1. Conservation Commission Pack 02/05/20

Documents:

MARGERET ZARCONE _ 16 CHERRY STREET (55_379) SE48_.PDF
AMY M AMBRECHT _ 13 GINGY LANE (41_850) SE48_.PDF
NANTUCKET POINT OF VIEW LLC _ 9 LINCOLN AVENUE (30_137) SE48_.PDF
SUZANNE KELLER AND ANDREW BENNETT _ 49 MILBROOK ROAD (56_241) SE48_.PDF
CLAIRE F SALVATORE _ 13 OLD WESTMOOR FARM ROAD (41_826) SE48_.PDF
TOWN OF NANTUCKET _ 4 CALIFORNIA AVENUE AND ALABAMA AVENUE (60 _ VARIOUS) SE48_.PDF
RDA_ MID_ISLAND SERVICE LIMITED PARTNERSHIP _ 41 AND 43 SPARKS AVENUE (55_267 4 AND 267 3).PDF
COC REQUEST LOHMAN_ GREAT POINT _ (2_1 2) SE48_3087.PDF
DRAFT MINUTES 02_05_20.PDF
SE48_2824 SBPF.PDF
SE48_3115 MASS DEP SUPERSEDING ORDER OF CONDITIONS 1_29_20.PDF

Nantucket SURVEYORS LLC

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

Paul J. Santos, PLS

Enclosures
cc: DEP Southeast Regional Office
Margaret Zarcone

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

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):

16 Cherry Street — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41.274813 — d. Latitude
-70.095284 — e. Longitude

55 — f. Assessors Map/Plat Number
379 — g. Parcel /Lot Number

2. Applicant:

Margaret — a. First Name
Zarcone — b. Last Name

c. Organization

5 Loudon Heights South, Loudonville, NY 12211 — d. Street Address

Loudonville — e. City/Town
NY — f. State
12211 — g. Zip Code

918-648-0590 — h. Phone Number
i. Fax Number
mzarcone@metlife.com — j. Email Address

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

a. First Name
b. Last Name

c. Organization

d. Street Address

e. City/Town
f. State
g. Zip Code

h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Paul J. — a. First Name
Santos — b. Last Name

Nantucket Surveyors LLC — c. Company

PO Box 3627 — d. Street Address

Nantucket — e. City/Town
MA — f. State
02584 — g. Zip Code

508-228-0240 — h. Phone Number
508-228-9856 — i. Fax Number
psantos@nantucketsurveyors.com — j. Email address

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of 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. ☐ 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	24013
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.

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)

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ 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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cublc yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☐ 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

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

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

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

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

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

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
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

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
b. Prepared By

Paul J. Santos
c. Signed and Stamped by

January 3, 2019
d. Final Revision Date

1"= 20'
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

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

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.

1. Signature of Applicant	2. Date 1/2/20
3. Signature of Property Owner (if different)	4. Date 1/20/20
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

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.

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

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 a. Total Fee from Step 5
State share of filing Fee:	$42.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	$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 Town of Nassau $ 25 00/100

Twenty Five and 00/100 DOLLARS

Citizens Bank

MEMO Filing Fee

⑆221370030⑆ 4590525101⑈ 1758

MP

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 Town of Nassau $200 00/100

Two Hundred and 00/100 DOLLARS

Citizens Bank

MEMO Conservation Review Fee

⑆221370030⑆ 4590525101⑈ 1759

MP

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 Syosset Mum $ 335 00/100

Three Hundred Thirty Five and 00/100 DOLLARS

Citizens Bank

MEMO Purchase for

⑆221370030⑆ 4590525101⑈ 1760

MP

MICHAEL A. ZARCONE
MARGARET E. ZARCONE
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003 / 2213 38

1761

DATE 1·2·20

PAY TO THE ORDER OF Town of Niskayuna $ 67 50/100

Sixty Seven and 50/100 DOLLARS

Citizens Bank

MEMO WPA Fee

MP

⑆221370030⑆ 4590525101⑈ 1761

MICHAEL A. ZARCONE
MARGARET E. ZARCONE
5 LOUDON HTS. S
LOUDONVILLE, NY 12211-2013

29-7003 / 2213 38

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

MP

⑆221370030⑆ 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

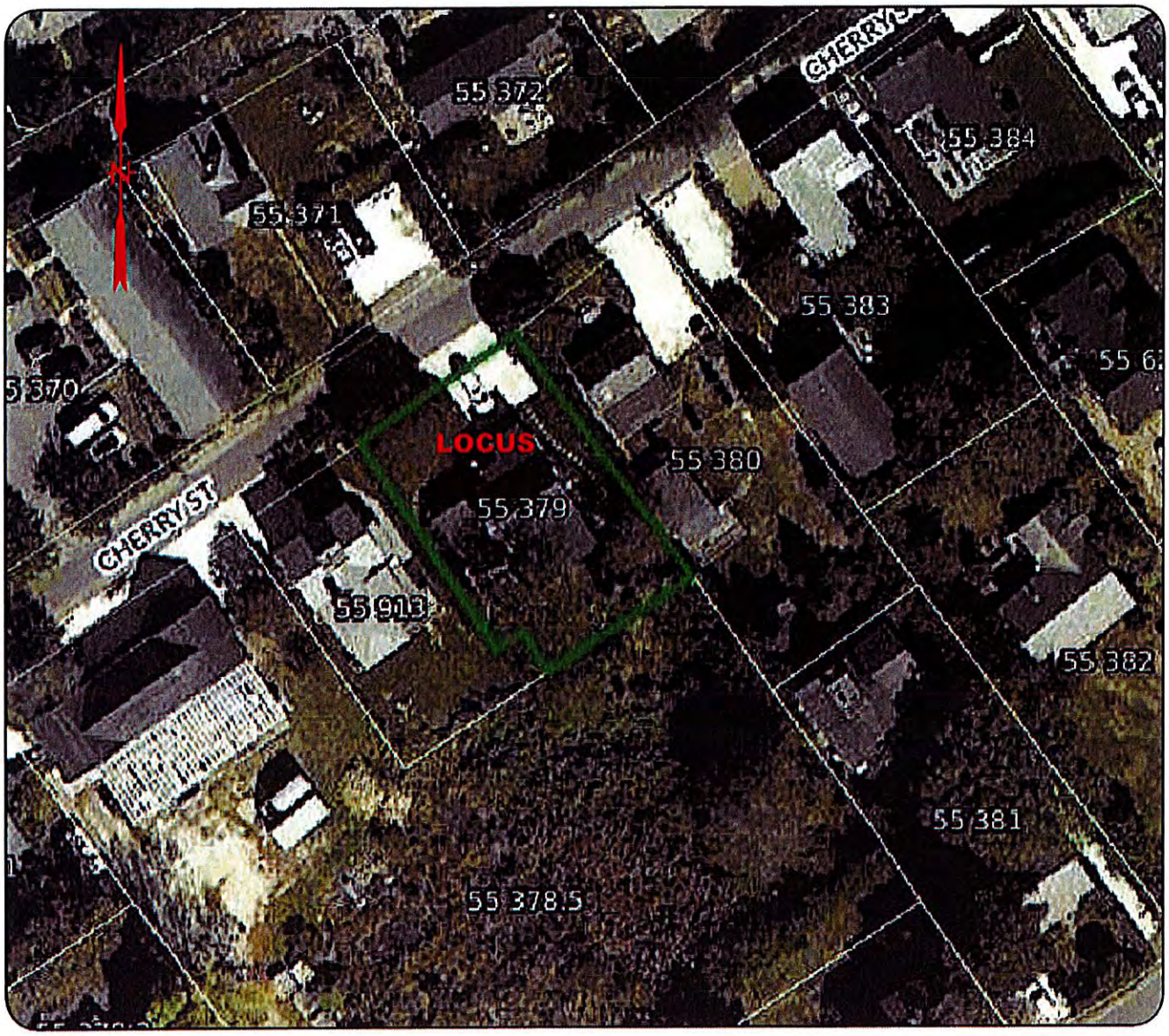


Figure 1: ASSESSOR'S MAP

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

SOURCE: 2019 NANTUCKET GIS

N–10146

APPENDIX C

Nantucket Topography

Figure 2: TOPOGRAPHIC 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

SOURCE: 2019 NANTUCKET GIS

N-10146

APPENDIX D

NHESP Estimated and Priority Habitat Map

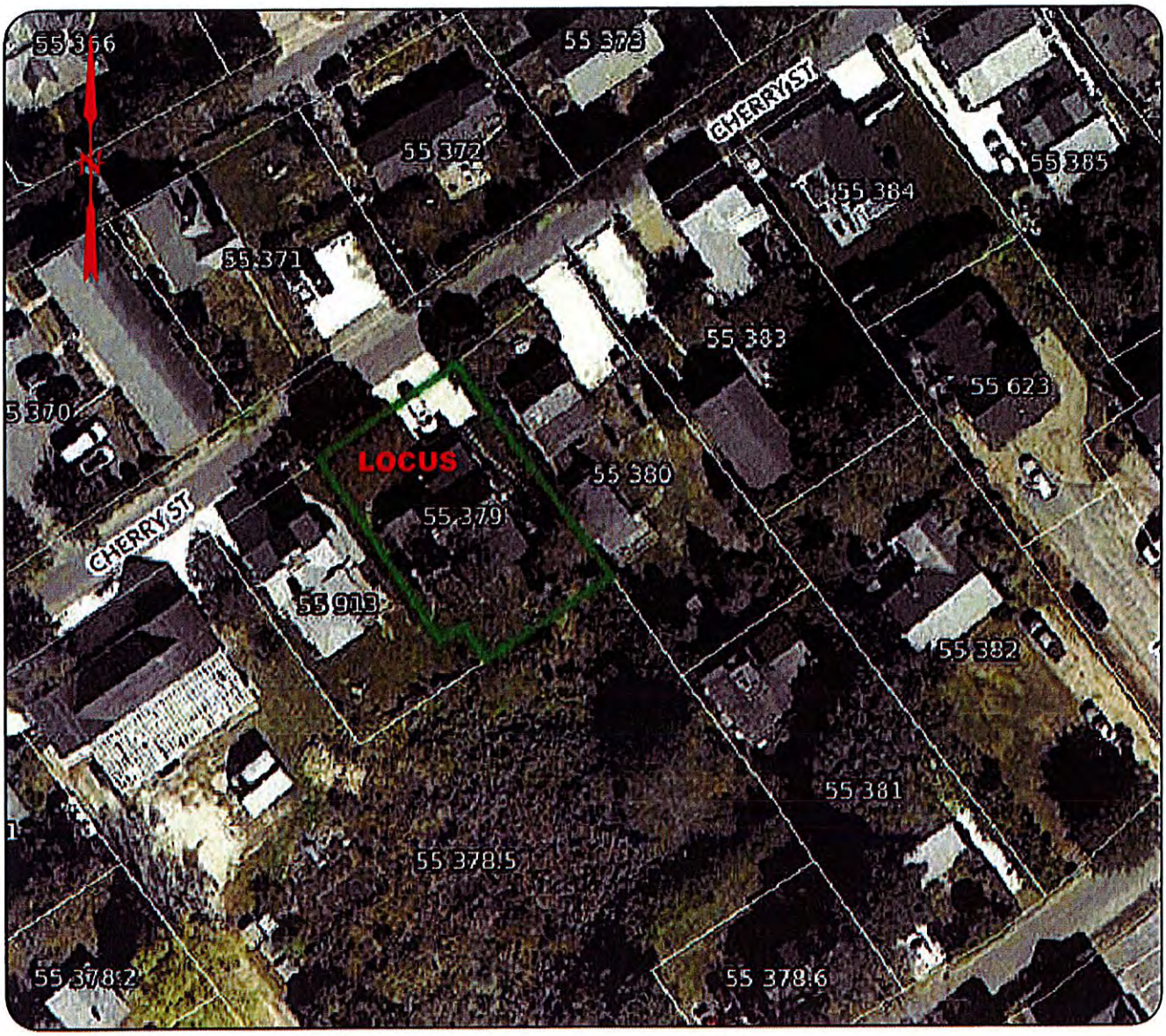


Figure 3: NHESP MAP

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

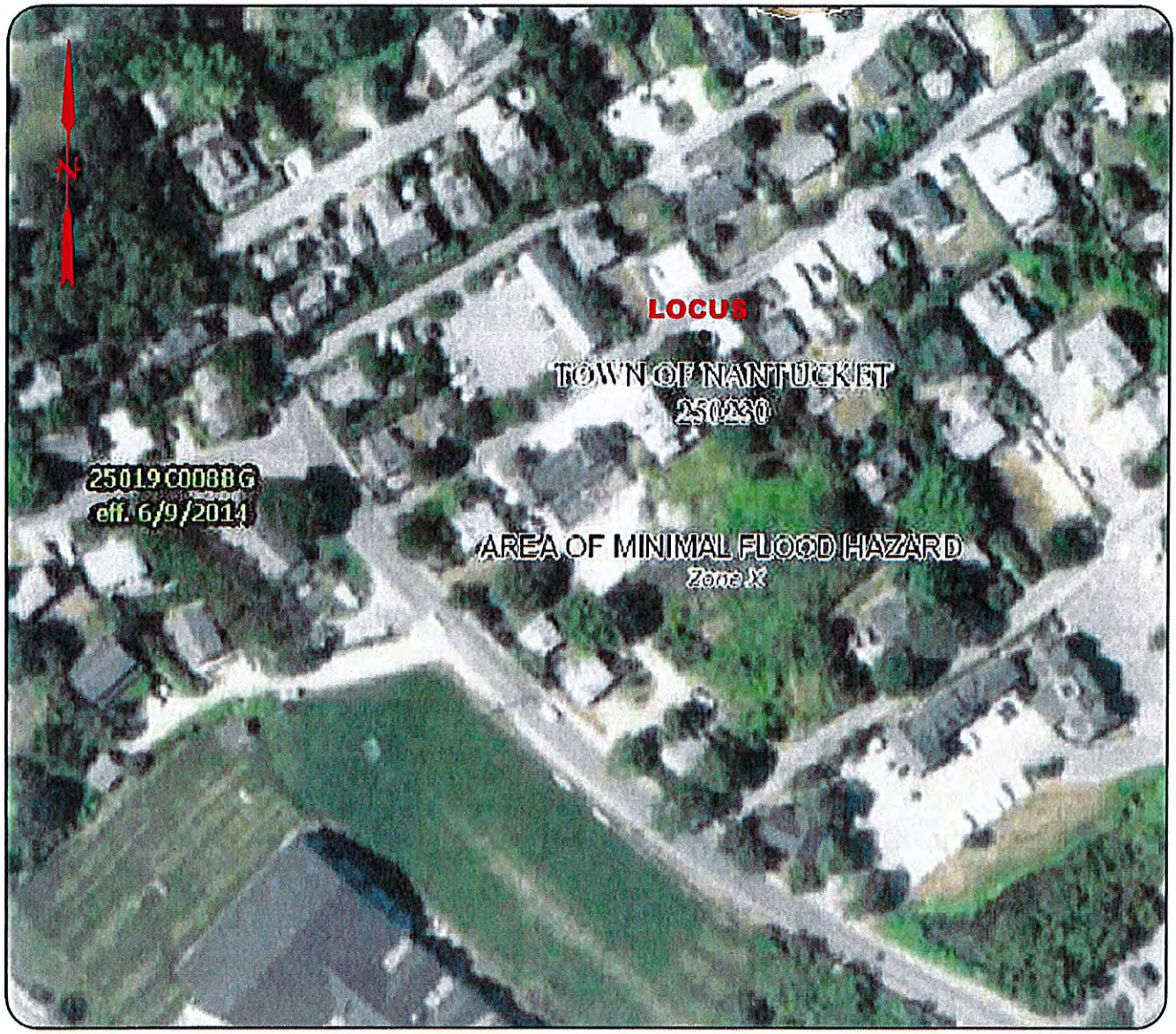
NHESP ESTIMATED HABITATS OF RARE WILDLIFE

SOURCE: 2019 NHESP PRIORITY HABITAT AND ESTIMATED HABITAT

N-10146

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

ASSESSOR'S REFERENCE:
MAP: 55 PARCEL: 379

PREPARED FOR:
MARGARET ZARCONE

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

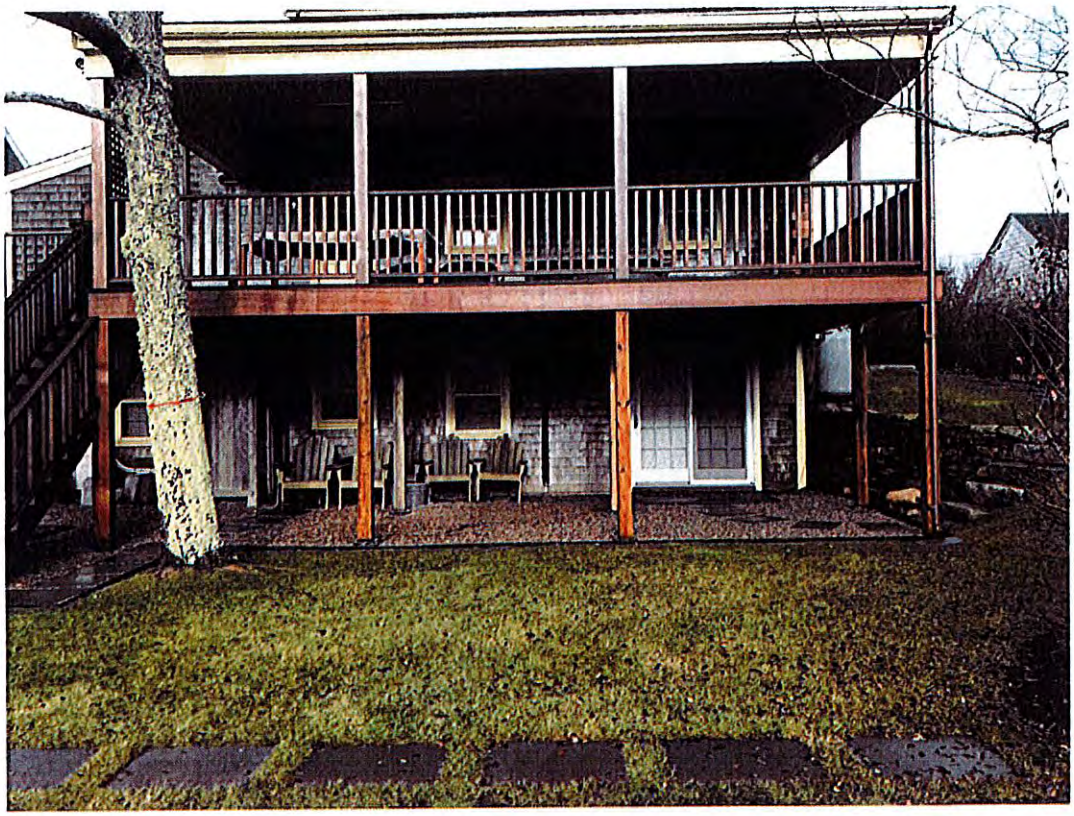
SOURCE: FEMA MAP SERVICE CENTER

N-10146

APPENDIX F

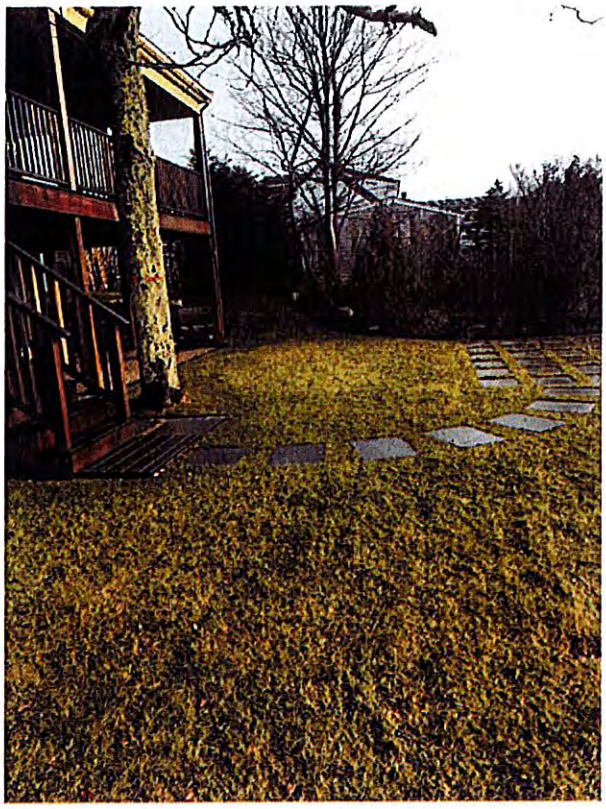
Site Photographs

16 Cherry Street, Nantucket, MA
Applicant: Margaret Zarcone

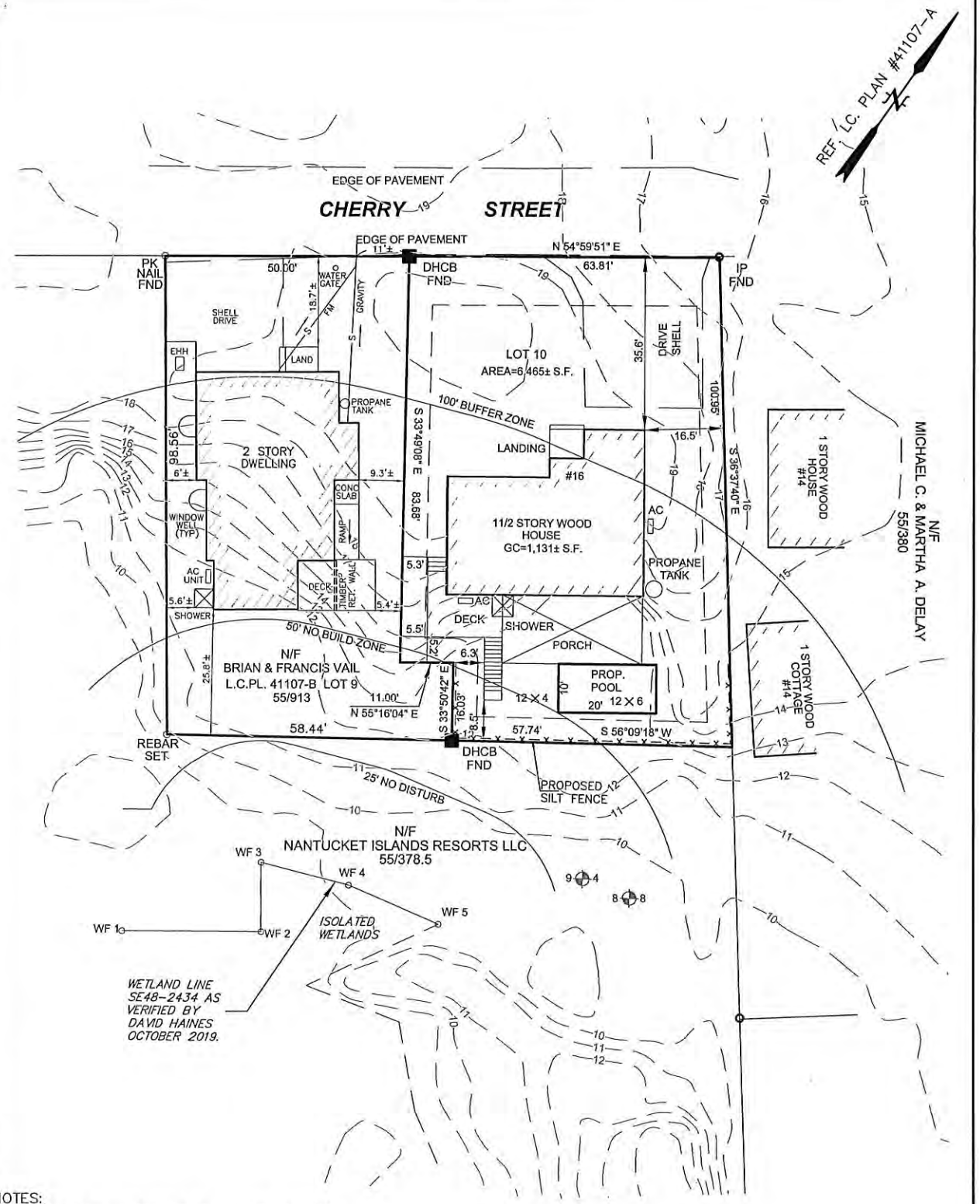


Back view of the existing dwelling and proposed location of the pool

View of the Isolated Vegetated Wetland from the proposed location of the pool



View from the western edge of the property



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.

N.B. 349/91 & 431/96

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR

1/3/2020

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 ZARCONE

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

N-10146

:\OBS 9632-10999\10000's\10100's\10140's\10146\AUTOCAD\N10146 NOI 2019.dwg, 1/6/2020 8:25:19 AM, TOSHIBA Universal Printer 2.pc3

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):

13 Gingy Lane — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41 17 16.60 — d. Latitude
70 06 35.82 — e. Longitude

41 — f. Assessors Map/Plat Number
850 — g. Parcel /Lot Number

2. Applicant:

Amy. M. — a. First Name
Ambrecht — b. Last Name

c. Organization

42 Dep Run — d. Street Address

Cohasset — e. City/Town
MA — f. State
02025 — 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):

Mark — a. First Name
Rits — b. Last Name

Site Design Engineering, LLC — c. Company

11 Cushman Street — d. Street Address

Middleboro — e. City/Town
MA — f. State
02346 — g. Zip Code

508-802-5832 — h. Phone Number
508-967-0674 — i. Fax Number
mrits@sde-ldec.com — j. Email address

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

$500.00 — a. Total Fee Paid
$237.50 — b. State Fee Paid
$262.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

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	b. Certificate # (if registered land)
1307	163
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.

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)

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ 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.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☐ 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

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

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 _____ 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

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

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

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

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
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

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 Gingy Lane
a. Plan Title

Site Design Engineering, LLC.
b. Prepared By

Daniel C. Mulloy, P.E.
c. Signed and Stamped by

Januray 2, 2020
d. Final Revision Date

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

1/3/2020
3. Check date

5041
4. State Check Number

1/3/2020
5. Check date

Site Design Engineering, LLC
6. Payor name on check: First Name

7. Payor name on check: Last Name

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

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 Ambrosoff	1-3-2020
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	03-JAN-2020
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.

PROJECT NARRATIVE

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

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

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)."*

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.

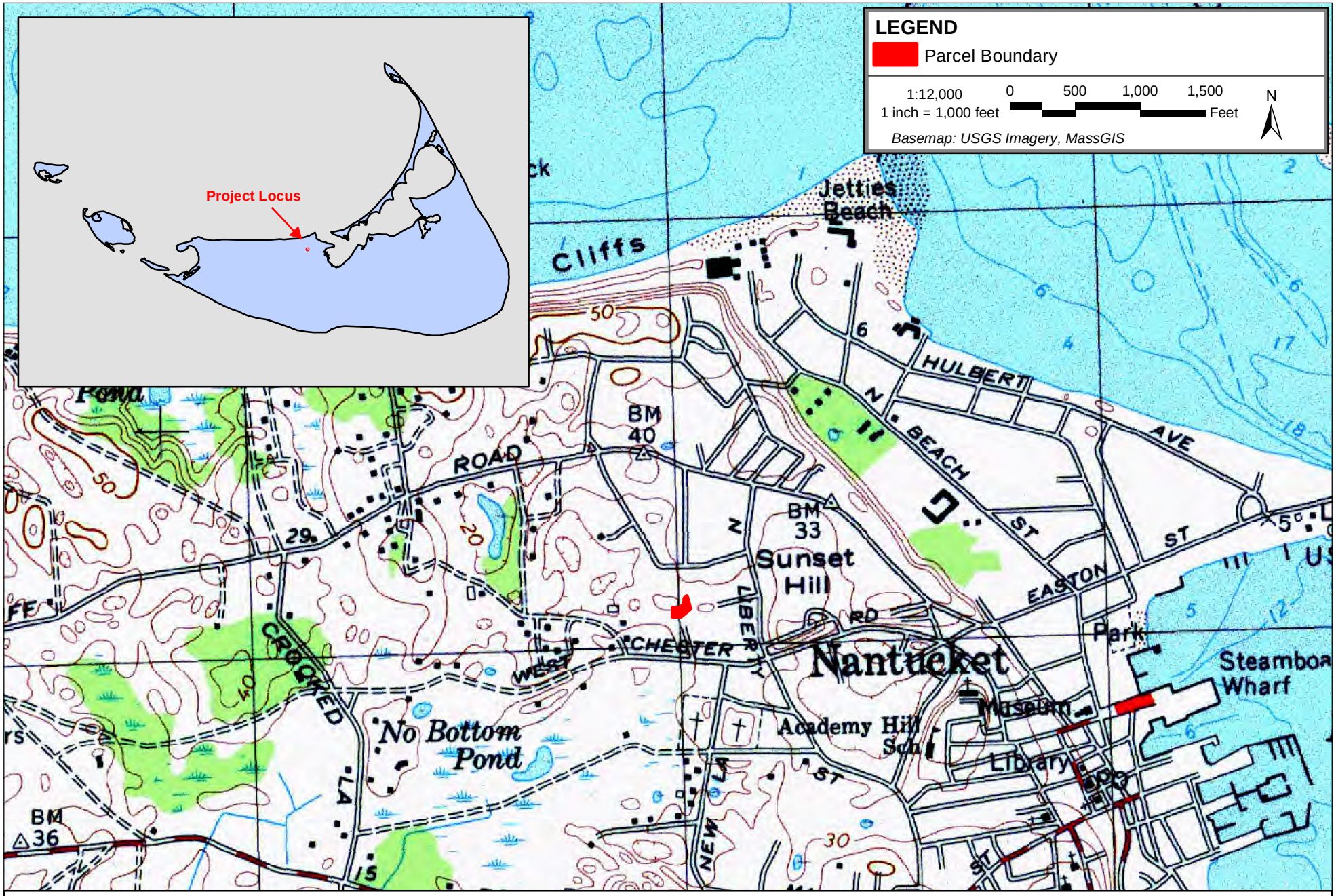
3.02B(7)
"The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw."

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

CONCLUSION

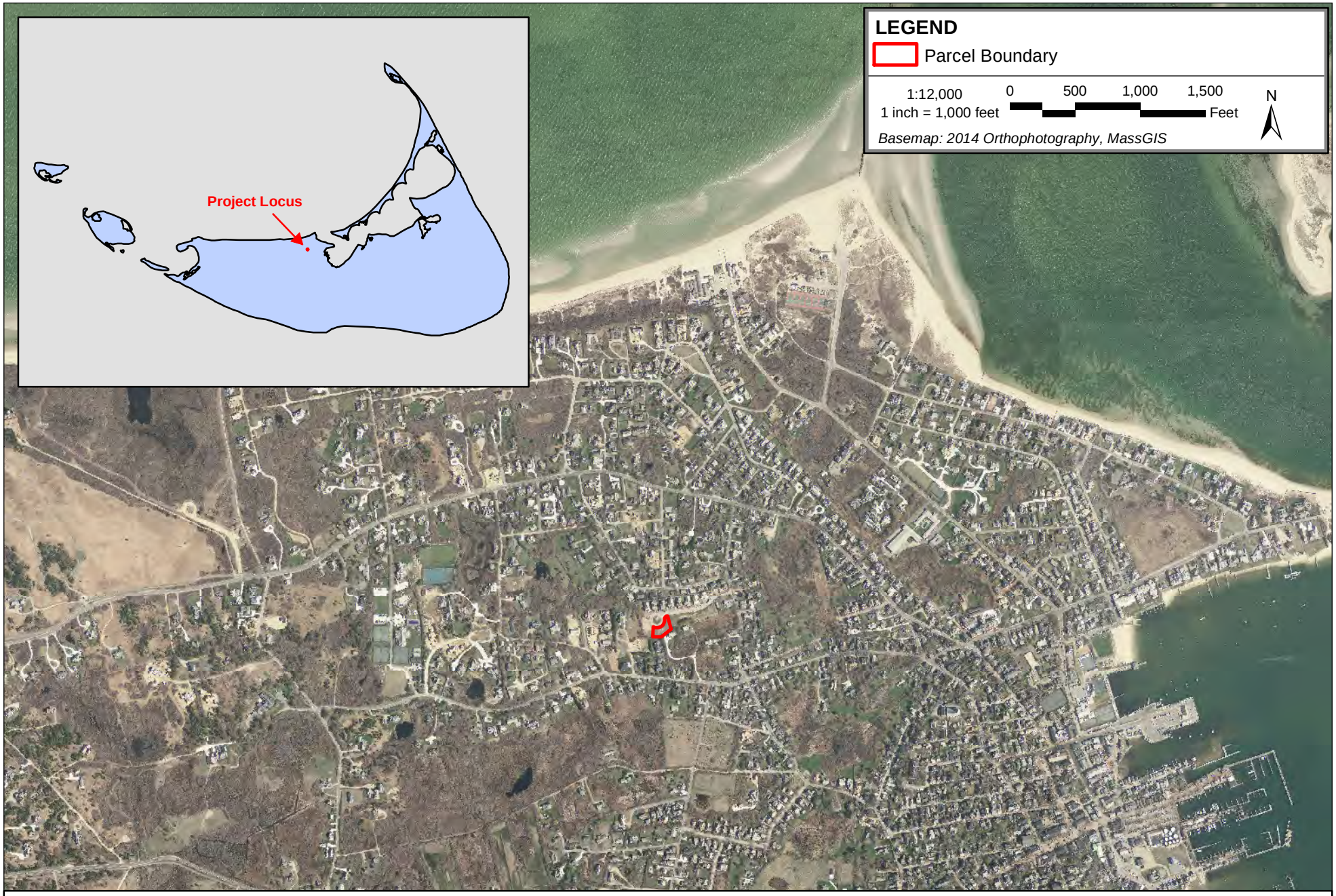
The Proposed Project is a residential development project which includes the construction of an SFR, pool, retaining wall, and associated landscaping/grading portions of which will be located within the 100-foot BVW buffer zone. All proposed activities will be located outside of the 50-foot BVW buffer 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.

FIGURES



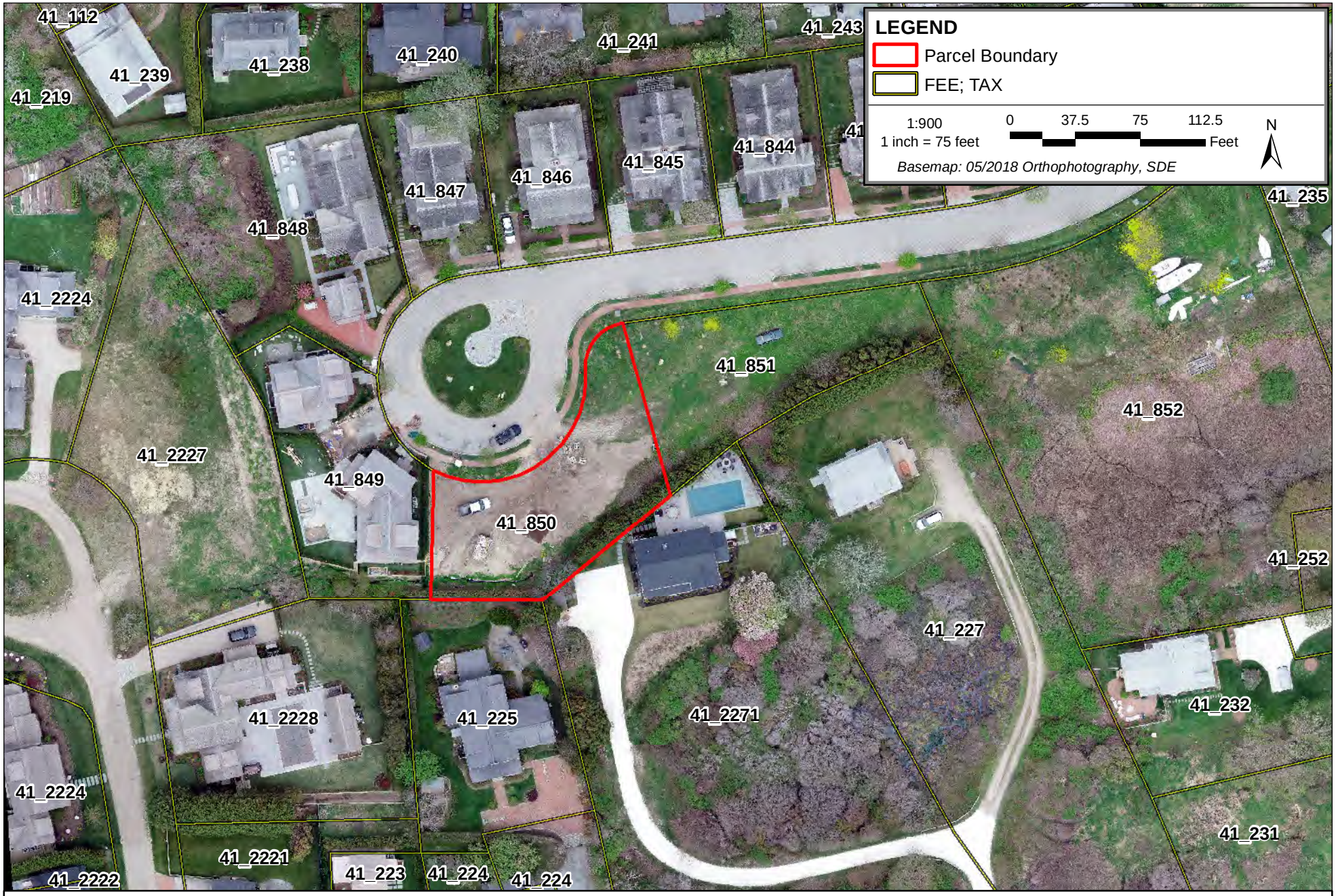
13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 1 - USGS Locus Map
January 3, 2020



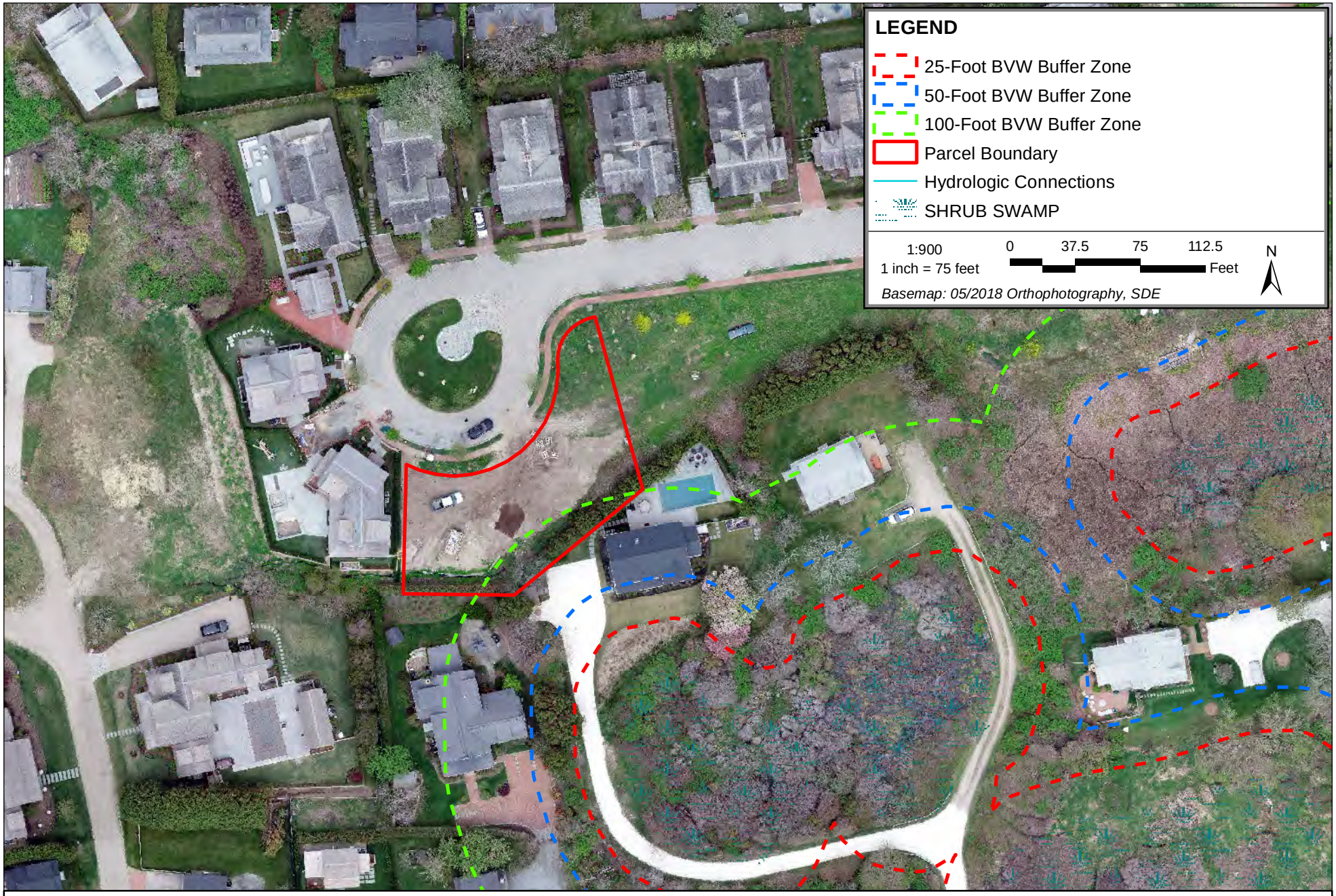
13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 2 - Site Overview
January 3, 2020



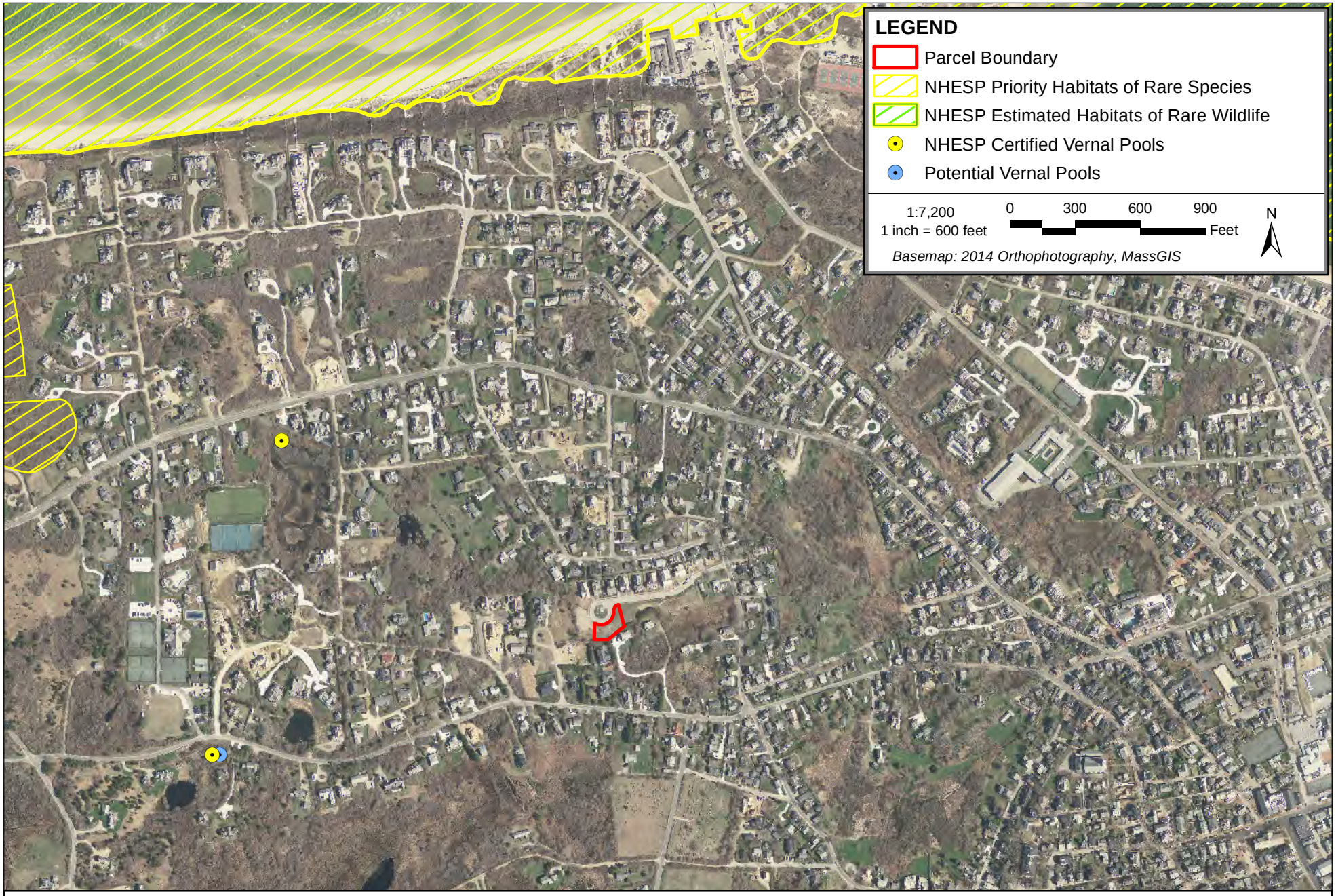
13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 3 - Detailed Site Overview
January 3, 2020



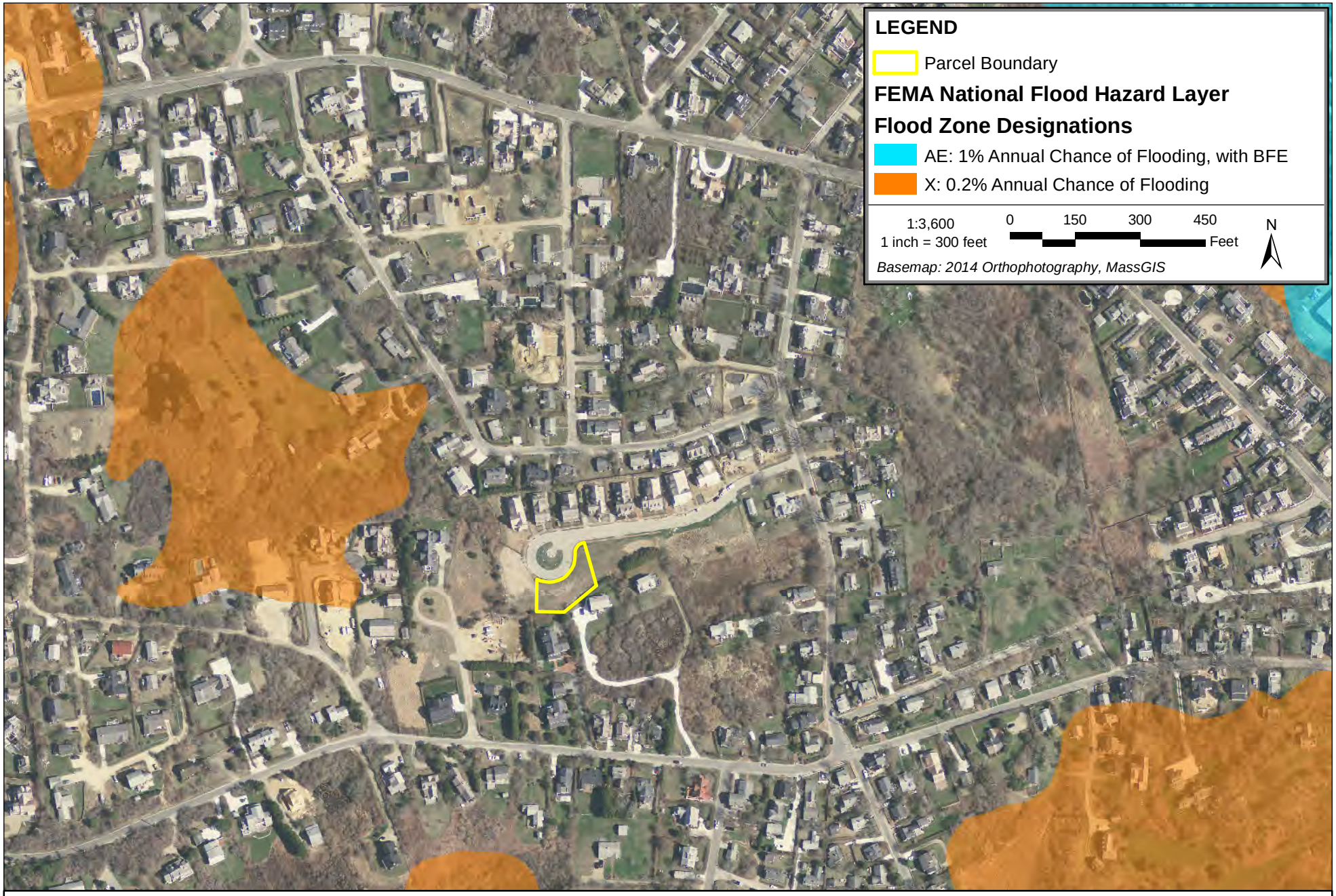
13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 4 - DEP Listed Wetland Boundaries
January 3, 2020



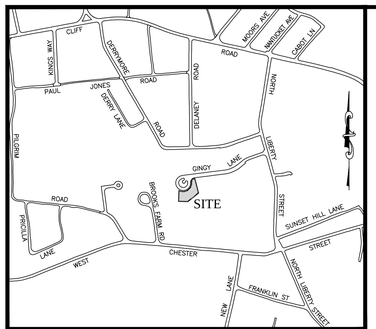
13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 5 - NHESP Habitat
January 3, 2020



13 Gingy Lane - Nantucket, Massachusetts
Map 41 Lot 850
SDE Project No. 7004

Figure 6 - FEMA Flood Zones
January 3, 2020



LOCUS NOT TO SCALE

ZONING REQUIREMENTS:

THE SITE IS ZONED RESIDENTIAL 1 (R-1)

	REQUIRED	PROPOSED
LOT AREA	5,000 S.F.	11,000 S.F.
LOT FRONTAGE	50 FT.	165.4 FT.
FRONT YARD SETBACK	10 FT.	10.2 FT.
REAR YARD SETBACK	5 FT.	8.8 FT.
SIDE YARD SETBACK	5 FT.	5.5 FT.
MAX. GROUND COVER RATIO	30 %	29.7 %

OVERLAY DISTRICT APPLICABILITY

TOWN
TOWN SEWER

CURRENT OWNER:

AMY M. AMBRECHT
42 DEEP RUN
COHASSET, MA 02025

TITLE REFERENCE:
DEED BK.1307, PG.163

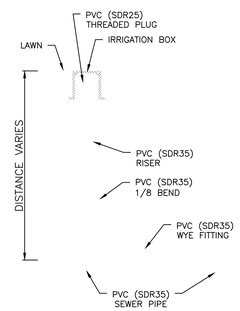
PLAN REFERENCE:
PLAN NO. 2010-06 (LOT 11)

SITE LOCATION:
13 GINGY LANE
NANTUCKET, MASSACHUSETTS

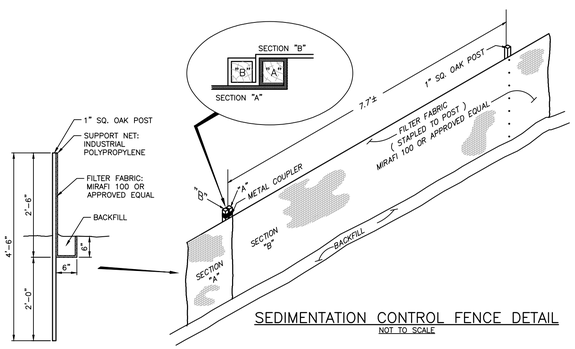
ASSESSORS REFERENCE:
MAP 41, PARCEL 850

GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO NAVD 88.
3. THE SITE IN NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.



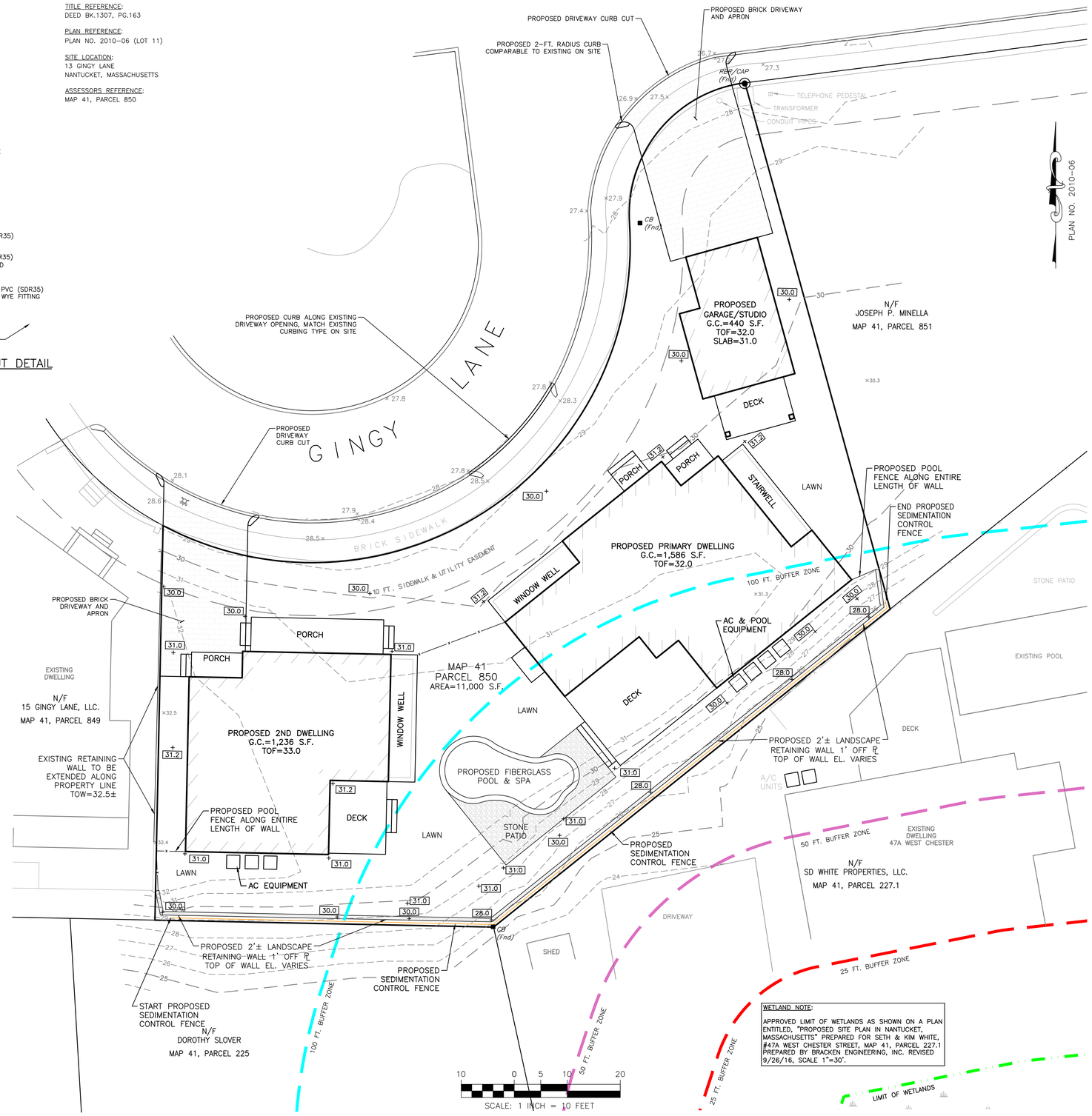
TYPICAL SEWER CLEANOUT DETAIL
NOT TO SCALE



SEDIMENTATION CONTROL FENCE DETAIL
NOT TO SCALE

LEGEND

	EXISTING
	PROPERTY LINE
CB (Fnd)	CONCRETE BOUND FOUND
RBR/CAP (Fnd)	REBAR/CAP FOUND
31	TOPOGRAPHIC CONTOUR
31.3×	SPOT ELEVATION
X	FENCE
	SEWER MAIN
	WATER MAIN
	HYDRANT
	WATER GATE
D	DRAIN PIPE
	TREE
	LIMIT OF WETLAND
	25 FT. BUFFER ZONE
	50 FT. BUFFER ZONE
	100 FT. BUFFER ZONE
	PROPOSED
	SEWER
	SEWER CLEAN OUT
	SEWER FORCE FAIN
	WATER SERVICE
U	UNDERGROUND UTILITIES
	GAS SERVICE
32	TOPOGRAPHIC CONTOUR
31.3+	SPOT ELEVATION



WETLAND NOTE:

APPROVED LIMIT OF WETLANDS AS SHOWN ON A PLAN ENTITLED, "PROPOSED SITE PLAN IN NANTUCKET, MASSACHUSETTS" PREPARED FOR SETH & KIM WHITE, #47A WEST CHESTER STREET, MAP 41, PARCEL 227.1 PREPARED BY BRACKEN ENGINEERING, INC. REVISED 9/26/16, SCALE 1"=30'.

J. MARCKLINGER & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
P.O. BOX 896
NANTUCKET, MA. 02554
(310) 945-7054

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: JANUARY 2, 2020

DRAWN BY:	DESIGN BY:	CHECK BY:
HK/SKD	RT/DCM	DCM

PROJECT NO. 7004

ISSUED FOR: PERMITTING

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
REGISTERED PROFESSIONAL ENGINEER

SITE PLAN

13 GINGY LANE
ASSESSOR'S MAP 41, PARCEL 850
NANTUCKET, MASSACHUSETTS

PREPARED FOR AMY M. AMBRECHT

DRAWING TITLE: SITE PLAN

SCALE: 1"=10'

SHEET NO. 1 OF 1

LEC

WETLANDS WILDLIFE WATERWAYS

Notice of Intent Application

January 17, 2020

Subject Property
9 Lincoln Avenue
Map 30, Parcel 137
Nantucket, Massachusetts

Applicants/Property Owners
Nantucket Point of View, LLC
c/o John D. Flavin, AYCO
P.O. Box 860
Saratoga Springs, NY 12866

LEC Environmental Consultants, Inc.

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

www.lecenvironmental.com

January 17, 2020

Email/Overnight Mail

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Application [LEC File #: BrEI\14-419.01]
9 Lincoln Avenue
Map 30, Parcel 137
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Nantucket Point of View, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed cottage/garage with appurtenances, relocated stairs and boardwalk, retaining wall, and Resource Area/Buffer Zone restoration/enhancement activities on the above-referenced subject parcel. Proposed work activities occur on a Coastal Bank, within Land Subject to Coastal Storm Flowage (LSCSF), and/or within the 100-foot Buffer Zone to Coastal Bank, LSCSF, and an Isolated Vegetated Wetland (IVW) protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*. Details of the proposed project are depicted on the *Proposed Site Plan,* prepared by Bracken Engineering, Inc., dated January 15, 2020.

