



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, January 18, 2024 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=sb1AYK1KwQw>

Commissioners: Ian Golding (Chair), Seth Engelbourg (Vice Chair), Mark Beale, Tim Braine, Mike Misurelli, Joe Plandowski, and Linda Williams

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

Staff in attendance: Will Dell'Erba, Conservation Agent; Jeff Carlson, Natural Resources Director
Attending Members: Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Members Left Early:

Chair Golding called for Public Comment on items not on the agenda. There were no public comments.

PUBLIC HEARING

Notice of Intent

Lampoon Nominee Trust- 6 Westco Place (42.4.3-49) SE48-3715 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Art Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Glenn Wood, Rubin and Rudman LLP - Expressed that the Land Bank is requesting a continuance to review previous hearing comments. - Mentioned the unresolved issue regarding the intensity of use of the property's accessway. - Clarified that the evening's discussion would be confined to the commission's approval of the proposed footprint, avoiding debate on the walkway's intensity of use. - Aimed to get a preliminary sense from the commission on their openness to the proposed barn location. - Highlighted that depending on the commission's feedback, additional discussions between the property owner and the Land Bank might be necessary.
Discussion: (00:05:33)	Beale - Thanked Mr. Gasbarro and the applicant for adjusting the barn's position relative to the northerly property line, which potentially reduced the square footage within the 25-foot buffer zone. Gasbarro - Confirmed that adjustments were made, with a table included in the plan comparing the areas within the 25-foot buffer zone before and after the proposal. Noted a one square foot increase in the buffer zone, offset by increased separation distance. Williams - Expressed ongoing concerns about not relocating the barn to the other side, aiming to mitigate issues on the north side of the easement. - Pointed out that since the barn is being moved, it could just as easily be relocated southwards to minimize impacts under the ConCom's jurisdiction. Misurelli - Voiced a sense of conflict over the allowance of building within the 50-foot buffer zone and the availability of alternatives to avoid the 25-foot buffer zone.

	- Noted that the issue has been discussed across three or four meetings, indicating prolonged deliberation. - Stated a willingness to consider the proposed location if it garners the majority support of the commission, despite initial reservations. Engelbourg - Recognized the limitations of the site, noting the absence of a viable location for the structure completely outside the 50-foot buffer zone. - Commended the applicant for conducting thorough due diligence and identifying a suitable location for the structure within the constraints. - Proposed enhancing the planned restoration area or undertaking additional restoration elsewhere on the site as further mitigation for the structure's impact. - Stated comfort with the proposed location, considering the property's history and potential for minor additional mitigation efforts. Golding - Voiced broad agreement with the previous points made regarding the site's constraints. - In response to concerns raised by Linda, it was pointed out that, as Seth highlighted, there is no feasible option to relocate the structure outside of the 50-foot buffer zone. - Recognized the limitations imposed by the site as significant factors influencing the decision-making process. Williams - Emphasized that moving the structure southward would reduce its impact, advocating for placement in a lot area that minimizes the impact within the 25 to 50-foot buffer zone. - Introduced a procedural concern regarding the presence of an unidentified guest at the meeting, stating that participants must legally identify themselves with full names to be allowed on site. Dan Bailey - Proposed accepting a condition to place the barn 5 feet from the property line, a slight adjustment from the current plan showing 5.3 feet. This change aims to reduce the footprint within the 25-foot buffer zone, albeit not significantly impacting environmentally but showing an effort to minimize the area affected. - Agreed with Mr. Engelbourg's suggestion for additional restoration efforts on the property, indicating willingness to enhance the ecological and environmental condition of the site. - Offered a new measure to manage roof runoff from the barn by infiltration, which had not been previously discussed, as a means to improve the site's environmental handling. - Recognized there's no alternative relocation within the 50-foot buffer zone that wouldn't impact parking and other considerations. - Expressed that extensive discussions with the Land Bank have concluded the current plan as workable and beneficial for proposed road changes, despite some concerns from the Conservation Commission. - Stated readiness to close on the project, although noted the Land Bank may have outstanding issues to address. Hunter Ziesing - Stated that a submittal of a mitigation plan that shows reduced parking and restoration will be coming in the next couple of weeks.
Action:	Continued until February 1, 2024

Carol W. Dean Revocable Trust- 48 West Miacomet Road (86-4) SE48-3737 (Santos) **Continued until February 1, 2024**
Great Harbor Yacht Club- 96 Washington Street (55.1.4-8) SE48-3729 (Asadoorian) **Continued until February 1, 2024**

14 16 Sheeps Pond LLC- 14 & 16 Sheep Pond Road (63-29 & 30) SE48-3731 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Brian Madden, LEC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:16:03)	-
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made By: Plandowski) (Seconded By: Braine)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Nantucket Islands Land Bank- 40 Western Avenue (87-84) SE48-3730 (Freeman)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Rachael Freeman
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:17:47)	-
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made By: Misurelli) (Seconded By: Plandowski)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

*Minella- 5 Gingy Lane (41-852) SE48-3735 (Rits)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Mark Rits
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	James E. Gillum - Contacted by three neighbors expressing concerns, primarily about groundwater issues. - Noted as the only year-round resident among these neighbors, with one other house occupied during the winter. - Prefaced remarks by stating no opposition to the construction of a dwelling on the lot, a sentiment shared by the neighbors concerned, focusing instead on groundwater concerns. - Acknowledged a long-standing acquaintance with the applicant and their late father, highlighting the lot's size, existing garden, and the proposed building envelope. - Mentioned potential changes in setback requirements from 50 to 75 feet and provided a history of development in the area over the last 15-20 years, leading to instances of flooding. - Detailed three significant flooding events: in 2007 at 51 Westchester Street, in 2021 at 13 Gingy Lane, and most recently last January during excavation at 9 Gingy Lane, impacting 62 North Liberty Street and the speaker's own property. - Discussed measures taken with the applicant's family and builders to address water removal, emphasizing the limitations of existing drainage infrastructure and the necessity of proper water management during construction. - Highlighted concerns about the feasibility of constructing full basements given the groundwater issues and suggested that any construction should consider the impact on groundwater, including the management of water during construction to prevent exacerbating existing problems. Anne Rubin - Collective agreement among residents across the street from 5 Gingy Lane that they are not opposed to the building on the lot, despite significant water issues experienced as each house was developed.

	- Residents on the lower end of the street have faced water issues in their foundations and basements since 2011, exacerbated by the development of 9 Giny, 13 Giny, and now 5 Giny. - Expressed significant concerns about groundwater impact due to the development and requested the commission to evaluate groundwater levels and wetland delineation. - Mentioned confusion regarding the status of a rain garden believed to be on conservation land, leading to disputes about the land's actual designation. - Highlighted concerns raised by recent photos showing substantial water accumulation, urging for these issues to be addressed for the benefit of all homeowners in the area. JJ Davis - Lives directly across from the proposed building site and expresses reluctance about the development, noting that the land was represented as conservation or rainwater management area upon purchase two years ago. - Highlighted the lack of street drainage, with the street sloping towards the front of the proposed building lot, which already accumulates water due to a curb cutout. - Observed that water overflows towards their property, raising concerns about the potential for increased flooding without proper regrading or alternative drainage solutions. - Mentioned previous instances of moisture in their basement during heavy rains, emphasizing severe reservations about future water management if the site's drainage is not adequately addressed.
Discussion: (00:20:48)	Williams - Questioned if the applicant had viewed the recently received photos, depicting a significant water accumulation, described as a "lake." - Recalled living nearby on Delaney, where the area was historically wet due to the Lily Pond Estuary running underneath, leading to flooding that allowed floating in a dinghy. - Highlighted that the estuary extends to Lily Pond, passing under the development site and affecting properties across the street on Derrymore with foundation issues due to wetness. - Described the current condition as incredibly wet, suggesting a reassessment of the wetland designation might be necessary. - Suggested considering whether to reassess the wetland or work within the boundaries established before the recent increase in water levels. Rits - Based on a delineation conducted years ago, which has been upheld for adjacent properties. - Noted that under normal conditions, the wetland boundaries seemed consistent with past assessments. - Offered to have the wetland boundaries re-evaluated if the commission finds it necessary. - Reminded that occasional flooding does not necessarily equate to permanent wet conditions. Engelbourg - Requested either an updated delineation or more detailed narrative about the permitting history. - Acknowledged the use of an older delineation in previous permits but specified the need for renewal if none are within the last three years. - Suggested an analysis of both permit and delineation history to provide clarity. Misurelli - Agreed with Seth and Linda, drawing a parallel to Meter Street, cautioning against getting sidetracked by the comparison. - Noted the significant development around the area in question, without asserting that changes are unamendable, especially with proper drainage solutions. - Suggested the value of a further look and a site visit when possible.

	Rits - Offered to return with proposals after consulting with the engineer responsible for the project. - Suggested taking a closer look at the concerns raised and conducting another evaluation of the wetland, if desired by the commission. Beale - Inquired if the intention to build a full cellar is definitive or flexible based on the actual groundwater levels. - Suggested considering a different design for the first floor if groundwater proves to be as high as anticipated, instead of a full basement. Rits - Expressed willingness to re-evaluate the project given the current proposal includes a full basement. - Acknowledged the need to reconsider the basement plan if environmental conditions have significantly changed. - Stated no proposals would be made until a thorough examination of the site and conditions has been conducted. Williams - Shared personal experience to highlight the widespread foundation issues in the area due to the Lily Pond estuary running underneath the properties, emphasizing the high costs and challenges encountered in construction, specifically regarding basements. - Mentioned a specific instance where her house, previously located at 64 Cliff, and surrounding properties faced significant expenses to address foundation issues related to the estuary's path, with one project costing nearly \$200,000. - Noted instances where neighbors could not install basements due to these challenges. - Shared an anecdote about their grandparents opting to fill their basement with sand to avoid dealing with water infiltration and the constant use of a pump. - Highlighted the impact of water table fluctuations on the area's wetlands and groundwater levels, pointing out the direct correlation between opening Hummock Pond and changes in yard water accumulation. - Concluded with a warning about the need for careful consideration and possibly a new delineation of the wetlands due to changing conditions and the rising water table.
Action:	Continued until February 1, 2024.

Amended Order of Conditions

32 Hulbert Trust- 32 Hulbert Avenue (29-72) SE48-3575 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Art Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:40:31)	-
Motion:	Motion to approve Amended Order of Conditions. (Made By: Misurelli) (Seconded By: Plandowski)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

PUBLIC MEETING

Requests for Determination of Applicability- none

Minor Modifications**Bailey- 83 Sankaty Road (49-91.1) (Madden)**

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Brian Madden
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:41:50)	-
Motion:	Motion to Approve the Minor Modification. (Made By: Misurelli) (Seconded By: Braine)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Certificate of Compliance**59B Polpis Road LLC- 59B Polpis Road (54-26.1) SE48-3377 (Gasbarro)**

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Art Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:43:41)	Dell’Erba - Mentioned that all conditions for the project have been met as shown, with specific reference to the pool and lighting conditions. - Identified the relevant conditions as numbers 19 through 23.
Motion:	Motion to Issue a Certificate of Compliance with Conditions. (Made By: Misurelli) (Seconded By: Plandowski)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Nantucket Islands Land Bank- 158 Orange Street (55-61.1) SE48-2784 (reissue-dock installation)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Rachael Freeman
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	
Discussion: (00:46:09)	Dell’Erba - Explained that the need for a reissue typically arises when a hard copy was checked out from the office and was either not returned or went missing. - Noted that the document had been issued previously, and now a formal vote is required to reissue it.
Motion:	Motion to Issue a Certificate of Compliance with Conditions. (Made By: Misurelli) (Seconded By: Braine)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Nantucket Islands Land Bank-158 Orange Street (55-61.1) SE48-2689 (Phelps) (herbicide management)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Rachael Freeman
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	
Discussion: (00:46:27)	Dell’Erba - Confirmed that monitoring reports were required. - Stated that all monitoring reports have been submitted.
Motion:	Motion to Issue a Certificate of Compliance with Conditions. (Made By: Plandowski) (Seconded By: Misurelli)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Pate- 5 Francis Street (42.2.3-26) SE48-2906 (Pate)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:49:17)	Dell'Erba - Conducted a site visit on Tuesday, confirming everything aligns with the plan. - Reported no ongoing conditions, with only condition 18 noted on the permit.
Motion:	Motion to Issue a Certificate of Compliance with Conditions. (Made By: Braine) (Seconded By: Misurelli)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Orders of Conditions (If the public hearing is closed – for discussion and/or issuance)

Lampoon Nominee Trust- 6 Westco Place (42.4.3-49) SE48-3715 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Art Gasbarro
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:50:17)	Dell'Erba - Clarified that all new structures are proposed outside of the 100-foot buffer zone, hence their exclusion from the overview. - Reminded that the pool is also outside of the 100-foot buffer zone. - Added lighting conditions, specifically condition 21, stipulating that the pool shall not be discharged into an area within the jurisdiction of the commission. Engelbourg - Recommended adding conditions due to the work's proximity to the Coastal Bank, aimed at minimizing sedimentation and erosion. - Suggested requirements for machinery to be stored outside the 100-foot buffer zone during construction to prevent potential impacts. - Noted the presence of septic systems and other materials not yet surveyed, proposing a requirement for the removal of any exposed material that may emerge from the bank during the work. - Upon reviewing the plan again, noted that the septic components are situated far from the active bank area, which may render the concern about material emerging from the bank less relevant. - Initially suggested the removal of any material emerging from the bank upon discovery, but reconsidered the necessity of this requirement based on the septic system's location being on the opposite area of concern. Golding - Suggested amending condition 22 to replace "course" with "duration" to more accurately reflect the timeline aspect of the project. Dell'Erba concurred.
Motion:	Motion to approve as amended. (Made By: Plandowski) (Seconded By: Braine)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Representative:	Rachael Freeman
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	-
Discussion: (00:54:52)	Dell'Erba - Mentioned the bench installation near the coastal dune field. - Clarified condition 18, stating no fill will be brought in for the project. - Noted a waiver for the 25-foot natural undisturbed area requirement to the coastal dune.

Motion:	Motion to approve as drafted. (Made By: Beale) (Seconded By: Braine)
Vote:	Carried: //7:0 – Beale, Braine, Engelbourg, Misurelli, Plandowski, Williams, Golding (aye)

There was no discussion or action on the following items:

Carol W. Dean Revocable Trust- 48 West Miacomet Road (86-4) SE48-3737 (Santos)
 Great Harbor Yacht Club- 96 Washington Street (55.1.4-8) SE48-3729 (Asadoorian)
 14 16 Sheeps Pond LLC- 14 & 16 Sheep Pond Road (63-29 & 30) SE48-3731 (Madden)
 Nantucket Islands Land Bank- 40 Western Avenue (87-84) SE48-3730 (Freeman)
 *Minella- 5 Gingy Lane (41-852) SE48-3735 (Rits)

Extension of Order-none**Other Business****Monitoring Reports**

Discussion:(00:56:05)	Dell’Erba - Received two monitoring reports from the landbank, one for 16 East Creek Road and the other for 21 Grove Lane. - Both reports pertain to invasive species control projects that are a few years into implementation. - The monitoring reports for both locations stated that no herbicide treatment was necessary in 2023, indicating satisfactory progress in controlling invasive species without the need for chemical interventions.
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Enforcement Actions/Potential Enforcement Actions

79 Baxter Road

Discussion: (00:56:56)	Dell’Erba - Apologized for the late email sent prior to the meeting due to receiving numerous new pictures after recent storms, showing significant damage. - Noted a substantial part of the array at 79 Baxter Road is missing, raising questions about whether repair work qualifies as maintenance or requires a new permit. - Consulted with DEP via speakerphone about the situation, who advised that the repair work would necessitate a new Notice of Intent and a new order of conditions. - Informed the contractor of this requirement, with repair work initially scheduled for today. - Received correspondence from the homeowner at 79 Baxter but noted the absence of a project representative at the meeting despite the request for their presence, summarizing the current situation. - Stated that the DEP acknowledged that the order of conditions has lapsed and a significant portion of the structure was missing, indicating the situation is beyond mere maintenance. - Offered to provide a formal statement in writing to clarify the need for a new application process due to the extent of the damage and the lapse of the existing order of conditions. Engelbourg - Inquired about the permit history, specifically whether a certificate of compliance was ever obtained for the order of conditions, which is around 10 years old. Misurelli - Acknowledged that if the DEP has indicated the need for a new order of conditions, there is little room for debate on the matter. - Emphasized the importance of obtaining this directive in writing to avoid any misunderstandings or disputes, suggesting it would be beneficial to have clear documentation to support the decision. Burton Balkind - Requested that a cleanup component be included in the new order of conditions, emphasizing the importance based on reports received about the beaches being littered with debris from the damaged core array.
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	- Highlighted the extent of the issue, noting that beaches have been affected, posing risks for wildlife entanglement and public safety. - Stressed the need for addressing the environmental and safety concerns resulting from the debris scattered along the beaches. Dell’Erba - Mentioned discovering an application for a Certificate of Compliance (COC) from 2015 in the records. - Indicated the need for a more thorough search to confirm the application's relevance to the current project, as it might pertain to a different project. Engelbourg - Noted the importance of being aware of the property's history, including previous enforcement orders that altered agreed-upon conditions. - Expressed the need to obtain a letter from DEP in writing but felt comfortable moving towards taking action at the current meeting based on the information available. - Suggested issuing an enforcement order with multiple required actions: - Cease and desist work on the site, assuming this step might have already been taken. - Clean up the debris scattered by the damaged structure. - Submit a Notice of Intent to remediate the situation or bring the project back into compliance with regulatory standards. Golding - Clarified that the request is not for bringing the project back into compliance per se, as the need for a new Notice of Intent (NOI) renders that aspect moot. - Strongly agreed on the necessity of issuing an enforcement order, if one has not already been issued, to ensure the cleanup of the site is undertaken. Williams - Distinguished between two separate issues: the enforcement action and the application for a new Notice of Intent (NOI). - Emphasized that the requirement for cleanup or any other action should not be a precondition for applying for a new NOI. - Stated that while agreeing on the need for an enforcement letter to address immediate concerns, it should be clear that the property owner is free to apply for a new NOI at any time. - Clarified that these actions cannot be legally contingent upon each other, highlighting the independence of the enforcement action from the application process for a new NOI. Engelbourg - Clarified the intention behind including a clause in the enforcement order that would compel the submission of a Notice of Intent (NOI) for repairs or alterations following storm damage. - Emphasized that the property owner could choose to submit an NOI at any time, even before receiving the enforcement order, should they decide to do so after viewing the meeting recording. - Explained that the clause is meant to formalize the process, making it a requirement through the enforcement letter, thus ensuring that the necessary steps are taken to address the situation properly. Beale - Recommended that the enforcement letter specifically mention the potential extent of the cleanup required, acknowledging uncertainty about the exact range. - Advised that the cleanup effort should not be limited to the immediate vicinity of 79 Baxter Road but consider the broader impact along the beach. Meredith Moldenhauer (01:32:10) - Referenced consulting Dwight Dunk for the order of conditions, which mentions a stipulation about 33% of the overall project.
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	- Given that the repair needed for 79 Baxter Road is less than 33% of the total project, there's a query if the work could be considered maintenance and repair for a small portion of the overall project, initially approved around 2002 for 200 linear feet. - Communication with the homeowner at 79 Baxter Road is ongoing to ensure repairs are made, including addressing any debris. - Efforts are being made to work with staff to ensure compliance during the repair process. Golding - Stated that the DEP's viewpoint takes precedence over a homeowner's perspective in regulatory matters. - Expressed that, unless the DEP advises otherwise, a new Notice of Intent (NOI) is expected to be submitted. - Mentioned that the situation is not considered mere maintenance, aligning with the DEP's stance. Dell'Erba - Stated that he plans to send him the Order of Conditions (OC) for review. - Clarified that the local regulations cannot be less strict than those set by the DEP, emphasizing adherence to DEP standards. - Noted that the specifics of the conditions within the OC are binding, regardless of local preferences, due to the necessity of compliance with DEP rulings.
Motion:	Motion to ????? (Made by: Beale) (Seconded by: Plandowski)
Vote:	Carried://7:0 Beale, Engelbourg, Golding, Braine, Misurelli, Plandowski, Williams (aye)

Tom Nevers Beach

Discussion: (01:09:25)	Vince Murphy, Sustainability Programs Manager - Briefed on the projects undertaken in the area close to the Coastal Bank, clarifying the role in the project as an assistant focused on resilience aspects, with Charlie Polachi, Parks and Recreation Manager, leading the initiative at Tom Nevers Fields. - Described the project's initiation about 15-16 months ago by Charlie to address bluff face erosion, with the aim of removing debris (including concrete chunks, pipes, etc.) emanating from the bank, a remnant of the area's past as a base. - Funded by a town meeting three years ago, the project plans to remediate the bank by removing hazardous material, adding clean fill, and restoring the bank's natural frontage for resilience. - Recent storms, including three in one week and another on December 18th, have significantly altered the bank's topography, necessitating a reevaluation and additional surveys by Weston and Sampson to adjust the project's design. - Discussed challenges in accessing the beach for cleanup due to the bluff's height and the investigation of potential access points for removing debris. - Mentioned a town meeting warrant article approved to fund the construction phase of the plan, emphasizing ongoing efforts to develop and implement a comprehensive solution for the area's environmental and safety concerns. Misurelli - Asked whether such an enforcement action would be considered helpful, by providing a formal framework and possibly expediting cleanup efforts, or prohibitive, by imposing constraints that could complicate or delay further planning and execution of the project. Murphy - Acknowledged that necessary procedures are already established for cleaning the beach of small debris items, not including larger items. - Indicated openness to an enforcement action if it would facilitate the cleanup process for these smaller items. Dell'Erba - Suggested the benefit of an enforcement action might include legitimizing the Department of Public Works' (DPW) access to the beach for cleanup efforts.
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- Highlighted that while there are several beach accesses nearby, their utility for reaching the specific section of the beach in question might be limited due to the beach's condition or width, as assessed possibly by drone reconnaissance by Charlie.
- Expressed uncertainty about the feasibility of accessing the targeted beach section from existing accesses without undertaking a more significant operation, implying challenges in the logistics of cleanup efforts.

Engelbourg

- Acknowledged Vince's insights and the town government's operational dynamics, appreciating the long-term positive outcome anticipated from the plans developed with Weston and Samson.
- Emphasized the urgency to address immediate concerns due to the extended timeline of the planned remediation, highlighting the necessity for triage actions to mitigate current issues.
- Noted the presence of large concrete tanks and other debris on the beach, pointing out that any cleanup effort, even manual removal of small debris, lacks authorization due to the absence of a permit for the site.
- Advocated for the issuance of an enforcement order to legally enable immediate, in-house cleanup efforts, recognizing the potential need for emergency permits to create temporary beach access or explore alternative cleanup methods like cranes or boat-based approaches.
- Stressed that the enforcement order is intended not as a punitive measure but as a means to facilitate urgent cleanup activities, highlighting the town's current limitation on taking any cleanup action without such an order.

Murphy

- Acknowledged Seth's valid points regarding potential cleanup actions, but highlighted budget constraints as a limiting factor.
- Expressed appreciation for the suggestion of using a crane but raised concerns about the feasibility due to the vertical and cracking condition of the bank edge, suggesting any work on the bank might exacerbate debris issues.
- Agreed that if an enforcement order facilitates quicker cleanup of smaller debris items, it would be beneficial and not opposed to the commission's direction.
- Emphasized ongoing efforts on multiple fronts to address the situation and clarified challenges related to accessing the beach, including considerations of using sewer beds in Sconset for access and the narrowness of certain beach sections.
- Expressed concerns about the feasibility and safety of boat access during winter storm season, recognizing the risks but remaining open to feasible cleanup actions enabled by potential enforcement.

Beale

- Raised questions about the town's intention to stabilize the bluff for a project at Tom Nevers Fields, highlighting the potential for significant financial investment.
- Pointed out the broader context of coastal resilience needs across Nantucket, including infrastructure and key areas like Steamboat Wharf, Hulbert Avenue, and Sconset Road.
- Highlighted financial constraints facing the town, with numerous high-priority projects requiring attention, such as sewer systems, the town dump, and Our Island Home.
- Questioned the prioritization of spending on a ball field project amidst these broader and potentially more critical needs.
- Suggested reevaluating the focus of town resources, implying that investments in the ball field might not be the most prudent use of funds given the extensive requirements for coastal resilience and infrastructure maintenance across the island.

Murphy

- Acknowledged the existence of a prior design aimed at creating a small dune system for bluff stabilization.
- Noted that the design must be significantly rethought due to unexpected changes in the landscape, specifically mentioning a 10-foot high tank protruding in the area intended for the dune system, rendering the original design unviable.

	- Confirmed the intention to stabilize the bluff face, with a preference for utilizing natural methods wherever possible. Golding - Shares a personal agreement with previous sentiments regarding the prioritization of spending for erosion control, noting the absence of vital infrastructure in the area in question. - Expressed surprise at the initiative to allocate funds towards erosion mitigation efforts. - Concurs with the suggestion to issue an enforcement order to address immediate environmental concerns. - Relays an anecdote about a spouse witnessing a social media post depicting a near incident involving a large dump truck and a seal on the West End, presumed to be related to town or DPW activities, highlighting concerns about wildlife safety amidst such operations. Murphy - Clarifies that the incident involving the dump truck near a seal occurred in the Jetties to Cliffside area. - Notes that the activity was part of permitted works and was undertaken by a private entity, not the DPW. - Expressed appreciation for Mark's comments on prioritizing vital areas for conservation and acknowledges the complexity of deciding where to focus efforts first. - Highlighted the recurring dilemma of prioritization. - Noted that the project in question has been in planning for a long time and is now at the stage of seeking funding through a different avenue, specifically town meeting, without expressing a personal stance on the outcome. - Emphasized that many areas face challenges, underscoring the ongoing debate within the Coastal Resiliency Advisory Committee on how to prioritize projects. - Clarified that the project has a long history of issues and efforts, with the addition of a resilience element being a relatively new aspect aimed at enhancing beach remediation efforts. - Indicated that the resilience component was a cost-effective addition to the original beach remediation plan, rather than transforming the project into a fully resilient initiative. Burton Balkind - Requested Vince to ensure coordination between the upcoming project and the activities of SBPF and the permit holders at 79 Baxter Road when proceeding with the Notice of Intent (NOI). - Suggested collaboration to minimize disturbance to the beach area, highlighting the likelihood of concurrent work related to both the town's project and the private endeavors at 79 Baxter Road and the geotubes project. - Emphasized the goal of achieving efficient and less disruptive outcomes through coordinated efforts among the involved parties.
Motion:	Motion to issue an enforcement order allowing for the remediation of the site to the fullest extent possible within the town's current capacity. This action is not meant to be punitive but to enable immediate commencement of remediation efforts, ensuring that there is an understanding that we are not reprimanding the town but facilitating necessary action. (Made by: Engelbourg) (Seconded by: Braine)
Vote:	Carried://7:0 Beale, Engelbourg, Golding, Braine, Misurelli, Plandowski, Williams (aye)

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

CRAC	Braine - Members conducted a site visit to the sewer beds to assess erosion, which was described as extensive. - David Gray provided a tour, highlighting the erosion's proximity to the most seaward sewer bed, which is in need of protection.
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	- Meetings are scheduled in the coming weeks with Massachusetts Department of Environmental Protection (MassDEP) and other organizations to develop a mitigation plan. - Anticipated that involvement in this planning process will be necessary soon. - Emphasized the critical need to prevent flooding of the most seaward sewer bed to avoid impacting the other connected sewer beds. - Noted the significant loss of beach area, approximately 100 feet, due to erosion. - Stated that there are plans to apply for grants to address the erosion issue, with available funding sources identified; the focus now is on submitting grant applications. - Acknowledged the critical nature of the infrastructure issue due to the proximity of erosion to the sewer beds. - Clarified that there is no immediate concern regarding sewage capacity, as the current infrastructure exceeds demand, and additional land is available for creating new sewer beds if necessary. - Mentioned the possibility of filling in the most affected sewer bed as part of the solution, with expectations of more detailed plans to be shared in the future.
CPC	Beale - Finalized the allocation for various Community Preservation Committee (CPC) grants. - Announced that the details will be included on the town meeting warrant.
NP&EDC	Engelbourg No Report.
Harbor Plan	Williams - - Progressed through one entire section and commenced work on another, indicating a smooth workflow. - Highlighted improved efficiency due to receiving information and outlines in advance, facilitating a focused approach to each section. - Mentioned having all necessary surveys and compilations of information, aiding in the process. - Scheduled another meeting for Monday, emphasizing productivity and time efficiency. - Praised the recent meeting as the most productive one-hour session experienced in 40 years of board involvement, underscoring significant accomplishments.
Offshore Wind Work Group	Plandowski No Report.

Commissioner's Comments

Discussion:	Commissioners discussed the rough draft letter by Jeff intended for the Select Board. Engelbourg - Agreed with the overall sentiment expressed previously but highlighted that two specific issues were overlooked: the rehearing limit and the relevance of previous and existing Memorandums of Understanding (MOUs). - Pointed out that these two issues, while important, do not encompass the full extent of the legal review requested in the past. - Highlighted the lack of a definitive answer regarding whether contract documents have the force and effect of law in relation to the removal of houses at Baxter Road, noting this was a previously requested legal inquiry. - Emphasized the need for clarity not only on existing and previous Memorandums of Understanding (MOUs) and license agreements but also on how an ongoing removal order and the lack of compliance impact the submission of a new Notice of Intent (NOI). Golding - Expressed agreement with the previously mentioned concerns. - Emphasized the desire to incorporate those points but also highlighted the urgency of finalizing, approving, and sending the letter to the Select Board as quickly as possible.
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	Dell’Erba - Proposed discussing and agreeing on any changes to the letter during the current meeting to address the concerns raised. - Expressed a desire to dispatch the letter by the following morning, emphasizing the need for prompt action. - Suggested that any additional content or revisions discussed and agreed upon could be emailed to them for inclusion in the letter either that evening or early the next morning, ensuring timely submission.
Motion:	Motion to authorize the sending of the letter with the two discussed additions. (Made by: Beale) (Seconded by: Braine)
Vote:	Carried://7:0 Beale, Engelbourg, Golding, Braine, Misurelli, Plandowski, Williams (aye)
Discussion Cont.	Plandowski - Shared observations about enforcement orders based on a report in the Massachusetts Conservation Commission newsletter. - Highlighted that commissioners may not be aware there is no legal authority to record an enforcement order, raising concerns about the continuity of enforcement actions if property ownership changes. - Discussed the specific case of Gully Road as an example where a three-year program could be impacted by the sale of the property, noting the challenge of new owners potentially being unaware of pending enforcement actions. - Mentioned the complexities and potential issues associated with recording enforcement orders and pondered if a different terminology could circumvent these pitfalls. - Expressed intention to share the report for further consideration.

Administrator/Staff Reports

Discussion: (01:45:56)	Dell’Erba - Stated the need to ratify an emergency certification form for a house on Tuckernuck was discussed. - Mentioned that technically, the form may only require the Chair’s signature, but historically, all members have signed after a vote, and it was decided to continue this practice. - An emergency work permit was obtained from the Nantucket Building Department for Rachael Freeman's Family Camp on Tuckernuck, which is threatened by proximity to the bluff. - The certification allows for a section of the house and breezeway to be moved to the northern part of the property, further from the bluff. - It was specified that a Notice of Intent (NOI) must be submitted within 30 days to detail the planned work, with the expectation that the NOI will be submitted within the month.
Motion:	Motion to approve the ratification of an emergency order. (Made by: Plandowski) (Seconded by: Beale)
Vote:	Carried://7:0 Beale, Engelbourg, Golding, Braine, Misurelli, Plandowski, Williams (aye)

Adjournment:

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

Submitted by:
Elaina Cano