



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, May 21, 2026 – 5:00 p.m.

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

<https://youtube.com/live/ority6IKFIM>

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 and Williams
 Absent Members: Braine
 Members Left Early: Schafer left at 6:08pm

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:34)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

III. Announcements

Discussion: (00:02:22)	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: (00:02:52)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:06)	Emily Molden, Nantucket Land & Water Council Molden - It's been about 5 months since the damage was done to the geotubes and probably close to a year since any mitigation was last placed on them. - Understands that there may be some discussions beginning or ongoing about next steps since town meeting, but we haven't had any resolutions on the new permits as of yet. - It's in everyone's best interest right now to get some mitigation onto those geotubes and requests that the Commission have an upcoming discussion on that to consider a friendly Enforcement Order to get some sand out there. Engelbourg - Clarifies that it's currently an agenda item later on in tonight's meeting. - We received a letter indicating that maybe not a whole lot of information is available, but we will be talking about it as a committee.
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VI. Public Hearing

A. Notice of Intent- No Waiver Required (none)

B. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL JUNE 4, 2026
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2. Town of Nantucket- Polpis Harbor & Hither Creek Dredging Plan (various) SE48-3973

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: (00:07:04)	Madden - At the last meeting we had presented the plans and continued the meeting to have an on-site visit, which we had on Tuesday. - The applicant has taken into consideration the feedback received at the last meeting, and we'll be working on updated materials as discussed. - Checks in with the Commission if there was anything additional to expand upon based on the site visit on Tuesday. Misurelli - One thing that stuck out to me was the invasive species, which is at your client's discretion, but if they are considering improvements in the area that is one observation that I had. Madden - We have discussed that with the group and would be very willing to expand upon the restoration to include some targeted invasive species management work. Williams - Agrees with Misurelli that it would be a great benefit. - If the house moves forward, the pools should move forward with it6 and not leave it out as far as it can get. Madden - We have started to look at some concepts to integrate the pool closer to the relocated house footprint, more in line with the proposed deck, a reconfiguration, or a slightly smaller pool as well. Engelbourg - I saw the honeysuckle that was out there and there was a few problematic grass, but it didn't seem as bad as some of the other sites.
Action:	CONTINUED UNTIL JUNE 4, 2026

3. 240 Polpis LLC- 240 Polpis Road (26-23 & 23.1) SE-3975

Action:	CONTINUED UNTIL JUNE 4, 2026
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4. *Diane V. Elliot 2022 Revocable Trust- 28 Lily Street (42.4.3-92) SE48-3976

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: (00:10:59)	Madden - The proposed project involves a vertical expansion to the existing garage within Bordering Vegetated Wetlands. - There will be no changes to the proposed foundation or footprint of the garage, but a sewer chamber is proposed within the existing driveway, outside of the 25-foot buffer zone. - A waiver was requested as the work limit is set along the northerly lawn edge and there will be some storage of materials or minor disturbance for the vertical renovation. - Any disturbed areas would be restored in kind to pre-existing conditions, but that erosion control barrier, proposed silt fence will define that developed condition. No questions or comments from Commissioners or public

u	Motion to close (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

C. Amended Order of Conditions- No Waiver Required

Discussion: (00:14:28)	Engelbourg - Notes that he has to recuse from SE48-3562 - Asks Commission and public if there is any interest in opening SE48-3217, SE48-3800, & SE48-3540. Commissioners and Public don't see a need to open the following: • Lienhard- 11 Jonathan Way (75-42) SE48-3217 • Nantucket Islands Land Bank- 2 Milestone Road & 174 Orange Street (55-64 & 65) SE48-3800 • Nantucket Islands Land Bank- 231 Polpis Road (26-28) SE48-3540 Dell 'Erba confirms that staff have everything they need to close
Action:	Motion to close SE48-3217, SE48-3800, & SE48-3540: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
Discussion Cont: (00:16:32)	Williams - Asks Commission and public if there is any interest in opening SE48-3562 Commissioners and Public don't see a need to open the following: • Luxury Dell Brands, Inc- 100 Low Beach Road (75-27) SE48-3562 Dell 'Erba confirms that staff have everything they need to close
Action:	Motion to close SE48-3562: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0: Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye); Engelbourg (recused)

1. *Lienhard- 11 Jonathan Way (75-42) SE48-3217

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives	Mark Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:14:28)	The Commission closed the hearing using the consent style format
Action:	Motion to close (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2 *Nantucket Islands Land Bank- 2 Milestone Road & 174 Orange Street (55-64 &65) SE48-3800

Sitting:	Engelbourg, 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: (00:14:28)	The Commission closed the hearing using the consent style format
Action:	Motion to close (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. *Nantucket Islands Land Bank- 231 Polpis Road (26-28) SE48-3540

Sitting:	Engelbourg, 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: (00:14:28)	The Commission closed the hearing using the consent style format

Action:	Motion to close (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

4. *Luxury Brands, Inc- 100 Low Beach Road (75-27) SE48-3562

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: (00:16:32)	The Commission closed the hearing using the consent style format
Action:	Motion to close (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0: Misurelli, Plandowski, Schafer, Turcotte, Williams (aye) Engelbourg (recused)

D. Amended Orders of Conditions- Waiver Required

1. *Nantucket Islands Land Bank- 50-56 Madaket Road (41-582, 583, 584, & 585) SE48-3915

Sitting:	Engelbourg, 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: (00:17:18)	Phelps - This is a request for a Amended Order to do restoration seeding in conjunction with invasive species management, which was authorized by the original Order of Conditions. - We believe the project should be granted a waiver due to the fact that it will provide a long-term net benefit and won't cause adverse impacts to the resource areas. Misurelli - Asks if the seeding window will be in the spring or the fall. Phelps - We haven't started the invasives management, so it won't happen this year, we are going to give the site some time and start the restoration seeding next spring. No other comments or questions from the Commissioners or public
Action:	Motion to close (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

IV. Public Meeting

A. Orders of Conditions/ Amended Order of Conditions- No Waiver Required

Discussion: (00:19:46)	Engelbourg - Mentions that he is recused from Luxury Dell Brands, Inc- 100 Low Beach Road. Commissioners decide to issue the following AOOC as drafted: • Lienhard- 11 Jonathan Way (75-42) SE48-3217 • Nantucket Islands Land Bank- 2 Milestone Road & 174 Orange Street (55-64 & 65) SE48-3800 • Nantucket Islands Land Bank- 231 Polpis Road (26-28) SE48-3540
Action:	Motion to issue AOOC for SE48-3217, SE48-3800, & SE48-3540 as drafted: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)
Discussion Cont: (00:20:47)	Williams Commissioners decide to issue the following AOOC as drafted: • Luxury Dell Brands, Inc- 100 Low Beach Road (75-27) SE48-3562

Action:	Motion to issue AOOC for SE48-3562 as drafted: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0: Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye); Engelbourg (recused)
Vote:	

1. Lienhard- 11 Jonathan Way (75-42) SE48-3217

Sitting:	Engelbourg, 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:(00:19:46)	Dell 'Erba presents the item
Action:	Motion to issue AOOC as drafted: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. *Nantucket Islands Land Bank- 2 Milestone Road & 174 Orange Street (55-64 &65) SE48-3800

Sitting:	Engelbourg, 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:(00:19:46)	Dell 'Erba presents the item
Action:	Motion to issue AOOC as drafted: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. *Nantucket Islands Land Bank- 231 Polpis Road (26-28) SE48-3540

Sitting:	Engelbourg, 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:(00:19:46)	Dell 'Erba presents the item
Action:	Motion to issue AOOC as drafted: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

4. *Luxury Brands, Inc- 100 Low Beach Road (75-27) SE48-3562

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:(00:20:47)	Dell 'Erba presents the item
Action:	Motion to issue AOOC as drafted: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 5:0: Misurelli, Plandowski, Schafer, Turcotte, Williams (aye); Engelbourg (recused)

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

2. Diane V. Elliot 2022 Revocable Trust- 28 Lily Street (42.4.3-92) SE48-3976

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
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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:(00:21:32)	Dell Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. Nantucket Islands Land Bank- 50-56 Madaket Road (41-582, 583, 584, & 585) SE48-3915

Sitting:	Engelbourg, 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:(00:23:45)	Dell Erba presents the item and notes that he will have to include the second waiver in the Order
Action:	Motion to issue AOOC as amended: (Made by: Williams) (Seconded by: Turcotte)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

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

D. Request for Determination of Applicability- Work Requested

Discussion :(00:28:47)	Engelbourg asks the Commission and public If they would like to open the following Request for Determination of Applicability applications: • Setterberg- 12 Jonathan Way (75-43) • Town of Nantucket- Somerset Road (various) Dell Erba has reviewed the applications and has the following recommendations: • -2, -3, & +2A determination for Setterberg- 12 Jonathan Way (75-43) • -2 & -3 determination for the Town of Nantucket- Somerset Road (various) Commissioners decide to issue both filings with the recommended determinations.
Action:	Motion to issue -2, -3, +2A determination for Setterberg, 12 Jonathan Way and -2 & -3 determination for the Town of Nantucket- Somerset Road project: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelborg, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

1. *Setterberg- 12 Jonathan Way (75-43)

Sitting:	Engelbourg, 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:(00:28:47)	The Commission closed the hearing using the consent style format
Action:	Motion to issue the RDA with a -2, -3 & +2A Determination: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. *Town of Nantucket- Somerset Road (various)

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Ryan Henley, Weston & Sampson

Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(00:28:47)	The Commission closed the hearing using the consent style format
Action:	Motion to issue the RDA with a -2 & -3 Determination: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

E. Minor Modifications

Discussion: (00:31:07)	Engelbourg - Notes that he is recused from Osprey Way Real Estate Trust- 1 Osprey Way (65-19) SE48-3741 - Asks the Commission and public if anyone would like to open the following Minor Modification requests: • Coprys Island Holdings LLC- 47 Crooked Lane (41-200.1) SE48-3823 • Triple T Farm LLC- 1 West Chester Street (41-480) SE48-3870
Action:	Motion to issue the Minor Modification for SE48-3823, SE48-6870: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Discussion Cont: (00:31:58)	Williams - Asks the Commission and public if anyone would like to open the following Minor Modification request: • Osprey Way Real Estate Trust- 1 Osprey Way (65-19) SE48-3741
Action:	Motion to issue the Minor Modification for SE48-3741 (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried:/5:0: Misurelli, Plandowski, Schafer, Turcotte, Williams (aye) Engelbourg (recused)

1. Coprys Island Holdings LLC- 47 Crooked Lane (41-200.1) SE48-3823

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Mark Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:31:07)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Minor Modification: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. Osprey Way Real Estate Trust- 1 Osprey Way (65-19) SE48-3741

Sitting:	Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg
Representatives:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:31:58)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Minor Modification: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Carried:/5:0: Misurelli, Plandowski, Schafer, Turcotte, Williams (aye); Engelbourg (recused)

3. Triple T Farm LLC- 1 West Chester Street (41-480) SE48-3870

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, 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:(00:31:07)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Minor Modification: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

F. Certificate of Compliance

Discussion: (00:32:44)	Engelbourg - Asks the Commission and public if anyone would like to open the following Certificate of Compliance request: • Somersack LLC- 5 High Brush Path (56-388) SE48-3789 Dell 'Erba confirms that the site is in compliance with ongoing conditions #20- #26
Action:	Motion to issue COC with ongoing conditions #20, 21, 22, 23, 24, 25 & 26: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

1. Somersack LLC- 5 High Brush Path (56-388) SE48-3789

Sitting:	Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Recused:	-
Representatives:	Mark Rits, Site Design Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:32:44)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue COC with ongoing conditions #20, 21, 22, 23, 24, 25 & 26: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 05/07/2026

Discussion: (00:34:46)	Engelbourg - There is one edit- It mentions my name as the chair, but I wasn't at the meeting. Plandowski - Mentions that it was corrected.
Action:	Motion to approve the Minutes for 05/07/2026: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/5:0: Misurelli, Plandowski, Schafer, Turcotte, Williams (aye); Engelbourg (abstain)

2. Monitoring Reports

Discussion: (00:36:05)	none
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine is not present
CPC:	Schafer - We are doing our administration stuff and have a meeting in June
NP& EDC:	Misurelli - Nothing to report but will be meeting on May 28th, 2026
Harbor Plan	Williams - The committee met on Monday, and we reviewed the changes that DEP asked for, which were mostly Chapter 91 language. - We approved the changes and will send it back to DEP before Selectboard approval.

4. Enforcement Actions/ Potential Enforcement Actions

Discussion: (00:37:52)	Engelbourg asks Dell 'Erba if there are any new potential Enforcements to which he states, there isn't.
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21R Madaket Road

Discussion: (00:38:02)	Dell' Erba - The Commission performed site visit on Tuesday, May 19th Paul Santos, Nantucket Surveyors on behalf of the applicant & Jesse Belle on behalf of the homeowner of 21 Madaket Road Santos - We came before the Commission previously and requested essentially a voluntary Enforcement action for work that was done on property at 21R Madaket Road. - The work that was done was by an abutter to the property at 16 Meadow Lane and we presented a plan at that time which showed the work that was done without the benefit of a permit. - That work involved the removal of vegetation, placement of a lawn, placement of two terrace stone landscape walls, and some landscaping within the actual terracing of the landscape walls. - Prior to the site visit on Tuesday, we submitted a voluntary restoration plan which involves restoring the area within the 100-foot regulated area. - Refers to the restoration plan with a request for the Commission's acquiescence on the mitigation plan but believe it's in the best interest to leave the landscape walls in place. Bell - Notes that the work was done unintentionally, not knowing that they were in a jurisdictional area but recently the neighbor has been unresponsive. Santos - Mentions that the Commission has also issued an Enforcement Order for 16 Meadow Lane as well. Engelbourg - Let's discuss different aspects of the restoration plan and also consider the tools the Commission has in order to ensure compliance. Misurelli - Asks Santos if the landscape walls are just dry stacked Santos - Thinks that it's stone & mortar Misurelli - To be sure the Commission is doing it's due diligence, if the walls stay in there and there's deterioration over the long-term, does that create a problem or does removing them cause more disturbance. Engelbourg - I'm not sure how much more disturbance there would be by removing them, but I see why they were put in there. - I don't see any reason why that area couldn't be restored by vegetation. - If this came into the Commission today, we would be unlikely to permit at last 50-75% of the walls. - Even under the old regulations, we still wouldn't permit the part that was within the 50-foot buffer. - At minimum, I don't think we would need two of them there, the top one could be taken out and could be planted with more shrubs and graded. Williams - Asks Santos if it's terraced between those walls. Santos - Confirms that Williams is correct Williams - If we remove one of them, the grading is going to be a challenge because they are integrated. - I would be able to compromise and take the piece of the 50-foot buffer zone. Schafer
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	- Asks if leaving these landscape walls monetary and feels like the property owner is getting penalized for fixing the neighbor's mistake.
Santos	- The monetary part would be seeking compensation from the neighbor, but I think it was a way to restore the area with the least amount of disturbance and just clean it up.
Engelbourg	- The justification is to try to fix the vegetation cutting without changing grades or springing machinery. - This is an interesting scenario where one of the entities that this violation is being assessed to didn't do the work and they voluntarily asked the Commission to do so. - The Commission has to consider what the regulations say and it wouldn't be allowed, so it's a little bit of a difficult scenario.
Turcotte	- If we feel that the resource area should have them removed, we should do it now before it's already disturbed before these plantings go back in. - I think it's better for the resource area if they are removed now but agree with Schafer that it shouldn't fall on the property owner.
Engelbourg	- If the walls were taken out, some grading will have to happen but if you're going to do the type of restoration that's proposed here, it's significant restoration with native shrubs.
Willimas	- When and if those walls come out, that Bank is no longer stable, so when they regrade it, put the dirt back, there is nothing that's going to hold it as it's been disturbed. - It's not going to be as stable and solid as it was before they did this and given that slope, I'm not sure if it's ever going to be stable again. - I'm willing to compromise and keep the walls in but take the piece out of the 50-foot buffer zone.
Engelbourg	- Obviously having a wall is going to hold better than some plant roots, but that's not our concern, which is to provide function for the resource area. - There may be some temporary erosion control blanketing in or some additional planting or fencing to hold the slope. - Having a well vetted native species slope over a landscape wall is significantly better for many performance standards.
Dell 'Erba	- My only consideration would be if you have to use equipment to remove the wall, the only way to get in there without a lot of disturbance would be through the neighbor's yard.
Engelbourg	- When it came in originally, they seemed like they were willing to be on board but it's something that we'll have to discuss.
Williams	- The disturbance is going to be massive.
Engelbourg	- They're a party to this and we have tools to compel it to happen. - Somebody committed an unpermitted violation and let's make sure that they fix it. - It sounded like a good situation before, and maybe it's not a great situation now and there's going to be a lot of litigation, violations, a compelling action. But we have all the tools we need to make it happen.
Williams	- Asks what was going on, on that Bank they felt compelled to do what they did.
Santos	- We don't know the dept of these walls, whether they have footings or not.
Engelbourg	

	- I think we should at least get some information on what the architectural design is, what elevations are, what materials it is, and what the scope of work it would be to actually do it. - Asks Santos to submit something to the Commission for review, we may later decide that's it's not worth the impact. Santos - I can look at the slope too because that will give us a better idea if vegetation stabilizes it. Misurelli - This type of wall in this area, when you're going to create back to natural, is going to deteriorate on your client's property. - I don't want to make it difficult for anyone, but Santos will look into it and if they should be taken out, we will just need more information. Engelbourg - I have seen so many walls deteriorate, if we allowed these walls to stay and they deteriorate, if your client tried to submit a Notice of Intent for rebuilding them, it would be a difficult sell. - It's unpermitted and even if it goes through the Enforcement Order, it's still unpermitted. People could usually make the claim of being pre-existing but in this case, it wasn't permitted. - It's going to be very difficult to do any repair on any of these walls. Misurelli - A resource area that needs to get back into compliance and if there is not cooperation between the neighbors, are we compelled to make another level of Enforcement. Engelbourg - On the Enforcement Order, both properties are listed under the violation and so far, nobody from 16 Meadow Lane has come before the Commission to explain anything as to what their justification was and what their intentions were. - We can certainly compel them to attend our meeting to get those answers and then if they don't give us the information that we need, we can assess monetary penalties or civil penalties. - We should get them in here so we can hear their side and figure out what we want to do next. - Let's send them a letter saying that they need to appear to the next meeting on June 4th. Dell' Erba - My hope that if we could engage with the other homeowner too, we can potentially secure equipment access from the side that makes sense. Engelbourg - It's tough because I want to tell you to do the restoration of the areas that don't encompass the wall, but then that might be the area that you have to bring machinery over. - It sounds like we can at least authorize the restoration for the area that's proposed for pepper bush, and groundsel today, but we need to amend the Enforcement Order.
Action:	Motion to Amend the Enforcement Order to allow restoration in the lawn area: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Discussion Cont; (01:07:23)	Dell' Erba - I believe that the request for the property owner to attend the June 4th meeting can be done by amending the Enforcement Order, but I'm wondering it makes sense to issue a separate Enforcement to 16 Meadow Lane Engelbourg - It doesn't really matter either way, we can issue a new Enforcement Order. Dell' Erba - I'm just wondering if it's cleaner to issue a separate Enforcement as I see more amendments coming.

	The Commission reminds Dell 'Erba that each property owner was issued one so it's best to just Amend the existing.
Action:	Motion to Amend the Enforcement Order for 16 Meadow Lane to have Dell' Erba send a letter requiring a representative of the homeowner to attend the June 4th meeting: (Made by: Plandowski) (Seconded by: Misurelli)
Vote:	Carried:/6:0: Engelbourg, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

Baxter Road Geotubes

Discussion: (01:09:46)	Engelbourg - Before we start the discussion, I wanted to make it known that this item is only about the current violation and non-compliance for the current geotubes that exist on the beach now. - Please do not make any comments on expansion projects, court litigation, town meeting votes, or licenses. - We have been continuing this process for quite a while and were supposed to get a complete plan from the representatives of SBPF today with updated survey information and a plan moving forward. - We got a brief letter from Nylan that says that they don't have any information for us, and they don't know if they'll have any. Williams - They have had over a month to get us this information and would like to give us whatever they decide to the day before or the day of the meeting. - I'm weary about putting sand on something that's not intact. Engelbourg - We basically at this point have two options, we can reach out to their representatives to let them know of our disappointment that you are unable to provide the information that they have committed to by a specific date. - The other option is that we can start to undertake some of the information gathering and figure out the process for moving towards getting back into compliance, independently from them within this Commission. - A similar process happened about two years ago to allow sand to be delivered to the system without there being an active permit through an Enforcement Order. - Now we have a system that is damaged and having them covered is probably better than being uncovered. - It's well within our interests and our responsibility to do something very soon, we need to decide how we would like to proceed. - Do we want to write a strongly worded letter noting that we need this information or if they're unable to, they have to tell us so that we can move forward? Williams - I would rather go to the June 4th meeting with basically a demand letter along the lines of what Engelbourg mentioned. - We are entitled to this information, and they're required to provide it, their response was wholly unacceptable, fell short of what we're asking for, and give it until June 4th. - Otherwise, other measures may have to be undertaken so they know that something is coming after that if they don't respond. Engelbourg - In their letter, they say that they are endeavor to get us this information by the second meeting in June, which is June 18th. - They have done the survey work I believe but just have to give us the information. Misurelli - I think we're willing to go on June 18th, but we need all the information by then. Dell 'Erba - I was taken aback by this letter as it was very disappointing. - We were not just suggesting that we would have someone at the meeting or that we wanted the information.
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	- We need to use much stronger language moving forward and stay there. Engelbourg - Asks Dell Erba to send the letter tomorrow morning, if you can. Williams - Asks Dell Erba to put something in the letter that we don't want the information on the day of, and we don't want it the day before. We want time before the meeting, so we have time to digest it.
Action:	Motion to authorize staff to send the following letter to SBPF: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Carried:/4:0: Engelbourg, Misurelli, Plandowski, & Williams (aye); Turcotte (recused)

34A Grove Lane

Discussion: (01:19:28)	Paul Santos, Nantucket Surveyors representing the property owner, Lewis Breskman Santos - This is the third time before the Commission; we initially came to address an Enforcement Issue that was issued by the Commission for unpermitted work, which the homeowner was present for. - Today, we're here to discuss potential restoration options and requests on behalf of the owner and applicant. - Reviews the history of the property which included unauthorized filling and the placement of a driveway. - The porch was an existing structure that was infilled to interior living space, and our intent would be to leave that in place. Engelbourg - It serves the purpose of a structural area, and it doesn't change according to our regulations, so I don't have any issues with that specifically. Williams - Agrees with Engelbourg that she doesn't have an issue with that either. Santos - On the other side of the structure, it's noted as sunroom infill, this was an enclosed glass sunroom that was just converted into interior space. The intent would also be to leave that in place. Engelbourg - Same as before, structure before, structure now. I don't have a problem with that. Santos - To the right of the sunroom is a structure that was added and was not in place previously and serves as an expanded deck and exterior shower. - That would be removed completely, and the shower would be withing the existing deck area. Engelbourg - That sounds good to me and opens up the discussion for Commissioners. Santos - Along the southern portion of the deck, there was an angled deck, which the intent would be to leave that in place. Williams - Didn't have a problem with that when we were on site. Misurelli - It doesn't bother me with all the other restoration work we're paneling here. Santos - At the front entryway, it's a landing with only access to the front of the dwelling with a boardwalk placed in that particular area. - We would be asking for that to remain.
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	- I was able to get the as-built when the applicant purchased the property and there was a front door there but couldn't find a plan to show any structure leading to it. Williams - I don't have an issue with that, and I mentioned it at the previous meetings. Engelbourg - Agrees with Williams, Misurelli - I think it's perfectly reasonable as it was pretty wet when we were there and there are plenty of boardwalks to get permitted to get to point A to point B. Engelbourg - I know we're talking about each element individually but the point of this deck and boardwalk is to have access from the newly constructed driveway. - I know there is a reduced size on that driveway, but we have to hold this over to see if we're going to allow that driveway to be there at all. - If it's not, then there is no point of the boardwalk if the access is from the other side of the property. Santos - To get legal access to the structure for the building code, you would have to have a 3 x 3 landing. - The driveway was previously a lawn that sometimes was used for storage, I don't know if at anytime it was used for parking. - The stone driveway was put in after 2023 edged with a granite or cobble type edging completely around it. - We are proposing a reduction in size for the driveway, the removal of all the stone edging, and to leave it as a stone driveway at the same essentially grade that it is. Misurelli - Asks Santos if you can have two driveways. Williams - Notes that he doesn't have a driveway but is coming off of an easement. Santos - There would be only one driveway on the property, and it was currently on the neighbor's property. - The property was then subdivided, and they retained the easement for access to this structure. Misurelli - Asks what the purpose of the concrete pad was and asks if it was just there. Santos - Believes it was just there when they built the house. Misurelli - The neighbor still needs access to her driveway, if the concrete pad was removed and we did the driveway reduction, that's feasible to me. Engelbourg - It's feasible except we can't compel the abutter to get rid of the concrete pad on their part of the property. We are only able to do it on this property that's before us. - I think it would be great to get that concrete pad removed and restored with native vegetation to have some additional mitigation for this property Natalie Kaufman, representing the neighbor, Susan Locke Kaufman - I don't think she would have a problem with it being removed but I would have to speak with her first.
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	Engelbourg - Asks if Kaufman can speak with her client and if it was removed by the owner of this property with no cost to your client, we can see if that's something that would be accepted. - Asks if there is a proposed different type of edging for the driveway. Santos - I thought at first to discuss the driveway and if it's on the table, we're happy to discuss that eventually. Turcotte - I don't know if it is unless you can match the square footage of the concrete pad. - I'm willing to have the driveway lift but not have an increase in impervious surface inside the 25-foot buffer zone. Engelbourg - I can tell you for sure that they can't match the square footage. Santos - It's a permittable surface as it's gravel so water can come right through. Turcotte - In that case, if the abutter is ok with it and it's a swap. Williams - She would be very happy to have it re-planted there. Santos - The back of the property was unmanicured lawn, but it basically met the criteria for a wetland. - Santos permitted an addition for the neighbor, which never got built, a house or shed move that never was done, and everything depicted on the plan was wet from the wetland. - After the improvements of the home were done, landscapers constructed a stone trench, which the intent was to absorb water. - They created a berm along that area, which is distributing water onto the Locke property. - They proceeded to put fill in where the hatched area was unmanicured lawn. - We are proposing to remove the trench, the berm, and the fill and restore this area to the original site grade and vegetation. - My concern is if we added a mix that wasn't done previously, that it would still maybe damn water onto Locke's property when it grew. Dell 'Erba - Asks Santos if he knows what is in the New England wet mix that is proposed. Engelbourg - It's a list of different grasses, little carrots, blue stem, and it drinks water. Misurelli - I think the important thing is to keep moving in the right direction and then whatever approved grass mix, I think a wet mix may benefit. Engelbourg - My opinion is putting in some type of metal mix or grass mix that is meant for wetland areas is going to significantly improve the hydrology of the area. Misurelli - The grass mix isn't going to stop the water from flowing, as long as the grade is right. Kaufman - We would like the boundary line to be staked because my client came home one day and they're digging a trench on her property. - We appreciate returning to grade and hoping there is a way to confirm that along with planting vegetation.
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	Engelbourg - It won't completely fix the problem as it's going to continue to function as a wet meadow, but the root system of these plants is going to infiltrate and store significantly more water than some random degraded old grass seed, for sure. Williams - Mentions that Santos can stake that line as he has a connection to both of these homeowners. Santos - Asks if a split rail fence would be sufficient. Engelbourg - Mentions that a split rail fence is not considered a structure under the regulations but it's in the wetland. - We could have permanent markers that's considered non-structural. Breskman - We're trying to delineate the lot line because it's an unusual lot shape, so if there's some way to do that, it would be great. Kaufman - She definitely wants the berm gone and if it's easier to be standing on her property to do that, she's amendable to that. Engelbourg - We need an actual planting list to come before us, but I don't see any issue with the rest of the restoration. - The triangle deck that was added, I understand architecturally why it was added but I would like to see it removed as it's not something we would ever permit in that location. - Also thinks the other deck should be removed too. Turcotte - Agrees with Engelbourg and would like to see it removed. - The compromise would be the driveway, but the structure of the deck has to go. Williams - Agrees and will go with the majority. Engelbourg - It's visually appealing and I would want it there if it were my house, but it doesn't meet our regulations and doesn't serve our interests. - It seems like everyone is okay with the driveway with the changes with it being gravel, the boardwalk and deck because it's needed for access. - But would like to see the L shaped deck removed, the triangle shaped deck removed, the private hedge to be changed out to viburnum, the fill to be taken out, the grade to be restored, the bench to be fixed, the berm to be taken out, and the grass mix to be submitted to the Commission. Santos - Mentioned he will have everything they need for the next meeting.
Action:	CONTINUED UNTIL JUNE 4TH, 2026

5. Commissioner's Comments

Discussion: (01:49:51)	Commissioners discussed the seats that will become available for the Commission, which would include Turcotte and Braine. Engelbourg - The information is in the Selectboard packet Turcotte - It feels like the Enforcements have been busy and it's a good chunk of the meeting now. Engelbourg
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	- I think it used to feel like the same amount as the filings but because of the procedure change, now it feels long. Williams - The Enforcements are getting more complicated. Engelbourg - Extends sincere thanks to Misurelli for serving as a great chair pro temp. - Nantucket had a conservation district at one time and Misurelli was the administrator. There is an effort to revitalize the inactive Conservation districts. - The conservation district serves your county for the protection of soil resources, water resources, and conservation resources. - If we re-establish our district, we would be able to get grant money with very limited work for the island that could be spent by the district itself or directed to nonprofit partners. - It would be a board that is not elected by the town but would be elected by the state through the Executive Office of Energy and Environmental Affairs. - Essentially, we need a minimum of five members to constitute this district and could anyone who volunteers in this community be appointed by the state for a one-year probationary term. - After that one year, the district representatives would then be elected, but they don't need to be in the first year. Williams - Mentions that they would be elected on the local ballot, similar to the housing authority. Engelbourg - I'm here today to ask the Commission if they support this idea at all for getting the district re-established and if anyone personally wants to do it. Williams - Nominates Engelbourg - I think it's a great idea, I wouldn't mind doing it and think Misurelli should also. Misurelli - When I was in the Conservation district in the past, the Natural Resources Department played a big role. Dell 'Erba - Mentions that he would be interested in doing it also. Engelbourg - The requirement states that there needs to be minimum quarterly meetings, but they are saying every district meets monthly. Williams - Asks if there is a conflict of interest if three members of the Conservation Commission are on there. Engelbourg - I would want us to have just one representative from this Commission, the Agricultural Commission would have one representative, and three large seats. - I'll give an update to the state to let them know where we're at and if we give them five names, it will get reactivated. - Asks if the Commission is ok with making a permanent committee representative where someone from the Commission is always being appointed. Misurelli and Williams agree that they think it's fine Engelbourg - They want us to get the district reactivated by the end of June before the fiscal year turnover.
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	- The other comment is getting a follow up on the definitions that we brought to the regulatory update meeting. - Asks Dell 'Erba if the re-wording on the definitions has been sent to Town Council. Dell' Erba - Needs to meet with Turcotte and Engelbourg to go through them. Engelbourg - On Friday, April 24th there was a hearing of the Nantucket Superior Court related to the litigation about the geotube expansion project permit. - I attended the hearing; the judge is taking it under advisement and is supposed to have some type of decision within 90 days. - At Nantucket Town Meeting, there was a vote to see if the town would authorize the Select Board to issue a license to SBPF for their geotube project, which failed. - We're in an interesting scenario now the expansion project cannot proceed, no matter what happens in court. - Multiple Notice of Intent applications came before the Commission and a Notice of Intent for some coir terraces, that project also not proceed because it is dependent on the same use of the same beach for coastal protection. - Right now, we have no possible path towards this project being built as things exist today and we have an existing structure that is severely degraded that has been out of compliance for 10 years now. Williams - They can be fixed and upgraded because they pre-date that bylaw. Engelbourg - Only if we get the information that we need. - We should wait for the court order to see what they say, but at some point, we're going to have to go back to the plan that was made before, which was enforcing the removal order. - If things keep going in this direction, we are left with no other alternatives. - As things go on and if decisions keep going against this project, we're going to have no option. Misurelli - Most of that is out of our control or our decision to make.
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6. Administrator/Staff Reports

Discussion: (02:11:15)	none
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I. Adjournment:

Motion:	Motion to adjourn at 7:12pm. (Made by: Williams) (Seconded by: Braine)
Vote:	Carried://5:0: Engelbourg, Misurelli, Plandowski, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves