



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, September 6, 2024 – 4:00 p.m.

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

<https://www.youtube.com/watch?v=tlgbnhgkW4g>

Eligible Commissioners: Seth Engelbourg (Chair), Linda Williams (Vice Chair), Tim Braine, Mike Misurelli, 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 (Chair), Braine (Remote), Misurelli, Plandowski, and Williams

I. PUBLIC COMMENT

-None

II. PUBLIC HEARING

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Recused:	None
Representatives:	Richard Nylen (SBPF), Meredith Moldenhauer (SBPF), Dr. Dwight Dunk (Epsilon/SBPF), Kate Edwards (Arcadis), Vince Murphy (TON)
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.

Public Comment (00:02:30) And Discussion	-Staff update on independent legal review -Chair Engelbourg introduces the updated Order of Conditions for discussion; focus on mitigation sand and updates from the last hearing. -Staff explains the update and the summary of changes at the end of the document -Chair opens discussion on additional finding #22 to the Commission, Chip Nylen comments for clarity and timing. Chair Engelbourg comments and provides concerns on adaptive sand management. He continues that there should be no reduction in existing monitoring. -Commissioner Misurelli comments on wanting to review the monitoring conditions -Braine would like to understand the monitoring -Plandowski comments on the differences on proposed reaches. -Engelbourg explains his understand of the management of the reaches -SBPF (Nylen) has concerns with the perception of the monitoring plan. -Vince Murphy provides his understanding of the proposed monitoring -Engelbourg and Williams discuss the timing and duration of the monitoring. -Misurelli wants to confirm monitoring related to storms proposes monthly monitoring over weekly -Engelbourg clarifies his comments related to timing and amount of monitoring and relates to impacts -Kate Edwards, Arcadis reminds the commission about the monitoring transects. -Dr. Dunk clarifies proposed operation and maintenance plan survey program
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	Chair Engelbourg summarizes #22 and moves to #20B -Williams has concerns related to timing of construction as defined by the condition. -Engelbourg ties this condition to required construction plan. -Williams still concerned about construction sequence -Staff clarifies the construction of the proposed condition. Waiting for final plans and protocols for the Commission to review. Construction tied to imminent danger criteria with the closest being needed to satisfy that criterion. -Trey Ruthven, Sustainable Coastal Solutions for Nantucket Land and Water Council has concerns with adaptive sand management and monitoring. Suggests maintaining current monitoring program at a minimum. Recommends long term monitoring with consistent management. Provides some context as to the 22 cubic yards/linear foot. -Nylen explains SBPF understanding of construction sequence. -Commission has a group discussion of the construction sequence -Dr. Dunk clarifies the SBPF proposal in these regards. Provides some context to the 22 yd/ft in previous filings -Commissioner Engelbourg suggests waiting on the imminent danger criteria for counsel's opinion. -Staff clarifies the provision to protect infrastructure and differences between state and local requirements. -Williams asks about gap lots and waivers -Staff explains differences between state and local acts/regulations -Chair Engelbourg reviews local waiver criteria. -Nylen agrees on those explanations. Chair Engelbourg moves on to Additional Conditions by going through condition at a time for what wants to be discussed. Staff explains how the conditions are structured. Chair "calls" the conditions: 27-None 28-None 29-Plandowski 30-Yes 31-Plandowski 32-Yes 33-None 34-Dr. Dunk 35-None 36-Plandowski 37-Yes 38-None 39-Nylen 40-Dr. Dunk 41-None #29 -Plandowski has questions for clarity; Engelbourg polls the Commission; Williams provides some clarity; Engelbourg continues, the commission provides some revision to the condition. #30 -Chair Engelbourg reads the Commission as revised and his reasoning for the change. Williams asks a question for clarity; Dr. Dunk has some concerns with the criteria particularly angularity and coloration; Engelbourg clarifies his suggested amendment; Williams asks about material being available during a storm and delay in testing.
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	Engelbourg suggests a stockpile to help with that concern. Misurelli asks after testing timing and amount. Dr. Dunk explains current testing procedure. Vince Murphy suggests that the material can match bank face; provides additional flexibility. Meredith Moldenhauer clarifies SBPF's position on this material testing and storage. Trey Ruthevan discusses angularity and its value to comparing to the Coastal Bank. Suggests potential testing regime. Chair Engelbourg discusses the merits of compatibility. #31 -Plandowski has questions about sand delivery and delivery by truck or barge. Chair asks applicant to clarify. Dr. Dunk clarifies sand delivery methods. Commissioner Williams discusses barges and sediment delivery. Staff discusses potential concerns about a barge offshore and the chair recommends delivery by truck only. Dr. Dunk recaps the initial GeoTube construction methods. #32 -Chairman Misurelli is seeking clarity on who was responsible to pickup any project related debris and wants it clarified for the public. Nylen clarifies that it is solely SBPF. Williams wants to be sure that the coir is included in this condition. #34 -Dr. Dunk requests the ability to access from the south in case the Hoick's Hollow access is not accessible. The chair clarifies to allow for access from Low Beach Sewer Beds area. Williams seeks clarity on the access directions. Staff provides thoughts to include alternative access and some flexibility. #36 -Plandowski has a grammatical question. Chair Engelbourg discusses this condition related to condition 30. Dr. Dunk asks if review is for the Commission or Commission staff. Chair Engelbourg wants to be sure that review is handled consistently. Commission agrees that staff review is sufficient. Staff provides revised language. #37 -Dr. Dunk has a question on how this relates to a different datum in a later condition. The chair requests consistency among datums in the OOC. Williams and Engelbourg discuss. Trey Ruthevan suggests a reference to the previously used datums to convert older data to current data. #39 -Nylen believes this is redundant with conditions 52 and 53 and is redundant. Staff agrees. #40 -Dr. Dunk discusses DEP requirements for dredged materials and requirements for chemical/biological testing. Engelbourg and Williams discuss the origin and merits of this condition. Dr. Dunk provides additional background based on the current project. Trey Ruthevan agrees with some of Dr. Dunks suggestions but based on source. Williams requests that staff be the approver. Staff suggests grouping sand conditions together. -D.Anne Atherton commented on condition 34 in regard to the construction access. Vince Murphy clarifies the parking area, property owners and access. Engelbourg has question in regard to access and legality across properties. Staff will get that answered. Chair returns to the next section and calling conditions for discussion 42-Nylen 43-No
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	44-Engelbourg 45-Engelbourg 46-No 47-Engelbourg 48-No 49-Engelbourg 50-No -Doug Rose(public) has a question about a pre-construction survey requirement. The chair provides some clarity. Plandowski has a wording question #42 -Nylen has a question about the 90 days and provides clarity and questions on what the Commission approval would be. The Chair provides his expectations on final plan review. Staff clarifies that Commission approval is needed for final plans. Vince Murphy has a grammatical correction. #44 Chair Engelbourg believes that the required contracts in #44 and #45 should be for more than one year at a time with some additional background. Commissioner Williams provides some concerns related to contracts and the ability to alter existing contracts. Meredith Moldenhauer has similar concerns and comments on variables outside of SBPFs ability to control. The chair provides some additional thoughts and contracts relation to failure criteria. Williams suggests needing a new contract on file prior to the expiration of the previous contract to avoid gaps. Staff provides some additional options. Additional commission discussion follows. Vince Murphy provides some context. Burton Balkind (public) has a question about monitoring requirements within the OOC. Dr. Dunk explains current practice on the existing project and how it applies to current proposal. The chair believes there should never be a “zero” stockpile anything less is a failure by the Commission to write a proper permit. Williams reiterates the importance of overlapping contracts. The chair believes there should be a physical stockpile in addition to the contract. Staff offers to write a condition reflecting a stockpile. Dr. Dunk states the purpose of the template is to store sand on site to be made available if needed. Chair gets to scheduling to set date for next hearing. Nylen provides his thoughts and requests an additional special hearing. The Commission discusses potential dates. Staff recommends a path forward.
Action:	CONTINUED UNTIL September 19, 2024

III. Adjournment:

Motion:	Motion to adjourn at 7:02 pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried: 5:0 Engelbourg, Braine, Misurelli, Plandowski, Williams (aye)