



# CONSERVATION COMMISSION MINUTES

131 Pleasant Street  
Nantucket, Massachusetts 02554  
[www.nantucket-ma.gov](http://www.nantucket-ma.gov)  
Thursday, May 1, 2025 – 5:00 p.m.

*This meeting was held via remote participation using ZOOM and YouTube.*

[https://youtube.com/live/bbK\\_FrGqMnU](https://youtube.com/live/bbK_FrGqMnU)

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

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

Staff in attendance: Jeff Carlson, Natural Resources Director, Will Dell’Erba, Conservation Agent  
Attending Members: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams  
Absent Members: -  
Members Left Early: -

## I. Acceptance of the Agenda

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

## II. Public Comment

Chair Engelbourg called for public comment

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| Public<br>Comment<br>(00:01:29) | No public comment |
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## III. Public Meeting

A. Discussion of potential updates to the Nantucket Wetland Protection Regulations and scheduling of potential public meeting and or public hearing.

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| Sitting:                  | Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Documentation:            | Site and topographical plans, photos, requisite departmental reports and correspondence.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Public Comment:           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| - Discussion: (00:01:41)) | <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- The last update on regulations was approved last year and went into place January 1<sup>st</sup>, of this year.</li> <li>- During that process, we have committed to having a meeting at least once annually to discuss potential changes or issues that may arise.</li> </ul> <p>Dell’Erba pinpoints some discussion topics that the Commission may want to cover</p> <ul style="list-style-type: none"> <li>- Coastal Engineer projects- Ideally to establish a better term to encompass things like the cliff stabilizers</li> <li>- Discussion on two-foot separation- questioning what makes sense and if it should be site specific.</li> <li>- Different consent items recommended by Williams</li> <li>- Adding “debris removal” as a specific item under minor activities.</li> </ul> <p>Engelbourg asks the Commission if there are any concerns about adding debris removal to the minor activity permit.</p> <p>Dell’Erba lists the following activities that are already covered in the permit which include the establishment of maintenance of pervious grass paths, split rail fencing, removal of dead trees or clearance pruning, and invasive removal.</p> |

Engelbourg

- Anything that requires heavy machinery or anything that could be considered a structure would not be allowed.
- This is all conceptional right now and we will have to have town council review and approve the changes and then we would have to bring an entire update to a public hearing for questions, comments, concerns.
- Once approved, we would have to send a legal ad and post it and could make an effective date at least three weeks later.

*Coastal Engineering structures*

Engelbourg

- Recommends changing the definition being “Man made materials permanently assembled at a fixed location.”
- - In terms of the cliff stabilizers, they are temporarily at a fixed location and only meant to be there for a specific amount of time to establish the dune and the buildup sand and then pulled out.

Williams

- Asks if it’s more damaging when taking them out, does it disrupt everything they did?

Engelbourg

- Disagrees- the screw is so small and is meant to just start the process and not do the stabilizing.

Braine

- So, in theory, the geo tubes aren’t permanent. How do you distinguish long term temporary and short-term temporary requirements.

Engelbourg

- This is meant to deal with anything not specifically listed. So, under structure coastal engineering, geotextile fabric is specifically already called a coastal engineering structure.
- This is meant to be dealt with any emerging technologies that aren’t listed one way or another.
- We can do anything here, if there’s a reason to consider something as a coastal engineering structure, we can.

Misurelli

- What would make the coir terrace a structure, if you coupled it up with other materials?

Engelbourg

- If we change the definition of structure to what I’m saying, it won’t be considered a structure or meet the definition of a coastal engineering structure.

Williams and Misurelli feels comfortable with Engelbourg’ s definition changes.

Braine

- Is there any value in defining how temporary something is in order to determine if it’s permitting or not

Engelbourg

- I think temporary and permanent is up to interpretation. I think we can get by that pretty easy.

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|  | <ul style="list-style-type: none"> <li>- Recommends using the following wording “a combination of non-naturally occurring materials assembled at a fixed location for more than one year.</li> </ul> <p>Williams</p> <ul style="list-style-type: none"> <li>- Comfortable but not willing to put a time limit on the term “temporary”</li> <li>- If we put a year on it then we have to have them come back here and we have to consider labeling it as a Coastal Engineering structure.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- It wouldn’t require the applicant to come back to ConCom and do that. They wouldn’t have to re-apply as permits are for three years.</li> <li>- We can figure out what the wording would be but maybe we could use the time frame of three years, since that’s the time frame of the permit.</li> </ul> <p>Dell’Erba</p> <ul style="list-style-type: none"> <li>- Explains the situation of the Town’s pilot cliff stabilizer project and mentions that they would have a break of about a year but may want to add more next season in spots of a fixed area.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Thinks there should be a separation of the two definitions. So, in structure, it should be “the combination of non-naturally occurring materials assembled at a fixed location.”</li> <li>- For coastal Engineering structures, it should be “any structure intended to be used for more than a three-year timeline.”</li> <li>- We’ll have to look at the language because if we put the time consideration in structure, it’s going to do a lot of weird things to other structures that aren’t coastal engineering structures.</li> <li>- In terms of the specific calling out of test projects, I think if we get these definitions well vetted then we won’t need it at all.</li> <li>- There’s a whole section on test projects in the Wetlands Protection Act but we’ll have to find the wording for it in our bylaw.</li> </ul> <p><i>Two-foot separation</i></p> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- I think we have an excellent opportunity to use the funds that the Commission coffers to hire an outside review by a hydrologist to give some unbiased opinion on what they think in light of adding resiliency and climate change as a protected interest.</li> </ul> <p>Williams</p> <ul style="list-style-type: none"> <li>- It may be on a case-by-case basis but it’s good to have something in place.</li> <li>- We may have to vote on hiring a hydrologist as it’s expenditures of funds.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- I don’t think we can vote on it today but at the next special meeting.</li> </ul> <p>Dell’Erba</p> <ul style="list-style-type: none"> <li>- Loves the idea and will look into it.</li> <li>- I’m not sure if the distance is too much or not enough but agree that it should be site specific.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- In terms of performance standards, it needs to be clear enough and easy to understand by the public and applicants while providing the guidance that we need to have each site.</li> </ul> |
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|  | <p>Plandowski</p> <ul style="list-style-type: none"> <li>- The Conservation Commission holds land totaling 25 acres, and it's still an open issue.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- At the special Town Meeting of 2024, the Selectboard authorized the sale or transfer of those parcels to the Land Bank, but they had to go to the legislature for the state's vote. The state did nothing about it and it's not on the warrant for the 2025 town meeting this Saturday.</li> <li>- We voted as a Commission to authorize the town to dispose of those parcels.</li> </ul> <p>Braine</p> <ul style="list-style-type: none"> <li>- Do we know why the state didn't approve it?</li> </ul> <p>Williams</p> <ul style="list-style-type: none"> <li>- Mentions how they didn't get to it and goes through the procedure of the approval process.</li> </ul> <p>Plandowski</p> <ul style="list-style-type: none"> <li>- Came across the statement of "The Conservation Act of 1957 also directs the Conservation Commission to coordinate the activities of unofficial bodies organized for resource protection." Ask what that means.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- It means that we could start a coalition of nonprofit entities and direct them to do what we think we want them to do.</li> <li>- 1957 was a very different time but I've mentioned before that most people think that the Commission's primary role is in wetland regulatory function, as historically it has been for Nantucket. But it's not the only role.</li> <li>- Other Commissions also have a role in open space acquisition, protection, education and stewardship.</li> <li>- Other organizations are doing that for us, but we have the authority and ability to do that, if you wish.</li> </ul> <p>Dell'Erba</p> <ul style="list-style-type: none"> <li>- As seen by the massive applications that are received, this Commission is primarily a permitting board.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- We are authorized to do a lot. We have had opportunities over the years that we have squandered, like opportunities to write comment letters or weigh in on projects that aren't in a wetland but are going to cause significant environmental change.</li> </ul> <p>Turcotte</p> <ul style="list-style-type: none"> <li>- I've been doing a lot more reading on the enforcement handbook and the MACC Conservation Commission handbook dealing with Enforcement.</li> <li>- There are a lot of things that we could be doing such as assigning one of us to help staff with Enforcements.</li> <li>- We should discuss adopting an Enforcement Action plan, which I have drafted of things that we're already doing but have memorialized so that we can put it on the website.</li> <li>- We could meet with homeowners once or twice a year, educate the public on what we do. We would have less Enforcement if we solidified this plan and got it out to the public.</li> </ul> |
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|  | <ul style="list-style-type: none"> <li>- It would lessen the confusion on what happens when we get a tip, see something, or when something that's not in compliance.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- The idea of having an Enforcement coordinator is good but I think we should do it in the same way as a committee appointment.</li> <li>- It should be voted on so when you show up on the property, you've been officially votes as that person.</li> </ul> <p>Misurelli</p> <ul style="list-style-type: none"> <li>- I think both are great ideas and I don't think the public knows a lot about what they're permitted to do.</li> <li>- I would like to have a more in dept conversation about the Enforcement Coordinator because we really have to put some parameters around what the details are for that.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- I don't know if our bylaw will permit us to have an Enforcement Coordinator as it only specifically allows three positions to be created. A chair, vice chair, and a secretary.</li> <li>- We can create a subcommittee, but we would have to go through the proper approval process, and I think it would be a council issue.</li> </ul> <p>Dell'Erba</p> <ul style="list-style-type: none"> <li>- I will look into this with the council and maybe we can nominate this person to be the sort of unofficial point person to team up with staff on Enforcements.</li> </ul> <p>Braine</p> <ul style="list-style-type: none"> <li>- When ConCom permits an Order of Conditions on a structure that possibly has to be moved, we don't have any mechanisms to follow to see if it's been done.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Will goes out once a Certificate of Compliance has been filed.</li> <li>- When a permit is active, Commission staff and Commissioners can visit the site whenever they want to determine if the project is in compliance.</li> </ul> <p>Williams</p> <ul style="list-style-type: none"> <li>- When the property transfers, they're going to do a title search, and they are going to find these Orders with no Certificate of Compliance.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- The Enforcement Action plan only applies to projects or properties where it's clear something isn't right. If there is evidence that something odd is going on, this is what would be triggering this type of process.</li> <li>- The flow chart that Turcotte put together lays some of that out as well.</li> <li>- Due to the nature on this, we need to have Jeff, Will, and Town Council talk about this a bit and we should schedule another public meeting to discuss all the details that come out of that.</li> </ul> <p>Turcotte</p> <ul style="list-style-type: none"> <li>- Requests Town Council to be there to answer any questions.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Asks Dell'Erba to speak to Carlson, check and see when the council is available, and send out some options on when they're able to attend.</li> <li>- Requests to try and schedule these meetings by the end of June as the terms of the three Commissioners will expire by July 1<sup>st</sup>.</li> </ul> |
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|  | <p>Dell’Erba</p> <ul style="list-style-type: none"> <li>- I think we could be making good use of the NRD Instagram, and I could get a day every week to post regulation updates, Enforcement Action plan, etc..</li> </ul> <p>Turcotte</p> <ul style="list-style-type: none"> <li>- Reminds Commission that Nantucket has streams.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- The only way to protect those streams through performance standards would be to create a new resource area called “streams or streams habitat.”</li> <li>- The first thing to do would be to write the definitions of that area, the protected interests of that area, and the performance standards of that area.</li> </ul> <p>Dell’Erba</p> <ul style="list-style-type: none"> <li>- It would be the same process of advertising, but I think we would also have to figure out a way to quantify or some sort of study on if we are getting benefit from this if the streams are already located in other resource areas.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- If we add streams as a resource area, it would be applicable under the local bylaw and regulations only.</li> <li>- It’s not the first time we have done this, but we have a lot of performance standards that are very different from the state.</li> <li>- It might make more sense to do this now as there may be more streams later.</li> <li>- We could also include a condition that states “in case of running water, this performance standard applies.”</li> </ul> <p>Turcotte</p> <ul style="list-style-type: none"> <li>- My main thing was that DEP has a handbook for streams that’s almost exclusively for how you build a crossing over it and the culvert is adequate.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Staff will look into that and give us an update for our next meeting.</li> </ul> <p>Plandowski</p> <ul style="list-style-type: none"> <li>- If you add the section on streams, would that delete the section on rivers?</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Our rivers section in the Nantucket regulations says “there’s no rivers on Nantucket”. I think we could keep that in as to not run afoul of the riverfront area definitions.</li> </ul> <p><i>Policies and Procedures</i></p> <p>Dell’Erba</p> <ul style="list-style-type: none"> <li>- I had a couple of people mention more consent items.</li> <li>- I am also looking into getting the placards made for meetings.</li> </ul> <p>Schafer</p> <ul style="list-style-type: none"> <li>- Asks if the no cultivar conditions are being posted in the bindings so that there is no delay in the meeting.</li> </ul> <p>Engelbourg</p> <ul style="list-style-type: none"> <li>- Prior to talking about that, I have a general point.</li> <li>- We made all the changes to the policies and procedures and told everyone about that in the hearings we had but we never posted them on the website.</li> </ul> |
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- Let's get the document updated with what we want, formatted in a good way, and posted on the website.

Dell'Erba

- Whatever we have from this meeting, I would like to create a procedures handbook as I think we could use a heavy re-do.

Engelbourg

- We changed the procedures for having no waiver projects called out and voted on as a block. But we didn't do that for the Order of Conditions.
- Prior to the meeting, the town staff and chair of the Commission would look through each of the Order of Conditions and draft them as they see fit. The one thing that needs to happen in order for this to happen is that the Orders need to be sent out earlier in the day or the week before.
- When we get to the Order of Conditions for non-waiver projects, we do the same as we do for the NOI. If anyone wanted to review those Orders individually, they would be up for discussion.
- Any that didn't get called would be voted on as a block and issued as drafted.

Dell'Erba

- If we were going to do that, I would be more than happy to commit to having them sent out on Friday before the meeting.

Engelbourg

- That would be great, and these changes can go into place effectively immediately if we want.
- We will start that procedure at the next meeting and get the updates in the handbook posted online.

Dell'Erba

- The handbook will probably take a little time, but I can get a change summary up online in the next day or two, if everyone is ok with that.

Commission agrees

Engelbourg

- He thinks that we should talk to Town Admin about making the Community room at the public facilities building their primary meeting space as to keep it consistent on the website.
- We have another meeting in October where we can have a further discussion on these and make any changes at that time as well.

Dell'Erba

- Asks if two special meetings should be scheduled, one Enforcement specific and another regulation specific.

Engelbourg

- I think it's just the Enforcement portions of the regulations that we need to work on. The regulations themselves just need language changes. We could do that at the actual hearing.
- It would be great to have a public meeting to review the language changes in the regulations and then the second will be public hearing, and I think we'll be ready to go.
- We can always convert that public hearing to a meeting if we find that we're not ready.

**A. Other Business**

1. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

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| Discussion: (1:19:50) | <p>Engelbourg requests that if there isn't anything time sensitive, we hold off on reports until the next meeting.</p> <p>Dell'Erba</p> <ul style="list-style-type: none"> <li>- Leah had mentioned that CRAC is endeavoring to suggest updates to local bylaws and regs to give some kind of guidance to Boards, Commissions, Committees to promote coastal resiliency.</li> <li>- A representative from WHOI Sea Grant and they are willing to come present to us whether that be a special meeting or the next regulations meeting.</li> </ul> <p>Engelbourg thinks having them at the next regulations meeting is the proper choice.</p> |
| CRAC:                 | <p><b>Braine</b></p> <ul style="list-style-type: none"> <li>- No report</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| CPC:                  | <p><b>Schafer</b></p> <ul style="list-style-type: none"> <li>- No report</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| NP&EDC:               | <p><b>Misurelli</b></p> <ul style="list-style-type: none"> <li>- No report</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Harbor Plan           | <p><b>Williams</b></p> <ul style="list-style-type: none"> <li>- No report</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

2. Commissioner's Comments (none)

3. Staff Reports (none)

**Adjournment:**

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| Motion: | <b>Motion to adjourn at 6:21pm. (Made by: Turcotte) (Seconded by: Misurelli)</b>           |
| Vote:   | Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye) |

Submitted by:  
Lisa Graves