



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, November 6, 2025 – 5:00 p.m.

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

https://www.youtube.com/watch?v=i9fL7_XabJM

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, and Turcotte; Williams arrived at 5:07pm

Absent Members: -

Members Left Early: Braine leaves at 6:05pm and returns at 6:11pm

I. Acceptance of the Agenda

Discussion: (00:01:43)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye)

II. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:09)	none
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III. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:05:12)	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: - The Peterson Trust- 8 Jefferson Avenue SE48-3936 - 17 East Fire Spring Road LLC- 17 Eat Fire Spring Road SE48-3937
Action:	Motion to close SE48-3936 & SE48-3937 (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye)

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

Action:	CONTINUED UNTIL DECEMBER 4 TH
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2. *ACK KODA, LLC- 42 Shimmo Pond Road (43-126) SE48-3932

Action:	CONTINUED UNTIL NOVEMBER 20 TH
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3. Haffenreffer & Kidder- 10 Blue Heron Way (38-26.1) SE48-3931

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
Recused:	Turcotte

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: (00:03:42)	Haines - We opened this information at the last meeting, and we needed to wait for Natural Heritage, which we were told would be no adverse impacts to the resource area. No further questions or comments from Commissioners or members of the public.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Turcotte (recused)

4. 88 Pocomo Trust- 88 Pocomo Road (15-33 & 42) SE48-3934

5. 86 PR Trust U/D/T- 86 Pocomo Road (15-41) SE48-3933

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Mark Rits, Site Design Engineering, LLC Steven Cohen, Cohen & Cohen
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:07:30)	Rits - The project was discussed in some depth at the last meeting and the Commissioners wanted to discuss additional issues with the combination of the fiber roll array and wooden sand drift fencing. - A similar project approved by the Commission was not deemed a Coastal Engineering structure and didn't require any waivers under the bylaw. - We are replicating a similar design that was approved at 78 Pocomo Road with minor adjustments to account for existing slope on the two properties. Cohen - I think the Commission should look at the performance standards to determine that it's not a Coastal Engineering structure because it's not acting as a hardened structure. - There is no reasonable or legal way for the Commission to change its determination without some substantial change in the regulations or the environment. Turcotte - I think in unison these items constitute as a Coastal Engineering Structure, and I believe I said that before on record with the project that's being referred to before. My position hasn't changed on this. Engelbourg - In isolation these techniques don't meet the burden of Coastal Engineering structure but when you combine multiple together, they do. - We have to review the project on the basis of the lot only and the information that we have before us. - There is a lack of clarity about our regulations for Coastal Engineering Structures that we've been trying to update and get more clarity on. - It's up to the Commission to decide if we deem them a structure or whether they meet the characteristics of being a Coastal Engineering Structure. Misurelli - I understand what you and Turcotte are saying but until it's changed in the regulations, I'm apt to viewing it as not needing a waiver. Schafer - I disagree with the statement that our president doesn't mean anything. - It gets hard for our applicants to know what direction to go when filing a Notice of Intent application.

	- While I understand we evaluate each property on its own merits, this seems to be not the time to do that. Engelbourg - We have an obligation to the public to have permitting that is understandable and functions in a carefully designed way. - We also have a regulatory obligation to not constrain the actions of any future Commission. William is with Schafer and Misurelli on this Dell'Erba - Clarifies that 78 Pocomo didn't get a fence approved, they're removing that fence. Engelbourg - In the history of these projects, there have been a lot of sand drift fencing installations approved in Pocomo and overtime property owners had decided that type of technology wasn't robust or sufficient. - There's a long history of us saying that the Commission will permit the Coir array if the sand drift fence is removed. Rits - If we scrap the fencing, is the Commission comfortable with the fiber roll array, plantings, and nourishment as a non-Coastal Engineering Structure, non-waiver project? Engelbourg mentions that he believes everyone is in support of that. Rits - Our client would like to get this project underway so if we move in that direction, do you think we would be able to close this evening and submit a revised plan showing that the fence is to be removed? Engelbourg mentions that it's something that he's comfortable with.
Action:	Motion to close both SE48-3933 & SE48-3934: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

