



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, April 16, 2026 – 5:00 p.m.

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

: <https://youtube.com/live/uS0rcVBo0tE>

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

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:39)	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 Williams (aye)

III. Announcements

Discussion: (00:02:25)	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: (00:02:50)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:02:58)	none
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:03:26)	Engelbourg - Asks Commission and public if there is any interest in opening SE48-3974 Commissioners and Public don't see a need to open the following: 14 Bassett Road LLC- 14 Bassett Road (26-41) SE48-3974 - Dell 'Erba confirms that staff has everything they need to close
Action:	Motion to close SE48-3974: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

1. *14 Bassett Road LLC- 14 Bassett Road (26-41) SE48-3974

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, 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 MAY 7TH, 2026
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2. *Town of Nantucket- Polpis Harbor & Hither Creek Dredging Plan (various) SE48-3973

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Douglas Partridge, Arcadis Vince Murphy, Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:04:23)	Murphy - Introduces the proposed application for dredging at the entrance of Polpis Harbor and Hither Creek. - There are many purposes for this project with the main purpose being to improve navigation in and out of both of those areas at low tide and throughout tide cycles. Partridge - Describes the proposed dredging project at both locations. - Emphasizes that the project is to restore navigation for recreation and commercial boating. - Not only has it adversely impacted commercial fishing, but it is impacting title flushing and we're looking to maintain access to public boat ramps, landings, mooring fields, boat marinas, and shellfish areas. - As part of the application, Arcadis identified all the federal, state, and local permits that are required to support this project. - The applicants have met with all parties as a pre-application and have submitted a streamline MISA form but have yet to hear back from them. - Reviews past dredging projects in comparison to the new footprint of the proposed dredging. - The applicant is requesting a two-foot allowable over dredge to negative 935 to minimize the frequency of the maintenance dredging for a period of 10 years. - Refers to the design drawings which reflect the hatched areas that it would require dredging, which are extremely shallow areas. - Reviews the conservation measures which would protect federal and state regulated species with work occurring from October 3rd to January 15th. - Over a 10-year period, Polpis Harbor will be done twice, once initially for improvement dredging and one additional for maintenance dredging. - For Hither Creek, it's more frequent due to its location within Madaket Harbor, and required up to three times per year. - Sand will be properly managed with sediment erosion controls and properly handled as necessary. - All project locations are within Land Under the Ocean, with a majority of them within Land Containing Shellfish. - Both sites include rare wildlife habitats, but the time of year restrictions are specific to those. Misurelli - In terms of when the sand is dredged, does it get moved to drain off somewhere and then trucks to a different location? Murphy - Refers to the Potential Sandbank locations slide and mentions that the sand will have to sit there to dewater, which will be placed away from a wetland in order to avoid disturbance.

	- There will be a separate permitting step that will have to happen outside of this process. Partridge - It will either be through hydraulic or mechanical dredging, but we expect hydraulic dredging which will be moved to a barge to be temporarily dewatered and then halt. Engelbourg - The project doesn't have everything needed to close and asks the representatives if they would like to continue until the next meeting on May 7th. Partridge - We expect the MISA review by then, so we'll continue this matter until that time.
Action:	CONTINUED UNTIL MAY 7TH, 2026

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. 14 Bassett Road LLC- 14 Bassett Road (26-41) SE48-3974

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(00:17:38)	Dell 'Erba presents the item Engelbourg - Asks to change the definition of the project on Condition #26 to include "aside from the kitchen garde area." Schafer - Asks to add Condition #28 requesting a person on site to take care of the debris on a daily basis during the removal of structures.
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0: Engelbourg, Misurelli, Plandowski, Schafer, 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 (none)

E. Minor Modifications

Discussion: (00:22:30)	Engelbourg - Asks the Commission and public if anyone would like to open the following Minor Modification request: • Christopher Emery Revocable Trust- 46 Tennessee Avenue (59.4-89) SE48-3919 Dell 'Erba confirms that he is satisfied with the application and can vote to approve the Minor Modification.
Action:	Motion to issue the Minor Modification for SE48-3919: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

