

1. Conservation Commission Pack 1/8/2020

Documents:

BONNIE L SACERDOTE TRUSTEE _ 19 KIMBALL AVENUE (30_29)
SE48_3260.PDF
PATRICK S KEATING _ 49 RED BARN ROAD (63_15) SE48_3262.PDF
JOHN J MOLLER _ 10 MONOMOY CREEK ROAD (54_54 2) SE48_3258.PDF
MONOMOY CREEK ROAD NOMINEE TRUST _ 12 MONOMOY CREEK ROAD
(54_54 1) SE48_3259.PDF
GREG R EDELL _ 25 HIGH BRUSH PATH (56_379) SE48_3266.PDF
ROBERT GOLDRICH _ 41 CROOKED LANE (41_202) SE48_3265.PDF
2 SOUTH BEACH LLC _ 2 SOUTH BEACH ST (42 2 4_60) SE48_.PDF
GREAT STATE PROPERTIES LLC _ 92 WASHINGTON STREET EXT (42 2 3_22)
SE48_.PDF
53 WEST CHESTER ST LLC _ 53 WEST CHESTER ST (41_614) SE48_.PDF
MARK ABBOTT AND MARETA C HAMRE _ 8 HULBERT AVENUE (29 2 3_7 2)
SE48_.PDF
JASON MARONEY _ 29 RHODE ISLAND AVENUE (60 3 1_132) SE48_.PDF
17 BR ROSALY NOMINEE TRUST _ 17 BAXTER ROAD (60 3 1_132) SE48_.PDF
GAI TO FAMILY TRUST _ 92 CLIFF ROAD (30_268) RDA.PDF
MID_ISLAND SERVICE LIMITED PARTNERSHIP _ 41 AND 43 SPARKS
AVENUE (55_267 4 AND 267 3) RDA.PDF
MMOD ABRAMS POINT REALTY TRUST _ 30 RABBIT RUN ROAD (28_6)
SE48_3168.PDF
MMOD 8 BISHOPS RISE LLC _ 8 BISHOPS RISE (40_32) SE48_3181.PDF
COC REQUEST_ ROCK GONNELLA TRUSTEE OF THE NORTH NOMINEE
TRUST _ 73 EASTON STREET (42 4 1_109) SE48_2994.PDF
COC REQUEST_MADAKET WHEELHOUSE LLC _ 13 MASSACHUSETTS
AVENUE (60_75) SE48_2893.PDF
COC REQUEST_JOHN J MOLLER _ 10 MONOMOY CREEK ROAD (54_54 2)
SE48_2797.PDF
COC REQUEST_JOHN J MOLLER _ 10 MONOMOY CREEK ROAD (54_54 2)
SE48_2801.PDF
COC REQUEST_ MONOMOY CREEK NOMINEE TRUST _ 12 MONOMOY
CREEK ROAD (54_54 1) SE48_2665.PDF
COC REQUEST_ALICE ROCHAT _ 100 LOW BEACH ROAD (75_27)
SE48_1818.PDF
DRAFT CONCOM MINUTES 12_18_19.PDF
DRAFT MINUTES 12_16_19 SBPF.PDF



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
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www.nantucketsurveyors.com
nslinfo@nantucketsurveyors.com

N-11127

November 29, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Bonnie L. Sacerdote, Trustee
19 Kimball Avenue, Map: 30, Parcel: 29
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee);
- One (1) Check to the Inquirer & Mirror – 335.10 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA – \$42.50 (WPA Fee) Copy
- One (1) Check to the Commonwealth of MA – NHESP - \$300.00 (Copy)

This application is for the proposed installation of sand drift fencing on the existing Coastal Beach adjoining a Coastal Dune and located within Land Subject to Coastal Storm Flowage. Work is also adjacent to a Coastal Bank. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #19 Kimball Avenue" prepared by Nantucket Surveyors, LLC, Dated: November 29, 2019.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,
Nantucket Surveyors, LLC

A handwritten signature in black ink, appearing to read 'Paul J. Santos', is written over the typed name.

Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office
NHESP- Division of Fisheries and Wildlife
Bonnie L. Sacerdote
Patrick Levesque

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



Notice of Intent

Map 30 Parcel 29
19 Kimball Avenue
Nantucket, Massachusetts

Prepared for: **Bonnie L. Sacerdote, Trustee**
1040 5th Avenue #11A
New York, New York 10028

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

November 29, 2019



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

19 Kimball Avenue
a. Street Address

Nantucket
b. City/Town

02554
c. Zip Code

Latitude and Longitude:

41.293851
d. Latitude

-70.115047
e. Longitude

30
f. Assessors Map/Plat Number

29
g. Parcel /Lot Number

2. Applicant:

Bonnie L.
a. First Name

Sacerdote
b. Last Name

c. Organization

1040 5th Avenue #11A
d. Street Address

New York
e. City/Town

NY
f. State

10028
g. Zip Code

212-249-4465
h. Phone Number

i. Fax Number

bonniesacer@mac.com
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Paul J.
a. First Name

Santos
b. Last Name

Nantucket Surveyors LLC
c. Company

PO Box 3627
d. Street Address

Nantucket
e. City/Town

MA
f. State

02584
g. Zip Code

508-228-0240
h. Phone Number

508-228-9856
i. Fax Number

psantos@nantucketsurveyors.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110
a. Total Fee Paid

\$42.50
b. State Fee Paid

\$67.50
c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of sand drift fencing on the existing Coastal Beach adjoining a Coastal Dune and located within Land Subject to Coastal Storm Flowage. Work is also adjacent to a Coastal Bank.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input checked="" type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

24928

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (Mass DEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed installation of sand drift fencing on the existing Coastal Beach adjoining a Coastal Dune and located within Land Subject to Coastal Storm Flowage. Work is also adjacent to a Coastal Bank.

Existing Site Conditions

The subject property is located on the north side of Kimball Avenue, Nantucket Assessors Map: 30 Parcel: 29. The site is approximately 1 acre, consisting of a primary and secondary dwelling on a fully developed residential lot fronting on Nantucket Sound. Pedestrian access to the Coastal Beach is via an existing stairway located on the subjects parcel. The surrounding land use is residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0086G), dated June 9, 2014, shows that the area of proposed activity is located within Zone VE (Elevation 9).

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix D) shows that Priority Habitat and Estimated Habitat is mapped within the area of proposed activity. The proposed work does require a filing with MESA.

Proposed Activity

The applicant wishes to install 90 linear feet of sand drift fencing on the existing Coastal Beach. Materials are proposed to be 5” diameter 12’ long PT piles with 2”x4” horizontal and 1”x2” vertical panels. Construction access is proposed along the beach above mean high water from Jetties Beach. All work will be prohibited during the periods of April 1st to August 31st without prior written permission from the Town of Nantucket Beach Manager. Sand nourishment will be provided on a voluntary basis. Notice of sand nourishment will be provided to the Commission and the Natural Resources Department staff prior to placement.

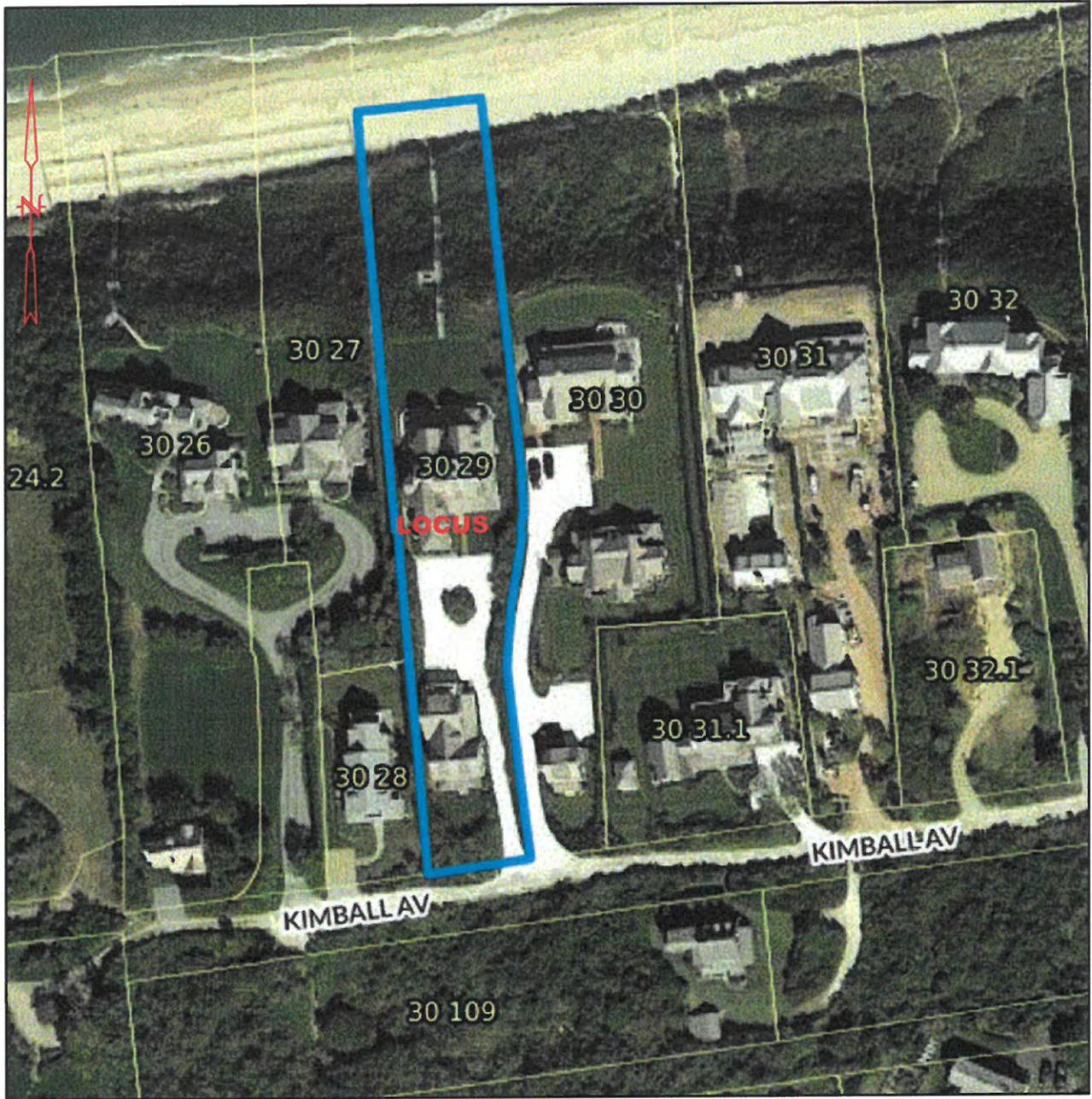


Figure 1: ASSESSOR'S MAP

#19 KIMBALL AVENUE
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
MAP: 30 PARCEL: 29

PREPARED FOR:
BONNIE L. SACERDOTE, TRUSTEE

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

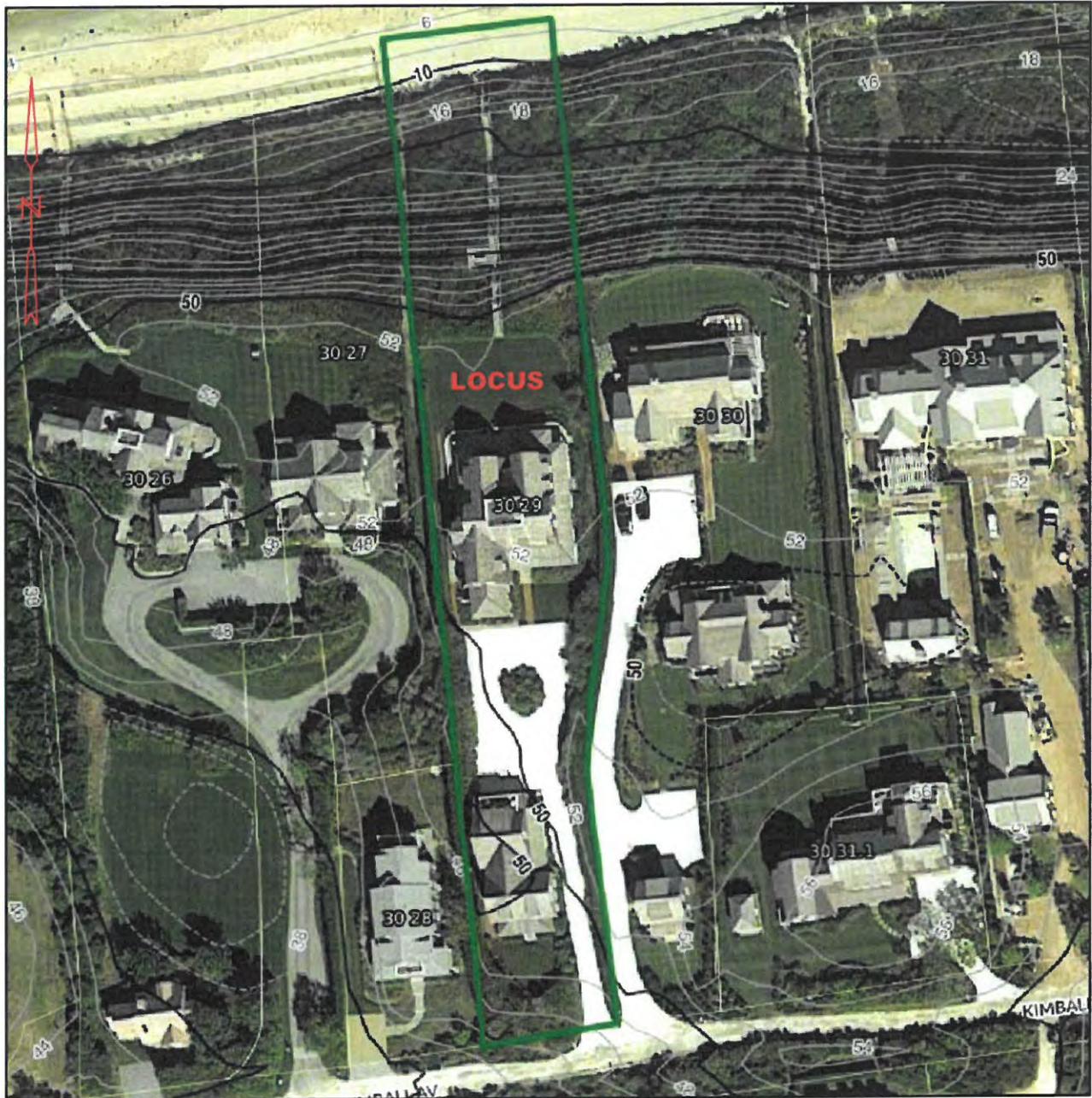


Figure 2: TOPOGRAPHIC MAP

#19 KIMBALL AVENUE
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
 MAP: 30 PARCEL: 29

PREPARED FOR:
 BONNIE L. SACERDOTE, TRUSTEE

NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554

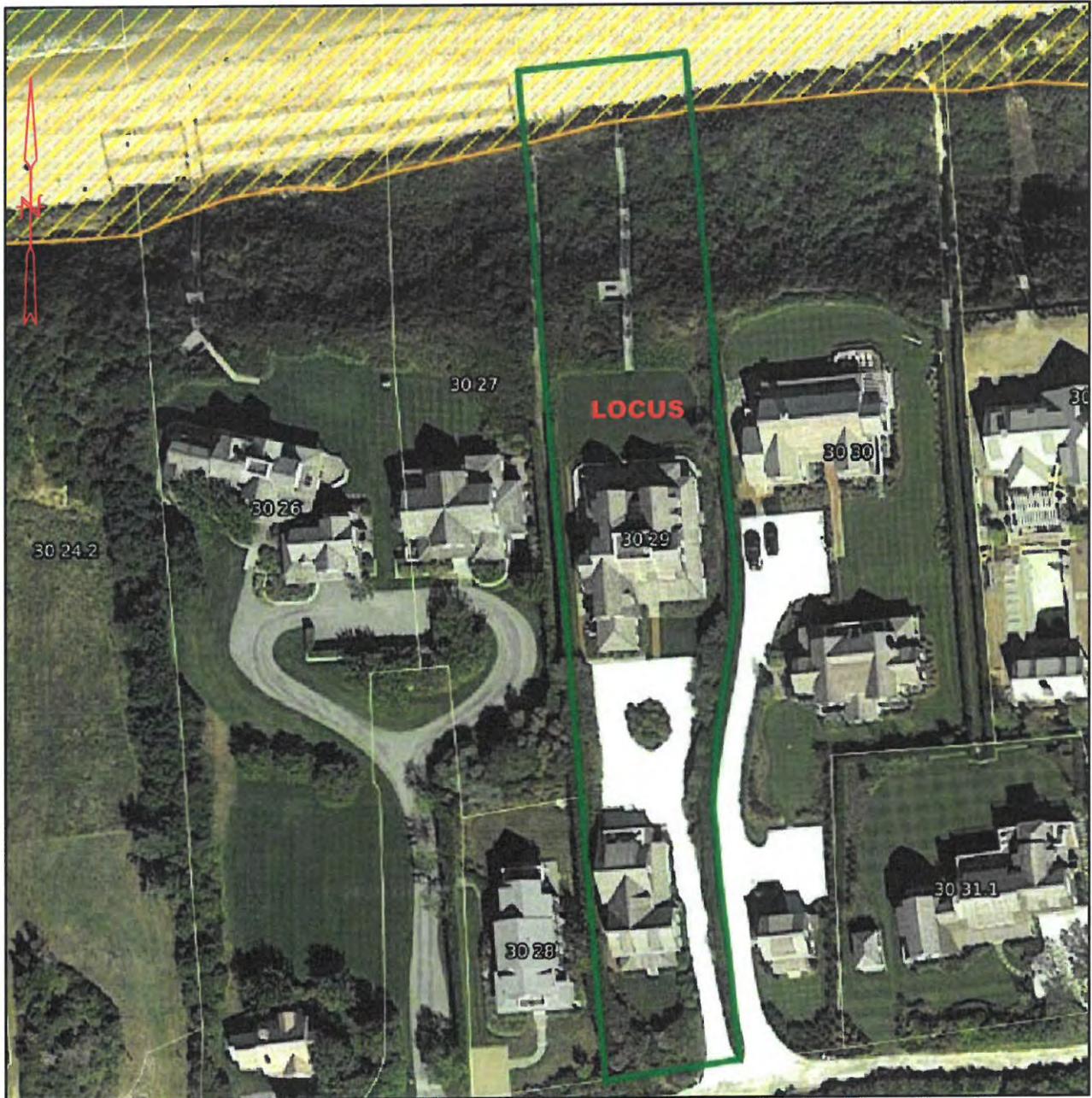


Figure 3: NHESP MAP

#19 KIMBALL AVENUE
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
MAP: 30 PARCEL: 29

PREPARED FOR:
BONNIE L. SACERDOTE, TRUSTEE

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



Figure 4: FEMA MAP

#19 KIMBALL AVENUE
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
MAP: 30 PARCEL: 29

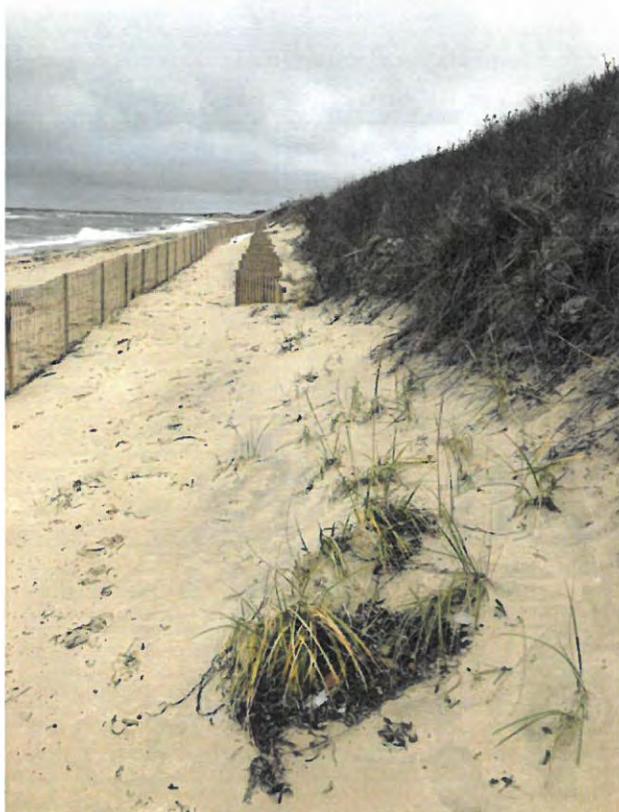
PREPARED FOR:
BONNIE L. SACERDOTE, TRUSTEE

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

19 Kimball Avenue, Nantucket, MA
Applicant: Bonnie L. Sacerdote, Trustee



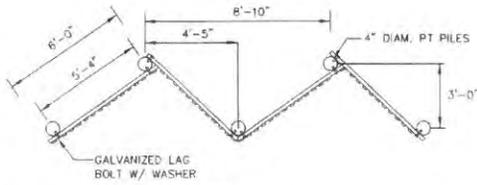
Westerly view of proposed fence location



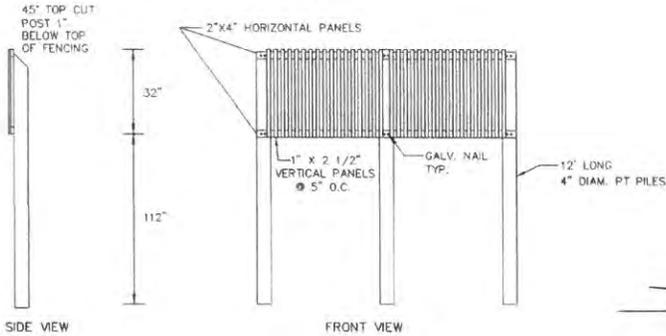
Easterly view of proposed fence location

NANTUCKET SOUND

MERIDIAN: L.C. PLAN NO. 9009-K



OVERHEAD VIEW



SAND DRIFT FENCE DETAIL
SCALE: 1"=40'

LEGEND:

- DHCB DRILL HOLE/CONCRETE BOUND
- FND FOUND
- IP IRON PIPE
- x15.3 SPOT ELEVATION
- 20— EXISTING CONTOUR

NOTES:

1. A PORTION OF THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE VE EL. 9 ZONE AS DELINEATED ON THE "FIRM" MAP NO. 25019C0086G, PANEL B5 OF 177; EFFECTIVE DATE JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
2. A PORTION OF THE PROPERTY IS LOCATED WITHIN 2017 PRIORITY HABITAT AND ESTIMATED HABITAT NATURAL AND ENDANGERED SPECIES PROGRAM MAPPING.

CURRENT ZONING: R-20
 MINIMUM LOT SIZE: 20,000 S.F.
 MINIMUM FRONTAGE: 75'
 FRONTYARD SETBACK: 30'
 SIDE AND REAR SETBACK: 10'
 ALLOWABLE G.C.R.: 12.5%

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREOIN. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B.:



BENCHMARK: BM
 NAIL IN STAIRS
 ELEV 14.54
 NAVD 88



SITE PLAN TO ACCOMPANY
 A NOTICE OF INTENT
 #19 KIMBALL AVENUE
 IN
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=20' DATE: NOVEMBER 29, 2019
 DEED REFERENCE: L.C. CERT. #24929
 PLAN REFERENCE: L.C. PLAN NO. 9009-K
 ASSESSOR'S REFERENCE:
 MAP: 30 PARCEL: 29
 PREPARED FOR:
 BONNIE L. SACERDOTE, TRUSTEE
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554

PERMIT NOTES

1. SEE ORDER OF CONDITIONS SE48-3154 L.C. DOC. NO. 160774.
2. NHESP FILE No.: 18-38282

I:\JOBS\11000-12999\11000-5\11000-11100-11120-11129\11127-AUTOCAD\N11127-NOI-SITEPLAN-11272019.dwg 11/27/2019 8:54:20 AM Canon IP765 p3



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslinfo@nantucketsurveyors.com

N-10917

November 29, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Patrick S. Keating
49 Red Barn Road, Map: 63 Parcel: 15
Nantucket, MA 02554

Dear Commission Members,

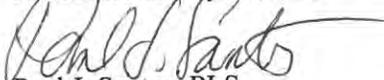
Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee);
- One (1) Check to the Inquirer & Mirror - \$335.10 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA – \$42.50 (WPA Fee) Copy
- One (1) Check to the Commonwealth of MA – NHESP -\$300.00 (Copy)

This application is for proposed relocation of a dwelling with associated grading, landscaping and utility installation within the buffer zone to a Coastal Bank and Coastal Dune.. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #49 Red Barn Road" prepared by Nantucket Surveyors, LLC, Dated: November 29, 2019.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,
Nantucket Surveyors, LLC



Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office
NHESP-Division of Fisheries and Wildlife
Patrick S. Keating

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



Notice of Intent
Map: 63 Parcel: 15
49 Red Barn Road
Nantucket, MA

Prepared for: **Patrick S. Keating**
PO Box 565
Nantucket, MA 02554

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

November 29, 2019



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

49 Red Barn Road

a. Street Address

Nantucket

b. City/Town

02554

c. Zip Code

Latitude and Longitude:

63

f. Assessors Map/Plat Number

41.262337

d. Latitude

-70.180896

e. Longitude

15

g. Parcel /Lot Number

2. Applicant:

Patrick S.

a. First Name

Keating

b. Last Name

c. Organization

PO Box 565

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

508-332-9272

h. Phone Number

i. Fax Number

pkeating891@gmail.com

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Paul J.

a. First Name

Santos

b. Last Name

Nantucket Surveyors LLC

c. Company

PO Box 3627

d. Street Address

Nantucket

e. City/Town

MA

f. State

02584

g. Zip Code

508-228-0240

h. Phone Number

508-228-9856

i. Fax Number

psantos@nantucketsurveyors.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed relocation of a dwelling with associated grading, landscaping and utility installation within the buffer zone to a Coastal Bank and a Coastal Dune.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

26766

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (Mass DEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed relocation of a dwelling with associated grading, landscaping and utility installation within the buffer zone to a Coastal Bank and Coastal Dune.

Existing Site Conditions

The subject property is located on the south side of Red Barn Road, Nantucket Assessors Map: 63 Parcel: 15. The site contains approximately 36,740 ± S.F. above an existing eroding Coastal Bank, consisting of a primary dwelling on a residential lot. The surrounding land use is residential and property owned by the Nantucket Conservation Foundation, Inc.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0068G), dated June 9, 2014, shows that the area of proposed activity is not located within a flood hazard area.

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix D) shows that Priority Habitat is mapped within the area of proposed activity. The proposed work does require a filing with MESA.

Erosion Control

Construction fencing will be placed along the limit of work in order to limit disturbance during the dwelling relocation.



Figure 1: ASSESSOR'S MAP

#49 RED BARN ROAD
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
MAP: 63 PARCEL: 15

PREPARED FOR:
PATRICK S. KEATING

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



Figure 2: TOPOGRAPHIC MAP

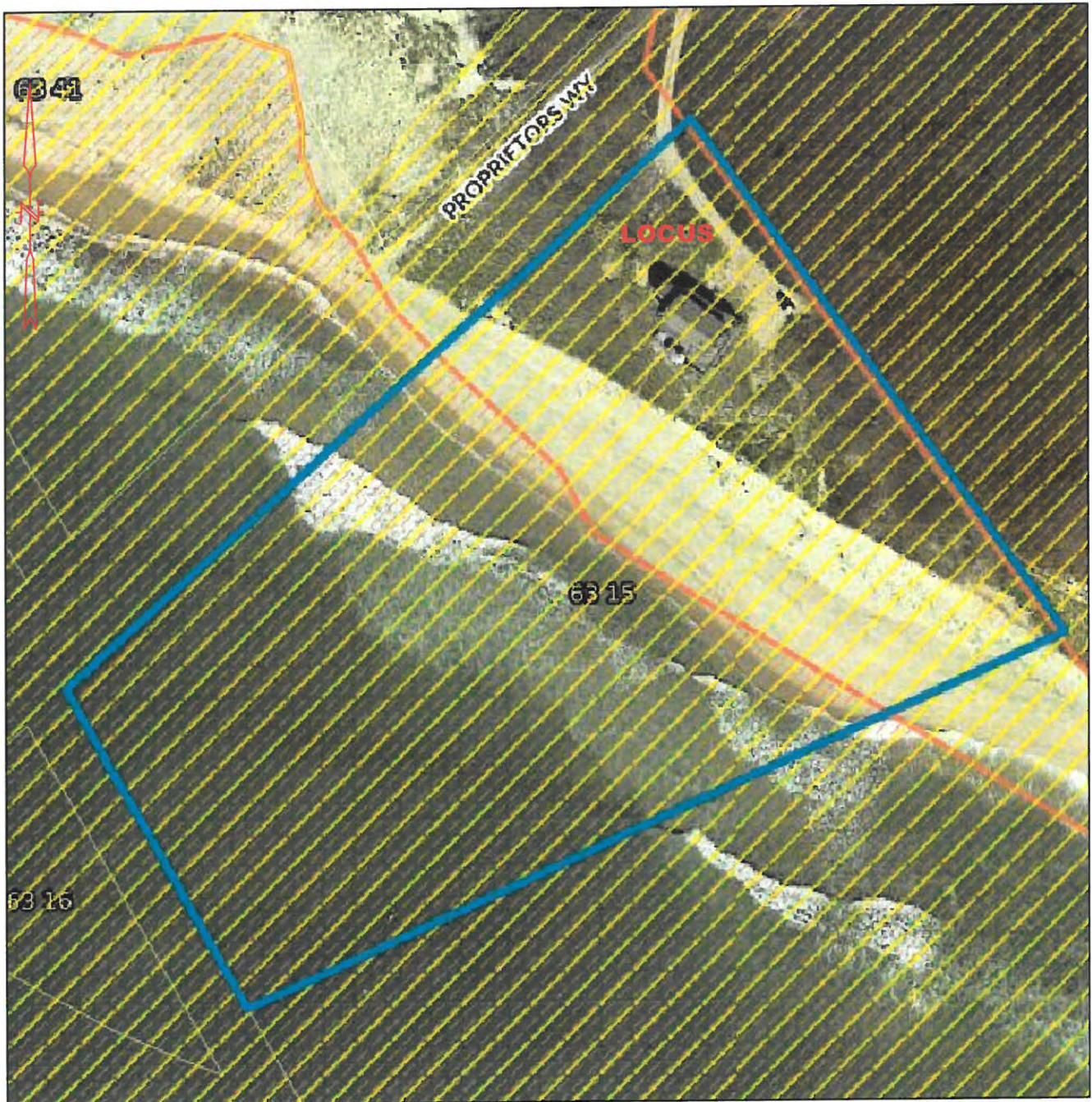
#49 RED BARN ROAD
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
 MAP: 63 PARCEL: 15

PREPARED FOR:
 PATRICK S. KEATING

NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554



LEGEND:

NHESP Priority Habitats of Rare Species	
NHESP Estimated Habitats of Rare Wildlife	

Figure 3: NHESP MAP

#49 RED BARN ROAD
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
MAP: 63 PARCEL: 15

PREPARED FOR:
PATRICK S. KEATING

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



Figure 4: FEMA MAP

#49 RED BARN ROAD
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
 MAP: 63 PARCEL: 15

PREPARED FOR:
 PATRICK S. KEATING

NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554



Figure 5: EROSION RATE MAP

#49 RED BARN ROAD
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: NOVEMBER 29, 2019

ASSESSOR'S REFERENCE:
 MAP: 63 PARCEL: 15

PREPARED FOR:
 PATRICK S. KEATING

NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554

49 Red Barn Road, Nantucket, MA
Applicant: Patrick S. Keating



Front of existing dwelling



Back view of existing dwelling abutting Coastal Bank



View of area for proposed relocation of dwelling

Haines Hydrogeologic Consulting

specialising in groundwater & wetlands

141 Old Enfield Road
Belchertown
Mass. 01007
413 323 7156
Fax 413 323 4776

Paul Santos
Nantucket Surveyors LLC
5 Windy Way
Nantucket, MA 02554

November 27, 2019

Re: Wetland Evaluation - Keating Site, 49 Red Barn Road, Nantucket
Map 63 Parcel 15

Dear Mr. Santos:

As requested, we have delineated the wetland resource areas on or adjacent to the above-referenced site. The site includes resource areas under jurisdiction of the *Federal Clean Water Act*, the *Massachusetts Wetlands Protection Act* and/or the *Nantucket Wetlands By-law*. These resource areas are identified as **Land under the Ocean, Coastal Beach, Coastal Dune, Barrier Beach, Coastal Bank, Land Subject to Coastal Storm Flowage, Bordering Vegetated Wetland** and the associated **100-foot Buffer Zone**.

The site consists of a single lot located at the end of Red Barn Road on the south shore of Nantucket Island. The site contains a house, driveway, lawn, well, septic system and naturally vegetated area. Due to severe coastal erosion, only a small portion of the site remains upland. The coastal resource areas are located along the southern and western portions of the remaining upland. There is freshwater wetland system off site to the west.

The resource area "**Land under the Ocean**" is that portion adjacent to the site seaward of the mean low water line. Any proposed work in this resource area must meet the respective performance standards, and must be reviewed and approved by the Nantucket Conservation Commission and/or the Massachusetts Department of Environmental Protection (DEP).

The **Coastal Beach** is defined as the unconsolidated sediments between the mean low water line and the toe of the **Coastal Bank**. Any proposed work in this resource area must meet the performance standards, and must be reviewed and approved by the Nantucket Conservation Commission and/or (DEP).

The **Coastal Dune** on the site consists of the windblown sand covered with beach grass along the western portion of the site. This dune system is migrating former upland areas of the site. Any work in this area must meet the performance standards, and must be reviewed and approved by the Nantucket Conservation Commission and/or (DEP).

There is a mapped **Barrier Beach** just west of the site. It formed as sea level rose and beach and dune deposits migrated across a glacial outwash channel. The up-gradient channel contains the now eutrophied Flax Pond and a shallow fresh marsh.

The **Coastal Bank** on the site includes the steep embankment landward of the beach south of the house. This bank is eroding at an average rate of 11.38 feet per year. Any work in this area must meet the performance standards and must be reviewed and approved by the Nantucket Conservation Commission and/or DEP.

Land Subject to Coastal Storm Flowage consists of the area shown on the most recent FEMA floodplain maps up to elevation 9 NAVD88. These maps show that the velocity zone extends up to the **Coastal Bank** and across the **Barrier Beach**. Any work in this area must meet the performance standards, and must be reviewed and approved by the Nantucket Conservation Commission and/or (DEP).

The **Bordering Vegetated Wetland** on the site consists a shallow fresh marsh in the former outwash channel. This resource area was delineated using the three technical criteria of vegetation, soils and hydrology. Wetland Data Forms documenting the delineation are attached. The vegetation in the wetland includes Bayberry, Phragmites, Cattail, Marsh Fern and sedges. The soils consist of seasonally saturated black muck over gleyed subsoil. Any work in this area must meet the performance standards, and must be reviewed and approved by the Nantucket Conservation Commission and/or (DEP).

The **100-foot Buffer Zones** to the resource areas **Coastal Bank**, **Coastal Dune** and **Bordering Vegetated Wetlands** extend across almost all the upland on the site. Any proposed work in these areas must be done in such a manner as to not impact the resource areas.

A review of the 2017 "Massachusetts Natural Heritage Atlas", prepared by the *Massachusetts Natural Heritage and Endangered Species Program* (NHESP), indicates that the site is within the known range of a state-listed rare wetlands wildlife species. Therefore, any proposed work must be reviewed and approved by NHESP.

If you have any questions, please call.

Yours truly,



David M. Haines
Hydrogeologist/Wetland Scientist

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Keating Prepared by: Haines Hydrogeologic Consulting Project location: 49 Red Barn Rd DEP File #: _____
 Nantucket, MA

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II Method
- other than dominance test used (attach additional information)

Section I.

15 feet below flag #4

Vegetation	Observation Plot Number: #4Wet		Transect Number: #4	Date of Delineation: 11/20/19
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Bayberry	10.5	100%	Yes	Fac
Phragmites	20.5%	28%	Yes	FacW
Cattail	20.5	28%	Yes	Obl
Sedge	20.5	28%	Yes	Facw
Soft Rush	10.5	15%	No	-

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 4 Number of dominant non-wetland indicator plants: 0

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES** no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Keating Prepared by: Haines Hydrogeologic Consulting Project location: 49 Red Barn Rd DEP File #: _____

Check all that apply: _____ Nantucket, MA

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II Method
- other than dominance test used (attach additional information)

Section I.

15 feet above Flag #4

Vegetation	Observation Plot Number: #4 Up	Transect Number: #4	Date of Delineation: 11/20/19
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no) E. Wetland Indicator Category*

American Beach Grass	60.0	100%	Yes	Up
----------------------	------	------	-----	----

** Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation conclusion:

Number of dominant wetland indicator plants: 0 Number of dominant non-wetland indicator plants: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes **NO**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



A. General Information

From:

Nantucket
Conservation Commission

To: Applicant

Abbott D. Weiss

Name

34 Stow Road

Mailing Address

Harvard

City/Town

MA

State

01451

Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town

State

Zip Code

1. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Proposed Sewer Disposal System Upgrade

Title

11/09/2017

Date

Title

Date

Title

Date

2. Date Request Filed:

11/09/2017

B. Determination

Pursuant to the authority of M.G.L. c. 131, § 40, the Conservation Commission considered your Request for Determination of Applicability, with its supporting documentation, and made the following Determination.

Project Description (if applicable):

Abandon existing sewage disposal system within the buffer zone to a Coastal Bank and replace with a

New building sewer

Project Location:

49 Red Barn Road

Street Address

63

Assessors Map/Plat Number

Nantucket

City/Town

15

Parcel/Lot Number



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



B. Determination (cont.)

The following Determination(s) is/are applicable to the proposed site and/or project relative to the Wetlands Protection Act and regulations:

Positive Determination

Note: No work within the jurisdiction of the Wetlands Protection Act may proceed until a final Order of Conditions (issued following submittal of a Notice of Intent or Abbreviated Notice of Intent) or Order of Resource Area Delineation (issued following submittal of Simplified Review ANRAD) has been received from the issuing authority (i.e., Conservation Commission or the Department of Environmental Protection).

1. The area described on the referenced plan(s) is an area subject to protection under the Act. Removing, filling, dredging, or altering of the area requires the filing of a Notice of Intent.

2a. The boundary delineations of the following resource areas described on the referenced plan(s) are confirmed as accurate. Therefore, the resource area boundaries confirmed in this Determination are binding as to all decisions rendered pursuant to the Wetlands Protection Act and its regulations regarding such boundaries for as long as this Determination is valid.

Coastal Bank

2b. The boundaries of resource areas listed below are not confirmed by this Determination, regardless of whether such boundaries are contained on the plans attached to this Determination or to the Request for Determination.

3. The work described on referenced plan(s) and document(s) is within an area subject to protection under the Act and will remove, fill, dredge, or alter that area. Therefore, said work requires the filing of a Notice of Intent.

4. The work described on referenced plan(s) and document(s) is within the Buffer Zone and will alter an Area subject to protection under the Act. Therefore, said work requires the filing of a Notice of Intent or ANRAD Simplified Review (if work is limited to the Buffer Zone).

5. The area and/or work described on referenced plan(s) and document(s) is subject to review and approval by:

Name of Municipality

Pursuant to the following municipal wetland ordinance or bylaw:

Name

Ordinance or Bylaw Citation



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



B. Determination (cont.)

6. The following area and/or work, if any, is subject to a municipal ordinance or bylaw but not subject to the Massachusetts Wetlands Protection Act:

7. If a Notice of Intent is filed for the work in the Riverfront Area described on referenced plan(s) and document(s), which includes all or part of the work described in the Request, the applicant must consider the following alternatives. (Refer to the wetland regulations at 10.58(4)c. for more information about the scope of alternatives requirements):

- Alternatives limited to the lot on which the project is located.
- Alternatives limited to the lot on which the project is located, the subdivided lots, and any adjacent lots formerly or presently owned by the same owner.
- Alternatives limited to the original parcel on which the project is located, the subdivided parcels, any adjacent parcels, and any other land which can reasonably be obtained within the municipality.
- Alternatives extend to any sites which can reasonably be obtained within the appropriate region of the state.

Negative Determination

Note: No further action under the Wetlands Protection Act is required by the applicant. However, if the Department is requested to issue a Superseding Determination of Applicability, work may not proceed on this project unless the Department fails to act on such request within 35 days of the date the request is post-marked for certified mail or hand delivered to the Department. Work may then proceed at the owner's risk only upon notice to the Department and to the Conservation Commission. Requirements for requests for Superseding Determinations are listed at the end of this document.

- 1. The area described in the Request is not an area subject to protection under the Act or the Buffer Zone.
- 2. The work described in the Request is within an area subject to protection under the Act, but will not remove, fill, dredge, or alter that area. Therefore, said work does not require the filing of a Notice of Intent.
- 3. The work described in the Request is within the Buffer Zone, as defined in the regulations, but will not alter an Area subject to protection under the Act. Therefore, said work does not require the filing of a Notice of Intent, subject to the following conditions (if any).

- 4. The work described in the Request is not within an Area subject to protection under the Act (including the Buffer Zone). Therefore, said work does not require the filing of a Notice of Intent, unless and until said work alters an Area subject to protection under the Act.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



B. Determination (cont.)

- 5. The area described in the Request is subject to protection under the Act. Since the work described therein meets the requirements for the following exemption, as specified in the Act and the regulations, no Notice of Intent is required:

Exempt Activity (site applicable statutory/regulatory provisions)

- 6. The area and/or work described in the Request is not subject to review and approval by:

Name of Municipality

Pursuant to a municipal wetlands ordinance or bylaw.

Name

Ordinance or Bylaw Citation

C. Authorization

This Determination is issued to the applicant and delivered as follows:

- by hand delivery on by certified mail, return receipt requested on

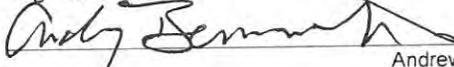
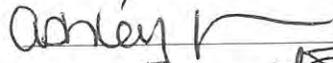
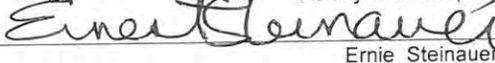
11/29/2017
Date

Date

This Determination is valid for **three years** from the date of issuance (except Determinations for Vegetation Management Plans which are valid for the duration of the Plan). This Determination does not relieve the applicant from complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.

This Determination must be signed by a majority of the Conservation Commission. A copy must be sent to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) and the property owner (if different from the applicant).

Signatures:


Andrew Bennett (C)

Ashley Erisman (VC)

Ernie Steinauer

David La Fleur


Ian Golding

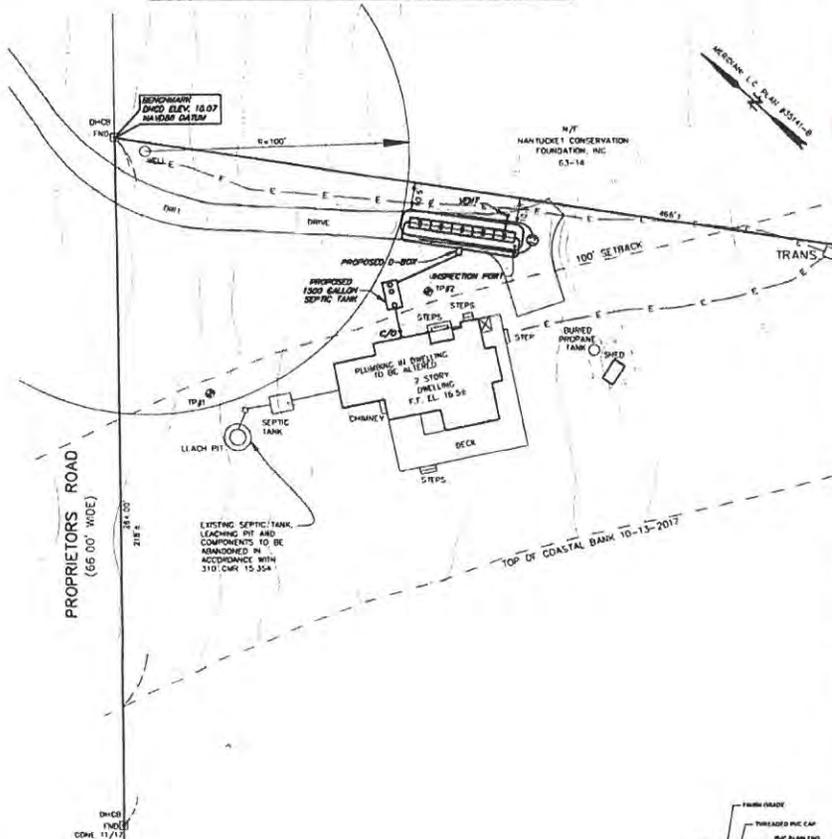
Ben Champoux

Joseph Topham

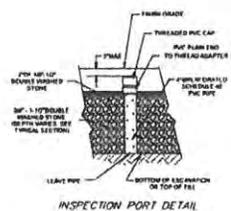
11/29/2017
Date

PROPOSED SEWAGE SYSTEM UPGRADE PLOT PLAN

SCALE: 1" = 20'
 RECORD AREA = 236.121 S.F.±
 AREA (10' TOP OF COASTAL BANK) = 47.563 S.F.±



LEGEND:
 (Symbol) TEST PIT
 (Symbol) NEW OR FORMERLY
 (Symbol) PROPOSED GRADE LINE



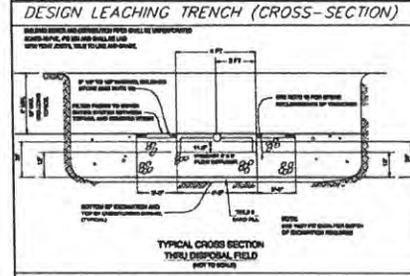
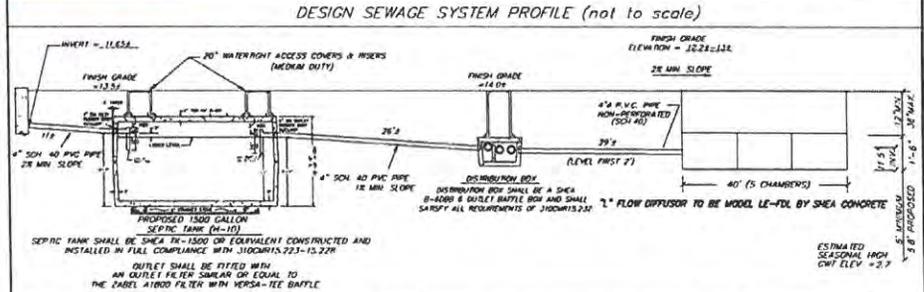
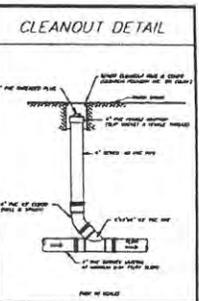
DESIGN SOIL LOG

DATE: 10/26/2017
 SOIL EVALUATOR: PAUL J. SANTOS, RES. SE2142
 BOH WITNESS: KATHY LAFAYE, BOH AGENT

TESTHOLE #1 (EL=11.7)
 0'-0" A: LOAMY SAND, 10W/27.5
 0'-28" B: SANDY LOAM, 10W/31.6
 28"-51" C1: MEDIUM SAND, 10W/30.6
 51"-108" C2: FINE SAND, 2.577/3
 CW WEELING @ 108"

TESTHOLE #2 (EL=14.0)
 0'-12" A: LOAMY SAND, 10W/27.1
 12"-30" B: SANDY LOAM, 10W/31.8
 30"-77" C1: MEDIUM SAND, 10W/31.6
 77"-107" C2: FINE SAND, 2.577/3
 NO CW OBSERVED

ESTIMATED SEASONAL HIGH CWT 2.75 BASED ON TESTING
 1994 MAP 2 EL.42
 PERCOLATION RATE = 45 MIN



- DESIGN NOTES
- ALL WORK SHALL COMPLY WITH THE MASSACHUSETTS ENVIRONMENTAL CODE TITLE 5 AND TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
 - PROPOSED SEPTIC TANK AND DISTRIBUTION BOX ACCESS COVERS SHALL BE BROUGHT TO GRADE USING APPROPRIATE OVER SECTIONS AND MANHOLE FRAMES WITH COVERS.
 - TRENCHES ARE TO BE LOCATED WITHIN 100 FT. OF THE PROPOSED SEWERAGE SYSTEM.
 - THE SUBJECT PROPERTY IS NOT LOCATED WITHIN 100 FT. OF A BOUNDING VEGETATED WETLAND OR COASTAL RESOURCE AREA.
 - THE SUBJECT PROPERTY IS NOT LOCATED WITHIN ANY OF THE NANTUCKET WATERSHED PROTECTION DISTRICTS.
 - THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A SPECIAL FLOOD HAZARD ZONE.
 - THE PROPOSED SEWAGE DISPOSAL SYSTEM HAS BEEN DESIGNED TO ACCOMMODATE A WIDEN GARAGE CHIMNEY IN THE CONNECTED DWELLING.
 - CONTRACTOR SHALL CONTACT ONE-SAFE (1-800-344-7233) THREE WORKING DAYS PRIOR TO THE START OF CONSTRUCTION. EXISTING UTILITIES ON THE SUBJECT PROPERTY SHALL BE MARKED BY ONE-SAFE. CONTRACTOR SHALL USE EXTRA CAUTION WHEN INSTALLING SEPTIC COMPONENTS. OWNER SHALL NOTIFY CONSTRUCTION OF OTHER UTILITIES IN THE AREA.
 - EXISTING LEACH PIT AND SEPTIC TANK SHALL BE ABANDONED IN ACCORDANCE WITH 310CMR 15A.
 - FROM THE DATE OF INSTALLATION UNTIL THE RECEIPT OF A CERTIFICATE OF SURVEYANCE, THE REMAINDER OF THE SOIL ABSORPTION SYSTEM SHALL BE STORED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES WHICH MIGHT DAMAGE THE ABSORPTION SYSTEM.
 - THE PROPOSED LEACHING TRENCHES SHALL HAVE AN INSPECTION PORT AS SHOWN HEREON.
 - ALL SYSTEM COMPONENTS SHALL BE MARKED WITH HANDICAP TAPE OR EQUAL, 3/16" OR 1/32" (11).
 12. THE STONE LAYER AROUND THE FLOW DIFFUSORS SHALL CONSIST OF DOUBLE WASHED CRUSHED STONE OR WASHED GRAVEL, STONE RANGING FROM 3/4" TO 1-1/2" IN SIZE AND FREE FROM MOULDS, FINES AND DUST IN PLACE. IT SHALL EXTEND THE FULL WIDTH OF THE SYSTEM, SHALL BE NOT LESS THAN 18" IN THICKNESS AND SHALL BE LOCATED IN THE TYPICAL CROSS-SECTION DETAILED IN THE VERTICAL CROSS-SECTION AND SHALL EXTEND AT LEAST TO THE TOP OF THE DISTRIBUTION BOXES. THE STONE SHALL BE COVERED WITH AT LEAST A TWO INCH LAYER OF DOUBLE WASHED CRUSHED STONE OR WASHED GRAVEL STONE RANGING FROM 1/4" TO 1/2" IN SIZE AND FREE FROM MOULDS, FINES AND DUST IN PLACE.
 - A SEPTIC SYSTEM RECORD PLAN (SFR-28A.7) IS REQUIRED BY THE BOARD OF HEALTH. THE CONTRACTOR SHALL CALL NANTUCKET SURVEYORS, LLC AT 200-660-8000 TO PURCHASE AND LOCATE THE INSTALLED SYSTEM ONLY AFTER THE FINAL INSPECTION IS APPROVED BY THE BOARD OF HEALTH. SHALL THE SYSTEM COMPONENTS BE BACKFILLED (NOTE: ALL COMPONENTS, INCLUDING PIPES, ACCESS MANHOLES, FILTERS AND TEES MUST BE INSTALLED PRIOR TO A FINAL INSPECTION BY THE BOARD OF HEALTH).

SYSTEM DESIGN CALCULATIONS

DESIGN FLOW	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
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DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD
DESIGN FLOW RATE	1.000 GPM @ 1.500 GPD

PROPOSED SCHEDULE OF ELEVATIONS

INVERT AT MAIN HOUSE	11.65
INVERT INTO SEPTIC TANK	11.41
INVERT EXIT SEPTIC TANK	11.15
INVERT INTO D-BOX	10.96
INVERT EXIT D-BOX	10.21
INVERT IN DIFFUSOR	10.44
BOTTOM OF TRENCH	8.50
BREAKOUT ELEVATION	11.06

AS-BUILT SCHEDULE OF ELEVATIONS

INVERT AT MAIN HOUSE	---
INVERT INTO SEPTIC TANK	---
INVERT EXIT SEPTIC TANK	---
INVERT INTO D-BOX	---
INVERT EXIT D-BOX	---
INVERT IN TRENCH	---
BOTTOM OF TRENCH	---
BREAKOUT ELEVATION	---

PROPOSED SEWAGE DISPOSAL SYSTEM UPGRADE
 #49 RED BARN ROAD
 NANTUCKET, MASSACHUSETTS
 (ASSESSOR'S MAP 6.3 PARCEL 15)

PREPARED FOR:
 ABBOTT D. WEISS

DATE: NOVEMBER 9, 2017 SCALE: AS NOTED

NANTUCKET SURVEYORS, LLC
 5 WINDY WAY, NANTUCKET, MA 02554

65 COPYRIGHT 2017, NANTUCKET SURVEYORS, LLC SHEET 1 OF 1 N-10078

THE PROPOSED STRUCTURE(S) AS SHOWN HEREON DOES/DOES NOT REPRESENT OR IMPLY COMPLIANCE WITH THE NANTUCKET ZONING BYLAW OR RESTRICTIONS OF RECORD										
DRAWN BY	FIELD CREW	N/A & DATE	ASSESSOR'S MAP & PARCEL	DEED	PLAN	OWNER	# BEDROOMS	N.S.L.C. #	CHECKED BY	LOT CREATED - JUNE 1970
DCC	DCC	OPS 10/26/17	ASSESSOR'S MAP 6.3 PARCEL 15	LOCENT #22875	LOPL 35141-B LOT 3	ABBOTT D. WEISS	4 BEDROOMS NO G.D.	N-10078	PJS/DAN	



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 2 – Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



D. Appeals

The applicant, owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate Department of Environmental Protection Regional Office (see <http://www.mass.gov/dep/about/region.findyour.htm>) to issue a Superseding Determination of Applicability. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form (see Request for Departmental Action Fee Transmittal Form) as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Determination. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant if he/she is not the appellant. The request shall state clearly and concisely the objections to the Determination which is being appealed. To the extent that the Determination is based on a municipal ordinance or bylaw and not on the Massachusetts Wetlands Protection Act or regulations, the Department of Environmental Protection has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Request for Departmental Action Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136

A. Request Information



1. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

Project Location

Mailing Address

City/Town

State

Zip Code

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1)):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions (\$100 for individual single family homes with associated structures; \$200 for all other projects)
- Superseding Determination of Applicability (\$100)
- Superseding Order of Resource Area Delineation (\$100)

Send this form and check or money order for the appropriate amount, payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

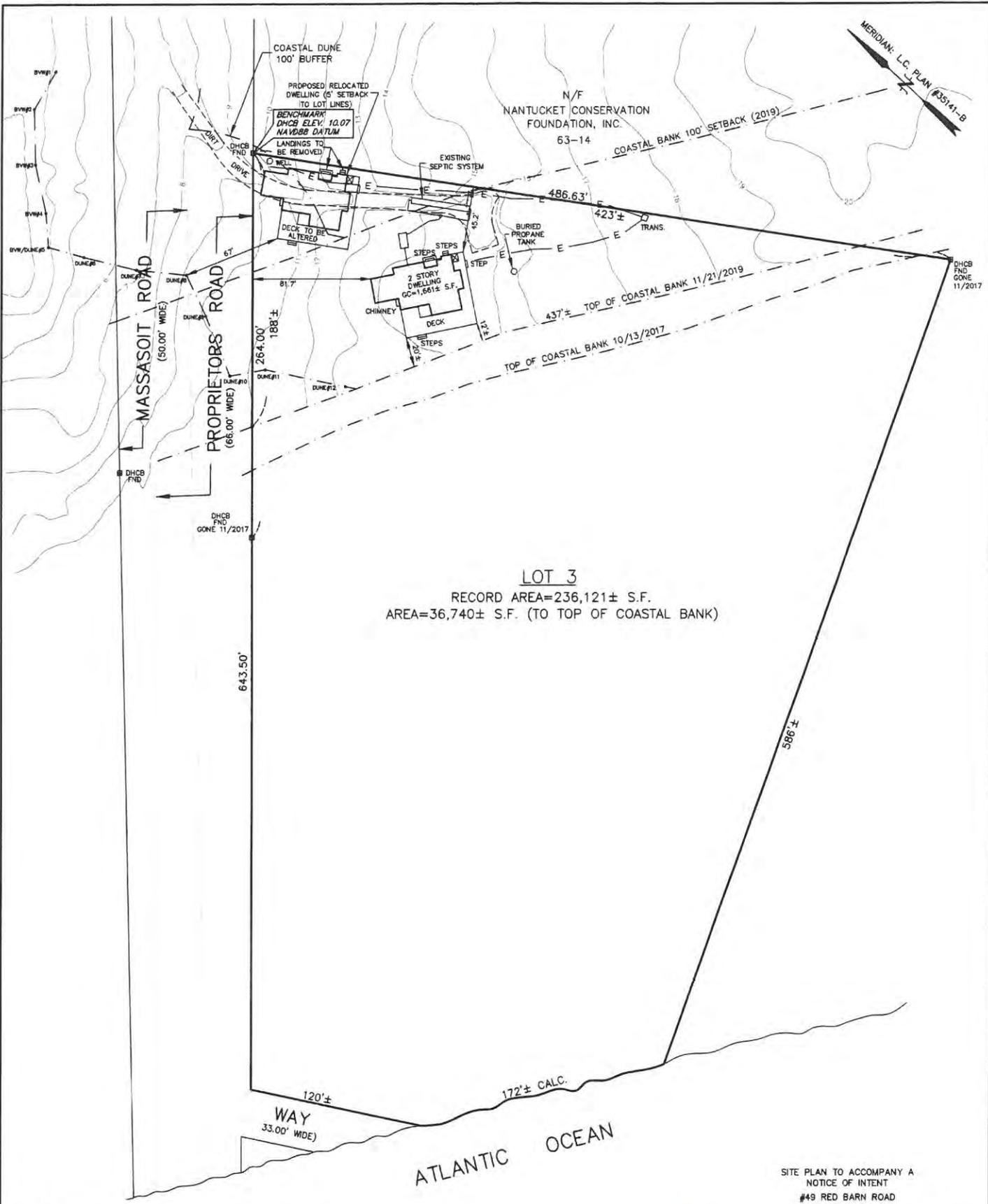
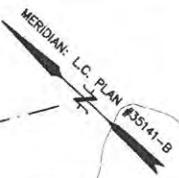
Request for Departmental Action Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and
The Town of Nantucket Wetlands Bylaw Chapter 136



B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/dep/about/region/findyour.htm>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.



LOT 3
RECORD AREA=236,121± S.F.
AREA=36,740± S.F. (TO TOP OF COASTAL BANK)

CURRENT ZONING: LUG-2
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150'
FRONTYARD SETBACK: 35'
SIDE AND REAR SETBACK: 15' (10' LOT OF RECORD)
ALLOWABLE G.C.R.: 4% (2,000 S.F. 139-33E.(1)(b))

- NOTES:**
1. SEE NOTICE OF VARIANCE, L.C. DOC. #17032. TEMPORARY ANTENNA "SHALL BE DISMANTLED AND REMOVED ON OR BEFORE OCTOBER 1, 1978".
 2. RESOURCE AREAS FLAGGED BY DAVID HAINES ON NOVEMBER 21, 2019.
 3. SITE LOCATED WITHIN NHESP PRIORITY HABITAT OF RARE SPECIES.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.
N.B. 370/35

SITE PLAN TO ACCOMPANY A NOTICE OF INTENT
#49 RED BARN ROAD
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=40' DATE: NOVEMBER 29, 2019
DEED REFERENCE: L.C. CERT. #26766
PLAN REFERENCE: L.C. PLAN #35141-B
ASSESSOR'S REFERENCE: MAP: 63 PARCEL: 15
PREPARED FOR:
PATRICK S. KEATING
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



Paul J. Santos
11/29/19



Notice of Intent Application

November 27, 2019

Subject Property

10 Monomoy Creek Road
Map 54, Parcel 54.2
Nantucket, Massachusetts

Applicant/Property Owner

John J. Moller
6592 Collins Drive, Suite E-11
Moorpark, CA 93021

LEC Environmental Consultants, Inc.

12 Resnik Road, Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 fax

www.lecenvironmental.com



November 27, 2019

Email/Overnight Mail

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Re: Notice of Intent Application
10 Monomoy Creek Road
Map 54, Parcel 54.2
Nantucket, Massachusetts**

[LEC File #BrEI\15-018.01]

Dear Members of the Commission:

On behalf of the Applicant, John J. Moller, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for the proposed restoration activities to address unauthorized vegetative cutting on the above-referenced subject parcel. The unauthorized cutting activity was documented during a fall 2019 monitoring site evaluation conducted in accordance with DEP File #48-2797 (#10 Monomoy Creek Road) and DEP File #48-2665 (#10 & #12 Monomoy Creek Road). Proposed restoration activities occur on both #10 & #12 Monomoy Creek Road. Separate NOI Applications have been filed for both properties.

Proposed restoration activities on #10 Monomoy Creek Road occur within the 100-foot Buffer Zone to Coastal Bank, Bordering Vegetated Wetland (BVW)/Vegetated Wetlands, and Land Subject to Coastal Storm Flowage (LSCSF); Resource Areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00; collectively, the “WPA”), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (collectively, the *Bylaw*). The “Proposed Restoration Area” is depicted on the *Proposed Restoration Plan*, prepared by Bracken Engineering, Inc., dated November 26, 2019.

The following provides a description of the existing conditions and proposed restoration activities designed to protect the interests and values of the Resource Areas reviewed within the WPA and *Bylaw*.

Existing Conditions

The 47,841± square foot subject parcel is located at the terminus of Monomoy Creek Road and contains a single-family dwelling and appurtenances as approved under an Order of Conditions (DEP File #SE 48-2801) issued on July 22, 2015, as modified. Construction was completed in 2017.

Coastal Bank, LSCSF, BVW, and Salt Marsh associated with the Creeks occur south of the existing dwelling. A band of forested habitat extends along the Coastal Bank and portions of the Buffer Zone,

dominated by sassafras (*Sassafras albidum*) saplings and small trees. Invasive bush honeysuckle (*Lonicera* spp.) and non-native privet (*Ligustrum* spp.) primarily occur within the understory and groundcover, along with invasive Japanese honeysuckle (*Lonicera japonica*) vines. Groundsel tree bush (*Baccharis halimifolia*) occur along the toe of the slope and extend throughout the BVW before transitioning to Salt Marsh. Miscellaneous grasses, goldenrods (*Solidago* spp.), asters (*Aster* spp.), and blackberry (*Rubus allegheniensis*) occur within portions of the Buffer Zone.

The “Proposed Restoration Area” depicted on the *Proposed Restoration Plan* represents the unauthorized cut area that also extends onto #12 Monomoy Creek Road. In total, LEC counted eight (8) sassafras stumps, varying between 4-12 inches in diameter at ground level, within the cut area, as shown on the *Proposed Restoration Plan*. Larger bush honeysuckle and privet shrubs were also partially cut, but largely remain. No grubbing activities were conducted and root systems remain in place. Minimal slash remains within the cut area.

LEC counted at least twenty (20) young sassafras saplings that range between 1-4± feet in height with the cut area. Most of the saplings are threatened by the remaining bush honeysuckle and privet and/or Japanese honeysuckle vines.

Proposed Restoration

The proposed restoration effort has been designed based on existing conditions, LEC’s understanding of pre-existing conditions, and through consultation with the Natural Resources Department. The restoration effort is intended to promote the re-establishment of the pre-existing, native vegetative cover and enhance conditions through invasive species management and a diversified revegetation plan. Considering that all pre-existing root systems are still intact, allowing the pre-existing native vegetation to naturally regenerate will restore the cut area. Supplementing the vegetative cover will enhance habitat conditions. However, the bush honeysuckle, privet, and Japanese honeysuckle threaten the success/ecological integrity of the restoration area and will therefore be managed accordingly. Best Management Practices (BMPs) will be implemented, as necessary, to ensure invasive species do not deter natural regrowth within the restoration area.

Upon issuance of an Order of Conditions, the following restoration steps will take place prior to the spring growing season:

- Hand removal and proper disposal of all excess slash.
- Invasive species management; specifically, shrub and stump removal of bush honeysuckle and privet within the Buffer Zone. Larger bush honeysuckle on the Coastal Bank will be flush cut to maintain slope stability and stumps will be treated with a hand wipe herbicide application. Japanese honeysuckle vines will be flush cut, removed from native vegetation where feasible or otherwise left to desiccate. Cut stems will be treated with hand wipe herbicide application.

The following species will be selectively planted within the “Proposed Restoration Area” to augment existing, native vegetative cover, while allowing for the young sassafras saplings to grow unimpeded: Sweet fern (*Comptonia peregrina*), Virginia rose (*Rosa virginia*), bayberry (*Myrica pensylvanica*), beach



plum (*Prunus maritima*), and/or arrowwood (*Viburnum dentatum*); 2-3 feet minimum, planted 3-5 feet on-center. The existing groundsel tree shrubs along the toe of the Coastal Bank will also be retained. The Buffer Zone, including existing lawn areas, will be reseeded with a native, drought-tolerant, low-growing fescue mix to ensure woody vegetation is not overwhelmed. The restored/enhanced Buffer Zone will also be supplemented with switchgrass (*Panicum virgatum*) plugs. Temporary watering is proposed on movable stands to facilitate proper vegetative growth.

Cumulatively across both #10 and #12 Monomoy Creek Road, the “Proposed Restoration Area” totals 1,639± square feet, including 509± s.f. on the Coastal Bank and 1,130± square feet within the Buffer Zone. As proposed, the entirety of the 25-foot Buffer Zone will be restored and enhanced on the subject parcel.

The “Proposed Restoration Area” will be monitored and annual monitoring reports will be submitted to the Commission for three growing seasons to ensure successful restoration. The monitoring reports will document overall health and vigor of the regrowth and new plantings. Recommendations for additional plant material or restoration modifications will be proposed, if necessary, based on monitoring.

In order to ensure successful restoration and clearly identify the lawn edge for future landscaping activities on the subject parcel, permanent markers will be installed along the landward limit of the “Proposed Restoration Area”.

The Applicant is respectfully requesting a Waiver in accordance with Section 1.03 F. 3.a) and c) of the Nantucket *Wetlands Protection Regulations* for proposed restoration efforts. The restoration effort has been designed to avoid adverse impacts to the Resource Areas and will provide a significant long-term net benefit/improvement to existing conditions.

The following three checks payable to the Town of Nantucket are being submitted: Sixty-Seven Dollars and Fifty Cents (\$67.50) for the town portion of the WPA filing fee, Two Hundred Dollars (\$200.00) for the Town Consultant fee, and Twenty-Five Dollars (\$25.00) for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* (\$335.10) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee (\$42.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the December 18, 2019 Public Hearing to discuss the project further. If you should have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: DEP, John Moller, Marianne Hanley, Bracken Engineering

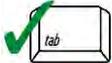


WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Town of Nantucket Wetlands Bylaw Chapter 136



Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>10 Monomoy Creek Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41° 16' 36.30"N</u>	<u>70° 5' 2.65"W</u>	
d. Latitude	e. Longitude	
<u>54</u>	<u>54.2</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>John J. Moller</u>		
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>6591 Collins Drive, Suite E-11</u>		
d. Street Address		
<u>Moorpark</u>	<u>CA</u>	<u>93021</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>		
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Brian T.</u>		<u>Madden</u>
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>12 Resnik Road, Suite 1</u>		
d. Street Address		
<u>Plymouth</u>	<u>MA</u>	<u>02360</u>
e. City/Town	f. State	g. Zip Code
<u>508-746-9491</u>	<u>508-746-9492</u>	<u>bmadden@lecenvironmental.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

Proposed restoration within the 100-foot Buffer Zone to Coastal Bank, LSCSF, and BVW.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket	25592
a. County	b. Certificate # (if registered land)
_____	_____
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Figure 1



Property Information

Property ID 54 54.2
 Location 10 MONOMOY CREEK RD
 Owner VONSUMMER ELIZABETH ETAL



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018

Figure 2



Property Information

Property ID 54 54.2
Location 10 MONOMOY CREEK RD
Owner VONSUMMER ELIZABETH ETAL



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

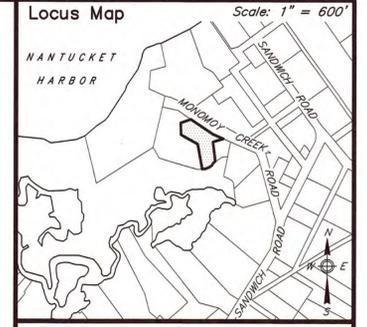
Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
Data updated 11/19/2018



Proposed Restoration Area (9/24/19 & 11/13/19).



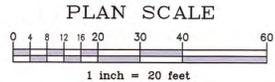
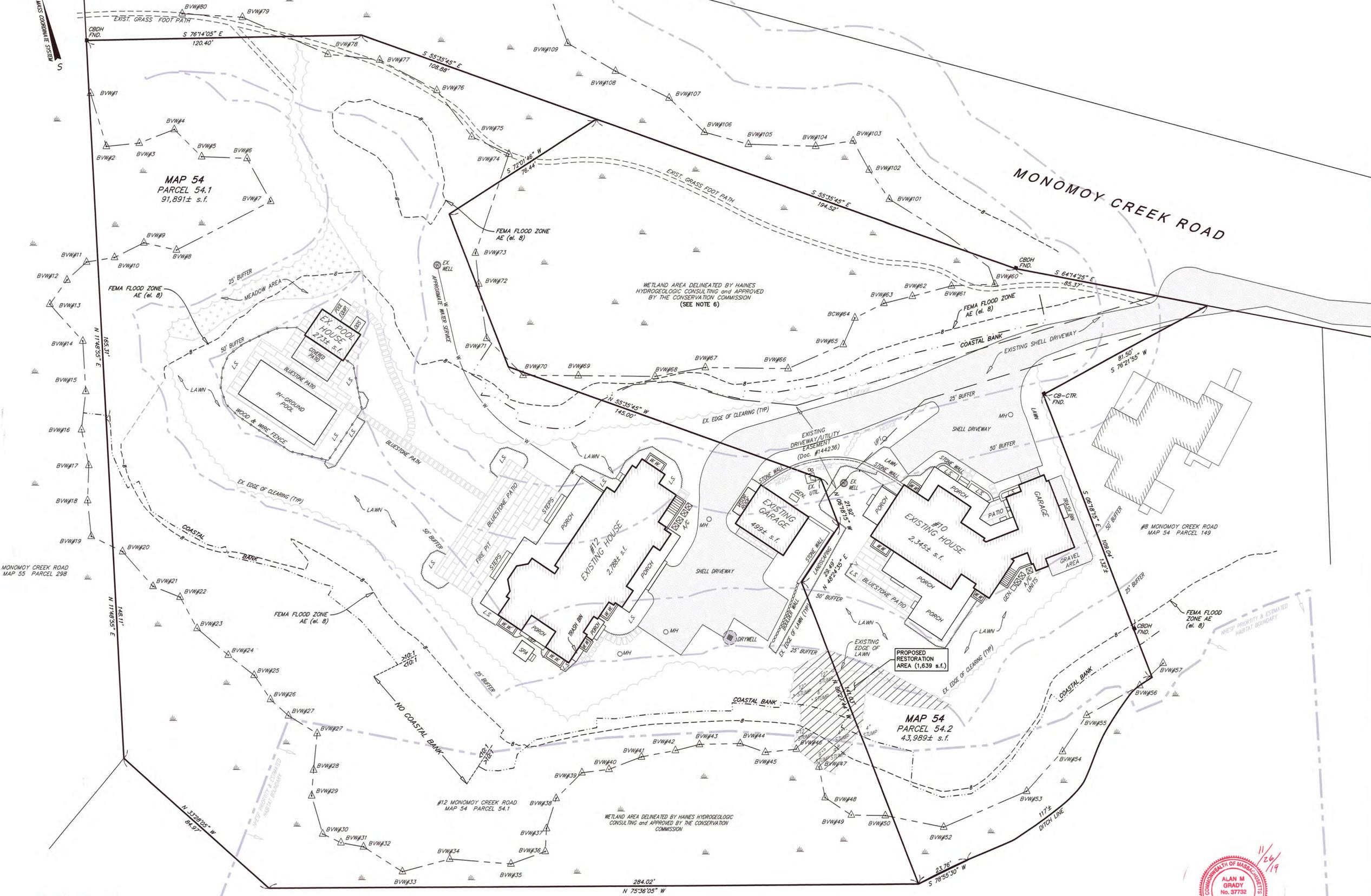
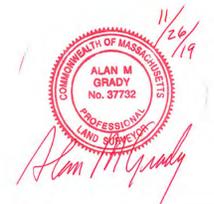


- Notes**
- LOCUS: #10 MONOMOY CREEK ROAD MAP 54 PARCEL 54.2
 - OWNER: JOHN J. MOLLER 6591 COLLINS DRIVE, SUITE E-11 MOORPARK, CA 93021
 - DEED REF: Cert. #27537
 - PLAN REF: L.C. Plan 13306-C (LOT 3) L.C. Plan 13306-E (LOT 6)
 - LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL. 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
 - SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
 - A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES.
 - LOCUS FALLS WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.

- Legend**
- 90--- EXISTING CONTOUR
 - 90x3 EXISTING SPOT GRADE
 - - - - - EXISTING EDGE OF CLEARING
 - - - - - EXISTING LAWN
 - - - - - COASTAL BANK
 - - - - - WETLAND LINE
 - △ w/ 10 WETLAND FLAG
 - - - - - BUFFER ZONE LINES

Prepared By:
BRACKEN ENGINEERING, INC
 49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282
 19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 (fax) 508.333.2282 www.brackeneng.com

PROPOSED RESTORATION PLAN IN NANTUCKET, MASSACHUSETTS
 Prepared For:
JOHN J. MOLLER
 #10 MONOMOY CREEK ROAD MAP 54 PARCELS 54.2



No.	Date	Revision Description	By
1	NOVEMBER 26, 2019	Drawn: RMM/ERC/BEI	DFB/AMC

MASS DEP/REGISTRATION/PROFESSIONAL LAND SURVEYORS/ALAN M. GRADY/NO. 37732/11/26/19



January 2, 2020

Email (jdodd@nantucket-ma.gov)

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Applications
DEP File #048-3258 & DEP File #048-3259
10 Monomoy Creek Road (54-54.2)
12 Monomoy Creek Road (54-54.1)
Nantucket, Massachusetts

[LEC File #BrEI15-018.01]

Dear Members of the Commission:

LEC Environmental Consultants, Inc., (LEC) is submitting this letter to supplement the two Notice of Intent (NOI) Applications for the proposed restoration activities on the respective properties (#10 & #12 Monomoy Creek Road). As described in the NOI Applications, the following species are proposed to be selectively planted within the "Proposed Restoration Area" to augment existing, native vegetative cover, while allowing for the young sassafras (*Sassafras albidum*) saplings to grow unimpeded: Sweet Fern (*Comptonia peregrina*), Virginia Rose (*Rosa virginia*), Bayberry (*Myrica pensylvanica*), Beach Plum (*Prunus maritima*), and/or Arrowwood (*Viburnum dentatum*); 2-3 feet minimum, planted 3-5 feet on-center. The Buffer Zone, including existing lawn areas, will be reseeded with a native, drought-tolerant, low-growing fescue mix and supplemented with switchgrass (*Panicum virgatum*) plugs. As requested by the Commission, larger sassafras saplings (6-10' tall, pending nursery availability) will also be selectively planted within the "Proposed Restoration Area" to mitigate for the previously cut individuals. The sassafras saplings will be planted within portions of the Coastal Bank Buffer Zone to protect slope stability of the Coastal Bank, while allowing for the aforementioned regenerating sassafras saplings to continue to grow unimpeded.

Thank you for your consideration of this supplemental information. Please do not hesitate to contact me should you have any questions in advance of the January 8, 2020 Public Hearing.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
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508-746-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461

603-899-6726
603-899-6726 (Fax)

RINDGE, NH



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

December 23, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket MA 02554

Elizabeth von Summer
John J Moller
6591 Collins Drive, Suite E-11
Moorpark CA 93021

RE: Applicant: Elizabeth von Summer
 Project Location: 10 & 12 Monomoy Road
 Project Description: Restoration Activities to address unauthorized cutting
 DEP Wetlands File No.: 048-3258
 NHESP File No.: **15-34574**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated November 26, 2019) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division

MASSWILDLIFE

pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is written in a cursive, flowing style.

Everose Schlüter, Ph.D.
Assistant Director

cc: Brian Madden, LEC Environmental Consultants, Inc
MA DEP Southeast Region



Notice of Intent Application

November 27, 2019

Subject Property

12 Monomoy Creek Road
Map 54, Parcel 54.1
Nantucket, Massachusetts

Applicant/Property Owner

Monomoy Creek Road Nominee Trust
c/o Elizabeth Von Summer, Trustee
6592 Collins Drive, Suite E-11
Moorpark, CA 93021

LEC Environmental Consultants, Inc.

12 Resnik Road, Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 fax

www.lecenvironmental.com



November 27, 2019

Email/Overnight Mail

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Re: Notice of Intent Application
12 Monomoy Creek Road
Map 54, Parcel 54.1
Nantucket, Massachusetts**

[LEC File #BrEI\15-018.01]

Dear Members of the Commission:

On behalf of the Applicant, Monomoy Creek Road Nominee Trust (c/o Elizabeth Von Summer), LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for the proposed restoration activities to address unauthorized vegetative cutting on the above-referenced subject parcel. The unauthorized cutting activity was documented during a fall 2019 monitoring site evaluation conducted in accordance with DEP File #48-2797 (#10 Monomoy Creek Road) and DEP File #48-2665 (#10 & #12 Monomoy Creek Road). Proposed restoration activities occur on both #10 & #12 Monomoy Creek Road. Separate NOI Applications have been filed for both properties.

Proposed restoration activities occur on a Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW)/Vegetated Wetlands and Coastal Bank; Resource Areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00; collectively, the “WPA”), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (collectively, the *Bylaw*). The “Proposed Restoration Area” is depicted on the *Proposed Restoration Plan*, prepared by Bracken Engineering, Inc., dated November 26, 2019.

The following provides a description of the existing conditions and proposed restoration activities designed to protect the interests and values of the Resource Areas reviewed within the WPA and *Bylaw*.

Existing Conditions

The 95,757± square foot subject parcel is located at the terminus of Monomoy Creek Road and contains a single-family dwelling, detached garage, pool, pool house, patios, and lawn/landscaping, as approved under an Order of Conditions (DEP File #SE 48-2665) issued on April 14, 2014, as Amended and Extended. Construction was completed in 2017.

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461
603-899-6726
603-899-6726 (Fax)

RINDGE, NH

Coastal Bank, LSCSF, BVW, and Salt Marsh associated with The Creeks occur south of the existing developed conditions. A band of forested habitat extends along the Coastal Bank and portions of the Buffer Zone, dominated by sassafras (*Sassafras albidum*) saplings and small trees. Invasive bush honeysuckle (*Lonicera* spp.) and non-native privet (*Ligustrum* spp.) primarily occur within the understory and groundcover, along with invasive Japanese honeysuckle (*Lonicera japonica*) vines. Groundsel tree bush (*Baccharis halimifolia*) occur along the toe of the slope and extend throughout the BVW before transitioning to Salt Marsh. Miscellaneous grasses, goldenrods (*Solidago* spp.), asters (*Aster* spp.), and blackberry (*Rubus allegheniensis*) occur within portions of the Buffer Zone.

The “Proposed Restoration Area” depicted on the *Proposed Restoration Plan* represents the unauthorized cut area that is located southeast of the existing driveway and extends onto #10 Monomoy Creek Road. In total, LEC counted eight (8) sassafras stumps, varying between 4-12 inches in diameter at ground level, within the cut area as shown on the *Proposed Restoration Plan*. Larger bush honeysuckle and privet shrubs were also partially cut, but largely remain. No grubbing activities were conducted and root systems remain in place. Minimal slash remains within the cut area.

LEC counted at least twenty (20) young sassafras saplings that range between 1-4± feet in height with the cut area. Most of the saplings are threatened by the remaining bush honeysuckle and privet and/or Japanese honeysuckle vines.

Proposed Restoration

The proposed restoration effort has been designed based on existing conditions, LEC’s understanding of pre-existing conditions, and through consultation with the Natural Resources Department. The restoration effort is intended to promote the re-establishment of the pre-existing, native vegetative cover and enhance conditions through invasive species management and a diversified revegetation plan. Considering that all pre-existing root systems are still intact, allowing the pre-existing native vegetation to naturally regenerate will restore the cut area. Supplementing the vegetative cover will enhance habitat conditions. However, the bush honeysuckle, privet, and Japanese honeysuckle threaten the success/ecological integrity of the restoration area and will therefore be managed accordingly. Best Management Practices (BMPs) will be implemented, as necessary, to ensure invasive species do not deter natural regrowth within the restoration area.

Upon issuance of an Order of Conditions, the following restoration steps will take place prior to the spring growing season:

- Hand removal and proper disposal of all excess slash
- Invasive species management; specifically, shrub and stump removal of bush honeysuckle and privet within the Buffer Zone. Larger bush honeysuckle on the Coastal Bank will be flush cut to



maintain slope stability and stumps will be treated with a hand wipe herbicide application. Japanese honeysuckle vines will be flush cut, removed from native vegetation where feasible or otherwise left to desiccate. Cut stems will be treated with hand wipe herbicide application.

The following species will be selectively planted within the “Proposed Restoration Area” to augment existing, native vegetative cover, while allowing for the young sassafras saplings to grow unimpeded: sweet fern (*Comptonia peregrina*), Virginia rose (*Rosa virginia*), bayberry (*Myrica pensylvanica*), beach plum (*Prunus maritima*), and/or arrowwood (*Viburnum dentatum*); 2-3 feet minimum, planted 3-5 feet on-center. The existing groundsel tree shrubs along the toe of the Coastal Bank will also be retained. The Buffer Zone, including existing lawn areas, will be reseeded with a native, drought-tolerant, low-growing fescue mix to ensure woody vegetation is not overwhelmed. The restored/enhanced Buffer Zone will also be supplemented with switchgrass (*Panicum virgatum*) plugs. Temporary watering is proposed on movable stands to facilitate proper vegetative growth.

Cumulatively across both #10 and #12 Monomoy Creek Road, the “Proposed Restoration Area” totals 1,639± square feet, including 509± s.f. on the Coastal Bank and 1,130± square feet within the Buffer Zone. As proposed, the entirety of the 25-foot Buffer Zone will be restored and enhanced on the subject parcel.

The “Proposed Restoration Area” will be monitored and annual monitoring reports will be submitted to the Commission for three growing seasons to ensure successful restoration. The monitoring reports will document overall health and vigor of the regrowth and new plantings. Recommendations for additional plant material or restoration modifications will be proposed, if necessary, based on monitoring.

In order to ensure successful restoration and clearly identify the lawn edge for future landscaping activities, permanent markers will be installed along the landward limit of the “Proposed Restoration Area”.

The Applicant is respectfully requesting a Waiver in accordance with Section 1.03 F. 3.a) and c) of the Nantucket *Wetlands Protection Regulations* for proposed restoration efforts. The restoration effort has been designed to avoid adverse impacts to the Resource Areas and will provide a significant long-term net benefit/improvement to existing conditions.

The following three checks payable to the Town of Nantucket are being submitted: Sixty-Seven Dollars and Fifty Cents (\$67.50) for the town portion of the WPA filing fee, Two Hundred Dollars (\$200.00) for the Town Consultant fee, and Twenty-Five Dollars (\$25.00) for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* (\$335.10) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee (\$42.50) has been forwarded to the DEP Lockbox.



Thank you for your consideration of this Application. We look forward to meeting with you at the December 18, 2019 Public Hearing to discuss the project further. If you should have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink, appearing to read "Brian T. Madden".

Brian T. Madden
Wildlife Scientist

cc: DEP, NHESP, Monomoy Creek Road Nominee Trust, Marianne Hanley, Bracken Engineering

Figure 1



Property Information

Property ID 54 54.1
 Location 12 MONOMOY CREEK RD
 Owner ALGER SARAH F TR

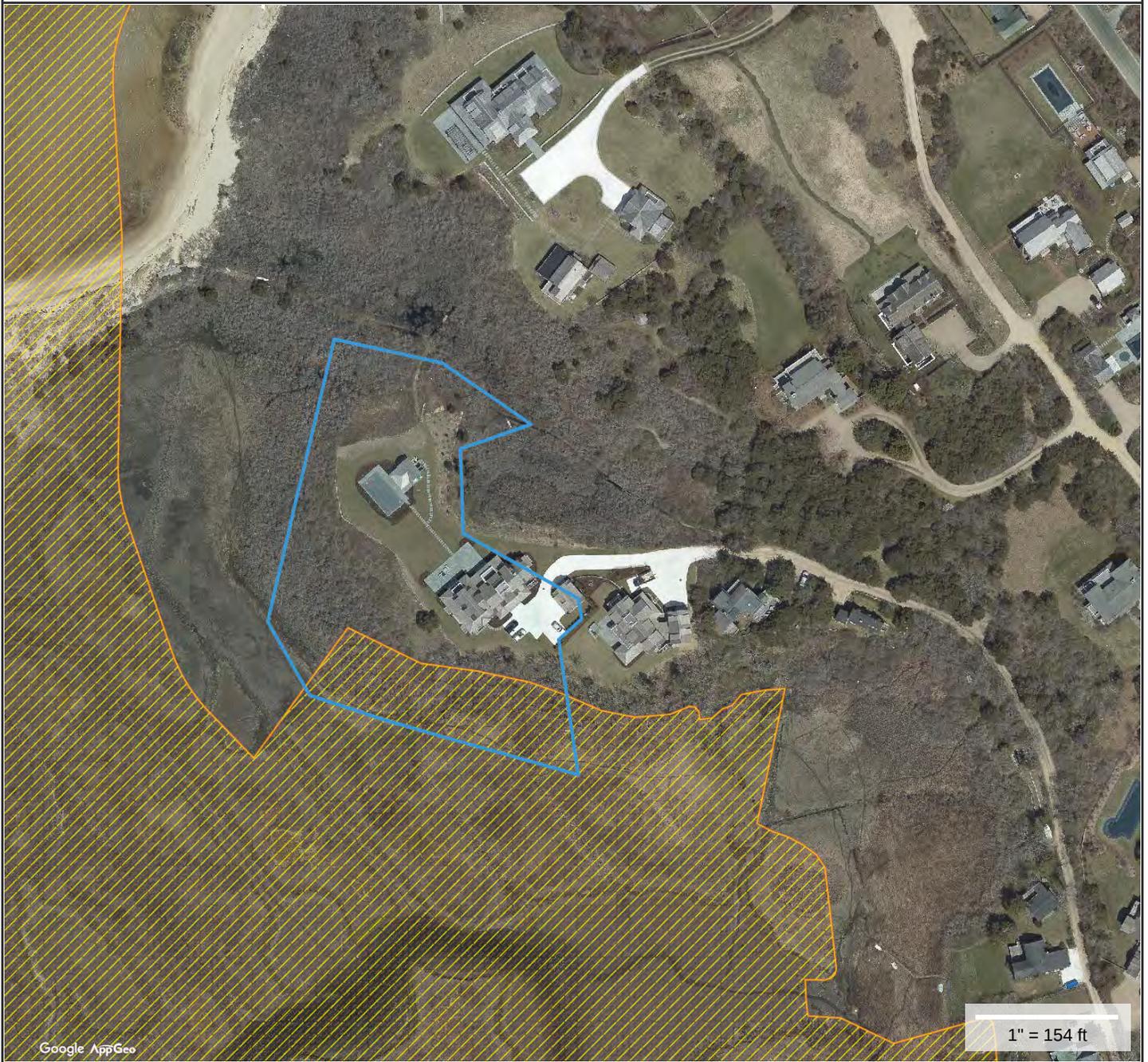


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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Geometry updated 11/13/2018
 Data updated 11/19/2018

Figure 2



Property Information

Property ID 54 54.1
Location 12 MONOMOY CREEK RD
Owner ALGER SARAH F TR



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Geometry updated 11/13/2018
Data updated 11/19/2018



Proposed Restoration Area (9/24/19 & 11/13/19).





January 2, 2020

Email (jdodd@nantucket-ma.gov)

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Applications
DEP File #048-3258 & DEP File #048-3259
10 Monomoy Creek Road (54-54.2)
12 Monomoy Creek Road (54-54.1)
Nantucket, Massachusetts

[LEC File #BrEI15-018.01]

Dear Members of the Commission:

LEC Environmental Consultants, Inc., (LEC) is submitting this letter to supplement the two Notice of Intent (NOI) Applications for the proposed restoration activities on the respective properties (#10 & #12 Monomoy Creek Road). As described in the NOI Applications, the following species are proposed to be selectively planted within the "Proposed Restoration Area" to augment existing, native vegetative cover, while allowing for the young sassafras (*Sassafras albidum*) saplings to grow unimpeded: Sweet Fern (*Comptonia peregrina*), Virginia Rose (*Rosa virginia*), Bayberry (*Myrica pensylvanica*), Beach Plum (*Prunus maritima*), and/or Arrowwood (*Viburnum dentatum*); 2-3 feet minimum, planted 3-5 feet on-center. The Buffer Zone, including existing lawn areas, will be reseeded with a native, drought-tolerant, low-growing fescue mix and supplemented with switchgrass (*Panicum virgatum*) plugs. As requested by the Commission, larger sassafras saplings (6-10' tall, pending nursery availability) will also be selectively planted within the "Proposed Restoration Area" to mitigate for the previously cut individuals. The sassafras saplings will be planted within portions of the Coastal Bank Buffer Zone to protect slope stability of the Coastal Bank, while allowing for the aforementioned regenerating sassafras saplings to continue to grow unimpeded.

Thank you for your consideration of this supplemental information. Please do not hesitate to contact me should you have any questions in advance of the January 8, 2020 Public Hearing.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461

603-899-6726
603-899-6726 (Fax)

RINDGE, NH



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581

p: (508) 389-6300 | f: (508) 389-7890

MASS.GOV/MASSWILDLIFE

December 23, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket MA 02554

Elizabeth von Summer
John J Moller
6591 Collins Drive, Suite E-11
Moorpark CA 93021

RE: Applicant: Elizabeth von Summer
 Project Location: 10 & 12 Monomoy Road
 Project Description: Restoration Activities to address unauthorized cutting
 DEP Wetlands File No.: 048-3258
 NHESP File No.: 15-34574

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated November 26, 2019) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division

MASSWILDLIFE

pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

A handwritten signature in black ink, reading "Everose Schlüter". The signature is written in a cursive, flowing style.

Everose Schlüter, Ph.D.
Assistant Director

cc: Brian Madden, LEC Environmental Consultants, Inc
MA DEP Southeast Region

Notice of Intent Application

25 High Brush Path
Map 56, Parcel 379
Nantucket, MA

December 10, 2019



Main Office:
49 Herring Pond Rd.
Buzzards Bay, MA 02532
Ph. 508-833-0070
Fax 508-833-2282

Nantucket Office:
19 Old South Rd.
Nantucket, MA 02554
www.brackeneng.com
Ph. 508-325-0044

PROJECT NARRATIVE

Prepared for

Gregg & Catrin Edell

25 High Brush Path, Nantucket Map 56, Parcel 379

On behalf of the Applicants, Bracken Engineering, Inc. respectfully submits this Notice of Intent (NOI) for work within the 100-foot buffer zone to Bordering Vegetated Wetlands (BVW). The proposed project includes the construction of an addition to a single-family dwelling, a cabana, a pool and appurtenances located at 25 High Brush Path. The property is a developed 52,469± square foot parcel in a residential neighborhood.

Wetland Resource Areas

The wetland resource area is a BVW which is located in the rear of the property. The limits of the BVW were delineated by LEC Environmental Consultants and field located by Bracken Engineering, Inc. MassDEP field data forms are included with this submission. No work is proposed within wetland resource areas or the twenty-five foot buffer zone.

Proposed Project

The Applicant proposes to construct an addition to an existing single-family dwelling, a cabana, a pool and appurtenances within the 100' buffer to the BVW. The pool, which is located at least 50' from the BVW, will incorporate an auto-cover, so no pool fencing is proposed. The house addition shall be constructed on a crawl space foundation maintaining a separation to the ground water of greater than two feet. The bottom of the pool shall be set at elevation 24.75. The bottom of the pool structure will be at elevation 24.0± or 1.2'± above the estimated high water table.

Associated grading will take place between the 25-foot and 50-foot buffers to the BVW, with less than 50% of the area between the 25-foot and 50-foot buffers being disturbed. The grading in this area is generally proposed at a 5:1 slope and all disturbed areas will be loamed and seeded. No work or grading is proposed within the 25-foot buffer zone.

Erosion controls are proposed at the limit of work and will remain in place until all disturbed areas are stabilized. Additionally, roof drains for the proposed addition will be connected to a subsurface infiltration system will be installed outside of the 100-foot buffer.

Performance Standards

Protection of Public and Private Water Supply and Ground Water Supply

The site is not located within a DEP defined wellhead protection area and appropriate measures are proposed to protect the existing wells in the vicinity of the project. The project will have no adverse impacts on ground water supply and the proposed cabana and existing dwelling will be connected to the recently installed sewer force main system. Therefore, the public and private water supply and groundwater supply protection interests of the Act and the Bylaw will be upheld.

Flood Control and Storm Damage Prevention

No work is proposed within a special flood hazard area. Therefore, the flood control and storm damage prevention interests of the Act and Bylaw will be upheld.

Prevention of Pollution

Erosion control measures consisting of staked silt fence (or similar) will be implemented as depicted on the enclosed plans. Therefore, the pollution interests of the Act and Bylaw will be upheld.

Protection of Fisheries, Shellfisheries, and Wildlife Habitat

The proposed project is not within mapped NHESP designated areas (Estimated or Priority Habitats), and the site does not contain any vernal pools, or fisheries or shellfisheries resources. Therefore, the fisheries, shellfisheries and wildlife habitat interests of the Act and Bylaw will be protected.

Waiver Request

A waiver is requested to the Town of Nantucket Wetland Protection Regulations, Part III, Section 3.02 B. 1 to excavate within 1.2' of the estimated high water table rather than the 2' minimum. The water elevation was based on soil redox. Actual water table elevation was found at elevation 21.25 which results in a ground water separation of 2.75'. The grade around the pool has been raised in order to achieve maximum separation.

There will be no adverse impacts to the wetland resource area or ground water.

Dewatering will not be required for the project.

Summary

The Applicant proposes to construct an addition to an existing single-family dwelling, a cabana, a pool and appurtenances within the 100' buffer to the BVW. Appropriate measures are proposed to be employed to minimize adverse effects and prevent erosion and migration of sediment that may otherwise impact resource areas. As proposed, the Project has met the burden of proof established under the Act and Bylaw. Therefore, the Applicant respectfully requests issuance of an Order of Conditions by the Conservation Commission.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136



A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>25 High Brush Path</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.268440</u>	<u>-70.117920</u>
	d. Latitude	e. Longitude
<u>Map 56</u>	<u>Parcel 379</u>	
f. Assessors Map	g. Parcel /Lot Number	

2. Applicant:

<u>Gregg R.</u>	<u>Edell</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>34 Addison Drive</u>		
d. Street Address		
<u>Short Hills</u>	<u>NJ</u>	<u>07078</u>
e. City/Town	f. State	g. Zip Code
<u>212 325 3399</u>	<u>gregg.edell@credit-suisse.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>Same</u>		
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>d. Street Address</u>		
<u>e. City/Town</u>	<u>f. State</u>	<u>g. Zip Code</u>
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>Donald F.</u>	<u>Bracken, Jr., PE</u>	
a. First Name	b. Last Name	
<u>Bracken Engineering, Inc.</u>		
c. Company		
<u>19 Old South Road</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-325-0044</u>	<u>508-833-2282</u>	<u>don@brackeneng.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136

A. General Information (continued)

6. General Project Description:

Construction of an addition to the existing house, an in-ground pool with patio and deck, a cabana and associated grading within 100' of a bordering vegetated wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

1706

c. Book

b. Certificate # (if registered land)

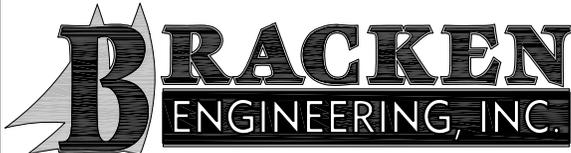
223

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



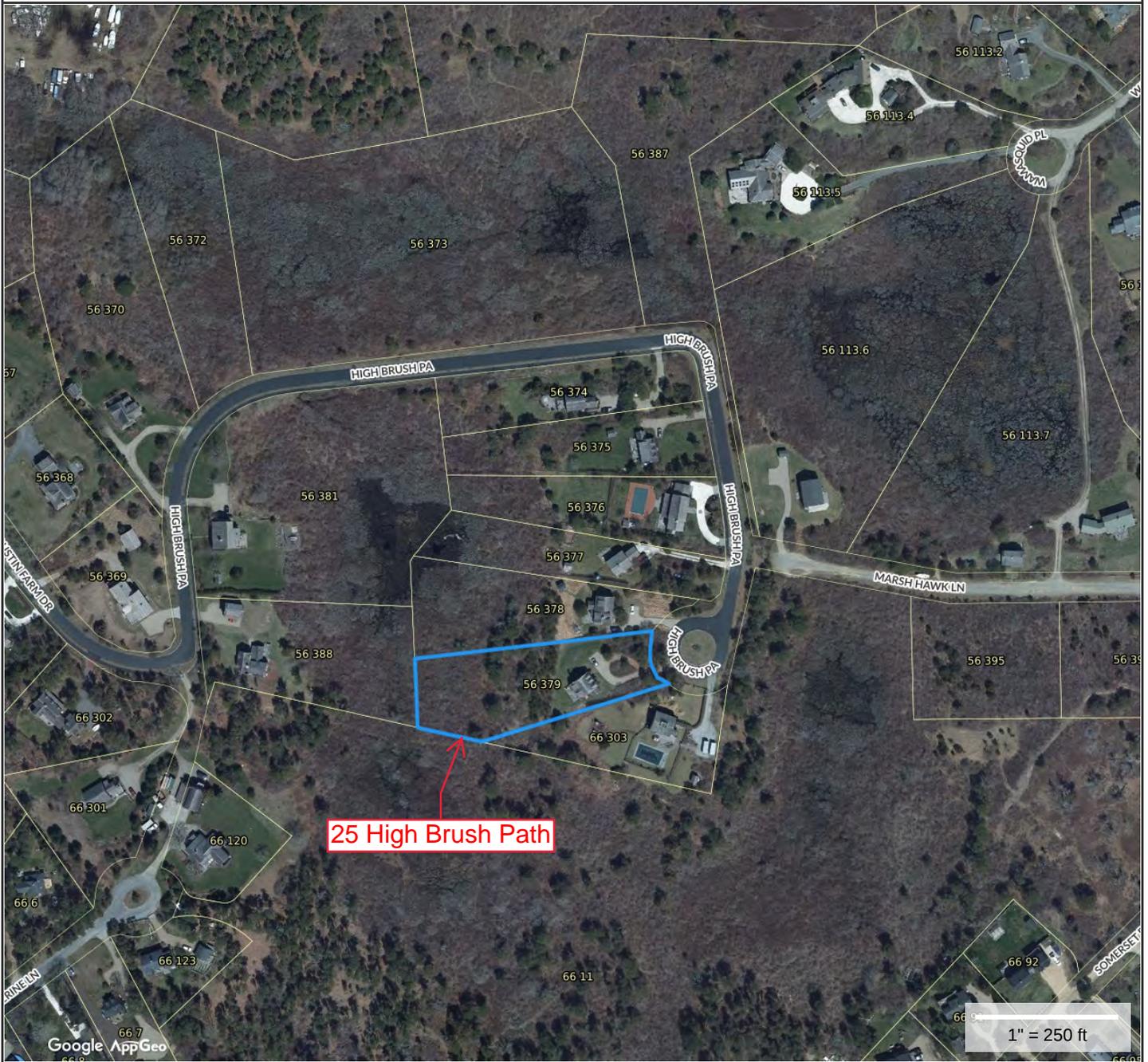
19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.325.0044
(fax) 508.833.2282
www.brackeneng.com

USGS MAP

#25 High Brush Path
Nantucket, MA

25 High Brush Path - GIS Aerial Orthophoto



Property Information

Property ID 56 379
 Location 25 HIGH BRUSH PA
 Owner EDELL GREGG R & CATRIN G



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018

25 High Brush Path - GIS Parcel Map



Property Information

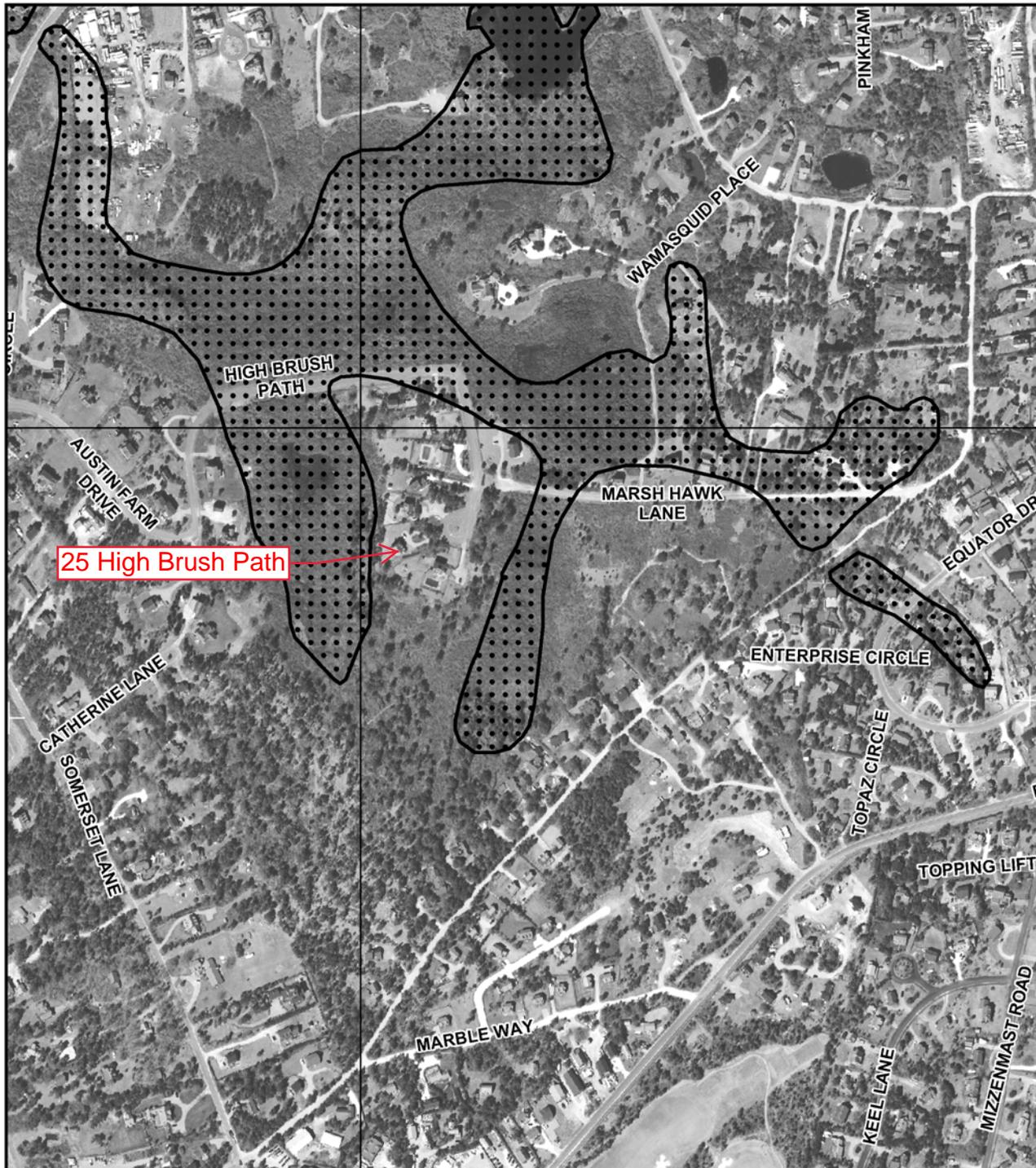
Property ID 56 379
Location 25 HIGH BRUSH PA
Owner EDELL GREGG R & CATRIN G



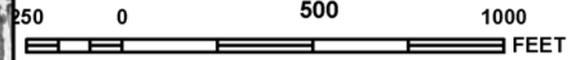
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Geometry updated 11/13/2018
Data updated 11/19/2018



MAP SCALE 1" = 500'



PANEL 0088G

FIRM
 FLOOD INSURANCE RATE MAP
 NANTUCKET COUNTY,
 MASSACHUSETTS
 (ALL JURISDICTIONS)

PANEL 88 OF 177
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NANTUCKET, TOWN OF	250230	0088	G

-NOTE-
 THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

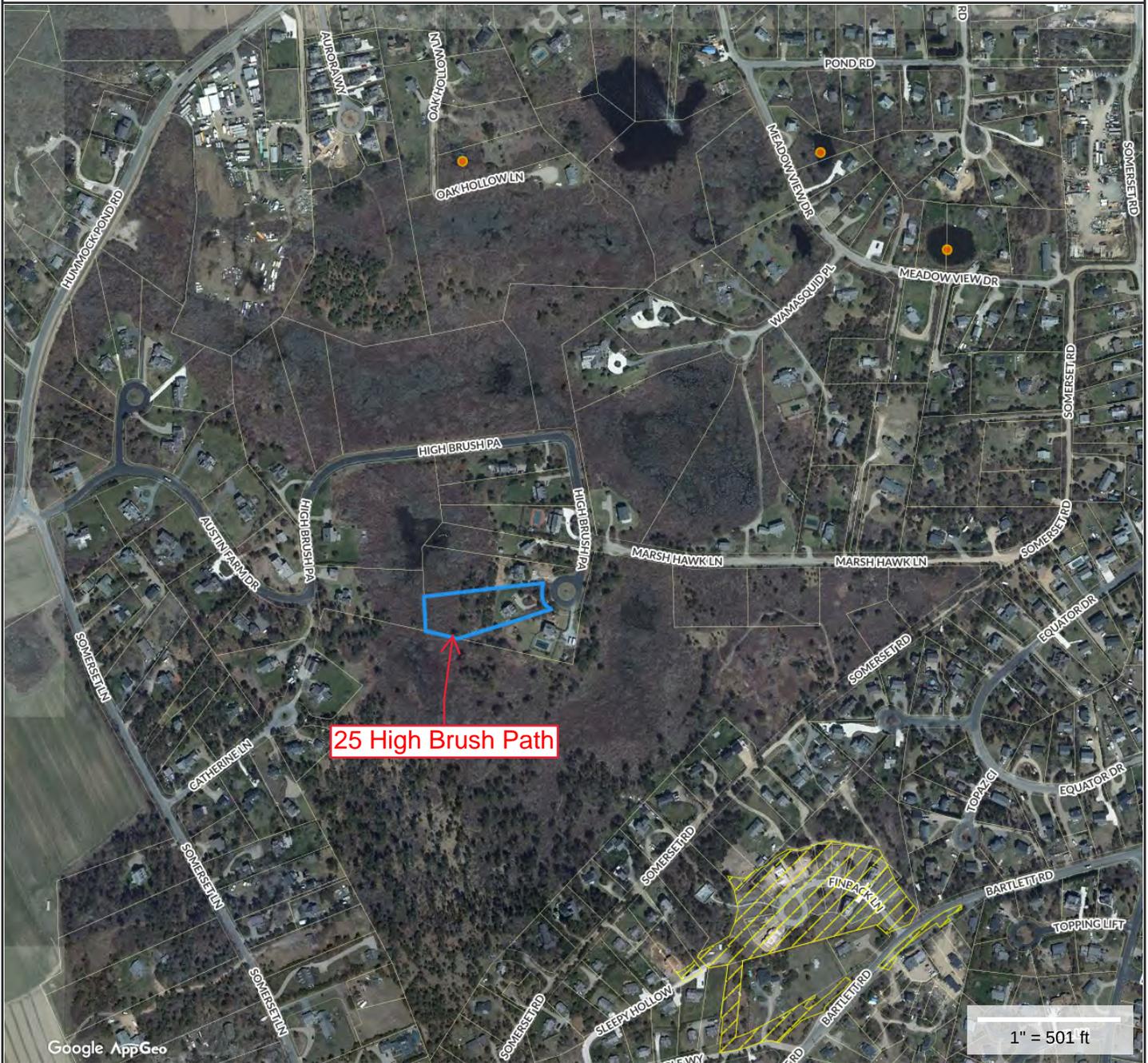


MAP NUMBER
 25019C0088G
 EFFECTIVE DATE
 JUNE 9, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

25 High Brush Path - GIS NHESP Map



Property Information

Property ID 56 379
 Location 25 HIGH BRUSH PA
 Owner EDELL GREGG R & CATRIN G



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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Geometry updated 11/13/2018
 Data updated 11/19/2018

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: LEC Environmental Project location: 25 High Brush Path DEP File #: _____
Nantucket

Check all that apply:

- Vegetation alone presumed adequate to delineate BW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. VegetationObservation Plot Number: 1 Transect Number: 1 Date of Delineation: 3/4/19

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u>				
Poison ivy (<i>Toxicodendron radicans</i>)	20.5	46.1%	Y	FAC *
Arrowwood (<i>Uiburnum dentatum</i>)	10.5	23.6	Y	FAC *
Canada goldenrod (<i>Solidago canadensis</i>)	10.5	23.6	Y	FACU
Dewberry (<i>Rubus flagellaris</i>)	3.0	6.7	N	
<u>Shrub</u>				
Arrowwood	63.0	72.8%	Y	FAC *
Highbush blueberry (<i>Vaccinium corymbosum</i>)	20.5	23.7	Y	FACW - *
Bush honeysuckle (<i>Lonicera</i> sp)	3.0	3.5	N	
<u>Tree</u>				
Pitch pine (<i>Pinus rigida</i>)	38.0	100%	Y	FACU
<u>Vine</u>				
Common greenbrier (<i>Smilax rotundifolia</i>)	38.0	55.1%	Y	FAC *
Poison ivy	20.5	29.7	Y	FAC *
Fox grape (<i>Vitis labrusca</i>)	10.5	15.2	N	

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:Number of dominant wetland indicator plants: 6 Number of dominant non-wetland indicator plants: 2Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP, 3/95

25 High Brush Path
Nantucket

T1, P1

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: NRCS Web Soil Survey

map number:

soil type mapped: Evesboro sand

hydric soil inclusions: Berryland variant loamy sand

Are field observations consistent with soil survey? yes no

Remarks: Generally

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0.5-0"		
A	0-14"	10YR 3/2 sandy loam (SI)	10YR 4/4 (@ 11")
B	14-24"	10YR 4/4 SI	10YR 5/8 & 10YR 3/2

Remarks: Plot taken w/ hand-held auger

3. Other: downgradient of wf #384.

Conclusion: Is soil hydric? yes no

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: @ 14" ±
- Water marks: interior
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: interior
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: LEC Project location: 25 High Brush Pt. Nantucket DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BWV boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BWV boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. **Vegetation** Observation Plot Number: 2 Transect Number: 1 Date of Delineation: 3/4/19

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u> Canada goldenrod (<i>Solidago canadensis</i>)	38.0	37.1 %	Y	FACU
bayberry (<i>Myrica pensylvanica</i>)	20.5	20.0	Y	FAC*
Bush honeysuckle (<i>Lonicera</i> sp)	20.5	20.0	Y	NI
Poison ivy (<i>Toxicodendron radicans</i>)	20.5	20.0	Y	FAC*
eastern red cedar (<i>Juniperus virginiana</i>)	3.0	2.9	N	
<u>Shrub</u> Bush honeysuckle	38.0	48.1	Y	FVI
Arrowwood (<i>Viburnum dentatum</i>)	20.5	25.9	Y	FAC*
Bayberry	20.5	25.9	Y	FAC*
<u>Sapling</u> Hawthorn (<i>Crataegus crus-galli</i>)	38.0	100%	Y	FACU
<u>Tree</u> Pitch Pine (<i>Pinus rigida</i>)	38.0	100%	Y	FACU
<u>Vine</u> Poison ivy	10.5	77.8	Y	FAC*
Fox grape (<i>Vitis labrusca</i>)	3.0	22.2	Y	FACU

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FAC-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:Number of dominant wetland indicator plants: 5 Number of dominant non-wetland indicator plants: 6Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BWV boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP: 3/95

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: NRCS Web Soil Survey

map number:

soil type mapped: Evesboro sand

hydric soil inclusions: Berryland Variant loamy sand

Are field observations consistent with soil survey? yes no

Remarks: Generally

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0.5-0"	(sl)	
A ₁	0-2"	10YR 2/1 sandy loam	N/A
A ₂	2-18"	10YR 3/2 sl	N/A
B	18-24"	10YR 4/6 sl	10YR 5/8 10YR 2/1

Remarks: Plot taken w/ hand-held auger

3. Other: upgraded plot w/ # 384

Conclusion: Is soil hydric? yes no

T1, P2
25 High Brush Path
Nantucket

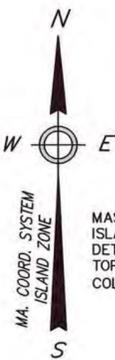
N/A Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

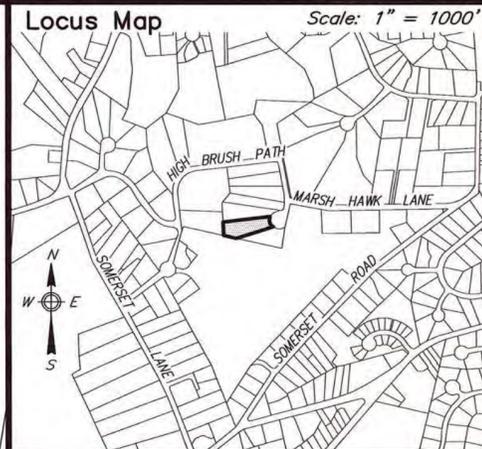
Vegetation and Hydrology Conclusion

	yes	no
Number of wetland indicator plants \geq number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

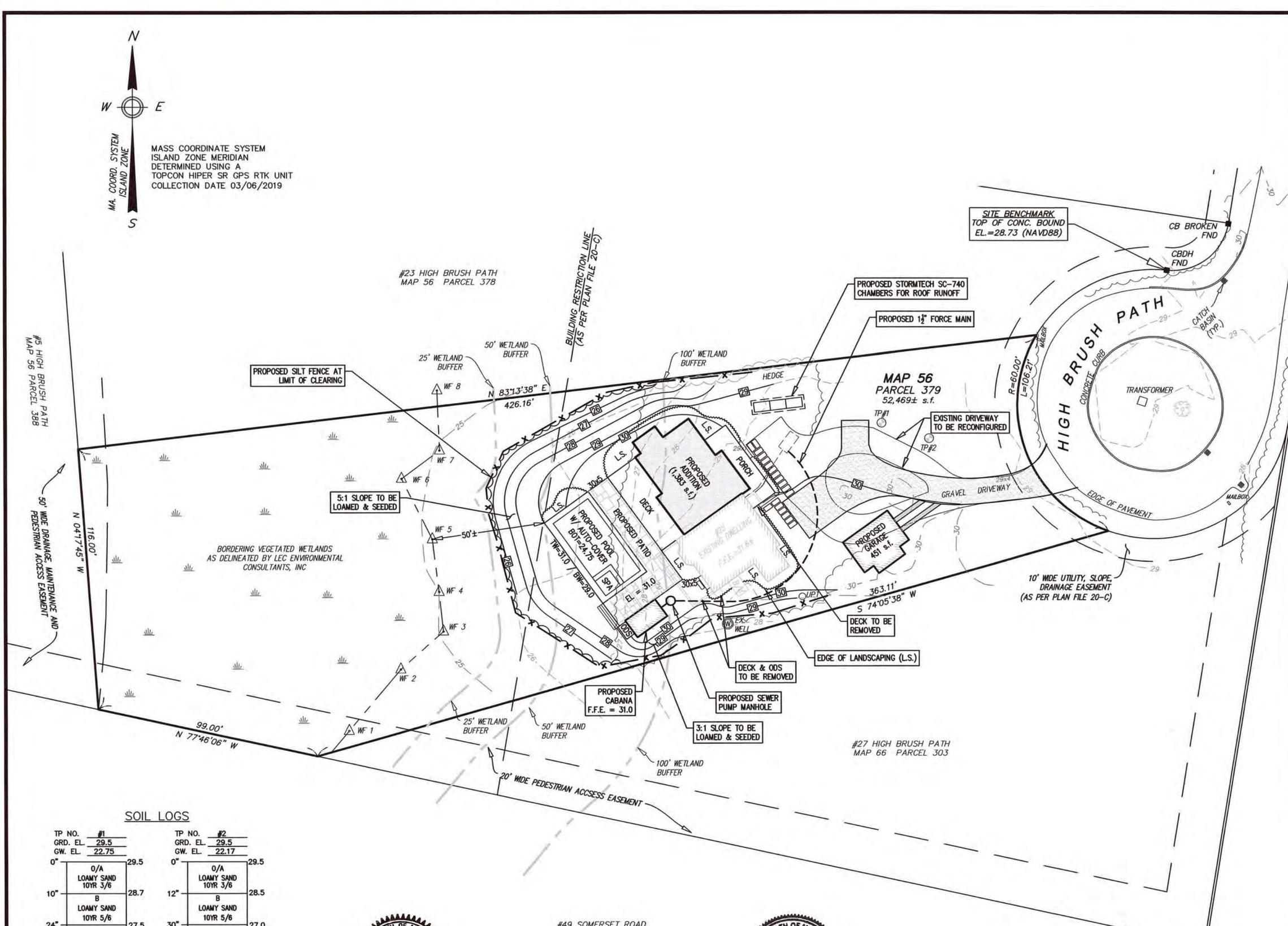


MASS COORDINATE SYSTEM
ISLAND ZONE MERIDIAN
DETERMINED USING A
TOPCON HIPER SR GPS RTK UNIT
COLLECTION DATE 03/06/2019



Notes

- LOCUS: #25 HIGH BRUSH PATH
MAP 56 PARCEL 379
- OWNER: GREGG RICHARD EDELL &
CATRIN GWENNAN EDELL
34 ADDISON DRIVE
SHORT HILLS, NJ 07078
- DEED REF: Bk: 01706 Pg: 223
- PLAN REF: Plan File 20-C (LOT 26)
- LOCUS DOES NOT FALL WITHIN A SPECIAL
FLOOD HAZARD ZONE AS SHOWN ON
FEMA FLOOD INSURANCE RATE MAP No.
25019C-0088-G dated 06/09/2014.
- LOCUS DOES NOT FALL WITHIN THE
NATURAL HERITAGE and ENDANGERED
SPECIES PROGRAM (NHESP) AREAS OF
ESTIMATED HABITATS OF RARE WILDLIFE
and PRIORITY HABITATS OF RARE
SPECIES.

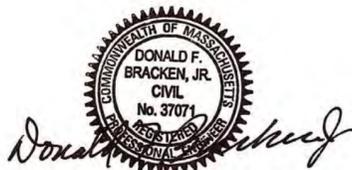


SOIL LOGS

TP NO.	#1	TP NO.	#2
GRD. EL.	29.5	GRD. EL.	29.5
GW. EL.	22.75	GW. EL.	22.17
0"	29.5	0"	29.5
10"	28.7	12"	28.5
24"	27.5	30"	27.0
80"	22.8	77"	23.1
116"	19.8	106"	20.7

DATE PERFORMED: JULY 9, 2019
SOIL EVALUATOR: DONALD F. BRACKEN, JR., P.E.
WITNESSED BY: KATHY LoFAVRE, HEALTH INSPECTOR
MAX. GROUND WATER ELEV.: 22.75
METHOD OF DETERMINATION: BY MOTTLES IN TP #1

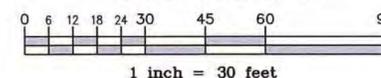
(SEE SOIL REPORT ON FILE FOR MORE
DETAILED DESCRIPTION)



SUMMARY OF AREAS

TOTAL AREA BETWEEN 25' and 50' BUFFERS = 3,717± s.f. (100%)
TOTAL DISTURBED AREA BETWEEN 25' and 50' BUFFERS = 1,831± s.f. (49.3%)

PLAN SCALE



Prepared By:



49 HERRING POND ROAD BUZZARDS BAY, MA 02532
(tel) 508.833.0070 (fax) 508.833.2282
19 OLD SOUTH ROAD NANTUCKET, MA 02554
(tel) 508.325.0044 www.brackeneng.com

**PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS**

Prepared For:
GREGG & CATRIN EDELL
#25 HIGH BRUSH PATH
MAP 56 PARCEL 379

No.	Date	Revision Description	By
-	-	-	-
-	-	-	-

Date: DECEMBER 9, 2019 Drawn: RMM/ERC/BEI Checked: DFB/AMG Sheet: 1 of 1

Notice of Intent Application

41 Crooked Lane
Map 41, Parcel 202
Nantucket, MA

December 10, 2019



Main Office:
49 Herring Pond Rd.
Buzzards Bay, MA 02532
Ph. 508-833-0070
Fax 508-833-2282

Nantucket Office:
19 Old South Rd.
Nantucket, MA 02554
www.brackeneng.com
Ph. 508-325-0044



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136



A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>41 Crooked Lane</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.283180</u>	<u>-70.120520</u>
	d. Latitude	e. Longitude
<u>Map 41</u>	<u>Parcel 202</u>	
f. Assessors Map	g. Parcel /Lot Number	

2. Applicant:

<u>Robert</u>	<u>Goldrich</u>	
a. First Name	b. Last Name	
<u>91 Central Park W., Apt 11B</u>		
c. Organization		
d. Street Address		
<u>New York</u>	<u>NY</u>	<u>10023</u>
e. City/Town	f. State	g. Zip Code
<u>508-325-0044 (Agent)</u>	<u></u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>Same</u>		
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Donald F.</u>	<u>Bracken, Jr., PE</u>	
a. First Name	b. Last Name	
<u>Bracken Engineering, Inc.</u>		
c. Company		
<u>19 Old South Road</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-325-0044</u>	<u>508-833-2282</u>	<u>don@brackeneng.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136

A. General Information (continued)

6. General Project Description:

Install new sewer line and pump manhole and abandon existing septic system within 100' of a bordering, vegetated wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

20897

a. County

b. Certificate # (if registered land)

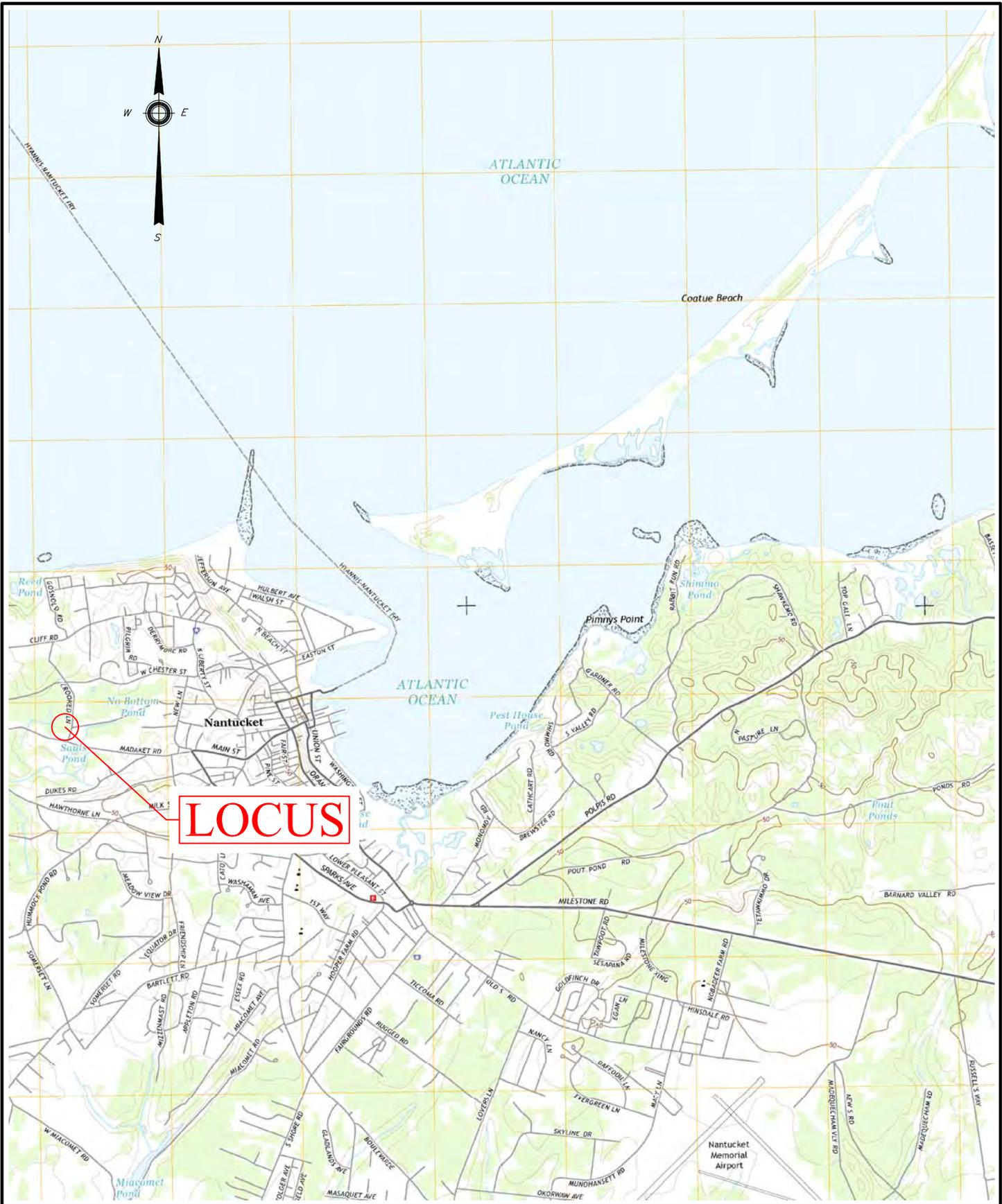
c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



LOCUS



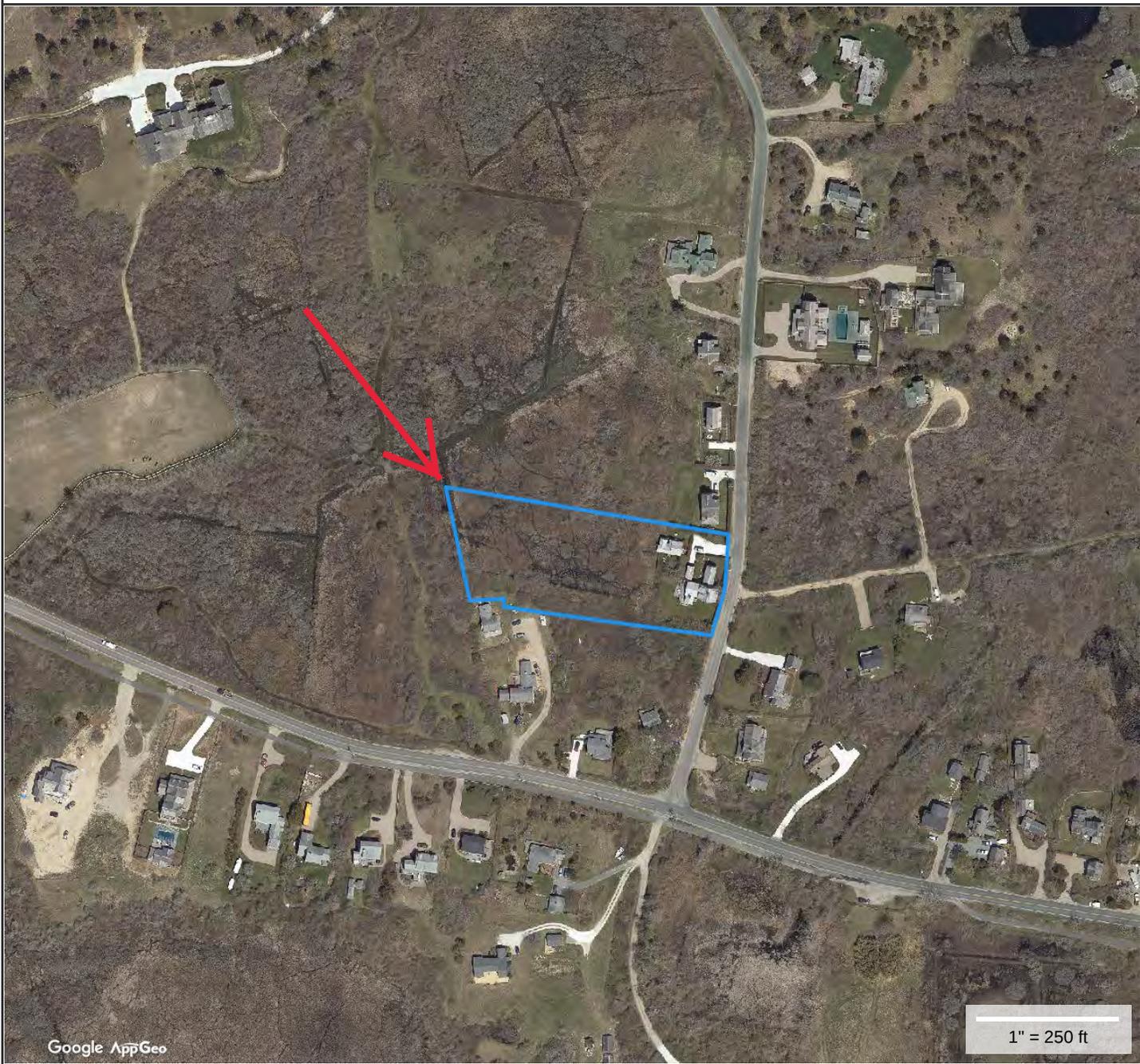
19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.325.0044
(fax) 508.833.2282
www.brackeneng.com

USGS MAP

#41 Crooked Lane
Nantucket, MA

GIS - 2018 Aerial Orthophoto



Property Information

Property ID 41 202
Location 41 CROOKED LN
Owner RICE BRIAN & GOLDRICH ROBERT



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
Data updated 11/19/2018

GIS Parcel Map



Property Information

Property ID 41 202
Location 41 CROOKED LN
Owner RICE BRIAN & GOLDRICH ROBERT



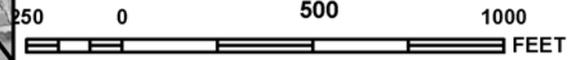
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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Geometry updated 11/13/2018
Data updated 11/19/2018



MAP SCALE 1" = 500'



Town of Nantucket
250230

41 Crooked Lane

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0086G

FIRM
FLOOD INSURANCE RATE MAP
NANTUCKET COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 86 OF 177
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NANTUCKET, TOWN OF	250230	0086	G

-NOTE-
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

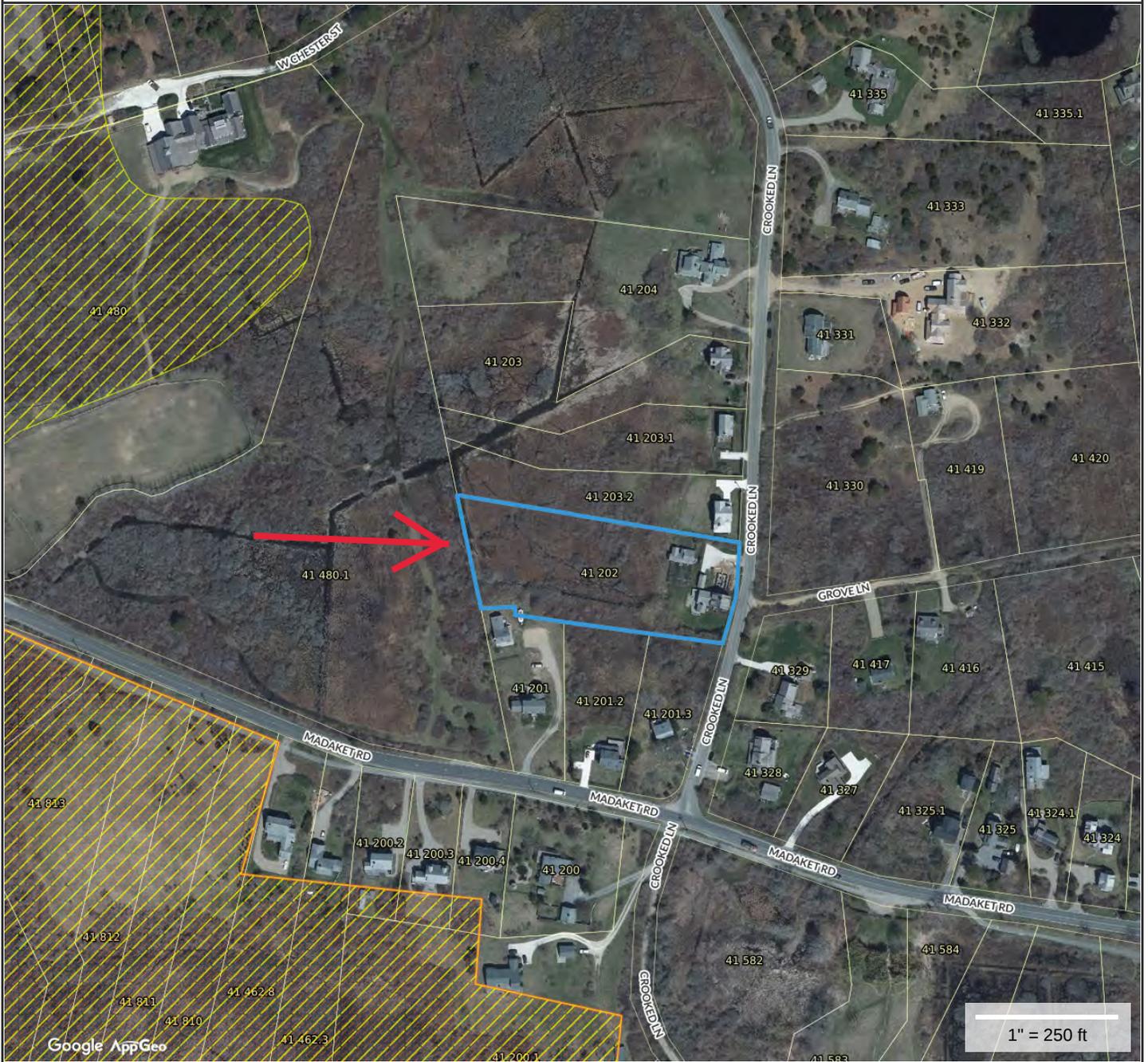


MAP NUMBER
25019C0086G
EFFECTIVE DATE
JUNE 9, 2014

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

GIS - NHESP Map



Property Information

Property ID 41 202
Location 41 CROOKED LN
Owner RICE BRIAN & GOLDRICH ROBERT



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: LEC Environmental Project location: 41 Crooked Lane DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. **Vegetation** Observation Plot Number: 1 Transect Number: 1 Date of Delineation: 10/7/19

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u>				
Bush honeysuckle (<i>Lonicera</i> spp)	10.5	100%	Y	NI
<u>Shrub</u>				
Bush honeysuckle	63.0	46.2	Y	NI
Privet (<i>Ligustrum</i> sp)	63.0	46.2	Y	NI
Multiflora rose (<i>Rosa multiflora</i>)	10.5	7.7	—	—

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:Number of dominant wetland indicator plants: 0 Number of dominant non-wetland indicator plants: 3Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP: 3/95

41 Crooked Lane
Nantucket

T1, P1

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: NRCS web soil survey

map number:

soil type mapped: Evesboro sand

hydric soil inclusions: Berryland variant loamy sand

Are field observations consistent with soil survey? yes no

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	1-0"		
A	0-14"	10YR 2/1 sandy loam	N/A
B	14-20"	10YR 4/6 sandy loam	10YR 2/1
Ab	20-24"	10YR 2/1 s.l.	10YR 5/8

Remarks: Plot taken w/ hand-held auger

3. Other: down gradient of wf #11.

Conclusion: Is soil hydric? yes no

(Bylaw)

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: @ 24"±
- Depth to soil saturation in observation hole: @ 14"±
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: LEC Environmental Project location: 41 Crooked Lane DEP File #: _____
Nantucket

Check all that apply:

- Vegetation alone presumed adequate to delineate BWB boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BWB boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

Section I. **Vegetation** Observation Plot Number: 2 Transect Number: 1 Date of Delineation: 10/7/19

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Ground</u>				
Bush honeysuckle (<i>Lonicera</i> spp)	10.5	100%	Y	NI
<u>Shrub</u>				
Bush honeysuckle	63.0	46.2%	Y	NI
Privet (<i>Ligustrum</i> spp)	63.0	46.2	Y	NI
Multiflora rose (<i>Rosa multiflora</i>)	10.5	7.7	N	—

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MEL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:Number of dominant wetland indicator plants: 0 Number of dominant non-wetland indicator plants: 3Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes (no)

If vegetation alone is presumed adequate to delineate the BWB boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP; 3/95

41 Crooked Lane
Nantucket

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: NRCS web Soil Survey

map number:

soil type mapped: Evesboro sand

hydric soil inclusions: Berryland Variant loamy sand

Are field observations consistent with soil survey? yes no

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	1-0"		
A	0-18"	10YR 2/1	Sandy loam N/A
B	18"+	10YR 4/6	S1 10YR 2/1 10YR 5/8

Remarks: Plot taken w/ hand-held auger

3. Other: upgradient of wf #11

Conclusion: Is soil hydric? yes no

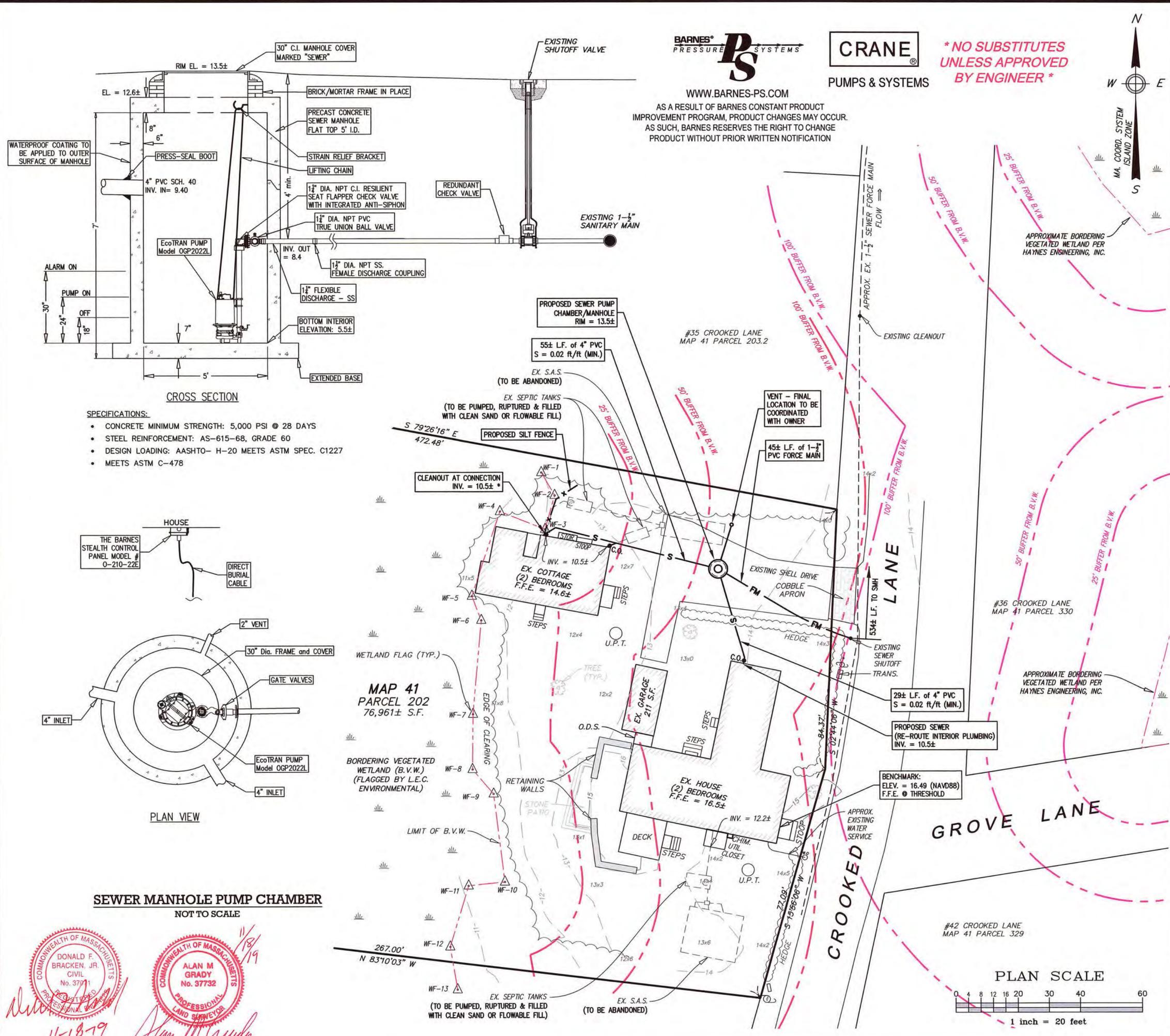
N/A

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants \geq number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
other indicators of hydrology present	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input checked="" type="checkbox"/>

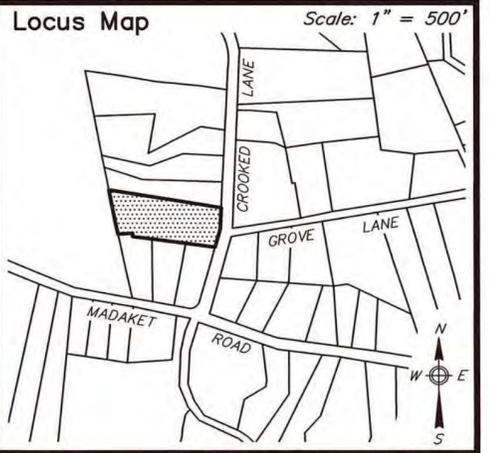
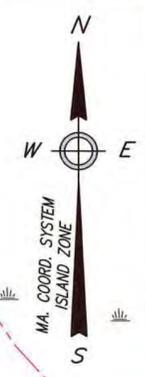
Submit this form with the Request for Determination of Applicability or Notice of Intent.



BARNES PRESSURE SYSTEMS
CRANE
 PUMPS & SYSTEMS

*** NO SUBSTITUTES UNLESS APPROVED BY ENGINEER ***

WWW.BARNES-PS.COM
 AS A RESULT OF BARNES CONSTANT PRODUCT IMPROVEMENT PROGRAM, PRODUCT CHANGES MAY OCCUR. AS SUCH, BARNES RESERVES THE RIGHT TO CHANGE PRODUCT WITHOUT PRIOR WRITTEN NOTIFICATION



- Notes**
- LOCUS: #41 CROOKED LANE MAP 41 PARCEL 202
 - OWNERS: BRIAN RICE & ROBERT GOLDRICH 91 CENTRAL PARK W APT. 11B NEW YORK, NY 10023
 - DEED REF: L.C. Cert: #20897
 - PLAN REF: L.C. PLAN 32312-B (LOT 2) L.C. PLAN 32313-C (LOT 6)
 - LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
 - ALL METHODS OF CONSTRUCTION ARE TO CONFORM TO THE TOWN OF NANTUCKET STANDARDS and SPECIFICATIONS FOR SANITARY SEWER, SECTION 200, ARTICLE VI.
 - EXISTING BEDROOM COUNT BASED ON CURRENT ASSESSORS INFORMATION.
 - EXISTING SEPTIC LOCATIONS ARE BASED ON AS-BUILT PLANS AND ARE APPROXIMATE. CONTRACTOR TO FIELD CONFIRM ALL LOCATIONS AND SEWER ELEVATIONS. CONTRACTOR TO ADJUST PROPOSED SEWER ELEVATIONS AS NECESSARY.
 - THE PROPOSED SEWER CONNECTION IS DESIGNED TO CONNECT TO THE EXISTING SEWER STUB AND SHUTOFF LOCATED AT THE LOCUS (CONNECTED TO AN EXISTING SEWER FORCE MAIN IN CROOKED LANE). BRACKEN ENGINEERING, INC. PLACES NO WARRANTY OR GUARANTEE ON THE CAPACITY OF THE EXISTING SEWER FORCE MAIN.
- ESTIMATED FLOW = 440 GPD
 4 BEDROOMS PER TITLE 5**

Prepared By:
BRACKEN ENGINEERING, INC.
 49 HERRING POND ROAD BUZZARDS BAY, MA 02532
 19 OLD SOUTH ROAD NANTUCKET, MA 02554
 (tel) 508.833.0070 (tel) 508.325.0044
 (fax) 508.833.2282 www.brackeneng.com

SEWER PERMIT PLAN IN NANTUCKET, MA
 Prepared For:
BRIAN RICE & ROBERT GOLDRICH
 #41 CROOKED LANE
 MAP 41 PARCEL 202

No.	Date	Revision Description	By

Date: NOVEMBER 18, 2019 Drawn: RED/BEI Checked: DFB/AMG Sheet: 1 of 1

COMMONWEALTH OF MASSACHUSETTS
 DONALD F. BRACKEN, JR.
 CIVIL No. 37711
 11-18-19

COMMONWEALTH OF MASSACHUSETTS
 ALAN M. GRADY
 No. 37732
 11/19

*** AS-BUILT BY ENGINEER REQUIRED PRIOR TO BACKFILLING ***

Notice of Intent Application

2 South Beach Street
Map 42.2.4, Parcel 60
Nantucket, MA

December 19, 2019



Main Office:
49 Herring Pond Rd.
Buzzards Bay, MA 02532
Ph. 508-833-0070
Fax 508-833-2282

Nantucket Office:
19 Old South Rd.
Nantucket, MA 02554
www.brackeneng.com
Ph. 508-325-0044



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136



A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>2 South Beach Street</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.285810</u>	<u>-70.098810</u>
	d. Latitude	e. Longitude
<u>42.2.4</u>	<u>60</u>	
f. Assessors Map	g. Parcel /Lot Number	

2. Applicant:

<u>Edwin</u>	<u>Clafin</u>	
a. First Name	b. Last Name	
<u>2 South Beach LLC</u>		
c. Organization		
<u>2 South Beach Street</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 228-8655</u>	<u>edwin@oranmorbistro.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>SAME</u>		
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Donald F.</u>	<u>Bracken, Jr., PE</u>	
a. First Name	b. Last Name	
<u>Bracken Engineering, Inc.</u>		
c. Company		
<u>19 Old South Road</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-833-0070</u>	<u>508-833-2282</u>	<u>don@brackeneng.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
The Town of Nantucket Wetlands Bylaw Chapter 136

A. General Information (continued)

6. General Project Description:

Construction of a porch addition on an existing structure and hardscape alterations to remove impervious surfaces for no net increase of impervious area within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

1428

c. Book

b. Certificate # (if registered land)

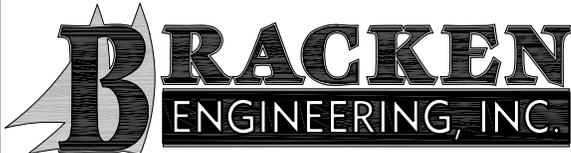
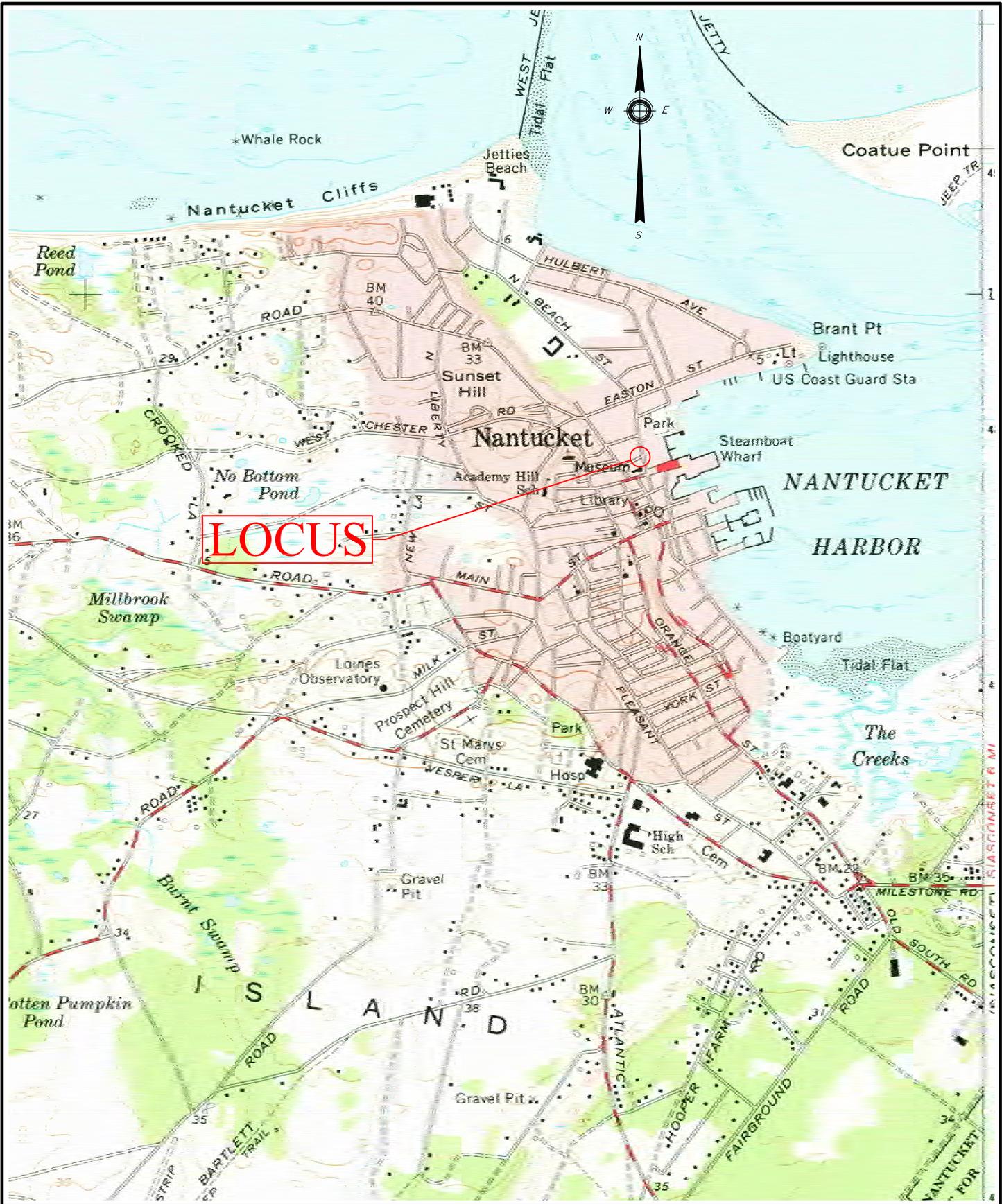
1

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



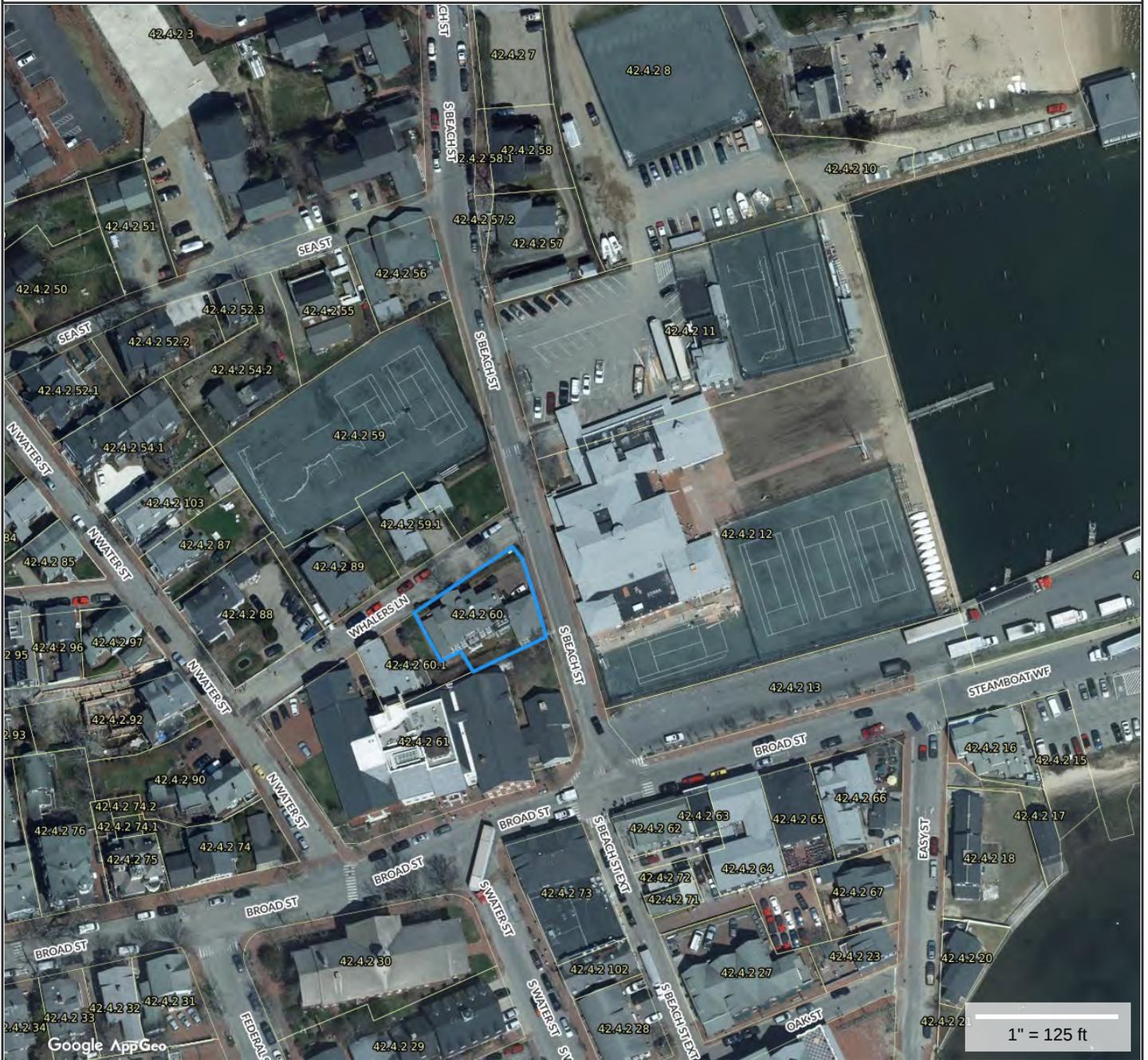
19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.325.0044
(fax) 508.833.2282
www.brackeneng.com

USGS MAP

#2 SOUTH BEACH STREET
NANTUCKET, MA

2 South Beach Street - GIS Aerial Orthophoto



Property Information

Property ID 42.4.2 60
Location 2 S BEACH ST
Owner 2 SOUTH BEACH LLC

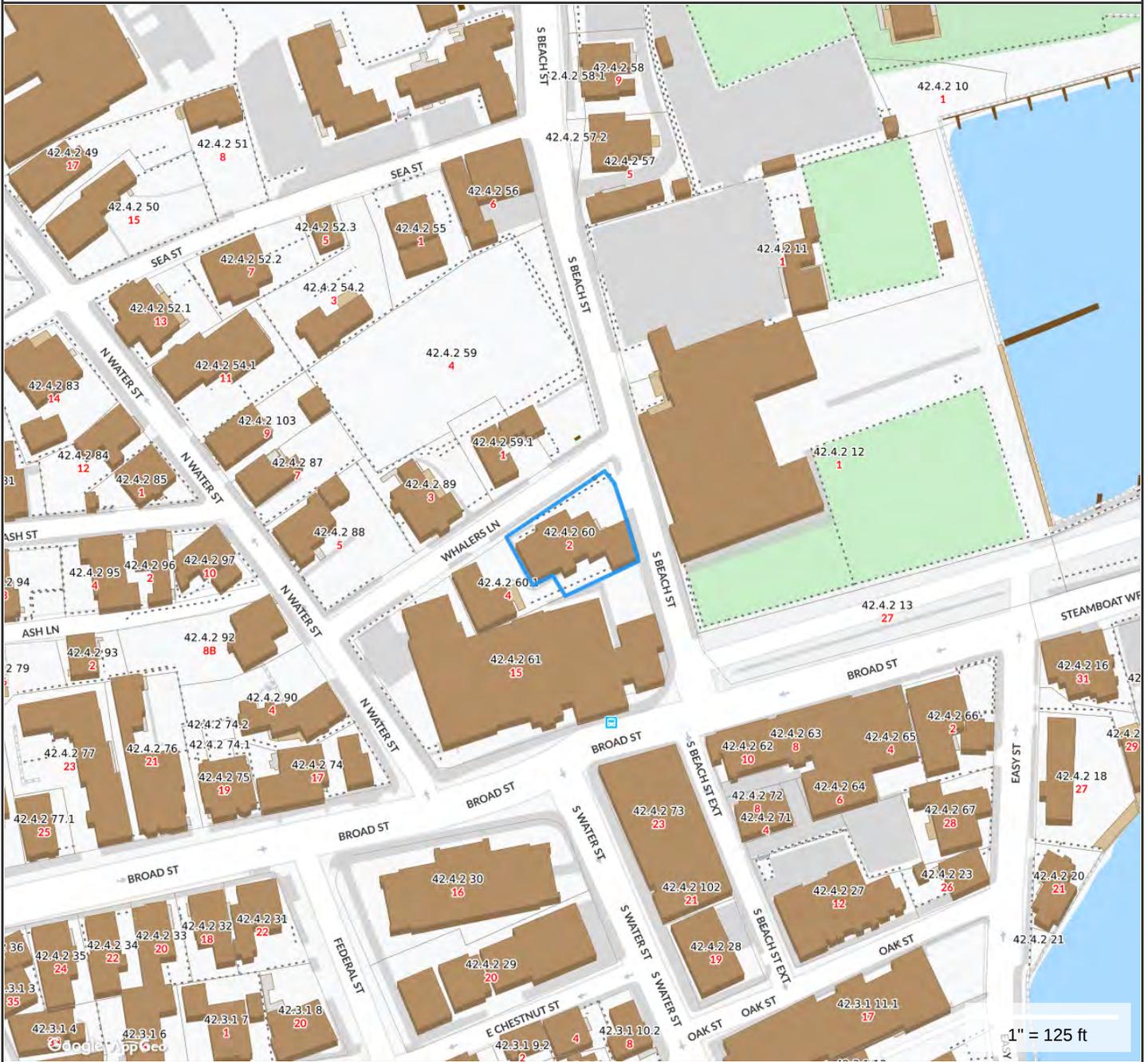


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018

2 South Beach Street - GIS Parcel Map



Property Information

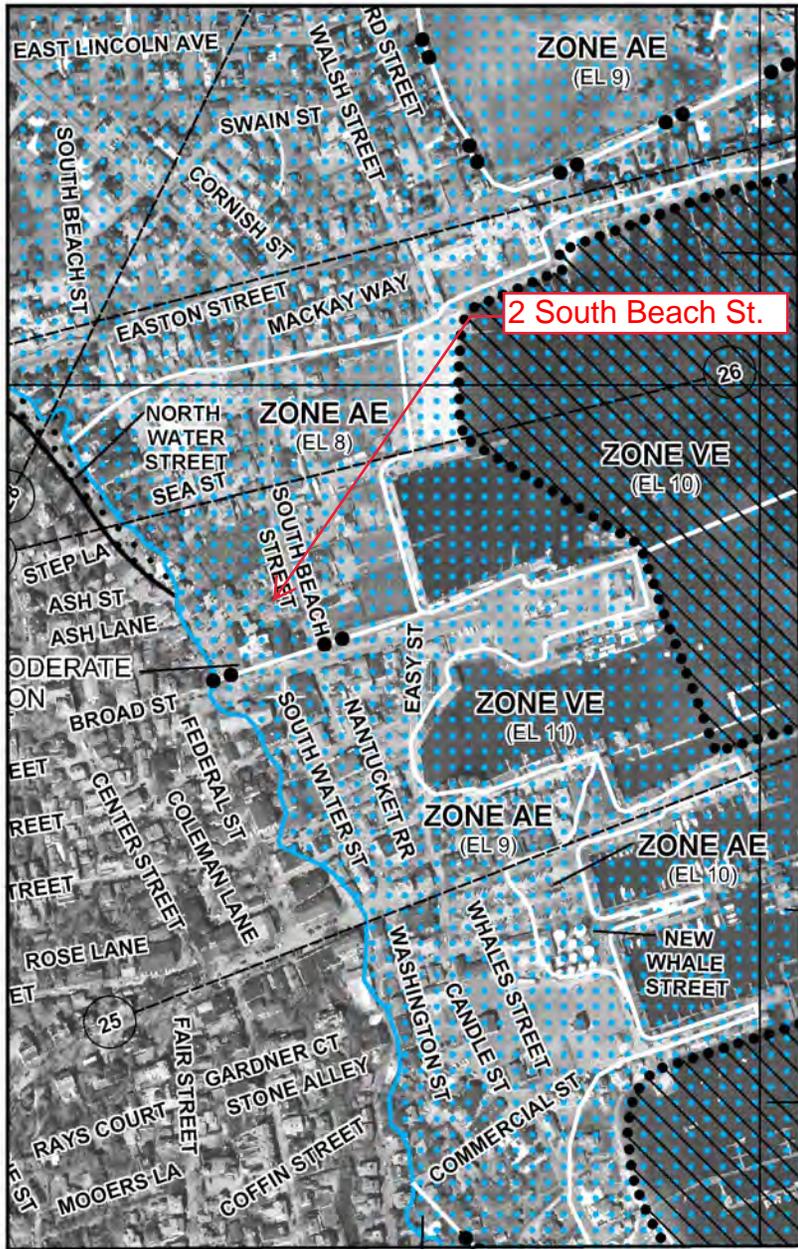
Property ID 42.4.2 60
Location 2 S BEACH ST
Owner 2 SOUTH BEACH LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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Geometry updated 11/13/2018
 Data updated 11/19/2018



**CBRS AREA
ESTABLISHED 11/16/1990
(SEE CBRS LEGEND)**

4571000mN

**ZONE VE
(EL 11)**

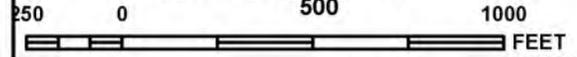
**CBRS AREA
ESTABLISHED 11/16/1990
(SEE CBRS LEGEND)**

41° 16' 52.5"

408000mE **ZONE AE
(EL 8)** LIMIT OF MODERATE
WAVE ACTION



MAP SCALE 1" = 500'



NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0086G

FIRM
FLOOD INSURANCE RATE MAP
NANTUCKET COUNTY,
MASSACHUSETTS
(ALL JURISDICTIONS)

PANEL 86 OF 177
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NANTUCKET, TOWN OF	250230	0086	G

-NOTE-
THIS MAP INCLUDES BOUNDARIES OF THE COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED UNDER THE COASTAL BARRIER RESOURCES ACT OF 1982 AND/OR SUBSEQUENT ENABLING LEGISLATION.

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



**MAP NUMBER
25019C0086G**
**EFFECTIVE DATE
JUNE 9, 2014**

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

2 South Beach Street - GIS NHESP Map



Property Information

Property ID 42.4.2 60
Location 2 S BEACH ST
Owner 2 SOUTH BEACH LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018



Checklist for Stormwater Report

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

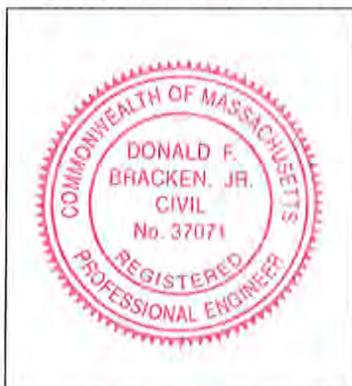
Note: Because stormwater requirements vary from project to project, it is possible that a complete Stormwater Report may not include information on some of the subjects specified in the Checklist. If it is determined that a specific item does not apply to the project under review, please note that the item is not applicable (N.A.) and provide the reasons for that determination.

A complete checklist must include the Certification set forth below signed by the Registered Professional Engineer who prepared the Stormwater Report.

Registered Professional Engineer's Certification

I have reviewed the Stormwater Report, including the soil evaluation, computations, Long-term Pollution Prevention Plan, the Construction Period Erosion and Sedimentation Control Plan (if included), the Long-term Post-Construction Operation and Maintenance Plan, the Illicit Discharge Compliance Statement (if included) and the plans showing the stormwater management system, and have determined that they have been prepared in accordance with the requirements of the Stormwater Management Standards as further elaborated by the Massachusetts Stormwater Handbook. I have also determined that the information presented in the Stormwater Checklist is accurate and that the information presented in the Stormwater Report accurately reflects conditions at the site as of the date of this permit application.

Registered Professional Engineer Block and Signature



Checklist Certification only. No report filed.

Donald F. Bracken, Jr.
Signature and Date Donald F. Bracken, Jr., PE
Bracken Engineering, Inc.

Checklist

Project Type: Is the application for new development, redevelopment, or a mix of new and redevelopment?

- New development
- Redevelopment
- Mix of New Development and Redevelopment



Checklist for Stormwater Report

Checklist (continued)

LID Measures: Stormwater Standards require LID measures to be considered. Document what environmentally sensitive design and LID Techniques were considered during the planning and design of the project:

- No disturbance to any Wetland Resource Areas
- Site Design Practices (e.g. clustered development, reduced frontage setbacks)
- Reduced Impervious Area (Redevelopment Only)
- Minimizing disturbance to existing trees and shrubs
- LID Site Design Credit Requested:
 - Credit 1
 - Credit 2
 - Credit 3
- Use of "country drainage" versus curb and gutter conveyance and pipe
- Bioretention Cells (includes Rain Gardens)
- Constructed Stormwater Wetlands (includes Gravel Wetlands designs)
- Treebox Filter
- Water Quality Swale
- Grass Channel
- Green Roof
- Other (describe): _____

Standard 1: No New Untreated Discharges

- No new untreated discharges
- Outlets have been designed so there is no erosion or scour to wetlands and waters of the Commonwealth
- Supporting calculations specified in Volume 3 of the Massachusetts Stormwater Handbook included.



Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation

- Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.
- Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.
- Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge NA- No increase in impervious area

- Soil Analysis provided.
- Required Recharge Volume calculation provided.
- Required Recharge volume reduced through use of the LID site Design Credits.
- Sizing the infiltration, BMPs is based on the following method: Check the method used.
 - Static
 - Simple Dynamic
 - Dynamic Field¹
- Runoff from all impervious areas at the site discharging to the infiltration BMP.
- Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume.
- Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:
 - Site is comprised solely of C and D soils and/or bedrock at the land surface
 - M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
 - Solid Waste Landfill pursuant to 310 CMR 19.000
 - Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.
- Calculations showing that the infiltration BMPs will drain in 72 hours are provided.
- Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

¹ 80% TSS removal is required prior to discharge to infiltration BMP if Dynamic Field method is used.



Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

- The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.
- Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality NA - No increase in impervious area

The Long-Term Pollution Prevention Plan typically includes the following:

- Good housekeeping practices;
 - Provisions for storing materials and waste products inside or under cover;
 - Vehicle washing controls;
 - Requirements for routine inspections and maintenance of stormwater BMPs;
 - Spill prevention and response plans;
 - Provisions for maintenance of lawns, gardens, and other landscaped areas;
 - Requirements for storage and use of fertilizers, herbicides, and pesticides;
 - Pet waste management provisions;
 - Provisions for operation and management of septic systems;
 - Provisions for solid waste management;
 - Snow disposal and plowing plans relative to Wetland Resource Areas;
 - Winter Road Salt and/or Sand Use and Storage restrictions;
 - Street sweeping schedules;
 - Provisions for prevention of illicit discharges to the stormwater management system;
 - Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
 - Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
 - List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.
- A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.
 - Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:
 - is within the Zone II or Interim Wellhead Protection Area
 - is near or to other critical areas
 - is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
 - involves runoff from land uses with higher potential pollutant loads.
 - The Required Water Quality Volume is reduced through use of the LID site Design Credits.
 - Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.



Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued) NA - No increase in impervious area

- The BMP is sized (and calculations provided) based on:
 - The ½" or 1" Water Quality Volume or
 - The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.
- The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.
- A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

Standard 5: Land Uses With Higher Potential Pollutant Loads (LUHPPLs) N/A

- The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.
- The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted **prior to** the discharge of stormwater to the post-construction stormwater BMPs.
- The NPDES Multi-Sector General Permit does **not** cover the land use.
- LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.
- All exposure has been eliminated.
- All exposure has **not** been eliminated and all BMPs selected are on MassDEP LUHPPL list.
- The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas N/A

- The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.
- Critical areas and BMPs are identified in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 7: Redevelopments and Other Projects Subject to the Standards only to the maximum extent practicable

- The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:
- Limited Project
 - Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
 - Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
 - Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
 - Bike Path and/or Foot Path
 - Redevelopment Project
 - Redevelopment portion of mix of new and redevelopment.
- Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.
- The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control NA - No BMP's proposed

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan must include the following information:

- Narrative;
 - Construction Period Operation and Maintenance Plan;
 - Names of Persons or Entity Responsible for Plan Compliance;
 - Construction Period Pollution Prevention Measures;
 - Erosion and Sedimentation Control Plan Drawings;
 - Detail drawings and specifications for erosion control BMPs, including sizing calculations;
 - Vegetation Planning;
 - Site Development Plan;
 - Construction Sequencing Plan;
 - Sequencing of Erosion and Sedimentation Controls;
 - Operation and Maintenance of Erosion and Sedimentation Controls;
 - Inspection Schedule;
 - Maintenance Schedule;
 - Inspection and Maintenance Log Form.
- A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.



Checklist for Stormwater Report

Checklist (continued)

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control (continued)

- The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has **not** been included in the Stormwater Report but will be submitted **before** land disturbance begins.
- The project is **not** covered by a NPDES Construction General Permit. < 1 acre
- The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.
- The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan N/A - No existing or proposed BMP System

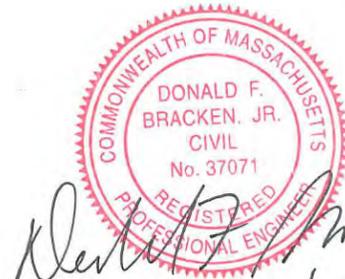
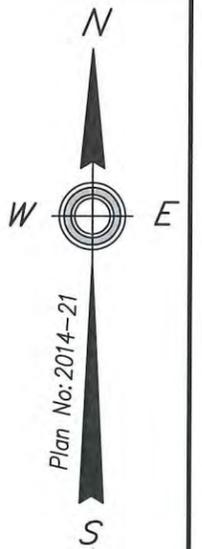
- The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:
 - Name of the stormwater management system owners;
 - Party responsible for operation and maintenance;
 - Schedule for implementation of routine and non-routine maintenance tasks;
 - Plan showing the location of all stormwater BMPs maintenance access areas;
 - Description and delineation of public safety features;
 - Estimated operation and maintenance budget; and
 - Operation and Maintenance Log Form.
- The responsible party is **not** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:
 - A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
 - A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges N/A

- The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;
- An Illicit Discharge Compliance Statement is attached;
- NO Illicit Discharge Compliance Statement is attached but will be submitted **prior to** the discharge of any stormwater to post-construction BMPs.

ZONE: CDT

	REQUIRED	EXISTING	PROPOSED
LOT AREA:	3,750 s.f.	5,811± s.f.	5,811± s.f.
FRONTAGE:	35'	73.44'	73.44'
FRONT YARD:	0'	0.04'	0.04'
SIDE YARD:	0'	0.6'±	0.6'±
REAR YARD:	5'	N/A	N/A
GROUND COVER:	75% (MAX)	48.4% (2,810± s.f.)	48.4% (2,810± s.f.)



Donald F. Bracken, Jr.
12/18/19

IMPERVIOUS AREA SUMMARY

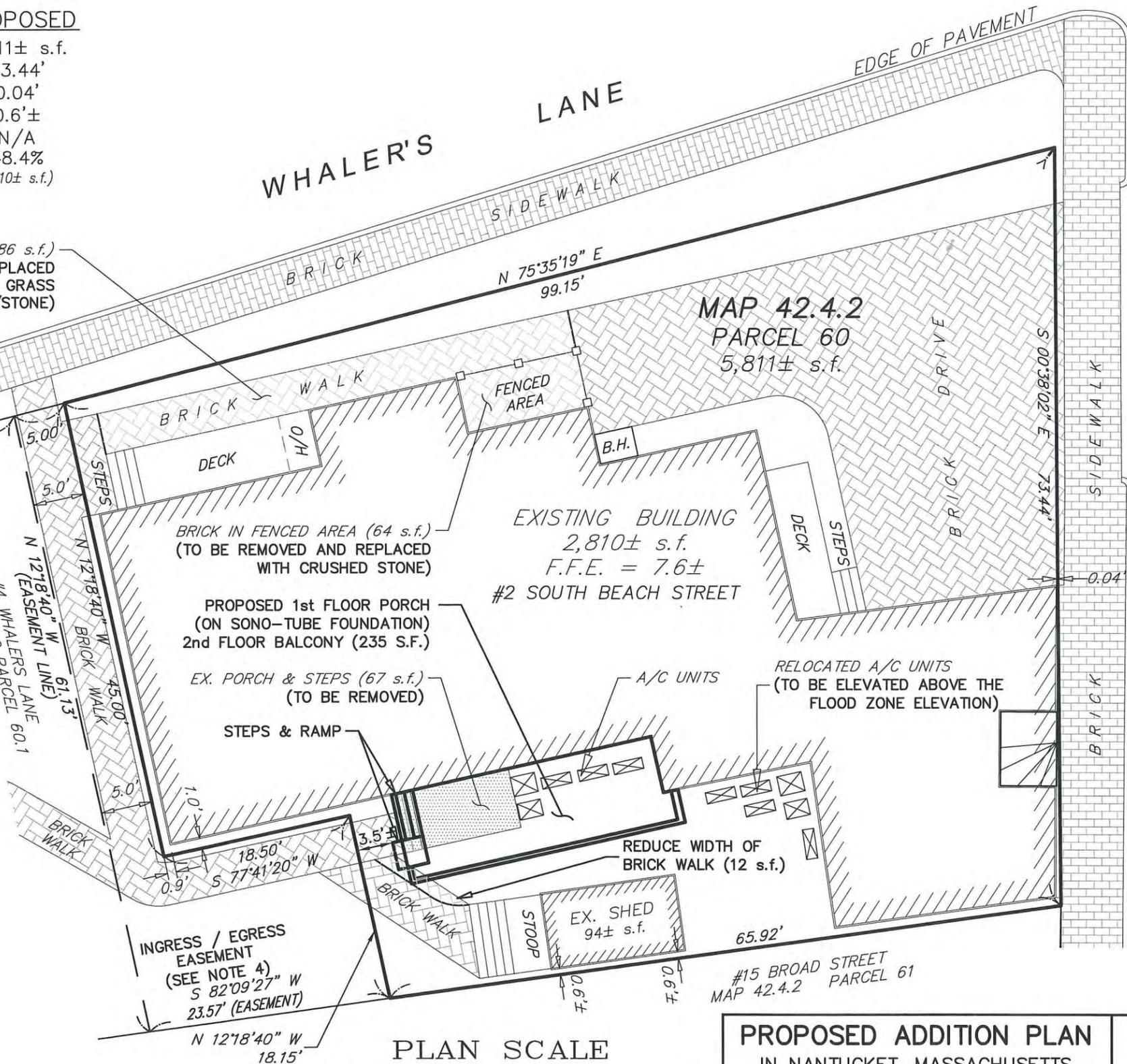
	INCREASE	DECREASE
PROPOSED PORCH/STEPS	+235 s.f.	
B. WALK WIDTH REDUCTION		-12 s.f.
B. WALK TO COBBLESTONE		-93 s.f.
FENCED BRICK AREA		-64 s.f.
EX. PORCH/STEPS		-67 s.f.
TOTAL	+235 s.f.	-236 s.f.
TOTAL REDUCTION IN IMPERVIOUS AREA ON SITE = 1 s.f.		

NOTES:

- OWNER: 2 SOUTH BEACH, LLC
c/o EDWIN M. CLAFLIN
- DEED REF: Bk: 1699 Pg: 291
- PLAN REF: Plan No: 2014-21 (LOT "B")
- ESMT. REF: Bk: 1428 Pg: 37
- LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE "AE (EL.8)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.

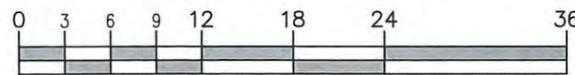
EXISTING BRICK WALK (186 s.f.)
(TO BE REMOVED AND REPLACED
WITH COBBLESTONES SET IN GRASS
50/50 RATIO OF GRASS/STONE)

MAP 42.4.2
#4 WHALERS LANE
PARCEL 60.1
(EASEMENT LINE)



INGRESS / EGRESS
EASEMENT
(SEE NOTE 4)
S 82°09'27" W
23.57' (EASEMENT)

PLAN SCALE



1 inch = 12 feet

Date:	Drawn:	Checked:
DECEMBER 18, 2019	ERC/BEI	DFB/AMG

**PROPOSED ADDITION PLAN
IN NANTUCKET, MASSACHUSETTS**

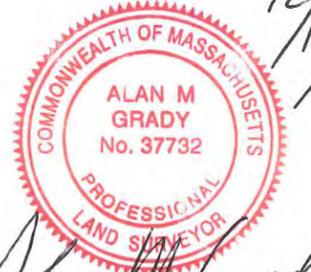
Prepared for:

2 SOUTH BEACH, LLC
#2 SOUTH BEACH STREET
MAP 42.4.2 PARCEL 60



49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508-833-0070
(fax) 508-833-2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508-325-0044
www.brackeneng.com



Alan M. Grady
12/18/19

NOTICE OF INTENT

FOR THE
**REMOVAL OF AN EXISTING DWELLING, CONSTRUCTION OF A
NEW DWELLING AND ASSOCIATED LANDSCAPING**
AT
92 WASHINGTON STREET EXTENSION
NANTUCKET, MASSACHUSETTS

December 2019

Prepared for
GREAT STATE PROPERTIES, LLC

Prepared by
BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors / Engineers
20 Teasdale Circle
Nantucket, Massachusetts 02554
(508) 228-9026

PROJ. NO. B-7956.1



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>92 Washington Street Extension</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41-16-46.45 N</u>	<u>70-05-31.34 W</u>
	d. Latitude	e. Longitude
<u>42.2.3</u>	<u>22</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>c/o Arthur I.</u>	<u>Reade Jr.</u>	
a. First Name	b. Last Name	
<u>Great State Properties, LLC</u>		
c. Organization		
<u>Six Young's Way P.O. Box 2669</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02584</u>
e. City/Town	f. State	g. Zip Code
<u>508-228-3128</u>		
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Leo C.</u>	<u>Asadoorian PLS</u>	
a. First Name	b. Last Name	
<u>Blackwell & Associates, Inc.</u>		
c. Company		
<u>20 Teasdale Circle</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-228-9026 x-12</u>	<u>leo@blackwellsurvey.com</u>	
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$330.00</u>	<u>\$152.50</u>	<u>\$177.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

Remove existing dwelling, Construct new dwelling, Landscaping and Sewer/Water connections in Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

25,389

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Project Narrative
New Dwelling Construction

December 2019

GREAT STATE PROPERTIES
92 WASHINGTON STREET EXTENSION
NANTUCKET, MASS. 02554

The site is located off of 92 Washington Street Extension, Nantucket, MA, (41°16'45.5"N, 70°05'39.1"W) the property is currently owned by Great State Properties LLC and is directly on Nantucket Harbor. The site is situated next to and across the street from the Great Harbor Yacht Club, a recreational boating facility. The property currently contains a Dwelling, Garage/ Studio apartment and a shed. The Garage/Studio was constructed and the existing shed was relocated under an Order of Conditions issued by the Commission (ref: SE48-2870) The site also contains an existing pile supported wooden pier, approximately 120 feet long with a removal, seasonal Float, which was constructed under Chapter 91 License number 12170.

The work site for this NOI lies within FEMA Flood Zone AE, with an established base flood elevation of 9 feet (1988 NAVD-datum). All reconstruction will be outside of any areas designated by NHESP as lying within the Estimated or Priority Habitats of Rare Wildlife / Species. A portion of the NHESP Map and FEMA Map is included with this notice.

The resource area subject to this Notice has been identified as Land Subject to Coastal Storm Flowage (310 CMR 10.04). The property also contains the following resource areas, but limited work is proposed to be done within these areas or their buffer zones. Land Under the Ocean (310 CMR 10.25), Coastal Beach (310 CMR 10.27), and Coastal Bank (310 CMR 10.30), the Bulkhead.

Per potential Chapter 91 requirements, a Public Access Footpath from Washington Street Extension to the Coastal Beach is being proposed under this Notice. At the top of the Coastal Bank (Solid,

Wooden Bulkhead) a Landing and a wooden access ramp constructed to ADA standards may be required for access to the Coastal Beach. In order for the public to access and enjoy their rights in these Coastal resources, this ADA compliant ramp is necessary.

Project scope will include the following work on the site:

Due to the current structural issues the existing on-site dwelling was discovered to have, it will be razed and removed from the property. The materials will be deposited with one of two licensed Construction and Demolition debris (C&D) plants that are on-island and the material shipped off-island. The existing foundation, constructed of concrete blocks, will be removed from the site and deposited in a pile at one of several contractor sites where the blocks will be crushed, mixed with other re-claimed soils and used as a material known locally as "AckPac".

A construction fence (see plan) is proposed along the water side of this dwelling to keep construction debris out of the coastal resource areas. This fence will be in place prior to any activity on the site and will be maintained by the building contractor throughout the construction period.

The existing Shed and Garage/Studio apartment will remain in their current locations. No work is scheduled to be performed on these two structures.

The proposed new Dwelling will be constructed at the location shown on the enclosed Proposed Conditions Plan. This new structure will be landward of the VE Zone FEMA Line, and approximately 38 feet from the face of the existing wooden bulkhead. The current dwelling's deck is about 23.8 feet from the bulkhead; hence the new structure will be about 14.2 feet further away. Since the Coastal bank is a wooden bulkhead of solid construction, the 38 foot setback seems appropriate in this case and a waiver is being requested from the 50 foot setback.

The foundation for the project is currently under design, but I understand it to be at this point made of precast concrete piles and helical anchors. The final foundation plan will be submitted to the Commission staff prior to construction.

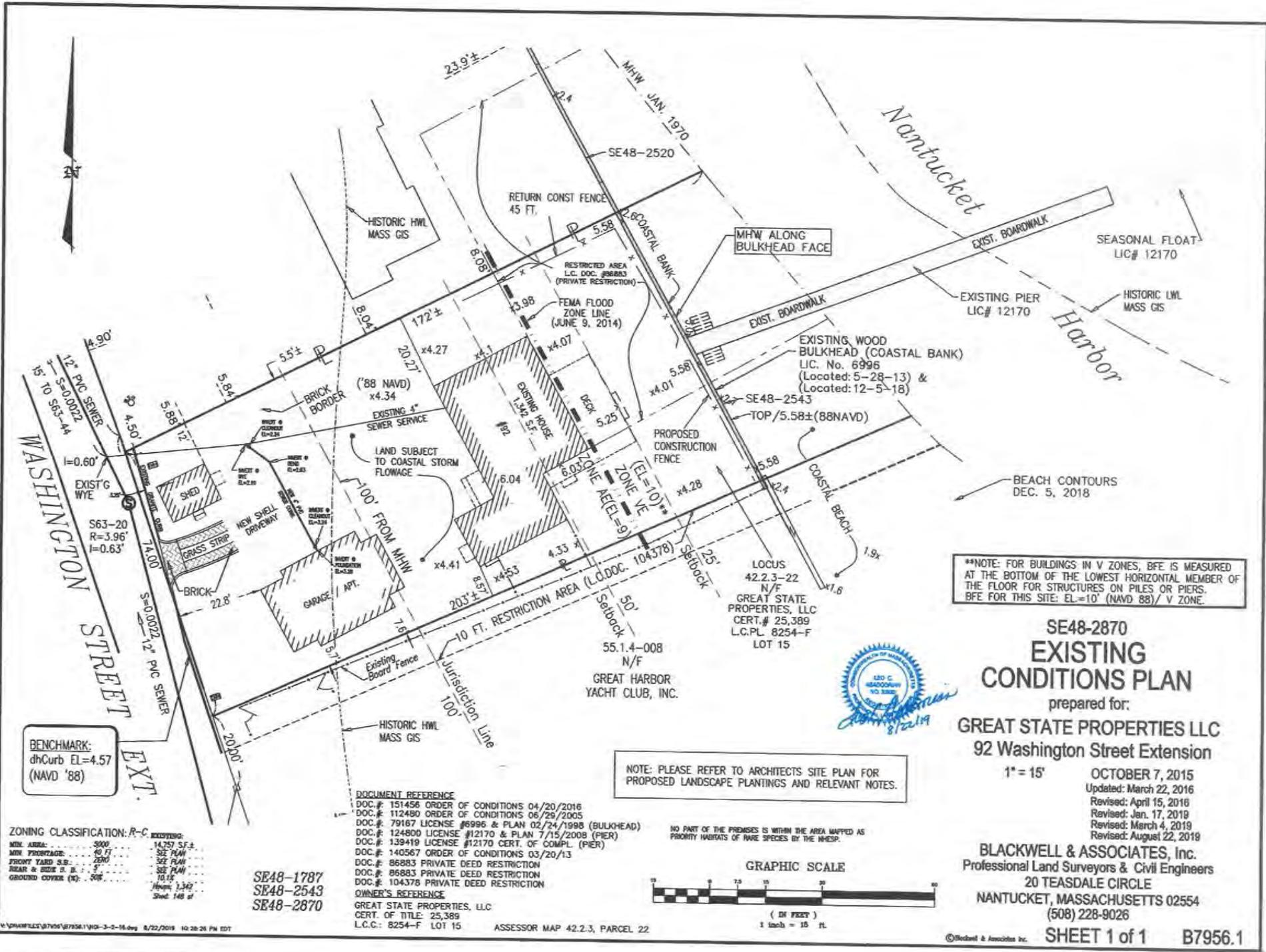
All construction, both in materials used and structure elevations will comply with current State and International Building Codes.

Access to the site will be from Washington Street Extension. It is anticipated that all work will require 6-8 months for completion

All contractors involved will be cautioned to constantly be on the lookout for any construction materials that may enter the roadway or Harbor waters and to retrieve them immediately. It is expected the contractor will clean the site on a daily basis and inspect for any materials that may find its way off-site.

Once all work is complete, a final as built survey will be performed; a plan will be prepared and submitted to the Commission for review and issuance of a Certificate of Compliance.

It is understood that copies of the Order of Conditions will be given to all contractors working on-site and that it is the responsibility of each contractor and the owner to adhere to the Orders issued by the Nantucket Conservation Commission.



BENCHMARK:
dhCurb EL=4.57
(NAVD '88)

ZONING CLASSIFICATION: R-C

MIN. AREA:	3000
MIN. FRONTAGE:	40 FT.
FRONT YARD S.S.:	25%
REAR & SIDE S.S.:	5%
GROUND COVER (%):	50%

SE48-1787
SE48-2543
SE48-2870

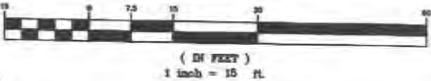
DOCUMENT REFERENCE
 DOC.# 151456 ORDER OF CONDITIONS 04/20/2016
 DOC.# 112480 ORDER OF CONDITIONS 06/26/2005
 DOC.# 79187 LICENSE #6996 & PLAN 02/24/1998 (BULKHEAD)
 DOC.# 124800 LICENSE #12170 & PLAN 7/15/2008 (PIER)
 DOC.# 139419 LICENSE #12170 CERT. OF COMPL. (PIER)
 DOC.# 140567 ORDER OF CONDITIONS 03/20/13
 DOC.# 86883 PRIVATE DEED RESTRICTION
 DOC.# 86883 PRIVATE DEED RESTRICTION
 DOC.# 104378 PRIVATE DEED RESTRICTION

OWNER'S REFERENCE
 GREAT STATE PROPERTIES, LLC
 CERT. OF TITLE: 25,389
 L.C.C.: 8254-F LOT 15

NOTE: PLEASE REFER TO ARCHITECTS SITE PLAN FOR PROPOSED LANDSCAPE PLANTINGS AND RELEVANT NOTES.

NO PART OF THE PREMISES IS WITHIN THE AREA MAFFED AS PRIORITY HABITATS OF RARE SPECIES BY THE NHESP.

GRAPHIC SCALE



****NOTE: FOR BUILDINGS IN V ZONES, BFE IS MEASURED AT THE BOTTOM OF THE LOWEST HORIZONTAL MEMBER OF THE FLOOR FOR STRUCTURES ON PILES OR PIERS. BFE FOR THIS SITE: EL=10' (NAVD 88)/ V ZONE.**

**SE48-2870
EXISTING
CONDITIONS PLAN**

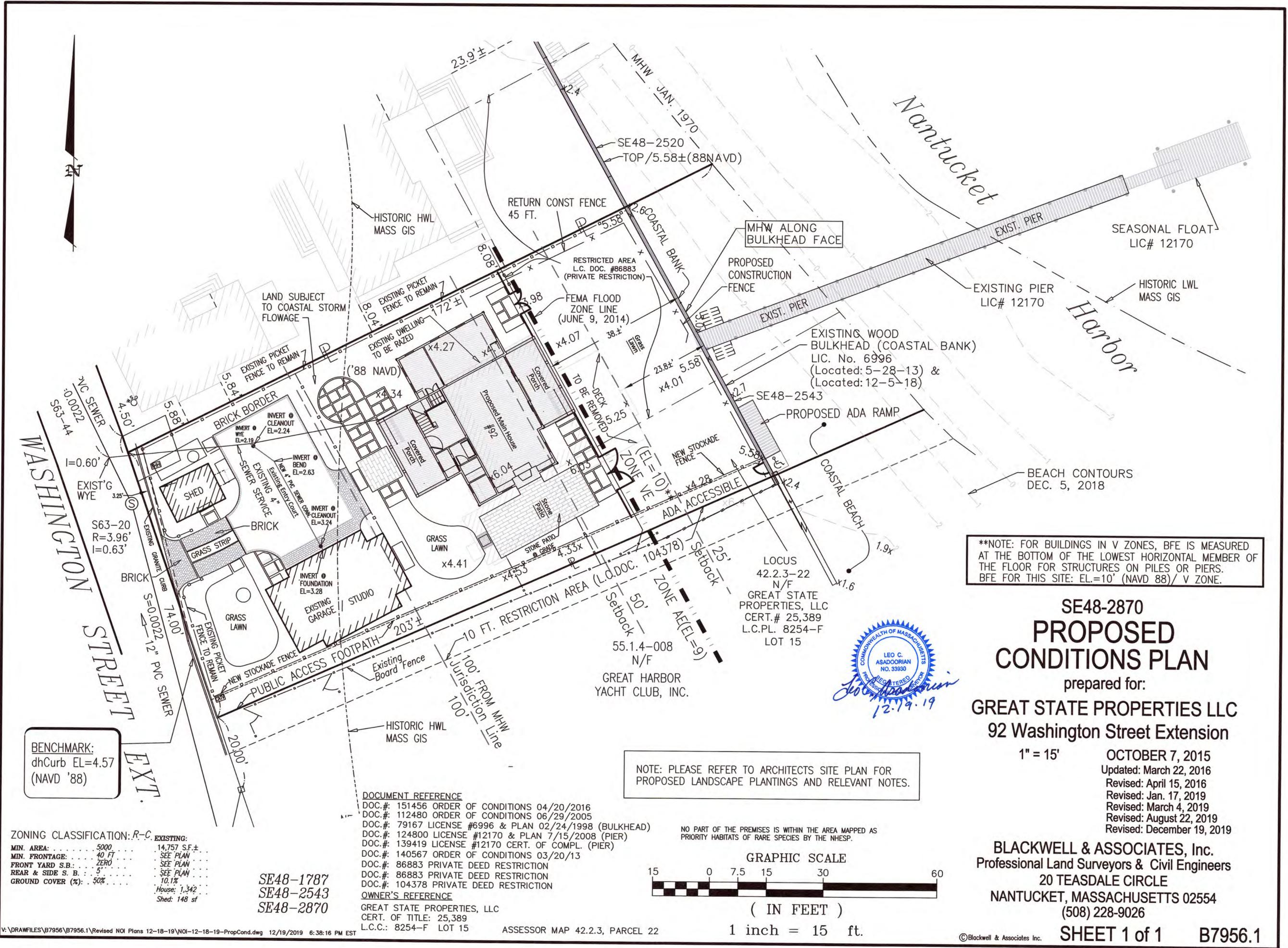
prepared for:
GREAT STATE PROPERTIES LLC
92 Washington Street Extension

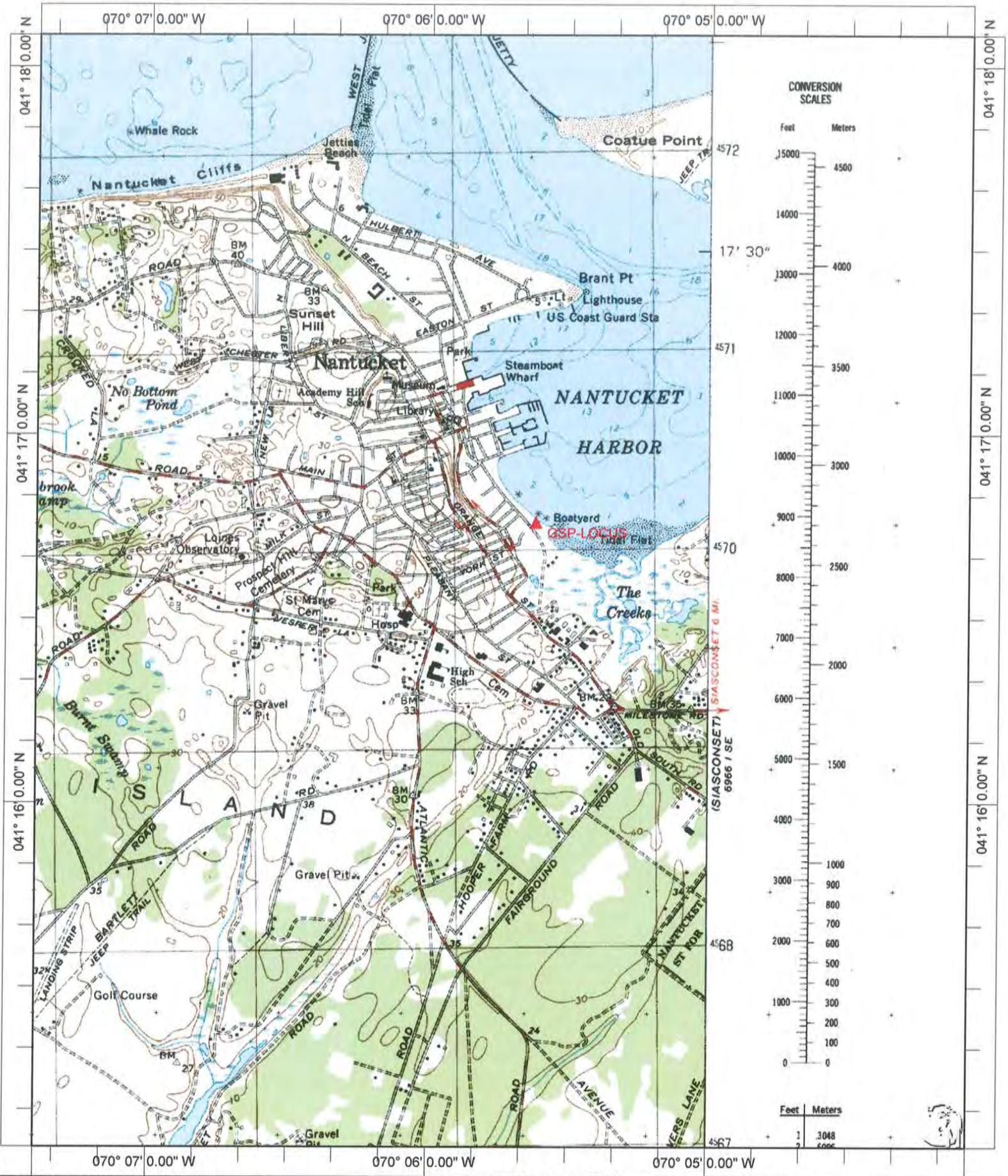
1" = 15'
OCTOBER 7, 2015
Updated: March 22, 2016
Revised: April 15, 2016
Revised: Jan. 17, 2019
Revised: March 4, 2019
Revised: August 22, 2019

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors & Civil Engineers
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026

SHEET 1 of 1 B7956.1

©Blackwell & Associates Inc.





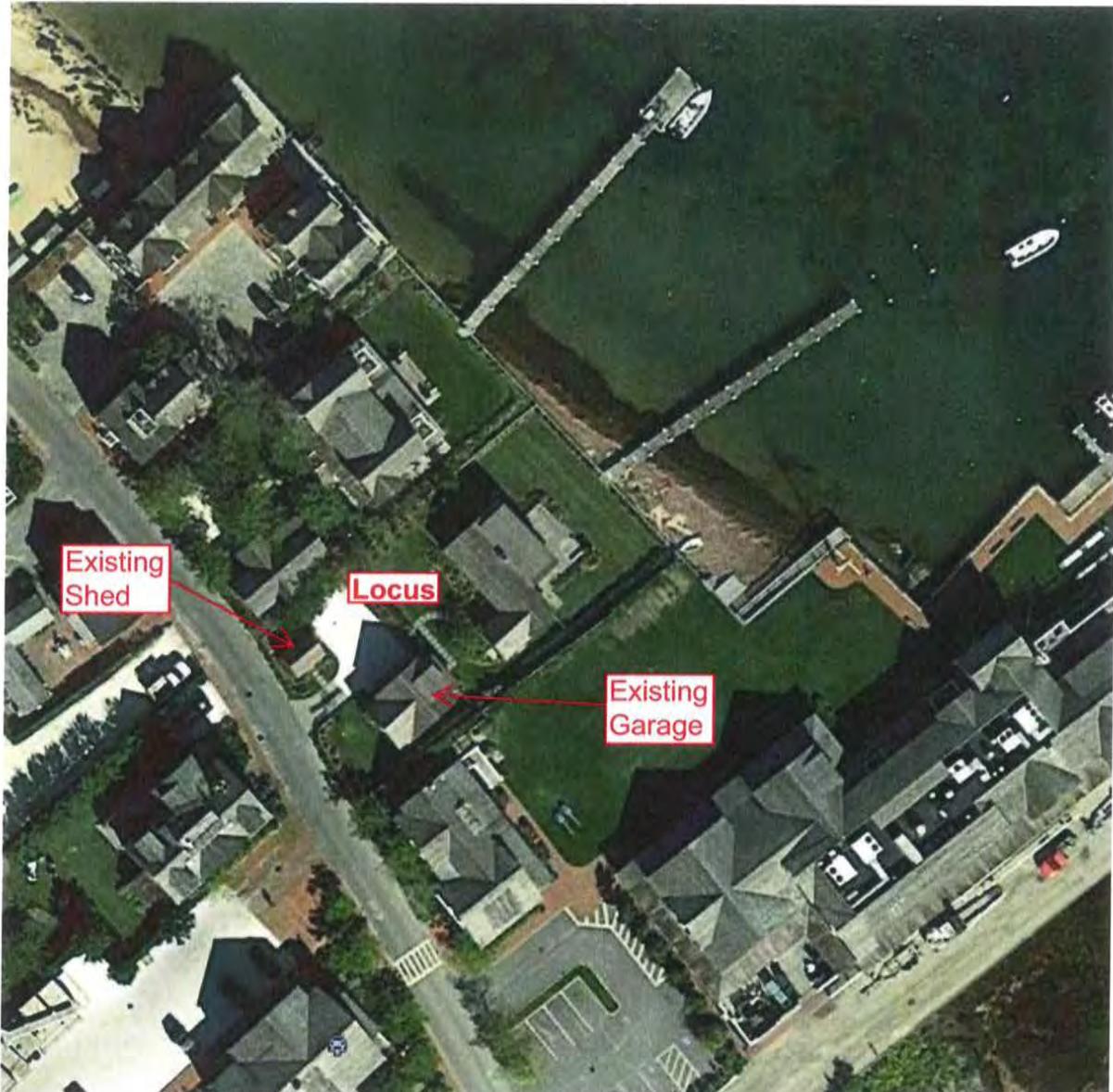
<Default> - 1 Markers, Length = 0 feet

GSP-LOCUS - 041° 16' 45.5" N, 070° 05' 37.1" W

Name: NANTUCKET
 Date: 8/22/119
 Scale: 1 inch equals 2000 feet

Location: 041° 16' 34.5" N 070° 05' 44.0" W
 Caption: Great State Properties
 92 Washington Street

Aerial Orthophoto: 10-5-2018
92 Washington Street
Nantucket, MA. 02554



NHESP Map: 08-01-2017
92 Washington Street
Nantucket, MA. 02554

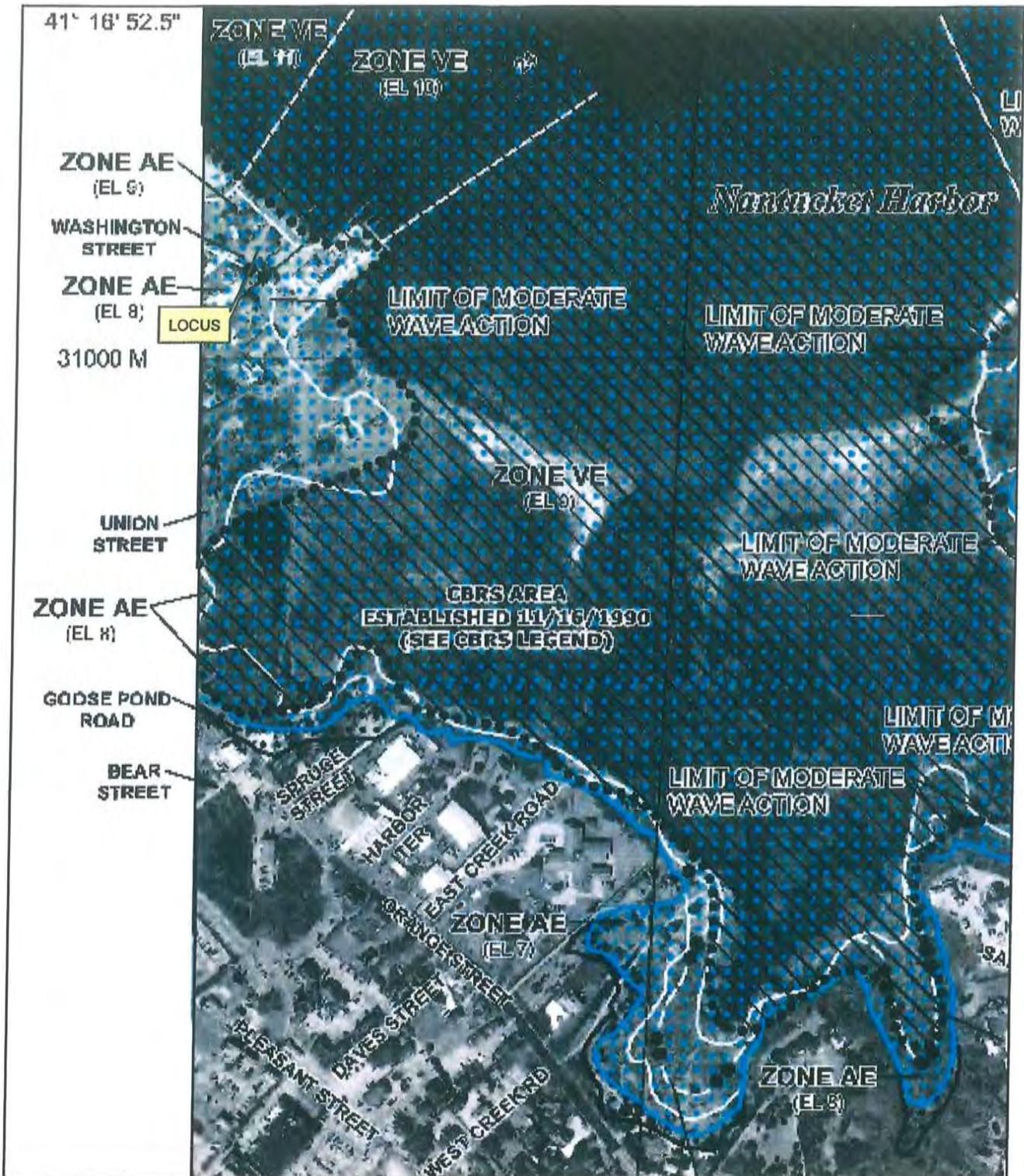


GIS Map: 2014

92 Washington Street

Nantucket, MA. 02554





**Figure 3: FEMA Flood Insurance Rate Map
25019C0089G**

92 Washington Street (Ext)
Nantucket, Massachusetts

N

 Effective Date:
 June 9, 2014





Smith & Hutton
architecture • interior design

91 Chestnut Road
Paoli, PA 19301
610-644-4400

Copyright © 2019 Smith & Hutton

Great State Residence

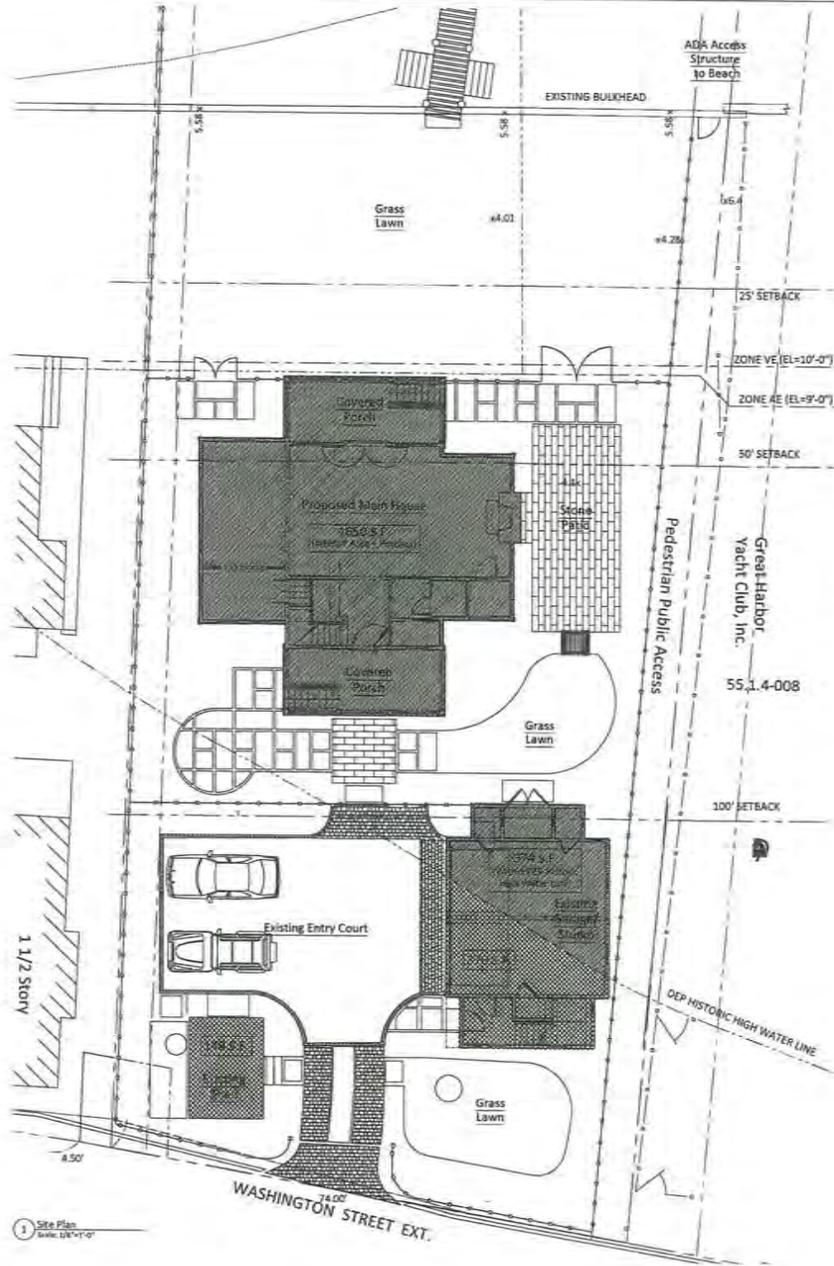
92 Washington St
Nantucket, MA

Site Plan

Issue Date:

Project number: 19-31

A1.1



1 Site Plan
Scale: 1/8"=1'-0"





South Elevation (Washington Street Side)



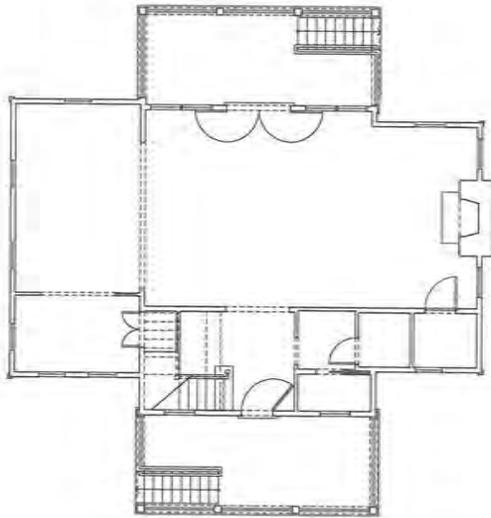
West Elevation (Faces Neighbor)



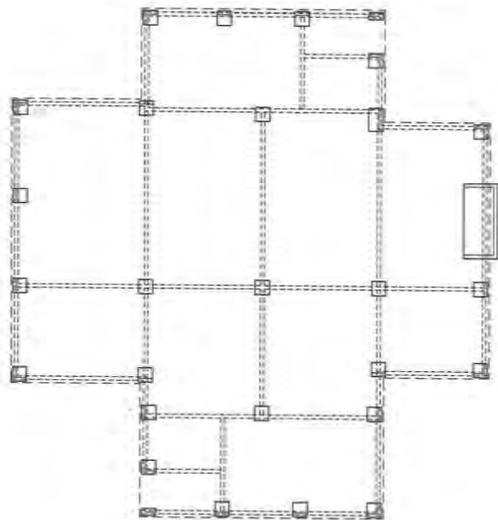
North Elevation (Harbor Side)



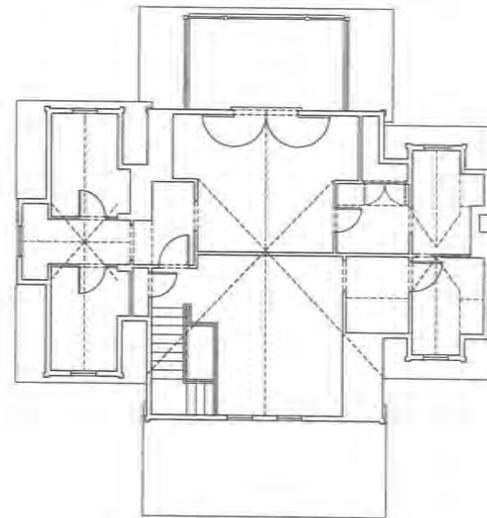
East Elevation (GHYC Side)



First Floor Plan



Preliminary Piling Plan



Second Floor Plan



NOTICE OF INTENT APPLICATION

**FOR LANDSCAPE & HARDSCAPE
IMPROVEMENTS & INVASIVE SPECIES
MANAGEMENT WITHIN THE
BUFFER ZONE TO A VEGETATED WETLAND**

At

53 WESTCHESTER STREET

DECEMBER 2019

Prepared For

53 WESTCHESTER LLC



December 19, 2019

Ms. Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent
53 Westchester Street
Map 41 Parcel 614

Dear Ms. Erisman:

On behalf of the property owner, 53 Westchester LLC, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed activities within the Buffer Zone to a Vegetated Wetland at the above referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities at the Site consist of reconfiguring existing landscaping, adding hardscaping and managing invasive species within the Buffer Zone to a Vegetated Wetland, which is located on an adjacent lot. Attached are permit drawings, including plans showing a site locus, existing conditions including resource area locations, and proposed construction areas.

A completed WPA Form 3 – Notice of Intent is attached along with the NOI Wetland Fee Transmittal Form including checks for \$42.50, \$67.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$335.10 to the Inquirer & Mirror for publication of the notice of the public hearing. A waiver is required from the Town of Nantucket Bylaw Chapter 136 for the proposed project to allow for work within the 25-foot buffer zone and a portion of the stone sitting wall within the 50-foot buffer zone.

Notification of this NOI filing was provided to all abutting property owners by certified mail. This property owner listing was obtained from the Town of Nantucket Assessor's office. Documentation of the notification is provided including a copy of the notification letter, the property owner listing and certified mail receipts.

SITE DESCRIPTION

The subject property is approximately 0.2-acres in size and is located on the edge of the Town Area of Nantucket Island. The property is located on the north side of Westchester Street, surrounded by developed residential-use properties. The lot contains an existing single-family dwelling with appurtenant landscaping, and is served by Town sewer and water service.

The Wetland Resource Areas on the adjacent property, 47A Westchester Street subject to jurisdiction of the Commission is an Isolated Vegetated Wetland, and the respective Buffer Zones which extend onto locus. The wetland resource area boundaries were approved by the Nantucket Conservation Commission per the attached Order of Conditions issued on October 3, 2018.

A review of the August 1, 2017 "Massachusetts Natural Heritage Atlas", prepared by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), indicates that the work area is not within the known range of state listed rare wildlife species defined by the Estimated Habitat mapping.

WORK DESCRIPTION

Prior to commencement of work, a silt fence will be placed at the limit of work as shown on the site plan. This fence will be inspected regularly and kept in good repair until the work has been completed and the site has stabilized. The Applicant proposes to remove invasive species and ornamentals then to reconfigure the landscaping using native plantings. A stone patio is proposed with a stone sitting wall on two sides.

The landscaping will be installed, with all disturbed areas will be covered with a minimum of 6" of topsoil and planted with the specified seed mix and native plants per the landscape design plan.

WAIVER REQUEST

A waiver is required from Section 3.02.B.1 to allow the work to occur within the 25-foot buffer zone and for a portion of the stone sitting wall within the 50-foot buffer zone. Disturbed areas will be covered with topsoil and then be planted with native species per the attached landscape plan. Waivers from the By-law can be granted for a number of reasons including:

- **Chapter 1.03 F.3.c** *The Commission may grant a waiver from these regulations when the Commission finds that a project will provide a long-term net benefit/improvement to the resource area, provided any adverse effects are minimized by carefully considered conditions. However, no such project may be permitted which could have an adverse effect on rare wildlife species.*

The removal of invasive species and planting of native species will improve the habitat value of the area. The proposed project will not have any adverse impact to the interests protected in the resource area by the Commission.

CONCLUSION

The proposed project will not result in an adverse impact on the areas or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and wetland scenic views.

I plan to attend the Public Hearings for this application to address any questions, comments or concerns that the Commission may have.

Sincerely,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro". The signature is written in a cursive style with a blue highlight behind it.

Arthur D. Gasbarro, PE, PLS

Cc: MassDEP
53 Westchester LLC
Julie Jordin, Garden Design Co.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136



A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>53 Westchester St</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41d 19' 28"N</u>	<u>69d 59' 32"W</u>
	d. Latitude	e. Longitude
<u>41</u>	<u>614</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>53 West Chester LLC</u>	<u>180 6th Avenue, #4A</u>	<u>New York</u>	<u>NY</u>	<u>10012</u>
a. First Name	b. Last Name	c. Organization	d. Street Address	e. City/Town
			f. State	g. Zip Code
<u>180 6th Avenue, #4A</u>				
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<u>New York</u>				
e. City/Town				
<u>180 6th Avenue, #4A</u>				
d. Street Address				
<u>New York</u>				
e. City/Town				
<u>180 6th Avenue, #4A</u>				
d. Street Address				
<u>New York</u>				
e. City/Town				
<u>180 6th Avenue, #4A</u>				
d. Street Address				
<u>New York</u>				
e. City/Town				
<u>180 6th Avenue, #4A</u>				
d. Street Address				
<u>New York</u>				
e. City/Town				
<u>180 6th Avenue, #4A</u>				



WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
NANTUCKET
City/Town

A. General Information (continued)

6. General Project Description:

The Applicant, 53 West Chester LLC, proposes to install landscape and hardscape features, and manage invasive species on a developed residential-use lot within the buffer zone to a Vegetated Wetland. Please refer to the Site Plan for additional information.

7a. Project Type Checklist:

- 1. Single Family Home
2. Residential Subdivision
3. Limited Project Driveway Crossing
4. Commercial/Industrial
5. Dock/Pier
6. Utilities
7. Coastal Engineering Structure
8. Agriculture (e.g., cranberries, forestry)
9. Transportation
10. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

1525

c. Book

b. Certificate # (if registered land)

336

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only - Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.



41 222.7

41 849

GINGY LN

41 850

41 222.8

41 225

41 227.1

BROOKS FARM RD

41 222.1

41 223

41 224

41 614

41 228

41 2

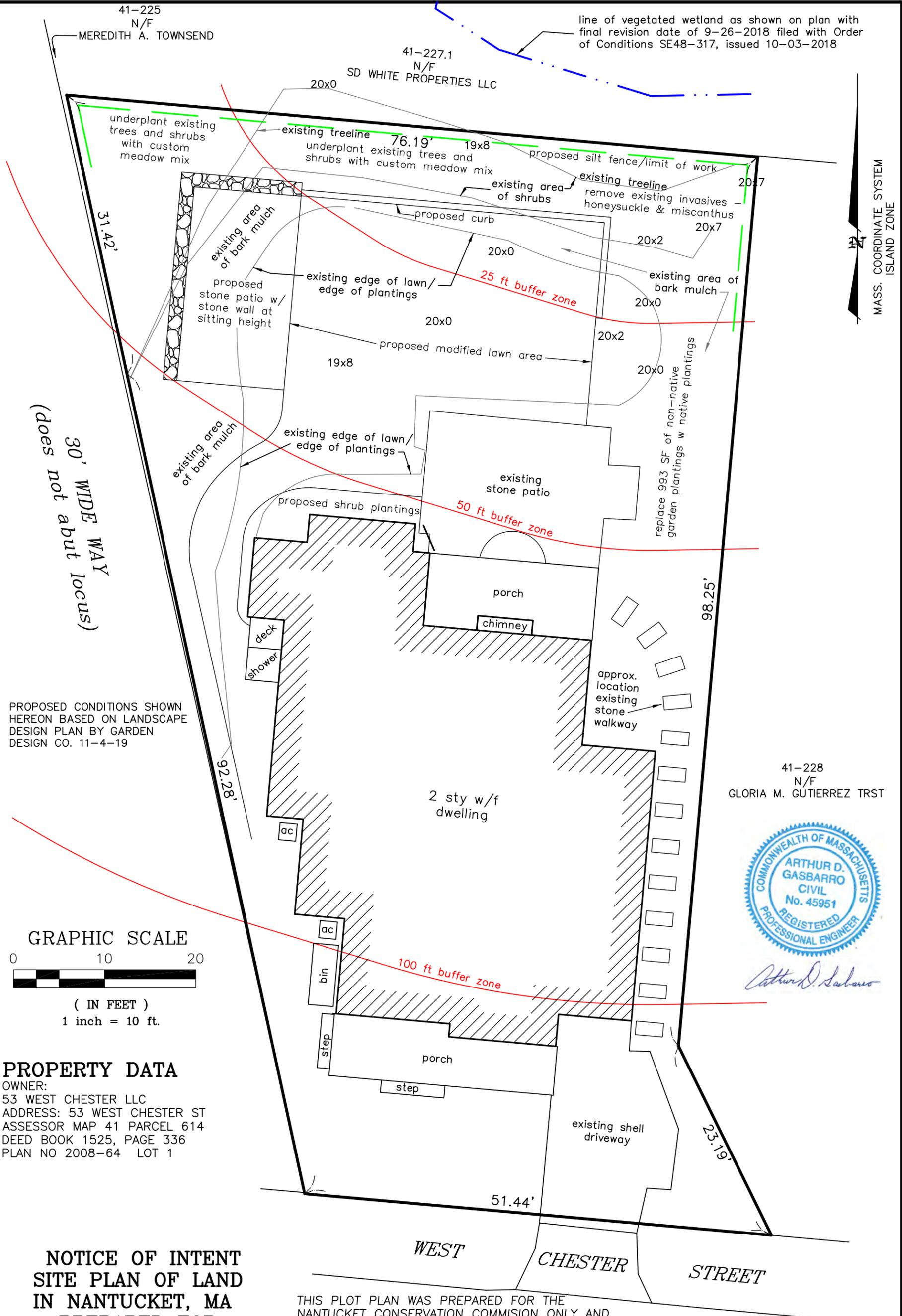
W CHESTER ST

41-225
N/F
MEREDITH A. TOWNSEND

41-227.1
N/F
SD WHITE PROPERTIES LLC

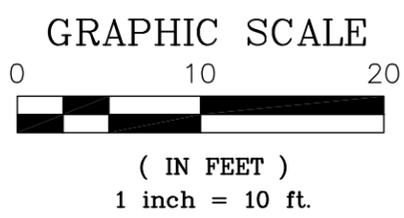
line of vegetated wetland as shown on plan with final revision date of 9-26-2018 filed with Order of Conditions SE48-317, issued 10-03-2018

MASS. COORDINATE SYSTEM
ISLAND ZONE



(does not abut locus)
30' WIDE WAY

PROPOSED CONDITIONS SHOWN
HEREON BASED ON LANDSCAPE
DESIGN PLAN BY GARDEN
DESIGN CO. 11-4-19



PROPERTY DATA

OWNER:
53 WEST CHESTER LLC
ADDRESS: 53 WEST CHESTER ST
ASSESSOR MAP 41 PARCEL 614
DEED BOOK 1525, PAGE 336
PLAN NO 2008-64 LOT 1

41-228
N/F
GLORIA M. GUTIERREZ TRST



Arthur D. Gasbarro

**NOTICE OF INTENT
SITE PLAN OF LAND
IN NANTUCKET, MA
PREPARED FOR
53 WEST CHESTER LLC
53 WEST CHESTER ST.
MAP 41 PARCEL 614
DECEMBER 18, 2019
SCALE: 1"=10'**

THIS PLOT PLAN WAS PREPARED FOR THE NANTUCKET CONSERVATION COMMISSION ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

Proposed Work Area





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3117
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Nantucket
- | | |
|-----------|--|
| a. County | b. Certificate Number (if registered land) |
| 1250 | 43 |
| c. Book | d. Page |
7. Dates: 09/14/2018 10/03/2018 10/03/2018
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Proposed Site Plan
- | | | |
|--------------------------------------|----------------|--------------------------|
| a. Plan Title | b. Prepared By | c. Signed and Stamped by |
| Bracken Engineering, Inc | 09/26/2018 | Alan M Grady PLS |
| d. Final Revision Date | e. Scale | |
| | | 1" = 30' |
| f. Additional Plan or Document Title | g. Date | |

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

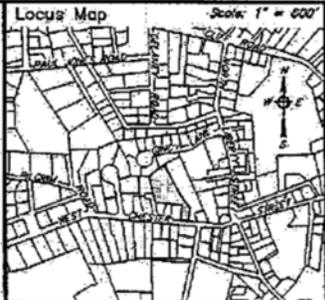
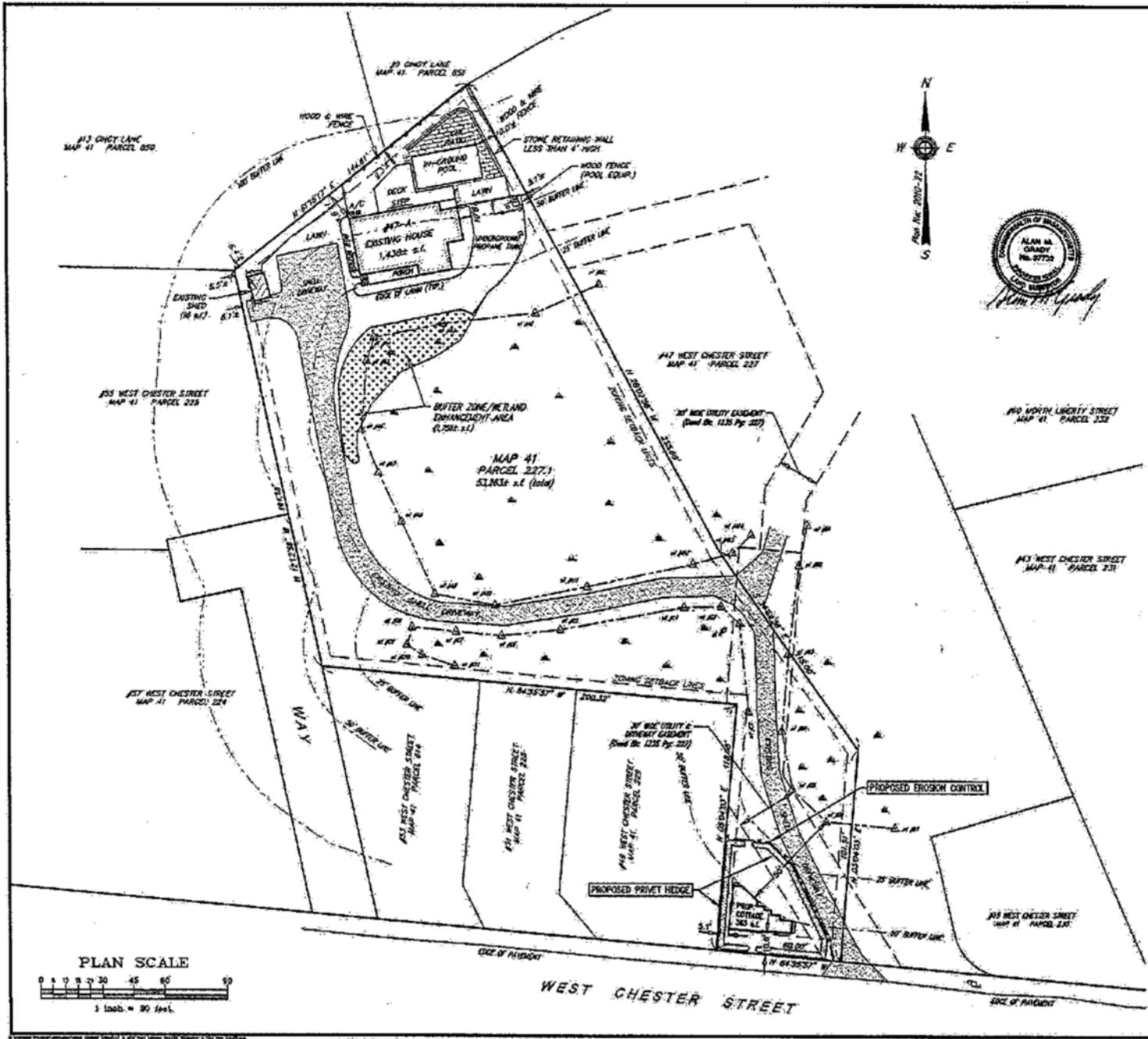
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|---|---|---|
| a. <input checked="" type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input checked="" type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
| | j. <input checked="" type="checkbox"/> Wetland Scenic Views (bylaw) | k. <input checked="" type="checkbox"/> Recreation (Bylaw) |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Notes

1. LOCUS: #47A WEST CHESTER STREET MAP 41 PARCEL 227.1
2. OWNER: SETH D. WHITE and KIM M. WHITE 25 BATES WAY HANOVER, MA 02338
3. DEED REF: Bl:1250 Pg 43
4. PLAN REF: Plan No:2010-22 (LOT 3A)
5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 250190-0086-G dated 06/03/2014.
6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
7. NO ADDITIONAL LANDSCAPE, GRAVEL, PEBBLE, SHELL, or BARK COVERING IS PROPOSED OUTSIDE OF THE LIMIT OF WORK.

ZONE: R-1	REQUIRED	EXISTING	PROPOSED
LOT AREA:	5,000 s.f.	53,263 s.f.	53,263 s.f.
FRONTAGE:	50'	80.5'	50.1'
FRONT YARD:	10'	240'	10.6'
SIDE YARD:	5'	5.1'	5.1'
REAR YARD:	5'	5.4'	5.4'
GROUND COVER:	25% (AND 75% MAX)	5.7%	5.4% (AND 5.4% MAX)

Prepared By:

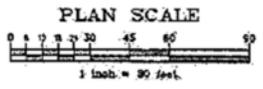
BRACKEN ENGINEERING INC.

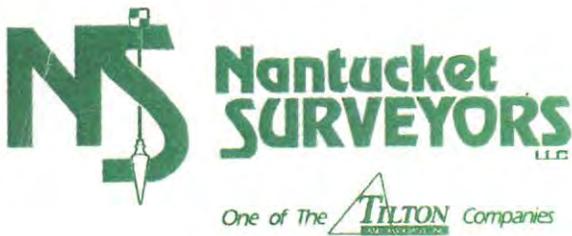
48 HERRING POND ROAD SUZZARD BAY, MA 01932 (508) 508.831.2876 (781) 508.831.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (508) 508.831.8984 www.brackeneng.com

PROPOSED SITE PLAN
 IN NANTUCKET, MASSACHUSETTS
 Prepared For
SETH and KIM WHITE
 #47A WEST CHESTER STREET
 MAP 41 PARCEL 227.1

1	9/28/18	REVISE PRIVATE LOCATION	RAM
No.	Date	Revision Description	By
Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 12, 2018	RAM/ERC/BO	DPB/AMJ	1 of 1





P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslinfo@nantucketsurveyors.com

N-11116

December 20, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Mark Abbott and Mareta C. Hamre
8 Hulbert Avenue, Map: 29.2.3 Parcel: 7.2
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee);
- One (1) Check to the Inquirer & Mirror - \$335.10 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA - \$42.50 (WPA Fee) Copy

This application is for the proposed raising in elevation and alteration of the existing dwelling, the construction of a proposed shed and reconfiguration of the driveway with associated grading, landscaping and utility installation within the buffer zone to a Bordering Vegetated Wetland and located within Land Subject to Coastal Storm Flowage. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #8 Hulbert Avenue" prepared by Nantucket Surveyors, LLC, Dated: December 20, 2019. A waiver is required with this application.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,
Nantucket Surveyors, LLC

Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office
Mark Abbott and Mareta C. Hamre

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



Notice of Intent
Map 29.2.3 Parcel 7.2
8 Hulbert Avenue
Nantucket, Massachusetts

Prepared for: **Mark Abbott and Mareta C. Hamre**
42 Sherwood Avenue
Greenwich, CT 06831

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, P.O. Box 3627
Nantucket, MA 02554

December 20, 2019



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>8 Hulbert Ave</u> a. Street Address	<u>Nantucket</u> b. City/Town	<u>02554</u> c. Zip Code
<u>Latitude and Longitude:</u> <u>29.2.3</u> f. Assessors Map/Plat Number	<u>41.290341</u> d. Latitude	<u>-70.094940</u> e. Longitude
	<u>7.2</u> g. Parcel /Lot Number	

2. Applicant:

<u>Mark/ Mareta</u> a. First Name	<u>Abbott/ Hamre</u> b. Last Name
<u>c. Organization</u> <u>42 Sherwood Avenue</u> d. Street Address	
<u>Greenwich</u> e. City/Town	<u>CT</u> f. State
<u>203-274-1780</u> h. Phone Number	<u>06831</u> g. Zip Code
<u>i. Fax Number</u>	<u>mark.abbott@mlsoccer.com</u> j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>a. First Name</u>	<u>b. Last Name</u>
<u>c. Organization</u>	
<u>d. Street Address</u>	
<u>e. City/Town</u>	<u>f. State</u>
<u>h. Phone Number</u>	<u>g. Zip Code</u>
<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>Paul J.</u> a. First Name	<u>Santos</u> b. Last Name
<u>Nantucket Surveyors LLC</u> c. Company	
<u>PO Box 3627</u> d. Street Address	
<u>Nantucket</u> e. City/Town	<u>MA</u> f. State
<u>508-228-0240</u> h. Phone Number	<u>02584</u> g. Zip Code
<u>508-228-9856</u> i. Fax Number	<u>psantos@nantucketsurveyors.com</u> j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110</u> a. Total Fee Paid	<u>\$42.50</u> b. State Fee Paid	<u>\$67.50</u> c. City/Town Fee Paid
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed raising in elevation and alteration of the existing dwelling, the construction of a proposed shed and reconfiguration of the driveway with associated grading, landscaping and utility installation within the buffer zone to a Bordering Vegetated Wetland and located within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

27512

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40 for the proposed raising in elevation and alteration of the existing dwelling, the construction of a proposed shed and reconfiguration of the driveway with associated grading, landscaping and utility installation within the buffer zone to a Bordering Vegetated Wetland and located within Land Subject to Coastal Storm Flowage. A waiver is required with this application.

Existing Site Conditions

The subject property is located on the south side of Hulbert Avenue, Nantucket Assessors Map: 29.2.3 Parcel: 7.2. The site is approximately 11,363 ± S.F, consisting of a dwelling on a fully developed residential lot. The surrounding land use is residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0086G), dated June 9, 2014, shows that the area of proposed activity is located within Flood Hazard Zone AE (Elevation 9).

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix E) shows that Priority Habitat and Estimated Habitat is not mapped within the area of proposed development. The proposed work does not require a filing with MESA.

Erosion Control

Silt fence erosion control/ construction fencing will be installed along the limit of the work at the existing timber retaining wall and board fencing.

APPENDIX B

Waiver Request



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nsllicinfo@nantucketsurveyors.com

N-11116

December 20, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Waiver Request
Applicant: Mark Abbott and Mareta C. Hamre
8 Hulbert Avenue, Map: 29.2.3 Parcel: 7.2

Dear Commissioners:

On behalf of the applicant, Nantucket Surveyors LLC is requesting a waiver from the Nantucket Wetland Protection Regulations, Section 3.02 (B) (1) for the above referenced project. Specifically, a waiver to alter an existing structure within 25/50 feet of a Bordering Vegetated Wetland and to construct a foundation less than two (2) feet to high groundwater. The applicant wishes to apply for this waiver under the premise that the project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the regulations, Section 1.03 (F)(3a).

Interests Protected:

- Public and Private Water Supply: The existing site is serviced by Town water. The proposed activity will not adversely affect the site's water supply.
- Groundwater: Activity will impact groundwater during construction period only.
- Fisheries and Shellfish: Not applicable to this project.
- Recreation: The wetland is on private property, and it is not available for recreational use by the public.
- Water Pollution: All resource areas will be surrounded by silt fencing to control any possible water pollution by erosion. Dewatering activities will require applicable local permits.
- Wetland Scenic Views: The existing views will not be altered.

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting

- Wildlife: No changes in landscape will take place that would cause a change in the movement of wildlife.
- Flood control and Storm Damage Prevention: The proposed activity is within Land Subject to Coastal Storm Flowage and development will be consistent with local and state regulations.
- Erosion Control: The site will be protected during the construction phase of this project.

Thank you for your time and attention to this matter.

Sincerely,
Nantucket Surveyors LLC



Paul J. Santos, PLS
Agent for the Applicant

Cc: Mark Abbott and Maret C. Hamre

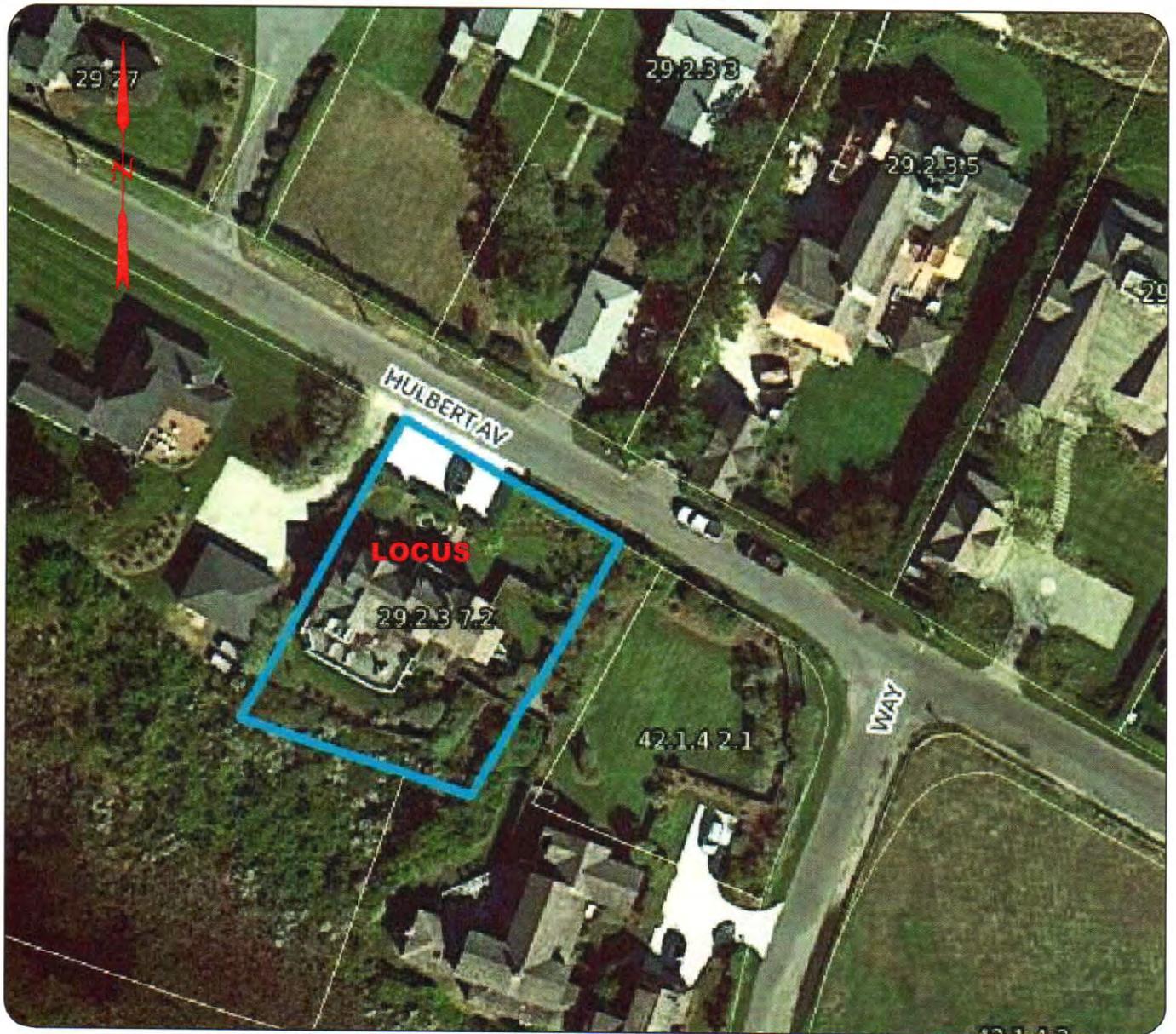


Figure 1: ASSESSOR'S MAP

8 HULBERT AVENUE
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
MAP: 29.2.3 PARCEL: 7.2

PREPARED FOR:
MARK ABBOTT
MARETA C. HAMRE

PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554



Figure 2: TOPOGRAPHIC MAP

8 HULBERT AVENUE
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
MAP: 29.2.3 PARCEL: 7.2

PREPARED FOR:
MARK ABBOTT
MARETA C. HAMRE

PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554



Figure 3: NHESP MAP

8 HULBERT AVENUE
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: DECEMBER 20, 2019

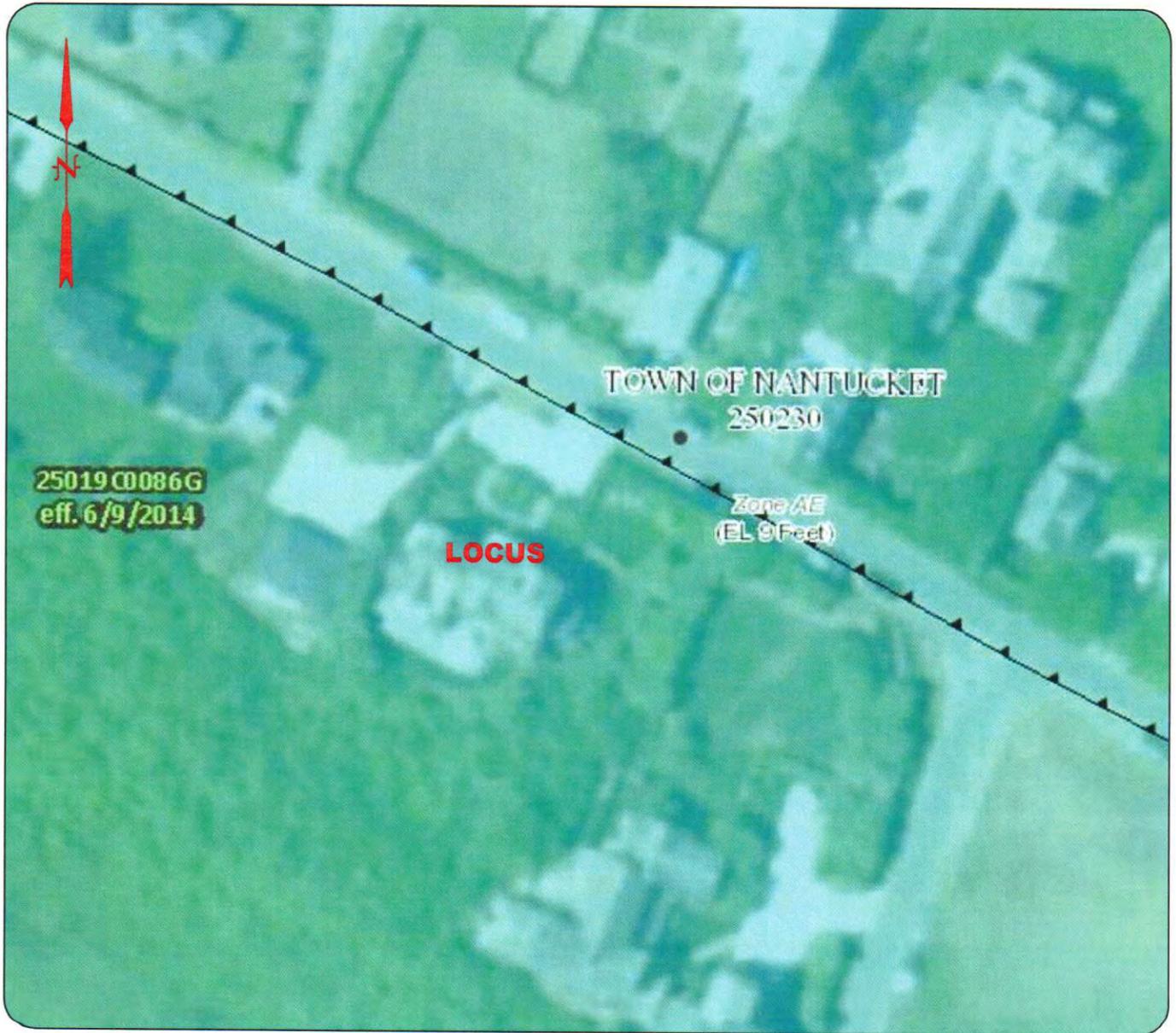
ASSESSOR'S REFERENCE:
 MAP: 29.2.3 PARCEL: 7.2

PREPARED FOR:
 MARK ABBOTT
 MARETA C. HAMRE

PREPARED BY:
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY NANTUCKET, MA 02554

 NHESP PRIORITY HABITATS OF RARE SPECIES

 NHESP ESTIMATED HABITATS OF RARE WILDLIFE



PANEL: 25019C0086G
EFFECTIVE DATE: JUNE 9, 2014

Figure 4: FIRM MAP

8 HULBERT AVENUE
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
MAP: 29.2.3 PARCEL: 7.2

PREPARED FOR:
MARK ABBOTT
MARETA C. HAMRE

PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554

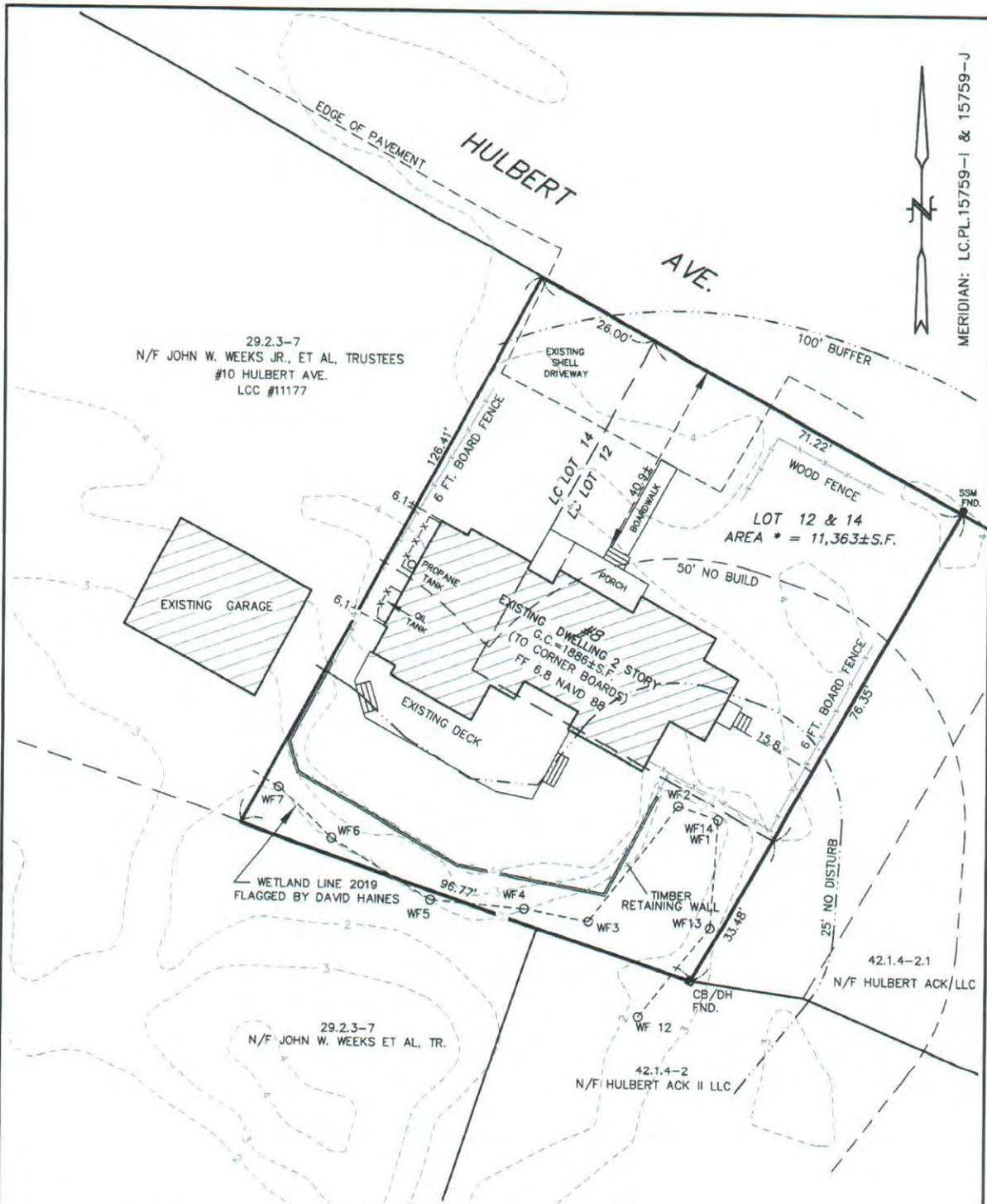
**8 Hulbert Avenue, Nantucket, MA
Applicant: Mark Abbott and Mareta C. Hamre**



View of the existing dwelling and driveway from Hulbert Avenue



View of the proposed location for shed



MERIDIAN: L.C.PL.15759-I & 15759-J

29.2.3-7
N/F JOHN W. WEEKS JR., ET AL, TRUSTEES
#10 HULBERT AVE.
LCC #11177

LOT 12 & 14
AREA * = 11,363±S.F.

WETLAND LINE 2019
FLAGGED BY DAVID HAINES

29.2.3-7
N/F JOHN W. WEEKS ET AL, TR.

42.1.4-2
N/F HULBERT ACK II LLC

42.1.4-2.1
N/F HULBERT ACK/LLC

NOTES:

- SEE ORDERS OF CONDITIONS
SE48-1265 LC DOC. #85962 COC LC DOC. #163144
SE48-1349 LC DOC. #88981(MINOR MODIFICATION 9/26/01) COC LC DOC. #163145
- THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE AE EL.9 ZONE AS DELINEATED ON THE "FIRM" MAP NO. 25019C0086G, EFFECTIVE DATE JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CONTOURS SHOWN NAVD 88 DATUM.

CURRENT ZONING: R-1
MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONTYARD SETBACK: 10 FT.
SIDE AND REAR SETBACK: 5 FT.
ALLOWABLE G.C.R.: 30%
EXISTING G.C.R.: 16.6% ±

*SEE DOCUMENT #86134, RE: MERGING LOTS FOR ZONING PURPOSES.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON.



Paul J. Santos
12/20/19

SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
#8 HULBERT AVENUE
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 12/20/19
DEED REFERENCE: CERT.#27512
PLAN REFERENCE: L.C.PL.15759-I & 15759-J
ASSESSOR'S REFERENCE:
MAP: 29.2.3 PARCEL: 7.2
PREPARED FOR:
MARK ABBOTT AND MARETA C. HAMRE

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

I:\JOBS 11000-1289011000\11180-11180\11180\AUTOCAD\PRINT1118 NDL.dwg, Model

8 HULBERT AVENUE



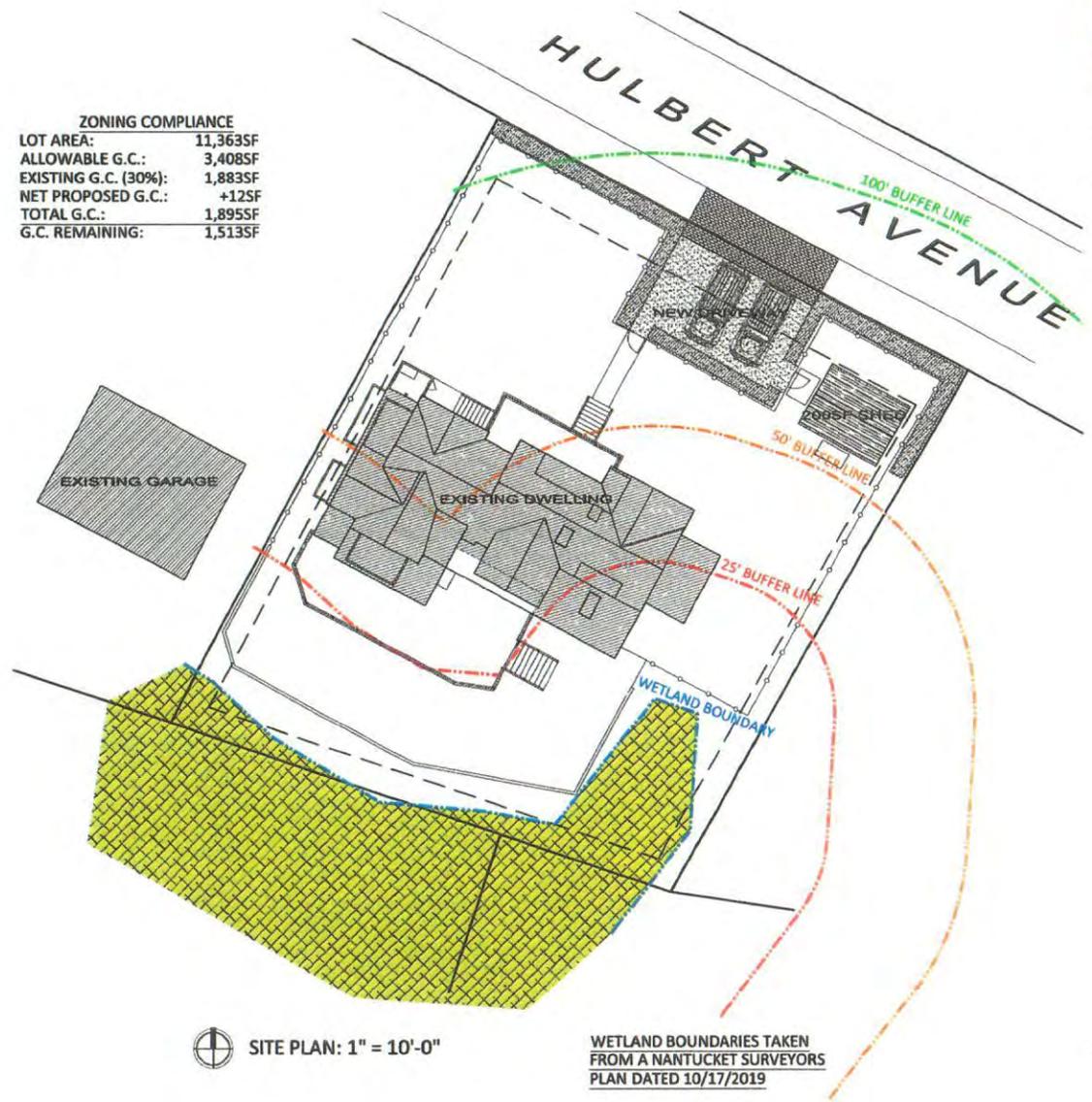
LOCUS PLAN: NTS



AERIAL VIEW: NTS

ZONING COMPLIANCE

LOT AREA:	11,363SF
ALLOWABLE G.C.:	3,408SF
EXISTING G.C. (30%):	1,883SF
NET PROPOSED G.C.:	+12SF
TOTAL G.C.:	1,895SF
G.C. REMAINING:	1,513SF



SITE PLAN: 1" = 10'-0"



2 BRIDAL STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR

NANTUCKET SURVEYORS
BOX 3827
NANTUCKET, MA 02586
508.228.0340

STRUCTURAL DESIGN

CAPE STRUCTURAL CONSULTANTS
P.O. BOX 788
FALMOUTH, MA 02541
508.457.6794

HDC STAFF
APPROVAL

8 HULBERT AVENUE
8 HULBERT AVENUE
NANTUCKET, MA 02554
MAP: 29.2.3 PARCEL: 7.2

COVER SHEET

C1.1

18 DECEMBER 2019



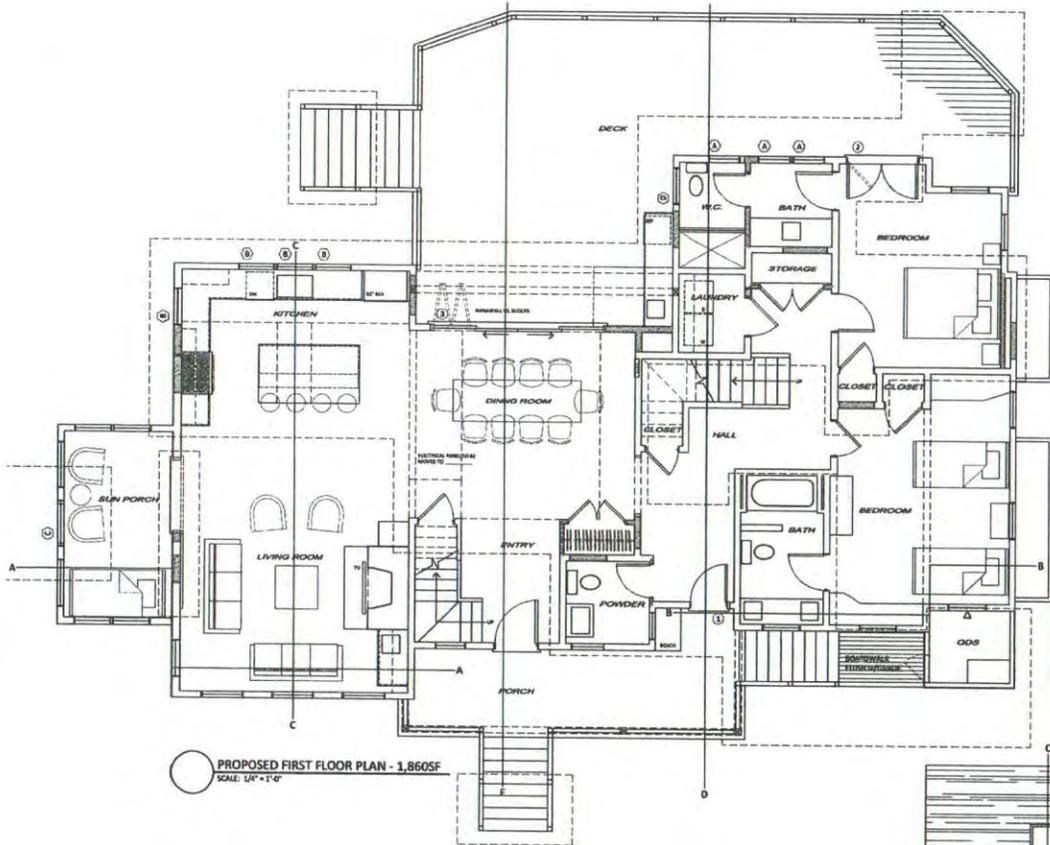
2 BROAD STREET
 NANTUCKET, MA 02554
 508.228.2788
 MARKCUTONE.COM

SURVEYOR

NANTUCKET SURVEYORS
 BOX 3627
 NANTUCKET, MA 02586
 508.228.0269

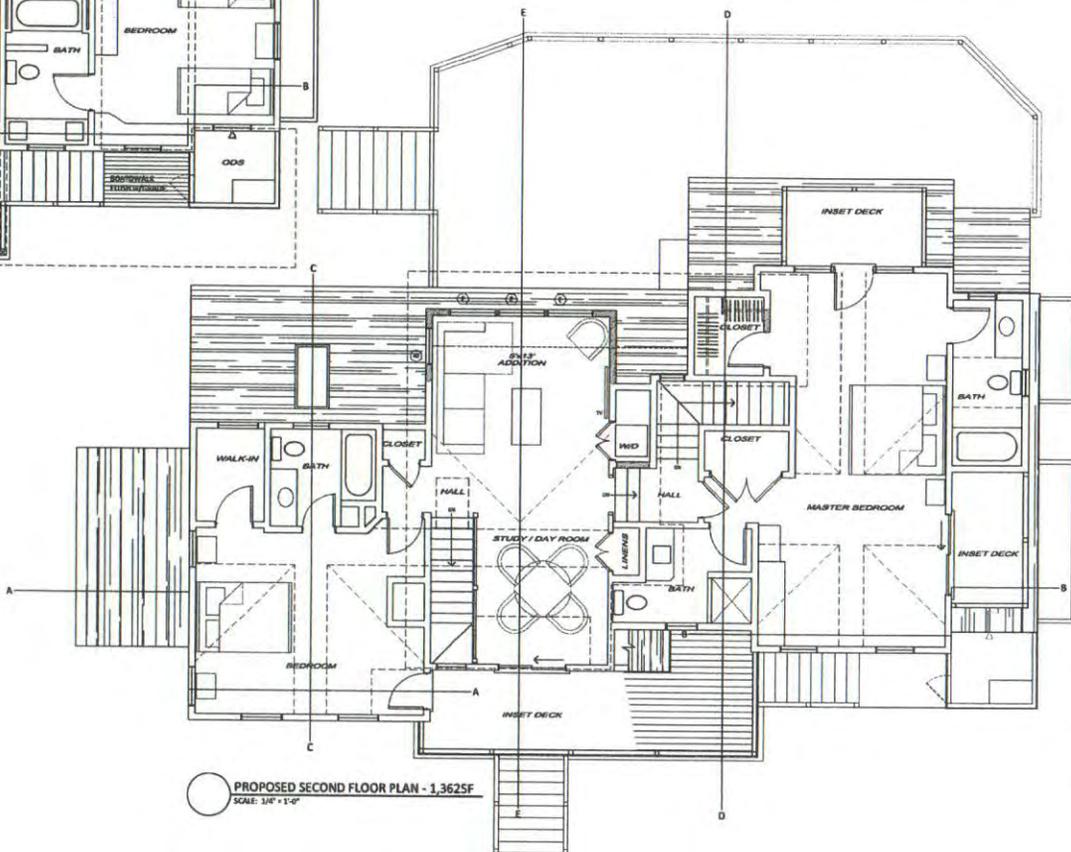
STRUCTURAL DESIGN

CAPE STRUCTURAL CONSULTANTS
 P.O. BOX 798
 FAIRMOUTH, MA 02541
 508.457.6794



PROPOSED FIRST FLOOR PLAN - 1.8605F
 SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE				
#	CITY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
(A)	-	PELLA 2947	R.O.: 2'-5 3/4" x 3'-11 3/4"	2/2 DOUBLE HUNG WINDOW
(B)	-	PELLA 3353	R.O.: 2'-9 3/4" x 4'-5 3/4"	2/2 DOUBLE HUNG WINDOW
(C)	-	PELLA 3765	R.O.: 3'-1 3/4" x 5'-5 3/4"	2/2 DOUBLE HUNG WINDOW
(D)	-	PELLA 3232	R.O.: 2'-8 3/4" x 2'-9 3/4"	6 LIGHT AWAYING WINDOW
(E)	-	PELLA 3357	R.O.: 2'-9 3/4" x 4'-9 3/4"	2/2 DOUBLE HUNG WINDOW
DOORS SCHEDULE				
#	CITY	MODEL NUMBER	ROUGH OPENING	DESCRIPTION
(1)	-	PELLA 3483 RIGHT	R.O.: 2'-10 1/4" x 6'-10"	15 LIGHT DOOR
(2)	-	PELLA (2)3082	R.O.: SEE SUPPLIER	(2) 15 LIGHT DOORS
(3)	-	PELLA BIFOLD	R.O.: 12'-6" x 6'-10"	(4) 15 LIGHT PATIO DOORS



PROPOSED SECOND FLOOR PLAN - 1.3625F
 SCALE: 1/4" = 1'-0"

HDC STAFF
 APPROVAL

8 HULBERT AVENUE
 8 HULBERT AVENUE
 NANTUCKET, MA 02554
 MAP: 29-2.3 PARCEL: 7.2

PROPOSED FLOOR PLANS

A1.1

18 DECEMBER 2019



2 BROAD STREET
NANTUCKET, MA 02554
508.228.2728
MARKCUTONE.COM

SURVEYOR
NANTUCKET SURVEYORS
BOX 3627
NANTUCKET, MA 02584
508.228.0240

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6794



PROPOSED NORTH ELEVATION
SCALE: 1/4" = 1'-0"



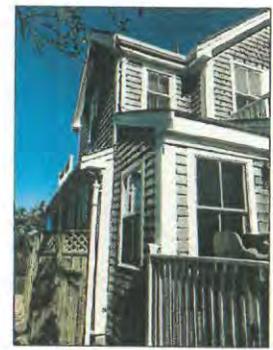
EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING WEST ELEVATION
SCALE: 1/4" = 1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/4" = 1'-0"



HDC STAFF
APPROVAL

8 HULBERT AVENUE
8 HULBERT AVENUE
NANTUCKET, MA 02554
MAP: 28.2.3 PARCEL: 7.2

**NORTH & WEST
ELEVATIONS**

A2.1
18 DECEMBER 2019



2 BRAD STREET
NANTUCKET, MA 02554
508.228.2700
MARKCUTONE.COM

SURVEYOR
NANTUCKET SURVEYORS
BOX 3827
NANTUCKET, MA 02554
508.228.0240

STRUCTURAL DESIGN
CAPE STRUCTURAL CONSULTANTS
P.O. BOX 798
FALMOUTH, MA 02541
508.457.6754



PROPOSED SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

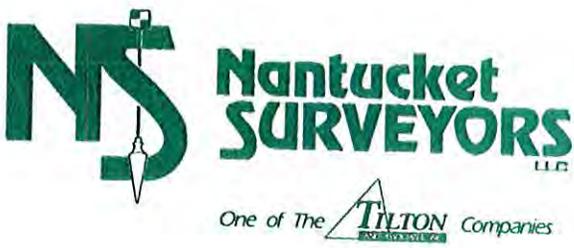
**HDC STAFF
APPROVAL**

8 HULBERT AVENUE
8 HULBERT AVENUE
NANTUCKET, MA 02554
MAP: 29.2.3 PARCEL 7.2

**SOUTH & EAST
ELEVATIONS**

A2.2

18 DECEMBER 2019



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslcinfo@nantucketsurveyors.com

N-11057

December 20, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent
Applicant: Jason W. Maroney
29 Rhode Island Avenue, Map: 60.3.1 Parcel: 132
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw fee);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant fee);
- One (1) Check to the Inquirer & Mirror - \$335.10 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA - \$42.50 (WPA Fee) Copy

This application is for the proposed addition to an existing single family dwelling with associated grading, landscaping and utility installation within Land Subject to Coastal Storm Flowage. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #29 Rhode Island Avenue" prepared by Nantucket Surveyors, LLC, Dated: December 20, 2019.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,
Nantucket Surveyors, LLC



Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office
Jason W. Maroney

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



Notice of Intent
Map 60.3.1 Parcel 132
29 Rhode Island Avenue
Nantucket, Massachusetts

Prepared for: **Jason W. Maroney**
29 Rhode Island Avenue
Nantucket, MA 02554

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

December 20, 2019



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

29 Rhode Island Avenue

a. Street Address

Nantucket

b. City/Town

02554

c. Zip Code

Latitude and Longitude:

60.3.1

f. Assessors Map/Plat Number

41.273405

d. Latitude

-70.208271

e. Longitude

132

g. Parcel /Lot Number

2. Applicant:

Jason

a. First Name

Maroney

b. Last Name

c. Organization

29 Rhode Island Avenue

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

508-228-0337

h. Phone Number

i. Fax Number

jay@cohenlegal.net

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Paul J.

a. First Name

Santos

b. Last Name

Nantucket Surveyors LLC

c. Company

PO Box 3627

d. Street Address

Nantucket

e. City/Town

MA

f. State

02584

g. Zip Code

508-228-0240

h. Phone Number

508-228-9856

i. Fax Number

psantos@nantucketsurveyors.com

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
137
City/Town

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information (continued)

6. General Project Description:

This application is for a proposed addition to the existing single family dwelling with associated site work, grading and landscaping within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

<u>Nantucket</u>	<u>27219</u>
a. County	b. Certificate # (if registered land)
<u></u>	<u></u>
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed addition to an existing single family dwelling with associated grading, landscaping and utility installation within Land Subject to Coastal Storm Flowage.

Existing Site Conditions

The subject property is located on the north side of Rhode Island Avenue, Nantucket Assessors Map: 60.3.1 Parcel: 132. The site is approximately 14,000 S.F., consisting of a 1 story dwelling and fully developed residential lot. The surrounding land use is residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0064G), dated June 9, 2014, shows that the area of proposed development is located within Flood Hazard Zone VE (El. 9). Nantucket Surveyors LLC is filing simultaneously herewith a Letter of Map Revision (LOMR) application with FEMA. The applicant is requesting that the subject parcel be removed from the designated Flood Hazard Zone.

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix C) shows that Priority Habitat and Estimated Habitat is not mapped within the area of proposed development. The proposed work does not require a filing with MESA.

Erosion Control

Construction fencing will be installed along the limit of the work as directed by the Site engineer.

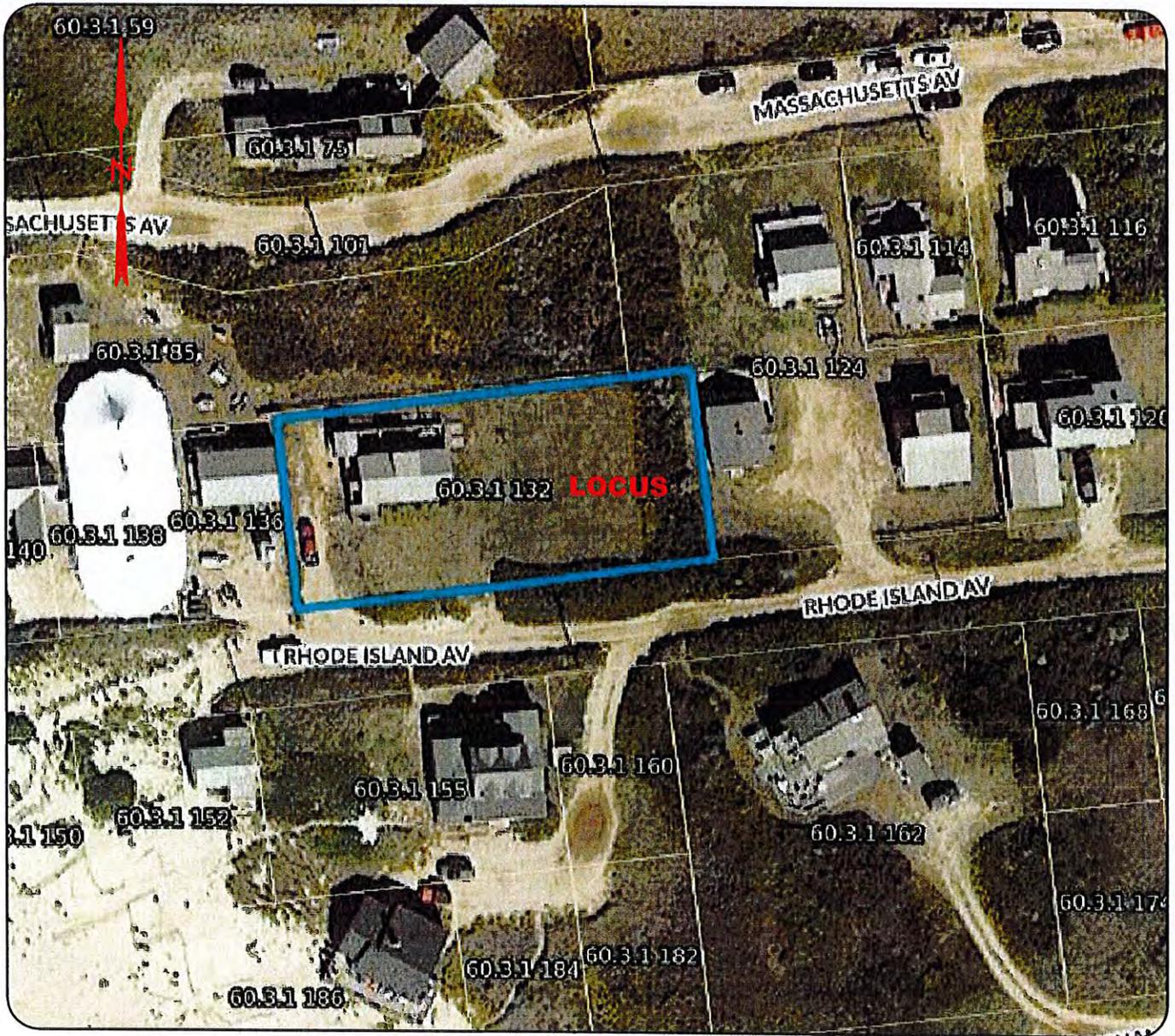


Figure 1: ASSESSOR'S MAP

29 RHODE ISLAND AVENUE
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
MAP: 60.3.1 PARCEL: 132

PREPARED FOR:
JASON W. MARONEY

PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554

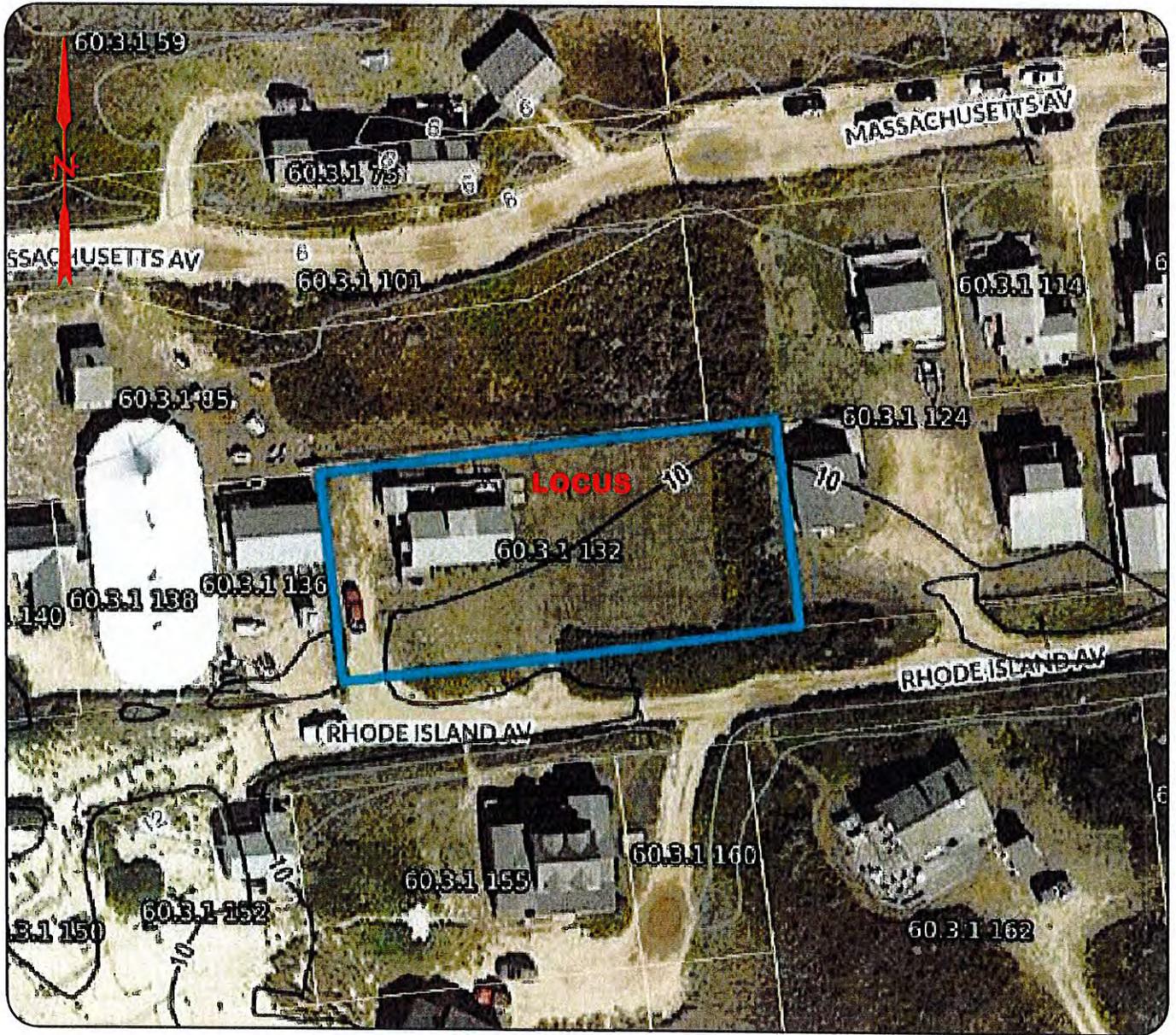


Figure 2: TOPOGRAPHIC MAP

29 RHODE ISLAND AVENUE
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
 MAP: 60.3.1 PARCEL:132

PREPARED FOR:
 JASON W. MARONEY

PREPARED BY:
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY NANTUCKET, MA 02554

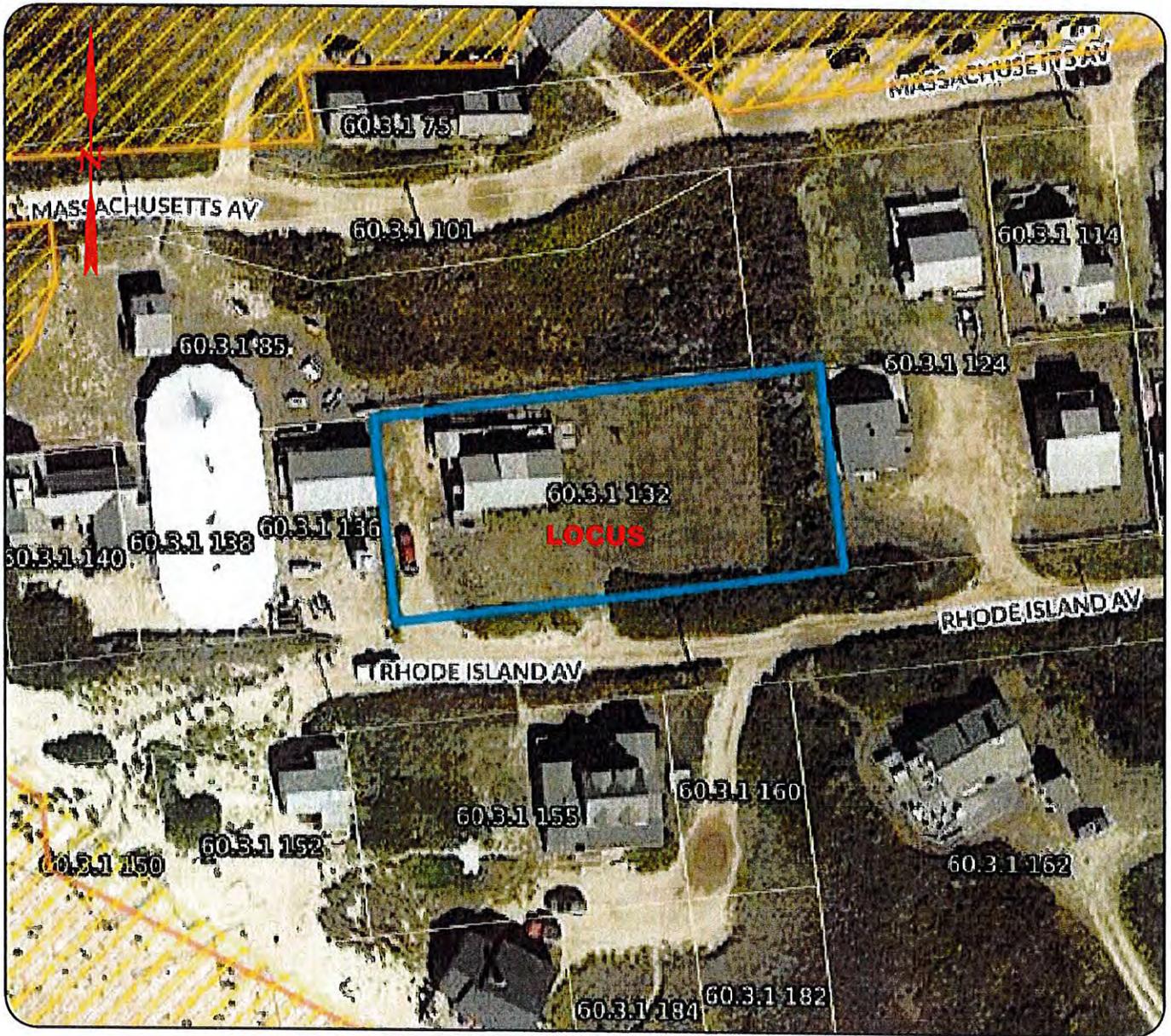


Figure 3: NHESP MAP

29 RHODE ISLAND AVENUE
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
 MAP: 60.3.1 PARCEL:132

PREPARED FOR:
 JASON W. MARONEY

PREPARED BY:
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY NANTUCKET, MA 02554

 NHESP PRIORITY HABITATS
 OF RARE SPECIES

 NHESP ESTIMATED HABITATS
 OF RARE WILDLIFE

ESTABL
(SE)



PANEL: 25019C0064G
EFFECTIVE DATE: JUNE 9, 2014

Figure 4: FIRM MAP

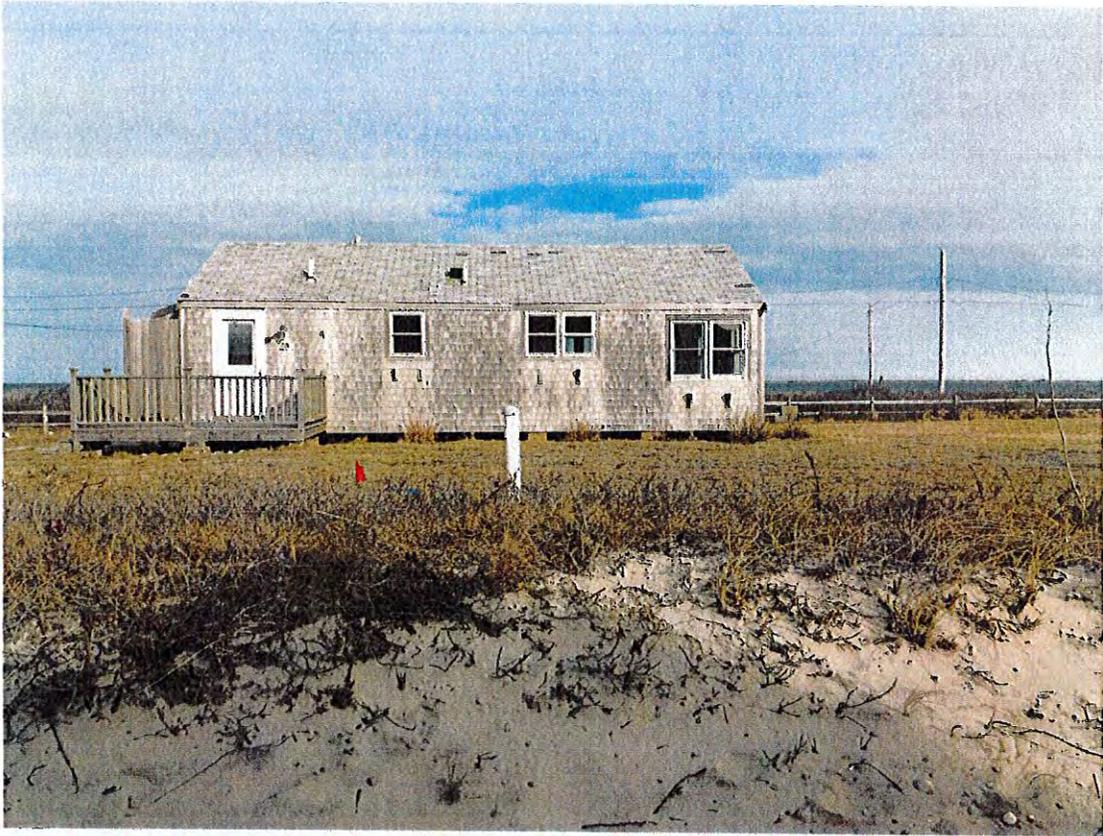
29 RHODE ISLAND AVENUE
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: DECEMBER 20, 2019

ASSESSOR'S REFERENCE:
MAP: 60.3.1 PARCEL:132

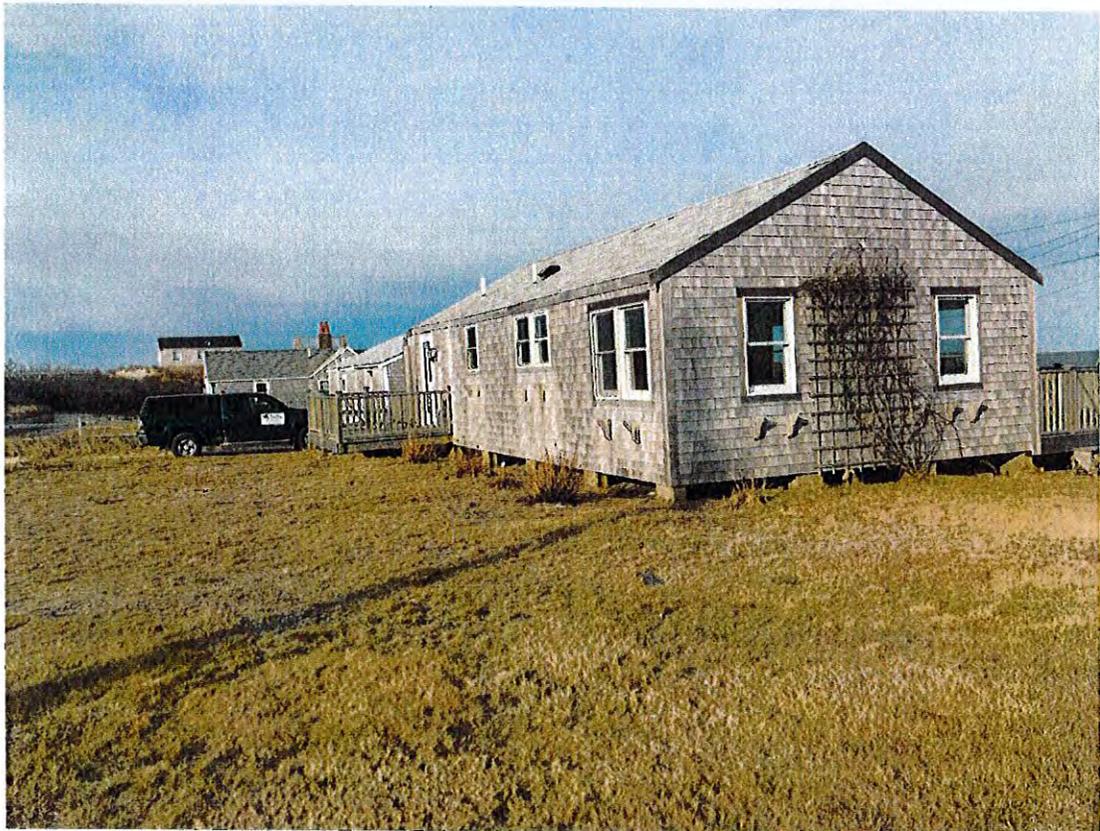
PREPARED FOR:
JASON W. MARONEY

PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554

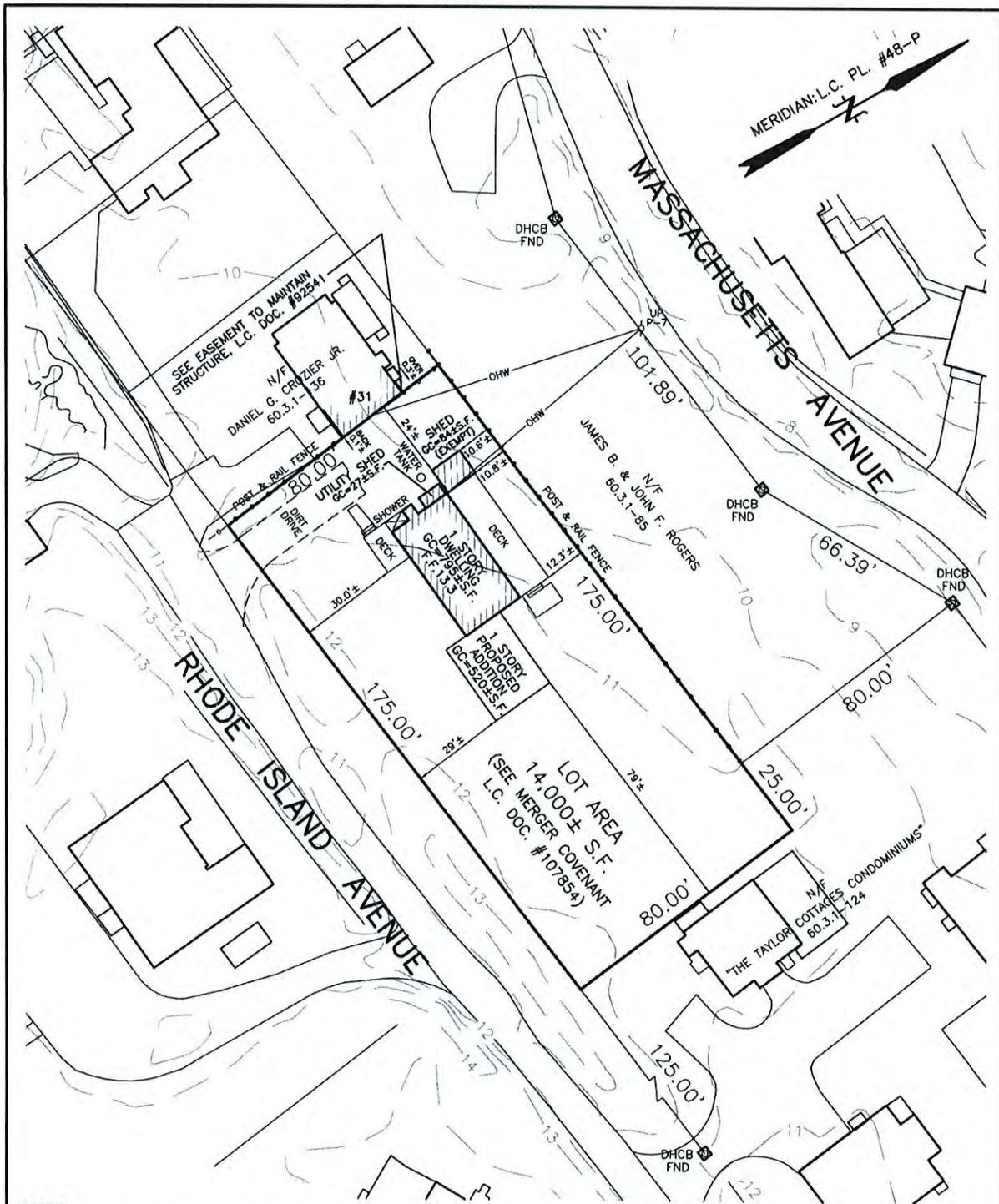
29 Rhode Island Avenue, Nantucket, MA
Applicant: Jason W. Maroney



View of the existing dwelling from Rhode Island Avenue



View of the proposed location of addition



NOTES:

1. LOT PREDATES ZONING, JULY 27, 1972.
2. CONTOURS SHOWN NAVD 88 DATUM.

CURRENT ZONING: VR (VILLAGE RESIDENTIAL)
 MINIMUM LOT SIZE: 20,000 S.F.
 MINIMUM FRONTAGE: 100'
 FRONTYARD SETBACK: 20'
 SIDE AND REAR SETBACK: 10'
 ALLOWABLE G.C.R.: 10% (1,500 S.F. LOT OF RECORD)
 EXISTING G.C.R.: 5.9%±

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS LOCATED WITHIN FLOOD HAZARD ZONE "VE" (EL. 9) AS DELINEATED ON "FIRM" MAP NO. 25019C0064G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B. 403/101



Paul J. Santos
 12/20/19

SITE PLAN TO ACCOMPANY
 A NOTICE OF INTENT
 #29 RHODE ISLAND AVENUE
 IN
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=30' DATE: 12/20/19
 DEED REFERENCE: L.C. CERT. #27219
 PLAN REFERENCE: L.C. PL. #2408-V
 ASSESSOR'S REFERENCE:
 MAP: 60.3.1 PARCEL: 132
 PREPARED FOR:
 JASON W. MARONEY

NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554



Notice of Intent Application

December 20, 2019

Subject Property

17 Baxter Road
Map 49.2.3, Parcel 15
Nantucket, Massachusetts

Applicant

17 BR Rosaly Nominee Trust
2413 Brentwood Drive
Houston, TX 77019

LEC Environmental Consultants, Inc.

12 Resnik Road, Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 fax

www.lecenvironmental.com



December 20, 2019

Email/FedEx Delivery

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Re: Notice of Intent Application
17 Baxter Road
Map 49.2.3, Parcel 15
Nantucket, Massachusetts**

[LEC File #: VDHB\19-255.01]

Dear Members of the Commission:

On behalf of the Applicant, 17 BR Rosaly Nominee Trust, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed walking path and stairs on the above-referenced property. Proposed work activities occur within the 100-foot Buffer Zone to a Coastal Dune protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*. Details of the proposed project are depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Blackwell & Associates, Inc., dated December 17, 2019.

The following checks made payable to the Town of Nantucket have been forwarded to your office under separate cover: Sixty-Seven Dollars and Fifty Cents (\$67.50) for the town portion of the WPA filing fee, Two Hundred Dollars (\$200.00) for the Town Consultant fee, and Twenty-Five Dollars (\$25.00) for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* (\$335.10) for the legal advertising fee has also been submitted. The state portion of the WPA filing fee (\$42.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the January 8, 2020 Public Hearing to discuss the project further. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

Brian Madden
Wildlife Scientist

cc: DEP SERO; 17 BR Rosaly Nominee Trust, Blackwell Associates, Rick Beaudette

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

12 Resnik Road
Suite 1
Plymouth, MA 02360
508-746-9491
508-746-9492 (Fax)

PLYMOUTH, MA

380 Lowell Street
Suite 101
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

WAKEFIELD, MA

100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461
603-899-6726
603-899-6726 (Fax)

RINDGE, NH



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Town of Nantucket Wetlands Bylaw Chapter 136



Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>17 Baxter Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41°16'05.76"N</u>	<u>69°57'44.76"W</u>	
d. Latitude	e. Longitude	
<u>49.2.3</u>	<u>15</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>17 BR Rosaly Nominee Trust</u>	<u>(c/o Kimball J. Moriniere, Trustee)</u>	
a. First Name	b. Last Name	
c. Organization		
<u>2413 Brentwood Drive</u>		
d. Street Address		
<u>Houston</u>	<u>TX</u>	<u>77019</u>
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Brian</u>	<u>Madden</u>	
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>12 Resnik Road, Suite 1</u>		
d. Street Address		
<u>Plymouth</u>	<u>MA</u>	<u>02360</u>
e. City/Town	f. State	g. Zip Code
<u>508-746-9491</u>	<u>508-746-9492</u>	<u>bmadden@lecenvironmental.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110.00</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
NANTUCKET
City/Town

A. General Information (continued)

6. General Project Description:

The Applicant is proposing a walking path & stairs within the 100-foot Buffer Zone to Coastal Dune.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

1659

c. Book

b. Certificate # (if registered land)

108

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

1. Introduction

On behalf of the Applicant, 17 BR Rosaly Nominee Trust LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed walking path and stairs at 17 Baxter Road. Proposed work activities occur within the 100-foot Buffer Zone to a Coastal Dune protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*.

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, proposed project designed to protect the interests and values of the Resource Areas identified within the above-referenced statutes. Details of the proposed project are depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Blackwell & Associates, Inc., dated December 17, 2019 (Appendix B).

2. General Site Description

The 0.6± acre undeveloped subject parcel is located off (west of) Baxter Road with single-family dwellings abutting to the north and south (Appendix A, Figures 1 & 2). Coastal Dune and Beach on Town property and the Atlantic Ocean occur to the east.

The westerly portion of the subject parcel contains lawn and landscaped conditions. The Sconset Bluff Walk extends through the property immediately east of the lawn area. Areas east of the Bluff Walk are occupied by scattered black cherry (*Prunus serotina*), Japanese black pine (*Pinus thunbergiana*) trees and an understory dominated by bayberry (*Myrica pensylvanica*), bush honeysuckle (*Lonicera* spp.), and Virginia rose (*Rosa virginiana*). Within the eastern portion of the property, topography mildly to moderate descends to the north and east before flattening upgradient of the off-site Coastal Dune boundary, previously approved under DEP File #SE48-3116.

2.1 Flood Hazard Area Designation

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0114G), the subject parcel is located within Zone X (Appendix A, Figure 3). Flood Zone VE (el. 10), *Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined*, occurs east of the subject parcel.

2.2

Natural Heritage and Endangered Species Program Designation

According to the 14th edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2017) published by the Natural Heritage & Endangered Species Program (NHESP), the subject parcel is not located within an Estimated Habitat of Rare Wildlife and Priority Habitat of Rare Species (Appendix A, Figure 4).

3.

Wetland Resource Area Descriptions

No Wetland Resource Areas are located on the subject parcel. Coastal Dune, Land Subject to Coastal Storm Flowage (LSCSF), and Coastal Beach are located east of the subject parcel. Coastal Bank does not exist on the subject parcel due to a relatively flat 30-50± feet wide area immediately west of the Coastal Dune. In other words, the Coastal Dune is not located at the landward edge of land with slopes greater than 10:1 and the upland is not intersected by the 100-year floodplain. As previously stated, the Coastal Dune boundary was approved in 2018 under DEP File #SE48-3116.

Considering that proposed work activities occur within 100 feet of Coastal Dune, the dune is described further below.

3.1

Coastal Dune

According to 310 CMR 10.28(2), *Coastal Dune means any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.*

According to Section 1.02 of the Bylaw Regulations, there are two definitions for this Resource Area:

Coastal Dune - any hill, mound, ridge, or field of ridges, hills, or mounds, composed of sediment, any portion or component of which over the course of a year touches upon, exchanges sediment with, and is landward of a coastal beach deposited by wind action, storm overwash, and/or is man-made.

Coastal Dune Field – an assemblage or grouping of coastal dunes, at least a portion of which over the course of a year touches upon, exchanges sediment with, and is landward of a coastal beach, that may or may not be oriented parallel to the shoreline or in response to a dominant wind direction but has been deposited by wind action, wave action, and/or by storm overwash.

The landward boundary of a Coastal Dune was previously established based on the depth of windblown and storm deposited sand and topography (i.e., presence or absence of a

hill, mound or ridge). The Coastal Dune is dominated by American beach grass (*Ammophila breviligulata*) and transitions to bayberry, poison ivy (*Toxicodendron radicans*), and scattered Japanese black pine young trees and saplings.

4. **Proposed Project**

The proposed project involves establishing a 3± foot wide walking path extending from the westerly portion of the subject parcel, connecting to an existing path, as depicted on the site plan. A 4-foot wide wooden, elevated set of stairs is also proposed within the easterly portion of the site due to steeper topography. The northerly portion of the existing path will be abandoned and revegetated with arrowwood (*Viburnum dentatum*) shrubs. No Waivers are required for this water-dependent project.

5. **Summary**

On behalf of the Applicant, 17 BR Rosaly Nominee Trust, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed walking path and stairs within the 100-foot Buffer Zone to a Coastal Dune, as depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Blackwell & Associates, Inc., dated December 17, 2019. No Waivers are required for the proposed water-dependent project. The proposed project has been designed to protect the interests and values of the off-site Resource Areas, Coastal Dune, LSCSF, and Coastal Beach.

Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0114G) effective June 9, 2014.

<https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

Massachusetts Natural Heritage Atlas, 14th Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40) and its implementing *Regulations* (310 CMR 10.00), www.state.ma.us/dep.

Oldale, Robert N., 1985. *Geologic Map of Nantucket and Nearby Islands, Massachusetts*, Map I-1580 Department of the Interior, U.S. Geological Survey.

Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Regulations*.

United States Department of Agriculture, Soil Conservation Service, in cooperation with Massachusetts Agricultural Experiment Station, Soil Survey for Nantucket County, Massachusetts, issued June 1979.

<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>

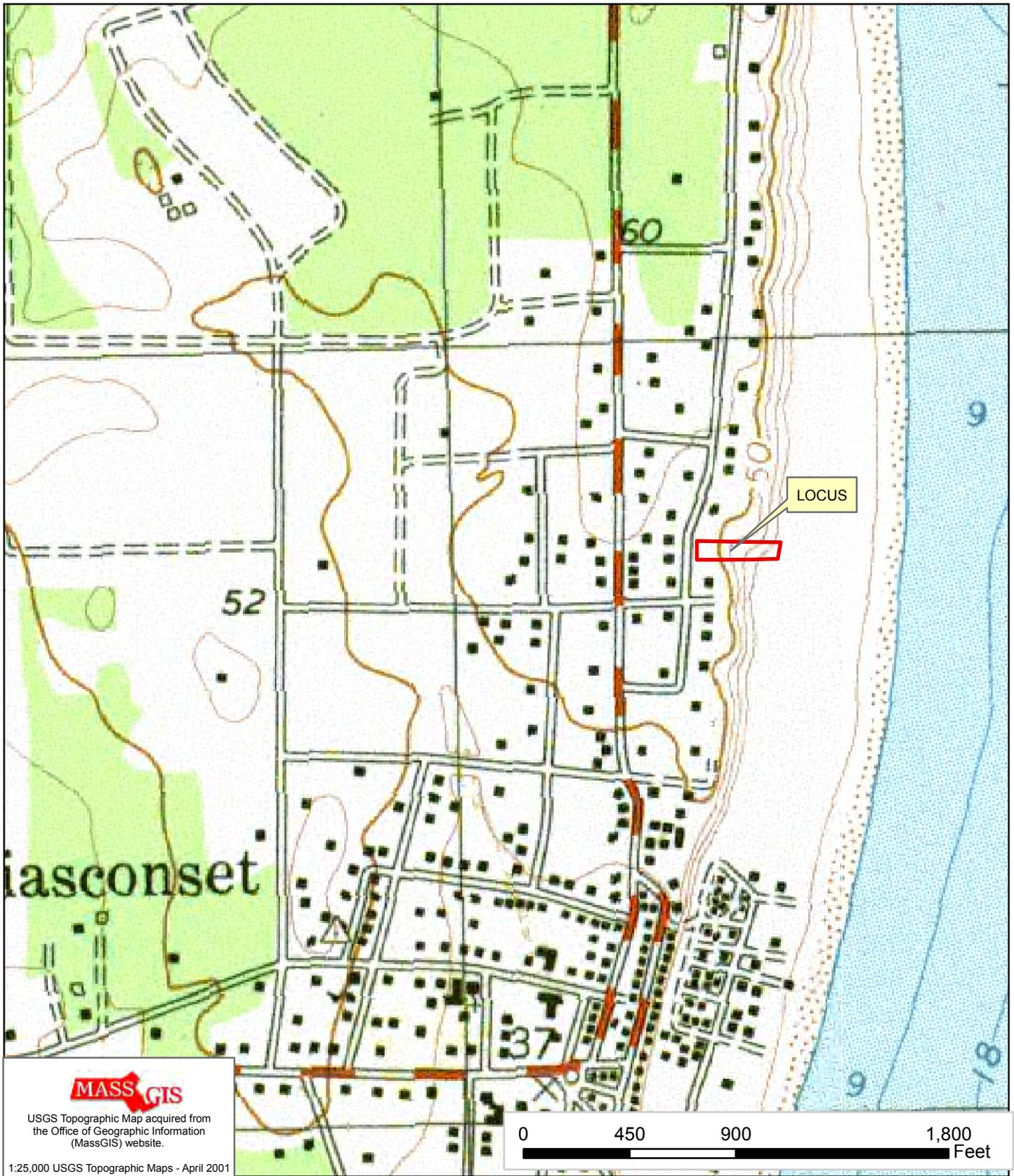


Figure 1: USGS Topographic Map

17 Baxter Road
 Nantucket, Massachusetts





MASS GIS
2014 Aerial Orthophoto acquired from
the Office of Geographic Information
(MassGIS) website.

0 150 300 600
Feet

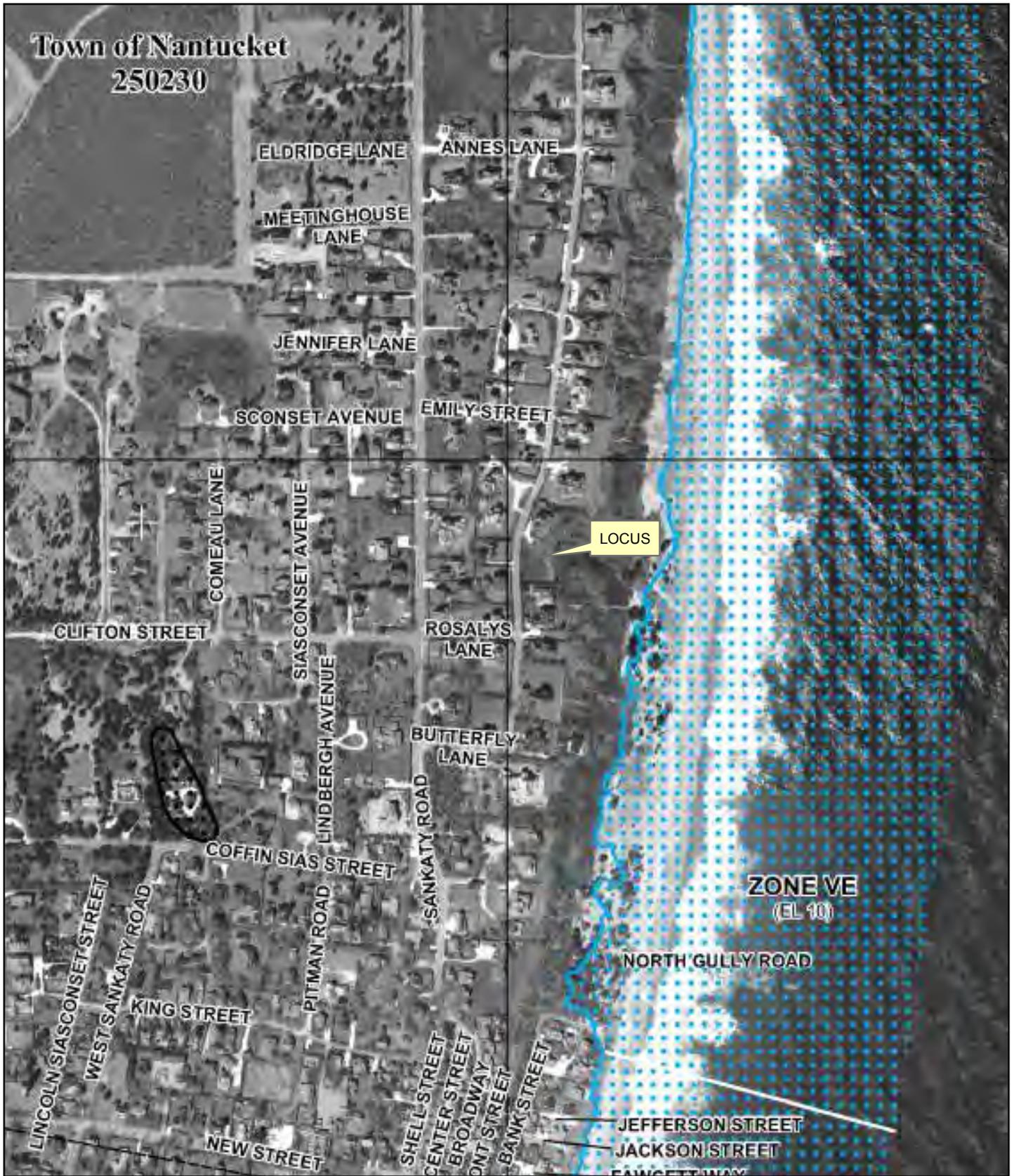
LEC
LEC Environmental Consultants, Inc.
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

17 Baxter Road
Nantucket, Massachusetts



December 17, 2019



LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 3: FEMA Flood Insurance Rate Map

17 Baxter Road
Nantucket, Massachusetts



December 17, 2019



Figure 4: Aerial Orthophoto Map
 17 Baxter Road
 Nantucket, Massachusetts

CURRENT ZONING CLASSIFICATION:
Siasconset Residential 20 (SR-20)

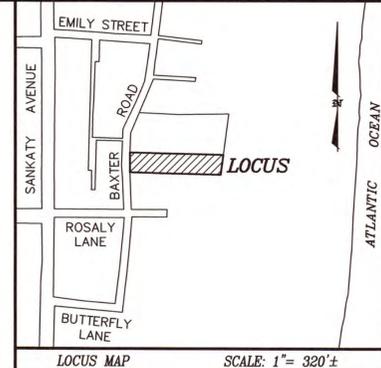
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

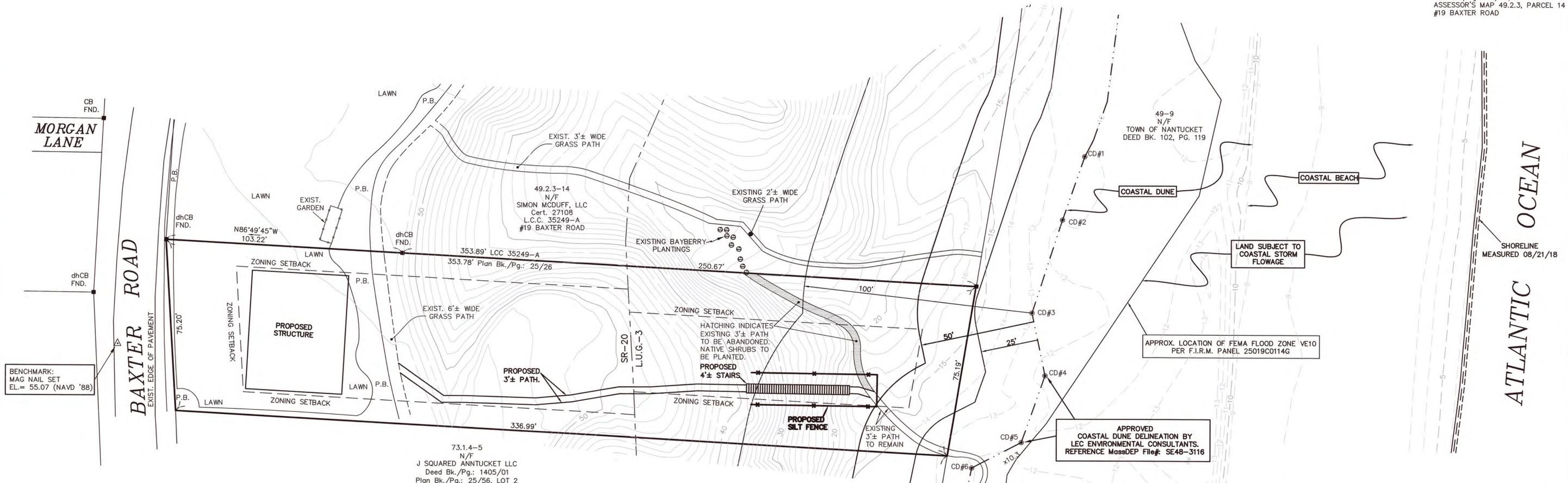
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3%

LEGEND

- dhCB ■ DENOTES CONC BOUND WITH DRILLHOLE FOUND
- CB ■ DENOTES EXIST. CONCRETE BOUND FOUND
- P.B. DENOTES EXIST. PLANTING BED
- DENOTES EXIST. WOOD w/WIRE GARDEN FENCE
- 55 — DENOTES EXIST. GRADE CONTOUR
- CD#1 DENOTES COASTAL DUNE DELINEATION

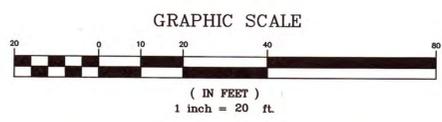


OWNER INFORMATION
KIMBALL J. MORINIERE, TRUSTEE
17 BR ROSALY NOMINEE TRUST
Deed Bk./Pg.: 1659/108
Plan Bk./Pg.: 25/56, LOT 1
ASSESSOR'S MAP 49.2.3, PARCEL 14
#19 BAXTER ROAD



Site Plan of Land
To Accompany
A Notice of Intent
in
Nantucket, MA
Prepared for
17 BR ROSALY NOMINEE TRUST
ASSESSOR'S MAP 49.2.3, PARCEL 15
#17 BAXTER ROAD

Scale: 1" = 20' December 17, 2019
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026





SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

REQUEST FOR DETERMINATION OF APPLICABILITY

Construction of a Sewer Connection Located Partially within a Wetland Buffer Zone

**92 Cliff Road
Map 30 Parcel 268
Nantucket, MA**

Prepared for:

**Gaito Family Trust
Michael & Jane Gaito Trustees
1889 Green Street
San Francisco, CA 94123**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

December 17, 2019

SDE No.: 19110



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Gaito Family Trust

Name

E-Mail Address

1889 Green Street

Mailing Address

San Francisco

City/Town

CA

State

94123

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Site Design Engineering, LLC

Firm

Mark Rits

Contact Name

mrits@sde-ldec.com

E-Mail Address

11 Cushman Street

Mailing Address

Middleboro

City/Town

MA

State

02346

Zip Code

508-802-5832

Phone Number

508-967-0674

Fax Number (if applicable)

B. Determinations

1. I request the Nantucket _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Nantucket

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

See Attached Narrative

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)

N/A



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Gaito Family Trust
Name
1889 Green Street
Mailing Address
San Francisco
City/Town
CA
State
94123
Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

[Signature] (for the Applicant)
Signature of Applicant
Date 17-Dec-2019
[Signature]
Signature of Representative (if any)
Date 17-Dec-2019

PROJECT DESCRIPTION

92 Cliff Road NANTUCKET, MASSACHUSETTS

December 17, 2019

INTRODUCTION

The purpose of this Request for Determination of Applicability (RDA) is to request that the Nantucket Conservation Commission (Commission) approve the construction of a sewer connection portions of which will be locate partially within the 100-foot buffer zone to a previously delineated Bordering Vegetated Wetland (BVW) on property located at 92 Cliff Road (Map 30 Parcel 268) in Nantucket (Subject Property). Previously delineated wetland resource areas on the Subject Property include BVW and associated buffer zones.

This RDA application is being submitted by the following property owner and Applicant:

92 Cliff Road
(Map 30 Lot 268)

Property Owner/Applicant
Gaito Family Trust
Michael & Jane Gaito Trustees
1889 Green Street
San Francisco, CA 94123

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property is an approximately 33,185 square foot developed lot located on the south side of Cliff Road (see Figures 1 through 3 and Site Plan). To the west and south, the Subject Property is bordered by residentially developed properties. To the north, the Subject Property is bordered by a Cliff Road and residentially developed properties. To the east, the Subject Property is bordered by Pilgrim Road and residentially developed properties (see Figures 1 through 3 and Site Plan). The Subject Property is currently developed and is the site of a single-family residence (SFR), pervious driveway, detached garage, pool, decks, patio, and associated landscaping/grading. A BVW is located on the southern portion of the Subject Property and was previously delineated as part of an DOA issued on May 6, 2011 and updated on December 19, 2016. The extent of the wetland resource areas and associated buffer zones on the Subject Property has not changed significantly since the issuance of the DOA.

PROPOSED ACTIVITIES

The purpose of this RDA is to request that the Commission approve the construction of sewer connection on the Subject Property. Portions of the proposed sewer connection will be located within the 100-foot BVW buffer zone (see Site Plan). The existing septic system will be abandoned. No other work within any jurisdictional areas is proposed as part of this RDA.

NHESP / MESA

The Subject Property is located entirely outside of Natural Heritage and Endangered Species Program (NHESP) mapped Estimated and Priority Habitat of Rare and Endangered Species as indicated on the 2017 NHESP Atlas as available from MassGIS (see Figure 5). No work is proposed within any NHESP habitat areas.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

The Applicant is proposing to install silt barrier along the western portion of Pilgrim Road as indicated on the Site Plan. The proposed silt barrier will reduce or eliminate siltation into the resource area and associated buffer zone (see Site Plan).

