



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, February 5, 2026 – 5:00 p.m.

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

: <https://youtube.com/live/m6l9kcuPnOY>

Commissioners: Seth Engelbourg (Chair), Linda Williams (Vice Chair), Tim Braine, Mike Misurelli, Joe Plandowski, John Schafer, and RJ Turcotte

Called to order at 5:00 p.m. by Chair Engelbourg

Staff in attendance: Will Dell’Erba, Conservation Agent
 Attending Members: Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte; Williams arrives at 5:08pm
 Absent Members: Braine
 Members Left Early:

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:46)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 5:0: Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)

III. Announcements

Discussion: (00:03:04)	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: (00:03:34)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:44)	Burton Balkind, Nantucket Coastal Conservancy - Reports that the dwelling at the end of Mothball Way with a Hummock Pond Road address has some debris which I had submitted pictures to staff. - Asks if the property has been cleaned up. - There has been a lot of developments with the current situation on Baxter Road and I wasn’t sure if there would be a discussion tonight about it. Engelbourg - We are in receipt of the submission made in regard to the property on Hummock Pond Road. Dell’Erba - Jeff Carlson and I were out there this morning, and I have been in touch with the properties’ caretaker and was told they are planning on going and cleaning that debris up. - But reach out to me tomorrow for an update if you want a full discussion on it. Engelbourg - In relation to Baxter Road, we will have a very brief update in the staff reports section of the meeting. - There isn’t going to be any type of deliberation or extensive discussion on the area tonight, but we have a brief update. Balkind
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	- We find that vandalism is not wanted in our community and condone that action. - If you have any information, please contact Sconset Bluff Preservation Fund. - Requests the Commission to include a discussion item on the agenda for the next meeting on February 19th, 2026.
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:08:25)	Engelbourg - Briefly reviews the procedure for applications that don't require a waiver. - Notes that he needs to recuse from the Notice of Intent for 113 Eel Point Road SE48-3960. - Asks Commission and public if there is any interest in opening SE48-3961, or SE48-3963. Commissioners and Public don't see a need to open the following: - Tejada- 1 Allens Lane (55-234.5) SE48-3961 Dell 'Erba confirms that staff has everything they need to close
Action:	Motion to close SE48-3961 (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
Discussion: (00:44:42)	Williams - Asks Commission and public if there is any interest in opening SE48-3960. Commissioners and Public don't see a need to open the following: - WMASKCS, LLC- 113 Eel Point Road (232-2) SE48-3960 Dell 'Erba confirms that staff have everything they need to close
Action:	Motion to close SE48-3960 (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 5:0: Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye) Engelbourg (recused)

1. *WMASKCS, LLC- 113 Eel Point Road (232-2) SE48-3960 (Madden)

Sitting:	Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg
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:	Motion to approve: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://5:0: Misurelli Plandowski, Schafer, Turcotte, and Williams (aye) Engelbourg (recused)

2. *Tejada- 1 Allens Lane (55-234.5) SE48-3961

Sitting:	Engelbourg, 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.
Action: (00:08:25)	Motion to close: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0: Engelbourg, Misurelli Plandowski, Schafer, Turcotte, and Williams (aye)

3. *2 Shore Nantucket, LLC- 2 Shore Road (55.1.4-4.1) SE48-3963

Sitting:	Engelbourg, 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:	Christo, homeowner and abutter at 91 Washington Street Karen Dixon, homeowner and abutter at 2 Francis Street
Discussion: (00:10:35)	Santos - Reviews the location of the property as depicted on the site plan. - The application proposed involves improvements to the site with the existing dwelling located at 92 Washington Street being moved onto it and combined with the existing dwelling to create one residential property. - There will be a deck construction and a pool and spa inset into the deck above grade. - All the proposed work is within Land Subject to Coastal Storm Flowage and reviews the flood zone that borders and within the property lines. - The project was sent over to the Coastal Resilience Advisory Committee for review prior to being presented to the Commission, which is included in the digital packet. - Once this structure is moved, the applicant plans to elevate the existing structure to be compliant with the current Mass building code with regard to the elevation to the structure itself. - The construction of the pool would be similar to those approved on Mariner Way, where it would sit flush within the deck. - The system would be a concrete foundation or crawl space with pertinent flood vents to allow flood waters to pass through the site. Misurelli - Asks Santos about the elevation level for the foundation. Santos - The first floor would be at elevation 10, but the owner is willing to go to elevation 11, as it was recommended by the Coastal Resilience Advisory Committee to do so. Turcotte - I appreciate the effort made by the applicant to get the pool to the same height as the structures, as I think it's good common practice. - Asks if a utility pole is getting moved and if the wires are going underground. Santos - There are four overhead wires that go over to Union Street but to move the garage to where we want to move it, the pole is going to have to be dealt with. Williams - Asks how the dwelling is going to be moved from 92 Washington Street. Santos - Warren Ard is going to make the move and not sure which way he's coming or how it's getting in there, but he has figured it out. Williams - The disturbance over there is going to be massive as it seems like there are additions all over the place. - We've had concerns about the pools in the flood zone before but appreciate that you're trying to bring it up. - Thinks there is a lot going on in this lot and having difficulty with it as that lot has impacted some of its neighbors negatively. Schafer - Asks Santos if an addition on the site plan is the same elevation 11. Santos - Confirms that it is elevation 11. Engelbourg - I appreciate the willingness to go to elevation 11 on this site. - Asks Santos how the pool and spa are going to effectively act as an impervious surface.

	- I understand that its location is on a deck and going to have adequate spacing to be impervious, but we still need to make sure that those features aren't pooling water and causing runoff or some type of wash over. - Asks if there are any engineering solutions to redirect that water into drainage systems and direct all roof runoff to subsurface infiltration. Santos - When we construct the crawl spaces, there will be a gravel surface that the roof runoff would then be sent down directly into that particular area. - With regard to the pool and cover, what the intent of the auto cover would be in a rain event that pool could be theoretically closed so you're not elevating the rainwater interacting with the treated water in the pool. Engelbourg - I think requiring an environmentally-sensing auto cover for pools or something similar along with a functioning sump pump would be located on the site and inspected regularly would be prudent for our Order of Conditions. - We can either continue the hearing or close and require the applicant to come back with Amendments or Minor Modifications as conditions of the Order. - We need to permit projects with accurate record plans so if the representative says they want to build this at elevation 11 but the plan is at elevation 10, at minimum we will need a new plan before we close. Misurelli - Auto covers have to end up in a trough anyways when they roll up and there's usually a drain line in the trough which can go into a subsurface. Santos - This move is contingently set for March 11th due to the timeline of the other project. - Continuing the discussion until the next meeting of February 19th will give us all time. Christo - The runoff from the pool is very important as to where it does disperse and requests a design of the system before giving permission. Engelbourg - We tend to close hearings with conditions that plan for all infiltration to be submitted to the Commission for review prior to construction or start of work for the project. - The Commission wants information related to the pool design, roof infiltration and elevation of the property. Dixon - Has concerns due to the property having more density and any potential impact that it might have on our property in terms of runoff. Santos - CRAC also recommended some landscaping with native species which would be good to incorporate and would help with some features we have discussed tonight. Engelbourg - Agrees with Santos and the Commission would welcome those as additions for the next meeting.
Action:	CONTINUED UNTIL FEBRUARY 19, 2026

B. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL FEBRUARY 19 TH , 2026
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2. Town of Nantucket- Baxter Road Alternative Access (various) SE48-3945

Action:	CONTINUED UNTIL FEBRUARY 19 TH 2026
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3. *Nantucket Islands Land Bank- 22 Cathcart Road (43-68) SE48-3954

Action:	CONTINUED UNTIL FEBRUARY 19 th , 2026,
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4. * Harbourvue LLC- 94 Hulbert Avenue (30-50) SE48-3957

Action:	CONTINUED UNTIL FEBRUARY 19 TH , 2026
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5. *Nantucket Islands Land Bank- 41 Jefferson Avenue (30-45) SE48-3959

