



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, October 6, 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 Mr. Golding

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

Attending Members: Golding, Engelbourg, Beale, Misurelli

Absent Members: Erisman, Williams, Plandowski

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment:

1. **R.J. Turcotte**, Nantucket Land Council – Requests that the commission put the stormwater issues on the agenda for downtown locations having problems maintaining stormwater infrastructure. Asked that any edits include Provincetown regulations on Draggers.

Carlson – We have scheduled the owners of the lot to come to the October 27 meeting to talk about the stormwater issues. He’s talked to a few people about the Provincetown Dragger regulations, looking for additional information, we hope to have some answers to questions soon.

II. PUBLIC HEARING

A. Notice of Intent

1. Brant Point Club LLC – 6,8 North Beach Street/4 Dolphin Court (42.1.4-65;65.1;65.2) SE48-3518 (**Cont. 10/27**)
2. Boathouse Realty Trust – 52 Warrens Landing Road (38-28 &29) SE48-3579

Sitting Golding, Engelbourg, Beale, Misurelli

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

Representative Ed Lahey, Trustee

Public None

Discussion (5:09) **Lahey** – This is for beach nourishment of a section of beach that was damaged by a wrecked boat which caused the grass to die, so sand was lost. He has not yet retained a contractor for the work. He believes it will require a couple of large truck loads of sand with a small pusher to spread it evenly.

Engelbourg – He had asked for a construction protocol: type of equipment spreading sand on the beach. Before the start of work, we need a planting plan showing the number and spacing and size of grass plugs.

Golding – 450 cubic yards of sand sound high.

Staff recomm. Trying to figure out the volume of material to go in its place, 450 cubic yards of compatible sand. Will work with Mr. Lahey to match the sediment. The sand will go in a section of stable slope and be planted with beach grass. We can condition material is deposited at the end of a parking area and distributed with a bobcat. Corrected the sand volume to 45 cubic yards of sand, about 2 ½ truckloads.

Have everything needed to close.

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

Vote Carried 4-0//Beale, Engelbourg, Misurelli, and Golding-aye

3. *Nantucket Islands Land Bank – 16 East Creek Road (55-58) SE48-3580

Sitting Golding, Engelbourg, Beale, Misurelli

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

Representative Rachel Freeman, Nantucket Islands Land Bank,

Public Burton Balkind

Discussion (5:16) **Freeman** – Knotweed mitigation on Nantucket Harbor adjacent to The Creeks wetlands area. Resource areas also include saltmarsh, bordering vegetated wetlands, and a coastal bank. Requesting variant mechanisms for treatment; explained possible treatments. We might have missed this-year’s window for treatment. Will use Rodeo mixed with our own surfactant.

Misurelli – You noted doing work at the end of August; asked if that is in conjunction with knotweed flowering. Asked what glyphosate product they will use. Rodeo is a water-based project.

Balkind – This spring, he noted there’s a cut area down by the water; asked if that’s part of the treatment area.

Freeman – There are properties we’ve edged in the winter to provide additional view access; we have a list of properties where we’re allowed to do that.

Staff recomm. Have everything needed to close.

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

Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

4. *Nantucket Islands Land Bank – 21 Grove Lane (41-376) SE48-3581
 Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Rachel Freeman, Nantucket Islands Land Bank,
 Public None
 Discussion (5:24) **Freeman** – This is to treat about an acre of invasive species. The resource area is a large bordering vegetated wetland. Species are Knotweed and Tree of Heaven, for which we have no experience treating. Tree of Heaven is mostly treated through application of herbicide to the bark. Again, we’re looking for a flexible treatment program; we prefer to hand cut over-using herbicides. We also want to eliminate debris
Misurelli – Randall Prostack at University of Massachusetts is a great resource for controlling invasive species.
Golding – Asked if they are looking to impact abutting properties (no).
Engelbourg – Most Tree of Heaven on the Island is concentrated in this area. Appreciates that they are getting rid of it. Eliminating it minimizes getting Lantern flies.
Beale – Asked if it’s related to sumac.
Engelbourg – It looks like it but isn’t related.
 Staff recomm. Tree of Heaven can spread like wildfire once it gets going; it also smells terrible. Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

5. *Nantucket Islands Land Bank – 32 Western Avenue (87-81) SE48-3582 (Cont. 10/27)

6. *Boardwalk ACK, LLC – 90 Washington Street (42.2.3-21) SE48-3583

Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Leo Asadoorian, Blackwell & Associates
 Public None
 Discussion (5:31) **Asadoorian** – This is for alterations to an existing dwelling. Reviewed the scope of work. The new addition is partially over the existing porch.
Engelbourg – Asked if the addition, which is new construction, is over an existing porch.
 Staff recomm. Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

B. Amended Order of Conditions

1. Philips, Trustee – 19 East Tristram Ave (31-4.1) SE48-3304 (Cont. 10/27)
2. Stark Point, LLC – 16 Easton Street (42.1.4-11) SE48-3566 (Cont. 10/27)
3. 41 Monomoy Road, LLC – 41 Monomoy Road (54-79.1) SE48-3536 (Cont. 10/27)

III. PUBLIC MEETING

C. Requests for Determination of Applicability – None

1. None

D. Minor Modifications - None

1. None

E. Certificates of Compliance

1. 72 Pocomo Road, LLC – 72 Pocomo Road (15-37) SE48-3188
2. 72 Pocomo Road, LLC – 72 Pocomo Road (15-37) SE48-3440
3. 72 Pocomo Road, LLC – 72 Pocomo Road (15-37) SE48-3292 (reissue under Order of Conditions)

Sitting Golding, Engelbourg, Beale, Misurelli
 Representative None
 Staff recomm. Recommend issue all three
 Discussion (5:39) **Madden** – SE48-3188 was for restoration issued in 2019. 3292 was for the fence and garden. 3440 was for a new house and pool and other work; none of this work took place.
 Motion **Motion to Issue SE48-3188, SE48-3440, and SE48-3292.** (made by: Misurelli) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

F. Orders of Condition

1. 72 Pocomo Road, LLC – 72 Pocomo Road (15-37) SE48-3292 (reissue)

Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Order of Conditions
 Staff Need to record this. The Certificate of Compliance is on tonight as well.
 Discussion (5:37) **Brian Madden**, LEC Environmental – Don’t know what happened to the order; it was issued in the early days of COVID.
 Motion **Motion to Reissue.** (made by: Misurelli) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

2. Sunset House, LLC – 15 Hallowell Lane (30-10) SE48-3570 (Cont. 10/27)

3. Boathouse Realty Trust – 52 Warrens Landing (38-28 &29) SE48-3579
 Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation None
 Staff He has a sense of the positive order and will draft it for the 27th. Reviewed the protocols as usually conditioned. Reviewed the photo-monitoring and survivability conditions.
 Discussion (5:41) **Misurelli** – Assumes there is some automatic protocol put in about going onto the beach. Asked if there’s a monitoring protocol as well.
 Motion Continued to October 27.
 Vote N/A

4. Nantucket Islands Land Bank – 16 East Creek Road (55-58) SE48-3580
 Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Draft Order of Conditions
 Staff It’s a pretty basic removal order. Labelling on herbicides is heavily regulated; will change Condition 19 to address the applicant’s reference to using a 3% solution.
 Discussion (5:44) **Golding** – Suggested adding the percentage of active glyphosate.
 Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

5. Nantucket Islands Land Bank – 21 Grove Lane (41-376) SE48-3581
 Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Draft Order of Conditions
 Staff Will add to Condition 21 to address disposal of the trees.
 Discussion (5:48) **Engelbourg** – For refuse disposal, we’ve added best management practices in the past; some of the trees are pretty big and will still have to go through the Land Fill digester. Chips won’t germinate but there could be seeds mixed in; if Mr. Carlson feels comfortable, could go with a staff approval of the disposal process.
 Motion **Motion to Approve as amended.** (made by: Engelbourg) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

6. Boardwalk, LLC – 90 Washington Street (42.2.3-21) SE48-3583
 Sitting Golding, Engelbourg, Beale, Misurelli
 Documentation Draft Order of Conditions
 Staff No special conditions and no waivers required.
 Discussion (5:51) **Engelbourg** – Regarding the expanded wooden walkway, should have a condition that the design allows for infiltration.
Golding – Noticed a grammar error.
 Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

G. EXTENSION REQUEST

1. None

H. Other Business

1. Approval of Minutes 09/22/2022 & 09/29/2022 SBPF:

Motion Continued to October 27

Vote N/A

2. Discussion of Regulatory Update

Carlson – A meeting is scheduled for October 20th, but he’s finalizing the location. A reminder will be sent in advance. That meeting will be in person.

3. Enforcement updates

a. 2 Brock’s Court – They have contacted us so they know they have to come in. He will have an update on October 27th.

4. Reports:

a. None

5. Commissioners Comment

a. **Engelbourg** – Asked for an update on the Harbor Plan Committee. He’s interested in being on the committee either for NP&EDC or the ConCom.

Carlson – The Harbor Plan is used as a local planning document in and around the harbor area. The Plans are State approved for 10 years. The Town can identify the public use components; this is done for Chapter 91 licenses so that the Plan is consulted first. He’ll put this on the next agenda when we have a full board; that’s when ConCom would appoint a representative.

6. Administrator/Staff Reports

a. None

I. Adjournment

Motion **Motion to Adjourn at 6:01 p.m.** (made by: Misurelli) (seconded)

Vote Carried 4-0//Beale, Engelbourg, Golding, and Misurelli-aye

Submitted by:
 Terry L. Norton