



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, November 20, 2025 – 5:00 p.m.

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

<https://youtube.com/live/Wze3tx0dDjc>

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 Williams
 Absent Members: Turcotte
 Members Left Early: -

I. Acceptance of the Agenda

Discussion: (00:04:14)	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: (00:05:46)	none
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III. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:06:27)	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: - ACK KODA, LLC- 42 Shimmo Pond Road (43-126) SE48-3932 - Gilbey- 54R Union Street (55.1.4-32.1) SE48-3939
Action:	Motion to close SE48-3932 & SE48-3939 (Made by: Williams) (Seconded by: Plandowski)
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 DECEMBER 4 TH
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2. *ACK KODA, LLC- 42 Shimmo Pond Road (43-126) SE48-3932

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

3. *Gilbey- 54R Union Street (55.1.4-32.1) SE48-3939

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

B. Notice of Intent- Waiver Required:

1. Sconset Beach Preservation Fund- 59-83 Baxter Road (various) SE48-3759 (Pre-January 1st)

Action:	CONTINUED UNTIL DECEMBER 4 TH
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2. Robert F. Greenhill Revocable Trust- 16 Hoicks Hollow Road (23-1) SE48-3917

Action:	CONTINUED UNTIL DECEMBER 4 TH
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3. Ripley- 92 Washington Street (42.2.3-22) SE48-3927

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Jack Vacarro, Epsilon Associates Thomas Ripley, Homeowner Daniel Bailey, Pierce Atwood LLP Lynn Gieske, Studio 2112 Landscape Architecture
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:08:00)	Bailey - Submitted a letter to the Commission on November 13th and goes into explanation of why the project will be needing a waiver as the proposed structure will be within 50 feet of Coastal Bank. - Describes why the proposal meets the standards and how it also proves to be a long-term net benefit through the house being moved further back from the resource area and the updated plans. Vacarro - Not only is the house moving further back from the resource area, it will also be raised two feet above the base flood elevation allowing the structure to move out of the flood zone. - The Commission had concerns about the roof runoff and how the increased size of the structure would result in an increased amount of runoff on the roofs that would eventually make its way out to the harbor. - The project team looked at the possibility of capturing all the roof runoff and bringing it into the existing town's storm water sewer system, which the DPW is open to doing. - The applicant and representatives looked at the increase of structure within 75 feet of the bulkhead and made a significant adjustment in the total amount of mitigation plantings. - Reviewed the calculations of the impervious surfaces on site and concluded that there's an 80 square feet reduction. Gieske - The plants are all native species, salt tolerant, and will help provide erosion control and habitat. Schafer - Asks what system they plan to use to capture the rainwater. Vacarro

	- Confirms it will be collected through gutters and down spots. Engelbourg - If we were to permit this, we would apply conditions saying that there needs to be an approved plan from the DPW prior to the construction. Braine - Asks if the rest of the yard will be grass Gieske - Reviews the plan showing the portion of grass, which wraps around from the front of the house to the back. Most of the usable space on the side will be lawn. Williams - I believe that the project demonstrates that it's a net benefit to the site. The structure is moving up, moving back, and they're dealing with the drainage and runoff issue. Schafer - The capturing the runoff, the additional plantings and moving the house further from the resource area constitutes a net benefit, which qualifies for that waiver. Engelbourg - These things in singularity are benefits. It's up to the Commission to decide if in total those benefits outweigh the impacts that are also being proposed. - When we apply the long-term net benefit waiver, it's looking at all resource areas on site and all protective interests of those resource areas. - The regulations have changed and some things in this plan are not only considered impervious surfaces but are considered structures. Schafer - Thinks the project before the Commission is better than the one that we previously approved before. Misurelli - Believes the applicant had addressed the concerns of the Commission. Plandowski - The site visit was well worth it and the plans gave me great appreciation for the project.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

C. 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. ACK KODA, LLC- 42 Shimmo Pond Road (43-126) SE48-3932

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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: (00:31:54)	Dell'Erba presents the item Gasbarro - Clarifies that the plan of record reference should be dated November 12th, 2025.
Action:	Motion to issue OOC as amended (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer and Williams (aye)

2. *Gilbey- 54R Union Street (55.1.4-32.1) SE48-3939

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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: (00:35:33)	Dell’Erba presents the item
Action:	Motion to issue both OOCs as drafted: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

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

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
Recused:	Williams
Discussion: (00:37:22)	Engelbourg - There had been some discussion at the previous meeting about thoughts on this Order, so a positive and negative Order have been drafted. - There were some concerns about the activity of dining in the dunes, which is why there was a request for a negative Order. Dell’Erba presents the positive Order - The representatives sent an email stating that they will accept 8 tables in a positive Order and essentially what I’m gathering s if we issue a negative Order and it’s appealed and is successful, then they’re going for the 10 tables that were in the original aerial view referenced in the application. Schafer - Asks if that number references (8)6 tops or (8) 8 top tables. Dell’Erba - That’s what needs to be discussed as there are some blank numbers in some of the conditions. Engelbourg - Reviews briefly the standard conditions that apply Dell’Erba - Reviews the special Conditions 21-26 which refer to the dining in the dune activity. Schafer - Asks the details of Condition #26 Dell’Erba - The intention with Condition #26 is to minimize and eliminate the possibility of resource area creep for our protected interest. Scjafer - Asks who would determine if the beach grass started to retreat. Engelbourg - We have the plans that are on record through inspection and the requirement of monitoring reports. - We can require a photo monitoring report before and after each dining season, by May at the start and October 1st after the season. Misurelli - I don’t think the burden should be on the Commission to have to go out and inspect it, but it should be the applicant reporting back. - We still have to discuss how many chairs we are including. Schafer - From the visual, they started at 60 so I think if we go down to 48, that would be the maximum.

	Engelbourg - Requests to add the Condition for photo monitoring reports to be included twice annually on May 15th and October 15th. Misurelli - Asks if we don't receive a report, what it would result in. Engelbourg - We would send a letter notifying them that they're in violation of the conditions of the Order, which could result in an Enforcement Order. Dell'Erba - They won't be issued a Certificate of Compliance either if reports aren't submitted. Engelbourg - Requests to add a timeline for when planting activities take place to Condition #26. - Requires applicants to plant beach grass, as needed prior to opening the dining each season and a certain amount of time following the report at the end of the season. Misurelli - I think if we give them a month at the start of the season from May 15th to Juen 15th, then we should give them a month from October 15th- November 15th to have a smidge of growth during the growing season. Engelbourg - Requests Dell'Erba to swap the locations of Condition #26 and #27. - If the vegetation starts to retreat from the dining area, as documented in a monitoring report, it should be supplemented within 30 days of the report. Misurelli - Requests to add Condition #29 that the tables and chairs need to be brought outside of Coastal Dune after dining service each day. Plandowski - Condition #22 and #23 are going to be a headache for the restaurant in terms of the combination seating. It's going to take a lot of work to stay within those boundaries, but I agree that it's necessary. Engelbourg - Thinks that's something that the restaurant will have to figure out.
Action:	Motion to issue both OOCs as amended: (Made by: Schafer) (Seconded by: Braine)
Vote:	Carried://4:1 Engelbourg, Braine, Plandowski, and Schafer (aye) Misurelli (opposed) Williams (recused)

2. Ripley- 92 Washington Street (42.2.3-22) SE48-3927

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Jack Vaccaro, Epsilon Associates
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:02:42)	Dell'Erba presents the item Engelbourg - Mentioned that the noted waiver was incorrect, and the Commission agrees that they would like to apply the long-term net benefit waiver. Misurelli - Requests to include a Condition in relation to construction debris with work occurring on the harbor. Engelbourg - Mentions wording of condition #24 that a contractor or employee shall be designated the site inspector.

	- Requests to add Condition #25- Prior to demolition, a plan for measures to reduce erosion sedimentation must be submitted to Staff for approval.
Action:	Motion to issue OOC as amended (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

IV. Request for Determination of Applicability- Delineation Only

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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: (01:16:05)	Gasbarro - The delineation involves a Coastal Dune at the bottom of the Bank, - The Bank itself is still fully vegetated and hasn't started to erode. - By the policy in the flood zone, the landform would be considered a Bank and not a Coastal Bank and the resource area is a Coastal Dune. - Based on the topography and the vegetation and soils, we flagged that Dune boundary and used the policy to determine that the Bank doesn't meet the criteria of a Coastal Bank.
Action:	Motion to approve the RDA with +2A Determination (Made by: Schafer) (Seconded by: Williams)
Motion:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

V. Request for Determination of Applicability- Work Requested

VI. Minor Modifications

1. Clinton Savings Bank- 14-16 Sheep Pond Road (63-29 & 30) SE48-3731

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	-----
Representatives:	Don Bracken, Bracken Engineering Earl Chartier II, Bracken Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:18:46)	Chartier - The modification is to relocate the dwelling along with the septic tank in the northwest corner of the property. - The intent is to remove the gravel driveway.
Action:	Motion to issue Minor Modification: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

VII. Certificate of Compliance

1. Squam Partners LLC- 89 Squam Road (13-3) SE48-3674

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, 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: (01:21:39)	Gasbarro

	- Describes the approved OOC and believes the project was constructed in substantial compliance. Dell’Erba - Confirms that the project was completed in compliance and will have ongoing pool and lighting Conditions.
Action:	Motion to issue a COC with ongoing conditions #20-24: (Made by: Braine) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

VIII. Extension Requests

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

Discussion: (01:24:30)	Dell’Erba - Reached out to the applicant to notify him that the Order was extended through the Mass Lead Act
Action:	Motion to accept the Withdrawal of the Extension Request: (Made by: Misurelli) (Seconded by: Williams)
Motion:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

IX. Other Business

1. Approval of Minutes 10/16/2025, 10/23/2025, 11/06/2025

Discussion: (01:25:14)	No questions or comments from the Commission
Action:	Motion to Approve Minutes for 10/16/2025, 10/23/2025, 11/06/2025 (Made by: Braine) (Seconded by: Plandowski)
Vote:	Carried:/ 6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

2. Approval of Conservation Commission Meeting Schedule 2026

Discussion: (01:25:56)	Dell’Erba - The location options involved with the proposed schedule involve moving back in forth between the PSF Community Room and the Trailer or being in the same place all the time, which would be in the trailer. Williams - July 2nd may not be the best meeting date. Engelbourg - Mentions that the two regulatory updates will need to be included on the schedule and the Commission should hold off on approving until next meeting. Dell’Erba - For Town admin purposes, can we get these dates confirmed and we can add the other two at a later time? Engelbourg - The only alternative to not meeting on July 2nd is that we would have to modify the June meetings. Dell’Erba - It’s easy now to add the two regulatory meetings as we can include them in between meeting dates.
Action:	Motion to Approve the 2026 Meeting Schedule (Made by: Braine) (Seconded by: Schafer)
Motion:	Carried:/ 5:0 Engelbourg, Braine, Plandowski, Schafer, and Williams (aye) Misurelli (abstained)

3. Monitoring Reports

Discussion: (01:33:22)	none
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4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine
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	- We're in the process of coming up with a list of questions and issues for when the Commission asks for CRAC's advice, which will probably be forthcoming next meeting.
CPC:	Schafer - none
NP&EDC:	Misurelli - We had a meeting on Monday where Leah Hill was present, who did a presentation on what CRAC has done. It was informative and a highlight of the meeting with Coastal Resiliency plans that are upcoming for the next couple of years.
Harbor Plan	Williams - Still waiting for a response from the state.

5. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:34:48)	none
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6. Commissioner's Comments

Discussion: (01:35:02)	Braine - Apologies for having to be on the phone from the last meeting. Engelbourg - No apology is needed as we have all been in situations like that or worse. Engelbourg - After a very long time, we may finally have an updated Wetlands Protection Act that contains actual performance standards for the Land Subject to Coastal Storm Flowage. - The governor is expected to take this matter up and sign off on it so anyone that would like to submit a letter of support individually can, but I would like the Commission to collectively send a letter.
Action:	Motion for staff to draft a letter to the governor from the Nantucket Conservation Commission (Made by: Williams) (Seconded by: Braine)
Motion:	Carried:/ 6:0 Engelbourg, Braine, Misurelli Plandowski, Schafer, and Williams (aye)
Discussion: (01:27:47)	Misurelli - Asks if the Commission is expecting an update on the SBPF in November. Engelbourg - The superior court appeal is scheduled for January, and the state appeals should have been done by now, as there is supposed to be a very stringent 45-day timeline. Dell'Erba - Carlson may have more insight but will get an update on this tomorrow, but I think his answer may be the same, that we just don't have an idea on the state appeal. Engelbourg - Requests Dell'Erba to get an update and send the details to the Commission via email. - Reviews a brief description on status of the geotube projects which include active and expired permits appeals, and Enforcement Orders of the geotubes. - The reality of it today is that the geotubes as they sit today are not being maintained at all or in a way that's sufficient. - We have received bits of documentation of this from various community members and we should start consideration of the process of how to deal with it. - We have an obligation as a Commission to require ensuring that activities, whether they have an active permit or not, don't have impact to our resource areas.

	- We may have to go to a new Enforcement to compel maintained. Dell’Erba - We had a friendly Enforcement Order with them about a year ago and I’m pretty sure we could amend it but I will talk to Jeff Carlson about it. Engelbourg - We may have to include it as an agenda item at the next meeting to fully discuss it. Misurelli - Just making the example, we had asked the Summer House to attend a meeting so we could do the same. The other option would be to have staff handle it directly. Dell’Erba - I will talk to Vince Murphy tomorrow and he can communicate with SBPF. Engelbourg - Agrees that it may be a good idea. - There has been lack of legal clarity in the past that they weren’t able to do work on the project with the Order being expired. - An Enforcement Order would remove that clarity and allow them to do that work. - It can be in court or appeal for years, but we need to maintain an enforceable way for maintenance of the existing project up until the new project is either built or not.
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6. Administrator/Staff Reports

Discussion: (01:46:04)	none
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Adjournment:

Motion:	Motion to adjourn at 6:48pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye)

Submitted by:
Lisa Graves