



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554
www.nantucket-ma.gov

Thursday, May 7, 2026 – 5:00 p.m.

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

<https://youtube.com/live/lpQOZn9JNE4>

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 Vice Chair, Linda Williams

Staff in attendance: Will Dell 'Erba, Conservation Agent
Attending Members: Braine, Misurelli, Schafer, Turcotte, Plandowski and Williams
Absent Members: Engelbourg
Members Left Early: -

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:00:55)	Williams makes a motion to appoint Misurelli as Chair pro temp due to Engelborg's absence.
Motion:	Motion to appoint Misurelli as chair pro temp: (Made by: Williams) (Seconded by: Schafer)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
Discussion: (00:01:11)	Misurelli notes the continuances
Motion:	Motion to accept the agenda (Made by: Williams) (Seconded by: Schafer)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

III. Announcements

Discussion: (00:01:30)	Misurelli announced that the meeting is being audio and video recorded.
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IV. Update on Public Comment Questions from Prior Meetings

Discussion: (00:01:36)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:01:44)	none
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VI. Public Hearing

A. Notice of Intent- No Waiver Required

Discussion: (00:02:11)	Misurelli - Asks Commission and public if there is any interest in opening SE48-3977 Commissioners and Public don't see a need to open the following: • Batat- 6 New Hummock Circle (56-362) SE48-3977 - Dell 'Erba confirms that staff has everything they need to close
Action:	Motion to close SE48-3977: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

1. * Battat- 6 New Hummock Circle (56-362) SE48- 3977

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	-

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Action:	Motion to close: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Vote Carried: 6:0: 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 MAY 21ST, 2026
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2. *Town of Nantucket- Polpis Harbor & Hither Creek Dredging Plan (various) SE48-3973

Action:	CONTINUED UNTIL MAY 21ST, 2026
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3. 240 Polpis LLC- 240 Polpis Road (26-23 & 23.1) SE48-3975

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental Consultants
Public Comment:	Willa Arsenault, Nantucket Land & Water Council
Discussion: (00:05:25)	Madden - Reviews the resource areas, which include a fringing Salt Marsh down gradient of Bordering Vegetated Wetlands, flood zone at elevation 8 that stretches and overlaps with Coastal Bank. - A large portion of the existing dwelling, deck, and associated features are within the 50-foot buffer zone and a significant amount within the 25-foot buffer zone. - The proposed project involves moving to the main house, away from the resource areas. - There are three small infill additions being proposed, the reconfiguration and reduction of the existing deck, and pool. - Both the pool and main dwelling with basement foundation will maintain two feet separation to high groundwater. - The proposed garage and driveway are going to be relocated and reduced in size. - The relocation of the house allows for elimination of all structural components within the 25-foot buffer zone. - Reviews the proposed conditions without the overlay that highlights the revegetation areas, which total 3,020 square feet. - Due to the overall structural reduction and revegetation within the more sensitive resource areas or buffer zones will provide a long-term net benefit. Williams - I understand the net loss within the 25–50-foot buffer zone, but my primary concern is putting a pool within there. Madden - That feedback is not surprising and after this meeting, I think it would be a good idea to set up a site visit with the Commission to review everything. - Notes on the plan, the only viable location for the pool outside of the 50-foot buffer zone would require the removal of all the structural component within the 25 buffer and all the proposed revegetation. - It's the client's preference to provide a net benefit on to the subject parcel, which will open the door to a lot more restoration and improvement. Turcotte - Agrees with Williams and looks forward to the site visit. Schafer - Where the location of the house presently sits, the benefit of the revegetation seems like a better way in my opinion, but I would also like to see it. Braine

	- I feel like it's an improvement, but I'm not sure if it's enough of an improvement. Williams - My only thought is if there was any way to move the pool more into the envelope of the house, which would be further away from the 25-foot buffer zone. Misurelli - I echo the concerns with the pool as the updated regulations mention no pools within 75 feet and this is between 25-50' zone. What precedent would then be setting for future applications? - I'm going to keep an open mind until we do our site visit. Madden - We realize the waiver request is substantive, but we hope we can demonstrate that at the end of the day, there is a long-term net benefit here with enhancements. Arsenault - I appreciate the efforts as there is a lot of consideration in this proposal but ask if the only waiver being applied for here for net benefit. Madden - Confirms to be correct. Arsenault - We also echo the same concerns about the placement of the pool up to the 25-foot buffer line due to it being a new nonwatery dependent feature. - Asks if it's possible for the Commission to consider individual components of this proposal separately, as there is a reduction in existing encroachments and there is net benefit by the numbers. - The proposal is sounding to me to be a no adverse impact project because it's in the existing footprint. - I am having a hard time seeing the logic in this being a net benefit when we're adding a pool. Misurelli - Based on the comments and where we're going to be at the continuation, I think we'll be breaking it into its individual components and revisiting each one of them. Dell 'Erba - We have to consider the project on the whole overall as it was proposed so if they are applying for a net benefit waiver, we must look at the entire thing. - The Commission site visit will be scheduled for Tuesday, May 19th.
Action:	CONTINUED UNTIL MAY 21ST, 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. Battat- 6 New Hummock Circle (56-362) SE48-3977

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering, LLC
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(00:27:20)	Dell 'Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Turcotte) (Seconded by: Braine)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, 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: (00:30:13)	Misurelli - Asks the Commission and public if anyone would like to open the following - Minor Modification request: • Nantucket Islands Land Bank- 28 Washington Street (42.3.2-23.1) SE48-3772 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 SE48-3772: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

1. Nantucket Islands Land Bank- 28 Washington Street (42.3.2-23.1) SE48-3772

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Liz Phelps, Nantucket Islands Land Bank
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: Williams) (Seconded by: Plandowski)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

F. Certificate of Compliance

Discussion: (00:32:15)	Misurelli - Asks the Commission and public if anyone would like to open the following Certificate of Compliance request: • Fredric C. Slater 2012 Irrevocable Trust- 113 Eel Point Road (32-2) SE48-3923 Dell 'Erba confirms that the site is in compliance with ongoing conditions #20 & #23
Action:	Motion to issue COC with ongoing conditions #20 & #23: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

1. Fredric C. Slater 2012 Irrevocable Trust- 113 Eel Point Road (32-2) SE48-3923

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Recused:	-
Representatives:	Arthur Gasbarro, Nantucket Engineering & Survey, P.C
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:32:15)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with ongoing conditions #20 & #23: (Made by: Williams) (Seconded by: Plandowski)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

G. Extension Requests

Discussion: (00:33:21)	Misurelli
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	- Asks the Commission and public if anyone would like to open the following Extension request: • Nantucket Conservation Foundation- Capaum Pond (31-11 & 12) SE48-3645 Dell 'Erba confirms that he is satisfied with the application and can vote to approve the Extension of Order of Conditions.
Action:	Motion to issue a three-year Extension for SE48-3645: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

1. Nantucket Conservation Foundation- Capaum Pond (31-11 & 12) SE48-3645

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Recused:	-
Representatives:	Coleman Miller, Nantucket Conservation Commission
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:33:21)	Commission approves the three-year Extension by consent style
Action:	Motion to issue a three-year Extension: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

H. Other Business

1. Approval of Minutes 04/16/2026; 04/23/2026

Discussion: (00:34:11)	none
Action:	Motion to approve the Minutes for 04/16/2026 & 04/23/2026: (Made by: Williams) (Seconded by: Braine)
Vote:	Carried:/6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. Monitoring Reports

Discussion: (00:34:59)	none
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3. Review East Creek Planting List and Sedimentation Control Plan

Discussion: (00:35:10)	Liz Phelps, Nantucket Islands Land Bank - We submitted these documents which were required by our Order of Conditions and there was a planting plan that was submitted with the original application, along with a plant list. - We just provided an explanation that that planting plan would be the same for the expanded elevated boardwalk area. - We specified that that two plant mixtures that would be in the area of the expanded boardwalk would be the coastal garden mix and the coastal bank shrubs. - The Sediment Control Plan was revised from the original plan set which shows the compost filter sock location protecting the resource areas. - The specifications of the silt sock are included in the original application but were provided for reference. Williams - Great job on the submission.
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4. 41 Jefferson Avenue Beach Management Plan

Discussion: (00:37:52)	Liz Phelps, Nantucket Islands Land Bank - The Beach Management Plan was submitted to Natural Heritage, which wasn't a requirement or a condition of their determination letter for the dune restoration and structure removal project. - Based on the discussions we had about that project, they suggested that we prepare a plan for the seasonal beach activities at the property.
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	- We had Woods Hole Group work with us to prepare the document, which is primarily concerned with the Piping Plovers.
	Williams
	- As for the dogs, they traditionally haven't been allowed on town beaches, but you have dogs being allowed on this section of beach without limitation, except if they are on a leash.
	Phelps
	- Typically allow leash dogs on our properties, but if this is a requirement of the area or if there are concerns with that, we can revisit.
	Williams
	- I would absolutely revisit this because it was a problem at Jetties and was brought up at town meeting but unsure about the result of this. - I just remember that dogs weren't allowed on public beaches until after a certain hour of the day.
	Dell 'Erba
	- I don't believe that is true because any town owned beach, the rule is dogs are allowed when on a leash and I don't believe there is a time-of-day restriction.
	Misurelli
	- I'm not sure if dogs are our jurisdiction in any way. - I think the Land Bank will look into this.

5. 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 - We just reviewed some transportation items, which were largely moving money around from the state to benefit the NRTA. Williams - Asks Misurelli what happened with the planning commission articles at Town Meeting. Misurelli - Mentions that nobody called them at the meeting, so they were just rolled into the suggestion of one elected seat. - The NP & EDC article went through.
Harbor Plan	Williams - We heard from the DEP and they made some changes, clarified some language which we had to make some tweaks. - We now have final language which has been sent out and have a meeting on May 18th. - One it's been approved and voted on: we'll have to get an implementation group.

6. Enforcement Actions/ Potential Enforcement Actions

21R Madaket Road

Action:	CONTINUED UNTIL MAY 21ST, 2026
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Baxter Road Geotubes

Action:	CONTINUED UNTIL MAY 21ST, 2026
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34A Grove Lane

Action:	CONTINUED UNTIL MAY 21ST, 2026
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7. Commissioner's Comments

Discussion: (00:45:20)	none
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8. Administrator/Staff Reports

Discussion: (00:45:56)	none
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I. Adjournment:

Motion:	Motion to adjourn at 5:47pm. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves