

1. Updated Conservation Commission Pack 07/09/20

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ARTHUR SCHWABE _ 8 CAROLINE WAY (82_27) SE48_3307.PDF
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SE48_3308.PDF
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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
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

Important:

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



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

A. General Information

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

<u>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	
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.

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.

<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>Resource Area</u>	<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/PRI_EST_HAB/viewer.htm.

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

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

- 8/1/2017
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.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

D. Additional Information (cont'd)

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

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

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



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

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).

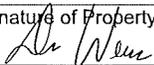
I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet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

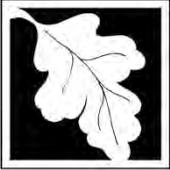
For MassDEP:

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

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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
State share of filing Fee:			\$487.50
City/Town share of filling Fee:			\$512.50
			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.)



▭ 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

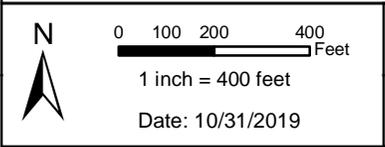
GIS Data Source: "Bureau of Geographic Information (MassGIS),
 Commonwealth of Massachusetts, Executive Office of Technology
 and Security Services".

GODDARD CONSULTING
 Strategic Wetland Permitting L.L.C.



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



USGS The National Map: Orthoimagery, Data refreshed April, 2019. 41°17'6.49"N

0 250 500 1,000 1,500 2,000 Feet

1:6,000

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
		Levee, Dike, or Floodwall

OTHER FEATURES		Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Base Flood Elevation Line (BFE)
		Limit of Study
		Jurisdiction Boundary
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature

MAP PANELS		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.



70°52'23"W

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

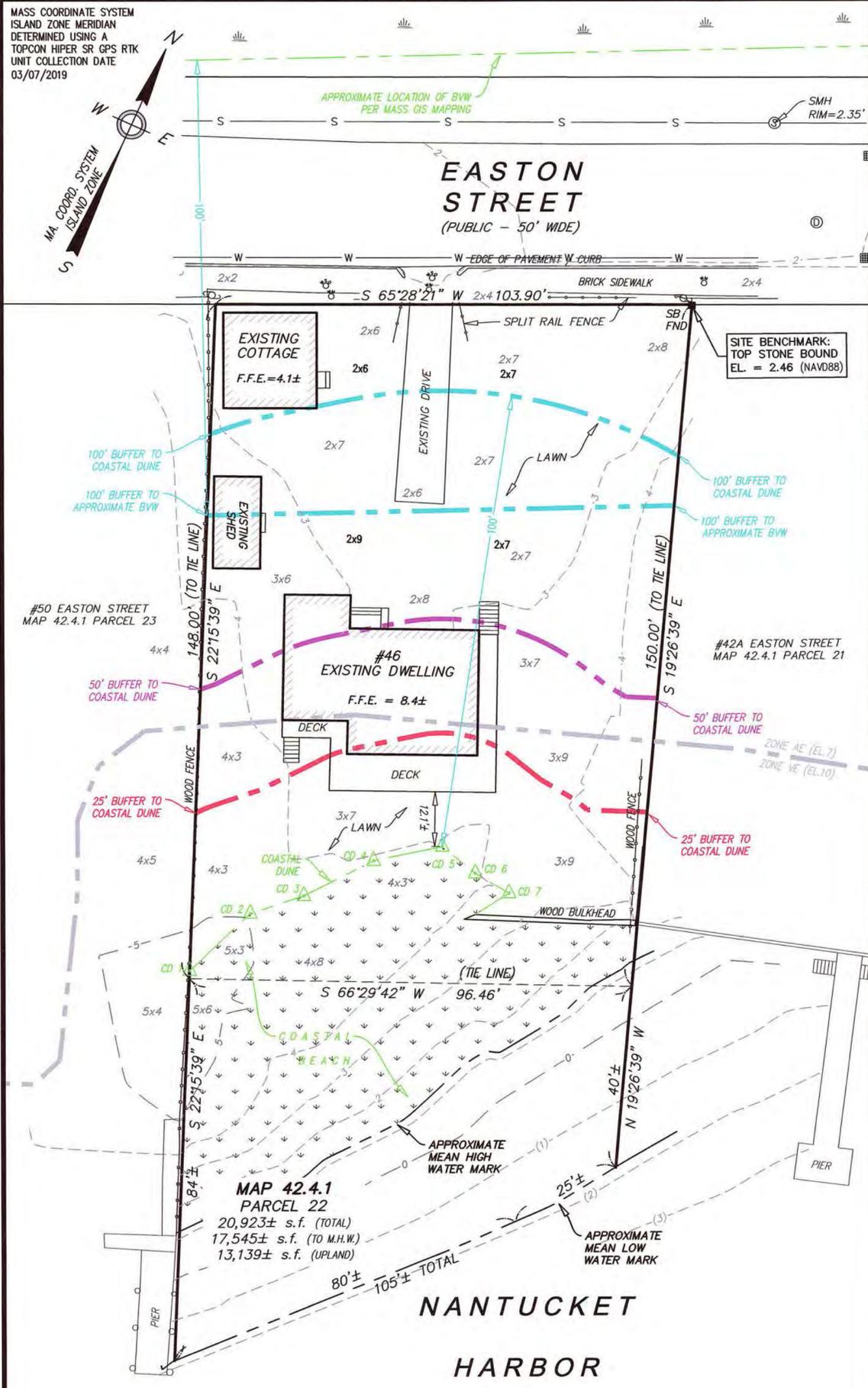
vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). Invasive species will be documented if present, monitored and removed.

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.

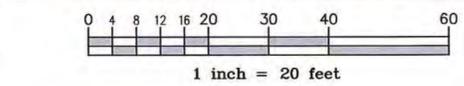
c. There should be an intensive effort to prevent the establishment of non-native invasive plant species, and to ensure timely and consistent treatment (e.g., hand pulling, cutting) of invasive plant species that become established within the Restoration Area.

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.

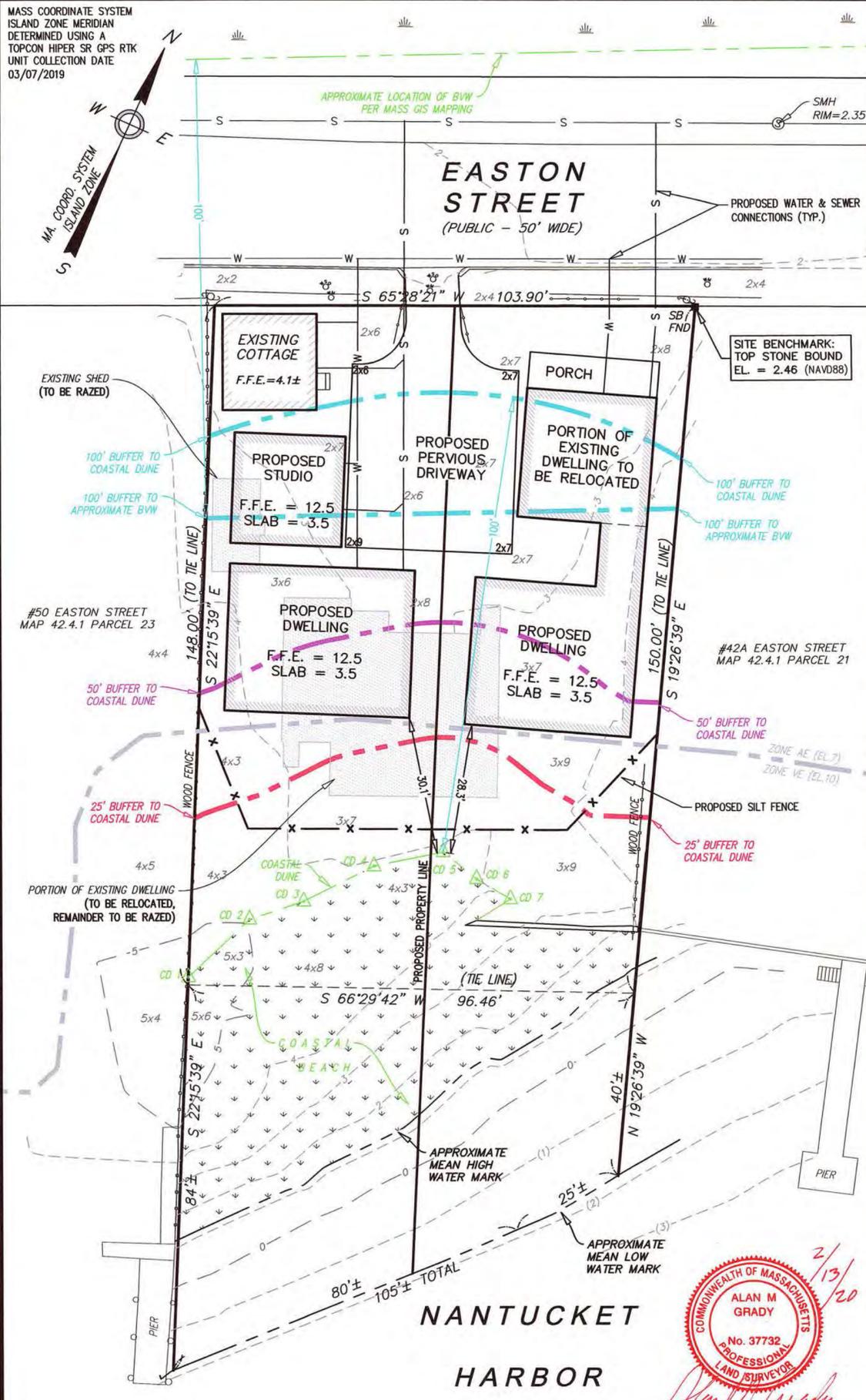


EXISTING CONDITIONS

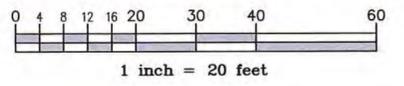


EXISTING AREA SUMMARY

TOTAL STRUCTURE AREA WITHIN 25' BUFFER	=	403± s.f.
TOTAL STRUCTURE AREA WITHIN 25' TO 50' BUFFER	=	1,120± s.f.

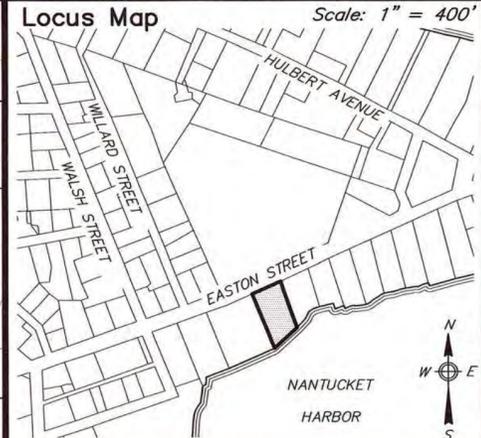


PROPOSED CONDITIONS



PROPOSED AREA SUMMARY

TOTAL STRUCTURE AREA WITHIN 25' BUFFER	=	0 s.f.
TOTAL STRUCTURE AREA WITHIN 25' TO 50' BUFFER	=	1,172± s.f.



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:



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

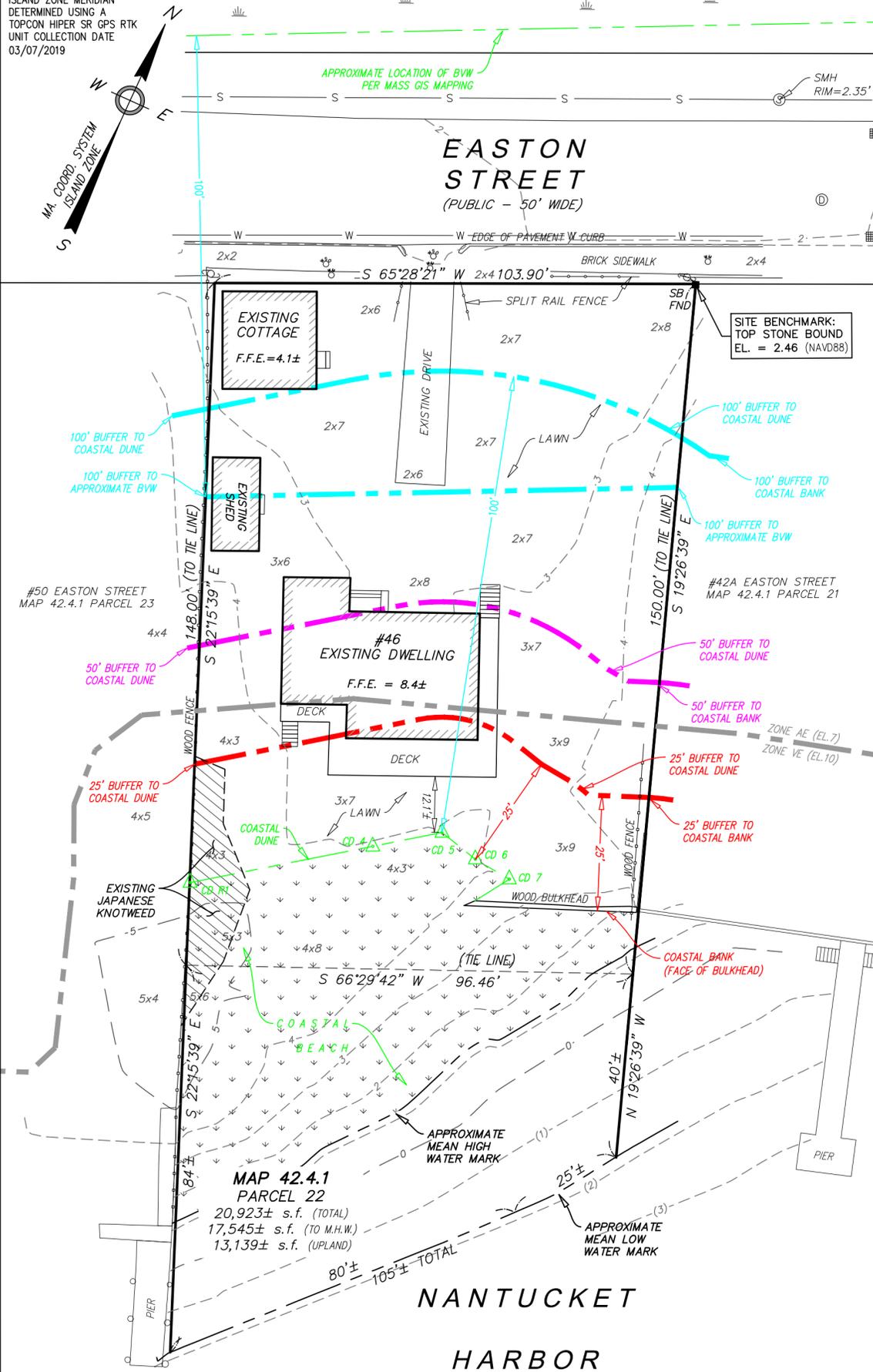
No.	Date	Revision Description	By

Date: FEBRUARY 13, 2020 Drawn: RMM/DAF/BEI Checked: DFB/AMG Sheet: 1 of 1

MASS COORDINATE SYSTEM
ISLAND ZONE MERIDIAN
DETERMINED USING A
TOPCON HIPER SR GPS RTK
UNIT COLLECTION DATE
03/07/2019

MASS COORDINATE SYSTEM
ISLAND ZONE MERIDIAN
DETERMINED USING A
TOPCON HIPER SR GPS RTK
UNIT COLLECTION DATE
03/07/2019

Locus Map Scale: 1" = 400'

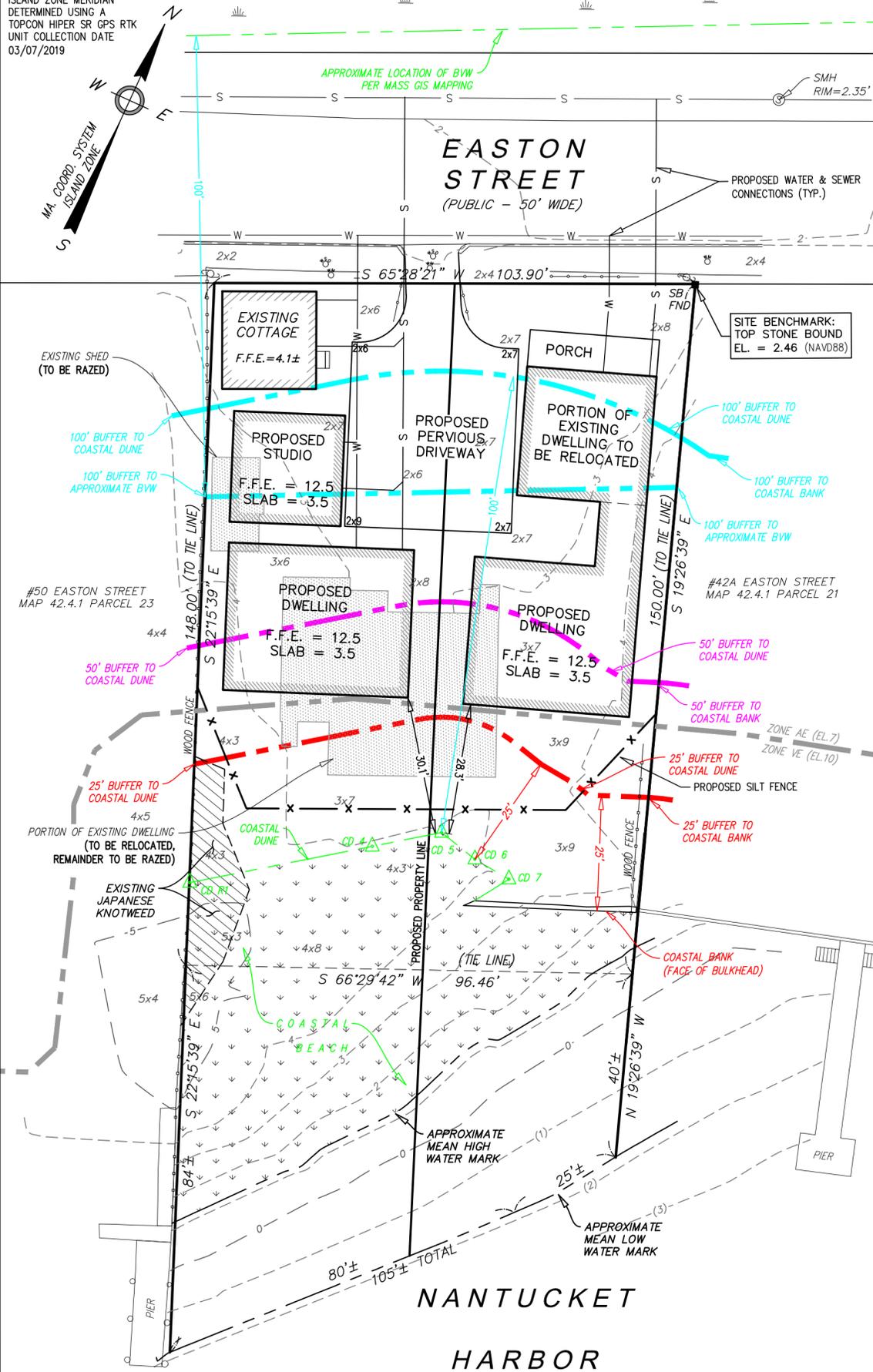


EXISTING CONDITIONS

EXISTING AREA SUMMARY

TOTAL STRUCTURE AREA = 403± s.f.
WITHIN 25' BUFFER

TOTAL STRUCTURE AREA = 1,120± s.f.
WITHIN 25' TO 50' BUFFER

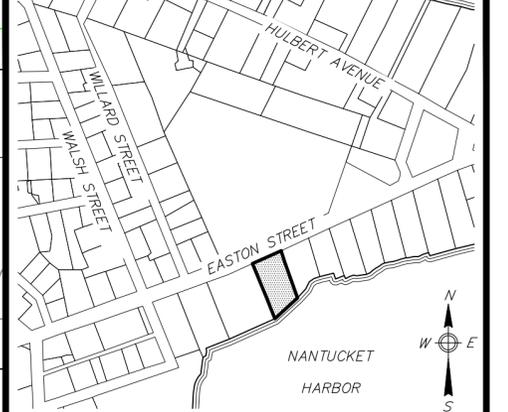


PROPOSED CONDITIONS

PROPOSED AREA SUMMARY

TOTAL STRUCTURE AREA = 0 s.f.
WITHIN 25' BUFFER

TOTAL STRUCTURE AREA = 1,172± s.f.
WITHIN 25' TO 50' BUFFER



- 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
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 - 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
2	3/11/20	ADD	JAPANESE KNOTWEED, UPDATE COASTAL DUNE	RMM
1	3/04/20	UPDATE	BUFFER ZONE LINES & NOTES	ERC

Date: FEBRUARY 13, 2020 Drawn: RMM/DAF/BEI Checked: DFB/AMG Sheet: 1 of 1

3-29-1995

Bulkhead

A black and white photograph showing the interior of a ship's hull. The image is somewhat blurry and shows a complex structure of metal plates and beams. A prominent feature is a curved bulkhead structure. An arrow points from the text 'Bulkhead' to this structure. The date '3-29-1995' is printed in the upper center of the image.

USGS 11-13-69



Bulkhead

USGS 11-21-1938



Bulkhead

Historic Image Database Search Results Expanded

Record no. 47 of 239



46 Easton Street
View from Harbor
shows bulkhead and fill
Porch supported by pilings
jetty/rocks in front
of 46, 48, 50 and 52
Easton Street

*Nantucket Historical Assoc
online Library Search

Image Number

P10897

Photo Collection

[PH165 - Photographic Print Collection](#)

Date

1910s

Notes

Houses along the Easton Street shore after 1905. The large house second from the right was known as Driftwood. The house second from the left became The Breakers.



Image Number

A88-35a

Photo Collection

A88 - Nantucket 1910s-1920s Photograph Album

Date

August 1920

Notes

House at 46 Easton Street known as **Auburn Cottage**.

Subjects

Houses

Architecture - Windows

Easton Street

Credit Line

Courtesy of Nantucket Historical Association

Written to CD

359

August 1920 shows
Bulk head and fill
porch supported by
pilings

*Nantucket Historical Assoc
on line library search



Image Number

A43-58

Photo Collection

A43 - Jones Family Photoalbum, 1900s

Date

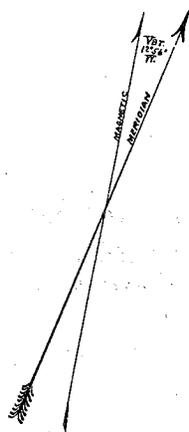
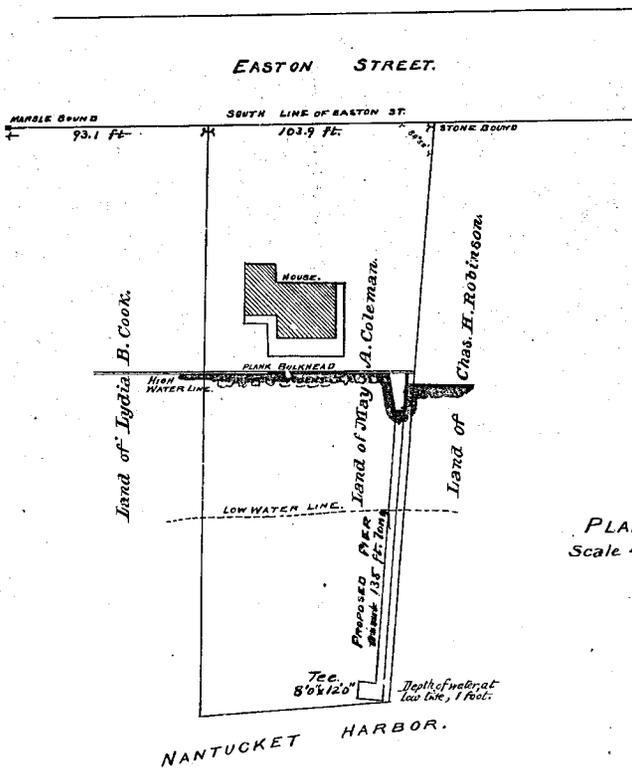
1900s

Notes

Photo of 46 Easton Street, known as **Auburn Cottage**.
7.3 cm in diameter

1900's 46 Easton Street
fill, rock/jetty, pier to
right Jones family
access for 46 + 48'
Easton Street on
property line

*Nantucket Historical Assoc
on line library search

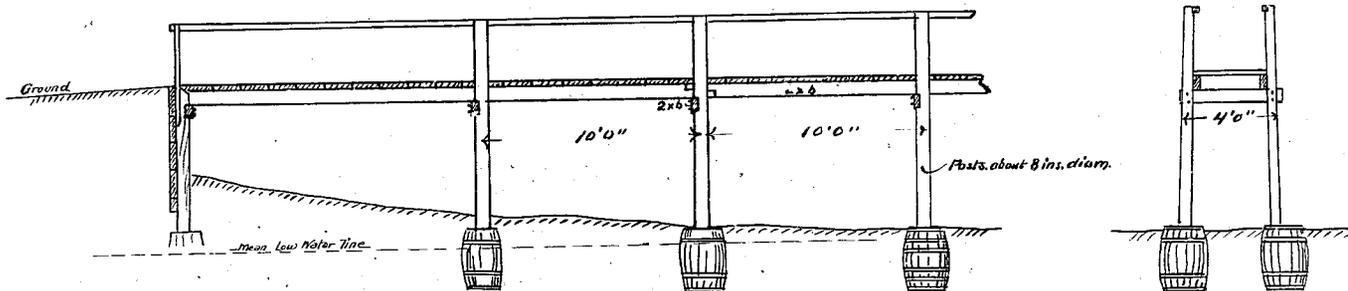


*Plans for a Pier to be built
on land of May A. Coleman.
at Nantucket, Mass.*

Wm. E. Coak Surveyor.

June 1, 1899.

PLAN OF LAND.
Scale 40 ft. to 1 inch.



PROPOSED PIER.
Scale 1/4 inch to 1 foot.

No. 2254.
Approved by Harbor and Land Comm.
June 27, 1899.
Wm. E. Coak
Clinton White

December 15th 1899, 2 h. 10 m. P. M. Received and
Entered into Nantucket Deeds. Book 17 Page no. 3 page 35
Attest: *Laminon Brudenell*
Registrar.

Ella F. Coleman
Share No. 22
46 Easton Street

April 1921
Plan C-34 on record 5/10/1922
Refers to "of the Beach Share
Laid out in 1805"
shows bulkhead, fill, mean high
water, low water line

* Registry of Deeds online Search



Nantucket Land Council

Six Ash Lane
Post Office Box 502
Nantucket, Massachusetts 02554

508 228-2818

Fax 508 228-6456

nlc@nantucketlandcouncil.org

www.nantucketlandcouncil.org

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David Troast

Peter Watrous

March 12, 2020

Ms. Ashley Erisman, Chair

Nantucket Conservation Commission

2 Bathing Beach Road

Nantucket, MA 02554

Re: NOI; Kim Glowacki, 46 Easton Street (Map 42.4.1, Parcel 22)

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the Notice of Intent filing by Kim Glowacki for the demolition of the current single-family dwelling and construction of two new single-family homes at 46 Easton Street. We would like to make the following comments.

PERFORMANCE STANDARDS

The demolition of the existing structure and construction of two new structures will have a detrimental impact to the resource areas on the property. The significant increase in impervious surface area will alter the behavior of the resources on the property. Coastal bank and dune sediment transport will be altered, and landward movement will be inhibited by the significantly larger ground coverage of the new structures.

Although the applicant has not applied for any waivers, this project cannot as designed meet multiple performance standards in the Bylaw. These performance standards are highlighted below.

Honorary Directors

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William M. Crozier, Jr.

Scientific Advisor

James W. Sutherland, Ph.D.

Staff

Emily Molden
Executive Director

RJ Turcotte
Resource Ecologist

Meg McNeely Browers
Development Director



Nantucket Wetland Protection Regulations:

Nantucket Wetland Protection Regulation (Chapter 136) definition of Water Dependent Projects or Uses- "Projects which require direct wetlands access for their intended use and therefore cannot be located out of the area subject to protection under the Bylaw. Examples include but are not limited to: docks, piers, boat landings, boathouses, marinas, stairs to beaches, and boardwalks over wetland vegetation. Projects which benefit from wetlands access but which do not require it are not water dependent uses. Examples include: restaurants, dwellings, and commercial enterprises servicing marine related uses such as fish markets, repair facilities, ships' chandleries, and general use recreational trails.

The two new proposed structures are single family homes, which fall under the category of "dwelling" in the Bylaw. This is not a water dependent use or project, just as the existing single-family dwelling is not considered a water dependent use.

Section 2.03, Coastal Dunes, (B) #2 states "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 proposed dwellings are NOT water dependent and must maintain a 50-foot natural undisturbed buffer to the coastal dune. This performance standard cannot be met.

Section 2.03, Coastal Dunes, (B) #6 states "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 proposed structures, while slightly farther away from the resource area, will create a much larger, permanent barrier to landward migration of the dune. Regardless of the use of pilings to elevate the structures above the ground's surface, the proposed dwellings will create a much greater impediment to this migration. The dramatic increase in impervious surface area will exacerbate stormwater runoff and accelerate erosion of the dune. This performance standard cannot be met.

Section 2.03, Coastal Dunes, (B) #7 states "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 proposed dwellings will be constructed within 50 feet of the coastal dune. This performance standard cannot be met.

Section 2.05, Coastal Banks, (B) #5 states "All projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be at least 50 feet from a coastal bank."

The proposed dwellings are NOT water dependent and must maintain a 50-foot natural undisturbed buffer to the coastal bank. This performance standard cannot be met.

Section 2.05, Coastal Banks, (B) #7 states "In areas of an eroding coastal bank, the distance from all new structures to the coastal bank shall be at least 20 times the average annual erosion rate or 100 feet, whichever is the lesser. The average annual erosion rate shall be determined by averaging the annual erosion over a 150-year period ending with the date the NOI was filed, or if no NOI was filed, the date construction began. If erosion data is not available for the 150-year period, the Commission shall determine the average annual erosion rate from such lesser time for which erosion data is available. In cases where documentation can be provided to show that the use of the 150-year period is inappropriate to existing coastal shoreline characteristics and trends, alternate shoreline change rates may be used with the approval of the Commission."

The new structures are restrained by the size of the lot and cannot maintain the appropriate distance to the eroding coastal bank. This performance standard cannot be met.

Massachusetts Wetlands Protection Act Regulations:

310 CMR 10.28, Coastal Dunes, (3) states "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 proposed dwellings as designed will create a larger barrier to landward movement of the dune than the single-family home currently on the property. The dramatic increase in impervious surface area within the 50-foot buffer will exacerbate stormwater runoff, leading to accelerated erosion. This will adversely impact the coastal dune on the site. This performance standard cannot be met.

CONCLUSION

The project proposed at 46 Easton Street for the demolition of the existing single-family dwelling and construction of two new single-family dwellings will have a negative impact to the coastal dune and coastal bank on the southern portion of the property. The proposed structures **do not qualify as water dependent under the Bylaw**. As proposed, the project will create a significantly larger barrier to landward movement of the coastal dune, and due to project design cannot maintain the undisturbed 50-foot buffer to both coastal dunes and coastal banks on the property. The dramatic increase in impervious surface area within the 50-foot buffer will exacerbate stormwater runoff, leading to accelerated erosion of both coastal dune and coastal bank.

These structures will be a permanent detriment to the resource areas Coastal Dunes and Coastal Banks on Nantucket Harbor. As stated above, the project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. No waiver requests have been submitted with this Notice of Intent application, and, as the proposed project will have adverse impacts on the interests protected by the regulations, there are no waiver provisions that can be met to allow this project to proceed.

Thank you for your time.

Sincerely,

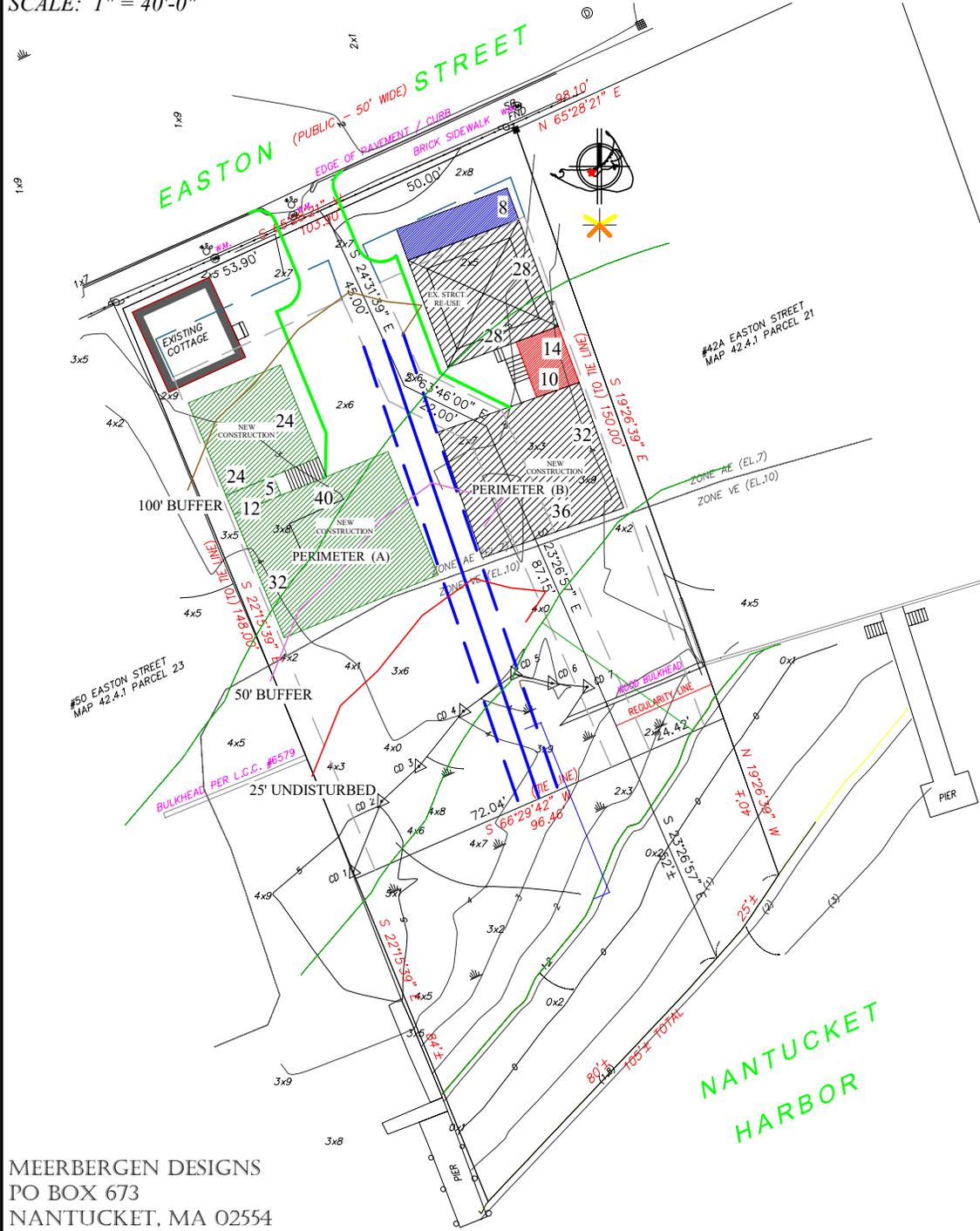


RJ Turcotte

Resource Ecologist

46 EASTON STREET
 MASSING CONCEPTS
 RELATIVE VIEWS
 SCALE: 1" = 40'-0"

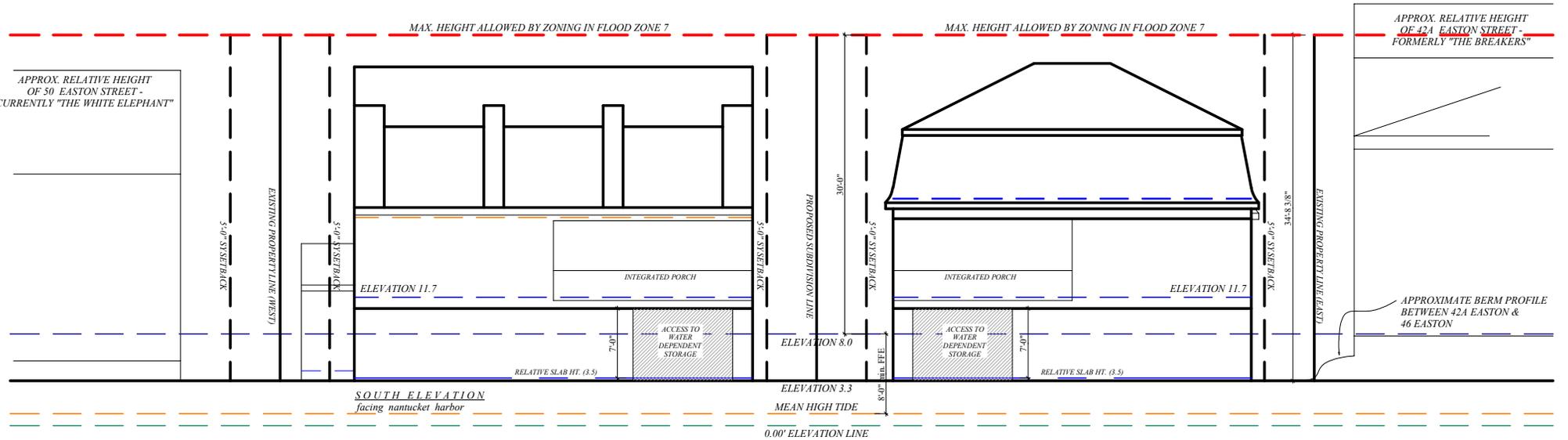
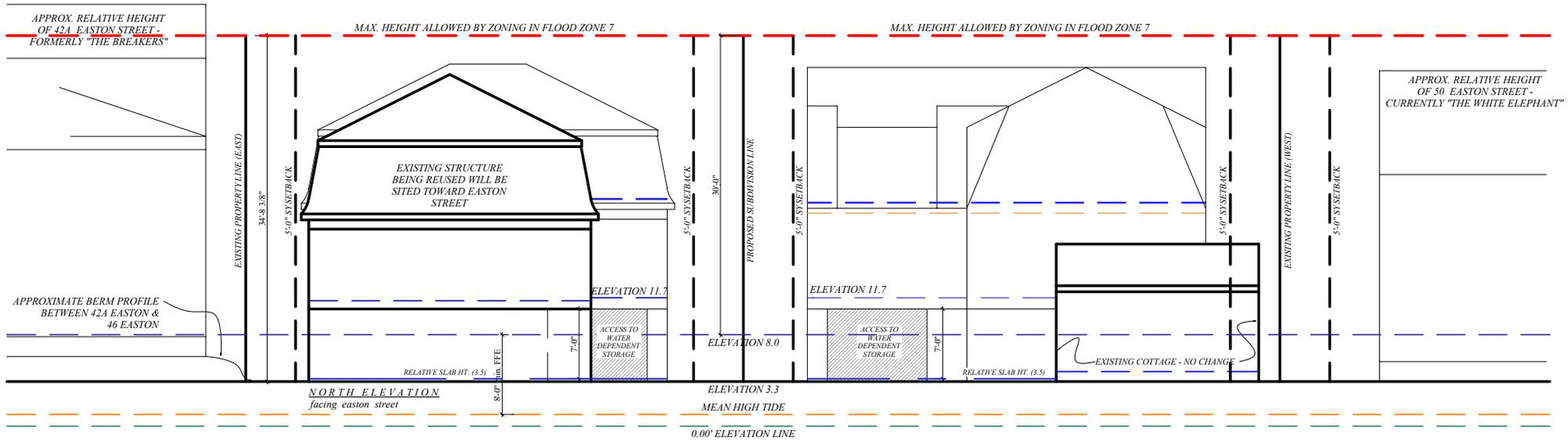
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LOCUS MAP - NOT TO SCALE
 46 EASTON STREET - MAP 42.4.1; PCL 22

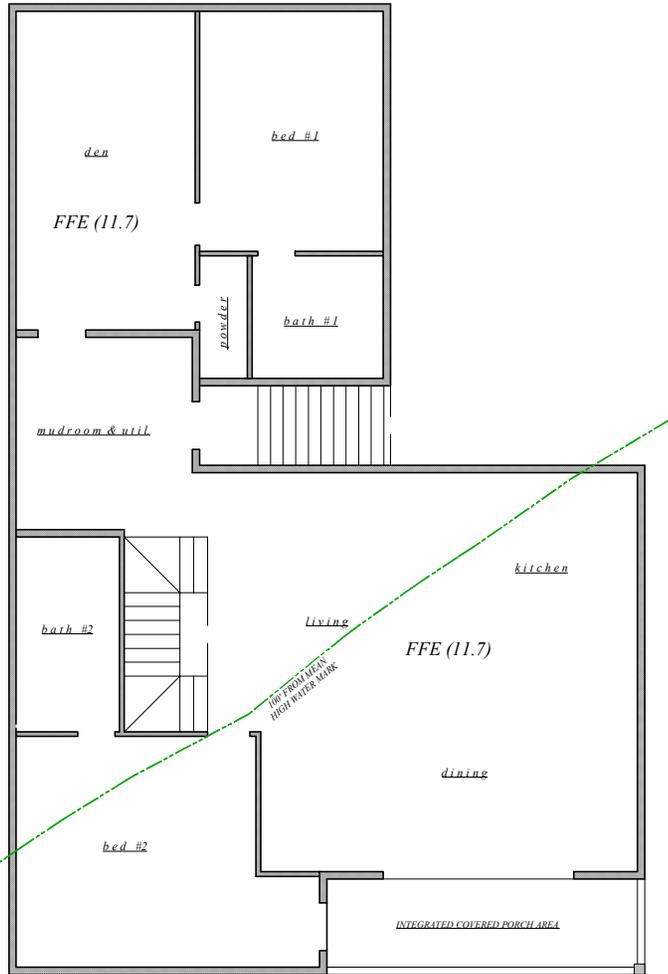
46 EASTON STREET
 MASSING CONCEPTS
 RELATIVE VIEWS
 SCALE: 1" = 15'-0"

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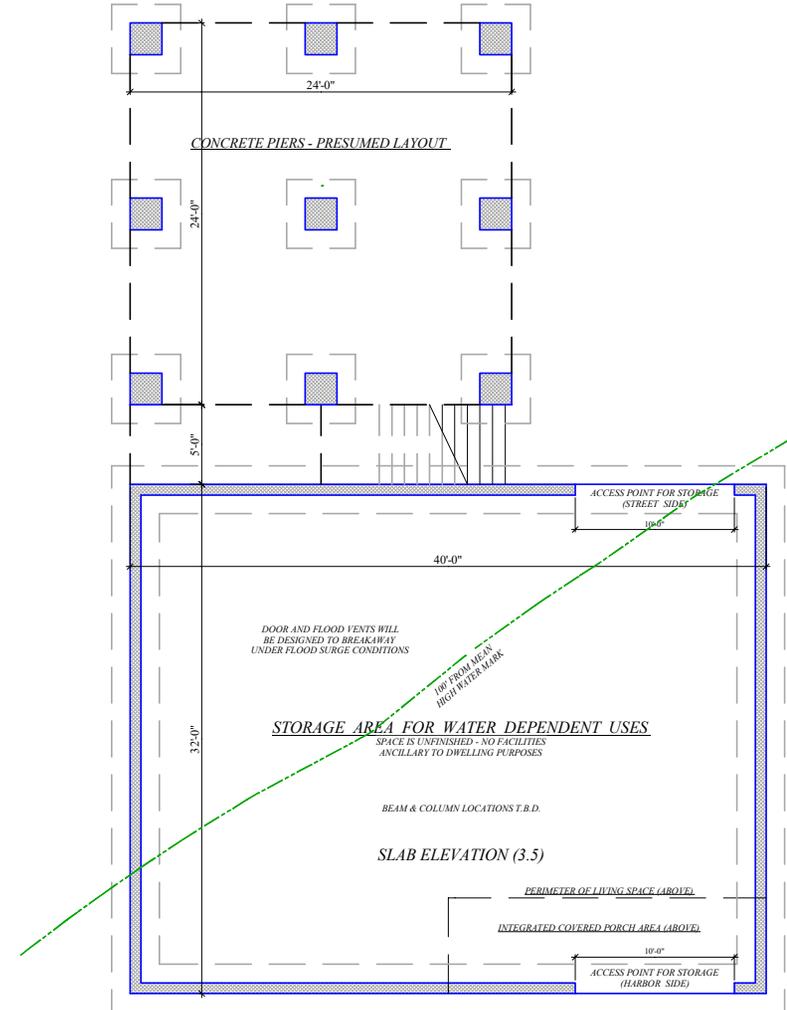


46 EASTON STREET
 FLOOR PLAN CONCEPTS
 PERIMETER (A)
 SCALE: 1" = 12'-0"

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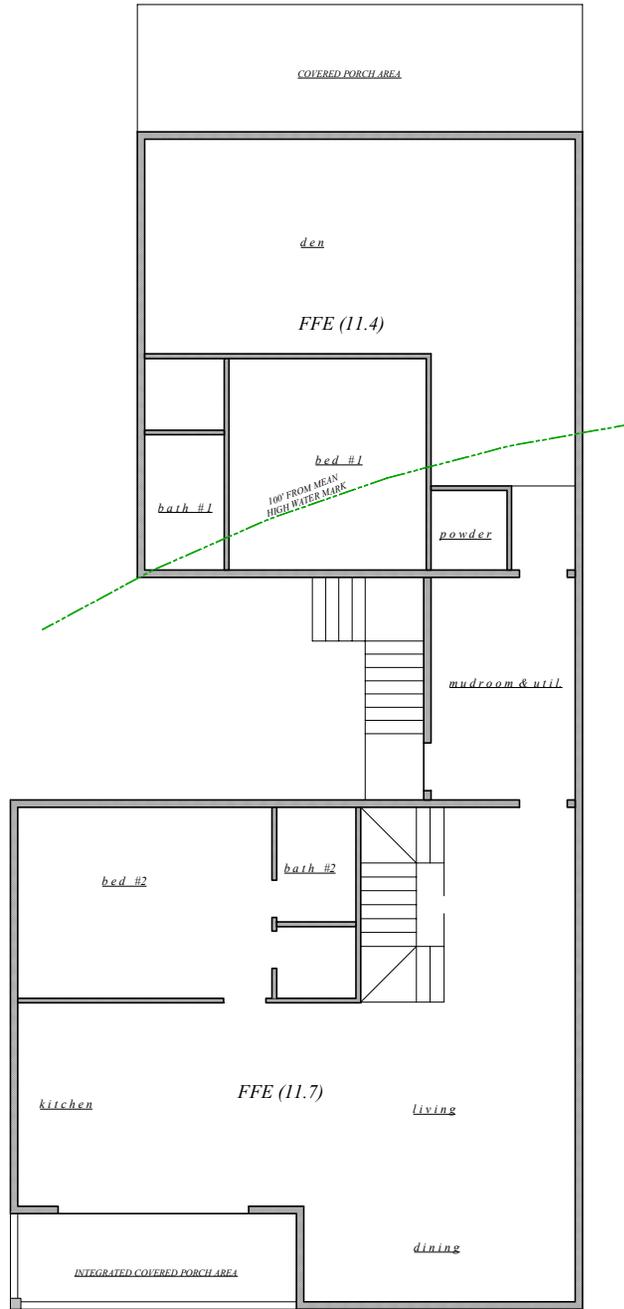
PERIMETER (A) - FIRST FLOOR



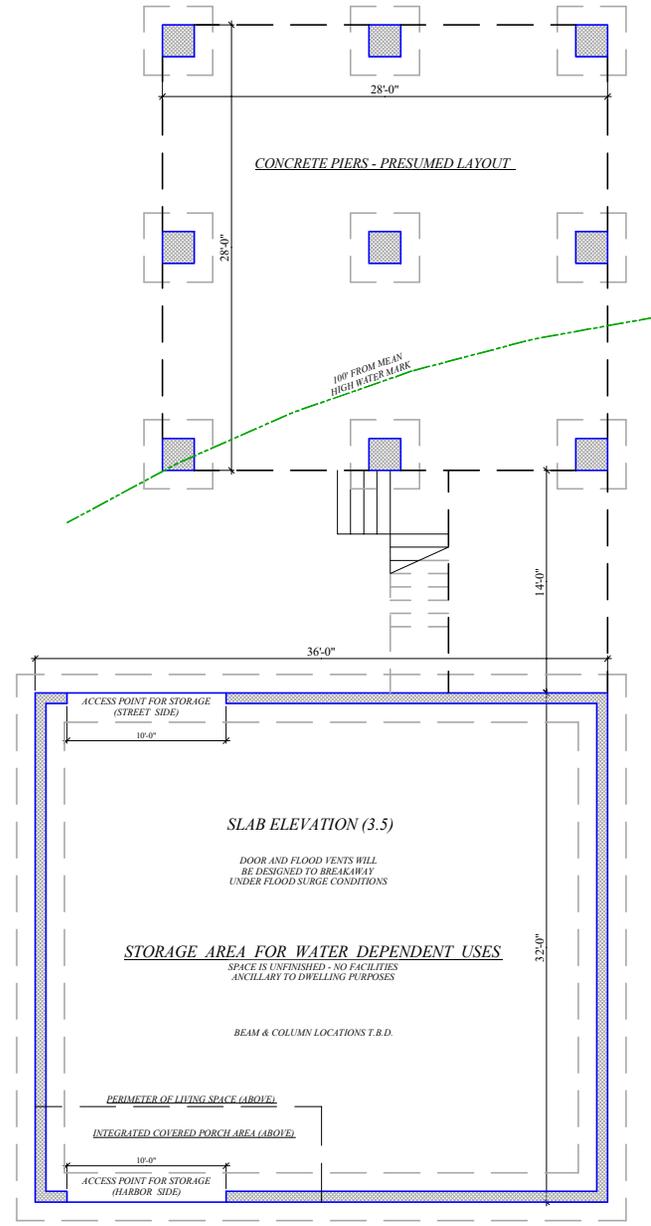
PERIMETER (A) - GROUND FLOOR

46 EASTON STREET
 FLOOR PLAN CONCEPTS
 PERIMETER (B)
 SCALE: 1" = 12'-0"

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PERIMETER (B) - FIRST FLOOR

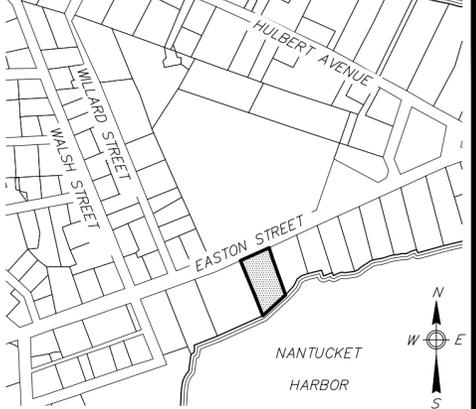
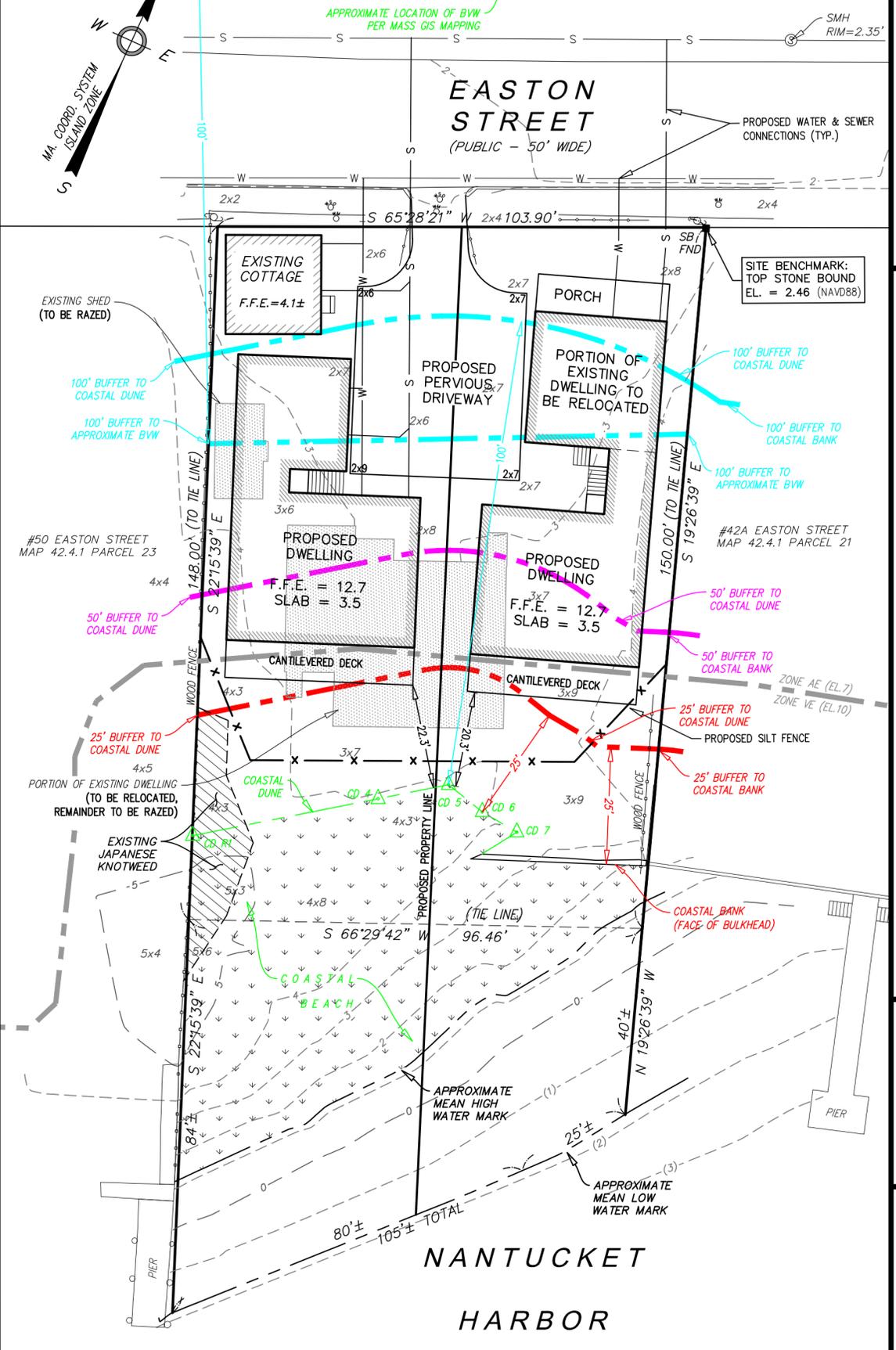
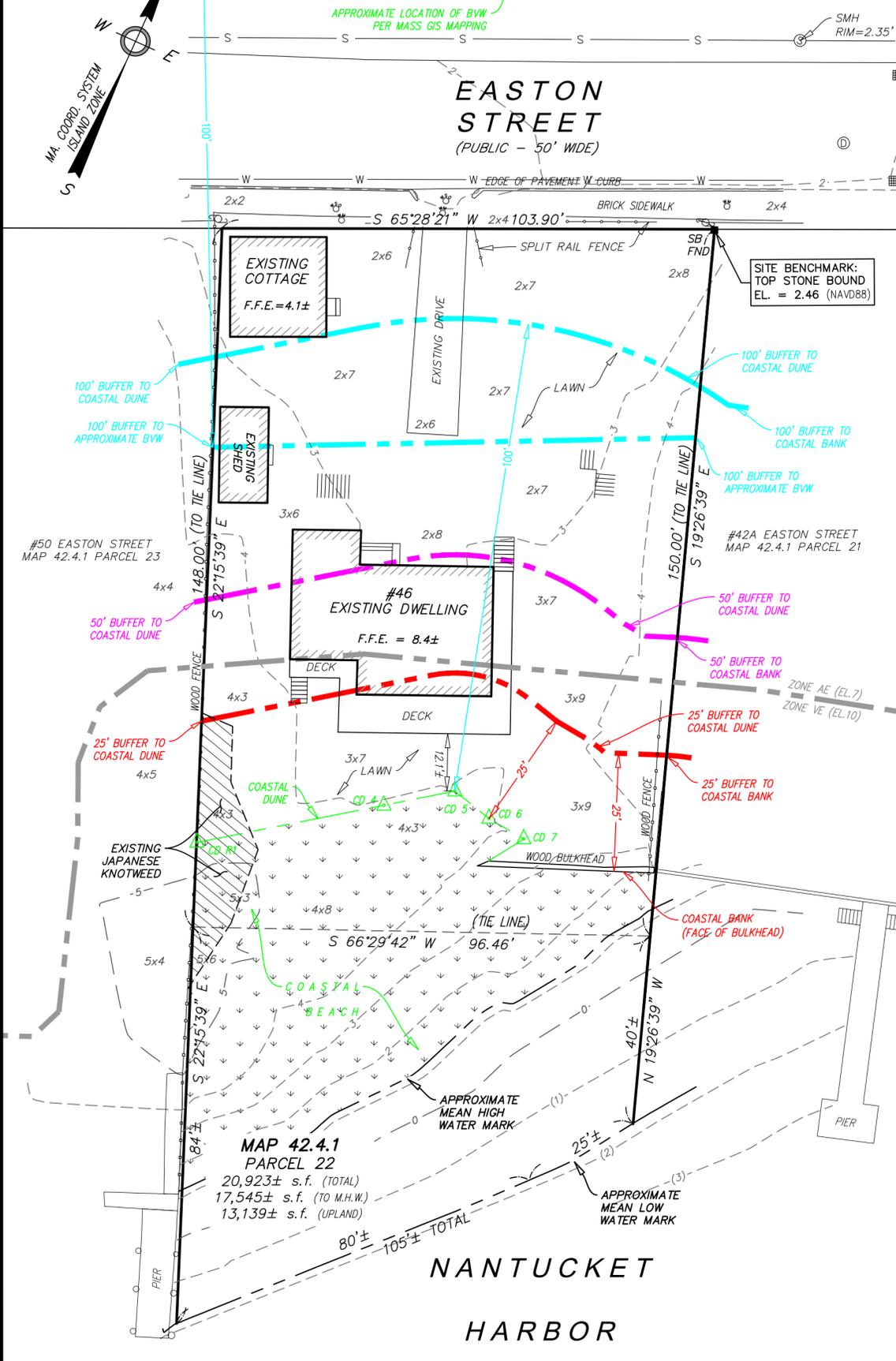


PERIMETER (B) - GROUND FLOOR

MASS COORDINATE SYSTEM
ISLAND ZONE MERIDIAN
DETERMINED USING A
TOPCON HIPER SR GPS RTK
UNIT COLLECTION DATE
03/07/2019

MASS COORDINATE SYSTEM
ISLAND ZONE MERIDIAN
DETERMINED USING A
TOPCON HIPER SR GPS RTK
UNIT COLLECTION DATE
03/07/2019

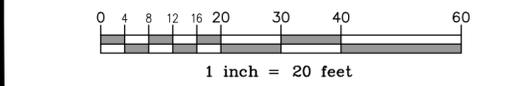
Locus Map Scale: 1" = 400'



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.

EXISTING CONDITIONS

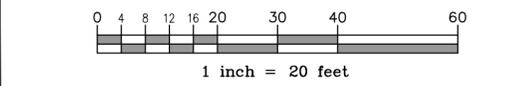


EXISTING AREA SUMMARY

TOTAL STRUCTURE AREA = 403± s.f.
WITHIN 25' BUFFER

TOTAL STRUCTURE AREA = 1,120± s.f.
WITHIN 25' TO 50' BUFFER

PROPOSED CONDITIONS



PROPOSED AREA SUMMARY

TOTAL STRUCTURE AREA = 53 s.f.
WITHIN 25' BUFFER

TOTAL STRUCTURE AREA = 1,766± s.f.
WITHIN 25' TO 50' BUFFER

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**

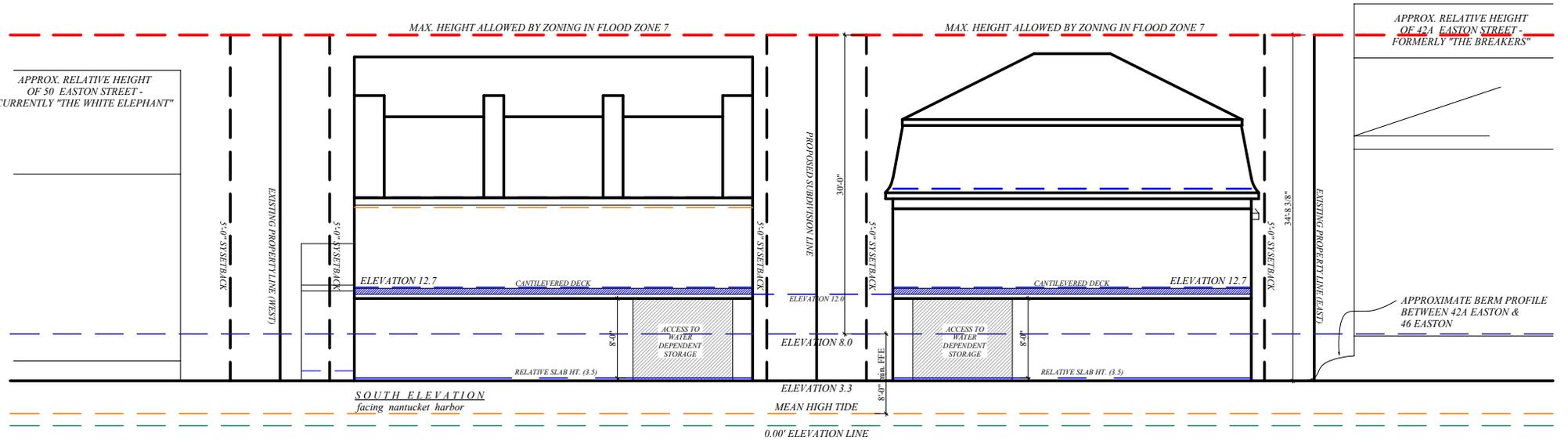
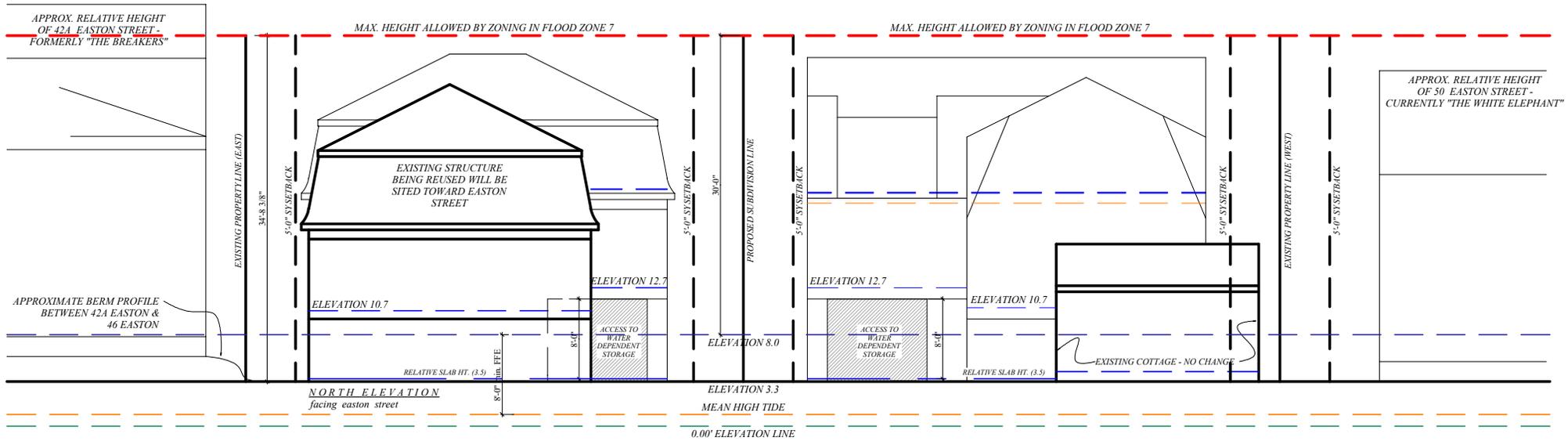
Prepared For:
GCP ACQUISITIONS, LLC
#46 EASTON STREET
MAP 42.4.1 PARCEL 22

No.	Date	Revision	Description	By
3	3/19/20	REVISE STRUCTURE & ADJUST SUMMARY OF AREAS		RMM
2	3/11/20	ADD JAPANESE KNOTWEED, UPDATE COASTAL DUNE		RMM
1	3/04/20	UPDATE BUFFER ZONE LINES & NOTES		ERC

Date: FEBRUARY 13, 2020 Drawn: RMM/DAF/BEI Checked: DFB/AMG Sheet: 1 of 1

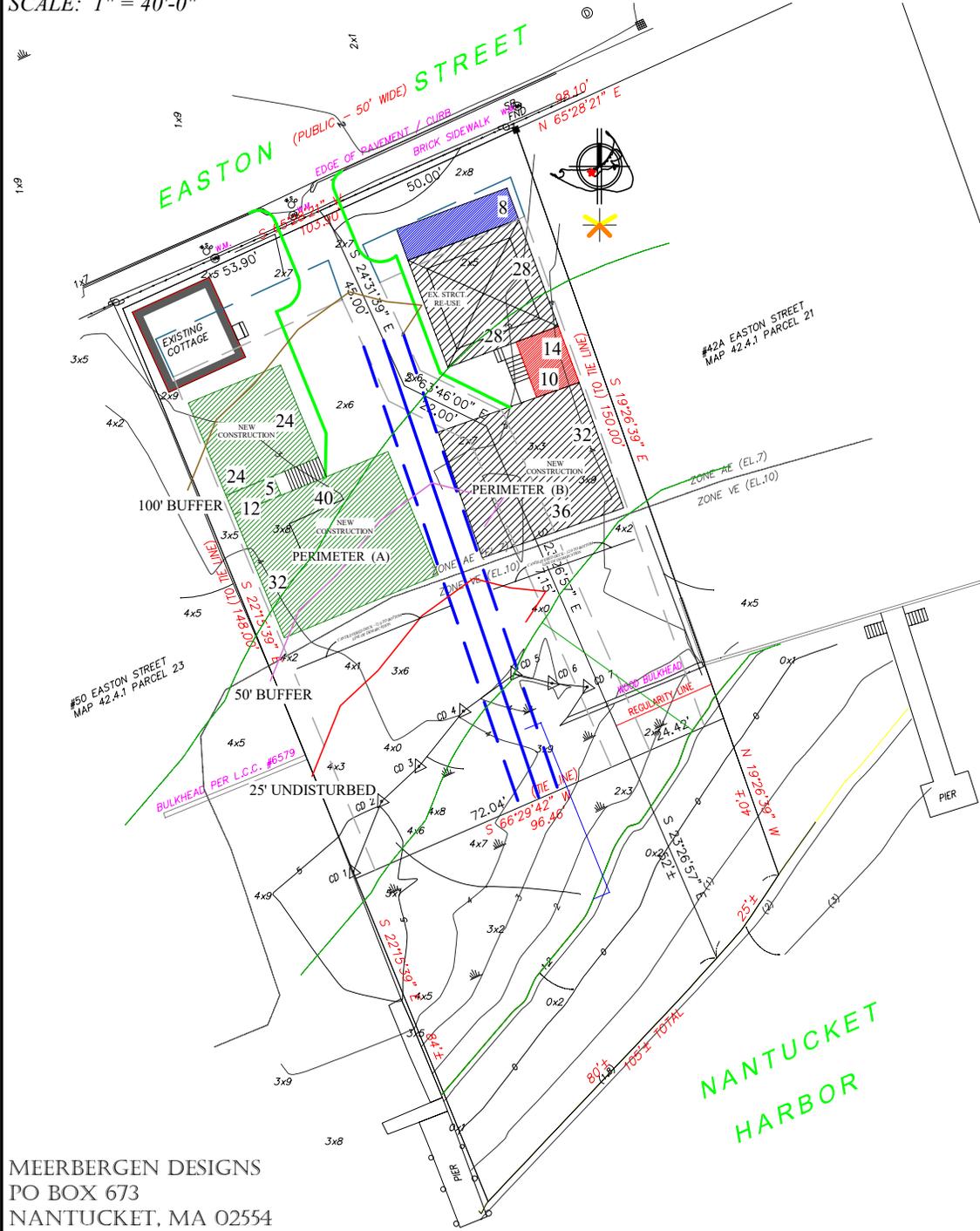
46 EASTON STREET
 MASSING CONCEPTS
 RELATIVE VIEWS
 SCALE: 1" = 15'-0"

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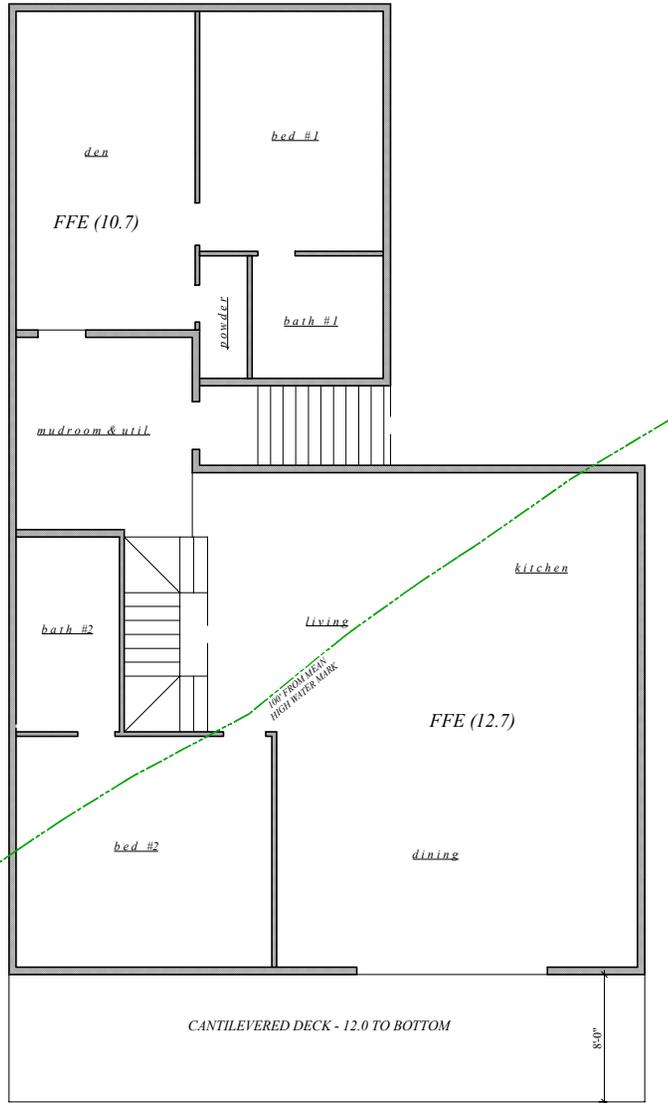


46 EASTON STREET
 MASSING CONCEPTS
 RELATIVE VIEWS
 SCALE: 1" = 40'-0"

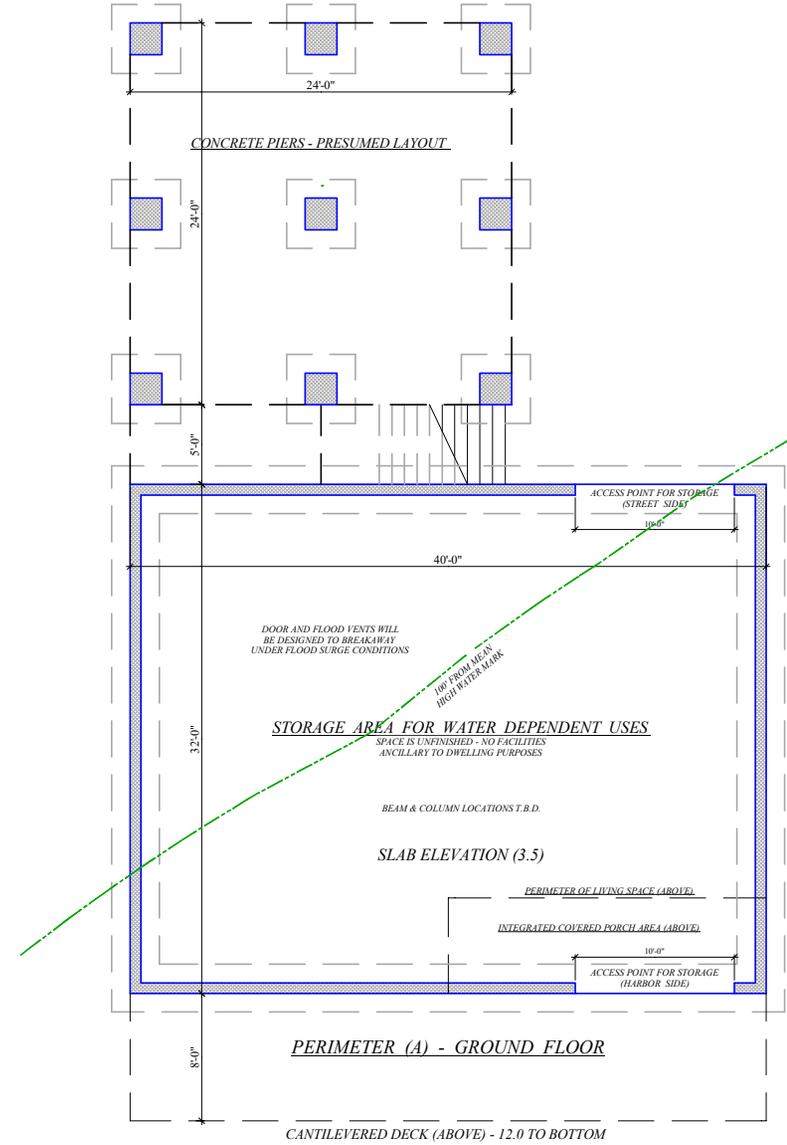
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LOCUS MAP - NOT TO SCALE
 46 EASTON STREET - MAP 42.4.1; PCL 22



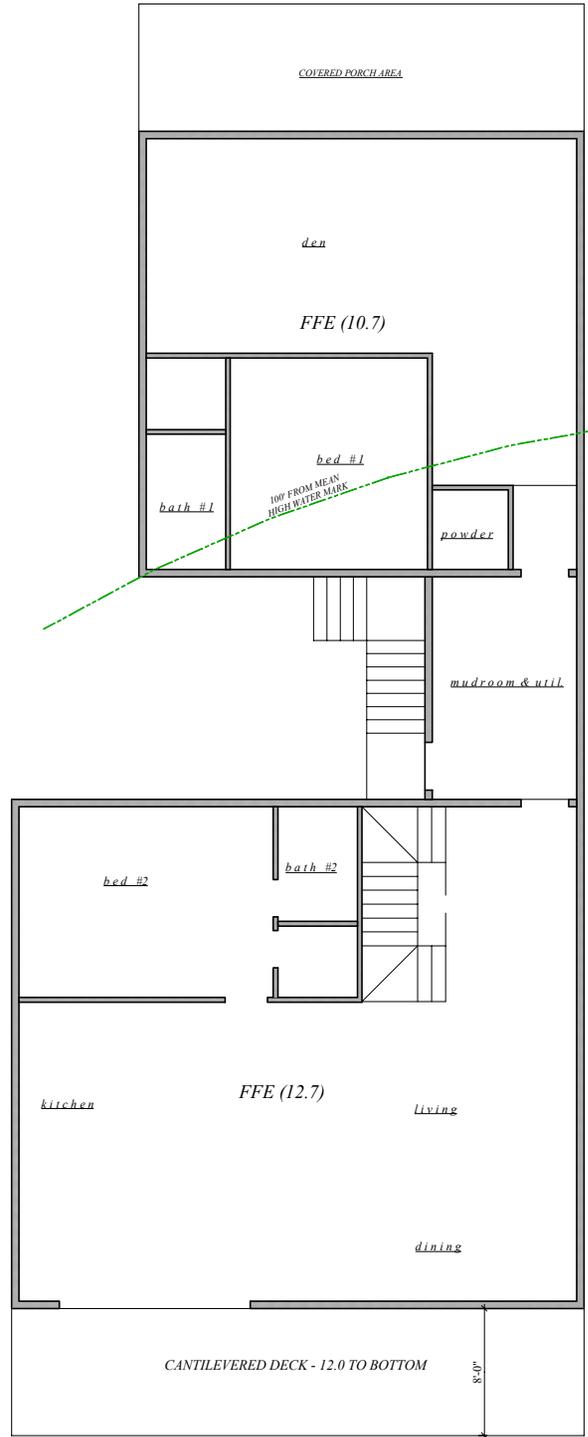
PERIMETER (A) - FIRST FLOOR



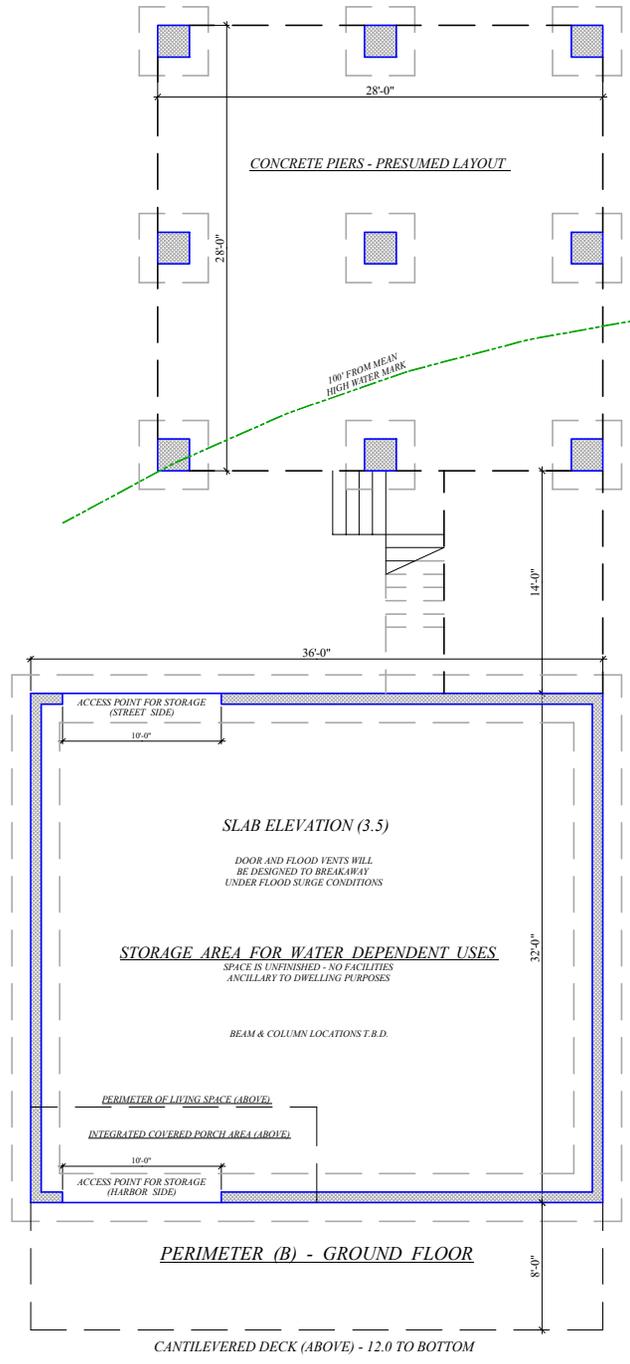
PERIMETER (A) - GROUND FLOOR

46 EASTON STREET
 FLOOR PLAN CONCEPTS
 PERIMETER (B)
 SCALE: 1" = 12'-0"

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PERIMETER (B) - FIRST FLOOR



Daniel J. Bailey III

100 Summer Street
22nd Floor
Boston, MA 02110

617.488.8165 voice
617.824.2020 fax
dbailey@pierceatwood.com
www.pierceatwood.com

Admitted in: MA

By Electronic Mail

July 2, 2020

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

RE: 46 Easton Street

Dear Ms. Erisman and Members of the Commission:

We represent Kim Glowacki and GCP Acquisitions, LLC (Applicant) which has submitted a Notice of Intent (DEP File No. 48-3285) for two single family residences at 46 Easton Street. This letter is a request that the Commission grant a waiver of the following Nantucket Wetlands Regulations:

1. Waiver of Section 2.03.B.2, which provides that a natural condition shall be maintained within 25 feet of a coastal dune, and that only water dependent structures shall be constructed within 50 feet of a coastal dune;
2. Waiver of Section 2.03.B.7, which provides that a no activity shall be permitted within 50 feet of a coastal dune, other than maintenance of a structure that pre-dates the date of the Nantucket Wetlands Regulations; and
3. Waiver of Section 2.05.B.5, which provided that only water dependent structures shall be constructed within 50 feet of a coastal bank.

Section 1.03.F of the Regulations authorizes the Commission to grant waivers under certain conditions, including the following:

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

- 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 proposed project meets the waiver criteria at both 1.03F.a) and 1.03.F.c) for the following reasons:

1. The proposed project consists of the partial removal, relocation and restoration of an historically significant single family dwelling (the “Existing House”). The Existing House is located within 25 feet of the coastal dune and the coastal bank – 403 square feet of the structure is within 25 feet of the dune and bank, and 1,120 of the existing structure is within 50 feet of the dune and the bank.
2. A portion of the Existing House will be relocated to the front part of the now subdivided parcel, entirely outside the 50’ foot no build zone.
3. New construction will be entirely outside the 25-foot setback, except that a small part (53 sf) of the cantilevered decks will be within 25 feet, but will be several feet above grade and there will be no alteration of ground surface within the 25-foot buffer.
4. There will be 1,766 sf of new construction within the 25-50 foot setback. This new construction will replace 1,120 square feet of existing structure in the 25-50 foot zone.

The proposed project will not adversely affect either the coastal dune or the coastal bank. The Existing House is 12 feet from the top of the coastal dune. The proposed project will move all structures out of the 25 foot setback to the coastal dune. In addition, the Existing House has a first floor elevation of 8.4’; the new structures will have first floor elevations of 12.7’, and will be fully in compliance with current flood zone requirements in this flood prone area.

There are no reasonable alternatives or conditions that would allow the project to proceed with the regulations. The building area on each lot is constrained because the lots are long and narrow and the structures must comply with zoning setback requirements. One lot has an existing cottage that prevents moving the proposed building on that lot any closer to Easton Street. Reduction of the building footprint is not feasible because it will make the project uneconomic.

There is also a long term net benefit to the resource areas. The Existing House is 12 feet from the top of the dune. Moving all structures so that they are 25 feet away from the dune will reduce impacts on the dune, and will provide room for the dune to expand. We also note that this property is the only property on Easton Street on which there is a coastal dune. All other

Ashley Erisman, Chair
Nantucket Conservation Commission
July 2, 2020
Page 3

properties on Easton Street are fully bulkheaded – 46 Easton Street is the only place where sand and sediment can collect and provide a natural barrier in a very flood prone area.

For the foregoing reasons the Applicant respectfully requests the foregoing waivers.

Sincerely yours,

Daniel J. Bailey

Daniel J. Bailey III

DJB/smg

cc: Kim Glowacki
Dan Mills
Don Bracken

Notice of Intent Application
Landscaping and pond access path

At

6 Old Harbor Road
Nantucket, MA

June 04, 2020

Prepared for

ETG Nominee Trust

By

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



LOCUS - 1 Markers, Length = 0 feet

LOCUS - 041° 17' 26.0" N, 070° 08' 08.3" W

Name: NANTUCKET

Location: 041° 17' 20.8" N 070° 07' 05.1" W

Date: 6/4/120

Scale: 1 inch equals 2000 feet



Property Information	
Property ID	40 95
Location	6 OLD HARBOR RD
Owner	ALGER SARAH F TR


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**
Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.
Geometry updated 11/13/2018
Data updated 11/19/2018

1" = 309 ft

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

INTRODUCTION

Locus is situated at 6 Old Harbor Road adjacent to Washing Pond in Nantucket, Massachusetts. The applicant proposes a 3' path and landscaping within 100' of a bordering vegetated wetland. None of the proposed work will occur in the bordering vegetated wetland resource area. The path constitutes a water dependent use. No waivers are being requested for this project.

SITE DESCRIPTION

The subject property is located on the west side of Washing Pond on Nantucket Island. The defined resource area at the project location is a bordering vegetated wetland.

WORK DESCRIPTION

The edge of lawn within the 50' buffer to the vegetated wetland will follow the proposed limit of work and silt fence as shown on the attached plan. Less than 50% of the area between the 25' and 50' buffer zones will be disturbed. No structures are proposed within the buffer zone. Landscaping is proposed within 100' of the wetland as shown on the attached plan. The proposed Landscaping consists of grading, and establishing a lawn; a small portion of the proposed driveway falls within 100' of the vegetated wetland as shown on the attached plan. A 3' path is to be cut through the existing vegetation to allow access to the pond. The path will be maintained by trimming brush to keep the 3' path open.

CONCLUSION

The 3' path is necessary for access to the pond and constitutes a water dependent use. The proposed 3' path and landscaping will not affect the bordering vegetated wetland resource area or result in an adverse impact on the interests protected by the Commission including rare/significant species habitat, pollutant removal, flood prevention, wildlife habitat, scenic views and recreation.



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

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):

6 Old Harbor Road
a. Street Address

Nantucket
b. City/Town

02554
c. Zip Code

Latitude and Longitude:
41° 17' 24.75" N
d. Latitude

70° 8' 8.68" W
e. Longitude

40
f. Assessors Map/Plat Number

95
g. Parcel /Lot Number

2. Applicant:

Merrick
a. First Name

Axel
b. Last Name

ETG Nominee Trust
c. Organization

1430 North Lake Shore Drive, Apt. 4
d. Street Address

Chicago
e. City/Town

IL
f. State

60610
g. Zip Code

maxel@cresseyco.com
j. Email Address

h. Phone Number

i. Fax Number

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+\$200+\$25
c. City/Town Fee Paid


Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

Applicant proposes landscaping and a pond access path within the buffer zone to a vegetated wetland. No work is proposed within the wetland resource area.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

26951

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
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number _____

Document Transaction Number _____

City/Town _____

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input checked="" type="checkbox"/> Bordering Vegetated Wetland	0 1. square feet _____	0 2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____ 3. cubic yards dredged _____	2. square feet _____

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <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. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____ 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? 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.

CURRENT ZONING CLASSIFICATION:
 Limited Use General 2 (L.U.G.-2) Existing

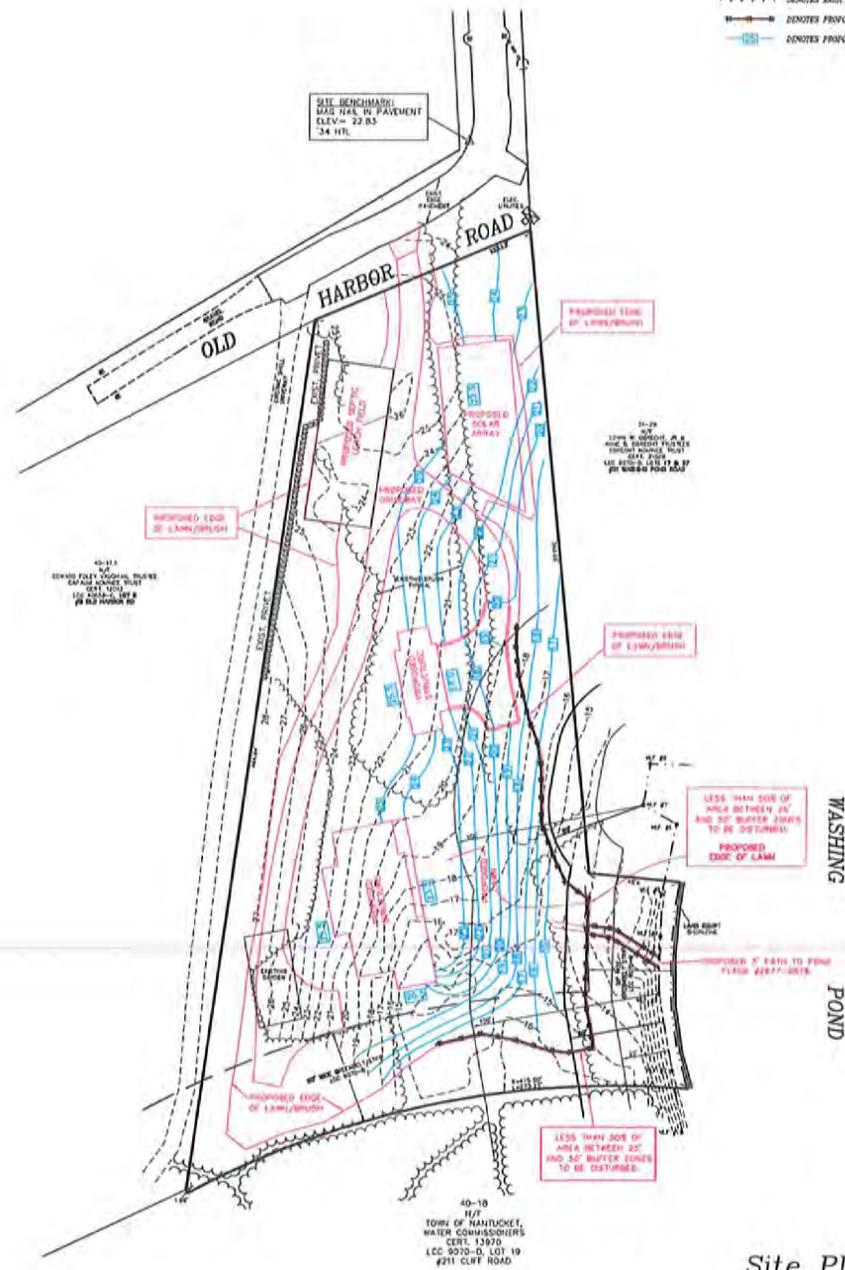
MINIMUM LOT SIZE: 80,000 S.F. 80,000 S.F.*
 MINIMUM FRONTAGE: 150 FT. SEE PLAN
 FRONT YARD SETBACK: 35 FT. SEE PLAN
 REAR/SIDE SETBACK: 15 FT. SEE PLAN
 GROUND COVER %: 0%

*INCLUDES 10' OF POND AREA PER 1988 ZONING CODE - PLANNING BOARD APPROVAL: SEPT. 16, 1988

LOT AREA PER CURRENT ZONING DEFINITION: 79,313± S.F.
 BASED ON 1988 MEASUREMENT OF SHORE.



- LEGEND**
- Ø-Ø-Ø W DENOTES CONCRETE POND WITH BRICK/PAVEMENT POND
 - DENOTES EXIST. GRADE CONTOUR
 - ⊗ DENOTES EXIST. SOL. TEST LOCATION
 - WLF#1 ⊗ DENOTES EXIST. WETLAND FLAG
 - ⊗ DENOTES EXIST. WETLAND DELINEATION
 - DENOTES EXIST. EDGE OF POND
 - DENOTES PROPOSED LIMIT OF FENCE & SELF FENCE
 - DENOTES PROPOSED CONTOURS



**Site Plan of Land
 To Accompany a
 Notice of Intent
 in Nantucket, MA
 Prepared for
 ETG NOMINEE TRUST**

CERT. OF TITLE #26951
 #6 OLD HARBOR ROAD
 ASSESSOR'S MAP 40, PARCEL 95
 Scale: 1" = 30' June 03, 2020
BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TEASDALE CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9026
 GRAPHIC SCALE



OWNER INFORMATION
 SARAH F. ALGER, TRUSTEE
 ETG NOMINEE TRUST
 CERTIFICATE 20951
 L.C.C. 9070-D, LOTS 18 & 28
 ASSESSOR'S MAP 40 PARCEL 95
 #6 OLD HARBOR ROAD

NOTE:
 THE ENTIRE SITE LIES WITHIN PRIORITY HABITAT DELINEATED BY THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM OF THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE.

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

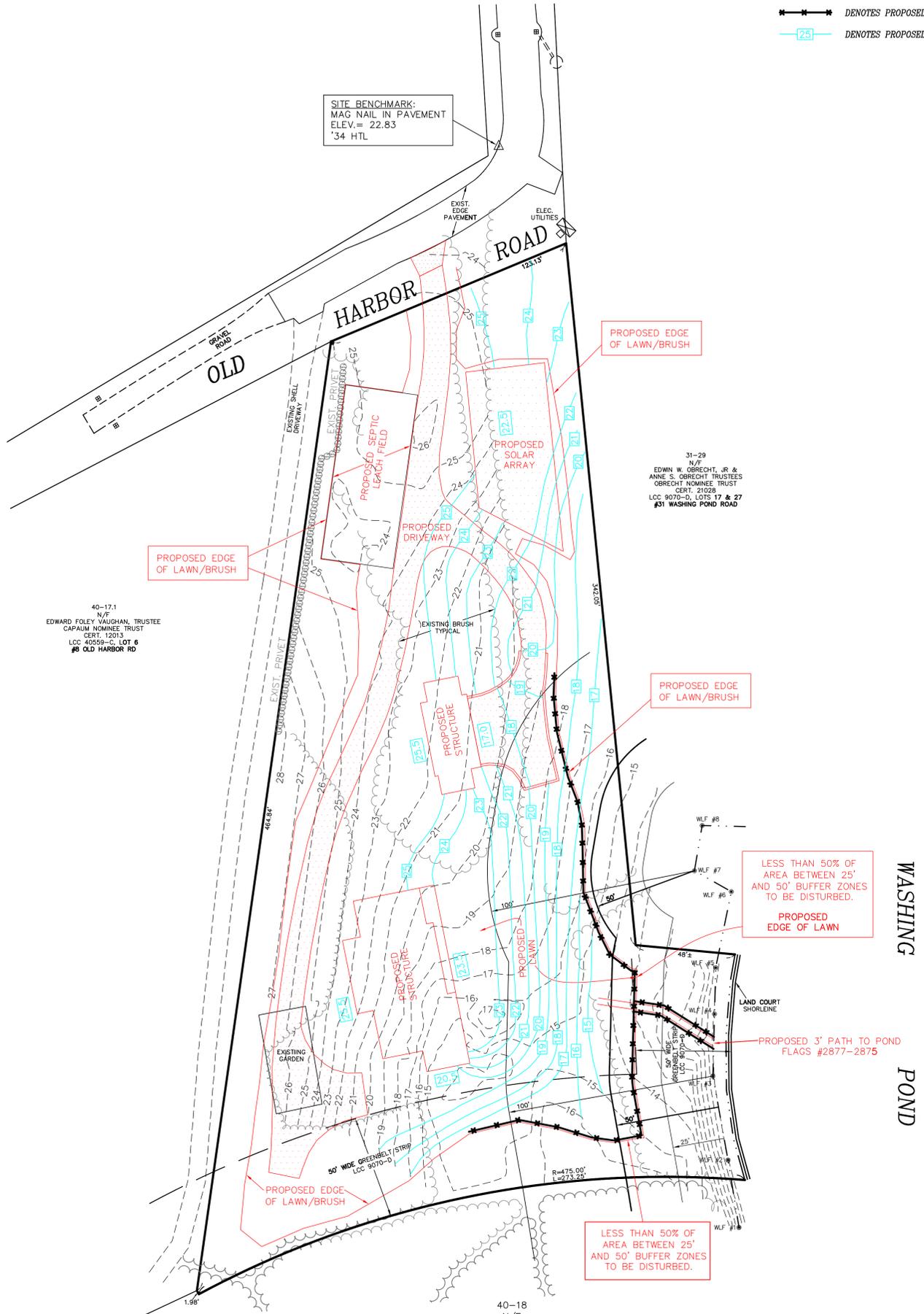
MINIMUM LOT SIZE:	80,000 S.F.	Existing:	80,050± S.F.*
MINIMUM FRONTAGE:	150 FT.	SEE PLAN	
FRONT YARD SETBACK:	35 FT.	SEE PLAN	
REAR/SIDE SETBACK:	15 FT.	SEE PLAN	
GROUND COVER %:	4%	0%	

*INCLUSION OF 10' OF POND AREA PER 1988 ZONING CODE- PLANNING BOARD APPROVAL: SEPT. 26, 1988

LOT AREA PER CURRENT ZONING DEFINITION: 79,313± S.F. BASED ON 1988 MEASUREMENT OF SHORE.

LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- 25 --- DENOTES EXIST. GRADE CONTOUR
- ⊕ DENOTES EXIST. SOIL TEST LOCATION
- WLF #4 ○ DENOTES EXIST. WETLAND FLAG
- ⊕ DENOTES EXIST. WETLAND DELINEATION
- ⋯ DENOTES EXIST. EDGE OF BRUSH
- DENOTES PROPOSED LIMIT OF WORK & SILT FENCE
- 25 --- DENOTES PROPOSED CONTOURS



40-17.1
N/F
EDWARD FOLEY VAUGHAN, TRUSTEE
CAPAIM NOMINEE TRUST
CERT. 12013
LCC 40559-C, LOT 6
#6 OLD HARBOR RD

31-29
N/F
EDWIN W. OBRECHT, JR. &
ANNE S. OBRECHT TRUSTEES
OBRECHT NOMINEE TRUST
CERT. 21028
LCC 9070-D, LOTS 17 & 27
#31 WASHINGTON ROAD

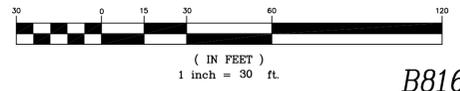
40-18
N/F
TOWN OF NANTUCKET,
WATER COMMISSIONERS
CERT. 13970
LCC 9070-D, LOT 19
#211 CLIFF ROAD

**Site Plan of Land
To Accompany a
Notice of Intent
in Nantucket, MA
Prepared for
ETG NOMINEE TRUST**

CERT. OF TITLE #26951
#6 OLD HARBOR ROAD
ASSESSOR'S MAP 40, PARCEL 95
Scale: 1" = 30' June 03, 2020

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

GRAPHIC SCALE



OWNER INFORMATION
SARAH F. ALGER, TRUSTEE
ETG NOMINEE TRUST
CERTIFICATE 26951
LCC 9070-D, LOTS 18 & 28
ASSESSOR'S MAP 40 PARCEL 95
#6 OLD HARBOR ROAD

NOTE:
THE ENTIRE SITE LIES WITHIN PRIORITY HABITAT DELINEATED BY THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM OF THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE.

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

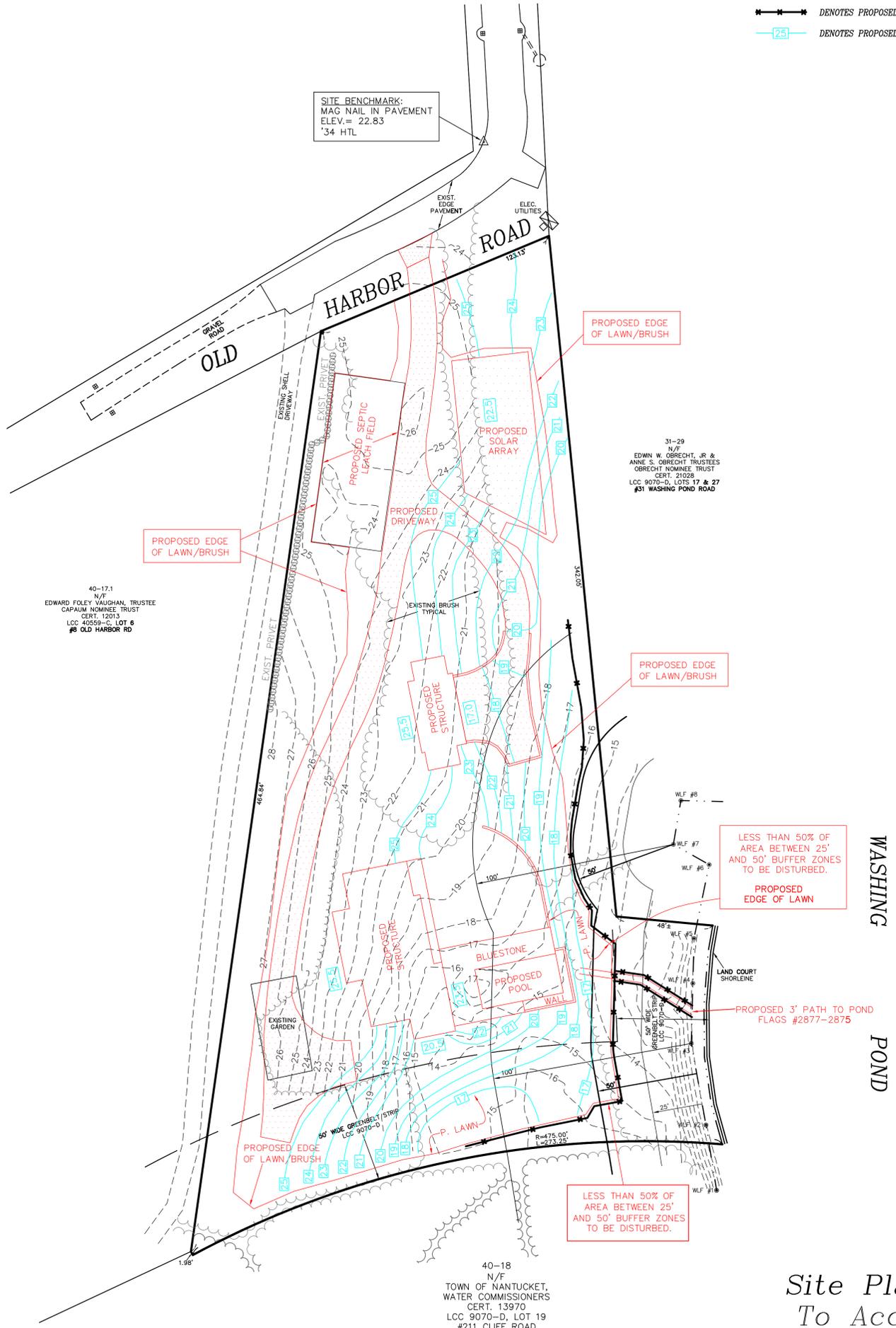
MINIMUM LOT SIZE:	80,000 S.F.	Existing:	80,050± S.F.*
MINIMUM FRONTAGE:	150 FT.	SEE PLAN	
FRONT YARD SETBACK:	35 FT.	SEE PLAN	
REAR/SIDE SETBACK:	15 FT.	SEE PLAN	
GROUND COVER %:	4%	0%	

*INCLUSION OF 10' OF POND AREA PER 1988 ZONING CODE- PLANNING BOARD APPROVAL: SEPT. 26, 1988

LOT AREA PER CURRENT ZONING DEFINITION: 79,313± S.F. BASED ON 1988 MEASUREMENT OF SHORE.

LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- 25 --- DENOTES EXIST. GRADE CONTOUR
- ⊙ DENOTES EXIST. SOIL TEST LOCATION
- WLF #4 ⊙ DENOTES EXIST. WETLAND FLAG
- ⊙ DENOTES EXIST. WETLAND DELINEATION
- ⋯ DENOTES EXIST. EDGE OF BRUSH
- DENOTES PROPOSED LIMIT OF WORK & SILT FENCE
- 25 --- DENOTES PROPOSED CONTOURS



SITE BENCHMARK:
MAG NAIL IN PAVEMENT
ELEV. = 22.83
'34 HTL

40-17.1
N/F
EDWARD FOLEY VAUGHAN, TRUSTEE
CAPAIM NOMINEE TRUST
CERT. 12013
LCC 40559-C, LOT 6
#6 OLD HARBOR RD

31-29
N/F
EDWIN W. OBRECHT, JR. &
ANNE S. OBRECHT TRUSTEES
OBRECHT NOMINEE TRUST
CERT. 21028
LCC 9070-D, LOTS 17 & 27
#31 WASHINGTON ROAD

40-18
N/F
TOWN OF NANTUCKET,
WATER COMMISSIONERS
CERT. 13970
LCC 9070-D, LOT 19
#211 CLIFF ROAD

LESS THAN 50% OF
AREA BETWEEN 25'
AND 50' BUFFER ZONES
TO BE DISTURBED.

LESS THAN 50% OF
AREA BETWEEN 25'
AND 50' BUFFER ZONES
TO BE DISTURBED.

NOTE:
THE APPROXIMATE BOTTOM OF POOL
ELEVATION IS 13.5'. THE SEPARATION
TO GROUNDWATER (EL. 6') WILL BE
APPROXIMATELY 7.5'.

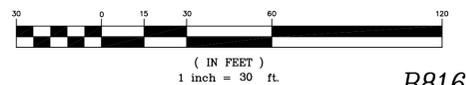
NOTE:
THE TOP OF WALL AT THE SOUTHEAST
POOL CORNER IS ELEVATION 22.5'. THE
BOTTOM OF WALL IS ELEVATION 18.0'.

**Site Plan of Land
To Accompany a
Notice of Intent
in Nantucket, MA
Prepared for
ETG NOMINEE TRUST**

CERT. OF TITLE #26951
#6 OLD HARBOR ROAD
ASSESSOR'S MAP 40, PARCEL 95
Scale: 1" = 30' June 03, 2020
Revised: June 22, 2020
Revised: July 07, 2020

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

GRAPHIC SCALE



OWNER INFORMATION

SARAH F. ALGER, TRUSTEE
ETG NOMINEE TRUST
CERTIFICATE 26951
LCC 9070-D, LOTS 18 & 28
ASSESSOR'S MAP 40 PARCEL 95
#6 OLD HARBOR ROAD

NOTE:
THE ENTIRE SITE LIES WITHIN PRIORITY HABITAT DELINEATED BY
THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM OF
THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE.

CURRENT ZONING CLASSIFICATION:
Limited Use General 2 (L.U.G.-2)

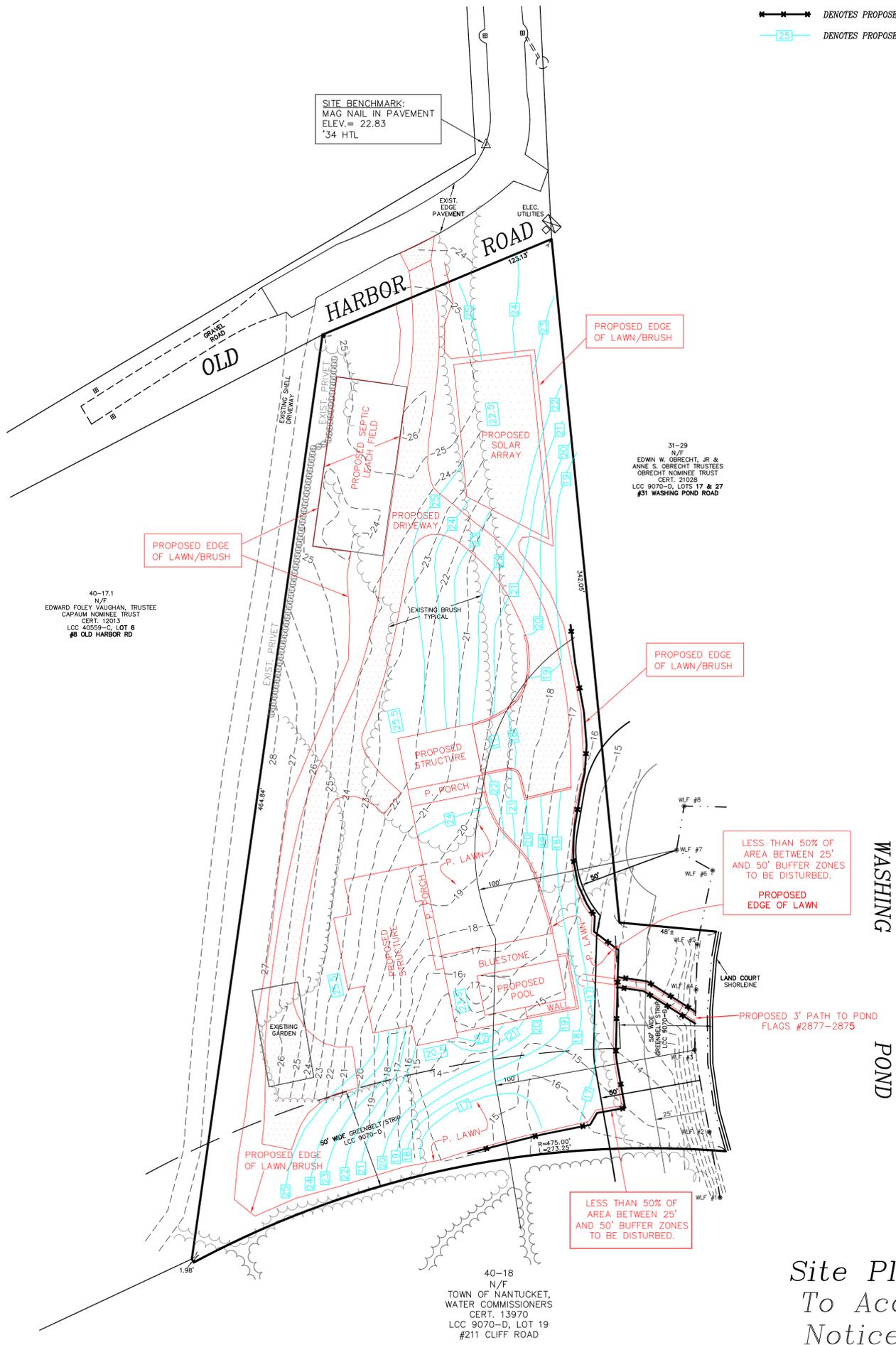
MINIMUM LOT SIZE:	80,000 S.F.	Existing:	80,050± S.F.*
MINIMUM FRONTAGE:	150 FT.	SEE PLAN	
FRONT YARD SETBACK:	35 FT.	SEE PLAN	
REAR/SIDE SETBACK:	15 FT.	SEE PLAN	
GROUND COVER %:	4%	0%	

*INCLUSION OF 10' OF POND AREA PER 1988 ZONING CODE- PLANNING BOARD APPROVAL: SEPT. 26, 1988

LOT AREA PER CURRENT ZONING DEFINITION: 79,313± S.F. BASED ON 1988 MEASUREMENT OF SHORE.

LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- 25 --- DENOTES EXIST. GRADE CONTOUR
- ⊙ DENOTES EXIST. SOIL TEST LOCATION
- WLF #4 ⊙ DENOTES EXIST. WETLAND FLAG
- ⊕ DENOTES EXIST. WETLAND DELINEATION
- ⋯ DENOTES EXIST. EDGE OF BRUSH
- ⊕ DENOTES PROPOSED LIMIT OF WORK & SILT FENCE
- 25— DENOTES PROPOSED CONTOURS



SITE BENCHMARK:
MAG NAIL IN PAVEMENT
ELEV. = 22.83
'34 HTL

40-17.1
N/F
EDWARD FOLEY VAUGHAN, TRUSTEE
CAPAIM NOMINEE TRUST
CERT. 12013
LCC 40559-C, LOT 6
#6 OLD HARBOR RD

31-29
N/F
EDWIN W. OBRECHT, JR. &
ANNE S. OBRECHT TRUSTEES
OBRECHT NOMINEE TRUST
CERT. 21029
LCC 9070-D, LOTS 17 & 27
#31 WASHING POND ROAD

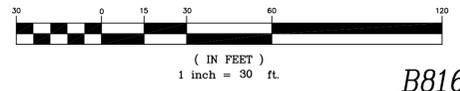
40-18
N/F
TOWN OF NANTUCKET,
WATER COMMISSIONERS
CERT. 13970
LCC 9070-D, LOT 19
#211 CLIFF ROAD

**Site Plan of Land
To Accompany a
Notice of Intent
in Nantucket, MA
Prepared for
ETG NOMINEE TRUST**

CERT. OF TITLE #26951
#6 OLD HARBOR ROAD
ASSESSOR'S MAP 40, PARCEL 95
Scale: 1" = 30' June 03, 2020
Revised: June 22, 2020
Revised: July 07, 2020
Revised: July 09, 2020

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

GRAPHIC SCALE



NOTE:
THE APPROXIMATE BOTTOM OF POOL ELEVATION IS 13.5'. THE SEPARATION TO GROUNDWATER (EL. 6') WILL BE APPROXIMATELY 7.5'.

NOTE:
THE TOP OF WALL AT THE SOUTHEAST POOL CORNER IS ELEVATION 22.5'. THE BOTTOM OF WALL IS ELEVATION 18.0'.

NOTE:
THE ENTIRE SITE LIES WITHIN PRIORITY HABITAT DELINEATED BY THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM OF THE MASSACHUSETTS DIVISION OF FISHERIES AND WILDLIFE.

OWNER INFORMATION
SARAH F. ALGER, TRUSTEE
ETG NOMINEE TRUST
CERTIFICATE 26951
LCC 9070-D, LOTS 18 & 28
ASSESSOR'S MAP 40 PARCEL 95
#6 OLD HARBOR ROAD

Notice of Intent Application
Aluminum Beach Stairs and Wooden Landing

At

8 Caroline Way
Nantucket, MA

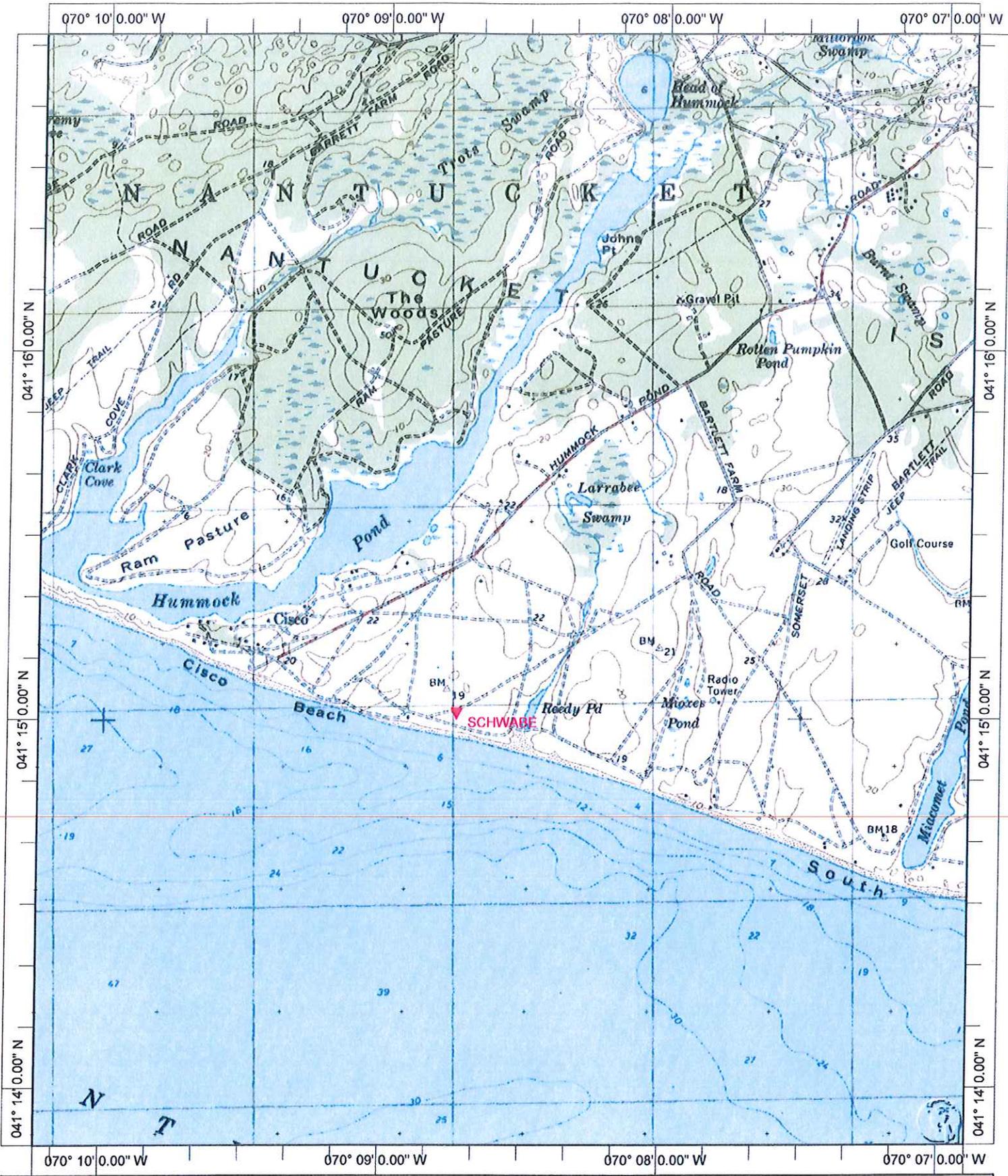
June 04, 2020

Prepared for

Arthur Schwabe

By

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



<Default> - 1 Markers, Length = 0 feet

SCHWABE - 041° 15' 00.9" N, 070° 08' 44.0" W

Name: NANTUCKET
 Date: 6/21/118
 Scale: 1 inch equals 2000 feet

Location: 041° 15' 21.2" N 070° 08' 33.8" W
 Caption: SCHWABE
 8 CAROLINE WAY
 NANTUCKET



Property Information	
Property ID	82 27
Location	8 CAROLINE WY
Owner	SCHWABE ARTHUR JR & KELLY



**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

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BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

INTRODUCTION

Locus is situated at 8 Caroline Way in the Cisco area of Nantucket, Massachusetts. The applicant seeks approval for an existing set of aluminum beach stairs and wooden landing. The existing stairs and landing are located within a Coastal Bank Resource Area and a Coastal Beach Resource Area. The beach stairs constitute a water dependent use. No waivers are being requested for this project.

SITE DESCRIPTION

The subject property is located on the south side of Caroline Way in the Cisco area of Nantucket Island. The defined resource area at the project location is a Coastal Bank and a Coastal Beach.

WORK DESCRIPTION

The wooden landing and aluminum stairs are constructed. The wooden landing is located on top of the Coastal Bank and the aluminum beach stairs extend seaward from the wooden landing down onto the Coastal Beach. The beach stairs can be pulled up onto the wooden landing prior to a storm event, or for the duration of the fall/winter/spring if need be.

CONCLUSION

The beach stairs and landing are necessary for access to the beach and will serve to protect the Coastal Bank from erosion due to foot traffic to and from the beach. The stairs and landing will not affect the Coastal Bank or Coastal Beach resource areas or result in an adverse impact on the interests protected by the Commission including storm damage prevention, erosion and flood control, wildlife habitat, scenic views and recreation.

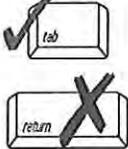


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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):

<u>8 Caroline Way</u> a. Street Address	<u>Nantucket</u> b. City/Town	<u>02554</u> c. Zip Code
<u>Latitude and Longitude:</u>	<u>41°15'2.26"N</u> d. Latitude	<u>70° 8'47.38"W</u> e. Longitude
<u>82</u> f. Assessors Map/Plat Number	<u>27</u> g. Parcel /Lot Number	

2. Applicant:

<u>Arthur</u> a. First Name	<u>Schwabe, Jr.</u> b. Last Name	
<u>c. Organization</u>		
<u>16 Deer Park Meadow Road</u> d. Street Address		
<u>Greenwich</u> e. City/Town	<u>CT</u> f. State	<u>06830</u> g. Zip Code
<u>508-325-1521</u> h. Phone Number	<u>i. Fax Number</u>	<u>j. Email Address</u>

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

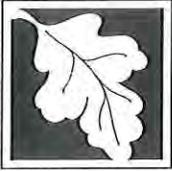
<u>a. First Name</u>	<u>b. Last Name</u>	
<u>c. Organization</u>		
<u>d. Street Address</u>		
<u>e. City/Town</u>	<u>f. State</u>	<u>g. Zip Code</u>
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

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

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

<u>\$110+\$200+\$25</u> a. Total Fee Paid	<u>\$42.50</u> b. State Fee Paid	<u>\$67.50</u> c. City/Town Fee Paid
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

Applicant seeks approval for existing beach stairs and wooden landing. The beach stairs and landing are located within the Coastal Bank and Coastal Beach resource area. The Stairs and landing constitute a water dependant use per local wetlands bylaw.

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 checked="" type="checkbox"/> Other | |

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

26803

b. Certificate # (if registered land)

c. Book

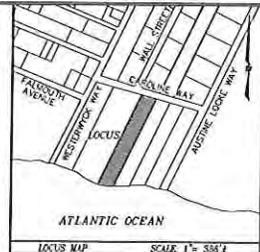
d. Page Number

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

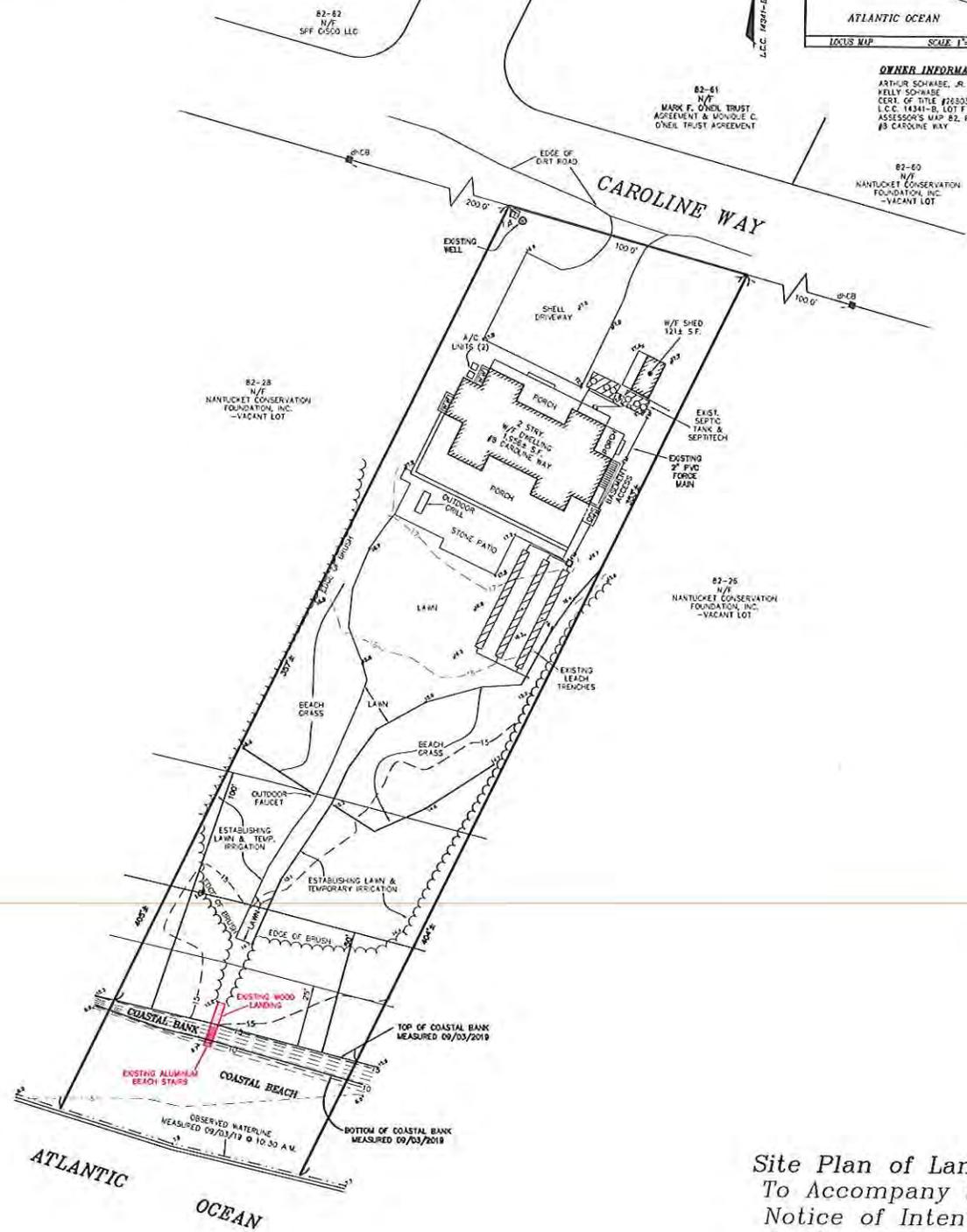
- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

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.

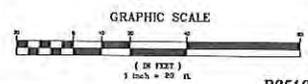
- LEGEND**
- ⊕ CB (10) ■ DENOTES CONCRETE FOUND WITH DIRECTION FOUND
 - ⊕ DENOTES EXISTING WELL
 - +38.5 DENOTES EXISTING GRADE EPOF ELEVATION
 - 15 DENOTES EXISTING GRADE OUTLINE LINE
 - ⊕ DENOTES TRANSFORMER FOUND
 - ⊕ DENOTES TELEPHONE FURNISHED FOUND
 - W.W. DENOTES FENCE WALL
 - OC5 DENOTES OUTDOOR CUPPER



OWNER INFORMATION
 ARTHUR SCHWABE, JR.
 KELLY SCHWABE
 CERT. OF TITLE #22533
 L.C.C. 14341-B, LOT F
 ASSESSOR'S MAP 82, PARCEL 28
 88 CAROLINE WAY

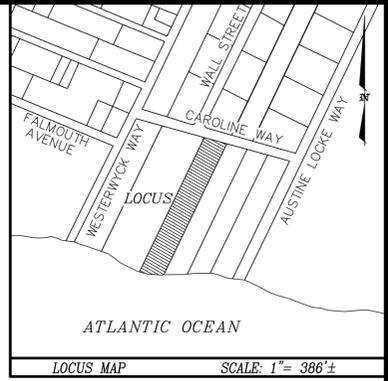


Site Plan of Land
 To Accompany a
 Notice of Intent
 in Nantucket, MA
 Prepared for
ARTHUR SCHWABE, JR.
KELLY SCHWABE
 CERT. OF TITLE #26803
 8 CAROLINE WAY
 ASSESSOR'S MAP 82, PARCEL 27
 Scale: 1" = 20' SEPTEMBER 18, 2019
BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 40 TEASDALE CIRCLE
 NANTUCKET, MASS 02554
 (508) 228-9026



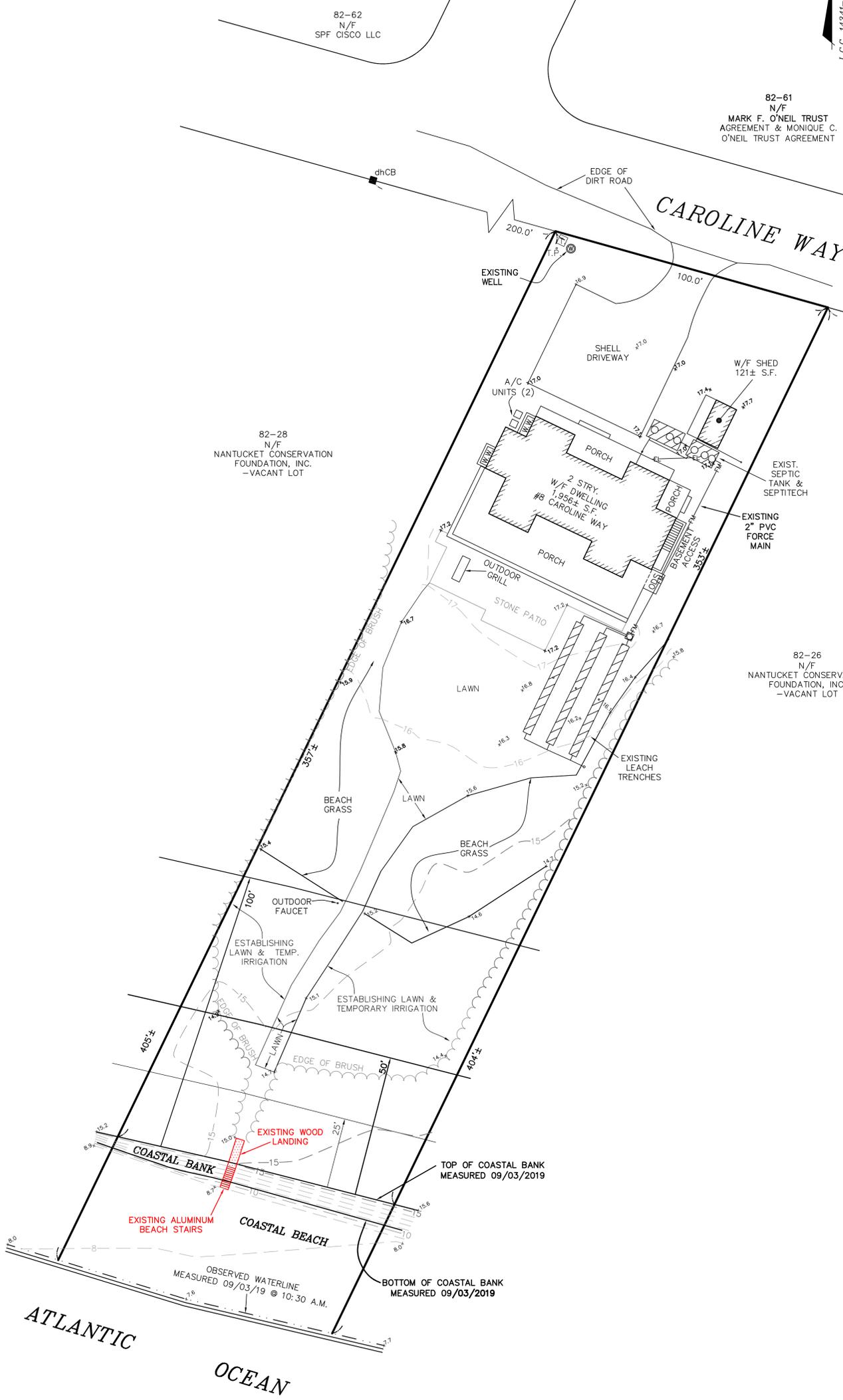
LEGEND

- dhCB (FD) ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- ⊙ DENOTES EXISTING WELL
- x38.5 DENOTES EXISTING GRADE SPOT ELEVATION
- 15— DENOTES EXISTING GRADE CONTOUR LINE
- ⊡ DENOTES TRANSFORMER FOUND
- T.P. DENOTES TELEPHONE PEDESTAL FOUND
- W.W. DENOTES WINDOW WELL
- ODS DENOTES OUTDOOR SHOWER



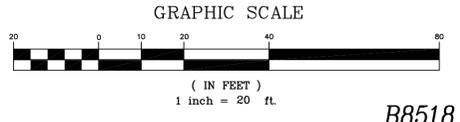
OWNER INFORMATION

ARTHUR SCHWABE, JR.
 KELLY SCHWABE
 CERT. OF TITLE #26803
 L.C.C. 14341-B, LOT F
 ASSESSOR'S MAP 82, PARCEL 28
 #8 CAROLINE WAY



Site Plan of Land
 To Accompany a
 Notice of Intent
 in Nantucket, MA
 Prepared for
ARTHUR SCHWABE, JR.
KELLY SCHWABE

CERT. OF TITLE #26803
 8 CAROLINE WAY
 ASSESSOR'S MAP 82, PARCEL 27
 Scale: 1" = 20' SEPTEMBER 16, 2019
BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 20 TEASDALE CIRCLE
 NANTUCKET, MASS. 02554
 (508) 228-9026



Notice of Intent Application

Sewer connection

At

30 Dukes Road
Nantucket, MA

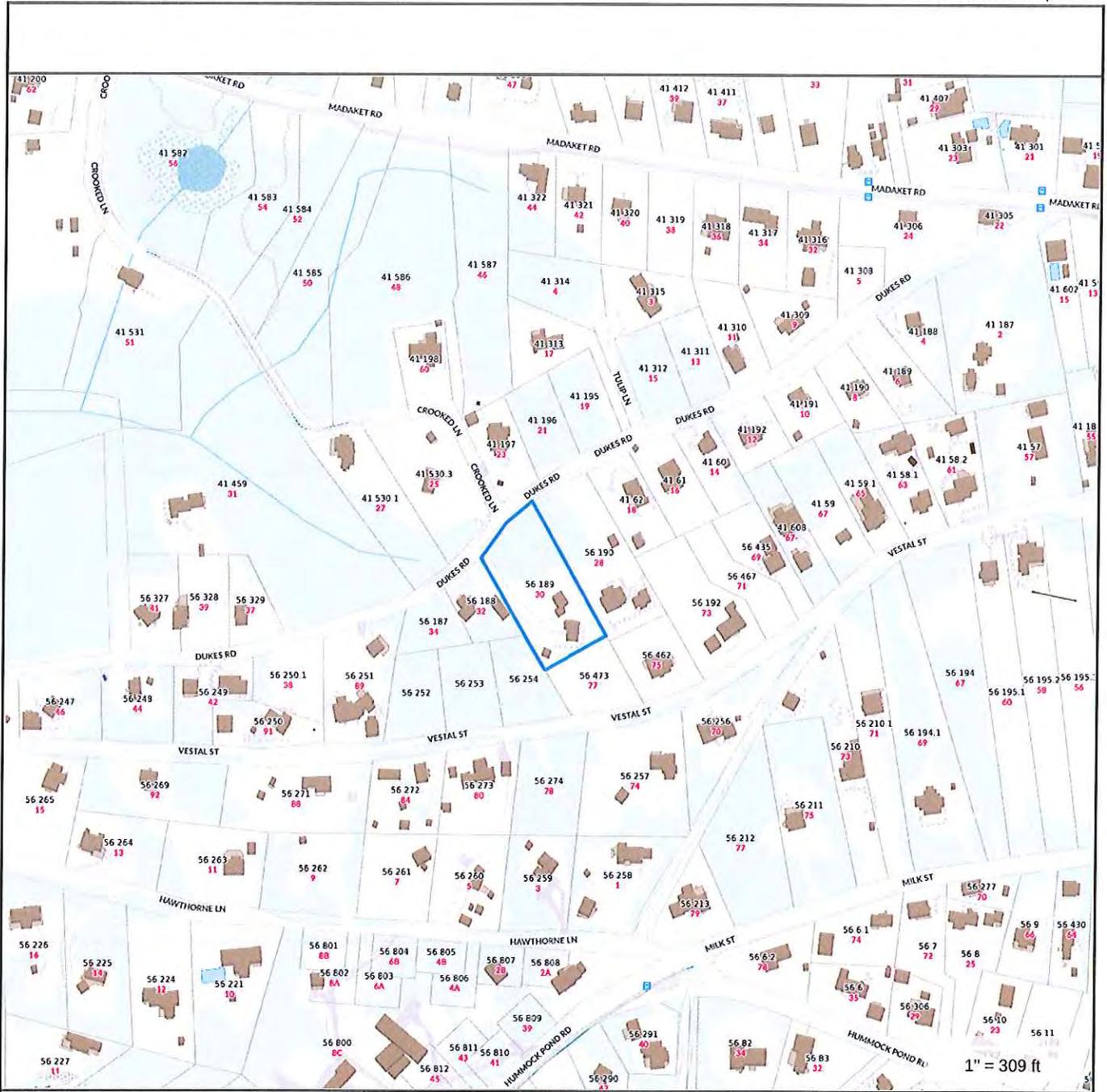
June 19, 2020

Prepared for

Nantucketshire, LLC

By

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



Property Information

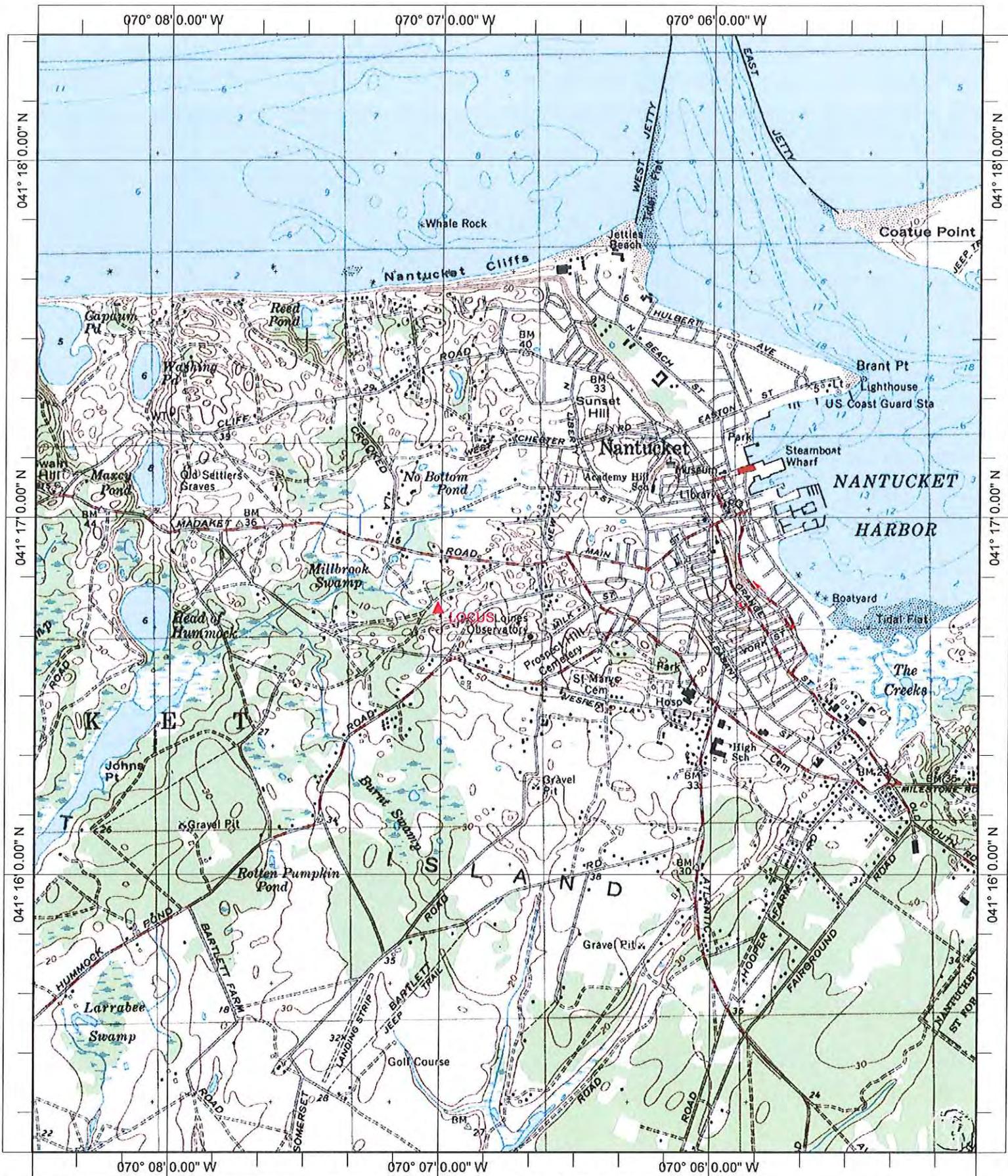
Property ID 56 189
Location 30 DUKES RD
Owner NANTUCKETSHIRE LLC



**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



LOCUS - 1 Markers, Length = 0 feet

LOCUS - 041° 16' 44.6" N, 070° 07' 00.5" W

Name: NANTUCKET

Location: 041° 16' 47.3" N 070° 06' 45.2" W

Date: 12/19/118

Scale: 1 inch equals 2000 feet

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

INTRODUCTION

Locus is situated at 30 Dukes Road in Nantucket, Massachusetts. The applicant proposes to connect the two existing structures to the existing forced main sewer in Dukes Road. The existing leach field will be abandoned per title V 310CMR: 15.354(3), and the existing septic tank is to be pumped/crushed/filled or removed. The abandonment of the existing septic system and proposed installation of a sewer ejector pump will occur greater than 50' from the Bordering Vegetated Wetland resource area (BVW). The trenching and connection to the existing forced main sewer will occur within 25' of the BVW resource area. No work is being proposed within the Resource Area. A waiver to work within the 25' buffer zone to a BVW resource area is being requested for this project.

SITE DESCRIPTION

The subject property is located on the south side of Dukes Road on Nantucket Island. The defined resource area at the project location is a Bordering Vegetated Wetland resource area.

WORK DESCRIPTION

The proposed sewer connection work entails disconnecting and abandoning the existing septic system, trenching to install a sewer line under the existing driveway, and trenching to expose and connect to the existing forced main sewer under the traveled way in Dukes Road. The existing Leach trenches will be abandoned per title V 310CMR: 15.354(3), and the existing septic tank is to be pumped/crushed/filled or removed. A sewer ejector pump will be installed, and the two existing structures will be connected to the existing forced main sewer in Dukes Road. A silt fence will be erected at the limit of work as shown on the attached plan. The disturbed areas will be replaced in kind with existing conditions- the driveway and road will be replaced with similar materials, and any disturbance adjacent to the driveway will be spread with a minimum of 6" of topsoil and seeded with cape cod grass mix.

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

CONCLUSION

The proposed sewer connection will not adversely affect the BVW resource area or result in an adverse impact on the interests protected by the Commission including rare/significant species habitat, flood control, scenic views and recreation.

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors & Civil Engineers

B8548

June 18, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Waiver Request for 30 Dukes Road

Dear Commission Members:

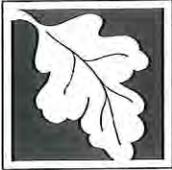
The purpose of this letter is to request and justify a waiver from the Town of Nantucket Conservation Commission Wetland Protection Regulations and Town of Nantucket By-law Chapter 136. The applicant is required by the Nantucket Board of Health to connect two existing structures at 30 Dukes Road to the existing town sewer in Dukes Road. Some of the required sewer connection work will occur within the 25' buffer to a Bordering Vegetated Wetland resource area (BVW). No work is being proposed within the BVW resource area.

A waiver is requested from the Wetland Protection Regulations Section 3.02 B.1. : "Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to vegetated wetlands."

Given existing conditions, the proposed work occurring in the 25' buffer will not adversely impact the interests protected by the Commission including rare/significant species habitat, flood control, scenic views, and recreation. The work will occur within the existing driveway and road, and the work will not reduce the setback to the BVW.

Additionally, there is no feasible alternative location for this work to occur. The proposed sewer connection cannot occur in an alternate location due to the location of the BVW on the locus property. Working underneath the existing driveway and road within the 25' buffer is the only feasible location for the required sewer connection work to occur. In conclusion, no reasonable alternative exists for connection of the house to town sewer. Also, there will be no adverse impact given the proposed sediment control measures and limited amount of excavation.

Sincerely,
Blackwell & Associates, Inc.
By: Jeffery L. Blackwell, PLS



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):

30 Dukes Road
 a. Street Address

Nantucket
 b. City/Town

02554
 c. Zip Code

Latitude and Longitude:
 41°16'44.24"N
 d. Latitude

70° 6'58.03"W
 e. Longitude

56
 f. Assessors Map/Plat Number

189
 g. Parcel /Lot Number

2. Applicant:

Hollis
 a. First Name

Webb
 b. Last Name

Nantucketshire LLC
 c. Organization

23 Dukes Road
 d. Street Address

Nantucket
 e. City/Town

MA
 f. State

02554
 g. Zip Code

508-680-4490
 h. Phone Number

i. Fax Number

hwebb23@gmail.com
 j. Email Address

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

a. First Name _____ b. Last Name _____

c. Organization _____

d. Street Address _____

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

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

4. Representative (if any):

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

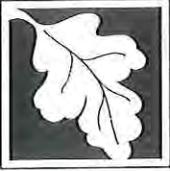
jeff@blackwellsurvey.com
 j. Email address

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+\$200+\$25
 c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

The applicant proposes to connect the two existing structures to the existing forced main sewer in Dukes Road. The existing leach field will be abandoned per title V 310CMR: 15.354(3), and the existing septic tank is to be pumped/crushed/filled or removed.

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 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

1538

c. Book

b. Certificate # (if registered land)

220

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.

GENERAL NOTES

- 1) The contractor(s) shall notify the Design Engineer / Surveyor for proper location of proposed utilities and improvements prior to construction. The location of existing utilities are unknown. The proper utility offices will be contacted to their original condition at the contractor to field verify underground locations. Contractor must contact DIG-SAFE 801-888-3444-7233.
- 2) The contractor shall provide for the safe and orderly passage of traffic and pedestrians in areas under construction.
- 3) Areas outside limits of work disturbed by the contractor during construction will be restored to their original condition at the expense of the contractor.
- 4) Removal of trees and / or hedges in areas adjacent to the proposed travel way is to be done only upon direction of the engineer or owner and verification of the location of the limit of proposed work, by the contractor.
- 5) The contractor shall be responsible for all disturbed areas until suitable vegetative growth has been established.
- 6) Under NO circumstances shall the contractor remove ANY tree without approval of the surveyor and / or owner. The cost of re-planting such trees shall be paid by the contractor.
- 7) No variation to these plans may be undertaken without written authorization by the Design Engineer. Design engineer must be notified if field revisions are required.
- 8) It is the responsibility of the contractor to record in note form (preferably in a survey field notebook) the location of all utilities installed when surveys are not at job site. These notes will be utilized for the preparation of required AS-Built Plan.

NOTE:
DISTING FOREMAN WAS SCALED FROM LOW PRESSURE SEWER AS-BUILT FOR BUKES ROAD DATED 08-04-15 BY BRADEN ENGINEERING, INC.
-CONTRACTOR TO VERIFY LOCATIONS IN FIELD.

NOTE:
-ANY WORK WITHIN 100' OF A WELAND REQUIRES THE REVIEW AND APPROVAL OF THE NANTUCKET CONSERVATION COMMISSION.

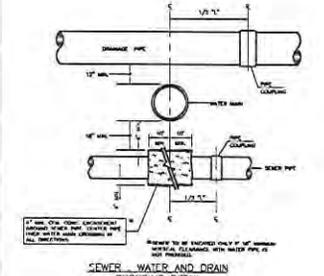
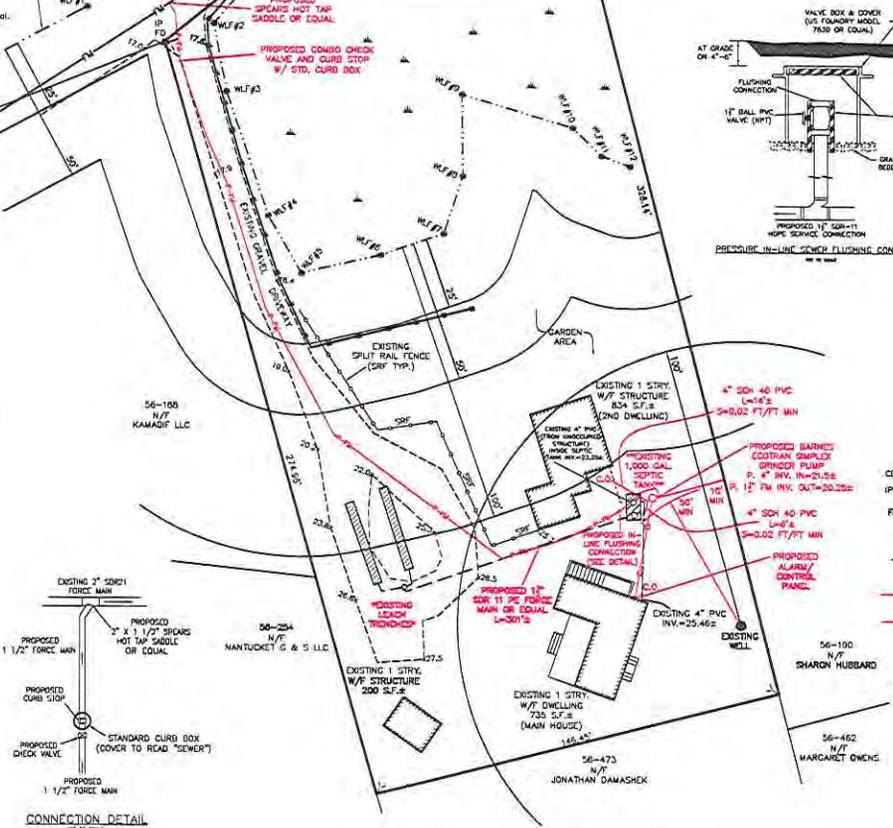
WELAND DELINEATED BY LLC ENVIRONMENTAL CONSULTANTS, INC.

SANITARY SEWER CONSTRUCTION NOTES

- 1) Sanitary sewer force main to be 1-1/2" SDR-11 pipe or approved equal. House/building services to be 4" PVC (SDR 40); MIN slope 1/4" per foot; with single rubber gasket bell when sewer branches will not be immediately connected to the municipal collection system, the end of the service pipe shall be equipped with a 2"x4" wood stake pointed green and marked with the letter "S".
- 2) Water and sewer separation: Sewers shall be laid at a minimum of 10 ft. horizontally from the proposed 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 a distance of 10 feet on each side of the water main. One full length of Class 150 pressure pipe should be centered over the water main so that both joints will be as far from the water main as possible. The sewer constructed of the pressure pipe must be pressure tested for possible leaks.
- 3) Contractor must comply with all standards and specifications for the installation of a sanitary sewer in the Town of Nantucket. These standards are available from the Sewer Department. Contractor's work must meet or exceed these specifications as to what will be responsible for any upgrades to the required standards.
- 4) Contractor must comply with all Code of Federal Regulations that deal with Occupational Safety and Health Administration (OSHA) requirements (Title 29 - LABOR / Part 1926) as amended.
- 5) Prior to construction, contractor must review all Sanitary Sewer structure requirements prior to ordering of such materials.

NOTES:

- CONTRACTOR MUST NOTIFY SURVEYOR AND SEWER DEPARTMENT PRIOR TO BACKFILLING, FOR INSPECTION AND AS-BUILT.
- CONTRACTOR MUST NOTIFY HEALTH DEPARTMENT PRIOR TO SEPTIC SYSTEM ABANDONMENT, FOR INSPECTION.
- ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE AND THE REQUIREMENTS OF THE LOCAL SEWER DEPARTMENT.
- INSTALLER SHALL CONFIRM THAT ALL SEWER LINES FROM STRUCTURES HAVE BEEN ACCOUNTED FOR & ALL SEWER INVERT ELEVATIONS OF EACH HAVE BEEN DETERMINED PRIOR TO SETTING ANY SEWER COMPONENTS.
- FORCE MAIN TO HAVE A MINIMUM SLOPE COVER OF A FEET (48") WHERE COVER IS LESS THAN 4' THE FORCEMAIN SHALL BE COVERED BY RIGID FOAM INSULATION.
- AREAS DISTURBED BY CONSTRUCTION SHALL BE LOADED, SEEDED AND MULCHED OR OTHERWISE STABILIZED TO MINIMIZE EROSION.
- PUMP CONTROL AND ALARM PANEL TO BE INSTALLED BY LICENSED ELECTRICIAN WITHIN SIGHT OF THE PUMP CHAMBER.
- GRINDER PUMP SYSTEM TO BE INSTALLED IN ACCORDANCE WITH ALL MANUFACTURER'S SPECIFICATIONS.
- EXISTING SUBSURFACE UTILITIES TO BE MARKED OUT PRIOR TO CONSTRUCTION AND PROTECTED BY CONTRACTOR.



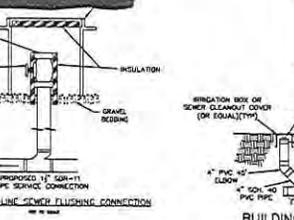
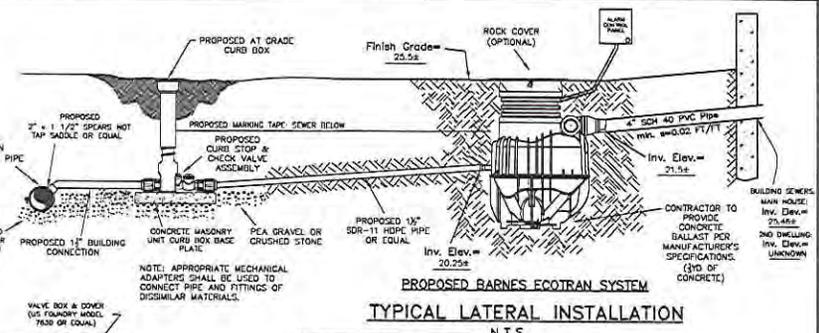
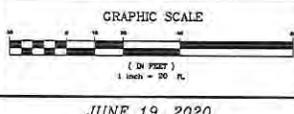
OWNER INFORMATION

NANTUCKETSHIRE, LLC
2020 DR-1538 PL. 220
PLAN NO. 2009-10, LOT 2
ASSESSOR'S MAP 56, PARCEL 189
430 DUKES ROAD

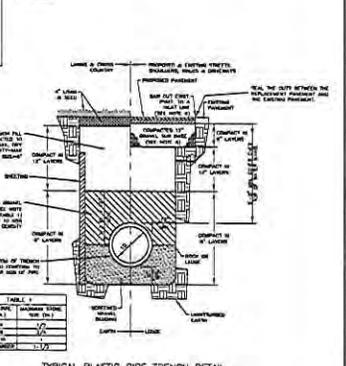
NOTE: SEPTIC SYSTEM LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.

FLOW ESTIMATES

NUMBER OF BEDROOMS: 2
ESTIMATED FLOW = ZBR x 110 GPD/BR = 220 GPD



NOTE:
UNDER PUMP SYSTEM SHALL BE A BARNES ECOTRAN SAMPLE GRINDER PUMP STATION. WENTED, W/ 50' ELECTRICAL CABLE, AND MODEL 1050 ALUMINUM BOX (OR APPROVED EQUAL). THE SYSTEM IS AVAILABLE FROM NUMBERS SUPPLY COMPANY.



- LEGEND**
- CB FD ■ DENOTES CONCRETE FOUND FOUND
 - IP FD ○ DENOTES IRON PIPE FOUND
 - FM -FM- DENOTES APPROXIMATE LOCATION OF EXISTING 2" SDR21 SEWER FORCEMAIN
 - x19.5 DENOTES EXISTING SPOT ELEVATION
 - OW- DENOTES EXISTING OVER HEAD WIRES
 - U- DENOTES EXISTING UTILITY POLE
 - P-11- DENOTES PROPOSED 1 1/2" SDR 11 PE SEWER FORCE MAIN
 - EA- DENOTES PROPOSED ELECTRICAL AND ALARM SERVICE LOCATIONS CAN BE ADJUSTED PER OVER/SITE LAYOUT -CONTRACTOR TO CONFORM W/ ELECTRICAL TRADE SERVICE LOCATION WOULD ORGANIZE PRIOR TO SETTING CONDUIT
 - C.O.- DENOTES PROPOSED CLEANOUT AT GRADE- IF NONE EXIST (SEE DETAIL)
 - S- DENOTES PROPOSED SILT FENCE WITH HAYBALES

NOTE:
-LOCATIONS OF ALL EXISTING SEPTIC LINES ARE APPROXIMATE ONLY; EXACT LOCATIONS UNKNOWN.

****NOTE:** EXISTING SEPTIC TANK TO BE PUMPED EMPTY, BOTTOM RUPTURED AND FILLED WITH COMPACT SOIL OR FILLED WITH FLOWABLE FILL OR REMOVED**

****NOTE:** EXISTING LEACH FIELD TO BE ABANDONED PER TITLE V 3100RC: 15.354(3)**

NOTE TO CONTRACTORS & OWNERS:
-UNDER REQUIREMENTS OF THE TOWN OF NANTUCKET WASTEWATER SYSTEM REGULATIONS GOVERNING THE USE OF COMBINATION SEWER SYSTEMS, SECTION 3.0.2.2 AND 3.1.2, AN AS-BUILT PLAN MUST BE SUBMITTED FOR FINAL SEWER DEPARTMENT REVIEW. THEREFORE THE CONTRACTOR MUST CONTACT BLACKWELL & ASSOCIATES, INC. (508-238-3028) TO LOCATE ALL PUMP SYSTEMS PRIOR TO ANY BACKFILLING BEING REQUIRED. ANY PUMP SYSTEMS BACKFILLED AND NOT DISPOSED FOR LOCATION WILL BE REQUIRED TO BE DISPOSED AT CONTRACTOR'S EXPENSE.

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-3028
www.blackwellsurvey.com

PROPOSED SEWER CONNECTION PLAN
PREPARED FOR
NANTUCKETSHIRE, LLC
#30 DUKES ROAD
NANTUCKET, MA
MAP: 56, PARCEL: 189

Design/Drawn by: DBB/CJR
Approved by: GCB

SHEET 1 OF 1 B8548

GENERAL NOTES

- 1) The contractor(s) shall notify the Design Engineer / Surveyor for proper location of proposed utilities and improvements prior to construction. The location of existing utilities are unknown. The proper utility companies shall be notified by the contractor to field verify underground locations. Contractor must contact DIG-SAFE 01-888-344-7233.
- 2) The contractor shall provide for the safe and orderly passage of traffic and pedestrians in areas under construction.
- 3) Areas outside limits of work disturbed by the contractor during construction will be restored to their original condition at the expense of the contractor.
- 4) Removal of trees and/or hedger in areas adjacent to the proposed trench way is to be done only with the approval of owner and verification of the location of the limit of proposed work by the contractor.
- 5) The contractor shall be responsible for all disturbed areas until a suitable vegetative growth has been established.
- 6) Under NO circumstances shall the contractor remove ANY tree without approval of the surveyor and / or owner. The cost of replacing such trees shall be paid by the contractor.
- 7) No variation to these plans may be undertaken without written authorization by the Design Engineer. Design engineer must be notified if field revisions are required.
- 8) It is the responsibility of the contractor to record in note form (preferably in a survey field notebook) the location of all utilities installed when surveys are not at job site. These notes will be utilized for the preparation of required As-Built Plan.

SANITARY SEWER CONSTRUCTION NOTES

- 1) Sanitary sewer force main to be 1-1/2" SDR-11 pipe or approved equal. House/Building services to be 4" PVC (SCH 40), MIN slope 1/4" per foot; with tight rubber gasket ball. When sewer service will not be immediately connected to the municipal collection system, the end of the service pipe shall be capped with a 2"x4" wood stove painted green and marked with the letter "S".
- 2) Water and sewer separation: Sewers shall be laid at a minimum of 10 ft. horizontally from the proposed 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 relation to the sewer cannot be adjusted to comply with the above requirement, the contractor shall construct the sewer of Class 160 pressure PVC pipe for a distance of 10 feet on each side of the water main. One full length of CL160 pressure pipe should be centered over the water main so that both joints will be 24" far from the water main on each side. The sewer constructed of the pressure pipe must be pressure tested for porous lines.
- 3) Contractor must comply with all standards and specifications for the installation of a sanitary sewer in the Town of Nantucket. These standards are available from the Sewer Department. Contractor's work must meet or exceed these specifications or he/she will be responsible for any upgrades to the required standards.
- 4) Contractor must comply with all Code of Federal Regulations that deal with Occupational Safety and Health Administration (OSHA) requirements (Title 29 - LABOR / Part 1926) as amended.
- 5) Prior to construction, contractor must review all Sanitary Sewer structure requirements prior to ordering of such materials.

NOTES:

- CONTRACTOR MUST NOTIFY SURVEYOR AND SEWER DEPARTMENT PRIOR TO BACKFILLING, FOR INSPECTION AND AS-BUILT.
- CONTRACTOR MUST NOTIFY HEALTH DEPARTMENT PRIOR TO SEPTIC SYSTEM ABANDONMENT, FOR INSPECTION.
- ALL CONSTRUCTION SHALL CONFORM TO THE STATE ENVIRONMENTAL CODE AND THE REQUIREMENTS OF THE LOCAL SEWER DEPARTMENT.
- INSTALLER SHALL CONFIRM THAT ALL SEWER LINES FROM STRUCTURES HAVE BEEN ACCOUNTED FOR & ALL SEWER INVERT ELEVATIONS OF EACH HAVE BEEN DETERMINED PRIOR TO SETTING ANY SEWER COMPONENTS.
- FORCE MAIN TO HAVE A MINIMUM SOIL COVER OF 4 FEET (48"). WHERE COVER IS LESS THAN 4' THE FORCEMAIN SHALL BE COVERED BY RIGID FOAM INSULATION.
- AREAS DISTURBED BY CONSTRUCTION SHALL BE LEANED, SEEDED AND MULCHED OR OTHERWISE STABILIZED TO MINIMIZE EROSION.
- PUMP CONTROL AND ALARM PANEL TO BE INSTALLED BY LICENSED ELECTRICIAN WITHIN SIGHT OF THE PUMP CHAMBER.
- GRINDER PUMP SYSTEM TO BE INSTALLED IN ACCORDANCE WITH ALL MANUFACTURER'S SPECIFICATIONS.
- EXISTING SUBSURFACE UTILITIES TO BE MARKED OUT PRIOR TO CONSTRUCTION AND PROTECTED BY CONTRACTOR.

NOTE:

EXISTING FORCEMAIN WAS SEALED FROM "LOW PRESSURE SEWER AS-BUILT" FOR DUKES ROAD DATED 06-04-13 BY BRADEN ENGINEERING, INC. -CONTRACTOR TO VERIFY LOCATIONS IN FIELD.

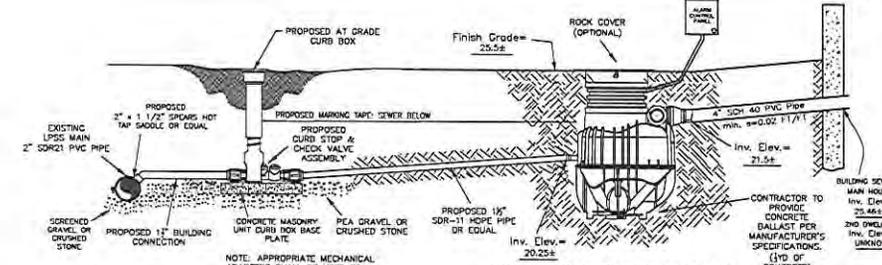
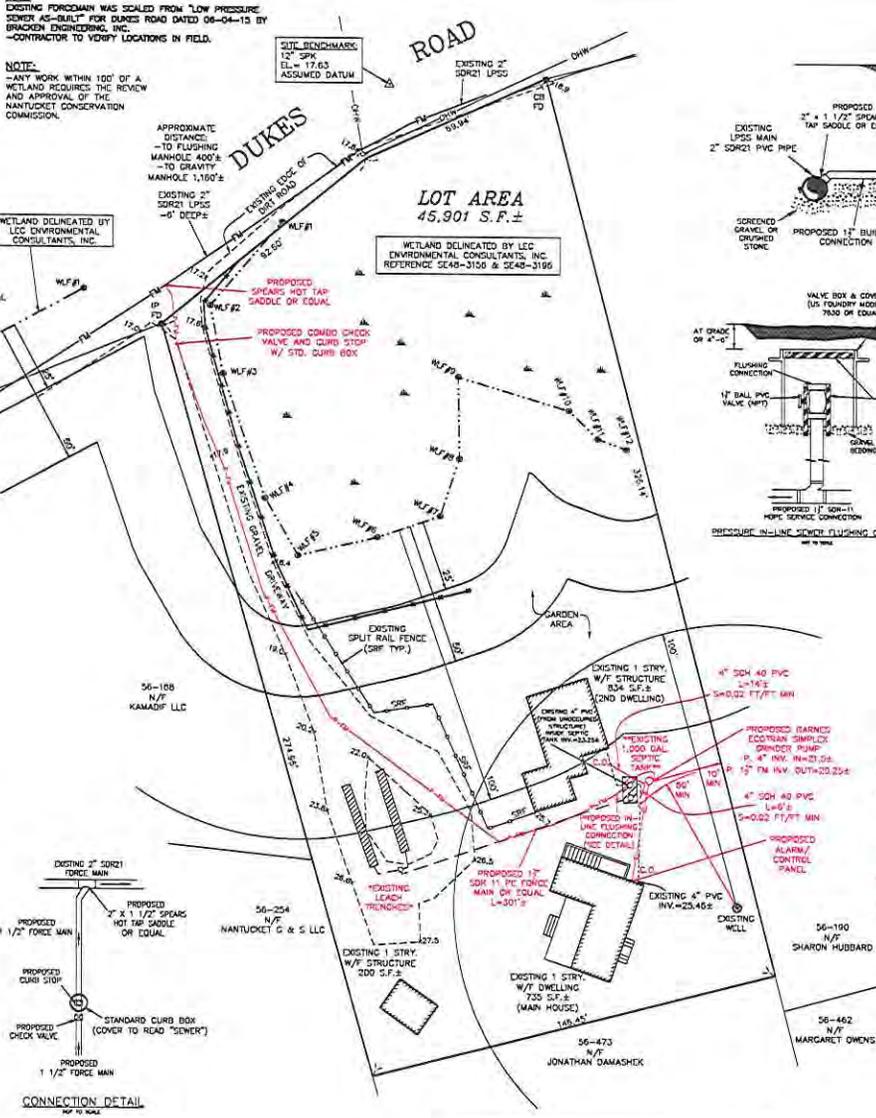
NOTE:

ANY WORK WITHIN 100' OF A WETLAND REQUIRES THE REVIEW AND APPROVAL OF THE NANTUCKET CONSERVATION COMMISSION.

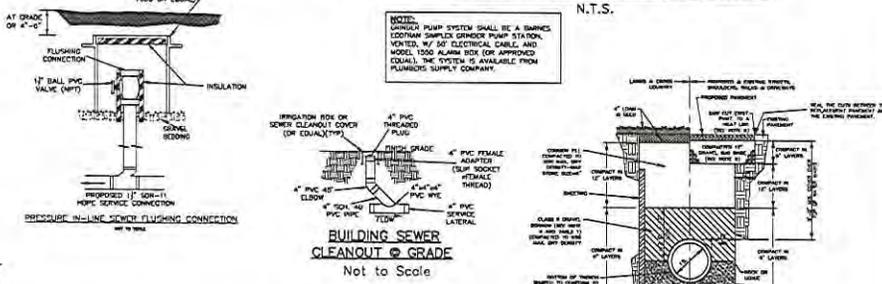
WETLAND DELINEATED BY LIC ENVIRONMENTAL CONSULTANTS, INC.

LOT AREA 45,901 S.F. ±

WETLAND DELINEATED BY LIC ENVIRONMENTAL CONSULTANTS, INC. REFERENCE SE48-3150 & SE48-3196



TYPICAL LATERAL INSTALLATION



BUILDING SEWER CLEANOUT @ GRADE

Not to Scale

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

LEGEND

- CB FD ■ DENOTES CONCRETE BOUND FOUND
- IP FD ○ DENOTES SOUP PIPES FOUND
- FM -FM ○ DENOTES APPROXIMATE LOCATION OF EXISTING 4\"/>
- x19.5 DENOTES EXISTING SPOT ELEVATION
- DHW - DENOTES EXISTING OVER HEAD WIRES
- TU - DENOTES EXISTING UTILITY POLE
- P-FM - DENOTES PROPOSED 1 1/2\"/>
- EL - DENOTES PROPOSED ELECTRICAL AND ALARM SERVICE - LOCATIONS CAN BE ADJUSTED PER OWNER/SITE LAYOUT - CONTRACTOR TO CONSULT W/ ELECTRICIAN PRIOR SERVICE LOCATION WOULD OCCURRUTE FLOOR TO SETTING CONDUIT
- C.G. ○ DENOTES PROPOSED CLEANOUT AT GRADE - IF NONE EXIST (SEE DETAIL)
- DENOTES PROPOSED SIFT FENCE

TABLE 1

ITEM NO.	DESCRIPTION	QUANTITY	UNIT
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TYPICAL PLASTIC PIPE TRENCH DETAIL



NOTES: -LOCATIONS OF ALL EXISTING SEPTIC LINES ARE APPROXIMATE ONLY; EXACT LOCATIONS UNKNOWN.

****NOTE: EXISTING SEPTIC TANK TO BE PUMPED EMPTY, BOTTOM RUPTURED AND FILLED WITH COMPACT SOIL OR FILLED WITH FLOWABLE FILL OR REMOVED****

****NOTE: EXISTING LEACH FIELD TO BE ABANDONED PER TITLE V 510CMR: 15.35A(3)****

NOTE TO CONTRACTOR & OWNERS: -MINIMUM REQUIREMENTS OF THE TOWN OF NANTUCKET WASTEWATER SYSTEM REGULATIONS GOVERNING THE USE OF COMMON SEWERS ARTICLE VI, SECTION 2.03.2 AND 3.1.5. AN AS-BUILT PLAN MUST BE SUBMITTED FOR FINAL SEWER DEPARTMENT SIGNOFF. THEREFORE, THE CONTRACTOR MUST CONTACT BLACKWELL & ASSOCIATES INC. (508-228-9026) TO LOCATE ALL IRREGULAR SYSTEMS PRIOR TO ANY BACKFILLING BEING DONE. ANY IRREGULAR SYSTEMS IDENTIFIED AND NOT LOCATED FOR LOCATION WILL BE REQUIRED TO BE EXPOSED AT CONTRACTOR'S EXPENSE.

SEWER WATER AND DRAIN CROSSING DETAIL

REF TO SCALE

CONNECTION DETAIL

REF TO SCALE

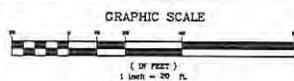
OWNER INFORMATION

NANTUCKETSHIRE, LLC
DEED DK 1338 PG. 220
PLAN NO. 2009-10, LOT 2
ASSESSOR'S MAP 56, PARCEL 189
#30 DUKES ROAD

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

FLOW ESTIMATES
NUMBER OF BEDROOMS: 2
ESTIMATED FLOW= 2BR x 110 GPD/BR = 220 GPD

T:\MCK 26 JOB #93
V:\DRAWINGS\B0548\SEWER CONN.dwg 6/15/2020 3:25:42 PM EDT



JUNE 19, 2020

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

PROPOSED SEWER CONNECTION PLAN
PREPARED FOR
NANTUCKETSHIRE, LLC
#30 DUKES ROAD
NANTUCKET, MA
MAP: 56, PARCEL: 189

Design/Drawn by: GSI/DLR
Approved by: GSI

SHEET 1 OF 1 **B8548**

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? **YES**
 title/date: **NRCS Web Soil Survey**
 map number:
 soil type mapped: **Evesboro sand**
 hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? **NO**
 Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	2-0" (bark mulch)		
A	0-24"	10 YR 2/1	10 YR 6/1 (below 20")

Remarks:
Plot taken within garden with hand-held auger upgradient of wetland flag #7.

3. Other:

Conclusion: Is soil hydric? **NO**

30 Dukes Road, Nantucket (T1/P1-upland)

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

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

- Other: _____

Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants	N/A	
Wetland hydrology present:		
Hydric soil present	_____	X
Other indicators of hydrology present	_____	X
Sample location is in a IVW	_____	X

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: _____ Prepared by: LEC Environmental Project location: 30 Dukes Rd, Nantucket DEP File #: _____

Check all that apply:

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

Section I.

Vegetation	Observation Plot Number: 1		Transect Number: 1	Date of Delineation: 5/16/18
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*

Ground

Jewelweed (<i>Impatiens capensis</i>)	3.0	50%	Yes	FACW *
Ground ivy (<i>Glechoma hederacea</i>)	3.0	50	Yes	NI

Shrub

Bush honeysuckle (<i>Lonicera</i> sp.)	20.5	50	Yes	NI
Elderberry (<i>Sambucus canadensis</i>)	20.5	50	Yes	FACW- *

Vine

Asiatic bittersweet (<i>Celastrus orbiculata</i>)	63.0	85.7	Yes	NI
Fox grape (<i>Vitis labrusca</i>)	10.5	14.3	No	

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

Vegetation conclusion:

Number of dominant wetland indicator plants: **2**

Number of dominant non-wetland indicator plants: **3**

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

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? **YES**
 title/date: **NRCS Web Soil Survey**
 map number:
 soil type mapped: **Evesboro sand**
 hydric soil inclusions: **N/A**

Are field observations consistent with soil survey? **NO**
 Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	1-0"		
A	0-18"	10 YR 4/3	10 YR 5/6, 2/1, 6/1, 3/6

Remarks:
Plot taken with hand-held auger downgradient of wetland flag #7.

3. Other:

Conclusion: Is soil hydric? **YES**

30 Dukes Road, Nantucket (T1/P1-wetland)

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

- Site Inundated: _____
- Depth to free water in observation hole: **@ 18"**
- Depth to soil saturation in observation hole: **@ surface**
- Water marks: _____
- Drift lines: _____
- Sediment Deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded Data (streams, lake, or tidal gauge; aerial photo; other):

- Other: _____

Vegetation and Hydrology Conclusion

	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants	_____	X
Wetland hydrology present:		
Hydric soil present	X	_____
Other indicators of hydrology present	X	_____
Sample location is in a IVW	X	_____

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



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

NOTICE OF INTENT APPLICATION

**Construction of a Single-Family Residence, Pervious
Parking, and Associated Grading/Landscaping Located
Within the 100-foot Wetland Buffer Zone**

**67 Easton Street
Map 42.4.1 Parcel 115.1
Nantucket, MA**

Prepared for:

**Phyllis J. & Donald T. Visco
PO BOX 1081
Nantucket, MA 02554**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

June 5, 2020

SDE No.: 16065



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number
Document Transaction Number
Nantucket
City/Town

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



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

A. General Information

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

<u>67 Easton Street</u> a. Street Address	<u>Nantucket</u> b. City/Town	<u>02554</u> c. Zip Code
Latitude and Longitude:		
<u>42.4.1</u> f. Assessors Map/Plat Number	<u>115.1</u> g. Parcel /Lot Number	<u> </u> e. Longitude

2. Applicant:

<u>Phyllis J. & Donald T.</u> a. First Name	<u>Visco</u> b. Last Name	<u> </u> c. Organization
<u>PO Box 1081</u> d. Street Address		<u> </u> e. City/Town
<u> </u> h. Phone Number	<u>MA</u> f. State	<u>02554</u> g. Zip Code
<u> </u> i. Fax Number	<u> </u> j. Email Address	

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

<u> </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> h. Phone Number	<u> </u> f. State	<u> </u> g. Zip Code
<u> </u> i. Fax Number	<u> </u> j. Email address	

4. Representative (if any):

<u>Mark</u> a. First Name	<u>Rits</u> b. Last Name	<u> </u> c. Company
<u>Site Design Engineering, LLC</u> d. Street Address		<u> </u> e. City/Town
<u>11 Cushman Street</u> d. Street Address	<u>MA</u> f. State	<u>02346</u> g. Zip Code
<u>Middleboro</u> e. City/Town	<u>508-802-5832</u> h. Phone Number	<u>508-967-0674</u> i. Fax Number
<u> </u> h. Phone Number	<u>mrits@sde-ldec.com</u> j. Email address	

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

<u>\$500.00</u> a. Total Fee Paid	<u>\$237.50</u> b. State Fee Paid	<u>\$262.50</u> c. City/Town Fee Paid
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Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

A. General Information (continued)

6. General Project Description:

Construction of an SFR, Pervious Driveway, and Associated Landscaping within the 100-foot Local Jurisdictional IVW buffer zone and LSCSF.

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

1607

c. Book

b. Certificate # (if registered land)

141

d. Page Number

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

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

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

PROJECT DESCRIPTION

**67 Easton Street
NANTUCKET, MASSACHUSETTS**

June 5, 2020

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR 10.00 et seq. (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within the 100-foot buffer zone to an Isolated Vegetated Wetland (IVW) resource area and within Land Subject to Coastal Storm Flowage (LSCSF) on property located at 67 Easton Street in Nantucket (Subject Property). The proposed work includes the construction of a single-family residence (SFR), pervious driveway, and associated landscaping/grading. All proposed activities will be located within the 100-foot buffer zone to an IVW resource area and within LSCSF.

This NOI application is presented by the following Property Owner/Applicant:

67 Easton Street
(Map 42.4.1 Lot 115.1)

Owner/Applicant
Phyllis J. & Donald T. Visco
PO BOX 1081
Nantucket, MA 02554

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property is an approximately 5,041 square foot parcel located on the northern side of Easton Street (see Figures 1 through 3 and Site Plan). To the north and west, the Subject Property is bordered by developed residential properties. To the south, the Subject Property is bordered by Easton Street, a paved public way, and developed residential properties. To the east, the Subject Property is bordered by an undeveloped property. The Subject Property has been cleared and is the site of an existing approximately 3-foot wide drainage trench (see Site Plan). An on-site Nantucket Bylaw jurisdictional IVW is found on the Subject Property. The extent of this IVW was delineated by Brian Madden of LEC Environmental during September of 2018 and was confirmed as part of a Determination of Applicability (DOA) issued on October 17, 2018. The IVW occupies a significant portion of the Subject Property and casts a 25-foot buffer zone which encompasses the remainder of the Subject Property (see Site Plan).

The Subject Property is also located within the 100-year flood zone as determined from FEMA Community Panel Number 250230 0086 G (Effective Date June 9, 2014) and is therefore located entirely within LSCSF (see Figure 6 and Site Plan).

A Superseding Order of Conditions (SOC) issued by the Department of Environmental Protection (SE48-2409 Issued January 23, 2012) confirms the extent of LSCSF on the Subject Property and also confirms that no State jurisdictional vegetated wetland is present.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

Usage History

The Subject Property has been maintained as a landscaped property and parking area for more than 2 decades. Historical aerial photographs available from MassGIS show that the Subject Property had been a landscaped lawn area since at least 1994. Historical aerial photos from the Nantucket Historical Association (NHA) show that the Subject Property was altered and maintained as far back as at least the 1950's.

Because the property has been altered and maintained as a lawn area for an extended period of time, minimal native wetland plant species occur on the Subject Property. The Subject Property is regularly mowed and is used as a pervious parking area. With the exception of providing flood storage, and support of minimal wetland plant species, the Subject Property does not significantly provide the functions and values of a typical wetland resource area.

Construction of a drainage ditch along the perimeter of the property and other historical alterations of the Subject Property have resulted in a number of low areas which are prone to holding water. The unusual configuration and alteration and usage history of the Subject Property are such that only a small amount of upland area (approximately 1,350 square feet) is available in the central portion of the property. There is simply no way to construct a modest SFR on the Subject Property without working within the 25-foot and 50-foot buffer zones to the IVW. The Applicant's proposed cottage is consistent with neighboring development patterns, as the Subject Property is surrounded on all sides by developed residential properties with maintained lawn areas and paved public roadways.

PROPOSED ACTIVITIES

The Applicant is proposing to construct a SFR, pervious driveway, and associated utilities/landscaping/grading on portions of the Subject Property located within the 100-foot IVW buffer zone and within LSCSF. All work will be located within previously altered and landscaped portions of the Subject Property. With the exception of LSCSF there are no state listed wetland resource areas on the Subject Property. A detailed description of proposed activities is provided below.

SFR Construction

The Applicant is proposing to construct an approximately 504 square foot SFR and [on the Subject Property. Because of the site conditions described above, the proposed SFR and all other project components will by necessity be within the 25-foot and 50-foot buffer zones to an IVW. There is no reasonable alternative for developing historically altered and landscaped portions of the Subject Property without performing work within the 25-foot and 50-foot IVW buffer zones. The Applicant understands that this may require a waiver under the Bylaw (see Waiver Request section below).

Pervious Driveway

The Applicant is proposing to construct a pervious driveway within the 25-foot and 50-foot IVW buffer zone. An existing pervious driveway and parking area are already in use on the Subject Property. There is no reasonable alternative for developing historically altered and landscaped portions of the Subject Property without performing work within the 25-foot and 50-foot IVW buffer zones. The Applicant understands that this may require a waiver under the Bylaw (see Waiver Request section below).

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

Landscaping

The Applicant is proposing to maintain a small lawn area around the proposed SFR. The lawn area will be located entirely within the upland portion of the Subject Property but will be within the 25-foot and 50-foot IVW buffer zones. The proposed lawn will be within areas which are currently maintained as lawn. There is no reasonable alternative for developing historically altered and landscaped portions of the Subject Property without performing work within the 25-foot and 50-foot IVW buffer zones. The Applicant understands that this may require a waiver under the Bylaw (see Waiver Request section below).

Wetland Restoration

As mitigation for the proposed work, the Applicant is proposing to revegetate the IVW with native plant species. Currently the entire IVW on the Subject Property is maintained as lawn. Native plantings will be comprised of a wetland seed mix and native wetland shrubs. To ensure that there will not be any encroachment into the restored wetland, the edge of the proposed lawn area will be demarcated with a split-rail fence or other permanent demarcation.

NHESP / MESA

The Subject Property is located entirely outside of both Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2017 NHESP Atlas available through MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

In order to minimize impacts to the IVW and associated buffer zones, the Applicant is proposing to install silt fencing along the limit of work line depicted on the Site Plan. The proposed silt fence will reduce siltation into the IVW and will also act to demarcate the limit of work. All equipment staging and materials storage will occur on the upland portion of the Subject Property. All equipment and materials will be stored within the 50-foot IVW buffer zone.

WETLAND RESOURCE AREAS

The Proposed Project is a buffer zone project. With the exception of proposed vegetation restoration, no activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland protection Regulations (Local Regs):

- 100-foot Buffer Zone to an IVW (Figure 4 and Site Plan); and
- Land Subject to Coastal Storm Flowage (Figure 6 and Site Plan)

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The Proposed Project is a residential development project which includes the construction of an SFR, pervious driveway, and associated landscaping/grading. Portions of the proposed work will be located within previously altered and landscaped portions of the 100-foot IVW buffer zone. All proposed activities will be within the 25-foot and 50-foot IVW buffer zones.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

State Wetlands Performance Standards

Bordering Vegetated Wetlands

The proposed SFR, pervious driveway, and landscaping/grading will be located entirely within previously altered portions of the 100-foot buffer zone to a local jurisdictional IVW. No work within any BVW or associated buffer zone is proposed as part of this project. A detailed discussion of local permitting requirements within the 100-foot IVW buffer zone is included in the Local Wetlands Performance Standards Section below.

Land Subject to Coastal Storm Flowage

While both the WPA and CMR define LSCSF, there are no performance standards for projects located within LSCSF.

The Proposed Project is located entirely within LSCSF no work is proposed within any other State listed Wetland Resource Areas or associated buffer zones. The Proposed Project includes the construction of a pile supported SFR, pervious driveway, and associated landscaping/grading on a portion of a previously altered and landscaped property. The Proposed Project will not have any adverse impacts on LSCSF.

Local Wetlands Performance Standards

3.02 Vegetated Wetlands (Meadows, Marshes, Swamps, and Bogs)

“A. CHARACTERISTICS AND PROTECTED INTERESTS

1. *The Commission finds that regulations applicable to activities involving vegetated wetlands are necessary and proper for the following reasons:*

Vegetated wetlands serve to support rare/significant species (plant and animal); serve to provide rare/significant species (plant and animal) habitat; serve to remove pollutants from surrounding waters; serve to aid in the prevention of flooding and are important to fishing, shellfishing, recreation, and wetland scenic views. The plant communities, soils, and associated low, flat topography of vegetated wetlands remove or detain sediments, nutrients (such as nitrogen and phosphorous) and toxic substances (such as heavy metal compounds) that occur in run-off and flood waters. Some nutrients and toxic substances are retained for years in plant root systems or in the soils. Others are held by plants during the growing season and released as the plants decay in the fall and winter. This latter phenomenon delays the effect of nutrients and toxins until cold weather period, when the release of these materials is less likely to reduce water quality. Vegetated wetlands are areas where ground water discharges to the surface and where, in some circumstances, surface water discharges to the ground water. The profusion of vegetation and the low, flat topography of vegetated wetlands slow down and reduce the passage of flood waters during periods of peak flows by providing temporary flood water storage, and by facilitating water removal through evaporation and transpiration. This reduces downstream flood crests, erosion, and resulting damage to private and public property. During dry periods the water retained in vegetated wetlands is essential to the maintenance of base flow levels in streams or into the groundwater

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

which in turn is important to the protection of water quality, water supplies, and wildlife. Wetland vegetation provides shade that moderates water temperatures important to fish life. Vegetated wetlands that are always wet or that are flooded by adjacent water bodies and waterways provide food, breeding habitat, and cover for fish. Fish populations in the larval stage are particularly dependent upon food provided by these wetlands since they provide large quantities of microscopic plant and animal food material. Wetland vegetation provides habitat for a wide variety of insects, reptiles, amphibians, mammals, and birds. Many of these, particularly insects, are food source for fish. Vegetated wetlands, together with land within 100 feet of a vegetated wetland, serve to moderate and alleviate thermal shock and pollution resulting from runoff from impervious surfaces which may be detrimental to wildlife, fisheries, and shellfish downstream of the vegetated wetland. The maintenance of base flows by vegetated wetlands is significant to the maintenance of a proper salinity ratio in estuarine areas downstream of the vegetated wetland. A proper salinity ratio, in turn, is essential to the ability of shellfish to spawn successfully and therefore to provide for the continuing procreation of shellfisheries. A proper salinity ratio is also important for many species of fish. Vegetated wetlands are excellent places for birdwatching and hunting. Some vegetated wetlands, particularly bogs, provide habitat for rare plants and animals. Vegetated wetlands along pond edges can prevent erosion by wind driven waves and serve to provide storage for floodwaters. Characteristics of vegetated wetlands that are critical to wetland scenic views are water quality, vegetative characteristics, habitat, and a sense of presence, expanse and biodiversity. Land within 100 feet of a vegetated wetland is considered to be significant to the protection and maintenance of vegetated wetlands, and therefore to the protection of the interests which these resource areas serve to protect.

2. *In view of the foregoing, whenever a proposed project involves removing, filling, dredging, altering, or building upon a vegetated wetland, the Commission shall find that the vegetated wetland is significant to the protection of the following interests: public and private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, scenic views, and recreation. These findings may be overcome only upon a clear showing that the vegetated wetland does not play a role in protecting any of the interests given above and only upon a specific written determination to that effect by the Commission.”*

The Subject Property does not fully meet the definition of the characteristics and protected interests of a vegetated wetland because of its extended history of use and alteration. The IVW on the Subject Property meets the local definition of a wetland resource area based on the presence of hydric indicators in the soils and based on the presence of a small amount of wetland indicator species mixed in with the existing maintained lawn. Both the hydric soils indicators and wetland plant species occur primarily in or adjacent to areas that have been previously altered for drainage purposes. While portions of the Subject Property contain a small amount of native wetland vegetation, this vegetation is sparse, low-lying, and subject to regular mowing. the majority of the vegetation on the Subject Property has been historically maintained as grass and lawn which is regularly maintained. The Subject Property is also relatively small, is located in an extremely busy and densely developed area, and is surrounded by residential properties, lawns, and paved roadways. As a result, the Subject Property has not provided significant wildlife habitat, native plant habitat, recreation, or wetland scenic view values in an extended period of time.

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Because of the lack of a robust wetland vegetation community, the IVW on the Subject Property provides significantly diminished flood storage capacity, nutrient uptake/retention, habitat value and biodiversity. The historical alterations and use of this property predate the WPA and are therefore grandfathered uses which may continue in perpetuity.

The Applicant understands that the Commission does not typically permit structures within the 25-foot and 50-foot IVW buffer zones. However, that given existing site conditions, historical usage and maintenance of the Subject Property, and the ability to continue to maintain the property as a lawn and pervious parking area, that a minimally invasive residential development project on the upland portion of the Subject Property combined with a robust restoration and replanting of the IVW would result in a significant net benefit to the IVW. Restoration of the IVW and planting of native wetland vegetation would significantly enhance the functions and values if the IVW, while a small pile supported SFR would result in minimal new adverse impacts within the buffer zone. A description of compliance with local performance standards is provided below. Additionally, the Applicant understands that the proposed activities may require a waiver under the Bylaw (see Waiver Request section below).

B. Performance Standards

“Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply.”

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The proposed SFR, pervious driveway, and landscaping/grading will be located within the 25-foot and 50-foot IVW buffer zone. All proposed structures will be constructed on pile foundation so as to minimize impacts to the buffer zone and to maintain separation from high groundwater. There is no reasonable alternative for developing historically altered and landscaped portions of the Subject Property without performing work within the 25-foot and 50-foot IVW buffer zones. The Applicant understands that this may require a waiver under the Bylaw (see Waiver Request section below).

3.02B(2)

“Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means).”

The Proposed project includes the construction of an SFR, pervious driveway, and associated landscaping/grading on portions of a property which are currently maintained as lawn. The

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proposed SFR will have a pile foundation and will not alter the ability of the property to provide flood protection. The proposed pervious driveway will be located on a portion of the Subject Property which is currently utilized as a pervious parking area and will not alter the ability of the Subject Property to provide flood protection.

3.02B(3)

“No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss.”

This standard is not applicable. The Proposed Project includes restoration of wetland vegetation and does not include the excavation of any wetland resource areas.

3.02B(4)

“The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland.”

This standard is not applicable. The Proposed Project will be connected to Town sewer.

3.02B(5)

“Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw.”

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

“Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands.”

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

3.02B(7)

“The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw.”

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

Land Subject to Coastal Storm Flowage

“Land Subject to Coastal Storm Flowage or land within 100 feet of Land Subject to Coastal Storm Flowage shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:

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(Specific resource areas that lie within the area of land subject to coastal storm flowage, and the wetland values they protect, are otherwise addressed elsewhere in these regulations. The regulations concerning those areas are additional to the regulations set forth in this section.)”

2.10B(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 Proposed Project includes the construction of a pile supported SFR, pervious driveway, and associated landscaping/grading on a previously altered and landscaped property located within LSCSF. The Proposed Project does not include any significant grading and will not alter the ability of the Subject Property to contain flood waters or to buffer inland properties from flooding or wave damage.

2.10B(2)

“Projects shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage. All septic and leach facilities shall be located outside the 100-year floodplain.”

The Proposed Project will not alter the flow of storm waters on the Subject Property and will not result in any ground, surface, or saltwater pollution. The Proposed Project will be connected to Town water and sewer and will not require the construction of any septic or leach facilities.

2.10B(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.”

This standard is not applicable. The Proposed Project does not include the installation of any underground fuel tanks.

2.10B(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 all state and local building code regulations for flood hazard areas.”

This standard is not applicable. The Proposed Project does not include the construction of any structures.

2.10B(5)

“The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw.”

The Applicant acknowledges the right of the Commission to apply additional requirements to the Proposed Project in order to protect the Interests of the Bylaw.

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11 Cushman Street, Middleboro, MA 02346

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CONCLUSION

The Proposed Project is a residential development project which includes the construction of a SFR, pervious driveway, and associated landscaping/grading which will be located within the 100-foot BVW buffer zone. All proposed activities will be located within the 25-foot and the 50-foot IVW buffer zones and within LSCSF. The Subject Property has been historically maintained as a lawn and parking area for many years. Construction of a drainage ditch along the perimeter of the property and other historical site alterations have resulted in a number of low areas which are prone to holding water. The unusual configuration and history of the Subject Property are such that only a small amount of upland area is available in the central portion of the Subject Property. The Subject Property is located in a heavily developed area and is surrounded on all sides by developed residential properties and paved public roadways. The property has been altered and in use for decades. There is no way to construct a modest SFR on the Subject Property without working within the 25-foot and 50-foot buffer zones to the IVW. The Applicant is proposing a modest residential development of the Subject Property which includes a significant amount of wetland restoration and enhancement. There is no reasonable alternative for developing historically altered and landscaped portions of the Subject Property without performing work within the 25-foot and 50-foot IVW buffer zones. The Applicant understands that the Proposed activities may require a waiver under the Bylaw (see Waiver Request section below). The Proposed Project and associated restoration will result in a net benefit to the IVW on the Subject Property. Therefore, the Applicant respectfully requests that the Commission grant the necessary waivers and approve the Project as proposed.

WAIVER REQUEST

Site Development and Wetland Restoration

The Applicant is proposing to construct a modest SFR, pervious driveway, minimal landscaping, and wetland restoration on a small lot which has been historically maintained as lawn for many years. Given existing site conditions and surrounding development, maintenance of the Subject Property as a lawn and parking area is likely to continue in perpetuity. The Subject Property is surrounded by developed residential properties and paved roadways. A local jurisdiction IVW is located on the Subject Property. This IVW has been mowed and maintained as a lawn along with the rest of the Subject Property. Additionally, the entire Subject Property is located within LSCSF. All of the proposed work will occur within previously altered and landscaped portions of the Subject Property and will be within the 25-foot and 50-foot IVW buffer zones. The Applicant is proposing to perform an extensive restoration of the IVW on the Subject Property. The proposed restoration will include planting the entire IVW with a native wetland seed mix and native wetland shrubs. Additionally, in order to prevent future encroachment, the Applicant is proposing to construct permanent markers to demarcate the edge of the restored IVW. Existing alteration of the Subject Property predates the WPA and CMR as well as Bylaw and Local Regs. There is no reasonable alternative for performing the proposed site development outside of the 25-foot and 50-foot IVW buffer zones. Under the Bylaw the proposed work may require waivers and therefore, the Applicant is respectfully requesting the necessary waivers from the following sections of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be

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altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The Proposed Project includes the construction of a modest SFR, pervious driveway, and minimal landscaping on previously altered and landscaped portions of the 25-foot and 50-foot IVW buffer zones on the Subject Property. The Proposed Project also includes the restoration of a previously altered and landscaped IVW using native wetland vegetation. The proposed wetland restoration will restore an IVW which has been maintained as a lawn and parking area for decades and will result in a significant net benefit to the IVW. The Proposed project will occur within previously altered portions of the IVW buffer zone. Although the Proposed Project will be located within the 25-foot and 50-foot IVW 50-foot IVW buffer zone, the proposed work will result in minimum new or additional adverse impacts to the IVW or associated buffer zones and the proposed wetland restoration will result in a significant net benefit to the IVW. There is no reasonable alternative to perform the work in compliance with the Bylaw standards. Therefore, the Applicant is requesting a waiver for the proposed work which will be located within the 25-foot and 50-foot buffer zone to an IVW under sections 1.03F(3)(A) and 1.03F(3)(C) of the Bylaw which state the following:

Section 1.03F(3)(A):

“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection.”

Section 1.03F(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 proposed site work will be located within previously altered and landscaped portions of the buffer zone on the Subject Property and given existing site conditions, will not result in substantial significant new or additional adverse impacts to the IVW or associated buffer zones. The proposed wetland restoration will result in a significant net benefit to the IVW and will restore an IVW which has been historically altered and maintained as a lawn area and which, in the absence of the Proposed Project, is likely to be maintained as a lawn area in perpetuity.

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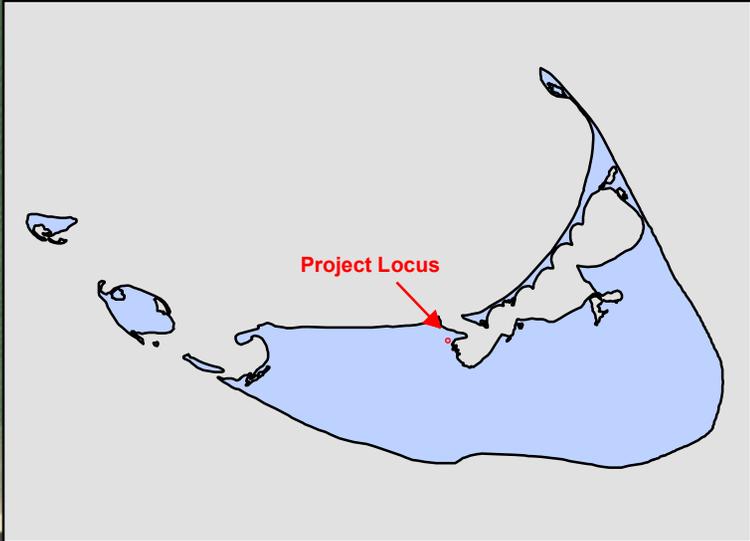
11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

FIGURES

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
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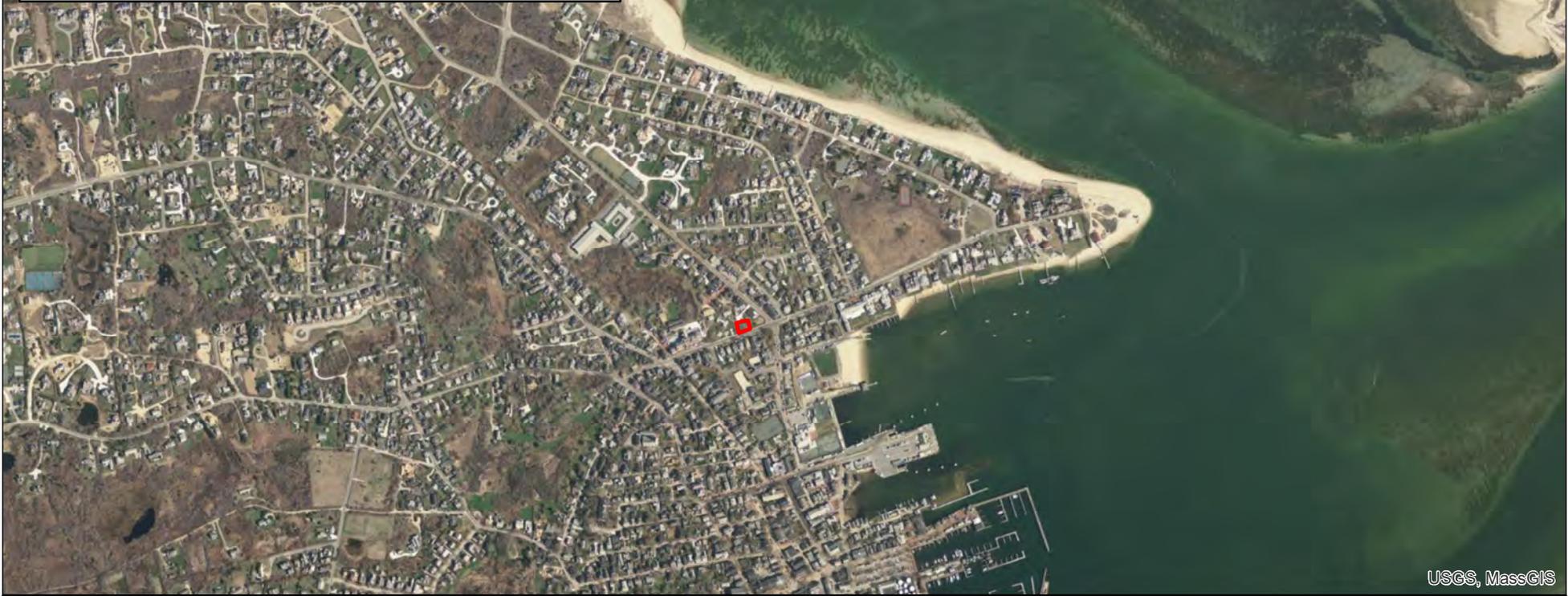
LEGEND

 Parcel Boundary

1:12,000 0 500 1,000 1,500
1 inch = 1,000 feet  Feet



Basemap: 2014 Orthophotography, MassGIS



USGS, MassGIS

67 Easton Street - Nantucket, Massachusetts
Map 42.4.1 Lot 115.1
SDE Project No. 16065

Figure 2 - Site Overview
June 5, 2020





67 Easton Street - Nantucket, Massachusetts
Map 42.4.1 Lot 115.1
SDE Project No. 16065

Figure 3 - Detailed Site Overview
June 5, 2020



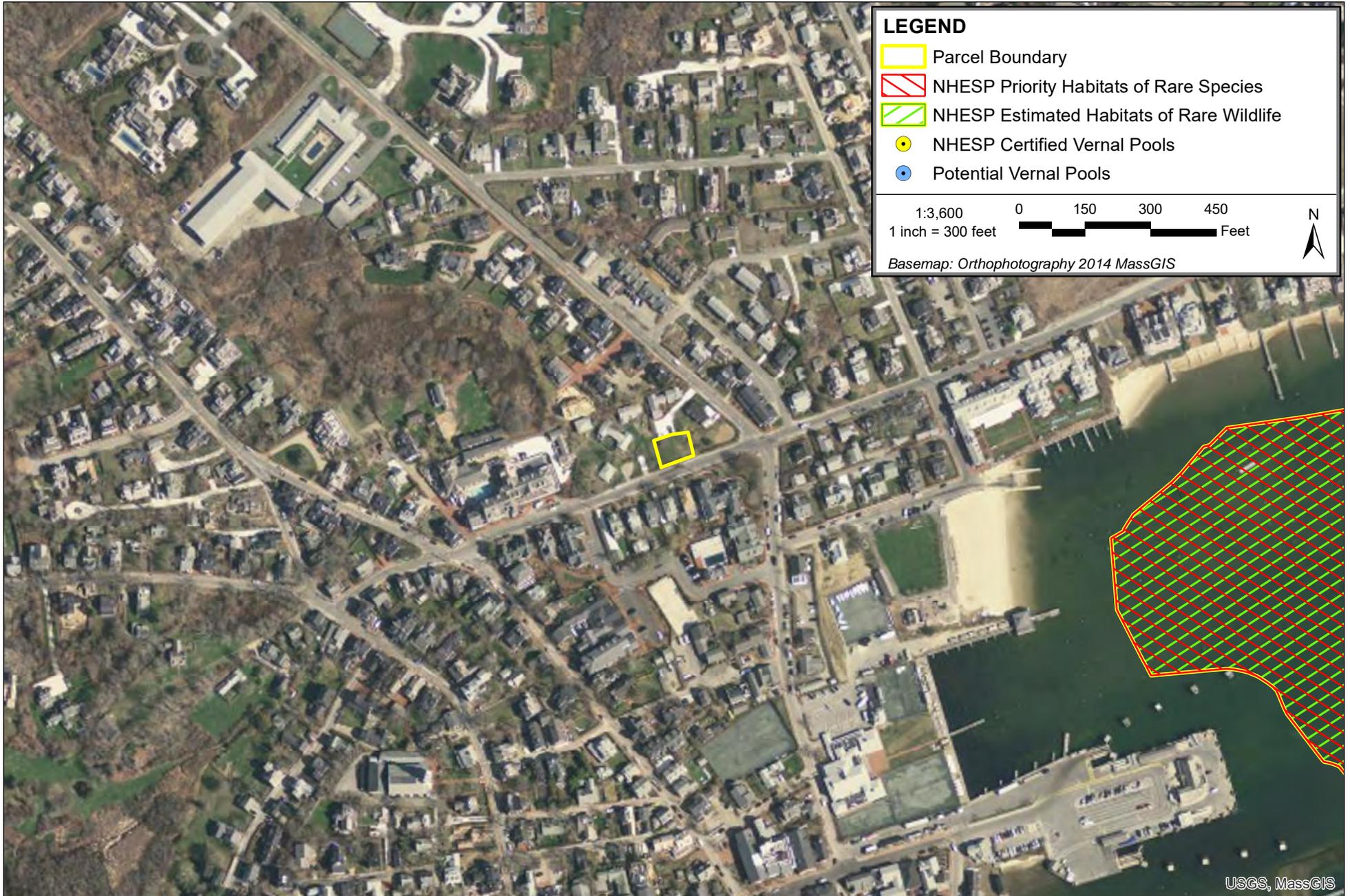


67 Easton Street - Nantucket, Massachusetts
 Map 42.4.1 Lot 115.1
 SDE Project No. 16065

Figure 4 - DEP Listed Wetland Boundaries
 June 5, 2020

USGS, MassGIS





67 Easton Street - Nantucket, Massachusetts
 Map 42.4.1 Lot 115.1
 SDE Project No. 16065

Figure 5 - NHESP Habitat
 June 5, 2020



USGS, MassGIS



USGS, MassGIS

67 Easton Street - Nantucket, Massachusetts
Map 42.4.1 Lot 115.1
SDE Project No. 16065

Figure 6 - FEMA Flood Zones
June 5, 2020





NOTICE OF INTENT APPLICATION

**TO REPLACE THE SUPPORTS OF AN ELEVATED
WALKWAY THROUGH THE RESOURCE AREA**

At

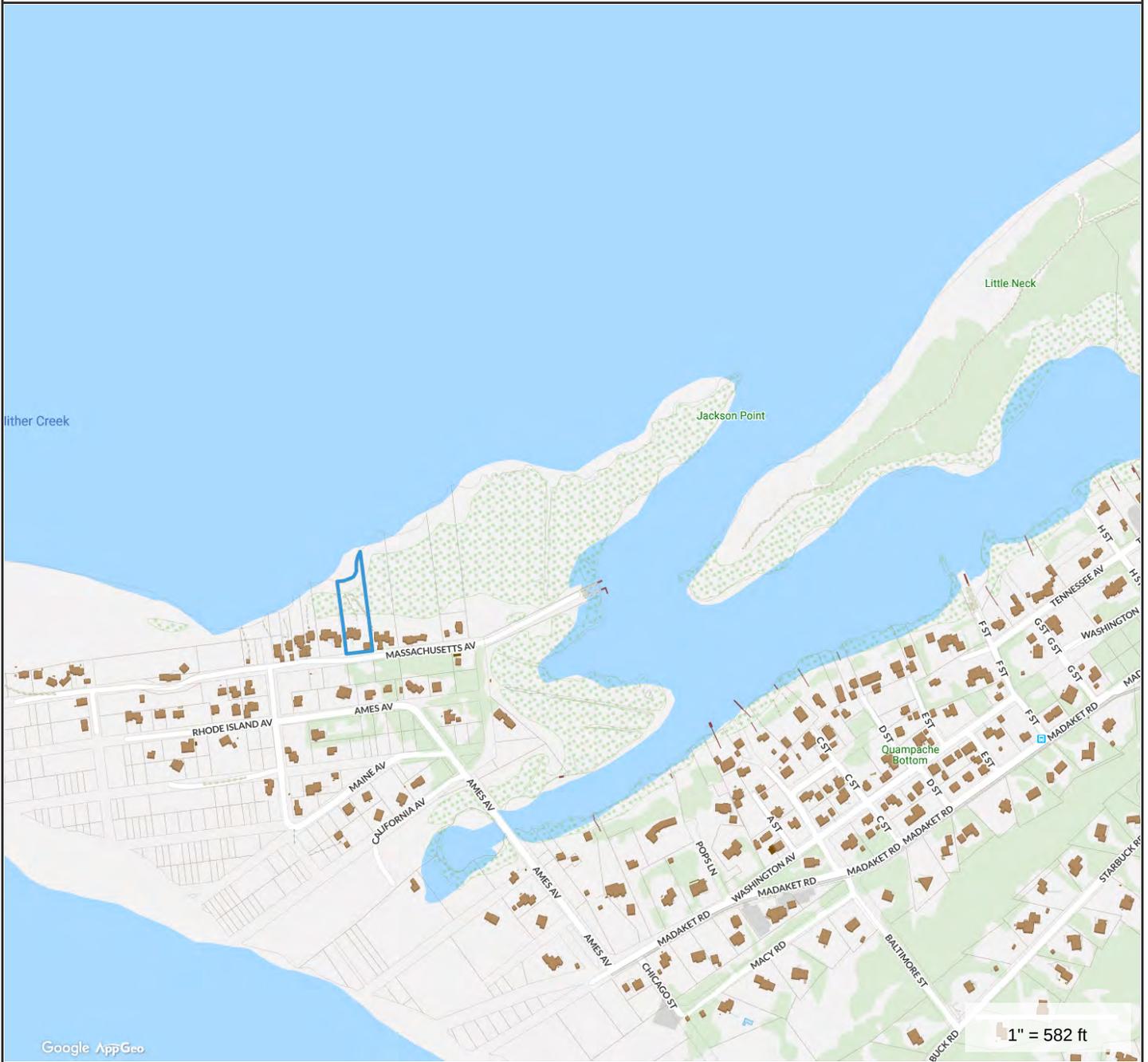
13 MASSACHUSETTS AVE

JUNE 2020

Prepared For

MADAKET WHEELHOUSE, LLC

Locus Map



Property Information

Property ID 60 75
Location 13 MASSACHUSETTS AV
Owner MADAKET WHEELHOUSE LLC



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

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

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



June 19, 2020

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

Re: Notice of Intent
13 Massachusetts Ave
Map 60 Parcel 75

Dear Ms. Erisman:

On behalf of the property owner, Madaket Wheelhouse LLC, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed activities within Land Subject to Coastal Storm Flowage, and the Buffer Zone to a Coastal Dune at the above referenced property (the "Site") in Nantucket, Massachusetts.

Proposed activities at the Site consist of replacing the 4x4 timber posts that support the existing elevated walkway which provides access to the beach and Madaket Harbor with helical pile supports. The piles for the elevated walkway will be installed with a hand-carried hydraulic driver. The existing walkway is heaving with the timber posts coming up out of the ground. Attached are permit drawings, including plans showing a site locus, existing conditions including resource area locations, and proposed construction areas.

A completed WPA Form 3 – Notice of Intent is attached along with the NOI Wetland Fee Transmittal Form including checks for \$42.50, \$67.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$335.10 to the Inquirer & Mirror for publication of the notice of the public hearing. No waivers are required from the Town of Nantucket Bylaw Chapter 136 for the proposed project as it is 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.

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

SITE DESCRIPTION

The subject property is approximately three-quarters of an acre in size and is located in the Madaket section of Nantucket Island. The property contains two existing residential-use structures served by an on-site well and septic tight tank located within LSCSF and the buffer zone. The site is landscaped around the existing structures.

The wetland resource areas in the vicinity of the proposed work include Land Subject to Coastal Storm Flowage, which covers the entire property, and a Coastal Dune.

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 project area is within the known range of state listed rare wildlife species. A simultaneous filing has been made with NHESP.

CONCLUSION

The proposed installation of helical piles to support the existing walkway serving the existing residential-use of the property will not affect the ability of the Coastal Dune and Land Subject to Coastal Storm Flowage resource areas to function as they currently do, combined with a net-benefit that is recognized the elevating the structure through the resource areas. 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 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: Madaket Wheelhouse LLC
MassDEP



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>13 Massachusetts Ave</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41d 17'48"N</u>	<u>70d 00'02"W</u>
	d. Latitude	e. Longitude
<u>60</u>	<u>75</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Madaket Wheelhouse, LLC</u>		
c. Organization	b. Last Name	
<u>205 Stone Hill</u>		
d. Street Address		
<u>Pound Ridge</u>	<u>NY</u>	<u>10576</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

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

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

4. Representative (if any):

<u>Arthur D.</u>	<u>Gasbarro, PE, PLS</u>	
a. First Name	b. Last Name	
<u>Nantucket Engineering & Survey, P.C.</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>\$110 + \$25 + \$200</u>	<u>\$42.50</u>	<u>\$67.50 + \$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 4x4 timber supports of the elevated beach access walkway with helical piles. The work will be done by hand labor with a portable installer carried to each location. The project as proposed will have no adverse impact on the interests protected by the Commission.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

25,696

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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

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

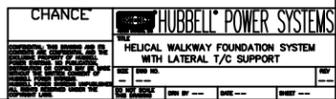
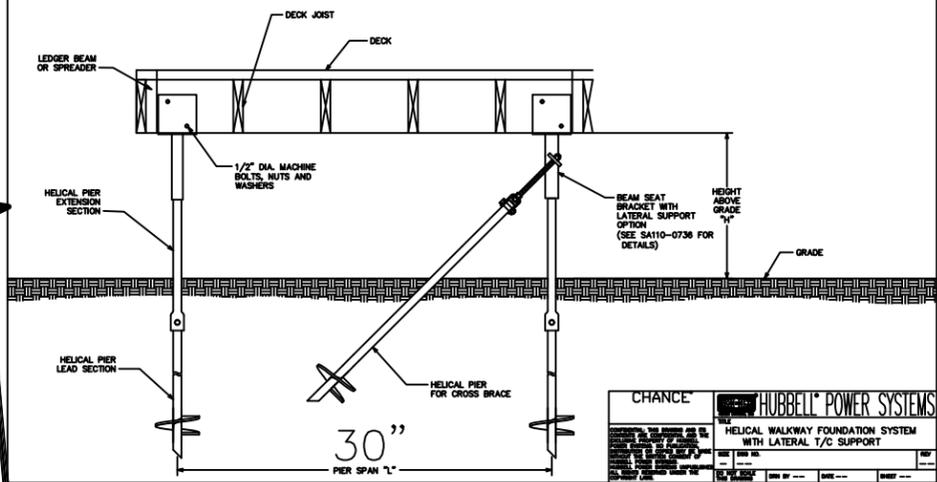
For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

MADAKET HARBOR

ELEVATED WALKWAY DETAIL N.T.S.

==NOTES==

1. THIS IS A CONCEPT DRAWING ONLY. ACTUAL DESIGN AND CONSTRUCTION OF WALKWAY AND HELICAL PIER SUPPORT SYSTEM IS LEFT TO OTHERS.
2. HELICAL PIERS CAN BE EITHER SINGLE OR MULTIHELIX, THE NUMBER AND SIZE OF HELIX PLATES VARY DEPENDING ON PIER LOAD AND SOIL CONDITIONS.
3. HELICAL PIERS ARE INSTALLED (SCREWED) TO A MINIMUM DEPTH AND TORQUE AS REQUIRED ON THE CONSTRUCTION PLANS.
4. HELICAL PIER SHAFTS FOR WALKWAY SUPPORT ARE TYPICALLY 1-1/2" OR 1-3/4" SQUARE SHAFT OR 2-7/8" O.D. PIPE SHAFT.



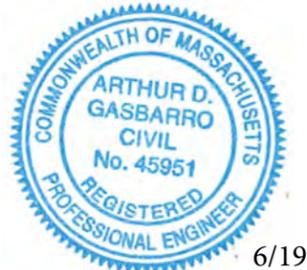
REPLACE 4x4 PRESSURE TREATED SUPPORTS WITH HELICAL PILES. SLEEVE EXPOSED PORTION WITH TIMBER

EXISTING ELEVATED TIMBER WALKWAY

COASTAL DUNE

LEGEND

CB ■ DENOTES CONCRETE BOUND FOUND



6/19/20

Arthur D. Gasbarro

60-80
N/F
RICHARD W. & CATHARINE E.
SNOWDON
#11 MASSACHUSETTS AVE.
(SEPTIC ON #10 MASS. AVE)

THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF 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.

ASSESSOR MAP: . . 60 . . , PARCEL: . . 75 . .

NOTICE OF INTENT SITE PLAN OF LAND IN NANTUCKET, MASS.

SCALE: 1" = 20' DATE: JUNE 19, 2020

Owner: **MADAKET WHEELHOUSE, LLC**

L.C.C. 2408-Y

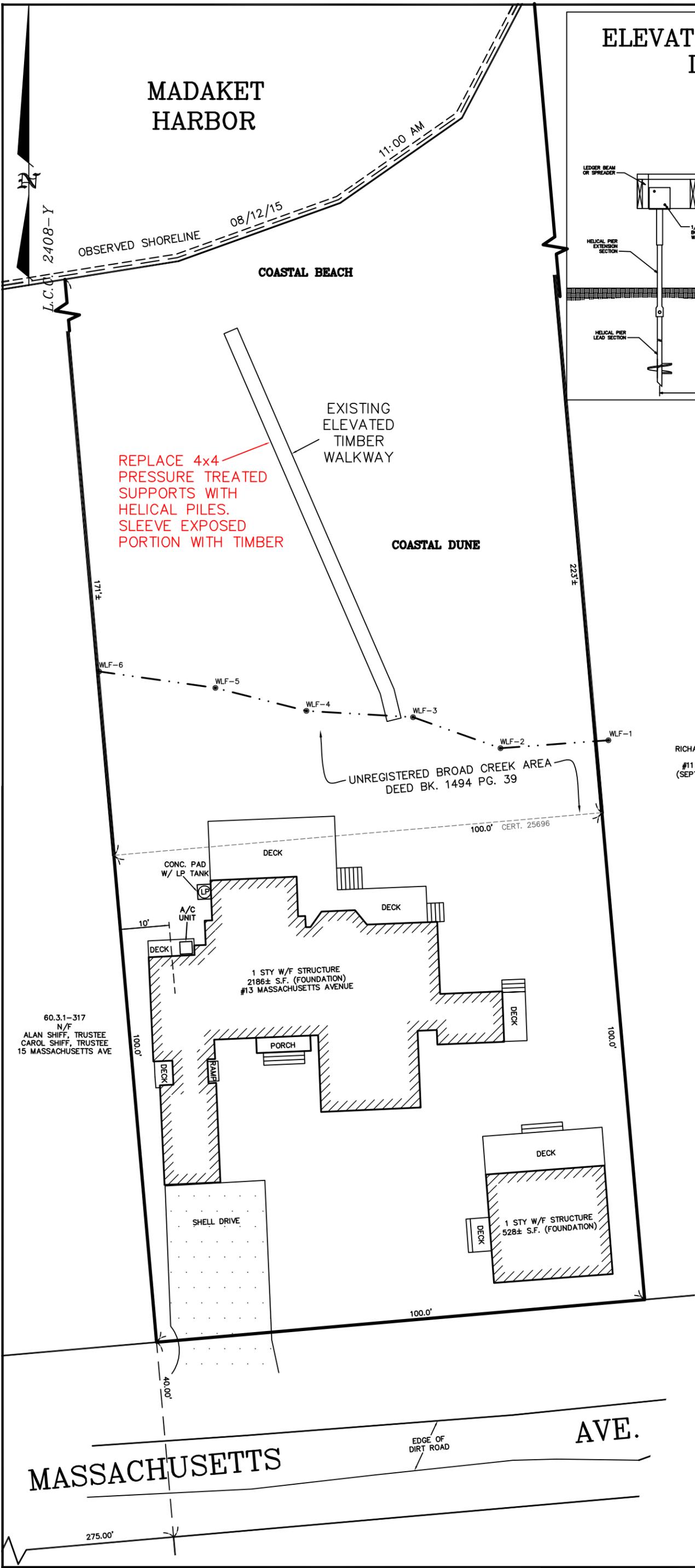
Cert. of Title: #25696 . Plan: LOTS 12-15, BLOCK 29

Deed Bk./Pg.: 1494/39 . Plan: NONE FOUND

Locus: . . #13 MASSACHUSETTS AVENUE

BASE PLAN BY:

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



60.3.1-317
N/F
ALAN SHIFF, TRUSTEE
CAROL SHIFF, TRUSTEE
15 MASSACHUSETTS AVE

MASSACHUSETTS

AVE.



60.3.1 317

60 75

60 8

15

60 3.1 333

Map data ©2020 50 ft

13 MASSACHUSETTS AV

MADAKET WHEELHOUSE LLC

C/O FOOSHEE BEN C/O SIR
CAPITAL

620 8TH AVE 22ND FLOOR,
NEW YORK, NY 10018

\$2,316,500

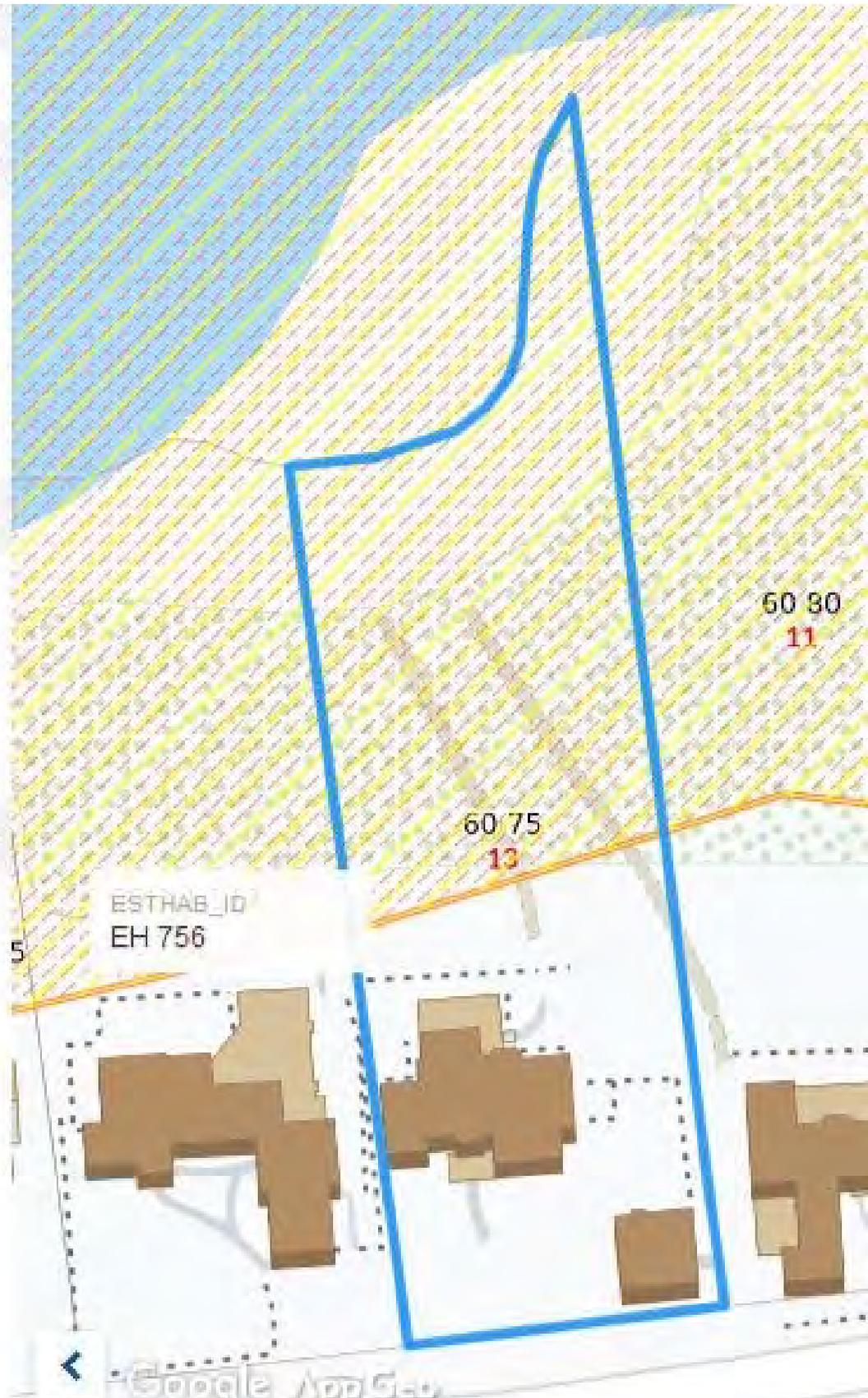
\$1,000

\$2,650,000 on 2015-07-30

C0025696/0

10,000.00

VR



INSTANT FOUNDATION® System
for . . .

Environmentally Sensitive Areas



CHANCE™
Since 1912
DOWN. RIGHT. SOLID.

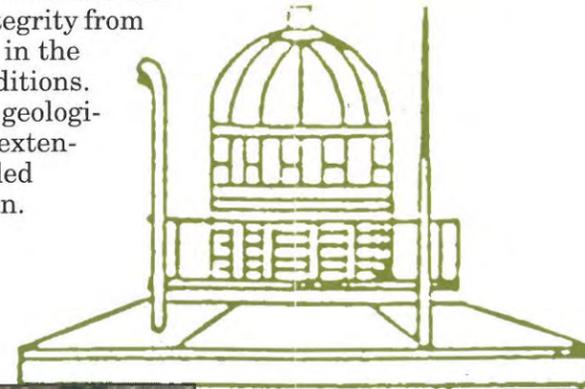
The principles underlying the CHANCE® INSTANT FOUNDATION® System have been in use for more than 150 years. The system has proven most economical in sensitive soils and difficult terrain. Intrusive early installing equipment initially kept the INSTANT FOUNDATION System approach from areas its advantages now benefit most. Modern, compact hydraulic-driven drills have made it the method preferred by knowledgeable soils

engineers and construction contractors. Each year, Chance produces hundreds of thousands of screw foundations. They can, by design, solve such challenges as those posed by environmentally sensitive applications:

- No soil excavation,
- Minimal impact on vegetation,
- Install in limited-access areas.

The galvanized-steel INSTANT FOUNDATION anchors are pre-

engineered to transfer projected loads to bearing-capable strata below weak soils. This isolates the structure's integrity from seasonal changes in the surface-layer conditions. To reach a sound geological footing, shaft extensions may be added during installation.



Volunteers for Outdoor Colorado built 1,000-ft. of boardwalks, including spurs and outlooks, in a 1¼-mile wheelchair-accessible trail loop. Ecological concerns for rare alpine wetlands required low-damage methods and depths that would avoid frost heave.



U-shape bracket sleeves INSTANT FOUNDATION® shafts to mount lateral support beams for joist and deck structure.

Over wetlands at Huntley Meadows in Virginia, this 1½-mile boardwalk was built using the INSTANT FOUNDATION System.



To preserve the terrain, neither wheeled nor tracked vehicles were permitted on this project site by the Fairfax County Park Board.



For each job, an INSTANT FOUNDATION® anchor is selected by shaft size and the size and number of helices.



For elevation changes, the screw foundation shaft "reveal" above grade was varied within plan range.



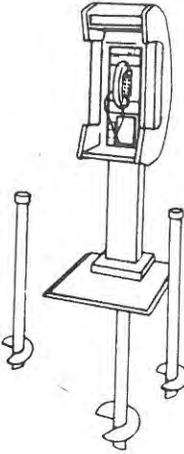
Portable equipment (hand-held or on ATV) rotates screw foundation into soil. Minimum soil disturbance results in maximum compression and uplift capacity.



Teamwork saves natural ecology as modular components are easily carried to remote sites.

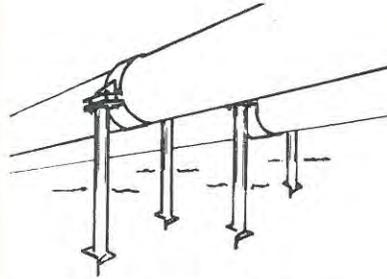
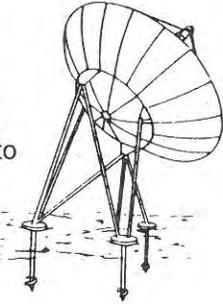
Other environment-enhancing INSTANT FOUNDATION® System uses

Emergency telephones and payphones get set into service faster with screw foundations pre-designed to connect to most station brands.

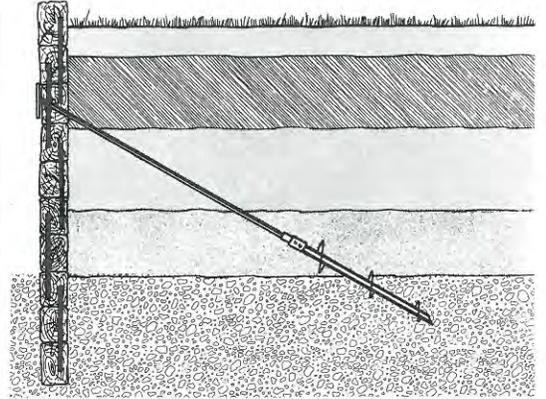
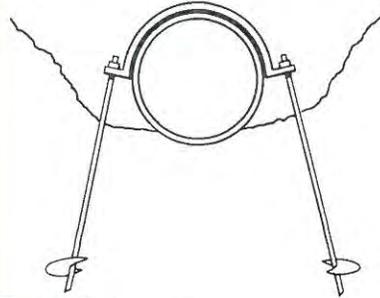


Plus, "bumper posts" help protect them from traffic hazards.

CATV stations and microwave towers mount on bases with proper bolt patterns to instantly go on-line.

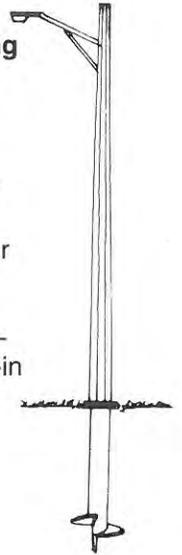


Pipelines and storage tanks, above and below grade are held down and supported by INSTANT FOUNDATION anchors are especially designed for each job.



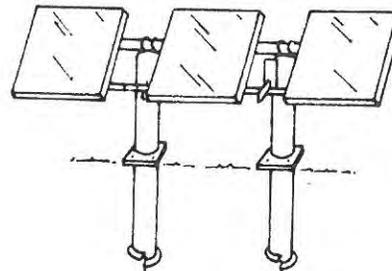
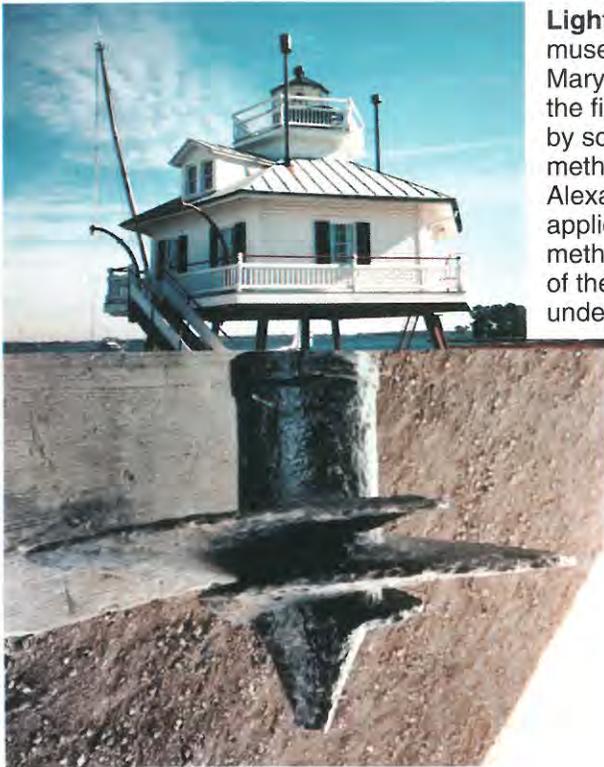
Tieback system for new construction and retaining walls puts load-bearing CHANCE® tieback screw anchors in solid, undisturbed subsurface layers.

Area lighting foundations are ready-made for immediate mounting of nostalgic, decorative or standard streetlight standards — all with built-in cableways.



Moorings for harbors keep chains off fragile eco-systems as alternative to scrubbing action of weights.

Lighthouse museum at Hooper's Strait, Maryland, commemorates the first structure supported by screw-type foundation method. Its originator, Alexander Mitchell, began applications in 1832. Now this method is used in far reaches of the world, including undersea.



Solar-collector panels bolt atop INSTANT FOUNDATION anchors soon as installed, without another day's delay to alternative power.

NOTE: Because Hubbell has a policy of continuous product improvement, we reserve the right to change design and specifications without notice.



Chance Civil Construction, Hubbell Power Systems, Inc.
 Centralia, MO 65240 Email: hpsliterature@hps.hubbell.com
 Phone: 573-682-8414 Fax: 573-682-8660

www.abchance.com

Bulletin 04-9409
 Revised 9/08

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 9/08RGS3M





Notice of Intent Application

10 Hickory Meadow Lane
Map 41, Parcel 904
Nantucket, MA

June 18, 2020



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

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



WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations



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):

10 Hickory Meadow Lane
a. Street Address
Nantucket
b. City/Town
MA
c. Zip Code
41.285482
d. Latitude
-70.123298
e. Longitude
Map 41
f. Assessors Map/Plat Number
Parcel 904
g. Parcel /Lot Number

2. Applicant:

Elizabeth
a. First Name
Wetherell
b. Last Name
Eleven Crooked Lane, LLC
c. Organization
222 El Brillo Way
d. Street Address
Palm Beach
e. City/Town
FL
f. State
33480
g. Zip Code
978 500 5005
h. Phone Number
i. Fax Number
elizabethwetherell@me.com
j. Email Address

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

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

4. Representative (if any):

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

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

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



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 & Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations

A. General Information (continued)

6. General Project Description:

Continued construction of a portion of a single-family dwelling, a portion of a pool, walking paths, installation of geo thermal well, a portion of proposed driveway and associated site work within 100' buffer to Vegetated and Bordering Vegetated Wetland.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

25311

b. Certificate # (if registered land)

c. Book

d. Page Number

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

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

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



Commonwealth of Massachusetts

Division of Fisheries & Wildlife

Jack Buckley, *Director*

August 19, 2016

Donald Bracken
Bracken Engineering, Inc
49 Herring Pond Road
Buzzards Bay MA 02532

RE: Project Location: 10 Hickory Lane (Lot 7), Nantucket
 Project Description: Single Family Home, Guest House, Pool
 DEP Wetlands File No.: 048-2682
 NHESP File No.: 11-30073

Dear Applicant:

The Natural Heritage & Endangered Species Program of the MA Division of Fisheries and Wildlife (the "Division") has received and reviewed revised plans (dated August 3, 2016) for the subject project.

The Division finds that the revised plans do not change our previous determination that this project **has been conditioned to avoid a prohibited "take"** of state-listed rare species (Division letter dated March 1, 2012) and that previous determination stands. We note that all work is subject to the anti-segmentation provisions (321 CMR 10.16) of the MESA. Any activity not included in the current filing and located within *Priority Habitat* may require an additional filing with the Division for review if not otherwise exempt. If no physical work is commenced on the above proposed project within five years from the date of issuance of our original letter or there is a material change in the plans that were submitted to the Division, updated information and/or plans must be sent to the Division for review prior to any work.

Please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385 with any questions or comments.

Sincerely,

Thomas W. French, Ph.D.
Assistant Director

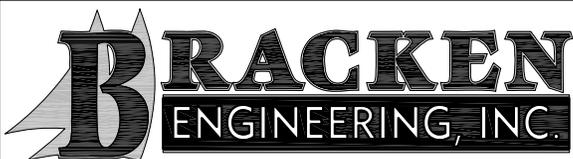
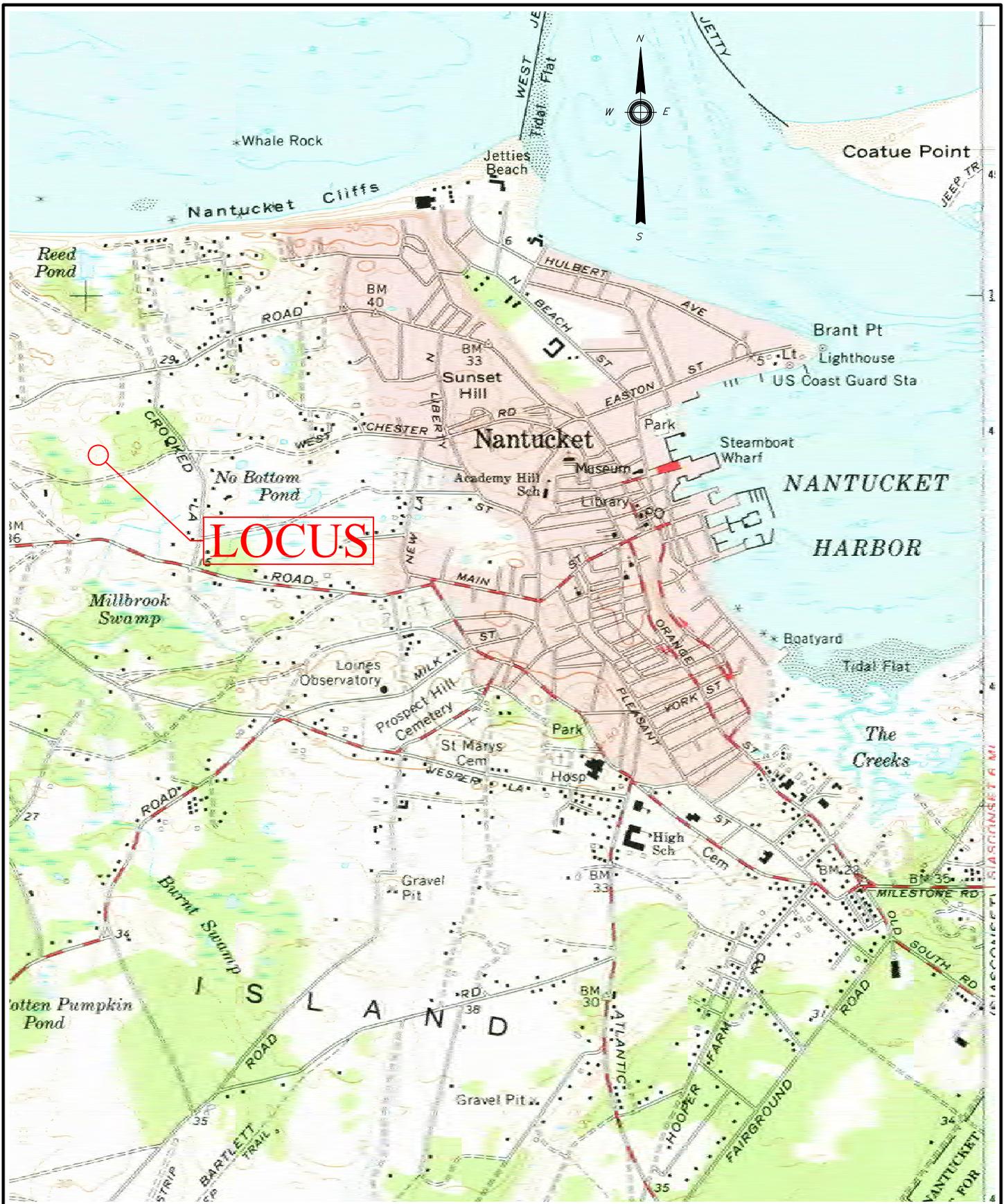
cc: Nantucket Conservation Commission

www.mass.gov/nhesp

Division of Fisheries and Wildlife

Field Headquarters, One Rabbit Hill Road, Westborough, MA 01581 (508) 389-6300 Fax (508) 389-7890

An Agency of the Department of Fish and Game



19 OLD SOUTH ROAD
NANTUCKET, MA 02554

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

USGS MAP

#10 Hickory Meadow Lane
Nantucket, MA

10 Hickory Meadow Lane - GIS Aerial Orthophoto



Property Information

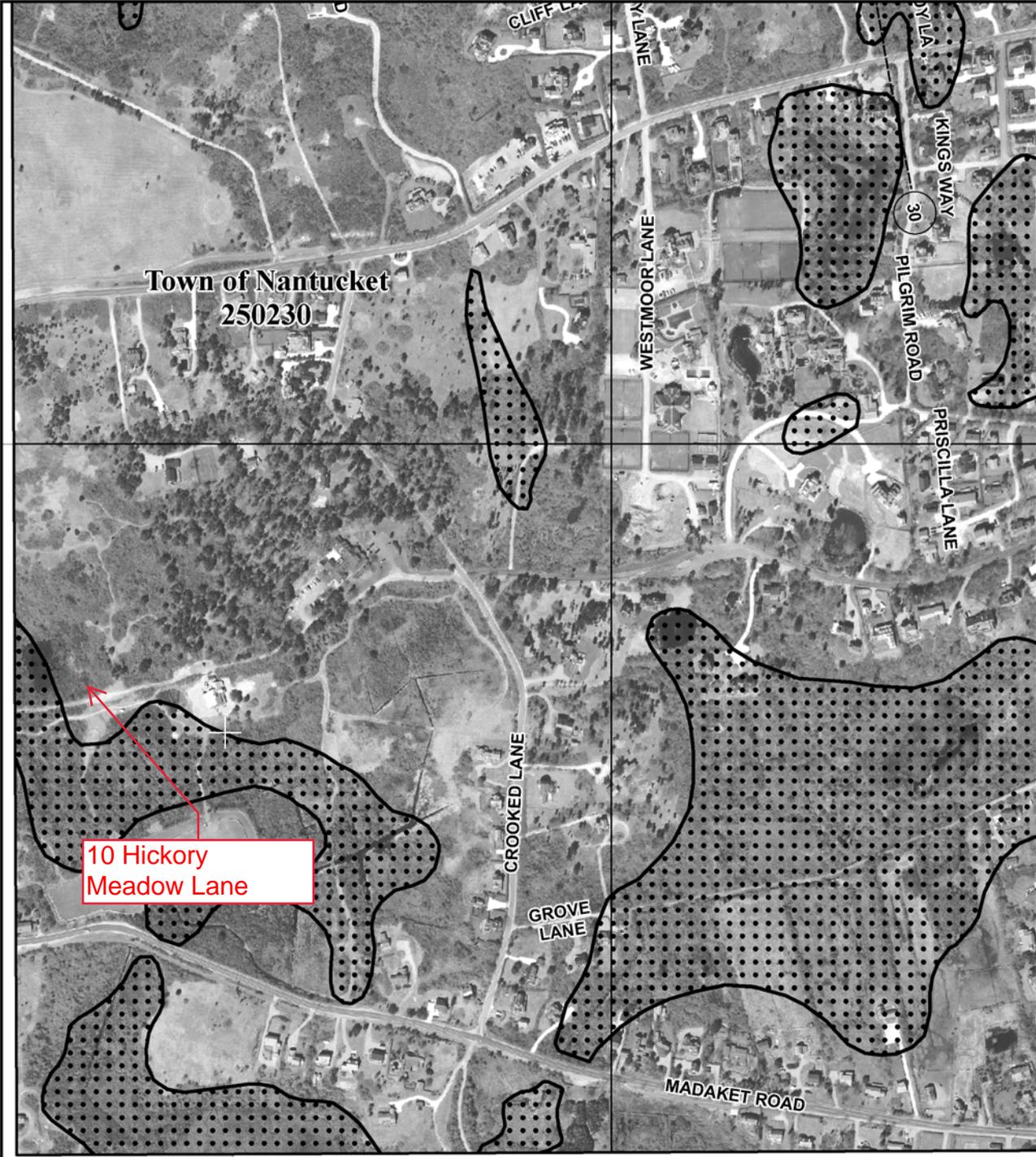
Property ID 41 904
Location 10 HICKORY MEADOW LN
Owner ELEVEN CROOKED LANE LLC



**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

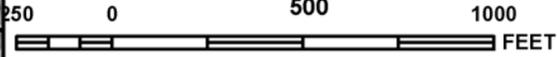


Town of Nantucket
250230

10 Hickory
Meadow Lane



MAP SCALE 1" = 500'



PANEL 0086G

NATIONAL FLOOD INSURANCE PROGRAM

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

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

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NANTUCKET, TOWN OF	250230	0086	G

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

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



MAP NUMBER
25019C0086G
EFFECTIVE DATE
JUNE 9, 2014

Federal Emergency Management Agency

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

Notice of Intent Application

36 North Liberty Street
Map 41, Parcel 265
Nantucket, MA

June 17, 2020



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

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



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 & Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations



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>36 North Liberty Street</u>	<u>Nantucket</u>	<u>MA</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
	<u>41.285850</u>	<u>-70.107320</u>
	d. Latitude	e. Longitude
<u>Map 41</u>	<u>Parcel 265</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Janice C.</u>	<u>Burke, TR</u>	
a. First Name	b. Last Name	
<u>Liberty Realty Trust</u>		
c. Organization		
<u>1 Lakewood Road</u>		
d. Street Address		
<u>Natick</u>	<u>MA</u>	<u>01760</u>
e. City/Town	f. State	g. Zip Code
<u>508-380-2146</u>	<u>pburke5593@aol.com</u>	
h. Phone Number	i. Fax Number	j. Email Address

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

<u>SAME</u>		
a. First Name	b. Last Name	

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

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

<u>\$110.00</u>	<u>N/A – Local Only</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 & Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations

A. General Information (continued)

6. General Project Description:

Construct additions and porch onto existing single family dwelling and adjust layout of existing shell driveway within 100' buffer to isolated vegetated wetland.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

300

c. Book

b. Certificate # (if registered land)

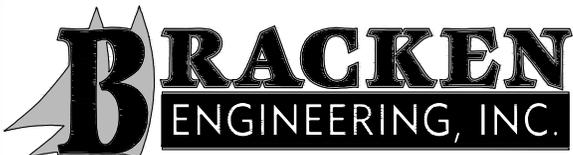
125

d. Page Number

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

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

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



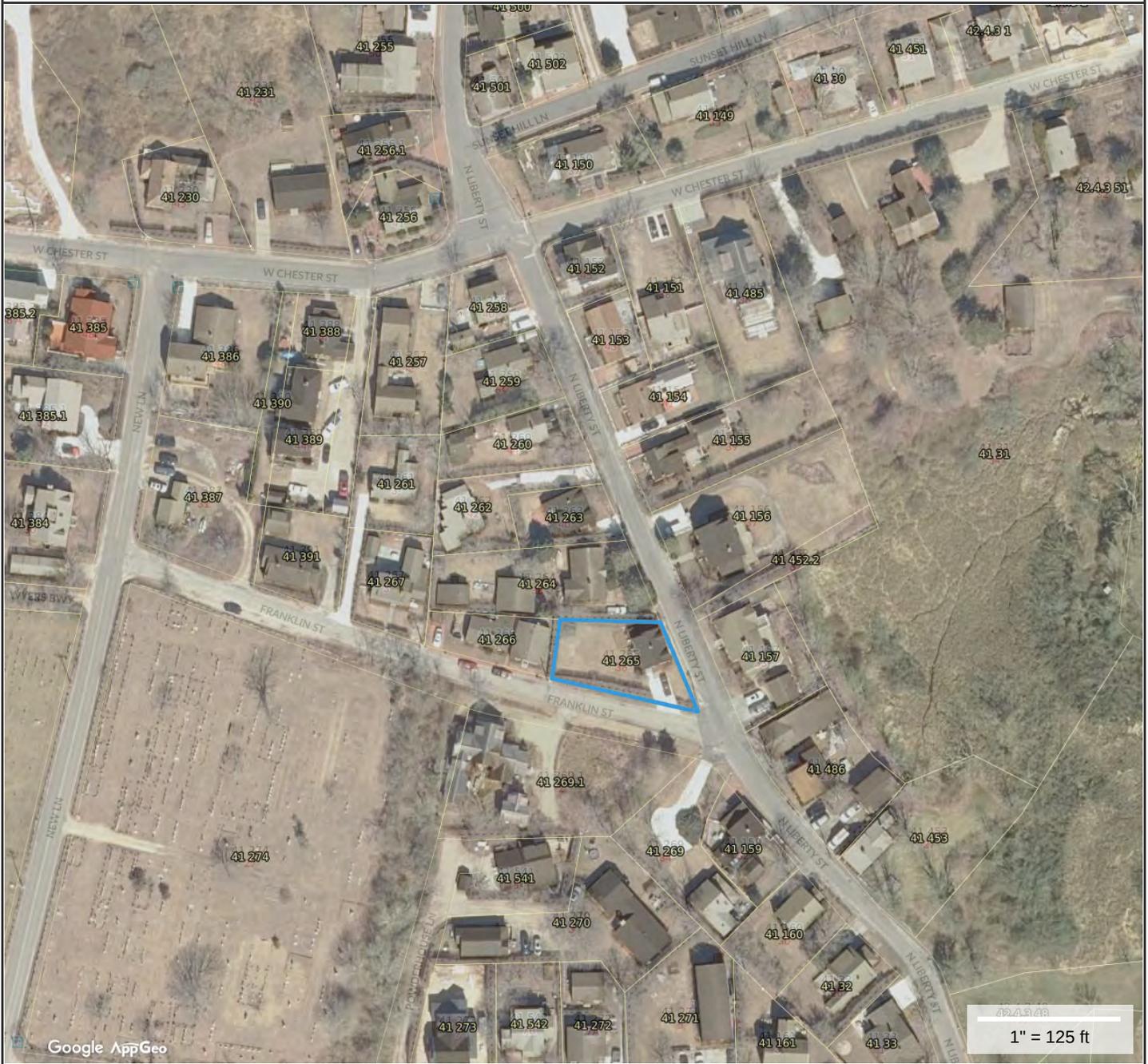
19 OLD SOUTH ROAD
NANTUCKET, MA 02554

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

USGS MAP

36 North Liberty Street
Nantucket, MA

36 North Liberty Street - GIS Aerial Orthophoto (2019)



Property Information

Property ID 41 265
Location 36 N LIBERTY ST
Owner BURKE JANICE C TR

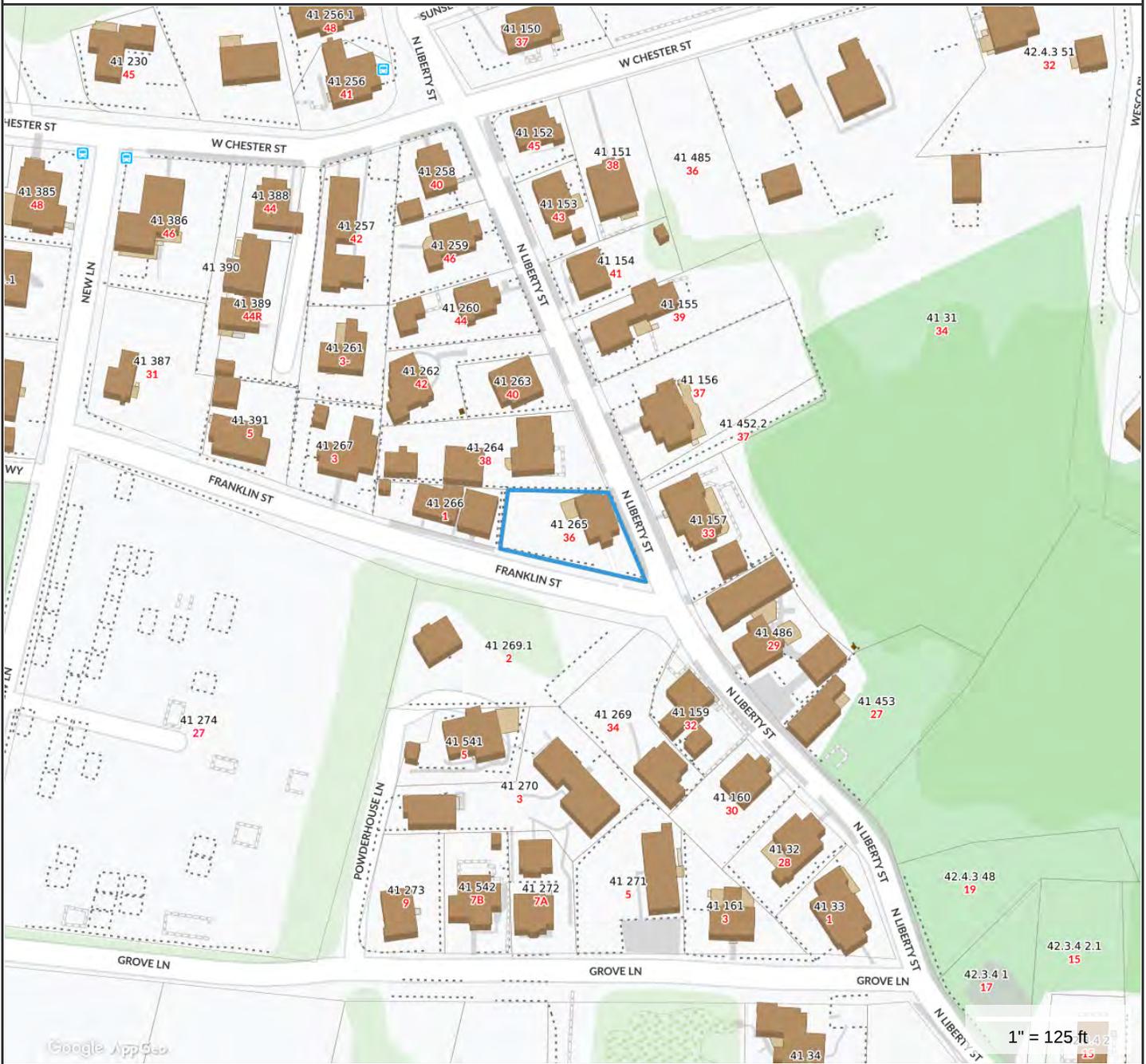


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

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

36 North Liberty Street - GIS Parcel Map



Property Information

Property ID 41 265
 Location 36 N LIBERTY ST
 Owner BURKE JANICE C TR



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

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

36 N. Liberty Street - GIS NHESP Map



Property Information

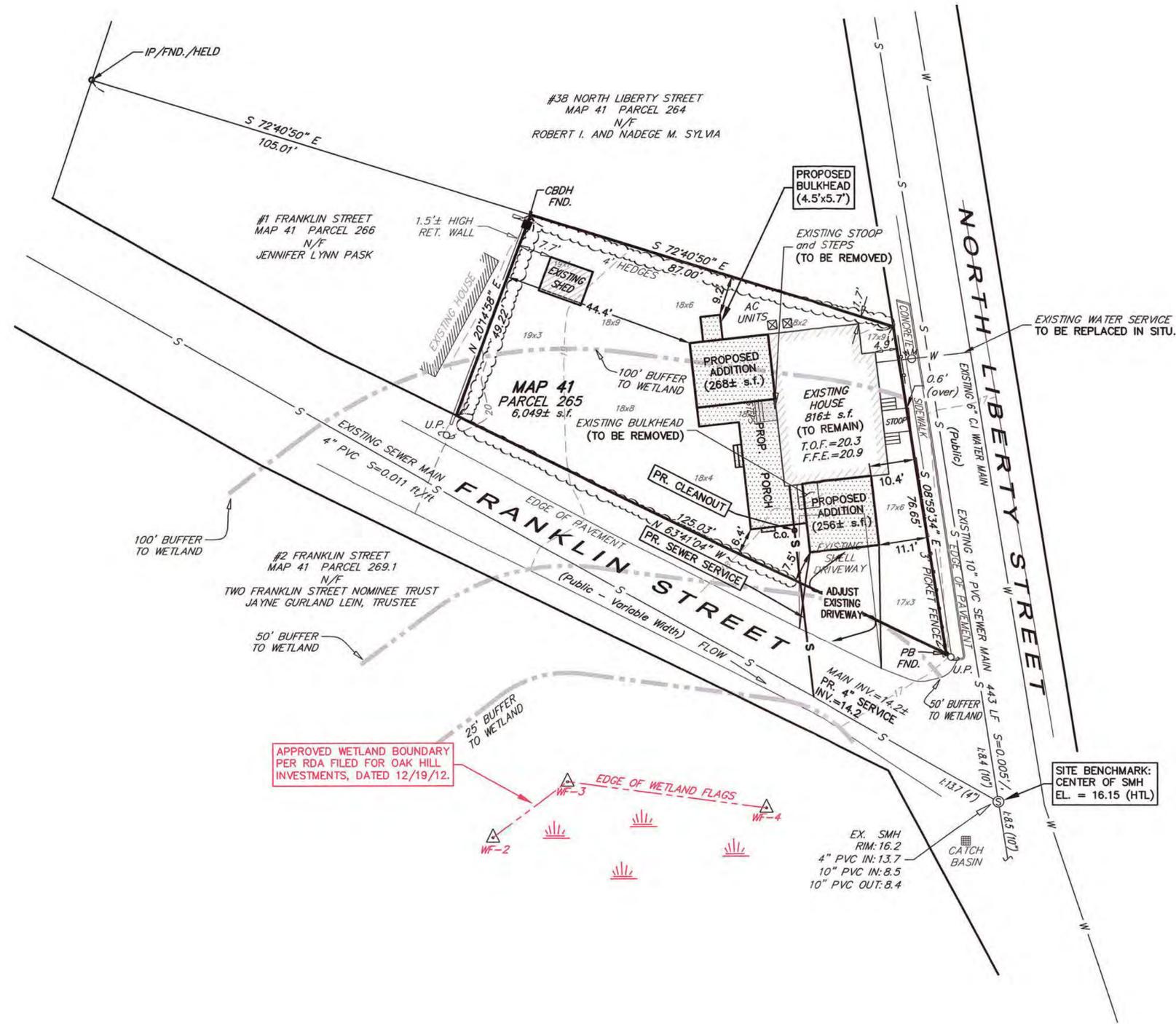
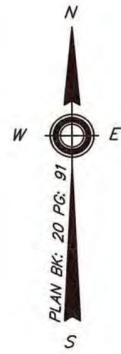
Property ID 41 265
Location 36 N LIBERTY ST
Owner BURKE JANICE C TR



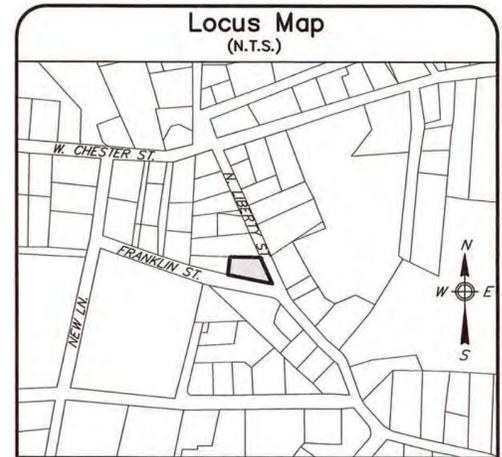
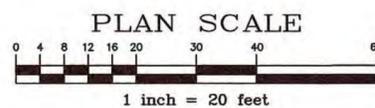
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

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



APPROVED WETLAND BOUNDARY PER RDA FILED FOR OAK HILL INVESTMENTS, DATED 12/19/12.



Notes

1. LOCUS: #36 NORTH LIBERTY STREET
MAP 41 PARCEL 265
2. OWNER: LIBERTY REALTY TRUST
JANICE C. BURKE, trustee
#1 LAKEWOOD ROAD
NATICK, MA 01760
3. DEED REF: BK: 300 PG: 125
4. PLAN REF: BK: 13 PG: 10, LOT A-1
5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 250230-0011-D dated 07/02/92.
6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
7. ORIGINAL HOUSE CONSTRUCTED IN 1929
8. ZONE: R-1

Prepared By:
BRACKEN ENGINEERING, INC. Engineering - Surveying
 Environmental Permitting
 19 Old South Road
 Nantucket, MA 02554
 Tel: 508-325-0044 Fax 508-833-2282

**PROPOSED SITE PLAN
 IN NANTUCKET, MA**
 Prepared For:
LIBERTY REALTY TRUST
 #36 NORTH LIBERTY STREET
 MAP 41 PARCEL 265

Date:	JUNE 10, 2020	Sheet:	1 of 1
Drawn By:	ERC/BEI	Checked By:	AMG/DFB
Job No.:	801-01	Scale:	1" = 20'
		Drawing Name:	36 North Liberty-SITE Rev1.dwg

Notice of Intent Application

41 Dukes Road
Map 56, Parcel 327
Nantucket, MA

June 18, 2020



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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands

Provided by MassDEP:

 MassDEP File Number

 Document Transaction Number
 Nantucket

 City/Town

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40 &
 Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations



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):

41 Dukes Road Nantucket MA
 a. Street Address b. City/Town c. Zip Code
 Latitude and Longitude: 41.279020 -70.119320
 d. Latitude e. Longitude
Map 56 Parcel 327
 f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

Stafford Meyer
 a. First Name b. Last Name

 c. Organization
54 Tanglewylde Avenue
 d. Street Address
Bronxville NY 10708
 e. City/Town f. State g. Zip Code
914-803-2796 stafford@staffordmeyer.com
 h. Phone Number i. Fax Number j. Email Address

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

SAME
 a. First Name b. Last Name

 c. Organization

 d. Street Address

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

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

4. Representative (if any):

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

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

\$110.00 \$42.50 \$67.50
 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 & Nantucket Wetlands Protection Bylaw Chapter 136 and its Regulations

A. General Information (continued)

6. General Project Description:

Construction of a porch and steps onto existing single family dwelling within 100' buffer to Bordering Vegetated Wetland.

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

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

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

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

1522

c. Book

b. Certificate # (if registered land)

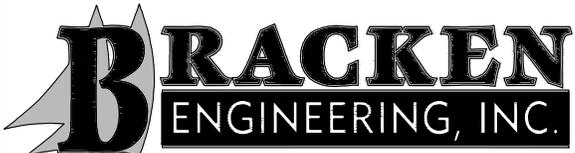
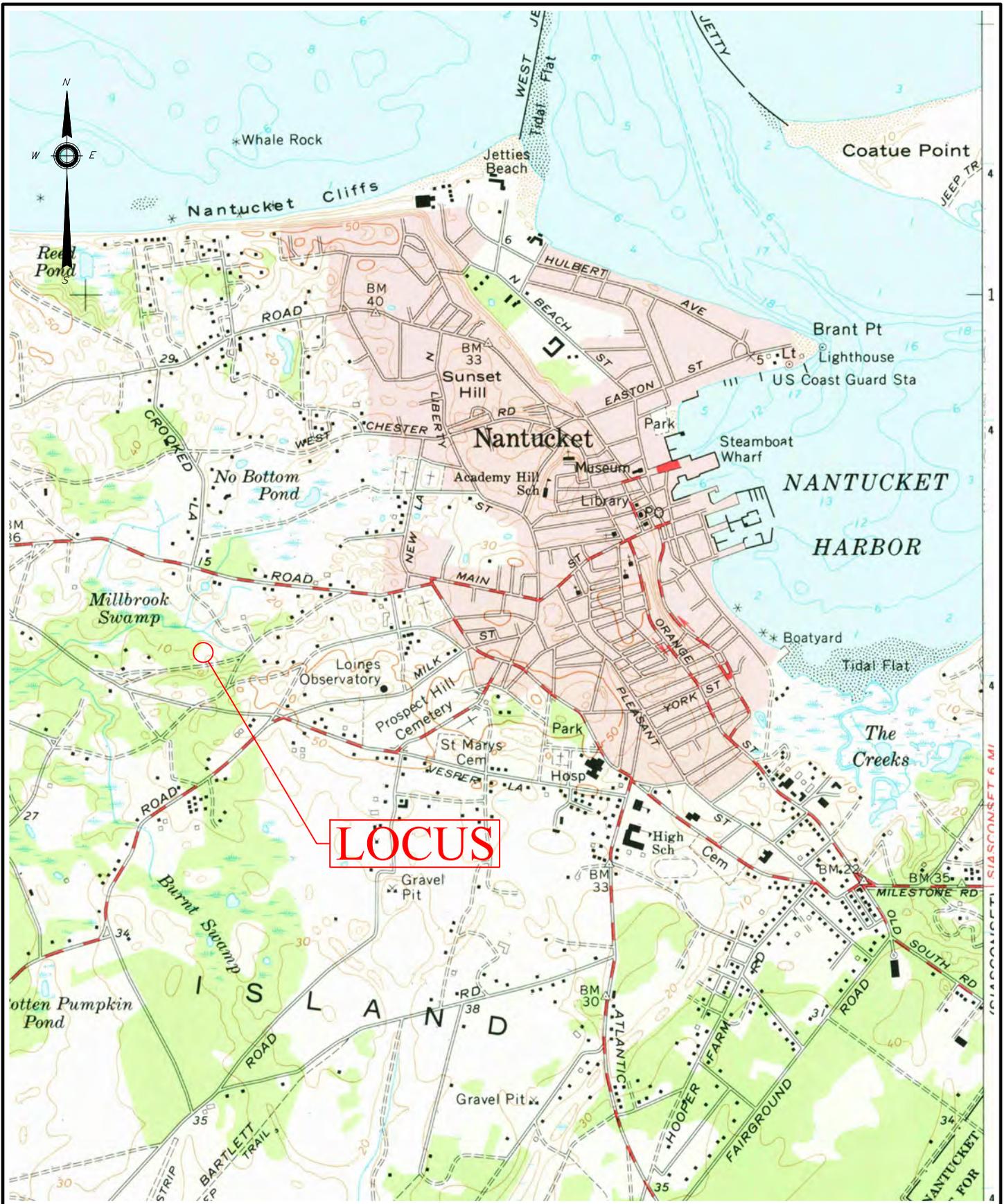
77

d. Page Number

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

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

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



19 OLD SOUTH ROAD
NANTUCKET, MA 02554

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

USGS MAP

41 Dukes Road
Nantucket, MA

41 Dukes Road - GIS Aerial Orthophoto



Property Information

Property ID 56 327
Location 41 DUKES RD
Owner MEYER PETER D & STAFFORD

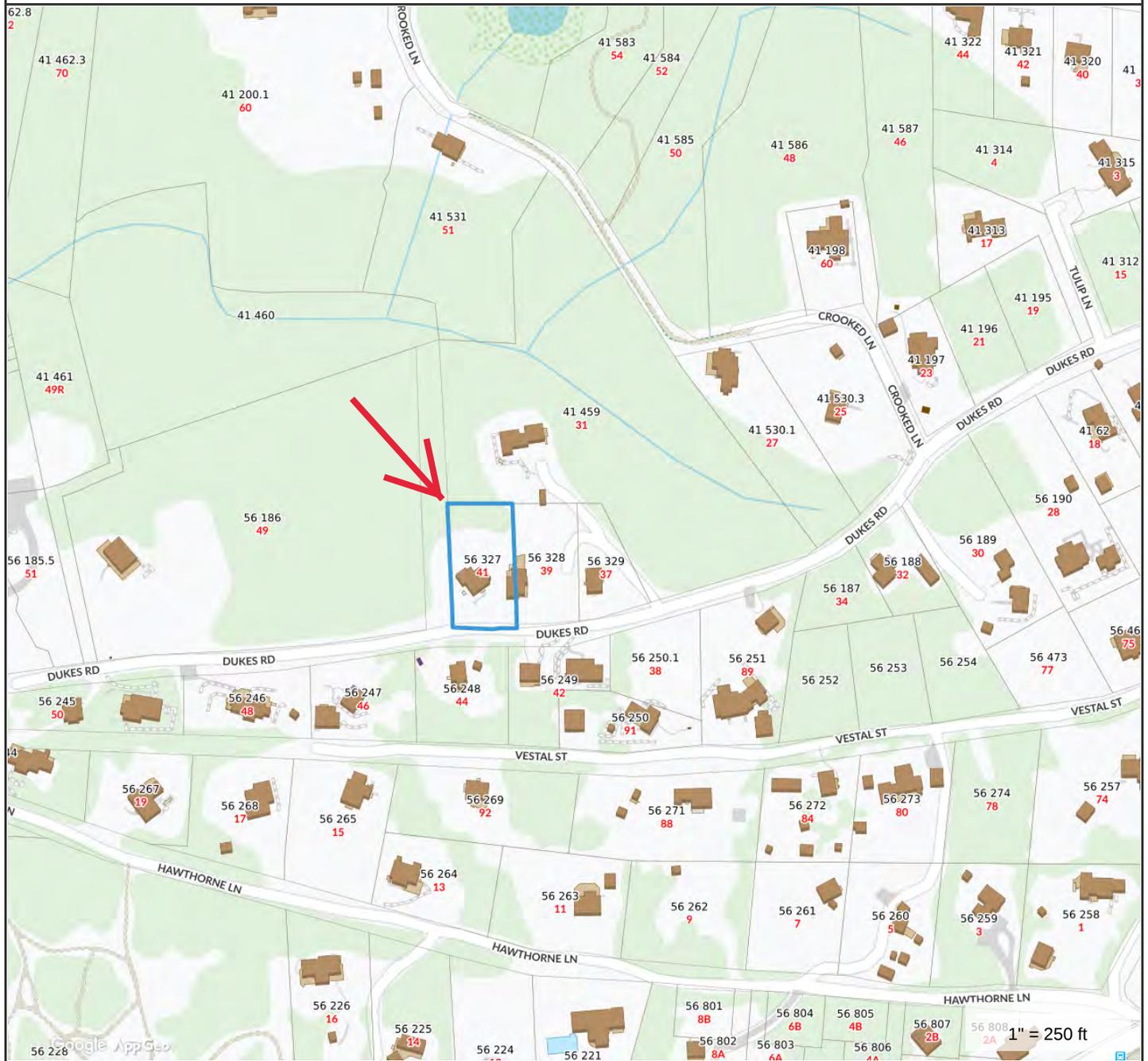


**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

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

41 Dukes Road - GIS Parcel Map



Property Information

Property ID 56 327
Location 41 DUKES RD
Owner MEYER PETER D & STAFFORD



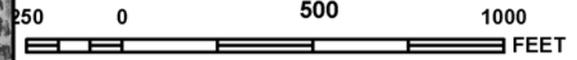
**MAP FOR REFERENCE ONLY
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Geometry updated 11/13/2018
Data updated 11/19/2018



MAP SCALE 1" = 500'



PANEL 0088G

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

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

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
NANTUCKET, TOWN OF	250230	0088	G

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

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



MAP NUMBER
 25019C0088G
 EFFECTIVE DATE
 JUNE 9, 2014

Federal Emergency Management Agency

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

41 Dukes Road - GIS NHESP Map



Property Information

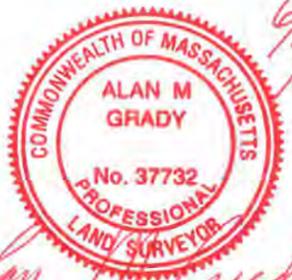
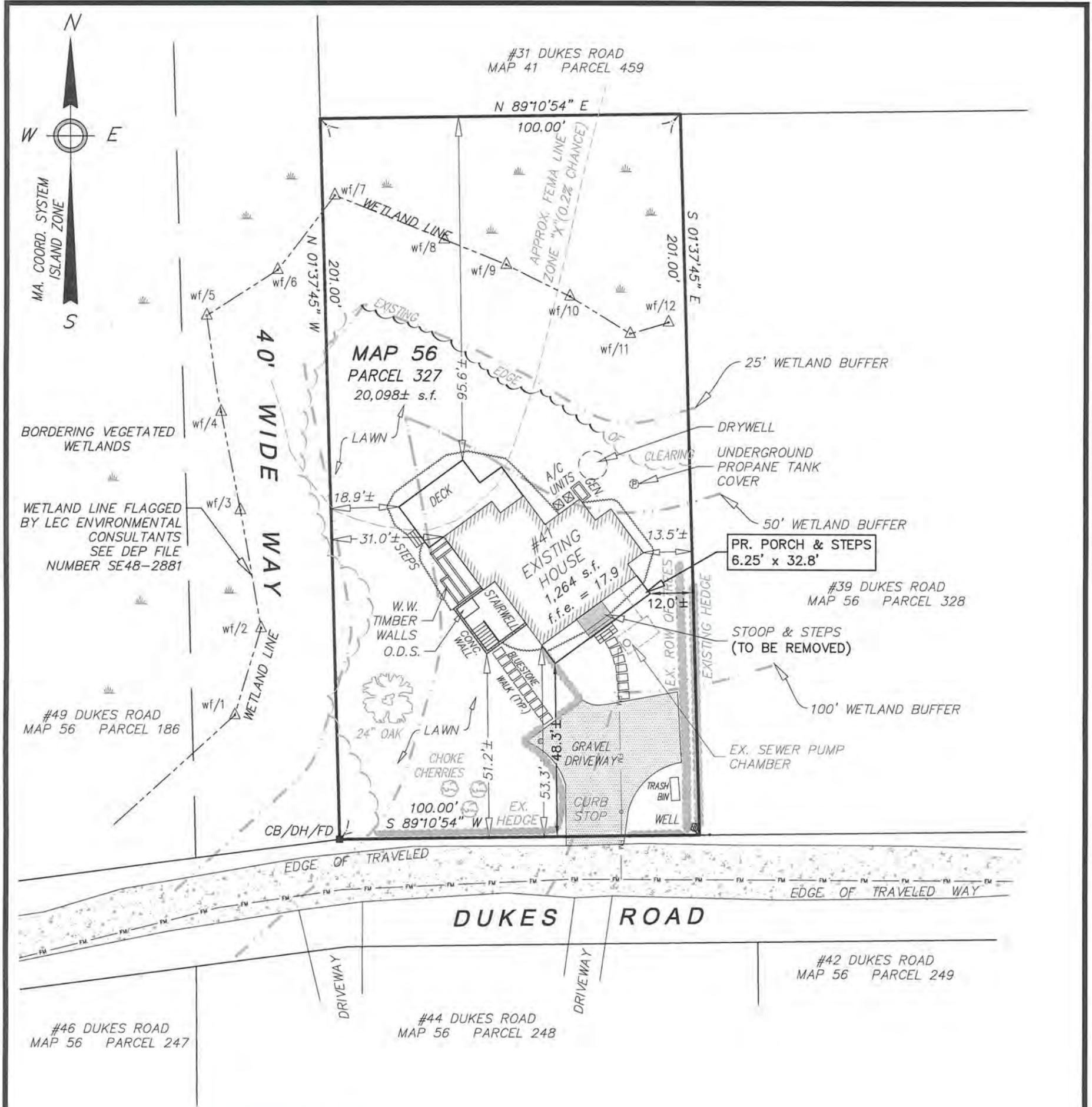
Property ID 56 327
Location 41 DUKES RD
Owner MEYER PETER D & STAFFORD



**MAP FOR REFERENCE ONLY
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Geometry updated 11/13/2018
Data updated 11/19/2018



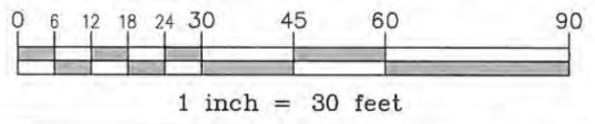
ZONE: R-20

	REQUIRED	EXISTING	EXISTING
LOT AREA:	20,000 s.f.	20,098± s.f.	20,098± s.f.
FRONTAGE:	75'	100.00'	100.00'
FRONT YARD:	30'	51.2'±	48.3'±
SIDE YARD:	10'	13.5'±	12.0'±
REAR YARD:	10'	95.6'±	95.6'±
GROUND COVER:	12.5% (MAX) (2,512 s.f.)	6.3% (1,264± s.f.)	6.3% (1,264± s.f.)

NOTES:

- LOCUS: #41 DUKES ROAD
MAP 56 PARCEL 327
- OWNER: PETER DOUGLAS MEYER and
STAFFORD MEYER
54 TANGLEWYLDE AVENUE
BRONXVILLE, NY 10708
- DEED REF: Bk:1522 Pg:77
- PLAN REF: Plan File: 9-D (LOT 1)
- CERTIFICATE OF COMPLIANCE REF: Bk:1662 Pg:91

PLAN SCALE



BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD BUZZARDS BAY, MA 02532
 19 OLD SOUTH ROAD NANTUCKET, MA 02554

(tel) 508.833.0070 (tel) 508.325.0044
 (fax) 508.833.2282 www.brackeneng.com

PROPOSED SITE PLAN
 IN NANTUCKET, MASSACHUSETTS

Prepared for:
PETER DOUGLAS MEYER & STAFFORD MEYER
 #41 DUKES ROAD
 MAP 56 PARCEL 327

Date: JUNE 4, 2020 Drawn: ERC/BEI Checked: DFB/AMG



July 2, 2020

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

RE: Certificate of Compliance
20 Western Ave
Map 87 Parcel 74
MassDEP File No. SE48-576

Dear Jeff:

I am writing to request a Certificate of Compliance for the referenced project. Attached are a Locus Map, Aerial Photo, As-built Septic Plan, WPA Form 8A, \$25 filing fee, and a copy of the original Order recorded at the Nantucket Registry of Deeds.

The work occurred in 1990 per the attached asbuilt septic system plan on file with the Nantucket Health Dept. There is not an associated Certificate of Compliance in their files. As far as we are able to ascertain at this point, the work was performed in substantial compliance with the issued Order.

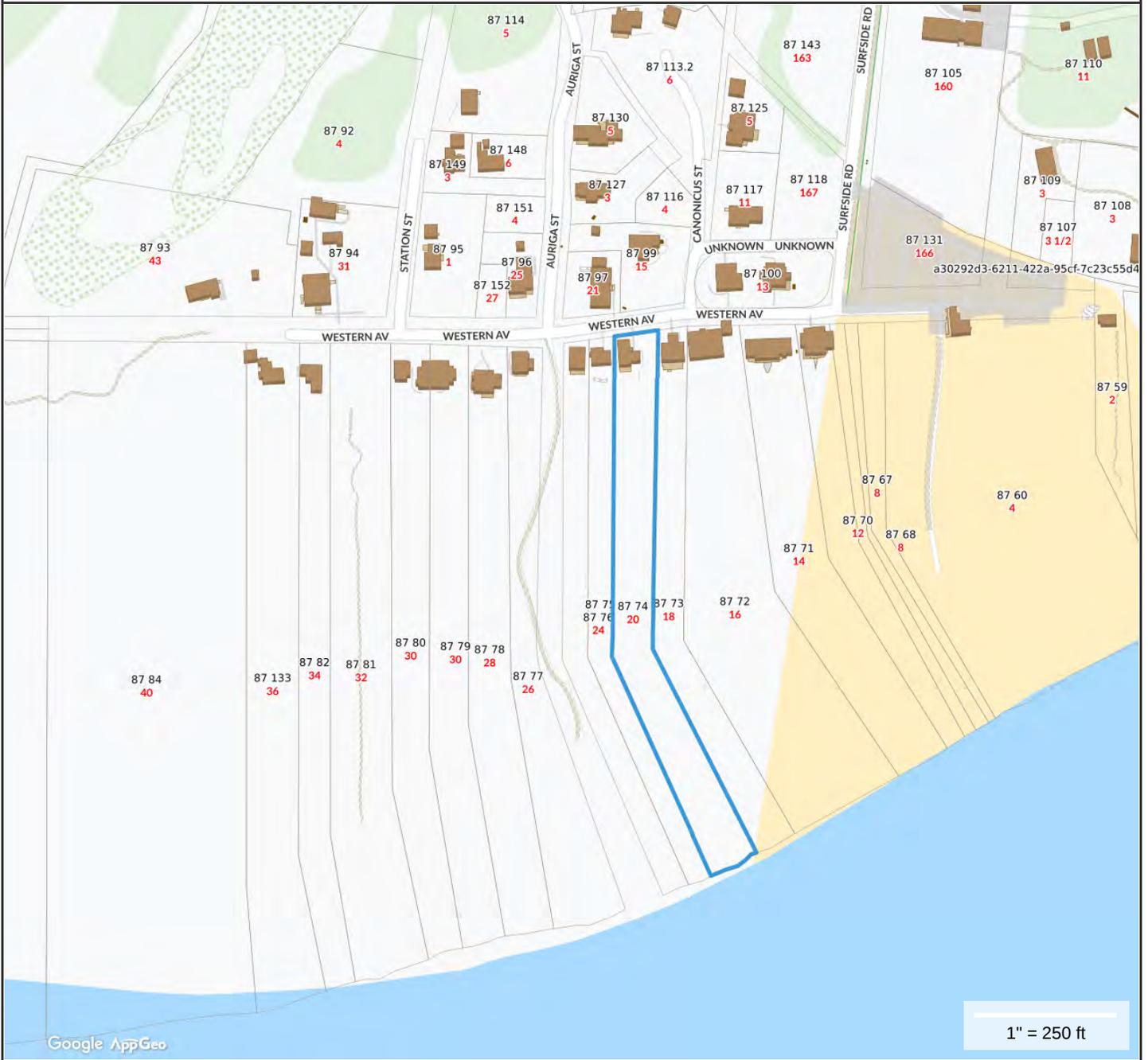
I plan to attend the next public meeting of the Commission, though please feel free to contact me should you have any questions or concerns with this request in the meantime.

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

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

Cc: James Mullen
Arthur I. Reade, Jr.

Locus Map



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



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Escapehatch, LLC

Name

571 105th Ave N,

Mailing Address

Naples

City/Town

FL

State

34108-1837

Zip Code

Phone Number

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

James E. Mullen

Applicant

3/8/90

Dated

SE48-576

DEP File Number

3. The project site is located at:

20 Western Ave

Street Address

87

Assessors Map/Plat Number

Nantucket

City/Town

74

Parcel/Lot Number

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

James E. Mullen

Property Owner (if different)

Nantucket

County

Book

Page

10165, currently: 25,273

Certificate (if registered land)

5. This request is for certification that (check one):

the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

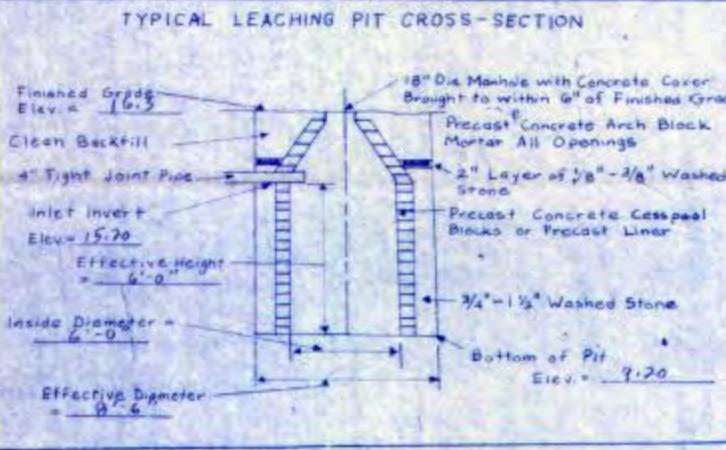
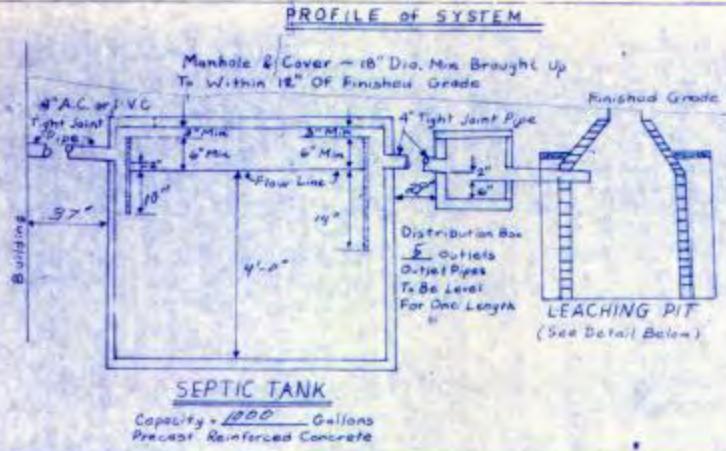
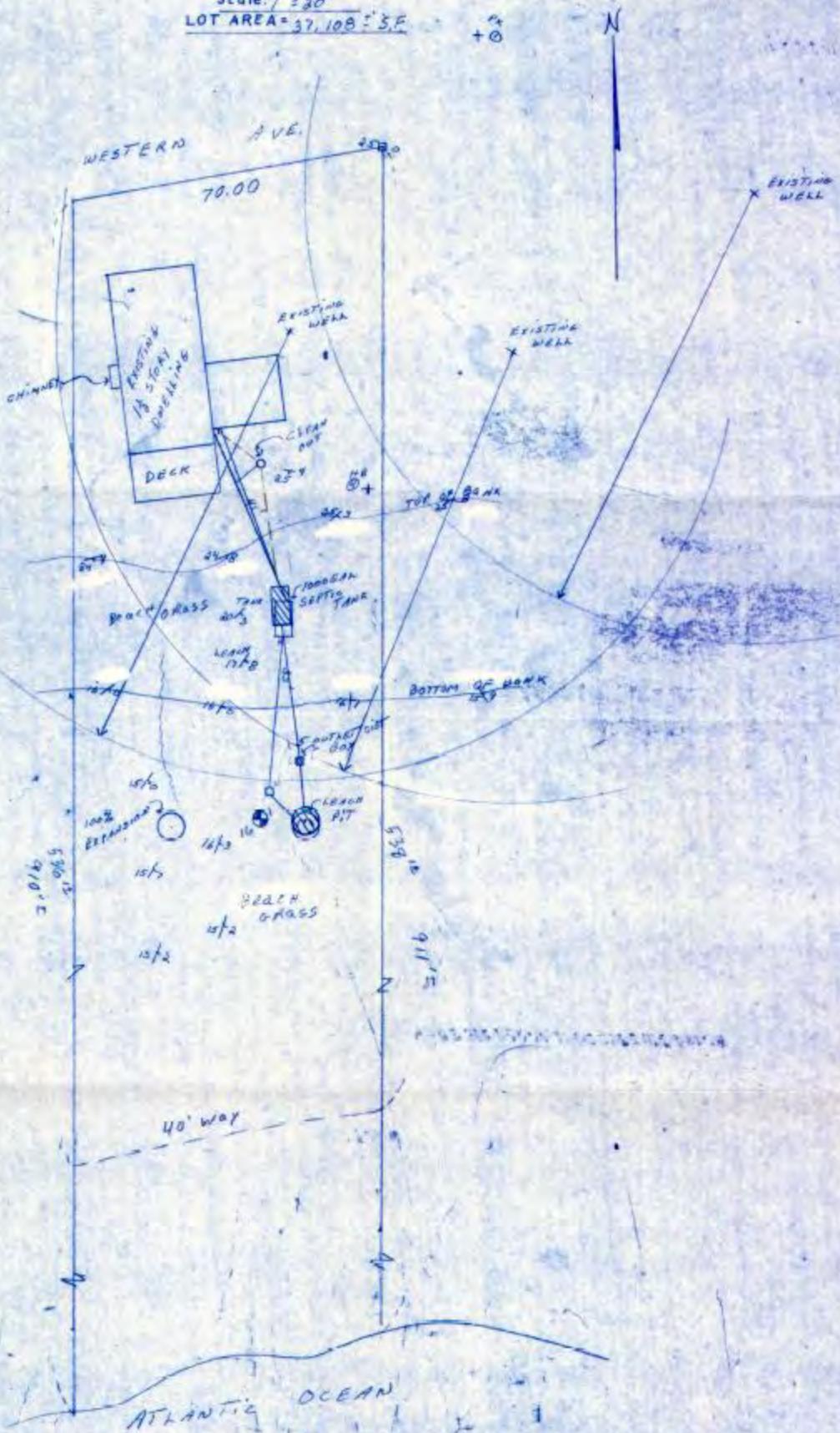
Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

PLOT PLAN
 Scale: 1" = 30'
 LOT AREA = 37,108 ± SF



11) Heavy grading machinery shall not be permitted to pass over the leaching field.
 12) All construction to conform to the requirements of the Massachusetts State Board of Health and the Town of Nantucket Board of Health.
 13) All topsoil, subsoil and deleterious material, if any must be excavated and removed to 6" below the surface of the natural permeable soil. Backfill as required with a gravel or sand fill material, free of fines, clay, organic material, and large boulders having a percolation rate in its original location of 2 min per inch or better.
 14) For proper performance of system, septic tank should be inspected at least once a year, and when the total depth of scum and solids exceeds 1/3 the liquid depth of the tank, they should be removed.
 15) The engineer will not be responsible for the performance of this system, unless constructed as shown. Any alterations must be approved in writing by the engineer.
 16) In cases where ledge or rock is present the engineer will not be responsible for assuring the amount of rock to be excavated.

TEST HOLE & PERCOLATION TEST DATA

SOIL LOG

SOIL TYPE	DEPTH
BRACH SAND	0 - 6'
MEDIUM SAND	6' - 130'

Surface Elevation = 16.1
 Date: Dec 15, 1987
 Percolation Test at a depth 26" - 48"
 Rate = 2 min per inch
 No Ground Water at a depth of 13.0
 Elev. = 3.1

SCHEDULE OF ELEVATIONS

Top of foundation	26.3	Invert at distribution box inlet	15.45
Basement floor	N/A	Invert at distribution box outlet	15.25
Invert of pipe at foundation	22.30	Invert at leaching pit inlet	15.20
Invert of septic tank inlet	16.75	Invert at leaching pit bottom	9.20
Invert of septic tank outlet	16.50		

- GENERAL NOTES**
- Elevations refer to 100 ASSUMED BASE. See Bench Mark on plot plan located at NORTH EAST CORNER OF 202'S.
 - ⊙ Denotes test hole location.
 - Percolation test performed in accordance with Dept. of Health, State Board of Health, 1987.
 - Estimated flow = 330 Gallons per day.
 - Percolation rate 2 Min per inch (design rate)
 - Septic tank capacity 1000 Gallons.
 - Distribution Box to have 5 outlets with 4 plugged for future expansion as shown on plot plan.
 - Leaching Area provided 317 Square feet.
 - Use of Garage Grinder PROHIBITED.
 - Finished grading to be done in accordance with the plot plan.
 - Denotes proposed contour.
 - FG = XX, X Denotes proposed finished grade.
 - Heavy grading machinery shall not be permitted to pass over the leaching field.
 - All construction to conform to the requirements of the Massachusetts State Board of Health and the Town of Nantucket Board of Health.
 - All topsoil, subsoil and deleterious material, if any must be excavated and removed to 6" below the surface of the natural permeable soil. Backfill as required with a gravel or sand fill material, free of fines, clay, organic material, and large boulders having a percolation rate in its original location of 2 min per inch or better.
 - For proper performance of system, septic tank should be inspected at least once a year, and when the total depth of scum and solids exceeds 1/3 the liquid depth of the tank, they should be removed.
 - The engineer will not be responsible for the performance of this system, unless constructed as shown. Any alterations must be approved in writing by the engineer.
 - In cases where ledge or rock is present the engineer will not be responsible for assuring the amount of rock to be excavated.
 - Flow
 SUBCWR (6.47 ft/s) (6.7 ft/s) = 440.5 GAL
 BOTTOM (1.9 ft/s) (5.7 ft/s) = 56.7 GAL
 TOTAL = 497.2 GAL

ASSESSORS MAP # 87 PARCEL # 74

PROPOSED SEWAGE DISPOSAL SYSTEM

PROPOSED SEPTIC PLAN
 202 WESTERN AVE.
 NANTUCKET, MA 02554

Applicant: JAMES R. MULLER
 209 SYCAMORE CIRCLE
 LANSHORNB, PA 19047

JOHN J. MUGNIE
 2856
 Date: 12/16/1987
 JOHN J. MUGNIE
 610 SOUTH ROAD
 NANTUCKET, MASS 02554



WESTERN AV

WESTERN AV

AV

87 71

87 75
87 76

87 74

87 73

87 72

78

87 77

41.243839,-70.097039



DOCUMENT No. 50133

DOCUMENT No. 50133

Montgomery Registry District

MAY 11 1990

RECEIVED FOR REGISTRATION

2 O'CLOCK 15 M P

Montgomery Registry District

MAY 11 1990

RECEIVED FOR REGISTRATION

2 O'CLOCK 15 M P

Order of Conditions

NOTED ON CERTIFICATE NO. 10165

IN REGISTRATION BOOK PAGE

ATTEST *Andrea P. Radwick* ASST. RECORDER



Commonwealth
of Massachusetts



DEQE File No. SE48-576
(To be provided by DEQE)

City/Town NANTUCKET
Applicant Mullen
Map 87 Parcel 74

Order of Conditions

issued under the
Massachusetts Wetlands Protection Act (G.L. c.131, Sec. 40)
and the
Nantucket Wetlands Bylaw (Chapter 136)

From NANTUCKET CONSERVATION COMMISSION

To James E. Mullen (Same)
(Name of Applicant) (Name of property owner)

Address 209 Sycamore Circle Address (Same)
Langhorne, Pa. 19047

This Order is issued and delivered as follows:

- by hand delivery to applicant or representative on _____ (date)
- by certified mail, return receipt requested on March 13, 1990 (date)

This project is located at 20 Western Ave.

The property is recorded at the Registry of NANTUCKET

Book _____ Page _____

Certificate (if registered) 10,165

The Notice of Intent for this project was filed on January 16, 1990 (date)

The public hearing was closed on March 8, 1990 (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):

- | | | |
|---|---|--|
| <input type="checkbox"/> Public water supply | <input checked="" type="checkbox"/> Flood control | <input checked="" type="checkbox"/> Land containing shellfish |
| <input checked="" type="checkbox"/> Private water supply | <input checked="" type="checkbox"/> Storm damage prevention | <input checked="" type="checkbox"/> Fisheries |
| <input checked="" type="checkbox"/> Ground water supply | <input checked="" type="checkbox"/> Prevention of pollution | <input checked="" type="checkbox"/> Protection of wildlife habitat (Act) |
| <input checked="" type="checkbox"/> Erosion Control (Bylaw) | <input type="checkbox"/> Recreation (Bylaw) | <input checked="" type="checkbox"/> Wildlife (Bylaw) |
| <input type="checkbox"/> Wetland Scenic Views (Bylaw) | | |

Total Filing Fee Submitted \$ 55.00 State Share \$ 15.00
 City/Town Share \$ 40.00
 Total Refund Due \$ 0.00 City/Town Portion \$ 0.00 (1/2 fee in excess of \$25)
 State Portion \$ 0.00
 (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 other 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 specified 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 one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. 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 on 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 Quality Engineering,
File Number SE48-576 ".
10. Where the Department of Environmental Quality Engineering is requested 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:

50133

DEP File Number
SE 48 - 576

PLANS:

<u>TITLE</u>	<u>DATED</u>	<u>SIGNED AND STAMPED</u>	<u>FILED WITH</u>
1. Plot Plan and Proposed Sewage Disposal System	1/16/90	(Recv'd 1/16/90) John J. Shugrue	The Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or on the methods described in the Notice of Intent require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require the 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 of the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plan sited 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 CONDITIONS ATTACHED:

XX YES NO

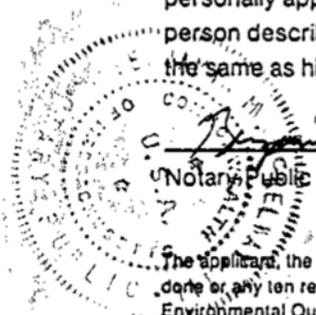
50133

Issued By ✓ The Nantucket Conservation Commission

Signature(s) William Kelly
Henry Wasinski
Ben B. Arnold
for H. Dun

This Order must be signed by a majority of the Conservation Commission.

On this 8th day of March 19 90, before me personally appeared the above Commissioners, to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.



Benjamin M. Melby III My commission expires December 2, 1994
Notary Public

The applicant, the owner, any person aggrieved by this Order, 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 Quality Engineering 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.

Detach on dotted line 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 _____ and

has been noted in the chain of title of the affected property in accordance with General Condition B 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

ADDITIONAL SPECIAL CONDITIONS
JAMES E. MULLEN
DEQE FILE NUMBER SE48 - 576
ASSESSOR'S MAP 87, PARCEL 74
20 WESTERN AVENUE
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

3. Upon completion of the project, the disturbed area shall be revegetated with *Rugosa rose*, beach grass, and/or other plants native to the vicinity.
4. The old wastewater tank shall be pumped out and filled with sand.
5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, 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.
6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the 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.
7. The applicant, owners, successors or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to the on-site wetland and/or off-site resource areas. 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.

Additional Special Conditions page 2

8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
9. 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.
10. Any refuse material found on the site shall be disposed of at an approved landfill and in no case will these materials be buried or disposed of in or near a wetland.
11. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
12. No coastal engineering structure of any kind shall be permitted on the property in the future to protect the project allowed by this Order. Section 310 CMR 10.30 (3) of the Wetlands Regulations, promulgated under MGL Chapter 131, Section 40, requires that no coastal engineering structure, such as bulkhead, revetment, or seawall, shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.

UNDER THE NANTUCKET WETLANDS BYLAW ONLY:

The Commission hereby grants the applicant waivers from Sections 2.03(B)(5) of the Wetlands Protection Regulations of the Town of Nantucket, under the Nantucket Wetlands Bylaw (Chapter 136). Section 2.03(B)(5) prohibits the placing of any septic system in shifting sands or on a coastal dune. However, because the proposed septic system would replace a failed system, the Commission expects an improvement over the existing situation. There has been a clear and convincing showing by the applicant's agent that there are no reasonable conditions or alternatives that would allow the project to proceed in compliance with the regulations and that the proposed activities will not have any adverse effect upon any of the interests protected by the Bylaw. These waivers are granted under the authority of Section 1.03(F)(1)(a) of the Wetlands Protection Regulations of the Town of Nantucket.

###



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Thursday, June 25, 2020 – 1:00 p.m.

*This meeting was held via remote participation using ZOOM and YouTube,
Pursuant to Governor Baker’s March 12, 2020 Order Regarding Open Meeting Law*

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

Called to order at 1:00 p.m. by Ms. Erisman

Staff in attendance: Jeff Carlson, Natural Resources Director; Joanne Dodd, Natural Resources Coordinator
Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

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. The Town of Nantucket – 34 Washington Street (42.2.3-2) SE48-3300

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Patrick Quinlin, Stephen Kelleher Architect
Stephen Kelleher, Stephen Kelleher Architect
Tarja McGrail, Coastal Engineering Co., Inc.
William Pittman, Chief of Police
Sheila Lucey, Harbor Master
Charles Gibson, Deputy Chief of Police
Public None
Discussion (1:09) **McGrail** – Reviewed updates to the plans made since submission. Proposing 500 SF restoration area planted with dune grass. With reducing impervious surface and mitigation areas, there will be an environmental benefit.
Lucey – Explained the need for a new building: upgraded public restrooms, new public meeting space, emergency equipment storage, and minimal office space.
Gibson – The emergency response equipment is shown as in the trailer; being in a trailer allows for the equipment to be moved away from the waterfront in the event of a storm.
Pittman – The current building is close to failing: floor is compromised; foundation compromised; broken pipes. He is concerned the structure is an accident waiting to happen.
Topham – Asked if this has been reviewed by the Historic District Commission (HDC) – not yet.
Golding – Our principal hope was a smaller building to open up the wetland water view. The conditions of the current building are not relevant going forward. Had hoped the trailer would be kept across the street to minimize congestion on the water.
Engelbourg – He’s also concerned about the trailer; with an enclosure and roof, it adds additional impervious surface for runoff. Would like the Harbor Master to incorporate storage into the building itself.
LaFleur – He’s agreeable with the design. Incorporating the trailer into the building increases its size.
Gibson – The height is dictated by the Velocity Zone; the size is driven by Americans with Disability Act (ADA) accessibility requirements for the bathrooms; the number of toilets is driven by the usage. Incorporating the storage would force the building to be larger. They can’t run across the street for the equipment in the event of an emergency.
Topham – We had asked for the information and we received it. He was hoping to be looking at plans reflecting HDC comments; currently it is a massive, towering building on this property. He feels the first-floor program should not change.
Phillips – She too was hoping to see HDC comments on reducing the mass. Asked if the HDC will review this before ConCom approval.
Gibson – As far as HDC, the program from a study dictated the needs to be met by the design building. He doesn’t know how they could change the building without eliminating some of the required program.

Golding – He mirror’s Mr. Topsham’s and Ms. Phillips views. The scenic water view is our purview. He would feel more comfortable if the plans had already been reviewed by the HDC.

Beale – He would hate for it go to HDC and undergo a redesign after we approved this; it would then have come back to us. He too would like it to have HDC approval.

Erisman – She agrees. She understands the requirements, but the building seems massive in the face of opening up the water view. She understands concerns about crossing Washington Street, but this might be a time to look at changing driving practices along that street.

Topham – The design would work on the Cape, but it is not for Nantucket. He too feels this will go through a redesign during the HDC process. Understands why the equipment shouldn’t be across the street but moving it would clutter the site and further decrease the harbor view.

Phillips – Agrees with Ms. Erisman’s idea of adapting the use of Washington Street to allow the equipment storage to be across the street.

Kelleher– HDC height restriction is 30 feet; we’re in Velocity Zone 11. We got approval to build this with a flood-proof first floor in order to keep it under the 30-foot limit. The massing is based upon the needs of the Harbor Master. This meets all ConCom requirements; that is what ConCom needs to focus on.

LaFleur – Washington Street is the main truck route into town; he can see two trucks stopped side-by-side blocking access to the equipment in the event of an emergency.

Golding – The chances of Mr. LaFleur’s scenario are highly unlikely; besides, emergency vehicles have to reach the area as well. The watershed view is within ConCom purview.

Lucey – We have to be on this side of the street; much of what we respond to is what we see from our offices and we need our equipment with us. Having to wait to cross the street jeopardizes public safety.

Pittman – He’s in and out of that office; you are potentially talking about 3 lanes of traffic with a proposed bike path. The worst place for a crosswalk is the middle of a straight road. A boat fire can become a multiple-boat fire within seconds. We also need to consider security of that equipment. Also, if we move the equipment trailer across the street, we will lose parking.

Engelbourg – He has been involved as a volunteer firefighter, he knows the last thing you want is for one incident to become two; he understands the concerns about dragging equipment across the road during a fire. He would still like them to find a way for the equipment storage to be incorporated into the building.

Topham – He believes the HDC will want changes to the building; if it comes back the same, okay.

Phillips – She wants to maintain that view shed; it might mean making hard decisions about the number of cars going downtown and changing main routes into town. Suggested the idea of warning lights to stop traffic in the event of an emergency. We need to do anything we can to reduce traffic, keeps view sheds open, and be welcoming needs to be looked at.

Pittman – Agrees the flashing lights would be good but there is an Island bylaw prohibiting them.

Golding – Asked where the equipment is kept now and how often it is used and if there has been significant damage and loss of life because of the current conditions. Objected to Mr. Kelleher’s reference to “fighting” ConCom.

Lucey – We respond at least once a day in the summer: people falling, people suffering injury, boats taking on water. Most of the time it’s because we see it happening. Cruise ships carry a lot of elderly and we respond to a lot of medical issues. The equipment is currently stored where we can find space; we want it to be secure and readily accessible.

Pittman – The equipment is stored inside the building; that includes gas tanks, which is an extreme safety issue.

Kelleher – He’s been going through this process since 1975 and apologized for characterizing it as a battle.

Gibson – Asked if it’s okay for the building to be where it is proposed.

Erisman – From her perspective, she understands the equipment should be on the water side of the street. However, agrees with Mr. Topham about the structure’s massing, which is quite large, given the wetland scenic views. Would like them to go to the HDC before ConCom rules on it.

Phillips – None of us were saying to put the entire facility on the other side of the street; the issue is the emergency equipment. We might want to look at changing the bylaw to allow use of emergency flashers.

Erisman – Hasn’t seen a lighting plan for this; she would like to know about how that might impact the water.

Gibson – Asked for a one-month continuance to go to the HDC.

Staff

Much we are talking about is best for our NP&EDC representative to take up with that board. Pointed out that there are three vegetative wetlands in and around the parking area across the street. Explained natural Resources were moved because of having to cross Washington Street multiple times a day. For ¾ of the year, Marine Department staff is minimal; extra people in the event of an emergency don’t exist.

Motion

Continued until July 23rd.

Roll-call Vote

N/A

2. Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241

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

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

Representative Art Gasbarro, Nantucket Engineering & Survey
Steven Cohen, Cohen & Cohen Law P.C.

Public None

Discussion (2:11) **Gasbarro** – This is the steel-sheet bulkhead; reviewed a revised plan removing the easterly extension. It’s now the same length as the original, licensed structure. Reiterated disturbance that would be caused by removing the existing timber bulkhead. Will lose the public access with loss of the extension.
Carlson – Status of Chapter 91 licenses related to changing conditions: talked to Dave Hill of Massachusetts Waterways about how conditions pertain to the licenses and how Massachusetts Waterways is looking at that; anytime a material change causes a move of the area of the structure, that would require a new license. They are requiring new licenses for moves of 5 or more feet; material change in the same location isn’t requiring a new license.
Golding – Now that high tide is several feet up the bulkhead, asked why that isn’t considered a resource area change.
Carlson – The major differentiation is Massachusetts Waterways has allowed the structure as long as the lesser permitting level hasn’t changed on an existing license. They are looking at reviewing their regulations.
Beale – There is some serious end scouring on the east side undermining the uplands. There are three rock jetties. Asked the useful life of the bulkhead as it stands now; some timbers are still green.
Gasbarro – He can’t give an estimate on complete failure; it will fail in sections starting with the areas most subjected to wet-dry cycle. He advises against patchwork repairs. It’s not rotted yet, but it is aging. Regarding end scour, he doesn’t think the stone groin remnants are accelerating erosion; in this situation it is due to the wave environment.
Beale – We need to look at the future; we’ve seen some ridiculous peninsulas along the shoreline. Doesn’t know where to go with this.
Golding – He agrees with Mr. Beale; he’s not convinced they can’t move the house back. The resource area hasn’t been accurately surveyed in decades. If the house is moved back, asked if the Chapter 91 license becomes moot.
Engelbourg – He too agrees with Mr. Beale and Mr. Golding. Appreciates removal of the return. Mr. Gasbarro suggested that the pedestrian easement can’t be provided without the return; suggested a softer solution and keeping the easement.
Gasbarro – We surveyed the current conditions of the entire lot in preparation of this plan. Public access has been formally withdrawn. We performed similar alternative analyses for the return; those would require extensive excavation. The aspect of a peninsula is a given with a coastal erosion structure (CES). It’s not just rot, but he suspects some tie-back rods have snapped; if so, a big storm could take out pieces of the structure.
Topham – The license is in place and they have to maintain this; he’s upset at the loss of the easement but understands. He thinks Mr. Gasbarro has checked all the boxes and is being proactive.
Cohen – The issues being raised are beyond the scope of the request; preventing a peninsula isn’t a performance standard. Hopes the Commission answers the questions in front of them. They will come back with an NOI request for the extension with the public access easement. Asked the Commission to approve the replacement of the existing structure.
LaFleur – Agrees with Mr. Topham. They have the right to maintain this. There is a proper way to drive the sheets without disturbance. Removing the existing timber structure would cause extreme disturbance.
Phillips – This is a pre-1978 structure and a replacement directly in front of the existing licensed bulkhead. We are left with the issue of end scour; they want to fix this bulkhead then get on to the extension; suggested that application be a condition to approving this application.
Erisman – She has previously voted for in-kind replacement of bulkheads in front of pre-1978 houses. We are now talking about alternatives. The applicant has to come back to address the eastern end scour. In the future we should look at a regulation pushing for more living-shoreline discussion.
Beale – He can’t vote for this unless they meet the requirement for public access.
Golding – Not providing the access is a reason to deny this. Read the Performance Standard regarding no new bulkheads; that house can be moved. Encouraged this be denied.
Engelbourg – Read the Performance Standard for coastal beach/coastal bank. Agrees with Mr. Golding and Mr. Beale. We need to enforce requiring environmentally friendly structures in the future.
Gasbarro – The public access across the area of end scour worsening the situation. Chapter 91 access refers to the intertidal zone.
Discussion about public access across the property and whether or not the proposal is approvable without it.
Gasbarro – We would like to close the hearing.

Staff Chapter 91 will enforce their own requirements for public access. We need to focus on our interests. It would be hard to deny this based upon Chapter 91 license jurisdiction.

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

Roll-call Vote Carried 6-1//Beale-aye, Engelbourg-nay, Erisman-aye; Golding-aye; LaFleur-aye; Phillips-aye; Topham-aye

3. Eli Zabar – 47 Squam Road (13-22) SE48-3253 **(Cont. 07/23/2020)**
4. 46 Shimmo Pond Road N.T – 46 Shimmo Pond Road (43-77) SE48-3264 **(Cont. 07/23/2020)**
5. Croquet Pitch, LLC – 24 West Chester Street (42.4.3-57) SE48-3305

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (3:12) **Gasbarro** – Reviewed the revised site plan and additional information provided: moved temporary dewatering to the west side, added silt fences, added a raingarden on southwest corner, added restoration area on east side, and provided a landscaping plan with plant list. All proposed structures are outside the 50-foot buffer. We eliminated enclosing the west side porch within the 50-foot setback. Gutters and downspouts will run to the raingarden. This is a 48,000-plus square-foot lot; about 7,820 square feet, including the addition, meets the definition for structure.

Erisman – Because the lawn goes up to the wetland, asked about soil testing and fertilizer use reporting.

Gasbarro – He’s not aware of that having been done; okay if it’s a condition of a new order.

Phillips – One concern is it was squashed in among the wetlands; the soil testing and fertilizer reporting would help her feel more comfortable.

Engelbourg – Agrees about the testing and reporting with no fertilizer within the 25-foot buffer.

Staff Have everything needed to close.

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

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

6. Nantucket Point of View, LLC -9 Lincoln Avenue (30-137) SE48-3278 **(Cont. 08/06/2020)**
7. 62 Cliff Road Realty Trust – 62 Cliff Road (41-20) SE48-3306 **(Cont. 07/09/2020)**
8. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285 **(Cont. 07/09/2020)**
9. *ETG Nominee Trust – 6 Old Harbor Road (40-95) SE48-____ **(Cont. 07/09/2020)**
10. *Arthur Schwabe – 8 Caroline Way (82-27) SE48-____ **(Cont. 07/09/2020)**
11. *Phyllis J. & Donald T. Visco – 67 Easton Street (42.4.1-115.1) SE48-3308 **(Cont. 07/09/2020)**

B. Amended Order of Conditions

1. 11 Meadow Lane, LLC – 11 Meadow Lane (41-448.1) SE48-3098

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 (4:12) **Santos** – This request is to remove invasive vines between the 25- and 50-buffer; at the hearing for the order, we had agreed to treat that area as no-disturb. We have approximately 1000 square feet of oriental bittersweet and multi-floral rose.

Engelbourg – In the updated photo, he can see both the vines.

Staff None

Motion **Motion to Approve the amended order.** (made by: Phillips) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

III. PUBLIC MEETING

C. Requests for Determination of Applicability

1. 15 Cliff Road Nantucket, LLC – 15 Cliff Road (42.4.4-56)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (4:16) **Gasbarro** – The flood zone intersects the fully vegetated slope, which qualifies it as a coastal bank; this is to confirm that resource area.

Staff Recommend Positive 2A confirming the resource area

Motion **Motion to Issue as a Positive 2A.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

D. Minor Modifications

1. Lotte Leschly QPRT & Jan Leschly QPRT- 65 Squam Road (13-15) SE48- 3233

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative Art Gasbarro, Nantucket Engineering & Survey
 Public None

Discussion (4:19) **Gasbarro** – This is to permit two sets of stairs; one set is under a cantilevered deck and the other two steps are cantilevered so as not to touch the ground but extends outside the permitted footprint. There is no reasonable alternative.

Staff Recommend issue as a minor modification.

Motion **Motion to Issue the minor modification.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

E. Certificates of Compliance

1. Amy & Michael McGowan – 10 Bassett Road (26-39) SE48-2299
2. Amy & Michael McGowan – 10 Bassett Road (26-39) SE48-2427

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:24) **Art Gasbarro**, Nantucket Engineering & Survey – These were for after-the-fact work. The situation matches the plans and a pool that was never done.

Engelbourg – Confirmed the meadow is all native plants.

Motion **Motion to Issue for both SE48-2299 and SE48-2427.** (made by: Phillips) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

3. David L. Douglass Trust – 20 Fulling Mill Road (27-23.1) SE48-3191

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:26) **Art Gasbarro**, Nantucket Engineering & Survey – This was a septic upgrade within Nantucket Harbor Watershed District; received Board of Health (BOH) Certificate of Compliance, which is included in the packet. Work is in substantial compliance

Motion **Motion to Issue.** (made by: Engelbourg) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

4. Robert C. & Welby C. Kuratek – 312 Polpis Road (20-46.2) SE48-3202

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff Work is in compliance.

Discussion (4:28) **Paul Santos**, Nantucket Surveyors – This was a septic upgrade within the harbor watershed district. Work was done and have submitted the BOH Certificate of Compliance.

Motion **Motion to Issue.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale; Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

5. Liberty Realty Trust – 36 North Liberty Street (41-265) NAN-113

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff This was for an addition; work is in compliance.

Discussion (4:30) No comments.

Motion **Motion to Issue.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

6. Silver Fox Partners Real Estate, LLC – 235 Madaket Road (59.4-364) SE48-3121

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Staff In our review we found issues; asking this be carried forward for two weeks to resolve those issues.

Discussion (4:31) None

Motion Continued to July 9th.

Roll-call Vote N/A

F. Orders of Condition

1. Chuckrow Nominee Trust – 25 Quaise Road (26-12) SE48-3241

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
 Documentation Draft Order of Conditions

Staff The order is very sparse since he didn't know how the discussion would go. They have to follow protocols, but we don't have a lot of conditions for bulkheads.

Agrees we should protect and encourage as much public access as possible; but within the intertidal zone, that is the purview of Chapter 91. They still have to go through that process.

Discussion (4:32) **Erisman** – Asked if this required a waiver – for the pre-1978 structure.

Golding – We should discuss whether we want to approve or deny this.

Erisman – Asked who would support drafting a positive order of conditions.

Those who would approve: Beale with conditions, Erisman, Topham, and LaFleur.

Beale – Questions whether or not ConCom can require an easement.

Erisman – That is within the Chapter 91 license.

Golding – There are clearly grounds for requiring full public access and he wants a legal opinion on that.

Engelbourg – The conditions as written are fine. In terms of legal opinion, since we closed the public hearing, it's too late for that.

Topham – This has the Chapter 91 process to go through; they will address public access.

Motion **Motion to Approve the order as drafted.** (made by: Phillips) (seconded)

Roll-call Vote Carried 5-2// Beale, Erisman, LaFleur, Phillips, and Topham-aye; Engelbourg and Golding-nay;

2. Croquet Pitch, LLC – 24 Westchester Street (42.4.3-57) SE48- 3305

- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Documentation Draft Order of Conditions
- Staff Will add Cond 22 ref annual soil testing; Cond 23 no fertilizer within the 25-foot buffer
- Discussion (4:41) **Erisman** – We talked about soil testing and no fertilizer within the 25-foot buffer.
- Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

G. Other Business

1. Approval of Minutes 6/11/2020:

- Motion **Motion to Approve.** (made by: Topham) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Town of Nantucket – Sesachacha Road (21-20) SE48-2967

- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Representatives Charles Johnson, 8 Sesachacha Road

Mika Johnson, 8 Sesachacha Road
Williams Paulsen, 9 Sesachacha Road, Quidnet-Squam Association

- Other speakers Sarah Alger, Sarah F. Alger P.C., Alan Shuch of 45 Quidnet Road

Discussion (3:25) **Carlson** – This commission approved bank restoration and invasive species removal; recently that area was disturbed without benefit of permit. Sent Mr. Johnson an enforcement order.

C.Johnson – Read the email, dated June 13th 2020, sent to Mr. Carlson about work he did on the site. A third parcel of land on which he cleared and placed a bench, is within the street right of way. The Quidnet-Squam Association supports his work, which opens up the view of the pond. Said no invasive species removal was done by Mr. Shuch.

Paulsen – He tried to do this work in the past pointing out that the Town had neglected the right of way; said Mr. Carlson never got back to him and that he was referred to Nantucket Islands Land Bank, which also never returned his calls. The trees were supposed to be planted at the bottom of bank; Mr. Shuch planted one at the top of the bank; he has not adhered to the permit and has not completed the work covered by the permit. Our neighborhood is behind opening the view; we are opposed to Mr. Shuch not completing the work he applied for. Asked for a 30-day stay from any work on the bank; an in-person visit by all Commissioners; and a public hearing on this issue.

Erisman – Plants were cleared from a wetland resource area; Mr. Shuch went through proper channels to get a permit for his work. Without explicit permission from the Town, Mr. Johnson shouldn't have done any work. Mr. Shuch had a permit and has asked for an extension, which we granted. He has an open permit with the ConCom.

Alger – Her client didn't do anything wrong; in 2017 he was granted an order for his work; the work was done by Seth Wilkinson; the work was gifted to the Town. No trees were shown on the plan because there were existing mature trees, which were cut down by Mr. Johnson. Asked for a fine to help replace the cedar that was cut down. Mr. Shuch went through the process and has eradicated the bamboo and other vines from his property and the abutting Town property. She would like this to be replanted with native species and replace the cedar tree; Mr. Shuch will undertake the work and again gift to the Town.

C.Johnson – I did not clear any vegetation planted by Mr. Shuch; he had not eradicated invasive species. I pulled cinderblocks and trash from the area. The cedar tree I cut down was 90% dead; he'll replace it but not in the same place. Would like to prune the area in the future to keep the pond view open.

Erisman – A mature tree allows habitat opportunities; we do not allow vista pruning.

Paulsen – Reiterated the need for an in-person visit by commissioners to ascertain if Mr. Shuch did the work he claims and what was cleared.

Carlson – The first step is to go through the planting plan and count what is in place within the planting area. The expectation should be to have the work completed in total compliance with the permitted plan before anything additional moves forward. From the top of the bank to the corner of the road layout is about 13 to 14 feet; everything is within ConCom jurisdiction.

Engelbourg – It is clear to him on the landscape plan how many of each plant was proposed; it would be easy to locate each of those plants.

Topham – He'd like to visit the site after the plants are surveyed.

Carlson – Staff will have to verify every plant that is there, but it shouldn't be more than a morning's work.

M.Johnson – She emailed a very detailed rebuttal of Ms. Alger's presentation of June 4th. Read a brief statement into the record regarding comments made at the previous hearing and Mr. Johnson's work. The land in question is a public right of way.

Carlson – At the end of the day, whatever work did or didn't take place, we have a process in place to get work permitted and that is the work that is allowed to be done. That is not what we have in front of us. Recommend following the steps he laid out.

C.Johnson – Objects to the way he was characterized by Ms. Alger and how his wife was cut off.

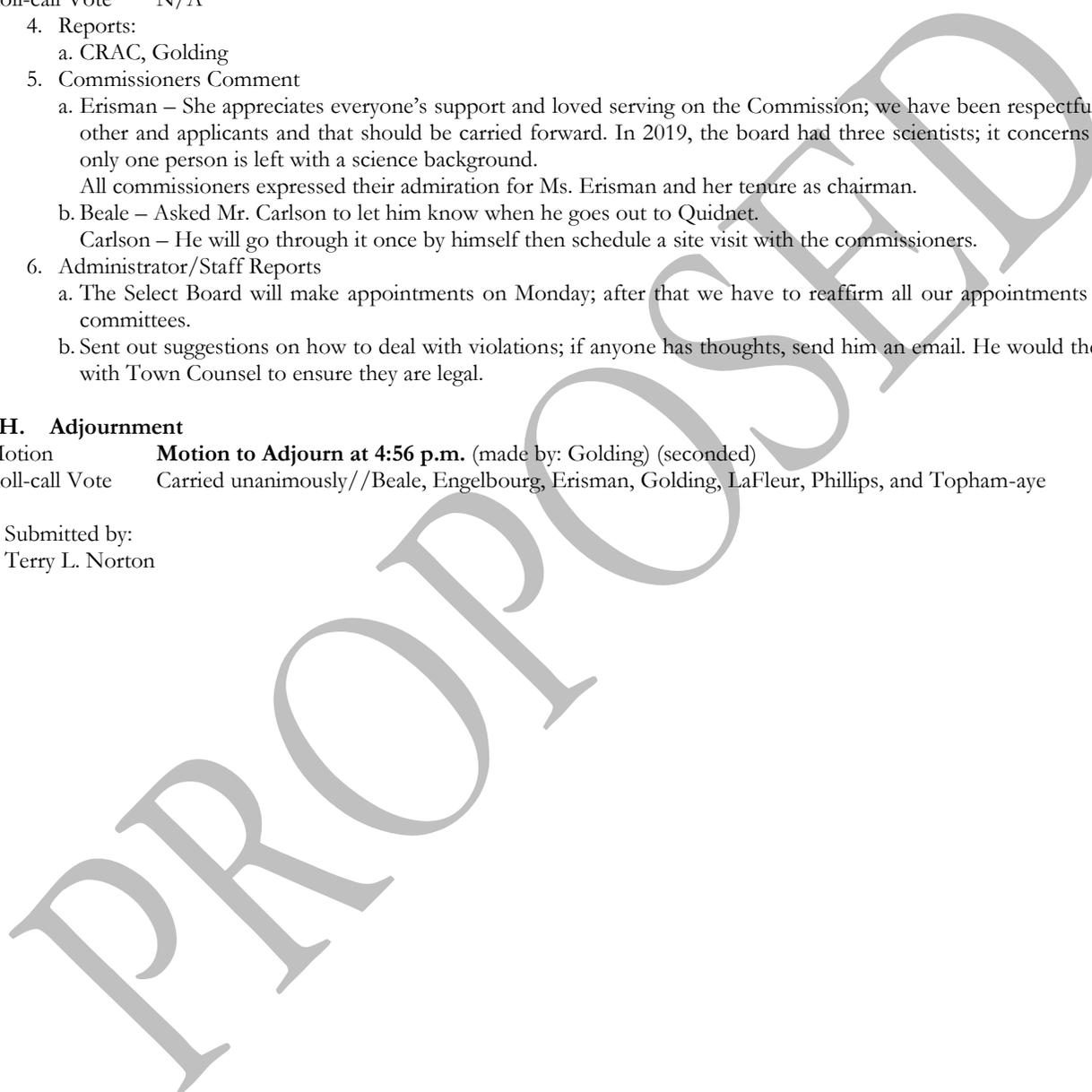
Erisman – The Commission sees there was no malicious intent in Mr. Johnson's work. She feels both sides should participate in the next hearing regarding the staff report.

- Motion **Motion to follow the directive to have staff survey the property to ensure the plants match the landscape plan and if not move forward from there regarding the violation.** (made by: Engelbourg) (seconded)
- Roll-call Vote Carried 7-0//Beale; Engelbourg; Erisman; Golding; LaFleur; Phillips; Topham-aye
- 3. Discussion of SBPF – 77-122 Baxter Road SE 48-1659; SBPF – 65-67 Baxter Road SE48-1602
- Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
- Representatives Steven Cohen, Cohen & Cohen Law P.C.
Dwight Dunk, Epsilon Consulting, LLC
- Other speakers None
- Discussion (4:43) **Carlson** – Haven’t had a chance to get the report together; asked to carry this over.
- Motion Continued to July 9th
- Roll-call Vote N/A
- 4. Reports:
 - a. CRAC, Golding
- 5. Commissioners Comment
 - a. Erisman – She appreciates everyone’s support and loved serving on the Commission; we have been respectful of each other and applicants and that should be carried forward. In 2019, the board had three scientists; it concerns her that only one person is left with a science background.
All commissioners expressed their admiration for Ms. Erisman and her tenure as chairman.
 - b. Beale – Asked Mr. Carlson to let him know when he goes out to Quidnet.
Carlson – He will go through it once by himself then schedule a site visit with the commissioners.
- 6. Administrator/Staff Reports
 - a. The Select Board will make appointments on Monday; after that we have to reaffirm all our appointments to other committees.
 - b. Sent out suggestions on how to deal with violations; if anyone has thoughts, send him an email. He would then check with Town Counsel to ensure they are legal.

H. Adjournment

- Motion **Motion to Adjourn at 4:56 p.m.** (made by: Golding) (seconded)
- Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

Submitted by:
Terry L. Norton



TOWN OF NANTUCKET NATURAL RESOURCES DEPARTMENT

JEFF CARLSON, NATURAL RESOURCES DIRECTOR
2 BATHING BEACH ROAD
NANTUCKET, MA 02554

JCARLSON@NANTUCKET-MA.GOV
508-228-7230



Site Inspection Report 7/6/2020

To: Conservation Commission

From: Jeff Carlson, Natural Resources Director

Re: Sesachacha Road - SE48-2967

On Thursday July 2, 2020 a site inspection was conducted for permit compliance with Order of Conditions SE48-2967. This permit is located adjacent to Sesachacha Road and on property owned by the Town (Map: 21 Parcel: 20). This permit was applied for along with SE48-2968 for the adjacent private property.

Permit History:

This project came before the Commission in April of 2017 and received an Order of Conditions on May 24, 2017. The project at that time was to remove invasive species which included Asiatic Bittersweet (*Celastrus orbiculatus*), Autumn Olive (*Elaeagnus umbellata*), Border Privet (*Ligustrum spp.*), Bamboo (*Phyllostachys spp.*) and Shrub Honeysuckle (*Lonicera morrowii & bella*). Upon completing this work, the areas were to be replanted with native species in accordance with the Restoration Plan prepared by Wilkinson Ecological Design. The work was limited to these two parcels only. The worked was gifted to the Town by the owner of the private parcel at 45 Quidnet Road.

Site History:

The Town of Nantucket were granted ownership of the parcel in question on July 31, 1958. Based on aerial photos conditions have significantly changed overtime with sparse vegetation in the 1940 aerial photo to have cedar trees on site in the early 2000's as seen in the 2003 aerial photo on the Town GIS system. Looking at the photos on the Town GIS it does not appear that any real use was established or maintain on that property. Prior to this permit there have been no other filings for this parcel of land.

Site Inspection:

Based on the site inspection it does appear that the invasive species listed above have been removed from the target parcels. It appears that there may be a privet and honeysuckle off-site, but none were observed on the target parcels. You had been supplied photos of the work in progress as part of an earlier packet for the Commission. The plantings look to have had some varying success in establishing and it is difficult to

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assess as deer browse has been an issue and there has been some other disturbance to the site as well. Some of the plugs and seeding seems to have occurred as several the grass and forb species seem to be establishing on the site. The inspection will be detailed in to three areas as follows:

A. Top of Coastal Bank to the Edge of the Road Layout

This area does not contain the shrubs as proposed and has been trimmed or mown at some point make it difficult to identify all of the grass. We do not have photos showing that the shrubs were installed but if they were they have been removed. This area is missing the 4 Virginia Rose and 5 Beach Plums required for this area.

B. Coastal Bank (Top to Bottom)

This area does contain the five Arrowwood closer to the top of the bank but did not have the six bayberry proposed. A cedar tree was cut down and was left at the bottom of the bank. There were three total cedar trees cut across both sites and all three had been severely impacted by the Asiatic bittersweet.

C. Bottom of Coastal Bank towards waterline

This area was to have 5 Groundsel Tree and has closer to 20-25 stems which seem to have been in place as vegetation has grown in and the planting does not appear to be recent. The Virginia Rose (9) and Beach Plum (5) are not present in these areas. Furthermore, a sand area that was to be seeded has not taken if completed and a boat is currently being stored in an area that was to be natural vegetation.

Staff recommendations specific to the Town owned parcel:

1. Have the downed cedar tree removed.
2. Order the plantings replaced as permitted and replace the removed cedar trees. Staff is suggesting replacing some of the species prone to deer browse with other species like arrowwood or potentially larger stock, to get the shrub community established. If the original applicant does not wish to do the work, then discussions with the Town will be needed to complete the plantings.
3. Order the boat removed from the area that was to be re-seeded and have that area re-seeded or re-planted.
4. Engage the Town, specifically the Department of Public Works to develop a maintenance plan. Staff suggests engaging the homeowner association in the area in an effort for a long-term plan for the entire area.

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5. Close out the initial violation/enforcement for the work done without benefit of a permit with some level of punitive action to be determined by the Commission.

This is on the agenda for discussion at the meeting of July 9th, 2020. I would be happy to provide any further information or answer any questions during that discussion. I have attached the approved restoration plan and photos from the inspection to this report.

Groundsel Tree at base of slope





Arrowwood at top of slope

















Sand area should be planted





2017 00155197

Cert: 4272 Doc: OOC
Registered: 05/25/2017 02:17 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48- 2967
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for (check one):
a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	
<u>Town of Nantucket</u>		
c. Organization		
<u>16 Broad Street</u>		
d. Mailing Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code

4. Property Owner (if different from applicant):

<u>Same As Applicant</u>		
a. First Name	b. Last Name	
c. Organization		
d. Mailing Address		
e. City/Town	f. State	g. Zip Code

5. Project Location:

<u>Sesachacha Road</u>	<u>Nantucket</u>
a. Street Address	b. City/Town
<u>21</u>	<u>20</u>
c. Assessors Map/Plat Number	d. Parcel/Lot Number
Latitude and Longitude, if known:	
<u>41°18'11.91"</u>	<u>-69°58'51.17"</u>
d. Latitude	e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket 4272
a. County b. Certificate Number (if registered land)

c. Book d. Page

7. Dates: 04/20/2017 05/24/2017 05/24/2017
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Plot Plan to Accompany a Notice of Intent for invasive species control

a. Plan Title

Emack Surveying, LLC Robert A. Emack

b. Prepared By c. Signed and Stamped by

04/14/2017 1" = 20"

d. Final Revision Date e. Scale

Wilkinson Ecological Design Restoration Plan 04/18/2017

f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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

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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input checked="" type="checkbox"/> Coastal Beaches	<u>360</u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input checked="" type="checkbox"/> Coastal Banks	<u>25 (625sf)</u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>500</u> a. square feet	<u> </u> b. square feet		



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B. Findings (cont.)

22. Restoration/Enhancement *:

_____ a. square feet of BVW

_____ b. square feet of salt marsh

23. Stream Crossing(s):

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **05/24/20** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
 "File Number SE48-2967 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.
17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. **The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.

b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:

- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
- ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
- iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
- iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Nantucket _____ hereby finds (check one that applies):
Conservation Commission
 - a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Please view additional findings and conditions page(s)



Town of Nantucket, Massachusetts
WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2967

Provided by DEP

B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2967

Provided by DEP

B1. Additional Conditions (cont.)

- 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

WILKINSON ECOLOGICAL DESIGN

28 LOT Hollow Rd., Orleans, MA 02553
TEL: (508) 255-1113 FAX: (508) 255-9477
WWW.WILKINSONECOLOGICAL.COM

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NANTUCKET, MA 02554
(508) 325-0840

- NOTES:**
- APPROXIMATELY THREE GROWING SEASONS WILL BE REQUIRED TO CONTROL AND/OR ERADICATE INVASIVE PLANT SPECIES AFTER THREE GROWING SEASONS. MONITORING AND MINIMAL MAINTENANCE WILL BE REQUIRED.
 - TEMPORARY AUTOMATED ABOVE-GROUND IRRIGATION SYSTEMS WILL BE INSTALLED IN TWO THREE GROWING SEASONS WHILE NEW PLANTS ARE ESTABLISHING. ONCE PLANTS ARE ESTABLISHED IRRIGATION WILL BE REMOVED.
 - ALL RESTORATION PLANTINGS WILL INCORPORATE EXISTING NATIVE SPECIES UNLESS OTHERWISE SPECIFIED IN THE APPROVED DOCUMENTS.
 - ANY DISCREPANCIES BETWEEN THE PLANTING SPECIFICATION AND THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
 - HAND-WEEDING AND SELECTIVE TREATMENTS WILL BE REQUESTED AS AN ONGOING CONDITION TO STOP REINTRODUCTION OF INVASIVE AND AGGRESSIVE PLANT SPECIES INTO THE PROJECT AREA.
 - ALL EXPOSED SOILS WILL BE SEEDDED WITH NATIVE CAPE COD MEADOW MIX UNLESS OTHERWISE SPECIFIED.

LEGEND:

REV	DATE	DESCRIPTION

A. SHUCH, TRUSTEE
45 QUIDNET ROAD
NANTUCKET, MA

DATE: 04/19/2017 SCALE: 1" = 20'-0"
DRAWN BY: JS CHECKED BY: AM

FOR PERMITTING PURPOSES ONLY
THIS DRAWING IS NOT INTENDED FOR
CONSTRUCTION

RESTORATION PLAN

1 OF 1

INVASIVE MANAGEMENT PROTOCOLS:
The project is to be located in the Marine Shrubland plant community on the Coastal Bank. Restoration of the Marine Shrubland will be the primary goal of the project. The project area is currently dominated by the common yellow-bellied sapsucker. Fruiting native shrubs found in Marine Shrublands such as bayberry, beach plum, and oak can also provide high quality forage for songbirds during their migration path. The availability of high-quality and abundant food resources, like wild fruits, in coastal regions of the eastern U.S. is critical for successful migration and long term conservation of songbirds.

Invasive plant management within the project area will target all invasive, non-native, and aggressive plant species approved for removal including Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Management of rose, non-native, and aggressive plant species will consist of mechanical removal where feasible and removal where necessary to protect the stability of the bank. Selective treatments of herbicide using the "cut and wipe" method to treat individual stems. Application of dense, and low-volume tiller application only where necessary. All treatments will be performed by Massachusetts registered applicators. The project area is currently dominated by the common yellow-bellied sapsucker. Fruiting native shrubs found in Marine Shrublands such as bayberry, beach plum, and oak can also provide high quality forage for songbirds during their migration path. The availability of high-quality and abundant food resources, like wild fruits, in coastal regions of the eastern U.S. is critical for successful migration and long term conservation of songbirds.

After invasive plant management has reached approximately 85% eradication, the project area will be planted with native shrubs, forbs, and grass species associated with a Marine Shrubland.

SPECIES LIST AND PROTOCOLS:
Asiatic Bittersweet (Celastrus orbiculatus): Cutting and herbicide application will be scheduled when carbohydrates have been transferred from the roots to the above-ground portion of the plant, thus causing the most damage to the plant and eliminating carbohydrates stores, which weaken the plant over time. By commencing management with a cut stem application of herbicide, resulting in the subsequent growing season will be dramatically reduced. For plants with a stem diameter of 1/2 inch or more, smaller diameter plants. Root systems can be extensive requiring repeated treatment for full eradication.

Autumn Olive (Elaeagnus umbellata): has been identified as a state listed invasive species. This area has the ability to fix atmospheric nitrogen, allowing the species to readily out-compete native species and amending the surrounding soils with nitrogen that is available to other invasive plants as well. The cut-stem herbicide application is most effective for this species.

Boarder Privet (Ligustrum spp.): is a significant management issue as it is a ubiquitous garden escapee. Boarder privet, which can grow into a small tree, is particularly aggressive in heavier soils and adjacent to wetland resources with mature plants annually producing hundreds of viable seedlings which spread the species rapidly through a variety of habitats. Plants up to 4 inch basal diameter can be mechanically uprooted. The cut-stem herbicide application method is most effective for these species when the basal diameter exceeds 4 inches.

Bamboo (Phyllostachya spp.): Bamboo species are native to China and were introduced into the United States around the turn of the twentieth century as ornamental plantings. This species spreads rapidly through rhizomes and can result in the formation of thickets that displace native vegetation. Management of bamboo includes cut and treatment directly into the individual stems just below a node. All debris from the cutting should be properly disposed off site to control reintroduction through rooting of cut rhizomes.

Shrub Honeysuckle (Lonicera morrowii & bayla): According to vegetation management guidelines published by the University of Illinois at Urbana-Champaign, shrub honeysuckle is suspected of producing allelopathic chemicals that inhibit the growth of other plants and allow the honeysuckle to out-compete native plants. Honeysuckle should be mechanically uprooted if it is found in the project area. If it is not possible to cut and wipe, herbicide treatment should be used. Regular hand pulling of juvenile plants and spot herbicide treatments are also recommended for persistent populations.

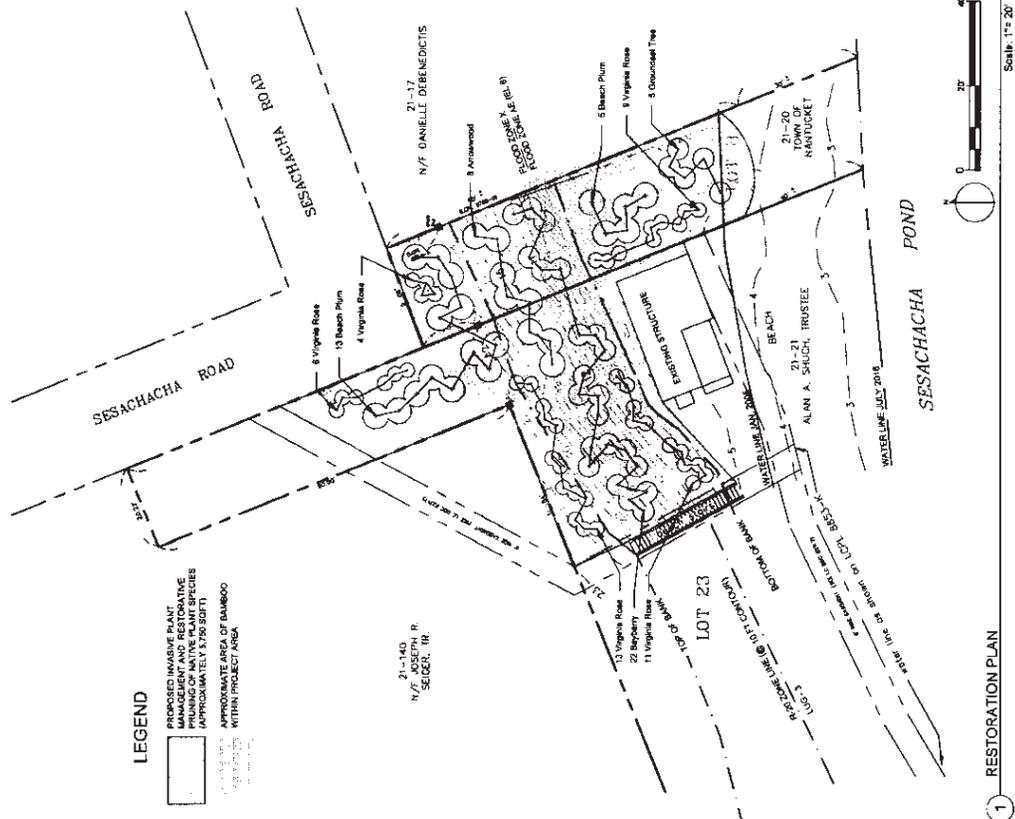
LAND MANAGEMENT TIMELINE:

- SPRING 2017**
- Pre-metal Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Treatment methods depending on species, size and environmental conditions, will consist of cut and wipe, injection, or low-volume foliar application only where necessary.
 - Where feasible, mechanically uproot or root grapple pre-treated vegetation using compact, low ground pressure equipment. This will be done only for material, leaving native soils in place. Where necessary, hand removal of vegetation will be performed.
 - Mulch managed areas with a biodegradable mulch product, or small biodegradable erosion control blankets, where necessary, on sloping areas to reduce erosion until plants colonize.
- SUMMER/FALL 2017**
- After July 15th, as previously treated shrub and vine plants re-sprout, selectively treat.
- WINTER 2017/SPRING 2018**
- After most other deciduous plants have gone dormant, conduct treatment to any persistent tagged species or hand-pull small quantities.
 - Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.
- SUMMER/FALL 2018**
- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate time.
 - When invasive plants have been reduced by 85%, commence planting according to the planting specifications.
 - Install an automated, temporary, above ground irrigation system to help establish new planting in the growing conditions.
- WINTER 2018 / SPRING 2019**
- After most other deciduous plants have gone dormant, conduct treatment to any persistent tagged species or hand-pull small quantities.
 - Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

- SUMMER/FALL 2019**
- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate time.
- WINTER 2019 / SPRING 2020**
- After most other deciduous plants have gone dormant, conduct treatment to any persistent tagged species or hand-pull small quantities.
 - Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

ONGOING MAINTENANCE

After the treatments of 2020, only monitoring and hand removal will be required to keep species from being reintroduced. Invasive plants generally take a minimum of three to five years of active management to reach a level of successful control.



RESTORATION PLAN

FOLLOWING VEGETATION MANAGEMENT WITHIN THE PROJECT AREA, BARE SOILS WILL BE SEEDDED WITH CAPE COD MEADOW MIX AND PLANTED WITH THE FOLLOWING SPECIES:

NATIVE SHRUBS TO BE PLANTED		NATIVE GRASSES AND FORBS TO BE PLANTED AT 24" SPACING	
code	species name	code	species name
B	Arrowwood	1	American Beachgrass
22	Bayberry	2	Arryophila brevifolia
18	Beach Plum	3	Deschampsia flexuosa
5	Groundsel Tree	4	Crinkle Hair Grass
43	Virginia Rose	5	Fox Sedge
		6	Little Bluestem
		7	Purple Love Grass
		8	Eragrostis spectabilis
		9	Sesidlo Goldmid
		10	Solidago sempervirens
		11	Upland Broomgrass
		12	Broom Sedge
		13	Creeping Red Fescue
		14	Crinkle Hair Grass
		15	Fox Sedge
		16	Little Bluestem
		17	Purple Lovegrass
		18	Eragrostis spectabilis
		19	Agrostis perennans
		20	Antropogon virginicus
		21	Festuca rubra
		22	Deschampsia flexuosa
		23	Carex vulpinoidea
		24	Schizanthus scoparium
		25	Eragrostis spectabilis
		26	Agrostis perennans

DATE: 04/19/2017

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)

Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: Sesachacha Road
 Assessor's Map and Parcel: 21-20
 Property Owner: Town of Nantucket
 Applicant: Town of Nantucket
 DEP File Number: SE48-2967
 Filing Date: April 20, 2017
 Date Hearing Closed: May 24, 2017
 Date Orders Issued: May 24, 2017
 Plan of Record Information: Plot Plan to Accompany Notice of Intent, dated April 14, 2017 and stamped by Robert A. Emack, P.L.S.
 Restoration Plan, dated 4/18/2017, Final revision of 5/23/17 and prepared by Wilkinson Ecological Design

Permit Overview:

This order permits the treatment of invasive species on a Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage and their associated buffer zones. Waivers are required for this project.

Additional Findings:

1. The area falls inside mapped habitat areas and requires NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
19. Any plant material removed from the site is to be chipped and disposed of through the digester at a properly licensed waste storage facility.
20. Photographs of the buffer zone areas and resource areas are to be provided to the Commission at the beginning and end of each growing season for three years.
21. No cultivars shall be used within restoration areas if replanting is needed.
22. A copy of the license of the licensed herbicide applicator shall be provided to the Commission and a yearly summary of herbicide applied.
23. The Commission shall be notified upon removal of the temporary irrigation.

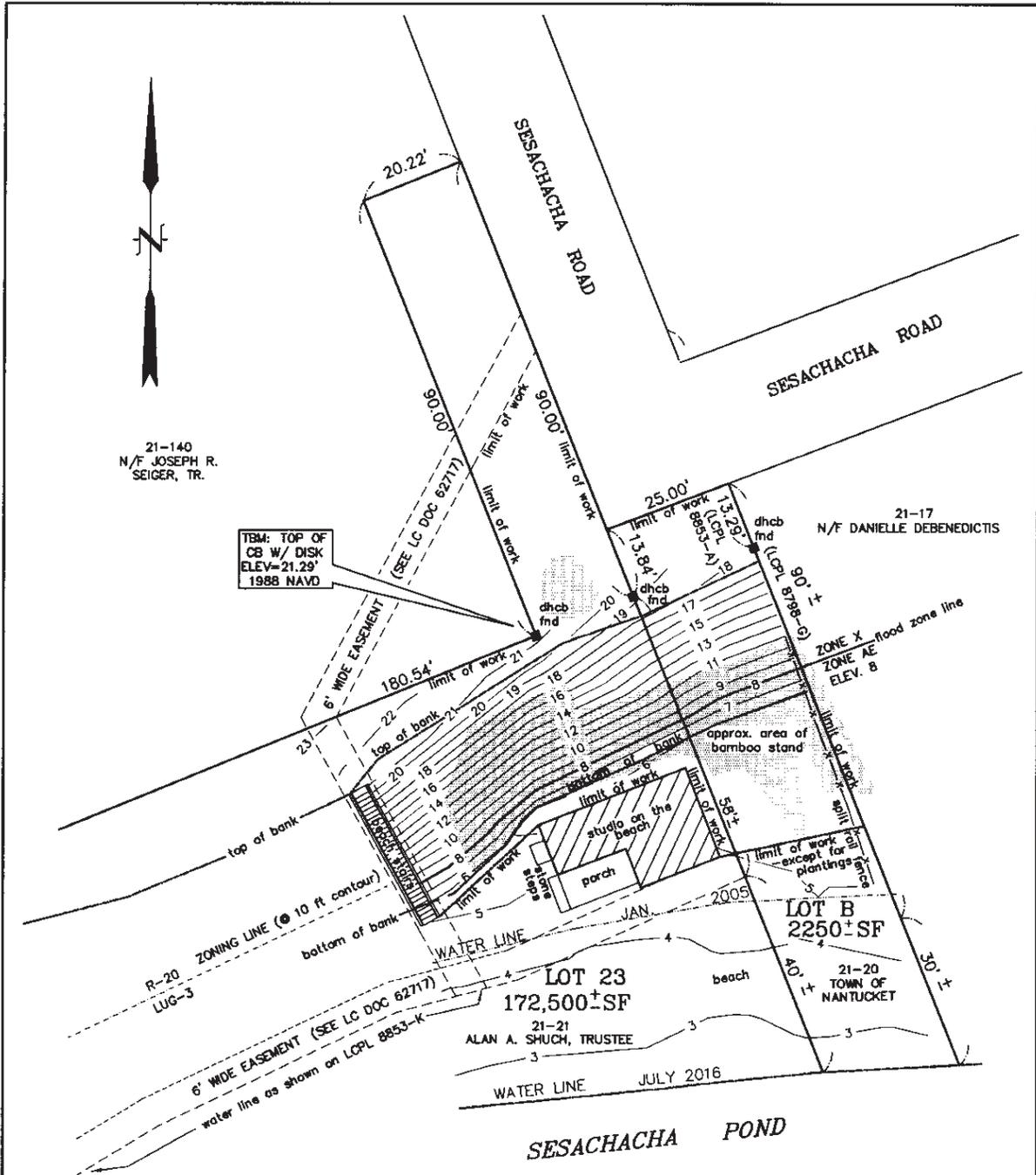
WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 3.02(B)(1) that projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to vegetated wetlands. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. The Commission finds that the control of invasive species and the restoration of buffer zone shall provide a long term net benefit to the resource area. Therefore the Commission grants a waiver under Section 1.03(F)(3)(c) of the Town of Nantucket Wetland Protection Regulations.



21-140
N/F JOSEPH R.
SEIGER, TR.

TBM: TOP OF
CB W/ DISK
ELEV=21.29'
1988 NAVD



LEGEND



= APPROXIMATE AREAS OF
BAMBOO STANDS



= DRILL HOLE IN CONCRETE
BOUND FOUND

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.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT
THE PREMISES SHOWN ON THIS PLAN ARE PARTIALLY LOCATED
WITHIN THE AE ZONE, EL. 8 (areas of 1% annual chance of flood)
AND PARTIALLY WITHIN THE X ZONE (areas outside 0.2% annual
chance flood plain) AS DELINEATED ON THE "FIRM" OF
COMMUNITY NO. 250230, MASSACHUSETTS, EFFECTIVE: JUNE 9, 2014,
BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

PLOT PLAN TO ACCOMPANY
NOTICE OF INTENTS IN
NANTUCKET, MASSACHUSETTS
FOR INVASIVE SPECIES CONTROL
SCALE: 1"=20' DATE: APRIL 14, 2017

PREPARED FOR: ALAN A. SHUCH, TRUSTEE
CERTIFICATE # 21927
LOT 23, LAND COURT PLAN 8853-L
ASSESSOR'S MAP 21 PARCEL 21

AND THE TOWN OF NANTUCKET
CERTIFICATE # 4272
LOT B, LAND COURT PLAN 8853-A
ASSESSOR'S MAP 21 PARCEL 20

EMACK SURVEYING, LLC
2 WASHAMAN AVENUE
NANTUCKET, MA. 02554
(508) 325-0940



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- 2967
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

05/24/2017

1. Date of Issuance

Please indicate the number of members who will sign this form.

6.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Andrew Bennett
Andrew Bennett (C)
Ashley Erisman
Ashley Erisman (VC)
Ernie Steinauer
Ernie Steinauer

David La Fleur
David La Fleur
Ian Golding
Ian Golding
Ben Champoux
Ben Champoux
Joseph Topham
Joseph Topham

by hand delivery on

by certified mail, return receipt requested, on

05/24/2017

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – 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- 2967
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: _____
Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant

Doc No: 00155197

MAHTUCKET COUNTY LAND COURT
REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

Unit: May 23, 2011 at 02:11/P

Document Fee: 75.00 Rec Total: \$150.00

CERTIFICATE No: 4272

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2 WASHAMAN AVENUE
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(508) 325-0940

NOTES:

- APPROXIMATELY THREE GROWING SEASONS WILL BE REQUIRED TO CONTROL AND/OR ERADICATE INVASIVE PLANT SPECIES. AFTER THREE GROWING SEASONS, MONITORING AND MINIMAL MAINTENANCE WILL BE ONGOING.
- A TEMPORARY, AUTOMATED ABOVE-GROUND IRRIGATION SYSTEM WILL BE REQUIRED FOR THE FIRST TWO/THREE GROWING SEASONS WHILE NEW PLANTS ARE ESTABLISHING. ONCE PLANTS ARE ESTABLISHED IRRIGATION WILL BE REMOVED.
- ALL RESTORATION PLANTINGS WILL INCORPORATE EXISTING NATIVE SPECIES UNLESS OTHERWISE SPECIFIED IN THE APPROVED DOCUMENTS.
- ANY DISCREPANCIES BETWEEN THE PLANTING SPECIFICATION AND THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
- HAND-WEEDING AND SELECTIVE TREATMENTS WILL BE REQUESTED AS AN ONGOING CONDITION TO STOP REINTRODUCTION OF INVASIVE AND AGGRESSIVE PLANT SPECIES INTO THE PROJECT AREA.
- ALL EXPOSED SOILS WILL BE SEEDED WITH NATIVE CAPE COD MEADOW MIX UNLESS OTHERWISE SPECIFIED.

LEGEND:

REV	DATE	DESCRIPTION

A. SHUCH, TRUSTEE
45 QUIDNET ROAD
NANTUCKET, MA

DATE: 04/18/2017 SCALE: 1" = 20'-0"
DRAWN BY: JS CHECKED BY: AM

FOR PERMITTING PURPOSES ONLY
THIS DRAWING IS NOT INTENDED FOR
CONSTRUCTION

RESTORATION PLAN 1 OF 1

INVASIVE MANAGEMENT PROTOCOLS:

The goal of this project is to restore a native Maritime Shrubland plant community on the Coastal Bank. Restoration of a Maritime Shrubland can provide the thick vegetation and safe nesting sites required by many shrub nesting bird species like the common yellow-throat. Fruit-bearing native shrubs found in Maritime Shrublands such as bayberry, beach plum, and rose can also provide high quality forage for songbirds during their migration path. The availability of high-quality and abundant food resources, like wild fruits, in coastal regions of the eastern U.S. is critical for successful migration and long term conservation of songbirds.

Invasive plant management within the project area will target all invasive, non-native, and aggressive plant species approved for removal including Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Management of invasive, non-native, and aggressive plant species will consist of mechanical removal where feasible hand removal where necessary to protect the stability of the bank, selective treatments of herbicide using the "cut and wipe" method to treat individual stems, injection of stems, and low-volume foliar application only where necessary. All treatments will be performed by Massachusetts licensed applicators. All existing native plant species within the project area will be preserved. Restorative pruning of dead or damaged native vegetation due to the infestation of invasive plant species is also proposed.

After invasive plant management has reached approximately 85% eradication, the project area will be planted with native shrubs, forbs, and grass species associated with a Maritime Shrubland.

SPECIES LIST AND PROTOCOLS:

Asiatic Bittersweet (*Celastrus orbiculatus*) Cutting and herbicide application will be scheduled when carbohydrates have been transferred from the roots to the above-ground portion of the plant, thus causing the most damage to the plant and eliminating carbohydrate stores, which weaken the plant over time. By commencing management with a cut stem application of herbicide, re-sprouting in the subsequent growing season will be dramatically reduced. For plants with a stem diameter of 1/2 inch or more, a cut and wipe application of herbicide is recommended with a subsequent foliar application for suckering root growth and/or smaller diameter plants. Roots systems can be extensive requiring repeated treatment for full eradication.

Autumn Olive (*Elaeagnus umbellata*) has been identified as a state listed invasive species. This small tree has the ability to fix atmospheric nitrogen, allowing the species to readily out-compete native species and amending the surrounding soils with nitrogen that is available for other invasive plants as well. The cut-stump herbicide application is most effective for this species.

Border Privet (*Ligustrum spp.*) is a significant management issue as it is a ubiquitous garden escapee. Border privet; which can grow into a small tree, is particularly aggressive in heavier soils and adjacent to wetland resources with mature plants annually producing hundreds of viable seedlings which spread the species rapidly through a variety of habitats. Plants up to 4 inch basal caliper can be mechanically uprooted. The cut stump herbicide application method is most effective for these species when the basal diameter exceeds 4 inches.

Bamboo (*Phyllostachys spp.*) Bamboo species are native to China and were introduced into the United State around the turn of the twentieth century as ornamental plantings. This species spreads rapidly through rhizomes and can result in the formation of thickets that displacing native vegetation. Management of bamboo includes cut and treatment directly into the individual stems just below a node. All debris from the cutting should be properly disposed off site to control reintroduction through rooting of cut material.

Shrub Honeysuckle (*Lonicera morrowii & bella*) According to vegetation management guidelines published by the University of Illinois at Urbana-Champaign, shrub honeysuckle is suspected of producing allelopathic chemicals that inhibit the growth of other plants, and allows the honeysuckle to out-compete native plants. Honeysuckle should be mechanically uprooted if conditions allow, where this is not possible a cut and wipe herbicide treatment should be used. Regular hand pulling of juvenile plants and spot herbicide treatments are also recommended for persistent re-sprouts.

LAND MANAGEMENT TIMELINE:

SPRING 2017

- Pre-treat all Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Treatment methods, depending on species, size and environmental conditions, will consist of cut and wipe, injection, or low-volume foliar application only where necessary.
- Where feasible, mechanically uproot or root grapple pre-treated vegetation using compact, low ground pressure equipment with care to remove only root material, leaving native soils in place. Where necessary, hand removal of vegetation will be performed.
- Mulch managed areas with a biodegradable mulch product, or install biodegradable erosion control blankets, where necessary, on sloping areas to reduce erosion until plants colonize.

SUMMER/FALL 2017

- After July 15th, as previously treated shrub and vine plants re-sprout, selectively treat.

WINTER 2017/ SPRING 2018

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

SUMMER/FALL 2018

- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate rates.
- When invasive plants have been reduced by 85%, commence planting according to the planting specifications.
- Install an automated, temporary, above ground irrigation system to help establish new planting to the growing conditions.

WINTER 2018 / SPRING 2019

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

SUMMER/FALL 2019

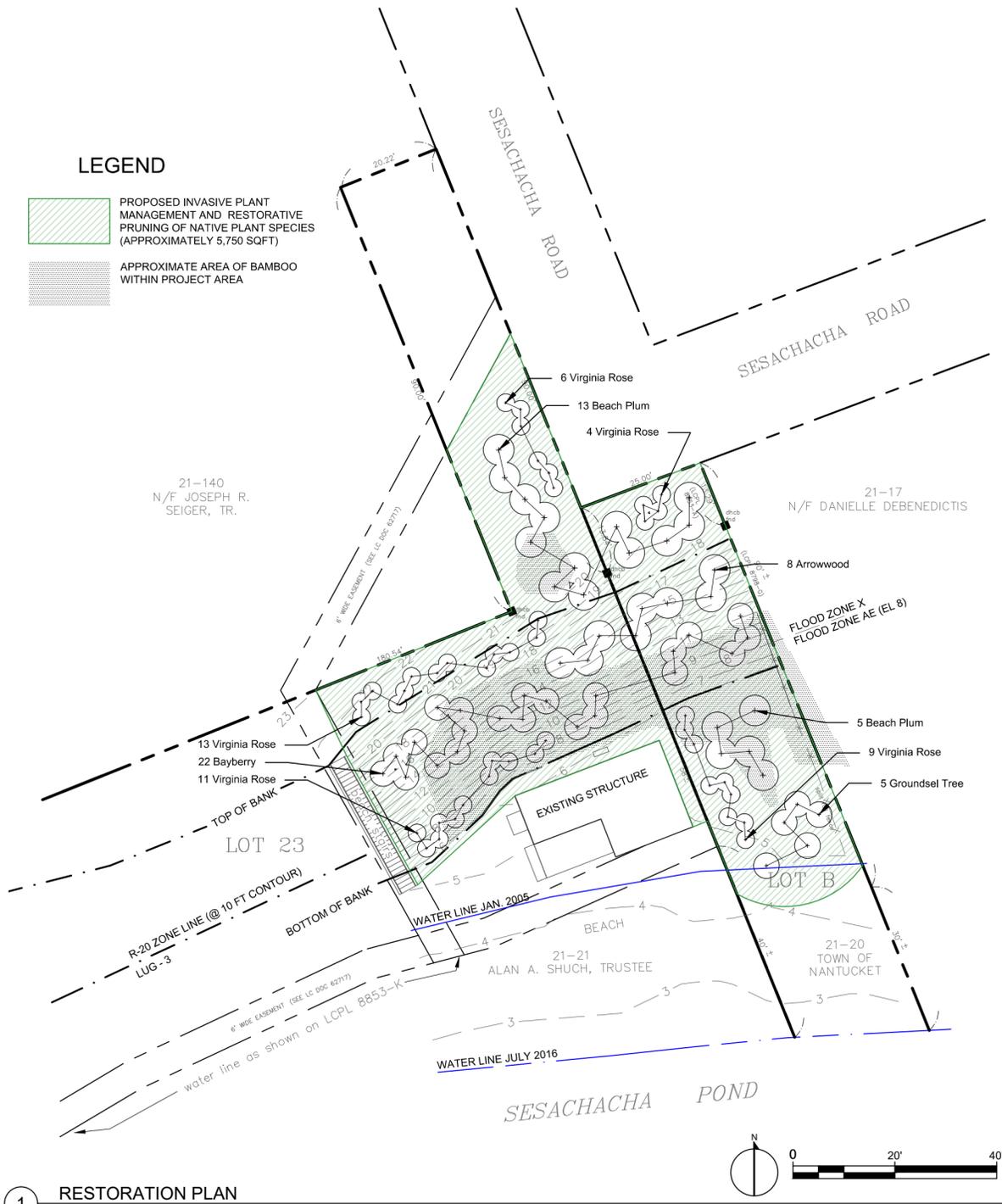
- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate rates.

WINTER 2019 / SPRING 2020

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

ONGOING MAINTENANCE

After the treatments of 2020, the management plan should be assessed and re-evaluated. If land management treatments have been successful, only monitoring and hand removal will be required to keep species from being reintroduced. Invasive plants generally take a minimum of three to five years of active management to reach a level of successful control.



1 RESTORATION PLAN

FOLLOWING VEGETATION MANAGEMENT WITHIN THE PROJECT AREA, BARE SOILS WILL BE SEEDED WITH CAPE COD MEADOW MIX AND PLANTED WITH THE FOLLOWING SPECIES:

count	common name	scientific name	size
8	Arrowwood	<i>Viburnum dentatum</i>	#3
22	Bayberry	<i>Morella carolinensis</i>	#3
18	Beach Plum	<i>Prunus maritima</i>	#3
5	Groundsel Tree	<i>Baccharis hamilimifolia</i>	#1
43	Virginia Rose	<i>Rosa virginia</i>	#1

common name	scientific name	size
American Beachgrass	<i>Ammophila breviligulata</i>	plug
Crinkle Hair Grass	<i>Deschampsia flexuosa</i>	plug
Little Bluestem	<i>Schizachyrium scoparium</i>	plug
Purple Love Grass	<i>Eragrostis spectabilis</i>	plug
Seaside Goldenrod	<i>Solidago sempervirens</i>	plug

common name	scientific name
Broom Sedge	<i>Andropogon virginicus</i>
Creeping Red Fescue	<i>Festuca rubra</i>
Crinkle Hair Grass	<i>Deschampsia flexuosa</i>
Fox Sedge	<i>Carex vulpinoidea</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Purple Lovegrass	<i>Eragrostis spectabilis</i>
Upland Bentgrass	<i>Agrostis perennans</i>

From: [Sarah F. Alger](#)
To: [Jeff Carlson](#)
Cc: [Joanne Dodd](#)
Subject: RE: Town of Nantucket - Sesachacha Road
Date: Thursday, July 2, 2020 8:55:02 PM
Attachments: [8 Sesachacha GIS map.pdf](#)

Thanks, Jeff.

Please bear in mind that since the invasive removal and planting was done in 2017, the beach cottage at 45 Quidnet was raised up. There was, of course, a fair amount of disruption in the process, and some plants have fared better than others.

As far as the substitute plantings go, the more definite and specific you can be, the better. It would be good, for example, to have a count on the trees that can be planted to replace the felled cedar. I think my client would still be willing to do the planting if he receives clear direction and it can be done quickly. Otherwise, I think he may want to step away. He is not looking for trouble, and frankly, the tenor that the last meeting seemed to take on was troubling.

In terms of preserving the viewshed, that work will have to be left to others. I would say, however, that rewarding the bad behavior (unauthorized cutting in the buffer zone to a resource area) is not an effective deterrent. Someone at the last meeting mentioned that Mr. Johnson had nothing personal to gain by doing this unauthorized work, and yet, it has apparently open up the views from his house at 8 Sesachacha Road, which is clear from the attached GIS. I think it is curious that the focus seems to have shifted from the violation and the enforcement order.

Please send me a copy of your report when it is ready.

Regards,

Sarah

Sarah F. Alger, PC

Four North Water Street
Nantucket, Massachusetts 02554
508-228-1118 telephone
508-228-8004 fax

Five Parker Road
Osterville, Massachusetts 02655
508-428-8594 telephone
508-420-3162 fax

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From: Jeff Carlson <JCarlson@nantucket-ma.gov>
Sent: Thursday, July 2, 2020 15:12
To: Sarah F. Alger <sfa@sfapc.com>; Joanne Dodd <jdodd@nantucket-ma.gov>
Subject: RE: Town of Nantucket - Sesachacha Road

Good afternoon,

We were able to take a look at the site for both parcels this morning. We will be sending a more formal report to the Commission with pictures and total counts but have some initial thoughts about the condition of the site. On a positive note the invasive species appear to be removed and not returning. There appears to have been some of the Groundsel installed on the Town parcel. We were not able to find any Virginia Rose on either parcel and found 3-4 intact bayberry and no beach plum. I would agree with Seth Wilkinson's assessment that Viburnum (Arrowwood) maybe a better choice. The Arrowwood that has been planted seems to be doing well and close to the permitted number but is a little higher than permitted. The seeding that was to take place seems spotty at best as the seeding was to go up to the cottage on the beach and it is mostly sand and is being used for boat storage on the east side of the building. I was not able to find any evidence that those Virginia Rose and beach plum were installed at the bottom of the bank. If there is any record of these plantings from Mr. Shuch it would be helpful. This could be photographs or receipts for the plants. Based on the discussion at the meeting and physical observation I do not believe that any disturbance in the area at the bottom of the bank occurred in conjunction with the unpermitted work Mr. Johnson did. I will be recommending to the Commission to remove the down cedar tree. I will be recommending the follow steps to the Commission as part of my formal write-up:

1. Remove the down tree
2. Modify the plan to include a different native species selection to combat the issue with deer, and replace the removed cedar trees
3. Install the plantings and complete the seeding as shown on the plan of record. (If you would like to donate the plant material and have the Town install we will need to have a discussion with Rob McNeil)
4. Establish a maintenance plan for who will clearly be maintaining the Town parcel – which will probably need to involve the DPW as well.

If there are concerns from the Quidnet Squam Association about preserving the viewshed on the Town parcel modifying the permit for the Town owned piece would allow for some other native species with different growth profiles. My initial thought might be to remove the beach plum as the deer have been problematic and replace with the native huckleberry as it only grows to be 3-4 feet tall but still provides similar habitat value as beach plum. In addition I would think if that was a proposed change that the cost maybe put to them to address the species change.

I am happy to discuss this further and will send my full report once I have completed it. I am

hoping to have it to the Commission on Monday. I hope you are well and have a nice weekend.

Thanks,
Jeff Carlson
Town of Nantucket
Natural Resources Director
2 Bathing Beach Road
Nantucket, MA 02554
508-228-7230

From: Sarah F. Alger <sfa@sfapc.com>
Sent: Thursday, July 2, 2020 11:29 AM
To: Joanne Dodd <jdodd@nantucket-ma.gov>
Cc: Jeff Carlson <JCarlson@nantucket-ma.gov>
Subject: RE: Town of Nantucket - Sesachacha Road

Thank you, Jo.

Based upon our conversation yesterday, I am advising my client that although we still have a valid, outstanding order that would permit work to be done, no work should be done until you and Jeff have been out there to do the count the Commission requested, and we have clear direction from the Commission.

At the moment, we do not have that clear direction. I understand what the Commission voted at its last meeting and appreciate your sending the proposed minutes. Unfortunately, the vote does not make a lot of sense. The property is not going to be in conformity with the order, because Mr. Johnson destroyed much of what had been planted. Now the tree that was cut down is lying there and would impede work. We do not know if we are allowed to remove it, and we have been told that we cannot plant cedars to replace it. The bayberry that was planted as part of the 2017 project has been largely destroyed by the deer. Seth Wilkinson's suggestion was to plant 24 viburnum to replace them, but we are hesitant to do that because the Commission seems focused on a strict plant count based upon the approved plan, rather than with getting the damage restored as quickly as possible with native vegetation.

At this point, it may make sense for my client to simply donate the plant material that he already purchased based upon our prior e-mails and leave the Town to install it at its discretion. My client completed the work under the order. Now much of what he did has been destroyed by Mr. Johnson. My client has done nothing wrong, and I see no reason to expose him or his landscaper to criticism for attempting to remediate the damage, not to mention the additional time and expense involved. Mr. Johnson is under the enforcement order, and it may be best for the Commission and the Town to work out a resolution.

Please let me know the results of your site visit.

Thank you for your attention.

Regards,

Sarah

Sarah F. Alger, PC

Four North Water Street
Nantucket, Massachusetts 02554
508-228-1118 telephone
508-228-8004 fax

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Osterville, Massachusetts 02655
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From: Joanne Dodd <jdodd@nantucket-ma.gov>

Sent: Wednesday, July 1, 2020 13:30

To: Sarah F. Alger <sfa@sfapc.com>

Cc: Jeff Carlson <JCarlson@nantucket-ma.gov>

Subject: Town of Nantucket - Sesachacha Road

Afternoon Sarah,

Following our phone conversation would you be able to confirm with Mr. Shuch that we are ok to come by tomorrow and take a look at the site.

I know you mentioned that you were not sure what was resolved from the meeting so just to clarify I have highlighted on the attached document the Motion that was issued for staff to survey the site.

Thank you for your patience in this matter

Regards,

Jo

*Joanne Dodd
Town of Nantucket
Natural Resources Coordinator
2 Bathing Beach Road
Nantucket, MA 02554
508-228-7230*

This email was scanned by Bitdefender

From: [Susan Burbage](#)
To: [Charles Johnson](#); bill@paulsenventures.com; maika.johnson@gmail.com; virghall@aol.com; jonah@seiger.com
Cc: [Joanne Dodd](#); jaa@aol.com; [Jeff Carlson](#); peter@peterlkellner.com; bill@greatpointproperties.com
Subject: Fwd: Site Inspection Report Sesachacha Road
Date: Wednesday, July 8, 2020 12:43:00 AM
Attachments: [Site Inspection Report 7-2-2020.pdf](#)

Hello Quidnet Committee of the Map 21, Parcel 20 (neutral of any project/committee name for now),

Attached is the 33 page report from Jeff Carlson and The Town of Nantucket Natural Resources Department, sent to the Nantucket Conservation Commission, dated July 6, 2020. The Sesachacha Road/pond site was inspected on Thursday, July 2nd. We did ask to be involved with the inspection, but I believe you all can nod to the fact that Jeff Carlson and team have accurately provided the Conservation Commission with a truthful and professionally detailed report in the attached document. Jeff Carlson has always been invested in our interested, and I believe we can trust that the Department with our due respect will provide an impartial inspection report.

I've copied and highlighted sections from the 'Site Inspection' summary from the cover sheet, below. You also might note page 30, the 'F. Appeals' section from the original WPA Form 5 - Order of Conditions from the May 24, 2017 date of issuance. Personally, I would be interested in listening to the original intention of the granted ownership of this 25 foot section of property back on July 31, 1958. My guess is that it's original good faith intention was not to benefit either of the two bordering private properties, but to preserve this beautiful section of accessibility to the public and to the Town of Nantucket for practical use.

This is on the agenda for discussion at the Con Com meeting Thursday, July 9th.

Site Inspection:

Based on the site inspection it does appear that the invasive species listed above have been removed from the target parcels. It appears that there may be a privet and honeysuckle off-site, but none were observed on the target parcels. You had been supplied photos of the work in progress as part of an earlier packet for the Commission. The plantings look to have had some varying success in establishing and it is difficult to assess as deer browse has been an issue and there has been some other disturbance to the site as well. Some of the plugs and seeding seems to have occurred as several the grass and forb species seem to be establishing on the site. The inspection will be detailed in to three areas as follows:

A. Top of Coastal Bank to the Edge of the Road Layout

This area does not contain the shrubs as proposed and has been trimmed or mown at some point make it difficult to identify all of the grass. We do not have photos showing that the shrubs were installed but if they were they have been removed. This area is missing the 4 Virginia Rose and 5 Beach Plums required for this area.

B. Coastal Bank (Top to Bottom)

This area does contain the five Arrowwood closer to the top of the bank but did not have the six bayberry proposed. A cedar tree was cut down and was left at the bottom of the bank. There were three total cedar trees cut across both sites and all three had been severely impacted by the Asiatic bittersweet.

C. Bottom of Coastal Bank towards waterline

This area was to have 5 Groundsel Tree and has closer to 20-25 stems which seem to have been in place as vegetation has grown in and the planting does not appear to be recent. The Virginia Rose (9) and Beach Plum (5) are not present in these areas. Furthermore, a sand area that was to be seeded has not taken if completed and a boat is currently being stored in an area that was to be natural vegetation.

Staff recommendations specific to the Town owned parcel:

1. Have the downed cedar tree removed.
2. Order the plantings replaced as permitted and replace the removed cedar trees.

Staff is suggesting replacing some of the species prone to deer browse with other species like

arrowwood or potentially larger stock, to get the shrub community established. If the original applicant does not wish to do the work, then discussions with the Town will be needed to complete the plantings.

3. Order the boat removed from the area that was to be re-seeded and have that area re-seeded or re-planted.

4. Engage the Town, specifically the Department of Public Works to develop a maintenance plan. Staff suggests engaging the homeowner association in the area in an effort for a long-term plan for the entire area.

5. Close out the initial violation/enforcement for the work done without benefit of a permit with some level of punitive action to be determined by the Commission.

This is on the agenda for discussion at the meeting of July 9th, 2020.

Susan Burbage
Quidnet Squam Association
Cell: 617-797-3846

-----Original Message-----

From: Joanne Dodd <jdodd@nantucket-ma.gov>

To: Susan Burbage <ssburbage5@aol.com>; Charles Johnson <cjohnson@nantucket-ma.gov>

Cc: Jeff Carlson <JCarlson@nantucket-ma.gov>

Sent: Tue, Jul 7, 2020 3:23 pm

Subject: Site Inspection Report Sesachacha Road

Good Afternoon,

Please find the site inspection report for the Sesachacha Road Enforcement attached.

Best

Jo

*Joanne Dodd
Town of Nantucket
Natural Resources Coordinator
2 Bathing Beach Road
Nantucket, MA 02554
508-228-7230*

From: [Jeff Carlson](#)
To: [Joanne Dodd](#); [Holly Visco](#)
Subject: FW: Sesachacha Road - Charlie Johnson non-permitted landscape action
Date: Wednesday, July 8, 2020 2:10:41 PM

Please see the below email from Randee Seiger. I apologize for not sending it along I thought Joanne was on the email but she was not.

Thanks,
Jeff Carlson
Town of Nantucket
Natural Resources Director
2 Bathing Beach Road
Nantucket, MA 02554
508-228-7230

-----Original Message-----

From: Randee Seiger <2ees@seigerspace.net>
Sent: Friday, July 3, 2020 8:44 PM
To: Jeff Carlson <JCarlson@nantucket-ma.gov>
Cc: Jonah Seiger <jonah@seiger.com>; Alicia Seiger <aseiger@gmail.com>
Subject: Sesachacha Road - Charlie Johnson non-permitted landscape action

Hello,

I own the home at 11 Sesachacha Road, Quidnet. I just listened to the YouTube video of the June 25 ConCom discussion of the bank landscaping that was done by Charlie Johnson. I am not yet on island, but am aware of the brouhaha in our little corner of the island.

During his presentation, Bill Paulsen stated that the entire Quidnet Squam Association is supportive of the work Charlie Johnson did. As a member of the Quidnet Squam Association, I want to object to that statement. I do not support Charlie's actions for the sharing the concerns raised by you and the commissioners. It is imperative that town and ConCom rules be followed and that permits be acquired for any work undertaken on either town or ConCom controlled properties.

I do not see email addresses for ConCom commissioners, but please forward my email on to them and have my email put in the record, so that they understand that Bill Paulsen was expressing his opinion and those of some of the neighbors. He was not speaking on behalf of the entire Quidnet Squam Association.

Thank you.

Randee Seiger

Sent from my iPad

This email was scanned by Bitdefender



July 8, 2020

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

RE: Ecological Restoration Project at 45 Quidnet Road and Town Property off Sesachacha Road

Dear Members of the Conservation Commission,

I am writing on behalf of our client, Alan Shuch, where we conducted ecological restoration at 45 Quidnet Road as well as the adjacent Town property along Sesachacha Road. We have reviewed Jeff Carlson's comprehensive assessment of the area and have tried to respond, where possible. I am hopeful that the Nantucket Conservation Commission (NCC) will find this letter to serve as a compliment to Jeff's assessment as a summary of the activities undertaken on behalf of Mr. Shuch since our commencement of work in the Spring of 2017. These comments are offered in my capacity as a Certified Ecological Restoration Practitioner (#0147) with over twenty years' experience in the field of ecological restoration and as President of Wilkinson Ecological Design, Inc.

Wilkinson Ecological Design (WED) participated in the NCC hearing process, which resulted in the issuance of an order of conditions in the Spring of 2017. The permits were MA DEP File # SE48-2967 for the Town of Nantucket Property and DEP file # SE48-2968 for the Ann F. Shuch Qualified Personal Residence Trust. Both permits were dated May 24, 2017 and recorded on the deed the following day. Our implementation work began the following month. A copy of the plan referenced in the Order of Conditions with the correct final revision date is attached for your reference. This also includes a clarifying notation where the removal of a highly degraded cedar was allowed to be removed following conservation staff review on June 26, 2018.

Work commenced with removal of the invasive plant species which primarily involved root removal, where feasible, and a cut and wipe stump herbicide application to woody invasive species and injection of herbicide into the hollow stalks of the bamboo colony. Following removal of the invasive species, the embankment was seeded with native meadow mixture noted on the plan and 100% biodegradable erosion control blanket was installed over all disturbed soils and barren ground (which is typically found under bamboo and Asiatic bittersweet infestations). We conducted a follow up treatment with the invasive plant species later in September of 2017 to manage re-sprouting of any invasive plants and verify the erosion control blankets were in good condition. Mr. Shuch's landscaper began planting some of the specified restoration plantings within the buffer zone to the coastal bank within the Summer of 2017.

Work continued to actively manage invasive species in 2018 and 2019. At the end of 2019, we reached functional eradication of the invasive plants within our project area. In the Spring of 2018, Mr. Shuch's landscaper installed the remainder of the restoration plantings by largely completing the planting in compliance with the plan, with some modest field adjustments, as described in this letter. I recall that the beach plum plantings were considerably browsed by wildlife and recommended that some supplemental native species such as arrow wood viburnum and northern bayberry be installed in the event that the beach plums did not recover. It is not unusual for certain prescribed species to be impacted by wildlife in restoration projects and for some minor field adjustments, such as additional planting to be



conducted proactively. I would also note that minor field adjustments to plant locations are sometimes required where a proposed plant or cluster of plants need to be adjusted a few feet in one direction or another to avoid obstructions such as rocks, stumps or existing non-invasive vegetation which is not possible to accurately reflect on a survey prior to the commencement of work.

Regarding the tree removal, I would note that in our Restoration Plan with a revision date of 5/23/17 (attached), we proposed a one to one replacement to account for replacement of the degraded cedar tree. As Jeff Carlson notes, three trees have been cut and we would recommend that three cedar trees be planted to replace those three trees. It is my understanding that Mr. Shuch has already purchased a number of native plants, including three cedar trees to help restore the area, but these plants have been in storage for some time now and need to be planted as soon as possible. An important element to understand about the lower elevations of this site is the significance of which the elevation of Sesachacha Pond fluctuates fairly dramatically throughout the year, depending on when the pond is hydraulically connected to the ocean. It is my understanding that the 9 Virginia roses and 5 beach plums were initially planted in this area, but were unable to survive the pond elevation fluctuations - particularly being inundated with water, which is known to stress or kill these rose and beach plum species when the inundation is extensive. Therefore, Mr. Shuch's landscaper replaced the unsuccessful Virginia rose and beach plum with the groundsel tree, which is a species much more conducive to extended periods of inundation. It is also likely to be more long-lived in the face of sea level rise given its relatively high tolerance of salinity. Given that Jeff Carlson accounted for between 20-25 stems of groundsel tree, I would determine this to be between 1-6 more plants than our restoration plan called for in this area, which I would see as beneficial from a wildlife habitat perspective. Regarding the observation of a sandy, un-vegetated area near the beach cottage, my understanding is that this location is adjacent to where the cottage had been recently excavated and elevated as part of a reconstruction process (authorized under a separate conservation permit). I know that attempts were made to restore this sand area, but that too has proved challenging to establish vegetation due to the substantial seasonal pond elevation fluctuations.

While Wilkinson Ecological Design did not supervise the planting, we were consulted relative to planting activities and found Mr. Shuch's landscaper to be very attentive to our recommendations. While the pandemic has precluded me from visiting Nantucket since March, I believe the planting to be in substantial compliance with our plan having spoken with WED staff and reviewed our photographic record of the project. If there is a discrepancy, it could be that there are more native plants than specified on the restoration plan, which we typically seen as beneficial.

It's my opinion that this project has been in compliance with the Order of Conditions and all work protocols associated with the plan have been followed during the duration of work. This continued until a neighbor conducted the wetland violation this Spring, which triggered an issuance of an enforcement order by the NCC at their meeting on June 11, 2020. For the purposes of contrasting our performance during the period covered by this conservation permit, when there was a question about a highly degraded cedar's status within the project area (referenced above and attached), we communicated with conservation staff and they provided a prompt response that removal of the cedar was allowed. WED prides itself on maintaining effective communication with Town staff and compliance with the permits which regulate our work and I know that has always been Mr. Shuch's intention during the entirety of our relationship. When Mr. Shuch informed us of the unauthorized activity, WED was actually in the process of compiling the required project documentation and scheduling a final visit to verify the status of this site in preparation for requesting a Certificate of Compliance for this project,



I hope this information is helpful in your deliberations. I will be available to answer questions on this matter at your hearing on July 9th.

Sincerely Yours,

A handwritten signature in blue ink, appearing to read 'Seth Wilkinson'.

Seth Wilkinson, CERP
Restoration Ecologist, President
Wilkinson Ecological Design, Inc.

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EMACK SURVEYING, LLC
 2 WASHAMAN AVENUE
 NANTUCKET, MA 02554
 (508) 325-0940

NOTES:

- APPROXIMATELY THREE GROWING SEASONS WILL BE REQUIRED TO CONTROL AND/OR ERADICATE INVASIVE PLANT SPECIES. AFTER THREE GROWING SEASONS, MONITORING AND MINIMAL MAINTENANCE WILL BE ONGOING.
- A TEMPORARY, AUTOMATED ABOVE-GROUND IRRIGATION SYSTEM WILL BE REQUIRED FOR THE FIRST TWO/THREE GROWING SEASONS WHILE NEW PLANTS ARE ESTABLISHING. ONCE PLANTS ARE ESTABLISHED IRRIGATION WILL BE REMOVED.
- ALL RESTORATION PLANTINGS WILL INCORPORATE EXISTING NATIVE SPECIES UNLESS OTHERWISE SPECIFIED IN THE APPROVED DOCUMENTS.
- ANY DISCREPANCIES BETWEEN THE PLANTING SPECIFICATION AND THE PLAN, THE PLAN SHALL TAKE PRECEDENCE.
- HAND-WEEDING AND SELECTIVE TREATMENTS WILL BE REQUESTED AS AN ONGOING CONDITION TO STOP REINTRODUCTION OF INVASIVE AND AGGRESSIVE PLANT SPECIES INTO THE PROJECT AREA.
- ALL EXPOSED SOILS WILL BE SEEDED WITH NATIVE CAPE COD MEADOW MIX UNLESS OTHERWISE SPECIFIED.

LEGEND:

REV	DATE	DESCRIPTION
1	05/23/17	Revised to remove one non-native cedar and plant one eastern red cedar.

A. SHUCH, TRUSTEE
 45 QUIDNET ROAD
 NANTUCKET, MA

DATE: 04/18/2017 SCALE: 1" = 20'-0"
 DRAWN BY: JS CHECKED BY: AM

FOR PERMITTING PURPOSES ONLY
 THIS DRAWING IS NOT INTENDED FOR
 CONSTRUCTION

RESTORATION PLAN 1 OF 1

INVASIVE MANAGEMENT PROTOCOLS:

The goal of this project is to restore a native Maritime Shrubland plant community on the Coastal Bank. Restoration of a Maritime Shrubland can provide the thick vegetation and safe nesting sites required by many shrub nesting bird species like the common yellow-throat. Fruit-bearing native shrubs found in Maritime Shrublands such as bayberry, beach plum, and rose can also provide high quality forage for songbirds during their migration path. The availability of high-quality and abundant food resources, like wild fruits, in coastal regions of the eastern U.S. is critical for successful migration and long term conservation of songbirds.

Invasive plant management within the project area will target all invasive, non-native, and aggressive plant species approved for removal including Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Management of invasive, non-native, and aggressive plant species will consist of mechanical removal where feasible hand removal where necessary to protect the stability of the bank, selective treatments of herbicide using the "cut and wipe" method to treat individual stems, injection of stems, and low-volume foliar application only where necessary. All treatments will be performed by Massachusetts licensed applicators. All existing native plant species within the project area will be preserved. Restorative pruning of dead or damaged native vegetation due to the infestation of invasive plant species is also proposed.

After invasive plant management has reached approximately 85% eradication, the project area will be planted with native shrubs, forbs, and grass species associated with a Maritime Shrubland.

SPECIES LIST AND PROTOCOLS:

Asiatic Bittersweet (*Celastrus orbiculatus*) Cutting and herbicide application will be scheduled when carbohydrates have been transferred from the roots to the above-ground portion of the plant, thus causing the most damage to the plant and eliminating carbohydrate stores, which weaken the plant over time. By commencing management with a cut stem application of herbicide, re-sprouting in the subsequent growing season will be dramatically reduced. For plants with a stem diameter of 1/2 inch or more, a cut and wipe application of herbicide is recommended with a subsequent foliar application for suckering root growth and/or smaller diameter plants. Roots systems can be extensive requiring repeated treatment for full eradication.

Autumn Olive (*Elaeagnus umbellata*) has been identified as a state listed invasive species. This small tree has the ability to fix atmospheric nitrogen, allowing the species to readily out-compete native species and amending the surrounding soils with nitrogen that is available for other invasive plants as well. The cut-stump herbicide application is most effective for this species.

Border Privet (*Ligustrum spp.*) is a significant management issue as it is a ubiquitous garden escapee. Border privet; which can grow into a small tree, is particularly aggressive in heavier soils and adjacent to wetland resources with mature plants annually producing hundreds of viable seedlings which spread the species rapidly through a variety of habitats. Plants up to 4 inch basal caliper can be mechanically uprooted. The cut stump herbicide application method is most effective for these species when the basal diameter exceeds 4 inches.

Bamboo (*Phyllostachys spp.*) Bamboo species are native to China and were introduced into the United State around the turn of the twentieth century as ornamental plantings. This species spreads rapidly through rhizomes and can result in the formation of thickets that displacing native vegetation. Management of bamboo includes cut and treatment directly into the individual stems just below a node. All debris from the cutting should be properly disposed off site to control reintroduction through rooting of cut material.

Shrub Honeysuckle (*Lonicera morrowii & bella*) According to vegetation management guidelines published by the University of Illinois at Urbana-Champaign, shrub honeysuckle is suspected of producing allelopathic chemicals that inhibit the growth of other plants, and allows the honeysuckle to out-compete native plants. Honeysuckle should be mechanically uprooted if conditions allow, where this is not possible a cut and wipe herbicide treatment should be used. Regular hand pulling of juvenile plants and spot herbicide treatments are also recommended for persistent re-sprouts.

LAND MANAGEMENT TIMELINE:

SPRING 2017

- Pre-treat all Asiatic bittersweet, bamboo, autumn olive, boarder privet, and shrub honeysuckle. Treatment methods, depending on species, size and environmental conditions, will consist of cut and wipe, injection, or low-volume foliar application only where necessary.
- Where feasible, mechanically uproot or root grapple pre-treated vegetation using compact, low ground pressure equipment with care to remove only root material, leaving native soils in place. Where necessary, hand removal of vegetation will be performed.
- Mulch managed areas with a biodegradable mulch product, or install biodegradable erosion control blankets, where necessary, on sloping areas to reduce erosion until plants colonize.

SUMMER/FALL 2017

- After July 15th, as previously treated shrub and vine plants re-sprout, selectively treat.

WINTER 2017/ SPRING 2018

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

SUMMER/FALL 2018

- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate rates.
- When invasive plants have been reduced by 85%, commence planting according to the planting specifications.
- Install an automated, temporary, above ground irrigation system to help establish new planting to the growing conditions.

WINTER 2018 / SPRING 2019

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

SUMMER/FALL 2019

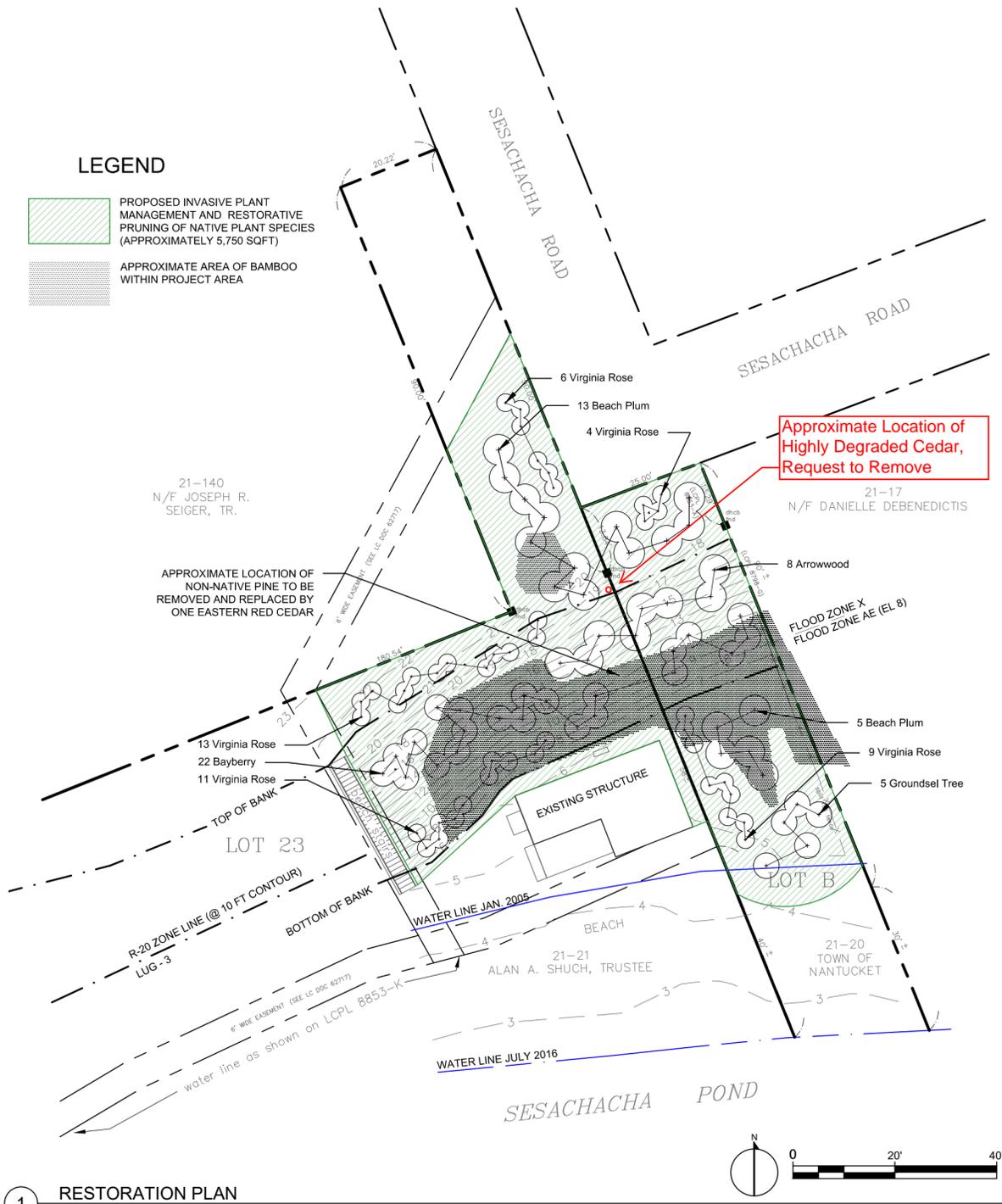
- As previously treated shrub and vine plants re-sprout and any remaining seed bank germinates, selectively treat all previously listed species at the appropriate rates.

WINTER 2019 / SPRING 2020

- After most other deciduous plants have gone dormant, conduct treatment to any persistent targeted species or hand-pull small quantities.
- Monitor plant response to earlier management treatments and calibrate follow-up treatments accordingly.

ONGOING MAINTENANCE

After the treatments of 2020, the management plan should be assessed and re-evaluated. If land management treatments have been successful, only monitoring and hand removal will be required to keep species from being reintroduced. Invasive plants generally take a minimum of three to five years of active management to reach a level of successful control.



1 RESTORATION PLAN

Scale: 1" = 20'

FOLLOWING VEGETATION MANAGEMENT WITHIN THE PROJECT AREA, BARE SOILS WILL BE SEEDED WITH CAPE COD MEADOW MIX AND PLANTED WITH THE FOLLOWING SPECIES:

count	common name	scientific name	size
8	Arrowwood	<i>Viburnum dentatum</i>	#3
22	Bayberry	<i>Morella carolinensis</i>	#3
18	Beach Plum	<i>Prunus maritima</i>	#3
5	Groundsel Tree	<i>Baccharis hamilimifolia</i>	#1
43	Virginia Rose	<i>Rosa virginia</i>	#1

common name	scientific name	size
American Beachgrass	<i>Ammophila breviflulata</i>	plug
Crinkle Hair Grass	<i>Deschampsia flexuosa</i>	plug
Little Bluestem	<i>Schizachyrium scoparium</i>	plug
Purple Love Grass	<i>Eragrostis spectabilis</i>	plug
Seaside Goldenrod	<i>Solidago sempervirens</i>	plug

common name	scientific name
Broom Sedge	<i>Andropogon virginicus</i>
Creeping Red Fescue	<i>Festuca rubra</i>
Crinkle Hair Grass	<i>Deschampsia flexuosa</i>
Fox Sedge	<i>Carex vulpinoidea</i>
Little Bluestem	<i>Schizachyrium scoparium</i>
Purple Lovegrass	<i>Eragrostis spectabilis</i>
Upland Bentgrass	<i>Agrostis perennans</i>

July 8, 2020

To: Members of the Conservation Commission

FROM: Alan Shuch

RE: Town of Nantucket Land on Sachacha Road

I am the trustee for the property held at 45 Quidnet Rd. which includes a small beach cottage on the pond just below 11 Sachacha Rd. In 2017, I retained Wilkinson Ecological Design to assist me in addressing a thick and rapidly expanding patch of bamboo and invasive vines in the wetlands surrounding the aforementioned beach cottage. Seth Wilkinson developed a comprehensive plan for dealing with the problem which included safely eliminating the bamboo, invasive vines and encumbered plantings. My surveyor, Bob Emack, along with my counsel, Sarah Alger, worked with Seth in submitting the relevant applications and documents to ConCom.

The abutting, approximately, 25' wide strip is owned by the Town and was also overrun with bamboo and vines. As these aggressive plants do not respect property lines, Seth concluded that eradicating them on my property without doing the same on the abutting Town property would be fruitless. I offered to treat the Town property and replace shrubbery at my expense and the Town and ConCom agreed issuing an Order of Conditions for the project which commenced in 2017. The first leg of the project was the most extensive followed by ongoing periodic remediation and planting.

On May 23, 2020 I received a call from my landscaper advising me that the top of the Town owned bank (a wetland resource area and the subject of the Order of Conditions) had been brush cut and grass planted. All of the pre-existing thick vegetation and a mature cedar tree with an 11" diameter trunk and 36" x 36" stump had been felled. I called the police and an officer arrived and quickly determined that Charles Johnson (a Town of Nantucket employee) of 8 Sachacha Rd had "vandalized" (as specified in the police incident report) Town property. Johnson acknowledged doing the work. According to the police report, Johnson told the officer that he did the work "in hopes to restore the view of Sesachacha Pond the vegetation once blocked". When asked about a permit authorizing work on Town property and a wetland, Johnson said that he had asked the DPW to do the job and was rebuffed but he did have approval from Susan Burbage, President of the Quidnet Squam association. (He would later repeat this to a representative of the neighboring Miller estate who inquired about the damage). The officer issued a citation and, I believe, notified the Town and DPW. I notified Sarah Alger who, in turn, posted Jeff Carlson.

Needless to say, it strains credulity to believe that a Town employee, with a Nantucket residence for decades would not know that an application to ConCom is necessary before proceeding on work in a wetland, particularly on property he does not own. At a June 25 ConCom meeting, Johnson and/or Paulsen (9 Sachacha Rd.) said that they called the ConCom office about the Town lot but never received a return call, so Johnson just proceeded. We, too, call the office from time to time. If we don't get a return call, we call again and again, if necessary. We follow up with emails, letters or an office visit until we get guidance. What we don't do is fire up a chain saw and take down a mature cedar destroying habitat benefits and an extensive root system that supports the bank.

Here's the irony: A taxpayer funded Town employee on pandemic lockdown and, presumably, receiving a Town paycheck illegally destroys Town property (a protected wetland subject to ConCom jurisdiction).

In essence, taxpayers paid Johnson to destroy Town property. In addition to the vandalism (a criminal charge subject to a \$25,000 fine and two years in jail), the activity appears to violate paragraph 4.1-1 and possibly 4.4 of the Town and County of Nantucket Personnel Policies.

At a June 11 Conservation Committee meeting, Commissioners voted to issue an enforcement order which was soon after served by the Sheriff. Charles Johnson, his wife and a neighbor, Bill Paulsen, appeared at the subsequent June 25 ConCom meeting. They argued that, notwithstanding the illegality, the vista pruning did not benefit the Johnson's whatsoever but was favored by local residents. Further, Johnson had done the neighborhood a favor and the resulting vistas should remain intact, thereby rewarding illegal behavior and setting a precedent for vista pruning across the island. Of course, the GIS map and picture of the Johnson residence provided you by Sarah indicate the absolute view benefit enjoyed by the Johnsons, substantiating his malicious intent.

The remonstrations and personal attacks then directed at me by Quidnet neighbors (noted by one commissioner as "character assassination" as another commissioner called for "civility") has been a staple of every filing that I've submitted since purchasing adjoining lots in 1993 including Planning Board, ZBA, HDC, and ConCom. These attacks are launched by permutations and combinations of the same cohort depending on their personal axes. The only thing that's changed these 27 years has been the decibel level and the brazenness in presenting their "alternative facts" (e.g. the Town property is a right of way, Shuch never did the work on Town property, Shuch took down a tree behind his beach cottage-I did but with written ConCom approval).

The resulting noise is meant to be a distraction and as it dominated most of the June 25 meeting on this subject, seems to have succeeded. There seems to be a narrow issue (an Enforcement Order) before the Commission. I'm reminded of the old Hollywood clip. A woman catches her cheating husband in the act. As he jumps to his feet to defend himself he declares: "Are you going to believe me or your lying eyes."

You have before you the Order of Conditions for the subject eradication and, possibly, the Order of Conditions that permitted me to raise the beach cottage 3' in response to rising pond levels. The two orders overlapped. The excavation associated with lifting the cottage followed by rising pond waters and the absence of a pond opening this April have delayed some replanting. You have Jeff's report confirming the eradication was done and the native plantings installed albeit with most of the beach plum falling victim to deer and some other plantings lost to the elements and replaced with other native plantings listed on the site plan incorporated into the Order of Conditions. Seth Wilkinson has provided before, during, and after pictures of the project, as well as his own summary of the plantings and recommendations for replacing the felled tree and the shrubs that have succumbed to the elements. You have letters from Sarah Alger, as well.

We purchased the prescribed plantings for the Town property, with ConCom approval, some four weeks ago and are anxious to get the job done before we lose those plants. Jeff is providing further guidance.

We ask the Commission to allow us to proceed and consider imposing substantive penalties on Johnson in order to discourage a repeat of the egregious actions taken in Quidnet or elsewhere on the island.

I thank you for your time and consideration.