



CONSERVATION COMMISSION

PUBLIC MEETING

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, February 1, 2024 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=RdEEhna16x8>

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, Plandowski, and Williams
Absent Members: Misurelli
Members Left Early:

PUBLIC MEETING

Public Comment

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) (**Continued until 02/15**)

Carol W. Dean Revocable Trust- 48 West Miacomet Road (86-4) SE48-3737 (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski
Recused:	Williams
Representative:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (00:12:46)	Engelbourg - Referenced recent photos submitted showing erosion post the January 11 reflagging of the dune. - Questioned whether this erosion represents a substantive change in the coastal dune's location, especially concerning the proximity of a proposed pool to the 50-foot buffer zone. - Expressed concern that even a small shift in the dune's location could significantly impact the placement and regulatory compliance of the pool construction. Santos - Clarified that the coastal dune's position is significantly landward of the dune crest, with no recent changes affecting the space between the dune limit and the pool site. - Noted the distance from the dune crest to the pool area is approximately 45 feet, ensuring no impact on the proposed pool location. - Acknowledged a slight shift in the dune crest between observations but confirmed the distance from the dune crest to the pool remains over 100 feet. - Referenced the site plan to illustrate the dune crest's proximity to existing structures, explaining how recent storm events slightly altered the dune crest's shape. - Described the terrain, indicating the toe of the coastal dune is identified by a distinct area of vegetation, aiding in visualizing its landward boundary.

	- Distinguished between a coastal dune and a coastal bank, clarifying that the landform in question is a coastal dune leading into a coastal beach, not a coastal bank. - Explained that there are specific regulatory provisions for eroding coastal beaches but not for eroding coastal dunes. - Stated that in the context of erosion rates and regulatory considerations, measurements should focus on the coastal beach, located seaward of the dune crest, rather than the dune itself. - Confirmed the current distance from the dune crest to the critical area is over 100 feet, with erosion rates in the vicinity being assessed based on the latest cesium data, estimated around four and a half feet per year as per the 2018 update. Beale - Expressed concern about the significant loss of waterfront nearby, noting a 40-foot reduction at the sewer beds. - Questioned the prudence of constructing a pool close to the 50-foot buffer zone, given the area's history of erosion and loss. - Referenced historical plot plans indicating that a substantial portion of the lot is now underwater, suggesting a trend of ongoing erosion and land loss. - Raised concerns about the potential risks of situating a large pool near Miacomet Pond and the ocean, given the potential for flooding. - Sought advice on the possibility of rejecting the application due to its location within the 100-foot buffer zone and the associated flood risk. Dell'Erba - Expressed personal concern about the rationality of current boundary lines in light of the erosion. - Acknowledged agreement with the prevalent arguments but noted the potential for appeal of the decisions. Engelbourg - Reviewed Nantucket Wetlands Regulations, specifically applicable Performance Standard No. 6 for coastal dune management. - Defined the standard as restricting activities within 100 feet of a dune to those that the Commission determines will not adversely affect the dune's integrity. - Highlighted activities to avoid, including those that alter sand movement, disturb vegetative cover, modify dune form and slope, interfere with dune movement, or increase sand removal through artificial means or structures. - Emphasized that a pool, being an in-ground structure, inherently interferes with the landward movement of the dune. - Noted the potential for a pool to obstruct the natural movement of an actively eroding dune, impacting its landward progression. - Acknowledged that while some standards may be less relevant, a detailed analysis is necessary to ensure the pool complies with the specific performance standard. Beale - Expressed skepticism about the application, suggesting it invites trouble. - Referenced Seth's citation, affirming the committee's right to reject the proposal due to the location on an eroding beach. - Observed that while the beachfront property was spared this summer, future erosion could significantly impact the area, potentially reaching a 25-foot zone. - Warned of the possibility of losing 40 feet of land near the proposed pool site, similar to nearby erosion incidents. - Concluded that installing a pool in such a location is a bad idea. - Stated opposition to the application if it fails to meet the necessary performance standards.
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	Engelbourg - Clarified not making an official statement on compliance with the performance standard, acknowledging potential conditions that could make the project compliant. - Emphasized the applicant's responsibility to prove the project meets the performance standard. - Acknowledged engineering solutions exist that allow for dune movement, but noted such solutions have not been evident in the current application. - Highlighted the Conservation Commission's (Con Com) responsibility to consider conditional approvals that meet performance standards before opting for denial. - Explained the concept of landward or lateral movement of a dune, highlighting its natural progression away from the sea (landward) or along the shoreline (lateral) due to erosion. - Stressed that physical structures, such as walls, coastal engineering structures, houses, or pools with deep footings, can obstruct sand movement, preventing dunes from advancing landward and reestablishing elsewhere. - Differentiated between erosion (loss of sand) and accretion (formation of new dunes), emphasizing the natural cycle of dune movement and formation. - Noted the potential of physical impediments like a pool to hinder the natural migration of dunes, without definitively stating that the proposed pool would cause such an obstruction. Brian Madden, LEC - Acknowledged the Commission's feedback and sought to clarify certain points. - Described potential erosion at the top of the dune grass and the possibility of material sloughing off or windblown sand migrating landward. - Noted the variation in dune crest height across the property, ranging from 2.5 to 9.5 feet. - Mentioned the landward edge of the coastal dune is approximately 40 to 45 feet north of the dune crest, with the area being vegetated and stabilized by a mix of woody species and American beach grass. - Stated the coastal dune's base remains static under current conditions. - Raised questions about the long-term impact of a pool or structure on the dune's lateral movement, considering the potential for changes over 10-20 years. - Emphasized the applicant's responsibility to demonstrate compliance with regulations and provide detailed analysis. - Highlighted the additional 25 feet from the coastal dune's base to the existing lawn edge, noting the pool's proposed setback is further than the current house position. - Expressed appreciation for the Commission's comments and the intent to address them adequately. Beale - Suggested the possibility of relocating the pool outside the 100-foot barrier, potentially near the existing propane tank area. - Proposed options to either move the pool to where the propane tank currently is or relocate the tank to accommodate the pool. - Indicated that such a relocation would likely extend the usable life of the pool, especially considering the potential for future house movement due to erosion. Steven Cohen, Applicant's Representative - Expressed concern over the board's discussions, perceiving them as a significant departure from existing regulations and practices. - Criticized the application of the eroding beaches bylaw to the case, arguing that the structure, being outside the eroding beaches standard, should not be subject to the same restrictions as coastal wetlands.
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	- Described the idea that a pool 100 feet from a dune could interfere with its lateral movement as speculative and unreasonable, questioning the relevance of the bylaw in this context. - Argued against the notion that the pool would impede dune movement, suggesting that a dune would likely move over the pool, affecting the house first. - Asserted that the Commission should adhere to existing rules, which permit structures beyond 50 feet from the buffer zone and outside the beach erosion area, hence advocating for the pool's approval. - Differentiated between personal opinions and regulatory guidelines, urging the Commission to base its decision on the latter. - Advocated for reviewing the application based on current regulations, opposing the idea of mandating structures to be beyond a 100-foot buffer as it goes beyond existing regulatory requirements. - Encouraged the Commission to focus on enforcing existing regulations rather than personal preferences or hypothetical scenarios. Engelbourg - Addressed the misconception that the board was applying the "eroding Baker Beach standard," stating it was merely a clarification of on-site resource areas, not applicable to the current case. - Explained that the coastal dune performance standard mentioned was not intended to be applied universally or indefinitely but rather to ensure the applicant demonstrates that the proposed structure will not obstruct the dune's natural movement during its lifespan. - Requested the applicant to provide calculations or evidence showing the potential impact of the proposed structure on the dune's landward movement on the property, emphasizing this as the primary concern. Bryan Swain, Attorney for Abutter - Highlighted rapid erosion, referencing recent severe damage near the sewer plant and ongoing issues on the South Shore, to emphasize the immediacy of erosion risks. - Noted the area's designation as a fragile, endangered landform, suggesting that constructing luxury features like a pool could accelerate erosion. - Mentioned submission of an opposition letter, summarizing concerns about the need for geological assessment to define the dynamic bank or coastal dune crest accurately. - Raised concerns about changes in the landform since the last site visit and the potential for ongoing alteration due to weather and storms. - Questioned the stability of the 50-foot no disturb buffer zone, considering the likelihood of its expansion and the impact of construction activity. - Warned that constructing the pool might lead to further disturbance of undisturbed areas, escalating environmental impact. - Expressed apprehension about the use of heavy machinery and the potential pollution from pool maintenance affecting nearby natural habitats and water resources. - Urged for comprehensive research by the applicant to clarify the current state of the dune or bank and to provide updated, accurate resource demarcations on the plan. - Concluded by requesting the denial of the application due to the outlined environmental and procedural concerns. RJ Turcotte, Nantucket Land & Water Council - Expressed curiosity about the application of coastal dune regulations, noting inconsistency with past practices of measuring from the dune's flagged point, typically around 50 feet from the proposed pool location.
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	- Questioned the use of the dune crest as a measurement reference, pointing out that the bylaws emphasize the importance of the dune's volume and slope, suggesting measurements should start from the dune's base. - Advocated for using the toe of the dune for distance measurements to proposed structures, which would significantly reduce the distance compared to current practices. - Emphasized the need for an updated erosion rate to reflect the dune's role in supplying sand to the retreating beach, underlining the interconnected nature of beach and dune erosion processes. - Argued for considering the beach and dune as a single unit to accurately assess the rate of encroachment towards the proposed structure and make informed decisions. Cohen - Opted not to engage in detailed debate on the submissions but sought to correct a specific point raised by Brian. - Clarified that the 50-foot buffer zone is designated as a no-structure zone, not a no-disturb zone, countering Brian's suggestion. - Explained that disturbances are permissible between the 25-foot and 50-foot markers, highlighting a misrepresentation of the bylaw. - Stated that the actual no-disturb zone extends from 0 to 25 feet, aiming to set the record straight on the regulation's specifics. Santos - Announced the intention to request a continuance to specifically address the performance standards and coastal dune bylaws mentioned by Seth. - Asserted that all dimensions and setbacks in the current plan comply with the standard regulations, countering any implication of measurement discrepancies in the application. - Emphasized that the application is in full compliance with the regulations governing setbacks. - Concluded with the formal request for a continuance to further address the discussed concerns.
Action:	Continued until 02/15

Great Harbor Yacht Club- 96 Washington Street (55.1.4-8) SE48-3729 (Asadoorian)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Leo Asadoorian, Richard Fitzgerald
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (00:49:41)	Beale - Inquired whether the calculations considered the capacity requirement for the travel lift, specifically to accommodate the Coast Guard's 47-foot boat, which exceeds a ton and a half in weight. - Mentioned that this capacity specification was likely included in a past planning board approval when the easement for the travel lift was granted. Asadoorian - Acknowledged that the current travel lift is not the original one and was replaced to handle larger boats, though the exact capacity is unknown. - Noted the modification of curbing at the Yacht Club property to fit the larger travel lift, indicating its increased size and capacity. - Expressed uncertainty about the specific capacity but believed it could handle one and a half ton boats, suggesting it might meet the requirements for lifting Coast Guard boats.

	- Mentioned the need to verify the travel lift's specifications and its ability to accommodate Coast Guard boats, particularly in the space between the travel lift piers. - Agreed to investigate further, indicating that the travel lift in use is larger than the original and is believed to have a significant lifting capacity. Beale - Emphasized the primary concern is ensuring the travel lift pathway can support and securely handle the weight of the boats, particularly along the route to the waterfront. - Acknowledged that while the travel lift's lifting capacity is crucial, the immediate focus is on the infrastructure's ability to withstand the boat's weight during transportation. - Suggested incorporating considerations for the weight-bearing capacity of the path in the planning to ensure safety and functionality. Asadoorian - Expressed urgency to commence repair work on the pier, citing a detailed August 2022 report by Charles Engineering that recommended timely maintenance. - Highlighted concerns about safety for club members, boats, and the travel lift operator, emphasizing the need for the pier and travel lift to be in excellent condition to prevent future accidents or health hazards. - Noted the dual function of the yacht club accommodating the travel lift for emergency boat hauling, underscoring the importance of the facility's operational integrity. - Conveyed willingness to adhere to the commission's timeline, even if it means extending the project deadline to ensure thorough preparation and execution. - Mentioned personal limitations in fully understanding the technical aspects of the engineering report, indicating a need for expert interpretation to guide the project's completion.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made By: Plandowski) (Seconded By: Beale) (00:54:39)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

Minella- 5 Giny Lane (41-852) SE48-3735 (Rits) - **(Continued until 02/15)**

*Osprey Way Real Estate Trust- 1 Osprey Way (65-19) SE48- (Santos) - **(Continued until 02/15)**

*Third Point Holdings LLC- 39 Quaise Road (26-3) SE48-3738 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Art Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (00:59:41)	Engelbourg - Referenced a previous application where FRP (Fiber Reinforced Polymer) sheeting was proposed instead of steel. - Shared findings from personal research indicating FRP's superior strength-to-weight ratio and enhanced durability in marine environments. - Highlighted the commission's objective to endorse projects that necessitate minimal maintenance and cause less environmental disturbance. - Inquired whether the applicant would contemplate using FRP sheeting for the bulkhead instead of steel to align with these goals. Gasbarro

	- Committed to further exploring the use of FRP (Fiber Reinforced Polymer) for the bulkhead, planning discussions with the contractor and owner. - Mentioned the property's history, indicating that the existing structure replaced one that burned down, with the original structure predating 1978. - Acknowledged the challenges of coastal engineering, particularly in locations flanked by vertical structures, highlighting the need to balance new construction with the protection of neighboring properties and the existing environment. - Pointed out the complexity of implementing alternative coastal defense methods without causing harm to adjacent properties or reducing the level of protection. - Expressed understanding of the commission's concerns about hard engineering solutions and their potential impacts, indicating a readiness to provide a more detailed analysis of alternatives. - Emphasized the uniqueness of each site, stressing the necessity of considering site-specific conditions and not isolating the property from its surrounding context. - Promised to deliver additional information addressing the raised concerns and considerations for the site's unique challenges.
Action:	Continued until 02/15

***New England Development- 19 North Water Street (lot 7) (42.4.2-3) SE48- (Santos)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (00:20:48)	Golding - Questioned if the drain line that connects the roof drains goes into the town sewer system. Santos - Confirmed the roof drains are connected to the municipal drainage system, not the sewer system, and include water quality units for filtration and separation. - Described the comprehensive water management setup within the "White Elephant Way" subdivision, which has been approved in the past. - Noted the existence of substantial drainage infrastructure within the subdivision area. - Mentioned the potential elevation challenges, although the exact height difference was unclear, suggesting around two feet might be in question. - Detailed that the construction for these structures will be supported by helical pile foundations, ensuring stability and integration with the existing drainage system. - Clarified that the visible drain line on the plan terminates because it joins the existing drainage system of the subdivision, indicating a planned and integrated approach to stormwater management.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made By: Plandowski) (Seconded By: Braine) (01:13:48)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

***New England Development- 19 North Water Street (lot 11A) (42.4.2-3) SE48- (Santos)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made By: Beale) (Seconded By: Plandowski) (01:16:56)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

Amended Order of Conditions

***8 High Brush Path, LLC- 8 High Brush Path (56-370) SE48-3702 (Madden)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Brian Madden, LEC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:22:)	Engelbourg - Expressed discomfort with the application due to concerns about groundwater intrusion, noting that the project site is not just close to but within the high groundwater area. - Highlighted the application's acknowledgment of groundwater displacement, albeit described as temporary, and expressed skepticism about the permanence of this impact. - Emphasized the importance of the two-foot separation to high groundwater standard in the regulations, acknowledging debates over its adequacy but underscoring its purpose in protecting against adverse impacts. - Voiced concerns about the broader environmental implications, particularly in relation to sea level rise and its potential to exacerbate groundwater issues. - Opposed the proposed amendment, citing the potential adverse effects on groundwater and vegetated wetlands. - Suggested that a reasonable alternative exists, such as opting for a crawlspace foundation instead of a full basement, to mitigate impacts while still allowing for structural development on the site. Braine - Expressed agreement with the previous sentiment, acknowledging the existing standard's purpose, despite uncertainties about its efficacy. - Advocated for adherence to the set standard, emphasizing the importance of compliance with established regulations. Beale - Conveyed agreement with the concerns raised, stating that encroachment into the groundwater exceeds the permissible scope of approval from his perspective. Madden - Noted the current basement floor elevation at 22.67, with high groundwater documented at 22.8. - Proposed the possibility of raising the basement floor above the 22.8 high groundwater level, limiting the intrusion to only the 12-inch perimeter footing. - Inquired whether such a modification would be acceptable to the commission for consideration.

	- Clarified that raising the basement would position its main structure above the high groundwater level, minimizing intrusion to only the 12-inch perimeter footing. - Emphasized that this approach would significantly reduce the displacement of high groundwater, as the larger basement structure would not penetrate the groundwater layer, with the intrusion limited to the perimeter footing. Engelbourg - Shared a personal view that the footings of the structure should be at or above the groundwater elevation to minimize environmental impact. - Acknowledged that elevating the main part of the basement above groundwater is an improvement compared to submerging it, but still expressed concerns about residual adverse effects, particularly related to flooding. Beale - Expressed concern that the commission might be overstepping its bounds by attempting to redesign the project, specifically the garage and basement. - Opined that the current application may be insufficient and suggested that the applicant should revise and return with a plan that better aligns with the commission's approval criteria.
Action:	Continued until 2/15.

PUBLIC MEETING

Requests for Determination of Applicability

NIR Retail LLC- Straight Wharf (42.2.4-1) (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to Approve the Request for Determination of Applicability. (Made By: Plandowski) (Seconded By: Braine) (01:32:55)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

Minor Modifications

*Jones- 6 E Lincoln Avenue (42.4.1-49.1) SE48-3384 (Blackwell) – Continued

*Hawkes End LLC- Esther Island (36.2.3-97) SE48-3669 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Brian Madden, LEC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to Approve the Minor Modification. (Made By: Beale) (Seconded By: Plandowski) (01:36:10)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

*Nantucket Islands Land Bank- Magnolia Avenue and 20 Ocean Avenue (73.2.4-20,1,4,5) SE48-3638 (Freeman)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Rachael Freeman, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:37:55)	Golding - Inquired about the total length or extent of the steps involved in the project. Freeman

	- Admitted inability to provide the exact measurement of the stairs' total run immediately, noting it is extensive. - Described the stairs as steep and mentioned the decision against including a midway bench due to high costs and extensive design requirements. - Indicated that the current plan primarily aims for a like-for-like replacement of the existing stairs, with the exception of a marginally larger platform at the top. - Mentioned that the original design included a substantial top landing with bench space and a similarly extensive mid-landing. - Noted that this design was deemed to cause too much disturbance and was cost-prohibitive, leading to the decision that a like-for-like replacement of the existing structure would be more suitable. Williams - Acknowledged the usefulness of having stopping points on the stairs and expressed the importance of ensuring that these landings are compliant with building codes.
Motion:	Motion to Approve the Minor Modification. (Made By: Braine) (Seconded By: Plandowski) (01:40:20)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

***196 Hummock Pond Road LLC- 196 Hummock Pond Road (65-30) SE48-3538 (Haines)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	David Haines
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to Approve the Minor Modification. (Made By: Plandowski) (Seconded By: Beale) (01:44:20)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

Certificate of Compliance - None

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

Great Harbor Yacht Club- 96 Washington Street (55.1.4-8) SE48-3729 (Asadoorian)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:46:48)	Dell'Erba - Referred to conditions 18 and 19 in the document or plan, questioning whether there might be a need to add any additional conditions or stipulations to ensure comprehensive coverage of the project's requirements or contingencies. Plandowski - Pointed out the phrasing in condition 19 regarding the disposal of materials off the property, raising concerns about the specificity of disposal locations, especially to prevent inadvertently dumping in neighboring areas. - Questioned the intended protocol for the removal of invasive materials, emphasizing the need for clarity on where such materials should be disposed of to avoid environmental or neighborly issues. Engelbourg - Highlighted a specific discussion about the disposal of Japanese Black Pine, mentioning that chipping the material to neutralize its viability as a seed source might change its disposal requirements.

	- Differentiated between the handling of materials like chipped wood, which may not need to go to a landfill, and active seed heads of invasive grasses, which require careful disposal. - Suggested that the language in the condition should be clear about off-site disposal according to best practices, emphasizing that invasive materials should not remain on site to prevent further spread or environmental impact.
Motion:	Motion to approve as modified. (Made By: Plandowski) (Seconded By: Braine)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

***New England Development- 19 North Water Street (lot 7) (42.4.2-3) SE48- (Santos)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to approve as modified. (Made By: Beale) (Seconded By: Braine) (01:50:48)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

***New England Development- 19 North Water Street (lot 11A) (42.4.2-3) SE48- (Santos)**

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to approve as modified. (Made By: Plandowski) (Seconded By: Beale)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

There was no discussion or action on the following items:

Extension of Order

Pohl- 3 Wyers Way (41-380) SE48-3230 (Blackwell)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Ray Pohl
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to approve issue extension. (Made By: Engelbourg) (Seconded By: Braine)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

Pohl- 3B Wyers Way (41-380.1) SE48-3229 (Blackwell)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, Williams
Representative:	Ray Pohl
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion:	There were no questions from Commissioners.
Motion:	Motion to approve as drafted. (Made By: Engelbourg) (Seconded By: Braine)
Vote:	Carried: //6:0 – Beale, Braine, Engelbourg, Plandowski, Williams, Golding (aye)

PUBLIC HEARING

Discussion of and potential adoption of the Nantucket Wetlands Regulations update (**Continued to 2/15**)

OTHER BUSINESS

Approval of Minutes 01/04/24; 01/11/24

Motion:	Motion to approve the minutes of January 4, 2024. (Made by: Williams) (Seconded by: Plandowski) (01:55:39)
Vote:	Carried://5:0 Braine, Engelbourg, Plandowski, Williams, Golding (aye) //Beale (abstain)
Motion:	Motion to approve the minutes of January 11, 2024. (Made by: Williams) (Seconded by: Plandowski) (01:55:39)
Vote:	Carried://5:0 Engelbourg, Golding, Beale, Plandowski, Williams (aye) //Braine (abstain)

Monitoring Reports

Discussion: (01:55:56)	Engelbourg - Clarified that there is no obligation to expedite the ratification or review process for monitoring reports. - Indicated that these documents are to be submitted as required, and the commission has the discretion to review them as deemed necessary or can choose not to review them at all. Williams - Announced the decision to abstain from voting on item 19 during the ratification process, citing a conflict of interest due to previous work done for the involved party on a greenhouse project. Golding - Expressed gratitude to the land bank for their detailed monitoring reports and sought clarification on a specific point mentioned in the reports. - Quoted a section that attributes the primary sources of excess nitrogen in the harbor to sediments and atmospheric deposition, while noting septic systems, runoff, and fertilizers as lesser contributors. - Expressed surprise at this finding, given the long-standing focus on septic systems, runoff, and fertilizers as major pollution sources. - Requested further explanation to understand the discrepancy or missing information regarding the primary sources of nitrogen impairment in the harbor. Rachael Freeman, Land Bank - Acknowledged that the EPA's review and approval of the Total Maximum Daily Load (TMDL) for nitrogen reflects a comprehensive analysis, indicating multiple contributing factors to the harbor's nitrogen issues. - Emphasized that sediments and atmospheric deposition are identified as significant contributors to nitrogen levels based on the TMDL and other reports. - Pointed out that while these natural sources are major contributors, the focus has often been on controllable factors such as fertilizers and septic systems, where direct management and impact are more feasible. - Highlighted the wealth of data available from local Environmental Management Agency (EMA) reports, which have extensively quantified water quality in the harbor.
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	- Praised the detailed and valuable work done locally in assessing and documenting the harbor's water quality, emphasizing its importance in understanding and addressing environmental concerns. Engelbourg - Suggested that reading the TMDL reports can provide insightful information. - Noted the importance of recognizing that each water body faces different types of pollution loads, implying that management strategies should be tailored to specific conditions. - Clarified that while certain sources of pollution like fertilizer and septic systems are critical to address, their impact may vary by location due to factors like watershed characteristics and historical deposition. - Advocated for comprehensive protection efforts against all potential pollution sources in every location, regardless of whether they are the predominant contributors, to ensure overall environmental health and sustainability. Plandowski - Expressed difficulty in interpreting the photos due to inconsistencies in the vantage points between different time periods. - Suggested that understanding the changes depicted in the photographs requires a comprehensive knowledge of the area's layout and conditions. Freeman - Acknowledged the feedback on the importance of consistent photo monitoring points to aid in understanding the changes over time. - Admitted that while personal background knowledge aids in interpreting the photos, consistency in the photographic documentation is crucial for clarity and comprehensibility. Golding - Questioned the commonality of receiving varying results from different labs analyzing the same samples. Freeman - Confirmed that discrepancies in results between labs for the same samples can occur, highlighting this as a reason for conducting parallel testing with multiple laboratories before deciding to switch or choose a new one. - Mentioned that the report includes a detailed analysis of potential reasons for these variations in lab results, acknowledging the complexity and variability in laboratory testing processes. Plandowski - Shared experience of over 35 years in laboratory management, confirming the occurrence of variations in results for the same samples across different labs. - Advised that when significant and surprising discrepancies arise, the solution is to test with a third laboratory to verify the findings. - Noted that different testing methodologies and processes used by various labs can lead to these differing results, emphasizing the importance of understanding these variables when evaluating laboratory data.
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Enforcement Actions/Potential Enforcement Actions

Discussion: (02:05:40)	Golding - A public member contacted the speaker, prompting a visit to Hoicks Hollow, where they observed a ramp constructed presumably by a contractor from SDCs. - Critiqued the ramp's material, noting it was primarily clay dirt with a minor amount of sand, which does not align with the expected beach-compatible sand standards. - Invited others to verify this observation independently, indicating confidence in the assessment.
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	- Separately, mentioned walking from a nearby location, inspecting erosion control measures like coir rolls and geo tubes, planning to share photos to illustrate the poor condition and debris, suggesting a lack of cleanup or maintenance effort in the area. Engelbourg - Requested that the project representative and contractor provide the commission with results from their sand testing to verify compliance with mitigation requirements. - Agreed with the initial observation made from the photograph but emphasized the need for sand testing results to conclusively document compliance. Golding - Proposed issuing an enforcement order to halt any further project work until the requested sand testing results are submitted, reflecting serious concerns about the materials used. - Supported the call for evidence but stressed the apparent non-compliance observed during a site visit, suggesting the issue is readily noticeable and likely to be confirmed by others. Williams - Recommended inviting the project representatives to the next meeting for a discussion on the matter before deciding on enforcement actions, indicating a preference for dialogue and clarification prior to taking formal steps. Beale - Sought clarification on the specific details to be included in the enforcement order, acknowledging the issue with the pile of clay being unsuitable as material to dump on the beach or geo tubes. Golding - Expressed frustration over perceived negligence by the project team in preparing the site, suggesting a penalty for their failure to comply with standards. - Described the current state of the geo tubes and adjacent beach area, noting significant sand erosion and steep inclines near the geo tubes compared to the flatter surrounding beach areas. - Contemplated the potential benefits of adding sand to the geo tubes but hesitated over issuing an enforcement order that might hinder this necessary work. - Discussed the importance of ensuring the new sand is beach-compatible, recognizing the challenge of matching the geological characteristics of the imported sand with the native beach environment. - Reflected on the broader issue of compliance and protocol adherence, highlighting ongoing frustrations with the project's management and execution. Engelbourg - Agreed that issuing a cease-and-desist order may not be appropriate at this time, favoring a more measured approach. - Proposed that the project representative should provide soil sample reports for the Hoicks Hollow ramp to assess compatibility with the local environment. - Suggested that based on the analysis of the soil samples, if the material is found incompatible, remedial measures could then be considered. - Noted that Hoicks Hollow has a significant clay presence, indicating a need for scientific analysis to determine material compatibility rather than relying on visual assessment or tactile impression. Golding - Acknowledged the flexibility and inconsistency in the protocol regarding the submission of soil or sand samples, noting that there hasn't been a strict requirement for advance submission.
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	- Mentioned that there is uncertainty about the frequency and consistency with which such samples have been provided for record-keeping. - Reflected on past experiences where requesting sand samples led to significant debate over what constitutes compatibility, indicating a need for clearer guidelines and standards in assessing material suitability. Williams - Agreed with the suggestion for staff to engage in discussions and emphasized the necessity of conducting soil testing. - Advocated for a cautious approach, preferring not to issue an enforcement order immediately, while acknowledging the possibility of needing one in the future if compliance issues persist. - Suggested that taking action at this moment would be premature, indicating a preference for gathering more information before making enforcement decisions. Dell’Erba - Mentioned that he received a request for Public Comment from Deann Atherton, who stated for the record that there exists a permit outlining the conditions related to the ramp at Hoicks Hollow. Golding - Summarized the commission's collective decision, which is to direct staff to request an analysis of the materials used at the ramp entrance at Hoicks Hollow, indicating the need for a detailed examination to ensure compliance with the permitted conditions.
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Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC	Braine No report.
CPC	Beale No report.
NP&EDC	Engelbourg - Noted the recent active involvement in transportation planning, specifically focusing on bicycle and pedestrian infrastructure. - Confirmed progress on the issue of electing versus appointing members, mentioning a special meeting planned for March to address the membership structure. - Noted that a new member was appointed to the Bicycle and Pedestrian Advisory Committee (BPAC) and another new member to the NP and EDC due to a vacancy.
Harbor Plan	Williams No Report.
Offshore Wind Work Group	Plandowski No Report.

Commissioner’s Comments

Discussion:	Williams - Complimented the Chair on another well-conducted meeting.
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Administrator/Staff Reports

Discussion:	Dell’Erba - Commented lightheartedly on the noticeable number of attendees wearing plaid shirts at the meeting, suggesting that it was a significant presence and humorously speculating that Misurelli would likely have worn one as well.
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Adjournment:

Motion:	Motion to adjourn at 7:21pm. (Made by: Plandowski) (Seconded by: Braine)
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Vote:	Carried://6:0 Beale, Engelbourg, Golding, Braine, Plandowski, Williams (aye)
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Submitted by:
Elaina Cano