



CONSERVATION COMMISSION MINUTES

131 Pleasant Street
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, July 16, 2026 – 5:00 p.m.

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

<https://youtube.com/live/HV7z5bbxQec>

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

I. Call To Order

II. Acceptance of the Agenda

Discussion: (00:01:16)	Engelbourg notes the continuances
Motion:	Motion to accept the agenda (Made by: Misurelli) (Seconded by: Schafer)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

III. Announcements

Discussion: (00:02:28)	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: (00:02:58)	none
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VI. Public Hearing

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

Discussion: (00:03:32)	Dell 'Erba mentioned that the office hadn't received any new DEP file numbers for a few projects and asked representatives to share them if they have been received. Engelbourg - Mentions that he is recused from the following: • Nantucket Islands Resorts- 19 North Water Street & 3 White Elephant Way (42.4.2-3 & 104) SE48-3987 Engelbourg - Asks Commission and public if there is any interest in opening SE48-3985 or SE48-3984 Commissioners and Public don't see a need to open the following: • *Seventy-Three Hulbert Avenue Nominee Trust-73 Hulbert Avenue (29-5) SE48-3985 • *Nonantum 25 LLC- 27 Nonantum Avenue (71-51.1) SE48-3984 Dell 'Erba confirms that staff have everything they need to close
Action:	Motion to close SE48-3985, SE48-3984: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Discussion: (00:07:05)	Williams - Asks Commission and public if there is any interest in opening SE48-3987. Commissioners and Public don't see a need to open the following: Nantucket Islands Resorts- 19 North Water Street & 3 White Elephant Way (42.4.2-3 & 104) SE48-3987
Action:	Motion to close SE48-3987: (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye); Engelbourg (recused)

1 *Seventy-Three Hulbert Avenue Nominee Trust-73 Hulbert Avenue (29-5) SE48-3985

Sitting:	Engelbourg, Braine, 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: (00:03:32)	Commission closed the hearing by consent style
Action:	Motion to close (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. *Nonantum 25 LLC- 27 Nonantum Avenue (71-51.1) SE48-3984

Sitting:	Engelbourg, Braine, 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: (00:03:32)	Commission closed the hearing by consent style
Action:	Motion to close (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. *Nantucket Island Resort- 19 North Water Street & 3 White Elephant Way (42.4.2- 3 & 104) SE48-3987

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg
Representatives	Kathryn Barnicle, ILEX Environmental, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:07:05)	Commission closed the hearing by consent style
Action:	Motion to close (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye); Engelbourg (recused)

B. Notice of Intent- Waiver Required

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives	Douglas Partridge, Arcadis Vince Murphy, Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:08:48)	Murphy - There is nothing further to present, but we now have everything needed to close. No questions or comments from Commissioners or the public

Action:	Motion to close: (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

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

Action:	CONTINUED UNTIL AUGUST 6, 2026
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3. *Nantucket Islands Land Bank- Falmouth Avenue Relocation (82-30) NAN-142

Action:	CONTINUED UNTIL AUGUST 6, 2026
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4. Nantucket Conservation Foundation- South Pastures (90-1) SE48-3981

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, 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: (00:09:54)	Miller - Presented the project at the last hearing and now received the Natural Heritage review, which gives us everything needed to close. Turcotte - Asks the project representatives to make sure it only gets done during gusts of 15 mph or less. There were no other questions or comments from the Commissioners or public
Action:	Motion to close: (Made by: Turcotte) (Seconded by: Misurelli)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

5. *Nantucket Islands Land Bank- 101 Miacomet Avenue (81-149) SE48-3983

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives	Liz Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:11:12)	Phelps - This application is for invasive species removal which contains walking paths and a half acre man-made pond which outlets through a culvert and channel to the South. - We identified recently a 50-linear-foot area of Parrot Feather, which we're asking to treat the area to prevent it from expanding and becoming a bigger problem. - We're hoping to do a treatment this summer, and potential follow up treatments, if necessary, based on the surveys. - Last time it took two treatments over concurrent growing seasons to essentially eradicate it, so hopefully we'll have similar success using the same methods. No questions or comments from Commissioners or the public.
Action:	Motion to close: (Made by: Misurelli) (Seconded by: Turcotte)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

6. WETU Real Estate, Inc- 83 Squam Road (13-5 & 4.3) SE48-3986

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	Misurelli
Representatives	Mark Rits, Site Design Engineering Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:14:49)	Rits

	- The application is a modification to an existing single-family residence which consists of small infill additions and a couple of small additions over existing porch or patio structures. - We are also proposing to reconfigure an existing driveway which also includes the removal of 800 square feet of driveway from inside the 25- foot buffer and another 150 square feet of driveway from inside the 50-foot buffer. - This is being achieved by putting a garage under a portion of the exiting building, which would involve having to slope the driveway under the building with retaining walls. - We feel that the significant reduction in driveway inside the 25-foot buffer zone provides a significant net benefit. - The proposed structural footprint increase of approximately 107 square feet along with 670 square feet of replanting to offset that and provide some additional mitigation. No questions or comments from Commissioners or public.
Action:	Motion to close: (Made by: Turcotte) (Seconded by: Braine)
Vote:	Vote Carried: 6:0: Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye); Misurelli (recused)

C. Amended Order of Conditions- No Waiver Required

1. Three North Gully Road LLC- 7 North Gully Road (73.1.3-123) SE48-3099(Reissue)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Misurelli
Representatives:	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:18:06)	There is no discussion among the Commission as this is a reissue
Action:	Motion to Reissue the Amended Order of Conditions for SE48-3099: (Made by: Braine) (Seconded by: Schafer)
Vote:	Vote Carried: 6:0: Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye); Misurelli (recused)

D. Amended Orders of Conditions- Waiver Required (none)

IV. Public Meeting

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

1. Seventy-Three Hulbert Avenue Nominee Trust-73 Hulbert Avenue (29-5) SE48-3985

Sitting:	Engelbourg, Braine, 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:(00:19:03)	Dell Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. Nonantum 25 LLC- 27 Nonantum Avenue (71-51.1) SE48- 3984

Sitting:	Engelbourg, Braine, 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:(00:21:06)	Dell 'Erba presents the item
Action:	Motion to issue OOC as drafted: (Made by: Braine) (Seconded by: Misurelli)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. Nantucket Island Resort- 19 North Water Street & 3 White Elephant Way (42.4.2- 3 & 104) SE48-3987 (Barnicle)

Sitting:	Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	Engelbourg
Representatives:	Kathryn Barnicle, ILEX Environmental
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
Action:	Motion to issue OOC as drafted: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Vote Carried: 6:0: Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye); Engelbourg (recused)

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

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives:	Douglas Partridge, Arcadis Vince Murphy, Town of Nantucket
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion:(00:25:10)	Dell 'Erba presents the item Engelbourg - Asks to reword the time frame to include “no dredging shall occur between January 15 th and August 31 st ” Dell 'Erba - Asks Engelbourg if they should include the purpose of non-dredging due to the spawning of Winter Flounder. Engelbourg - Notes that eliminating in summer is for the nesting shorebirds also so we can include “to minimize impacts to rare and endangered species.”
Action:	Motion to issue OOC as amended: (Made by: Williams) (Seconded by: Misurelli)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

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

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, 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: (00:30:43)	Dell 'Erba presents the item Engelbourg - We should mention that “the herbicide is applied by a licensed applicator”. Turcotte - Mentions that a condition should be added in terms of forecast precipitation and wind speeds when chemicals should not be applied. Dell 'Erba - Adds Conditions #23 & #24 Engelbourg

	- Asks if there are usually Conditions relating to the herbicide that they're using that include the quantity and type of herbicide. Dell 'Erba - Confirms that they are usually added and includes the details in Condition #25 & #26 while removing Condition #24.
Action:	Motion to issue the OOC as amended: (Made by: Braine) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

3. Nantucket Islands Land Bank-101 Miacomet Avenue (81-149) SE48-3983

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	-
Representatives	Liz Phelps, Nantucket Islands Land Bank
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:40:35)	Dell 'Erba presents the item and edits Condition #23 to include ProcellaCOR as the herbicide.
Action:	Motion to issue the OOC as amended: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

4. WETU Real Estate, Inc- 83 Squam Road (13-5 & 4.3) SE48-3986

Sitting:	Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams
Recused:	Misurelli
Representatives	Mark Rits, Site Design Engineering, Inc
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:45:42)	Dell 'Erba presents the item Dell 'Erba - Presents the choice on waivers that were requested, which were between providing a net benefit and the project having no additional adverse impacts. Schafer - Thinks that the first waiver makes sense as the plantings provide a net benefit to the resource area. Turcotte - Prefers the second waiver. Engelbourg - Thinks the second waiver should be applied as the project will have no additional adverse impacts to the resource area. Schafer agrees and is ok with applying for the waiver.
Action:	Motion to issue the OOC as drafted: (Made by: Williams) (Seconded by: Schafer)
Vote:	Vote Carried: 6:0: Engelbourg, Braine, Plandowski, Schafer, Turcotte, and Williams (aye); Misurelli (recused)

C. Request for Determination of Applicability- Delineation Only

Discussion: (00:49:58)	Engelbourg - Asks Commission and public if there is any interest in opening either application Commissioners and Public don't see a need to open the following: • A & B Realty Trust- 55 Baxer Avenue (49-18) (Haines) • Diamond- 10 Jefferson Avenue (30-55 & 56) Dell 'Erba - Recommending a +2A Determination for 55 Baxter Avenue - Recommending a -3 for 10 Jefferson Avenue
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Action:	Motion to issue a +2A Determination for 55 Baxter Avenue & -3 Determination for 10 Jefferson Avenue: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

1. *A & B Realty Trust- 55 Baxer Avenue (49-18)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives	David Haines, Haines Hydrogeologic Consulting
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:49:58)	The Commission issued the RDA consent style
Action:	Motion to issue the RDA with a +2A Determination: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

D. Request for Determination of Applicability- Work Requested

1. *Diamond- 10 Jefferson Avenue (30-55 & 56)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams
Recused:	
Representatives	Don Bracken, Bracken Engineering
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments.
Discussion: (00:49:58)	The Commission issued the RDA consent style
Action:	Motion to issue the RDA with a -3 Determination: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Vote Carried: 7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

E. Minor Modifications (none)

F. Certificate of Compliance

Discussion: (00:51:39)	Engelbourg - Asks the Commission and public if anyone would like to open the following Certificate of Compliance requests: - Eight Sea Street LLC- 8 Sea Street (42.4.2-51) SE48-3797 - Gregson- 189 Polpis Road (45-5.2) SE48-3787 Williams and Turcotte can't sit on Mariner Way Dell 'Erba recommends issuing the following: 8 Sea Street- Issuing the COC with no ongoing conditions. 189 Polpis Road- Substantial Compliance with no ongoing conditions.
Action:	Motion to issue the Certificate of Compliance for SE48-3797, SE48-3787: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)
Discussion: (00:54:18)	Engelbourg asks if the Commission or public would like to open the following: - Doherty ACK LLC- 6 Mariner Way (55.1.4-72.2) SE48-3513 (Santos) Dell 'Erba - Recommends a partial certificate as the pool was never installed
Action:	Motion to issue the Certificate of Compliance for SE48-3513 with no ongoing conditions: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried:/5:0: Engelbourg, Braine, Misurelli, Plandowski, and Schafer (aye) Turcotte & Williams (recused)

1. Eight Sea Street LLC- 8 Sea Street (42.4.2-51) SE48-3797

Sitting:	Engelbourg, Braine, 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:(00:51:39)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Certificate of Compliance with no ongoing Conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. Gregson- 189 Polpis Road (45-5.2) SE48-3787

Sitting:	Engelbourg, Braine, 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:(00:51:39)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Certificate of Compliance with no ongoing Conditions: (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried:/7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

3. Doherty ACK LLC- 6 Mariner Way (55.1.4-72.2) SE48-3513 (Santos)

Sitting:	Engelbourg, Braine, Misurelli, Plandowski, and Schafer
Recused:	Williams, Turcotte
Representatives:	Paul Santos, Nantucket Surveyors
Documentation:	Site and topographical plans, photos, requisite departmental reports and correspondence.
Public Comment:	There were no public comments
Discussion:(00:54:18)	Commission approves Certificate of Compliance by consent style
Action:	Motion to issue Certificate of Compliance with no ongoing Conditions: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried:/5:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer (aye); Turcotte, Williams (recused)

G. Extension Requests (none)

H. Other Business

1. Approval of Minutes 07/02/2026

Discussion: (00:55:45)	No questions, comments, or additions to the Minutes
Action:	Motion to approve the Minutes for 07/02/2026: (Made by: Misurelli) (Seconded by: Braine)
Vote:	Carried:/7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, Williams (aye)

2. Monitoring Reports

Discussion: (01:21:49)	Dell Erba - We received one monitoring report from the Land Bank, please reach out if you have any questions.
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3. Reports: CRAC, CPC, NP&EDC, Harbor Plan, Offshore Wind Work Group, etc.

CRAC:	Braine has nothing to report
CPC:	Schafer has nothing new to report
NP& EDC:	Misurelli has nothing to report
Harbor Plan	Williams

	- We heard back from the state and there is going to be a presentation at the Select Board meeting on August 5th, 2026. Engelbourg - Asks Williams if it will be in before the Select Board for approval. Williams - Confirms that the Select Board will be able to approve it at that time.
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4. Enforcement Actions/ Potential Enforcement Actions

Discussion: (00:57:28)	Engelbourg asks Dell 'Erba if there are any new potential Enforcements to which he states, there isn't. Dell 'Erba - Has a feeling that he may have a few later that involve snow fencing. Williams - For Grove Lane, we've made decisions and told them what to do. Asks if they can sit there and not do it. Engelbourg - We have plenty of tools to require compliance. Dell 'Erba - Hypothetically they could do whatever they want but we would start a whole new Enforcement Order process. Williams - Asks Dell 'Erba how much time we have to give them before they have to do it. Engelbourg - It's summer and I'm assuming they're not going to do the work right now. Dell 'Erba - We would have to see something start in a reasonable amount of time. - I can look into this and see if there's some sort of precedent set in the past before. Engelbourg - We can still Amend the Enforcement Order that's currently active to require it happen within a specific time, but we should not do that with it not listed on the agenda. - We could ask the representative for an update and if not, we'll put it back on the meeting again. Engelbourg - Let's have our staff get an update and if their update is not satisfactory, let's put it on for the next agenda. Dell 'Erba - That's something that we should be putting on these Enforcement-related projects, up front.
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21R Madaket Road
16 Meadow Lane

Discussion: (01:00:44)	Engelbourg - We have two listed properties addresses listed, but it's one connected violation. - At our last meeting, we requested updates regarding the landscaping walls, which have been provided to this Commission. Jesse Bell, representing the homeowner for 21R Madaket Road - We just received feedback on the restoration plan this morning and we didn't have a chance to go over it in detail with our landscaper. - We are asking for a continuance at least with respect to the vegetation. - Art Gasbarro has provided the engineering analysis that was requested by the Commission, and we would like a decision on the walls.
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	- My client also informed me that she would like to put up a perimeter deer fence around the whole property, which is not included in the plan.
Engelbourg	- Mentions that the permitting path for the deer fencing would be through a Notice of Intent. - It cannot influence our thinking because it's not before this specific issue but think it's polite that you're letting us know of future plans. - Asks Bell what the nature of the revised discussion about landscaping has been since it was the thing that was the most figured out.
Bell	- We are going back and forth about plant quantities, and I think the neighbor got his team on board later, so we had just gotten their feedback from them today.
Engelbourg	- Asks Commissioners if everyone had a chance to review the letter submitted by Art Gasbarro in terms of the wall. - Now would be the time to discuss whether it was beneficial to the resource area to proceed with the removal of that wall given the engineering scope or if it's not.
Misurelli	- I would like to see the walls removed as I don't think they're given what we're trying to restore in this area. - I realize that there is quite a bit of work to take them out and a path that has to be thought about on it.
Williams	- I don't think they should come out at this point.
Turcotte	- Agrees with Misurelli, we are going to have short term disturbance here no matter what, but we should just have them do the job completely.
Schafer	- Agrees with the recommendation in the report that they should stay.
Braine	- Agrees with Misurelli and Turcotte and would like them to be removed.
Plandowski	- Thinks the walls should stay.
Engelbourg	- I made my point in the past and I'm not going to change it; I think the walls should be removed. - There are some short-term impacts and understanding from the engineering analysis that it will require machinery, slope stabilization, and may or may not require fill. - These are things that we handle as a Commission on a routine basis, and we have some of the most qualified engineers representing the clients. - With the proper techniques there could be easily stabilized and replanted over time to restore the function and value of that resource area.
Williams	- I strenuously disagree as I have dealt with walls as a part of construction that I do and taking these walls out, with the length, height, and slope is going to be a real problem. - I think it's going to cause more damage, more problems, more trying to stabilize it. I think it's insanity to take these walls out at this point.
Engelbourg	- I would say that the walls are considered a structural element and extend into an area that currently does not allow structure. - Even when they were allegedly built 10-12 years ago, part of it was still not in the area that would allow structure.
Art Gasbarro, Nantucket Engineering & Survey	- Asks for the wall removal, would the Commission consider from the 50- foot buffer zone back as given the time this was constructed, the regulation was approved in the 50-foot structure.

	- Additional fill would certainly be required and perhaps if we were going to remove some of it, we could then use that fill to restore that part of the slope and then maintain the stability of the slope for the remainder of the buffer zone. - Just wanted to get feedback from the Commission, understanding if the thought was all wall that's within the buffer zone or if that might be acceptable. Engelbourg - Refers to the site plan in terms of the location of the wall within the buffer zone. - The landscape walls do not expand into the 25-foot buffer zone. - About a quarter of the wall is within the 50-foot buffer zone - 60-75% of the wall is between the 50 to 75-foot buffer zone. - I understand the point that these walls were built a decade ago when the no build was the 50 foot buffer zone, but it did not go through the proper permitting process and I don't think we should reward violations and noncompliance by saying we're going to go back and use old regulations. - We should apply the regulations that we have today for this project. - My personal opinion is if there was a desire to retain part of the landscape wall, I am fine with the wall being retained in the 75–100-foot area but not within the 0–75-foot area. Schafer & Turcotte agree with Engelbourg Williams - I'm not in favor of leaving it between the 25–50-foot buffer zone, but the part between the 50-75 has been there and everything has settled around it. Engelbourg - Understands what Williams is saying but mentions that four Commissioners believe differently and since this is a democratic body, we're going to probably go in that direction. Schafer - I don't understand if there's a long-term net benefit, if we get rid of all of it then asks why to leave any of it. - I'm going to stick with my position and say that it should stay. Engelbourg - Mentions that if we want it all removed, then that's within our jurisdiction as well. - It was unpermitted and normally if a retaining wall application came in within the 75–100-foot buffer zone, we would likely approve it. Misurelli - I'm fine with leaving it at the 75-foot buffer zone as we would easily approve that. Gasbarro - This is helpful feedback and in no way do I want to belabor this and go back and forth. - The other thing that we might consider is to use the provision of the regulation that allow structures between the 50–75-foot buffer zone to creating additional undisturbed areas at 150% of that. - Part of what I don't know for sure is how procedurally we proceed from here, if this is going to be a Notice of Intent then that would be an opportunity perhaps to develop that type of approach for you to consider. - If it's going to be handled under the Enforcement mechanism, then I think we would have to work on the planning plan that we're in the middle of developing anyway and try to come back with something for your consideration. - I think by taking all that out, I think we would show the amount of fill that we would be bringing in that buffer zone area in order to ultimately stabilize that slope. Engelbourg - We would certainly need that information of the deconstruction and removal protocol, a protocol for temporary stabilization, whether it be temporary
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	erosion control blankets that are put on there or silt fencing, the amount to fill under, the delivery route, all of that. - It doesn't sound like we are able to get everything figured out tonight with the lack of clarity on the landscaping planting and it is changing anyways due to the removal of the wall so we would be asking for that for next meeting. Arthur Reid, representing the homeowner - Asks if the partial removal of the wall is going to require a Notice of Intent or do it in conjunction with the Enforcement Order Engelbourg - It has not been decided yet, but my personal belief is given the amount of structural work that would need to take place, we probably should require a Notice of Intent. - We have not made that decision yet. Reid - We've been working on the planting plans and agreed on the plan, but the only question would be the number of plants. - Obviously, that is going to change if any part of the retaining walls is going to be removed.
Action:	CONTINUED UNTIL AUGUST 6, 2026

-Baxter Road Geotubes

Action:	CONTINUED UNTIL AUGUST 6, 2026
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5. Commissioner's Comments

Discussion: (01:21:39)	none
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6. Administrator/Staff Reports

Discussion: (01:22:19)	none
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I. **Adjournment:**

Motion:	Motion to adjourn at 7:22pm. (Made by: Misurelli) (Seconded by: Williams)
Vote:	Carried://7:0: Engelbourg, Braine, Misurelli, Plandowski, Schafer, Turcotte, and Williams (aye)

Submitted by:
Lisa Graves