



CONSERVATION COMMISSION MINUTES

4 Fairgrounds Rd
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, December 5th, 2024 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=ovar8bp5gaM>

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: Will Dell 'Erba - Conservation Agent, Vincent Murphy – Sustainability and Projects Manager (zoom)

Attending Members: Engelbourg, Braine (remote), Turcotte, Misurelli, Plandowski, Schafer, and Williams (arrived late at 5:05)

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, Turcotte, Misurelli, Plandowski, Schafer, and Williams
Recused:	- Schafer and Turcotte not sitting
Representative:	Chip Nylen
Documentation:	
Discussion:	Purpose is to find a special meeting time Discussion of meeting time was had with staff running through all potential dates in the near future January 15th from 10:00am until 12:00pm was decided
Public Comment/Discussion:	
Motion	
Vote	
Action:	Continued Until January 15, 2025

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 and Turcotte not sitting
Representatives:	Dunk
Documentation:	
Public Comment:	-

Discussion	-
Staff Recommendations:	
Action:	Continued Until January 9, 2025

2. 123 Cliff Road Nominee Trust- 123 Cliff Road (41-3) SE48- (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Turcotte
Representatives:	Art Gasbarro
Documentation:	Site and topographical plans
Discussion:	Gasbarro Changed various plans based on last meeting
Public Comment:	
Staff Recommendations	All necessary items have been received to close
Motion:	Motion to close (made by Misurelli) (Seconded by Williams)
Vote	Vote Carried: 6-0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

3. *Olbres- 196 Hummock Pond Road (65-30) SE48- (Haines)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, and Turcotte
Recused:	
Representatives:	David Haines
Documentation:	Site and topographical plans
Discussion:	Williams - Agrees with the letters about the 75ft Schafer - Questions the fencing Haines - Split rails fence all the way around Turcotte - Curious how box turtles were recorded, and they need confirmation 25ft-50ft are not disturbed Engelbourg - Explains how they ensure 25ft-50ft undisturbed - Box turtles are here on Nantucket though few - Doesn't mean it meets standard for priority wildlife - In local regulations, opportunity to supplement - Sitings of turtles were several years ago, and they cannot make a condition based on that solely Turcotte - Questioned potential conditions Engelbourg - Explains how other similar projects have worked with monitoring - Cannot deny project based on two sightings
Public Comment	James Bryard- Abutter - Person who found turtles - Concerned of the calculations of the 50ft buffer and if it has been maintained - Wants detailed construction protocol - Concerned about plumbing and flooding

	Engelbourg • Can ask applicant for construction protocol and is part of the commission o have equipment stored off site and they have lighting conditions • Asked if the site plans to have water and electricity Haines • Confirms water, electricity, and septic system out of buffer zone Williams • Discusses concerns about allowing construction equipment so close to and inside buffer zone Misurelli • Reasonable or abutters to ask for construction protocols Patty – abutter • Questions if it was the only place to put studio • Buyer for property and the byer wanted to put it in before Jan 1st • Close to her property and does not want to be sandwiched in • Going to disturb land and properties Engelbourg • Understands neighborhood but not in commissioner's jurisdiction • Does have abilities to require certain conditions pertaining to her issues • Regulatory role to attempt to permit and condition Williams • If she was to entertain this, they'd have to airlift everything • Concerns about septic system not in 15-25ft Engelbourg • Role is to ask applicant • Asks Haines to provide construction protocol • Commissioners would like to see the site so schedule field viewing for December 16th Jason Olyrids – owner 196 hummock pond • Can answer any questions and was unaware of turtle species • Present prior app and COC last April • Rear structure is one story additional living space structure and not heavy use • Health requires sewer and utilities run along property line with access all along that direction • Project can be done by hand Engelbourg • Asks him and Haines to work on the plans Williams • It is not a small structure • 890 sqft Engelbourg • Emphasizes performance standards • Everything in project meets standards Misurelli • Asked Jason to be onsite during viewing Haines • Will be there and happy to condition turtles • Walk in • Low and rolling site with no large rate change • Intention is to attach building to septic by road • Turtles can still use site and happy to develop construction protocol Engelbourg
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	- Plan is spare for elevation and asks to update plan with additional elevation Haines - Fair enough Williams - More details on septic
Staff Recommendation:	
Motion:	
Action	Continued Until December 19 th

4. *Mid Island Services LP- 41 & 43 Sparks Avenue (55-367.3 & 367.4) SE48- (Rits)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives:	Mark Rits
Documentation:	Site and topographical plans
Discussion	No file number
Public Comment	No Public comment
Staff Recommendation:	All necessary items have been received to close
Motion	
Vote:	Continued Until December 19 th

5. Jane A. Joynt Testamentary Trust- 15 Bear Street (55-378.6) SE48- (Rits)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, and Turcotte
Recused:	
Representatives:	Mark Rits
Documentation:	Site and topographical plans
Discussion:	No file number
Public comment	No Public Comment
Staff Recommendation:	No DEP number
Motion	
Vote:	Continued Until December 19 th

6. * 8 Gull Island LLC- 8 Gull Island Lane (42.4.3- 95) SE48- (Rits)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Turcotte
Representatives:	Mark Rits
Documentation:	Site and topographical plans
Discussion:	Misurelli - Questioned steps Rits - Explained retaining wall, house elevation, and same single steps with some additional on deck and in back Williams 8 Bassett Road attached to application Rits - It's for the next filing

	Engelbourg - Questions request for waiver for 2ft separation for pool - Commission is usually not happy with that Rits - This doesn't have a pool there is an error and will be continued he will fix it
Public Comment:	Sarah McClain – abutter - In support Willa – NLB - Questioned waiver requests Engelbourg - Explains waiver
Staff Recommendation:	No file number
Motion	
Vote:	Continued Until December 19 th

7. *Segalini Properties, LLC- 8 Bassett Road (26-38) SE48- (Rits)

Sitting:	Engelbourg, Braine, Plandowski, Williams, Schafer
Recused:	Turcotte, Misurelli
Representatives:	Mark Rits
Documentation:	Site and topographical plans
Discussion:	Engelbourg - App is not in packet need to resend Rits - Will resend Williams - Has trouble with 2ft separation and doesn't have issue cause she doesn't understand it Misurelli - What Williams - Explains why she doesn't like the 2ft ground water separation Engelbourg - Explains why structures aren't allowed to go in ground water then explains reason to have separation but unclear of 2ft - Written alternatives analysis is required for pool and foundation - Questions reconstruction of driveway because driveway is already allowed if already existing - Reconstructed versus Maintenance Williams - Continues ground water discussion Rits - Explains Maintenance driveway versus reconstruction
Public Comment:	Wila Arsenal – Nantucket Land and Water Council - Echos Engelberg's concerns and requested erosion/encroachment control Engelbourg - Agrees Wila - Will new foundation be placed with intrusion to groundwater or just separation

	Rits Will provide data in plan
Staff Recommendation:	All necessary items have been received to close
Motion	
Action	Continued Until December 19 th

8. *DJS Realty Trust- 11 Oak Hollow Lane (56-127) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Discussion:	Schafer - Questioned where pump and pit run to Madden - Existing systems
Public comment:	
Staff Recommendation:	Has received everything to close
Motion	Motion to close (Made by Williams) (Seconded by Plandowski)
Action	Vote Carried: 7-0:Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte Williams (aye)

9. *Lavendar Point Nominee Trust- 8 Lavendar Lane (33-23) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, and Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Discussion:	Engelbourg - Delineation is no longer valid as it was more than three years ago is there a recent one Madden - It has been updated and verified Engelbourg - Please provide dates Misurelli - Questioned pool and boardwalk Madden - Boardwalk exists and explains updated portions Engelbourg - Not comfortable approving until documenting of updated plans Dell 'Erba - Has been to site and it is not significantly changed than plans but cannot say when updates were made Turcotte - In favor of waiting for updated dates Madden - Coastal bank is most landward resource area, all is very stabilized - Survey has been updated recently Engelbourg

	• Yes current Turcotte • Still would like to see dates Engelbourg • That is specifically in regulations
Public Comment	
Staff Recommendation:	
Motion	
Action	Continued Until December 19 th

10. *The Nick/Pat Reding-Nancy Breckenridge, LLC- 170 Cliff Road (41-68) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Discussion:	No discussion
Public Comment:	No comments
Staff Recommendation:	All necessary items have been received to close
Motion	Motion to close (Made by Williams) (seconded by Plandowski)
Vote:	Vote Carried: 7-0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

11. *Morash Gift Realty Trust- 35 Meadow View Drive (56-131) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, and Turcotte
Recused:	
Representatives:	Brian Madden
Documentation:	Site and topographical plans
Discussion	Misurelli • Are both buffers 50ft No Engelbourg • No work inside 50, can ask for updated plan
Public Comment	No comments
Staff Recommendation:	Has received everything 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)

12. *Penant Realty, LLC- 5 Coaskata Course Way (14-4.1) SE48- (Madden)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams
Recused:	Turcotte
Representatives:	Brian Madden
Documentation:	Site and topographical plans – soil test confirmed no waiver for groundwater separation needed
Discussion:	

Public Comment:	
Staff Recommendation:	
Motion	Motion to close (Made by) (Seconded by)
Vote	Continued December 19 th

13. *Tork ACK LLC- 1 Mothball Way (83-42.4) SE48- (Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, Williams
Recused:	
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Discussion:	
Public Comment	There were no public comments.
Staff Recommendation:	No DEP number
Motion	
Action	Continued Until December 19 th

14. *Hale- 117 Madaket Road (40-60.3) SE48- (Santos)

Sitting:	Engelbourg, Braine, Plandowski, Turcotte, Schafer, Williams
Recused:	Misurelli
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Discussion:	No DEP file number nor NHESP Turcotte • Question grating Santos • Explains grating and dropping 1ft every 10 ft so 5ft difference Engelbourg • Questioned removal of trees and if applicant could relocate/replant Santos • No problem
Public Comment	
Staff Recommendation:	No DEP number
Motion	
Action	Continued Until December 19 th

15. *49 Nobadeer LLC- 49 Nobadeer Avenue (88-45) SE48- (Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, Williams
Recused:	
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Discussion:	Schafer • Questioned well location Santos • On 50ft
Public Comment	
Staff Recommendation:	No DEP number

Motion	
Action	Continued Until December 19 th

16. *Middleton- 51 Nobadeer Avenue (88-44) SE48- (Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, Williams
Recused:	
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Discussion:	
Public Comment	
Staff Recommendation:	No DEP number
Motion	
Action	Continued Until December 19 th

17. * Harborfront Realty Trust- Village Way (14-2) SE48-(Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, Williams
Recused:	
Representatives:	Paul Santos
Documentation:	Site and topographical plans
Discussion:	
Public Comment:	
Staff Recommendation:	No DEP number
Motion	
Vote	Continued Until December 19 th

18. *Fourteen Tautemo Way Realty Trust- 14 Tautemo Way (83-13) SE48- (Barnicle)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams. Schafer
Recused:	Turcotte
Representatives:	Katie Barnicle
Documentation:	Site and topographical plans
Discussion:	Misurelli • Asked about retaining wall Barnicle • Does not know but doesn't know what it is Engelbourg • Will need clarification Barnicle • Fence is standard pool fence Williams • Lot of hardscapes Engelbourg • Check on separate permit • Fence is a structure within 50ft and 25ft which is significant structure, safety is not commissioners' priority and need more justification • Doesn't like hardscape but it's allowed Misurelli

	- If pool has covered a fence isn't required Engelbourg - Plenty of opportunity to move fence Barnicle - Will take look at it
Public Comment	Sarah Alger – represents abutter - Concerned about fencing - Requests Current delineation of site - Unclear where wetland boundary is being taken - Should have current delineation done and asks about ground water depth - Not sure fence meets requirements and make sure it's clear they are not approving path work Engelbourg - Questioned if they had required information to open hearing - Doesn't believe so Misurelli - Requests whatever information needed Barnicle - Understood and explains reasoning also requests continuance
Staff Recommendation:	
Motion	
Vote	Continued Until December 19 th

19. *Tautemo Way Realty Trust- 16 Tautemo Way (83-14) SE48- (Barnicle)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Williams. Schafer
Recused:	Turcotte
Representatives:	Barnicle
Documentation:	Site and topographical plans
Discussion:	Schafer - Questioned rebuilding deck Engelbourg - This rebuild is extensive and delineations updated are going to be required Misurelli - Could you reconstruct deck if footings weren't touched Engelbourg - Depends and explains why Williams - Replacing decking is maintenance and if it's been rotted out its still Maintenance Requires visit on December 16 th Braine - Questions which part of fence is new Engelbourg - Explains
Public Comment	
Staff Recommendation:	
Motion	
Vote	Continued Until December 19 th

20. *6 Swain Street LLC- 6 Swain Street (42.4.1-82.2) SE48- (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Turcotte, Schafer, Williams
Recused:	Turcotte
Representatives:	Art Gasbarro
Documentation:	Site and topographical plans
Discussion:	Misurelli • Question's location of addition Gasbarro • Completely within 50ft buffer Engelbourg • Questioned if addition will have flood vents Gasbarro • Yes
Public Comment	Wila Arsenal – Nantucket land and water council • Appreciates its moving away but has concerns about waiver requests Engelbourg • Reasonable alternatives • Adverse impacts Williams • Does not see adverse impacts Braine • Agrees with time Misurelli • Okay with it too Engelbourg • Questions roof runoff Gasbarro • Doesn't believe it will have impacts because of small area Engelbourg • Putting pervious area into an area that was impervious, put in more drainage • And plantings Plandowski • Does not have problem with proposal Schafer • Agrees with Engelbourg Gasbarro • Would be amendable to condition to include infiltration trench
Staff Recommendation:	Has received everything to close and happy to write condition as such
Motion	Motion to close (made by Williams) (seconded by Misurelli)
Vote	Vote Carried: 6-0 (Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

B. Amended Order of Conditions - None

PUBLIC MEETING

A. Requests for Determination of Applicability

1. *Allen- 9 Pond Road (56-154) (Haines)

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

Representatives:	David Haines
Documentation:	Site and topographical maps
Discussion:	
Public Comment	
Staff Recommendation:	Requires a positive and negative determination Positive 2a
Motion	Motion issue positive 2a (made by Williams) (seconded by Misurelli)
Vote:	Vote Carried: 7-0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

B. Minor Modifications - None

C. Certificate of Compliance

1. Washing Pond LLC – 36 Washing Pond Rd (31-13.2) SE48-3425 (Gasbarro)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Williams, Schafer, Turcotte
Recused:	
Representatives:	Gasbarro
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	
Staff recommendation	Continuing condition 19
Motion:	Motion to issue certification with ongoing condition 19. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)

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

1. 123 Cliff Road Nominee Trust- 123 Cliff Road (41-3) SE48- (Gasbarro)

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:	
Staff Recommendation	Conditions 18-25 and waivers to allow ground water with no adverse impacts and another waiver because the resource area is separated by road
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

2. *DJS Realty Trust- 11 Oak Hollow Lane (56-127) SE48- (Madden)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.

Discussion:	
Staff Recommendation	Conditions 18-20 and waiver of groundwater
Motion:	Motion to approve as amended. (Made by: Misurelli) (Seconded by Williams)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Turcotte, Plandowski, Schafer, Williams (aye)

3. *The Nick/Pat Reding-Nancy Breckenridge, LLC- 170 Cliff Road (41-68) SE48- (Madden)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
Recused:	
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	Williams • “Chemically treated” on specific dates of any given year, adding in any given year
Staff recommendation:	Conditions of 18-25
Motion:	Motion to issue as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Turcotte, Plandowski, Schafer, Williams (aye)

4. *Morash Gift Realty Trust- 35 Meadow View Drive (56-131) SE48- (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:	
Staff recommendation	Conditions 18-26
Motion:	Motion to issue as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 7:0 Engelbourg, Braine, Misurelli, Turcotte, Plandowski, Schafer, Williams (aye)

19. *6 Swain Street LLC- 6 Swain Street (42.4.1-82.2) SE48- (Gasbarro)

Sitting	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Turcotte
Representatives:	-
Documentation:	Site and topographical plans, photos, requisite departmental reports, and correspondence.
Public Comment:	There were no public comments.
Discussion:	No reasonable alternative and request for tree planting Moving rather than removal and landscape planting plan
Staff Recommendations	Conditions 18-21
Motion:	Motion to issue as amended. (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:// 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte recused

E. Extension of Order - None

F. Other Business

1. Approval of Minutes - None
2. Monitoring Reports – None
3. Enforcement actions

Wanoma Way

Discussion	- Will got email that project representatives had been received for wanoma way - Seth wants to amend to submit order from 1 month from today, wetland needs to be revised
Motion	Motion to amend enforcement (made by Williams) (seconded by Misurelli)
Vote	Carried:// 7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams, Turcotte (aye)

Additional comments:	Check on site in Sconset with sandbags
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4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - Updates on zoning
CPC:	Schafer • N/A
NP&EDC:	Misurelli • Reviewed traffic updates
Harbor Plan	Williams • Got a draft and meeting Monday *Could not hear anything else as Williams was not speaking into microphone

4. Commissioner's Comments

Discussion:	Engelbourg and Briane won't be at site visit Could not hear Plandowski's comments as he was not speaking into microphone Dell'Erba - Commented on continuances Engelbourg - Will ask for questions or comments Dell'Erba - If there was a motion at next meeting to batch approve NOIs with no DEP number, you could Engelbourg - Would prefer to not do so Dell'Erba - Keep all public meetings in beginning - Explains new procedural updates Engelbourg - Vote for procedural updates at next meeting
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5. Administrator/Staff Reports

Discussion:	Dell'Erba will get procedural update on for next meeting E-signatures
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Adjournment:

Motion:	Motion to adjourn. (Made by: Misurelli) (Seconded by: Turcotte)
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Conservation Commission Minutes December 5th, 2024, adopted April 3, 2025

Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Williams, Plandowski, Schafer, Turcotte (aye)
Submitted by: Morgan Nelson	