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Art Gasbarro, Nantucket Engineering & Survey P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	John & Ann Orr, Homeowners and abutters at 43 Jefferson Avenue Joseph Young, Homeowners and abutter at 43 Jefferson Avenue Burton Balkind, speaking on behalf of himself
Discussion: (00:47:10)	Gasbarro - Describes the proposed project of removing the existing structures including site features of walls, planters, and walkways and restore a large portion of the area with a constructed Dune. - One portion of the existing structure would be relocated to the east side of the property and the placement of Mobi mats to replace the existing boardwalk and another along the new section which would go through the Dune to provide access to the recreational Beach. - The applicant is also proposing to expand the parking area in place to where the structures are that will be removed. - Believes there is significant net benefit to this project as the structural area will be removed, the area will be planted with Beach Grass, Goldenrod, and Bayberry. - There will be some sandfill that will be brought in and some snow fencing to help capture some of that windblown sand. - Describes the design iterations that were considered while working with the Woods Hole Group. - The full project is within an altered Coastal Dune, Land Subject to Coastal Storm Flowage, and a portion within the historic high tide line so we would be seeking a Chapter 91 license. - The structure that's being relocated will primarily be used for storage so sewer and utilities will not be needed. - We will need to continue this hearing as we are still waiting for a response from Natural Heritage. Williams - Some of the parking spaces are below the two elevated houses and asks if they are in plans somewhere. Gasbarro - Those are to the south to the limit of work shown on the plan and depict the area on the site plan. Williams - Thinks it's a fantastic plan. Misurelli - Asks Gasbarro what kind of snow fencing is proposed to be installed. Gasbarro - It will be snow fence with slats and wire and will not be removed but we anticipate that it will get buried to which we would need to adjust or add another row which comes up. - There would not be any intention of taking it out as we're looking for maximum stabilization in that area.

	Engelbourg - Asks Gasbarro to discuss the knee walls and what the purpose of it is in the parking area. Gasbarro - There currently is a series of sort of pile-type driven walls that retain the sand out of the parking area. The idea is to match what is there. - They will be timber and would tie along the edge of the parking with the intent of just being not having sand pouring in. Engelbourg - Is an Order of Conditions required to apply for the Chapter 91 license? Gasbarro - It's a prerequisite. Engelbourg - It sounds like the wording of sand fencing in the Notice of Intent and what you're saying today are not matching and asks if the Commission could get clarity on it. Gasbarro - That information came from the Woods Hole group so perhaps that was my misunderstanding as I expected it was the snow fence. - Will get clarity on it for the next discussion. Engelbourg - My preference would be more like a picket fence. Williams - Agrees with Engelbourg Misurelli - From a safety standpoint, there's probably going be children running around down there, it would be better than having the wire that could break loose if the applicant would consider that. Engelbourg - Reviews the definition of a Coastal Engineering Structure and recommends permitting it as one and waiver it as such. - It seems like having rows of fencing is scientifically relevant to catching the sand and building up the Dune in the area. - Agrees with that design from an ecological perspective but regulatorily though, it called out in the Regulations that multiple rows of fencing is a Coastal Engineering Structure. - The long-term net benefit and the significant public benefit waivers apply but we need to permit things appropriately. Gasbarro, - We could request that we waiver for the next meeting formally if you prefer. Engelbourg - You could request a waiver if you wish or we can just grant it as a Commission. Ann Orr - There's no question that the removal of these buildings will have a very positive impact on the beach and applaud the Land Bank to remove them in order to provide affordable housing. - We have specific concerns as they affect our property directly as the proposed relocation of the storage garage would place it directly alongside our property line. - We understand that there's potential for putting bathrooms or porta potties near that garage, which means the smells and sounds will flow right into our back door. - Our other concern is the proposed location of the Mobi mat, which connects the parking area to the beach. The location will mean that access for all of these visitors will be right beside our cottage.
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	- We ask that the proposal be amended to keep the storage garage where it is, which makes the waiver to move the garage onto the sand unnecessary. - We also request that the Mobi mat be relocated closer to where the garage is now. - Our final concern is the creation of what looks like a 5-foot Dune and asks if it's necessary to add all this sand to the property. Engelbourg - Unfortunately, your concerns for points one and two, although I am sensitive to them, are outside of the Commission's jurisdiction. - Any issues related to bathrooms need to be directed to the Board of Health. - The issue of the Mobi mat and public access adjacent to your property doesn't affect our role as a wetlands regulatory board and recommends speaking with the Land Bank about that. - In relation to issue 3 of the dune and sand, I will direct you to the applicant's representative. Gasbarro - Explains the restoration and function of the Dune. - We see it as a net benefit and positive project in terms of environmental interests. - There is already a large amount of wind-blown sand and by constructing the Dune instead of just leaving what's there, it's more in the interest protected by the Commission for replacing that structural area. - The Mobi mat is going where the boardwalk is now and we had a design iteration with it along that property line and decided that it should go along that edge in order to be good neighbors. Engelbourg - Notes that he believes she may be referring to the extension of the Mobi mat as some of it aligns with where the boardwalk. Williams - Mobi mats are for handicapped accessibility which they are now required to provide. - It also doesn't look like they are planning on taking down the wooden fence between their property and the Land Bank's. - Asks Gasbarro if there are going to be bathroom facilities at the beach. Gasbarro - We have no intention of removing the fence. - Not aware if there will be public bathrooms on site Engelbourg - Reminds Williams that it's not within the Commission's purview. Balkind - This is the kind of project that we should all be behind because to some degree, retreating buildings away from shorelines is what we're going to be seeing more for in the future. - The projects that the Land Bank are spearheading in this instance is just what the island needs. Young - Regarding the placement of the garage, I didn't hear the potential of leaving it where it is. - Concerning if the garage could remain where it is, is it possible to move the Mobi mat to the western side to the proposed Dune. - Is there any way to mitigate the amount of blow of this proposed 5 ft Dune. Engelbourg - Windblown sand comes off the Beach so the point of the Dune, especially a vegetated Dune, is to capture sediment. - Having a Dune in place is probably the type of mitigation that you want. Gasbarro
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	- Agrees with Engelbourg in terms of the Dune - Describes the purpose of a zig zag fence and how it's the mitigating effect there. - As part of the overall project, we're trying to get some parking for the enjoyment of the wetland resource areas by moving that structure. - In exchange for leaving the structure there, you would be expanding the parking area to the West if you were trying to achieve the same project goals. Engelbourg - In terms of our protected interest of wetland scenic views, having the garage in the proposed relocated location versus in place provide much more benefit to that interest.
Action:	CONINUED UNTIL FEBRUARY 19 TH , 2026

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. WMASKCS, LLC- 113 Eel Point Road (232-2) SE48-3960

Sitting:	Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg
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: (01:16:38)	Dell 'Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried://5:0: Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye) Engelbourg (recused)

2. Tejada- 1 Allens Lane (55-234.5) SE48-3961

Sitting:	Engelbourg, 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:(01:11:23)	Dell'Erba presents the item Engelbourg request to change the wording of Condition #25 to include "annually by the anniversary of the Order"
Action:	Motion to issue OOC as amended: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0 Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

B. Orders of Conditions/ Amended Orders of Conditions- Waiver Required (none)

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 FEBRUARY 19 TH , 2026
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E. Minor Modifications

1. The Pop's Lane Holding Trust- 3 Pop's Lane (60.2.4-64.1) SE48-3830 (Madden)

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
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: (01:22:19)	Madden - Minimal updates which include a further reduction in the scope of work. - Some reconfigurations of some decking, elimination of an addition, relocation of the garage and pool further away from the resource areas. - Landscaping, utilities and drywall updates are also present but there is no change in the limit of work.
Action:	Motion to issue Minor Modification: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried://5:0: Engelbourg, Misurelli Plandowski, Schafer, Turcotte (aye), Williams (recused)

F. Certificate of Compliance (none)

G. Extension Requests

1. Hagedorn- 34 West Chester Street and 3 Wesco Place (41-31 & 42.4.3-51.2)

Sitting:	Engelbourg, Plandowski, Schafer, Turcotte, and Williams
Recused:	Misurelli
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: (01:24:01)	Madden - The original approval involved invasive species management and vegetative restoration along with relocation of existing driveway, construction of retaining walls, and installation of a greenhouse. - The initial invasive species management and vegetative restoration work has been completed but it's an ongoing effort and the applicant is requesting a three-year extension to the Order.
Action:	Motion to issue the three, one year Extension: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://5:0: Engelbourg, Plandowski, Schafer, Turcotte, and Williams (aye) Misurelli (recused)

H. Other Business

1. Approval of Minutes 01/22/2026

Discussion: (01:26:10)	No questions or comments from the Commission
Action:	Motion to Approve Minutes for 01/22/2026 (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Monitoring Reports

Discussion: (01:26:56)	Engelbourg - Nantucket Islands Land Bank has submitted monitoring reports from their various properties. - Direct any questions to Commission staff and he will connect you with the representatives.
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3. Update to CRAC Review Procedures

Discussion: (01:26:42)	Engelbourg - We have an update to the Coastal Resiliency Advisory Committee review procedures related to applications for Land Subject to Coastal Storm Flowage that need to be evaluated for compliance with the Coastal Resiliency plan. Dell'Erba
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	- There's a two-page memo that Director, Jeff Carlson has put together and is in the packet. - Essentially, we're memorializing our intention to streamline the CRAC review process, which includes a checklist that was created. - The checklist will go to Leah Hill, the town lesion for CRAC where the project will have an initial review by the Committee. - If the Commission would like to adopt this as our procedure, then we can take a vote to include this into our polices and procedures and get it online. Engelbourg - Highly in support of this process and open to discussion if any Commissioner finds that they are not in support of it. All Commissioners agree with Engelbourg
Action:	Motion to Memorialize the staff review process: (Made by: Turcotte) (Seconded by: Williams)
Vote:	Carried://6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

CRAC:	Braine is not present
CPC:	Schafer - Nothing new
NP&EDC:	Misurelli - Last meeting was cancelled due to Town closures from the snow, but we were able to meet with the finance committee this afternoon to review Article 74, which is on the town meeting warrant. - The Finance Committee had some questions, and we have another scheduled meeting on February 17th with petitioners who have an opposing article.
Harbor Plan	Williams - Still waiting for the state.

5. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:30:03)	34A Grove Lane Dell'Erba - We had a last-minute update that Tori Ewing, the property's representative, is traveling and unable to connect to the meeting. - Aware that they haven't hired an engineer yet but minimally they are going to need an as built of what's already occurred, a wetlands delineation, a surveyor, and engineer. - We can determine next steps or Amend an Enforcement Order. Engelbourg - This seems like an example of purposeful delay and I'm not sure if it's by malice or negligence, but we should move towards discussing a civil penalty to assess until we receive a response and remediation of the violation. - I would prefer that we have Town Council weigh in on this and would request that we Amend this Enforcement Order. Dell'Erba - I don't think we need to Amend the Enforcement Order in order to get that information from Town Council. Engelbourg - Asks Dell'Erba to get the form for legal services filled out right away and get Town Council's opinion about the civil penalty and we'll move from there.
Action:	Motion to request legal services for Town Council's opinion in regard to assessing a civil penalty for the violation at 34A Grove Lane (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Discussion: (01:33:12)	Engelbourg - Asks the Commission if anyone has any additional methods or strategies that the Commission should employ at this time to get this property into compliance. Williams - Thinks we need to move forward in hopes that we get a reaction. Schafer - Asks if the Commission had summoned them to come forward to the Commission. Engelbourg - Confirms that the Enforcement Order was made and Amended requiring them to appear at tonight's meeting. Dell'Erba - Mentions that this is the second missed meeting by the property owner and representative. Engelbourg - It's a clear pattern of not taking the violation seriously in the eyes of this Commission.
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6. Commissioner's Comments

Discussion: (01:34:28)	Schafer - Asks Dell'Erba if any steps have been taken to inform all the applicants about the requirement to go before all the other boards. Dell'Erba - There is a policies and procedures document that hopefully is going to go up on the website next week. - I've been sending out a lot of links to the Mass General Law and Town Bylaw to at least show people where it is.
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6. Administrator/Staff Reports

Discussion: (01:35:29)	Dell'Erba - I'm sure everyone has been aware of the damage that recently occurred to the geotubes, my only comment right now is to clarify that an investigation is being conducted by the Nantucket Police Department. - We do not intend to comment as the Town Council has advised us not to do so until the investigation has concluded, and they can make the appropriate recommendations. - If some sort of Emergency is declared, we may be stepping in some other role to issue an Emergency Certification. - We anticipate discussion on the matter at an upcoming meeting. Engelbourg - It's not within our role to interfere with investigations but the reality is that no matter what has happened on the site, there is a situation of non-compliance and ultimately, this Commission will need to deal with that violation. - The Conservation Commission has the ability to issue violations against property owners, permit holders, contractors, and individuals that somehow cause violations. - I think it's best within our jurisdictional role to post Baxter Road geotubes on Enforcement Actions for every meeting from now until there is information is available to talk about it. Williams - I think it's people who have been opposed and I think it's disgusting and irresponsible behavior for someone on this island to do that. Engelbourg - Let's not get into opinions yet as we have no idea what has happened.
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	Misurelli - Asks who has the authority to issue an Emergency Certification. Engelbourg - We have that capacity if a situation creates imminent danger to health and human safety. Dell’Erba - It has to be declared an emergency by either the Health Department or the Building Department, and in this case it could be CZM or the Selectboard but we can’t declare an emergency. Engelbourg - We can’t declare an emergency, but we can allow projects to proceed under Emergency Certification if it has been declared.
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Adjournment:

Motion:	Motion to adjourn at 6:40pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves