



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, May 23rd, 2024 – 4:00 p.m.

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

<https://youtube.com/live/u3et3brklpE>

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

Called to order at 4:00 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

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:	-
Representative:	Richard Nylon – SBPF Legal Council
Documentation:	-
Discussion:	Jeff Carlson, Natural Resources Director - Discussed receiving draft report from 3rd party reviewer, sent back after reviewing for edits. - Mentioned needed reports would be hopefully available to be discussed and distributed on the June 6th meeting. Richard Nylon – SBPF Legal Council - Voiced needing the reports by June 6th for time to discuss and get back to the commission before June 6th. - Asked if the questions from Golding for the legal council would be taken care of on the 6th and if there were any remaining questions for legal council that had not previously been provided. Golding - Emphasized the 3rd party contractor was brought on to examine said questions. - If any additional questions are brought up, they will let SBPF’s legal counsel know. Nylon - Noted if there were no additional questions, SBPF would be ready for the June 6th Meeting.
Public Comment/Discussion:	Plandowski - Questioned when the Commission would receive the documents. Carlson - Noted beta report would be available the following day with the legal report available the following week.

	Plandowski - Emphasized needing the full report a few days before the 6 th . Carlson - Confirmed the commission would receive the full report a few days before the 6 th . - Asked if Mr. Gillum or Mr. Rits could elaborate on the solutions for managing water displacement during construction.
Action	CONTINUED UNTIL JUNE 6TH

1. Notice of Intent

Glenbeigh, LLC-33 Nonantum Avenue (87-49) SE48-3755 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
Documentation:	Site and topographical plans
Public Comment:	There were no Public Comments
Discussion	Gasbarro - Noted the continuance from the previous meeting and provided the additional response from national heritage, stated they were in good standing to close
Staff Recommendations:	All necessary items have been received in order to close
Motion	Motion to close (Made by: Golding) (Seconded by: Joe Plandowski)
Vote	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Omstead- 50 Wauwinet Road (14-68.2) SE48-3760 (Rits)

Sitting:	Golding, Engelbourg, Beale, Braine, and Plandowski
Recused:	Williams, Misurelli
Representatives:	Mark Rits, Site Design Engineering, presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Ritz - Presented plan for a garage on a slab foundation outside 50 ft buffer - Explained Elevation of wetland is in low 20's, garage slab will be at 26ft so they will be above the 2 ft ground water separation line - <u>Noted they do not require waivers</u>
Staff Recommendations	All necessary items have been received in order to close
Motion:	Motion to close (Made by: Golding) (Seconded by: Braine)
Vote	Carried:/5:0 Engelbourg, Beale, Braine, Plandowski, Golding (aye) Recused: Williams, Misurelli

3. Kronau- 5 Old Quidnet Milk Route (20-54.1) SE48-3761 (Gasbarro)

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

Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Gasbarro – Noted this was the second meeting after a continuance to receive response from the National heritage which they have received. – Reviewed plans
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Golding) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

4. 16 Monomoy Road Nominee Trust- 16 Monomoy Road (54-52) SE48-3762 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	Gasbarro – Noted this was a secondary public hearing after being continued – Reviewed plans – Received response from National heritage
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Golding) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

5. Nantucket Islands Land Bank- 101 Miacomet Avenue (81-149) SE48-3763 (Freeman)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Rachael Freeman, Nantucket Islands Land Bank, presented the item and responded to Commissioners questions
Documentation:	Site plan
Public Comment:	There were no public comments.
Discussion:	Freeman – Noted continuance from previous meeting – Summarized project – Emphasized they received response from National Heritage with no conditions
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by Plandowski) (Seconded by Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

6. *Berry- 26 North Cambridge Street (38-21) SE48-3767 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants, Inc., presented the item and responded to Commissioners questions.

Documentation:	Site and topographical plans
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: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

7. Nonantum 25 LLC- 25 Nonantum Avenue (87-153) SE48-3768 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants, Inc., presented the item.
Documentation:	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: Beale) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

8. Pazone Real Estate Trust- 14 Waquoit Road (89-9) SE48-3773 (Haines)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	David Haines – Haines Hydro, Presented the item.
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion: (02:05:50)	There were no comments from the Commissioners
Action:	CONTINUED UNTIL JUNE 6TH

9. * Golden Sunshine Realty Trust- 100 Cliff Road (41-14) SE48- (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants, Inc., presented the item.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
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: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

10. * Maria Mitchell Association- 28 & 33 Washington Street (42.3.2-23.1, 82.1) SE48-3772 (Sourati)

Sitting:	Golding, Engelbourg, Beale, Misurelli, Plandowski, and Williams
Recused:	Tim Braine
Representatives:	George Sourati, Sourati Engineering, present the item
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	Engelbourg – Questioned specific type of snow fencing, requested temporary silt fencing be utilized instead

	– Noted that in the order of conditions must be clear that “temporary storage” be written clearly defined Beale – Would like to see silt fencing instead of snow fencing – Noted the order of conditions must be written clearly to emphasize temporary storage Williams – Questioned the length of time the lot will stay open Sourati – Emphasized the property owner did not say what the property was going to do utilize the property for Williams – Questioned if there could be a condition that the lot is not built upon again Engelbourg – Emphasized that condition was only for buildings before 1978, but it is not applicable to this application – Questioned if there was a way to add conditions as a “temporary use” Sourati – Emphasized the relocation of the ticket booth is to utilize the ticket booth in the future, placed now in an area currently used as a parking lot Beale – Noted desire for a time limit the ticket booth can be placed in temporary storage. Dell’Erba – Noted there is a way to write the order of conditions for the timeline of the temporary storage. Engelbourg – Voiced concern about the longevity of placing the temporary storage and emphasized it will cause damage to the resource area if it is too lengthy. Sourati – Gave example of length of temporary storage and voiced MMA would come before commission again if a need to extend existed.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Beale, Misurelli, Plandowski, Williams, Golding (aye) Recused: Braine

11. * Nantucket Islands Land Bank- 80 Miacomet Avenue (66-126) SE48-3770 (Freeman)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Rachael Freem, Nantucket Islands Landbank, presented the item.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (53:09)	There were no Commissioner questions.
Staff Recommendations:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Plandowski) (Seconded by: Beale)
Vote	

B. Amended Order of Condition

1. Island Harbor Farm LLC- 6 New Whale Street (42.3.1-89.1) SE48-3435 (Santos)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Kathryn Barnicle from Isle X environmental, presented the item.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	Beale – Questioned the use of words “parking” and “water dependent use” Barnicle – Emphasized the lot will be used as “water dependent use”, referencing the location – Iterated that parking is considered a water dependent use if it is associated with a water dependent use. Golding – Questioned if an analysis was done and if any remediated work was necessary Barnicle – PFAS was found, which has been remediated and closed out, and some petroleum found in a separate area that will be presented at a later date but is not part of the current project Engelbourg – Emphasized that parking and temporary storage of construction equipment under local bylaws does not count as water use, but mentioned it may not matter in this specific instance as there is nothing that prohibits the proposed gravel surface
Motion:	Motion to approve the Amended Order of Condition for 6 New Whale St (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

PUBLIC MEETING

A. Requests for Determination of Applicability

1. Buck- 28 Shimmo Pond Road (43-167) (Haines)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski
Recused:	Williams
Representatives:	David Haines, Esquire, presented the item
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.
Staff Recommendations	Will Dell'Erba recommended approving a positive 2A
Motion:	Motion to approve the determination of Applicability as 2A at 28 Shimmo Pond Road (Made by: Engelbourg) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Low Shimmo Nominee Trust-42 Shimmo Pond Road (43-126) (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski
Recused:	Williams

Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
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.
Staff Recommendations	Will Dell’Erba recommended approving a positive 2A
Motion:	Motion to approve the determination of Applicability as 2A at 28 Shimmo Pond Road (Made by: Beale) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

B. Minor Modifications

1. Red House LLC- 88 Quidnet Road (21-70, 104 & 109) SE48-3668 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Recused:	
Representatives:	David Haines, Esquire, presented the item
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 1 & 5 Sandy Drive. (Made by: Plandowski) (Seconded by: Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. 2020 Flax Family Irrevocable Trust- 12 Moors End Lane (43-215) SE48-3746 (Madden)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental Consultants, Inc. presented the item.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:44:26)	Engelbourg – Questioned if the patio was going to b raised or if fill was going to be added Haines – Clarified they were leveling the patio and have the stairway not encroach Golding – Asked if the conditions were written so as to include drainage for patio Haines – Explained existing drainage
Motion:	Motion to approve the Minor Modifications at 12 Moors End Lane. (Made by: Misurelli) (Seconded by: Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

C. Certificate of Compliance

1. Keybank National Association- 14 Washing Pond Road (31-19) SE48-3133 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.

Discussion:	Dell’Erba - Confirmed having visited the site. - Recommended the continuing conditions of 15, 18, 19, 20, and 23 - Recommended issuing with these ongoing conditions
Motion:	Motion to approve the issuance of the Certificates of Compliance’s for 14 Washing Pond Road with the ongoing conditions as stated by Mr. Dell’Erba. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Sandburst MV, LLC- 67 Squam Road (13-14) SE48-3393 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket engineering & Survey, PC, presented the item and responded to the Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:42:15)	Dell’Erba - Confirmed and recommended issuing both orders, noting that there are no ongoing conditions associated with them.
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)

3. Keating- 49 Red Barn Road (63-15) SE48-3262 (reissue)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	Williams
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:42:15)	Dell’Erba - Presented as a reissuance of previous conditions for 49 Red Barn Road.
Motion:	Motion to approve the reissuance of the Certificate of Compliance. (Made by: Misurelli) (Seconded by: Beale)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Golding (aye) Recused: Williams

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

1. Glenbeigh, LLC-33 Nonantum Avenue (87-49) SE48-3755 (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: (02:44:11)	Dell’Erba presented the item. Engelbourg - Agreed that the language is fine, removed an “and” from the wording
Motion:	Motion to approve the issuance of the Certificate of Compliance. (Made by: Plandowski) (Seconded by: Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Omstead- 50 Wauwinet Road (14-68.2) SE48-3760 (Rits)

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski
Recused:	Misurelli, Williams
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (1:29:03)	Dell'Erba presented the item and responded to Commissioners questions.
Motion:	Motion to approve as amended. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://5:0 Engelbourg, Beale, Braine, Plandowski, Golding (aye) Recused: Misurelli, Williams

3. Kronau- 5 Old Quidnet Milk Route (20-54.1) SE48-3761 (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: (02:53:25)	Dell'Erba presented item
Motion:	Motion to approve as amended. (Made by: Beale) (Seconded by: Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

4. 16 Monomoy Road Nominee Trust- 16 Monomoy Road (54-52) SE48-3762 (Gasbarro)

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:	Dell'Erba presented item
Motion:	Motion to approve as amended. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

5. Nantucket Islands Land Bank- 101 Miacomet Avenue (81-149) SE48-3763 (Freeman)

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:	Dell'Erba presented the item.
Motion:	Motion to approve as intended. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

6. *Berry- 26 North Cambridge Street (38-21) SE48-3767 (Madden)

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:	Dell’Erba presented the item and responded to Commissioners questions. Engelbourg – Requested to add a lighting condition
Motion:	Motion to approve as amended. (Made by: Engelbourg) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

7. *Nonantum 25 LLC- 25 Nonantum Avenue (87-153) SE48-3768 (Madden)

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:	Dell’Erba presented the item.
Motion:	Motion to approve as drafted. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

8. Golden Sunshine Realty Trust- 100 Cliff Road (41-14) SE48- (Madden)

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:	Dell’Erba presented the item.
Motion:	Motion to approve as drafted. (Made by: Beale) (Seconded by: Plankdowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

9. *Maria Mitchell Association- 28 & 33 Washington Street (42.3.2-23.1, 82.1) SE48-3772 (Sourati)

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:	Dell’Erba presented the item. Engelbourg – Believes there are multiple waivers required, requests this be updated Dell’Erba – Agrees further discussion is needed Engelbourg – Requests to add additional impacts to the findings if structure stays in location for a lengthy period of time – Requests to add timing to order of conditions that prevents structure from behind held too long in location – Requests he temporary structure location does not include any additional builds of structures Misurelli – Notes the applicant requested a timeline of 2 years Golding

	– Expresses confusion why there is no timeline Engelbourg – States the MMA is planning to submit a larger redesigned building, and this ticket booth will be predesigned for location Bealle – Agrees structure should have two-year timeline Williams – Stated the ticket booth will not be destroyed but will agree to a two-year timeline Engelbourg – States if desire is to go for a shorter timeline, MMA can apply for an amendment Williams – Argues in favor of a one-year timeline Engelbourg – State’s ability to require condition of an updated status of future projects Dell’Erba – Confirms change of 2 years as well as to report progress at the end of the year
Action:	CONTINUED UNTIL 6/06

10. *Nantucket Islands Land Bank- 80 Miacomet Avenue (66-126) SE48-3770 (Freeman)

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:	Dell’Erba presented the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

E. Extension of Order - None

F. Other Business

1. Approval of Minutes- March 7th, 2024

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	-
Documentation:	-
Public Comment:	There were no public comments.
Discussion:	Plandowski – Expressed concern he was absent after 1 hour of meeting Dell’Erba – Confirmed that was a separate meeting and the current minutes from March 7th are correct
Motion:	Motion to approve as presented (Made by: Misurelli) (Seconded by: Plankdowski)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

2. Monitoring Reports - None

2. Enforcement Actions/Potential Enforcement Actions

A. Summerhouse

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, and Plandowski
Recused:	Williams
Discussion:	Dell’Erba – Presented potential enforcement based upon different reports from several individuals on two properties owned by the summerhouse – Expressed staff is not comfortable making a hard decision based on the findings – Expresses need to be further discussed by the commission with a sent-out enforcement. – Noted the need for a current condition as built plan for the property – Recommended not ratifying enforcement without knowing all the details, requests both party representatives to be present for a meeting. Misurelli – Questioned if Dell’Erba was able to visit site – Agreed with a request for continuing Engelbourg – Requests whole commission does site visit of the property – Expressed want for the as built plan – Requests to move forward with an enforcement order for the property owner to appear before the commission Dell’Erba – Noted the ability to make changes to current enforcement order – Cannot make a current determination
Public Comment	Art Gasbarro – Engaged by property owner to provide survey and plan – Potential timeline of 1 month Steven Cohen – South Siasconset neighborhood association – Requests in addition to as built survey, a timeline for any changes made to survey. – Requests applicant to identify any permittable work and that work is then permitted, any un-permittable work is removed – Has a presentation regarding main concerns ready Golding – Requests both parties present for presentation Dell’Erba – Emphasizes item is not on the agenda so to tread lightly with a presentation Cohen – States he was individual who filed complaint but is happy to wait to give the presentation. Misurelli – Agrees to wait until all parties are present Engelbourg – Agrees to wait and emphasizes anyone can submit written testimony to the Natural recourse Department as they deem fit Goulding – Agreed to wait for presentation Bealle

	– Expressed agreement to an all commissioner site visit Cohen – Requests Gasbarro be given a date to respond to commission Dell’Erba – Requests vote or ratification of EO and to choose a date. Engelbourg – Feels that the commission should follow the enforcement process and request a meeting on a specific date. Gasbarro – Wonders if there is no clear violation what the commission is addressing Engelbourg – States purpose of the enforcement order is to compel the parties to provide information to make a decision on whether or not there is a violation – Motions to issue enforcement order that the two parties join the June 20th meeting or provide a letter before that date explaining why they are not ready.
Motion:	– Motions to issue enforcement order that the two parties join the June 20th meeting or provide a letter before that date explaining why they are not ready. (Made by Engelbourg) (Seconded by Braine)
Vote	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Golding (aye) Recused: Williams

B. Debris strewn on great point

Discussion	Goulding – Requests determination if enforcement is available to be issued regarding debris strewn up to great point No comment was received, issue dropped
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5. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - No report.
CPC:	Beale - Mentioned be able to give out funds and reimbursements to applicants
NP&EDC:	Engelbourg - Mentioned discussing NOAA’s proposed rule to vessel speed restrictions. - Notes great environmental cause but states that as written it has significant concerns for Nantucket - Expressed concern of steamships/ferry operations - Requests everyone to read up on the issue - States no confirmed right whale sightings in Nantucket Sound - States the rule change may be overly cautious - States many concerns for the island and residents of Nantucket Williams – Expressed concern for student athletics Engelbourg – Encouraged commissioners to watch the NP&EDC meeting that previous Monday and restated NOAA needed to make policy changes based on actual science and not lack of data Williams – Requested a letter stating the above be written Golding – Agreed to have a letter written before the next meeting, requesting Dell’erba write/draft the letter

Harbor Plan	Williams – Commission is now on harbor health – Sheila Lucy was present for two meetings to assist – Getting to point of having a draft with public meetings during the summer
Offshore Wind Work Group:	Plandowski - No report.

6. Commissioner's Comments

Discussion:	Engelbourg – Requested a day on the agenda for the regulatory update for regulation updates Misurelli – Stated the helpfulness for in office time to get questions clarified Golding – Requested the regulations be put on the agenda for the June 6th meeting and Dell'Erba be available for questions any time before that.
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7. Administrator/Staff Reports

Discussion:	Dell'Erba – Expresses willingness to be met with any day if any commissioners have questions
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Adjournment:

Motion:	Motion to adjourn at 8:33pm. (Made by: Plandowski) (Seconded by: Beale)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

Submitted by:
Morgan Nelson