



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, March 5, 2026 – 5:00 p.m.

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

<https://youtube.com/live/kVu7-F5GN78>

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, Schafer, Plandowski, Turcotte and Williams
 Absent Members: -
 Members Left Early: -

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:00:57)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

III. Announcements

Discussion: (00:02:06)	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: (00:02:33)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:02:42)	none
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:03:17)	Engelbourg - Asks Commission and public if there is any interest in opening SE48-3970 Commissioners and Public don't see a need to open the following: - 51 WW LLC- 53 Wanoma Way (92.4-320) SE48-3970 - Dell Erba confirms that staff has everything they need to close
Action:	Motion to close SE48-3970 (Made by: Turcotte) (Seconded by: Plandowski)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

1. *51 WW LLC- 53 Wanoma Way (92.4-320) SE48-3970

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
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: (00:03:17)	Motion to close: (Made by: Turcotte) (Seconded by: Plandowski)

Vote:	Carried://7:0: Engelbourg, Braine, Misurelli Plandowski, Schafer, Turcotte, and Williams (aye)
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B. Notice of Intent- Waiver Required

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

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

Action:	CONTINUED UNTIL MARCH 19 TH 2026
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3. Harbournvue LLC- 94 Hulbert Avenue (30-50) SE48-3957

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	David Haines, Haines Hydrogeologic Consulting Steve Roethke, S.M Roethke Design, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion: (00:04:54) Continued: (01:19:08)	Engelbourg mentions they are going to hold off on this discussion until the end of the meeting. Haines - Since the last hearing, there had been a site visit with the Commission as well as a revised plan submitted. - In that revised plan, the vegetation along the buffer zone and Coastal Bank. - Since the flood zone was re-drawn and the datum was changed, it brought the flood zone up to the site, making it more restricted. - The applicant is requesting to work within the 50-foot buffer zone and either one of the two waivers. - One waver involving no impact and involves there being no reasonable alternative. - The other being that there would be a overall net benefit by replanting the Coastal Bank, giving back some scenic wetland views, and by increasing the biodiversity in that area. - The conversation of the existing porch into living space is over the existing structure except for a 21 square foot extension away from the Coastal Bank. - All the structural work is happening further away from the resource area than where the existing structures are. Schafer - Believes the Commission had questions involving the extension of the porch and maybe an outdoor shower, if correct. Haines - It was shown at the site visit that architecturally why that two-foot extension was incorporated into the plan as it meets up with the line of the house. - We pointed out the shower but hadn't discussed it. Misurelli - The porch side is all existing, so they are just building up on the existing framework. Engelbourg - Mentions that there is a two-foot extension that has been noted to match the roof pitch, which is architecturally fine. Turcotte - We have a situation with a pre-existing structure where some of the regulations and buffer zone setbacks have changed. - After visiting the site and looking at it, there's less reasonable alternatives and I feel better about approving this project now than I was prior to the site visit. Roethke

	- Acknowledges that he is present to answer any questions the Commission might have in terms of the architecture. - In regard to the addition of two feet, it helps organize the sort of architectural manifestation of the project and the key component of the expansion that the applicant is trying to achieve. Engelbourg - There are three waivers that are being applied for but believes the ‘no reasonable conditions or alternatives and no adverse impacts’ seems to be the most reasonable. - Personally, he has some concerns about the two feet extension to the deck because reducing it to the existing area seems like a perfectly reasonable alternative and would preserve the project purpose in that area. - It would also seem like a perfectly reasonable alternative to reduce the size of the addition and have the outdoor shower be retained in either the same location or within the proposed addition area. - Overall, I understand the purpose of the project, but it seems to me that reducing or having a redesign of the structural area would be a reasonable alternative for the project to proceed. Schafer - They have a proposed plan based on what they’re trying to accomplish but if it doesn’t impact the resource area in any significant way, I don’t see a need for another alternative. Engelbourg - Reminds the Commission what the waiver says in terms of how it’s written. - The applicant is to prove that there’s no adverse impacts, and also that there are no reasonable conditions that could be applied in the Order of Conditions or alternatives to the project design, that could be made to additionally reduce or mitigate the adverse impacts. Misurelli - Most of the houses already exist within the 25-, 50-, and 75-foot buffer zones. We’re picking up some substantial benefit from the Coastal Bank and the planting. - States that he’s ok with the plan as it is unless the representatives feel they would like to make changes. William - Agrees with Misurelli and Schafer. Plandowski also agrees Braine - Agrees but notes he wasn’t at the site visit with the Commission.
Action:	Motion to close: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

4. Mayflower Crescent LLC- 74 Monomoy Road (43-45) SE48-3959

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: (00:05:10) Continued: (00:09:21)	Due to the representative not being actively present at the moment, the discussion will be skipped over to the next agenda item. Santos - Describes the proposed redevelopment of an existing property with resource areas including Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage, and multiple policy Coastal Banks.

	- The application is essentially a buffer zone filing for the policy Coastal Bank, no work is proposed within the regulated areas of the Coastal Dune or Land Subject to Coastal Storm Flowage. - The applicant proposes to remove the existing dwelling, construction of a new dwelling, shed and reconfiguration of the site's hardscape features with associated landscaping, utility installation, and grading. - The site is not present within a mapped NHESP priority estimated habitat and in regard to the dwelling itself, was approved by the HDC in January of this year. - The new and current flood mapping that is used on island was adopted in 2014. The change in flood zone location and elevation altered what was previously designated as policy Coastal Bank on this property. - Given the architects' outline of what's currently developed on the site, which includes structure, hardscape, driveway and they've created a proposal which stays within the limits of those parameters. - The applicant has requested waivers to build within the 25-foot buffer zone no disturb of the top of the policy Coastal Bank. - The application for the shed will be heard next Thursday with the Zoning Board. Engelbourg - We could keep this application open, or we could require an Amendment to be made with the HDC file if needed. Turcotte - We're talking policy Coastal Bank versus Coastal Bank, and I understand the regulations have changed but this is a sensitive area with lots of topography. - In the past we have had lots of conversations about a structure being raised, replaced, and the right to maintain it in place when it's this close to any resource area. - It wasn't defined in the regulations when this was defined as a Coastal bank to let this type of work and disturbance happen. Misurelli - Asks Santos about the scale of the proposed new structure. Santos - It's got a limitation of ground cover than anything else on this site and we've stayed within that area that contains retaining walls, hardscape, driveway, and so forth. Misurelli - Hears Turcotte's concerns but doesn't have a problem with it as I believe there is no reasonable alternative. Schafer - Asks Santos to clarify if the foundation will be removed and if a new one will be put in place. Santos - It's completely a new foundation. Braine - It seems like the disturbance will mostly be from the activity of building it. I'm inclined to say that I don't have a problem with it. Williams - Agrees with Schafer and Misurelli and doesn't see a reasonable alternative. Engelbourg - Just because DEP made this policy about clearing up some language that was inconsistent about how we define Coastal Banks, doesn't mean one is more or less significant than the other in terms of protecting it. - In my opinion the main new dwelling that is proposed could be waiver under a no adverse impact, no reasonable alternative because it's essentially going in the same location with the same footprint.
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	- I have an issue with the proposed shed as it's adding new structure in an area that does not currently have any structure. - In that case, there may be some alternatives or other design scenarios that this property owner can look at to meet the needs of a storage area. I would ask the applicant to look back into it. Williams - If the shed wasn't apart from the application, ask Engelbourg if he has any issue with the dwelling construction. Engelbourg - Confirms that he doesn't have a problem approving the new dwelling. Williams - Agrees with Engelbourg that she also doesn't agree with the shed and asks if the applicant would do without one. Engelbourg - The shed is going in an area that was previously landscaped or had stone steps and parking areas but it's additional structure area that shouldn't be put there and isn't allowed. Santos - I understand the Commission's position on the shed, and I would like to proceed with application with the express that the shed would be removed from the current request. - I could file an Amended Order of Condition in the future if needed. Engelbourg - Ask DellErba if we have everything we need to close other than an updated plan or record from Santos showing no shed. DellErba confirms the applicant has everything needed to close and will draft a condition now for the request for an updated plan.
Action:	Motion to approve: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli Plandowski, Schafer, Turcotte, and Williams (aye)

5. Town of Nantucket- 130 Tom Nevers Road (91-109) SE48-3962

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Devin Herrick, Weston & Sampson Engineers Sean Healey, Weston & Sampson Engineers Charlie Polachi, Parks and Recreational Manager for the Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion: (00:05:45)	Herrick - There was a site visit which Dell'Erba was in attendance for and had made the observation that there wasn't an access path for the Town to get to the temporary ramp. - There was an updated plan sent to the Commission that reflects the access road which will be replanted in two years when the work has been completed. - Describe the changes made to the site plan with the planting schedule to match the new timeline. - NHESP has given the project its final determination. Dell'Erba confirms that the Commission has everything that's needed to close.
Action:	Motion to approve: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli Plandowski, Schafer, Turcotte, and Williams (aye)

