

1. Conservation Commission Pack 1/22/20

Documents:

CHUCKROW NOMINEE TRUST_25 QUALSE ROAD (26_12) SE48_3241.PDF
46 SHIMMO POND ROAD NT _ 46 SHIMMO POND ROAD (43_77)
SE48_3264.PDF
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SE48_3268.PDF
53 WEST CHESTER ST LLC _ 53 WEST CHESTER ST (41_614)
SE48_3269.PDF
17 BR ROSALY NOMINEE TRUST _ 17 BAXTER ROAD (60 3 1_132)
SE48_3267.PDF
MARGERET ZARCONE _ 16 CHERRY STREET (55_379) SE48_.PDF
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RDA_MID_ISLAND SERVICE LIMITED PARTNERSHIP _ 41 AND 43 SPARKS
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TRUST _ 73 EASTON STREET (42 4 1_109) SE48_2994.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
COC REQUEST DINA AND ALLAN SCHWARTZ _ 62 WEST CHESTER STREET
(41_373) SE48_3111.PDF
EXT REQUEST_POCOMO POINT REALTY TRUST _ 90 POCOMO ROAD (15_43)
SE48_2946.PDF
DRAFT 1_8_20 MINUTES.PDF



NOTICE OF INTENT APPLICATION

**FOR INSTALLATION OF A STEEL BULKHEAD
ALONG AN EXISTING TIMBER BULKHEAD**

At

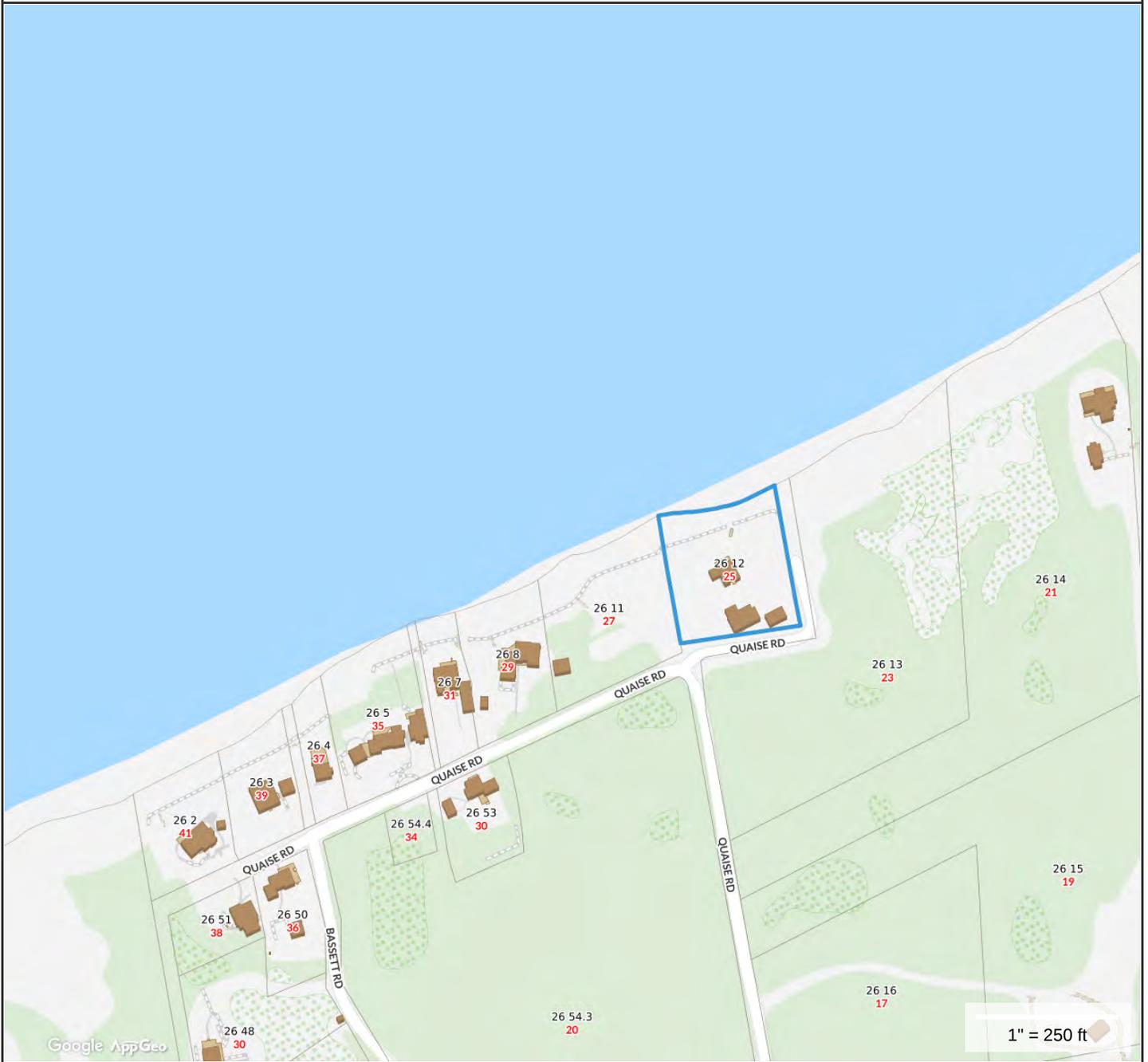
25 QUAISE ROAD

AUGUST 2019

Prepared For

CHUCKROW NOMINEE TRUST

Locus Map



Property Information

Property ID 26 12
Location 25 QUAISE RD
Owner GUERNSEY CAROL C & STULGIS AMY



**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



August 23, 2019

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

Re: Notice of Intent
25 Quaise Road
Map 26 Parcel 12

Dear Ms. Erisman:

On behalf of the property owner, Chuckrow Nominee Trust, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed activities within the Buffer Zone, Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage resource areas at the above referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities at the Site consist of installing a steel sheet bulkhead along a failing timber bulkhead, plus a return along the easterly property line. 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 \$273.50, \$498.50, \$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 \$291.40 to the Inquirer & Mirror for publication of the notice of the public hearing.

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 one-acre in size and is located in the Quaise area of Nantucket Island. The property is located at the northern end of a gravel road in an area of

20 Mary Ann Drive • Nantucket, MA 02554
508-825-5053 • www.NantucketEngineer.com

residential development. The lot is currently armored by a timber bulkhead and contains three residential use structures which pre-date 1978.

The Wetland Resource Areas on-site subject to jurisdiction of the Commission are Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage, and the respective Buffer Zones.

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

The access for the work will be from the existing driveway, through the yard, where materials will be stockpiled. A sand ramp will be created from the top of the bank to the top of the bulkhead. The steel sheets will be driven by an excavator with a vibratory attachment. The area between the bulkheads will be filled with flowable fill, then a concrete and/or timber cap will be installed over both. All disturbed resource area will be planted with American Beach Grass and upland areas covered with a minimum of 6" of topsoil and planted with grass seed.

CONCLUSION

The installation of steel sheeting 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. Further, the project represents responsible maintenance of an existing structure which if left to deteriorate could have an adverse impact on the aforementioned protected interests.

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

Sincerely,



Arthur D. Gasbarro, PE, PLS

Cc: MassDEP
Chuckrow Nominee Trust



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

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

<u>25 Quaise Pastures Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41d17'56"N</u>	<u>70d02'01"W</u>
	d. Latitude	e. Longitude
<u>26</u>	<u>12</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Amy P. & Carol C.</u>	<u>Chuckrow & Guernsey, Trustees</u>	
a. First Name	b. Last Name	
<u>Chuckrow Nominee Trust</u>		
c. Organization		
<u>402 Hancock Rd</u>		
d. Street Address		
<u>Williamstown</u>	<u>MA</u>	<u>01267</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>	<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>Arthur D.</u>	<u>Gasbarro, PE, PLS</u>	
a. First Name	b. Last Name	
<u>Nantucket Engineering & Survey, PC</u>		
c. Company		
<u>20 Mary Ann Drive</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-825-5053</u>	<u>art@nantucketengineer.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$972 + \$25 + \$200</u>	<u>\$473.50</u>	<u>\$498.50 + \$25 + \$200</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 proposes to to install a steel bulkhead with a cap seaward of an existing timber bulkhead, and an extension/return along the easterly property line. Access will be from the upland portion of the bank with a ramp to the area above the bulkhead. Disturbed areas behind the bulkhead will be filled with clean, compatible sand then planted with American Beach Grass. Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

- | | |
|--|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input checked="" type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input type="checkbox"/> 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	14,726
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.

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	



26 12

QUAISE RD

QUAISE RD

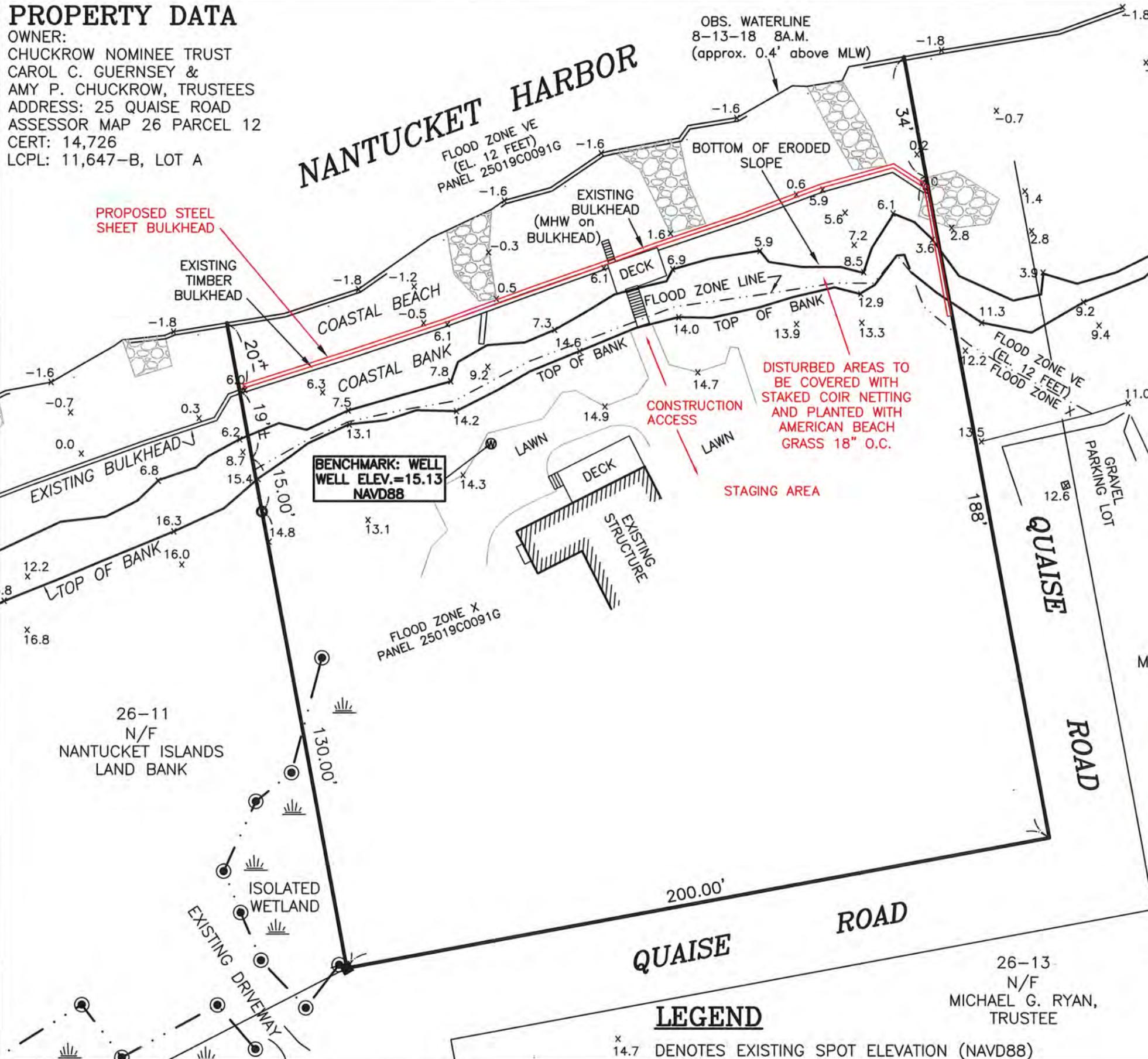
QUAISE RD

41.29896,-70.033744

PROPERTY DATA

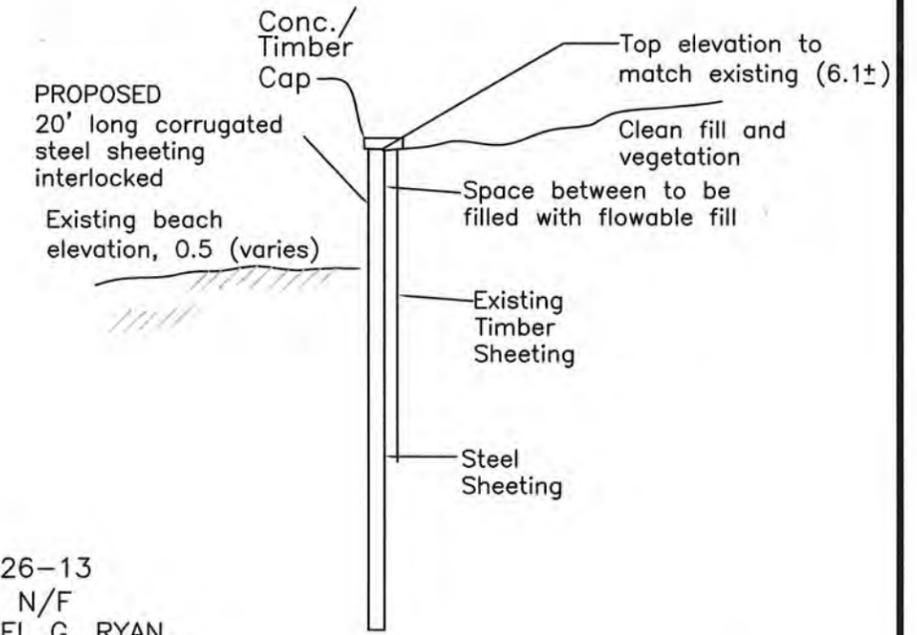
OWNER:
 CHUCKROW NOMINEE TRUST
 CAROL C. GUERNSEY &
 AMY P. CHUCKROW, TRUSTEES
 ADDRESS: 25 QUAISE ROAD
 ASSESSOR MAP 26 PARCEL 12
 CERT: 14,726
 LCPL: 11,647-B, LOT A

NANTUCKET HARBOR



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.

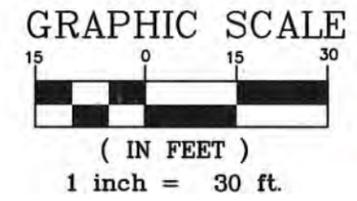
Bulkhead Cross-Section



26-13
 N/F
 MICHAEL G. RYAN,
 TRUSTEE



SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA PREPARED FOR CHUCKROW NOMINEE TRUST 25 QUAISE ROAD MAP 26 PARCEL 12 AUGUST 14, 2019 SCALE: 1"=30'



LEGEND

x 14.7 DENOTES EXISTING SPOT ELEVATION (NAVD88)

26-13
 N/F
 MICHAEL G. RYAN,
 TRUSTEE



January 17, 2020

Jeff Carlson, Administrator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Notice of Intent – SE48-3241
25 Quaise Road

Dear Jeff:

I am writing to provide a revised site plan which relocates the project access from the east, to the west side of the house. In consultation with the contractor, this will minimize disturbance of the buffer zone.

I plan to attend the public hearing on this matter, though please feel free to contact me should you have any questions or concerns with this request in the meantime.

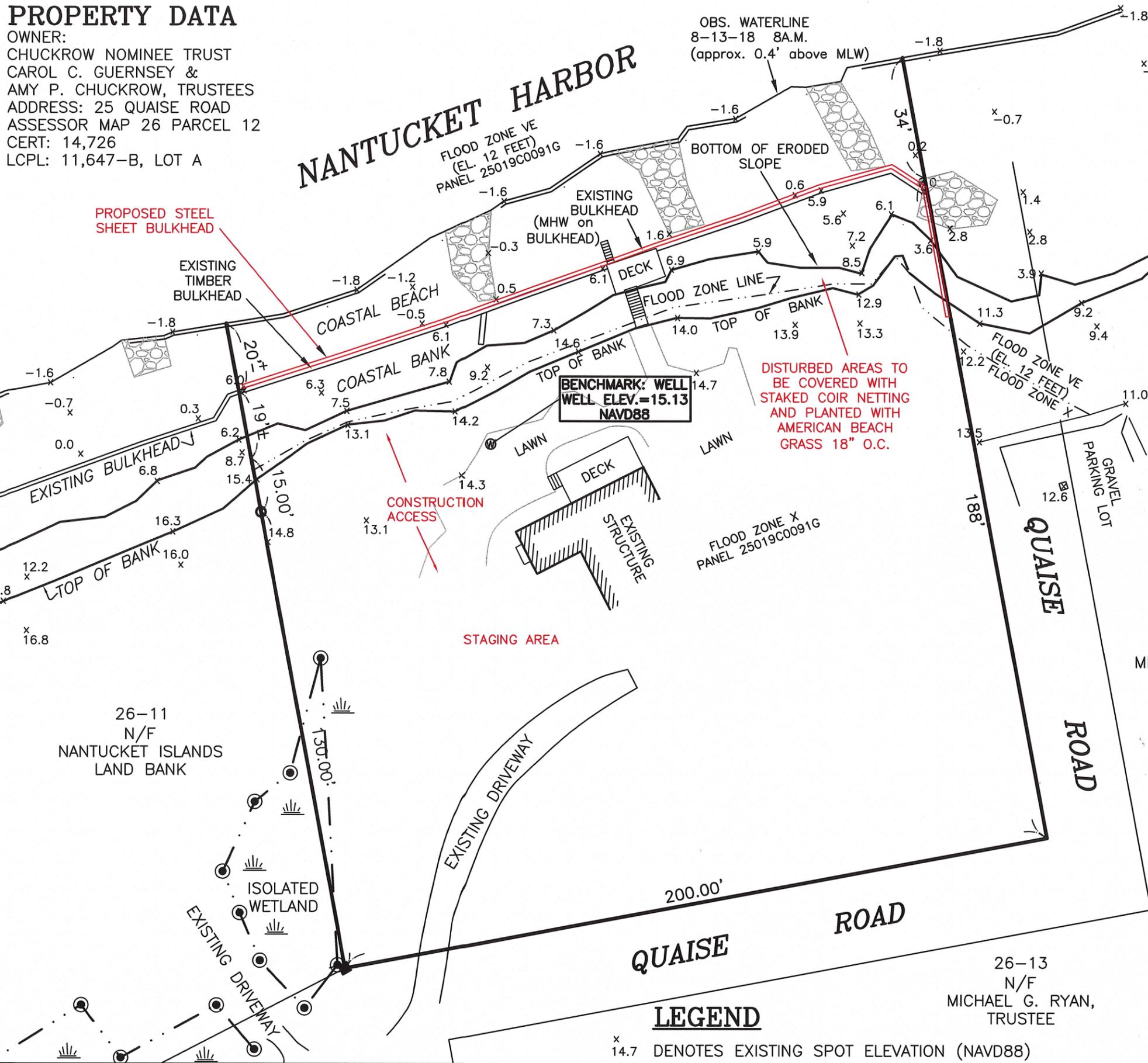
Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS

A handwritten signature in blue ink, reading "Arthur D. Gasbarro". The signature is written in a cursive style and is contained within a thin blue rectangular border.

PROPERTY DATA

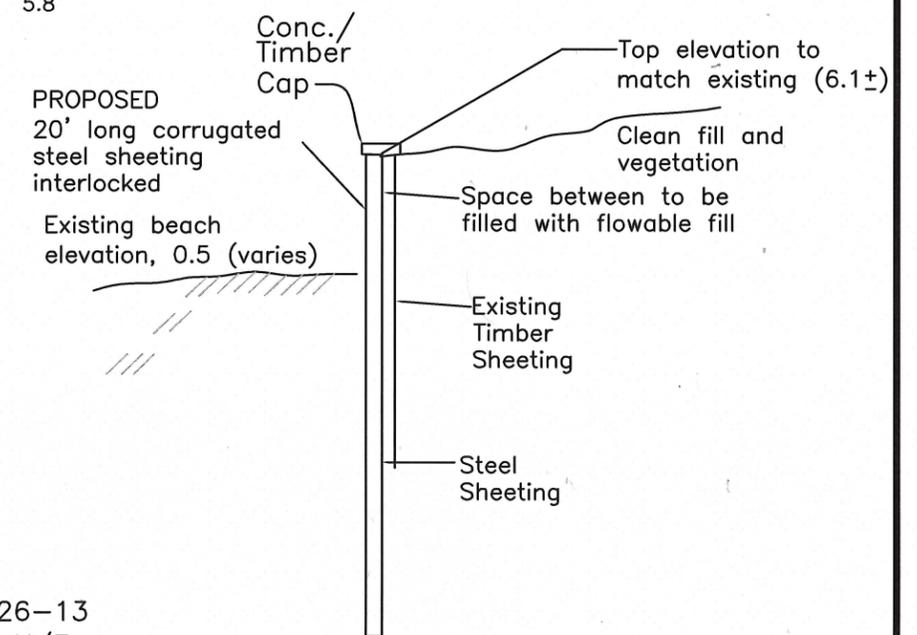
OWNER:
 CHUCKROW NOMINEE TRUST
 CAROL C. GUERNSEY &
 AMY P. CHUCKROW, TRUSTEES
 ADDRESS: 25 QUAISE ROAD
 ASSESSOR MAP 26 PARCEL 12
 CERT: 14,726
 LCPL: 11,647-B, LOT A

NANTUCKET HARBOR



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.

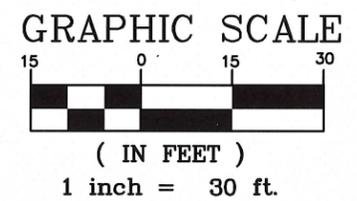
Bulkhead Cross-Section



26-13
 N/F
 MICHAEL G. RYAN,
 TRUSTEE



SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA PREPARED FOR CHUCKROW NOMINEE TRUST 25 QUAISE ROAD MAP 26 PARCEL 12 AUGUST 14, 2019 REV. JANUARY 17, 2020 SCALE: 1"=30'



LEGEND

x 14.7 DENOTES EXISTING SPOT ELEVATION (NAVD88)

26-13
 N/F
 MICHAEL G. RYAN,
 TRUSTEE

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

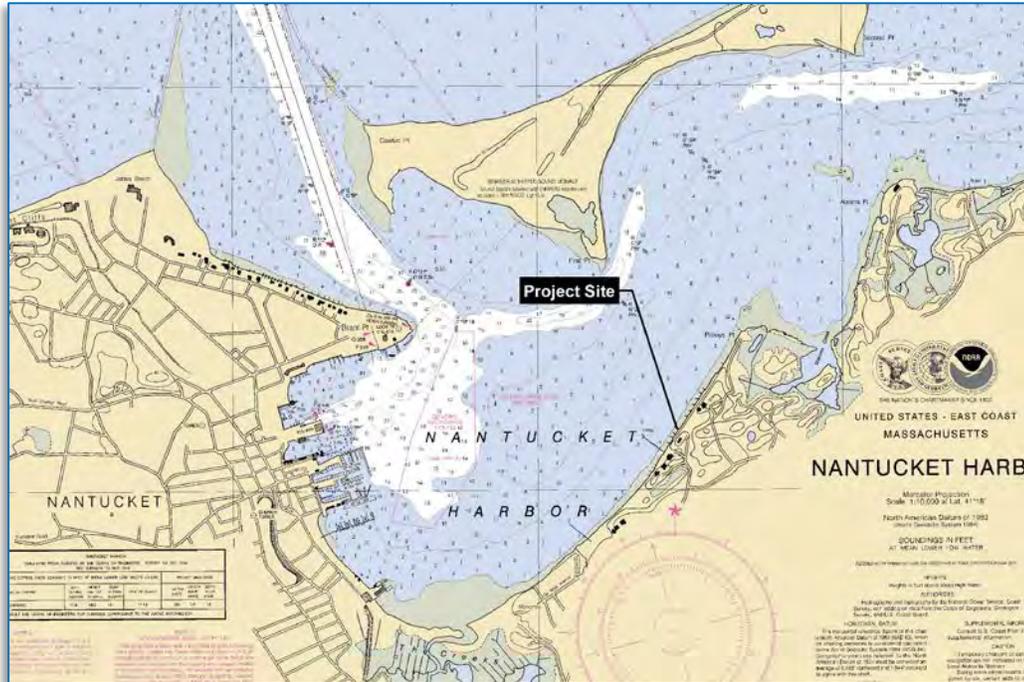


Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways

WPA Form 3 - Notice of Intent

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

Dock Improvement 46 Shimmo Pond Road, Nantucket



Submitted to:

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Submitted by:

Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust
c/o Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
Post Office Box 2669
Nantucket, MA 02584

Prepared by:

Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754

November 29, 2019



Projects:\5483 Shimmo Pond Road

PRINCIPALS

- Theodore A Barten, PE
- Margaret B Briggs
- Dale T Raczynski, PE
- Cindy Schlessinger
- Lester B Smith, Jr
- Robert D O'Neal, CCM, INCE
- Michael D Howard, PWS
- Douglas J Kelleher
- AJ Jablonowski, PE
- Stephen H Slocomb, PE
- David E Hewett, LEED AP
- Dwight R Dunk, LPD
- David C Klinch, PWS, PMP
- Maria B Hartnett

Nov. 27, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Ma 02554

Subject: Notice of Intent Application, 46 Shimmo Pond Road

Dear Commissioners:

Enclosed please find two (2) copies (including one original copy) of the above referenced Notice of Intent ("NOI") filed on behalf of 46 Shimmo Pond Nominee Trust ("Applicant"), who plan to install a pile-supported timber pier that will extend into Nantucket Harbor from 46 Shimmo Pond Road.

This NOI has been prepared in accordance with the Massachusetts Wetlands Protection Act ("WPA") (M.G.L. c. 131 § 40) and implementing regulations (310 CMR 10.00) and the Nantucket Wetlands Protection Bylaw (Chapter 136) and regulations, amended July 1, 2013. It includes a description of the subject property, the wetland resource areas located thereon, and the activities proposed to be undertaken within areas subject to the jurisdiction of the Nantucket Conservation Commission.

The Applicant requests that the Nantucket Conservation Commission review the proposed activities at the December 18, 2019 public hearing. If you have any questions regarding the NOI, or wish to conduct a site visit prior to the hearing, please contact me at 978.461.6256 or via email at jvaccaro@epsilonassociates.com.

Sincerely,

EPSILON ASSOCIATES, INC.

Jack Vaccaro
Senior Consultant

978 897 7100

FAX 978 897 0099

3 Mill & Main Place, Suite 250
Maynard, MA 01754
www.epsilonassociates.com



Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways

WPA Form 3 - Notice of Intent

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

Dock Improvement 46 Shimmo Pond Road, Nantucket

Submitted to:

Nantucket Conservation Commission

2 Bathing Beach Road
Nantucket, MA 02554

Submitted by:

Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust

c/o Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
Post Office Box 2669
Nantucket, MA 02584

Prepared by:

Epsilon Associates, Inc.

3 Mill & Main Place, Suite 250
Maynard, MA 01754

November 29, 2019

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ATTACHMENT B FIGURES

- Figure 1 – Nantucket Harbor NOAA Chart
- Figure 2 – Aerial Photograph
- Figure 3 – DEP Wetland Resource Areas
- Figure 4 – Rare Species and Eelgrass Habitats

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ATTACHMANT F	ABUTTER NOTIFICATION INFORMATION
ATTACHMENT G	FILING FEE INFORMATION

WPA Form 3 – Notice of Intent



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

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):

46 Shimmo Pond Road Nantucket 02554
 a. Street Address b. City/Town c. Zip Code

Latitude and Longitude: 41°17' 7.36"N 70° 4' 32.31"W
 d. Latitude e. Longitude

Map 43 Lot 77
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Michael Bass
 a. First Name b. Last Name

46 Shimmo Pond Road Nominee Trust
 c. Organization

40 Soldiers Field Place
 d. Street Address

Boston MA 02135
 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

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):

Jack Vaccaro
 a. First Name b. Last Name

Epsilon Associates, Inc.
 c. Company

3 Mill and Main Place, Suite 250
 d. Street Address

Maynard MA 01754
 e. City/Town f. State g. Zip Code

978-897-7100
 h. Phone Number i. Fax Number j. Email address

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

\$1120.00 \$535.00 \$585.00
 a. Total Fee Paid b. State Fee Paid 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

City/Town

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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

City/Town

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

Check all that apply below. Attach narrative and 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.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input checked="" type="checkbox"/> Land Under the Ocean	725 sf (20.5 sf of pile area) 1. square feet 0 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	161 sf (6.3 sf of pile area) 1. square feet	0 2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input checked="" type="checkbox"/> Land Containing Shellfish	725 sf (20.5 sf of pile area) 1. square feet	
k. <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 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

- 2017 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area	<1 _____ percentage/acreage
(b) outside Resource Area	0 _____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
- (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Michael A. Baro, Trustee

11-21-2019

1. Signature of Applicant

2. Date

William L. Read, Jr., Attorney

3. Signature of Property Owner (if different)

4. Date

John J. [Signature]

11/25/19

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Attachment A

Project Narrative

ATTACHMENT A – PROJECT NARRATIVE

1.0 Introduction

Epsilon Associates, Inc. is submitting this Notice of Intent to the Nantucket Conservation Commission on behalf of Michael Bass, Trustee for 46 Shimmo Pond Road Nominee Trust (“Applicant”) who is seeking permission to extend an existing dock approximately 280 feet seaward into Nantucket Harbor (“Project”). The proposed construction will require alteration to Coastal Beach, Land Under the Ocean and Land Containing Shellfish.

This NOI has been prepared in accordance with the regulation established under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 140), and the Nantucket Wetlands Protection Regulations. It provides a description of the Site and the resource areas present that will be affected by the Project. It also describes the proposed construction activities, and how the work will be conducted in a manner that minimize impacts to these resource areas. Finally, it addresses how the proposed work will comply with applicable performance standards as specified in the Massachusetts Wetlands Protection Act Regulations and Nantucket Wetland Protection Regulations

2.0 Existing Site Conditions

The Site is a waterfront residential property located at 46 Shimmo Pond Road in Nantucket (refer to Attachment B, Figure 1, Project Location Map). The property consists of approximately 1 ¼ acres of land with around 270 feet of frontage on Nantucket Harbor. The property abuts other residential properties to the north and east, and a private association parking area and boat landing lies directly to the south (refer to Attachment B, Figure 2, Nantucket Harbor NOAA chart and Figure 3, Aerial Photograph).

The property is located on a coastal bluff opposite the entrance to Nantucket Harbor, with the residence occupying the high point of land at approximate elevation 20 feet (NAVD88). The property is exposed to a northwesterly fetch but the seaward face of the bluff is protected by a timber bulkhead that spans almost the entire waterfront of the property. The vertical bulkhead is approximately 4 ½ feet in height. Above the bulkhead, the bluff is vegetated with mostly low shrubs, grasses, and other herbaceous plants.

The Federal Emergency Management Agency (FEMA) has mapped two flood hazard zones on and around the Site. These include a velocity zone, Zone VE (elev. 11), which extends landward essentially to the timber bulkhead, and a secondary area prone to still water flooding, Zone AE (elev. 8) which extends to the driveway area near the southeast corner of the site. In addition, the Limit of Moderate Wave Action (LiMWA) appears to fall on the face of the coastal bluff between the timber bulkhead and the residence (refer to Attachment B, Figure 4, FEMA Flood Hazard Zones).

Four rock groins are spaced along the property's waterfront, extending perpendicular from shore into Nantucket Harbor. A small dock originates from the most northerly of the four groins, arcing in a westerly direction before terminating within the intertidal zone. Both the dock and the groin from which it extends are licensed under Ch. 91 of the Massachusetts Public Waterfront Act, and a copy of this license is provided in Attachment C of this Notice of Intent. There are several private boat moorings in the shallow waters opposite the Site, and most of these are clustered in the area closest to the private landing directly south of the Site and the adjacent private dock opposite 42 Shimmo Pond Road that extends approximately 400 feet into the harbor.

The bathymetry and bottom characteristics of the nearshore area opposite the Site was the subject of a bathymetry, side scan sonar, and underwater video survey performed by CR Environmental Inc. in June 2019, and a report detailing the results of this survey is provided as Attachment D to this Notice of Intent application.

3.0 Wetland Resource Areas and Other Environmental Characteristics

The coastal wetland resource areas at the Project site include Land Subject to Coastal Storm Flowage, Coastal Beach, Coastal Bank, and Land Under the Ocean/Land Containing Shellfish. A summary of these resource areas is provided below. (Refer to Attachment B, Figure 3 – DEP Wetlands Resource Areas and Attachment E – Site Plan).

3.1 Coastal Beach

Coastal Beach is defined as unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean (310 CMR 10.27).

Coastal beaches are presumed significant to storm damage prevention, flood control, and protection of wildlife habitat; they may be significant to protection of marine fisheries and, where shellfish are present, to land containing shellfish.

The profile of the Coastal Beach at the site has a low gradient and the intertidal zone of the beach is relatively wide. Tidal profile data published by the Buzzards Bay National Estuary Program indicates that mean high water elevation of 1.2' and mean low water elevation of -1.9' which generally follows along the seaward end of the four groins at the site. The Coastal Beach extends landward from mean low water to the timber bulkhead.

3.2 Coastal Bank

Coastal Bank means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland. Coastal banks are likely to be significant to storm damage prevention and flood control (310 CMR 10.30).

At the Project site the seaward face of the coastal bank has been armored with a timber bulkhead that rises vertically approximately four feet from the grade of the beach. Above the revetment the bank is vegetated with low shrubs, some of which appear to have been planted in an effort to stabilize previously eroded areas. The bank extends upslope to a point where the slope no longer exceeds 4:1, as depicted in Figure 2 of DEP Policy 92-1, which is excerpted at the right.

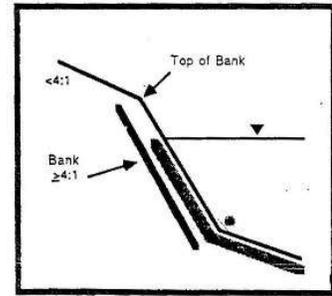


Figure 2

3.3 Land Subject to Coastal Storm Flowage

Land Subject to Coastal Storm Flowage (“LSCSF”) is defined at 310 CMR 10.4 and includes all areas along the coast where the topography is low enough that it is inundated by flood waters generally associated with coastal storm events. The Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Map (“FIRM”) defines the 100-year floodplain and these are used to delineate LSCSF.

At the Site two flood hazard zones are present; the FEMA velocity zone, Zone VE (elev. 11), extends landward to the timber bulkhead, and Zone AE (elev. 8) an area prone to still water flooding extends to the driveway area near the southeast corner of the site. Additionally, the Limit of Moderate Wave Action (LiMWA) appears to fall on the face of the coastal bluff between the timber bulkhead and the residence.

3.4 Land Under the Ocean/Land Containing Shellfish

Land Under the Ocean means land extending from the mean low water line seaward to the boundary of the municipality’s jurisdiction and includes land under estuaries (310 CMR 10.25). Land Under the Ocean is likely to be significant to the protection of marine fisheries and, where there are shellfish, to protection of Land Containing Shellfish. Nearshore areas of Land Under the Ocean are likely to be significant to storm damage prevention, flood control, and protection of wildlife habitat. At the project site, this resource area would include all the land beneath Nantucket Harbor extending along the shore to mean low water, which occurs at approximate elevation -1.9’ (NAVD88).

The Division of Marine Fisheries (“DMF”) has mapped several areas within Nantucket Harbor that are believed suitable for shellfish. These areas are mapped based on the expertise of the DMF, the local Shellfish Constable, and input from commercial shellfishermen, as well as from information from various shellfish studies conducted in the area. The portion of Nantucket Harbor directly offshore 46 Shimmo Pond Road is recognized as suitable habitat for Bay Scallop (*Argopecten irradians*) and Quahog (*Mercenaria mercenaria*). Thus, the submerged land beneath the harbor at the project locus is characterized as Land Containing Shellfish.

3.5 Rare Species Habitat

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has mapped almost the entire water sheet of Nantucket Harbor as priority habitat of state-listed rare species. At the Site, the mapped habitat area is located approximately 160 feet offshore and it appears that the proposed dock may encroach into it (refer to Attachment B, Figure 4 – Rare Species and Eelgrass Habitat). The Applicant is consulting with the NHESP in accordance with the Massachusetts Endangered Species Act (MESA) (321 CMR 10.14) to ensure that any impacts to rare species are avoided or minimized to greatest extent practicable.

3.6 Eelgrass Beds

MassDEP has identified an area of eelgrass in Nantucket Harbor opposite 46 Shimmo Pond Road. The eelgrass is mapped as a continuous band that is located between 10 and 250 feet offshore. There is also an eelgrass mitigation site located approximately 150 feet northwest of the proposed dock (refer to Attachment B, Figure 4 – Rare Species and Eelgrass Habitat).

The presence of eelgrass at the Site has been confirmed by an independent eelgrass survey, but the general distribution density of eelgrass was found to vary significantly throughout the project vicinity. Several discrete areas of moderate to dense eelgrass were observed, but there were also many areas noted where the eelgrass was absent or sparse. These observations are documented in the Bathymetry, Side Scan Sonar, and Underwater Video Survey report prepared by CR Environmental, which is provided as Attachment D.

4.0 Project Description

The Applicant plans to remove the most seaward half of the existing dock and replace it with a new dock that will extend approximately 300 feet into Nantucket Harbor. The construction will require alteration to Coastal Beach, Land Under the Ocean, and Land Containing Shellfish. Since the new dock will use the existing dock access, there will be no alteration to the other identified landward wetland resource areas (Coastal Bank and Land Subject to Coastal Storm Flowage) which have been identified at the Site.

4.1 Building Materials

The new dock is proposed as a 3-foot wide pile-supported structure with an angled alignment to provide separation from the groin and minimize impacts to eelgrass. The dock will entail the installation of seventeen pairs of 12-inch diameter timber piles. Each pair of piles will be joined by 2" by 12" stringers and cross members to form the sixteen "yokes" that will provide a solid foundation for the dock's gangway and rail system. Two additional tie-off piles will be installed approximately sixteen feet off the north side of the dock at its seaward end. All wooden material to be used in the construction will be non-CCA treated lumber products and all fasteners and fittings will be galvanized steel.

4.2 Construction Methodology

Almost all of the construction required for the dock installation will be completed from work barges that will provide the necessary workspace for pile driving equipment as well as sufficient staging area for timber piles, lumber, and other required construction materials. No jetting of piles will be permitted. The only proposed construction requiring access from land is the dismantling and removal of the most seaward portion of the existing dock and some carpentry for the steps that will provide a safe transition from the new pier to the most landward portion of the existing dock that is being preserved. That work can be completed by workers using hand tools. There will be no need to access the beach area whatsoever with heavy equipment.

5.0 Anticipated Impacts

The proposed dock will occupy an area of approximately 890 square feet, with approximately 730 square feet located in Land Under the Ocean/Land Containing Shellfish and approximately 160 square feet located on Coastal Beach. The dock will be founded upon sixteen pairs of 12-inch diameter timber piles and two additional 12-inch diameter tie-off piles will be installed on the north side of the dock at its seaward end. Thirty of these piles will contact Land Under the Ocean and four will contact the Coastal Beach.

The total area of direct pile impact is small at approximately 26 square feet (approximately 20 sf of contact for Land Under the Ocean and Land Containing Shellfish and 6 square feet for Coastal Beach).¹ Most of the piles below mean low water will be installed in areas where quahogs and bay scallops are known to occur. Mitigation for anticipated impacts to shellfish and eelgrass by direct pile contact is discussed below.

There is also potential for some indirect impacts to eelgrass and other submerged aquatic vegetation (“SAV”) by shading from the dock decking. Impact to SAV from shading is caused when a dock or pier is configured in a manner that prevents sunlight from reaching the plants during the growing season. Docks with an east-west orientation that have a low profile have the greatest potential to cause shading impact since they can effectively prevent the sun from reaching SAV directly underneath the structure for most of the growing season. Conversely, docks with a north-south orientation and provide good vertical separation are less likely to produce shading impacts since their shadows move perpendicular to the dock alignment over the course of the day.

¹ These values assume a pile diameter of 12 inches at the point of contact so that each pile represents approximately 0.75 square feet of impact at the point of contact.

The dock will traverse approximately 450 square feet of area that has been historically mapped as eelgrass habitat by DEP. However, based on results of recent underwater video surveys in the vicinity of the proposed dock, the actual extent of impact to eelgrass is expected to be much less (refer to Attachment D - Bathymetry, Side Scan Sonar, and Underwater Video Survey report prepared by CR Environmental).

6.0 Mitigation Measures

The Project may result in impacts to Land Under the Ocean and Land Containing Shellfish as discussed and quantified in Sections 5. These impacts have been avoided and minimized by the dock design and proposed installation methods, and mitigation for impacts will be provided as appropriate. Perhaps most importantly, the dock alignment is the product of thoughtful consideration of alternatives and its design is intended to avoid and minimize potential impacts to environmental resources and other public interests as discussed below.

6.1 Avoidance and Minimization

The proposed dock has also been designed to satisfy design standards discussed in DEP's 2003 guidance document entitled "*A Guide to Permitting Small Pile-Supported Docks and Piers*" as it applies to installations in Flowed Tidelands, Land Under the Ocean, Land Containing Shellfish and Coastal Beach as outlined in this section.

Protection of Navigation

The Project has been designed to provide the minimum size necessary for its intended use, to provide access to the water for private recreational purposes. It is no larger than necessary to access navigable water depths for the berthing of a small vessel. It will not extend more than 25% of the width of the harbor nor will it project further seaward than the nearest dock, which is opposite 42 Shimmo Pond Road approximately 350 feet to the south.

The proposed dock will not interfere with lines of sight of vessels navigating in the vicinity. It maintains good separation from the private landing area and associated moorings, and its intended private use will not generate a significant increase in water-borne traffic. It will not substantially impair the public's ability to swim or float freely upon the harbor.

The dock will utilize the same means of overland access as the existing dock, which is within 25 feet of the property line. However, the proposed alignment will provide greater separation from the property line at its seaward end as compared to the existing dock.

Protection of Lateral Access Along the Shoreline

The dock has been designed to provide for lateral access below the mean high water line for members of the public who wish to pass within the intertidal zone for purposes related to fishing, fowling, or navigation. Stairs on either side will be installed to provide this access and the right of public access will be posted on a sign on the dock.

Engineering and Construction Standards to Protect Navigation, Public Health and Safety, and other Shoreline Structures

The proposed dock will be constructed with robust materials and will not pose an unreasonable threat to navigation, adjacent structures or public health or safety if damaged or destroyed in a storm.

Protection of Rare Species Habitats

In order to access suitable water depths for the intended use, the dock extends offshore into an area of Priority Habitat which includes most of the water sheet of Nantucket Harbor. The Natural Heritage and Endangered Species Program has been consulted regarding the Project, and the Applicant is awaiting comment to determine if the agency believes the Project will adversely affect rare species.

Maintaining Proper Water Circulation

Nantucket Harbor is presumed significant to marine fisheries, land containing shellfish, and wildlife habitat and the dock design has incorporates elements that are intended to maintain proper water circulation to minimize impact to these resources. The piles have been spaced to satisfy DEP guidelines and all cross bracing will be installed above mean high water. No batten boards or wave attenuators are proposed in the design. The dock is designed as a fixed structure without a float and thus there will always be sufficient vertical separation between the harbor bottom and the dock's lowest horizontal member.

Maintaining Adequate Light to Preserve the Productivity of Wetland Vegetation and Eelgrass Beds

Avoidance of eelgrass has been a primary concern in the design of the proposed dock. The berthing area is seaward of the mapped eelgrass area, and the Applicant's proposed alignment minimizes disturbance to eelgrass located between the berthing area and land. However, it is unlikely that impacts to eelgrass, either by direct pile contact or shading, can be entirely avoided and appropriate mitigation is proposed to offset any impact to this resource.

As acknowledged above, pile-supported docks can have an adverse effect on eelgrass by preventing or significantly limiting sunlight from reaching the submerged plants. This effect is of particular concern with docks that have a predominantly east-west orientation. The proposed dock that crosses the mapped eelgrass area is aligned at approximately 45 degrees northwest, which will allow for adequate light penetration and will allow eelgrass to thrive.

As a point of comparison, it should be noted that some of the highest densities of eelgrass observed in the entire area were in close proximity to the pier that extends approximately 400 feet into Nantucket Harbor from a point opposite 42 Shimmo Pond Road, which has a similar orientation as the pier proposed by the Applicant. In fact, the densities of the eelgrass observed near the existing pier dock contrast sharply with the patchy distribution that was observed in the area of the private landing where several small boats are moored.

6.2 Shellfish and Eelgrass Mitigation

Shellfish

Prior to the commencement of construction and after consultation with the local Shellfish Constable, any shellfish in the immediate vicinity of each pile will be removed and replanted in a suitable location approved by the Division of Marine Fisheries. The Applicant will also consult with the natural Resources Department to fund a one-time purchase of shellfish seed to be used at the town's discretion that will compensate for any quahogs that are impacted by the Project.

Eelgrass

The proposed dock is located approximately 140 feet from the nearest point of an eelgrass restoration area that is being managed by the Nantucket Land Council and town of Nantucket (Refer to Attachment B, Figure 8). The Applicant is willing to work with these two groups to help sponsor ongoing eelgrass restoration efforts at this site or others if such assistance is needed.

6.3 Spill Prevention and Response Plan

A spill containment kit will be kept on board all work barges used for the dock installation. Personnel will be available to respond quickly in the case of a leak or spill. Equipment will be kept in a condition that prevents leakage or discharge of pollutants. Fuel, oil, hydraulic fluids, petroleum products and/or other chemicals will be stored in water-tight containers to minimize their exposure to precipitation and storm water. In the event that there is an accidental release of petroleum product during construction, the contractor will notify the Nantucket Conservation Commission after the appropriate emergency response agencies.

6.4 Material Handling and Disposal

The materials generated through the dismantling of the most seaward portion of the existing dock and any scrap lumber or other materials will be removed from the site by barge and properly disposed of in accordance with any applicable regulations.

7.0 Review of Wetlands Protection Act & Wetlands Bylaw Performance Standards

The Project has been designed to avoid alterations to wetland resource areas to the maximum extent practical. As discussed above, portions of the proposed work will occur within Coastal Beach, Land Under Ocean, and Land Containing Shellfish. Compliance with the state and local performance standards for each of these resource areas is described below.

7.1 Coastal Beach Performance Standards

Compliance with the Wetlands Protection Act Regulations

In accordance with 310 CMR 10.27(3) through 10.27(7), activities conducted within coastal beach will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.27(3): *“Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.”*

RESPONSE: Project conforms with this standard as it will not have an adverse effect on any coastal beach or an adjacent or downdrift coastal beach.

310 CMR 10.27(4): *“Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:*

- a) *It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.*
- b) *Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.*
- c) *Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.”*

RESPONSE: Project conforms with this standard as it is not a solid pier, therefore will not change the littoral drift along the project shoreline.

310 CMR 10.27(5): *“Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.”*

RESPONSE: Not applicable, as the project does not involve beach nourishment.

310 CMR 10.27(6): “In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:

- a) *Alterations in water circulation;*
- b) *Alterations in the distribution of sediment grain size; and*
- c) *Changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.*

RESPONSE: The dock has been designed to avoid alterations to water circulation, and its installation will have no effect in the distribution of sediment grain size. The project will be constructed with non-CCA treated lumber and will not result in any change in water quality.

310 CMR 10.27(7): “Notwithstanding the provisions of 310 CMR 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

RESPONSE: The Project site is located in NHESP mapped habitat. Therefore, a copy of this NOI application has been forwarded to the Natural Heritage and Endangered Species Program for review and comment.

Compliance with the Nantucket Wetland Protection Bylaw Regulations

In accordance with Section 2.02(B) of the Nantucket Wetland Protection Regulations, activities proposed within Coastal Beach will comply with the performance standards established by the Town as described below.

1. *The provisions of Section 201.B (1-8) (Land Under Ocean) shall apply to coastal beaches and tidal flats.*

RESPONSE: See Section 6.3.2 Compliance with the Nantucket Wetland Protection Regulations, 1 through 8 (Land Under Ocean).

2. *No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed, or substantially improved, after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, and not substantially improved, from imminent danger.*

RESPONSE: Not applicable. No coastal engineering structure is proposed.

3. *Dredging projects in flats must be done in accordance with such procedures as the Commission determines would disturb the absolute minimum amount of habitat possible for both the borrow site and the area in which spoils are placed.*

RESPONSE: Not applicable, no dredging is proposed.

4. *Clean fill of compatible grain size may be used on a Coastal Beach but not on a Tidal Flat, only if the Commission authorizes its use, and only if such fill is to be used for a beach or dune nourishment project. All possible mitigation measures shall be taken, as determined by the Commission, to limit the adverse effects of the fill.*

RESPONSE: Not applicable, no fill or nourishment is proposed.

5. *No part of any septic system shall be placed in shifting sands or on a coastal beach. The septic leach facility shall be at least 100 feet from the spring high tide line.*

RESPONSE: Not applicable.

6. *All work on projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal beach. All structures which are not water dependent, shall be at least 50 feet from a coastal beach.*

RESPONSE: The project is intended to facilitate the homeowner's access to his waterfront, and is therefore water dependent as defined in the Nantucket Wetland Protection Regulations.

7. *In areas of eroding shoreline, the distance from all buildings to the coastal beach shall be at least 20 times the average annual erosion or 100 feet, whichever is the lesser. The average annual shoreline erosion rate shall be determined by averaging the annual erosion rate over a 150-year period ending the date the NOI was filed, or if no NNOI was filed, the date construction began. If erosion data is not available for the 150-year period, the Commission shall determine the average annual erosion rate from such lesser time period for which erosion data is available. In cases where documentation can be provided to show that the use of the 150-year period is inappropriate to existing shoreline characteristics and trends, alternate shoreline change rates may be used when based on a preponderance of credible evidence.*

RESPONSE: Not applicable.

8. *Vehicular access for existing houses or for recreational use shall be as unpaved ways and shall be done in accordance with such procedures as the Commission determines will minimize any adverse effect on the beach and the Interests of the Bylaw.*

RESPONSE: Not applicable.

9. *Fertilizers shall be used in accordance with the “Best Management Practice for Landscape Fertilizer Use on Nantucket Island”.*

RESPONSE: Not applicable.

10. *The Commission may impose such additional requirements as necessary to protect the Interests Protected by the Bylaw.*

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with coastal beach.

7.2 Land Under the Ocean Performance Standards

Compliance with the Wetlands Protection Act Regulations

In accordance with 310 CMR 10.25(3) through 10.25(7), activities proposed within Land Under Ocean will contribute to the protection of the interests identified in the Wetlands protection Act by complying with the following general performance standards:

310 CMR 10.25(3): “Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in:

- a) *bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;*
- b) *sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;*
- c) *water circulation which will result in an adverse change in flushing rate, temperature, or turbidity levels; or*
- d) *marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.”*

RESPONSE: No dredging is proposed in this Project, however the best available measures will be used to minimize adverse effects on such interests listed above.

310 CMR 10.25(4): “Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures to as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension of transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat.”

RESPONSE: No dredging is proposed in this Project, however the best available measures will be used to minimize adverse effects on such interests listed above.

310 CMR 10.25(5): *“Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.”*

RESPONSE: The proposed pier will not cause any adverse effects by altering the bottom topography to increase storm damage or erosion of coastal landforms.

310 CMR 10.25(6): *“Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*

- a) alterations in water circulation;*
- b) destruction of eelgrass (*Zostera marina*) or widgeon grass (*Rupia maritima*) beds;*
- c) alterations in the distribution of sediment grain size;*
- d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen , temperature or turbidity, or the addition of the pollutants;
or;*
- e) the alteration of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.”*

RESPONSE: The proposed dock is water-dependent and has been designed and will be constructed, using the best available measures, so as to minimize adverse effects on marine fisheries habitat or wildlife habitat through the causes listed above.

310 CMR 10.25(7): *“Notwithstanding the provisions of 310 CMR 10.25(3) through (6), not project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.”*

The proposed pier will extend within an area of the Nantucket Harbor water sheet that has been designated as Priority Habitat by the Natural Heritage and Endangered Species Program. A copy of this Notice of Intent application has been submitted to that agency for review and comment as to whether the project as proposed will have an adverse impact to rare species.

Compliance with the Nantucket Wetlands Regulations

In accordance with Section 2.01(B) of the Nantucket Wetland Protection Regulations, activities proposed within Land Under the Ocean will comply with the performance standards established by the Town as described below.

1. *Dredging shall be designed and carried out using the best available measures as determine by the Commission so as to have the least possible adverse effects on or changes in marine productivity caused by changing in, or resulting from suspension or transport of pollutants, sediment transport, smothering of bottom organisms, accumulation of pollutants by organisms, destruction of habitat or nutrient source areas, or changes in water circulation and water quality.*

RESPONSE: No dredging is proposed in this Project, however the work will be performed using the best available measures to avoid or minimize the adverse effects on marine productivity.

2. *All dredging shall use the best available measures to minimize adverse effects cause by changes in bottom topography resulting in an increase in height and velocity of waves hitting the shore, localized changes in circulation patterns or in changes in sediment transport which affect natural replenishment of beaches or maintenance of channels.*

RESPONSE: No dredging is proposed in this Project, therefore this standard is not applicable, however the work will be performed using the best available measures to minimize adverse effects.

3. *Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.*

REPSONSE: The proposed residential pier is not a solid fill pier, and will be designed and constructed to not change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. The design will incorporate the best available measures to avoid or minimize any adverse effects and the pier will be designed to not displace public moorings.

4. *Construction of commercial piers shall be in compliance with the Town of Nantucket Zoning Bylaws and shall not affect sediment transport, and shall not destroy of pollute fisheries and shellfish habitat or nutrient source areas for those resources. No solid fill piers shall be permitted.*

RESPONSE: The proposed pier is for a residential property and for residential use, therefore this standard is not applicable.

5. *Best available measures as determined by the Commission shall be used to minimize adverse effects of a commercial or residential pier on the interests protected by the Bylaw.*

RESPONSE: The proposed residential pier will be designed and constructed using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.

6. *Aquaculture projects shall be undertaken pursuant to such means as may be established by the Commission so as to have the least possible adverse effect on wildlife, erosion control, storm damage prevention, flood control, recreation or public access. No destruction of habitat or areas where shellfish feed, or change in water quality or circulation in any manner which adversely affects productivity of marine fisheries or shellfish beds shall be permitted.*

RESPONSE: This standard is not applicable, no aquaculture activities are proposed in this Project.

7. *No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed or substantially improved after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, but not substantially improved, from imminent danger.*

RESPONSE: No new coastal engineering structures are proposed in this Project; therefore this standard is not applicable.

8. *Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.*

RESPONSE: The Pier will be designed and constructed in a manner to not cause adverse effects on the surrounding environment and uses listed above.

9. *No activity on land under the ocean which is not water dependent shall be permitted by the Commission, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

RESPONSE: The project is intended to facilitate the homeowner's access to his waterfront, and is therefore water dependent as defined in the Nantucket Wetland Protection Regulations.

10. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with land under the ocean.

7.3 Land Containing Shellfish - Compliance with the Wetlands Protection Act

In accordance with 310 CMR 10.34(4) through 10.34(8), activities proposed within land containing shellfish will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.34(4): “Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

- a) *alterations of water circulation;*
- b) *alterations in relief elevation;*
- c) *the compacting of sediment by vehicular traffic;*
- d) *alterations in the distribution of sediment grain size;*
- e) *alterations in natural drainage from adjacent land; or*
- f) *changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.*

RESPONSE: The proposed dock construction has been designed to not adversely affect land containing shellfish or marine fisheries. The pier will not alter water circulation, relief elevation, distribution of grain size, or the natural drainage from adjacent land. The Land Containing Shellfish will experience no vehicular traffic, and the proposed pier will not change the water quality of the site beyond natural fluctuations of water quality parameters.

310 CMR 10.34(5): “Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.”

RESPONSE: The proposed dock will displace a small quantity of shellfish but the habitat disturbed are expected to return to pre-construction conditions and productivity, except for the minimal loss of habitat where the individual piles contact the harbor bottom.

310 CMR 10.34(6): “In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b)(i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environment Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under

the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.”

RESPONSE: The Applicant will discuss the proposed work with the Shellfish Constable and Division of Marine Fisheries to determine suitable mitigation efforts for the impacts to land containing shellfish present on site. If deemed necessary, the resident shellfish in the vicinity of each pile will be removed and relocated to a suitable area prior to construction.

310 CMR 10.34(7): *“Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted.”*

RESPONSE: The proposed Project is not designed to increase the productivity of land containing shellfish, however the pier will be designed to minimize adverse effects on the productivity of land containing shellfish.

310 CMR 10.34(8): *“Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.”*

RESPONSE: The proposed pier will extend within an area of the Nantucket Harbor water sheet that has been designated as Priority Habitat by the Natural Heritage and Endangered Species Program. A copy of this Notice of Intent application has been submitted to that agency for review and comment as to whether the project as proposed will have an adverse impact to rare species.

7.4 Land Containing Shellfish - Compliance with the Nantucket Wetlands Regulations

In accordance with Section 2.08(B) of the Nantucket Wetland Protection Regulations, activities proposed within Land Containing Shellfish will comply with the performance standards established by the Town as described below.

- 1.** *Projects shall not adversely effect water quality (including, but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.*

RESPONSE: The proposed pier construction will be designed to not adversely effect the water quality of the site, water circulation or the natural drainage from adjacent land. The proposed pier will have some impact to submerged aquatic vegetation present, however the Applicant will work with the Division of Marine Fisheries to limit impacts or to propose mitigation efforts.

2. *Land containing shellfish shall not be compacted by vehicular traffic or other means. The land's elevation and sediment grain size shall not be altered.*

RESPONSE: No vehicular traffic will impact the land containing shellfish present on site as it is located within land under the ocean.

3. *Projects shall not obstruct the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish.*

RESPONSE: The proposed pier will not alter the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish.

4. *Any project which may release pollutants shall utilize the best known technology to remove pollutants or prevent risk of pollution.*

RESPONSE: The proposed pier is not anticipated to release pollutants, however the best known technology will be employed to remove pollutants if present and to prevent risk of pollution.

5. *All septic leach facilities shall be at least 100 feet from land containing shellfish.*

RESPONSE: Not applicable.

6. *Fertilizers shall be used in accordance with the "Best Management Practices for Landscape Fertilizer Use on Nantucket Island".*

RESPONSE: Not applicable.

7. *No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

RESPONSE: The proposed pier will impact land containing shellfish, and one of the identified species of interest is bay scallops. However, the Project will incorporate mitigation including pre-construction relocation efforts that is intended to minimize adverse effects on scallops. The Applicant will consult with the Shellfish Constable and Division of Marine Fisheries to facilitate these efforts.

8. *Piers shall be constructed and maintained using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.*

RESPONSE: The pier will be designed, constructed and maintained using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.

9. The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with Land Containing Shellfish.

8.0 Conclusions

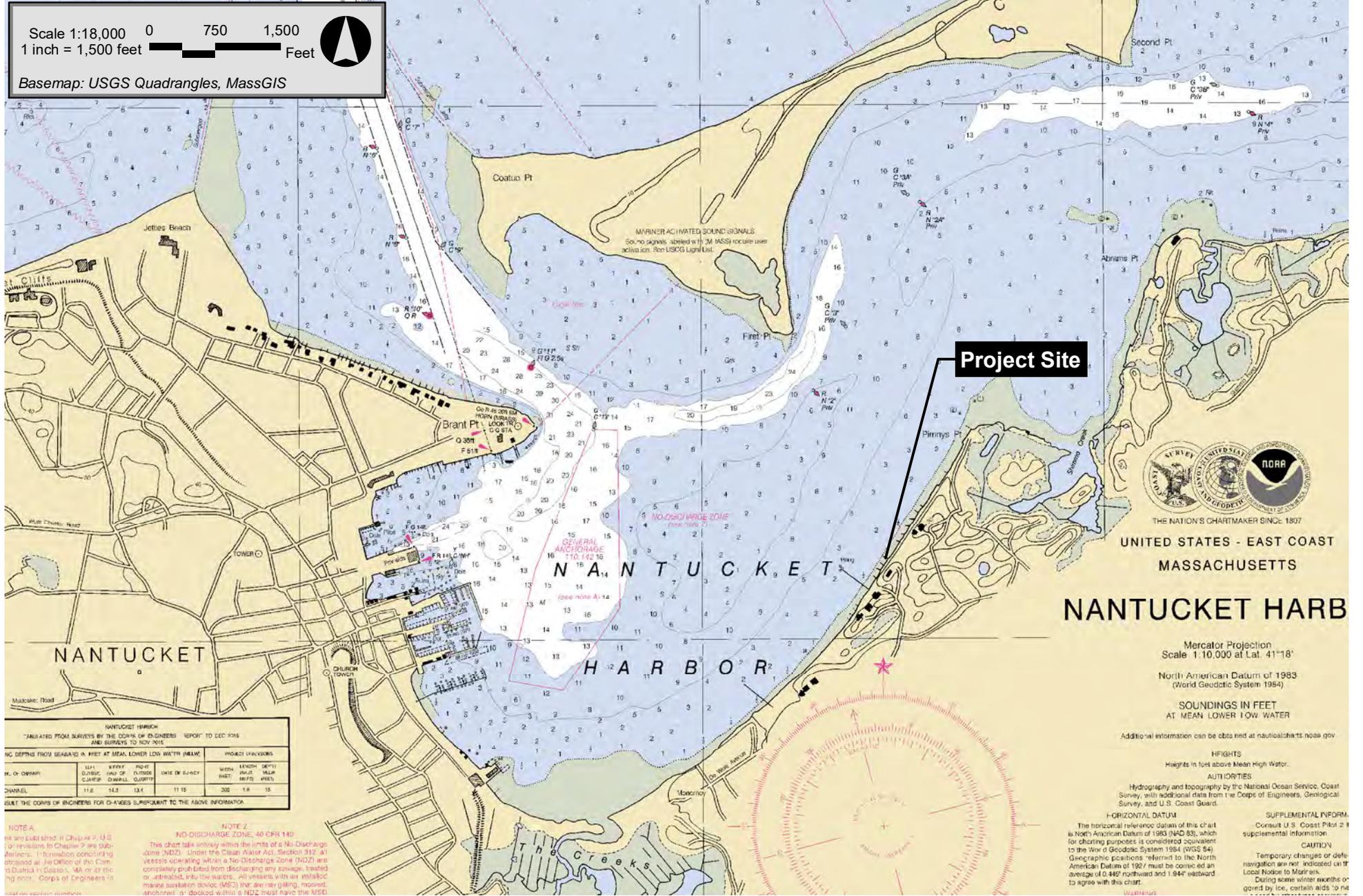
The Project has been designed to comply with all applicable performance standards of the Wetlands Protection Act regulations (310 CMR 10.55(4)) and the local Wetlands Protection Bylaw.

The information contained in this NOI and the accompanying site plans sufficiently describe the site, proposed work, and the effect of the work on the interests identified in the Act and Bylaw. The applicant therefore respectfully requests that the Nantucket Conservation Commission issue an Order of Conditions approving the Project with appropriate conditions to protect those interests identified in M.G.L. c. 131 §40 and the local Wetlands Protection Bylaw.

Attachment B

Figures

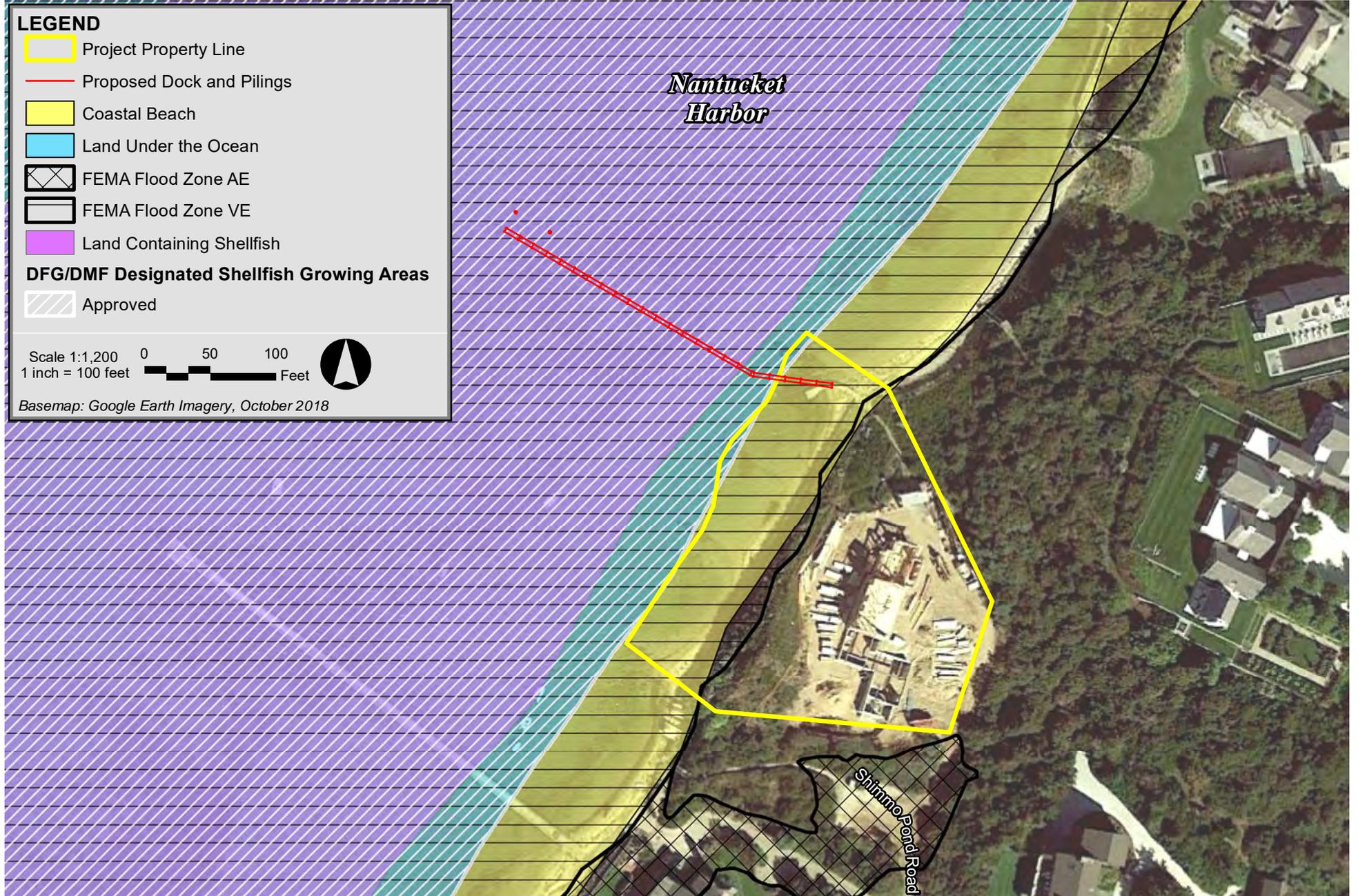
- Figure 1 Nantucket Harbor NOAA Chart
- Figure 2 Aerial Photo Locus
- Figure 3 DEP Wetland Resource Areas
- Figure 4 Rare Species and Eelgrass Habitats



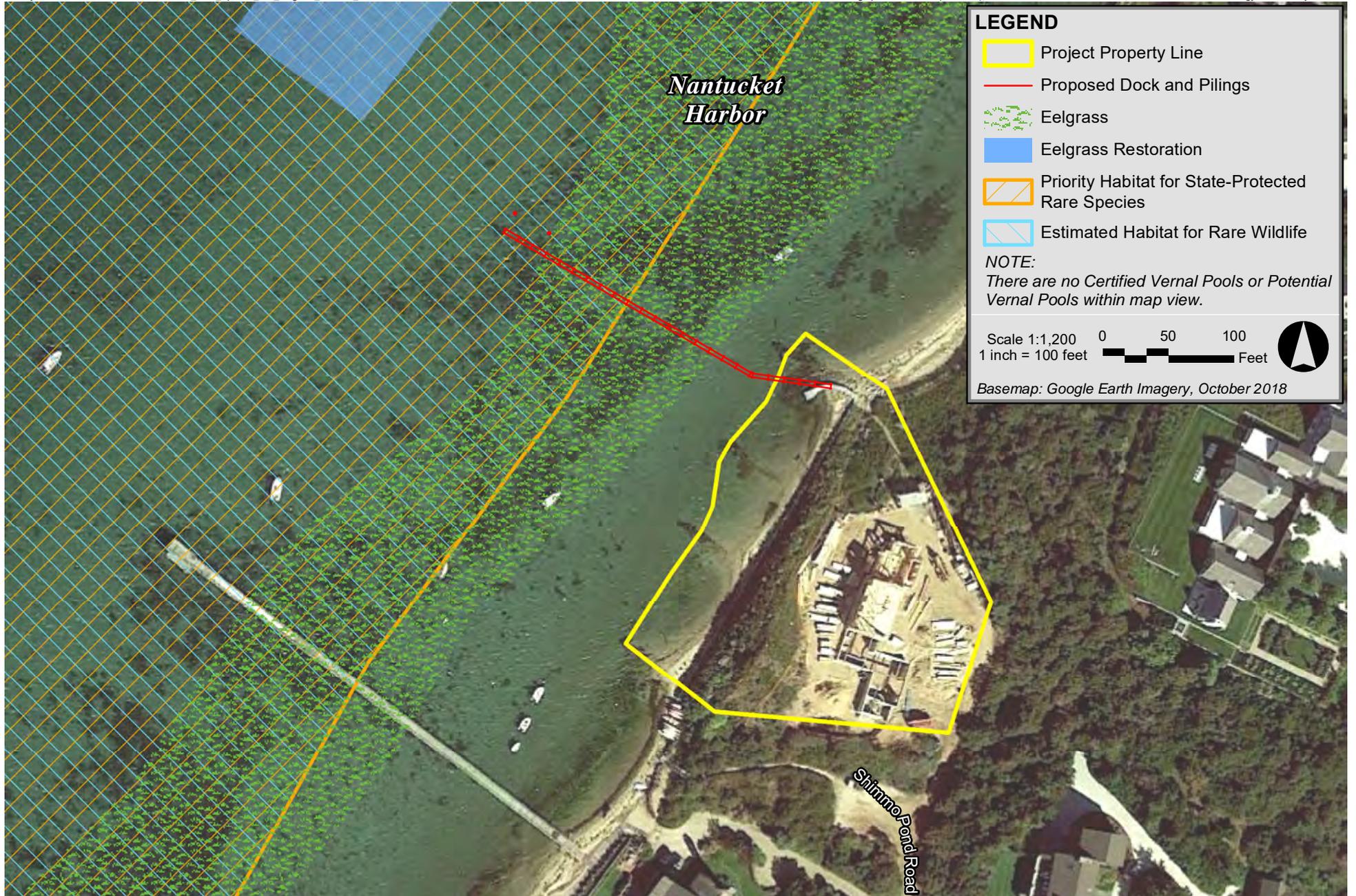
46 Shimmo Pond Road Nantucket, Massachusetts



46 Shimmo Pond Road Nantucket, Massachusetts



46 Shimmo Pond Road Nantucket, Massachusetts



46 Shimmo Pond Road Nantucket, Massachusetts

Attachment C

Chapter 91 License

The Commonwealth Of Massachusetts



Cert: 26571 Doc: LICPL
Registered: 04/17/2019 02:59 PM



No. 14893

SIMPLIFIED LICENSE
BRP WW06

Applicant must fill in pages 1 and 2 of this license.

46 Shimmo Pond Road
Nominee Trust, Michael A.
Bass, Trustee

of the Town/City of:

Nantucket
Town/City

in:

Nantucket
County

Applicant's name

County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License to:

Please check:

maintain an existing (pre-1984):

construct a proposed or maintain an existing (post-1984):

Please check all that apply below:

Please check all that apply below:

- pier/dock
- boat ramp
- ramp
- float(s)
- pile(s) (as part of pier)
- boat lift
- boat house
- retaining wall/seawall
- bulkhead
- rip rap/stone revetment
- groin(s)
- Nonwater-dependent (NWD) residence
- other _____

- pier/dock
- ramp
- float(s)
- pile(s)
- boat lift
- pile-supported boat house
- other _____

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [Please check one:] Board of Selectmen Mayor and City Council, of the Town/City of:

Nantucket

Town/City

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses said Licensee, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

Please check all that apply:

- maintain existing structure(s) for:
 - non commercial docking/access to navigable water
 - shoreline stabilization
 - residential, NWD building
 - other _____

- construct and maintain structure(s) for:
 - non commercial docking/access to navigable water
 - other _____

in and over the waters of:

Nantucket Harbor
Waterway

in the Town/City of:

Nantucket
Town/City

and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. 14893.
(total number of Sheet(s): 2)

License # **DEP USE ONLY** 14893

The total area of the combined structures, measured below mean/ordinary high water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e. does not serve ten or more vessels). Dimensions of all structures are shown on the accompanying plan(s).

"I hereby make application for a License to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representative of the Massachusetts Department of Environmental Protection to enter upon the premises of the project site at reasonable times for the purpose of inspection. I hereby certify that the information submitted in this document is true and accurate to the best of my knowledge. And, upon my signature, that I have read the License and conditions and agree to the terms and conditions set forth herein."

BOX A:

ARTHUR I. READE, JR., ATTORNEY FOR 46 SHIMMO POND ROAD NOMINEE TRUST
Print Name

6 YOUNGS WAY
Mailing Address

NANTUCKET
City/Town (not village)

MA 02554 NANTUCKET
State Zip Code County

508-228-3128 AIR@READELAW.COM
(area code) telephone e-mail

Notification: Your signature to the right certifies that you have notified the entities as checked off in the boxes below. Arthur I. Reade, Jr. Box C 10/12/18
Signature of applicant Date

- Notification of application has been provided to: (please check)
- Local Conservation Commission
 - Board of Selectman
 - Mayor and City Council
 - Zoning Authority
 - Planning Board
- and has been sent by certified mail to: (please check)
- Abutters
 - Interested Parties
 - Landowner (if not applicant)

BOX B:

If site address is different from mailing address:

46 SHIMMO POND ROAD
Site Address of the structures

NANTUCKET
City/Town

MA 02554 NANTUCKET
State Zip Code County

BOX C:

If the applicant is different than the owner:

Arthur I. Reade, Jr., Attorney
Owner

Arthur Gasbarro, PE, PLS - Nantucket Engineering & Survey, PC - 508-825-5053
Engineer/Agent

NOTE: This License is not valid until such time as it has been numbered and signed by the appropriate State officials (see page 5) and recorded at the Registry of Deeds.

USE: The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

TERM: This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

WATERWAYS CONDITIONS:

1. ACCESS: In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This License authorizes structure(s) and/or fill on:

FOR MASSDEP USE ONLY

<input checked="" type="checkbox"/> Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
<input checked="" type="checkbox"/> Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
<input type="checkbox"/> Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
<input type="checkbox"/> Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

CONSTRUCTION:

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than $\frac{1}{4}$ of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

DOCKING OF VESSELS:

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

COMPLIANCE

The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

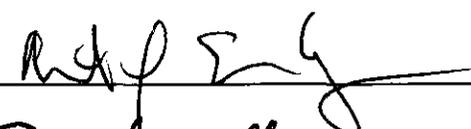
This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity of use authorized pursuant to this License.

FOR MassDEP USE ONLY:

THE COMMONWEALTH OF MASSACHUSETTS

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands on this
date 8th day of April in the year 2019
month year

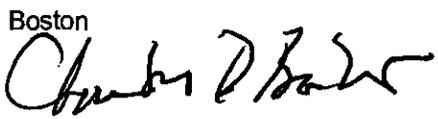
Commissioner 
for Program Chief 

Department of
Environmental
Protection

THE COMMONWEALTH OF MASSACHUSETTS

This License is approved in consideration of the payment into the treasury of the Commonwealth by said —
46 Shimmo Pond Road of the further sum of One hundred dollars and zero cents (\$111.00).
Nominee Trust, Michael A. eleven
Bass, Trustee Amount
Applicant

The amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor. 
Boston
Governor

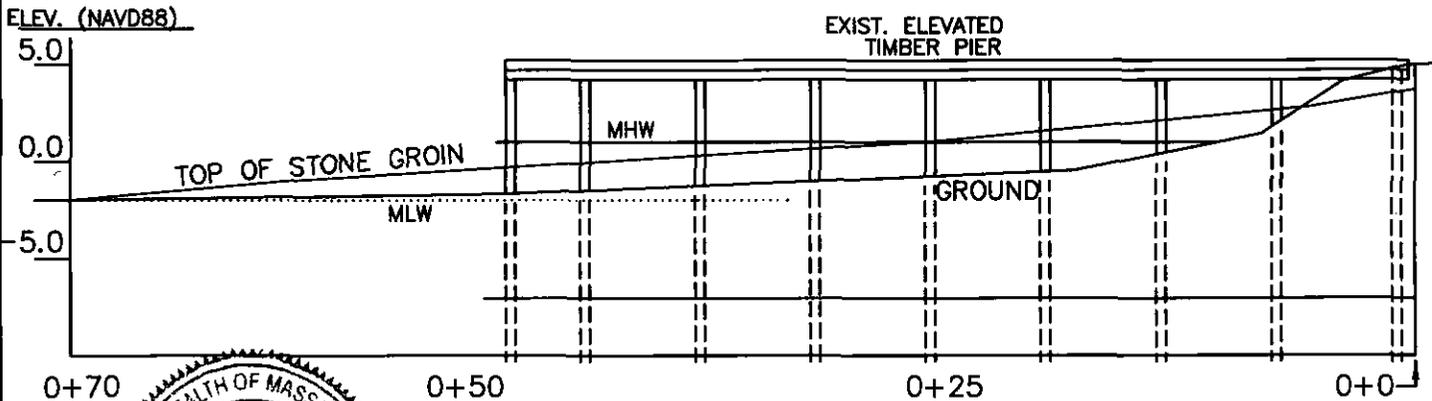
License No. 14893

APR - 8 2019

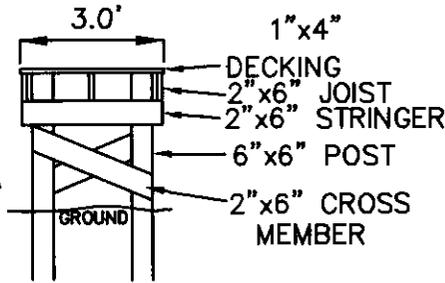
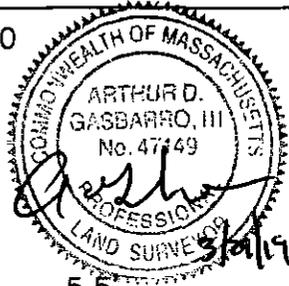
Approved by Department of Environmental Protection
Date:



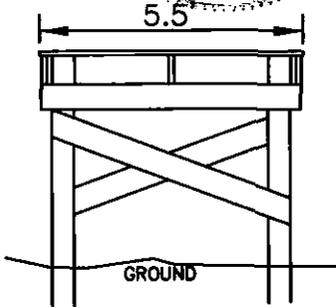
STONE GROIN CROSS SECTION
TRANSECT (A)-(A) SCALE 1"=4'



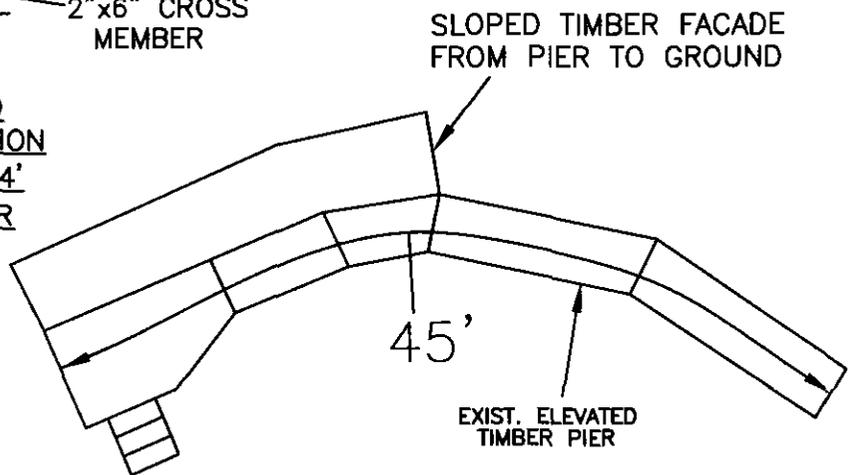
PROFILE VIEW
SCALE 1"=10'



EAST END
CROSS SECTION
SCALE 1"=4'
FIXED PIER



WEST END CROSS SECTION
SCALE 1"=4'
FIXED PIER



PLAN VIEW
SCALE 1"=10'

STEPS FROM PIER
TO GROUND

NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02854
NantucketEngineer.com 508-826-6083

Purpose:
Simplified Licensing

Adjacent Property Owners:
1. Shimmo Association
2. Lehman & Eskind
3. 48 SPR LLC

Plan Accompanying Petition of:
46 SHIMMO POND ROAD
NOMINEE TRUST
MICHAEL A. BASS, TRUSTEE
CERT. OF TITLE #26571
L.C.C. 11461-E, LOT 36
L.C.C. 11461-H, LOT 69
MAP 43, PARCEL 77
46 SHIMMO POND ROAD

Project Description:
Maintain Existing Pier/Dock, Piles, Timber Facade,
Steps, Groin and Rip Rap
In Nantucket, MA at Nantucket Harbor
County of Nantucket, State of MA
By Applicant:
46 SHIMMO POND ROAD NOMINEE TRUST
MARCH 29, 2019 Sheet 2 of 2

DOC No: 00161516

NANTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 17, 2019 at 02:59P

Document Fee: 75.00 Rec Total: \$75.00

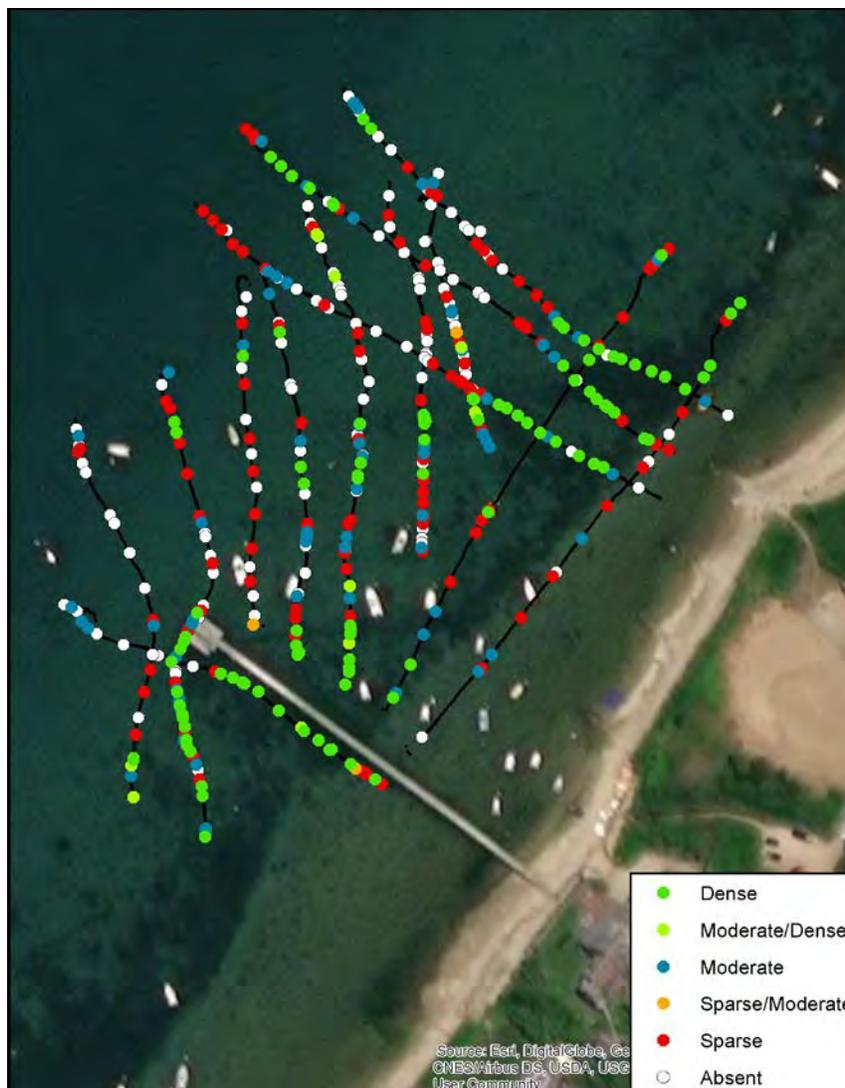
CERTIFICATE No: 26571

Attachment D

Bathymetry, Side Scan Sonar, and Underwater Video Eelgrass Survey Report
(CR Environmental, August 2019)

Bathymetric, Side Scan Sonar and Underwater Video Eelgrass Survey

45 Shimmo Pond Road Nantucket Harbor, Nantucket, MA



Eelgrass Density Map Underwater Video Observations June 2019

Prepared By:

**CR Environmental, Inc.
639 Boxberry Hill Road
East Falmouth, MA 02536**

Prepared For:

**Epsilon Associates
3 Mill & Main Place
Maynard, MA 01754**

August 2019

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3.3 Underwater Video Sled Survey Results	5
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REFERENCES

FIGURES

- Figure 1** **Colorized 0.5 Foot Contour Interval - Mean Lower Low Water Bathymetry, Nantucket, MA**
- Figure 2** **0.5 Foot Contour Interval - Mean Lower Low Water Bathymetry Nantucket, MA**
- Figure 3** **500 – kHz Side Scan Sonar Mosaic and Estimated Boundary of Roughness Characteristic of Submerged Aquatic Vegetation (SAV) Nantucket, MA**
- Figure 4** **Underwater Video Transects, June 19, 2019**

Figure 5 Underwater Video Eelgrass Density Observations, Nantucket, MA

Figure 6 Nantucket Harbor Locus of Underwater Video Transects off 45 Shimmo Pond Road and Offshore Eelgrass Reference Site

PLATES of Representative Video Screen Captures of Eelgrass, Macro Algae, and Biota

Plates 1-15 Underwater Video Transects 1 through 15

1.0 INTRODUCTION

On June 18-19, 2019, CR Environmental, Inc. (CR) conducted an eelgrass survey for Epsilon Associates in the waters off 45 Shimmo Pond Road, Nantucket Harbor, Nantucket, MA to aid in the design and permitting of a new dock structure. The survey consisted of a combination of single beam echo sounding for bathymetric mapping, side scan sonar and underwater video for estimating the extent of eelgrass.

2.0 METHODS

2.1 Vessel and Navigation and Survey Design

Vessel operations were performed from CR's 26-foot fiberglass survey boat, *Charlotte Anne* with a large enclosed pilothouse, benches for survey equipment, over-the-side transducer boom, and 110 and 12 volt power supplies. Navigation for the surveys was accomplished using a Hemisphere VS330 Real-time Kinematic Global Positioning System (RTK GPS). The accuracy of the navigation system is approximately 1.0 centimeter horizontally and 2 centimeters vertically (Root Mean Squared 1-sigma). Horizontal accuracy in differential or float mode is approximately 1 foot. RTK corrections were provided via NTRIP internet connection by KeyNet GPS, Inc.

The RTK GPS was serially interfaced to a shipboard computer running HYPACK hydrographic surveying software. During the survey, this system calculated X and Y positions in the desired grid system (MA State Plane (Isl), NAD83, US Foot), recorded the depth and navigation data, and provided a steering display for the vessel captain. HYPACK also depicted the progress of the survey using georeferenced imagery (e.g. orthophotos) as background files, and ensured that the entire survey area was adequately insonified. Primary survey transects were spaced 5-feet apart oriented parallel to the shoreline. Quality control cross-lines were spaced 50-feet apart perpendicular to the shoreline.

2.2 Bathymetric Methods

Soundings were acquired using a Teledyne Odom Hydrographic Echotrac CV-100 single (vertical) beam echo sounder (VBES) equipped with an 8-degree 200-kHz transducer. System accuracy and the measured transducer draft were checked at the start and end of the day by comparing echo sounder water depth measurements to known water depths obtained using the “bar check” method in which a metal plate is lowered beneath the echo sounder’s transducer to a measured distance (5 feet) below the water’s surface. Additional calibrations were conducted *in situ* by collecting water column profiles of sound velocity using a YSI Castaway sound velocimeter.

During processing for site bathymetry, errant soundings associated with biological interference (i.e., vegetation, fish) were removed through careful examination of digital echograms for each transect. Measured depths were converted to Mean Lower Low Water (MLLW) bottom elevations based on the RTK GPS and NOAA’s nearby Tide Station (#8449130). Cleaned bathymetric data were exported in ASCII comma-delimited point format. A surface (grid) was created from point data using a 5-foot x 5-foot node density. Contour maps and GIS layers in SHP, DXF, ASCII text, GRD and TIF formats were prepared from this grid. All data layers were referenced to Mean Lower Low Water.

A colorized and a bathymetric contour map using 0.5 foot contour intervals were plotted over an orthophoto of the site.

2.2 Side Scan Sonar Methods

Side scan sonar data were collected using an Edgetech, Inc. Model 4100-P 100/500 kHz system. Digital data were recorded in XTF format using Chesapeake Technology, Inc. SonarWiz 5 software. Data were collected using a 500 kHz signal and 25 meter per channel swath width. The side scan sonar towfish was deployed off the bow pulpit of the *Charlotte Anne* and a Hemisphere V-104 GPS/Heading Sensor was mounted at the bow to minimize any positional

offsets. Processing of side scan data included removal of the water column portion of records and correction of signal loss with distance using moderate Time Varied Gain (TVG) adjustments.

2.3 Underwater Video Methods

Underwater video tracklines were run throughout the waters offshore of 45 Shimmo Pond Road including along the shoreline, in the proposed dock location and in the vicinity of a neighboring dock to the southwest, as well as, at a designated eelgrass site within the harbor to the west for reference.

Underwater video data were collected with CR's portable towed video sled consisting of a lightweight aluminum frame, Outland Technologies' High Definition color camera, and two wide-angle LED video lights with variable output control. The video camera was cabled to an OTI-1080 HD DVR recorder and high resolution daylight monitor. The sled was raised and lowered using a stern mounted davit and lobster pot hauler, and the height of the system off the bottom was continually adjusted to achieve the best bottom coverage and video quality. When the video camera was one foot off the bottom, the viewing area of the camera was approximately 1.5 feet x 1.5 feet (18 inches x 18 inches), and the video quality was optimal for bottom sediment characterizations and biota identifications.

A total of 13 video transects from three to six minutes in duration were occupied at the site and two additional underwater video transects were run at the reference site.

The underwater video data were reviewed by CR's marine biologist and the eelgrass density data entered into an Excel spreadsheet in the following six classes, dense, moderate/dense, moderate, sparse/moderate, sparse, and absent. Canopy height and plant vigor were also estimated. Bottom substrate and biota observations were also recorded. Representative underwater video screen captures were created for each of the 15 video transects.

3.0 RESULTS

3.1 Bathymetric Survey Results

Water depths recorded during the survey ranged from 0.0 to 3.7 feet MLLW (mean = 1.85 feet) (Figures 1 and 2). The mean difference between mainstay and cross-line transects was -0.032 feet (SD = 0.145 feet), demonstrating conformance with US Army Corps of Engineers (USACE) recommended accuracy standards.

During the summer months when eelgrass canopy heights are typically 2 to 3 feet, a second bathymetric processing effort can be performed to quantitatively map the extent of submerged aquatic vegetation (SAV or eelgrass) using acoustic interference. In this case, the eelgrass height in June was only about 0.5 feet and the bathymetric data could not be used as an effective tool for mapping the SAV.

3.2 Side Scan Sonar Results

Side scan sonar data are typically presented as gray shaded images. The shade of gray corresponds to the strength of the returning signal and can be used to infer bottom type (sediment texture) and to identify underwater structures or debris. A key to sonar shading is provided below.

Key to Side-scan Sonar Image Shading



Sonar shadow----- Weak Signal Return-----Strong Signal Return

In general, weak signal returns correspond to smooth bottom substrates (e.g., fine sediments with little microtopography), soft materials that absorb the signal, or bottom sloping away from the signal source (towfish). These features appear lighter gray in sonar imagery. Strong signal returns correspond to rough substrates (e.g., gravel, cobble), highly reflective materials, or to a

bottom sloping towards the signal source. These features appear as dark gray to black in the sonar imagery.

Features that rise above the bottom (e.g., rocks, mooring anchors) reflect more of the sonar energy than the surrounding substrate resulting in strong signal returns due to the decreased angle of incidence. These features often preventinsonification of the area opposite the signal source, resulting in a sonar “shadow” (white imagery). The length of these shadows may be used to calculate the approximate height of the feature above the bottom.

A 500 kHz side scan sonar mosaic at the proposed dock location and at the neighboring dock to the southwest shows the estimated boundary of roughness characteristic of submerged aquatic vegetation (Figure 3). Patchy SAV was indicated throughout the survey area with the exception of a large smoother area of open bottom 300 to 400 feet offshore. Side scan sonar data cannot reliably distinguish between low relief eelgrass, macro algae, and algal mat and, therefore, was ground truthed with underwater video bottom coverage to confirm the presence of eelgrass.

3.3 Underwater Video Sled Survey Results

Transect locations were plotted (Figure 4). The transect labels denote the start of each of the 13 transects, and the time along transect is also displayed.

Observations of relative eelgrass density were plotted (Figure 5). Eight representative underwater video screen captures along each of the underwater video transects document the presence of early growth eelgrass, macro algae and other biota (Plates 1-15).

The underwater video data strongly supported the side scan sonar data and confirmed that the eelgrass was not a continuous meadow but was extremely patchy, and generally less than one foot in height. Patchy eelgrass was observed on each transect along with open areas of bottom covered by a blackish brown algal mat. Much of the eelgrass was covered with epiphytic algae. Large patches of dead man’s fingers (*Codium fragile*) and branching brown and red algae were common. The bottom substrate was sandy throughout with cobbles and small boulders along the

shoreline. Only limited biota was observed during the video survey. Species included *Bittium* snails on the eelgrass, hermit crabs, sea cucumber, lugworm egg cases, and summer flounder.

4.0 DISCUSSION

Underwater video data documented dense eelgrass in the nearshore portion of the proposed dock alignment and also at the offshore end of the proposed dock where a buoy marks an area where eelgrass had been planted (personal communication, June 20, 2019, Nantucket Natural Resource Department). Dense eelgrass was also observed along the side of the neighboring dock off the adjacent property.

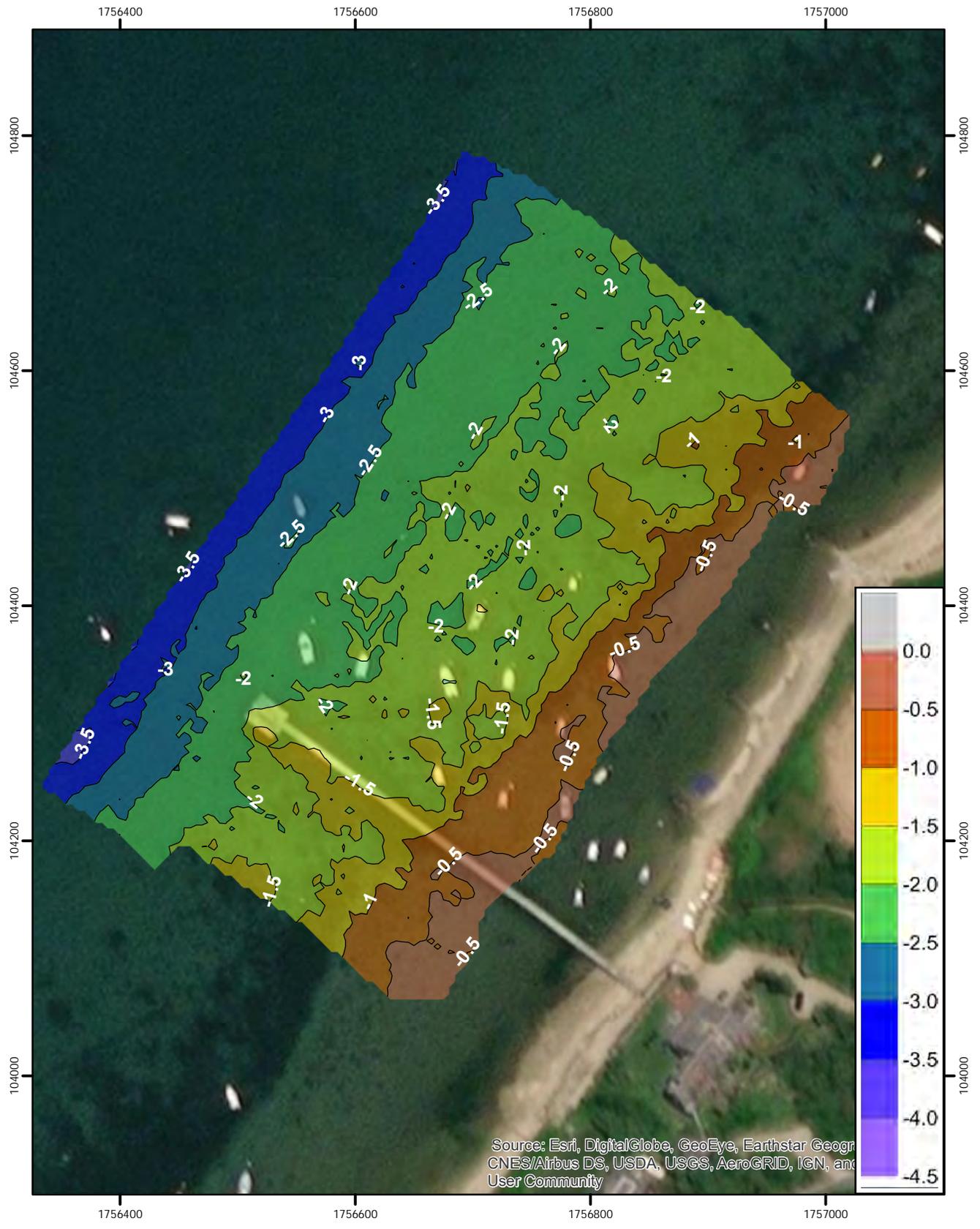
The eelgrass off 45 Shimmo Pond Road was generally patchy, of low relief and covered epiphytic algae. This reduction in light and excess epiphytic growth (possibly due to elevated nutrients within the harbor waters) is likely contributing to the decreased stature and patchiness of the eelgrass. Eelgrass observed at Transects 14 and 15 in the harbor reference area to the west was more of a continuous meadow but was still of low relief and covered with epiphytes.

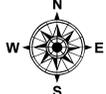
Unhealthy eelgrass in Nantucket Harbor was also reported by Costello (2016) in a 2015 Nantucket Eelgrass Mapping Project. Costello also identified a black filamentous cyanobacterium, *Hydrocoleum* spp. in the harbor which thrives in nutrient rich waters. These mat forming species are likely those observed covering the seabed throughout the video survey area off 25 Shimmo Pond Road. This species was not observed on the seabed in the harbor reference area.

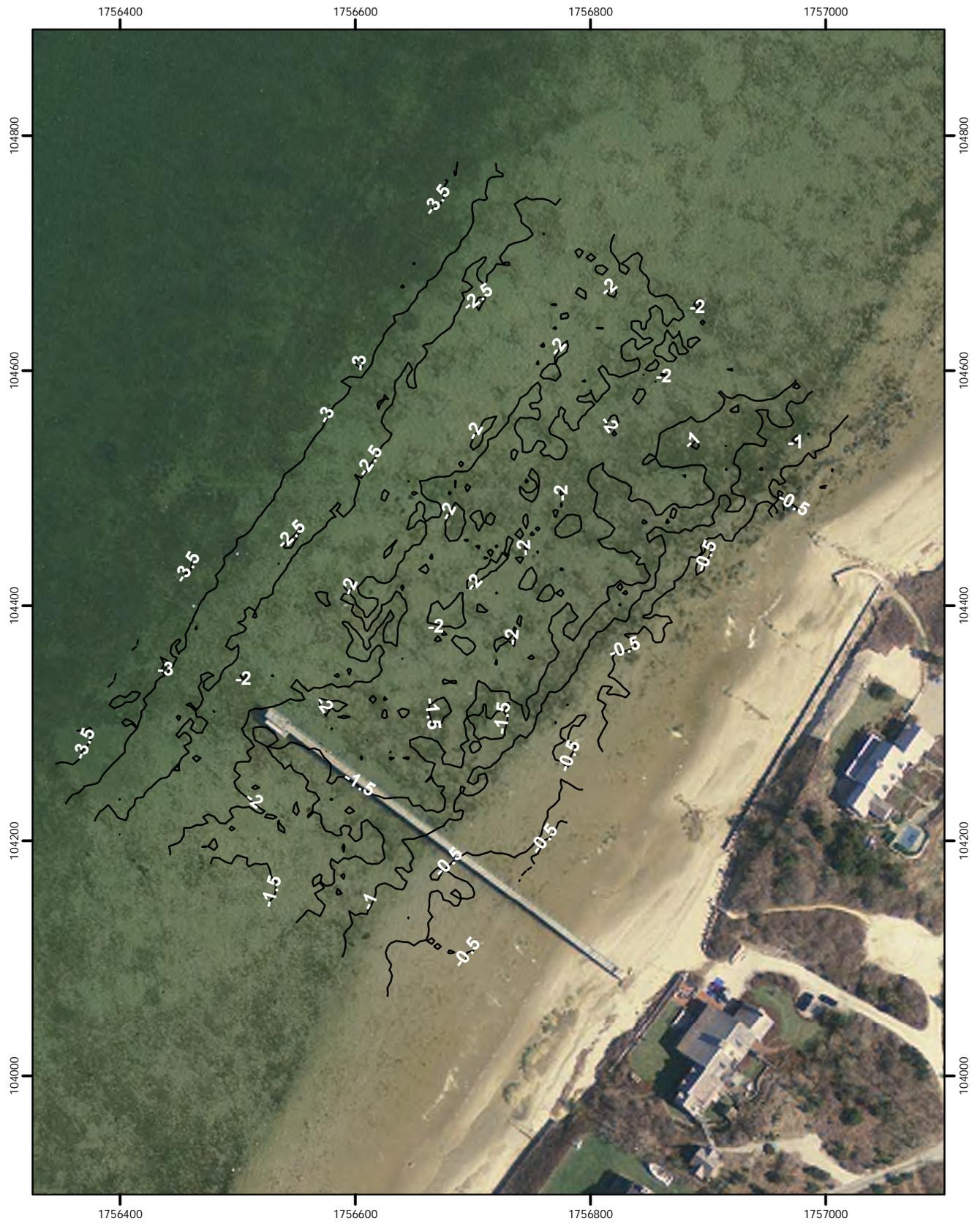
REFERENCES

Costello, C.T. 2016. *Nantucket eelgrass mapping project – Summer 2015*. Submitted to Nantucket Natural Resources Department, 2 Bathing Beach Road, Nantucket, MA 02554.

FIGURES

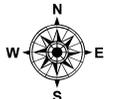


 www.crenvironmental.com	<p>Mean Lower Low Water Bathymetry 0.5 Foot Contour Interval Nantucket, Massachusetts</p>	
	<p>NOTES: 1) Grid MA State Plane (Isl), NAD 83, US Foot. 2) Data acquired June 18, 2019.</p>	<p>Feet 0 50 100</p> 

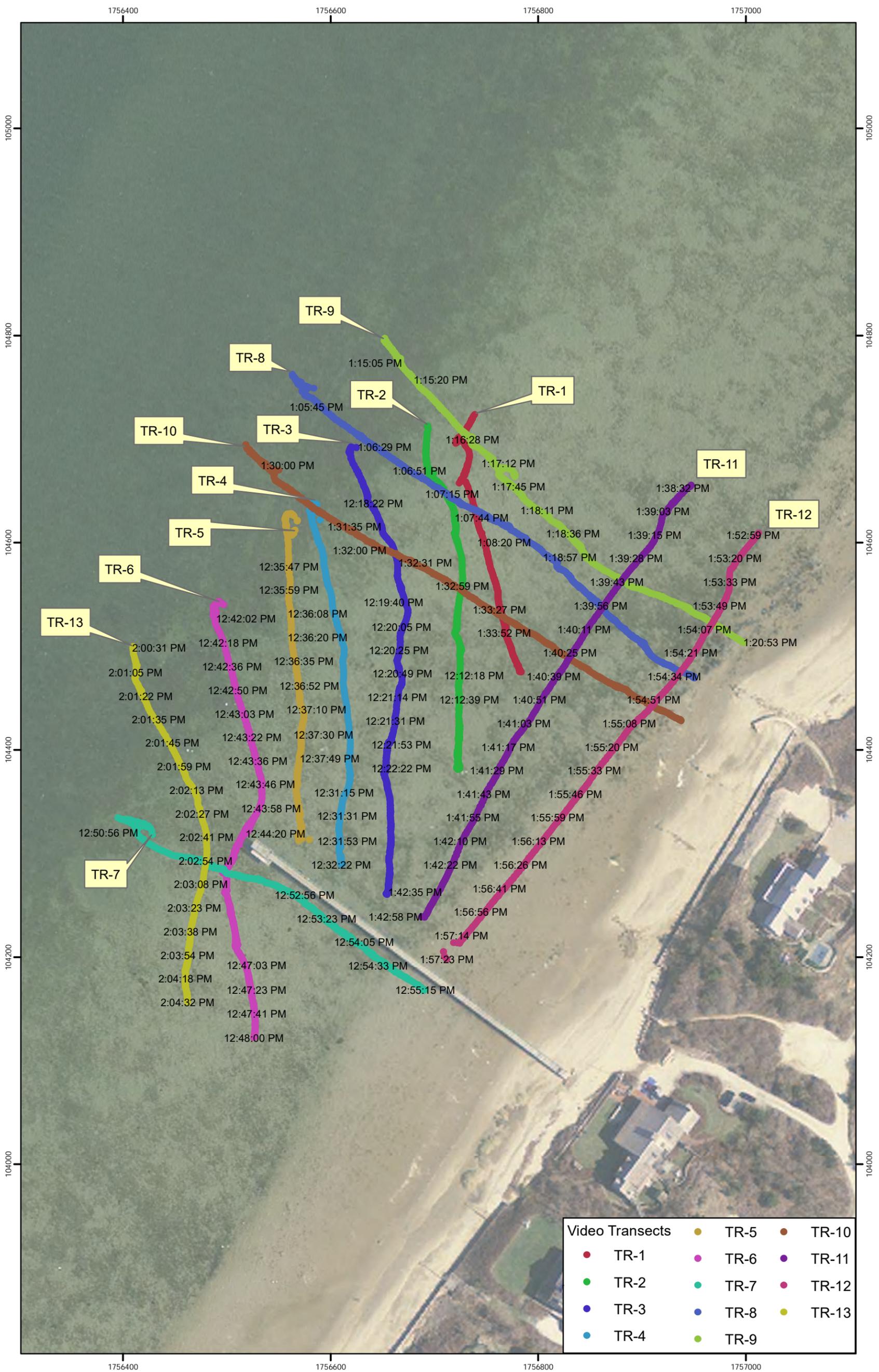


 <p>www.crenvironmental.com</p>	<p>Mean Lower Low Water Bathymetry 0.5 Foot Contour Interval Nantucket, Massachusetts</p>	
	<p>NOTES: 1) Grid MA State Plane (Isl), NAD 83, US Foot. 2) Data acquired June 18, 2019.</p>	 <p>0 50 100 Feet</p> <p>Figure 2</p>



	<p>500-kHz SIDE SCAN SONAR MOSAIC and Estimated Boundary of Roughness Characteristic of SAV Nantucket, Massachusetts</p>	
	<p>NOTES:</p> <ol style="list-style-type: none"> 1) Grid MA State Plane (Isl), NAD 83, US Foot. 2) Data acquired June 18, 2019. 3) Roughness boundary based on filtered sonar model. 	<p>Figure 3</p>

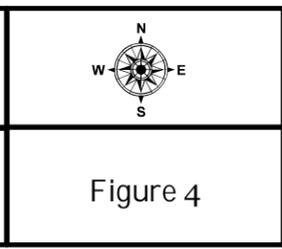


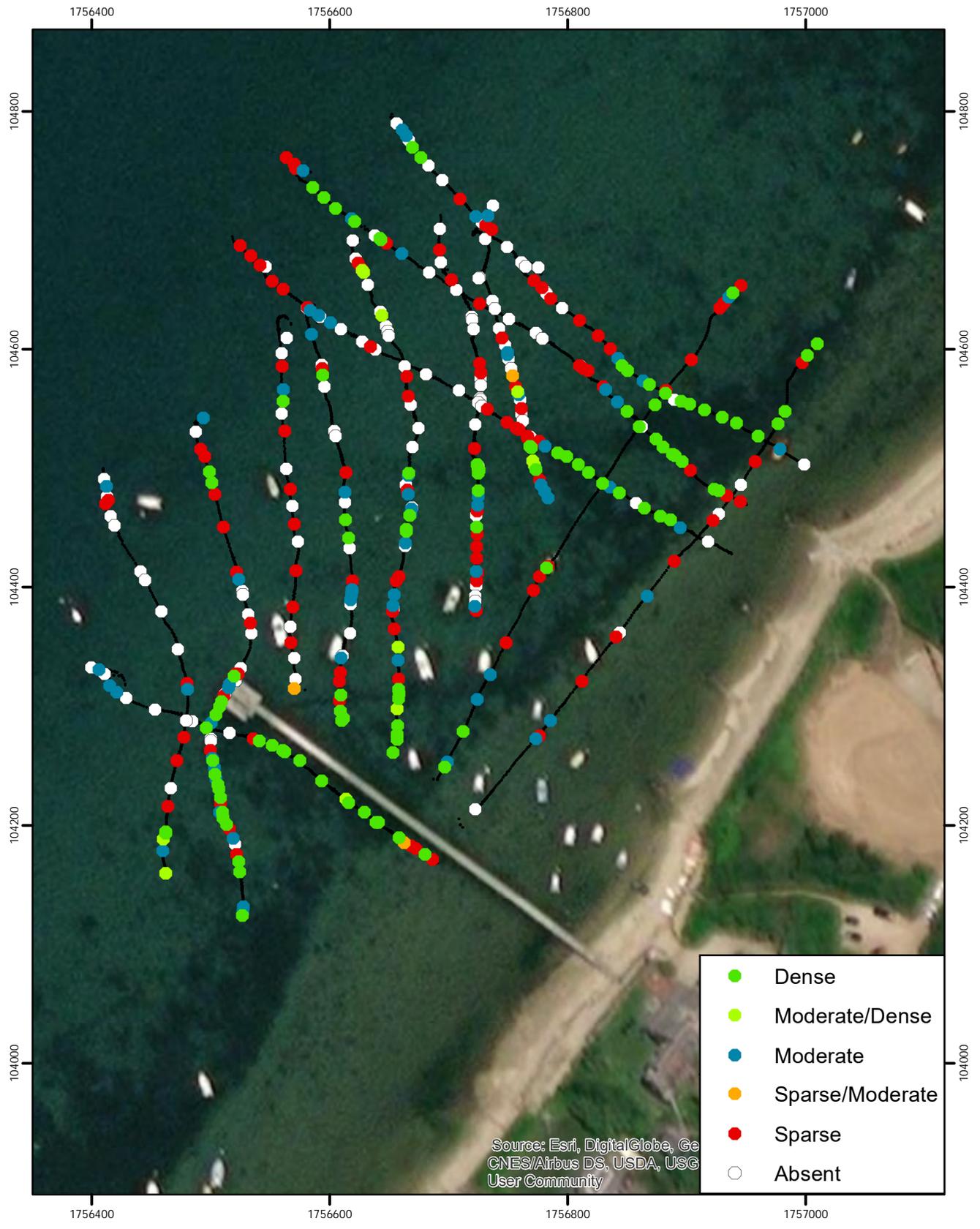


UNDERWATER VIDEO TRANSECTS
June 19, 2019
Nantucket, Massachusetts

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Transects labeled at start of recording.
3) 2014 USGS orthophoto.

Feet
0 50 100





 <p>www.crenvironmental.com</p>	<p>UNDERWATER VIDEO EELGRASS DENSITY OBSERVATIONS Nantucket, Massachusetts</p>	
	<p>NOTES: 1) Grid MA State Plane (Isl), NAD 83, US Foot. 2) Data acquired June 19, 2019.</p>	<p>0 50 100 Feet</p> 

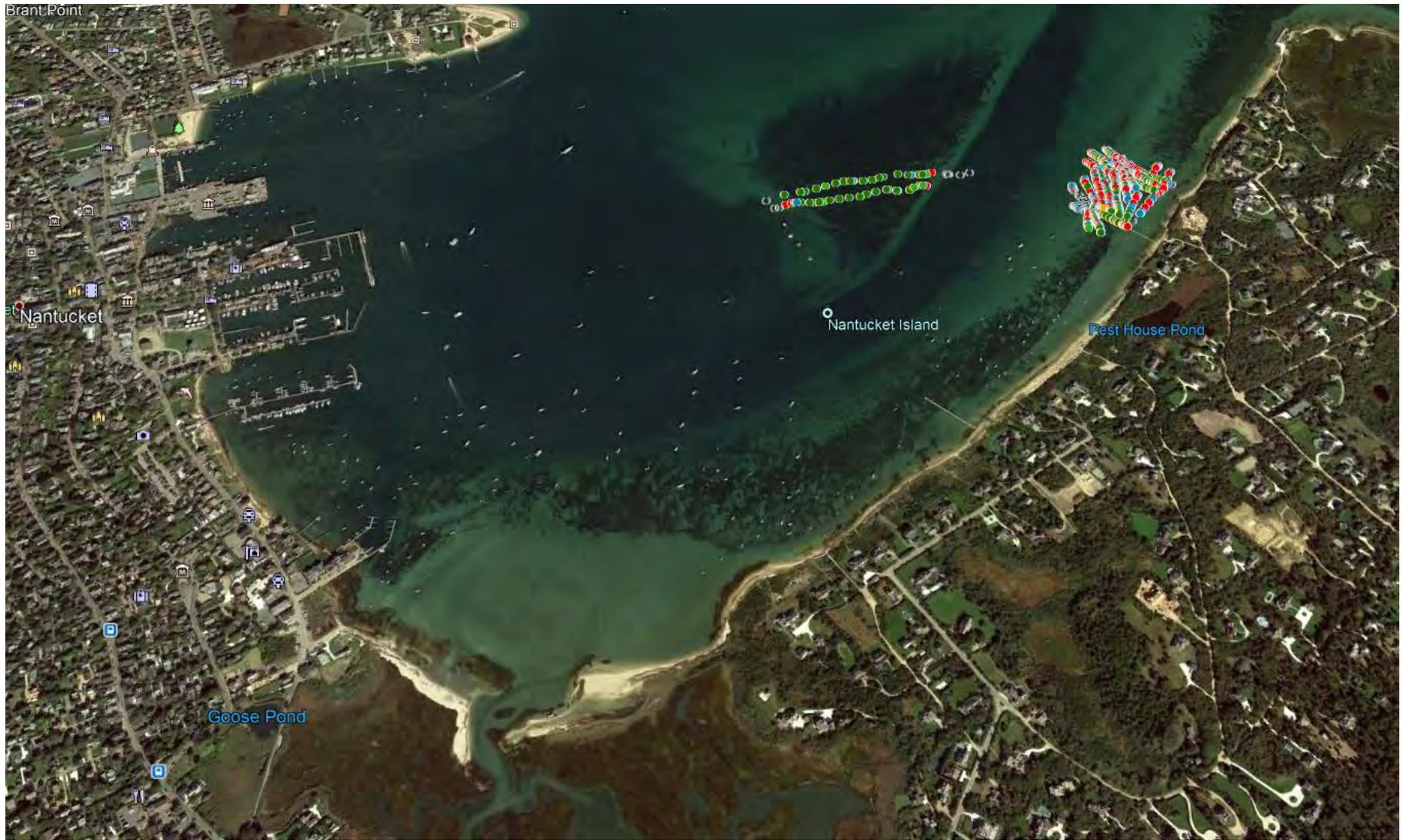


Figure 6. Nantucket Harbor locus of underwater video transects off 45 Shimmo Pond Road and offshore eelgrass reference site

PLATES

**PLATES 1-13 UNDERWATER VIDEO SCREEN
CAPTURES AT THE SITE**

**PLATES 14 AND 15 UNDERWATER VIDEO SCREEN
CAPTURES AT THE HARBOR REFERENCE AREA**



A 12:02:16



B 12:03:13



C 12:03:41



D 12:03:58



E 12:04:10



F 12:04:40



G 12:05:12



H 12:05:32

Plate 1. Transect-1 (see Figure 4)



A 12:08:37



B 12:10:36



C 12:11:41



D 12:11:59



E 12:12:21



F 12:13:07



G 12:13:12



H 12:13:43



A 12:17:50



B 12:18:39



C 12:19:21



D 12:20:30



E 12:20:52



F 12:21:46



G 12:22:59



H 12:24:12

Plate 3. Transect-3 (see Figure 4)



A 12:28:07



B 12:28:29



C 12:29:09



D 12:30:03



E 12:30:42



F 12:31:06



G 12:32:04



H 12:32:35

Plate 4. Transect-4 (see Figure 4)



A 12:35:55



B 12:36:08



C 12:36:59



D 12:37:55



E 12:38:20



F 12:38:33



G 12:39:12



H 12:39:23

Plate 5. Transect-5 (see Figure 4)



A 12:42:22



B 12:43:40



C 12:44:23



D 12:45:27



E 12:45:58



F 12:47:05



G 12:47:12



H 12:47:58

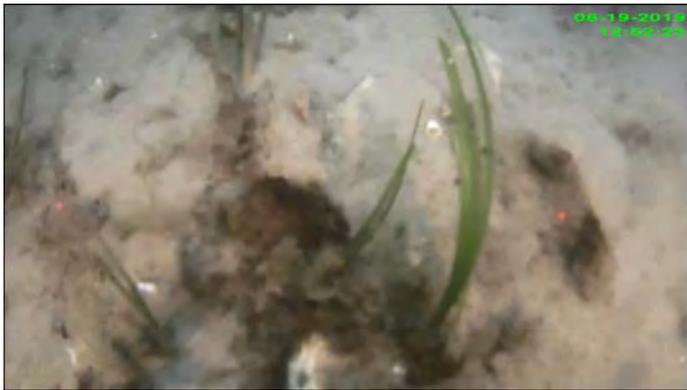
Plate 6. Transect-6 (see Figure 4)



A 12:50:20



B 12:51:21



C 12:52:23



D 12:52:56



E 12:53:47



F 12:54:23



G 12:54:45



H 12:55:08

Plate 7. Transect-7 (see Figure 4)



A 13:05:10



B 13:05:56



C 13:06:42



D 13:08:35



E 13:09:00



F 13:10:44

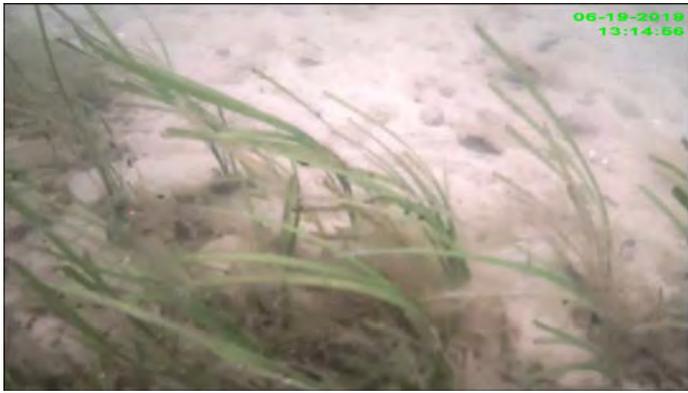


G 13:10:27



H 13:10:44

Plate 8. Transect-8 (see Figure 4)



A 13:14:56



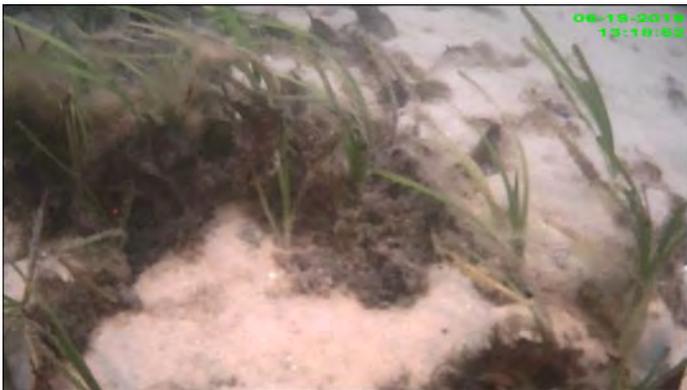
B 13:16:01



C 13:17:00



D 13:17:42



E 13:18:52



F 13:20:06



G 13:20:54



H 13:20:54



A 13:30:16



B 13:31:18



C 13:31:45



D 13:33:00



E 13:33:32



F 13:35:00

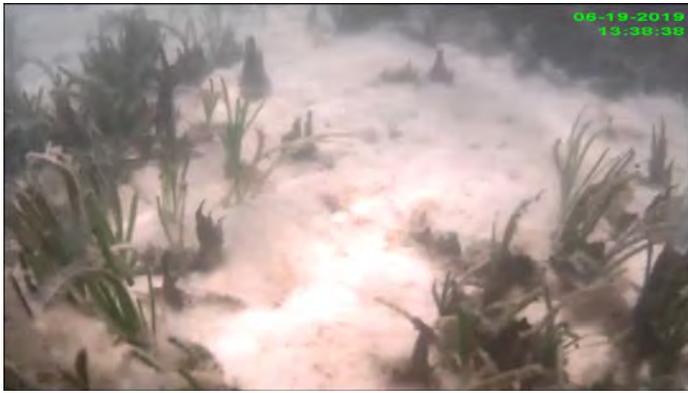


G 13:35:20



H 13:36:04

Plate 10. Transect-10 (see Figure 4)



A 13:38:38



B 13:38:51



C 13:39:38



D 13:39:56



E 13:41:05



F 13:41:42



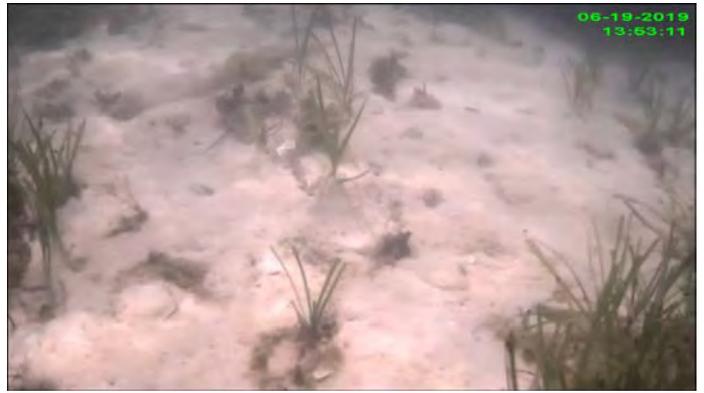
G 13:42:11



H 13:42:46



A 13:53:06



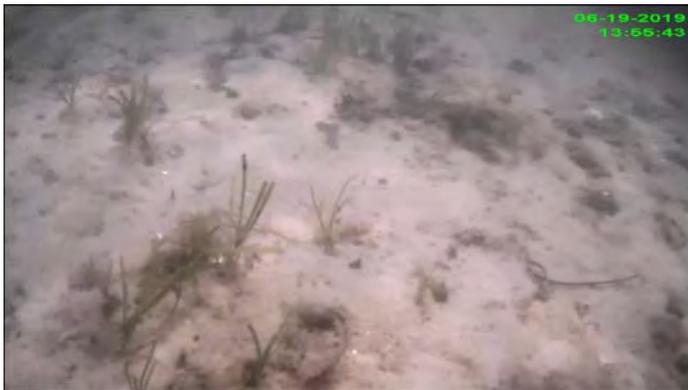
B 13:53:11



C 13:53:39



D 13:54:42



E 13:55:43



F 13:56:05



G 13:56:32



H 13:57:19



A 14:00:46



B 14:01:59



C 14:02:39



D 14:02:54



E 14:03:17



F 14:03:41



G 14:04:04



H 14:04:30



A 14:11:05



B 14:12:25



C 14:12:50



D 14:13:59



E 14:13:59



F 14:17:03



G 14:17:59



H 14:19:22

Plate 14. Transect-14 (see Figure 6) reference area



A 14:21:26



B 14:22:48



C 14:23:05



D 14:24:02



E 14:25:09



F 14:27:07



G 14:28:15



H 14:29:34

Plate 15. Transect-15 (see Figure 6) reference area

Attachment E

Permit Drawing

SITE PLAN TO ACCOMPANY
 A NOTICE OF INTENT
 IN NANTUCKET, MA
 PREPARED FOR
 46 SHIMMO POND ROAD
 NOMINEE TRUST
 MICHAEL A. BASS, TRUSTEE
 46 SHIMMO POND ROAD
 MAP 43 PARCEL 77
 CERT. No. 26,571
 NOVEMBER 22, 2019
 SCALE: 1"=20'



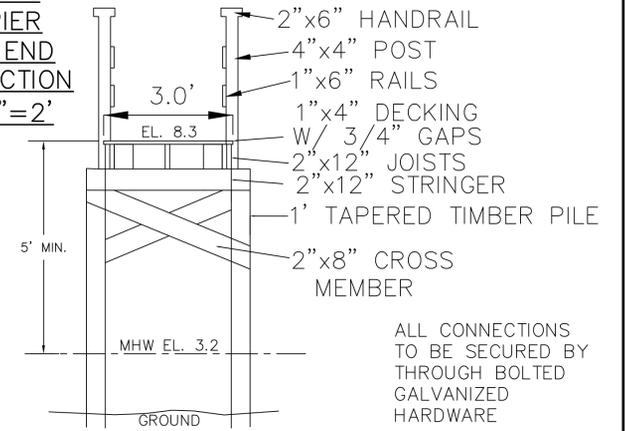
NANTUCKET HARBOR

PROPOSED TIMBER PIER 3'x280'
 (ADDED) - 300'± OVERALL
 ADDITIONAL AREA=840± SF

PROPOSED
 TIMBER
 PILINGS

PROPOSED
 TIMBER
 PILINGS 20'
 O.C. (TYP.)

PROPOSED
 FIXED PIER
 TYPICAL END
 CROSS SECTION
 SCALE 1"=2'



ALL CONNECTIONS
 TO BE SECURED BY
 THROUGH BOLTED
 GALVANIZED
 HARDWARE

NOTE:
 EXISTING TIMBER PIER, STEPS,
 FACADE & STONE GROINS REF.
 CHAPTER 91 WATERWAYS
 LICENSE No. 14.893
 DOC. No. 161,516

LAND UNDER THE OCEAN/
 LAND CONTAINING SHELLFISH

MLLW CONTOURS (TYP.)

BATHYMETRIC INFORMATION SHOWN HEREON
 PROVIDED BY CR ENVIRONMENTAL, INC. - AUG. 2019

NANTUCKET HARBOR

COASTAL BEACH

MEAN LOW WATER
 EL. 0.2 MLLW

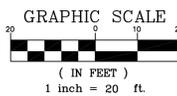
COASTAL BANK

#46

NORTH ROAD AKA
 SHIMMO POND ROAD

THIS PLOT PLAN PREPARED FOR PERMITTING
 PURPOSES ONLY. NOT FOR CONSTRUCTION.
 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.

APPROXIMATE LOCATION
 OF EXISTING FIXED PIER
 L.C. No. 650 & 4,109



43-75
 N/F
 SHIMMO ASSOCIATION, INC.
 CERT. #3605
 L.C.C. 11461-Q
 LOT 93

43-79
 N/F
 48 SPR, LLC
 CERT. #22341
 L.C.C. 11461-H, LOT 70
 L.C.C. 11461-E, LOT 38-B

43-127
 N/F
 ELLEN E. LEHMAN
 WILLIAM H. ESKIND
 CERT. #21610
 L.C.C. 11461-H
 LOT 37

Attachment F

Abutter Notification Information

**Notification to Abutters
Under The Massachusetts Wetlands Protection Act**

In accordance with the second paragraph with Massachusetts General Laws Chapter 131, Section 40 you are notified of the following:

1. The name of the applicant is: Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust
2. The applicant has filed a Notice of Intent (NOI) with the Nantucket Conservation Commission. The applicant is proposing to extend an existing dock approximately 280 feet into Nantucket Harbor.
3. The address of the lot where activities are proposed is 46 Shimmo Pond Road, Nantucket, MA 02554.
4. Copies of the NOI and site plans may be examined at the office of the Conservation Commission, located at 2 Bathing Beach Road, Nantucket, MA 02554. The NOI application may be viewed between 8:30 a.m. – 4:30 p.m. Contact phone number: 508.228.7230.
5. Information regarding the date, time, and place of the public hearing may be obtained from the Nantucket Conservation Commission. A public hearing is tentatively scheduled to be called to order on Wednesday, December 18th at the town's Public Safety Facility at 2 Fairgrounds Road at 4:00 p.m. However, please contact the Conservation Commission prior to the hearing at 508.228.7230 to confirm.

NOTE: Notice of the public hearing, including its date, time and place, will be published at least seven (7) calendar days prior to the hearing in the local newspaper.

NOTE: Agenda for the public hearing, including its date, time, and place, will be posted in Town Hall not less than 48 hours prior to the hearing.

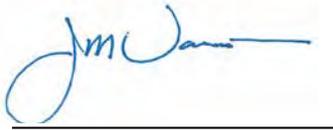
NOTE: You also may contact the Massachusetts Department of Environmental Protection – Southeast Regional Office, Service Center / Permit Assistance at 508.946.2714 for more information about this application or the Massachusetts Wetlands Protection Act.

Affidavit of Service
Massachusetts Wetlands Protection Act

I, Jack Vaccaro, hereby certify under the pains and penalties of perjury that Epsilon Associates, Inc. gave notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, the DEP Guide to Abutter Notification dated April 8, 1994 in connection with the following matter:

A Notice of Intent filed under the Massachusetts Wetland Protection Act by Michael Bass Tr. For 46 Shimmo Pond Road Nominee Trust on November 29, 2019 to extend an existing dock approximately 280 linear feet into Nantucket Harbor.

The form of notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.



Jack Vaccaro

November 29, 2019

**NANTUCKET CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 131, Section 40, and pursuant to Regulation 310 CMR 10.05, et seq., and Nantucket By-Law Chapter 136, Section 4, you are hereby notified that a Public Hearing will be held during the Conservation Commission Meeting which begins at 4:00 p.m. in the second floor meeting room at the Public Safety Facility located at 4 Fairgrounds Road, Nantucket, MA 02554 on the following date:

December 18, 2019

Date of Public Hearing

46 Shimmo Pond Road/ Map 43, Parcel 77

Street Address/ Map & Parcel

The purpose of the meeting is to open a Public Hearing on a Notice of Intent, An Amended Order of Conditions or a Request for Determination the cover sheet of which is enclosed.

Copies of the complete application are available for examination at the Conservation Commission's office at 2 Bathing Beach Road, Nantucket during normal business hours (Monday-Friday 9AM-1pm), or alternatively please email jcuppone@nantucket-ma.gov and jcarlson@nantucket-ma.gov for a digital version of the filing or call the Conservation Commission/ Natural Resources Department's office at 508-228-7230.

COP

RECEIVED
BOARD OF ASSESSORS

NOV 22 2019

TOWN OF
NANTUCKET, MA

TOWN OF NANTUCKET
CONSERVATION COMMISSION

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Michael A. Bass, Trustee of 46 Shimmo Pond Road Nominee Trust
MAILING ADDRESS..... c/o Reade, Gullicksen, Hanley & Gifford, LLP
PROPERTY LOCATION..... 46 Shimmo Pond Road
ASSESSOR MAP/PARCEL..... Map 43, Parcel 77
SUBMITTED BY..... Reade, Gullicksen, Hanley & Gifford, LLP

SEE ATTACHED PAGES

I certify the foregoing is a list of persons who are owners of land directly abutting the property on which the proposed activity will occur (the locus), owners of land separated a distance of one hundred feet or less from the locus by a public or private street or way or stream and owners of land separated a distance of three hundred feet or less from the locus by a body of water, all as they appear on the most recent applicable tax list.

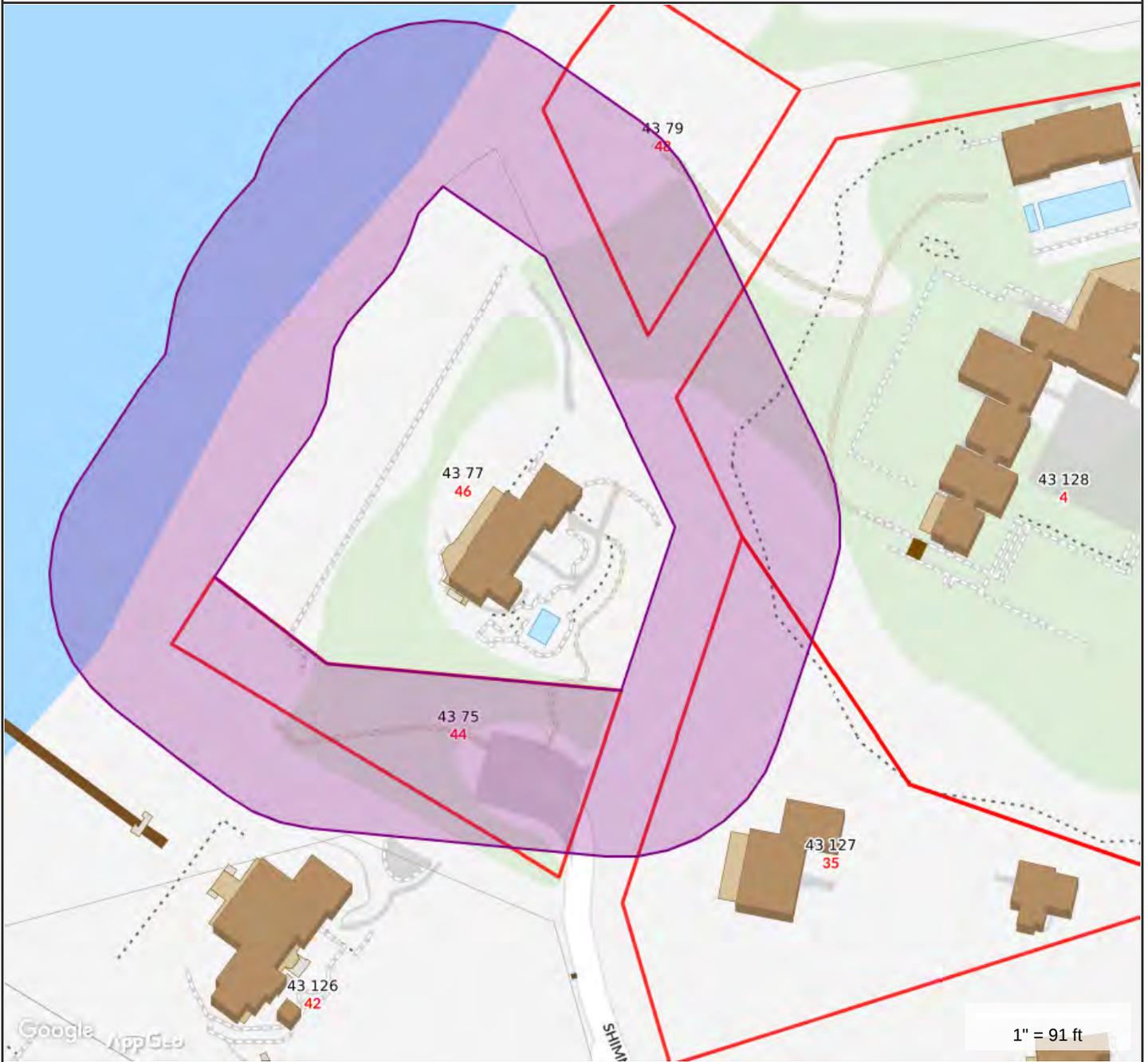
11-22-19
DATE

R J R
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters List

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
43	75		SHIMMO ASSOCIATION	C/O STEVEN ANDERSON	5 SOUTH VALLEY ROAD	NANTUCKET	MA	02554	44 SHIMMO POND RD
43	79		48 SPR LLC	C/O JUSTIN MCINERNEY	5708 HUNTINGTON PKWY	BETHESDA	MD	20814	48 SHIMMO POND RD
43	127		LEHMAN ELLEN E & ESKIND WILLIAM H		144 ENSWORTH AVE	NASHVILLE	TN	37205	35 SHIMMO POND RD
43	128		4 MVR LLC	JUSTIN MCINERNEY, TR	5708 HUNTINGTON PKWY	BETHESDA	MD	20814	4 MIDDLE VALLEY RD
Count:		4							

Abutters to 46 Shimmo Pond Road, Nantucket



**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

Attachment G

Filing Fee Information



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

46 Shimmo Pond Road
 a. Street Address
 nantucket
 b. City/Town
 \$535.00
 d. Fee amount

2. Applicant Mailing Address:

Michael
 a. First Name
 Bass, Tr.
 b. Last Name
 46 Shimmo Pond Road Nominee Trust
 c. Organization
 40 Soldiers Field Place
 d. Mailing Address
 Boston
 e. City/Town
 MA
 f. State
 02135
 g. Zip Code
 h. Phone Number
 i. Fax Number
 j. Email Address

3. Property Owner (if different):

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

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Nantucket Land Council

Six Ash Lane
Post Office Box 502
Nantucket, Massachusetts 02554
508 228-2818
Fax 508 228-6456
nlc@nantucketlandcouncil.org
www.nantucketlandcouncil.org

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Vice President

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Executive Director

RJ Turcotte
Resource Ecologist

Meg McNeely Browsers
Development Director

January 16, 2020

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

Re: NOI; Michael Bass, 46 Shimmo Pond Road (Map 43, Parcel 77)

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the Notice of Intent filing by Michael Bass for the construction of a 300-foot pier at 46 Shimmo Pond Road. We would like to make the following comments.

RESOURCE AREA IMPACTS

EELGRASS: The NLC would like to respond to several statements made by the applicant in their Notice of Intent. According to the Applicant, *“Avoidance of eelgrass has been a primary concern in the design of the proposed dock. The berthing area is seaward of the mapped eelgrass area, and the applicant’s proposed alignment minimizes disturbance to eelgrass located between the berthing area and land. However, it is unlikely that impacts to eelgrass, either by direct pile contact or shading, can be entirely avoided and appropriate mitigation is proposed to offset any impact to this resource.”*



No amount of mitigation by the applicant will replace this prime eelgrass habitat lost to this permanent structure. Historically, this area of Nantucket Harbor supported extensive and healthy eelgrass meadows as seen in satellite imagery as recently as March 2012 (see attached).

According to the Applicant, "As acknowledged above, pile-supported docks can have an adverse impact on eelgrass by preventing or significantly limiting sunlight from reaching the submerged plants. This effect is of particular concern with docks that have a predominantly east-west orientation. The proposed dock that crosses the mapped eelgrass area is aligned at approximately 45 degrees northwest, which will allow for adequate light penetration and will allow eelgrass to thrive."

Eelgrass meadows in the area of the proposed project are, according to research conducted by the Nantucket Land Council and Boston University (see attached), light limited and temperature stressed even without an added structure. The installation of a permanent pier will not allow eelgrass to thrive- to the contrary, the structure will further inhibit an already stressed benthic community.

According to the Applicant, "As a point of comparison, it should be noted that some of the highest densities of eelgrass observed in the entire area were in close proximity to the pier that extends approximately 400 feet into Nantucket Harbor from a point opposite 42 Shimmo Pond Road, which has a similar orientation as the pier proposed by the applicant. In fact, the densities of the eelgrass observed near the existing pier dock contrast sharply with the patchy distribution that was observed in the area of the private landing where several small boats are moored."

The increased eelgrass density in and around the 400-foot pier located at 42 Shimmo Pond Road is purely coincidental, and most likely due to several different environmental factors. The loss of historic eelgrass coverage in the area surrounding the proposed pier and existing mooring field is attributed in large part to shoaling events in the past decade which buried the eelgrass meadows in sand. The applicant's suggestion that eelgrass around the existing pier is thriving due to the pier's presence is unfounded and not supported in any scientific literature relating to eelgrass health.

One of the defining characteristics of the species is "patchy" growth as the plants begin to spread and establish in a new area. The patchy growth in the vicinity of the proposed pier will not be allowed to expand and fill the area if the permanent dock is built.

According to the Applicant, "The proposed dock is located approximately 140 feet from the nearest point of an eelgrass restoration area that is being managed by the Nantucket Land Council and Town of Nantucket. The applicant is willing to work with these two groups to help sponsor ongoing eelgrass restoration efforts at this site or others if such assistance is needed."

The approximate location of the Nantucket Land Council's eelgrass restoration area is provided (see attached). The proposed pier, the construction process itself, and the vessel it will provide access to will be detrimental to eelgrass restoration efforts a short distance away. This restoration effort, permitted by the Nantucket Conservation Commission, is an extensive effort by the Nantucket Land

Council, Boston University, the Town of Nantucket Natural Resources Department staff, and many members of the community volunteering their time to restore eelgrass meadows in this particular area of Nantucket Harbor. The applicant's proposed pier will result in increased shading over an already light-limited habitat, and the vessel itself will result in increased disturbance to the restoration area through propwash.

SHELLFISH: According to the Applicant, "Prior to the commencement of construction and after consultation with the local Shellfish Constable, any shellfish in the immediate vicinity of each pile will be removed and replanted in a suitable location approved by the Division of Marine Fisheries. The applicant will also consult with the Natural Resource Department to fund a one-time purchase of shellfish seed to be used at the town's discretion that will compensate for any quahogs that are impacted by the project."

The applicant fails to acknowledge in this statement the loss of prime bay scallop habitat that will result from installation of this permanent structure on Nantucket Harbor. No one-time purchase of seed can replace a healthy and productive eelgrass meadow, which is exactly what the adjacent restoration area is currently working to achieve.

PERFORMANCE STANDARDS

This structure will be a permanent detriment to the resource areas Land Under the Ocean and Land Containing Shellfish in Nantucket Harbor. The project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Nantucket Wetland Protection Regulations:

Section 2.01, Land Under the Ocean, (B) #3 states "Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No Solid fill piers shall be permitted."

The proposed permanent pier will have a significant detrimental impact to shellfish resources by inhibiting the growth of eelgrass in an area that historically supported healthy meadows. This will have a direct and irreversible impact on marine species such as bay scallops, which directly rely on eelgrass beds for survival. This pier will obstruct future commercial shell-fishing of eelgrass beds attempting to reestablish in the area. This performance standard has not been met.

Section 2.01, Land Under the Ocean, (B) #8 states “Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation and aquatic vegetation.”

The proposed permanent pier will have adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention and aquatic vegetation by:

- 1) Harming and/or displacing shellfish currently inhabiting the project area,**
- 2) Inhibiting future growth of eelgrass in an area that historically supported healthy meadows,**
- 3) Impairing adjacent restoration work being conducted by the Nantucket Land Council in partnership with off-island researchers, the Town of Nantucket Natural Resources Department, local businesses and volunteer community members to restore eelgrass meadows in this area of Nantucket Harbor.**
- 4) Contributing to increased erosion along 46 Shimmo Pond Road and adjacent shoreline through shading out of one of the harbor’s best natural wave attenuators, eelgrass meadows.**

This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #1 states “Projects shall not adversely affect water quality (including, but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.”

The proposed permanent pier will have permanent impacts to submerged aquatic vegetation. Not only will current eelgrass be impaired by construction activity and shading, but future eelgrass will be adversely impacted by shading and propwash associated with the vessel docked herein. No mitigation efforts proposed by the applicant can replace the habitat permanently shaded and fragmented by the proposed 300-foot pier. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #3 states “Projects shall not obstruct the ability of the public to gather shellfish recreationally, or the ability of commercial fishermen to harvest shellfish.”

The proposed permanent pier will alter the ability of both recreational and commercial shell fishermen to harvest shellfish. The pier will shade potential eelgrass meadows, which provide prime shellfish habitat, and the pier will also physically obstruct commercial shell-fishermen from harvesting shellfish in the immediate vicinity. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #7 states “No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.”

This project will be detrimental to scallops, permanently shading an area which historically supported eelgrass meadows that serve as critical bay scallop habitat. No mitigation currently proposed by the applicant will effectively mitigate the permanent damage this pier will cause Nantucket Harbor’s marine scallop habitat. This performance standard has not been met.

Massachusetts Wetlands Protection Act Regulations:

310 CMR 10.27, Coastal Beaches, (3) states “Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.”

The proposed permanent pier will have an adverse impact through increased erosion not only at 46 Shimmo Pond Road’s segment of coastal beach, but also neighboring waterfront to the east and west of the project. Eelgrass meadows serve as natural wave attenuators, absorbing energy produced by wave action, especially during storm events. By permanently shading out historic eelgrass habitat, waves will more easily erode the shoreline. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (4) states “Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

- a) Alterations of water circulation;
- b) Alterations in relief elevation;
- c) The compacting of sediment by vehicular traffic;
- d) Alterations in the distribution of grain size;
- e) Alterations in natural drainage from adjacent land; or
- f) Changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

The proposed pier will cause a change in nutrient distribution in the immediate area as it will displace or shade out natural nutrient sinks such as shellfish, eelgrass and several species of macroalgae. The Nantucket community has worked hard to improve water quality in Nantucket Harbor through infrastructure improvements, reduced fertilizer use, shellfish seeding, reef building and eelgrass restoration. The applicant’s proposed 300-foot pier contradicts all these efforts. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (5) states “Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.”

The proposed permanent pier will not allow shellfish habitat to return to pre-construction conditions and productivity, as the piles and dock will permanently shade an area that is already light-limited. This performance standard cannot be met.

CONCLUSION

The proposed 300-foot timber pile pier at 46 Shimmo Pond Road will shade out prime Nantucket eelgrass habitat, leading to a cascade of negative effects to the harbor ecosystem. As a keystone species, eelgrass provides vital habitat for a diverse group of species such as scallops, flounder, quahogs, and crabs. These underwater meadows also serve as nutrient sinks, taking up excess nitrogen from the water and sediment, improving overall water quality in Nantucket Harbor. Healthy eelgrass meadows also protect shorelines from flooding and erosion by stabilizing sediment and physically buffering wave action.

The proposed pier will inhibit the restoration efforts being conducted a short distance away through increased shading and propwash from boating activity. These restoration efforts, led by the Nantucket Land Council, have brought together a diverse group of organizations, businesses, recreational and commercial fishermen, and individual volunteers from Nantucket and elsewhere to bring healthy eelgrass meadows back to this area of Nantucket Harbor. The work will be permanently impaired by permitting such a structure

The applicant can maintain access to the waterfront through their existing pier and utilize a mooring nearby to provide deep water access for their boat. Although moorings also harm eelgrass through chain scour, they can be removed or moved elsewhere if needed. There is also a trend throughout the country of marinas and boat owners switching to more eco-friendly moorings, such as ecorode systems with spiral anchors, which all but eliminate bottom scour. We hope it is only a matter of time before eco-friendly systems are adopted on Nantucket, making mooring fields one of the most environmentally friendly and affordable methods of accessing a boat. **Finally, setting a precedent by allowing this dock would be a reversal of the Commission's handling of this resource area and the efforts it has encouraged to restore Nantucket Harbor's habitat.**

This structure will be a permanent detriment to the resource areas Land Under the Ocean and Land Containing Shellfish in Nantucket Harbor. As stated above, the project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Attachments: Satellite imagery illustrating eelgrass meadows at the site locus before and after most recent shoaling events, Town GIS map indicating former eelgrass meadow as surveyed by MassDEP, an accurate depiction of the location of the restoration area in relation to the proposed pier, and a copy of the Health Assessment for Eelgrass in Nantucket Harbor, Nantucket, Massachusetts.

Thank you for your time.

Sincerely,



RJ Turcotte

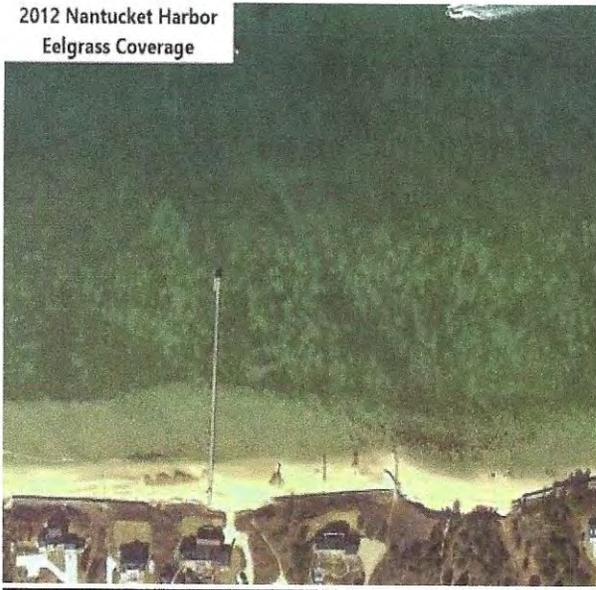
Resource Ecologist

ATTACHMENTS

Nantucket Land Council Eelgrass Restoration Area



2012 Nantucket Harbor
Eelgrass Coverage



2018 Nantucket Harbor
Eelgrass Coverage



Nantucket Harbor Historic Eelgrass Coverage, 1995-2013



Property Information

Property ID 43 77
Location 45 SHIMMO POND RD
Owner EASS MICHAEL A TR



**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

Map Theme Legends

Eelgrass 1995 - 2013

- EELGRASS 2010 - 2013
- EELGRASS 1995

MassDEP, MassDEP Wetlands Conservancy Program

HEALTH ASSESSMENT FOR EELGRASS IN NANTUCKET HARBOR, NANTUCKET
MASSACHUSETTS

FINAL REPORT TO NANTUCKET LAND COUNCIL

submitted by

Alyssa Novak, Research Assistant Professor, Boston University

&

Holly Plaisted, Biologist, National Park Service

Introduction

Eelgrass (*Zostera marina* L.) is a marine flowering plant that forms extensive meadows in the shallow coastal waters of Massachusetts. The value of eelgrass meadows is well documented and includes stabilizing sediments, improving water quality and clarity, mitigating for CO₂ emissions, and providing habitat to a number of commercially important and/or endangered species (Orth et al. 1984; Heck et al. 1989; Hughes et al. 2002; Lazarri and Tupper 2002). Nantucket Island, located 30 miles off the coast of Cape Cod, supports over 2,000 acres of eelgrass (Costello 2015) that serve as essential habitat to a number of different species including the last commercially viable “wild” bay scallop fishery in the U.S. The abundance of eelgrass, however, has diminished from historic levels in some areas, potentially threatening the future ecology and economy of this system.

Declines in eelgrass in Nantucket over the last decade have been mostly confined to Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the harbor is likely due to an increase in nutrient loading (Curley 2002). In the Executive Summary of the Massachusetts Estuaries Project report, it was noted that to maintain or preserve eelgrass meadow health, a nitrogen threshold of 0.350 mg N L⁻¹ should not be exceeded. Nitrogen levels in East Polpis Harbor in 2006 were 0.361 mg N L⁻¹ and eelgrass had recently disappeared from most of the area (Shellfish Report 2012), indicating that this is an accurate threshold. At present, it is believed that Nantucket Harbor has reached its nitrogen loading threshold (Howes et al. 2006) and is eutrophied (over-enriched with nutrients; Conant et al., 2006).

Nitrogen loading to Nantucket Harbor results primarily from on-site disposal of wastewater. The Town has a centralized wastewater treatment facility, but there are a number of areas on septic that contribute

nitrogen to the system both through transport in direct groundwater discharges to estuarine waters and through small surface water flows to the fresh and saltwater marshes that are located along the harbor shore (e.g. Mill Brook discharging to Polpis Harbor). In addition to residential septic systems, other nutrient sources include runoff from roads and lawn fertilizers, groundwater discharge, and natural areas such as salt marshes and ponds (Howes et al. 2006; Shellfish Report 2012). In 2013 a Town of Nantucket Board of Health regulation went into effect to control the content and application of fertilizer containing phosphorus and nitrogen into Nantucket's waters and wetlands through an organized educational program, licensure and regulations of practice (Nantucketlandcouncil.org). The effectiveness of these efforts on nitrogen loading in the system has yet to be determined.

Eutrophication can have negative impacts on seagrasses. As eutrophication progresses, macroalgae (in shallow waters) or phytoplankton (in deeper waters) dramatically increase and become dominant resulting in declines of seagrass. Direct underlying mechanisms for declines include competition for light/nitrogen, nitrate inhibition or ammonium toxicity, with light playing a more important role in advanced eutrophication stages (Orth and Moore, 1983; Twilley et al., 1985; Dennison et al., 1993; Harlin, 1993; Lapointe et al., 1994; Short et al., 1995; Hauxwell and Valiela, 2004; Ralph et al., 2006). Many indicators of seagrass plant health and environmental quality have been identified in previous monitoring studies and workshops to help assess the impacts of eutrophication on seagrass. Seagrass cover, aboveground biomass, leaf length and width have been shown to be affected by nutrient loading and shading (Erfemeijer 1994; Lee and Dunton 2000; Burkholder et al. 2007; van Katwijk 2010) along with epiphyte content on blades (Bohrer et al. 1995; Uku and Bjork 2001). In addition, stable isotope analysis is being increasingly used to monitor the health status and nutrient pollution sources of various ecosystems. For example, Cole et al. (2006) showed that water derived from sewage on Cape Cod typically has ^{15}N values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Thus, using these parameters, stable isotope analysis can be used to detect the presence of sewage-derived or agricultural nitrogen (N) in the tissues of eelgrass that continually uptake nutrients from their environment.

The purpose of our study was to assess the health of eelgrass meadows at six sites (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) in Nantucket Harbor influenced by nutrient input. Our objective was accomplished by collecting information on various plant and environmental parameters at each site between May and August 2019. In addition, environmental data was used to identify potential mechanisms responsible for reported declines of eelgrass in this system.

Methods

Eelgrass plant health was assessed by collecting information on meadow structure and nutrient content in leaf tissue and sediment.

Eelgrass morphology and meadow structure

In July 2018, when plants had reached peak biomass, information on meadow structure was collected at 6 sites in Nantucket Harbor (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) as well as at a reference location on Tuckernuck Island (Figure 1). At each site, one 50 m cross transect was laid parallel to the shore. Five 0.25 m² quadrats were then haphazardly tossed along the transect and information was collected on percent cover, canopy height, and shoot density. In addition, two representative shoots with roots and rhizomes were collected from each quadrat for morphological measurements (number of leaves, leaf width, above/below-ground weight, and internode length).

Nutrient Content in Leaf Tissue

The influence of nitrogen on eelgrass was assessed by measuring nitrogen (%N), carbon (%C) and stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ in leaves, as well as calculating C:N ratios and a Nutrient Pollution Indicator (NPI) for eelgrass at each site (Lee et al. 2004). In May 2018, during a period of increased precipitation, ten representative eelgrass shoots were sampled at each of the 6 sites in Nantucket Harbor, with at least 1 m between any two sampled shoots. In July 2018, during a period of decreased precipitation, sampling was repeated at each of the 6 sites in Nantucket Harbor as well as the reference location on Nantucket (Figure 1.) After each sampling event, shoots were returned to the lab for measurements.

In the lab, leaf mass was determined on the second and/or third youngest leaves of each shoot. All epiphytes were removed from leaves. Six 10 cm long sections of constant width were then cut from each leaf to obtain samples of mature leaf tissue. The cleaned leaf sections were dried at 60 °C to a constant weight and leaf mass was quantified. Each leaf segment was then assessed for %C and %N content and stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ using an Eurovector CN analyzer (see stable isotope section below).

The ratio of the leaf nitrogen content (%N) to area normalized leaf mass mg dry weight cm⁻² was used to calculate a Nutrient Pollution Indicator value as developed by Lee et al. (2004)

$$\text{NPI} = \frac{\text{Leaf nitrogen content (\%N)}}{\text{Area normalized leaf mass (mg dry weight cm}^{-2}\text{)}}$$

Area normalized leaf mass (mg dry wt cm⁻²)

Sediment Samples

One 5 cm sediment sample was taken from each site including the reference using a syringe for sediment grain-size analyses. In addition, sediment cores were taken at 3 sites (i.e., Monomoy, Fulling Mill, and Wauwinet) to assess sediment and nutrient characteristics. The corer (length: 50 cm, diameter: 70 mm) was manually driven to a depth of 25 cm or point of refusal, extracted, capped at both ends under water, and kept in a vertical position during transport to shore. Cores were divided into sections (1 cm sections for the first 10 cm and 5cm sections for the remaining core) and used to measure dry bulk density, %C, %N, analyze stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$, and determine age of sediments (see methods below).

Grain Size

Grain size was determined for sediment samples taken at each site including the reference using the Malvern Mastersizer 2000 with the Hydro 2000S wet dispersion unit (Malvern Instruments, Malvern, UK) system. Sediment samples were homogenized and extruded through a 2 mm sieve into a beaker, then deionized water was added to the sample to create a suspension that was then analyzed.

Dry Bulk Density

Bulk density reflects the size, shape and arrangement of particles and voids (soil structure) and gives a good indication of the suitability for root growth and sediment permeability. Bulk density generally increases with compaction and tends to increase with depth. Sandy substrate is also more prone to high bulk density. Dry bulk density was determined for sediment core section take at Monomoy., Fulling Mill, and Wauwinet using the mass of sediments dried at 60°C for 7 days divided by the volume of the sediment section. Following bulk density measurements, the sample was sub-divided using a sediment splitter to obtain a smaller portion for stable isotope and ²¹⁰Pb analyses.

Sediment Accumulation and Core Age

Sedimentation rates for at three sites (i.e., Monomoy, Fulling Mill, Wauwinet) were obtained by analyzing core samples for ²¹⁰Pb radioisotopes using gamma spectroscopy. Samples were packed in Petri dishes and sealed with electrical tape and paraffin wax 30 days prior to analysis to allow for equilibration between ²²⁶Ra and its daughter isotopes (²¹⁴Pb and ²¹⁴Bi). Radioisotopic concentrations were determined for all samples along each core using a Canberra GL 2020 low energy germanium detector (Virginia Institute of Marine Science, Gloucester Point, VA). The concentrations of excess ²¹⁰Pb used to obtain the age models were determined as the difference between total ²¹⁰Pb and ²²⁶Ra (supported ²¹⁰Pb). The

Constant Rate of Supply (CRS) model was used to calculate mean sedimentation rates over the last 100 years at all sites (Appleby and Oldfield, 1978). These rates were calculated using the following formula:

$$A = A(0)e^{-\lambda t}$$

where A is the excess (unsupported) ^{210}Pb inventory below a given core section, A(0) is the excess ^{210}Pb inventory for the entire core profile, and λ is the ^{210}Pb decay constant. This was used to calculate t, the time a now-buried section of core was at the surface.

The formula from Kaste et al. (2011) was used to calculate error for the CRS model:

$$1\sigma = \sqrt{n/n}$$

where n = the number of detected counts.

Carbon, Nitrogen, and Stable Isotope Analyses

Carbon (%C), nitrogen (%N) and stable isotope analyses on plant and sediment samples was carried out in a Eurovector CN analyzer. During each sequence run by the mass spectrometer, each sample was flash combusted at 1800°C and the combustion products (CO_2 , N_2 and H_2O) were separated chromatographically and introduced into the mass spectrometer, with water removed in a chemical trap. The gases of interest were then introduced into the mass spectrometer for isotope analysis and the rest pumped away. The sample isotope ratio was compared to a secondary gas standard, whose isotope ratio has been calibrated to international standards. For ^{13}C the gas will be calibrated against NBS 20 (Solenhofen Limestone), NBS 21 (Spectrographic Graphite), and NBS 22 (Hydrocarbon Oil); for ^{15}N the gas was calibrated against atmospheric N_2 and IAEA standards N-1, N-2, and N-3 (all are ammonium sulfate standards). Elemental content of leaf tissue was calculated on a dry weight basis and elemental ratios on a molar basis (QA/QC BU Stable Isotope Lab 2013).

Environmental Conditions

Environmental conditions at each of the six sites were also assessed. Two Hobo light/temperature sensors (<http://www.onsetcomp.com/sensors>) were deployed in an array at each site for 2-week intervals from mid-May to the end of August 2018 (peak growing season). Each array included a light sensor at the bottom and a second sensor 0.3 m higher to determine light available to eelgrass at the site and light attenuation due to the water column. One sensor was deployed on land, attached in an unobstructed location to a fence at Monomoy. The sensors measured and recorded temperature and light every 15

minutes. For comparison between sites, a subset of the light data was collected in a 4-hour period around solar noon (10:00 to 14:00) for two weeks each month for analyses. All the temperature data between May and August.

Statistics

To assess differences among sites in plant and environmental parameters, one way ANOVAs were performed. All data were tested for homogeneity of variances using Cochran's test. Tukey's post-hoc tests were used to determine groupings in the analysis of stable isotope data. Differences among nitrogen data were not assessed for May and July due to unequal sample sizes.

Results

Eelgrass morphology and meadow structure

Morphological and structural characteristics of the meadow were significantly different among sites in July 2018 (Figures 2 & 3; one-factor ANOVA: leaves/shoot $F_{6,63} = 4.4663$, $p < 0.0008$; leaf width $F_{6,63} = 2.1807$, $p = 0.0565$; internode length $F_{6,63} = 3.6630$, $p = 0.0035$; above-below ground weight $F_{6,63} = 3.6630$, $p = 0.0035$; canopy height $F_{6,63} = 30.6118$, $p < 0.0001$; percent cover $F_{6,20} = 5.6475$, $p = 0.0014$; shoot density $F_{6,20} = 2.4752$, $p = 0.0591$.) There were no consistent patterns in shoot morphology and/or meadow structure observed among sites in Nantucket Harbor. However, Tuckernuck, the reference site, had larger shoots with longer leaves than plants from Nantucket Harbor.

Influence of Nitrogen on Leaf Tissue

May

Analysis of eelgrass leaf N content for May samples revealed significant differences in mean leaf %N. (ANOVA: %N $F_{5,6} = 4.1072$, $p = 0.050$) with %N in tissue ranging from 1.2% to 1.9% (Figure 4). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment or loading between the six sites. No differences among sites were observed for $\delta^{15}\text{N}$ values, C:N or NPI (ANOVA: $\delta^{15}\text{N}$ values $F_{5,6} = 4.3232$, $p = 0.0516$; C:N $F_{5,6} = 1.7658$, $p = 0.2539$; NPI $F_{5,6} = 1.1683$, $p = 0.4286$). Mean $\delta^{15}\text{N}$ for the system was 4.03 ± 0.39 while C:N for the system was 22.4 ± 0.54 and mean NPI for the system was 0.421 ± 0.028 (Figure 4).

July

Analysis of eelgrass leaf N content for July samples revealed significant differences in mean leaf N, C:N, NPI, and $\delta^{15}\text{N}$ among sites (Figure 5; ANOVA: %N $F_{6,63} = 4.9518$, $p = 0.0003$; C:N $F_{6,63} = 3.6588$, $p = 0.0035$; NPI $F_{6,63} = 3.8674$, $p = 0.0024$; $\delta^{15}\text{N}$ $F_{6,66} = 54.57$, $p < 0.0001$). Leaf N ranged from 0.849 % to 1.2%, C:N ranged from 32.3 to 45.8 and NPI ranged from 0.161 to 0.244. July $\delta^{15}\text{N}$ values ranged from 3.08 to 5.08‰. Tuckernuck had an average value of 7.46 ‰, which was significantly higher than the other sites (Figure 5). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading between the six sites and/or the reference site. C:N ratio differences among sites were driven by differences in N content as there was no difference in carbon content among sites.

Sediment Samples

Grain-Size

All sediment samples from Nantucket Harbor and Tuckernuck, consisted of 98 to 99 % sand-sized grains. The highest percentage of coarse sand was found at Fulling Mill (44%) while the highest portion of fine to very fine sand was found at Monomoy (20%) and Pimny's Point (22%). The predominant sediment type was medium to fine-grained sand with lesser amounts of medium and fine sand (Figure 6). Eelgrass grows well in sediment that consists of <70 percent silt to clay so the sediment grain-size distribution was not unexpected.

Bulk Density

The bulk density measurements are comparable to other eelgrass meadows in the region (Plaisted, pers. comm.). The density ranged from 1.25 to 2 g/cm^3 and slightly increased with depth at each site. Dry bulk density at Monomoy ($1.6 \pm 0.03 \text{ g cm}^{-3}$) was similar to Fulling Mill ($1.7 \pm 0.01 \text{ g cm}^{-3}$) and Wauwinet ($1.5 \pm 0.01 \text{ g cm}^{-3}$; Figure 7). The large fluctuation in bulk density values at the top 5 cm at each site can be attributed to the high mobility of substrate in this dynamic system.

Sedimentation Rates and Core Age

The three cores that were dated ranged in age from 64 to 98 years. The highest depth integrated sedimentation rate and youngest core were found in Wauwinet ($7.1 \pm 1.15 \text{ mm/yr}$; 64 years in the upper 25 cm). Monomoy had a depth integrated sedimentation rate of $6.4 \pm 1.6 \text{ mm/yr}$ and core age of 98 years in the upper 25 cm. In contrast, Fulling Mill had the lowest depth integrated sedimentation rate ($3.95 \pm$

0.5 mm/yr) and a core age of 82 years in the upper 25 cm (Figure 8). The large variability in sedimentation rates in the upper 5-10 cm of each core can be attributed to high mobility of substrate within the system (e.g., shoaling).

Stable isotopes

Sediment core material $\delta^{15}\text{N}$ ranged from -3.08 ‰ to 6.81 ‰ while $\delta^{13}\text{C}$ ranged from -28.63 ‰ to -7.10 ‰ (Figures 9 & 10). Each core showed variability with depth for $\delta^{15}\text{N}$ and $\delta^{13}\text{C}$. Cole et al. (2006) showed that water derived from sewage typically has $\delta^{15}\text{N}$ values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Phytoplankton and particulate organic matter have $\delta^{13}\text{C}$ ranging from -15 ‰ to 28 ‰ while eelgrass have $\delta^{13}\text{C}$ ranging from -5 ‰ to -10 ‰ (Fry and Wainwright, 1991; Fry, 2006; Novak et al., in review).

Environmental Conditions

Light

The average daily light available to eelgrass relative to ambient land conditions between May and August ranged from 0.03% measured at the bottom of the canopy located at Pimny's Point up to 45.9% measured at the top of the canopy Fulling Mill. Large quantities of algae were consistently found in the eelgrass meadow at Pimny's Point. Algae was also observed at the other sites, but mats were not as dense. In June and July, the bottom light sensor at Fulling Mill and the top and bottom light sensors at Pocomo were lost/damaged (Figures 11 & 12).

Temperature

The average monthly temperature measured between May and August ranged from 17.7°C measured at Monomoy in May and up to ~31°C measured at Wauwinet in July. During the months of July all sites were above 25°C more than 50% of the time. In August, Quaise, Pocomo and Wauwinet were above 25°C more than 50% of the time (Figure 13).

Discussion

Recent studies show that the abundance of eelgrass has diminished from historic levels in Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the Harbor is believed to be due to an increase in nutrient loading to the system (Curley 2002). In our study,

we assessed the health of eelgrass meadows at six sites in Nantucket Harbor influenced by high nitrogen loadings by collecting information on various plant and environmental parameters and identified mechanisms of declines. Our results show that eelgrass meadows in Nantucket Harbor are light-limited and thermally stressed during the peak growing season, suggesting that long-term loss of eelgrass in this system is due to the joint effect of cultural eutrophication (high nutrient loadings) and warming waters.

Ochieng et al. (2010) demonstrated that eelgrass plants in New England require 58% surface irradiance (SI) and above to grow and expand and are light-limited at 34% SI and below (Ochieng et al. 2010). Kenworthy et al. (2014) further suggested that the threshold for survival is 13.9% based on measurements at the deep edge (2.56 m) of eelgrass meadows in Nantucket Harbor. In our study, all sites received less than 34% SI from May to August except for Fulling Mill, which received more than 45% during the month of August (Figures 11&12). These results indicate that eelgrass meadows in Nantucket Harbor are not receiving enough light throughout the peak growing season to maintain a positive carbon balance and allow growth and expansion of meadows. The causes of light-limitation can be attributed to large quantities of drift macro-algae collecting in eelgrass meadows and reducing the light available to eelgrass through shading. Large quantities of algae were especially prevalent at Pimny's Point from May thru August. In addition to algae, sediment resuspension due to the loss of eelgrass in the system, as well as moored boats may be further reducing light levels in eelgrass meadows and causing declines.

Temperatures above 25°C have previously been identified as another stressful threshold for eelgrass (Greve et al. 2003; Reusch et al. 2005). At 25 °C, water temperatures cause rates of respiration to exceed photosynthesis, resulting in a negative carbon balance (Marsh et al. 1986; Moore et al. 1997). At 28 °C, large scale declines in eelgrass cover have been observed at the southern range of this species distribution (Shields et al. 2019). During the month of July, all study sites in Nantucket Harbor had an average water temperature above 25 °C and were exposed to temperatures above 28 °C for ~13% of the time. In August, only Quaise, Pocomo, and Wauwinet had an average water temperature above 25°C. However, all sites spent more than 50% of the time above the 25°C and more than 3% of the time above 28 °C (Figure 13). The warm water temperatures in Nantucket Harbor during the summer months is higher than temperatures in nearby eelgrass meadows located in shallow subtidal waters on Cape Cod. Between 2003 and 2015, Pleasant Bay (Orleans) and Duck Harbor (Wellfleet) were exposed to temperatures above 25°C less than 16% of the time and above 28 °C less than 2% (NPS, SeagrassNet data). Based on the results of this study, it appears as though eelgrass meadows are also thermally stressed in this system possible due to climate change.

C:N, NPI, and % N in leaves have been used as indicators of nutrient enrichment in seagrass meadows. C:N ratios less than 20 in leaves, NPI values greater than 0.3, and/or leaf nitrogen values above 1.6 % have been found in nutrient enriched systems such as Great Bay (NH), Waquoit Bay (MA), and Narragansett Bay (RI; Heminga and Duarte 2000; Lee et al. 2004). In our study, Pimny's Point had %N values in leaves greater than 1.6% during May (Figure 4). However, all sites had higher C:N, and lower NPI, and %N values during the month of July than nutrient enriched systems (Figure 5). The lower values of %N in eelgrass during the July 2018 sampling could be a result of seasonal nitrogen availability and eelgrass growth rates (Duarte 1990, Fourqurean et al. 1997). Nitrogen is typically limited in the nearshore during summer growing seasons and growth rates are often elevated increasing plant biomass while reducing total nutrient concentrations. Moreover, the extensive algae mats found throughout the system may be reducing the amount of nitrogen available to eelgrass during the summer months; Alexandre et al. (2017) found that some species of algae have higher uptake capacities for nutrients than eelgrass.

Stable isotopes analysis of plant material offers the possibility of detecting the biological role of groundwater flow in the marine environment or the impact of sewage effluent before major ecological changes occur (Mac Clelland et al. 1997; Mac Clelland and Valiela 1998). It is particularly useful in areas where a small nutrient increase could have a significant impact on the ecosystem especially where this nutrient increase is undetectable in the water due to, for example, a low sewage load or rapid dilution in the surrounding environment (Gartner et al. 2002; Yamamuro et al. 2003). In Waquoit Bay (Massachusetts, USA), isotopic studies have permitted the attribution of an isotopic signature to nitrates from waste water, from fertilizer and from atmospheric deposition (MacClelland et al. 1997). In our study, July $\delta^{15}\text{N}$ values ranged from 3.08 to 5.08‰ in Nantucket Harbor and there was no obvious pattern indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading among the six sites. Tuckernuck, a relatively preserved site, had a high $\delta^{15}\text{N}$ of 7.46‰ (Figure 5). The lack of differentiation between $\delta^{15}\text{N}$ sources in July in Nantucket Harbor suggest multiple inputs (i.e., fertilizer and atmospheric deposition). Likewise, the high values in eelgrass tissues from Tuckernuck are not necessarily the reflection of sewage or ground water impacts. For example, Fourqurean et al. (1997) measured the increase of $\delta^{15}\text{N}$ values of eelgrass from the mouth to the head of Tomales Bay in California. In this relatively preserved bay, groundwater discharge is considered low. The high $\delta^{15}\text{N}$ values (+12‰) are attributed to the occurrence of denitrification processes in Tomales Bay marine waters, which may have resulted in the ^{15}N enrichment of the remaining inorganic N pool and, consequently, a ^{15}N enrichment of plants which incorporate inorganic N from the water column.

Recommendations

Our study provides baseline information on eelgrass health for Nantucket Harbor and identifies mechanisms for reported declines. As the climate continues to warm, eelgrass in Nantucket Harbor will continue to be exposed to increased water temperatures and periods of thermal stress. However, eelgrass can survive if other environmental parameters that promote growth and expansion are optimal. Below are some recommendations for future work, as well as management actions that will improve eelgrass health and facilitate recovery in the harbor

Restoration of eelgrass meadows in Nantucket Harbor is one suggested strategy to facilitate recovery in this system even in the face of climate change. Restoration involves improving environmental conditions (e.g. water quality) to encourage natural regeneration and/or seeding/transplanting plants from donor meadows. We recommend managers improve water quality within the harbor by reducing land-based pollution and decreasing nutrient and sediment run-off, reducing or eliminating the use of fertilizers and persistent pesticides and increasing filtration of effluent. The reduction in nutrients within the system will lead to a reduction in nuisance algae which limit the amount of light available to eelgrass for growth. Moreover, if plants are no longer light stressed they will be able to tolerate longer periods of thermal stress. In addition, to improving water quality, we recommend continuing transplanting efforts in well flushed areas with low quantities of algae. In September 2018, the Nantucket Land Council along with Boston University began transplanting 1/4 acre plots of eelgrass at Monomoy. This location was selected because it is well-flushed and has historically supported eelgrass (Shellfish Report, 2012). The establishment of eelgrass within this area should help “kick start” natural recovery within the Monomoy section of the harbor. In addition, newly transplanted eelgrass in this area is expected to further improve water quality and clarity through nutrient uptake and suspended sediment deposition (Duarte, 1995).

In addition to restoring eelgrass in Nantucket Harbor, we also recommend monitoring existing eelgrass meadows in the harbor using a hierarchical framework to detect and predict changes so that appropriate management strategies can be developed. The monitoring approach would include three tiers that are integrated across spatial scales and sampling intensities (see Neckles et al. 2012). Tier 1 monitoring would involve mapping eelgrass in Nantucket Harbor every three-five years to provide large-scale information on seagrass distribution and meadow size. Costello (2015) has already developed an appropriate mapping process for this system that involves the acquisition of high resolution digital imagery captured within strict environmental conditions. Tier 2 monitoring would involve bay-wide, quadrat-based assessments of eelgrass percent cover and canopy height at permanent sampling stations

following a spatially distributed random design. The National Park Service on Cape Cod has a design that is used to monitor Pleasant Bay that could be adapted to this system. Tier 3 monitoring would involve high-resolution measurements of seagrass condition (percent cover, canopy height, total and reproductive shoot density, biomass, and seagrass depth limit) at a representative index site in the system. SeagrassNet is an example of a program that collects more detailed Tier 3 data and could be easily implemented in the harbor (<http://www.seagrassnet.org/>). If a hierarchical approach to monitoring is not feasible for Nantucket Harbor at this time, light and temperature data, as well as percent cover of algae and eelgrass should be monitored at multiple sites within the system.

Costello (2015) showed a slight decline in eelgrass in Madaket while eelgrass was stable to increasing on Tuckernuck. The decline in Madaket was along the deeper edges South of Eel Point and possibly due to storm and tidal current action. A complete loss of habitat in the inner Madaket Harbor area on both sides of the channel and in the upper reaches of the inner harbor was also noted. Water quality issues were suspected in those losses as the contributing watershed seems to have experienced increased development. To increase our understanding of the factors responsible for eelgrass declines and the conditions required to facilitate eelgrass growth and expansion on Nantucket we suggest conducting eelgrass plant health assessments in Madaket Harbor and Tuckernuck utilizing the methodology outlined in this study. Specifically, information on meadow structure and nutrient content in leaf tissue and sediment as well as light and temperature data should be collected at multiple sites in Madaket Harbor and Tuckernuck and compared to the data collected in Nantucket Harbor. We suggest collecting in both spring and summer months.

Lastly, we recommend raising awareness about the socio-economic and ecological values of eelgrass as it is critical in building support for seagrass conservation. Engaging local communities and stakeholders is essential in any conservation strategy. Volunteer monitoring programs can be effective in increasing public awareness of the value of eelgrass meadows and the threats to their survival. Community monitoring programs, such as SeagrassNet, successfully promote stewardship, reinforce the value of eelgrass habitats and collect data about the condition of this species. Public education programs should identify actions that individuals can take to reduce stresses on eelgrass in this system. For example, individuals can help reduce threats to water quality by preventing pollutants (e.g. fertilizers, paint, gasoline, solvents and garden chemicals) from entering storm-water drains. To reduce sediment and nutrient run-off into waterways, individuals can maintain vegetation on riverbanks and adjacent to the harbor, create retention ponds or ditches to reduce high-discharge flows or plant a buffer strip of plants in these areas. Boaters can also avoid anchoring and running their propellers through eelgrass meadows. Mooring in eelgrass meadows appears to be a serious problem across the island.

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Figure 1. Map showing the location of sampling sites in Nantucket Harbor as well as a reference site near Tuckernuck Island.

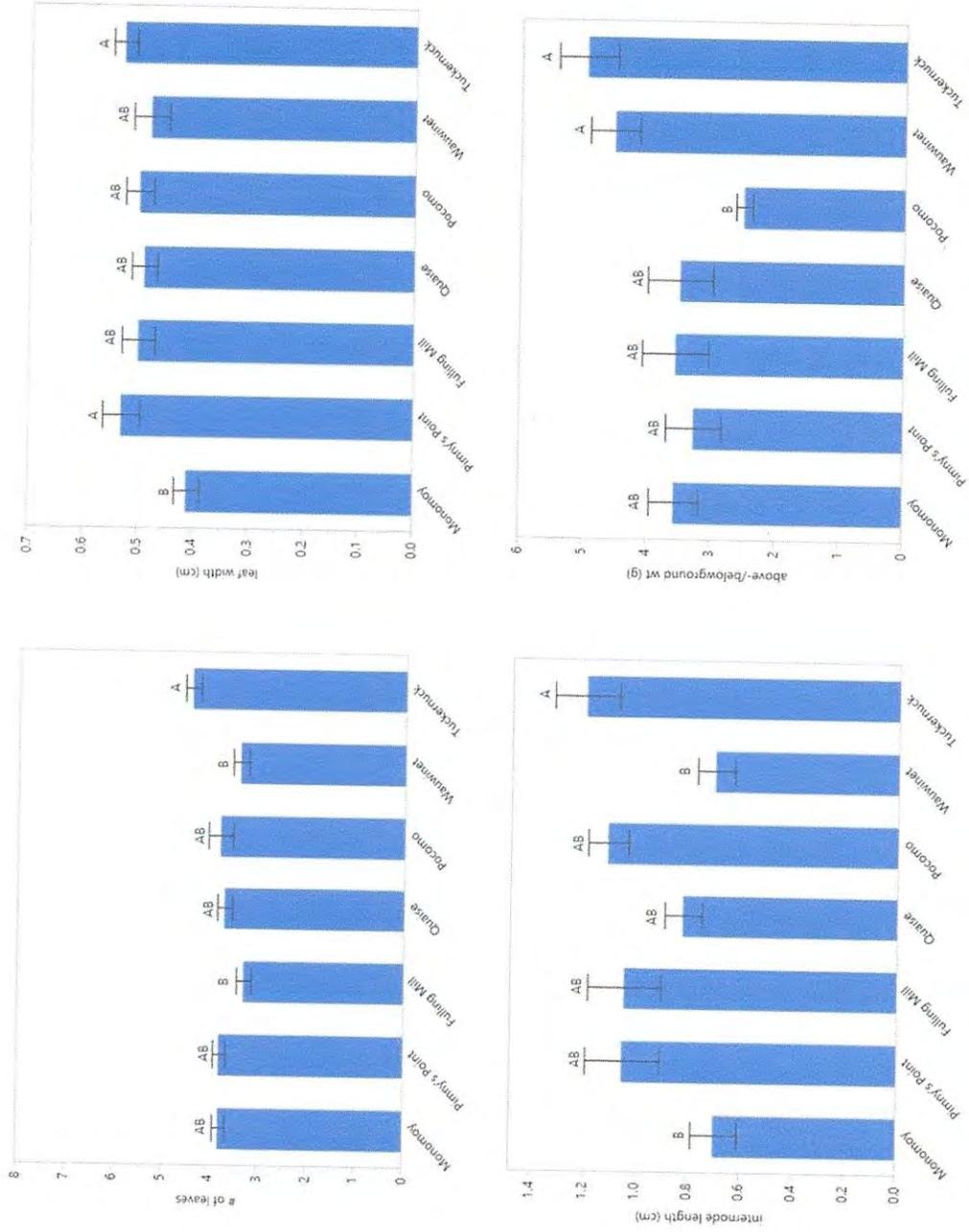


Figure 2. Significant differences in morphological characteristics were observed among sites in July 2018 (means \pm SE). Different letters A-B denote Tukey's test results for significant differences among sites at $P < 0.05$.

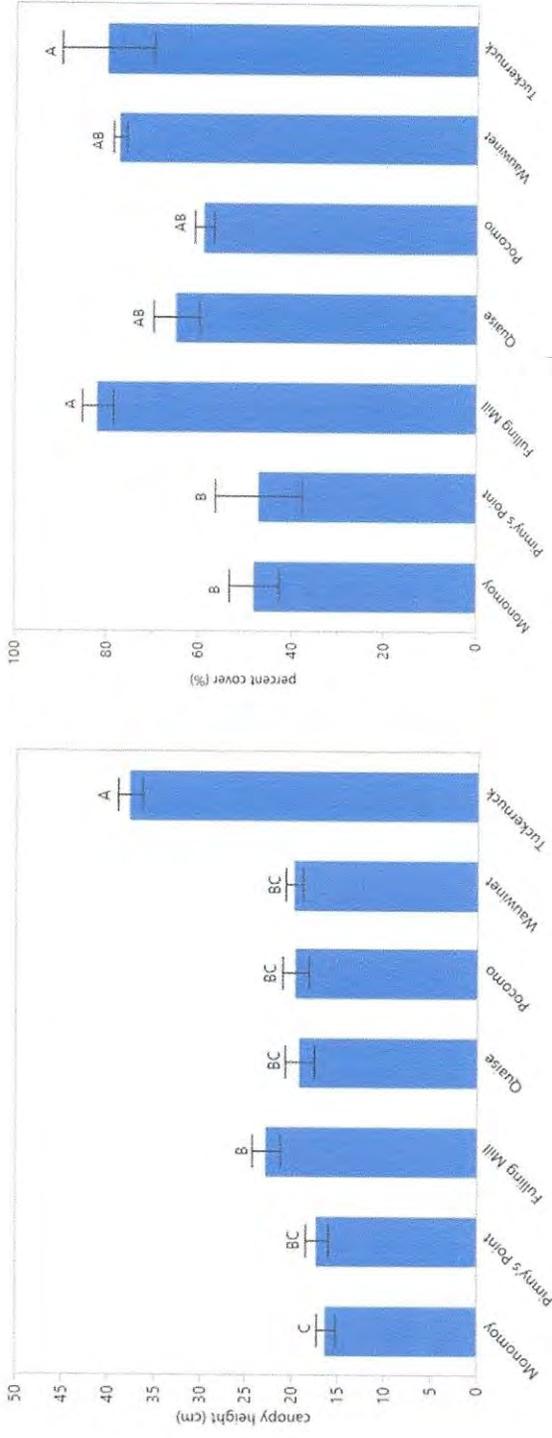


Figure 3. Significant differences in structural characteristics of the meadow were observed among sites for canopy height and percent cover in July 2018 (means \pm SE). Different letters A-C denote Tukey's test results for significant differences among sites at $P < 0.05$.

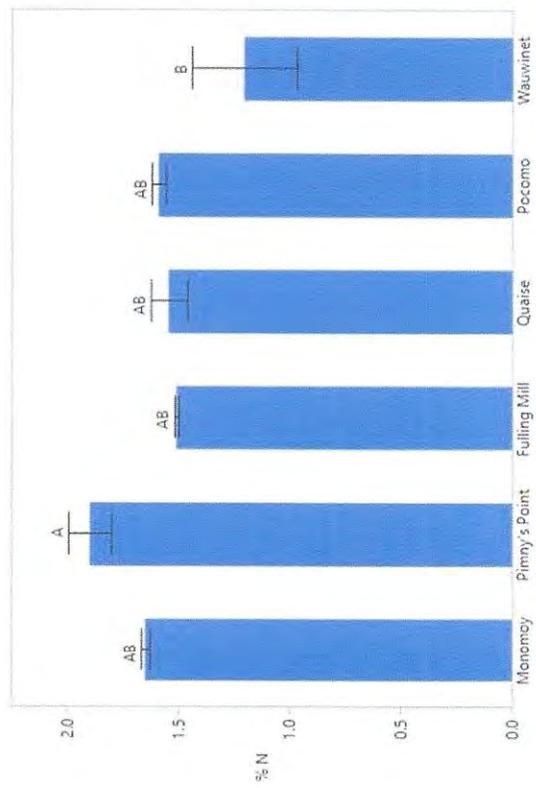


Figure 4. Significant differences in %N were observed among sites during the Spring of 2018 (means \pm SE). Different letters A-B denote Tukey's test results for significant differences among sites at $P < 0.05$.

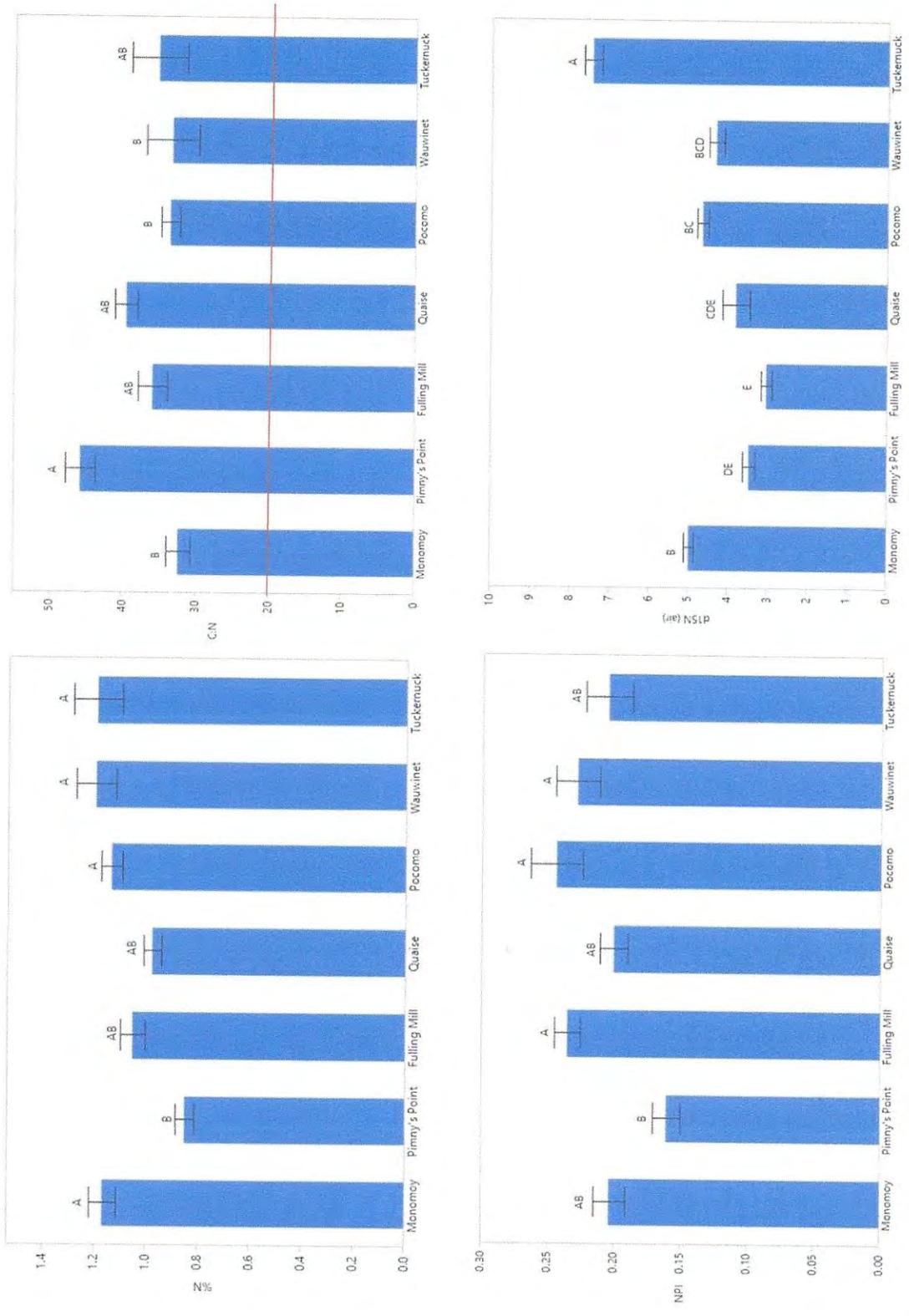


Figure 5. Significant differences in %N, C:N, NPI, and $\delta^{15}\text{N}$ were observed among sites during the Summer of 2018 (means \pm SE). Different letters A-E denote Tukey's test results for significant differences among sites at $P < 0.05$. C:N values < 20 indicate nitrogen enrichment (red line).

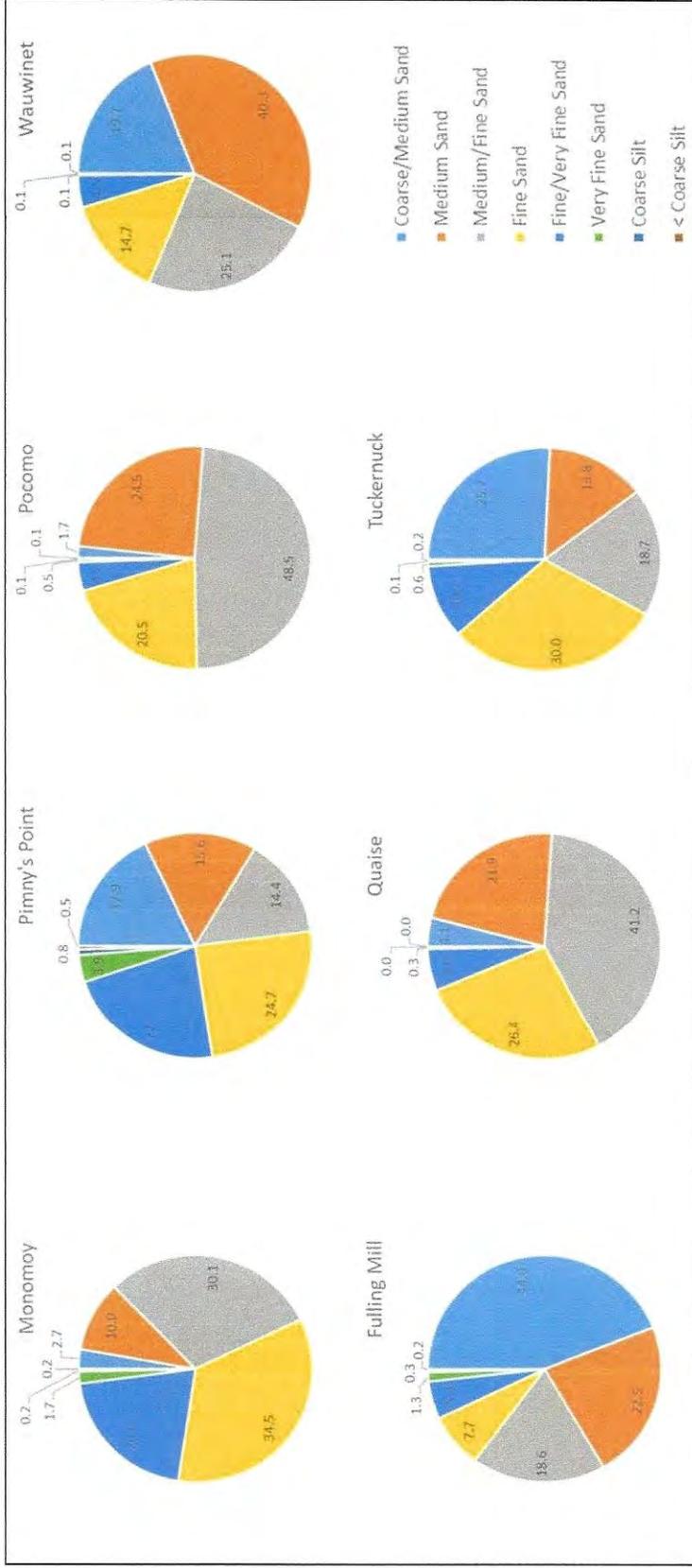


Figure 6. Charts showing sediment grain-size distribution at each of the six sites in Nantucket Harbor as well as at the sample site on Tuckermuck Island.

Bulk Density (g/cm³)

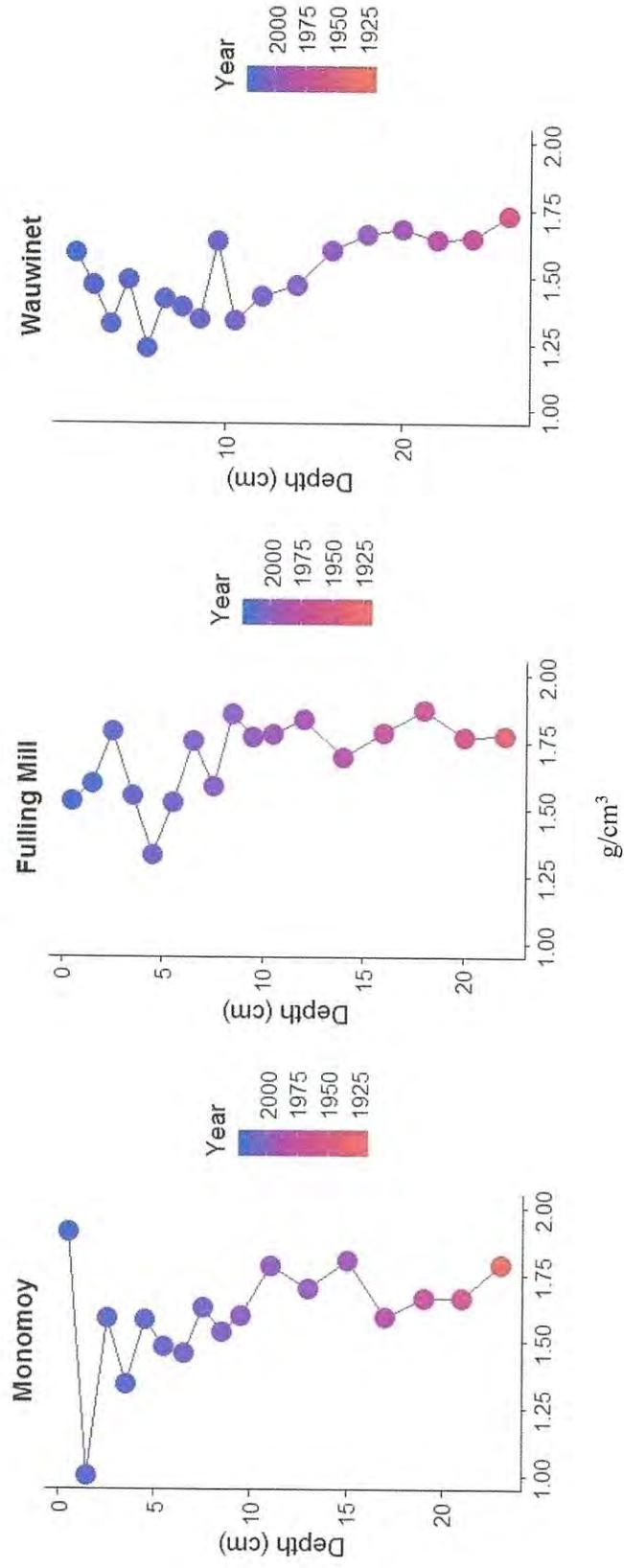


Figure 7. Bulk density (g/cm³) of sediment cores collected from Monomoy, Fulling Mill, and Wauwinet.

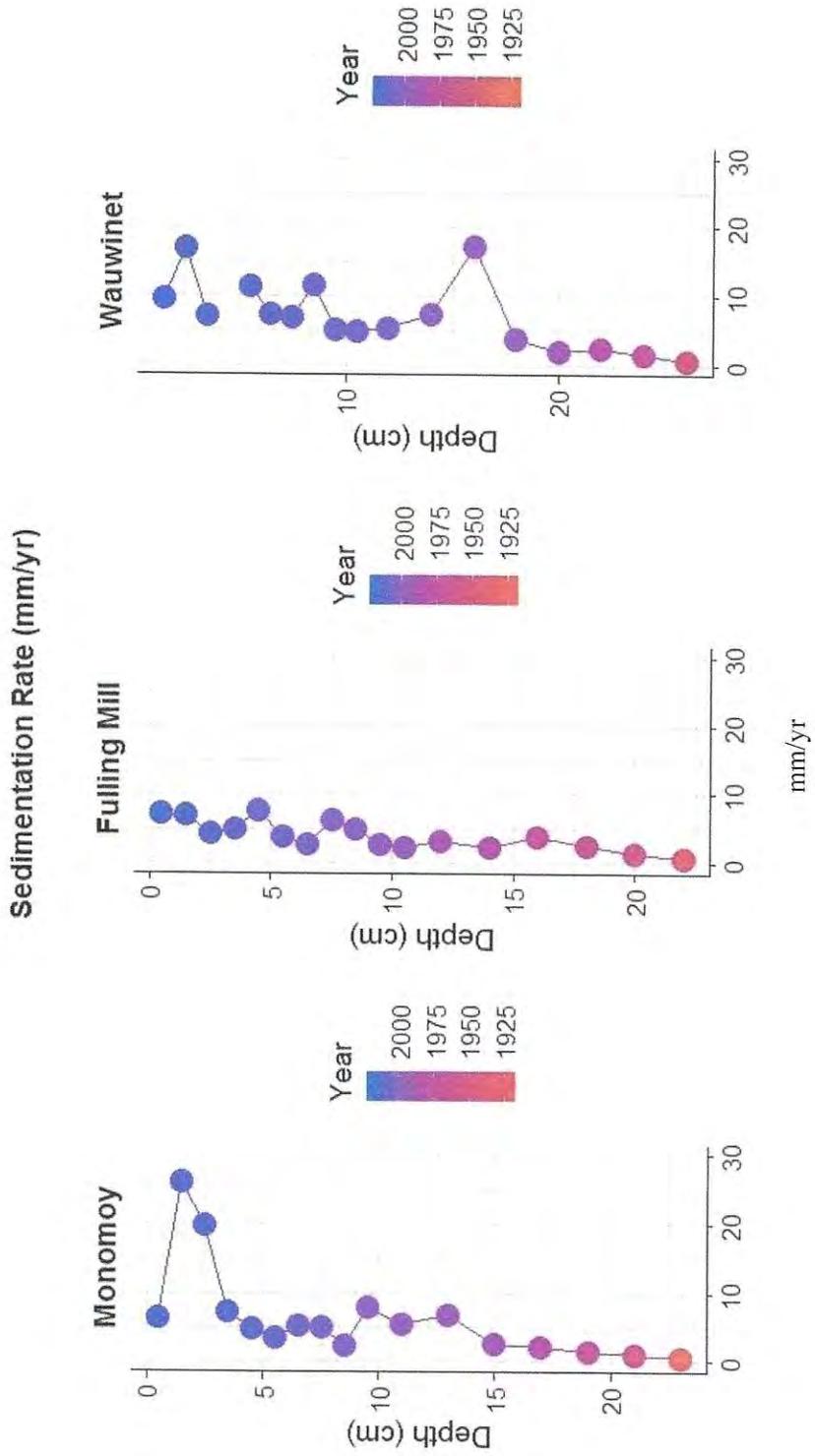


Figure 8. Sedimentation rates at Monomoy, Fulling Mill, and Wauwinet.

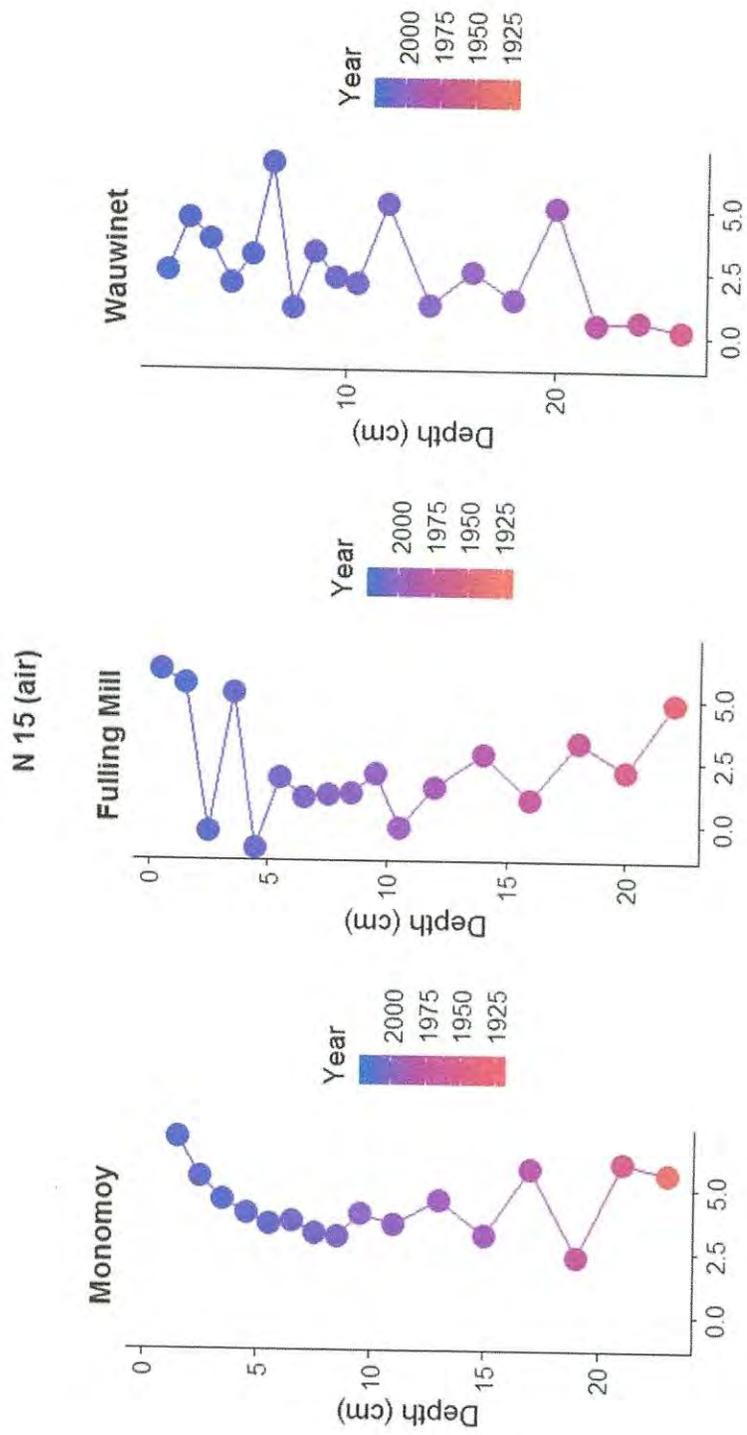


Figure 9. $\delta^{15}\text{N}$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{15}\text{N}$ can be used to identify nutrient pollution sources.

C 13

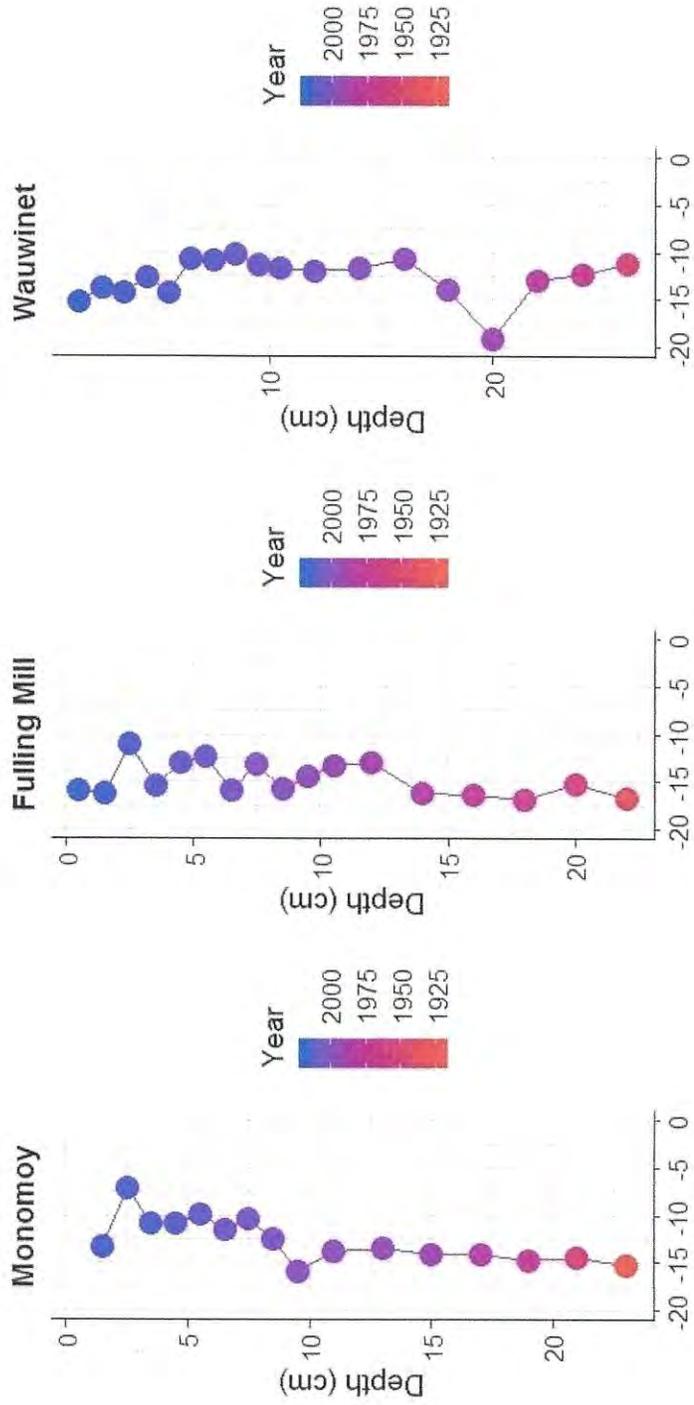


Figure 10. $\delta^{13}C$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{13}C$ can be used to identify sources of carbon.

MAY

June

Site	Avg. Intensity	% Surface Irradiance	Site	Avg. Intensity	% Surface Irradiance

Site	Avg. Intensity	% Surface Irradiance	Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3274	23.07	Monomoy (Top)	3155	28.76
Monomoy (Bottom)	2409	16.97	Monomoy (Bottom)	1632	14.88
Pimny's Point (Top)	2705	19.06	Pimny's Point (Top)	3217	29.32
Pimny's Point (Bottom)	0	0.00	Pimny's Point (Bottom)	2276	20.75
Fulling Mill (Top)	3615	25.46	Fulling Mill (Top)	3063	27.92
Fulling Mill (Bottom)	2115	14.90	Fulling Mill (Bottom)		
Quaise (Top)	3176	22.37	Quaise (Top)	2772	25.27
Quaise (Bottom)	1454	10.24	Quaise (Bottom)	1788	16.30
Pocomo (Top)	2825	19.90	Pocomo (Top)		
Pocomo (Bottom)	1836	12.93	Pocomo (Bottom)		
Wauwinet (Top)	2920	20.57	Wauwinet (Top)	2082	18.98
Wauwinet (Bottom)	2259	15.91	Wauwinet (Bottom)	1087	9.91

Figure 11. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of May and June.

August

Site	Avg. Intensity	% Surface Irradiance	Site	Avg. Intensity	% Surface Irradiance

Monomoy (Top)	3654	24.46	Monomoy (Top)	2858	26.49
Monomoy (Bottom)	2498	16.72	Monomoy (Bottom)	1262	11.70
Pimny's Point (Top)	4694	31.43	Pimny's Point (Top)	2299	21.32
Pimny's Point (Bottom)	1081	7.23	Pimny's Point (Bottom)	358	3.32
Fulling Mill (Top)	4304	28.81	Fulling Mill (Top)	4878	45.23
Fulling Mill (Bottom)	2413	16.15	Fulling Mill (Bottom)	2514	23.30
Quaise (Top)	3676	24.61	Quaise (Top)	3031	28.10
Quaise (Bottom)	2311	15.47	Quaise (Bottom)	1657	15.36
Pocomo (Top)	3281	21.96	Pocomo (Top)	2442	22.64
Pocomo (Bottom)	1288	8.62	Pocomo (Bottom)	1811	16.79
Wauwinet (Top)	3180	21.29	Wauwinet (Top)	3107	28.80
Wauwinet (Bottom)	2369	15.86	Wauwinet (Bottom)	1939	17.98

Figure 12. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of July and August.

Site	May			June		
	MIN (C)	MAX (C)	AVG (C)	MIN (C)	MAX (C)	AVG (C)
			% Time > 25 °C			% Time > 25 °C
			% Time > 28 °C			% Time > 28 °C
			% Time			% Time

Site	July				August			
	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C
Monomoy (Top)	14.04	28.75	17.74	1.4	18.14	29.15	22.19	10.6
Monomoy (Bottom)	13.94	28.66	17.72	1.3	18.24	27.86	22.02	9.3
Pimny's Point (Top)	13.85	28.75	18.19	1.3	18.33	30.76	22.72	19.4
Pimny's Point (Bottom)	14.23	28.75	17.89	1.3	18.43	30.05	22.57	15.3
Fulling Mill (Top)	13.65	29.45	18.73	1.3	18.90	30.46	23.20	27.2
Fulling Mill (Bottom)	13.75	29.35	18.66	1.1	18.90	29.35	23.14	25.3
Quaise (Top)	14.52	29.45	18.67	1.2	19.00	29.15	23.06	24.4
Quaise (Bottom)	14.52	28.85	18.54	1.2	19.28	30.56	23.66	24.8
Pocomo (Top)	14.33	28.75	18.94	1.1	19.28	30.15	23.51	22.3
Pocomo (Bottom)	14.13	28.56	18.78	1.1				
Wauwinet (Top)	16.05	29.65	19.11	1.0				
Wauwinet (Bottom)	15.95	29.75	19.02	0.9				

Site	July				August			
	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C
Monomoy (Top)	21.86	29.65	25.02	52.7	21.95	29.55	24.77	41.6
Monomoy (Bottom)	21.76	29.65	24.90	49.2	22.05	29.05	24.61	35.2
Pimny's Point (Top)	21.57	30.56	25.41	58.4	21.86	29.55	24.92	46.7
Pimny's Point (Bottom)	21.76	29.65	25.15	54.1	21.76	28.85	24.69	38.8
Fulling Mill (Top)	21.76	30.66	25.75	64.9	21.76	30.66	24.98	45.9
Fulling Mill (Bottom)	21.95	30.36	25.74	65.8	21.66	29.75	24.87	44.0
Quaise (Top)	20.23	30.17	25.70	65.3	22.33	29.05	25.03	51.2
Quaise (Bottom)	20.04	30.95	25.65	64.7	22.43	28.85	25.07	51.1
Pocomo (Top)	20.33	30.17	26.16	77.6	21.86	29.55	25.27	53.1
Pocomo (Bottom)	19.95	30.44	25.90	73.3	21.86	29.25	25.26	53.0
Wauwinet (Top)	20.04	31.94	26.25	77.9	22.91	29.95	25.54	59.9
Wauwinet (Bottom)	19.57	30.84	26.14	67.0	22.91	29.65	25.44	56.5

Figure 13. Descriptive statistics for temperature between the months of May and August. Continuous water temperature were collected at 15 minute intervals.

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

Jan. 11, 2020

Dear Ms. Erisman

We write today to express our opposition to the proposed new pile supported timber pier that will extend into Nantucket harbor from 46 Shimmo Pond Road. The WP3 Notice of Intent from Michael Bass, trustee, 46 Shimmo Pond Road Nominee Trust, claims that his pier would be a dock improvement. This is not true. There is no "existing pier," nor was there ever a pier or dock at 46 Shimmo Pond Road. There is an existing structure that was built and licensed within the last 12 months. It has replaced the original, raised boardwalk, but the original boardwalk has been significantly altered.



New Structure as seen from above



Pressure treated board



New Structure as seen from the North



New Structure as seen from the West

Background History:

In 1946 our parents purchased the property from Robert Elder that is now owned by Don Burns and abuts 46 Shimmo Pond Road. At that time 46 Shimmo Pond Road was owned by Mr. Charles Bulkley. He built an elevated boardwalk with a bend to serve as a loading platform for a raft which he used to collect rocks to build the 4 jetties, now called groins. These were constructed for the purpose of building up the beach. He elevated the boardwalk to keep his gear out of the sand. The raft was moored 150 feet off the beach in front of his house, and he made it available to neighborhood children, (including my sister and me,) for swimming. The loading platform was never a pier or a dock of any kind. In the 1950s it terminated above the mean high water line. Erosion over the years has changed that and water has come up to the structure. It never went down to the water when it was constructed. We have been sailing, swimming, scalloping, clamming, fishing and walking this shore for 74 years and there has never been a pier or dock at this location.

Navigation:

Having sailed these waters for many years and having had a boat moored off of the Shimmo Shore, we are well aware of the challenges of picking up a mooring against a swift, rising tide and a South West wind, (the prevailing wind in the summer.) An additional 300 foot pier would be a serious navigational hazard to boats in the existing anchorage.

Eel grass and fisheries:

In his proposal the applicant refers on a number of occasions to “minimal damage” and “minimal loss of habitat.” (p. A-16, 7.3) Neither of these is acceptable for our harbor. What is “minimal damage” today, will be maximum damage tomorrow when larger boats try to access this pier and require dredging. Furthermore, the proposal states that “the pier will be designed to minimize adverse effects on the productivity of land containing shellfish.” (p. A-17, 7.3) It states, “the proposed pier will impact land containing shellfish, and one of the identified species of interest is bay scallops.” (p. 18, 7.4) It further states that “the submerged land beneath the harbor at the project locus is characterized as land containing shellfish.” (p. A-3) Local residents and fisherman have always been clamming and scalloping these beds. Any “adverse effects” are unacceptable to a fragile, finite, resource.

The site for the proposed pier is currently undergoing eel grass restoration. (See pictures of existing site conditions in attachment B of the proposal.) The applicant says that, “there is potential for some indirect impacts to eelgrass and other submerged aquatic vegetation.” This is unacceptable. These photographs depict a fragile ecosystem. Due to the diminishment of the eel grass and the fragility of the ecosystem in this area, all Shimmo residents have been mandated to shut down their septic systems and tie into the town sewer at enormous personal

expense in order to preserve the harbor. Therefore, we cannot support any additional invasion of this shore no matter how “minimal” the impact.

Precedent:

Acceptance of this project will create an unmitigated precedent for future piers and destruction of the harbor. The next request will be to dredge a channel. And then what?

Points of Clarification:

Small boat – What does the applicant mean by this? How much water would the “small boat” draw?

Sufficiently deep water – What does this mean? How many feet?

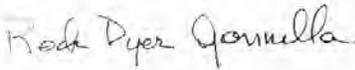
Length of the proposed pier – The applicant says that the existing Shimmo Pier “extends approximately 400 ‘ into the harbor” (p. A-2, A-8) and that his proposed pier is approximately 280 feet in length. (p. 1.0) However, on page 4 he states that the applicant “plans to remove the most seaward half of the existing dock and replace it with a new dock that will extend approximately 300 feet into Nantucket harbor.” (p. A-4) Is it 280’ or 300’? The renderings show the proposed pier to be of almost equal length to the existing pier which the applicant says is approximately 400’.

Passage along the beach within the intertidal zone – Will there be a ramp to make it handicapped accessible?

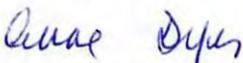
In conclusion:

For the above stated reasons, we ADAMENTALLY OPPOSE any permitting for this project. We strongly urge the applicant to access his waterfront via dinghy, the same way everyone else does.

Respectfully,



Rock Dyer Gonnella (Bee), owner 14 S. Valley Rd.
Member Board of Directors Shimmo Assoc.



Anne Dyer
Resident 14 S. Valley Rd.

Assistant Professor of Rehabilitation &
Regenerative Medicine at Columbia
University Irving Medical Center

Columbia University
Programs in Physical Therapy
617 West 168th St., 3rd Floor
New York, NY 10032

Mr. Jeff Carlson, Natural Resources Director
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

(212) 305-9391 Tel.
(917) 533-4166 Cel.

BY E-MAIL TO: jcarlson@nantucket-ma.gov

January 16, 2020

RE: Opposition to 46 Shimmo Pond Road N.T. Notice of Intent (NOI) – 46 Shimmo Pond Road (43-77) SE48. Dock Improvement.

Dear Mr. Carlson:

This letter is to express strong opposition for the above-proposed extension of an existing dock at 46 Shimmo Pond Road.

I write as a representative for my family and my mother, Joly W. Stewart, Trustee, Low Shimmo Nominee Trust, owners of the property at 42 Shimmo Pond Road.

Under the definition of the Wetlands Protection Regulations, we are not formally considered an abutter to 46 Shimmo Pond Road as a small parking lot owned by the Shimmo Association separates our properties. We are, however, immediate neighbors as the first waterfront home to the southwest of 46 Shimmo Pond Road.

Existing Dock at 46 Shimmo Pond Road

I know the property at 46 Shimmo Pond Road very well, as my aunt, Patricia Stewart Walsh, owned the property until her death in 2016. The existing dock on the property was never considered a dock by my family nor was it ever licensed as such during my aunt's ownership. That structure neither provides access to deep water nor facilitates access to boats or other watercraft. The present structure serves as an access point to the beach and allows for a place to sit. While my understanding of the term dock and the legal

definition of a dock may be quite different, characterizing the above project as an extension of an existing dock is a stretch of the imagination. That characterization would be comedic if it were not so potentially consequential to the surrounding wetland environment.

My family believes that the proposed extension of the dock at 46 Shimmo Pond road, resulting in a 300-foot dock with an area of 860 square feet, will place additional and avoidable stress on aquatic life and ongoing and vital eelgrass restoration in the Shimmo area. We consider that stress an adverse impact on Nantucket harbor as defined by the Conservation Commission (Town of Nantucket Conservation Commission, 1988).

Permitting this dock is prohibited under local Zoning Chapter 139 Section 22 Island Perimeter Restrictions, voted on by Town Meeting in 2008. Additionally, allowing this extension would set a dangerous precedent for additional new residential structures within the harbor.

Our Perspective

Our family has had a unique vantage point in observing first-hand the ill-effects of the combined stresses on the harbor ecosystem. Over the past several decades, we have witnessed an extraordinary reduction in eelgrass with subsequent reduction or elimination of aquatic life that the eelgrass supports, such as scallop, eel, blue crab, and fish such as small skate, flounder, and dogfish. We believe that each additional human-made strain on the ecosystem deserves the highest scrutiny to avoid irreparable harm to our shared resources.

When my family first purchased our property in the 1980s, eelgrass in the Shimmo area was thick and thriving, the grass line beginning approximately 25 feet from the Shimmo beachfront at mid-tide. The aquatic life that the eelgrass supported resulted in seagulls discarding ankle-deep quantities of scallop shells at the end of our dock that I was responsible for clearing as a teenager (our dock was built during the late 1920s as part of the Shimmo Boat House). Because of the life supported by that ecosystem, I often happened upon eels when wading in the water, stepped on an oyster toadfish, spied half-dozen blue crab clinging to pilings, and had the thrill of catching my first dogfish at dusk.

The gradual and continual decline of that ecosystem has been staggering. Contrast those days in the 80s with the Shimmo waterfront of today: the decimation of the eelgrass is significant, and brown algae choke the eelgrass that remains. Cormorants have replaced seagulls that once roosted on our dock: there is little to no shellfish or crab for the gulls, but there is baitfish for the cormorants. Dogfish no longer make their nightly rounds.

Brown algae quickly coat the bottoms of boats and moorings in the Shimmo waterfront. The decline in the quality of the ecosystem is significant, observable, and alarming.

It is my family's position that progressive human-made insults to Nantucket's wetland ecology are avoidable and that the prevention of these insults is enforceable under existing Nantucket Wetlands Protection Regulations. Specific regulations that would preclude the building of the proposed dock extension include:

1. Performance standards for Land Under the Ocean:
 - a. (Section 2.01 B(3)) Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.
 - b. (Section 2.01 B(8)) Water dependant projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.

2. Performance standards for Land Containing Shellfish:
 - a. (Section 2.08 B(1)): Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.
 - b. (Section 2.08 B(7)): No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.

Considering the above Regulations, combined with local Zoning Chapter 139 Section 22 Island Perimeter Restrictions, and the dangerous precedent this project could present for future waterfront development, our family appeals to the Conservation Commission to reject the proposed application.

On behalf of the Stewart family, thank you for considering our strong objection, and thank you for the role you play in safeguarding the health of the natural resources of Nantucket.

Sincerely,

A handwritten signature in black ink, appearing to read "Mahlon K. Stewart", with a long horizontal stroke extending to the right.

Mahlon K. Stewart
for Joly W. Stewart, Trustee
Low Shimmo Nominee Trust

cc: Joanne Dodd, Natural Resources Coordinator, Nantucket Conservation Commission
Joly W. Stewart, Trustee, Low Shimmo Nominee Trust
Steve Anderson, Secretary, Shimmo Association
Emily Molden, Executive Director, Nantucket Land Council
Lea A. Stewart
James M. Stewart, Jr.
Catherine L. Stewart

References

Town of Nantucket Conservation Commission. (1988). *Wetland protection regulations for administering the Town of Nantucket bylaw chapter 136*. Nantucket, MA

January 15, 2020

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

Re Proposed Pier at 46 Shimmo Pond Road

Dear Ms. Erisman:

The Shimmo Association, Inc. is a non profit Corporation formed in 1953. Members of the Association consists of persons who own property bounded by Land Court Registration in 1926. The Association owns approximately one half acre of land directly on the waterfront which is identified as Parcel 0043-075. The Association land, which is essentially a parking lot, provides access for members to the beach for maintaining dinghies, kayaks, etc. as well as moorings for sail and motor boats. The Association pays real estate taxes on its land.

Property abutting to the South of the Association land includes a pier of approximate 370 foot in length which was previously owned by the Association and the pier was sold in 1975 to the abutter which is now the Stewart family.

The Association is a direct abutter to 46 Shimmo Pond Road which is Northeast of the Association's land. The Association's Board of Directors at its meeting on December 4, 2019 voted unanimously to oppose the applicant's proposal to construct a new pier at 46 Shimmo Pond Road. The owner of the 46 Shimmo Pond Road property (Jeff Leerink) is a member of the Association.

Our opposition to the construction of this pier includes the following (Section references are to the Nantucket Wetland Protection Regulations):

The location of this new pier will be approximately 400 feet to the Northeast of the existing pier at the Stewart property. The proposed pier will interfere with and adversely impact the present mooring field which includes approximately 20 moorings. These moorings are generally located to the East of the "Stewart" pier and some are very close or in the immediate area of the proposed pier. In addition to sailboats moored various other watercraft including paddle boards, kayaks, et. are used and to navigate either leaving or coming to one's mooring or the Association beach can be very difficult depending on the direction of the wind coupled with the rather strong current which exists with either a rising or falling tide in this part of the harbor. This proposed pier will significantly adversely impact users of this waterfront. (see Section 2.01 B(3))

The water is shallow where the pier is proposed. And is becoming increasingly shallower as shoaling continues to take place in this section of the harbor. The depth at the end of the pier at low tide could be as low as 2 to 3 feet with a depth at

high tide approximately 3 feet higher. This pier will adversely affect shellfish beds, marine fisheries and aquatic vegetation. (see Section 201.B(8)).

The proposed pier will adversely impact the present eel grass which exists and which is substantially less than that of approximately 6 years ago as evidenced by aerial studies but even more evidenced by those of us who used to scallop in this area and fish for bass. (Section 208 B(7)). We will defer to further commentary by the Land Council which is in its second year of reintroducing eelgrass to this portion of the harbor.

The Notice of Intent on Attachment A, section 1.0 states that the Applicant "...is seeking permission to extend an existing dock...". The existing structure in no way can be considered an "existing dock". At half tide it is out of the water. It has never functioned as a dock to which one could tie up a boat or even to walk out on and get into a boat. We refer you to the letter from Bee Gonnella, a Board member of the Shimmo Association and a former abutter to the property at 46 Shimmo Pond Road who will comment on the historical nature of this structure.

In summary this proposed new pier will adversely impact the quality of the harbor, the sustainability of shellfish, access to moorings, and the present users of the waterfront in a number of ways. There is no public benefit. And it sets a very undesirable precedent for the future of our harbor, a most precious resource.

Respectfully submitted

Ted Bent
President

Stephen Anderson
Secretary/Treasurer

Shimmo Association, Inc.
C/O Stephen Anderson
5 South Valley Road
Nantucket, MA 02554

Jan. 16, 2020

Mark Beale
Seth Engelbourg
Ashley Erisman
Ian Golding
Dave LaFleur
Maureen Phillips
Joseph Topham

Ms. Erisman,

At its Jan. 7, 2020 meeting, the Harbor & Shellfish Advisory Board (HSAB) voted 7-0 to strenuously oppose the proposed 300-foot pier by 46 Shimmo Pond Road owner Michael Bass.

Notwithstanding Mr. Bass' extensive reasons why his pier should be permitted by the Conservation Commission, the Massachusetts Department of Environmental Protection (DEP) and granted a waiver by Nantucket's Zoning Board of Appeals from Chapter 139, Section 22 "Island Perimeter Restrictions" in the Code of Nantucket, the need for this pier is greatly outweighed by its environmental detriments.

The Town definitively prohibited their installation with the approval of Article 52 at the 2008 annual Town Meeting. The HSAB is resolute in its support of this prohibition because of proven deleterious impacts of piers and floats on the marine ecosystem within Nantucket's harbors, the essence of the effort behind the success of Article 52's intent.

Such structures displace otherwise viable harbor bottom preventing the continued growth of our harbors' most vital habitat, eelgrass. Driving of pilings for the pier will mostly certainly kill shellfish including quahogs, bay scallops, soft-shell clams, whelk snails and other shellfish grounding part of our year-round fishing industry.

And the pier, proposed at plus or minus 300 feet in length, is purported to occupy 860 square feet of the harbor. That's 860

square feet of harbor bottom deprived of sunlight, which, through photosynthesis, eelgrass derives food from. Construction of this pier would prevent any chance of eelgrass reestablishing itself in this part of Nantucket Harbor because of the pier's shading of the bottom from the sun, regardless of its northwest trajectory. Piers also increase boat traffic nearby, which means propeller wash increases shoaling of sand in the area.

Permitting this pier would set a very bad precedent for additional new residential structures within the harbor.

Mr. Bass' pier proposal comes at a crucial time when Nantucket Harbor is gradually improving in water quality, marine life and habitat health. Currently, this part of Nantucket Harbor where this pier is proposed for is meeting its DEP-mandated total maximum daily load (TMDL).

The town is extending its sewer collection system into Monomoy and Shimmo. Three years ago, the Army Corps of Engineers repaired our east and west jetties by adding boulders to fill holes in the jetties and raised their level to re-establish them as half-tide jetties. Arguably, this repair increased tidal flow in and out of the harbor by three-quarters of a knot. In January 2014, the Town enacted its fertilizer regulations.

The Nantucket Land Council is engaged in a multi-year eelgrass restoration project in Nantucket Harbor near the proposed pier location designed to enhance eelgrass habitat and hence, shellfish population, harbor soil retention, winter flounder habitat and the general health of the harbor.

Construction of this pier runs counter to all of the town's efforts to increase the health of Nantucket Harbor, especially since it would destroy existing habit and bottom where eelgrass density was historically high. All of this shouldn't need to be raised because of the existing prohibition bylaw, but here we are fighting to protect our marine resources despite the existence of a bylaw written to do just that.

The Harbor & Shellfish Advisory Board shares all of the concerns of the Nantucket Shellfish Association and the Nantucket Land Council.

Specifically, our board notes that the Nantucket Wetland Protection Regulations protect many resource areas that include "Land Under the Ocean" and "Land Containing Shellfish", which are relevant to this application. Our shared concerns include:

- The performance standards for Land Under the Ocean including (Section 2.01 B(3)) Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted. (Section 2.01 B(8)) Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.
- The performance standards for Land Containing Shellfish including: (Section 2.08 B(1)): Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land. (Section 2.08 B(7)): No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.

We urge the Conservation Commission to do its due diligence on this pier proposal and then issue a denial. We also urge the Conservation Commission to advise the Zoning Board of Appeals

(ZBA) on the potential negative impacts of this pier on Nantucket Harbor and to share its findings with the ZBA.

Thank you for your time and patience.

Sincerely,

Peter B. Brace - Secretary
Andrew G. Lowell - Chairman
David F. Fronzuto – Vice chairman
Virginia F. Andrews
David E. Bossi
Daniel R. Pronk
Thomas C. Szydlowski

Joanne Dodd

From: Susan Burke <sanburke@aol.com>
Sent: Thursday, January 9, 2020 4:01 PM
To: Joanne Dodd; Jeff Carlson
Cc: tedbent@earthlink.net
Subject: Regarding Jeff Leerink's application

To Whom It May Concern:

My husband and I live at 37 Gardner Road (Pimney's Point) and have watched the small but steady erosion of our beach over a 25 year period despite bank enrichment. We are extremely concerned about the impact of a 300 foot dock with the increase of boat traffic and resulting loss of eelgrass coupled with potential harm to the scallop population.

I strongly hope you will deny this application. We love Nantucket and especially the waters around it.

Thank you.

Very sincerely,

Susan Burke (Mrs. Coleman Burke)

FROM: Ellen Lehman representing the family who owns the house at 35 Shimmo Pond Road

Thank you for asking for our input as the home abutting the proposed pier.

We have only owned our home at 35 Shimmo Pond Road for 30 years but we have spent about 45 years enjoying the island.

Over that time, some things have changed but one thing has not: the requirement that building projects stay within the strict guidelines of how they look and how they fit in to the current landscape.

I write today to remind you that those strict guidelines have been followed...no matter how persuasive some island newcomers have tried to be.

The building of a monstrously large pier from what used to be the Walsh family's home is set to break those rules. It is as if someone coming to the island has decided to build a McDonald's restaurant on Main Street just because they want to make money... you wouldn't let them because they would mar the landscape and the way of life which has mattered so deeply to all of us.

There have, in our residency, only been two piers that I have ever seen on Shimmo Pond Road side of the harbor but they were of a manageable size that didn't invade our use of the property we own. Would we allow someone to build a pier on the other side of the harbor in Coatue? I assume not, it would change the landscape and intrude on the usage of the area for sailing or paragliding or swimming and the pontoon planes that land there every so often. So why allow this monstrous pier to be built on our side. What happens to the scallop seekers, what about all the children who have learned to sail or to row in the relatively safe environment with nothing to crash into and water only deep enough to learn kayaking and swimming etc. safely. Why would one person get to ruin the way those of us who have lived here for years use our side of the harbor just because he has the money to do so?

You may think that another pier would be a reasonable thing to add to the landscape and perhaps it would be were it of a reasonable size. Let me remind you of Hurricane Bob when we watched boat after boat crash into a much smaller and easier to dodge pier and see them get torn apart.

Which brings us to another issue: is the pier going to be used by just people or will boats or dinghies be tied up along the 260-foot pier? If so, that infringes even more on our enjoyment of our property. How will they ensure that there will be no gasoline ever spilled in our heretofore pretty pristine waters? Even a relatively small bit will harm our use and the fishing many of us have done for decades including our scallops.

This destruction of our ability to use the grounds and waters that the Shimmo Association has owned and supported financially for decades have always been true to the rules about how houses are built with shingles and height is limited and the like. If we won't allow a McDonalds or Starbucks because it ruins the charm and the efficacy of what we have, why in the world would we allow a comparable stab at ruining the charm of our community and its landscape. Why, if we are not letting a person change the rules in town to make money, why in the world would we allow a person to change the rules to spend money intruding on the harbor. It is at least hypocritical and flatly should not be allowed.



Nantucket Land Council

Six Ash Lane
Post Office Box 502
Nantucket, Massachusetts 02554
508 228-2818
Fax 508 228-6456
nlc@nantucketlandcouncil.org
www.nantucketlandcouncil.org

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January 16, 2020

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

Re: NOI; Michael Bass, 46 Shimmo Pond Road (Map 43, Parcel 77)

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the Notice of Intent filing by Michael Bass for the construction of a 300-foot pier at 46 Shimmo Pond Road. We would like to make the following comments.

RESOURCE AREA IMPACTS

EELGRASS: The NLC would like to respond to several statements made by the applicant in their Notice of Intent. According to the Applicant, *"Avoidance of eelgrass has been a primary concern in the design of the proposed dock. The berthing area is seaward of the mapped eelgrass area, and the applicant's proposed alignment minimizes disturbance to eelgrass located between the berthing area and land. However, it is unlikely that impacts to eelgrass, either by direct pile contact or shading, can be entirely avoided and appropriate mitigation is proposed to offset any impact to this resource."*



No amount of mitigation by the applicant will replace this prime eelgrass habitat lost to this permanent structure. Historically, this area of Nantucket Harbor supported extensive and healthy eelgrass meadows as seen in satellite imagery as recently as March 2012 (see attached).

According to the Applicant, "As acknowledged above, pile-supported docks can have an adverse impact on eelgrass by preventing or significantly limiting sunlight from reaching the submerged plants. This effect is of particular concern with docks that have a predominantly east-west orientation. The proposed dock that crosses the mapped eelgrass area is aligned at approximately 45 degrees northwest, which will allow for adequate light penetration and will allow eelgrass to thrive."

Eelgrass meadows in the area of the proposed project are, according to research conducted by the Nantucket Land Council and Boston University (see attached), light limited and temperature stressed even without an added structure. The installation of a permanent pier will not allow eelgrass to thrive- to the contrary, the structure will further inhibit an already stressed benthic community.

According to the Applicant, "As a point of comparison, it should be noted that some of the highest densities of eelgrass observed in the entire area were in close proximity to the pier that extends approximately 400 feet into Nantucket Harbor from a point opposite 42 Shimmo Pond Road, which has a similar orientation as the pier proposed by the applicant. In fact, the densities of the eelgrass observed near the existing pier dock contrast sharply with the patchy distribution that was observed in the area of the private landing where several small boats are moored."

The increased eelgrass density in and around the 400-foot pier located at 42 Shimmo Pond Road is purely coincidental, and most likely due to several different environmental factors. The loss of historic eelgrass coverage in the area surrounding the proposed pier and existing mooring field is attributed in large part to shoaling events in the past decade which buried the eelgrass meadows in sand. The applicant's suggestion that eelgrass around the existing pier is thriving due to the pier's presence is unfounded and not supported in any scientific literature relating to eelgrass health.

One of the defining characteristics of the species is "patchy" growth as the plants begin to spread and establish in a new area. The patchy growth in the vicinity of the proposed pier will not be allowed to expand and fill the area if the permanent dock is built.

According to the Applicant, "The proposed dock is located approximately 140 feet from the nearest point of an eelgrass restoration area that is being managed by the Nantucket Land Council and Town of Nantucket. The applicant is willing to work with these two groups to help sponsor ongoing eelgrass restoration efforts at this site or others if such assistance is needed."

The approximate location of the Nantucket Land Council's eelgrass restoration area is provided (see attached). The proposed pier, the construction process itself, and the vessel it will provide access to will be detrimental to eelgrass restoration efforts a short distance away. This restoration effort, permitted by the Nantucket Conservation Commission, is an extensive effort by the Nantucket Land

Council, Boston University, the Town of Nantucket Natural Resources Department staff, and many members of the community volunteering their time to restore eelgrass meadows in this particular area of Nantucket Harbor. The applicant's proposed pier will result in increased shading over an already light-limited habitat, and the vessel itself will result in increased disturbance to the restoration area through propwash.

SHELLFISH: According to the Applicant, "Prior to the commencement of construction and after consultation with the local Shellfish Constable, any shellfish in the immediate vicinity of each pile will be removed and replanted in a suitable location approved by the Division of Marine Fisheries. The applicant will also consult with the Natural Resource Department to fund a one-time purchase of shellfish seed to be used at the town's discretion that will compensate for any quahogs that are impacted by the project."

The applicant fails to acknowledge in this statement the loss of prime bay scallop habitat that will result from installation of this permanent structure on Nantucket Harbor. No one-time purchase of seed can replace a healthy and productive eelgrass meadow, which is exactly what the adjacent restoration area is currently working to achieve.

PERFORMANCE STANDARDS

This structure will be a permanent detriment to the resource areas Land Under the Ocean and Land Containing Shellfish in Nantucket Harbor. The project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Nantucket Wetland Protection Regulations:

Section 2.01, Land Under the Ocean, (B) #3 states "Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No Solid fill piers shall be permitted."

The proposed permanent pier will have a significant detrimental impact to shellfish resources by inhibiting the growth of eelgrass in an area that historically supported healthy meadows. This will have a direct and irreversible impact on marine species such as bay scallops, which directly rely on eelgrass beds for survival. This pier will obstruct future commercial shell-fishing of eelgrass beds attempting to reestablish in the area. This performance standard has not been met.

Section 2.01, Land Under the Ocean, (B) #8 states “Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation and aquatic vegetation.”

The proposed permanent pier will have adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention and aquatic vegetation by:

- 1) Harming and/or displacing shellfish currently inhabiting the project area,**
- 2) Inhibiting future growth of eelgrass in an area that historically supported healthy meadows,**
- 3) Impairing adjacent restoration work being conducted by the Nantucket Land Council in partnership with off-island researchers, the Town of Nantucket Natural Resources Department, local businesses and volunteer community members to restore eelgrass meadows in this area of Nantucket Harbor.**
- 4) Contributing to increased erosion along 46 Shimmo Pond Road and adjacent shoreline through shading out of one of the harbor’s best natural wave attenuators, eelgrass meadows.**

This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #1 states “Projects shall not adversely affect water quality (including, but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.”

The proposed permanent pier will have permanent impacts to submerged aquatic vegetation. Not only will current eelgrass be impaired by construction activity and shading, but future eelgrass will be adversely impacted by shading and propwash associated with the vessel docked herein. No mitigation efforts proposed by the applicant can replace the habitat permanently shaded and fragmented by the proposed 300-foot pier. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #3 states “Projects shall not obstruct the ability of the public to gather shellfish recreationally, or the ability of commercial fishermen to harvest shellfish.”

The proposed permanent pier will alter the ability of both recreational and commercial shell fishermen to harvest shellfish. The pier will shade potential eelgrass meadows, which provide prime shellfish habitat, and the pier will also physically obstruct commercial shell-fishermen from harvesting shellfish in the immediate vicinity. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #7 states “No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.”

This project will be detrimental to scallops, permanently shading an area which historically supported eelgrass meadows that serve as critical bay scallop habitat. No mitigation currently proposed by the applicant will effectively mitigate the permanent damage this pier will cause Nantucket Harbor’s marine scallop habitat. This performance standard has not been met.

Massachusetts Wetlands Protection Act Regulations:

310 CMR 10.27, Coastal Beaches, (3) states “Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.”

The proposed permanent pier will have an adverse impact through increased erosion not only at 46 Shimmo Pond Road’s segment of coastal beach, but also neighboring waterfront to the east and west of the project. Eelgrass meadows serve as natural wave attenuators, absorbing energy produced by wave action, especially during storm events. By permanently shading out historic eelgrass habitat, waves will more easily erode the shoreline. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (4) states “Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

- a) Alterations of water circulation;
- b) Alterations in relief elevation;
- c) The compacting of sediment by vehicular traffic;
- d) Alterations in the distribution of grain size;
- e) Alterations in natural drainage from adjacent land; or
- f) Changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

The proposed pier will cause a change in nutrient distribution in the immediate area as it will displace or shade out natural nutrient sinks such as shellfish, eelgrass and several species of macroalgae. The Nantucket community has worked hard to improve water quality in Nantucket Harbor through infrastructure improvements, reduced fertilizer use, shellfish seeding, reef building and eelgrass restoration. The applicant’s proposed 300-foot pier contradicts all these efforts. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (5) states “Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension.”

The proposed permanent pier will not allow shellfish habitat to return to pre-construction conditions and productivity, as the piles and dock will permanently shade an area that is already light-limited. This performance standard cannot be met.

CONCLUSION

The proposed 300-foot timber pile pier at 46 Shimmo Pond Road will shade out prime Nantucket eelgrass habitat, leading to a cascade of negative effects to the harbor ecosystem. As a keystone species, eelgrass provides vital habitat for a diverse group of species such as scallops, flounder, quahogs, and crabs. These underwater meadows also serve as nutrient sinks, taking up excess nitrogen from the water and sediment, improving overall water quality in Nantucket Harbor. Healthy eelgrass meadows also protect shorelines from flooding and erosion by stabilizing sediment and physically buffering wave action.

The proposed pier will inhibit the restoration efforts being conducted a short distance away through increased shading and propwash from boating activity. These restoration efforts, led by the Nantucket Land Council, have brought together a diverse group of organizations, businesses, recreational and commercial fishermen, and individual volunteers from Nantucket and elsewhere to bring healthy eelgrass meadows back to this area of Nantucket Harbor. The work will be permanently impaired by permitting such a structure

The applicant can maintain access to the waterfront through their existing pier and utilize a mooring nearby to provide deep water access for their boat. Although moorings also harm eelgrass through chain scour, they can be removed or moved elsewhere if needed. There is also a trend throughout the country of marinas and boat owners switching to more eco-friendly moorings, such as ecorode systems with spiral anchors, which all but eliminate bottom scour. We hope it is only a matter of time before eco-friendly systems are adopted on Nantucket, making mooring fields one of the most environmentally friendly and affordable methods of accessing a boat. **Finally, setting a precedent by allowing this dock would be a reversal of the Commission's handling of this resource area and the efforts it has encouraged to restore Nantucket Harbor's habitat.**

This structure will be a permanent detriment to the resource areas Land Under the Ocean and Land Containing Shellfish in Nantucket Harbor. As stated above, the project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Attachments: Satellite imagery illustrating eelgrass meadows at the site locus before and after most recent shoaling events, Town GIS map indicating former eelgrass meadow as surveyed by MassDEP, an accurate depiction of the location of the restoration area in relation to the proposed pier, and a copy of the Health Assessment for Eelgrass in Nantucket Harbor, Nantucket, Massachusetts.

Thank you for your time.

Sincerely,



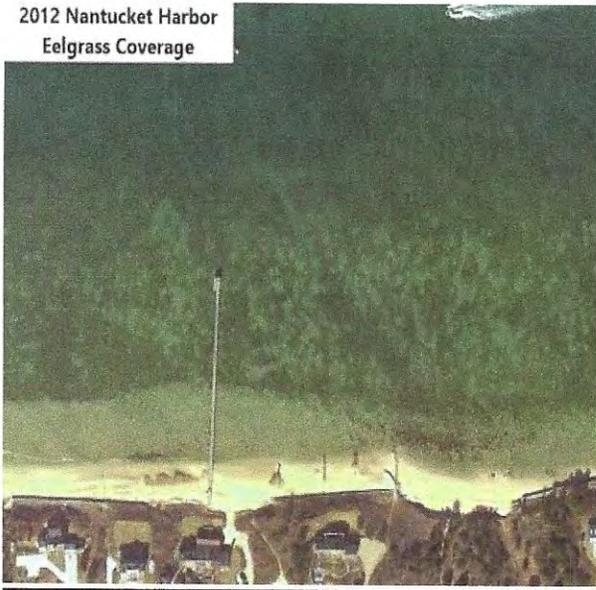
RJ Turcotte
Resource Ecologist

ATTACHMENTS

Nantucket Land Council Eelgrass Restoration Area



2012 Nantucket Harbor
Eelgrass Coverage



2018 Nantucket Harbor
Eelgrass Coverage



Nantucket Harbor Historic Eelgrass Coverage, 1995-2013



Property Information

Property ID 43 77
Location 45 SHIMMO POND RD
Owner EASS MICHAEL A TR



**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

Map Theme Legends

Eelgrass 1995 - 2013

- EELGRASS 2010 - 2013
- EELGRASS 1995

MassDEP, MassDEP Wetlands Conservancy Program

HEALTH ASSESSMENT FOR EELGRASS IN NANTUCKET HARBOR, NANTUCKET
MASSACHUSETTS

FINAL REPORT TO NANTUCKET LAND COUNCIL

submitted by

Alyssa Novak, Research Assistant Professor, Boston University

&

Holly Plaisted, Biologist, National Park Service

Introduction

Eelgrass (*Zostera marina* L.) is a marine flowering plant that forms extensive meadows in the shallow coastal waters of Massachusetts. The value of eelgrass meadows is well documented and includes stabilizing sediments, improving water quality and clarity, mitigating for CO₂ emissions, and providing habitat to a number of commercially important and/or endangered species (Orth et al. 1984; Heck et al. 1989; Hughes et al. 2002; Lazarri and Tupper 2002). Nantucket Island, located 30 miles off the coast of Cape Cod, supports over 2,000 acres of eelgrass (Costello 2015) that serve as essential habitat to a number of different species including the last commercially viable “wild” bay scallop fishery in the U.S. The abundance of eelgrass, however, has diminished from historic levels in some areas, potentially threatening the future ecology and economy of this system.

Declines in eelgrass in Nantucket over the last decade have been mostly confined to Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the harbor is likely due to an increase in nutrient loading (Curley 2002). In the Executive Summary of the Massachusetts Estuaries Project report, it was noted that to maintain or preserve eelgrass meadow health, a nitrogen threshold of 0.350 mg N L⁻¹ should not be exceeded. Nitrogen levels in East Polpis Harbor in 2006 were 0.361 mg N L⁻¹ and eelgrass had recently disappeared from most of the area (Shellfish Report 2012), indicating that this is an accurate threshold. At present, it is believed that Nantucket Harbor has reached its nitrogen loading threshold (Howes et al. 2006) and is eutrophied (over-enriched with nutrients; Conant et al., 2006).

Nitrogen loading to Nantucket Harbor results primarily from on-site disposal of wastewater. The Town has a centralized wastewater treatment facility, but there are a number of areas on septic that contribute

nitrogen to the system both through transport in direct groundwater discharges to estuarine waters and through small surface water flows to the fresh and saltwater marshes that are located along the harbor shore (e.g. Mill Brook discharging to Polpis Harbor). In addition to residential septic systems, other nutrient sources include runoff from roads and lawn fertilizers, groundwater discharge, and natural areas such as salt marshes and ponds (Howes et al. 2006; Shellfish Report 2012). In 2013 a Town of Nantucket Board of Health regulation went into effect to control the content and application of fertilizer containing phosphorus and nitrogen into Nantucket's waters and wetlands through an organized educational program, licensure and regulations of practice (Nantucketlandcouncil.org). The effectiveness of these efforts on nitrogen loading in the system has yet to be determined.

Eutrophication can have negative impacts on seagrasses. As eutrophication progresses, macroalgae (in shallow waters) or phytoplankton (in deeper waters) dramatically increase and become dominant resulting in declines of seagrass. Direct underlying mechanisms for declines include competition for light/nitrogen, nitrate inhibition or ammonium toxicity, with light playing a more important role in advanced eutrophication stages (Orth and Moore, 1983; Twilley et al., 1985; Dennison et al., 1993; Harlin, 1993; Lapointe et al., 1994; Short et al., 1995; Hauxwell and Valiela, 2004; Ralph et al., 2006). Many indicators of seagrass plant health and environmental quality have been identified in previous monitoring studies and workshops to help assess the impacts of eutrophication on seagrass. Seagrass cover, aboveground biomass, leaf length and width have been shown to be affected by nutrient loading and shading (Erfemeijer 1994; Lee and Dunton 2000; Burkholder et al. 2007; van Katwijk 2010) along with epiphyte content on blades (Bohrer et al. 1995; Uku and Bjork 2001). In addition, stable isotope analysis is being increasingly used to monitor the health status and nutrient pollution sources of various ecosystems. For example, Cole et al. (2006) showed that water derived from sewage on Cape Cod typically has ^{15}N values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Thus, using these parameters, stable isotope analysis can be used to detect the presence of sewage-derived or agricultural nitrogen (N) in the tissues of eelgrass that continually uptake nutrients from their environment.

The purpose of our study was to assess the health of eelgrass meadows at six sites (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) in Nantucket Harbor influenced by nutrient input. Our objective was accomplished by collecting information on various plant and environmental parameters at each site between May and August 2019. In addition, environmental data was used to identify potential mechanisms responsible for reported declines of eelgrass in this system.

Methods

Eelgrass plant health was assessed by collecting information on meadow structure and nutrient content in leaf tissue and sediment.

Eelgrass morphology and meadow structure

In July 2018, when plants had reached peak biomass, information on meadow structure was collected at 6 sites in Nantucket Harbor (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) as well as at a reference location on Tuckernuck Island (Figure 1). At each site, one 50 m cross transect was laid parallel to the shore. Five 0.25 m² quadrats were then haphazardly tossed along the transect and information was collected on percent cover, canopy height, and shoot density. In addition, two representative shoots with roots and rhizomes were collected from each quadrat for morphological measurements (number of leaves, leaf width, above/below-ground weight, and internode length).

Nutrient Content in Leaf Tissue

The influence of nitrogen on eelgrass was assessed by measuring nitrogen (%N), carbon (%C) and stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ in leaves, as well as calculating C:N ratios and a Nutrient Pollution Indicator (NPI) for eelgrass at each site (Lee et al. 2004). In May 2018, during a period of increased precipitation, ten representative eelgrass shoots were sampled at each of the 6 sites in Nantucket Harbor, with at least 1 m between any two sampled shoots. In July 2018, during a period of decreased precipitation, sampling was repeated at each of the 6 sites in Nantucket Harbor as well as the reference location on Nantucket (Figure 1.) After each sampling event, shoots were returned to the lab for measurements.

In the lab, leaf mass was determined on the second and/or third youngest leaves of each shoot. All epiphytes were removed from leaves. Six 10 cm long sections of constant width were then cut from each leaf to obtain samples of mature leaf tissue. The cleaned leaf sections were dried at 60 °C to a constant weight and leaf mass was quantified. Each leaf segment was then assessed for %C and %N content and stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$ using an Eurovector CN analyzer (see stable isotope section below).

The ratio of the leaf nitrogen content (%N) to area normalized leaf mass mg dry weight cm⁻² was used to calculate a Nutrient Pollution Indicator value as developed by Lee et al. (2004)

$$\text{NPI} = \frac{\text{Leaf nitrogen content (\%N)}}{\text{Area normalized leaf mass (mg dry weight cm}^{-2}\text{)}}$$

Area normalized leaf mass (mg dry wt cm⁻²)

Sediment Samples

One 5 cm sediment sample was taken from each site including the reference using a syringe for sediment grain-size analyses. In addition, sediment cores were taken at 3 sites (i.e., Monomoy, Fulling Mill, and Wauwinet) to assess sediment and nutrient characteristics. The corer (length: 50 cm, diameter: 70 mm) was manually driven to a depth of 25 cm or point of refusal, extracted, capped at both ends under water, and kept in a vertical position during transport to shore. Cores were divided into sections (1 cm sections for the first 10 cm and 5cm sections for the remaining core) and used to measure dry bulk density, %C, %N, analyze stable isotopes of $\delta^{13}\text{C}$ and $\delta^{15}\text{N}$, and determine age of sediments (see methods below).

Grain Size

Grain size was determined for sediment samples taken at each site including the reference using the Malvern Mastersizer 2000 with the Hydro 2000S wet dispersion unit (Malvern Instruments, Malvern, UK) system. Sediment samples were homogenized and extruded through a 2 mm sieve into a beaker, then deionized water was added to the sample to create a suspension that was then analyzed.

Dry Bulk Density

Bulk density reflects the size, shape and arrangement of particles and voids (soil structure) and gives a good indication of the suitability for root growth and sediment permeability. Bulk density generally increases with compaction and tends to increase with depth. Sandy substrate is also more prone to high bulk density. Dry bulk density was determined for sediment core section take at Monomoy., Fulling Mill, and Wauwinet using the mass of sediments dried at 60°C for 7 days divided by the volume of the sediment section. Following bulk density measurements, the sample was sub-divided using a sediment splitter to obtain a smaller portion for stable isotope and ²¹⁰Pb analyses.

Sediment Accumulation and Core Age

Sedimentation rates for at three sites (i.e., Monomoy, Fulling Mill, Wauwinet) were obtained by analyzing core samples for ²¹⁰Pb radioisotopes using gamma spectroscopy. Samples were packed in Petri dishes and sealed with electrical tape and paraffin wax 30 days prior to analysis to allow for equilibration between ²²⁶Ra and its daughter isotopes (²¹⁴Pb and ²¹⁴Bi). Radioisotopic concentrations were determined for all samples along each core using a Canberra GL 2020 low energy germanium detector (Virginia Institute of Marine Science, Gloucester Point, VA). The concentrations of excess ²¹⁰Pb used to obtain the age models were determined as the difference between total ²¹⁰Pb and ²²⁶Ra (supported ²¹⁰Pb). The

Constant Rate of Supply (CRS) model was used to calculate mean sedimentation rates over the last 100 years at all sites (Appleby and Oldfield, 1978). These rates were calculated using the following formula:

$$A = A(0)e^{-\lambda t}$$

where A is the excess (unsupported) ^{210}Pb inventory below a given core section, A(0) is the excess ^{210}Pb inventory for the entire core profile, and λ is the ^{210}Pb decay constant. This was used to calculate t, the time a now-buried section of core was at the surface.

The formula from Kaste et al. (2011) was used to calculate error for the CRS model:

$$1\sigma = \sqrt{n/n}$$

where n = the number of detected counts.

Carbon, Nitrogen, and Stable Isotope Analyses

Carbon (%C), nitrogen (%N) and stable isotope analyses on plant and sediment samples was carried out in a Eurovector CN analyzer. During each sequence run by the mass spectrometer, each sample was flash combusted at 1800°C and the combustion products (CO_2 , N_2 and H_2O) were separated chromatographically and introduced into the mass spectrometer, with water removed in a chemical trap. The gases of interest were then introduced into the mass spectrometer for isotope analysis and the rest pumped away. The sample isotope ratio was compared to a secondary gas standard, whose isotope ratio has been calibrated to international standards. For ^{13}C the gas will be calibrated against NBS 20 (Solenhofen Limestone), NBS 21 (Spectrographic Graphite), and NBS 22 (Hydrocarbon Oil); for ^{15}N the gas was calibrated against atmospheric N_2 and IAEA standards N-1, N-2, and N-3 (all are ammonium sulfate standards). Elemental content of leaf tissue was calculated on a dry weight basis and elemental ratios on a molar basis (QA/QC BU Stable Isotope Lab 2013).

Environmental Conditions

Environmental conditions at each of the six sites were also assessed. Two Hobo light/temperature sensors (<http://www.onsetcomp.com/sensors>) were deployed in an array at each site for 2-week intervals from mid-May to the end of August 2018 (peak growing season). Each array included a light sensor at the bottom and a second sensor 0.3 m higher to determine light available to eelgrass at the site and light attenuation due to the water column. One sensor was deployed on land, attached in an unobstructed location to a fence at Monomoy. The sensors measured and recorded temperature and light every 15

minutes. For comparison between sites, a subset of the light data was collected in a 4-hour period around solar noon (10:00 to 14:00) for two weeks each month for analyses. All the temperature data between May and August.

Statistics

To assess differences among sites in plant and environmental parameters, one way ANOVAs were performed. All data were tested for homogeneity of variances using Cochran's test. Tukey's post-hoc tests were used to determine groupings in the analysis of stable isotope data. Differences among nitrogen data were not assessed for May and July due to unequal sample sizes.

Results

Eelgrass morphology and meadow structure

Morphological and structural characteristics of the meadow were significantly different among sites in July 2018 (Figures 2 & 3; one-factor ANOVA: leaves/shoot $F_{6,63} = 4.4663$, $p < 0.0008$; leaf width $F_{6,63} = 2.1807$, $p = 0.0565$; internode length $F_{6,63} = 3.6630$, $p = 0.0035$; above-below ground weight $F_{6,63} = 3.6630$, $p = 0.0035$; canopy height $F_{6,63} = 30.6118$, $p < 0.0001$; percent cover $F_{6,20} = 5.6475$, $p = 0.0014$; shoot density $F_{6,20} = 2.4752$, $p = 0.0591$.) There were no consistent patterns in shoot morphology and/or meadow structure observed among sites in Nantucket Harbor. However, Tuckernuck, the reference site, had larger shoots with longer leaves than plants from Nantucket Harbor.

Influence of Nitrogen on Leaf Tissue

May

Analysis of eelgrass leaf N content for May samples revealed significant differences in mean leaf %N. (ANOVA: %N $F_{5,6} = 4.1072$, $p = 0.050$) with %N in tissue ranging from 1.2% to 1.9% (Figure 4). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment or loading between the six sites. No differences among sites were observed for $\delta^{15}\text{N}$ values, C:N or NPI (ANOVA: $\delta^{15}\text{N}$ values $F_{5,6} = 4.3232$, $p = 0.0516$; C:N $F_{5,6} = 1.7658$, $p = 0.2539$; NPI $F_{5,6} = 1.1683$, $p = 0.4286$). Mean $\delta^{15}\text{N}$ for the system was 4.03 ± 0.39 while C:N for the system was 22.4 ± 0.54 and mean NPI for the system was 0.421 ± 0.028 (Figure 4).

July

Analysis of eelgrass leaf N content for July samples revealed significant differences in mean leaf N, C:N, NPI, and $\delta^{15}\text{N}$ among sites (Figure 5; ANOVA: %N $F_{6,63} = 4.9518$, $p = 0.0003$; C:N $F_{6,63} = 3.6588$, $p = 0.0035$; NPI $F_{6,63} = 3.8674$, $p = 0.0024$; $\delta^{15}\text{N}$ $F_{6,66} = 54.57$, $p < 0.0001$). Leaf N ranged from 0.849 % to 1.2%, C:N ranged from 32.3 to 45.8 and NPI ranged from 0.161 to 0.244. July $\delta^{15}\text{N}$ values ranged from 3.08 to 5.08‰. Tuckernuck had an average value of 7.46 ‰, which was significantly higher than the other sites (Figure 5). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading between the six sites and/or the reference site. C:N ratio differences among sites were driven by differences in N content as there was no difference in carbon content among sites.

Sediment Samples

Grain-Size

All sediment samples from Nantucket Harbor and Tuckernuck, consisted of 98 to 99 % sand-sized grains. The highest percentage of coarse sand was found at Fulling Mill (44%) while the highest portion of fine to very fine sand was found at Monomoy (20%) and Pimny's Point (22%). The predominant sediment type was medium to fine-grained sand with lesser amounts of medium and fine sand (Figure 6). Eelgrass grows well in sediment that consists of <70 percent silt to clay so the sediment grain-size distribution was not unexpected.

Bulk Density

The bulk density measurements are comparable to other eelgrass meadows in the region (Plaisted, pers. comm.). The density ranged from 1.25 to 2 g/cm^3 and slightly increased with depth at each site. Dry bulk density at Monomoy ($1.6 \pm 0.03 \text{ g cm}^{-3}$) was similar to Fulling Mill ($1.7 \pm 0.01 \text{ g cm}^{-3}$) and Wauwinet ($1.5 \pm 0.01 \text{ g cm}^{-3}$; Figure 7). The large fluctuation in bulk density values at the top 5 cm at each site can be attributed to the high mobility of substrate in this dynamic system.

Sedimentation Rates and Core Age

The three cores that were dated ranged in age from 64 to 98 years. The highest depth integrated sedimentation rate and youngest core were found in Wauwinet ($7.1 \pm 1.15 \text{ mm/yr}$; 64 years in the upper 25 cm). Monomoy had a depth integrated sedimentation rate of $6.4 \pm 1.6 \text{ mm/yr}$ and core age of 98 years in the upper 25 cm. In contrast, Fulling Mill had the lowest depth integrated sedimentation rate ($3.95 \pm$

0.5 mm/yr) and a core age of 82 years in the upper 25 cm (Figure 8). The large variability in sedimentation rates in the upper 5-10 cm of each core can be attributed to high mobility of substrate within the system (e.g., shoaling).

Stable isotopes

Sediment core material $\delta^{15}\text{N}$ ranged from -3.08 ‰ to 6.81 ‰ while $\delta^{13}\text{C}$ ranged from -28.63 ‰ to -7.10 ‰ (Figures 9 & 10). Each core showed variability with depth for $\delta^{15}\text{N}$ and $\delta^{13}\text{C}$. Cole et al. (2006) showed that water derived from sewage typically has $\delta^{15}\text{N}$ values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Phytoplankton and particulate organic matter have $\delta^{13}\text{C}$ ranging from -15 ‰ to 28 ‰ while eelgrass have $\delta^{13}\text{C}$ ranging from -5 ‰ to -10 ‰ (Fry and Wainwright, 1991; Fry, 2006; Novak et al., in review).

Environmental Conditions

Light

The average daily light available to eelgrass relative to ambient land conditions between May and August ranged from 0.03% measured at the bottom of the canopy located at Pimny's Point up to 45.9% measured at the top of the canopy Fulling Mill. Large quantities of algae were consistently found in the eelgrass meadow at Pimny's Point. Algae was also observed at the other sites, but mats were not as dense. In June and July, the bottom light sensor at Fulling Mill and the top and bottom light sensors at Pocomo were lost/damaged (Figures 11 & 12).

Temperature

The average monthly temperature measured between May and August ranged from 17.7°C measured at Monomoy in May and up to ~31°C measured at Wauwinet in July. During the months of July all sites were above 25°C more than 50% of the time. In August, Quaise, Pocomo and Wauwinet were above 25°C more than 50% of the time (Figure 13).

Discussion

Recent studies show that the abundance of eelgrass has diminished from historic levels in Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the Harbor is believed to be due to an increase in nutrient loading to the system (Curley 2002). In our study,

we assessed the health of eelgrass meadows at six sites in Nantucket Harbor influenced by high nitrogen loadings by collecting information on various plant and environmental parameters and identified mechanisms of declines. Our results show that eelgrass meadows in Nantucket Harbor are light-limited and thermally stressed during the peak growing season, suggesting that long-term loss of eelgrass in this system is due to the joint effect of cultural eutrophication (high nutrient loadings) and warming waters.

Ochieng et al. (2010) demonstrated that eelgrass plants in New England require 58% surface irradiance (SI) and above to grow and expand and are light-limited at 34% SI and below (Ochieng et al. 2010). Kenworthy et al. (2014) further suggested that the threshold for survival is 13.9% based on measurements at the deep edge (2.56 m) of eelgrass meadows in Nantucket Harbor. In our study, all sites received less than 34% SI from May to August except for Fulling Mill, which received more than 45% during the month of August (Figures 11&12). These results indicate that eelgrass meadows in Nantucket Harbor are not receiving enough light throughout the peak growing season to maintain a positive carbon balance and allow growth and expansion of meadows. The causes of light-limitation can be attributed to large quantities of drift macro-algae collecting in eelgrass meadows and reducing the light available to eelgrass through shading. Large quantities of algae were especially prevalent at Pimny's Point from May thru August. In addition to algae, sediment resuspension due to the loss of eelgrass in the system, as well as moored boats may be further reducing light levels in eelgrass meadows and causing declines.

Temperatures above 25°C have previously been identified as another stressful threshold for eelgrass (Greve et al. 2003; Reusch et al. 2005). At 25 °C, water temperatures cause rates of respiration to exceed photosynthesis, resulting in a negative carbon balance (Marsh et al. 1986; Moore et al. 1997). At 28 °C, large scale declines in eelgrass cover have been observed at the southern range of this species distribution (Shields et al. 2019). During the month of July, all study sites in Nantucket Harbor had an average water temperature above 25 °C and were exposed to temperatures above 28 °C for ~13% of the time. In August, only Quaise, Pocomo, and Wauwinet had an average water temperature above 25°C. However, all sites spent more than 50% of the time above the 25°C and more than 3% of the time above 28 °C (Figure 13). The warm water temperatures in Nantucket Harbor during the summer months is higher than temperatures in nearby eelgrass meadows located in shallow subtidal waters on Cape Cod. Between 2003 and 2015, Pleasant Bay (Orleans) and Duck Harbor (Wellfleet) were exposed to temperatures above 25°C less than 16% of the time and above 28 °C less than 2% (NPS, SeagrassNet data). Based on the results of this study, it appears as though eelgrass meadows are also thermally stressed in this system possible due to climate change.

C:N, NPI, and % N in leaves have been used as indicators of nutrient enrichment in seagrass meadows. C:N ratios less than 20 in leaves, NPI values greater than 0.3, and/or leaf nitrogen values above 1.6 % have been found in nutrient enriched systems such as Great Bay (NH), Waquoit Bay (MA), and Narragansett Bay (RI; Heminga and Duarte 2000; Lee et al. 2004). In our study, Pimny's Point had %N values in leaves greater than 1.6% during May (Figure 4). However, all sites had higher C:N, and lower NPI, and %N values during the month of July than nutrient enriched systems (Figure 5). The lower values of %N in eelgrass during the July 2018 sampling could be a result of seasonal nitrogen availability and eelgrass growth rates (Duarte 1990, Fourqurean et al. 1997). Nitrogen is typically limited in the nearshore during summer growing seasons and growth rates are often elevated increasing plant biomass while reducing total nutrient concentrations. Moreover, the extensive algae mats found throughout the system may be reducing the amount of nitrogen available to eelgrass during the summer months; Alexandre et al. (2017) found that some species of algae have higher uptake capacities for nutrients than eelgrass.

Stable isotopes analysis of plant material offers the possibility of detecting the biological role of groundwater flow in the marine environment or the impact of sewage effluent before major ecological changes occur (Mac Clelland et al. 1997; Mac Clelland and Valiela 1998). It is particularly useful in areas where a small nutrient increase could have a significant impact on the ecosystem especially where this nutrient increase is undetectable in the water due to, for example, a low sewage load or rapid dilution in the surrounding environment (Gartner et al. 2002; Yamamuro et al. 2003). In Waquoit Bay (Massachusetts, USA), isotopic studies have permitted the attribution of an isotopic signature to nitrates from waste water, from fertilizer and from atmospheric deposition (MacClelland et al. 1997). In our study, July $\delta^{15}\text{N}$ values ranged from 3.08 to 5.08‰ in Nantucket Harbor and there was no obvious pattern indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading among the six sites. Tuckernuck, a relatively preserved site, had a high $\delta^{15}\text{N}$ of 7.46‰ (Figure 5). The lack of differentiation between $\delta^{15}\text{N}$ sources in July in Nantucket Harbor suggest multiple inputs (i.e., fertilizer and atmospheric deposition). Likewise, the high values in eelgrass tissues from Tuckernuck are not necessarily the reflection of sewage or ground water impacts. For example, Fourqurean et al. (1997) measured the increase of $\delta^{15}\text{N}$ values of eelgrass from the mouth to the head of Tomales Bay in California. In this relatively preserved bay, groundwater discharge is considered low. The high $\delta^{15}\text{N}$ values (+12‰) are attributed to the occurrence of denitrification processes in Tomales Bay marine waters, which may have resulted in the ^{15}N enrichment of the remaining inorganic N pool and, consequently, a ^{15}N enrichment of plants which incorporate inorganic N from the water column.

Recommendations

Our study provides baseline information on eelgrass health for Nantucket Harbor and identifies mechanisms for reported declines. As the climate continues to warm, eelgrass in Nantucket Harbor will continue to be exposed to increased water temperatures and periods of thermal stress. However, eelgrass can survive if other environmental parameters that promote growth and expansion are optimal. Below are some recommendations for future work, as well as management actions that will improve eelgrass health and facilitate recovery in the harbor

Restoration of eelgrass meadows in Nantucket Harbor is one suggested strategy to facilitate recovery in this system even in the face of climate change. Restoration involves improving environmental conditions (e.g. water quality) to encourage natural regeneration and/or seeding/transplanting plants from donor meadows. We recommend managers improve water quality within the harbor by reducing land-based pollution and decreasing nutrient and sediment run-off, reducing or eliminating the use of fertilizers and persistent pesticides and increasing filtration of effluent. The reduction in nutrients within the system will lead to a reduction in nuisance algae which limit the amount of light available to eelgrass for growth. Moreover, if plants are no longer light stressed they will be able to tolerate longer periods of thermal stress. In addition, to improving water quality, we recommend continuing transplanting efforts in well flushed areas with low quantities of algae. In September 2018, the Nantucket Land Council along with Boston University began transplanting 1/4 acre plots of eelgrass at Monomoy. This location was selected because it is well-flushed and has historically supported eelgrass (Shellfish Report, 2012). The establishment of eelgrass within this area should help “kick start” natural recovery within the Monomoy section of the harbor. In addition, newly transplanted eelgrass in this area is expected to further improve water quality and clarity through nutrient uptake and suspended sediment deposition (Duarte, 1995).

In addition to restoring eelgrass in Nantucket Harbor, we also recommend monitoring existing eelgrass meadows in the harbor using a hierarchical framework to detect and predict changes so that appropriate management strategies can be developed. The monitoring approach would include three tiers that are integrated across spatial scales and sampling intensities (see Neckles et al. 2012). Tier 1 monitoring would involve mapping eelgrass in Nantucket Harbor every three-five years to provide large-scale information on seagrass distribution and meadow size. Costello (2015) has already developed an appropriate mapping process for this system that involves the acquisition of high resolution digital imagery captured within strict environmental conditions. Tier 2 monitoring would involve bay-wide, quadrat-based assessments of eelgrass percent cover and canopy height at permanent sampling stations

following a spatially distributed random design. The National Park Service on Cape Cod has a design that is used to monitor Pleasant Bay that could be adapted to this system. Tier 3 monitoring would involve high-resolution measurements of seagrass condition (percent cover, canopy height, total and reproductive shoot density, biomass, and seagrass depth limit) at a representative index site in the system. SeagrassNet is an example of a program that collects more detailed Tier 3 data and could be easily implemented in the harbor (<http://www.seagrassnet.org/>). If a hierarchical approach to monitoring is not feasible for Nantucket Harbor at this time, light and temperature data, as well as percent cover of algae and eelgrass should be monitored at multiple sites within the system.

Costello (2015) showed a slight decline in eelgrass in Madaket while eelgrass was stable to increasing on Tuckernuck. The decline in Madaket was along the deeper edges South of Eel Point and possibly due to storm and tidal current action. A complete loss of habitat in the inner Madaket Harbor area on both sides of the channel and in the upper reaches of the inner harbor was also noted. Water quality issues were suspected in those losses as the contributing watershed seems to have experienced increased development. To increase our understanding of the factors responsible for eelgrass declines and the conditions required to facilitate eelgrass growth and expansion on Nantucket we suggest conducting eelgrass plant health assessments in Madaket Harbor and Tuckernuck utilizing the methodology outlined in this study. Specifically, information on meadow structure and nutrient content in leaf tissue and sediment as well as light and temperature data should be collected at multiple sites in Madaket Harbor and Tuckernuck and compared to the data collected in Nantucket Harbor. We suggest collecting in both spring and summer months.

Lastly, we recommend raising awareness about the socio-economic and ecological values of eelgrass as it is critical in building support for seagrass conservation. Engaging local communities and stakeholders is essential in any conservation strategy. Volunteer monitoring programs can be effective in increasing public awareness of the value of eelgrass meadows and the threats to their survival. Community monitoring programs, such as SeagrassNet, successfully promote stewardship, reinforce the value of eelgrass habitats and collect data about the condition of this species. Public education programs should identify actions that individuals can take to reduce stresses on eelgrass in this system. For example, individuals can help reduce threats to water quality by preventing pollutants (e.g. fertilizers, paint, gasoline, solvents and garden chemicals) from entering storm-water drains. To reduce sediment and nutrient run-off into waterways, individuals can maintain vegetation on riverbanks and adjacent to the harbor, create retention ponds or ditches to reduce high-discharge flows or plant a buffer strip of plants in these areas. Boaters can also avoid anchoring and running their propellers through eelgrass meadows. Mooring in eelgrass meadows appears to be a serious problem across the island.

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10.1016/S0025326X(02)00463-0.



Figure 1. Map showing the location of sampling sites in Nantucket Harbor as well as a reference site near Tuckernuck Island.

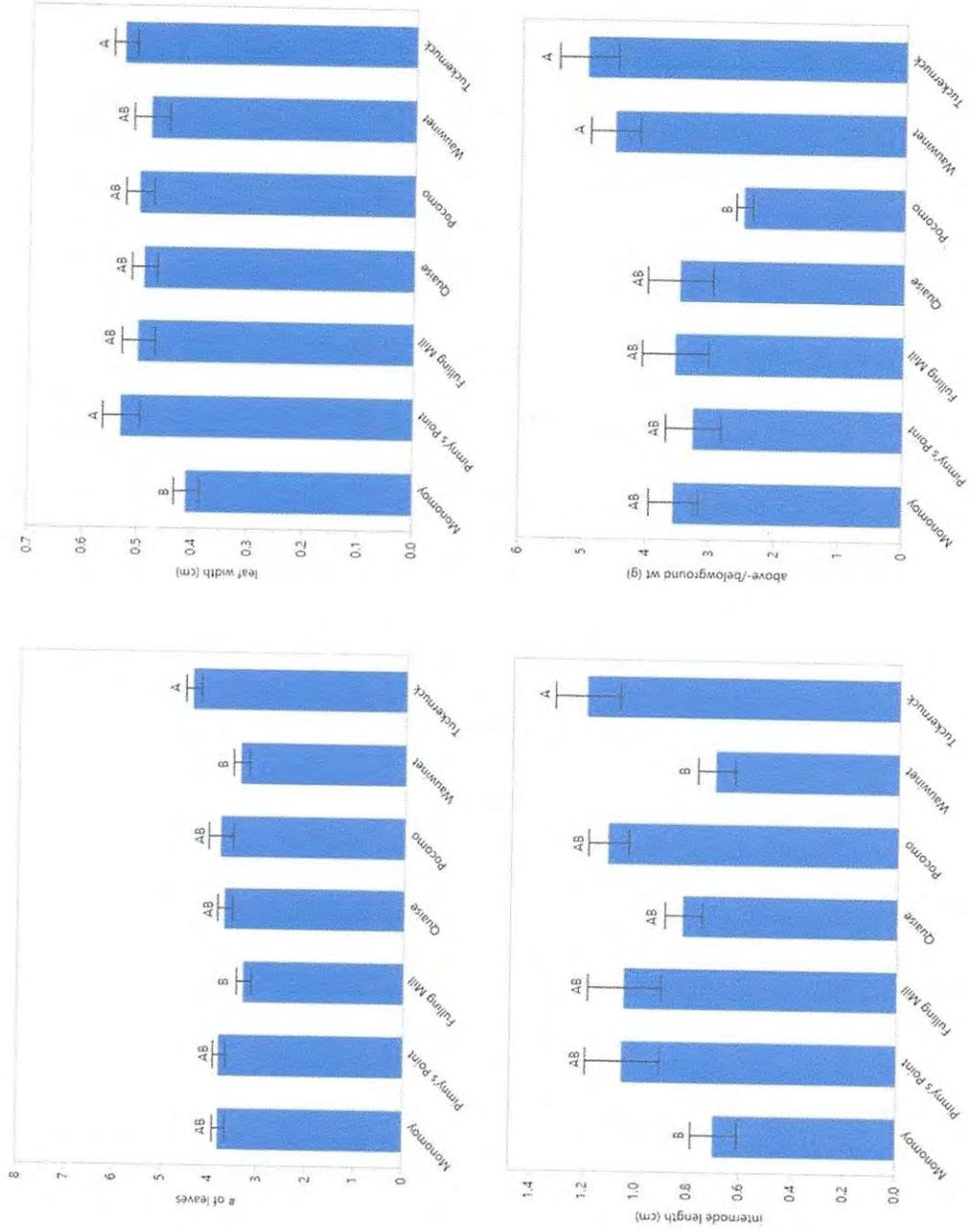


Figure 2. Significant differences in morphological characteristics were observed among sites in July 2018 (means \pm SE). Different letters A-B denote Tukey's test results for significant differences among sites at $P < 0.05$.

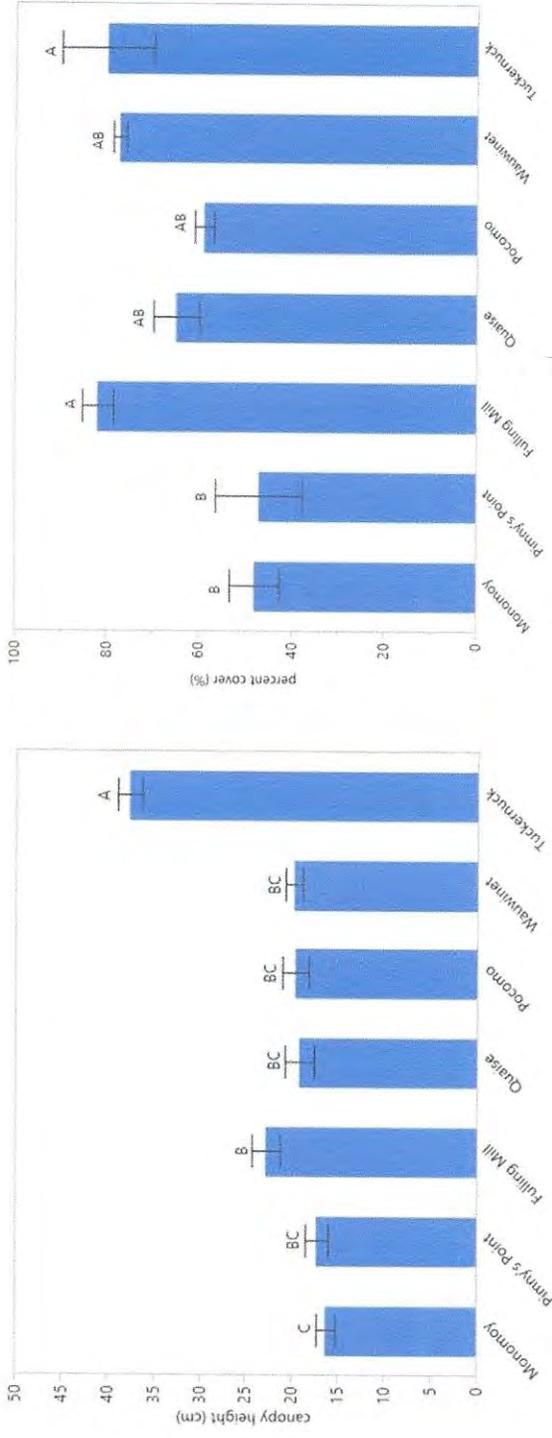


Figure 3. Significant differences in structural characteristics of the meadow were observed among sites for canopy height and percent cover in July 2018 (means \pm SE). Different letters A-C denote Tukey's test results for significant differences among sites at $P < 0.05$.

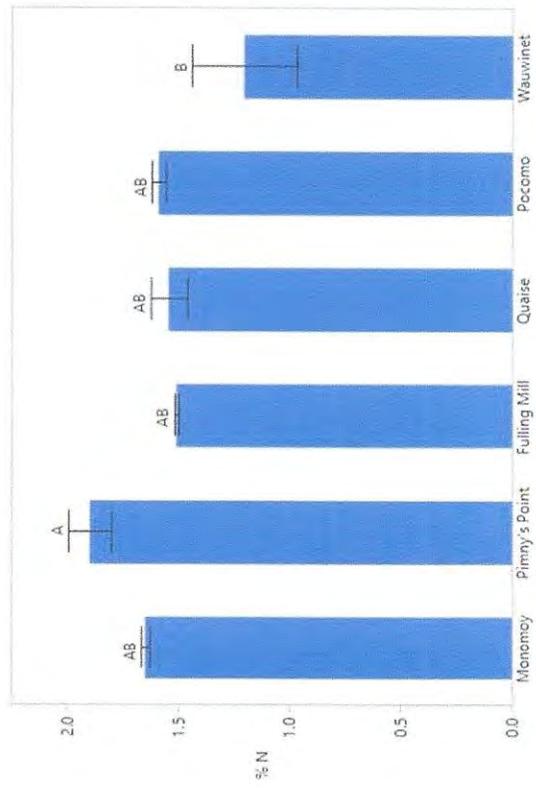


Figure 4. Significant differences in %N were observed among sites during the Spring of 2018 (means \pm SE). Different letters A-B denote Tukey's test results for significant differences among sites at $P < 0.05$.

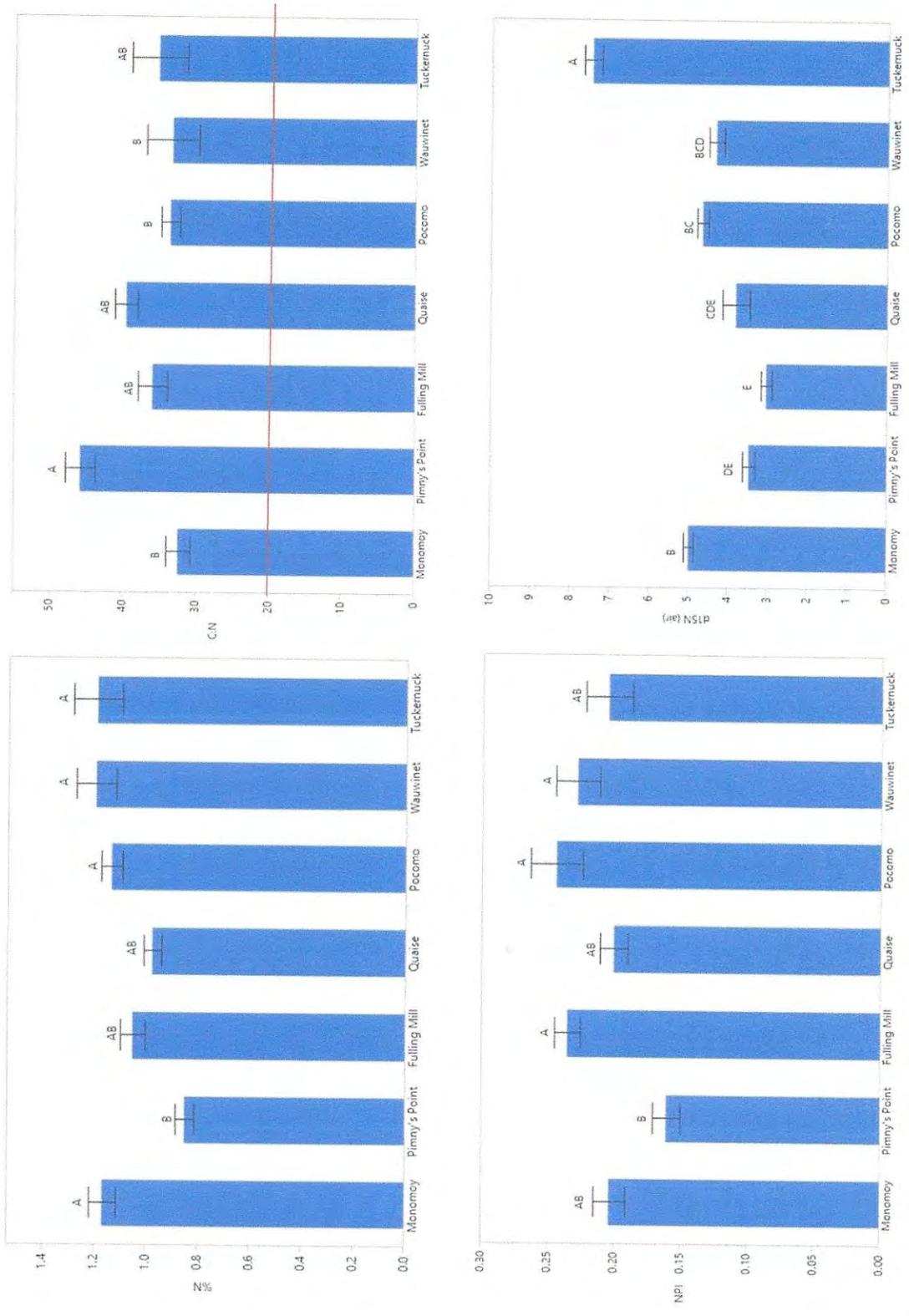


Figure 5. Significant differences in %N, C:N, NPI, and $\delta^{15}\text{N}$ were observed among sites during the Summer of 2018 (means \pm SE). Different letters A-E denote Tukey's test results for significant differences among sites at $P < 0.05$. C:N values < 20 indicate nitrogen enrichment (red line).

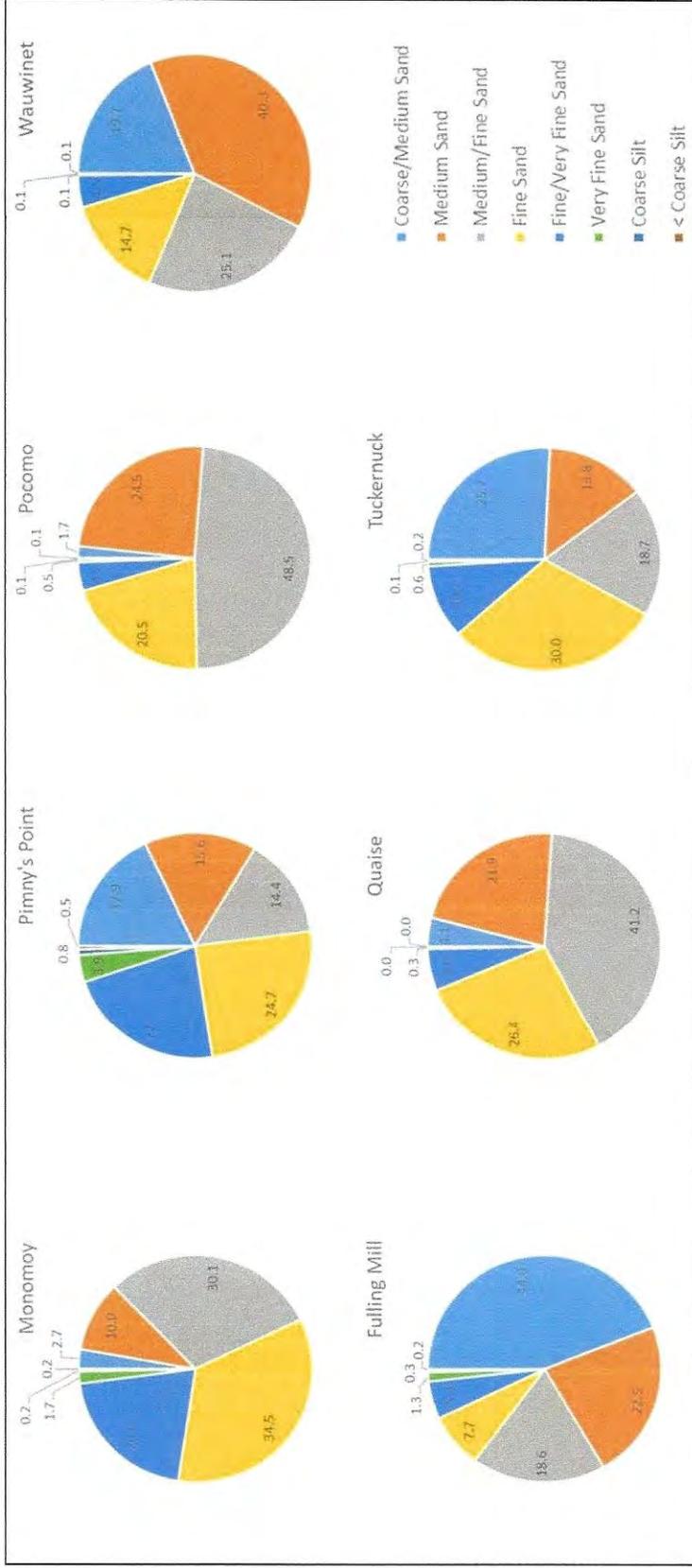


Figure 6. Charts showing sediment grain-size distribution at each of the six sites in Nantucket Harbor as well as at the sample site on Tuckermuck Island.

Bulk Density (g/cm³)

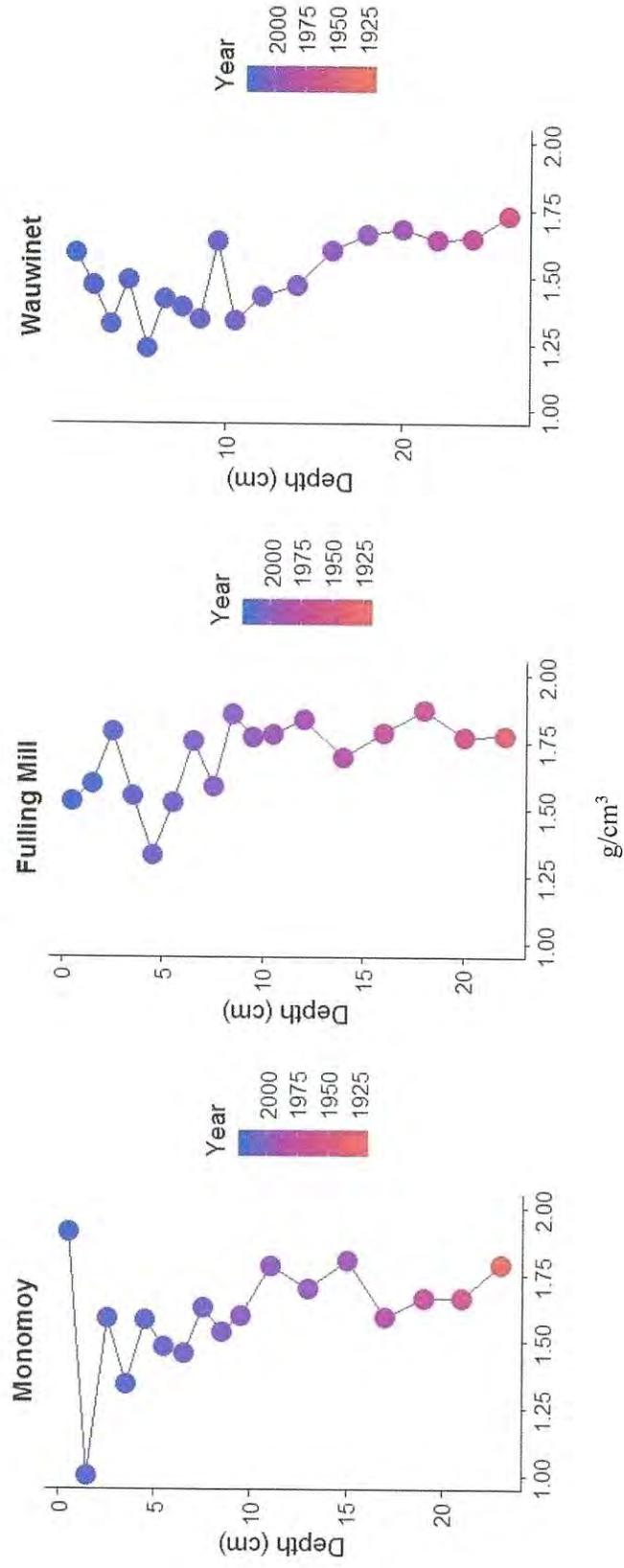


Figure 7. Bulk density (g/cm³) of sediment cores collected from Monomoy, Fulling Mill, and Wauwinet.

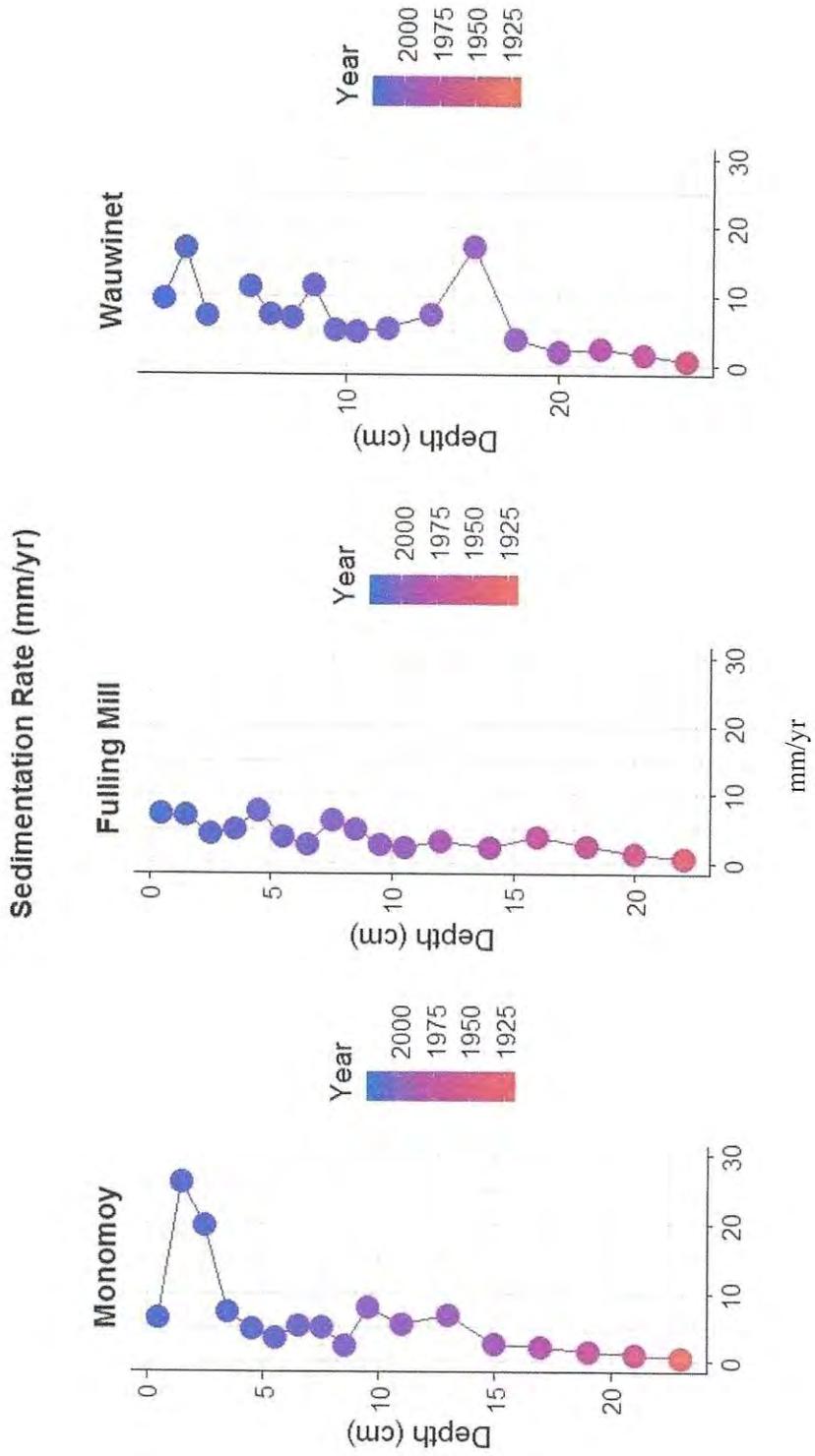


Figure 8. Sedimentation rates at Monomoy, Fulling Mill, and Wauwinet.

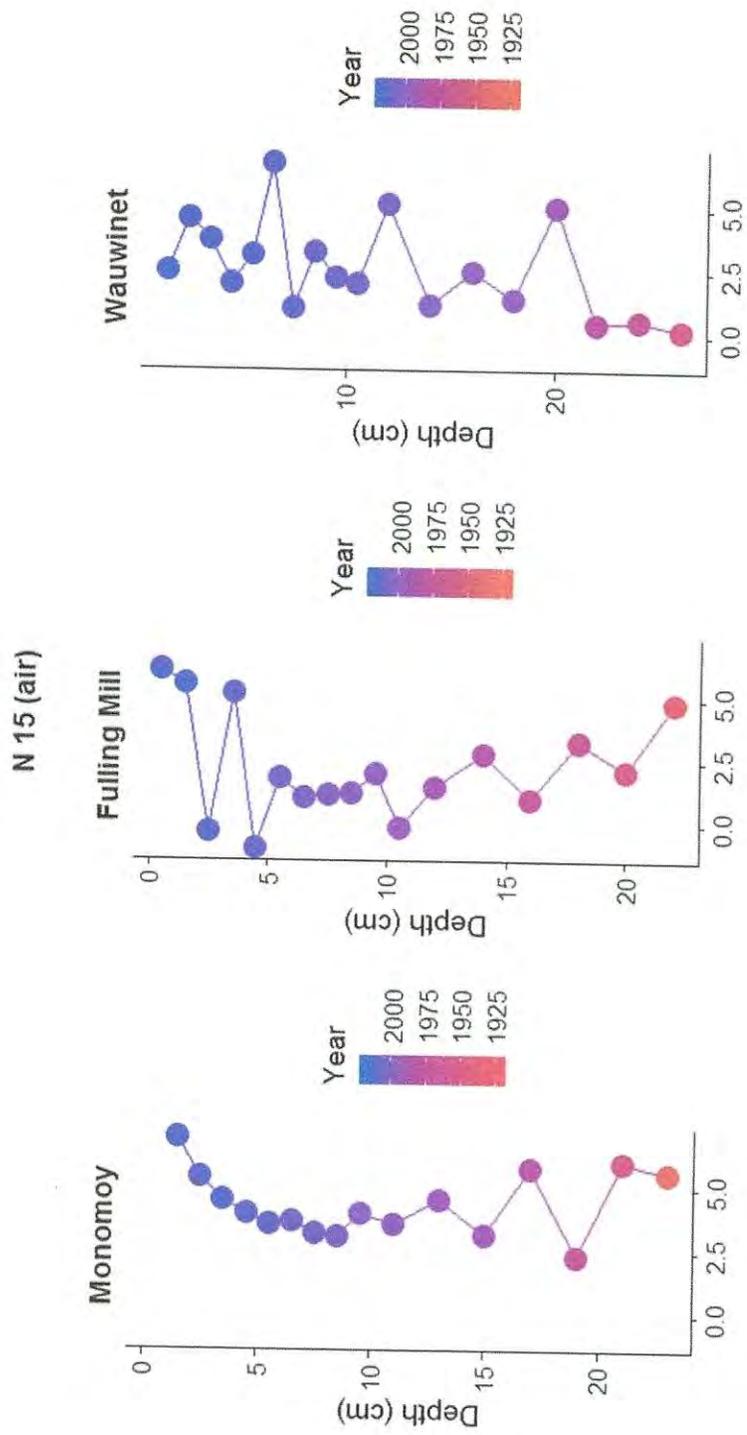


Figure 9. $\delta^{15}\text{N}$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{15}\text{N}$ can be used to identify nutrient pollution sources.

C 13

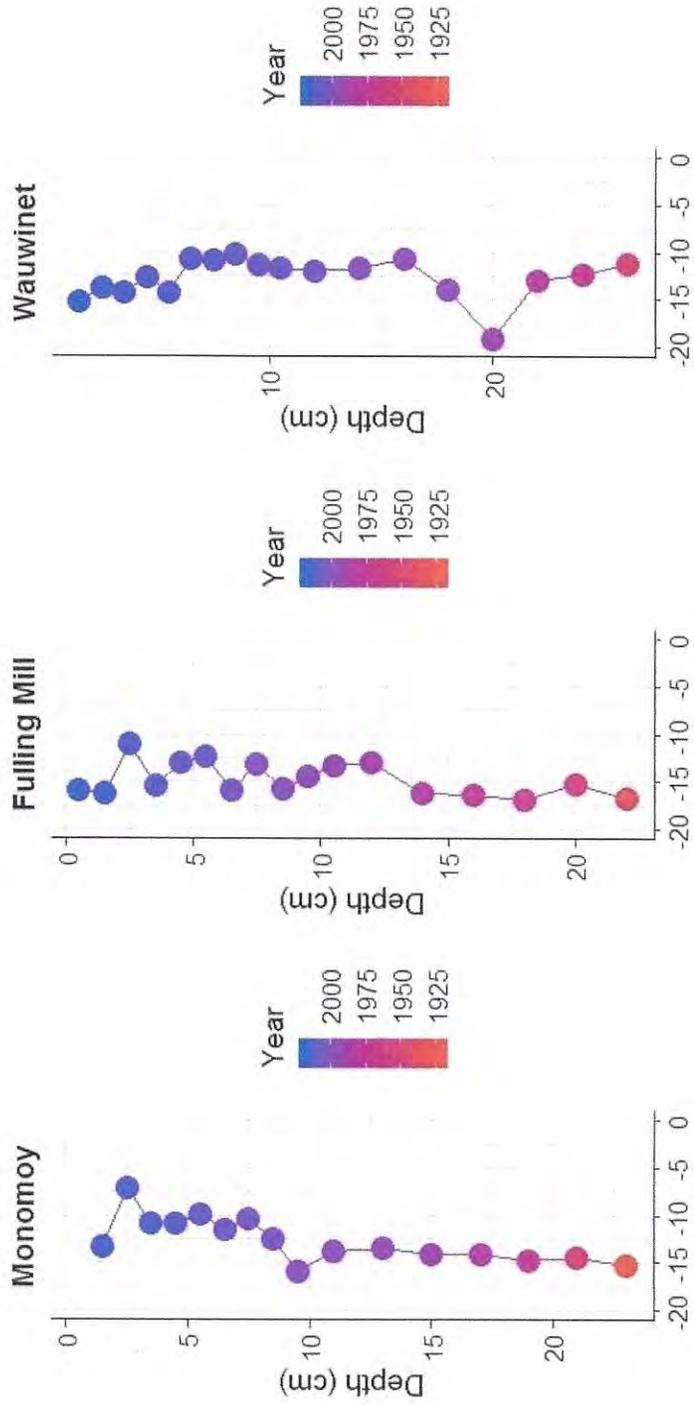


Figure 10. $\delta^{13}C$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{13}C$ can be used to identify sources of carbon.

MAY

June

Site	Avg. Intensity	% Surface Irradiance	Site	Avg. Intensity	% Surface Irradiance

Site	Avg. Intensity	% Surface Irradiance	Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3274	23.07	Monomoy (Top)	3155	28.76
Monomoy (Bottom)	2409	16.97	Monomoy (Bottom)	1632	14.88
Pimny's Point (Top)	2705	19.06	Pimny's Point (Top)	3217	29.32
Pimny's Point (Bottom)	0	0.00	Pimny's Point (Bottom)	2276	20.75
Fulling Mill (Top)	3615	25.46	Fulling Mill (Top)	3063	27.92
Fulling Mill (Bottom)	2115	14.90	Fulling Mill (Bottom)		
Quaise (Top)	3176	22.37	Quaise (Top)	2772	25.27
Quaise (Bottom)	1454	10.24	Quaise (Bottom)	1788	16.30
Pocomo (Top)	2825	19.90	Pocomo (Top)		
Pocomo (Bottom)	1836	12.93	Pocomo (Bottom)		
Wauwinet (Top)	2920	20.57	Wauwinet (Top)	2082	18.98
Wauwinet (Bottom)	2259	15.91	Wauwinet (Bottom)	1087	9.91

Figure 11. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of May and June.

August

Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3155	28.76
Monomoy (Bottom)	1632	14.88
Pimny's Point (Top)	3217	29.32
Pimny's Point (Bottom)	2276	20.75
Fulling Mill (Top)	3063	27.92
Fulling Mill (Bottom)		
Quaise (Top)	2772	25.27
Quaise (Bottom)	1788	16.30
Pocomo (Top)		
Pocomo (Bottom)		
Wauwinet (Top)	2082	18.98
Wauwinet (Bottom)	1087	9.91

Monomoy (Top)	3654	24.46	Monomoy (Top)	2858	26.49
Monomoy (Bottom)	2498	16.72	Monomoy (Bottom)	1262	11.70
Pimny's Point (Top)	4694	31.43	Pimny's Point (Top)	2299	21.32
Pimny's Point (Bottom)	1081	7.23	Pimny's Point (Bottom)	358	3.32
Fulling Mill (Top)	4304	28.81	Fulling Mill (Top)	4878	45.23
Fulling Mill (Bottom)	2413	16.15	Fulling Mill (Bottom)	2514	23.30
Quaise (Top)	3676	24.61	Quaise (Top)	3031	28.10
Quaise (Bottom)	2311	15.47	Quaise (Bottom)	1657	15.36
Pocomo (Top)	3281	21.96	Pocomo (Top)	2442	22.64
Pocomo (Bottom)	1288	8.62	Pocomo (Bottom)	1811	16.79
Wauwinet (Top)	3180	21.29	Wauwinet (Top)	3107	28.80
Wauwinet (Bottom)	2369	15.86	Wauwinet (Bottom)	1939	17.98

Figure 12. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of July and August.

Site	May			June		
	MIN (C)	MAX (C)	AVG (C)	MIN (C)	MAX (C)	AVG (C)
			% Time > 25 °C			% Time > 25 °C
			% Time > 28 °C			% Time > 28 °C
			% Time			% Time
			Site			Site

Site	July				August			
	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25°C
Monomoy (Top)	14.04	28.75	17.74	1.4	18.14	29.15	22.19	10.6
Monomoy (Bottom)	13.94	28.66	17.72	1.3	18.24	27.86	22.02	9.3
Pimny's Point (Top)	13.85	28.75	18.19	1.3	18.33	30.76	22.72	19.4
Pimny's Point (Bottom)	14.23	28.75	17.89	1.3	18.43	30.05	22.57	15.3
Fulling Mill (Top)	13.65	29.45	18.73	1.3	18.90	30.46	23.20	27.2
Fulling Mill (Bottom)	13.75	29.35	18.66	1.1	18.90	29.35	23.14	25.3
Quaise (Top)	14.52	29.45	18.67	1.2	19.00	29.15	23.06	24.4
Quaise (Bottom)	14.52	28.85	18.54	1.2	19.28	30.56	23.66	24.8
Pocomo (Top)	14.33	28.75	18.94	1.1	19.28	30.15	23.51	22.3
Pocomo (Bottom)	14.13	28.56	18.78	1.1				
Wauwinet (Top)	16.05	29.65	19.11	1.0				
Wauwinet (Bottom)	15.95	29.75	19.02	0.9				

Site	July				August			
	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 28°C	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 28°C
Monomoy (Top)	21.86	29.65	25.02	5.1	21.95	29.55	24.77	41.6
Monomoy (Bottom)	21.76	29.65	24.90	4.5	22.05	29.05	24.61	35.2
Pimny's Point (Top)	21.57	30.56	25.41	5.8	21.86	29.55	24.92	46.7
Pimny's Point (Bottom)	21.76	29.65	25.15	5.4	21.76	28.85	24.69	38.8
Fulling Mill (Top)	21.76	30.66	25.75	6.4	21.76	30.66	24.98	45.9
Fulling Mill (Bottom)	21.95	30.36	25.74	6.5	21.66	29.75	24.87	44.0
Quaise (Top)	20.23	30.17	25.70	6.5	22.33	29.05	25.03	51.2
Quaise (Bottom)	20.04	30.95	25.65	6.4	22.43	28.85	25.07	51.1
Pocomo (Top)	20.33	30.17	26.16	7.6	21.86	29.55	25.27	53.1
Pocomo (Bottom)	19.95	30.44	25.90	7.3	21.86	29.25	25.26	53.0
Wauwinet (Top)	20.04	31.94	26.25	7.9	22.91	29.95	25.54	59.9
Wauwinet (Bottom)	19.57	30.84	26.14	6.7	22.91	29.65	25.44	56.5

Figure 13. Descriptive statistics for temperature between the months of May and August. Continuous water temperature were collected at 15 minute intervals.



P.O. Box 604
Nantucket, MA 02554

508-325-7753

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John C. West, MD
Edward Wight

Executive Director

Brooke Christian

January 13, 2020

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

Dear Conservation Commission,

The Nantucket Shellfish Association is invested in the heritage and productivity of the island shellfisheries. We are focused on water quality to preserve and restore Nantucket's harbors and commercial and recreational shellfisheries. We are focused on protecting and preserving the health of the harbors, shellfisheries and waters surrounding Nantucket island. Specifically, we work to protect and preserve the last commercial bay scallop fishery in the world, which produces Nantucket Bay Scallops.

We are writing this letter in opposition of the proposed Pier application for 46 Shimmo Pond Rd. We have very grave concerns regarding this application, which are laid out in this letter.

Currently, under local Zoning Chapter 139, Section 22 *Island Perimeter Restrictions*, permitting of this pier is prohibited. This has been in effect since Town Meeting in 2008. If this permit is approved, it would set a very bad precedent for additional new residential structures within the harbor area.

Additionally, the sheer size of this pier is unreasonable. The pier is proposed to be greater than 300 feet long and, in its entirety will consist of total footprint of 860 square feet. The reason this is so unreasonable is that docks and piers block sunlight from reaching eelgrass preventing it from growing. As we already know, the eelgrass in our harbors is precious and must be protected in order to maintain and enhance the health of the waters and the shellfish populations.

There will be a direct impact on the shellfish habitats and eelgrass habitats from the footprint of the pier and pilings. This island cannot allow any more negative impact to the eelgrass or shellfish beds. We are already trying to save what is left and preserve the environment there. This area of the harbor has the potential to support healthy eelgrass and putting this pier here, or any others, would be a great detriment.

More specifically, the Nantucket Wetland Protection Regulations state in their performance standards for Land Under the Ocean, in Section 2.01 B(3) the

.... To PRESERVE AND ENHANCE NANTUCKET'S SHELLFISHERIES

www.nantucketshellfishassociation.org



P.O. Box 604
Nantucket, MA 02554

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Edward Wight

Executive Director

Brooke Christian

“Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.”

Additionally, in (Section 2.01 B(8)) they state that:

“Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.”

This is a healthy eelgrass location, which, as we know, is the habitat for Nantucket Bay Scallops. We are already in the throes of degradation of this species due to environmental concerns. It would be egregious to allow this pier, when it is clear that it will have a negative impact on this habitat and species.

In fact, the Nantucket Wetland Protection Regulations state in the performance standards for Land Containing Shellfish that:

(Section 2.08 B(1)): “Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.”

(Section 2.08 B(7)): “No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.”

I sincerely hope that the conservation commission and other boards will agree that this application should be denied immediately.

Sincerely,

Brooke Christian, MBA
Executive Director
Nantucket Shellfish Association
brooke@nantucketshellfish.org

.... To PRESERVE AND ENHANCE NANTUCKET’S SHELLFISHERIES

www.nantucketshellfishassociation.org

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):

92 Washington Street Extension

a. Street Address

Nantucket

b. City/Town

02554

c. Zip Code

Latitude and Longitude:

41-16-46.45 N

d. Latitude

70-05-31.34 W

e. Longitude

42.2.3

f. Assessors Map/Plat Number

22

g. Parcel /Lot Number

2. Applicant:

c/o Arthur I.

a. First Name

Reade Jr.

b. Last Name

Great State Properties, LLC

c. Organization

Six Young's Way P.O. Box 2669

d. Street Address

Nantucket

e. City/Town

MA

f. State

02584

g. Zip Code

508-228-3128

h. Phone Number

i. Fax Number

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):

Leo C.

a. First Name

Asadoorian PLS

b. Last Name

Blackwell & Associates, Inc.

c. Company

20 Teasdale Circle

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

508-228-9026 x-12

h. Phone Number

i. Fax Number

leo@blackwellsurvey.com

j. Email address

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

\$330.00

a. Total Fee Paid

\$152.50

b. State Fee Paid

\$177.50

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.

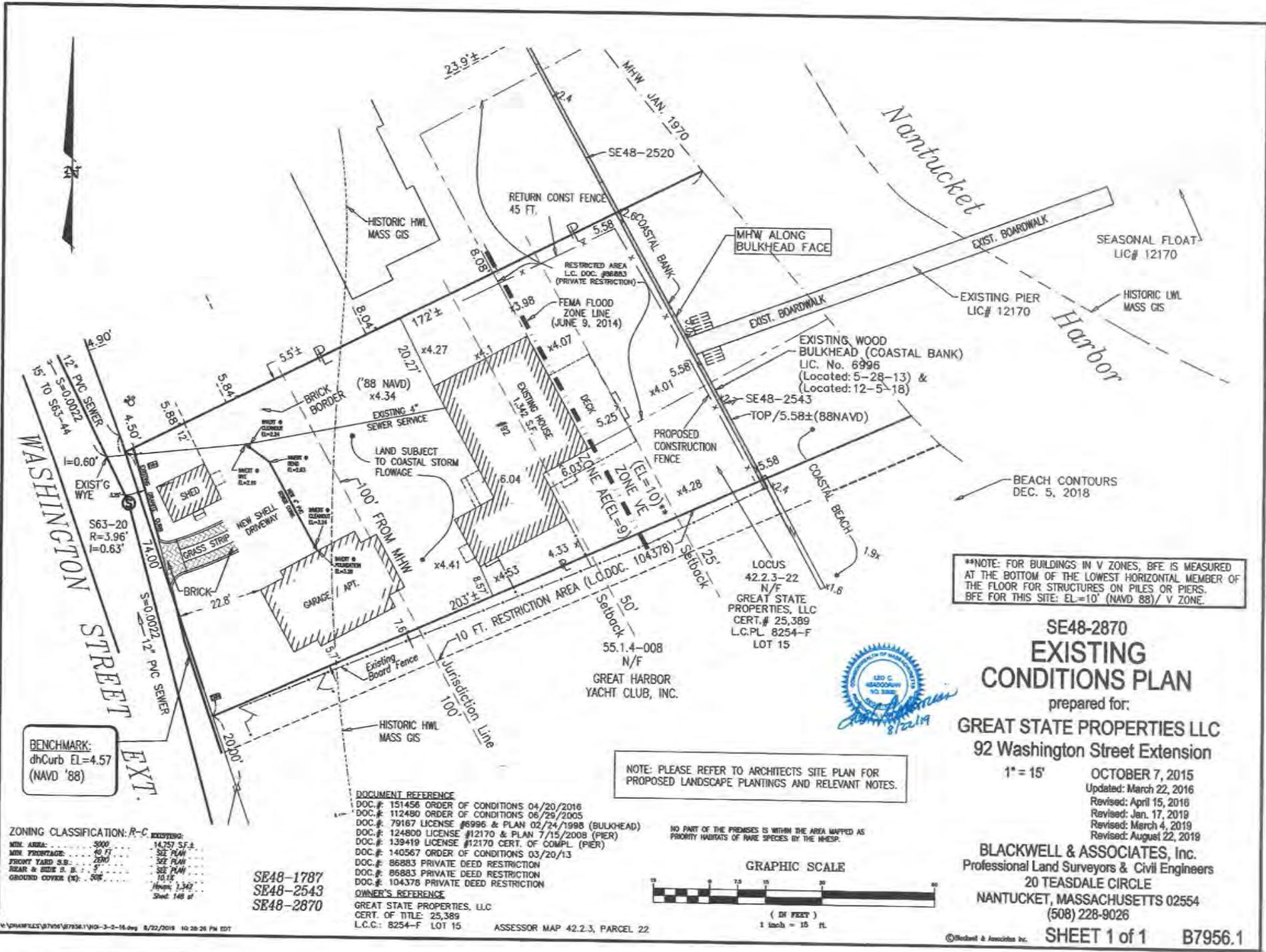
All construction, both in materials used and structure elevations will comply with current State and International Building Codes.

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:	14.75' S.F.F.
MIN. FRONTAGE:	40 FT.	MIN. YARD S.S.:	5'
MIN. YARD S.S.:	5'	MIN. SIDE S.S.:	5'
MIN. SIDE S.S.:	5'	MIN. REAR S.S.:	5'
MIN. REAR S.S.:	5'	MIN. GROUND COVER (%):	20%

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.

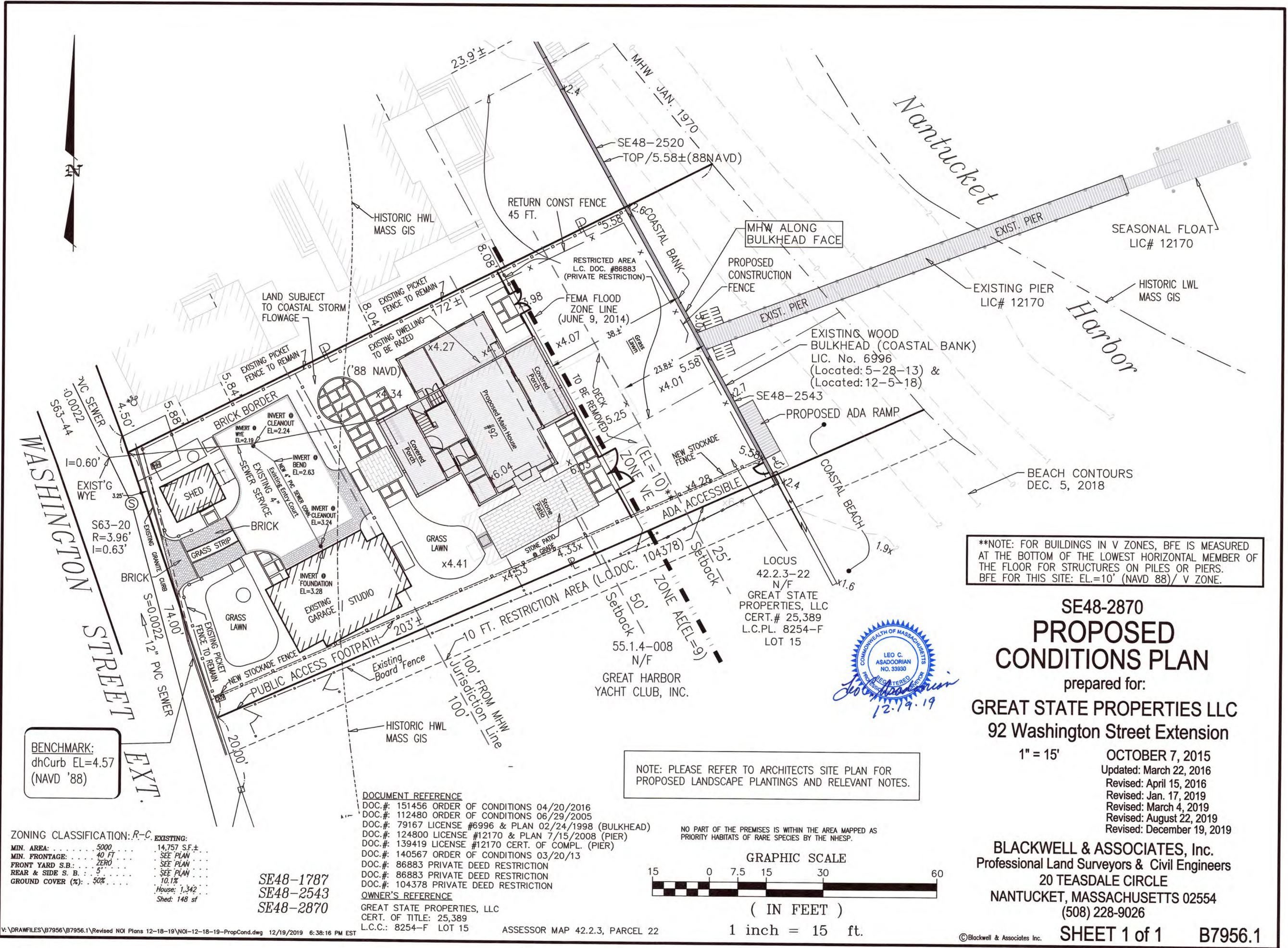
**SE48-2870
EXISTING
CONDITIONS PLAN**

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

©Blackwell & Associates Inc.



****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
PROPOSED
CONDITIONS PLAN**
prepared for:
GREAT STATE PROPERTIES LLC
92 Washington Street Extension

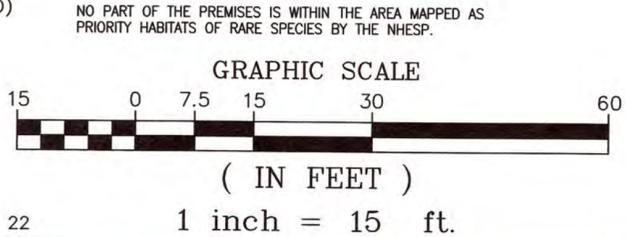
1" = 15'
OCTOBER 7, 2015
Updated: March 22, 2016
Revised: April 15, 2016
Revised: Jan. 17, 2019
Revised: March 4, 2019
Revised: August 22, 2019
Revised: December 19, 2019

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NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
SHEET 1 of 1 B7956.1

BENCHMARK:
dhCurb EL=4.57
(NAVD '88)

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

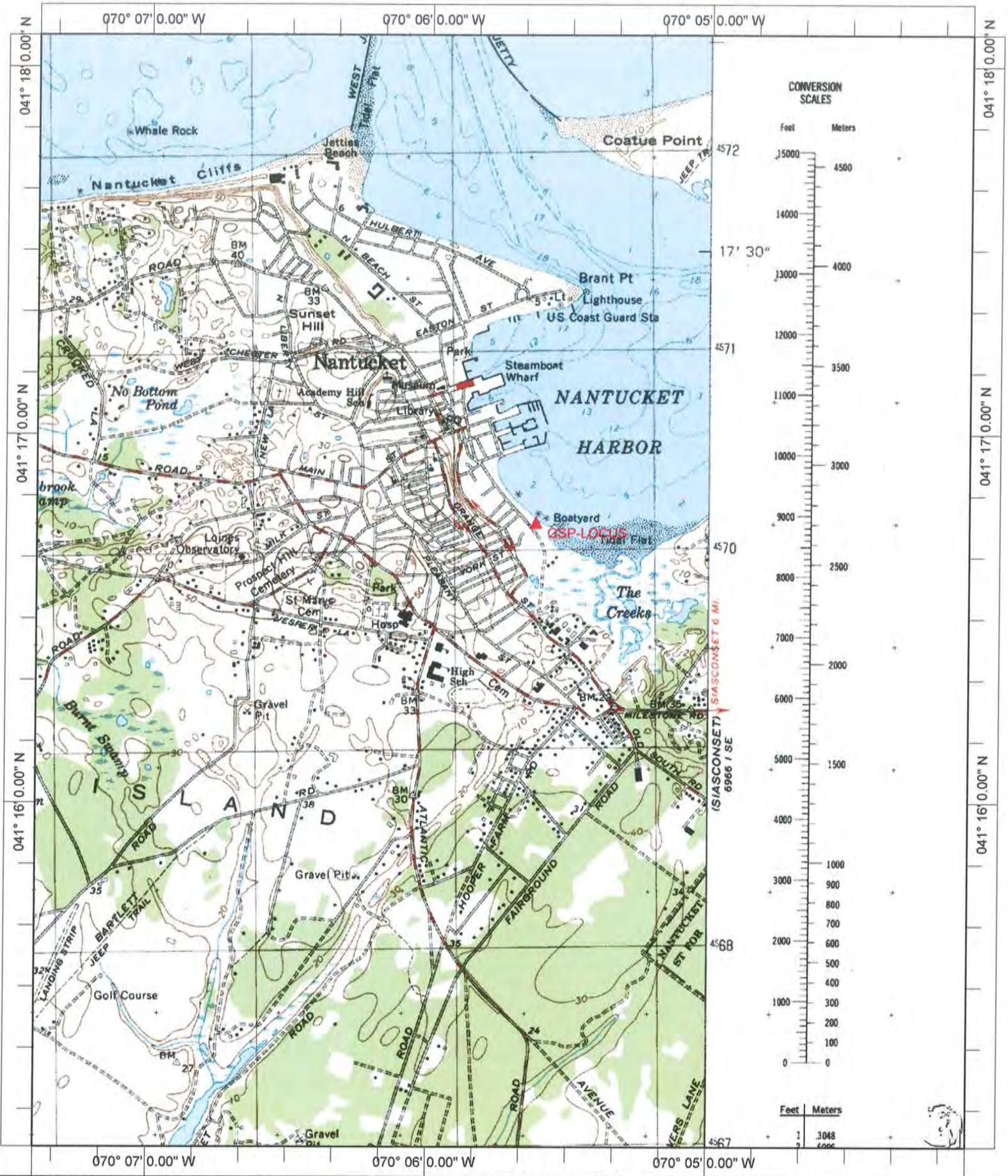
- DOCUMENT REFERENCE**
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 - DOC.#: 112480 ORDER OF CONDITIONS 06/29/2005
 - DOC.#: 79167 LICENSE #6996 & PLAN 02/24/1998 (BULKHEAD)
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 - DOC.#: 104378 PRIVATE DEED RESTRICTION
- OWNER'S REFERENCE**
- GREAT STATE PROPERTIES, LLC
 - CERT. OF TITLE: 25,389
 - L.C.C.: 8254-F LOT 15



ZONING CLASSIFICATION: R-C

MIN. AREA: 5000	EXISTING: 14,757 S.F.±
MIN. FRONTAGE: 40 FT.	SEE PLAN
FRONT YARD S.B.: ZERO	SEE PLAN
REAR & SIDE S. B.: 5'	SEE PLAN
GROUND COVER (%): 50%	10.1%
	House: 1,342
	Shed: 148 sf

SE48-1787
SE48-2543
SE48-2870



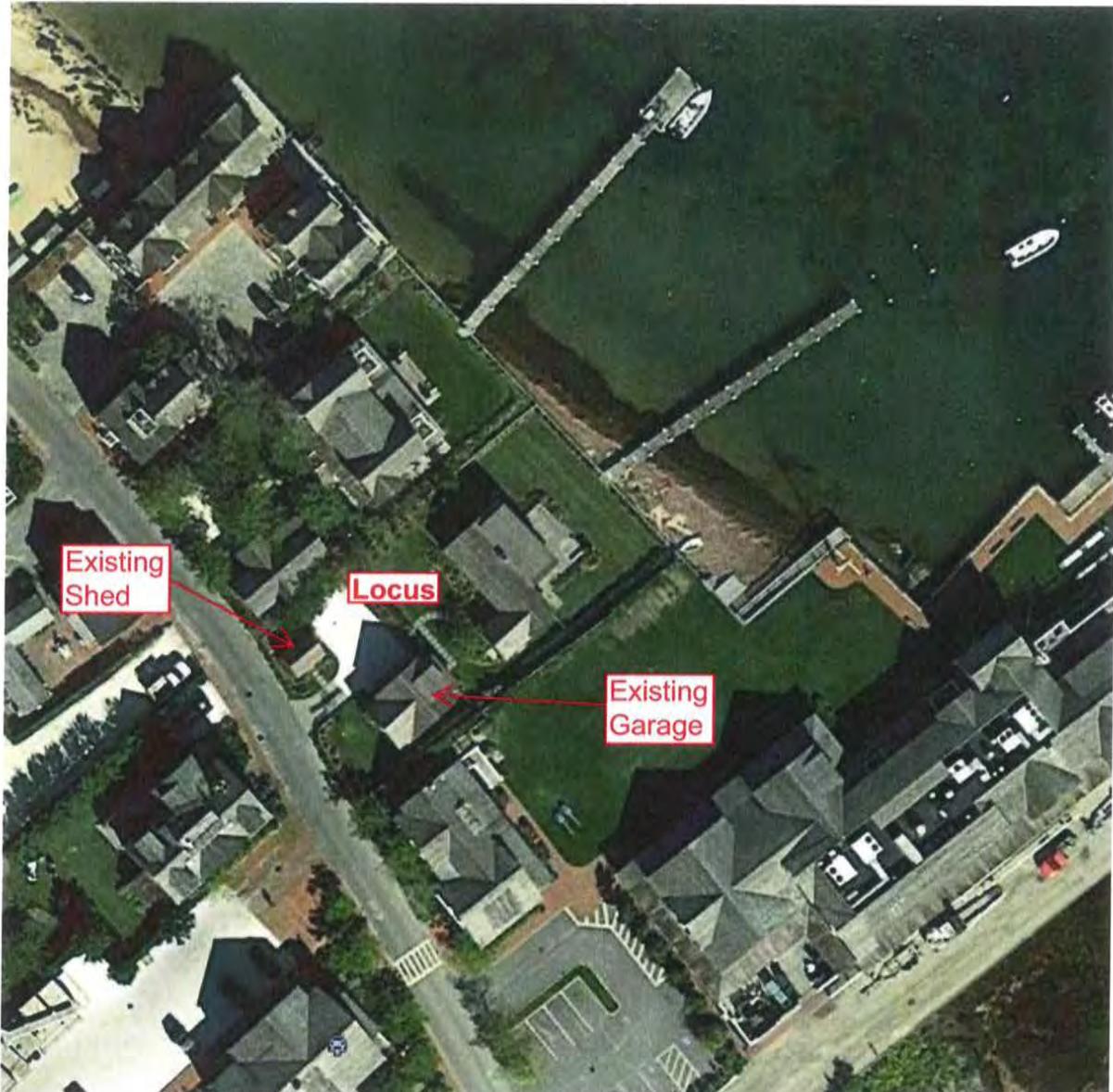
<Default> - 1 Markers, Length = 0 feet

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

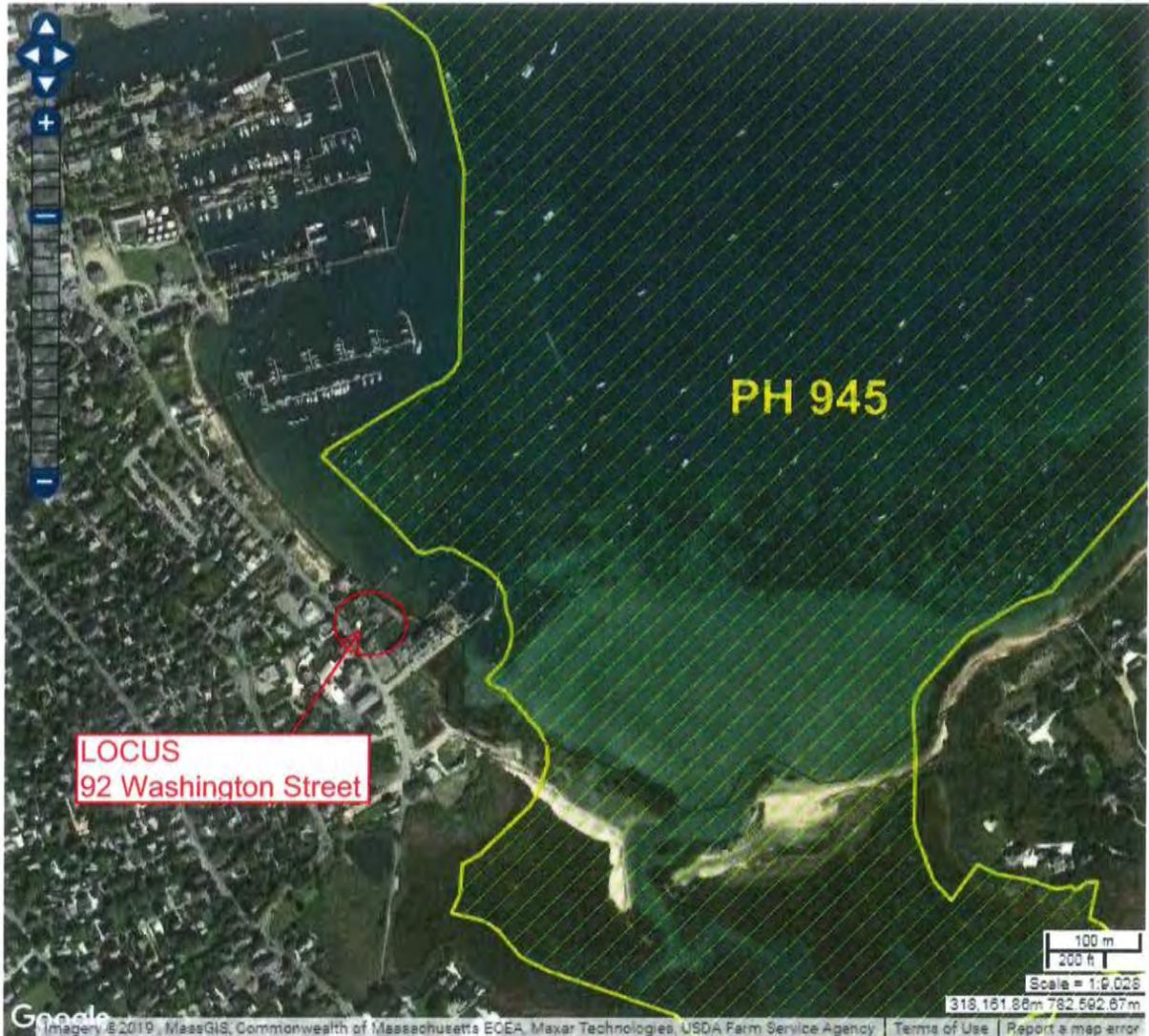
Name: NANTUCKET
 Date: 8/22/119
 Scale: 1 inch equals 2000 feet

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

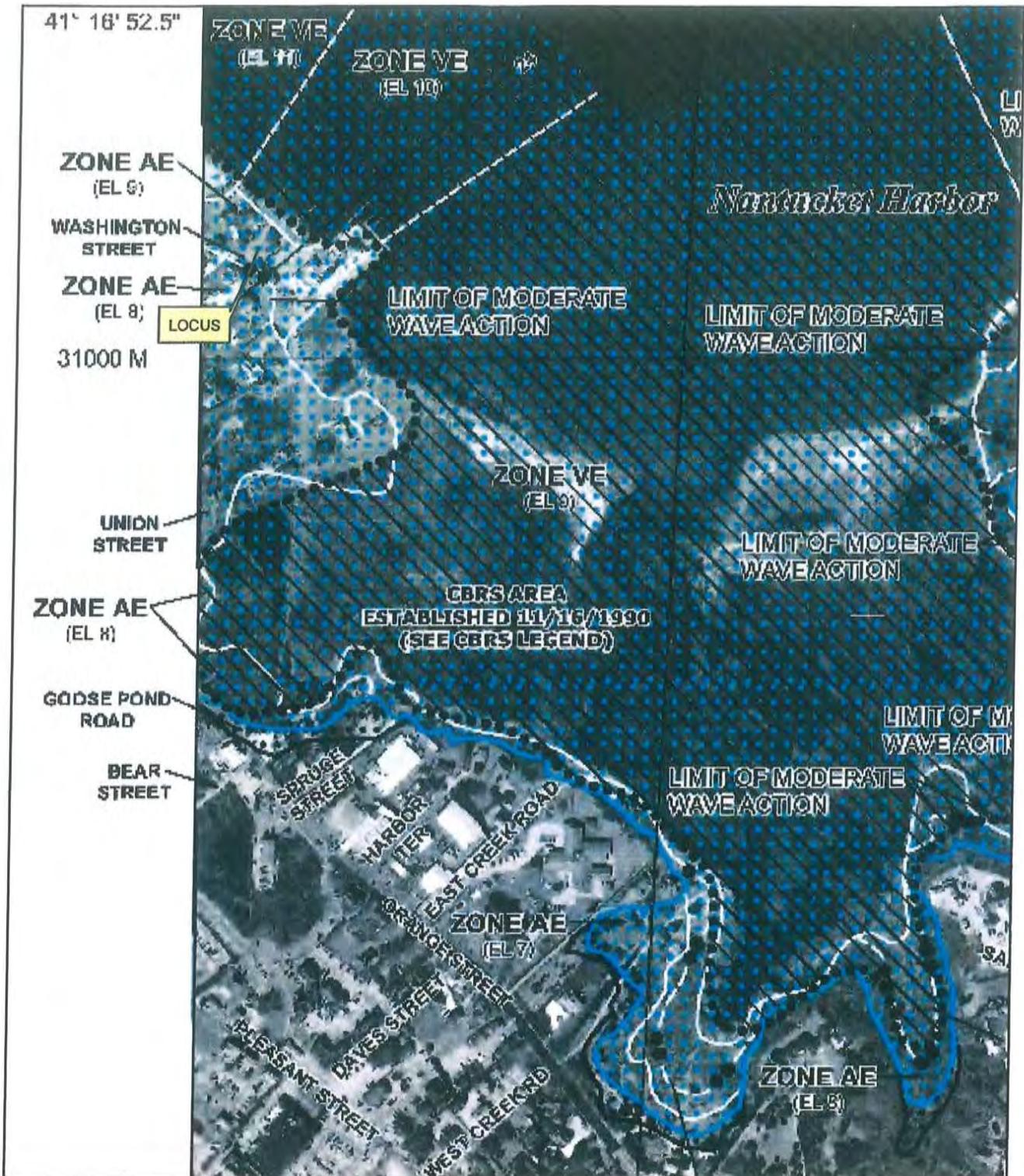


GIS Map: 2014

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

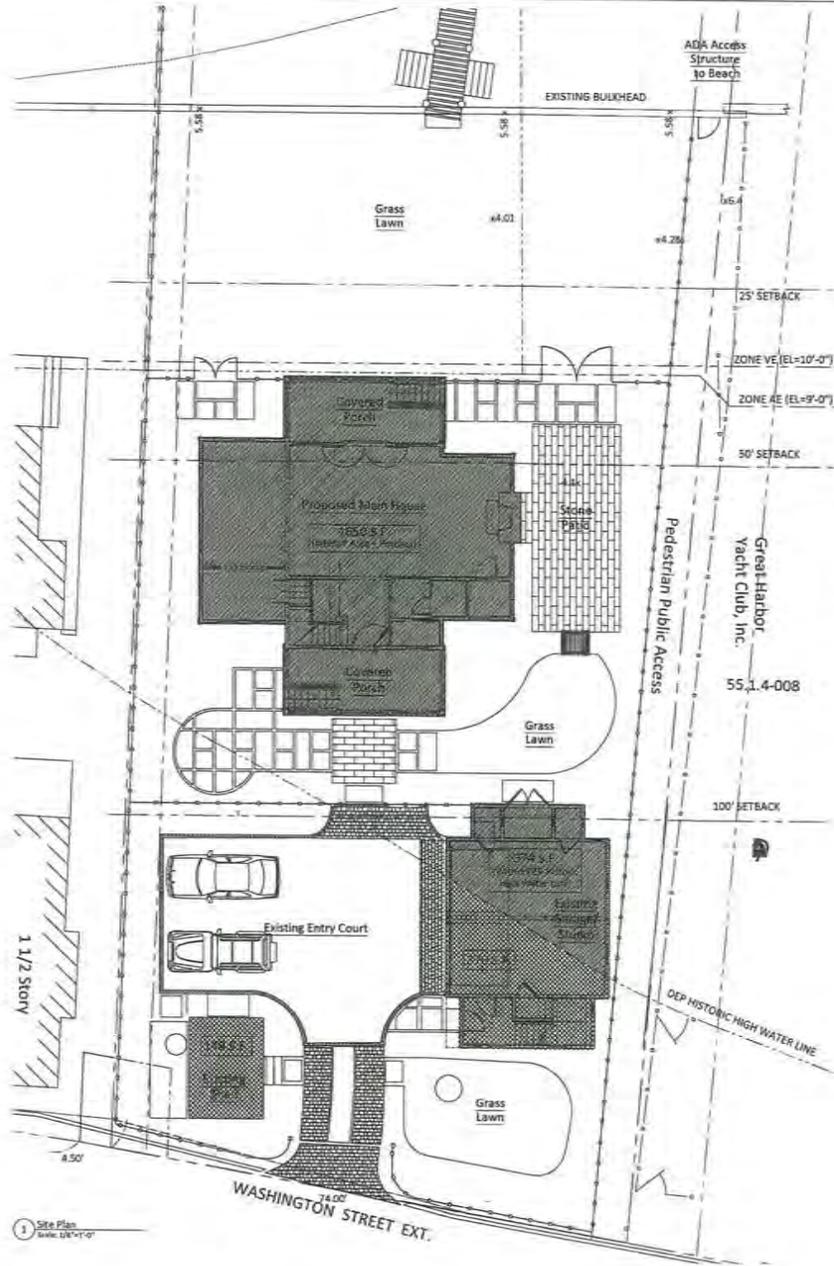
92 Washington St
Nantucket, MA

Site Plan

Issue Date:

Project number: 19-31

A1.1



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





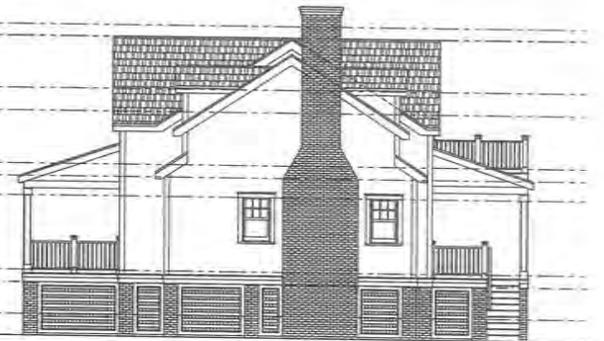
South Elevation (Washington Street Side)



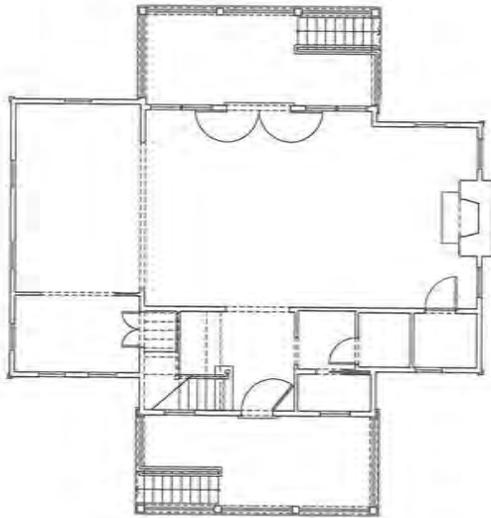
West Elevation (Faces Neighbor)



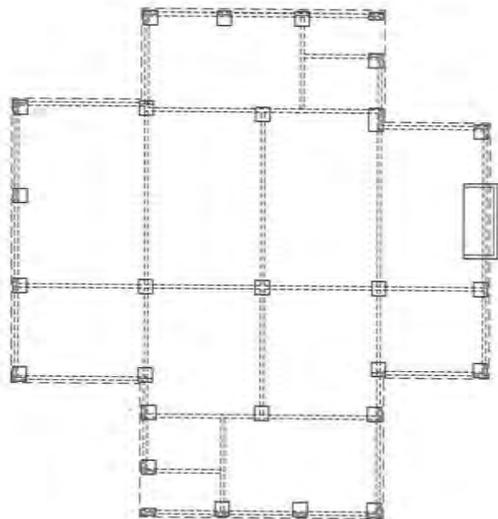
North Elevation (Harbor Side)



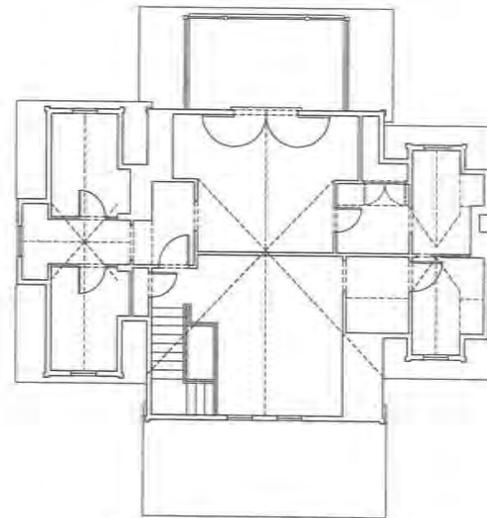
East Elevation (GHYC Side)



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

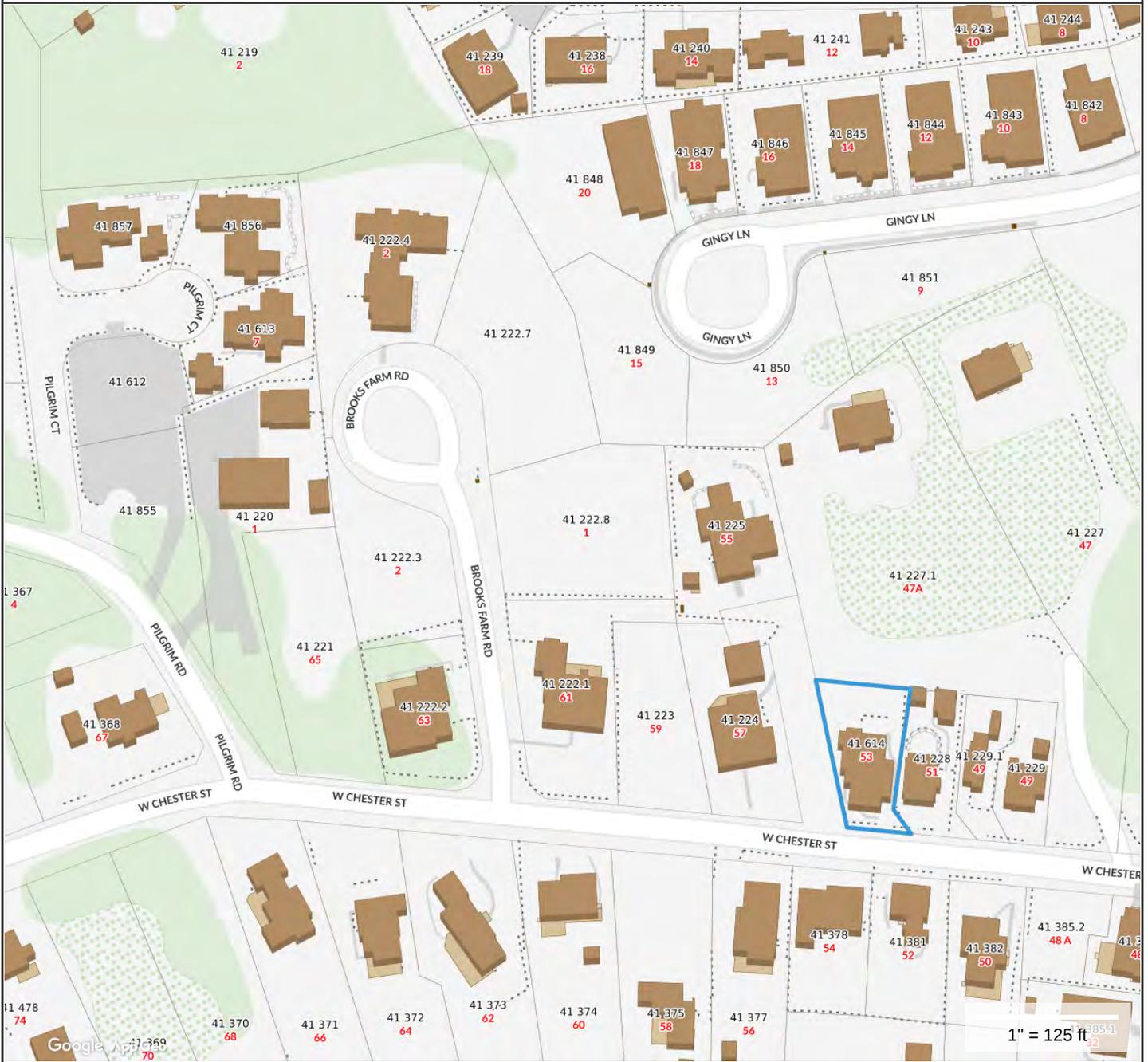
53 WESTCHESTER STREET

DECEMBER 2019

Prepared For

53 WESTCHESTER LLC

Locus Map



1" = 125 ft

Property Information

Property ID 41 614
Location 53 W CHESTER ST
Owner 53 WEST CHESTER 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



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 ink stamp or 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
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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>				
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>				
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<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. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> 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)

- 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.

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



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

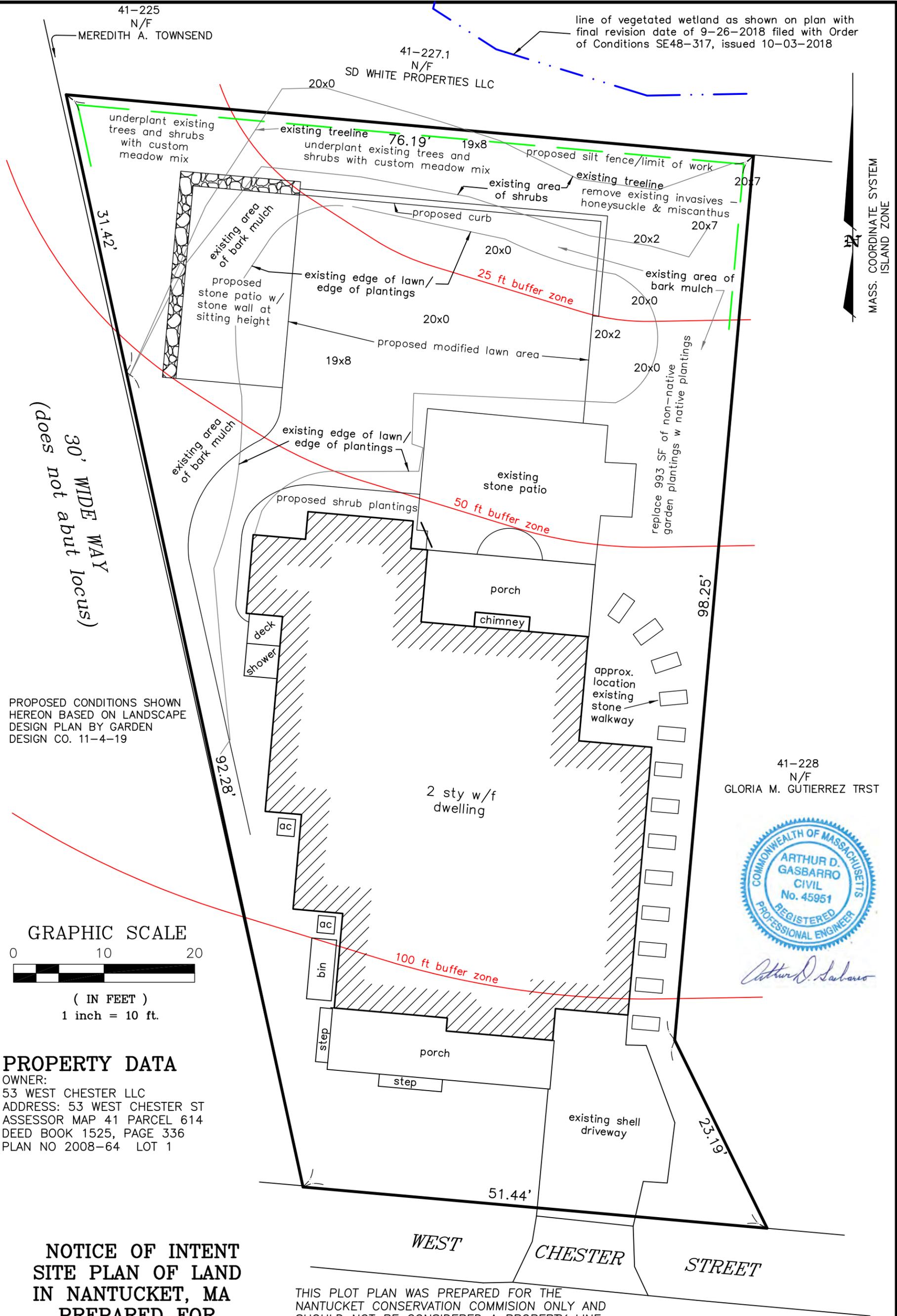
W CHESTER ST

41-225
N/F
MEREDITH A. TOWNSEND

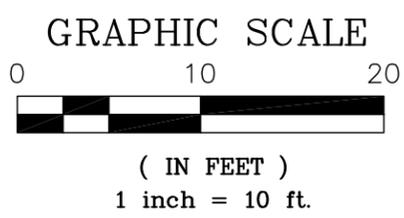
41-227.1
N/F
SD WHITE PROPERTIES LLC

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



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

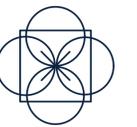


Arthur D. Gasbarro

**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



SURVEYOR
Nantucket Engineering
508.825.5053

GENERAL NOTES
Drawing are based on plans provided by architects and surveyor. Please notify designer of any discrepancies.

53 W. Chester
Nantucket, MA

DATE: 11/4/18
SCALE: 3/16" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 41 / 614
ZONING: R1
REVISION:

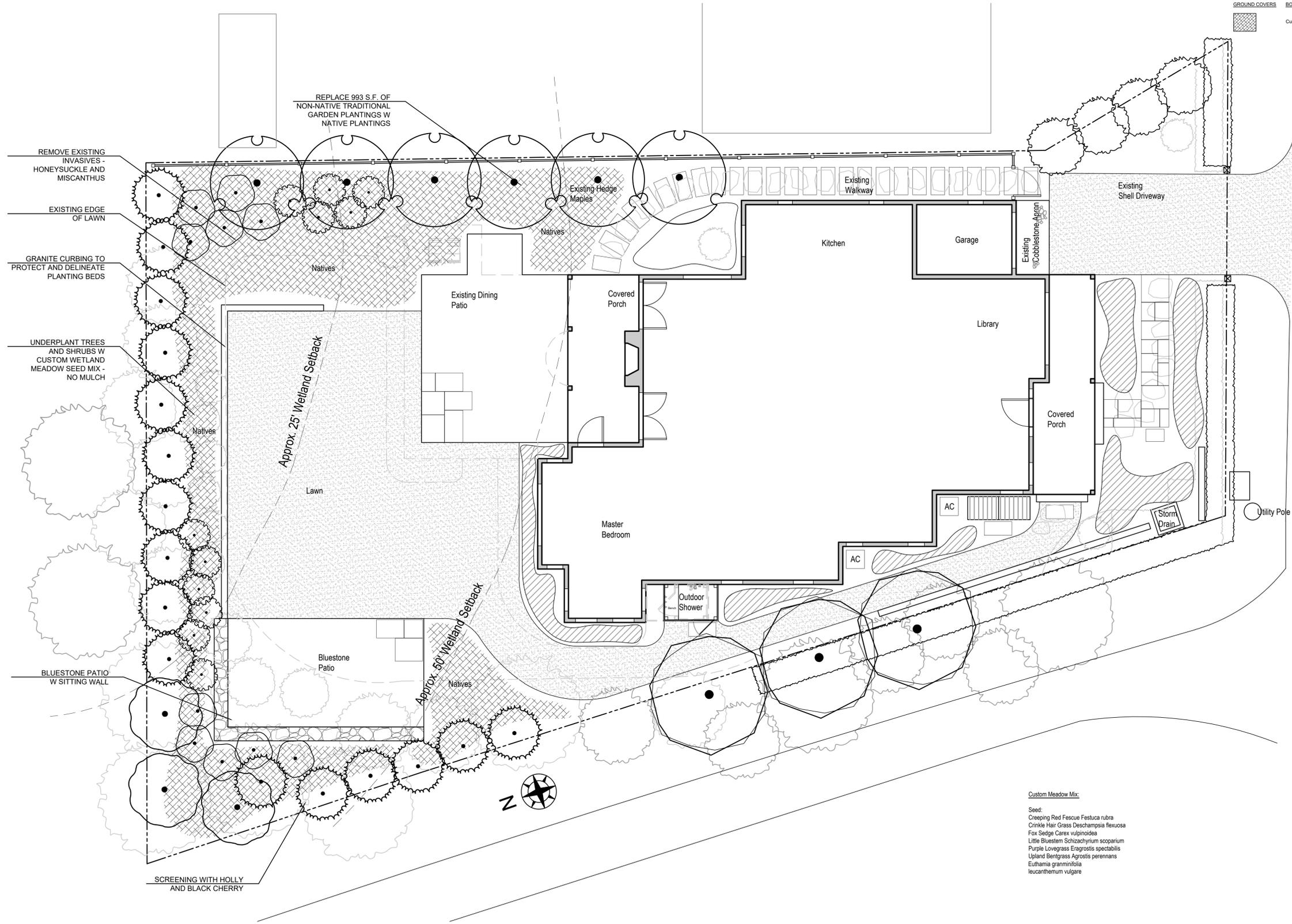
L1.1
SITE PLAN

P.O. BOX 3153
NANTUCKET, MA 02583
508.325.4080
www.juliejordin.com

© 2018 The Garden Design Co.

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	QTY	
	Ilex opaca / American Holly	8'-10" B&B	16	
	Prunus serotina / Wild Black Cherry	3-3.5" Cal.	3	
SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY	
	Clethra alnifolia / Summersweet Clethra	7 gal	11	
	Ilex verticillata / Winterberry	5-6' B&B	10	
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	SPACING	QTY
	Custom Wetland Meadow Seed Mix / Wetland Seed Mix	-	-	993 sf



Custom Meadow Mix:
Seed:
Creeping Red Fescue Festuca rubra
Crimk Hair Grass Deschampsia flexuosa
Fox Sedge Carex vulpinoidea
Little Bluestem Schizachyrium scoparium
Purple Lovegrass Eragrostis spectabilis
Upland Bentgrass Agrostis perennans
Euthamia granminifolia
leucanthemum vulgare

In Progress 11.4.2019

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:

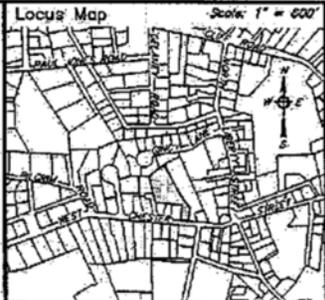
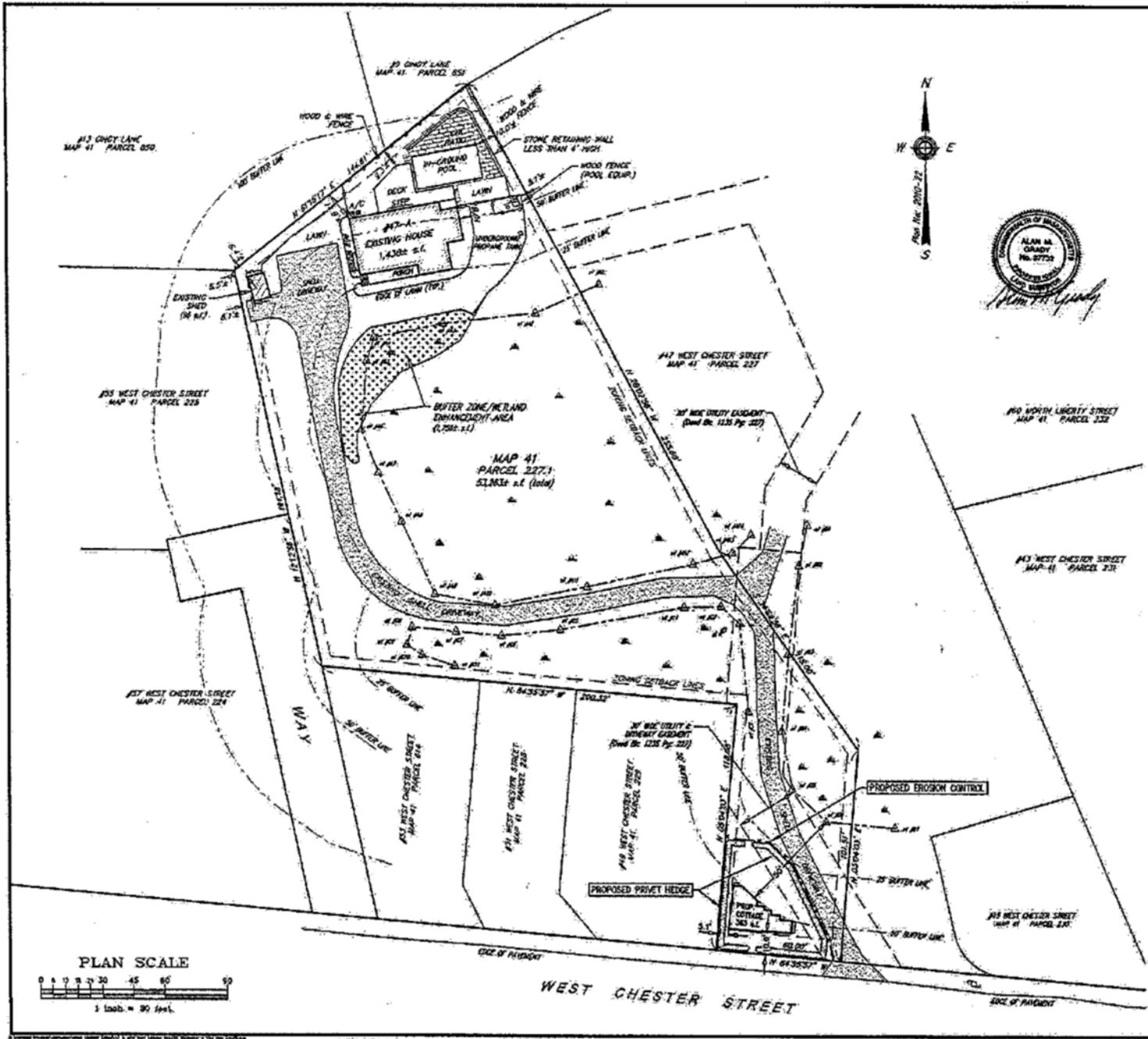
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). 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: Bk: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 06/09/2014.
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% MIN)	5.7%	5.4% (24% MIN)

Prepared By:

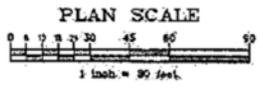
BRACKEN ENGINEERING INC.

48 HERRING POND ROAD SUZZARD BAY, MA 01932 (508) 508.833.2876 (781) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554 (508) 508.323.8864 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 PRIVET LOCATION	RAM
No.	Date	Revision Description	By
Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 12, 2018	RAM/ERC/BO	DPB/AMJ	3 of 3





January 16, 2020

Jeff Carlson, Administrator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Notice of Intent – SE48-3269
53 Westchester Street

Dear Jeff:

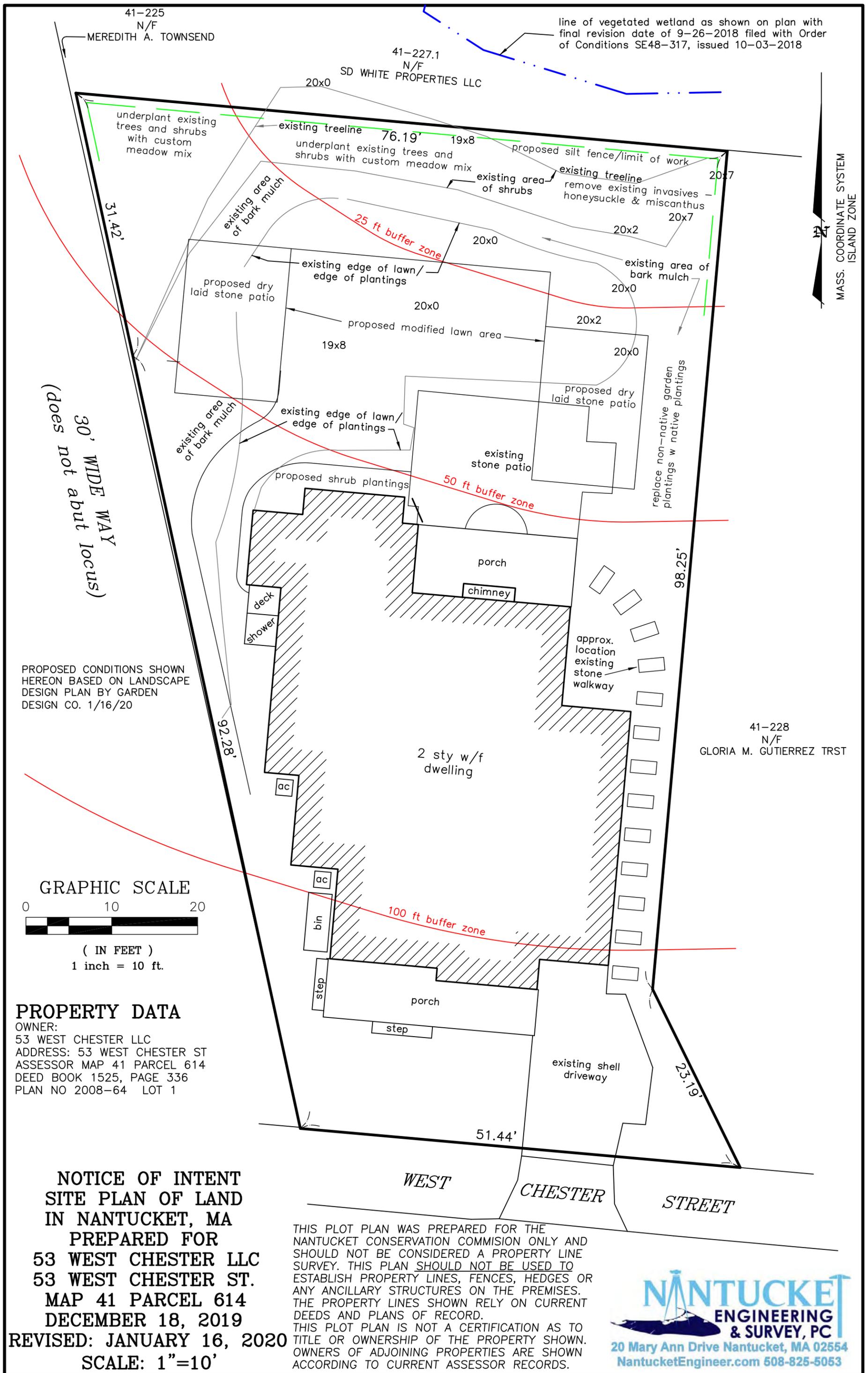
I am writing to provide revised plans and additional information in response to comments received at the first public hearing. Attached are an updated site and landscape plan. The proposed stone sitting wall has been removed and patios revised to be sited outside of the 25-foot buffer zone. The native plantings and invasive species management remain as per the original application.

I plan to attend the public hearing on this matter, though please feel free to contact me should you have any questions or concerns with this request in the meantime.

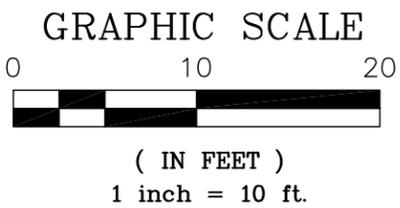
Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS

A handwritten signature in blue ink that reads "Arthur D. Gasbarro".

Cc: MassDEP – SERO
Garden Design Co.
53 Westchester LLC



PROPOSED CONDITIONS SHOWN
HEREON BASED ON LANDSCAPE
DESIGN PLAN BY GARDEN
DESIGN CO. 1/16/20



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

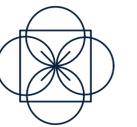
**NOTICE OF INTENT
SITE PLAN OF LAND
IN NANTUCKET, MA
PREPARED FOR
53 WEST CHESTER LLC
53 WEST CHESTER ST.
MAP 41 PARCEL 614
DECEMBER 18, 2019
REVISED: JANUARY 16, 2020
SCALE: 1"=10'**

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

MASS. COORDINATE SYSTEM
ISLAND ZONE



SURVEYOR
Nantucket Engineering
508.825.5053

GENERAL NOTES
Drawing are based on plans provided by architects and surveyor. Please notify designer of any discrepancies.

53 W. Chester
Nantucket, MA

DATE: 1/16/20
SCALE: 3/16" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 41 / 614
ZONING: R1
REVISION:

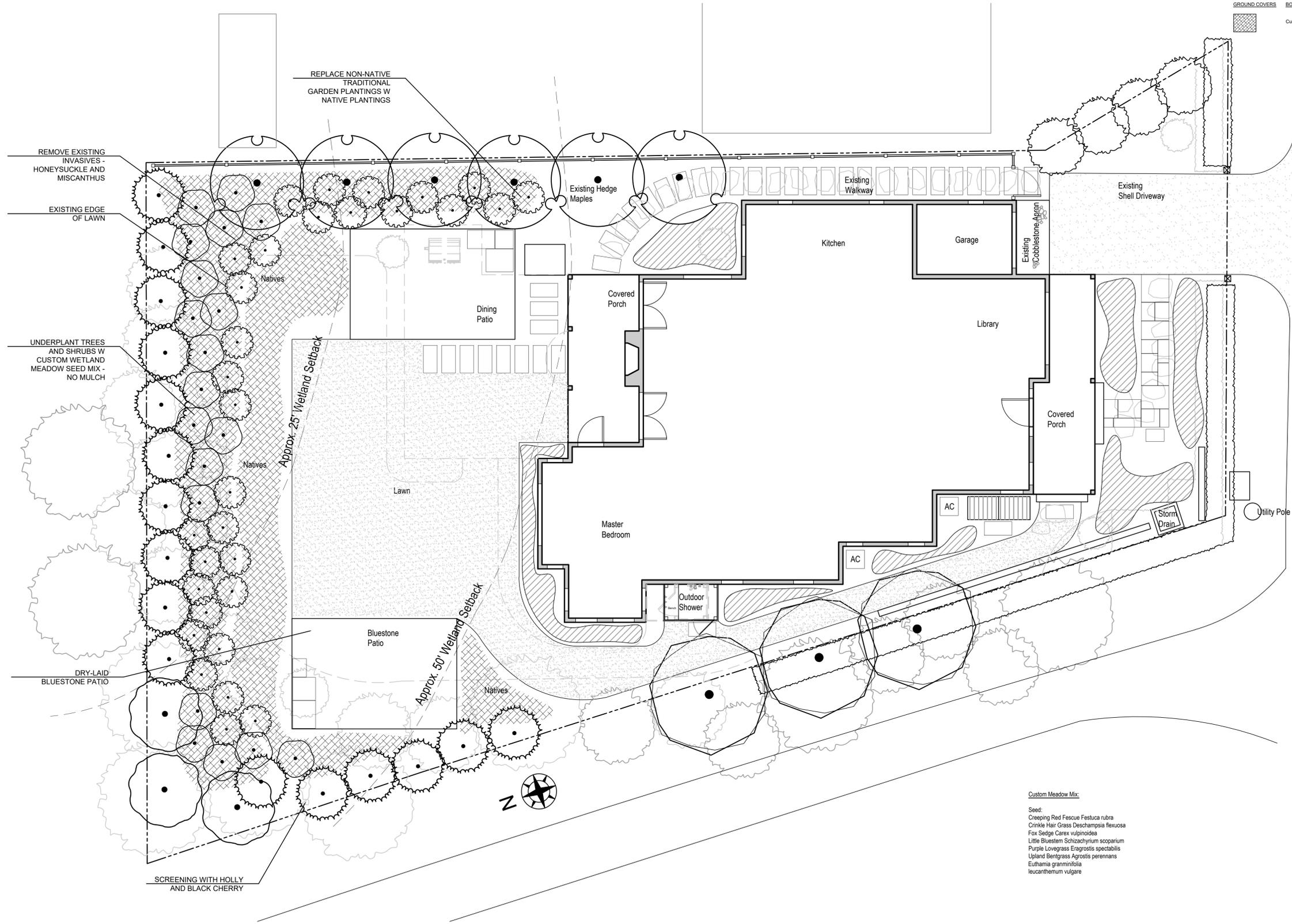
L1.1
SITE PLAN

P.O. BOX 3153
NANTUCKET, MA 02583
508.325.4080
www.juliejordin.com

© 2018 The Garden Design Co.

PLANT SCHEDULE

TREES	BOTANICAL / COMMON NAME	CONT	QTY	
	Ilex opaca / American Holly	8'-10" B&B	16	
	Prunus serotina / Wild Black Cherry	3-3.5" Cal.	3	
SHRUBS	BOTANICAL / COMMON NAME	CONT	QTY	
	Clethra alnifolia / Summersweet Clethra	7 gal	31	
	Ilex verticillata / Winterberry	5-6" B&B	19	
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	SPACING	QTY
	Custom Wetland Meadow Seed Mix / Wetland Seed Mix	-	-	1,003 sf



Custom Meadow Mix:
Seed:
Creeping Red Fescue Festuca rubra
Crimk Hair Grass Deschampsia flexuosa
Fox Sedge Carex vulpinoidea
Little Bluestem Schizachyrium scoparium
Purple Lovegrass Eragrostis spectabilis
Upland Bentgrass Agrostis perennans
Euthamia granminifolia
leucanthemum vulgare

In Progress 1.16.2020



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

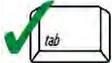


WPA Form 3 – Notice of Intent

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.

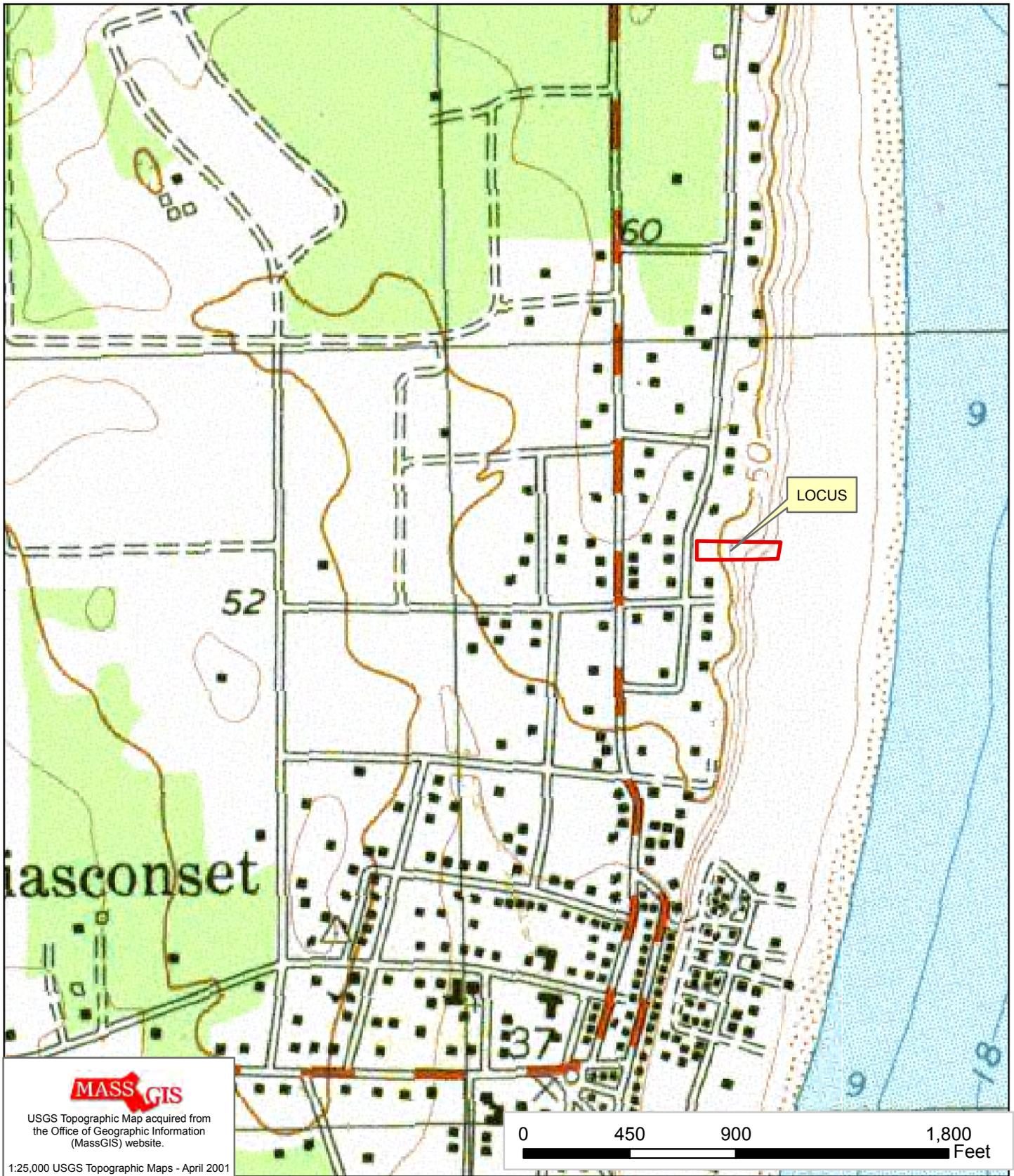
Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40) and its implementing *Regulations* (310 CMR 10.00), www.state.ma.us/dep.

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>



MASS GIS
 USGS Topographic Map acquired from the Office of Geographic Information (MassGIS) website.
 1:25,000 USGS Topographic Maps - April 2001

LEC
 LEC Environmental Consultants, Inc.
 Plymouth, MA
 508.746.9491
 www.lecenvironmental.com

Figure 1: USGS Topographic Map
 17 Baxter Road
 Nantucket, Massachusetts

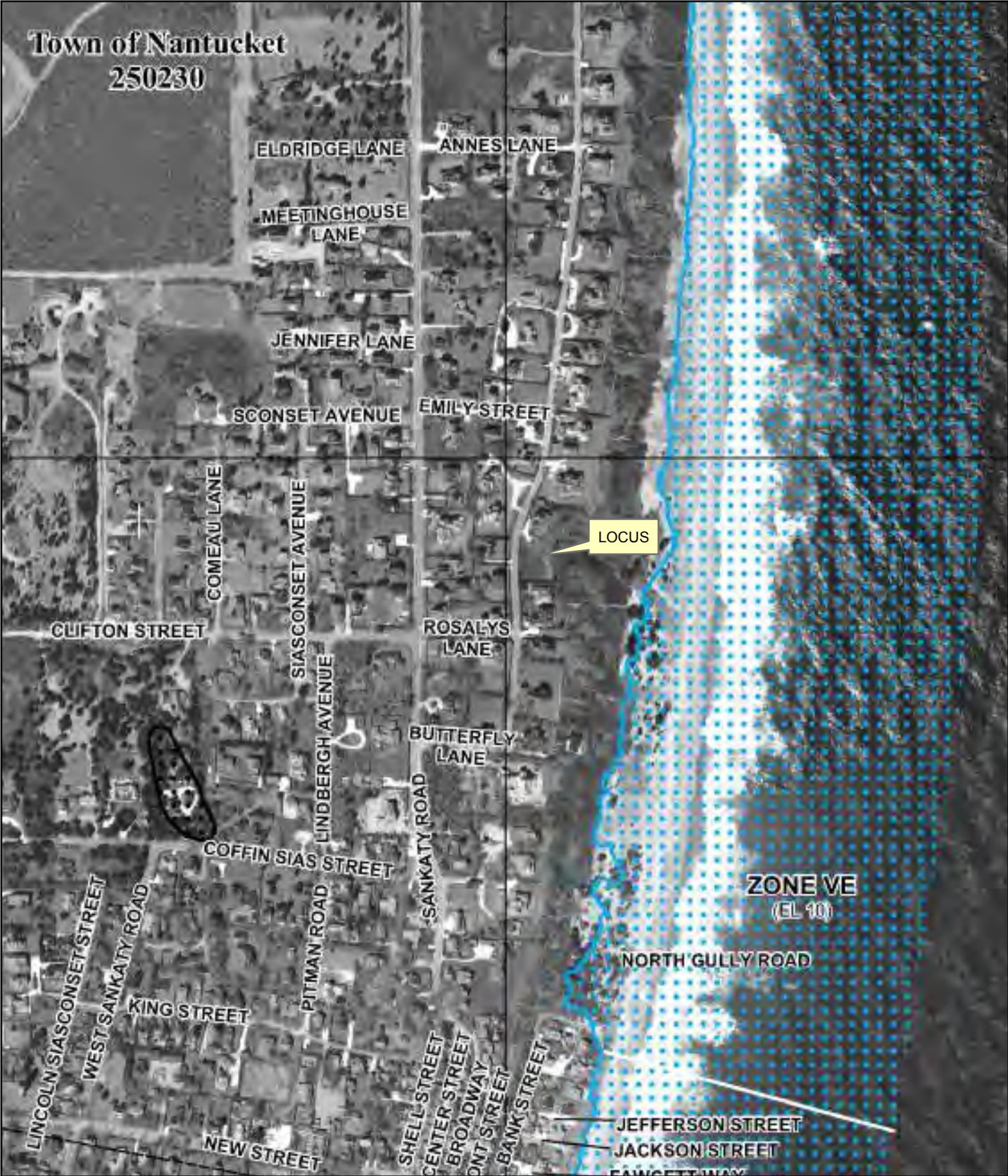
N

 December 17, 2019



Figure 2: Aerial Orthophoto Map

17 Baxter Road
Nantucket, Massachusetts



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)

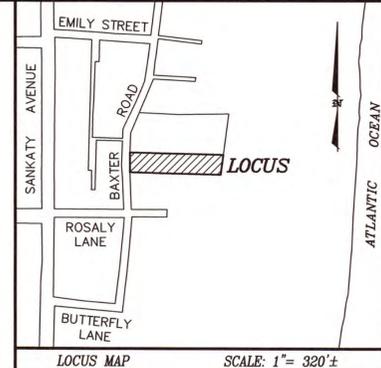
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

CURRENT ZONING CLASSIFICATION:
Limited Use General 3 (L.U.G.-3)

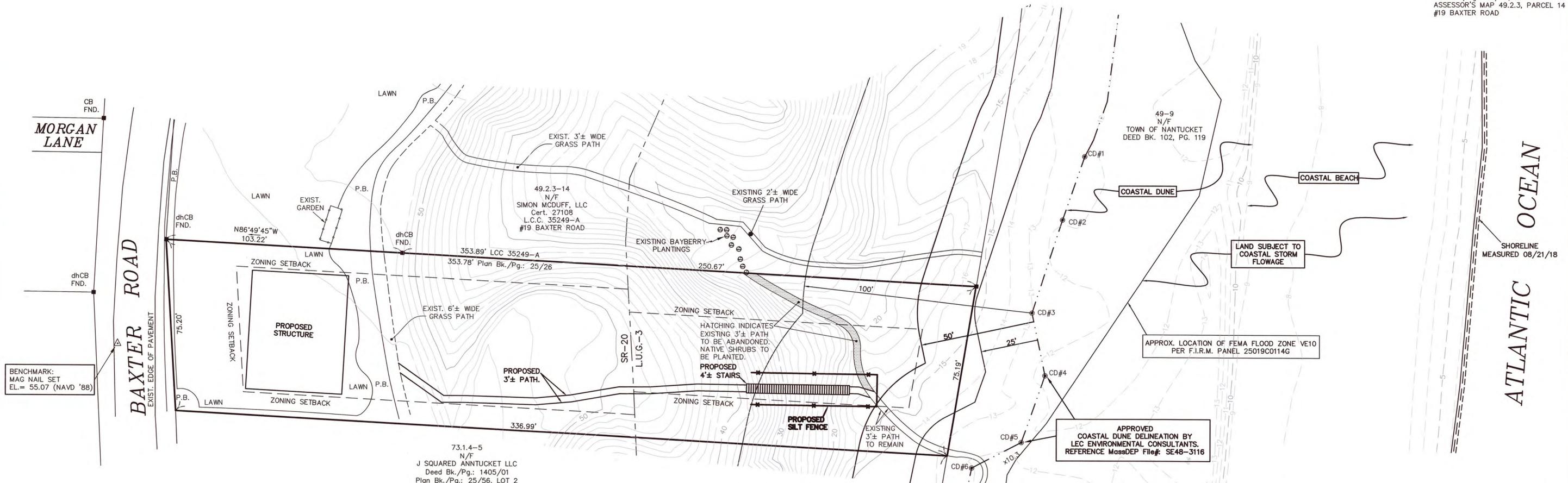
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 20 FT.
GROUND COVER % : 3%

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

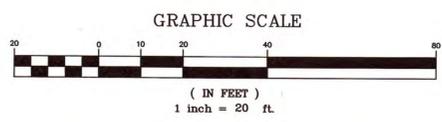


OWNER INFORMATION
KIMBALL J. MORINIERE, TRUSTEE
17 BR ROSALY NOMINEE TRUST
Deed Bk./Pg.: 1659/108
Plan Bk./Pg.: 25/56, LOT 1
ASSESSOR'S MAP 49.2.3, PARCEL 14
#19 BAXTER ROAD



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



January 17, 2020

Email

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Re: NOI Supplemental Information
DEP File #SE48-3267
17 Baxter Road (49.2.3-15)
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 additional information on the proposed stairs design and construction to supplement the 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*.

The proposed wooden stairs with hand rails will be 4-foot wide and elevated approximately 12± inches off existing grade and supported by 4x4 posts/concrete sonotube footings. A mid-landing has been added as depicted on the *Site Plan to Accompany a Notice of Intent*, prepared by Blackwell & Associates, Inc., dated January 16, 2020. A 3± foot wide walking path will extend from the stairs to the existing path. The northerly portion of the existing path will be abandoned and revegetated with arrowwood (*Viburnum dentatum*) shrubs.

All construction materials associated with the stairs will be stored within the developed portions of the site located outside of the 100-foot Buffer Zone. The Limit of Work adjacent to the stairs will be demarcated to contain the work areas and minimize vegetative disturbance. Any temporarily disturbed area within the Limit of Work abutting the stairs will be reseeded with a native fescue seed mix. Surrounding woody vegetation will be allowed to naturally fill in.

No work associated is proposed within the 50-foot Buffer Zone to the off-site Coastal Dune. No Waivers are required for the water-dependent project.

The following is a representative photograph and profile of a typical stairs installation:

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

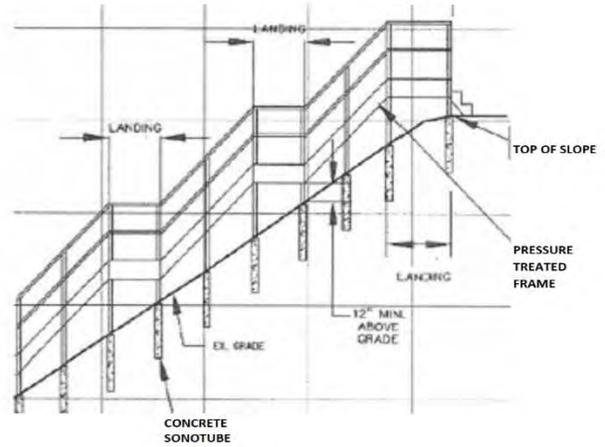
100 Grove Street
Suite 302
Worcester, MA 01605
508-753-3077
508-753-3177 (Fax)

WORCESTER, MA

P. O. Box 590
Rindge, NH 03461

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

RINDGE, NH



Thank you for your consideration of this supplemental information. We look forward to meeting with you at the January 21, 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

CURRENT ZONING CLASSIFICATION:
Siasconset Residential 20 (SR-20)

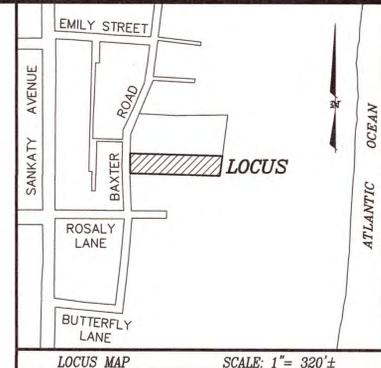
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

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%

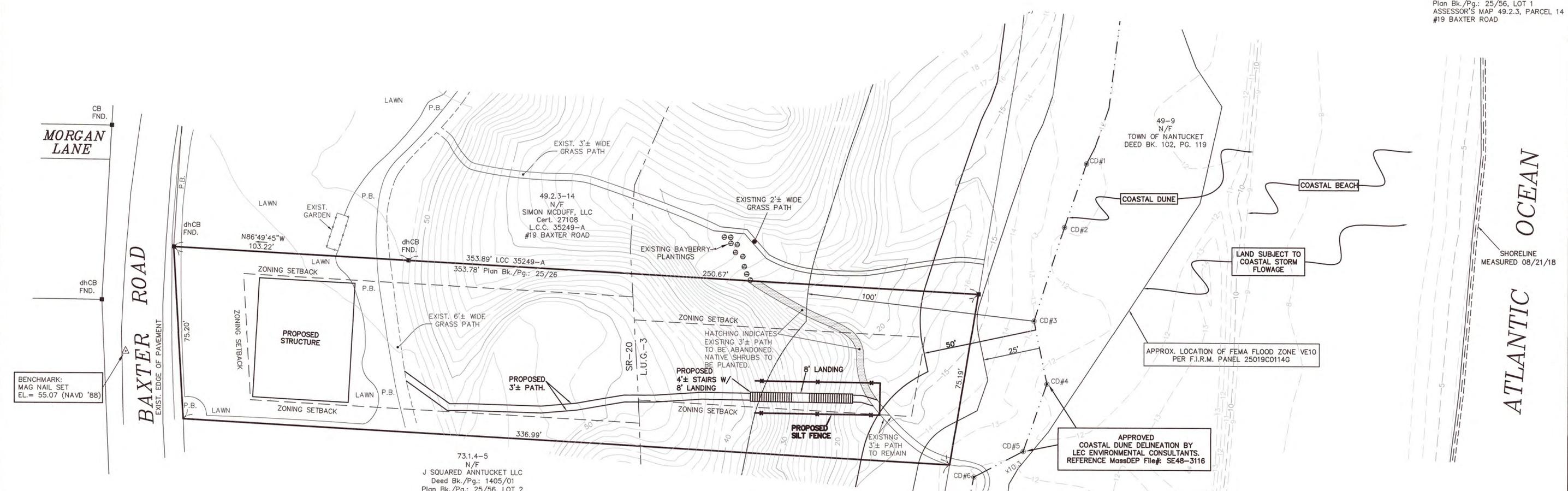
LEGEND

- 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

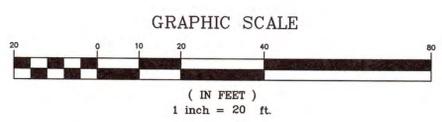


OWNER INFORMATION

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





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

N-10146

January 3, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Margaret Zarcone
16 Cherry Street, Map: 55 Parcel: 379
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 construction of an in-ground pool with associated grading, landscaping and utility installation within the buffer zone to an Isolated Vegetated Wetland. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent # 16 Cherry Street" prepared by Nantucket Surveyors, LLC, Dated: January 3, 2020.

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
Margaret Zarcone

Office located at 5 Windy Way • Nantucket, MA 02554

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

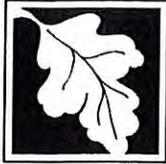


Notice of Intent
Map 55 Parcel 379
16 Cherry Street
Nantucket, Massachusetts

Prepared for: **Maragaret Zarcone**
5 Loudon Heights South
Loudonville, NY 12211

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

January 3, 2020



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):

16 Cherry Street Nantucket 02554
 a. Street Address b. City/Town c. Zip Code
 Latitude and Longitude: 41.274813 -70.095284
 d. Latitude e. Longitude
55 379
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Margaret Zarcone
 a. First Name b. Last Name
 c. Organization
5 Loudon Heights South, Loudonville, NY 12211
 d. Street Address
Loudonville NY 12211
 e. City/Town f. State g. Zip Code
918-648-0590 mzarcone@metlife.com
 h. Phone Number i. Fax Number 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. Santos
 a. First Name b. Last Name
Nantucket Surveyors LLC
 c. Company
PO Box 3627
 d. Street Address
Nantucket MA 02584
 e. City/Town f. State g. Zip Code
508-228-0240 508-228-9856 psantos@nantucketsurveyors.com
 h. Phone Number i. Fax Number j. Email address

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

\$110 \$42.50 \$67.50
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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

A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of an in-ground pool with associated grading, landscaping and utility installation within the buffer zone to an Isolated Vegetated Wetland.

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

24013

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.



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____

- f. Riverfront Area
1. Name of Waterway (if available) - **specify coastal or inland** _____
 2. Width of Riverfront Area (check one):
 - 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

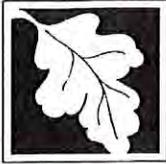
4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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 _____

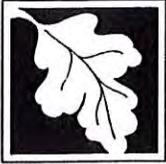
City/Town _____

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

Check all that apply below. Attach narrative and 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.

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____	
	2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <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	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

_____ percentage/acreage

(b) outside Resource Area

_____ percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review.
 Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
3. Separate MESA review completed.
 Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 836 South Rodney French Blvd.
 New Bedford, MA 02744
 Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
 Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

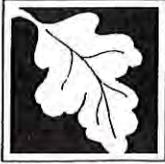
D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Nantucket
City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent #16 Cherry Street

a. Plan Title

Nantucket Surveyors LLC

Paul J. Santos

b. Prepared By

c. Signed and Stamped by

January 3, 2019

1"= 20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

1761

2. Municipal Check Number

1/2/20

3. Check date

1762

4. State Check Number

1/2/20

5. Check date

Michael

6. Payor name on check: First Name

Zarcone

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[Handwritten Signature]

1. Signature of Applicant

1/2/20

2. Date

[Handwritten Signature]

3. Signature of Property Owner (if different)

1/20/20

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

16 Cherry Street Nantucket
 a. Street Address b. City/Town
1762 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Margaret Zarcone
 a. First Name b. Last Name

 c. Organization
5 Loudon Heights South
 d. Mailing Address
Loudonville NY 12211
 e. City/Town f. State g. Zip Code
918-648-0590 mzarcone@metlife.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

 a. First Name b. Last Name

 c. Organization

 d. Mailing Address

 e. City/Town f. State g. Zip Code

 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1) a.	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$110

Step 6/Fee Payments:

Total Project Fee:	\$110
State share of filing Fee:	a. Total Fee from Step 5 \$42.50
City/Town share of filling Fee:	b. 1/2 Total Fee less \$12.50 \$67.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

MICHAEL A. ZARCONE
MARGARET E. ZARCONE
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003
2213 38

1758

DATE 1.2.20

PAY TO THE ORDER OF Tony Nabeekel

\$ 25 ⁰⁰/₁₀₀

Tony Nabeekel

DOLLARS

Citizens Bank

MEMO Filing Fee

Uper

⑆ 2213 70030⑆ 4590525101⑆ 1758

MICHAEL A. ZARCONE
MARGARET E. ZARCONE
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003
2213 38

1759

DATE 1.2.20

PAY TO THE ORDER OF Tam of Nabeekel

\$ 200 ⁰⁰/₁₀₀

Tam Nabeekel

DOLLARS

Citizens Bank

MEMO Consume Heart Review Fee

Uper

⑆ 2213 70030⑆ 4590525101⑆ 1759

MICHAEL A. ZARCONE
MARGARET E. ZARCONE
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003
2213 38

1760

DATE 1.2.20

PAY TO THE ORDER OF Suzanne? mmm

\$ 335 ¹⁰/₁₀₀

Suzanne? mmm

DOLLARS

Citizens Bank

MEMO Pub kshce fee

Uper

⑆ 2213 70030⑆ 4590525101⑆ 1760

MICHAEL A. ZARCONI
MARGARET E. ZARCONI
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003 38
2213

1761

DATE 1-2-20

PAY TO THE ORDER OF Paul W. Weber \$ 67 ⁵⁰/₁₀₀
Sixty Seven and ⁵⁰/₁₀₀ DOLLARS

Citizens Bank

MEMO WPA Fee [Signature] MP

⑆ 2213 70030⑆ 4590525101⑆ 1761

MICHAEL A. ZARCONI
MARGARET E. ZARCONI
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003 38
2213

1762

DATE 1-2-20

PAY TO THE ORDER OF Commonwealth of MA \$ 42 ⁵⁰/₁₀₀
Forty two and ⁵⁰/₁₀₀ DOLLARS

Citizens Bank

MEMO WPA Fee [Signature] MP

⑆ 2213 70030⑆ 4590525101⑆ 1762

ATTACHMENT A

NOTICE OF INTENT

16 Cherry Street
Nantucket, Massachusetts
Map: 55 Parcel: 379

List of Plans and Supporting Documents

APPENDIX A – Project Narrative

APPENDIX B – Assessor’s Map

APPENDIX C – Nantucket Topography Map

APPENDIX D – NHESP Estimated and Priority Habitat Map

APPENDIX E – FEMA Flood Insurance Rate Map

APPENDIX F – Site Photographs

APPENDIX G – Abutter Notification Information

APPENDIX H – “Site Plan to Accompany a Notice of Intent #16 Cherry Street”
Prepared by: Nantucket Surveyors LLC
Dated: January 3, 2020

APPENDIX A

Project Narrative

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 proposed construction of an in-ground pool with associated grading, landscaping and utility installation within the buffer zone to an Isolated Vegetated Wetland.

Existing Site Conditions

The subject property is located on the south side of Cherry Street, Nantucket Assessors Map: 55 Parcel: 379. The site is approximately 6,465 S.F., consisting of a primary dwelling on a fully developed residential lot. The surrounding land use is residential and commercial.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0088G), dated June 9, 2014 (Appendix E), shows that the area of proposed development is not located within a flood hazard area.

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix D) 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 will be installed along the limit of the work as depicted on the site plan filed herewith.

APPENDIX B

Assessor's Map

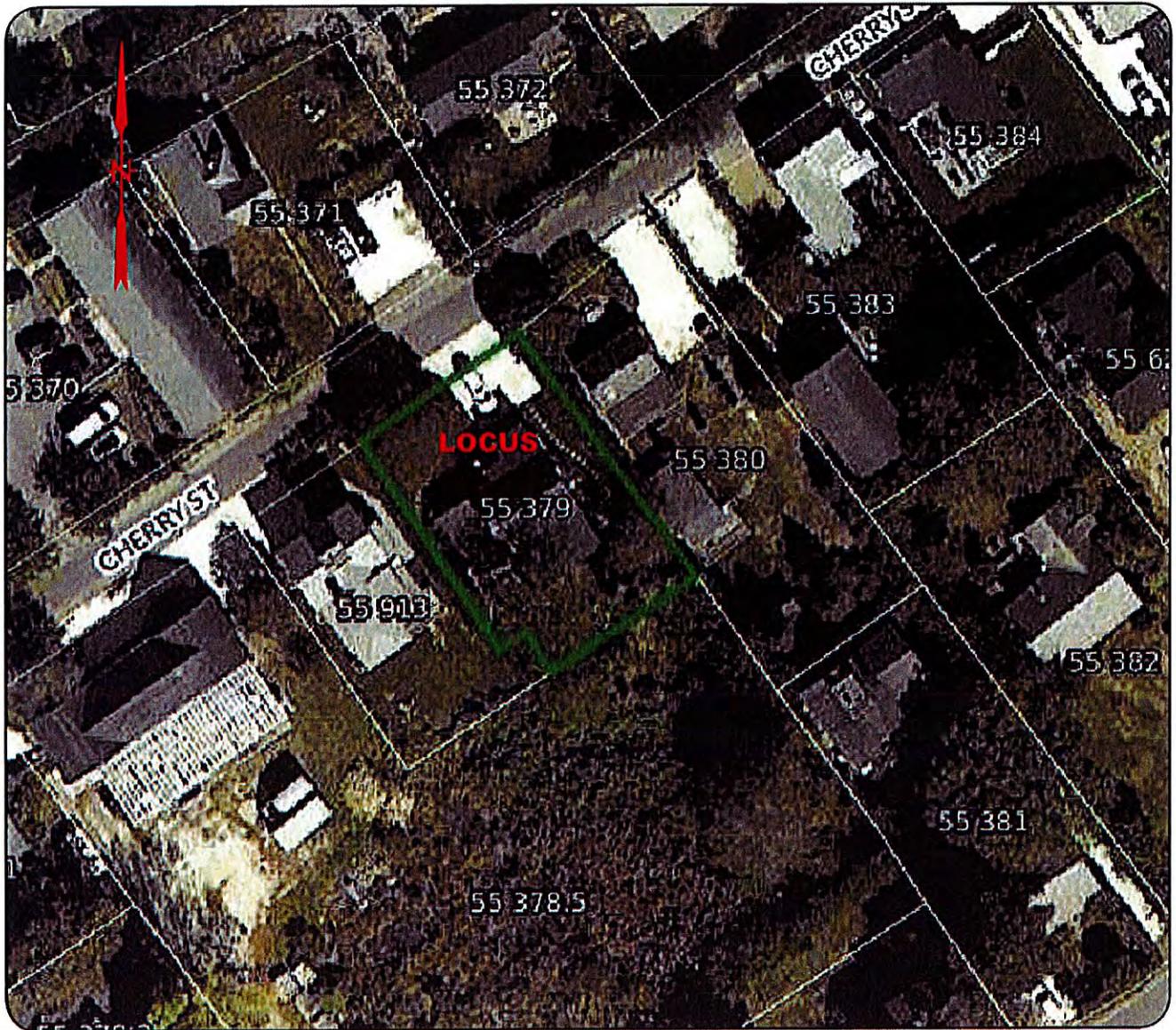


Figure 1: ASSESSOR'S MAP

16 CHERRY STREET
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 3, 2020

ASSESSOR'S REFERENCE:
MAP: 55 PARCEL: 379

PREPARED FOR:
MARGARET ZARCONE

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

APPENDIX C

Nantucket Topography



Figure 2: TOPOGRAPHIC MAP

16 CHERRY STREET
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: JANUARY 3, 2020

PREPARED FOR:
 MARGARET ZARCONE

ASSESSOR'S REFERENCE:
 MAP: 55 PARCEL: 379

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

APPENDIX D

NHESP Estimated and Priority Habitat Map

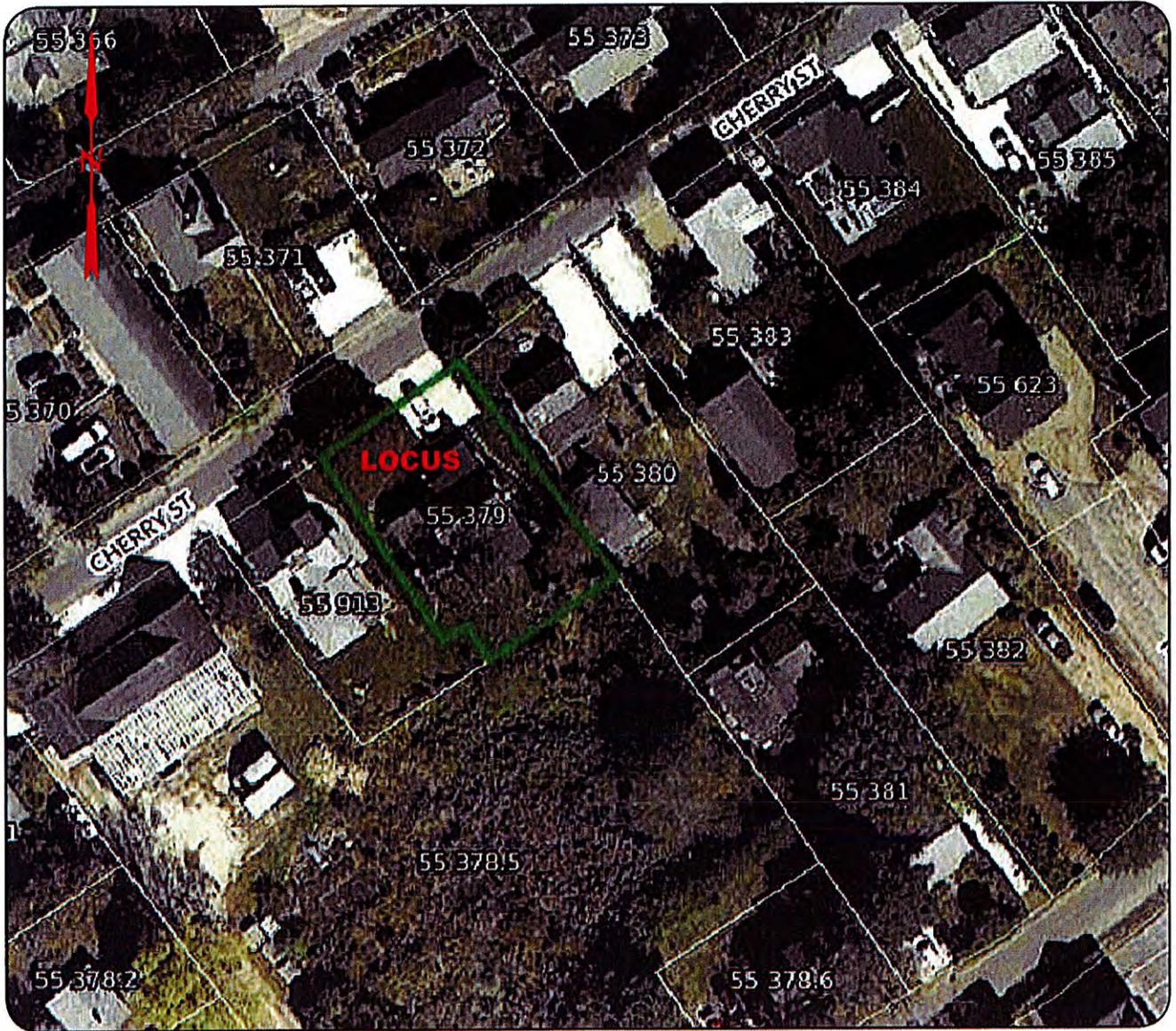


Figure 3: NHESP MAP

16 CHERRY STREET
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: JANUARY 3, 2020

ASSESSOR'S REFERENCE:
 MAP: 55 PARCEL: 379

PREPARED FOR:
 MARGARET ZARCONE

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



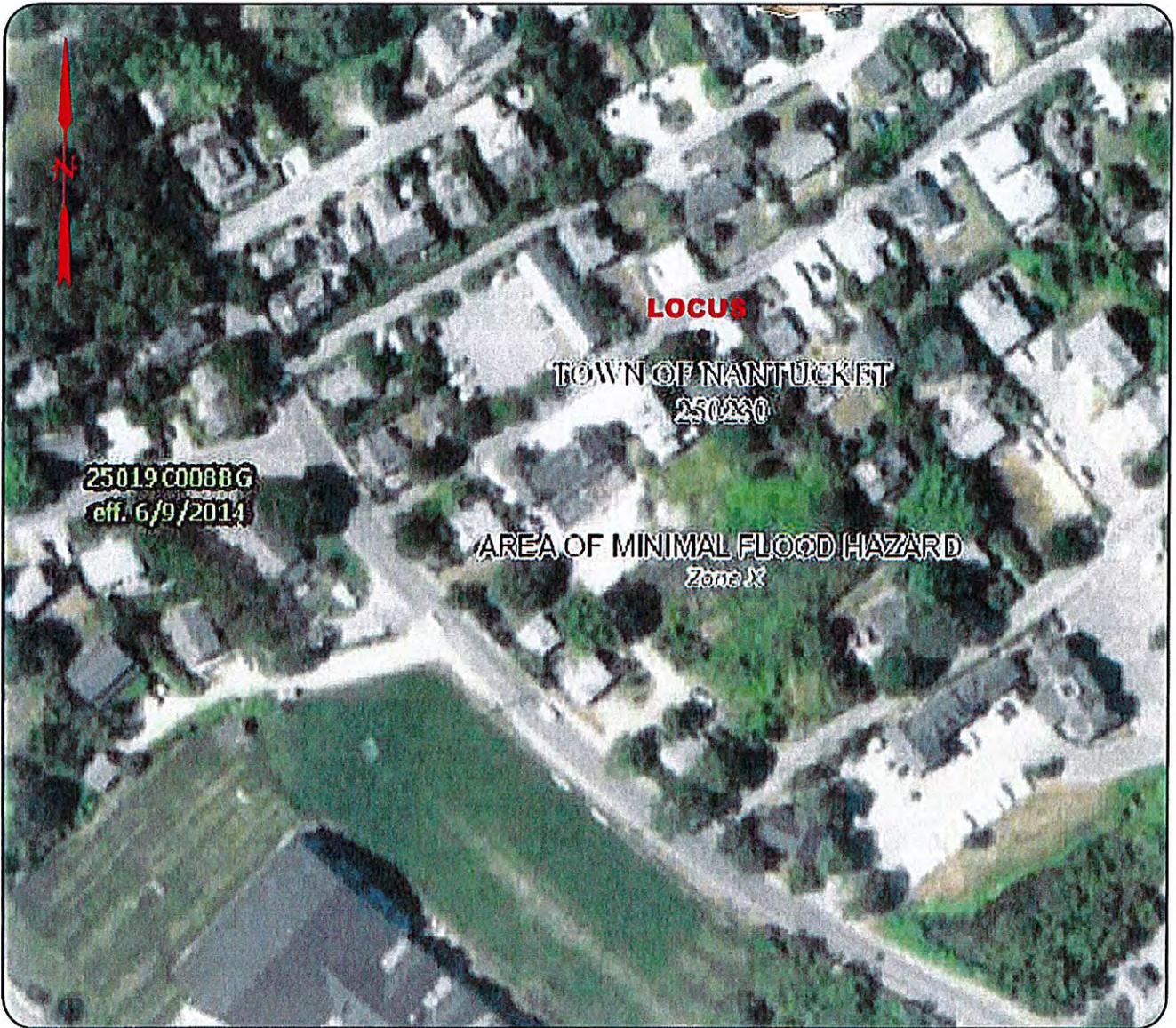
NHESP PRIORITY HABITATS
 OF RARE SPECIES



NHESP ESTIMATED HABITATS
 OF RARE WILDLIFE

APPENDIX E

FEMA Flood Insurance Rate Map



PANEL: 25019C0088G
EFFECTIVE DATE: JUNE 9, 2014

Figure 4: FIRM MAP

16 CHERRY STREET
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 3, 2020

PREPARED FOR:
MARGARET ZARCONE

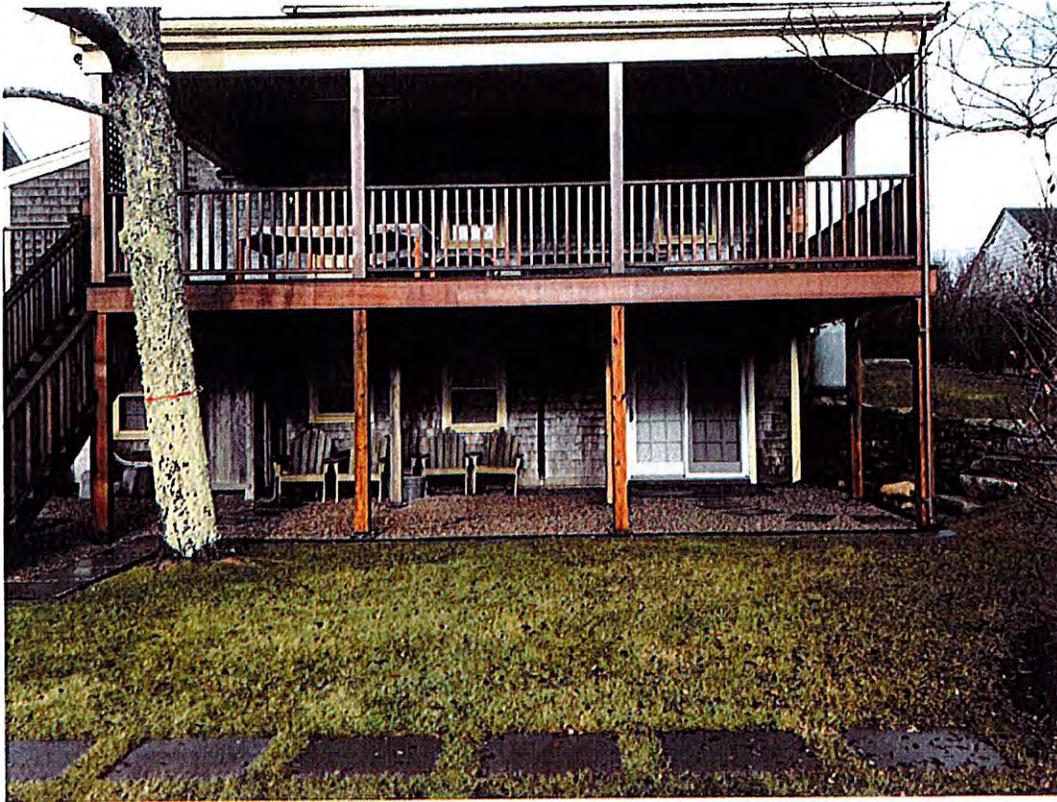
ASSESSOR'S REFERENCE:
MAP: 55 PARCEL: 379

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

APPENDIX F

Site Photographs

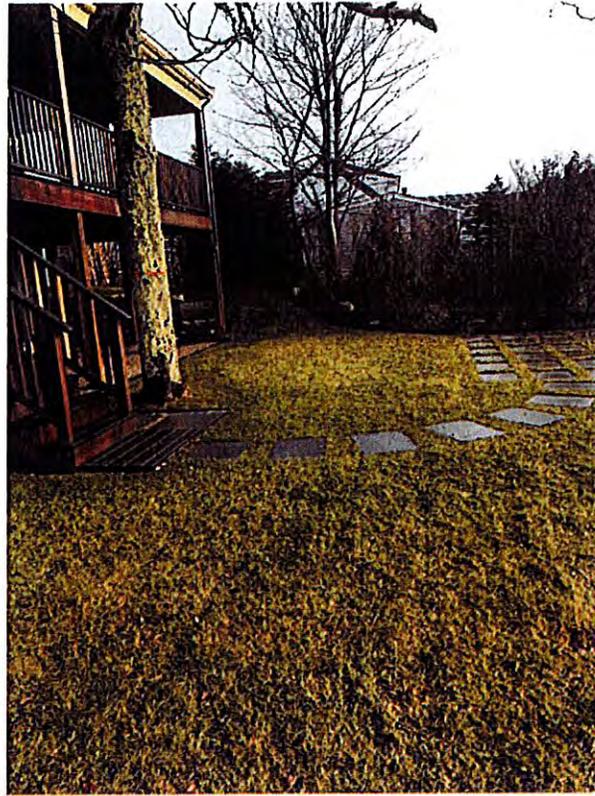
**16 Cherry Street, Nantucket, MA
Applicant: Margaret Zarcone**



Back view of the existing dwelling and proposed location of the pool

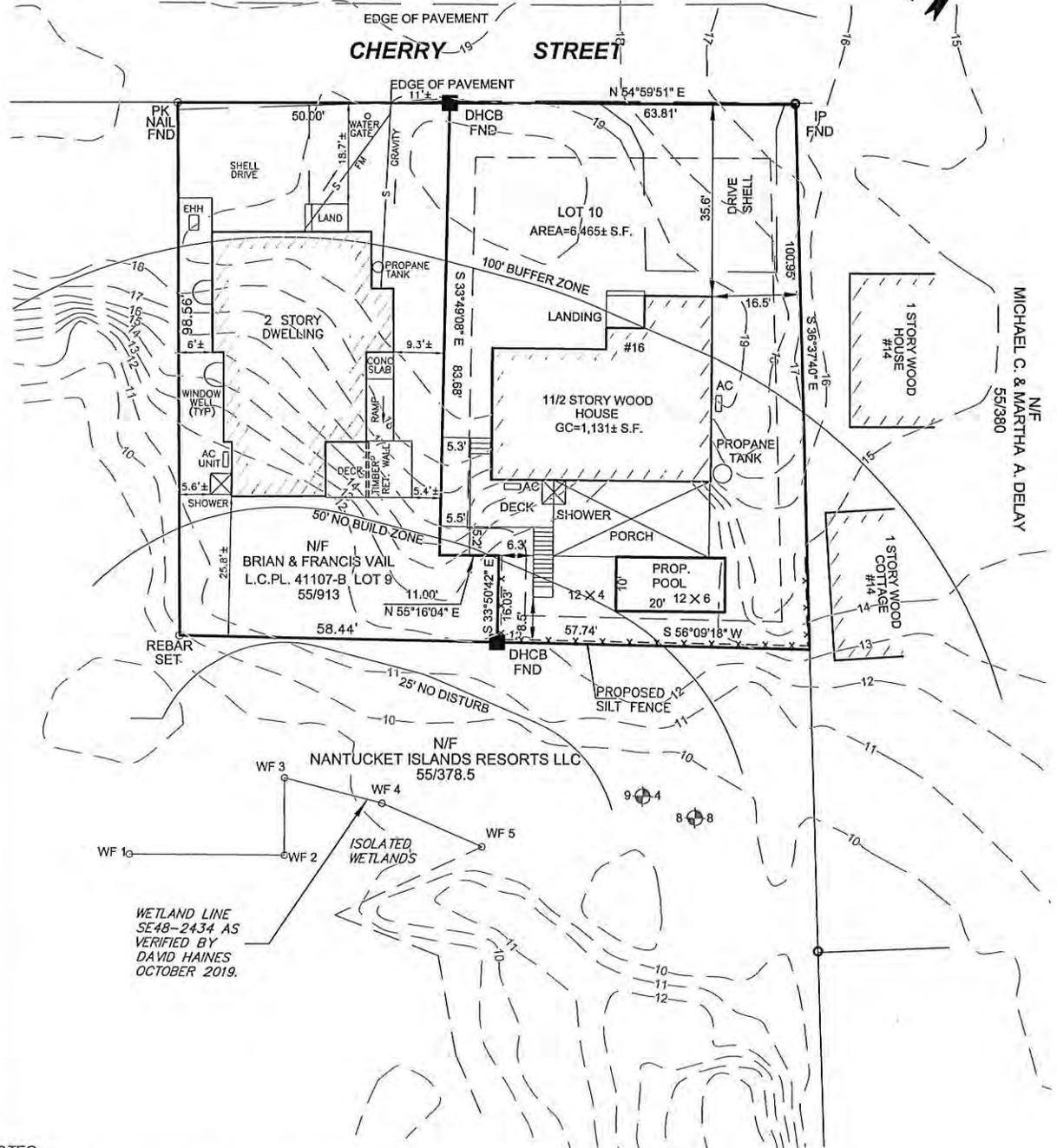


View of the Isolated Vegetated Wetland from the proposed location of the pool



View from the western edge of the property

REF L.C. PLAN #41107-A



NOTES:

1. TOPOGRAPHY DEPICTED IS NAVD88 DATUM.
2. I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON "FIRM" MAP NO. 25019C0088G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

CURRENT ZONING: R-1(PWR OVERLAY)
 MINIMUM LOT SIZE: 5,000 S.F.
 MINIMUM FRONTAGE: 50'
 FRONTYARD SETBACK: 10'
 SIDE AND REAR SETBACK: 5'
 ALLOWABLE G.C.R.: 30%
 EXISTING G.C.R.: 17.5%

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.



SITE PLAN TO ACCOMPANY A NOTICE OF INTENT
 #16 CHERRY STREET
 IN
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=20' DATE: 1/3/20
 DEED REFERENCE: L.C. CERT. #24013
 PLAN REFERENCE: L.C. PL. NO. 41107-B
 ASSESSOR'S REFERENCE:
 MAP: 55 PARCEL: 379
 PREPARED FOR:
 MARGARET ZARCONO
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

NOTICE OF INTENT APPLICATION

**Construction of a Single-Family Residence, Pool, and
Associated Grading/Landscaping Located Within the 100-
foot Wetland Buffer Zone**

**13 Gingy Lane
Map 41 Parcel 850
Nantucket, MA**

Prepared for:

**Amy M. Ambrecht
42 Deep Run
Cohasset, MA 02025**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

January 3, 2020

SDE No.: 7004



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):

<u>13 Gingly Lane</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41</u>	<u>41 17 16.60</u>	<u>70 06 35.82</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>850</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Amy. M.</u>	<u>Ambrecht</u>	
a. First Name	b. Last Name	
c. Organization		
<u>42 Dep Run</u>		
d. Street Address		
<u>Cohasset</u>	<u>MA</u>	<u>02025</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>Mark</u>	<u>Rits</u>	
a. First Name	b. Last Name	
<u>Site Design Engineering, LLC</u>		
c. Company		
<u>11 Cushman Street</u>		
d. Street Address		
<u>Middleboro</u>	<u>MA</u>	<u>02346</u>
e. City/Town	f. State	g. Zip Code
<u>508-802-5832</u>	<u>508-967-0674</u>	<u>mrits@sde-ldec.com</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$500.00</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	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:

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A. General Information (continued)

6. General Project Description:

Construction of an SFR, Pool, Retaining Wall, and Associated Landscaping/Grading partially within the 100-foot BVW buffer zone.

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

1307

c. Book

b. Certificate # (if registered land)

163

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.



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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

25 ft. - Designated Densely Developed Areas only

100 ft. - New agricultural projects only

200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

_____	_____	_____
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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

Check all that apply below. Attach narrative and 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.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <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	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

2017 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
- Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
836 South Rodney French Blvd.
New Bedford, MA 02744
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

- 4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC

- 5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
- 6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
- 7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - 2. A portion of the site constitutes redevelopment
 - 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 - 1. Single-family house
 - 2. Emergency road repair
 - 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan - 13 Gingly Lane

a. Plan Title

Site Design Engineering, LLC.

b. Prepared By

Januray 2, 2020

d. Final Revision Date

Daniel C. Mulloy, P.E.

c. Signed and Stamped by

1 Inch = 10 Feet

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5042

2. Municipal Check Number

5041

4. State Check Number

Site Design Engineering, LLC

6. Payor name on check: First Name

1/3/2020

3. Check date

1/3/2020

5. Check date

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Amy M Ambrecht
1. Signature of Applicant

1-3-2020
2. Date

3. Signature of Property Owner (if different)

4. Date

[Signature]
5. Signature of Representative (if any)

03-JAN-2020
6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

PROJECT DESCRIPTION

13 Gingy Lane
NANTUCKET, MASSACHUSETTS

January 3, 2020

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within the 100-foot buffer zone to an off-site Bordering Vegetated Wetland (BVW) resource area on property located at 13 Gingy Lane in Nantucket (Subject Property). The proposed work includes the construction of a single-family residence, pool, retaining wall, and associated landscaping/grading portions of which will be located within the 100-foot buffer zone to a BVW resource area. All structures will be located outside of the 50-foot BVW buffer zone.

This Notice of Intent application is presented by the following Property Owner/Applicant:

13 Gingy Lane
(Map 41 Lot 850)

Owner/Applicant
Amy M. Ambrecht
42 Deep Run
Cohasset, MA 02025

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 11,000 square foot parcel located on the southern side of Gingy Lane (see Figures 1 through 3 and Site Plan). To the south, west, and east, the Subject Property is bordered by developed residential properties. To the north, the Subject Property is bordered by Gingy Lane, a paved way and developed residential properties. The Subject Property has been cleared (see Site Plan). An off-site jurisdictional BVW is found on the abutting property to the southeast (47A West Chester Street Map 41 Lot 227.1). The BVW is located on the opposite side of existing development including a single-family residence (SFR) patio, pool, pervious driveway, and associated landscaping on the abutting property (see Site Plan). The extent of the BVW on the abutting property was delineated under SE48-3117 (Issued 10/03/2018) and is currently valid. The BVW casts buffer zones on to the Subject Property. Portions of the Subject Property are located within the 100-foot BVW buffer zone. The Subject Property is entirely outside of the 50-foot BVW buffer zone. The extent of wetland resource areas was confirmed and the construction of a retaining wall and associated grading on the Subject Property was approved by the Commission as part of a Determination of Applicability (DOA) issued on June 5, 2019. The DOA was appealed and a Superseding Determination of Applicability (SDOA) approving the retaining wall was issued on October 17, 2019.

PROPOSED ACTIVITIES

The Applicant is proposing to construct an SFR, pool, and associated landscaping/grading on portions of the Subject Property located within the 100-foot BVW buffer zone. All work will be located entirely outside of the 50-foot BVW buffer zone. Under the DOA and SDOA the Applicant was permitted to construct a retaining wall up to 4 feet in height. The current proposal

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requires the construction of a retaining wall which will be approximately 2 feet high. A detailed description of proposed activities is provided below.

SFR Construction

The Applicant is proposing to construct an SFR on the Subject Property. The majority of the proposed SFR will be located outside of the 100-foot BVW buffer zone with portions of the SFR and associated decks/patios located within jurisdictional areas. All proposed SFR components will be located outside of the 50-foot BVW buffer zone. The Proposed Project does not require waivers under the Bylaw and will not have any adverse impacts on the BVW or associated buffer zones.

Pool Construction

The Applicant is proposing to construct a pool on the Subject Property. The proposed pool will be located outside of the 50-foot BVW buffer zone. The proposed pool and all pool components will be located outside of the 50-foot BVW buffer zone. The Proposed Project does not require waivers under the Bylaw and will not have any adverse impacts on the BVW or associated buffer zones.

Retaining Wall Construction

The Applicant has approval to construct a 4-foot retaining wall along the southern property boundary. As part of the Proposed Project, the Applicant has modified the project design and is now proposing to construct a 2-foot retaining wall. The proposed retaining wall will be located outside of the 50-foot BVW buffer zone. The proposed retaining wall will be located outside of the 50-foot BVW buffer zone. The Proposed Project does not require waivers under the Bylaw and will not have any adverse impacts on the BVW or associated buffer zones.

NHESP / MESA

The Subject Property is located entirely outside of both Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2017 NHESP Atlas available through MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

In order to minimize impacts to the BVW, Coastal Bank, and associated buffer zones, the Applicant is proposing to install silt fencing along the limit of work line depicted on the Site Plan. The proposed silt fence will reduce siltation into the BVW and will also act to demarcate the limit of work. All equipment staging and materials storage will occur on the upland portion of the Subject Property. No equipment or materials will be stored within the 50-foot BVW buffer zone.

WETLAND RESOURCE AREAS

The Proposed Project is a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland protection Regulations (Local Regs):

- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan); and

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P: 508-967-0673 F: 508-967-0674

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The Proposed Project is a residential development project which includes the construction of an SFR, pool, retaining wall, and associated landscaping/grading. Portions of the proposed work will be located within previously altered and landscaped portions of the 100-foot BVW buffer zone. All proposed activities will be outside of the 50-foot BVW buffer zone.

State Wetlands Performance Standards

Bordering Vegetated Wetlands

The proposed pool, portions of the SFR, portions of the retaining wall, and portions of the landscaping/grading will be located partially within previously altered portions of the 100-foot buffer zone to a BVW but will be entirely outside of the 50-foot BVW buffer zone. The Proposed work will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed appropriate under local Bylaws. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

Local Wetlands Performance Standards

Vegetated Wetlands (Meadows, Marshes, Swamps, and Bogs)

“Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:”

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The proposed SFR, pool, retaining wall, and landscaping/grading will be located outside of the 50-foot BVW buffer zone. All proposed structures will maintain a separation to seasonal high ground water which will be greater than 2 feet.

3.02B(2)

“Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means).”

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The Proposed project includes the construction of a retaining wall and grading/filling outside of the 50-foot BVW buffer zone. These components were previously approved under a DOA.

3.02B(3)

“No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss.”

This standard is not applicable. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)

“The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland.”

This standard is not applicable. The Proposed Project will be connected to Town sewer.

3.02B(5)

“Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw.”

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

“Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands.”

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

3.02B(7)

“The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw.”

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

CONCLUSION

The Proposed Project is a residential development project which includes the construction of an SFR, pool, retaining wall, and associated landscaping/grading portions of which will be located within the 100-foot BVW buffer zone. All proposed activities will be located outside of the 50-foot BVW buffer zone. The Proposed Project has been designed to minimize or avoid any adverse impacts to resource areas and associated buffer zones on the Subject Property. The Proposed Project does not require any waivers. Therefore, the Applicant respectfully requests that the Commission approve the Project as proposed.

SITE DESIGN ENGINEERING, LLC.

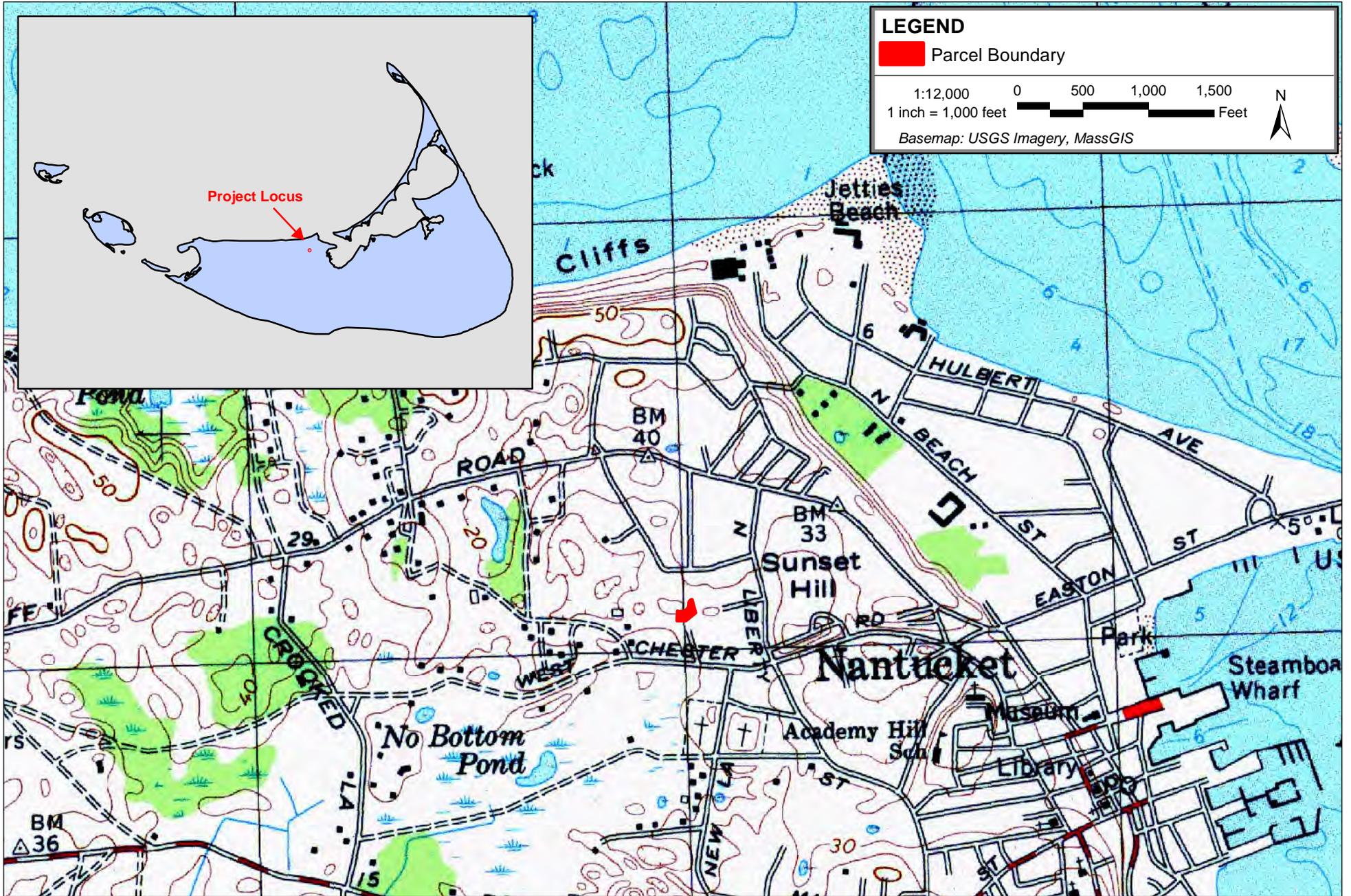
11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

FIGURES

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



13 Gingy Lane - Nantucket, Massachusetts
 Map 41 Lot 850
 SDE Project No. 7004

Figure 1 - USGS Locus Map
 January 3, 2020

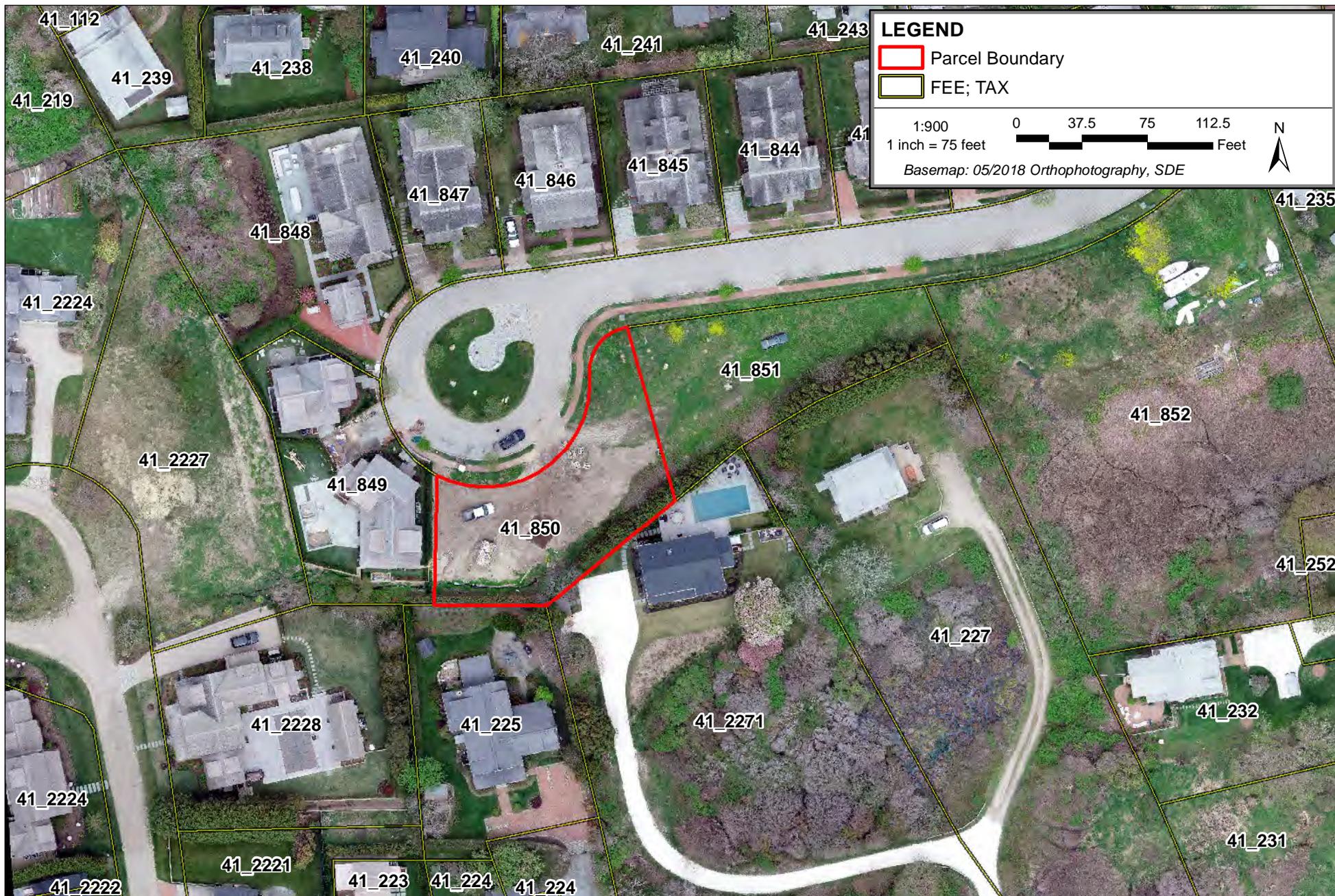




13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 2 - Site Overview
January 3, 2020





13 Giny Lane - Nantucket, Massachusetts
 Map 41 Lot 850
 SDE Project No. 7004

Figure 3 - Detailed Site Overview
 January 3, 2020

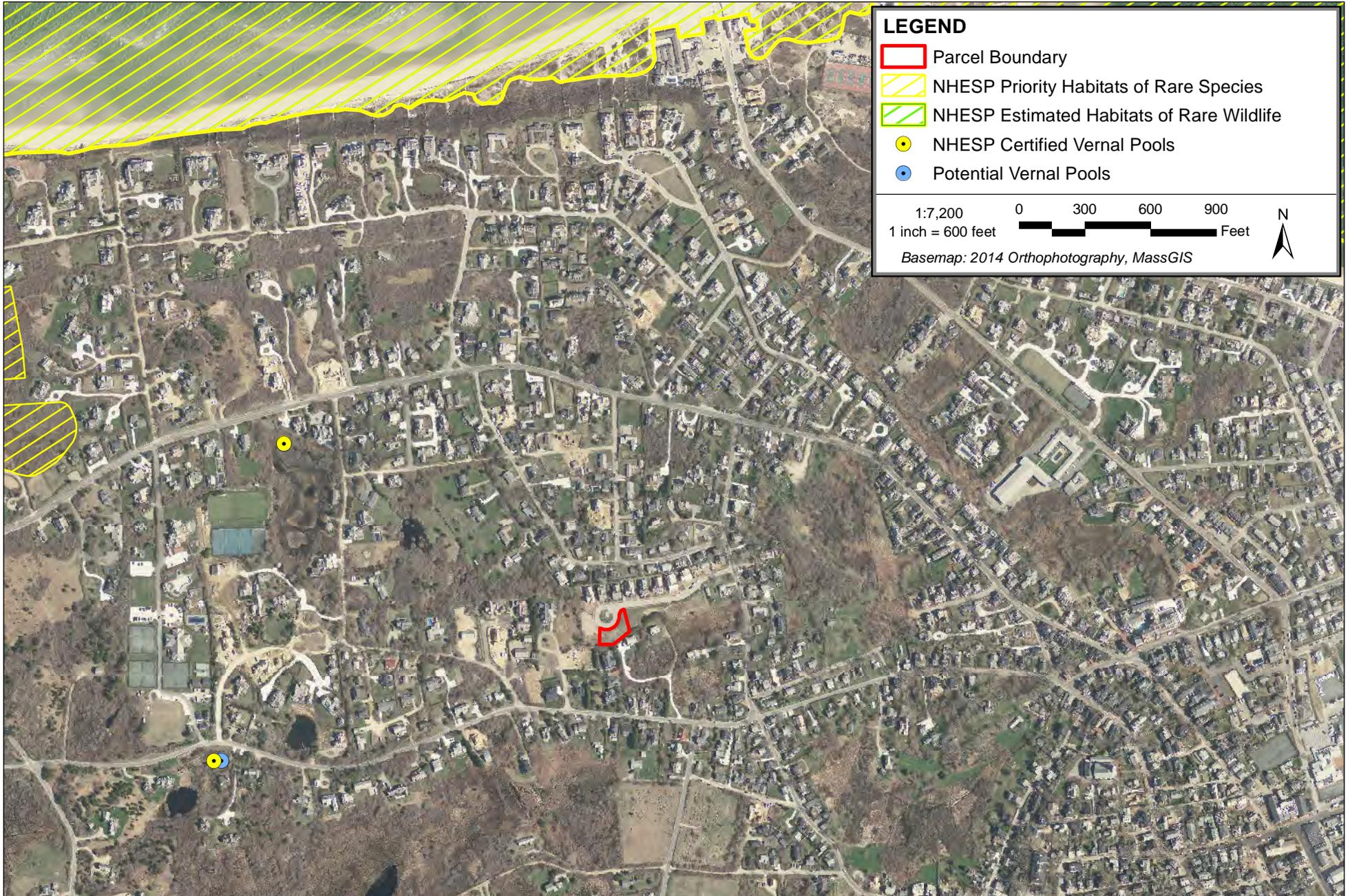




13 Gingly Lane - Nantucket, Massachusetts
 Map 41 Lot 850
 SDE Project No. 7004

Figure 4 - DEP Listed Wetland Boundaries
 January 3, 2020





LEGEND

- Parcel Boundary
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- NHESP Certified Vernal Pools
- Potential Vernal Pools

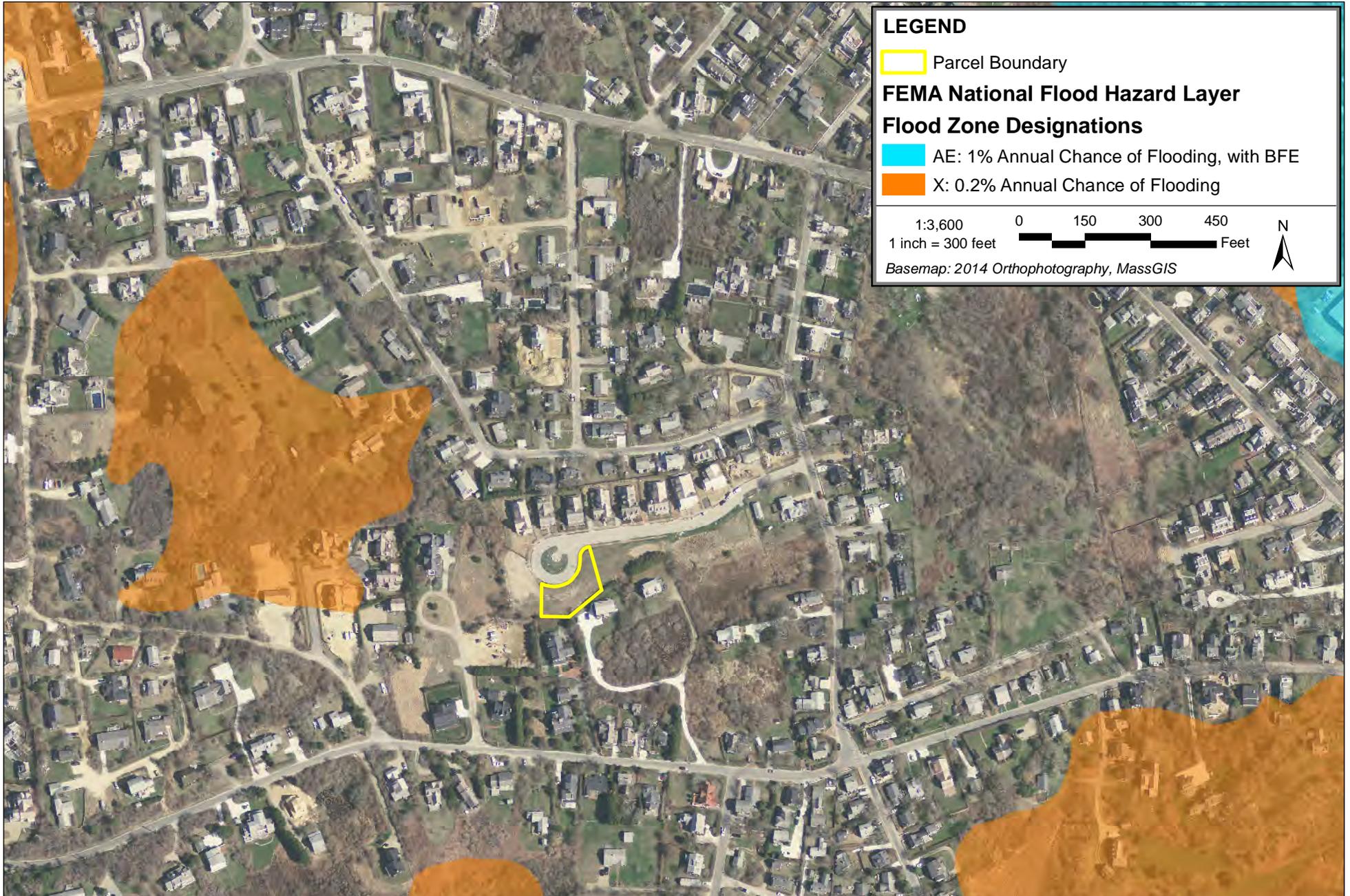
1:7,200 0 300 600 900
 1 inch = 600 feet Feet

Basemap: 2014 Orthophotography, MassGIS

13 Gingy Lane - Nantucket, Massachusetts
 Map 41 Lot 850
 SDE Project No. 7004

Figure 5 - NHESP Habitat
 January 3, 2020





13 Giny Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 6 - FEMA Flood Zones
January 3, 2020



**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

Jeffrey Blackwell

Contact Name

jeff@blackwellsurvey.com

E-Mail Address

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 Conservation Commission make the following determination(s). Check any that apply:

- 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).

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



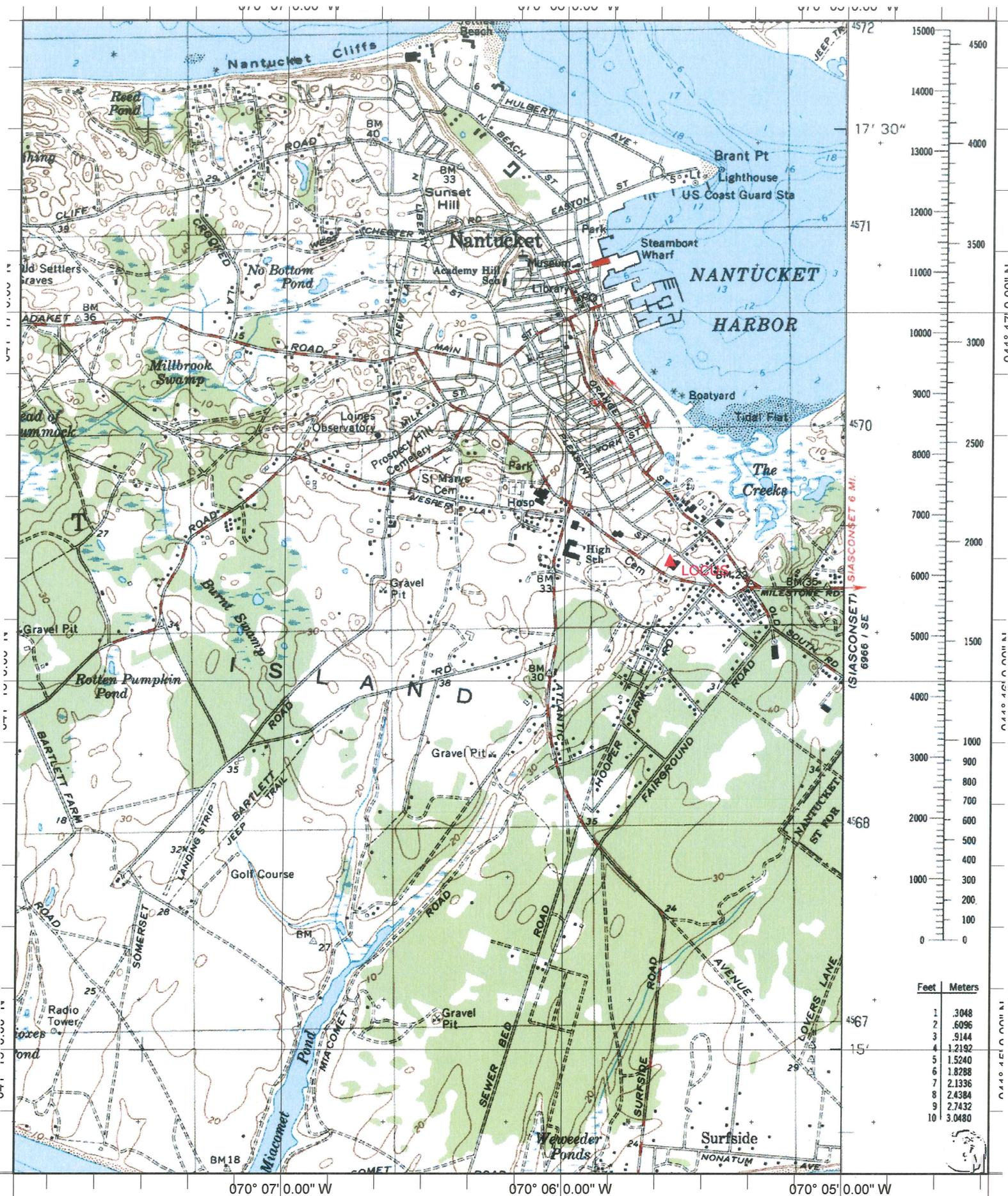
Property Information
 Property ID 55 267.4
 Location 41 SPARKS AV
 Owner MID ISLAND SERVICE LP



**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

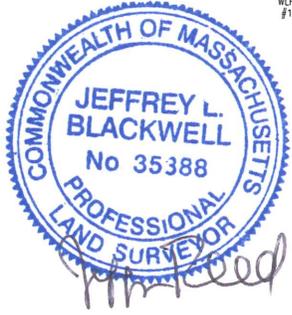
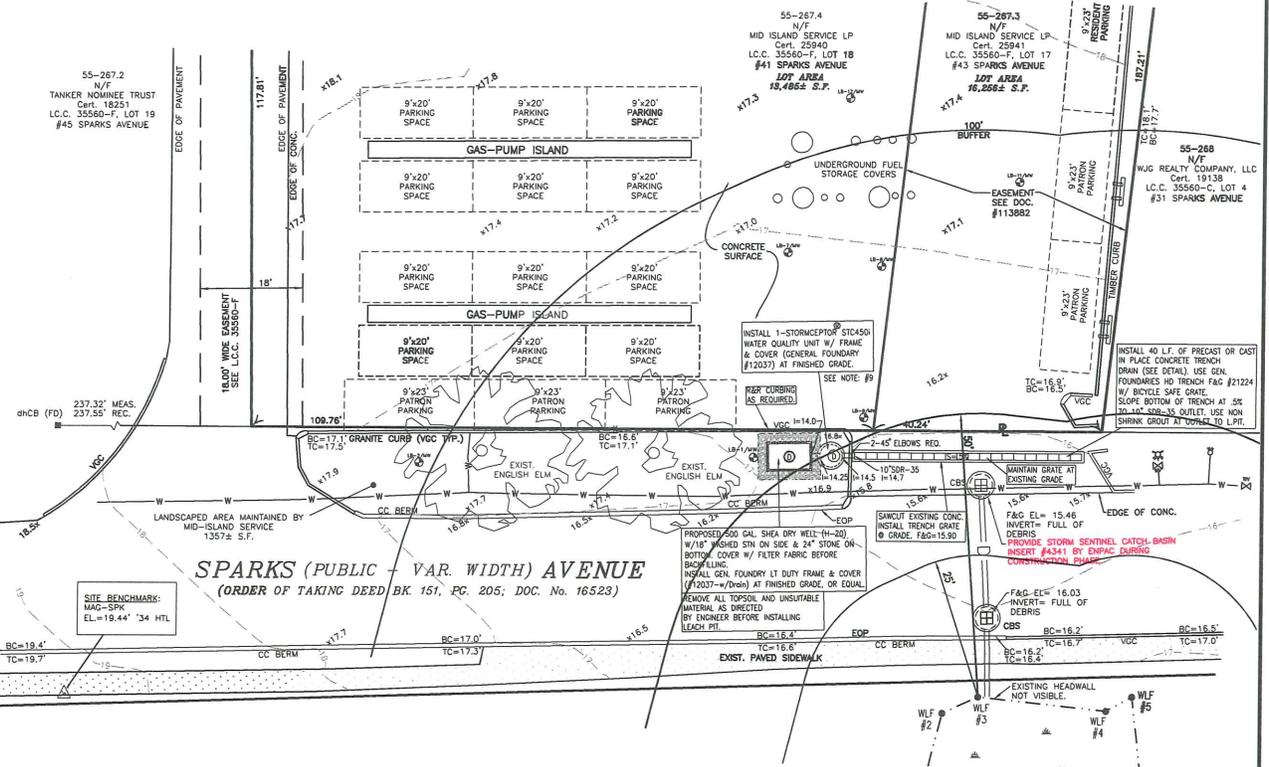
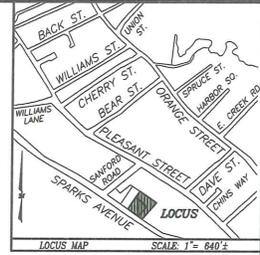
CURRENT ZONING CLASSIFICATION:
Commercial Mid-Islands (CM)

	#41 Existing	#43 Existing
MINIMUM LOT SIZE:	5000 S.F.±	16,256 S.F.±
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
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 REDNOVE AND RESET



OWNER INFORMATION
MID-ISLAND SERVICE LIMITED PARTNERSHIP
CERT. OF TITLE #25940
L.C.C. 35560-F, LOT 18
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

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.

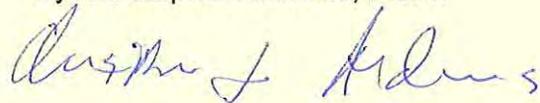
Dear Mr. Bennett,

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:

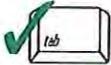
WPA Form 8A – Request for Certificate of Compliance

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

Provided by DEP

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:

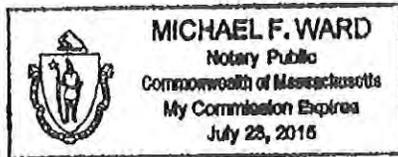
Rock D. Gonnella
Rock D. Gonnella, Manager

COMMONWEALTH OF MASSACHUSETTS

NANTUCKET, ss

9/12, 2012

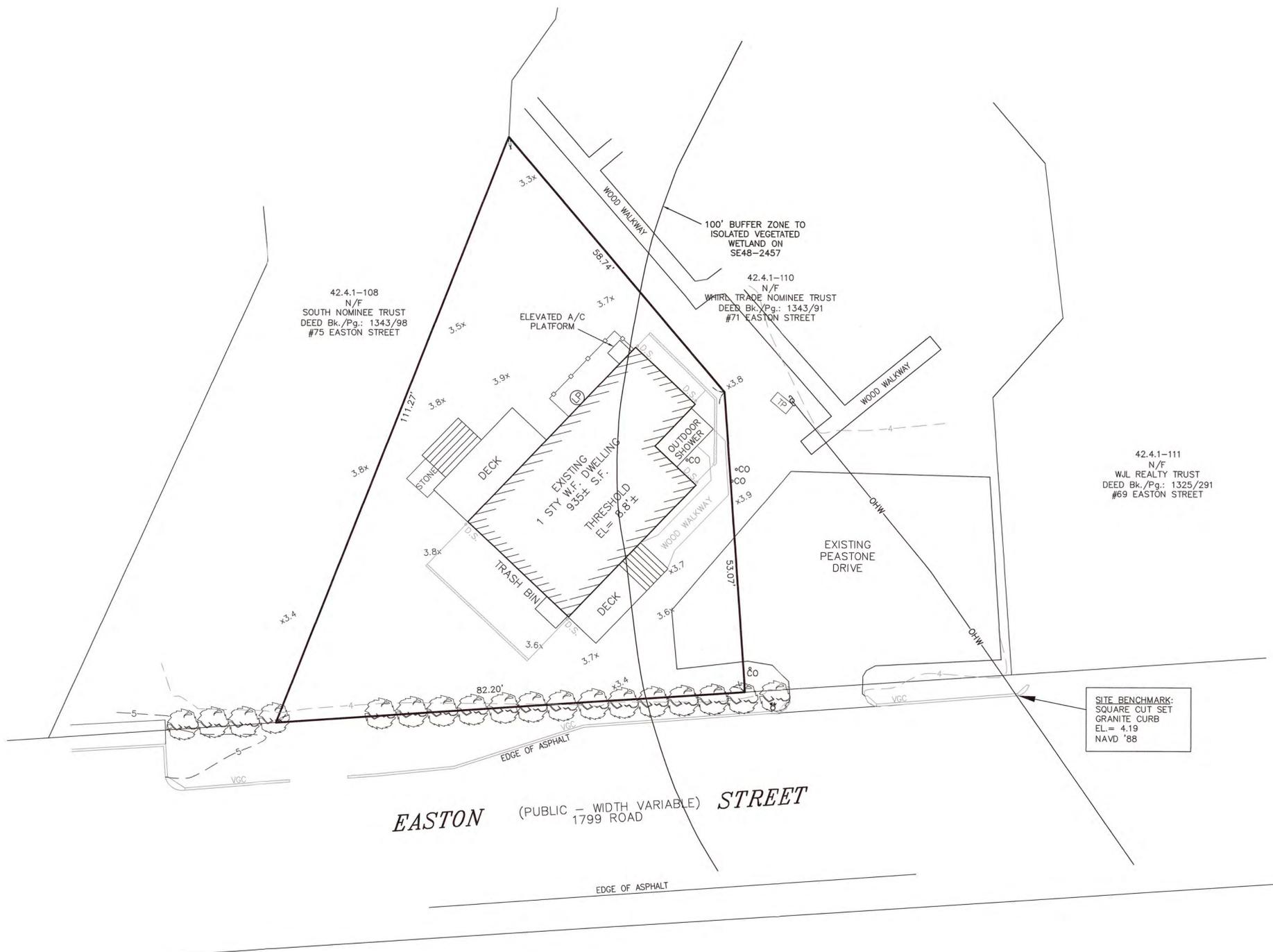
On this 12th day of September, 2012, before me, the undersigned notary public, personally appeared the above-named Rock D. Gonnella, as a Manager of Point Breeze, LLC, proved to me through satisfactory evidence of identification, which was her Massachusetts driver's license, to be the person whose name 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>[Signature]</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

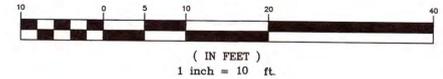
Site Plan of Land
To Accompany a
Request for a
Certificate of Compliance
in Nantucket, MA
Prepared for
MARK GONNELLA

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 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.



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

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>).



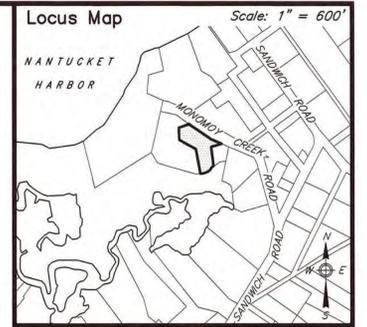
Prior driveway/gabion basket retaining wall abutting BVW (6/3/15 & 5/26/15).



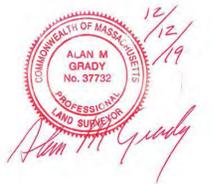
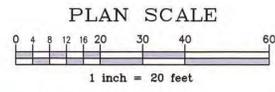
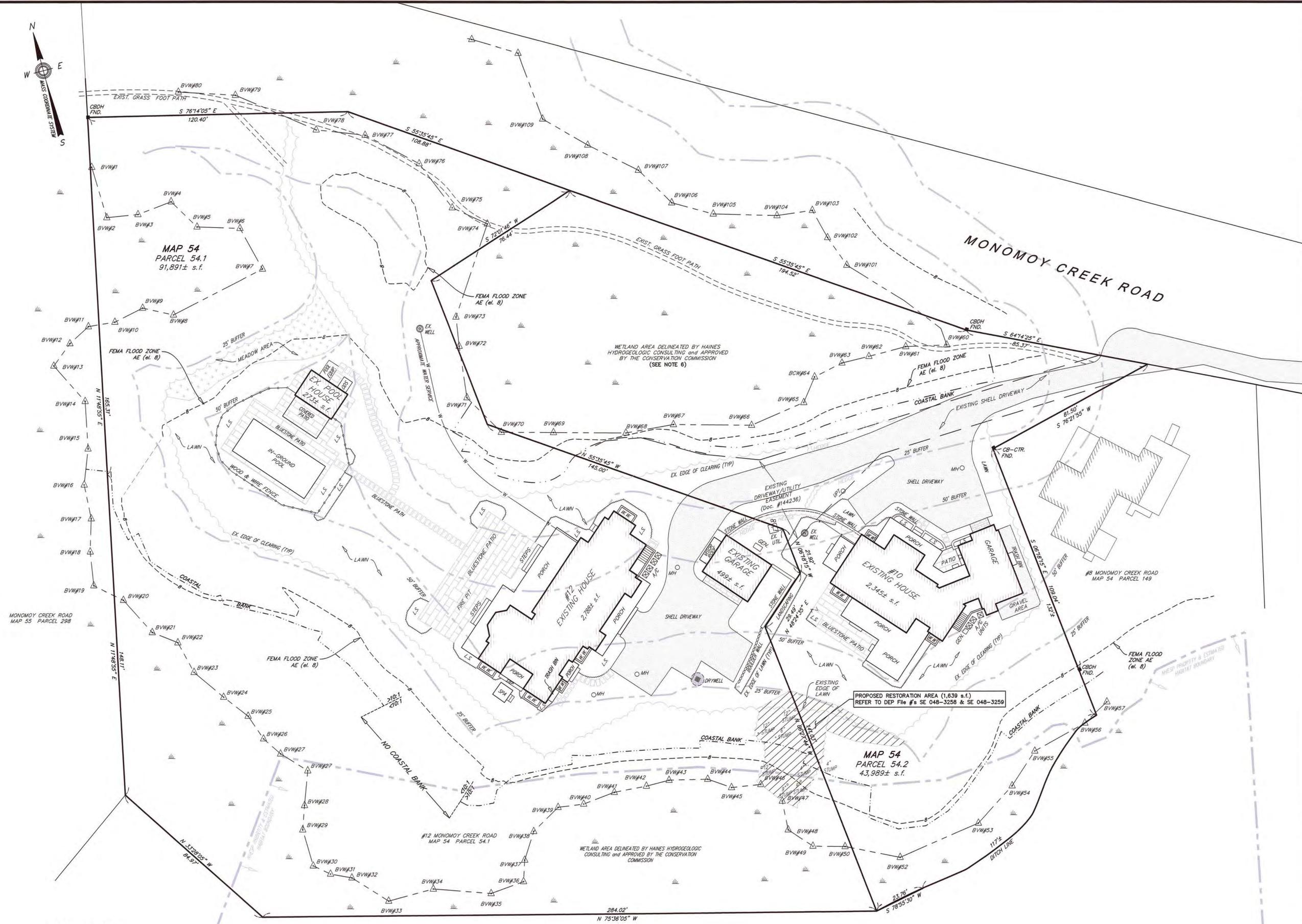


Restored/revegetated slope; former driveway/gabion basket retaining wall (9/25/19).





- 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) 608.833.0070 (fax) 608.833.2282
19 OLD SOUTH ROAD NANTUCKET, MA 02554
(tel) 608.325.0044 (fax) 608.325.0044
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 Checked: DFB/AMG	Sheet: 1 of 1

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

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

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



**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 (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.



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:
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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



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
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Provided by MassDEP:
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Nantucket
City/Town

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	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> 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> a. square feet	<u> </u> b. square feet	<u>0 cu yd</u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> 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> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	<u> </u> a. square feet	<u> </u> 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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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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.



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

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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.



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

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):



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

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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

DEP File Number:

SE48-2801

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:

SE48-2801

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: 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:

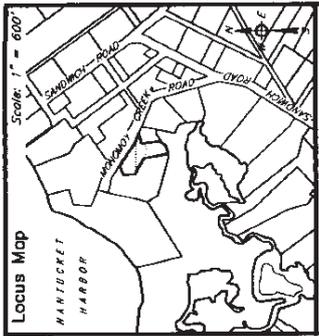
1. The area falls inside mapped habitat areas and requires NHESP review.

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

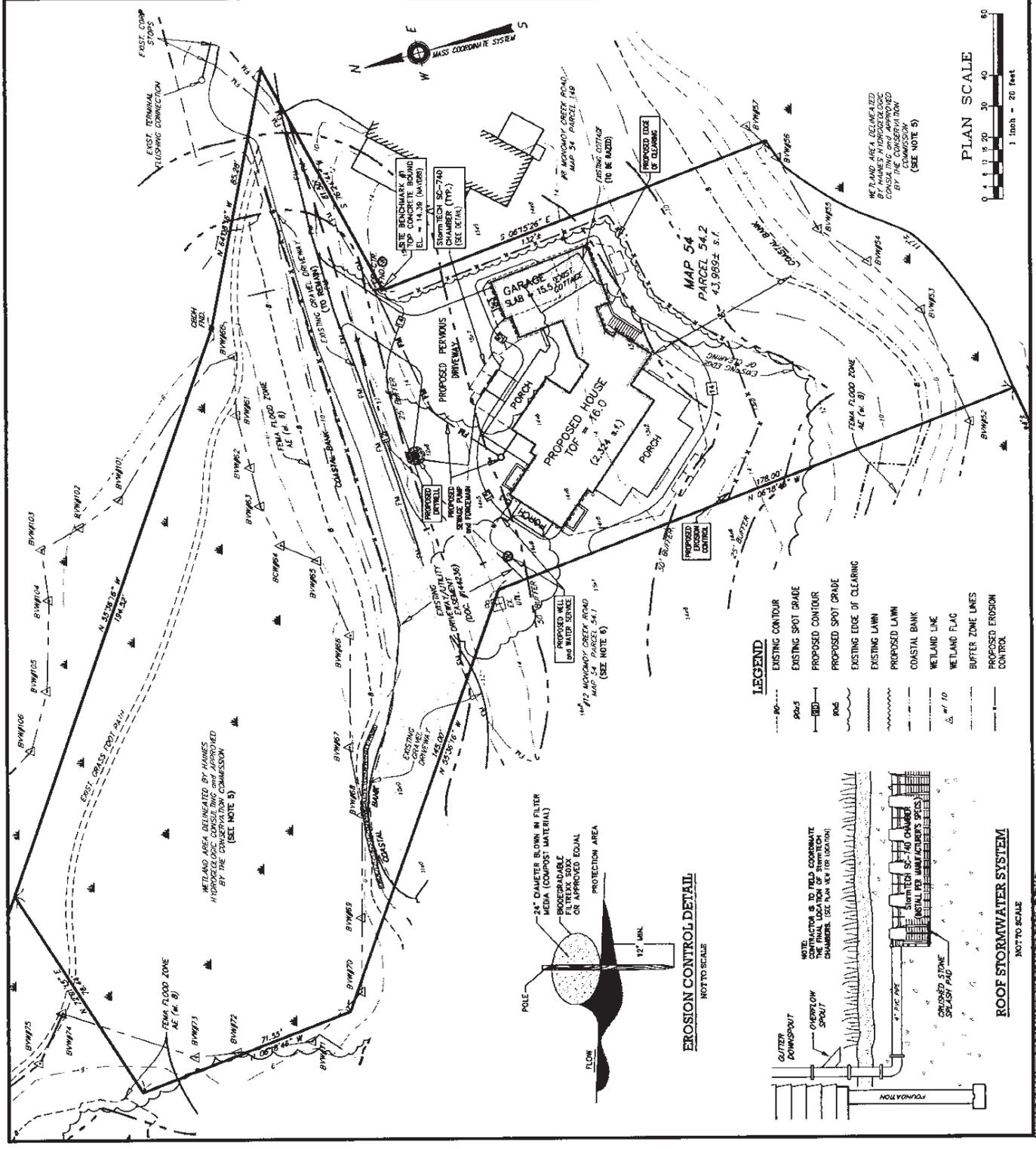
- LOCUS: #10 MONOMOY CREEK ROAD MAP 54 PARCEL 54.2
- OWNER: ELIZABETH VON SUMMER & JOHN J. MOLLER 6592 COLLINS DRIVE, SUITE E-111 MOORPARK, CA 93021
- DEED REF: C-1, #25592
- PLAN REF: L.C. Plan 13308-C (107.3)
- LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (14.0) AS SHOWN ON FEMA MAP 54-10000-0101. 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, MULTIPLE and PRIORITY HABITATS OF RARE SPECIES.
- SEE ORDER OF CONSIDERATIONS, MAPS DEP. F16 #25-05-2085 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:
PACKER
 48 HERRING HOLE ROAD
 SUZANNE BAY, MA 02532
 (401) 861.3330
 (401) 861.3332
 www.packerinc.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: SHW
 1 of 1





**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

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.

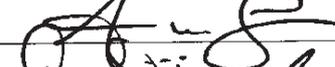
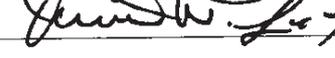
Signatures:


Ernest Steinauer

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:

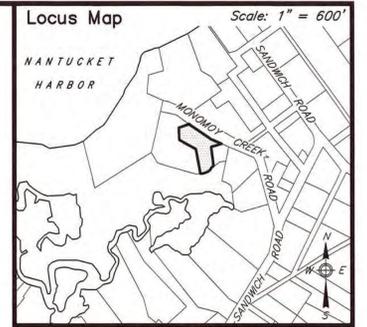
Document Number

Signature of Applicant

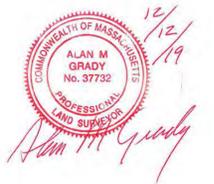
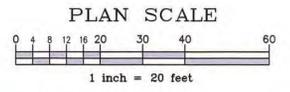
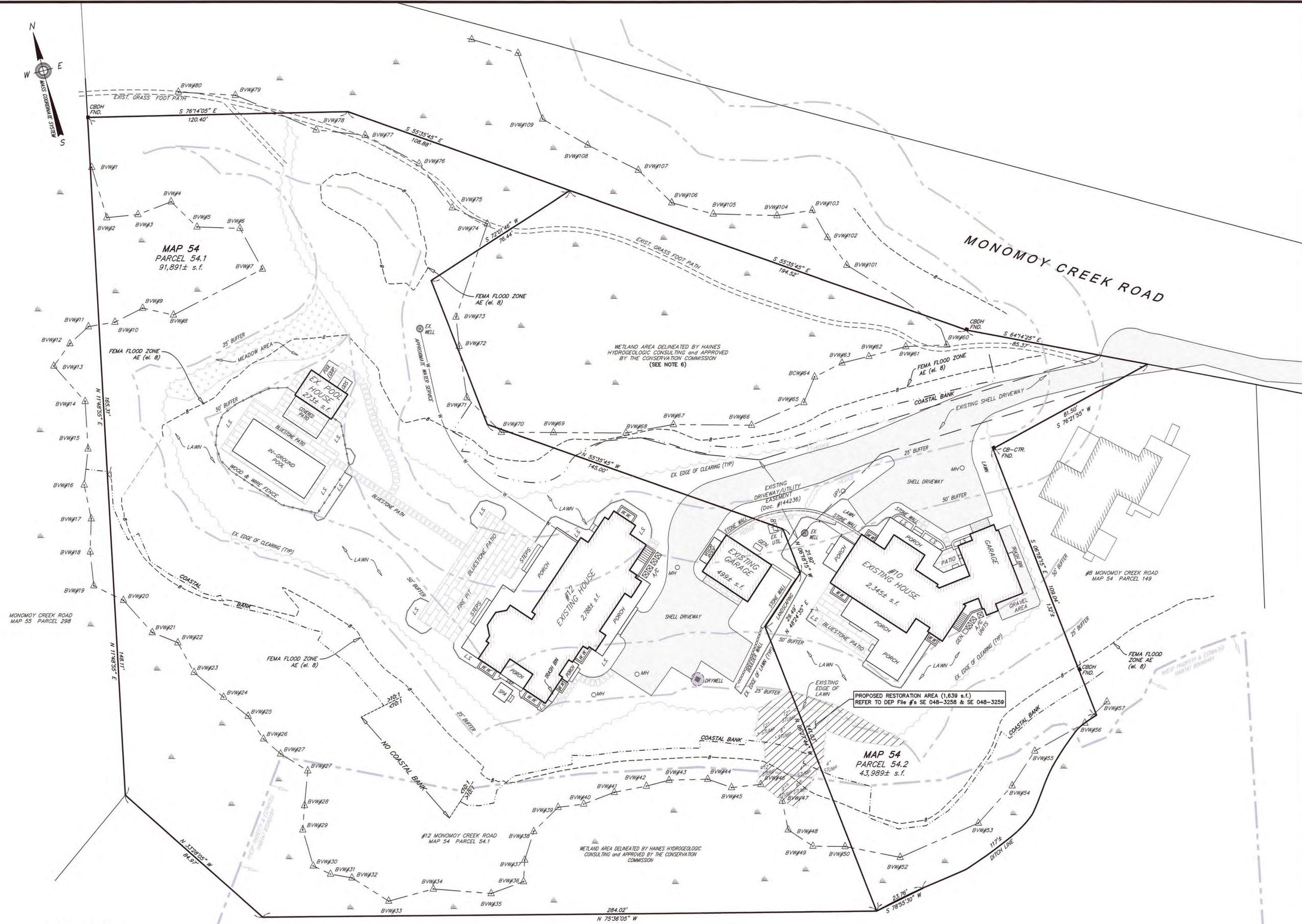
DOC No: 00142674

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 Checked: DFB/AMG	Sheet: 1 of 1



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

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, appearing to read "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 (2nd 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 – 1st 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
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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
 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.



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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	<u> </u> a. linear feet	<u> </u> b. linear feet	<u> </u> c. linear feet	<u> </u> d. linear feet
5. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
	<u> </u> e. c/y dredged	<u> </u> f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
Cubic Feet Flood Storage	<u> </u> e. cubic feet	<u> </u> f. cubic feet	<u> </u> g. cubic feet	<u> </u> h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	<u> </u> a. square feet	<u> </u> b. square feet		
Cubic Feet Flood Storage	<u> </u> c. cubic feet	<u> </u> d. cubic feet	<u> </u> e. cubic feet	<u> </u> f. cubic feet
9. <input type="checkbox"/> Riverfront Area	<u> </u> a. total sq. feet	<u> </u> b. total sq. feet		
Sq ft within 100 ft	<u> </u> c. square feet	<u> </u> d. square feet	<u> </u> e. square feet	<u> </u> f. square feet
Sq ft between 100-200 ft	<u> </u> g. square feet	<u> </u> h. square feet	<u> </u> i. square feet	<u> </u> j. square feet



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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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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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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: 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.

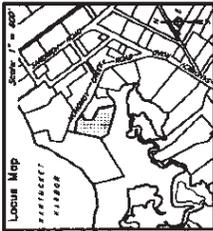
In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

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.

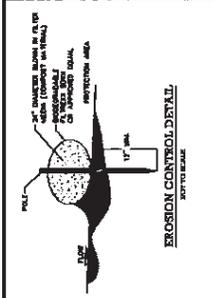


- NOTES**
1. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 2. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 3. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 4. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 5. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 6. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038
 7. LOCAL MAP 54 PARCELS 54.1 & 54.2
 OWNER: MONOMOY CREEK ROAD TRUST
 1000 MONOMOY CREEK ROAD
 MONOMOY, MA 02038

PROPOSED SITE PLAN
 IN MONOMOY, MASSACHUSETTS
 MONOMOY CREEK ROAD
 NOMINEE TRUST
 MAP 54 PARCELS 54.1 & 54.2

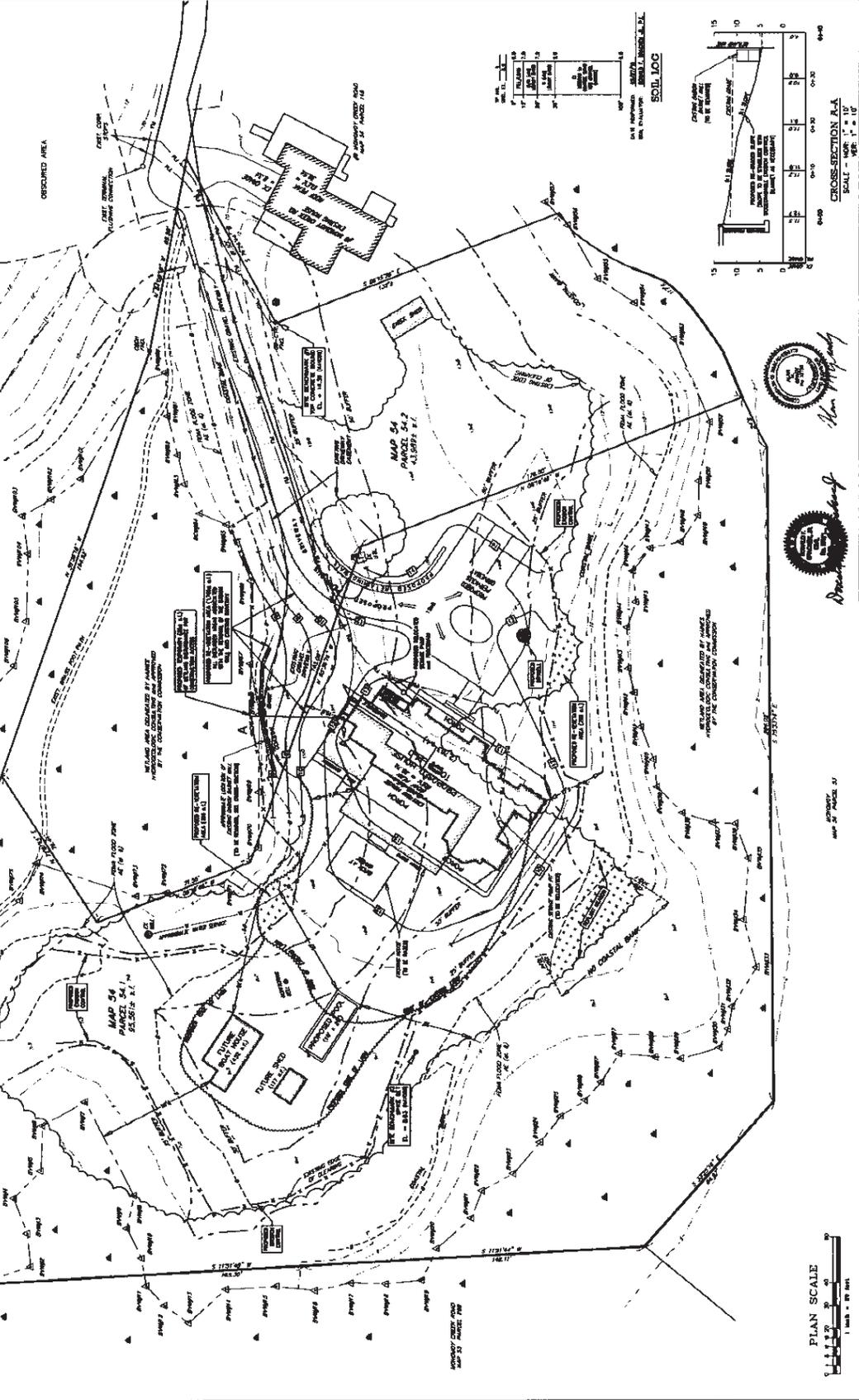
Prepared by: **FRACOR**
 10 OLD JERRY ROAD
 WESTPORT, MA 02091
 TEL: 508-338-2200
 FAX: 508-338-2201
 WWW.FRACOR.COM

DATE	DESCRIPTION
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SUMMARY OF AREAS

EXISTING PROPOSED AREAS WITHIN 10' OF BUFFER	10' BUFFER
EXISTING PROPOSED AREAS WITHIN 20' OF BUFFER	20' BUFFER
EXISTING PROPOSED AREAS WITHIN 30' OF BUFFER	30' BUFFER
EXISTING PROPOSED AREAS WITHIN 40' OF BUFFER	40' BUFFER
EXISTING PROPOSED AREAS WITHIN 50' OF BUFFER	50' BUFFER
EXISTING PROPOSED AREAS WITHIN 60' OF BUFFER	60' BUFFER
EXISTING PROPOSED AREAS WITHIN 70' OF BUFFER	70' BUFFER
EXISTING PROPOSED AREAS WITHIN 80' OF BUFFER	80' BUFFER
EXISTING PROPOSED AREAS WITHIN 90' OF BUFFER	90' BUFFER
EXISTING PROPOSED AREAS WITHIN 100' OF BUFFER	100' BUFFER



PLAN SCALE
 1" = 10' HORIZONTAL
 1" = 1' VERTICAL

PROFESSOR
 [Signature]

REGISTERED PROFESSIONAL ENGINEER
 [Signature]

MASSACHUSETTS
 [Seal]

MASSACHUSETTS
 [Seal]



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – 1st 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.

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.

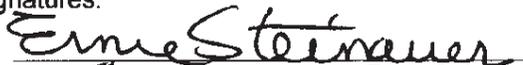
06/24/2015

1. Date of Issuance

6

2. Number of Signers

Signatures:

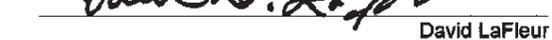

 Ernest Steinauer

 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 – 1st Amended Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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Provided by MassDEP:
 SE48- 2665
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 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: 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
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 – 2nd Amended Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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Provided by MassDEP:
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 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 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
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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



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 #

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 Nantucket
 City/Town

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 | _____ | _____ | <u>0</u> 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.



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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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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

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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 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.



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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.

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
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

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
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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: 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
Mailing Address c/o Sarah F. Alger, Trustee, 2 South Water Street,
City/Town Nantucket State MA Zip Code 02554

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: _____
_____ 04/12/2017
_____ Date



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

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.



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

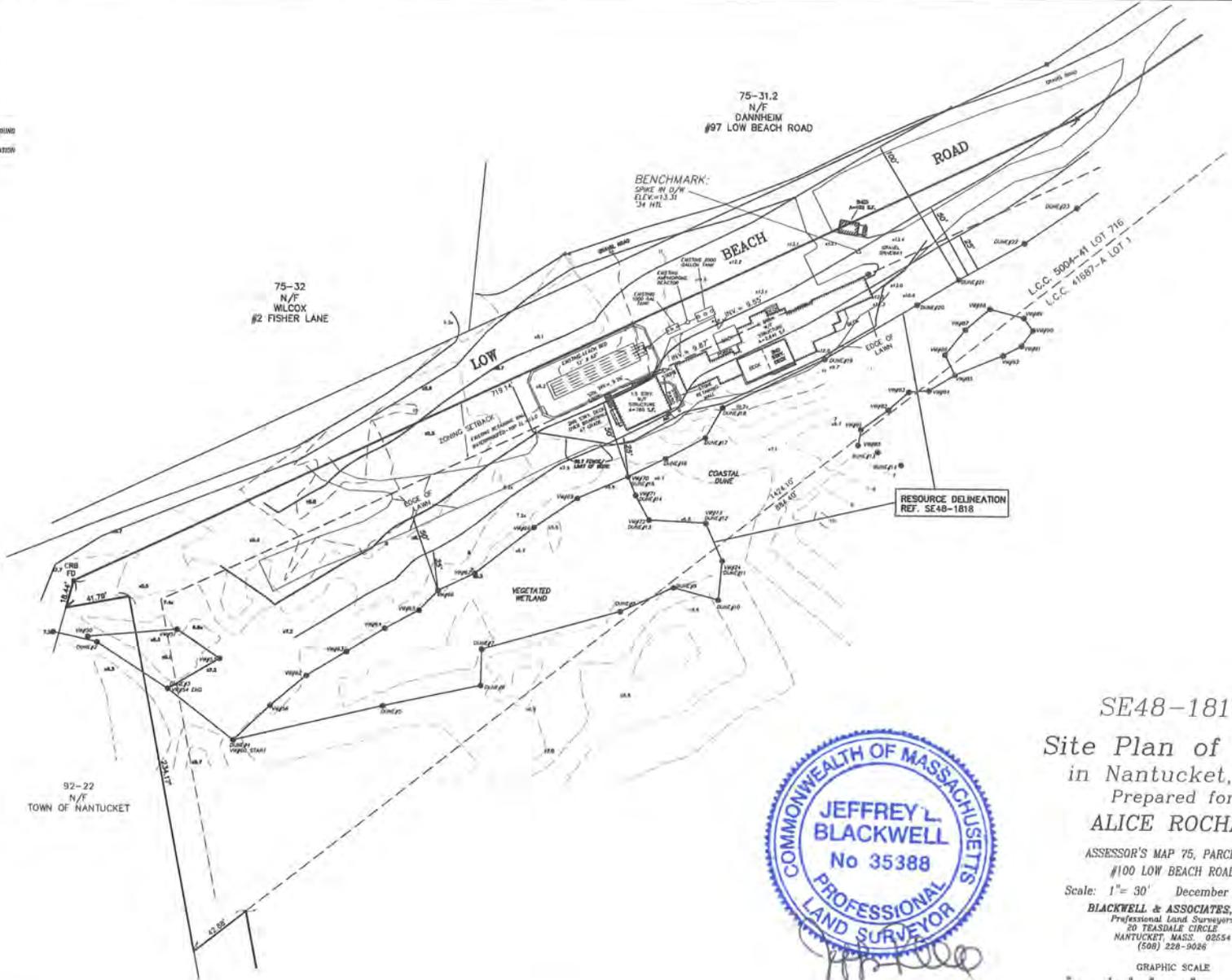
Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or 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>).

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



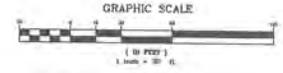
SE48-1818

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



**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

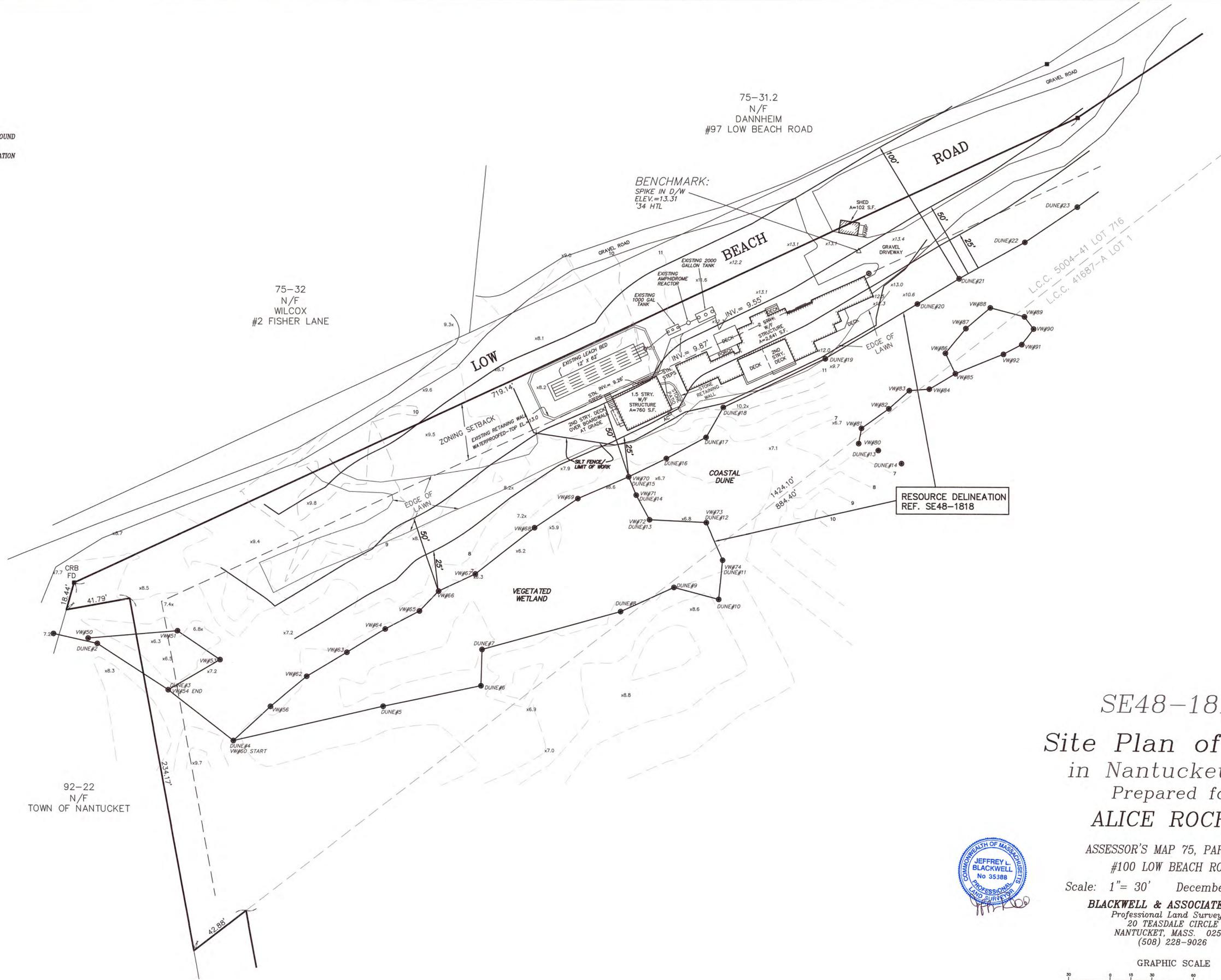
9. Total WPA Fee Paid: \$0.00
a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid

* 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% ±

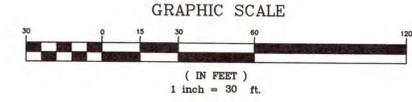
LEGEND

- or ■ DENOTES MONUMENT FOUND
- DENOTES EXISTING WETLAND FLAG FOUND
- DENOTES EXISTING WETLAND DELINEATION



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

C-7816

January 6, 2020

**Jeff Carlson
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Ma. 02554**

Re: Request for Certificate of Compliance/DEP File no. SE48-3111 at 62 West Chester Street, map 41, parcel 373 in Nantucket, Massachusetts.

Dear Conservation Commission Members:

Enclosed you will find a plan of land showing as built conditions at 62 West Chester Street. The new pool is completed in substantial compliance with the Order of Conditions referenced above.

Also enclosed you will find a filing fee check (\$25.00) with a copy of the 1st page of the Orders of Conditions, Bk 1663 Pg:170 posted. A PDF of the Request for Certificate form has been sent.

If you have any questions or need additional information, please call me.

Sincerely,

Michael E. Connolly, 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.



1. This request is being made by:(current Title holder):

Dina & Allan Schwartz
Name

283 Imperial Drive
Mailing Address

Glastonbury CT 06033
City/Town State Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Dina & Allan Schwartz
Applicant

09/20/2018 SE48-3111
Dated DEP File Number

62 West Chester Street Nantucket
Street Address City/Town

41 373
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

same
Property Owner (if different)

Nantucket 1
County 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 above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)



WPA Form 8A – Request for Certificate of Compliance

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

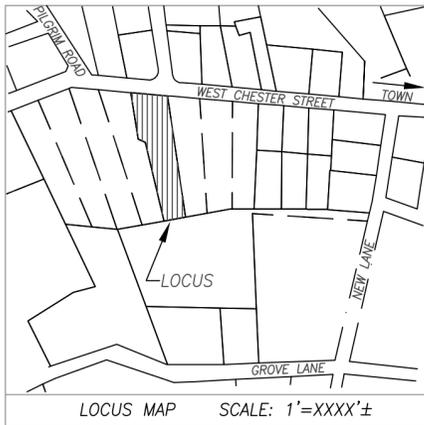
6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

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>).



CURRENT ZONING CLASSIFICATION:
Residential-20 (R-20)

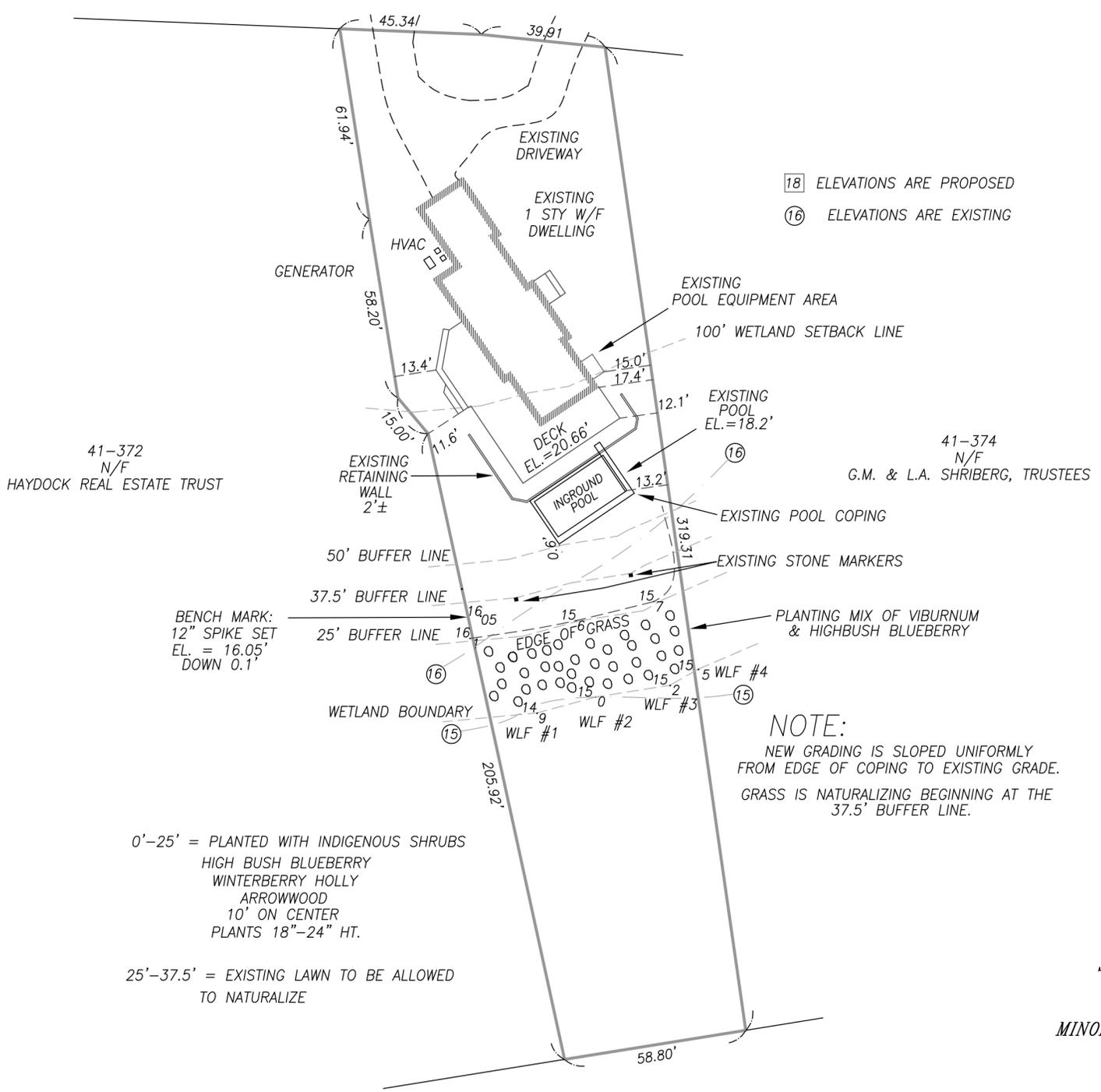
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

NOTE:
NEW OUTDOOR LIGHTING
SHALL BE POINTED DOWNWARD
AND AWAY FROM WETLAND

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN
PREPARED IN ACCORDANCE WITH THE RULES
AND REGULATIONS OF THE REGISTER OF DEEDS
OF THE COMMONWEALTH OF MASSACHUSETTS.

PROFESSIONAL LAND SURVEYOR _____ DATE _____

WEST CHESTER STREET



NOTE:
NEW GRADING IS SLOPED UNIFORMLY
FROM EDGE OF COPING TO EXISTING GRADE.
GRASS IS NATURALIZING BEGINNING AT THE
37.5' BUFFER LINE.

0'-25' = PLANTED WITH INDIGENOUS SHRUBS
HIGH BUSH BLUEBERRY
WINTERBERRY HOLLY
ARROWWOOD
10' ON CENTER
PLANTS 18"-24" HT.

25'-37.5' = EXISTING LAWN TO BE ALLOWED
TO NATURALIZE

WETLAND DELINEATION BY
HAINES HYDROGEOLOGIC CONSULTING

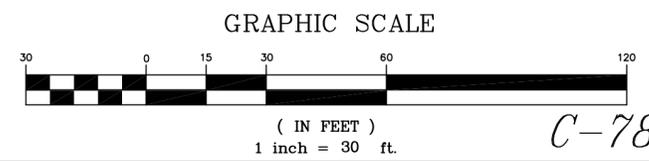
AUGUST 9, 2018
GROUND WATER @ 13.4'

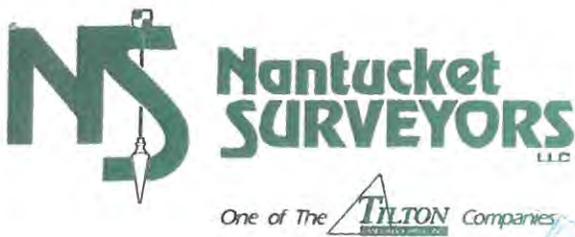
POOL AS BUILT PLAN OF LAND IN NANTUCKET, MA.

PREPARED FOR
DINA L. SCHWARTZ
DEED BOOK 1702 PAGE 39
SCALE: 1" = 30' DATE: SEPT. 5, 2018
REVISION DATE: SEPT. 12, 2018

MINOR MODIFICATION REVISION DATE: NOV. 2, 2018
AS BUILT DATE: JANUARY 6, 2020

MICHAEL CONNOLLY and ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS
150 SURFSIDE ROAD
NANTUCKET, MA. 02554
(508) 228-8910





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

N-10158

January 10, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Request for Extension of Order of Conditions
Applicant: Kristen Engle, as Trustee Pocomo Point Realty Trust
90 Pocomo Road (Map 15 Parcel 43)
Nantucket, MA 02554
D.E.P. File #SE48-2946

Dear Commission Members,

Pursuant to 310 CMR 10.05(8)(a) and Bylaw Section 136-4B, Nantucket Surveyors, LLC would like to request on behalf of the applicants, a two (2) year extension of Order of Conditions, SE48-2946. The Order of Conditions was issued on February 1, 2017 and recorded in the Nantucket County Registry of Deeds as LC Doc. #154319. An Amendment to the Order of Conditions was issued on April 25, 2018 and recorded in the Nantucket County Registry of Deeds as LC Doc. # 158509.

Work Permitted is as indicated on the Orders attached hereto.

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

- One (1) filing fee to the Town of Nantucket \$25.00

Cc: Arthur I. Reade, Jr. Esq.

Office located at 5 Windy Way • Nantucket, MA 02554

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



2017 00154319

Cert: 24369 Doc: OOC
Registered: 02/10/2017 02:17 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- 2946
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:

Kristen Engle
a. First Name b. Last Name
Pocomo Point Realty Trust
c. Organization
c/o Glidden & Glidden, P.C. 37 Centre Street, P.O. Box 1079
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:

90 Pocomo Road Nantucket
a. Street Address b. City/Town
15 43
c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known: 41.314299 -70.031062
d. Latitude e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
 Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
 Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 90 Pocomo Road
 Assessor's Map and Parcel: 15-43
 Property Owner: Pocomo Point Realty Trust
 Applicant: Pocomo Point Realty Trust
 DEP File Number: SE48-2946
 Filing Date: 12/30/2016
 Date Hearing Closed: 2/1/2017
 Date Orders Issued: 2/1/2017
 Plan of Record Information: Site Plan to Accompany a Notice of Intent, dated
 December 30, 2016 and stamped by Paul J. Santos, P.L.S.

Permit Overview:

This order permits the removal or demolition of existing structures with associated grading, landscaping and utilities within the buffer zone to Coastal Bank. Waivers are required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and did not require 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, and protocols.
19. No excavation shall occur within 15' of the Coastal Bank.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.05(B)(5) that all projects that are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be at least 50 feet from a coastal bank. Given the project of removing a structure within the 25-foot setback the Commission finds that its removal will provide a long-term net benefit to the resource area and its buffer zones. Therefore the Commission grants a waiver under Section 1.03(F)(3)(c) of the Nantucket Wetland Protection Regulations.



Cert: 24369 Doc: AMENDME
Registered: 05/17/2018 02:06 PM



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:
SE48-2946
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:
- Kristen Engle, Trustee
a. First Name b. Last Name
- Pocomo Point Realty Trust
c. Organization
- 13535 D'Este Drive
d. Mailing Address
- Pacific Palisades CA 90272
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:
- 90 Pocomo Road Nantucket
a. Street Address b. City/Town
- 15 43
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known: 41.314299 -70.031062
d. Latitude e. Longitude

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 90 Pocomo Road
 Assessor's Map and Parcel: 15-43
 Property Owner: Pocomo Point Realty Trust
 Applicant: Pocomo Point Realty Trust
 DEP File Number: SE48-2946
 Filing Date: 12/30/2016
 Date Hearing Closed: 2/1/2017
 Date Orders Issued: 2/1/2017
Date Amended: 4/25/2018
 Plan of Record Information: Site Plan to Accompany a Notice of Intent, dated December 30, 2016 and stamped by Paul J. Santos, P.L.S.
Amended Plan of Record: Engle Residences ConCom 1-4 dated March 12, 2018 and prepared by David Bartsch Landscape Architecture, LLC

Permit Overview:

This order permits the removal or demolition of existing structures with associated grading, landscaping and utilities within the buffer zone to Coastal Bank. Waivers are required for this project. **This Order is amended to include the relocation of the existing structure, installation of a pool, hardscaping and restoration of vegetation.**

Additional Findings:

- I. The area falls outside mapped habitat areas and did not require 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, and protocols.
19. No excavation shall occur within 15' of the Coastal Bank.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.05(B)(5) that all projects that are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be at least 50 feet from a coastal bank. Given the project of removing a structure within the 25-foot setback the Commission finds that its removal will provide a long-term net benefit to the resource area and its buffer zones. Therefore the Commission grants a waiver under Section 1.03(F)(3)(c) of the Nantucket Wetland Protection Regulations.



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, January 8, 2020

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 5:00 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, Engelbourg

Absent Members: Topham, Phillips

Late Arrivals: None

Earlier Departure: None

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment

Bill Grieder, Madaket Conservation Association (MCA) – A representative of the U.S. Department of Agriculture (USDA) addressing the MCA stated the USDA has revamped the definition of farming to include eel grass growing, dunes, and grasses; she suggested the Nantucket County Conservation district be revamped. In 1949, Nantucket had a county conservation district; he doesn't know when that went away. Asked that a discussion about revitalizing the Nantucket County Conservation District be put on the agenda; Nantucket is missing out on a number of federal monies for eel grass growth, shellfish, etc.

II. PUBLIC HEARING

A. Notice of Intent

1. Bonnie L. Sacerdote, Trustee – 19 Kimball Avenue (30-29) SE48-3260

Sitting Erisman, Golding, LaFleur, Engelbourg

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

Representative Paul Santos, Nantucket Surveyors
Cloe Coggins, Nantucket Surveyors

Public None

Discussion (5:04) **Santos** – Held for Natural Heritage Endangered Species Program (NHESP) comments, which we now have and is incorporated into the record. Reviewed their conditions, which are the same as for the abutting projects, to be placed on the project. They ruled no take subject to conditions.

Staff Have everything needed to close.

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

Vote Carried

2. Patrick S. Keating – 49 Red Barn Road (63-15) SE48-3262

Sitting Erisman, Golding, LaFleur, Engelbourg

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

Representative Paul Santos, Nantucket Surveyors
Cloe Coggins, Nantucket Surveyors

Public None

Discussion (5:07) **Santos** – This was held for NHESP comments, which were received and is in the records; they ruled no take/no adverse impact under the Wetland Protection Act. We have added the parking spaces to the plan as requested by the Zoning Board of Appeals. This is a setback to an eroding coastal dune. The foundation is piers and the driveway dirt. The old septic system – tank and pit - was removed and any debris from this move will be removed.

Staff Have everything needed to close.

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

Vote Carried

3. *46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48 (Cont. 01/22/2020)

4. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-3258

5. Monomoy Creek Road Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-3259

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public Annie Mendelsohn, 43 Crooked Lane
 Discussion (5:10) **Madden** – These were held for Massachusetts Natural Heritage (MNH) letter, which were received and are now in the record. We have added taller proposed sassafras saplings within the restoration area to the plan; 6 to 10 feet is the most to minimize impact on the area. We did some additional clean-up around the property.
Erisman – When she walked this property, she is not happy with the damage to the resource area, which had occurred. She wants there to be a landscaper contract on file with the office before works start. The wetland resource area has been abused here on a regular basis by throwing debris into the bushes; this is at least the second time this has happened. Feels whoever did the cutting should not be called a landscaper.
Golding – Asked if there are photos of the brush before it was cut that shows swamp maples.
Madden – He does have photos of pre-existing conditions. Nine trees of varying width were cut.
Erisman – Unfortunately, she feels a number of trees won't survive and this will continue to be a work area.
Engelbourg – Recently bayberry has been put in and areas showing fresh disturbance. There was at least one cedar adjacent to the cut area. Cedar and sassafras contiguous across the site would look better.
Golding – He'd like to see it restored to what it was regardless the cost. Feels they are getting away with total disregard to the environment by hacking down growth for a view.
Madden – If you're looking at providing trees commensurate with what was cut, you are looking at disturbance equivalent to the damage done; the best regeneration will be from the existing root system. Pruning does occur across the Island.
Erisman – This was clearcutting, not pruning. This is maybe somewhere we would want to fine per square foot plus the cost of restoration. They fully destroyed established trees.
Engelbourg – It doesn't seem that many sassafras saplings were growing on this site; it seemed to be more cat briar, green briar, grasses, and privet. Regrowth of the root system needs to be monitored as well as assisted by seedlings of a diverse mix of native shrubs and eliminating invasive species and which should be an on-going condition when the Certificate of Compliance is issued.
Mendelsohn – It is really hard to move a sassafras; the chance of it surviving is very slim. If it can sprout from roots in the ground, that will be its best chance.
Erisman – Asked if an erosion control blanket will be used, especially once the debris is removed.
Madden – He'd like to keep that open based upon conditions. The intent is to minimize soil disturbance.
 Staff We can consider SE48-3258 & SE48-3259 together. The Commission did a field viewing on Monday. Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded by: Engelbourg)
 Vote Carried unanimously

6. *Greg R. Edell – 25 High Brush Path (56-379) SE48-3266

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (5:31) **Madden** – This is for construction of an addition, pool, patio, deck, cabana, and landscaping. The resource area is a bordering vegetated wetland. All work is upland of the 25-foot buffer zone and less the 50% alteration between the 25- and 50-foot buffers; no structural work within the 50-foot buffer. Requesting a waiver for distance of the bottom of the pool to high groundwater but no excavation into high groundwater. Runoff from the structure will go into a proposed infiltration system.
Golding – Feels the pool can be redesigned to preclude the need for a waiver.
 Staff If you don't grant the waiver for the pool, they will have to maintain the 2-foot separation. Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

7. *Robert Goldrich – 41 Crooked Lane (41-202) SE48-3265

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public Annie Mendelsohn, 43 Crooked Lane
 Discussion (5:29) **Madden** – This is for sewer connection and abandonment of the existing septic system. The tank will be cleaned out, ruptured, and back-filled with clean sand in compliance with Title 5. That and the new sewer line are within existing development area.
Mendelsohn – Fiber optic cables were installed in December and hit the sewer stub, which is now ruptured. Asked this be denied until the situation be rectified.
Erisman – This is a concern but can't hold up this project if it isn't impacting the resource area. They can't connect if the line isn't working. Asked if the busted sewer is impacting the adjacent wetlands.

Staff The broken sewer would have to be passed along to the Sewer Department. We can insert the condition that prior to start of work, they supply the connection application signed off by the Sewer Department indicating the line is working correctly.
Have everything needed to close.

Motion Motion to Close. (made by: Engelbourg) (seconded by: LaFleur)

Vote Carried unanimously

8. *2 South Beach, LLC – 2 South Beach Street (42.2.4-60) SE48-3270

Sitting Erisman, Golding, LaFleur, Engelbourg

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

Representative Brian Madden, LEC Environmental

Public None

Discussion (5:35) **Madden** – This is for upgrade to the existing commercial restaurant building within land subject to coastal storm flowage. The intent is to remove some brick walks and replace with cobble and grass. On the south side an existing landing and porch will be replaced with an elevated porch above the flood zone and placing A/C units above the flood plain.

Staff Have everything needed to close.

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

Vote Carried unanimously

9. *Great State Properties, LLC – 92 Washington Street Ext. (42.2.3-22) SE48-3268 (Cont. 01/22/2020)

10. *53 West Chester St, LLC – 53 West Chester Street (41-614) SE48-3269

Sitting Erisman, Golding, LaFleur, Engelbourg

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

Representative Art Gasbarro, Nantucket Engineering & Survey
Julie Jordan, Garden Design Co.

Public None

Discussion (5:38) **Gasbarro** – This is for work within buffer to a bordering vegetated wetland. Work is to landscape and hardscape within an existing backyard and removal of invasive species. Included the planting plan for the abutting property on which the wetland sits. Work within 25-foot buffer to remove bush honeysuckle and a proposed small curb with slight expansion of the lawn with a small sitting wall. The waiver is justified as a net benefit due to removal of invasive species.
Erisman – This is already a very disturbed area and agrees the removal of the invasive species would be a net benefit.
Engelbourg – He can't see to justification of the stone sitting wall within the 25-foot buffer.
Jordan – Noted that the house next door is within the 25-foot buffer; feels the wall is a negligible impact.
Engelbourg – We have to consider each application on its own merit under the Wetlands Protection Act. He doesn't feel additional construction is healthy.
Erisman – Agrees with Mr. Engelbourg about the wall. Asked the material of the curb.
Jordan – Granite.
Erisman – Doesn't think we should allow that within the 25-foot buffer.
Gasbarro – Asked for a 2-week continuance to address the concerns.

Staff None

Motion Continued to January 22 by unanimous consent.

Vote N/A

11. *Mark Abbott & Marena C. Hamre – 8 Hulbert Avenue (29.2.3-7.2) SE48-3272

Sitting Erisman, Golding, LaFleur, Engelbourg

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

Representative Paul Santos, Nantucket Surveyors
Cloe Coggins, Nantucket Surveyors
Mark Cutone, Mark Cutone Architecture

Public None

Discussion (5:44) **Santos** – This is to raise the existing dwelling to comply with current flood-zone regulations. The flood zone is elevation 9 with grade at elevation 4; first floor must be elevation 9 plus 1. Also, work will include construction of a shed and alteration of the existing shell driveway to include landscaping within land subject to coastal storm flowage and buffer to a coastal bank and vegetated wetland. The dwelling will be on a foundation with pass-through flood vents. No change to the grade. Structural changes to the dwelling is to add to the stairs to reach the elevated access stairs and addition of an outdoor shower at grade outside the 50-foot setback. This requires waivers for groundwater separation for the footings and foundation due to the wetland in this area. Not within NHESP jurisdiction. The shed is on a pier foundation. The only work within the 25- to 50-foot buffer is foundation work. First floor is currently at elevation 6.8; it will be at elevation 10.
Erisman – Confirmed the current foundation is within the 2-foot separation from groundwater. Since it's going up, lighting toward the wetlands should be conditioned.

Staff Have everything needed to close.

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

Vote Carried unanimously

12. *Jason Maroney – 29 Rhode Island Avenue (60.3.1-132) SE48-3271

Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Paul Santos, Nantucket Surveyors
Cloe Coggins, Nantucket Surveyors

Public None

Discussion (5:51) **Santos** – This is for a 520 square-foot (SF) addition to a single-family dwelling within land subject to coastal storm flowage; work will include grading, landscaping, and utility expansion associated with the addition. Property is adjacent to but outside the 100-foot buffer to a coastal dune. We are filing a letter to FEMA regarding Map Revision in order to take the property out of the flood zone; it is shown in a velocity zone and the property is elevated above the flood zone; FEMA says there is evidence of a primary frontal dune, which we are contesting. If we get that letter, the house can have a full foundation; if we do not, it must be on piers, which is the current foundation. There is no proposed change in grade. Existing septic was upgraded to a 4-bedroom compliant I/A system. No change to the well; there is a water tank on the property. Outside NHESP jurisdiction.

Erisman – If FEMA takes this out of the flood zone, it will be back in within 10 years or less. Because it is currently flood zone, it is currently being proposed on piers.

Staff Have everything needed to close.

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

Vote Carried unanimously

13. *17 BR Rosaly Nominee Trust – 17 Baxter Road (60.3.1-132) SE48-3267

Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Brian Madden, LEC Environmental

Public None

Discussion (5:57) **Madden** – This is for establishment of a walking path connection; resource areas, a Coastal dune and land subject to coastal storm flowage, are not on the property. Due to the slope, some stairs are required; will abandon portions of the existing trail and replant with arrow wood. This is a water-dependent use.

Erisman – Asked if the path would have public access.

Madden – He does not believe so.

LaFleur – We have no information on the stairs; usually we have drawings showing what the posts and deck are.

Golding – Agrees they should be properly drawn out.

LaFleur – The lack of drawings allows anything to be constructed.

Erisman – We need to know how they will fit with the topography. She'd prefer straight stairs over a switchback through the buffer zone.

Madden – This was initially for the walking path and the stairs fell into it. Requested a 2-week continuance.

Staff He will draft a positive order pending the drawings.

Motion Continued to January 22 by unanimous consent.

Vote N/A

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. *Gaito Family Trust – 92 Cliff Road (30-268)

Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative None

Public None

Discussion (6:04) None

Staff This is for installing a sewer line to connect to the line that runs up to Pilgrim Road and abandon the existing septic.

We recommend a Negative 3 for work within the buffer zone and a Positive 2 confirming the resource area.

Motion **Motion to Approve as recommended.** (made by: Golding) (seconded by: LaFleur)

Vote Carried unanimously

2. *Mid-Island Service Limited Partnership – 41 & 43 Sparks Avenue (55-267.4 & 267.3) (Cont. 01/22/2020)

D. Minor Modifications

1. Abrams Point Realty Trust – 30 Rabbit Run Road (28-6) SE48-3168

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None
 Discussion (6:00) **Gasbarro** – The modification is to drive four timber piles to support the permitted walkway; we believe that will be less disruptive since the current support is metal and goes into concrete.
 Staff Recommend issue as a minor modification.
 Motion **Motion to Issue the minor modification.** (made by: LaFleur) (seconded by: Engelbourg)
 Vote Carried unanimously

2. 8 Bishops Rise, LLC – 8 Bishops Rise (40-32) SE48-3181

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Brian Madden, LEC Environmental
 Public None
 Discussion (6:08) **Madden** – This is for a revised well location outside the 50-foot buffer.
 Staff Recommend issue as a minor modification.
 Motion **Motion to Issue the minor modification.** (made by: Engelbourg) (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. 01/22/2020)
2. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893 (Cont. 01/22/2020)
3. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2797
4. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2801
5. Monomoy Creek Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-2665

Sitting Erisman, Golding, LaFleur, Engelbourg
 Staff We can address SE48-2797, SE48-2801, and SE48-2665 together.
 Our current recommendation is to hold these open until we get the NOI for restoration work against the violation issued onto the properties. At that time, these can be issued with monitoring and on-going restoration.

Discussion (6:10) **Madden** – Reviewed the projects for which the orders were issued.
Erisman – She noticed dead cedar on 10 Monomoy Creek Road; asked if they will be replaced or something different planted.
Madden – If they are replaced with cedar, there will be the same situation; believes they will be allowed to die and the area naturally fill in.
Erisman – The contract landscape should monitor the regrowth. Asked how many growing seasons ago the planting was finished.
Madden – Spring 2017, 3 growing seasons. He submitted monitoring reports.
Erisman – It’s okay to have some snags but they have to be left there. We need to have on-going monitoring conditions.
Engelbourg – The issue becomes if more cedar die.
Madden – The cedar on flatter areas are doing well; it’s the cedar on slopes. on 12 Monomoy Creek, we’re looking to put permanent markers beyond the pool to delineate the meadow restoration area from the lawn.
Erisman – She’s concerned about how established the meadow restoration area is.
Engelbourg – Asked if there is oversight when the meadow gets mowed.
Madden – It was conditioned as an on-going historic use. We can incorporate that as an on-going condition.
Golding – Asked what the historic use was.
Madden – At the time of the filing, there was a small dwelling on the site; historic photos back to the 1960s showed mowing.
Erisman – She feels uncomfortable issuing these with what we saw on the Site Visit on Monday.
 Consensus agrees with Ms. Erisman.

Motion Continued to January 22 by unanimous consent.
 Vote N/A

6. Alice Rochat – 100 Low Beach Road (75-27) SE48-1818 (Cont. 01/22/2020)

F. Orders of Condition

1. 262 Polpis Road N.T – 262 Polpis Road (25-1) SE48-3257

Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Draft Order of Conditions
 Staff He will add a to Condition 19 that the saplings be retaining.
 Discussion (6:22) **Golding** – We want the existing saplings to be retained.
 Motion Motion to Approve as amended. (made by: Golding) (seconded by: LaFleur)
 Vote Carried unanimously

2. Bonnie L. Sacerdote, Trustee – 19 Kimball Avenue (30-29) SE48-3260
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff The order is the same as for the two abutting properties except for the inclusion of the MNH letter.
Discussion (6:25) **Erisman** – She thinks it’s funny they don’t think crows will land of the posts.
Engelbourg – He’d prefer the crows over other birds.
Golding – Asked what happens if the high tide moves up into the fencing; asked if that needs to be qualified or come before us when it becomes an issue.
Carlson – That would come before us at that time; there are other high-tide issues that would come up requiring a more substantive structure.
Engelbourg – At this time, the sand is accreting; we might have to watch for sand overtopping the fence.
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: LaFleur)
Vote Carried unanimously
3. Patrick S. Keating – 49 Red Barn Road (63-15) SE48-3262
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff This seemed pretty straight forward.
Discussion (6:27) None
Motion **Motion to Approve as drafted.** (made by: LaFleur) (seconded by: Engelbourg)
Vote Carried unanimously
4. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-3258
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff Will add Condition 27 addressing the contract for landscaping.
Will add Condition 28 requiring all red cedar and they be a minimum of 6 feet tall.
Condition 23 addresses the need to have the board sign off on a partial.
Will add Condition 29 addressing stabilization of soil.
Discussion (6:28) **Erisman** – We want to add the condition for a landscaper contract to be on file in the office.
Engelbourg – Asked if we should call out the species; there’s a shrub mix we talked about.
Golding – Asked if an actual planting plan should be included in the file.
Motion **Motion to Approve as amended.** (made by: Engelbourg) (seconded by: Golding)
Vote Carried unanimously
5. Monomoy Creek Road Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-3259
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff This is the same as for SE480-3258; he will add the same conditions.
Discussion (6:00) None
Motion **Motion to Approve as amended with the addition of the same conditions as for SE48-3258.** (made by: Golding) (seconded by: Engelbourg)
Vote Carried unanimously
6. Greg R. Edell – 25 High Brush Path (56-379) SE48-3266
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff We will add the formalization of not granting the waiver and that the pool be required to meet the 2-foot separation from groundwater.
Discussion (6:35) **Golding** – Asked that we formalize that the waiver is not granted.
Motion **Motion to Approve as amended.** (made by: Golding) (seconded by: LaFleur)
Vote Carried unanimously
7. Robert Goldrich – 41 Crooked Lane (41-202) SE48-3265
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff He will add that prior to start of work the applicant will provided the approved sewer connection permit.
Discussion (6:37) None
Motion **Motion to Approve as amended.** (made by: Engelbourg) (seconded by: LaFleur)
Vote Carried unanimously
8. 2 South Beach, LLC – 2 South Beach Street (42.2.4-60) SE48-3270
Sitting Erisman, Golding, LaFleur, Engelbourg
Documentation Draft Order of Conditions
Staff None
Discussion (6:38) None
Motion **Motion to Approve as drafted.** (made by: LaFleur) (seconded by: Golding)
Vote Carried unanimously

9. Mark Abbott & Marea C. Hamre – 8 Hulbert Avenue (29.2.3-7.2) SE48-3272
 Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Draft Order of Conditions
 Staff Noted a correction to be made under permit overview.
 Condition 19 will address all exterior lighting
 Discussion (6:39) **Erisman** – She wants the lighting to be directed away from the wetland.
 Motion **Motion to Approve as amended.** (made by: Engelbourg) (seconded by: LaFleur)
 Vote Carried unanimously

10. Jason Maroney – 29 Rhode Island Avenue (60.3.1-132) SE48-3271
 Sitting Erisman, Golding, LaFleur, Engelbourg
 Documentation Draft Order of Conditions
 Staff This is for the addition that might or might not be in the flood zone.
 Discussion (6:41) None
 Motion **Motion to Approve as drafted.** (made by: Golding) (seconded by: Engelbourg)
 Vote Carried unanimously

G. Other Business

1. Approval of Minutes: 12/16/2019 (SBPF) & 12/18/2019 – **Motion to Approve.** (made by: Golding) (seconded by: LaFleur) Carried unanimously
2. Monitoring Report:
 - a. Thompson, 14 Fargo Way SE48-2645
 - b. 17 Eat Fire Spring Road, LLC – 17 Eat Fire Spring Road SE48-3024
3. Enforcement Actions
 - a. SBPF SE48-2824 Nourishment Material, Sand Sampling Protocol

- Sitting Erisman, Golding, LaFleur, Engelbourg
 Representative Dwight Dunk, Epsilon Associates Inc.
 Jamie Feeley, Cottage & Castle
 Public R.J. Turcotte, Nantucket Land Council
 D. Anne Atherton, Nantucket Coastal Conservancy
 Discussion (6:43) **Erisman** – Our discussion last time centered around adding additional tests, which the representative agreed to. Confirmed the collected material is being stored. Looking at the work log, the same photo was submitted for December 21st and December 24th with different estimated volume of materials; asked if that was in error.
Feeley – He will look into it; whoever took the photo will have it in their phone and he will get it.
Golding – Asked about the status of the chemical and biological testing.
Dunk – Today OHI completed all the sand sampling to include the analytes requested. They are collecting the street samples and not compositing the samples. Testing is for all sand placed on the template in the fall. We have the drone survey from September, so we know the material that’s been placed. Per the protocol, the sample is based upon 1 sample per 1,000 cubic yards of material which is visually native sand and 1 sample per 5,000 cubic yards of material for sand darker in color; that totals 16 samples with 8 in the intertidal zone. On-site testing is for volatile material, which is screened; one sample had the lowest detection with the PID and will be tested again to rule out a false positive. Should have raw results next week.
Carlson - Visited the site on Monday and saw active sampling.
Erisman – Asked if the February 12 date for test results is still valid.
Dunk – He believes so; that would be the 5-day turnaround from the last date of receipt of samples. If we get something sooner, we will get it to the commission through Mr. Carlson.
Engelbourg – We talked about the lab retaining the material.
Dunk – It is standard that they retain samples for a period of time.
Engelbourg – We also talked about initiating a 3rd-party independent reviewer.
Carlson – That is with all reports. We sent our consultant the protocol and they can provide the additional review. Any reports we collect we also send off to Massachusetts Department of Environmental Protection (DEP).
Dunk – There was also discussion about what to do with the material on template and protocol of pushing it off the template and shaving any mandate material as it comes down the template if it is determined free of contamination; wants to know if that is still acceptable.
Erisman – She’s uncomfortable with pushing 10,000 cubic yards over at this point until we have the full chemical analysis is back.
Engelbourg – Agrees it’s best to see the analysis of the sediment first.
Dunk – There are exposed tubes and we’ve confirmed with the office material won’t be pushed down until the analysis is done per the Order of Conditions; that’s why we are trying to move the sampling and testing faster.
Golding – Asked the difference between the raw data and finished data.
Dunk – Raw data comes from each round of sampling, which need to be pulled together into consolidated tables, so you can see all the data; it is then compared to different standards for exceedances or allowable limits as well as do statistics between concentrations.
Erisman – Asked if there are estimates of the length of tubes or percent of the structure which is uncovered at this time.

Feeley – It looks like about 50% of face of the 2nd tube and some patches of the 3rd tube.

Engelbourg – He'd like to get photos and/or footage of that once a week.

Erisman – Regarding the protocol for pushing material over, asked for details on how that will be done.

Feeley – Explained the idea is to skim, less than 1 foot, a little off the top so that the thin layer of material can easily be identified. That would take at least one week, possible two.

Golding – We could ask for a video of them doing the skimming work; he hopes they'll do a good job.

LaFleur – He's going to go out there and watch the process.

Erisman – Opened the discussion to the public at 7:02 p.m. Asked that no one repeat information already in the record.

Turcotte – After the ConCom hired a 3rd-party reviewer, he doesn't understand why the protocol recommended by OHI is being contradicted by Epsilon. If OHI thought it relevant to test for Ph, phosphorous, phosphate, and nitrogen, he doesn't see why that isn't being tested for.

Engelbourg – OHI has gone forward with those tests; Mr. Dunk submitted a letter why he thought those tests weren't necessary.

Erisman – Everything we voted on is being tested for.

Turcotte – If we want a complete understanding all sediment sources, samples should be taken to isolate where the contaminated material is coming from. Considering how long the material has been on the beach, there could have been runoff that skews the lab results.

Carlson – If the tests show contamination outside normal parameters, it would be the SBPF's best interest to trace that back to the source location. The question now is should this be carried on to the next agenda or have a special meeting on the 15th.

Erisman – We need to keep track of what's happening.

Engelbourg – Asked if PCB comments are included.

Dunk – PCBs are an oily substance collocated with silts and clays, not sand particles and testing isn't warranted. For Nantucket, PCBs would come from something like a blown transformer; all those have been changed out to other dialectics.

Engelbourg – If testing indicates other contaminates, we can address that at that time.

Atherton – Wants to refer back to a letter dated December 3, 2019, which references reporting requirements under Special Condition 28. You found the applicant was in failure for Condition 27 in submitting quarterly reports; at that time, they acknowledged being in arrears for underwater video monitoring. We feel in terms in the record be complete, the board must find they are in violation of Special Condition 28. Also, in our letter we included the wording of both conditions. The underwater video reports are bi-annual by different contractor.

Erisman – The letter is on page 160 of the packet. They did fully admit to not having those monitoring reports.

Carlson – That a discussion about monitoring will be included on the January 28 agenda.

4. Reports:
 - a. None
5. Commissioners Comment
 - a. Comment 1
 - b. Comment 2
6. Administrator/Staff Reports
 - a. The Select Board has appointed Marshall Beale to the commission.
 - b. We were contacted by property owner at 29 Sheep Pond Road; this is a property where they have been moving the house back from the bluff. Today they requested an emergency NOI to remove the structure from the site; the corner of the house is less than 10 feet from the eroding bluff; that was issued out. Asked for a motion to ratify the emergency NOI

Motion to Ratify the Emergency NOI. (made by: Golding) (seconded by: LaFleur) Carried unanimously

Adjourned at 7:20 p.m. by unanimous consent.

Submitted by:
Terry L. Norton