



CONSERVATION COMMISSION MINUTES

131 Pleasant Street

Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, July 24, 2025 – 5:00 p.m.

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

<https://youtube.com/live/G88q18PNJFA>

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: Will Dell'Erba, Conservation Agent

Attending Members: Engelbourg, Braine, Misurelli, Schafer, Plandowski, and Turcotte. Williams arrived at 5:03pm

Absent Members:

Members Left Early: -

I. Acceptance of the Agenda

Motion	Motion to accept Agenda (Made by: Williams) (Seconded by: Misurelli)
Vote	Vote Carried: 7:0 Engelbourg, Braine, Misurelli, Schafer, Plandowski, Turcotte & Williams (aye)

II. Officer Appointments

Discussion: (00:02:49)	Misurelli seeks nominations for Chair and Vice Chair Williams nominates Engelbourg as Chair
Action:	Motion to nominate Engelbourg as Chair (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Discussion: (00:03:50)	Williams nominates herself as Vice Chair
Action:	Motion to nominate Williams as Vice Chair (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

III. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:04:37)	none
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IV. 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 AUGUST 7 TH
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2. *Nantucket Islands Land Bank- 41 Jefferson Avenue (30-45) SE48-3910

Action:	CONTINUED UNTIL AUGUST 7 TH
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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 AUGUST 7 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

Action:	CONTINUED UNTIL AUGUST 7 TH
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3. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives:	Brian Madden, LEC Environmental
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:06:22)	Madden - Reminds Commission of the proposed project involving the relocation of an existing fence. - There was an onsite visit with a few Commissioners on Tuesday, July 22nd and shared photos. - The fencing would be along the 50-foot buffer from a Bordering Vegetated Wetland but a few areas that are requested involve some encroachment into the 50 feet. - There is between 90 to 100 foot plus migratory quarter between the lawn edge and proposed fence location at Tom Nevers Pond. Misurelli - It's not really our mission to stop deer from encroaching on people's properties, but more for wildlife considerations. - I wasn't concerned about the portion of fence going around the pool area but it's showing to be about 5 or 6 places so I think if it's considered we should tighten up some of the other lawn areas as a give back. Turcotte - There are no structures along the 50-foot buffer zone and no support in allowing it inside the 50. Williams - I am concerned as it's running along the easement along the public access. - Not in favor of being on the outside of the vegetation. Madden - Refers to the site plan to show where the proposed fencing will encroach over the 50-foot buffer zone. - Between 5 to 10 feet is not going to have a material impact on deer migration through this property. Williams - When I observed this property, the fence was right along the path. Madden - Confirms the current location of the fence as being closer to the path but will be removed and replaced as referenced on the plan for the application. Williams - I can support where the fence is proposed to go now as you're moving it away from the pond. Engelbourg - Reminds the Commission of the waiver that's being requested by the applicants. - We have to determine whether having the fence in that 50-foot buffer zone will have an adverse impact and determine if there's a reasonable alternative. - Thinks there are plenty of reasonable alternatives. - Could never support this current location for the fence in the middle of the property. - Details alternative ways to accomplish deer protection.

	- The adverse impacts exist but minimal and reasonable alternatives exist and are expansive. Schafer - Agrees that the adverse impacts are minimal and understands why the fence could need some encroachment over the 50-foot buffer as the applicant will need walkaround where the area is tight. Braine - Agrees that there is a compromise that needs to be made, the fence doesn't need to be that far inside of the 50-foot buffer zone. Madden - Mentions he would like to circle back to the applicant and see if some compromise can be made.
Action:	CONTINUED UNTIL AUGUST 7 TH

D. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL AUGUST 7 TH
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2. *Wilner- 16 Codfish Park Road (73.2.4-11) SE48-3912

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:22:18)	Madden - The proposed project involves an addition to the existing cottage and a septic upgrade. - The addition itself is replacing an existing patio, retaining wall, and some lawn landscaping. - The existing septic system is a leach pit servicing the home and cottage which will be upgraded to a title 5 compliance system. Braine - It's a pretty small addition and thinks that the improvement of the septic is a benefit. Engelbourg - Reminds the Commission that a primary function that should be seeking to protect is the landward and lateral migration of a Coastal Dune. - I think in this case there's going to be a lot of bigger problems if the Coastal Dune migrates off past Codfish Park Road, as there will be no access to the house anymore. - Emphasizes that the Commissioners should really be reading those waiver requests when they come in and make sure that we're not applying them to all cases. Madden - Agrees and is always hesitant on requesting the waiver as he understands that Codfish Park is the sole access for the homes located there.
Action:	Motion to close (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte (aye) Williams (recused)

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

1. Wilner- 16 Codfish Park Road (73.2.4-11) SE48-3912

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:28:46)	Dell'Erba presents the item and amends the document to include Condition # 22 & #23 for restoration plantings and nonuse of fertilizer.
Action:	Motion to issue OOC as Amended (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte (aye) Williams (recused)

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

1. *McMahon- 59 Starbuck Road (59.3-176) (Gasbarro)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams
Recused:	----
Representatives:	Art Gasbarro, Nantucket Engineering & Survey
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Jasmine Alcantara, Abutter
Discussion: (00:31:56)	Gasbarro - Reviews the application for an upgrade to the septic system within the buffer zone to a Coastal Bank. Alcantara - Has concerns specifically with the resource area boundary that the plan demonstrates. - There is potential trespassing issues that revolve around the driveway between the two lots. Engelbourg - Mentions that this matter is outside the jurisdiction of the Commission and that the matter will have to be resolved elsewhere. Alcantara - Goes into detail on the concerns about the disruption to Long Pond. Dell'Erba recommends issuing the RDA with a -3 & 2A determination
Action:	Motion to issue RDA with a -3 & 2A Determination. (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

F. Minor Modifications (none)

G. Certificate of Compliance

1. Eloise Nominee Trust- 5 Sandy Drive (29-74) SE48-3456

2. Eloise Nominee Trust- 1 & 5 Sandy Drive (29-73 & 74) SE48-3624

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	----
Representatives:	Don Bracken, Bracken Engineering Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.

Public Comment:	There were no public comments.
Discussion: (00:37:10)	Bracken - SE48-3456 was to remove the structures and revegetate the area - SE48-3624 was to replace a new house in the current location. - Everything was done according to the plans other than minor modifications that serve as a net benefit.
Action:	Motion to issue both COCs with no ongoing conditions (Made by: Plandowski) (Seconded by: Williams)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. White Elephant Hotel Residences LLC- 19 North Water Street (lot 11A) (42.4.2-3)

4. White Elephant Hotel Residences LLC- 19 North Water Street (lot 7) (42.4.2-3) SE48-3739

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	---
Representatives:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:40:49)	Santos - This was the development of two residential lots within Land Subject to Coastal Storm Flowage. - The as built plans, plantings, and grades are all in compliance with the original Order of Conditions for both projects.
Action:	Motion to issue both COCs with no ongoing conditions (Made by: Schafer) (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. Committee Appointments

Discussion (43:25)	Everyone agrees to continue with their current committee appointments
Action:	Motion to continue with current appointments (Made by: Braine) (Seconded by: Williams)
Motion:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

CRAC:	Braine - CRAC is down to one meeting a month through September
CPC:	Schafer - No report
NP&EDC:	Misurelli - No report- Next meeting is coming up on July 28th
Harbor Plan	Williams - We moved the public meeting until August 14th due to quorum. - They're almost done with the final draft, which will be sent to the stakeholders.

5. Enforcement Actions

Discussion: (00:45:30)	14 Plover Lane Dell’Erba - We’re continuing until another two weeks due to Wood drafting up language for a deed restriction for Pucci to review. Engelbourg - We have received a written request from Wood to continue until August 7th. Maria Mitchell - Dell’Erba sent a letter, and he heard from their attorney earlier this morning. - They’re willing to go through the permitting process, and we are discussing the next steps to what is most appropriate.
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6. Administrator/Staff Reports

Discussion:	none
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Adjournment:

Motion:	Motion to adjourn at 5:49pm. (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte. (aye)

Submitted by:
Lisa Graves