



CONSERVATION COMMISSION

PUBLIC MEETING

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

Thursday, September 8, 2022 – 5:00 p.m.

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

Commissioners: Ashley Erisman (Chair), Ian Golding (Vice Chair), Seth Engelbourg, Mark Beale, Linda Williams, Mike Misurelli, and Joe Plandowski

Called to order at 5:00 p.m. by Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director; Terry Norton, Town Minutes Taker

Attending Members: Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Brant Point Club, LLC – 6,8 North Beach Street/4 Dolphin Court (42.1.4-65;65.1;65.2) SE48- 3518 (**Cont. 09/22**)
2. Town of Nantucket – 98, 100 & 104 Washington Street (55.1.4-9.2, 9.1 & 104) SE48-3572

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Jeff Carlson, Natural Resources

Public None

Discussion (5:02) **Carlson** – This was held open for a Department of Environmental Protection (DEP) number. He drafted a positive order.

Staff recomm. Have everything needed to close.

Motion **Motion to Close.** (made by: Williams) (seconded)

Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

3. 13 Commercial Street, LLC – 13 Commercial Wharf (42.2.4-10) SE48-3563

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Chloe Coggins, Nantucket Surveyors

Public None

Discussion (5:03) **Coggins** – We are proposing to raise the existing, enclose the front porch, and expand the 2nd floor. The concern was the north-facing access stairs. We’ve made no change because no matter how we manage the stairs, it will be new construction within the 50’ buffer. We are eliminating the concrete pad.

Williams – She doesn’t see a big deal where the stairs go because the whole structure is within the 50’ buffer. She’s concentrating on it being lifted above the flood level.

Golding – He went out there; on the west side, there is grass and flagstones. His reservations have not abated; he’d like to see the interior architecture and if whether or not it is unrealistic for the stairs to go elsewhere. To ameliorate our decision, he’d want the flagstones removed.

Misurelli – He has no concerns with the proposal.

Plandowski – He supports the plan as presented.

Erisman – She’s generally opposed to new structure within the 50’ buffer; she understands the necessity in this case and is willing to allow the stairs.

Staff recomm. Have everything needed to close.

Motion **Motion to Close.** (made by: Williams) (seconded)

Vote Carried 6-1//Beale, Engelbourg, Erisman, Misurelli, Plandowski, and Williams-aye; Golding-nay

4. Murphy/Foudyler – 9 Massachusetts Avenue (60-83) SE8-3568

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative David M. Haines, Haines Hydrogeologic Consulting

Public None

Discussion (5:13) **Haines** – We were waiting for Massachusetts Natural Heritage (MNH) comments, which have been received. Reviewed changes resulting from MNH, DEP, and Marine Fisheries comments.

Beale – Asked what’s driving the boardwalk’s height requirement.

Haines – DEP and Marine Fisheries recommend a ration of 1.5:1 to allow sunlight to get under the boardwalk and maintain the biomass. The Building Code requires a railing when it is over 30” above grade.

Golding – Appreciates this approach.

Engelbourg – He appreciates the smaller profile. Confirmed the DEP guideline for ratio is height:width.
Erisman – Also appreciates the lower profile.

Staff recomm. Have everything needed to close.

Motion **Motion to Close.** (made by: Golding) (seconded)

Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, Plandowski, and Williams-aye; Misurelli recused

5. Stark Point, LLC – 16 Easton Street (42.1.4-11) SE48-3566

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Chloe Coggins, Nantucket Surveyors

Public None

Discussion (5:24) **Coggins** – The concern was the subsurface waterproof vault; explained revisions to the vault per Commissioner concerns.
 No comments.

Staff recomm. Have everything needed to close.

Motion **Motion to Close.** (made by: Williams) (seconded)

Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

6. Steven L. Cohen, Trustee – 6 & 11 East Hollowell Lane (30- 17 & 98) SE48-3571

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Mark Rits, Site Design Engineering

Public None

Discussion (5:27) **Rits** – Reviewed the project to replace a timber groin, which has been on site since 1967. He resurveyed the beach on August 6th; that mean-high water (MHW) has been marked onto the plan. There is access over the groin. Equipment will access the site along the shore from the end of Jefferson Avenue.
 No comments.

Staff recomm. Have everything needed to close.

Motion **Motion to Close.** (made by: Golding) (seconded)

Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

7. Sunset House, LLC – 15 Hollowell Lane (30-10) SE48-3570

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Mark Rits, Site Design Engineering

Public None

Discussion (5:31) **Rits** – Also to repair/replace a timber groin on site since 1955. The bulkhead is undergoing failure; explained how that will be repaired identical to repairs at 13 Hollowell Lane. Also conducted additional topo regarding MHW; that is on the updated plan.
Golding – Asked why they are using steel rather than wood and if Mass Waterways has approved that.
Rits – This has a stable, well vegetated bank and driving steel is less disturbing to the bank.
Golding – Feels driving timber wouldn’t cause anymore disturbance than steel. Also, he’s looking at issues with steel as sea level rises.
Rits – Explained why timber would cause more disturbance than driving steel. The life span of steel and pressure-treated wood are fairly close. The sheeting will go down about 16’ to 18’.
Beale – There is substantial end scouring on the west side creating a peninsular affect. Suggested putting a curve on the end of the bulkhead to minimize that.
Rits – He had similar concerns; currently, however, there is substantial beach west of the groin.
Golding – If it has no Chapter 91 protecting, isn’t in danger, and can be moved back, asked why we’re contemplating a new bulkhead instead of letting nature taking its course. Town Counsel opined on Washing Pond that the bulkhead wasn’t grandfathered. He’s concerned putting in steel will cause increased erosion to the west.
Rits – This is a grandfathered, pre-existing structure dating back to the mid-1950s. he doesn’t recall a formal Town Counsel opinion on that.
Erisman – She approved a similar application in 2019 but we’ve learned over the years. There is the possibility for a more environmentally friendly option here. Asked if this is the original 1950s bulkhead.
Rits – He believes it’s been maintained; there are no records from before the regs. It appears to be pressure-treated wood rather than a “creosote nightmare.”
Erisman – She’d like to know what materials remain below ground; it might need to be removed. Asked if they could do ground-penetrating radar to see how deep it goes.
Rits – The timber structure and salt water would occlude radar and it would be hard to get a clear picture. We’d have to do exploratory excavations.
Engelbourg – There are ample more environmentally friendly alternatives, which he’s mentioned. He’s not satisfied with their alternative analysis. Given concerns about toxic materials being left behind, asked if the project could be conditioned to require the applicant deal with them should they become exposed. At some point a steel bulkhead won’t be able to protect the bank. He’d also like to condition for chemical testing for toxic materials.

Rits – After 70 years in a saturated environment, a lot of chemicals might have mobilized out of the area. We are willing to remove whatever becomes exposed.

Engelbourg – He found a source for the environmental timeline for creosote; it could be anytime from a few days to years.

Golding – If we don't have a formal opinion from Town Counsel on pre-1978 bulkheads being protected structures, we should get one.

Misurelli – He feels the environmental impact of installing the steel sheeting would be less.

Beale – He feels this has gone beyond maintenance and repair; this is a replacement. Thinks we should have them put in a living shoreline.

Erisman – Agrees there is a more environmentally friendly alternative possible for this location.

Engelbourg – Most pressure treated wood is treated with CCA, which has arsenic. In all these coastal projects, we need to ensure that chemicals are taken in consideration.

Further discussion about the grandfathering status of the bulkhead and groin and if it is simple maintenance and repair or a replacement and thus subject to current regulations and the applicant be required to supply an alternative analysis.

Carlson – D. Anne Atherton asked if ConCom needs to speak with a consultant; we sent this off to our 3rd-party reviewer, Gregg Berman; we should have that back by the next meeting.

Rits – Asked for a 2-week continuance.

Staff recomm. One of the discussions with 18 Washing Pond was whether or not the coastal engineering structure (CES) was itself eligible for protection as a pre-1978 structure. The regs are clear that structure that predate the regs are eligible to grandfathering; the conditions were different because the question was if the structure was eligible for protection.

We have often conditions picking up exposed material. He could try to write a chemical testing condition.

He'll try to have the TC opinion by then as well.