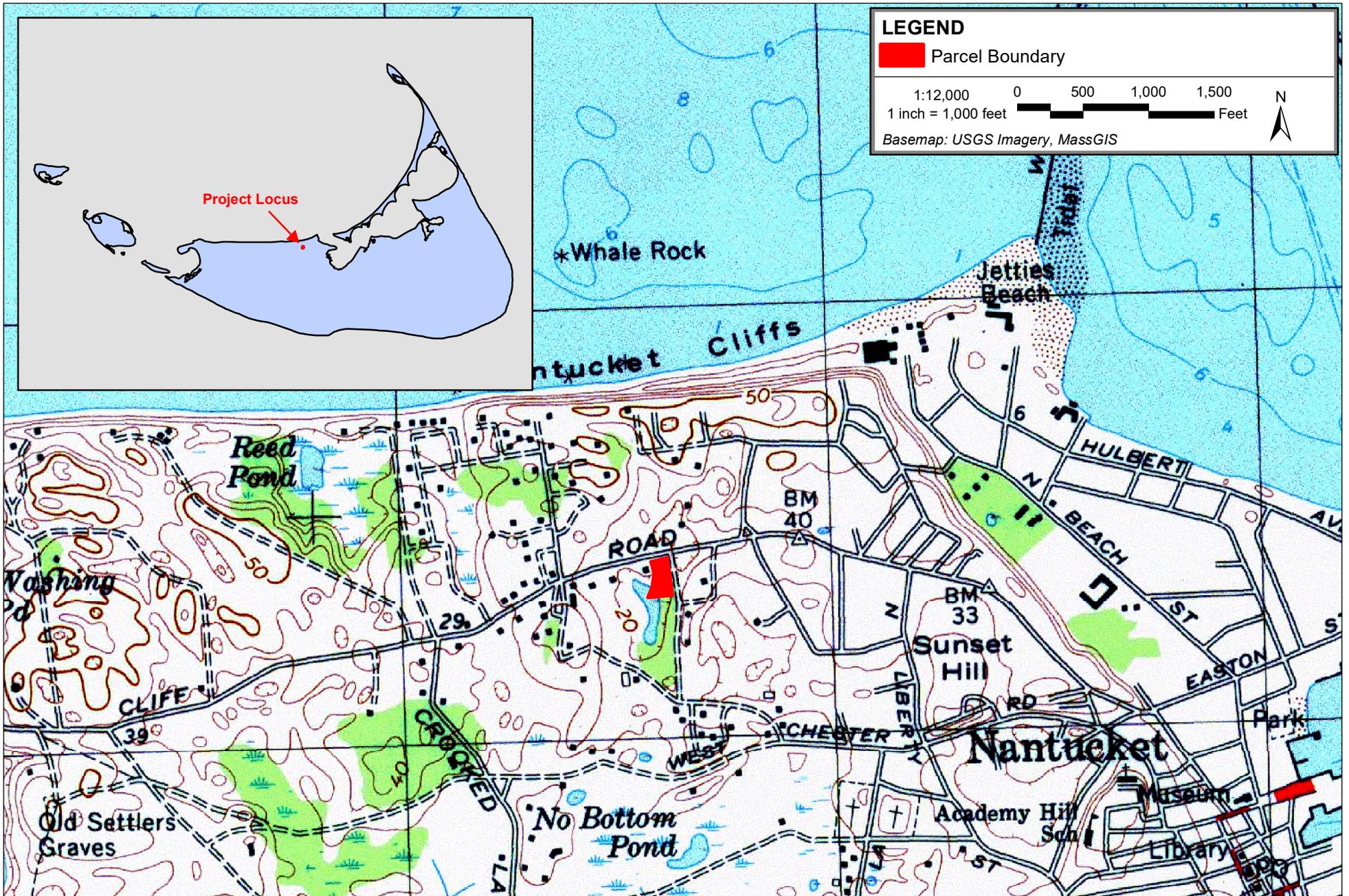
WETLAND RESOURCE AREAS

The purpose of this RDA is to request that the Commission approve the construction of a sewer connection located partially within the 100-foot BVW buffer zone subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (310 CMR 10.00, Act) and its implementing Regulations (Regs) and the Nantucket Wetlands Protection Bylaw (§136-7, Bylaw):

- 100-Foot BVW Buffer Zone

CONCLUSION

The Applicant is requesting that the Commission approve the construction of a new sewer connection and the abandonment of an existing septic system portions of which will be located partially within the 100-foot BVW buffer zone. The Proposed Project will provide a net benefit to the resource area and associated buffer zones. All proposed activities are in compliance with State and local regulations and will not result in any significant new or additional adverse impacts to the resource area or associated buffer zones. Therefore, the Applicant respectfully requests that the Commission approve the work proposed in this RDA.



92 Cliff Road - Nantucket, Massachusetts
 Map 30 Lot 268
 SDE Project No. 19110

Figure 1 - USGS Locus Map
 December 17, 2019





92 Cliff Road - Nantucket, Massachusetts
Map 30 Lot 268
SDE Project No. 19110

Figure 2 - Site Overview
December 17, 2019



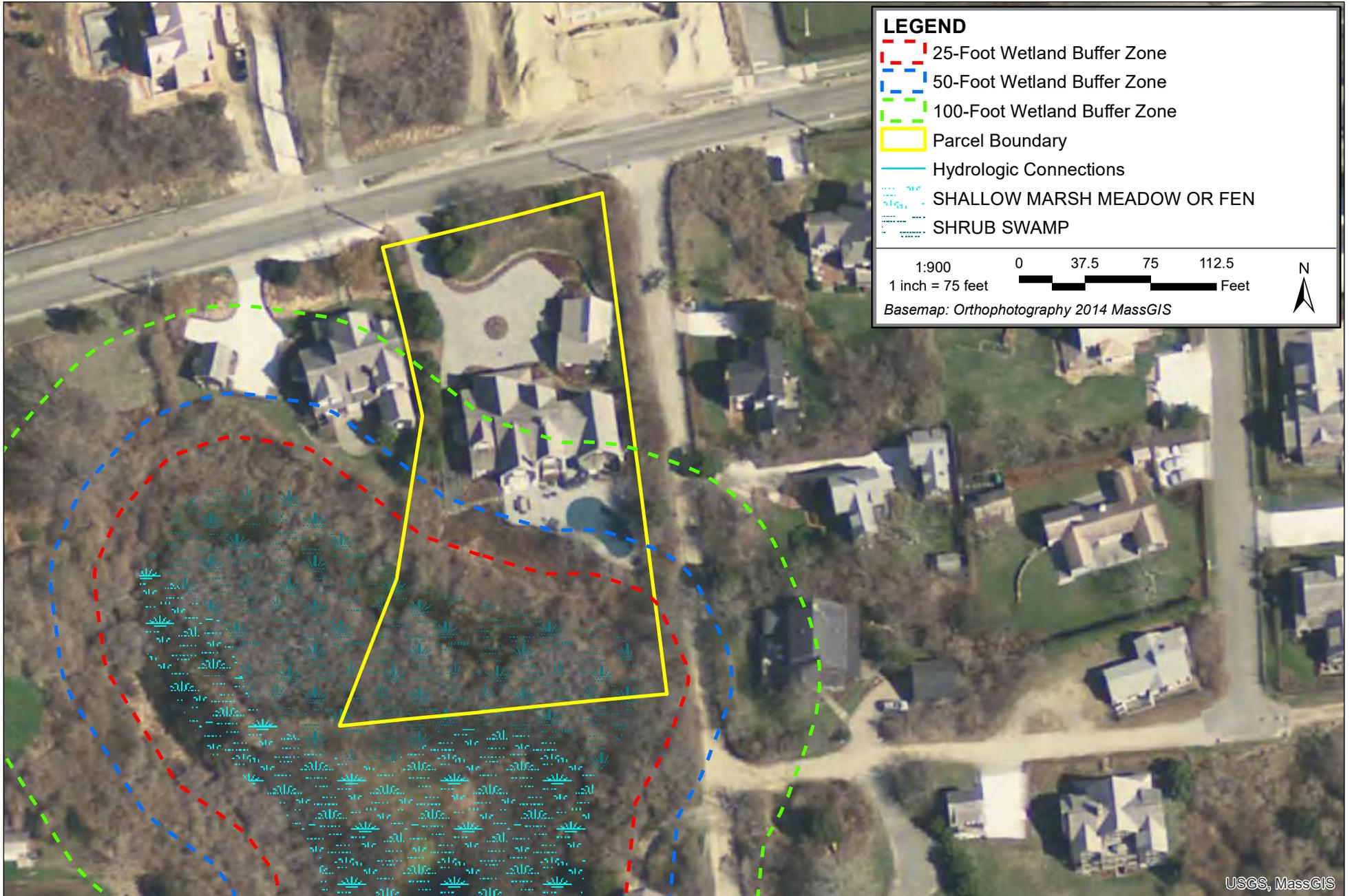


92 Cliff Road - Nantucket, Massachusetts
 Map 30 Lot 268
 SDE Project No. 19110

Figure 3 - Detailed Site Overview
 December 17, 2019



USGS, MassGIS

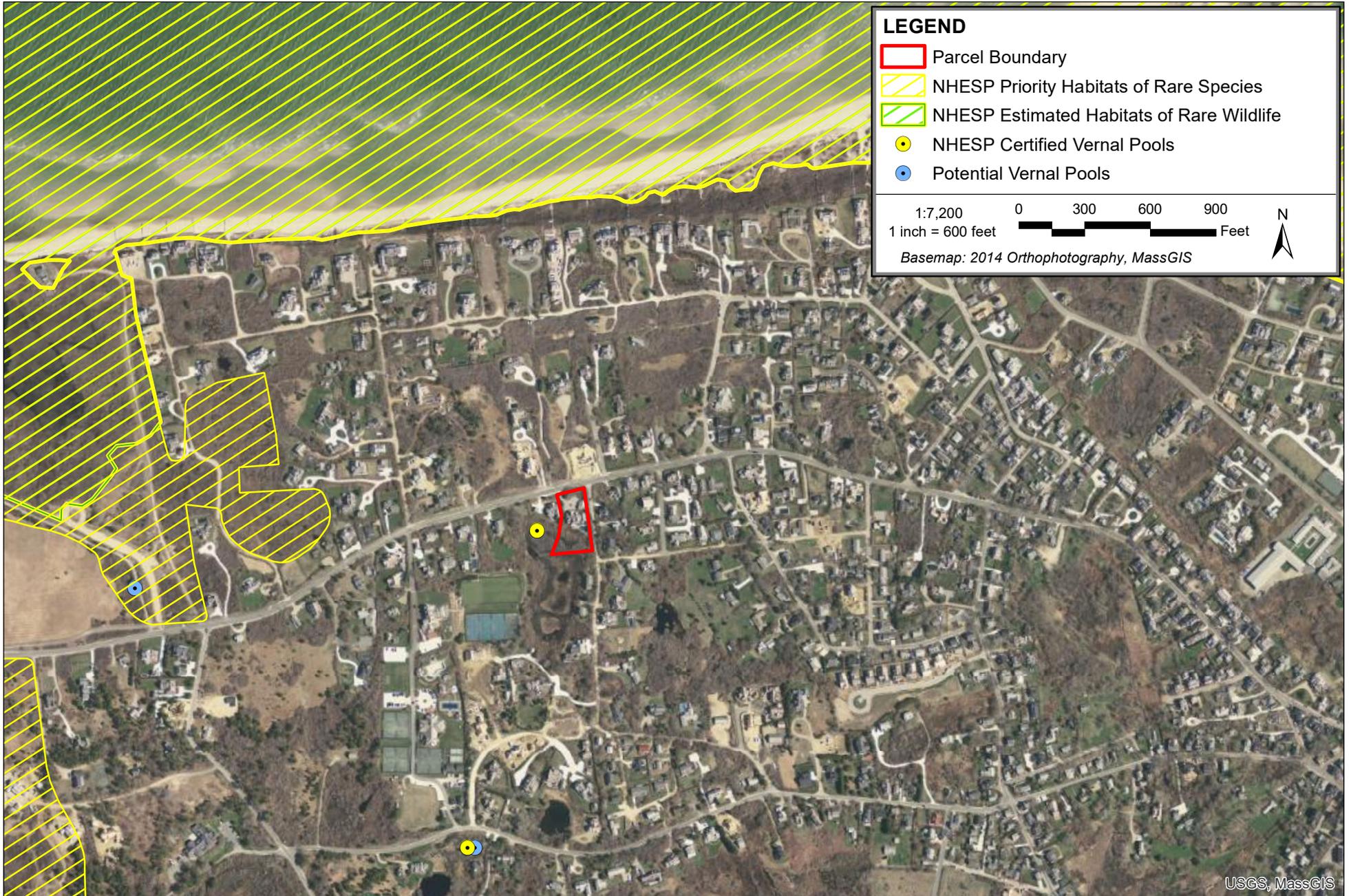


92 Cliff Road - Nantucket, Massachusetts
 Map 30 Lot 268
 SDE Project No. 19110

Figure 4 - DEP Listed Wetland Boundaries
 December 17, 2019

USGS, MassGIS



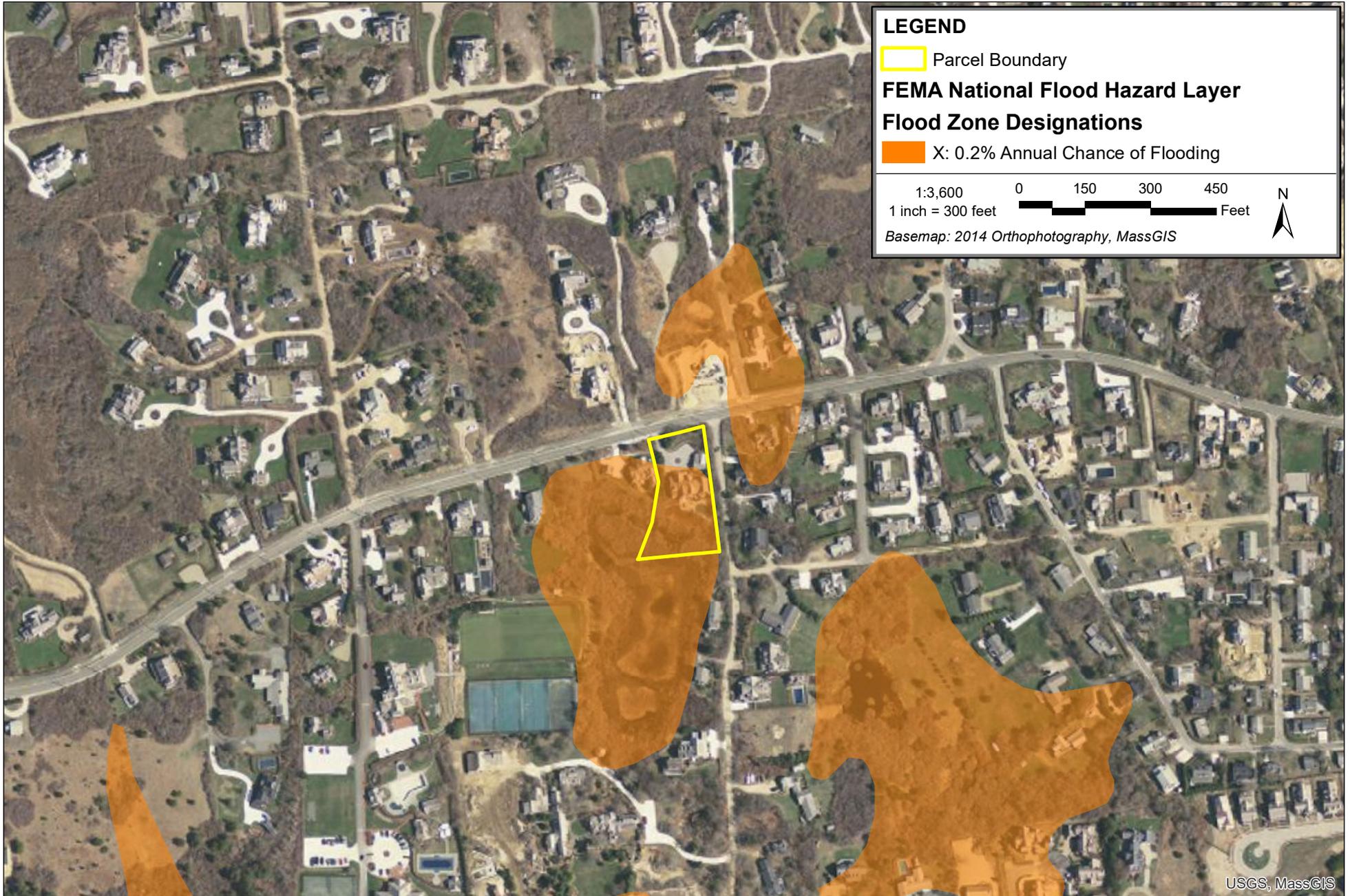


USGS, MassGIS

92 Cliff Road - Nantucket, Massachusetts
 Map 30 Lot 268
 SDE Project No. 19110

Figure 5 - NHESP Habitat
 December 17, 2019



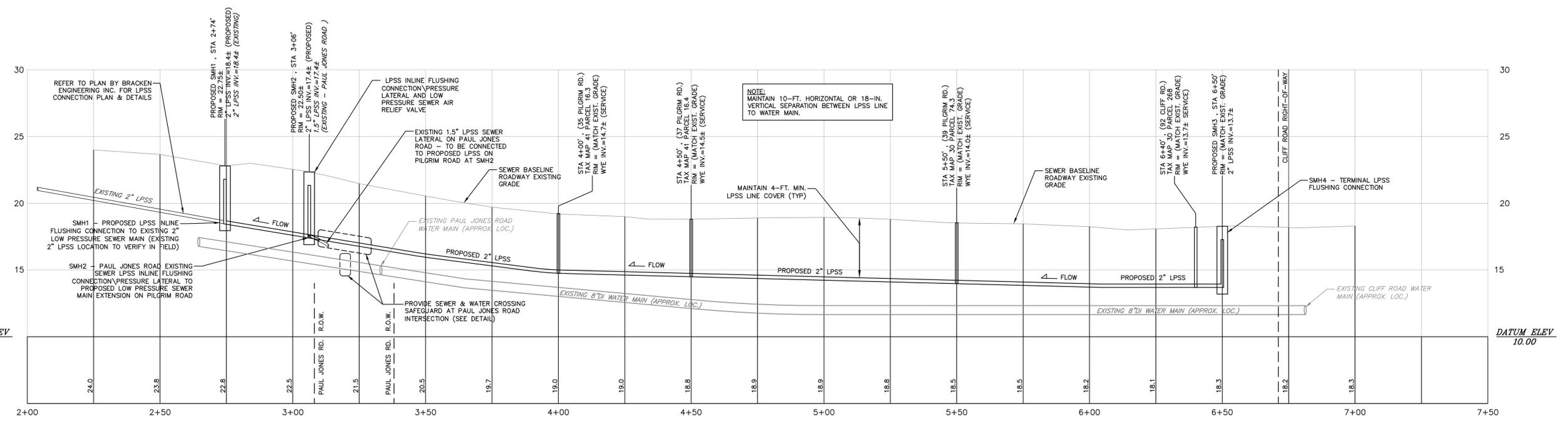
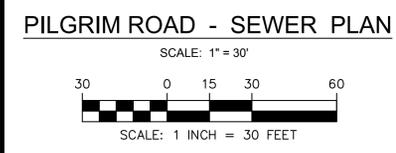
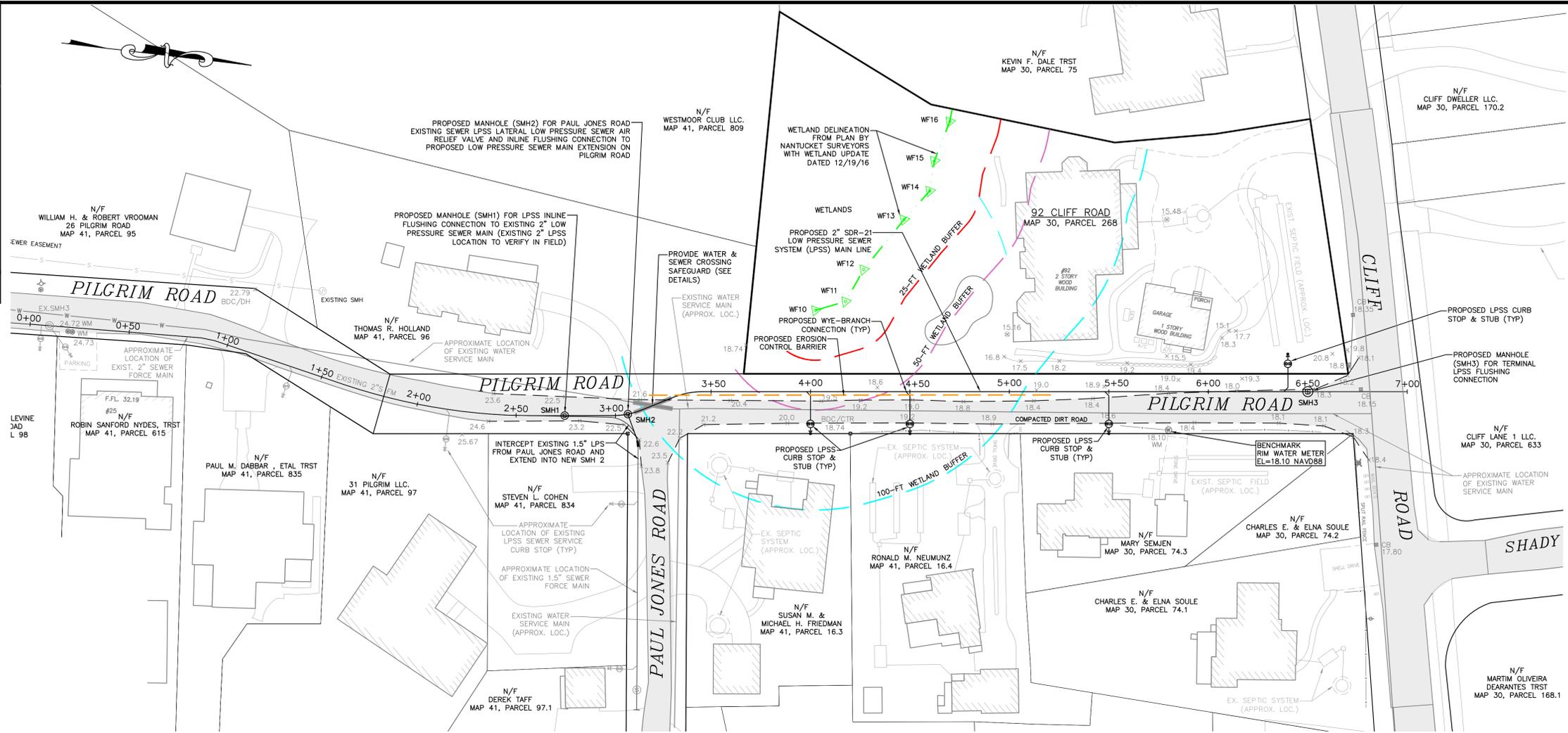
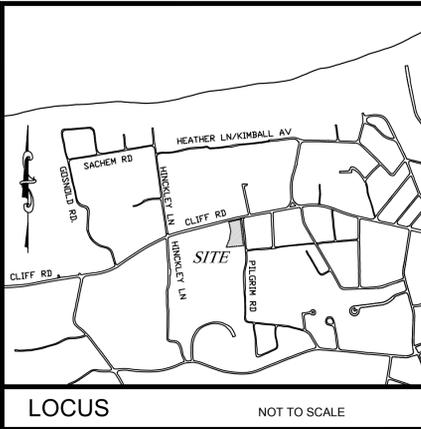


92 Cliff Road - Nantucket, Massachusetts
 Map 30 Lot 268
 SDE Project No. 19110

Figure 6 - FEMA Flood Zones
 December 17, 2019



USGS, MassGIS



PILGRIM ROAD - SEWER PROFILE
SCALE: HOR. 1" = 20'
VER. 1" = 4'

S
SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: DECEMBER 17, 2019

DRAWN BY: SJE / RT DESIGN BY: SJE / RT CHECK BY: DCM

PROJECT NO. 19110

ISSUED FOR: APPROVAL



PROPOSED SEWER EXTENSION PLAN
92 CLIFF ROAD
ASSESSOR'S MAP 30, PARCEL 268
NANTUCKET, MASSACHUSETTS
PREPARED FOR MICHAEL & JANE GAITO

DRAWING TITLE:
SEWER EXTENSION PLAN & PROFILE

SCALE: 1" = 30'
SHEET NO.

**REQUEST FOR DETERMINATION
OF APPLICABILITY**

Install Drainage at Sparks Avenue Entrance to
Gas Station - Car Wash

At

41 & 43 Sparks Avenue
Nantucket, MA

December 20, 2019

Prepared for

Mid-Island Service Limited Partnership

By

BLACKWELL & ASSOCIATES, Inc.
Professional Civil Engineers & Land Surveyors
20 Teasdale Circle
Nantucket, MA 02554
508-228-9026



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. General Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:

Mid-Island Service Limited Partnership Name	_____		E-Mail Address	_____
10R Airport Road Mailing Address	_____			
Nantucket City/Town	MA State	02554 Zip Code	_____	
_____	Phone Number	_____	Fax Number (if applicable)	_____

2. Representative (if any):

Blackwell & Assoc., Inc. Firm	_____		jeff@blackwellsurvey.com E-Mail Address	_____
Jeffrey Blackwell Contact Name	_____			
20 Teasdale Circle Mailing Address	_____			
Nantucket City/Town	MA State	02554 Zip Code	_____	
508-228-9026 Phone Number	_____	_____	Fax Number (if applicable)	_____

B. Determinations

1. I request the Nantucket _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Nantucket
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

<u>41 & 43 Sparks Avenue</u>	<u>Nantucket</u>
Street Address	City/Town
<u>55</u>	<u>267.4 & 267.3</u>
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The property is a developed commercial lot located on the Sparks Ave adjacent to the Stop & Shop.

c. Plan and/or Map Reference(s):

<u>Site Plan of Land</u>	<u>December 20, 2019</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The applicant proposes to install a trench drain, Stormceptor water quality unit, and 500 gal. dry well at the entrance to the existing car wash and gas station. The proposed work is across Sparks Ave. from a wetland resource area. The goal is to collect, treat and infiltrate runoff from the Mid-Island gas station and carwash. Currently, storm runoff flows into Sparks Avenue, is collected by the Town drainage structures and flows into the wetland. The proposed drainage will not be connected to the existing Town roadway drainage structures or drain into the resource area shown on the attached site plan.



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

D. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Request for Determination of Applicability and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Mid-Island Service Limited Partnership

Name

10R Airport Road

Mailing Address

Nantucket

City/Town

MA

State

02554

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

Date

12/19/19

Signature of Representative (if any)

Date



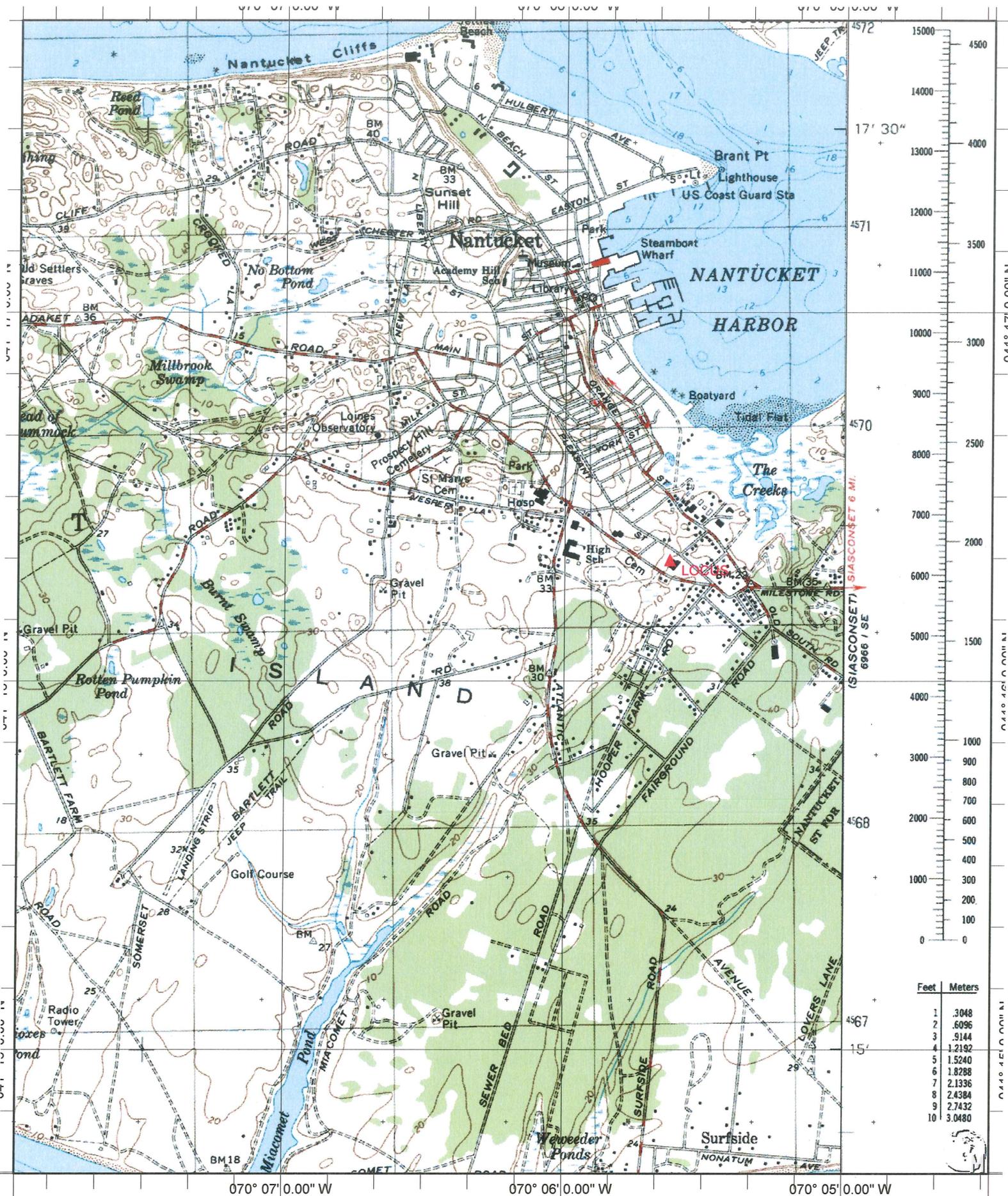
Property Information
 Property ID 55 267.4
 Location 41 SPARKS AV
 Owner MID ISLAND SERVICE LP



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 09/14/2018
 Properties updated 10/23/2018



Feet	Meters
1	.3048
2	.6096
3	.9144
4	1.2192
5	1.5240
6	1.8288
7	2.1336
8	2.4384
9	2.7432
10	3.0480

LOCUS - 1 Markers, Length = 0 feet LOCUS - 041° 16' 19.5" N, 070° 05' 37.1" W

Name: NANTUCKET
 Date: 12/18/119
 Scale: 1 inch equals 2000 feet

Location: 041° 16' 13.7" N 070° 06' 12.5" W

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Mid-Island Service Prepared by: Haines Hydrogeologic Consulting Project location: Sparks Ave DEP File #: _____
 Nantucket, MA

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II Method
- other than dominance test used (attach additional information)

Section I.

15 feet below flag #3

Vegetation	Observation Plot Number: #3 Wet	Transect Number: #3	Date of Delineation: 12/18/19	
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	
			E. Wetland Indicator Category*	
Cattail	20.5	49%	Yes	Obl
Sedge	10.5	25%	Yes	Facw
Soft Rush	10.5	25%	Yes	Facw+

Isolated Vegetated Wetland at outfall from stormwater drain, excavated basin

** Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation conclusion:

Number of dominant wetland indicator plants: 3 Number of dominant non-wetland indicator plants: 0
 Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES** no
 If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Mid-Island Service Prepared by: Haines Hydrogeologic Consulting Project location: Sparks Ave DEP File #: _____
Nantucket, MA

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II Method
- other than dominance test used (attach additional information)

Section I.

5 feet above Flag #3

Vegetation	Observation Plot Number: #13 Up	Transect Number: #3	Date of Delineation: 12/18/19	
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	
			E. Wetland Indicator Category*	
Fire Cherry	10.5	100%	Yes	FacU
Tartarian Honeysuckle	20.5	100%	Yes	FacU
Japanese Honeysuckle	20.5%	100%	Yes	Fac-
Tall Goldenrod	20.5	67%	Yes	FacU-
Switch Grass	10.5	33%	Yes	Fac

Steep slope- excavated basin

** Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation conclusion:

Number of dominant wetland indicator plants: 1 Number of dominant non-wetland indicator plants: 4

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes **NO**

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

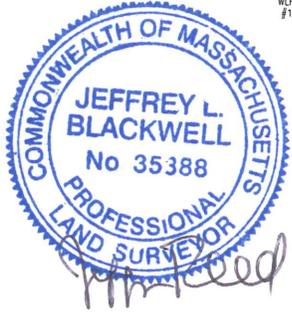
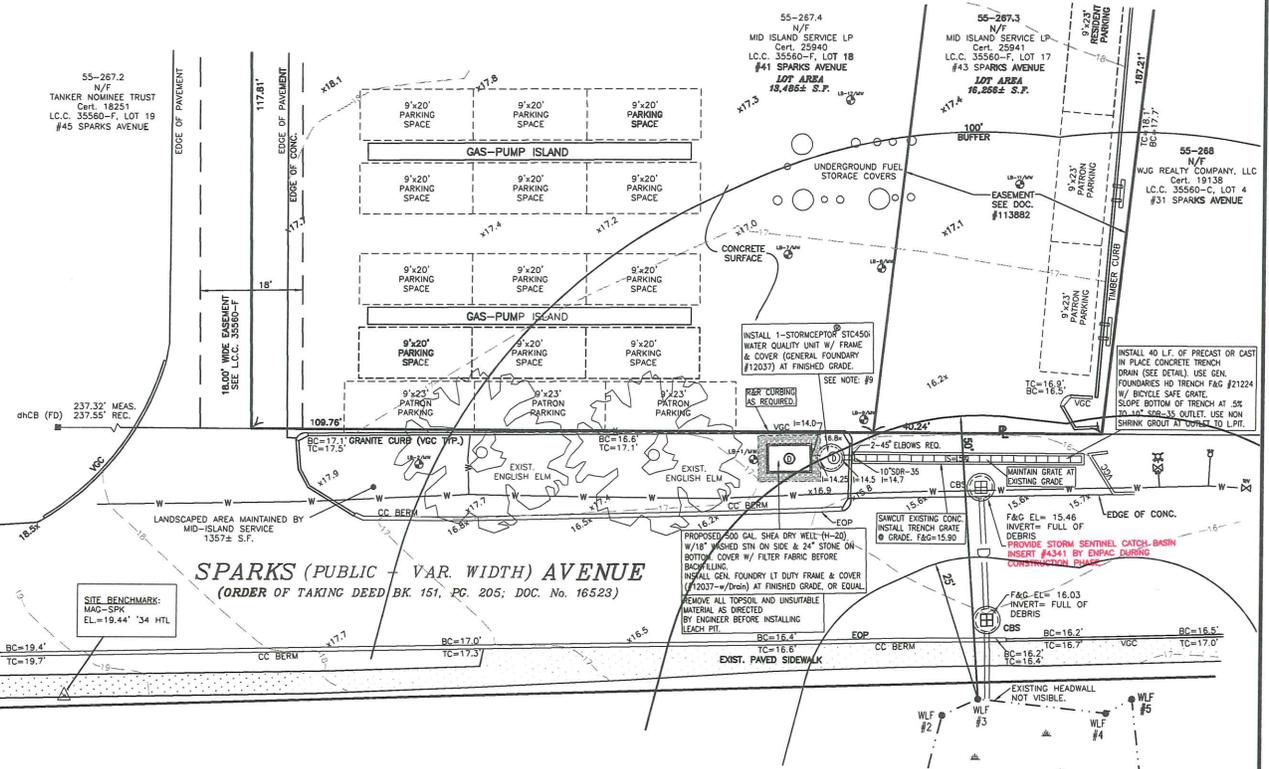
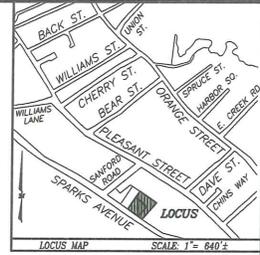
CURRENT ZONING CLASSIFICATION:
Commercial Mid-Islands (CM)

	#41 Existing	#43 Existing
MINIMUM LOT SIZE:	5000 S.F.±	13,465 S.F.±
MINIMUM FRONTAGE:	50 FT.	16,256 S.F.±
FRONT YARD SETBACK:	NONE	SEE PLAN
SIDE/REAR SETBACK:	NONE	SEE PLAN
GROUND COVER %:	50%	11.3% ±



LEGEND

- ghCB FD W DENOTES CONCRETE FOUND W/ DRILL HOLE FOUND
- CBS DENOTES EXIST. CATCH BASIN
- 25- DENOTES EXIST. GRADE BUSH
- 10B.1 DENOTES EXIST. GRADE CONTOUR LINE
- TC DENOTES EXIST. GRADE SPOT ELEVATION
- BC DENOTES EXIST. TOP OF CURB ELEVATION
- BT DENOTES EXIST. BOTTOM OF CURB ELEVATION
- W DENOTES APPROX. LOC. OF BURIED WATER LINE AS MARKED OUT BY VANNAUMET WATER COMPANY
- W G DENOTES EXIST. WATER GATE VALVE
- W M DENOTES EXIST. WATER METER
- 15-20-5 DENOTES EXIST. SOIL BORING/MONITORING WELL
- R&R DENOTES REDWAVE AND RESET



OWNER INFORMATION
MID-ISLAND SERVICE LIMITED PARTNERSHIP
CERT. OF TITLE #25941
L.C.C. 35560-F, LOT 17
ASSESSOR'S MAP 55, PARCEL 267.4
#41 SPARKS AVENUE

OWNER INFORMATION
MID-ISLAND SERVICE LIMITED PARTNERSHIP
CERT. OF TITLE #25941
L.C.C. 35560-F, LOT 17
ASSESSOR'S MAP 55, PARCEL 267.3
#43 SPARKS AVENUE

PERMITTING PLAN
NOT FOR CONSTRUCTION
GRAPHIC SCALE



BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9028
www.blackwellsurvey.com

PROPOSED CONDITIONS SITE PLAN TO ACCOMPANY
A REQUEST FOR DETERMINATION OF APPLICABILITY
prepared for:
MID-ISLAND SERVICE LIMITED PARTNERSHIP
#41 & #43 Sparks Avenue, Nantucket, MA.
SCALE: 1"=10'
DECEMBER 20, 2019



December 19, 2019

Ms. Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Minor Modification – SE48-3168
30 Rabbit Run Road - Map 28 Parcel 6

Dear Ms. Erisman:

The purpose of this letter is to request a Minor Modification to the permitted pier relocation project. The approval allowed for the relocation of the existing supports, however the use of driven timber piles to support the pier instead would be much less disruptive.

The existing supports are a fabricated steel structure supported by a large block of concrete below the surface. These will be removed, though re-installation would require a sizeable excavation. The timber piles can all be driven in one day without the need for excavation. The proposed pile locations are shown on the attached plan.

As with the original application, the seasonal pier and float will be installed and removed using the best available measures to minimize adverse effects on the Interests protected by the Bylaw. There is no alternative location which would serve the intended purpose and provide a greater degree of protection to the Interests. The alternative to relocation would be to dredge the area surrounding the existing licensed and permitted location, which has a greater chance of impact.

I plan to attend the meeting for this application to address any questions, comments or concerns that the Commission may have.

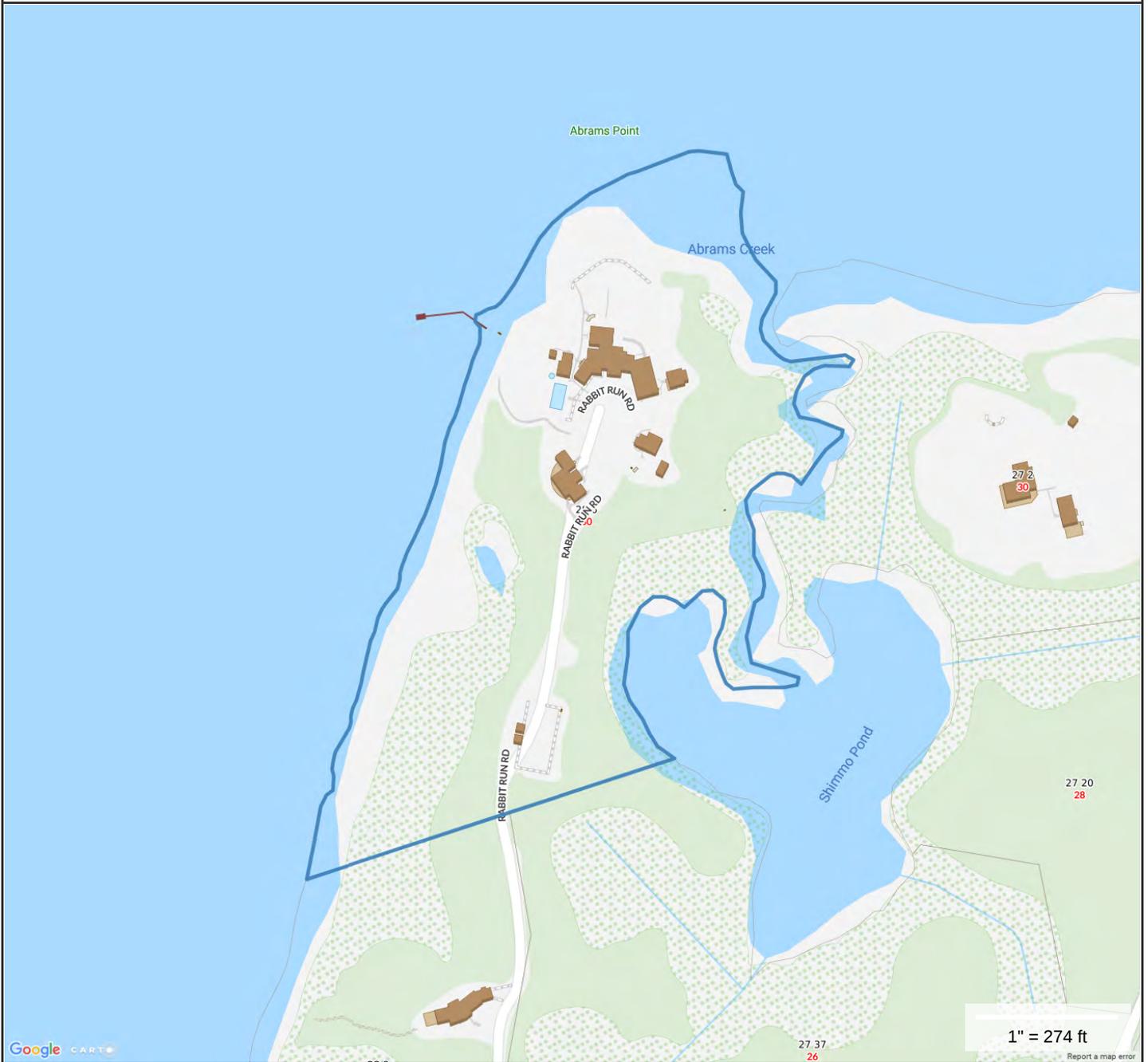
Sincerely,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro".

Arthur D. Gasbarro, PE, PLS

Cc: Rhoda Weinman, Trustee
MassDEP – SERO

Locus Map



Property Information

Property ID 28 6
Location 30 RABBIT RUN RD
Owner WEINMAN RHODA H TRUSTEE



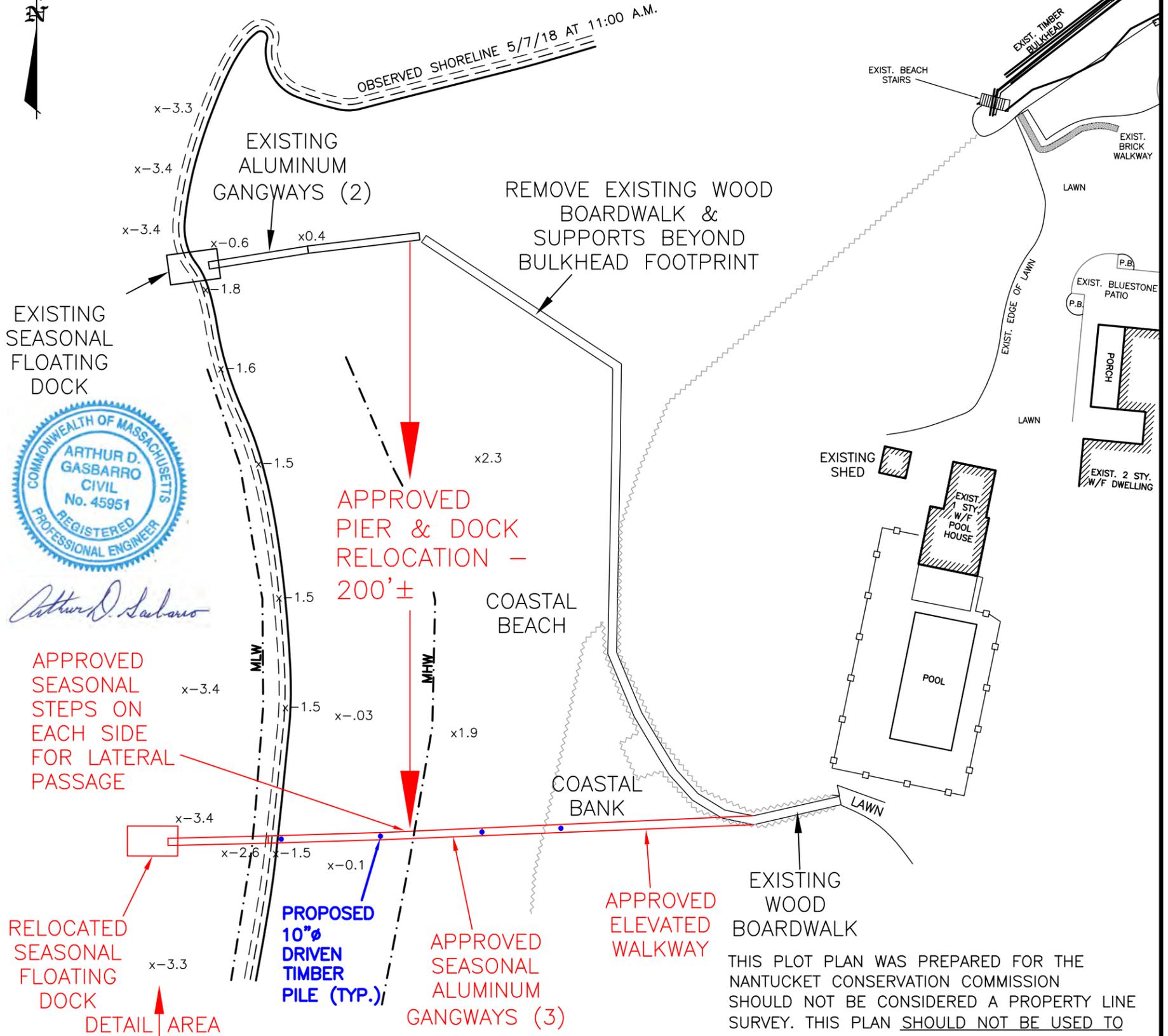
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated 09/14/2018
Properties updated 10/10/2018

REF. LICENSE PLAN No. 8080
& LICENSE PLAN No. 3552

NANTUCKET HARBOR



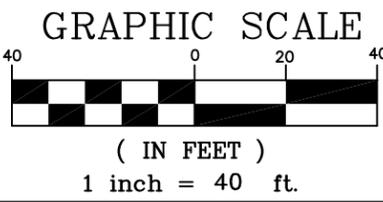
COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO
CIVIL
No. 45951
REGISTERED
PROFESSIONAL ENGINEER

Arthur D. Gasbarro

THIS PLOT PLAN WAS PREPARED FOR THE NANTUCKET CONSERVATION COMMISSION SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS. LAYOUT SHOWN HEREON DOES NOT IMPLY CONFORMANCE WITH ZONING BY-LAWS.

**SITE PLAN TO ACCOMPANY A
MINOR MODIFICATION
IN NANTUCKET, MA
PREPARED FOR
ABRAMS POINT REALTY TRUST
30 RABBIT RUN ROAD
MAP 28 PARCEL 6
DECEMBER 19, 2019
SCALE 1"=40'**

MassDEP
FILE No.
SE48-3168



NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053



2019 00161284

Cert: 18553 Doc: OOC
Registered: 03/21/2019 11:47 AM



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3168
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Rhoda H. Weinman, Trustee
a. First Name b. Last Name
Abram's Point Realty Trust
c. Organization
P.O Box 1365
d. Mailing Address
Nantucket MA 02554
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

30 Rabbit Run Road Nantucket
a. Street Address b. City/Town
28 6
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 41d 17'40.70" N 70d 03'49.72" W
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3168
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket 18,553
a. County b. Certificate Number (if registered land)

c. Book d. Page

7. Dates: 2/01/2019 3/20/2019 3/20/2019
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan to Accompany a Notice of Intent
a. Plan Title

b. Prepared By 08/22/18 c. Signed and Stamped by Damie J. Raffle P.L.S
d. Final Revision Date e. Scale 1" = 10'

Lola 41 – Covered Deck 08.22.18
f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
j. Wetland Scenic Views (bylaw) k. Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

MAIN OFFICE:

49 Herring Pond Road
Buzzards Bay, MA 02532
TEL: (508) 833-0070
FAX: (508) 833-2282



NANTUCKET OFFICE:

19 Old South Road
Nantucket, MA 02554
TEL: (508) 325-0044
www.brackeneng.com

December 18, 2019

HAND DELIVERY & Electronically

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**RE: Minor Modification Request
SE48-3181
8 Bishops Rise (Map 40, Parcel 32)**

Dear Commission Members:

On behalf of the applicant, 8 Bishops Rise, LLC, please accept this letter as a request for a Minor Modification to the approved plan for the above referenced project. *The order permitted the construction of a single-family dwelling, installation of a well, installation of fencing and associated grading, landscaping and utilities within the buffer zone to Bordering and Isolated Vegetated Wetlands. Waivers were not required for this project.*

The change to the plan is as follows:

- Revised well location and associated temporary clearing/silt fence.

It was determined at the time of installation that sufficient water could not be found at the currently proposed well location, thus prompting the revised well location approximately 200'± to the south. Due to local well regulations and the location of existing, abutting septic systems, the new well location is 3' closer to the BVW, but is still located outside of the 50' buffer at 54'±.

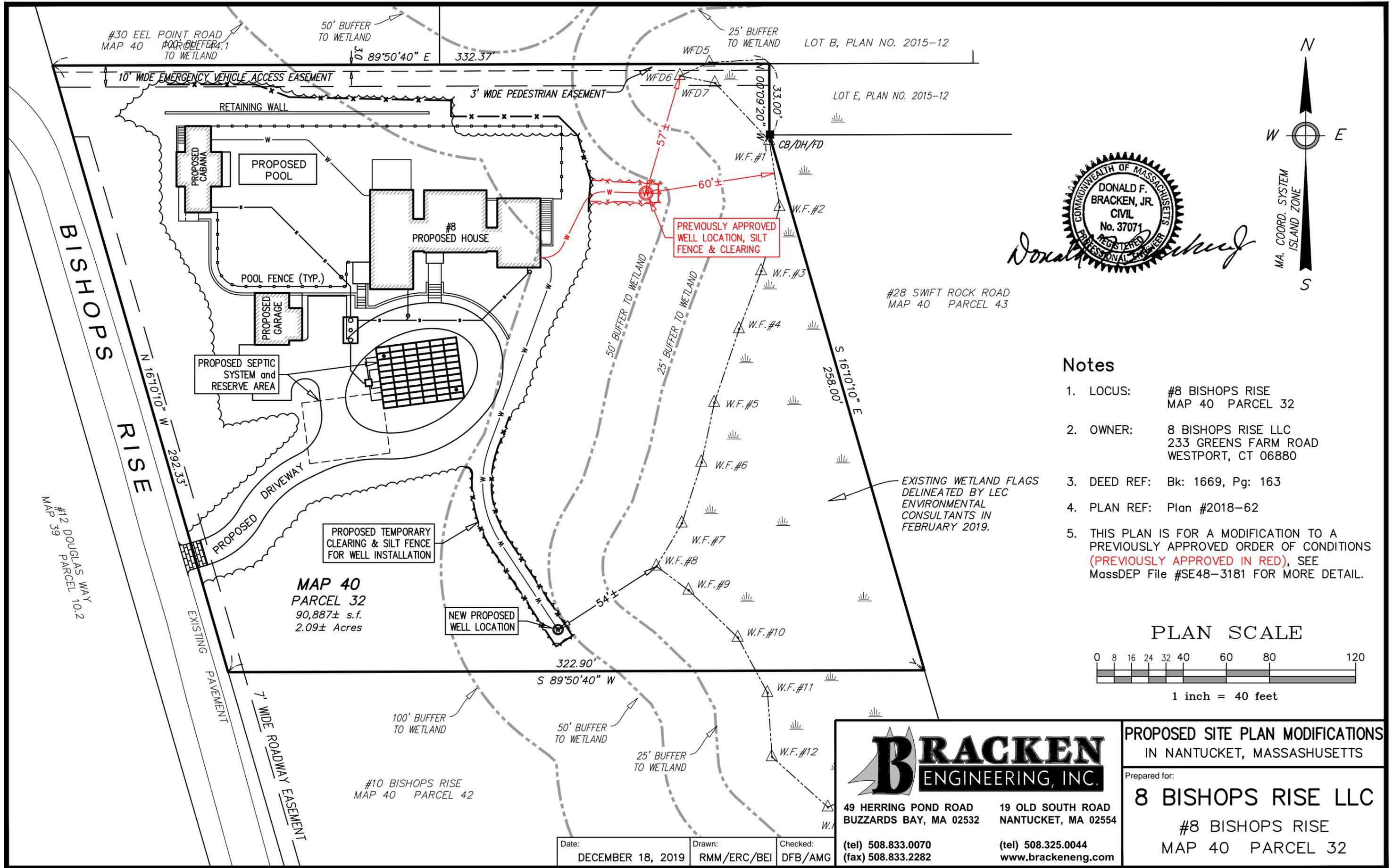
Enclosed you will find a check for the Bylaw filing fee of Twenty-Five Dollars. Should you have any question or require any further information, please contact our office at 508-325-0044 or don@brackeneng.com.

Sincerely,

Bracken Engineering, Inc.

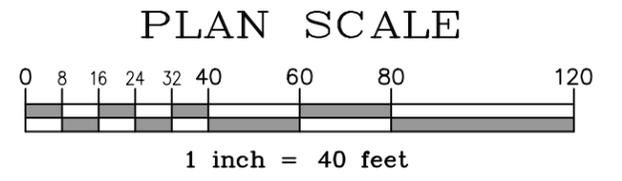
A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', written in a cursive style.

Donald F. Bracken, Jr., P.E.
President



Notes

1. LOCUS: #8 BISHOPS RISE
MAP 40 PARCEL 32
2. OWNER: 8 BISHOPS RISE LLC
233 GREENS FARM ROAD
WESTPORT, CT 06880
3. DEED REF: Bk: 1669, Pg: 163
4. PLAN REF: Plan #2018-62
5. THIS PLAN IS FOR A MODIFICATION TO A PREVIOUSLY APPROVED ORDER OF CONDITIONS (PREVIOUSLY APPROVED IN RED), SEE MassDEP File #SE48-3181 FOR MORE DETAIL.



BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

**PROPOSED SITE PLAN MODIFICATIONS
IN NANTUCKET, MASSASHUSETTS**

Prepared for:

8 BISHOPS RISE LLC
#8 BISHOPS RISE
MAP 40 PARCEL 32

Date: DECEMBER 18, 2019	Drawn: RMM/ERC/BEI	Checked: DFB/AMG
----------------------------	-----------------------	---------------------

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B8439

February 19, 2019

Andrew Bennett, Chairman
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SE48-2994, Rock D. Gonnella, Trustee of the North Nominee Trust.
Deed Book 1343, Page 84.

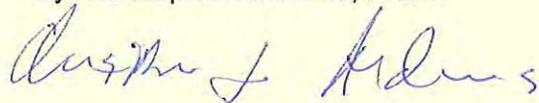
Dear Mr. Bennett,

I am writing to request a Certificate of Compliance for the referenced Order of Conditions. I certify that the project was completed in substantial compliance with permit.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Christopher Andrews, P.L.S.





Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

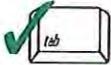
WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by DEP

A. Project Information

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:(current Title holder):

Rock Gonnella, Trustee of the North Nominee Trust

Name

71 Easton Street

Mailing Address

Nantucket

City/Town

MA

State

02554

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Rock Gonnella, Trustee of the North Nominee Trust

Applicant

08/16/17

Dated

SE48-2994

DEP File Number

3. The project site is located at:

73 Easton Street

Street Address

42.4.1

Assessors Map/Plat Number

Nantucket

City/Town

109

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Same as applicant

Property Owner (if different)

Nantucket

County

1604

Book

208

Page

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

The following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

The renovation, elevation and expansion of the existing structure with associated grading, landscaping and utilities was satisfactorily completed. The reconfiguration of the driveway/parking area with associated grading was not completed.

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

➤ Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



2017 00002418
Bk: 1604 Pg: 208 Page: 1 of 16
Doc: OOC 08/16/2017 03:04 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48- 2994
MassDEP File #
eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Rock GOnnella, Trustee
a. First Name b. Last Name
North Nominee Trust
c. Organization
71 Easton Street
d. Mailing Address
Nantucket MA 02554
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Same As Applicant
a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:
73 Easton Street Nantucket
a. Street Address b. City/Town
42.4.1 109
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 41d 17' 16.7" 70d 06' 00.9"
d. Latitude e. Longitude



DEED

POINT BREEZE, LLC, a Massachusetts limited liability company, having its principal place of business at Nantucket, Massachusetts, for consideration paid in the amount of One (\$1.00) Dollar, and other good and valuable consideration, grants to Rock D. Gonnella, Trustee of the North Nominee Trust, u/d/t dated March 20, 2012, recorded herewith, with a mailing address of 71 Easton Street, Nantucket, Massachusetts, with QUITCLAIM COVENANTS,

That certain parcel of land situated in Nantucket, Nantucket County, Massachusetts, together with the buildings and improvements thereon, now known and numbered as 73 Easton Street, bounded and described as follows:

- SOUTHWESTERLY by Easton Street, eighty-two and 20/100 (82.20) feet;
- NORTHEASTERLY by Lot 4 on plan hereinafter mentioned, one hundred eleven and 27/100 (111.27) feet;
- SOUTHEASTERLY by Lot 6 on said plan, fifty-eight and 74/100 (58.74) feet;
- SOUTHERLY by Lot 6 on said plan, fifty-three and 07/100 (53.07) feet;

Said land is shown as Lot 5 upon plan by Blackwell & Associates, Inc., dated December 3, 2005, recorded with Nantucket Deeds as Plan 03-57. Said land contains 5050 square feet, more or less, according to said plan.

Said land is conveyed subject to the following:

(a) Provisions of an Order of Conditions issued by the Nantucket Conservation Commission in DEP File No. SE48-1321 on November 23, 1999, recorded with Nantucket Deeds in Book 643, page 1, as affected by a Certificate of Compliance recorded in Book 692, Page 93.

(b) Provisions of a decision of the Nantucket Board of Appeals granting a Special Permit, dated December 22, 1999, recorded with Nantucket Deeds in Book 648, Page 127.

For title, see deed recorded with Nantucket Deeds in Book 524, Page 298.

Locus, 73 Easton Street, Nantucket, MA, 02554

Executed as a sealed instrument on this 12 day of September, 2012.

POINT BREEZE, LLC

By:

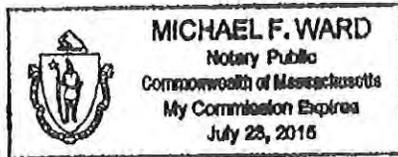
Rock D. Gonnella
Rock D. Gonnella, Manager

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

9/12, 2012

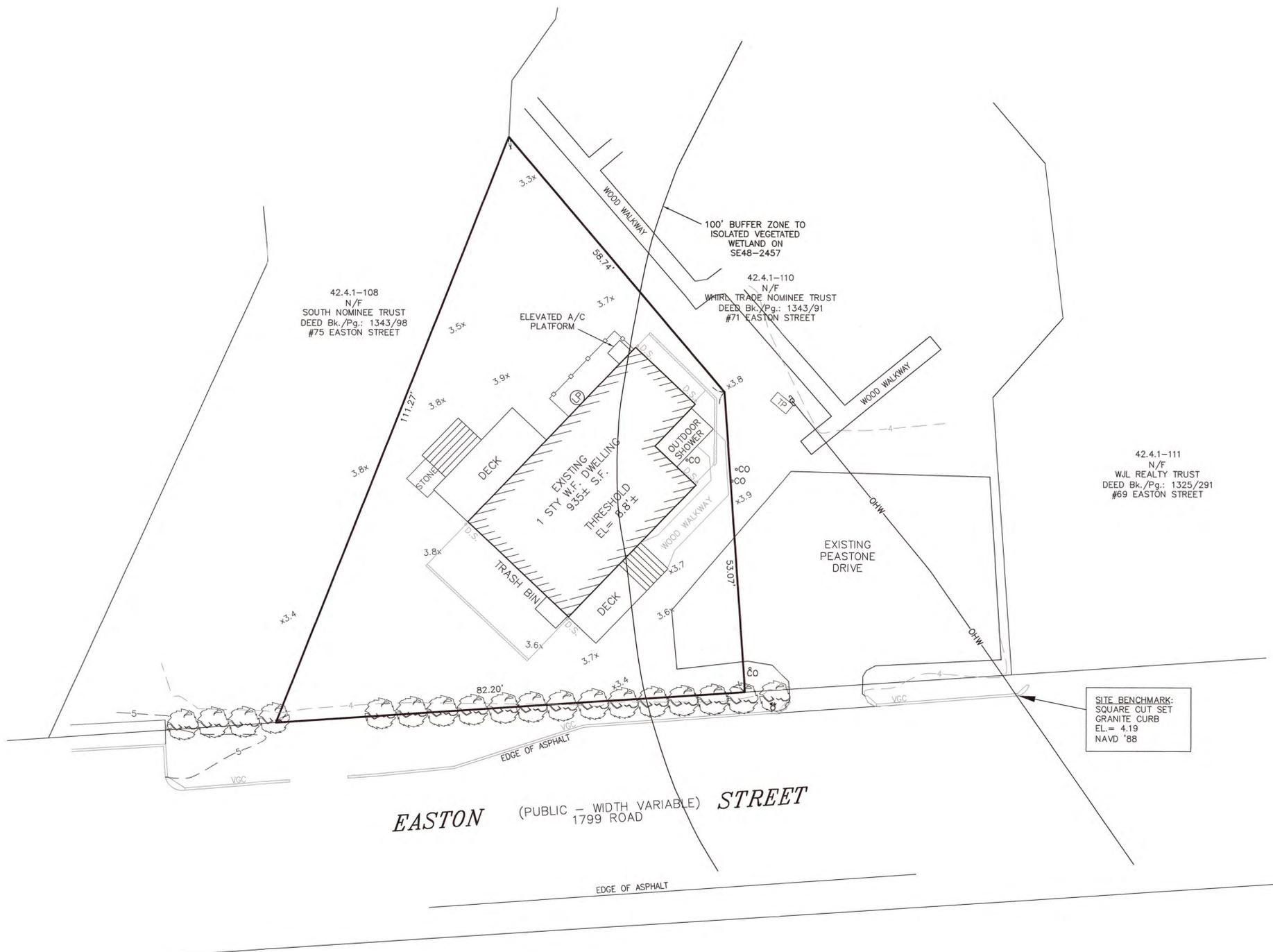
On this 12th day of September, 2012, before me, the undersigned notary public, personally appeared the above-named Rock D. Gonnella, as a Manager of Point Breeze, LLC, proved to me through satisfactory evidence of identification, which was her Massachusetts driver's license, to be the person whose name is signed on the preceding document and acknowledged to me that she signed it voluntarily on behalf of Point Breeze, LLC, for its stated purpose.



Michael F. Ward
Michael F. Ward, Notary Public
my commission expires: July 23, 2015

NANTUCKET LAND BANK CERTIFICATE	
<input type="checkbox"/> Paid \$	
<input checked="" type="checkbox"/> Exempt <u>D</u>	
<input type="checkbox"/> Non-applicable	
<u>33000</u>	<u>9/12/12</u>
No.	Date
Authorisation	<u>Gunnella</u>

CURRENT ZONING CLASSIFICATION:
Residential Old Historic (R-OH)
MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: NONE
REAR/SIDE SETBACK: 5 FT.
GROUND COVER %: 50 %



- LEGEND**
- 5.2 DENOTES EXIST. GRADE SPOT ELEVATION
 - 5 DENOTES EXIST. GRADE CONTOUR
 - OHW— DENOTES EXIST. OVERHEAD WIRES
 - ⊕ DENOTES EXIST. UTILITY POLE
 - ⊙ DENOTES EXIST. LP TANK
 - ⊙ DENOTES EXIST. 4" PVC CLEANOUT
 - ⊙ DENOTES EXIST. WATER METER
 - VGC DENOTES EXIST. VERTICAL GRANITE CURB
 - ⊕ DENOTES EXISTING DOWNSPOUT
 - DENOTES EXISTING INFILTRATOR

NOTE:
THE PROPERTY IS LOCATED WITHIN LAND
SUBJECT TO COASTAL STORM FLOWAGE,
ZONE AE, BASE FLOOD ELEVATION 7.0'.
F.I.R.M. PANEL 25019C0086G

MassDEP File# SE48-2994

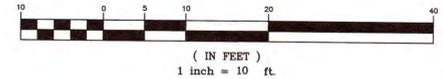
Site Plan of Land
To Accompany a
Request for a
Certificate of Compliance
in Nantucket, MA
Prepared for
MARK GONNELLA

ASSESSOR'S MAP 42.4.1, PARCEL 109
#73 EASTON STREET

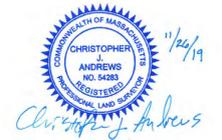
Scale: 1" = 10' February 19, 2019

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



OWNER INFORMATION
ROCK D. GONNELLA, TRUSTEE
NORTH NOMINEE TRUST
DEED BK. 1343, PG. 84
ASSESSOR'S MAP 42.4.1, PARCEL 109
#73 EASTON STREET





December 6, 2019

Ms. Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: 13 Massachusetts Ave
Map 60 Parcel 75
Certificate of Compliance - SE48-2893

Dear Ms. Erisman:

I am writing to request a Certificate of Compliance for the referenced project. The work was completed in substantial compliance with the Order of Conditions, as Amended. Attached are a Site Plan, WPA Form 8A, \$25 filing fee, front-page copy of the Order recorded at the Nantucket Registry of Deeds.

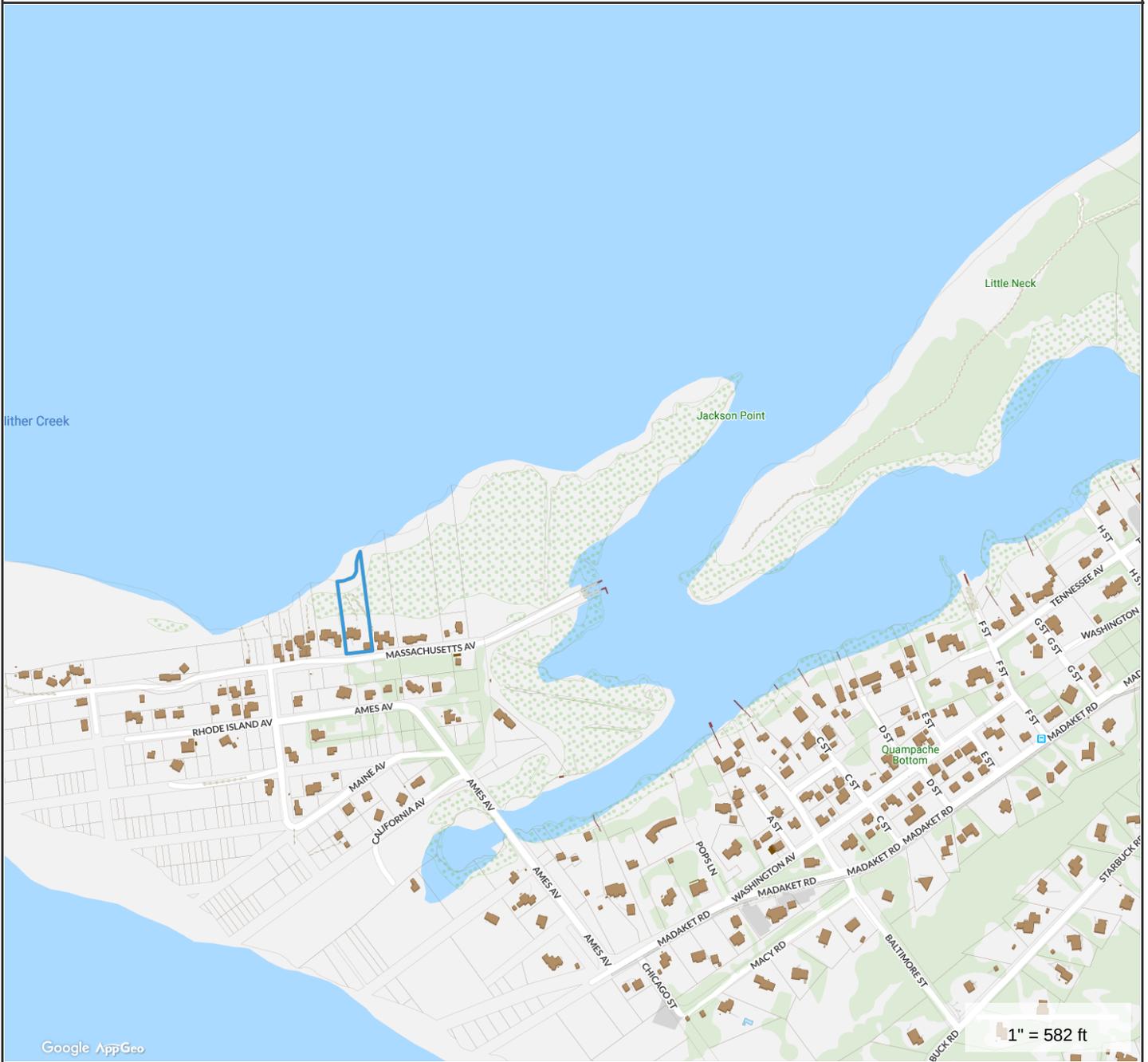
I plan to attend the public meeting at which this matter will be considered, though please feel free to contact me should you have any questions or concerns with this request in the meantime.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS

A handwritten signature in blue ink, reading "Arthur D. Gasbarro". The signature is written in a cursive style and is enclosed in a thin blue rectangular border.

CC: Madaket Wheelhouse, LLC

Locus Map



Property Information

Property ID 60 75
Location 13 MASSACHUSETTS AV
Owner MADAKET WHEELHOUSE LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 11/13/2018
 Data updated 11/19/2018



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Project Information

Important:

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Madaket Wheelhouse LLC

Name

205 Stone Hill

Mailing Address

Pound Ridge

City/Town

NY

State

10576

Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Madaket Wheelhouse LLC

Applicant

6/1/16

Dated

SE48-2893

DEP File Number

3. The project site is located at:

13 Massachusetts Ave

Street Address

60

Assessors Map/Plat Number

Nantucket

City/Town

75

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Nantucket

County

Book

Page

25,969 - Doc. 151987

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



2019 00161850

Cert: 25696 Doc: AMENDME
Registered: 05/24/2019 08:48 AM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 –Amended Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-2893
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	
<u>Madaket Wheelhouse, LLC</u>		
c. Organization		
<u>205 Stone Hill</u>		
d. Mailing Address		
<u>Pound Ridge</u>	<u>NY</u>	<u>10576</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant

a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code

5. Project Location:

<u>13 Massachusetts Avenue</u>	<u>Nantucket</u>	
a. Street Address	b. City/Town	
<u>60</u>	<u>75</u>	
c. Assessors Map/Plat Number	d. Parcel/Lot Number	
Latitude and Longitude, if known:	<u>41d 17'48" N</u>	<u>70d 00'02" W</u>
	d. Latitude	e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Amended Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
 SE48-2893
 MassDEP File #

eDEP Transaction #
 Nantucket
 City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket
 a. County

25,696 RE: DOC 151987
 b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates:
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 05/13/2016 | 06/01/2016 | 06/01/2016 |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |
| 05/03/2018 | 05/22/2019 | 05/22/2019 |
| a. Date Amendment Filed | b. Date Public Hearing Closed | c. Date of Issuance |

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan to Accompany a Notice of Intent

a. Plan Title

Blackwell & Associates, Inc

Jeffrey L. Blackwell PLS

b. Prepared By

c. Signed and Stamped by

05/03/2019

1" = 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|---|---|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input checked="" type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input checked="" type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input checked="" type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
| | j. <input checked="" type="checkbox"/> Wetland Scenic Views (bylaw) | k. <input checked="" type="checkbox"/> Recreation (Bylaw) |

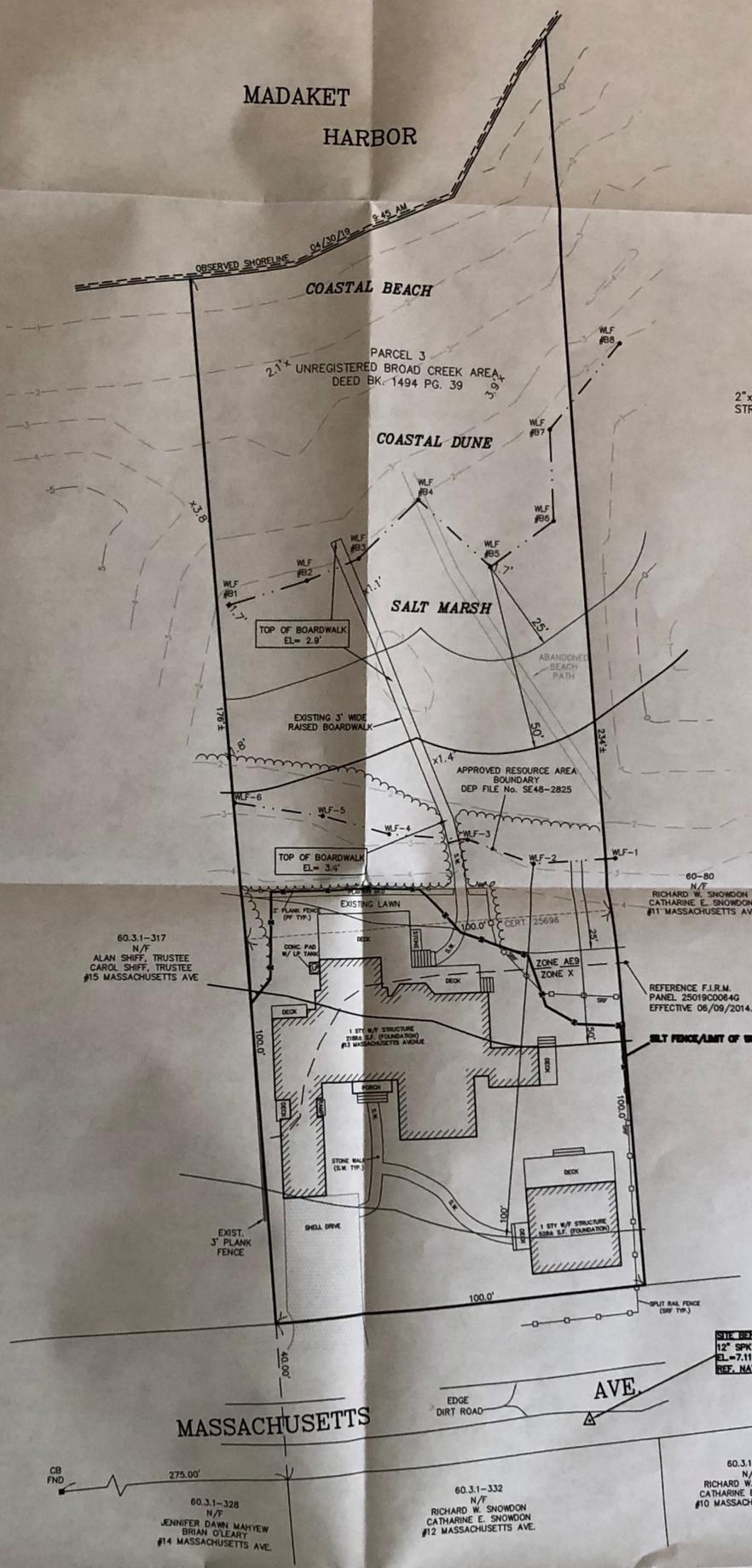
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

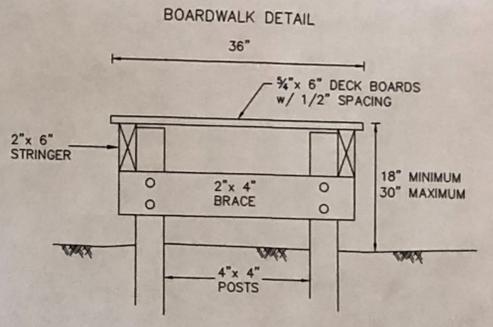
- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

MINIMUM LOT SIZE: 20,000 S.F.
 MINIMUM FRONTAGE: 100 FT.
 FRONT YARD SETBACK: 20 FT.
 REAR/SIDE SETBACK: 10 FT.
 GROUND COVER % : 10%

L.C.C. 2408-Y



LEGEND
 CB FND ■ DENOTES CONCRETE BOUND FOUND
 WLF #4 ● DENOTES WETLAND FLAG FOUND
 --- DENOTES RESOURCE AREA BOUNDARY
 ~~~ DENOTES EXIST. EDGE OF BRUSH



SPK BENCHMARK  
 12" SPK  
 EL=7.11  
 REF. NAVD '88

Ref. SE48-2893  
 Site Plan of Land  
 To Accompany a  
 Request for a  
 Certificate of Compliance  
 in Nantucket, MA  
 Prepared for

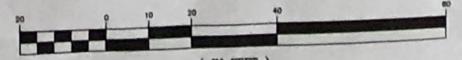
MADAKET WHEELHOUSE, LLC

Scale: 1" = 20' November 20, 2019

BLACKWELL & ASSOCIATES, Inc.  
 Professional Land Surveyors  
 20 TEASDALE CIRCLE  
 NANTUCKET, MASS. 02554  
 (508) 228-9026



GRAPHIC SCALE



**OWNER'S INFORMATION**

MADAKET WHEELHOUSE, LLC  
 CERT. OF TITLE #25696  
 L.C.C. 2408-Y  
 LOTS 12-15, BLOCK 29  
 DEED Bk./Pg.: 1494/39  
 UNREGISTERED PARCEL- NO PLAN  
 ASSESSOR'S MAP 60, PARCEL 75  
 #13 MASSACHUSETTS AVENUE

28012

December 13, 2019

**Hand Delivery/Email**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Request for Certificate of Compliance  
DEP File #SE 48-2797  
10 Monomoy Creek Road (54-54.2)  
Nantucket, Massachusetts**

[LEC File #BrE15-018.01]

Dear Members of the Commission:

On behalf of the current Property Owner/Applicant, John J. Moller (previously John J. Moller and Elizabeth Von Summer), LEC Environmental Consultants, Inc., (LEC) is submitting this Request for Certificate of Compliance associated with the Order of Conditions (DEP File #SE 48-2797) issued on July 22, 2015, permitting the *removal of an existing gabion basket retaining wall, re-grading/re-vegetation of the slope and reconfiguration of the driveway within Coastal Bank, Land Subject to Coastal Storm Flowage, Bordering Vegetated Wetland and their associated buffer zones*. Waivers were issued for the restoration project that provides a long-term net-benefit to the Resource Area and its Buffer Zone.

Restoration/revegetation work activities were conducted in spring 2017 under LEC's supervision. LEC conducted follow-up monitoring site evaluations, as required under the Order. A final Monitoring Report accompanies this Request.

As depicted on the *Conservation As-Built Plan*, prepared by Bracken Engineering, Inc., dated December 12, 2019, and representative photographs (attached), the restoration project has been completed in substantial compliance with the Order of Conditions.

Thank you for your consideration of this request. If you should have any questions or require additional information in advance of the December 18, 2019 Public Hearing, please do not hesitate to contact me.

Sincerely,

**LEC Environmental Consultants, Inc.**



Brian T. Madden  
Wildlife Scientist

**Attachments**

cc: DEP, John Moller, Marianne Hanley, Bracken Engineering, Inc.

**LEC Environmental Consultants, Inc.**

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 (Fax)

**PLYMOUTH, MA**

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781-245-2500  
781-245-6677 (Fax)

**WAKEFIELD, MA**

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508-753-3077  
508-753-3177 (Fax)

**WORCESTER, MA**

P. O. Box 590  
Rindge, NH 03461

603-899-6726  
603-899-6726 (Fax)

**RINDGE, NH**



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

**A. Project Information**



**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

John J. Moller

c. Organization

6591 Collins Drive, Suite E-11

d. Street Address

Moorpark

City/Town

CA

State

93021

Zip Code

508-746-9491 (LEC Environmental Consultants, Inc.)

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

John J. Moller and Elizabeth Von Summer

Applicant

7/22/15

Dated

SE48-2797

DEP File Number

3. The project site is located at:

10 Monomoy Creek Road

Street Address

Nantucket

City/Town

54

Assessors Map/Plat Number

54.2

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Elizabeth Von Summer and John J. Moller

Property Owner (if different)

Nantucket

County

Book

Page

25592

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

See attached

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



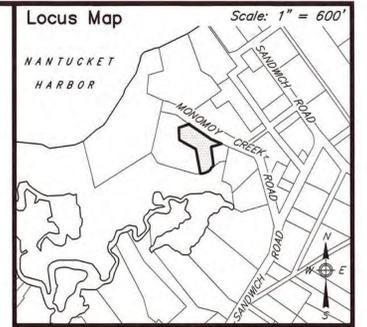
Prior driveway/gabion basket retaining wall abutting BVW (6/3/15 & 5/26/15).



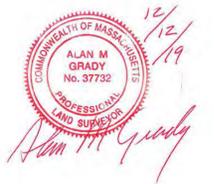
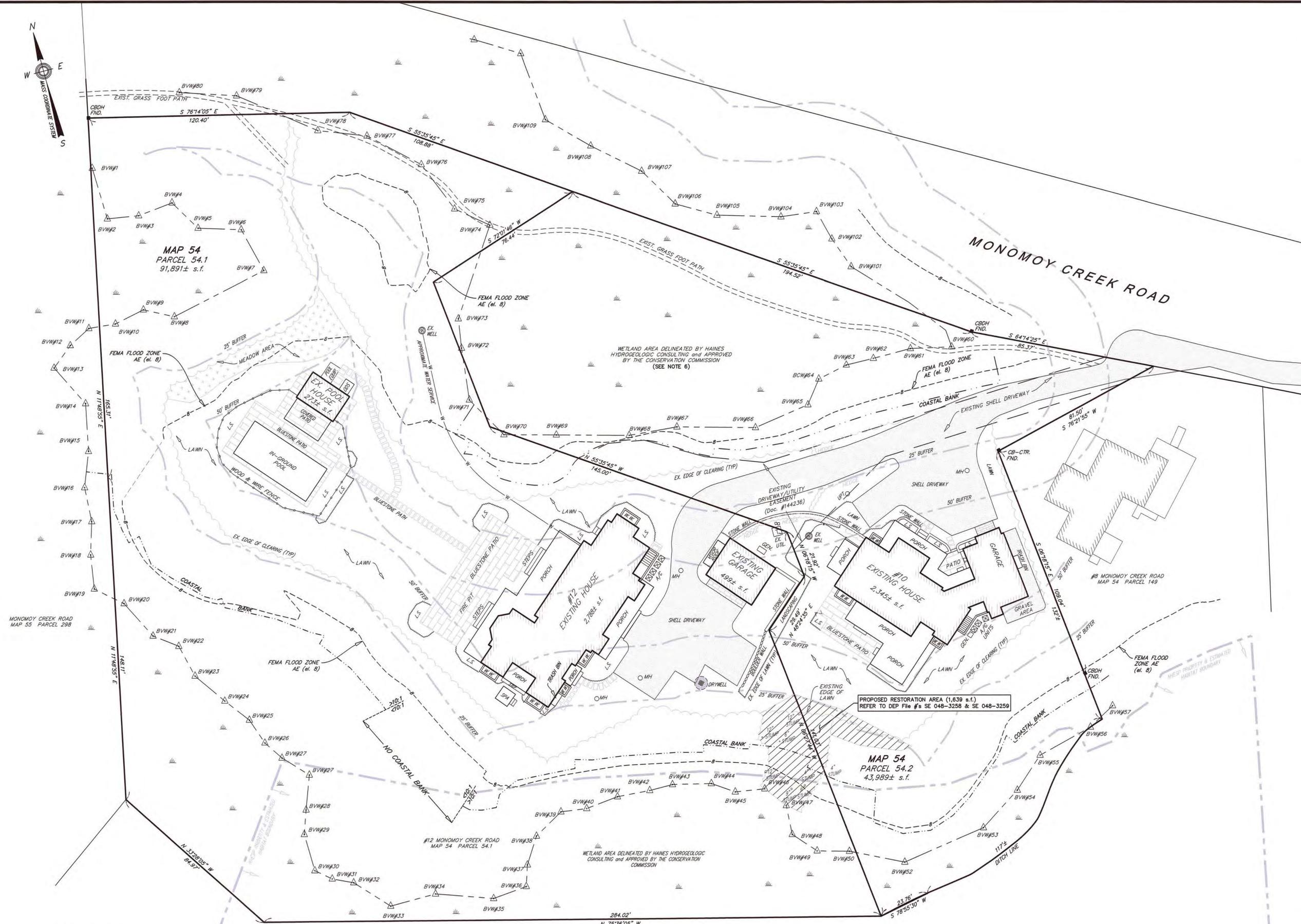


Restored/revegetated slope; former driveway/gabion basket retaining wall (9/25/19).



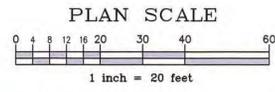


- Notes**
1. LOCUS: #10 MONOMOY CREEK ROAD MAP 54 PARCEL 54.2
  2. OWNER: JOHN J. MOLLER 6591 COLLINS DRIVE, SUITE E-11 MOORPARK, CA 93021
  3. DEED REF: Cert. #27537
  4. PLAN REF: L.C. Plan 13306-C (LOT 3) L.C. Plan 13306-E (LOT 6)
  5. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL. 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
  6. SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
  7. A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES.
  8. LOCUS FALLS WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.



Prepared By:  
**BRACKEN ENGINEERING, INC.**  
 49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282  
 19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 (www.brackeneng.com)

**CONSERVATION AS-BUILT PLAN IN NANTUCKET, MASSACHUSETTS**  
 Prepared For:  
**JOHN J. MOLLER**  
 #10 MONOMOY CREEK ROAD MAP 54 PARCELS 54.2



| No. | Date              | Revision Description                   | By            |
|-----|-------------------|----------------------------------------|---------------|
| 1   | DECEMBER 12, 2019 | Drawn: RMM/ERC/BEI<br>Checked: DFB/AMG | Sheet: 1 of 1 |

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December 13, 2019

**Hand Delivery/Email**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Request for Certificate of Compliance  
DEP File #SE 48-2801  
10 Monomoy Creek Road (54-54.2)  
Nantucket, Massachusetts**

[LEC File #BrEI\15-018.01]

Dear Members of the Commission:

On behalf of the current Property Owner/Applicant, John J. Moller (previously John J. Moller and Elizabeth Von Summer), LEC Environmental Consultants, Inc., (LEC) is submitting this Request for Certificate of Compliance associated with the Order of Conditions (DEP File #SE 48-2801) issued on July 22, 2015, permitting the *construction of a single family home with associated grading, landscaping and utilities within the buffer zone to Coastal Bank, Land Subject to Coastal Storm Flowage, and Bordering Vegetated Wetland.* Waivers were issued for the project.

Two Minor Modifications were issued during construction. The first Minor Modification was issued on April 26, 2017, approving landscaping updates related to the dry laid stone patio with spa and associated fence, minor reconfiguration of the covered porch, a new window well and small bump-out on the south side of the dwelling, reconfiguration of a retaining wall, and regrading updates. The second Minor Modification was issued on August 23, 2017, revising the spa to a 15’x18’ pool, along with minor reconfigurations to the dry laid stone patio and associated fence.

Construction was completed in late 2017. The approved 15’x18’ pool and associated fence were not constructed, and less patio was ultimately installed.

LEC conducted monitoring site evaluations during and following construction, as described in the Monitoring Report concurrently submitted.

The project has been completed in substantial compliance with the Order of Conditions, as modified and depicted on the *Conservation As-Built Plan*, prepared by Bracken Engineering, Inc., dated December 12, 2019, and representative photographs (attached). Minor deviations related to final utility locations and a gravel area abutting the southeasterly corner of the house (replacing lawn) are depicted on the *Conservation As-Built Plan*.

**LEC Environmental Consultants, Inc.**

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 (Fax)

**PLYMOUTH, MA**

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781-245-2500  
781-245-6677 (Fax)

**WAKEFIELD, MA**

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508-753-3077  
508-753-3177 (Fax)

**WORCESTER, MA**

P. O. Box 590  
Rindge, NH 03461  
603-899-6726  
603-899-6726 (Fax)

**RINDGE, NH**



As described in the accompanying Monitoring Report, unauthorized cutting activity was documented during the fall 2019 monitoring site evaluation. The unauthorized cutting activity extended onto #12 Monomoy Creek Road. Notice of Intent Applications have been filed for proposed restoration activities on both subject parcels.

Thank you for your consideration of this request. If you should have any questions or require additional information in advance of the December 18, 2019 Public Hearing, please do not hesitate to contact me.

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink, appearing to read "Brian T. Madden".

Brian T. Madden  
Wildlife Scientist

Attachments

cc: DEP, John J. Moller, Marianne Hanley, Bracken Engineering, Inc.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

**A. Project Information**



**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

John J. Moller

c. Organization

6591 Collins Drive, Suite E-11

d. Street Address

Moorpark

City/Town

CA

State

93021

Zip Code

508-746-9491 (LEC Environmental Consultants, Inc.)

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

John J. Moller and Elizabeth Von Summer

Applicant

7/22/15

Dated

SE48-2801

DEP File Number

3. The project site is located at:

10 Monomoy Creek Road

Street Address

Nantucket

City/Town

54

Assessors Map/Plat Number

54.2

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Elizabeth Von Summer and John J. Moller

Property Owner (if different)

Nantucket

County

Book

Page

25592

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

See attached

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



7/27/17



9/25/19



9/25/19





Cert: 25592 Doc: OOC  
Registered: 07/24/2015 01:32 PM



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
SE48- 2801  
MassDEP File #

eDEP Transaction #  
Nantucket  
City/Town

**A. General Information**

1. From: Nantucket  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:  
Elizabeth von Summer and John J. Moller  
a. First Name b. Last Name

c. Organization  
6591 Collins Drive, Suite E-11

d. Mailing Address  
Moorpark CA 93021  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
Same As Applicant  
a. First Name b. Last Name

c. Organization  
d. Mailing Address  
e. City/Town f. State g. Zip Code

5. Project Location:  
10 Monomoy Creek Road Nantucket  
a. Street Address b. City/Town  
54 54.2  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: N 41.27717 W70.08422  
d. Latitude e. Longitude



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**A. General Information (cont.)**

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket

25592

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates:      06/05/15                      07/22/2015                      07/22/2015  
                    a. Date Notice of Intent Filed      b. Date Public Hearing Closed      c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Proposed Site Plan

a. Plan Title

Bracken Engineering

Alan M. Grady

b. Prepared By

c. Signed and Stamped by

06/18/2015

1" 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

**B. Findings**

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply      b.  Land Containing Shellfish      c.  Prevention of Pollution  
d.  Private Water Supply      e.  Fisheries      f.  Protection of Wildlife Habitat  
g.  Groundwater Supply      h.  Storm Damage Prevention      i.  Flood Control  
j.  Wetland Scenic Views (bylaw)      k.  Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) \_\_\_\_\_ a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| Resource Area                                                      | Proposed Alteration     | Permitted Alteration    | Proposed Replacement | Permitted Replacement |
|--------------------------------------------------------------------|-------------------------|-------------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank                                   | _____ a. linear feet    | _____ b. linear feet    | _____ c. linear feet | _____ d. linear feet  |
| 5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland | _____ a. square feet    | _____ b. square feet    | _____ c. square feet | _____ d. square feet  |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways   | _____ a. square feet    | _____ b. square feet    | _____ c. square feet | _____ d. square feet  |
|                                                                    | _____ e. c/y dredged    | _____ f. c/y dredged    |                      |                       |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding     | _____ a. square feet    | _____ b. square feet    | _____ c. square feet | _____ d. square feet  |
| Cubic Feet Flood Storage                                           | _____ e. cubic feet     | _____ f. cubic feet     | _____ g. cubic feet  | _____ h. cubic feet   |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding      | _____ a. square feet    | _____ b. square feet    |                      |                       |
| Cubic Feet Flood Storage                                           | _____ c. cubic feet     | _____ d. cubic feet     | _____ e. cubic feet  | _____ f. cubic feet   |
| 9. <input type="checkbox"/> Riverfront Area                        | _____ a. total sq. feet | _____ b. total sq. feet |                      |                       |
| Sq ft within 100 ft                                                | _____ c. square feet    | _____ d. square feet    | _____ e. square feet | _____ f. square feet  |
| Sq ft between 100-200 ft                                           | _____ g. square feet    | _____ h. square feet    | _____ i. square feet | _____ j. square feet  |



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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

|                                                                    | Proposed<br>Alteration                                                                                                          | Permitted<br>Alteration                       | Proposed<br>Replacement                       | Permitted<br>Replacement                      |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below                                                                                 |                                               |                                               |                                               |
| 11. <input type="checkbox"/> Land Under the Ocean                  | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet |                                               |                                               |
|                                                                    | <u>                    </u><br>c. c/y dredged                                                                                   | <u>                    </u><br>d. c/y dredged |                                               |                                               |
| 12. <input type="checkbox"/> Barrier Beaches                       | Indicate size under Coastal Beaches and/or Coastal Dunes below                                                                  |                                               |                                               |                                               |
| 13. <input type="checkbox"/> Coastal Beaches                       | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet | <u>0 cu yd</u><br>c. nourishment              | <u>                    </u><br>d. nourishment |
| 14. <input type="checkbox"/> Coastal Dunes                         | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. nourishment | <u>                    </u><br>d. nourishment |
| 15. <input checked="" type="checkbox"/> Coastal Banks              | <u>                    </u><br>a. linear feet                                                                                   | <u>                    </u><br>b. linear feet |                                               |                                               |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet |                                               |                                               |
| 17. <input type="checkbox"/> Salt Marshes                          | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet |                                               |                                               |
|                                                                    | <u>                    </u><br>c. c/y dredged                                                                                   | <u>                    </u><br>d. c/y dredged |                                               |                                               |
| 19. <input type="checkbox"/> Land Containing Shellfish             | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| 20. <input type="checkbox"/> Fish Runs                             | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                                               |                                               |                                               |
|                                                                    | <u>                    </u><br>a. c/y dredged                                                                                   | <u>                    </u><br>b. c/y dredged |                                               |                                               |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | <u>                    </u><br>a. square feet                                                                                   | <u>                    </u><br>b. square feet |                                               |                                               |



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**B. Findings (cont.)**

22.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **07/22/18** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,  

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
"File Number            SE48- 2801 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

#### NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
  - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
  - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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### C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Nantucket hereby finds (check one that applies):  
Conservation Commission
- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
1. Municipal Ordinance or Bylaw
2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.  
The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):  
Please view additional findings and conditions page(s)



Town of Nantucket, Massachusetts  
**WPA Form 5 – Order of Conditions**  
The Town of Nantucket Bylaw Chapter 136

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Provided by DEP

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## B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



Town of Nantucket, Massachusetts  
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**B1. Additional Conditions (cont.)**

- 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:  
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

## **FINDINGS and ADDITIONAL CONDITIONS**

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)  
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 10 Monomoy Creek Road  
Assessor's Map and Parcel: 54-54.2  
Property Owner: Elizabeth von Summer and John J. Muller  
Applicant: Elizabeth von Summer and John J. Muller  
DEP File Number: SE48-2801  
Filing Date: June 22, 2015  
Date Hearing Closed: July 22, 2015  
Date Orders Issued: July 22, 2015  
Plan of Record Information: Proposed Site Plan, Dated 6/18/2015, stamped by Donald F. Bracken, Jr. P.E. and Alan M. Grady, P.L.S.

### **Permit Overview:**

This order permits the construction of a single family home with associated grading, landscaping and utilities within the buffer zone to Coastal Bank, Land Subject to Coastal Storm Flowage, and Bordering Vegetated Wetland. Waivers are required for this project.

### **Additional Findings:**

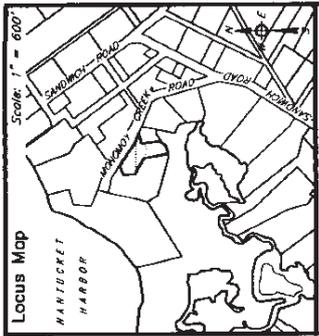
1. The area falls inside mapped habitat areas and requires NHESP review.

**In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:**

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.

### **WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS**

Waivers are required to Section 2.05(B)(5) and 3.02(B)(1) that all structures that are not water dependent shall be within 50 feet of a Coastal Bank/Vegetated Wetland and that no activity shall take place within 25 feet of a Coastal Bank/Vegetated Wetland. The Commission finds that due to the current level of disturbance and the existing placement of the driveway access that the project as proposed will not have an adverse impact to the resource area and that there are no reasonable alternatives to allow the project to proceed. The Commission grants a waiver under Section 1.03(F)(3)(a) of the Nantucket Wetland Protection Regulations.



**Notes**

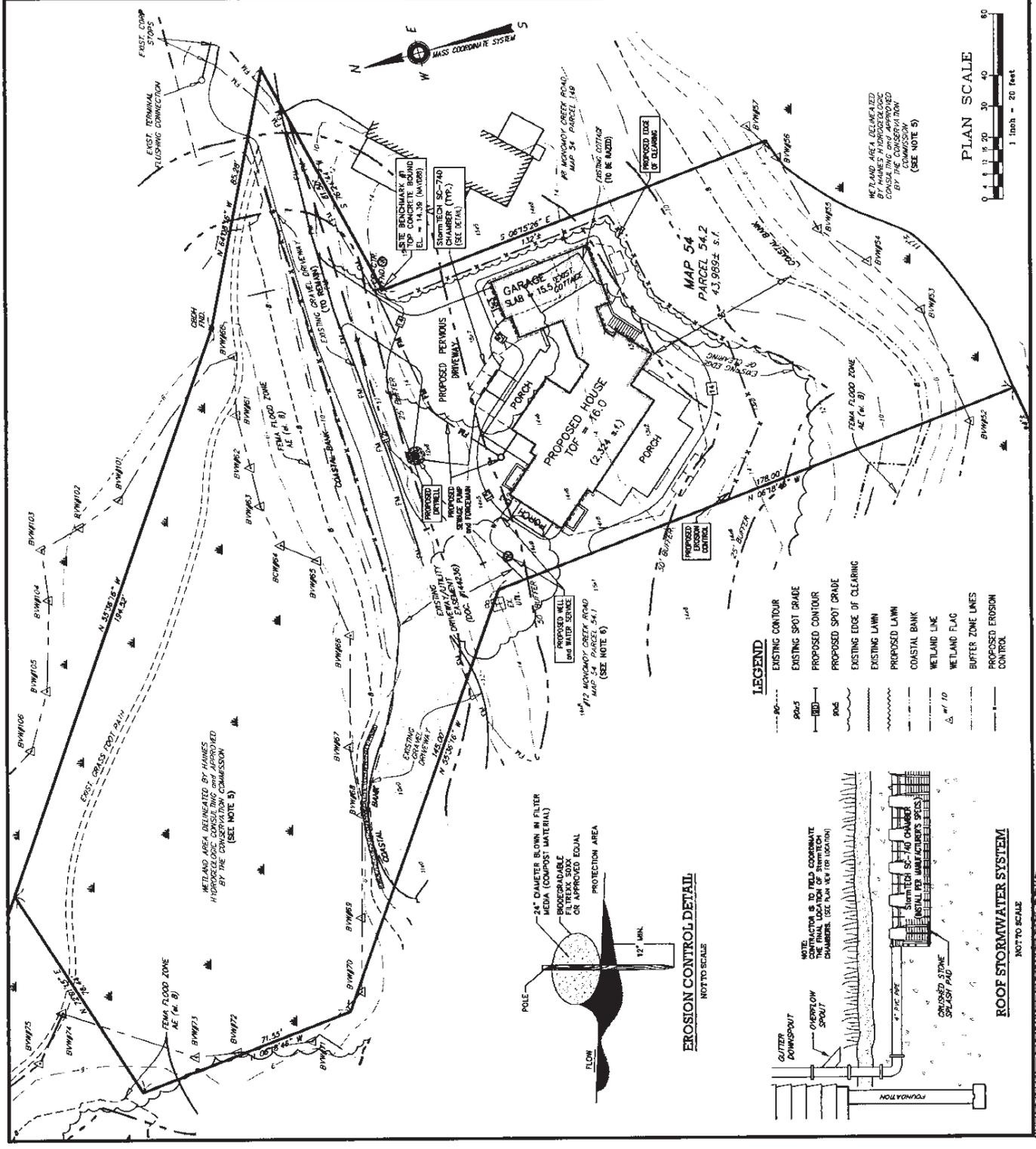
- LOCUS: #10 MONOMOY CREEK ROAD MAP 54 PARCEL 54.2
- OWNER: ELIZABETH VON SUMMER & JOHN J. MOLLER 6592 COLLINS DRIVE, SUITE E-11 MOORPARK, CA 93021
- DEED REF: C-1, #25592
- PLAN REF: L.C. Plan 13308-C (107.3)
- LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (14.0) AS SHOWN ON FEMA MAP 54-10000-0101. DATE OF STUDY: 25019C-0089-5 dated 06/09/2014.
- LOCUS DOES FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHEP) AS SHOWN ON MAP 54-10000-0101. DATE OF STUDY: 25019C-0089-5 dated 06/09/2014. RARE, MILDLY AND PRIORITY HABITATS OF RARE SPECIES.
- SEE ORDER OF CONSIDERATIONS, MAPS DEP F16 #25-0285 FOR MORE INFORMATION.
- A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 25, 2015 REGARDING THE WETLAND RESOURCE AREA BOUNDARIES.
- SEE SITE PLAN FILED FOR #12 MONOMOY CREEK ROAD FOR FURTHER DETAILS.

**Prepared By:**  
**BACKEN**  
 48 HERRING HOLE ROAD  
 SUZANNE BAY, MA 02532  
 (401) 841.3370  
 (401) 841.3322  
 www.backeneng.com

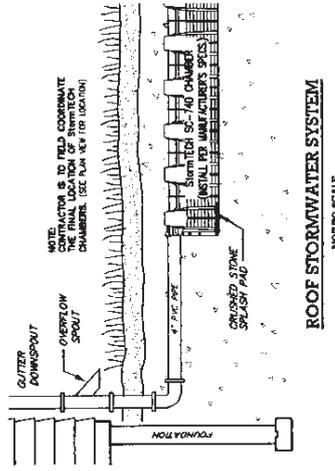
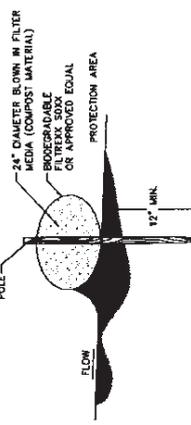
**PROPOSED SITE PLAN**  
 IN NANTUCKET, MASSACHUSETTS  
 Prepared For:  
**ELIZABETH VON SUMMER**  
 and **JOHN J. MOLLER**  
 #10 MONOMOY CREEK ROAD  
 MAP 54 PARCELS 54.2

| No. | Date | Revision Description | By |
|-----|------|----------------------|----|
|     |      |                      |    |
|     |      |                      |    |
|     |      |                      |    |

Date: JUNE 18, 2015  
 Drawn: JMM/ERC/PJM/DRB/AMC  
 Checked: JMM/AMC  
 Sheet: 1 of 1



- LEGEND**
- EXISTING CONTOUR
  - EXISTING SPOT GRADE
  - PROPOSED CONTOUR
  - PROPOSED SPOT GRADE
  - EXISTING EDGE OF CLEARING
  - EXISTING LAWN
  - PROPOSED LAWN
  - COASTAL BANK
  - WETLAND LINE
  - WETLAND FLAG
  - BUFFER ZONE LINES
  - PROPOSED EROSION CONTROL



WETLAND AREA DELINEATED BY HAINES HYDROLOGICAL CONSULTING AND ENGINEERING BY THE ENVIRONMENTAL COMMISSION (SEE NOTE 5)

WETLAND AREA DELINEATED BY HAINES HYDROLOGICAL CONSULTING AND ENGINEERING BY THE ENVIRONMENTAL COMMISSION (SEE NOTE 5)





**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
SE48- 2801  
MassDEP File #

eDEP Transaction #  
Nantucket  
City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

07/22/2015

1. Date of Issuance

Please indicate the number of members who will sign this form.

7  
2. Number of Signers

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

  
Ernest Steinauer  
  
Joseph Topham  
  
Ashley Erisman

  
Andrew Bennett  
  
Ben Champoux  
  
Ian Golding  
  
David LaFleur

by hand delivery on

by certified mail, return receipt requested, on

07/22/2015

Date

Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellants.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
SE48- 2801  
MassDEP File #

eDEP Transaction #  
Nantucket  
City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

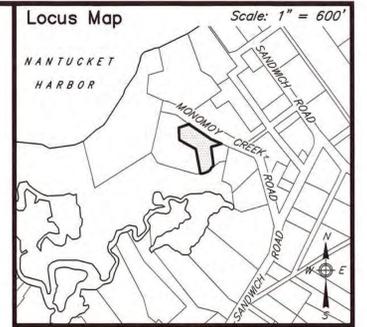
Document Number

Signature of Applicant

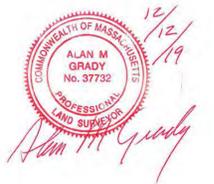
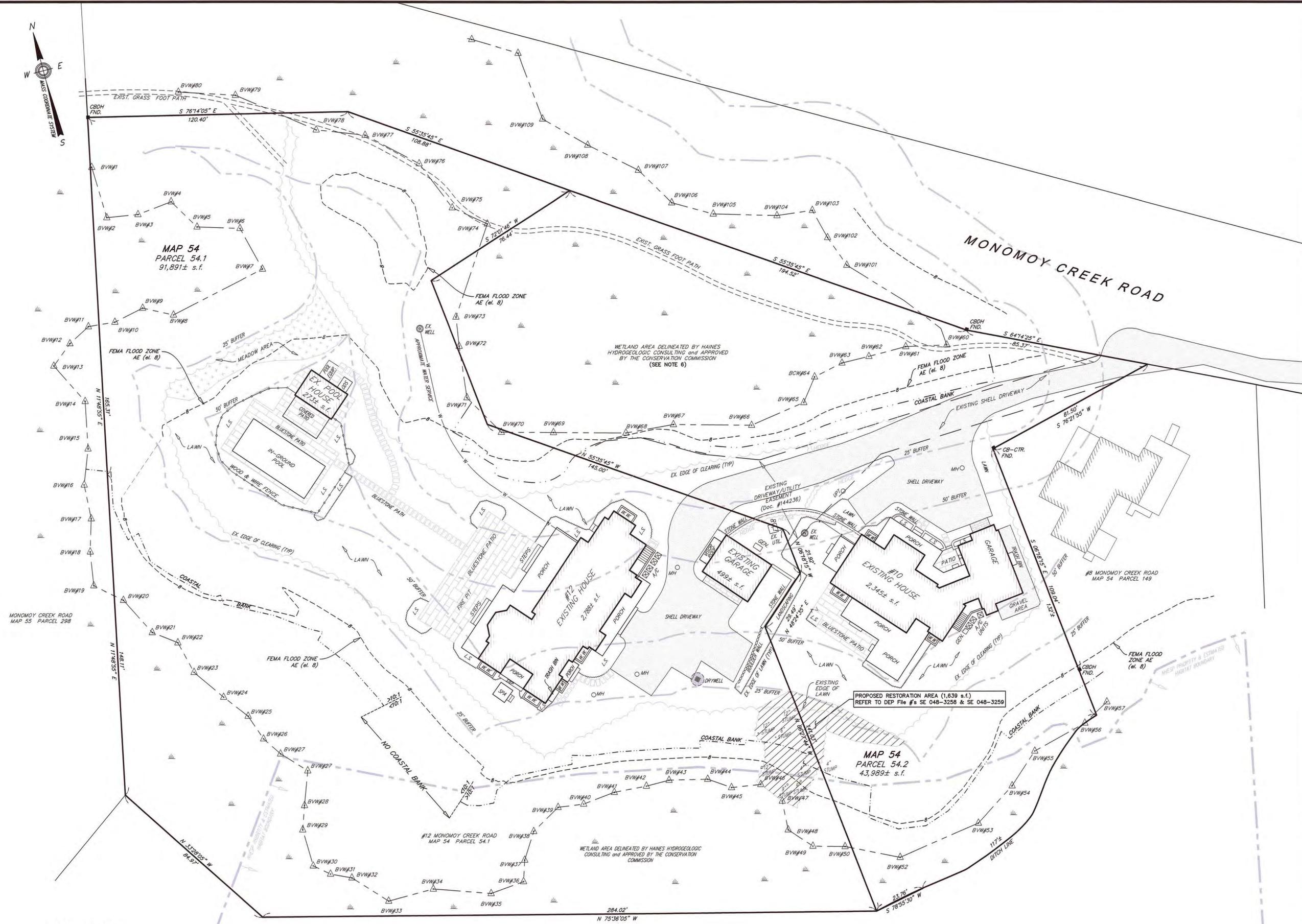
DOC No: 00142674

NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT

\*\* RECEIVED FOR REGISTRATION \*\*  
On: Jul 24, 2015 at 01:32p  
Document Fee: 75.00 Rec Total: \$150.00  
CERTIFICATE No: 25592

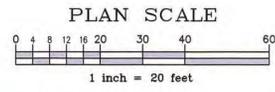


- Notes**
1. LOCUS: #10 MONOMOY CREEK ROAD MAP 54 PARCEL 54.2
  2. OWNER: JOHN J. MOLLER 6591 COLLINS DRIVE, SUITE E-11 MOORPARK, CA 93021
  3. DEED REF: Cert. #27537
  4. PLAN REF: L.C. Plan 13306-C (LOT 3) L.C. Plan 13306-E (LOT 6)
  5. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL. 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
  6. SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
  7. A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES.
  8. LOCUS FALLS WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.



Prepared By:  
**BRACKEN ENGINEERING, INC.**  
 49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282  
 19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.325.0044 (www.brackeneng.com)

**CONSERVATION AS-BUILT PLAN IN NANTUCKET, MASSACHUSETTS**  
 Prepared For:  
**JOHN J. MOLLER**  
 #10 MONOMOY CREEK ROAD MAP 54 PARCELS 54.2



| No. | Date              | Revision Description                   | By            |
|-----|-------------------|----------------------------------------|---------------|
| 1   | DECEMBER 12, 2019 | Drawn: RMM/ERC/BEI<br>Checked: DFB/AMG | Sheet: 1 of 1 |

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December 13, 2019

**Hand Delivery/Email**

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re: Request for Certificate of Compliance  
DEP File #SE 48-2665  
12 Monomoy Creek Road (54-54.1)  
Nantucket, Massachusetts**

[LEC File #BrEI\15-018.01]

Dear Members of the Commission:

On behalf of the Applicant, Monomoy Creek Road Nominee Trust (c/o Elizabeth Von Summer), LEC Environmental Consultants, Inc., (LEC) is submitting this Request for Certificate of Compliance associated with the Order of Conditions (DEP File #SE 48-2665) originally issued on May 14, 2014, permitting the *relocation of an existing dwelling, construction of additions on the structure, construction of a patio, reconfiguration of the existing driveway, installation of a pool, construction of a cabana, relocation of a sewer forcemain, the naturalization of buffer zone areas, and associated grading, landscaping and utilities within the buffer zone to Bordering Vegetated Wetlands and Coastal Banks.* Waivers were issued for the project.

Construction commenced following issuance of the first Amended Order of Conditions issued on June 24, 2015. A second Amended Order of Conditions was issued on June 29, 2016, and a (final) Minor Modification Approval was issued on April 6, 2017. The Commission granted a 1-year extension on April 12, 2017, in order to finalize approved work. Copies of the Amendments, Minor Modification Approval, and Extension are attached. Construction completed in late 2017. As-built conditions are depicted on the *Conservation As-Built Plan*, prepared by Bracken Engineering, Inc., dated December 12, 2019. Representative photographs are also attached.

LEC conducted monitoring site evaluations during and following construction, as described in the Monitoring Report concurrently submitted.

The project has been completed in substantial compliance with the Order of Conditions, as amended/modified and depicted on the *Conservation As-Built Plan*. However, as described in the Monitoring Report, unauthorized cutting activity was documented during the fall 2019 monitoring site evaluation. The unauthorized cutting activity extended onto #10 Monomoy Creek Road. Notice of Intent Applications have been filed for proposed restoration activities on both subject parcels.

**LEC Environmental Consultants, Inc.**

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 (Fax)

**PLYMOUTH, MA**

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781-245-2500  
781-245-6677 (Fax)

**WAKEFIELD, MA**

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508-753-3077  
508-753-3177 (Fax)

**WORCESTER, MA**

P. O. Box 590  
Rindge, NH 03461  
603-899-6726  
603-899-6726 (Fax)

**RINDGE, NH**



Thank you for your consideration of this request. If you should have any questions or require additional information in advance of the December 18, 2019 Public Hearing, please do not hesitate to contact me.

Sincerely,

**LEC Environmental Consultants, Inc.**

A handwritten signature in black ink that reads "Brian T. Madden".

Brian T. Madden  
Wildlife Scientist

Attachments

cc: DEP, Monomoy Creek Road Nominee Trust, Marianne Hanley, Bracken Engineering



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

**A. Project Information**



**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Monomoy Creek Road Nominee Trust

c. Organization

6591 Collins Drive, Suite E-11

d. Street Address

Moorpark

City/Town

CA

State

93021

Zip Code

508-746-9491 (LEC Environmental Consultants, Inc.)

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Monomoy Creek Road Nominee Trust

Applicant

5/14/14 (original)/6/29/16 (2<sup>nd</sup> Amendment)/4/6/17(Modification)

Dated

SE48-2665

DEP File Number

3. The project site is located at:

12 Monomoy Creek Road

Street Address

Nantucket

City/Town

54

Assessors Map/Plat Number

54.1

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Monomoy Creek Road Nominee Trust

Property Owner (if different)

Nantucket

County

Book

Page

25520

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

See attached

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 and  
and The Town of Nantucket Wetlands Bylaw Chapter 136

---

**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

---

**B. Submittal Requirements**

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



Primary dwelling & garage





Primary dwelling (above)—Pool & cabana (below)





2015 00148577

Cert: 25520 Doc: AMENDME  
Registered: 07/16/2015 11:40 AM



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – 1<sup>st</sup> Amended Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
SE48- 2665  
MassDEP File #

eDEP Transaction #  
Nantucket  
City/Town

## A. General Information

1. From: Nantucket  
Conservation Commission
2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions
3. To: Applicant:
- Sarah F. Alger, Trustee  
a. First Name b. Last Name
- Monomoy Creek Road Nominee Trust  
c. Organization
- 2 South Water Street  
d. Mailing Address
- Nantucket MA 02554  
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
- Same As Applicant  
a. First Name b. Last Name
- c. Organization
- d. Mailing Address
- e. City/Town f. State g. Zip Code
5. Project Location:
- 12 Monomoy Creek Road Nantucket  
a. Street Address b. City/Town
- 54 54.1  
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known:    
d. Latitude e. Longitude



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 1<sup>st</sup> Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:

SE48- 2665

MassDEP File #

eDEP Transaction #

Nantucket

City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Nantucket  
 a. County Nantucket b. Certificate Number (if registered land) 25520 doc 144562
- c. Book \_\_\_\_\_ d. Page \_\_\_\_\_
7. Dates: 04/11/2014 06/24/2015 06/24/2015  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Amendment
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Proposed Site Plan  
 a. Plan Title Bracken Engineering, INC b. Prepared By Alan M. Grady  
 c. Signed and Stamped by 1" 20'  
 d. Final Revision Date \_\_\_\_\_ e. Scale \_\_\_\_\_
- f. Additional Plan or Document Title \_\_\_\_\_ g. Date \_\_\_\_\_

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control  
 j.  Wetland Scenic Views (bylaw) k.  Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 1<sup>st</sup> Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
 SE48- 2665  
 MassDEP File #

eDEP Transaction #  
 Nantucket  
 City/Town

**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 15 a. linear feet

**Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)**

| Resource Area                                                      | Proposed Alteration                              | Permitted Alteration                             | Proposed Replacement                          | Permitted Replacement                         |
|--------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-----------------------------------------------|-----------------------------------------------|
| 4. <input type="checkbox"/> Bank                                   | <u>                    </u><br>a. linear feet    | <u>                    </u><br>b. linear feet    | <u>                    </u><br>c. linear feet | <u>                    </u><br>d. linear feet |
| 5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland | <u>                    </u><br>a. square feet    | <u>                    </u><br>b. square feet    | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways   | <u>                    </u><br>a. square feet    | <u>                    </u><br>b. square feet    | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
|                                                                    | <u>                    </u><br>e. c/y dredged    | <u>                    </u><br>f. c/y dredged    |                                               |                                               |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding     | <u>                    </u><br>a. square feet    | <u>                    </u><br>b. square feet    | <u>                    </u><br>c. square feet | <u>                    </u><br>d. square feet |
| Cubic Feet Flood Storage                                           | <u>                    </u><br>e. cubic feet     | <u>                    </u><br>f. cubic feet     | <u>                    </u><br>g. cubic feet  | <u>                    </u><br>h. cubic feet  |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding      | <u>                    </u><br>a. square feet    | <u>                    </u><br>b. square feet    |                                               |                                               |
| Cubic Feet Flood Storage                                           | <u>                    </u><br>c. cubic feet     | <u>                    </u><br>d. cubic feet     | <u>                    </u><br>e. cubic feet  | <u>                    </u><br>f. cubic feet  |
| 9. <input type="checkbox"/> Riverfront Area                        | <u>                    </u><br>a. total sq. feet | <u>                    </u><br>b. total sq. feet |                                               |                                               |
| Sq ft within 100 ft                                                | <u>                    </u><br>c. square feet    | <u>                    </u><br>d. square feet    | <u>                    </u><br>e. square feet | <u>                    </u><br>f. square feet |
| Sq ft between 100-200 ft                                           | <u>                    </u><br>g. square feet    | <u>                    </u><br>h. square feet    | <u>                    </u><br>i. square feet | <u>                    </u><br>j. square feet |



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 1<sup>st</sup> Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
**SE48- 2665**  
 MassDEP File #

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**Nantucket**  
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**B. Findings (cont.)**

**Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)**

|                                                                    | Proposed Alteration                                                                                                             | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------|-----------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below                                                                                 |                      |                      |                       |
| 11. <input type="checkbox"/> Land Under the Ocean                  | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. square feet                                                                                                                  | b. square feet       |                      |                       |
|                                                                    | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | c. c/y dredged                                                                                                                  | d. c/y dredged       |                      |                       |
| 12. <input type="checkbox"/> Barrier Beaches                       | Indicate size under Coastal Beaches and/or Coastal Dunes below                                                                  |                      |                      |                       |
| 13. <input type="checkbox"/> Coastal Beaches                       | _____                                                                                                                           | _____                | 0 cu yd              | _____ cu yd           |
|                                                                    | a. square feet                                                                                                                  | b. square feet       | c. nourishment       | d. nourishment        |
| 14. <input type="checkbox"/> Coastal Dunes                         | _____                                                                                                                           | _____                | _____ cu yd          | _____ cu yd           |
|                                                                    | a. square feet                                                                                                                  | b. square feet       | c. nourishment       | d. nourishment        |
| 15. <input type="checkbox"/> Coastal Banks                         | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. linear feet                                                                                                                  | b. linear feet       |                      |                       |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. square feet                                                                                                                  | b. square feet       |                      |                       |
| 17. <input type="checkbox"/> Salt Marshes                          | _____                                                                                                                           | _____                | _____                | _____                 |
|                                                                    | a. square feet                                                                                                                  | b. square feet       | c. square feet       | d. square feet        |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. square feet                                                                                                                  | b. square feet       |                      |                       |
|                                                                    | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | c. c/y dredged                                                                                                                  | d. c/y dredged       |                      |                       |
| 19. <input type="checkbox"/> Land Containing Shellfish             | _____                                                                                                                           | _____                | _____                | _____                 |
|                                                                    | a. square feet                                                                                                                  | b. square feet       | c. square feet       | d. square feet        |
| 20. <input type="checkbox"/> Fish Runs                             | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                      |                      |                       |
|                                                                    | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. c/y dredged                                                                                                                  | b. c/y dredged       |                      |                       |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | _____                                                                                                                           | _____                |                      |                       |
|                                                                    | a. square feet                                                                                                                  | b. square feet       |                      |                       |



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## B. Findings (cont.)

22.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

**The following conditions are only applicable to Approved projects.**

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **06/24/18** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            SE48- 2665 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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**Bureau of Resource Protection - Wetlands**  
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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

- 1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
- 2. The Nantucket Conservation Commission hereby finds (check one that applies):
  - a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

|                                 |             |
|---------------------------------|-------------|
| 1. Municipal Ordinance or Bylaw | 2. Citation |
|---------------------------------|-------------|

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

|                                 |             |
|---------------------------------|-------------|
| 1. Municipal Ordinance or Bylaw | 2. Citation |
|---------------------------------|-------------|

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):  
Please view additional findings and conditions page(s)

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Town of Nantucket, Massachusetts  
**WPA Form 5 – Order of Conditions**  
 The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2665

Provided by DEP

## B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



**Town of Nantucket, Massachusetts**

**WPA Form 5 – Order of Conditions**

The Town of Nantucket Bylaw Chapter 136

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Provided by DEP

**B1. Additional Conditions (cont.)**

- 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:  
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

**FINDINGS and ADDITIONAL CONDITIONS**  
 Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)  
 Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 12 Monomoy Creek Road  
 Assessor's Map and Parcel: 54-54.1  
 Property Owner: Monomoy Creek Realty Trust  
 Applicant: Monomoy Creek Realty Trust  
 DEP File Number: SE48-2665  
 Filing Date: April 11, 2014  
 Date Hearing Closed: May 14, 2014  
 Date Orders Issued: May 14, 2014  
 Date Amended: June 24, 2015  
 Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated 4/11/2014, Final revision of 5/9/2014 stamped by Arthur D. Gasbarro, III, P.L.S.  
 Amended Plan of Record: Proposed Site Plan, dated June 4, 2015, stamped by Alan M. Grady, P.L.S. and Donald F. Bracken, Jr. P.E.

**Permit Overview:**

This order permits the relocation of an existing dwelling, construction of additions on the structure, construction of a patio, reconfiguration of the existing driveway, installation of a pool, construction of a cabana, re-location of a sewer forcemain, the naturalization of buffer zone areas, and associated grading, landscaping and utilities within the buffer zone to Bordering Vegetated Wetlands and Coastal Banks. Waivers are required for this project. **The Order is amended to include the revision of the building footprints and locations, alteration to the pool size and location, construction of a structure and construction of a shed.**

**Additional Findings:**

1. The area falls inside mapped habitat areas and required NHESP review.

**In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:**

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
19. Photographs of the area to be re-vegetated area are to be provided to the Commission at the beginning and end of the growing season for three years or until a certificate of compliance is issued.
20. No building materials shall be stored within the fifty foot setback.
21. Markers shall be installed along the no-disturb areas.
22. The pool shall be drained to areas outside of Commission jurisdiction.
23. This Order permits the use of a no greater than 25% glyphosate water-based solution (Rodeo or equal).
24. All herbicide application in the resource area shall be applied by hand.
25. The quantity and specific type of herbicide used will be reported in writing to the Commission on an annual basis.

26. Any excavated material or plant material removed from the site in relation to the invasive species work is to be disposed of through the digester at the Nantucket Landfill.
27. Any replanting or work within the wetland area shall require an Amended Order of Conditions or new Notice of Intent.
28. A report including location photographs shall be provided to the Commission showing the conditions prior to work being started and at the conclusion of the growing season. This report shall also include a list of invasive species removed and treatment methods.

#### **WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS**

Waivers are required from Section 2.05(B)(5) and Section 3.02(B)(1) that all proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to coastal banks and vegetated wetlands. All structures which are not water dependant shall be at least 50 feet from a coastal bank and a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater that are within the buffer zone to a vegetated wetland. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer from the vegetated wetland shall not be altered. The Commission finds that the structure as proposed given the existing site conditions will not have an adverse impact on the resource area. The Commission also finds that there are no reasonable alternatives that allow the project to go forward. The Commission also finds that the increased separation of the structure from the resource areas and the re-establishment of the buffer zone area will provide a long-term net benefit to the resource area and its buffer zone. Therefore, the Commission grants a waiver under Section 1.03(F)(3)(a & c) of the Nantucket Wetland Protection Regulations.





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## E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

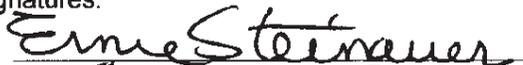
06/24/2015

1. Date of Issuance

6

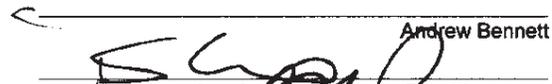
2. Number of Signers

Signatures:

  
 Ernest Steinauer

  
 Sarah Oktay

  
 Ashley Erisman

  
 Andrew Bennett

  
 Ben Champoux

  
 Michael Glowacki

  
 David LaFleur

by hand delivery on

06/24/15

Date

by certified mail, return receipt requested, on

Date

## F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 1<sup>st</sup> Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
 SE48- 2665  
 MassDEP File #

eDEP Transaction #  
 Nantucket  
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## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

DOC No: 00148577

NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT

\*\* RECEIVED FOR REGISTRATION \*\*

On: Jul 16, 2015 at 11:40A

Document Fee: 75.00 Rec Total:\$75.00

CERTIFICATE No: 25520

RETURN TO:

Bracken Engineering, Inc.  
49 Herring Pond Rd.  
Buzzards Bay, MA 02532



2016 00152202

Cert: 25520 Doc: AMENDME  
Registered: 07/18/2016 10:34 AM



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 2nd Amended Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
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**A. General Information**

1. From: Nantucket  
Conservation Commission

2. This issuance is for (check one):  
a.  Order of Conditions b.  Amended Order of Conditions

3. To: Applicant:  
Sarah F. Alger, Trustee  
a. First Name b. Last Name  
Monomoy Creek Road Nominee Trust  
c. Organization  
2 South Water Street  
d. Mailing Address  
Nantucket MA 02554  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):  
Same As Applicant  
a. First Name b. Last Name  
c. Organization  
d. Mailing Address  
e. City/Town f. State g. Zip Code

5. Project Location:  
12 Monomoy Creek Road Nantucket  
a. Street Address b. City/Town  
54 54.1  
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d. Latitude e. Longitude



**Massachusetts Department of Environmental Protection**  
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### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
 Nantucket 25520 doc 144562  
 a. County b. Certificate Number (if registered land)
- c. Book d. Page
7. Dates: 04/11/2014 06/29/2016 06/29/2016  
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Amendment
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
 Proposed Site Plan  
 a. Plan Title  
Bracken Engineering, INC Donald F Bracken Jr  
 b. Prepared By c. Signed and Stamped by  
06/22/2016 1" 20'  
 d. Final Revision Date e. Scale
- f. Additional Plan or Document Title g. Date

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:
- Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply b.  Land Containing Shellfish c.  Prevention of Pollution  
 d.  Private Water Supply e.  Fisheries f.  Protection of Wildlife Habitat  
 g.  Groundwater Supply h.  Storm Damage Prevention i.  Flood Control  
 j.  Wetland Scenic Views (bylaw) k.  Recreation (Bylaw)
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

#### Approved subject to:

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 2nd Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
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**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 15 a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

| Resource Area                                                      | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--------------------------------------------------------------------|---------------------|----------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank                                   | a. linear feet      | b. linear feet       | c. linear feet       | d. linear feet        |
| 5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland | a. square feet      | b. square feet       | c. square feet       | d. square feet        |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways   | a. square feet      | b. square feet       | c. square feet       | d. square feet        |
|                                                                    | e. c/y dredged      | f. c/y dredged       |                      |                       |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding     | a. square feet      | b. square feet       | c. square feet       | d. square feet        |
| Cubic Feet Flood Storage                                           | e. cubic feet       | f. cubic feet        | g. cubic feet        | h. cubic feet         |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding      | a. square feet      | b. square feet       |                      |                       |
| Cubic Feet Flood Storage                                           | c. cubic feet       | d. cubic feet        | e. cubic feet        | f. cubic feet         |
| 9. <input type="checkbox"/> Riverfront Area                        | a. total sq. feet   | b. total sq. feet    |                      |                       |
| Sq ft within 100 ft                                                | c. square feet      | d. square feet       | e. square feet       | f. square feet        |
| Sq ft between 100-200 ft                                           | g. square feet      | h. square feet       | i. square feet       | j. square feet        |



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**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

- |                                                                    | Proposed<br>Alteration                                                                                                          | Permitted<br>Alteration | Proposed<br>Replacement | Permitted<br>Replacement |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------|-------------------------|--------------------------|
| 10. <input type="checkbox"/> Designated Port Areas                 | Indicate size under Land Under the Ocean, below                                                                                 |                         |                         |                          |
| 11. <input type="checkbox"/> Land Under the Ocean                  | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. square feet                                                                                                                  | b. square feet          |                         |                          |
|                                                                    | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | c. c/y dredged                                                                                                                  | d. c/y dredged          |                         |                          |
| 12. <input type="checkbox"/> Barrier Beaches                       | Indicate size under Coastal Beaches and/or Coastal Dunes below                                                                  |                         |                         |                          |
| 13. <input type="checkbox"/> Coastal Beaches                       | _____                                                                                                                           | _____                   | 0 cu yd                 | _____ cu yd              |
|                                                                    | a. square feet                                                                                                                  | b. square feet          | c. nourishment          | d. nourishment           |
| 14. <input type="checkbox"/> Coastal Dunes                         | _____                                                                                                                           | _____                   | _____ cu yd             | _____ cu yd              |
|                                                                    | a. square feet                                                                                                                  | b. square feet          | c. nourishment          | d. nourishment           |
| 15. <input type="checkbox"/> Coastal Banks                         | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. linear feet                                                                                                                  | b. linear feet          |                         |                          |
| 16. <input type="checkbox"/> Rocky Intertidal Shores               | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. square feet                                                                                                                  | b. square feet          |                         |                          |
| 17. <input type="checkbox"/> Salt Marshes                          | _____                                                                                                                           | _____                   | _____                   | _____                    |
|                                                                    | a. square feet                                                                                                                  | b. square feet          | c. square feet          | d. square feet           |
| 18. <input type="checkbox"/> Land Under Salt Ponds                 | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. square feet                                                                                                                  | b. square feet          |                         |                          |
|                                                                    | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | c. c/y dredged                                                                                                                  | d. c/y dredged          |                         |                          |
| 19. <input type="checkbox"/> Land Containing Shellfish             | _____                                                                                                                           | _____                   | _____                   | _____                    |
|                                                                    | a. square feet                                                                                                                  | b. square feet          | c. square feet          | d. square feet           |
| 20. <input type="checkbox"/> Fish Runs                             | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above |                         |                         |                          |
|                                                                    | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. c/y dredged                                                                                                                  | b. c/y dredged          |                         |                          |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | _____                                                                                                                           | _____                   |                         |                          |
|                                                                    | a. square feet                                                                                                                  | b. square feet          |                         |                          |



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## B. Findings (cont.)

22.  Restoration/Enhancement \*:

a. square feet of BWV

b. square feet of salt marsh

23.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

## C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. the work is a maintenance dredging project as provided for in the Act; or
  - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **05/14/17** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



**Massachusetts Department of Environmental Protection**  
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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            SE48- 2665 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

**NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS**

19. **The work associated with this Order (the "Project") is (1)  is not (2)  subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
  1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
  
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
  
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

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**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
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**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Nantucket Conservation Commission hereby finds (check one that applies):

- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Please view additional findings and conditions page(s)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Town of Nantucket, Massachusetts  
**WPA Form 5 – Order of Conditions**  
 The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2665

Provided by DEP

## B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



**Town of Nantucket, Massachusetts**  
**WPA Form 5 – Order of Conditions**  
 The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2665

Provided by DEP

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**B1. Additional Conditions (cont.)**

- 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:  
 Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

**FINDINGS and ADDITIONAL CONDITIONS**  
 Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)  
 Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 12 Monomoy Creek Road  
 Assessor's Map and Parcel: 54-54.1  
 Property Owner: Monomoy Creek Realty Trust  
 Applicant: Monomoy Creek Realty Trust  
 DEP File Number: SE48-2665  
 Filing Date: April 11, 2014  
 Date Hearing Closed: May 14, 2014  
 Date Orders Issued: May 14, 2014  
 Date Amended: June 29, 2016  
 Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated 4/11/2014, Final revision of 5/9/2014 stamped by Arthur D. Gasbarro, III, P.L.S.  
 Amended Plan of Record: Proposed Site Plan, dated 5/25/2016, final revision 6/22/2016 and stamped by Alan M. Grady, P.L.S. and Donald F. Bracken, Jr. P.E.

**Permit Overview:**

This order permits the relocation of an existing dwelling, construction of additions on the structure, construction of a patio, reconfiguration of the existing driveway, installation of a pool, construction of a cabana, re-location of a sewer forcemain, the naturalization of buffer zone areas, and associated grading, landscaping and utilities within the buffer zone to Bordering Vegetated Wetlands and Coastal Banks. Waivers are required for this project. **This order is Amended to include revision to the building footprints and locations, alteration to the pool size and location, construction of a new structure and construction of a shed.**

**Additional Findings:**

1. The area falls inside mapped habitat areas and required NHESP review.

**In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:**

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
19. Photographs of the area to be re-vegetated area are to be provided to the Commission at the beginning and end of the growing season for three years or until a certificate of compliance is issued.
20. No building materials shall be stored within the fifty foot setback.
21. Markers shall be installed along the no-disturb areas.
22. The pool shall be drained to areas outside of Commission jurisdiction.
23. This Order permits the use of a no greater than 25% glyphosate water-based solution (Rodeo or equal).
24. All herbicide application in the resource area shall be applied by hand.

25. The quantity and specific type of herbicide used will be reported in writing to the Commission on an annual basis.
26. Any excavated material or plant material removed from the site in relation to the invasive species work is to be disposed of through the digester at the Nantucket Landfill.
27. Any replanting or work within the wetland area shall require an Amended Order of Conditions or new Notice of Intent.
28. A report including location photographs shall be provided to the Commission showing the conditions prior to work being started and at the conclusion of the growing season. This report shall also include a list of invasive species removed and treatment methods.

#### **WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS**

Waivers are required from Section 2.05(B)(5) and Section 3.02(B)(1) that all proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to coastal banks and vegetated wetlands. All structures which are not water dependant shall be at least 50 feet from a coastal bank and a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater that are within the buffer zone to a vegetated wetland. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer from the vegetated wetland shall not be altered. The Commission finds that the structure as proposed given the existing site conditions will not have an adverse impact on the resource area. The Commission also finds that there are no reasonable alternatives that allow the project to go forward. The Commission also finds that the increased separation of the structure from the resource areas and the re-establishment of the buffer zone area will provide a long-term net benefit to the resource area and its buffer zone. Therefore, the Commission grants a waiver under Section 1.03(F)(3)(a & c) of the Nantucket Wetland Protection Regulations.





**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**  
**WPA Form 5 – 2nd Amended Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
 And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:  
**SE48- 2665**  
 MassDEP File #  
 \_\_\_\_\_  
 eDEP Transaction #  
**Nantucket**  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

06/29/2016  
 1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Ernest Steinauer  
 Ernest Steinauer  
~~Sarah Skley~~  
Ashley Erisman  
 Ashley Erisman

Andrew Bennett  
 Andrew Bennett  
Ben Champoux  
 Ben Champoux  
Ernest Steinauer  
 Ernest Steinauer  
David LaFleur  
 David LaFleur

by hand delivery on  
06/29/16  
 Date

by certified mail, return receipt requested, on  
 \_\_\_\_\_  
 Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
WPA Form 5 – 2nd Amended Order of Conditions  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Wetlands Bylaw Chapter 136**

Provided by MassDEP:  
SE48- 2665  
MassDEP File #

eDEP Transaction #  
Nantucket  
City/Town

**G. Recording Information**

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

DOC No: 00152202

NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT

\*\* RECEIVED FOR REGISTRATION \*\*

On: Jul 18, 2016 at 10:34A

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 25520



**Massachusetts Department of Environmental Protection**  
Bureau of Resource Protection - Wetlands  
**WPA Form 7 – Extension Permit for Orders of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-2665

Provided by DEP



2017 00155946

Cert: 25520 Doc: EP  
Registered: 08/17/2017 09:05 AM

**A. General Information**

**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. Applicant:  
Name Monomoy Creek Road Nominee Trust  
c/o Sarah F. Alger, Trustee, 2 South Water Street,  
Mailing Address  
Nantucket MA 02554  
City/Town State Zip Code

2. Property Owner (if different):  
Name Same As Applicant  
Mailing Address  
City/Town State Zip Code

**B. Authorization**

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

05/14/2014 Issued by: Nantucket  
Date Conservation Commission  
for work at: 12 Monomoy Creek Road 54 54.1  
Street Address Assessor's Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:  
Nantucket  
County Book Page  
Cert #:25173 Doc #:144562  
Certificate (if registered land)

is hereby extended until: 05/14/2018  
Date Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<http://www.mass.gov/dep/about/region/findyour.htm>)

Signatures: \_\_\_\_\_ Date: 04/12/2017  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_  
[Signature] \_\_\_\_\_



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 7 – Extension Permit for Orders of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-2665

Provided by DEP

## C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

\_\_\_\_\_  
 Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

\_\_\_\_\_  
 Project Location

\_\_\_\_\_  
 DEP File Number

has been recorded at the Registry of Deeds of:

\_\_\_\_\_  
 County

for:

\_\_\_\_\_  
 Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Book

\_\_\_\_\_  
 Page

If recorded land the instrument number which identifies this transaction is:

\_\_\_\_\_  
 Instrument Number

If registered land, the document number which identifies this transaction is:

\_\_\_\_\_  
 Document Number

\_\_\_\_\_  
 Signature of Applicant

DOC No: 00155946

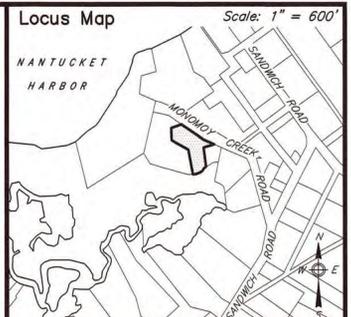
NANTUCKET COUNTY LAND COURT  
REGISTRY DISTRICT 1

\*\* RECEIVED FOR REGISTRATION \*\*

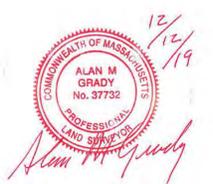
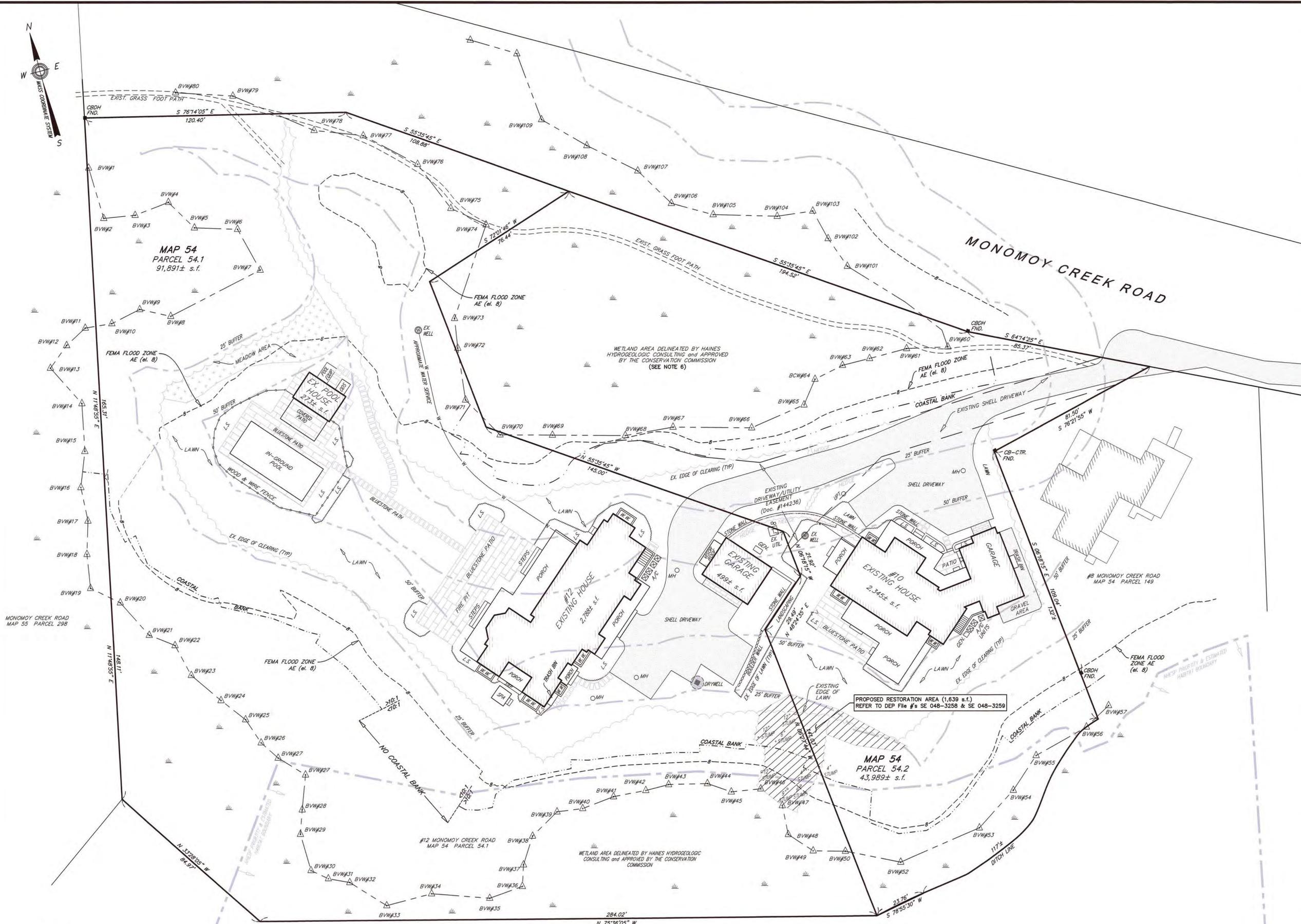
On: Aug 17/2017 at 09:05A

Document Fee: 75.00 Rec Total: \$75.00

CERTIFICATE No: 25520

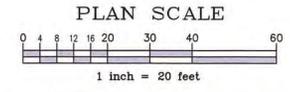


- Notes**
1. LOCUS: #12 MONOMOY CREEK ROAD MAP 54 PARCEL 54.1
  2. OWNER: MONOMOY CREEK ROAD NOMINEE TRUST c/a ELIZABETH VON SUMMER, Trustee 6591 COLLINS DRIVE, SUITE E-11 MOORPARK, CA 93021
  3. DEED REF: Cert. #25520
  4. PLAN REF: L.C. Plan 13306-E (LOT 7)
  5. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL. 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
  6. SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
  7. A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES.
  8. LOCUS FALLS WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE AND PRIORITY HABITATS OF RARE SPECIES.



Prepared By:  
**BRACKEN ENGINEERING, INC.**  
 49 HERRING POND ROAD BUZZARDS BAY, MA 02552 | 19 OLD SOUTH ROAD NANTUCKET, MA 02554  
 (tel) 508.833.0070 | (tel) 508.325.0044  
 (fax) 508.833.2282 | www.brackeneng.com

**CONSERVATION AS-BUILT PLAN IN NANTUCKET, MASSACHUSETTS**  
 Prepared For:  
**MONOMOY CREEK ROAD NOMINEE TRUST**  
 #12 MONOMOY CREEK ROAD  
 MAP 54 PARCELS 54.1



| No. | Date | Revision Description | By |
|-----|------|----------------------|----|
|     |      |                      |    |

Date: DECEMBER 12, 2019 Drawn: RMM/ERC/BEI Checked: DFB/AMG Sheet: 1 of 1

\\server\cmap\projects\Monomoy Creek Road\10 & 12 Monomoy Creek Road\10 & 12 Monomoy Creek Road - Con-As-Built.dwg

BLACKWELL & ASSOCIATES, INC.  
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE  
NANTUCKET, MASSACHUSETTS 02554  
(508) 228-9026  
FAX: (508) 228-5292  
www.blackwellsurvey.com

B3869

December 12, 2019

Mr. Jeff Carlson, Natural Resources Director  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

Re: SE48-1818; #100 Low Beach Road. Property of Alice M. Rochat.

Dear Jeff,

I am writing to request a Certificate of Compliance for the referenced Order of Conditions, as amended.

I certify that the project was completed in substantial compliance with the permit, except for the shed. An amendment application has been submitted to relocate the shed under SE48-3027.

Also, a boardwalk at grade exists along the west side of the smaller structure, beneath the cantilevered balcony, which leads to stone steps at the northwest structure corner. The stone steps were installed in place of the stepping stones shown on the 4/23/08 Jardins International landscape plan attached to the 4/25/08 amendment request.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.  
By Jeffrey L. Blackwell, P.L.S.





**WPA Form 8A – Request for Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

**A. Project Information**

**Important:**

When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:(current Title holder):

Alice Rochat  
Name  
100 Low Beach Rd.  
Mailing Address  
Nantucket MA 02554  
City/Town State Zip Code  
508-257-4330  
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Alice Rochat  
Applicant  
8/26/2005 Dated SE48-1818  
DEP File Number

3. The project site is located at:

100 Low Beach Rd. Nantucket  
Street Address City/Town  
75 Parcel/Lot Number  
Assessors Map/Plat Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Alice Rochat  
Property Owner (if different)  
Nantucket  
County Book Page  
16226  
Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



**WPA Form 8A – Request for Certificate of Compliance**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**A. Project Information (cont.)**

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes      If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

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**B. Submittal Requirements**

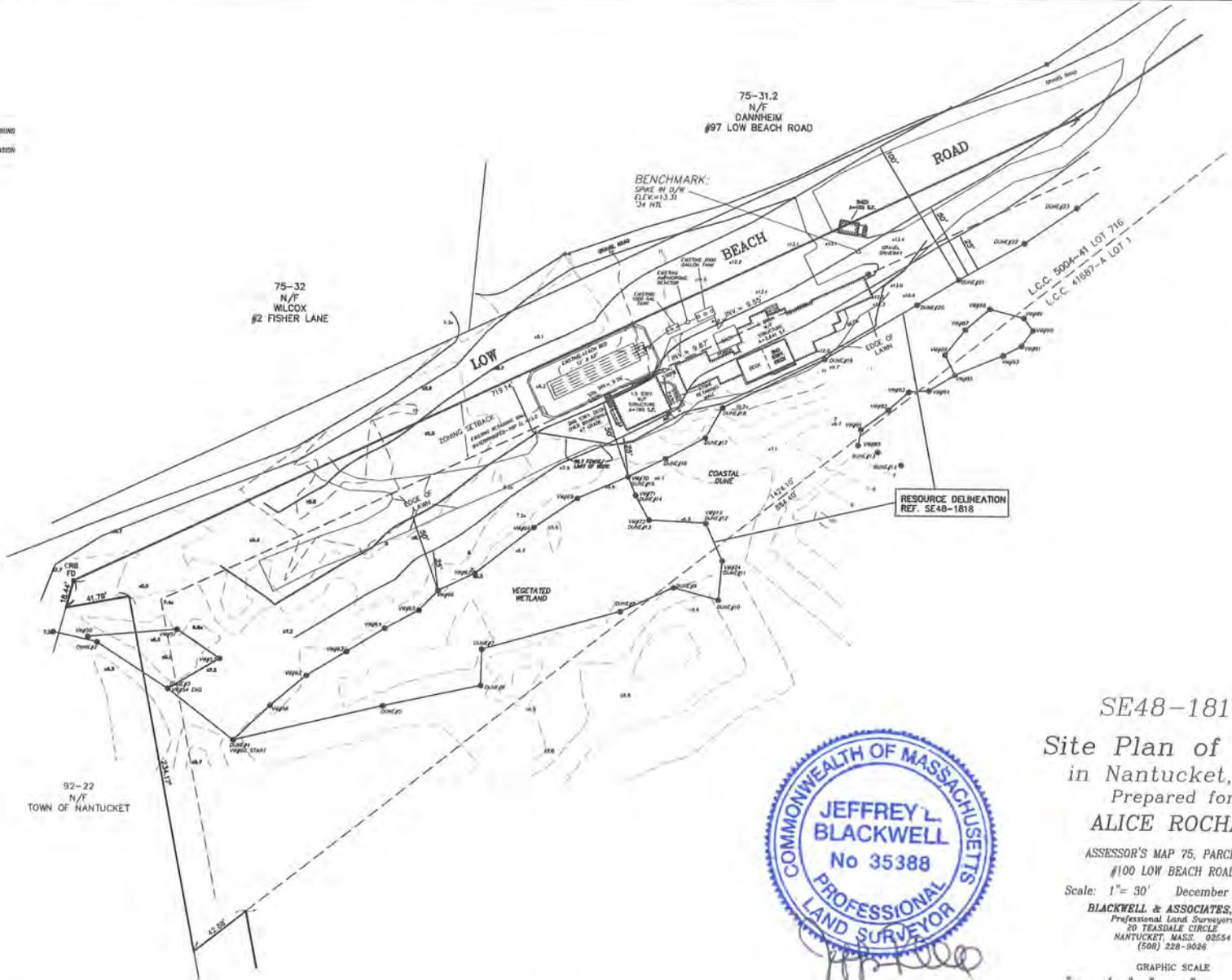
Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

CURRENT ZONING CLASSIFICATION:  
 Limited Use General 3 (LUG-3)  
 Existing:  
 MINIMUM LOT SIZE: 170,000 S.F.  
 MINIMUM FRONTAGE: 200 FT.  
 FRONT YARD SETBACK: 35 FT.  
 REAR YARD SETBACK: 20 FT.  
 GROUND COVER %: 3%

Existing:  
 571,812 S.F. ±  
 SEE PLAN  
 SEE PLAN  
 SEE PLAN  
 SEE PLAN  
 SEE PLAN

**LEGEND**

- or ■ DENOTES MONUMENT POINTS
- DENOTES EXISTING WETLAND FLAG POINTS
- DENOTES EXISTING WETLAND DELINEATION



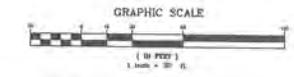
SE48-1818

Site Plan of Land  
 in Nantucket, MA  
 Prepared for  
 ALICE ROCHAT

ASSESSOR'S MAP 75, PARCEL 27  
 #100 LOW BEACH ROAD

Scale: 1" = 30' December 12, 2019

BLACKWELL & ASSOCIATES, Inc.  
 Professional Land Surveyors  
 20 TEASDALE CIRCLE  
 NANTUCKET, MASS. 02554  
 (508) 228-9026



**OWNER INFORMATION**

ALICE ROCHAT  
 L.C.C. 14867-A, LOTS 1 & 2  
 L.C.C. 5004-A, LOT 716  
 CERT. OF TITLE #18,226  
 #100 LOW BEACH ROAD

T: VEH 26 JOB 10  
 V: DRAWFILES\B3889\SE48-1818.dwg 12/13/2019 9:11:16 AM EST

B3869



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 —Amended Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Bylaw Chapter 136

Rochat  
DEP File Number:

SE48-1818



2008 00124608

Cert: 16226 Doc: AMENDME  
Registered: 07/10/2008 11:52 AM

**A. General Information**



From: Nantucket  
1. Conservation Commission

2. This issuance is for (check one):  Order of Conditions  Amended Order of Conditions

3. To: Applicant:

Alice Rochat  
a. First Name b. Last Name c. Company  
101 Mountaintop Road  
d. Mailing Address  
Bernardsville NJ 07924  
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same  
a. First Name b. Last Name c. Company  
  
d. Mailing Address  
  
e. City/Town f. State g. Zip Code

5. Project Location:

100 Low Beach Road Nantucket  
a. Street Address b. City/Town  
75 Land Court Plan no 5004-41 27 (westerly portion) / lot 716  
c. Assessors Map/Plat Number d. Parcel/Lot Number

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket 16,226 document 113389  
a. County b. Certificate (if registered land)  
  
c. Book d. Page

7. Dates: April 25, 2008 May 7, 2008 May 9, 2008  
Date Amended Order Filed Date Amended Public Hearing Closed Date Amended Order Issued  
July 15, 2005 August 24, 2005 August 26, 2005  
Date Notice of Intent Filed Date Public Hearing Closed Date Orders Issued \*

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site plan to accompany a notice of intent  
a. Plan Title  
Blackwell & Associated, Inc. Jeffrey L. Blackwell  
b. Prepared By c. Signed and Stamped by  
August 19, 2005 1"=30'  
d. Final Revision Date e. Scale  
Septic/studio landscape 048/23/2008  
f. Additional Plan or Document Title g. Date

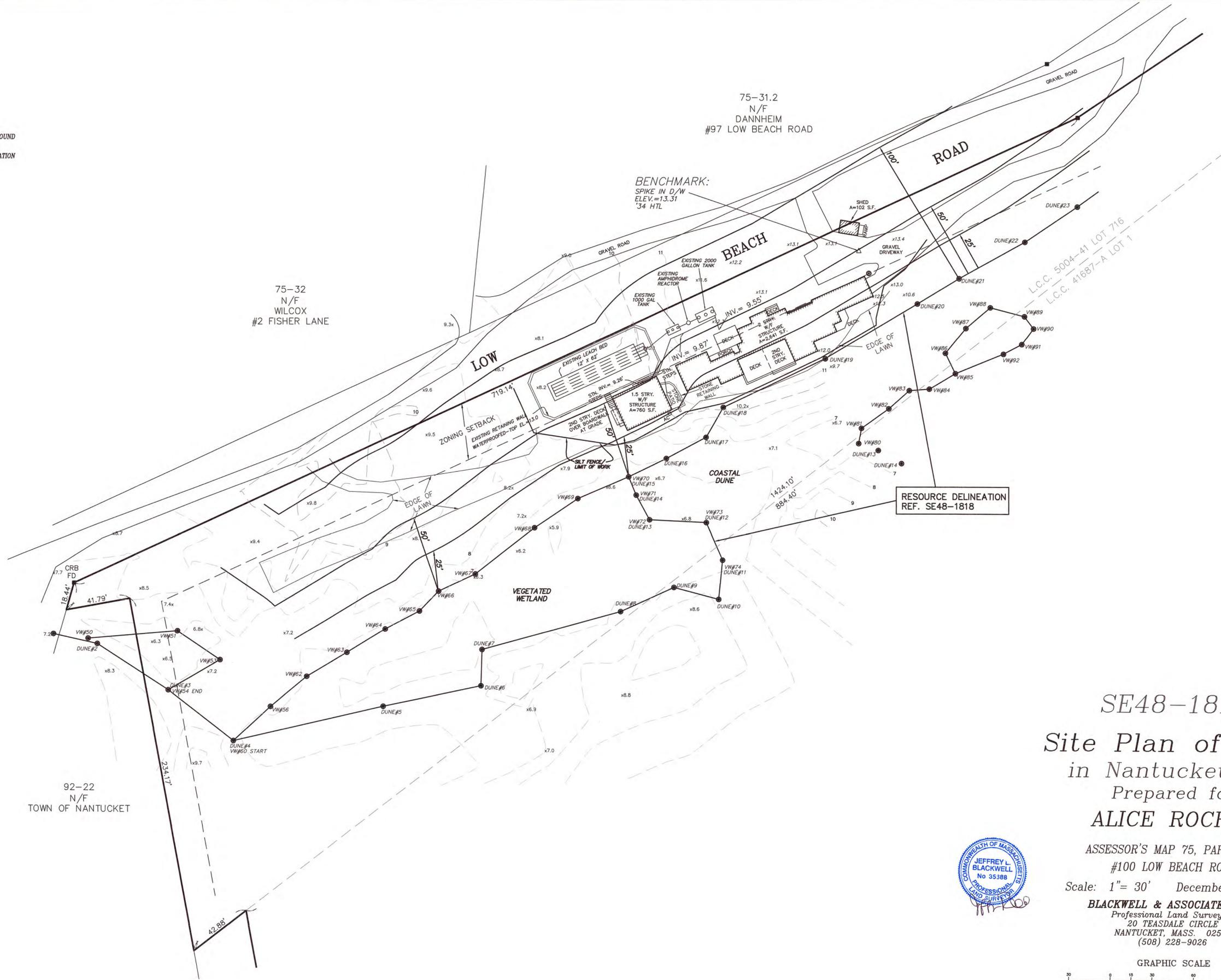
9. Total WPA Fee Paid: \$0.00  
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid

\* Effective date of issuance remains August 26, 2005

CURRENT ZONING CLASSIFICATION:  
 Limited Use General 3 (L.U.G.-3) Existing:  
 MINIMUM LOT SIZE: 120,000 S.F. 571,832 S.F.±  
 MINIMUM FRONTAGE: 200 FT. SEE PLAN  
 FRONT YARD SETBACK: 35 FT. SEE PLAN  
 REAR/SIDE SETBACK: 20 FT. SEE PLAN  
 GROUND COVER % : 3% 0.6% ±

**LEGEND**

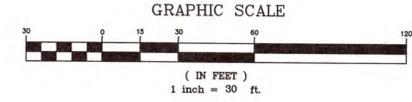
- or ■ DENOTES MONUMENT FOUND
- DENOTES EXISTING WETLAND FLAG FOUND
- DENOTES EXISTING WETLAND DELINEATION



L.C.C. 5004-41 LOT 716  
 L.C.C. 41687-A LOT 1

SE48-1818  
 Site Plan of Land  
 in Nantucket, MA  
 Prepared for  
 ALICE ROCHAT

ASSESSOR'S MAP 75, PARCEL 27  
 #100 LOW BEACH ROAD  
 Scale: 1" = 30' December 12, 2019  
**BLACKWELL & ASSOCIATES, Inc.**  
 Professional Land Surveyors  
 20 TEASDALE CIRCLE  
 NANTUCKET, MASS. 02554  
 (508) 228-9026



**OWNER INFORMATION**  
 ALICE ROCHAT  
 L.C.C. 14687-A, LOTS 1 & 2  
 L.C.C. 5004-41, LOT 716  
 CERT. OF TITLE #16,226  
 #100 LOW BEACH ROAD



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Wednesday, December 18, 2019

4 Fairgrounds Road, Training Room – 5:00 p.m.

**Commissioners:** Ashley Erisman (Chair), Ian Golding (Vice Chair), David LaFleur, Joe Topham, Seth Engelbourg, and Maureen Phillips

Called to order at 5:02 p.m.

Staff in attendance: Joanne Dodd, Natural Resources Office Administrator; Terry Norton, Town Minutes Taker

Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips

Absent Members: None

Late Arrivals: None

Earlier Departure:

Agenda adopted by unanimous consent

\*Matter has not been heard

### **I. PUBLIC MEETING**

#### **A. Announcements**

#### **B. Public Comment: None**

### **II. PUBLIC HEARING**

#### **A. Notice of Intent**

1. Eli Zabar – 47 Squam Road (13-22) SE48-3253 (**Cont. 06/24/2020**)
2. \*Bonnie L. Sacerdote, Trustee – 19 Kimball Avenue (30-29) SE48-3260

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips

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

Representative Paul Santos, Nantucket Surveyors  
Cloe Coggins, Nantucket Surveyors

Public None

Discussion (5:03) **Santos** – For approximately 90 linear feet of permanent sand-drift fencing and ties into two other projects in the area. Resource areas are: Coastal dune, LSCSF, coastal bank. Do not have a final review from NHESP.

**Phillips** – Confirmed that the fence in one of the photos is on one of the properties to the east.

**Santos** – To the east, yes; to the west there is no fencing in front of that developed property. Asked for a continuance.

Staff None

Motion Continued to January 8, 2020 by unanimous consent.

Vote N/A

3. \*Patrick S. Keating – 49 Red Barn Road (63-15) SE48-3262

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips

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

Representative Paul Santos, Nantucket Surveyors  
Cloe Coggins, Nantucket Surveyors

Public None

Discussion (5:09) **Santos** – For relocation of the house on property as far from the adjacent to an eroding coastal bank as possible. There is coastal dune on the property and a vegetated wetland north of the property but outside the 100-foot buffer. Within NHESP protection and awaiting their ruling. Above the flood zone. The foundation will be a crawl space. Existing well and septic will remain in place. Not proposing any stabilization of the bank.

**Topham** – Asked what will happen to the propane tank and wrap-around deck.

**Santos** – The deck will be removed, and the propane tank will have to be moved as well. This will be relocated in the area of the existing driveway.

**Erisman** – Ensured that the vacated area will be cleaned up.

**Engelbourg** – This is a productive harrier habitat.

**Santos** - Asked for a continuance.

Staff None

Motion Continued to January 8, 2020 by unanimous consent.

Vote N/A

4. \*Britannia Nantucket, Inc – 81 Squam Road (13-6) SE48-3261  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Paul Santos, Nantucket Surveyors  
 Cloe Coggins, Nantucket Surveyors  
 Public None  
 Discussion (5:18) **Santos** – This is for an addition to the secondary dwelling/garage within the buffer to BVW. Above any flood zone. Foundation is a slab under the garage; will have to relocate the septic. No waivers are required.  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Topham)  
 Vote Carried unanimously
5. \*100R Wauwinet Road N.T – 100R Wauwinet Road (11-23) NAN-130  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Brian Madden, LEC Environmental  
 Public None  
 Discussion (5:22) **Madden** – This is for a septic upgrade to I/A system within the buffer to an isolated vegetated wetland; no work within 100 feet of top of coastal bank. Existing leach field will be pumped and back filled. All work within existing lawn area.  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Phillips) (seconded by: Engelbourg)  
 Vote Carried unanimously
6. \*46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48-\_\_\_\_ (Cont. 01/08/2020)
7. \*Rec 21 WP, LLC – 21 Washing Pond Road (31-31) SE48-3263  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative David M. Haines, Haines Hydrogeologic Consulting  
 Public None  
 Discussion (5:24) **Haines** – This is for work in the buffer zone to Washing Pond and abutting bordering vegetated wetland for a pool and landscaping. All vegetation is indigenous; no cultivars. Will work up to the 25-foot buffer. Pool bottom elevation 26 with groundwater at elevation 15. Will install 100-foot silt fence. Do have a filing with Department of Environmental Protection (DEP).  
**Golding** – Asked how the grade will be leveled for the pool.  
**Haines** – There will need 2 to 3 feet of fill in some areas.  
**Topham** – There will have to be a step down from the patio to the pool area.  
**Engelbourg** – The landscaping plan shows some non-native plants and hybrids within the buffer.  
**Erisman** – It is very important in this area for there to be no cultivars.  
**Topham** – Asked if there would be any phragmites mitigation.  
**Haines** – If we run into it.  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Engelbourg) (seconded by: LaFleur)  
 Vote Carried unanimously
8. \*262 Polpis Road N.T – 262 Polpis Road (25-1) SE48-3257  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Brian Madden, LEC Environmental  
 Public None  
 Discussion (5:31) **Madden** – The resource areas are confirmed. This is for adding a 96 square foot (SF) tennis court bed and regrade lawn area within the 100-foot buffer. Will upgrade the 50-foot buffer zone by keeping the trees, remove the vines, from the trees and clean up the area of invasive species. Also propose a meandering path between the primary dwelling and the court. Most work within the 50 will be by hand but some small machinery will be needed to remove the vines. The idea is to clean up and let it regrow.  
**Erisman** – Asked how much of the vines will remain.  
**Madden** – About 50/50; we could condition a pre-construction meeting to review it and stake everything out.  
**Phillips** – Suggested before and after photos and photo monitoring going forward.  
**Erisman** – Asked that the large trees be identified on the plan to ensure they are undisturbed.  
 Staff Have everything needed to close.  
 Motion **Motion to Close.** (made by: Golding) (seconded by: LaFleur)  
 Vote Carried unanimously

9. \*John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-3258

10. \*Monomoy Creek Road Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-3259

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Brian Madden, LEC Environmental  
 Public Edie Ray

Discussion (5:41) **Madden** – There are three open orders across these two properties. He observed unauthorized cutting within the buffer to a coastal bank and bordering vegetated wetland and work on the bank itself. The cutting crosses both properties. We counted 8 sassafras trunks of 4” to 12” diameter. Some cleanup was done to remove mash. Proposing to remove the excess mash. Original order was for honeysuckle, privet, and Japanese honeysuckle. Want to encourage the sassafras saplings to grow but have a lot of honeysuckle vines and privet around them. The invasives will be removed by hand and native species planted around the trees. Will expand the restoration area and keep the existing lawn area. Will monitor the restoration areas. Will place permanent markers along the lawn edge. Massachusetts Natural Heritage (MNH) boundary extends into 12 Monomoy Creek Road and waiting to hear from them.

**Engelbourg** – We lost the majority of trees and shrubs; the applicant should install equal-to or greater-than the biomass that was loss.

**Madden** – Thinks that can be identified. Doesn’t want to do a lot of excavation in the area of the coastal bank.

**Engelbourg** – The cutting changes the dynamics of the area; we need to get back some of that barrier.

**Erisman** – About the beach path, she has seen a strange assemblage of material there; wants to know the disposition of that which is on the property.

**Engelbourg** – All invasive materials must be disposed of appropriately.

**Ray** – She feels that the removed trees and probably had something to do with enhancing the view; her concern is that the replacement plants won’t attain the height of the original trees. Trees of equal height should be included in the planting plan.

**Madden** – Asked for a continuance.

Staff None  
 Motion Continued to January 8, 2020 by unanimous consent.  
 Vote N/A

**B. Amended Orders of Conditions**

1. Alice Rochat – 100 Low Beach Road (75-27) SE48-3027

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Jeff Blackwell, Blackwell & Associates  
 Public None

Discussion (5:54) **Blackwell** – A shed had been placed within the buffer without permit; solution is to move west of the cabana, which is more than 50 feet from the wetland and to comply with zoning.

Staff None  
 Motion **Motion to Approve the amended order.** (made by: Golding) (seconded by: Topham)  
 Vote Carried unanimously

**III. PUBLIC MEETING**

**C. Requests for Determination of Applicability**

1. Cameron Dias – 52R Surfside Road (67-560)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Mark Rits, Site Design Engineering  
 Public None

Discussion (5:57) **Rits** – This is for a house outside the 50-foot buffer to an off-site wetland.

Staff Negative 3 for work within buffer.  
 Motion **Motion to Issue as recommended.** (made by: Golding) (seconded by: Topham)  
 Vote Carried unanimously

2. Hope Scott Rogers – 6 & 11 East Hallowell Lane (30-98 & 17)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.  
 Representative Mark Rits, Site Design Engineering  
 Public None

Discussion (6:00) **Rits** – For a septic upgrade within buffer to coastal bank; leach facility is outside jurisdiction. All work is within existing lawn.

Staff Negative 3 for work within the buffer.  
 Motion **Motion to Issue as recommended.** (made by: LaFleur) (seconded by: Phillips)  
 Vote Carried unanimously

**D. Minor Modifications**

1. Sixty-Four Walsh Street, LLC. – 66 Walsh Street (29-94.1) SE48-3251
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
  - Representative Mark Rits, Site Design Engineering
  - Public None
  - Discussion (6:01) **Rits** – This to change the walkway from brick to crushed shell, which is more pervious. The grade has been restored.
  - Staff None
  - Motion **Motion to Issue as a Minor Modification.** (made by: Golding) (seconded by: LaFleur)
  - Vote Carried unanimously

**E. Certificates of Compliance**

1. Rock Gonnella, Trustee of the North Nominee Trust – 73 Easton Street (42.4.1-109) SE48-2994 (**Cont. 01/08/2020**)
2. Boris L. Ivanov – 139 Polpis Road (44-7.2) SE48-3082
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Staff The packet shows a deer fence within the 25-foot buffer; it has been removed and the site is now in compliance.
  - Discussion (6:03) None
  - Motion **Motion to Issue.** (made by: Topham) (seconded by: Engelbourg)
  - Vote Carried unanimously
3. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893 (**Cont. 01/08/2020**)
4. Revocable Trust Agreement of Elizabeth C. Nix – 43 Starbuck Road (59.3-49) SE48-2976
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Staff Work is complete in compliance with on-going Conditions 19 & 20.
  - Discussion (6:04) None
  - Motion **Motion to Issue with on-going Conditions 19 & 20.** (made by: Engelbourg) (seconded by: Phillips)
  - Vote Carried unanimously
5. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2797(**Cont. 01/08/2020**)
6. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2801(**Cont. 01/08/2020**)
7. Monomoy Creek Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-2665(**Cont. 01/08/2020**)
8. Sixty-Four Walsh Street, LLC – 66 Walsh Street (29-94.1) SE48-3251
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Staff On-going Condition 19.
  - Discussion (6:06) **Mark Rits**, Site Design Engineering – This is the grading restoration, plantings and removal of retaining wall. The site and plan have been reviewed by staff and the grade is in substantial compliance.
  - Motion **Motion to Issue with on-going Condition 19.** (made by: Phillips) (seconded by: Golding)
  - Vote Carried unanimously
9. Polpis Harbor, LLC – 250 Polpis Road (26-27) SE48-2779
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Staff On-going Cond 19 & 20.
  - Discussion (6:09) **Mark Rits**, Site Design Engineering – The order has expired for extensive site work. Portions of the DEP buffer were allowed to revegetate. Work is in substantial compliance.
  - Motion **Motion to Issue with on-going Cond 19 & 20. Go/To** (made by: ) (seconded by: )
  - Vote Carried unanimously
10. R. Thomas and James R. Okonak, Trustees – 20 & 23 Massachusetts Avenue (60.3.1-311 & 321) SE48- 3044
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Staff For installation of a tight tank. Submitted Board of Health sign off. No on-going conditions
  - Discussion (6:11) None
  - Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Phillips)
  - Vote Carried unanimously
11. Alice Rochat – 100 Low Beach Road (75-27) SE48-1818(**Cont. 01/08/2020**)

**F. Orders of Condition**

1. Britannia Nantucket, Inc – 81 Squam Road (13-6) SE48-3261
  - Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips
  - Documentation Draft Order of Conditions
  - Staff None
  - Discussion (6:12) None
  - Motion **Motion to Approve as drafted.** (made by: Topham) (seconded by: LaFleur)
  - Vote Carried unanimously

2. 100R Wauwinet Road N.T – 100R Wauwinet Road (11-23) NAN-130  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Draft Order of Conditions  
 Staff None  
 Discussion (6:15) None  
 Motion **Motion to Approve as drafted.** (made by: Engelbourg) (seconded by: Phillips)  
 Vote Carried unanimously

3. Rec 21 WP, LLC – 21 Washing Pond Road (31-31) SE48-3263  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Draft Order of Conditions  
 Staff Will amend Condition 21.  
 Discussion (6:15) **Golding** – Condition 21, should read “to an area off the site” so discharge doesn’t come back down the hill.  
**Erisman** – Should add no cultivars.  
 Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: Topham)  
 Vote Carried unanimously

4. 262 Polpis Road N.T – 262 Polpis Road (25-1) SE48-3257  
 Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation None  
 Staff There is no draft of the Order.  
 Discussion (6:18) **Topham** – Add photo monitoring.  
**Golding** – Add that the trees should be 4” to 12” in diameter  
 Motion Continued to January 8, 2020 by unanimous consent.  
 Vote N/A

**G. Other Business**

1. Approval of Minutes – 11/20/2019: Approved by unanimous consent.
2. Monitoring Report
  - a. SE48-2797 Von Summer and Moller – 10 Monomoy Creek Road
  - b. SE48-2665 Monomoy Creek RT – 12 Monomoy Creek Road
  - c. SE48-3004 Nantucket Pond Coalition – Eastern Shore of Hummock Pond
3. Enforcement Actions
  - a. SE48-2824 ‘Sconset Beach Preservation Foundation (SBPF) – Baxter Road: Nourishment Material

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips  
 Documentation Draft Chemical/Biological testing protocol; handout from Yvonne Vaillancourt  
 Rep Steven Cohen, Cohen & Cohen Law P.C  
 Jamie Feeley, Cottage & Castle  
 Public Edie Ray  
 R.J. Turcotte, Nantucket Land Council  
 D. Anne Atherton, Nantucket Coastal Conservancy  
 Burton Balkind

Discussion (6:20) **Cohen** – Talked to OHI Engineering involved in the testing involved here; only a few licensed contractors do this kind of work. Briefly summarized the proposed protocol; the testing follows DEP guidelines for testing effluent from septic systems. Believes the timeline and protocols are good and will get right on it. Will follow through with daily removal and cataloging of debris.  
**LaFleur** – Asked when the testing would be done and results in.  
**Cohen** – It can be done in as little as three weeks if the weather holds.  
**Engelbourg** – In the Enforcement Order, we codified that additional samples be taken between mean high and mean low water mark in the tidal zone. Feels there are some missing criteria in the testing for chemical and biological elements; it’s important to test for Ph, topo nitrogen, phosphate and phosphorous.  
**Golding** – Asked what coliform means; what type of bacteria.  
**Erisman** – People coliforms  
**Phillips** – SBPF should keep the commission apprised of progress; as we close on a certain date we have something to look at.  
**Erisman** – SBPF is also on January 8, 2020 under the Other Business portion of the agenda for further discussions. Asked if they have started logging removal of debris; they need to do that.  
**Feeley** – He thought that was part of a larger effort. There is overlap on the southern end; he hopes to start with 85 and get that end cleaned up.  
**Cohen** – We will be picking up debris from the template; our intent is also to remove pipes and wires from the debris before they fall to the template.  
**Golding** – Looking at sewer sludge, which contains various diseases. Asked they should to test for that as well or will the testing for fecal matter cover that.  
**Engelbourg** – His understanding is that coliform testing will detect that.  
**Erisman** – Opened to the public at 6:35 p.m.  
**Ray** – She thought she heard them say they are using guidelines for dredge material being moved from one place to another.

**Erisman** – DEP guidelines protect dredged material going onto the beach.

**Ray** – Asked if a different type of testing could be used that makes more sense to this situation.

**Erisman** – Some of the guidelines are for testing leach fields. We are looking for a testing metric.

**Golding** – Read the metals that would be tested for.

**LaFleur** – The DEP standards are more stringent than we perhaps actually need here.

**Engelbourg** – The only soil test that would be more restrictive would be for active agricultural fields. This is a very robust array of sampling.

**Ray** – Asked if there would be a benefit to testing the source site.

**Erisman** – Doing that could add more confusion to what is going on. No further dumping will take place until the testing is done.

**Turcotte** – Referred to Ms. Vaillancourt’s handout of comments on DEP testing of dredge material and ensuring there is no composite sampling.

**Golding** – Asked if it might be possible to get an OHI Engineering representative to address the Commission. Discussion about the next date for further discussion and attendance by an OHI representative and ensuring the samples are not composite.

**Cohen** – He can have the contractor submit his process in written form.

**Turcotte** – If it turns out the beach is contaminated, it is important to look at remediation efforts going forward.

**Ray** – Confirmed OHI will come to the island to take the samples and some testing on site but some off Island to a lab; wants to know which tests would be taken off Island.

**Cohen** – That would be covered in more detailed protocols.

**DA Atherton** – Suggested that the Commission retaining an independent reviewer go through the protocol. Clearly this is an expertise we have at the Mass Field Station.

**Erisman** – That was brought up at the last meeting and we asked Mr. Carlson to look into it.

**Dodd** – Mr. Carlson wanted to see first what was proposed before retaining an independent reviewer.

**Engelbourg** – He’s concerned about the confusion regarding whether or not these are composite samplings.

**Cohen** – He will tell his client to add 8 more samples down to the low tide, add testing for PH, topo nitrogen, phosphate and phosphorous, the testing be done as individual samples, and provide protocols from the contractor before work is done.

**Golding** – He wants an independent review to go over the protocol first and have the applicant pay for that.

**Erisman** – Her concern is that could take months. The longer we delay, the more gets washed out from rain.

**Phillips** – Asked if Mr. Carlson had identified a 3<sup>rd</sup>-party independent reviewer to look at the protocol as quickly as possible.

**Dodd** – She believes they can have someone at the initial stage to take a look at it.

**Erisman** – Suggested a motion to allow them to do the daily removal with documentation and get the testing started.

**Balkind** – He watched the template today and didn’t see any debris. Asked if chain of custody of the samples is included in the protocols.

**Cohen** – That is in the letter.

**Balkind** – He’s still concerned about their pushing 10,000 cubic yards of sand over the edge onto the template and the impact on the beach.

Discussion on the motion

**Phillips** – Asked if we want to have them start before someone reviews the protocol. We all wish we had that particular expertise here.

**Erisman** – Doesn’t know if the review before testing is possible since it could take so long.

**Engelbourg** – He wants to add the lab to hold onto the material, so it isn’t released into the environment.

**Cohen** – He can add that to the protocol

Action **Motion to Allow SBPF to move forward with daily removal of debris and proceed with the chemical/biological testing with the intent protocol.** (made by: Golding) (seconded by: Engelbourg)

Vote Carried unanimously

- 4. Reports:
  - a. CRAC, Golding
  - b. CPC, Topham
- 5. Commissioners Comment
  - a. Topham – Project on he thinks 65 (actual 85) Sankaty Road that has a lot of debris; there is a DEP sign
- 6. Administrator/Staff Reports
  - a. None

Adjourned at 7:14 p.m. by unanimous consent.

Submitted by:  
Terry L. Norton



# CONSERVATION COMMISSION

## PUBLIC MEETING

2 Bathing Beach Road  
Nantucket, Massachusetts 02554

[www.nantucket-ma.gov](http://www.nantucket-ma.gov)

Monday, December 16, 2019

4 Fairgrounds Road, Training Room – 4:00 p.m.

**Commissioners:** Ashley Erisman (Chair), Ian Golding (Vice Chair), David LaFleur, Joe Topham, Seth Engelbourg, and Maureen Phillips

Called to order at 4:10 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Coordinator; Joanne Dodd, Natural Resources Office Administrator; Terry Norton, Town Minutes Taker

Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips

Agenda adopted by unanimous consent

### I. PUBLIC MEETING

#### A. Public Comment:

1. **Rick Atherton** – This is about the other coir structure south of the geotubes and involves whether or not you will have to remediate for those projects as well. The first indication of issues about deliveries came with the June delivery. After that, Mr. Carlson reported to the Select Board in July; attached to his memo was a map that highlighted 65 Baxter Road which could be interpreted as noting the end of the deliver. The Select Board asked for a listing of all private projects on Town-owned property; Mr. Carlson put together a list of all private projects on public property to include beach stairs; on that list, there is no reference to coir logs for 59-69 Baxter Road. Cited the License Agreement and Order of Conditions issued for 65-71 Baxter Road, SE48-1602 issued to SBPF. The next licenses agreement issued in 2008 to SBPF for 77-122 Baxter Road SE48-1659; the last is issued for 11-122 Baxter Road. Wants the Commission to be certain who owns what property when an Order of Conditions is issued.

2. **D. Anne Atherton**, Nantucket Coastal Conservancy – On December 3, we sent a letter to the Commission referencing Special Condition 28 which relates to the underwater surveys; feel SBPF is in violation of this special condition as well. To make the record complete, ConCom should go through a formal finding and should be added to a future agenda.

**Erisman** – That will be on the first agenda in January.

#### B. Orders of Conditions

1. \*Sconset Beach Preservation Fund – 87-105 Baxter Road (48-various) Area SE48-2824

|                 |                                                                                                                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sitting         | Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips                                                                                                                                                |
| Recused         | None                                                                                                                                                                                                   |
| Documentation   | Supporting documents, plans, correspondence, photos, Debris Removal Protocol                                                                                                                           |
| Applicant       | Steven Cohen, Cohen & Cohen LP                                                                                                                                                                         |
| Representatives | Jamie Feeley, Cottage and Castle                                                                                                                                                                       |
| Public          | Harvey Young<br>Edie Ray, Coastal Conservancy<br>Barbara Bund<br>Burton Balkind<br>Rita Higgins<br>D. Anne Atherton, Nantucket Coastal Conservancy<br>R.J. Turcott, Nantucket Land Council, Inc. (NCL) |

Discussion (4:11) **Erisman** – This discussion relates to nourishment and remediation protocols focusing on Condition 1, debris removal protocol.

**Cohen** – We are proposing protocols going forward to ensure compatible and clean sand going forward. Here we are talking about the immediate removal of debris. We will be presenting protocols for Chemical and biological testing to be reviewed at the Wednesday, December 18 meeting. We’ve been trying to figure out how to sift through sediment to expose debris without it being exposed to the ocean. The problem is a lot of the ways could take a month or more.

**Feeley** – Presented an outline of the debris removal protocol. Reviewed the proposed process of finding, identifying, and removing debris. The problem is how to keep the geotubes covered.

**Cohen** – We would maintain a log of what was discovered on a daily basis.

**Erisman** – She’s concerned about how long it will take to get the material off the template before the Chemical-Biological Testing can be done.

**Feeley** – That would be a good question for environmental folks. If we do a huge nourishment, it will work for a short period of time and we would provide about 10,000 cubic yards of nourishment over a couple of weeks.

**Erisman** – Asked if there is enough clean nourishment available.

**Feeley** – There will be eventually, the question is whether or not it is available now.

**Cohen** – Replenishment is not part of the requirement. We’ve put more on the template than required.

**Erisman** – We need to know the plan is feasible and the material is available.

**Golding** – Agrees with Ms. Erisman about having the Testing in place first.

**Cohen** – We can make sure there is morning and afternoon checks to pick up any exposed debris and hold off on pushing material over until the we have Chemical-Biological Testing, if the Commission thinks it's worth it. We don't want the tubes to end up exposed and nourishment isn't being done. We can get back on Wednesday with a better idea on how long the Chemical-Biological Testing will take.

**Erisman** – Someone needs to be out there daily getting the visible stuff off the beach. We can hold off pushing sand off the template until we have the testing. With doing remediation correctly, sometimes it's slower than we like but it's better to do this thoroughly. Asked which protocol is to be discussed, the emailed or submitted at the table.

**Cohen** – The piece submitted at the table is an update. The other protocols take a long time.

**Erisman** – Asked if we can quantify the debris coming out of the template and off the beach.

**Feeley** – We have lots of pictures; asked if daily pictures would suffice as the report. There is remediation to be done along the template and would like to be able to do that.

**Carlson** – Part of this is fixing the methodology of what is going on the template. It is within ConCom's purview to clean up the area to avoid the chance of further debris even if it's inadvertent.

**Cohen** – Asked what the Commission wants.

**Erisman** – Pictures and the weight of debris.

**Feeley** – There isn't that much on a day-to-day basis.

**Erisman** – We are getting rocks and pebbles in the nourishment sand.

**Cohen** – Some of the stuff is coming from the bluff itself, like rocks and cobble; asked what ConCom wants them to do regarding removing that. During the application hearings, we had a discussion about whether or not we should contribute cobble.

**Erisman** – We want that to go into the littoral system.

**Carlson** – The nourishment material should be bank and beach compatible.

**Cohen** – At this time, cobble and rocks are not required materials.

**Topham** – He thinks the stones and rocks and cobbles should be allowed to go into the system.

**Erisman** – She noticed a lot of questionable stuff out here and wants to know where it's coming from.

**Golding** – We asked the Beach Club to replicate the cobble coming out of the bluff; feels that should be done here as well.

**Feeley** – In his years of working this project, he has seen cobble coming out of the bluff.

**Engelbourg** – There is material being used that doesn't match the bluff and beach. If you are going to push material off the template, it should be the correct sieve size. We should let them get rid of the extra cobble.

**Golding** – When I lived on the Bluff, we used to bring home milk crates full of cobble, most under 4". He's all for cobble being replicated.

**Cohen** – We can definitely remove all the man-made material and specify the size of rock to be removed or kept. We can get back to the Comm about how to deal with rocks and how long the testing will be before we can start.

**Erisman** – Asked that there be a named project manager(s) on the log who will be on site every day to document the work being done at the beach.

**Cohen** – We are in the process of pulling together a list of who is responsible for what aspect of the project. Mr. Feeley can identify the check-in points and the qualified managers.

**Topham** – The inspection of the material begins when pit sand goes into the bucket and moves it to the truck.

**Feeley** – That is how it's been in the past when we were using virgin pits; now we need to recycle sand from projects.

**Cohen** – Mr. Feeley can put together a list of managers and where they interact with the sand; pick up, loading, and check-in point.

**Erisman** – Wants someone at the beach as well to ensure the debris is actually leaving the beach.

**Golding** – He's alarmed because Mr. Feeley is saying the sand is being recycled when initially we were told it was coming out of pits. Now we have possible biological contamination and seem to be side-stepping that contamination in the future. If we don't test every truck, we have no way to guarantee the sand isn't contaminated going forward.

**Cohen** – Recycling sand has become more necessary. We should wait for the testing on the sand in place to determine the level of need for future testing. Feels in most cases there is no need for the testing; in others it might be a good idea.

**Golding** – The question is if it will be honored in the breach; if it isn't coming from a virgin pit site, we need to test it.

**Topham** – That goes for every coastal structure. Whatever SBPF writes up, will be become a standard for the future projects.

**Golding** – Going forward, he'd like to use the Florida DEP testing for wet-sand equivalent. He thinks color is important at this point.

Opened to the public for questions at 4:49 p.m.

**Harvey Young** – They were tasked with coming up with a protocol which seems to be push it off the template and clean it up. It should be scooped up and removed.

**Erisman** – Removing the template could cause more damage if it is contaminated.

**Ray** – Concerned gravity and Mother Nat will move some of the questionable stuff off the template and onto the beach then up and down the shoreline; wants the commission to think about that and look for debris outside the specific area. She'd thinks it would be interesting for the stuff to not be thrown away but put in a secure location where the public can view it. She wants to know when they projected they would be out of sand; or if that was a question even considered.

**Erisman** – We definitely discussed sources but didn't have a projection of when the sand would run out.

**Phillips** – We are dealing with the fact no one was paying attention and specifying where the sand came from; now we have to go back to remediate something that's been going on for a period of time. Going forward we should be more strict and rigorous about the source material on all coastal structure projects.

**Bund** – She submitted information to the Select Board and ConCom about the projections for the need for sand. She was told by a commissioner at the time that wasn't within ConCom's purview. Her documents, which are in the public record, contain her figures on how long the pits can provide sand.

**Golding** – We have no control over what the pit decides to make available; but the quality is not on this board.

**Topham** – We've had some large projects which have provided sand. If we have an economic slowdown that impacts excavation for large structures, we need to think about where the sand will come from.

**LaFleur** – When the economy changes, the pit sources change.

**Erisman** – We should focus on the debris removal, even though clean nourishment being available is important.

**Cohen** – We will have further information on Wednesday.

**Balkind** – This weekend with the amount of rain we had, the template was mud running into the water carrying debris. Right now, he's not sure of the depth of sand on top of the geotubes; wants to know if that will be moved a few feet at a time until close to the tubes. He can forward videos of the mud to the Commission. He's trying to visualize what the sand on top would look like when it's at the toe of the template.

**Feeley** – We have never gone below 3 feet of cover; we are proposing on going through the sand delivered this evening; the southern end is deeper than the northern end. We push a small amount over a long period of time.

**Turcotte** – He has a couple of recommendations: Action 4 add language to dispose off site to a licensed disposal facility; same for sand screening provision Nr. 7; and the Commission should require additional mitigation be placed to account for material removed from the site on a volume basis. Some of the stones are very large.

**Higgins** – Echoed support for requiring a project supervisor. That should also be considered for future project. If sand is inappropriate for the site, the supervisor at the tip should send it back.

**Erisman** – We need to wait until Wednesday to approve the protocol.

**Carlson** – Suggested keeping the matter open until the next meeting.

**DA Atherton** – Asked when the commission will deal with consequences and penalties. We are getting a lot of questions if there will be fines and what damage has been done. This is a violation that has been described as egregious.

**Erisman** – We have to stay w/in what is allowable; ConCom doesn't have a structure for fines.

**Golding** – Any monetary fine pales in comparison to the cost of remediation.

**DA Atherton** – That needs to be communicated to the community.

**Carlson** – Typically the roll of the Commission is to end the condition and remediate; any penalty can be assessed based upon the totality of the damage. We have to wait for the testing before we know the level of violation. We have to have all facts in place to make the determination on what the penalty will be.

Action **Discussion on large debris removal and Chemical-Biological Testing protocol continued for Wednesday.**

Vote **N/A**

**A. Other Business**

1. Approval of Minutes: 12/11/2019: Adopted by unanimous consent.
2. Reports:
  - a. CPC, Topham
  - b. NP&EDC, Phillips
3. Commissioners Comment
  - a. None
4. Administrator/Staff Reports
  - a. He will try to call in with this on Wednesday.

Adjourned at 5:13 p.m. by unanimous consent.

Submitted by:  
Terry L. Norton