



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, August 7, 2025 – 5:00 p.m.

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

<https://youtube.com/live/FK2lgV--FyQ>

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, Turcotte. Williams arrived at 5:06pm

Absent Members: -

Members Left Early: Williams left at 6:23pm

I. Acceptance of the Agenda

Motion	Motion to accept Agenda (Made by: Plandowski) (Seconded by: Schafer)
Vote	Vote Carried: 6:0 Engelbourg, Braine, Misurelli, Schafer, Plandowski, Turcotte (aye) Williams (abstained)

II. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:58)	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 AUGUST 21 st
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2. *Nantucket Islands Land Bank- 41 Jefferson Avenue (30-45) SE48-3910

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	----
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	none
Discussion: (00:04:53)	No Commissioners or members of the public wish to continue to review this matter.
Action:	Motion to close (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried: //7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

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 21 st
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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 SEPTEMBER 4 TH
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3. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869

Action:	CONTINUED UNTIL AUGUST 21 ST
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D. Notice of Intent- Waiver Required

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Leo Asadoorian, Blackwell & Associates
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:17:23)	There was no representative for the project.
Action:	CONTINUED UNTIL AUGUST 21 ST

2. *Nantucket Conservation Foundation- Coatue (16-5 & 5.2) SE48-3914

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: (00:07:07)	Gasbarro - Describes the proposed project for the relocation of an existing structure as it's getting close to the edge of the water at this point. - We believe that both environmental and functional interests are best served by relocating the structure before it's in danger. - We would leave the existing boardwalk and set of stairs where they currently are and add a connector piece to the screened porch that would allow access to what would become a restored and vegetated area to the Coastal Beach. - We would like to put in a couple of anchored fiber rolls in that the sand could rest against and plant with American Beach grass. - Once we monitor, provide reports to the Commission, and once it's established remove those coir logs from that area. - The applicant is also proposing an elevated observation platform to help with the ranger function in this area to the west. - We are planning to access the site with some equipment along the beach tracks and install symbolic fencing, depicted on the plan. - We are waiting for a review by Natural Heritage so we will be requesting a continuance on the matter. Misurelli - Ask if there is a height of the elevated observation platform and the design structure. Gasbarro - I can follow up with design on that, but we haven't established it yet. - Elevation grade would be about 8-10 ft. Engelbourg - Not against the elevated platform but is it possible to have it relocated to where the structure would be in order to have all the structural elements in the same area? Gasbarro - We can discuss, analyze that option and get back to you either with a relocated position or further justification for the position as shown.
Action:	CONTINUED UNTIL AUGUST 21 ST

E. Amended Orders of Conditions- No Waiver Required

1. *East Lincoln Avenue Realty Trust- 16 Walsh Street & 2 East Lincoln Avenue (42.4.1-50) SE48-3906

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
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Recused:	-----
Representatives:	David Haines, Haines Hydrological
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:17:42)	Haines is unable to attend via phone as there are technical issues.
Action:	CONTINUED UNTIL AUGUST 21 ST

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

IV. Public Meeting

A. Orders of Conditions/ Amended Order of Conditions- No Waiver Required

1. Nantucket Islands Land Bank- 43 Jefferson Avenue (30-45) SE48-3910

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:19:45)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

B. Orders of Conditions/ Amended Order of Conditions- Waiver Required

1. ACK TU LLC- 14 Plover Lane (12-53) SE48-

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Brian Madden, LEC Environmental Inc. George Pucci, KP Law Glenn Wood, Ruben & Rudman LLP
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:22:09)	Dell'Erba - The Commission is in receipt of a proposed deed restriction from the applicant's attorney, Wood. - Town council, Pucci was able to review it and recommends that we accept the terms with some added standard language to reference the deed in Order. Engelbourg - There was a request to add the Commissioner's signatures to the deed restriction that it's been accepted with a notary acknowledgement. - The deed restriction, as written, is legally sufficient and would be enforced in perpetuity on the basis of Mass General law as long as it's held by the Commission. - We have been advised by Town Council to add to the Order of Conditions that indicates that the civil penalty has been assessed and agreed upon in the amount of \$11,100. - We will need to establish if the civil penalty could go into a conservation purpose rather than just the general fund, which we won't need at this moment. Turcotte - Asks Pucci how they're going to keep tabs on this property moving forward. Pucci - We did opine on the general fund issue and don't see any way that the civil penalty would not go into the general fund. - In terms of monitoring and compliance, you're only going to be able to do it the way you normally would. Turcotte

	- This is why I believe this is an inferior option to the Conservation restriction as we would be allowed and required to go onto the property.
Engelbourg	- We would legally be required to inspect the property on an annual basis.
Schafer	- Asks if the applicant will be required to report on this anyway for at least the first three years.
Engelbourg	- Confirms that while the Order of Conditions remains open, we retain the rights to go onto the property and ensure that they're in compliance to the Order. - After that time, the only way we can know if a violation has happened is through a report from an abutter or by viewing it from a public way. - Agrees with Turcotte that a Conservation restriction is a stronger, long-term solution but it's up to us to determine if that solution is required in this case or not.
Pucci	- The Conservation Restriction is an option but, in my opinion, it's above and beyond for this situation. - When the applicant is complying with the Order and they eventually seek a Certificate of Compliance, you have the right to make sure that the remediation is done.
Engelbourg	- Mentions that the process of a conservation restriction is much more difficult than just accepting this deed restriction. - Details the process of whether a violation exists under Order with a deed restriction.
Braine	- Thinks that the effort of going through a Conservation Restriction is a little bit more than necessary.
Misurelli	- Is satisfied with following the advice of Town Council to accept the deed restriction with the reason that it's going to be in perpetuity.
Plandowski	- Supports the deed restriction approach.
Turcotte	- The deed restriction is going to be attached to this property but is going to be just like the Wetlands Protection Act and Bylaw which was violated before. - The only way to be sure is to go there once a year with the rights of a Conservation Restriction, otherwise we're essentially just adding to the language that tells them what not to do.
Plandowski	- There are still 75 mature trees still standing on that property, so they weren't cut down and I think it's important to note that.
Engelbourg	- Major violations and losses to ecosystems services were caused by this event. - I don't think this process would get harder with a Conservation Restriction.
Pucci	- We recommend taking a formal vote on the deed restriction.
Dell'Erba presents the Order	
Misurelli	- Asks if Dell'Erba can include a condition involving the deer fence being removed.
Wood	