Continued to September 22.

Motion

Vote

N/A

8. *Boathouse Realty Trust – 52 Warrens Landing Road (38-28 &29) SE48-____

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative None

Public None

Discussion (6:26) Not opened at this time.

Staff recomm. Haven't been able to reach the property owner

Motion Continued to Sept 22.

Vote

N/A

9. *Goodnow – 37 Massachusetts Avenue, Unit 1 (60.3.1-1) SE48-3573

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.

Representative Brian Madden, LEC Environmental

Don Bracken, Bracken Engineering

Public None

Discussion (6:26) **Madden** – Presented the scope of the proposed project; site is entirely within a coastal dune and the velocity Zone elevation 9. The proposed project will allow for the dune to migrate more freely.

Engelbourg – Asked if there is a tight tank that is being replaced.

Bracken – Right now it's connected to a common system with the other 2 units; it's a septic with leach fields. Tight tanks are allowed in this area.

Erisman – Asked how elevated the shed will be on tubes. Asked is this is pre-1978.

Madden – Existing grade is 9; it won't go as high as the house at elevation 13. Believes this structure dates the 1950s; the oldest photo is from 1966.

Erisman – She would prefer mechanicals be in the main structure rather than there being connections in a velocity zone and dune.

Bracken – If we expanded the house footprint by less than 70 sf, asked if the Commission would allow that.

Engelbourg – If the building footprint can be consolidated to remove the shed, that would be better by allowing the dune more space to expand.

Madden – We can look at that. We are waiting on MNH so will need to continue.

Williams – She's not adverse to the suggestion about attaching the shed to the house. Noted the freestanding shed doesn't count as groundcover; that might become an issue should it attach to the house.

Staff recomm. None

Motion

Continued to Sept 22.

Vote

N/A

10. *Rabbit Run Road I, LLC – 26 Rabbit Run Road (28-9) SE48-3574
- Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:38) **Madden** – Presented the scope of the proposal. Resource areas are a salt marsh, a BVW, a gradient of the saltmarsh, and a coastal bank. There are 2 pervious parking areas to be eliminated and consolidate to a central pervious area away from the resources. Currently roof runoff is directed toward resource areas via drainpipes; we are proposing subsurface infiltration. The existing sesspool will be upgraded to an I/A system with the leach field 100’ away from the BVW and the well. Will plant native shrubs with a cumulative restoration area of 2041 sf. Requesting a waiver.
Erisman – We visited this site. She’s concerned about extending the covered porch; increasing the roof pitch will have a detrimental affect on that area. It looks like landscape waste was dumped on the SW corner of the house.
Madden – If there is any year waste, we can clean that up and enforce proper disposal and educate the homeowner.
Misurelli – Noticed the deer pressure is heavy; doesn’t know if cedar saplings would survive unless protect. The apparent dump area might be where mulch was dumped and stirred by because it’s on a deer path.
Engelbourg – Agrees about the extension of the enclosed porch. That area also has wetland scenic view impacts.
Golding – He too agrees about the enclosed porch.
Madden – He’d like to investigate the enclose porch issue further. Asked for a 2-week continuance.
- Staff recomm. None
 Motion Continued to Sept 22.
 Vote N/A
11. * Ashford Advisors, LLC – 4 Charles Street (29-52) SE48-_____
- Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative David M. Haines, Haines Hydrogeologic Consulting
 Public None
 Discussion (6:52) **Haines** – Presented the proposal to raise the house above the flood zone. Resource area is a bordering vegetated wetlands and 100-year flood elevation of 7. The site is all lawn. Garage and drive will not be touched. All structural work is outside the 50’ buffer to the bordering vegetated wetlands. Asking for waiver under no reasonable alternative/no adverse impact for placement of the helical piers within 2’ of groundwater. Landscaping will be restabilization.
- Staff recomm. Have everything needed to close.
 Motion **Motion to Close.** (made by: Engelbourg) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye
12. *Hitherview Associates, LLC – 26 Tennessee Avenue (60.1.2-29) SE48-3576
- Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Mark Rits, Site Design Engineering
 Public None
 Discussion (7:05) **Rits** – This is to upgrade to an I/A septic system within little work within the wetland buffer. The entire property is within the floodplain so will need about 1.5’ of fill to mound the system some to maintain separation from groundwater.
Erisman – Realizes this is the only option but worries about the impact to neighbors in the event of a flood. Asked if there is a way to mitigate that on site.
Rits – Groundwater is high on site with very little space. The amount of fill would elevation the water about 1.6” across the property.
- Staff recomm. Have everything needed to close.
 Motion **Motion to Close.** (made by: Misurelli) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye
13. * 32 Hulbert Trust – 32 Hulbert Avenue (29-72) SE48-3575
- Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (6:58) **Gasbarro** – Presented the scope of proposed residential development within the flood zone and buffer to a vegetated wetland. Not requesting any waiver. They want to ring the site with a hedge; any plantings around the house would be native species.
Misurelli – The plan shows the property surrounded by privet; that’s not native material by ConCom standards.
Engelbourg – He doesn’t think there’s a concern about the hedge but suggested talking with the owner about a native alternative to privet.

Staff recomm. Have everything needed to close.
 Motion **Motion to Close.** (made by: Beale) (seconded)
 Vote Carried //Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

B. Amended Order of Conditions

1. Philips, Trustee – 19 East Tristram Avenue (31-4.1) SE48-3304
 Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Site and topographical plans, photos, requisite departmental reports, and correspondence.
 Representative Chloe Coggins, Nantucket Surveyors
 Public None
 Discussion (7:10) **Coggins** – Asked to continue for 2 weeks.
 Staff recomm. None
 Motion Continued to Sept 22.
 Vote N/A

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. None

D. Minor Modifications

1. None

E. Certificates of Compliance

1. 12 North Road Trust – 12 North Road (43-82) SE48-3022 (**Cont. 9/22**)

F. Orders of Condition

1. Town of Nantucket – 98, 100 & 104 Washington Street (55.1.4-9.2, 9.1 & 104) SE48-3572

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff Invasive species project. We granted waivers. Have standard practices. Added Condition 25 requiring signage prior to work.
 Discussion (7:12) **Engelbourg** – We talked about how this is a heavily used recreational site and asked for signage and public notice of the work.

Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

2. 13 Commercial Street, LLC – 13 Commercial Wharf (42.2.4-10) SE48-3563

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff Conditions are standard The waiver is more involved than normal and relates to the 50’ setback for the new stairs on the Commercial Street side.
 Discussion (7:15) None
 Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)
 Vote Carried 5-1//Erisman, Misurelli, Plandowski, Williams, and Beale-aye; Engelbourg abstain; Golding-nay

3. Murphy/Foudyler – 9 Massachusetts Avenue (60-83) SE8-3568

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation None
 Staff He doesn’t have a draft for this. Asked for thoughts on conditions. A Finding isn’t legally required.
 Discussion (7:18) **Erisman** – Asked if we need a Finding as to why we aren’t following DEP guidelines.
Golding – It would be important to add a component for the wetland scenic view and the impact of a railing.
 Motion Continued to Sept 22
 Vote N/A

4. Stark Point, LLC – 16 Easton Street (42.1.4-11) SE48-3566

Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff Has a Finding memorializing the number of engineered openings. We don’t have to approve this tonight; he can look at it some more. Reopening and continuing without the applicant’s consent is not the way to go. Finding 2 was changed to not approve the subsurface vault in this order; this could be stricken through the amendment process.

Discussion (7:22) **Engelbourg** – It doesn’t minimize the flood flow-through but does minimize the ability for flood waters to settle on site. Feels we can proceed with the vault if commissioner concerns have been assuaged. We can approve without the subsurface vault, or we can deny it.
Beale – The architect express willingness to put all utilities in a structure; he’s not happy with the vault idea. He’d be willing to approve without the vault at this time; they can come back for that.
Erisman – They didn’t provide further information on changing the vault other than making it smaller. It does impact the site’s ability to hold water.
Williams – She’d prefer to reopen the hearing and continue it to discuss the vault.
Golding – He thinks it should be conditioned without the vault and have them come in.

Motion **Motion to Approve as amended.** (made by: Beale) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

5. Steven L. Cohen, Trustee – 6 & 11 East Hallowell Lane (30-17 & 98) SE48-3571
 Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation None
 Staff He didn't draft an order; asked for feedback.
 Discussion (7:36) **Golding** – Wants it worded that we find this a repair, not a replacement.
 Motion Continued to September 22.
 Vote N/A

6. Ashford Advisors, LLC – 4 Charles Street (29-52) SE48-____
 Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff He added the waiver for no adverse impact/no reasonable alternatives regarding groundwater.
 Discussion (7:37) **Erisman** – The applicant listed in the agenda is different than on the Order of Conditions.
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

7. Hitherview Associates, LLC – 26 Tennessee Avenue (60.1.2-29) SE48-3576
 Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff Technically they are adding fill and increasing the lot's ability to absorb flood water; the purpose is to maintain the separate from groundwater for the septic. Added that waivers are required due to groundwater.
 Discussion (7:40) **Erisman** – Asked if they need a waiver to add fill in the flood zone.
Engelbourg – He'd prefer a adverse impact/no reasonable alternatives waiver in this case.
 Motion **Motion to Approve as amended.** (made by: Misurelli) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

8. 32 Hulbert Trust – 32 Hulbert Avenue (29-72) SE48-3575
 Sitting Erisman, Golding, Engelbourg, Beale, Williams, Misurelli, Plandowski
 Documentation Draft Order of Conditions
 Staff It's straight forward.
 Discussion (7:53) None
 Motion **Motion to Approve as drafted.** (made by: Williams) (seconded)
 Vote Carried 7-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

G. EXTENSION REQUEST

1. None

H. Other Business

1. Approval of Minutes 08/25/2022:

Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
 Vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, and Plandowski,-aye; Misurelli and Williams abstain

2. Discussion of Regulatory Update

Carlson – The SBPF preliminary review of their annual report is scheduled for September 29th. October 13th is next available date.

Engelbourg – He isn't available October 13th; he'll respond by email.

Erisman – Asked that the available October dates be resent.

3. Enforcement Actions/Potential Enforcement Actions

a. 2 Brocks Court

Sitting Erisman, Engelbourg, Beale, Williams, Misurelli, Plandowski

Documentation Photos

Discussion (8:00) **Carlson** – We got a report and did an inspection. There's a new shed without benefit of permit; the privet abuts the vegetated wetland. The restored wetland area was cleared out. Recommending issuing enforcement action for unpermitted work and issuing a cease and desist.

Motion **Motion to Issue the enforcement action.** (made by: Williams) (seconded)

Vote Carried 6-0//Beale, Engelbourg, Erisman, Misurelli, Plandowski, and Williams-aye; Golding recused

4. Reports:

a. None

5. Commissioners Comment

a. Golding – 71 Baxter Road, nothing has happened about the intrusion into the public way by the owners.

b. Golding – He sent photos of what looks like topsoil in front of 79 Baxter Road; it looks like it's being used to fill the geotubes.

6. Administrator/Staff Reports

a. None

I. EXECUTIVE SESSION

Motion **Motion to go into Executive Session Pursuant to MGL C. 30A § 21(A) for Purpose 3: To Discuss Strategy with Respect to Litigation with Regard to Siasconset Beach Preservation Fund (SBPF) Geotextile Tube Project Removal Order (SBPF v Nantucket Conservation Commission), where an Open Meeting May have a Detrimental Effect on the Litigation Position of the Conservation Commission. And, to Discuss Strategy related to the proposed Memorandum of Understanding between the Town of Nantucket Select Board and Siasconset Beach Preservation Fund with Respect to Litigation with the Siasconset Beach Preservation Fund (SBPF) Geotextile Tube Project Removal Order (SBPF v Nantucket Conservation Commission), where an Open Meeting May have a Detrimental Effect on the Litigation Position of the Conservation Commission at 8:06 pm. with no intent to return to open session. (made by: Williams) (seconded)**

Roll-call vote Carried 5-0//Beale, Engelbourg, Erisman, Golding, Misurelli, Plandowski, and Williams-aye

Submitted by:
Terry L. Norton

PROPOSED