



CONSERVATION COMMISSION MINUTES

131 Pleasant St
Trailer, Room B
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Thursday, January 23rd, 2025 – 5:00 p.m.

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

<https://youtube.com/live/9dTfNn7EoL4>

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

Called to order at 5:00 p.m. by Chair Engelbourg

Staff in attendance: Will Dell 'Erba - Conservation Agent
Attending Members: Engelbourg, Misurelli, Plandowski, Braine, Turcotte, Schafer, Williams
Absent Members: - none
Members Left Early: none

I. Acceptance of Agenda

Motion	Motion to accept Agenda (Made by: Plandowski) (Seconded by: Williams)
Vote	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams (aye)

II. PUBLIC MEETING - Public Comment

Chair Engelbourg called for public comment.

Public Comment	none
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III. PUBLIC HEARING

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

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Discussion: (06:28)	Chip Nylen requests to determine a continuance date for the next public hearing. - Believes that February 6th would work for them Dell'Erba - Mentions that both Carlson and Murphy prefer the 10am-12pm special meeting window if it can be scheduled. All days are available Engelbourg - Goes through potential dates to see what would work for both the Commissioners and applicants.
Motion	Motion to Continue until February 13 th , 2025, from 10am-12pm (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams (aye)

A. Notice of Intent – No Waiver Required: Pre-January 1st Submissions

1. IAM Investments, LLC- 10 Auriga Street (87-150) SE48-3880 (Gasbarro)
2. Grell- 21 Field Avenue (80-41) SE48-3882 (Santos) (**cont 02/06**)
3. *Shaw- 65 Cliff Road (30-156 & 157) SE48-3883 (Rits)
4. *3 Star Farm LLC- 76 Eel Point Road (32-31) SE48-3884 (Rits)
5. *Frost Field Trust- 80 Madaket Road (41-802) SE48- 3885 (Rits)

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	-
Discussion: (17:25)	Engelbourg goes over the new procedure in detail on how attendees are to request to have a discussion on any of the following applications. - Engelbourg requests to open #3- Shaw- 65 Cliff Road (30-156 & 157) SE48-3883 (Rits) - John Hamilton requests to open #4- 3 Star Farm LLC- 76 Eel Point Road (32-31) SE48-3884 (Rits) - Engelbourg requests to open #5- Frost Field Trust- 80 Madaket Road (41-802) SE48- 3885 (Rits)
Motion:	Motion to close SE48-3880 (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 7-0 Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

Items up for Discussion:

3. *Shaw- 65 Cliff Road (30-156 & 157) SE48-3883 (Rits)

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering LLC
Documentation:	Site and topographical maps
Discussion: (19:32)	Rits - Describes the proposed project of moving the existing house further from the Isolated Wetland Resource area which includes a small addition, pool, and patio. - The existing shell driveway will be replaced with a pervious driveway which includes a small portion within the 25' buffer zone, which we propose to remove and may require a waiver. Engelbourg - The purpose of my intent on opening this hearing was to get more clarification on the portion of the driveway that is to be removed from the 25' Buffer Zone. - Clarified that any work, including the removal of structures inside the 50' Buffer Zone requires a waiver. - If the driveway is to remain in place, we will need an updated plan to approve this NOI. Rits - If the Commission doesn't see the waiver to be a "potential sticking point", the applicants would like to remove this portion of the driveway and plant it with a native seed mix. Engelbourg - That would provide a long-term net benefit characteristic. The Commission agrees with Engelbourg and will apply the long-term net benefit waiver to the project.
Public Comment	-
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7-0 Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

4. *3 Star Farm LLC- 76 Eel Point Road (32-31) SE48-3884 (Rits)

Sitting:	Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	Engelbourg
Representatives:	Mark Rits, Site Design Engineering LLC
Documentation:	Site and topographical maps
Discussion: (23:42)	Rits - Describes the proposed project of a residential development which includes a house, pool, cabana, retaining wall, detached garage, and pervious driveway. - All structures are outside of the 50' Buffer Zone to several on-site and offsite wetlands. No questions or comments from the Commission at this time.
Public Comment	John Hamilton- abutter, owner of 9 Alliance Lane - There are a lot of structures proposed and it's the first time I've seen the site plan with layout of the potential project. Dell'Erba and Williams mention that the filings, site plans, and supplemental project details are always posted in the digital pack on the Town of Nantucket's website. Rits - Clarifies that the plan was submitted with the original application on the deadline but the certified mail receipt to the Abutters typically does not include a plan. Hamilton - Asks for clarification on the location of the structures on the property Rits describes the location and refers to the locus map (sheet one) in the application. Hamilton - What are the plans for the remaining lot in terms of development? Rits - There are no current subdivision plans that he knows of. Hamilton - Will there be an effort to push sand to the foundation to elevate the house or if so what effect will that have on ecology? Williams - Ask Rits if there is a plan to change the grade in the area where you're building? Rits - The second part of the plan shows a retaining wall along the northeast and western parts of the property. - The main dwelling has a finished floor elevation ranging from 26-28. There will be a little bit of grading and elevation, but not a huge rate to where the house is. - We are proposing a retaining wall, which will slope down to the pool and cabana. Williams - Concerned about a lot of dirt moving and the retaining walls inside the 75' Buffer Zone. Turcotte

	- Asks Rits about the elevation of the other portions of the structure when elevations are listed below 14 feet in some parts of the house. Rits - Explains the proposal for the second retaining wall that will be at a slightly higher elevation level. Turcotte - Mentions that it seems to be an enormous amount of fill and not the amount that we typically permit in such a sensitive area. - Williams and Turcotte would like to see an updated plan with grades of each portion and what these structures are going to be sitting on when the grading is finished.
Motion:	Motion to carry over for supplemental plans (Made by: Turcotte) (Seconded by: Braine)
Vote:	Vote Carried: Misurelli, Braine, Plandowski, Schafer, Turcotte, and Williams (aye), Engelbourg (recused)
Action:	Continued Until February 6th

5. *Frost Field Trust- 80 Madaket Road (41-802) SE48- 3885 (Rits)

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering LLC
Documentation:	Site and topographical maps
Discussion: (45.49)	Rits - Describes the proposed project which is an extensive residential project laid out on a 31-acre lot which includes a number of structures dwellings, sports court, and pools. - All proposed structures are outside of the 50-foot Buffer Zone. - All the landscaping and alteration are outside the 25-foot Buffer Zone. - The existing dirt driveway is within the 25–50-foot Buffer Zone and will be maintained. No questions or comments from the Commission
Public Comment	-
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams (aye)

B. Notice of Intent – Waiver Required: Pre- January 1st Submissions

1. Sconset Beach Preservation Fund- 59-83 Baxter Road (various) SE48-3759 (Dunk) **(cont 02/06)**
2. The Summer House Of Nantucket Realty Trust- 10 & 16 Ocean Avenue (73.2.4-15, 23, & 21) SE48-3824 (Gasbarro) **(cont 02/20)**
3. Segalini Properties, LLC- 8 Bassett Road (26-38) SE48-3851 (Rits) **(cont 02/06)**
4. Fourteen Tautemo Way Realty Trust- 14 Tautemo Way (83-13) SE48-3840 (Barnicle) **(cont 02/06)**
5. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869 (Madden) **(cont 02/20)**
6. Lydia Denney Palmer LLC- 110 Wauwinet Road (11-29) SE48-3868 (Madden) **(cont 02/06)**
7. Powers-36 Bassett Road (26-50) SE48-3871 (Gasbarro) **(cont 02/06)**
8. Thank You Aline Nominee Trust- 3 Wyers Way (41-380) SE48-3876 (Gasbarro) **(cont 02/06)**
9. 3WW Nominee Trust- 3B Wyers Way (41-380.1) SE48-3877 (Gasbarro) **(cont 02/06)**
10. 72 Pocomo Nominee Trust- 72 Pocomo Road (15-37) SE48-3878 (Gasbarro)**(cont 02/06)**
11. Seven Pines, LLC- 78 Pocomo Road (15-39) SE48-3879 (Gasbarro) **(cont 02/06)**
12. *15 Eat Fire Spring Road LLC- 15 Eat Fire Spring (20-57) SE48-3890 (Santos) **(cont 02/06)**

C. Amended Orders of Conditions- No Waiver Required (none)

D. Amended Orders of Conditions- Waiver Required

1. 36 Tennessee LLC- 36 Tennessee Avenue (59.4-79) SE48-3807 (Santos) (cont 02/06)

IV. Public Meeting

A. Orders of Conditions/ Amended Orders of Conditions- No Waiver Required: Pre-January 1st Submissions

1. IAM Investments, LLC- 10 Auriga Street (87-150) SE48-3880

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Engineering & Survey
Documentation:	Additional Findings & Conditions
Discussion: (50:17)	Dell’Erba presents the item No Amendments by Commissioners
Public Comment	No public comment
Staff Recommendation:	Lighting and Pool Conditions 18-25
Motion	Motion to approve as drafted (Made by: Misurelli) (Seconded by: Misurelli)
Vote	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams (aye)

2. Shaw- 65 Cliff Road (30-156 & 157) SE48-3883

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering LLC
Documentation:	Additional Findings & Conditions
Discussion: (54:36)	Dell’Erba presents the item Engelbourg requests to add Condition #26 & #27
Public Comment	No public comment
Staff Recommendation:	Conditions 18-25 and included the long-term net benefit waiver
Motion	Motion to approve as Amended (Made by: Williams) (Seconded by: Misurelli)
Vote	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams (aye)

3. Frost Field Trust- 80 Madaket Road (41-802) SE48- 3885

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Braine, Turcotte, Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering LLC
Documentation:	Additional Findings & Conditions
Discussion: (58:58)	Dell’Erba presents the item Engelbourg requests to add Conditions #27
Public Comment	No public comment
Staff Recommendation:	Conditions #18-26
Motion	Motion to approve as Amended (Made by: Williams) (Seconded by: Misurelli)

Vote	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, Williams (aye)
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B. Orders of Conditions/Amended Orders of Conditions – Waiver Required (none)

C. Request for Delineation of Applicability – Delineation Only (none)

D. Request for Determination of Applicability – Work Requested (none)

E. Minor Modifications

1. Squam Holdings, LLC- 31 Squam Road (21-3) SE48-3670 (Madden)

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental
Documentation:	Site and topographical maps
Discussion: (1:01:40)	Madden - The updates reflect a structural reduction within the 100-foot Buffer Zone and additional landscaping, utility updates. Engelbourg - Due to the Minor Modification request being submitted after January 1st, the project is subject to the new regulations and new buffer zone setbacks. - Not sure if the project can be heard as a minor modification because of that. Dell’Erba - Asks Engelbourg if he has confirmed that we don’t go under the set of regulations from the original Notice of Intent. Engelbourg - States that he doesn’t have a legal opinion on that but that we could ask Jeff Carlson, Director of Natural Resources or the town council. Madden - Not able to state the chapter and verse but believes it states that the new regulations only apply to new Notice of Intent or the Request for Determination of Applicability. Engelbourg - Believes the Minor Modification should be continued in order to get a legal opinion. Madden shares his screen to shows section § 390-5: When effective; applicability but agrees to have the matter continue until February 6th.
Public Comment	No public comment
Action:	Continued to February 6th

2. ARB Way LLC- 9 Arbour Way (29-137) SE48-3526

3. 42/44 ARBWAY LLC- 9 Arbour Way (29-137) SE48-3589

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	-

Representatives:	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical maps
Discussion: (1:08:15)	Haines - The modification to SE48-3526 is to include a boardwalk from about 75' from the wetland boundary and an installation of a propane tank outside of the Buffer Zone but within Land Subject to Coastal Storm Flowage. - For SE48-3589- Proposing to do some planting native species within the 50-foot setback from the Bordering Vegetated Wetland. Engelbourg believes that the question as to whether the new regulations would relate to Minor Modifications will also apply to these. Haines - Believes the Modification meets the current regulations. Engelbourg - Respectfully disagrees- part of the boardwalk looks like it's in between the 50–100-foot Buffer Zone.
Public Comment	No public comment
Action:	Continued Until February 6th

F. Certificate of Compliance

1. Old Quidnet Milk Route (20-54.1) SE48-3761 (Gasbarro)

Sitting:	Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	
Representatives:	Arthur Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical maps
Discussion: (1:13:50)	Dell'Erba presented the item
Public Comment	No public comment
Staff Recommendation:	Issue the COC with no ongoing conditions
Motion	Motion to issue COC (Made by: Williams) (Seconded by: Braine)
Vote	Vote Carried: 7-0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams (aye)

G. Extension Requests

1 Linda Loring Nature Foundation Inc- 90, 110, 124, 130 & 136 Eel Point Road (39-1 & 2, 32-133, 33-18, 38-4, 36 & 41) SE48-3500

Sitting:	Misurelli, Plandowski, Braine, Schafer, Turcotte, and Williams
Recused:	Engelbourg
Representatives:	-
Documentation:	Site and topographical maps
Discussion: (1:16:00)	Dell'Erba presented the item
Public Comment	No public comment
Staff Recommendation:	Issue three 1-year Extensions for SE48-3500
Motion	Motion to issue Extensions (Made by: Misurelli) (Seconded by: Plandowski)
Vote	Vote Carried 6-0: Misurelli, Plandowski, Braine, Schafer, Turcotte and Williams (aye) Engelbourg (recused)

H. Other Business

1. **Approval of Minutes -None**
2. **Monitoring Reports**
3. **Committee Reports - CRAC, CPC, NP & EDC, Harbor Plan, etc.**

CRAC:	- N/A
CPC:	Schafer - Projects assigned to various project managers and moving forward with them.
NP&EDC:	- N/A
Harbor Plan	Williams - There is another meeting on Monday to go over each section of the plan, one at a time. Once that's completed, we will release the full draft.

4. Commissioner Comments

Discussion:	Schafer - Requests to add more categories on the agenda to differentiate between the old/ new regulations filings. Engelbourg - There was a request from Williams to schedule a special meeting related to procedures prior to the May 1st meeting. Williams - Thinks it would further us along with organizing these meetings and would rather not wait until May. Engelbourg - Suggest Williams make a motion to direct town staff to find a list of possible dates to have a procedural meeting. Williams - Believes it will be a short meeting and prefers to schedule the conversation for a regular meeting date. Dell'Erba - Mentions potentially having the meeting after the next as they may be more input. Engelbourg - Mentions just included "Procedural Update" to be included in the "Other Business" section so they're able to discuss it at any future regular meeting. Dell'Erba - Will send emails out to Engineers with the reminder on the permitting requirements and to file with other Commissions/boards for other permits if needed. - The new regulations are up on the website. We will be putting the new procedural updates online in the upcoming days.
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5. Enforcement Actions

Discussion:	none
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6. Staff Reports

Discussion:	none
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Adjournment (1:30:31)

Motion:	Motion to adjourn. (Made by: Plandowski) (Seconded by: Williams)
Vote:	Carried://7:0 Engelbourg, Misurelli, Plandowski, Braine, Schafer, Turcotte and Williams (aye)

Submitted by: Lisa Graves