



CONSERVATION COMMISSION SPECIAL MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Thursday, November 17, 2022
131 Pleasant Street, Meeting Trailer – 5:00 p.m.

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 Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director
Attending Members: Erisman, Golding, Engelbourg, Misurelli, Plandowski, Williams
Absent Members: Beale
Late Arrivals: Williams 5:04 pm

I. PUBLIC MEETING

- A. Announcements**
- B. Public Comment:** None
- C. Workshop discussion**

1. Potential Changes to Town of Nantucket Wetland Protection Regulations (Chapter 390)

Sitting: Erisman, Golding, Engelbourg, Misurelli, Williams, Plandowski
 Recused: None
 Documentation: Updated draft of Nantucket Wetland Protection Regulations (Chapter 390); Florida Sand Search guidelines;
 Public: R.J. Turcotte, Nantucket Land Council
 Discussion: **Erisman** – There was a formatting issue in the PDF.

Discussion about the formatting issues making the document hard to read.
Engelbourg – First thing is we had a discussion about pushing out buffer-zone activities so the no-disturb Zone would be 50’ and the no-build zone would be 100’; it was updated in saltmarsh only; he didn’t see it updated anywhere else. There are scientific studies indicating the 25’ and 50’ buffer zones aren’t seedable for protecting some of our interests in preventing flood events and water supply interests. He had submitted other towns that have made similar adjustments to their buffer zones.

Erisman – It was the intention to change that in all the applicable resource areas.

Golding – We are seeing increased pressure on the 25’ and 50’ buffers.

Engelbourg – Rather than listing all the exemptions, he thinks it’s better to handle them through the waiver process. The same waiver regulations would apply. The 2nd thing is he appreciates definition of normal maintenance but not confident it’s entirely correct; doesn’t think “total replacement” is enough of a measure. We need to define something that replicates a total replacement and modifying uses by changing materials and protocols.

Williams – The Planning Board has dealt with 4” to 8” caliper; 12” is very large and thinks it should be reduced. Suggested it being dealt with on a case-by-case basis.

Engelbourg – He doesn’t understand how cutting a tree can be normal maintenance.

Carlson – Read how it might be reworded.

Engelbourg – A total replacement is not part of normal maintenance. If you have to replace all of the cross-members and boards of a pier, that doesn’t feel like maintenance to him.

Erisman – We could identify maintenance as something done every X years to keep up; if there’s a wholesale replacement, that isn’t maintenance.

Williams – It would be very difficult to quantitate that.

Engelbourg – There should be some trigger when it is no longer maintenance. We could require any structure to submit a maintenance plan; it could be used to help judge what is no longer maintenance. He wants this definition right because it’s important in establishing pre-existing use. A percentage trigger might be best.

Golding – Maintenance comes down to wear and tear.

Williams – Suggested removing the word “normal”; there’s no proper definition for it.

Carlson – This will be reviewed again and then go to Town Counsel before the public hearing. Having a percentage threshold is a good way to judge the difference between maintenance and replacement.

Engelbourg – His last item is the definitions of pervious and impervious, which he thinks they are opposites; we might need to characterize pervious surfaces which no longer function as such are no long pervious. We need applicants to give us measures of permeability for those surfaces and the applicant should rerun those coefficients to ensure that permeability is still active.

Erisman – The way the soil is compacted at sites, the ability for water to percolate is becoming more difficult.

Williams – Asked if we can require updates in highly sensitive areas.

Engelbourg – Yes; when we issue Certificates of Compliance, we can do so with on-going conditions.

Carlson – He’s trying to think of a way to reflect that intent.

Golding – Compatible Material; “Compatible” is spelled wrong. He’d like to add, “... be it glacial deposition, cobble, or sand.” It’s not only sand that comes out of a bank.

Engelbourg – Asked about the definition for beach or bank.

Carlson – Read how the changed definition to reflect both concerns.

Golding – The definition for Recreation should include “unimpeded access in the intertidal zone”.

Engelbourg – Suggested moving that phrase to after “preservation or expansion of unimpeded access...”

Plandowski – The definition of impervious surface is the only definition that’s underlined; asked why.

Carlson – It’s underlined because it’s totally new. When this is finished, the underlines will be removed.

Plandowski – Pointed out a grammatical error. Item 7 on Page 32 is the same as in other locations; asked if it could be referenced rather than repeated.

Engelbourg – They are different resources areas; it has to be individually referenced.

Plandowski – Pointed out several formatting, topographical, and grammar errors necessary for clarification.

Williams – What bothers her is the 2’ separation rule; she was able to hear a conversation that indicated it was put in out of spite. There is no basis for it state-wide or here.

Carlson – There was a property on Squam Road that when the foundation was installed it was wrapped in a membrane that had holes in it; a pump system was installed to push the water into an infiltration area. That project spawned the requirement for 2’ separation from groundwater to avoid permanent dewatering. At the time, there weren’t a lot of scientific papers talking about groundwater separation.

Golding – There is a basis for it.

Erisman – With sea-level rise and saltwater intrusion, we want to ensure that groundwater isn’t impeded by structural elements and avoid basement flooding.

Engelbourg – Sea level rise pushes fresh groundwater to the surface. The 2’ separation helps make homes resilient; it also makes sense to not burden the staff with constant dewatering requests. He’s not sure 2’ is correct and it could be looked into; we need to look at changes in the water table. However, simpler is better in this case.

Carlson – He can look into what other locations are doing; if it turns out there’s a better distance, we can review it before the public hearing.

Engelbourg – It might be wise to research how different structures impact groundwater. Maybe what we need is a ratio of coefficient for the distance rather than a specific number.

Carlson – Might want to define perched water tables separately from groundwater.

Engelbourg – Before the public hearing, he wants to go through it and check all the scientific names and do a taxonomic update.

Carlson – Reviewed the process once the commission has made all preferred changes. Expects these might be ready to take effect in February or March.

Motion No action at this time.

Vote N/A

Adjournment:

Motion **Motion to Adjourn at 6:15 pm** (made by: Golding) (seconded by:)

Vote Carried unanimously

Submitted by:
Terry L. Norton