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CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, July 10, 2025 – 5:00 p.m.

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

<https://youtube.com/live/4T5CX43eQVE>

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

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, Braine, Misurelli, Schafer, and Plandowski. Turcotte & Williams arrived at 5:06pm
Absent Members: -
Members Left Early: Williams at 5:34pm

I. Acceptance of the Agenda

Motion	Motion to accept Agenda (Made by: Misurelli) (Seconded by: Plandowski)
Vote	Vote Carried: 5:0 Engelbourg, Braine, Misurelli, Schafer, and Plandowski (aye)

II. Public Comment

Chair Engelbourg called for public comment

Public Comment (00:02:32)	None
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III. Public Hearing

A. Notice of Intent- No Waiver Required: Pre-January 1st Submissions (none)

B. Notice of Intent- No Waiver Required

1. Nantucket Islands Land Bank- Smooth Hummocks Way (82-30) SE48-3893

Action:	CONTINUED UNTIL JULY 24, 2025
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2. *Nantucket Islands Land Bank- 41 Jefferson Avenue (30-45) SE48-3910

Action:	CONTINUED UNTIL JULY 24, 2025
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C. Notice of Intent- Waiver Required: Pre-January 1st Submissions

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

Action:	CONTINUED UNTIL JULY 24 TH
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2. The Summer House of Nantucket Realty Trust- 10 & 16 Ocean Avenue (73.2.4-15, 23, & 21) SE48-3824

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer
Recused:	Turcotte, Williams
Representatives:	Art Gasbarro, Nantucket Engineering & Survey, P.C Valerie Moore, Nutter, McClennen & Fish, LLP Stan Humphries, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Willa Arsenault- Nantucket Land and Water Council Danielle DeBenedictis, Trustee of The Summer House of Nantucket Realty Trust
Discussion: (00:03:45)	Moore

	- Provided several supplemental materials in order to seek permission solely to remove portions of the deck and to relocate an existing shed. - Our position remains that this is not a jurisdictional activity for the request for dining in the dunes. - This activity predates both the Wetlands Protection Act as well as the Bylaw and has submitted an affidavit from Tracy Root and John Shae who are longtime island residents. - Submitted a supplemental report from Coastal Geologist, Stan Humphres that demonstrates how dining in the dunes complies with all the performance standards in the Wetlands Protection Act. Humphries - Reviews the letter that was submitted to the Commission. - A site visit was conducted on June 27, 2025, to compare an unused area just south of the proposed area to differentiate the difference in function, primarily between the frontal dune seaward and a secondary dune. - There's a negligible value to the dune stability in the photos that were provided. - There is no evidence that the project may already be degrading the dune structure. Gasbarro - Echoes Humphries comments and our observations that we surveyed for you the edge of the bare sand area, which is shown on the plan. Engelbourg - Appreciated the letters that came in documenting the historic use of the site, but the threshold that we're looking at is more specific than the argument that that it's "just been used before the Act or the Bylaw". - We need to definitively prove that the use has been in continuous use since before those dates, it hasn't been abandoned for any period of 5 years or more. - If it has been abandoned for that amount of time, then the pre-existing use waiver shall not apply according to our regulations. Arsenault - Stand by the concerns that were outlined in NLWC's earlier letter. - Respectfully asks the Commission to consider the broader implications of finding this type of commercial use to be permissible in sensitive areas like this. - Something like this could include a waiver and approved by the Commission which allows more oversight. DeBenedictis - Goes into detail of the history of the property and attests that the property had been in continuous use prior to the Wetlands Protection Act and the Bylaw. Engelbourg - Requests DeBenedictis to compile all the information that was presented along with Affidavits, pictures, aerial imagery, and any other supplemental documentation. - We need records from every year from 1972-2025 that demonstrate the function of dining in the dune took place in order to say that this qualifies as pre-existing use.
Action:	CONTINUED UNTIL AUGUST 7, 2025

3. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869

Action:	CONTINUED UNTIL JULY 24 TH
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D. Notice of Intent- Waiver Required

1. *Sankaty Golf Club, Inc- 18 Hoicks Hollow Road (23-9) SE48-3911

Action:	CONTINUED UNTIL JULY 24 TH
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2. *Wilner- 16 Codfish Park Road (73.2.4-11) SE48-3912

Action:	CONTINUED UNTIL JULY 24 TH
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E. Amended Orders of Conditions- No Waiver Required (none)

F. Amended Orders of Conditions- Waiver Required (none)

IV. Public Meeting

A. Orders of Conditions/ Amended Orders of Conditions- No Waiver Required (none)

B. Orders of Conditions/ Amended Order of Conditions- Waiver Required (none)

C. Orders of Conditions/ Amended Orders of Conditions- Waiver Required: Pre- January 1st Submissions (none)

D. Request for Determination of Applicability- Delineation Only (none)

E. Request for Determination of Applicability- Work Requested (none)

F. Minor Modifications (none)

G. Certificate of Compliance

1. MUL 25 LLC- 25 Willard Street (29-33) SE48-3503

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Mart Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:21:08)	Rits - The work has been done in compliance with the Order
Action:	Motion to issue COC with ongoing conditions #20 & 23 (Made by: Turcotte) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte (aye) Williams (recused)

2. South Slip LLC- 29A Old North Wharf (42.3.1-225.3) SE48-3892

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	---
Representatives:	Art Gasbarro, Nantucket Engineering & Survey
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:23:18)	Gasbarro - The work has been completed in substantial compliance with the Order.
Action:	Motion to issue COC with no ongoing Conditions (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

3. Kaytes- 14 Bassett Road (26-41) SE48-3016 & SE48-1292

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	---
Representatives:	Kevin Dale, Beaudette & Swain LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:24:35)	Dale - Requesting both COC be issued as the work was in compliance.

Action:	Motion to issue COC with ongoing Condition #20 for SE48-3016 and Ongoing Condition #18, 19, 21, & 24 for SE48-1292 (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

H. Extension Requests (none)

I. Other Business

1. Approval of Minutes (none)

2. Monitoring Reports – None

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

CRAC:	Braine - No report
CPC:	Schafer - No report
NP&EDC:	Misurelli - No report
Harbor Plan	Williams - We're going to have a final version of the plan in a couple of weeks.

4. Commissioner's Comments

Discussion: (00:28:53)	Misurelli - The Agenda and Minutes portal is challenging and will probably take Will up on the tutorial. Dell'Erba - They are planning on making it so there's clickable links for each filing. Engelbourg - We'll have to committee appointments and officer elections at the next meeting.
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4. Enforcement Actions

Discussion: (00:32:40)	Dell'Erba - We're going to send a letter to Maria Mitchell before we issue an Enforcement Order for 33 Washington Street. We will inform them of the violation and request the tent be taken down. Engelbourg - We're sending a letter of notification to Maria Michelle due to needing more clarification on what constitutes temporary status of a tent. - Our regulations don't explicitly really say so we need to have this discussion at our next regulatory update. Dell'Erba - Pucci has issued his thoughts on how to go about the civil penalty process for 14 Plover Lane, and I'll forward it along by email. - Pucci is recommending putting it in the Order of Conditions along with a demand letter.
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6. Administrator/Staff Reports

Discussion:	none
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Adjournment:

Motion:	Motion to adjourn at 5:37pm. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte. (aye)

Submitted by:

Lisa Graves