



CONSERVATION COMMISSION MINUTES

131 Pleasant Street

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, March 21, 2024 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=D3VVhwfrt2w>

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: Jeff Carlson, Natural Resources Director, Will Dell'Erba, Conservation Agent
Attending Members: Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams (All Remote)
Absent Members: -
Members Left Early: -

I. PUBLIC MEETING - Public Comment

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

II. PUBLIC HEARING – Notices of Intent

1. Discussion of and potential adoption of the Nantucket Wetlands Regulations update

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	Misurelli - Continued discussion on setbacks, particularly the 25 to 50 feet no disturb zone, the 50 to 75 feet no build zone, and restrictions within 100 feet. - Noted that the general public is largely unaware of how these changes will affect them due to infrequent attendance at Conservation Commission meetings. - Stated that the current proposed setbacks are too all-or-nothing to gain support. - Emphasized the need for discussions on living with water rather than retreating from it entirely, especially in the context of climate change. - Acknowledged that some practical aspects of the regulation changes can be supported. - Expressed a desire for more stakeholder discussions to improve the situation within the current regulations. - Voiced concerns about the increased workload on staff and potential unintended consequences, such as property owners taking unauthorized actions due to perceived difficulties in obtaining permission. Williams - Agreed with Mike's points and added concerns about a potential sunset date discussion causing chaos. - Recounted previous experience with zoning bylaws and future dates causing confusion, particularly with the building cap. - Opposed moving forward with the sunset date part of the regulations, stating that the rest could have been approved months ago without this issue. - Expressed readiness to vote on the regulations without the contentious issue. - Mentioned concern that the regulations were only posted on the website on Tuesday night.

- Highlighted the confusion caused by two different versions of the regulations being linked to the same place.
- Stressed the need to update the rest of the regulations, praising the work done so far.
- Asked if staff attempted to align the changes with state-level regulations, recalling discussions from December.

Jeff Carlson, Natural Resources Director

- Confirmed that Will conducted the initial review comparing local changes to the updated state regulations.
- Noted that the state regulations are still proposed and have not yet been adopted.
- Stated that there are no significant conflicts between the local changes and the proposed state regulations.

Williams

- Stated unpreparedness to vote for the setback change.
- Expressed willingness to vote for the rest of the regulations to finalize them tonight.

Engelbourg

- Suggested putting the buffer zone discussion aside and noted good cohesion within the commission on the rest of the updates.
- Respectfully disagreed with fellow Commissioners, stating that the buffer zone change is not inflexible due to the new exemption process.
- Highlighted that the proposed regulations include exemptions allowing building up to the 50-foot zone, addressing flexibility concerns.
- Emphasized that the compromise meets public demands and should be adopted, with further discussion on logistics if needed.
- Addressed concerns about a frenzy of applications before the effective date, acknowledging it as a recurring issue regardless of changes.
- Proposed setting a minimum effective date of three weeks past the vote but mentioned the flexibility to extend it up to five years if desired.
- Expressed readiness to close the hearing and vote on the regulations but highlighted an overlooked issue regarding performance standards for Coastal Banks related to pre-78 structures.
- Noted a discrepancy between the town bylaw and the Wetlands Protection Act regarding Coastal Engineering structures for pre-78 structures and public infrastructure.
- Pointed out that the bylaw allows for Coastal Engineering structures to protect pre-78 structures or public infrastructure, while the Wetlands Protection Act specifies buildings only.
- Highlighted the significant difference between the terms "structure" and "building," especially with the broader definition of structure in the updated regulations.
- Warned that including patios and short walls as structures might weaken the regulatory standard for Coastal Engineering structures.
- Suggested adopting the term "buildings" from the Wetlands Protection Act or being more specific about the types of buildings to avoid unintended consequences.
- Recommended removing the term "public infrastructure" from the bylaw to avoid regulatory confusion.
- Proposed aligning the language with the Wetlands Protection Act while considering other ways to address public infrastructure protection.

Carlson

- Commented on the question of the effective date for the new regulations.

- Mentioned extensive staff discussions on the best implementation date, considering feedback from various sources.
- Recommended July 1st as the effective date for several reasons:
 1. Highlighted that it aligns with potential turnover on the commission, providing a natural transition point.
 2. Noted it gives the public two to three months to file or adjust projects.
 3. Acknowledged it provides time for projects currently in design and engineering phases to be filed within the next 45 to 60 days.
 4. Emphasized it allows ample time for public notice and answering questions.
- Concluded that July 1st appears to be the most logical date for the effective implementation of the new regulations.

Williams

- Requested pulling out the sections Seth referred to, along with the current and proposed language of the Wetlands Protection Act, for further review.
- Acknowledged public confusion due to incorrect links and differing information posted online regarding the setback changes and new language.
- Received feedback indicating the public finds the new language and proposals confusing and hasn't had sufficient time to understand the impacts.
- Noted that the new information was posted only on Tuesday night, giving inadequate time for public digestion and discussion.
- Concluded that a vote on the regulations will not occur tonight, as more discussion is needed on Seth's points.
- Stated that there is merit in Seth's comments and that further discussion is required.

Golding

- Acknowledged merit in Seth's comments and stated that the issues could be easily changed in seconds.
- Addressed the points about public confusion, noting personal experience of not finding it confusing.
- Admitted possibly not considering the perspective of someone unfamiliar with the document.

Carlson

- Mentioned that the complete versions of the Wetland update regulations, including buffer zone changes, are available in the posted pack.
- Clarified that differences are only within the performance standards, and the first page may not show changes.
- Encouraged people with confusion to contact the office for assistance.
- Stated that no one has contacted the office with confusion so far but apologized if it is happening.
- Invited anyone with questions to reach out to the office for help.
- Noted that the pack was originally posted on February 21st and has been available for about a month.
- Emphasized the office's readiness to assist and provide the needed information to the public.

