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CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, April 11, 2024 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=OuFU8eMSpSk>

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)

I. PUBLIC COMMENT

-Burton Balkind – provided information on 289 Hummock Pond Road; staff responded they would review and update commission

II. PUBLIC HEARING

1. Siasconset Beach Preservation Fund/Town of Nantucket – 41-119 Baxter Road (various) SE48-3736

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	None
Representatives:	Richard Nylen, Dr. Dwight Dunk, Gordon Thompson, Vince Murphy (TON)
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment (00:06:40) And Discussion	-Julie Ruddick Meade, Executive Director Sconset Trust Provided historical context as the owner of the lighthouse and concerns of road loss and spoke in favor of the Geotube project -Doug Rose Concerns over impacts, permits, procedures and scale of project provided these concerns in writing to the Commission for review. -RJ Turcotte, Nantucket Land and Water Council Submitted written comments reviewed those comments including alternatives, removal, environmental impacts -Dr. David Kriebel, Greenhill family Submitted written comments and outlined an alternative for coir rolls and nourishment while reviewing the structure proposed under current regulatory framework. Commissioner Golding asked a clarifying question regarding nourishment material and availability. -Commissioner Engelbourg discussed the necessity for a robust alternatives analysis and the regulatory requirements related to. -Plandowski asked Dr. Kriebel about the loss of a constructed dune in Salsbury, Mass; Dr. Kriebel provided comments about the volumes in that project and national nourishment trends and practices. Commissioner Engelbourg provided comments on that project and his belief that the project functioned as designed.

	-Commissioner Plandowski asked Dr. Kriebel about the impacts of sea-level rise on the proposed project. Dr. Kriebel provided his views and data on this analysis. -Commissioner Brain asked about risk of storm damage to unprotected bluff or nourishment only protection compared to the bluff protected by Geotubes to Dr. Kriebel and Dr. Dunk. Dr. Kriebel suggests running an erosion model. -Dr. Dunk provide a response to Dr. Kriebel's comment and applicable regulations -Commission Beale comments seeking a more robust alternatives analysis and previous nourishment issues. -Commissioner Misurelli agreed for a robust alternative analysis but is skeptical of coir has concerns about a nourishment only project with sand sourcing. Commissioner Golding sees the nourishment requirement differently. Commissioner Engelbourg alternative analysis required. Describes some alternatives -Commissioner Golding asks after last nourishment delivery, staff provides update. -Commissioner Braine asks Dr. Kriebel about the difficulty of Geotube removal; Dr. Kriebel comments on status of removal and the difficulty. -Commissioner Engelbourg was represented originally by the applicant that removal was relatively easy and that has proven to be false. -Commissioner Beale concerns over cost estimate for removal and what mechanisms are in place to have that money on hand. -Helmut Weymar shares concerns that without Geotubes a great historic resource will be lost to erosion and needs to be protected. Commissioner Golding comments on his experience of being on the bluff. -Carol Greenberg, President Sconset Civic Association, emphasizes historic lighthouse and historic homes on Baxter Road and the need to protect them and is supportive of the Geotube project -Burton Balkind, Nantucket Coastal Conservancy, comments on the lack of existing mitigation and that the Coastal Conservancy have been taking drone photos and have an analysis of those. Long-term concerns for proper nourishment. -Jacob Tinkhauser, Far Fetched Nantucket, has been doing drone surveys to provide up to date imagery of the bluff. Commissioner Engelbourg comments on the photogrammetry and has some questions about current photo surveying and comments on the differences on LIDAR and photogrammetry. -Commissioners Golding, Beale and Engelbourg discuss if this aerial survey is germane to the application. -Jacob Tinkhauser describes his survey methods and results of his surveys. -Trey Ruthven, Nantucket Land and Water Council, provides comments on the Salisbury Mass project which was an emergency measure and the scope of that project. Provides comments on FEMA guidance -Commissioner Williams believes the commission is way off topic. Commissioner Golding provides some context
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	Misurelli as Mr. Ruthven about the Salisbury construction methods and Mr. Ruthven provides that detail. -D.Anne Atherton, Nantucket Coastal Conservancy, comments that the beach in this area is owned by the inhabitants of Nantucket. Asks Dr. Kriebel if he believes that the Geotubes are working as designed. She believes they are having an adverse impact. Dr. Kriebel comments that he believes that the Geotubes are having an adverse impact to the coastal area. Golding provides his opinion on this. -Commissioner Engelbourg requests the opportunity to discuss adverse impacts and understands the difference between the existing project and new application. Seeking last monitoring reports for the existing project. -Commissioner Misurelli believes that a project of this nature will always have some level of adverse impacts -Richard Nylen questions the nature of this hearing being focused on public comment and the applicant's role. Will provide detailed comments but will be providing responses and comments on the alternatives and impacts. States that the applicant is not obligated to provide nourishment material post removal order. Commissioner Golding disagrees with that assessment. They debate this topic and review the history of the existing removal order. Dr. Dunk comments on the history and current status of the sand template. -Gordon Thompson comments on the nourishment program and the impacts of nourishment material on the near shore habitats and coastal areas. -Commissioner Engelbourg agrees that the Commission should not tell applicants what to do but the commission's role is to review a robust alternative analysis. Reads the performance standards relevant to this issue. -Commissioner Williams whatever is permitted needs to be for the long-haul and big picture. -Nylen asks what the next steps are -Staff provides an update on independent reviewer and independent counsel. Comments that the Select Board has denied the initial request but would entertain a revised more detailed request. Motion to send revised request to the Select Board made by Commissioner Beale, seconded by Commissioner Engelbourg. Passed by unanimous roll call vote. -Richard Nylen discusses anticipated schedule going forward; staff provides some options.
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Action:	CONTINUED UNTIL APRIL 25, 2024
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2. . Siasconset Beach Preservation Fund – 59-83 Baxter Road (Various) SE48-3759 – heard

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	None
Representatives:	Dwight Dunk

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:03:10)	-Staff updated commission that the application was incomplete and in need of a signature. -Dr. Dunk provided an update that they were waiting for the NOI to be signed by the Town and requested the continuance.
Action:	CONTINUED UNTIL APRIL 25, 2024
Motion:	N/A
Vote:	Unanimous by roll call vote

III. Public Meeting

1. Discussion of Request for Independent Legal Counsel for SE48-3736 – update occurred during public hearing
2. Discussion of Independent Reviewer for SE48-3736 – updated occurred during public hearing
3. Discussion of Removal Order for SE48-2824 – updated provided by staff

IV. Adjournment:

Motion:	Motion to adjourn at 7:10pm. (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried: 7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)