



CONSERVATION COMMISSION MINUTES

131 Pleasant St
Trailer, Room B
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, February 20th, 2025 – 5:00 p.m.

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

<https://youtube.com/live/IVxU-v4Y9k0>

Commissioners: Seth Engelbourg (Chair), Linda Williams (Vice Chair), Tim Braine, 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, Briane, Misurelli, Plandowski, Turcotte, Schafer, Williams

Absent Members: - Turcotte (arrived late at 5:03) Williams (arrived late at 5:03)

Members Left Early: -

I. Acceptance of Agenda

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

II. PUBLIC MEETING - Public Comment

Chair Engelbourg called for public comment.

Public Comment	No public comment
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III. PUBLIC HEARING

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams
Recused:	Turcotte, Schafer not sitting
Discussion:	Discussion was had amongst the commissioners about dates for another special meeting Wednesday March 12 th was determined to be the best date for all commissioners at 10am Applicant agreed
Public Comment	
Staff Recommendation:	
Motion	
Action	Cont. March 12 th at 10:00am

A. Notice of Intent – No Waiver Required: Pre-January 1st Submissions - None

B. Notice of Intent- No Waiver Required

1. South Slip LLC- 29A Old North Wharf (42.3.1-225.3) SE48-3892 (Gasbarro) (cont. 3/6)

Motion	Motion to close hearing (Made by Plandowski) (Seconded by Williams)
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2. *Wolfram Family Trust- 7 Folger Lane (42.4.4-33.3) SE48-3894 (Madden) (cont. 3/6)

3. *Town of Nantucket- 2 Ames Avenue & Dionis Beach (60-138 & 32 & 18) SE48-3895 (Nelson)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
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Recused:	
Representatives:	Morgan Nelson
Documentation:	Site and topographical maps
Discussion:	Nelson - Presented item Turcotte - Likes the alternatives - Questioned water dependent use - Is supportive of project Misurelli - Pilot project so if it goes forward there would be ways to stabilize - Also questioned water dependent use Briane - Questioned sand accumulation of the Dune guard Nelson - Yes, it accumulates aeolian or arial transport of sand Misurelli - Question if the Dune guard twists up or if you'd need to add more Nelson - They are designed to twist up, she is the one monitoring the project and will be doing so Dell 'Erba - Believes the dune guards themselves are not water dependent but in this regard, they are Engelbourg - Gives definition of water dependent Plandowski - Need to keep looking for new technology and likes this - Concerned about the steel coil but confident with how long it is Williams - Fascinated with the project and new technology - Also doesn't know if it's a water dependent use Engelbourg - Proceed with a waiver Williams - Questioned new category for this type of technology Engelbourg - Possibly - Not convinced it's a water dependent use - Also not convinced if it's a coastal engineering structure - Went through definitions - Believes project should proceed - Will update regulations - Questioned having a separation between each treatment - Questioned if doing 4 trials was available - Every coastal project is a pilot project but does understand this is supposed to be scale Nelson - Not opposed to spacing between treatments - In terms of the amount, it was an issue of time and money - Has to be done April 1st due to NHESP

	• Small scale pilot project Braine • Assumes they need a procedure for removal Engelbourg • Concerned about the structure and will have good monitoring conditions Dell 'Erba • Most faith he has that the monitoring would be completed on this project Misurelli • Questioned length project would run Nelson • A growing season then will reevaluate Hugh Thomas – abutter • Thinks it's a great project • Willing to help with monitoring if necessary Nelson • Wants to continue to 3/06
Public Comment	
Staff Recommendation:	
Motion	
Action	Cont. 3/6

C. Notice of intent – Waiver Required: Pre-January 1st Submissions

1. Fourteen Tautemo Way Realty Trust- 14 Tautemo Way (83-13) SE48-3840 (Barnicle)

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Williams, Misurelli
Recused:	Turcotte
Representatives:	Katie Barnicle
Documentation:	Site and topographical maps
Discussion:	Barnicle • Presented item
Public Comment	Sarah Alger- representing owners at 12 Tautemo • Doesn't see ground water • Does not see bottom of pool depth • Wanted to confirm a relocated path isn't located Barnicle • Located test pit for pool • Pool is 4 ft deep • No relocation of path Engelbourg • Ask for design schematics for the pool and shed Barnicle • Happy to provide in a condition but wants to close today Alger • Still doesn't see the information of the groundwater • Not up to date information Dell 'Erba • Doesn't see note Barnicle • Data is only three years old from the Blackwell plan