6. *CBM Polpis Trust- 275 Polpis Road (25-16) SE48-3969

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
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Recused:	Williams
Representatives:	Brain Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion: (00:31:45)	Madden - The proposed project involves site improvements to a residential lot which include construction a guest house, portions of the associated site work extend into the 100-75-foot buffer zone of 2 separate Bordering Vegetated Wetlands. - There is also some driveway modifications proposed, and a new septic system proposed for both structures, the main house as well as the secondary dwelling. - The portion of the project that requires a waiver is through the existing garage which is proposed to be removed and loamed and seeded. Dell’Erba confirms that the Commission has everything that’s needed to close.
Action:	Motion to approve: (Made by: Turcotte) (Seconded by: Plandowski)
Vote:	Carried:/6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye) Williams (recused)

7. Nantucket- Washington Street in front of 32, 33, 34, 36, 38, 40, & 42 (various) SE48-3958

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Daniel Kramer, Hazen and Sawyer David Grey, Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(00:35:38)	There was no discussion
Action:	Motion to accept the Withdrawal: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

8. *39 Monomoy Trust- 39 Monomoy Road (56-79 & 8) SE48-3968

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Debra Nicholson, An abutter and homeowner of 26 Brewster Road
Discussion: (00:36:13)	Madden - Describes the proposed project of invasive species and buffer zone restoration work within a Bordering Vegetated Wetland. - There’s bush honey suckle, some native fox grape entanglements that’s intermixed with some native species as well. - Referring to the Restoration Site Plan to describe proposed work areas and locations of planted native shrubs. Nicholson - Concerned with the management by clearcutting and asking the applicant if they propose to put deer fencing around the native shrubs. Madden - The intent is to not clear cut, it’s a targeted approach to deal with the invasive bush honey suckle, which is within the buffer zone. - We propose to flush cut the shrubs at the base and apply a hand application of herbicide to prevent any regrowth. - We also want to protect the native vegetation. Dell’Erba confirms that the Commission has everything that’s needed to close.
Action:	Motion to approve: (Made by: Misurelli) (Seconded by: Plandowski)

Vote:	Carried:/6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye) Williams (recused)
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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

2. *51 WW LLC- 53 Wanoma Way (92.4-320) SE48-3970

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
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.
Discussion: (01:37:51)	Dell 'Erba presents the item
Action:	Motion to issue OOC as Drafted: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

1. Harbourvue LLC- 94 Hulbert Avenue (30-50) SE48-3957

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	David Haines, Haines Hydrogeologic Consulting Steve Roethke, S.M Roethke Design, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(01:40:05)	Dell'Erba presents the item - Deletes Conditions #23 & 24 and includes new conditions for #24 & #25 - #24- Reports are required annually until a Certificate of Compliance or permit expires. - #25- All Lighting shall be in compliance with Chapter 102 of the Nantucket Town Code. Engelbourg - Mentions the waivers that are being applied for and asks for discussion on the ones that the Commission feels they would like to grant. Turcotte - Mentions he would be more comfortable with waiver A rather than C Schafer and Misurelli Agree
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried:/6:1 Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye) Engelbourg (opposed)

2. Mayflower Crescent LLC- 74 Monomoy Road (43-45) SE48-3959

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors, Inc Chloe Coggins, Nantucket Surveyors, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(01:45:02)	Dell 'Erba presents the item Engelbourg - Mentions taking out the shed in the waiver section.

	- Also asks to add the removal of the exiting dwelling and construction of a new dwelling to the waiver and permit overview sections.
Action:	Motion to issue OOC as Amended: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:1 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams (aye) Turcotte (opposed)

3. Town of Nantucket- 130 Tom Nevers Road (91-109) SE48-3962

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Devin Herrick, Weston & Sampson Engineers Sean Healey, Weston & Sampson Engineers Charlie Polachi, Parks and Recreational Manager for the Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(01:51:48)	Dell'Erba mentions that the OOC for 130 Tom Nevers Road will have to be continued until the next meeting. - Also mentions that he was able to have a site visit out there and it was interesting
Action:	CONTINUED UNTIL MARCH 19 TH , 2026

4. CBM Polpis Trust- 275 Polpis Road (25-16) SE48-3969

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(01:53:34)	Dell 'Erba presents the item - Changes wording from "treatment" to "planting" and long-term.
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried:/6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye); Williams (recused)

5. 39 Monomoy Trust- 39 Monomoy Road (56-79 & 8) SE48-3968

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Williams
Representatives:	Brian Madden, LEC Environmental Consultants, Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(01:57:00)	Dell 'Erba presents the item - Changes wording in the conditions as it seems to be redundant. Turcotte - Requests to add a Condition stating that there will be no deer fencing.
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried:/6:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Turcotte (aye); Williams (recused)

C. Request for Determination of Applicability- Delineation Only

1. *Roman- 6 Berkeley Avenue (54-150)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors Chloe Coggins, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.

Discussion:(00:44:26)	Engelbourg mentions that with the updated procedures, the Commission is not required to open these applications unless we desire. Commissioners don't see a need to open the RDA and Dell'Erba confirms that they have everything that's needed to close.
Action:	Motion to issue RDA with a Positive 2A determination: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

D. Request for Determination of Applicability- Work Requested

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

Action:	CONTINUED UNTIL MARCH 19 TH , 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 02/19/2026

Discussion: (00:46:20)	Minutes will be held until the next meeting as they weren't in the packet for Commission review.
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2. Monitoring Reports

Discussion: (00:46:46)	none
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine has nothing to report
CPC:	Schafer - There's a meeting coming up later this month.
NP& EDC:	Misurelli - Article #74 & # 75, which are for the makeup of the NP & EDC, came to an agreement for a compromise. - There is only going to be one article which will be #74.
Harbor Plan	Williams - Still waiting for the state.

5. SBPF Sand Plan Discussion

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, and Williams
Recused:	Turcotte
Representatives:	Meredith Moldenhauer, SBPF Representative
Discussion: (00:47:43)	Dell'Erba - Part of the conditions for the two permits that the Commission approved were to get a detailed sand plan for the next year or to make up for what is missing. - We are in receipt of a memo and Moldenhauer is present to discuss it. Moldenhauer - We submitted a plan for May 12 th , 2025, that discusses specifically condition #52 & #56. - The plan had outlined that the sand would be distributed the 105,465 cubic yards that would be distributed over a period, not to exceed 10 years. - Any sand that was placed prior to construction starting on the expanded project would also contribute towards the requirement and potentially reduce the overall number of years that the sand would need to be distributed. Engelbourg

	- It's my understanding that the purpose of the agenda item is not to talk about what you just referred to of projects that have been approved and under an appeal. - It's actually about a discussion that the Commission had in terms of the existing installation not complying with and potentially amending the Enforcement Order to allow for additional placement of material through an Enforcement process. - I understand that it may have been complicated by the recent activities on the site that have caused the geotubes to puncture and deflate. Dell'Erba - Confirms that Engelbourg is correct on the matter to which is meant to be discussed tonight. - I am not comfortable calling the memo received a plan and feel the Commission needs supplemental information. - The supplemental memo seems more like an intention letter. Engelbourg - Agrees with Dell'Erba and mentions that the memo is read as SBPF is amendable to moving forward with this Enforcement process and getting a plan in place for additional material. - I know there were family issues, holidays and other activities happening on site more recently, delayed the conversation. Moldenhauer - Referring to the confusion on the published agenda but is prepared to discuss both agenda items. Engelbourg - Apologizes and notes that the agenda posting should have been clearer. - I appreciate you giving the Commission the whole record related to the sand plan for the proposed expanded project. - We appreciate the submission, but we are unable to discuss that while any of the appeals process is pending. - We will talk only about the current project. Dell'Erba - Unless the Commission has something specific that they would like to amend on the Enforcement Order now, I'm not sure if we want to go too far into anything. - Engelbourg requested to keep this matter under Enforcements/Potential Enforcements section to have the option to talk about it when the appeals or investigation is going to conclude. - We could have a discussion if anyone wanted to do some sort of friendly Enforcement Order. Engelbourg - Putting aside the recent events of the geotube investigation, the project as permitted is out of compliance and has been out of compliance for a long time. - As we keep having more storms and the effect of those storms keep having erosion of the Beach and the Bank, it is a big problem from a wetland's regulations perspective and an environmental science perspective to continue to have a structure is unmitigated with sand. - We need to move forward with amending the Enforcement Order to allow sand to be placed as he believes the police have done everything on site for their investigation and we need to move beyond this. - If it is found that a third-party actor was the cause of this, then we can amend the Enforcement to make that actor liable for this violation. Dell'Erba - Other than the Emergency Order or discussion for the permits, an Enforcement Order, the investigation doesn't matter at all.
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	- SBPF have been told to cover the geotubes before and I think we should certainly do that again. - I think that someone has to say at some point that if they have been covered with sand, this might not have been possible to happen. - We already have an Enforcement Order to allow them to do the same thing last year, so I think Amending that or creating a new one. Engelbourg - A new one is fine but currently there is no legal process for them to place sand so it's up to us to compel action. Moldenhauer - Shares a presentation on the overall background of the recent events and efforts made with the existing geotube project. - SBPF has conducted these post-storm assessments or working towards identifying that emergency repair that we had worked on voluntarily with you and we ask you to come back before you at the next meeting to pull more information together. Engelbourg - Although we understand your opinion, the Commission is not going to indicate that it was vandalism until a specific police investigation shows otherwise. - In terms of next steps, it's going to get complicated because those visuals are rough. Dell'Erba - The damage of the geotubes within itself was already kind of creating a dynamic damage scenario but post blizzard there are several areas where the top layer of sand on the template has caved directly back to the Bank. Engelbourg - We're probably moving towards the level where it could be considered almost a complete failure at this point. - When it was just geotubes that were in structurally sound condition, but they were uncovered, that's a relatively simple Enforcement Order. - Now with seeing the presentation and everything that Dell'Erba has said, I don't even know if the geotubes could be rebuilt in the area that they are now without getting into another whole list of issues. - What we need to do is to issue an Enforcement Order requiring SBPF to pull together an engineering package for us in order to see if it's even possible or feasible to do the rebuilding at this point. Moldenhauer - I don't respectfully believe that an Enforcement Order is needed as we are here tonight and working on that information. Engelbourg - If you're already getting prepared to provide that to the Commission at the next meeting that's great but in order for the work to proceed anyways, there are only three mechanisms at this point. • One is extremely unlikely- filing a new Notice of Intent • This Commission issuing an Enforcement Order to require engineer plans to see what the size and scope of the project would be in order to consider allowing it to proceed. • An Emergency Certification indicating that the project was necessary for a certified emergency, which is outside of our ability. Misurelli - I realize the damage is substantial but giving them two weeks to come in with what they need to come in with is ok by me. Engelbourg - The information that is required to be submitted by the next meeting.
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	• Updated record plan • Engineered plans showing how the construction could proceed with the whole scope of the removal, rebuilding, truck transport. Moldenhauer - Planed on coming back with a detailed understanding of the timing. - If you're looking for a plan record, we would need to conduct a survey which more than likely would take more than two weeks. Engelbourg - If you want to come back two weeks from now with a status update with how things are proceeding, that's fine.
Action:	CONTINUED UNTIL MARCH 19 TH , 2026

6. Enforcement Actions/ Potential Enforcement Actions

Discussion: (01:17:56)	34A Grove Lane Dell'Erba confirms that the Commission will not be having a discussion on this as the representatives are scheduled to come to attend the March 19th, 2026 meeting.
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7. Commissioner's Comments

Discussion: (01:18:24) Continued: (02:03:55)	None Engelbourg had received a request to go back to Commissioner's comment Turcotte - Two Select Board meetings back, there has been discussion about cattle grates and doesn't believe it's helpful for deer, but they can just jump over it. Dell'Erba - I don't know if they're effective for deer or not, but I think for our purview, I'm not even sure if they are shown on our plans that are submitted. - I think they are incredibly relevant to our regulations when they're in our jurisdiction. Engelbourg - We should ensure that if those things are proposed then they should be on the plan of record because it would be considered something that would be of concern for wildlife functions. Turcotte - Asks if the Commission considers it a structure. Engelbourg - Doesn't think it would be considered a structure. Dell'Erba - There's a pretty strong argument to be made for within our jurisdiction that they're an issue for the movement of wildlife.
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8. Administrator/Staff Reports

Discussion: (01:18:35)	Dell 'Erba - Signature pages may not be available until Wednesday, as he will be out of office.
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Adjournment:

Motion:	Motion to adjourn at 7:07pm. (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves