



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, January 8, 2026 – 5:00 p.m.

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

<https://youtube.com/live/i1EG5Xr1Ong>

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, Plandowski, Schafer, and Turcotte; Williams at 5:18pm
 Absent Members: - Misurelli
 Members Left Early:

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:02:13)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Plandowski) (Seconded by: Braine)
Vote:	Vote Carried: 5:0 Engelbourg, Braine, Plandowski, Schafer, and Turcotte (aye)

III. Announcements

Discussion: (00:04:01)	Engelbourg announced that the meeting is being audio and video recorded.
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IV. Update on Public Comment Questions from Prior Meetings

Discussion: (00:04:24)	Engelbourg - Noted for the record that the Natural Resources staff answered some questions from D Ann Atherton via email, which will be on record for this meeting.
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:04:56)	none
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:05:26)	Engelbourg - Asks Commission and public if there is any interest in opening SE48-3948, SE48-3949, SE48-3953, or SE48-3950 Commissioners and Public don't see a need to open the following: - Sconset Trust- 122 Baxter Road (48-5) SE48-3948 - Sixteen North Beach Street LLC- 16 North Beach Street (42.4.1-102) SE48-3953 - Ferrari- 8 Brant Point Road (29-147) SE48-3950 Dell 'Erba confirms that staff has everything they need to close
Action:	Motion to close SE48-3948, SE48-3949, SE48-3953, SE48-3950 (Made by: Schafer) (Seconded by: Plandowski)
Vote:	Vote Carried: 5:0 Engelbourg, Braine, Plandowski, Schafer, and Turcotte (aye)

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

Action:	CONTINUED UNTIL JANUARY 22 nd , 2026
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2. *Sconset Trust- 122 Baxter Road (48-5) SE48-3948

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

3. * 86 PR U/D/T & 88 Pocomo Trust- 86 & 88 Pocomo Road (15-33, 41, & 42) SE48-3952

Action:	CONTINUED UNTIL JANUARY 22 ND , 2026
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4. *Sagebrush Migration, LLC- 67 Squam Road (13-14) SE48-3949

Sitting:	Engelbourg, Braine, Plandowski, Schafer, and Turcotte
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: (00:08:19)	Rits - Reviews the proposed project for a building addition and the relocation of an existing pool and patio. - The pool and a portion of the patio are currently positioned within the 75-foot buffer zone, which the new location is proposed outside of the 75' buffer zone to the Coastal Bank. - The building addition will be located where the pool and patio used to be, and the applicant is proposing to replant native vegetation inside the 25–50-foot buffer zone. - One existing septic tank will be removed and replaced with two. Turcotte - Mentions that he may not be comfortable with adding over 1,000 additional feet of structure inside the 75 foot no build. Engelbourg - It meets the performance standard due to the exception of the one and a half to one mitigation ratio. Rits - Confirms that Engelbourg is correct. Engelbourg - My opinion is that it's compliant with the regulations.
Action:	Motion to close: (Made by: Braine) (Seconded by: Plandowski)
Vote:	Carried://5:0 Engelbourg, Braine, Plandowski, Schafer, and Turcotte (aye)

5. *Sixteen North Beach Street LLC- 16 North Beach Street (42.4.1-102) SE48-3953

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

6. *Ferrari- 8 Brant Point Road (29-147) SE48-3950

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

B. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL JANUARY 22 ND , 2026
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2. Chardonnay Group, LLC- 54 Washington Street (42.2.3-9) SE48-3942

Action:	CONTINUED UNTIL JANUARY 22 ND , 2026
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3. Town of Nantucket- Baxter Road Alternative Access (various) SE48-3945

Action:	CONTINUED UNTIL JANUARY 22 ND , 2026
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4. *Nantucket Islands Land Bank- Falmouth Avenue Relocation (82-30) SE48-3947

