



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, April 2, 2026 – 5:00 p.m.

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

<https://youtube.com/live/sEPr8AoUZoQ>

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, Schafer, Turcotte, Plandowski; Braine arrives at 5:03pm; Williams at 5:05pm

Absent Members: -

Members Left Early: -

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:15)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0: Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte (aye)

III. Announcements

Discussion: (00:01:59)	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: (00:02:29)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:02:30)	none
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

1. *West Ashored LLC- 62 Wanoma Way (92-16) SE48-3972

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Turcotte
Recused:	-
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:(00:02:58)	Madden - Reviews the proposed project which involves some improvements to the pool area including reconfiguration of the stone patio, constructing a cabana, a spa, relocating the pool equipment, and adding a proposed fireplace. - All work is located outside of the 75-foot buffer zone, and the limit of work is structured outside the 50-foot buffer zone upgradient of that. Engelbourg - Mentions that there is an Enforcement Order on this property then a subsequent Notice of Intent, which dealt with the fence.

	- Asks Madden if a portion of the fence was within the 50- foot buffer but then was ultimately changed where all of the fence was to be outside of the 50-foot buffer zone. Madden - Confirms that the fence relocation took place and is fully outside of the 50-foot buffer zone, which the project received a Certificate of Compliance a few weeks ago. Engelbourg - Ask Madden why the plan shows an existing wood post and wire fence within the 50-foot buffer zone. Madden - Mentions that it's upgradient of the 50-foot buffer zone, which is noted on the plan.
Action:	Motion to close: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

B. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL APRIL 16th, 2026
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2. *Nantucket Islands Land Bank- 16 -19 East Creek Road (55-58 & 60) SE48-3971

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank Rachel Freeman, Nantucket Islands Land Bank Adrienne Lennon, Pare Corporation Todd Turcotte, Pare Corporation Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Burton Balkind, speaking on behalf of himself
Discussion: (00:06:40)	Phelps - The application was presented to the Commission at the last hearing, but it continued to allow Commissioners to do a site visit. - The project proposes to remove the existing dwelling and install an ADA boardwalk to a rebuilt dock and scenic overlook. - The Land Bank is working with Remain to use as much of the building material as possible for this project. - There was a revised plan submitted for the pedestrian stabilized crush stone pathway portion along with a waiver request and alternatives analysis. Lennon - The Commission requested the site be staked to allow an opportunity to conduct a site visit on Tuesday, March 31st. - We worked through a couple of alternatives in response to the Commission's request with regards to the landing of the boardwalk where it meets the walkway going to the parking lot. - As we attempted efforts to land the boardwalk closer to the seaward side, we were forced to include a tremendous amount of fill in the Coastal Bank so that we were able to maintain appropriate grades for ADA access. This would have a greater impact than initially presented. - When we made the site tighter to the parking lot and brought the boardwalk above the Coastal Bank, there's less impact with no fill and we're still able to maintain the grades.

	- The design is the same in terms of maintaining that same sea level rise resilient elevation while making sure our changes in level and grade maintain that ADA access and availability to all users. Williams - Mentions that she believes there needs to be a railing on the water side of the boardwalk, which is seen on one visual presented and not on another. Todd Turcotte - There will be a curb rail to stop pedestrians from going over as the intent is when waterfront structures like that for access, we try not to have a railing there. - There will be a 12-inch-high kick rail, and the boardwalk will be at elevation 6. Williams - Asks if there will be a ladder on that side as well for people getting off boats. Todd Turcotte - Confirms that's the intent with the Land Bank. Engelbourg - After doing the site visit and reviewing the waivers more carefully, I'm comfortable with Waiver E, which demonstrates that the project provides a significant public benefit with minimized adverse impacts. - Although it's clearly the Land Bank's mission to provide public access and recreation, we should include conditions in the Order to ensure that those are in place. Williams agrees with Engelbourg
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

C. Amended Order 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. West Ashored LLC- 62 Wanoma Way (92-16) SE48-3972

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
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:(00:14:25)	Dell 'Erba presents the item Turcotte - Requests to change the year to 2026 in the top section.
Action:	Motion to issue OOC as Amended: (Made by: Turcotte) (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. Nantucket Islands Land Bank- 16 & 19 East Creek Road (55-58 & 60) SE48-3971

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Elizabeth Phelps, Nantucket Islands Land Bank Adrienne Lennon, Pare Corporation Todd Turcotte, Pare Corporation Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.

Discussion:(00:16:58)	Dell 'Erba presents the item Williams - Asks if when mentioning the boardwalk, should we specify an ADA compliant boardwalk. Engelbourg - Notes that it's not needed due to being on the site plan and that it will be noted in the description section of the Order. Misurelli - Due to the site's proximity to the water, I think we should include a condition about appointing someone to be in charge of debris and construction on a daily basis. Engelbourg - Agrees that there needs to be several erosion and sedimentation conditions. Williams - Agrees and mentions how given how close it is to the marsh, not sure if the silt fence will be enough. Engelbourg - We've had some projects even closer to the water than this and we have generally required that prior to construction, the applicant shall submit a complete plan for erosion and sedimentation control indicating best management practices for how the site will be maintained. Dell 'Erba adds Conditions #28 & #29 Engelbourg - Especially with the change to the boardwalk being extended and the inlaid wood be added, we should get a planting plan with a species list protocol for that. - I think the list of plantings and methodology for how they're going to be installed would be helpful. Phelps - In the originally submitted plans, plan L601 is a planting schedule but we can provide more information if needed. Engelbourg - Notes that he sees the species list but because of the project revision, we need it to be updated for the area that is now encompassed by the additional wood. - Requests to add a Condition that mentions that the boardwalk and pier shall be open for public recreation and that the pier shall be open for public dockage or boat conveyance. Williams - Asks if the wording has to be that specific, public recreation should cover it.
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

D. Request for Determination of Applicability- Work Requested (none)

E. Minor Modifications (none)

F. Certificate of Compliance

Discussion: (00:27:09)	Engelbourg - Asks the Commission and public if anyone would like to open the following Certificate of Compliance request: • Ack-N-Back, LLC- 33 Quidnet Road (21-27.2) SE48-3327 Engelbourg - Asks Dell 'Erba if there are any ongoing conditions for the filings Dell 'Erba
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	- There are no ongoing conditions
Action:	Motion to issue COC with no ongoing conditions for SE48-3327 (Made by: Williams) (Seconded by: Turcotte)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

1. Ack-N-Back, LLC- 33 Quidnet Road (21-27.2) SE48-3327

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:27:09)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing conditions: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 03/19/2026

Discussion: (00:28:10)	none
Action:	Motion to approve the Minutes for 03/19/2026: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

2. Monitoring Reports

Discussion: (00:28:39)	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 has nothing to report
NP& EDC:	Misurelli - There was a meeting a week ago that mostly covered Mike Burns' traffic initiatives.
Harbor Plan	Williams - It's been imminent for three months

4. Enforcement Actions/ Potential Enforcement Actions

- Baxter Road Geotubes

Action:	CONTINUED UNTIL APRIL 16TH, 2026
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- 34A Grove Lane

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors Lewis Breckman, homeowner of the property
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Susan Lister Locke, neighbor and homeowner of 34B Grove Lane
Discussion: (00:29:29)	Engelbourg - A site visit was done on Tuesday, March 31 st that included the representatives and many Commissioners were there.

	Paul Santos, Nantucket Surveyors - We're back tonight to see some input on how to proceed forward with the addressing of the violations. - Notes the areas of the violations, which include the addition to the structure, the areas of fill that were placed in both the buffer zones and in the wetland area, as well as the placement of the stone driveway within the buffer zone. Engelbourg - We can deal with bringing the project into compliance through the Enforcement Order or a combination of the Enforcement Order and requiring a Notice of Intent. - I personally believe that Notice of Intent are always better. Williams - Agrees with Engelbourg and believes it should be both. Engelbourg - Notes that we need to amend the Enforcement Order to require the violator to submit a Notice of Intent indicating how they'll bring the site into compliance and a specific timeline that we want them to submit that by. - Generally speaking, we've requested applicants to submit a Notice of Intent within 30-60 days. Williams - Mentions that 30 days is sufficient.
Action:	Motion to amend the Enforcement Order to require the violator to submit a Notice of Intent to bring the project into compliance within 30 days: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Carried:/7:0 Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
Discussion Cont.:	Engelbourg - We should talk about the violations that have occurred and the Commissioner's thoughts on them in order to give the representatives clarity on what we're hoping the Notice of Intent shows. Williams - Notes she wants to see the grade taken back and the berm removed. Engelbourg - The structural elements added to the house include a completely new deck added to the north exposure of the house, a new section of deck added to the easterly portion, and another small portion added to an existing deck on the south side of that deck as well. Williams - I wasn't as concerned about the walkway from the parking lot to the front door. - The deck on the east side is quite extensive, I understand why it's there because the ground is so wet. - My biggest concern is the east side and the front at the moment. Schafer - Asks if any of these structures have been waived or possible if approved. Engelbourg - None of these structures meet the performance standards under our regulations. - I don't want to be speculative or hypothetical, but I would have significantly difficulty issuing any of our waivers for any of the structural elements that were added. Misurelli - I would say that I concur with all those comments that Williams made. - I think we would have to see what the suggested remediation would be given, the overall size of the site and the square footage of the structural elements. Turcotte - I would not vote to grant a waiver for anything on the back side of the house but possibly the boardwalk to the driveway.