Engelbourg

- Suggested that some decisions, like replacing "structure" with "building," can be handled at a procedural level by staff.
- Acknowledged that other decisions require more robust discussion, such as clarifying the types of buildings eligible for protection.
- Proposed having a discussion among Commissioners tonight to guide staff on what to include in the final regulations.

Plandowski

- Supported the expansion of the no build buffer zone.

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	- Proposed an effective date of January 1, 2025, to address concerns of those who might face issues today. - Identified an issue with the swimming pool regulations, noting a discrepancy between the order of conditions (requiring pool water to be hauled off property) and the low number of trucks seen at the sewage plant. - Suggested revising the swimming pool regulations for better clarity and responsibility. - Mentioned a draft document on stormwater provisions from the state and advised against acting on it until it is finalized at the state level. Williams - Acknowledged potential postponement of the building versus structure discussion. - Pointed out that the building and zoning codes use the word "structure" rather than "building," causing confusion. - Explained familiarity with the term "structure" in professional work and the uncertainty about the difference between building and structure. - Expressed concern about limiting protection to certain types of buildings, noting that many pre-78 waterfront structures are not dwellings. - Emphasized the need for more discussion on this issue, especially regarding the types of buildings or structures to protect. - Concluded that this topic requires further discussion and consideration, as the complexities were not fully anticipated. Engelbourg - Clarified the need for a three-part discussion: 1. Noted that the Wetlands Protection Act uses the term "building," raising the question of whether the regulations should align with it. 2. Highlighted the drastic increase in types of structures counted as structures in the new regulations, including patios, recreational courts, roads, parking areas, driveways, and drainage basins. 3. Suggested that it might be easier to specifically delineate the types of structures that are protectable rather than allowing all structures. - Expressed that the issue requires full commission input and decision. - Warned that increasing the definition of structure could have unintended consequences on the specific performance standard. Golding - Agreed with the concern about the expanded definition of structures. - Proposed modifying the pre-78 definition to specify "habitable dwelling." - Suggested explicitly excluding other types of structures from protection.
Public Comment:	Tobias Glidden, ACK Smart Solar - Apologized for the delay and acknowledged the board was about to vote on the item this evening. - Mentioned sending photos of solar arrays to Will and expressed a desire to reach out constructively. - Highlighted the low impact of solar installations, using ground screws within the buffer zone. - Facilitated a conversation on including solar installations in the board's definitions to reduce bureaucracy and save time. - Suggested finding a more straightforward way to present applications for solar arrays. - Encouraged the board to consider streamlining the process for solar installations, emphasizing board support when done correctly.

	- Stressed the importance of public access on all structures, advocating for stairways over revetments. - Noted the presence of rusting metal stakes in coastal areas and recommended moving away from using metal stakes to prevent rusting. - Asked for clarification on whether solar installations are considered structures.
	Carlson - Confirmed that historically, ground-mounted solar arrays have been considered structures by the commission. - Cited the example of the large-scale solar array at Bartlett Farm, which was heard as a structure.
	Dan Malloy - Questioned whether the commission has taken the time in a public meeting to go through the regulations section by section. - Noted that discussions seem to jump around without systematically reviewing each section. - Observed that public discussions have mostly focused on hot-button topics like buffer zone changes and groundwater, with less attention to other sections. - Expressed concern about the lack of detailed public discussion on all the changes before a wholesale vote.
	Golding - Acknowledged that the review process has been ongoing for at least two years under Ashley's chairmanship. - Expressed confusion at claims of surprise or unawareness about what has been discussed. - Explained a personal approach of making notes on Wetlands regulations over the years and commenting when relevant topics arise. - Invited specific suggestions in writing to help guide the review process.
	Malloy - Indicated readiness to provide comments and a letter with specific suggestions. - Highlighted a concern with definition changes related to erosion. - Noted that the commission's typical jurisdiction is a 100-foot buffer zone. - Pointed out a change in wording that sets the setback for a structure based on 10 to 20 times the average erosion rate within 100 feet. - Questioned if this change effectively creates a setback beyond the commission's jurisdiction if the erosion rate exceeds 5 feet per year.
	Golding - Acknowledged discussions about other jurisdictions in the Commonwealth not allowing building within 200 feet of protected interests. - Suggested that the definition might need to be broadened for clarity and to ensure all possibilities are covered.
	Malloy - Highlighted a concern under Section 390-16 regarding land subject to coastal storm flowage. - Mentioned a new performance standard proposed (number four) that essentially prohibits any construction within any type of flood zone. - Noted that the wording prohibits any construction interacting with or potentially damaged by flooding. - Stated there was no recall of prior discussion about this prohibition and doubted others noticed the wording's implications. - Suggested that other groups and boards go through changes section by section, addressing and voting on each before moving to the next.

	- Expressed a desire for a more thorough, section-by-section review process to ensure completeness. - Promised to send a letter with detailed comments and suggestions. Engelbourg - Acknowledged Mr. Malloy's points but clarified that the standards he referenced are not new changes. - Noted that the standard related to eroding shorelines for Coastal Banks has existed in the regulations for over 10 years. - Clarified that the standard related to building in areas subject to coastal storm flowage also already exists. - Admitted a slight change in the definition but emphasized that a similar definition exists in current regulations. - Concluded that these standards are not new concerns as they are already part of existing regulations. Frank Daly, President of Daly Construction and the Nantucket Builders Association - Expressed appreciation for the commissioners' time and willingness to meet and discuss the proposed changes. - Acknowledged the opportunity to speak at every meeting and the evolving nature of the proposed regulations. - Voiced concern about the overall process and felt that some public and expert concerns were dismissed too quickly. - Referenced the Select Board's call for in-person meetings to enhance public engagement in town governance. - Strongly encouraged the commission to consider the Select Board's recommendation for in-person meetings. - Mentioned that the state hosts educational sessions and engages stakeholders for feedback on updated regulations. - Recommended the commission increase public outreach and engagement, holding discussions in public to improve collective understanding and address unintended consequences. - Highlighted recent changes to the Zoom meeting format, noting difficulties in seeing who is present and engaging effectively. Golding - Asked to avoid ad hominem implications about how Commissioners react to public comments. - Noted at least two meetings that were open to the public. - Highlighted that these public meetings took place, with one occurring about a year and a half ago. - Emphasized that there has been significant room for public comment over the past six years. - Acknowledged that some members of the public feel their comments have not been fully addressed. - Concluded that the process of public engagement and discussion continues. Daly - Clarified that the intent was not to attack anyone personally but to emphasize the Select Board's point on the importance of in-person public engagement. - Highlighted confusion in the process, such as differentiating structures versus buildings, and suggested more engagement to iron out these details. - Raised the issue of commercial buildings and their place in the regulations, noting it is not clearly spelled out. - Mentioned issues with accessing correct documents via the town's links for tonight's meeting, particularly with Section 390-26.
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	- Addressed the contradiction between the need for regulation changes due to sea level rise and the recent project by the Land Bank and the town on Washington Street, which involves coastal engineering. - Questioned whether the solution is to engineer or to regulate our way out of sea level rise impacts. - Expressed concern that new regulations might make it harder for Nantucket residents to adapt to rising sea levels and erosion. - Noted difficulty finding information on groundwater separation in the meeting packet and referenced a prior discussion on removing the two-foot separation requirement. Carlson - Clarified that the commission never took formal action to remove the two-foot groundwater separation requirement. - Noted that the requirement still applies within the vegetated wetland area, but only in that specific area. Katie Barnicle, ILEX Environmental, Inc. - Submitted a two-page comment letter today and apologized for the delay, citing overwhelming review work of multiple regulation revisions. - Mentioned ongoing review of the Wetlands Protection Act, Chapter 91 Waterfront Act, and Massachusetts Clean Water Act regulations, alongside Nantucket regulations. - Highlighted the inclusion of a sea level rise definition in the proposed regulations and the importance of modeling sea level rise for proposed work. - Raised concerns about the use of the Massachusetts Coastal Flood Risk Model (MC-FRM), noting issues with its accuracy and conservative projections. - Suggested making the regulation language less specific to the MC-FRM and allowing the use of various models to accommodate evolving scientific and engineering data. - Pointed out that the MC-FRM is proprietary and not managed by the state, unlike the publicly available NOAA model. - Recommended revising the definition of sea level rise to avoid specifying any model, allowing flexibility for the use of more accurate and updated models. - Emphasized the importance of adaptable regulations that can incorporate better data and projections over time. - Noted the significant cost differences in project design based on varying sea level rise projections from different models. - Offered to discuss the technical details further and indicated that this feedback would also be submitted to the state under Chapter 91 and Wetlands Protection Act revisions. Engelbourg - Acknowledged Ms. Barnicle's points but explained the reason for using the specific model was to synchronize the Coastal Resilience Plan for Nantucket with the Conservation Commission's regulatory capacity. - Deferred to staff for further input, noting the aim was to ensure consistency across the island by using the same models and avoiding decisions based on different models. - Mentioned that the Town of Nantucket Select Board may have officially adopted the MC-FRM model, requiring confirmation. - Addressed previous comments by Mr. Daly, clarifying that the posted packet on the town's website includes two different versions of the updated regulations: • One titled "Final Draft Clean Version No Buffer Zone Change 2-20-2024" • One titled "Final Draft Clean Version Staff Buffer Zone Change 2-20-2024"
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	- Emphasized that these versions are different, with distinct wording and a different number of pages, correcting any assumption that they are the same. Amy Keohane - Expressed appreciation for the work done on updating the regulations and had no issues viewing and downloading the different versions. - Stated support for the expansion of buffer zones. - Mentioned submitting two videos and received permission to share one. - Provided an example of engineering an above-ground pool in a flood zone, highlighting the creation of an impermeable structure in an area with significant groundwater. - Suggested adding explicit language in the new regulations to prohibit both above-ground and in-ground pools in flood zones. - Emphasized that above-ground pools should not be considered a solution for saving pools in flood-prone, environmentally sensitive areas. RJ Turcotte, Chair, Nantucket Land and Water Council - Agreed with Ms. Barnicle regarding the MCFRM model, noting its initial high regard but recent issues and bugs. - Suggested that the language in the regulations should be more flexible, recommending the NOAA 2022 model or similar models as they get updated. - Acknowledged that the discussion on regulations has been ongoing for years and emphasized that these regulations are a living document, subject to continuous updates. - Recommended that the staff, chair, and vice-chair set a specific date for a meeting to thoroughly review any remaining input and then schedule a follow-up meeting to vote on the regulations. - Emphasized the need to finalize the process to avoid indefinite delays, suggesting a public approach to set and stick to a timeline for review and voting.
Discussion: (00:58:27)	Carlson - Acknowledged the numerous points raised during the meeting. - Suggested postponing the final decision to allow time for further review and consideration of the suggestions. - Proposed setting a meeting for April 25th to continue the discussion and address the raised issues. - Committed to adding a condensed version of the change summary at the front of each document version for clarity. - Clarified that the condensed change summary will not be part of the adopted version but will help people understand the changes. - Encouraged people to reach out to the office with any confusion or questions to get the information they need.

A. Notice of Intent

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

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Art Gasbarro, Glen Wood, Brian Madden, Rachael Freeman
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Jim and Karli Hagedorn - Expressed satisfaction with the current state of the project. - Stated that they are supportive of the application based on how it was presented. - <u>Thanked the Land Bank for listening and modifying their plans.</u>
Discussion: (01:08:44)	Williams

	- Acknowledged initially having significant problems with the project as it progressed. - Expressed satisfaction with the changes and agreements made. - Withdrew previous objections to the project. Engelbourg - Expressed comfort with the project as amended. - Reiterated the importance of access to the Lily Ponds for the Land Bank, acknowledging their historic access needs. - Clarified that the concern was not to constrain authorized use by Land Bank officials. - Suggested including conditions in the orders to ensure fences are required and access is specifically delineated only for Land Bank vehicles. Beale - Appreciated the changes and improvements in the application. - Noted previous concern about the shed and acknowledged that it has been squared away to the line, reducing incursion in the 25-foot setback. - Mentioned initial support for moving the barn across the right of way but recognized the current application as decent and supported. - Agreed with Seth on including conditions for fencing along the Right of Way on the Land Bank property line to restrict vehicular access. - Suggested a split rail fence with easy access for pedestrian traffic, to be included in the order of conditions. Misurelli - Acknowledged being one of the commissioners who initially suggested moving the building out of the 25-foot setback alongside the house, deeming it an appropriate discussion. - Expressed gladness that everyone came together to address concerns. - Appreciated Rachel's input on the Land Bank's position and noted contributions from Glenn Woods and Hunter. - Stated preparedness to vote favorably on the project. Glenn A. Wood, Esq. Rubin and Rudman LLP – Nantucket Islands Land Bank - Acknowledged general support but expressed strong opposition to the proposed limitation on vehicular access to only Land Bank vehicles, as suggested by Seth. - Highlighted that the Land Bank has a long-standing public easement and has indicated that the master plan may include a small, limited ADA parking area. - Stated that the proposed limitation in the order of conditions is both unacceptable and legally impossible. - Emphasized that the commission does not have the legal jurisdiction to limit the real estate rights of a property owner, particularly given the stated nominal public use by vehicles. - Noted that the environmental expert has determined the project will have no adverse effect on the adjacent isolated wetland due to the proposed mitigations. - Indicated readiness to close but made it clear that if the commission includes a condition limiting public access, it will result in an appeal to DEP and Superior Court, deeming such a condition entirely unacceptable, illegal, and outside the commission's jurisdiction. - Stated the easement is broad and includes all public access, without any limitations, and cannot agree to any suggested limitations. Engelbourg - Acknowledged Mr. Wood's comments and clarified not addressing the legal aspect. - Highlighted that vehicular traffic over the easement impacts the wetland by causing soil compaction, potential erosion, and sedimentation.
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	- Asserted that it is within the commission's authority to take steps to minimize these adverse impacts. - Proposed measures to minimize impacts or reduce the frequency of vehicular impacts. - Mentioned the possibility of conditions such as fencing and types of use but expressed openness to other solutions. - Emphasized the goal of reducing the impact of vehicle traffic on the wetland. - Concluded that the commission and staff can develop legally tenable conditions to support the performance standard and protect the wetland, even if different from the originally proposed conditions. Beale - Acknowledged attorney Wood's comments but noted the commission has previously allowed the construction of a road through the wetland within the 25-foot zone. - Suggested reconsidering the road construction and instead requiring the installation of a simple walking path. - Proposed the walking path be without stones on each side, limiting it to pedestrian use rather than heavy equipment. - Asserted that the commission has the right to make this change since the area is under their jurisdiction and a road may not be in the best interest if used as such. Wood - Countered Seth's comments about the speculative nature of potential impacts from landbank vehicle use. - Noted that the area has been and continues to be used by Landbank vehicles with no evidence of impacts on the adjacent wetland. - Stated that the project, as proposed with additional mitigation, has been evaluated by an expert to have no adverse impact on the wetland. - Argued that suggestions of potential impact are speculative and not appropriate. - Emphasized that the proposed intensity of use is expected to be nominal and not greater than current usage. - Opposed the idea of fencing, stating it would adversely impact the existing easement and that the Conservation Commission does not have the authority to control real estate rights. - Highlighted existing case law supporting this position. - Warned that including restrictive language in the order of conditions would result in an appeal, which DEP would likely dismiss quickly. Dan Bailey, III, Esq. - Countered Glenn's position about the clarity of the easement. - Acknowledged that the case was brought regarding the scope of the easement, which allows vehicular and pedestrian access. - Noted that the exact scope of the easement was the subject of dispute, but an agreement has been reached. - Confirmed that the easement will allow public access, including pedestrian and vehicular access. Williams - Emphasized that public rights, as far as deeds are concerned, should not be given away. - Stated that the current argument is about the preservation of public rights, which cannot be eliminated. - Acknowledged that the Land Bank will likely own the land forever and indicated they have no intention of putting parking there. - Noted that ADA compliance is not required if no parking is allowed, thus avoiding ADA violations.
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	- Mentioned that if parking is required in the future, the Land Bank would need to come back to the Conservation Commission for a Notice of Intent (NOI), at which point it could be denied. - Recommended moving forward with the current proceedings. Mr. Hagedorn - Reiterated what Neil and Jesse communicated last weekend and this morning, confirming that there is no plan for a parking lot. - Noted that the Land Bank agreed to submit a new Notice of Intent (NOI) and undergo a public hearing if they wanted to install parking. - Asked for confirmation from the Land Bank that this is still their position. Rachael Freeman, Nantucket Land Bank - Confirmed the statement by Mr. Hagedorn that there is no current intention to install a parking lot. - Stated that if ADA compliance parking spaces become necessary, the Land Bank will submit a new Notice of Intent (NOI) and undergo a public hearing. - Acknowledged that there is existing ADA parking in another area and that the Land Bank has been meeting with the Commission on Disability. - Reaffirmed that there is no intention to add parking in this area at this time. Engelbourg - Requested staff or Town Council input regarding the precedent of requiring fencing to block public easements or rights of way when not in use, based on previous un-appealed orders of conditions. - Clarified that these orders were based on findings that general vehicular traffic can impact wetland resource areas protected by the WPA and local regulations. - Sought an opinion to confirm the legality and appropriateness of such conditions. - Responded to Mr. Wood's comments about speculation, stating that it is the applicant's burden to prove their assumptions and the commission's duty to condition orders to minimize adverse impacts. - Emphasized the commission's responsibility to condition orders of conditions if they believe vehicular traffic causes adverse impacts to the wetland. Hunter Ziesing - Suggested considering a fence with a gate to allow pedestrian access while restricting vehicular access. - Noted previous issues with cars driving on the property and the Lily Pond, which is also a safety concern. - Mentioned that a fence with removable rails has been effective in preventing such activities. - Expressed willingness to see a similar solution implemented, provided it does not conflict with the agreement with the Land Bank. - Stated that if a parking area is approved in the future, the fence could be removed. Gasbarro - Proposed a middle-ground solution to install a fence or gate at the property line instead of an outright prohibition or restriction to only Land Bank vehicles. - Suggested this solution to address Mr. Ziesing's concerns about vehicular access and safety, as well as Seth's concerns about traffic impact on the wetland. - Noted that the Land Bank already uses the driveway regularly without impact, and this use will continue. - Highlighted that the project includes moving the structure further away and restoring the area, representing an overall net benefit.
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- Agreed that a gate at the property line could address concerns and provide a way forward.
- Suggested a simple gate design with two posts and an opening wide enough for necessary access, while limiting unnecessary vehicle traffic.

Engelbourg

- Agreed with Mr. Gasbarro's suggestion of having a gate to control access.
- Noted uncertainty about Mr. Wood's agreement, as he mentioned any closure on the easement could lead to an appeal.
- Proposed a compromise by having a gate with a lock accessible only by the Land Bank, similar to a prohibition in the order of conditions.
- Suggested including the locked gate requirement in the order of conditions.

Will Dell'Erba, Conservation Agent

- Suggested a compromise condition for a split rail fence or gate at the terminus of the vehicle access way, with an opening for pedestrian access.
- Proposed allowing the removal of the barrier if a parking area is approved on adjacent property.
- Emphasized that this would not be a permanent situation.

Williams

- Expressed opposition to a gate with a lock, citing potential issues.
- Supported the idea of a split rail fence at the demarcation where Land Bank property starts, with an opening for pedestrian access.
- Noted that split rail fences require a permit in the OHD (Old Historic District), but approval is likely not problematic.
- Mentioned other areas on Nantucket where similar split rail fences with pedestrian openings exist.
- Clarified the goal is not a locked gate, but rather a simple split rail fence for pedestrian access.
- Stated willingness to vote for the proposal without the locked gate condition.

Bailey

- Clarified that the proposed gate would be on the east side at the property line.
- Explained the reason for raising the issue, emphasizing the need to avoid placing the gate on the west side.
- Noted that placing the gate on the west side would create access problems for Mr. Ziesing, who relies on that roadway for entry to his property.

Hunter Ziesing

- Agreed with Linda's suggestion for a split rail fence with an opening.
- Mentioned that the rails are easy to remove for Land Bank access and that previously, no one took them down.
- Expressed willingness to work with the Land Bank to find a suitable solution but preferred Linda's idea of a simple split rail fence.

Misurelli

- Supported the idea of a post and rail fence without a lock.
- Stated that having a lock goes against the principle of public access.
- Expressed doubt about the feasibility of someone driving through and knocking over a locked gate.

Engelbourg

- Expressed indifference to the specific type of barrier, whether it's a lock gate, split rail fence, or fence in PVC sleeves.
- Clarified that the main concern is the need for a physical demarcation at the eastern terminus of the easement at the property line.
- Stressed that the barrier is necessary to prevent excessive vehicular traffic that could impact the adjacent wetland, which is being protected.

Williams

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	- Clarified that post and rail fences are not allowed on Nantucket except in a horse trough. - Emphasized that if this is included in the order of conditions and will be reviewed by the HDC, the correct term is "split rail" fence, not "post and rail." Gasbarro - Suggested providing a revised plan subject to staff approval to help address concerns and potentially close the issue tonight. - Proposed leaving the condition as a "gate with opening," with the exact design and mechanism to be determined through further approvals. - Clarified that the gate would be placed at the eastern terminus, specifically at the boundary between the Land Bank's property and the Lampoon property. Engelbourg - Expressed satisfaction with the proposal. - Noted that if the applicant wishes to close tonight, they can submit an updated plan with the gate included. - Suggested that if the updated plan with the gate is submitted, there would be no need for an additional condition. - Stated that either submitting an updated plan with the gate or adding a condition requiring the gate is acceptable.
Motion:	Motion to close. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Minella- 5 Gingy Lane (41-852) SE48-3735 (Rits) – **CONTINUED UNTIL APRIL 4TH**

3. Third Point Holdings LLC - **CONTINUED UNTIL APRIL 4TH**

4. Van Den Born - **CONTINUED UNTIL APRIL 4TH**

5. Slosek - **CONTINUED UNTIL APRIL 4TH**

6. *Montano 49 Nominee Trust- 49 Wauwinet Road (14-26) SE48- (Haines)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	David Haines
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:42:29)	Plandowski - Expressed support for solar energy, mentioning personal experience with rooftop solar for five years. - Voiced concerns about ground-mounted solar, considering them an eyesore despite regulatory compliance. - Highlighted the ongoing issue of trimming trees around ground-mounted solar systems as they grow, especially considering the low sun angle during winter. Haines - Noted that Mr. Young's proposed ground-mounted solar array will be placed in a wedge-shaped area, intended to minimize visibility. - Mentioned that the array will not be visible from the road, being located behind his house and off the edge of his lawn in a wooded area. - Indicated that an additional 12.5 feet of clearing will be done on either side. - Emphasized that the location faces south, ensuring good solar efficiency with minimal clearing and maintenance of trees.

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	- Acknowledged that roof-mounted panels on the east and west sides of houses are efficient, although full sun is preferable. - Highlighted Mr. Young's intention to avoid making the solar array an eyesore for himself and others. Williams - Noted that the HDC prefers ground-mounted solar arrays under their guidelines. - Emphasized that the HDC requires these arrays to be not visible from a traveled way. - Mentioned that if the arrays are visible from a traveled way, they must either be moved, removed, or screened. - Observed that the HDC will enforce these requirements to ensure the solar arrays are not visible. - Acknowledged personal dislike for ground-mounted solar but expressed confidence that the HDC will handle the visibility issue appropriately in this case. Golding - Expressed support for having solar panels on every roof on the island.
Action:	CONTINUED UNTIL APRIL 4TH

7. *Woodbury Lane Association- Rear Woodbury Lane (42.3.4-156) SE48- (Haines)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	David Haines
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Marsha Fader - Submitted a letter listing questions and is not opposed to the removal of phragmites but wants to understand the impact on the neighborhood. - Raised concern about the removal of the root system of phragmites potentially leading to more water accumulation in the retention basin. - Inquired about the drainage impact and suggested that dredging the retention basin might be necessary to handle increased water. - Asked about the coordination of the deer habitat and the drainage system designed by David years ago with Woodbury Lane, and how it integrates with the Lily Pond as it transitions from higher to lower elevations. - Highlighted the importance of reviewing the drainage system, especially with the Lily Pond project underway. - Requested a better understanding of the overall impact on the wetland area, of which they are a part.
Discussion: (01:49:00)	Engelbourg - Expressed no concern with the basal wipe technique proposed for invasive species management. - Noted that the commission has approved various methods in past permits, including full-year spraying, clip and drip, and other techniques. - Gently suggested that different areas and species might respond differently to various techniques. - Advised that having more options available for invasive species management could be beneficial, though acknowledged this was not the current application. - Commented on the waiver, noting that the long-term net benefit waiver might not be needed due to the special waiver for invasive species management, which requires issuance.

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	- Addressed the deer habitat concern by noting that restoring native species, as proposed, will improve habitat for deer. - Acknowledged potential temporary disturbances during construction but emphasized long-term benefits to wildlife, which is a protected interest under the regulations. - Confirmed that phragmites roots do soak up water and can turn wet areas into less wet areas over time. - Explained that planting native shrubs is intended to offset the loss of phragmites and maintain similar water absorption capacity, addressing hydrology concerns. Haines - Added that the planned shrubs will replace the evapotranspiration capacity of the phragmites being removed. - Mentioned the plan to seed the area with a New England Wetland seed mix to establish an herbaceous and grass layer in addition to the shrub layer. - Noted that wooded swamps typically have more evapotranspiration than open bodies of water. - Concluded that the replanting and seeding efforts will prevent an increase in water levels in the area. Misurelli - Mentioned that the herbicide treatment will allow other species to thrive with the increased light. - Reassured that there will be no risk of spreading phragmites to other areas since they will not be pulled out.
Action:	CONTINUED UNTIL APRIL 25TH

8. *New England Development- 50 Easton Street (42.4.1-23) SE48- (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors
Documentation: (02:05:50)	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	There were no comments from the Commissioners
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 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

9. *Goldsmith- 10 Westmoor Lane (41-809) SE48- (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors; Brian Madden, LEC Environmental Consultants, Inc.

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Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:12:55)	Engelbourg - Asked about the flood zone elevation in comparison to the proposed structure. - Appreciated the inclusion of a stormwater management system for roof runoff and rainfall. - Suggested that if flooding occurs at the structure's elevation, additional measures such as flood vents or permeable surfaces should be considered to absorb and contain floodwater. Santos - Clarified that the area is not in a flood zone, but the isolated land subject to flooding is based on groundwater inputs and the water-holding capacity of the area without an inlet or outlet. - Established that the groundwater elevation for the isolated land subject to flooding is at elevation 9. - Noted that the limits of the vernal pool are set at approximately elevation 10.5, higher than the isolated land subject to flooding. - Explained that the foundation system for the main dwelling is set up, with a slab for the garage and maintenance building. - Stated that the first-floor elevation of the cottage is at 24, significantly higher than the isolated land subject to flooding and the vernal pool. - Indicated that the floor elevation and the grade around the structure are approximately 10 feet above the isolated land subject to flooding and the vernal pool. Madden - Explained that the DEP requirement involved submitting a wildlife habitat analysis to ensure no adverse effects on the vernal pool system's wildlife habitat capacity, particularly concerning the system's hydrology. - Detailed the significant review process related to stormwater management and runoff patterns to maintain pre- and post-condition equilibrium, ensuring no loss or excess water to the wetland. - Noted that subsurface infiltration is being promoted to support natural recharge. - Highlighted that the vernal pool and isolated land subject to flooding (ILSF) boundaries are contained within the vegetated wetland boundary, which steps up significantly from these areas. Santos - Clarified that there is no need to file with the DEP. - Mentioned receiving a determination from DEP stating that the proposed project will not occur within an area subject to protection under the Wetlands Protection Act (Mass General Laws Chapter 131, Section 40) or the buffer zone. - Noted that the Notice of Intent (NOI) is being filed only under the local bylaw. - Explained that the work is not being done in the vernal pool and that isolated land subject to flooding under the state act does not have a buffer zone.
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 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

10. Sconset Bluff Preservation Fund/ Town of Nantucket - SE48-3736 (Scheduling)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-

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Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:31:11)	Dell’Erba - Listed alternate Thursdays without scheduled meetings to address potential scheduling conflicts. - Reminded everyone that a vote may not occur at the next meeting and that if a meeting is missed, members can catch up by watching the meeting and reading back through the materials. - Mentioned that members can email to receive a form to stay updated and avoid issues from missing a meeting. - Provided the next five available Thursdays for potential meetings: March 28th, April 11th, April 18th (noting potential school break conflicts), May 2nd, and May 16th. - Acknowledged the likelihood of needing multiple meetings for the discussions. - Suggested scheduling two meetings instead of just one to accommodate the anticipated need. - Mentioned that some comments have already been received, indicating the potential for more extensive discussions. Beale - Emphasized the importance of involving the attorney to address three critical questions for informed decision-making. - Stressed the need to engage a consultant to assist with the hearings as they progress. - Highlighted that while progress is being made, additional help is needed to ensure the process is thorough and well-informed. Engelbourg - Acknowledged that while deadlines are a courtesy to the applicant, they are also a standard practice of the commission. - Stated that comments or information are typically required by the Friday before any Notice of Intent hearing. - Warned that extending the deadline for this project without doing so for others would constitute bad governance. - Shared a personal opinion on maintaining consistent deadlines for all projects. Commissioners agreed to schedule the next discussion of the Sconset Bluff Preservation Fund/ Town of Nantucket - SE48-3736 for April 11th

B. Amended Order of Condition

1. *63 Hulbert LLC- 63 Hulbert Avenue (29-9 &9.1) SE48-3648 (Rits)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:42:24)	There were no comments made by Commissioners.
Motion:	Motion to approve the Amended Order of Condition for 63 Hulbert Avenue. (Made by: Beale) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

PUBLIC MEETING

A. Requests for Determination of Applicability – None

B. Minor Modifications

1. 39 Monomoy LLC- 39 Monomoy Road (54-79) SE48-3657 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:44:26)	There were no comments made by Commissioners.
Motion:	Motion to approve the Minor Modifications at 39 Monomoy Road. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Golding (aye)

C. Certificate of Compliance

1. 14 Easy Street LLC- 14 Easy Street (42.3.1-13) SE48-2628 (Bracken)

2. 14 Easy Street LLC- 14 Easy Street (42.3.1-13) SE48-2965 (Bracken)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:46:35)	Dell’Erba presented both items and responded to Commissioners questions.
Motion:	Motion to approve the issuance of both Certificates of Compliance. (Made by: Beale) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

3. McGivney- 45 West Chester Street (41-230) SE48-2637 (Dale)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:48:00)	Dell’Erba presented the item and responded to Commissioners questions.
Motion:	Motion to approve the issuance of the Certificate of Compliance. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

4. 10 Monomoy Creek Nominee Trust- 10 Monomoy Creek Road (54-54.2) SE48-3357 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:49:06)	Dell’ Erba outlined the continuing conditions, numbered 19 through 23.
Motion:	Motion to approve the issuance of the Certificate of Compliance including conditions 19 through 23. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

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D. Orders of Conditions

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

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:54:40)	Commissioners - Proposed holding the matter until the language about the fence and related issues is straightened out. - Acknowledged having 21 days to address this, which allows enough time.

2. *New England Development- 50 Easton Street (42.4.1-23) SE48- (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:56:00)	Dell'Erba - Noted that it might be difficult for the applicants to address the need for requirements to prevent silt from entering the harbor during the work. - Mentioned that the plan already includes measures for siltation control, such as a proposed compost sock near the work area. - Suggested that the work should be performed in accordance with the site and work description, which includes siltation control measures.
Motion:	Motion to approve as drafted. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

3. *Goldsmith- 10 Westmoor Lane (41-809) SE48- (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:58:40)	Dell'Erba presented the item and responded to Commissioners questions. Engelbourg - Noted the presence of a certified vernal pool with a 75-foot buffer zone setback. - Suggested specifying either the 75-foot area or stating that no fertilizers or agricultural chemicals are permitted by this project. - Recommended including lighting conditions for the structures in the project.
Motion:	Motion to approve as amended. (Made by: Engelbourg) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

E. Extension of Order

1. Dupont- 22 Burnt Swamp Road (56-231.1) SE48-3415 (Bracken)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-

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Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (03:03:34)	Dell’Erba presented a brief overview of the item. There were no Commissioner comments.
Motion:	Motion to approve the extension. (Made by: Engelbourg) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Nantucket Conservation Foundation- Capaum Pond (31-12) SE48-3400 (Beattie)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Naomi Valentine, SWCA Environmental Consultants, Karen Beattie, Nantucket Conservation Foundation, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (03:05:00)	Valentine presented a brief overview of the item and responded to Commissioners questions.
Motion:	Motion to approve the extension. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

F. Other Business

1. Approval of Minutes 01/25/24; 02/01/24

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Documentation:	Draft minutes from the January 25 and February 1, 2024, minutes.
Public Comment:	There were no public comments.
Motion:	Motion to approve the January 25 and February 1, 2024, meeting minutes. (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye) //Misurelli abstaining from voting on the February 1, 2024, minutes.

2. Monitoring Reports

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	Monitoring Reports for 19 Wauwinet Road, Capaum Pond and Gibbs Pond
Public Comment:	There were no public comments.
Discussion: (03:11:53)	Dell’Erba stated no issues with his review of the monitoring reports. There were no Commissioner comments.

3. Discussion of ConCom land transfer warrant articles and open space management.

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	-
Public Comment:	There were no public comments.
Discussion: (03:12:17)	Engelbourg - Mentioned that four attachments were mistakenly uploaded to the regulation packet instead of the meeting packet. - Acknowledged that Commissioners likely have not had a chance to review them.

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	- Reluctantly recommended carrying the discussion over to April 4th to allow Commissioners time to review the submissions.
Action:	CONTINUED TO THE APRIL 4TH MEETING.

4. Enforcement Actions/Potential Enforcement Actions

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (03:17:40)	Discussion ensued between the Commissioners and Dell'Erba - Noted that part of the original Order of Conditions (OOC) required cleanup before any work, which has not been done. - Observed that work is proceeding rapidly without addressing the required cleanup. - Confirmed that the commission previously instructed the applicants to clean up, but they have ignored this directive. - Suggested that someone needs to have a conversation with the responsible parties. - Agreed to have Will visit Baxter Road to address the issue. - Highlighted that the debris extends over a large area, with reports of it reaching up to Great Point. - Mentioned that the debris is particularly noticeable in front of Baxter Road down to Low Beach. Golding - Noted that various methods, such as marking with individual threads and including metal dog tags, have been used to manage the debris. - Mentioned that the dog tags get ripped off, and there have been instances of mixed debris from different projects in a single bundle. - Highlighted the ongoing issue of the beach being littered and not cleaned up, despite previous efforts and directives. - Emphasized the presence of a large amount of debris directly under the proponent's area of responsibility. Dell'Erba - Confirmed that the emergency order was appealed by at least one person. - Noted that no response from the DEP has been received yet regarding the appeal. - Mentioned that work is allowed to proceed, but it is at the applicant's own risk pending the outcome of any potential appeal.
Action:	CONTINUED TO THE APRIL 4TH MEETING.

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

CRAC:	Braine - Briefly mentioned a joint meeting between CRAC and the Harbor Action Committee. - Expressed being impressed with the good coordination efforts during the meeting.
CPC:	Beale - Reported that the CPC met this week. - Approved funding for one account during the meeting.

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NP&EDC:	No report.
Harbor Plan	Williams - Recapped a very productive joint meeting where almost all members from both committees were present. - Emphasized the focus on updating the coastal resiliency and floodplain sections, as previous plans (from 2009 and earlier) didn't address these adequately. - Noted the significant impact of these issues in the last 15 years and the intention to reference them thoroughly in the harbor plan. - Mentioned ongoing collaboration with Leah, who will attend the next few meetings to contribute her valuable insights. - Highlighted that they are only halfway through the section, and Leah has provided excellent notes. - Added that Holly attended to discuss the impact on historic structures in flood zones. - Expressed optimism about developing robust requirements in the harbor plan, in conjunction with CRAC documents and projects, aiming for a positive collaboration. - Discussed creating a workgroup with the Land Council to develop a separate eelgrass plan. - Noted that this plan will be distinct from the shellfish plan. - Highlighted that eelgrass is a key indicator of the harbor's health. - Mentioned the involvement of grants and other resources in setting up the eelgrass plan separately from other initiatives.
Offshore Wind Work Group:	No report.

6. Commissioner's Comments

Discussion: (03:26:13)	Misurelli - Expressed confusion about the timing of field viewings with the availability of more daylight. - Clarified that the field viewings will be at 4:00 PM instead of 3:00 PM. Golding - Expressed dismay at the orders of conditions for 90 Pocomo Road. - Highlighted concerns that arose in July and August 2021, mentioning memories of the area when there was no vegetation on the cliffs. - Presented historical pictures from the 1920s showing little to no vegetation. - Noted that Art Gasbarro clarified not to plant from the bottom to the top of the entire length of the bank. - Requested revisiting the orders of conditions to specify where planting should not occur. - Proposed making a motion under the local bylaw to revoke, rescind, or amend the conditions at the next meeting. - Expressed a preference for a friendly amendment with Art Gasbarro but wants it added to the next meeting's agenda. Engelbourg - Speaking generally, cautioned that historical precedent isn't the basis for protection. - Emphasized that the focus should be on protecting wetlands and adhering to performance standards.
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	- Noted that if the applicant can prove a benefit from planting vegetation to protect the coastal bank, historical precedent is irrelevant. - Clarified that permitting decisions should be based on performance standards, not historical imagery, as long as the actions don't harm other protected interests. - Expressed strong opposition to having an agenda item that includes revocation or similarly strong actions. - Suggested that a general discussion about the permit would be acceptable instead. Golding - Asserted entitlement under Robert's Rules to request rescinding or amending the permit and putting it to a vote. - Preferred to have the item added as an agenda item, aiming for a friendly discussion. - Emphasized the entitlement to revoke the permit under local bylaws. - Expressed strong feelings about the issue and the need for it to be addressed. - Requested that the issue be included in the next agenda.
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7. Administrator/Staff Reports

Discussion:	No reports.
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Adjournment:

Motion:	Motion to adjourn at 8:34pm. (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)
Discussion:	Williams - Mentioned discussions about potentially losing Zoom meetings. - Clarified that the request is for the planning board and Conservation Commission to have hybrid meetings, not to lose Zoom meetings. - Noted that hybrid meetings can't be legally forced, and staff were not warned about the discussion beforehand, causing frustration. - Indicated that conversations with staff and the planning board will happen to discuss the transition to hybrid meetings. - Acknowledged that it will take time to implement due to notice requirements, so meetings will continue as usual for now.

Submitted by:
Elaina Cano