



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, October 16, 2025 – 5:00 p.m.

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

<https://youtube.com/live/rpCowd7NqLw>

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, Plandowski, Schafer, & Williams
 Absent Members: Turcotte
 Members Left Early: Williams at 6:26pm

I. Acceptance of the Agenda

Discussion: (00:00:53)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

II. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:01)	none
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III. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:3:32)	Engelbourg - Asks Commission and public if there is any interest in opening any of these applications up for discussion. Commissioners and Public don't see a need to open the following: - Hulbert Avenue Legacy Realty Trust- 69 Hulbert Avenue SE48-3928 - Hulbert Avenue Real Estate Trust- 9 Hulbert Avenue SE48-3929 - Haines requests to open Haffenreffer & Kiddler- 10 Blue Heron Way but will continue due to waiting on a review from Natural Heritage. - Engelbourg wishes to open 88 Pocomo Trust-88 Pocomo Road & 86PR Trust U/D/T- 86 Pocomo Road
Action:	Motion to close SE48-3928 & SE48-3929 (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

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

Action:	CONTINUED UNTIL OCTOBER 23 rd
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2. *ACK KODA, LLC- 42 Shimmo Pond Road (43-126) SE48-

Action:	CONTINUED UNTIL OCTOBER 23 rd
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3. *Hulbert Avenue Legacy Relty Trust- 69 Hulbert Avenue (29-6) SE48-3928

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Action: (00:05:52)	Motion to close made at 05:52(Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

4. *Hulbert Avenue Real Estate Trust- 9 Hulbert Avenue (29.2.3-3) SE48-3929

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Action: (00:05:52)	Motion to close: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

5. *Haffenreffer & Kidder- 10 Blue Heron Way (38-26.1) SE48-3931

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:06:24)	Haines - Reviews the proposed project of replacing an existing boardwalk which goes out from the property across from the Salt Marsh to a Barrier Beach along Madaket Harbor. - The replacement will be put up on helical piers, which will be installed by hand and will be raised above the Salt Marsh about 18 inches. - All work will be done outside of the resource area. There are no questions or comments from Commissioners or members of the public.
Action:	CONTINUED UNTIL NOVEMBER 6 TH

6. *88 Pocomo Trust- 88 Pocomo Road (15-33 & 42) SE48-

7. *86 PR Trust U/D/T- 86 Pocomo Road (15-41) SE48-

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:09:52)	Rits - The applications for 88 and 86 Pocomo Road are identical and were approved to be discussed together. - Both applications involve the construction of a coir fiber roll nourishment and planting array at the toe of the Coastal Bank. - The array design is essentially identical to what was previously permitted at 84 Pocomo Road which was recently extended down to 78 Pocomo Road. - The rolls will be anchored and covered with sand nourishment and planted with beach gras about 12-15 feet above the beach - The applicant is proposing to keep the wooden sand drift fence to provide both forms of sand capture and protection. Engelbourg - For a long time, the Commission found that the combination of the coir arrays and sand fencing met the definition of a coastal engineering structure. - The Commission needs to evaluate each property independently and see if we can determine if we see if these applications meet that definition as well. - Creating that type of array with another sand drift fence that will capture even more sediment is problematic for me. - Thinks that the sand drift fence needs to be removed or it needs to be waived as a coastal engineering structure. Schafer asks Rits if the fence is already there or if it is newly proposed to which Rits confirms it's currently there. Rits

	- We looked at the design plans of the neighboring property, which were approved earlier this year, with minor adjustments for the existing bank slope, but replicated the overall conceptual design. Engelbourg - There have been a few applications for this area in Pocomo with quite varied types of installations. - Thinks the Commission needs to consider the overall project history in this area and also whether that assembly of materials at that site is going to meet that definition. Rits - Understands that each property is evaluated independently, as it should but it's the same stretch of shoreline, approximately the same Bank height and slope, and same direction of facing shoreline. - The conditions as the sites are almost identical and recite a portion from the Order of the comparative property. Engelbourg - We're going to discuss next week if the combination is considered a coastal engineering structure at the October 23rd meeting. - We have found in many cases that using a coir by itself is not a coastal engineering structure, but we have found that it is when combined with some other type of material. - There are many examples of this Commission either finding or saying that they wouldn't approve projects for this type of array because it would have been considered a structure but there is this one example where this Commission did approve. - I think before we make a decision here we should look back on the permitting history of the whole neighborhood. Misurelli - Asks Rits to confirm the type of fence that is proposed to be installed. Rits - The fence will be in piles with rows of slats on 2 x 4 or similar that go horizontally across with a gap space of about 2 inches. Misurelli - Other than needing to have discussion on if it's considered a coastal engineering structure, I think the combination is good as if the coir rolls go down, they are caught by the sand drift fence. Engelbourg - There is nothing in the regulations for coastal engineering structures about coir arrays but mentions that multiple rows of fencing is considered a coastal engineering structure. Rits - The idea with combining the two methods is the coir rolls act as physical protection to the toe of the Bank and you have the nourishment on top with the planting to try to mimic a natural system. - The sand drift fence to help accumulate wind blown sand when conditions are conducive to that. You're getting some natural accumulation, some protection for the bank, and doing mitigation nourishment so the material that's not being eroded out is contributing to the system. Misurelli - If we determine that it's considered a coastal engineering structure and we need to apply a waiver, what's the downside of that? Engelbourg - There's no downside as long as the waiver can be justified.
Action:	CONTINUED BOTH APPLICATIONS UNTIL NOVEMBER 6 TH

B. 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 23 rd
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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 23 rd
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3. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3869

Action:	CONTINUED UNTIL NOVEMBER 6 th
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C. Notice of Intent- Waiver Required

1. Robert F. Greenhill Revocable Trust- 16 Hoicks Hollow Road (23-1) SE48-3917

Action:	CONTINUED UNTIL OCTOBER 23 rd
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2. *Nantucket Islands Land Bank- 2 Massasoit Bridge Road (59-14) SE48-3925

Action:	CONTINUED UNTIL OCTOBER 23 rd
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3. *Nantucket Islands Land Bank- 39 & 41 Almanack Pond Road (46-11.1 & 11.2) SE48-3926

Action:	CONTINUED UNTIL OCTOBER 23 rd
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4. *Ripley- 92 Washington Street (42.2.3-22) SE48-3927

Action:	CONTINUED UNTIL OCTOBER 23 rd
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5. *100R Wauwinet Trust- 100R Wauwinet Road (11-24.3) SE48-3930

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:28:26)	Madden - The work involves the reconstruction of the existing dwelling with deck reconfigurations surrounded by two Isolated Vegetated Wetlands on abutting properties along with a Coastal Bank that transitions to a Coastal Dune. - The applicant is proposing to mimic the existing crawl space foundation for the portion of the dwelling within the 100-foot buffer zone. While the proposed reconstruction occurs between the 50–75-foot buffer zone, it will be a net reduction in 212 square feet of the structural footprint. - On the south side of the property, the applicant is proposing a plunge pool with a patio pergola, fencing and lawn landscaping outside of the 75-buffer zone. - Reviews the mitigation plan which will require a waiver as work will be done within the 25-foot buffer zone. Schafer - Asks Madden to elaborate on the crawl space a bit more. Madden - The existing dwelling has a crawl space, and we are proposing to replace it as a demo and reconstruction. The crawl space will be for mechanicals and storage.
Action:	Motion to close: (Made by: Braine) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

6. *Scrambled LLC- 47 Hulbert Avenue (29-15) SE48-

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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: (00:37:21)	Coggins - This application is for improvements to the existing dwelling which includes replacement of the existing deck and the removal of existing structure which includes boardwalk and deck which will be done within Land Subject to Coastal Storm Flowage, Coastal Dune and the buffer to Coastal Dune and Coastal Beach. - Reviews the site plan configuration and the waiver requests to allow work within the 25-foot buffer zone to the Coastal Dune and within the Coastal Dune itself. Engelbourg - Doesn't agree with the assertion that 63 square feet of structure is going to be removed. 63 square feet of a single structure is to be removed but according to our current regulations, the thing that is being put there is also a structure. - The steps are being rebuilt slightly bigger and all the areas that have a variety of things there include porch, storage, and deck, which are mostly structural already. - If we do accounting based on what the wetlands regulations say, this site is going to have more structure in the rebuild plan. Coggins - The steps do seem a bit wider but specifically the porch and deck on the western side, that whole boardwalk goes up to the property line. They are proposing to completely remove 63 square feet on the western property line. - We haven't discussed landscaping yet, but I imagine it would be naturally revegetated in that area. Engelberg - Thinks that a site visit is warranted. Coggins - Reviews the photos that were submitted. - We need to continue anyway due to not having a DEP number, but we could set up a site visit prior to next meeting.
Action:	CONTINUED UNTIL NOVEMBER 6 TH

E. Amended Orders of Conditions- No Waiver Required

1. *7 Laurretta Lane LLC- 7 Laurretta Lane (14-53) SE48-3528

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:45:24)	Rits - The Amendment for a slight site reconfiguration of the garage and a cabana. We would like to take the footprint of those two structures and combine them into one 1,200 square foot building outside of the 50-foot buffer zone. - The applicant is also proposing a small 200 square foot shed on the northeast portion of the property.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

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

IV. Public Meeting

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

1. Pops Lane Holdings Trust- 3 Pops Lane (60.2.4-64.1) SE48-3830

Action:	CONTINUED UNTIL OCTOBER 23 RD
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2. Hulbert Avenue Legacy Realty Trust- 69 Hulbert Avenue (29-6) SE48-3928

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----

Representatives:	Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:50:55)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted (Made by: Braine) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

3. Hulbert Avenue Real Estate Trust- 9 Hulbert Avenue (29.2.3)-3) SE48-3929

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:52:16)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

4. 7 Lauretta Lane LLC- 7 Lauretta Lane (14-53) SE48-3528

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:54:06)	Dell'Erba presents the item Engelbourg requests to include Conditions # 27 & #28 involving agricultural chemicals and fertilizers and plantings with native species.
Action:	Motion to issue AOOC as Amended: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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 100R Wauwinet Trust- 100R Wauwinet Road (11-24.3) SE48-3930

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:49:01)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

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. Doherty ACK LLC- 4 Mariner Way (55.1.4-72) SE48-3512

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

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:57:14)	Coggins - The Order permitted the construction of a dwelling, garage, decking, driveway, and storm water improvements with landscaping, grading, and utilities within Land Subject to Coastal Storm Flowage and a buffer zone to an Isolated Vegetated Wetland. - Most of the work was completed other than the above ground pool. Dell’Erba - Everything has been done in compliance but will need to issue a Partial certification due to the incompleteness of the pool. Engelbourg - If they’re not planning on completing the pool and they want to close it out, we can issue a final Certificate of Compliance. Dell’Erba recommends issuing the Certificate of Compliance
Action:	Motion to issue a COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, (aye) Williams (recused)

H. Extension Requests (none)

I. Other Business

1. Approval of Minutes 06/26/2025, 07/10/2025, 07/24/2025, 08/07/2025

Discussion: (01:00:52)	Plandowski had questioned a comment on the Minutes for June 26 th , but it didn’t need editing.
Action:	Motion to Approve Minutes for 06/26/2025, 07/10/2025, 07/24/2025, & 08/07/2025 (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

2. Monitoring Reports – (none)

3. Discussion Items for October 23rd regulations meeting

Discussion: (01:03:15)	Engelbourg announces that the meeting will be held on Thursday, October 23rd at 5pm in the PSF Community Room at 4 Fairgrounds Road Engelbourg - Sent some discussion items over to Dell’Erba based on an email that he sent out requesting those. Plandowski - Turned two comments into Dell’Erba Dell’Erba - Everyone is more than welcome to submit anything over the next week. Schafer - Asks if we can do anything about the perpetual continuance requests. Engelbourg - Notes that there’s no regulations that we can change because the ability to continue comes directly from the Wetlands Protection Act. Dell’Erba - Mentions he would have to look into this but there is probably a way we could open up a secondary Enforcement Order for the applications that continue from the results of an issued Enforcement. Engelbourg mentions that if anyone has anything else they would like us to consider, please forward it over to Will and not to the full Commission.
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4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - The Commission had requested feedback from CRAC on 92 Washington Street Extension, but I will go into more detail about it when it's open at the next meeting. - The Committee was happy to have the dialogue open and invited property owners to come and talk.
CPC:	Schafer - We conducted four hours of interviews today and have been in touch with all the applicants now.
NP&EDC:	Misurelli - Our next meeting is on October 27th.
Harbor Plan	Williams - We voted to send the plan up to the state.

5. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:10:00)	10 & 16 Ocean Avenue Dell'Erba - We have had a continued Notice of Intent application in result of an Enforcement Order for over a year now. Williams - Reminds Commission that she is recused from any conversations in relation to the Summer House and agrees to be off camera and muted for now. Engelbourg - Reviews briefly what led to the submission of the Notice of Intent application and the events that have occurred through the filing, which include changes that have led to a long series of continuances with very limited hearings in between each meeting. - The violation which involves unpermitted structures that caused the Enforcement Order to be issued in the first place still exists today. - It's clear from the initial Enforcement Action and the subsequent Notice of Intent that these violations have not been solved. - The applicants have the right to request a continuance indefinitely, but they don't have the right to continue to have unpermitted structures or wetlands violations that go unmitigated. - We have the ability to Amend the Enforcement Order to somehow require an additional action or we could issue a new Enforcement Order. - It's better to have Enforcement resolved through a Notice of Intent because it's more a robust, open public process but they can be resolved directly through an Enforcement Order. - We should have a discussion if either of those options are warranted and direct staff to look into resources before us. Dell'Erba - There are huge benefits to the Notice of Intent process but it's also sometimes creating the problem because DEP push the Commissions to use the Enforcement Order process. Schafer - It was a few months ago when the Commission requested documentation on the prior use of the Dune, but it's been crickets ever since. Engelbourg - The Notice of Intent can stay active, but if we don't think it's catching anybody's vision, we can have alternate processes happen at the same time. - In addition to amending an Enforcement Order or creating a new one, we have a lot of other resources including issuing financial penalties, go through criminal proceedings, or ask DEP strike team to come.
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	- We try to do this process because it's collaborative and it leads to a public process that is more beneficial, but if the applicants refuse to engage in that process, we will use any and all resources available to us to make sure all the violations have been resolved. Schafer - Asks if we could just Amend the Enforcement Order now. Dell'Erba - I'm about 99% sure we could just Amend the existing Enforcement Order and mention that we want the applicant to be present at a specific meeting. Misurelli - Notes that the applicant has continued for October 23rd and states that if they aren't in attendance at that meeting, we can move it down to the Enforcement Order section and take it from there. Engelbourg - We should make a motion and vote to Amend the Enforcement Action today and have Dell'Erba notify them. - I would recommend we don't do it for October 23rd as that's a very short timeline but at the minimum requires them to attend on November 6th.
Action:	Motion to Amend the Enforcement Order for 10 & 16 Ocean Avenue to require the violator and/or their representative to attend the November 6th hearing with an update of the violation (Made by: Schafer) (Seconded by: Braine)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Williams (recused)
Discussion: (01:22:07)	Gully Road Enforcement Order Letter acknowledging completion of restoration plantings and monitoring. Dell'Erba - Reviews briefly the violations of the Enforcement Order and the landscape plan that was approved. - They have reached the end of their approved landscape management plan, and the new owners are looking for a letter to be issued saying that conditions of the Enforcement Order have been met. - Dell'Erba has sent Engelbourg a draft of the letter but believes a site visit should be scheduled. Engelbourg - I don't think we can nail down a site visit date now as we would have to consult with Land Bank, Sconset Trust, and the representatives.

6. Commissioner's Comments

Discussion: (01:29:27)	Schafer - Thanks, Dell'Erba for sending out the Orders in advance so we can review them prior to the meeting Engelbourg - There was an update at last night's Select Board meeting on the Baxter Road Relocation project that was brought in before the Commission and I would recommend everyone watch the discussion. - We'll discuss the merits of the applications that they are proposing when they are submitted. - I've been tracking the status of appeals for Baxter Road, and they are still pending under the state act, but we're likely to receive an update or notification in November. - You can find anything related to the filing on massports.org but those are also pending, and the hearing has been pushed off until January.
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6. Administrator/Staff Reports

Conservation Commission Minutes October 16, 2025, adopted November 20, 2025

Discussion: (01:34:07)	Dell’Erba - The regulations and procedural meeting is in the PSF Community Room on Thursday, October 23 rd at 5pm.
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Adjournment:

Motion:	Motion to adjourn at 6:35pm. (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye)

Submitted by:
Lisa Graves