1. Christopher Emery Revocable Trust- 46 Tennessee Avenue (59.4-89) SE48-3919

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Paul Santos, Nantucket Surveyors Inc.
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:22:30)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Minor Modification: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

F. Certificate of Compliance

Discussion: (00:23:23)	Engelbourg - Asks the Commission and public if anyone would like to open the following Certificate of Compliance request: • Nantucket Yacht Club- 1 South Beach Street (42.4.2-11 & 12) SE48-3745 • Winterwade Properties LLC- 30 Willard Street (29-71) SE48-1593 • Nantucket Electric Company- 10 New Whale Street (42.3.1-37) SE48-3944 • Dolan- 1 Pawgvet Lane (30-129.1) SE48-2256 • Butswinkas- 6 Harbor Terrace (55-51) SE48-2553 Williams • I have to recuse from Nantucket Electric Company- 10 New Whale Street, SE48-3944 Engelbourg • Asks Dell ‘Erba if there are any ongoing conditions for SE48-3944 Dell ‘Erba • There are no ongoing conditions
Action:	Motion to issue COC with no ongoing conditions for SE48-3944 (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried:/4:0 Engelbourg, Misurelli, Plandowski, and Schafer (aye); Williams (recused)
Discussion: (00:24:50)	Engelbourg - Asks Dell ‘Erba if he’s been out to these other four sites and has recommendations for the Commission with any ongoing conditions. Dell ‘Erba - All projects are within compliance. • There is ongoing condition #19 for Butswinkas- 6 Harbor Terrace (55-51) SE48-2553 -
Action:	Motion to issue Certificate of Compliance for SE48-3745, SE48-1593, SE48-2256 with no ongoing conditions and SE48-2553 with ongoing Condition #19:(Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams(aye)

1. Nantucket Yacht Club- 1 South Beach Street (42.4.2-11 & 12) SE48-3745

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Leo Asadoorian, Blackwell & Associates
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:24:50)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

2. Winterwade Properties LLC- 30 Willard Street (29-71) SE48-1593

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
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Recused:	-
Representatives:	Art Gasbarro, Nantucket Engineering & Survey
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:24:50)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

3. Nantucket Electric Company- 10 New Whale Street (42.3.1-37) SE48-3944

Sitting:	Engelbourg, Misurelli, Plandowski, and Schafer
Recused:	Williams
Representatives:	Melissa Kaplan, BSC Group
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:24:50)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/4:0 Engelbourg, Misurelli, Plandowski, and Schafer (aye); Williams (recused)

4. Dolan- 1 Pawgvet Lane (30-129.1) SE48-2256

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Art Gasbarro, Nantucket Engineering & Survey
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:24:50)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

5. Butswinkas- 6 Harbor Terrace (55-51) SE48-2553

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, and Williams
Recused:	-
Representatives:	Dan Mulloy, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:24:50)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with no ongoing condition #19: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 04/02/2026

Discussion: (00:26:14)	none
Action:	Motion to approve the Minutes for 04/02/2026: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

2. Monitoring Reports

Discussion: (00:26:58)	none
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3. Review East Creek Planting List and Sedimentation Control Plan

Discussion: (00:27:00)	This matter will be held over until May 7th, 2026
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Not present
CPC:	Schafer has nothing to report
NP& EDC:	Misurelli has nothing to report
Harbor Plan	Williams - They are working on tightening up some language, particularly relevant to Chapter 91 and looking forward to having it shortly.

4. Enforcement Actions/ Potential Enforcement Actions

- 21R Madaket Road

Discussion: (00:28:08)	Dell Erba - This was a request for an issuance of an Enforcement Order and requests that Santos give the Commission an overview of the violation that occurred. Paul Santos, Nantucket Surveyors - Santos submitted a plan with the letter requested by the attorney, Jesse Bell - A portion of the property owned by 21R Madaket Road Realty Trust had landscaping work done by an abutter. - The abutter and property owner of 21R Madaket Road are working together to address the situation but found it necessary to submit a voluntary request for an Enforcement Order and come back at the next meeting with a restoration plan for the work. - Refers to the plan to show work that was done on 21R Madaket Road. - At the time the abutter constructed a pool and possible additions to the house, there was clearing within the 25 no disturbed, 50 foot no build, currently 75 no build, and 100-foot buffer zone. - There is a restoration plan already prepared that will be submitted and be in attendance for the next meeting. Jesse Bell, Attorney for owner of 21R Madaket Road - The work within the stone walls and the lawn was done in 2015 or 2016 but the newer work is above the stone walls and the clearing. - There was an uncertainty about property boundaries, and it was not understood where the wetland boundaries were. Misurelli - Asks to clarify the property address of the abutters. Engelbourg - Confirms that the property address is 16 Meadow Lane, but we need to make the Enforcement indicate both property addresses as 16 Meadow Lane is also in the buffer zone. Misurelli - Asks if there is more work on 16 Meadow Lane that the Commission should be concerned about. Santos - I can look back at the aerials, but I didn't focus on 16 Meadow Lane so I'm not sure if that portion was already lawn. Engelbourg - Asks Santos if he could look into it as there may be another Enforcement on the other property but we could maybe tie them together. - We have the authority to go and check things out to see if there were permits for the other work on 16 Meadow Lane. Misurelli - Requests that the Commission schedules a site visit in the near future but doesn't see a need to do that just yet. Engelbourg - Confirms and mentions that staff could go out and look around and pull the past permitting history for the property.
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	- We need to issue an Enforcement action that would formalize this process mentioning that the violations happened and providing a timeline for when we require a restoration plan. Bell - Asks if they should submit a plan or wait until the discussion at the next meeting. Engelbourg - We're going to issue the Enforcement Order today and typically we request the restoration plan to be submitted within 30 days but if you have them available and can submit them today, we can review them at the May 7th meeting. - That plan can just be for the landscaping area that was disturbed and we're going to do our own assessment of the stone walls and can always Amend the Enforcement Order to require additional actions. - We need to figure out if the walls have a permit and if they don't and a desire to retain them, they could file a Notice of Intent. Engelbourg - We need a motion to issue an Enforcement Order against 21R Madaket Road for unpermitted work in the wetland buffer zones and to require a restoration plan to be submitted to the Commission within 30 days. Williams - Asks if the Commission should then issue an Enforcement Order to 16 Meadow Lane. Engelbourg - We don't have any evidence that there is a violation at 16 Meadow Lane. Dell Erba - We know for a fact that the encroachment onto the other property at 16 Meadow Lane did the work on 21R Madaket Road, so it has to be against both property owners. Engelbourg - Both parties will be listed on the issued Enforcement Order as they can be assigned to parcels, property owners, contractors, or individuals who are known as violations. - In order to allow restoration work on 16 Meadow Lane, we need evidence that some sort of violation happened.
Motion:	Motion to issue an Enforcement Order against 21R Madaket Road for unpermitted work in the wetland buffer zones and to require a restoration plan to be submitted to the Commission with 30 days: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/5:0 Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

- Baxter Road Geotubes

Discussion: (00:42:36)	Engelbourg - We have requested additional information be submitted by the representatives of SBPF at this meeting. Chip Nylen, - This is to respect to the repair of the damaged geotubes to which the Commission has requested plans to be submitted for the repair before we take any action. - We conducted a survey with the drones to which material has been sent off to Baird, which will be put onto plans and sent back to us in two weeks. - Our intent from there would be to provide those plans as they become available, which would more than likely be the second meeting in May. Engelbourg - Confirms that the meeting is scheduled for May 21, 2026
Action:	CONTINUED UNTIL MAY 21, 2026

- 34A Grove Lane

Action:	CONTINUED UNTIL MAY 7TH, 2026
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5. Commissioner's Comments

Discussion: (00:44:11)	None
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6. Administrator/Staff Reports

Discussion: (00:44:22)	Dell Erba - Mentions that on April 23 rd , the Commission has scheduled procedures and regulations update meeting and asks to send any thoughts prior to the meeting by email to him.
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I. Adjournment:

Motion:	Motion to adjourn at 5:45pm. (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://5:0: Engelbourg, Misurelli, Plandowski, Schafer, and Williams (aye)

Submitted by:
Lisa Graves