

1. Conservation Commission Digital Pack 03/04/2020

Documents:

TEN EASY STREET NOMINEE TRUST _ 10 EASY STREET (42 3 1_78)
SE48_.PDF
ESCAPEHATCH LLC _ 20 WESTERN AVENUE (87_74) SE48_.PDF
HARBORFRONT REALTY TRUST _ VILLAGE WAY (14_2) SE48_3285.PDF
SUMMERWIND INVESTMENTS LLC _ 14 CELTIC DRIVE (67_658)
SE48_3286.PDF
51 OCEAN AVENUE NOMINEE TRUST _ 51 OCEAN AVENUE (73 3 2_53)
SE48_3287.PDF
WILLIAM F HOPKINS TRUSTEE _ 7 HALLOWELL LANE (30_14) SE48_.PDF
HALLOWELL LANE NOMINEE TRUST _ 9 HALLOWELL LANE (30_14)
SE48_.PDF
KIM GLOWACKI _ 46 EASTON STREET (42 4 1_22) SE48_3285.PDF
AOC SHEEP COMMONS LLC _ 214 POLPIS ROAD (26_16) SE48_3187.PDF
AOC RICHARD BERHMAN _ 272 POLPIS ROAD (25_30) SE48_3209.PDF
MMOD KEYBANK NATIONAL ASSOCIATION _ 14 WASHING POND ROAD
(31_19) SE48_3133.PDF
MMOD 1 HULBERT ACK LLC _ 2 HULBERT AVENUE (42 1 4_2 1)
SE48_3142.PDF
MMOD 2 HULBERT ACK LLC _ 2 HULBERT AVENUE (42 1 4_2 1)
SE48_3142.PDF
NANTUCKET POND COALITION _ EASTERN SHORE OF HUMMOCK POND (81
AND 85_NA) SE48_3004.PDF
DRAFT CONCOMMINUTES 02_05_2020.PDF
NANTUCKET CONSERVATION FOUNDATION _ MEDOUIE CREEK AND 5
QUAISE PASTURE RD (20 26_25 21) SE48_3190.PDF
POCOMO RD NT 72 POCOMO ROAD SE48_3188.PDF
SBPF DAILY LOGS 2_24_2020 THRU 2_28_2020.PDF
SE48_2824 G BERMAN REVIEW OF OHI REPORT OF SBPF SAMPLING
MATERIAL 2_18_20.PDF
SE48_2824 SBPF RESPONSE TO G BERMAN ON OHI REPORT 02_28_20.PDF



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

N-10638

January 31, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Deborah Killen Lothian and William R.J. Lothian, Trustees of Ten Easy Street Nominee Trust

10 Easy Street, Map: 42.3.1 Parcel: 78
Nantucket, MA 02554

Dear Commission Members,

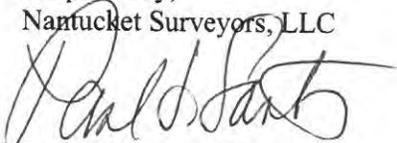
Enclosed please find the following:

- 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 - \$262.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA - \$237.50 (WPA Fee) Copy

This application is for the proposed installation of two pervious parking spaces with associated site work, grading and landscaping within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead). The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #10 Easy Street" prepared by Nantucket Surveyors, LLC, Dated: January 31, 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
Deborah Killen Lothian & William R.J. Lothian, Trustees of Ten Easy Street Nominee Trust

Office located at 5 Windy Way • Nantucket, MA 02554

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



Notice of Intent
Map 42.3.1 Parcel 78
10 Easy Street
Nantucket, Massachusetts

Prepared for: **Deborah Killen Lothian and William R.J.
Lothian, Trustees
c/o Ten Easy Street Nominee Trust
P.O. Box 877
Nantucket, MA 02554**

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

January 31, 2020



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:

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



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

A. General Information

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

<u>10 Easy Street</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41.284526</u>	<u>-70.097497</u>
	d. Latitude	e. Longitude
<u>42.3.1</u>	<u>78</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Deborah Killen Lothian and William R.J.</u>	<u>Lothian, Trustees</u>	
a. First Name	b. Last Name	
<u>c/o Ten Easy Street Nominee Trust</u>		
c. Organization		
<u>PO Box 877</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-228-0976</u>	<u>office@killenrealestate.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

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

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

<u>\$500</u>	<u>\$237.50</u>	<u>\$262.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
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A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of two pervious parking spaces with associated site work, grading and landscaping within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead).

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

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

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

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

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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

19754

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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



Massachusetts Department of Environmental Protection
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

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

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

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

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1. cubic yards dredged 300 S.F. 1. square feet	

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

a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____ b. number of replacement stream crossings _____



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Provided by MassDEP:

MassDEP File Number _____

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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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.



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

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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/esa_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/esa/esa_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
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Provided by MassDEP:

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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.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent #10 Easy Street

a. Plan Title

Nantucket Surveyors LLC

b. Prepared By

January 31, 2020

d. Final Revision Date

Paul J. Santos

c. Signed and Stamped by

1"= 10'

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:

1092

2. Municipal Check Number

1093

4. State Check Number

Ten Easy Street LLC

6. Payor name on check: First Name

2/1/20

3. Check date

2/1/20

5. Check date

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

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

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

Deborah Kelley Co-Trustee 2-1-20
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:

10 Easy Street Nantucket
 a. Street Address b. City/Town
1093 \$237.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Deborah Killen Lothian and William R.J. Lothian, Trustees
 a. First Name b. Last Name
c/o Ten Easy Street Nominee Trust
 c. Organization
PO Box 877
 d. Mailing Address
Nantucket MA 02554
 e. City/Town f. State g. Zip Code
508-228-0976 office@killenrealestate.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.



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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 2) b.	1	\$500	\$500
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$500

Step 6/Fee Payments:

Total Project Fee:	\$500
State share of filing Fee:	a. Total Fee from Step 5 \$237.50
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 \$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.)

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed installation of two pervious parking spaces with associated site work, grading and landscaping within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead).

Existing Site Conditions

The subject property is located on the west side of Easy Street, Nantucket Assessors Map: 42.3.1 Parcel: 78. The site is approximately 5,051± S.F., consisting of a 2 story commercial/residential structure and a 1 story commercial structure on a fully developed commercial lot. The surrounding land use is commercial.

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

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

The Massachusetts Tidelands Jurisdiction Data Map (Appendix E) shows that the area of proposed development is located within historic high water marks inferring the property has been developed on historical filled tidelands. Under this jurisdiction a Chapter 91 License is required for this project.

Erosion Control

Erosion control will be installed along the limit of the work as directed by the project engineer.

Stormwater Management Standards

The post-development peak discharge rate is equal to the pre-development peak discharge rate for this project. Also some of the standards may be waived due to the project being affected by land subject to coastal storm flowage, 310 CMR 10.05(6)(k)(2).

APPENDIX B

Assessor's Map



Figure 1: ASSESSOR'S MAP

10 EASY STREET
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: JANUARY 31, 2020

ASSESSOR'S REFERENCE:
 MAP: 42.3.1 PARCEL: 78

PREPARED FOR:
 DEBORAH K. AND WILLIAM LOTHIAN, TRS
 C/O TEN EASY STREET NOMINEE TRUST

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

APPENDIX C

Nantucket Topography



Figure 2: TOPOGRAPHIC MAP

10 EASY STREET
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: JANUARY 31, 2020

ASSESSOR'S REFERENCE:
 MAP: 42.3.1 PARCEL: 78

PREPARED FOR:
 DEBORAH K. AND WILLIAM LOTHIAN, TRS
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PREPARED BY:
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY NANTUCKET, MA 02554

APPENDIX D

NHESP Estimated and Priority Habitat Map

APPENDIX E

FEMA Flood Insurance Rate Map



PANEL: 25019C0086G
EFFECTIVE DATE: JUNE 9, 2014

Figure 4: FIRM MAP

10 EASY STREET
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 31, 2020

ASSESSOR'S REFERENCE:
MAP: 42.3.1 PARCEL: 78

PREPARED FOR:
DEBORAH K. AND WILLIAM LOTHIAN, TRS
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PREPARED BY:
NANTUCKET SURVEYORS LLC
5 WINDY WAY NANTUCKET, MA 02554

APPENDIX F

Tidelands Jurisdiction Map

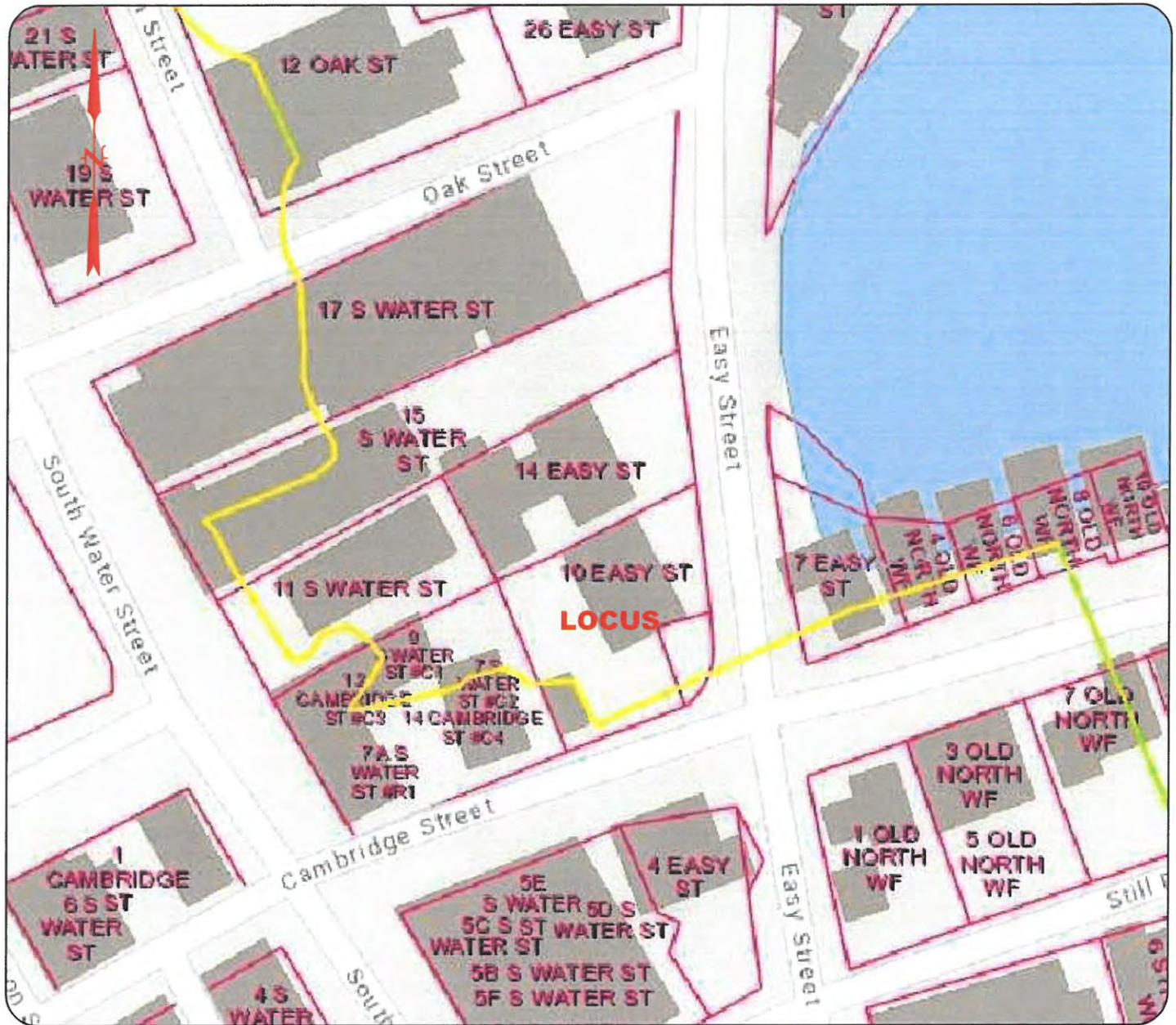


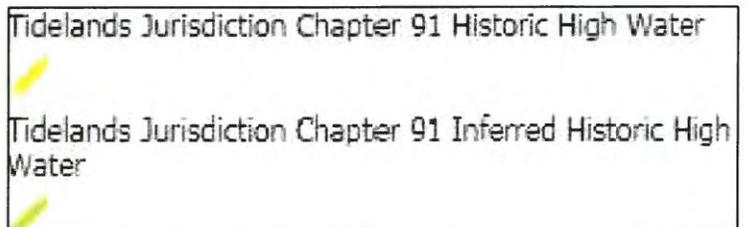
Figure 5: TIDELANDS JURISDICTION MAP

10 EASY STREET
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: JANUARY 31, 2020

ASSESSOR'S REFERENCE:
 MAP: 42.3.1 PARCEL: 78

PREPARED FOR:
 DEBORAH K. AND WILLIAM LOTHIAN, TRS
 C/O TEN EASY STREET NOMINEE

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



APPENDIX G

Site Photographs

10 East Street, Nantucket, MA
Applicant: Deborah Killen Lothian and William R.J. Lothian, Trustees



View of proposed location of parking spots from Easy Street



View of the Coastal Bank (bulkhead) from the property

APPENDIX I

Stormwater Management Report



Checklist for Stormwater Report

A. Introduction

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



A Stormwater Report must be submitted with the Notice of Intent permit application to document compliance with the Stormwater Management Standards. The following checklist is NOT a substitute for the Stormwater Report (which should provide more substantive and detailed information) but is offered here as a tool to help the applicant organize their Stormwater Management documentation for their Report and for the reviewer to assess this information in a consistent format. As noted in the Checklist, the Stormwater Report must contain the engineering computations and supporting information set forth in Volume 3 of the [Massachusetts Stormwater Handbook](#). The Stormwater Report must be prepared and certified by a Registered Professional Engineer (RPE) licensed in the Commonwealth.

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.¹ This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8²
- Operation and Maintenance Plan required by Standard 9

In addition to all plans and supporting information, the Stormwater Report must include a brief narrative describing stormwater management practices, including environmentally sensitive site design and LID techniques, along with a diagram depicting runoff through the proposed BMP treatment train. Plans are required to show existing and proposed conditions, identify all wetland resource areas, NRCS soil types, critical areas, Land Uses with Higher Potential Pollutant Loads (LUHPPL), and any areas on the site where infiltration rate is greater than 2.4 inches per hour. The Plans shall identify the drainage areas for both existing and proposed conditions at a scale that enables verification of supporting calculations.

As noted in the Checklist, the Stormwater Management Report shall document compliance with each of the Stormwater Management Standards as provided in the Massachusetts Stormwater Handbook. The soils evaluation and calculations shall be done using the methodologies set forth in Volume 3 of the Massachusetts Stormwater Handbook.

¹ The Stormwater Report may also include the Illicit Discharge Compliance Statement required by Standard 10. If not included in the Stormwater Report, the Illicit Discharge Compliance Statement must be submitted prior to the discharge of stormwater runoff to the post-construction best management practices.

² For some complex projects, it may not be possible to include the Construction Period Erosion and Sedimentation Control Plan in the Stormwater Report. In that event, the issuing authority has the discretion to issue an Order of Conditions that approves the project and includes a condition requiring the proponent to submit the Construction Period Erosion and Sedimentation Control Plan before commencing any land disturbance activity on the site.

B. Stormwater Checklist and Certification

The following checklist is intended to serve as a guide for applicants as to the elements that ordinarily need to be addressed in a complete Stormwater Report. The checklist is also intended to provide



Checklist for Stormwater Report

conservation commissions and other reviewing authorities with a summary of the components necessary for a comprehensive Stormwater Report that addresses the ten Stormwater Standards.

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

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

Registered Professional Engineer's Certification

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

Registered Professional Engineer Block and Signature



Dale MacKinnon 1/31/2020
Signature and Date

Checklist

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

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

Checklist (continued)

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



Checklist for Stormwater Report

the project:

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

Standard 1: No New Untreated Discharges

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

Checklist (continued)

Standard 2: Peak Rate Attenuation



Checklist for Stormwater Report

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

Standard 3: Recharge

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

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

Checklist (continued)

Standard 3: Recharge (continued)



Checklist for Stormwater Report

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

Standard 4: Water Quality

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

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

Checklist (continued)

Standard 4: Water Quality (continued)



Checklist for Stormwater Report

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

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

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

Standard 6: Critical Areas

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

Checklist (continued)

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



Checklist for Stormwater Report

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

Standard 8: Construction Period Pollution Prevention and Erosion and Sedimentation Control

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

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

Checklist (continued)

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



Checklist for Stormwater Report

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

Standard 9: Operation and Maintenance Plan

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

Standard 10: Prohibition of Illicit Discharges

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

STORMWATER MANAGEMENT REPORT

#10 Easy Street Nantucket MA

The purpose of this Stormwater Report is to document compliance of 10 Easy Street with the Massachusetts Stormwater Management Standards. Attached to this document is the Checklist for the Stormwater Report with a certification by Dale Mackinnon, P.E. of Nantucket Surveyors, LLC that the documents have been prepared in accordance with the requirements of the Stormwater Management Standards, and the submitted information in the checklist is accurate. Also included in the report is the explanation of why some information specified in the checklist is not applicable to the Project. It should be noted that the checklist sometimes lists options, and if an item is unchecked, it may be because it was an unselected option, and not an item that required information.

Applicant: Deborah Killen Lothian and William R.J. Lothian, Trustees of Ten Easy Street Nominee Trust

Project Name: Not Applicable

Project Address: Assessor's Map 42.3.1 Parcel 78

The subject property is located on the south side of Easy Street, Nantucket Assessors Map: 42.3.1 Parcel: 78. The site is approximately 5,051 ± S.F., consisting of a 2 story commercial/residential structure and a 1 story commercial structure on a fully developed commercial lot. The surrounding land use is commercial.

Stormwater Report Prepared by:

Firm: Nantucket Surveyors LLC

Registered Professional Engineer: Dale Mackinnon, P.E.

Project Type:

This project consists of minor redevelopment on a mixed use lot.

Overview:

The project is for the installation of two pervious parking spaces with associated site work, grading, and landscaping within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead). There is no existing stormwater treatment system on site. The new parking spots will be installed using pervious block pavers, eliminating stormwater runoff and the need for a treatment system.

REVIEW OF STORMWATER MANAGEMENT STANDARDS

Standard #1

No new stormwater conveyances (e.g. outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.

There are no new outfalls for this site.

Standard #2

Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.

Standard #2 was developed to prevent storm damage and downstream and off-site flooding in fresh water systems where increased runoff from a site can cause increased flooding of adjacent fresh water areas as the volume of runoff water is significant compared to the receiving volume of the floodplain area.

The project design has no change to peak flows leaving the site, proposed flows are the same as the peak flows of the existing site conditions.

Standard #3

Loss of annual recharge to groundwater shall be eliminated or minimized through the use of infiltration measures including environmentally sensitive site design, low impact development techniques, stormwater best management practices, and good operation and maintenance. At a minimum, the annual recharge from the post-development site shall approximate the annual recharge from pre-development conditions based on soil type. This Standard is met when the stormwater management system is designed to infiltrate the required recharge volume as determined in accordance with the Massachusetts Stormwater Handbook.

There is no increase in peak discharge, therefore no recharge has been provided.

Standard #4

Stormwater management systems shall be designed to remove 80% of the average annual post-construction load of Total Suspended Solids (TSS). This Standard is met when:

- a. Suitable practices for source control and pollution prevention are identified in a long-term pollution prevention plan, and thereafter are implemented and maintained;*

b. Structural stormwater best management practices are sized to capture the required water quality volume determined in accordance with the Massachusetts Stormwater Handbook; and

c. Pretreatment is provided in accordance with the Massachusetts Stormwater Handbook.

There is no increase in peak discharge, therefore no recharge or pretreatment has been provided.

Standard #5

For land uses with higher potential pollutant loads, source control and pollution prevention shall be implemented in accordance with the Massachusetts Stormwater Handbook to eliminate or reduce the discharge of stormwater runoff from such land uses to the maximum extent practicable. If through source control and/or pollution prevention all land uses with higher potential pollutant loads cannot be completely protected from exposure to rain, snow, snow melt, and stormwater runoff, the proponent shall use the specific structural stormwater BMPs determined by the Department to be suitable for such uses as provided in the Massachusetts Stormwater Handbook. Stormwater discharges from land uses with higher potential pollutant loads shall also comply with the requirements of the Massachusetts Clean Waters Act, M.G.L. c. 21, §§ 26-53 and the regulations promulgated thereunder at 314 CMR 3.00, 314 CMR 4.00 and 314 CMR 5.00.

The Site does not have land uses with higher potential pollutant loads.

Standard #6

Stormwater discharges within the Zone II or Interim Wellhead Protection Area of a public water supply, and stormwater discharges near or to any other critical area, require the use of the specific source control and pollution prevention measures and the specific structural stormwater best management practices determined by the Department to be suitable for managing discharges to such areas, as provided in the Massachusetts Stormwater Handbook. A discharge is near a critical area if there is a strong likelihood of a significant impact occurring to said area, taking into account site-specific factors. Stormwater discharges to Outstanding Resource Waters and Special Resource Waters shall be removed and set back from the receiving water or wetland and receive the highest and best practical method of treatment. A "storm water discharge" as defined in 314 CMR 3.04(2)(a)1 or (b) to an Outstanding Resource Water or Special Resource Water shall comply with 314 CMR 3.00 and 314 CMR 4.00. Stormwater discharges to a Zone I or Zone A are prohibited unless essential to the operation of a public water supply.

The Site does not discharge stormwater to a Critical Area.

Standard #7

A redevelopment project is required to meet the following Stormwater Management Standards only to the maximum extent practicable: Standard 2, Standard 3, and the pretreatment and structural best management practice requirements of Standards 4, 5, and 6. Existing stormwater discharges shall comply with Standard 1 only to the maximum extent practicable. A redevelopment project shall also comply with all other requirements of the Stormwater Management Standards and improve existing conditions.

This project is considered a Redevelopment project however the project complies with all Stormwater Standards.

Standard #8

A plan to control construction-related impacts, including erosion, sedimentation, and other pollutant sources during construction and land disturbance activities (construction period erosion, sedimentation, and pollution prevention plan) shall be developed and implemented.

Erosion and sediment controls have been incorporated into the project design to prevent erosion, control sediments, and stabilize exposed soils during construction or land disturbance

A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan has been included herewith.

Standard #9

A Post construction Operation and Maintenance (O&M) Plan shall be developed and implemented to ensure that stormwater management systems function as designed.

A post construction Operation and Maintenance Plan will be submitted to the Conservation Commission if determined to be necessary.

Standard #10

All illicit discharges to the stormwater management system are prohibited. The stormwater management system is the system for conveying, treating, and infiltrating stormwater on-site, including stormwater best management practices and any pipes intended to transport stormwater to the groundwater, a surface water, or municipal separate storm sewer system. Illicit discharges to the stormwater management system are discharges that are not entirely comprised of stormwater. Notwithstanding the foregoing, an illicit discharge does not include discharges from the following activities or facilities: firefighting, water line flushing, landscape irrigation, uncontaminated groundwater, potable water sources, foundation drains, air conditioning condensation, footing drains, individual resident car washing, flows from riparian habitats and wetlands, dechlorinated water from swimming pools, water used for street washing and water used to clean residential buildings without detergents.

An illicit Discharge Compliance Statement will be provided prior to the beginning of construction.

**10 EASY STREET NANTUCKET MASSACHUSETTS
CONSTRUCTION PERIOD POLLUTION PREVENTION PLAN**

JANURAY 31, 2020

Introduction

The accompanying narrative, reference documents and plans constitute the Construction Period Pollution Prevention Plan (CPLPP, "Plan") associated with site work activities at Killen Real Estate of 10 Easy Street in Nantucket MA. This project entails the installation of two pervious parking spaces within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead) across Easy Street. This site work is specifically related to work submitted under a Notice of Intent. This Plan has been prepared pursuant to Standard 8 of the Massachusetts Stormwater Management Standards, dated 2008. The Plan covers construction activity associated with the redevelopment.

A copy of the CPLPP must remain on-site during construction. When site work begins, regular inspections of the erosion control measures must be conducted by the Contractor periodically and after heavy rainstorms. Summary reports of inspections shall be added to the CPLPP, and should include the date of inspection, status of erosion control measures, necessary adjustments, and a time frame for adjustments and further inspection. Refer to Erosion and Sediment Control Inspection and Maintenance, herein.

Guidelines of the Construction Period Pollution Prevention Plan are presented in detail below and include the attached site plan. The following will describe the existing site conditions, development, and present methods to protect water resource areas on and adjacent to the site.

Responsibility for Operation and Maintenance:

Owner: Deborah Killen Lothian and William R.J. Lothian, Trustees of Ten Easy Street Nominee Trust

Contact: Deborah Killen Lothian and William R.J. Lothian, office@killenrealestate.com

The owner, its' designated representative (contractor), or successor in Title shall be responsible for the continuous operation and maintenance of the site, or shall enter into an agreement with a qualified maintenance contractor to conduct the work.

If applicable the contractor shall have demonstrated capabilities in sediment removal, cleaning and maintenance of drainage structures, and shall have the equipment to physically remove the accumulated sediments and the ability to repair the structural components of the system.

**10 EASY STREET NANTUCKET MASSACHUSETTS
CONSTRUCTION PERIOD POLLUTION PREVENTION PLAN**

JANURAY 31, 2020

Existing Site Conditions

The subject property is a developed commercial/residential lot located on the west side of Easy Street, Nantucket Assessors Map: 42.3.1 Parcel: 78. The lot area is 5,051± S.F. The surrounding land uses are residential and commercial.

This site contains a resource areas subject to jurisdiction under the Nantucket Wetland Bylaw and Massachusetts Wetlands Protection Act. The resource is Land Subject to Coastal Storm Flowage. The site is also located within the buffer zone to a Coastal Bank (bulkhead) located to the east across Easy Street.

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

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 under the Massachusetts Endangered Species Act (MESA).

The Massachusetts Tidelands Jurisdiction Data Map (Appendix E) shows that the area of proposed development is located within historic high water marks inferring the property has been developed on historically filled tidelands. Under this jurisdiction a Chapter 91 License is required for this project.

Development

This project entails the installation of two pervious public parking spaces within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead) located across Easy Street.

Sequence of Major Activities

- 1) Pre construction meeting with design engineer, owner, contractor, and Conservation Commission Agent
- 2) Install silt fence and catch basin silt sacks as necessary
- 3) Remove earth in the area of the new parking spots
- 4) Install porous pavers
- 5) Conduct regular inspections of erosion control, especially after rain events and maintain or replace as necessary
- 6) Remove temporary erosion control.

**10 EASY STREET NANTUCKET MASSACHUSETTS
CONSTRUCTION PERIOD POLLUTION PREVENTION PLAN**

JANURAY 31, 2020

Erosion Control

Erosion controls will be installed along the limit of the work as directed by the project engineer.

Silt sacks shall be installed in all existing catch basins receiving runoff from the site work. The silt sacks shall be maintained according to local and state regulations.

Erosion and Sediment Control Inspection and Maintenance

Inspection and maintenance procedures will be used to maintain erosion and sediment controls during construction.

- All erosion/sedimentation control measures will be inspected at least once (1) each week, or, at least once (1) every 14 days AND within 24 hours of any storm event of half an inch (0.5") or greater.
- All erosion/sedimentation control measures will be maintained in good working order; if a repair is necessary, it will be initiated within 24 hours of report.
- Built up sediment will be removed from silt fence when sediment build up reaches ½ the height of the straw wattles.
- The Contractor will be responsible for inspections, maintenance and repair activities, and completing inspection and maintenance reports.
- A maintenance inspection report will be made after each inspection. Copies of the report forms to be completed by the inspector are attached, and completed reports should be added to this Plan.

Non-Stormwater Discharges

It is expected that the following non-stormwater discharges will occur from the site during the construction period:

- No non-stormwater discharges are expected as a result of this project

Any unexpected non-stormwater discharges will be directed to sediment controls prior to discharge.

**10 EASY STREET NANTUCKET MASSACHUSETTS
CONSTRUCTION PERIOD POLLUTION PREVENTION PLAN**

JANURAY 31, 2020

Post-Construction

Temporary erosion and sediment control structures will be removed once construction is complete.

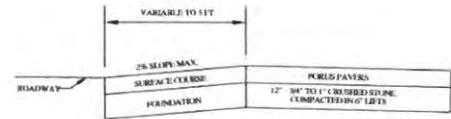
APPENDIX J

“Site Plan to Accompany a Notice of Intent #10 Easy Street”

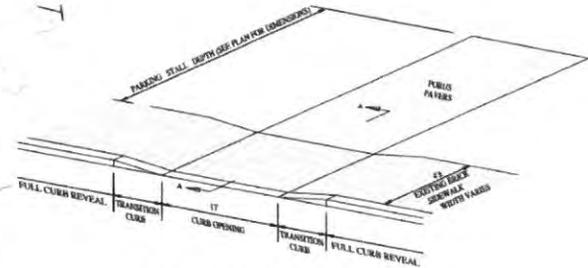
Prepared by: Nantucket Surveyors

Dated: January 31, 2020

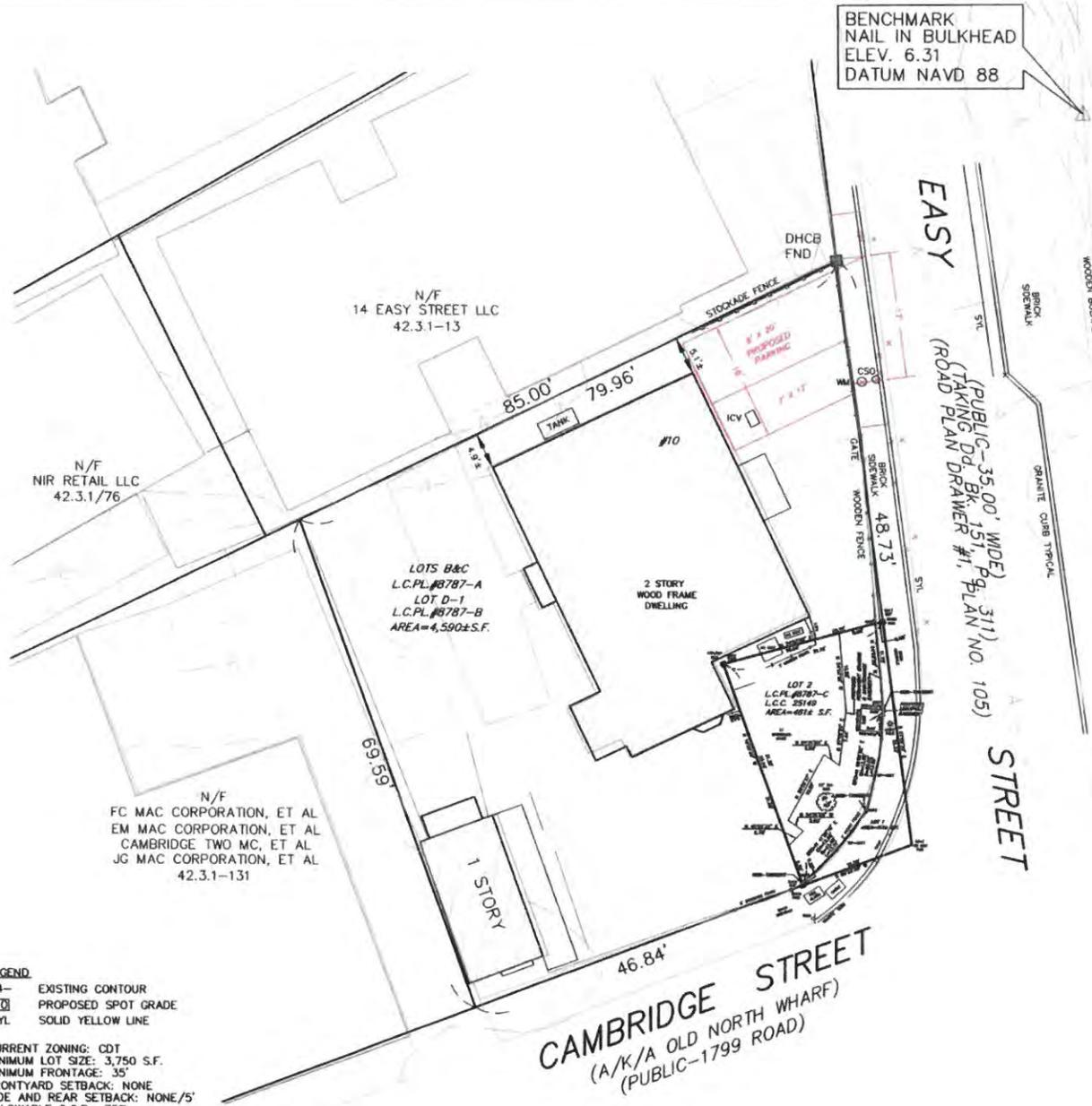
BENCHMARK
NAIL IN BULKHEAD
ELEV. 6.31
DATUM NAVD 88



- NOTES
1. THE DIMENSIONS SHOWN AT ROADWAY EDGE ARE FIELD DISTANCES.
 2. RAMP CROSS SECTIONS TO BE SAME AS ADJACENT SIDEWALK.
 3. DEPTH OF SURFACE AND FOR MATERIAL.
 4. REUSE EXISTING MARKS TO REHOLD SIDEWALK AFTER CURB CUT.
 5. SIDEWALKS THAT CROSS DRIVEWAYS SHALL BE RAMMED TO MEET THE GRADE OF DRIVEWAY.
 6. THESE DIMENSIONS ARE SUBJECT TO CHANGE IN THE FIELD IF EXISTING APPROPRIANCES OR CONDITIONS WILL MAKE THE RAMP LOCATIONS IMPRACTICAL OR UNSAFE.



CURB CUT/SIDEWALK DETAIL
N.T.S.



- LEGEND**
- 4- EXISTING CONTOUR
 - [Symbol] PROPOSED SPOT GRADE
 - SYL SOLID YELLOW LINE

CURRENT ZONING: CDT
MINIMUM LOT SIZE: 3,750 S.F.
MINIMUM FRONTAGE: 35'
FRONTYARD SETBACK: NONE
SIDE AND REAR SETBACK: NONE/5'
ALLOWABLE G.C.R.: 75%

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS LOCATED WITHIN ZONE "AE" (EL. 9) AS DELINEATED ON "FIRM" MAP NO. 25019C0086G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

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

SITE PLAN TO ACCOMPANY A
NOTICE OF INTENT
#10 EASY STREET
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=10' DATE: 1/31/2020
DEED REFERENCE: L.C.C. NO. 19754
PLAN REFERENCE: L.C. PLAN NO. 8787-A
ASSESSOR'S REFERENCE:
MAP: 42.3.1 PARCEL: 78



PREPARED FOR:
DEBORAH KILLEN LOTHIAN
& WILLIAM R.J. LOTHIAN, TRUSTEES
OF TEN EASY STREET NOMINEE TRUST

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



NOTICE OF INTENT APPLICATION

**FOR THE UPGRADE OF A SEPTIC SYSTEM AND
LANDSCAPE/HARDSCAPE WITHIN
THE BUFFER ZONE, AND A BEACH ACCESS PATH
WITHIN A COASTAL DUNE**

At

20 WESTERN AVE

JANUARY 2020

Prepared For

ESCAPEHATCH LLC



January 31, 2020

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

Re: Notice of Intent
20 Western Ave
Map 87 Parcel 74

Dear Ms. Erisman:

On behalf of the property owner, Escapehatch LLC, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed activities within the buffer zone, and the Coastal Dune resource area at the above referenced property (the "Site") in Nantucket, Massachusetts. The NOI is filed per the provisions of the Massachusetts Wetland Protection Act and implementing Regulations, as well as per the Wetland Protection Regulations for Administering the Town of Nantucket By-law Chapter 136.

Proposed activities at the Site consist of upgrading the existing septic system, installing landscape/hardscaping and creating a beach access path. The septic system includes Innovative/Alternative (IA) Technology. All disturbed areas will be covered with at least six-inches of top soil planted with Cape Cod Special Seed mix or American Beach Grass as appropriate to match surrounding conditions. 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 \$152.50, \$177.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$335.10 to the Inquirer & Mirror for publication of the notice of the public hearing. A waiver is required from the Town of Nantucket Bylaw Chapter 136 for the proposed project.

Notification of this NOI filing was provided to all property owners within 100-feet 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.

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

SITE DESCRIPTION

The subject property is approximately 1-acre in size in the Surfside area of Nantucket Island. The property is bounded to the east and west by existing residential-use properties. The northerly boundary is a Millbrook Road, a paved traveled way. The property contains an existing residential-use structure served by an on-site water well and an on-site septic system. The defined resource areas on-site are Coastal Dune, Coastal Beach and Land Subject to Coastal Storm Flowage. 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 a portion of the project area is within the known range of state listed rare wildlife species.

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 existing septic tank will be removed from the site, while the leach pit will be abandoned in accordance with Title 5. A new tank and MicroFast Processor will be installed below existing grade. Two leach trenches will be installed for infiltration of the treated effluent, with a minimum separation distance to estimated seasonal high groundwater of five-feet provided. The advanced treatment and increased separation distance to groundwater compared to the existing system represents a significant net benefit in terms of environmental protection. A new well will also be installed to provide the required separation distance to the septic system. All disturbed areas will be covered with a minimum of 6" of sand and planted with Cape Cod Special Seed Mix or American Beach Grass.

An existing brick patio will be converted to a dry-laid bluestone patio, which will also be expanded. No portion of the patio is proposed closer than 25-feet to the resource area.

A new walking path through the dune will be created to access the beach. The access has historically been over the neighboring property, which is no longer allowed per the attached letter from that owner. The new path will be as narrow as possible, with the route selected so as to disturb as little vegetation as possible. The path will be cut with a string trimmer, and no grading is proposed. This type of path is consistent with those which exist on properties in the surrounding area.

WAIVER REQUEST

A waiver is required and requested from the following sections of the Wetland Protection Regulations for Administering the Town of Nantucket By-law Chapter 136:

Section 2.03.B.5 to allow the septic system within the 100-foot buffer zone to a Coastal Dune.

Waivers from the By-law can be granted for a number of reasons including:

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

The septic system will be moved outside of the Coastal Dune resource areas, and the separation distance to groundwater increased significantly, and Innovative/Alternative Treatment added. There is no alternative location on the property that would be further away from the resource areas in compliance with required separation distance to drinking water wells.

CONCLUSION

The proposed upgrade of the septic system represents a long-term net benefit to the protected wetland resource area interests. The project with proposed safeguards 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: Escapehatch, LLC
MassDEP – SERO
MA NHESP



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town



A. General Information

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

<u>20 Western Ave</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41d 14' 37" N</u>	<u>70d 05' 48" W</u>
	d. Latitude	e. Longitude
<u>87</u>	<u>74</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Escapehatch LLC</u>		
a. First Name	b. Last Name	
c. Organization		
<u>571 105th Ave N,</u>		
d. Street Address		
<u>Naples</u>	<u>FL</u>	<u>34108-1837</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

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

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

<u>\$330</u>	<u>\$152.50</u>	<u>\$177.50 + \$25 + \$200</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
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NANTUCKET
City/Town

A. General Information (continued)

6. General Project Description:

The applicant is proposing to upgrade an existing septic system, add hardscaping and landscaping within the buffer zone to a coastal dune, and to create a walking path through the coastal dune to access the beach. Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

C.25,273

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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

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

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



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:
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City/Town

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	980 +/- 1. square feet	2. cubic yards dune nourishment



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

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

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/nhosp/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 _____



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

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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	1% +/- / 0.01 ac.
	percentage/acreage
(b) outside Resource Area	7% +/- / 0.06 ac.
	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.



WPA Form 3 – Notice of Intent

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

North Shore - Hull to New Hampshire:

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

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

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

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



WPA Form 3 – Notice of Intent

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

Site Plan to Accompany a Notice of Intent

a. Plan Title

Blackwell & Associates, Inc.

Jeffrey Blackwell, PLS

b. Prepared By

c. Signed and Stamped by

1/15/20

1" = 30'

d. Final Revision Date

e. Scale

Proposed Well Plan & Upgrade Plan of Subsurface Treatment System

1/14/20

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.



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:

a. First Name		b. Last Name	
Escapehatch, LLC			
c. Organization			
571 105 th Ave N			
d. Mailing Address			
Naples		FL	34108-1837
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:

20 Western Ave	Nantucket
a. Street Address	b. City/Town

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.

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



Massachusetts Department of Environmental Protection
 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 a Single-family Dwelling Lot	3	\$110	\$330
Nantucket Wetland By-law Fee			\$25
Nantucket Expert Review Fee			\$200

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	<u>\$330 + \$25 + \$200</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$152.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	<u>\$177.50</u>
	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.)



WESTERN AV

WESTERN AV

87 71

87 75
87 76

87 74

87 73

87 72

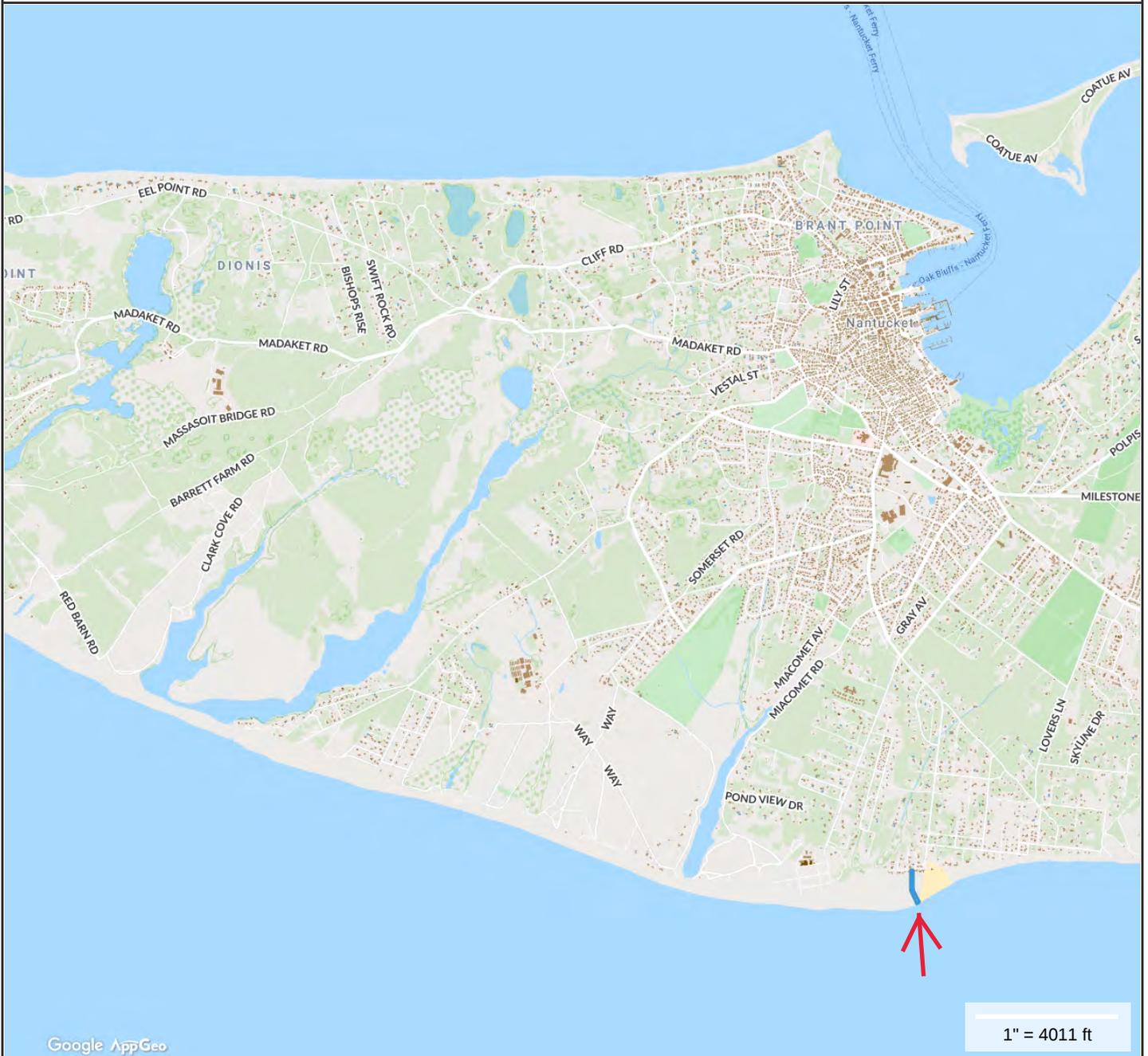
78

87 77

41.243839,-70.097039



Locus - Island View



Property Information

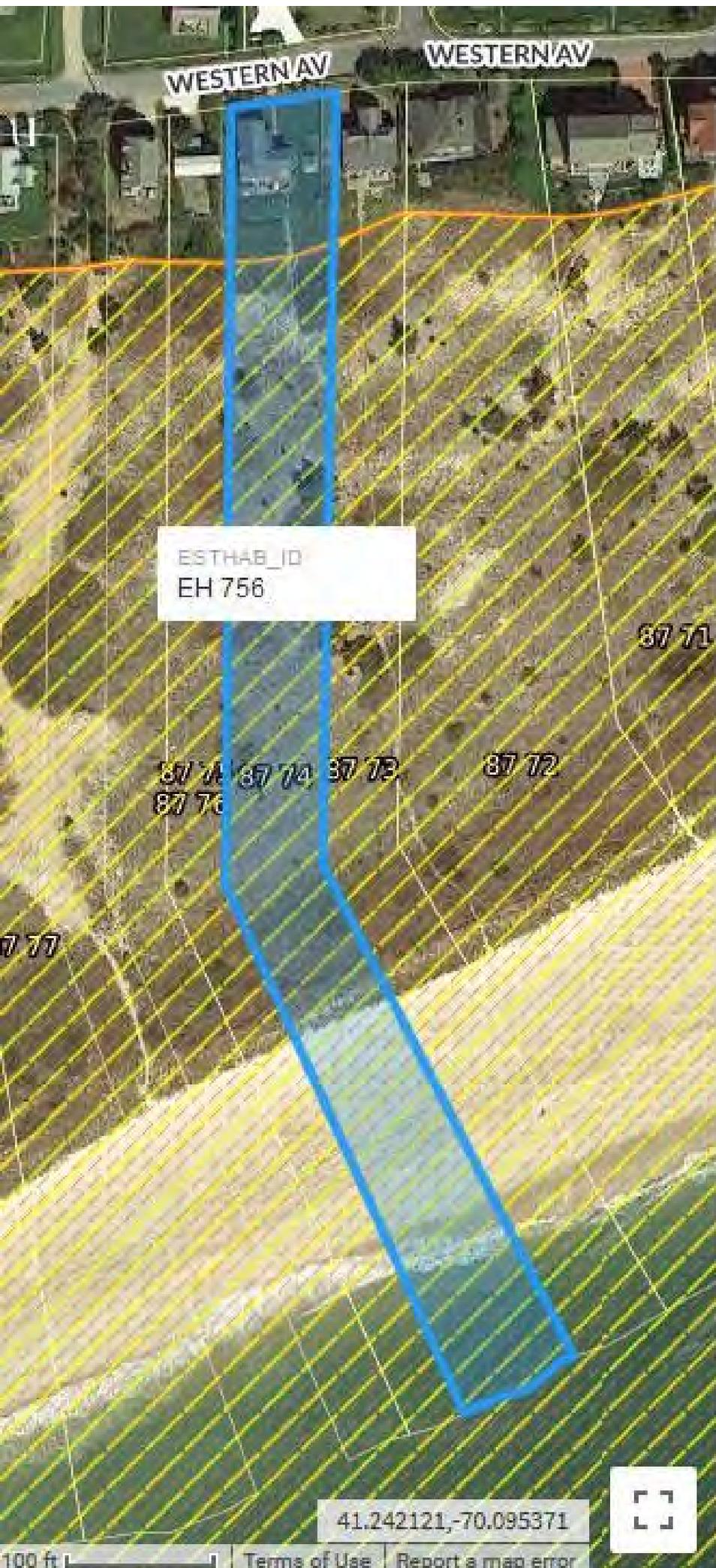
Property ID 87 74
Location 20 WESTERN AV
Owner ESCAPEHATCH LLC



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

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

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



NHESP Certified Vernal Pools



NHESP Potential Vernal Pools



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



Areas of Critical Environmental Concern



Attribution

Massachusetts DCR, Natural Heritage and Endangered Species Program

Eelgrass 1995 - 2013

Water Resource Protection

Water Protection Districts

Emergency Preparedness 3

Hazard Mitigation

Hurricane Inundation

Storm Tide Pathways

Map Themes 6

Topography

Miscellaneous

Utilities





12/20/2018 12:26





CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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

Limited Use General 2 (L.U.G.-2)

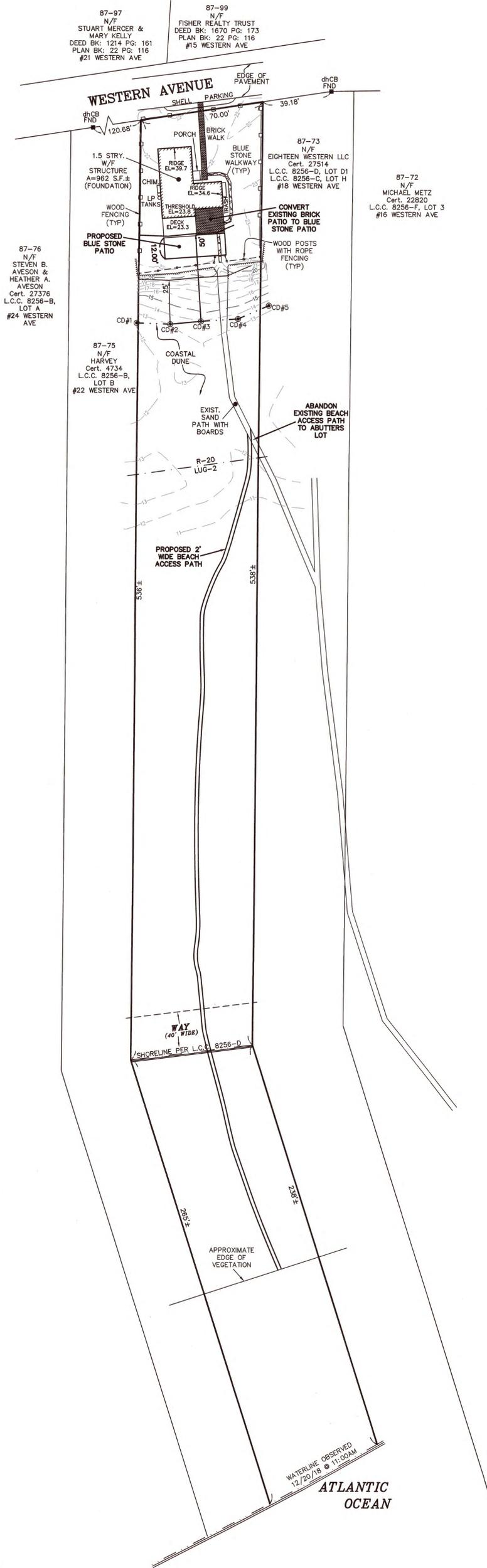
MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER % : 4%

*AREA TO SHORELINE L.C.C. 8256-D

**REF. BOARD OF APPEALS DECISION - DOC. #22202

NOTE: AREA OF LOT WITHIN R-20: 13,992 S.F.±

NOTE: AREA OF LOT WITHIN LUG-2: 23,113 S.F.±



- LEGEND**
- dhCB FND ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - CD#1 ● DENOTES COASTAL DUNE FLAG FOUND
 - x21.2 DENOTES EXIST. GRADE SPOT ELEVATION
 - DENOTES EXIST. GRADE CONTOUR LINE
 - DENOTES EXIST. WOOD FENCE
 - DENOTES EXIST. EDGE OF BRUSH

NOTE:
-EXISTING RESOURCE AREA DELINEATION BY STAN HUMPHRIES, ENVIRONMENTAL CONSULTING & RESTORATION, LLC.

NOTE:
-EXISTING GRADES TO BE MAINTAINED.

NOTE: ALL WORK SHOWN W/IN 100' OF THE RESOURCE AREA TO BE APPROVED BY THE NANTUCKET CONSERVATION COMMISSION.

OWNER INFORMATION

ESCAPEHATCH, LLC
CERT. OF TITLE #25273
L.C.C. 8256-D, LOT C-1
ASSESSOR'S MAP 87, PARCEL 74
#20 WESTERN AVENUE

LOT AREA: 37,108 S.F.±
LOT CREATED: NOVEMBER 4, 1944

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.



Site Plan of Land
To Accompany a
Notice of Intent
in Nantucket, MA
Prepared for
ESCAPEHATCH, LLC

#20 WESTERN AVENUE
ASSESSOR'S MAP 87, PARCEL 74
Scale: 1" = 30' JANUARY 15, 2020

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

CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

EXISTING:
MINIMUM LOT SIZE: 20,000 S.F. 37,108 S.F.±*
MINIMUM FRONTAGE: 75 FT. SEE PLAN
FRONT YARD SETBACK: 30 FT. SEE PLAN**
REAR/SIDE SETBACK: 10 FT. SEE PLAN
GROUND COVER %: 12.5% 2.6% ±

Limited Use General 2 (L.U.G.-2)

MINIMUM LOT SIZE: 80,000 S.F.
MINIMUM FRONTAGE: 150 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 15 FT.
GROUND COVER %: 4%

*AREA TO SHORELINE L.C.C. 8256-D

**REF. BOARD OF APPEALS DECISION - DOC. #22202

NOTE: AREA OF LOT WITHIN R-20: 13,992 S.F.±

NOTE: AREA OF LOT WITHIN LUG-2: 23,113 S.F.±

NOTE:

EXISTING UNDERGROUND UTILITY LOCATIONS, INCLUDING WATER, ELECTRICAL AND CABLE ARE UNKNOWN AND NEED TO BE VERIFIED BY DIGSAFE PRIOR TO CONSTRUCTION.

NOTE:
-EXISTING RESOURCE AREA DELINEATION BY STAN HUMPHRIES, ENVIRONMENTAL CONSULTING & RESTORATION, LLC.

NOTE:
-EXISTING GRADES TO BE MAINTAINED.

NOTE:
NO FIELD CHANGES ARE PERMITTED WITHOUT THE WRITTEN CONSENT OF ARTHUR D. GASBARRO, P.E. NANTUCKET ENGINEERING & SURVEY, P.C.

NOTE:
-CONTRACTOR RESPONSIBLE FOR FIELD LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO THE START OF CONSTRUCTION.
-CONTRACTOR TO VERIFY WASTE PIPE EXIT LOCATIONS, ELEVATIONS, AND INVERTS AT STRUCTURE PRIOR TO SETTING SEPTIC COMPONENTS.
-CONTRACTOR TO VERIFY ALL WASTE LINES ARE ACCOUNTED FOR AND INSPECTED FOR STRUCTURAL INTEGRITY, REPLACE IF REQUIRED.
-SYSTEM TO BE INSTALLED IN ACCORDANCE WITH ALL MANUFACTURER'S SPECIFICATIONS. SEE NOTE #25*
-CONTROL PANEL WITH ALARM FOR MICROFAST UNIT TO BE INSTALLED BY LICENSED ELECTRICIAN PER THE MANUFACTURER'S SPECIFICATIONS.

NOTE:
-THE LOCATION OF ELECTRIC, TELEPHONE AND CABLE TELEVISION WIRES ARE UNKNOWN. IT IS THE RESPONSIBILITY OF THE INSTALLER TO DETERMINE THESE LOCATIONS BY MARKOUT PRIOR TO EXCAVATION & TO PRESERVE OR RELOCATE THEM AS MAY BE REQUIRED. DIGSAFE MARKOUT SHALL BE USED FOR ELECTRICAL, CABLE AND PHONE.

NOTE:
-WATER AND SEWER SEPARATION: SEWERS SHALL BE LAID AT A MINIMUM OF 10 FT. HORIZONTALLY FROM THE WATER LINE. WHENEVER SEWERS MUST CROSS UNDER WATER MAIN, THE SEWER SHALL BE LAID AT LEAST 18 INCHES BELOW THE BOTTOM OF THE WATER MAIN. WHEN THE ELEVATION TO THE SEWER CANNOT BE ADJUSTED TO COMPLY WITH THE ABOVE REQUIREMENT, THE CONTRACTOR SHALL CONSTRUCT THE SEWER OF CLASS 150 PRESSURE PVC PIPE FOR AT LEAST A DISTANCE OF 10 FT ON EACH SIDE OF THE WATER MAIN.

NOTE: ALL WORK SHOWN W/IN 100' OF THE RESOURCE AREA TO BE APPROVED BY THE NANTUCKET CONSERVATION COMMISSION.

*****LOCAL UPGRADE APPROVALS REQUIRED*****

TITLE 5: 310 CMR: 15.248 (1): OMISSION OF RESERVE AREA. NOT REQUIRED FOR AN UPGRADE.
TITLE 5: 310 CMR 15.405(1)(a): REDUCTION OF SETBACKS TO PROPERTY LINES. 8' PROVIDED.
TITLE 5: 310 CMR 15.405(1)(b): AN INCREASE IN MAXIMUM ALLOWABLE DEPTH OF SYSTEM COMPONENTS REQUIRED BY 310 CMR 15.221(7), FROM 36" TO 72" BELOW FINISH GRADE.

*****LOCAL BOARD OF HEALTH REGULATION - NO VARIANCE REQUIRED*****

TON REGULATION: 52.02(A): SEPTIC SYSTEM INSTALLATION WITHIN 100 FOOT WETLAND BUFFER ZONE.
52.02(A.1): ON A LOT IN EXISTENCE PRIOR TO THE EFFECTIVE DATE OF THESE REGULATIONS, WHERE LOT CONFIGURATION AND OR MAXIMUM SQUARE FOOTAGE PROHIBITS LOCATING A SOIL ABSORPTION SYSTEM THE MINIMUM 100 FEET FROM A WETLAND, THE SOIL ABSORPTION SYSTEM SHALL HAVE A MAXIMUM DESIGN FLOW OF 330 GALLONS PER DAY.

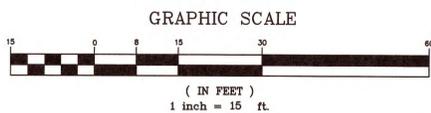
NOTE:
-LOCUS IS WITHIN INTERIM WELLHEAD PROTECTION AREA

NOTE:
SEPTIC SYSTEM AND WELL LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.

OWNER INFORMATION

ESCAPEHATCH, LLC
CERT. OF TITLE #25273
L.C.C. 8256-D, LOT C-1
ASSESSOR'S MAP 87, PARCEL 74
#20 WESTERN AVENUE

LOT AREA: 37,108 S.F.±
LOT CREATED: NOVEMBER 4, 1944
LOT OF RECORD-100' WELL PROTECTION



CONTACTS
Dig-Safe 1-888-344-7233
On-Target 1-800-598-0628
Health Department 508-228-7200
National Grid 1-800-322-3223
Public Works 228-7244
Water, Wannacomet 228-0022
Building Dept 325-7587
Conservation Comm 228-7230
Police, EMERGENCY ---911---
Environmental Police 257-6932
State Police 228-0706

DESIGN CERTIFICATION:

I CERTIFY TO THE NANTUCKET BOARD OF HEALTH, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE DESIGN OF THE ONSITE SEWAGE DISPOSAL SYSTEM SHOWN HEREON CONFORMS TO ALL APPLICABLE SECTIONS OF THE MASSACHUSETTS ENVIRONMENTAL CODE, TITLE 5 (310 CMR 15.000), "STANDARD CONDITIONS FOR ALTERNATIVE SOIL ABSORPTION SYSTEMS WITH GENERAL USE CERTIFICATION AND/OR APPROVED FOR REMEDIAL USE" ISSUED BY MASS DEP ON 3/5/18, "STANDARD CONDITIONS FOR SECONDARY TREATMENT UNITS CERTIFIED FOR GENERAL USE" ISSUED 03/20/15, A "CERTIFICATION FOR GENERAL USE" ISSUED TO INFILTRATOR WATER TECHNOLOGIES, LLC. ON 06/12/15, A "CERTIFICATION FOR GENERAL USE" ISSUED TO BIO-MICROBICS, INC. ON 03/20/15, AND ALL DESIGN GUIDANCE PROVIDED BY THE RESPECTIVE COMPANIES.

Arthur D. Gasbarro

SEE SHEET 2 FOR SYSTEM DETAILS

PROPOSED WELL PLAN & UPGRADE PLAN OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM WITH INNOVATIVE/ALTERNATIVE TECHNOLOGY

PREPARED FOR
ESCAPEHATCH, LLC
#20 WESTERN AVENUE
NANTUCKET, MA

CHECKED BY: ADG/JLB ASSESSOR MAP: 87 PARCEL: 74
DESIGNED BY: ADG/CLR DRAWN BY: CLR DATE: 01/14/20
SCALE: AS NOTED JOB NO: B8605 SHEET: 1 OF 2



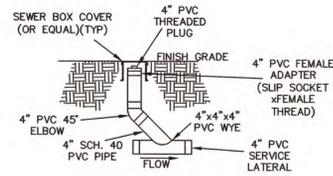
BLACKWELL & ASSOCIATES, INC.

20 TEASDALE CIRCLE - NANTUCKET, MA 02554
(508)228-9026 FAX (508)228-5292 B8605

NOTE:
 -CONTRACTOR TO VERIFY WASTE PIPE EXIT LOCATIONS, ELEVATIONS, AND INVERTS AT STRUCTURE PRIOR TO SETTING SEPTIC COMPONENTS.
 -CONTRACTOR TO VERIFY ALL WASTE LINES ARE ACCOUNTED FOR AND INSPECTED FOR STRUCTURAL INTEGRITY, REPLACE IF REQUIRED.
 -SYSTEM TO BE INSTALLED IN ACCORDANCE WITH ALL MANUFACTURER'S SPECIFICATIONS. SEE NOTE #25*
 -CONTROL PANEL WITH ALARM FOR MICROFAST UNIT TO BE INSTALLED BY LICENSED ELECTRICIAN PER THE MANUFACTURER'S SPECIFICATIONS.

PROPOSED SOIL ABSORPTION SYSTEM TO BE PROTECTED FROM VEHICULAR LOADINGS

NOTE:
 -EXISTING GRADES TO BE MAINTAINED.



BUILDING SEWER CLEANOUT @ GRADE

Not to Scale

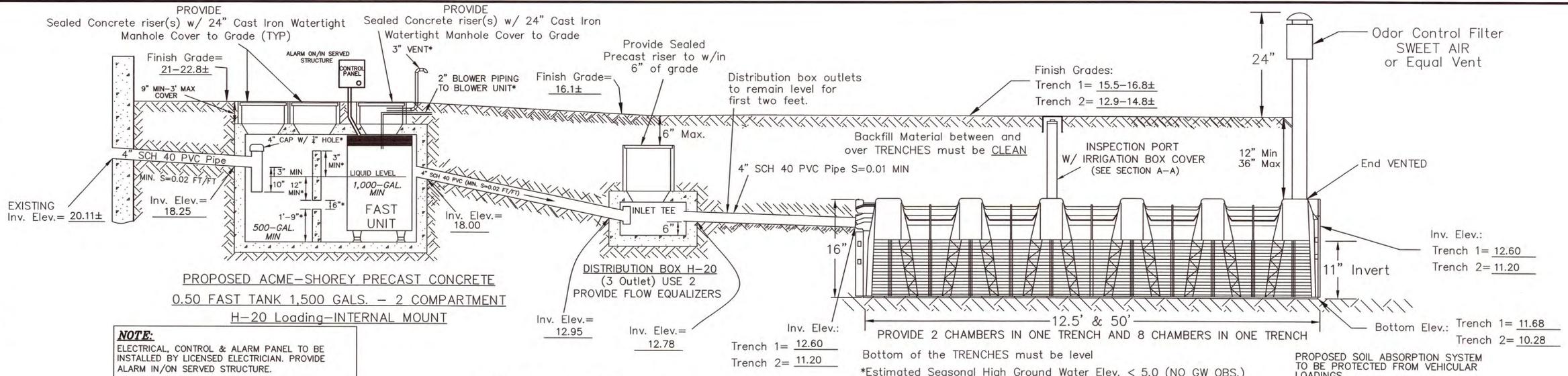
GENERAL CONSTRUCTION NOTES

- All construction to conform to 310 CMR 15.00, TITLE 5, MassDEP use certifications, and Regulations of the Nantucket Board of Health.
- Any deviation or alteration in the construction from the approved plan without the expressed permission of the Design Engineer may invalidate the design and endanger the issuance of a certificate of compliance.
- Blackwell & Associates, Inc. shall be contacted three (3) days prior to the start of construction by the installer. (508) 228-9026
- This plan does not warrant or imply any subsurface conditions other than those observed at the immediate test pit locations. In the event impervious or unsuitable material is encountered during construction, said impervious or unsuitable material is to be removed and replaced. See Title 5, 15.255 Construction in Fill.
- Delivery piping from the building wall to the Distribution Box shall be SCH40, 4 inch diameter PVC placed at a minimum 2% slope (2% = 0.02 feet per foot or 2' per 100'). All PVC to PVC connections are to be SOLVENT WELDED. Backfill Material in proximity to delivery and/or distribution lines is to be free from tailings, clay or similar materials.
- A cleanout is to be provided in proximity to the building wall to enable a Pumper to clear the house to tank line.
- Distribution lines are to be PVC Schedule 40 NSF or PVC SDR 35 may be used for systems designed for less than 2000 gpd and where no vehicular traffic is anticipated. PVC end caps are to be provided on Distribution Line ends that do not require venting. All Distribution Lines over fifty (50') feet in length are to be vented.
- Any fill required in proximity to delivery piping shall be clean and free of stones larger than 2" dia and be hand tamped to reduce settlement and assure alignment.
- The septic tank shall be precast reinforced concrete in compliance w/Title 5, 15.223 & 15.226 with an H-10 loading. A Schedule 40 Tee is to be installed in both the inlet and outlet baffles of the Precast Concrete Septic Tank. A gas baffle is to be installed ON THE OUTLET TEE OR INSTALL OUTLET FILTER.
- The tank shall have three 20 inch minimum diameter manholes with readily removable impermeable covers within 6 inches of finish grade.
- The base of the Distribution Box shall be set on a compacted, suitable, stable base.
- The Distribution Box shall be fitted with an inlet tee (cutoff 1 inch above the outlet invert). Distribution Boxes shall have a minimum 3 Outlets.
- The first length (minimum 2 feet) of each outlet pipe from the Distribution Box shall be laid level. All outlet pipes should draw equally. A WATER TEST WILL BE REQUIRED.
- If encountered within the effective leaching area of leaching trenches, topsoil, peat or other impervious (or unsuitable) material shall be removed from below and for a distance of 5 feet in all directions around the disposal works footprint, and replaced with clean, suitable material as described in TITLE 5, 310 CMR 15.255:(3) Construction in Fill.
- Trench bottoms excavated in natural material must be scarified to offset any machine compaction of the bottom surface.
- All fill used in conjunction of the system construction must conform to Title 5, 15.255:(3) Construction in Fill.
- All stone used in disposal trench construction must conform to Title 5, 15.247 Aggregate for size and quality.
- Any impermeable material used for the construction of an impervious barrier must be impermeable. (Will not pass water, swells upon contact with water, fine sand is not impervious).
- Areas disturbed by construction shall loamed, seeded, mulched or otherwise stabilized to minimize erosion. The general system area shall be graded with a minimum 2% grade to provide positive surface drainage. Compliance with any Order of Conditions issued by the local Conservation Commission or DEP shall be considered requirements of this design.
- The property lines depicted hereon are GRAPHIC, it is strongly recommended that the actual property lines be field established prior to construction. Conformance to local bylaws shall be determined by the Owner (Client) prior to construction. This disposal works design is not a property line, bank mortgage or title survey.
- In the event that evidence or articles of human remains is found during the excavation or construction of this proposed works, all activity onsite is to stop. Immediately contact the State Police (508) 228-0706, Nantucket Police 228-1212 (or 911) and Blackwell & Associates (508) 228-9026.
- To prevent the carryover of solids and particulates from the septic tank to soil surfaces in the disposal trenches that are prone to clogging, the septic tank should be inspected periodically to determine the depth of sludge and floatables (grease) accumulation. The tank should be pumped, by a Licensed Pumper, when the sludge volume fills one quarter (1/4) of the tank clear space (or approx. every 2 years).
- Blackwell & Associates, Inc. will refuse to issue a positive AS BUILT COMPLIANCE certificate if any portion of the construction is covered prior to adequate inspection by Blackwell & Assoc. and the local Health Agent. The Disposal Works is not to be covered until it is authorized by Blackwell & Assoc., Inc.
- Asbuilt and inspection time has not been included in the billing for this design. Multiple inspections and analysis to correct deviations from the approved design will be billed as add'l charges. Call (508) 228-9026 when you are ready for your inspection.
- Contractor to coordinate the placement of all vents, blower unit, electrical, alarm, and control panels with the architect, homeowner and system manufacturer prior to installation.

OWNER INFORMATION

ESCAPEHATCH, LLC
 CERT. OF TITLE #25273
 L.C.C. 8256-D, LOT C-1
 ASSESSOR'S MAP 87, PARCEL 74
 #20 WESTERN AVENUE

T:\PAGE 1 JOB 50
 V:\DRAWFILES\B8605\NOI.dwg 1/14/2020 2:16:39 PM EST



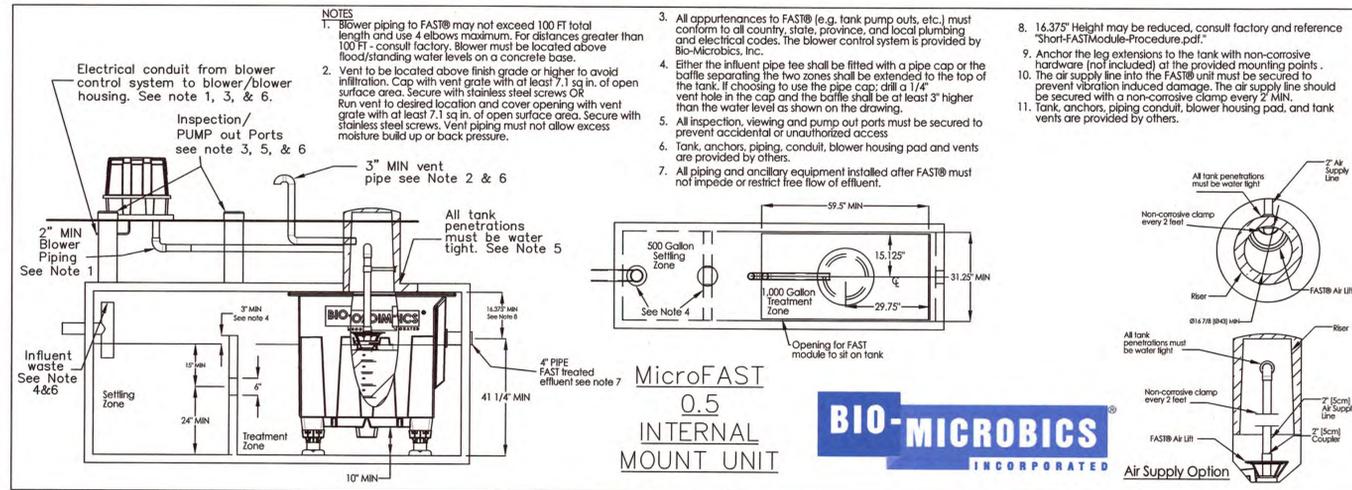
SEPTIC SYSTEM PROFILE

Not to Scale

NOTE:
 ELECTRICAL, CONTROL & ALARM PANEL TO BE INSTALLED BY LICENSED ELECTRICIAN. PROVIDE ALARM IN/ON SERVED STRUCTURE.

HYDRAULIC CEMENT NOTE:
 -THE CONTRACTOR IS TO SEAL ALL TANKS, PIPING, RISERS, CONSECUTIVE RISERS AND METAL FRAMES WITH BUTYL RUBBER, HYDRAULIC CEMENT OR APPROVED EQUAL.
 -CONTRACTOR IS RESPONSIBLE FOR PROVIDING PHOTOS OF ANY SEAL NOT VISIBLE AT THE TIME OF INSPECTION.

MICROFAST PIPING NOTE:
 -ALL BLOWER AND VENT PIPING SHALL BE INSTALLED TO ALLOW ANY WATER ACCUMULATION TO DRAIN BACK TO THE TANK.



MicroFAST
 0.5
 INTERNAL
 MOUNT UNIT



SOIL LOGS

DEEP OBS. HOLE #1 EL. = 14.0

DEPTH	HORIZON	TEXTURE	COLOR
0" to 12"	A	MED SAND	10 YR 7/1
12" to 84"	C1	COARSE SAND	2.5 Y 8/1
84" to 108"	C2	COARSE SAND	10 YR 6/3

NO REDOX. FEATURES OBSERVED
 NO GW. OBSERVED
 NO REFUSAL - CAVING
 EST. SEASONAL HIGH GW ELEV. < 5.0 (NO GW OBS.)

SOIL EVALUATION BY: JEFFREY BLACKWELL, BLACKWELL & ASSOCIATES, INC.
 DATE OF TESTING: 09/11/19 WITNESSED BY: ARTELL CROWLEY, BOH AGENT
 PERCOLATION RESULTS: RATE (TEST 1 - "C2") < 5 MIN/INCH

I CERTIFY THAT ON DECEMBER 18, 1995, I PASSED THE SOIL EVALUATOR EXAMINATION APPROVED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION AND THAT THE ABOVE ANALYSIS WAS PERFORMED BY ME CONSISTENT WITH THE REQUIRED TRAINING, EXPERTISE AND EXPERIENCE DESCRIBED IN 310 CMR 15.017.

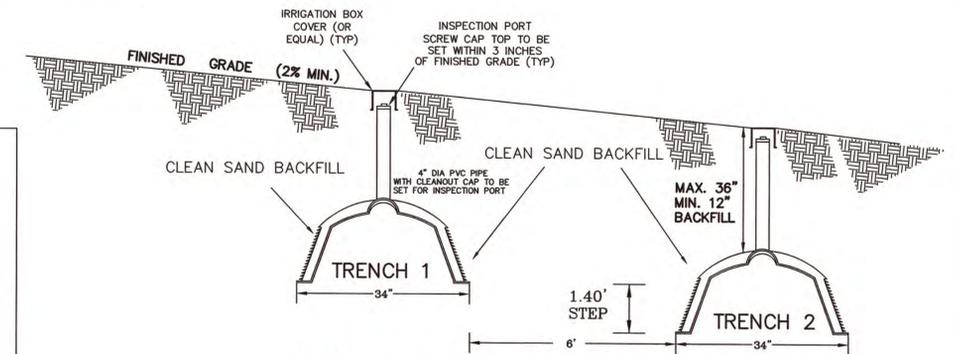
SIGNATURE: *Jeff Reed* DATE: 1-15-2020

U/A NOTES:
 -THE RECORD PROPERTY OWNER IS TO FILE A DEED NOTICE OF ALTERNATIVE SEWAGE DISPOSAL SYSTEM WITH THE NANTUCKET COUNTY REGISTRY OF DEEDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE.
 -THE HOMEOWNER IS TO ESTABLISH AN OPERATION AND MAINTENANCE AGREEMENT WITH A QUALIFIED SYSTEM OPERATOR CERTIFIED BY THE COMPANY FOR ALL ALTERNATIVE TECHNOLOGY INSTALLED. ALL SYSTEM TESTING, MONITORING & REPORTING TO BE CONDUCTED IN ACCORDANCE WITH THE MASSACHUSETTS DEPARTMENT OF ENVIRONMENTAL PROTECTION (MassDEP) USE PERMITS.

NOTES:
 LOCUS IS WITHIN INTERIM WELLHEAD PROTECTION AREA.

MICROFAST SYSTEM 0.50 IS PROPOSED FOR INSTALLATION AT THE SUBJECT PROPERTY PURSUANT TO A MASSDEP CERTIFICATION FOR GENERAL USE ISSUED MARCH 20, 2015.

NITROGEN LOADING CALCULATIONS:
 440 GPD/40,000 SF X 37,108 SF = 408 GPD ALLOWED > 330 GPD PROPOSED



STEPPED LEACH TRENCHES WITH HIGH CAPACITY INFILTRATOR CHAMBERS

SECTION A-A

Not to Scale

DESIGN CRITERIA

- TYPE OF ESTABLISHMENT: 3 BEDROOMS
- DESIGN FLOW: 3 BEDROOMS AT 110 GALS./BEDROOM/DAY = 330 GPD
- SEPTIC TANK SIZE: 2 COMPARTMENT ACME-SHOREY FAST 0.50, INTERNAL MOUNT, TANK H-20
 1ST COMPARTMENT: 500 GAL
 2ND COMPARTMENT: 1,000 GAL
 NO ADDITIONAL CAPACITY HAS BEEN PROVIDED FOR GARBAGE DISPOSAL.
- PROPOSED MICROFAST MODEL: 0.50 INTERNAL MOUNT
- DESIGN PERCOLATION RATE: < 5 MINUTES/INCH - SOIL CLASS I
 FROM TITLE 5 SECTION 15.242: LTAR-EFFLUENT LOADING RATES: 0.74 GPD/SF
- SOIL ABSORPTION SYSTEM (SAS): 330 GPD / 0.74 GPD/SF = 446 SF REQ'D
 PROVIDE: (1) @ 3' x 12.5' LEACH TRENCH W/ 2 INFILTRATOR CHAMBERS &
 (1) @ 3' x 50' LEACH TRENCH W/ 8 INFILTRATOR CHAMBERS
 10 CHAMBERS x 48.7 SF/CHAMBER = 487 S.F.
- LEACHING CAPACITY PROVIDED (BY TITLE 5): 360 GPD = 487 SF x 0.74 GPD/SF
- MAXIMUM ALLOWABLE LOADING (BY TITLE 5) = 360 GALLONS/DAY
 ACTUAL HYDRAULIC LOADING (DESIGN FLOW) = 330 GALLONS/DAY

PROPOSED WELL PLAN & UPGRADE PLAN OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM WITH INNOVATIVE/ALTERNATIVE TECHNOLOGY

PREPARED FOR
ESCAPEHATCH, LLC
 #20 WESTERN AVENUE
 NANTUCKET, MA



CHECKED BY: ADG/JLB ASSESSOR MAP: 87 PARCEL: 74
 DESIGNED BY: ADG/CLR DRAWN BY: CLR DATE: 01/14/20
 SCALE: AS NOTED JOB NO: B8605 SHEET: 2 OF 2

BLACKWELL & ASSOCIATES, INC.
 20 TEASDALE CIRCLE - NANTUCKET, MA 02554
 (508)228-9026 FAX (508)228-5292 B8605



MEMORANDUM

DATE: February 11, 2019
TO: Jim Mullen
CC: Jeff Blackwell
FROM: Stan Humphries, Senior Coastal Geologist
RE: 20 Western Avenue, Nantucket, MA
PROJECT #: MuJ\18-343.01

As requested, LEC Environmental Consultants, Inc.(LEC) has evaluated the existing conditions and provides the following information and data regarding the coastal wetland resource areas located at the above-referenced property.

Wetland Boundary Determination Methodology

On November 12, 2018, LEC conducted a site evaluation to identify and characterize existing protectable Wetland Resource Areas in accordance with the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*. Geology and soils mapping were reviewed prior to the fieldwork being performed. Although difficult to clearly see on the geology quadrangle map, the developed portion of the property appears to be located on the boundary line between dune deposits, undifferentiated (Qd) and Younger Nantucket outwash or glacial deposits (Qno1). The soils are mapped as Udipsamments, rolling for the entire property and for another 25 feet north of Western Avenue. Initial site observations included windblown sand at the surface and flat topography on both sides of the roadway where the most of the properties are developed with single-family dwellings. Elevations decrease seaward of the developed portion of the property and there is clearly a broad area of Coastal Dune that extends south towards the Atlantic Ocean.

Several shallow auger holes were dug along the west side of the property to sample the sediments beneath the lawn and more seaward where it slopes down to the dune area and within the dune. The more seaward locations were dominated by salt-spray rose (*Rugosa rose*) and were upgradient of rolling topography, dominated by American beach grass (*Ammophila brevigulata*) and bearberry (*Arctostaphylos uva-ursi*). In general, each location was characterized by dune material overlying glacial material below. The landward edge of the Coastal dune was determined to be located where there is a 1.5 to 2.0-foot veneer of well-sorted, windblown, fine sand that is tan in color. This layer is underlain glacial material characterized by poorly sorted, coarse sand, with some angular gravel that is more orange in color. The landward boundary of the dune was delineated with six blaze orange LEC flags (labelled CD-1 through



CD-5). The elevations, slopes, and veneer thickness were generally consistent from one point to the next. The geology map is clearly more accurate than the soils map based on field data.

Based on these methods, the boundary of the Coastal Dune existing on-site was demarcated with sequentially numbered blaze orange stick-in flags with the word “LEC” embossed in bold, black print. Wetland flag numbers 1-5 are depicted on the *Site Plan of Land*, dated January 22, 2019, as survey-located by Blackwell & Associates, Inc.

Wetland Resource Area Descriptions

Wetland Resource Areas located on-site include Coastal Beach, Land Subject to Coastal Storm Flowage and Coastal Dune as described below.

1. Coastal Beach

According to 310 CMR 10.27(2), Coastal Beach means unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bankline or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.

A Coastal Beach separates the Atlantic Ocean from the site and all structures on the site are located greater than 535 feet north of this Resource Area. The landward boundary of the Coastal Beach is located at the toe of the Primary Frontal Dune and was not flagged in the field.

2. Land Subject to Coastal Storm Flowage (LSCSF)

According to 310 CMR 10.04, Land Subject to Coastal Storm Flowage means 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, whichever is greater.

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0151G), an area south of the existing dwelling is mapped within Zone VE (el. 10), Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

As a result, LSCSF is confined to an area along the beach and Primary Frontal Dune which is approximately 250 feet south of all structures on the site.

3. Coastal Dune

According to 310 CMR 10.28(2), Coastal Dune means any natural hill, mound or ridge of sediment landward of a coastal beach deposited by wind action or storm overwash. Coastal dune also means sediment deposited by artificial means and serving the purpose of storm damage prevention or flood control.

According to Section 1.02 of the Bylaw Regulations, there are two definitions for this Resource Area:

Coastal Dune - any hill, mound, ridge, or field of ridges, hills, or mounds, composed of sediment, any portion or component of which over the course of a year touches upon,



exchanges sediment with, and is landward of a coastal beach deposited by wind action, storm overwash, and/or is man-made.

Coastal Dune Field – an assemblage or grouping of coastal dunes, at least a portion of which over the course of a year touches upon, exchanges sediment with, and is landward of a coastal beach, that may or may not be oriented parallel to the shoreline or in response to a dominant wind direction but has been deposited by wind action, wave action, and/or by storm overwash.

The undeveloped portion of the property located south of the existing structures meets the state and local definitions for this Resource Area. The landward boundary was previously described in the first section of the report. This Coastal Dune has unique history as a depositional feature and is unique for Nantucket which is predominantly eroding along its shoreline. According to the MCZM shoreline change data, the beach on this property was located within 80-90 feet seaward of the recently flagged dune boundary over 120 years ago, in the late 1800's. Since that time, the shoreline has been accreting at a rate of 3.5 feet per year.

As a result of the historical development and existing conditions of this depositional feature, the function and value of the Coastal Dune differs from one end to the other. The Primary Frontal Dune is, per se, significant to the protection of the following interests: flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and wetland scenic views. However, the dune closest to the developed portion of the lot is not necessarily significant to all of these interests. Contrary to that stated in Section 2.03 A of the Bylaw Regulations, the Coastal Dunes, including Coastal Dune Fields, closest to Western Avenue do not aid in storm damage prevention, erosion and flood control; they do not protect land in coastal areas from storm damage and flooding; and they do not serve as a sediment source for beach and intertidal area.

Summary

In accordance with the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*, LEC identified and characterized three coastal wetland resource areas located at 20 Western Avenue based on a site evaluation and research on soils, surficial geology, floodplains and historical shoreline changes. These resource areas include Coastal Beach, Land Subject to Coastal Storm Flowage and Coastal Dune. The landward boundary of the Coastal Dune was the only feature that was demarcated in the field and survey-located by Blackwell & Associates, Inc.

18 Western LLC

Steven A. Ropitzky, Member

28 Durham Rd.

Stillwater, NY 12170

10-30-19

RE: Boardwalk, 18 Western Ave. Nantucket

Dear Jim,

I relayed your request to the other members of 18 Western Avenue LLC to obtain an easement for the continued use of our boardwalk. We are writing to inform you that after consulting our attorney, we have decided to not grant you an easement or continued use of our boardwalk at 18 Western Avenue.

You have always been a good neighbor but unfortunately we cannot accommodate your request.

Respectfully,

A handwritten signature in black ink that reads "Steven A. Ropitzky". The signature is written in a cursive style with a large, prominent initial "S".

Steven A Ropitzky, Member

18 Western Avenue LLC

18 Western Avenue, Nantucket, Ma. 02544



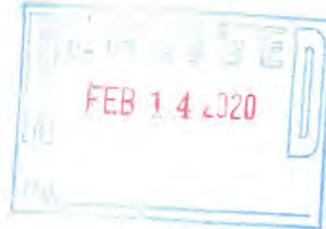
P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslcinfo@nantucketsurveyors.com

COPY

N-9932

February 14, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554



Re: Notice of Intent

Applicant: Kevin F. Dale, Trustee of Harborfront Realty Trust
Village Way, Map: 14 Parcel: 2
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

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

This application is for the proposed removal and relocation of existing beach stairs within a Coastal Bank to the Coastal Dune/Beach interface. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent Village Way" prepared by Nantucket Surveyors Dated: February 14, 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
NHESP - Division of Fisheries & Wildlife
Kevin F. Dale, Trustee

Office located at 5 Windy Way • Nantucket, MA 02554

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



Notice of Intent
Map 14 Parcel 2
Village Way
Nantucket, Massachusetts

Prepared for: **Kevin F. Dale, Trustee**
c/o Harborfront Realty Trust
PO Box 659
Nantucket, MA 02554

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

February 14, 2020



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



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

A. General Information

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

Village Way
 a. Street Address

Nantucket
 b. City/Town

02554
 c. Zip Code

Latitude and Longitude:
 d. Latitude

41.31753
 e. Longitude

Map 14
 f. Assessors Map/Plat Number

Parcel 2
 g. Parcel /Lot Number

2. Applicant:

Kevin F.
 a. First Name

Dale, Trustee
 b. Last Name

Harborfront Realty Trust
 c. Organization

P.O. Box 659
 d. Street Address

Nantucket
 e. City/Town

MA
 f. State

02554
 g. Zip Code

508-228-4455
 h. Phone Number

i. Fax Number

kevin@vdhlaw.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

P.O. 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
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A. General Information (continued)

6. General Project Description:

This application is for the proposed removal and relocation of existing beach stairs within a Coastal Bank to the Coastal Dune/Beach interface.

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

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

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

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

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(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

19518

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

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

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

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

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

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	0 _____ 1. square feet _____	2. cubic yards beach nourishment _____
e. <input checked="" type="checkbox"/> Coastal Dunes	0 _____ 1. square feet _____	2. cubic yards dune nourishment _____
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	20 _____ 1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	0 _____ 1. square feet _____	

4. Restoration/Enhancement

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

a. square feet of BVW _____

b. square feet of Salt Marsh _____

5. Project Involves Stream Crossings

a. number of new stream crossings _____

b. number of replacement stream crossings _____



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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

August 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 0.3/0.002
 percentage/acreage

(b) outside Resource Area 0
 percentage/acreage

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

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

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

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

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



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

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

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

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

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

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

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

North Shore - Hull to New Hampshire border:

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

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



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

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

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

D. Additional Information

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

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

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

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



Massachusetts Department of Environmental Protection
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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent Village Way

a. Plan Title

Nantucket Surveyors LLC

b. Prepared By

2/14/20

d. Final Revision Date

Paul J. Santos

c. Signed and Stamped by

1/14/20

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:

1405

2. Municipal Check Number

1406

4. State Check Number

Laurence

6. Payor name on check: First Name

2/8/20

3. Check date

2/8/20

5. Check date

Lebowitz

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.

Kaum A. DeLuca

1. Signature of Applicant

2/6/20

2. Date

Kaum A. DeLuca

3. Signature of Property Owner (if different)

2/6/20

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



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

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



A. Applicant Information

1. Location of Project:

Village Way _____ Nantucket _____
 a. Street Address b. City/Town
 1406 _____ \$42.50 _____
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Kevin F. _____ Dale, Trustee _____
 a. First Name b. Last Name
 Harborfront Realty Trust _____
 c. Organization
 P.O. Box 659 _____
 d. Mailing Address
 Nantucket _____ MA _____ 02554 _____
 e. City/Town f. State g. Zip Code
 508-228-4455 _____ kevin@vdhlaw.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
State share of filing Fee:	\$42.50
City/Town share of filling Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	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.)

ATTACHMENT A

NOTICE OF INTENT

Village Way
Nantucket, Massachusetts
Map: 14 Parcel: 2

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 Village Way”
Prepared by: Nantucket Surveyors LLC
Dated: February 14, 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 the proposed removal and relocation of existing beach stairs within a Coastal Bank to the Coastal Dune/Beach interface.

Existing Site Conditions

The subject property is located on the north side of Village Way, Nantucket Assessors Map: 14 Parcel: 2. The site is approximately 0.55 acres, and is an undeveloped parcel containing Coastal Bank, Coastal Dune, Coastal Beach, Land Under The Ocean and Land Subject To Coastal Storm Flowage. The surrounding land use is residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0084G), dated June 9, 2014, shows that the area of proposed development is located within Zone VE (EL 9 Feet) and Zone AE (EL 8 Feet).

The Massachusetts Natural Heritage Atlas, 14th Edition, dated August 2017 (Appendix D) shows that Priority Habitat and Estimated Habitat is mapped within the area of proposed development. A Massachusetts Endangered Species Act (MESA) review was conducted in 2011, MassDEP File No. SE48-2355 NHESP File No. 10-28978, for the construction of beach stairs within the same location as the proposed project referenced here within. The beach stairs were never constructed.

In 2019 a similar MESA review was conducted, MassDEP File No. SE48-3166 NHESP File No. 10-28978, for the replacement of a different set of beach stairs on the same property. The NHESP letters are included in this report.

Erosion Control

Construction Fence is to be installed along the limit of the work to protect the adjacent resource areas during construction.



MassWildlife

Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Wayne F. MacCallum, *Director*

January 07, 2011

Nantucket Conservation Commission
37 Washington Street
Nantucket MA 02554

Laurence Lebowitz
10210 Strait Lane
Dallas TX 75229

RE: Applicant: Laurence Lebowitz
 Project Location: Village Way
 Project Description: Beach Stairs
 DEP Wetlands File No.: 048-2355
 NHESP File No.: 10-28978

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program (NHESP) of the Massachusetts Division of Fisheries & Wildlife received a Notice of Intent with site plans (dated 12/9/2010) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The NHESP also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

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

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

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

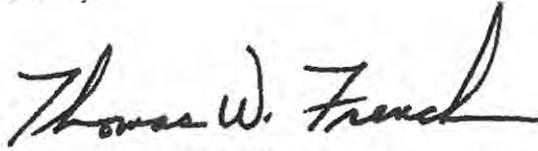
Based on a review of the information that was provided and the information that is currently contained in our database, the NHESP has determined that this project, as currently proposed, **will not result in a prohibited "take"** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the NHESP pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

www.masswildlife.org

Division of Fisheries and Wildlife
Field Headquarters, North Drive, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7891
An Agency of the Department of Fish and Game

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Amy Coman, Endangered Species Review Assistant, at (508) 389-6364.

Sincerely,

A handwritten signature in black ink that reads "Thomas W. French". The signature is written in a cursive style with a large, sweeping flourish at the end.

Thomas W. French, Ph.D.
Assistant Director

cc: MA DEP Southeast Region
Jai Stiga, Nantucket Surveyors, LLC
Richard Beaudette, Harborfront Realty Trust



MASSWILDLIFE

DIVISION OF FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

March 1, 2019

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket MA 02554

Kevin Dale
Harborfront Realty Trust
P.O. Box 659
Nantucket MA 02554

RE: Applicant: Kevin F Dale, Harborfront Realty Trust
 Project Location: Village Way
 Project Description: Beach Stair Replacement
 DEP Wetlands File No.: 048-3166
 NHESP File No.: **10-28978**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated 1/21/2019) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.37). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

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

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

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

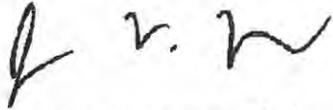
Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of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

MASSWILDLIFE

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

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

Sincerely,

A handwritten signature in black ink, appearing to read 'J. V. Regosin', written in a cursive style.

Jonathan V. Regosin, Ph.D.
Deputy Director

cc: Paul Santos, Nantucket Surveyors, LLC
MA DEP Southeast Region

APPENDIX B

Assessor's Map



Figure 1: ASSESSOR'S MAP

VILLAGE WAY
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: FEBRUARY 14, 2020

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 2

PREPARED FOR:
KEVIN F. DALE, TRUSTEE

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

APPENDIX C

Nantucket Topography

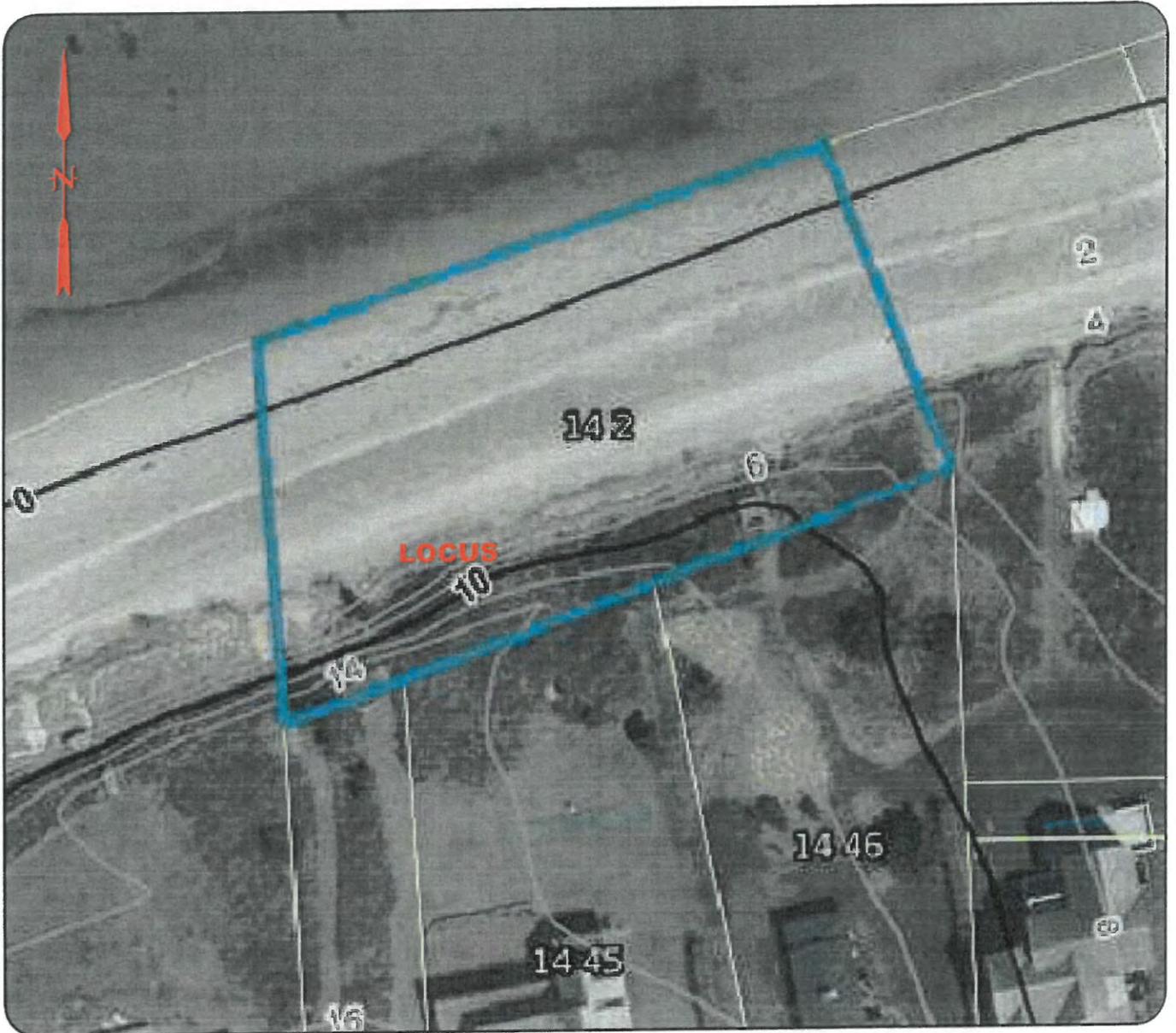


Figure 2: TOPOGRAPHIC MAP

VILLAGE WAY
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: FEBRUARY 14, 2020

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 2

PREPARED FOR:
KEVIN F. DALE, TRUSTEE

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

APPENDIX D

NHESP Estimated and Priority Habitat Map



Figure 3: NHESP MAP

VILLAGE WAY
 NANTUCKET, MASSACHUSETTS
 SCALE: N.T.S. DATE: FEBRUARY 14, 2020

ASSESSOR'S REFERENCE:
 MAP: 14 PARCEL: 2

PREPARED FOR:
 KEVIN F. DALE, TRUSTEE

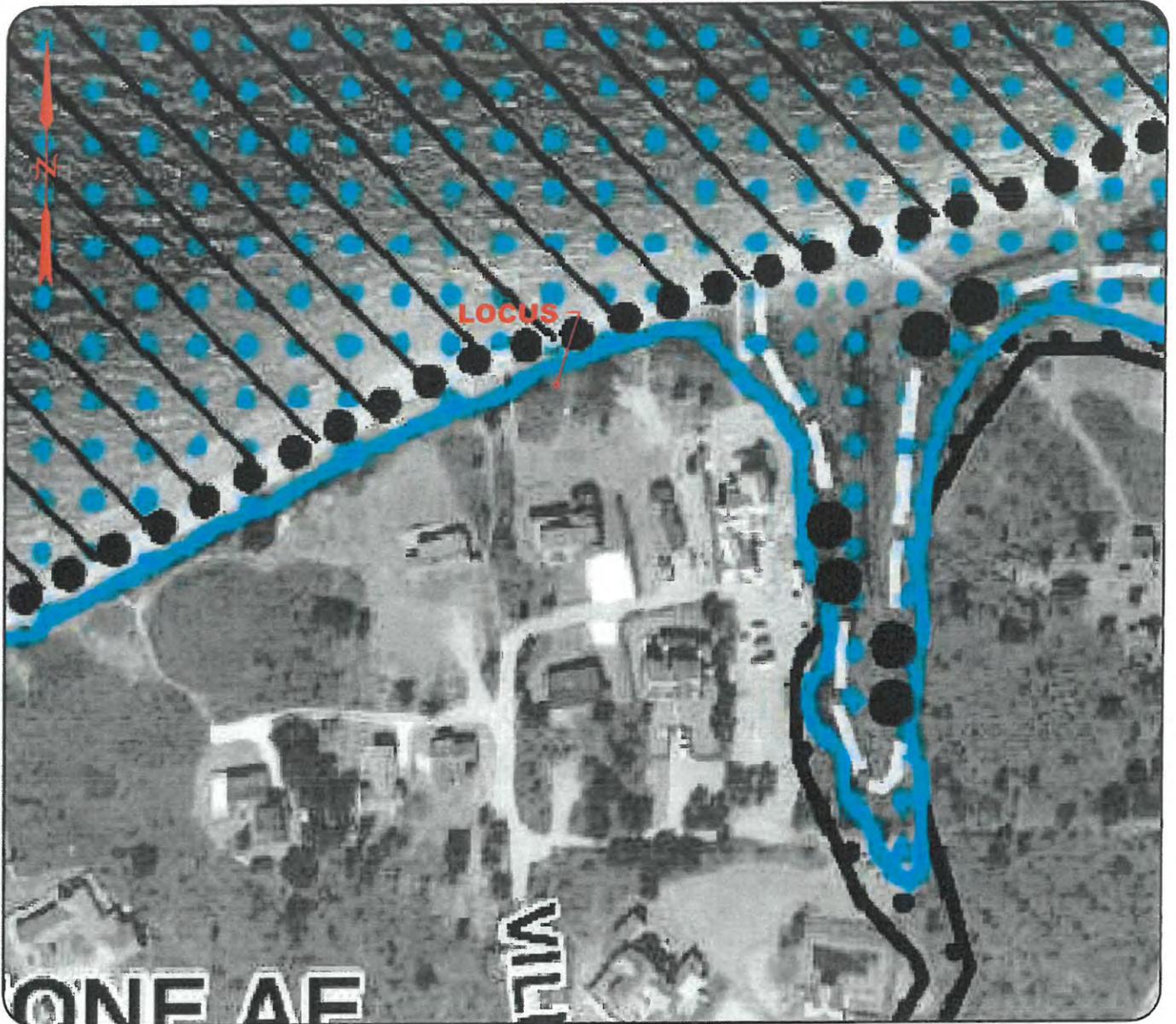
PREPARED BY:
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY NANTUCKET, MA 02554

 NHESP PRIORITY HABITATS
 OF RARE SPECIES

 NHESP ESTIMATED HABITATS
 OF RARE WILDLIFE

APPENDIX E

FEMA Flood Insurance Rate Map



PANEL: 25019C0084G
EFFECTIVE DATE: JUNE 9, 2014

Figure 4: FIRM MAP

VILLAGE WAY
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: FEBRUARY 14, 2020

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 2

PREPARED FOR:
KEVIN F. DALE, TRUSTEE

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

APPENDIX F

Site Photographs

Village Way, Nantucket, MA
Applicant: Kevin F. Dale, Trustee



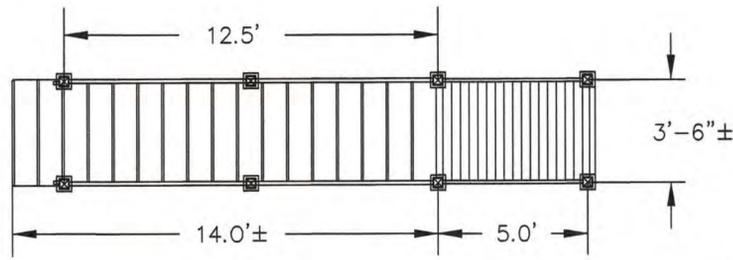
View of proposed beach stairs location from top of Coastal Bank



View of proposed beach stairs location from Coastal Dune/Beach interface looking west



View of proposed beach stair location from Coastal Dune/Beach interface looking east



PROPOSED STAIR LAYOUT
SCALE 1"=4'

NANTUCKET HARBOR

LOW WATER MARK 4/24/14
182.3'±

APPROX. WATER LINE AS SHOWN ON L.C.PL.#16220-B
181.48' (TIE)

LOT 66

AREA=23,878± S.F.

HIGH WATER MARK 4/24/14
187.4'±

COASTAL DUNE/BEACH

BOTTOM BANK

RELOCATED STAIRS

EXISTING STAIRS TO BE REMOVED

EXISTING STAIRS

ROBERT S. TULLOCH &
PETER H. TULLOCH, JR.
LAND COURT CERTIFICATE NO. 18543
LAND COURT PLAN NO. 16220-B (LOT 4A)
14-47

N/F
PROVIDENCE ASSOCIATES LLC
DEED BOOK 529, PAGE 119
PLAN BOOK 15, PAGE 29 (LOT 1)
14-46

WAY
(16.50' WIDE-PRIVATE)

N/F
FAR AWAY ISLAND LLC
LAND COURT CERTIFICATE NO. 24632
LAND COURT PLAN NO. 16220-B (LOT 2E)
14-1

S 04°23'50" E
80.71'

N/F
SIDNEY WILLIAM SMALL
DEED BOOK 360, PAGE 63
PLAN BOOK 15, PAGE 29 (LOT 3)
14-45

VILLAGE WAY
(A.K.A. PROPRIETORS ROAD)
(33' WIDE-PRIVATE)

WAY
(16' WIDE-PRIVATE)

- NOTES:**
- SEE ORDERS OF CONDITIONS
SE48-3166 LC DOC. #161245
SE48-2355 LC DOC. #133468
SE48-1685 LC DOC. #106682
 - THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN ZONE "VE" (EL. 9) AND ZONE "AE" (EL. 8) AS DELINEATED ON "FIRM" MAP NO. 25019C0084G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 - CONTOURS SHOWN NAVD 88 DATUM.

CURRENT ZONING: LUG-3
MINIMUM LOT SIZE: 120,000 S.F.
MINIMUM FRONTAGE: 200'
FRONTYARD SETBACK: 35'
SIDE AND REAR SETBACK: 20'(10' LOT OF RECORD)
ALLOWABLE G.C.R.: 3%

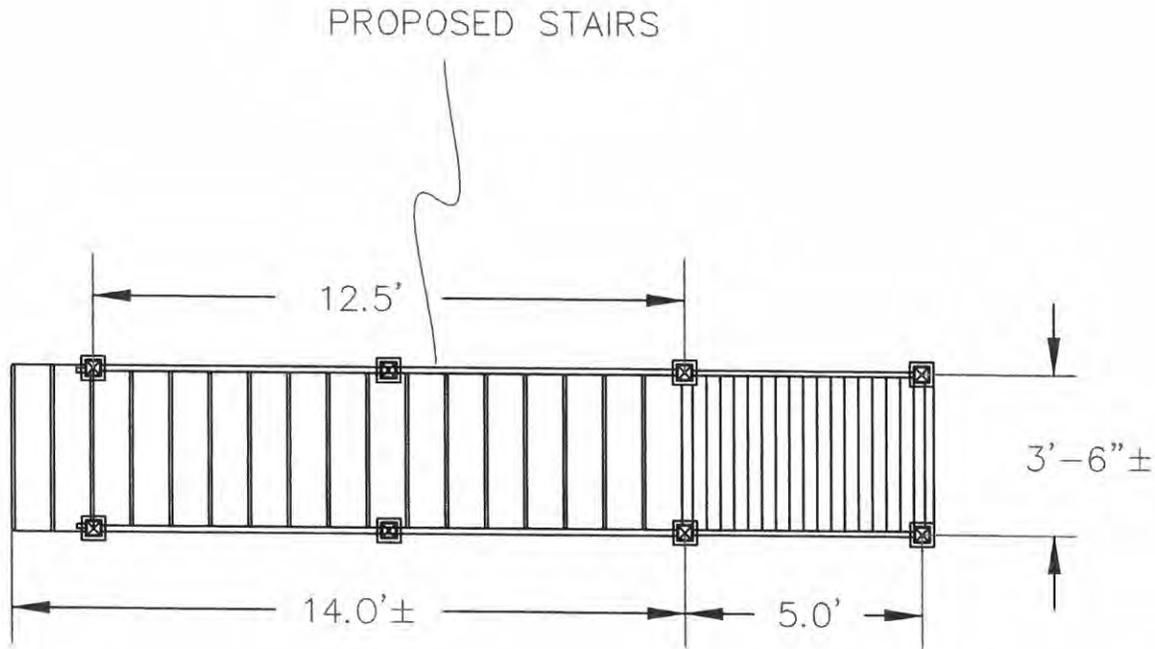
FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD. VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.
N.B. GPS 427/106

SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
VILLAGE WAY
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=20' DATE: 2/14/2020

DEED REFERENCE: CERT. #19518
ASSASSOR'S REFERENCE: L.C. PL. 16220-Y
MAP: 14 PARCEL: 2

PREPARED FOR:
KEVIN F. DALE, TRUSTEE
HARBORFRONT REALTY TRUST
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



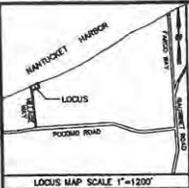


PROPOSED STAIR LAYOUT
IN
NANTUCKET, MASSACHUSETTS
SCALE: 1"=4' DATE: 2/14/2020

ASSESSOR'S REFERENCE:
MAP: 14 PARCEL: 2

PREPARED FOR:
HARBORFRONT REALTY TRUST

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554



LOCUS MAP SCALE 1"=1200'

REFERENCES:
 OWNER: HARBORFRONT REALTY TRUST
 KERRY F. DALE TRUSTEE
 DEED REFERENCE: LAND COURT CERTIFICATE NO. 18518
 PLAN REFERENCE: LAND COURT PLAN NO. 18220-B, (LOT 250)
 ASSESSORS REFERENCE:
 MAP: 14 PARCEL: 2

ZONING CLASSIFICATION
 DISTRICT: LUG-3 (LIMITED USE GENERAL 3)
 MINIMUM LOT SIZE = 120,000 S.F.
 MINIMUM FRONTAGE = 200'
 FRONT YARD SETBACK = 30'
 REAR & SIDE LINE SETBACK = 20'
 MAX. GROUND COVER RATIO = 3%

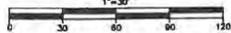
NOTES:
 1. ALL MEASUREMENTS WERE MADE USING AN EDM, UNLESS OTHERWISE NOTED.
 2. SURVEY INSTRUMENT: TOPCON GTS 3030 EDM
 EDM ACCURACY: ±(2MM+2PPM)
 TRANSVERSE DATA:
 PRECISION OF TRAVERSE: 1 IN 68,720
 ERROR OF CLOSURE:
 LINEAR: 0.014
 BEARING: S 03°06'28" E

LEGEND:
 DNGO DRILL HOLE/CONCRETE BOUND
 FND FOUND
 SP IRON PIPE
 N/F NOW OR FORMERLY
 SPK SPIKE

PLAN OF LAND
 ACQUISITION PLAN
 LOT 250
 LAND COURT PLAN NO. 18220-B
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=30' DATE: MARCH 02, 2015

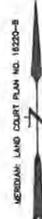
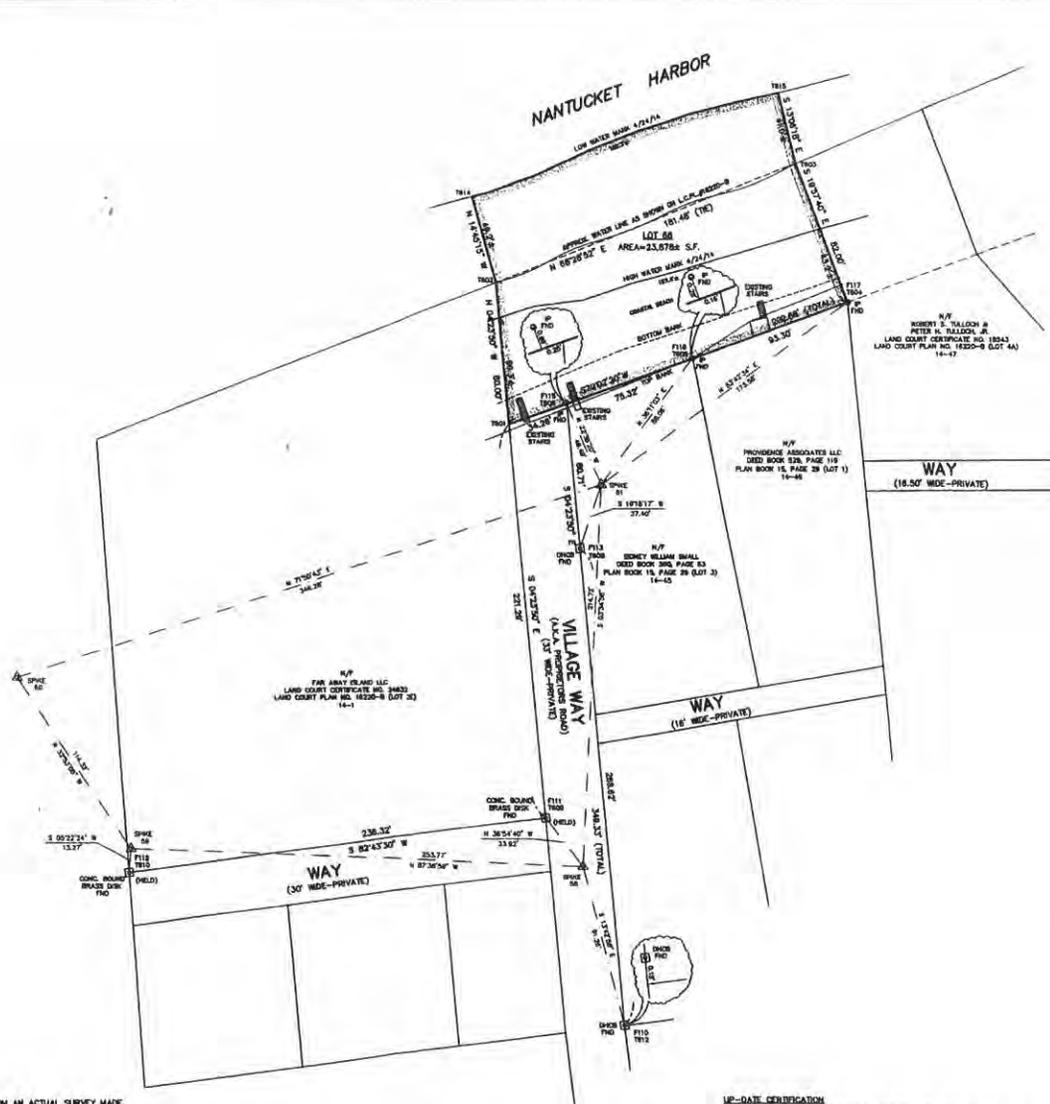
PREPARED FOR:
 HARBORFRONT REALTY TRUST
 KERRY F. DALE TRUSTEE
 NANTUCKET SURVEYORS, LLC
 5 WHIMY WAY
 NANTUCKET, MA 02554
 (508) 228-0240

GRAPHIC SCALE
 1"=30'



CERTIFY THAT THIS PLAN WAS DRAWN FROM AN ACTUAL SURVEY MADE OF THE GROUND IN ACCORDANCE WITH THE LAND COURT INSTRUCTIONS 2008 ON OR BETWEEN APRIL 12, 2014 AND MARCH 02, 2015.

Kerry F. Dale
 PROFESSIONAL LAND SURVEYOR
 3/6/15
 DATE



PLANNING BOARD ENDORSEMENT DOES NOT CONSTITUTE A DETERMINATION OF CONFORMANCE UNDER ZONING.

NANTUCKET PLANNING BOARD
 APPROVAL UNDER THE SUBDIVISION CONTROL LAW NOT REQUIRED

SURVEY PREPARED BY:
Kerry F. Dale
 LAND SURVEYOR
 NANTUCKET, MA
Kerry F. Dale
 JOHN MURPHY

APPROVAL
 DATE APPROVED: 12-12-2014
 DATE SIGNED: 12-12-2014
 FILE NO.: 0058



UP-DATE CERTIFICATION
 I CERTIFY THAT THE CONDITIONS ON THE GROUND ARE THE SAME NOW AS AT THE TIME OF THE ORIGINAL SURVEY MARCH 02, 2015.
Kerry F. Dale
 PROFESSIONAL LAND SURVEYOR
 12/5/16
 DATE

NOTICE OF INTENT
for
GARAGE DWELLING
at
14 CELTIC DRIVE
NANTUCKET, MASSACHUSETTS

Prepared for:

SUMMERWIND INVESTMENTS LLC
P.O. BOX 513-65
BOSTON, MA 02205

February 2020

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING
141 OLD ENFIELD ROAD
BELCHERTOWN, MA 01007



WPA Form 3 – Notice of Intent

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

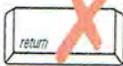
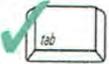
MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



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

A. General Information

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

<u>14 Celtic Drive</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.263269N</u>	<u>70.102166W</u>
<u>67</u>	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	<u>658</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Summerwind Investment LLC</u>	<u></u>
a. First Name	b. Last Name
<u>P.O. Box 513-65</u>	
c. Organization	
<u>Boston</u>	<u>MA</u>
d. Street Address	e. City/Town
<u></u>	<u>02205</u>
e. City/Town	f. State
<u></u>	g. Zip Code
<u></u>	<u></u>
h. Phone Number	i. Fax Number
<u></u>	j. Email Address

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

Same

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

4. Representative (if any):

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

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

<u>\$110.00;\$25.00;\$200.00</u>	<u>\$42.50</u>	<u>\$67.50;\$25.00;\$200.00</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

The proposed work involves the construction of a garage with second floor dwelling, and ongoing landscaping in the 100-foot Buffer Zone to a Bordering Vegetated Wetland. The structure will be greater than 50 feet from the wetland, and the 25-foot vegetated buffer will be retained.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

1473

c. Book

b. Certificate # (if registered land)

9

d. Page Number

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

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

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

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Nantucket

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

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

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

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

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Nantucket

City/Town

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. 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 _____



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

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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

- 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).*

- Submit Supplemental Information for Endangered Species Review*
 - Percentage/acreage of property to be altered:

(a) within wetland Resource Area	_____
	percentage/acreage
(b) outside Resource Area	_____
	percentage/acreage
 - Assessor's Map or right-of-way plan of site
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - Project description (including description of impacts outside of wetland resource area & buffer zone)
 - Photographs representative of the site

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

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



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

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

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

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

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

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

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

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

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

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

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

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

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

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



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

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

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

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

D. Additional Information

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

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

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

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



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

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.

Proposed Site Plan of Land in Nantucket - 14 Celtic Drive

a. Plan Title

Island Surveyors LLC

Edward King PLS

b. Prepared By

c. Signed and Stamped by

2/12/20

1"=30'

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:

2664

2/12/20

2. Municipal Check Number

3. Check date

2667

2/12/20

4. State Check Number

5. Check date

Island Surveyors LLC

6. Payor name on check: First Name

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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.

	2/12/20
1. Signature of Applicant	2. Date
	2/12/20
3. Signature of Property Owner (if different)	4. Date
HAWES Hydrogeologic	2/12/20
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:

14 Celtic Drive Nantucket
 a. Street Address b. City/Town
2667 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Summerwind Investment LLC MA 02205
 a. First Name b. Last Name
 c. Organization
P.O. Box 513-65
 d. Mailing Address
Boston MA 02205
 e. City/Town f. State 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

B. Fees

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

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

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

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

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

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

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

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

LOCUS MAP
14 Celtic Drive, Nantucket
USGS - NANTUCKET QUAD
1:25000



SITE AND WORK DESCRIPTION

INTRODUCTION

The proposed work at 14 Celtic Drive in Nantucket, Massachusetts involves the construction of a garage with second floor dwelling with associated landscaping and grading. The site is serviced by Town water and sewer. The work will take place within the **100-foot Buffer Zone** to a **Bordering Vegetated Wetland** under jurisdiction of the *Massachusetts Wetlands Protection Act* and the *Nantucket Wetlands By-law*. All structures will be farther than 50 feet from the wetland boundary, and the 25-foot undisturbed vegetated buffer will remain.

SITE DESCRIPTION

The site consists of a 0.41-acre parcel of land located at the south end of Celtic Drive. The site slopes down to the east to a wetland in the east of the lot. The site contains a house, driveway and lawn. Due to recent erosion, a portion of the driveway and a portion of the lawn were stabilized using loam, seed, hydro-seeding, landscape netting and shell. The resource areas on or adjacent to the site consist of **Bordering Vegetated Wetland** and its associated **100-foot Buffer Zone**.

Bordering Vegetated Wetlands on the site were delineated with numbered flags using the three technical criteria of vegetation, soils and hydrology. The wetlands are comprised of shrub swamp. The vegetation in the wetlands includes Winterberry Holly, Arrowwood, Bayberry, Cinnamon Fern, Soft Rush and sedges. The soils in the wetland range from seasonally saturated dark brown sandy loam over a mottled sandy loam subsoil to saturated black muck over gleyed sandy loam subsoil. No work is proposed in this resource area.

The **100-foot Buffer Zone** to the **Bordering Vegetated Wetland** extends into the upland portion of the site. The work has been designed to not impact the resource area.

A review of the 2017 "*Massachusetts Natural Heritage Atlas*", prepared by the Massachusetts Natural Heritage and Endangered Species Program, indicates that the site is not located within the known range of state-listed rare wetlands wildlife species and priority habitat. Therefore, this application will not need review by the Program.

WORK DESCRIPTION

The proposed work involves the construction of a garage with a second-floor dwelling with associated landscaping and grading. The site is serviced by Town water and sewer. All structures will be farther than 50 feet from the wetland, and the existing vegetated buffer will be maintained.

Prior to the commencement of work, a siltation fence will be installed at the limit of work as shown on the plan. This fence will be inspected and maintained until all soils have stabilized and all work has been completed.

All work will be done as shown on the site plan and architectural drawing. The garage with second-floor dwelling will be constructed with a full walkout basement with retaining walls. Regrading will be necessary to accommodate these features.

The proposed landscaping includes re-establishing and maintaining lawn, driveway and plantings. No fertilizers, pesticides or irrigation systems will be used within 50 feet of the wetland boundary. Any fertilizers used farther than 50 feet from the wetland will be slow-release organic fertilizer applied at a rate of less than 3/lbs nitrogen per 1000 ft².

All disturbed areas will be stabilized by loaming with six inches of loam and then seeding, or with other appropriate measures. The success of the stabilization efforts will be monitored and adjustments will be made as necessary.

CONCLUSION

The proposed work at 14 Celtic Drive in Nantucket, Massachusetts involves the construction of a garage with second-floor dwelling with associated landscaping and grading within a portion of **100-foot Buffer Zone to Bordering Vegetated Wetlands**. All structures will be farther than 50 feet from the wetland boundary.

The work as proposed will not adversely impact the adjacent resource area. All work as proposed meets the requirements of the *Massachusetts Wetlands Protection Act* and the *Nantucket Wetlands By-law*.

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

Applicant: Summerwind Inv LLC Prepared by: Haines Hydrogeologic Consulting Project location: 14 Celtic Lane DEP File #: _____

Check all that apply:

Nantucket, MA

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

Section I.

15 feet above Flag # 4

Vegetation	Observation Plot Number: #4 Up		Transect Number: #4	Date of Delineation: 3/27/19
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	0.5	50%	Yes	FacU
Red Cedar	10.5	50%	Yes	FacU
Tartarian Honeysuckle	10.5	25%	Yes	FacU
Bramble	10.5	25%	Yes	FacU-
Fox Grape	10.5	50%	Yes	FacU
Bittersweet	10.5	50%	Yes	FacU-
Goldenrod spp	10.5	100%	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: 0 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

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

Applicant: Summerwind Inv LLC Prepared by: Haines Hydrogeologic Consulting Project location: 14 Celtic Ln DEP File #: _____

Check all that apply: Nantucket, MA

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

Section I.

15 feet below flag 4

Vegetation	Observation Plot Number: #4 Wet		Transect Number: #4	Date of Delineation: 3/27/19
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	67%	Yes	Facw+
Northern Arrowwod	10.5	33%	Yes	Fac
Sensitive Fern	20.5	48%	Yes	Facw
Sedge	10.5	20%	Yes	Facw
Rush	10.5	20%	Yes	Facw

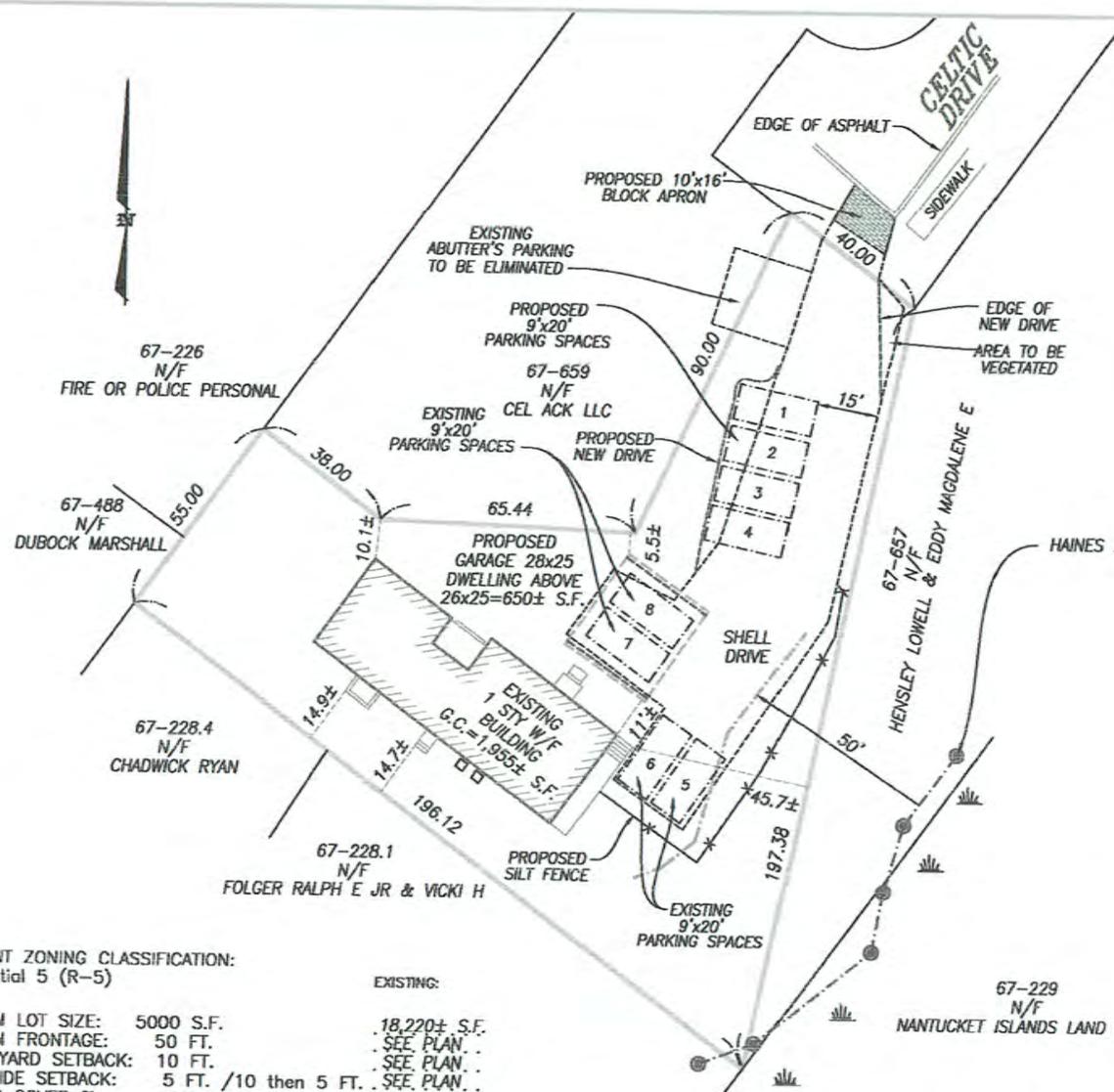
* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as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

Vegetation conclusion:

Number of dominant wetland indicator plants: 5 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



I CERTIFY, AS OF : THAT
THE BUILDING(S) IS/ARE LOCATED ON THE
GROUND AS SHOWN HEREON.

PROFESSIONAL LAND SURVEYOR

WETLAND BOUNDARY
DELINEATED BY
HAINES HYDROGEOLOGICAL CONSULTING

**PROPOSED SITE PLAN
OF LAND IN
NANTUCKET, MASS.**

SCALE: 1" = 30' DATE: FEBRUARY 12, 2020

Owner: . . . SUMMERWIND INVESTMENTS LLC
Deed: . . . 1473-9 . . . Plan: PLAN FILE 51-H; LOT 4
Locus: 14, CELTIC DRIVE

ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228-2720

CURRENT ZONING CLASSIFICATION:
Residential 5 (R-5)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
REAR/SIDE SETBACK: 5 FT. /10 then 5 FT.
GROUND COVER % : 40%

EXISTING:
18,220± S.F.
SEE PLAN . . .
SEE PLAN . . .
SEE PLAN . . .
SEE PLAN . . .

ASSESSOR MAP: . . 67 . . , PARCEL: . . 658 . .

Notice of Intent Application

Construction of a landing on an existing beach staircase

At

51 Ocean Avenue
Nantucket, MA

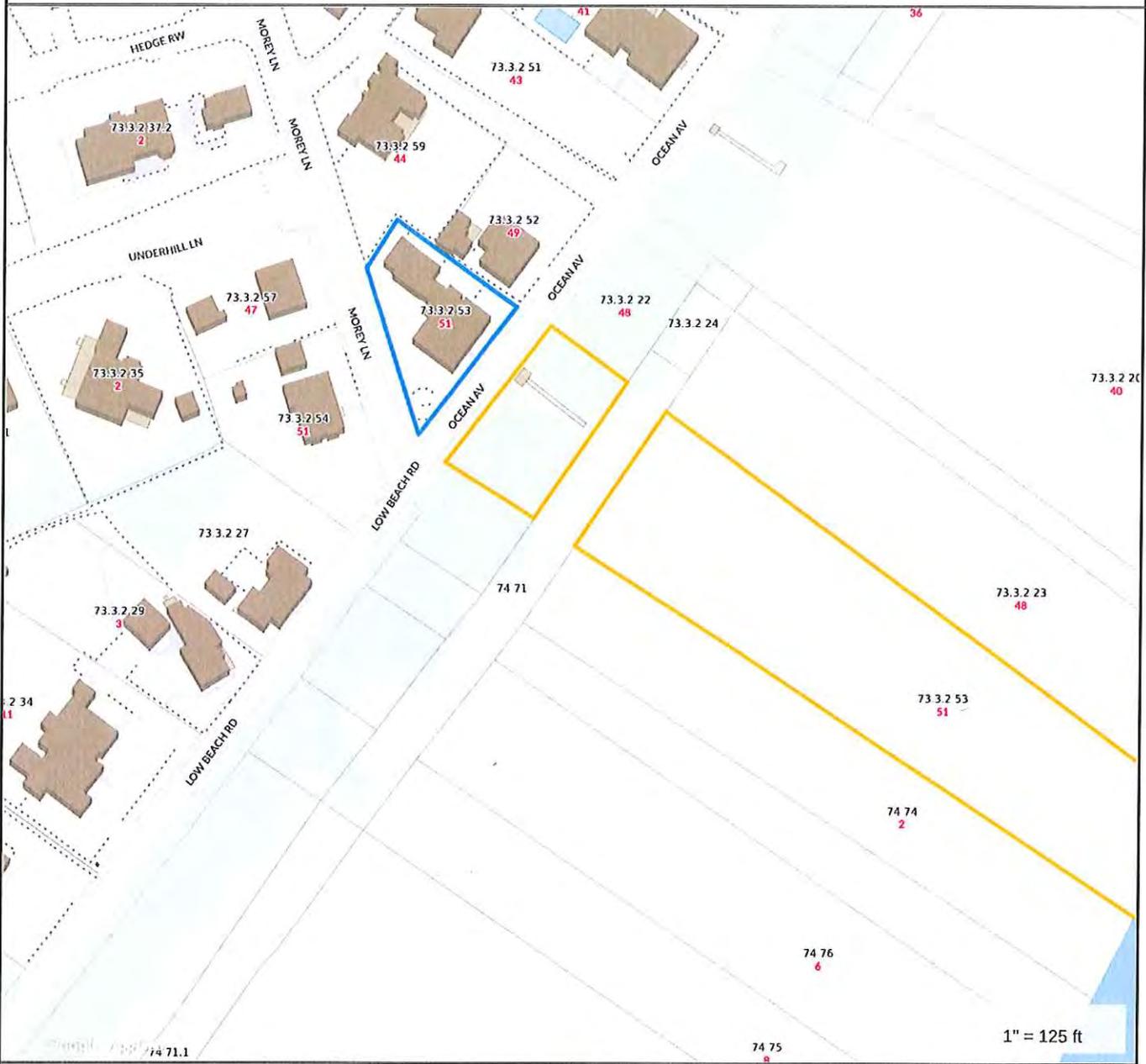
February 14, 2020

Prepared for

51 Ocean Avenue Nominee Trust

By

BLACKWELL & ASSOCIATES, Inc.
Professional Civil Engineers & Land Surveyors
20 Teasdale Circle
Nantucket, MA 02554
508-228-9026



Property Information
 Property ID 73.3.2.53
 Location 51 OCEAN AV
 Owner SEAVER ALEXANDER M & CHRISTINE N



**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.

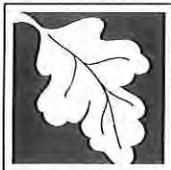
Geometry updated 11/13/2018
 Data updated 11/19/2018



LOCUS - 1 Markers, Length = 0 feet <Default> - 1 Markers, Length = 0 feet
 LOCUS - 041° 16' 19.5" N, 070° 05' 37.1" W Locus - 041° 15' 25.7" N, 069° 57' 58.5" W

Name: SIASCONSET
 Date: 2/10/120
 Scale: 1 inch equals 2000 feet

Location: 041° 15' 44.1" N 069° 58' 50.0" W



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):

51 Ocean Avenue
 a. Street Address

Nantucket
 b. City/Town

02554
 c. Zip Code

Latitude and Longitude:
 41 15 26.8 N
 d. Latitude

69 57 58.6 W
 e. Longitude

73.3.2
 f. Assessors Map/Plat Number

53
 g. Parcel /Lot Number

2. Applicant:

Alexander
 a. First Name

Seaver
 b. Last Name

51 Ocean Avenue Nominee Trust
 c. Organization

510 West Road
 d. Street Address

New Canaan
 e. City/Town

CT
 f. State

06840
 g. Zip Code

203-972-8235
 h. Phone Number

i. Fax Number

aseaver@stadiumcapitol.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):

Jeffrey
 a. First Name

Blackwell
 b. Last Name

Blackwell & Associates
 c. Company

20 Teasdale Circle
 d. Street Address

Nantucket
 e. City/Town

MA
 f. State

02554
 g. Zip Code

508-228-9026
 h. Phone Number

i. Fax Number

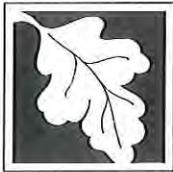
jeff@blackwellsurvey.com
 j. Email address

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

\$110+\$200+\$25
 a. Total Fee Paid

\$42.50
 b. State Fee Paid

\$67.50
 c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Applicant seeks to construct a landing on an existing beach staircase within 100' of a Coastal Dune.

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 CMR 10.24(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

1480

c. Book

b. Certificate # (if registered land)

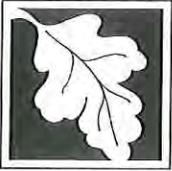
136

d. Page Number

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

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

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



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

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

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input checked="" type="checkbox"/> Coastal Dunes	0. No work on Coastal Dune. 1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. 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.

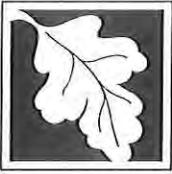
a. square feet of BWW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

August 1, 2017
b. Date of map

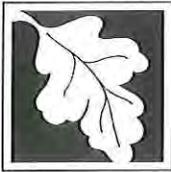
If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.2.f,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

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
 - Assessor's Map or right-of-way plan of site
- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site

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

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



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

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/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:

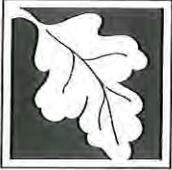
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

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

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

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



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

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

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

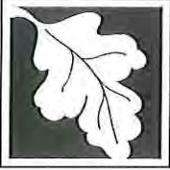
D. Additional Information

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

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

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

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



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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

a. Plan Title

Blackwell & Associates

Jeffrey Blackwell

b. Prepared By

c. Signed and Stamped by

02/13/20

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:

25025

02/14/20

2. Municipal Check Number

3. Check date

25022

02/14/20

4. State Check Number

5. Check date

Blackwell & Associates, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

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F. Signatures and Submittal Requirements

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

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

<p style="text-align: center;"><u>Jeff Keese, Agent</u></p> <p>1. Signature of Applicant</p>	<p style="text-align: center;"><u>2-14-20</u></p> <p>2. Date</p>
<p>3. Signature of Property Owner (if different)</p> <p style="text-align: center;"><u>Jeff Keese</u></p> <p>5. Signature of Representative (if any)</p>	<p>4. Date</p> <p style="text-align: center;"><u>2-14-20</u></p> <p>6. Date</p>

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.



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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:

51 Ocean Avenue Nantucket
 a. Street Address b. City/Town
25022 42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Alexander Seaver
 a. First Name b. Last Name
51 Ocean Avenue Nominee Trust
 c. Organization
510 West Road
 d. Mailing Address
New Canaan CT 06840
 e. City/Town f. State g. Zip Code
203-972-8235 aseaver@stadiumcapital.com
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name

 c. Organization

 d. Mailing Address

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

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

B. Fees

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

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

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

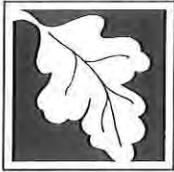
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

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

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

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

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



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NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Add landing to existing beach stairs	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110
Step 6/Fee Payments:			
Total Project Fee:			\$110+\$200+\$25
State share of filing Fee:			a. Total Fee from Step 5 \$42.50
City/Town share of filling Fee:			b. 1/2 Total Fee less \$12.50 \$67.50+\$200+\$25
			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.)

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

INTRODUCTION

The proposed work at 51 Ocean Avenue in the Siasconset area of Nantucket, Massachusetts involves adding a landing to an existing beach staircase within 100' of a Coastal Dune Resource Area. No change in the existing site grade is proposed. No waivers are being requested for this project.

SITE DESCRIPTION

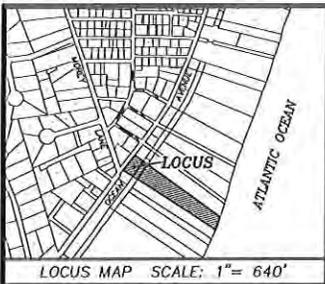
The subject property is located seaward of Ocean Avenue in the Siasconset area of Nantucket Island. The property is owned in conjunction with a residential property on the landward side of Ocean Avenue. The defined resource area on-site is a Coastal Dune.

WORK DESCRIPTION

Prior to the start of work, a silt fence will be placed at the limit of work as shown on the site plan. The fence will be maintained throughout the project. After construction is completed, all disturbed areas will be covered with a minimum of 6" of topsoil and planted with Cape Cod Premium grass seed mix. The existing staircase and landings will be modified to incorporate the proposed landing. These modifications will occur no closer than 50' to the Coastal Dune boundary.

CONCLUSION

The proposed construction will not affect the Coastal Dune resource area or result in an adverse impact on the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution and wildlife.

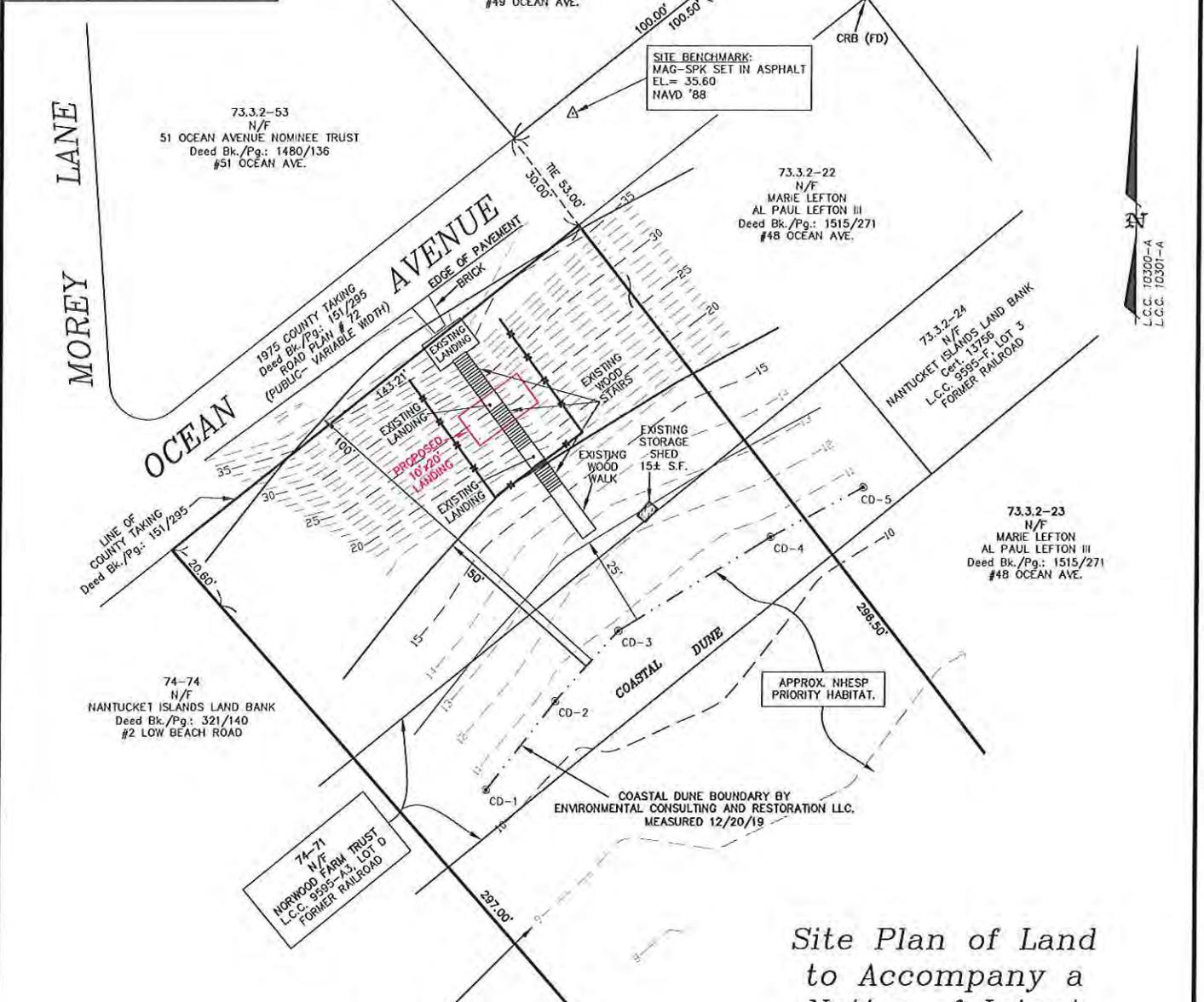


CURRENT ZONING CLASSIFICATION:
 Limited Use General 3 (L.U.G. 3)

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

LEGEND

IP (FD) ■ DENOTES IRON PIPE FOUND
 CRB (FD) ■ DENOTES COUNTY ROAD BOUND FOUND
 20 - - - DENOTES EXIST. GRADE CONTOUR
 -X-X- DENOTES SILT FENCE/LIMIT OF WORK



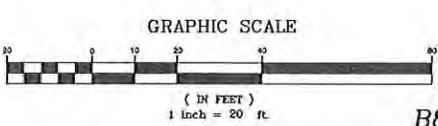
Site Plan of Land
 to Accompany a
 Notice of Intent
 in
 Nantucket, Mass.
 Prepared for
51 OCEAN AVENUE NOMINEE TRUST

Scale: 1" = 20' February 13, 2020

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

OWNER INFORMATION

ALEXANDER M. SEAVER, TRUSTEE
 CHRISTINE N. SEAVER, TRUSTEE
 51 OCEAN AVENUE NOMINEE TRUST
 Deed Bk./Pg.: 1480/136
 Plon Bk./Pg.: 02/42
 ASSESSORS MAP: 73.3.2 PARCEL: 53
 #51 OCEAN AVENUE





NOTICE OF INTENT APPLICATION

**FOR THE REPAIR AND REPLACEMENT
OF AN EXISTING TIMBER GROIN
WITHIN A COASTAL BEACH**

At

7 HALLOWELL LANE

FEBRUARY 2020

Prepared For

WILLIAM F. HOPKINS, TRUSTEE

Locus Map



Property Information

Property ID 30 93
Location 7 HALLOWELL LN
Owner HOPKINS WILLIAM F CPA TRUSTEE



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

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

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

1" = 250 ft



February 14, 2020

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

Re: Timber Groin Repair
7 Hallowell Lane
Map 30 Parcel 93

Dear Ms. Erisman:

On behalf of the property owner William F. Hopkins, Trustee, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for the repair of an existing licensed timber groin at the referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities consist of removal and in-kind replacement of the degraded portion of the existing timber groin located at the Site. Resource areas at the Site include Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage and Land Under the Ocean. 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 \$127.50, \$152.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$335.10 to the Inquirer & Mirror for publication of the notice of the public hearing. A Waiver from Section 2.05.B.3 of the Town of Nantucket Bylaw Chapter 136 has not been requested as the work is associated with a water dependent use.

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 1.25 acres in size and is located on the north shore of Nantucket. The property is bounded to the north by Nantucket Sound, and abutted by existing residential-use properties also served by on-site septic systems. The property and surrounding properties are provided drinking water from the municipal supply.

A review of the August 1, 2017 "Massachusetts Natural Heritage Atlas", prepared by the Natural Heritage and Endangered Species Program (NHESP), indicates that the site is within the known range of state listed rare wildlife species. A relevant portion of the Atlas has been included with this filing, and a copy provided to NHESP.

Resource Areas on the Site consist of Coastal Dune and Coastal Beach and associated buffer zones, Land Subject to Coastal Storm Flowage and Land under the Ocean (Nantucket Sound). Work is proposed in Nantucket Sound (Land Subject to Coastal Storm Flowage), and below Mean High Water.

The Coastal Beach is located between the Sound and the existing Coastal Dune. Work proposed in this resource area includes temporary machine and laborer activity associated with the project.

The Coastal Dune is located between the Coastal Beach and the upland areas. No work in this area.

Land Subject to Coastal Storm Flowage extends to the 100-year flood elevation of 9 (NAVD88). The performance standards within this area are met as the ability of the land to contain flood waters is not impacted.

A portion of the project area is located within National Heritage and Endangered Species Program (NHESP) Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. A copy of this application has been provided to NHESP for review and comment.

Project & Work Description

The Applicant will retain an experienced contractor to perform the proposed work. The plans show the proposed construction details. The Applicant proposes to remove the rotten portions of the bulkhead and replace them in-kind. Any disturbed areas on the beach will be filled with clean compatible sand if needed, and raked smooth.

The construction access for the project will be from the existing access at Jetties Beach. This access will be used for once daily trips to get a small track excavator and rubber tired front-end loader to the project site. No equipment will be left on the beach overnight or during severe storms. The access will be restored to match the existing conditions. Before and after construction photographs will be provided to the Commission to document appropriate restoration of the access area. If needed, though not anticipated, supplemental sand brought in from offsite will be tested to confirm similar grain size characteristics to the existing sand.

Conclusion

The work is being proposed as part of the applicant's obligation to protect the integrity of the coastal engineering structure. Further, the proposed work will improve the stability of the coastal beach and dune resource areas. The work as proposed will not affect the ability of the resource areas to function as they currently do, and will result in an improvement to the stability and vegetative community of the coastal dune system. The 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 scenic views.

Sincerely,



Arthur D. Gasbarro, PE, PLS



WPA Form 3 – Notice of Intent

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

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



A. General Information

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

<u>7 Hallowell Ln</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.283825</u>	<u>70.119636</u>
	d. Latitude	e. Longitude
<u>30</u>	<u>14</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>William F.</u>	<u>Hopkins, Trustee</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>20 Village Drive</u>		
d. Street Address		
<u>New Canaan</u>	<u>CT</u>	<u>06840</u>
e. City/Town	f. State	g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email Address</u>

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

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

4. Representative (if any):

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

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

<u>\$280 + \$25 + \$200</u>	<u>\$127.50</u>	<u>\$152.50 + \$25 + \$200</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town

A. General Information (continued)

6. General Project Description:

The Applicant proposes to replace/repair the existing timber groin along the easterly property line. The groin has been in existence and continuously maintained since at least 1969. Access will be from Jetties Beach. Existing rotten materials will be removed and properly disposed of off-site. Disturbed areas will be raked smooth to match existing grade. Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

10,930

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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

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

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



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:
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NANTUCKET
City/Town

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
e. [] Isolated Land Subject to Flooding
f. [] Riverfront Area
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:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

3. [X] 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
b. [] Land Under the Ocean
c. [] Barrier Beach
d. [X] Coastal Beaches
e. [] Coastal Dunes



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

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NANTUCKET
City/Town

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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	150 +/-	

	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

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/nhosp/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



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
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NANTUCKET
City/Town

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	<u><1% / <.5+/-</u>
	percentage/acreage
(b) outside Resource Area	<u>0</u>
	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.



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:
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NANTUCKET
City/Town

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:

North Shore - Hull to New Hampshire:

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

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

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

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



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

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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.

Site Plan of Land to Accompany A Notice of Intent Application

a. Plan Title	Nantucket Engineering & Survey, PC		Arthur D. Gasbarro, PE, PLS	
b. Prepared By	2/14/20		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.



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
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NANTUCKET
City/Town

E. Fees

- 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:

2109	2/14/20
2. Municipal Check Number	3. Check date
2108	2/14/20
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	2/14/20
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	2/14/20
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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Repair/Replacement of Timber Groin	70-feet	\$4/ft	\$280
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Nantucket Wetland By-law Fee	_____	_____	\$25
Nantucket Expert Review Fee	_____	_____	\$200
Step 5/Total Project Fee:			<u>\$280 + \$25 + \$200</u>
Step 6/Fee Payments:			
Total Project Fee:			<u>\$280 + \$25 + \$200</u> a. Total Fee from Step 5
State share of filing Fee:			<u>\$127.50</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>\$152.50</u> 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.

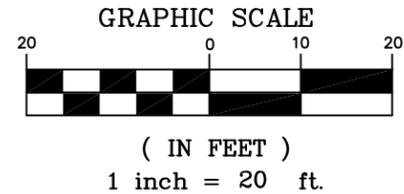
Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- 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.

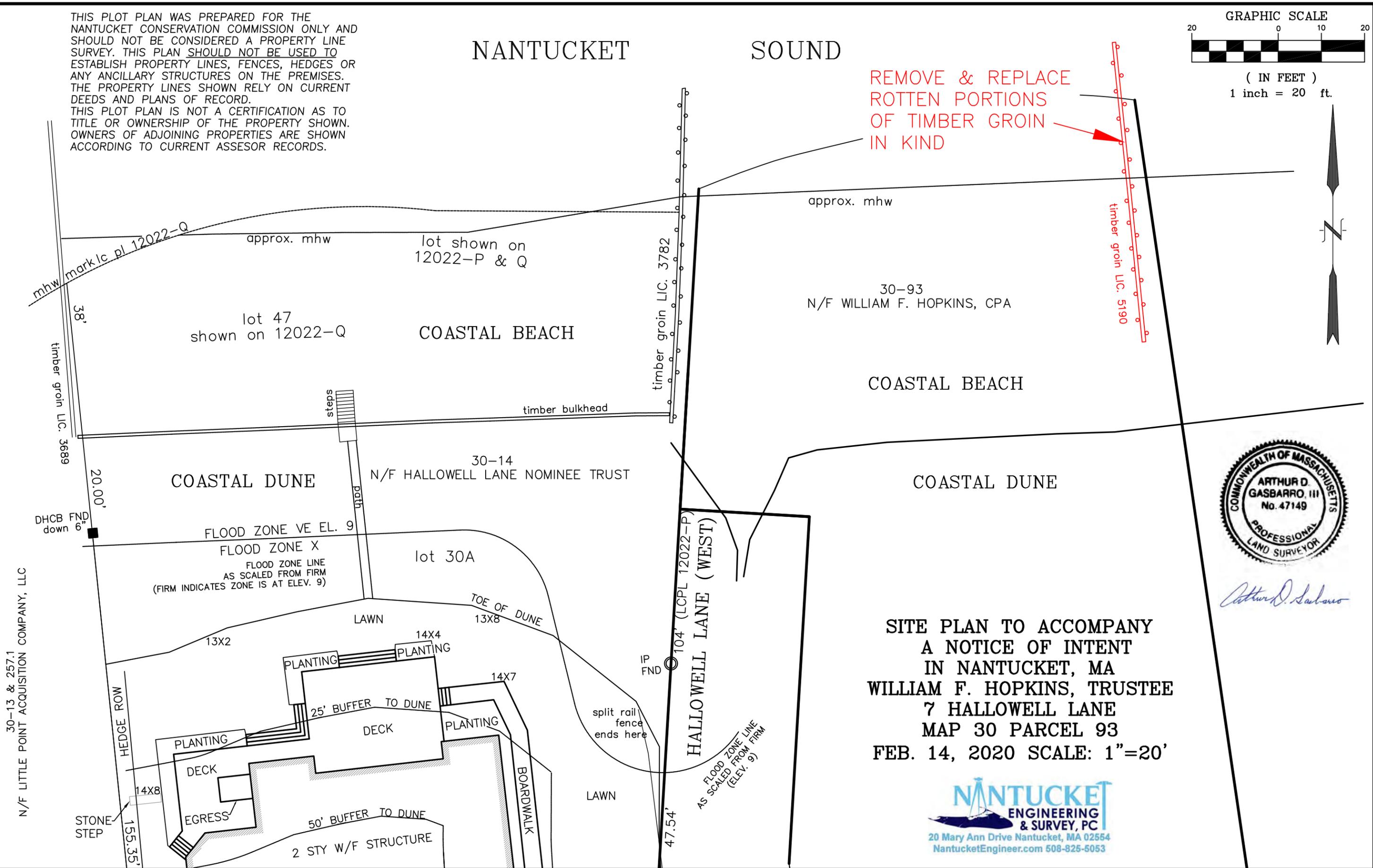
To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

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

NANTUCKET SOUND



REMOVE & REPLACE
ROTTEN PORTIONS
OF TIMBER GROIN
IN KIND



Arthur D. Gasbarro

**SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
IN NANTUCKET, MA
WILLIAM F. HOPKINS, TRUSTEE
7 HALLOWELL LANE
MAP 30 PARCEL 93
FEB. 14, 2020 SCALE: 1"=20'**



N/F LITTLE POINT ACQUISITION COMPANY, LLC

The Commonwealth of Massachusetts

No. 5189.



Whereas, James M. Andrews, et ux-----

of Nantucket-----, in the County of Nantucket-----and Commonwealth aforesaid, have applied to the Department of Public Works for license to construct and maintain a groin in Nantucket Sound, at their property in the town of Nantucket

and have submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen-----of the town-----of Nantucket-----;

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, ~~subject to the approval of the Governor and Council,~~ authorizes and licenses the said-----

~~James M. Andrews, et ux-----~~, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to build and maintain a timber groin in Nantucket Sound, at their property in the town of Nantucket, in conformity with the accompanying plan No. 5189.

A timber groin may be built extending into tidewater a distance of 85 feet from the mean high water line at about the easterly property line of the licensees, in the location shown on said plan and in accordance with the details of construction there indicated.

The top of said groin shall slope about with the beach with the outer end at elevation 4.0 with reference to mean low water, amounting to 1.0 foot above mean high water, as shown on said plan and in accordance with the details there indicated.

Nothing in this license shall be construed as authorizing encroachment on property not owned or controlled by the licensees except with the consent of the owner or owners thereof.

This license is granted subject to all applicable Federal, State, County and Municipal laws, ordinances and regulations.-----

The plan of said work, numbered -----5 1 8 9,----- is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part hereof.

~~The amount of tide water displaced by the work hereby authorized shall be ascertained by said Department, and compensation therefor shall be made by the said~~
-----heirs, successors

~~and assigns, by paying into the treasury of the Commonwealth~~
~~cents for each cubic yard so displaced, being the amount hereby assessed by~~
~~said Department.~~

Nothing in this License shall be so construed as to impair the legal rights of any person.

This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry ----- of Deeds for the -----
~~District of the~~ County of Nantucket.

In Witness Whereof, said Department of Public Works have hereunto set their hands this -----fifteenth----- day of -----February,-----in the year nineteen hundred and sixty-seven.

Edward Libby
Robert S. Foster
Anthony C. Russell
Charles A. Bishop
John W. Wain

Department of
Public Works

EC

~~THE COMMONWEALTH OF MASSACHUSETTS~~

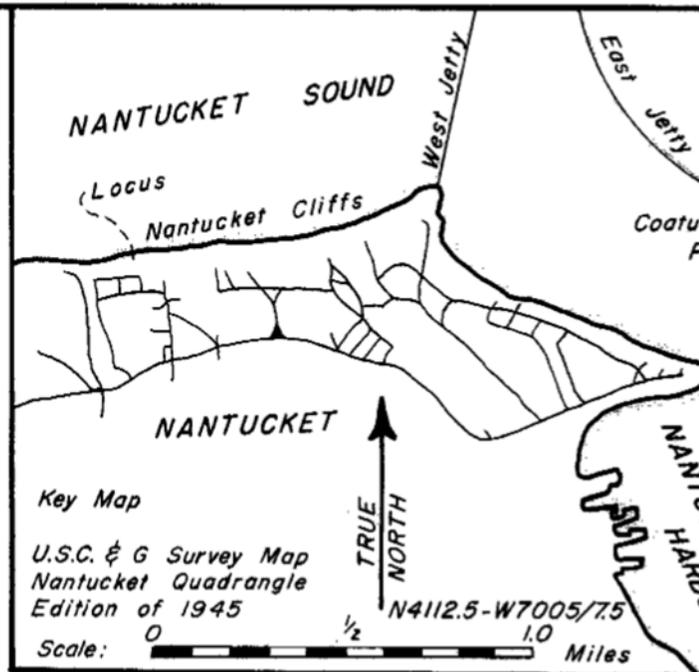
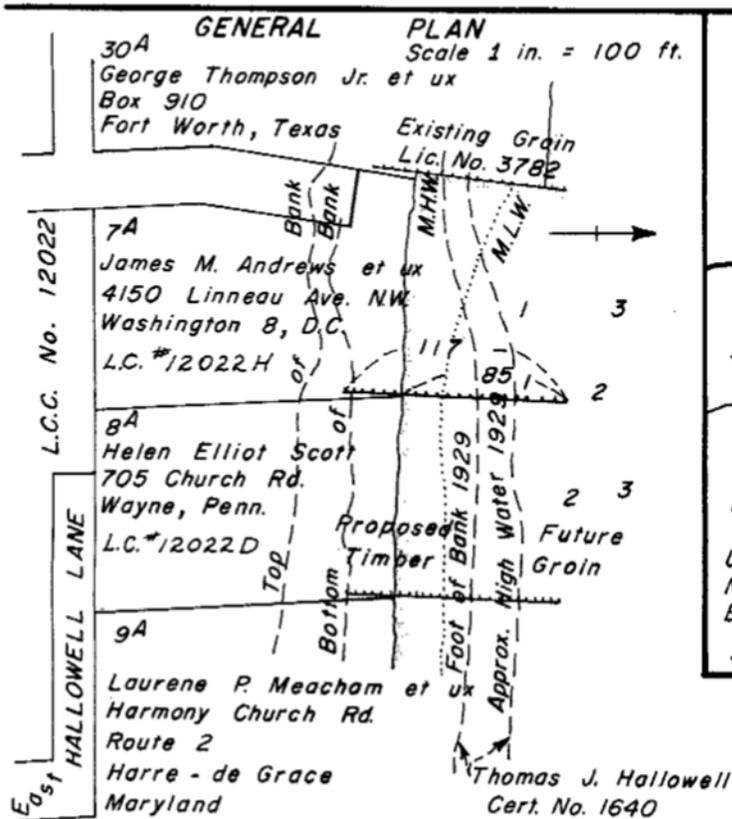
~~This license is approved in consideration of the payment into the treasury of the Com-~~
~~monwealth by the said~~
~~of the further sum of~~

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

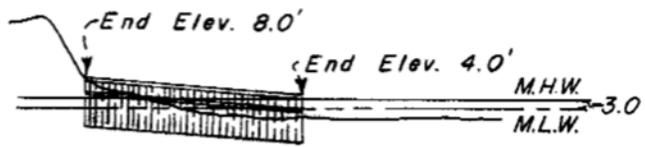
~~Approved by the Governor and Council.~~

~~BOSTON,~~ -----

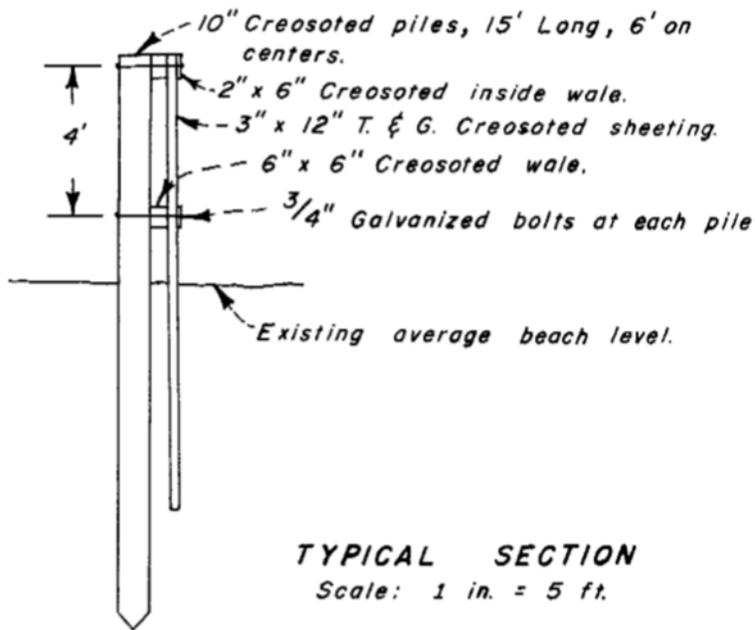
~~Executive Secretary.~~



Soundings are in feet and refer to mean low water 0.0 Datum.
 No harbor lines established.



Scale: Horizontal 1 in. = 100 ft.
 Vertical 1 in. = 50 ft.



Plan Accompanying Petition For
JAMES M. ANDREWS et ux

For License To Build A Timber
 Grain in Nantucket Sound

NANTUCKET

October 1966



Schofield Brothers
 Professional Engineers
 Orleans, Mass.

LICENSE PLAN NO. 5189
 APPROVED BY DEPARTMENT OF PUBLIC WORKS
 MASSACHUSETTS
 FEBRUARY 1966
 COMMISSIONER OF PUBLIC WORKS

Robert S. Foster

7 Hallowell Lane – License No. 5190





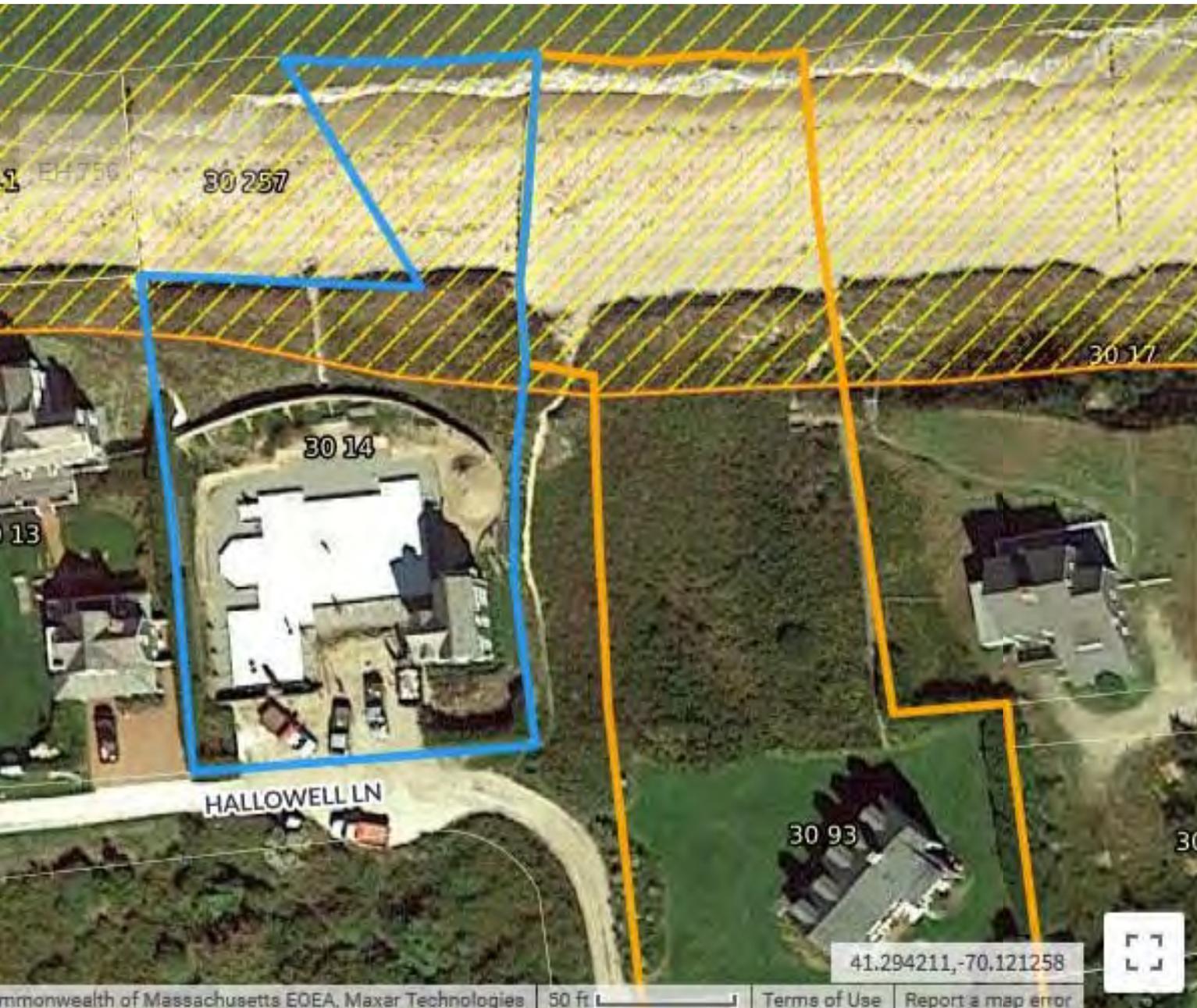
1969

#9

#7







NHESP Certified Vernal Pools



NHESP Potential Vernal Pools



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



Areas of Critical Environmental Concern



Attribution

Massachusetts DCR, Natural Heritage and Endangered Species Program

Eelgrass 1995 - 2013

Water Resource Protection

Water Protection Districts

Emergency Preparedness



NOTICE OF INTENT APPLICATION

**FOR THE REPAIR AND REPLACEMENT
OF AN EXISTING TIMBER GROIN
WITHIN A COASTAL BEACH**

At

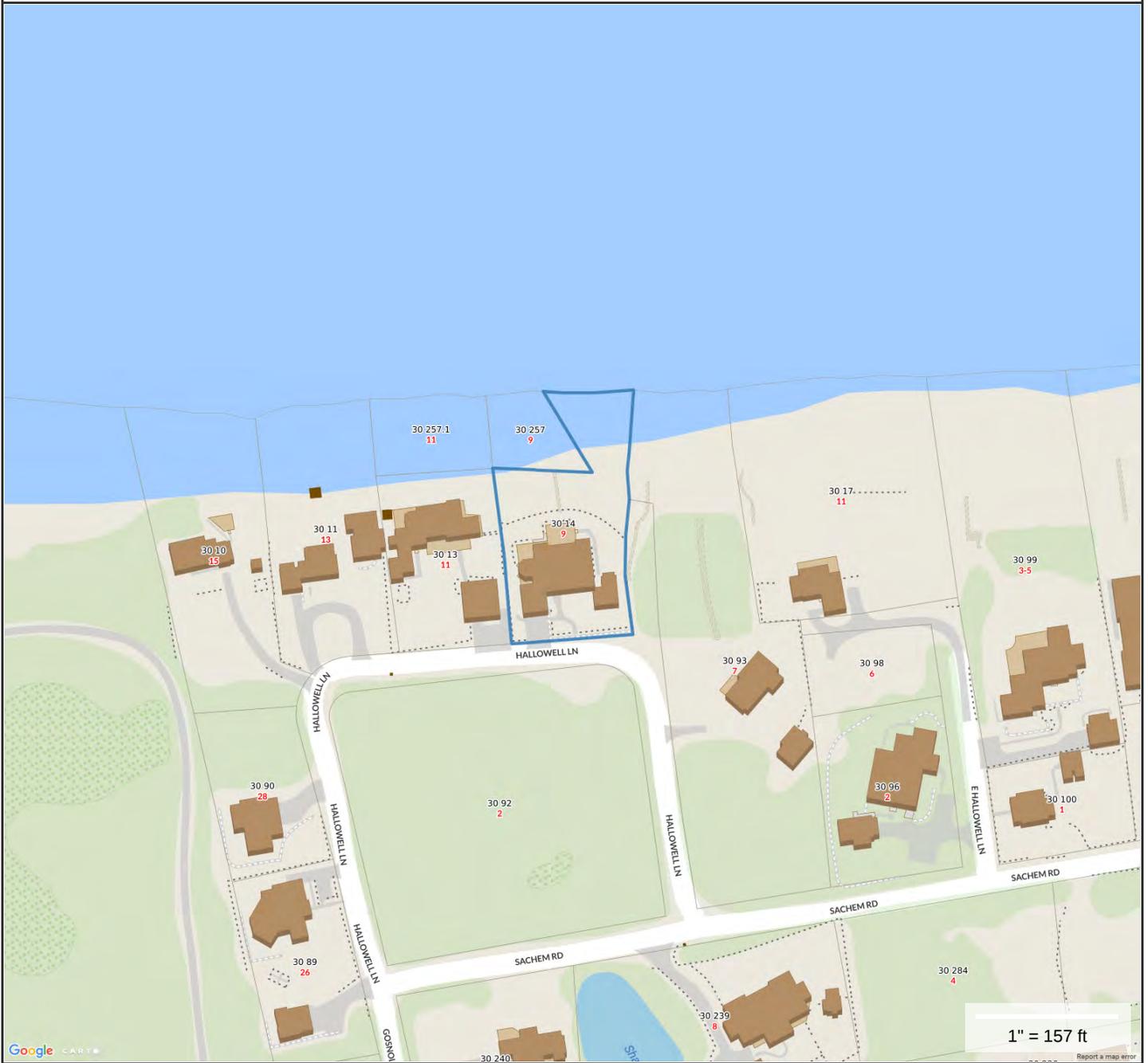
9 HALLOWELL LANE

FEBRUARY 2020

Prepared For

HALLOWELL LANE NOMINEE TRUST

Locus Map



Property Information

Property ID 30 14
 Location 9 HALLOWELL LN
 Owner SEAMAN NANCY TR



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

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

Parcels updated June 2018
 Properties updated 07/19/2018



February 14, 2020

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

Re: Timber Groin Repair
9 Hallowell Lane
Map 30 Parcel 14

Dear Ms. Erisman:

On behalf of the property owner Hallowell Lane Nominee Trust, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for the repair of an existing licensed timber groin at the referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities consist of removal and in-kind replacement of the degraded portion of the existing timber groin located at the Site. Resource areas at the Site include Coastal Beach, Coastal Dune, Land Subject to Coastal Storm Flowage and Land Under the Ocean. 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 \$127.50, \$152.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$335.10 to the Inquirer & Mirror for publication of the notice of the public hearing. A Waiver from Section 2.05.B.3 of the Town of Nantucket Bylaw Chapter 136 has not been requested as the work is associated with a water dependent use.

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 two-thirds of an acre in size and is located on the north shore of Nantucket. The property is bounded to the north by Nantucket Sound, and abutted by existing residential-use properties also served by on-site septic systems. The property and surrounding properties are provided drinking water from the municipal supply.

A review of the August 1, 2017 "Massachusetts Natural Heritage Atlas", prepared by the Natural Heritage and Endangered Species Program (NHESP), indicates that the site is within the known range of state listed rare wildlife species. A relevant portion of the Atlas has been included with this filing, and a copy provided to NHESP.

Resource Areas on the Site consist of Coastal Dune and Coastal Beach and associated buffer zones, Land Subject to Coastal Storm Flowage and Land under the Ocean (Nantucket Sound). Work is proposed in Nantucket Sound (Land Subject to Coastal Storm Flowage), and below Mean High Water.

The Coastal Beach is located between the Sound and the existing Coastal Dune. Work proposed in this resource area includes temporary machine and laborer activity associated with the project.

The Coastal Dune is located between the Coastal Beach and the upland areas. No work in this area.

Land Subject to Coastal Storm Flowage extends to the 100-year flood elevation of 9 (NAVD88). The performance standards within this area are met as the ability of the land to contain flood waters is not impacted.

A portion of the project area is located within National Heritage and Endangered Species Program (NHESP) Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. A copy of this application has been provided to NHESP for review and comment.

Project & Work Description

The Applicant will retain an experienced contractor to perform the proposed work. The plans show the proposed construction details. The Applicant proposes to remove the rotten portions of the bulkhead and replace them in-kind. Any disturbed areas on the beach will be filled with clean compatible sand if needed, and raked smooth.

The construction access for the project will be from the existing access at Jetties Beach. This access will be used for once daily trips to get a small track excavator and rubber tired front-end loader to the project site. No equipment will be left on the beach overnight or during severe storms. The access will be restored to match the existing conditions. Before and after construction photographs will be provided to the Commission to document appropriate restoration of the access area. If needed, though not anticipated, supplemental sand brought in from offsite will be tested to confirm similar grain size characteristics to the existing sand.

Conclusion

The work is being proposed as part of the applicant's obligation to protect the integrity of the coastal engineering structure. Further, the proposed work will improve the stability of the coastal beach and dune resource areas. The work as proposed will not affect the ability of the resource areas to function as they currently do, and will result in an improvement to the stability and vegetative community of the coastal dune system. The 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 scenic views.

Sincerely,



Arthur D. Gasbarro, PE, PLS



WPA Form 3 – Notice of Intent

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

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



A. General Information

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

<u>9 Hallowell Ln</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41.283825</u>	<u>70.119636</u>
	d. Latitude	e. Longitude
<u>30</u>	<u>14</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Nancy</u>	<u>Seaman, Trustee</u>	
a. First Name	b. Last Name	
<u>Hallowell Lane Nominee Trust</u>		
c. Organization		
<u>179 Taconic Rd</u>		
d. Street Address		
<u>Greenwich</u>	<u>CT</u>	<u>06831</u>
e. City/Town	f. State	g. Zip Code
_____	_____	_____
h. Phone Number	i. Fax Number	j. Email Address

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

_____	_____	
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):

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

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

<u>\$280 + \$25 + \$200</u>	<u>\$127.50</u>	<u>\$152.50 + \$25 + \$200</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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Provided by MassDEP:
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A. General Information (continued)

6. General Project Description:

The Applicant proposes to replace/repair the existing timber groin along the easterly property line. The groin has been in existence and continuously maintained since at least 1969. Access will be from Jetties Beach. Existing rotten materials will be removed and properly disposed of off-site. Disturbed areas will be raked smooth to match existing grade. Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET	26.488
a. County	b. Certificate # (if registered land)
_____	_____
c. Book	d. Page Number

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

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

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

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

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



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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available)	
	2. Width of Riverfront Area (check one):	
	<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only	
	<input type="checkbox"/> 100 ft. - New agricultural projects only	
	<input type="checkbox"/> 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
	6. Was the lot where the activity is proposed created prior to August 1, 1996?	<input type="checkbox"/> Yes <input type="checkbox"/> 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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	150+/- 1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment



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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	150 +/-	

	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

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/nhosp/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



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

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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	<u><1% / <.5+/-</u>
	percentage/acreage
(b) outside Resource Area	<u>0</u>
	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/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

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/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing.

a. NHESP Tracking #	b. Date submitted to NHESP
---------------------	----------------------------

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhosp/nhosp.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.



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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:

North Shore - Hull to New Hampshire:

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

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

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

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



WPA Form 3 – Notice of Intent

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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.

Site Plan of Land to Accompany A Notice of Intent Application

a. Plan Title	Nantucket Engineering & Survey, PC		Arthur D. Gasbarro, PE, PLS	
b. Prepared By	2/14/20		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.



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	

E. Fees

- 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:

<u>2103</u>	<u>2/14/20</u>
2. Municipal Check Number	3. Check date
<u>2102</u>	<u>2/14/20</u>
4. State Check Number	5. Check date
<u>Nantucket Engineering & Survey, PC</u>	
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.

<u><i>Arthur D. Salasuo</i></u> Agent	<u>2/14/20</u>
1. Signature of Applicant	2. Date
<u></u>	<u></u>
3. Signature of Property Owner (if different)	4. Date
<u><i>Arthur D. Salasuo</i></u>	<u>2/14/20</u>
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:

Nancy Seaman, Trustee
 a. First Name b. Last Name
Hallowell Lane Nominee Trust
 c. Organization
179 Taconic Rd
 d. Mailing Address
Greenwich CT 06831
 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:

9 Hallowell Lane Nantucket
 a. Street Address b. City/Town

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.

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



Massachusetts Department of Environmental Protection
 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
Repair/Replacement of Timber Groin	70-feet	\$4/ft	\$280
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Nantucket Wetland By-law Fee	_____	_____	\$25
Nantucket Expert Review Fee	_____	_____	\$200
Step 5/Total Project Fee:			<u>\$280 + \$25 + \$200</u>
Step 6/Fee Payments:			
Total Project Fee:			<u>\$280 + \$25 + \$200</u> a. Total Fee from Step 5
State share of filing Fee:			<u>\$127.50</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>\$152.50</u> 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.)

NANTUCKET REGISTRY OF DEEDS Vol. 116

THE COMMONWEALTH OF MASSACHUSETTS, No. 3782. Whereas, Beatrice Thompson and George Thompson, Jr., of Nantucket, in the County of Nantucket and Commonwealth aforesaid, have applied to the Department of Public Works for license to construct a timber groin in Nantucket Sound, at their property in the town of Nantucket, and have submitted plans of the same; and whereas due notice of said application, and of the time and place fixed for a hearing thereon, has been given, as required by law, to the Selectmen of the town of Nantucket;

Now said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby authorized and licenses the said Beatrice Thompson and George Thompson, Jr., subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to construct a timber groin in Nantucket Sound, at their property in the town of Nantucket, in conformity with the accompanying plan No. 3782.

A timber groin may be built extending into tidewater a distance of 30 feet from the mean high water line at about the easterly property line of the licensees, in the location shown on said plan and in accordance with the details of construction there indicated.

The top of said groin shall slope about with the beach with the outer end at elevation 4.0 with reference to mean low water, amounting to 1 foot above mean high water, as shown on said plan and in accordance with the details there indicated.

Nothing in this license shall be construed as authorizing encroachment on land or flats of others except with the consent of the owner or owners thereof.

This license is granted subject to the laws of the United States.

The plan of said work numbered 3782, is on file in the office of said Department, and duplicate of said plan accompanies this License, and is to be referred to as a part thereof.

Nothing in this License shall be so construed as to impair the legal rights of any person. This License shall be void unless the same and the accompanying plan are recorded within one year from the date hereof, in the Registry of Deeds for the County of Nantucket.

IN WITNESS WHEREOF, said Department of Public Works have hereunto set their hands this twenty-sixth day of September, in the year nineteen hundred and fifty-five.

Approval recommended,
R. G. Bessette
Director Division of Waterways.

John A. Volpe
Fred B. Dole
Lewis J. Fritz

Department of Public
Works

Oct. 13, 1955.

Received and Entered

11 h. 50 m. A. M.

Attest:

John A. Bessette

Registers.

Department
of Public
Works

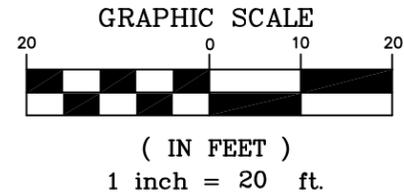
to

Thompson

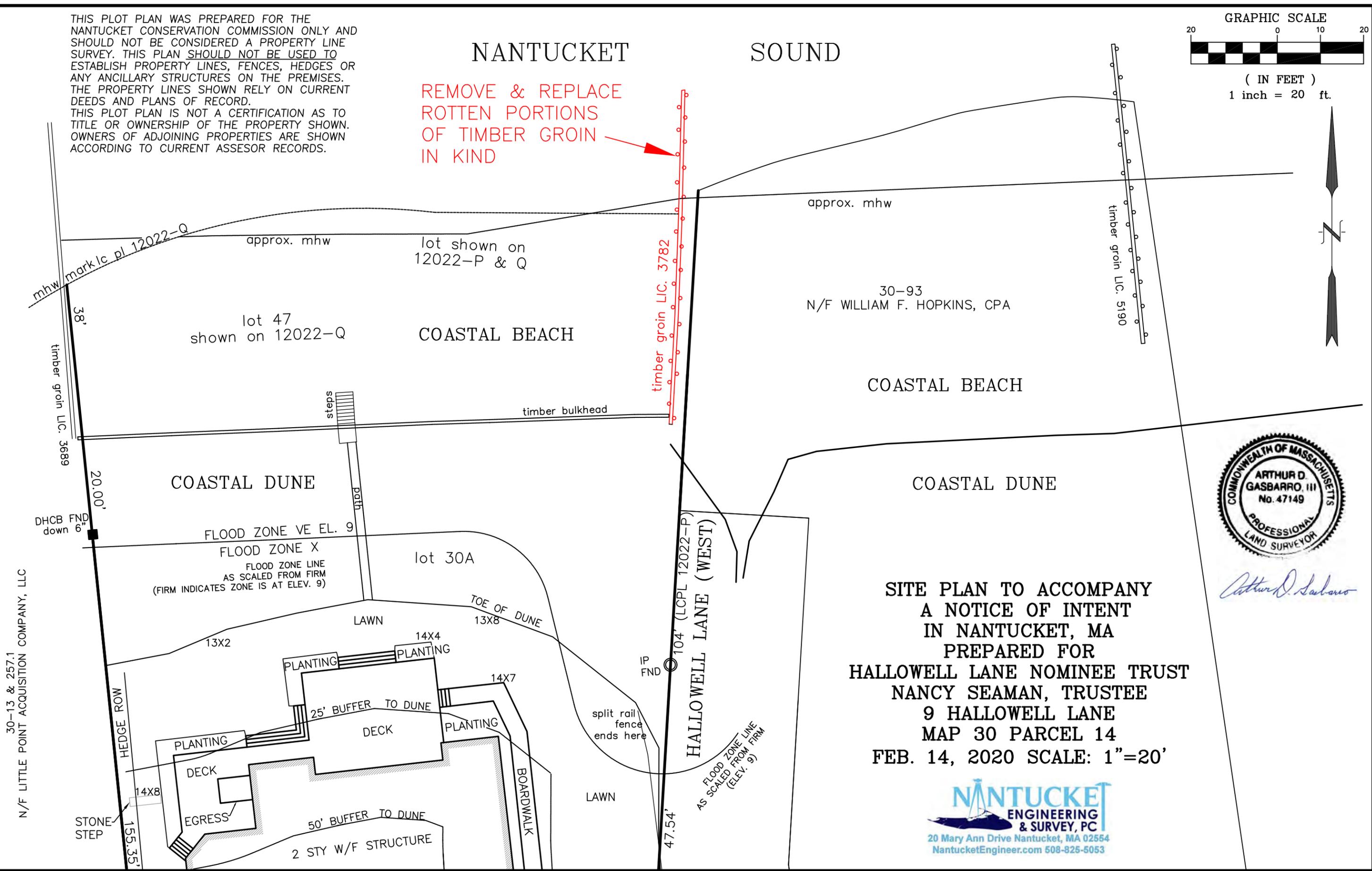
DAA 666

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

NANTUCKET SOUND



REMOVE & REPLACE
ROTTEN PORTIONS
OF TIMBER GROIN
IN KIND



Arthur D. Gasbarro

**SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
IN NANTUCKET, MA
PREPARED FOR
HALLOWELL LANE NOMINEE TRUST
NANCY SEAMAN, TRUSTEE
9 HALLOWELL LANE
MAP 30 PARCEL 14
FEB. 14, 2020 SCALE: 1"=20'**



30-13 & 257.1
N/F LITTLE POINT ACQUISITION COMPANY, LLC



30 257.1

30 257

30 17

30 10

30 11

30 13

30 14

HALLOWELL LN

OWELL LN

30 93

30 98

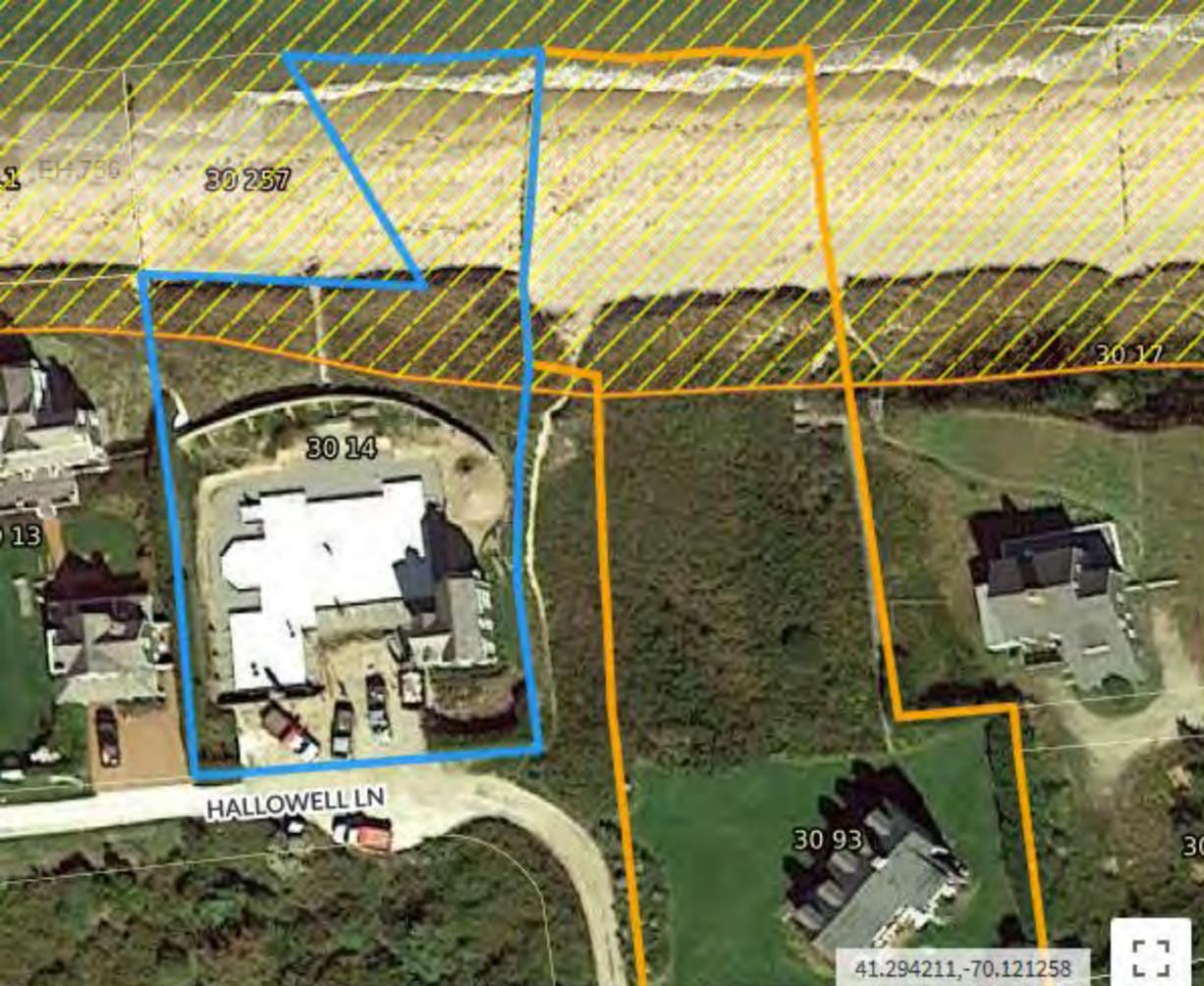
41.294258,-70.121438

1969

#9

#7





NHESP Certified Vernal Pools



NHESP Potential Vernal Pools



NHESP Priority Habitats of Rare Species



NHESP Estimated Habitats of Rare Wildlife



Areas of Critical Environmental Concern



Attribution

Massachusetts DCR, Natural Heritage and Endangered Species Program

Eelgrass 1995 - 2013

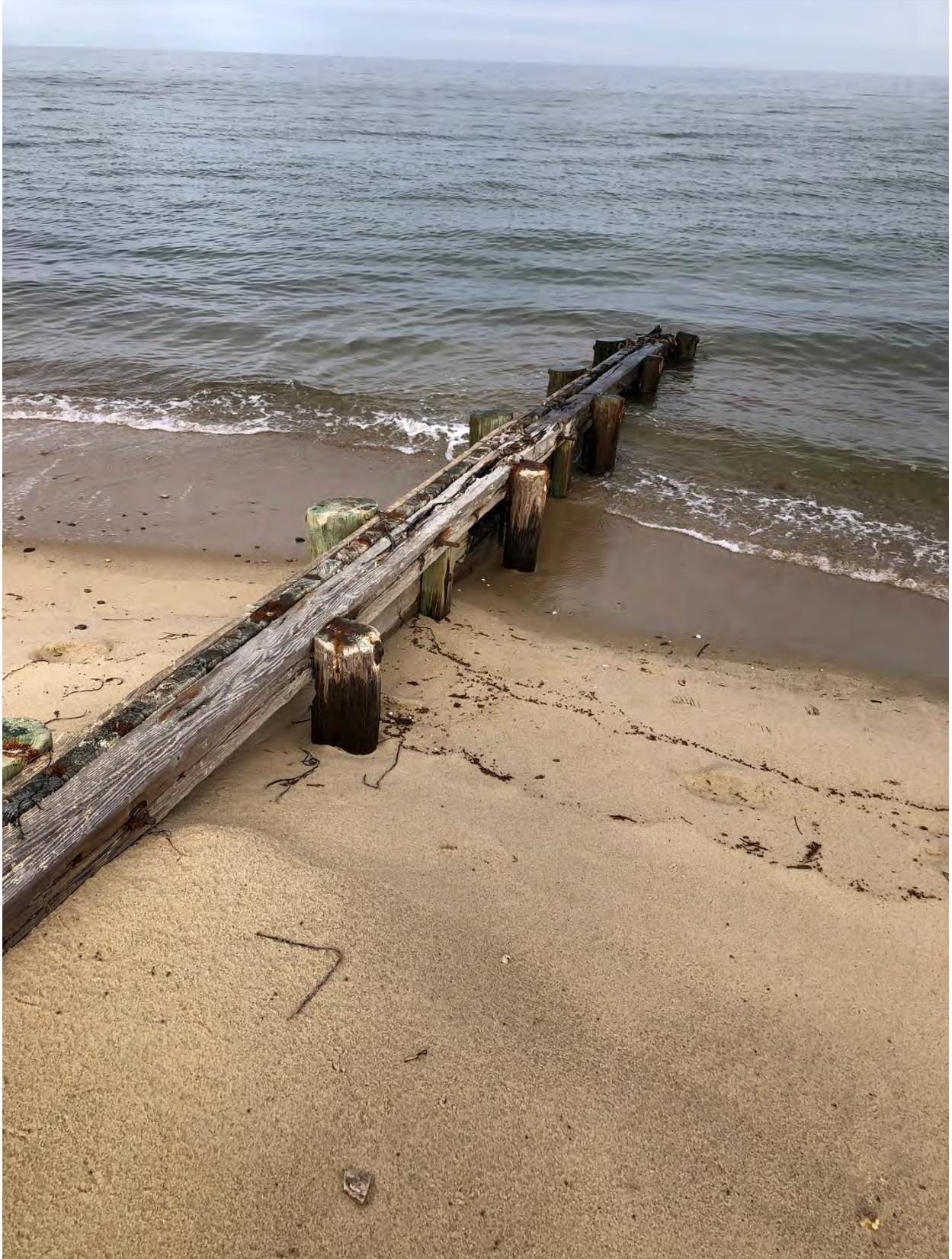
Water Resource Protection

Water Protection Districts

Emergency Preparedness



#9 Hallowell Lane – License No. 3782







ORDER OF CONDITIONS - 1996

FOR THE REPAIR AND REPLACEMENT
OF AN EXISTING TIMBER GROIN
WITHIN A COASTAL BEACH

At

9 HALLOWELL LANE

DOCUMENT NO. 074451

Order of Conditions

Nantucket Registry District

DEC 24 1996

RECEIVED FOR REGISTRATION

11 O'CLOCK 12 ^m A M

NOTED ON CERTIFICATE NO. 14549

IN REGISTRATION BOOK PAGE

ATTEST Shelia M. Chabrow

ASST. RECORDER

DEQE File No. SE48- 973
(To be provided by DEQE)



Commonwealth of Massachusetts



City/Town Nantucket

Applicant Colson

Order of Conditions

issued under the Massachusetts Wetlands Protection Act (G. L. c.131, Sec. 40)

and the

Nantucket Wetlands Bylaw (Chapter 136)

repair exiting groin by inserting wolmanized pile between old pile bent

FROM THE NANTUCKET CONSERVATION COMMISSION

To: Nancy Colson (Name of Applicant) Same (Name of property owner)

Address P.O. Box 1400, Nantucket, MA 02554 Address

This Order is issued as follows:

by hand delivery to applicant or representative on (date)

by certified mail, return receipt requested on 2/5/96 (date)

This project is located at 9 Hallowell Lane 30 14, 15, 257 (Address) (Assessor's Map #) (Parcel #)

The property is recorded at the Registry of Nantucket

Book Page

Certificate (if registered) 14549, Land Court Plan:

The Notice of Intent for this project was filed on 12/22/95 (date)

The public hearing was closed on JAN 18, 1996 (date)

Findings

The Nantucket Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act and/or the Bylaw (checked as appropriate):

- Public water supply, Private water supply, Ground Water supply, Erosion control (Bylaw), Wetland scenic views (Bylaw), Flood Control, Storm damage protection, Prevention of pollution, Recreation (Bylaw), Land containing shellfish, Fisheries, Protection of wildlife habitat (Act), Wildlife (Bylaw)

Total Filing Fee Submitted \$50.00 State Share \$12.50

City/Town Share \$37.50 (1/2 fee in excess of \$25)

Total Refund Due \$ City/Town Portion \$ State Portion \$ (1/2 total) (1/2 total)

Therefore, the Nantucket Conservation Commission hereby finds that the following conditions are necessary, in accordance with the Performance Standards set forth in the regulations, to protect those interests checked above. The Commission orders that all work shall be performed in accordance with said conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications or other proposals submitted with the Notice of Intent, the conditions shall control.

General Conditions

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. This 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 person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws 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 specific date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Order.
5. This Order may be extended by the issuing authority for no more than two periods of one year each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. Any fill used in connection with this project shall be clean fill, containing 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.
7. No work shall be undertaken until all administrative appeal periods from this Order have elapsed or, if such an appeal has been filed, until all proceedings before the Department have been completed.
8. No work shall be undertaken until the Final Order 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 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 to be done. The recording information shall be submitted to the Commission of the form at the end of this Order prior to commencement of the work.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words, "Massachusetts Department of Environmental Protection, File Number SE48-93."
10. Where the Department of Environmental Protection is required to make a determination and to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before the Department.
11. Upon completion of the work described herein, the applicant shall forthwith request in writing that a Certificate of Compliance be issued stating that the work has been satisfactorily completed.

12. The work shall conform to the following plans and special conditions:

			SE48-	DEP File Number <u>973</u>
Plans:	<u>Title</u>	<u>Dated</u>	<u>Signed and Stamped by</u>	<u>On File with</u>
	Groin Repairs	12/20/95	John Shugrue	Commission



ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require filing of a new Notice of Intent. No changes are allowed unless authorized in advance, in writing, by the Commission.
2. This project is approved, contingent upon approval by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITIONAL SPECIAL CONDITION ATTACHED

Yes

No

Issued by the Nantucket Conservation Commission

Signature(s) Peter M. Wilson
James M. Kenna
P.A.D. K...
William P. ...

This Order must be signed by a majority of the Conservation Commission.

On this first day of February 1996, before me personally appeared the above Commissioners, to me known to be the persons described in, and who executed, the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

Brian K. ... Feb 13, 1998
Notary Public My commission expires

The applicant, the owner, any person aggrieved by this Determination, any owner of land abutting the land upon which the proposed work is to be done, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the Department of Environmental Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Copy the Order and submit to the Nantucket Conservation Commission prior to commencement of work.
.....
To The Nantucket Conservation Commission Issuing Authority
Please be advised that the Order of Conditions for the project at _____
File Number _____ has been recorded at the Registry of Nantucket and
has been noted in the chain of title of the affected property in accordance with General Condition 8
on _____, 19 ____ If recorded land, the instrument number which identifies this transaction is _____
_____ If registered land, the document number which identifies this transaction is _____
Signature _____ Applicant/Agent

FINDINGS and ADDITIONAL SPECIAL CONDITIONS
Nancy Colson
DEP FILE NUMBER SE48 - 973
ASSESSOR'S MAP 30, PARCEL 13 & 257.1
9 Hallowell Lane
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

FINDINGS

- 1.) Areas present on this site which are subject to protection are coastal beach, coastal dune. Land under the ocean, land subject to coastal storm flowage , and their buffer zones.
- 2.) This Order memorializes a vote taken by the Conservation Commission on January 18, 1996 to close the Public Hearing. It is issued based on a unanimous by the Commission on February 1, 1996.

ADDITIONAL SPECIAL CONDITIONS

3. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.
4. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
5. Prior to any activity at the site, the Commission shall be notified of the commencement date of the proposed work. **No work shall begin on the site for 48 hours after said notice is given, so as to allow Commission members time to inspect.**
6. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts and have the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any pipe/culvert inverts for inflow and outfalls; pipe slope, size and composition; location of other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
7. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Nantucket Wetlands Bylaw, the Regulations promulgated under the Bylaw, the Massachusetts Wetlands Protection Act, and pertinent

Massachusetts regulations (310 CMR 10.00 through 10.99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.

8. The applicant, owners, successors or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site and monitoring site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to see that the maintenance conditions are complied with as required by this order.
9. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
10. Used petroleum products from the maintenance of construction equipment, construction debris, and unused paint and paint-related products shall be collected and disposed of responsibly off the site. No on-site disposal of these items is allowed.
11. Dust control, if required, shall be limited to water. No salts or other wetting agents shall be used.
12. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
13. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
14. Natural vegetation between the wetland edge and upland edge of the undisturbed buffer shall be left intact. After construction, any disturbed area within this buffer area shall be replanted with native plants.
15. To minimize adverse effects on wildlife, the use of any pesticide or fertilizer within the Commission's jurisdiction is prohibited.
16. The use of timber pressure treated with CCA (chromated copper arsenate) or its equivalent is permitted. Creosote treated timbers are prohibited. The Commission suggests the use of non-wooden alternative materials be used in the wetlands. The wood preservative must be dry before the treated wood is used in construction.
17. No jetting of the proposed pilings is allowed.
18. Areas disturbed above the high tide line from the access site to the project site due to the transportation of materials or equipment shall be restored and replanted.
19. All debris shall be removed from the site and properly disposed.

###

February 14, 2020

Town of Nantucket
Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent (NOI) for 46 Easton Street

1. Introduction

Goddard Consulting, LLC is pleased to submit this Notice of Intent (NOI) on behalf of the applicant, Kim Glowacki, for a project consisting of the demolition of an existing single-family home and construction of two new single-family homes located at 46 Easton Street in Nantucket, MA. (Map 42.4.1, Parcel 22). This NOI is a joint filing under the MA Wetlands Protection Act (WPA) and the Town of Nantucket Wetlands Protection Bylaw. Photos 1 & 2 show the property from the harbor and Easton Street respectively.



Photo 1 - View of 46 Easton Street (center) from Steamship Authority ferry in Nantucket Harbor.



Photo 2 - View of 46 Easton Street property, facing south from Easton Street.

2. Existing Conditions

The property is located south of Easton Street, and abuts Nantucket Harbor. It presently contains a single-family home, shed and cottage. Jurisdictional resource areas include Coastal Beach, Coastal Dune, Buffer Zone, and Land Subject to Coastal Storm Flowage (Zones VE and AE) associated with the harbor side of the property. Additionally, there is Buffer Zone of Bordering Vegetated Wetland extending onto the property from a freshwater marsh located immediately across the street, north of Easton Street.

Portions of the house and deck are located within the Zone VE and 25-foot and 50-foot buffer zones. There is 403 sf of existing structure within the 25-foot buffer, and 1,120 sf of existing structure within the 25-50-foot portion of the buffer zone. A patch of the invasive species Japanese knotweed is located southwest of the dwelling, along the fence and abutting the Coastal Dune (Photos 3 & 4). As described in the proposed conditions section below, the applicant intends to remove this highly invasive species and revegetate the area with native shrub species.



Photo 3 - Patch of Japanese knotweed located southwest of existing dwelling.



Photo 4 - Aerial photo of site showing location of Japanese knotweed (10/5/18).

According to the August 1, 2017 MA Natural Heritage Atlas, the site *is not* located within or in close proximity to mapped Priority Habitat of Rare Species and Estimated Habitat of Rare Wildlife. There are no NHESP Certified Vernal Pools or NHESP Potential Vernal Pools identified within the site. The site is not within an Area of Critical Environmental Concern (ACEC).

There is a mapped Land Subject to Coastal Storm Flowage including “Zone VE” and “Zone AE” 100-year Flood Zone within the property (a FEMA FIRMette flood map is attached). Bracken Engineering has indicated the Base Flood Elevations (BFE) on the submitted site plan (10 ft for VE and 7 ft for AE).

3. Project Description

The Applicant proposes to redevelop the site by demolishing an existing dwelling and constructing two new homes further away from the coastal dune resource area and outside of the Zone VE and 25-foot buffer zone. The two new dwellings have been designed to provide storage for boats on their ground level, making them qualify as “water dependent” structures under the Nantucket Wetlands Bylaw and 310 CMR 9.12(2)(a)2.

Although there will be an increase in developed buffer zone area overall, the project will greatly improve upon the existing conditions by shifting the development footprint outside of these sensitive resource areas, and further by removing invasive knotweed and restoring with native shrub species. The proposed driveway will be pervious materials (crushed shells). A new studio will be associated with the western dwelling.

4. Proposed Resource Area Impacts

No Coastal Dune impacts are proposed for the project; however, portions of the project will take place within the Zone AE portion of Land Subject to Coastal Storm Flowage.

The proposed work is entirely outside the 25-foot Buffer Zone (except for invasive species removal and subsequent restoration planting). The project will result in a 403 sf reduction of impervious surfaces within the 25-foot buffer zone, and only a 52 sf increase of impervious within the 25-50-foot portion of buffer zone (Table 1). As mitigation for the slight increase in impervious area between 25 and 50 feet of the Coast Dune, the project is proposing the removal of an approximately 500 sf patch of Japanese knotweed and replanting of the area with 8 native wind and sea spray-tolerant shrubs, consisting of bayberry and beach plum.

Table 1: Existing/Proposed Impervious coverage within the onsite 50-foot buffer zone area.

	Existing	Proposed	Change
0-25'	403	0	-403
25'-50'	1,120	1,172	+52
Total 0-50'	1,523	1,172	-351

5. Compliance with WPA Performance Standards

5.1 Buffer Zone

The WPA Regulations [310 CMR 10.02(2)(b)] do not contain performance standards for Buffer Zone Alteration. All reasonable efforts to avoid, minimize and mitigate adverse impacts on the Buffer Zone have been considered, but the project design requires that Buffer Zone be altered in order to achieve the desired layout. Erosion and sedimentation controls will be installed along the limit of work on the Coastal Dune side of the project area in order to prevent any siltation into the wetlands during construction.

5.2 Coastal Dune [310 CMR 10.28]

WHEN A COASTAL DUNE IS DETERMINED TO BE SIGNIFICANT TO STORM DAMAGE PREVENTION, FLOOD CONTROL OR THE PROTECTION OF WILDLIFE HABITAT, 310 10.28(3) THROUGH (6) SHALL APPLY:

(3) Any alteration of, or structure on, a coastal dune or within 100 feet of a coastal dune shall not have an adverse effect on the coastal dune by:

- a) affecting the ability of waves to remove sand from the dune;*
- b) disturbing the vegetative cover so as to destabilize the dune;*
- c) causing any modification of the dune form that would increase the potential for storm or flood damage;*
- d) interfering with the landward or lateral movement of the dune;*
- e) causing removal of sand from the dune artificially; or*
- f) interfering with mapped or otherwise identified bird nesting habitat.*

The project will be set back 25 feet from the Coastal Dune. It has been designed to avoid any adverse effects on the Coastal Dune by reducing the amount of impervious structure within 25 feet by 403 sf. The project will not affect the ability of waves to remove sand from the dune; will not disturb vegetative cover so as to destabilize the dune; will not cause any modification of the dune form or interfere with the lateral movement of the dune; will not remove sand from the dune artificially nor interfere with any bird nesting habitat.

(4) Notwithstanding the provisions of 310CMR10.28(3), when a building already exists upon a coastal dune, a project accessory to the existing building may be permitted, provided that such work, using the best commercially available measures, minimizes the adverse effect on the coastal dune caused by the impacts listed in 310 CMR 10.28(3)(b) through (e). Such an accessory project may include, but is not limited to, a small shed or a small parking area for residences. It shall not include coastal engineering structures.

The existing structure is not located on the dune, and the redevelopment will reduce the amount of structure within 25 feet of the dune by 403 sf.

(5): *The following projects may be permitted, provided that they adhere to the provisions of 310 CMR 10.28(3):*

- (a) pedestrian walkways, designed to minimize the disturbance to the vegetative cover and traditional bird nesting habitat;*
- (b) fencing and other devices designed to increase dune development; and*
- (c) plantings compatible with the natural vegetative cover.*

Not applicable to this project.

(6) Notwithstanding the provisions of 310 CMR 10.28(3) through (5), no project may be permitted which will have any adverse effect on specified habitat sites of Rare Species, as identified by procedures established under 310 CMR 10.37.

The property is not located within mapped Estimated or Priority Habitat.

5.3 Land Subject to Coastal Storm Flowage

There are no performance standards for this resource area in the WPA regulations.

6. Compliance with Wetlands Bylaw Performance Standards

6.1 Coastal Dunes [Bylaw Section 2.03]

A Coastal dune, coastal dune field, or land within 100 Feet of a coastal dune or coastal dune field, shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply.

- 1. No coastal revetments or coastal engineering structures of any type shall be constructed, rebuilt, or repaired.*

No work of this sort is proposed.

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

The two residential structures are designed to be “water-dependent,” therefore this standard is not applicable.

- 3. No excavation or disturbance of vegetative cover shall be allowed on a coastal dune unless the area is completely restored, replanted, and stabilized to its original form and volume.*

No work is proposed on the Coastal Dune.

4. *Fill may be used only if the Commission authorizes its use and only if such fill is to be used for beach and dune nourishment projects.*

No fill is proposed to the Coastal Dune.

5. *No part of any septic system shall be placed in shifting sands or on or in a coastal dune. The septic leach facility shall be at least 100 feet from the upland edge of a coastal dune or coastal dune field.*

The project does not require a septic system. It will connect to Town sewer.

6. *Any activity allowed on a coastal dune or within 100 feet of a dune shall be restricted to such activity that is determined by the Commission not to have any adverse effect on the dune by altering the ability of wind or waves to remove sand from or deposit sand on a dune; by disturbing vegetative cover in a manner sufficient to destabilize the dune; by causing any modification of the dune form and slope which would increase the potential for erosion, storm or flood damage; by interfering with landward or lateral movement of the dune; or by causing the rate of sand removal to increase through man-made means or structures.*

The project has been designed to be set back at least 25 feet from the Coastal Dune, and will not have any impact on the physical properties of the dune or interfere with natural movement of sand to and from the dune.

7. *No activity shall be permitted, other than the maintenance and repair of a structure existing on the effective date of these regulations, that will result in construction of a building upon a coastal dune or within 50 feet of any coastal dune.*

The project does consist of structures within 50 feet of the Coastal Dune, however the project will greatly improve the existing conditions by pulling the development completely out of the 25-foot buffer zone, reducing the amount of impervious surface within 50 feet of the dune by 351 sf, and removing invasive species from immediately adjacent to the dune and revegetating with native species.

8. *Any pedestrian or elevated walkway must be designed as determined by the Commission so as to minimize disturbances of vegetative cover.*

Not applicable.

9. *Fertilizers shall be used in accordance with the “Best Management Practices for Landscape Fertilizer Use on Nantucket Island” (a copy of which is attached to these regulations as appendix A).*

The applicant will comply with this performance standard.

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

The new driveway will be pervious, crushed shell material.

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

The applicant is amenable to additional special conditions as deemed necessary by the Commission.

6.2 Land Subject to Coastal Storm Flowage [Bylaw Section 2.10]

1. *The work shall not reduce the ability of the land to absorb and contain flood waters, or to buffer inland areas from flooding and wave damage.*

The project has been located completely outside of the Velocity Zone, and work within Zone AE will comply with State and local building codes.

2. *Projects shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage. All septic tanks and leach facilities shall be located outside the 100- year floodplain.*

The project will connect to Town sewer.

3. *All private underground fuel tanks shall be outside the 100-year floodplain. Commercial tanks shall be outside the 100-year floodplain, or if the Commission determines this is not practicable, the commercial tanks shall be secured so that they cannot float loose.*

No underground fuel tanks are proposed.

4. *Building upon areas subject to coastal storm flowage in locations where such structure would be subject to storm damage may not be permitted. If permitted, all construction must be in compliance with state and local building code regulations for flood hazard areas.*

See #1 above.

5. *Fertilizers shall be used in accordance with the “Best Management Practices for Landscape Fertilizer Use on Nantucket Island” (a copy of which is attached to these regulations as appendix A).*

The applicant intends to comply with this performance standard.

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

The applicant is amenable to additional special conditions as deemed necessary by the Commission.

7. Submitted Materials

Two full copies of the NOI application and plans, plus one reduced size copy of the plan (8.5" x 11") are enclosed. A PDF of the submittal will be emailed.

The titles of all the documents enclosed are as follows:

- NOI (WPA Form 3) Application Form
- NOI Wetland Fee Transmittal Form and Copy of Fee Checks
- Certified Abutters List
- Abutter Notification Notice
- Affidavit of Service
- Orthophoto and USGS maps
- *FEMA FIRMette Flood Plain Map*
- Two full size copies: *Proposed Site Plan*, Bracken Engineering, Inc., 2/13/2020.
- *Habitat Restoration Plan*. Goddard Consulting, LLC., 2/12/2020.

If there are any questions concerning this submission, please do not hesitate to contact us.

Sincerely,

GODDARD CONSULTING, LLC

by



Daniel Wells, M.S.

Senior Wildlife Biologist and Wetland Scientist

cc:

- Wetlands Division, DEP –SERO, 20 Riverside Drive, Lakeville, MA 02347
- Howard Auburn Cottage, LLC et al
- Kim Glowacki



Massachusetts Department of Environmental Protection
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Important:

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



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

A. General Information

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

<u>46 Easton St.</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.288639</u>	<u>-70.095997</u>
	d. Latitude	e. Longitude
<u>42.4.1</u>	<u>22</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Kim</u>	<u>Glowacki</u>	
a. First Name	b. Last Name	
<u>Structures Unlimited</u>		
c. Organization		
<u>20 Greglan Avenue</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 325-3119</u>	<u>structuresunltd@gmail.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u>Howard Auburn Cottage LLC ET AL</u>	<u></u>	
a. First Name	b. Last Name	
<u>Howard Auburn Cottage LLC ET AL</u>		
c. Organization		
<u>31 Settlers Path</u>		
d. Street Address		
<u>Lancaster</u>	<u>MA</u>	<u>01523</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Dan</u>	<u>Wells</u>	
a. First Name	b. Last Name	
<u>Goddard Consulting</u>		
c. Company		
<u>291 Main St.</u>		
d. Street Address		
<u>Northborough</u>	<u>MA</u>	<u>01532</u>
e. City/Town	f. State	g. Zip Code
<u>(508) 393-3784</u>	<u>dan@goddardconsultingllc.com</u>	
h. Phone Number	i. Fax Number	j. Email address

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

<u>\$1,000</u>	<u>\$487.50</u>	<u>\$512.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Partial demolition of existing single family residence; construction of two new single family houses.

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

1417

c. Book

b. Certificate # (if registered land)

1

d. Page Number

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

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

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



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

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

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



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

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

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	11,184	
	1. square feet	

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

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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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/PR1_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**

- 8/1/2017
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.



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

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/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.



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

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

D. Additional Information

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

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

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

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

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



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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

Donald F. Bracken Jr.

b. Prepared By

c. Signed and Stamped by

February 13, 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:

316

2/14/2020

2. Municipal Check Number

3. Check date

317

2/14/2020

4. State Check Number

5. Check date

Kim Glowacki, Nantucket Structures Unlimited

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

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

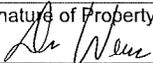
I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet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


1. Signature of Applicant

2/14/2020
2. Date

3. Signature of Property Owner (if different)

4. Date


5. Signature of Representative (if any)

2/13/2020
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.

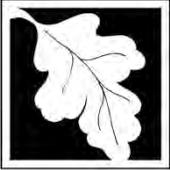
For MassDEP:

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**

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 <i>Philip Auburn Cottage, LLC, Philip W. Lincoln, President</i>	2. Date dotloop verified 02/14/20 11:02 AM EST TYSY-PDHI-GE8B-FK3H
3. Signature of Property Owner (if different) <i>William F. McGowan</i>	4. Date dotloop verified 01/31/20 2:50 PM EST SIZS-KRXT-THQH-PLSV
5. Signature of Representative (if any) <u>Listing Agent, William F. McGowan</u>	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:

46 Easton St.	Nantucket
a. Street Address	b. City/Town
317	\$487.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Kim	Glowacki	
a. First Name	b. Last Name	
Structures Unlimited	c. Organization	
20 Greglen Avenue	d. Mailing Address	
Nantucket	MA	02554
e. City/Town	f. State	g. Zip Code
(508) 325-3119	structuresunltd@gmail.com	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name	
Howard Auburn Cottage LLC ET AL	c. Organization	
31 Settlers Path	d. Mailing Address	
Lancaster	MA	01523
e. City/Town	f. State	g. Zip Code
	h. Phone Number	i. Fax Number
	j. Email Address	

B. Fees

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

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

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

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

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

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

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

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



Massachusetts Department of Environmental Protection
 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
2a) Construction of single family house	2	\$500	\$1000
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$1000
Step 6/Fee Payments:			
Total Project Fee:			\$1000
			a. Total Fee from Step 5
State share of filing Fee:			\$487.50
			b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:			\$512.50
			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.)



▭ Property Boundary
— Historic High Water
▭ M197TaxPar

USGS Site Locus

46 Easton Street - Nantucket, MA

N

 0 12.5 25 50 Feet
 1 inch = 50 feet
 Date: 11/5/2019

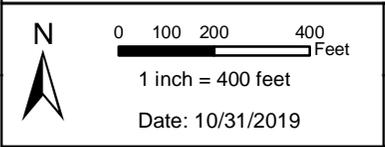
GIS Data Source: "Bureau of Geographic Information (MassGIS),
 Commonwealth of Massachusetts, Executive Office of Technology
 and Security Services".

GODDARD CONSULTING
 Strategic Wetland Permitting LLC



USGS Site Locus

46 Easton Street - Nantucket, MA



GIS Data Source: "Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services".



National Flood Hazard Layer FIRMMette



41°17'33.53"N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

- | | | |
|-----------------------------|--|---|
| SPECIAL FLOOD HAZARD AREAS | | Without Base Flood Elevation (BFE)
Zone A, V, A99 |
| | | With BFE or Depth Zone AE, AO, AH, VE, AR |
| | | Regulatory Floodway |
| OTHER AREAS OF FLOOD HAZARD | | 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X |
| | | Future Conditions 1% Annual Chance Flood Hazard Zone X |
| | | Area with Reduced Flood Risk due to Levee. See Notes. Zone X |
| | | Area with Flood Risk due to Levee Zone D |
| OTHER AREAS | | Area of Minimal Flood Hazard Zone X |
| | | Effective LOMRs |
| GENERAL STRUCTURES | | Area of Undetermined Flood Hazard Zone D |
| | | Channel, Culvert, or Storm Sewer |
| OTHER FEATURES | | Levee, Dike, or Floodwall |
| | | Cross Sections with 1% Annual Chance Water Surface Elevation |
| MAP PANELS | | Coastal Transect |
| | | Base Flood Elevation Line (BFE) |
| | | Limit of Study |
| | | Jurisdiction Boundary |
| | | Coastal Transect Baseline |
| | | Profile Baseline |
| | | Hydrographic Feature |
| | | Digital Data Available |
| | | No Digital Data Available |
| | | Unmapped |



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/7/2020 at 5:49:44 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

February 14, 2020

Habitat Restoration Plan

46 Easton Street
Nantucket, MA

Submitted to:

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Prepared for:

Kim Glowacki

1. INTRODUCTION

On behalf of the Applicant, Kim Glowacki, Goddard Consulting, LLC is pleased to submit this Habitat Restoration Plan as a component of the Notice of Intent filed for 46 Easton Street in Nantucket, MA. Restoration is proposed within an area located to the southwest of the existing residence, consisting of a patch of Japanese knotweed. See the following figure for a visual location of the restoration area.



2. RESTORATION PLAN SUMMARY

2.1 Habitat Restoration Area Location

This includes an approximately 500 sf invasive species management and planting area to the southwest of the existing residence.

2.2 Habitat Restoration Plan Components

The plan includes invasive species removal (Japanese knotweed) and native shrub plantings.

3. RESTORATION PLAN DETAILS

3.1 Overview

Supervision: All work within the restoration area shall be supervised by a qualified wetland scientist or biologist with a minimum of five years' experience. The supervisor shall submit monitoring reports to the Conservation Commission as described below. Reports shall contain details of all work performed and photographs of completed conditions.

Timing: Invasive species removal may take place during any time of year. Restoration area plantings should be installed during the Spring or Fall growing seasons.

3.2. Sequencing of Procedures

Step 1: Stake Limits of Work & Install ECB

Stake out limits of work for invasive species removal area. Erosion control barriers shall be installed in the form of staked siltation fence placed at the wetland side of the limit of work for the restoration area. These will remain in place and be maintained until the areas are completely stabilized and then may be removed after approval of the Conservation Commission. The supervising wetland scientist shall have authority to require additional erosion control measures if deemed necessary.

Step 2: Identify invasive species for removal

The wetland scientist shall identify and flag (with pink flagging) a representative sample of any non-native invasive species to be removed. Scientist shall provide identification training to removal contractor and laborers if necessary.

Step 3: Remove invasive species

All invasive species specimens shall be removed and discarded in accordance with the following species-specific procedures:

Japanese knotweed: carefully excavate entire patch, including underground rhizomes, to the greatest extent possible. Place all plant material into large, construction grade plastic bags, seal tightly, then place in a designated area to be left to heat up and decompose for at least six months or else remove from site for incineration or other suitable disposal method.

Step 4: Planting

The supervising wetland scientist shall direct the placement of shrubs during installation, but they should be generally distributed evenly throughout the area. Suggested species and actual quantity to be planted include:

Shrubs

- 4 bayberry American hazelnut (*Morella caroliniensis*) (18-24" height)
- 4 beach plum (*Prunus maritima*) (18-24" height)

Note: If any of the above species are unavailable at the time of installation, native species from Nantucket may be substituted, upon approval by the Conservation Commission or its agents. All installed plants must be non-cultivars.

- Precise citing of plants may be determined by the wetland scientist in the field prior to installation.
- All plantings shall be distributed randomly throughout the area; shrubs spaced at 6-8' on center.
- Each plant will have its roots loosened prior to planting to encourage root growth away from the planting bulb.
- Leaf litter shall be spread throughout area if available.
- Plantings shall take place during suitable growing conditions and not before completion of the site grading and invasive plant species removal.
- All plantings shall be watered appropriately during the first growing season, and shall be monitored by the supervising biologist at the end of the first growing season to assess survival and whether replacement plantings are necessary.
- Any plants that do not survive the first growing season shall be replaced prior to the next growing season.

Step 7: Monitoring

a. **Seasonal monitoring reports** shall be prepared for the restoration area by a qualified wetland scientist for a period of 2 additional years after installation. This monitoring program will consist of early summer and early fall inspections, and will include photographs and details about the vitality of the restoration area. Monitoring reports shall be submitted to the Commission by November 30th of each year. Monitoring reports shall describe, using narratives, plans, and color photographs, the physical characteristics of the area, survival of

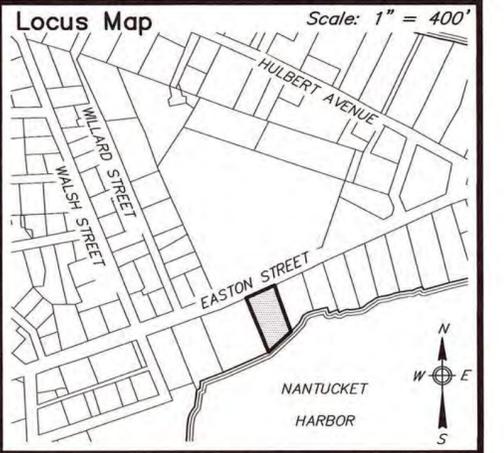
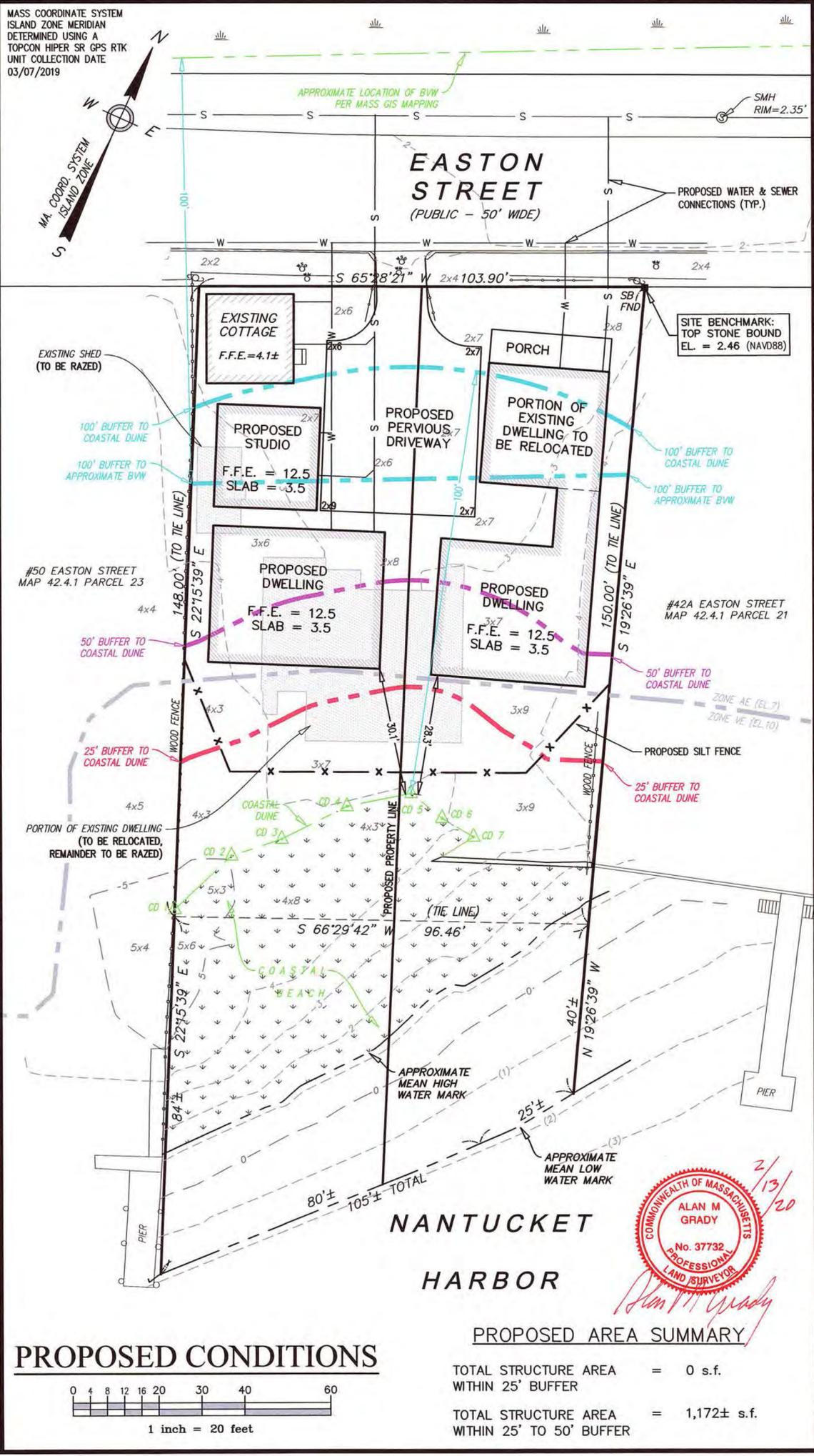
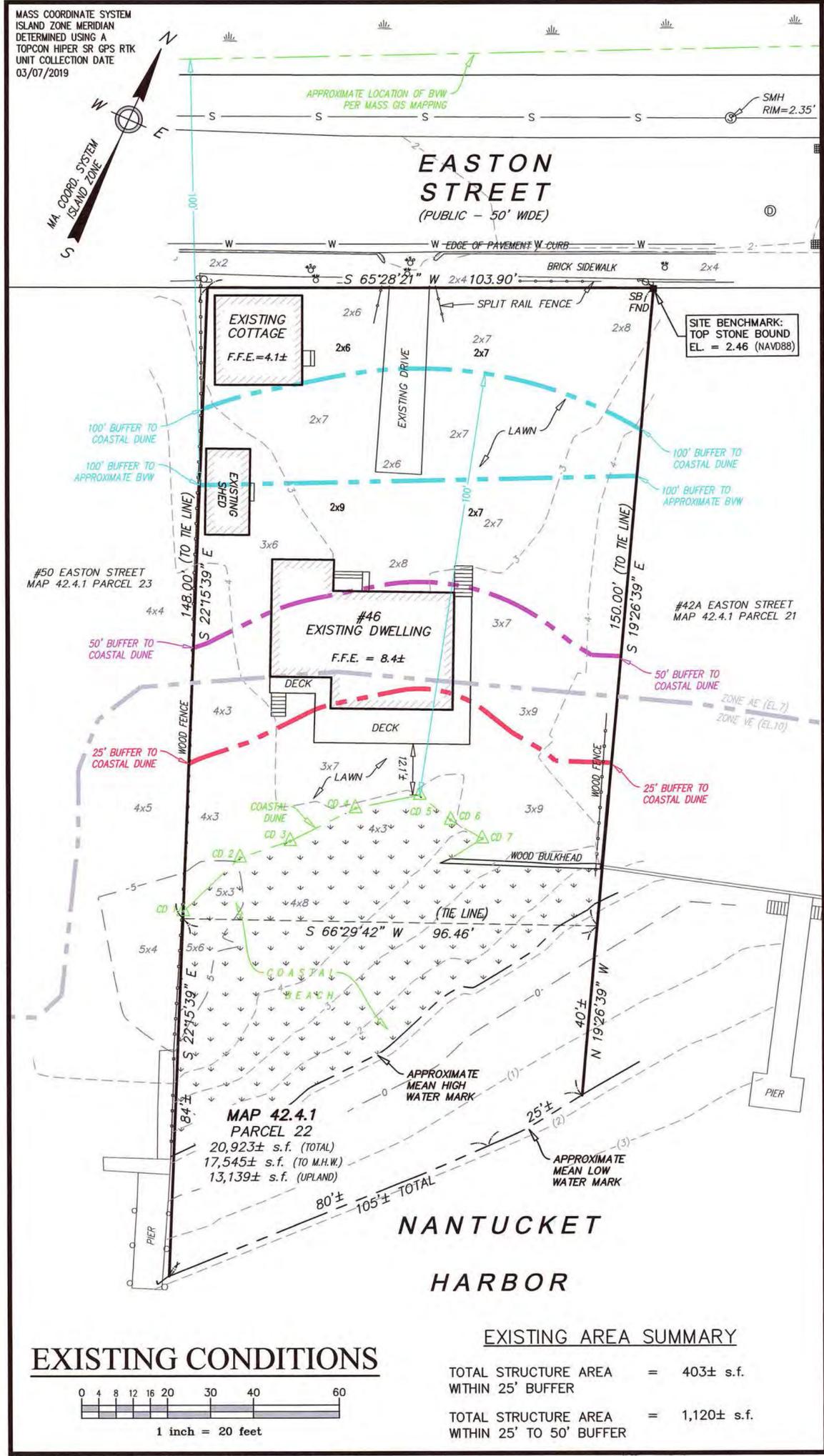
vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). Invasive species will be documented if present, monitored and removed.

b. **At least 75% of the surface area** of the restoration area shall be re-established with indigenous plant species within three growing seasons. If the restoration area does not meet the 75% re-vegetation requirement by the end of the second growing season after installation, the Applicant shall submit a remediation plan to the Commission for approval that will achieve, under the supervision of a Wetland Specialist, the desired goals. This plan must include an analysis of why the areas have not successfully re-vegetated and how the Applicant intends to resolve the problem.

c. There should be an intensive effort to prevent the establishment of non-native invasive plant species, and to ensure timely and consistent treatment (e.g., hand pulling, cutting) of invasive plant species that become established within the Restoration Area.

Step 8: Erosion Controls Removal

Once the restoration area is stable and plantings are complete, a request shall be submitted to the Conservation Commission to remove the erosion controls.



- Notes**
- LOCUS: #46 EASTON STREET MAP 42.4.1 PARCEL 22
 - OWNER: HOWARD AUBURN COTTAGE LLC, ETAL 31 SETTLERS PATH LANCASTER, MA 01523
 - DEED REF: BOOK 1417, PAGE 3 BOOK 1417, PAGE 1 BOOK 1414, PAGE 258
 - PLAN REF: BOOK 5, PAGE 40
 - LOCUS FALLS WITHIN A SPECIAL FLOOD HAZARD ZONE, VE(EL.10) & AE(EL.7) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
 - REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM - INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
 - A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
 - NO CHANGES IN EXISTING SITE GRADES ARE BEING PROPOSED.

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:
GCP ACQUISITIONS, LLC
#46 EASTON STREET
MAP 42.4.1 PARCEL 22

No.	Date	Revision Description	By

Date: FEBRUARY 13, 2020 Drawn: RMM/DAF/BEI Checked: DFB/AMG Sheet: 1 of 1

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B7098

February 12, 2020

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

Re: SE48-3187; #214 Polpis Road; Sheep Commons LLC.

Dear Jeff,

I am writing to request an amendment to the current Order of Conditions. The owner proposes to remove the existing dwelling and to construct a new dwelling with deck. The existing structure, includes decks and walkway, is 1,850 S.F. The proposed structure and deck is 1,308 S.F. A reduction in structure size of 542 S.F. is proposed.

The current number of bedrooms is 4. The proposed house will have 2 bedrooms.

A new enhanced treatment septic system has been installed per the Order of Conditions.

A proposed groundwater separation of 3.9' will exist to the bottom of the footings.

The proposed amendment will reduce the size of the structure, decrease flows to the septic system and increase setbacks to the wetlands.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.





2019 00161467

 Cert: 19709 Doc: OOC
 Registered: 04/12/2019 10:20 AM


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
 And the Town of Nantucket Wetlands Bylaw Chapter 136

 Provided by MassDEP:
 SE48-3187
 MassDEP File #

 eDEP Transaction #
 Nantucket
 City/Town

A. General Information

 1. From: Nantucket
Conservation Commission

 2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

<u>Joe</u>	<u>Bunting</u>
a. First Name	b. Last Name
<u>Sheep Commons, LLC</u>	
c. Organization	
<u>2200 Pennsylvania Ave. NW</u>	
d. Mailing Address	
<u>Washington</u>	<u>DC</u>
e. City/Town	f. State
	<u>20037</u>
	g. Zip Code

4. Property Owner (if different from applicant):

<u>Same As Applicant</u>	
a. First Name	b. Last Name
<u></u>	
c. Organization	
<u></u>	
d. Mailing Address	
<u></u>	
e. City/Town	f. State
	g. Zip Code

5. Project Location:

<u>214 Polpis Road</u>	<u>Nantucket</u>
a. Street Address	b. City/Town
<u>26</u>	<u>16</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u>41d 17' 52.4"</u>	<u>70d 01' 43.4"</u>
d. Latitude	e. Longitude

AFFIDAVIT OF SERVICE

UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

We, BLACKWELL & ASSOCIATES, Inc. (name), hereby certify under the pains and penalties of perjury that on Feb. 13, 2020 (date) we gave notification of abutters in compliance with the second paragraph of Massachusetts General Laws chapter 131 Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

REQUEST TO AMEND AN ORDER OF CONDITIONS

filed under the Massachusetts Wetlands Protection Act by:

SHEEP COMMONS LLC with the

Nantucket Conservation Commission on

Feb. 14, 2020 (date) for property located at:

214 Polpis Road **Nantucket, MA 02554** (address)

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

BLACKWELL & ASSOCIATES, Inc.

By:

Jeff Reaco

Name

2-14-2020

Date

**NANTUCKET CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 131, Section 40, and pursuant to Regulation 310 CMR 10.05, et seq., and Nantucket By-Law Chapter 136, Section 4, you are hereby notified that a Public Hearing will be held during the Conservation Commission Meeting which begins at 5:00 p.m. in the second floor meeting room at the Public Safety Facility located at 4 Fairgrounds Road, Nantucket, MA 02554 on the following date:

March 4, 2020

Date of Public Hearing

214 Polpis Road

Street Address/ Map & Parcel

Sheep Commons LLC

Applicant Name

The purpose of the meeting is to open a Public Hearing on a Notice of Intent, an Amended Order of Conditions or a Request for Determination.

Description of Work Proposed.

An amendment to the existing Order of Conditions permit is requested to allow

removal of the existing house and replacement with a smaller house.

For a digital version of the filing please email
jdodd@nantucket-ma.gov and jcarlson@nantucket-ma.gov
Copies of the complete application are available for examination at
The Conservation Commission/ Natural Resources Department
2 Bathing Beach Road, Nantucket 508-228-7230.
Business hours (Monday-Friday 9AM-1pm)

RECEIVED
BOARD OF ASSESSORS
JAN 23 2020
TOWN OF
NANTUCKET, MA

TOWN OF NANTUCKET
CONSERVATION COMMISSION

§5
(changed to acct)

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

Sheep Commons LLC.

PROPERTY OWNER..... c/o Equity Group Holdings

MAILING ADDRESS.....

PROPERTY LOCATION..... 214 Polpis Road

ASSESSOR MAP/PARCEL..... 26 - 019

SUBMITTED BY..... **BLACKWELL & ASSOCIATES**
Job Ref # 7098

SEE ATTACHED PAGES

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

1-23-2020
DATE

[Signature]
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

Abutters List

MBLU	Lot	Lot Cnt	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
26	18		BUNTING JOSEPH O III TR ETAL		2200 PENNSYLVANIA AVE NW #800 W	WASHINGTON	DC	20037	212 POLPIS RD
26	19	1	SHEEP COMMONS LLC	C/O EQUITY GROUP HOLDINGS	2200 PENNSYLVANIA AV NW	WASHINGTON	DC	20037	214 POLPIS RD
26	20	3	MALT R BRADFORD TRUSTEE	C/O ROPES & GRAY	800 BOYLSTON ST	BOSTON	MA	02199	10 QUALSE PASTURES RD
26	67		ELLIS DOUGLASS N JR & CAROLINE		PO BOX 368	SIACONSET	MA	02564-0368	8 QUALSE PASTURES RD
26	68		BILLS EYE LLC		4 NORTH WATER STREET	NANTUCKET	MA	02554	6 QUALSE PASTURES RD
Count	5								

TRADD 112A 2832

FIRST FLOOR	1,032 SF
SECOND FLOOR	1,032 SF
TOTAL	2,064 SF

OPTIONS SHOWN
12x24 Deck

FIRST FLOOR



SECOND FLOOR



Area with less than 6-foot headroom

2'-0" GRID



Front Elevation



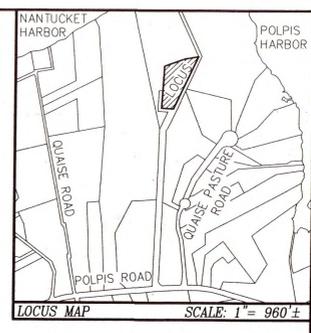
Side Elevation



Back Elevation

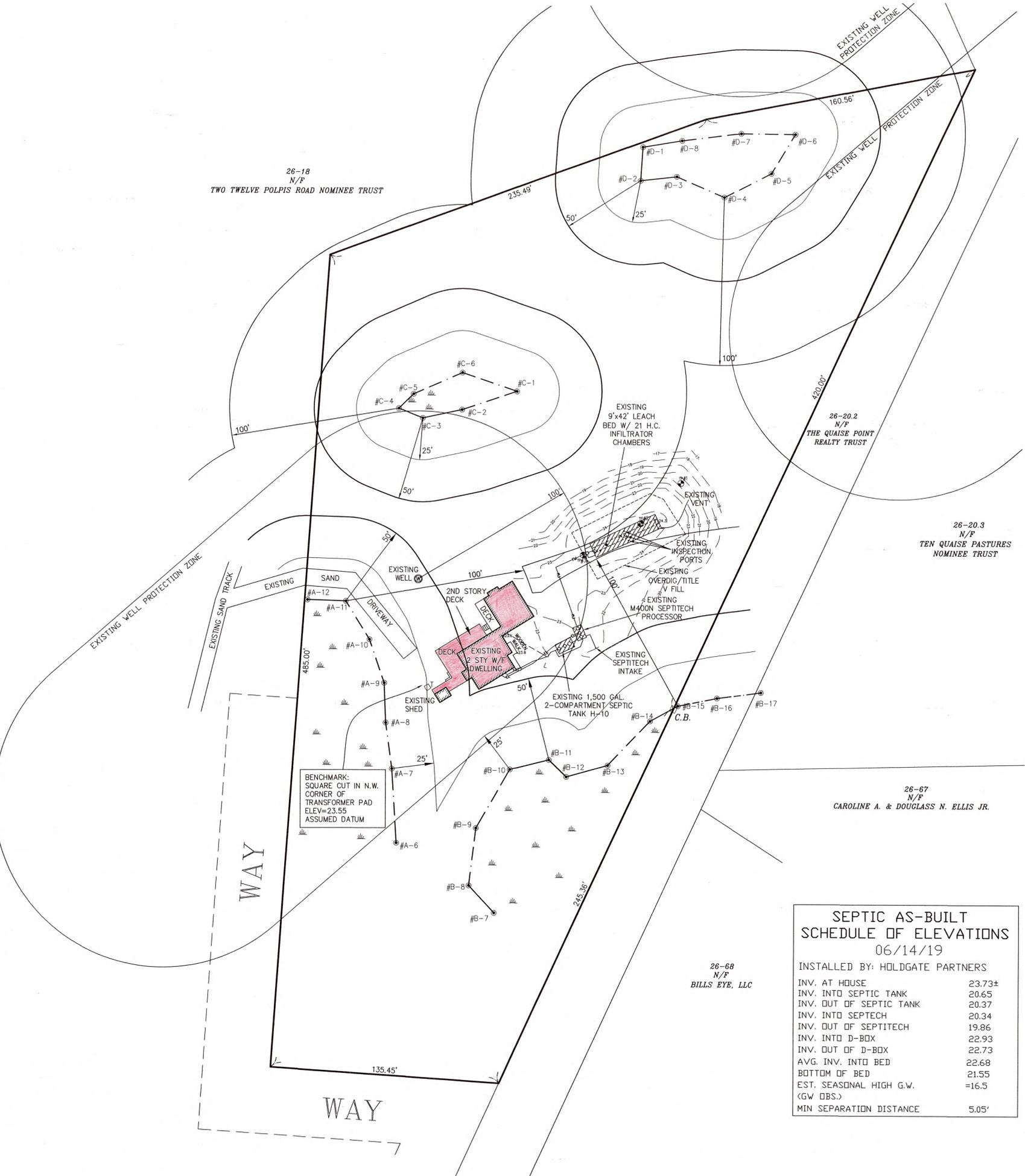


Side Elevation



- LEGEND**
- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - CB ■ DENOTES CONCRETE BOUND FOUND
 - DENOTES EXIST. GRADE CONTOUR LINE
 - ±22.6 DENOTES EXIST. GRADE SPOT ELEVATION
 - T DENOTES TRANSFORMER FOUND
 - EL— DENOTES EXIST. ELECTRICAL SERVICE
 - FM— DENOTES EXIST. 2" PVC FORCE MAIN
 - WLF #C-6 ● DENOTES WETLAND FLAG FOUND
 - DENOTES WETLAND DELINEATION BY LEC ENVIRONMENTAL CONSULTANTS, INC.
 - DENOTES EXISTING SOIL TEST PIT
 - DENOTES EXISTING EDGE OF BRUSH

L.C.C. 11647-H



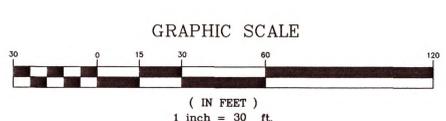
SEPTIC AS-BUILT SCHEDULE OF ELEVATIONS
06/14/19

INSTALLED BY: HOLDGATE PARTNERS

INV. AT HOUSE	23.73±
INV. INTO SEPTIC TANK	20.65
INV. OUT OF SEPTIC TANK	20.37
INV. INTO SEPTTECH	20.34
INV. OUT OF SEPTTECH	19.86
INV. INTO D-BOX	22.93
INV. OUT OF D-BOX	22.73
AVG. INV. INTO BED	22.68
BOTTOM OF BED	21.55
EST. SEASONAL HIGH G.W. (GW OBS.)	=16.5
MIN SEPARATION DISTANCE	5.05'

NOTE:
SEPTIC SYSTEM AND WELL LOCATIONS OTHER THAN LOCUS SHOWN ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.

OWNER INFORMATION
SHEEP COMMONS LLC
CERTIFICATE #: 19709
L.C.C. 11647-H, LOT 6
ASSESSOR'S MAP 26, PARCEL 19
#214 POLPIS ROAD



LOT AREA=134,979 S.F.±
LOT CREATED: OCTOBER 10, 1972 SHEET 1 OF 2

- CONTACTS**
- Dig-Safe 1-888-344-7233
 - On-Target 1-800-598-0628
 - Health Department 508-228-7200
 - National Grid 1-800-322-3223
 - Public Works 228-7244
 - Water, Wannacomet 228-0022
 - Building Dept 325-7587
 - Conservation Comm 228-7230
 - Police, EMERGENCY ---911---
 - Environmental Police 257-6932
 - State Police 228-0706

RECORD UPGRADE PLAN OF A 4BR SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM WITH INNOVATIVE/ALTERNATIVE TECHNOLOGY

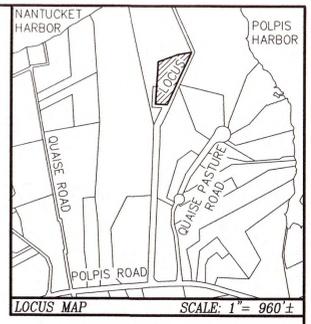
PREPARED FOR
SHEEP COMMONS LLC
#214 POLPIS ROAD
MAP: 26, PARCEL: 19
NANTUCKET, MA

CHECKED BY: ADG/JLB	MAP: 26 PARCEL: 19	
DESIGNED BY: ADG/CLR	DRAWN BY: CLR	DATE: 07/23/19
SCALE: AS NOTED	JOB NO: B7098	SHEET: 1 OF 1

BLACKWELL & ASSOCIATES, INC.
20 TEASDALE CIRCLE - NANTUCKET, MA 02554
(508) 228-9026

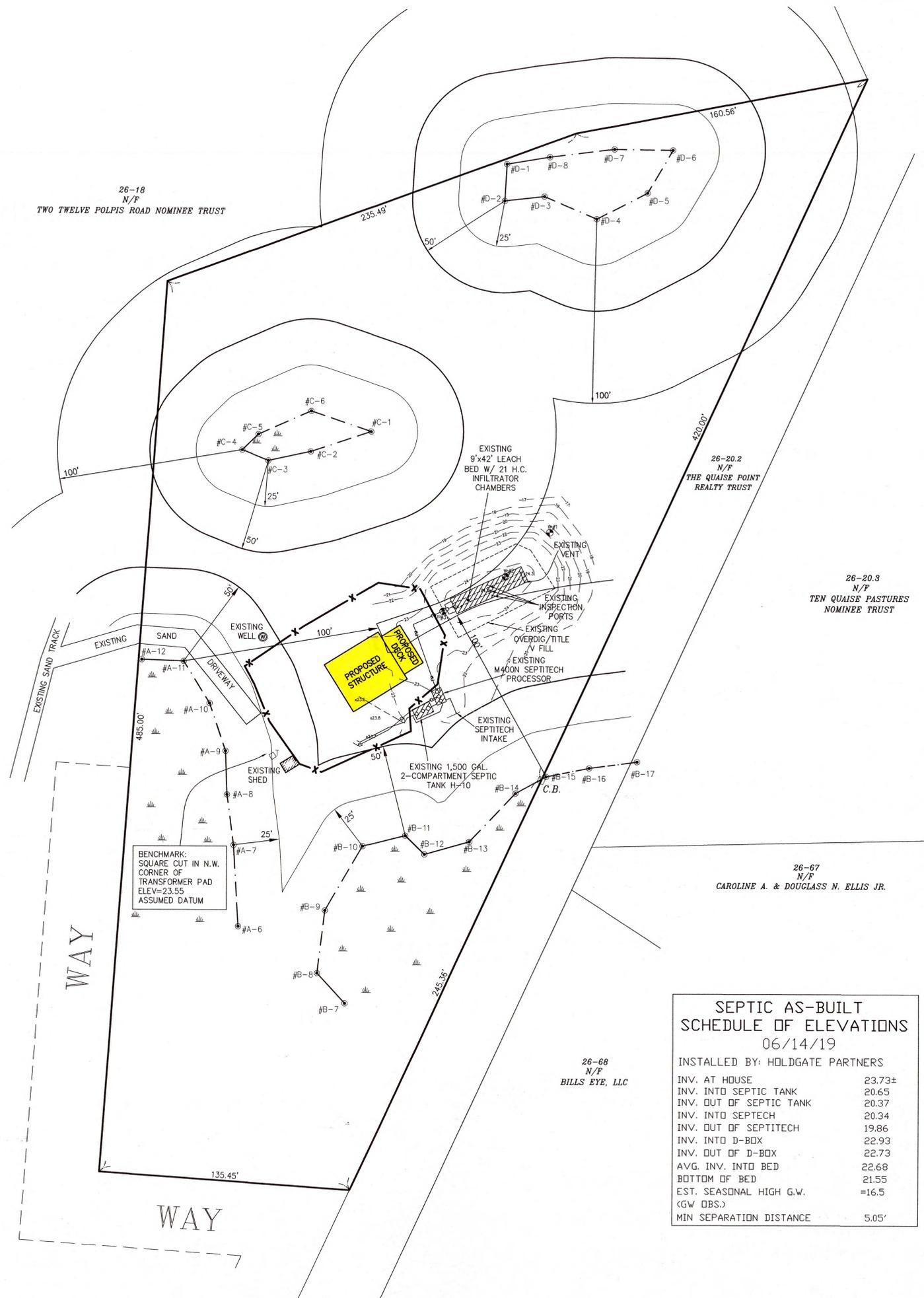
B7098





LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- CB ■ DENOTES CONCRETE BOUND FOUND
- DENOTES EXIST. GRADE CONTOUR LINE
- 22.6 DENOTES EXIST. GRADE SPOT ELEVATION
- T DENOTES TRANSFORMER FOUND
- EL — DENOTES EXIST. ELECTRICAL SERVICE
- FM — DENOTES EXIST. 2" PVC FORCE MAIN
- WLF #C-6 ● DENOTES WETLAND FLAG FOUND
- DENOTES WETLAND DELINEATION BY LEC ENVIRONMENTAL CONSULTANTS, INC.
- ⊙ DENOTES EXISTING SOIL TEST PIT
- DENOTES EXISTING EDGE OF BRUSH
- X — DENOTES PROPOSED SILT FENCE

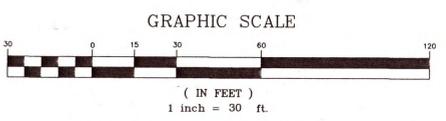


BENCHMARK:
SQUARE CUT IN N.W.
CORNER OF
TRANSFORMER PAD
ELEV=23.55
ASSUMED DATUM

SEPTIC AS-BUILT SCHEDULE OF ELEVATIONS 06/14/19	
INSTALLED BY: HOLDGATE PARTNERS	
INV. AT HOUSE	23.73±
INV. INTO SEPTIC TANK	20.65
INV. OUT OF SEPTIC TANK	20.37
INV. INTO SEPTTECH	20.34
INV. OUT OF SEPTTECH	19.86
INV. INTO D-BOX	22.93
INV. OUT OF D-BOX	22.73
AVG. INV. INTO BED	22.68
BOTTOM OF BED	21.55
EST. SEASONAL HIGH G.W. (GW OBS.)	=16.5
MIN SEPARATION DISTANCE	5.05'



NOTE:
SEPTIC SYSTEM AND WELL LOCATIONS
OTHER THAN LOCUS SHOWN ARE BASED
UPON RECORD FILES AT THE
NANTUCKET HEALTH DEPARTMENT.



- CONTACTS**
- Dig-Safe 1-888-344-7233
 - On-Target 1-800-598-0628
 - Health Department 508-228-7200
 - National Grid 1-800-322-3223
 - Public Works 228-7244
 - Water, Wamocomet 228-0022
 - Building Dept 325-7587
 - Conservation Comm 228-7230
 - Police, EMERGENCY ---911---
 - Environmental Police 257-6932
 - State Police 228-0706

OWNER INFORMATION
SHEEP COMMONS LLC
CERTIFICATE #: 19709
L.C.C. 11647-H, LOT 6
ASSESSOR'S MAP 26, PARCEL 19
#214 POLPIS ROAD

LOT AREA=134,979 S.F.±
LOT CREATED: OCTOBER 10, 1972 SHEET 2 OF 2

SITE PLAN TO ACCOMPANY
A REQUEST TO AMEND AN ORDER OF CONDITIONS
SE48-3187
PREPARED FOR
SHEEP COMMONS LLC
#214 POLPIS ROAD
MAP: 26, PARCEL: 19
NANTUCKET, MA

CHECKED BY: ADG/JLB	MAP: 26 PARCEL: 19
DESIGNED BY: ADG/CLR	DRAWN BY: CLR
SCALE: AS NOTED	DATE: 02/11/2020
	JOB NO.: B7098
	SHEET: 2 OF 2

BLACKWELL & ASSOCIATES, INC.
20 TEASDALE CIRCLE - NANTUCKET, MA 02554
(508) 228-9026

B7098

Haines Hydrogeologic Consulting

specialising in groundwater & wetlands

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

haineshydro@gmail.com

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

February 11, 2020

Re: Request for Amended Order of Conditions – Richard Berhman,
Qualified Personal Residence Trust #2, 272 Polpis Road
SE #48-3209

Dear Commission Members:

This letter is to request an Amended Order of Conditions for the above-referenced project to allow the installation of a new well. The original Order allowed for the construction of a replacement septic system and retaining the existing well. The Board of Health review required a new well to be installed at a distance greater than 100 feet from the leach field.

Accordingly, the site plan has been revised to show a replacement well location 50 feet from the approved wetland boundary within existing lawn and surrounded by silt fence during construction. No waivers from the *Nantucket Wetlands By-law* are required for this additional work.

Thank you for considering this request. If you have any questions, please call.

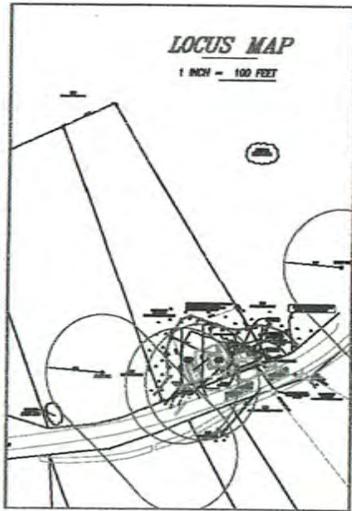
Yours truly,



David M. Haines
Hydrogeologist/Wetland Scientist

attachments – Site Plan
Abutter List
Filing Fees

cc: Island Surveyors LLC
DEP - SERO

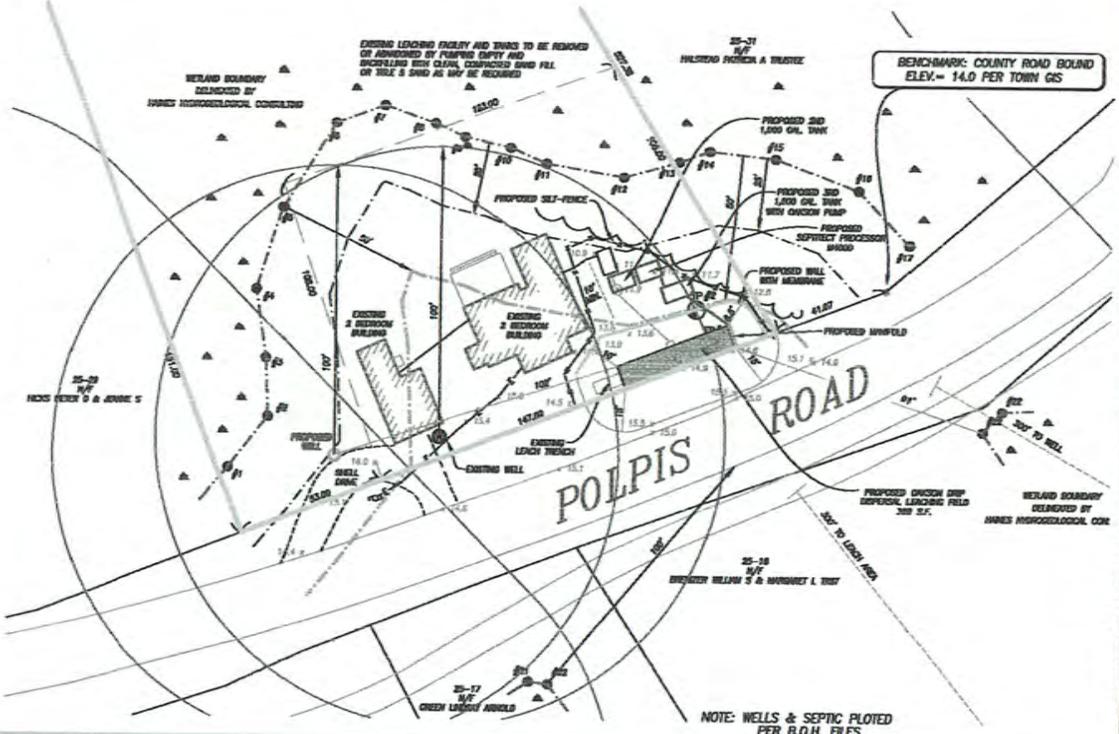


LEGEND

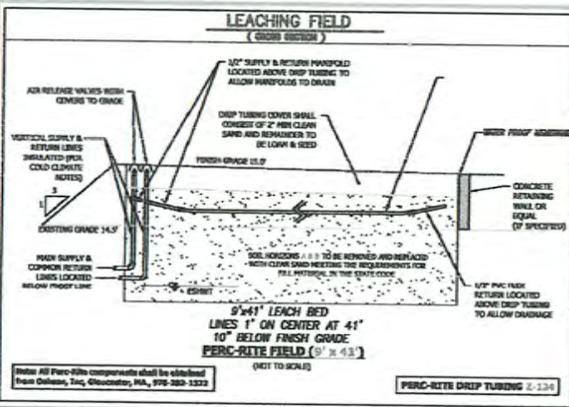
12.5'	EXISTING SPOT ELEVATION
---	EXISTING CONTOUR
---	PROPOSED CONTOUR
---	DEEP OIL TANK & PERC TEST LOCATION
---	PROPOSED SEPTIC TANK
---	PROPOSED D-DIKE
---	PROPOSED LEACH TRENCH
---	PROPOSED AERobic AREA

PLAN

1 INCH = 20 FEET
LOT AREA = 77,216 S.F.

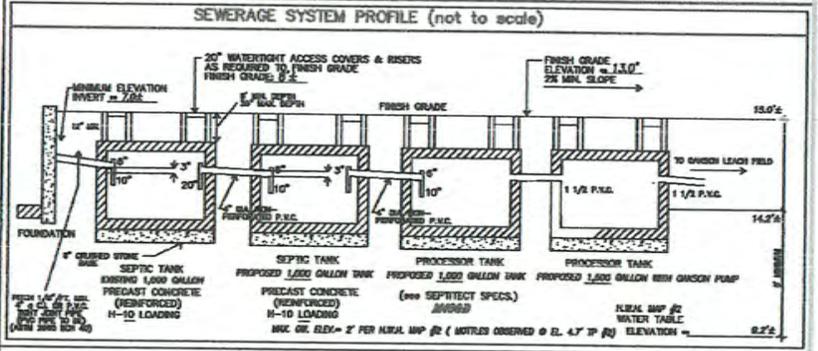


NOTE: WELLS & SEPTIC PLOTTED PER B.O.H. FILES



SOIL LOG

DEPTH	DESCRIPTION	DEPTH	DESCRIPTION
0 - 12"	SURFACE	0 - 12"	SURFACE
12" - 24"	...	12" - 24"	...
24" - 36"	...	24" - 36"	...
36" - 48"	...	36" - 48"	...
48" - 60"	...	48" - 60"	...
60" - 72"	...	60" - 72"	...
72" - 84"	...	72" - 84"	...
84" - 96"	...	84" - 96"	...
96" - 108"	...	96" - 108"	...
108" - 120"	...	108" - 120"	...
120" - 132"	...	120" - 132"	...
132" - 144"	...	132" - 144"	...
144" - 156"	...	144" - 156"	...
156" - 168"	...	156" - 168"	...
168" - 180"	...	168" - 180"	...
180" - 192"	...	180" - 192"	...
192" - 204"	...	192" - 204"	...
204" - 216"	...	204" - 216"	...
216" - 228"	...	216" - 228"	...
228" - 240"	...	228" - 240"	...
240" - 252"	...	240" - 252"	...
252" - 264"	...	252" - 264"	...
264" - 276"	...	264" - 276"	...
276" - 288"	...	276" - 288"	...
288" - 300"	...	288" - 300"	...



- ### NOTES
- ALL WORK MUST COMPLY WITH THE MASSACHUSETTS ENVIRONMENTAL CODE TITLE 8 AND TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
 - SEWAGE FLOW = 4.0 g.p.d. @ 110 GPD = 440 GPD
 - LEACH AREA REQUIRED = 440 GPD / SOIL CLASS EFFLUENT LOADING RATE .75 GAL / SF = 585 SF
 - LEACH AREA PROVIDED = 300 SF 9'x11' LEACH BED > LEACH AREA REQUIRED 585 (50% REDUCTION PER SEPTICTECT) = 298
 - SEPTIC TANK = 440 GPD x 2008 = 882 (MINIMUM GALLONS) PROPOSED 1,000 GALLON TANKS
 - SEPTIC TANK COVERS TO BE AT FINISH GRADE. (SEE SEPTICTECT SPECS.)
 - THERE ARE NO ABUTTING WELLS WITHIN 100 FT. OF THIS LEACHING FIELD.
 - THERE IS NO SEWAGE LEACHING WITHIN 100 FT. OF THIS WELL.
 - GARAGE GRINDER NOT PERMITTED.
 - THIS SYSTEM SHALL NOT BE CONSTRUCTED UNDER DRIVEWAYS OR OTHER IMPERVIOUS SURFACES.
 - MEASUREMENTS FOR RECORD PLANS (AS-BUILT) REQUIRED BY THE NANTUCKET BOARD OF HEALTH. CALL ENGINEER PRIOR TO COVERING INSTALLED SYSTEM COMPONENTS.
 - CONTRACTOR MUST CONTACT DIG-SAFE (1-800-344-7233) TWO WORKING DAYS PRIOR TO THE START OF CONSTRUCTION.
 - FROM THE DATE OF INSTALLATION UNTIL RECEIPT OF A CERTIFICATE OF COMPLIANCE, THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF THE SOIL ABSORPTION SYSTEM SHALL BE STAKED AND FLAGGED TO PREVENT THE USE OF SUCH AREA FOR ALL ACTIVITIES WHICH MIGHT DAMAGE THE SOIL ABSORPTION SYSTEM.
 - ILLUSTRATION 2 ESTIMATED 1900 GROUND WATER TABLE ELEV. 2.2'



<p>PROPOSED SCHEDULE OF INSTALLATIONS</p> <p>DATE: 8/20/2019</p> <p>PROJECT: 272 POLPIS ROAD</p> <p>OWNER: RICHARD E. BISHOPMAN QUALIFIED PERSONNEL ASSISTANCE TRUST #1</p> <p>DESIGNER: ISLAND SUBSURFERS, LLC</p> <p>DATE: 8/20/2019</p> <p>PROJECT: 272 POLPIS ROAD</p> <p>OWNER: RICHARD E. BISHOPMAN QUALIFIED PERSONNEL ASSISTANCE TRUST #1</p> <p>DESIGNER: ISLAND SUBSURFERS, LLC</p>	<p>PROPOSED REPLAN PLAN OF A 4 BEDROOM SUBSURFACE SANITATION & DISPOSAL SYSTEM</p> <p>PREPARED FOR RICHARD E. BISHOPMAN QUALIFIED PERSONNEL ASSISTANCE TRUST #1</p> <p>PROJECT: 272 POLPIS ROAD</p> <p>OWNER: RICHARD E. BISHOPMAN QUALIFIED PERSONNEL ASSISTANCE TRUST #1</p> <p>DESIGNER: ISLAND SUBSURFERS, LLC</p> <p>DATE: 8/20/2019</p> <p>PROJECT: 272 POLPIS ROAD</p> <p>OWNER: RICHARD E. BISHOPMAN QUALIFIED PERSONNEL ASSISTANCE TRUST #1</p> <p>DESIGNER: ISLAND SUBSURFERS, LLC</p>
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**NANTUCKET CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 131, Section 40, and pursuant to Regulation 310 CMR 10.05, et seq., and Nantucket By-Law Chapter 136, Section 4, you are hereby notified that a Public Hearing will be held during the Conservation Commission Meeting which begins at 5:00 p.m. in the second floor meeting room at the Public Safety Facility located at 4 Fairgrounds Road, Nantucket, MA 02554 on the following date:

March 4, 2020

Date of Public Hearing

272 Polpis Rd/ Map 25 Parcel 30

Street Address/ Map & Parcel

The purpose of the meeting is to open a Public Hearing on an Amended Order of Conditions.

Description of Work Proposed.

The proposed work includes the addition of the installation of a new well to the existing Order of Conditions allowing for the replacement of the existing septic system. The work will occur in the buffer zone to an Bordering Vegetated Wetland.

For a digital version of the filing please email
jdodd@nantucket-ma.gov and jcarlson@nantucket-ma.gov
Copies of the complete application are available for examination at
The Conservation Commission/ Natural Resources Department
2 Bathing Beach Road, Nantucket 508-228-7230.
Business hours (Monday-Friday 9AM-1pm)

Abutters List

MBLU	Lot	Lot Cuit	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location	Primary Use	Internal ID
25	16		BRENIZER WILLIAM S & MARGARET L TRST	CBM POLPIS TRST	25 MEETING STREET	CHARLESTON	SC	29401	275 POLPIS RD	1010	634
25	17		GREEN LINDSAY ARNOLD		73 UNION STREET	BRISTOL	RI	02809	271 POLPIS RD	1010	635
25	29		HICKS PETER D & JEANNE S		268 POLPIS RD	NANTUCKET	MA	02554	268 POLPIS RD	109R	643
25	30		BEHRMAN AMY ETAL		240 BEECH HILL RD	WYNNEWOOD	PA	19096	272 POLPIS RD	1090	644
25	31		HALSTEAD PATRICIA A TRUSTEE	276 POLPIS NOMINEE TRUST	4 NORTH WATER STREET	NANTUCKET	MA	02554	276 POLPIS RD	1010	645
Count:											5



February 20, 2020

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

RE: 14 Washing Pond Rd
Map 31 Parcel 19
Minor Modification - SE48-3133

Dear Mr. Erisman:

I am writing to request the issuance of a Minor Modification for the referenced project. Attached for review is a site plan and the required filing fee. The proposed change

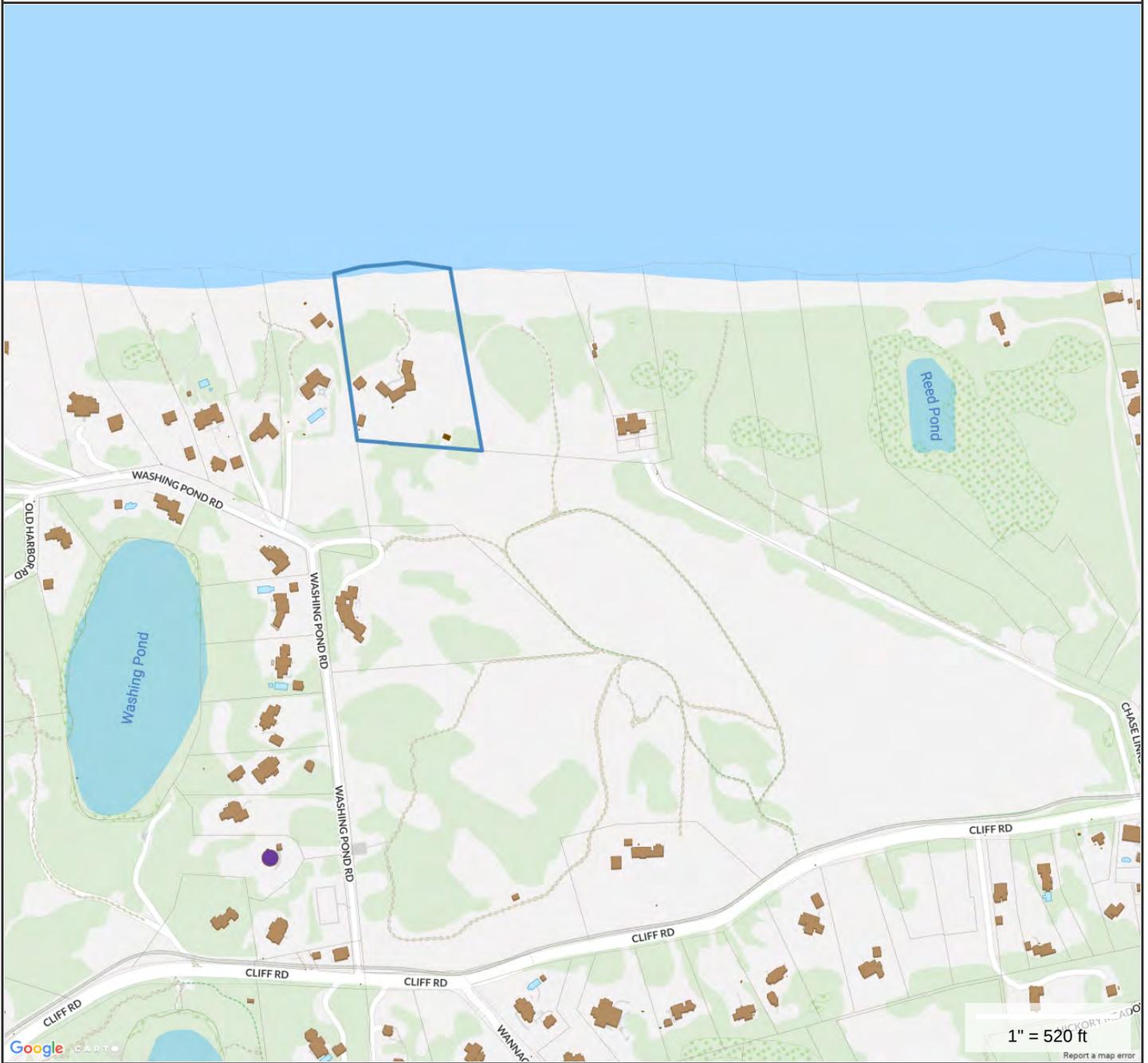
The Applicant proposes to revise the permitted accessway to deliver the required beach nourishment to the top of the coastal bank. The new access will be routed around the south and east side of the property to the top of the bank. Limited brush cutting and grading will be done, and the driveway surface minimally improved/compacted to accommodate the weight of the vehicles. All disturbed areas will be covered with at least six-inches of clean topsoil and planted with Cape Cod Special Grass Seed Blend.

The proposal is within the scope of the original approval, and will not have an adverse impact on the interests protected by the Commission. I plan to attend the public hearing on this matter to address any questions or concerns.

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

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

Locus Map



Property Information

Property ID 31 19
Location 14 WASHING POND RD
Owner KEYBANK NATIONAL ASSC TR



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

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

Parcels updated 09/14/2018
Properties updated 10/05/2018



2018 00160343

Cert: 15454 Doc: OOC
Registered: 12/07/2018 11:40 AM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48-3133
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name Trustee b. Last Name _____
Keybank National Association C/O Brenda Cox
c. Organization _____
100 Public SQ STE 600
d. Mailing Address _____
Cleveland OH 44113
e. City/Town _____ f. State _____ g. Zip Code _____

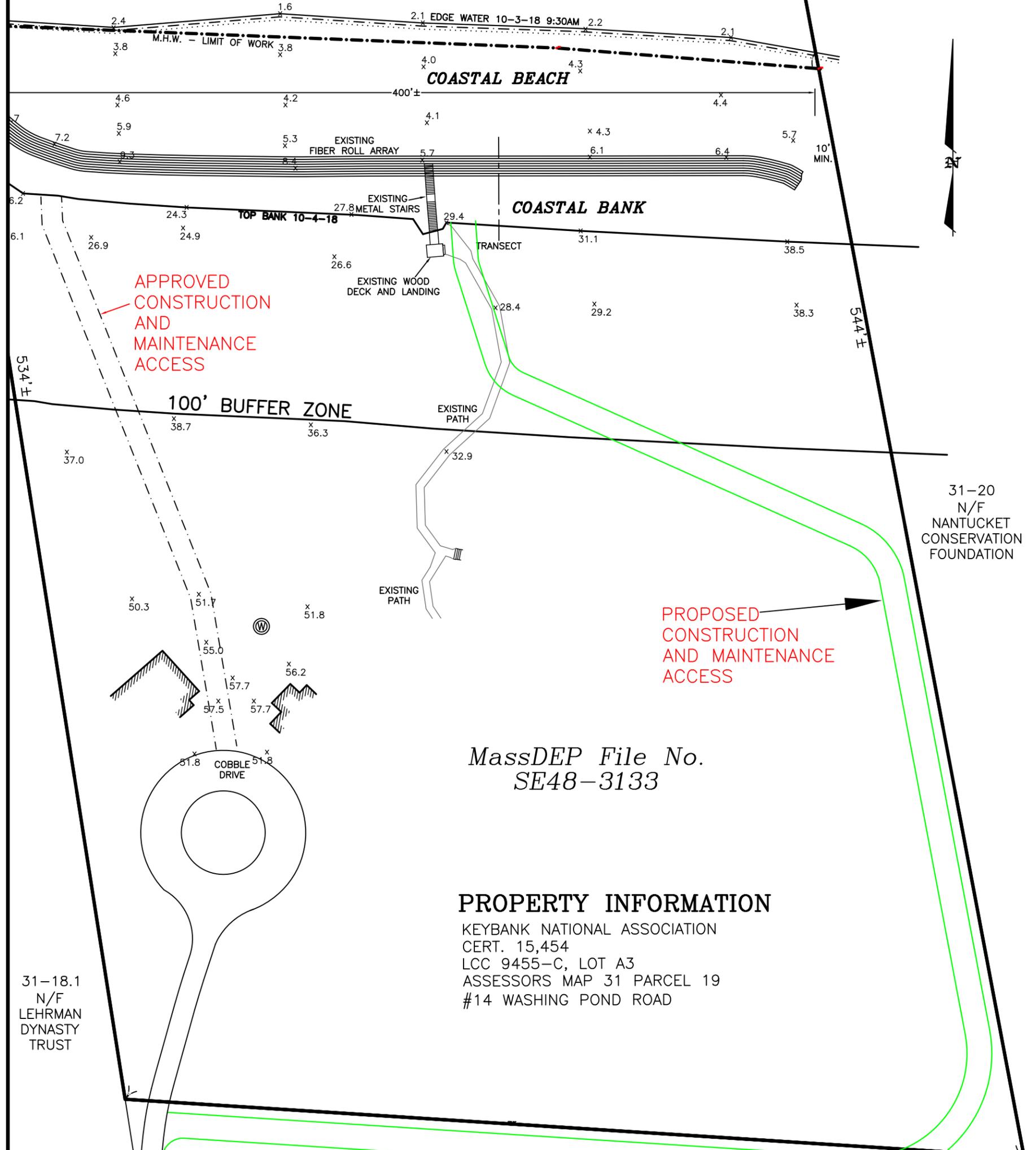
4. Property Owner (if different from applicant):

Same as Applicant
a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

14 Washing Pond Road Nantucket
a. Street Address _____ b. City/Town _____
31 19
c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
Latitude and Longitude, if known: 41d 17' 36" N 70d 07' 52" W
d. Latitude _____ e. Longitude _____

NANTUCKET SOUND



APPROVED
CONSTRUCTION
AND
MAINTENANCE
ACCESS

PROPOSED
CONSTRUCTION
AND MAINTENANCE
ACCESS

MassDEP File No.
SE48-3133

PROPERTY INFORMATION

KEYBANK NATIONAL ASSOCIATION
CERT. 15,454
LCC 9455-C, LOT A3
ASSESSORS MAP 31 PARCEL 19
#14 WASHING POND ROAD

31-18.1
N/F
LEHRMAN
DYNASTY
TRUST

31-20
N/F
NANTUCKET
CONSERVATION
FOUNDATION

41-1
N/F
NANTUCKET CONSERVATION
FOUNDATION

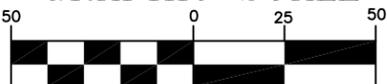
30' WIDE WAY - LCC 9455-C

SITE PLAN OF LAND
To Accompany a
Minor Modification
In Nantucket, MA
Prepared for

KEYBANK NATIONAL ASSOCIATION
14 WASHING POND RD. - MAP 31 PARCEL 19

Scale: 1" = 50' February 8, 2020

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.

THIS PLOT PLAN WAS PREPARED FOR THE NANTUCKET CONSERVATION COMMISSION ONLY & 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.

NANTUCKET SOUND



APPROVED
CONSTRUCTION
AND
MAINTENANCE
ACCESS

PROPOSED
CONSTRUCTION
AND MAINTENANCE
ACCESS

31 19

MassDEP File No.
SE48-3133

PROPERTY INFORMATION

KEYBANK NATIONAL ASSOCIATION
CERT. 15,454
LCC 9455-C, LOT A3
ASSESSORS MAP 31 PARCEL 19
#14 WASHING POND ROAD

31-18.1
N/F
LEHRMAN
DYNASTY
TRUST

31-20
N/F
NANTUCKET
CONSERVATION
FOUNDATION

41-1
N/F
NANTUCKET
CONSERVATION
FOUNDATION

SITE PLAN OF LAND
To Accompany a
Minor Modification
In Nantucket, MA
Prepared for

KEYBANK NATIONAL ASSOCIATION
14 WASHING POND RD. - MAP 31 PARCEL 19

Scale: 1" = 50' February 8, 2020

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

GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



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

N-11019

February 28, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Minor Modification Request #1
DEP File No. SE48-3142
Applicant: Hulbert ACK, LLC c/o Sarah F. Alger
2 Hulbert Avenue, Map: 42.1.4 Parcel: 2.1
Nantucket, MA 02554

COPY



Dear Commission Members,

On behalf of the applicant, Nantucket Surveyors LLC is submitting the attached Site Plan in support of a Minor Modification Request. The plan sets forth modifications to the plan approved by the Commission on May 22, 2019; specifically the applicant is proposing the addition of an underground propane tank within the buffer zone to a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage.

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:

- Two (2) Copies of "Site Plan to Accompany a Notice of Intent" prepared by Nantucket Surveyors, LLC Dated: May 17, 2019, Revised February 28, 2020
- \$25 Filing Fee

Cc: Sarah F. Alger

Office located at 5 Windy Way • Nantucket, MA 02554

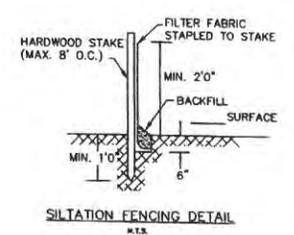
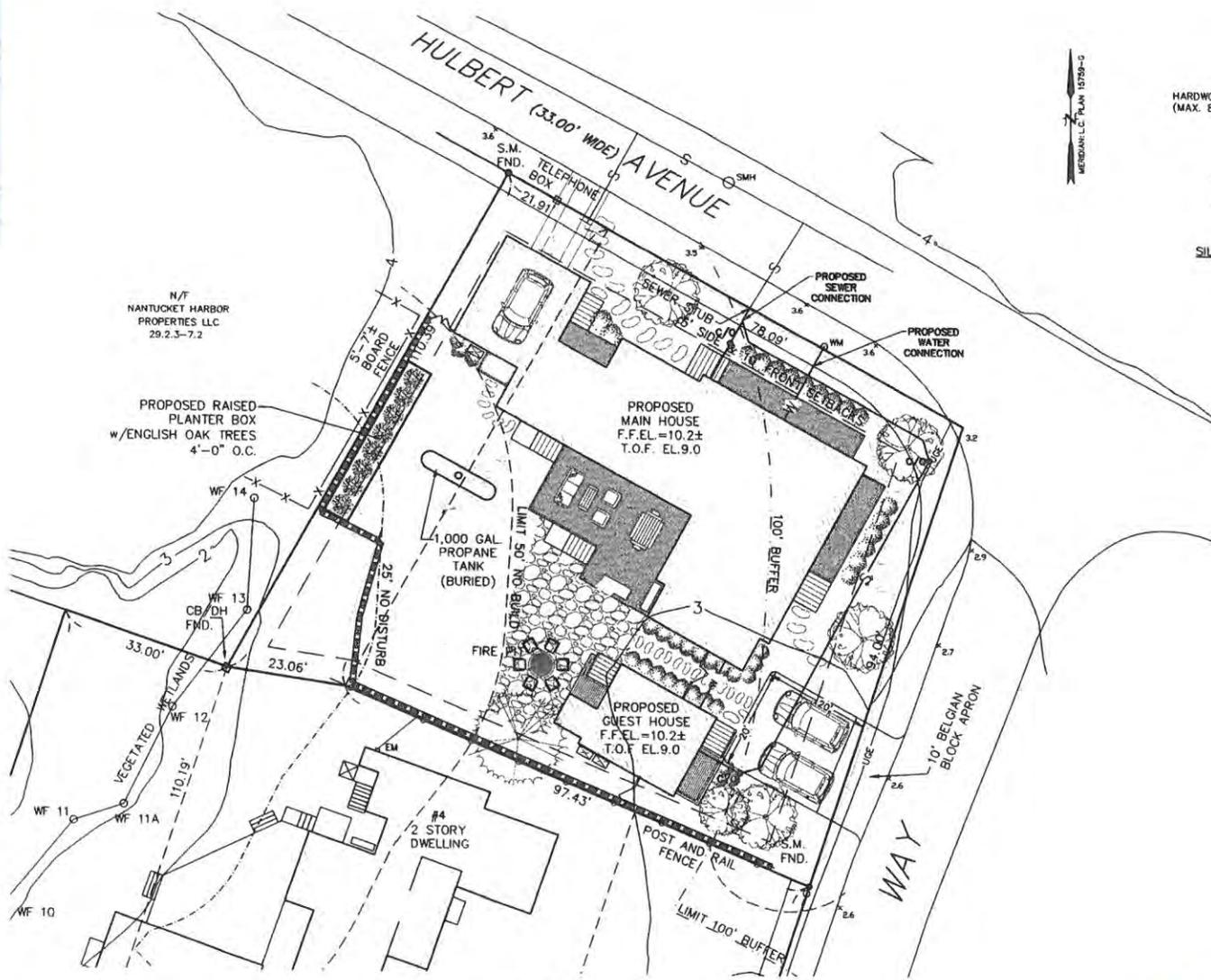
Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



REFERENCES:
 OWNER: HULBERT ACK & LLC
 DEED REF.: L.C. CERT. #27106
 PLAN REF.: L.C. PL. #13759-G
 ASSESSOR'S REF.:
 MAP: 42.1.4 PARCEL: 2

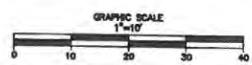
OWNER: HULBERT ACK & LLC
 DEED REF.: L.C. CERT. #27107
 PLAN REF.: L.C. PL. #13759-G
 ASSESSOR'S REF.:
 MAP: 42.1.4 PARCEL: 2.1

CURRENT ZONING: R-1
 MINIMUM LOT SIZE: 5,000 S.F.
 MINIMUM FRONTAGE: 30'
 FRONT YARD SETBACK: 10'
 SIDE AND REAR SETBACK: 5'
 ALLOWABLE G.C.R.: 30%
 CURRENT LOT SIZE: 10,873 S.F.



- NOTES:
1. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE AE EL.9 ZONE AS DELINEATED ON THE "TRM" MAP NO. 25019000866, EFFECTIVE DATE JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 2. NO PORTION OF THE PROPERTY IS LOCATED WITHIN 2017 PRIORITY HABITAT AND ESTIMATED HABITAT NATURAL AND ENDANGERED SPECIES PROGRAM MAPPING.
 3. DWELLINGS TO BE CONNECTED TO TOWN WATER AND SEWER.
 4. WETLAND LINE AS DELINEATED BY HANES HYDROLOGIC CONSULTING ON 8/27/12 & 9/9/18. (SEE DETERMINATION OF APPLICABILITY ISSUED 10/2/18).
 5. VERTICAL DATUM NAVD 83.
 6. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CONTRACTORS ARE TO CHECK AND VERIFY THE LOCATION OF UTILITIES PRIOR TO CONSTRUCTION.
 DIG SAFE TELEPHONE NUMBER IS 1-888-344-7233.

LEGEND:
 +15.3 SPOT ELEVATION
 -20- EXISTING CONTOUR (HANDDB)
 - - - - - PROPOSED EROSION CONTROL



SITE PLAN TO ACCOMPANY A NOTICE OF INTENT
 SE48-3142 & SE48-3141
 #2 & #4 HULBERT AVENUE
 NANTUCKET, MASSACHUSETTS

SCALE: 1"=10' DATE: MAY 17, 2019
 REV. 2/28/2020 MINOR MODIFICATION REQUESTS

ASSESSOR'S REFERENCE:
 MAP: 42.1.4 PARCEL: 2.1
 PREPARED FOR:
 HULBERT ACK & LLC
 NANTUCKET SURVEYORS LLC
 5 HINDY WAY
 NANTUCKET, MA 02554
 (508) 228-0240





Cert: 27107 Doc: AMENDME
Registered: 05/29/2019 01:21 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Amended Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3142
MassDEP File #
eDEP Transaction #
Nantucket
City/Town

A. General Information

- 1. From: Nantucket
Conservation Commission
- 2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions
- 3. To: Applicant:

a. First Name Hulbert ACK, LLC c/o Sarah F. Alger b. Last Name _____
 c. Organization _____
4 North Water Street
 d. Mailing Address _____
Nantucket MA 02554
 e. City/Town _____ f. State _____ g. Zip Code _____

4. Property Owner (if different from applicant):

Same As Applicant
 a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

2 Hulbert Avenue Nantucket
 a. Street Address _____ b. City/Town _____
42.1.4 _____
 c. Assessors Map/Plot Number _____ d. Parcel/Lot Number _____
 Latitude and Longitude, if known: 41.29021 70.09451
 d. Latitude _____ e. Longitude _____

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 2 Hulbert Avenue
Assessor's Map and Parcel: 42.1.4-2.1
Property Owner: Hulbert ACK LLC
Applicant: Hulbert ACK LLC
DEP File Number: SE48-3142
Filing Date: November 9, 2018
Date Hearing Closed: December 19, 2018
Date Orders Issued: December 19, 2018
Date Amended: **May 22, 2019**
Plan of Record Information: Proposed Site Improvements #2/#4 Hulbert Avenue, dated 11/9/18, final revision 12/14/18, and stamped by Paul J. Santos, P.L.S.
Amended Plan of Record: **Site Plan to Accompany a Notice of Intent, dated May 17, 2019 and stamped by Paul J. Santos, P.L.S.**

Permit Overview:

This order permits the modification and installation of fencing and modification of the driveway with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project. **This Order is amended to include the construction of a dwelling, guest house, and driveway with associated grading, landscaping and utilities.**

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The fence shall not be constructed in such way to not restrict flood waters.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
 Waivers are required to Section 3.02 (B)(1) that proposed projects that are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to vegetated wetlands and all structures which are not water dependent shall be at least 50 feet from a vegetated wetland and maintain an undisturbed two-foot separation to high groundwater. The Commission finds that given the current and historic site conditions that the project as proposed will not have an adverse impact and that there are no reasonable alternatives that allow the project to proceed. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Town of Nantucket Wetland Protection Regulations.



2019 00161505
 Cert: 27107 Doc: OOC
 Registered: 04/17/2019 10:13 AM



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
 SE48-3142
 MassDEP File #

eDEP Transaction #
 Nantucket
 City/Town

A. General Information

1. From: Nantucket
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name Hulbert ACK , LLC, c/o Sarah F. Alger b. Last Name _____
 c. Organization _____
 d. Mailing Address 4 North Water Street
 e. City/Town Nantucket f. State MA g. Zip Code 02554

4. Property Owner (if different from applicant):

Same As Applicant
 a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

a. Street Address 2 Hulbert Ave b. City/Town Nantucket
 c. Assessors Map/Plat Number 42.1.4 d. Parcel/Lot Number 2.1
 Latitude and Longitude, if known: e. Longitude 70.09451
 d. Latitude 41.29021

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 2 Hulbert Avenue
Assessor's Map and Parcel: 42.1.4-2.1
Property Owner: Hulbert ACK LLC
Applicant: Hulbert ACK LLC
DEP File Number: SE48-3142
Filing Date: November 9, 2018
Date Hearing Closed: December 19, 2018
Date Orders Issued: December 19, 2018
Plan of Record Information: Proposed Site Improvements #2/#4 Hulbert Avenue,
dated 11/9/18, final revision 12/14/18, and stamped by
Paul J. Santos, P.L.S.

Permit Overview:

This order permits the modification and installation of fencing and modification of the driveway with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The fence shall not be constructed in such way to not restrict flood waters.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.



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

N-11019

February 28, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Minor Modification Request #1
DEP File No. SE48-3142
Applicant: Hulbert ACK, LLC c/o Sarah F. Alger
2 Hulbert Avenue, Map: 42.1.4 Parcel: 2.1
Nantucket, MA 02554

COPY



Dear Commission Members,

On behalf of the applicant, Nantucket Surveyors LLC is submitting the attached Site Plan in support of a Minor Modification Request. The plan sets forth modifications to the plan approved by the Commission on May 22, 2019; specifically the applicant is proposing the addition of an underground propane tank within the buffer zone to a Bordering Vegetated Wetland and within Land Subject to Coastal Storm Flowage.

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:

- Two (2) Copies of "Site Plan to Accompany a Notice of Intent" prepared by Nantucket Surveyors, LLC Dated: May 17, 2019, Revised February 28, 2020
- \$25 Filing Fee

Cc: Sarah F. Alger

Office located at 5 Windy Way • Nantucket, MA 02554

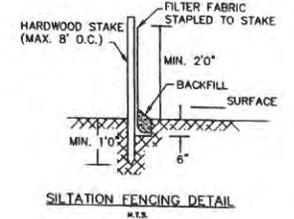
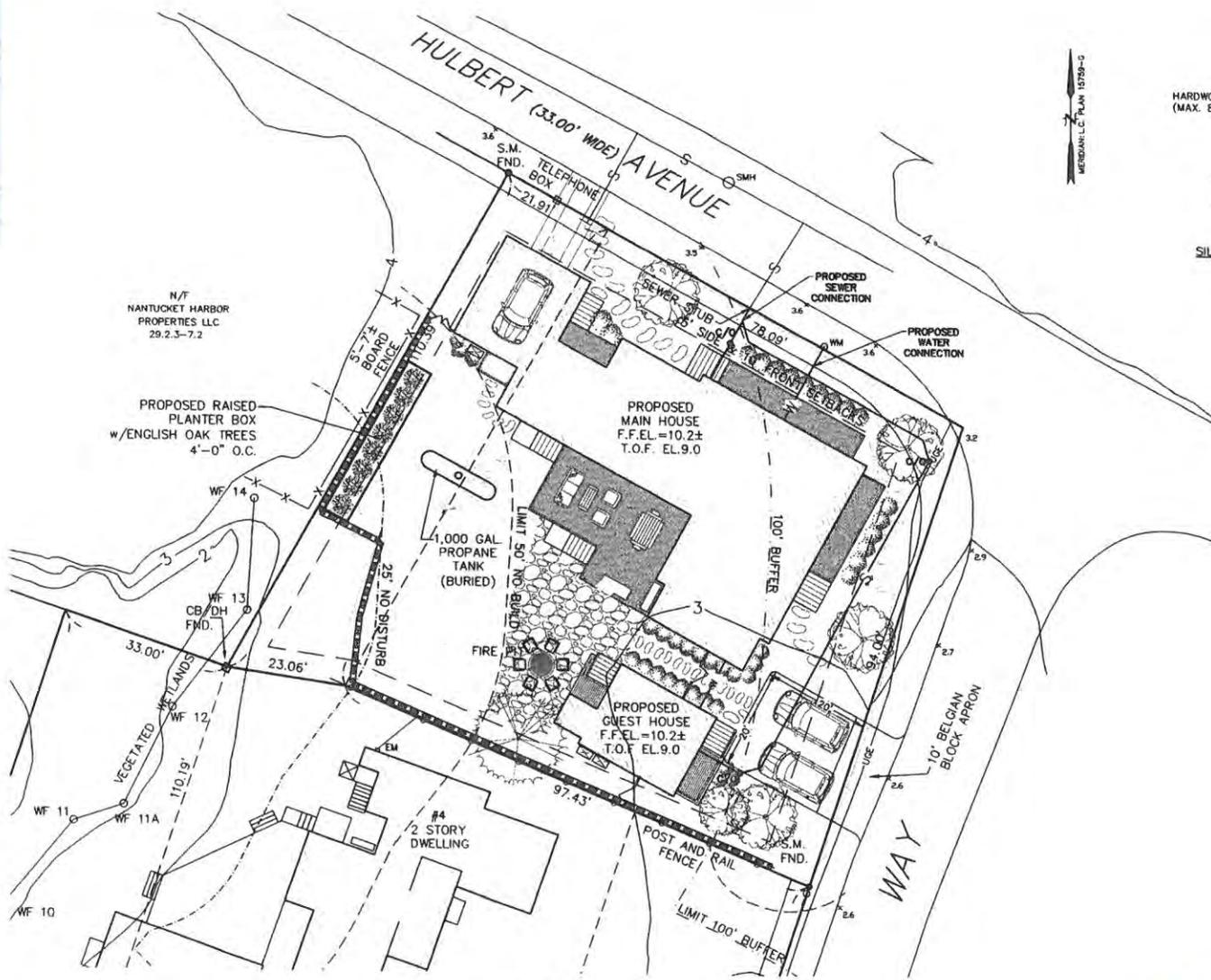
Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



REFERENCES:
 OWNER: HULBERT ACK & LLC
 DEED REF.: L.C. CERT. #27106
 PLAN REF.: L.C. PL. #13759-G
 ASSESSOR'S REF.:
 MAP: 42.1.4 PARCEL: 2

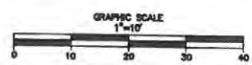
OWNER: HULBERT ACK LLC
 DEED REF.: L.C. CERT. #27107
 PLAN REF.: L.C. PL. #13759-G
 ASSESSOR'S REF.:
 MAP: 42.1.4 PARCEL: 2.1

CURRENT ZONING: R-1
 MINIMUM LOT SIZE: 5,000 S.F.
 MINIMUM FRONTAGE: 30'
 FRONT YARD SETBACK: 10'
 SIDE AND REAR SETBACK: 5'
 ALLOWABLE G.C.R.: 30%
 CURRENT LOT SIZE: 10,873 S.F.



- NOTES:
1. THE PREMISES SHOWN ON THIS PLAN ARE LOCATED WITHIN THE AE EL.9 ZONE AS DELINEATED ON THE "TRM" MAP NO. 25019000866, EFFECTIVE DATE JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
 2. NO PORTION OF THE PROPERTY IS LOCATED WITHIN 2017 PRIORITY HABITAT AND ESTIMATED HABITAT NATURAL AND ENDANGERED SPECIES PROGRAM MAPPING.
 3. DWELLINGS TO BE CONNECTED TO TOWN WATER AND SEWER.
 4. WETLAND LINE AS DELINEATED BY HANES HYDROLOGIC CONSULTING ON 8/27/12 & 9/9/18. (SEE DETERMINATION OF APPLICABILITY ISSUED 10/2/18).
 5. VERTICAL DATUM NAVD 83.
 6. THE LOCATION OF UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CONTRACTORS ARE TO CHECK AND VERIFY THE LOCATION OF UTILITIES PRIOR TO CONSTRUCTION.
 DIG SAFE TELEPHONE NUMBER IS 1-888-344-7233.

LEGEND:
 +15.3 SPOT ELEVATION
 -20- EXISTING CONTOUR (HANDDB)
 - - - - - PROPOSED EROSION CONTROL



SITE PLAN TO ACCOMPANY A NOTICE OF INTENT
 SE48-3142 & SE48-3141
 #2 & #4 HULBERT AVENUE
 NANTUCKET, MASSACHUSETTS

SCALE: 1"=10' DATE: MAY 17, 2019
 REV. 2/28/2020 MINOR MODIFICATION REQUESTS

ASSESSOR'S REFERENCE:
 MAP: 42.1.4 PARCEL: 2.1
 PREPARED FOR:
 HULBERT ACK LLC
 NANTUCKET SURVEYORS LLC
 5 HINDY WAY
 NANTUCKET, MA 02554
 (508) 228-0240

3/27/20



Cert: 27107 Doc: AMENDME
Registered: 05/29/2019 01:21 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 - Amended Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3142
MassDEP File #
eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name Hulbert ACK, LLC c/o Sarah F. Alger b. Last Name _____
c. Organization _____
4 North Water Street
d. Mailing Address _____
Nantucket MA 02554
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant
a. First Name _____ b. Last Name _____
c. Organization _____
d. Mailing Address _____
e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

2 Hulbert Avenue Nantucket
a. Street Address b. City/Town
42.1.4 2.1
c. Assessors Map/Plot Number d. Parcel/Lot Number
Latitude and Longitude, if known: 41.29021 70.09451
d. Latitude e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 2 Hulbert Avenue
Assessor's Map and Parcel: 42.1.4-2.1
Property Owner: Hulbert ACK LLC
Applicant: Hulbert ACK LLC
DEP File Number: SE48-3142
Filing Date: November 9, 2018
Date Hearing Closed: December 19, 2018
Date Orders Issued: December 19, 2018
Date Amended: **May 22, 2019**
Plan of Record Information: Proposed Site Improvements #2/#4 Hulbert Avenue, dated 11/9/18, final revision 12/14/18, and stamped by Paul J. Santos, P.L.S.
Amended Plan of Record: **Site Plan to Accompany a Notice of Intent, dated May 17, 2019 and stamped by Paul J. Santos, P.L.S.**

Permit Overview:

This order permits the modification and installation of fencing and modification of the driveway with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project. **This Order is amended to include the construction of a dwelling, guest house, and driveway with associated grading, landscaping and utilities.**

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The fence shall not be constructed in such way to not restrict flood waters.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are required to Section 3.02 (B)(1) that proposed projects that are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to vegetated wetlands and all structures which are not water dependent shall be at least 50 feet from a vegetated wetland and maintain an undisturbed two-foot separation to high groundwater. The Commission finds that given the current and historic site conditions that the project as proposed will not have an adverse impact and that there are no reasonable alternatives that allow the project to proceed. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Town of Nantucket Wetland Protection Regulations.



2019 00161505
 Cert: 27107 Doc: OOC
 Registered: 04/17/2019 10:13 AM



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
 SE48-3142
 MassDEP File #

eDEP Transaction #
 Nantucket
 City/Town

A. General Information

1. From: Nantucket
 Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name Hulbert ACK , LLC, c/o Sarah F. Alger b. Last Name _____
 c. Organization _____
 d. Mailing Address 4 North Water Street
 e. City/Town Nantucket f. State MA g. Zip Code 02554

4. Property Owner (if different from applicant):

Same As Applicant
 a. First Name _____ b. Last Name _____
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____

5. Project Location:

a. Street Address 2 Hulbert Ave b. City/Town Nantucket
 c. Assessors Map/Plat Number 42.1.4 d. Parcel/Lot Number 2.1
 Latitude and Longitude, if known: e. Longitude 70.09451
 d. Latitude 41.29021

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 2 Hulbert Avenue
Assessor's Map and Parcel: 42.1.4-2.1
Property Owner: Hulbert ACK LLC
Applicant: Hulbert ACK LLC
DEP File Number: SE48-3142
Filing Date: November 9, 2018
Date Hearing Closed: December 19, 2018
Date Orders Issued: December 19, 2018
Plan of Record Information: Proposed Site Improvements #2/#4 Hulbert Avenue,
dated 11/9/18, final revision 12/14/18, and stamped by
Paul J. Santos, P.L.S.

Permit Overview:

This order permits the modification and installation of fencing and modification of the driveway with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The fence shall not be constructed in such way to not restrict flood waters.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.

February 24, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554
jcuppone@nantucket-ma.gov

Via Email

RE: Hummock Pond, Nantucket, Massachusetts
Order of Conditions, DEP File # SE48-3004

Dear Commission Members:

On behalf of our client, Nantucket Pond Coalition, SOLitude Lake Management would like to request a three-year extension to the current Orders of Conditions, DEP File # SE48-3004, for the continued maintenance of the aquatic vegetation in Hummock Pond. This Order is due to expire on September 20, 2020.

SOLitude Lake Management has previously conducted treatments at Hummock Pond in accordance with the above referenced Order, as required. All applications have been undertaken by licensed professionals of SOLitude Lake Management's team in accordance with the manufacturer's label. A "License to Apply" has been acquired from the Division of Watershed Management at MassDEP in Worcester on an annual basis.

As a result, we hope that the Commission will allow this request and issue an extension for the continued management of Hummock Pond. If you have any questions or need additional information, please feel free to contact us.

Sincerely,



Dominic Meringolo
Senior Environmental Engineer/Territory Leader

DMM/MAS

Competitively Sensitive & Proprietary Materials – The information contained herein is the intellectual property of SOLitude Lake Management. Recipient may not disclose to any outside party any proprietary information, processes, or pricing contained in this document or any of its attachments without the prior written consent of SOLitude Lake Management. This document is provided to the recipient in good faith and it shall be the responsibility of the recipient to keep the information contained herein confidential.



**WPA Form 7 – Request for Extension Permit for
Orders of Conditions**

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.



- Applicant:
Robert William – Nantucket Pond Coalition
Name
7 Osprey Way
Mailing Address
Nantucket MA 02554
City/Town State Zip Code
- Property Owner (if different):
See attached list
Name

Mailing Address

City/Town State Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

9/20/17 Issued by: Nantucket
Date Conservation Commission

for work at: Eastern Shore of Hummock Pond 81/85 N/A
Street Address Assessor's Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:

Nantucket 1480 321
County Book Page

Certificate (if registered land) _____

is hereby extended until: _____
Date Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:

SE48- 3004

MassDEP File #

eDEP Transaction #

Nantucket

City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Robert Williams
a. First Name b. Last Name

Nantucket Pond Coalition
c. Organization

7 Osprey Way
d. Mailing Address

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

4. Property Owner (if different from applicant):

See attached list
a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:

Eastern Shore of Hummock Pond Nantucket
a. Street Address b. City/Town

81/85 N/A
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: N41.25913 W70.14951
d. Latitude e. Longitude

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: Hummock Pond
Assessor's Map and Parcel: 81 and 85 (No parcel assigned)
Property Owner: Great Pond (N/A)
Applicant: Nantucket Pond Coalition
DEP File Number: SE48-3004
Filing Date: July 20, 2017
Date Hearing Closed: September 6, 2017
Date Orders Issued: September 6, 2017
Plan of Record Information: Figure 3- Proposed Phase 1 Treatment Zone in Hummock Pond, prepared by the Nantucket Pond Coalition

Permit Overview:

This order permits the removal of invasive species within a Bordering Vegetated Wetland and an Inland Water Body (Hummock Pond). Waivers are granted under Section 5.03 of the Nantucket Wetland Protection Regulations for invasive species removal within resource areas.

Additional Findings:

1. The area falls inside mapped habitat areas and required NHESP review.
2. Foliar spray is approved as a treatment method for this application.
3. The Commission finds that this Order only covers the Phase 1 area. Any expansion of this area shall require a new Notice of Intent or Amendment request including but not limited to any impacts to wildlife that are present or using the area.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The applicant shall provide a copy of an executed contract to cover the work for the life of the permit and demonstration that the funding for that contract is held for that purpose.
20. This Order permits the use of a no greater than 25% glyphosate water-based solution (Rodeo or equal) for clip and drip application or 2% for foliar spray application or as required by the label on the specific herbicide.
21. Foliar spraying is an approved method of herbicide application for this project.
22. The quantity and specific type of herbicide used will be reported in writing to the Commission on an annual basis. Any herbicide shall be applied by a licensed applicator.
23. Any excavated material or plant material removed from the site is to be disposed of through the digester at the Nantucket Landfill.
24. A report including location photographs shall be provided to the Commission showing the conditions prior to work being started and at the conclusion of the

- growing season. These reports shall include approximate Phragmites coverage and regrowth, and native species regrowth within the project area.
25. The applicant shall be required to do vegetation surveys showing potential impacts from spray application of herbicide in 100 yards in each direction from the application area.
 26. Should the project area show less than 50% regrowth of native species within the first two years and six months of the permit the applicant shall file a new notice or amendment for supplementing the area with native plantings and or seedings.
 27. All reports are required annually until a Certificate of Compliance is issued.
 28. Spraying of herbicide shall not be allowed in wind speeds greater than 10 MPH.
 29. Prior to the start of work an on-site meeting with the applicant and Commission staff will take place to mark the monitoring plots/transects with a fixed marker at fixed locations and review monitoring protocols.
 30. Any machinery used in the Bordering Vegetated Wetland shall be cleaned and inspected for any material prior to entry or exiting the area.
 31. The applicant shall meet with Commission staff on site to determine access points for the Marshmaster and shall be present during the initial access to observe any impacts from the machine on the resource areas.

APPENDIX B: PARTICIPATING ABUTTERS

Hummock Pond Frontage Chart
(adjusted for phragmites)

GRANTEE	LINEAR FEET OF SHORELINE	ADJ	PERCENT
Sternlicht	359		7.10%
Buechel	193		3.80%
Palotta	414		8.30%
Thornburg	569		11.30%
Perold	238		4.70%
Bartlett, P	238		4.70%
Barlett, J	301		6%
Hanson, Peter	105		2%
Bartlett, H	650		13%
Ryan	183		3.60%
* Price	115	-50	1%
Moores	88		1.80%
* O'Brien	114	-50	1%
Bains	154		3%
Morris	152		3%
Delay/Russell	132		2.60%
Williams	145	-100	2%
* Mabbs	130	0	0%
* Perold	756	-250	5%
* Bartlett, H	1157	-250	5%
Dooley, John	169		3.50%
Rogers, Eric	230		4.70%
Kennedy, Bob	142		2.9%
	6734	5017	100%

* = Adj for partial or zero phragmites



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, February 05, 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 5:00 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Director; Joanne Dodd, Natural Resources Coordinator

Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

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 (**Cont. 2/19/2020**)

2. Margeret Zarcone – 16 Cherry Street (55-379) SE48-3274

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

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

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion (5:02) **Santos** – This was held for the Massachusetts Department of Environmental Protection (DEP) file number. Believes we have everything needed to close the hearing,

Staff Have everything needed to close.

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

Vote Carried unanimously

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

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

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

Representative None

Public None

Discussion (5:03) **Erisman** – There seem to be some questions, and no one is here. We’ll continue to the next meeting.

Staff This was closed at the last hearing and was mistakenly added to this agenda.

Motion No action necessary

Vote N/A

4. *Nantucket Point of View, LLC – 9 Lincoln Avenue (30-137) SE48-____

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

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

Representative Brian Madden, LEC Environmental

Public Steven Cohen, Cohen & Cohen Law P.C. for the abutters

R.J. Turcott, Nantucket Land Council, Inc.

Discussion (5:04) **Madden** – Resource areas include: two isolated vegetated wetlands, Elevation 8 flood zone, and a fragmented coastal bank. This is for a retaining wall, revegetation of 1500 square feet of lawn area, invasive species removal, coastal bank revegetation, slope stabilization, planting plan with no cultivars, relocate stairs and boardwalk, and construction of a cottage over a garage. The garage is proposed on slab with flood vents; he’ll provide distance from high groundwater to the commission. The cottage is designed to meet flood-code requirements. We feel the restoration of the coastal bank provides a long-term net benefit.

Erisman – Given the depth of the bank, asked if there was a phased plan for landscaping.

Madden – We would not want to denude it all at once. We can provide a phase concept plan.

Golding – (not speaking into a mic so very hard to hear.) One of the plans should show how far something extends into the 25-foot buffer. Asked how high the plantings will grow.

Beale – The waiver states no reasonable alternative, asked why they can’t build on top of the hill.

Madden – He believes because there is no adequate space. The waiver is specific to the proposed project area and to have useable space in the lower area. He believes there is no adverse impact.

Engelbourg – He doesn’t believe adding that additional structure to the top of the bank is good for in it will compact the soil; he wants it removed.

Madden – Suggested taking a look at it; it’s a steep drop and will provide a physical demarcation. A fence doesn’t provide the same protection against stuff and people going over the bank. Relocating the stairs puts it 25 feet from both isolated vegetated wetlands and the current stairs are in poor shape.

Cohen – His clients feel a 2-story structure over a 10-foot garage at the bottom of the bank will change the character of the area. There is no justification for the wall; a split rail fence with chicken wire would be more effective. The structure at the bottom doesn’t meet the legal standards for the coastal bank and adjacent wetlands; the commission doesn’t have to let them do it. Would like more information on the non-delineated wetland across the street.

Turcott – Agrees with Mr. Cohen and Mr. Beale’s comments about a reasonable alternative. Feels the area should be allowed to grow back in.

Madden – We submitted an architectural concept of the structure showing it only about 24 feet wide; the lower lawn area is about 50 feet wide. He doesn’t know if massing and height of the structure are important to the commission.

Golding – This is a pretty substantial structure, so he’d like a closer look at the site.

Madden – The top of the coastal bank is at 36 feet; the ridge is not that high. We don’t show any mechanicals, but his idea is they will be under the 2nd-floor deck. This is a small structure, but we can provide a drawing showing French drains.

Golding – Asked for at least concept drawings of the structure.

Engelbourg – Nothing in the requirement precludes us from asking for an analysis for alternative siting on the lot.

Madden – He’s always heard waivers are specific to the project; ultimately, we feel the project won’t have an adverse impact and will be a long-term net benefit.

Erismann – We want a site visit and more information on the wall.

Madden – We can provide more information. Asked for a 2-week continuance.

Staff None

Motion Continued to February 19, 2020 by unanimous consent.

Vote N/A

5. *Suzanne Keller and Andrew Bennett – 49 Millbrook Road (56-241) SE48-_____

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

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

Representative David M. Haines, Haines Hydrogeologic Consulting

Public None

Discussion (5:42) **Haines** – This is for a small addition to an existing house within existing lawn in the 50-foot buffer to an off-site isolated vegetated wetland; also, there is an on-site bordering vegetated wetland and an isolated vegetated wetland off site at the other side of the property. Foundation will be a crawlspace as opposed to the slab noted in the application with the footings still being the same depth. Water is at elevation 12 with four feet of separation from the footings. Asked for a 2-week continuance.

Staff None

Motion Continued to February 19, 2020 by unanimous consent.

Vote N/A

6. *Claire F. Salvatore – 13 Old Westmoor Farm Road (41-826) SE48-3275

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

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

Representative Art Gasbarro, Nantucket Engineering & Survey

Public

Discussion (5:45) **Gasbarro** – This is for a pool and patio outside the 50-foot buffer to an inland bank and pond. Estimate groundwater from the pond and maintain the 2-foot separation from the water level and bottom of the pool. Do not believe there will be any adverse impact. Pool will have an auto-cover; not aware of landscape lighting.

Staff Have everything needed to close.

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

Vote Carried unanimously

7. *Town of Nantucket – 4 California Avenue & Alabama Avenue (60; 60.2.4- 132; 53) SE48-_____

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

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

Representative Vincent Murphy, Natural Resources

Joan Karberg

Public Sam Kefferstan, Mass Audubon

Burton Balkind

Anne Menz, 8 Ames Avenue

Discussion (5:48) **Murphy** – This is a coastal stabilization project to protect Millie’s Bridge; all work is within the coastal dune. Requesting a waiver from Section 2.03b-2 and Section 1.03s-3. The project will provide long-term net benefit through revegetation of the coastal dune to protect from storm damage. A long-term solution may have to be sought under the Coastal Resiliency Plan. How long the planting will take depends on the number of volunteers they get.

Phillips – The Madaket Conservation Association strongly supports this project and will provide a lot of workers.

Karberg – We have a couple of years of monitoring and hope the wetlands will come back. This project hopefully will be a model for coastal resiliency and to that end there will be a lot of monitoring associated with it.

Erisman – We’ve previously discussed local source planting.

Murphy – We will try that since it cuts shipping costs and supports the local economy.

Karberg – Will have to look off-Island for the beach grass with in the future looking for seeds locally. Woody plants we can get locally. Hope to get large plants in place for stabilization and use those seeds for future use.

Engelbourg – It’s identified as NOI vegetation list that invasive plants were found; asked if those will be removed as part of the project.

Karberg – The invasive species are on a neighboring property; we are talking to the owners about that to prevent them from intruding on this property.

Engelbourg – Asked about the snow fence.

Murphy – That is on the edge of the work area; all work will be on the bridge side of that.

Karberg – The fence has helped build the dune and currently is buried; her concern now is the damage that would be caused from removing it.

Carlson – We can condition that if the fence becomes exposed, it would be removed.

Engelbourg – The NOI says this is in coastal dune but it appears to be within a coastal barrier beach. Asked if we need a finding for that resource area as well.

Karberg – We had asked that the resource area not be identified since it is a transitional area. We have been tracking and documenting the extent of migrating sand; we will continue doing that. Part of the planning will be to identify where plants were placed and monitor the success of holding sand.

Golding – Asked what the scrub species are.

Karberg – Bayberry and high-tide bush. The packet diagram shows a grid for planning, but the planting will be more natural.

Golding – Asked if there is a way to use fertilizer that permits growth without being washed into the aquifer.

Murphy – There is a neighboring site where we planted about April last year; it grew 8 inches higher and caught sand out of the air. That is the same affect we are trying to get here. Beach grass grows very quickly; he doesn’t think it will need fertilizer.

Kefferstan – We support this project; services rendered will help protect over wash, protect the bridge, and provide information on coastal resiliency.

Balkind – Regarding the saltmarsh that was there, asked if we are giving up on that.

Karberg – Part of the monitoring was to see if the saltmarsh will recover and grow up through the deposited sand; however, we found that the sand was too deep. Without removal of sediment, we won’t get the saltmarsh back. Stabilizing the dune might allow future review of properties with less sand to see if we can get a saltmarsh there.

Menz – Thanked the Town for taking on this project. The wash over was devastating in that she no longer has the marsh or a pier; it’s like a sand pit. She wishes it could be dredged. Glad that Madaket is being recognized as having a big issue.

Carlson – We do not have a DEP file number. Asked for a 2-week continuance.

Staff None

Motion Continued to February 19, 2020 by unanimous consent.

Vote N/A

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. 2/19/2020)

D. Certificates of Compliance

- 1. Madaket Wheelhouse, LLC – 13 Massachusetts Avenue (60-75) SE48-2893 (Cont. 2/19/2020)
- 2. Lohman – Great Point – (2-1.2) SE48-3087

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

Documentation Order of Conditions

Staff The Board of Health agrees and recommend issue.

Discussion (6:08) **Art Gasbarro**, Nantucket Engineering & Survey – This was the replacement of sess-pools with Title 5 compliant systems; this is in substantial compliance with the order.

Motion Motion to Issue. (made by: Topham) (seconded)

Vote Carried unanimously

E. Orders of Condition

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

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Put in normal flood-zone conditions.
 Discussion (6:11) None
 Motion **Motion to Approve.** (made by: LaFleur) (seconded)
 Vote Carried unanimously

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

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff The invasive material is to be monitored for regrowth
 Discussion (6:12) None
 Motion **Motion to Approve.** (made by: LaFleur) (seconded)
 Vote Carried unanimously

3. Margeret Zarcone – 16 Cherry Street (55-379) SE48-3274

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff No waiver was required; standard pool conditions.
 Discussion (6:13) None
 Motion **Motion to Approve.** (made by: Beale) (seconded)
 Vote Carried unanimously

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

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Noted the correction about the closing date. Standard conditions.
 Discussion (6:14) None
 Motion **Motion to Approve as amended.** (made by: Topham) (seconded)
 Vote Carried unanimously

5. Claire F. Salvatore – 13 Old Westmoor Farm Road (41-826) SE48-3275

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff Standard pool conditions; no waiver needed.
 Discussion (6:15) None
 Motion **Motion to Approve.** (made by: LaFleur) (seconded)
 Vote Carried unanimously

6. Lower Pocomo Nominee Trust – 88 Pocomo Road (15-42) SE48-2690 **Reissue**

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions
 Staff This came back due to a typographical error.
 Discussion (6:16) None
 Motion **Motion to Reissue.** (made by: Engelbourg) (seconded)
 Vote Carried unanimously

F. Other Business

1. Approval of Minutes 1/22/2020: adopted by unanimous consent.
2. Monitoring Report - None
3. Enforcement Actions

- a. SE48-2824 - Daily Logs, Shoreline 2020 Contract, 80th Survey Report 2019, Aerial Survey Methods, Sand Analysis update, Amendment to Enforcement Order to include Condition #28.

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff The reports and surveys are posted to the Town website for view. Still waiting for results from the Testing. Been looking at actual conditions of the geotubes; about 2/3of what is uncovered but they haven't been allowed to recover. We're waiting to hear from Town Counsel regarding Condition 28
 Discussion (6:20) **Engelbourg** – We've asked 'Sconset Beach Preservation Foundation (SBPF) to provide a weekly photo of the conditions to show how much is exposed. He still hasn't seen them. He asked for them to be separate from the daily log.
Erisman – Those photos are included in the daily log.

Engelbourg – Reviewed the aerial surveys provided by SBPF and their contractors. They start in July 2013 prior to installation of the geotubes; following surveys were done in 2016, August 2017, May 2018, & 2019: photogrammetry and LIDAR. In his opinion, the 2017 survey is the best; it only went as far as the high-water mark and lacked technical information. In 2018, put in only Lidar data and didn't calculate the changes in volume above the geotubes with calculations only of the geotube area. Feels it is important to have the data from both the photogrammetry and LIDAR.

Erisman – Questioned if the Commission should be asking how and when the surveys are done.

Engelbourg – Stated the 2019 report is probably no longer valid and the Commission should get a new report.

Topham – We need active surveys of the geotubes; they’ve been doing surveys.

Engelbourg – We don’t have a lot of helpful information from the surveys with serious issues with the provided aerial data. We should require the annual surveys happen in the same month. There are issues with mitigation and environmental factors. Surveys at different times of year end up with different results. He has issues with the ground shoreline survey; it’s his understanding that the aerial survey should be separate from the ground survey.

Erisman – Asked Mr. Engelbourg to detail what the Commission wants out of the surveys.

Engelbourg – Noted that the he and the Commission’s independent reviewer, Greg Bergman, had similar concerns with the reports. We need data taken the same way at the same time every year.

Carlson – Asked Mr. Engelbourg to provide that list to Staff and they will put forward that to SBPF.

Phillips – These requests are what DEP looks at; looking at the data we’ve got, if it isn’t consistent, it is a concern for here that DEP’s latest decision was based upon incomplete information.

Carlson – That is a concern with every project; we are always improving with data collection. Regarding Condition 28, which addresses mis-reporting in Spring 2018, Town Counsel George Pucci, KP Law, felt that it was the same time period the quarterly survey was missed; amending the enforcement to include Condition 28 is the appropriate course of action. When you issue out an enforcement, they can be for multiple conditions at the same time.

Golding – They still have clearly met two failure criteria; he doesn’t see how it can all be lumped into a singular episode.

Carlson – There are still two enforcements: missed monitoring and clean fill. Including Condition 28 in the Enforcement Order doesn’t change the number of criteria they have failed to meet. The commission has to vote to amend the Enforcement Order. Detailed the listed failure criteria; we have held off on issuing out the Enforcement Order on the sand mitigation pending the testing report. The issue is quantifying that failure correctly; if the sand is found to contain biological contaminants, that is a more extreme failure that involves the Health Department.

Erisman – If Town Counsel says amending the existing order is appropriate, she’s willing to go with his decision.

Motion

Motion to Issue an amended Order of Enforcement to include Condition 28. (made by: Topham) (seconded)

Vote

Carried unanimously

Erisman – In the 2020 shoreline monitor contract, it seems in place of the quarterly surveys, they are proposing three ground-based surveys and one aerial survey; he thinks that is not acceptable based upon data received so far. We should require four (quarterly) ground-based surveys and they can do an aerial survey if they choose.

R.J. Turcott, Nantucket Land Council, Inc. – The proposal states for quarterly topographic survey extended to five feet below mean-low water. This is to include potential sandbars; Mr. Bergman recommended going to two or three feet below mean-low water as opposed to extrapolating.

Erisman – Consistent and reasonable data everyone can read is important. Also, if SBPF had to extrapolate, they should provide the reason(s) why.

b. SE48-3115 – DEP Superseding Order of Conditions.

Sitting Staff

Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

We want the public to know that superseding order was issued at the end of January 2020 and the appeal period ends February 11. Executive Session discussions are on-going.

Discussion (6:59)

Erisman – Reminded commissioners not to discuss items brought up in Executive Session.

D. Anne Atherton, Nantucket Coastal Conservancy – Asked the process if the ConCom is contemplating action; is that done in closed session then vote in open session. Asked how the public will know if action is being taken.

Carlson – The commission will publicly announce any decisions made in Executive Session as part of the closure of those executive sessions.

Atherton – Whether or not ConCom takes action has a bearing upon whether or not other Island entities take action. With the end date of February 11, the window is closing.

Carlson – If the Commission files an appeal, it becomes public record as soon as that is sent in.

Atherton – There seems to be an error on the 1st page, 2nd paragraph of the superseding order; it states the NOI was filed jointly by SBPF and the Town; it was not filed jointly. If the DEP thought the application was joint with the municipality, that might have weighed in their decision.

Burton Balkind – Encouraged the Commission to appeal the DEP decision based upon SBPF’s track record as pointed out in the meeting today.

4. Reports:
 - a. CRAC, Golding
 - b. CPC, Topham
 - c. NP&EDC, Phillips
5. Commissioners Comment
 - a. None
6. Administrator/Staff Reports
 - a. None

Adjourned at 7:09 p.m. by unanimous consent.

Submitted by:
Terry L. Norton

PROPOSED



Salt Marsh Dieback – Marsh Restoration Research Project Progress Report: Fall 2019

Dr. Jennifer M. Karberg, Nantucket Conservation Foundation

Background and Purpose

In spring 2019, the Nantucket Conservation Foundation initiated a project to actively reduce populations of the native purple marsh crab (*Sesarma reticulata*) in two locations in Polpis Harbor. Increased grazing pressure from these crabs has dramatically reduced the health of Polpis Harbor salt marshes, leading directly to salt marsh die back. We actively reduced crab populations to allow the salt marsh to recover from grazing pressure and revegetate.

Salt marsh dieback in New England, driven by intensive herbivory by the native purple marsh crab (*Sesarma reticulata*), is the complete loss of stabilizing low marsh vegetation, particularly smooth cordgrass (*Spartina alterniflora*), leading to large expanses of exposed marsh soil sediment bordering harbors and marsh creeks. The loss of low marsh vegetation severely impacts salt marsh stability and function leading to increases in soil erosion, sediment softening/subsidence and exposure of a salt marsh to increased impacts associated with climate change and sea level rise. Research currently suggests that recreational fishing pressures decrease fish predator populations, allowing purple marsh crab populations to explode and without control, the marsh vegetation is overgrazed. Exposed marsh sediments can quickly experience subsidence, losing elevation to the oxidation and decomposition of organic soils, as well as erosion from normal wave and storm events. Once lost, marsh elevation and sediment structure is very difficult to rebuild, leaving salt marshes vulnerable to increased impacts from sea level rise.

Salt marsh dieback in New England was first observed on Cape Cod in 2004 and now, after over a decade and a half, marshes appear to be recovering as crab populations naturally decrease. The recovery of these marshes is a positive sign that, with the reduction of crabs, salt marsh vegetation will naturally recolonize. Unfortunately, due to sediment erosion and softening, even though these marshes are revegetating and serving valuable salt marsh habitat functions, they are less stable and more at risk to erosion and sea level rise than prior to the dieback event.

Salt marsh dieback was not observed on Nantucket until around 2012, almost a decade behind the rest of Cape Cod. So, while salt marshes on the mainland are beginning to recover, our marshes are just now in the midst of active overgrazing and dieback. This gives us a unique opportunity to potentially control the purple marsh crab and facilitate salt marsh revegetation before losing valuable soil sediments.

This project was designed as a pilot study (a smaller-scale study intended to facilitate the design of larger scale research and restoration projects) to examine potential methods for actively reducing current, overabundant purple marsh crab populations while reestablishing smooth cordgrass within recently exposed soils. As a pilot study, this project attempted to reduce crab populations through active trapping and reestablish smooth cordgrass in two impacted salt marshes in Polpis Harbor. As a reference, we will also be tracking smooth cordgrass dieback and crab populations in an adjacent marsh just outside of Polpis Harbor that has been used as a reference marsh in previous research conducted by the Nantucket Conservation Foundation's Science and Stewardship Department.

Although very staff time intensive, the potential success of this pilot project will inform the feasibility of larger scale salt marsh dieback restoration on Nantucket and even other areas of Cape Cod that are still in recovery. As far as we can determine, no other organizations are studying how anthropogenic manipulation of the crab populations influences the trajectory of dieback and recovery in salt marshes.

Objectives: Restoration of sediment stability and function to salt marshes experiencing dieback of smooth cordgrass resulting from increased populations and resultant herbivory by the native purple marsh crab. To achieve these objectives, we propose to aggressively reduce the grazing population of purple marsh crabs from two salt marsh locations in Polpis Harbor. Populations will be reduced through bi/tri-weekly trapping and removal of purple marsh crabs. In addition, to begin stabilizing marsh soils, we propose to install dense block plantings of smooth cordgrass at both marsh locations.

Field Methods:

Crab Population Reduction

In May 2019, we placed crab traps at two marshes in Polpis Harbor: Medouie Creek (n=18) and 5QPR (n=8). Traps were placed along the dieback fringe (the transition zone between bare soil and vegetation). Traps consisted of empty tennis ball cans, sunk into the soil until the can rim is flush with the soil surface. Purple marsh crabs are nocturnal, moving across the marsh surface at night, they encounter the can and fall in and the smooth can sides prevent the crabs from crawling back out.

Traps were deployed and open in the two research areas over the entire field season (May 12, 2019 – October 25, 2019). Traps were visited 2 times a week with all crabs removed and counted in each trap. In addition to the purple marsh crab, we also captured the invasive Asian green crab and the native fiddler crab in our traps. Both purple and green crabs were euthanized and removed from the wetland area; fiddler crabs were released alive back to the wetland.

Smooth Cordgrass Revegetation

Initially, this project called for planting of cordgrass out in both research areas and monitoring over the course of the summer. Unfortunately, the nursery experienced an extensive loss of stock and we were not able to find another source in an appropriate time period. This objective may be revisited in 2020.

Individual Marsh Physical Characteristics

To document seasonal changes in dieback status, we GPSed the dieback fringe at the two research marshes and the reference marsh at the beginning and end of the field season. We also examined the fringe edge for visual evidence of browse and documented counts of incidence of browse.

Results and Discussion:

Crab Population Reduction

From May-October 2019, we captured a total of 439 purple marsh crabs and 187 Asian green crabs combined between the two research locations (Figure 1).

The highest density of purple crabs occurred in September which crab capture numbers increasing slowing through May and decreasing almost completely by the end of October. Significantly more crabs were captured both over all and over time at the Medouie Creek location (n=320) than the much smaller QPR5 location (n=144) (Figure 2). This was expected given both the difference in size of the properties and the degree of dieback at each property. Both sites showed the same pattern of purple crab density with crab trapped numbers slowly increasing through May and staying steady through the summer. The largest peak of trapped crabs occurred in September at both sites with a dramatic decrease through the month of October (Figure 2).

Asian green crab capture numbers were highest in June and July with a dramatic decrease in capture rate as the summer progressed. Green crabs can reach significantly larger sizes than purple crabs and its possible our traps were no longer large enough to capture them. Additionally, green crabs tend to move off the marsh surface and into more open water as the season progresses which would also explain our lower capture numbers.

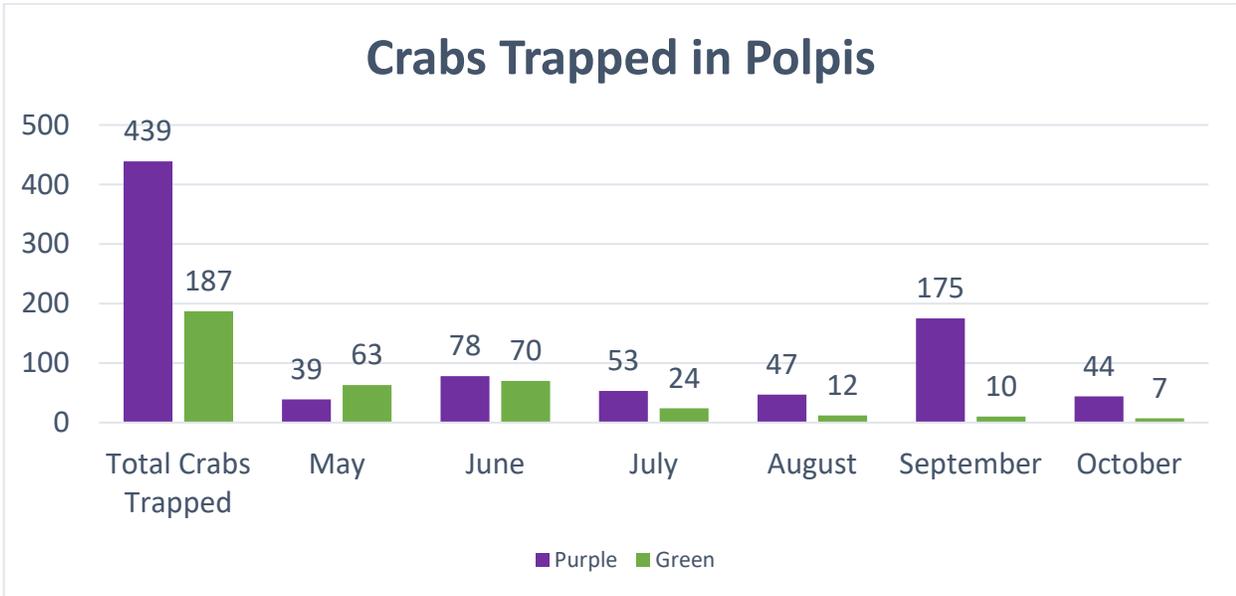


Figure 1: Total Crabs of each species captured over the course of this study as well as within each month.

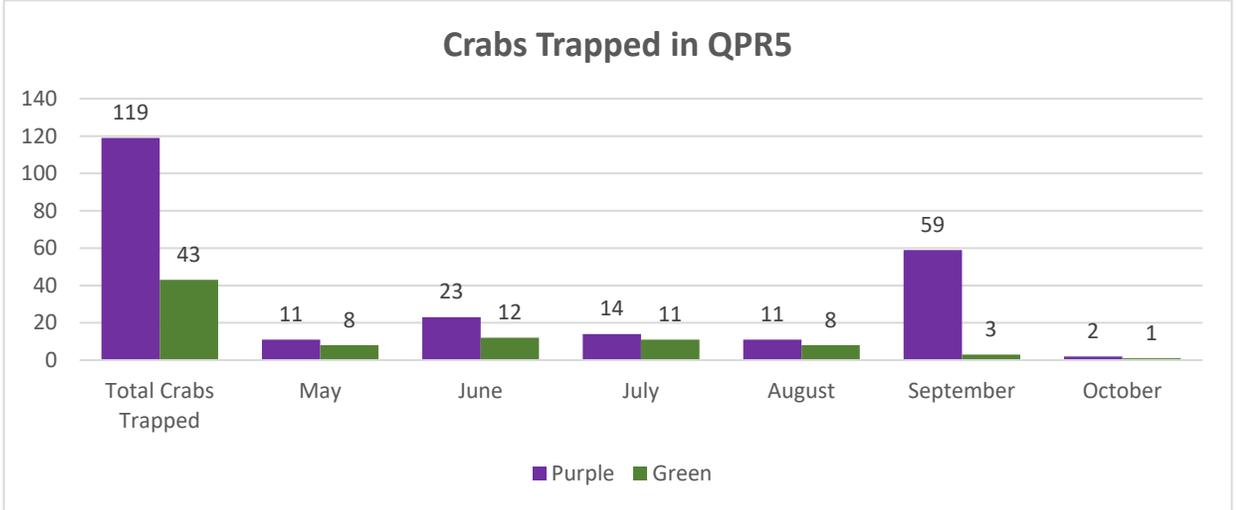
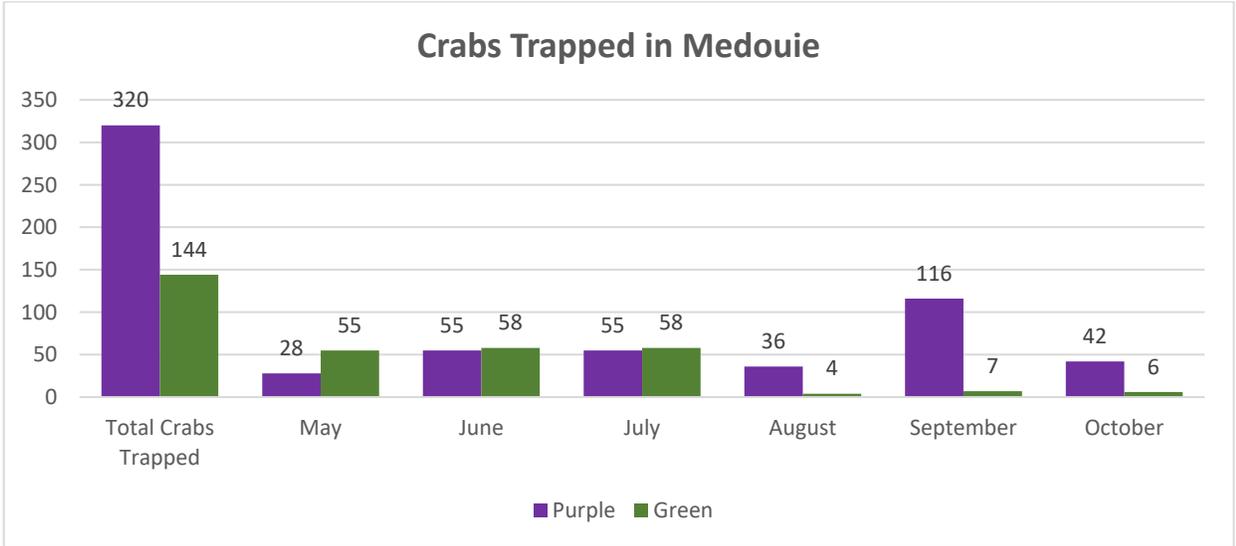


Figure 2: Total crabs trapped at each sample site over the course of the study and within each month.

Twice over the 2019 field season we estimated purple crab populations within our treatment marshes and an additional control marsh. Crabs were trapped but released from all three sites over one week at the end of May and one week at the end of August. Purple crab population numbers were reduced at both treatment marshes in the last week of August (after 15 weeks of continual crab removal). No significant difference in crab numbers was observed at the control marsh between the last week of May and the last week of August (Figure 3). This indicates that we were most likely successful in reducing overall crab population numbers in the treatment marshes. In 2020, we plan to survey a week of population numbers in September, which our data indicated was the time of highest population numbers.

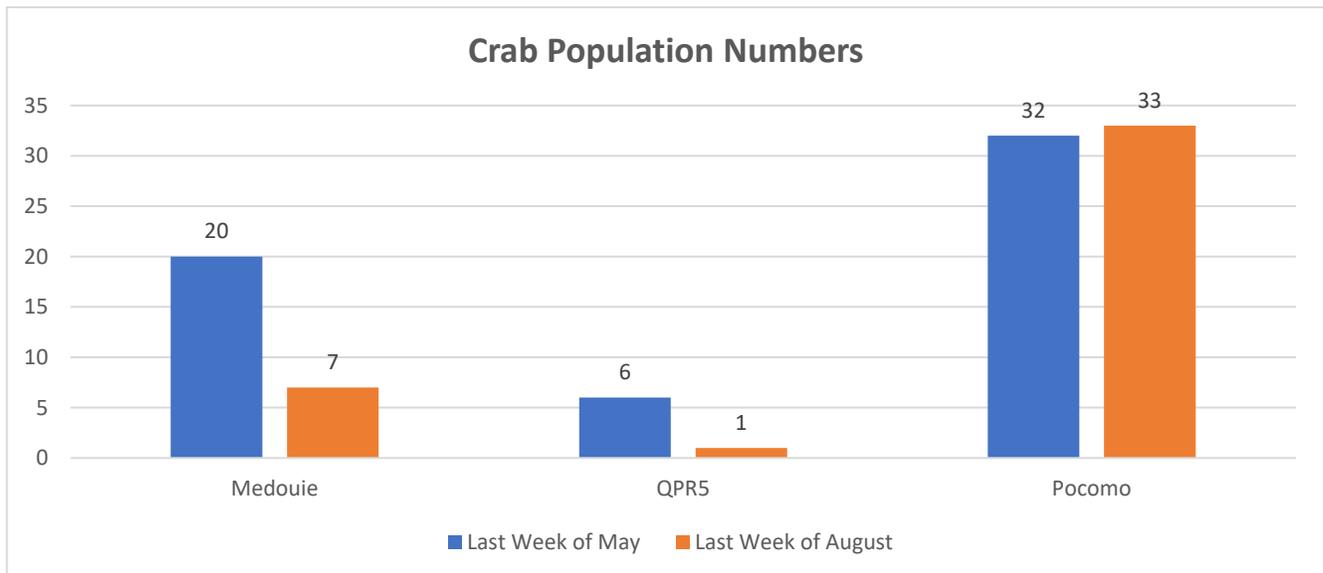


Figure 3: The last weeks of May and August illustrating overall population numbers in the two treatment marshes and one control marsh where the population was not managed.

Smooth Cordgrass Revegetation

Unfortunately, our contracted supplier of Smooth Cordgrass experienced a massive loss of crop and we were not able to obtain cordgrass to outplant at the treatment sites. We plan to attempt this again in 2020.

Active reduction of the crab populations did appear to allow Smooth cordgrass to natural begin revegetation on the dieback surfaces of the marshes, which we could document directly at Medouie Creek. In August of 2015 2018 and 2019 we used handheld GPS units to document the area extent of dieback at Medouie Creek. Between 2015 and 2018 we observed steady increases in the size of the dieback area, progressively moving back from the main ditch area. Between 2018 and 2019, we observed a decrease in the dieback area from 0.24 acres to 0.17 acres with smooth cordgrass regeneration in various locations along the ditch (Figure 4). This was the first time in over five years that smooth cordgrass was observed recolonizing the dieback area at this marsh.

Additionally, visual surveys of the dieback edge showed only a few instances of browse at both sites in the month of September. IN previous years, significant browse could be observed along the entire length of the dieback area. While only qualitative observations, this additional information provides strong support to the reduce of impacts from the purple marsh crab on smooth cordgrass resulting from the active reduction project.

The dieback area at QPR5 was documented for the first time in 2019 so we cannot document a decrease in the area but a lack of significant browse in potential indicative that the removal of crabs will benefit this area over time as well.

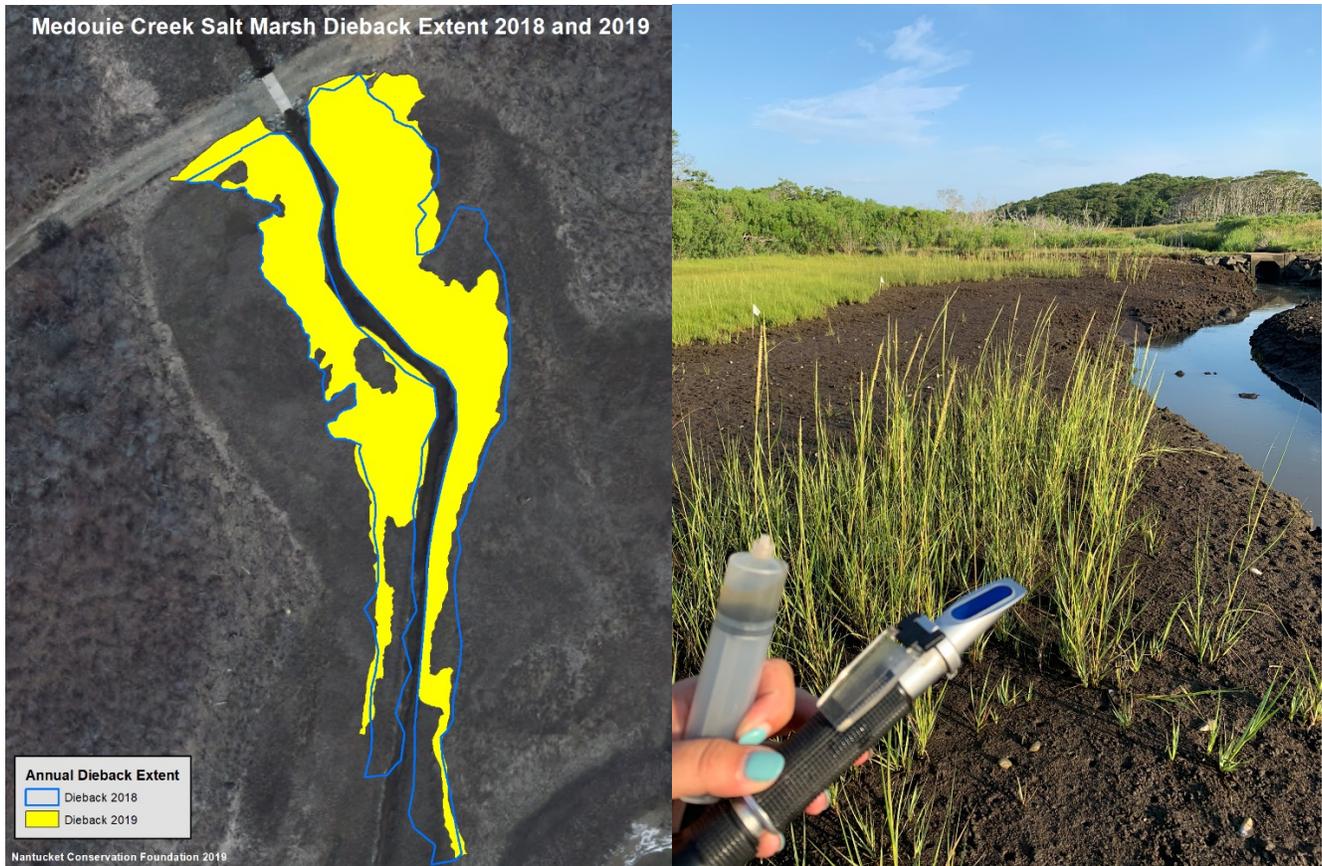


Figure 4: Extent of dieback along Medouie Creek measured in 2018 and 2019. Dieback area decreased in 2019 (0.1667 acres) compared to 2018 (0.2423 acres) with smooth cordgrass recruiting into the dieback area as seen in the photo.

Conclusions

This first pilot year of active purple crab removal appeared to be a successful way to facilitate recovery of the dieback areas of salt marshes in Polpis Harbor. Even though traps were checked multiple times a week, field efforts were minimal for a fairly significant result. Smooth cordgrass was observed recolonizing the dieback area at Medouie Creek, which was reduced in area for the first time in at least 5 years.

In 2020, we plan to continue crab trapping and removal from both sites as well as population monitoring at our control. We will also again attempt to obtain smooth cordgrass to outplant for restoration at both sites to accelerate the recovery of these salt marshes and promote both marsh health and resiliency.

February 27, 2020

Email (jdodd@nantucket-ma.gov)

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Monitoring Report
DEP File #SE48-3188
72 Pocomo Road (15-37)
Nantucket, Massachusetts

[LEC File #BIAI\16-345.01]

Dear Members of the Commission:

On behalf of the new Property Owner, 72 Pocomo Road, LLC, LEC Environmental Consultants, Inc., is submitting this Monitoring Report for the 2019 growing season, as required under the Order of Conditions (DEP File #SE48-3188) issued on April 10, 2019. Following issuance of the Order and subsequent transfer of the property on April 11, 2019, LEC met on-site with the property manager and landscaper on April 25, 2019, to review the required restoration measures. Ensuing restoration activities included:

- Installation of 4 x 4 cedar post permanent markers delineating the “Proposed Revegetation Areas,” as depicted on the *Proposed Restoration Plan of Land*, prepared by Blackwell & Associates, Inc., dated April 4, 2019.
- Removal of the soil/vegetative debris pile within the “Proposed Planting Area” and planting of highbush blueberry (*Vaccinium corymbosum*) and arrowwood (*Viburnum dentatum*) shrubs.

Representative site photographs during the growing season are attached. As depicted, native vegetation within the “Proposed Revegetation Areas” is successfully regenerating, mostly notably bayberry (*Myrica pensylvanica*) and goldendrods (*Solidago* spp.).

Devil’s snare (jimsonweed) was observed throughout the “Proposed Planting Area.” LEC has recommended to the landscaper to remove (by hand) existing stalks prior to the growing season. Additionally, any regenerating plants this summer are recommended to be removed by hand and left to desiccate outside of the restoration areas and/or brought to the Madaket solid waste digester. Additional restoration measures may be necessary to ensure successful establishment of the planted highbush blueberry and arrowwood shrubs.



The restoration areas will continue to be monitored during the 2020 growing season, and a summary report will be submitted at the end of the growing season to the Conservation Commission. Best Management Practices (BMPs) will be implemented, as necessary, to manage devil's snare and ensure invasive species do not propagate or vines deter natural regrowth within the restoration areas.

If you have any questions or require additional information, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

A handwritten signature in black ink that reads "Brian T. Madden".

Brian T. Madden
Wildlife Scientist

Attachment: Photographs



Photographs 1 & 2: Easterly Revegetation Area (typical), cedar posts along lawn edge.





Photograph 3: Central Revegetation Area.



Photograph 4: “Proposed Planting Area” with planted arrowwood and highbush blueberry shrubs along with devil’s snare—to be managed.

2020

SBPF Site Inspection Report/Log

Inspector: Ali Tepsurkayev

Date: 02/24/20 Time: 11:08 am Weather: Sunny 51°F

General Site Conditions:

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

Length of Exposed Geotube:

~ 150 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: 02/25/20 Time: 7:21 am Weather: Cloudy 45°F

General Site Conditions:

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

Length of Exposed Geotube:

~ 100 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: 02/26/20 Time: 7:31 am Weather: Cloudy 46°F

General Site Conditions:

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

Length of Exposed Geotube:

~ 100 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: 02/27/20 Time: 7:31 am Weather: Cloudy 44°F

General Site Conditions:

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

Length of Exposed Geotube:

~ 100 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: 02/28/20 Time: 7:58 am Weather: Sunny 35°F

General Site Conditions:

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

Length of Exposed Geotube:

~ 100 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

COASTAL PROCESSES SPECIALIST
WOODS HOLE SEA GRANT | CAPE COD COOPERATIVE EXTENSION
gberman@whoi.edu | gberman@barnstablecounty.org
508-289-3046 | 193 Oyster Pond Road, MS #2, Woods Hole, MA 02543-1525

February 18, 2020

TO: Nantucket Conservation Commission

CC: none

FROM: Greg Berman, Coastal Processes Specialist (WHSG & CCCE)

RE: Independent review of OHI Sand Sampling Report



Background: Since the inception of the coastal processes position established within WHSG & CCCE, on-site and remote technical assistance on coastal processes has been and continues to be an on-going, effective technical information communication and dissemination tool. Technical assistance relating to coastal processes, shoreline change, erosion control alternatives, coastal landform delineation, potential effects of various human activities on coastal landforms, coastal floodplains, coastal hazards and hazard mitigation analyses, and dune restoration techniques provided in the field and remotely will continue to be provided on an as-needed basis. Site visits generally address site-specific coastal processes or coastal hazards related issues. Follow-up unbiased, written technical alternatives analyses are generally provided.

Site Details: The conservation commission for the town of Nantucket requested a 3rd party, independent reviewer to examine the 02/06/2019 Sand Sampling Report, prepared by OHI Engineering, Inc. (OHI) for Epsilon Associates, Inc. (Epsilon). According to the report, 10-12,000 cy of sand was placed on the geotube template in autumn of 2019. Approximately 4,000 cy of this material is “suspect” and the conservation commission issued an Enforcement Order on 12/11/2019 that included chemical and biological testing of the template, template to MHW, and MHW to MLW. Samples were collected 01/3-5/2020, which was several months after the suspect sand was placed. It should be noted that the Coastal Processes Specialist is not a Licensed Site Professional (LSP), and that the goal of this report is to indicate if the suspect material is different from the typical material in the template and the natural environment. A LSP (and/or DEP, BOH, etc.) could be consulted to determine if there is a hazard to health due to the material.

More information might be helpful on the statement that “samples sent for laboratory analysis were selected based on visual and olfactory evidence.” At least qualitative statements about the odor would have been helpful (i.e. did the material smell like oil, etc.). Also, grain size might have given data for the soil characterization. This lack of data does not indicate that an analysis cannot be performed, just that certain assumptions must be made (ex. Consistent grain size between samples, etc.).

Sampling Frequency: According to the OHI report eight samples were collected and analyzed for each of the following areas:

- Typical Sand Template (1 sample per 1,000 cy)
- Suspect Sand Template (1 sample per 500 cy)
- Between Template and MHW
- Intertidal Zone

This sampling frequency would typically be adequate for beach nourishment characterization, but I would yield to a LSP for potentially hazardous material in soil.

General Chemistry: Not of concern

All samples were tested for pH and were near neutral (not acidic or basic).

Chemical Constituents: Not of concern

All samples were tested for: Total Petroleum Hydrocarbons (TPH), Volatile Organic Compounds (VOCs), Polynuclear Aromatic Hydrocarbons (PAHs), RCRA 8 Metals (As, Ba, Cd, Cr, Pb, Hg, Se, Ag) plus Zinc (Zn).

No VOCs, PAHs or TPH were detected. These particular contaminants mobilize quickly in sandy material, and the placement (dumping over the top of the bank) and shaping (forming into the

template) may have mixed the material and allowed some to volatilize (aka evaporate or disperse in air). However as there is no detection of these constituents (other than one very minor PID reading) it is likely that they were not significantly present during placement.

While several metals were detected, they were all below state levels and are likely not resulting from human activity.

Biological Constituents: Potential for concern

All samples were tested for: Total Coliform (TC), Nitrates/Nitrite, Total Kjeldahl Nitrogen (TKN), Phosphorus, Phosphate.

The maximum suspect sand value (1,000 mg/kg) for Total Phosphate is more than double the values for all other areas. While it might qualify as a “similar soil” under DEP guidance, it is still likely from a different source than from the rest of the typical sand template.

Total Phosphate	Min (mg/kg)	Mean (mg/kg)	Max (mg/kg)
Typical Sand Template	250	368	480
Suspect Sand Template	510	702	1,000
Between Template and MHW	65	173	440
Intertidal Zone	31	75	330

While the maximum suspect value (630 mg/kg) for TKN is more than double the value for the rest of the template, the outliers are the non-detect above MHW and the high value in the intertidal zone. Salt can affect the methods of nitrogen analysis, but it is unknown why this value is so high.

TKN	Min (mg/kg)	Mean (mg/kg)	Max (mg/kg)
Typical Sand Template	100	142	260
Suspect Sand Template	160	241	630
Between Template and MHW	-	-	-
Intertidal Zone	150	213	1,100

The most concerning result in all of the testing is for TC. Values, reported by OHI, for the Most Probable Number per gram (MPN/g) are below:

- Typical Sand Template 18.6 MPN/g;
- Suspect Sand Template 263.4 MPN/g;
- Between Template and MHW 414.9 MPN/g;
- Intertidal Zone 0.2 MPN/g;

As the OHI reports suggests, it is reasonable to assume that the low value for TC in the Intertidal Zone is due to saltwater degradation and rapid mobilization by wave action. Looking at the list above the TC in the suspect sand is significantly higher than in the typical sand, but is lower than the TC in the beach samples. This suggests that there might be another source for the high concentrations in the

beach samples other than the suspect sand. However, it should be noted that the list above is from OHI report’s discussion, which reported the average of the eight samples and not the maximum detected value of all the discrete samples. The DEP guidance (WSC#-13-500) quoted in the OHI report recommends that *“The simplified comparison shall be made using the maximum values of the OHM concentrations in both the soil at the receiving location and the soil proposed to be disposed of or reused.”* The raw data with maximum and statistics were in the data tables of the OHI report, some of which are shown in the table below.

	TC	Min (MPN/g)	Mean (MPN/g)	Max (MPN/g)
Typical Sand Template		2	19	538
Suspect Sand Template		28	263	1,541
Between Template and MHW		91	415	1,589
Intertidal Zone		0.2	0.2	0.2

The higher, than suspect sand, **mean** values of TC in the beach samples might suggest birds/seals as indicated in the OHI report, however the **maximum** values of the suspect sand and the beach samples are very similar. This suggests that the high values in the beach may have come from the suspect sand. This could have been more definitively established if additional beach samples were collected and analyzed further away from the geotubes, to provide a background level of TC on the beach.

This area has typically been a relatively “clean” beach on Nantucket. It should be noted that Sconset Beach has only had one exceedance (in 2005) of the MA Enterococcus Bacterial Standard since 2003. However, this graph is from water sampling, not sand sampling (as per the OHI report), and there may not be a direct correlation between sand and water TC.

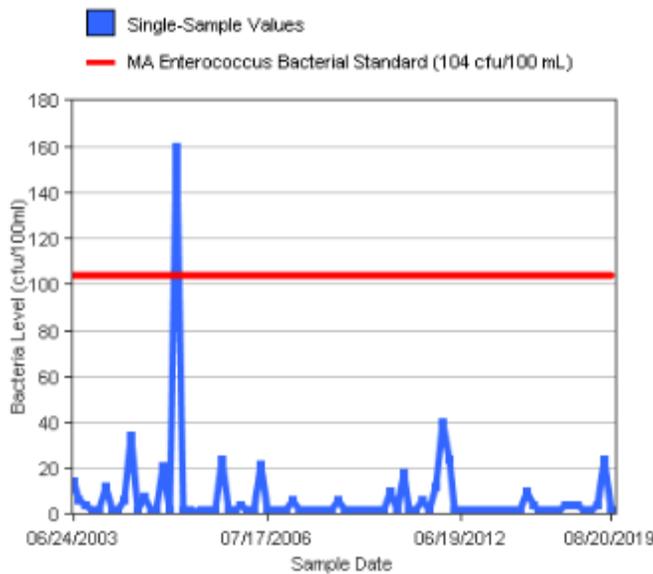


Image from: <https://ma-beaches.healthinspections.us/beaches.cfm?bID=12266&func=details>

Bacteria (i.e. TC) will die off relatively fast in dry, coarse sand, especially in a sunny environment with energy from wind and/or waves, however dumping soil laden with TC and nutrients over the side of a coastal bank is not an appropriate method of remediation. The conservation commission will have to determine if the applicant will need to remove the suspect sand or attempt to aerate/mix it in-situ, both would need additional sampling and analysis of TC, N, and P to demonstrate a cleaned up site.

Summary: The suspect material is significantly more contaminated than typical sand template material with respect to Total Coliforms. Nitrogen and Phosphate is also elevated in the suspect material. All of these constituents will likely be relatively quickly degraded due to the coastal environment. The conservation commission could coordinate with a LSP/DEP/BOH to determine any potential environmental or health hazard.



Projects:\21597\

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February 28,2020

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

Via Electronic Mail

Subject: DEP File No. SE48-2824 - Template Sand

Dear Mr. Carlson:

On behalf of the Siasconset Beach Preservation Fund ("SBPF"), Epsilon Associates Inc. ("Epsilon") submits this letter in response to the letter prepared by Mr. Greg Berman regarding template sand sampling results. At the March 4, 2020 Public Meeting we also wish to discuss two other matters regarding the Sconset bluff, those are removing exposed debris from the bluff at 85 Baxter Road, and the use of Polpis Harbor sand on the template. First, we address Mr. Berman's comments below.

MR. BERMAN COMMENTS DATED FEBRUARY 18, 2020

In response to the Enforcement Order issued by the Nantucket Conservation Commission ("Commission") SBPF proposed to remove man-made debris from the template sand so that it would not be deposited on the beach when sand off the template is eroded off the template and onto the beach. Methods were discussed with the Commission at the December 18, 2020 Public Meeting. A common-sense method of pushing sand off the template and onto the sloped face of the template was discussed, with ongoing monitoring during sand deposition and afterwards to remove man-made objects (e.g. brick, concrete, timbers, etc.) from the template face as it was exposed. The Commission appeared generally favorable with that common-sense approach but requested the sand be tested for chemical and microbial constituents to determine if it was contaminated before it was pushed off the top of the template.

A sand sampling pan was prepared by OHI Engineering Inc. ("OHI") and submitted to the Commission. After requesting some minor changes, the OHI sampling plan was revised and the revised sampling plan was approved by the Commission and implemented. The

results of that sampling were presented to the Commission in a report dated February 6, 2020 and those results were discussed at the February 19, 2020 Public Meeting.

Chemical Results

The results of that sampling showed no anthropogenic sand contamination – 1) no chemical constituents were detected, 2) no metal concentrations were observed above natural soil concentration (in fact the chemical and metal concentrations reported by OHI meet RCS-1 standards which means they are safe for use on residential properties); 3) grey sand and tan sand nutrient concentrations were determined to be similar, and 4) total coliform (“TC”) counts were considered to be different in grey sand and tan sand.

Mr. Berman agreed that the general chemistry and chemical constituent (VOCs, TPH, metals) results are “not of concern.” The sand sampling results show the sand is not contaminated by constituents originating from human activities.

Nutrient Results

I previously noted to the Commission in my letter dated December 26, 2019, that any nutrients that may be present in template sand pose not environmental risk to the coastal receiving waters into which it is carried, i.e. the open ocean off the Nantucket coast. The following reiterates that point and is re-submitted in response to Mr. Berman’s letter.

Nutrient (Phosphorus and Nitrogen) concentrations were noted to be different in grey sand and tan sand, however following MassDEP procedures nutrient concentrations were found to be similar. When looking at the fate and transport of the nutrients, that is they will be carried out into the open ocean, these nutrients will have no effect on the receiving water quality.

First, saltwater water bodies are not generally Phosphorus (“P”) limited, meaning that an increased P concentration in the open ocean will not stimulate an increase in primary productivity, i.e. algal growth.

Saltwater waterbodies are generally Nitrogen (“N”) limited meaning increase N input can stimulate increased primary production. That is not of concern in well mixed waterbodies such as the waters off Nantucket. Off Sconset in particular, the waters are subjected to high energy waves and strong currents, and those conditions coupled with the shallow waters means these receiving waters are well mixed. Any excess plankton will remain well mixed throughout the water column in the waters off Nantucket. Excessive primary productivity (“algal blooms”) become a problem in two scenarios: 1) in shallow stagnant waterbodies or waterbodies with poor flushing. In those situations, the excess plankton settles out in the bottom and decays. Microbial degradation of the dead plankton lowers dissolved oxygen (“DO”). If DO drops below a threshold (generally 5mg/l) it can be deleterious to water quality and aquatic life. 2) In stratified waterbodies such as deep lakes and deeper ocean water (for example Massachusetts Bay) the colder, denser water remains in the deeper zone and the warmer less dense water remains near the surface.

These waterbodies experience spring and autumn turnover as the temperature differences change. However, in stratified (or not well mixed) waters, plankton that settles out in the deeper zone will be degraded by microbial action and that can lower the DO in the deeper zone (bottom waters).

As discussed above, the waters off Sconset are shallow and well mixed meaning that a one-time slug of N from any sand contributed off the template will not lead to an algal bloom in the waters off Sconset.

Bacterial Results

With regard to total coliform (“TC”), the OHI Report commented on TC counts observed in the sand delivered to the template this past autumn. Despite a detailed in-person presentation of data during the February 19, 2020 Public Meeting, the Commission appeared to still have concerns. We decided therefore to engage Ms. Denise Kmetzo, MPH, DABT at Collaborative Risk Solutions LLC to review the potential risk to human health. The results of her assessment confirm prior analyses that the template sand relative TC poses no significant human health risk.

Mr. Berman noted that the grey sand and beach sand TC counts were similar, however he noted sources other than grey template sand may account for the similarities in TC counts observed in the grey sand and beach sand samples.

As the data show and Mr. Berman noted, the intertidal sampling results show almost no TC was present in the intertidal zone. Only three of eight samples tested positive for TC in this zone and those counts were 0.2 MPN/g (or 1 MPN/5g of sand) which means TC is virtually absent in the intertidal sand. Mr. Berman concurs with the conclusion presented in the OHI report that the bacteria will die off in the inhospitable coastal environment – dry, coarse sand and exposed to sunlight. Thus, we concur with Mr. Berman’s suggestion, and offered it independently even before reading his comments, that a common-sense method to accelerate TC die-off is to spread the grey sand out on top of the template to expose it to sunlight and wind (increased UV exposure and desiccating winds) and then to mix it with tan sand to increase the coarseness of the grey sand so that it will continue to drain well and desiccate while atop the template, before it is pushed over the side. Note as previously discussed during the previous Public Hearing, that while template sand is pushed over the side and on the template side slope the act of tumbling down the slope will aerate and loosen the sand helping it to desiccate and it will be exposed to UV while on the side slope. Once on the beach and in the intertidal zone it will continue to die-off (degrade) faster when exposed to UV radiation and saltwater. Thus, we generally concur with the Mr. Berman’s comments.

We disagree with his suggestion that pushing the sand off the template is a “remediation” method. As Ms. Kmetzo notes, remediation is the action to reduce concentrations of constituents to achieve or approach background levels. Pushing the sand off the top of template is proposed to contribute sand off the template and into the littoral zone by wave action, erosion. It is not a TC remediation action.

Conclusion

In conclusion, we assert the sand on the template does not pose a significant human health risk, it does not present a risk to the environment (that is to the receiving waters), and the SBPF has proposed a method to remove man-made debris from the template sand to avoid it from washing onto the beach and into the water. Therefore, we respectfully request permission from the Commission to spread out grey sand atop the template, and mix it with tan sand on the template in situ (consistent with an option suggested by Mr. Berman) then push it over the side where any TC present in the sand will die-off relatively fast in the coastal environment. After daily observations show no more debris eroding off the template then the daily inspections can be ended.

85 BAXTER ROAD

As discussed with the Commission in December 2019, there is debris buried in the lot where a large home formerly stood at 85 Baxter Road. This is an unprotected section of the bluff and as erosion advances the building material that remain are exposed and wash out onto the bluff toe and beach. In fact, it is possible that some of the bricks and other man-made debris from 85 Baxter Road has become mixed into the template because the sand ramp abuts 85 Baxter Road. We have discussed numerous times over the past months of allowing SBPF to remove the building materials protruding from the bluff face, including PVC pipe, cable, concrete footings, etc., but have been asked by the Commission to delay such removal until an agreement is reached on how to manage the sand on the template. We now ask that SBPF be allowed to remove this material as well as any such debris from the toe of the bluff in front of 85 Baxter Road. Removing this material will better allow everyone to better understand the extent to which the template sand acts as a source of man-made debris from this known source of man-made debris.

POLPIS HARBOR SAND

As the Commission is likely aware, the SBPF purchased the Polpis Harbor sand for use on the template. That material was tested prior to dredging pursuant to the procedures in 314 CMR 9.00, the MassDEP Water Quality Certification Regulations. That testing was performed by CLE Engineering (the Town's contracted engineer for the dredging project) and those results are in the Commission's files as part of the NO for the dredging project. That dredged material was shown to be sand with trace amounts of fines (sediment passing the No 200 sieve). Based on our file search no chemical testing was performed by CLE Engineering because per 314 CMR 9.07 the MassDEP can waive chemical testing for dredged material with less than 10% fines by weight and for which " ... *the required "due diligence" review demonstrates, to the Department's satisfaction, that the area is unlikely to contain anthropogenic concentrations of oil or hazardous materials.*" [314 CMR 9.07(2)(a)]

That procedure is the exact procedure the MassDEP recommends in their guidance for beach nourishment projects which is based on using dredged sand for beach

Mr. Jeff Carlson
Nantucket Conservation Commission
February 28, 2019

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nourishment (Beach Nourishment - MassDEP's Guide to Best Management Practices for Projects in Massachusetts, March 2007). Therefore, we believe the Polpis Harbor sand is acceptable for use on the template as the grain size documents it is compatible and the MassDEP determined by due diligence review that the sand was not contaminated. Given recent concerns with sand over the past four months however, we respectfully request that the Commission notify us before March 5, 2020 if you believe that delivery of the Polpis Harbor sand is not in compliance for use on the template.

We look forward to discussing these matters with the Commission at the March 4, 2020 Public Meeting. It is imperative that we reach a conclusion on these matters expeditiously. SBPF has committed to remove the 9,500 cy of Polpis Harbor sand from its current location in March 2020. We have provided all of the information requested since this issue was raised in November through presentations at numerous meetings and with numerous written submissions. We have agreed to a method of moving forward that the experts agree is safe and sensible. We have recommended revised protocols to avoid similar issues in the future. We respectfully request that we reach a conclusion at the March 4, 2020 meeting.

Sincerely,
EPSILON ASSOCIATES, INC.



Dwight R. Dunk, LPD, PWS, BCES
Principal

encl.

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

Denise Kmetzo, DABT
Collaborative Risk Solutions LLC
36 Fairview Avenue
Scituate, MA 02066

February 28, 2020

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

Via Electronic Mail

RE: Review of Total Coliform Information
Siasconset Beach Preservation Fund coastal bank erosion control project, Siasconset, MA

Dear Mr. Carlson,

I reviewed information provided by OHI Engineering, Inc. (OHI) in their February 6, 2019 Sand Sampling Report, as well as comments provided by Mr. Greg Berman of Woods Hole Sea Grant and Cape Cod Cooperative Extension in his February 18, 2020 Independent review of OHI Sand Sampling Report related to detections of total coliform (TC) bacteria in samples associated with the Siasconset Beach Preservation Fund (SBPF) coastal bank erosion control project. Per our discussion, I am providing you my perspective regarding the TC results as they may relate to human health risk. I have twenty years of experience in environmental risk assessment consulting and am the Principal at Collaborative Risk Solutions LLC. I have a Bachelor of Arts (BA) degree in Biochemistry from Middlebury College and a Master of Public Health (MPH) degree from Boston University, and am a Diplomate of the American Board of Toxicology (DABT). My consulting experience includes conducting exposure, toxicity, and risk assessments, and I currently serve as a member of the Toxic Use Reduction Institute (TURI) Science Advisory Board. The majority of my consulting work is performed at hazardous waste sites regulated under the Massachusetts Contingency Plan (MCP), and I regularly perform risk characterization in accordance with MassDEP guidance and the MCP regulations. While the SBPF coastal bank erosion project is not an MCP project, I have applied general principles of risk assessment used by MassDEP to review the information.

I understand that 6,000 – 8,000 cubic yards of typical sand and approximately 3,000 to 4,000 cubic yards (cy) of grey sand were placed on the sand Template at the coastal bank stabilization project in autumn 2019. I understand that the grey sand was recycled sand and that it did not include any known effluent or septic sludge. The “typical” or tan sand and grey Template sands, as well as sand present on the beach between the Template and mean high water (MHW), and sand within the intertidal zone were sampled for a variety of chemical and biological parameters, including Total Coliform (TC). The purpose of sampling was to determine if the grey sand differed from sand typically used to re-cover the Template, and whether or not the recycled sand was contaminated.

OHI reported concentrations of naturally occurring soil bacteria in the sands, and differences in bacterial counts between the grey and brown sand samples. OHI, following an established process identified by MassDEP guidance to examine for similarity between samples, noted that TC counts in grey sand and typical sand are not similar. Mr. Berman provided an additional comparison of grey sand material to the beach sand (between the Template and MHW) and noted that the maximum counts in beach sand is similar to the maximum grey sand counts, which may suggest that the high values on the beach may have come from the grey sand. Mr. Berman also noted that results suggest that there may be a source for concentrations of TC in beach sand other than the grey sand. Based on my review of the sampling results and figure only (and no visit to the site), it is not evident that grey sand is a potential source of TC to beach sand. The lowest reported value of TC in beach sand (<0.2 MPN/g) was reported at Beach-4, which is located adjacent to the highest reported value in grey sand (>1598.82 MPN/g at Ledge-4 (GREY)) and the second-highest reported value in typical sand (91.11 MPN/g at Ledge-4 (TAN)). I agree with Mr. Berman that the maximum counts in beach and grey sand are similar, and based on a comparison of mean and maximum grey sand and beach sand counts, grey sand TC counts do not appear to be higher than beach sand counts.

Mr. Berman summarized that “the suspect material is significantly more contaminated than typical sand template material with respect to Total Coliforms.” Based on a comparison of mean and maximum concentrations, TC counts are higher in grey sand relative to typical tan sand on the Template. Whether the grey material has “significantly” more TC is evaluated in the context of MassDEP risk guidance below.

MassDEP human health risk guidance was developed for hazardous waste sites. While this coastal bank stabilization project is not a hazardous waste site, the concepts in the risk guidance may be applied here. The purpose of risk characterization in the MCP is to identify if a response action is necessary, and to identify target cleanup levels if remedial action is required. The ultimate goal of remediation is to, where feasible, reduce concentrations of contaminants to achieve or approach background levels. Standard site-specific MassDEP risk assessment methodology consists of hazard identification, exposure assessment, dose-response assessment, and risk characterization. If a hazard is identified and exposures are considered significant, additional human health risk may be evaluated. The first step in assessing risk is the hazard identification, which identifies a “Contaminant of Concern” (COC) and discusses whether exposure to the COC can cause an adverse health effect that is likely to occur in humans. COCs are often identified as constituents present above background concentrations. Background concentrations of TC in soil and sand are not established, and MassDEP does not provide natural soil TC background concentrations that can be used to ascertain whether the TC in grey sand is greater than natural background. The TC concentration in grey sand is similar to beach sand. The second purpose of hazard identification is to understand whether exposure to the COC can cause an adverse health effect likely to occur in humans. Health effects are described below.

Hazard Identification - Total Coliform Health Impacts

TC refers to a large group of bacteria that share several characteristics. TC includes bacteria present in soil, on vegetation, in surface water, in the digestive tracts of animals (including humans), and in fecal matter. Most coliform bacteria do not cause illness, and the presence of TC does not indicate the presence of pathogenic bacteria, nor does it indicate a potential human health risk. MassDEP does not provide criteria or standards for TC in soil, or identify any known adverse effects associated with exposure to TC in soil. TC testing is often conducted as a screen

for microbial contamination in drinking water, because TC are relatively easy to identify and are abundant relative to pathogenic bacteria, and the primary exposure pathway for microbes is via ingestion. If TC were identified in drinking water from a well, for example, then it may indicate a defect in the well, such as a missing or defective well cap, well flooding, or contaminant seepage through or along a well casing. If the defect relates to fecal contamination (assessed via additional analysis), there is an indication of greater risk that pathogens are present. Therefore, TC is assessed not because it indicates pathogenic bacteria and potential for human health risk *per se*, but because it may indicate that other, potentially harmful bacterial may be present. When detected in water, additional sampling may indicate whether animal or human waste has impacted the environment. Ingestion of elevated levels of some *E. coli*, for example from a drinking water supply or recreational water, may result in illness, including diarrhea, cramps, nausea, headaches, or other symptoms. Due to the potential health effects associated with ingestion of harmful bacteria, TC is used an indicator for further action when ingestion of impacted water or food is likely. OHI notes that the coliform in the grey sand is most likely not fecal coliform. In summary, the hazard identification notes that TC does not pose a risk to human health, though it may indicate the presence of bacteria in the Template sand that may pose a risk, if ingested.

Exposure Assessment

The second component of risk assessment is the exposure assessment. The exposure assessment identifies potentially significant complete exposure pathways. Human exposure to bacteria is of greatest concern (or significance) via the ingestion of water or food. While some exposure to bacteria may occur through the ingestion of sand, it is not considered a significant exposure pathway in the management of public health. TC present in soil and sand is typically not cited as a health concern, and beach managers do not typically monitor sand TC or close beaches to the public based on sand TC results. Beaches may be closed to swimming due to bacteria present in the water and the concern for adverse health effects if water is swallowed during recreation in the water. Even when beaches are closed for swimming the public may be allowed to access the beach, *i.e.*, the sand, further indicating that TC present in sand is typically not considered a public health hazard. Exposure to TC in sand is not considered a significant exposure pathway.

TC Reduction Measures

OHI and Mr. Berman noted methods that may be used to reduce bacterial counts in sand on the Template in the coastal environment. Those methods involve exposing grey sand to the inhospitable environment for fecal coliform growth, which is expected to reduce bacterial counts by natural die off. Mixing grey sand with the coarser tan sand may also improve drainage leading to increased desiccation which also promotes an inhospitable environment. Eliminating potential new or continued sources of coliform on the Template and beach from wildlife or domestic animals may also be considered; however, it may not be practical or possible to eliminate wildlife or domestic animals from the beach and surrounding area.

Summary

TC results provided in the OHI Report were reviewed. Grey sand TC counts were not found at higher concentrations than beach sand TC counts, suggesting that the use of grey sand may not increase TC in the beach environment. Further, the presence of TC in sand does not indicate risk to human health. While TC analysis is used as a screen to identify the potential for illness-causing bacteria in water and food, it is not identified as a hazard. The grey sand was not sourced from an

area of known fecal contamination, and OHI noted that the TC in the grey sand is unlikely to indicate fecal coliform. Further, there is low potential for human ingestion of sand relative to exposure to water and food. Therefore, the presence of TC in grey sand is not considered significant from a human health risk perspective.

I look forward to discussing this review with the Commission at the March 4, 2020 Public Meeting.

Sincerely,

A handwritten signature in black ink that reads "Denise Kmetzo". The signature is written in a cursive style with a large initial "D".

Denise Kmetzo, DABT

cc: D. Dunk, Epsilon Associates, Inc.
J. Posner, SBPF
S. Cohen, Cohen & Cohen Law, PC
G. Wood, Rubin & Rudman, LLC