6. The Peterson Trust- 8 Jefferson Avenue (29-49) SE48-3936

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	-----
Representatives:	Art Gasbarro, Nantucket Engineering & Survey PC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Action: (00:05:12)	Motion to close: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye)

7. *17 Eat Fire Spring Road LLC- 17 Eat Fire Spring Road (20-58) SE48-3937

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
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.
Action: (00:05:12)	Motion to close: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye)

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 NOVEMBER 20 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, and Schafer
Recused:	Turcotte, Williams
Representatives:	Valerie Moore, Nutter, McClennon and Fish Dan Humphries, Coastal Geologist Danielle De Benedictis, Property Owner Art Gasbarro, Nantucket Engineering & Survey
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Willa Arsenault, Nantucket Land and Water Council
Discussion: (00:23:05)	Moore - This matter started with an Enforcement Order request from the abutters concerning whether work had taken place without approval. - A Notice of Intent was filed with the Commission seeking approval for the removal of a wooden deck that had been constructed without the Commission's approval and to relocate a shed that was placed in a resource area. - Under the Enforcement Order, the Commission questioned whether the Summer House's practice of serving lunch in the open, sandy area adjacent to the pool was jurisdictional and whether it required approval. - We have provided extensive documentation about how this activity is not jurisdictional. - Humphries has presented extensive evidence to the Commission as to how this dune is a secondary dune, not a primary frontal dune and not demonstrating any signs that this activity has impacted it in any way. - This activity predates both the Bylaw and the Wetland Protection Act; it is grandfathered from the Commission's jurisdiction. - Several Affidavits document that the activity has been occurring since the early 1970's. - The Commission requested further documentation that the activity never ceased for any period of 5 years or more due to that language being found in the Bylaw concerning grandfathering. Misurelli - Asks Moore if the work of removing the portion of the deck or the shed has begun yet. Moore - No, we need you to approve an Order of Conditions before we can undertake that work. Misurelli - Not in favor of the open sand area use for seasonal dining and I've been consistent with that. Plandowski - Thought we were supposed to get photo evidence documenting this and not in favor of dining on the Dune. Schafer - I'm satisfied that the evidence they provided from the various people and myself having been a Sconset frequenter. That use has been there for a long time. Engelbourg - I don't believe we have any photo evidence apart from the aerial photographs that were submitted and assuming that it doesn't exist. - If we as a Commission don't think those affidavits are sufficient, then we can ask for more proof. If we do accept them, we can move forward with the waiver under pre-existing use. - I think it's abundantly clear that the activity is subject to the jurisdictional authority of this Commission and the language for pre-existing use is very clear. - If approved, we would have to condition this to have a specific season that no longer has the season that it's currently used and we would have to condition

