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CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, July 11, 2024 – 5:00 p.m.

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

<https://youtube.com/live/nzvS0EGOnh0>

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

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

Staff in attendance: Jeff Carlson, Natural Resources Director
 Attending Members: Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
 Absent Members: -
 Members Left Early: Linda Williams (01:19:19) and returns (01:31:17)

I. PUBLIC MEETING

A. Appointment of Officers

Motion:	Motion to nominate Engelbourg as Chair (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams(aye)

Motion:	Motion to appoint Williams as Vice Chair (Made by: Misurelli) (Seconded by: Engelbourg)
Vote:	Carried://4:3 Engelbourg, Misurelli, and Williams. (aye) Schafer, and Williams(aye) Beale, Braine, Plandowski (nay)

B. Public Comment- Beale asks if the Commission is able to take testimonies from the public on matters that are continued. Engelbourg mentions that they are unable to take testimony but to send all correspondence to the Natural Resources staff.

Dennis Murphy, attorney at Hill Law in Boston- Asks the Commission if there is protocol on the time frame a continuance can be requested and posted on the website. He has traveled to attend the meeting on the Sconset Bluff Preservation Trust applications.

Jeff Carlson- We accept written requests up to an hour before the meeting. Apologizes that it may cause inconvenience for those who attend the meeting or travel. It is written in the bylaw that the applicant may request a continuance at their discretion.

Burton Balkind- Reminds the Commission and public that the project that SBPF's has filed an NOI is for a removal Order and has been deficient in sand for years.

II. PUBLIC HEARING

1. Sconset Bluff Preservation Trust- 41-119 Baxter Road (various) SE48-3736

Action:	CONTINUED UNTIL JULY 25, 2024
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A. Notice of Intent

1. Sconset Bluff Preservation Trust- 59-83 Baxter Road (various) SE48-3759

Action:	CONTINUED UNTIL JULY 25, 2024
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2. Town of Nantucket- Miacomet Pond (various) SE48-3764

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

Representative:	Amy Ball, Horsley Witten Group
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (00:9:55)	Ball - Notes that they have not received the letter from Mass Natural Heritage and is not able to issue the final determination pursuant to MESA. - They indicated that based on the information that was provided “the project would not have adverse effects to the resource area habitat provided that the project adheres to a time of year restriction for shorebirds of April 1st- August 31st.” - NHESP is still waiting on some results from plant surveys which will take place under the MESA review. Carlson - We have received in writing from Natural Heritage that there is not a take under the Wetlands Protection Act and some conditions are forth coming. The legal requirements have been met to at least close the public hearing on this project. - Recommends waiting on the final letter from them before issuing the Order.
Public Comment/Discussion:	-
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

3. Nantucket Islands Land Bank- 45 Nonantum Avenue (87-40) SE48-3769

Action:	CONTINUED UNTIL JULY 25, 2024
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4. Nantucket Islands Land Bank- Madequecham Valley Road and Surfside (various) SE48-3771

Action:	CONTINUED UNTIL JULY 25, 2024
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5. Leland’s Shanty Nominee Trust- 52R & 54R Tennessee Avenue (59.4-94 & 3) SE48-3776

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:15:43)	Gasbarro - States that the applicant is pursuing a Chapter 91 waterways license and gives a bit of history on the property’s shed that has been rebuilt over the years. - There are no changes to the footprint that exists but is proposing the ability to repair or replace as needed. Schafer - Asks if there is any work proposed at this time Gasbarro - There is not currently any work proposed but requesting to maintain the structure as it stands and to allow work to be permitted under the Order if needed at a later time. Engelbourg

	- Was the original structure built prior to the Wetland Protections Act was enacted. Gasbarro - The lots were purchased in 1928 and historical logbooks states that it was there in 1956, but the structure itself has been rebuilt since that time. Engelbourg - Recommends applying the waiver that allows for pre-existing use to go forward. Beale - Since no work is proposed at this time, would the applicant need to file a Notice of Intent when they find they will need to maintain or replace the structure. Engelbourg - Permitted projects are allowed to be maintained without a new Notice of Intent. Believes that staff would work with the applicant to distinguish what normal maintenance would look like for this project or when they would need to file a Notice of Intent. Gasbarro - Overall, the structure is aging but not rotting out and we are not proposing to need to replace the structure at this time. Carlson - When applicants come in and talk about maintenance or replacement, we typically put about a 20-25% threshold on total replacement before it needs to be permitted as a replacement.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

6. *47 Walsh Street LLC- 47 Walsh Street (29-64) SE48-3778

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:24:35)	Rits - Describes the “after the fact” project of extending the pervious shell driveway, constructing a brick walkway from the driveway to the house. - Mentions that the work that was done to the property was to accommodate the mobility needs of the homeowner.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Golding (aye)

7. *Pilgrims Corner Realty Trust- 16 Paul Jones Road (41-97.1) SE48-SE48-3779

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering, Inc.

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:27:44)	Rits - Describes project details of a construction of a pool, retaining wall, and stone patio with firepit. - All structures will be outside of the 50-foot buffer zone.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, Schafer (aye)

8. *O’Callaghan- 8 Second Way (55-664) SE48-3780

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Williams
Representatives:	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	David Guevara, owner of 6 Second Way - Asks if the applicant is planning on keep the tree abutting the two properties. The tree is located at 6 Second Way. Haines - There may some pruning but otherwise we can try to preserve and protect the roots of the tree as much as possible. Carlson - We can send out our Conservation Agent who is also a certified arborist to ensure that the tree will not be impacted. Misurelli - Mass.gov is a great resource for tree law that can benefit neighbors.
Discussion: (00:30:14)	Haines - Describes the proposed project of the construction of a second dwelling outside of the 50-foot buffer zone.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

8. *New England Development- 19 North Water Street (lot 8) (42.4.2-3) SE48-3781

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:37:58)	Santos - Describes the proposed project of a construction of a single-family dwelling within Land Subject to Coastal Storm Flowage. - The site is not mapped under the priority habitat and does not need to be filed with the Mass Endangered Species Act. - Feel the application meets the performance standards of LSCSF and does not require any waivers.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams, (aye)

9. *New England Development- 19 North Water Street (lot 9) (42.4.2-3) SE48-3782

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:43:13)	Santos - Describes the proposed project similar to the previous lot located within Land Subject to Coastal Storm Flowage. - There will be minimal, if any grading. The exterior of the site will be left in tact to match the grading that's there now.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

10. *New England Development- 19 North Water Street (lot 10C) (42.4.2-3) SE48-3783

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:45:48)	Santos - Describes similar project to the previous two, which will be the final infill of lots just south of White Elephant Way.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

12. * Two Pilgrims LLC- 15 & 17 Pilgrim Road (41-21) SE48-

Action:	CONTINUED UNTIL JULY 25, 2024
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13. *Granik- 244 Madaket Road (59.4-118) SE48-

Action:	CONTINUED UNTIL JULY 25, 2024
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14. *Somersack LLC- 5 High Brush Path (56-388) SE48-

Action:	CONTINUED UNTIL JULY 25, 2024
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15. *Smiley 15 North Water, LLC- 15 North Water Street (42.4.2-50) SE48-3784

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Engineering & Survey, PC, presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:48:23)	Gasbarro - Describes the proposed an addition on an existing dwelling within Land Subject to Coastal Storm Flowage. Engelbourg

	- Asks if the proposed board fence is proposed to go all the way to the ground elevation. Gasbarro - Believes it would but if there was a concern with the free flow of flood waters, they could leave a gap under the fence. Engelbourg - My concern is for our performance standards related to making sure that the work doesn't limit the land to absorb and retain flood water. - Requesting a drawing to be added to the packet to show a gap within the boards or between the board and the ground. Gasbarro - Believes they could be amendable to a condition that states that there would be a clear gap in between the fence and the ground. If for some reason that didn't work for the homeowners, I could come back to file a modification.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

16. * Gregory & Wilkinson- 55 Nobadeer Avenue (88-54) SE48-

Action:	CONTINUED UNTIL JULY 25, 2024
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17. * Gregson- 189 Polpis Road (45-5.2) SE48-3787

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Surveyors Inc. presented the project
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Arthur Reade, Reade, Gullicksen, Hanley, & Gifford Law, Eric Smith- Abutter to 189 Polpis Road
Discussion: (00:53:45)	Reade - States that an abutter to the property cut vegetation without permission on the Gregson's property. - The proposed project is a plan for revegetation and restoration of the area. Gasbarro - Essentially the area was cleared, and we are proposing to plant a variety of native species to repopulate the area, which is almost entirely outside of the 50-foot buffer zone to a vegetated wetland. Carlson - Reade and his clients reached out to Conservation Staff, and we have been on site. We have worked with the applicant to bring this to resolution. - We are looking at the property on the other side of the line for the abutter for a potential Enforcement but appreciate the pro-active nature of the applicant. Engelbourg - Believes the Commission will have to get a legal opinion on alternative Enforcement options. Madden - The area in question that was cut was an area of a monoculture of invasive bamboo, which the property owner's landscaper had removed. - Madden had submitted a Notice of Intent which included a restoration plan to the Conservation Commission and had reached out to the

	neighbors to file a joint application. We were unable to get a signed application in order to file it. - The area has been filled in nicely with native species and believes the planting plan proposed should protect existing shrubs in order to avoid disturbing what is already been established. Engelbourg - Reminds public that all clearing within the 100-foot buffer zone requires filing with the Commission. Smith - Clarifies that the area was not 100% bamboo and can provide photos before and after the cutting. - We had agreed on a plan with our neighbor that Mr. Madden produced but they refused to provide help financially, so we used Mr. Madden's plan as a model. Misurelli - Thanks both abutters for restoring the site and mentions that monitoring reports can be conditioned through the Order of the permit.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

13. *Lynn R. Kudish Revocable Trust- 13 Meadow Lane (41-406.3) SE48-3785

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:07:55)	Santos - Describes the proposed relocation of an existing garage, a fiberglass pool, and landscaping and utilities within the 100-foot buffer zone to a vegetated wetland. - He provides the Commission with a supplemental plan which includes grading area around the pool. - The application does not need to be filed with NHESP, and no waivers are required.
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

B. Amended Order of Condition

1. *Osprey Way Realty Trust- 1 Osprey Way (65-9) SE48-3741

Sitting:	Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Engelbourg
Representatives:	Paul Santos, Nantucket Surveyors, LLC.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:15:24)	Santos

	- Active Order of conditions includes the approval of additions to both the primary and the secondary dwelling. Proposing spaced out granite patio or terrace areas in between the two dwellings. - Landscaping was not included in the original plan, so we felt it was appropriate to come in with an Amendment request rather than a Minor Modification.
Motion:	Motion to approve the Amended Order of Condition for 1 Osprey Way. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye) Engelbourg (recused)

PUBLIC MEETING

A. Requests for Determination of Applicability

1. *Muabessac, LLC- 20 East Lincoln Avenue (42.4.1-43)

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, and Schafer
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: (01:19:19)	Madden - The RDA is to confirm the boundary of the Isolated Vegetated Wetland to the southeasterly corner of the site. - The full parcel is located within Land Subject to Coastal Storm Flowage.
Staff Recommendation:	Recommends a positive 2A for the Isolated Vegetated Wetland and for the Land Subject to Coastal Storm Flowage
Motion	Motion to issue a +2A determination (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, and Shafer (aye)

B. Minor Modifications- none

C. Certificate of Compliance

1. Elnaggar- 30 Union Street (42.3.2-143) SE48-3652 (Connolly) (withdrawn)

Motion:	Motion to accept the Withdrawal (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, and Schafer(aye)

2. Low Shimmo Nominee Trust- 42 Shimmo Pond Road (43-74 & 146) SE48-741

3. Low Shimmo Nominee Trust- 42 Shimmo Pond Road (43-74 & 146) SE48-801

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Schafer
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Surveyors Inc. presenting the item and responded to Commissioners comments.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:22:41)	Gasbarro - These two Certificate of Compliances were approved at the last scheduled hearing. Carlson - Confirms that they were included in the regulation hearing.

4. Meisenberg- 30 Wauwinet Road (20-18) SE48-3018

5. Meisenberg- 30 Wauwinet Road (20-18) SE48-3660

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro Nantucket Surveyors Inc. presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:22:40)	Gasbarro - The older of the two filings permitted a septic upgrade, which resulted in a shed being constructed without permitting. - The subsequent filing was for the removal of the unpermitted shed and other hardscape features. The installation of plantings were in result of the restoration of that site.
Motion:	Motion to approve the issuance of the two Certificate of Compliances. (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, and Shafer(aye)

6. 32 Hulbert Trust- 32 Hulbert Avenue (29-72) SE48-3575

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Surveyors Inc. presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:24:38)	Gasbarro - This permit was for a residential development on a vacant lot within Land Subject to Coastal Storm Flowage and a small portion within a buffer zone to an Isolated Vegetated Wetland.
Motion:	Motion to approve the issuance of the Certificate of Compliance. (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, and Schafer (aye)

7. Seven Doors Nominee Trust- 13 Lincoln Avenue (30-135) SE48-3706

Sitting:	Golding, Engelbourg, Beale, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Arthur Gasbarro presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:26:00)	Gasbarro - The permit involved the installation of a small swimming pool with landscaping within the buffer zone to a Vegetated Wetland.
Motion:	Motion to approve the issuance of the Certificate of Compliance with ongoing conditions 20-24. (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, and Shafer(aye)

8. LAZ Family Nominee Trust- 20 Waquoit Road (90-5) SE48-2901

9. LAZ Family Nominee trust- 20 Waquoit Road (90-5) SE48-3131

Sitting:	Golding, Engelbourg, Beale, Braine, Plandowski, and Schafer
Recused:	Misurelli
Representatives:	Arthur Gasbarro, Nantucket Surveyors Inc. presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.

Public Comment:	There were no public comments.
Discussion: (01:28:08)	Gasbarro - The first was for an installation of a pool within the buffer zone to a Coastal Bank. - The other was for beach nourishment and dune planting which never commenced.
Motion:	Motion to approve the issuance of the Certificate of Compliance with ongoing conditions 19 for SE48-2901: (Made by: Braine) (Seconded by: Schafer) Motion to invalidating the Order for SE48-3131 (Made by: Schafer) (Seconded by: Braine)
Vote:	Carried://5:1 Engelbourg, Beale, Braine, Plandowski, and Schafer (aye) Misurelli (recused)

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

1. Town of Nantucket- Miacomet Pond (various) SE48-3764

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams and Schafer
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:31:17)	Carlson mentions that Order is not drafted as they are still waiting on Natural Heritage Engelbourg - Asks the Commission if there are any conditions that they would like to see in the drafted Orders for next meeting. Commissioners have no special Conditions that they would like to include.
Action:	CONTINUE UNTIL JULY 25, 2024

2. Leland’s Shanty Nominee Trust- 52R & 54R Tennessee Avenue (59.4-94 & 3) SE48-3776

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams and Schafer
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:32:29)	Carlson presents the item and amends the Order to include “waivers are required” Engelbourg - Requests to include condition stating the structure was constructed before the Wetland Protection Act and meets the requirements for pre-existing use. - Apply the waiver that is related to pre-existing use.
Motion:	Motion to approve as Amended. (Made by: Braine) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams and Schafer (aye)

3. 47 Walsh Street LLC- 47 Walsh Street (29-64) SE48-3778

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:37:09)	Carlson presents the item.

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

4. Pilgrims Corner Realty Trust- 16 Paul Jones Road (41-97.1) SE48-SE48-3779

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Shafer, and Williams
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:38:40)	Carlson presents the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams(aye)

5. O’Callaghan- 8 Second Way (55-664) SE48-3780

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:42:40)	Carlson presented the item.
Motion:	Motion to approve as drafted. (Made by: Schafer) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer(aye)

6. New England Development- 19 North Water Street (lot 8) (42.4.2-3) SE48-3781

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:45:17)	Carlson presents the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

7. New England Development- 19 North Water Street (lot 9) (42.4.2-3) SE48-3782

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:46:25)	Carlson presented the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

8. New England Development- 19 North Water Street (lot 10C) (42.4.2-3) SE48-3783

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:47:04)	Carlson presented the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

9. Smiley 15 North Water, LLC- 15 North Water Street (42.4.2-50) SE48-3784

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:47:41)	Carlson presented the item and included Condition 21.
Motion:	Motion to approve as Amended. (Made by: Braine) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

10. Gregson- 189 Polpis Road (45-5.2) SE48-3787

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:49:35)	Carlson presented the item. Engelbourg - Asks Carlson if Staff has a preference on when a monitoring report should be reviewed. Carlson - In order to keep it consistent, I think the report should be submitted by the end of growing season, so November 1st seems to be an appropriate date.
Motion:	Motion to approve as Amended to include the deadline of November 1st for the yearly monitoring report. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

11. Lynn R. Kudish Revocable Trust- 13 Meadow Lane (41-406.3) SE48-3785

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:53:55)	Carlson presented the item.
Motion:	Motion to approve as drafted. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

E. Extension of Order

1. Nantucket Conservation Foundation- Pest House Pond (43-155) SE48-3090

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Niomi Valentine, SWCA & Karen Beattie, Nantucket Conservation Foundation
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:55:28)	Valentine presented the item.
Motion:	Motion to approve a two year Extension (Made by: Braine) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer(aye)

2. Nantucket Conservation Foundation- Hummock Pond (57-12) SE48-3443

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Niomi Valentine, SWCA & Karen Beattie, Nantucket Conservation Foundation
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:57:58)	Valentine presented the item.
Motion:	Motion to approve a three-year Extension. (Made by: Schafer) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

3. Family Ties ACK LLC- 15 Alliance Lane (39-24.1) SE48-3457

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:00:42)	Carlson presented the item.
Motion:	Motion to approve a three-year Extension (Made by: Braine) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

F. Other Business

1. Approval of Minutes - None
2. Monitoring Reports - None
3. Enforcement Actions/Potential Enforcement Actions - None
5. Appointment of Representatives CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine would like to continue to be the representative. - There is nothing to report.
Motion:	Motion to nominate Braine (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

CPC:	Beale would like to continue to be the representative. - There is nothing to report.
Motion:	Motion to nominate Beale (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

NP&EDC:	Misurelli would like to be the representative Engelbourg reports that there are still ongoing efforts related to Noah's proposed right whale vessel strike reduction act that's been going through the consultation process.
Motion:	Motion to nominate Misurelli (Made by Braine) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

Harbor Plan	Williams would like to be the representative. Engelbourg reports an update on William's behalf. - Making great progress and in their final section for public access that needs to be reviewed for changes to the plan. - There is a proposed public meeting in August. Carlson - There will also be a public forum scheduled around August 19th and open to the public in hybrid fashion.
Motion:	Motion to nominate Williams (Made by: Braine) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

Offshore Wind Work Group:	Plandowski no long wants to be a representative. Carlson thinks we can keep it vacant as they no longer think they need a representative.
Motion:	Motion to keep vacant until representative is needed at said time. (Made by: Braine) (Seconded by: Misurelli)

6. Commissioner's Comments

Discussion: (02:10:23)	Plandowski - Asks when the Commission will see the attorney's recommendations in relative to the Vineyard Wind problem. Carlson - They are actively working and confident that he will have it before next weekend for everyone's review. Engelbourg - Recommends Commissioners sign up for MACC fundamental certificate training program and goes into detail on other opportunities and resources that they offer. - Encourages the Commissioners to re-read Wetlands Protection Act.
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7. Administrator/Staff Reports

Discussion:	No reports.
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Adjournment:

Motion:	Motion to adjourn at 7:17pm. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Beale, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

Submitted by:
Lisa Graves