



CONSERVATION COMMISSION MINUTES

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

Thursday, June 4, 2026 – 5:00 p.m.

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

<https://youtube.com/live/MBGzvmDF2BE>

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

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:27)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 4:0: Engelbourg, Misurelli Schafer, and Turcotte (aye)

III. Announcements

Discussion: (00:02:32)	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: (00:02:55)	Engelbourg - We had a comment from Emily Molden from the Nantucket Land and Water Council at the last meeting that was pretty much covered in the agenda item for Baxter Road.
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:03:11)	none
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VI. Public Hearing

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

Discussion: (00:03:37)	Engelbourg - Asks Commission and public if there is any interest in opening SE48-3978 Commissioners and Public don't see a need to open the following: • Hicks- 268 Polpis Road (25-29) SE48-3978 Dell 'Erba confirms that staff have everything they need to close
Action:	Motion to close SE48-3978: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

1 Hicks- 268 Polpis Road (25-29) SE48-3978

Sitting:	Engelbourg, Misurelli, Schafer, and Turcotte
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: (00:03:37)	Commission approves Certificate of Compliance by consent style
Action:	Motion to close (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

B. Notice of Intent- Waiver Required

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

Action:	CONTINUED UNTIL JUNE 18, 2026
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2. Town of Nantucket- Polpis Harbor & Hither Creek Dredging Plan (various) SE48-3973

Action:	CONTINUED UNTIL JUNE 18, 2026
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3. 240 Polpis LLC- 240 Polpis Road (26-23 & 23.1) SE-3975

Action:	CONTINUED UNTIL JUNE 18TH 2026
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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. Hicks- 268 Polpis Road (25-29) SE48-3978

Sitting:	Engelbourg, Misurelli, Schafer, and Turcotte
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:(00:04:26)	Dell 'Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 4:0: Engelbourg, Misurelli, Schafer, and Turcotte (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: (00:06:15)	Engelbourg - Asks the Commission and public if anyone would like to open the following Minor Modification requests: • Golden Pond-64 & 66 Baxter Road (49-51) SE48-3197
Action:	Motion to issue the Minor Modification for SE48-3197: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried:/4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

1. Golden Pond-64 & 66 Baxter Road (49-51) SE48-3197

Sitting:	Engelbourg, Misurelli, Schafer, and Turcotte
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:(00:06:15)	Commission approves Certificate of Compliance by consent style

Action:	Motion to issue Minor Modification: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried:/4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

F. Certificate of Compliance (none)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 05/21/2026

Discussion: (00:07:01)	none
Action:	Motion to approve the Minutes for 05/21/2026: (Made by: Schafer) (Seconded by: Misurelli)
Vote:	Carried:/4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

2. Monitoring Reports

Discussion: (00:07:27)	Engelbourg - In the packet, we've had one report of upcoming maintenance happening at 42 Shimmo Pond Road relating to timber wall repair. - If anyone has any questions about that, please contact Dell' Erba
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine is not present
CPC:	Schafer - Our next meeting is on June 16th
NP& EDC:	Misurelli - Nothing new to report
Harbor Plan	Williams is not present

4. Enforcement Actions/ Potential Enforcement Actions

Discussion: (00:08:11)	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: (00:08:27)	Dell' Erba - The homeowners of 16 Meadow Lane have secured representation now and we're in contact. - There are a lot of parties involved now so we're going to try and get everyone together at one meeting, which looks like July 2nd. - Some representatives are here from both properties if we want to open it up briefly for discussion. Engelbourg - We can hear both parties, one at a time. - This originally started at the request of 21R Madaket Road and asks if any representative wanted to speak on behalf of the homeowners. Dan Bailey, representing the property owners of 21R Madaket Road - We submitted a letter, which is in the digital pack, encouraging the Commission to approve the restoration plan so that the work can get done. - I spoke to attorney; Author Reed and he will be requesting an extension until July 2nd. - We understand that he's just engaged so we just encourage everyone including the Commission to be prepared for July 2nd so that my client can get her property restored as quickly as possible. Arthur Reid, representing the property owners of 16 Meadow Lane Reid
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	- I've been in touch with Bailey as well as Dell 'Erba on the fact that I've just been engaged by the principal of 16 Meadow Lane to become involved with this situation and have it resolved. - We have invited Brian Madden and Art Gasbarro to review everything and will be having our first meeting with our client tomorrow morning. - I am unable to be present at the next meeting on June 18th, so we are requesting this matter be continued until July 2nd. - We are committed to having this resolved with the Commission in appropriate fashion. Engelbourg - I believe that one of the holdups on the Commission's end is that we are waiting on information in terms of two landscape retaining walls to which we requested engineering information about the feasibility of them being removed along with the bank being stabilized with natural vegetation or natural system. - We don't have all the information right now and as much as I want this to close as soon as possible, we will need all the information for us at the time of the meeting. Reid - My understanding is that those retaining walls are a completely different issue in terms of when they were put in, about 10-12 years ago. - The feasibility of any restoration and any positive function that may be served by those walls from the standpoint of the resource area, are things that we would like Madden and Gasbarro to review. Turcotte - I was unaware that the retaining walls went in that long ago. Engelbourg - I think the important thing is not when they went in but that they weren't ever permitted. - It seems like there is a series of repetitive violations at this site. Turcotte - We were talking about the abutter paying for it if we ultimately decided that they should go but being that far back we're not sure if it was the same owner. - We might need some more information as I thought that work got done relatively recently, not over a decade ago. Engelbourg - We can get more information but it's not our role to decide who pays for what. It's to decide what gets done and then the parties decide with neighborly discussion or through litigation who's paying for what. Paul Santos, behalf of the owner of 21R Madaket Road - As discussed at last meeting, I looked at those walls, which are stone with a mortar and there is a footing that was laid resulting in a concrete and stone assemblage on both walls. Schafer - Asks Santos if it would take a machine to get them out. Santos - It would take a significant machine or at least a handheld jackhammer and would be a lot of work, I think.
Action:	CONTINUED UNTIL JULY 2ND, 2026

Baxter Road Geotubes

Action:	CONTINUED UNTIL JUNE 18, 2026
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34A Grove Lane

Discussion: (00:17:04)	Paul Santos, Nantucket Surveyors representing the property owner, Foxmore LLC at 34A Grove Lane - This is a follow-up from the last meeting where we discussed remediation issues for unpermitted work at this particular property.
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	- The small triangular deck was there today as it was previously at the time Breskman purchased the property in 2023. - I will submit the survey to the Commission that was submitted at the time of the closing of the sale as well as two aerial photos dating 2023 and 1998 which clearly show that the piece of deck has always been there. - Attorney Kaufman representing the abutter Susie Locke submitted an email to Dell 'Erba this afternoon that essentially mentions that Locke is in favor of removing the concrete slab of the driveway. - Locke was also happy with the activities that were being used to restore the rear part of the property. - The plan that sets forth all the activities that were discussed at last week's meeting. - We specified five seeds that would be included in the custom seed mix, which would be ordered through Ernst Conservation Seeds. The Commission is comfortable with the restoration plan and seed mix details. Engelbourg - At this point, we have two avenues to proceed with. We can allow all activities to happen through the Enforcement Order process, or we can require submission of a Notice of Intent, which would say the same thing as what the current plan says. Misurelli - I assume we should take the quickest path forward and let the Enforcement Order proceed. Schafer - Agrees as the work will get done faster.
Action:	Motion to Amend the Enforcement Order to have this updated plan of record be the basis for the restoration activities on site: (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)
Discussion Cont: (00:23:23)	Santos - Asks if the requirement for an as-built plan is completed or if a report to the Commission would be sufficient. Engelbourg - Confirms that an a-built plan should be provided and approved after work is completed. Dell 'Eba - If something doesn't get completed or built as it was supposed to it would be just a new Enforcement Order. Engelbourg - We look forward to the work being completed and the as-built being submitted.

5. Commissioner's Comments

Discussion: (00:24:48)	none
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6. Administrator/Staff Reports

Discussion: (00:24:50)	none
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I. Adjournment:

Motion:	Motion to adjourn at 5:25pm. (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Carried://4:0: Engelbourg, Misurelli, Schafer, and Turcotte (aye)

Submitted by:

Lisa Graves