



CONSERVATION COMMISSION MINUTES

131 Pleasant Street

Trailer, Room A

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, December 4th, 2024 – 10:00am.

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

<https://www.youtube.com/watch?v=p-bYtwYRZ98>

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

Called to order at 10:00am. by Chair Engelbourg

Staff in attendance: Will Dell 'Erba - Conservation Agent, Vincent Murphy – Sustainability and Projects Manager, Jeff Carlson – Nantucket Natural Resources Department Director

Attending Members: Engelbourg, Braine, Misurelli, Plandowski, Williams

Absent Members: - Schafer, Turcotte not sitting

Members Left Early: -

I. PUBLIC MEETING - Public Comment

Chair Engelbourg called for public comment.

Public Comment	D Anne Atherton - Reads public comment on behalf of Burton Balkind Burton Balkind - Curious about procedure on enforcement orders to make public comment Engelbourg - One can do so during public comment when discussing enforcement orders Balkind - I wasn't allowed to, and I want clarification Engelbourg - You are correct please send to staff
----------------	---

II. PUBLIC HEARING

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

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams
Recused:	- Schafer and Turcotte not sitting
Representative:	Posner
Documentation:	
Discussion:	Engelbourg - Staff, anything to add Carlson - Not many changes added, final order in packet - Discusses changes to findings Williams - Asked for language to be patted, did everything make it? Carlson - Most did yes - Gives examples of what made it into packet and findings

	Engelbourg • Time to move on from deliberation • Does want to remind everyone that the complete legal review is not done, 3 pending questions from town council • Definitive assessments on waivers Nylen • In respect to waivers, are we working from Jeff's language Engelbourg • Yes, but will be going through the entire thing • It is by resource area • Describes how this process will work • Coastal bank - Believes project could be granted a waiver for "long-term net benefit" but not for no reasonable alternatives • Coastal beach – does not believe either waiver can be applied • Coastal dune – does not meet waiver requirements Misurelli • Agrees in coastal bank resource area as positive • In coastal bank and beach, does feel providing projection while following Maintenance, can see path forward with both waivers • Believes project meets all standards Williams • Agrees with mike Plandowski • Agrees with mike and Linda Braine • Has concerns but agrees Engelbourg • Would like to sign negative under local regs and affirmative otherwise Positive orders – now to see if everything attends Carlson • Will add net positive • Clarification on signatures Engelbourg • Walkable beach and sand need clarification • In favor of linear distance Plandowski • Problem with the percentage greater Misurelli • Likes the physically distance • Concerned ongoing monitoring and walkable beaches due to storms Engelbourg • Does have to be sensitive with seasonable beach changes Carlson • Agree • Will be some variability Williams • Has same concerns with hardline
--	---

	• Set up to fail Engelbourg • Staff can figure it out Plandowski • Advantage to percentage Braine • Likes it being measured proportionately Engelbourg • Believes there should be an absolute minimum number Nylen • Recognizes walkable beach is regulated use, measurements vary • Comfortable with current language and measurements of 10 ft but any more than that isn't necessary Engelbourg • Analysis from staff is needed
Public Comment/Discussion:	Dennis Murphy – Greenhill family • Is order of conditions for Sankaty beach club, believes there is president and landed on 20ft from toe of geotube Engelbourg • Please provide to staff Trey Ruthven • Mean high water is 3, next is 4 and doesn't see how there is a walkable beach given current wording Vince Murphy – Town of Nantucket • Anytime walking area he has seen first geotube, second geotube is at beach level Engelbourg • Ways to do this for everyone involved Murphy • Points out the set of stairs issues • Another alternative to provide passage Engelbourg • Permit process has gone on for a year, stairs not included in project • Can't permit access based on "possibility" • Need renderings Nylen • Don't believe that's their intension Engelbourg • Obligation per regulations to have access along shoreline Burton Balkind • No walking on top of geotubes and ramps are seldom Dennis • Mean high water finding Engelbourg • Final plan will determine mean high water Ruthven • Mean high water is not a matter of opinion it's a matter of reading data Engelbourg • True

	Williams • How does it deal with sea level rise Murphy • Doesn't know the date of 2020 but still using 80's and 90's data Misurelli • Enough to turn over to staff Carlson • Agrees • Appreciates vote of confidence Engelbourg • Multiple conditions need to be fleshed out Plandowski • 27, sand must be delivered • Wants truck and barge Engelbourg • No interest in delivering by barge per applicant Plandowski • 29, terraces • Can't find core terraces as a CES and doing so is a penalty Engelbourg • There's been several meetings and commission majority has agreed Plandowski • You just set a new policy for the island Engelbourg • I hear what you're saying • Aren't changing their regulations Plandowski • Problem is you're setting a precedent Misurelli • Puts himself in agreement with Joe but each Application is treated separately Carlson • These are core terraces adjacent to geotubes, explains definition of CES Engelbourg • Core terraces and sand fencing have been viewed as a CES, it's a continuous linear protection Nylen • Agrees with Joe • Comprehensive system • Understands they must go to town meeting • Protect current terraces Engelbourg • Correct Dennis Murphy • Notes in paragraph 17, current replaces reamend order • As drafted sees nothing for makeup sand Engelbourg • Points out condition for replacing sand Dennis
--	--

	- Asks commission to require applicant to place all sand ordered Nylen - Two issues, submitted document that add 26,000 cubic yards over next 2 years - Post 21, no order of conditions - Has taken it as they cannot do any work after the removal order - Believes they have met requirement pre 2021 and current Engelbourg - Does not believe commission has taken assessment of adequate plan Emily Molden - NLWC - Echos the desire to discuss the sand D Anne Atherton - Concerned about sand deficient and timing Engelbourg - Will be many months or years before project is constructed - Applicant needs a license, requiring town vote - Potential for appeals and litigation Atherton - Requests another agenda item to deal with current state of geotubes Balkind - Disagrees with Nylen because the geotubes exist and no mitigation has been done - Please take into consideration geotubes are there and scientifically noted beach degradation Engelbourg - Notes comments and explains Nylen's point - Does believe geotubes need more mitigation Ruthven - Their own reports were where the sand came from - Explains why sand should be made up Engelbourg - Explains point of removal order Molden - Respectfully disagrees, intention of order is to replace removal order and therefore enforcement is prudent Engelbourg - Understands points and turns to commission if enforcement would like to be discussed Plandowski - Agrees Atherton - CC board of directors will submit full comment for record - Explains why they believe an enforcement issue is at hand as the geotubes are not being maintained and the beach is harmed Mr. Atherton - Reads alternatives comment and how they can be altered - Reads previous report on geotubes Engelbourg - That report is over 10 years Moldenhauer
--	--

	• They are here to protect bank, beach, and dunes • Asks to not repeat issues already voted on • Requests vote on 56 Engelbourg • Agrees repeating issues • Desires to bring meeting to close and have staff work on items discussed Carlson • Is it ok to make new clean order to clean it up a bit • Permit revoked but commission never took a formal action per vote therefore sand is still required but will double check Nylen • Does not see difference between revoked or expired • Mentions monitoring • Mentions 10 percent of sand on site if feasible Engelbourg • Believes different wording is better • Explains difference between revoked and expired order • Next meeting tomorrow Misurelli • Thought it was quite productive Engelbourg • Have to continue to specific date Staff • Special meetings definitely, regular meetings will be hard Carlson • Could continue to regular meeting on 19th Nylen • Consents continuing it to the 19th but wants more special meetings if needed Engelbourg • Explains issues with Williams • Does not want to sit through this because it'll be rushed with 21 applications Engelbourg • Could continue to tomorrow Carlson • Can continue to tomorrow
Motion	
Vote	
Action:	Continued until December 5 th

A. Other Business

1. Commissioner's Comments -None

7. Administrator/Staff Reports –N/A

Adjournment:

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

Submitted by: Morgan Nelson