentine – We would cut the vegetation back prior to the nesting season; that can be part of the conditions. No nests were noted during the survey. Our cutting will be slow and so we can work around them.

Staff Have everything needed to close.

Motion **Motion to Close.** (made by: Phillips) (seconded)

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

3. *Nantucket Conservation Foundation – Medouie Creek (20-25 Adjacent Waterbody) SE48-3394
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Jennifer Karberg, NCF
Leah Cabral, Assistant Biologist Natural Resources Department (NRD)
- Public None
- Discussion (5:21) **Karberg** – This is for a restoration and research collaboration with Town of Nantucket to stabilize the saltmarsh shoreline while grass restoration is happening. Reviewed other research projects which have taken place in this area. Proposing small oyster reefs about 20 feet in front of the shoreline to slow wave energy; explained the reefs and how they would be constructed. Did pre-sampling of the site to document current conditions; explained on-going monitoring. There are no boat moorings, but they will install buoys around the reef to mark it. No eel grass or vegetation is in the intertidal zone. Believe the oyster reef will help increase bio-diversity in the area.
Cabral – Under our permit, we’ll be able to grow the oysters in our facility then move them to the reefs. DFM sees no issues with bringing oysters into this area.
Golding – Asked about the ability to harvest the oysters in the future.
Karberg – Explained they are applying to DMF for a research permit which would enable them to close the reef to broader harvesting during the research. Once they are no longer under that research permit, the State will require it be open to broader harvesting; they will have a conversation on that at that time.
Engelbourg – Asked why the oyster castle was chosen over other substrates.
Cabral – With the Shimmo restoration project, we saw that they sank into the mud. The mouth of Medouie Creek is pretty soft, and the castles cover a wider area and are less prone to sinking.
Karberg – Another reason is Massachusetts Audubon tested out various types of oyster substrates and how they held up and how the oysters would grow. The castles were above and beyond the best.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Beale) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
4. *Mouline – 27 Wanoma Way (92.4-306) SE48-3392 **(Cont. 03/11/21)**
5. Weissenberger – 84 Pocomo Road (15-40) SE48-3364 **(Cont. 03/11/21)**
6. Trojah Nominee Trust – 26 Easy Street (13-22) SE48-3369 **(Cont. 03/11/21)**
7. *Sandhurst MV, LLC – 67 Squam Road (13-14) SE48-3393
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Art Gasbarro, Nantucket Engineering & Survey
- Public None
- Discussion (5:38) **Gasbarro** – This is for the installation of plantings within the buffer to a bordering vegetated wetland; a landscape plan is included replacing hydrangea and privet with more beneficial plants.
Engelbourg – Wants to ensure no heavy machinery would be stored within the 25-foot buffer; all machines should be stored outside the buffer.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Golding) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
8. 9 E Street, LLC – 9 E Street (60.2.1-6) SE48-3375
- Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
- Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
- Representative Brian Madden, LEC Environmental
- Public None
- Discussion (5:41) **Madden** – Construction sequence and methodology were submitted to ensure no damage would occur to the buffer or adjacent properties.
- Staff Have everything needed to close.
- Motion **Motion to Close.** (made by: Topham) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

9. *Weigold – 3 New Hummock Circle (56-365) SE48-3387
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:44) **Madden** – This is to bring back into compliance the unauthorized installation of a shed between the 25- and 50-foot buffers, brush cutting activity encroaching into the wetland, and minimal lawn expansion. Explained plans on how to bring this into compliance.
Erisman – On the first plan showing the shed in the 50, there was a pergola also within the 50-foot buffer.
Madden – The past owners took the pergola with them.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
10. *Andrew & Brooke Reger – 7 East Lincoln Avenue (42.4.1-8) SE48-3389
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Ryan Maxwell, Bracken Engineering
 Public None
 Discussion (5:48) **Maxwell** – This within land subject to coastal storm flowage; proposing to demolish the existing and construct a new single-family dwelling and detached garage. The new dwelling will be on a crawl space with the 1st-floor above the flood plain; both structures will have necessary vents and flood proofing required by FEMA.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Phillips) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
11. *Goran & Melinda Puljic – 14 Almanack Pond Road (25-12) SE48-3391
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:49) **Madden** – This is to create an agricultural and gardening area with fencing; resource areas include bordering vegetated wetland and 2 isolated vegetated wetlands, mapped flood zone. Explained the proposed work. No fill is to be added.
Erisman – She gets nervous when she hears organic; those can leach faster than normal fertilizers. Asked what protocols will be put in place.
Madden – We can provide additional information on that; the intent is to have no adverse impact on the surrounding resource areas. We don't yet have the MNH letter.
Erisman – There is a lot of turtle habitat in the area and all the wire fencing concerns here; they can get stuck in it.
Madden – They will be gardening when the turtles are moving and can monitor it to redirect adults around the fence.
Engelbourg – If there are concerns, suggested the bottom 1-foot of the fence could be wood.
Madden – Asked for a 2-week continuance.
 Staff None
 Motion Continued to March 11.
 Roll-call Vote N/A
12. *Karli Hagedorn – 34 West Chester Street/3 Wesco Place (41;42.4.3 - 31:51.2 respectively) SE48-3390
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Jim Hagedorn, owner
 Brian Madden, LEC Environmental
 Seth Wilkinson, Wilkinson Ecological Design
 Julie Jordin, Garden Design Company
 Public None
 Discussion (5:58) **Hagedorn** – This is for restoration to the house, property, and Lily Pond. He purchased 3 Wesco Place for privacy; there is no intent to develop that lot. The plan is to remove invasive species.
Madden – Explained the comprehensive invasive species management project – Japanese knotweed, bittersweet, and other invasive species commonly occurring on Nantucket. The existing driveway off Wesco Place will be abandoned and revegetated with a new driveway off Wesco Place located outside the 50-foot buffer. Other work includes a greenhouse within a predeveloped footprint and restoration of about 4,000 square feet (sf) of lawn.
Wilkinson – We are collaborating with the Nantucket Islands Land Bank. Explained the restoration/invasive-plant management. Will use wetland approved herbicides. Restoration plants include American holly, red maple, native shrubs, and other native species.

Engelbourg – He has minor concerns with some proposed plants and report. Page 11 lists willow; willow isn't native to Nantucket. Plants are on the list that aren't native to Nantucket though they might be native to Massachusetts.

Erisman – She's very happy to see a restoration program without ulterior motives.

Phillips – Asked how long it would take to complete all the work.

Wilkinson – The initial push to remove the invasive species is about 1 year; we then identify a seasonal timeline over the first 4 seasons with on-going activities after that. We like one full growing season of active monitoring of establishment of the new plants.

Dodd – Burton Balkind is concerned about disturbance of the wetland area and nesting of native species.

Wilkinson – The timeline is constructed to start in the winter then to stop activities by early-mid April. We will come back after nesting season.

Staff Have everything needed to close.

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

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

B. Amended Orders of Conditions

- 1. Baltzer 66 Hulbert Nominee Trust – 66 Hulbert Avenue (29-55) SE48-3341 (Cont. 03/11/21)

III. PUBLIC MEETING

C. Minor Modifications

- 1. Oak Hollow Realty Trust – 12B Oak Hollow Lane (56-128.2) NAN-132

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

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

Representative Ryan Maxwell, Bracken Engineering

Public None

Discussion (6:18) **Maxwell** – This is to scale back the previous approval within 100 feet of an isolated vegetated wetland: garage scaled down and greenhouse removed.

Staff Have everything needed to close.

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

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

- 2. 16 Western Preservation Trust, LLC -16 Western Avenue (87-72) SE48-3371

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

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (6:21) **Gasbarro** – This is to install 2 geothermal wells about 85 feet from the coastal dune. Do not believe there will be any adverse impacts on the resource area.

Staff Have everything needed to close.

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

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

D. Certificates of Compliance

- 1. Nantucket Islands Land Bank – 35 Almanack Pond Road (46-7.1) SE48-3317 (Cont. 03/11/21)

E. Orders of Condition

- 1. Nantucket Conservation Foundation – 11 Heads of Plain Road (Various) SE48-3385

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

Documentation Draft Order of Conditions

Staff Will add a condition for an annual monitoring report of aquatic life.

Discussion (6:22) **Golding** – Asked if monitoring would include how much would be used; he thought they were doing clip and drip.

Erisman – That is required under Condition 22.

Motion Motion to Approve as amended. (made by: Engel) (seconded)

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

- 2. Nantucket Conservation Foundation – Medouie Creek (20-25 Adjacent Waterbody) SE48-3385

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

Documentation Draft Order of Conditions

Staff Mr. Carlson will do something similar to the Shimmo project.

Discussion (6:26) None

Motion Continued to March 11.

Roll-call Vote N/A

- 3. Sandhurst MV, LLC – 67 Squam Road (13-14) SE48-3393

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

Documentation Draft Order of Conditions

Staff Standard conditions.

Discussion (6:28) **Engelbourg** – Wants it added in that no machine will be stored within the 25-foot buffer zone.

Motion **Motion to Approve as amended.** (made by: Topham) (seconded)

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

4. 9 E Street, LLC – 9 E Street (60.2.1-6) SE48-3375
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Septics have to be signed off by the Board of Health; she will add that the sign-off is provided to NRD.
 Discussion (6:29) **Erisman** – Asked if management of I/A needs to be conditioned.
Beale – The Board of Health requires a 2-times a year inspection.
Phillips – Confirmed work will be done in accordance with the NOI and it doesn't have to be conditioned.
 Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

5. Weigold – 3 New Hummock Circle (56-365) SE48-3387
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff None
 Discussion (6:32) None
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

6. Andrew & Brooke Reger – 7 East Lincoln Avenue (42.4.1-8) SE48-3389
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Will add Condition 19.
 Discussion (6:33) **Erisman** – Should have a condition that materials in the garage are to be stored above the flood level.
 Motion **Motion to Approve as amended.** (made by: Topham) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

7. Karli Hagedorn – 34 West Chester Street/3 Wesco Place (41;42.4.3 - 31:51.2 respectively) SE48-3390
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Will add a condition stating no cultivars.
 Discussion (6:34) Discussion about what a model restoration project this.
Beale – Asked if we need to modify the plant inventory.
Golding – Condition 22 should have a before and after photographic record.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

F. Extension Request

1. Dennis L. Winger & Barbara L. Waldman, Trustees – 5 Old Quidnet Milk Route (20-54.1) SE48-2986
 Sitting Erisman, Golding, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff None
 Discussion (6:37) **Art Gasbarro**, Nantucket Engineering & Survey – Asking for a one-year extension. The permit was influenced and extended due to COVID and the expiration date is uncertain since the state orders are unclear.
 Motion **Motion to Issue the 1-year extension.** (made by: Engelbourg) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye

G. Other Business

1. Approval of Minutes 2/11/2021:
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, Phillips, and Topham-aye
2. Reports:
- a. CRAC, Golding
 Discussion about Ms. Erisman drafting a letter to the Select Board requiring additional funding to NRD to increase the staff.
 - b. CPC, Topham
 - c. NP&EDC, Phillips
3. Monitoring Reports:
- a. Nantucket Conservation Foundation – Medouie Creek (20-25) SE48-2915
 - b. Nantucket Conservation Foundation – Windswept Bog; Barnard Valley Road (25-38) SE48-3329
4. Commissioners Comment
- a. **Topham** – Announced he will not be running for this position again.
Erisman – All of us should have gotten an email from Audubon on work by the DPW; asked it be put on the next agenda for an update.
Golding – He was shocked that the Town hasn't replied to Massachusetts Audubon.
Beale – The letter is scathing.
5. Administrator/Staff Reports
- a. Looking for a date for a meeting to look at regulations.
 - b. Also looking for a date to have a meeting on the DPW work on Polpis Road.
 - c. The next meeting will start at 4:00 p.m. rather than 5:00 p.m.

H. Adjournment

Motion **Motion to Adjourn at 6:51 p.m.** (made by: Engelbourg) (seconded)

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

Submitted by:

Terry L. Norton