The following checks made payable to the Town of Nantucket are being hand-delivered to your office: Two Hundred, Sixty-Two Dollars and Fifty Cents ($262.50) 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) will also be submitted for the legal advertising fee. The state portion of the WPA filing fee ($237.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the February 5, 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 T. Madden
Wildlife Scientist

cc: DEP SERO; Nantucket Point of View, LLC; The Garden Design Co.; Bracken Engineering, Inc.

i. WPA Form 3 – Notice of Intent
ii. WPA Appendix B – Wetland Fee Transmittal Form
iii. Affidavit of Service
iv. Letter to Abutters
v. Abutter Notification Form
vi. Certified List of Abutters

Wetland Resource Area Analysis and Report

1. Introduction 1

2. General Site Description 1
2.1 Flood Hazard Area Designation 1
2.2 Natural Heritage and Endangered Species Program Designation 2

3. Wetland Resource Area Descriptions 2
3.1 Coastal Bank 2
3.2 Land Subject to Coastal Storm Flowage 3
3.3 Isolated Vegetated Wetland 3

4. Proposed Project 4

5. Waiver Request 6

6. Summary 7

Literature Referenced

Appendices

Appendix A
Locus Maps
Figure 1: USGS Topographic Map
Figure 2: Aerial Orthophoto
Figure 3: FEMA Flood Insurance Rate Map
Figure 4: NHESP Map

Appendix B
Photographs

Appendix C
Site Plan & Stair Plan, Prepared by The Garden Design Co., dated January 15, 2020

Appendix D
Proposed Site Plan, Prepared by Bracken Engineering, Inc., Dated January 15, 2020

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
and the Town of Nantucket Wetlands Bylaw Chapter 136

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

A. General Information

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

9 Lincoln Avenue — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41°17'34.52" N — d. Latitude
70°06'25.24" W — e. Longitude

30 — f. Assessors Map/Plat Number
137 — g. Parcel /Lot Number

2. Applicant:

Nantucket Point of View, LLC — a. First Name
b. Last Name
c/o John D. Flavin, AYCO — c. Organization
P.O. Box 860 — d. Street Address
Saratoga Springs — e. City/Town
NY — f. State
12866 — 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):

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

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

$500.00 — a. Total Fee Paid
$237.50 — b. State Fee Paid
$262.50 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The Applicant is proposing to construct a cottage/garage with appurtenances; install a retaining wall; remove/ relocate a set of stairs & boardwalk; and restore/enhance the Coastal Bank, LSCSF, and/or 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	26591
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.

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ 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.

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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☒ Coastal Banks	75± (restoration) 1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☒ Land Subject to Coastal Storm Flowage	6,032± 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

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

   8/1/17
   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.1.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.

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
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
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.

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.

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.

Proposed Site Plan	
a. Plan Title	
Bracken Engineering, Inc.	Alan M. Grady
b. Prepared By	c. Signed and Stamped by
1/15/2020	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:

9321	1/15/2020
2. Municipal Check Number	3. Check date
9324	1/15/2020
4. State Check Number	5. Check date
The Garden Design Co.	
6. Payor name on check: First Name	7. Payor name on check: Last Name

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
and the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:

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.

Robert D. Hardie 1. Signature of Applicant	1/13/20 2. Date
Bud Mahan 3. Signature of Property Owner (if different)	1/16/2020 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.

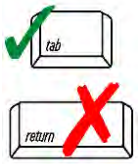
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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:

9 Lincoln Avenue	Nantucket
a. Street Address	b. City/Town
9324	$262.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Nantucket Point of View, LLC	
a. First Name	b. Last Name

c. Organization: c/o John D. Flavin; AYCO

d. Mailing Address: P.O. Box 860

Saratoga Springs	NY	12866
e. City/Town	f. State	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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat 2: Single-family lot	1	$500.00	$500.00

Step 5/Total Project Fee: $500.00

Step 6/Fee Payments:

Total Project Fee:	$500.00 a. Total Fee from Step 5
State share of filing Fee:	$237.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$262.50 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.)

1. Introduction

On behalf of the Applicant, Nantucket Point of View, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting a Notice of Intent (NOI) Application for a proposed cottage/garage with appurtenances, relocated stairs and boardwalk, retaining wall, and Resource Area/Buffer Zone restoration/enhancement activities. Proposed work activities occur on a Coastal Bank, within Land Subject to Coastal Storm Flowage (LSCSF), and/or within the 100-foot Buffer Zone to Coastal Bank, LSCSF, and an Isolated Vegetated Wetland (IVW) protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or 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, and the proposed project designed to restore, enhance, and protect the interests and values of the Resource Areas identified within the above-referenced statutes. A Waiver is concurrently requested for the proposed project. Details of the proposed project are depicted on the *Site Plan & Stair Plan*, prepared by The Garden Design Co., dated January 15, 2020 (Appendix C) and the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated January 15, 2020 (Appendix D).

2. General Site Description

The 0.85± acre subject parcel is located within a moderately dense residential neighborhood south of Jetties Beach on Nantucket. The site maintains frontage along Lincoln Avenue to the west, Cobblestone Hill to the south, and Jefferson Avenue to the northeast. The property is currently improved by a single-family home, detached garage, and pool surrounded by lawn/landscaping located within the western/southwestern portion of the site. The structures are accessed via a shell driveway located off Lincoln Avenue. A moderately steep Coastal Bank separates the structures from a lower lawn area abutting Jefferson Avenue. A set of stairs extends down the Coastal Bank on the south side of the property, continuing out to Jefferson Avenue via an at-grade boardwalk.

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 (25019C0086G), Flood Zone AE (El. 8) extends

onto the northeastern portion of the subject parcel (Appendix A, Figure 3). Remaining portions of the subject parcel are located within Zone X, *Areas determined to be outside the 0.2% annual chance flood*.

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 project site does not occur within an Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No Certified or Potential Vernal Pools occur within the vicinity of the project site (Appendix A, Figure 4).

3. Wetland Resource Area Descriptions

Wetland Resource Areas located on or immediately off-site include Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and Isolated Vegetated Wetlands (IVW). A brief description of each Resource Area is provided below.

3.1 Coastal Bank

Coastal Bank is defined at (310 CMR 10.30 (2)) as *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 Bank is defined in the *Bylaw* (Section 1.02) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, Coastal Dune, land subject to tidal action or coastal storm flowage, or other coastal wetland. Any minor discontinuity of the slope notwithstanding, the top of the bank shall be the first significant break in slope as defined by site specific topographic plan information, site inspection, wetland habitat evaluation, geologic origin, and/or relationship to coastal storm flowage. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, stone, or sand. A bank may be created by man and/or made of man-made materials. A bank may or may not contribute sediment to coastal dunes, beaches and/or to the littoral drift system. A bank may be significant as a major source of sediment, as a vertical buffer, for wildlife habitat and for wetland scenic views.*

Flood Zone AE (El 8) extends inland off Nantucket Harbor/Nantucket Sound, ultimately on-site and across to the lower lawn area, intercepting the slope within the eastern portion of the subject parcel. The slope is greater than 4:1, and therefore the top of the Coastal Bank is the distinct break where the slope becomes less than 4:1 per Figure 2 of DEP's *Wetlands Program Policy 92-1: Coastal Banks*. The upper portion of the Coastal Bank is occupied by a steep lawn area, transitioning to a vegetated Coastal Bank dominated by invasive or non-native species, most notably bush honeysuckle (*Lonicera* spp.), privet (*Ligustrum vulgare*), Asiatic bittersweet (*Celastrus orbiculata*), Japanese honeysuckle (*Lonicera japonica*), and black locust (*Robinia pseudoacacia*). Blackberry (*Rubus allegheniensis*) and Virginia creeper (*Parthenocissus quinquefolia*) vines also limit native species diversity, including individual black cherry (*Prunus serotina*) saplings encased by the aforementioned vines

3.2 Land Subject to Coastal Storm Flowage

LSCSF is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, which ever is greater.*

LSCSF is contiguous with El. 8 per the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0086G).

3.3 Isolated Vegetated Wetland

A vegetated Freshwater Wetland is defined within Section 1.02 of the Nantucket *Wetlands Protection Regulations* as a *wet meadow, freshwater marsh, swamp, bog, pond, lake, creek, or stream; an area of low topography where ground water, flowing water, standing surface water, or ice provides a significant part of the supporting substrate for a plant community for at least five months a year; characterized by emergent and submergent plant communities in inland waters; and/or where depth to high groundwater is within 18 inches of the ground surface, and/or exhibits hydric soil characteristics and includes that portion of any inland bank which touches any inland waters. Freshwater wetlands are not defined to include drainage facilities constructed to include wetland vegetation as treatment for stormwater runoff.*

The off-site IVW is vegetated by pussy willow (*Salix discolor*), winterberry (*Ilex verticillata*), bush honeysuckle, and poison ivy (*Toxicodendron radicans*). Interior portions of the IVW hold less than three inches of standing water during the spring hydroperiod or following significant rain events.

Additional IVW exists off-site to the east, across Jefferson Avenue.

4. Proposed Project

Proposed structural aspects of the project involve the installation of an 18”-30” high retaining wall east of the primary dwelling and upgradient of the Coastal Bank, construction of a guest cottage/garage within the easterly, lower lawn area, and relocation of stairs over the Coastal Bank and boardwalk within the Buffer Zone. As mitigation, the Applicant is proposing to restore and enhance the Coastal Bank and a significant portion of the 100-foot Buffer Zone to the toe of the Coastal Bank, IVW, and within LSCSF, as further described below.

The 18”-30” tall retaining wall is proposed to be installed upgradient of the top of the Coastal Bank within existing (historic) lawn area. Under existing conditions, the lawn extends east of the primary dwelling before steeply descending towards the current lawn edge, presenting a significant safety issue (see Photographs 1 & 2, Appendix B). With the installation of the retaining wall, existing lawn between the top of the Coastal Bank and vegetation edge will be revegetated with native species, as depicted on the *Site Plan*, prepared by The Garden Design Co., dated January 15, 2020 (Appendix C). The small retaining wall will serve to physically demarcate the limits of the lawn, while enabling 1,586± s.f. of existing lawn area to be converted to naturally-vegetated Coastal Bank conditions.

The existing stairs over the Coastal Bank and boardwalk within the Buffer Zone are proposed to be removed and relocated within the northern portion of the subject parcel. The relocated wooden stairs with hand rails will be 4-foot wide and elevated over the Coastal Bank and supported by 4x4 posts/concrete sonotube footings. Details are shown on the *Stair Plan*, prepared by The Garden Design Co., dated January 15, 2020 (Appendix C). The existing stairs will be disassembled by hand and properly disposed of off-site.

The relocated boardwalk will extend to the proposed 419± s.f. cottage/garage and associated decking within the eastern, lower lawn abutting Jefferson Avenue. The proposed cottage/garage will comply with building code requirements for construction within the Flood Zone (El. 8 / LSCSF). The second story (living level) will be well above El. 8, while the garage (under) will be constructed with flood vents. The structure will be accessed via a pervious driveway with a brick apron off Jefferson Avenue. The

cottage/garage will tie into existing sewer and water lines within Jefferson Avenue. No grading is proposed within the lower lawn area/LSCSF.

Concurrent with the structural project elements, the Applicant is proposing to restore and enhance the 6,200± s.f. Coastal Bank. The restoration effort is intended to promote the establishment of native vegetative cover and enhance conditions through invasive species management and a diversified revegetation plan. Best Management Practices (BMPs) will be implemented to remove the existing invasive species referenced above and protect the minimal native species (e.g., black cherry sapling). Invasive species will be removed by hand. Specifically, the invasive shrubs and vines will be uprooted as feasible or flush cut. Invasive black locust saplings will also be flush cut. All flush cut stumps/stems will be treated with a cut and wipe method of selective herbicide application (concentrated glyphosate or triclopyr-based herbicides) by a licensed pesticide applicator. All invasive vegetative material will be properly disposed of off-site and brought to the Madaket Solid Waste digester. Soil disturbance shall be kept to a minimum and biodegradable erosion control blankets will be utilized, as necessary, for slope stability.

Following initial invasive species management, native species will be planted within Coastal Bank restoration area (6,200± s.f.) and Buffer Zone/LSCSF located within the eastern portion of the site currently occupied by lawn (4,080± s.f.). The following native species are proposed to be planted: eastern red cedar (*Juniperus virginiana*), black cherry (*Prunus serotina*), sweet pepperbush (*Clethra alnifolia*), winterberry (*Ilex verticillata*), bayberry (*Myrica pensylvanica*), beach plum (*Prunus maritima*), highbush blueberry (*Vaccinium corymbosum*), and arrowwood (*Viburnum dentatum*). No cultivars are proposed. A native upland seed mix and plugs will also supplement the native woody plantings, as depicted on the *Site Plan*.

Proposed invasive species management and restoration/enhancement planting activity is proposed to be overseen by a qualified wetland scientist/biologist.

The restoration/enhancement areas are proposed to be monitored and managed with annual monitoring reports submitted to the Commission for three growing seasons to ensure successful restoration. BMPs will be implemented, as necessary, to ensure invasive species do not deter native plantings within the restoration/enhancement areas.

5. Waiver Request

The Applicant is respectfully requesting a Waiver under Section 1.03 F.3. a) & c) of the Nantucket *Wetlands Protection Regulations* for the retaining wall and cottage/garage located within 50 feet of the Coastal Bank, in addition to the proposed restoration/enhancement activities on the Coastal Bank and 25-foot Buffer Zone.

Section 1.03 F.3.a) states that *the Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations.* Section 1.03 F.3.c) states that *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.*

The proposed configuration and the location of the cottage/garage has been designed to minimize the footprint, maximize the setback to the toe of the Coastal Bank, and maintain the 50-foot setback to the off-site IVW, while complying with minimum zoning setbacks (e.g., ten feet side yard and five feet front yard). There are no alternative locations for the cottage/garage in consideration of these setbacks.

The 18”-30” tall retaining wall has been specifically located and designed to avoid impacts to the Coastal Bank, avoid regrading, and allow for the top of the Coastal Bank to be enhanced through native plantings.

Proposed new structures within the 50-foot Buffer Zone total 581± s.f. (127± s.f. retaining wall & 454± s.f. cottage/garage/deck) in comparison to the 11,866± s.f. of Resource Area/Buffer Zone restoration/enhancement.

As proposed, the cottage/garage and retaining wall are located entirely within existing lawn areas and will not have an adverse effect on LSCSF or the Coastal Bank. The on-site Coastal Bank is unique from other typical Coastal Banks considering the surrounding developed conditions and distance to Nantucket Sound and Nantucket Harbor that diminish its significance. The on-site Coastal Bank is approximately 1,100± feet from Nantucket Sound and 1,500± feet from Nantucket Harbor. The on-site Coastal Bank does not provide a sediment source and is discontinuous and fragmented in nature. Specifically, a Coastal Bank is not present south of Cobblestone Hill or further to the

north as the Flood Zone El. 8 does not intercept a slope of 10:1 or greater. The on-site discontinuous/fragmented Coastal Bank therefore only extends from Cobblestone Hill across the property.

Despite the Coastal Bank's discontinuous and fragmented nature, Resource Area interests will be protected and enhanced through the proposed BMPs and restoration activities. The ability of the on-site Coastal Bank to function for storm damage prevention and flood control will not be compromised with the retaining wall and cottage/garage constructed in compliance with Flood Zone building standards. Relocation of the elevated stairs and boardwalk have been designed in compliance with Coastal Bank performance standards and will provide for a greater, unfragmented Coastal Bank immediately north of Cobblestone Hill. The Coastal Bank and Buffer Zone restoration/enhancement activities will increase the land's ability to absorb and contain flood waters by creating a larger naturally-vegetated buffer to protect upland areas from storm damage, erosion, and flooding. Additionally, the native restoration/enhancement plantings will significantly improve wildlife habitat value and biodiversity that is currently diminished due to the extent of invasive species growth.

To reiterate, 1,586± s.f. of existing lawn area will be converted to naturally-vegetated Coastal Bank conditions, 6,200± s.f. of Coastal Bank will be restored/enhanced, and 4,080± s.f. of existing lawn area within the Buffer Zone to Coastal Bank and IVW will be naturally revegetated. As proposed, the project will provide a long-term net benefit/improvement to the on-site Resource Areas.

For these stated reasons, the Applicants are respectfully requesting a Waiver under Section 1.03 F.3. a) & c) of the Nantucket *Wetlands Protection Regulations* for the proposed project.

6. Summary

On behalf of the Applicant, Nantucket Point of View, LLC, LEC is submitting a NOI Application for Coastal Bank and Buffer Zone restoration/enhancement activities, construction of a cottage/garage with appurtenances, relocation of stairs/boardwalk, and installation of an 18"-30" retaining wall. Proposed work activities on/within Coastal Bank, Land Subject to Coastal Storm Flowage (LSCSF), and/or the 100-foot Buffer Zone to Coastal Bank, LSCSF, and IVW have been designed to protect and enhance the interests associated with these Resource Areas protected under the *Massachusetts*

Wetlands Protection Act (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*. The overall project is proposed to avoid adverse impacts to the Resource Areas and provide a significant long-term net benefit/improvement to existing conditions.

Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0086G) 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.

Sorrie, B. and Dunwiddie, P. 1996. *The Vascular and Non-Vascular Flora of Nantucket, Tuckernuck, and Muskeget Islands*. Massachusetts Audubon Society, Massachusetts Natural Heritage and Endangered Species Program, Nantucket Maria Mitchell Association, and The Natural Conservancy.

Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Regulations*.

Appendix A

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Aerial Orthophoto

Figure 3: FEMA Flood Insurance Rate Map

Figure 4: NHESP Map

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 1: USGS Topographic Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019

LEC Environmental Consultants, Inc.

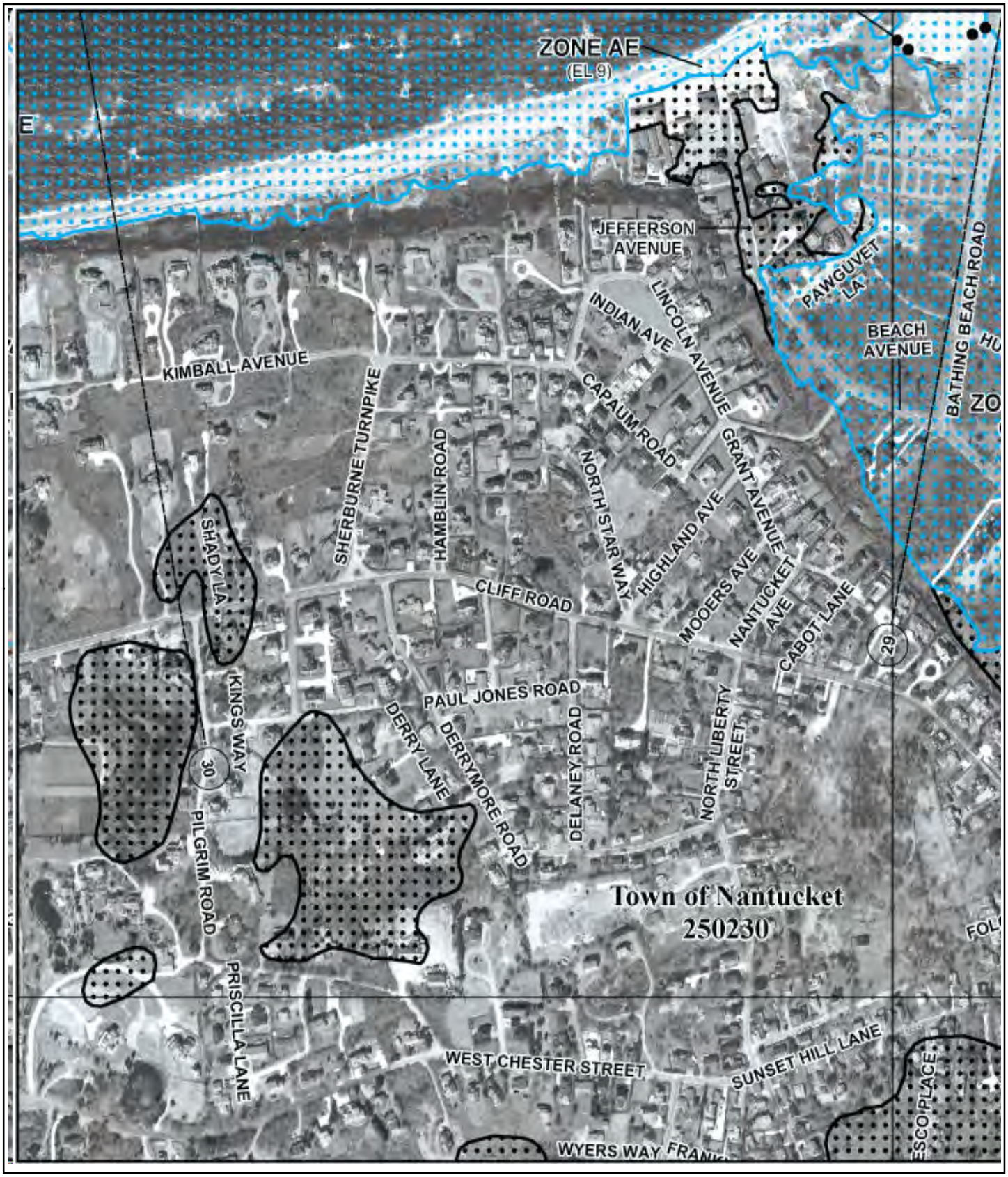
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019



LEC Environmental Consultants, Inc.

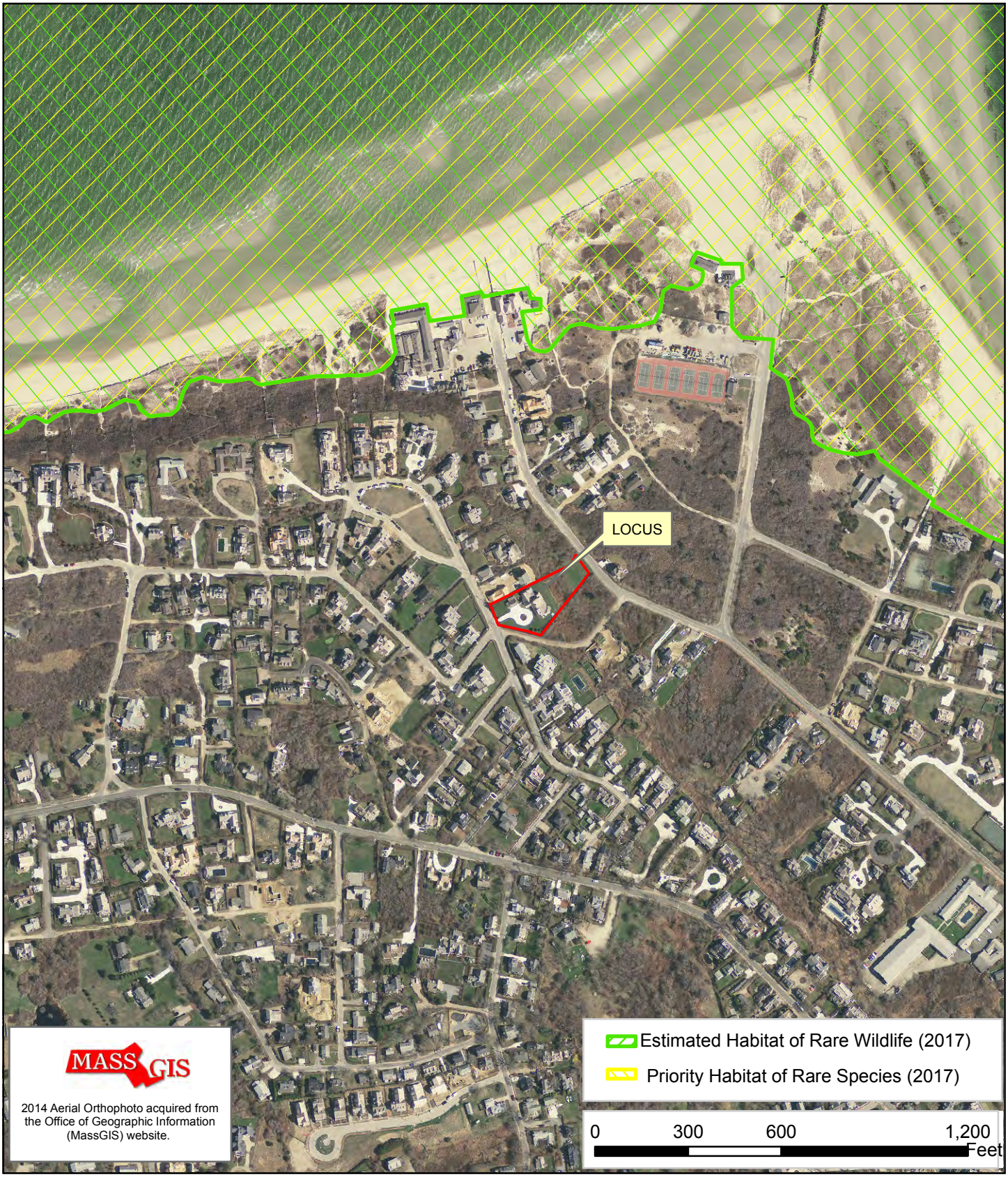
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 3: FEMA Flood Insurance Rate Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019



LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 4: NHESP Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019

Appendix B

Photographs

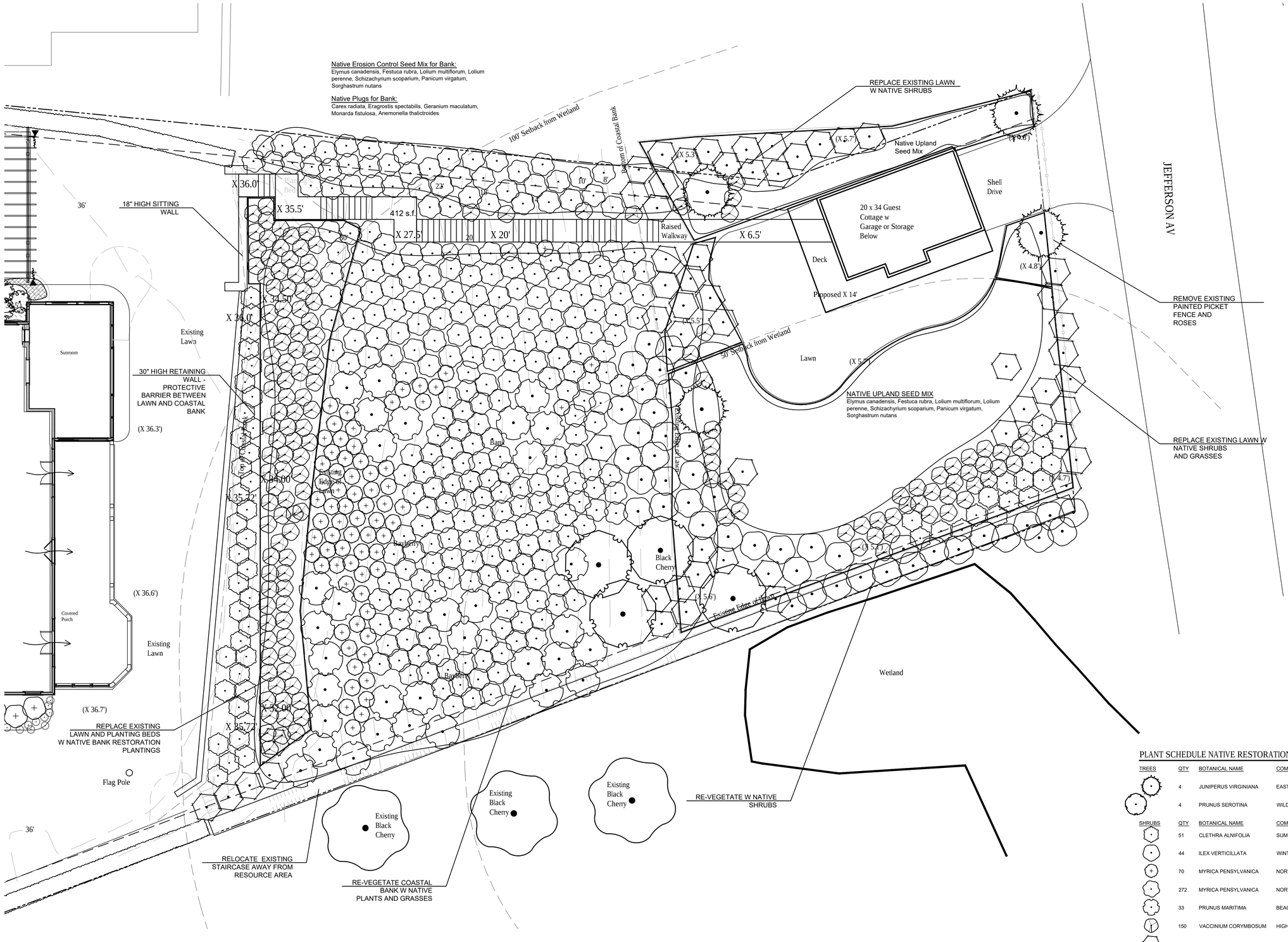
Photographs 1 & 2: Top of Coastal Bank comprised of lawn to be revegetated (8/2/18).

Photographs 3 & 4: Coastal Bank occupied by invasive species; to be restored, along with existing stairs (8/2/18).

Photographs 5 & 6: Proposed location of cottage/garage within lower lawn area and revegetation area (8/2/18).

Appendix C

Site Plan & Stair Plan, Prepared by The Garden Design Co., Dated January 15, 2020



PLANT SCHEDULE NATIVE RESTORATION

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT
	4	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7-8` B&B
	4	PRUNUS SEROTINA	WILD BLACK CHERRY	5-6` B&B

SHRUBS	QTY	BOTANICAL NAME	COMMON NAME	SIZE
	51	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	5 GAL
	44	ILEX VERTICILLATA	WINTERBERRY	4-5` B&B
	70	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	3 GAL.
	272	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	7 GAL
	33	PRUNUS MARITIMA	BEACH PLUM	10 GAL
	150	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	5 GAL.
	54	VIBURNUM DENTATUM	VIBURNUM	10 GAL.

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

GENERAL NOTES

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

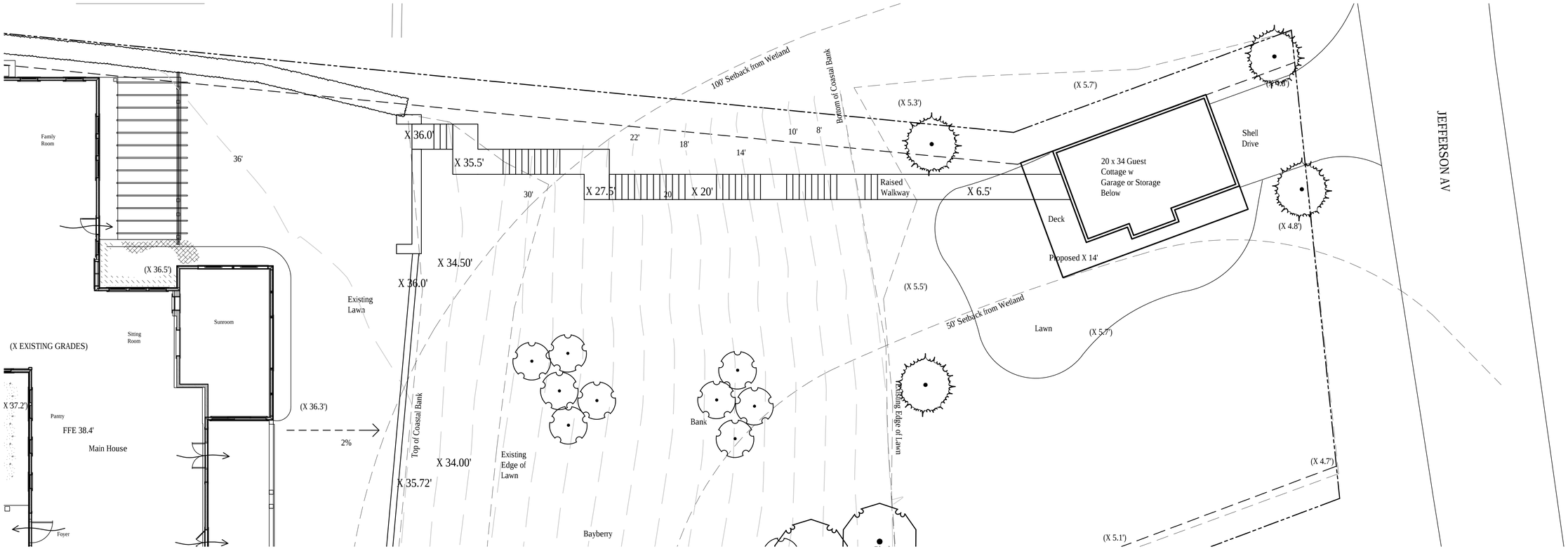
9 Lincoln Ave.
Nantucket, MA

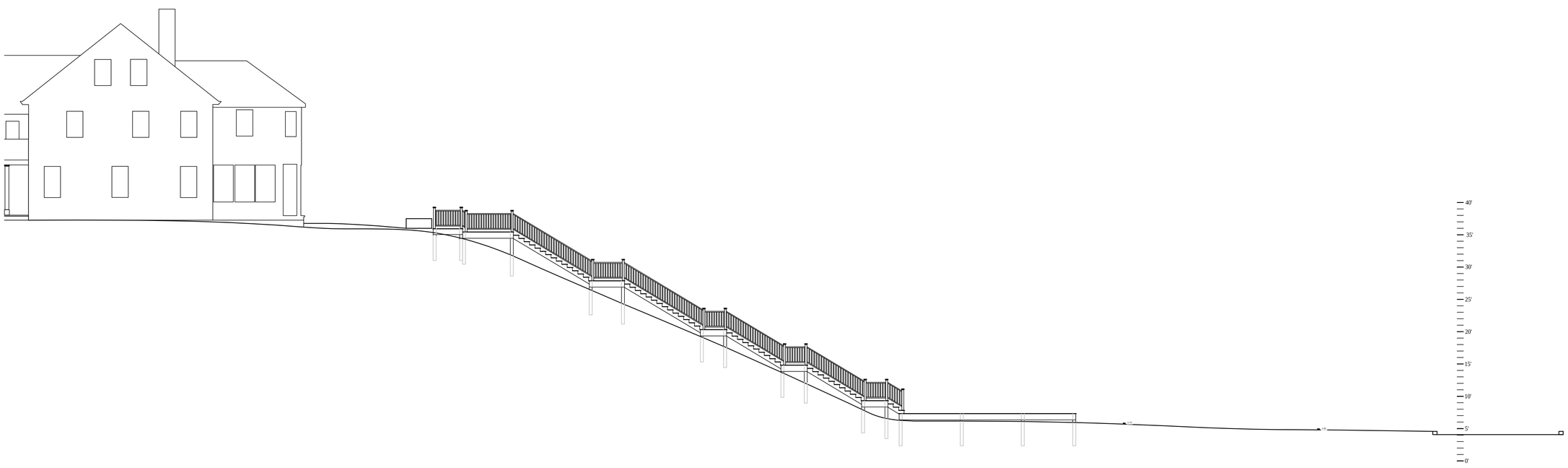
DATE: 1/15/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L1.2
SITE PLAN

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

© 2016 The Garden Design Co.





JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

CONSTRUCTION NOTES

1. Drawing are based on plans provided by architects. Please notify designer of any discrepancies.
2. All work shall comply with state and local building codes and specifications; contractor responsible for obtaining all necessary permits.
3. Use landscape drawings in conjunction with architectural drawings.
4. Contractor shall verify all drawings for coordination between trades and report any discrepancies to landscape designer.
5. Contractor is responsible for constructing restrictive barriers for protection of tree roots and trunks.
6. All dimensions, spot grade elevations, and quantities are approximate.
7. Contractor to verify locations of all below grade utilities and structures before excavation.
8. Contractor to verify all dimensions in field and report any discrepancies to landscape designer.
9. All angles are assumed to be 90° unless otherwise noted.
10. Do not scale drawings.
11. Contractor to provide sleeving through all walls and beneath paving for utilities and drainage as required; allowance for subsurface drainage to be provided.
12. All dimensions given to top of wall unless otherwise noted.
13. All bottom of wall grades to be adjusted in field and approved by landscape designer.

9 Lincoln Ave.
Nantucket, MA

DATE: 1/15/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

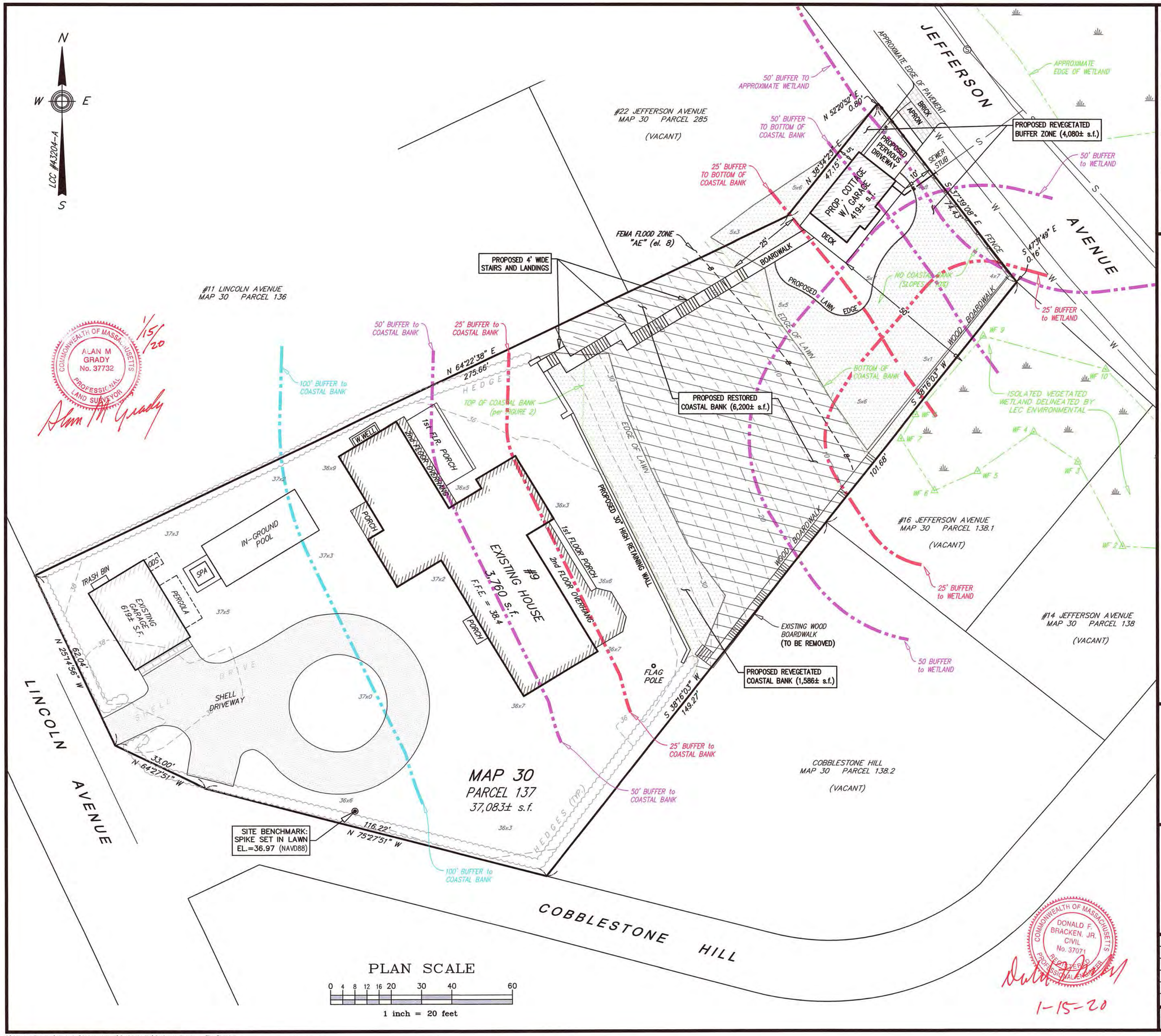
L3.2
STAIR PLAN

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

© 2016 The Garden Design Co.

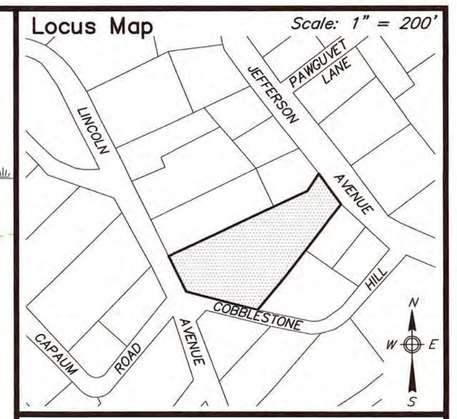
Appendix D

Proposed Site Plan, Prepared by Bracken Engineering, Inc., Dated January 15, 2020



Locus Map

Scale: 1" = 200'



NOTES:

1. LOCUS: #9 LINCOLN AVENUE
   MAP 30 PARCEL 137
2. OWNER: NANTUCKET POINT OF VIEW, LLC
   c/o JOHN D. FLAVIN, AYCO
   P.O. BOX 860
   SARATOGA SPRINGS, NY 12866
3. DEED REF: CERT #26591
4. PLAN REF: LCC #43204-A
5. LOCUS PARTIALLY FALLS WITHIN FLOOD HAZARD ZONE "AE (EL.8)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-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.

ZONE: R-1

REQUIRED

LOT AREA:	5,000 s.f.
FRONTAGE:	50'
FRONT YARD:	10'
SIDE/REAR YARD:	5'
GROUND COVER:	30% (MAX)

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

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

NANTUCKET POINT OF VIEW, LLC

#9 LINCOLN AVENUE
MAP 30 PARCEL 137

No.	Date	Revision Description	By
-	-	-	-

Date:	Drawn:	Checked:	Sheet:
JANUARY 15, 2020	RMM/ERC/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Lincoln Avenue\9 Lincoln Ave\9 Lincoln Avenue - Site Plan.dwg

NOTICE OF INTENT
for
HOUSE ADDITION
at
49 MILLBROOK ROAD
NANTUCKET, MASSACHUSETTS

Prepared for:

SUZANNE KELLER & ANDREW BENNETT
P.O. BOX 1333
NANTUCKET, MA 02554

January 2020

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING
141 OLD ENFIELD ROAD
BELCHERTOWN, MA 01007

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

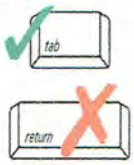
Provided by MassDEP:

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):

49 Millbrook Road — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41.277046N — d. Latitude
70.124636W — e. Longitude

56 — f. Assessors Map/Plat Number
241 — g. Parcel /Lot Number

2. Applicant:

Suzanne/Andrew — a. First Name
Keller/Bennett — b. Last Name
c. Organization
P.O. Box 1333 — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — 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

Same — 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):

David — a. First Name
Haines — b. Last Name
Haines Hydrogeologic Consulting — c. Company
141 Old Enfield Road — d. Street Address
Belchertown — e. City/Town
MA — f. State
01007 — g. Zip Code
413-323-7156 — h. Phone Number
i. Fax Number
haineshydro@gmail.com — j. Email address

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

$110.00;$25.00;$200.00 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50;$25.00;$200.00 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The project involves the construction of an addition, on an existing house, in the 100-foot Buffer Zone to an Isolated Wetland.

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

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

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

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket	15841
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.

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ 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. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ 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.

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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	**Proposed Replacement (if any)**
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☐ 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 _____

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 _____ 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.

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
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
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.

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.

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 for Suzanne Keller& Andrew Bennett
a. Plan Title

Michael Connolly & Associates
b. Prepared By

Michael Connolly
c. Signed and Stamped by

1/14/20
d. Final Revision Date

1"=30'
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:

3257
2. Municipal Check Number

1/15/20
3. Check date

3256
4. State Check Number

1/15/20
5. Check date

Michael Connolly & Associates
6. Payor name on check: First Name

7. Payor name on check: Last Name

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.

REP 1. Signature of Applicant	1/16/2020 2. Date
REP 3. Signature of Property Owner (if different)	1/16/2020 4. Date
HMWRS Hydrogeologic Consult 5. Signature of Representative (if any)	1/16/2020 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.

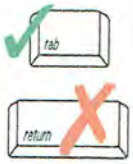
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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:

49 Millbrook Road a. Street Address	Nantucket b. City/Town
3256 c. Check number	$42.50 d. Fee amount

2. Applicant Mailing Address:

Suzanne/Andrew a. First Name	Keller/Bennett b. Last Name

c. Organization

P.O. Box 1333
d. Mailing Address

Nantucket e. City/Town	MA f. State	02554 g. Zip Code

h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

Same 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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Addition to Existing Single Family House	1	$110.00	$110.00
Nantucket Wetlands By-law Fee	1	$25.00	$25.00
Nantucket Technical Review Fee	1	$200.00	$200.00

Step 5/Total Project Fee: $110.00;$25.00: $200.00

Step 6/Fee Payments:

Total Project Fee:	$110.00;$25.00; $200.00
State share of filing Fee:	$42.50 b. 1/2 Total Fee **less** $12.50
City/Town share of filling Fee:	$67.50;$25.00;$200.00 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.

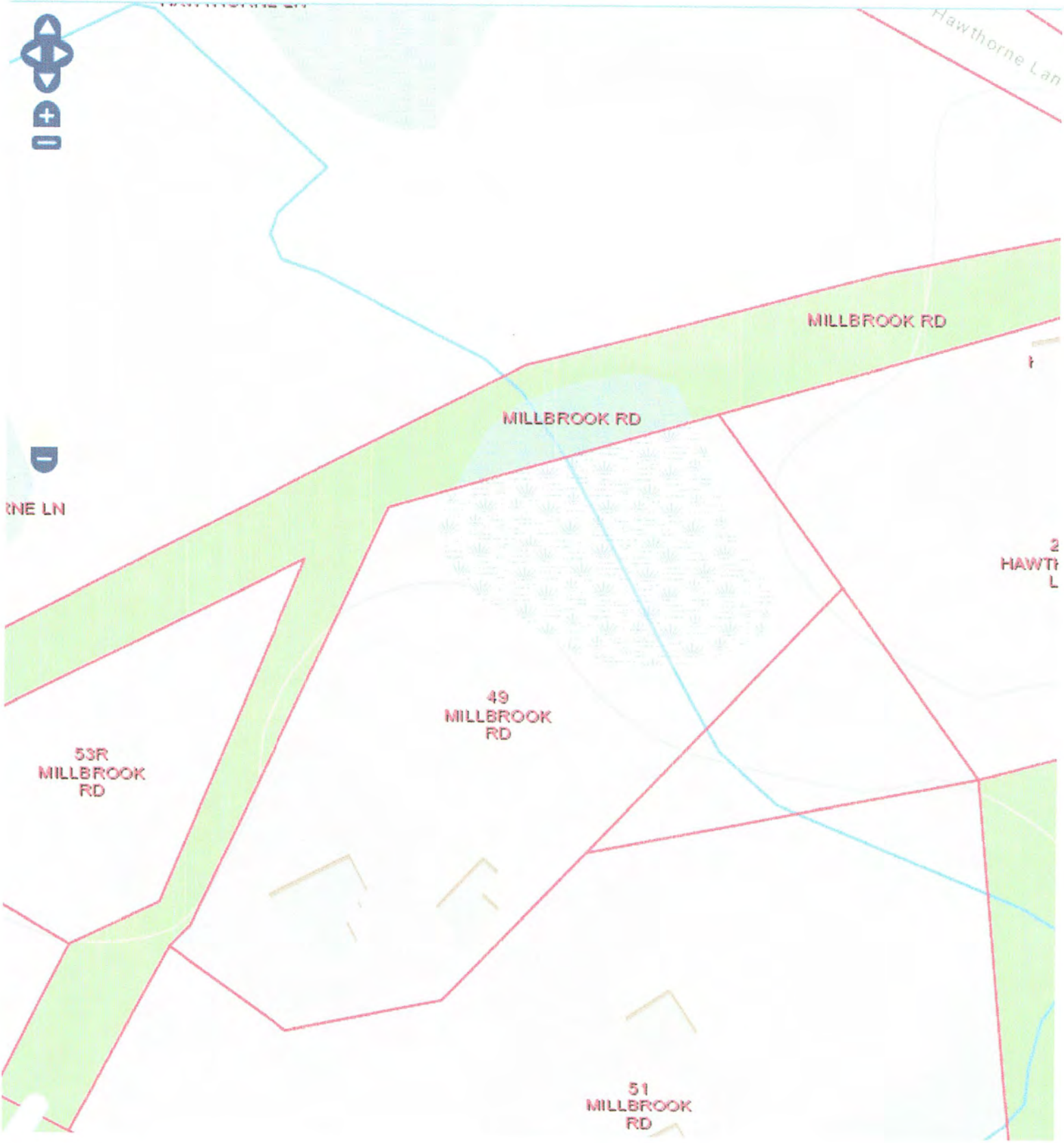
To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

LOCUS MAP
49 Millbrook Rd
USGS NANTUCKET QUAD
1979 1:25000

OLIVER: MassGIS's Online Mapping Tool OLIVER Updates

Search for a location

Zoom to a town



Town and County of Nantucket, MA

Property

Share Print Property Quick Search

INTRODUCTION

The proposed work at 49 Millbrook Road in Nantucket, Massachusetts includes construction of an addition onto an existing house, and associated landscaping. The work will occur within the **100-foot Buffer Zone** to an **Isolated Vegetated Wetland**. All existing undisturbed vegated buffers will be maintained. No new structures are proposed within the 50-foot setback. The proposed slab foundation is greater than two feet from the water table and therefore does not require waivers from the *Nantucket Wetlands By-law*.

The site is near but not within any endangered species habitats as mapped by the *Massachusetts Natural Heritage and Endangered Species Program* (NHESP) (2017); therefore, no review by NHESP is required.

SITE DESCRIPTION

The site consists of a single lot totaling 1.28 acres located at 49 Millbrook Road in Nantucket. The site contains a house, shop, shed, lawn, driveway, well, septic system and naturally vegetated areas. The lot is serviced by an on-site well and on-site septic system. The site has a rolling topography with the house located on the highest portion of the lot. The land drops off to a **Bordering Vegetated Wetland** in the northern portion of the lot and to the northwest and southeast to off-site **Isolated Vegetated Wetlands**. The resource areas on or adjacent to the site consist of **Bordering Vegetated Wetland**, **Isolated Vegetated Wetland** and the associated **100-foot Buffer Zone**.

The **Bordering Vegetated Wetlands** on the site are comprised of shrub swamp located in the northern portion of the lot. The boundary of the wetlands was delineated with numbered flags by using the three technical criteria of vegetation, soils and hydrology, and is shown on the site plan. The vegetation in the wetlands includes Winterberry Holly, Highbush Blueberry, Arrowwood, Cinnamon Fern and sedges. The soils in the wetland range from seasonally saturated dark brown sandy loam over mottled sandy loam to saturated muck over gleyed subsoil. No work is proposed in this resource area.

There are two **Isolated Vegetated Wetlands** within 100 feet of the site on adjacent lots. These isolated wetlands were flagged by LEC for the adjacent property owners. We reviewed and agreed with the delineation.

These are also shrub swamps containing Winterberry Holly, Highbush Blueberry and Arrowwood. The **100-foot Buffer Zone** from the southeastern wetland extends to the work zone. No work is proposed in the buffer zones to the other two wetlands.

The **100-foot Buffer Zone** to the **Bordering Vegetated Wetlands** and the **Isolated Vegetated Wetlands** extends over most of the site. The proposed work will occur in the **Buffer Zone** to one of the southeastern off-site vegetated wetlands. The work will be greater than 50 feet from the wetland boundary and will be separated from the wetland by the existing driveway. The work in this area will be done in such a manner as to not impact the adjacent resource areas.

A review of the 2017 *Massachusetts Natural Heritage Atlas*, prepared by NHESP, indicates that the work area is near but not within the estimated known range of Rare Wetland Wildlife or Priority Habitats.

WORK DESCRIPTION

The proposed work at 49 Millbrook Road in Nantucket, Massachusetts includes the construction of an addition onto an existing house, and associated landscaping. The work will occur within existing landscaped area.

Prior to the commencement of work, a silt fence will be installed at the limit of work as shown on the plan and a "Start Work Form" must be submitted to the Conservation Commission. An additional 100 feet of silt fence will be on site for repairs and emergencies. This barrier will be inspected and maintained until all work has been completed and the site has stabilized.

All work will be performed as shown on the site plan titled "Site Plan to Accompany a Notice of Intent Prepared for Suzanne Keller and Andrew H. Bennett", prepared by Micheal Connolly and Associates, 1/14/20.

The addition will be outside the 50-foot wetland setback and over existing landscaped area. The foundation for the addition will be a slab with footings. Based on test pit observations, the water table is at an elevation of 12.3 ft. NAVD88. The addition will be at approximately elevation 24 ft. NAVD88; therefore, the footings of the slab will be greater than two feet above the water table and no waiver will be required. Based on test pit information, no temporary or permanent dewatering will be required. No significant regrading will be necessary.

Incidental landscaping around the addition will include planting of shrubs and reestablishment of lawn.

No new fertilizer or irrigation will be used within the **100-foot Buffer Zone**.

All disturbed areas will be stabilized with lawn and seed or shrubs. The success of the stabilization will be monitored and adjustments will be made as needed until complete stabilization has been achieved.

CONCLUSION

The proposed work at 49 Millbrook Road in Nantucket, Massachusetts includes the construction of an addition to an existing house, and associated landscaping. The addition will be built on a slab with shallow footings, over existing lawn, outside the 50-foot no-structure setback. The footings for the foundation will be greater than two feet from the water table and therefore a waiver from the *Nantucket Wetlands By-law* is not required. The site is near but not within a mapped NHESP habitat; therefore, no review by NHESP is required. The work as proposed will not adversely impact the resource areas.

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

Applicant: Keller & Bennett Prepared by: Haines Hydrogeologic Consulting Project location: 49 Millbrook Rd Rd DEP File #: _____
Nantucket, MA

Check all that apply:

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

Section I.

15 feet below flag #4

Vegetation	Observation Plot Number: #4 Wet		Transect Number: #4	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*
Winterberry Holly	20.5	33%	Yes	Facw+
Highbush Blueberry	20.5	33%	Yes	Facw-
Northern Arrowwod	10.5	16%	No	Fac
Swamp Azalea	10.5	16%	No	Obl
Cinnnamon Fern	20.5	67%	Yes	Facw
Jewelweed	10.5	33%	Yes	Facw
Sedge	10.5	20%	Yes	Facw
Soft Rush	10.5	38%	Yes	Facw+

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 6 Number of dominant non-wetland indicator plants: 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: Keller & Bennett Prepared by: Haines Hydrogeologic Consulting Project location: 49Millbrook Rd DEP File #:_____
Nantucket, MA

Check all that apply:

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

Section I.

15 feet above Flag # 4

Vegetation	Observation Plot Number: #4 Up		Transect Number: #4	Date of Delineation: 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*
Black Cherry	38.0	78%	Yes	FacU
Scrub Oak	10.5	21%	Yes	Facu
Fire Cherry	20.5	100%	Yes	FacU
Tartarian Honeysuckle	10.5	33%	Yes	FacU
Bayberry	10.5	33%	Yes	Fac
Bramble	10.5	33%	Yes	FacU-
Fox Grape	10.5	100%	Yes	FacU
Goldenrod spp	10.5	50%	Yes	??

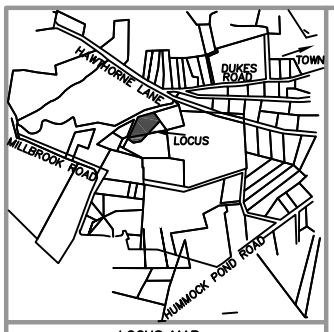
* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as 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: 6

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



LOCUS MAP

APPROX. GROUNDWATER FLOW
AS PER H.W.H. INC.
1990 MAP 2

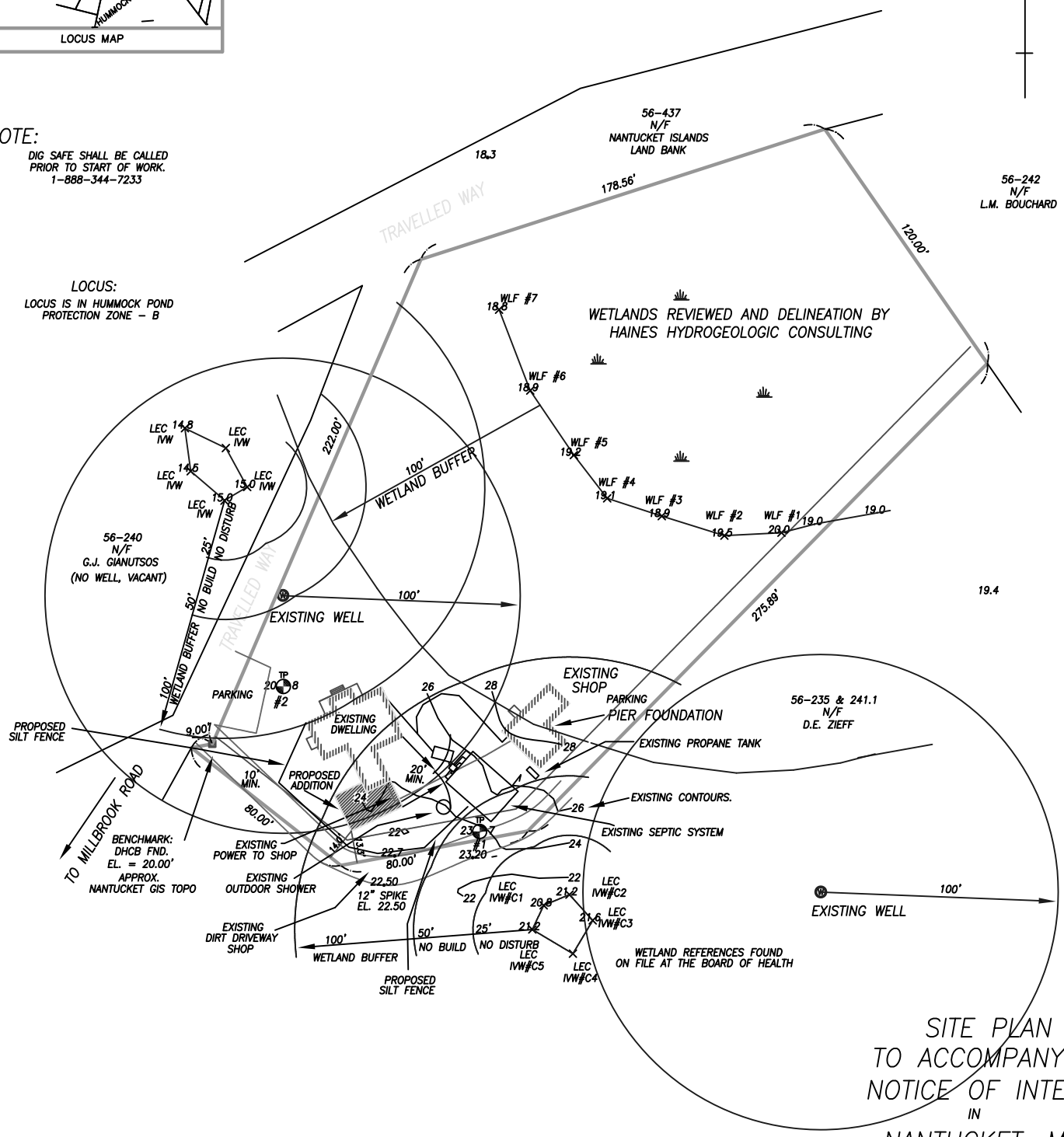
ZONING CLASSIFICATION: LUG-1

		EXISTING:
MIN. AREA:	40,000 S.F.	55,746±S.F.
MIN. FRONTAGE:	100 FT.	SEE PLAN
FRONT YARD S.B.:	35 FT.	SEE PLAN
SIDE S.B.:	10 FT.	SEE PLAN
REAR S.B.:	10 FT.	SEE PLAN
GROUND COVER (%):	7 %	SEE PLAN

N

NOTE:
DIG SAFE SHALL BE CALLED
PRIOR TO START OF WORK.
1-888-344-7233

LOCUS:
LOCUS IS IN HUMMOCK POND
PROTECTION ZONE - B



SITE PLAN
TO ACCOMPANY A
NOTICE OF INTENT
IN
NANTUCKET, MA.

49 MILLBROOK ROAD
ASSESSOR MAP 56 PARCEL 241

SCALE: 1"=30' DATE: JANUARY 14, 2020

OWNER'S REFERENCE:
SUZANNE KELLER & ANDREW H. BENNETT
CERT. 15,841
L.C. 14899-J, LOT 11
L.C. 14899-K, LOT 13

LOT AREA = 55,746±S.F.

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

MICHAEL CONNOLLY & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS
150 SURFSIDE ROAD
NANTUCKET, MA. 02554
(508) 228-8910

C-4534

NOTICE OF INTENT APPLICATION

FOR A SWIMMING POOL WITH ASSOCIATED LANDSCAPE/HARDSCAPE WITHIN THE BUFFER ZONE TO A POND AND INLAND BANK

At

13 OLD WESTMOOR ROAD

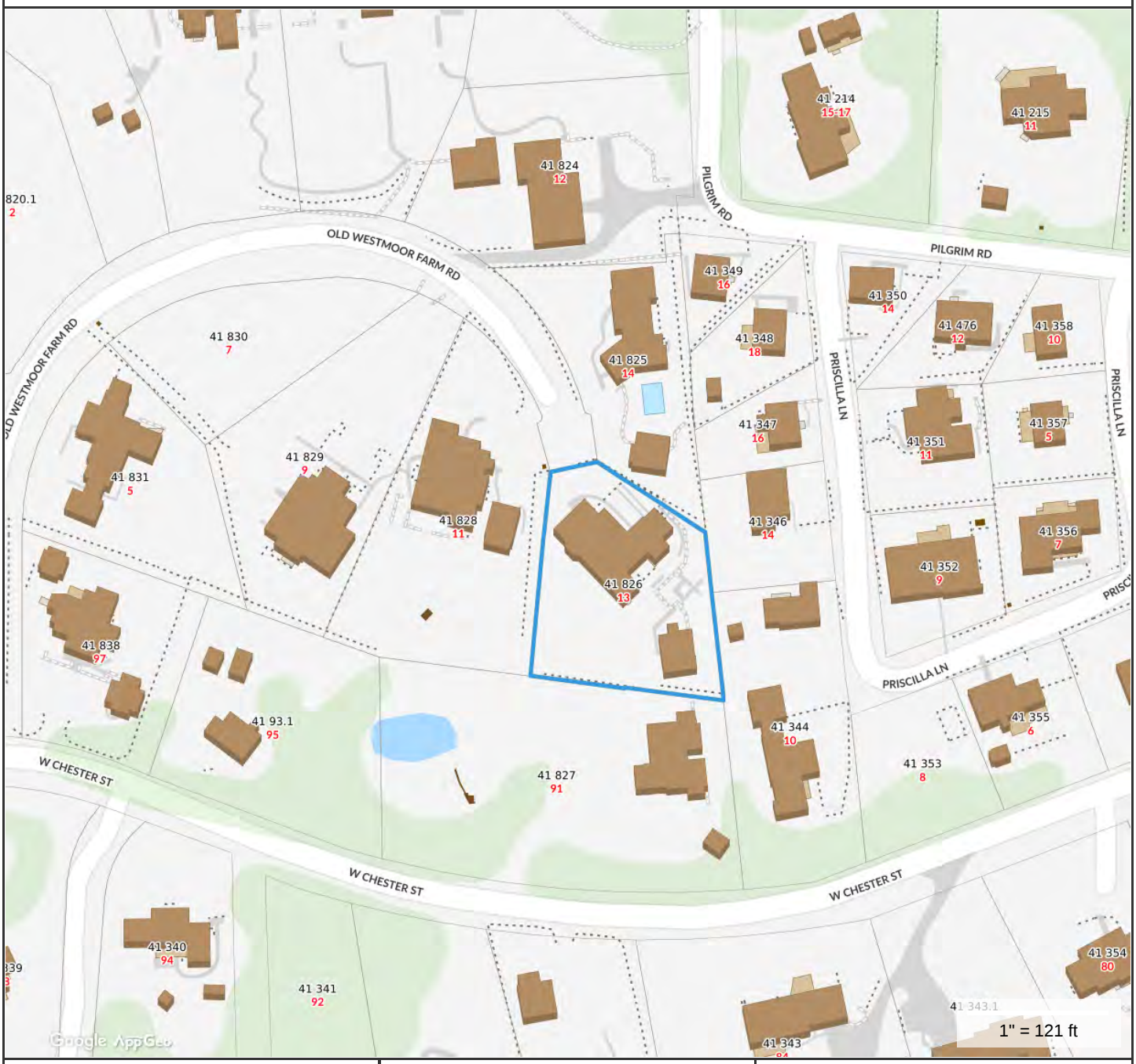
JANUARY 2020

Prepared For

CLAIRE F. SALVATORE

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

Locus Map



Property Information

Property ID	41 826
Location	13 OLD WESTMOOR FARM RD
Owner	SALVATORE CLAIRE F

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

January 16, 2020

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

Re: Notice of Intent
13 Old Westmoor Rd
Map 41 Parcel 826

Dear Ms. Erisman:

On behalf of the property owner, Claire F. Salvatore, 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 an Inland Bank at the above referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities at the Site consist of reconfiguring existing landscaping, adding hardscaping and a swimming pool within the Buffer Zone to an Inland Bank and Pond. 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.

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 0.5-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 and secondary structure with appurtenant landscaping, and is served by Town sewer and water service.

The Wetland Resource Area on locus subject to jurisdiction of the Commission is an Inland Bank and Pond, and the respective Buffer Zones which extend onto locus. The wetland resource area boundaries were delineated by Brian Madden of LEC Environmental.

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 install a swimming pool with surrounding hardscape. No dewatering is anticipated. The bottom of the swimming pool will be approximately elevation 14.2. The top of the inland bank is approximately elevation 12.5, with the pond elevation lower at about elevation 11.5. The landscaping will be restored, 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.

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,

Arthur D. Gasbarro, PE, PLS

Cc: MassDEP
Claire F. Salvatore
Elisabeth O’Rourke

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
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):

13 Old Westmoor Farm Rd — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41d 17' 12"N — d. Latitude
70d 06' 53"W — e. Longitude

41 — f. Assessors Map/Plat Number
826 — g. Parcel /Lot Number

2. Applicant:

Claire F. — a. First Name
Salvatore — b. Last Name
c. Organization
1135 Ponus Ridge Rd — d. Street Address
New Canaan — e. City/Town
CT — f. State
06840 — 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):

Arthur D. — a. First Name
Gasbarro, PE, PLS — b. Last Name
Nantucket Engineering & Survey, P.C. — c. Company
20 Mary Ann Drive — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
508-825-5053 — h. Phone Number
i. Fax Number
art@nantucketengineer.com — j. Email address

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

$110 + $25 + $200 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50 + $25 + $200 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The Applicant, proposes to install landscape and hardscape features including a swimming pool on a developed residential-use lot within the buffer zone to an Inland Bank and Pond. Please refer to the Site Plan for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET	22,544
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.

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ 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)	

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)

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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☐ 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 _____

C. Other Applicable Standards and Requirements

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://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_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
Route 135, North Drive
Westborough, MA 01581

8/1/17
b. Date of map

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

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.1.d, 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).*

1. 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

   3. ☐ 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

      (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

d. 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

---

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm, regulatory review tab). 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.

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

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

2. 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 or hand delivery of NOI to either:

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

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

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.

3. 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

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 designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. 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

6. 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

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

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

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.

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.

Notice of Intent Site Plan of Land a. Plan Title	
Nantucket Engineering & Survey, P.C. b. Prepared By	Arthur Gasbarro, PE, PLS c. Signed and Stamped by
1/17/20 d. Final Revision Date	1"=10' e. Scale
Landscape Plan by Jardins Intl. f. Additional Plan or Document Title	10/21/19 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:

2080	1/15/20
2. Municipal Check Number	3. Check date
2079	1/15/20
4. State Check Number	5. Check date
Nantucket Engineering & Survey, PC	
6. Payor name on check: First Name	7. Payor name on check: Last Name

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.

AGENT	1/17/20
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	1/17/20
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.

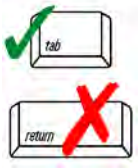
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

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. Applicant:

Claire F.	Salvatore
a. First Name	b. Last Name

c. Organization

1135 Ponus Ridge Rd
d. Mailing Address

New Canaan	CT	06840
e. City/Town	f. State	g. Zip Code

h. Phone Number	i. Fax Number	j. Email Address

2. 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

3. Project Location:

13 Old Westmoor Rd	Nantucket
a. Street Address	b. City/Town

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

The fee should be calculated using the following six-step process and 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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Work on Single Family Dwelling Lot	1	$110	$110
Nantucket Wetland By-law Fee			$25
Nantucket Expert Review Fee			$200

Step 5/Total Project Fee: $110 + $25 + $200

Step 6/Fee Payments:

Total Project Fee:	$110 + $25 + $200 a. Total Fee from Step 5
State share of filing Fee:	$42.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$67.50 c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

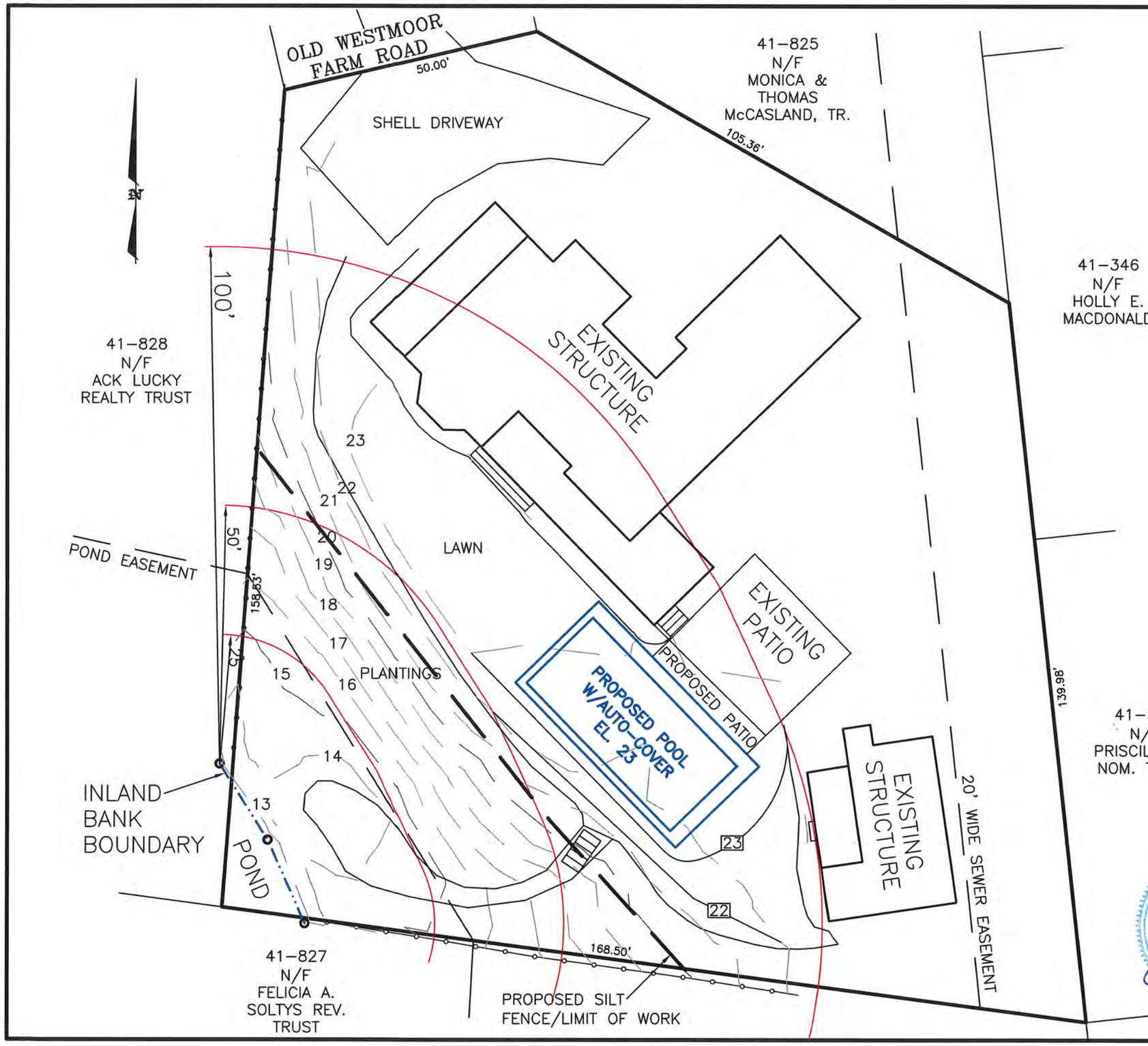
a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

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.)

41 825
41 34
41 828
41 3
41 826
41 827
monwealth of Massachusetts EOEA, Maxar Technologies
50 ft
Terms of



THIS PLOT PLAN WAS PREPARED FOR THE PERMITTING PURPOSES 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 ASSESOR RECORDS.
LAYOUT SHOWN DOES NOT IMPLY CONFORMANCE WITH ZONING BYLAWS, SUBJECT TO PERMIT ISSUANCE.
WETLAND RESOURCE AREA BOUNDARIES SHOWN WERE DELINEATED BY BRIAN MADDEN, LEC ENVIRONMENTAL

SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT

IN NANTUCKET, MA
PREPARED FOR
CLAIRE F. SALVATORE
13 OLD WESTMOOR ROAD
MAP 41 PARCEL 826
SCALE: 1"=20'
JANUARY 17, 2020

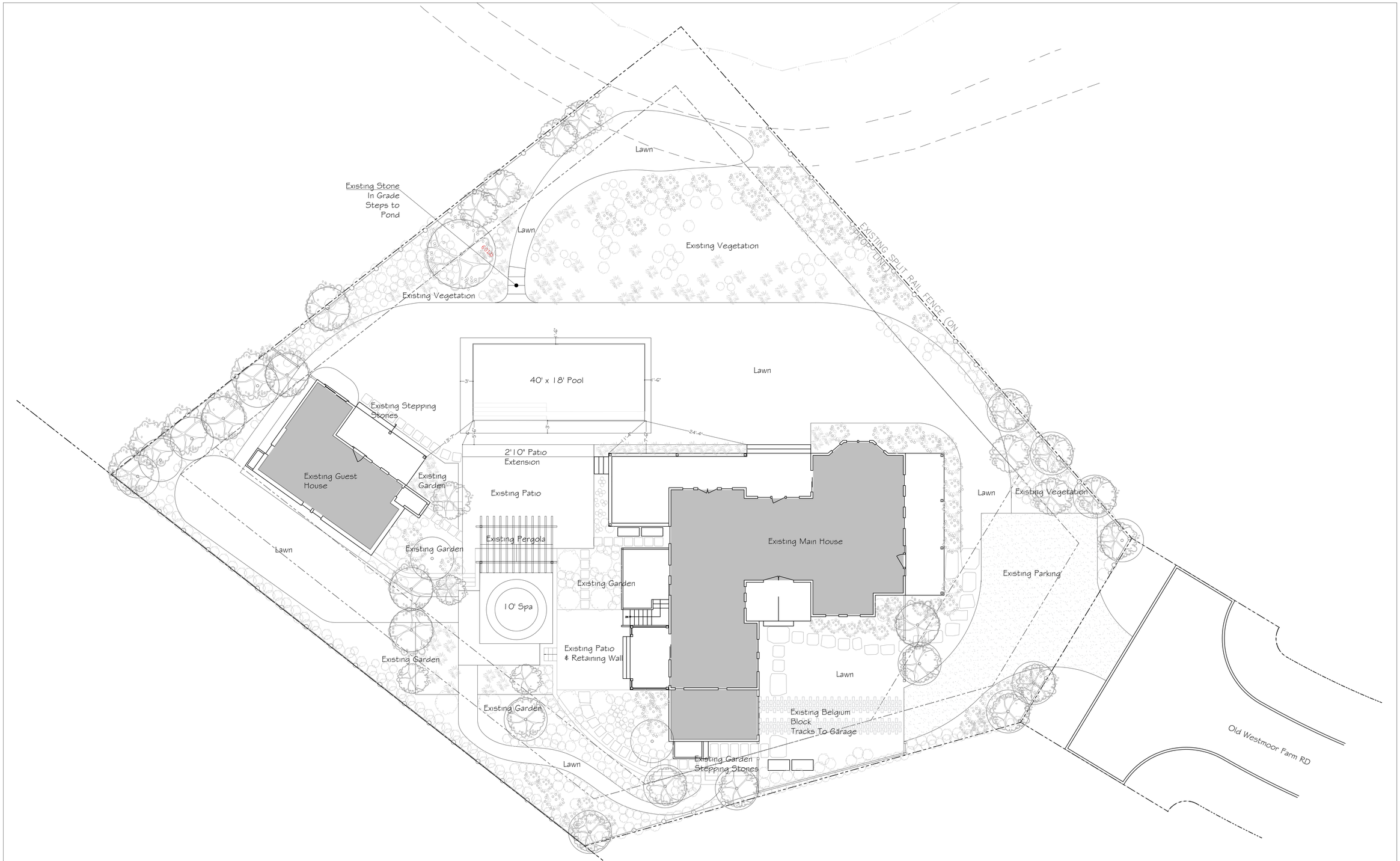
GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO, III
No. 47143
PROFESSIONAL LAND SURVEYOR
1/17/20

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5063



Jardins Intl.

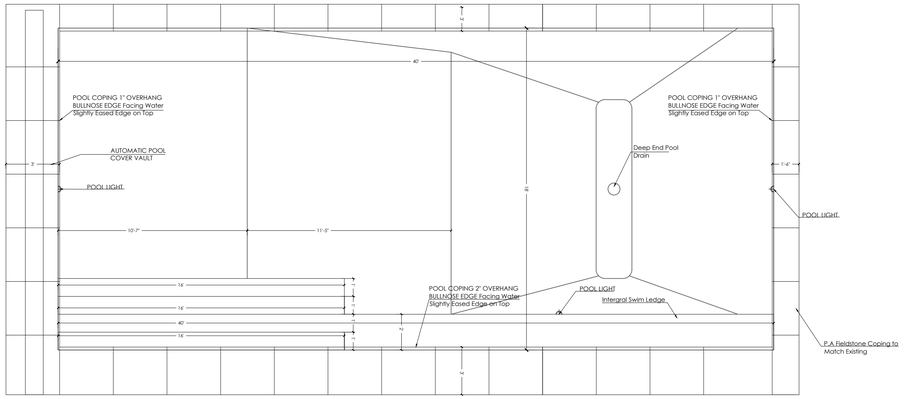
53 Pleasant Street
Nantucket MA 02554
508 325 9911 F508 325 9917

Salvatore Residence
13 Old Westmoor Farm Road
Nantucket

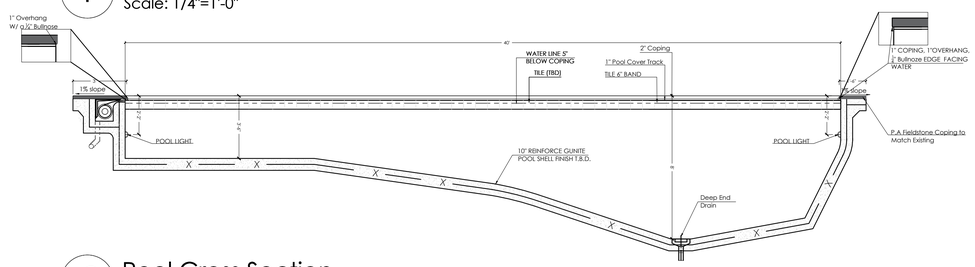
Layout Plan

Revised: 1-17-2020
Scale:1"= 10'

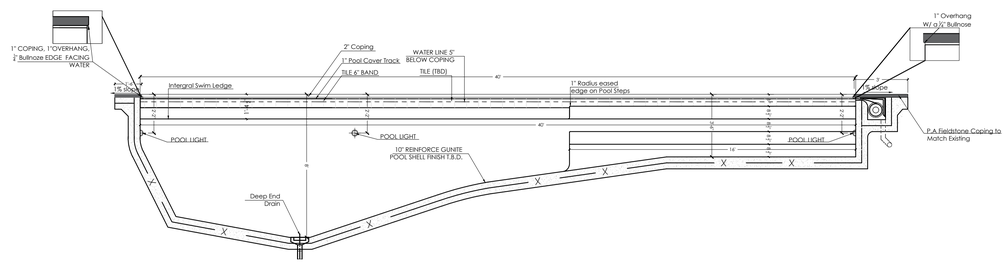
Pool Plan
Scale: 1/4"=1'-0"



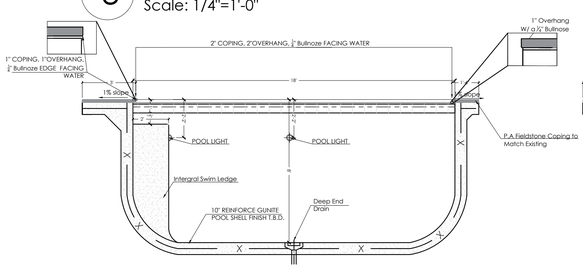
1 Pool Cross Section
Scale: 1/4"=1'-0"



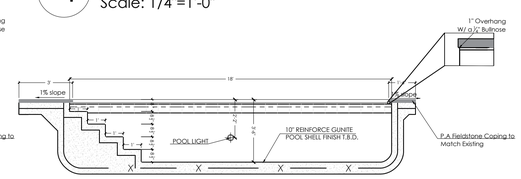
2 Pool Cross Section
Scale: 1/4"=1'-0"



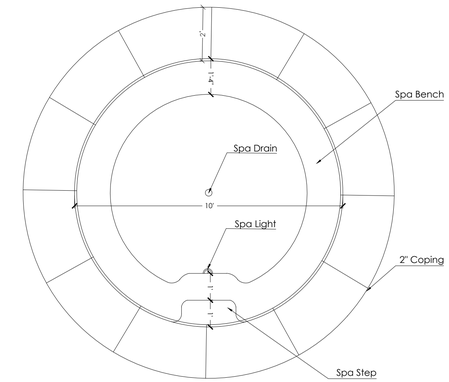
3 Pool Deep End
Scale: 1/4"=1'-0"



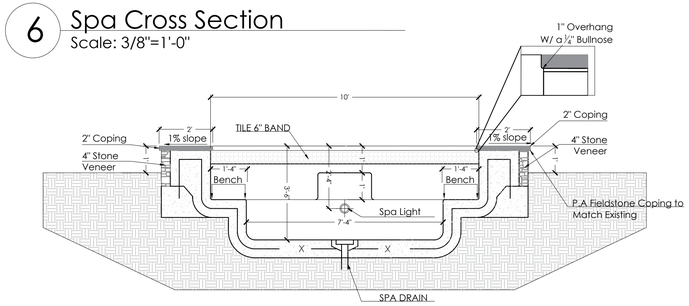
4 Pool Shallow End
Scale: 1/4"=1'-0"



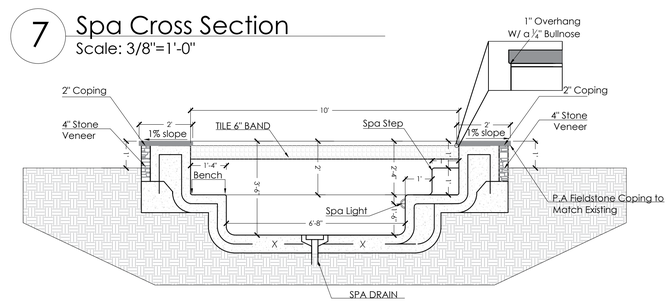
5 Spa Plan
Scale: 3/8"=1'-0"



6 Spa Cross Section
Scale: 3/8"=1'-0"



7 Spa Cross Section
Scale: 3/8"=1'-0"



Jardins Intl.
53 Pleasant Street
Nantucket MA 02554
508 325 9911 F508 325 9917

Salvatore Residence
13 Old Westmoor Farm Road
Nantucket

Pool & Spa Construction
Documents

Revised: 1-17-2020
Scale:1/4"= 1'-0"

2007 00119690
Cert: 22544 Doc: DD
Registered: 03/20/2007 11:22 AM

STATUTORY QUITCLAIM DEED

NANTUCKET WESTMOOR FARMS, LLC, a Massachusetts Limited Liability Company, c/o 8011 Spring Road, Cabin John, Maryland 20818, for consideration paid and in full consideration of TWO MILLION and 00/100 ($2,000,000.00) DOLLARS, grant to CLAIRE F. SALVATORE, individually, of 75 Camp Avenue, Stamford, Connecticut 06907, with QUITCLAIM COVENANTS,

That certain parcel of land together with all the buildings and improvements thereon situate at Nantucket Town and County, Commonwealth of Massachusetts on Old Westmoor Farm Road and bounded and described as follows:

NORTHERLY:	by Old Westmoor Farm Road as shown on plan hereinafter referred to, fifty and 00/100 (50.00) feet;
NORTHEASTERLY:	by Lot 26 as shown on said plan, one hundred five and 36/100 (105.36) feet;
EASTERLY:	by land now or formerly of Custodian for Gardner MacDonald and Gardner MacDonald and Betty B. MacDonald, one hundred thirty-nine and 98/100 (139.98) feet; and
SOUTHERLY:	by Lot 28 as shown on said plan, one hundred sixty-eight and 50/100 (168.50) feet; and
WESTERLY:	by Lot 29 as shown on said plan, one hundred fifty-eight and 53/100 (158.53) feet.

Said land is shown as Lot 27 on Land Court Plan No. 13328-M filed with Certificate of Title No. 21835 at the Nantucket Registry District.

Said Lot 27 is conveyed subject to the following matters:

1. Said Lot 27 is subject to the Nantucket Westmoor Farms Subdivision Statement of Conditions of Subdivision Approval registered as Document No. 115542 at the Nantucket Registry District for the Land Court;

2. Said Lot 27 is subject to the Declaration of Trust of the Nantucket Westmoor Farms Homeowners Association Trust dated September 30, 2005 and registered as Document No. 115543, an Appointment of Trustee registered as Document No. 115711, and an Acceptance of Trustee Appointment registered as Document No. 115712 at the Nantucket Registry District;

3. Said Lot 27 is subject to the Nantucket Westmoor Farms Subdivision

Declaration of Protective Covenants and Restrictions registered as Document No. 115544 at the Nantucket Registry District;

4. Said Lot 27 is subject to the Nantucket Westmoor Farms Subdivision Grant of Right to Enforce Restrictions registered as Document No. 115545 at the Nantucket Registry District;

5. Said Lot 27 is subject to the Nantucket Westmoor Farms Subdivision Road Maintenance and Endowment Agreement registered as Document No. 115546 at the Nantucket Registry District;

6. Said Lot 27 is subject to the Nantucket Electric Company Easement registered as Document No. 117657 at the Nantucket Registry District and recorded in Book 1041, Page 82 at the Nantucket Registry of Deeds;

7. Said Lot 27 is subject to, and has the benefit of, the reduction of frontage provisions set forth in Section 139-16B(3) of the Nantucket Zoning By-Law, as amended, and as registered as Document No. 118685 at the Nantucket Registry District.

8. The Grantor hereby grants to the Grantee, his heirs, successors and assigns, a permanent, non-exclusive easement to use for recreational purposes the duck pond located on other land of the Grantor shown as Lots 28 and 29 on Land Court Plan No. 13328-M at said Registry District. Said duck pond easement is shown on as Easement Plan prepared for Nantucket Westmoor Farms, LLC by Eldredge Surveying, dated October 14, 2005, a copy of which is annexed hereto as Exhibit "A". Said duck pond easement shall be appurtenant to said Lot 27, shall burden said Lots 28 and 29, and shall constitute a covenant running with the land which is binding on the Grantor and the Grantee, their heirs, successors and assigns, in perpetuity.

9. Said Lot 27 is subject to a twenty (20') foot wide non-exclusive sewer easement as more particularly shown on the Easement Plan prepared for Nantucket Westmoor Farms, LLC by Eldredge Surveying dated September 11, 2006, a copy of which is annexed hereto as Exhibit "B". Said sewer easement shall be used for the installation, use, and maintenance of underground municipal sewers, pipes, drains, and other underground utilities with customary appurtenances. All work shall be done in a good and workmanlike manner and upon completion of said work the surface of the ground shall be restored to its prior condition. Said sewer easement shall be appurtenant to other land of the Grantor shown as Lots 25, 26 and 28 on Land Court Plan No. 13328-M, shall burden said Lot 27, and shall constitute a covenant running with the land which is binding upon the Grantor and the Grantee, their heirs, successors and assigns, in perpetuity.

10. Said Lot 27 has the benefit of a non-exclusive right of way and utility easement over, under and upon the roadway known as "Old Westmoor Farm Road" and shown as Lot 34 on Land Court Plan No. 13328-M filed with Certificate of Title No. 21835 at the Nantucket Registry District and a Plan recorded as Plan No. 2006-27 at the Nantucket Registry of Deeds. Said easement is reserved in a certain Deed from the Grantor to the Nantucket Westmoor

Farms Homeowner's Association Trust dated April 5, 2006 and registered as Document No. 116591 at the Nantucket Registry District and in Book 1026, Page 272 at the Nantucket Registry of Deeds.

11. Pursuant to the provisions of Section 139-24A(2) of the Nantucket Zoning By-Law, as amended, said Lot 27 is eligible for a building permit in Calendar Year 2005.

For title see Certificate of Title No. 21835 at the Nantucket Registry District for the Land Court.

WITNESS my hand and seal this 15th day of August 2006.

NANTUCKET ~~WESTMOOR~~ FARMS, LLC

By:

WASHINGTON MANAGEMENT & DEVELOPMENT CO., INC., ITS MANAGER by JOHN C. PYLES, President and Treasurer

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss. August 15th, 2006

On this 15th day of August 2006, before me, the undersigned notary public, personally appeared John C. Pyles, President and Treasurer of Washington Management & Development Co., Inc., Manager and Member of Nantucket Westmoor Farms, LLC and proved to me through satisfactory evidence of identification, which were personally known to me to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose, as President and Treasurer of Washington Management & Development Co., Inc., Manager/Member of Nantucket Westmoor Farms, LLC.

NOTARY PUBLIC
My Commission Expires:

KEVIN F. DANE
Notary Public
Commonwealth of Massachusetts
My Commission Expires
February 14, 2011

MASSACHUSETTS EXCISE TAX
Nantucket County ROD #16 001
Date: 03/20/2007 11:22 AM
Ctrl# 457976 18068 Doc# 00119690
Fee: $9,120.00 Cons: $2,000,000.00

LAND COURT, BOSTON. The land herein described will be shown on our approved plan to follow as

AUG 18 2006

Plan 13328M Lot 27
(EXAMINED AS DESCRIPTION ONLY)
George T. Capelianis, Engineer
TIG

SUBJECT TO PRIOR REGISTRATION OF A ~~PARTIAL~~ RELEASE OF ~~CONDITIONS~~/COVENANT and as Lots 25, 26, 28 and 29 (easements)

NANTUCKET LAND BANK CERTIFICATE
☑ Paid $ 40,000.00
☐ Exempt
☐ Non-applicable
27851 3/20/07
No. Date
Authorization

Town of Nantucket

Natural Resources Department

NOTICE OF INTENT APPLICATION

Dune stabilization Project Adjacent to Millie's Bridge

At

Alabama Ave & 4 California Ave

January 2020

Prepared by Vincent Murphy, Coastal Resilience Coordinator

2 Bathing Beach Road, Nantucket MA, 02554 (508) 228-7230

Town of Nantucket

Natural Resources Department

Location Map
Town and County of Nantucket

Property ID 60.2.4 53 & 60 132 **Location** Alabama Av & 4 California Ave Owner Town of Nantucket	**Map for reference only.** **Map accessed 01/10/2020**

Town of Nantucket

Natural Resources Department

January 10, 2020

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

Re: Notice of Intent
Dune Stabilization Project Adjacent to Millie's Bridge
California Ave & Alabama Ave
Map 60.2.4 Parcel 53 & Map 60 Parcel 132

Dear Ms. Erisman,

Please accept the enclosed Notice of Intent and supporting documents for review. In collaboration with the Nantucket Conservation Foundation (NCF), the Town of Nantucket's Natural Resources Department's Coastal Resilience Coordinator has developed a dune stabilization project near Millie's Bridge in Madaket to preserve the ecological function of existing resource areas. The project area is located entirely within the ownership of the Town of Nantucket.

Background and justification

Please see the Project Description in Appendix A for detailed justification, objectives, methodology and timelines. This area suffered a substantial washover event during a storm in October 2017. Storm waters washing from the ocean side eroded the dune separating Millie's Pond from the ocean. The eroded dune sand was deposited on top of the bordering vegetated wetland and salt marsh surrounding Millie's Pond as well as infilling a significant portion of the pond. These resources areas were altered by a natural process into Coastal Dunes. Coastal dune vegetation has recolonized the area but only in low density. Planting the area with vegetation representative of the surrounding habitats would stabilize the dune area. There are additional benefits in this planting in terms of coastal resilience. Holding the extra height of sand with vegetation is a form of green infrastructure to prevent Hither Creek from connecting to the ocean in the near future. It may also reduce loss of this sand which potentially increases sand capture and dune building processes.

Resource Areas and Waiver Request

The project area is entirely with resource area defined as **coastal dune** coastal wetland resource areas under 310 CMF 10.28 (2) as *any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash.* Due to the nature of this project, the stabilization of the coastal dune will meet the performance standards at 310 CMR 10.28 (5)(c) *plantings compatible with the natural vegetative cover.*

The resource area is identified as coastal dune (section 2.03) and Land subject to coastal storm flowage (2.10). The Town of Nantucket requests a waiver from Section 2.03 (B)(2) which requires that all non-water dependent projects be at least 25 feet from the resource area. This project will take place entirely with the resource area. This project will provide a "long tern net benefit/improvement to the resource area" through revegetation using native vegetation intended to enhance the ability of the coastal dune to "aid in storm damage prevention, erosion and flood control; protect land in coastal areas from storm damage, serve to provide wildlife habitat and provide important wetland scenic views." Therefore, this project requests a waiver be issued under Section 1.03(F) (a) and (c) of the Nantucket Wetland Regulations.

The proposed project takes place entirely within the resource area hence the Commission is not asked to verify the boundary of the resource area.

The only potential negative or unknown part of this project, is how long it will be effective for before it will be washed over again or eroded. It is hoped that this will be a remedial effort to mitigate erosion in this area in the medium term. A long-term solution may be developed as part of the Coastal Resilience Plan currently being tendered by the Town of Nantucket.

Work description

The planting effort is planned to be undertaken in spring 2020. The planting area is in dunes between the Ocean and Hither Creek. The planting will be undertaken by hand and using volunteers. Holes for the Beach grass plugs will only be a few inches deep. Holes for the bare root vegetation will only be about 6-8 inches deep. Only the surface layer of sand will be disturbed, which in turn will limit any potential soil runoff to either waterbody. Planting should take 1-2 days, depending on the number of volunteers. As described in the attached plan, post planting monitoring will be undertaken.

Additional information

Mass DEP were contacted to inquire if this project should be undertaken as part of an Ecological Restoration Limited Project as described in 310 CMR 10.04 given its location and proximity to a number of resource areas. The consensus is that it is not required (Appendix B).

Sincerely,

Vincent Murphy

Coastal Resilience Coordinator.

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):

4 California Ave & Alabama Ave. — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41°16'17.6"N — d. Latitude
70°12'16.5"W — e. Longitude
60 ; 60.2.4 — f. Assessors Map/Plat Number
132 ; 53 — g. Parcel /Lot Number

2. Applicant:

Vincent — a. First Name
Murphy — b. Last Name
Natural Resources Department, Town of Nantucket — c. Organization
2 Bathing Beach Road — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
5082287260 — h. Phone Number
i. Fax Number
vmurphy@nantucket-ma.gov — j. Email Address

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

a. First Name
b. Last Name
Town of Nantucket — c. Organization
16 Broad Street — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
5082287200 — h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

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

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

a. Total Fee Paid
b. State Fee Paid
c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

Dune stabilization. Planting beach grass and bare root shrubs to stabilize the upper dune area

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	C007583/0 and C027004/0
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.

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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ 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.

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. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☒ Coastal Dunes	26,500 1. square feet	0 2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ 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. ☒ 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

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.

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
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
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.

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.

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.

See Figure 1.
a. Plan Title

b. Prepared By
c. Signed and Stamped by

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:

2. Municipal Check Number
3. Check date

4. State Check Number
5. Check date

6. Payor name on check: First Name
7. Payor name on check: Last Name

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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.

1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	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:

a. Street Address | b. City/Town

c. Check number | d. Fee amount

2. Applicant Mailing Address:

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

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.

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	a. Total Fee from Step 5
State share of filing Fee:	b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	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.)

Appendix A

Dune Stabilization Project Adjacent to Millie's Bridge

Project Description
January 2020

Jennifer Karberg, PhD
Research Program Supervisor
Nantucket Conservation Foundation
Science and Stewardship Department

Vincent Murphy
Coastal Resilience Coordinator
Town of Nantucket
Department of Natural Resources

1. Introduction

The Millie's Pond area of Hither Creek comprises the properties south west of Millie's Bridge. Historically this area was a large coastal pond with daily tides that was surrounded by a robust salt marsh and dense coastal shrublands. The southwestern edge of this area was bordered by a dune field and beach system fronting the Atlantic Ocean. October 30th 2017, a storm event generating high winds and large surf on the south shore of Nantucket caused the erosion of that dune field, deposition of that sand around the Millie's Pond Area and a direct overwash connection between the Atlantic Ocean and Millie's Pond. Following the storm, overwash ceased but the sand from the eroded dune was displaced on top of the bordering vegetation, salt marsh and filled a significant portion of the coastal pond. Sand of up to 2m was deposited on top of the previous vegetation around the pond. Additional storms and high tides have moved the loose sand in this area, further filling in the pond and covering the salt marsh.

Initially, the new exposed sand covered 2.1 acres of the previous wetland and dune area. In spring of 2019, the sand covered 3.5 acres of area (Figure 1). Native vegetation has been documented as colonizing the exposed sand over the 2018 and 2019 growing season (Karberg 2018 and personal observation). Particularly native dune grasses have been stabilizing the southwestern area of the dune and by July 2019 the sand extent was reduced to 3.1 acres.

Figure 1: Project Locus laid over spring 2017 aerial photo showing current sand extent (pink) and sand extent in November 2018 (Green) with past coverage of dune field, coastal shrubs and salt marsh.

Large unstabilized sand areas have been increasing on Nantucket as dune fields and coastal shrublands are lost to erosion (Bois and Karberg 2019 personal communication). These areas can provide vital habitat

to nesting shorebirds, mating horseshoe crabs, rare native dune plants to name a few but is also extremely susceptible to increased storms and sea level rise. Although stabilizing vegetation is naturally colonizing the exposed sand, the process is slow.

Objectives: This project intends to revegetate a portion of the exposed sand near the top of the forming dune. The Proposed Project Area is ~0.68 acres and located entirely on land owned by the Town of Nantucket (Figure 2). Targeted revegetation efforts will help actively stabilized the building dune and prevent or reduce future washover events that may weaken the Millie's Bridge area. If this project is successful it can provide a model for additional stabilization projects aimed at increasing coastal resilience of natural areas.

This project is anticipated to improve overall coastal dune stability and resilience through little direct impacts to dune sediments and function. This project serves the applicable interests of the Massachusetts *Wetlands Project Act* (M.G.L. c. 131, 40) through its intended outcomes and by meeting the performance standards within the implementing Regulations (310 CMR 10.00) for the wetland resource areas present at the site.

2. Resources Area Information and Waiver Request

The project area is entirely with resource area defined as **coastal dune** coastal wetland resource areas under 310 CMF 10.28 (2) as *any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash.*

Performance Standards

Due to the nature of this project, the stabilization of the coastal dune will meet the performance standards at 310 CMR 10.28 (5)(c) *plantings compatible with the natural vegetative cover.*

The resource areas are defined by the Town of Nantucket Wetland Projection Regulations By-Law Chapter 136 as **Coastal Dunes (Section 2.03)** and **Land Subject to Coastal Storm Flowage (Section 2.10).**

The work proposed in this project will take place entirely within the resource areas. Resource area boundaries have not been delineated in the field and the application does not request verification of the resource boundaries from the Commission.

Waiver Request

This project requests a waiver from Section 2.03 (B)(2) which requires that all non-water dependent projects be at least 25 feet from the resource area. This project will take place entirely with the resource area. This project will provide a "long tern net benefit/improvement to the resource area" through revegetation using native vegetation intended to enhance the ability of the coastal dune to "aid in storm damage prevention, erosion and flood control; protect land in coastal areas from storm damage, serve to provide wildlife habitat and provide important wetland scenic views."

Therefore, this project requests a waiver be issued under Section 1.03(F) (a) and (c).

3. Site ownership

The Proposed Project Area is located entirely on land owned by the Town of Nantucket (Figure 2). Adjacent property owners within the Millie's Pond area include Massachusetts Audubon and a private homeowner, 8 Ames Ave. Future work may be designed on these adjacent properties if this project proves successful.

Figure 2: Proposed Project Area and Site Ownership.

4. Site assessment

The Proposed Project Area is composed of mostly bare, unconsolidated sand and forming sand dunes. Vegetation is beginning to colonize the exposed sand, both from adjacent established sand dunes and also from deposition of seeds and plant material during high tide events. The Nantucket Conservation Foundation has conducted vegetation community surveys in 2018 and 2019. Dominant plants current colonizing on the exposed sand include American beachgrass (*Ammophila brevigulata*), groundsel (*Baccharis halimifolia*), high tide bush (*Iva frutescens*), and seaside sandmat (*Euphorbia polygonifolia*). Two non-native and invasive plants were observed, beach wormwood (*Artemisia stelleriana*) and saltwort (*Salsola kali*), groundsel (*Baccharis halimifolia*), high tide bush (*Iva frutescens*), and seaside sandmat (*Euphorbia polygonifolia*). Two non-native and invasive plants were observed, beach wormwood (*Artemisia stelleriana*) and saltwort (*Salsola kali*). In 2019, a small stand of common reed (*Phragmites australis*) was observed growing up through the sand from a prior population. A small population of seabeach knotweed (*Polygonum glaucum*) was documented in both 2018 and 2019. This is an ephemeral exposed sand plant species of "Special Concern" in Massachusetts. Leaving exposed sand within the

Project Area and closer to the current pond will provide an area for this species to persist. Any planting for this project should avoid impacts to this species.

No vegetation assessment was conducted before to the storm event that deposited most of the sand in October 2017. The Nantucket Vegetation Community maps created by The Nature Conservancy indicate that the proposed project area was dominated by Salt Marsh and Maritime Dune vegetation communities (Figure 3). The increased elevation of the sand and lack of daily tidal inundation make the restoration of salt marsh vegetation with the project area difficult.

Maritime Dune Vegetation Communities are defined as: "usually dominated by *Ammophila brevigulata* (dense to open cover). Beyond tidal influence. May also include scattered forbs, shrubs (*Hudsonia* spp., *Morella carolinana*, *Rosa* spp.) and lichen." (MA Natural Heritage & Endangered Species Program, Classification of Natural Communities of Massachusetts).

Google Street View offers one of the few documented pictures of the area prior to this storm event. This photograph is shown below in **Figure 3**. There are some issues with this image. It was captured in September 2008, some 9 years before the storm event that altered the area and covered it in sand. The resolution is also quite low, and it is impossible to identify any particular species. What it does show is (1) that the Millie's pond area was much bigger, (2) that the whole area was vegetated above the water line, and (3) that the vegetation height was low (grass to scrub height) all the way to the top of the dune at the time.

Figure 3. Google Street View of the proposed project area from September 2008, prior to the storm events showing previous salt marsh and coastal dune vegetation.

Additionally, prior to the winter of 2018-2019, snow fence was established at the top of the dune without prior permission from the Town of Nantucket or the Nantucket Conservation Foundation. This fencing has captured and stabilized sand in the area **Figure 4.**

Elevational monitoring indicates that the height of the captured sand has increased and built up the dune in this area and should remain in place as a tool during the restoration project. Additionally, vegetation that established after the storm are holding on to more sand, helping build up and stabilize the forming dunes.

Figure 4: (A) Snow fencing at the top of the Proposed project area that has been accumulating and holding sand. (B) Vegetation holding sand in project area.

5. **Site closure**

Ahead of any proposed planting on this site, the site should be closed to all pedestrian traffic. Roadside and beachside symbolic fencing and signage should be put in place to minimize disturbance. This closure may not be applied to the property owned by 8 Ames Avenue without their express permission.

6. **Dune Planting Design and Justification**

The vegetation community prior to the sand overwash was categorized was Coastal Dune Community (as described above). Additionally, viewing photos, current surrounding vegetation and personal observations indicated that significant woody shrub vegetation was present on the site matching the definition of Maritime Shrubland on Dunes: "mixed shrubs on dunes, including *Morella caroliniana*, *Gaylussacia baccata*, *Rosa* spp., and *Baccharis halimifolia*." (MA Natural Heritage & Endangered Species Program, Classification of Natural Communities of Massachusetts).

Combining these two vegetation communities, we propose to plant a mix of dune vegetation using American beach grass intermixed with stabilizing woody vegetation including Bayberry (*Morella*

caroliniana) and High Tide Bush (*Baccharis halimifolia*). Depending on availability, we would also like the flexibility to plant additional native forbs such as Seaside goldenrod,

The Maritime Dune Community should be planted as soon as possible to stabilize the upper area of the proposed works area. Planting this mixed maritime dune community in the proposed project area adjacent to the current sand fencing will help stabilize this area, holding the sand in place and allowing additional accretion. It will also prevent windblown sand from causing additional sedimentation into Millie's Pond and Hither Creek areas. Within the proposed works area, the southern third of the site that needs to be stabilized as a matter of urgency is shown in **Figure 2**. The proposed project area extends from the current snow fencing north for about 120 feet and covers an area of approximately 0.68 acres (**Figure 2**).

The Maritime Dune Community will be planted with a mix of species found in the neighboring plant communities. Additionally, other suitable plant species will be selected to plant in the proposed works area. A mixed planting regime is suggested and will be composed of 50% Beach Grass by area and 50% scrub species by area, and detailed with costs below in **Table 1** and planting regime in **Figure 5.**

7. When and how to plant

Planting is anticipated to take place in two phases with an early fall planting (particularly of beach grass to stabilize the dune and hold winter sand) as well as in the spring.

Beach grass grows best in cool weather and therefore typically gets its best start when planted from mid-November through mid-April (but not when the ground is frozen). In areas exposed to strong wind or waves, it is best to plant beach grass in the early spring to reduce the likelihood that it will be washed or blown away in winter storms. Beach grass culms (the single plant with stem) should be spaced approximately 18 inches apart to ensure successful establishment. In areas that are particularly vulnerable to storms, waves, and washouts, plant culms closer together (e.g., 12 inches apart) to maximize sand build-up and enhance erosion control. Because the plants spread approximately 6 to 10 feet horizontally each year, there is no need to over plant.

Planting of the bare root shrubs and forbs is best undertaken in the early spring. This can be done before Seabeach Knotweed has established. Plants should be spaced 8-10 feet apart.

Fertilizers are not recommended or requested for this project. A modest use of fertilizer can encourage plant growth and speed stem and root growth. However, fertilizers can also be washed into coastal waters where they can cause excessive algae growth, reducing oxygen supplies and leading to fish kills. **This is not recommended or requested for this project given the gradient and proximity of Hither Creek.**

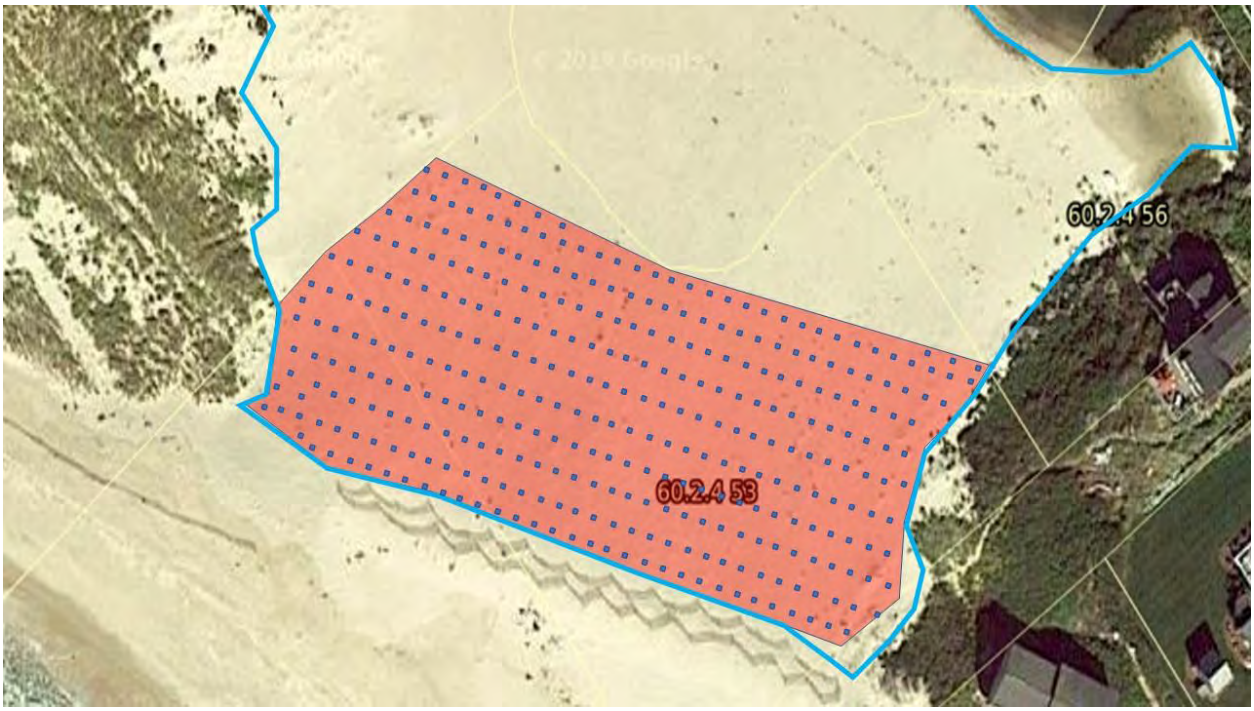


Figure 5. Structured planting plan of 400 bare root plants in 0.68 acres. We anticipate that actual planting will be less uniform and more natural.

8. Project Scheduling

September/ November 2019 – secure funding

January 2020 – CONCOM application

March 2020 – Contact suppliers to order stock for spring planting

April to May 2020 – depending on if it is an early or late spring, plant the stock

April 2020 to October 2021 – 18-month post planting study growth, survival and sand accumulation

April 2020 – Photomonitoring, vegetation plots, elevation monitoring

June 2020, August 2020, October 2020 – Repeat monitoring

9. Monitoring

The Project Area will be monitored to document planting survivorship as well as recruitment of additional species diversity in order to quantify success of the project. Elevation of the dune will help quantify the success of vegetation plantings to retain and build dune structure.

The Nantucket Conservation Foundation has monitored the washover area since 2017 documenting sand extent, elevation and vegetation communities (reports available from NCF upon request). Monitoring for this project will incorporate the elevation sampling locations and vegetation sampling plots established by NCF. Additional vegetation sampling plots will be established to exam species and survivorship within the Project Area. Plots will be surveyed in the spring post planting, in June, August and October.

Additionally, we plan to establish permanent photo monitoring points around the Project Area that will be sampled at least 4 times a year.

Appendix B.

Email conversation with Mark Barlow on requirement of an Ecological Restoration Limited Project.

From: Bartow, Mark (DEP) <mark.bartow@state.ma.us>

Sent: Tuesday, December 17, 2019 11:38 AM

To: Vincent Murphy

Subject:RE: Vince Murphy - question about additional application requirement

If everyone is OK with calling it dune, then I think you're good to go. Just attached a map of the area to the NOI and call out the dune. I certainly don't want to make it any more complicated. Tell Jeff I said hi.

From: Vincent Murphy <vmurphy@nantucket-ma.gov>

Sent: Tuesday, December 17, 2019 11:32 AM

To: Bartow, Mark (DEP) <mark.bartow@mass.gov>

Subject: RE: Vince Murphy - question about additional application requirement

Hi Mark, Yes. Just asked Jeff and he says that the area is mostly or entirely coastal dune. He also added that there are elements of coastal beach closer to Hither creek. I'm staying out of that area. Want maps? Vince.

From: Bartow, Mark (DEP) <mark.bartow@state.ma.us>

Sent: Tuesday, December 17, 2019 11:24 AM

To: Vincent Murphy <vmurphy@nantucket-ma.gov>

Subject: RE: Vince Murphy - question about additional application requirement

Hi Vince,

My first thought is that the area you describe might be considered a Coastal Dune as defined at 310 CMR 10.28. We'd need to confirmed that, but if it is then the performance standards allow for planting (10.28(5)), and you wouldn't need to jump through the Ecological Restoration Limited project hoops.

So, do you think the area would qualify as a coastal dune?

Mark

From: Vincent Murphy <vmurphy@nantucket-ma.gov>

Sent: Tuesday, December 17, 2019 10:36 AM

To: Bartow, Mark (DEP) <mark.bartow@mass.gov>

Subject: Vince Murphy - question about additional application requirement

Hi Mark,

I have a question about a project I am working on. I am looking at planning beach grass and native shrubs in an area that washed over and was covered by several feet of sand a few years ago. The area is relatively stable, but I want to plant it up as a barrier to more washover events , and potential causing a breach into a neighboring tidal system. I'm working on the NOI. Is it appropriate to send you the information to see if it requires additional paperwork around Limited Ecological Restoration, or any other reviews are required?

Please feel free to call or I can just send you the information.

Vince.

Vincent Murphy

Coastal Resilience Coordinator

Natural Resources Department

Town of Nantucket

2 Bathing Beach Road

Nantucket, MA 02554

508-228-7230 Ext 7608

520-955-2179

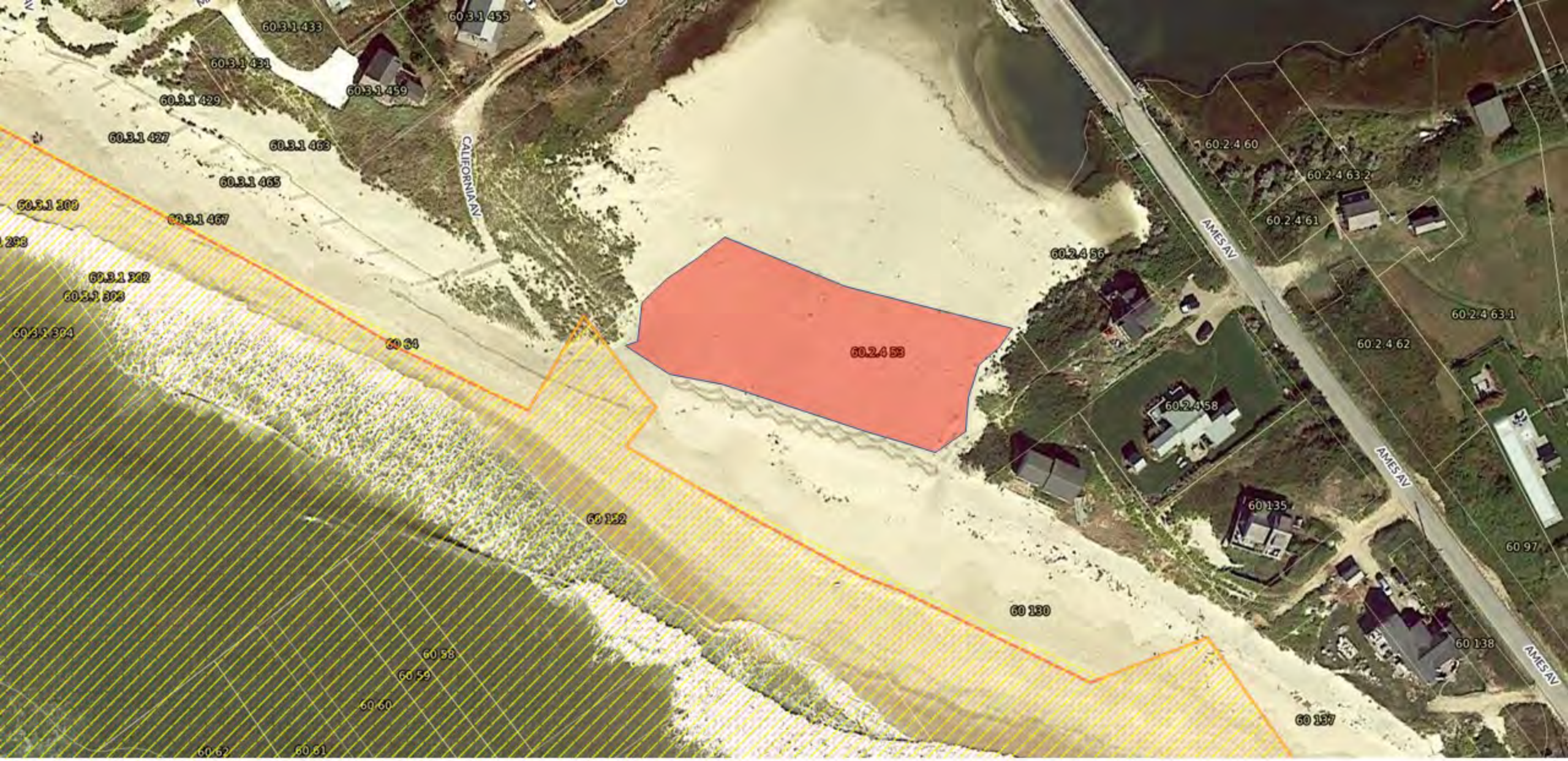


Figure 1. Development area (red) in relation to Natural Resources Protection (hatched) areas (1) NHESP Priority habitat for rare species and (2) NHESP Estimated habitats of rare wildlife.

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Nantucket
City/Town

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).

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

41 & 43 Sparks Avenue	Nantucket
Street Address	City/Town
55	267.4 & 267.3
Assessors Map/Plat Number	Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The property is a developed commercial lot located on the Sparks Ave adjacent to the Stop & Shop.

c. Plan and/or Map Reference(s):

Site Plan of Land	December 20, 2019
Title	Date
Title	Date
Title	Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

The applicant proposes to install a trench drain, Stormceptor water quality unit, and 500 gal. dry well at the entrance to the existing car wash and gas station. The proposed work is across Sparks Ave. from a wetland resource area. The goal is to collect, treat and infiltrate runoff from the Mid-Island gas station and carwash. Currently, storm runoff flows into Sparks Avenue, is collected by the Town drainage structures and flows into the wetland. The proposed drainage will not be connected to the existing Town roadway drainage structures or drain into the resource area shown on the attached site plan.

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.)

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:

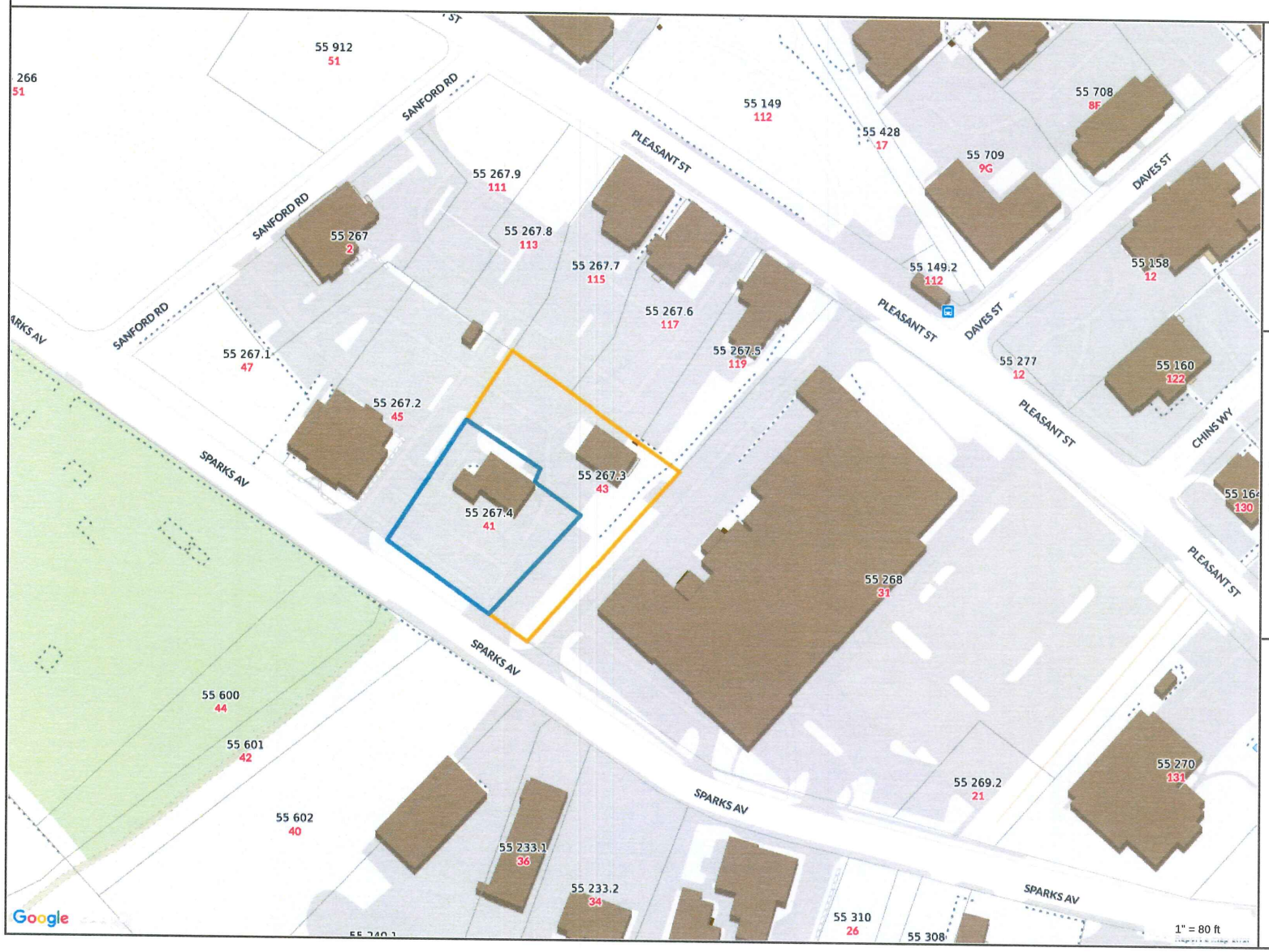
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant — Date 12/19/19

Signature of Representative (if any) — Date

Town and County of Nantucket, MA

October 23, 2018



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 Nantucket, MA DEP File #:

Check all that apply:

- X Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☐ Vegetation and other indicators of hydrology usedto delineateBVW boundary: fill out Sections I and IIMethod
- ☐ 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 Nantucket, MA DEP File #:_____

Check all that apply:

- X Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☐ Vegetation and other indicators of hydrology usedto delineateBVW boundary: fill out Sections I and IIMethod
- ☐ 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**

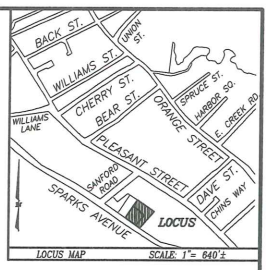
If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

CURRENT ZONING CLASSIFICATION:
Commercial Mid-Island (CMI)

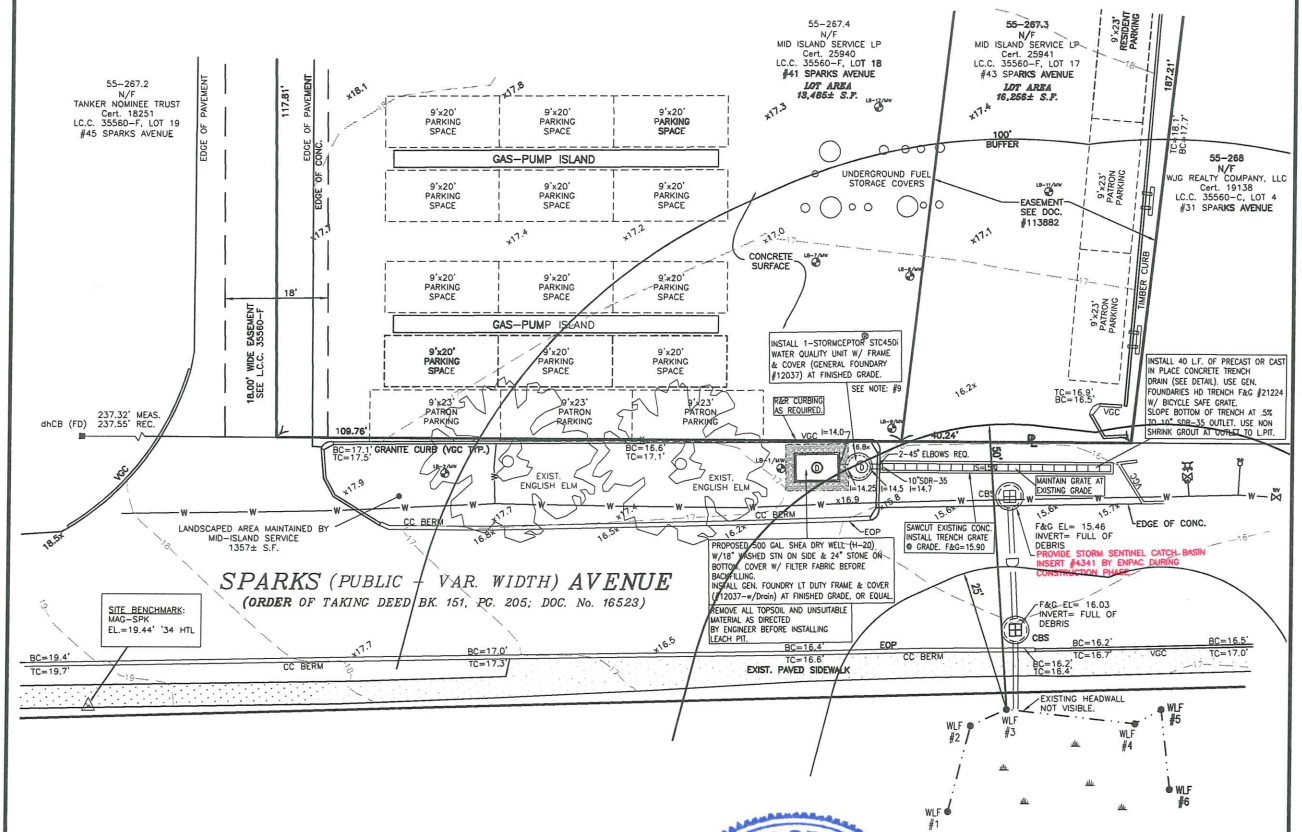
		#41 Existing:	#43 Existing:
MINIMUM LOT SIZE:	5000 S.F.	13,485 S.F.±	16,256 S.F.±
MINIMUM FRONTAGE:	50 FT.	SEE PLAN	SEE PLAN
FRONT YARD SETBACK:	NONE	SEE PLAN	SEE PLAN
SIDE/REAR SETBACK:	NONE	SEE PLAN	SEE PLAN
GROUND COVER % :	50 %	11.3% ±	6.4% ±

LEGEND

dhCB FD	DENOTES CONCRETE BOUND w/ DRILL HOLE FOUND
CBS	DENOTES EXIST. CATCH BASIN
25	DENOTES EXIST. GRADE CONTOUR LINE
x28.1	DENOTES EXIST. GRADE SPOT ELEVATION
TC	DENOTES EXIST. TOP OF CURB ELEVATION
BC	DENOTES EXIST. BOTTOM OF CURB ELEVATION
—W—	DENOTES APPROX. LOC. OF BURIED WATER LINE AS MARKED OUT BY WANNACOMET WATER COMPANY
WV	DENOTES EXIST. WATER GATE VALVE
	DENOTES EXIST. WATER METER
LB-1/MW	DENOTES EXIST. SOIL BORING/MONITORING WELL
R&R	DENOTES REMOVE AND RESET



LOCUS MAP SCALE: 1"= 640'±



COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No 35388
PROFESSIONAL LAND SURVEYOR

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
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

T:\PAJE 2 JOB 65
V:\DRAWFILES\B8594\RDA_MCD-Updated 11-10-19.dwg 12/20/2019 10:34:36 AM EST

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
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

B8594

NANTUCKET ENGINEERING & SURVEY, PC

January 27, 2020

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

Re: Notice of Intent
Great Point
Map 2 Parcel 1.2
SE48-3087

Dear Ms. Erisman:

I am writing to request a Certificate of Compliance for the referenced project. The work was completed in substantial compliance with the Order of Conditions. Attached are a Site Plan, WPA Form 8A, $25 filing fee, front-page copy of the Order recorded at the Nantucket Registry of Deeds and the Certificates of Compliance issued by the Health Dept.

I plan to attend the public meeting at which this matter will be considered, though please feel free to contact me should you have any questions or concerns with this request in the meantime.

Sincerely,

Arthur D. Gasbarro, PE, PLS

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

Locus Map

Property Information

Property ID	1.2
Location	GREAT PT
Owner	LOHMANN JAN MICHAEL &

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 December, 2014
Properties updated 04/03/2018

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

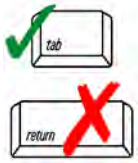
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-3087
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.



1. This request is being made by:

Jan Michael & Rebecca Lohman
Name

59 Deake St
Mailing Address

South Portland | ME | 04106
City/Town | State | Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Jan Michael & Rebecca Lohman
Applicant

6/13/18 | SE48-3087
Dated | DEP File Number

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.

3. The project site is located at:

Great Point | Nantucket
Street Address | City/Town

2 | 1.2
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)

Nantucket | 446 | 105
County | Book | 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.)

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).

81-18

Commonwealth of Massachusetts
Board of Health
Town of Nantucket

Map-Block-Lot 21.2
Permit No BHP-2018-0495
FEE $600.00

P.I. _____
F.I. _____

DISPOSAL WORKS CONSTRUCTION PERMIT

Permission is hereby granted Toscana Corp.

to (Construct) an Individual Sewage Disposal System.

at No 0 GREAT PT SOUTH

as shown on the application for Disposal Works Construction Permit No. BHP-2018-049 Dated July 10, 2018

Issued On: Jul-10-2018 Expires 7/10/20

Board of Health

Commonwealth of Massachusetts
Board of Health
Town of Nantucket

Map-Block-Lot 21.2

CERTIFICATE OF COMPLIANCE

THIS IS TO CERTIFY, That the Individual Sewage Disposal System (Construct)

by Toscana Corp.
Installer

at No 0 GREAT PT

has been installed in accordance with the provisions of TITLE 5 of the State Environmental Code as described in the application for Disposal Works Construction Permit No. BHP-2018-049 Dated July 10, 2018

Printed On: Jul-11-2018

Board of Health 12/5/19

L.U.A. REQUIRED — TITLE 5 — 310CMR15.405(a) — WETLAND SETBACK — ORDER OF CONDITIONS ISSUED 6/13/18 SE43-3087

Agreement:

(1) The undersigned agrees to install the aforedescribed Individual Sewage Disposal System in accordance with the provisions of new Title 5 of the State Sanitary Code.

(2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.

(3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.

(4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed _____ 7/13/18 **Date**

Application Approved By _____ 7/10/18 **Date**

Application Disapproved for the following reasons: _____

NOTES:

Issued 7/10/18 **Date**

80-18

Commonwealth of Massachusetts
Board of Health
Town of Nantucket

P.I. _____
F.I. _____

Map-Block-Lot
21.2

Permit No
BHP-2018-0494

FEE
$600.00

DISPOSAL WORKS CONSTRUCTION PERMIT

Permission is hereby granted Toscana Corp.

to (Construct) an Individual Sewage Disposal System.

at No 0 GREAT PT NORTH

as shown on the application for Disposal Works Construction Permit No. BHP-2018-049 Dated July 10, 2018

Issued On: Jul-10-2018 Expires 7/10/20

Board of Health

Commonwealth of Massachusetts
Board of Health
Town of Nantucket

Map-Block-Lot
21.2

CERTIFICATE OF COMPLIANCE

THIS IS TO CERTIFY, That the Individual Sewage Disposal System (Construct)

by Toscana Corp.
Installer

at No 0 GREAT PT

has been installed in accordance with the provisions of TITLE 5 of the State Environmental Code as described in the application for Disposal Works Construction Permit No. BHP-2018-049 Dated July 10, 2018

12/5/19

Printed On: Jul-11-2018

Board of Health

Con Reds - 310 CMR 15.405(e) - Approved Septic - Order of Conditions - 6/15/18
SE48-3087

Agreement:

(1) The undersigned agrees to install the aforedescribed Individual Sewage Disposal System in accordance with the provisions of new Title 5 of the State Sanitary Code.

(2) A representative of the Nantucket Board of Health shall be present at all percolation tests whenever possible. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to performing the percolation test.

(3) A representative of the Nantucket Board of Health shall inspect the Individual Sewage Disposal System prior to covering. The undersigned agrees to notify a representative of the Nantucket Board of Health no less than 24 hours prior to covering the system.

(4) The undersigned further agrees not to place the system in operation until a Certificate of Compliance has been issued by the Board of Health.

Signed _____ 7/3/18 **Date**

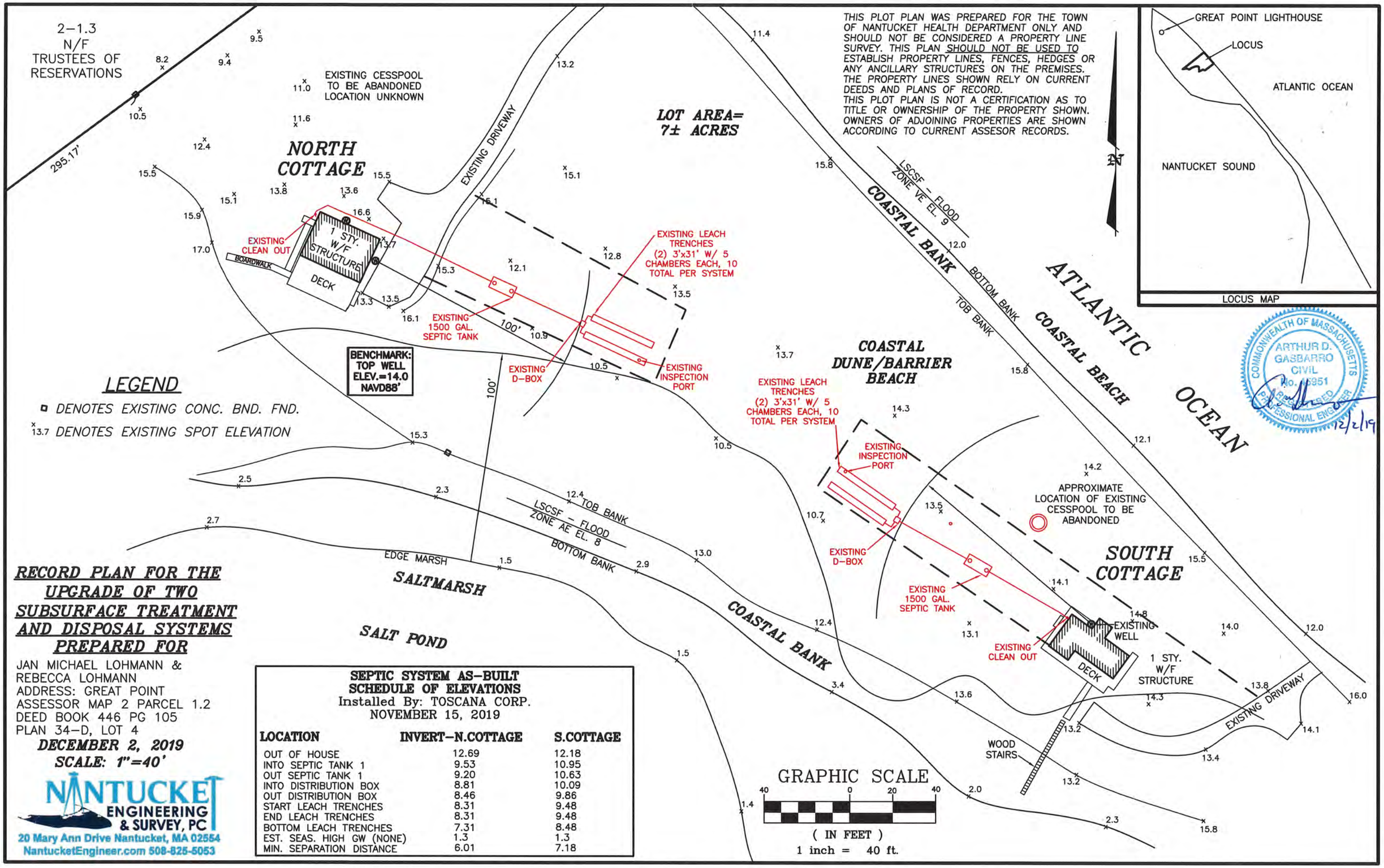
Application Approved By _____ 7/10/18 **Date**

Application Disapproved for the following reasons: _____

NOTES:

Issued 7/10/18 **Date**

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET HEALTH DEPARTMENT 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 ASSESOR RECORDS.



LEGEND

- ▫ DENOTES EXISTING CONC. BND. FND.
- x 13.7 DENOTES EXISTING SPOT ELEVATION

RECORD PLAN FOR THE UPGRADE OF TWO SUBSURFACE TREATMENT AND DISPOSAL SYSTEMS PREPARED FOR

JAN MICHAEL LOHMANN &
REBECCA LOHMANN
ADDRESS: GREAT POINT
ASSESSOR MAP 2 PARCEL 1.2
DEED BOOK 446 PG 105
PLAN 34-D, LOT 4

DECEMBER 2, 2019
SCALE: 1"=40'

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

SEPTIC SYSTEM AS-BUILT
SCHEDULE OF ELEVATIONS
Installed By: TOSCANA CORP.
NOVEMBER 15, 2019

LOCATION	INVERT-N.COTTAGE	S.COTTAGE
OUT OF HOUSE	12.69	12.18
INTO SEPTIC TANK 1	9.53	10.95
OUT SEPTIC TANK 1	9.20	10.63
INTO DISTRIBUTION BOX	8.81	10.09
OUT DISTRIBUTION BOX	8.46	9.86
START LEACH TRENCHES	8.31	9.48
END LEACH TRENCHES	8.31	9.48
BOTTOM LEACH TRENCHES	7.31	8.48
EST. SEAS. HIGH GW (NONE)	1.3	1.3
MIN. SEPARATION DISTANCE	6.01	7.18

CONSERVATION COMMISSION
PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Wednesday, January 22, 2020
4 Fairgrounds Road, Training Room – 5:00 p.m.

Commissioners: Ashley Erisman (Chair), Ian Golding (Vice Chair), David LaFleur, Joe Topham, Seth Engelbourg, Maureen Phillips, and Mark Beale

Called to order at 5:02 p.m.
Staff in attendance: Jeff Carlson, Natural Resources Director; Joanne Dodd, Natural Resources Coordinator
Attending Members: Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Absent Members: Erisman
Earlier Departure:
Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING
A. Announcements
B. Public Comment – None

II. PUBLIC HEARING
A. Notice of Intent
1. *Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241

Sitting: Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation: Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative: Art Gasbarro, Nantucket Engineering & Survey
Public: Lucy Dillon, Quaise property owner
R.J. Turcotte, Nantucket Land Council

Discussion (5:05)

Gasbarro – This is for the installation of a new steel bulkhead inserted directly in front of the existing timber bulkhead with a return along the easterly side of the property. No waivers are required because it's a water-dependent use. Construction access will be from the west side of the house to minimize impact. Explored alternatives to remove and rebuild the timber bulkhead would cause greater disturbance than inserting the steel sheeting. Work will be from a platform hung off the top of the bulkhead rather than from the beach. Disturbed areas will be replanted with American Beach Grass.

Engelbourg – Our performance standards for coastal beach state bulkheads can't be rebuilt if there is a more environmentally friendly alternative. Urged the applicant to research the Living Shoreline technique.

Gasbarro – He saw that information last night and will respond more fully after a chance to review it. Pointed out that the living shoreline requires some level of fill onto the beach and into the water body to raise the grade; he has concerns about how that grade change would be stabilized. Cited an example that didn't work. We would have to cut the bank quite a bit that could impact the pre-1978 structure, which has not been substantially improved. We also cannot transfer one resource area for another and for the living shoreline a substantial portion of the bank would have to be removed since they can't extend toward the water. Reviewed alternatives he has looked into at the family's request. The bulkhead has been in place for decades and this is responsible maintenance for a failing structure.

Engelbourg – He would like to see a formal analysis that the alternatives considered. There's a whole list of decision points and possibilities; none might be feasible, but he'd like to see that analysis.

Topham – He doesn't think what's proposed works here for various reasons.

Golding – His reservation is the peninsular effect from more and more bulkheads; pointed out 1975 aerial showing a continuance, walkable beach. The latest aerial shows the peninsular effect. A 1991 survey shows enough room to move the house back; asked the client to consider that. Asked the commission that if we allow this to go forward that we insist on public access for people walking the beach; that is part of our purview under 2.20.

Engelbourg – We're at a critical point. We will be going through regulation update to plan for the future in the face of rising sea level. He thinks bulkheads are an outdated technology. There are more fiscally and environmentally appropriate ways to protect property.

Dillon – To the west there is a landbank access and lot and to the right another access to the beach. She would like to point out that to the east, the property is the most pristine piece on the harbor.

Turcotte – The proposed return on this is significant and extends beyond the existing timber; it is not grandfathered as is the rest of the bulkhead. That should be considered as a separate structure from the rest; it's not a replacement.

Phillips – Asked about the condition of the existing bulkhead on the Nantucket Islands Land Bank property.

PROPOSED

Gasbarro – That was permitted in 2004-2006; it's in pretty good shape and not in need of repair. Asked for a 2-week continuance.

Staff None

Motion Continued to February 5 by unanimous consent.

Vote N/A

2. *46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48-3264

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

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

Representative Dan Bailey, Piers Attwood, LLP
Art Gasbarro, Nantucket Engineering & Survey
Jack Vaccaro, Epsilon Associates, Inc.

Public Steve Anderson, Shimmo Association
R.J. Turcotte, Nantucket Land Council (NLC)
Bea Gonnella, 14 South Valley Road
Andy Lowell, Shellfish and Harbor Advisory Board (SHAB)
Kevin Kuester, Nantucket Shellfish Association
Yvonne Vaillancourt, Director Massachusetts University Field Station
Edie Ray

Discussion (5:26) **Bailey** – Addressed Zoning, which he says is the "elephant in the room"; the ConCom bylaw prohibits new docks and piers but State Zoning 40A Sec 6 provides protections for grandfathered structures. Want feedback on technical issues before going to the Zoning Board of Appeals.

Gasbarro – Provided an overview of the project: alter and extend the existing pier 280 feet from the mid-point of the existing resulting in being over 300 feet; it will be no more than 3 feet wide with railings. 1-foot tapered piles will be driven, and the pier constructed from a barge. About 290 square feet of the existing pier will be removed. The design is based upon examining studies and alternatives. The extension is to accommodate a boat with 1.5- to 2-foot draft. Set stakes for the ConCom's viewing.

Vaccaro – The site is subject to a northwest fetch and has seen a lot of erosion. Resource areas include: land subject to coastal storm flowage, Zone A flood zone, coastal bank, low-gradient coastal beach, land under the ocean, land containing shellfish, and historic eel grass area. CR Environmental did the eel grass surveys, which informed the configuration of the dock; reviewed the results from the surveys. The dogleg in the dock is to take advantage of an area where there is no eel grass. We made a lot of effort to minimize the extent of impact on eel grass to include shading. This will be elevated at about 5 feet above mean high water; alignment allows more sunlight to get under it. The maximum separation in the spacing of the piles is also significant. Reviewed the potential impacts of the dock on the resource areas. The seaward end will encroach into an area of rare species habitat; the NOI was sent to Massachusetts Natural Heritage Endangered Species Program to ensure the project will not impact that area. Reviewed the project against the ConCom performance standards to show it will not be in violation of those standards and have no adverse effect on the existing resources. Trying to obtain Town records to ensure the dock will not displace any existing moorings.

Phillips – The moorings are being used; theoretically you know where they are since they are shown in aerial photos. It would also be useful to know the draft of the boats using those moorings.

Vaccaro – Before piles are driven, we will remove any shellfish in harm's way and relocate to a safe spot approved by the Department of Marine Fisheries.

Bailey – We will take in all questions and respond in writing before the next hearing.

Topham – He's opposed; the impact of putting in the pier and shadowing from the dock and the boat along with top wash will have an impact.

Golding – Shares Mr. Topham's concerns.

Phillips – Since the eel grass isn't will established to her mind it is like having a patient who is already sick; you don't want to make it worse. This is a spot that once was in better shape; now the concern is how much more will it take to put it over the edge. It's hard to balance the recreational use of a permanent dock with the potential damage.

Engelbourg – He's trying to get the concept of how ecological restoration works; shellfish recruitment doesn't work the way that is being implied. If you remove all adults from the area and degrade the area, you will never get shellfish recruitment there again. This area would be left permanently degraded and will never have shellfish again. They aren't considering the shading from the boat, propeller wash, travel from the boat, and other uses of the dock such as diving and swimming. This area will see increased impact from the use, not decreased impact.

LaFleur – His concern is the eel grass. Didn't hear mention of the barge sitting on the bottom during construction.

Beale – Having a 3rd 200-foot protrusion into the harbor will have an impact on recreational use of the area. He'd like to see the history of the existing dock; it looks new.

Golding – Referred to a letter from the Dyers that said there wasn't a dock there before.

Beale – Asked what the end would look like.

Gasbarro – There would be two outhaul pilings off the end.

Engelbourg – The Chapter 91 license was filed in 2019; asked if it was licensed before.

PROPOSED

Gasbarro – It was licensed based upon a pre-existing pier; it was unlicensed structure but there is a history of repairs.
Engelbourg – His understanding is a significant change to a structure requires a new Chapter 91 license.
Bailey – This would require a refiling for Chapter 91.
Engelbourg – We have a provision that any project causing detrimental effect to bay scallops requires a waiver. This is one of the most productive areas for bay scallops. In this area we see eel grass that is already stressed being additional stressed; that will decrease production and feels a waiver needs to be submitted.
Anderson – The Shimmo Association owns about .5 acres on the waterfront; the association voted unanimously to oppose this project. The pier at 42 Shimmo Pond Road was built in the 1920s is to the left of our property; 46 Shimmo Pond Road is to the right. The location of the proposed pier is about 400 feet right of the existing pier and a mooring field with about 20 moorings plus dingy racks on the beach holding 20 small craft. The proposed dock will have a significant adverse impact to the recreational use of this area; recreational use is within ConCom jurisdiction. The amount of shellfish has decreased substantially and to recover would require planting of additional eel grass. The pier on the beach doesn't meet the definition for a dock or pier; the April 2019 Chapter 91 license allows the owner to maintain the existing pier; he questions if that was ever a pier or dock since it is out of the water most of the time. Feel approving this would set an undesirable precedent.
Turcotte – Referred to the NLC letter. Eel grass starts with a patchy distribution and spreads out; this area is fighting to grow back after being sanded over; it is fighting algae for sunlight. Inhibiting growth of grass species will impact all other species. The applicant hasn't applied for waivers; NLC doesn't feel they can meet the requirements for waivers. There is a large group working to get this area back to health; the pier would have an adverse impact and be a reversal of what we are trying to accomplish here.
Gonnella – By definition a pier goes out over the water; the existing has never been anything other than a boardwalk and never extended into the water; in the 1940s it was built and used to stage for getting stones out of the water. Now you can't walk along the beach unless you climb over the existing structure.
Lowell – It is our mission and duty to make proper recommendations for use of the harbor. This proposal was discussed at two SHAB meetings resulting in a unanimous vote to issue a letter of opposition. We have no regulatory power; that lies in the hands of ConCom. He hasn't heard anything about boater safety which needs to be taken into consideration; this structure will threaten lives. Cited how this structure would threaten lives.
Kuester – Pointed out the reference to bay scallops, which are in fact Nantucket bay scallops; this is the only place in the world where you can get Nantucket bay scallops and this dock threatens them. We have 400 members who are unanimously opposed to this. This is important to the fishery and the citizens.
Vaillancourt – Agrees with all concerns raised and opposes this. Doesn't believe you can mitigate the effects of photo-fragmenting. A biological reality is that some shade will be produced which will benefit organisms which grow on piers; those organisms, such as sponges, could end up growing on the eel grass. She could also envision how the water would come along the pier and blast into the shoreline increasing erosion.
Ray – Her experience with diving and swimming in this area is that this area is very silty with low visibility. She can't imagine the impact of the barge shading and turbulence created by putting in piling as well as divers picking up shellfish. That turbulence will extend along the shoreline due to wind and tide; she thinks tidal flow needs to be considered due to that extended impact.
Engelbourg – His background is water birds; that area is a productive water bird area. When you remove the eel grass, which provides forage and cover for food, you will reduce the productivity for the birds that eat them causing an ecological cascade. It seems the applicant is using the information from the survey to play the site off as an area in poor condition for eel grass; that isn't true – pointed out the healthy areas in the photos and areas where eel grass is trying to recolonize. If we let the environment maintain its natural state in conjunction with the replanting program, we will have a more connected eel grass resource; the pier will do the exact opposite.
Bailey – Asked for a continuance to March 18th.

Staff	None
Motion	Continued to March 18, 2020 by unanimous consent.
Vote	N/A

3. *Great State Properties, LLC – 92 Washington Street Ext (42.2.3-22) SE48-3268

Sitting	Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation	Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative	Leo Asadoorian, Blackwell & Assoc. Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public Discussion (6:42)	None

Asadoorian – This is for removal of an existing structure and construction of a new building shifted back from the bulkhead; the integrity of the existing structure is such that it needs to be razed. Plan shows an ADA-accessible ramp to the beach but there is one at GHYC. The new building will have an increased footprint of about 900 square feet. The foundation will have breakaway panels to allow floodwaters to go through; the foundation will be piers.
Topham – His concern is the rate at which water can pick up speed; he believes the panels will be a benefit.

PROPOSED

Staff Have everything needed to close.
Motion **Motion to Close.** (made by: LaFleur) (seconded by:)
Vote Carried unanimously

4. 53 West Chester Street, LLC – 53 West Chester Street (41-614) SE48-3269

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Art Gasbarro, Nantucket Engineering & Survey
Public None
Discussion (6:47) **Gasbarro** – Second hearing for landscaping within the buffer to a wetland. There were concerns about a retaining wall, curb, and patio; a revised plan shows no retaining wall. Will keep the invasive species work. Squaring the lawn intrudes slightly into the 25-foot buffer. Modified the stone patios to keep them outside the buffer zone. Submitted a letter with the revised plans.
Engelbourg – Appreciates removal of the retain wall and curb. Regarding the lawn layout, asked if the area extending into the buffer is proposed as new lawn area.
Gasbarro – It is actually a reduction in lawn within the buffer; she wants the lawn to be more formal in terms of geometry.
Engelbourg – Asked if there will be permanent representation of the 25-foot buffer.
Gasbarro – No, except on the landscape plan. The restored area will be replanted with wetland-meadow seed mix.
Staff Have everything needed to close.
Motion **Motion to Close.** (made by: LaFleur) (seconded by: Phillips)
Vote Carried unanimously

5. 17 BR Rosaly Nominee Trust – 17 Baxter Road (60.3.1-132) SE48-3267

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Brian Madden, LEC Environmental
Public None
Discussion (6:52) **Madden** – Submitted additional information requested on the design of the proposed stairs: provided a representative photo and details depicting contextual design and revised plans showing a middle landing. Limit of work has been delineated and disturbed areas will be reseeded or allowed to fill in naturally.
Staff Have everything needed to close.
Motion **Motion to Close.** (made by: Engelbourg) (seconded by: Beale)
Vote Carried unanimously

6. *Margeret Zarcone – 16 Cherry Street (55-379) SE48-____

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Paul Santos, Nantucket Surveyors
Public Edie Ray
Discussion (6:54) **Santos** – This is for a shallow-depth, in-ground pool; no resource areas on the site. South property, 20 Cherry Street, has an historic isolated vegetated wetland depicted in the late 1980s. The area for the pool is existing lawn elevated above the isolated vegetated wetland. Based upon mapping and auguring, there is enough room to maintain the 2-foot separation from ground water. Outside any NHESP areas or in a flood zone.
Engelbourg – Asked that the 50-foot buffer that is against the corner of the pool be clearly marked so all contractors know not to intrude upon it.
Santos – He will have a silt fence along the back of the construction area. The area between this property and the isolated vegetated wetland is very sandy.
Phillips – Pools sometimes the way they are measured are wider than anticipated.
Santos – No part of the pool or the surround will intrude.
Topham – Asked if there will be an autocover and where the equipment will go.
Santos – He believes so. Equipment will be either up along the side of the house or under the porch.
Ray – Pools are required to have fences; asked if the fence will fall into the resource area.
Topham – You don't need a fence if you have an autocover.
Santos – Asked for a 2-week continuance.
Staff None
Motion Continued to February 5 by unanimous consent.
Vote N/A

7. *Amy M. Ambrecht – 13 Gingy Lane (41-850) SE48-3273

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Mark Rits, Site Design Engineering
Public None
Discussion (7:02) **Rits** – this is for a revised retaining wall (approved under an RDA) and a structure inside the 100-foot buffer, a small pool/spa with patio and equipment. all structural components will be outside the 50-foot buffer to an off-site wetland. The secondary dwelling was already approved under a previous filing.

PROPOSED

Staff The RDA retaining wall was appealed; our decision was upheld. This applicant and the other party decided this plan satisfies all concerns.
Have everything needed to close.
Motion **Motion to Close.** (made by: Topham) (seconded by: Phillips)
Vote Carried unanimously

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. Mid-Island Service Limited Partnership – 41 & 43 Sparks Avenue (55-267.4&267.3) **(Cont. 2/05/2020)**

D. Certificates of Compliance

1. Hardman – 51B Madaket Road (41-325.1) SE48-3110 **(Cont. 2/19/2020)**
2. Rock Gonnella, Trustee of the North Nominee Trust – 73 Easton Street (42.4.1-109) SE48-2994

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Staff Work completed in compliance and recommend issuance.
Discussion (7:07) None
Motion **Motion to Issue.** (made by: Golding) (seconded by: Engelbourg)
Vote Carried unanimously

3. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893 **(Cont. 2/19/2020)**
4. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2797
5. John J. Moller – 10 Monomoy Creek Road (54-54.2) SE48-2801
6. Monomoy Creek Nominee Trust – 12 Monomoy Creek Road (54-54.1) SE48-2665

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Staff The sites are now in compliance and recommend issuance with on-going restoration work. 12 Monomoy Creek recommend issuance with on-going Conditions 21, 22, 23, 24, 25 & 27.
Discussion (7:08) Engelbourg – Asked if there are any on-going conditions.
Motion **Motion to Issue SE48-2797, SE48-2801, and SE48-2665 as recommended.** (made by: Engelbourg) (seconded by: Topham)
Vote Carried unanimously

7. Alice Rochat – 100 Low Beach Road (75-27) SE48-1818

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Staff This order is currently in compliance and recommend issuance with no on-going conditions.
Discussion (7:11) None
Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Engelbourg)
Vote Carried unanimously

8. Dina & Allan Schwartz – 62 West Chester Street (41-373) SE48-3111

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Staff This was for an unpermitted pool and restoration work. Work is done and in compliance. Recommend issuance with on-going Conditions 19, 22 26, 27, 28, 29, & 30.
Discussion (7:12)
Motion **Motion to Issue with on-going Conditions 19, 22, 26, 27, 28, 29, & 30.** (made by: Topham) (seconded by: Engelbourg)
Vote Carried unanimously

E. Orders of Condition

1. Great State Properties, LLC – 92 Washington Street Ext (42.2.3-22) SE48-3268

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Did not draft.
Discussion (7:13) None
Motion Continued to February 5.
Vote N/A

2. 53 West Chester St, LLC – 53 West Chester Street (41-614) SE48-3269

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Did not draft.
Discussion (7:13) None
Motion Continued to February 5.
Vote N/A

3. 17 BR Rosaly Nominee Trust – 17 Baxter Road (60.3.1-132) SE48-3267

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Reviewed conditions.
Discussion (7:14) **Engelbourg** – Arrowood has a number of cultivar subspecies.
Motion **Motion to Approve as amended.** (made by: LaFleur) (seconded by:)
Vote Carried unanimously

PROPOSED

4. Amy M. Ambrecht – 13 Gingy Lane (41-850) SE48-3273

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Did not draft.
Discussion (7:17) None
Motion Continued to February 5.
Vote N/A

F. Extension Requests

1. Pocomo Point Realty Trust – 90 Pocomo Road (15-43) SE48-2946

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation SE48-2946
Staff This is in compliance for the state of construction it's in.
Discussion (7:18) **Paul Santos**, Nantucket Surveyors – This is for an extension for 2 years to complete work. House was picked up and moved; work has started.
Motion **Motion to Grant two one-year extensions.** (made by: LaFleur) (seconded by: Engelbourg)
Vote Carried unanimously

G. Other Business

1. Approval of Minutes January 8, 2020: Approved by unanimous consent.
2. Monitoring Report: None
3. Enforcement Actions
   a. SE48-2824 'Sconset Beach Preservation Foundation (SBPF) – Baxter Road: Nourishment Material, Sand Sampling Protocol, Special Condition #28.

Sitting Golding, LaFleur, Topham, Engelbourg, Phillips
Documentation Draft Chem/Bio testing protocol; correspondence; Enforcement Order; Order of Conditions for SE48-2824
Rep Jay Maroney, Cohen & Cohen Law P.C
Public Edie Ray
D. Anne Atherton, Nantucket Coastal Conservancy
Discussion (7:21) **Carlson** – We haven't received the nourishment material tests and sand sampling protocol; recommend carrying this forward again. The commission has asked for daily logs of daily inspections including documentation of the man-made material spread throughout the template; they have been keeping up with providing that requested information.

Engelbourg – There was an issue with December 21 and 24 daily logs showing the same photo; that has since been switched out. Also, the inspector on December 24 wasn't Jamie Feeley when he said he would be doing all the surveys. He'd like all the designated inspectors at these meetings.

Phillip – There are three different people doing those.

Engelbourg – We had also requested weekly photos of uncovered tubes of the whole length; in the last packet of logs, there are some photos lumped in with the cleanup. We had requested they be separate.

Phillips – In terms of looking at totals day by day, it's important to have that so we can see at the end of the month how much has come out of the template.

Carlson – He can get that total and post on line where to find it.

Ray – Confirmed the test haven't been received. Asked if the tests had been conducted; her concern is if the samples haven't Been taken, there have been a lot of storms.

Carlson – At the Jan. 8 meeting, they announced all sampling had been completed and sent for processing. We are just waiting for results.

Ray – With the time that's passed, asked if there would be further testing.

Engelbourg – We asked SBPF to have the lab keep the samples for any additional testing.

Carlson – Looked into Special Condition 28. If we reference back to November 15, 2019, we should have addressed this at that time. At that time, we were addressing other incomplete reports and when that enforcement was issued should also have sent an Enforcement Order (EO) recognizing they had missed the two reports required by Special Condition (SC-) 28.

Maroney – We asked that this issue be combined with the other EO, so it doesn't look like yet another EO is being issued. We don't think it fair to be dinged again. In our letter dated November 15, 2019, we admitted to three errors subject to enforcement action.

Carlson – We can't issue an amended EO. However, under Nr. 2 of the EO he explained that SC-28 should have been noted at the time of issuance. We can agree that it's most important to issue it out.

Engelbourg – For the process, he'd like Mr. Pucci to review this. Asked if we need to make a finding.

Carlson – Yes you can motion to make a finding based upon the EO. We'll get Mr. Pucci to help us.

Golding – Thinks separating them would be more descriptive than punitive.

Maroney – It makes it look like SBPF is making recurring errors rather than having missed a group of reports at the same time.

Carlson – The required Fall reports have been completed and received.

Golding – Opened to public comment.

Atherton – Her recollection that the reason for not finding a failure with SC-28 was because information was provided by Dwight Dunk that they were related ant it was the same thing. We raised that issue of that time. In

PROPOSED

our letter of December 3, 2019, we pointed out which reports were not related and included the text of SC-27 and SC-28, which relates to underwater video with a different time frame. Failure to meet monitoring reports constitutes a failure as stated in SC-34. Request they take formal action to find they did not meet the criteria of SC-28 which is a failure and issue an EO.

Carlson – He is asking the board to find they did not meet the Spring survey window for 2019.

Atherton – Asked if they are up-to-date.

Carlson – They completed the survey for Fall 2019 window and they are supposed be issuing those reports.

Atherton – SC-28 states the report is supposed to be issued within 30 days of completion of the survey.

Carlson – We will confirm that date and take up that issue at that time.

Engelbourg – It is important that we find that only SC-28 was not met. In SC-34, that is bathymetric off-shore monitoring.

Motion **Motion to Find that Special Condition 28 was not met for the Spring of 2019 related to the bathometric and under water survey.** (made by: Engelbourg) (seconded)

Vote Carried 5-0//Beale abstain

4. Reports:
   a. CRAC, Golding
   b. CPC, Topham
5. Commissioners Comment
   a. Topham – Noted that there seems to be more runoff than before coming from the car wash on Sparks Avenue.
      Carlson – They have filed an application for a collection system at the end of the driveway. There have been a couple of chemical-spill incidents filed with DEP; that culminated in the Fire Chief collecting the material and sending it to DEP. DEP reviewed and tested the material; they are working with the car wash.
   b. Engelbourg – Related to SBPF, he had requested a more in-depth discussion on the aerial survey. He doesn't know if it should be a separate agenda item or included with the annual review. There was an issue starting in 2016 & 2017, data was collected using two different surveying strategies: aerial photogrammetry and the second was Lidar.
      Carlson – He will make it a separate agenda item and compile and send out the information.
6. Administrator/Staff Reports
   a. The ratification for the authorization for moving 29 Sheep Pond Road needs to be signed.
   b. We've been informed by DEP to expect the SBPF superseding order. He's assuming that regardless of the decision the commission would like to discuss it with Mr. Pucci in Executive Session.

Adjourned at 8:01 p.m. by unanimous consent.

Submitted by:
Terry L. Norton

PROPOSED

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/20/20 Time: 8:48am Weather: Cloudy 24°F

General Site Conditions

Site was in good condition. Lower geotubes partially exposed along structure.

Length Of Exposed Geotube:

~ 600 feet.

Type & Quantity of Debris Removed/Action Taken

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris were collected during inspection.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/21/20 Time: 8:28am Weather: Sunny 27°F

General Site Conditions

Site was in good condition. Lower geotubes partially exposed along structure.

Length Of Exposed Geotube:

~ 600 feet.

Type & Quantity of Debris Removed/Action Taken

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris were collected during inspection.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/22/20 Time: 8:11am Weather: Sunny 32°F

General Site Conditions

Site was in good condition. Lower geotubes partially exposed along structure.

Length Of Exposed Geotube:

~ 540 feet.

Type & Quantity of Debris Removed/Action Taken

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris were collected during inspection.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/23/20 Time: 11:37am Weather: Sunny 42°F

General Site Conditions

Site was in good condition. Lower geotubes partially exposed along structure.

Length Of Exposed Geotube:

~ 500 feet.

Type & Quantity of Debris Removed/Action Taken

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

Collected several bricks. ~1 gallon

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/24/20 Time: 11:37am Weather: Sunny 42°F

General Site Conditions

Site was in good condition. Lower geotubes partially exposed along structure.

Length Of Exposed Geotube:

~ 500 feet.

Type & Quantity of Debris Removed/Action Taken

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris were collected during inspection.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/27/20 Time: 12:18pm Weather: Cloudy 42°F

General Site Conditions:

Site was in good condition. Lower geotubes partially exposed along the structure.

Length of Exposed Geotube:

~ 320 feet.

Type & Quantity of Debris Removed/Action Taken:

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

Collected several bricks. ~ 1 gallon.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/28/20 Time: 12:14pm Weather: Cloudy 39°F

General Site Conditions:

Site was in good condition. Lower geotubes partially exposed along the structure.

Length of Exposed Geotube:

~ 320 feet.

Type & Quantity of Debris Removed/Action Taken:

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

Collected several bricks. ~ 1 gallon.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/29/20 Time: 11:26 pm Weather: Cloudy 35°F

General Site Conditions:

Site was in good condition. Lower geotubes partially exposed along the structure.

Length of Exposed Geotube:

~ 300 feet.

Type & Quantity of Debris Removed/Action Taken:

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris was collected during this inspection

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/30/20 Time: 8:06 am Weather: Cloudy 33°F

General Site Conditions:

Site was in good condition. Lower geotubes partially exposed along the structure.

Length of Exposed Geotube:

~ 300 feet.

Type & Quantity of Debris Removed/Action Taken:

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris was collected during this inspection.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 01/31/20 Time: 7:59 am Weather: Sunny 28°F

General Site Conditions:

Site was in good condition. Lower geotubes partially exposed along the structure.

Length of Exposed Geotube:

~ 300 feet.

Type & Quantity of Debris Removed/Action Taken:

Fully inspected the structure from North to South. Drove and walked along the template and the ramps.

No debris was collected during this inspection.

Epsilon
ASSOCIATES INC.

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

ASSOCIATES

Richard M Lampeter, INCE
Geoff Starsiak, LEED AP BD+C
Marc Bergeron, PWS, CWS
Alyssa Jacobs, PWS
Holly Carlson Johnston
Brian Lever

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

978 897 7100
FAX 978 897 0099

Projects:\21597\

January 29,2020

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

Via U.S. Mail & Electronic Mail

Subject: DEP File No. SE48-2824

Dear Mr. Carlson:

On behalf of the Siasconest Beach Preservation Fund ("SBPF"), Epsilon Associates Inc. ("Epsilon") submits the attached copy of the contract to perform Shoreline Surveys for 2020.

Sincerely,
EPSILON ASSOCIATES, INC.

Dwight R. Dunk, LPD, PWS, BCES
Principal

encl.

cc: J. Posner, SBPF
M. Buck, WHG
S. Cohen, Cohen & Cohen Law, PC
G. Wood, Rubin & Rudman, LLC

WOODS HOLE GROUP FOR EARTH, FROM SPACE
A CLS COMPANY

WOODSHOLEGROUP.COM

PROPOSAL

DATE January 23, 2020 ~~2019~~

2000-0162

TO Josh Posner
Siasconset Beach Preservation Fund (SBPF)
32 Arlington Street
Cambridge, Ma 02140
Transmitted via email: jposner@risingtidellc.net
Cc: Helmut Weymar helmut@weymars.com
Dwight Dunk DDunk@epsilonassociates.com

FROM Robert Hamilton, Jr. & Mitchell Buck, P.E.
107 Waterhouse Road
Bourne, MA 02532
Main: (508) 495-8080
Desk: (508) 495-6229 / (508) 495-6210
Email: bhamilton@woodsholegroup.com / mbuck@woodsholegroup.com

Proposal for 2020 Quarterly Monitoring Program for Siasconset, Nantucket, MA

Dear Mr. Posner:

The Woods Hole Group is pleased to present this proposal to provide monitoring services related to the Siasconset Beach Preservation Fund's (SBPF) shore protection initiatives in the village of Siasconset, Nantucket Island, Massachusetts. Coastal Planning & Engineering, Inc. (CP&E) completed more than five-years of monitoring at Siasconset after Coastal Stabilization, Inc. (original license holder in US) installed beach dewatering systems in August 1994. Woods Hole Group has subsequently been conducting beach profile monitoring at Siasconset on SBPF's behalf beginning with the 23rd survey as shown in Figure 1. The most recent initiative includes an 852 foot long geotube system constructed between December 2013 and January 2014 to stabilize the bluff between profiles 90.9 and 91.9, and to provide protection for Baxter Road. Quarterly shoreline monitoring is required by the geotube project's Order of Conditions (OOCs) SE 48-2824, which includes beach profile surveying, shoreline change calculations, and providing data in a monitoring report. This proposal includes the scope of work and budget to provide SBPF with the 2020 quarterly monitoring services at Siasconset.

This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc.

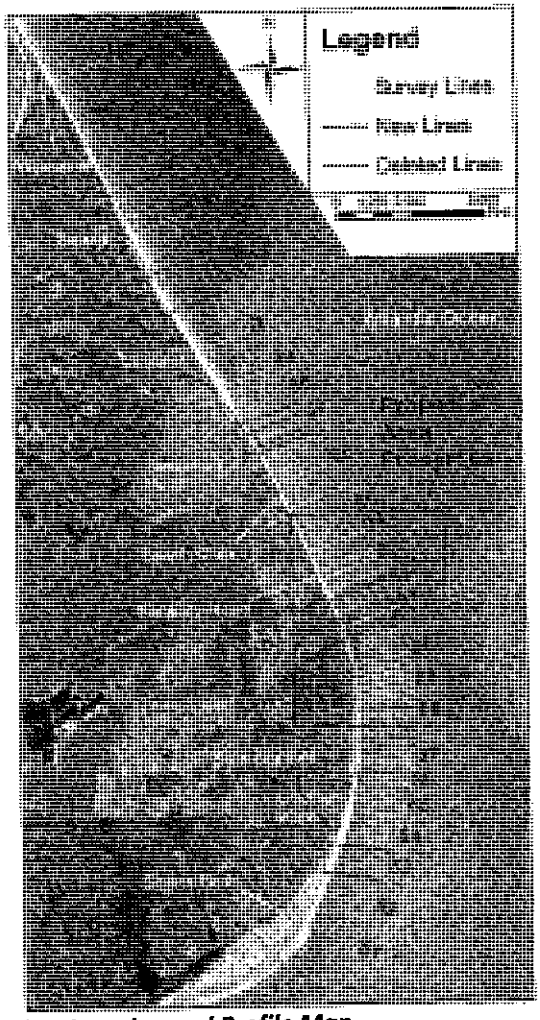


Figure 1. Project Location and Profile Map.

Scope of Work

The 2020 monitoring program is divided into four (4) quarterly monitoring periods each three (3) months long, and includes the winter first quarter survey (Q1), spring second quarter survey (Q2), summer third quarter survey (Q3), and fall fourth quarter survey (Q4). The quarterly surveys include the following scope:

- Quarterly topographic beach profile surveying will be conducted using a survey-grade Real Time Kinematic (RTK) GPS system. As per the OOCs, beach profiles should extend from the landward toe of the dune or top of bank seaward to the -5 ft MLW contour. Consistent with the past several surveys, the survey will extend to the water line. The slope of the beach profile will be

This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc.

extrapolated to -5 ft MLW using methodologies described in the 2002 Baseline Trends and 2016 Supplemental Analysis technical memorandums.

- While not a permit requirement, a drone-based LIDAR survey will be conducted in lieu of one of the quarterly topographic beach surveys, most likely either the spring or fall to be consistent with historic results. The advantage of the drone is it images and surveys the bluff face, where it is too difficult and dangerous for a ground based crew to survey. The beach profiles will then be extracted from the LIDAR data. This will also allow for accurate calculations of bluff volume change instead of simply interpolating the profile between the bluff toe and crest. It is assumed that Woods Hole Group will not be needed for field support during the drone survey, but if the need arises the scope and cost will be provided on time and materials basis.
- Bathymetric monitoring is required twice annually to extend the beach profiles offshore to a distance of 3,000 ft or the -35 ft MLW contour, whichever was reached first. It is anticipated that bathymetry monitoring will be conducted in the spring (Q2) and fall (Q4) quarters to be consistent with historic surveys. The bathymetric surveying will integrate a survey-grade Real Time Kinematic (RTK) GPS system with an echosounder using the software package HYPACK. It is assumed that Peter Kaizer of Althea K. Sportfishing will provide his services and vessel for this work and invoice SBPF directly.
- A monitoring report will be issued for each quarterly survey for a total of four (4) monitoring reports in 2020. Reports will document the data collection methods and results, as well as calculations of shoreline and beach volume change. Monitoring reports will be submitted within 30 days of completion of the field work.

Budget & Schedule

Based on the preceding scope of work and our experience with projects of this nature, the total cost for 2020 quarterly monitoring program for Siasconset is **$87,100** and a breakdown of the budget on a quarterly basis is provided in Table 1 below. The unit costs for each item are level with 2019. Survey frequency will be performed in accordance with OOC SE48-2824 Special Condition No. 27 ("SC 27") or as amended per SC 27. SBPF will be notified prior to conducting each quarterly survey, and the survey will only proceed after receiving approval from SBPF.

This budget was developed on the following assumptions. The drone survey scheduled for the Q2 Spring 2020 survey may be conducted during a later quarter depending upon needs and availability, and, in that event, the topographic beach profiling will be conducted in its place. Regardless of schedule, the scope includes three (3) topographic beach profiling surveys and one drone survey. The scope also includes two (2) bathymetric survey and four (4) reports. The drone survey does not include costs for Woods Hole Group to provide field support as AirShark indicated it is not needed. This assumes also that AirShark will successfully recover and reference local benchmarks. In the event Woods Hole Group services are needed, these services will be provided on a time & materials basis. The bathymetric survey costs do not include the costs to charter a vessel and captain as it is assumed that Peter Kaizer will provide his vessel and services and invoice SBPF separately. If Peter is unavailable, then quotes will need to be obtained from other licensed captains and/or companies. We are prepared to proceed with

This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc.

the above Scope of Work within three (3) business days of receipt of the signed "Acceptance and Authorization to Proceed" at the bottom of this document. Reports will be issued within 30 days of completion of field work.

Table 1. Scope and Budget for 2020 Monitoring Services at Siasconset, Nantucket, MA.

Monitoring Period	Timeframe	Task	Budget
Q1 - Winter 2020	January – March	Topographic Beach Profiling	$ 10,000
		Q1 Report	$ 4,200
Q2 - Spring 2020	April - June	Drone Survey Bluff/Beach	$20,500
		Bathymetric Surveying	$ 9,900
		Q2 Report	$ 4,200
Q3 – Summer 2020	July - September	Topographic Beach Profiling	$ 10,000
		Q3 Report	$ 4,200
Q4 – Fall 2020	October - December	Topographic Beach Profiling	$ 10,000
		Bathymetric Surveying	$9,900
		Q4 Report	$ 4,200
		Total 2020 Monitoring Budget	**$ 87,100**

This proposal was assembled under the guidelines for a Fixed Fee contract. Prior to the work being started, Woods Hole Group requires receipt of the signed and dated "Acceptance and Authorization to Proceed" form at the end of this proposal. Invoices for services rendered will be submitted monthly. Unless otherwise agreed to in writing, payment is due within 30 days following the date of our invoice. In the event of payments that are significantly or routinely late, Woods Hole Group retains the right to stop work until payment issues are redressed. In case of refusal to address payment issues, Woods Hole Group retains the right to use all appropriate legal measures to obtain rightful payment.

We appreciate the opportunity to present you with this proposal and continue to support the monitoring efforts at Siasconset. If there are any questions please contact either Bob Hamilton or Mitchell Buck.

Sincerely,

R. P. Hamilton

Robert P. Hamilton, Jr.
President & Coastal Engineer
The Woods Hole Group, Inc.

Mitchell Buck

Mitchell A. Buck, P.E.
Coastal Engineer
The Woods Hole Group, Inc.

This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc.

WOODS HOLE GROUP FOR EARTH, FROM SPACE
A CLS COMPANY

WOODSHOLEGROUP.COM

Acceptance and Authorization to Proceed:

"I authorize Woods Hole Group, Inc. to proceed with the above scope of work and budget of **$87,100** for the 2020 Siasconset monitoring program."

Siasconset Beach Preservation Fund — 1/23/2020

Client Name — **Date**

R.P. Hamilton — January 29, 2020

Woods Hole Group Representative — **Date**

107 Waterhouse Road, Bourne, MA 02532 USA
T: +1 508.540.8080 **F**: +1 508.540.1001

This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc.

WOODSHOLEGROUP.COM

January 27, 2020

Re: Southeast Nantucket Beach Monitoring Report for the 80th Survey from November 2019

Recipients of Nantucket Monitoring Report:

Please find enclosed the Southeast Nantucket Beach Monitoring Report for the 80th survey from November 2019 that was completed for the Siasconset Beach Preservation Fund (SBPF). This report documents methods and results for the 4th quarter of 2019 beach profile survey conducted by Woods Hole Group. The documents attached to this report include:

- Appendix A: Plots of the profile data (combined into one pdf)
- Appendix B: Electronic copy of the raw data referenced in the report (4 files).
- Appendix C: Revised shoreline and volume change tables from the 79th Monitoring Report (as explained further in the report).

If there are any questions or requirements for additional information, please feel free to contact me (508-495-6229) or Mitchell Buck, P.E. (508-495-6210).

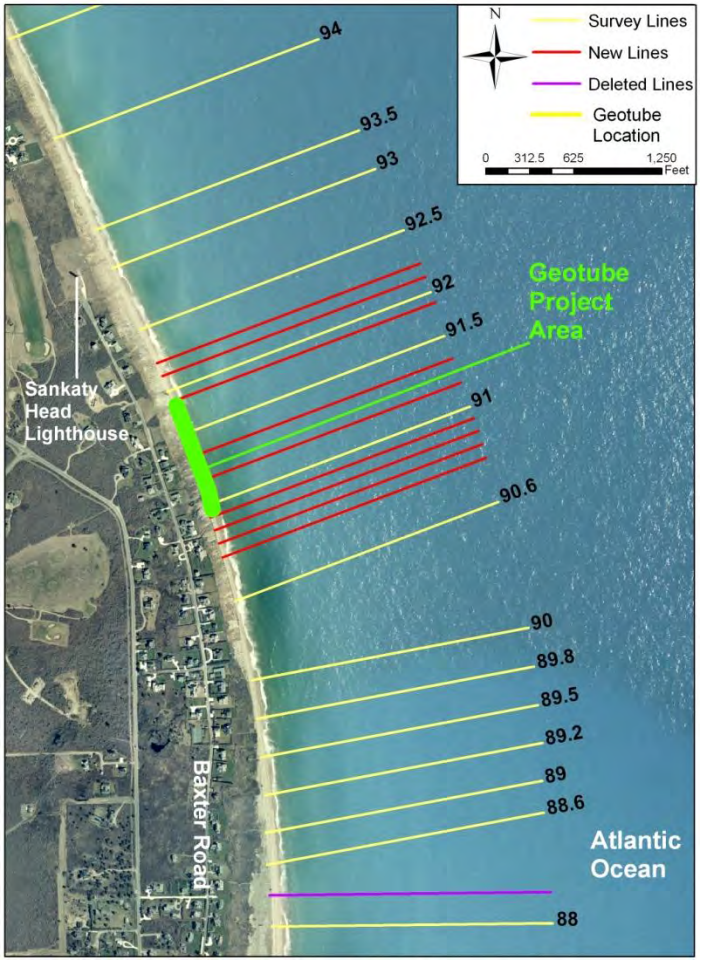
Sincerely,

Robert Hamilton
President
Woods Hole Group
A CLS Company
107 Waterhouse Road
Bourne, MA 02532

SOUTHEAST NANTUCKET BEACH MONITORING

November 2019

80th SURVEY REPORT



WOODS HOLE GROUP FOR EARTH, FROM SPACE
A CLS COMPANY

107 Waterhouse Road
Bourne, MA 02532

January 2020

Southeast Nantucket Beach Monitoring

November 2019

80th SURVEY REPORT

January 2020

Prepared for:
Siasconset Beach Preservation Fund
P.O. Box 2279
Nantucket, MA 02584

Prepared by:
Mitchell Buck, P.E. and Robert P. Hamilton, Jr.
Woods Hole Group
A CLS Company
107 Waterhouse Road
Bourne, MA 02532
(508) 540-8080

"This document contains confidential information that is proprietary to the Woods Hole Group, Inc. Neither the entire document nor any of the information contained therein should be disclosed or reproduced in whole or in part, beyond the intended purpose of this submission without the express written consent of the Woods Hole Group, Inc."

TABLE OF CONTENTS

1.0 INTRODUCTION 1

2.0 NOVEMBER 2019 SURVEY AND PROFILES 3

2.1 LAND-BASED SURVEY 3

2.2 BATHYMETRY SURVEY 6

3.0 RESULTS 7

3.1 VOLUME CALCULATIONS 7

3.1.1 November 1994 to December 2001 13

3.1.2 December 2001 to September 2013 13

3.1.3 September 2013 to November 2019 13

3.1.4 December 2018 to November 2019 14

3.1.5 September 2019 to November 2019 14

3.2 SHORELINE CHANGE ANALYSIS 14

3.2.1 November 1994 to November 2019 15

3.2.2 December 2001 to November 2019 15

3.2.3 September 2013 to November 2019 15

3.2.4 December 2018 to November 2019 15

3.2.5 September 2019 to November 2019 16

3.3 LONG-TERM TRENDS 19

3.4 WAVE AND WATER LEVEL CONDITIONS 28

4.0 SUMMARY 30

APPENDIX A – PROFILE PLOTS A-1

APPENDIX B – ELECTRONIC COPY OF RAW PROFILE DATA B-1

APPENDIX C – REVISED 79TH VOLUME AND SHORELINE CHANGE TABLES C-1

LIST OF FIGURES

Figure 1. Project Location and Profile Map 4

Figure 2. Profile for 90.6 and 91 indicating how the volume calculation region expanded for the March 2013 profiles. 9

Figure 3. Siasconset Geotube Project Area 10

Figure 4. MLW shoreline change from November 1994, December 2001, September 2013, December 2018, and September 2019 to November 2019. 18

Figure 5. Cumulative Shoreline Change (ft) at Profile 84 since November 1994. ... 20

Figure 6. Cumulative Shoreline Change (ft) at Profile 90 since November 1994. ... 21

Figure 7. Cumulative Shoreline Change (ft) at Profile 90.6 since November 1994. 22

Figure 8. Cumulative Shoreline Change (ft) at Profile 91 since November 1994. ... 23

Figure 9. Cumulative Shoreline Change (ft) at Profile 91.5 since November 1994. 24

Figure 10. Cumulative Shoreline Change (ft) at Profile 92 since November 1994. ... 25

Figure 11. Cumulative Shoreline Change (ft) at Profile 92.5 since November 1994. 26

Figure 12. Cumulative Shoreline Change (ft) at Profile 93 since November 1994. ... 27

Figure 13. Cumulative Shoreline Change (ft) at Profile S since November 1994. 28

Figure 14. Time series of wave heights (meters) at NDBC Station 44008 during the 80th Survey period. 29

LIST OF TABLES

Table 1. Profiles surveyed by date. 5

Table 2. Volume change per profile from Nov. 1994 - Dec. 2001, Dec. 2001 - Sept. 2013, and Sept. 2013 – , Dec. 2018 – , & Sept. 2019 – Nov. 2019. 12

Table 3. Shoreline changes from Nov. 1994, Dec. 2001, Sep. 2013, Dec. 18, and Sept. 2019 to Nov. 2019 (Distances seaward from benchmark to 0 ft MLW92 contour). 17

Table C-1. Revised Volume change per profile from Nov. 1994 - Dec. 2001, Dec. 2001 - Sep. 2013, & Sept. 2013 –, Sept 2018 –, & Dec. 2018 – Sept. 2019... ..... C-1

Table C-2. Revised Shoreline change per profile from Nov. 1994, Dec. 2001, Sep. 2013, Sept. 18, and Dec. 2018 to Sept. 2019 (Distances seaward from benchmark to 0 ft MLW92 contour). C-2

1.0 INTRODUCTION

Woods Hole Group, Inc. was contracted by the Siasconset Beach Preservation Fund (SBPF) to collect and analyze beach profile data supporting ongoing shoreline protection and monitoring efforts. This report summarizes the November 2019 topographic and bathymetric survey, which is the 80th survey conducted since 1994, and represents the fourth quarter of 2019 by the current permit requirement. Woods Hole Group prepared similar data reports beginning with the 23rd survey. Previously, Coastal Planning & Engineering, Inc. (CP&E) completed more than five-years of monitoring at Siasconset, Nantucket Island, including 22 surveys, after Coastal Stabilization, Inc. (original license holder in US) installed the original beach dewatering systems in August 1994 to mitigate beach erosion.

Surveys are required by the geotube project's Order of Conditions (SE 48-2824) and intended to monitor beach profile and shoreline change, and provide data to plan shore protection initiatives. One initiative includes an 852 foot long geotube system constructed between December 2013 and January 2014 to stabilize the bluff between profiles 90.9 and 91.9. The original geotube system consisted of three tiers of geotubes; a fourth tier was added between November and December 2015 extending the northern and southern ends of the project by 21 feet and 74 feet, respectively. Additional profiles were added to monitor the shoreline fronting and adjacent to the geotubes. Monitoring extends from the landward toe of the dune or top of bank seaward to the -5 ft MLW contour. When required, profiles are extrapolated to -5 ft MLW based on the method explained in Section 2.1. As explained in the 79th survey report, profiles from the previous survey (September 2019) were extracted from drone data. For the purposes of making comparisons to the most recent November 2019 80th survey, the September 2019 profiles were updated based on refined drone data provided by the drone subcontractor (see Section 3.1 for details).

Additionally, the quarterly monitoring program includes top of bank monitoring within the geotube project area and adjacent profiles 90-93. Bathymetric monitoring is required twice annually in the spring and fall quarters. Discussions are ongoing with the Nantucket Conservation Commission to optimize the monitoring program, including extent and frequency of beach profile and bathymetric. This report compares the recent November 2019 survey to previous data sets dating to 1994, and summarizes volume and shoreline change calculations for five time periods:

- November 1994 survey through December 2001 (pre-operational period prior to the dewatering system upgrade);
- December 2001 through September 2013 (post-dewatering system upgrade and pre-geotube installation period);
- September 2013 through November 2019 (post-geotube installation period);
- December 2018 through November 2019 (the last year); and

- September 2019 through November 2019 (since the last survey).

September 2013 is a baseline for comparisons of pre- and post-geotube installation periods. The report presents new beach profile data, and compares new beach profiles to previous data. Volume calculations and shoreline change analyses lend insight to erosion and accretion trends along the beach.

This report is presented in three sections plus two appendices.

- Section 2.0 provides specific information regarding the current November 2019 topographic survey as well as the corresponding beach profiles;
- Section 3.0 presents results of the volume and shoreline change calculations and wave conditions, including a subsection on long-term trends;
- Appendix A presents the plots of the profile data;
- Appendix B includes the electronic copy of raw profile data; and
- Appendix C provides updated 79th volume and shoreline change tables using the refined drone data.

2.0 NOVEMBER 2019 SURVEY AND PROFILES

2.1 LAND-BASED SURVEY

The topographic survey for the 80th beach survey of the monitoring area was conducted on November 19th to 20th, 2019 with profile locations shown on Figure 1. The horizontal datum for the project is the Massachusetts State Plane Coordinate System, Island Zone (1927) in units of feet. The vertical datum is mean low water (MLW) in units of feet originally set in 1934 and corrected with 1992 NOAA adjustments by Blackwell and Associates, Inc. (BAI) (referred to hereafter as MLW92). The conversion from MLW92 to NAVD88 is -1.88 feet. The survey data is site-calibrated to the MLW92 vertical datum using the following three (3) geodetic control points:

- Station #277, a capped rebar set inside the fence by Sankaty Lighthouse at the end of Baxter Rd (N 103,724.7035, E 346,893.4132, El=109.40 MLW92).
- Station #278, a capped rebar set outside the fence by Sankaty Lighthouse at the end of Baxter Rd (N 103,959.4018, E 346,817.3680, El=100.58 MLW92).
- U.S. Coast Guard Disk #1, a brass disk stamped with the date 1961 located across the street from the entrance to the U.S.C.G. family housing near the former Loran tower at Low Beach (N 92,601.73, E 344,906.23, El=13.50 MLW92).

Profile data for the 80th survey was based on RTK GPS data collected along the beach, dune and/or bank. At each profile, the surveyor navigates to previously established (but unmarked) beach monitoring benchmarks using the real-time horizontal positioning to "steer to" the coordinates of the benchmark without having to recover and reoccupy the monuments. Once the benchmark is surveyed, the surveyor then collects survey data by walking perpendicular to the bank/bluff to the limit of wave runup to capture survey data along the beach and bank/dune. The 78th survey was conducted with land based RTK GPS survey measurements without wading shots. The profile data were then extrapolated to -5 ft-MLW using methodologies described in the 2002 Baseline Trends and 2016 Supplemental Analysis technical memorandums. A 1V:7H constant-slope extrapolation produced close agreement with historical profiles. Depending upon the method utilized and depths reached for future surveys, considering combined weather, tide, daylight, safety (e.g., surf conditions as well as shark/seal activity), and cost considerations, a linear or constant slope extrapolation method may be applied.

Table 1 lists the profiles in the monitoring program surveyed for the November 1994, December 2001, September 2013, December 2018, September 2019, and November 2019 surveys. As further explained in Section 3, ongoing erosion required surveys of certain profiles to extend landward of earlier 1994 and 2001 profile baselines, providing data for more informative volume calculations when comparing between the most recent data sets. The “Distance” column in Table 1 represents the landward distance from the original benchmarks where volume calculations were possible between the

two most recent surveys. The September 2012 survey (not shown) established a new landward baseline for comparison at certain profiles. Red numbers represent beach profiles where volume change was calculated farther landward than for surveys before September 2012.

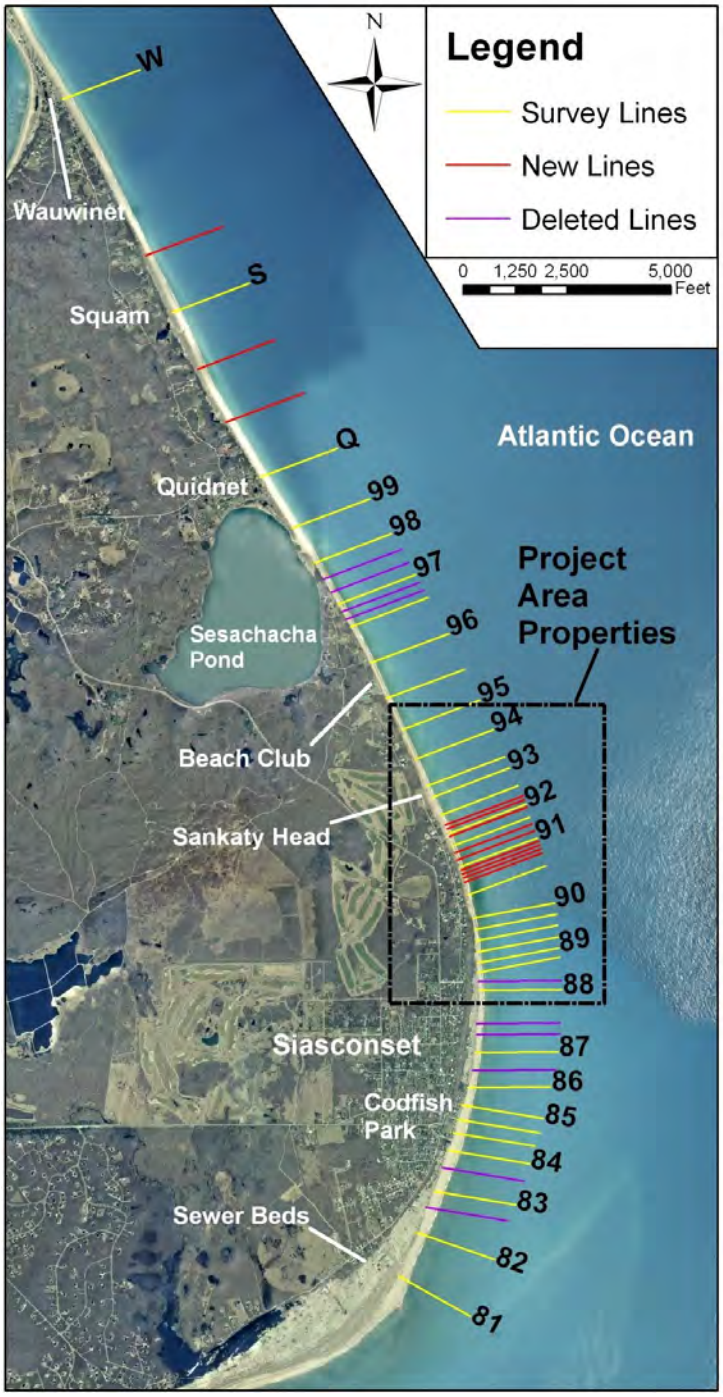


Figure 1. Project Location and Profile Map

Table 1. Profiles surveyed by date.

PROFILE NAME	Baseline Distance[2] (ft)	SURVEY DATE					
		Nov-94	Dec-01	Sep-13	Dec-18	Sept-19	Dec-19
81	-200	✓	✓	✓	✓	✓	✓
82	-70	✓	✓	✓	✓	✓	✓
83	-20	✓	✓	✓	✓	✓	✓
84	-20	✓	✓	✓	✓	✓	✓
84.3	0	✓	✓	✓	✓	✓	✓
84.6	0	✓	✓	✓	✓	✓	✓
85	0	✓	✓	✓	✓	✓	✓
86	-30	✓	✓	✓	✓	✓	✓
87	-75	✓	✓	✓	✓	✓	✓
88	-130	✓	✓	✓	✓	✓	✓
88.6	-110	✓	✓	✓	✓	✓	✓
89	-167	✓	✓	✓	✓	✓	✓
89.2	-98	✓	✓	✓	✓	✓	✓
89.5	-89	✓	✓	✓	✓	✓	✓
89.8	-72	✓	✓	✓	✓	✓	✓
90	-102	✓	✓	✓	✓	✓	✓
90.6	-59	✓	✓	✓	✓	✓	✓
90.8[1]	NS	NS	NS	NS	✓	✓	✓
90.85[1]	NS	NS	NS	NS	✓	✓	✓
90.9[1]	NS	NS	NS	NS	✓	✓	✓
90.95[1]	NS	NS	NS	NS	✓	✓	✓
91	-111	✓	✓	✓	✓	✓	✓
91.2[1]	NS	NS	NS	NS	✓	✓	✓
91.35[1]	NS	NS	NS	NS	✓	✓	✓
91.5	-72	✓	✓	✓	✓	✓	✓
91.9[1]	NS	NS	NS	NS	✓	✓	✓
92	-68	✓	✓	✓	✓	✓	✓
92.1[1]	NS	NS	NS	NS	✓	✓	✓
92.2[1]	NS	NS	NS	NS	✓	✓	✓
92.5	-53	✓	✓	✓	✓	✓	✓
93	-26	✓	✓	✓	✓	✓	✓
93.5	-50	✓	✓	✓	✓	✓	✓
94	-52	✓	✓	✓	✓	✓	✓
95	-54	✓	✓	✓	✓	✓	✓
95.5	-56	✓	✓	✓	✓	✓	✓
96	-33	✓	✓	✓	✓	✓	✓
96.5	-19	✓	✓	✓	✓	✓	✓
97	-11	✓	✓	✓	✓	✓	✓
98	0	✓	✓	✓	✓	✓	✓
99	0	✓	✓	✓	✓	✓	✓
Q	-24	✓	✓	✓	✓	✓	✓
Q1[1]	NS	NS	NS	NS	✓	✓	✓
Q2[1]	NS	NS	NS	NS	✓	✓	✓
S	0	✓	✓	✓	✓	✓	✓
S1[1]	NS	NS	NS	NS	✓	✓	✓
W	-30	✓	✓	✓	✓	✓	✓

SHADING indicates the geotube project area

Note that historical profiles 82.6, 83.5, 86.5, 87.4, 87.5, 88.3, 96.7, 96.9, 97.6, and 97.3 and the September 2013 profiles 89.3, 89.4, 89.6, 92.8, 92.9, 93.2, and 93.8 were removed in April 2014 from the monitoring program and therefore were not surveyed.

NS = Not Surveyed; RED NUMBER = profile using updated volume calculation windows;

1 = Profile added in April 2014; 2 = Distance is landward extent of the profile used for volume calculations.

2.2 BATHYMETRY SURVEY

Woods Hole Group performed an offshore bathymetric survey on November 25th to 26th, 2019 for the entire monitoring area, Profiles 81 through W. Each bathymetric profile extended from the surf zone to either a distance of 3,000 ft offshore or –35 ft MLW92, whichever was reached first. For this current survey, bathymetric profiles extended to at least the –35 ft MLW92 isobath at corresponding distances of between 1,879 and 6,343-ft offshore.

At least two target points were established to define the extent of each offshore profile: the land-based profile benchmark; and a point 3,000 ft offshore along the azimuth line. Data were collected along 46 profile lines perpendicular to shore. Bathymetry data were reduced and used to supplement the land-based data. The geodetic control points utilized for the land-based RTK GPS surveying were also used for the bathymetric surveying control. The bathymetric survey data are, therefore, referenced to the same horizontal and vertical datums as the land-based survey data. The following equipment was utilized for the survey:

- Teledyne Odom Echosounder with a single frequency 200 kHz beam
- Trimble R8 RTK GPS
- HYPACK, Inc. HYPACK® hydrographic surveying software

The echosounder transducer was mounted on an aluminum pole off the port side of the boat. The draft (depth below static waterline) of the transducer was measured while the survey vessel was moored at the dock under quiescent conditions. The draft constants were input in HYPACK® to account for the depth of the transducer below the water. Therefore, the depth measurements output from the echosounder were absolute values to the water surface. The mounting configuration facilitated collection of data in the shallow surf zone, as the vessel navigated pre-determined track lines beginning offshore and ending onshore. By carefully “nosing” the vessel toward the beach, depth measurements could be taken in shallow water whilst the vessel maintained adequate clearance at the stern to prevent the engine propellers and hull from running aground. A depth of approximately 5 ft was used as a threshold for stopping the vessel, and at which point the vessel would begin to back away from the beach to avoid grounding. Depending on wave conditions, the depth measurements made closest to the beach were between 5 and 10 ft, which are extremely close to the shoreline given the steep beach profile. The performance of the echosounder was checked by conducting a “bar check”. A bar check is accomplished by placing a flat metal bar on the bottom underneath the echosounder in shallow water. The distance from the bar to the water surface is measured using a measuring stick and compared with the output from the echosounder.

Geodetic positioning and real-time tide corrections were accomplished using the Trimble R8 RTK GPS®. This GPS equipment provides Real Time Kinematic (RTK) GPS

measurements with horizontal and vertical precisions of ± 2cm. This is possible because the elevation of the antenna is known to within 2cm and depth measurements are synchronized with the exact position of the GPS antenna when the depth measurement is made. The RTK GPS system is comprised of a roving GPS receiver (rover) installed on the vessel and integrated with the echosounder through HYPACK®. The RTK GPS system operates by receiving position corrections in real time from the Leica SmartNet Virtual Reference Station (VRS) network over the cellular data network. The rover receives satellite data directly from the satellites via its own GPS antenna. The rover processes the two sets of data to resolve the ambiguity, and obtain an accurate position relative to the base station.

The distance between the Rover GPS antenna and the static water line was measured and input to HYPACK® as the correction constant required for tide correction and heave compensation. As the distance between the seabed and the echosounder transducer changes, and the height of the Rover antenna above the water line changes (due to tidal fluctuations and wave oscillations), this dynamic vertical motion is tracked and output from the GPS to the HYPACK® survey software at a rate of 5 Hz or 300 times per minute. The survey software was configured with an update frequency of 50 milliseconds for both the echosounder and the GPS. The software receives position (horizontal and vertical) and depth information, and concatenates this information 20 times per second.

The bathymetric profile data were post-processed using HYPACK® to remove spurious points. Ten-second averaging of the GPS antenna's dynamic vertical motion, used to compensate for fluctuations in both tides and heave, was implemented during the first step of data merging within the software. The data was filtered for spurious points, and interpolated across the deleted point(s).

3.0 RESULTS

3.1 VOLUME CALCULATIONS

Volume calculations were performed using the MATLAB software package, and are presented in this report for these time periods:

- November 1994 to December 2001 (the dewatering system pre-operational period);
- December 2001 to September 2013 (the pre-geotube installation period);
- September 2013 to November 2019 (the post-geotube installation period);
- December 2018 to November 2019 (the last year); and
- September 2019 to November 2019 (the duration since the last survey).

These surveys characterize volume change in the profile from the seaward position of the –5 ft isobath, landward to the toe of the dune or bank (Xon). Volume calculations were computed from a landward limit ("baseline distance"), as specified in Table 1, to

an offshore depth of –5 ft MLW. This baseline distance location was determined based on the toe of bank locations from the December 2001 pre-operational survey (where applicable) or as far back as data were available for comparison with other surveys. Specific profiles were also translated horizontally to account for movement of the benchmarks over time as the beach eroded in certain places (i.e., the 0 point in the field is the stake location, which had changed). Some of these translations are cumulative since December 2001, as five benchmarks were relocated between December 2002 and March 2003 (profiles 81, 87.5, 88.3, 91, and 93), documented in the 32nd report. A different set of baseline distances was specified for comparisons with November 1994, since surveys at that time did not extend landward of the benchmarks (original baseline). For profiles 91 and 91.5, the baseline distance was modified from 0 ft to -20 ft because the ground survey in December 2001 did not extend landward beyond the toe of dune.

Progressive erosion of the profiles since 2001 resulted in a scenario where the active portion of certain profiles retreated landward of the baseline distance within which original volume calculations were made. Figure 2 shows an example for profiles 90.6 and 91; the vertical dashed lines indicate the region where volume calculations were made. Prior to 2001, the "Old" area shown in Figure 2 represented the active profile; however, prevailing erosion produced a scenario where the "Old" baseline distance did not represent the overall profile change, since a significant portion of the active berm extends landward of the "Old" baseline distance. For instance, volume change calculations for several profiles known to have eroded substantially would result in a positive volume change, incorrectly indicating accretion if limited within the "Old" baseline distance. This trend exists for other profiles, but is not consistent across all profiles. To better characterize recent beach change, a new method was established in 2013 whereby volume calculations were extended landward as needed to more accurately represent beach volume change starting in March 2013 (using the September 2013 as the new baseline). The seaward limit of -5ft MLW isobath was maintained, while the landward limit of the profile was extended as far landward as practical to compare recent profiles ("New" distance shown by Figure 2). The adjusted profiles are highlighted red in column two of Table 1. The new results are not directly comparable to calculations made for prior time periods in previous reports, but more accurately represent recent dynamic beach response.

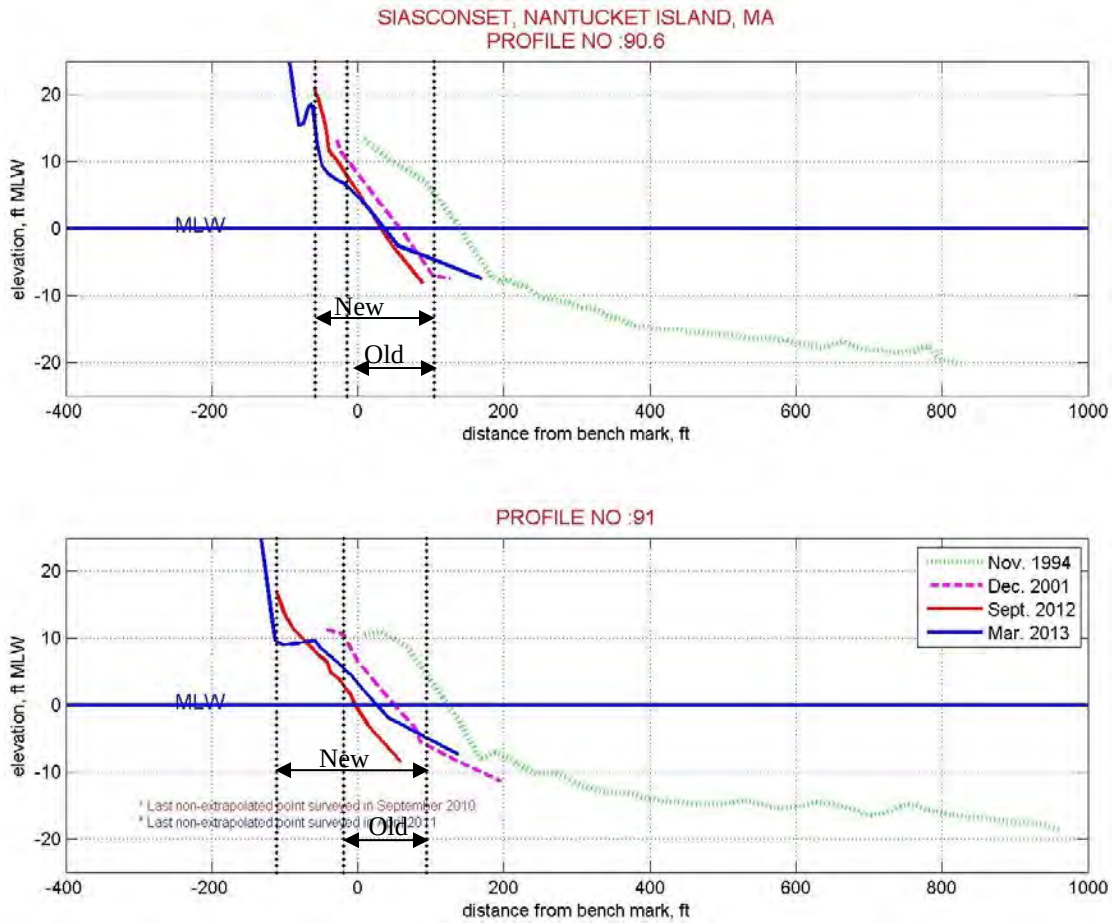


Figure 2. Profile for 90.6 and 91 indicating how the volume calculation region expanded for the March 2013 profiles.

Volume and shoreline change were calculated for the profiles in the entire monitoring area (profiles 81 to W). Since the dewatering system is no longer performing, the definition of the project area has been modified to indicate the boundaries of the geotube monitoring area between profiles 88 and 94, and the actual geotube project area with a footprint between profiles 90.9 and 91.9, as shown in Figure 3.

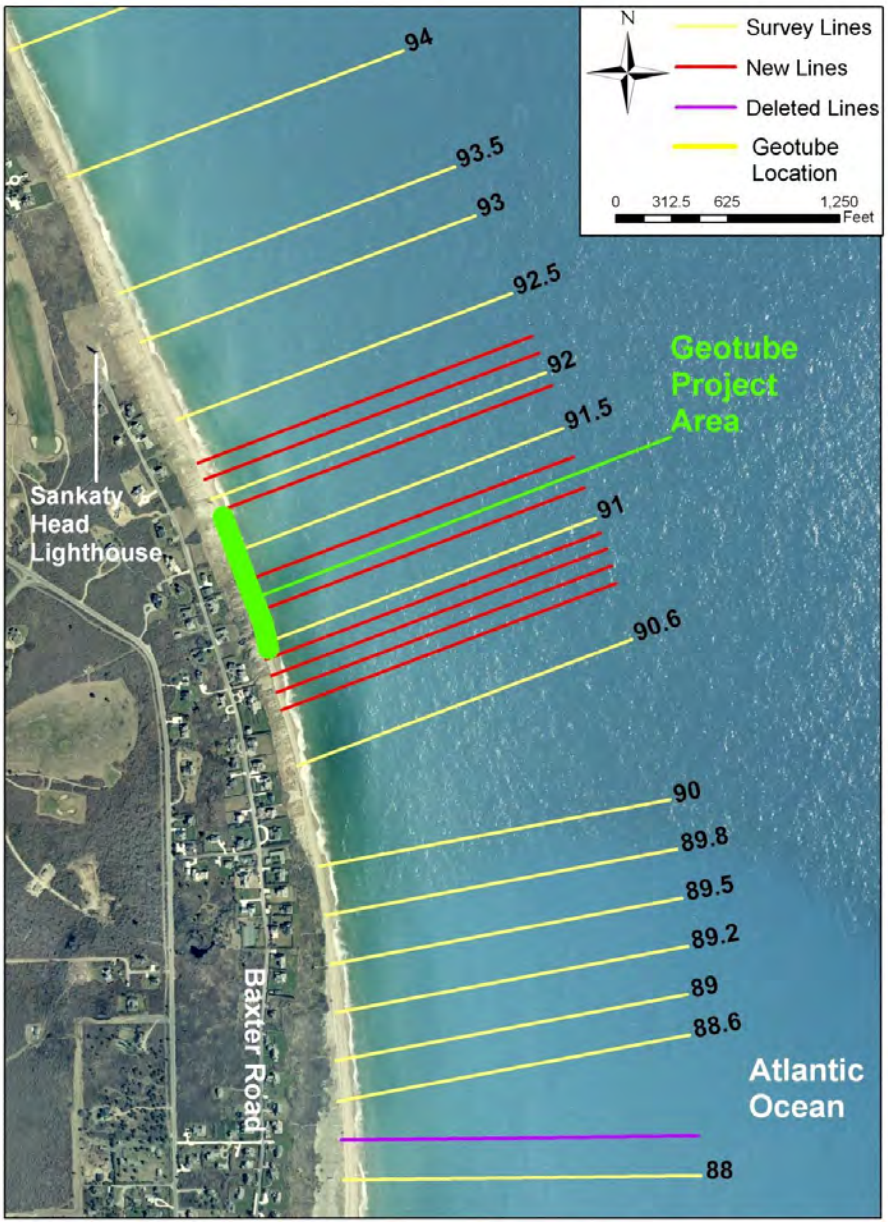


Figure 3. Siasconset Geotube Project Area

During the course of writing this current monitoring report, it was discovered that there was a horizontal datum shift error on the order of 1 meter in the prior 79th survey data set that was collected by drone based aerial LIDAR. The datum shift error was subsequentially corrected by the drone subcontractor, who produced a refined data set that is utilized in this report. To incorporate the refined drone data, the September 2019 profiles were re-extracted from the refined drone data set, and the volume and shoreline change calculations for the September 2019 survey were updated. The differences in the shoreline and beach volume change calculations for the original versus the revised profiles were small on average, 0.4 feet and 0.5 cubic yards per foot (cy/ft), respectively. Calculations from these refined drone data results do not change

trends or conclusions drawn from the prior 79th report. Nonetheless, the refined September 2019 profiles and associated calculations will be used moving forward in future reports. A refined data file including September 2019 profile data is included with the Electronic Data Deliverables (EDDs) in Appendix B, while the updated beach volume and shoreline change tables from the 79th report were updated and included in Appendix C of this report.

Table 2 lists the volume change for each profile for each time period. Volume calculations for the twelve (12) profiles (indicated in Figure 3 as "New Lines") were only calculated for the most recent periods since the profiles were added in April 2014. Results are summarized below.

Table 2. Volume change per profile from Nov. 1994 - Dec. 2001, Dec. 2001 - Sept. 2013, and Sept. 2013 – , Dec. 2018 – , & Sept. 2019 – Nov. 2019.

PROFILE	VOLUME CHANGE PER PROFILE				
	Nov-94 to Dec-01 (cy/ft)	Dec-01 to Sept-13 (cy/ft)	Sep-13 to Nov-19 (cy/ft)	Dec-18 to Nov-19 (cy/ft)	Sept-19 to Nov-19 (cy/ft)
81	-69	13.6	-21.3	-18.1	1.9
82	-31.7	31.6	-21.3	-13.3	-7.5
83	47.7	25.5	-29.4	-13.1	-10.7
84	11.8	54.4	-2.5	-7.5	-11.6
84.3	14.1	36.6	3.6	-12.8	-15.2
84.6	36.4	4.5	2.2	-11.6	-14.4
85	39.4	-23.5	0.0	-6.7	-12.0
86	4.0	-20.5	-11.4	-0.5	-11.7
87	-56	-22.3	-16.3	2.1	-12.2
88	-41.5	-50	8.8	2.9	-17.4
88.6	-48.8	-33.5	-5.6	6.3	-19.0
89	-55.5	-18.9	-8.0	-0.1	-17.5
89.2	-60.7	-17.8	-5.5	2.2	-13.1
89.5	-65.2	-13.7	-2.8	1.4	-9.5
89.8	-67.9	-9.5	-6.2	2.3	-11.9
90	-61.5	-7.3	0.9	4.3	-8.1
90.6	-51.6	-8.7	-2.5	1.3	-5.1
90.8	N/A	N/A	N/A	-3.2	-7.1
90.85	N/A	N/A	N/A	-4.4	-5.4
90.9	N/A	N/A	N/A	-4.5	-4.1
90.95	N/A	N/A	N/A	-0.8	-1.2
91	-42	-14.1	19.7	-0.5	-1.0
91.2	N/A	N/A	N/A	-3.8	-1.8
91.35	N/A	N/A	N/A	0.4	-1.2
91.5	-21.1	-24.6	18.1	2.0	-2.4
91.9	N/A	N/A	N/A	1.7	-1.0
92	-12.5	-13.7	-10.1	-3.2	0.7
92.1	N/A	N/A	N/A	-2.1	2.1
92.2	N/A	N/A	N/A	-1.4	0.7
92.5	-21.1	-0.8	-14.4	-4.1	-7.3
93	-30.9	2.4	-13.6	-3.9	-11.0
93.5	-35.7	5.5	-15.9	-5.4	-13.6
94	-25.9	-4.5	-13.0	-0.3	-4.0
95	-25.3	-12.9	-18.7	-3.0	-5.4
95.5	-33.2	-22.3	-22.8	-4.5	-5.4
96	-6.2	-16.9	-20.0	-1.0	-4.0
96.5	-1.9	-2.4	-22.8	-2.4	-5.8
97	-7.2	18.3	-18.2	-3.7	-9.2
98	-0.3	12.7	-12.0	-0.4	-6.1
99	-1.9	19.7	-9.8	-1.9	-8.7
Q	6.7	-5	-12.0	2.9	-4.0
Q1	N/A	N/A	N/A	2.6	-2.1
Q2	N/A	N/A	N/A	-0.8	-1.9
S	21.4	14.9	-8.0	-0.2	-4.5
S1	N/A	N/A	N/A	-0.6	-0.9
W	16.5	13	-0.6	0.8	-6.7

(+ Accretion, - Erosion) (N/A: Not Available) SHADING indicates the geotube project area

3.1.1 November 1994 to December 2001

This period, traditionally known as the dewatering system pre-operational period, is included for historical consistency, and extends from the earliest dewatering system pre-construction survey to the December 2001 survey before the (now not operating) dewatering system upgrade.

- The central portion of the monitoring area eroded (profile lines from 87 through 99), from just north of Codfish Park to Sesachacha Pond. Maximum erosion was focused between profiles 87 and 91, where total erosion since 1994 exceeded -42 cy/ft; with a maximum of -68 cy/ft of erosion at profile 89.8.
- The southern profiles, characterized by profiles 83 through 86, accreted with the exception of the southern-most profiles 81 and 82. Maximum accretion exceeded 47 cy/ft at profile 83.
- The beach was relatively stable and accreting from profiles Q through W.

3.1.2 December 2001 to September 2013

This period, also reported for historical context and consistency, extends from the activation of the upgraded dewatering system through the last survey prior to geotube installation (September 2013).

The monitoring area performed as follows:

- The southern portion of the monitoring area, from profile 81 through profile 84.6, gained sediment over the 12 years.
- Maximum accretion occurred at profile 84, where more than 54 cy/ft of sediment accumulated in the 12 years.
- The central portion of the study area, between profiles 85 through 92.5 eroded.
- Maximum erosion of -50 cy/ft occurred at profile 88.
- In the northern reach, beach volume was stable or accreted from profile 97 to W except profile Q (between ~12 to 19 cy/ft of accretion).

3.1.3 September 2013 to November 2019

This period spans the time since the installation of the geotubes; September 2013 has been established as a baseline survey. Note in September 2013, only 34 of the current 46 profiles were included in the monitoring program and can be used for comparison. Table 2 presents the results.

The monitoring area performed as follows:

- Of the 34 profiles surveyed in the monitoring area, erosion was the dominant trend since the geotubes were installed, with 28 profiles eroding, and 6 profiles accreting or remaining constant.

- Maximum erosion occurred at profile 83, which eroded over -29.4 cy/ft and maximum accretion of over 19.7 cy/ft occurred at profile 91, since the geotubes were installed.
- Profiles 91 and 91.5 in the geotube project area accreted 19.7 and 18.1 cy/ft, respectively, since the geotubes were installed.

3.1.4 December 2018 to November 2019

This period spans the duration since the last annual survey in December 2018. Table 2 presents the results.

The monitoring area performed as follows:

- Of the 46 profiles surveyed in the monitoring area, erosion was the dominant trend with 32 profiles eroding and 14 profiles accreting since the last annual survey.
- Maximum erosion in the monitoring area was –18.1 cy/ft at profile 81 and maximum accretion in the monitoring area exceeded 6.3 cy/ft at profile 88.6.
- The southern half geotube project area, 90.95 to 91.2, eroded between -0.5 and -3.8 cy/ft.
- The northern half of the geotube project area, 91.35 to 91.9 accreted between 0.4 and 2.0 cy/ft.

3.1.5 September 2019 to November 2019

This period spans the duration since the last survey in September 2019. Table 2 presents the results.

The monitoring area performed as follows:

- Of the 46 profiles surveyed in the monitoring area, erosion was the dominant trend with 42 profiles eroding and 4 profiles accreting since the last survey.
- Maximum erosion occurred of -19 cy/ft occurred at profile 88.6, and maximum accretion of 2.6 cy/ft was at profile 92.1.
- Within the geotube project area, 90.95 to 91.9 eroded between -1.0 and -2.4 cy/ft.

3.2 SHORELINE CHANGE ANALYSIS

Woods Hole Group evaluated shoreline change (retreat or advance of the mean low water line) to provide insight regarding beach response in the project vicinity. This section provides a comparison of shoreline changes in the monitoring area since November 1994 for the five (5) periods under investigation. Note for the November 1994 through September 2013 surveys, only 34 of the current 46 profiles were established at the time and can be used for comparison. Shoreline distances were measured from the baseline horizontally to the 0 ft MLW92 contour level for consistent

comparison with prior reports. Table 3 lists shoreline change by profile for the surveys. Figure 4 graphically illustrates shoreline change.

Results can be summarized as follows:

3.2.1 November 1994 to November 2019

- Overall, shoreline retreat was the dominant trend with 26 profiles retreating and 8 profiles advancing since November 1994.
- In terms of spatial variability, the shoreline retreated substantially in the extreme southern limit of the monitoring area, advanced in the adjacent portion of the monitoring area at Codfish Park (profiles 83 to 85), retreated at profiles 86 – 98, and finally accreted at profiles 99 to W (except Q) since the surveys began in 1994.
- Maximum shoreline advance occurred between profiles 83 and 85, where the shoreline advanced more than 103 ft at profile 84.
- Maximum shoreline retreat occurred at profile 81, where the shoreline retreated more than -241 ft, showing spatial variability in shoreline change trends.

3.2.2 December 2001 to November 2019

- Since December 2001, shoreline retreat again has been the dominant trend with 27 profiles retreating and 7 profiles advancing since December 2001.
- In terms of spatial variability, the shoreline between profiles 81 and 83 retreated, profiles between 84 and 84.6 in Codfish Park advanced, while the shoreline from 85 – 96.5 retreated. North of profile 96.5, the northern profiles primarily advanced except profiles 98 and Q.
- Maximum shoreline advance of 84.5 ft occurred at profile 84.
- Maximum shoreline retreat occurred at profile 81, with -112.9 ft.

3.2.3 September 2013 to November 2019

- Shoreline retreat has been the common trend since the September 2013 survey with 30 profiles retreating and 4 profiles advancing. In September 2013, only 34 of the current 46 profiles were included in the monitoring program and can be used for comparison.
- The maximum shoreline advance was 10 ft at profile 88.
- The maximum shoreline retreat was -127.1 ft at profile 81, showing spatial variability.
- The two profiles surveyed in the geotube project area (91 and 91.5) have retreated -23.5 ft and -26.0 ft, respectively, since the geotubes were installed.

3.2.4 December 2018 to November 2019

- Shoreline retreat was the dominant trend over the past year since December 2018 with 36 profiles retreating and 10 profiles advancing.

- Shoreline advance was focused in the southern extent of the study area between profiles 86 and 90, as well as profile Q. Maximum advance was 12.4 ft at profile 87.
- Retreat occurred throughout the rest of the monitoring area over the past year with a maximum shoreline retreat of -93.5 ft at profile 81.
- The six profiles in the geotube project area retreated between -5.6 and -14.3 ft during the last year.

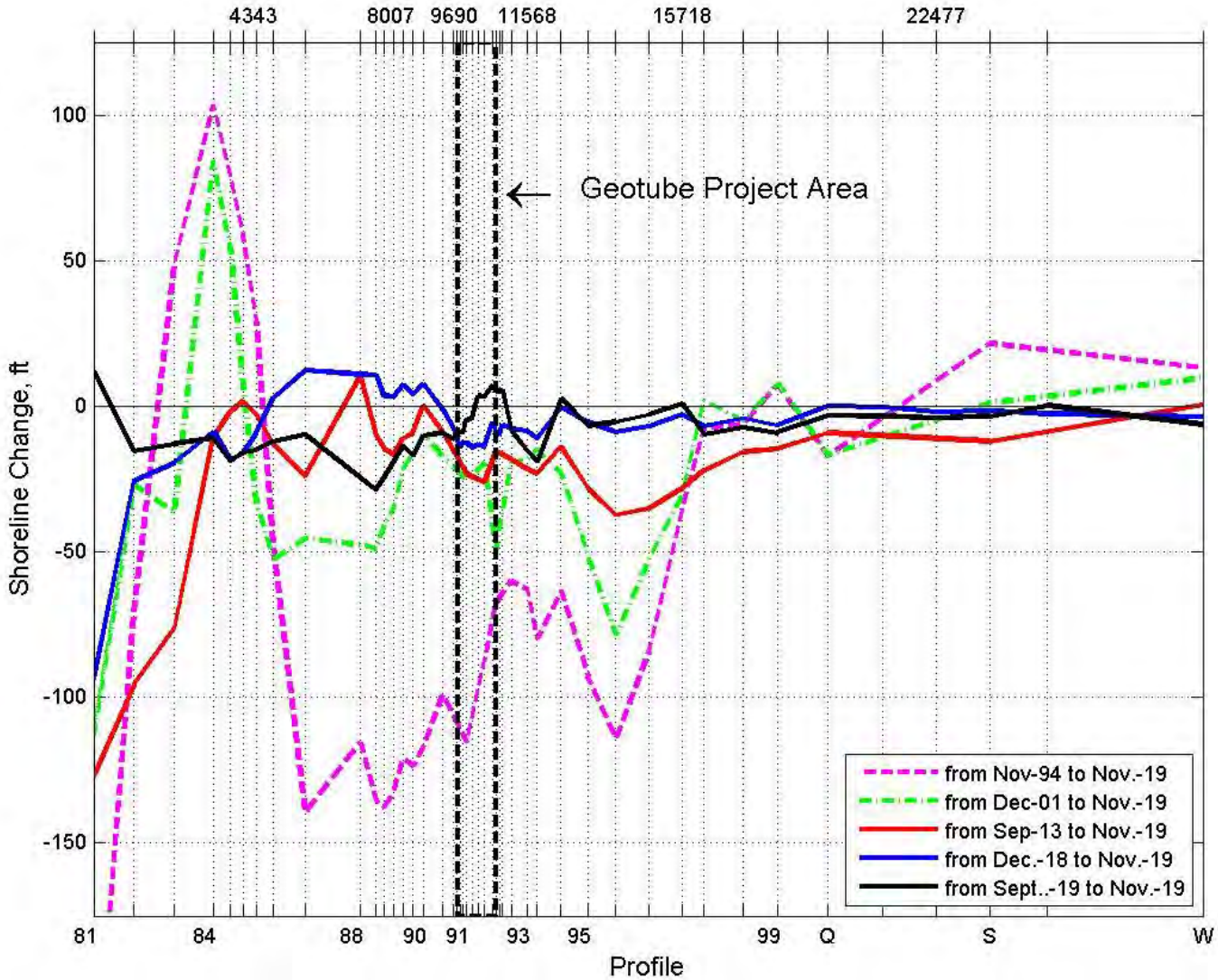
3.2.5 September 2019 to November 2019

- Of the 46 profiles surveyed in the monitoring area, shoreline retreat was more common with 36 profiles retreating and 10 profiles advancing since the last quarterly survey in September 2019.
- Maximum shoreline advance in the past three months occurred at profile 81, advancing 12.1 ft.
- Maximum shoreline retreat in the past three months occurred at profile 88.6, retreating -28.8 ft.
- Four of the six profiles in the geotube project area retreated between -1.6 and -8.8 ft during the last 3 months. Profiles 91.35 and 91.5 advanced 0.1 and 5.8 ft, respectively.
- The southern half of the geotube project area, 90.95 to 91.2, eroded between -3.9 and -9.2 cy/ft, while the northern half of the geotube project area, 91.35 to 91.9 accreted between 3.5 and 7.3 cy/ft.

Table 3. Shoreline changes from Nov. 1994, Dec. 2001, Sep. 2013, Dec. 18, and Sept. 2019 to Nov. 2019 (Distances seaward from benchmark to 0 ft MLW92 contour).

PROFILE	SHORELINE CHANGE PER PROFILE				
	Nov-94 to Nov-19 (ft)	Dec-01 to Dec Nov-19 (ft)	Sep-13 to Nov-19 (ft)	Dec-18 to Nov-19 (ft)	Sept-19 to Nov-19 (ft)
81	-241.6	-112.9	-127.1	-93.5	12.1
82	-70.8	-27.0	-95.6	-25.7	-15.4
83	48.7	-36.4	-76.4	-19.5	-12.9
84	103.5	84.5	-10.6	-8.7	-11.0
84.3	79.0	55.2	-2.0	-18.5	-19.0
84.6	58.8	6.6	1.7	-16.1	-16.0
85	29.1	-33.2	-2.9	-9.3	-15.2
86	-47.5	-52.8	-13.0	2.7	-12.3
87	-139.8	-45.5	-24.0	12.4	-9.8
88	-115.6	-47.6	10.0	10.8	-24.4
88.6	-135.2	-49.0	-10.1	10.8	-28.8
89	-137.8	-41.5	-14.6	3.6	-24.6
89.2	-133.0	-34.7	-16.7	3.4	-19.3
89.5	-120.9	-21.5	-11.1	7.5	-13.7
89.8	-123.6	-16.5	-9.4	4.0	-16.8
90	-117.4	-9.6	0.2	7.7	-10.1
90.6	-99.0	-17.1	-8.9	-1.3	-9.2
90.8	N/A	N/A	N/A	-7.6	-11.3
90.85	N/A	N/A	N/A	-11.8	-9.4
90.9	N/A	N/A	N/A	-13.9	-8.5
90.95	N/A	N/A	N/A	-12.4	-9.2
91	-115.2	-25.3	-23.5	-12.6	-4.8
91.2	N/A	N/A	N/A	-14.3	-3.9
91.35	N/A	N/A	N/A	-13.0	3.5
91.5	-86.8	-19.5	-26.0	-14.2	3.4
91.9	N/A	N/A	N/A	-5.6	7.3
92	-67.4	-49.1	-15.6	-8.7	5.1
92.1	N/A	N/A	N/A	-10.0	5.2
92.2	N/A	N/A	N/A	-6.2	5.4
92.5	-60.0	-19.4	-18.4	-7.6	-8.5
93	-62.7	-18.2	-21.5	-8.6	-15.1
93.5	-79.7	-14.9	-23.0	-11.2	-19.0
94	-63.3	-22.7	-13.9	-0.4	2.7
95	-92.9	-50.9	-28.1	-5.4	-6.7
95.5	-114.0	-78.5	-37.4	-9.0	-5.5
96	-84.3	-52.3	-35.0	-6.9	-2.9
96.5	-35.4	-30.3	-28.1	-3.0	0.8
97	-7.7	2.0	-22.0	-6.7	-9.7
98	-6.2	-5.0	-15.6	-4.1	-7.1
99	7.3	7.9	-14.7	-6.6	-9.1
Q	-17.3	-16.7	-9.2	0.2	-3.2
Q1	N/A	N/A	N/A	-0.3	-3.5
Q2	N/A	N/A	N/A	-2.1	-4.0
S	21.5	1.2	-12.0	-1.6	-3.5
S1	N/A	N/A	N/A	-2.6	0.2
W	13.1	9.6	0.4	-3.6	-6.2

(N/A: Not Available) SHADING indicates geotube project area



Note: Shoreline change is interpolated for transects where data are unavailable

Figure 4. MLW shoreline change from November 1994, December 2001, September 2013, December 2018, and September 2019 to November 2019.

3.3 LONG-TERM TRENDS

To help visualize long-term trends at select profiles along the monitoring area, a series of figures illustrate cumulative change (feet) in shoreline position relative to a 1994 baseline position (zero on the vertical axis) over time on the horizontal axis for a representative subset of beach profiles. The figure captions include profile-specific observations. Nine (9) beach profiles are shown in Figures 5 through 13 to represent the stretch of beach subject to monitoring including:

- Near the south of the monitoring area (Profile 84)
- Approximately 1,000 ft and 500 ft south of the geotubes (Profiles 90 and 90.6)
- Within the geotube area (Profiles 91, 91.5 and 92)
- Approximately 500 ft and 1,000 ft north of the geotubes (Profiles 92.5 and 93)
- Near the north end of the monitoring area (Profile S)

Individual data points on each plot represent the change in shoreline position at mean low water (MLW), based on the surveyed beach profile at that time. Positive numbers indicate shoreline advance and negative numbers indicate shoreline retreat relative to the 1994 baseline (assumed zero). Blue dots represent data obtained from surveys before the installation of geotubes, while red dots represent data since geotube installation. The plots differentiate the pre- and post-geotube installation periods as a known geographic and temporal reference point highlighting results subject to the current regulatory requirements, and expected to be subject to future monitoring.

The plots demonstrate temporal variability as can be seen with the following examples:

- Periods of stability with little cumulative change in shoreline position as seen in Figure 5 from December of 1996 to May of 2002;
- Periods of shoreline advance as seen in Figure 5 from May 2002 to February 2005; and
- Periods of shoreline retreat as seen in Figure 6 from December 1996 to February 2005.

General observations derived from the data plotted on Figures 5 through 13 are summarized below. This collection of long-term observations accentuates the high degree of variability at this site:

- Each profile includes times of shoreline advance and shoreline retreat, demonstrating a high degree of variability on short and long-time scales. This high degree of variability, with observed short-term periods of erosion or accretion, suggests that adverse effects from the geotextile tubes could only be reliably determined through years of sustained erosion that deviate from historic observations.

- Each profile responds differently on variable time scales.
- This variability does not lend itself to fitting a long-term trend line with a high degree of statistical accuracy.
- The current November 2019 shoreline position at many profiles is generally similar (within about 20 feet) to the shoreline position in the ~2005-2008 timeframe.
- The short-term variability shown by surveys since geotube installation in January 2014 is similar to short-term variability (~2-3 year periods) observed over many years of surveys before the geotubes were installed. Surveyed post-geotube shoreline changes are not materially different from previous observations as related to rates and duration of shoreline change. No accelerated erosion in excess of historical observations is evident.

Figures 5 through 13 follows below with observations made for each profile.

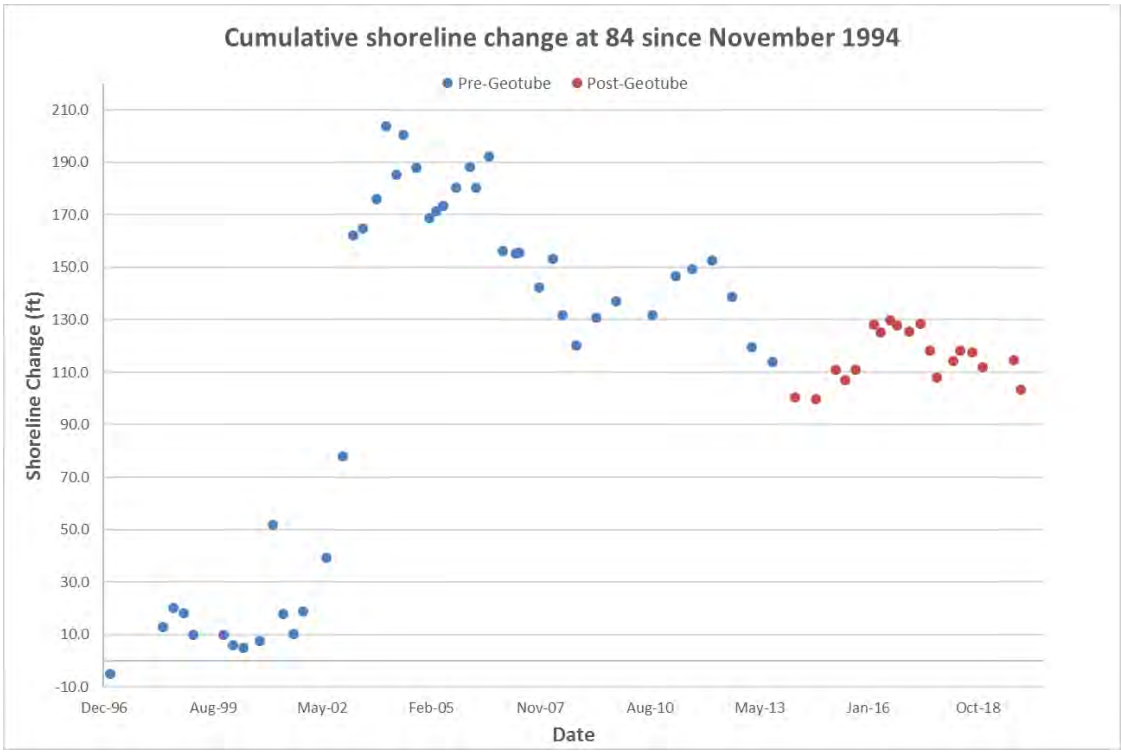


Figure 5. Cumulative Shoreline Change (ft) at Profile 84 since November 1994.

- Figure 5 shows an overall shoreline advance of ~+110 ft since 1994
- Relatively stable shoreline position with modest retreat from 1996 to late 2001
- 200 ft of shoreline advance from September 2001 to January 2004
- Variable alternating periods of relative stability with modest shoreline advance and retreat spanning multiple years since 2004
- Relative stability since ~2013.

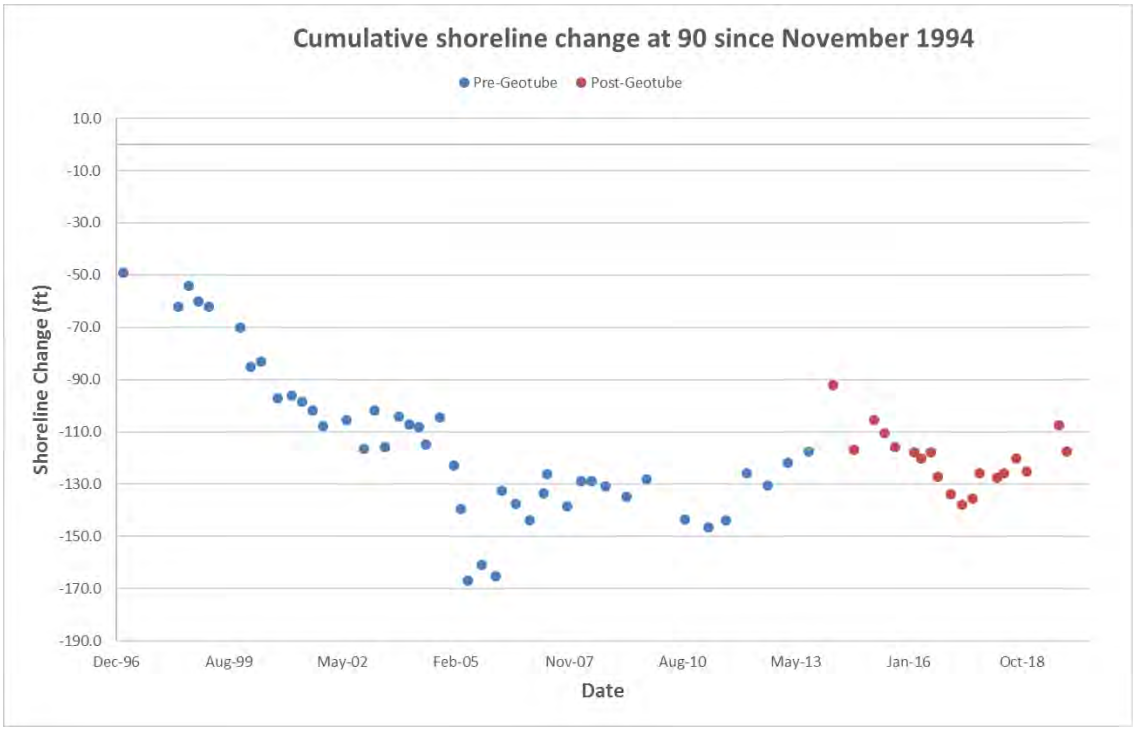


Figure 6. Cumulative Shoreline Change (ft) at Profile 90 since November 1994.

- Figure 6 shows variable periods of shoreline retreat, stability, and advancement
- Net shoreline erosion on the order of -110 ft since 1994
- Relatively consistent erosion from 1996 through April 2001;
- Sharper short-term shoreline retreat between June 2005 and February 2006
- Shoreline advance from February 2006 to November, 2007
- Substantial trend of beach accretion from April 2011 to April 2014
- Relative stability since ~2013.

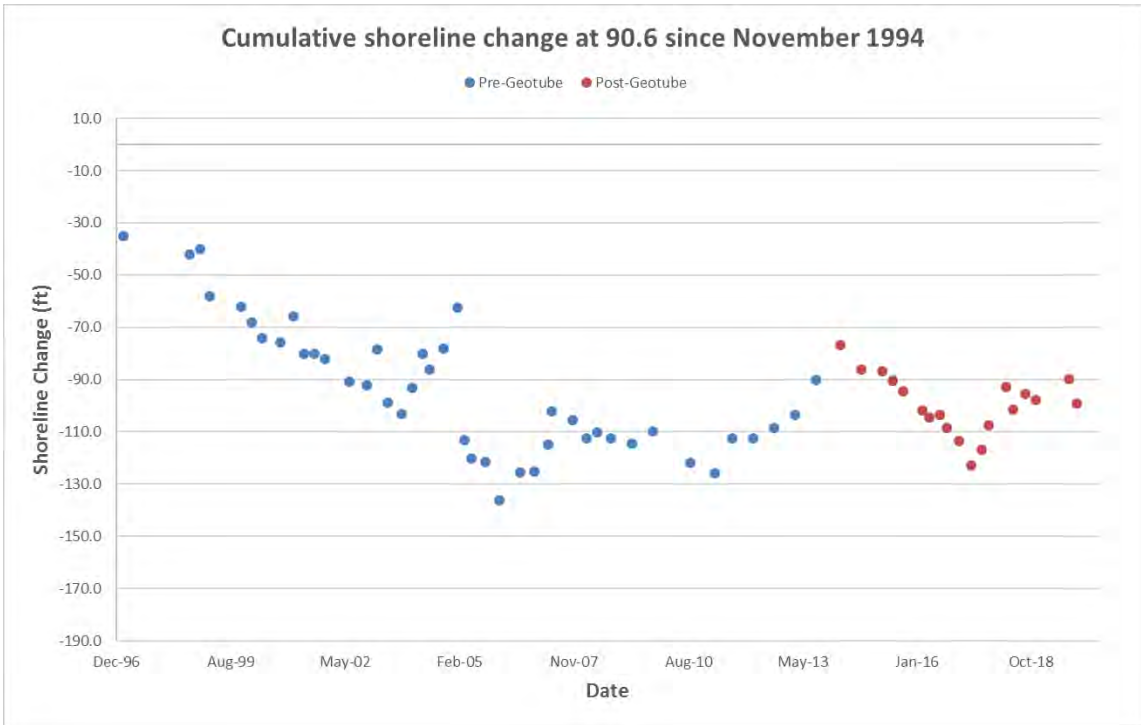


Figure 7. Cumulative Shoreline Change (ft) at Profile 90.6 since November 1994.

- Figure 7 shows variable periods of shoreline erosion, stability, and accretion
- General trend of shoreline erosion between 1996 and 2003
- Substantial advance from October 2003 to February 2005
- Sharp retreat from 2005 to 2006
- Net shoreline retreat on the order of -90 ft since 1994
- Current shoreline position similar to 2004, with relative stability since ~2013.

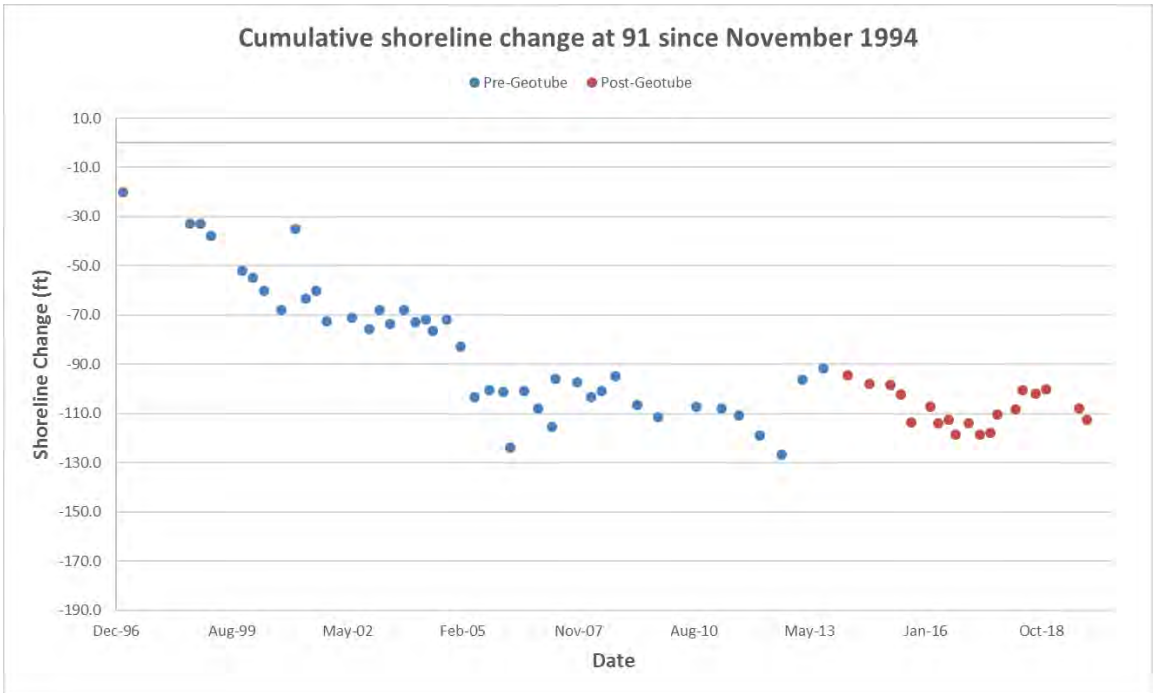


Figure 8. Cumulative Shoreline Change (ft) at Profile 91 since November 1994.

- Figure 8 shows net shoreline loss since 1994 on the order of -110 ft
- Substantial trend of beach erosion at variable rates through 2007
- Variable shoreline position since 2005 with reversing trends of beach accretion and erosion
- Substantial shoreline advance from September 2012 to March 2013
- Little net change in the shoreline position since April 2007; similar to other profiles
- Trend of milder shoreline erosion in September 2010 to September 2012, October 2003 to June 2005, and December 1998 to June 2000
- Current trend shows relative stability since before 2013.

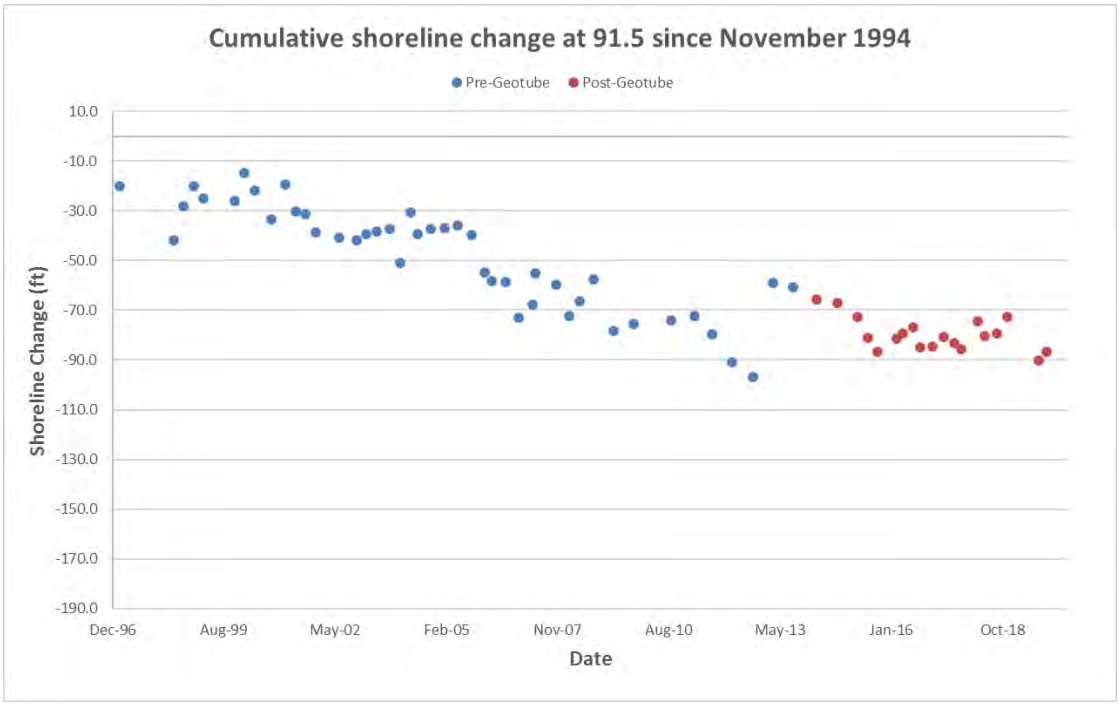


Figure 9. Cumulative Shoreline Change (ft) at Profile 91.5 since November 1994.

- Figure 9 shows net shoreline retreat on the order of -90 ft since 1994
- Relatively consistent long-term shoreline erosion from 1996 through September 2012; with short-term variability
- Substantial beach accretion occurred from September 2012 to March 2013
- Current shoreline position similar to December 2012; the observation that the current shoreline position is similar to the condition 8-10 years ago is common to other profiles
- Recent trend of relative beach stability since October 2015, and with similar shoreline position since before 2013.

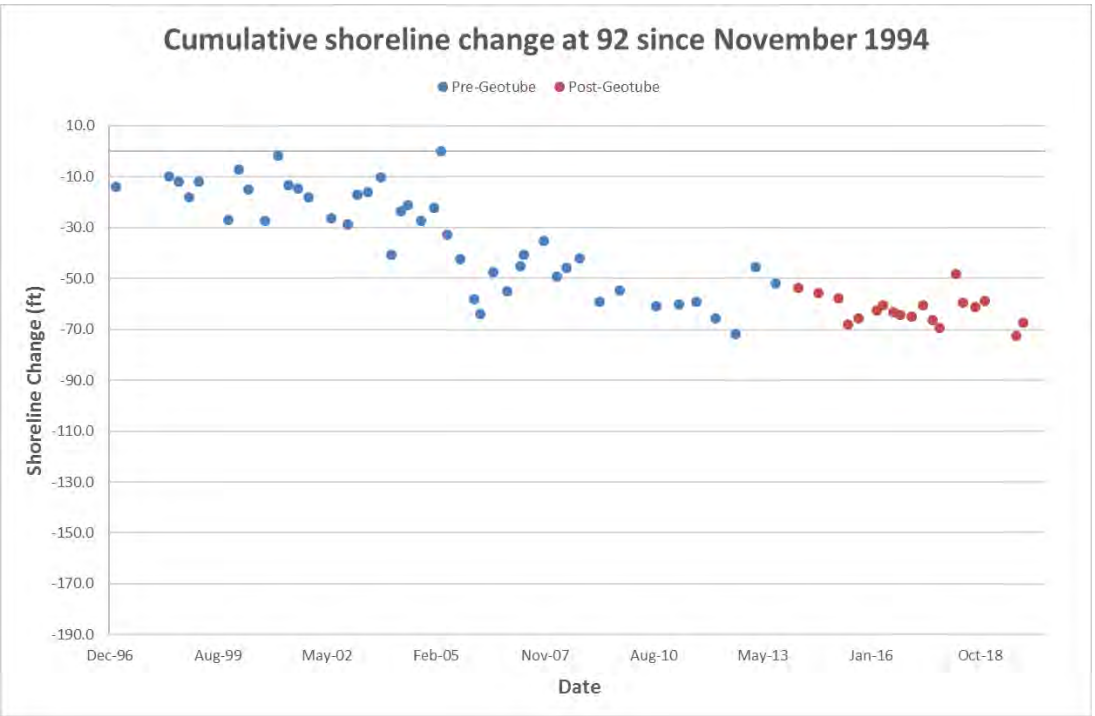


Figure 10. Cumulative Shoreline Change (ft) at Profile 92 since November 1994.

- Figure 10 shows net erosion on the order of -70 ft since 1994
- Current shoreline position similar to observations since 2005; similar to other profiles
- Recent trend of beach stability since October 2015, and with similar shoreline position since before 2013.

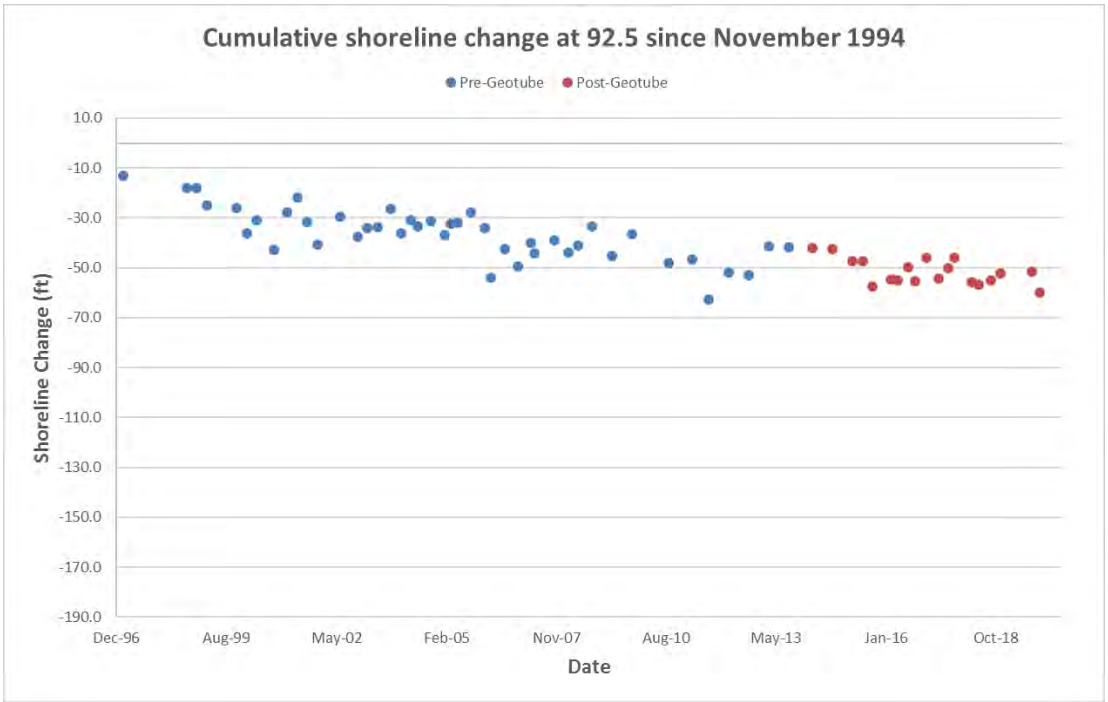


Figure 11. Cumulative Shoreline Change (ft) at Profile 92.5 since November 1994.

- Figure 11 shows net erosion on the order of -50 ft since 1994
- Current shoreline position similar to observations since 2005; similar to other profiles
- Trend of beach stability for more than ~10 years.

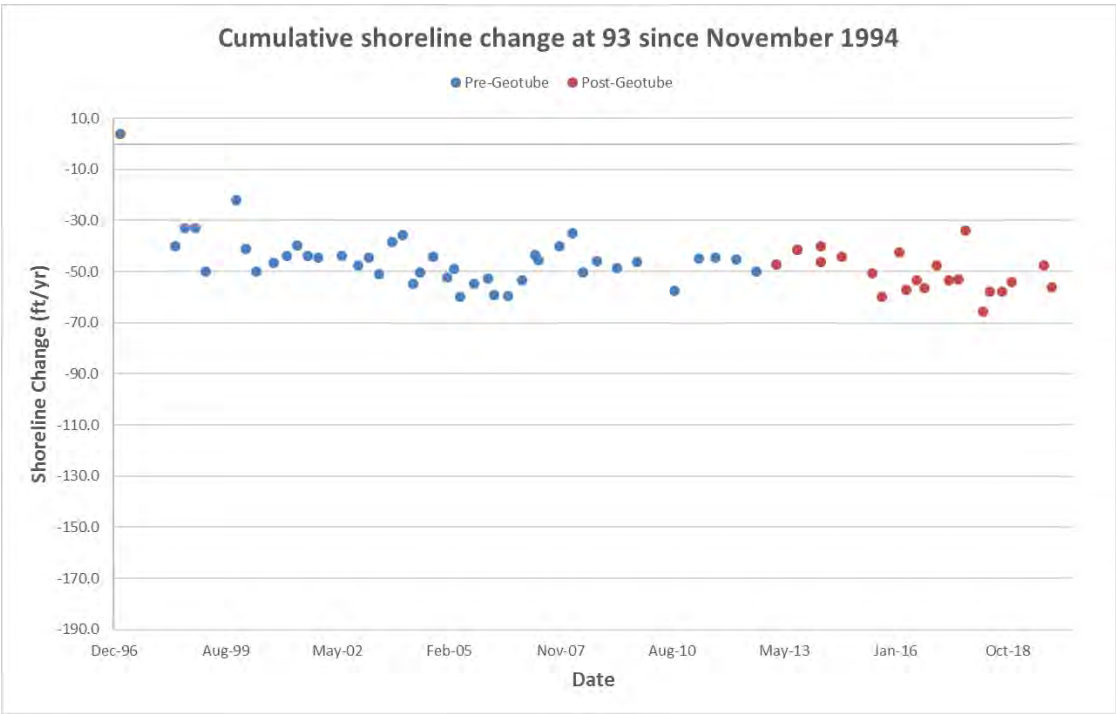


Figure 12. Cumulative Shoreline Change (ft) at Profile 93 since November 1994.

- Figure 12 shows relatively stable shoreline position since 1998
- Majority of net losses occurred between 1994 and 1998
- Net erosion on the order of -50 ft since 1994

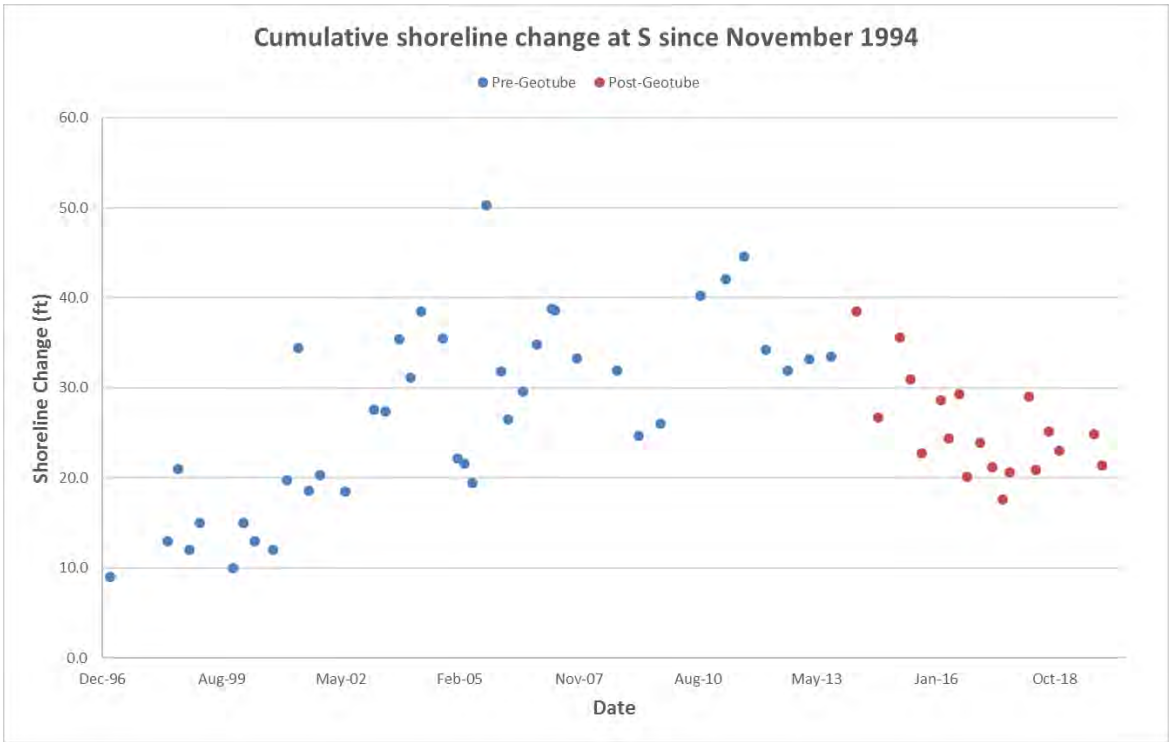


Figure 13. Cumulative Shoreline Change (ft) at Profile S since November 1994.

- Figure 13 shows variable shoreline response
- Net shoreline advance on the order of 25 ft since 1994
- Majority of accretion occurred up to 2011, with sharp periods of erosion between
- Recent trend of beach stability since 2013.
- As with other profiles, the current shoreline position similar to 2005

3.4 WAVE AND WATER LEVEL CONDITIONS

For the current 80th survey, defined by the time period of September 4th, 2019 through November 27th, 2019, no nearshore wave data was available since the Woods Hole Oceanographic Institution's (WHOI) Martha's Vineyard Coastal Observatory (MVCO) was still not operational. Offshore wave data was taken from the National Oceanic and Atmospheric Administration's (NOAA's) National Data Buoy Center (NDBC) Station 44008, located 54 nautical miles southeast of Nantucket Island.

At NDBC Station 44008, there were approximately twelve (12) significant wave events that exceed 1.5 m during the last three months with an overall energy-weighted average wave height for the time period of 2.7 meters, which is a significant increase since the last quarter. Three separate storms between September and November produced waves offshore that exceeded 7 m (22.5 ft) and the largest storm produced waves over 8 m between October 17th and 19th, indicative of a very energetic fall season.

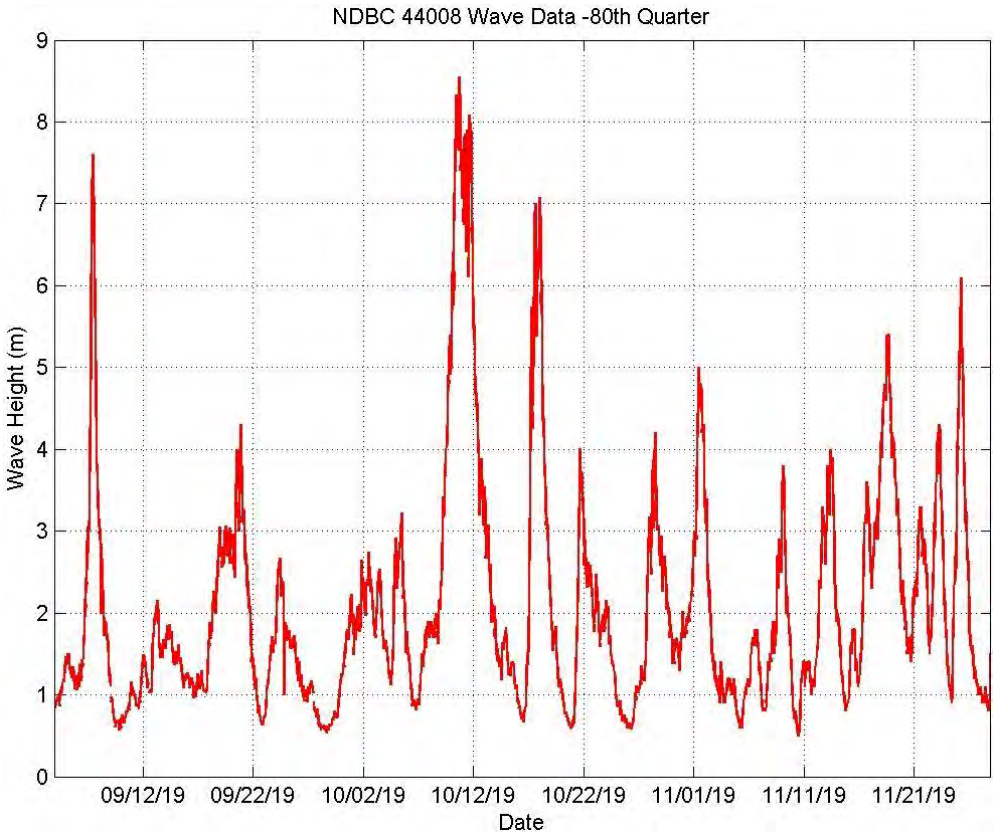


Figure 14. Time series of wave heights (meters) at NDBC Station 44008 during the 80th Survey period.

4.0 SUMMARY

The Fall (November) 2019 quarterly survey included collection of topographic and bathymetry survey data, and resulting profiles are plotted in Appendix A. From the analysis of the data collected for the 80th survey (November 2019), the following summary can be made:

- The energy-weighted average wave height was 2.7 meters for the offshore station NDBC 44008, indicative of a very energetic fall season. The nearshore MVCO station has not been operational since September 2018.
- Low Beach at profiles 81 and 82 continues to exhibit extremely variable shoreline change, with profile 81 loosing over -91 feet of shoreline since last December but then gaining over 12 ft in the last 3 months.
- Since the geotubes were installed in September 2013, 30 of the 34 profiles have reduced beach width sand volume throughout the monitoring area including the two profiles 90.9 to 91.9 in the geotube project area.
- In the past year and also since September 2019, erosion has been the more dominant trend with 36-40 of the 46 profiles retreating and losing beach width.
- The six (6) profiles 90.95 to 91 in the geotube project area showed shoreline retreat; however, the southern profiles reduced beach volume while northern profiles gained beach volume. This difference is likely influenced by nourishment material placed and retained in the template here.
- Long-term shoreline change plots are presented for continued insight in beach response. Although there is substantial variability, no post-geotube changes have yet been observed that deviate substantially from past observations. The present shoreline is at a similar location as ~2013 and more than ~10 years ago at many profiles.

APPENDIX A – PROFILE PLOTS

APPENDIX B – ELECTRONIC COPY OF RAW PROFILE DATA

APPENDIX C – REVISED 79TH VOLUME AND SHORELINE CHANGE TABLES

Table C-1. Revised Volume change per profile from Nov. 1994 - Dec. 2001, Dec. 2001 - Sep. 2013, & Sept. 2013 –, Sept 2018 –, & Dec. 2018 – Sept. 2019.

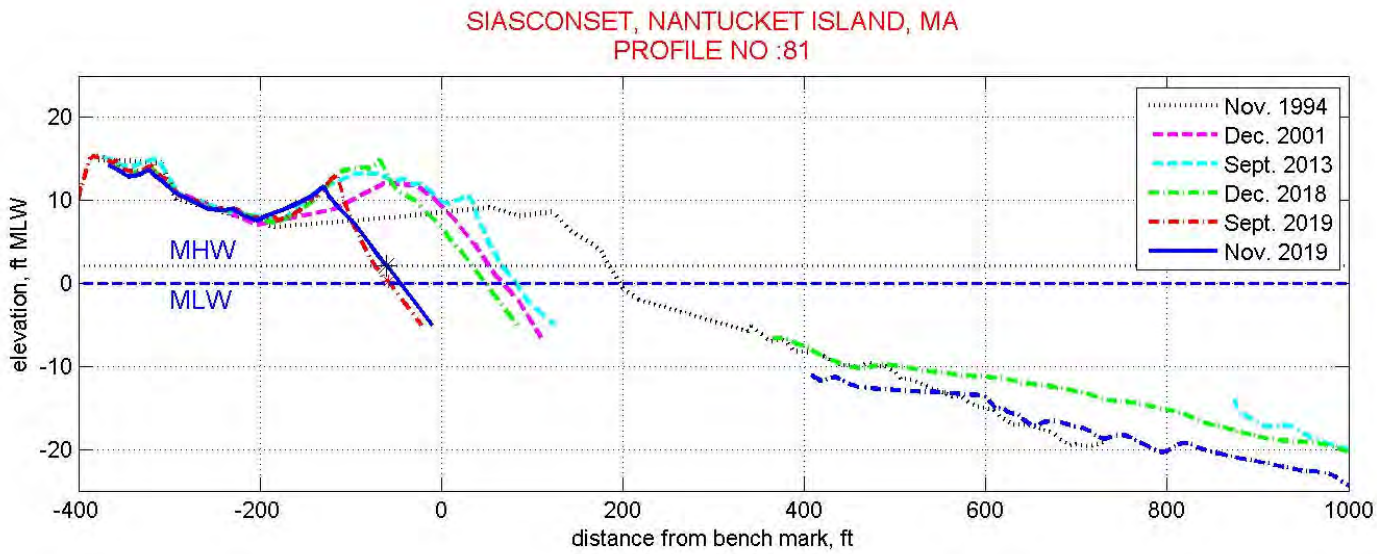
PROFILE	VOLUME CHANGE PER PROFILE				
	Nov-94 to Dec-01 (cy/ft)	Dec-01 to Sept-13 (cy/ft)	Sep-13 to Sept-19 (cy/ft)	Sept-18 to Sept-19 (cy/ft)	Dec-18 to Sept-19 (cy/ft)
81	-69	13.6	-16.2	-15.0	-14.3
82	-31.7	31.6	-20.9	-14.3	-6.5
83	47.7	25.5	-24.2	-9.2	-2.6
84	11.8	54.4	9.3	1.7	4.3
84.3	14.1	36.6	18.8	6.0	2.8
84.6	36.4	4.5	16.6	6.9	2.8
85	39.4	-23.5	12.3	8.1	5.6
86	4.0	-20.5	0.3	10.4	11.1
87	-56	-22.3	-4.7	17.7	13.7
88	-41.5	-50	25.3	21.6	18.9
88.6	-48.8	-33.5	14.7	18.3	23.6
89	-55.5	-18.9	10.5	15.8	16.8
89.2	-60.7	-17.8	7.7	15.6	14.9
89.5	-65.2	-13.7	6.7	12.4	10.4
89.8	-67.9	-9.5	6.0	15.5	13.8
90	-61.5	-7.3	9.2	9.9	11.9
90.6	-51.6	-8.7	2.6	2.9	6.5
90.8	N/A	N/A	N/A	-0.4	4.1
90.85	N/A	N/A	N/A	-1.1	1.1
90.9	N/A	N/A	N/A	10.8	-0.4
90.95	N/A	N/A	N/A	4.7	0.3
91	-42	-14.1	20.2	3.0	0.4
91.2	N/A	N/A	N/A	2.7	-2.1
91.35	N/A	N/A	N/A	-0.4	1.7
91.5	-21.1	-24.6	21.0	2.1	4.6
91.9	N/A	N/A	N/A	0.0	2.7
92	-12.5	-13.7	-10.5	-6.4	-3.8
92.1	N/A	N/A	N/A	-5.6	-4.1
92.2	N/A	N/A	N/A	-4.6	-2.1
92.5	-21.1	-0.8	-7.4	3.7	3.3
93	-30.9	2.4	-3.2	7.8	7.3
93.5	-35.7	5.5	-2.5	8.2	8.7
94	-25.9	-4.5	-8.8	1.7	3.8
95	-25.3	-12.9	-14.0	-1.0	2.5
95.5	-33.2	-22.3	-18.2	-1.0	0.9
96	-6.2	-16.9	-16.5	1.6	3.1
96.5	-1.9	-2.4	-17.0	-1.5	3.4
97	-7.2	18.3	-9.7	1.7	5.6
98	-0.3	12.7	-6.2	1.8	5.7
99	-1.9	19.7	-1.3	4.4	6.8
Q	6.7	-5	-8.0	3.6	6.9
Q1	N/A	N/A	N/A	3.1	4.6
Q2	N/A	N/A	N/A	-0.8	1.2
S	21.4	14.9	-3.7	1.2	4.2
S1	N/A	N/A	N/A	-2.8	0.4
W	16.5	13	6.1	0.3	7.6

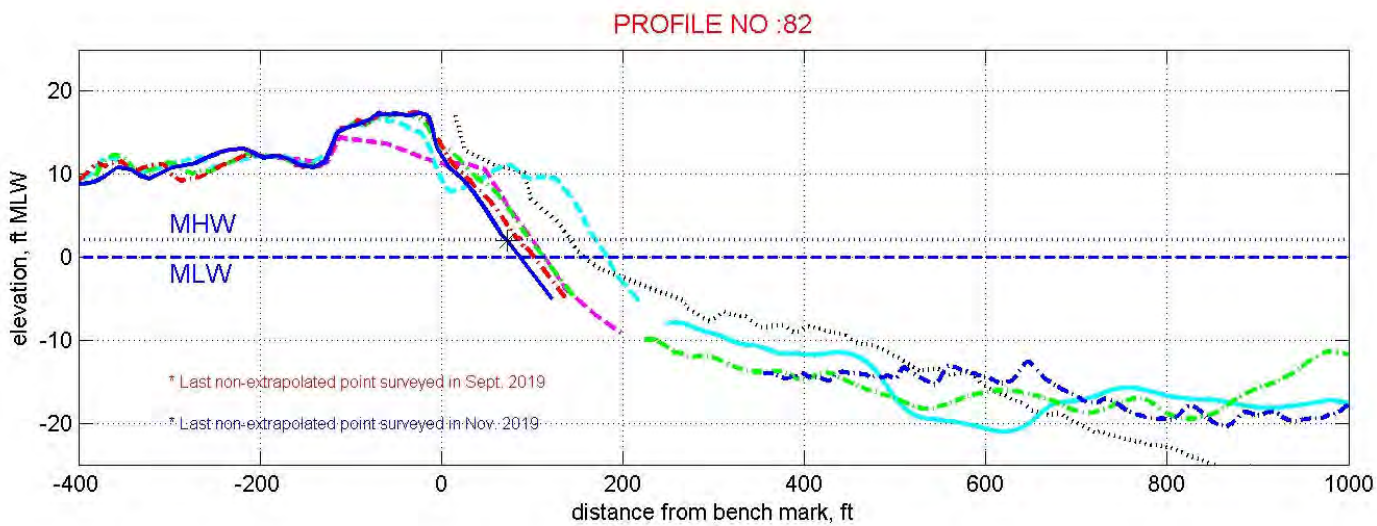
(+ Accretion, - Erosion) (N/A: Not Available) SHADING indicates the geotube project area

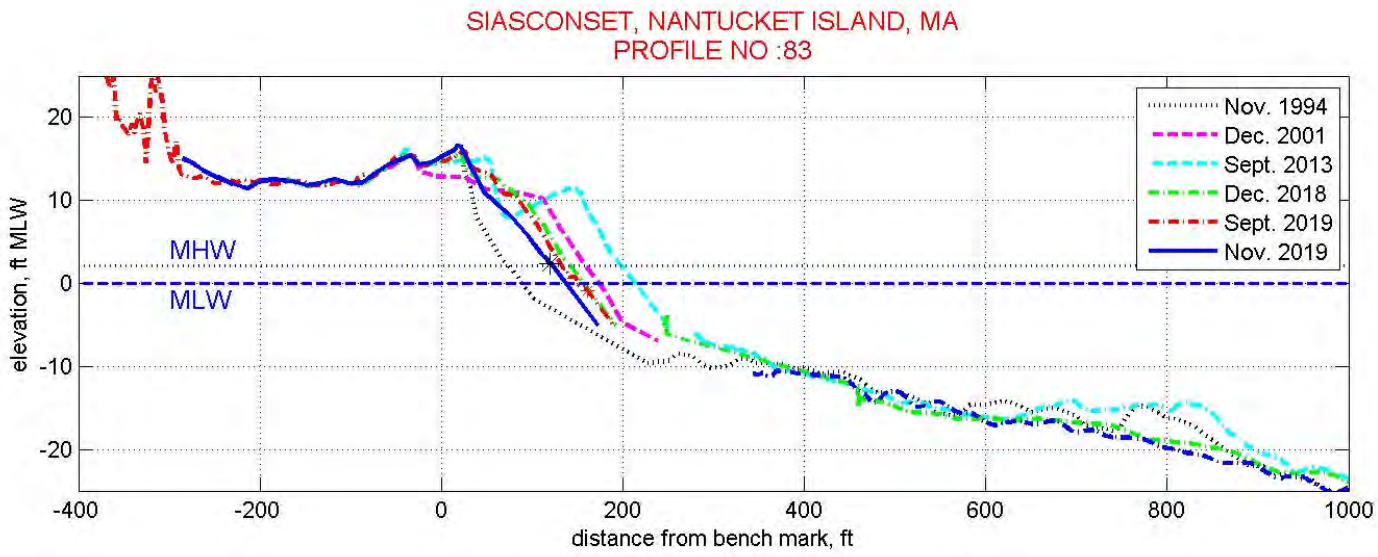
Table C-2. Revised Shoreline change per profile from Nov. 1994, Dec. 2001, Sep. 2013, Sept. 18, and Dec. 2018 to Sept. 2019 (Distances seaward from benchmark to 0 ft MLW92 contour).

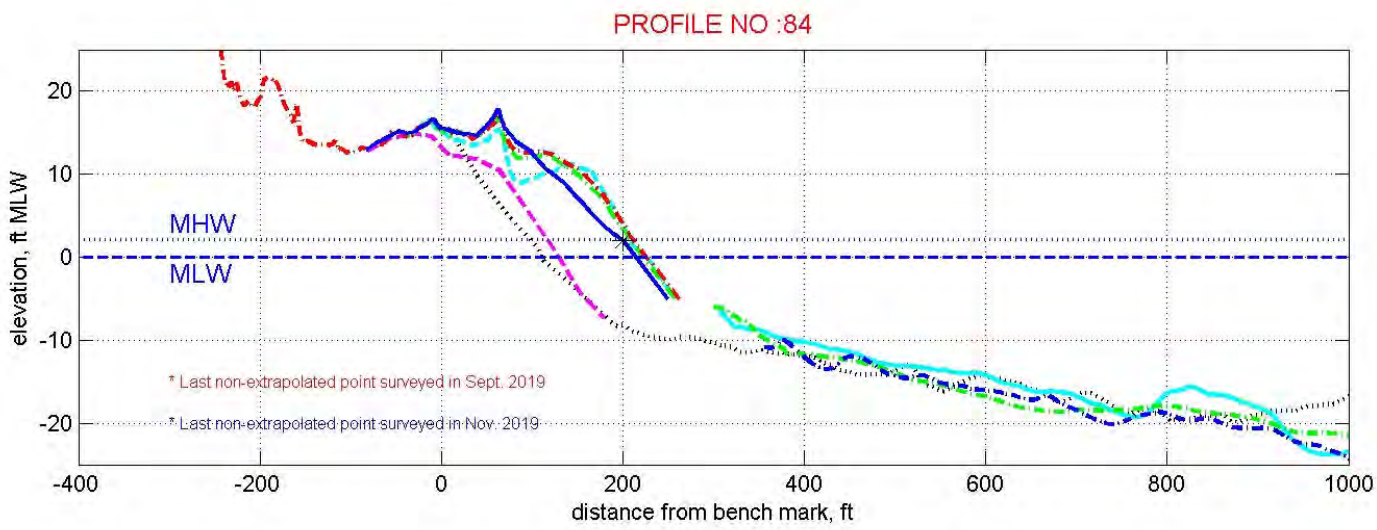
PROFILE	SHORELINE CHANGE PER PROFILE				
	Nov-94 to Sept-19 (ft)	Dec-01 to Dec Sept-19 (ft)	Sep-13 to Sept-19 (ft)	Sept-18 to Sept-19 (ft)	Dec-18 to Sept-19 (ft)
81	-253.7	-125.0	-139.2	-92.9	-105.5
82	-55.3	-11.5	-80.2	-24.1	-10.3
83	61.6	-23.5	-63.5	-20.9	-6.6
84	114.5	95.5	0.4	-3.2	2.3
84.3	98.0	74.2	17.0	5.0	0.5
84.6	74.8	22.6	17.8	8.4	-0.1
85	44.2	-18.1	12.3	11.5	5.9
86	-35.2	-40.5	-0.8	18.2	15.0
87	-129.9	-35.6	-14.2	32.8	22.2
88	-91.2	-23.2	34.4	37.6	35.2
88.6	-106.4	-20.2	18.7	32.3	39.6
89	-113.2	-16.9	10.0	28.3	28.3
89.2	-113.6	-15.3	2.7	26.4	22.7
89.5	-107.2	-7.8	2.6	24.9	21.2
89.8	-106.7	0.4	7.4	21.9	20.9
90	-107.3	0.5	10.4	12.7	17.8
90.6	-89.8	-7.9	0.3	5.7	8.0
90.8	N/A	N/A	N/A	-0.5	3.7
90.85	N/A	N/A	N/A	-1.6	-2.4
90.9	N/A	N/A	N/A	-5.9	-5.4
90.95	N/A	N/A	N/A	-1.1	-3.2
91	-110.4	-20.5	-18.6	-5.8	-7.8
91.2	N/A	N/A	N/A	-2.4	-10.4
91.35	N/A	N/A	N/A	-9.4	-16.6
91.5	-90.2	-22.9	-29.4	-10.9	-17.5
91.9	N/A	N/A	N/A	-11.5	-12.8
92	-72.5	-54.2	-20.7	-11.2	-13.8
92.1	N/A	N/A	N/A	-14.4	-15.2
92.2	N/A	N/A	N/A	-11.3	-11.6
92.5	-51.5	-10.9	-9.9	3.5	0.9
93	-47.6	-3.1	-6.3	10.4	6.5
93.5	-60.7	4.1	-4.0	12.5	7.8
94	-66.1	-25.5	-16.6	0.0	-3.2
95	-86.3	-44.3	-21.4	-0.4	1.2
95.5	-108.5	-73.0	-31.9	-2.3	-3.5
96	-81.3	-49.3	-32.1	1.0	-4.0
96.5	-36.2	-31.1	-28.9	-4.9	-3.8
97	2.0	11.7	-12.3	2.1	3.0
98	0.9	2.1	-8.5	0.6	3.0
99	16.4	17.0	-5.6	2.2	2.5
Q	-14.1	-13.5	-6.0	3.5	3.4
Q1	N/A	N/A	N/A	2.6	3.2
Q2	N/A	N/A	N/A	-2.6	1.9
S	24.9	4.6	-8.6	-0.3	1.9
S1	N/A	N/A	N/A	-5.9	-2.7
W	19.3	15.8	6.6	-3.2	2.7

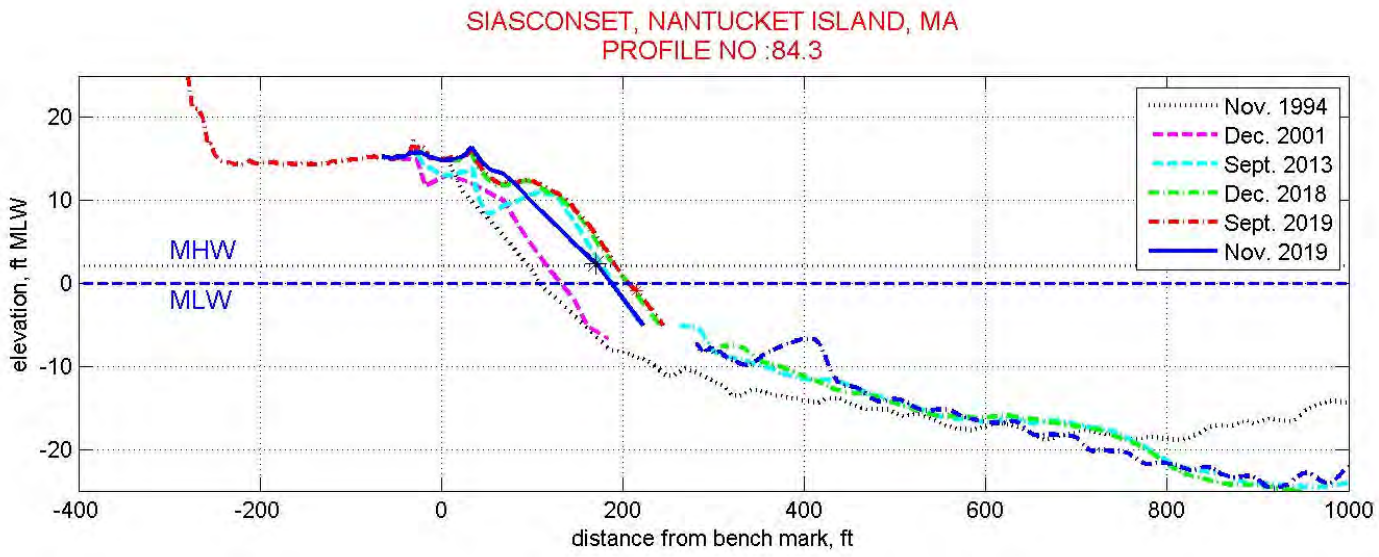
(N/A: Not Available) SHADING indicates geotube project area

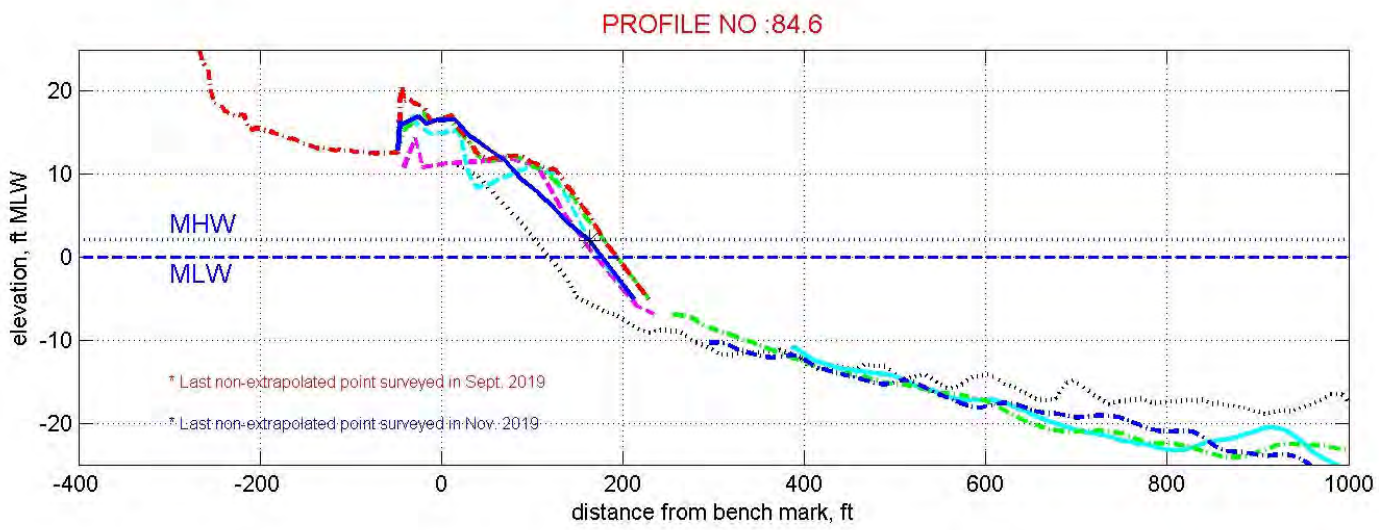

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :81
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

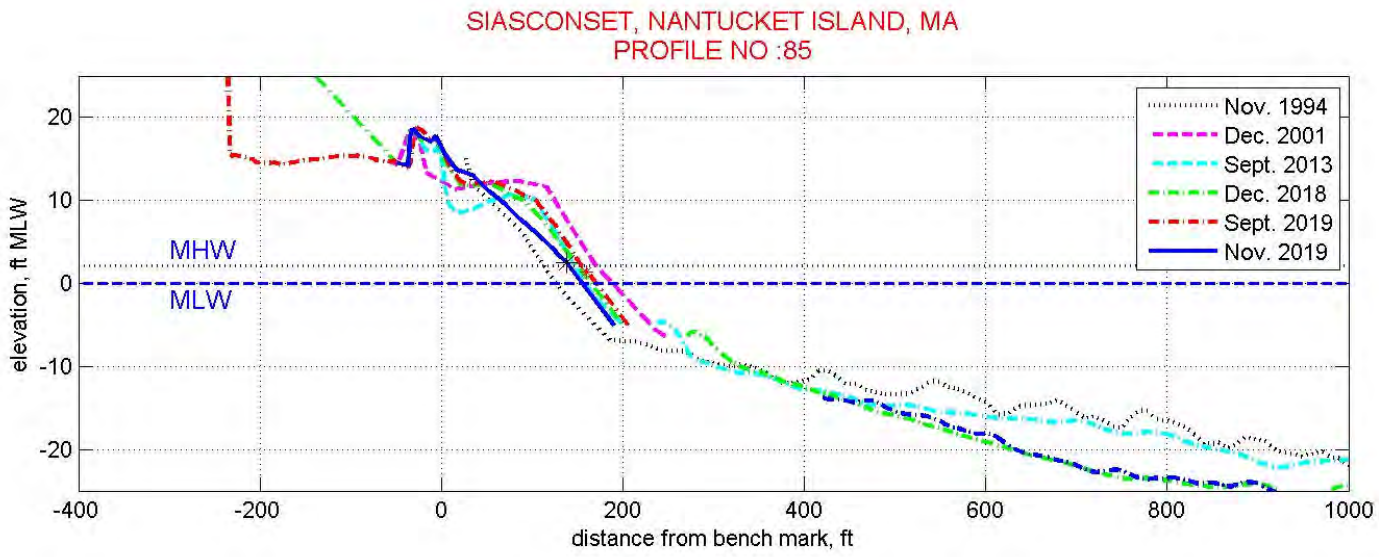

PROFILE NO :82
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

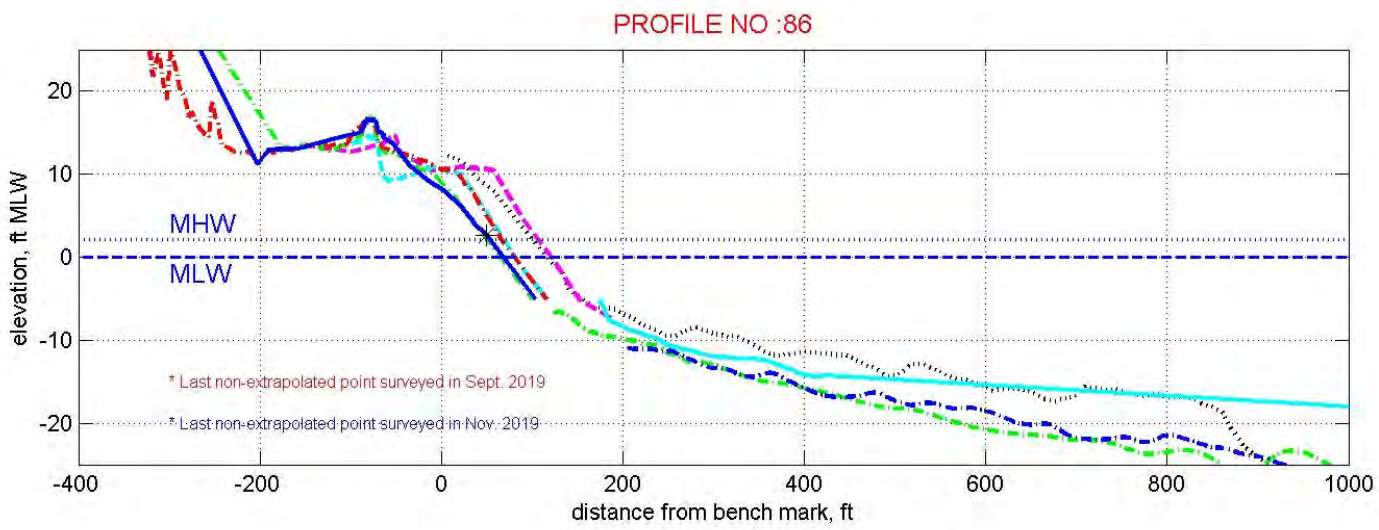

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :83
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

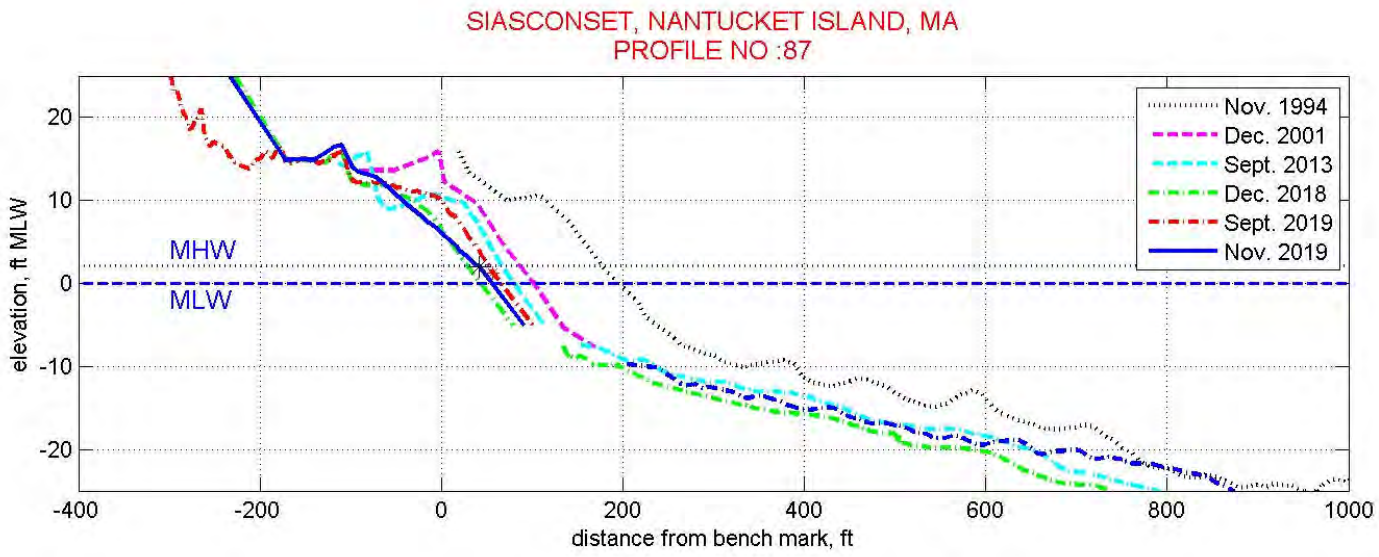

PROFILE NO :84
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

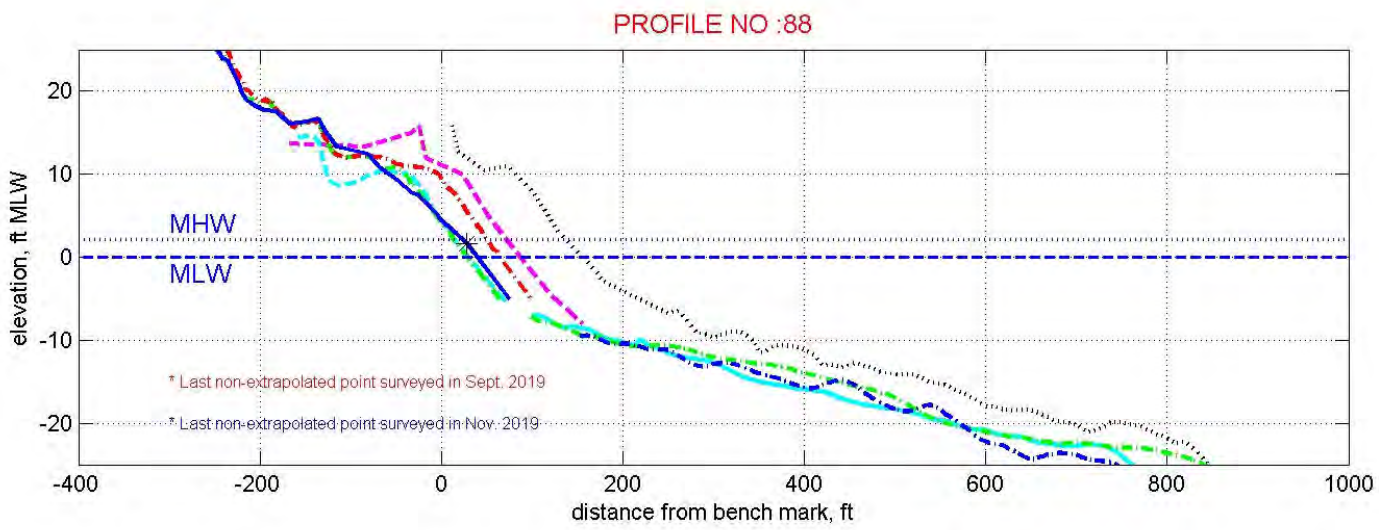

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :84.3
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

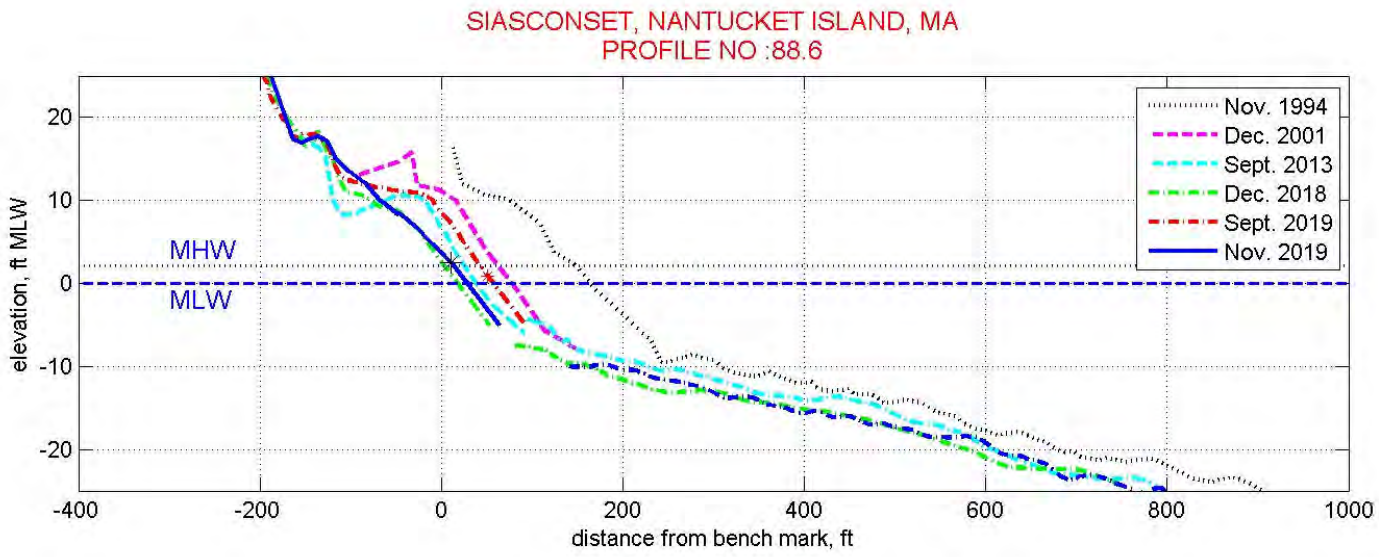

PROFILE NO :84.6
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

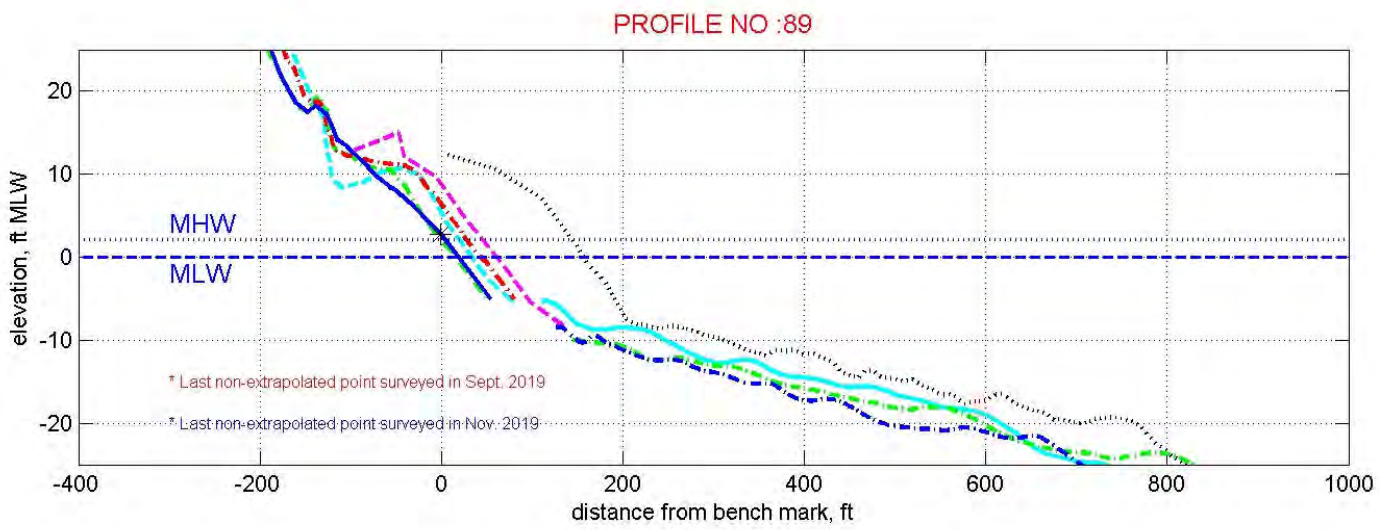

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :85
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

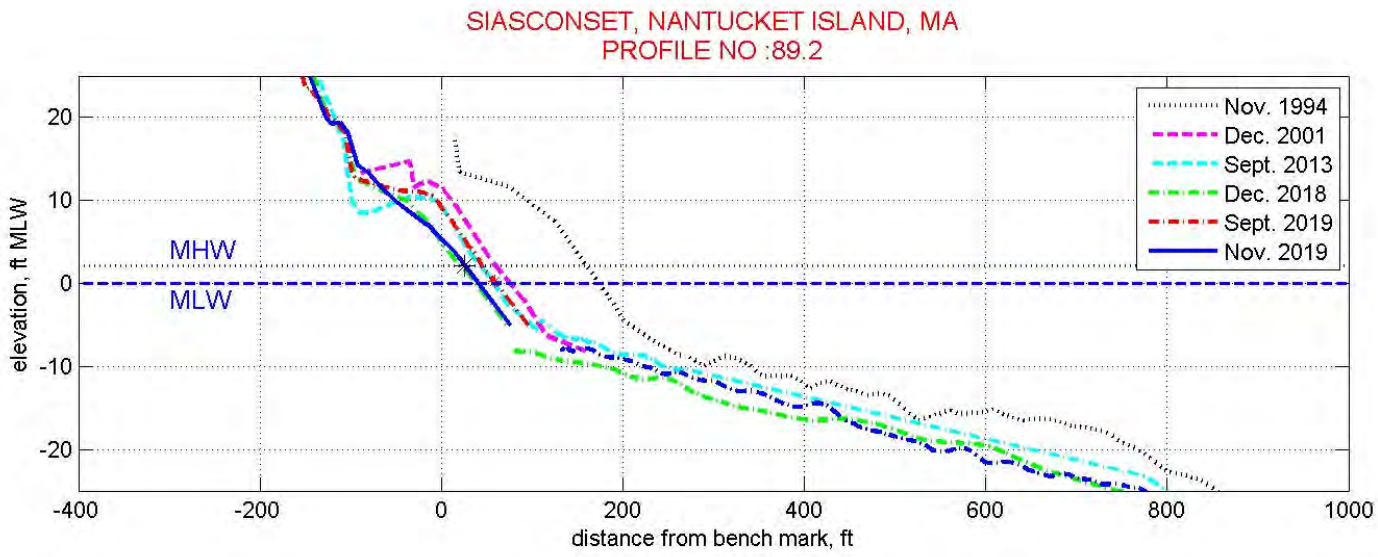

PROFILE NO :86
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

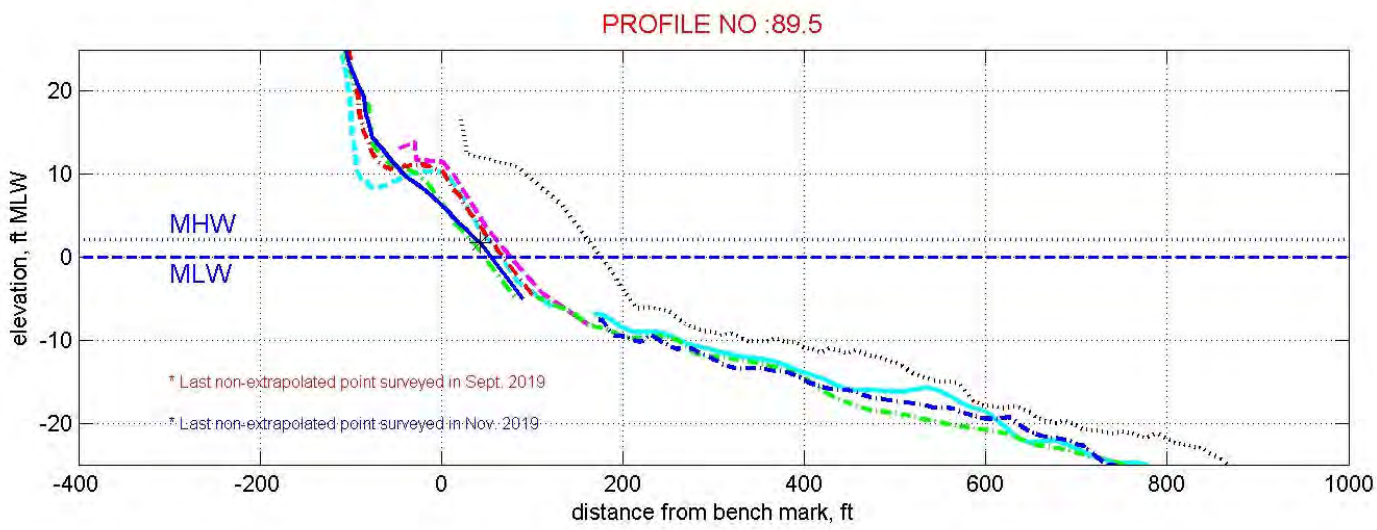

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :87
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

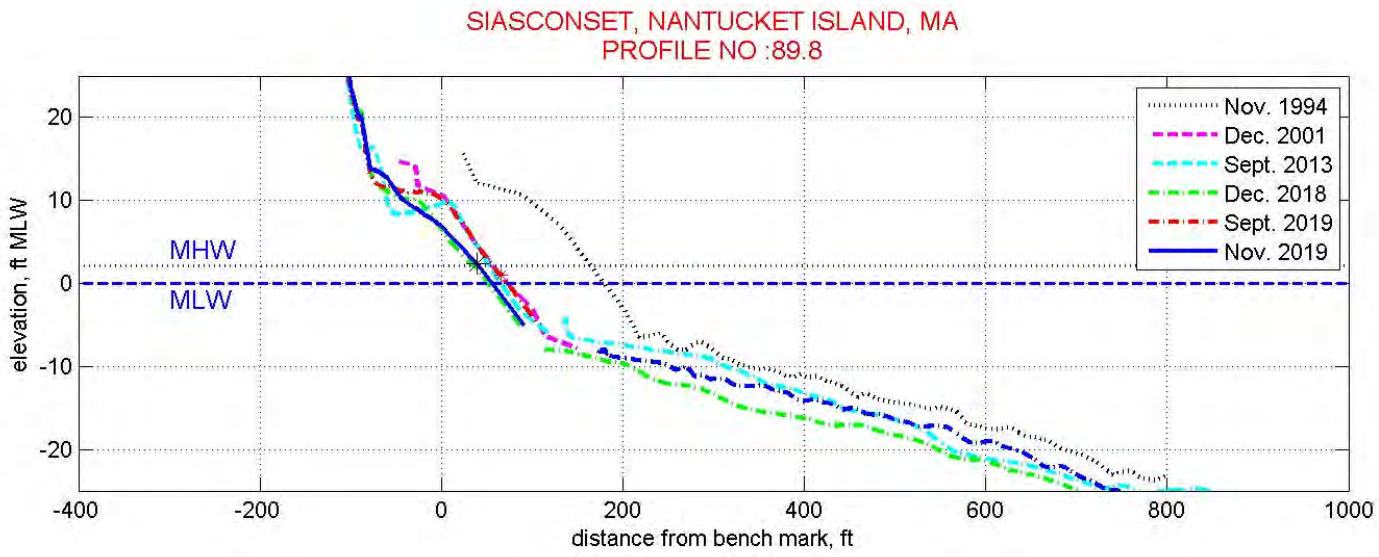

PROFILE NO :88
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

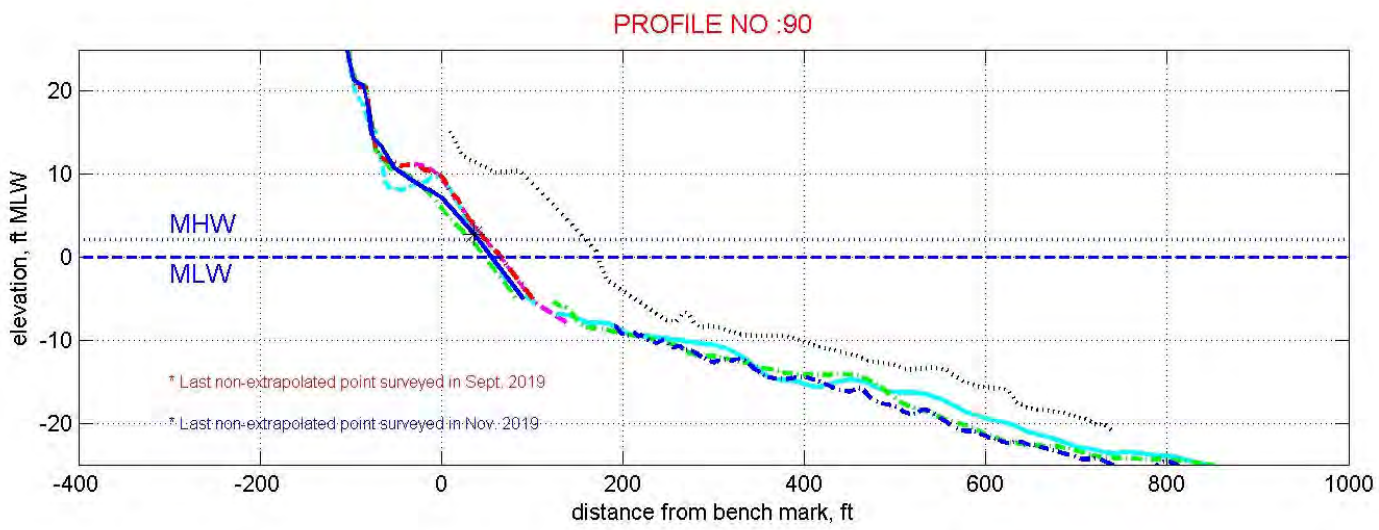

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :88.6
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

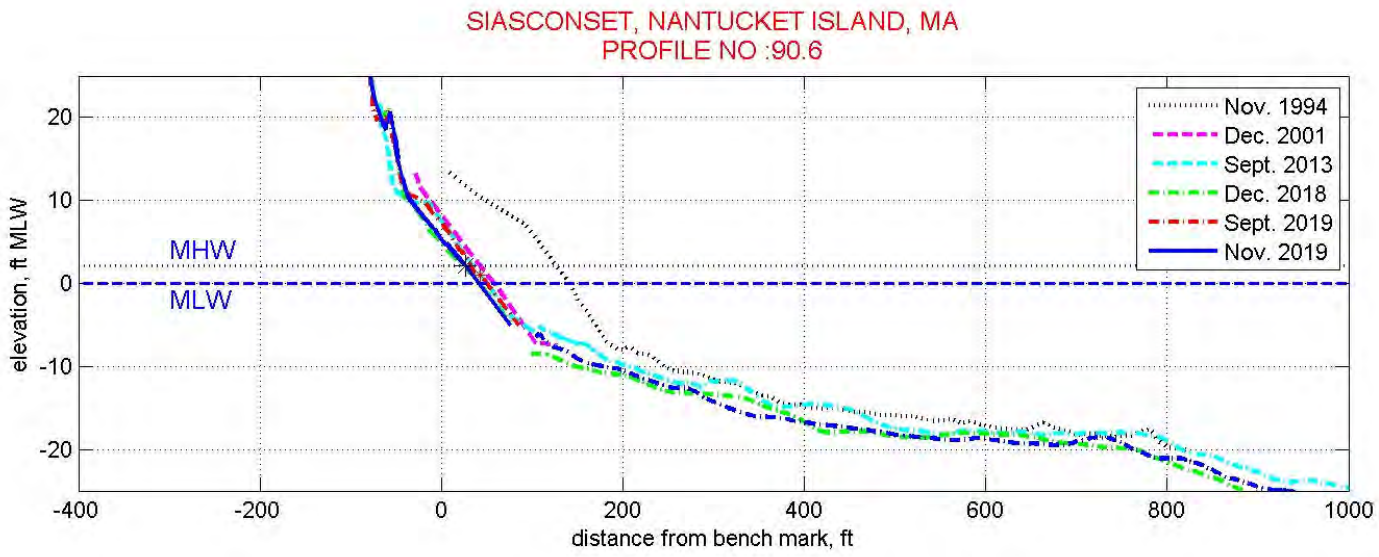

PROFILE NO :89
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

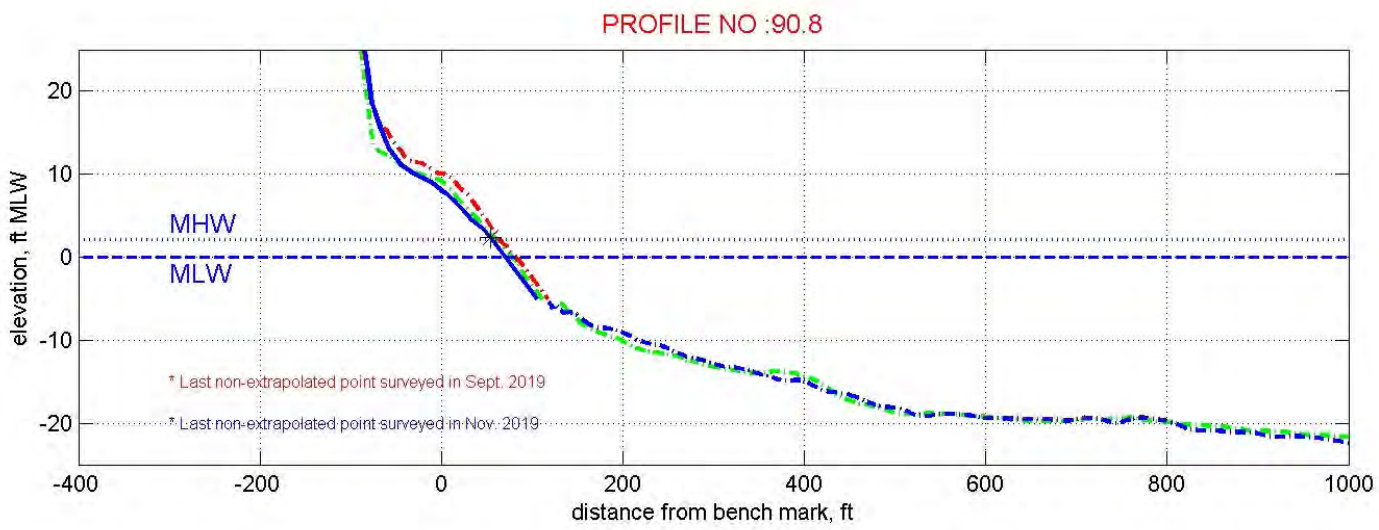

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :89.2
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

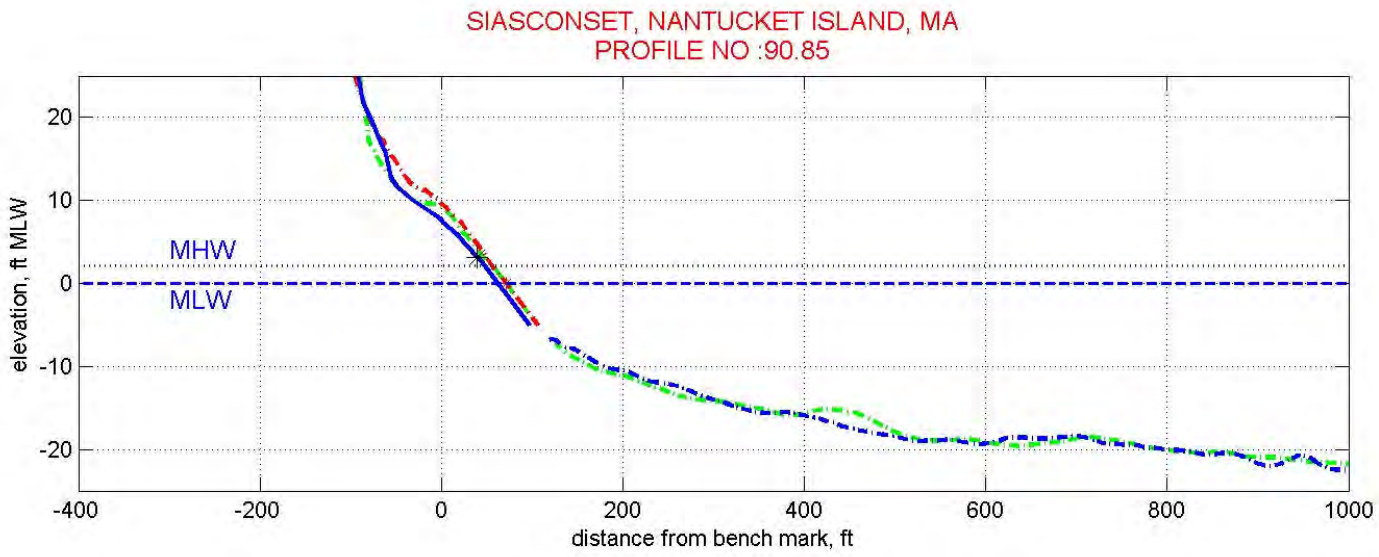

PROFILE NO :89.5
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

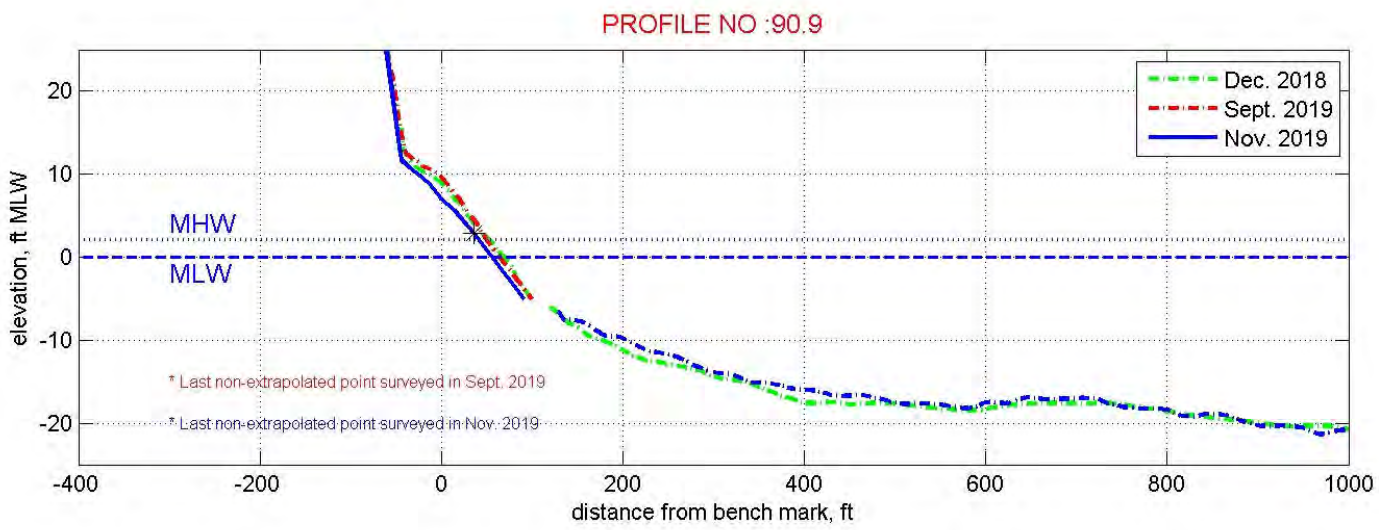

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :89.8
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

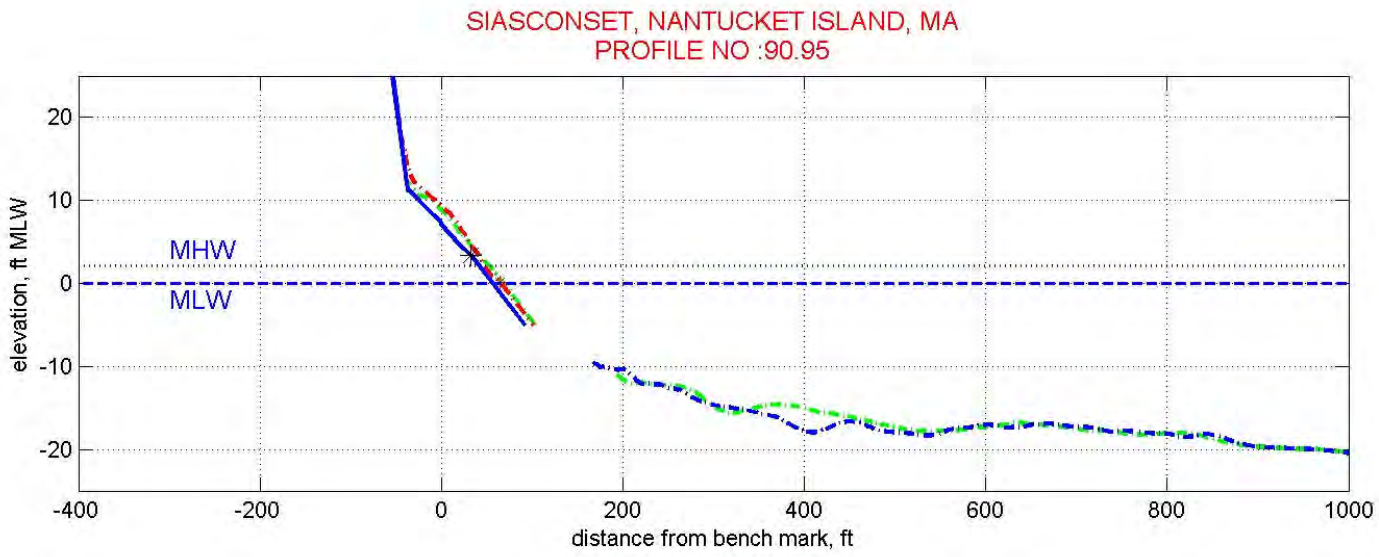

PROFILE NO :90
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

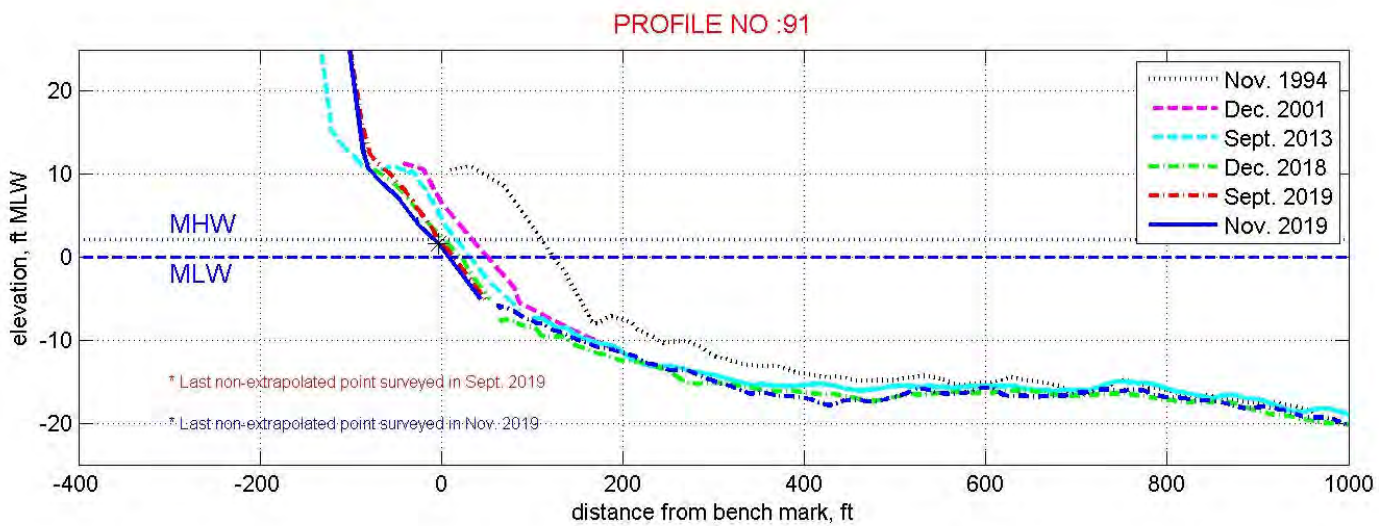

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :90.6
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

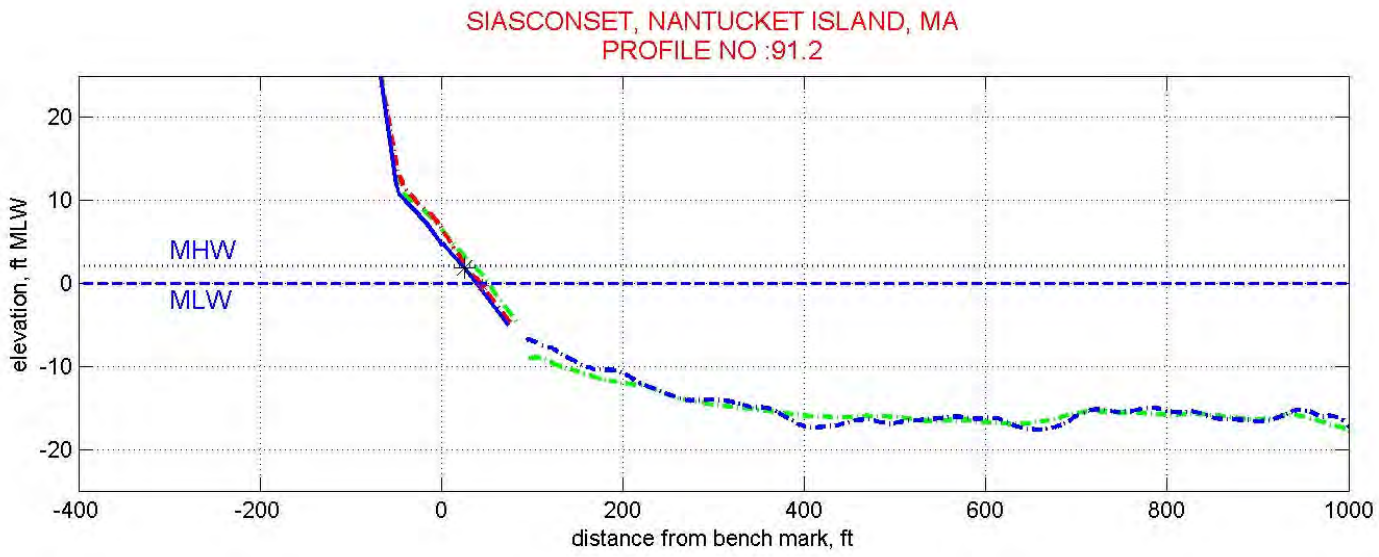

PROFILE NO :90.8
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

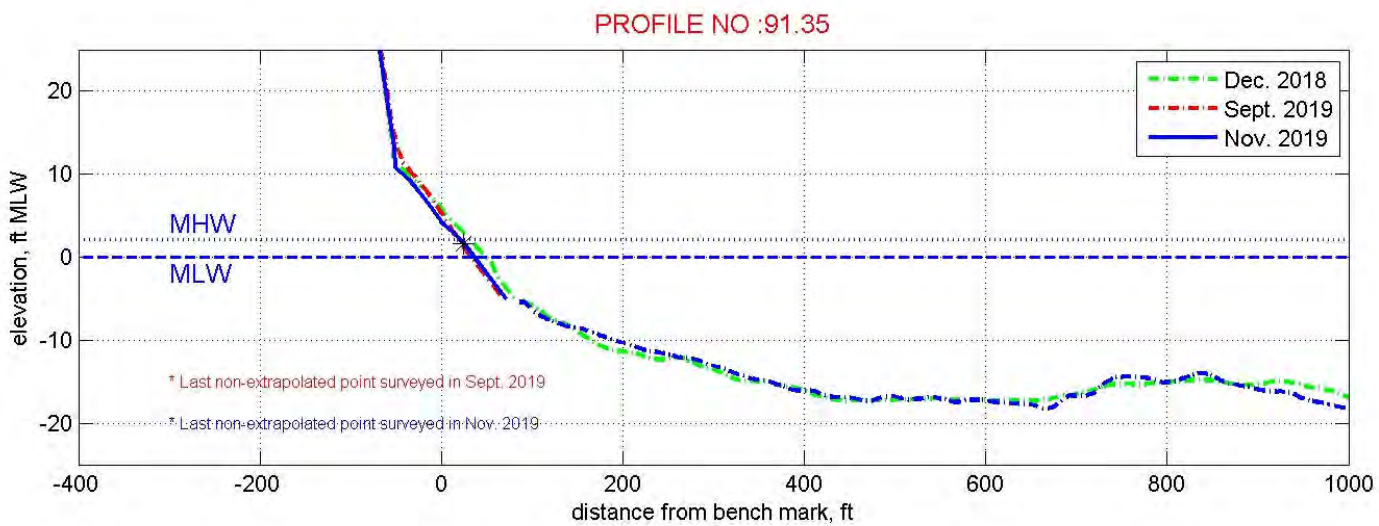

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :90.85
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

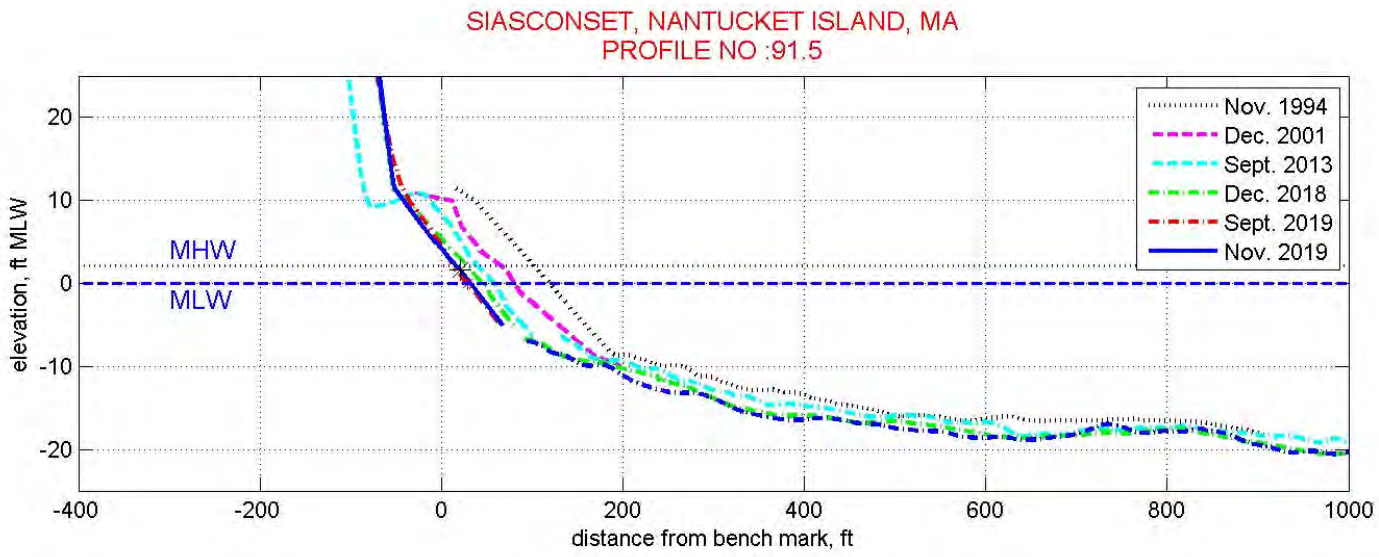

PROFILE NO :90.9
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

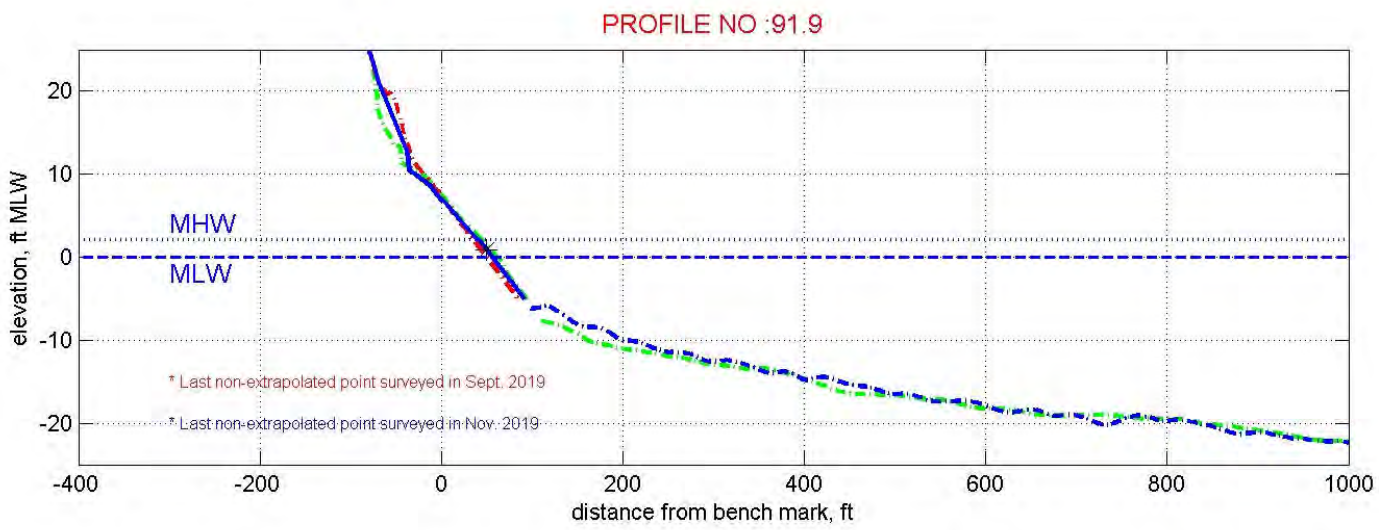

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :90.95
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

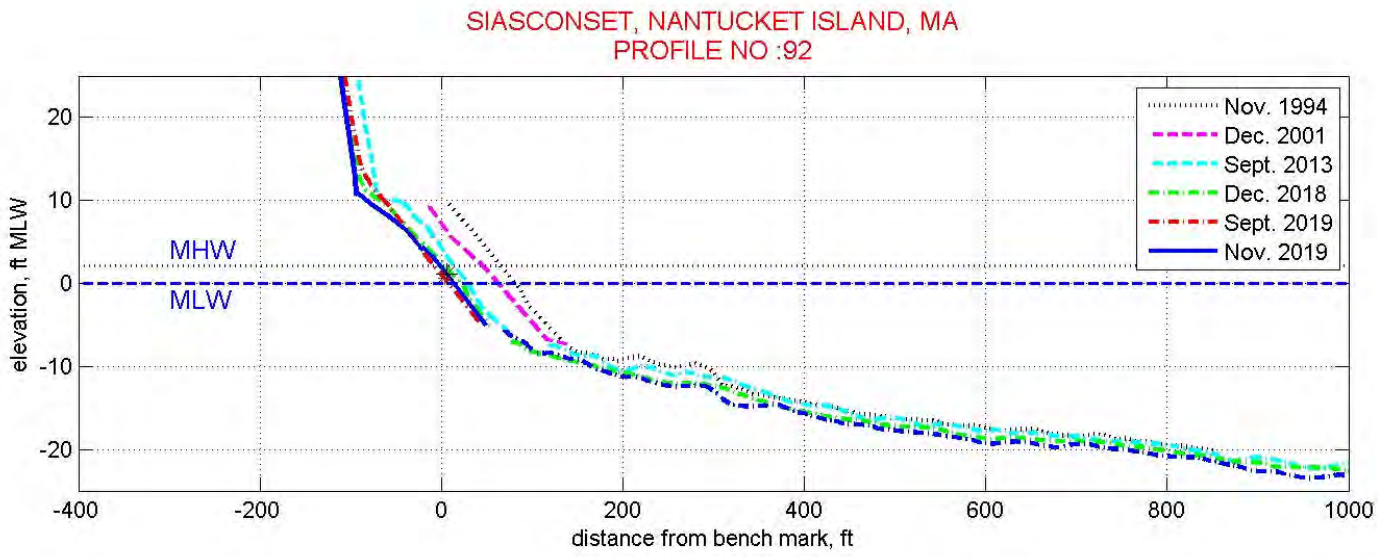

PROFILE NO :91
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

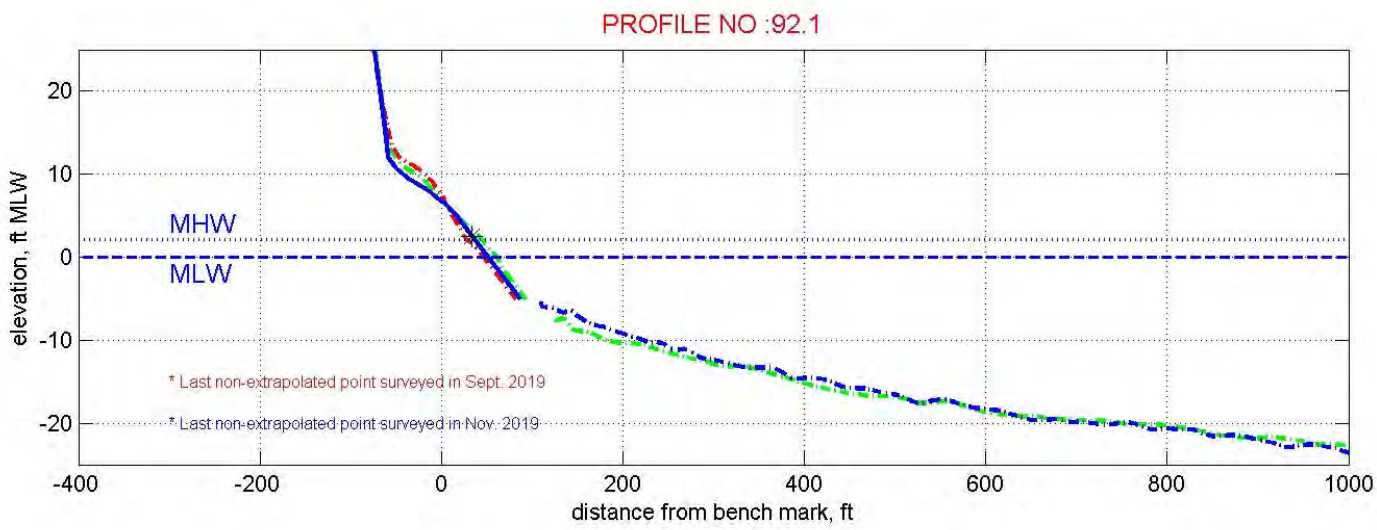

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :91.2
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

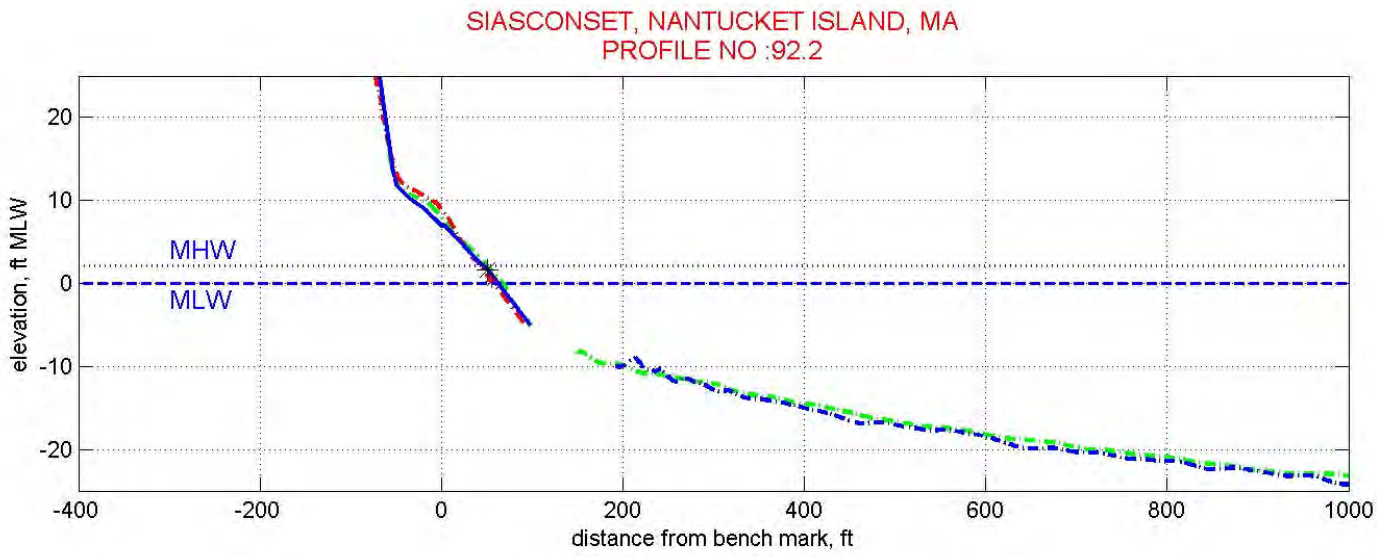

PROFILE NO :91.35
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

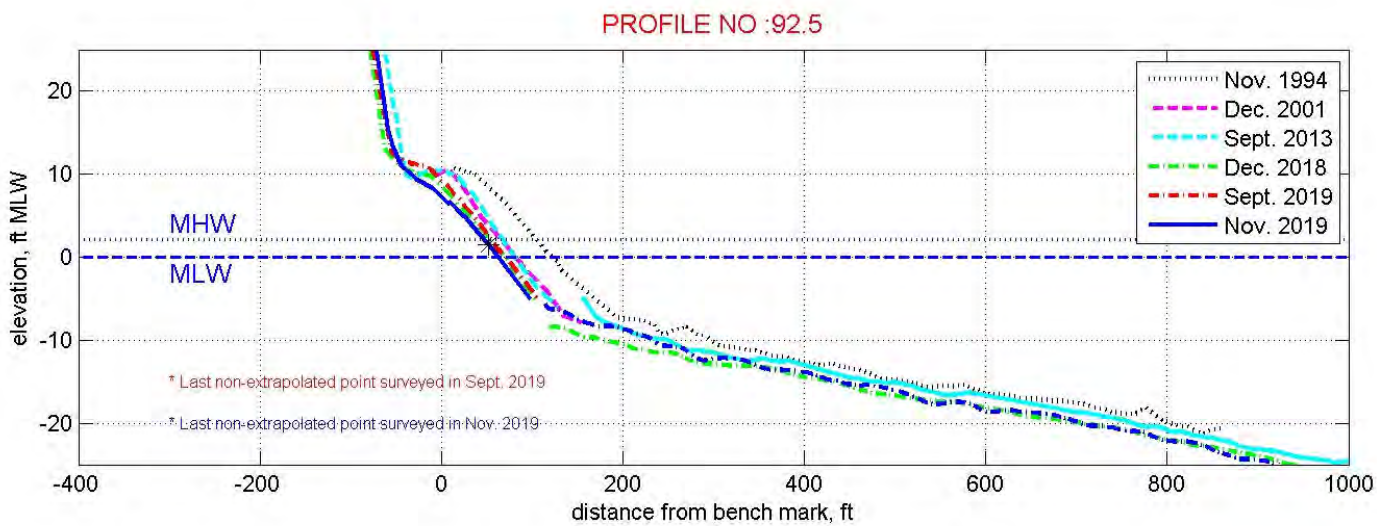

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :91.5
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

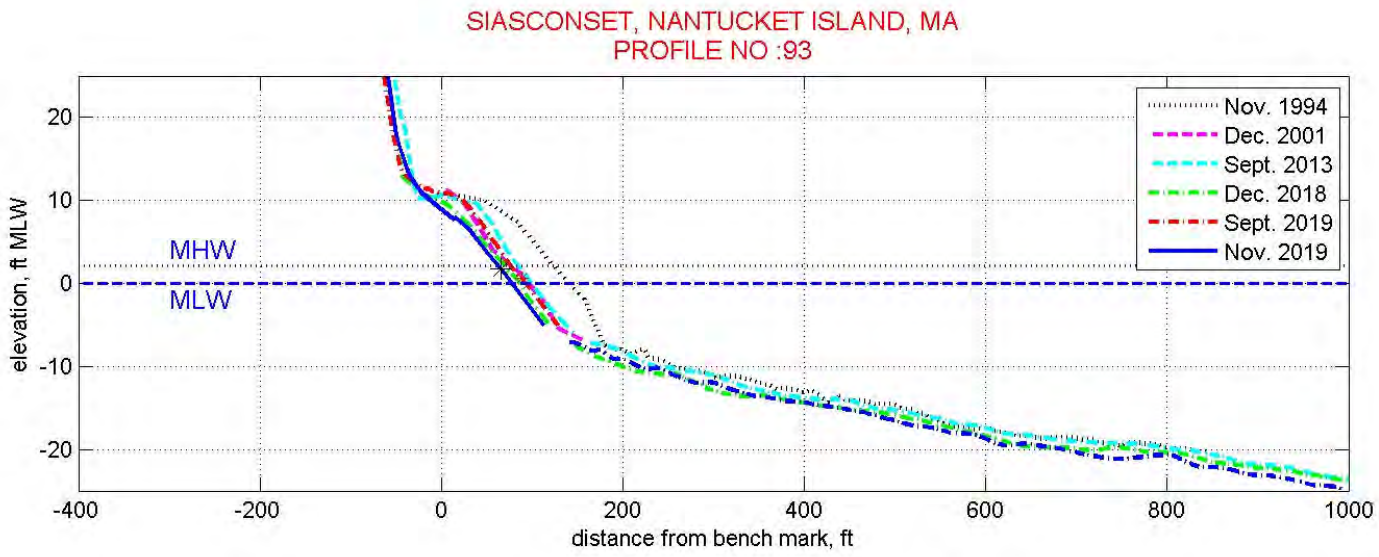

PROFILE NO :91.9
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

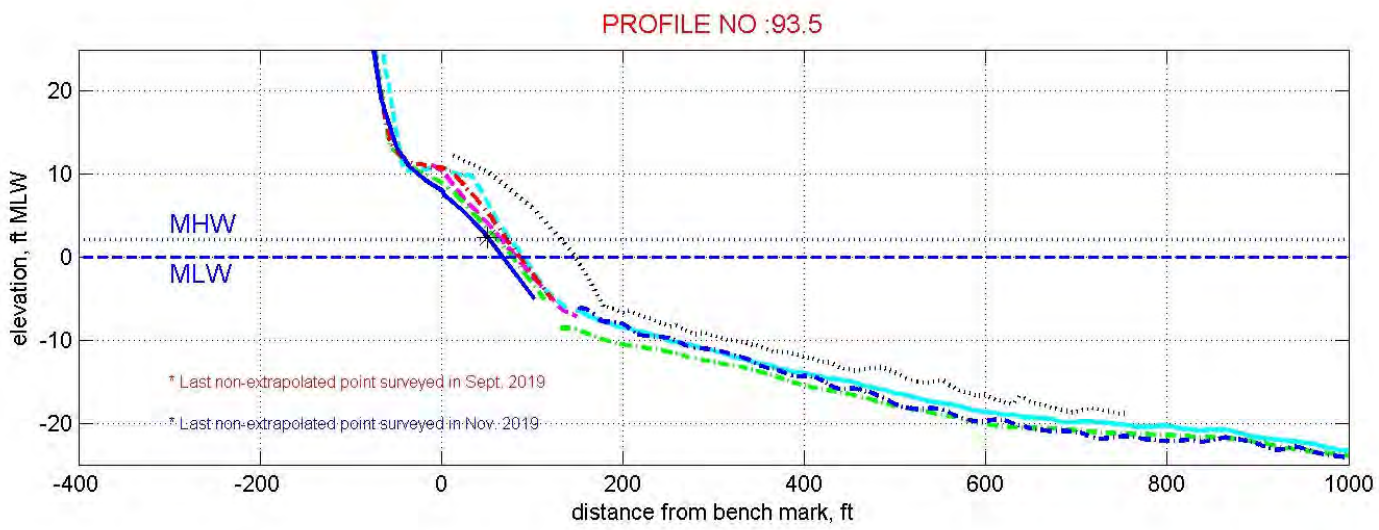

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :92
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

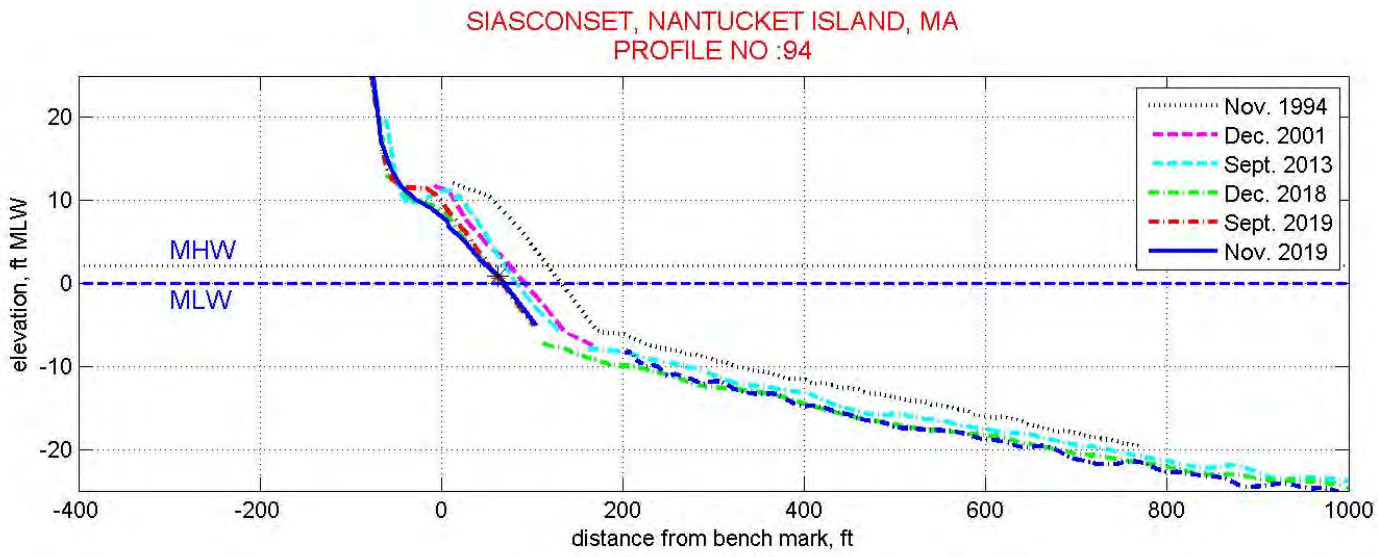

PROFILE NO :92.1
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

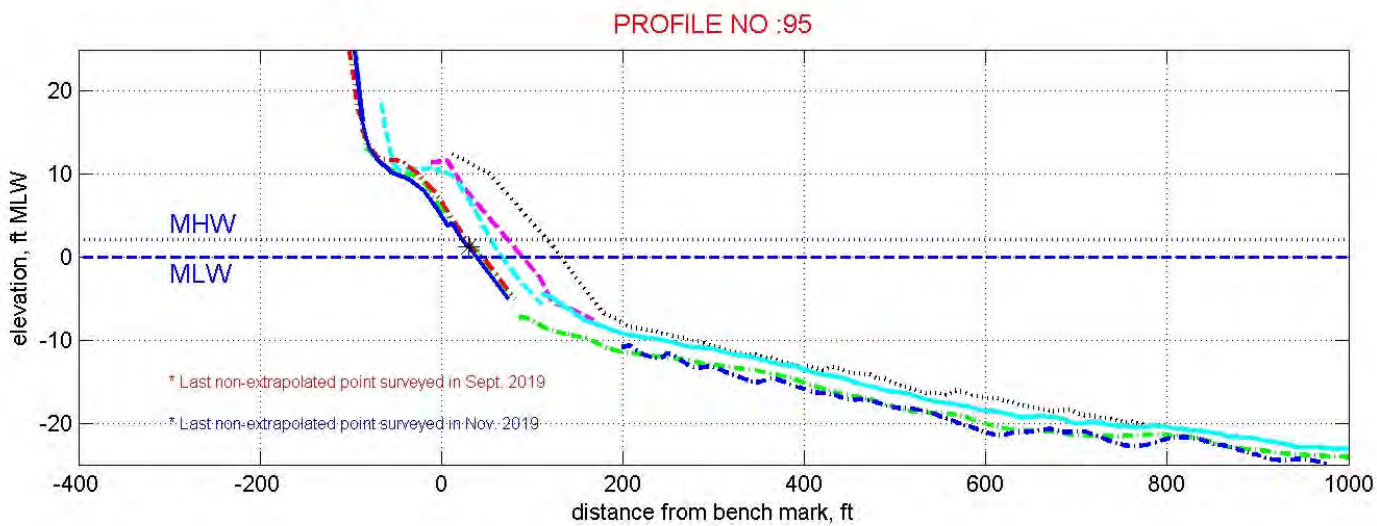

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :92.2
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

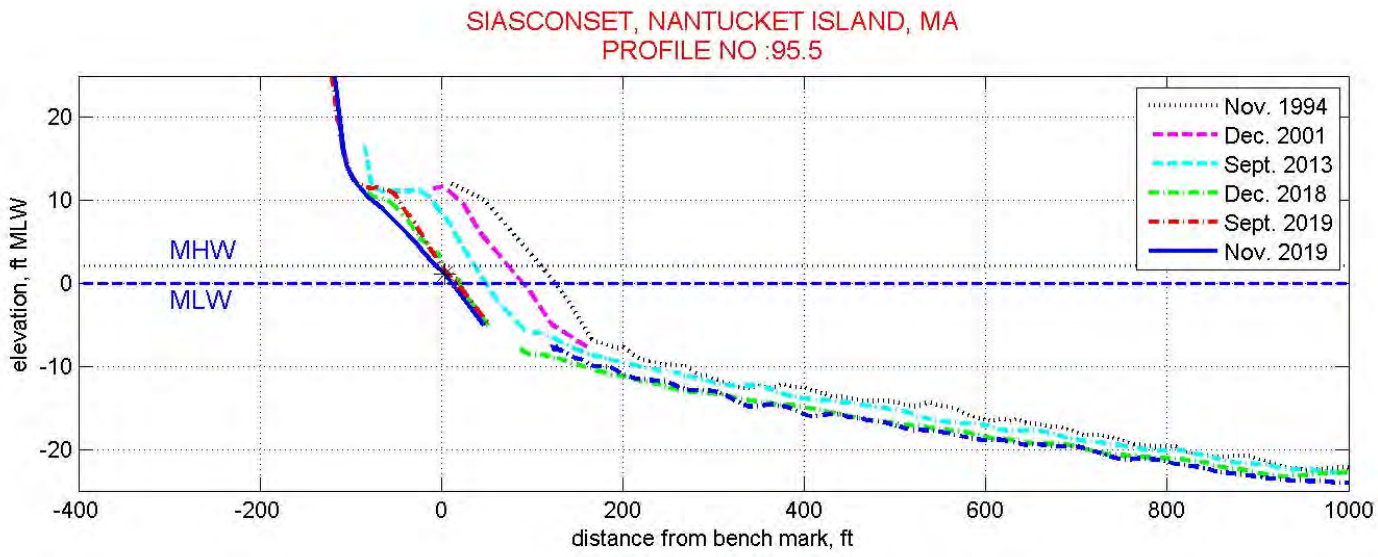

PROFILE NO :92.5
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

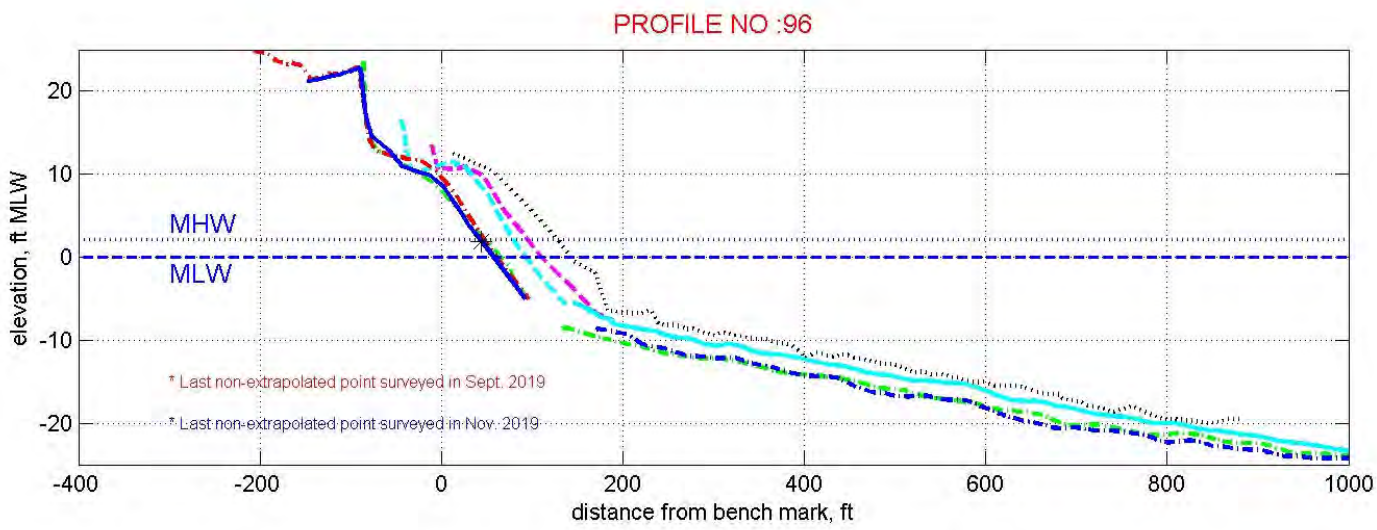

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :93
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

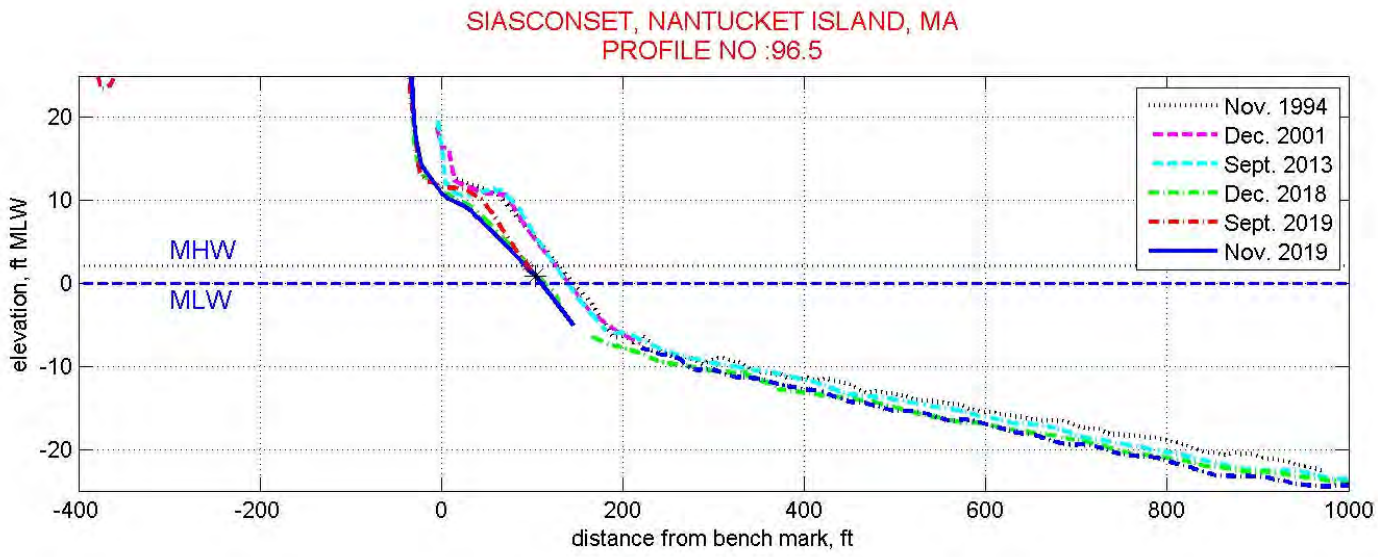

PROFILE NO :93.5
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

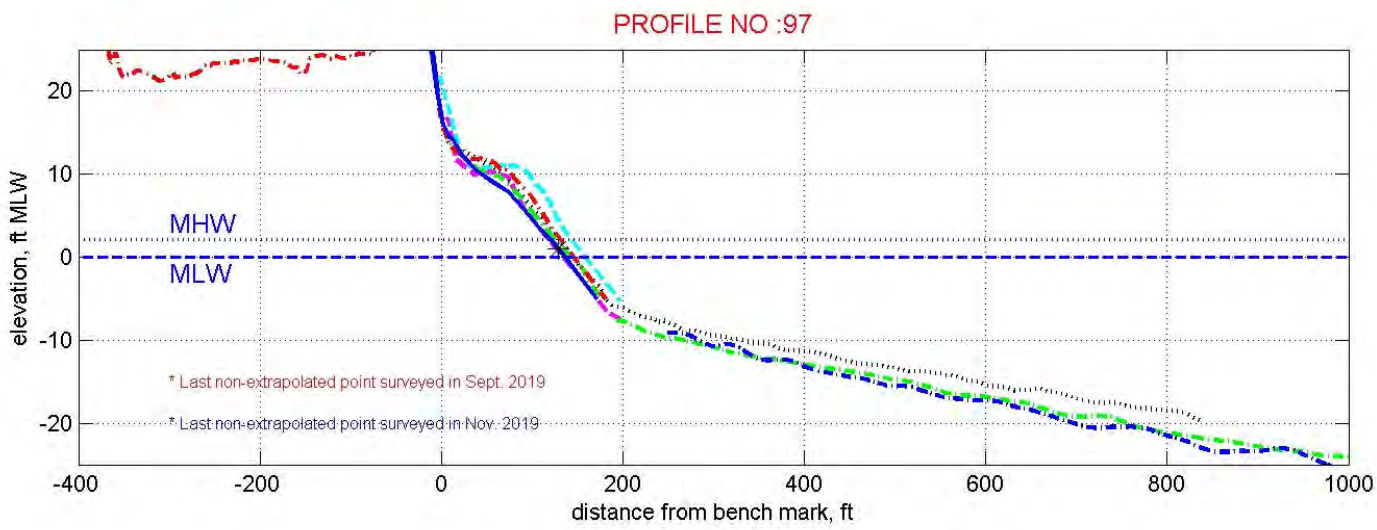

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :94
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

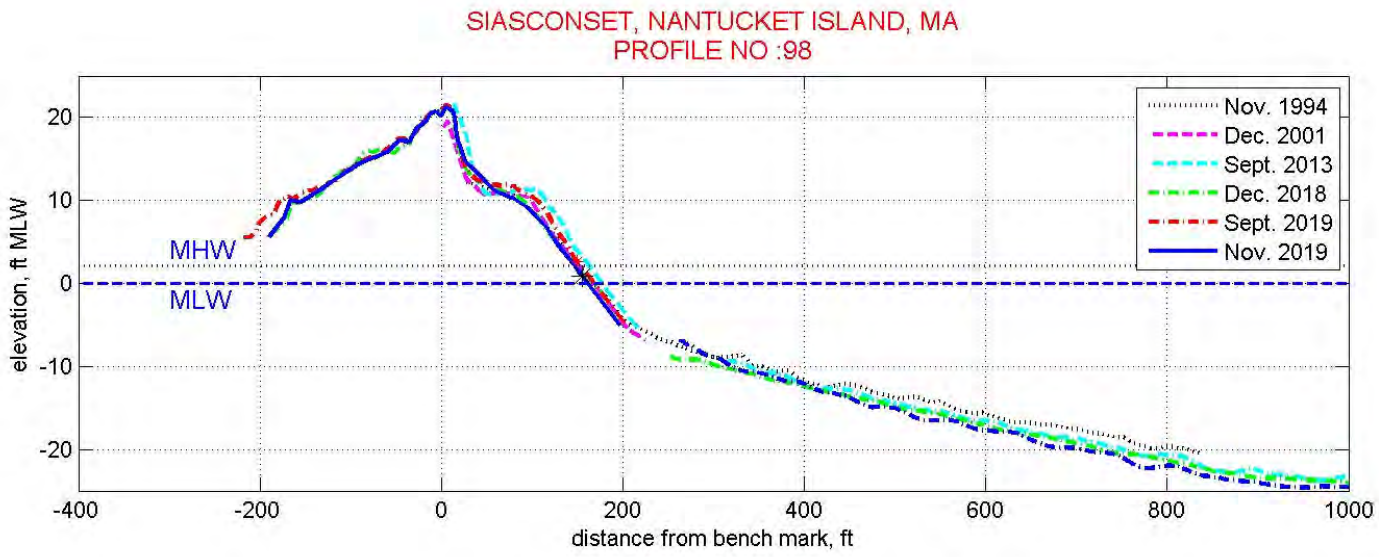

PROFILE NO :95
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

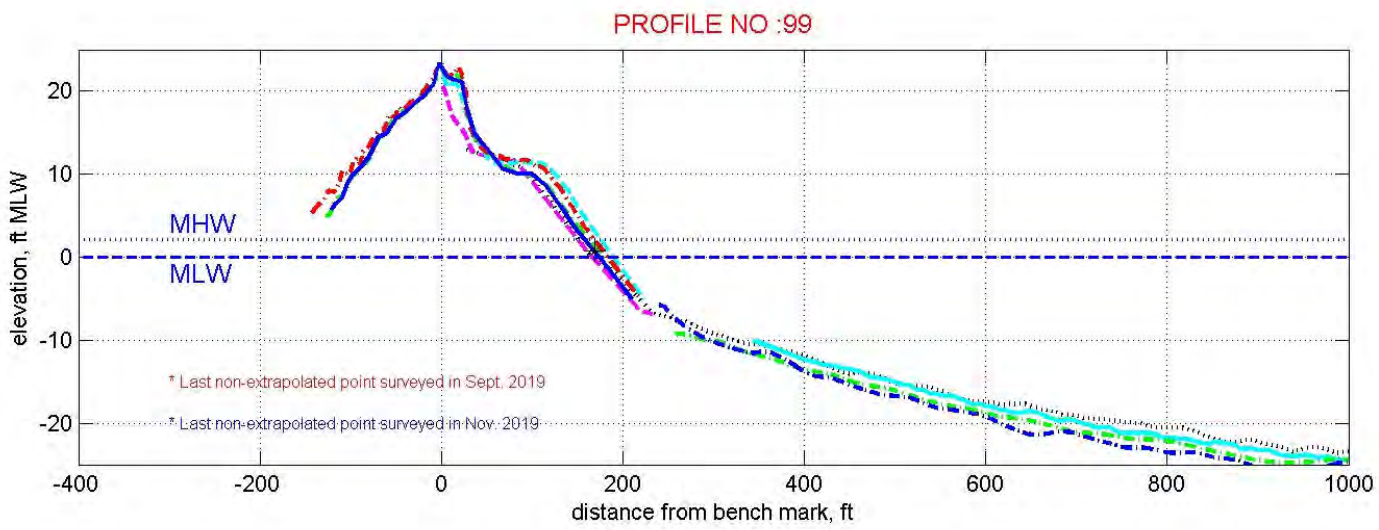

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :95.5
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

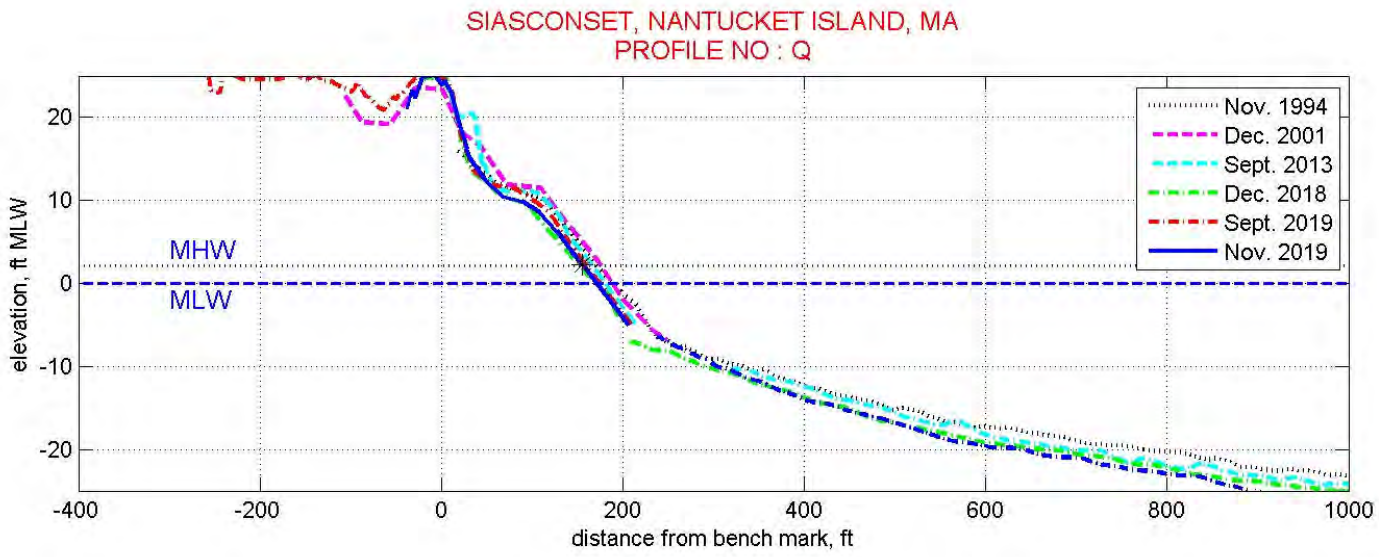

PROFILE NO :96
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

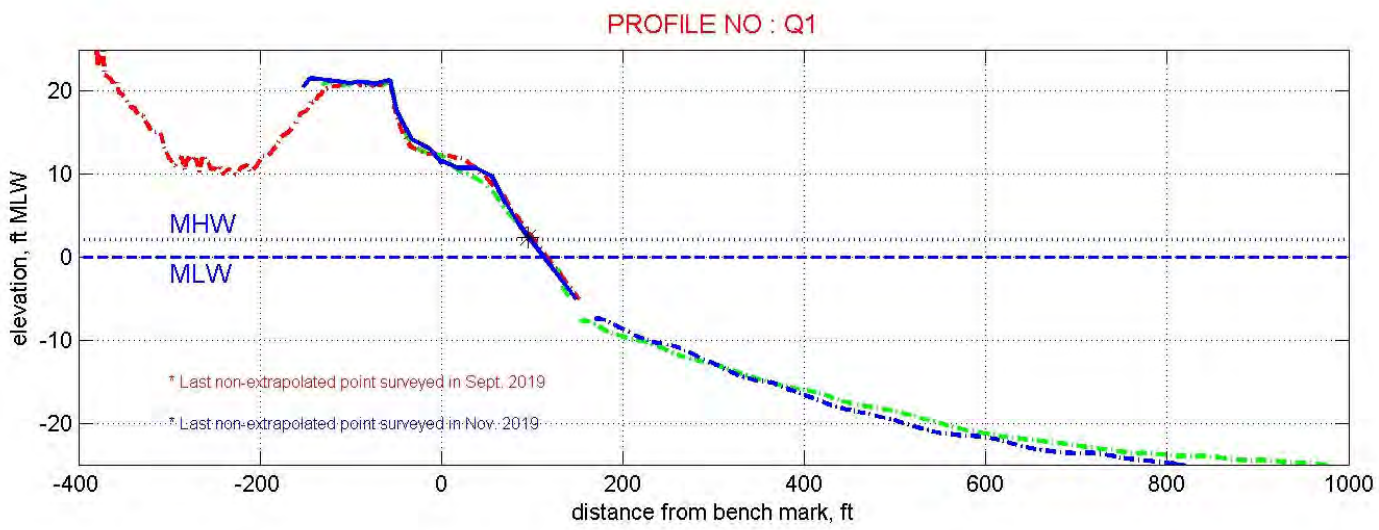

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :96.5
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

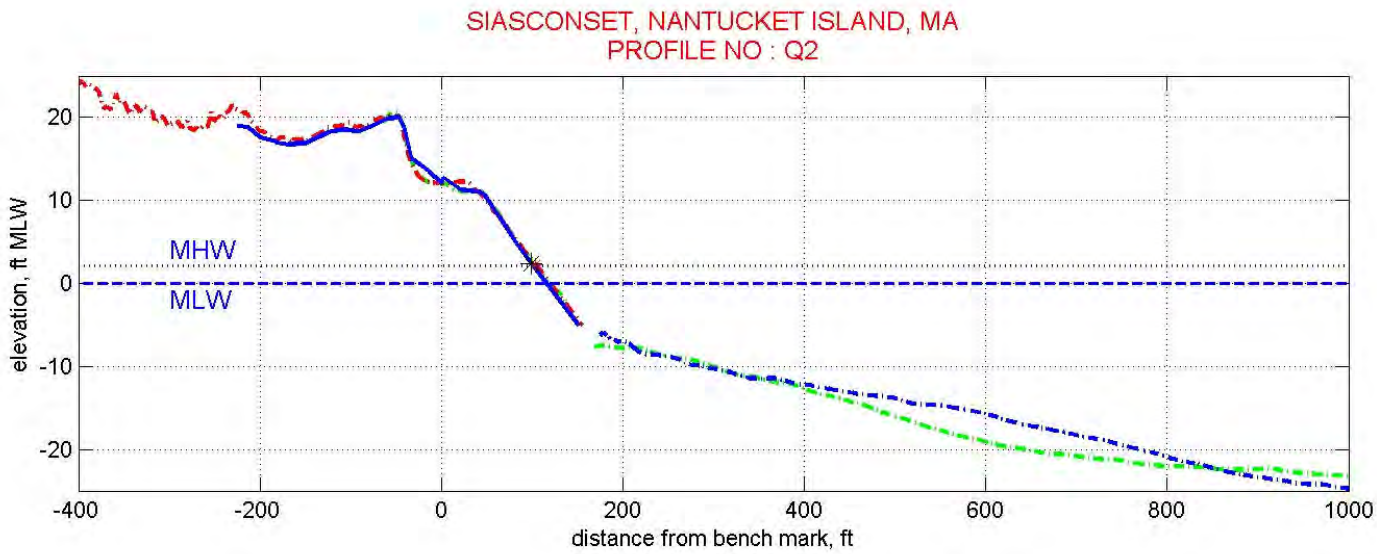

PROFILE NO :97
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

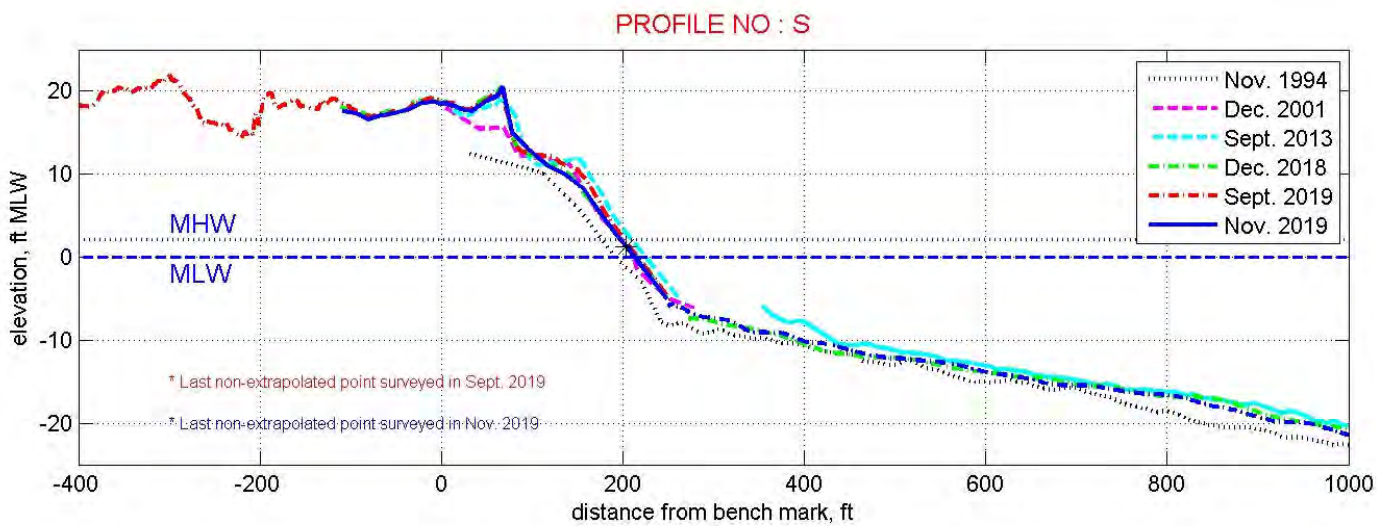

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO :98
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

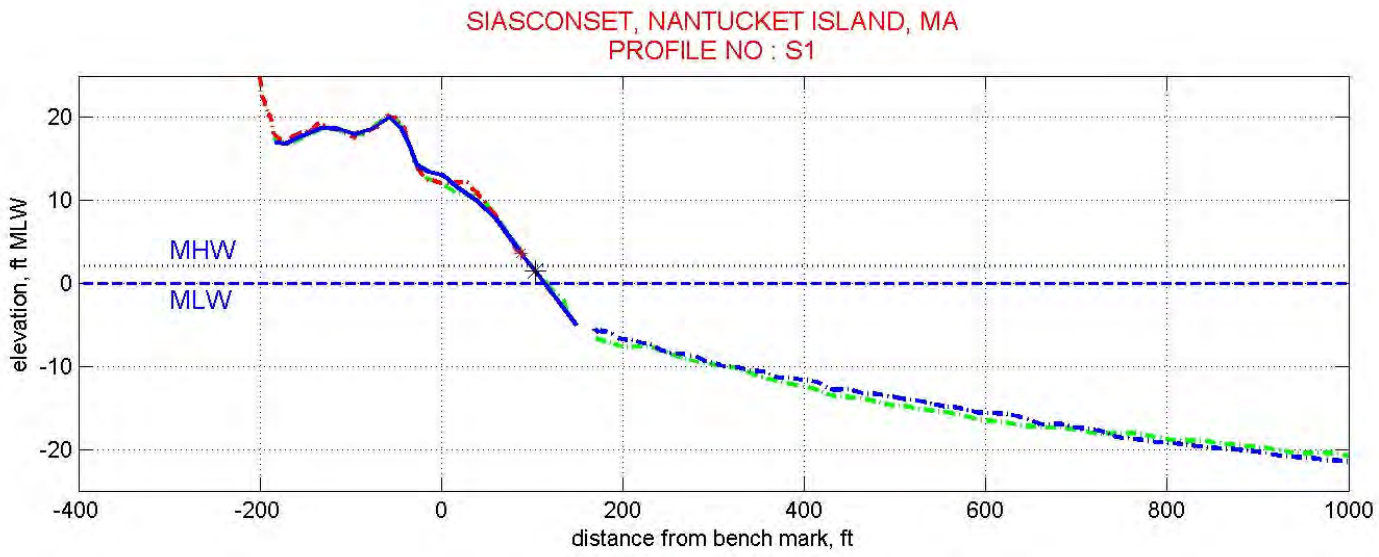

PROFILE NO :99
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

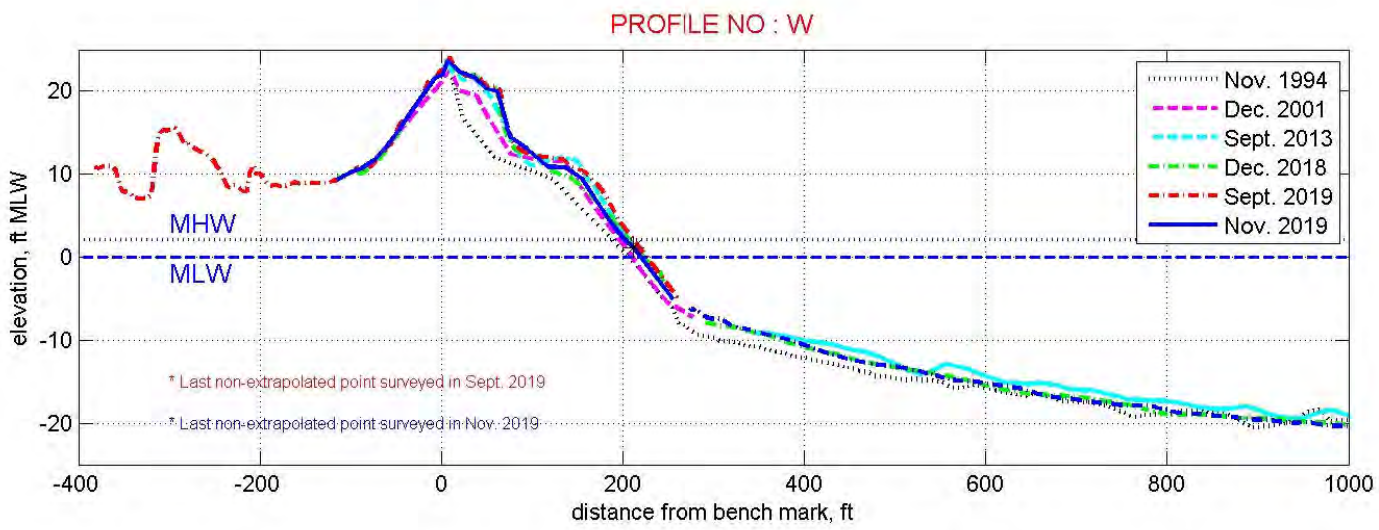

SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO : Q
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
MHW
MLW
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000


PROFILE NO : Q1
MHW
MLW
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
elevation, ft MLW
distance from bench mark, ft
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000


SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO : Q2
elevation, ft MLW
distance from bench mark, ft
MHW
MLW
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000


PROFILE NO : S
elevation, ft MLW
distance from bench mark, ft
MHW
MLW
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000


SIASCONSET, NANTUCKET ISLAND, MA
PROFILE NO : S1
elevation, ft MLW
distance from bench mark, ft
MHW
MLW
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000


PROFILE NO : W
elevation, ft MLW
distance from bench mark, ft
MHW
MLW
Nov. 1994
Dec. 2001
Sept. 2013
Dec. 2018
Sept. 2019
Nov. 2019
* Last non-extrapolated point surveyed in Sept. 2019
* Last non-extrapolated point surveyed in Nov. 2019
20
10
0
-10
-20
-400
-200
0
200
400
600
800
1000

Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

Southeast Regional Office • 20 Riverside Drive, Lakeville MA 02347 • 508-946-2700

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Kathleen A. Theoharides
Secretary

Martin Suuberg
Commissioner

JAN 28 2020

Siasconset Beach Preservation Fund
c/o Glenn A. Wood, Esq.
Rubin & Rudman LLP
53 State Street
Boston, Massachusetts 02109

RE: NANTUCKET—Wetlands
DEP File No. SE 48-3115
Superseding Order of Conditions
59-119 Baxter Road

Dear Attorney Wood:

Following an in-depth review of the above-referenced file and in accordance with Massachusetts General Laws, Chapter 131, Section 40, the Department of Environmental Protection has issued the enclosed Superseding Order of Conditions (SOC). This Order approves the proposed northern extension to the existing Geotube and a portion of the southern extension subject to certain conditions. The Department has determined that the project area is significant to the statutory interests of flood control, storm damage prevention and the protection of wildlife habitat.

The Notice of Intent (NOI) was jointly filed by the Siasconset Beach Preservation Fund (SBPF) and the Town of Nantucket. The Town owns the beach in the project area. The project proposes an approximately 767 linear foot Geotube extension to the north and an approximately 1,916 linear foot Geotube extension to the south, smaller geotextile returns, planting of vegetation on the face of the coastal bank, and ongoing mitigation (beach nourishment) and monitoring of project performance. As shown on the referenced plans, the proposed design incorporates 4 tiers of Geotubes. The project area currently contains three to four tiers of Geotubes with a total length of approximately 947 feet. The Department has determined that the coastal bank (Sconset Bluff) acts both as a sediment source and as a vertical buffer to elevated storm waters.

The Wetland Regulations at 310 CMR 10.30(3) provides, in part, that a coastal engineering structure "shall be permitted" when required to protect buildings constructed prior to 1978 from storm damage. The expanded project would protect 13 pre-1978 homes in the southern extension and 3 pre-1978 homes in the northern extension. All of the homes on the ocean-side of Baxter Road in the project area are pre-1978 buildings. The project area also includes 2 (vacant) gap lots at 85 and 107/107A Baxter Road. In the Department's judgment, the applicant has demonstrated the need to provide a contiguous Geotube system across the gap lots that can effectively protect pre-1978 homes in the area, including pre-1978 homes on the landward side of Baxter Road. As a

This information is available in alternate format. Call Michelle Waters-Ekanem, Diversity Director, at 617-292-5751. TDD# 1-866-539-7622 or 1-617-574-6868
MassDEP Website: www.mass.gov/dep

Printed on Recycled Paper

result, the Department has determined that the proposed Geotubes between Lots 115 and 63 meets the above-noted performance standard for Coastal Banks.

The enclosed SOC denies the proposed installation of Geotubes at the southern end (Lots 61, 59, and 55) of the approximately 1,916 linear foot southern Geotube extension. The coastal bank is more stable in the area south of lot 63 with extensive vegetation on the face of the coastal bank compared to areas to the north. In addition, the homes on Lots 61 and 59 do not meet the applicant's proposed "imminent" danger criteria that dwellings within 40 feet of the top of the coastal bank need immediate protection from storm damage as discussed in the Notice of Project Change filed with MEPA. In fact, the homes on Lots 61 and 59 are 68 and 65 feet back from the top of the coastal bank, respectively. Further, it is not clear that the homes on Lots 61, 59, and 55 couldn't be relocated to the landward side of Baxter Road and away from the coastal bank. As a result, the Department has determined that the proposed Geotubes on Lots 61, 59 and 55 do not meet the performance standards for Coastal Banks at 310 CMR 10.30 (3). Specifically, the Department has determined that the proposed Geotubes are not required to prevent storm damage at this time and there may be feasible alternatives to a coastal engineering structure. In the case of Lots 61 and 59, relocation of homes to the landward side of Baxter Road may be a feasible alternative to a coastal engineering structure.

The enclosed SOC also denies the proposed installation of Geotubes along the southern end of the proposed project area where a coastal dune fronts the toe of the coastal bank. In the area of Lots 55, 53, 51B and 51A, the coastal dune serves to protect the toe of the coastal bank from erosion, resulting in a dense vegetative cover on the face of the coastal bank. The applicant proposed the installation of Geotubes if and when the coastal dune erodes away and exposes the coastal bank to erosion. In the Department's opinion, the proposed Geotubes on Lots 55, 53, 51B and 51A are not required to prevent storm damage to homes at this time. As a result, the Department has determined that the proposed Geotubes in this area do not meet the performance standards for Coastal Banks at 310 CMR 10.30(3). In addition, the Department has determined that there may be feasible alternatives to a coastal engineering structure, such as building relocation to the landward side of Baxter Road.

Please be advised that any future NOI must demonstrate that there are no feasible alternatives to the Geotubes such as relocation of threatened buildings, that the buildings are at risk of storm damage at the time of the application and that the Geotubes or an alternative coastal structure are necessary to prevent storm damage to pre-1978 buildings.

The MEPA Certificate (EEA#15240) issued on September 20, 2019 by the Secretary of Energy and Environmental Affairs, directed the Department to address concerns with proposed changes to the applicant's mitigation plan and monitoring frequency. The applicant's revised mitigation plan is an adaptive sand mitigation plan that would change the fixed rate of 22 cubic yard per linear foot a year to a flexible rate of 8.8 cy/lf a year or a volume to fill a 22 cy/lf template, whichever is greater. Due to the apparent success of the current mitigation plan in maintaining a walkable beach seaward of the existing Geotubes and the substantial increase in project length, the Department's SOC will require the current mitigation volume of 22 cy/lf a year to remain for the expanded project. In addition, the applicant's revised monitoring plan would change the shoreline change analysis (beach profile) to semi-annual from the current quarterly requirement. Although the Department's Guide to Best Management Practices for

Beach Nourishment Projects recommends semi-annual monitoring, the Department believes that due to the substantial increase in project length and unique circumstances of the project, the current monitoring plan of quarterly shoreline change analysis will remain for the expanded project. Following 3 years of implementing the required mitigation and monitoring plans, the applicants may request the Department to re-assess these plans in accordance with the enclosed SOC.

The Department is aware of recent enforcement action taken by the Nantucket Conservation Commission regarding the use of non-beach compatible nourishment material and the failure to submit beach monitoring reports. The Department supports the Commission's enforcement actions. Failure to provide clean, compatible sediment as mitigation and failure to submit timely quarterly monitoring reports could result in further enforcement action and constitute project failure in accordance with criteria in the enclosed SOC.

In the opinion of the Department the reasons given here are sufficient to justify this SOC. However, the Department reserves the right, should there be further proceedings in this matter, to raise additional issues and present further evidence as may be appropriate.

If you have any questions concerning this matter please contact Nate Corcoran at (508) 946-2723.

Very truly yours,

James Mahala

James Mahala, Chief
Wetlands and Waterways Program

JM/nc
Enclosure
CERTIFIED MAIL # 7017 1450 0000 0281 4220

cc: Nantucket Conservation Commission

Nantucket Board of Selectmen

WPA Form 5 – Superseding Order of Conditions
Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

MassDEP File #

SE 48-3115

A. General Information

1. From: **Massachusetts Department of Environmental Protection**
   Issuing Authority
2. This issuance is for (check one): a. ☒ Superseding Order of Conditions
   b. ☐ Amended Superseding Order of Conditions
3. To: Applicant:

   Josh — a. First Name
   Posner — b. Last Name
   Siasconset Beach Preservation Fund (SBPF) — c. Organization
   P.O. Box 2279 — d. Mailing Address Line 1
   Nantucket — e. City/Town
   MA — f. State
   02584 — g. Zip Code

4. Property Owner (if different from applicant):

   a. First Name
   b. Last Name
   See Attached List — c. Organization
   d. Mailing Address Line 1
   e. City/Town
   f. State
   g. Zip Code

5. Project Location:

   59-119 Baxter Road — a. Street Address
   Nantucket — b. City/Town
   c. Assessors Map/Plat Number
   d. Parcel/Lot Number

Latitude and Longitude, if known:
41°16'36.748"N — e. Latitude
69°57'40.559"W — f. Longitude

A. General Information (cont'd)

6. Property recorded at the Registry of Deeds (attach additional information if more than one parcel):

Nantucket
a. County

See attached list
b. Certificate (if registered land)

c. Book

d. Page

7. Dates: 01/05/2018 a. Date NOI Filed; 8/29/2019 b. Date of Site Visit; 6/20/2019 c. Date of Issuance of Local Order

8. Final Approved Plans and Other Documents (attach additional plans or document references):

Expanded Baxter Road and Sconset Bluff Storm Damage Prevention Project Permit Drawings
a. Plan Title

Baird W.F. Baird & Associates Ltd.
b. Prepared By

Gordon G. Thomson, P.E.
c. Signed and Stamped By

10/29/2019
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, the Department finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection 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

2. This Department hereby finds the project, as proposed, is (check one):

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. The Department 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.

B. Findings (cont'd)

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 these interests, 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.**

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and wetland boundary (if available) _____ a. linear feet

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ 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. ☐ 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. ☐ 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. ☐ Riverfront area	a. total sq. feet	b. total sq. feet		
Sq feet within 100 feet	c. square feet	d. square feet	e. square feet	f. square feet
Sq feet between 100-200 feet	g. square feet	h. square feet	i. square feet	j. square feet

B. Findings (cont'd)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

10. ☐ Designated Port Areas - Indicate size under Land Under the Ocean, below

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches - Indicate size under Coastal Beaches and/or Coastal Dunes below.				
13. ☒ Coastal Beaches	104,860 a. square feet	94,680 b. square feet	c. c/y nourish.	d. c/y
14. ☐ Coastal Dunes	a. square feet	b. square feet	c. c/y nourish.	d. c/y
15. ☒ Coastal Banks	2,730 a. linear feet	2,465 b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet

20. ☐ 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. ☒ Land Subject to Coastal Storm Flowage	104,860 a. square feet	94,680 b. square feet

C. General Conditions Under Massachusetts Wetlands Protection Act

(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 Superseding Order of Conditions, this Amended Superseding Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Superseding Order will expire on _____ 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.

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 Department 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 then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MA DEP"]

    "File Number SE48-3115 "

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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 DEP.

12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Department of Environmental Protection.

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 Department 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 Department.

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 Department, 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.

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

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.

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 19(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 BMPs 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, and 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 19(f) through 19(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 19(f) through 19(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.

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.

Brief Project Description: The installation of an approximately 767 linear foot Geotube extension to the North and an approximately 1,916 linear foot Geotube extension to the South of the existing Geotube, smaller geotextile returns, planting of vegetation on the face of the bluff, and ongoing mitigation and monitoring of project performance.

Special Conditions (See attached sheet(s) for additional Special Conditions numbered 1 through 22.

D. Findings Under Municipal Wetlands Bylaw or Ordinance

To the extent that the Order is based on a municipal bylaw or ordinance, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no jurisdiction to supersede the local by-law order.

E. Issuance

This Order is valid for three years from the date of issuance, unless otherwise specified as a special condition pursuant to General Conditions 4 or 6.

Issued by: **Massachusetts Department of Environmental Protection:**

Signature:

James Mahala

James Mahala, Chief
Wetlands & Waterways Program

This Order is issued to the applicant as follows:

☐ by Hand delivery on:

Date

☒ by certified mail on:

JAN 28 2020

Certified Mail #7017 1450 0000 0281 4220

F. Recording Information

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 Page 10 of this form shall be submitted to the Department.

Massachusetts Department of Environmental Protection – Southeast Region
Issuing Authority

To: Massachusetts Department of Environmental Protection – Southeast Region
Issuing Authority

Please be advised that the Order of Conditions for the Project at:

59-119 Baxter Road, Nantucket
Project Address – Street & Town

SE48-3115
DEP File Number

Has been recorded at the Registry of Deeds of:

Nantucket
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

JM/nc

G. Appeal Rights and Time Limits

The applicant, the landowner, any person aggrieved by the Superseding Order, Determination or other Reviewable Decision as defined at 310 CMR 10.04, who previously participated in the proceedings leading to this Reviewable Decision, the conservation commission, or any ten (10) residents of the city or town where the land is located if at least one resident was previously a participant in the permit proceeding, are hereby notified of their right to appeal this Reviewable Decision pursuant to M.G.L. c.30A, § 10, provided the request is made by certified mail or hand delivery to the Department, along with the appropriate filing fee and a MassDEP Fee Transmittal Form within ten (10) business days of the date of issuance of this Superseding Order or Determination, and addressed to:

Case Administrator
Office of Appeals and Dispute Resolution
Department of Environmental Protection
One Winter Street, 2nd Floor
Boston, MA 02108

A copy of the request (hereinafter also referred to as Appeal Notice) shall at the same time be sent by certified mail or hand delivery to the Conservation Commission, the applicant, the person that requested the Superseding Order or Determination, and the issuing office of the MassDEP at:

MassDEP
20 Riverside Drive
Lakeville, MA 02347

In the event that a ten resident group requested the Superseding Order or Determination, the Appeal Notice shall be served on the designated representative of the ten resident group, whose name and contact information is included in this Reviewable Decision (when relevant).

Contents of Appeal Notice

An Appeal Notice shall comply with the Department's Rules for Adjudicatory Proceedings, 310 CMR 1.01(6) and 310 CMR 10.05(7)(j), and shall contain the following information:

(a) the MassDEP Wetlands File Number, name of the applicant, landowner if different from applicant, and address of the project;
(b) the complete name, mailing address, email address, and fax and telephone numbers of the party filing the Appeal Notice; if represented by consultant or counsel, the name, fax and telephone numbers, email address, and mailing address of the representative; if a ten residents group, the same information for the group's designated representative;
(c) if the Appeal Notice is filed by a ten (10) resident group, then a demonstration of participation by at least one resident in the previous proceedings that led to this Reviewable Decision;
(d) if the Appeal Notice is filed by an aggrieved person, then a demonstration of participation in the previous proceeding that lead to this Reviewable Decision and sufficient written facts to demonstrate status as a person aggrieved;
(e) the names, telephone and fax numbers, email addresses, and mailing addresses of all other interested parties, if known;

(f) a clear and concise statement of the alleged errors contained in the Department's decision and how each alleged error in inconsistent with 310 CMR 10.00 and does not contribute to the protection of the interests identified in the Wetlands Protection Act, M.G.L. c.131, § 40, including reference to the statutory or regulatory provisions that the party filing the Appeal Notice alleges has been violated by the Department's Decision, and the relief sought, including any specific desired changes to the Department's decision;

(g) a copy of the Department's Reviewable Decision that is being appealed and a copy of the underlying Conservation Commission decision if the Reviewable Decision affirms the Conservation Commission decision;

(h) a statement that a copy of the request has been sent by certified mail or hand delivery to the applicant and the conservation commission; and

(i) if asserting a matter that is Major and Complex, as defined at 310 CMR 10.04, a statement requesting that the Presiding Officer make a designation of Major and Complex, with specific reasons supporting the request.

Filing Fee and Address

A copy of the Appeal Notice along with a MassDEP Fee Transmittal Form and a valid check or money order payable to the Commonwealth of Massachusetts in the amount of one hundred dollars ($100) must be mailed to:

Commonwealth of Massachusetts
Department of Environmental Protection
Commonwealth Master Lockbox
P.O. Box 4062
Boston, Massachusetts 02211

The request will be dismissed if the filing fee is not paid, unless the appellant is exempt or granted a waiver. The filing fee is not required if the appellant is a city or town (or municipal agency), county, district of the Commonwealth of Massachusetts, or a municipal housing authority. The Department may waive the adjudicatory hearing filing fee pursuant to 310 CMR 4.06(2) for a person who shows that paying the fee will create an undue financial hardship. A person seeking a waiver must file an affidavit setting forth the facts believed to support the claim of undue financial hardship together with the hearing request as provided above.

Superseding Order of Conditions for Siasconset Beach Preservation Fund/Town of Nantucket, File No. SE 48-3115

Special Conditions:

1. This Superseding Order of Conditions (SOC) permits installation of an approximately 767 linear foot Geotube extension to the north and a portion of the approximately 1,916 linear foot proposed Geotube extension to the south in order to prevent storm damage to pre-1978 homes, installation of smaller geotextile returns on the ends of the Geotubes to prevent flanking and minimize end effects, planting of vegetation on the face of the coastal bank, and ongoing mitigation (beach nourishment) and monitoring. The proposed southern Geotube extension and smaller geotextile returns shall terminate at the southern boundary of Lot 63. Coir fiber roll returns may be installed on Lot 61 as needed. This SOC denies the proposed installation of Geotubes at the southern end (Lots 61, 59, and 55) of the approximately 1,916 linear foot southern Geotube extension. The Department has determined that the proposed Geotubes on Lots 61, 59 and 55 do not meet the performance standards for Coastal Banks at 310 CMR 10.30 (3). Specifically, the Department has determined that the proposed Geotubes are not required to prevent storm damage at this time, and there may be feasible alternatives to a coastal engineering structure. The SOC also denies the proposed installation of Geotubes along the southern end of the proposed project area where a coastal dune fronts the toe of the coastal bank (Lots 55, 53, 51B, and 51A). The Department has determined that the proposed Geotubes on Lots 55, 53, 51B, and 51A do not meet the performance standards for Coastal Banks at 310 CMR 10.30 (3). Specifically, the Department has determined that the proposed Geotubes are not required to prevent storm damage at this time, and there may be feasible alternatives to a coastal engineering structure.

2. Notice of work commencement shall be given to the Nantucket Conservation Commission (NCC) and the Department at least 48 hours prior to the commencement of work.

3. Prior to installation of the Geotube extensions on lots 63-87 and 105-119 and returns, the proponents shall ascertain the width of the beach seaward of the existing Geotubes to determine whether there is sufficient beach width landward of mean high water (MHW) to conduct activities associated with the installation of the Geotubes and returns in accordance with the proposed construction methodology. In the event the beach is not sufficiently wide to allow Geotube installation in accordance with the proposed construction methodology, the proponents shall submit an alternative construction methodology for the Department's review and approval.

4. Prior to installation of the Geotube extensions on lots 63-87 and 105-119 and returns, the proponents shall mark the MHW line with surveyed stakes, obtain Global Positioning System (GPS) coordinates along the MHW line and shall maintain the stakes throughout the duration of construction. GPS coordinates shall be submitted to the Department and the NCC within 2 weeks of collection.

5. The staked position of the MHW line shall serve as a limit of work throughout the duration of construction. No work is allowed seaward of the MHW line under this SOC.

6. Access to the beach shall be from Hoick's Hollow north of the project area. A gate or similar structure shall be installed to control vehicular access to the beach at the Hoick's Hollow access point.

7. All sand used to fill and cover the Geotubes shall be imported from an off-site source and shall be clean sediment compatible in terms of grain size with the existing beach sediments. The Department reserves the right to request the grain size analysis of sediments used for beach nourishment.

8. As proposed, the smaller geotextile returns shall be installed in a manner to form closure between the existing Geotubes and the adjacent bluff without excavation into the coastal bank. All beach sand excavated to install the returns shall remain on the beach and shall be used to restore the beach following construction.

9. The ongoing beach monitoring/survey program currently conducted by the Woods Hole Group shall continue. The monitoring program shall be conducted on a **quarterly basis for the first 3 years** in order to timely identify beach impacts that may be attributable to the Geotubes and to assess whether the mitigation program is adequate. Beach profiles shall be taken on a quarterly basis along the 24 proposed profile lines. Beach profiles shall be taken from the toe of the coastal bank, coastal dune or Geotube seaward to the –5 foot MLW contour.

Beach profile data and analysis shall be submitted to the Department and the NCC within 30 days of completion of the quarterly survey. Following 3 years of quarterly surveys, the proponents may request the Department to re-assess the need for quarterly beach profiles. Such a request shall be accompanied with a report that provides reasonable justification for a reduced survey schedule. The final decision on any changes to the monitoring program rests with the Department.

10. As proposed, offshore (bathymetric) profiles shall be taken on an annual basis. Offshore profiles shall be taken out to the –25 foot to -35 foot MLW92 contour or 2,000 to 3,000 feet offshore, whichever is less. The bathymetric survey transects shall overlap the beach profiles (no gaps) and the tide gage used during the survey shall be surveyed into the same datum as the beach profiles. Bathymetry profile data and analysis shall be submitted to the Department and NCC within 30 days of completion of the survey.

11. An annual assessment report summarizing the beach and bathymetric profile monitoring program shall be submitted to the Department and the NCC each year. This report shall, at a minimum, provide an analysis of beach changes including volumetric changes between surveyed transects, assess location of the top of coastal bank and estimate bank retreat over the previous 12 months and calculate bank volume loss in the project area and 300 feet to the north and south. In addition, the report shall recommend any necessary changes to the beach nourishment program for the Department's review and approval.

12. Post-Storm monitoring reports shall be submitted following all significant storms. A storm will be considered "significant" if there are sustained winds over 40 mph over at least a 6 hour period according to NOAA's National Climate Data Center, Nantucket Memorial Airport station. The post-storm monitoring report shall include, at a minimum, photo-documentation of the condition of the Geotubes and nourishment sand within the project area, estimate of the volume of sand lost from the sand template, estimate of the beach level in front of the Geotubes to determine if replenishment is needed, estimate of volume of sand (if necessary) and schedule for delivery, identification of the location of any exposed geotextile or of any repair required to the geotextile, and visual observation of the ends of the Geotubes to determine if flanking is occurring. Such reports shall be submitted to the Department and the NCC as soon as possible following all significant storms but no later than 7 days from the end of the storm.

13. Sand mitigation shall be at a rate of 22 cubic yards per linear foot (cy/lf) per year in accordance with the following schedule for the first 3 years:

    a. Provide initial cover of 22 cy/lf during and/or immediately following construction of the Geotube extensions and returns.

    b. Annually in April: Provide additional sand and/or adjust the existing template to obtain a minimum two foot cover over the Geotubes to protect them from UV degradation. The volume of any sand placed in April shall be recorded and counted towards the annual 22 cy/lf requirement.

    c. Annually in September-November: Place an additional volume of sand, to ensure a substantial portion of the sand template volume (10-15 cy/lf) is available at the onset of the winter storm season. Throughout the winter, place additional sand on an as-needed basis, in accordance with the replenishment trigger in the Milone & MacBroom's November 12, 2013 letter (i.e., if half the vertical height of the lowest Geotube is exposed, place a minimum of 2 cy/lf). If the balance of the 22 cy/lf volume is not placed in its entirety before March 1, the balance of the sand will be placed by March 31.

    d. Delivery tickets from sand supplier shall be provided annually to the Department and the NCC to document the total volume of sand provided on a yearly basis.

    e. Following 3 years of mitigation at a rate of 22 cubic yards per linear foot per year, the proponents may request the Department to re-assess the rate of sand mitigation. Such a request shall be accompanied with a report that provides reasonable justification for a modified mitigation rate. The final decision on any changes to the monitoring program rests with the Department.

14. If there is not adequate space to provide the entire mitigation volume within the project area footprint, then any remaining sand shall be placed in a berm at the toe of the coastal bank or dune and landward of MHW within 300 feet of the ends of the Geotubes. Any additional sand placed outside of the project area shall be equally distributed to the areas north and south of the project area.

15. Failure of the Siasconset Beach Preservation Fund (SBPF) to conduct the actions set out in subsections (a) to (e) herein shall constitute a project failure ("failure criteria") if not performed within the stipulated timeframes or within such other reasonable periods of time as determined by the Department in the event of a delay in performance outside the control of SBPF, or if there are unmitigated adverse impacts from the project. The "failure criteria" include:

    a. Failure to provide the sand mitigation as required in Special Conditions #s 7, 13, and 14.

    b. Failure to conduct the shoreline monitoring and post-storm monitoring as required in Special Conditions #s 9 through 12.

    c. Failure to repair and/or replace damaged geotextile tubes in a timely manner. If repair or replacement cannot be accomplished within 30 days from the date of the damage, SBPF shall notify the Department and the NCC before 30 days have elapsed and provide a repair schedule for Department review and approval.

    d. Excessive loss in updrift or downdrift beach cross section that can be attributed to the project. If the quarterly monitoring program identifies excessive loss to the adjacent shoreline (compared to historical data) that may be attributable to the project, then SBPF shall contact the Department and the NCC within 30 days of the completion of the quarterly survey. Upon notice, the Department shall commence an information gathering and consultation process to evaluate whether the shoreline loss is a result of the project. Following the conclusion of the evaluation the Department shall determine an appropriate course of action to address the beach loss associated with the project which may include, but is not limited to, changes to the placement of the sand template, an increase in the volume of sand mitigation, or project removal if impacts cannot be effectively mitigated. SBPF shall implement the Department's required mitigation within 30 days of receipt of written notification from the Department.

    e. Failure to maintain adequate beach width in front of the Geotubes. If the beach in the project area erodes so that the position of MHW migrates landward to the seaward edge of the second tier of geotextile tubes for any two consecutive quarterly surveys, then within 30 days of completion of the second quarterly survey SBPF shall contact the Department and the NCC. Upon notice, the Department shall commence an information gathering and consultation process. Following the conclusion of the evaluation, the Department shall determine an appropriate course of action which may include, but is not limited to, changes to the placement of the sand template, an increase in the volume of sand mitigation, or Geotube removal if impacts cannot be effectively mitigated. SBPF shall implement the Department's required mitigation within 30 days of receipt of written notification from the Department.

16. In the event certain failure criteria have been met and the Department orders Geotube removal, then the geotextile fabric shall be cut, removed and properly disposed of. Following removal of the geotextile fabric, sand from the Geotubes shall be spread along the beach landward of MHW. SBPF and the Town shall maintain the escrow fund in place as of the date of this SOC to ensure the availability of funds to pay for the removal of the Geotubes. Lack of adequate funds in the escrow account shall not negate SBPF's requirement for Geotube removal.

17. The SBPF shall be responsible for the retrieval and proper disposal of all geotextile products associated with this project in the event wave action and erosion destroys or otherwise causes damage to the Geotube system.

18. As proposed, exposed areas on the face of the coastal bank, other than the upper 5-7 feet between lots 109 and 115 Baxter Road, may be stabilized using biodegradable erosion control blankets planted with beach grass and/or

other indigenous coastal vegetation. The erosion control blankets and plantings shall be installed with hand tools with workers repelling down the bank face.

19. All construction refuse shall be removed from the site and disposed of in compliance with all local, State, and Federal laws and regulations.

20. Upon completion of the proposed installation of the North and South Geotube extensions and returns, a partial Certificate of Compliance shall be requested in accordance with General Condition No. 11, and under the provisions of 310 CMR 10.05 (9)(d). A statement from a Professional Engineer or a Professional Land Surveyor registered in the Commonwealth of Massachusetts certifying compliance with the plans and conditions of this Order shall accompany the request for a partial Certificate of Compliance.

21. A portion of the proposed project is located within mapped *Priority and Estimated Habitat* of state-protected rare species by the Natural Heritage and Endangered Species Program of the Division of Fisheries and Wildlife (Division). As such, the proponent must adhere to the following conditions:

    a. All work, including all access locations (e.g. Hoicks Hollow), located within Priority Habitat is prohibited during the period **April 1 – August 31**, unless a monitoring and protection plan for state-listed species has been approved in writing by the Division.
    b. To reduce end scour and impacts to the Coastal Dune located within Priority Habitat, prior to the start of work, a nourishment plan that enhances or maintains Coastal Dune shall be submitted to the Division for review and written approval.
    c. The Applicant has the responsibility of protecting breeding Piping Plovers and state-listed species of terns that may be on this section of beach. Therefore, the Applicant must allow regular monitoring for the presence of Piping Plovers and terns by a qualified shorebird monitor, as determined by the Division, during the period April 1 – August 31 and shall allow any nests, scrapes, or unfledged chicks to be protected with symbolic fencing (warning signs and twine fencing).
    d. Within sixty (60) days of completion of work, the Applicant shall submit to the Division as-built site plans and a brief written report including photographs showing final constructed conditions with particular emphasis on demonstrating compliance with the conditions herein.
    e. The Division authorization is valid for 5 years from the date of issuance and limited to the project described herein.
    f. Upon filing for renewal, extension, or amendment of the Superseding Order of Condition, the applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.

22. This SOC does not relieve the applicant/owner from complying with the Town of Nantucket Wetland Bylaw.

Record & Assessed Owners: 59-119 Baxter Road - 2018

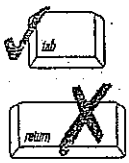
Property Address	Map & Parcel	Record Title Holder	Assessed Owner	Recording information
59 Baxter Road	49-20	Kevin F. Dale, Trustee of 59 Canopache Nominee Trust	Kevin F. Dale, Trustee of 59 Canopache Nominee Trust	C19072
61 Baxter Road	49-21	Ann R. Healey, Trustee of the Mayflower QPRT	Ann R. Healey, Trustee of the Mayflower QPRT	1325/277
63 Baxter Road	49-22	Elizabeth Singer, Trustee of the 64 Baxter Road Realty Trust	Elizabeth Singer, Trustee of the 64 Baxter Road Realty Trust	C19844
65 Baxter Road	49-23	Thomas Tuttle & Sharmila Tuttle	Thomas Tuttle & Sharmila Tuttle	1200/102
67 Baxter Road	49-24	Morning Light LLC, Margaret Hearst manager	Morning Light LLC, Margaret Hearst manager	845/269
69 Baxter Road	49-25	Richard & Marianne L. Moscicki	Richard & Marianne L. Moscicki	1294/117
71 Baxter Road	49-26.1	John C. Merson and Carol Bunevich	John C. Merson and Carol Bunevich	C21251
73 Baxter Road	49-27	Christian M. Darby	Christian M. Darby	1315/310
75 Baxter Road	49-30	Sankaty Bluff Group, LLC, John E. Osborn and Deborah P. Osborn manager	Sankaty Bluff Group, LLC, John E. Osborn and Deborah P. Osborn manager	1152/78
77 Baxter Road	49-31	Joshua Posner and Eileen Rudden	Joshua C. Posner and Eileen M. Rudden	C17538
79 Baxter Road	49-32	Helmut F. Weymar & Caroline S. Weymar	F. Helmut Weymar & Caroline S. Weymar	C12804
81 Baxter Road	49-33	William D. & Deborah Futter Cohan	William D. & Deborah Futter Cohan	C23689
83 Baxter Road	49-34	Marie Dostalier and Richard Touchette	Marie Dostalier and Richard Touchette	C23698
85 Baxter Road	49-35	Siasconset Preservation Fund, Inc. - Joshua Posner President	Siasconset Preservation Fund, Inc. - Joshua Posner President	C26035
87 Baxter Road	49-8	Samuel Furrow & Ann Furrow	Samuel Furrow & Ann Furrow	839/295
91 Baxter Road	48-22	Daniel L. Korengold, Trustee of D&M Baxter Road Nominee Trust	Daniel L. Korengold, Trustee of D&M Baxter Road Nominee Trust	1352/45
93 Baxter Road	48-21	Steven T. & Erin P. Freeman	Steven T. & Erin P. Freeman	1069/97
97 Baxter Road	48-19	Lawrence C. & Margaret McQuade	Lawrence C. & Margaret McQuade	C17087
99 Baxter Road	48-18	Ann B. Furrow	Ann B. Furrow	C20681
101 Baxter Road	48-17	101 Baxter Road LLC, James E. Walker and Deborah C. Walker managers	101 Baxter Road LLC, James E. Walker and Deborah C. Walker managers	01427/0341
105 Baxter Road	48-15	Marilee B. Matteson, as Trustee of Marilee Brill Matteson Nominee Trust	Marilee B. Matteson, as Trustee of Marilee Brill Matteson Nominee Trust	C25689
107 Baxter Road	48-14.1	Whitney A. Gifford, Trustee of S.C. Nominee Trust	Hannah J. Gretz, Trustee of S.G. Nominee Trust	01285/0217
107A Baxter Road	48-14	Whitney A. Gifford, Trustee of S.G. Nominee Trust	Whitney A. Gifford, Trustee of S.G. Nominee Trust	647/191
109 Baxter Road	48-12	Justine Mascioli Kenney, Trustee of Frederick P. Mascioli Living Trust	Justine Mascioli Kenney, Trustee of Frederick P. Mascioli Living Trust	C26159
113 Baxter Road	48-11	Loretta Yoder and Kyle L. Latshaw	Loretta Yoder and Kyle L. Latshaw	925/147
115 Baxter Rd	48-10	115 Baxter LLC, John Khawam manager	115 Baxter LLC, John Khawam manager	1513/335
117 Baxter Rd	48-9	Stephen B. Cohen	Stephen B. Cohen	575/163
119 Baxter Rd	48-7	Sconset Trust, Inc. - Elliot Gewirtz President	Sconset Trust, Inc. - Elliot Gewirtz President	C18718
Sconset Bluff	49-9	Town of Nantucket	Town of Nantucket	102/119
Sconset Bluff	48-6	Town of Nantucket	Town of Nantucket	185/52
Sconset Bluff	48-8	Town of Nantucket	Town of Nantucket	C1702
Sconset Bluff	48-5	Sconset Trust, Inc. - Elliot Gewirtz President	Sconset Trust, Inc. - Elliot Gewirtz President	

Massachusetts Department of Environmental Protection

Adjudicatory Hearing Fee Transmittal Form

IMPORTANT! This form is intended for fee transmittal only. The contents of a request for an adjudicatory appeal (Notice of Claim) are established at 310 CMR 1.01(6) and the substantive statutes and regulations governing the Department's action.

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



A. Person/Party Making Request

1. Name and address of person or party making request:

Name - If appropriate, name group representative

Street Address

City | State | Zip Code

2. Project Information:

Street Address

City | State | Zip Code

DEP File or ID Number | $ Amount of filing fee attached

Email Address

B. Applicant (if applicable)

1. Name and address of applicant:

Name - If appropriate, name group representative

Street Address

City | State | Zip Code

Email Address

C. Instructions

1. Send this form and check or money order of $100.00 payable to the Commonwealth of Massachusetts to the MassDEP Lockbox at:

   Department of Environmental Protection
   P.O. Box 4062
   Boston, MA 02211

2. Send a **copy** of this form and a **copy** of the check or money order with the Request for Adjudicatory Appeal (Notice of Claim) to:

   Case Administrator
   Office of Appeals and Dispute Resolution
   One Winter Street
   Boston, MA 02108