	- Wood agrees with Pucci that the use for a Conservation Restriction here is radically overblown. - Our client has made full mitigation, ready to pay a fine and there's going to be a deed restriction on the property which is going to be existing to anyone that owns the property. - When we come back for COC, if you feel the need to add an annual inspection, you're able to put it in there. - We can revise the section with signatures by next week. Engelbourg - If we want to set up any future commission for the opportunity of having perpetual site evaluations or monitoring reports, we need to change the language in Condition #23 says. Pucci - You can vote on the Order of Conditions and accept the deed restriction.
Action:	Motion to formally accept the proposed deed restriction (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:1 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Williams (aye) Turcotte (nay)
Action:	Motion to issue OOC as Amended (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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. *Nantucket Islands Land Bank- 55 Warrens Landing Road (38-30)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Jasmine Alcantara, Abutter
Discussion: (01:01:11)	Phelps - Application involves the removal of dead wood which contains a trail system, parking lot and dinghy storage. - Most of the proposed work is outside the 100-foot buffer zone to the resource areas, but we may want to do a bit between 50-100 if we find that it's feasible. Dell'Erba recommends issuing the RDA with a -2 & -3 determination
Action:	Motion to issue RDA with a -2 & -3 Determination. (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

F. Minor Modifications

1. Nantucket Islands Land Bank- 70, 72, & 74 Washington Street (42.2.3-16, 17, & 18) SE48-3907

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:04:39)	Phelps

	- The approved project involves pruning of a groundsel shrub which the Order required the applicant to provide a vegetation management plan as a minor modification.
Action:	Motion to Issue the Minor Modification (Made by: Williams) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. 72 Pocomo Nominee Trust- 72 Pocomo Road (15-37) SE48-3754

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: (01:06:40)	Madden - Modifications include updated landscaping details which adjust the limit of work and proposed edge of disturbance.
Action:	Motion to Issue the Minor Modification (Made by: Braine) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

3. 36 Lily Street LLC- 36B Lily Street (42.4.3-94) SE48-3597

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: (01:08:24)	Madden - Minor revisions as depicted on the site plan include some minimal adjustments to the footprint of the single-family home. - The orientation/configuration of the porches, entryways, and an extension of a stone walk on the west side of the property. Engelbourg - The Commission at the time was very adamant about the need to have that reinforced grass driveway for the appropriate drainage and wetland functions with the associated Lily Pond wetland in the area. - I'm not personally comfortable and would like to see if the applicant is willing to reestablish the gravel with the grass pave. Turcotte and Schaffer support Engelbourg's opinion. Madden - The turnout we're talking about is the extension into the way. - If the majority of the Commission would like to see that converted back to the original approval, being the reinforced grass turnout, we can certainly remove it from the minor modification request.
Action:	Motion to Issue the Minor Modification (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

G. Certificate of Compliance

1. Stark Point LLC-16 Easton Street (42.1.4-11) SE48-3566

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	----
Representatives:	Chloe Coggins, Nantucket Surveyors

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:13:20)	Coggins - All work has been completed in compliance.
Action:	Motion to issue both COCs with no ongoing conditions (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Nyland & Logue- 93 Sankaty Road (49-182) SE48-3639

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	Misurelli
Representatives:	Chloe Coggins, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:15:53)	Coggins - Everything was completed- one thing to note is the existing outdoor shower, as shown on the plan, has slightly shifted to the west facing side.
Action:	Motion to issue both COCs with ongoing conditions #20 & #21 (Made by: Schafer) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye) Misurelli (recused)

H. Extension Requests

1. Nantucket Islands Land Bank- 17 Commercial Wharf & New Whale Street (42.2.4-7 & 8) SE48-2885

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:18:10)	Phelps - The permit was to repair and restore an existing stone revetment, install a gang way and floating dock, boardwalks, landscaping, grading, and associated work on the property. - The applicant is requesting an extension of one year with an expiration of September 11, 2026.
Action:	Motion to Approve the one-year Extension (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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 - There is a big community meeting coming up in August.
NP&EDC:	Misurelli - There was a safe streets presentation on Monday and we elected new officers.
Harbor Plan	Williams - We have a final draft and a public forum on August 14 th .

	- The comment period for the public goes until August 31 st .
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3. Enforcement Actions

Discussion: (01:22:50)	none
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4. Commissioner's Comments

Discussion:	Schafer will not be in attendance for the next meeting.
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6. Administrator/Staff Reports

Discussion:	none
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Adjournment:

Motion:	Motion to adjourn at 6:25pm. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte. (aye)

Submitted by:
Lisa Graves