



CONSERVATION COMMISSION MINUTES

131 Pleasant St

Trailer, Room B

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, February 13th, 2025 – 10:00am

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

<https://youtube.com/live/1-9kc9ldH2l>

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: -

Agenda Approval

Motion	Motion to approve agenda (Mad by: Williams) (Seconded by: Misurelli)
Vote:	Carried://4:0 Engelbourg, Misurelli, Williams, Braine (aye) Plandowski technical issues

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:	Plandowski having technical issues Carlson - In the pack there is the revised draft order Williams - Did not review Carlson - It was posted and emailed - Reviews the 3 changes Williams - Doesn't agree with the last point of walkable beach due to winter - Thought there was discussion about length of time - Concerned about way its written Engelbourg - Not what it reads, it's based-on quarter surveys and can include additional monitoring - Does agree additional monitoring needs to involve more detail Williams - Questioned length of time

	Plandowski • 38, believes 30 is wrong it should be 36 Engelbourg • Theres a bunch of wrong numbering that will be fleshed out later Plandowski • 70A doesn't see sand mitigation Engelbourg • There are several conditions Nylen • Walkable beach is protected, and it should be tied to summer Engelbourg • Does not agree the walkable beach should only be summer • Protects year round Nylen • States the terminology “failure” is what is driving their decision Engelbourg • Still disagrees Misurelli • Wants to write failure criteria to conclude summer months or timing Engelbourg • Believes they should shy away from calling out summer versus winter Williams • If you want to walk on the beach now, it's not safe • Only a few walk the beach December-February Engelbourg • Commissioners job is to provide unobstructed access along shore • Can figure out monitoring period • Will strongly object to calling out specific months Briane • Agrees with Mike and Linda Carlson • Appreciates recreational interests but also need access to properly monitor and maintain structure • Definitely times of year that access is needed on a 12-month cycle Engelbourg • Discussion on changing 20ft to 15 ft Misurelli • Ok with 15 not with 10 Plandowski • Supports 15 Engelbourg • Linda said she was fine with it too Vince Murphy • 15 ft is acceptable
Public Comment	Ruthven – NLWC • Worry that someone would measure during a storm is not appropriate • 36.7 feet is average wave and going to 15ft is jeopardizing it Williams • Can public identify themselves

	All identifying notes have been made Engelbourg • Seems more is wanted in terms of monitoring • Doesn't know if it's feasible to ask applicant to monitor once a day Carlson • Can suggest biweekly/monthly • 90 days is a quarter • Point of this is to not go 6 months 180 days after failure Engelbourg • After initial failure is found, require weekly/monthly surveys • Gives details Misurelli • Agrees with premise to what is being said but wants biweekly or monthly Engelbourg • Has to be sure timeline is under 90 days Williams • Likes mikes solution Engelbourg • Once a month is too close to 90 days • 3 surveys during 45-day period • All three surveys would have to show failure Briane • Likes plan Nylen • Doesn't have issue with way its written • If unobstructed access, has to come back to commission • 2 consecutive quarterly surveys • Wants commission to leave it up to their discretion once a failure is found and not to put surveys down in written now Engelbourg • Personally agrees, but other commissioners want a timeline Williams • Questions looser language approval Engelbourg • Explains why has fine with looser language and is determined by the ConCom with the monitoring being done by SBPF consultant Williams • Wants to flesh out a bit more • Asks chip if comfortable to be drafted right now Nylen • Explains why he's comfortable but not with the last part Williams • Further discussion on quarters Engelbourg • Explains specific language previously used Williams • Ability to take specific conditions into consideration Engelbourg • Yes, explains why Meredith Moldenhauer-SBPF • Reiterated Nylen's statements and further explained why
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	Engelbourg - Hears point but it's in violation of what commission protects Murphy - Agrees with year-round wording due to legal challenges through town Williams - Previous conversation to relay their fears Emily Molden – NLWC - Supports what the chair is saying Engelbourg - Comfortable with condition as staff has written - Next issue of sand volume - Any applicant has ability to amend order but cannot be discussed now and wants applicant to submit amendment Nylen - Was under impression there was an extension, it did expire in January of 2025, and it cannot be extended - Believes there was an earlier amendment - Is expired - Doesn't believe the sand issue is something that will hold the up today 2824 is separate from 3736 - Explains why 26k cubic yards of sand for the time the OOC was in effect until the removal order was put in place 3736 has different sand management plan - It had too much sand initially - Comfortable with what they've offered Engelbourg - Asks Carlson if it's actually expired Carlson - Explains that it is expired and walks through what happened Engelbourg - Disagrees that the findings don't relate to each other - Thinks the sand deficit needs to be made up Williams - Doesn't want to set it up to fail - Comfortable with the way chip phrased it Carlson - Weighs in with some history - Cont. Waith Maintenance of an application that s been ordered removed so therefore you have to address why it was asked to be removed - Had 10 years to be amended and changed and it wasn't - Remediation plans were requested and denied. - Why would we put conditions on permits if we don't require them to follow the conditions Engelbourg - Only reason this process was allowed to proceed was to find a new solution - If they don't satisfy the conditions for the removal there's no point in proceeding with the rest of the permit Williams - Is looking at this as a brand-new application why are they putting 22 Engelbourg - Is not a completely new application
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	• Need to make sure the conditions of the previous order are satisfied Misurelli • Just putting sand on a template into the ocean is not based on science but maybe the timeframe can be discussed Engelbourg • Can adopt any timeframe and template • Doesn't believe there is any flexibility in terms of the amount Nylen • Fundamental issue between the two OOCs • They are separate • Will put in 22 cubic yards as they were told they would not change it • Stopped providing the overabundance of sand • Goes on to explain reasoning Engelbourg • Shouldn't be speaking on things not posted on agenda • Plenty of testimony stating the amount of sand was for a reason • Satisfy conditions of the failure Williams • Agrees that throwing sand to throw sand is not productive Dennis Murphy-Greenhill family • Reminds Commission it has issued enforcement order that it has an open enforcement issue • 22 cubic yards per linear ft that DEP agreed with • Can change number now • Doesn't have authority to lower number in permit Dr. Dunk • Suggests a clean order of conditions that allows commission to address makeup sand • Condition 55 Engelbourg • That version was in a previous order to include the actual amount • Commission will still have same discussion so would prefer to do it now Molden • Agrees with Seth's comments • Suggests an alternative viewpoint • 22 cubic yards was based on science Williams • Disagrees with Emily • Believes it is just throwing more sand Engelbourg • Can't fix the past but can require appropriate amount of mitigation sand William • Why say specific numbers Engelbourg • Explains mitigation sand from the deficit and the new mitigation sand Braine • Very confused • Questioned if they need to confirm the amount of sand and over what time, if that makes scientific sense Ruthven • By not mitigating there have been impacts and the point of putting out the sand is to provide a buffer
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	• 22 cubic yards was based on science
Engelbourg	• Go into record for the submission on how the 22 yards came up, SBPF was involved
Nylen	• Crossroads • Wants to close 3736 and wants to resolve sand but if not review separately
Engelbourg	• Can't ask to unilaterally close application with there is two applicants
Nylen	• Coir log is the only issue with town, and they have removed
Murphy	• Happy with coir issue but need to figure out sand as its part of the MOU • Need compliance and path forward • Pucci who is town council needs to weigh in
George Pucci – Town Council	• Can't comment on this now but could either think or assent
Murphy	• Needs time to think about it and time to speak to town council so wants to request to at least one more meeting
Moldenhauer	• Restates SPBFs standards and that they are solely responsible for the sand
Engelbourg	• Still couldn't submit OOC today
Misurelli	• Would love to close hearing and the mitigation sand continues to be sticky • If lowered could be met by appeal and still a long way away
Engelbourg	• Needs to make decisions based on what is in permits and regulations • Probability of appeal is high
Molden	• Highlights concerns regarding ongoing maintenance during excessive storms and how the geotubes during extended periods of time are exposed • Prevents calculation of how much sand is lost, always working with a deficit • Points out condition 64, with no maximum timeframe • When the permit expires if the geotubes remain, do the conditions and mitigation continue
Dave Kriebel – Greenhill family	• Submitted slide deck, property owners concerned about erosion • Extended survey south • Design drawings that the commission has are based on 2022, wants commission to require new plans • Explains differences and current conditions
D Anne Atherton – Coastal Conservancy	• Hope for a condition that there be an independent reviewer that reports to commission
Engelbourg	• Will consider and commission already has ability
Nylen	• In respect to failure, 53 requires a removal plan • Sand mitigation, failure to provide sand is a failure • No ideas of timing and has committed to providing new survey

	• Wants to stay below high-water mark in chapter 91 • Appreciates that the commission has kept this open in order to chat through Engelbourg • Best to have survey on the ground prior to construction • Requiring updated survey now and later is beneficial and agrees there has been changes • For chapter 91, it is the applicant's responsibility if any issues arise it is the point of the applicant to amend order Plandowski • Appears it comes down to the sand issue, thinks some compromise might work Engelbourg • Have to pick numbers that make sense • Continue to next meeting to discuss a special hearing Nylen • continue to next meeting for discussion and separating issues Murphy • May not have enough time to submit letter from select board if they continue to the next meeting Nylen • Can move to next meeting and let Murphy say yes or no to closing Murphy • Has to take it to the Select Board a legal council • The town isn't speedy and this will take time Nylen • Appreciates that Engelbourg • Next meeting is March 6th • Need consensus Murphy • Go to March 6th for discussion but next week for scheduling Clarification amongst commissioners was done • Nylen agrees with Vince for scheduling for the 20th Misurelli • Agrees Engelbourg • Moves to next meeting for scheduling
Staff Recommendation:	
Motion	
Action	Cont. Until 2/20

II. 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