	this to have a specific number of tables and chairs that's no higher than the amount that's currently used. - If the proof hasn't been provided, then we can deny this portion of the permit. Moore - Having sworn personal testimony from living witnesses with personal knowledge of it is the best evidence and no court would disagree that we have met the highest evidentiary standard we possibly could. - We could propose to you in a draft Order the exact number of tables and chairs that are out there today and accept as a condition that it wouldn't be extended. - We could also provide exact opening and closing date range that could be included in the conditions. DeBenedictis - I think we have met our burden of proof and the Coastal Geologist's testimony is that the area does not even apply. - I would ask you to grant the application so we can continue the use that's always been there. - We've submitted a picture in the application of where the tables were before I removed when you issued your Enforcement Order. Arsenault - If this would be accepted und the grandfathering clause, is there a question on the number of tables from which year? Is there a record of the change over time? Engelbourg - We don't have the record for that other than the aerial photo of the tables that were in place. - We could request the storage records or the purchasing records of the tables or the employee documentation on how many tables they're using. Moore - I don't think we would be able to supply materials like that as you're looking at records dating back over 50 years. - The area that is used for this activity has only gotten smaller over time as vegetation has encroached. Engelbourg - It's hard to tell by the aerial photograph from 2023 how many tables there are and that's the latest one we have. Gasbarro - Provided a plan a few years ago associated with the liquor licensing permitting that depicts that they had 10 tables of 6 seats in that area. Engelbourg - Asks Gasbarro to provide that plan for staff. DeBenedictis - The dates are from mid-June to mid-September and we've always taking chairs and tables down after service. Arsenault - If the Commission is to memorialize this under the grandfathering use, would we be using the number of tables a few years ago as the most up to date record and go with that number? Engelbourg - Confirms the statement to be true because we have no idea if that number is an extension or potentially from 1970. - We can only base our analysis of pre-existing use on the information that we have. Gasbarro - Reviews the plan, which demonstrates the amount of tables and chairs present Engelbourg
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	- The arguments that this somehow isn't a jurisdictional activity are wildly inaccurate arguments and the argument that it meets the performance standards doesn't hold up to me either. - The only way that these tables can be permitted is through a waiver of pre-existing use. Dell'Erba - Mentions that there isn't a drafted findings page Engelbourg - We can close this and issue the permit at the next hearing or if we find we would like to keep this open, we can do that too. Moore - I Believe the Commission has all the information it needs in order to make a decision.
Action:	Motion to close: (Made by: Schafer) (Seconded by: Misurelli)
Vote:	Not Carried://2:3 Engelbourg, Schafer (aye) Misurelli, Plandowski, Braine (nay) Turcotte, Williams (recused)
Discussion: (00:48:35)	Engelbourg - That does not carry, and we cannot close out the application, so we need to go back and discuss why we don't want it to close. Misurelli - I don't believe that activity in Dune is responsible for us to permit going forward. It's constant every day, 60 people per sitting, how many sittings? Seems like excessive behavior for us to be permitting in the Dune. Engelbourg - Clarifies that the vote isn't for a positive motion of the Order. We can close the hearing, and you could still vote no to issue the permit. - The only reason you should be opposed to closing the hearing is if you think there should be something else needed for you to make your decision. Plandowski and Braine agree to change their vote as they don't think there is any other documentation that they need. Engelbourg asks Dell'Erba to prepare both positive and negative Orders as it seems like several Commissioners are not in favor of this project. Moore - Dell'Erba notified me that the Enforcement Order had been extended until November 6th. - Asks if the Commission needs to extend it further to encompass the November 20th continuance date. Dell'Erba - The Enforcement Order was not extended. We had an update to the Enforcement Order requiring presence for tonight's meeting.
Action:	Motion to close: (Made by: Schafer) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Turcotte, Williams (recused)

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 Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:53:52)	Madden

	- This application was last before you at the end of July and thanks the Commission for their patience as they were going through the HDC approval process. - After further review the wetland boundary that we had previously shown was from a 2011 delineation as part of a 2012 Order of Conditions. - Reviews the updated plan with the current wetland boundary and the proposal to relocate the fence outside the 50-foot buffer zone. Dell’Erba confirms that the wetland boundary to be accurate. Misurelli - Asks if it was plant material or water level at the pond that that were reflected on the changes that were constituted from the two delineations. Madden - The updated delineation was based on soils in addition to vegetation.
Action:	Motion to close: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

C. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL NOVEMBER 20 TH
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2. Ripley- 92 Washington Street (42.2.3-22) SE48-3927

Action:	CONTINUED UNTIL NOVEMBER 20 TH
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3. Scrambled LLC- 47 Hulbert Avenue (29-15) SE48-3935

Sitting:	Engelbourg, 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: (00:59:30)	Coggins - Reviews the proposed improvements to the existing dwelling including the replacement of the existing deck, removal of existing structure, boardwalk, deck, and porch which are to be replaced with deck only. - A site plan was conducted by the Commission as well as a submission of a supplemental detailed photo page by the representative. Plandowski - Refers to the plan and comments that the deck is narrow Coggins - The purpose of the deck is more as a walkway to the back of the house and considered more like a boardwalk. Engelbourg - Confirms that he was there for the site and that it’s clear that everything proposed is a structure. - There was clearly interior work going on while we were there which may be out of our jurisdiction, but there was also a bunch of concrete block debris just thrown into a pile, which was concerning. - I’m worried that if we’re already seeing that, we’re going to have a huge issue with erosion and sedimentation and construction debris, so we need to make sure this is properly conditioned. Coggins - Noted that the representative noticed it too and clarifies that the concrete pile was from the chimney inside and as of today, it’s gone. Williams - Agrees that they have to keep the site clean as it’s too close to the harbor.
Action:	Motion to close: (Made by: Williams) (Seconded by: Misurelli)

Vote:	Carried://6:0 Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
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4. *Nassif- 38 Wauwinet Road (20-21, 223, & 23) SE48-3938

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Cloe Coggins, Nantucket Surveyors John Fones, Contractor of the property
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:05:49)	Coggins - The application is for the proposed replacement of the existing barn within the buffer zone to an Isolated Vegetated Wetland. - The barn predates 1929 but they're going to do a full tear down and rebuild which will include the foundation replacement. Misurelli - Asks what the applicant is proposing for the foundation. Coggins - The back portion is currently on piers, but they are proposing is a full concrete slab. Fones - We're going to build it right back to the tee of what it looks like but we're doing a foundation, so it won't rot out again.
Action:	Motion to close: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

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

IV. Public Meeting

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

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
Recused:	Turcotte; Williams (not sitting)
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: (01:09:19)	Dell'Erba presents the item
Action:	Motion to issue OOC as drafted (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Turcotte (recused) Williams (not sitting)

2. 88 Pocomo Trust- 88 Pocomo Road (15-33 & 42) SE48-3934

3. 86 PR Trust U/D/T- 86 Pocomo Road (15-41) SE48-3933

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, 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: (01:12:43)	Dell'Erba presents the item Engelbourg and Williams confirm that the permit doesn't include fencing.
Action:	Motion to issue both OOCs as amended: (Made by: Schafer) (Seconded by: Williams)

Vote:	Carried://6:0 Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye) Braine (abstain)
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4. The Peterson Trust- 8 Jefferson Avenue (29-49) SE48-3939
5. 17 Eat Fire Spring Road LLC- 17 Eat Fire Spring Road (20-58) SE48-3937

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: (00:54:06)	Dell'Erba and Engelbourg had reviewed these Orders and can be approved together in alignment with Engelbourg's recommendation as Chair.
Action:	Motion to issue both OOC as drafted: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

B. Orders of Conditions/ Amended Orders of Conditions- Waiver Required: Pre- January 1st Submissions

1. The Summer House of Nantucket Realty Trust- 10 & 16 Ocean Avenue (73.2.4-15, 23, &21) SE48-3824

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
Recused:	Turcotte, Williams
Discussion: (01:16:53)	Engelbourg asks Commissioners who is in favor for a negative Order on the application and who wish for a positive Order - Misurelli- Negative Order - Schafer, Plandowski, Braine- Positive Order Engelbourg - Asks Commission if there are any specific Conditions that would like to be included in the positive Order Schafer - Requests a Condition that limits the number of tables to 10 (or less) that are placed from June 15th- September 15th Misurelli - Asks if the Commission has to stick with 10 tables. Engelbourg - We have to stick with a number that we can prove is the historical number that was used every year other than 2023. Misurelli - That plan didn't show the number of tables, just a hypothetical of tables and I happen to think that's too much in that area. Schafer - Refers to the aerial photo and recalls it as being four top round tables, maybe four or five in each section. - I think that the updated plan was for permitting so they could max out how many they could do. Misurelli and Engelbourg see two sections on the aerial map from 202. Engelbourg - It's up to us to decide what the historical precedent is.
Action:	CONTINUED UNTIL NOVEMBER 20 TH

2. 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 Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.

Discussion: (01:20:31)	Dell’Erba presents the item, eliminates the waiver requirement and adds the lighting conditions
Action:	Motion to issue OOC as amended: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

1 Scrambled LLC- 47 Hulbert Avenue (29-15) SE48-3935

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: (01:23:36)	Dell’Erba presents the item Engelbourg - Requests to add a condition for erosion sedimentation control. Misurelli - Notes that the Order doesn’t need pool conditions. Misurelli - Asks to include a plan with the silt fence Engelbourg - We should add something specifically saying that best practices for erosion and sedimentation should be used to prevent any debris entering the resource area. - Also, I would like to include that a member of the construction team needs to do regular checks for debris and remove it as noted.
Action:	Motion to issue OOC as amended (Made by: Misurelli) (Seconded by: Engelbourg)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Nassif- 38 Wauwinet Road (20-21, 223, & 23) SE48-3938

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: (01:31:20)	Dell’Erba presents the item Engelbourg - I had one concern that there were two waivers requested, one was for no reasonable alternatives, no adverse impacts. - The other was for grandfathering, preexisting use, which I don’t think we should issue as they’re doing a complete raise and rebuild.
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)

D. Request for Determination of Applicability- Delineation Only

1. *Canopache Nominee Trust- 59 Baxter Road (48-8)

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: (01:32:26)	Gasbarro is no present.
Action:	CONTINUED UNTIL NOVEMBER 20 TH

E. Request for Determination of Applicability- Work Requested

1. *Nantucket Islands Land Bank- 22 Masasoit Bridge Road (58-2)

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: (00:33:03)	Phelps - This request involves raising the septic system which appears to be outside the 100-foot buffer zone. - The Board of Health has requested us to be compliant with current regulations. Dell'Erba believes they are outside of the 100-foot buffer zone.
Action:	Motion to issue RDA with -2 & -3 Determination: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. *Nantucket Islands Land Bank- 6 Wesco Place (42.4.3-49)

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: (01:36:56)	Phelps - This request is just for invasive species management in the buffer zones to the Bordering Vegetation Wetland and an Isolated Vegetated Wetland.
Action:	Motion to issue RDA with -2 and -3 Determination: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

F. Minor Modifications

1. Buckland- 113 Hummock Pond Road (5959) SE48-3330

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Don Bracken, Bracken Engineering Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:39:10)	Madden - The modifications involve revisions to the septic system and design which also includes the removal of a retaining wall in front of the property.
Action:	Motion to issue Minor Modification: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

G. Certificate of Compliance

1. Doherty ACK LLC- Mariner Way (various) SE48-2740

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
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Recused:	Turcotte, 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: (01:40:30)	Coggins - The Order permitted the relocation and reconstruction of an existing driveway into a subdivision including removal of existing structures, installation on utilities, grading, landscaping, construction of a bioretention area within Land Subject to Coastal Storm Flowage and a buffer zone to an IVW. - Reviews the planting plan
Action:	Motion to issue a COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Turcotte, Williams (recused)

H. Extension Requests

1. Madaket Land Trust- 3 Baltimore Street (60-19) SE48-3614

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Tony Butler, Madaket Land Trust
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:43:53)	Dell'Erba - Mentions that he would like to speak with the representative as it's been extended already due to the Mass Leads Act - By filing an Extension, he would be losing the time that had been extended through the Act.
Action:	CONTINUED UNTIL NOVEMBER 20 TH

2. Buckland- 113 Hummock Pond Road (59-59) SE48-3330

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-----
Representatives:	Don Bracken, Bracken Engineering Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:44:39)	Madden - The applicant requests a one-year Extension
Action:	Motion to issue a one-year Extension: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

I. Other Business

1. Approval of Minutes 08/21/2025, 09/04/2025, 09/18/2025, 10/02/2025

Discussion: (01:46:10)	
Action:	Motion to Approve Minutes for 08/21/2025, 09/04/2025, 09/18/2025, & 10/02/2025 (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Monitoring Reports – (none)

Discussion: (01:46:58)	none
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4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - none
CPC:	Schafer - We were able to fund everyone and gave a little extra to the Parks and Rec for the field. - We came up with a plan for the windmill, which is important. - In total we gave about 4.2 million that was spread between about 20 applicants.
NP&EDC:	Misurelli - We had Peter Burke from the Chamber of Commerce speak on the planning and economic development commission's mission at the last meeting. - There was a transportation manager update with a lot happening with bike paths and e-bikes in the future.
Harbor Plan	Williams - We're waiting to hear what the state says with final approval.

5. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:48:47)	Dell'Erba - I can't bring up a specific address, but I have one that may become an Enforcement Action. - It involves bundles of snow fencing that has to be removed and have sent a couple of letters but have not gotten a response yet. - A second letter has been sent out via certified mail with a deadline to which it will then become an Enforcement Order.
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6. Commissioner's Comments

Discussion: (01:50:03)	Misurelli - It's good to clear up some of these longstanding continuances.
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6. Administrator/Staff Reports

Discussion: (01:50:36)	Dell'Erba agrees with Misurelli
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Adjournment:

Motion:	Motion to adjourn at 6:50pm. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves