



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, July 2, 2026 – 5:00 p.m.

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

https://youtube.com/live/ASfJm_7eUYo

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, Braine, Misurelli, and Plandowski; Williams joins at 5:45pm
 Absent Members: Schafer, & Turcotte
 Members Left Early: -

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:07)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 4:0: Engelbourg, Braine, Misurelli, and Plandowski (aye)

III. Announcements

Discussion: (00:01:53)	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: (00:02:17)	none
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V. Public Comment

Chair Engelbourg called for public comment

Discussion: (00:02:20)	none
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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

Sitting:	Engelbourg, Braine, Misurelli and Plandowski
Recused:	
Representatives	Art Gasbarro, Nantucket Engineering & Survey, P.C Dennis Murphy, Hill Law
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:02:54)	Gasbarro - This is the second public hearing on the coastal stabilization application, which had been continued for a period of time, as we worked through some matters with Natural Heritage. - The proposed project includes stabilization of the Coastal Bank using the Wilkinson array or the same stabilized fiber roll array with stack 20-inch rolls and reinforced sand lifts behind them.

	- The purpose of being able to plant the Bank above the rolls and maintain sand cover over the rolls. - There was an aspect that the applicant originally proposed that included along the toe of the rolls utilizing double wrapped coir sand tubes and there would have been somewhat significant concerns that were raised by board members and so on that basis, although we do believe that it would have helped stabilize the toe long term, we removed that element from the design. - The revised plan is much more typical of a profile for other applications around the island that have been both approved and installed. - We included a very in-depth analysis of the sand nourishment calculations and determined our annual contribution which we would condition upon. - There are additional conditions that would need to be imposed on this project as result of review by Natural Heritage. - Part of the delay on this project involved Natural Heritage requiring proof for essential licenses with the abutter property owners for the beach that we would be crossing. - The access for the property would be at the existing sand ramp at the Sankaty Beach Club and then we would proceed North there to access our property. - Executed licenses have been provided by both Sankaty Golf Club and Mass Audubon that permit us to be able to essentially traverse the Beach, but we are not proposing work on any of their properties. - We are requesting a waiver in which there was some discussion at the first hearing if it best fits the criteria for long-term net benefit versus no reasonable alternative with no adverse impact. - We see this as a net benefit project by stabilizing the Bank and providing the ongoing nourishment and getting conditioned to do so. Misurelli - Overall, I am in support of the project, but I think that there are some things that we'll go through in the Order of Conditions that I think would be totally fine. - Asks if staff would be comfortable with the monitoring post storms and if we feel like we have enough to work with going into the Order of Conditions if we vote favorable on this. Dell 'Erba - I feel solid about monitoring, but I have included a lot in the draft Conditions that were sent out this morning. Misurelli - Asks Gasbarro if he could go into more detail on the monitoring plan and ask if it's going to happen mainly by the people on the property. Gasbarro - It would be a combined effort as it's a unique property where we have full-time resident caretakers who I'm in regular contact with and will be monitoring for cover and damage. - Professional land surveyors will be responsible for the top of the Bank and actual surveys and plan preparation. - I think there is an additional layer of protection or assurance that doesn't exist on a lot of properties with those resident caretakers. Engelbourg - It's my recollection that the current sand ramp is on Hoicks Hollow Road layout and not the Sankaty Beach Club property? - If that is true, is Hoicks Hollow Road owned by the Town of Nantucket? Gasbarro - I designed and permitted that ramp about 20 years ago and it is in the road layout. - I would have to check but I believe the status of that is a public road. - I think with being a public road, we wouldn't be proposing work and traversing as it would be no different than driving down Polpis Road. Engelbourg
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	- If we look at what the Town of Nantucket code Chapter 67-1E says that anyone wishing to use town owned coastal property for non-governmental us for coastal protection purposes needs to get a vote from Town Meeting. - I think that if you look at the words of the code says, that's something that we need to get clarity on. Gasbarro - I am looking at some plans that I prepared for the Land Bank and the Club about 5 years ago and that's an easement. - The Hoicks Hollow layout ends at the Golf Club, but I do have information that then shows there's a way to go down there but maybe we will go through all your questions and look at them. - It sounds like we would have to get you a little more information if that's what's going to be needed there. Engelbourg - At a minimum, we would need that submitted to the Commission and we would need to know who has rights in the way or easement because if your client doesn't have rights or the public doesn't, then that area would have to be leased or licensed for the use. Gasbarro - Agrees to look into that. Engelbourg - Thank you for the change in array design, I feel much more comfortable with it than what was previously submitted. - I'm under the assumption we don't have everything we need to close. Gasbarro - Due to this project being continued for so long, asks if the Commission would consider continuing this matter until the end of your other hearings and we may be able to work out the easement information for you. Engelbourg - We won't call this a continuance, but we can keep this open until later.
Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Discussion Cont: (01:40:02)	Murphy - I looked at section 67-1E, which speaks about leasing or licensing town owned Coastal land for erosion control protection purposes. - We have a license from the Beach Club which we've submitted and is in your packet tonight. - There's also a publicly recorded easement that the Beach Club has given access to the same right of way for all purposes and it is part of the packet - The easement was recorded in 2002 that allowed "public use to pass, repass, and use for all purposes for which public ways are now or may be used in the future." - In my opinion, the easement is not covered by section 67, it's a publicly recorded easement for the benefit of any member of the public. - The only thing the ramp is going to be used for is to bring machines onto and off the Beach as all of the materials are going to go through private property. - I hope that the Commission has everything it needs, and I would certainly accept a Condition that we would have to satisfy whatever legal requirements are to provide access through the ramp. Engelbourg - I think my concerns have been satisfied given what the easement text says. Dell 'Erba confirms that they have everything needed to close
Motion:	Motion to close (Made by: Misurelli) (Seconded by: Plandowski)
Action:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski and Willis(aye)

2. Town of Nantucket- Polpis Harbor & Hither Creek Dredging Plan (various) SE48-3973

Action:	CONTINUED UNTIL JULY 16, 2026
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3. *Town of Nantucket- Sparks Avenue Roadway (various) SE48-3980

Sitting:	Engelbourg, Braine, Misurelli, and Plandowski
Recused:	
Representatives	Elyse Tripp, BETA Group
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:17:47)	Tripp - Reviews the overall project which covers two segments of Sparks Avenue covering from Williams Lane to the Nantucket Autobody Driveway and from 12 Sparks Avenue to Milestone Lane. - The project is proposing to improve connectivity, safety, and accessibility of pedestrian infrastructure through the installation of a side path for pedestrian and bicyclist use. - Describes the existing conditions and proposed conditions. - The portion that is within 25 foot no disturb, 50 foot no structure, as well as the 100-foot buffer zone overall the wetland. - The project itself is going to result in an increase in impervious area so we are requesting a waiver from the requirements of the 25 foot no disturbed zone and 50 foot no structure zone with standards considering existing conditions and existing development. - There is an existing fence that will be removed during construction but reinstalled in the same spot; so, although the sidewalk will be a little bit closer to the wetland, it is not going to be any further than the existing posts and rail fence. No questions or comments from Commissioners or public
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 4:0: Engelbourg, Braine, Misurelli, and Plandowski (aye)

4. *Oprey Way LLC- 27 Osprey Way (83-9) SE48-3982

Sitting:	Engelbourg, Braine, Misurelli, and Plandowski
Recused:	
Representatives	Brian Madden, LEC Environmental Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:23:10)	Madden - This project is for a septic upgrade to a failed system that is technically failed due to separation of high groundwater. - The entirety of the lot is located within the 100-foot buffer zone to a Bordering Vegetated Wetland, Coastal Bank associated with Hummock Pond, and Flood Zone that extends onto the property. - We are requesting a waiver for the septic upgrade to an IA system and improvement over existing conditions. - There is no work proposed within the Flood Zone or within the 25-foot buffer zone, but the leach field is within 100 feet, which there is no alternative. - The Board of Health requested a monitoring well, which may impact some of the design elements of the system. - We are not looking to close this evening and are still waiting for Natural Heritage as well. There are no questions or comments from Commissioners or the public.
Action:	CONTINUED UNTIL JULY 16, 2026

5. *Nantucket Islands Land Bank- Falmouth Avenue Relocation (82-30) SE48-3947

Sitting:	Engelbourg, Braine, Misurelli, and Plandowski
Recused:	
Representatives	Elizabeth Phelps, Nantucket Islands Land Bank Rachel Freeman, Nantucket Islands Land Bank

	Peter Vetere, Verrill Law Don Bracken, Bracken Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	Dan Bailey, Attorney for Pierce Atwood representing Oceanheath who took the appeal Doug Schneider, Cape and Islands Engineering Andrew & Marina Jacobson, Owners of Oceanheath Bill Jennings, Property owner & abutter Tamra Lhota, Property owner & abutter Brenden Swords, Property owner & abutter Dan Sparks, Property owner & abutter Janice Jennings, Property owner of 2 Marion Avenue
Discussion: (00:25:05)	Vetere - Reviews the history of the Notice of Intent application which an Order of Conditions was issued on January 14, 2026. - An abutter appealed the Order under the local bylaw only and we've been in Superior Court with the grounds for the appeal related to notice requirements of the local bylaw and submission of the proof of notice being served and delivered to the Commission prior to the close of the hearing. - We've made an agreement to the abutter to have a remand of that local portion of this project with approval of the Commission to reopen the hearing. - We have sent out new notices to abutters who haven't received timely notice before and are in the process of collecting the postal service delivery confirmation receipts for that notice. - We don't have all of the receipts so we will not be closing the hearing tonight, but we wanted to be here to open the meeting, as we agreed with the abutter's council. - As we have agreed with Town Council, we're going to be appearing again for the continued hearing on August 6th. Engelbourg - Since this is a remand, we need somebody from your group to give a general overview of the project's purpose and elements. Vetere - Essentially this is a proposal to relocate a portion of a sand road that's located between Cisco Beach and the end of Falmouth Avenue, which is entirely on Land Bank property. - This project would move that road 50-100 feet back outside of Coastal Dune and would restore the area of Dune where the current road is located. - There are two components to it, Dune restoration to the existing roadway and there's the construction of a new roadway further back from the shore in order to maintain the current functionality of the roadway. - There will be an Amendment for the NHESP conservation management permit that the Land Bank has already initiated and in the process of amending. Braine - Asks if tonight the Commission is just going to hear questions and comments from abutters but we're not going to discuss them with Land Bank until next meeting. Engelbourg - The Land Bank can answer questions if they wish to so we can also discuss it tonight with the Land Bank. Vetere - I'm happy to answer questions that the Commission or members of the public have tonight. - I was just noting that there's been letters and correspondence submitted to the Commission to which we will have a formal response to some of the points that were raised submitted by the next meeting in August. Engelbourg

	- Just for reference, when members of the public comment on application, the applicant could respond to them at the meeting, at a later time, or they could just ignore them. - It's up to us to decide what the right path of action to do. In the spirit of being collaborative, usually people respond, but there's no requirement that anyone has to respond to public comments. - We received a large number of letters from abutters and members of the neighborhood, many which were received after the filing deadline. - If people are going to provide comments for future hearings, please endeavor to get any comments in before that deadline or else they won't really be considered part of the record. - ConCom issues Orders under two separate sets of laws, the Wetlands Protection Act and the Nantucket Wetlands Bylaw and its associated regulations. - If you have an issue with the state part of our decision, you appeal directly to DEP, which was not done in this case. - If you have an issue with local part of our regulations, you will go to Superior Court, which was done in this case. - It's interesting because it requires us to only take into account things that are in the Nantucket Wetlands Regulations, so we are hearing this under those regulations only. Engelbourg opens the hearing up to public comment Bailey - The primary reason it's under the local wetlands regulations is because they are stricter than state law and this project does not comply with your performance standards. - We disagree with the Land Bank regarding the number of waivers that are required so you would need to make the necessary findings that justify a waiver. - Our main objection to this project is that it's taking an existing sand track, which is heavily deep sand which cannot be traveled on with anything other than a robust four wheeled drive vehicle, which is ideally used primarily by pedestrians. - The project is replacing it with a gravel- packed hardened roadway within sensitive areas including 75 feet of a Dune, which is going to lead to considerable increase in traffic and speed. - In result to that, a considerable increase in the potential impacts to the Wetlands by the more intensive in use in an environmentally sensitive area. - The project requires waivers because of the work being proposed in rare and endangered species habitat. - It should also require a waiver because the road is a structure and the type of road that they're doing here is under your regulations impervious. - Recites the definition of structure and impervious surface from the Nantucket local Bylaw Regulations. - What the Land Bank is proposing here is an 8-inch-deep roadway made of compacted native stone and hardener that would in our view be considered an impervious surface under your regulations. - If it's considered an impervious surface, then it would require waivers. - Reminds the Commission of the three possible bases for waivers • No reasonable alternative - There are already an existing public road and public access to Cisco Beach and there is no reason to construct basically a new road to provide access. - There is also a paved bike path there specifically authorized to be used by emergency vehicles if need be. • Long-term net benefit
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	- We disagree- there is nothing but environmental detriment here when you take a barely used road and replace it with something that's going to be used extensively within a delicate resource area. • Public Benefit - Public benefit is not defined in your Regulations but there are letters in the file from the fire chief and police chief. - My clients wouldn't be opposed if the road was constructed and limited to emergency vehicle access, but general public access is not something that we support. - The Land Bank and the public do not have the right to use Westerwick, Falmouth Avenue or any of those private roads, which are entirely private roads within a private subdivision. Schnider - We were asked to look at this project as to whether it complied with the Nantucket Wetlands Bylaw. - Reads the definition of a structure from section 390-2 of the Nantucket Wetlands Bylaw. - Our concern is in this dynamic area, the surface characteristics will rapidly change, and it's expected that the very fine sands from the Beach and adjacent Dune area will quickly cover and mix with the gravel surface. - Points out two areas of ponding from the aerial graphics from 2024 that were submitted to the Commission. - It is our contention that the fine sands from the Beach, when compacted by vehicles traversing through this area will change the drainage characteristics in such a way that the surface becomes pervious rather rapidly. - Based on this evidence and the definitions in your bylaws, that the proposed layout and design should be considered impervious and thus a structure. - There is about 2,660 square feet of alteration within the 50–75-foot zone. - The fill places should be compatible with native soil in the area to allow for natural nourishment. - The proposed Toscana ACT Pack would not be compatible directly with the native sands in the area as outlined in the soil mapping for the area. - We're concerned that the placement of the gravel pack will impact the ability of this Dune structure to navigate northward over time. - The reason they are relocating this road service is because the Dune and Beach area has migrated northerly, as seen in historical photographs. - This gravel will impact the ability of the Dune to continue to move northerly. - We request that the Commission require them to provide documentation to compliance with the stormwater management requirements. - Given that this represents a redevelopment project, moving the travel surface from South to North, we would expect that the applicant should be able to demonstrate at least maximum feasible compliance with the Stormwater Management Regulations. - Given the sensitivity of this nature, we question the need for a 20-to-25-foot swath through this area and ask if there is an alternative to the proposed width of the construction. Andrew Jacobson - I strongly oppose the relocation and reconstruction of Falmouth Avenue, which is not based on the plans, but what I and my family regularly observe as close neighbors. - We see the visible shoreline erosion, the standing water and runoff, the heavy pedestrian and bicycle use, the traffic conflicts, and the physical limitations of Falmouth Avenue. - I believe the Conservation Commission should apply the same environmental safety and waiver consistency standards to every applicant.
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	- We support the Land Bank but that should not entitle them to a separate and less demanding standard of review. - The proposed roadway is a hardened structure requiring waivers and it represents modest convenience for a few drivers and it does not justify the environmental or public safety costs. - The proposed road runs through a globally rare sand plain grasslands and ecosystem containing extensively flagged sensitive plants. - The Land Bank doesn't dispute the ecological importance of the area. - A gravel heavily traveled road will attract many more vehicles, heavier traffic use that'll create compaction, vibration, turning movements, wear along the road and shoulders, will damage the nearby and visibly eroding shoreline and place additional pressures on the fragile sand plain heathland. - It will not just impact where the formal route roadway, but because Falmouth Avenue is too narrow for two-way traffic that would be attracted by this type of improvement will damage the vegetation, loosen the soil widen the traveled corridor and accelerate already visible erosion. - I have personally observed substantial pooling and ponding and runoff standing along Falmouth Avenue during rainfall. - Changes to grading, surface composition, and topography will direct runoff, worsen ponding, accelerate erosion, and push more water toward already vulnerable areas. - Before any waiver is granted, the Commission should require a credible analysis of how the road will drain after years of sustained traffic and not just how the material is expected to perform when first installed. - Claiming public benefit therefore appears little more than a modest incremental convenience for some drivers when there are multiple alternatives that uses already convenient access to Cisco and Ladies Beach. - There's an unresolved question which is the Land Bank's right to use Falmouth Avenue, which is a private road serving the abutting properties. - This proposal is unnecessary, environmentally harmful, unsuitable as meaningful emergency access, and dangerous from a public safety perspective that does not meet the standards that should apply equally to every applicant. Engelbourg - I think there has been a fundamental misunderstanding about what this project actually is and what's in our purview. - Despite the name that's on our agenda and the name that's on the Land Bank's application; Falmouth Avenue has nothing to do with this project. - This is not a relocation of Falmouth Avenue; this is a relocation of an access path extension, parking lot to Falmouth Avenue, which is entirely on the Land Bank's property. - As mentioned, there is a lack of legal clarity about whether the Land Bank or any members of the public have rights in Falmouth Avenue, that's not our concern. - Anything that happens on Falmouth Avenue as a result of this project is not within our jurisdiction. - I know a lot of the comments in the record and are going to be heard tonight are about access, vehicle traffic, speeding, etc... but that's not within our purview of this project - Our job is to figure out is moving the access path from it's current location that's significantly eroded and close to not existing at this point, further to the North so that future land can be retained. Dell 'Erba - Wanted to remind the Commission that we have the three-minute timer available. Engelbourg opens the hearing to public comment Jennings - Asks if common sense is not part of the responsibility of the Commission. Engelbourg
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	- It is not; our jurisdiction is very specific which is to figure out if projects as designed meet the words and regulations of the Wetlands Protection Act.
Jennings	- Asks if there are no safety standards whatsoever to what those projects are.
Engelbourg	- No
Jennings	- I just want to be clear since this is a road, avenue or anything remotely of consideration of that is completely absurd. - To your recommendations earlier, I'm going to take that under serious advisement to the Land Bank. - Ask Vetere if he's ever been on the road before.
Vetere	- No, I haven't but the Land Bank is familiar with it.
Jennings	- The only people that go down this path are surfers and young teenagers doing anywhere between 30-60 mph as a joyride on a 15mph path and there are people that are walking from the public beach. - The idea that the Land Bank is this tone deaf to want to put a fact a raceway in what we call an Avenue, which is effectively a walking path right now is a travesty.
Lhota	- The lack of transparency surrounding this is very different than how the Land Bank has interacted with the neighborhood in the past. - When it's come to reciting the parking lot and other things, they've been very collaborative. - There are so many parcels in this neighborhood where the Land Bank and neighbors work together to manage dead pine trees and all kinds of other issues, so I want to thank the Land Bank for their collaboration on those points. - I would like to ask them to reconsider their approach here and it's something that I agree with everything that's been said. - We want to be sure in the neighborhood that this does not turn into a raceway or onramp to an active thoroughfare.
Engelbourg	- Reminds Lhota that we have heard about the access and the roadway. - Asks if there is anything related to the Wetlands Protection Act, the resources and the habitat.
Lhota	- The lack of notice given to abutters for this hearing, there wasn't enough time to delve in and prepare to have comment on that.
Engelbourg	- You will have time because it will be continued.
Swords	- The Cisco Beach Neighborhood Association are against the project. - Makes a comment about public safety access, which is not within the jurisdiction of the Commission.
Sparks	- My concern is the safety issue as I don't believe it can be stressed enough. - To hear the Commission say that common sense and safety are not important to their decision, I don't understand how that can be possible. - I would encourage people to really understand what this is and what the impact is going to be. - Everyone in the neighborhood is concerned about safety, many people are concerned about the environment, and I think people are underestimating the amount of damage that can happen here.
Engelbourg	- I don't want to make it seem like I don't care about safety, as I certainly do.

	- If you have questions or concerns about safety, we can't deal with them at this Commission. - Those important issues should be addressed to Town Administration, Select Board, and our Traffic Safety Advisory Committee. - We're here to figure out if the changing of the location to the path to a more northerly area meets the performance standards. - I personally agree with what Attorney Bailey has said that it would be considered a impervious structure so it wouldn't meet the performance standards. - If it doesn't meet the performance standards, can the waivers be applied? Jennings - Asks how the neighbors are going to trust that the Land Bank maintains a new structure of road with all the different environmental and Beach conditions that we have. Engelbourg - Let's be clear not to make accusations, we trust any applicant that receives an Order of Conditions to follow them in the same way. - If it's written in an Order of Conditions, it's legally binding and if they don't do what it says, they are subject to an Enforcement Order by this Commission. - This Commission takes compliance and violations seriously and if something wre to occur, we would Enforce it appropriately. Sparks - Asks Engelbourg how the Commission can justify approving the waivers. Engelbourg - We haven't discussed that yet. - If you look at the Nantucket Wetlands Regulations, there are three waivers that are possibly pertinent to this project. - It's up to the Commission to look at everything that's been submitted in the record to decide if any of these waivers apply. - When we go through the Order of Conditions process, we would specifically lay out why they apply, and we would add Conditions that make granting that waiver a possibility. - So far, this Commission has not said whether they think these waivers should or should not be granted at this point. Jacobson - This comment about speed has an environmental consequence and there is a direct connection that's in the purview of the Commission. - It impacts compaction and speaks to your waivers because the public benefit has to be weighed against the public cost. Engelbourg - I agree with you to an extent, but it would only be the vehicle impacts on the new access path that are being proposed. - We cannot add Conditions on anything outside of the project. - If we thought that there's a possibility that the path would get widened over time because of people driving outside of the marked area, we could have a Condition that says there needed to be split rail fencing or permanent markers along the side of the road layout so it's physically impossible for that path to expand. Janice Jennings - Asks since this current permit would fail your current statutes and requirements, the Commission would say go above and beyond to get a dispensation. Engelbourg - My personal opinion is no but this is a democratic board. - As a Commission, we would have to define that it doesn't meet the performance standards and then if we found that, then it would need to be waived. Janice Jennings - Asks why it will need waivers if it meets the requirements. Engelbourg
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	- If it meets the requirements, it wouldn't need waivers. If we find that it doesn't, then they will need them. - Prior to going to court and going through the remand process, this Commission found that it needed waivers so it's likely again that we're going to find that it will need waivers. Vetere - I'm going to submit something in more detail, answering the questions that were raised tonight. - The Land Bank's position is that the material is permeable and therefore should not be considered a structure. - We've introduced an analysis of permeability testing of the material that can be discussed further by Don Bracken - At the last hearing, we noted that the Commission can include a Condition that the Land Bank maintain the road so that it continues to meet permeability standards over time. - This roadway is going to be constructed the same way as the current roadway is constructed. - In the net benefit analysis, there's a Dune restoration component to this project as part of the relocation for the road is that where the old roadway is, there's going to be restored Dune. - That within itself incorporates itself a long-term benefit for the resource area that also encapsulates a public benefit in terms of protection against erosion from a restored Dune in addition to the public safety benefits that the police chief and fire chief have said they find to be significant. - Going back to the ponding questions that were brought up, those photographs showed ponding in the Cisco Beach parking lot and on Falmouth Avenue, but no ponding on the roadway. - I believe because this is a remand hearing that's only under review for the Nantucket bylaws, that the Commission is precluded from considering stormwater conditions because there's no provision in the bylaw that's more stringent on stormwater management standards than the state Act. - What was submitted is not relevant now because it would essentially preempt by the state Act and no appeal was taken of that part of the Order of Conditions. - I will submit a supplemental filing to address the performance standards issues and other issues raised by the abutters in more detail. - Don Bracken can speak more about the road composition and the permeability, if the Commission wishes to hear. Bracken - When we had the soil samples tested, they were tested for permeability under the compacted conditions so even after it's compacted, it will have a high permeability rate. - I disagree with Schneider on the windblown sand effects and how that would impact or increase the impermeability of the roadway. - Schneider is correct that it would be a redevelopment project if we were required to meet the stormwater management standards, which we don't feel that we are. - We provided drainage, which we feel is appropriate for this type of road without causing more disruption than would be needed. - When Mr. Schneider pointed out figure one of his reports, the ponding areas that he had shown would be typical anywhere as those are the low points where the water collects. - The roadway is designed much differently than that as there are no low points in the roadway and anything collected will be infiltrated to go in a vegetated swale. - This is obviously a common type of design that we would normally see on Nantucket and try to limit the amount of disturbance required to drain a roadway of this type. Engelbourg
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	- In relation to the Stormwater Management Standards, it's clear that if they applied at some point, they no longer do it as it's more of a Wetlands Protection Act than under our regulations. - We also have this listed on the agenda as SE48-3947 but really need to assign a NAN number to this. - SE48-3947 was issued, un-appealed, and has become final, so anything that's in that part of the Order, everyone is held to. - We are reviewing the local regulations only. Misurelli - On the waiver question, anybody can ask for any type of waiver, but it doesn't mean that we're going to give it to them. - Thanks to all the abutters for coming. Engelbourg - When we say performance standards, there are several resource areas on this site. - There's talk about Coastal Dune and whether the road meets permeability or not. - There's also endangered species here and there are potential performance standards that wouldn't be able to be met in that resource area. Engelbourg reminds the public that the filing deadline for information and comments for our August 6th hearing is July 31st at noon.
Action:	CONTINUED UNTIL AUGUST 6TH, 2026

6. Nantucket Conservation Foundation- South Pastures (90-1) SE48- 3981

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Recused:	
Representatives	Coleman Miller, Nantucket Conservation Foundation
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (01:36:38)	Miller - Describes the proposed project for invasive species removal of phragmites. - This is an area that we have treated before with an Order of Conditions for SE48-2482 but given the re-growth in this area, we decided to come back. - We will be making a mid-season cut during the growing season for phragmites to get more targeted application of herbicide. - The population is within the Wetland resource area mapped as Shallow Marsh Meadow. - We're hoping to achieve a net benefit by managing this population as soon as possible by restoring it to the native vegetation that is associated with the rest of this bog. - We are still waiting for a response from Natural Heritage on approval so we will not be able to close tonight.
Action:	CONTINUED UNTIL JULY 16, 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

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

1. 240 Polpis LLC- 240 Polpis Road (26-23 & 23.1) SE48-3975

Sitting:	Engelbourg, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Brian Madden, LEC Environmental
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.

Public Comment:	There were no public comments.
Discussion:(01:43:20)	Dell ‘Erba presents the item Engelbourg - We had a significant discussion about the pool and pool Conditions. Williams - Due to where it’s located, it’s not just the lumens that are an issue, it’s the direction of the lights. - Request to modify Condition #27 to include “all lights shall be directed away from the wetlands” because that’s not in Chapter 102. Engelbourg - Prior to Chapter 102 being enacted, we used to say that “all lighting should be directed away from resource areas.” Dell ‘Erba - Edits Condition #27
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Vote Carried: 4:0: Engelbourg, Misurelli, Plandowski, & Williams (aye)

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Recused:	-
Representatives:	Art 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:(01:51:34)	Dell ‘Erba presents the item Engelbourg - Notes that for all Coastal protection projects, we’ve had all these findings indicating the resource areas, what the protected interests are, and why they’re significant to protection. - Asks Dell ‘Erba if there is a Condition including when the reports are delivered by. Dell ‘Erba - Notes that it’s included in Condition #20. Engelbourg - Mentions that 900 linear feet of monitoring seem excessive. Dell ‘Erba - We make any changes or edits to this. Engelbourg - Asks Gasbarro if he knows the linear distance of the proposed array is. Gasbarro - I would say going a couple of hundred feet of monitoring would be reasonable. - 900 feet is the project length. Engelbourg - As much as I appreciate expansive data collection, asking the applicant to do twice the amount of monitoring as the length of the project sounds excessive to me. - I would be willing to say a couple of hundred feet or if we want to say 450 feet on either side. Misurelli - 200 feet on either side sounds reasonable. Engelbourg - We need to figure out these transects because they don’t make any sense. - I would say having a transect every 100 feet is fine. Commissioners agree that transects should be at every 100 feet from one end of the project to the other. Engelbourg - Mentions that we need notice of repair at a specific time.

	Engelbourg and Dell ‘Erba agree the notice should be within 30 days. Misurelli - Asks who is the beach manager stated in Condition #10, is it someone appointed on the property? Engelbourg - It’s a representative from the Natural Resources Department office. - I think it’s technically Jeff Carlson, as the state officially designated him as such. Engelbourg - Ask to include “if repair be infeasible, a letter shall be submitted to the Commission indicating why repairs are infeasible within that timeline and presenting a plan for the repair.” Engelbourg - Condition #18- one of our protected interests is lateral access along the shoreline and there needs to be a specific beach width that provides appropriate access Misurelli - Makes the recommendation of 15 feet. Williams - It had come up with another project that if there’s a storm event and you don’t have much for a while, how many days can it not be accessible because of inclement weather. - We have to go back to what we did so we don’t reinvent the wheel. Engelbourg - Agrees with Williams, part of the quarterly monitoring report needs to be measurement of the lateral distance between the mean high water and the project. - In terms of the waiver criteria, I’m strongly against using the long-term net benefit waiver. - I think in this case, we should use the no adverse impacts, no reasonable alternatives waiver. Misurelli - For Condition #15- I’m wondering how we arrived at 33% of project materials. As I have something in my head that it was 50% when DEP had weight in on something. Engelbourg - Mentions that it’s been a standard condition for coir arrays, but we can change it as we are not bound to what the Commission said in the past. - The discussion was if they have to replace at least a third of the project then it’s not really working. Misurelli - I’m fine with it but just curious how we came about that percentage.
Action:	Motion to issue OOC as Amended: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, & Williams (aye)

C. Town of Nantucket- Sparks Avenue Roadway (various) SE48-3980

Sitting:	Engelbourg, Braine, Misurelli, & Plandowski
Recused:	-
Representatives:	Elyse Tripp, BETA Group, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(02:17:54)	Dell ‘Erba presents the item Engelbourg - I think there are adverse impacts and think we should waiver this under the significant public benefit waiver. The Commission agrees and Dell ‘Erba changes the waiver
Action:	Motion to issue OOC as Amended: (Made by: Braine) (Seconded by: Misurelli)

Vote:	Vote Carried: 4:0: Engelbourg, Braine, Misurelli, & Plandowski (aye)
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D. Request for Determination of Applicability- Delineation Only

Discussion: (02:22:14)	Engelbourg - Asks Commission and public if there is any interest in opening the following: • Clark- 193 Eel Point Road (33-19) Commissioners and Public don't see a need to open the RDA Dell 'Erba - Has visited the site and recommends a +2A Determination
Action:	Motion to issue the RDA with a +2A Determination: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Vote Carried: 4:0: Braine, Misurelli, Plandowski and Williams (aye)

1. Clark- 193 Eel Point Road (33-19)

Sitting:	Braine, Misurelli, Plandowski, and Williams
Recused:	Engelbourg
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: (02:22:14)	The Commission approved the RDA by consent style
Action:	Motion to issue the RDA with a +2A Determination: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Vote Carried: 4:0: Braine, Misurelli, Plandowski, and Williams (aye) Engelbourg (recused)

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

F. Minor Modifications (none)

G. Certificate of Compliance (none)

Discussion: (02:24:33)	Dell 'Erba recommends the following: • Nantucketshire, LLC- 30 Dukes Road (56-189) SE48-3312 - Issuance of the Certificate of Compliance with no Ongoing Conditions • Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-1532 - Partial Certificate with substantial compliance with no Ongoing Conditions • Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-2314 - No work was completed so this is an invalid Order but same process. • Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-3179 - No work was completed, invalid Order • Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-3684 - Issuing the Certificate of Compliance with ongoing pool & lighting Conditions #20, 21, 22, 23, & 24 No questions or comments from Commissioners
Action:	Motion to issue the Certificate of Compliance for SE48-3312, SE48-1532, SE48-2314, SE48-3179, SE48-3684: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

Discussion Cont: (02:27:58)	Dell 'Erba recommends the following: • Passanante- 40 Long Pond Drive (59.4-109.1) SE48-3898 - Issuance of the Certificate of Compliance with Ongoing Conditions #20 & #22
Action:	Motion to issue the Certificate of Compliance for SE48-3898 with Ongoing Conditions #20 & #22: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried:/4:0: Engelbourg, Braine, Misurelli, and Plandowski (aye); Williams (recused)

1. Nantucketshire, LLC- 30 Dukes Road (56-189) SE48-3312 (Brescher)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Williams
Recused:	
Representatives	Jessie Brescher, Glidden & Brescher
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:24:33)	The Commission approved the COC by consent style
Action:	Motion to issue the COC with no Ongoing Conditions: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

2. Passanante- 40 Long Pond Road (59.4-109.1) SE48-3898

Sitting:	Engelbourg, Braine, Misurelli, and Plandowski
Recused:	Williams
Representatives	Don Bracken, Bracken Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (02:27:58)	The Commission approved the COC consent style
Action:	Motion to issue the COC with Ongoing Conditions #20 & #22: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 4:0: Engelbourg, Braine, Misurelli, and Plandowski (aye); Williams (recused)

3. Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-1532

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, 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: (02:24:33)	The Commission approved a partial COC by consent style
Action:	Motion to issue a partial COC: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

4. Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-231

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, 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: (02:24:33)	The Commission approved the partial COC by consent style
Action:	Motion to issue a partial COC: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

5. Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-3179

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, 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: (02:24:33)	The Commission approved a Partial COC by consent style
Action:	Motion to issue a partial COC: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

6. Seventy-Three Hulbert Avenue Nominee Trust- 73 Hulbert Avenue (29-5) SE48-3684

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, 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: (02:24:33)	The Commission approved the COC by consent style
Action:	Motion to issue the COC with Ongoing Conditions #20-24: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

H. Extension Requests (none)

I. Other Business

1. Approval of Minutes 06/18/2026

Discussion: (02:29:12)	No questions or comments from Commissioners.
Action:	Motion to approve the Minutes for 06/18/2026: (Made by: Misurelli) (Seconded by: Plandowski)
Vote:	Carried:/5:0: Engelbourg, Braine, Misurelli, Plandowski, Williams (aye)

2. Monitoring Reports

Discussion: (02:29:41)	none
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine - No report, just a reminder that the State of the Harbor Conference is on July 14 th at the Great Harbor Yacht Club
CPC:	Schafer is not present
NP& EDC:	Misurelli - I did not attend that meeting, but Jesse Bell was appointed to the at-large seat. - Leslie Snell's contract was approved, and the committee just went over transportation plan.
Harbor Plan	Williams - We're still waiting.

4. Enforcement Actions/ Potential Enforcement Actions

Discussion: (02:31:32)	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

16 Meadow Lane

Discussion: (02:31:53)	Engelbourg - We have two listed properties but it's really one kind of a combined issue. - We've had several hearings about these properties before. Attorney Arthur Riede representing Peter McHugh, property owner of 16 Meadow Lane - I would suggest that these two matters be discussed together because my client was responsible for doing the work. - This was done approximately 10 years ago, and it only came to his attention recently that there was a problem with it.
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	- He didn't realize there was a wetlands issue and encroachment onto the other property, which is part of the issue as well. - We have reviewed the plan that Paul Santos had prepared for the property owner next door, which also included recommendations for planting and work to be done in order to remediate all the work that was done within Commission jurisdiction. - We agree with Santos' recommendations of specific species of plants in certain locations. - There Is also a question raised regarding a wall, which was placed there in connection with planting beds that were put on the property. - We think that it would probably be more injurious to the surrounding area and more disruptive to remove it. - We would do any work on this property in regard to the remediation of the situation. Dan Bailey, Pierce Atwood, representing Marsha Head who is the homeowner of 21R Madaket Road - We don't have anything further to say and agree with Reide Misurelli - I would say if both parties agreed, I'm comfortable with that and would look forward to moving it along and getting the work remediated as soon as possible. Reide - Mentions that we would be starting the work in September 1st as of right now, there are tenants on the property, and it would be more difficult to deal with it right now. Engelbourg - I had brought the issue about the retaining walls up to this Commission. - Maybe that significant violation is significantly older than unpermitted cutting, but it still exists. - Those walls are in an area that, under our current regulations, we certainly would not have permitted and even under our pre-existing regulations probably would not have permitted some of it. - I'd ask at a point in the prior hearings that an engineering analysis be delivered to this Commission on what those walls are, what the materials are, what the hardener is, how deep they go, and what their function is. - We've gotten small segments of that, but never really gotten a report of what they are and what the expected removal procedure would look like. - If it could be removed, what would the restoration area constitute? If it could be removed but then stabilized and planted with native species, that could be a huge long term net benefit. Reide - We could certainly produce an engineering analysis and ask Gasbarro to address that. Gasbarro - I was also just brought into the project and wasn't aware that it had been asked for before. - Without a full analysis it's rather reasonable to determine that planting around them would be less disruptive to the slope stabilization likely without impact to protected interests. Engelbourg - I do want it built out more because I think we need to think about what the short-term impact is and what the long-term impact health of this ecosystem is. - If construction causes temporary impacts, the natural slope can be protected, graded, and planted to provide greater long-term benefits to the buffer zones and resource areas. - They are changing the flow, potentially causing wildlife impacts and probably some more protected interest that we could figure out they would have some impact on.
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	- If it's going to cause a temporary construction impact, then we can have this natural slope protected, graded, and planted in a way that's going to add more benefit to the buffer zones and resource areas. - I would like to see the analysis done. Williams - I think you covered everything because I wanted to know about the construction of the wall. - We have asked twice and we really don't have a report as to the impact of trying to remove something depending on how it was constructed. - For my own piece of mind, I would still like to have that. Paul Santos, Nantucket Surveyors - The record is clear, these are two terraced stone and mortar landscaped walls, which has a concrete footing under each one of them. Engelbourg - What we're also trying to see in the analysis is if they were removed, would it be feasible to stabilize that Bank, if it would be feasible to replant it or is there going to have to be huge amounts of grading and fill. - Asks Santos to please provide the analysis.
Action:	CONTINUED UNTIL JULY 16, 2026

-Baxter Road Geotubes

Action:	CONTINUED UNTIL JULY 16, 2026
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5. Commissioner's Comments

Discussion: (02:45:08)	Williams - Thought that Engelbourg handled the Falmouth Road matter very well as it wasn't that easy. Braine, Misurelli, and Dell Erba agree with Williams
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6. Administrator/Staff Reports

Discussion: (02:45:41)	none
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J. Adjournment:

Motion:	Motion to adjourn at 7:46pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://5:0: Engelbourg, Braine, Misurelli, Plandowski, and Williams (aye)

Submitted by:
Lisa Graves