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Rachael Freeman, Nantucket Islands Land Bank Elizabeth Phelps, Nantucket Islands Land Bank Peter Vetere, Verrill Law
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:12:21)	Phelps - Reviews the proposed project for the relocation of a portion of Falmouth Avenue, which provides access to Cisco Beach from the east. - The southwest portion of the road has been compromised by erosion, and we are proposing to move that portion to the north away from the resource area. - The relocation involves removing topsoil and vegetation from the area of the relocated road and installing road-based mixture consisting of native hardener and stone mix. - The proposed new road layout is outside of the 50ft buffer to the Coastal Dune while the restoration aspect is the only thing present within the 25-foot buffer zone. - We have received Natural Heritage approval subject to the amendment to our conservation management permit for the northwest parking lot that was recently constructed, which is outside of the Commission's jurisdiction. Vetere - A letter was submitted to the Commission which runs through the performance standards both under the state Wetlands Protection Act as well as under Nantucket's bylaw. - The only work that's within the resource area is the restoration work, which is going to benefit. - Recites waivers 3A, 3C, and 3E, which he believes would be applicable for the project. Engelbourg - Given that this is an area known for erosion and the Land Bank has already taken steps to mitigate that erosion, including building an auxiliary park to the northwest, asks why this road isn't meant to connect to this parking lot. - If the goal is to protect long-term two-way access to this site, is there a way to build this part and then another leg of it goes up to the other part. Phelps - The main concern is that a longer roadway connection would cause greater disturbance to the habitat. - We ideally just provide access to the Cisco Beach parking lot until it's compromised to the point that it can no longer be used. Freeman - Agrees with Phelps but mentions that the Land Bank is taking a stepwise approach to this site while it's constantly eroding. - Making that connection is a definite possibility and would be the next step for us. Engelbourg - Reminds Commission of its two-part mission: to protect the wetland resource areas through regulatory jurisdiction and the other part to protect open space, conservation and recreational value. - We're in a scenario where we have this project that affects Coastal Dune and Beach but also the rare habitats.

	- We don't have to justify the impact just to Coastal Resources but also justify this project based on its impact or detriment to the associated Sandplain Grassland that's in this area. - We have to be careful about how we permit this project and should be on the basis of the benefit of the resource areas and not public safety. - The waiver condition that would be applicable is the one involving the project being of significant public benefit. (3E) Braine - Asks if it's required by the fire department or the Town of Nantucket to have two roads access to the parking lot. Freeman - My understanding is that it's a benefit but not required. Schafer - Each set of waivers is dependent on each set of facts for each case. - Doesn't feel that the Commission would be setting a precedent as the waiver we choose would only be applied to this specific case. Engelbourg - If we apply those other waivers, it would be a bad regulatory decision. Schafer agrees with Engelbourg Engelbourg - If we grant waiver 3E, we will have to confirm that the project design minimizes adverse impacts to the greatest extent possible and we have to adopt conditions that would ensure that to be the case. Williams - Asks Engelbourg to express why he doesn't feel that the project isn't considered to be a public benefit. Engelbourg - Clarifies that he is implying that 3E is applicable to apply. Vetere - We laid out in our letter that there were three potential waiver grounds that we feel were applicable. Engelbourg - If we grant the waiver, we will have to craft conditions that include monitoring, signage and whatever else we feel is needed to ensure that the adverse impacts to that rare habitat are minimized. Vetere - The applicant has offered to comply with all conditions from Natural Heritage as well as not commence any work on the project until the MESA conservation permit procedure had been completed. Engelbourg - Since this is going through a critically imperiled habitat, the Commission needs to do a little bit more of its own review as well.
Action:	Motion to close: (Made by: Turcotte) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

5. *Tornovich & O'Toole- 21R Allens Lane (67-17.1) SE48-3951

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Chloe Coggins, Nantucket Surveyors, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:32:59)	Coggins - Describes the proposed second story addition along with a partial addition of the existing porch within the buffer zone to a Bordering Vegetated Wetland.

	- The applicant is requesting a waiver as work will be within the 75 foot and partially within the 50 foot no build buffer zone, but all work is within the existing dwelling. Engelbourg - Asks if the second story, proposed partial addition and addition to the dwelling is considered new structure? Coggins - Clarifies that there is a proposed second story and addition, which is within the footprint of the existing porch.
Action:	Motion to close: (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, 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. Sconset Trust- 122 Baxter Road (48-5) SE48-3948

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Jeff Blackwell, Blackwell & Associates
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:35:47)	Dell’Erba presents the item Engelbourg - Regrets to mention that this project may need to apply a waiver due to fencing being considered a structure according to the regulations. Dell’Erba - Asks if there is a representative for the project present. Blackwell - The fencing has been in place, and we hope to take the fencing that’s closest to the top of the Coastal Bank and remove it to relocate the fencing further from the top of the Bank. Englebourg - We shouldn’t be going into this level of detail in a public meeting after the hearing has been closed. - If the Commissioners want to hear this justification from the applicant what we would need to do is call a motion to reconsider closing the hearing and then we could hear the full details from them. - We could just decide that this fencing is considered a structure but there are no adverse impacts over small alternatives. Turcotte - I think the second option makes the most sense where we should just waiver it, as it doesn’t have any adverse impacts. Dell’Erba adds the waiver Blackwell - Asks if there could be an ongoing condition to allow relocation of sections of fencing as the erosion proceeds along the remaining stretch of Coastal Bank. - It wouldn’t require maintenance after the Order expires. Engelbourg - We don’t have the regulatory capacity to do that as we can’t constrain future Commissions to that. - You’ll have to ask for Amendments to the Order or file a new Notice of Intent in that case.

Action:	Motion to issue OOC as amended: (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Sagebrush Migration, LLC- 67 Squam Road (13-14) SE48-3949

Sitting:	Engelbourg, Braine, Plandowski, Schafer, 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: (00:47:35)	Dell Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Schafer) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

3. Sixteen North Beach Street, LLC- 16 North Beach Street (42.4.1-102) SE48-

Sitting:	Engelbourg, Braine, 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: (00:49:20)	Dell Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

4. Ferrari- 8 Brant Point Road (29-147) SE48-3950

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Don Bracken, Bracken Engineering Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:51:11)	Dell Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Turcotte) (Seconded by: Williams)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

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

1. *Tornovish & O'Toole- 21R Allens Lane (67-17.1) SE48-3951

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Chloe Coggins, Nantucket Surveyors, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:52:48)	Dell-Ereba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Williams) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Nantucket Islands Land Bank- Falmouth Avenue Relocation (82-30) Se48-3947

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Rachael Freeman, Nantucket Islands Land Bank Elizabeth Phelps, Nantucket Islands Land Bank Peter Vetere, Verrill Law
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.

Public Comment:	There were no public comments.
Discussion: (00:55:44)	Dell 'Erba presents the item - Deletes Condition #25 as it's not applicable for the project. Engelbourg - Requests to add Condition #26 that requires educational signage for vehicles and pedestrians to remain on the designated road layout and not encroach the resource areas and adjoining grassland. - Requests to add Condition #27- The road width should be measured on an annual basis and if it becomes wider, additional restoration planting shall be added in order to get the road back to its permitted width. - Requests to add Condition #28- Prior to road construction, the applicant should submit its newly adjusted conservation management plan from Natural Heritage to Commission staff.
Action:	Motion to issue OOC as amended: (Made by: Williams) (Seconded by: Schafer)
Vote:	Carried://6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

3. Sconset Beach Preservation Fund- 59-83 Baxter Road (various) SE48-3759 (Pre-January 1st, 2025)

Sitting:	Engelbourg, Braine, Plandowski, Schafer, and Williams
Recused:	Turcotte
Representatives:	Dwight Dunk, Epsilon Associates Richard "Chip" Nylen
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:07:55)	Dell-Ereba presents the item - Carlson and I modeled it pretty much almost exactly as it could be to the geotube permit by keeping the language as consistent as possible. Engelbourg - I don't have any issues with the context of the conditions, but I have typographical issues. - Condition #31 should say "no greater than 90 days prior to submission". - Condition #42 reflects a whole section on geotextiles Dell'Erba - Changes the wording of geotextiles in condition #42 to coir and associated materials. Engelbourg - Requests to use the same language for "geotextile" in Condition #24 - Requests to eliminate Condition #50E due to this permit not having a linear distance during our discussion during the hearing. Dell'Erba - The only thing that changed in Condition (currently #50E) is the word geotubes. Engelbourg - We may have to open the other permit if we're trying to have it be as seamless as possible then it should be consistent. Dell'Erba - Doesn't have the document available but pretty sure that the language reads geotubes. Williams - Think that it should be checked all the way through as it could be wrong. Dunk - Having not seen the Order yet, as you skim through it there is discussions for pre-work notification, monitoring, maintaining, reporting, where this Notice of Intent in request for an Order that was filed after-the-fact for the work that was completed under the Emergency Certification.

	- I presume that any of these Conditions will apply to any new coir terraces that would be installed between 59-83 Baxter Road, pursuant to the Order. - Asks if it applies to the choir that was installed during the Emergency Order. Engelbourg - The other issue that we're having is that we need to create a finding that references that this Notice of Intent was required to be filed by that Emergency. - We also need to reference the fact that it is relative to both work that was installed under that Emergency and will be installed for the life of this permit. - As I read this Order more, I'm starting to disagree with several things now and I haven't had time to review it. Dunk - With that, I think the finding should indicate that these apply to any new structures installed in accordance with this Order after the Emergency Order since the emergency has passed. Engelbourg - We're in a regulatory difficult place as we have to issue this Order unless the applicant is willing to assent to another continuance of this Order. - I think for everyone's benefit, it would be beneficial to have myself, Carlon, and Dell'Erba sit down and read through this and make corrections. Dunk - Agrees to ascent to another continuance of this Order to the next scheduled meeting on January 22nd
Action:	CONTINUED UNTIL JANUARY 22 ND , 2026

C. Request for Determination of Applicability- Delineation Only (none)

D. Request for Determination of Applicability- Work Requested

1. Town of Nantucket- 59-83 Baxter Road (various)

Action:	CONTINUED UNTIL JANUARY 22 ND , 2026
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E. Minor Modifications (none)

F. Certificate of Compliance (none)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 12/18/2025

Discussion: (01:24:13)	No questions or comments from the Commission
Action:	Motion to Approve Minutes for 12/18/2025 (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:/ 6:0 Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Monitoring Reports

Discussion: (01:24:55)	none
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4. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - CRAC requested to know whether there were any changes to our conditions based on their comments as they are interested in knowing the effects of their advice. - There was an exchange of emails between Leah Hill and Engelbourg outlining that. Engelbourg
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	- We're still trying to get this procedure streamlined for everyone because it was rolled out in a confusion way. - It seems like there is going to be a pre-hearing review with town staff to see if the project would benefit from having CRAC's review. - Hill is going to look at the application before the Commission hears it at the meeting, if CRAC needs to hear it, they will and they will direct their recommendations to us. - When we issue our Orders, we should send it over to them to reflect how their advice was/was not incorporated for any reason in the Order.
CPC:	Schafer - none
NP&EDC:	Misurelli is not present
Harbor Plan	Williams - Still waiting for DEP as they had some questions and we're told we'll get a response any day now.

5. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:27:42)	Dell'Erba - Waiting to hear back on the Grove Lane one that we talked about at the last meeting. - We're probably getting close to the 30-day clock but probably about a week away.
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6. Commissioner's Comments

Discussion: (01:28:22)	Turcotte - I would like to take a look in the spring at tweaking some of the new regulations so that when we do an exchange for something being built in the 75-foot buffer zone, it's beneficial to the resource area. Engelbourg - During your time on the Commission, you missed a few discussions on that setback change. - A middle ground was found with applicants and the Commission for this exception, but there may be ways that we can improve this. Schafer - I saw that the property in Wauwinet sold so does that Order fall on the new owner? Engelbourg - Confirm that it does fall on the new owner. Dell'Erba - The representative for the new property owners reached out to me to make sure that everything was buttoned up and that the deed restriction was on file. Williams - I know that the new property owner was all in favor of what the Commission had done. Engelbourg - I will not be in attendance for the February 5th meeting. - For Commissioner's benefit, it is now 2026 and reminds everyone of their annual open meeting law and conflict of interest required training that needs to be done.
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6. Administrator/Staff Reports

Discussion: (01:33:33)	Dell'Erba - Apologizes for not sending the findings page of the Order to the Commission, as he was away for a conference.
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Adjournment:

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

Submitted by:

Lisa Graves