



CONSERVATION COMMISSION MINUTES

131 Pleasant St
Trailer, Room A
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, January 15th, 2025 – 10:00am

This meeting was held in a hybrid format with some participation using ZOOM and YouTube.

https://youtube.com/live/I5p8cz_3pGM

Commissioners: Seth Engelbourg (Chair), Tim Braine, Linda Williams (Vice Chair), Mike Misurelli, Joe Plandowski, RJ Turcotte, and John Schafer

Called to order at 10:00am by Chair Engelbourg

Staff in attendance: Will Dell 'Erba - Conservation Agent, Jeff Carlson – Nantucket Natural Resources Director, Vincent

Murphy- Sustainability Programs Manager

Attending Members: Engelbourg, Braine, Misurelli, Plandowski, Williams

Absent Members: - Schafer, Turcotte (recused)

Members Left Early: -

I. Public Hearing

1. Sconset Bluff Preservation Trust- 41-119 Baxter Road (various) SE48-3736 (Posner)

Sitting:	Engelbourg, Misurelli, Plandowski, Williams, Braine
Recused:	
Representatives:	Chip Nylén
Documentation:	Site and topographical maps
Discussion:	Carlson - Clarification of identical orders - Legal only responded to one of two questions, but can have Mr. Sanders back Nylén - Filed letter on Friday the 10th, should be in packet - Received a letter from attorney murphy and dunk replied - Asked if orders are available for public Carlson - Should be Engelbourg - Received letters from all offices - Received Dr. Dunks letter just now but no time to review Williams - Tired of people putting in stuff for meetings within 48 hours which doesn't allow for enough time for commission to review Engelbourg - Agrees and this has been dealt with in procedural reviews Carlson - Dunk's letter was received last night at 5:30 Williams - Prolongs situation Dr. Dunk - Attorney murphy letter was sent out on Friday and just wanted their response on record

	Engelbourg • Lists the remaining three items that need to be discussed Carlson • Discussion relative to makeup sand needs to be had Moldenhauer • Thought there was 4 points • Lists four points Engelbourg • Start discussion on makeup sand • Permit holders are liable for makeup sand until permit expires • Potential permit didn't expire when they thought, and explains • Permit is unexpired until March of this year Nylen • Looking at language as well because of the removal order • Explains why they believe the OOC expired • Agreed and presented plan for 26k years of sand • Believes the study shows that sand has been delivered Engelbourg • That is number 55 and does not want to discuss how they want sand placed • Is asking for a plan to do so • Staff has looked at deficit to date and has put in the number as a minimum • Only chance to ensure sand not provided is provided Carlson • Explains sources on deficient sand and number that needs to be made up Williams • Wasn't in favor of initial amount of sand and is in favor of their current solution • Engelbourg • Commission requires minimum to be met Misurelli • Area is in need of sand, not commission charge to worry about cost • Reality is no one will be happy Plandowski • Doesn't understand the reasoning for disagreement in sand deficient Engelbourg • Explains disagreement Braine • Seems fine Williams • Have they arrived at amount of sand every year Engelbourg • Different area of permit Moldenhauer • Good with proposed current deficit of sand, asks commission to not approve the over 100k deficit of sand but rather 80k • Explains why and wants a reasonable amount Engelbourg • Has not seen letter or reasoning • Makes findings on scientifically accurate • ConCom has a duty to protect areas Dr. Dunk
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	- Explains purpose of compensatory sand and littoral system Engelbourg - Explains pre-construction sediment rate - Role as regulators to stick to permitting requirements Dr. Dunk - Ariels show lower contribution rate - Anything over and above what's been contributed is an addition
Public Comment	Dennis Murphy – Greenhill family - Appreciates SBPF is willing to provide more sand, but it isn't supposed to be a negotiation it's a regulation - Should be a mathematical calculation, no sense in quibbling - When discussing timeframe, it should be within tenure of OOC Williams 5-year makeup timeline Engelbourg - Irrelevant right now - Have ability to issue permits up to five years Carlson - Nantucket has ability to do that Dennis Murphy - Not aware of any conditions of 5 years Engelbourg - Potential conditions but it is within commissioners' authority Emily Molden – NLWC - Appreciates sand calculation and in support of it Ruthven – NLWC - Explains how the mitigation volume came about - Accelerated erosion to the south - Making up for the amount of sand that would have already been in the system Ruthven - Agrees with Jeff's number as there is only slight differences - Explains differences Vince Murphy - Town wants SBPF to take account for any promised sand that wasn't placed Dr. Dunk - As for clarification of littoral system - Face of coastal bank littoral system must be compensated for - Explains their math and reasoning for sand - Discusses timing and ongoing conditions Nylen - Reminds commission that the reason SBPF in 2021 was that the number exceeded what was needed - Commission was correct that the removal order was upheld - Discusses with town about how they would protect Sconset beach - Adaptive sand management - Wants new process by science and not regulation - Project is dead if they want the amount of sand Carlson calculated Engelbourg - Commissions duty to uphold regulations - Following permits is essential

	Carlson • SE-48 2824 issued 2015 amended 2018 • Explains condition that is being brought into question • No flexibility as these are the conditions in place • Structure was ordered removed but it isn't and therefore number still sands • Many opportunities to amend and modify • Projects only as good as conditions put in place Engelbourg • There are alternatives they could have done rather than let he permit expire • Also hasn't expired yet • Required to uphold permits as pen and valid Carlson • Discusses removal order and what sand has been placed Ruthven • Discusses OOC's throughout the years and the lack of compliance of sand from SBPF Nylen • Discusses their view of the legal requirements and the 2824 still being live • Wants to continue to be able to discuss the deficit later Engelbourg • Discussion about on-island sand storage • 10% of total volume needed to cover Carlson • 10% of 1 year • Explains why the stockpile on island is necessary Engelbourg • Explains why sand storage is necessary Williams • Wants to make sure amount is attainable Misurelli • Important that sand is under contract Murphy • Questioned 10% of what phases Engelbourg • Definitely relevant and numbers will change over time • Go back to drawing board on this Dr. Dunk • Need clarification of 10% • Template is onsite and sand storage and believes its adequate and sand storage isn't necessary Engelbourg • Important to remember there's not a template for this and it needs to be reworked Nylen • Don't want to move sand twice • Once they have sand from source its theirs • Already have provision in order for sand to be under contract and wants 10% ready within 1 or 2 days Williams • Is a concern due to repeated storms • Wants and on island to provide a cover Carlson
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	• Having calculation by phase and reach makes sense • Having some type of tie for assessment and will try to work out a better number than 10% Misurelli • If barge can't get over within 1-2 days' work cannot be done either, in support of having sand on island Engelbourg • Talk about walkable beach – condition 70f • Explains his comment to town staff and why he dislikes the term walkable beach • Unobstructed access along shore Plandowski • Is 6 inches of water an obstruction Engelbourg • Up to commissioners Williams • Explains her concerns on walkable beach Discussion continues on walkable beach versus unobstructed access between Williams Misurelli Brane and Engelbourg regarding manner and distance Carlson • Notes it's also tied to a quarterly survey so need something that sets a clear distance • Also, an area for vehicle interaction Engelbourg • It is not recreational beach but yes there are some vehicles allowed Nylen • Agree that they don't like the term walkable beach and to protect recreational purposes • Area available for walking changes by season • Why they proposed the 10ft Engelbourg • Believes threes a bit more to flush out Murphy • Discusses maintenance vehicles and access needed and suggests 20ft Williams • Is not in favor of 20ft and is comfortable with 10 Murphy • Explains why he suggested 20ft Misurelli • Still comfortable with 10 ft given days and time of year equipment will be the beach Plandowski • Questioned source that brought up 20ft Carlson • Explains submittals for multiple feet and taking into account pedestrian traffic as well as vehicles not crossing mean high-water line Engelbourg • Agrees with 20ft • Mean high water measurement is the simplest way but knows applicant disagrees Dr. Dunk • Explains history of work with Maintenance as well as explains part of the letter submitted Friday
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	Carlson - Explains reason they chose the seaward edge of lowest one Molden - Feels the commission should be maintaining access for all uses including dry beach - Supportive of 20ft - Infrequent that water is ever still Attorney Murphy - Submitted information about Greenhill survey from several months ago with historical rate of retreat - Decision should be made by this data 7month lag when issues arise - Will be a period of time before issues appear Infront of commission - Geotubes are temporary and only a matter of time before they fail Engelbourg - Makes sense to retain with 2 quarterly surveys - Allow final comments Williams - Believes they've gotten pretty far Engelbourg - Wants commission to require geotubes and coir to have metal tags Williams - Agrees Plandowski - The three issues are not strait forwards and questions the remaining ones Engelbourg - Public is right this is the most complicated order Braine - Worries about damage to coir terraces and geotubes and wants to make sure there are concrete issues for them to come out Nylen - Is there a provision for maintaining existing geotubes and coir terraces Carlson - Separate application but could wrap it into this order, but does need how to trances from coir to geotubes due to the significant change Engelbourg - Discusses how to do so Nylen - Had to file NOI for coir and they are looking to protect/repair existing ones, but their intent is to withdraw so that one NOI covers all Engelbourg - That was not in the record but is now Dr. Dunk - NOI did have details on how to address how to move between phases and coir terraces versus geotubes Carlson - Will take a look to make sure there is enough on the record to include but will also have to make sure the other applicant is ok with this Engelbourg - Requests other from other applicant saying so Discussion about continuing until January 23rd to find an alternative date for Special meeting
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	Dell’Erba • Can provide list of dates Nylen • Would prefer to come up with a date today Engelbourg • No dates before them so must continue to 1/23
Staff Recommendation:	
Motion	
Action	Cont. Until January 23rd

Adjournment:

Motion:	Motion to adjourn. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Misurelli, Williams, Plandowski, Braine(aye)

Submitted by: Morgan Nelson