



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, September 18, 2025 – 5:00 p.m.

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

<https://www.youtube.com/watch?v=oOV7fM9Lixw>

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, Misurelli, Plandowski, Schafer, Turcotte. Williams arrived at 5:21pm
Absent Members: Braine
Members Left Early: Schafer left at 5:50pm

I. Acceptance of the Agenda

Discussion: (00:01:08)	Engelbourg - I have also another matter that we have to discuss on the agenda. We have the filing for Town of Nantucket, Baxter Road Relocation. Upon my review of the file that was submitted to us, we don't have all the appropriate information needed to accept this application. - There are signature pages missing from the applicant therefore we need this stricken from the agenda. Vince Murphy, Natural Resources Department - Some of the people within the construction corridor have not given permission or have changed their mind, which is their right, to participate in this project. - It's only a small number out of the 22 different parcels that we really need permission. - What we intend to do, if we have permission then we can undertake the takings for those that want to participate. - I would request that you in fact open the hearing so that we can proceed with the hearing and this will let us understand if we can proceed or not. - This is a cost saving measure so that town wouldn't have to go through the procedure of doing takings. Engelbourg - Although I do greatly appreciate this project coming in before the Commission and wish to see this project move forward as soon as possible, from a regulatory standpoint we are not able to open the hearing. Misurelli - I understand what Engelbourg is saying, but at the very least we should talk to town council in the near future to understand further what our options are and where we can go from here. Dell'Erba - It would have been in the public interest to have this discussion earlier without having to have the consultants to this meeting and waste time and money. I would like to open the hearing and hear the presentation, but at the end of the day it's up to the Commission. Engelbourg - It's not a question of do we want to hear it, but do we have the actual capacity afforded to us in the Wetlands Protection Act to do that. Vince - The town needs to understand the footprint so we know what to take for those that do not want to participate and to benefit the remaining property owners who will all keep their water and sewer access.
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	- There is an overriding public benefit and interest in this project and we need to get this retreated. Schafer - There has to be some guidance here to what we can and can't do legally and can't overstep our boundaries. Engelbourg - We are awarded town council for these purposes, and I think we should reach out to them. - Notes section 10.054A from the Wetland Protection Act which presides over this. - We're not going to open this without town council's opinion.
Motion:	Motion to request Commission Staff to contact Town Council to advise Commission on SE48-3921 (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)
Motion:	Motion to strike the Baxter Road Relocation SE48-3921 from tonight's agenda (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Vote Carried: 5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)
Motion:	Motion to accept the agenda as Amended (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)

II. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:16:43)	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

Discussion: (00:17:22)	Engelbourg - As a reminder, we vote these as a block if there's nobody who wishes to open them. Commissioners and Public don't see a need to open these SE48-3922
Action:	Motion to close SE48-3922: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)

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

Action:	CONTINUED UNTIL OCTOBER 2 ND
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2. *ACK007 Properties LLC- 46 Walsh Street (29-101.1) SE48-3922

Action:	Motion to close (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)

3. *Maloney- 15 Old North Wharf (42.3.1-26) SE48-3924

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Arthur Gasbarro, Nantucket Engineer & Survey Arthur Reid, Reid, Gullicksen, Hanley P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Sarah Alger, represents The Old North Wharf Cooperative Nancy Mitchell, Homeowner of 10 Still Dock
Discussion: (00:19:16)	Gasbarro - Described the proposed project of lifting the existing dwelling, renovating it, increasing the height, and putting a new foundation within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank.

	Schafer - Asks if the stairs are going to impact the neighbors Reid - The Way was a pertinent to a life estate which has since expired therefore, there are no existing rights of others in that right of way. Turcotte - Wanted to open it to members of the public. Engelbourg - There have been multiple letters submitted for public comment specifically related to registered land issues and issues with interference in the Way and I believe personally that a lot of that is outside of our jurisdiction. Alger - Asks if under the Commission's regulations that all other required relief from other boards had to be applied for before the Conservation Commission application could be filed. - Believes this application, as being a pre-existing, non-conforming structure on a pre-existing non-conforming lot will require a special permit from the zoning board of appeals and it hasn't been applied for. - Asks why a waiver wasn't required for this particular case, doesn't see a first-floor elevation shown, and it's unclear how high this building is going to be raised. - The plan should be revised to show where the flood vents are and what the elevations are. - There is a lot of information that the Commission should see before it approves this application. Engelbourg - Your reference to the requirement that all other permitting that is required to be applied for or obtain is true. Gasbarro - We can review the letter that was submitted to the Commission. - From the concerns that were raised, I'm not sure what waiver would be required in this particular case. - Can provide the foundation plan which will include the flood vents and notes the pages in the application where a HDC plan includes the height changes but could clarify that a bit more for the concerned abutters. Mitchell - Notes the Way that's the property boundary between the two properties on the plan. - The scope of the project is not reflected in this application as it doesn't show what's going on in the ground over the right of way area. - If this application is granted, our right of access would be cut off. Engelbourg - With respect, any of the issues relating to access to the right of way or any of the land court filings or disputes over those filings are not within our jurisdiction. - As your comments on the physical attributes of the structure that's being proposed, it's something we can refer to the representative to provide. Schafer - Requests Gasbarro to provide other plans and supplemental information.
Action:	CONTINUED UNTIL OCTOBER 2 ND

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 OCTOBER 2 ND
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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 OCTOBER 16 TH
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3. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869

Action:	CONTINUED UNTIL OCTOBER 2 ND
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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 OCTOBER 2 ND
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2. *Robert F. Greenhill Revocable Trust- 16 Hoicks Hollow Road (23-1) SE48-3917

Action:	CONTINUED UNTIL OCTOBER 2 ND
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3. Walpow- 5 & 7 Arbour Way (29-159 & 160) SE48-3920

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
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: (00:34:34)	Haines - Describes the proposed application for the existing developed lot which the applicant is requesting to do repairs to the swimming pool, reconfiguration to the existing patio, a small addition to the dwelling, and landscaping including invasive species removal. - The project requires waivers due to work within 2ft of the water table, structures within the 50 ft buffer, and vegetation work within the 25ft buffer zone. Misurelli - What is the granite patio reduction versus the addition to the patio that the applicant is proposing? Haines - We're reducing the patio inside the 50-foot buffer zone about 346 square feet and we're adding 18 square feet. There is an overall reduction in the patio. Turcotte - Asks if the red maples were there or if they were planted. Haines - They were part of original landscaping plan. - They're damaged with disease so they're getting replaced with Tupelos and Holly. Dell'Erba - Confirms that the maples are not in great condition. Haines - We're not removing the stumps of the red maples that we're taking out and there will be no significant regrading of the property.
Action:	Motion to close: (Made by: Misurelli (Seconded by: Williams))
Vote:	Carried://6:0 Engelbourg, Misurelli, Plandowski, Schafer, Turcotte and Williams (aye)

4. *Fredric C. Slater 2012 Revocable Trust- 113 Eel Point Road (32-2) SE48-3923

Sitting:	Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg, Misurelli
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: (00:45:16)	Gasbarro - Describes the proposed project to supplement some bare areas on a Coastal Bank with beach grass.

	- The plan is to naturally revegetate some areas of the bank without the placement of sand. - Notes the stabilization project done by others on the abutting property which were placed over the property line, which the applicant hopes to remove those materials of the sand filled coir envelopes. Schafer - Asks Gasbarro what waiver they are requesting for this project. Gasbarro - The activity for both the removal and we used the section on the basis of long-term net benefit improvement since it's just plants. - We are waiting on a review from Natural Heritage so will be requesting a continuance.
Action:	CONTINUED UNTIL OCTOBER 2 ND

E. Amended Orders of Conditions- No Waiver Required

1. *Charles A. Ernst III Realty Trust- 166 Cliff Road (41-69) SE48-3864

Sitting:	Engelbourg, Misurelli, Plandowski, Turcotte, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:51:30)	Rits - A significant redevelopment project was approved on the property, and the new owner would like to reconfigure things slightly. - The portion of the driveway withing the 50-foot buffer zone is going away and the reduction of the amount of structure inside the 100-foot buffer zone. - The tennis court will also have a retaining wall which will be sunken into the ground with internal drainage so there won't be any runoff.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

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

IV. Public Meeting

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

1. ACK007 Properties LLC- 46 Walsh Street (29-101.1) SE48-3922

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (00:53:59)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

2. Charles A. Ernst III Realty Trust- 166 Cliff Road (41-69) SE48-3864

Sitting:	Engelbourg, Misurelli, Plandowski, Turcotte, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:55:49)	Dell'Erba presents the item and adds a hyphen
Action:	Motion to issue close as Amended (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

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

C. Orders of Conditions/ Amended Orders of Conditions- Waiver Required

1. *Wolpow- 5 & 7 Arbour Way (29-159 & 160) SE48-3920

Sitting:	Engelbourg, Misurelli, Plandowski, Turcotte, and Williams
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: (00:58:05)	Dell'Erba presents the item Williams request Condition #27 not be bold Engelbourg requests to add fertilizer condition #28 and Condition #29 for annual reports
Action:	Motion to issue OOC as Amended (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

D. Request for Determination of Applicability- Delineation Only

1. *Falls-Aronchick- 10 Meadow View Drive (56-146)

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (01:03:22)	Santos - The property isn't within the flood zone and is not mapped with priority habitat or rare species on the site. - There is no work proposed at this time, and it is simply a request to confirm the delineation of the resource area. Dell'Erba recommends a +2A Determination
Action:	Motion to issue the RDA with +2A Determination (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

E. Request for Determination of Applicability- Work Requested

1. *Starboard and Port LLC- 12 Baltimore Street (60.2.4-75)

Sitting:	Engelbourg, Misurelli, Plandowski, Turcotte, and Williams
Recused:	-
Representatives:	Ryan Maxwell, Bracken Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:06:38)	Maxwell - This application is for the relocation of a main dwelling and the raising and rebuilding of a secondary dwelling with a septic system upgrade. - The majority of this work falls outside of the 100-foot buffer to a Coastal Bank other than some re-grading and a water service connection. Dell'Erba recommends a -3 Determination
Action:	Motion to issue the RDA with -3 Determination (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

F. Minor Modifications

1. 34B Walsh Street Nominee Trust- 34B Walsh Street (29-104) SE48-3586

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (01:08:45)	Madden - This was a canal lever4ed porch over the 50-foot buffer zone, which has been eliminated and it's more simplified to an addition on the north side of the dwelling, away from the resource area. - The site plan also shows the relocation of utilizes and an outdoor shower.
Action:	Motion to issue the Minor Modification (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried://4:0 Engelbourg, Misurelli, Plandowski, and Turcotte(aye) Williams (recused)

2. Penant Realty, LLC- 5 Coskata Course Way (14-14.1) SE48-3838

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (01:11:04)	Madden - Thinks it was approved at the last meeting. Dell'Erba and Engelbourg confirm that it was.

G. Certificate of Compliance

1. Clausson- 30 Eel Point Road (40-153) SE48-3201

Sitting:	Engelbourg, Misurelli, Plandowski, Turcotte, and Williams
Recused:	-
Representatives:	Joseph Marcklinger
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:12:05)	Dell'Erba mentions that all work was done in compliance and there is no ongoing conditions.
Action:	Motion to issue the Certificate of Compliance with no ongoing conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

2. Cliffside 2 LLC- 3 Sherburne Way (30-39) SE48-1429

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (01:14:37)	Gasbarro - The area is stable and revegetated from the removal of the cottage with no impact on the resource area. Dell'Erba recites ongoing conditions #10, 11, 12, & 14 Engelbourg - Mentions that the Commission cannot be bound by those conditions. Gasbarro - Agrees with Engelbourg as the wetland boundary isn't clear. Engelbourg thinks that the Order can be closed out without any ongoing conditions.

Action:	Motion to issue the Certificate Compliance with no ongoing conditions (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

3. Kurland- 334 Madaket Road (60-141) SE48-3752

Sitting:	Engelbourg, Misurelli, Plandowski, 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: (01:20:24)	Gasbarro - All work was done in compliance with the Order. Dell’Erba mentions the continuance of the Lighting Condition
Action:	Motion to issue the Certificate of Compliance with ongoing conditions #20 (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

H. Extension Requests (none)

I. Other Business

1. Approval of Minutes

Discussion: (01:22:39)	none
Motion:	Motion to Approve Minutes from 06/05/2025 (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli Plandowski, Turcotte, and Williams (aye)

2. Monitoring Reports – (none)

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

CRAC:	Braine is not present
CPC:	Schafer is not present
NP&EDC:	Misurelli - The meeting for Monday September 22 nd is moved to September 29 th to accommodate Jewish holidays.
Harbor Plan	Williams - We are pretty close to a final draft due to including a plan for disability access. - We are going through the comments that were in the sidebar from the public meeting.

3. Enforcement Actions

Discussion: (01:24:50)	Dell’Erba nothing new or emerging Enforcements 14 Plover Lane Engelbourg - We closed out this Enforcement and the associated Notice of Intent related to this Enforcement quite a few meetings ago. - All we have left to do is to sign the deed restriction Dell’Erba presents the item on the screen and Engelbourg officially signs it.
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4. Commissioner’s Comments

Discussion: (01:27:04)	none
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6. Administrator/Staff Reports

Discussion: (01:27:18)	none
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Adjournment:

Motion:	Motion to adjourn at 6:28pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0 Engelbourg, Misurelli, Plandowski, Turcotte, and Williams. (aye)

Submitted by:
Lisa Graves