	Misurelli - Mentions that he thinks the boardwalk to the front door is reasonable. Engelbourg - It sounds like none of the Commissioners agree with the Easterly deck as it's in a significant area and I would like it to be removed. - If you're already out there with a construction crew, the triangular piece added to the south side should be taken out too. - Mentions that the Commission should have a discussion on whether the walkway from the front of the house to the driveway should stay in its location, as it was constructed without a permit. - There is shared access with the neighbor's property and an easement that provided access into this parcel. - When visiting the site, there was an easement, a curb cut for the new driveway, and there was third curb cut in the middle of those two things. - Putting aside all the planning issues that we don't have any jurisdiction over; I think it makes no sense to have the driveway in the location that it is with clear alternatives in place. Williams - Asks Santos if they changed the grade to get the driveway in there because there has been a lot of manipulation of grade all the way around this section. Santos - Clarifies that there is curbing all around it and thinks it's close to what the grade was, but I can check the GIS to confirm whether or not it was changed. Engelbourg - The type of curbing that was used was irregular and probably meets the definition of structure under our Nantucket Wetland Regulations. Turcotte - Looking at the 2023 aerial, I have up, it's better for the resource areas to continue using the easement. - With the concrete pad still in place, it's a big addition that's changing the dynamics of the site and the stormwater with the new stone driveway. - If there is an existing easement in the concrete pad and a site that's being encroached on all sides by wetlands, I'm not for the boardwalk either. Engelbourg - The driveway is completely new and unpermitted and access to the property was historic over the easement. - Asks what the curb cut that's in the middle? Williams - It has grown in since 1998 so somewhere along the line that may be how people got to the front door. Engelbourg - My opinion is that the best scenario is to constrain access to the property through the easement where it previously existed before the driveway. - I'm willing to entertain an alternate scenario where some type of driveway is relocated into that area but not looking like the stone driveway that was created. - I think the deck and the boardwalk need to be removed. Williams - Asks if Engelbourg would rather see it in front of where the cut is that's growing back in as opposed to reducing what's over what's been constructed. Engelbourg - I think where they constructed it is honestly the worst place on the property. - You could have a shorter run and have less impact in the center location. Williams - Mentions if that's the case, I would rather leave it over where the easement is. Santos - I would propose to leave it where it is but in a vastly reduced form.
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	Misurelli - I would suggest getting rid of the edging and leaving it more natural so it's not a structure. Engelbourg - My preference is to have no driveway at all and just have it where the easement existed before, but I think there's some opinions on that. Williams - Where they constructed the driveway is actually farther away from the wetland than from the easement driveway because there are wetlands about 10ft from the driveway. - I would prefer them to use the one they just constructed, reduce it and make it simpler. Engelbourg - If you look at the site plan, the driveway is sandwiched between two wetland pockets. Turcotte - The easement is going to exist for access to the other house so I don't think you can eliminate that one. Engelbourg - Let's now discuss the disturbance to the wetland that was brush cut, the fill that was added, and the berm that was created. Misurelli - I think Santos has done enough of this where he's going to come back with a proposal for the grades, and what the plant removals and replacements are going to be. Engelbourg - I think we need a full site restoration and the berm to be removed. Santos - I think there is a consensus on that. Engelbourg - It sounds like on the three points, a majority of the Commissioners aren't in support of the southerly and easterly structural deck additions. - Most Commissioners aren't in support of the boardwalk or the deck unless it's servicing the driveway remaining in the place that it's constructed. - At least half the board aren't interested in the driveway remaining in the place that it was constructed. - It seems like there is complete consensus on requiring a full plan for wetland restoration, berm removal, and taking out establishing grades.
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5. Commissioner's Comments

Discussion: (00:52:41)	None
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6. Administrator/Staff Reports

Discussion: (00:52:49)	none
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I. Adjournment:

Motion:	Motion to adjourn at 5:53pm. (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves