

header



CONSERVATION COMMISSION MINUTES

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

Thursday, March 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/bc9t4KDkAlg>

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, Vince Murphy – Sustainability Programs Manager

Attending Members: Engelbourg, Briane, Misurelli, Plandowski, Turcotte, Schafer, Williams

Absent Members: -

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 COMMENT

Chair Engelbourg called for public comment.

Public Comment	No public comment
-------------------	-------------------

III. PUBLIC HEARING

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

B. Notice of Intent- No Waiver Required

1. Town of Nantucket- 2 Ames Avenue & Dionis Beach (60-138 & 32 & 18) SE48-3895 (Nelson)
2. *Passanante- 41 Long Pond Drive (59.4-109.1) SE48-3898 (Bracken)
3. *NIR Retail LLC- 11 & 15 South Beach Street (42.2.4-7 & 57.1) SE48-3899 (Barnicle)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams, Turcotte
Recused:	
Staff Recommendation:	All items to close have been received
Motion	Motion to close (made by: Plandowski) (Seconded by: Williams)
Vote	Vote Carried: 7-0 Engelbourg, Braine Misurelli, Plandowski, Schafer, Williams, Turcotte (aye)

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

1. The Summer House of Nantucket Realty Trust- 10 & 16 Ocean Avenue (73.2.4-15, 23, & 21) SE48-3824 (Gasbarro)

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Misurelli
Recused:	Turcotte, Williams
Representatives:	Art Gasbarro
Documentation:	Site and topographical maps
Discussion:	Gasbarro • Presented item

	Schafer • Questioned what was already done and what will be done Gasbarro • Explained Engelbourg • Doesn't want the open sand area to allow seasonal dining • Coastal dune • Wants it restored • Tables are structures • Doesn't want lights on the fence, but if so, they need to meet standard of lighting bylaw Briane • Agrees with Seth Misurelli • Agrees Gasbarro • Wants to go through the photos • Proceed to explain photos Engelbourg • Takes point and retracts previous comment • More likely to not want to allow activity in area • Reiterates performance standards Valerie Moore – DeBenedictis representative • Disagrees with statement and doesn't believe commission is working full knowledge • Has retained a coastal geologist who can provide information about how it has not produced a negative impact • Requests continuance so they can get the commission the information Engelbourg • That is fine but have to accept public comments. Misurelli • Questioned bar Gasbarro • Bar existed and they requested relief • Further explained existing bar Engelbourg • Doesn't meet performance standards they are asking for a waiver
Public Comment	Willa Arsenault – NLWC • Requests impacts are really considered before they are immortalized Gasbarro • I would like to continue to April 3rd
Staff Recommendation:	
Motion	
Action:	Cont. 4/3

2. Segalini Properties, LLC- 8 Bassett Road (26-38) SE48-3851 (Rits)

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	Misurelli
Representatives:	Mark Rits
Documentation:	Site and topographical maps

Discussion:	Rits - Presented item Engelbourg - Asked for alternative analysis for the single-family residence Rits - The area is limited - Wanted to put mechanicals underneath to get more storage - Significant improvement removing foundation from seasonal high ground water Engelbourg - Their worry is how it affects the ground water flow - Wants a continuance to provide such Rits - Will do so - Requests continuance
Public Comment	N/A
Staff Recommendation:	
Motion	
Action	Continue 4/3

D. Notice of Intent – Waiver Required (none)

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

1. McCausland- 10 Smooth Hummocks Way (82-12) SE48-3897 (Gasbarro)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Williams
Recused:	Turcotte
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell ‘Erba Presented item
Public Comment	
Staff Recommendation:	Issue OOC
Motion	Motion to approve and issue order as amended (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6-0, Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

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

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Morgan Nelson
Documentation:	Site and topographical maps
Discussion:	Will presented order

	Engelbourg assisted presenting item • Need a waiver for water dependent clause Plandowski • Questioned the one-foot space between blocks Engelbourg • Yes, they will do that
Public Comment	
Staff Recommendation:	Approve as drafted
Motion	Motion to issue the order as drafted (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 7-0, Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. *Passanante- 41 Long Pond Drive (59.4-109.1) SE48-3898 (Bracken)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell 'Erba • Presented order Engelbourg • Added conditions for plantings
Public Comment	
Staff Recommendation:	Approve as amended
Motion	Motion to issue the order as amended (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0, Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

4. *NIR Retail LLC- 11 & 15 South Beach Street (42.2.4-7 & 57.1) SE48-3899 (Barnicle)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	
Documentation:	Site and topographical maps
Discussion:	Dell 'Erba • Presented item • Add lighting condition
Public Comment	
Staff Recommendation:	Approve as amended
Motion	Motion to issue the order as amended (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7-0, Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

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

1. Sconset Bluff Preservation Trust- 41-119 Baxter Road (various) SE48-3736 & NAN-142 (Posner)
2. Sconset Beach Preservation Fund- 59-83 Baxter Road (various) SE48-3759 (Dunk)

Sitting:	Engelbourg, Braine, Plandowski, Misurelli, Williams
Recused:	Turcotte and Schafer not sitting
Representatives:	

Documentation:	Site and topographical maps
Discussion:	Engelbourg - Discusses process of how they completed this order Williams - Questioned numbering Engelbourg - Ran through the findings - Read out last finding of issuance for 5 years Misurelli - Questioned 52, if there was any validation to solidify at town meeting Engelbourg - Explained they need an affirmative vote at town meeting for a license but not to solidify the findings - Read through findings for NAN-142 - Emphasized a waiver for structure
Public Comment	
Staff Recommendation:	
Motion	Motion to issue the order SE48-3736 as drafted and issue (Made by: Plandowski) (Seconded by: Braine)
Vote:	Vote Carried: 5-0, Engelbourg, Braine, Plandowski, Misurelli, Williams (aye)
Motion	Motion to approve and issue NAN-142 as drafted and issue (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 4-1, Braine, Plandowski, Misurelli, Williams (aye) Engelbourg (opposed) Turcotte, Schafer not sitting

D. Request for Delineation of Applicability – Delineation Only

1. *Mueller-43 Western Avenue (87-93) (Madden)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical maps
Discussion:	Madden Presented item
Public Comment	
Staff Recommendation:	Issue with a positive 2a
Motion	Motion to issue with a positive 2a (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 7-0, Engelbourg, Braine, Plandowski, Schafer, Turcotte, Misurelli, Williams (aye)

E. Request for Determination of Applicability – Work Requested

1. The Judith A. Bober Trust- 30 Grove Lane (41-435) (Bracken)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Ryan Maxwell
Documentation:	Site and topographical maps
Discussion:	Maxwell Presented item
Public Comment	

Staff Recommendation:	Issue negative 2, negative 3, and negative 6
Motion	Motion to issue with negative 2, negative 3, negative 6 (Made by: Williams) (Seconded by Misurelli)
Vote:	Vote Carried: 7-0, Engelbourg, Braine, Plandowski, Schafer, Turcotte, Misurelli, Williams (aye)

F. Minor Modifications

1. Neda Movaaghar Revocable Trust- 9 Woodbury Lane (41-551) SE48-3631 (Madden)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte
Recused:	Williams
Representatives:	Brian Madden
Documentation:	Site and topographical maps
Discussion:	Madden - Presented item Plandowski - Questioned June/January date Dell’Erba - Fixed, January
Public Comment	
Staff Recommendation:	
Motion	Motion to issue minor mod as amended (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 6-0, Engelbourg, Braine, Plandowski, Schafer, Turcotte, Misurelli (aye) Williams recused

2. 2. Nantucket Islands Land Bank- 19 Wauwinet Road (20-35) SE48-3818 (Phelps)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte
Recused:	Williams
Representatives:	Liz Phelps
Documentation:	Site and topographical maps
Discussion:	
Public Comment	
Staff Recommendation:	
Motion	Motion to issue minor modification (Made by Turcotte) (Seconded by Plandowski)
Vote:	Vote Carried: 6-0, Engelbourg, Braine, Plandowski, Schafer, Turcotte, Misurelli (aye) Williams recused

3. 3. Fourteen Tautemo Way LLC- 14 Tautemo Way (83-13) SE48-3840 (Barnicle)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	Turcotte
Representatives:	Katie Barnicle
Documentation:	Site and topographical maps
Discussion:	Barnicle Presented item
Public Comment	
Staff Recommendation:	
Motion	Motion to issue minor modification (Made by Misurelli) (seconded by Plandowski)

Vote:	Vote Carried: 6-0, Engelbourg, Braine, Plandowski, Schafer, Misurelli, Williams (aye) Turcotte recused
-------	---

G. Certificate of Compliance

1. MVB Living Trust- 3 Cornish Street (42.4.1-96) SE48-1514 (Blackwell)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Jeff Blackwell
Documentation:	Site and topographical maps
Discussion:	Blackwell Presented item
Public Comment	
Staff Recommendation:	
Motion	Motion to invalidate order and issue OOC (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 7-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. MVB Living Trust- 3 Cornish Street (42.4.1-96) SE48-1803 (Blackwell)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	Jeff Blackwell
Documentation:	Site and topographical maps
Discussion:	Blackwell Presented item
Public Comment	
Staff Recommendation:	Issue COC
Motion	Motion to issue COC (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 7-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

H. Extension Requests

1. Nantucket Conservation Foundation- 220 Milestone Road (51-1) SE48-3519 (Beattie)

Sitting:	Engelbourg, Misurelli, Braine, Plandowski, Schafer, Williams
Recused:	Turcotte
Representatives:	Karen Beattie, Ada Fox
Documentation:	Site and topographical maps
Discussion:	Fox Presented item
Public Comment	
Staff Recommendation:	Issue COC
Motion	Motion to issue extension (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 6-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

I. Other Business

1. Approval of Minutes - 9/6/2024, 9/19/2024, 10/3/2024, 10/17/2024, 11/07/2025

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

2. Monitoring Reports- Several in packet, direct questions to Will

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

CRAC:	Braine Public meetings on Tuesday, was participation
CPC:	Schafer Assigned all projects in cycle and ready to engage
NP&EDC:	Misurelli N/A
Harbor Plan	Williams Still slugging through it

4. Commissioner Comments

Discussion:	Williams - Good meeting Misurelli - SBPF was a big, long haul and thank you to everyone Schafer - How does everyone feel about the new procedures All enjoy
-------------	---

5. Enforcement Actions – 14 Plover Lane

Discussion:	Engelbourg - Recapped last meeting Dell Erba - Holding off on some updates to revive written legal opinion to be discussed next meeting Brian Madden – LEC Environmental consultants representing homeowner - Commission wants to conduct a visit and happy to do so - Submitted existing conditions plan - Reviewed plan Plandowski - Questioned the three-year monitoring plan Madden - Explained what the monitoring involved Plandowski - Questioned if dead plants would be replaced Madden - Determined by monitoring Engelbourg - Why they voted to require NOI Plandowski - Questioned who was responsible for payment for years 1-3 if owner sold the house Engelbourg
-------------	---

	• There is a method that the commission can ensure the payment is made no matter what • Bond or deposit of money that is held Misurelli • Questioned the establishment of irrigation Madden • Could put sprinkles on overhead but it is drip irrigation above ground, not permanently Engelbourg • Thinks they should require a bond • Expensive project • Other manner might be to require a conservation restriction to be placed on the land • Explains why he thinks it's necessary • Questioned if a fence was installed without a permit and lightning Madden • Traced fence that was installed • Proposed to be removed • Lighting installed may not be in compliance so it will need to be addressed Briane • Ask for clarification on a conservation restriction Engelbourg • Explained a CR Misurelli • Plot is undevelopable as is so what would we gain by a CR Engelbourg • Explained that if the conditions changed, it would require the property to remain conservation Plandowski • Questioned the fines Engelbourg • Waiting for town council to figure out details on fines Plandowski • Is not in favor of fines Engelbourg • By requiring an NOI to be submitted as a result of an enforcement, the fee is 10x the regular filing fee which goes to the ConCom Turcotte • Adds that he thinks it's a great idea to put a CR on the property and explains why Engelbourg • Would require external party and approval of town and state Schafer • Kind of on the fence with a bond Engelbourg • Within discretion to revisit bond or fines issue Dell 'Erba • Had a long meeting with town council but wants to wait for an actual letter Engelbourg • Agrees Turcotte • If folks aren't ok with bond, NOI would require a COC
--	---

	Engelbourg • Explains yes Glenn Wood – represents homeowner • Recalls it difficult for a bond to be issued • Point has been raised that the bulk of work would be done immediately so if there was a failure, it would be dealt with • Have been working with the neighbors on the incursions • Concerns it's not appropriate to discuss the fines but did work hard to get the filing done and wants fines to be terminated as of last Friday Engelbourg • I appreciate it • Will take public comment from abutters then general public comment
Public Comment	Dan Bailey – Represents Delaine/Wagner family • Mr. Wood is correct but notes that the plan is not showing the plans for the Wagner property • Likes the CR • Most of the other properties surrounding have a CR • Explains benefit of CR • Vegetation removed cannot be restored • Explains again how this work occurred • Explains a letter submitted to the commission by independent reviewer • Explains points in letter • Doesn't think the restoration plan is detailed enough • Must be careful about invasives • Suggests 3-5 year regular monitoring • Commission can authorize planting plan and issue NOI after Engelbourg • That's what they want to do and agree that this planting plan is first step • Some details on plan need work • NOI allows alteration of this plan Dell 'Erba • Cautions against instant gratification is not best and is best to give plants space to grow into Engelbourg • Hears what representative is saying about a bond, another route could be to require contracts Misurelli • Believes if the property was sold, the bond would give more security Mr. Bailey • Confident the work will get done and agrees for the commission to use all tools at their disposal • Open OOC, and wants commission to revoke it due to the violation Engelbourg • Agrees that is an option and discusses other options Tony Cahill • Appreciates the ConCom and work • Thinks 16 and 10D never had site easements and additional planting should be done along property lines • Questioned fertilizers Madden • Anything done will be in compliance of regulations Engelbourg

	• Commission has the ability to restrict chemicals Henry Reider – Wauwinet neighborhood • Questioned size of trees and monitoring Engelbourg • Not as large as could be but they exist • Real questions are, is it feasible Allison Hudson – Wauwinet neighborhood • Questioned height of deer fence • Questioned the water usage as all neighbors are on wells • Echoed bond Wood • Suggestion to remove pool carries no weight • Trusts commission to flush this idea out of heads Misurelli • Suggests 3 ½ in caliper for trees Engelbourg • Wouldn't want to disturb wetland more • Thinks species are good • Not my favorite plan • Start with plan and go through NOI Misurelli • Can plant trees in such a way it restores Plandowski • Comments on deer fence Engelbourg • Closest thing it looks like Dell 'Erba • Happy to include research articles in the next packet for the bell curve you get out of plant material • Larger in the beginning leads to less growth • Transplant shock Engelbourg • Scientifically a good way to proceed • Requests from abutters to allow their scientists to allow the neighbors representative scientists to be present Wood • Can't agree to it now but will discuss it with homeowners Engelbourg • Site visit on April 1st Commissioners are available Madden is available Engelbourg • Are they holding off on accepting planting plan or approving Turcotte • Wants to see stuff to get in the ground but would like to hear other commissioners Engelbourg • Makes sense to wait if they are doing field viewing Schafer • Can they do both Engelbourg • Yes
--	--

	Misurelli - Asks Brian if waiting makes a difference Madden - Would be helpful to get a consent but can modify on the fly Engelbourg - Authorize the violator to order plant materials on plan but not begin planting until after the site visit Misurelli - Will want to look at Wauwinet on the roadside Engelbourg - Need motion to remove cease and desist Plandowski - Questioned who is doing the ordering, the violator? Engelbourg - Correct, the violator
Motion	Motion to lift cease and desist order to order plants, not planting (Made by: Misurelli) (Seconded by: Turcotte)
Vote	Carried://6:0 Engelbourg, Braine, Misurelli, Schafer, Turcotte, Plandowski (aye) Williams abstained
Discussion cont.	Engelbourg - Request to indicate who will be doing the plant and requests the contracts Plandowski - Questioned date Engelbourg - Can't discuss at the field viewing only at a meeting

6. Staff Reports

Discussion:	Dell Erba Believes the regulation changes are going way better
-------------	---

Adjournment:

Motion:	Motion to adjourn. (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte (aye) Williams abstained

Submitted by: Morgan Nelson