



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, October 17, 2024 – 5:00 p.m.

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

<https://youtube.com/live/-uwqZ4RsKj4>

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

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, Schafer, Braine, Misurelli, Plandowski, and Turcotte
Members arrived late: - Williams (5:02)
Members Left Early: - None

I. PUBLIC MEETING - Public Comment

Chair Engelbourg reviewed Commission meeting procedures.

Public comment (02:49): **Burton Balkind:** Requested confirmation that his submission of fencing pictures taken on New Jersey Avenue he submitted to staff was permitted by the Commission.

Dell’Erba: Confirms that he will be making a site visit to the property and will follow up With Balkind.

II. PUBLIC HEARING

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

Sitting:	Engelbourg, Misurelli, Plandowski, Braine and Williams
Recused:	Schafer, Turcotte
Representative:	Attorney Nylen, Dr. Dunk, Meredith Moldenhauer (SBPF); Vince Murphy Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (05:45)	Carlson - Meeting will be focused on monitoring as well as waivers for this potential project. - Mentions that there is a cleaner version of the Order from last meeting’s discussion, but he has previous versions available as well if needed. Engelbourg - Would like to discuss/ Amend the current Order which highlights failure Criteria (condition #70) and what happens if they meet the failure criteria (condition #71) - #70a: sand mitigation - #70b: shoreline monitoring - #70c: repair and replace geotubes - #70d: loss of updrift or downdrift beach - #70e: beach width in front of the bank - #70f: walkable beach - #70g: insurance permits and licenses - #70h: good faith reporting - #70i: debris cleanup - #70j: issuance of an Enforcement Order

	- Commission chooses to discuss conditions #70c, #70d, #70f & #70g Carlson - Recommends Amending #70b to “failure to conduct any of the required monitoring.” Engelbourg reads Condition #70c Plandowski: - Requests to add “NCC approval” Engelbourg - This project is a mixed alternative application for both geotubes and Coir terraces and feels that #70c only relates to the geotubes but not to the Coir Terraces. - We should have the condition reflect both types of structures. Carlson agrees that the condition should reflect the Coir Terraces as well. Dunk - Asks to clarify if the meaning of “department” to this condition refers to Natural Resources or DEP. Engelbourg and Carlson confirm that the definition of “department” in the Order refers to DEP. Engelbourg reads Condition #70d Emily Molden, Nantucket Land & Water Council - Mentions that a letter was submitted on behalf of the NLWC with concerns on some of the conditions that were drafted. - Concerns for #70d include what the applicant’s proposal of the definition of “excessive loss” which she believes eliminates the criteria appropriately. - Believes the definition isn’t described enough for a future Commission. Plandowski, Engelbourg, & Misurelli agree Misurelli - In terms of “updrift or downdrift beach” how far in linear distance do we go? Engelbourg - We could create a condition that describes the linear distance with a reason in our regulations for that type of monitoring with data and statistics to prove it’s needed. - Requests staff note that the Commission would like to have a more thorough discussion on the definition of “excessive” and to find examples from other communities or similar projects. Dennis Murphy, Hill Law on behalf of the Greenhill family - Dr. Krebel’s report on the updrift and downdrift impacts and reminds the Commission that he did a power point on the loss of the front beach but had never presented his findings on the updrift or downdrift impacts. - He would be happy to bring him back to a future meeting.
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	Doug Rose, Member of the public - It might be simplified by eliminating the phrase “attributable to the project” which could always be a subject of debate. Trey Ruthven, Nantucket Land and Water Council - Believes that the noted distance on the NOI of 500 feet is far too short of a distance for monitoring the impacts from the project. - Believes the Commission should be using all the monitoring transects that we have data for from the last 30 years. Dunk - Believes the distance as it’s been written since 2015 is acceptable to the applicants. Engelbourg - Whatever monitoring regime that we pick, the failure criteria must make sense for those monitoring regimes. - Prefers if the Commission continues with quarterly monitoring reports. Nylen - Recommends including the word “required” to the condition. - Concerned about the reference of taking out the language that suggests it not be attributable to the project. That wording needs to remain in the Order. Engelbourg reads Condition #70e Doug Rose, Member of the public - Thinks #70e is redundant with #70f and asks what the value of having a failure criterion that can never be reached. Misurelli - The wording seems a bit confusing the way it’s written and believes it has to be expanded slightly. How are we quarterly accessing the surveys? Engelbourg - Explains the position of the tiers on the project and wants to make it clear through the wording of the condition. - Having this information tied to the quarterly surveys results in time that the Commission isn’t aware of the failure. - I think that if we just adopt a linear distance of the beach width and if it’s less than for a certain number of days, it makes more sense. Misurelli in agreement with Engelbourg with establishing a linear distance Engelbourg - Believes that if a linear distance is adopted and there are concerns, staff is able to go out and measure and confirm the distance. Dunk - Conditions #70e and #70f are existing from the pilot project OOC. - #70e is looking at the long-term effects of the project. Vince Murphy, on behalf of the Town of Nantucket as an applicant - Recommends an independent third party to undertake the monitoring. - Believes due to the public interest of the project, the Commission would volunteered data. Engelbourg
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	- Mentions that he wasn't trying to burden the staff with persistent monitoring but only report back what is going in if needed in between submitted monitoring reports. - Engelbourg reads Condition #70f - Mr. Rose pointed out that these two criteria overlap or are repetitive in nature. I hear his points but somewhat disagrees as #70e looks at more short-term effects and #70f looks at more long term. - Believes that if the Commission goes with the discussion of going with a linear distance that they could encapsulate all the issues into one condition. Misurelli - As Murphy mentions earlier, there are times after multiple storms where there isn't a walkable beach for a period of time. It's important in that discussion to establish a time frame to which we are talking about for walkable beach days. Engelbourg - Directs the staff that the Commission would like more conditions that are a bit more straight forward with linear distances. - Requests to reach out to MACC and DEP reviewers, and engineers of assessments to this that are not biased. - Engelbourg reads Condition #70g Plandowski - Believes that the applicant may need more than they should in terms of insurance on the project, rather than the bare minimum. Engelbourg - Believes it's beyond their jurisdictional scope to require applicant to have a certain insurance coverage. Carlson agrees with Engelbourg Engelbourg goes back to the discussion on condition #70d - It seems to me that the previous permit had a 500-foot distance for a project that was only about 1,00 feet long, this project could be up to 4,000 feet long shouldn't logistically have the same distance. Carlson - On a staff level when we review this project, we're looking at the quarterly shoreline transects in totality and if it was something that jumped out as being abnormal, it would merit further investigation at what's going on. - Thinks you should keep the distance within the survey area itself. Dunk - The previous permit didn't state 500 feet, it looks pretty verbatim to what the current Order states. - The 500 feet was recommended to the Commission staff from the applicant. Ruthven - One thing to consider is if you add a distance, you're taking criteria away to evaluate impacts or further afield. Engelbourg - Recommends adding "a structure of this size is estimated to have an impact on the littoral system across this amount of area" to the additional findings
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	section. That way it's just a finding and it's not a condition and doesn't carry any requirements. - It will be up to the Commission at that time to determine if a failure in that failure criteria occurred. Williams - Agrees with Engelbourg but mentions that the paragraph will be edited and that the discussion should be continued during the next meeting. Dunk - Thinks that leaving the wording as it is considering that there is a dynamic littoral system here that has more variables that we could ever have model or figure out. - This condition has served the Commission well since 2013 and the applicant had not made any proposed changes to it tonight.
Staff Recommendation:	N/A
Motion:	Continued to November 7th, 2024,
Additional:	Next meeting will discuss the waiver and monitoring section of the Order

A. Notice of Intent

1. Sconset Beach Preservation Fund- 59-83 Baxter Road (various) SE48-3759 (Dunk)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Recused:	Schafer & Turcotte
Representative:	Dr. Dwight Dunk
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:16:42)	Dunk - Confirms that the signature page was received by the Commission and requests they move forward with permitting the repair, replacement and maintenance of the Coir Terraces, as requested in the Notice of Intent. Carlson - We have everything we need to close but the Commission will have to have a discussion to review the findings, issues or conditions the Commission would like to establish. - The staff could have that Order drafted by the next meeting and potentially close it then. Atherton - Reviews the permitting history of the project. - Respectfully asks the Commission to seriously consider the findings and conditions due to numerous problems with the Coir installations. Engelbourg - Asks the Commission if they agree that the Coir Terrace is considered a Coastal Engineer structure under the Nantucket Regulations and Bylaw only. Misurelli, Williams, and Braine agrees with Seth under the condition that they have the ability to apply the waiver. Engelbourg - Confirms that they are able to apply the waiver but explains that the permitting will have to approach the Wetland Protection Act and local bylaw in a different way. - We have to have a discussion what waivers are applicable and if we're willing to apply the waivers to these lots based on the reality of the onsite.

	Carlson - Asks the Commission if they would prefer to issue a separate local Order along with a state Order. Engelbourg thinks it makes sense to have both. Murphy - It doesn't mention Coastal Engineering structures in the Bylaw and asks the Commission if it will need to be voted on in town meeting. - Engelbourg - confirms it will need the requirement of licensing through a vote at Town Meeting Commission agrees to discuss the waivers for this permit at the next meeting	
Public Comment/Discussion:	D Ann Atherton, Nantucket Coastal Conservancy	
Staff Recommendation:	-	
Motion:	Continued to November 7, 2024	

2. Chioffi – 5 Crow's Nest Way (12-22.2) SE48-3803 (heard prior to SE48-3736)

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, and Williams
Recused:	Turcotte
Representative:	David Haines presented the item and responded to Commissioners questions.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:29:30)	Haines - Reviews the proposed plans of a construction of a pool, patio small additional building, and reconfiguration of the driveway. - Provided a revised plan for the delineation of the Coastal Dune. Williams - Raises concern about the fire pit being placed in the 50-foot buffer zone. - There are no dimensions on the site for the pool and firepit, which can be considered a structure if it is embedded into the ground. Engelbourg - Believes the size Williams is referring to on the plan demonstrates the dry laid stones that surround the fire pit. Haines - Confirms the dry laid stone patio is at grade, that the fire pit is not intended to be raised and would not be considered a structure. Kaufman - Reiterates the comments made at the previous meeting of the opposition of the plan. - Reviews the delineation of the natural vegetation of the site. Engelbourg - We would have to apply any of your points to a specific performance standard in the Local Regulations and I'm not sure if any of them would apply.

	Williams - Continues to raise concerns on the disturbances on this lot and the scope of work. Haines - Explains his position on the comments made by Kaufman - The maps provided by Natural Heritage aren't jurisdictional maps. Engelbourg - Our regulatory decisions are on the basis of surveys, flood zone mapping, and NHESP mapping. - States Condition #11 in reference to Coastal Dunes and mentions that if there is data which applies to this site, the performance standard can prevent certain activities to take place.
Public Comment/Discussion:	Natalie Kaufman, on behalf of Abutters of Crow's Nest Way
Staff Recommendation:	Everything needed to close
Motion:	Motion to close. (Made by: Misurelli (Seconded by: Plandowski)
Vote:	Carried://5:1 Engelbourg, Schafer, Braine Misurelli, Plandowski (aye) Williams (nay) Turcotte (recused)

3. Maxwell House LLC- 15 Cliff Road (42.4.4-56) SE48-3808

Action:	Continued Until November 7th
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4. *Muabessac, LLC- 20 East Lincoln Avenue (42.4.1-43) SE48-3814

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, and Williams
Recused:	Turcotte
Representative:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (01:52:56)	Madden - The proposed project involves the relocation of an existing dwelling further outside the buffer zone to Isolated Vegetated Wetland. - Other additions include an additional dwelling, shed, and pervious driveway outside of the 50-foot buffer zone. - Confirms the Flood Zone elevation and confirms all structures will be property elevated. - Plan also involves restoration and removal of invasive species in the resource area. Engelbourg - The waiver that is being requested requires the Commission to receive a written alternatives analysis, which is requested. Madden - An alternative to submitting the analysis, the applicant can propose to keep the structure as it which would only require a waiver for the restoration and two-foot separation to high groundwater. Engelbourg - If the applicant wishes to redact that request for a waiver, they may do so, otherwise an alternatives analysis would be required. Molden - Requests applicant to provide a written analysis. - Asks if the dwelling could be moved further away from the IVW - Asks the configuration of the existing foundation in comparison to the proposed foundation.

	- In terms of the restoration area, it would be helpful to understand if the plan is to continue to manage the invasive species long term rather than just one treatment. Madden - Existing foundation has a few components of the proposed foundation with pier type supports of an older design. - Will look at potential changes of moving the dwelling further back from the resource area but currently see a net benefit to the proposed plan. - The intent of the restoration would be long term maintenance.
Public Comment/Discussion:	Emily Molden, Nantucket Land and Water Council
Staff Recommendation:	-
Action:	Continued until November 7, 2024

5. *Glazier- 57 Madaket Road (41-201.2) SE48-3815

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	
Representative:	Brian Madden, LEC Environmental Consultants, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (02:08:45)	Madden - Project involves two additions to an existing dwelling, septic upgrade and reconfiguration of the pervious driveway within the buffer zone to Bordering Vegetated Wetlands. - No questions or comments made by the Commission
Public Comment/Discussion:	-
Staff Recommendation:	All necessary items have been received in order to close.
Motion:	Motion to close. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine Misurelli, Plandowski, and Williams (aye)
Action:	Engelbourg calls a recess and meeting resumes at 7:15pm

6. *44 Madaket Road Realty Trust-44 Madaket Road (41-322) SE48-

Sitting:	Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski
Recused:	-
Representative:	Brian Madden, LEC Environmental Consultants, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (02:16:29)	Madden - Proposed project includes the reconfiguration of the existing dry-laid stone patio and porch outside the 50-foot buffer zone to Bordering Vegetated Wetlands. - The existing cobble parking area extends minimally onto the abutter property is lined with a small timber retaining wall. The intent is to have the driveway completely on site but will be replaced with a small timber wall retaining the one that's in place. - Proposing to also restore the 25-foot buffer zone with vegetation. Williams - The Cobble driveway cannot be replaced with shell or gravel up against a bike path.

	-	-Engelbourg and Madden discuss the possibility of replacing the proposed timber wall with a nature base alternative.
Public Comment/Discussion:	- None	
Staff Recommendation:	File number needs to be assigned to close the hearing.	
Action:	Continued to November 7th, 2024	

7. 88 Pocomo Realty Trust- 88 Pocomo Road (15-33 & 42) SE48-3816

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte and Williams	
Recused:	-	
Representative:	Mark Rits, Site Design Engineering, LLC	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.	
Discussion: (02:25:15)	Rits - Project involves sand placement at the toe of the bank and planting with beach grass. - The existing wooden sand drift fence would be maintained and intend on do a nourishing Dune at the end of the Bank. Engelbourg - Requests that the plan be updated to include a construction and loading area reflecting the access they will be suing to go down the Dune. - We could condition this project requiring an updated plan to be required.	
Public Comment/Discussion:	-	
Staff Recommendation:	Everything needed to close with Rits providing an updated plan	
Motion:	Motion to close. (Made by: Williams) (Seconded by: Misurelli)	
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine Misurelli, Plandowski, and Williams (aye)	

8. *LAZ Family Nom Trust- 20 Waquoit Road (90-5) SE48-3812

Sitting:	Engelbourg, Schafer, Braine, Plandowski, Turcotte, and Williams	
Recused:	Misurelli	
Representative:	Art Gasbarro, Nantucket Engineering and Survey, P.C	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.	
Discussion: (02:30:54)	Gasbarro - Proposed project includes moving the existing structure against the zoning setback with the removal of the existing foundation and pool and reinstalling a new pool within a buffer zone to an eroding Coastal Bank and Coastal Beach. - This was reviewed by Natural Heritage and the work will not have an adverse impact to the Wetlands Protection Act, but additional Botanical surveys are required prior to the commencement of work. No questions or comments from the Commission	
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: Braine)
Vote:	Carried://6:0 Engelbourg, Turcotte, Schafer, Braine, Williams and Plandowski (aye)/ Misurelli (recused)

9. *20 Madequecham Nominee Trust- 20 Madequcham Valley Road (89-16) SE48-3810

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams	
Recused:	-	
Representative:	Mark Rits, Site Design Engineering, LLC	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.	
Discussion: (02:36:20)	Rits - Project includes the relocation of the existing dwellings within the 100-foot buffer zone to a Coastal Bank. - The only jurisdictional work is the removal of one of the dwellings that is just past the 100-foot buffer zone for relocation.	
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://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)	

10. Madaket Land Trust- Various Properties on Columbus Ave, Midland Ave, North Carolina Ave, South Carolina Ave, and Starbuck Road (various) SE48-3813

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams	
Recused:	-	
Representative:	David Haines presented the item and responded to Commissioners questions.	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.	
Discussion: (02:38:37)	Haines - This is a vegetated management project to control fire prevention along several parcels within resource areas that include Long Pond, Goose Cove, Bordering Vegetated Wetland, Land Subject to Coastal Storm Flowage, and Coastal Banks at the edge of the pond. Engelbourg - Directs applicant to contact DEP to get an option on if this project fits within the Ecological Restoration project criteria. Dell'Erba hoping to have more guidance on that tomorrow. Haines - The proposed work is not a limited project and meets the performance standards for the resource areas involved. Engelbourg - I've asked Will to contact DEP on this and will have more information on this soon. I believe it's best to continue this until the next meeting to get some guidance.	
Public Comment/Discussion:	- None	
Staff Recommendation:	Waiting on review from DEP	
Action:	Continued until November 7th, 2024	

B. Amended Orders of Conditions- none

PUBLIC MEETING

A. Requests of Determination of Applicability

1. *Seventeen BR Property, LLC-6 Low Beach Road (74-76)

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Representatives:	Art Gasbarro, Nantucket Engineering and Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Discussion: (02:51:30)	Gasbarro - The determination involves the proposed work of Invasive species management within a Coastal Dune. - There is no work within the 50-foot buffer zone to the resource area.
Staff Recommendation:	-3 Recommendation
Motion:	Motion to issue the RDA with a -3 determination (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

B. Minor Modifications

1. Kurland- 334 Madaket Road (60-141) SE18-3752

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Representatives:	Art Gasbarro, Nantucket Engineering and Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	N/A
Discussion: (02:54:20)	Gasbarro - Relocation of a structure with mechanicals that will now need a standard foundation rather than a previous permitted pile foundation.
Motion:	Motion to approve the Minor Modifications (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

2. 21 Sankaty Head Trust- 21 Sankaty Head Road (48-4) SE48-3732

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Representatives:	Brian Madden, LEC Environmental Consultants, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	N/A
Discussion: (02:56:48)	Madden - The modification involves eliminating the reconfigured patios and replacement with some landscape upgrades and a gravel path proposed. There were no comments made by Commissioners.
Motion:	Motion to approve the Minor Modifications (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

C. 23 Sankaty Head Trust- 23 Sankaty Head Road (48-4.1) SE48-3734

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Representatives:	Brian Madden, LEC Environmental Consultants, Inc

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	N/A
Discussion: (02:58:14)	Madden - Modifications include updates to the septic system with the relocation of the tank, continuation of the gravel path from the adjacent property, the garage is being replaced with a gazebo with a reduction in size, and additional planting areas. There were no comments made by Commissioners.
Motion:	Motion to approve the Minor Modifications (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

C. Certificate of Compliance RJG Nominee Trust- 13 Crows Nest Way (12-19) SE48-3172 (Bracken)

1. RJG Nominee Trust- 13 Crow's Nest Way (12-19) SE48-3172 & SE48-3470

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	Issue SE48-3171 & SE48-3172 with no ongoing conditions
Discussion: (02:59:56)	Dell 'Erba presented the item
Motion:	Motion to Issue (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Plandowski, and Williams (aye)

2. Waterfront Pocomo LLC- 17 Laretta Lane (14-10.2) SE48-3431 (Gasbarro)

Sitting:	Engelbourg, Schaffer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	N/A
Discussion: (03:01:52)	Gasbarro mentioned that there was no proposed work completed
Motion:	Motion to Issue to invalidate the OOC (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schaffer, Braine, Misurelli, Williams and Plandowski (aye)

3. Weed Realty Trust- 41 Almanac Pond Road (46-11.2) SE48-2662 (Madden)

Sitting:	Engelbourg, Schaffer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	N/A
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Staff Recommendation:	N/A
Discussion: (03:02:30)	Madden presented the item and noted that no work had been done.
Motion:	Motion to invalidate the Order (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schaffer, Braine, Misurelli, Williams and Plandowski (aye)

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

1. Chioffi – 5 Crow's Nest Way (12-22.2) SE48-3803

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	Turcotte
Staff Recommendation:	Dell’Erba presents the draft Order of Conditions
Discussion: (03:04:15)	Engelbourg requests to change the wording to “stormwater treatment facility” and to update the plan of record.
Motion:	Motion to issue the Order as amended (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://5:1 Engelbourg, Schafer, Misurelli, Braine, and Plandowski (aye)/ Williams (nay)/ Turcotte (recused)

2. Madaket Road (41-201.2) SE48-3815

Sitting:	Engelbourg, Schafer, Braine, Misurelli, Plandowski, Turcotte, and Williams
Recused:	-
Staff Recommendation:	Dell’Erba presents the draft Order
Discussion: (03:09:00)	There were no requests to Amend the Order
Motion:	Motion to issue the Order as drafted (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://5:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Plandowski, and Williams (aye)

3. 88 Pocomo Realty Trust- 88 Pocomo Road (15-33 & 42) SE48-3816

Sitting:	Engelbourg, Turcotte, Schafer, Misurelli, Williams and Plandowski
Recused:	-
Staff Recommendation:	Dell’Erba presents the draft Order
Discussion: (03:10:46)	Misurelli requests to include a condition requesting the applicant to submit a revised plan prior to the start of work. (condition #23)
Motion:	Motion to issue the Order as amended (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

4. LAZ Family Nom Trust- 20 Waquoit Road (90-5) SE48-3812

Sitting:	Engelbourg, Turcotte, Schafer, Braine, Williams and Plandowski
Recused:	Misurelli
Staff Recommendation:	Dell’Erba presents the draft Order
Discussion: (03:14:11)	Order is amended to include– “No work shall commence until the botanical wildlife surveys have been completed and confirmed by NHESP.” (Condition #2) - Engelbourg requests to add pool conditions (Condition #21) - Engelbourg requests to amend the performance standard to #7.
Motion:	Motion to issue the Order as amended (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Turcotte, Schafer, Braine, Williams and Plandowski (aye)/Misurelli (recused)

5. 20 Madequecham Nominee Trust- 20 Madequcham Valley Road (89-16) SE48-3810

Sitting:	Engelbourg, Turcotte, Schafer, Misurelli, Williams and Plandowski
Recused:	-
Staff Recommendation:	Dell’Erba presents the draft Order
Discussion: (03:22:56)	There were no requests to Amend the Order
Motion:	Motion to issue the Order as drafted (Made by: Williams) (Seconded by: Misurelli)

Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)
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E. Extension of Order

1. Dacey- 14 Plover Lane (12-53) SE48-3484

Sitting:	Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski
Representative:	Brian Madden, LEC Environmental Inc.
Discussion: (03:24:52)	The applicant requests three one-year extensions
Motion:	Motion to issue the extension (Made by: Williams) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

2. 37 Starbuck LLC- 37 Starbuck Road (60-37) SE48-3104

Sitting:	Engelbourg, Turcotte, Schaffer, Misurelli, Williams and Plandowski
Representative:	Paul Santos, Nantucket Surveyors
Discussion: (03:26:01)	Santos presents the item and requests a one-year extensions
Motion:	Motion to issue the extension (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

F. Other Business

1. Approval of Minutes – None
2. Monitoring Reports – None
3. Enforcement Actions/Potential Enforcement Actions
 - Gasbarro confirms that the Notice of Intent will be filed for the Summer House and on the November 7th agenda.
4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - No updates
CPC:	Williams - Started going through the applications and will start deliberation towards the end of the month.
NP&EDC:	Misurelli - There was a productive discussion on the enabling the legislation discussion.
Harbor Plan	Williams - There was no meeting on Monday but expecting a final draft of the plan by next meeting.

5. Commissioner's Comments

Discussion:	Schafer - Asks about the discussion on Surfside Crossing Engelbourg - The Commission decided that they would like the Chair and staff to write a letter with our collective comments. Braine - Asks the status of scheduling an Executive Session for the SBPF meeting Engelbourg
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	- There is not going to be an Executive Session at this time due to the Open Meeting Law. We will receive a written memo from Beverage and Diamond, which will be on record for a scheduled meeting but only the Commission will be able to ask questions at that time. Eventually we'll have to have a public process to that.
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6. Administrator/Staff Reports

Discussion:	No reports.
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Adjournment:

Motion:	Motion to adjourn at 8:34pm. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Turcotte, Schafer, Braine, Misurelli, Williams and Plandowski (aye)

Submitted by Lisa Graves