



CONSERVATION COMMISSION MINUTES

4 Fairgrounds Rd

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, November 7th, 2024 – 5:00 p.m.

This meeting was held in a hybrid format with some participation using ZOOM and YouTube.

<https://youtube.com/live/UBT6wf0VbaY>

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

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

Staff in attendance: Jeff Carlson – Natural Resources Department Director

Attending Members: Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, and Williams (arrived late at 5:09)

Absent Members: -

Members Left Early: -

I. PUBLIC MEETING - Public Comment

Chair Engelbourg called for public comment.

Public Comment	No public comment

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

Sitting	Engelbourg, Braine, Misurelli, Plandowski
Recused:	- Schafer and Turcotte not sitting
Representative:	Chip Nylen
Documentation:	
Discussion:	
Public Comment/Discussion:	
Motion	
Vote	
Action:	Continued 11/21 at 4 pm

Notice of Intent

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams,
Recused:	Schafer and Turcotte not sitting
Representatives:	Dunk
Documentation:	
Public Comment:	-
Discussion	-
Staff Recommendations:	
Action:	Continued 11/21

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Public Comment:	Engelbourg • Commission retains discursion unless flagged by DEP as restoration project Turcotte • Question receival of feedback Engelbourg • Asked staff to circulate feedback Madden • Primary concern was slope of bank
Discussion:	
Staff Recommendations	All necessary items have been received to close
Motion:	Motion to close (made by Misurelli) (Seconded by Plandowski)
Vote	Vote Carried: 6-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye)

3. Muabessac, LLC- 20 East Lincoln Avenue (42.4.1-43) SE48-3814 (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer
Recused:	Turcotte
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	No Discussion
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (made by Williams) (seconded by Schafer)
Vote:	Vote Carried: 6-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams aye) Turcotte Recused

4. 44 Madaket Road Realty Trust-44 Madaket Road (41-322) SE48-3817 (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Williams • Needs apron on both sides of bike path Madden • Will be done with access to bike path
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Willliams) (Seconded by Misurelli)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	David Haines
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	No Discussion
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Williams) (Seconded by Misurelli)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

6. *Nantucket Islands Land Bank- 19 Wauwinet Road (20-35) SE48-3818 (Phelps)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Liz Phelps
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Turcotte - Doesn't agree it meets water dependent use standard - Questioned stream definition Engelbourg - We have streams and the regs update does not have streams in. - Could look to wetlands protection act Carlson - Agrees with Seth, may not be the project to shoehorn Turcotte - DEP has streams regulations Williams - Helped construct a greenhouse on this property and wasn't paid for it Misurelli - Separate regs meeting Engelbourg - Reads water dependent use - Hard to see how it's not a water dependent use Turcotte - Interpreted as "get to water" Carlson - Couple other similar uses for "water dependent use" Discussion continued on the stream and water dependent use Madden - Stream crossing standards come into play when you have a new crossing but not replacement
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Williams) (Seconded by Turcotte)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

7. *Nantucket Islands Land Bank- 181, 181R, & 171R Hummock Pond Road 65-25, 25.1, 1.1) SE48-3819 (Phelps)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Liz Phelps
Documentation:	Site plan and maps – ecological restoration project
Public Comment:	There were no public comments.
Discussion:	Misurelli • Questioned clear cutting Phelps • Not clear cut, just thinning Engelbourg • Excited about this project Carlson • Can move it to next Thursday at the planning meeting Engelbourg • Would prefer it continued to the 21st of November
Staff Recommendation:	Does not have everything to close
Motion	
Action	Continued 11/21

8. *Emirzian- 84 Qudinet Road (21-67, 68, 100 & 101) SE48-3822 (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer
Recused:	Williams
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Williams • Worded on 86 and 88, owns 84
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Turcotte) (Seconded by Plandowski)
Vote:	Vote Carried: 6-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte aye) Williams recused

9. *Caprys Island Holdings LLC- 47 Crooked Lane (41-200.1) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Public Comment:	Annie Mendelson – Abutter • Question if the pool could be moved further north Madden • Pool is outside of the buffer zone and within lawn area Annie • Theres a vegetation line of protected plants Freeman - Landbank • Annie is discussion the priority habitat

	Engelbourg - NHESP has been notified, and they will take care of it but there has not been a letter received Annie - Concerned about the driveway and septic area Madden - Septic System is outside of the easement Engelbourg - Plenty of driveways over septic system Carlson - That area is more for the health department Annie - Concerned that the leech fields are next to the pond Madden - System is designed outside of 100ft buffer zone
Discussion:	
Staff Recommendation:	Does not have all items to close
Motion	
Action	Continued 11/21

10. *Siracuse- 2 L Street (59.4-261) SE48-3821 (Haines)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	David Haines
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	No Discussion
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Williams) (Seconded by Misurelli)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

11. *Hall- 19 Medouie Creek Road (14-33) SE48-3820 (Haines)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	David Haines
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	
Staff Recommendation:	All necessary items have been received to close
Motion	
Vote:	Continued 11/21

12. *Nantucket Islands Land Bank- Lily Pond Park Improvements (42.3.4-1, 2.1 & 42.4.3-47, 48, & 93) SE48-(Phelps)

13. *Nantucket Islands Land Bank- Lily Pond Park- Wetland Restoration (42.3.4-1, 2.1 & 42.4.3-47, 48, & 93) SE48-(Phelps)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Racheal Freeman, Ellen Biegert, Jamie McCarthy
Documentation:	Site and topographical plans
Discussion	Misurelli - Looks like a great project Braine - Questioned how the water will be treated Biegert - Underground separation units along with a bioretention area Engelbourg - Also, very excited about this project
Public Comment	Sarah McClain – concerned party - Concerned if there's excess water that is greater than now, how does it affect the individuals down stream Biegert - Not increasing rates of water - They are removing the sections that could inhibit the stream Engelbourg - Addition to wetland will increase capacity, applicant only has capacity to do improvements on their site, but homeowners could take on action to restore pipe McClain - Already has done so what helps the flow rate Biegert - The way the graphic was looking wasn't helpful, McCarthy - Extensive modeling has been done and assured there will be no impact that McClain is worried about Biegert - There will be less pipe
Staff Recommendation:	No filing numbers
Motion	
Vote:	Continued 11/21

14. *ACK KODA LLC- 42 Shimmo Pond Road (43-126) SE48- (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer
Recused:	Turcotte
Representatives:	Art Gasbarro
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	Engelbourg - Retaining wall questioned Gasbarro - Wall helps the corner work tie into existing grades, 6 sq ft compared to 100's-1000s before

	Schafer • Could you angel it Gasbarro • Will look at it Engelbourg • Questioned the reconfiguration of the driveway Gasbarro • Driveway is getting reduced
Staff Recommendation:	Does not have all items to close
Motion	
Action	Continues 11/21

15. *99 Washington LLC- 103 Washington Street (55.1.4-37) SE48- (Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer
Recused:	Williams
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Public Comment:	There were no public comments.
Discussion:	No discussion
Staff Recommendation:	No filing number
Motion	
Action	Continued 11/21

B. Amended Order of Condition

1. *Waterfront Pocomo, LLC- 17 Laurretta Lane (14-10.2) SE48-3542 (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Art Gasbarro
Documentation:	Site and topographical maps, photos of deck
Discussion/public comment:	Engelbourg • Believes it should have been a new NOI • Understands rational Turcotte • Agrees Braine • Agrees Misurelli • Agrees its chaotic, did not do site visits and would not mind doing a site visit Williams • Not confused, and believes its less chaotic • Less of an impact on the site Engelbourg • Not confused but it represents an entirely new project Gasbarro

	• Should have also provided additional plan and will do so with all not approved elements, also explains why they did not file a new NOI • Has not expanded the approved limit of work Carlson • Does have approved order and proceeds to go through it • Explains difference between NOI and amendment which is few • Agrees with Art Williams • Questions if public will be notified Carlson • Yes Turcott • In agreement to receive new plan and for a site visit Misurelli • Agrees Scheduled site visit for the 18th at 3pm
Staff Recommendation:	
Motion	Request continuance
Action	Continued to 21st

2. *Squam Partners, LLC- 89 Squam Road (13-3) SE48-3674 (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Art Gasbarro
Documentation:	Site and topographical maps
Public Comment:	There were no public comments.
Discussion:	No Discussion
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close the hearing and issue amended order (made by Williams) (seconded by Misurelli)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

PUBLIC MEETING

A. Requests for Determination of Applicability – None

B. Minor Modifications

1. 39 Monomoy Road LLC- 39 Monomoy Road (54-79) SE48-3657 (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical maps
Public Comment:	There were no public comments.
Discussion:	No Discussion
Staff Recommendation:	All necessary items have been received to close

Motion	Motion to close the hearing and issue amended order (made by Williams) (seconded by Misurelli)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

2. The Ocean Avenue Nominee Trust- 20 Ocean Avenue (73.2.4-20) Se48-3777 (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	
Documentation:	Site and topographical maps
Public Comment:	There were no public comments.
Discussion:	No discussion
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close the hearing and issue amended order (made by Misurelli) (seconded by Williams)
Vote:	Vote Carried: 7-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams aye)

C. Certificate of Compliance

1. Jenn Sankaty Lighthouse Trust- 37 Sankaty Head Road (12-19) SE48-3608 (Bracken)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Jeff Carlson
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Pool and patio were not constructed, and spa was moved outside of jurisdiction
Staff recommendation	Continued 21
Motion:	Motion to approve the issuance of the Certificates of Compliance with condition 21 (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine. Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)

2. Wellner- 8 Walsh Street (42.4.1-83) SE48-3662 (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Art Gasbarro
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	No discussion
Staff recommendation	Site in compliance
Motion:	Motion to approve the issuance of the Certificates of Compliance (Made by: Williams) (Seconded by: Misurelli)

Vote:	Carried:// 7:0 Engelbourg, Braine. Misurelli, Williams, Plandowski, Turcotte, Schafer (aye)
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D. Orders of Conditions (If the public hearing is closed – for discussion and/or issuance)

1. 5 QPR, LLC – 5 Quaise Pastures Road (26 – 21) (Glidden) (reissue)

Sitting	Engelbourg, Braine, Plandowski, Williams, Schafer, Turcotte
Recused:	Misurelli
Representatives:	-
Documentation:	
Public Comment:	There were no public comments.
Discussion:	
Motion:	Motion to reissue OOC. (Made by: Turcotte) (Seconded by: Williams)
Vote:	Carried:// 6:0 Engelbourg, Braine, Turcotte, Williams, Plandowski, Schafer (aye) Misurelli recused

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

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Conditions continued 18-23
Motion:	Motion to approve as amended. (Made by: Williams (Seconded by: Plandowski)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)

3. Muabessac, LLC- 20 East Lincoln Avenue (42.4.1-43) SE48-3814 (Madden)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer
Recused:	Turcotte
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Continued conditions of 18 and 19 and yearly report with species and lighting
Motion:	Motion to approve as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 6:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer (aye) Turcotte Recused

4. 44 Madaket Road Realty Trust-44 Madaket Road (41-322) SE48-3817(Madden)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-

Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Carry forward as it requires a waiver
Motion:	
Action	Continued to 11/21

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

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Continued conditions of 18-25
Motion:	Motion to approve as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)

6. *Nantucket Islands Land Bank- 19 Wauwinet Road (20-35) SE48-3818 (Phelps)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Continued conditions 18-20 with additional findings of water dependent project
Motion:	Motion to approve as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)

7. *Emirzian- 84 Quidnet Road (21-67, 68, 100 & 101) SE48-3822 (Madden)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	
Motion:	Motion to approve as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Continued 11/21

8. *Siracuse- 2 L Street (59.4-261) SE48-3821 (Haines)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	-

Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	
Motion:	Motion to approve as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Continued 11/21

E. Extension of Order - None

F. Other Business

1. Approval of Minutes-

Carlson – Towns minutes takers left, and the office staff is trying to get it done

2. Monitoring Reports - None

3. Enforcement Actions/Potential Enforcement Actions -

-63 Baxter Road

Discussion	Carlson - Received a report on the 5th from the environmental police of individuals filling sandbags - Wall of sandbags - Looked like significant disturbance Infront of wall - Property owner said bas came prefilled and they asked for receipts - As of now all bags have been removed but there are still questions of where, what, and why - On town owned land as well Misurelli - Go with Jeff's recommendation Carlson - Still wants to issue enforcement Engelbourg - Would prefer not to take comments from public at this time - Issue cease and desist with report to concomm about what where and removal to both property owners and contractor if word was done Carlson - Will attempt to figure out volume of bags and amount of sand taken if receipts are not present Engelbourg - Agrees with timeline, volume etc.
Motion	Issue enforcement order as detailed by Chair (made by Williams) (Seconded by Plandowski)
Action	Carried 6-0 (Schafer abstained) Williams, Engelbourg Braine, Turcotte, Misurelli, Plandowski (aye)

5. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine Presentation on flood plains and building codes at last meeting and commissioners should watch
CPC:	Schafer Met with all applicants and will deliberate
NP&EDC:	Misurelli Took it for the harbor plan update committee and authorized to reclassify roadway to nation highway system which allocates funding
Harbor Plan	Williams Waiting on draft

6. Commissioner's Comments

Discussion:	Williams • Good meeting Turcotte • 15 Loretta Lane and was withdrawn, questions about coastal engineering structure and knows it was never resolved • Worth looking into Engelbourg • Send jeff and Will out to check Purpose of procedural meeting Engelbourg • Different items had been approved to make the meetings go quicker Turcott • Streamlined items • Regulatory updates can be discussed yearly Misurelli • Looking for areas to vote on consent to streamline meetings Engelbourg • Agrees and states there's ways to test-drive Carlson • Has several ideas Misurelli • Will be away next Monday but will schedule with art for site visit Engelbourg • Is there a draft schedule 2025 Carlson will bring to meeting/email tomorrow
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7. Administrator/Staff Reports

Discussion:	
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Adjournment:

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

Submitted by: Morgan Nelson