	Engelbourg - Will have to ask to provide schematics and data Rick Bodet – for applicant - Water levels is only three years from filing - Schematics wasn't requested previously - Doesn't want to delay Engelbourg - Does have option to receive information after they close and prior to construction Williams - Understands wanting to close but information should come in Misurelli - Was fine closing with conditions Plandowski - Agrees with Misurelli Braine - Agrees with Misurelli Schafer - Agrees Williams - Will go along with majority Alger - Doesn't believe there's any ground water information - Wants to be sure they are held to same standard all applicants are Dell 'Erba - Explains how he'd draft the conditions - Recommends amendment or minor modification Engelbourg - His opinion is to have a complete packet - Applicant has to meet standards Bodet - Providing ground water is standard and they are happy to provide more but have provided Engelbourg - Up to commissioners Barnicle - Would like to close
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by: Plandowski) (Seconded by: Braine)
Vote:	Vote Carried: 6-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

2. Lydia Denney Palmer LLC- 110 Wauwinet Road (11-29) SE48-3868 (Madden)

Sitting:	Engelbourg, Braine Plandowski, Schafer, Turcotte
Recused:	Misurelli, Williams
Representatives:	Brian Madden
Documentation:	Site and topographical maps
Discussion:	Madden - Presented item Engelbourg - Land within 100 ft of coastal bank carries same protective zone

	Turcotte • Would be supportive of alternative • Understands its due to issues on other properties Engelbourg • Agrees with Turcotte • Concerned about the wildlife habitat impacts, view, and bank stability • Can't be done in accordance with performance standard • Doesn't meet waiver requirements Braine • Agrees with Seth and RJ Schafer • Having a hard time seeing the impacts Madden • Describes the coastal bank and how the posts would be intended to minimize the disturbance • Can avoid any adverse effects • HDC took into consideration of the wetland view • Made from natural material • Provides screening where they can • Applicant feels that split rail fence or vegetative screening won't serve the same purpose Turcotte • Fence would go loose with storms and rot eventually and go down the bank • Doesn't normally permit structures within 50ft Engelbourg • Burden of proof is always on applicant for alternatives
Public Comment	Natalie Kaufman –Council for homeowner and applicant • Shown ways it wouldn't have impact • Applicant tried vegetative screening and repeated problems with neighbor trimming back Engelbourg • Heard and understood, but needs to be careful they aren't making permits based on past history Jon Walker –abutter at 112 • Objects to application • Wants to show photo of previous fence Engelbourg • No there is now a detailed drawing currently Walker • Wants to show the other side of fence • Doesn't address adverse effects • Will alter migratory pattern of deer and rabbits • Fence was installed illegally previously • Lived with adverse impacts for over a year • Also requests flagpole to be removed that is there illegally Engelbourg • Welcome to plant plants on his side • Need to be careful about wildlife habitat Madden • Wants feedback from commission for a middle ground or compromise Engelbourg

	- Split rail fence with planting screening is healthy compromise - Understands there isn't a visual separation but is a physically separation Turcotte - Agrees Braine - Agrees Plandowski - Agrees Walker - Would be opposed to split rail fence Engelbourg - Need opposition for wetlands and not just general opposition Walker - Concerned about the vegetation removal last time Madden wishes to continue to March 6th
Staff Recommendation:	
Motion	
Action	Cont. 3/6

3. Powers-36 Bassett Road (26-50) SE48-3871 (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Art Gasbarro
Documentation:	Site and topographical maps
Discussion:	Gasbarro Presented item No further discussion
Public Comment	No Public comment
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by: Plandowski) (Seconded by: Williams)
Vote:	Vote Carried: 7-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

D. Notice of Intent – Waiver Required

1. *NED Site Management LLC- Shoal Dredging off of 34 Straight Wharf (42.2.4-15) SE48- (Vardy)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Carlos Pena
Documentation:	Site and topographical maps
Discussion:	Pena - Presented item - Wants to continue to 3/6
Public Comment	No public comment
Staff Recommendation:	No DEP file number and no legal advertising
Motion	
Action	Cont. 3/6

E. Amended Orders of Conditions – No Waiver Required (none)

F. Amended Orders of Conditions – Waiver Required (none)

IV. PUBLIC MEETING

A. Orders of Conditions/Amended Orders of Conditions – No Waiver Required: Pre-January 1st Submission (none)

B. Orders of Conditions /Amended Orders of Conditions – No Waiver Required - None

C. Orders of Conditions/Amended Orders of Conditions-Waiver required

1. 72 Pocomo Nominee Trust- 72 Pocomo Road (15-37) SE48-3878 (Gasbarro)

2. Seven Pines, LLC- 78 Pocomo Road (15-39) SE48-3879 (Gasbarro)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell ‘Erba presented item and explained conditions • Extensive conditions • Nourishment conditions Engelbourg • 13 and 14 are different Misurelli • Needs clarification on georeferenced photographs Dell ‘Erba • Explains Misurelli • Seems burdensome to be 24 hours within each storm Both Seth and Will agree 7 days is reasonable Turcotte • Clear that this is a CES • Doesn't agree saying its a long-term net benefit • No humans = you’re altering bluff Engelbourg • Judge based on performance standards • Agrees it's a CES but majority disagreed • Can vote against or agree with commissioners Dell ‘Erba • Questioned 12 12 was removed
Public Comment	
Staff Recommendation:	Extensive findings and conditions No waiver
Motion	Motion to issue 2 orders as amended (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 5-2, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte, Engelbourg (nay)

3. South Slip LLC- 29A Old North Wharf (42.3.1-225.3) SE48-3892 (Gasbarro)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell ‘Erba presented item

Public Comment	
Staff Recommendation:	Conditions 18, 19
Motion	Motion to approve issue as drafted (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

4. Fourteen Tautemo Way Realty Trust- 14 Tautemo Way (83-13) SE48-3840 (Barnicle)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Williams
Recused:	Turcotte
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell 'Erba presented item Engelbourg - Wants schematic for shed and pool Misurelli - Questioned minor modification if it's in the public forum Engelbourg - Minor mod is fine for public interaction Dell 'Erber - Commissioners get to see data, can ask for amendment Misurelli - Is fine as long as information comes back in meeting Engelbourg - Changes wording of conditions 26 Minor mod versus bringing information to commission discussion was had Engelbourg - Ground water data was on plan Schafer - Didn't say minor mod Dell 'Erba - Did say that during the meeting Engelbourg - Fine with how its written - Adds conditions for landscape planting and lighting Dell 'Erba - Lighting is on there
Public Comment	
Staff Recommendation:	Conditions 18-26, adds conditions for landscape planting
Motion	Motion to issue as amended (Made by: Plandowski) (Seconded by: Williams)
Vote:	Vote Carried: 6-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

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

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

F. Minor Modifications (none)

G. Certificate of Compliance

1. McCausland-Smooth Hummocks (82-12) SE48-859 (Gasbarro)

2. McCausland-Smooth Hummocks (82-12) SE48-3514 (Gasbarro))

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

Representatives:	Art Gasbarro
Documentation:	Site and topographical maps
Discussion:	Gasbarro - Presented item Dell 'Erba - Questioned additional NOI to move house Engelbourg - Should continue with condition Gasbarro - House is going back 100's of feet and be lost Engelbourg - Understands but for good permitting it will be continued Commissioners don't care Turcotte - Thinks it's good practice Gasbarro - Condition 20 Engelbourg - Continue condition 20
Public Comment	
Staff Recommendation:	Issue both COC
Motion	Motion to issue both COCs with 859 continuing condition 20 (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

H. Extension Requests (None)

I. Other Business

1. Approval of Minutes -None

2. Monitoring Reports-

Large amount of monitoring reports, feel free to discuss with Will

3. Committee Reports - CRAC, CPC, NP & EDC, Harbor Plan, etc.

CRAC:	Braine N/A
CPC:	Schafer N/A
NP&EDC:	Misurelli N/A
Harbor Plan	Williams Working it

4. Commissioner Comments

Discussion:	Williams - Good meeting Plandowski - Questioned how many continuances can you have Engelbourg - Technically could go on forever - Explained
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	Misurelli • Asked about continuations if there's enforcement Engelbourg • There are civil routes the commission can take and criminal routes • Explained why some projects might continue
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5. Enforcement Actions

Discussion:	Dell Erba • Wanoma and Plover • No new updates • Plover received letter and is interested in fixing
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6. Staff Reports

Discussion:	Dell Erba • Thank you for this meeting • Apologizes for legal adds
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Adjournment:

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

Submitted by: Morgan Nelson