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CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, September 5, 2024 – 5:00 p.m.

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

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

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

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

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

I. PUBLIC MEETING - Public Comment

II. PUBLIC HEARING

A. Notice of Intent

1. Nantucket Islands Land Bank – Creeks Preserve (55-64&65) SE48-3800 (Phelps)

Sitting:	Engelbourg, Beale, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representative:	Liz Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (04:05)	Phelps - Describes the proposed project of managing the invasive species at the public park. No Comments or questions from the Commissioners
Public Comment/Discussion:	none
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Schafer, Plandowski, Williams(aye)

2. Chioffi – 5 Crow’s Nest Way (12-22.2) SE48-3803 (Haines)

Sitting:	Engelbourg, Beale, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	David Haines
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.

Public Comment:	Natalie Kauffman (Representing owners of 8 & 7 Crow's Nest) - Raised concerns about plans not matching what had been submitted to other commissions - Raised concerns about the proposed construction being in the 50-100 zone - Raised concerns about a plunge pool in fire pit - Her and her clients strongly oppose the project Engelbourg - Says that the plans seem accurate Dell'Erba - Did and site visit and saw the plans to be accurate - asking for plans to be submitted again and do another site visit before next meeting Haines - says there will be no plunge pool in fire pit David Barr (Owner of 3 Crow's Nest) - Concerned about his well (70 ft from corner of pool), believed that it could contaminate water Engelbourg - States the standard pool monitoring requirements
Discussion: (00:10:41)	Schafer: - Asked about current structure in driveway Haines: - Zoning structure Williams: - Challenged the type of structure, said it was too big to be a zoning structure - Asked about abandoning a well/ relocation of well - Commented on grade change throughout property Haines: - Says that it is only a 2ft difference Misurelli: - Suggested a planting plan be implemented into the OOC Williams: - Says that the HDC will make them screen the property
Action:	CONTINUED UNTIL SEPTEMBER 19, 2024

4. Nantucket Island Resorts LLC – 20 Cherry Street (55-378.5) NAN-140 (Barnicle)

Sitting:	Engelbourg, Braine, Misurelli, Schafer, Plandowski and Williams
Recused:	-
Representatives:	Katie Barnicle, Wetland Scientist, representing Nantucket Island Resorts
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:42:10)	Engelbourg - Does not meet water dependent classification, suggesting applying a waiver
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski (aye)

5. Maddigan – 6 Sheep Pond Road (63-2) SE48-3804 (Santos)

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors, representing property owner
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:50:23)	Misurelli: - Asking if photos shown were recent Williams: - Raised concerns about the snow fencing/stability Engelbourg: - Strongly opposes snow fencing
Staff Recommendation:	
Motion:	Motion to Approve Order September 19, 2024
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Schafer, Plandowski, Williams (aye)

B. Amended Order of Condition

1. 13 Commercial Street LLC- 13 Commercial Wharf (42.2.4-10) SE48-3563 (Santos)

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (1:01:45)	Plandowski: - Asked about the size of edge of property Misurelli: - States there is some sensitivity to the setback Engelbourg: - Mentions that to say there is no adverse impacts would be incorrect Williams: - States she does not have a problem with it
Motion:	Motion to approve the Amended Order of Condition. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried:// 5:1 Braine, Williams, Misurelli, Schafer, Plandowski (aye) Engelbourg, (nay)

2. . Elnaggar- 30 Union Street (42.3.2-143) SE48-3652 (Haines)

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, and Plandowski
Recused:	-
Representatives:	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (1:14:58)	Williams: - Was confused about the pictures looking different Engelbourg: - Concerned about the side of the deck appearing to be a solid structure around all 4 edges, suggested to install some sort of drainage system Haines:

	- Came up with multiple solutions
Motion:	CONTINUED UNTIL SEPTEMBER 19, 2024

3. *The Graylan Group LLC- 7 Pond Road (56-153) SE48-3556 (Santos)

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, and Plandowski
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Lisa Allen (neighbor at 9 Pond Road): - States that the construction is very dense and will affect the entire neighborhood and is concerned about over digging Mary Adams (Neighbor at 6 Meadow View) - Concerned about dense covering of land/water absorption and light pollution
Discussion: (1:20:43)	Schafer: - Asked where the pool equipment will go Williams: - Stated that applicant needs to go the HDC to get pool equipment approved
Motion:	CONTINUED UNTIL SEPTEMBER 19, 2024

PUBLIC MEETING

A. Requests for Determination of Applicability – None

B. Minor Modifications -- None

C. Certificate of Compliance

1. Nantucket Islands Land Bank – Creeks Preserve (55-64 & 65) SE48-3388

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	Will Dell’erba and Liz Phelps
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:45:13)	No discussion.
Motion:	Motion to issue the Certificate of Compliance. made by Engelbourg (Seconded by Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Williams, Misurelli, Schafer, and Plandowski (aye)

2. Nantucket Islands Land Bank – 80 Miacomet Avenue (66-126) SE48-3770

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, and Plandowski
Recused:	-
Representatives:	Will Dell’erba
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:46:54)	No discussion
Motion:	Motion to issue the Certificate of Compliance. (Made by: Plandowski) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Williams, Misurelli, Schafer, and Plandowski (aye)

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

1. Nantucket Islands Land Bank – Creeks Preserve (55-64 & 65) SE48-3800

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	Will Dell'Erba
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (1:48:48)	Slight Amendment to note the invasive species from Phragmites to Japanese Knotweed.
Motion:	Motion to approve Order as Amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski (aye)

2. Nantucket Island Resorts – 20 Cherry Street (55-378.5) NAN-140

Sitting:	Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski
Recused:	-
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:52:09)	Engelbourg requests to add conditions relating to restoration and reporting.
Motion:	Motion to continue the Order for September 19, 2024
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Williams, and Schafer (aye)

E. Extension of Order - None

F. Other Business

1. Approval of Minutes - None
2. Monitoring Reports - None

Adjournment:

Motion:	Motion to adjourn at 7:02pm. (Made by: Engelbourg) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Williams, Misurelli, Schafer, Plandowski (aye)

Submitted by:
Elis Vieth