1. Conservation Commission Digital Pack 10/01/2020

Documents:

THE TOWN OF NANTUCKET _ 34 WASHINGTON STREET (42 2 3_2) SE48_3300.PDF
KIM GLOWACKI _ 46 EASTON STREET (42 4 1_22) SE48_3285 PART 1.PDF
KIM GLOWACKI _ 46 EASTON STREET (42 4 1_22) SE48_3285 PART 2.PDF
KIM GLOWACKI _ 46 EASTON STREET (42 4 1_22) SE48_3285 PART 3.PDF
NANTUCKET POINT OF VIEW LLC _ 9 LINCOLN AVENUE (30_137) SE48_3278.PDF
MARICA KLEINBERG_18 QUIDNET ROAD (21_117 5) SE48_.PDF
ROBERT E FURDAK_26 WEST CHESTER ST (42 4 3_56) SE48_.PDF
SHAWKEMO I LLC_ 36 SHAWKEMO ROAD (27_3) SE48_.PDF
NANTUCKET ISLAND LAND BANK _ 35 ALMANACK POND ROAD (46_7 1) SE48_3317.PDF
NANTUCKET ISLANDS LAND BANK _ ALL LAND BANK PROPERTIES (VARIOUS) SE48_3337.PDF
TINA EGER MCGOLDRICK TRUST _ 33 QUIDNET ROAD (21_27 2) SE48_3327.PDF
FOURTEEN MAYHEW LANE N T _ 14 MAYHEW LANE (41_147) SE48_.PDF
ABRAMSON _ 80 MILLBROOK ROAD (40_79 1) SE48_3340.PDF
NEW ENGLAND DEVELOPMENT _ COMMERCIAL WHARF (42_2 4 3_VARIOUS) SE48 _.PDF
46 SHIMMO POND ROAD N T _ 46 SHIMMO POND ROAD (43_77) SE48_ PART 1.PDF
46 SHIMMO POND ROAD N T _ 46 SHIMMO POND ROAD (43_77) SE48_PART 2.PDF
ACK007 PROPERTIES LLC _ 46 WALSH STREET (29_101 1) SE48_.PDF
PETER E HALLE AND CAROLYN B LAMM _ 24 PILGRIM ROAD (41_94) SE48_.PDF
MMOD NORTON_24 NORTH CAMBRIDGE ST (38_20) SE48_2765.PDF
COC REQUEST JEFFREY JOHNSTON TR OF THE JEFFREY H JOHNSTON TRUST _ 131 WAUWINET RD (12_5) SE48_2201.PDF
COC REQUEST 100R WAUWINET ROAD NOMINEE TRUST _ 100R WAUWINET ROAD (11_24 3) NAN_130.PDF
COC REQUEST PETER GLAZER PKG DESIGN BUILD LLC _ 3 AND 3A PILGRIM ROAD (41_612 AND 613 LOT 10 AND 11).PDF
COC REQUEST SP NORWELL LLC C_O NEW ENGLAND DEVELOPMENT _ LOT 3 MARINER WAY (55 1 4_72) SE48_2745.PDF
COC REQUEST 247_ LLC _ 7 WALSH STREET (42 4 1_55) SE48_3120.PDF
COC REQUEST 11 MEADOW LANE_ LLC _ 11B MEADOW LANE (41_448 1) SE48_3098.PDF
COC REQUEST 101 BAXTER ROAD LLC _ 101 BAXTER ROAD (48_17) SE48_1468.PDF
COC REQUEST ROBERT BERWICK AND MARILYN MATZ _ 101 AND 103 BAXTER ROAD (48_17 AND 40) SE48_1137.PDF
EXT REQUEST NET ZERO LLC _ LOT 2 FISHER LANE (FORMERLY 101 LOW BEACH ST) (75_32) SE48_3020.PDF
DRAFT MINUTES 09_17_20.PDF

COASTAL
engineering co.

March 13, 2020

C19031.00

Conservation Commission
Attn: Jeff Carlson, Natural Resources Director
2 Bathing Beach Road
Nantucket, MA 02554

By Email & FedEx Delivery

Re: **Notice of Intent Application Filing Package**
Proposed Addition to Nantucket Harbormaster Building and Associated Site Improvements
Stephen Kelleher, Stephen Kelleher Architects
34 Washington Street
Nantucket, MA
Map: 42.2.3 Parcel: 2

On behalf of our client, Stephen Kelleher of Stephen Kelleher Architects, Inc., we are submitting an original plus 1 copy of a Notice of Intent Application Filing Package, 1 original check for legal ad fee, and 2 full size copies and 1 reduced size copy of the plan for the above referenced project. The following items are enclosed:

- Notice of Intent Application
- Project Description, Performance Standards Narrative, Construction Protocol
- NOI Wetland Fee Transmittal Form
- Copy of $335.10 check made payable to Inquirer and Mirror for the advertising fee (All other fees: state share of DEP fee, town share of DEP fee, town bylaw fee and reviewer fee are EXEMPT due to Town project)
- Certified Abutter List, Affidavit of Service, Abutter Notification Letter
- Copy of Certified Mail Receipts for Abutter Notification and MassDEP mailing
- USGS Map, identifying locus
- Coastal Engineering Co., Inc. Stormwater Report, Dated 3/12/2020
- Coastal Engineering Co., Inc. Plan Showing Existing Site Conditions, Dated 7/10/2019
- Stephen Kelleher Architects, Inc. Rendering, Dated 3/4/2020
- Stephen Kelleher Architects, Inc. Architectural Plan Set, Dated 2/25/2020 and 3/2/2020
- Stephen Kelleher Architects, Inc. Structural Plan Set, Dated 12/4/2019 and 12/5/2019
- Stephen Kelleher Architects, Inc. and Coastal Engineering Co., Inc. Civil Plan Set, Dated 3/12/2020

Please schedule this for the **April 1, 2020** public hearing. If you have any questions or require additional information, please give our office a call. Thank you.

Sincerely,

COASTAL ENGINEERING CO., INC.

Carla Davis

Enclosures: as stated

cc: Mass. DEP/SERO - Wetlands
Stephen Kelleher Architects, Inc.
Town of Nantucket
Tarja L. McGrail, Project Manager

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):

34 Washington Street — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41° 16' 53.184" N — d. Latitude
70° 5' 43.404" W — e. Longitude

42.2.3 — f. Assessors Map/Plat Number
2 — g. Parcel /Lot Number

2. Applicant:

Stephen — a. First Name
Kelleher — b. Last Name
Stephen Kelleher Architects, Inc. — c. Organization
57 Alden Road — d. Street Address
Fairhaven — e. City/Town
MA — f. State
02719 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

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

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

4. Representative (if any):

Tarja L. — a. First Name
McGrail — b. Last Name
Coastal Engineering Co., Inc. — c. Company
260 Cranberry Highway — d. Street Address
Orleans — e. City/Town
MA — f. State
02653 — g. Zip Code
508-255-6511 — h. Phone Number
508-255-6700 — i. Fax Number
tmcgrail@coastalengineeringcompany.com — j. Email address

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

(EXEMPT) — a. Total Fee Paid
(EXEMPT) — b. State Fee Paid
(EXEMPT) — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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A. General Information (continued)

6. General Project Description:

Proposed Addition to the Harbormaster Building and Associated Site Improvements

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	C7858 Doc # 17777
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Provided by MassDEP:

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☒ Coastal Dunes	450 1. square feet	25 cubic yards (900 s.f.) 2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	12,000 s.f. 1. square feet	

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

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

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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

2019
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)

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☒ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☒ Proprietary BMPs are included in the Stormwater Management System.

   b. ☐ No. Check why the project is exempt:

      1. ☐ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than
      or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☐ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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D. Additional Information (cont'd)

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

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

Plan Showing Proposed Layout & Materials Plan
a. Plan Title

Coastal Engineering Co., Inc.
b. Prepared By

Tarja L. McGrail, PE
c. Signed and Stamped by

03/12/2020
d. Final Revision Date

1" = 20'
e. Scale

Stephen Kelleher Architects, Inc. Architectural Plans 2/25/20 & 3/2/20
Stephen Kelleher Architects, Inc. Structural Plans 12/4/19 & 12/5/19

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:

N/A
2. Municipal Check Number

EXEMPT
3. Check date

N/A
4. State Check Number

EXEMPT
5. Check date

6. Payor name on check: First Name

Coastal Engineering Co.,Inc.
7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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F. Signatures and Submittal Requirements

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

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

Stephen Kelleher, pres. A.I.A.	3/9/20
1. Signature of Applicant	2. Date March 9, 2020
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

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

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

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

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

Project Description

The proposed project includes redevelopment of the existing Harbormaster Facility that is located adjacent to Nantucket Harbor at the Town pier. The property has the following wetland resource areas: Coastal Beach, Coastal Dune, and Land Subject to Coastal Storm Flowage (Flood Zone VE El. 11). The entire property is located within land subject to coastal storm flowage, and the buffer to both coastal dune and beach resource areas. Currently, the project site is improved with a building (slab foundation), decks, steps, access ramps, parking area, walkways, and an access path with cobble stone edge that provides public access from the neighboring park to the pier and harbormaster building. The project site is not mapped as priority and/or estimated habitat for rare or endangered species by the Natural Heritage and Endangered Species program. Similarly, the project site is not located in an Area of Critical Environmental Concern (ACEC).

The applicant is proposing the following site improvements:

- Remove the existing Harbormaster Building and associated slab on grade foundation;
- Construct a new building on pile foundation that is designed to improve flood resilience and sized to meet the needs of the Town's Harbormaster and staff;
- Construct an accessory storage shelter (slab on grade with roof, see A-1.2) to the south of the new building that is sized to shelter a materials storage trailer;
- Improve the existing parking area and install ramps, decks, and stairs to provide access to the new building.
- Alterations to the existing pervious shell path from the neighboring park to the pier to maintain direct public access from the park to pier.
- Install 900 s.f. of dune restoration area to mitigate for installation of new pervious shell paths to connect the existing park to the pier. The dune restoration will include compatible sand and native plantings that will help to stabilize and nourish the dune resource area.
- Installation of stormwater practices to manage and infiltrate all roof runoff from the proposed buildings.

The proposed harbormaster building is a water dependent municipal safety building. Due to the use of the building, it is important for the building layout and orientation to provide the best possible visibility and accessibility to the Harbor for staff working in the building. As a result of this design objective, the Applicant is proposing a building that will be constructed on a pile foundation with a finish floor elevation of 9.9 +/- ft. The elevation of the finish floor allows for a single direction ramp to access the main entrance of the building from the pier. Since the site is located within a velocity flood zone having a base flood elevation of 11, the Applicant applied to the State Board of Building and successfully received a variance from the Massachusetts Building Code that allows the building to be constructed in the velocity zone at the proposed elevation utilizing a design that incorporates a steel pile foundation, an elevated ferro cement foundation, and flood resistant building materials up to the design flood elevation, elevation 13.

As a result of the proposed building and site improvements, the overall area of impervious ground cover located within the buffer to the Coastal Dune and within Land Subject To Coastal Storm Flowage will be reduced by 900 +/-± S.F. This proposed large reduction in impervious groundcover is attributed to removing the existing building's slab foundation and installing the

new building on a pile foundation system. In comparison with the existing slab foundation, the pile foundation raises the elevation of the lowest horizontal member of the building up to approximately 3 feet above the existing grade. Upon completion of the new building, the expected soil conditions beneath the building will be pervious sandy soils. The pervious soils will allow for natural infiltration/ recharge of stormwater runoff during a storm event. This will improve the ability of the land to absorb and contain flood waters, and buffer inland areas from flood damage.

In addition to reduction in impervious ground cover, the proposed redevelopment project includes stormwater management BMP's to manage and recharge/infiltrate stormwater runoff onsite from the roofs of the proposed buildings. In comparison with existing conditions, through reduction of impervious ground cover and onsite management of roof runoff, the proposed redevelopment will greatly reduce the peak flow and volume of runoff contributed to the offsite drainage system. This is described in more detail in the Stormwater Management Report submitted with this application.

Performance Standards Narrative

Wetland Performance Standards - (310 CMR) State WPA Regulations

The subject property has the following **State Defined resource areas**:

An explanation is provided to show how each performance standard is met.

310 CMR 10.04 Land Subject to Coastal Storm Flowage (LSCSF)

"land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater"

The entire project is located in Land Subject to Coastal Storm Flowage. The LSCSF does not have regulation performance standards to follow though it is a protected resource area and therefore approval is needed to perform work within the LSCSF. However, as a result of the proposed building and site improvements, the overall area of impervious ground cover located within Land Subject To Coastal Storm Flowage will be reduced by 900 +/- S.F. This will improve the ability of the land to absorb and contain flood waters, and buffer inland areas from flood damage. Therefore, no negative impacts to this interest are proposed.

310 CMR 10.27 Coastal Beaches

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

The proposed project is in the buffer to the coastal beach resource area and will not have an effect on erosion, volume, or the change of the form of any such coastal beach or an adjacent or down drift coastal beach.

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

No groin, jetty, solid pier, or other such solid fill structures are proposed at the site.

(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the down drift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that down drift or adjacent beaches are not starved of sediments.

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

N/A

WHEN A TIDAL FLAT IS DETERMINED TO BE SIGNIFICANT TO MARINEFISHERIES OR THE PROTECTION OF WILDLIFE HABITAT, 310 CMR 10.27(6) SHALLAPPLY:

No tidal flats are located within the proposed project area, therefore 310 CMR 10.27(6) does not apply.

(6) In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:
   (a) alterations in water circulation;
   (b) alterations in the distribution of sediment grain size; and
   (c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

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

The subject property is not identified as an area for rare vertebrate or invertebrate species by the latest mapping by the Natural Heritage Endangered Species Program (NHESP).

310 CMR Section 10.28: Coastal Dune

(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;

   A portion of the proposed shell walkway and building access steps are located within the dune; however, to mitigate for this encroachment, two dune restoration areas are proposed. The total combined area of the proposed dune restoration is 900 s.f., this exceeds a 2:1 mitigation rate. Additionally, the new building will be raised up on a pile foundation. Raising the building multiple feet above grade will allow for natural groundwater recharge of stormwater in an area that is currently impervious (occupied by a slab building foundation).

(b) disturbing the vegetative cover so as to destabilize the dune;

Vegetative cover will only be disturbed in the area of the dune which falls into the proposed shell walkway/ or steps, this will be mitigated with two proposed dune restoration areas that will include placement of sand that is compatible with the existing dune and through the installation of native plants. These areas of dune will exceed a 2:1 mitigation rate.

(c) causing any modification of the dune form that would increase the potential for storm or flood damage;

The proposed project will not increase the potential for storm or flood damage. The addition of enhanced plantings in the areas of dune restoration will improve stabilization of the dunal areas on the subject property. This will decrease the potential for storm and flood damage. Additionally, the shell path will be pervious; therefore, the stormwater flow and recharge conditions will not be altered.

(d) interfering with the landward or lateral movement of the dune;

The proposed project will not interfere with the landward or lateral movement of the dune it will still be able to react naturally. The proposed project will enhance the dunal area by increasing the overall size of the dune formation. The addition of native plants will improve dune stabilization.

(e) causing removal of sand from the dune artificially; or

A portion of the dune is located within the footprint of the proposed pervious shell walkway; however, to mitigate for the alteration two areas of dune restoration are proposed. Overall, the area of dune restoration will exceed a 2:1 mitigation rate. Compatible sand will be added in the dune restoration areas.

(f) interfering with mapped or otherwise identified bird nesting habitat.

The project locus is not within a mapped NHESP habitat.

(4) Notwithstanding the provisions of 310 CMR 10.28(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.

N/A

(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;

The proposed pervious shell walkway is designed to minimize the disturbance to the dune. To mitigate for the shell walkway improvement, two areas of dune restoration are proposed which will include the installation of native plants to enhance the vegetative cover.

(b) fencing and other devices designed to increase dune development; and

N/A

(c) plantings compatible with the natural vegetative cover.

In the proposed dune restoration areas native plantings will be installed.

(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 subject property is not identified as an area for rare vertebrate or invertebrate species by the latest mapping by the Natural Heritage Endangered Species Program (NHESP).

Wetland Performance Standards – Local Nantucket Wetland Regulations

The subject property has the following have the following **Locally Defined Resource Areas and associated Performance Standards:**

An explanation is provided to show how each performance standard is met.

2.02 COASTAL BEACHES (and TIDAL FLATS)

B. PERFORMANCE STANDARDS

A Coastal Beach, Tidal Flat or Land within 100 feet of a Coastal Beach or Tidal Flat shall be presumed significant to the Interests Protected by the Bylaw, as referenced in Section A, therefore the following regulations shall apply.

1. The provisions of Section 2.01B (1-8) (Land Under the Ocean) shall apply to coastal beaches and tidal flats.

   The proposed project does not fall within Land Under the Ocean, nor are there tidal flats within the project locus.

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

   N/A - The proposed project does not include new bulkheads or coastal engineering structures.

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

   N/A - The proposed project does not include dredging.

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

   N/A – The proposed project does not include beach or dune nourishment.

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

   N/A - The proposed project is connected to the public sanitary sewer system.

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

   The proposed Harbormaster building is a water dependent public safety facility. For quick response times in an emergency, it is critical that the building be positioned to provide the Harbormaster and staff with the best possible visibility of the harbor, and be located within close proximity to the pier to access the water/harbor.

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

N/A

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

   N/A – There is no proposed vehicular access for existing homes or recreational use on the project site.

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).

   N/A – No Fertilizers will be used on the proposed project site.

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

2.03 COASTAL DUNES

B. PERFORMANCE STANDARDS

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.

   N/A - The proposed project does not include new bulkheads or coastal engineering structures.

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 proposed Harbormaster building is a water dependent public safety facility. For quick response times in an emergency, it is critical that the building be positioned to provide the Harbormaster and staff with the best possible visibility of the harbor, and be located within close proximity to the pier to access the water/harbor.

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.

   Vegetative cover will only be disturbed in the area of the dune which falls into the proposed shell walkway/steps; this will be mitigated in two proposed dune restoration areas with the

installation of compatible sand and native plants. The proposed areas of restoration will exceed the area of disturbance at a 2:1 mitigation rate.

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.

   The two dune restoration areas are proposed adjacent to the existing dunal formation. The addition of compatible sand to create the restoration areas will help to nourish the existing dunal area.

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.

   N/A - The proposed project is connected to the public sanitary sewer system.

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 proposed project will not have adversely effect 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 increasing 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.

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 proposed Harbor master building will replace the existing building that has a slab on grade foundation. The new building will be elevated on piles. By elevating the building on piles the area previously occupied by the slab on grade building will become pervious. This will greatly improve the ability of flood waters to flow beneath the building and reduce the risk of storm damage to the subject site and neighboring properties. Overall, the proposed re-development project will result in a great environmental benefit through the reduction of impervious ground cover area and enhancement of the dune on the subject site.

8. Any pedestrian or elevated walkway must be designed as determined by the Commission so as to minimize disturbances of vegetative cover.

   The proposed pedestrian shell walkway is designed to maintain public access between the existing park that is adjacent to the Harbormaster building and the existing pier. The pervious

shell walkway has been sited to minimize the disturbance to the dune. As mentioned previously, to mitigate for the walkway alteration, two areas of dune restoration are proposed which will include the installation of native plants to enhance the vegetative cover.

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).

   N/A – No Fertilizers will be used on the proposed project site.

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.

    N/A – There is no proposed vehicular access for existing homes or recreational use on the project site.

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

2.10 LAND SUBJECT TO COASTAL STORM FLOWAGE

B. PERFORMANCE STANDARDS

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:(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.)

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 will reduce impervious ground cover on the property. Raising the building on a pile foundation will allow flood waters to move below the building; this reduces the risk of storm damage and debris from wave action. Therefore, the project does not reduce the ability of the land to absorb and contain flood waters, or to buffer inland areas from flooding and wave damage.

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.

   N/A - The proposed project is connected to the public sanitary sewer system.

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.

   The entire site is located within the 100-year floodplain, so it is not possible to locate the new propane tank outside of the 100-year flood plain. Currently, the existing Harbormaster facility utilizes a propane tank that is above ground and located adjacent to the building. The elevation of the tank is at existing grade (El. ~4.5). The proposed redevelopment project includes installation of a new thank that will be underground. The tank will be designed with a concrete slab and anchor system designed to provide ballast during a flood event and prevent the tank from becoming exposed.

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.

   The Applicant applied to the State Board of Building and successfully received a variance from the Massachusetts Building Code that allows the building to be constructed in the velocity zone at the proposed elevation utilizing a design that incorporates a steel pile foundation, an elevated ferro cement foundation, and flood resistant structure up to the design flood elevation, elevation 13.

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).

   N/A – No Fertilizers will be used on the proposed project site.

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

Construction Protocol

Pre-Construction Requirements

- A sign bearing the MA DEP file number shall be posted in compliance with the Order of Conditions issued by the Nantucket Conservation Commission.
- Prior to any construction or site disturbance activity, the erosion and sedimentation barriers shall be installed in the location(s) shown on the plan. The Silt barrier will be a staked silt sock or silt fence as indicated on the plans.
- Prior to any site disturbance activity silt sacks shall be installed in all catch basins located down gradient of the project site.
- A copy of the approved plans and the Order of Conditions shall be provided to the Contractor and shall be on site at all times.
- A dewatering plan shall be provided to the Conservation Agent and Engineer by the Contractor.

On-Site Pre-Construction Conference

Prior to the start of any sitework or construction, a pre-construction meeting will be held on site to discuss the project requirements with the following parties represented:

- Sitework Contractor
- Coastal Engineering Co. Inc., Engineer
- Nantucket Conservation Agent

Topics to be discussed during the meeting:

- Maintenance of Erosion and Sedimentation Control barrier and protection of existing stormwater management systems
- Limit of Work
- Construction sequencing and schedule
- Material and Equipment Storage
- Project contacts

During the preconstruction conference, the Engineer and Conservation Agent shall inspect the erosion and sedimentation barrier. Any deficiencies shall be addressed prior to the commencement of work

Erosion Control

Areas outside of the construction work area shall be protected from erosion and sedimentation by the placement of an erosion and sedimentation barrier as shown on the site plan. The barrier shall be maintained in good condition at all times. The erosion and sedimentation control measures shall remain in place until stabilization of disturbed areas. The erosion control measures shall not be removed without the approval of the Conservation Agent.

Sediment shall be removed by hand anytime the erosion and sedimentation barrier has a thirty percent load of sediment, or as directed by the engineer or an agent of the Conservation Commission.

Limit of Work

The Sitework Contractor shall familiarize himself with the boundaries of the property and the limit of work. The Contractor shall exercise care in order to protect adjacent properties and wetland resource areas. The Contractor shall not operate heavy equipment outside the work limit as shown on the approved plan and delineated by the erosion and sedimentation control barrier.

The Contractor shall practice good housekeeping measures during the day-to-day operations at the site. The site should be policed daily to remove any litter or construction debris. Care shall be taken that no debris be allowed outside the work limit. Debris outside the work limit shall be picked up immediately.

Construction Access

Construction access shall be from the existing driveway. The staging area on the project site is to be the existing driveway/parking area.

Construction Operations

The contractor shall practice good housekeeping measures during the day-to-day operations at the site. The site shall be policed daily to remove any litter or construction debris. Care shall be taken that no debris be allowed outside the work limit. Debris outside the work limit shall be picked up immediately.

Any construction debris which will not be removed from the site at the end of the workday shall be placed in dumpsters. The dumpsters shall be located in the existing driveway or proposed driveway. The dumpsters shall be covered at the end of the workday and emptied when full. The Contractor shall police the site daily in order to prevent wind-blown material from entering abutting properties or resource areas.

Material stockpiles that are in place for an extended period of time shall be stabilized with vegetation, mulching, erosion control blankets, and other measures that are necessary to prevent the discharge of sediment from the project site.

Replanting of areas disturbed by construction activities shall be performed as early in the project as practicable.

Construction Dewatering

It is anticipated that groundwater will be encountered during installation of subsurface utilities. The Contractor shall provide the Engineer and Conservation Agent with a dewatering plan for review and approval prior to initiating de-watering activities. The Contractor should conduct dewatering (and discharging of water) in accordance with all applicable regulations.

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:

34 Washington Street	Nantucket
a. Street Address	b. City/Town
EXEMPT	EXEMPT
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Stephen	Kelleher
a. First Name	b. Last Name

Stephen Kelleher Architects, Inc.
c. Organization

57 Alden Road
d. Mailing Address

Fairhaven	MA	02719
e. City/Town	f. State	g. Zip Code

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

3. Property Owner (if different):

a. First Name	b. Last Name

Town of Nantucket
c. Organization

16 Broad Street
d. Mailing Address

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

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

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

B. Fees

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

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

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat 3a (Site Preparation)	1	$1,050.00	EXEMPT (TOWN PROJECT)
Cat 3b (Building Construction)	1	$1,050.00	EXEMPT (TOWN PROJECT)

Step 5/Total Project Fee: EXEMPT

Step 6/Fee Payments:

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

COASTAL
engineering co.

C19031.00/TLM

AFFIDAVIT OF SERVICE

Massachusetts Wetlands Protection Act

M.G.L., CH 131, Sec. 40

I, Carla Davis, of Coastal Engineering Co., Inc. hereby certify under the pains and penalties of perjury that on March 13, 2020 I sent notification to abutters in compliance with the second paragraph of Massachusetts General Laws Chapter 131 Section 40 and the Department of Environmental Protection's Guide to Abutter Notification dated April 8, 1994 in connection with the following matter:

A Notice of Intent was filed under the Massachusetts Wetlands Protection Act and the Nantucket Wetlands Protection By-law, by Stephen Kelleher of Stephen Kelleher Architects, Inc. with the Nantucket Conservation Commission on March 13, 2020 for property located at 34 Washington Street Map 42.2.3 Parcel 2 in Nantucket, MA. The project is for the Proposed Addition to the Harbormaster Building and Associated Site Improvements.

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

Very truly yours,

COASTAL ENGINEERING CO., INC.

Carla Davis

Carla Davis

Enclosures

cc: Mass. DEP/ SERO – Wetlands
Nantucket Conservation Commission
Stephen Kelleher Architects, Inc.
Town of Nantucket
Tarja L. McGrail, Project Manager

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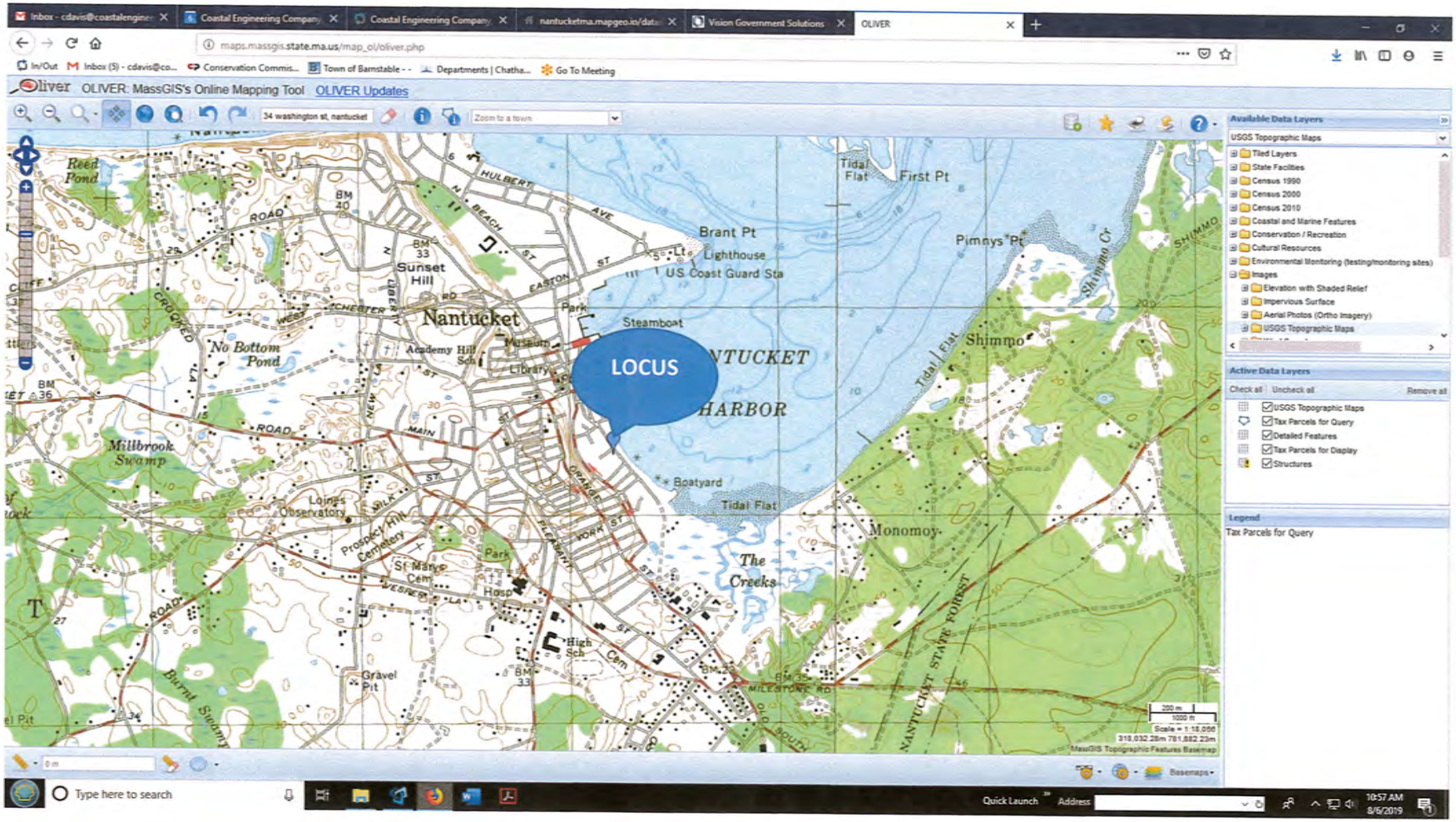

C19031.00, Stephen Kelleher / Nantucket Harbormaster
34 Washington Street, Nantucket, MA
Parcel ID: 42.2.3.2
41° 16' 53.184'' N 70° 5' 43.404'' W

FILE NO. C19031.00

STORMWATER MANAGEMENT REPORT

Nantucket Harbormaster Facility
34 Washington Street
Nantucket, MA

March 2020

Prepared for:

Town of Nantucket

Prepared by:

COASTAL ENGINEERING CO., INC.
260 Cranberry Highway
Orleans, MA 02653

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- DA-2 Plan Showing Post-Development Drainage Areas
- Table 1.0: Pre-Development Subcatchment Areas and Peak Flow
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APPENDIX E – HydroCAD Calculations

STORMWATER MANAGEMENT SYSTEM DESCRIPTION

The proposed project includes redevelopment of the existing Harbormaster Facility that is located adjacent to Nantucket Harbor at the Town pier. The property is situated within the following wetland resource areas and/or resource area buffer zones: Coastal Beach, Coastal Dune, and Land Subject to Coastal Storm Flowage (Flood Zone VE El. 11). The entire property is located within land subject to coastal storm flowage, and the buffer to both coastal dune and beach resource areas. Currently, the project site is improved with a building (on slab foundation), decks, steps, access ramps, parking area, walkways, and an access path with cobble stone edge.

The existing topography of the site where the proposed redevelopment work will take place varies in elevation; elevations within the project site range from 0 to 5 feet. Currently, the project site does not have a formal drainage system, and runoff from a majority of the roof of the existing Harbormaster building and the developed site flows towards the existing catch basins that are located in Washington Street. The catch basins located in Washington Street collect runoff from the roadway and adjacent properties, and the captured runoff is then conveyed via pipe to an outfall that is located to the east of the project site.

The proposed redevelopment includes the following site improvements:

- Remove the existing Harbormaster Building and associated slab on grade foundation;
- Construct a new building on pile foundation that is designed to improve flood resilience and sized to meet the needs of the Town's Harbormaster and staff;
- Construct an accessory storage shelter (slab on grade with roof, see A-1.2) to the south of the new building that is sized to shelter a materials storage trailer;
- Improve the existing parking area and install ramps, decks, and stairs to provide access to the new building.
- Alterations to the existing pervious shell path from the neighboring park to the pier to maintain direct public access from the park to pier.
- Install 900 s.f. of dune restoration area to mitigate for installation of new pervious shell paths to connect the existing park to the pier. The dune restoration will include native plantings that will help to stabilize the dune resource area.
- Installation of stormwater practices to manage and infiltrate/recharge all roof runoff from the proposed buildings.

As part of the proposed redevelopment design for the Harbormaster Facility, roof runoff from the proposed building and storage shelter will be captured and recharged onsite utilizing stone infiltration trenches. The stone infiltration trenches are shallow to maximize the separation between the bottom of trench and groundwater. The trenches are sized to manage and recharge runoff generated during the 2-year, 10-year, and 25-year-24 hour design storm events. Appendix E of this Stormwater Report includes HydroCAD sizing calculations for the infiltration trenches. By redeveloping the site and managing roof runoff onsite, there will be a reduction in runoff volume and peak flow contributed from the project site to the Washington Street drainage system and study point in the post development conditions. The proposed design will be a great improvement over the existing conditions.

In addition to capturing and managing roof runoff onsite, impervious ground cover on the site will be reduced by removal of the existing slab building foundation and installation of the new building on a pile foundation. Installed on a pile foundation the lowest horizontal member of the new harbormaster building will be approximately 3 feet above existing grade. Upon completion of the new building, it is anticipated that the soil conditions beneath the building will be pervious sandy soils. The pervious soils will allow for natural infiltration/ recharge of stormwater runoff during a

storm event. This will improve the ability of the land to absorb stormwater runoff, contain flood waters, and buffer inland areas from flood damage.

The proposed redevelopment project will provide on-site management and recharge of the stormwater runoff generated within the redevelopment site to the maximum extent practicable. In comparison with current site conditions, the proposed site improvements will result in a substantial reduction in the volume and peak flow of runoff contributed to the existing roadway drainage system.

The Stormwater Management Plan for this facility is based upon the source control of pollutants by the application of Best Management Practices (BMP's) and good housekeeping measures during the day to day operation of the facility.

Massachusetts Stormwater Management Design Standards

The following is a description of how the proposed project meets the Massachusetts Stormwater Handbook design Standards:

Standard 1: No new untreated discharges
This standard is met since there are no new untreated stormwater discharges proposed.

Standard 2: Maintain Pre-development peak discharge rate
This standard has been met. The overall area of impervious ground coverage on the project site has been reduce by 900 s.f.+/-. The proposed stone infiltration trenches are sized to manage and recharge runoff from the building roof onsite. As a result, there is a reduction in the post development peak discharge rate of runoff from the re-developed site during the 2 year-24 hour, and 10 year-24 hour design storm events. Reduction resulting from the redevelopment during the 100 year-24 hour storm event has not been evaluated since the site will be inundated with floodwaters during the 100 year storm event. Table 3.0 summarizes the resulting reduction of peak discharge rates for the pre-development and post-development conditions to the study point located in the Harbor to the east of the project site.

Standard 3: Groundwater Recharge
This standard has been met. The proposed stormwater management systems are sized such that the total recharge volume provided exceeds the minimum groundwater recharge volume specified in the handbook (see Table 3.0 for recharge volume calculation) and the proposed stormwater recharge basins will drawdown within 72 hours of a storm event (see Table 4.0 for drawdown calculation).
In accordance with MASWMS (Chapter 1, p.6), the required recharge volume factor required across the impervious area is 0.60 inches of runoff for hydraulic soil group A soils, sand soils (assumed). The assumed soil conditions are based on soil borings performed at the site for the building foundation design. Additional Soil testing will be performed prior to installation of the trenches to confirm soil conditions in area of proposed BMP's prior to installation of drainage systems.
HydroCAD stormwater modeling software was used to size the stone trench using the simple dynamic method, the results of this analysis for the 2 year, 10 year, and 25 year - 24 hour storm events are presented in the HydroCAD report included in Appendix E.

Standard 4: Water Quality
This standard has been met. The proposed infiltration trenches are receiving runoff from a non-metal roof.

Standard 5: Land uses with higher pollutant loads
This standard is not applicable.

Standard 6: Stormwater discharges within the Zone II or Interim Wellhead protection area of a public water supply, and stormwater discharges near or to any critical area
This standard is not applicable.

Standard 7: Redevelopment
This project is a redevelopment project.

Standard 8: Construction Erosion Control Plan

Erosion control measures are shown on the proposed site plan and discussed in the project construction protocol.

Standard 9: Long Term Operation and Maintenance Plan
A long-term operations and maintenance plan has been submitted with this report.

Standard 10: Illicit Discharges
This standard is met since there are no known illicit discharges at this site and no illicit discharges are proposed.

Owner and Responsible Party

The owner and responsible party for Stormwater Management System:

<u>Owner / Operator:</u>

Town of Nantucket
Harbormaster

Phone: (508) 228-7261

COASTAL
engineering co.

SCHEDULE OF INSPECTION AND MAINTENANCE OF SYSTEM

The stormwater system requires regular attention in order to ensure the effectiveness of the system.

1. Landscaped areas should be adequately maintained and vegetated to prevent the presence of exposed soil/eroded areas. In rain events, exposed soil will lead to a greater amount of sediment that can be transported by runoff toward the stormwater management systems.

LONG TERM POLLUTION PREVENTION PLAN

DESCRIPTION OF POLLUTANT SOURCES:

Source Control Best Management Practices

- Trash receptacles shall be covered. If leaks are found, the receptacle shall be replaced. Trash receptacle areas shall be kept clear of debris.
- Good housekeeping measures shall be implemented throughout the site in order to keep the driveways and parking lot areas clean of debris.
- Regularly sweep streets and driveways to remove debris and any other potential stormwater pollutants.
- The use of winter de-icing sand and salt materials shall be minimized to the maximum extent practicable.
- Winter de-icing sand and salt materials shall be stored in garage.
- Immediately clean up any spillage on paved areas and dispose of the wastes properly.
- Do not wash vehicles or equipment in a location where cleaning water, oil, fuel and grease can drain to the wetland resource areas.

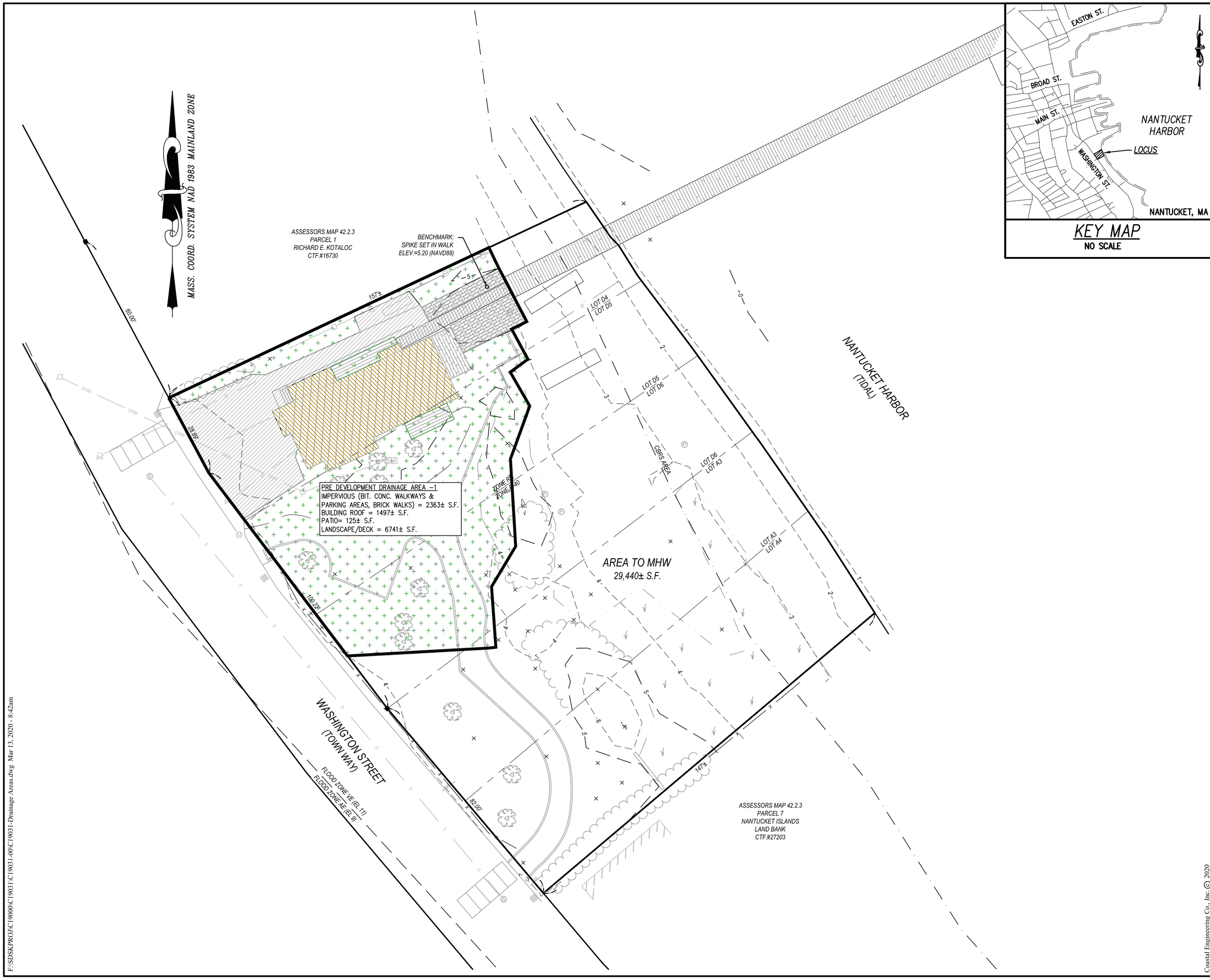
Emergency Spill Cleanup Plans

1. The owner of the facility shall have a designated person with overall responsibility for spill response cleanup.
2. Key personnel shall be trained in the use of this plan and spill containment and cleanup methods. All employees should have basic knowledge of spill control procedures.
3. A summary of this plan shall be written and posted in a prominent location. The summary shall identify the spill cleanup coordinators, location of cleanup kit and phone numbers of regulatory agencies and individuals to be contacted in the event of a spill.
4. In the event of a spill the following shall be notified:
   A. Nantucket Fire Department..... (508) 228-2323
   (For a gasoline or hazardous material spill).....911
   B. Massachusetts Department of Environmental Protection
   Emergency Response.....(800) 304-1133
   C. Nantucket Health Department..... (508) 228-7200
5. Cleanup of spills shall begin immediately.
6. The emergency spill cleanup plan shall be updated regularly.

APPENDIX A

Drainage Areas & Calculations

- DA-1 Plan Showing Pre-Development Drainage Areas, Sheet 1 of 2
- DA-2 Plan Showing Post-Development Drainage Areas, Sheet 2 of 2
- Table 1.0: Pre-Development Subcatchment Areas and Peak Flow
- Table 2.0: Post-Development Subcatchment Areas and Peak Flow
- Table 3.0: Summary of Peak Flow Reduction Post Development
- Table 4.0: Post Development Recharge Volume Calculations
- Table 5.0: Infiltration Practice –Drawdown Calculations



KEY MAP
NO SCALE

COASTAL engineering co.
260 Cranberry Hwy. Orleans, MA 02653
508.255.6511 P 508.255.6700 F

NO.	DATE	REVISION	BY

SEAL

PROJECT
HARBOR MASTER BUILDING
34 WASHINGTON ST
NANTUCKET, MA

SHEET TITLE
PRE DEVELOPMENT DRAINAGE PLAN

SCALE	AS NOTED
DRAWING FILE	C19031.dwg
DATE	03-06-2020
DRAWN BY	DAV
CHECKED BY	TLM

DA-1

1 OF 1 SHEETS

PROJECT NO. C19031.00

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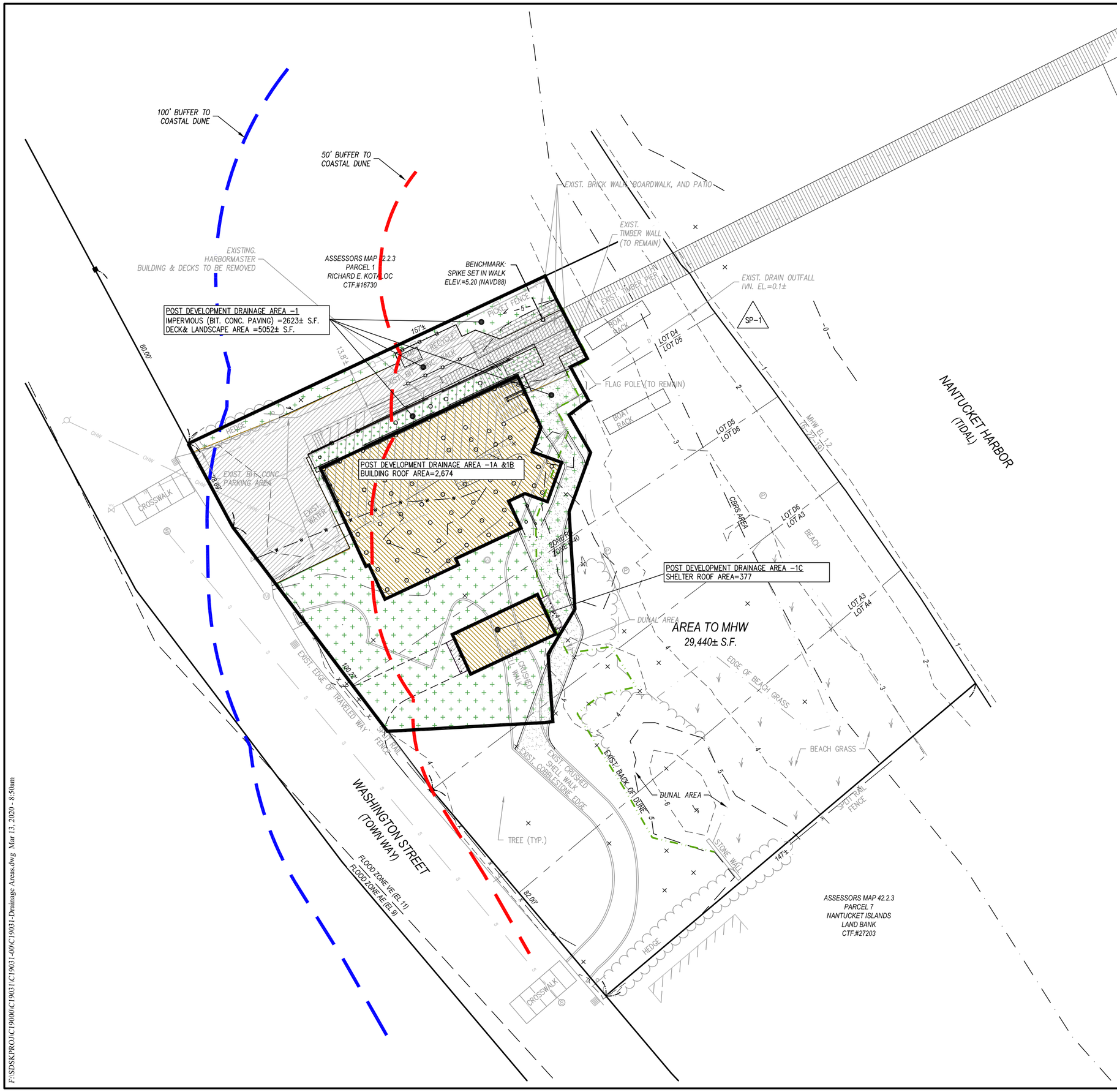

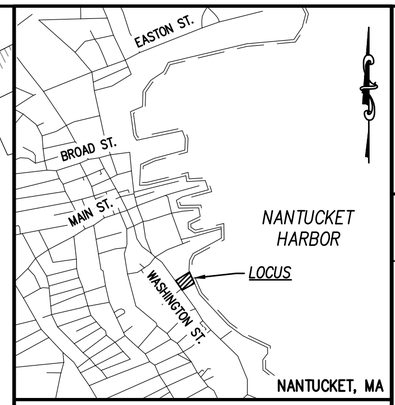

KEY MAP
NO SCALE

COASTAL engineering co.
260 Cranberry Hwy. Orleans, MA 02653
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NO.	DATE	REVISION	BY

SEAL

PROJECT
HARBOR MASTER BUILDING
34 WASHINGTON ST
NANTUCKET, MA

SHEET TITLE
POST DEVELOPMENT DRAINAGE PLAN

SCALE	AS NOTED
DRAWING FILE	C19031.dwg
DATE	03-06-2020
DRAWN BY	DAV
CHECKED BY	TLM

DA-2

1 OF 1 SHEETS

PROJECT NO. C19031.00

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Table 1.0 Pre-Development Subcatchment Areas and Peak Flow

	AREA (S.F.)					PEAK FLOW (CFS)		
SUB-CATCHMENT AREA	BUILDING SLAB/ROOF	PATIO	LANDSCAPE/ DECK	IMPERVIOUS PAVING (PARKING, BRICK WALKS, BIT. CONC WALKS)	TOTAL AREA	2 YR/ 24-HOUR	10 YR/ 24-HOUR	25 YR/ 24-HOUR
PRE DA-1	1497	125	6,741	2363	10,726	0.11	0.30	0.44

Table 2.0 Post-Development Sub-Catchment Areas and Peak Flow

	AREA (S.F.)					PEAK FLOW (CFS)		
SUB-CATCHMENT AREA	ROOF	PATIO	LANDSCAPE/ DECK	IMPERVIOUS PAVING (PARKING, BRICK WALKS, BIT. CONC WALKS)	TOTAL AREA	2 YR/ 24-HOUR	10 YR/ 24-HOUR	25 YR/ 24-HOUR
DA-1 (OVERLAND)	0	0	5,052	2,623	7,675	0.06	0.18	0.28
DA-1A (HARBOR MASTER BLDG NORTHERN HALF)	1,337	0	0	0	1,337	0.00	0.00	0.00
DA-1B (HARBOR MASTER BLDG SOUTHERN HALF)	1,337	0	0	0	1,337	0.00	0.00	0.00
DA-1C (STORAGE SHELTER ROOF)	377	0	0	0	377	0.00	0.00	0.00
TOTAL AREA MANAGED	3,051	0	5,052	2,623	10,726	0.06	0.18	0.28

Table 3.0 Summary of Peak Flow Reduction Post Development

SUB-CATCHMENT AREA	TOTAL AREA	2 YR/ 24-HOUR	10 YR/ 24-HOUR	25 YR/ 24-HOUR
DA-1	10,726	0.05	0.12	0.16

Table 4.0:
Post-Development Recharge Volume Calculations

DRAINAGE AREA	Impervious Area (S.F.)	Impervious Area (Pavement) (Ac.)	Roof Area (S.F.)	Roof Area (Ac.)	Impervious Pavement & Roof Area (Ac.)	Re_v (C.F.)**	BMP	BMP Storage Volume (C.F.)
DA-1	2,623	0.06	0	0.00	0.06	131		0
DA-1a			1337.00	0.03	0.03	67	35'L x 6'Wx1'D	168
DA-1b			1337	0.03	0.03	67	58'Lx4'Wx1'D	93
DA-1c			377	0.01	0.01	19	56'L x 1'Wx 1'D	23
Total						284		284

****Re_v= Required recharge volume**
Re_v= F x impervious area
F = Target Depth Factor ; 0.6-inch (assumed for NRCS HSG A soils present on site)

Table 5.0:
Infiltration Practice - Drawdown Calculations

Time $_{drawdown}$ = (Rv) / (K)x(Surface Area); must be <72 hours				
	Surface Area (S.F.)	(R_v) Storage Volume (C.F.)	(K) Sat. Hydraulic Conductivity Rate (inches/hour)	Drawdown Time (hours)
DA-1a	210	168	8.27	1.16
DA-1b	232	93	8.27	0.58
DA-1c	56	23	8.27	0.60

APPENDIX B

TSS Removal Calculation

- TSS Removal Calculation Worksheet

INSTRUCTIONS:
1. In BMP Column, click on Blue Cell to Activate Drop Down Menu
2. Select BMP from Drop Down Menu
3. After BMP is selected, TSS Removal and other Columns are automatically completed.

Version 1, Automated: Mar. 4, 2008

Location: roof

TSS Removal Calculation Worksheet

B BMP[1]	C TSS Removal Rate[1]	D Starting TSS Load*	E Amount Removed (C*D)	F Remaining Load (D-E)
Subsurface Infiltration Structure	**0.80**	**1.00**	**0.80**	**0.20**
	0.00	**0.20**	**0.00**	**0.20**
	0.00	**0.20**	**0.00**	**0.20**
	0.00	**0.20**	**0.00**	**0.20**
	0.00	**0.20**	**0.00**	**0.20**

Total TSS Removal = 80%

Separate Form Needs to be Completed for Each Outlet or BMP Train

Project: c19031.00
Prepared By: cec
Date: 3/12/2020

*Equals remaining load from previous BMP (E) which enters the BMP

Non-automated TSS Calculation Sheet must be used if Proprietary BMP Proposed
1. From MassDEP Stormwater Handbook Vol. 1

APPENDIX C

Soil Information

- Geotechnical Report

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GEOTECHNICAL ENGINEERING REPORT

PROPOSED HARBOR MASTER BUILDING

34 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS

PREPARED FOR:
STEPHEN KELLEHER ARCHITECTS, INC.
57 ALDEN ROAD
FAIRHAVEN, MA 02719

PREPARED BY:
MCARDLE GANNON ASSOCIATES, INC.
300 OAK STREET, SUITE 460
PEMBROKE, MA 02359

MGA FILE NO:
W0760

DATE:
JULY 2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

July 15, 2019
MGA File No. W0760

Stephen L. Kelleher, AIA
President / Principal Architect
Stephen Kelleher Architects, Inc.
57 Alden Road
Fairhaven, MA 02719

RE: Geotechnical Engineering Report – Proposed Harbor Master Building – 34 Washington Street, Nantucket, Massachusetts.

Stephen:

McArdle Gannon Associates, Inc. (MGA) is pleased to present the results of our geotechnical engineering studies performed for the referenced project. The purpose of our studies was to assess subsurface conditions within/near the footprint of the proposed harbor master building and provide recommendations for site development as they relate to building foundation design and related construction considerations.

Our geotechnical engineering studies have been performed in accordance with our proposal dated April 12, 2019 and are subject to the Statement of Limitations attached as Appendix A.

BACKGROUND

Our understanding of the current project is based on our discussions with you, our site visits, and a review of the following documents:

- A plan packet entitled "Nantucket Harbor Master Building Design Drawings Combined," by Stephen Kelleher Architects, Inc. (SKA), dated April 09, 2019,
- A plan entitled "Existing Site Conditions," dated July 10, 2019, by Coastal Engineering Company (Coastal)
- A PDF of an email provided by SKA from Coastal containing borehole drilling information from January 2015 at 26 Washington Street, Nantucket, MA, and
- A plan entitled "Surficial Geologic Map of the Nantucket, Tuckernuck, and Muskeget Islands, Massachusetts," by the United States Geological Survey (USGS), dated 2009.

The site is located at 34 Washington Street in Nantucket, Massachusetts. A Site Locus is attached as Figure 1. The site is bounded by Washington Street to the west, commercial properties to the north, residential properties to the south, and Nantucket Harbor to the east. The site is currently developed with an existing 2-story structure that we understand will be demolished.

A new 2-story new harbor master building is planned at the property. The majority of the new building will be located within the existing structure footprint and will be located within the VE flood zone vicinity. The first floor of the building will be elevated about 3.75 feet above existing site grade with a crawl space below. Existing site grades are relatively flat, ranging from about Elevation 4± to 5± feet in the area of the proposed building, sloping down to the east near Nantucket Harbor.

The preliminary foundation design consists of concrete piers supported on shallow foundations. To resist the anticipated uplift loads due to the structure being elevated, the foundations would be interconnected to provide additional dead weight.

SUBSURFACE EXPLORATIONS

A subsurface exploration program consisting of 4 soil test borings was completed as part of our studies to gather information on the subsurface conditions at the site. The purpose of the explorations was to assess subsurface soil and groundwater conditions within/near the proposed building footprint with particular emphasis on assessing the thickness and quality of existing fill soils, the density characteristics of the natural soils, and the depth to groundwater.

Technical Drilling Services of Sterling, Massachusetts performed four borings (MGA-1 through MGA-4) at the site on June 4 and 5, 2019 using an all-terrain vehicle mounted drill rig. The borings were advanced using 3 inch inside diameter flush jointed casing to a depth of 41± feet below existing ground surface elevations, terminating in natural sand soils.

Standard penetration testing (SPT) and split spoon samples were generally obtained at 5-foot intervals during advancement of the borings. The testing was performed by driving a standard 2 inch outside diameter split spoon sampler up to 24 inches using a standard 140 pound automatic hammer falling 30 inches. The number of hammer blows required to drive the sampler in 6 inch increments (or to refusal) are recorded on the boring logs attached in Appendix B.

The soil samples retrieved in the split spoon sampler during each SPT were visually described in the field by MGA using Burmister soil descriptions. It should be recognized that the inside diameter of the split spoon sampler is 1.4± inches. Therefore, soil samples obtained via Standard Penetration Testing do not account for soil fractions in excess of about 1.4± inches in diameter, which may be present in any given strata.

A 2-inch diameter groundwater monitoring well was installed in the completed borehole at boring location MGA-3 to measure stabilized groundwater levels at the site.

MGA personnel observed the explorations, visually described the conditions encountered and prepared the logs. The test boring locations are shown on the attached "Exploration Location Plan" (Figure No. 2). MGA estimated the test boring locations by taping and/or line of sight from existing site features. Ground surface elevations shown on the logs and discussed in this report were interpolated from ground surface contours or spot grades shown on the referenced "Existing Site Conditions" by Coastal. The exploration locations and elevations should be considered accurate to the degree implied by the methods used.

LABORATORY SOIL TESTING

A laboratory soil testing program consisting of 5 wash sieve, 2 organic content, and 7 moisture content analyses was performed on selected samples of the existing fill and natural sand soils collected during the exploration phase from borings MGA-1 through MGA-4. The testing was performed to aid in classifying the soil and assess grain size distribution which is useful in assessing engineering design parameters and predicting soil behavior. The results of these tests are provided in Appendix C.

SUBSURFACE CONDITIONS

Based on the subsurface conditions observed in the explorations, the vicinity of the proposed building is underlain by about 4± to 9± feet of existing fill over natural sand soils to the depths explored (41± feet).

Existing Fill: Fill was encountered at the ground surface at each boring location. The fill was about 4± to 9± feet thick at the boring locations. The existing fill generally consist of a very loose to loose, dark brown to brown to black, fine to medium/fine to coarse sand with about 10 to 40 percent silt, and up to about 20 percent debris (brick, organic matter, roots, seashells).

Refer to Appendix C for gradation curves of the 1-3/8 inch minus fraction of the existing fill soils collected from borings MGA-2 through MGA-4.

Natural Sand: Natural sand was encountered below the existing fill at about 4± to 9± feet below existing grade at the boring locations, corresponding to about Elevation -4± to 0.5± feet. The sand generally consists of loose to medium dense, brown/gray/gray-brown/olive, fine to medium/fine to coarse sand with up to about 10 percent silt.

Refer to Appendix C for gradation curves of the 1-3/8 inch minus fraction of the natural sand collected from borings MGA-1, MGA-3, and MGA-4.

Groundwater: Groundwater levels for our study were recorded in the completed test borings and test pits at the times and under the conditions noted on the logs. A stabilized groundwater reading was obtained in the monitoring well installed in boring MGA-3 at approximately 2.4± feet below existing ground surface on June 5, 2019, corresponding to about Elevation 2.1± feet.

Groundwater was measured in the remaining borings during drilling at about 2± to 4± feet below existing grades, corresponding to about Elevation 1± to 2.5± feet.

It should be expected that groundwater levels will fluctuate due to variations in temperature, tidal fluctuations, rainfall and other factors. Therefore, groundwater levels during construction and thereafter may be different than those reported herein.

GEOTECHNICAL ENGINEERING RECOMMENDATIONS

The existing fill soils are not considered suitable for support of the proposed foundation loads. The erratic density, composition, and thickness of these materials results in these soils being unpredictable as an engineering material. Constructing a shallow spread footing foundation on the current subsurface profile would likely result in intolerable settlement of the structure.

To support the building on shallow foundations as currently designed, the existing fill soils would need to be completely removed and replaced with compacted structural fill within the stress zone of the new foundations. Due to the depth of the existing fill soils (4± to 9± feet) and the presence of a shallow water table (2± feet below existing grade in the monitoring well), excavating and replacing the existing fill soils would likely require temporary excavation support and a significant dewatering effort during construction. While technically feasible, this option may be less economically attractive than supporting the new building loads on deep foundations extending through these unsuitable soils.

The type of deep foundation (pile) suitable for a particular project depends on the local subsurface soil conditions, the anticipated loading, the amount of allowable settlement and the compatibility of the chosen pile with site constraints and other construction requirements. Driven timber piles are a foundation support option that we consider technically and economically feasible for this project. Their use would eliminate the need for any significant excavation/dewatering.

Alternatively, if timber piles do not meet the project structural requirements (for instance impact loading), drilled mini-piles are an alternative pile option that could be considered. Drilled mini piles (DMPs) are small diameter structural deep foundation units consisting of high strength grout and steel installed by advancing a cased hole to a sufficient depth into a competent bearing stratum. The grout is then injected under pressure within the bearing stratum and the casing either removed or left in place. We anticipate that DMPs would be significantly more expensive than timber piles.

Shallow groundwater was encountered about 2.4± feet below existing grades in the monitoring well installed at the site. We anticipate a significant dewatering effort will be required for excavation of any planned below grade structures or utilities.

Our recommendations addressing design and earthwork construction issues are made in the following sections as outlined below:

- Building Foundations
- Seismic Design Criteria
- Dewatering

Building Foundations

As discussed above, deep foundations are recommended for support of the proposed building structural loads. Based on the subsurface conditions encountered, the size of the proposed structure, the elevated first floor level, and the anticipated foundation loads, we anticipate that driven timber piles bearing in the natural sand soils would be suitable for support of the proposed building. Alternatively, if timber piles do not meet the project structural requirements (for instance impact loading), drilled mini-piles could be used to support the proposed building. Piles should be designed in accordance with the applicable sections within Section 1810 of the Ninth Edition of The Massachusetts State Building Code (MSBC). Both pile options are discussed below.

Timber Piles

The timber piles for this project will derive their capacity through a combination of side friction and end-bearing in the natural sand soils. The pile tips should be driven through existing fill soils and for a minimum distance of 5 feet into natural sand soils or the distance estimated to derive the required capacity, whichever is greater. The approximate elevation of the bottom of fill soils is shown adjacent to each boring on the attached Figure No. 2.

Considering a pile butt diameter of 12 inches and a pile tip diameter of 8 inches, we estimate the following allowable pile capacities that can be used for preliminary design of the timber piles:

TABLE I. Timber Pile Allowable Design Capacities

Pile Embedment (feet)	Allowable Vertical Design Capacity (kips)
30	18.5
35	26
40	34

The maximum allowable load on an individual timber pile should not exceed 35 tons (70 kips). Based on Section 1810.3.3.1.1 of the MSBC, a pile load test is not required for pile design loads of less than 50 tons (100 kips) provided the allowable load capacity is determined based on final driving criteria obtained from an appropriate pile driving formula with appropriate factors of safety.

We recommend the design uplift capacity (if needed) of a single pile be taken as 1/3 of the net vertical design load for this project. If a tensile load test is performed for design confirmation, the design uplift load may be increased to ½ of the tensile load at failure.

We recommend the maximum lateral load capacity for a single pile be taken as 5 percent of the unfactored vertical design load. Higher loads could be utilized based upon satisfactory load tests results.

The minimum center-to-center pile spacing should be as required by Section 1810.3.14 of the MSBC.

Timber piles used for foundation support should consist of new Longleaf, Shortleaf, Loblolly or Slash species of Southern Pine or new Coastal species of Pacific Coast Douglas Fir, supplied to the jobsite in accordance with the requirements of ASTM D 25, latest revisions. Wood piling should be pressure treated in accordance with AWPA U1 and have a minimum of 1,200 psi allowable design strength and be capable of withstanding driving stresses of 3,000 psi. Pile cutoffs should be treated in the field in accordance with AWPA M4. CCA and ACZA piles that are frozen should not be driven. In addition, all requirements set forth in Section 1810 of the MSBC should be met.

Foundation piles for this project should be installed using impact equipment (pile-driving hammer). Jetting should not be permitted. The pile-driving hammer shall be capable of delivering a minimum of 35 percent of its energy to the pile. Pile hammer type, hammer base, cushion material and specifications should be submitted to the engineer for approval.

Leads are recommended and should be fixed at the top and adjustable at the bottom. Swinging leads may be allowed if job conditions merit their use. Final pile design capacities shall be determined by the structural engineer and provided to the geotechnical engineer for review.

All production piles shall be installed using the same equipment. Splices will not be permitted. If the head end of a timber pile brooms more than 2 inches, the broomed material should be cut off and the driving resumed. Wood piles should be installed as plumb as possible, or at the designated batter, with the pile, hammer and leads kept in alignment to prevent impact bowing action. Pile whiplash should be minimized using cables, chains, rabbits, etc. as required.

Pile heads should be cut perpendicular to the pile. The contractor may chamfer the head to minimize splitting. Pile head cut-off elevations should be within (3) inches of plan location. Furthermore, the as-driven center of gravity of any pile group at cut-off head elevation should be within 6 inches of the plan location center of gravity. Replacement or relocated pile requirements should be determined by the engineer based on survey, theoretical pile capacity, and structural analysis.

MGA should review the contractor's submittal and observe and document the timber pile installation in accordance with the requirements of the MSBC and this report.

Drilled Mini-Piles

The proposed building loads could be supported on drilled mini-piles (DMPs) bearing below the existing fill soils in the underlying natural sand deposits. The DMPs for this project would derive their capacity through friction in the natural sand soils. Piles should be cased and advanced through existing fill soils to a minimum distance of 5 feet into natural sand soils or the estimated embedment to derive the required capacity, whichever is greater. We anticipate the DMPs would consist of an upper length reinforced with permanent steel casing and central reinforcing bar and a lower pressure grouted bond length reinforced with a center reinforcing bar.

We recommend the following allowable frictional capacity per foot of embedment into the natural sand soils be used for preliminary design of the drilled mini-piles:

TABLE II. Drilled Mini-Pile Design Parameters	
Drilled Mini-Pile Grout Bond Zone Diameter (inches)	**Allowable Frictional Capacity (kips per foot)**
6	1.9
7	2.2
8	2.5

Installation of the drilled mini-piles should be performed by a specialty contractor who can demonstrate qualifications in regards to experience in work of this type and scope. The installation Contractor should be responsible for the mini-pile design and be required to submit a DMP design for review by the project team prior to construction. Drilled mini-piles should be designed in accordance with Section 1810.3.10 of the MSBC and stamped by a Professional Engineer registered in the state of Massachusetts.

A pile load test would need to be performed in accordance with the MSBC to verify the DMP design prior to production pile installation.

Scour

The effects of localized scour around the piles should be accounted for when determining the pile capacities. Localized scour adjacent to the pile foundations can be estimated as 2 times the pile diameter (for instance, 2 feet of scour for a 12 inch diameter timber pile). Pile capacities should be determined neglecting the soils within the calculated scour depth.

Seismic Design Criteria

Based on the results of our explorations, the site of the proposed building is considered a Site Class E soil site in accordance with Section 1613 of the MSBC. In accordance with table 1604.11 in the MSBC, maximum considered earthquake response accelerations factors of S_S=0.113 and S_1=0.047 should be utilized for the town of Nantucket.

The maximum considered earthquake spectral response accelerations adjusted for Site Class effects are S_{MS}=0.283 and S_{M1}=0.165 in accordance with Section 1613.3.3. Design spectral response accelerations of S_{DS}=0.188 and S_{D1}=0.110 (in accordance with Section 1613.3.4) should be used in determining the Seismic Design Category.

Dewatering

Due to the shallow groundwater at the site (2.4± feet below existing grade in the monitoring well), we anticipate that a significant dewatering effort will be required for excavation of any below grade structures or utilities. We recommend that groundwater be drawn down at least one foot below the base of any excavation to provide dry working conditions and to help minimize instability of the excavation bottom.

Dewatering by the use of sumps and submersible pumps should be adequate for shallow excavations where the depth of excavation below groundwater levels is only a few feet. It may be possible to manage the water on-site by pumping the water into other excavations at the site. For deeper excavations (possible deeper site utilities), well point systems or steel interlocking sheet piling may be required to ensure proper groundwater cutoff/control. Deeper utilities may need to be permanently waterproofed.

The Contractor should be solely responsible for the design, construction, and performance of dewatering systems. The Contractor should limit the size of the excavation open at any time to that which can be adequately handled by the Contractor's chosen dewatering methods.

Discharge of pumped water is subject to local, state and federal regulations. The contractor should conduct dewatering and discharge water in accordance with all applicable regulations. The contractor should implement temporary surface water runoff control measures during construction. Temporary measures should include, but are not necessarily limited to, the use of small earth berms or construction of a drainage ditch adjacent to the top of proposed excavations to divert and/or reduce the amount of surface water flowing over exposed slopes and into excavations during construction.

CONSTRUCTION OBSERVATION AND REVIEW

MGA should be retained to perform on-site construction observation and soil testing services during the installation of deep foundations. The purpose of our services is to assess the contractor's compliance with the project plans and specifications as well as our recommendations included in this report. Our on-site presence will allow us the opportunity to provide geotechnical engineering input on a timely basis if encountered subsurface conditions differ from those reported herein.

We also respectfully request the opportunity to review final site and foundation plans to see that our recommendations have been properly interpreted and included.

We appreciate the opportunity to assist you on this project and look forward to providing construction observation services as the project moves forward. Please feel free to contact us should you have any questions regarding this report or require additional information.

Very truly yours,

MCARDLE GANNON ASSOCIATES, INC.

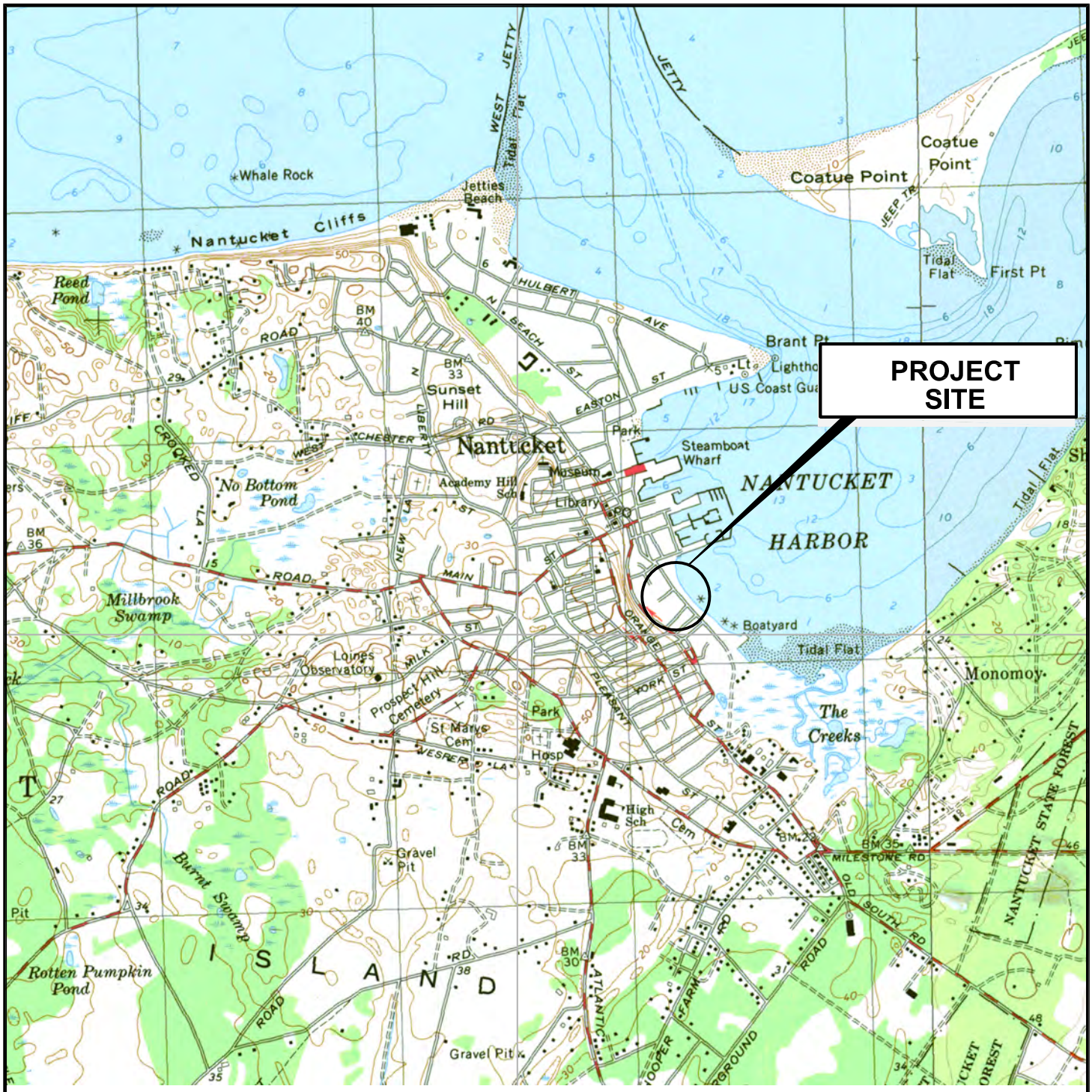
Wayne A. McArdle, P.E.
Principal

Sherry L. Holmes, P.E.
Geotechnical Engineer

WAM/slh

Attachments: Figure 1 – Site Locus
Figure 2 – Exploration Location Plan
Appendix A – Statement of Limitations
Appendix B – Test Boring Logs
Appendix C – Geotechnical Laboratory Test Results

FIGURES



SCALE: 1"=1500'

0 750 1500 3000 FEET

McArdle Gannon Associates, Inc.
Engineers & Consultants

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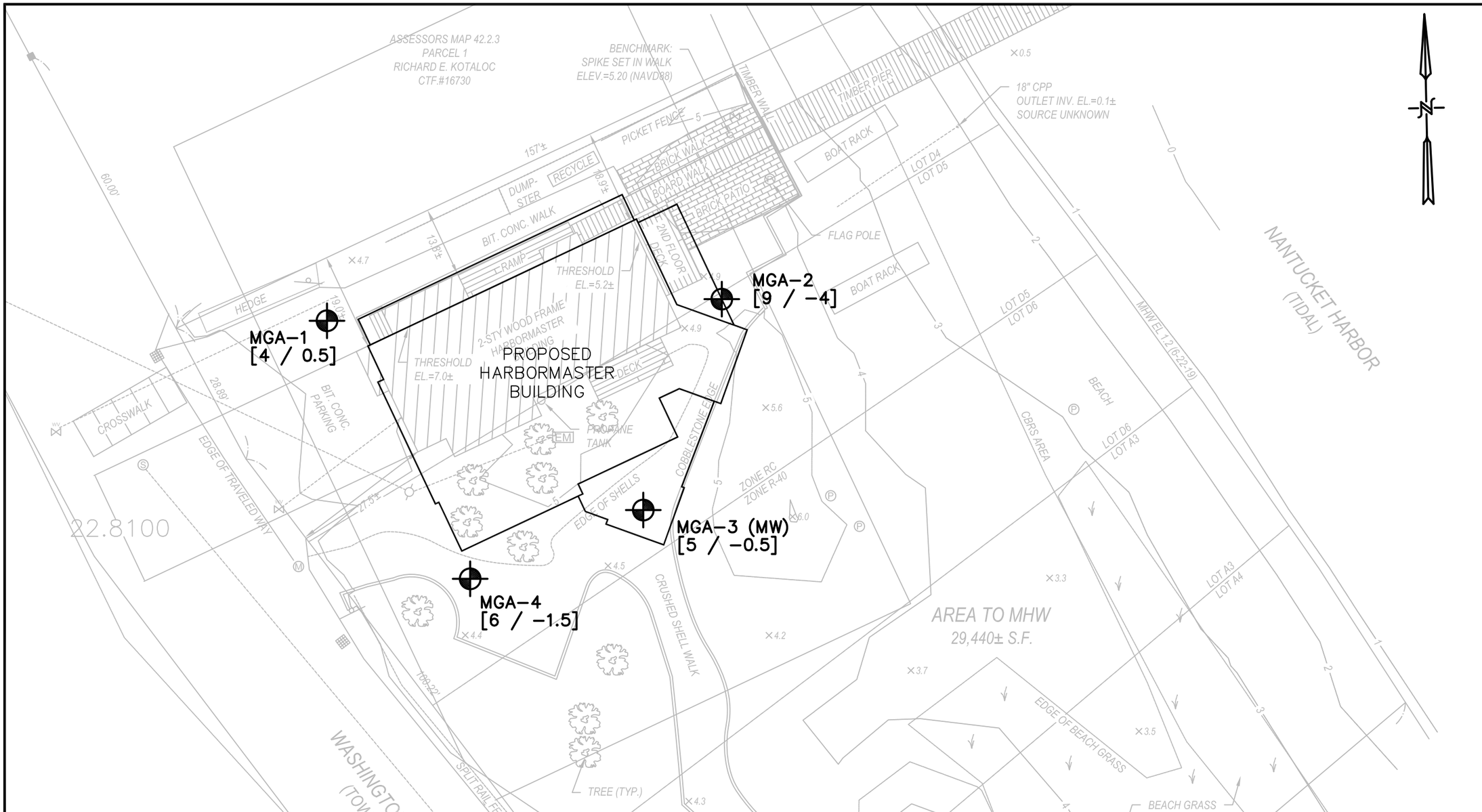
LOCUS PLAN
HARBOR MASTER BUILDING

34 WASHINGTON STREET
NANTUCKET, MASSACHUSETTS

PROJECT: W0760 | DATE: 7/2019 | SCALE: AS NOTED

SKETCH NO.:
FIG. No. 1

DRAWN: SLH
CHECKED: WAM



LEGEND:

TEST BORINGS PERFORMED BY TECHNICAL DRILLING SERVICES OF STERLING, MA ON JUNE 5, 2019.

[9 / −4] INDICATES APPROXIMATE DEPTH / ELEVATION OF BOTTOM OF EXISTING FILL AT TEST BORING LOCATION.

NOTES:

1. BASE PLAN DEVELOPED FROM PLAN ENTITLED "EXISTING SITE CONDITIONS," SHEET C1.2.1, DATED JULY 10, 2019, BY COASTAL ENGINEERING CO.
2. THE BORING LOCATIONS SHOWN WERE DETERMINED BY TAPE MEASUREMENT AND/OR LINE OF SIGHT FROM EXISTING SITE FEATURES. BORING LOCATIONS ARE APPROXIMATE.
3. MGA OBSERVED AND LOGGED THE BORINGS SHOWN.

SCALE: 1"=20'

0 10 20 40

SKETCH NO.: FIG. No. 2

DRAWN: RED
CHECKED: SLH

EXPLORATION LOCATION PLAN

HARBOR MASTER BUILDING
34 WASHINGTON STREET, NANTUCKET, MASSACHUSETTS

PROJECT: W0760 | DATE: 07/2019 | SCALE: AS NOTED

MGA
McArdle Gannon Associates, Inc.
Engineers & Consultants
300 Oak Street, Suite 460
Pembroke, MA 02359
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781.735.0418 fax

APPENDIX A: STATEMENT OF LIMITATIONS

STATEMENT OF LIMITATIONS

Explorations

The analysis and recommendations submitted in this report are based in part upon the data obtained from subsurface explorations. The nature and extent of variations between these explorations may not become evident until construction. If variations then appear evident, it will be necessary to re-evaluate the recommendations of this report.

The stratification lines on the logs represent the approximate boundary between soil types and the transition may be gradual.

Water level readings have been made in the explorations at the time and under the conditions stated on the logs. This data has been reviewed and interpretations made in the text of this report. However, it must be noted that fluctuations in the level of the groundwater may occur due to variations in rainfall, temperature, and other factors that are different from the time the measurements were made.

Review

In the event that any change in the nature, design or location of the proposed structure are planned, the conclusions and recommendations contained in this report shall not be considered valid unless the changes are reviewed and conclusions of this report modified or verified in writing.

It is recommended that this firm be provided the opportunity for a general review of final design and specifications in order that earthwork recommendations may be properly interpreted and implemented in the design and specifications.

Construction

It is recommended that this firm be retained to provide soil engineering services during the construction phase of the work. This is to observe compliance with design concepts, specifications, and recommendations and to allow design changes in the event that subsurface conditions differ from those anticipated prior to start of construction.

Use of Report

This report has been prepared for the exclusive use of Stephen Kelleher Architects, Inc. for specific application to the Proposed Harbor Master Building at 34 Washington Street in Nantucket, Massachusetts, in accordance with generally accepted geotechnical engineering practices. No other warranty, expressed or implied, is made.

APPENDIX B: TEST BORING LOGS

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-1

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.
CONTRACTOR: Technical Drilling Services

MGA NO. : W0760
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 4.5'±
DATE START : 6/4/19
END : 6/4/19
DRILLER : Brett Balyk
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	NW	Split Spoon	----
6/4/19	8:15	2	0	2.5	Size I.D.	3"	1-3/8"	----
					Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recovery (in)	Elevation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
0							4.3	-ASPHALT-
			4 3 2 2	S-1	0.5 2.5	14	0.2	Loose, dark brown, fine to coarse SAND, little Silt, trace (+) Seashells/ Brick. [Bottom 6± inches of sample wet]
								-FILL-
4							0.5	
		PUSH	5 4 5 5	S-2	4.0 6.0	10	4.0	Loose, brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.
		PUSH						
		PUSH						
8		PUSH						
		25						
		10	8 9 13 13	S-3	9.0 11.0	12		Medium dense, gray, fine to coarse SAND, trace (-) Silt.
		18						
12		55						-SAND-
		67						
		89						
		25	7 11 15 14	S-4	14.0 16.0	24		Medium dense, olive, fine to medium SAND, trace Silt.
16		35						
		55						
		54						
		59						
20		33	7 10 12 15	S-5	19.0 21.0	18		Medium dense, olive-gray, fine to coarse SAND, trace (-) Silt.
		47						
		65						
		69						

BLOWS/FT.	DENSITY	BLOWS/FT.	CONSISTENCY	SAMPLE IDENTIFICATION	SUMMARY
0 - 4	Very Loose	0 - 2	Very Soft	- S - Split Spoon	Station:
4 - 10	Loose	2 - 4	Soft	- T - Thin Wall Tube	Rock:
10 - 30	Medium Dense	4 - 8	Medium Stiff	- U - Undisturbed Piston	Samples:
30 - 50	Dense	8 - 15	Stiff	- C - Diamond Core	BORING MGA-1
50 +	Very Dense	15 - 30	Very Stiff	- B - Bulk/Grab Sample	
		30+	Hard		

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-1

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.

MGA NO. : W0760
SHEET NO. : 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
24		75						
		41	1 2 3 5	S-6	24.0 26.0	9		Loose, brown, fine to coarse SAND, trace Silt.
		51						
		75						
28		80						
		74						
		47	4 6 9 7	S-7	29.0 31.0	20		Medium dense, olive-brown, fine to medium SAND, trace (+) Silt.
		56						
32		54						-SAND-
		66						
		54						
		62	6 5 4 5	S-8	34.0 36.0	6		Loose, olive-brown, fine to coarse SAND, trace (-) Silt.
36		67						
		91						
		111						
		121						
40			4 6 5 10	S-9	39.0 41.0	0		[No Recovery]
							-36.5 41.0	BOTTOM OF BORING AT 41 FEET.
44								
48								

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION

- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- B - Bulk/Grab Sample

SUMMARY

Station:
Rock:
Samples:

BORING MGA-1

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McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-2

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.
CONTRACTOR: Technical Drilling Services

MGA NO. : W0760
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 5'±
DATE START : 6/4/19
END : 6/4/19
DRILLER : Brett Balyk
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	NW	Split Spoon	----
6/4/19	1:40	4	4	6	Size I.D.	3"	1-3/8"	----
					Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
0			1 2 2 5	S-1	0.0 2.0	16		Very loose to loose, dark brown to brown, fine to coarse SAND, little Silt, trace Seashells.
								-FILL-
4		2	1 1	S-2	4.0 5.0	12		Dark brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.
		2	1/12"	S-2A	5.0 6.0	2		Black, fine to medium SAND, some Silt, trace Roots/Seashells.
		2	1 2	S-3	6.0 8.0	12		Loose, dark brown to black, fine to coarse SAND, some (-) Silt, trace Organics, trace Brick.
		6	3 6					
8		14					-4.0	
			3 5 9 11	S-4	9.0 11.0	14	9.0	Medium dense, brown to olive-brown, fine to coarse SAND, trace (+) Silt.
12								
			6 6 9 12	S-5	14.0 16.0	20		Medium dense, dark gray, fine to medium SAND, trace Silt.
16								-SAND-
20			4 2 2 9	S-6	19.0 21.0	12		Very loose to loose, gray-brown, fine to medium SAND, little Silt, trace Seashells.

BLOWS/FT.	DENSITY	BLOWS/FT.	CONSISTENCY	SAMPLE IDENTIFICATION	SUMMARY
0 - 4	Very Loose	0 - 2	Very Soft	- S - Split Spoon	Station:
4 - 10	Loose	2 - 4	Soft	- T - Thin Wall Tube	Rock:
10 - 30	Medium Dense	4 - 8	Medium Stiff	- U - Undisturbed Piston	Samples:
30 - 50	Dense	8 - 15	Stiff	- C - Diamond Core	BORING MGA-2
50 +	Very Dense	15 - 30	Very Stiff	- B - Bulk/Grab Sample	
		30+	Hard		

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McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-2

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.

MGA NO. : W0760
SHEET NO. : 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
24			7 8 12 11	S-7	24.0 26.0	12		Medium dense, gray-brown, fine to coarse SAND, trace Silt.
28			9 10 10 9	S-8	29.0 31.0	8		Medium dense, olive-brown, fine to coarse SAND, trace Silt.
32								-SAND-
36			6 7 6 6	S-9	34.0 36.0	11		Medium dense, brown, fine to coarse SAND, trace Silt.
40			7 7 9 12	S-10	39.0 41.0	5	-36.0 41.0	Medium dense, brown, fine to coarse SAND, trace Silt. BOTTOM OF BORING AT 41 FEET.
44								
48								

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION
- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- B - Bulk/Grab Sample

SUMMARY
Station:
Rock:
Samples:

BORING MGA-2

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TEST BORING LOG

BORING MGA-3 (MW)

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.
CONTRACTOR: Technical Drilling Services

MGA NO. : W0760
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 4.5'±
DATE START : 6/5/19
END : 6/5/19
DRILLER : Brett Balyk
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	NW	Split Spoon	----
6/5/19	8:15	4	4	6	Size I.D.	3"	1-3/8"	----
6/5/19	2:40	2.4	MW		Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS	Well Schematic
-4									
0			1 2 3 3	S-1	0.0 2.0	18	4.5 0.0	Loose, dark brown to brown to beige, fine to coarse SAND, little (-) Silt. -FILL-	
4			2 3	S-2	4.0 5.0	8	-0.5	Black, fine to medium SAND and SILT, little Roots/Seashells.	
		22 26 30 25	10 13	S-2A	5.0 6.0	12	5.0	Dark brown to light brown, fine to medium SAND, trace Silt, trace fine Gravel.	
8		10 10	4 7 9 12	S-3	9.0 11.0	12		Medium dense, beige, fine to coarse SAND, trace Silt. -SAND-	
12		26 42 53							
16		18 26 52 56	6 10 14 14	S-4	14.0 16.0	12		Medium dense, gray-brown, fine to coarse SAND, trace Silt.	

BLOWS/FT.	DENSITY	BLOWS/FT.	CONSISTENCY	SAMPLE IDENTIFICATION	SUMMARY
0 - 4	Very Loose	0 - 2	Very Soft	- S - Split Spoon	Overburden:
4 - 10	Loose	2 - 4	Soft	- T - Thin Wall Tube	Rock:
10 - 30	Medium Dense	4 - 8	Medium Stiff	- U - Undisturbed Piston	Samples:
30 - 50	Dense	8 - 15	Stiff	- C - Diamond Core	
50 +	Very Dense	15 - 30	Very Stiff	- W - Wash Sample	**BORING MGA-3 (MW)**
		30+	Hard		

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-3 (MW)

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.

MGA NO. : W0760
SHEET NO. : 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS	Well Schematic
		45							
20		29 26	3 9 11 10	S-5	19.0 21.0	14		Medium dense, gray-brown, fine to coarse SAND, trace Silt.	
		29 21 34							
24		36 44	5 4 5 6	S-6	24.0 26.0	12		Loose, gray-brown, fine to coarse SAND, trace Silt.	
		63 72 79							
28		38 36	2 2 3 3	S-7	29.0 31.0	13		Loose, gray-brown, fine to coarse SAND, trace Silt.	
32		44 65 68						-SAND-	
36		44 49 52 63 65	5 5 6 7	S-8	34.0 36.0	24		Medium dense, brown, fine to coarse SAND, trace Silt.	
40			5 5 6 9	S-9	39.0 41.0	20	-36.5	Medium dense, brown, fine to coarse SAND, trace Silt.	
44							41.0	BOTTOM OF BORING AT 41 FEET.	

BLOWS/FT.	DENSITY	BLOWS/FT.	CONSISTENCY	SAMPLE IDENTIFICATION	SUMMARY
0 - 4	Very Loose	0 - 2	Very Soft	- S - Split Spoon	**Overburden:**
4 - 10	Loose	2 - 4	Soft	- T - Thin Wall Tube	**Rock:**
10 - 30	Medium Dense	4 - 8	Medium Stiff	- U - Undisturbed Piston	**Samples:**
30 - 50	Dense	8 - 15	Stiff	- C - Diamond Core	**BORING MGA-3 (MW)**
50 +	Very Dense	15 - 30	Very Stiff	- W - Wash Sample	
		30+	Hard		

McArdle Gannon Associates, Inc.
Engineers & Consultants

TEST BORING LOG

BORING MGA-4

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.
CONTRACTOR: Technical Drilling Services

MGA NO. : W0760
SHEET NO. : 1 of 2
LOCATION N : See Plan
E :
ELEVATION : 4.5'±
DATE START : 6/5/19
END : 6/5/19
DRILLER : Brett Balyk
ENGINEER : Robert Drown

GROUNDWATER		DEPTH (ft) OF:			EQUIPMENT	CASING	SAMPLER	CORE
Date	Time	Water	Casing	Hole	Type	NW	Split Spoon	----
6/5/19	12:30	2	0	4	Size I.D.	3"	1-3/8"	----
					Hammer Wt.	140#	140#	- - - -
					Hammer Fall	30"	30"	- - - -

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recovery (in)	Elevation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
0			2 2 3 4	S-1	0.0 2.0	17		Loose, beige, fine to coarse SAND, little (-) Silt. -FILL-
			4 3 3 3	S-2	2.0 4.0	9		Loose, wet, dark brown to black, fine to caorse SAND, little (+) Seashells, little (-) Silt, trace Organics.
4		1 1	4 3 4 4	S-3	4.0 6.0	16	-1.5	Loose, dark brown, fine to medium SAND, trace fine Gravel, trace (-) Silt, trace (-) Fibrous Peat, trace (-) Seashells.
8		3 7 21	3 4 5 6	S-4	6.0 8.0	18	6.0	Loose, brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.
		3 10	8 9 13 16	S-5	9.0 11.0	18		Medium dense, brown to gray, fine to coarse SAND, trace Silt.
12		24 61 87						-SAND-
16		10 12 18 21 19	6 9 9 10	S-6	14.0 16.0	14		Medium dense, brown, fine to coarse SAND, trace Silt.
20		17 32 34 50	6 9 10 10	S-7	19.0 21.0	16		Medium dense, brown, fine to coarse SAND, trace fine Gravel, trace (-) Silt.

BLOWS/FT.	DENSITY	BLOWS/FT.	CONSISTENCY	SAMPLE IDENTIFICATION	SUMMARY
0 - 4	Very Loose	0 - 2	Very Soft	- S - Split Spoon	Station:
4 - 10	Loose	2 - 4	Soft	- T - Thin Wall Tube	Rock:
10 - 30	Medium Dense	4 - 8	Medium Stiff	- U - Undisturbed Piston	Samples:
30 - 50	Dense	8 - 15	Stiff	- C - Diamond Core	BORING MGA-4
50 +	Very Dense	15 - 30	Very Stiff	- B - Bulk/Grab Sample	
		30+	Hard		

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Engineers & Consultants

TEST BORING LOG

BORING MGA-4

PROJECT: Harbor Master Building, 34 Washington St, Nantucket, MA
CLIENT: Stephen Kelleher Architects, Inc.

MGA NO. : W0760
SHEET NO. : 2 of 2

Depth in Feet	Strata Change	Case BPF (Drill) (min/ft)	Sampler Blows Per 6" (RQD%)	Sample Number/ Type	Sample Depth Range (ft)	Sample Recov-ery (in)	Elev-ation/ Depth (ft)	FIELD CLASSIFICATION AND REMARKS
		62						
24		34	4 4 8 7	S-8	24.0 26.0	18		Medium dense, brown, fine to coarse SAND, trace fine Gravel, trace Silt.
		32						
		48						
28		45						
		58						
		45	3 4 5 7	S-9	29.0 31.0	14		Loose, brown, fine to coarse SAND, trace Silt.
		52						
32		63						-SAND-
		68						
		67						
		48	5 7 6 6	S-10	34.0 36.0	12		Medium dense, brown, fine to coarse SAND, trace Silt.
36		52						
		55						
		62						
		72						
40			5 6 8 10	S-11	39.0 41.0	16		Medium dense, brown, fine to coarse SAND, trace Silt.
							-36.5 41.0	BOTTOM OF BORING AT 41 FEET.
44								
48								

BLOWS/FT.	DENSITY
0 - 4	Very Loose
4 - 10	Loose
10 - 30	Medium Dense
30 - 50	Dense
50 +	Very Dense

BLOWS/FT.	CONSISTENCY
0 - 2	Very Soft
2 - 4	Soft
4 - 8	Medium Stiff
8 - 15	Stiff
15 - 30	Very Stiff
30+	Hard

SAMPLE IDENTIFICATION

- S - Split Spoon
- T - Thin Wall Tube
- U - Undisturbed Piston
- C - Diamond Core
- B - Bulk/Grab Sample

SUMMARY

Station:
Rock:
Samples:

BORING MGA-4

300 Oak Street, Suite 460 Pembroke, MA 02359 | Telephone 781.826.0040 | Fax 781.735.0418 | mcardlegannon.com

KEY TO SYMBOLS

Symbol	Description
Strata symbols	
	Asphalt
	Fill
	Sand
Soil Samplers	
	Split Spoon
Monitor Well Details	
	pipe riser
	assorted cuttings
	bentonite pellets
	silica sand, blank PVC
	slotted pipe w/ sand
	end of well installation

Notes:

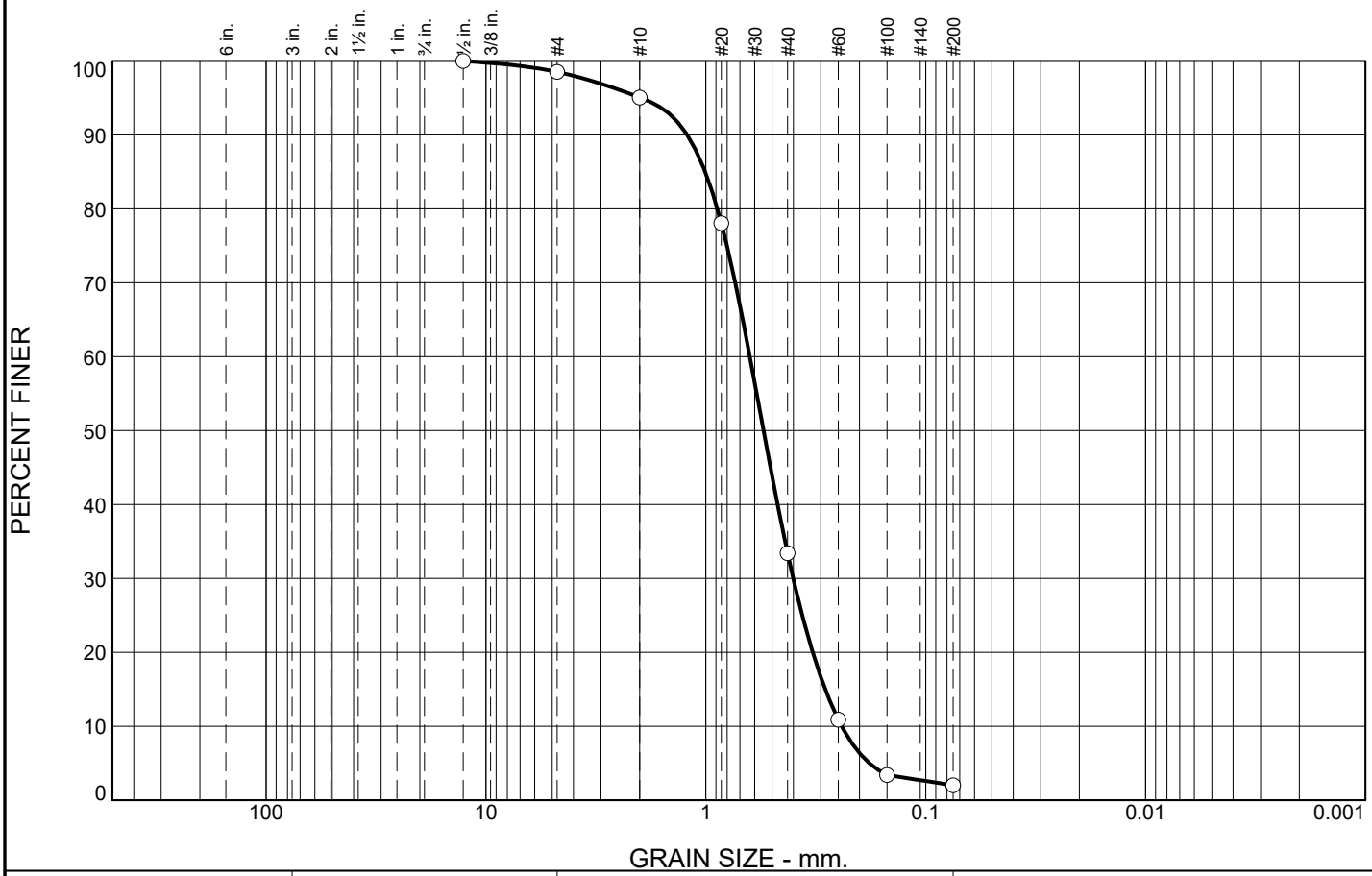
1. Test borings performed by Technical Drilling Services on June 4 and 5, 2019 using a all terrain vehicle mounted drill rig equipped with a 140-pound automatic hammer.

2. Test boring elevations were estimated from ground surface contours and spot grades shown on a plan entitled "Existing Site Conditions," dated July 10, 2019, by Coastal Engineering Company.

3. Test borings observed and logged by MGA.

APPENDIX C: GEOTECHNICAL LABORATORY TEST RESULTS

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	1.5	3.4	61.7	31.4	2.0	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1/2	100.0		
#4	98.5		
#10	95.1		
#20	78.1		
#40	33.4		
#60	10.9		
#100	3.4		
#200	2.0		

* (no specification provided)

Material Description

Brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.2157 D_{85}= 1.0069 D_{60}= 0.6307
D_{50}= 0.5461 D_{30}= 0.4006 D_{15}= 0.2865
D_{10}= 0.2412 C_u= 2.61 C_c= 1.05

Classification

USCS= SP AASHTO=

Remarks

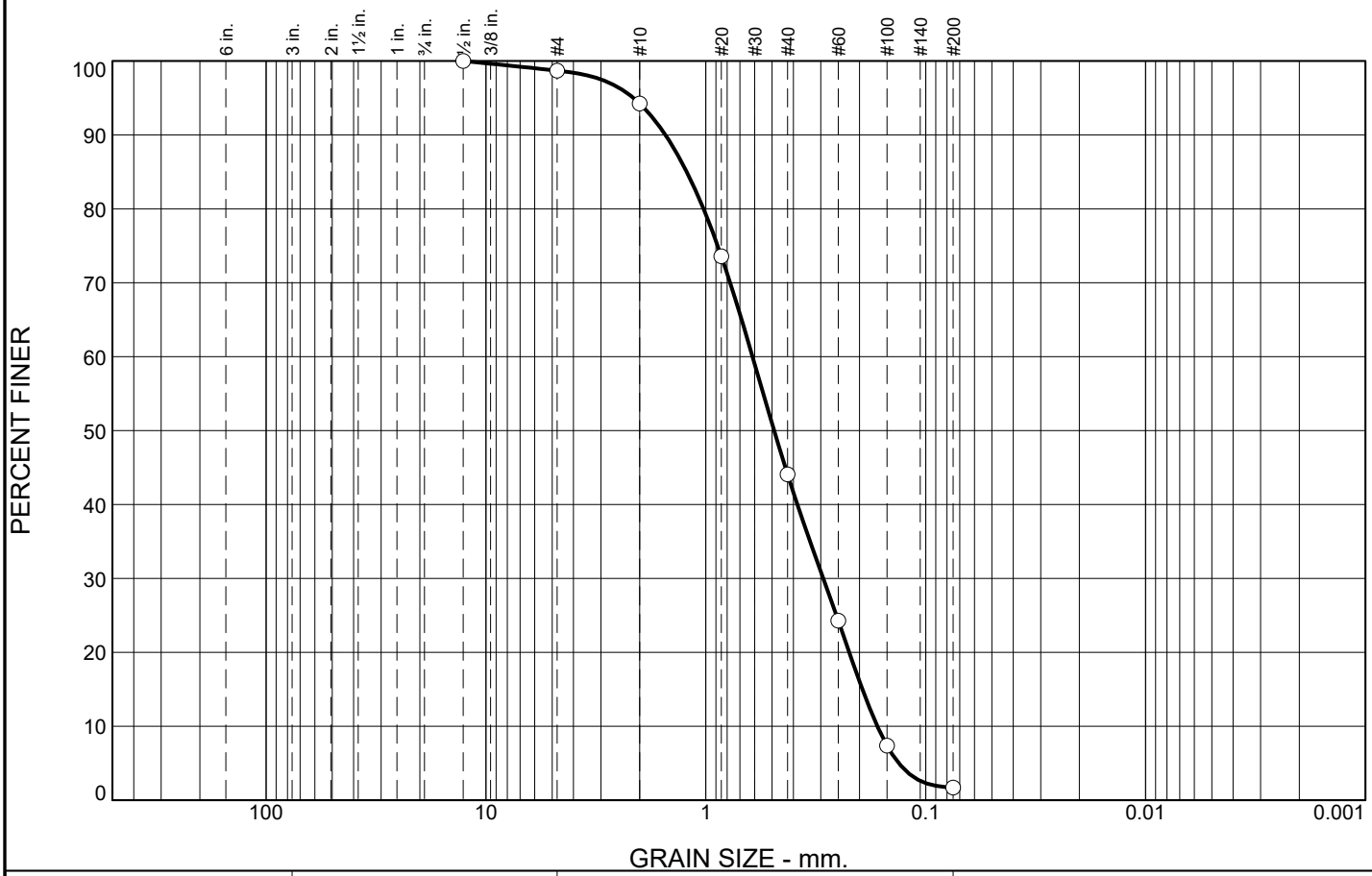
Natural Sand
Water Content: 20.5%

Source of Sample: MGA-1 **Depth:** 4-6'
Sample Number: S-2 **Date:** 06/06/2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Stephen Kelleher Architects, Inc.
Project: Proposed Harbor Master Building
34 Washington Street, Nantucket, MA
Project No: W0760 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	1.3	4.4	50.2	42.4	1.7	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1/2	100.0		
#4	98.7		
#10	94.3		
#20	73.6		
#40	44.1		
#60	24.3		
#100	7.4		
#200	1.7		

* (no specification provided)

Material Description

Dark brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.5258 D_{85}= 1.2217 D_{60}= 0.6132
D_{50}= 0.4890 D_{30}= 0.2926 D_{15}= 0.1939
D_{10}= 0.1659 C_u= 3.70 C_c= 0.84

Classification

USCS= SP AASHTO=

Remarks

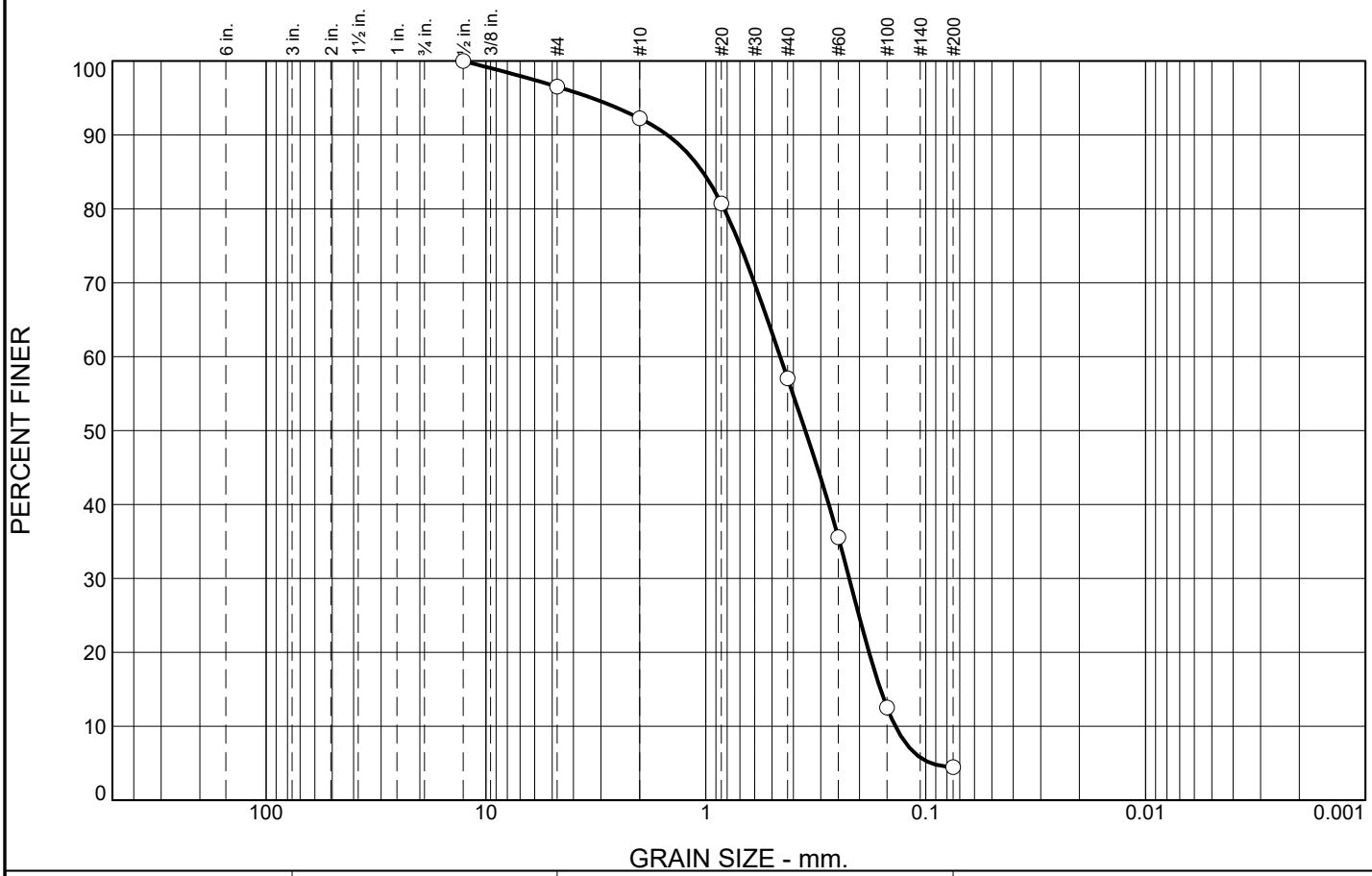
Existing Fill
Water Content: 18.5%

Source of Sample: MGA-2 **Depth:** 4-5'
Sample Number: S-2 **Date:** 06/06/2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Stephen Kelleher Architects, Inc.
Project: Proposed Harbor Master Building
34 Washington Street, Nantucket, MA
Project No: W0760 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	3.5	4.3	35.1	52.6	4.5	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1/2	100.0		
#4	96.5		
#10	92.2		
#20	80.7		
#40	57.1		
#60	35.6		
#100	12.5		
#200	4.5		

* (no specification provided)

Material Description

Dark brown to light brown, fine to medium SAND, trace Silt, trace fine Gravel.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.4962 D_{85}= 1.0341 D_{60}= 0.4590
D_{50}= 0.3529 D_{30}= 0.2227 D_{15}= 0.1607
D_{10}= 0.1373 C_u= 3.34 C_c= 0.79

Classification

USCS= SP AASHTO=

Remarks

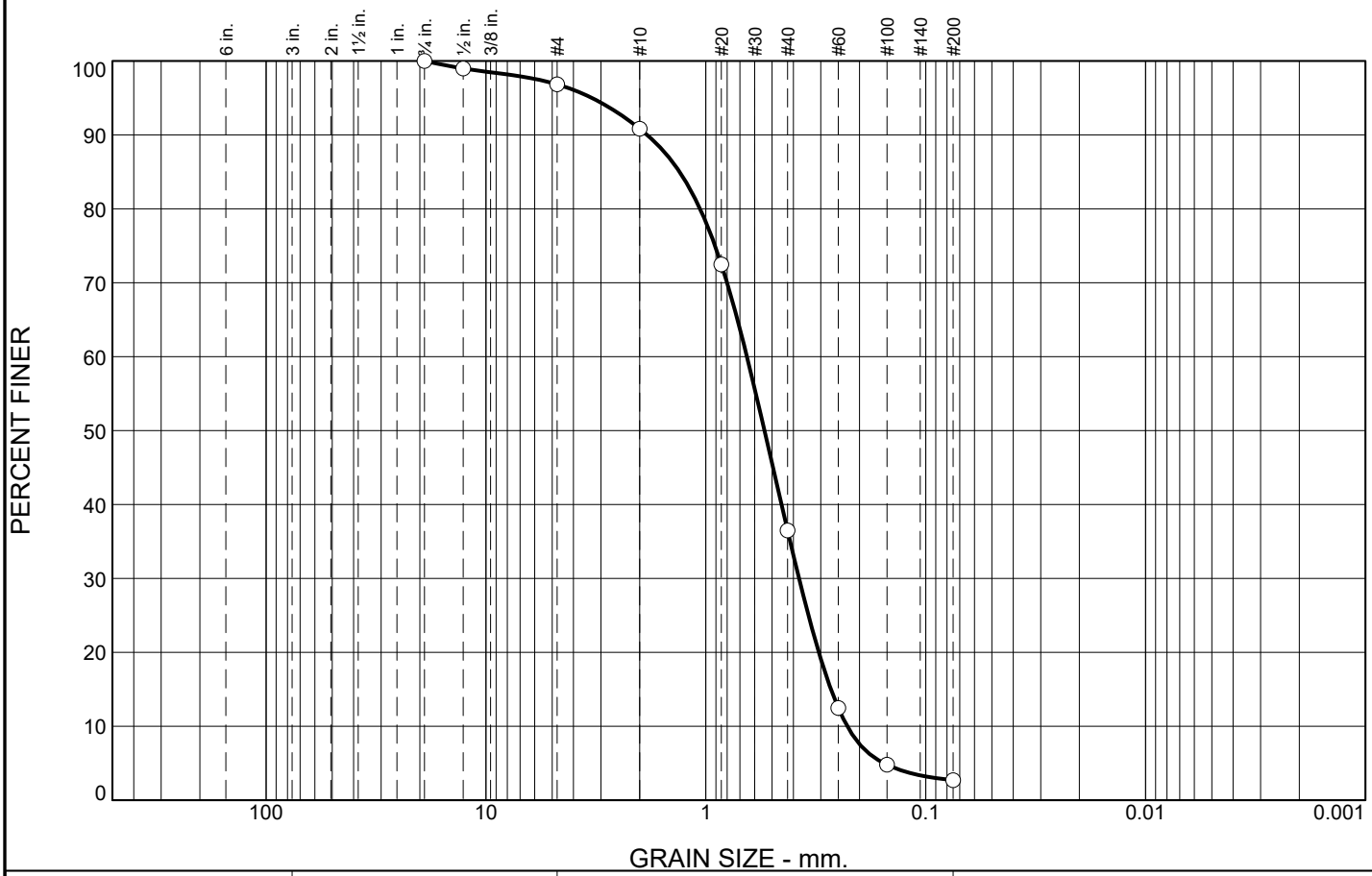
Natural Sand
Water Content: 18.0%

Source of Sample: MGA-3 **Depth:** 5-6'
Sample Number: S-2A **Date:** 06/06/2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Stephen Kelleher Architects, Inc.
Project: Proposed Harbor Master Building
34 Washington Street, Nantucket, MA
Project No: W0760 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	3.2	6.0	54.3	33.8	2.7	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
3/4	100.0		
1/2	99.0		
#4	96.8		
#10	90.8		
#20	72.5		
#40	36.5		
#60	12.5		
#100	4.8		
#200	2.7		

* (no specification provided)

Material Description

Dark brown, fine to medium SAND, trace fine Gravel, trace (-) Silt.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.8491 D_{85}= 1.3163 D_{60}= 0.6503
D_{50}= 0.5408 D_{30}= 0.3768 D_{15}= 0.2701
D_{10}= 0.2275 C_u= 2.86 C_c= 0.96

Classification

USCS= SP AASHTO=

Remarks

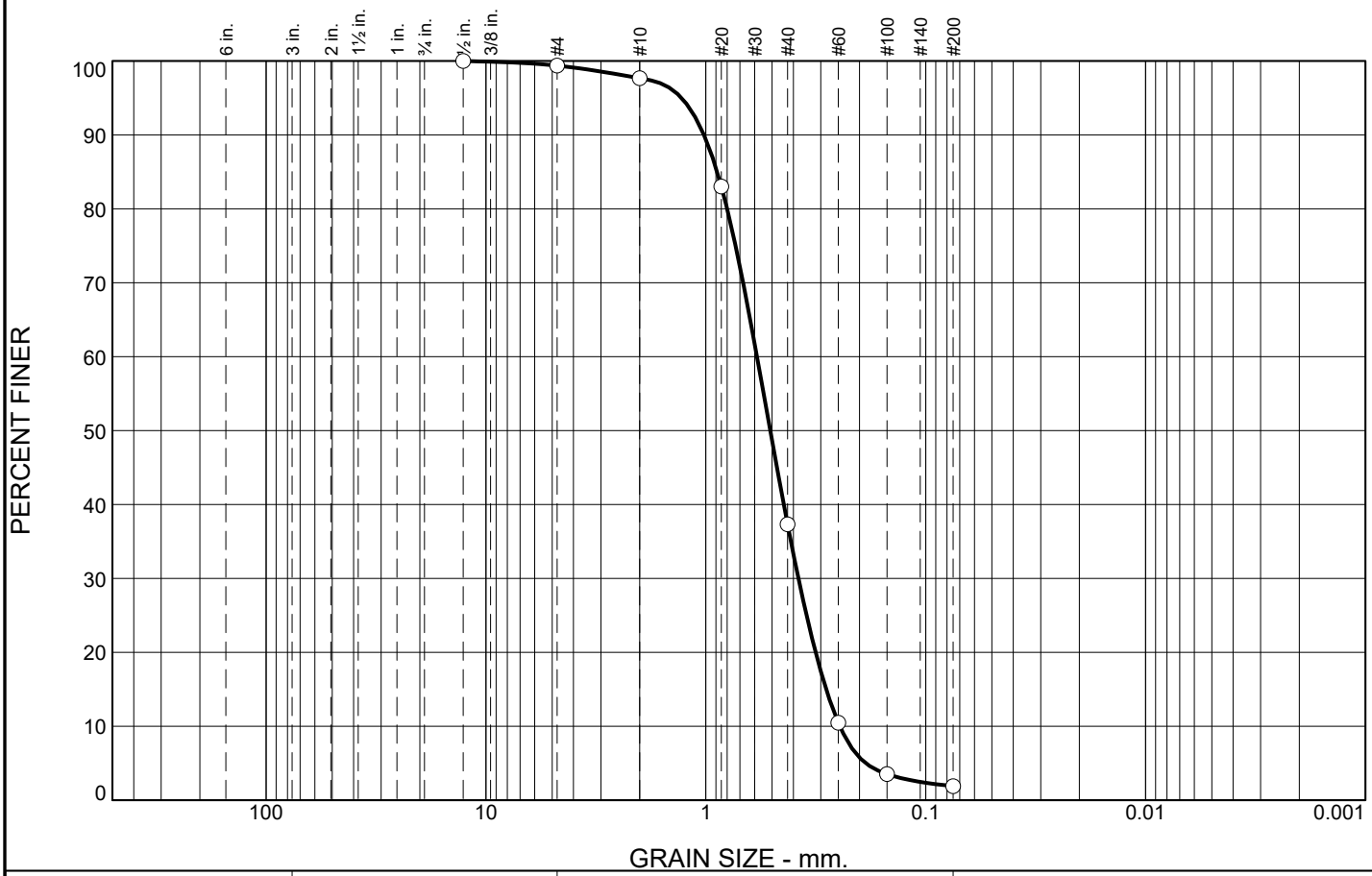
Existing Fill
Water Content: 18.4%

Source of Sample: MGA-4 **Depth:** 4-6'
Sample Number: S-3 **Date:** 06/06/2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Stephen Kelleher Architects, Inc.
Project: Proposed Harbor Master Building
34 Washington Street, Nantucket, MA
Project No: W0760 **Figure**

PARTICLE SIZE DISTRIBUTION REPORT



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0.0	0.0	0.6	1.7	60.4	35.4	1.9	

SIEVE SIZE	PERCENT FINER	SPEC.* PERCENT	PASS? (X=NO)
1/2	100.0		
#4	99.4		
#10	97.7		
#20	83.0		
#40	37.3		
#60	10.5		
#100	3.5		
#200	1.9		

* (no specification provided)

Material Description

Brown, fine to medium SAND, trace (-) Silt, trace (-) fine Gravel.

Atterberg Limits

PL= LL= PI=

Coefficients

D_{90}= 1.0207 D_{85}= 0.8885 D_{60}= 0.5850
D_{50}= 0.5091 D_{30}= 0.3792 D_{15}= 0.2838
D_{10}= 0.2460 C_u= 2.38 C_c= 1.00

Classification

USCS= SP AASHTO=

Remarks

Natural Sand
Water Content: 20.1%

Source of Sample: MGA-4 **Depth:** 6-8'
Sample Number: S-4 **Date:** 06/06/2019

McArdle Gannon Associates, Inc.
Engineers & Consultants

Client: Stephen Kelleher Architects, Inc.
Project: Proposed Harbor Master Building
34 Washington Street, Nantucket, MA
Project No: W0760 **Figure**

McArdle Gannon Associates, Inc.
Engineers & Consultants

Natural Water Content - Organic Content – pH Laboratory Testing Results

PROJECT:	Proposed Harbor Master Building	**LAB JOB NO:**	SL-1169		
LOCATION:	34 Washington Street, Nantucket, MA	**TEST BY:**	CRB	**DATE:**	06/06/2019
CLIENT:	Stephen Kelleher Architects, Inc.	**CHECK BY:**	SLH	**DATE:**	06/06/2019
MGA FILE NO:	W0760				

INDENTIFICATION				**PROPERTIES**			**OTHER TESTS AND REMARKS**
Boring No.	Sample No.	Sample Depth (feet)	Soil Strata	Natural Water Content (%)	Organic Content (%)	pH	
MGA-2	S-3	6-8	Existing Fill	29.4	3.0		
MGA-3	S-2	4-5	Existing Fill	22.0	2.4		

APPENDIX D

MassDEP Checklist for Stormwater Report

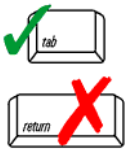
COASTAL
engineering co.

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

Checklist for Stormwater Report

A. Introduction

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



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

The Stormwater Report must include:

- The Stormwater Checklist completed and stamped by a Registered Professional Engineer (see page 2) that certifies that the Stormwater Report contains all required submittals.[1] This Checklist is to be used as the cover for the completed Stormwater Report.
- Applicant/Project Name
- Project Address
- Name of Firm and Registered Professional Engineer that prepared the Report
- Long-Term Pollution Prevention Plan required by Standards 4-6
- Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan required by Standard 8[2]
- Operation and Maintenance Plan required by Standard 9

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

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

To ensure that the Stormwater Report is complete, applicants are required to fill in the Stormwater Report Checklist by checking the box to indicate that the specified information has been included in the Stormwater Report. If any of the information specified in the checklist has not been submitted, the applicant must provide an explanation. The completed Stormwater Report Checklist and Certification must be submitted with the Stormwater Report.

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

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

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

Checklist for Stormwater Report

B. Stormwater Checklist and Certification

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

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

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

Registered Professional Engineer's Certification

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

Registered Professional Engineer Block and Signature

COMMONWEALTH OF MASSACHUSETTS
TARJA L. McGRAIL
CIVIL
No. 47593
REGISTERED PROFESSIONAL ENGINEER

3/12/2020

Signature and Date

Checklist

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

☐ New development

☒ Redevelopment

☐ Mix of New Development and Redevelopment

Checklist for Stormwater Report

Checklist (continued)

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

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

Standard 1: No New Untreated Discharges

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

Checklist for Stormwater Report

Checklist (continued)

Standard 2: Peak Rate Attenuation – N/A Redevelopment

☒ Standard 2 waiver requested because the project is located in land subject to coastal storm flowage and stormwater discharge is to a wetland subject to coastal flooding.

☐ Evaluation provided to determine whether off-site flooding increases during the 100-year 24-hour storm.

☐ Calculations provided to show that post-development peak discharge rates do not exceed pre-development rates for the 2-year and 10-year 24-hour storms. If evaluation shows that off-site flooding increases during the 100-year 24-hour storm, calculations are also provided to show that post-development peak discharge rates do not exceed pre-development rates for the 100-year 24-hour storm.

Standard 3: Recharge

☐ Soil Analysis provided. NRCS Report

☒ Required Recharge Volume calculation provided.

☐ Required Recharge volume reduced through use of the LID site Design Credits.

☒ Sizing the infiltration, BMPs is based on the following method: Check the method used.

☐ Static ☒ Simple Dynamic ☐ Dynamic Field[1]

☐ Runoff from all impervious areas at the site discharging to the infiltration BMP.

☒ Runoff from all impervious areas at the site is *not* discharging to the infiltration BMP and calculations are provided showing that the drainage area contributing runoff to the infiltration BMPs is sufficient to generate the required recharge volume.

☒ Recharge BMPs have been sized to infiltrate the Required Recharge Volume.

☒ Recharge BMPs have been sized to infiltrate the Required Recharge Volume *only* to the maximum extent practicable for the following reason:

- ☐ Site is comprised solely of C and D soils and/or bedrock at the land surface
- ☐ M.G.L. c. 21E sites pursuant to 310 CMR 40.0000
- ☐ Solid Waste Landfill pursuant to 310 CMR 19.000
- ☒ Project is otherwise subject to Stormwater Management Standards only to the maximum extent practicable.

☒ Calculations showing that the infiltration BMPs will drain in 72 hours are provided.

☐ Property includes a M.G.L. c. 21E site or a solid waste landfill and a mounding analysis is included.

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

Checklist for Stormwater Report

Checklist (continued)

Standard 3: Recharge (continued)

☐ The infiltration BMP is used to attenuate peak flows during storms greater than or equal to the 10-year 24-hour storm and separation to seasonal high groundwater is less than 4 feet and a mounding analysis is provided.

☐ Documentation is provided showing that infiltration BMPs do not adversely impact nearby wetland resource areas.

Standard 4: Water Quality

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

- Good housekeeping practices;
- Provisions for storing materials and waste products inside or under cover;
- Vehicle washing controls;
- Requirements for routine inspections and maintenance of stormwater BMPs;
- Spill prevention and response plans;
- Provisions for maintenance of lawns, gardens, and other landscaped areas;
- Requirements for storage and use of fertilizers, herbicides, and pesticides;
- Pet waste management provisions;
- Provisions for operation and management of septic systems;
- Provisions for solid waste management;
- Snow disposal and plowing plans relative to Wetland Resource Areas;
- Winter Road Salt and/or Sand Use and Storage restrictions;
- Street sweeping schedules;
- Provisions for prevention of illicit discharges to the stormwater management system;
- Documentation that Stormwater BMPs are designed to provide for shutdown and containment in the event of a spill or discharges to or near critical areas or from LUHPPL;
- Training for staff or personnel involved with implementing Long-Term Pollution Prevention Plan;
- List of Emergency contacts for implementing Long-Term Pollution Prevention Plan.

☒ A Long-Term Pollution Prevention Plan is attached to Stormwater Report and is included as an attachment to the Wetlands Notice of Intent.

☐ Treatment BMPs subject to the 44% TSS removal pretreatment requirement and the one inch rule for calculating the water quality volume are included, and discharge:

- ☐ is within the Zone II or Interim Wellhead Protection Area
- ☐ is near or to other critical areas
- ☐ is within soils with a rapid infiltration rate (greater than 2.4 inches per hour)
- ☐ involves runoff from land uses with higher potential pollutant loads.

☐ The Required Water Quality Volume is reduced through use of the LID site Design Credits.

☐ Calculations documenting that the treatment train meets the 80% TSS removal requirement and, if applicable, the 44% TSS removal pretreatment requirement, are provided.

Checklist for Stormwater Report

Checklist (continued)

Standard 4: Water Quality (continued)

☒ The BMP is sized (and calculations provided) based on:

- ☐ The ½" or 1" Water Quality Volume or
- ☐ The equivalent flow rate associated with the Water Quality Volume and documentation is provided showing that the BMP treats the required water quality volume.

☐ The applicant proposes to use proprietary BMPs, and documentation supporting use of proprietary BMP and proposed TSS removal rate is provided. This documentation may be in the form of the propriety BMP checklist found in Volume 2, Chapter 4 of the Massachusetts Stormwater Handbook and submitting copies of the TARP Report, STEP Report, and/or other third party studies verifying performance of the proprietary BMPs.

☐ A TMDL exists that indicates a need to reduce pollutants other than TSS and documentation showing that the BMPs selected are consistent with the TMDL is provided.

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

☐ The NPDES Multi-Sector General Permit covers the land use and the Stormwater Pollution Prevention Plan (SWPPP) has been included with the Stormwater Report.

☐ The NPDES Multi-Sector General Permit covers the land use and the SWPPP will be submitted ***prior to*** the discharge of stormwater to the post-construction stormwater BMPs.

☐ The NPDES Multi-Sector General Permit does ***not*** cover the land use.

☐ LUHPPLs are located at the site and industry specific source control and pollution prevention measures have been proposed to reduce or eliminate the exposure of LUHPPLs to rain, snow, snow melt and runoff, and been included in the long term Pollution Prevention Plan.

☐ All exposure has been eliminated.

☐ All exposure has ***not*** been eliminated and all BMPs selected are on MassDEP LUHPPL list.

☐ The LUHPPL has the potential to generate runoff with moderate to higher concentrations of oil and grease (e.g. all parking lots with >1000 vehicle trips per day) and the treatment train includes an oil grit separator, a filtering bioretention area, a sand filter or equivalent.

Standard 6: Critical Areas

☐ The discharge is near or to a critical area and the treatment train includes only BMPs that MassDEP has approved for stormwater discharges to or near that particular class of critical area.

☐ Critical areas and BMPs are identified in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

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

☒ The project is subject to the Stormwater Management Standards only to the maximum Extent Practicable as a:

- ☐ Limited Project
- ☐ Small Residential Projects: 5-9 single family houses or 5-9 units in a multi-family development provided there is no discharge that may potentially affect a critical area.
- ☐ Small Residential Projects: 2-4 single family houses or 2-4 units in a multi-family development with a discharge to a critical area
- ☐ Marina and/or boatyard provided the hull painting, service and maintenance areas are protected from exposure to rain, snow, snow melt and runoff
- ☐ Bike Path and/or Foot Path
- ☒ Redevelopment Project
- ☐ Redevelopment portion of mix of new and redevelopment.

☐ Certain standards are not fully met (Standard No. 1, 8, 9, and 10 must always be fully met) and an explanation of why these standards are not met is contained in the Stormwater Report.

☒ The project involves redevelopment and a description of all measures that have been taken to improve existing conditions is provided in the Stormwater Report. The redevelopment checklist found in Volume 2 Chapter 3 of the Massachusetts Stormwater Handbook may be used to document that the proposed stormwater management system (a) complies with Standards 2, 3 and the pretreatment and structural BMP requirements of Standards 4-6 to the maximum extent practicable and (b) improves existing conditions.

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

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

- Narrative;
- Construction Period Operation and Maintenance Plan;
- Names of Persons or Entity Responsible for Plan Compliance;
- Construction Period Pollution Prevention Measures;
- Erosion and Sedimentation Control Plan Drawings;
- Detail drawings and specifications for erosion control BMPs, including sizing calculations;
- Vegetation Planning;
- Site Development Plan;
- Construction Sequencing Plan;
- Sequencing of Erosion and Sedimentation Controls;
- Operation and Maintenance of Erosion and Sedimentation Controls;
- Inspection Schedule;
- Maintenance Schedule;
- Inspection and Maintenance Log Form.

☒ A Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan containing the information set forth above has been included in the Stormwater Report.

Checklist for Stormwater Report

Checklist (continued)

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

☐ The project is highly complex and information is included in the Stormwater Report that explains why it is not possible to submit the Construction Period Pollution Prevention and Erosion and Sedimentation Control Plan with the application. A Construction Period Pollution Prevention and Erosion and Sedimentation Control has ***not*** been included in the Stormwater Report but will be submitted ***before*** land disturbance begins.

☒ The project is ***not*** covered by a NPDES Construction General Permit.

☐ The project is covered by a NPDES Construction General Permit and a copy of the SWPPP is in the Stormwater Report.

☐ The project is covered by a NPDES Construction General Permit but no SWPPP been submitted. The SWPPP will be submitted BEFORE land disturbance begins.

Standard 9: Operation and Maintenance Plan

☒ The Post Construction Operation and Maintenance Plan is included in the Stormwater Report and includes the following information:

- ☒ Name of the stormwater management system owners;
- ☒ Party responsible for operation and maintenance;
- ☒ Schedule for implementation of routine and non-routine maintenance tasks;
- ☒ Plan showing the location of all stormwater BMPs maintenance access areas;
- ☐ Description and delineation of public safety features;
- ☐ Estimated operation and maintenance budget; and
- ☒ Operation and Maintenance Log Form.

☐ The responsible party is ***not*** the owner of the parcel where the BMP is located and the Stormwater Report includes the following submissions:

- ☐ A copy of the legal instrument (deed, homeowner's association, utility trust or other legal entity) that establishes the terms of and legal responsibility for the operation and maintenance of the project site stormwater BMPs;
- ☐ A plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions.

Standard 10: Prohibition of Illicit Discharges

☒ The Long-Term Pollution Prevention Plan includes measures to prevent illicit discharges;

☐ An Illicit Discharge Compliance Statement is attached;

☒ NO Illicit Discharge Compliance Statement is attached but will be submitted ***prior to*** the discharge of any stormwater to post-construction BMPs.

APPENDIX E

Hydro-CAD CALCULATIONS

COASTAL
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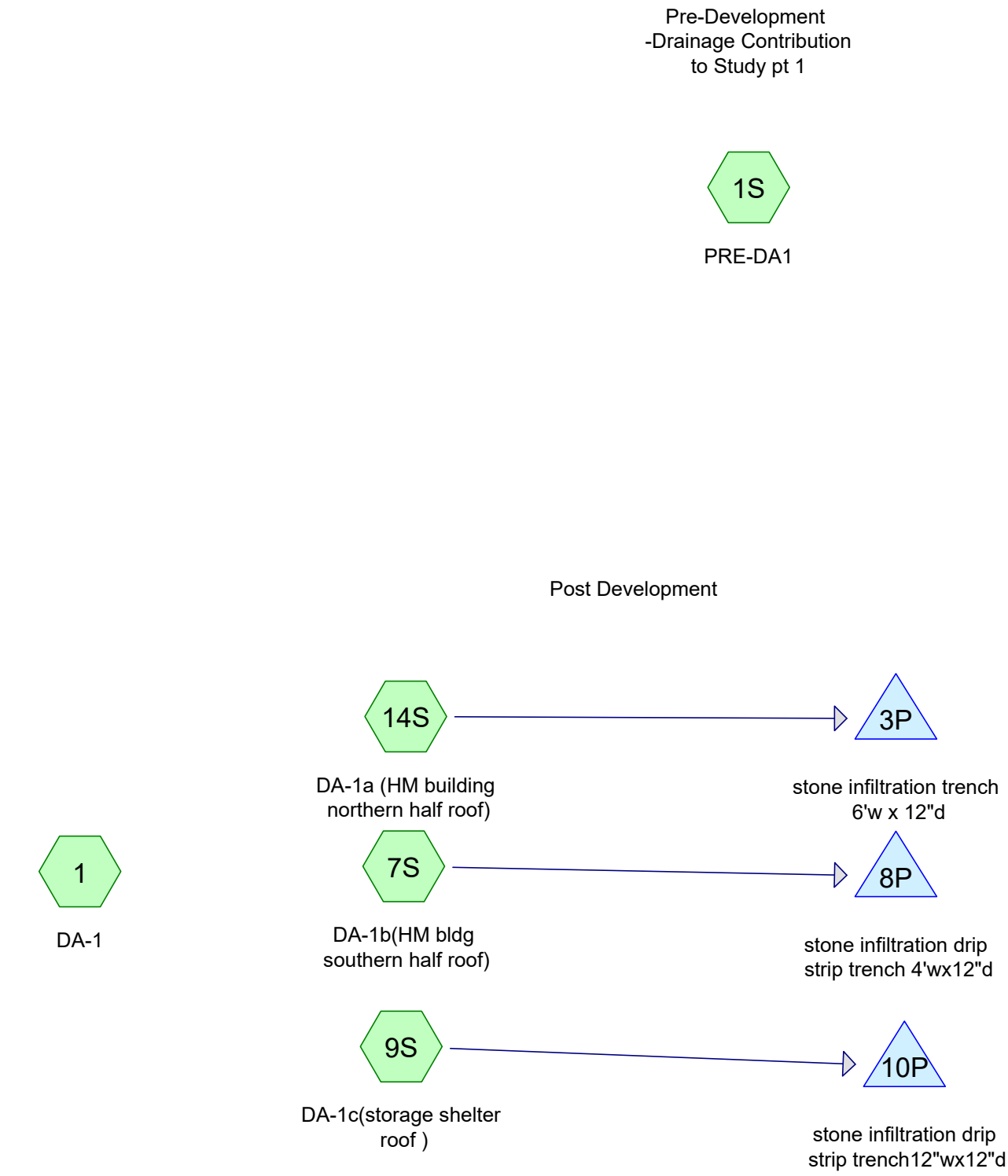


Subcat Reach Pond Link

Routing Diagram for C19031_DRAINAGE
Prepared by Coastal Engineering Co., Inc., Printed 3/12/2020
HydroCAD® 10.00-16 s/n 04240 © 2015 HydroCAD Software Solutions LLC

Area Listing (selected nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.271	39	>75% Grass cover, Good, HSG A (1, 1S)
0.114	98	Paved parking, HSG A (1, 1S)
0.104	98	Roofs, HSG A (1S, 7S, 9S, 14S)
0.003	98	patio (1S)

Summary for Subcatchment 1: DA-1

Runoff = 0.06 cfs @ 12.18 hrs, Volume= 0.007 af, Depth> 0.47"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 Rainfall=3.60"

Area (sf)	CN	Description
2,623	98	Paved parking, HSG A
5,052	39	>75% Grass cover, Good, HSG A
7,675	59	Weighted Average
5,052		65.82% Pervious Area
2,623		34.18% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, DIRECT**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 1S: PRE-DA1

Runoff = 0.11 cfs @ 12.17 hrs, Volume= 0.011 af, Depth> 0.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 Rainfall=3.60"

	Area (sf)	CN	Description
	6,741	39	>75% Grass cover, Good, HSG A
	1,497	98	Roofs, HSG A
	2,363	98	Paved parking, HSG A
*	125	98	patio
	10,726	61	Weighted Average
	6,741		62.85% Pervious Area
	3,985		37.15% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 7S: DA-1b(HM bldg southern half roof)

Runoff = 0.09 cfs @ 12.13 hrs, Volume= 0.008 af, Depth> 3.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 Rainfall=3.60"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 9S: DA-1c(storage shelter roof)

Runoff = 0.03 cfs @ 12.13 hrs, Volume= 0.002 af, Depth> 3.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 Rainfall=3.60"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
377	98	Roofs, HSG A
377	98	Weighted Average
377		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 14S: DA-1a (HM building northern half roof)

Runoff = 0.09 cfs @ 12.13 hrs, Volume= 0.008 af, Depth> 3.20"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 2 Rainfall=3.60"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Pond 3P: stone infiltration trench 6'w x 12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 3.20" for 2 event
Inflow = 0.09 cfs @ 12.13 hrs, Volume= 0.008 af
Outflow = 0.08 cfs @ 12.19 hrs, Volume= 0.008 af, Atten= 14%, Lag= 3.7 min
Discarded = 0.08 cfs @ 12.19 hrs, Volume= 0.008 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 3.53' @ 12.19 hrs Surf.Area= 420 sf Storage= 5 cf

Plug-Flow detention time= 0.4 min calculated for 0.008 af (100% of inflow)
Center-of-Mass det. time= 0.4 min (730.0 - 729.6)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	168 cf	**6.00'W x 35.00'L x 1.00'H Prismatoid** x 2 420 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.08 cfs @ 12.19 hrs HW=3.53' (Free Discharge)
└─**1=Exfiltration** (Exfiltration Controls 0.08 cfs)

Summary for Pond 8P: stone infiltration drip strip trench 4'wx12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 3.20" for 2 event
Inflow = 0.09 cfs @ 12.13 hrs, Volume= 0.008 af
Outflow = 0.05 cfs @ 12.31 hrs, Volume= 0.008 af, Atten= 45%, Lag= 10.4 min
Discarded = 0.05 cfs @ 12.31 hrs, Volume= 0.008 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 3.82' @ 12.31 hrs Surf.Area= 232 sf Storage= 29 cf

Plug-Flow detention time= 2.4 min calculated for 0.008 af (100% of inflow)
Center-of-Mass det. time= 2.3 min (731.9 - 729.6)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	93 cf	**4.00'W x 58.00'L x 1.00'H Prismatoid** 232 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.05 cfs @ 12.31 hrs HW=3.82' (Free Discharge)
└─**1=Exfiltration** (Exfiltration Controls 0.05 cfs)

Summary for Pond 10P: stone infiltration drip strip trench12"wx12"d

Inflow Area = 0.009 ac,100.00% Impervious, Inflow Depth > 3.20" for 2 event
Inflow = 0.03 cfs @ 12.13 hrs, Volume= 0.002 af
Outflow = 0.02 cfs @ 12.25 hrs, Volume= 0.002 af, Atten= 33%, Lag= 7.2 min
Discarded = 0.02 cfs @ 12.25 hrs, Volume= 0.002 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 3.80' @ 12.25 hrs Surf.Area= 58 sf Storage= 7 cf

Plug-Flow detention time= 1.8 min calculated for 0.002 af (100% of inflow)
Center-of-Mass det. time= 1.7 min (731.3 - 729.6)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	23 cf	**1.00'W x 58.00'L x 1.00'H Prismatoid** 58 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.02 cfs @ 12.25 hrs HW=3.80' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.02 cfs)

Summary for Subcatchment 1: DA-1

Runoff = 0.18 cfs @ 12.16 hrs, Volume= 0.016 af, Depth> 1.06"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 Rainfall=4.90"

Area (sf)	CN	Description
2,623	98	Paved parking, HSG A
5,052	39	>75% Grass cover, Good, HSG A
7,675	59	Weighted Average
5,052		65.82% Pervious Area
2,623		34.18% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, DIRECT**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 1S: PRE-DA1

Runoff = 0.30 cfs @ 12.15 hrs, Volume= 0.024 af, Depth> 1.18"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 Rainfall=4.90"

	Area (sf)	CN	Description
	6,741	39	>75% Grass cover, Good, HSG A
	1,497	98	Roofs, HSG A
	2,363	98	Paved parking, HSG A
*	125	98	patio
	10,726	61	Weighted Average
	6,741		62.85% Pervious Area
	3,985		37.15% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 7S: DA-1b(HM bldg southern half roof)

Runoff = 0.13 cfs @ 12.13 hrs, Volume= 0.011 af, Depth> 4.44"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 Rainfall=4.90"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 9S: DA-1c(storage shelter roof)

Runoff = 0.04 cfs @ 12.13 hrs, Volume= 0.003 af, Depth> 4.44"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 Rainfall=4.90"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
377	98	Roofs, HSG A
377	98	Weighted Average
377		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 14S: DA-1a (HM building northern half roof)

Runoff = 0.13 cfs @ 12.13 hrs, Volume= 0.011 af, Depth> 4.44"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 10 Rainfall=4.90"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Pond 3P: stone infiltration trench 6'w x 12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 4.44" for 10 event
Inflow = 0.13 cfs @ 12.13 hrs, Volume= 0.011 af
Outflow = 0.08 cfs @ 12.26 hrs, Volume= 0.011 af, Atten= 34%, Lag= 7.5 min
Discarded = 0.08 cfs @ 12.26 hrs, Volume= 0.011 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 3.64' @ 12.26 hrs Surf.Area= 420 sf Storage= 24 cf

Plug-Flow detention time= 1.1 min calculated for 0.011 af (100% of inflow)
Center-of-Mass det. time= 1.1 min (725.2 - 724.2)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	168 cf	**6.00'W x 35.00'L x 1.00'H Prismatoid** x 2 420 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.08 cfs @ 12.26 hrs HW=3.64' (Free Discharge)
└─**1=Exfiltration** (Exfiltration Controls 0.08 cfs)

Summary for Pond 8P: stone infiltration drip strip trench 4'wx12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 4.44" for 10 event
Inflow = 0.13 cfs @ 12.13 hrs, Volume= 0.011 af
Outflow = 0.06 cfs @ 12.36 hrs, Volume= 0.011 af, Atten= 54%, Lag= 13.8 min
Discarded = 0.06 cfs @ 12.36 hrs, Volume= 0.011 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 4.15' @ 12.36 hrs Surf.Area= 232 sf Storage= 60 cf

Plug-Flow detention time= 4.6 min calculated for 0.011 af (100% of inflow)
Center-of-Mass det. time= 4.6 min (728.7 - 724.2)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	93 cf	**4.00'W x 58.00'L x 1.00'H Prismatoid** 232 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.06 cfs @ 12.36 hrs HW=4.15' (Free Discharge)
└─**1=Exfiltration** (Exfiltration Controls 0.06 cfs)

Summary for Pond 10P: stone infiltration drip strip trench12"wx12"d

Inflow Area = 0.009 ac,100.00% Impervious, Inflow Depth > 4.44" for 10 event
Inflow = 0.04 cfs @ 12.13 hrs, Volume= 0.003 af
Outflow = 0.02 cfs @ 12.27 hrs, Volume= 0.003 af, Atten= 36%, Lag= 7.9 min
Discarded = 0.02 cfs @ 12.27 hrs, Volume= 0.003 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 4.04' @ 12.27 hrs Surf.Area= 58 sf Storage= 13 cf

Plug-Flow detention time= 2.7 min calculated for 0.003 af (100% of inflow)
Center-of-Mass det. time= 2.7 min (726.8 - 724.2)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	23 cf	**1.00'W x 58.00'L x 1.00'H Prismatoid** 58 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.02 cfs @ 12.27 hrs HW=4.04' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.02 cfs)

Summary for Subcatchment 1: DA-1

Runoff = 0.28 cfs @ 12.15 hrs, Volume= 0.023 af, Depth> 1.55"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 Rainfall=5.80"

Area (sf)	CN	Description
2,623	98	Paved parking, HSG A
5,052	39	>75% Grass cover, Good, HSG A
7,675	59	Weighted Average
5,052		65.82% Pervious Area
2,623		34.18% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, DIRECT**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 1S: PRE-DA1

Runoff = 0.44 cfs @ 12.15 hrs, Volume= 0.035 af, Depth> 1.70"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 Rainfall=5.80"

	Area (sf)	CN	Description
	6,741	39	>75% Grass cover, Good, HSG A
	1,497	98	Roofs, HSG A
	2,363	98	Paved parking, HSG A
*	125	98	patio
	10,726	61	Weighted Average
	6,741		62.85% Pervious Area
	3,985		37.15% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, Direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 7S: DA-1b(HM bldg southern half roof)

Runoff = 0.15 cfs @ 12.13 hrs, Volume= 0.014 af, Depth> 5.30"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 Rainfall=5.80"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 9S: DA-1c(storage shelter roof)

Runoff = 0.04 cfs @ 12.13 hrs, Volume= 0.004 af, Depth> 5.30"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 Rainfall=5.80"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
377	98	Roofs, HSG A
377	98	Weighted Average
377		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Subcatchment 14S: DA-1a (HM building northern half roof)

Runoff = 0.15 cfs @ 12.13 hrs, Volume= 0.014 af, Depth> 5.30"

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Type III 24-hr 25 Rainfall=5.80"

Area (sf)	CN	Description
0	98	Paved parking, HSG A
1,337	98	Roofs, HSG A
1,337	98	Weighted Average
1,337		100.00% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
6.0					**Direct Entry, direct**
6.0	0	Total, Increased to minimum Tc = 10.0 min			

Summary for Pond 3P: stone infiltration trench 6'w x 12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 5.30" for 25 event
Inflow = 0.15 cfs @ 12.13 hrs, Volume= 0.014 af
Outflow = 0.09 cfs @ 12.29 hrs, Volume= 0.014 af, Atten= 42%, Lag= 9.6 min
Discarded = 0.09 cfs @ 12.29 hrs, Volume= 0.014 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 3.75' @ 12.29 hrs Surf.Area= 420 sf Storage= 41 cf

Plug-Flow detention time= 1.8 min calculated for 0.014 af (100% of inflow)
Center-of-Mass det. time= 1.8 min (723.3 - 721.5)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	168 cf	**6.00'W x 35.00'L x 1.00'H Prismatoid** x 2 420 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.09 cfs @ 12.29 hrs HW=3.75' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.09 cfs)

Summary for Pond 8P: stone infiltration drip strip trench 4'wx12"d

Inflow Area = 0.031 ac,100.00% Impervious, Inflow Depth > 5.30" for 25 event
Inflow = 0.15 cfs @ 12.13 hrs, Volume= 0.014 af
Outflow = 0.07 cfs @ 12.39 hrs, Volume= 0.014 af, Atten= 57%, Lag= 15.2 min
Discarded = 0.07 cfs @ 12.39 hrs, Volume= 0.014 af

Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 4.41' @ 12.39 hrs Surf.Area= 232 sf Storage= 84 cf

Plug-Flow detention time= 6.2 min calculated for 0.014 af (100% of inflow)
Center-of-Mass det. time= 6.2 min (727.7 - 721.5)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	93 cf	**4.00'W x 58.00'L x 1.00'H Prismatoid** 232 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.07 cfs @ 12.39 hrs HW=4.41' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.07 cfs)

Summary for Pond 10P: stone infiltration drip strip trench12"wx12"d

Inflow Area = 0.009 ac,100.00% Impervious, Inflow Depth > 5.30" for 25 event
Inflow = 0.04 cfs @ 12.13 hrs, Volume= 0.004 af
Outflow = 0.03 cfs @ 12.27 hrs, Volume= 0.004 af, Atten= 37%, Lag= 8.1 min
Discarded = 0.03 cfs @ 12.27 hrs, Volume= 0.004 af

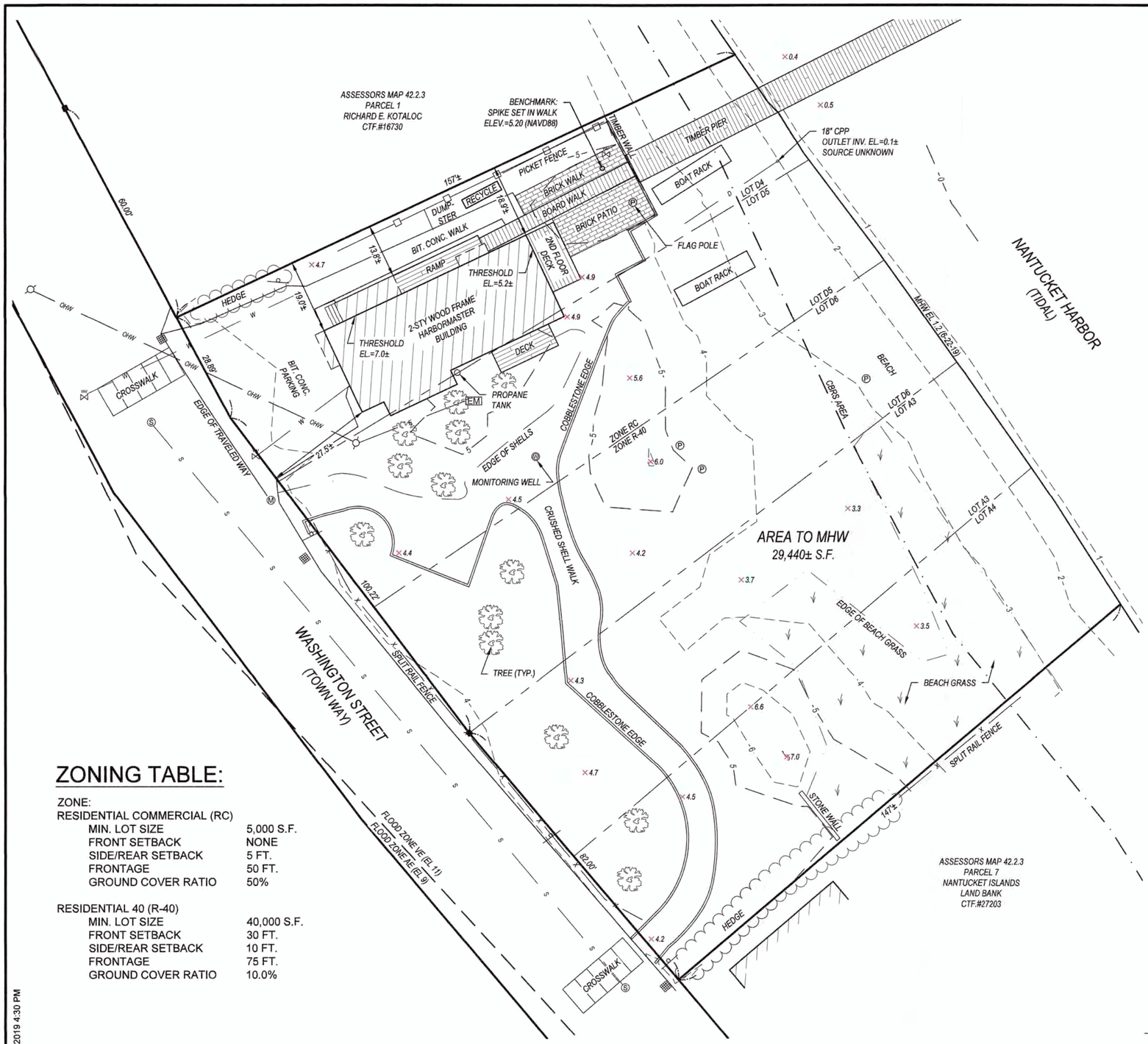
Routing by Stor-Ind method, Time Span= 0.00-20.00 hrs, dt= 0.01 hrs
Peak Elev= 4.21' @ 12.27 hrs Surf.Area= 58 sf Storage= 17 cf

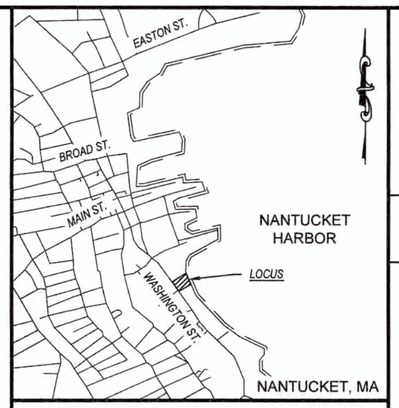
Plug-Flow detention time= 3.3 min calculated for 0.004 af (100% of inflow)
Center-of-Mass det. time= 3.2 min (724.8 - 721.5)

Volume	Invert	Avail.Storage	Storage Description
#1	3.50'	23 cf	**1.00'W x 58.00'L x 1.00'H Prismatoid** 58 cf Overall x 40.0% Voids

Device	Routing	Invert	Outlet Devices
#1	Discarded	3.50'	**8.270 in/hr Exfiltration over Wetted area**

Discarded OutFlow Max=0.03 cfs @ 12.27 hrs HW=4.21' (Free Discharge)
└**1=Exfiltration** (Exfiltration Controls 0.03 cfs)





KEY MAP
NO SCALE

REFERENCE:

ASSESSORS MAP 42.2.3,
PARCELS 2 THROUGH 6

CTF. #7858
L.C.PLAN 9434-D
L.C.PLAN 10450-C

ZONING:
RESIDENTIAL COMMERCIAL (RC)
RESIDENTIAL 40 (R-40)
FLOOD HAZARD OVERLAY DISTRICT (FHOD)
TOWN OVERLAY DISTRICT

FLOOD ZONE:

FLOOD ZONE VE (EL 11) AND CBRS AREA (11-16-1990) AS SHOWN ON FEMA FIRM PANEL #25019C0086G EFFECTIVE DATE 6-9-2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

ZONING TABLE:

ZONE:

RESIDENTIAL COMMERCIAL (RC)	
MIN. LOT SIZE	5,000 S.F.
FRONT SETBACK	NONE
SIDE/REAR SETBACK	5 FT.
FRONTAGE	50 FT.
GROUND COVER RATIO	50%

RESIDENTIAL 40 (R-40)	
MIN. LOT SIZE	40,000 S.F.
FRONT SETBACK	30 FT.
SIDE/REAR SETBACK	10 FT.
FRONTAGE	75 FT.
GROUND COVER RATIO	10.0%

I HEREBY CERTIFY THAT THE CONDITIONS SHOWN HEREON ARE LOCATED AS THEY EXISTED ON THE GROUND AS OF 6-24-19.

DATE JULY 10, 2019

P.L.S. John McElwee

COMMONWEALTH OF MASSACHUSETTS
JOHN McELWEE
No. 33602
PROFESSIONAL LAND SURVEYOR

LEGEND

■	BOUND	▦	CATCH BASIN
—o—	MISC. SIGN	Ⓓ	DRAIN MANHOLE
—x—x—	FENCE	Ⓦ	MONITORING WELL
—OHW—	OVERHEAD UTILITY LINE	WV	WATER VALVE
—W—	WATER LINE		UTILITY POLE
—D—	DRAIN LINE	EM	ELECTRIC METER
—S—	SEWAGE DISPOSAL	Ⓟ	POST
Ⓢ	SEWER MANHOLE	—5—	CONTOUR
Ⓜ	MANHOLE	X 4.7	SPOT GRADE

PLAN

20 10 0 20 60

1 inch = 20 ft.

COASTAL engineering co.
260 Cranberry Hwy. Orleans, MA 02653
508.255.6511 P 508.255.6700 F

NO.	DATE	REVISION	BY

SEAL

PROJECT
NANTUCKET HARBORMASTER
34 WASHINGTON STREET
NANTUCKET, MA

SHEET TITLE
PLAN SHOWING EXISTING SITE CONDITIONS

SCALE: AS NOTED
DRAWING FILE: C19031-X.dwg
DATE: 7-10-19
DRAWN BY: JLH
CHECKED BY: JDM

C1.2.1

1 OF 1 SHEETS

PROJECT NO. C19031.00

F:\SDSKPROJ\C19000\C19031\C19031-00\C19031-X.dwg 7/10/2019 4:30 PM

VIEW FROM SOUTHEAST

PROGRESS PRINT

SK
Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

RENDERING

Drawn By:	CF
Checked:	SLK
Date:	03-04-2020
Scale:	NOT TO SCALE

--

VIEW FROM NORTHEAST

PROGRESS PRINT

SK
Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

RENDERING

Drawn By:	CF
Checked:	SLK
Date:	03-04-2020
Scale:	NOT TO SCALE

--

PROGRESS PRINT

VIEW FROM NORTHWEST

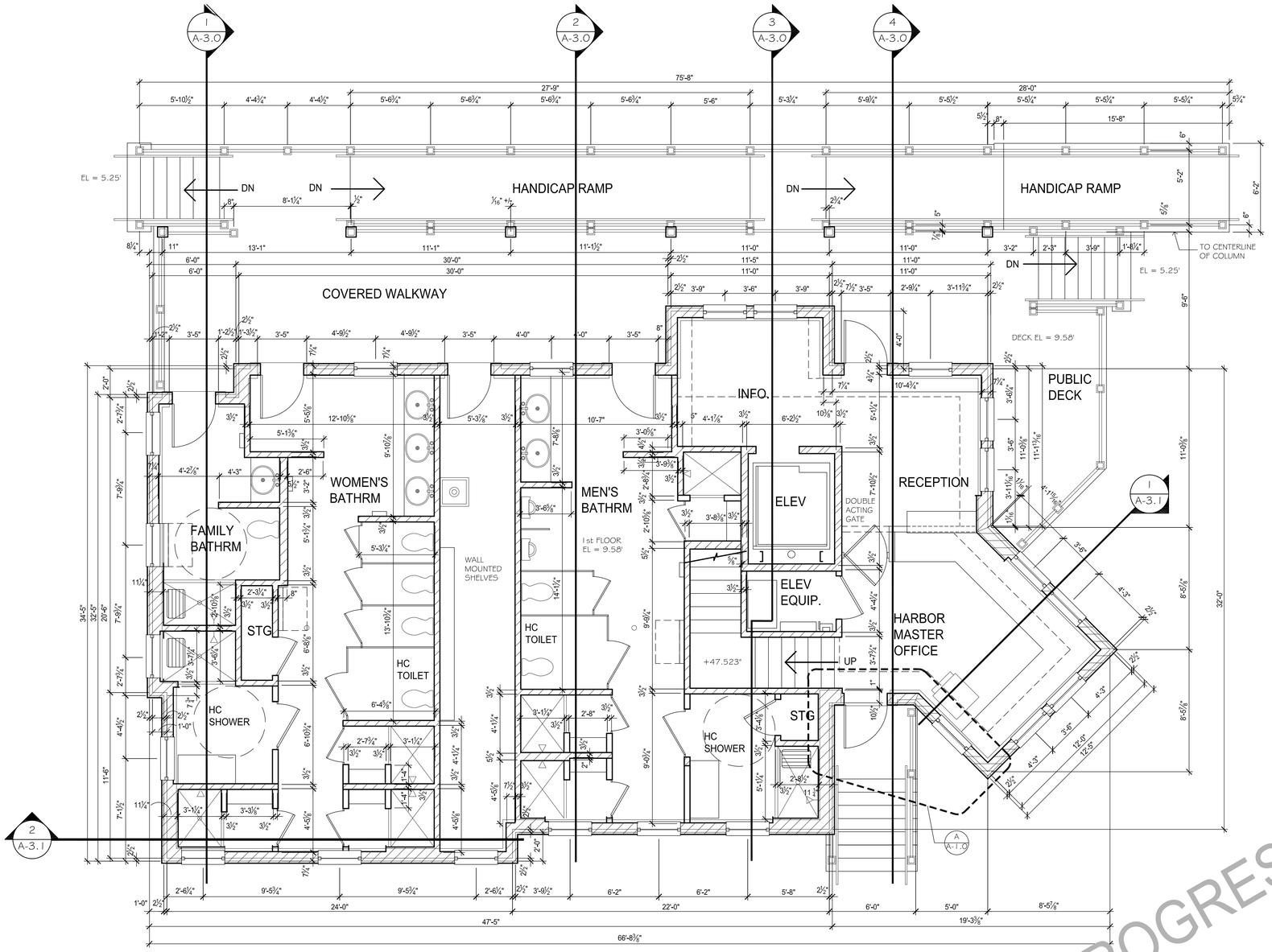
SK
Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

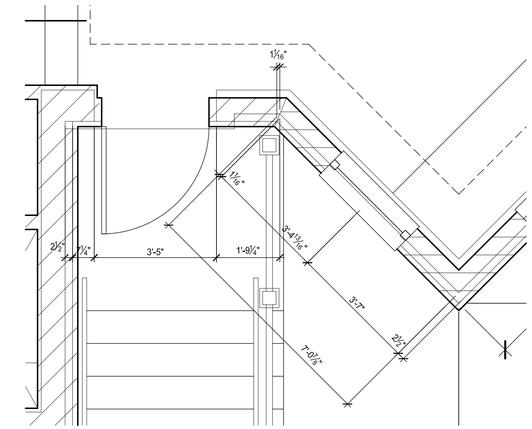
RENDERING

Drawn By:	CF
Checked:	SLK
Date:	03-04-2020
Scale:	NOT TO SCALE

--



1 **1st FLOOR PLAN**
1/4" = 1'-0"



2 **ENLARGED FLOOR PLAN**
1/2" = 1'-0"

ALL DIMENSIONS TO FACE OF STUD, FACE OF CONCRETE, CENTERLINE OF POST OR COLUMN OR TO OUTSIDE OF DECK

PROGRESS PRINT

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Fairhaven Center for Business
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Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

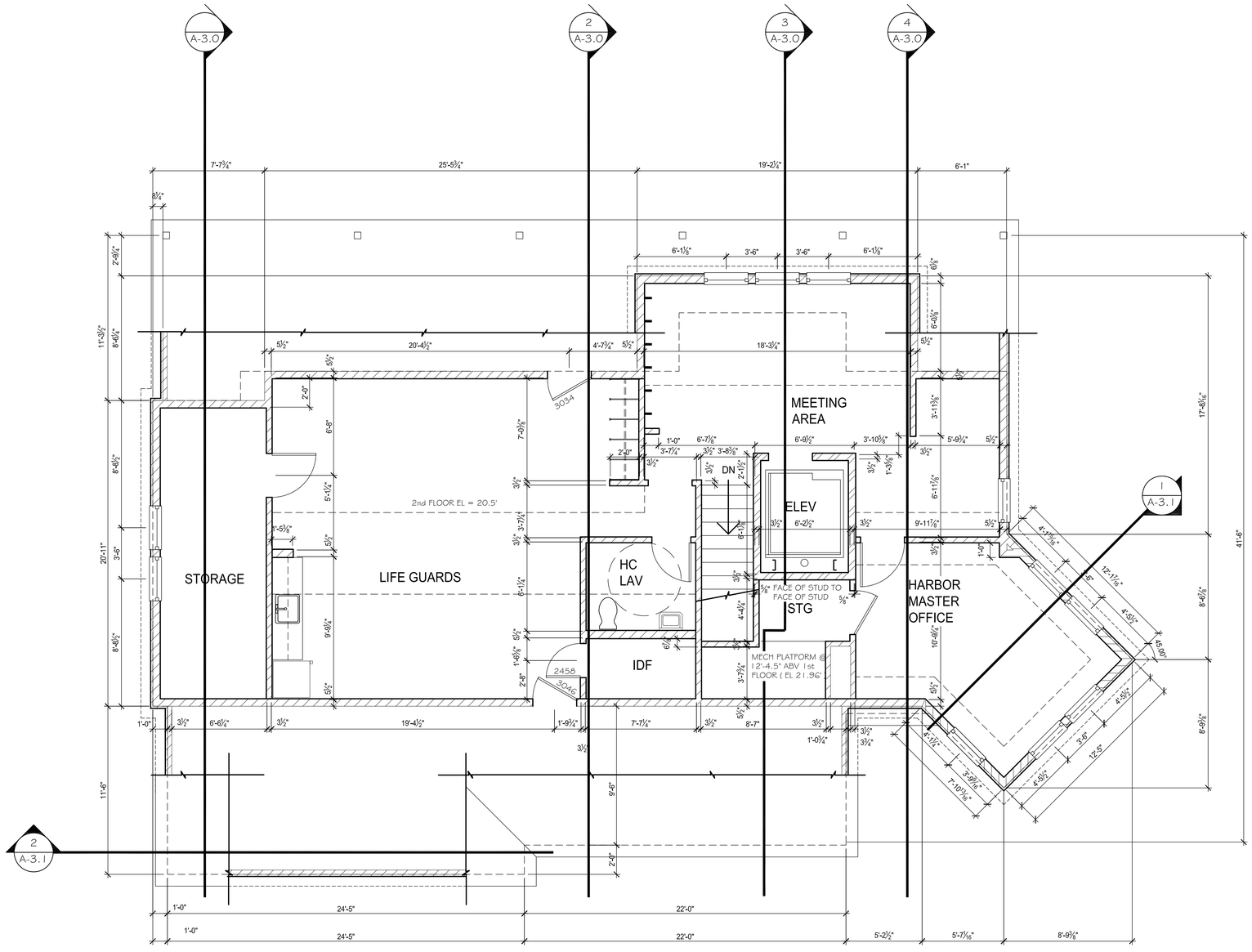
Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

First Floor Plan

Drawn By:	PQ
Checked:	SLK
Date:	03.02.2020
Scale:	AS NOTED

A-1.0

NORTH



PROGRESS PRINT

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Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
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Harbormaster Building

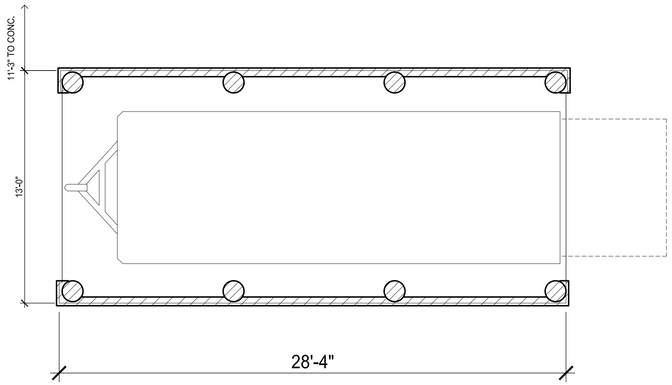
34 Washington Street
Nantucket, Massachusetts

Second Floor Plan

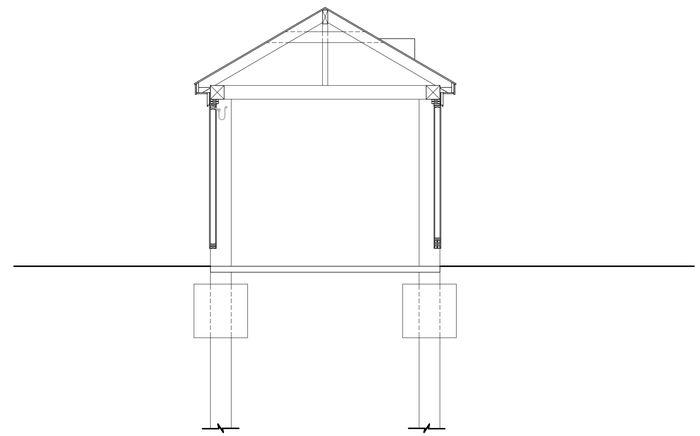
Drawn By:	PQ
Checked:	SLK
Date:	03.02.2020
Scale:	¼" = 1'-0"

A-1.1

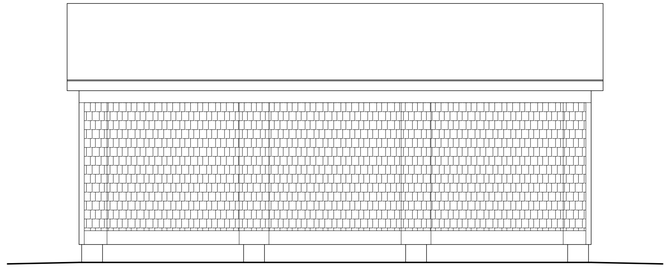
NORTH



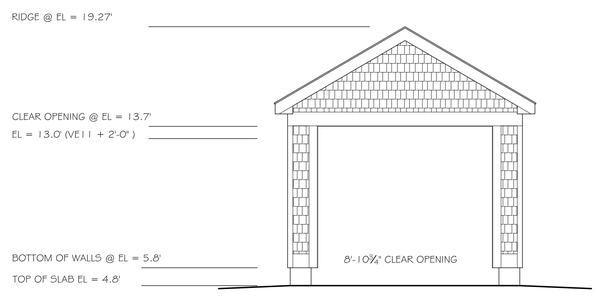
1 **PLAN**
1/4" = 1'-0"



2 **SECTION A**
1/4" = 1'-0"



3 **SOUTH ELEVATION**
1/4" = 1'-0"
NORTH ELEVATION SIMILAR



4 **WEST ELEVATION**
1/4" = 1'-0"
EAST ELEVATION SIMILAR

PROGRESS PRINT

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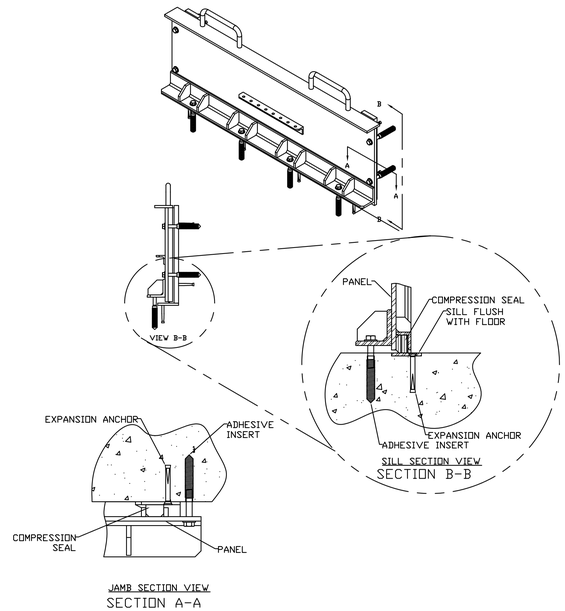
Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

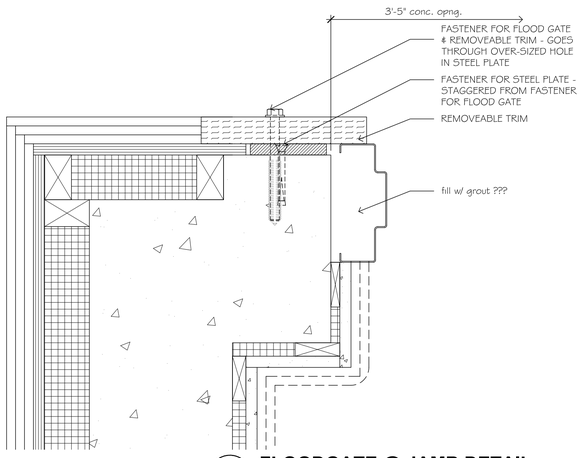
Storage Building

Drawn By:	PQ
Checked:	SLK
Date:	02.25.2020
Scale:	¼" = 1'-0"

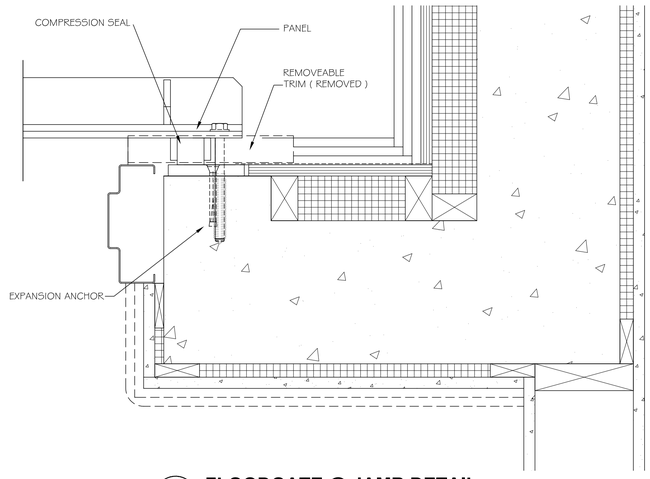
A-1.2



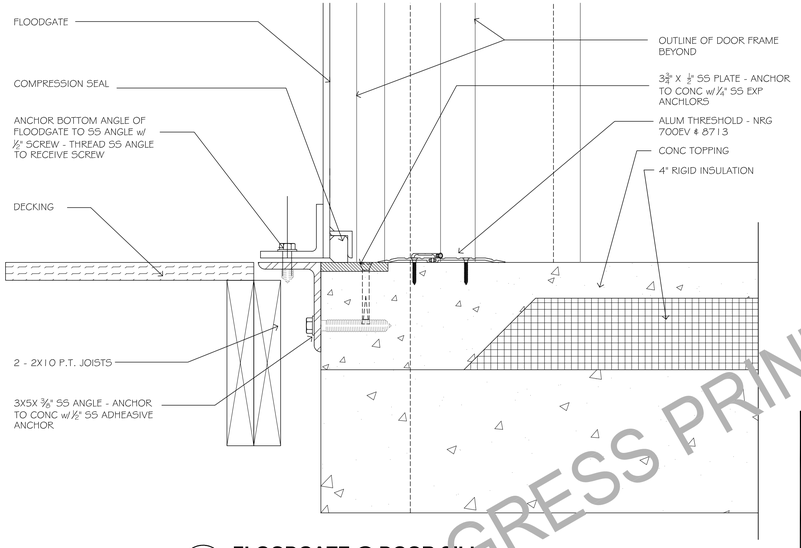
3 **MFGR'S FLOODGATE DETAILS**
NTS



4 **FLOODGATE @ JAMB DETAIL**
3" = 1'-0"



5 **FLOODGATE @ JAMB DETAIL**
3" = 1'-0"



6 **FLOODGATE @ DOOR SILL**
3" = 1'-0"

PROGRESS PRINT

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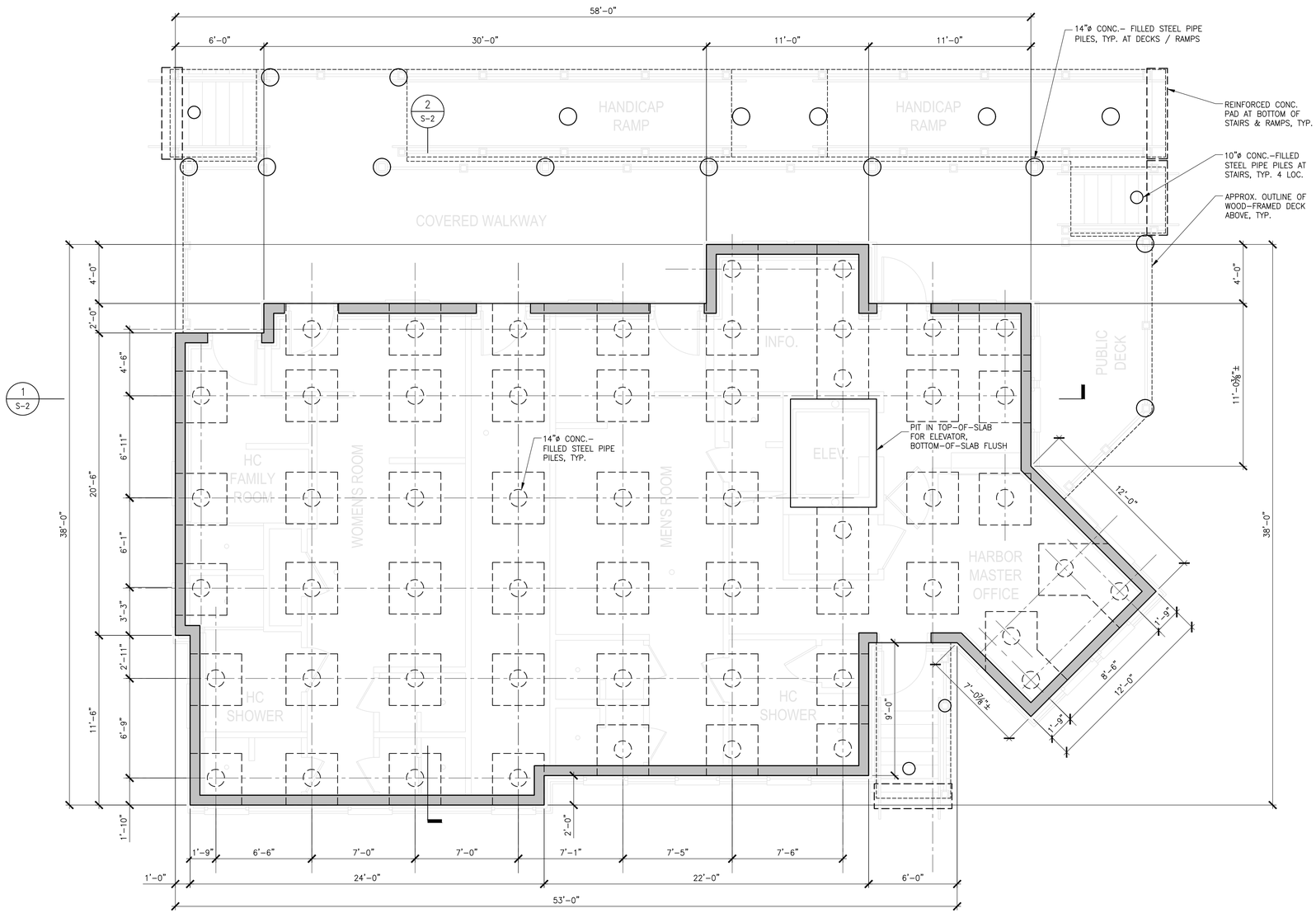
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

Details

Drawn By:	PQ
Checked:	SLK
Date:	02.25.2020
Scale:	AS NOTED

A-5.1



PILE QUANTITIES:

70 – 14"ø STEEL PILES

4 – 10"ø STEEL PILES

FOUNDATION / PILE CAP LOCATION PLAN
1/4" = 1'-0"

NOT FOR CONSTRUCTION

TRIPI ENGINEERING SERVICES, LLC
433 MAIN STREET, SUITE 4
HUDSON, MASSACHUSETTS 01749
www.tripiengineering.com ■ 781-287-0077

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Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
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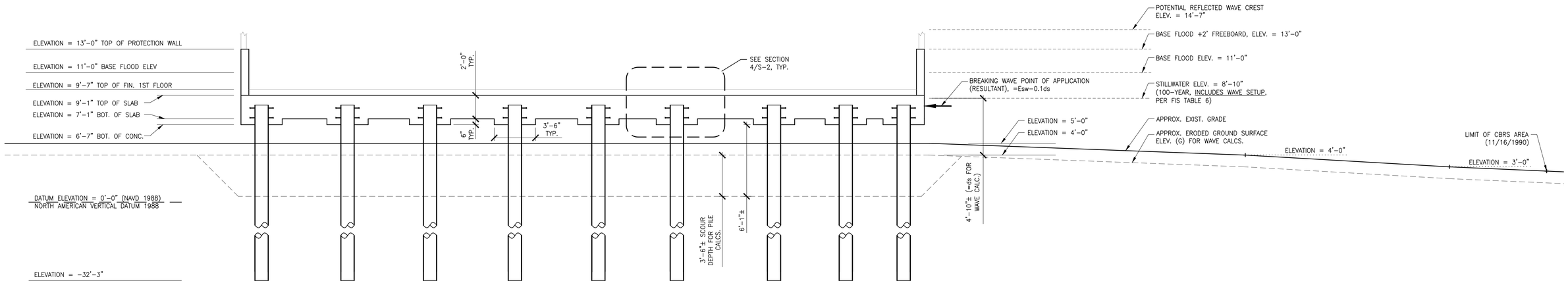
34 Washington Street
Nantucket, Massachusetts

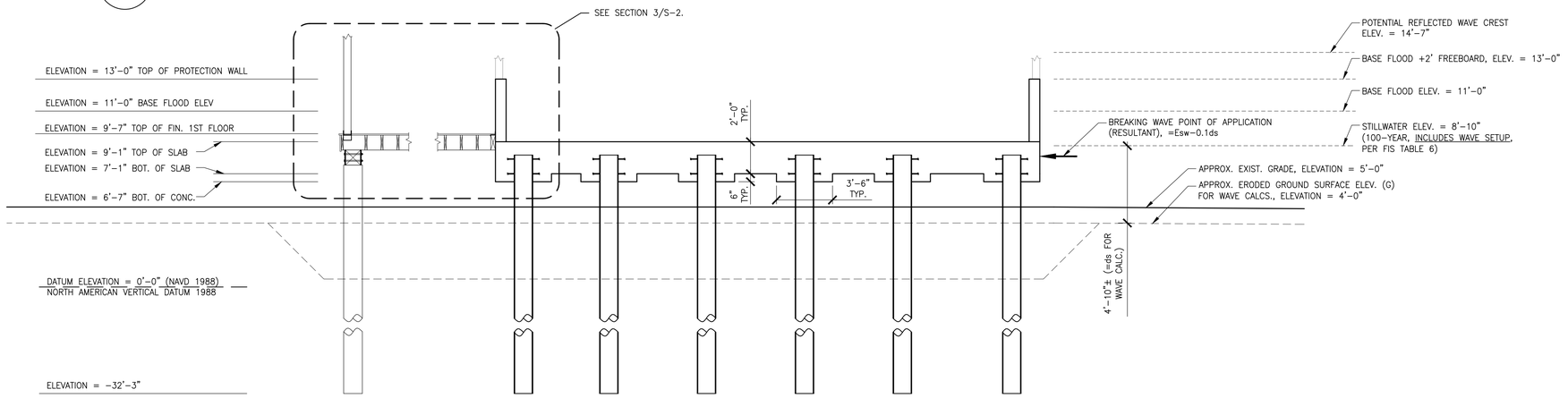
FOUNDATIONS / PILE LOCATION

Drawn By:	SB / JMT
Checked:	JMT
Date:	12 / 04 / 2019
Scale:	AS NOTED

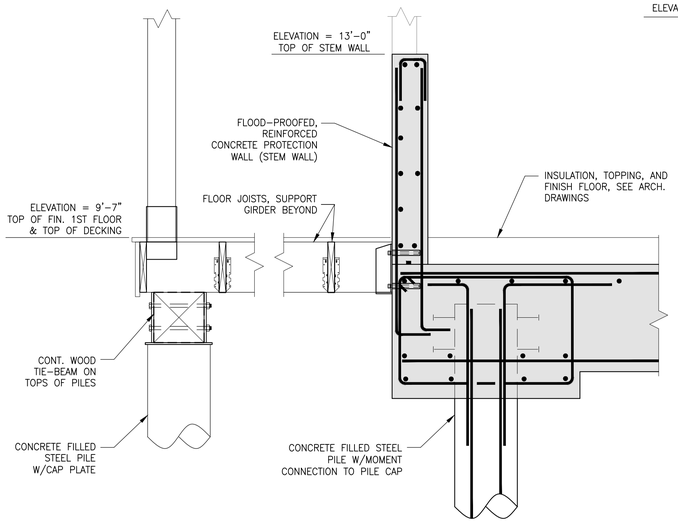
S-1



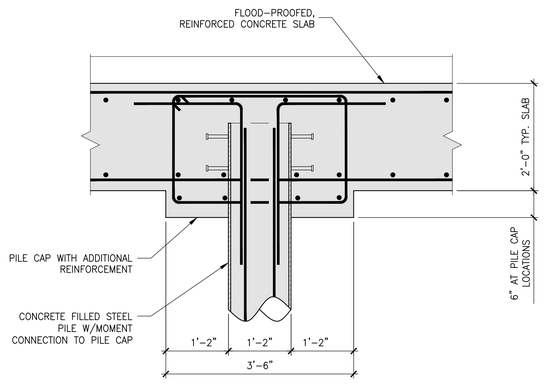
1 / S-2 LONGITUDINAL SECTION
SCALE: ¼" = 1'-0"



2 / S-2 TRANSVERSE SECTION
SCALE: ¼" = 1'-0"



3 / S-2 SECTION THROUGH DECK FLOOR FRAMING
SCALE : NO SCALE



4 / S-2 TYPICAL PILE CAP DETAIL
SCALE : NO SCALE

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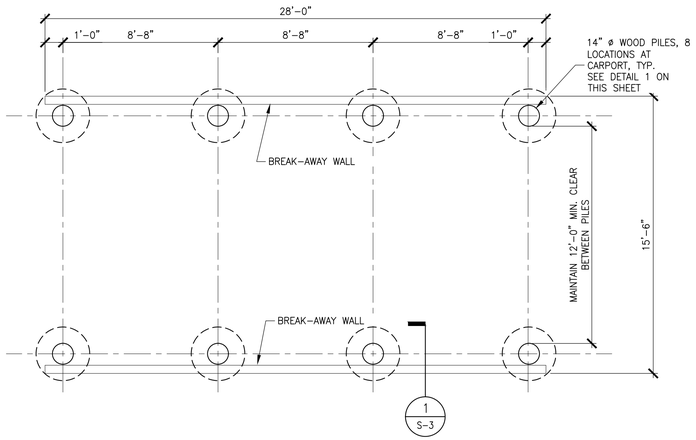
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

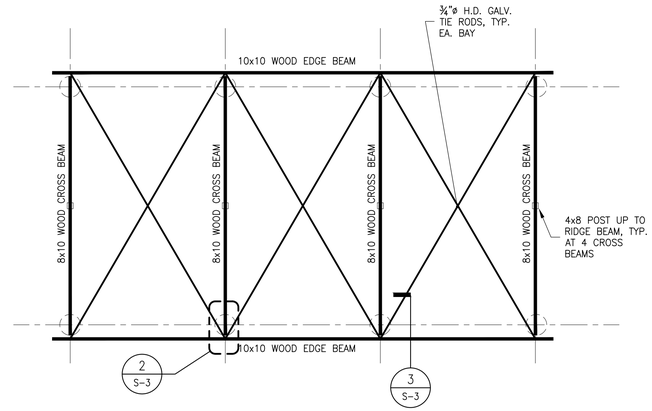
FOUNDATIONS / PILE LOCATION

Drawn By:	SB / JMT
Checked:	JMT
Date:	12 / 04 / 2019
Scale:	AS NOTED

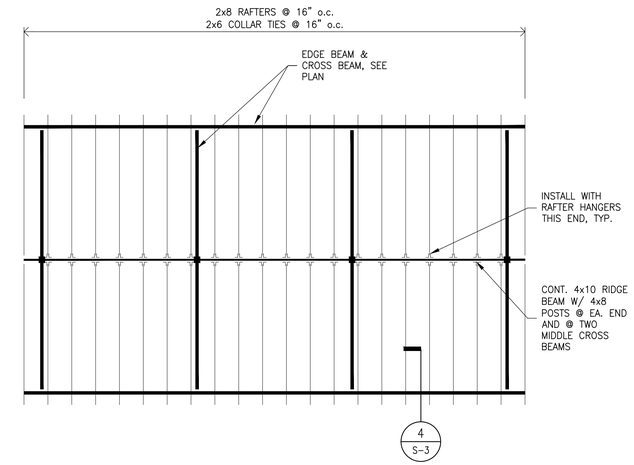
S-2



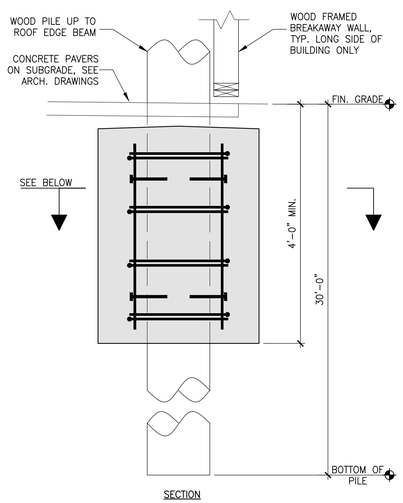
CARPORT PILE LOCATION PLAN
1/4" = 1'-0"



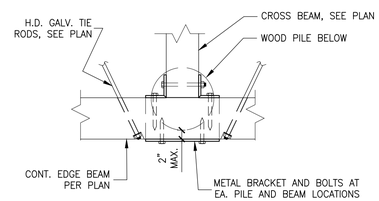
ROOF FRAMING BEAMS
1/4" = 1'-0"



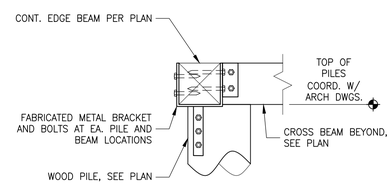
ROOF FRAMING PLAN
1/4" = 1'-0"



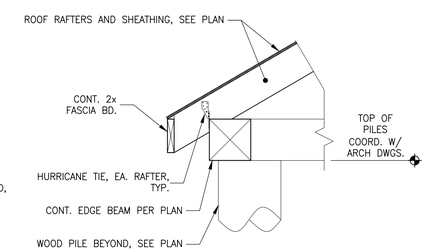
1 S-3 PILE DETAIL
SCALE : NO SCALE



2 S-3 PLAN DETAIL
SCALE : NO SCALE



3 S-3 BEAM TO PILE CONNECTION
SCALE : NO SCALE



4 S-3 TYPICAL RAFTER BEARING DETAIL
SCALE : NO SCALE

NOT FOR CONSTRUCTION

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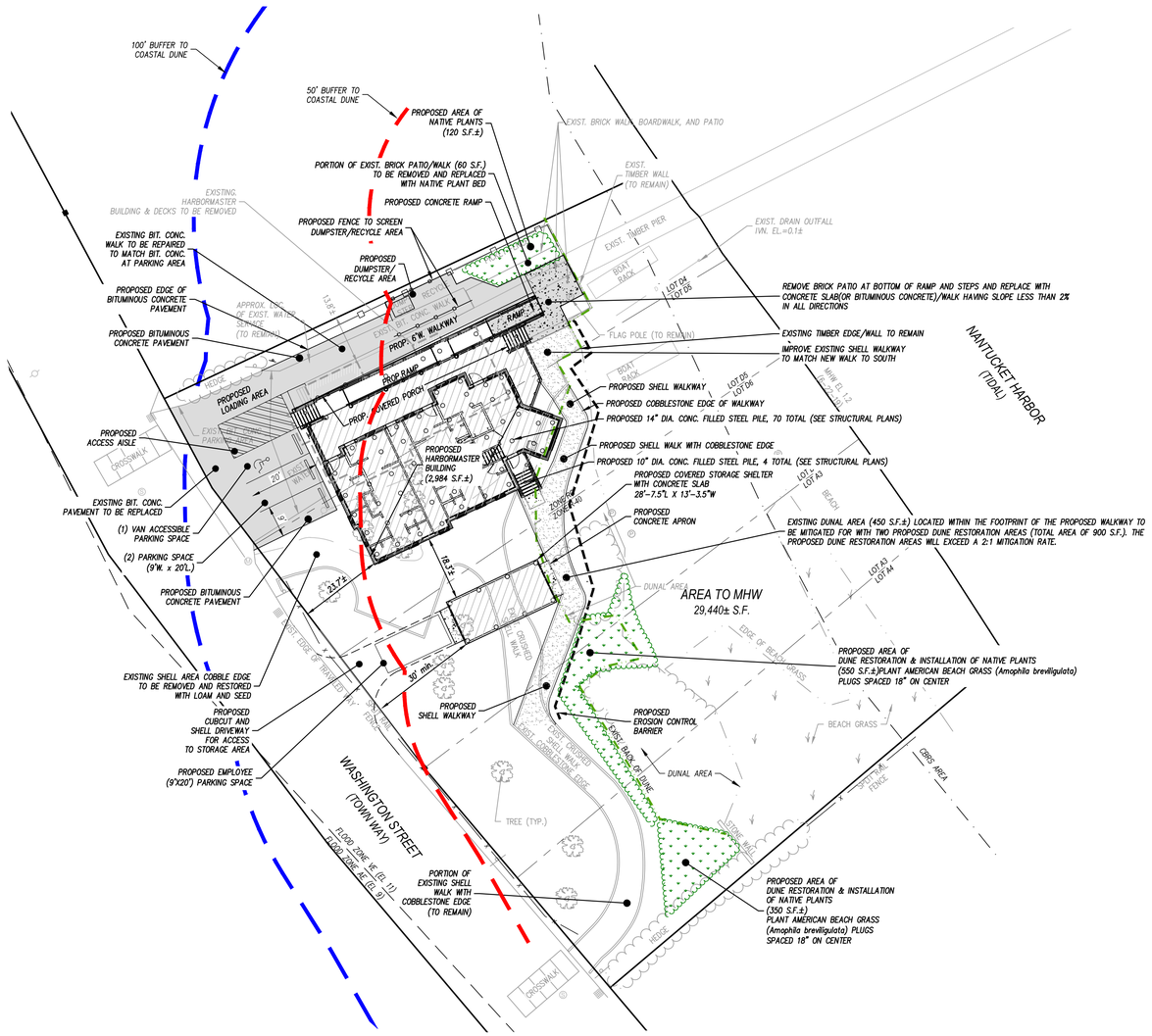
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

CARPORT PLANS AND DETAILS

Drawn By:	SB / JMT
Checked:	JMT
Date:	12 / 05 / 2019
Scale:	AS NOTED

S-3



PLAN

COVERAGE TABLE

SUBJECT	EXISTING	PROPOSED	CHANGE
BUILDING FOUNDATION AREA* (IMPERVIOUS FOOTPRINT)	1,497± S.F.	453 ± S.F.	1,044± S.F. REDUCTION
HARDSCAPES (PAVEMENT, WALLS, BRICK PATIO)	2,488± S.F.	2,623± S.F.	135± S.F. INCREASE
DECKS & STAIRS	679± S.F.	468± S.F.	211± S.F. REDUCTION
SHELL DRIVEWAY & WALKS (PERVIOUS)	2,809± S.F.	1,866± S.F.	943± S.F. REDUCTION
TOTAL COVERAGE	7,473± S.F.	5,410± S.F.	2,063± S.F. REDUCTION

*EXISTING BUILDING IS ON CONCRETE SLAB; PROPOSED HARBORMASTER BUILDING IS RAISED ABOVE EXISTING GRADE ON 74 PILES, AND PROPOSED STORAGE SHELTER IS ABOVE CONCRETE SLAB FOUNDATION

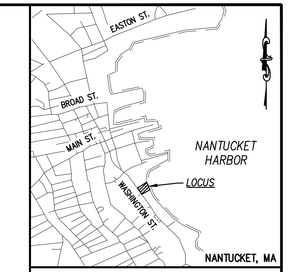
LEGEND

EXISTING

- BOUND
- MISC. SIGN
- FENCE
- OVERHEAD UTILITY LINE
- WATER LINE
- DRAIN LINE
- SEWAGE DISPOSAL
- SEWER MANHOLE
- MANHOLE
- CATCH BASIN
- DRAIN MANHOLE
- MONITORING WELL
- WATER VALVE
- UTILITY POLE
- ELECTRIC METER
- POST

PROPOSED

- DUNE RESTORATION AREA



KEY MAP

NO SCALE

REFERENCE:

ASSESSORS MAP 42.2.3,
PARCELS 2 THROUGH 6

CTF. #7858
L.C.PLAN 9434-D
L.C.PLAN 10450-C

ZONING:
RESIDENTIAL COMMERCIAL (RC)
RESIDENTIAL 40 (R-40)
FLOOD HAZARD OVERLAY DISTRICT (FHOD)
TOWN OVERLAY DISTRICT

FLOOD ZONE:

FLOOD ZONE VE (EL 11) AND CBRS AREA (11-16-1990) AS SHOWN ON FEMA FIRM PANEL #25019C0086G EFFECTIVE DATE 6-9-2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

COMMONWEALTH OF MASSACHUSETTS
TARJA L. MCGRAIL
CIVIL
No. 47593
REGISTERED PROFESSIONAL ENGINEER

COASTAL engineering co.
260 Cranberry Hwy, Orleans, MA 02653
508.255.6511 P 508.255.6700 F

Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building

34 Washington Street
Nantucket, Massachusetts

LAYOUT & MATERIALS PLAN

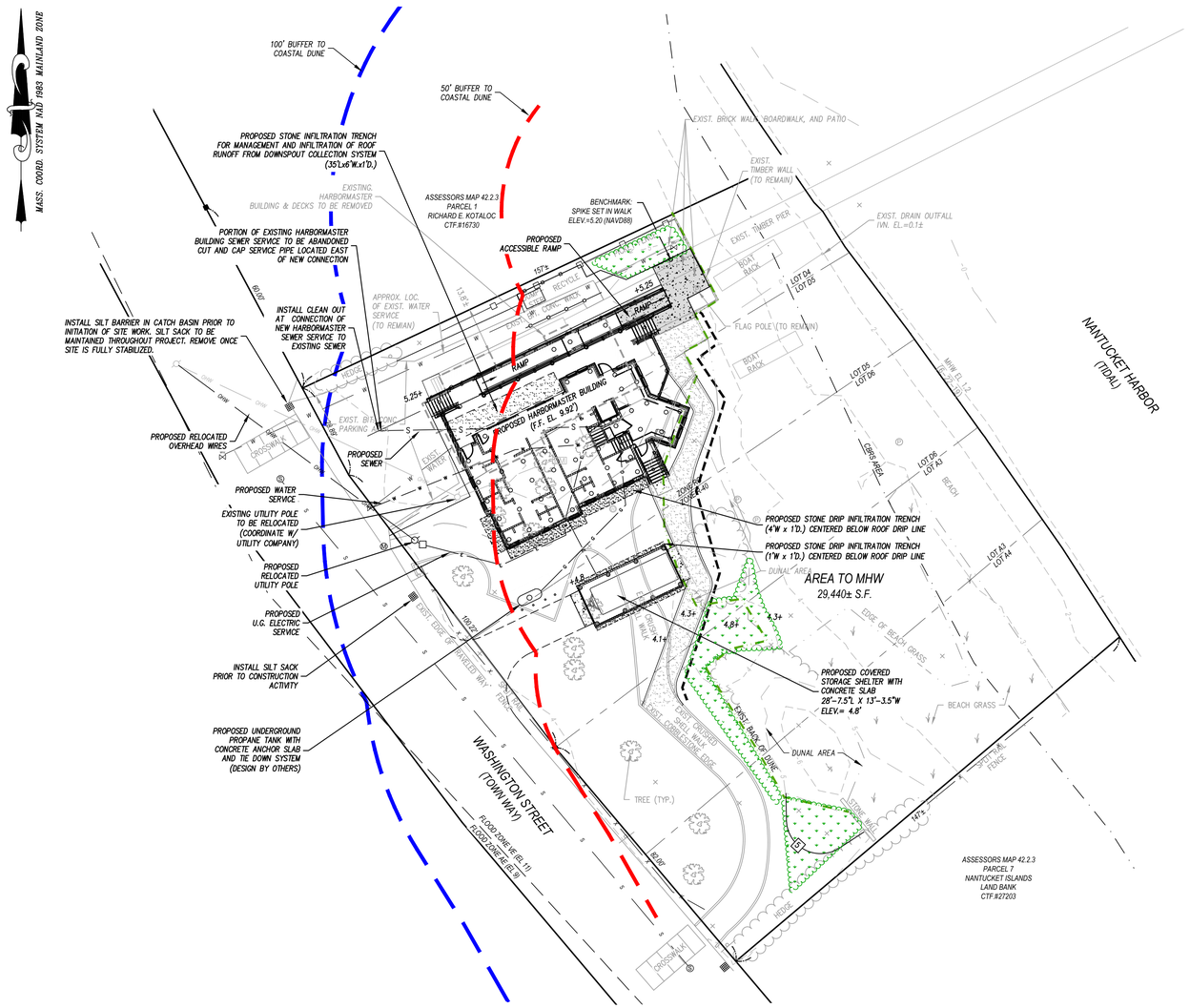
Drawn By:	MAP
Checked:	TLM
Date:	03-12-2020
Scale:	1"=20

C2.1.1

ISSUED FOR REGULATORY REVIEW 03-12-2020

Coastal Engineering Co., Inc. © 2020

F:\STSKPROJ\C19000\C19031\C19031-00\C19031-P.dwg Mar 13, 2020 - 10:35am



ROOF DOWNSPOUTS TO BE ROUTED VIA 4" DIA SCH 40 PVC PIPE FROM DOWNSPOUT TO PROPOSED STONE INFILTRATION TRENCH

PLAN

20 10 0 20 60

1 inch = 20 ft.

UTILITY NOTE:

UTILITY DISCONNECTS AND NEW SERVICES TO BE INSTALLED IN ACCORDANCE WITH APPLICABLE ELECTRICAL, PLUMBING, AND WATER DEPARTMENT CODES AND REGULATIONS.

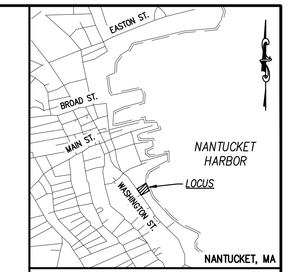
LEGEND

EXISTING

- BOUND
- MISC. SIGN
- FENCE
- OVERHEAD UTILITY LINE
- WATER LINE
- DRAIN LINE
- SEWAGE SERVICE
- SEWER MANHOLE
- MANHOLE
- CATCH BASIN
- DRAIN MANHOLE
- MONITORING WELL
- WATER VALVE
- UTILITY POLE
- ELECTRIC METER
- POST

PROPOSED

- DUNE RESTORATION AREA
- SEWER LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- GAS UNDERGROUND PROPANE SERVICE
- CONTOUR
- 5.25+ SPOT GRADE



KEY MAP

NO SCALE

REFERENCE:

ASSESSORS MAP 42.2.3, PARCELS 2 THROUGH 6

CTF. #7858
L.C.PLAN 9434-D
L.C.PLAN 10450-C

ZONING:
RESIDENTIAL COMMERCIAL (RC)
RESIDENTIAL 40 (R-40)
FLOOD HAZARD OVERLAY DISTRICT (FHOD)
TOWN OVERLAY DISTRICT

FLOOD ZONE:

FLOOD ZONE VE (EL 11) AND CBRS AREA (11-16-1990) AS SHOWN ON FEMA FIRM PANEL #25019C0086G EFFECTIVE DATE 6-9-2014. PLEASE NOTE THAT SITE SPECIFIC FLOODPLAIN BOUNDARIES MAY VARY DUE TO DIFFERENT INTERPRETATIONS OF THESE BOUNDARIES. USERS ARE ADVISED TO VERIFY LOCATION OF THESE BOUNDARIES WITH THE DESIGNATED COMMUNITY FLOODPLAIN MANAGERS PRIOR TO SITING ANY PROPOSED STRUCTURES.

DATUM:

ELEVATIONS SHOWN HEREON ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 1988)

COMMONWEALTH OF MASSACHUSETTS TARJA L. McGRAIL CIVIL No. 47593 REGISTERED PROFESSIONAL ENGINEER

COASTAL engineering co.
260 Cranberry Hwy, Orleans, MA 02653
508.255.6511 P 508.255.6700 F

SK
Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building

34 Washington Street
Nantucket, Massachusetts

DRAINAGE, GRADING, UTILITY PLAN

ISSUED FOR REGULATORY REVIEW 03-12-2020

Drawn By:	MAP
Checked:	TLM
Date:	3-12-2020
Scale:	1"=20

C2.2.1

Coastal Engineering Co., Inc. © 2020

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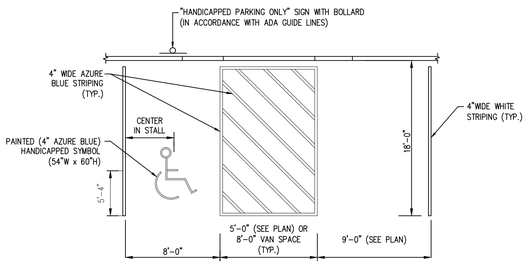
NOTE:
DETAIL IS SHOWN TYPICAL, SEE C2.1.1 FOR EXACT LAYOUT OF PARKING, CURB, RAMP, LOADING AND SIGN PLACEMENT



NOTE:
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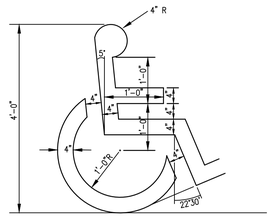
ADA ACCESIBLE STALL MARKINGS & PARKING LOT STRIPING DETAIL

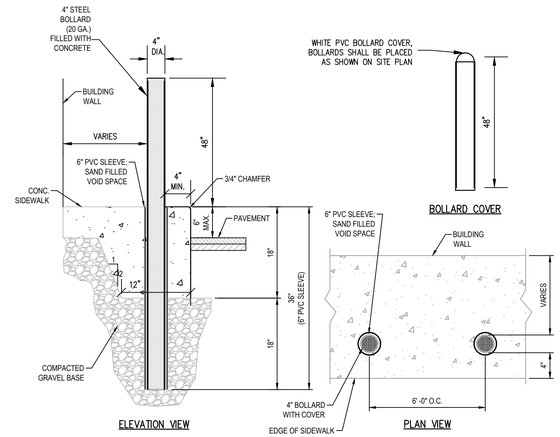
NOT TO SCALE



NOTE: SYMBOL TO BE PAINTED IN ALL HANDICAPPED SPACES.

PAINTED HANDICAP SYMBOL

NOT TO SCALE



BOLLARD DETAILS

NOT TO SCALE

EROSION & SEDIMENTATION CONTROL NOTES:

1. A TEMPORARY CHAN LINK CONSTRUCTION FENCE SHALL BE ERECTED AROUND THE PERIMETER OF THE WORK AREAS.

2. DEMOLITION AND SITEWORK CONTRACTOR TO ASCERTAIN THE LOCATION OF UNDERGROUND UTILITIES AND CONTACT DIG SAFE (AND PRIVATE UTILITY MARK OUT, IF NECESSARY) PRIOR TO EXCAVATION/DEMOLITION.

3. EROSION AND SEDIMENT CONTROL MEASURES TO BE IN COMPLIANCE WITH TOWN OF NANTUCKET REGULATIONS.

4. TO MINIMIZE EROSION ON SITE, TO THE EXTENT PRACTICAL, THE EXISTING PAVEMENT IS TO REMAIN ON SITE DURING DEMOLITION AND REMOVAL OF EXISTING BUILDING, CONCRETE, WALKS, WALLS, AND STEPS NOTED FOR REMOVAL.

5. EROSION CONTROL MEASURES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATIONS AND GOOD ENGINEERING PRACTICES.

6. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL AND PROTECTION OF OFF SITE AND ON SITE DRAINAGE STRUCTURES UNTIL COMPLETION OF SITEWORK AND ESTABLISHMENT OF STABILIZED VEGETATIVE GROUND COVER.

7. DURING CONSTRUCTION, CONTRACTOR TO INSTALL EROSION CONTROL BARRIER AS NECESSARY TO MANAGE CONSTRUCTION PERIOD RUNOFF ON-SITE. AS CONSTRUCTION PROGRESSES, THE LOCATIONS OF EROSION CONTROL SHALL BE ADJUSTED AS NECESSARY.

8. THE CONTRACTOR SHALL PRACTICE GOOD HOUSEKEEPING MEASURES DURING THE DAY TO DAY OPERATION AT THE SITE. THE SITE SHOULD BE POLICED DAILY TO REMOVE ANY LITTER OR DEBRIS.

9. TEMPORARY SOIL MATERIAL STOCKPILES SHALL BE SURROUNDED WITH SEDIMENT BARRIER ON THE DOWNGRADIENT SIDE TO PREVENT DISCHARGE OF SEDIMENT FROM SITE. STOCKPILES SHALL BE COVERED OR OTHERWISE PROTECTED TO PREVENT DUST MIGRATION. MATERIAL STOCKPILES THAT ARE IN PLACE FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED WITH VEGETATION, MULCHING, EROSION CONTROL BLANKETS, AND OTHER MEASURES THAT ARE NECESSARY TO PREVENT THE DISCHARGE OF SEDIMENT FROM THE PROJECT SITE.

10. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS.

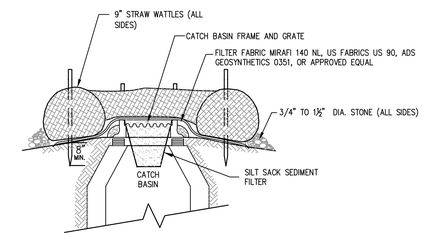
11. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS THAT COULD BE EXPOSED TO STORM WATER MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

12. EXCEPT AS PROVIDED BELOW, STABILIZATION MEASURES MUST BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

1. WHERE STABILIZATION BY THE 14TH DAY IS PRECLUDED BY SNOW COVER OR FROZEN GROUND CONDITIONS, STABILIZATION MEASURES MUST BE INITITIATED AS SOON AS PRACTICABLE.

2. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 14 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF THE SITE.

13. CONTRACTOR TO PROVIDE CONSERVATION AGENT AND ENGINEER WITH DEWATERING PLAN FOR REVIEW AND APPROVAL PRIOR TO INITIATING DEWATERING ACTIVITIES.



INLET PROTECTION NOTES:

1. ENCLOSE STRUCTURE WITH STRAW BALES OR RICE STRAW ROLLS IMMEDIATELY AFTER CATCH BASIN CONSTRUCTION. MAINTAIN UNTIL PAVING BINDER COURSE IS COMPLETE OR A PERMANENT STAND OF GRASS HAS BEEN ESTABLISHED.

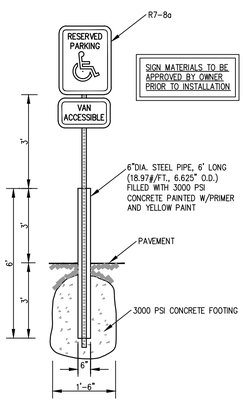
2. IF GRATE IS AGAINST EXISTING CURB THEN STRAW WATTLES ARE TO BE PLACED AROUND THREE SIDES OF GRATE ONLY. GRATE TO BE PLACED OVER FILTER FABRIC .

3. IN PLACES WHERE EXISTING CATCH BASIN IS SURROUNDED BY PAVEMENT, A SILT SACK SEDIMENT FILTER IS TO BE PLACED UNDER CATCH BASIN GRATE.

4. WATTLES SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND REPAIR OR REPLACEMENT SHALL BE PERFORMED PROMPTLY IF NEEDED.

CATCH BASIN INLET PROTECTION DETAIL

NOT TO SCALE



HANDICAP SIGN

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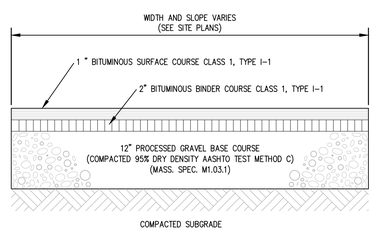
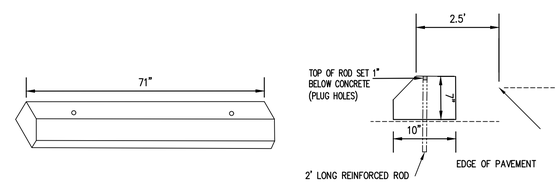


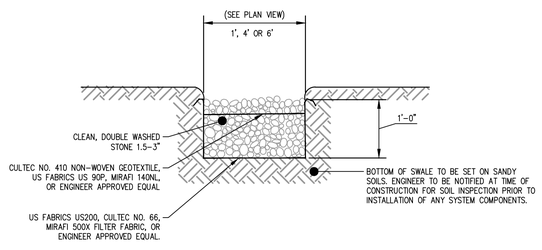
BITUMINOUS CONCRETE PAVEMENT

NOT TO SCALE



CONCRETE WHEEL STOP DETAIL

NOT TO SCALE

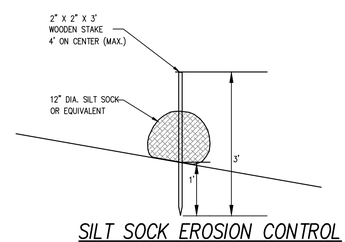


ROOF DRAINAGE INFILTRATION TRENCH/DRIP EDGE

NOT TO SCALE

GENERAL NOTE:

1. DIMENSIONS MAY BE MODIFIED BY ENGINEER TO MEET FIELD CONDITIONS



SILT SOCK EROSION CONTROL BARRIER DETAIL

NOT TO SCALE

ISSUED FOR REGULATORY REVIEW 03-12-2020

COMMONWEALTH OF MASSACHUSETTS
TARJA L. McGRAIL
CIVIL
No. 47593
REGISTERED PROFESSIONAL ENGINEER
3/12/20

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Harbormaster Building
34 Washington Street
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SITE DETAILS

Drawn By:	MAP
Checked:	TLM
Date:	3-12-2020
Scale:	1"=20

C2.4.1

Coastal Engineering Co., Inc. © 2020

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STEPHEN KELLEHER ARCHITECTS, INC.

April 24, 2020

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

RE: **Nantucket Harbormaster Building**
34 Washington Street

Dear Mr Carlson,

I understand that the conservation commission had a few concerns regarding the size of the new Harbormaster Building. Therefore, I am forwarding you the building program that was prepared by Stephen Kelleher Architects during the study phase. Please see the attached. The majority of the first floor is dedicated to public restrooms and showers etc. that are necessary for serving the public and the boats utilizing the pier. The second floor is going to provide much needed office and meeting space for the Harbormaster and personnel.

I also understand that there are a few concerns about the storage carport / shelter. The town wanted a garage to store pumps, hoses, ropes and other equipment. But because the garage would be totally below the flood elevation and a tremendous cost to construct, we added the storage trailer for the equipment. The trailer would be removed from the site in the event of a storm. The carport was added to conceal the trailer, (for historic) The trailer will not store ATV's.

Please contact me should you have any questions or concerns regarding the above.

Sincerely,
Stephen Kelleher Architects

Patrick D. Quinlan, AIA, CSI
Architect

SK Main Office: 57 Alden Road • Fairhaven, MA 02719 • Phone: 508-992-2007 • Fax: 508-992-2021
Studio: P.O. Box 107 • Mattapoisett, MA 02739

STEPHEN KELLEHER ARCHITECTS, INC.

NANTUCKET HARBORMASTER BUILDING PROGRAM

The following program was developed 2014 during the study / existing conditions survey

1.01 The committee discussed the need for flexibility in the design as user needs are different times of the year. Sheila said that during the winter time it was basically just her, while during the summer season staff consisted of three (3) assistant harbormasters, six (6) pump-out workers, ten (10) dock boys, two (2) lifeguard supervisors, and fifty (50) lifeguards (off site).

1.02 The following is a list of boat related entities that the harbormaster building accommodates in the summer season.

- Transient boaters
- Forty (40) live aboard boaters
- One-hundred twenty-five (125) rental moorings, plus twenty-two hundred (2,200) regular moorings.
- One hundred (100) slip marina
- Eight (8) 35' charter sports fishing boats consisting of six (6) people (4 trips per day)
- Fifteen (15) fluke boats
- Forty to fifty (40-50) lobster boats
- Transient commercial boats consisting of 70' trawlers possible from 8-10 storms a year. Primarily off season.

1.03 List of requirements discussed based on existing use of employees and boaters.

- New Men's Room
  - Three (3) regular showers / One (1) handicapped accessible shower
  - One (1) regular toilet / One (1) handicapped accessible toilet / One (1) urinal
  - Four (4) sinks
- New Women's Room
  - Three (3) regular showers / One (1) handicapped accessible shower
  - Three (3) regular toilets / One (1) handicapped accessible toilet
  - Four (4) sinks
- One (1) Handicapped Accessible Family Bathroom with Shower
- One (1) Employee Bathroom (unisex)
- Employee Lunch Room and Storage
- Tourist Information Area and Center
- Upstairs Office larger enough for the harbormaster with views to all sides of the harbor
- Commercial fisherman all load at this pier / facility
- Ice freezer for all types of boaters

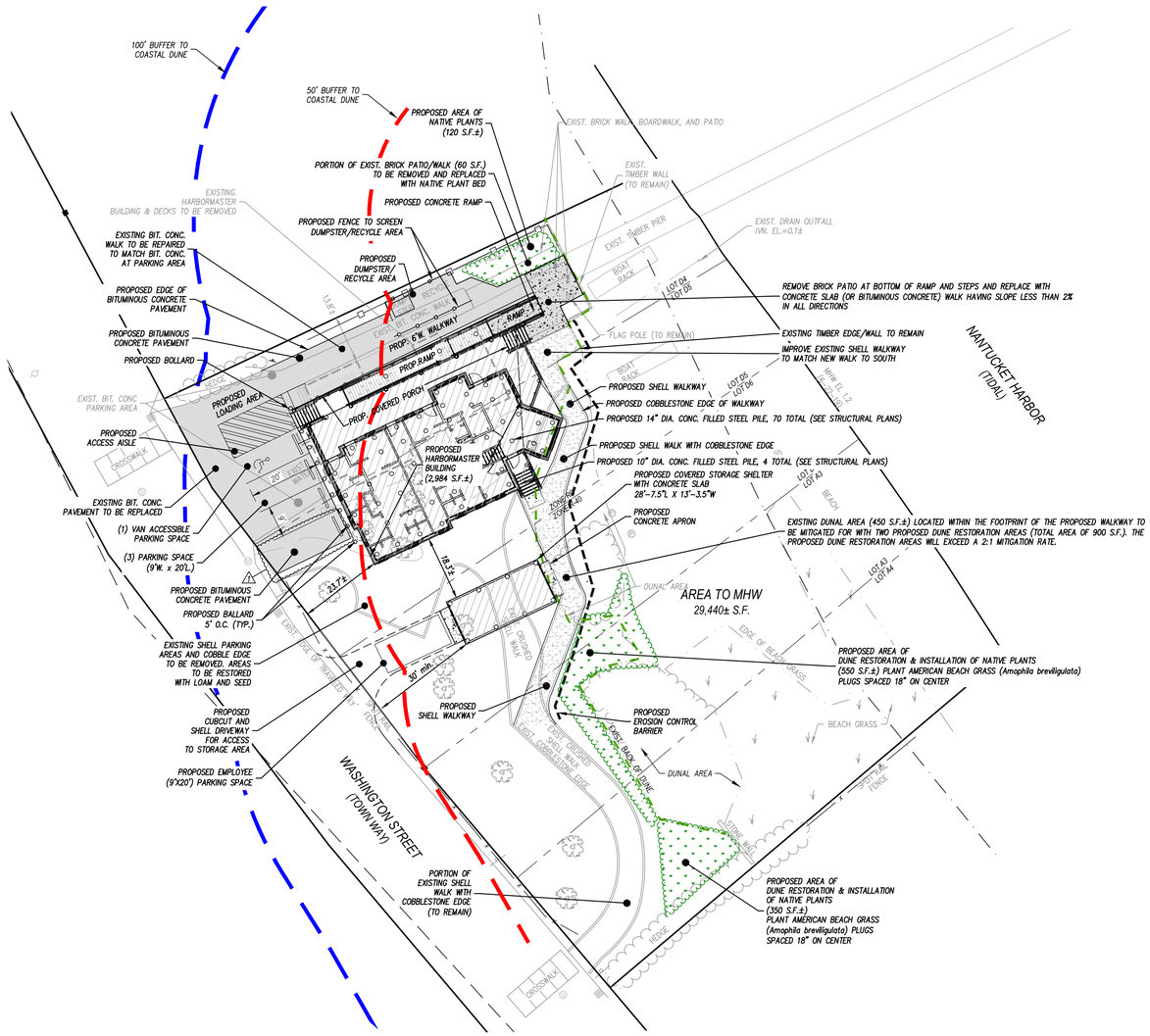
1.04 Town previously approved design criteria

- Handicapped accessibility
- 30' height limit
- 7/12 roof pitch (min)
- One (1) skylight per roof
- Natural white cedar shingle / natural red cedar trim
- True divided light windows

- Architecturally simple building with variance on flood proofing, energy code and glazing.

1.05 General Condition Notes

- Hot water systems need to be upgraded for extensive shower use.
- Materials used for public use should be vandal proof
- Trash and recycling must be adequate for boaters
- Building is on Town water and sewer
- Weather coverage is needed for bathrooms, stairs, and ramps.
- It is important that the building ties in with the park next door as this is the portal to the Town for most boaters, fishermen, and sailors.



PLAN

20 10 0 20 60

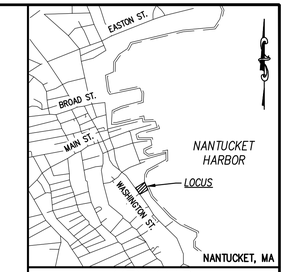
1 inch = 20 ft.

COVERAGE TABLE

SUBJECT	EXISTING	PROPOSED	CHANGE
BUILDING FOUNDATION AREA* (IMPERVIOUS FOOTPRINT)	1,497± S.F.	453 ± S.F.	1,044± S.F. REDUCTION
HARDSCAPES (PAVEMENT, WALLS, BRICK PATIO)	2,488± S.F.	3,021± S.F.	533± S.F. INCREASE
DECKS & STAIRS	679± S.F.	468± S.F.	211± S.F. REDUCTION
SHELL DRIVEWAY & WALKS (PERVIOUS)	2,809± S.F.	1,866± S.F.	943± S.F. REDUCTION
TOTAL COVERAGE	7,473± S.F.	5,808± S.F.	1,665± S.F. REDUCTION

1

*EXISTING BUILDING IS ON CONCRETE SLAB; PROPOSED HARBORMASTER BUILDING IS RAISED ABOVE EXISTING GRADE ON 74 PILES, AND PROPOSED STORAGE SHELTER TO BE SUPPORTED BY PILE FOUNDATION ABOVE A CONCRETE SLAB.



KEY MAP

NO SCALE

REFERENCE:

ASSESSORS MAP 42.2.3,
PARCELS 2 THROUGH 6

CTF. #7858
L.C.PLAN 9434-D
L.C.PLAN 10450-C

ZONING:
RESIDENTIAL COMMERCIAL (RC)
RESIDENTIAL 40 (R-40)
FLOOD HAZARD OVERLAY DISTRICT (FHOD)
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DATUM:

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LEGEND

EXISTING

- BOUND
- MISC. SIGN
- FENCE
- OVERHEAD UTILITY LINE
- WATER LINE
- DRAIN LINE
- SEWAGE DISPOSAL
- SEWER MANHOLE
- MANHOLE
- CATCH BASIN
- DRAIN MANHOLE
- MONITORING WELL
- WATER VALVE
- UTILITY POLE
- ELECTRIC METER
- POST
- TREE

PROPOSED

- DUNE RESTORATION AREA

COMMONWEALTH OF MASSACHUSETTS TARJA L. McGRAIL CIVIL No. 47593 REGISTERED PROFESSIONAL ENGINEER

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Harbormaster Building

34 Washington Street
Nantucket, Massachusetts

1 REV 1 DATE:06/19/2020 :REV. PLAN TO INCLUDE AND IMPROVE EXISTING PARKING SPACE

ISSUED FOR REGULATORY REVIEW 06-19-2020

LAYOUT & MATERIALS PLAN

Drawn By:	MAP
Checked:	TLM, SMR
Date:	~~03-12-2020~~
Scale:	1"=20

C2.1.1

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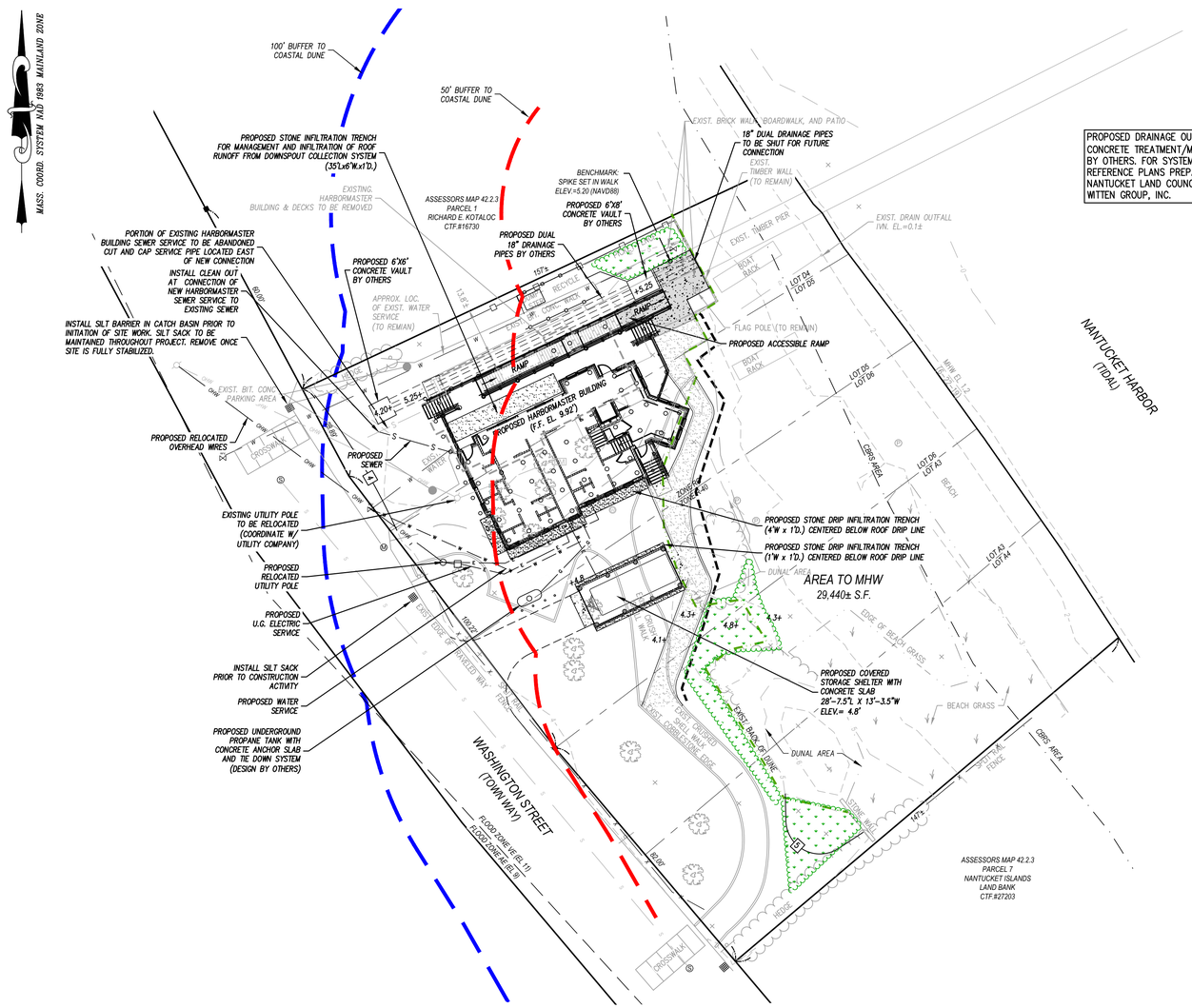


PROPOSED DRAINAGE OUTFALL PIPES AND CONCRETE TREATMENT/MONITORING VAULTS BY OTHERS. FOR SYSTEM DETAILS REFERENCE PLANS PREPARED FOR NANTUCKET LAND COUNCIL BY HORSLEY WITTEN GROUP, INC.

ROOF DOWNSPOUTS TO BE ROUTED VIA 4" DIA SCH 40 PVC PIPE FROM DOWNSPOUT TO PROPOSED STONE INFILTRATION TRENCH

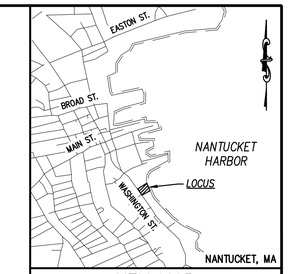
PLAN

20 10 0 20 60

1 inch = 20 ft.

UTILITY NOTE:

UTILITY DISCONNECTS AND NEW SERVICES TO BE INSTALLED IN ACCORDANCE WITH APPLICABLE ELECTRICAL, PLUMBING, AND WATER DEPARTMENT CODES AND REGULATIONS.



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CTF. #7858
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- DRAIN MANHOLE
- MONITORING WELL
- WATER VALVE
- UTILITY POLE
- ELECTRIC METER
- POST

PROPOSED

- DUNE RESTORATION AREA
- SEWER LINE
- WATER LINE
- UNDERGROUND ELECTRIC
- GAS UNDERGROUND PROPANE SERVICE
- CONTOUR
- 5.25+ SPOT GRADE

COMMONWEALTH OF MASSACHUSETTS TARJA L. MACGRAIL CIVIL No. 47593 REGISTERED PROFESSIONAL ENGINEER

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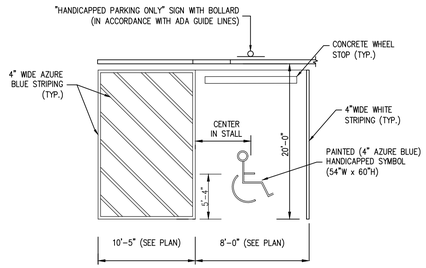

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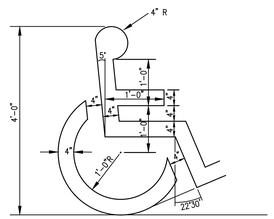

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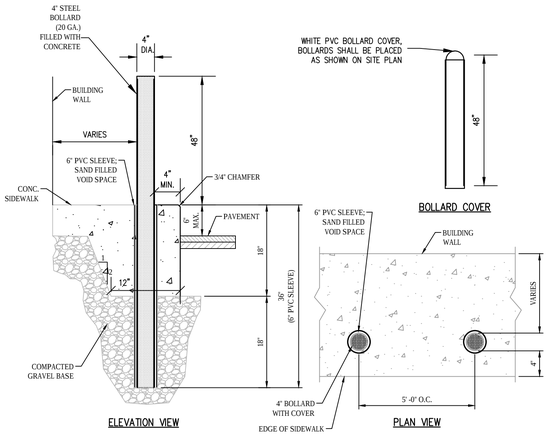

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5. EROSION CONTROL MEASURES TO BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH MANUFACTURE'S SPECIFICATIONS AND GOOD ENGINEERING PRACTICES.

6. DURING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR EROSION CONTROL AND PROTECTION OF OFF SITE AND ON SITE DRAINAGE STRUCTURES UNTIL COMPLETION OF SITEWORK AND ESTABLISHMENT OF STABILIZED VEGETATIVE GROUND COVER.

7. DURING CONSTRUCTION, CONTRACTOR TO INSTALL EROSION CONTROL BARRIER AS NECESSARY TO MANAGE CONSTRUCTION PERIOD RUNOFF ON-SITE. AS CONSTRUCTION PROGRESSES, THE LOCATIONS OF EROSION CONTROL SHALL BE ADJUSTED AS NECESSARY.

8. THE CONTRACTOR SHALL PRACTICE GOOD HOUSEKEEPING MEASURES DURING THE DAY TO DAY OPERATION AT THE SITE. THE SITE SHOULD BE POLICED DAILY TO REMOVE ANY LITTER OR DEBRIS.

9. TEMPORARY SOIL MATERIAL STOCKPILES SHALL BE SURROUNDED WITH SEDIMENT BARRIER ON THE DOWNGRADIENT SIDE TO PREVENT DISCHARGE OF SEDIMENT FROM SITE. STOCKPILES SHALL BE COVERED OR OTHERWISE PROTECTED TO PREVENT DUST MIGRATION. MATERIAL STOCKPILES THAT ARE IN PLACE FOR AN EXTENDED PERIOD OF TIME SHALL BE STABILIZED WITH VEGETATION, MULCHING, EROSION CONTROL BLANKETS, AND OTHER MEASURES THAT ARE NECESSARY TO PREVENT THE DISCHARGE OF SEDIMENT FROM THE PROJECT SITE.

10. IF SEDIMENT ESCAPES THE CONSTRUCTION SITE, OFF-SITE ACCUMULATIONS OF SEDIMENT MUST BE REMOVED AT A FREQUENCY SUFFICIENT TO MINIMIZE OFF-SITE IMPACTS.

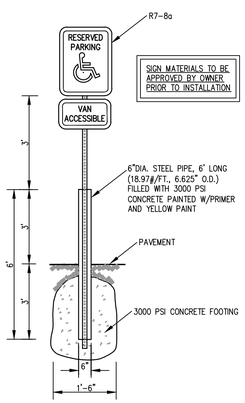
11. LITTER, CONSTRUCTION DEBRIS, AND CONSTRUCTION CHEMICALS THAT COULD BE EXPOSED TO STORM WATER MUST BE PREVENTED FROM BECOMING A POLLUTANT SOURCE.

12. EXCEPT AS PROVIDED BELOW, STABILIZATION MEASURES MUST BE INITIATED AS SOON AS PRACTICABLE IN PORTIONS OF THE SITE WHERE CONSTRUCTION ACTIVITIES HAVE TEMPORARILY CEASED, BUT IN NO CASE MORE THAN 14 DAYS AFTER THE CONSTRUCTION ACTIVITY IN THAT PORTION OF OF THE SITE HAS TEMPORARILY OR PERMANENTLY CEASED.

1. WHERE STABILIZATION BY THE 14TH DAY IS PRECLUDED BY SNOW COVER OR FROZEN GROUND CONDITIONS, STABILIZATION MEASURES MUST BE INITITIATED AS SOON AS PRACTICABLE.

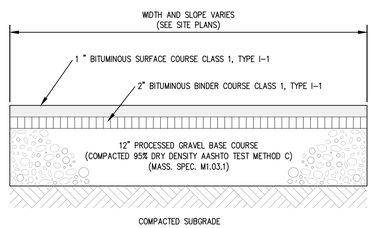
2. WHERE CONSTRUCTION ACTIVITY ON A PORTION OF THE SITE IS TEMPORARILY CEASED, AND EARTH DISTURBING ACTIVITIES WILL BE RESUMED WITHIN 14 DAYS, TEMPORARY STABILIZATION MEASURES DO NOT HAVE TO BE INITIATED ON THAT PORTION OF THE SITE.

13. CONTRACTOR TO PROVIDE CONSERVATION AGENT AND ENGINEER WITH DEWATERING PLAN FOR REVIEW AND APPROVAL PRIOR TO INITIATING DEWATERING ACTIVITIES.



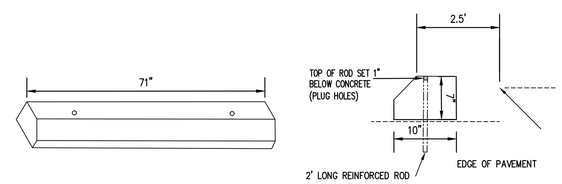
HANDICAP SIGN

NOT TO SCALE



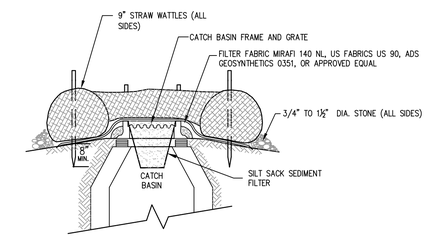
BITUMINOUS CONCRETE PAVEMENT

NOT TO SCALE



CONCRETE WHEEL STOP DETAIL

NOT TO SCALE



INLET PROTECTION NOTES:

1. ENCLOSE STRUCTURE WITH STRAW BALES OR RICE STRAW ROLLS IMMEDIATELY AFTER CATCH BASIN CONSTRUCTION. MAINTAIN UNTIL PAVING BINDER COURSE IS COMPLETE OR A PERMANENT STAND OF GRASS HAS BEEN ESTABLISHED.

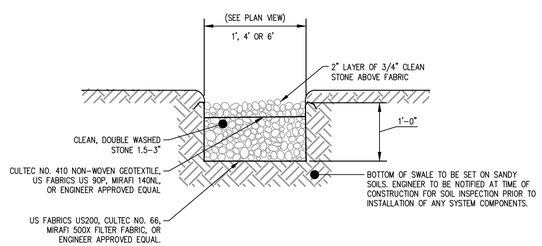
2. IF GRATE IS AGAINST EXISTING CURB THEN STRAW WATTLES ARE TO BE PLACED AROUND THREE SIDES OF GRATE ONLY. GRATE TO BE PLACED OVER FILTER FABRIC .

3. IN PLACES WHERE EXISTING CATCH BASIN IS SURROUNDED BY PAVEMENT, A SILT SACK SEDIMENT FILTER IS TO BE PLACED UNDER CATCH BASIN GRATE.

4. WATTLES SHALL BE INSPECTED PERIODICALLY AND AFTER ALL STORM EVENTS AND REPAIR OR REPLACEMENT SHALL BE PERFORMED PROMPTLY IF NEEDED.

CATCH BASIN INLET PROTECTION DETAIL

NOT TO SCALE

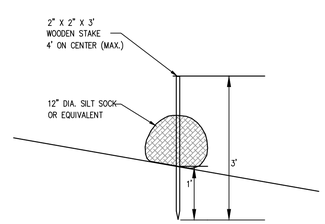


ROOF DRAINAGE INFILTRATION TRENCH/DRIP EDGE

NOT TO SCALE

GENERAL NOTE:

1. DIMENSIONS MAY BE MODIFIED BY ENGINEER TO MEET FIELD CONDITIONS



SILT SOCK EROSION CONTROL BARRIER DETAIL

NOT TO SCALE

ISSUED FOR REGULATORY REVIEW 06-19-2020

COASTAL engineering co.
260 Cranberry Hwy, Orleans, MA 02653
508.255.6511 P 508.255.6700 F

Stephen Kelleher Architects, Inc.
Fairhaven Center for Business
57 Alden Road
Fairhaven, Massachusetts 02719
508-992-2007 Fax 992-2021

Harbormaster Building
34 Washington Street
Nantucket, Massachusetts

SITE DETAILS

Drawn By:	MAP
Checked:	TLM
Date:	~~3-12-2020~~
Scale:	1"=20

C2.4.1

Coastal Engineering Co., Inc. © 2020

F:\SDSK\PROJ\C19000\C19031\C19031-00\C19031-P.dwg Jun 19, 2020 - 9:06am

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 regualtions.

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

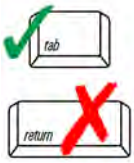
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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):

46 Easton St. (a. Street Address) | Nantucket (b. City/Town) | 02554 (c. Zip Code)

Latitude and Longitude: 41.288639 (d. Latitude) | -70.095997 (e. Longitude)

42.4.1 (f. Assessors Map/Plat Number) | 22 (g. Parcel /Lot Number)

2. Applicant:

Kim (a. First Name) | Glowacki (b. Last Name)
Structures Unlimited (c. Organization)
20 Greglan Avenue (d. Street Address)
Nantucket (e. City/Town) | MA (f. State) | 02554 (g. Zip Code)
(508) 325-3119 (h. Phone Number) | (i. Fax Number) | structuresunltd@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
Howard Auburn Cottage LLC ET AL (c. Organization)
31 Settlers Path (d. Street Address)
Lancaster (e. City/Town) | MA (f. State) | 01523 (g. Zip Code)
h. Phone Number | i. Fax Number | j. Email address

4. Representative (if any):

Dan (a. First Name) | Wells (b. Last Name)
Goddard Consulting (c. Company)
291 Main St. (d. Street Address)
Northborough (e. City/Town) | MA (f. State) | 01532 (g. Zip Code)
(508) 393-3784 (h. Phone Number) | (i. Fax Number) | dan@goddardconsultingllc.com (j. Email address)

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

$1,000 (a. Total Fee Paid) | $487.50 (b. State Fee Paid) | $512.50 (c. City/Town Fee Paid)

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

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	b. Certificate # (if registered land)
1417	1
c. Book	d. Page Number

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

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

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

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Nantucket
City/Town

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   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.

Massachusetts Department of Environmental Protection
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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.

Massachusetts Department of Environmental Protection
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WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No

If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System.

b. ☒ No. Check why the project is exempt:

1. ☐ Single-family house

2. ☐ Emergency road repair

3. ☒ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Massachusetts Department of Environmental Protection
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Provided by MassDEP:

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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
b. Prepared By

Donald F. Bracken Jr.
c. Signed and Stamped by

February 13, 2020
d. Final Revision Date

1"=20'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

316
2. Municipal Check Number

2/14/2020
3. Check date

317
4. State Check Number

2/14/2020
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

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant	2. Date 2/14/2020
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date 2/13/2020

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.

dotloop signature verification: dtlp.us/MsAw-gbhJ-LKYI

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	2. Date
Philip Auburn Cottage, LLC, Philip W. Lincoln, President	dotloop verified 02/14/20 11:02 AM EST TYSY-PDHI-GEBB-FK3H
3. Signature of Property Owner (if different)	4. Date
William F. McGowan	dotloop verified 01/31/20 2:50 PM EST SIZS-KRXT-THQH-PLSV
5. Signature of Representative (if any) Listing Agent, William F. McGowan	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.

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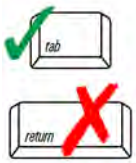
Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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

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

B. Fees

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

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

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
2a) Construction of single family house	2	$500	$1000

Step 5/Total Project Fee: $1000

Step 6/Fee Payments:

Total Project Fee:	$1000 a. Total Fee from Step 5
State share of filing Fee:	$487.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$512.50 c. 1/2 Total Fee **plus** $12.50

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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

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 LLC
Strategic Wetland Permitting

USGS Site Locus

46 Easton Street - Nantucket, MA

N

0 100 200 400 Feet

1 inch = 400 feet

Date: 10/31/2019

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

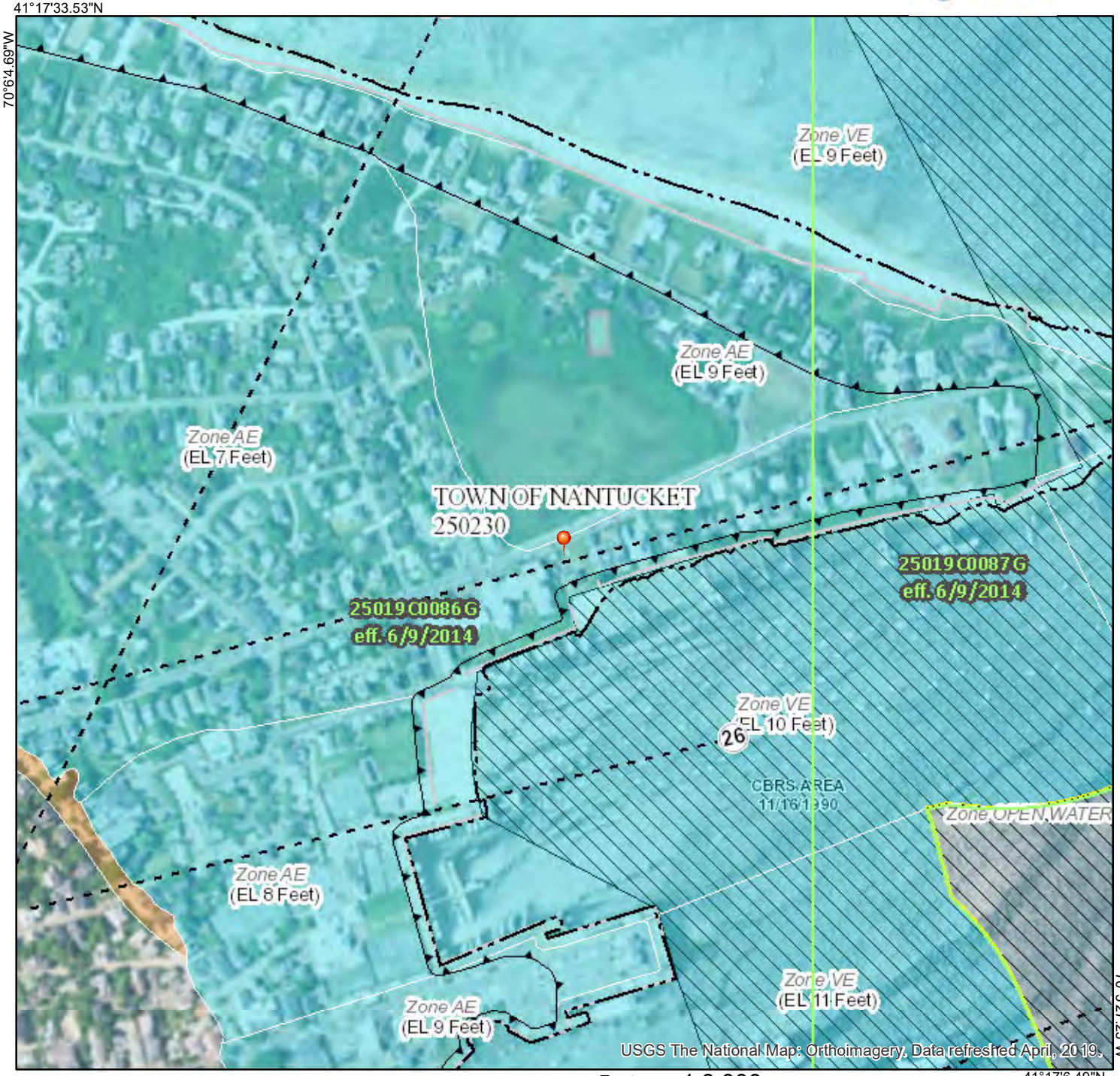
GODDARD CONSULTING LLC
Strategic Wetland Permitting

National Flood Hazard Layer FIRMette

FEMA

41°17'33.53"N

70°6'4.69"W



70°5'27.23"W

41°17'6.49"N

Feet 1:6,000

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

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

- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone D*

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- B 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- 8 Coastal Transect
- 513 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

N

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 2/7/2020 at 5:49:44 AM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

February 14, 2020

Habitat Restoration Plan

46 Easton Street
Nantucket, MA

Submitted to:
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Prepared for:
Kim Glowacki

1. INTRODUCTION

On behalf of the Applicant, Kim Glowacki, Goddard Consulting, LLC is pleased to submit this Habitat Restoration Plan as a component of the Notice of Intent filed for 46 Easton Street in Nantucket, MA. Restoration is proposed within an area located to the southwest of the existing residence, consisting of a patch of Japanese knotweed. See the following figure for a visual location of the restoration area.

2. RESTORATION PLAN SUMMARY

2.1 Habitat Restoration Area Location
This includes an approximately 500 sf invasive species management and planting area to the southwest of the existing residence.

2.2 Habitat Restoration Plan Components
The plan includes invasive species removal (Japanese knotweed) and native shrub plantings.

3. RESTORATION PLAN DETAILS

3.1 Overview

Supervision: All work within the restoration area shall be supervised by a qualified wetland scientist or biologist with a minimum of five years' experience. The supervisor shall submit monitoring reports to the Conservation Commission as described below. Reports shall contain details of all work performed and photographs of completed conditions.

Timing: Invasive species removal may take place during any time of year. Restoration area plantings should be installed during the Spring or Fall growing seasons.

3.2. Sequencing of Procedures

Step 1: Stake Limits of Work & Install ECB
Stake out limits of work for invasive species removal area. Erosion control barriers shall be installed in the form of staked siltation fence placed at the wetland side of the limit of work for the restoration area. These will remain in place and be maintained until the areas are completely stabilized and then may be removed after approval of the Conservation Commission. The supervising wetland scientist shall have authority to require additional erosion control measures if deemed necessary.

Step 2: Identify invasive species for removal
The wetland scientist shall identify and flag (with pink flagging) a representative sample of any non-native invasive species to be removed. Scientist shall provide identification training to removal contractor and laborers if necessary.

Step 3: Remove invasive species
All invasive species specimens shall be removed and discarded in accordance with the following species-specific procedures:

Japanese knotweed: carefully excavate entire patch, including underground rhizomes, to the greatest extent possible. Place all plant material into large, construction grade plastic bags, seal tightly, then place in a designated area to be left to heat up and decompose for at least six months or else remove from site for incineration or other suitable disposal method.

Step 4: Planting

The supervising wetland scientist shall direct the placement of shrubs during installation, but they should be generally distributed evenly throughout the area. Suggested species and actual quantity to be planted include:

Shrubs

- 4 bayberry American hazelnut (*Morella caroliniensis*) (18-24"' height)
- 4 beach plum *(Prunus maritima*) (18-24" height)

Note: If any of the above species are unavailable at the time of installation, native species from Nantucket may be substituted, upon approval by the Conservation Commission or its agents. All installed plants must be non-cultivars.

- Precise citing of plants may be determined by the wetland scientist in the field prior to installation.
- All plantings shall be distributed randomly throughout the area; shrubs spaced at 6-8' on center.
- Each plant will have it 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

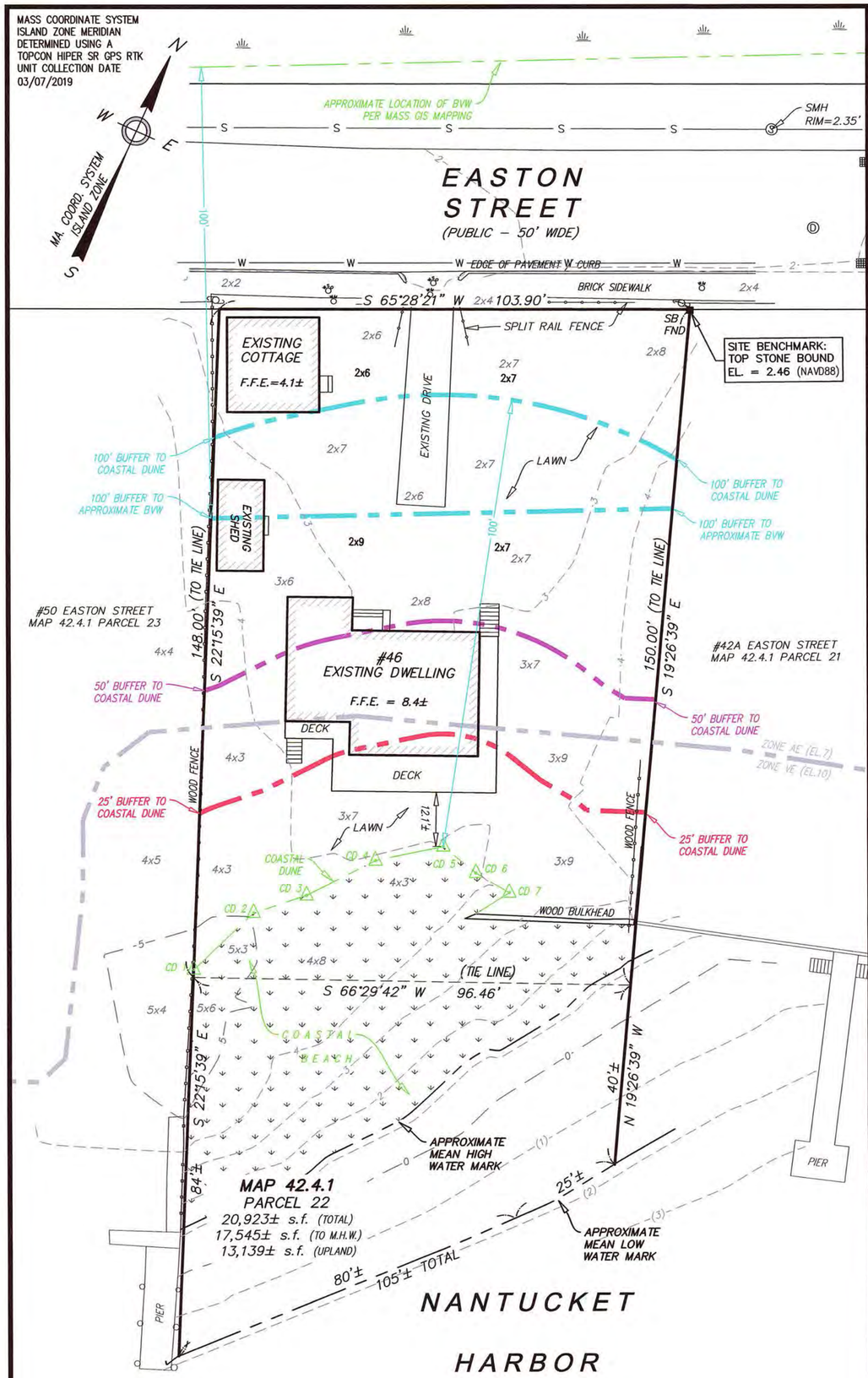
vegetation and plant mortality, aerial extent and distribution, species diversity and vertical stratification (i.e. herb, shrub and tree layers). Invasive species will be documented if present, monitored and removed.

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.



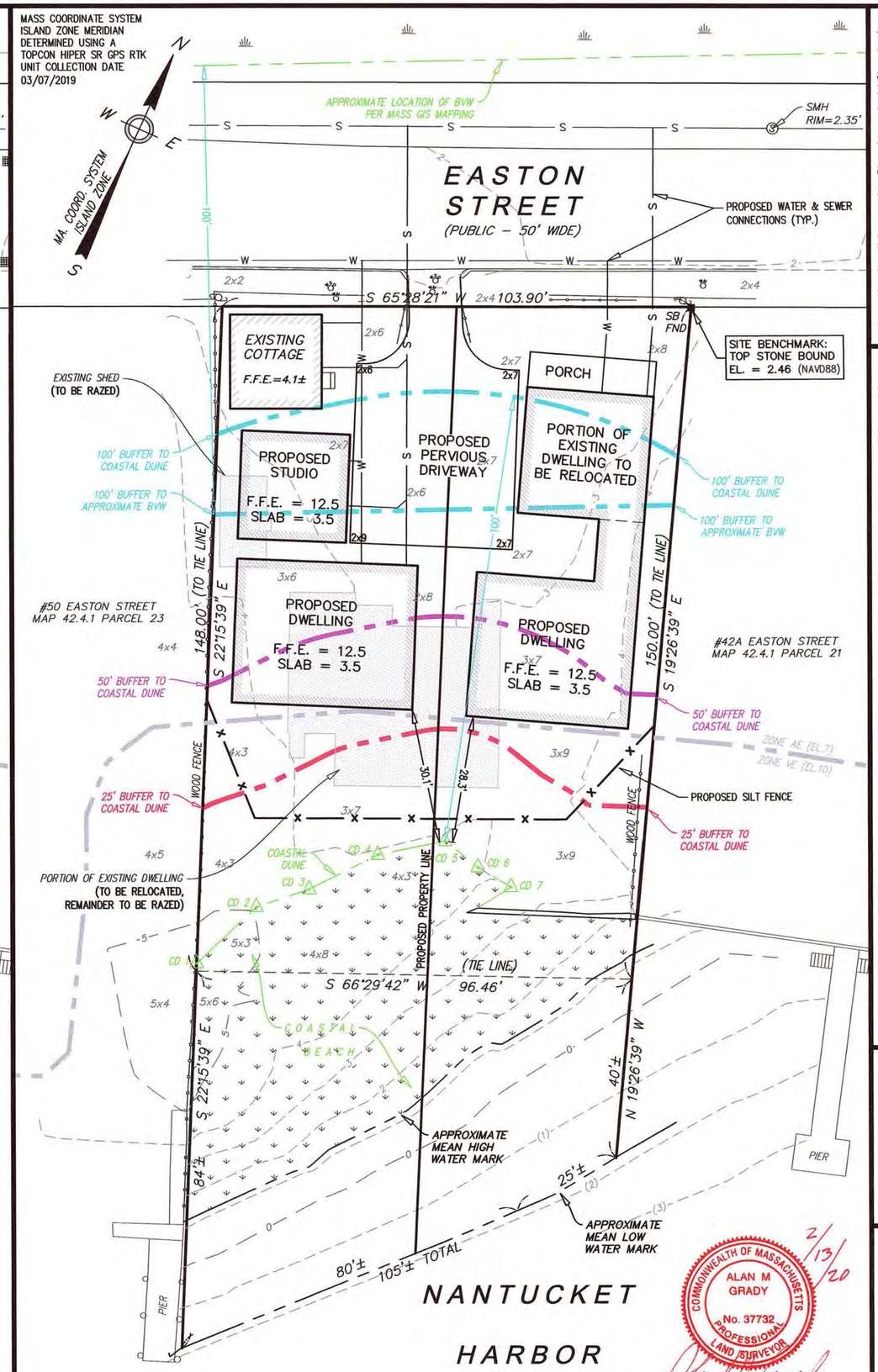
EXISTING CONDITIONS

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

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

0 4 8 12 16 20 30 40 60

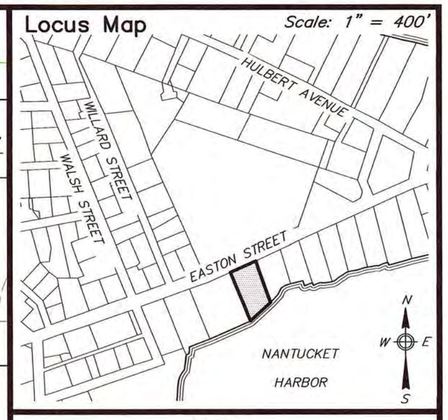
1 inch = 20 feet

PROPOSED AREA SUMMARY

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

Locus Map

Scale: 1" = 400'



Notes

1. LOCUS: #46 EASTON STREET
   MAP 42.4.1 PARCEL 22
2. OWNER: HOWARD AUBURN COTTAGE LLC, ETAL
   31 SETTLERS PATH
   LANCASTER, MA 01523
3. DEED REF: BOOK 1417, PAGE 3
   BOOK 1417, PAGE 1
   BOOK 1414, PAGE 258
4. PLAN REF: BOOK 5, PAGE 40
5. 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.
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. REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM – INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
8. A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
9. NO CHANGES IN EXISTING SITE GRADES ARE BEING PROPOSED.

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37077
REGISTERED PROFESSIONAL ENGINEER

2/13/20

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

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR

2/13/20

PROPOSED SITE PLAN IN NANTUCKET, MASSACHUSETTS

Prepared For:

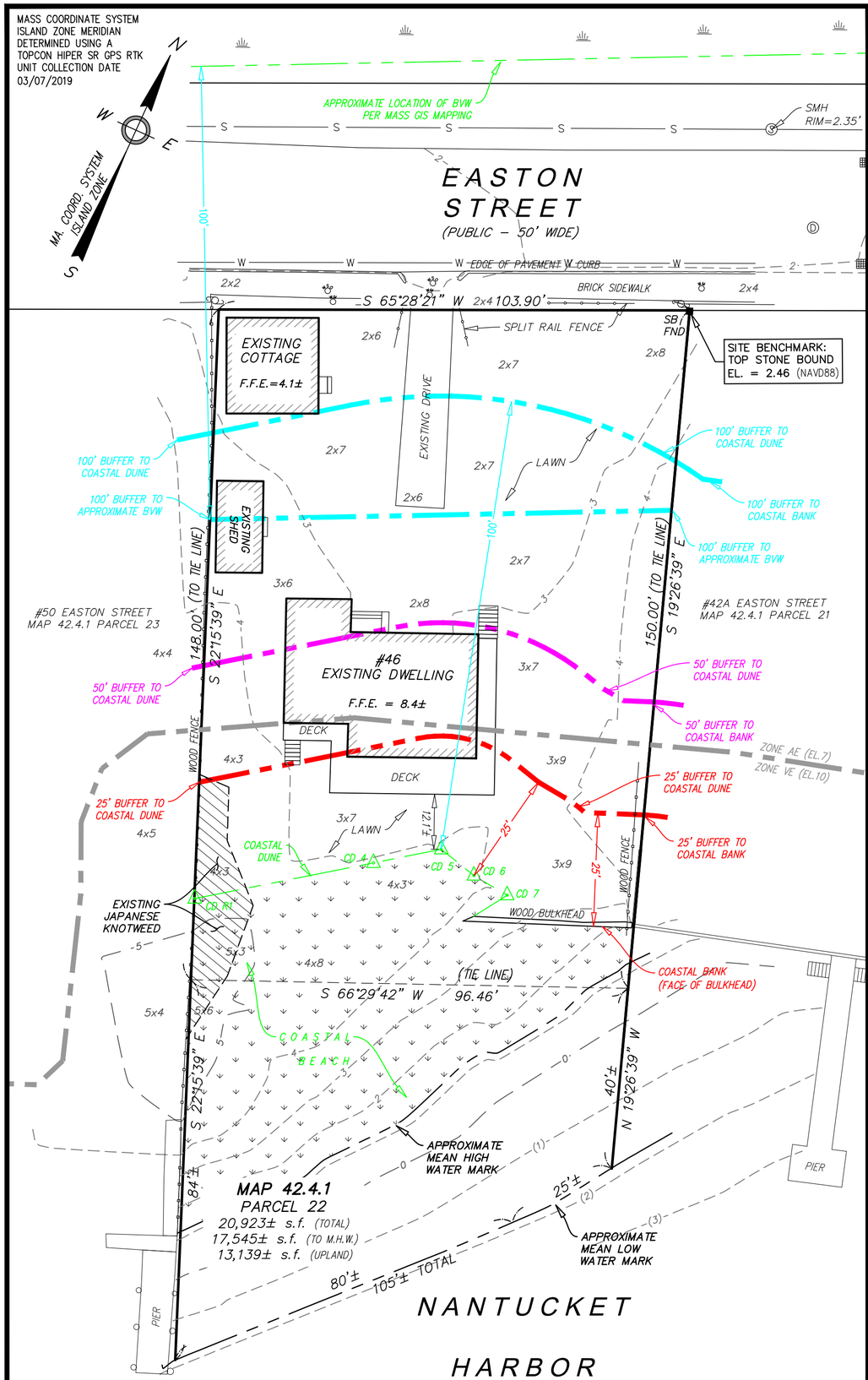
GCP ACQUISITIONS, LLC

#46 EASTON STREET
MAP 42.4.1 PARCEL 22

No.	Date	Revision Description	By
–	–	–	–

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

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev1.dwg



EXISTING CONDITIONS

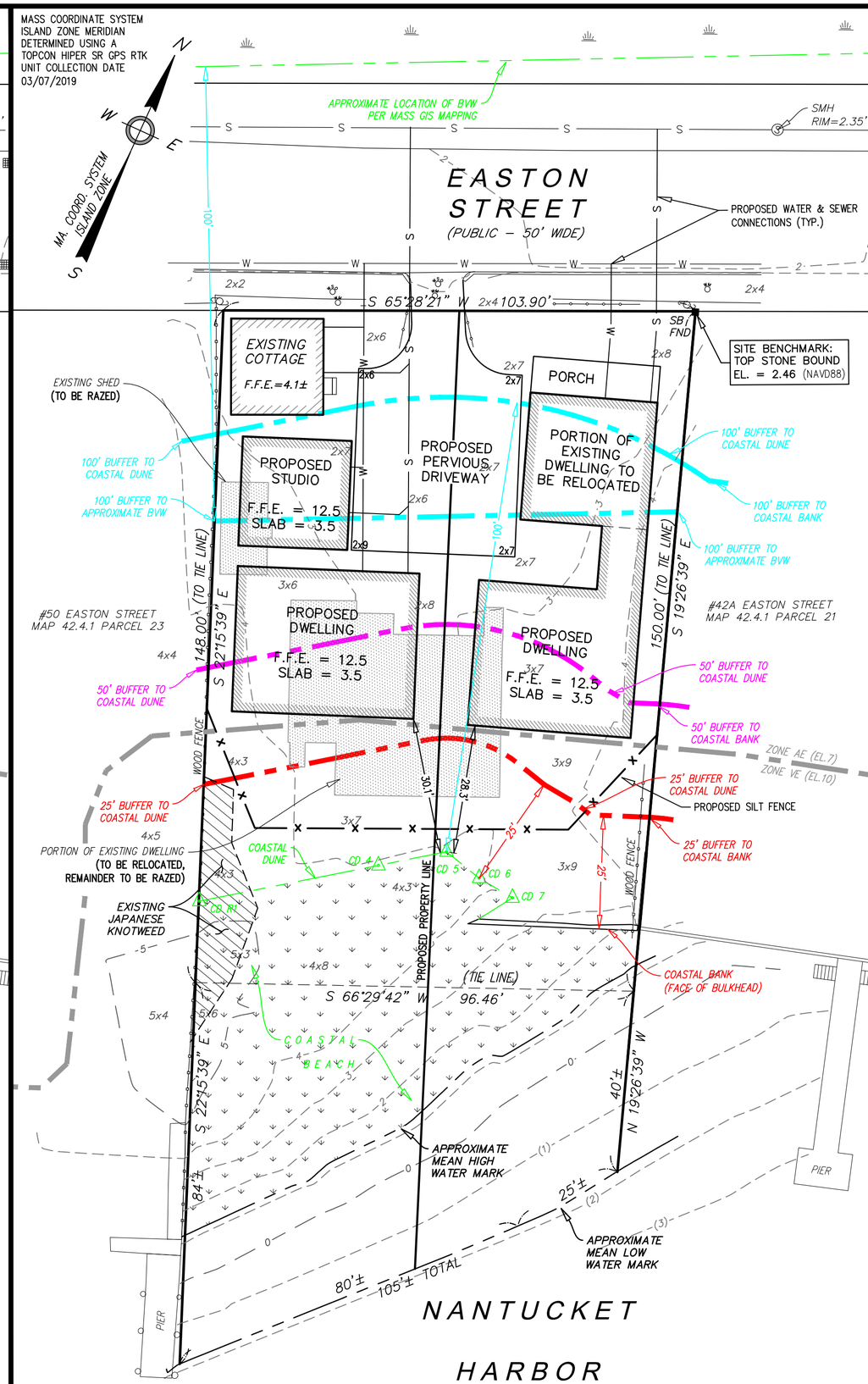
0 4 8 12 16 20 30 40 60

1 inch = 20 feet

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

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

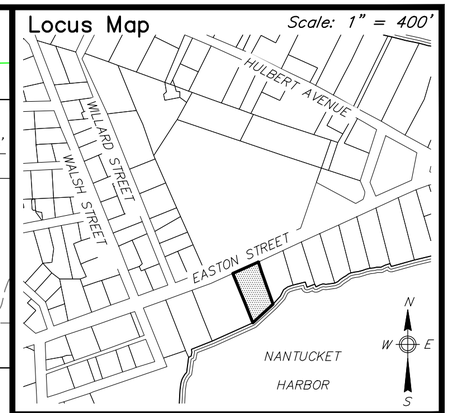
PROPOSED AREA SUMMARY

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

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

Locus Map

Scale: 1" = 400'



Notes

1. LOCUS: #46 EASTON STREET
   MAP 42.4.1 PARCEL 22
2. OWNER: HOWARD AUBURN COTTAGE LLC, ETAL
   31 SETTLERS PATH
   LANCASTER, MA 01523
3. DEED REF: BOOK 1417, PAGE 3
   BOOK 1417, PAGE 1
   BOOK 1414, PAGE 258
4. PLAN REF: BOOK 5, PAGE 40
5. 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.
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7. REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM – INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
8. A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
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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:	Drawn:	Checked:	Sheet:
FEBRUARY 13, 2020	RMM/DAF/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev2.dwg

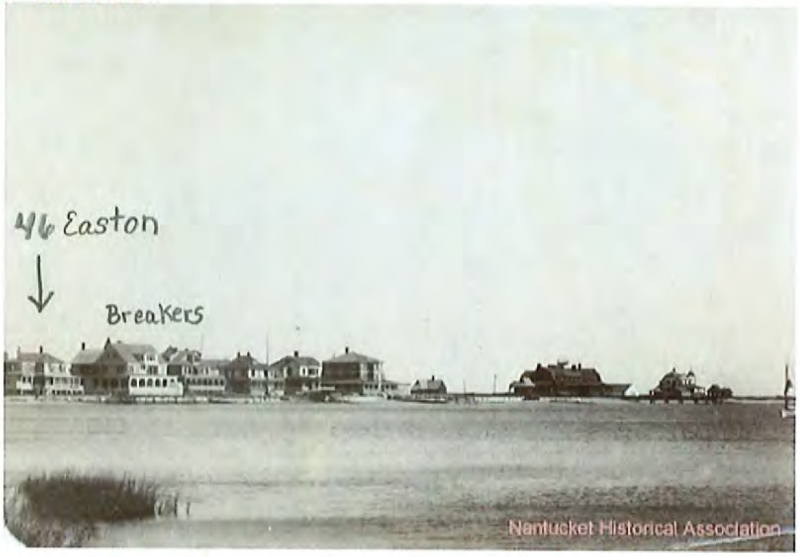
3-29-1995
Bulkhead

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
Bulkhead 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

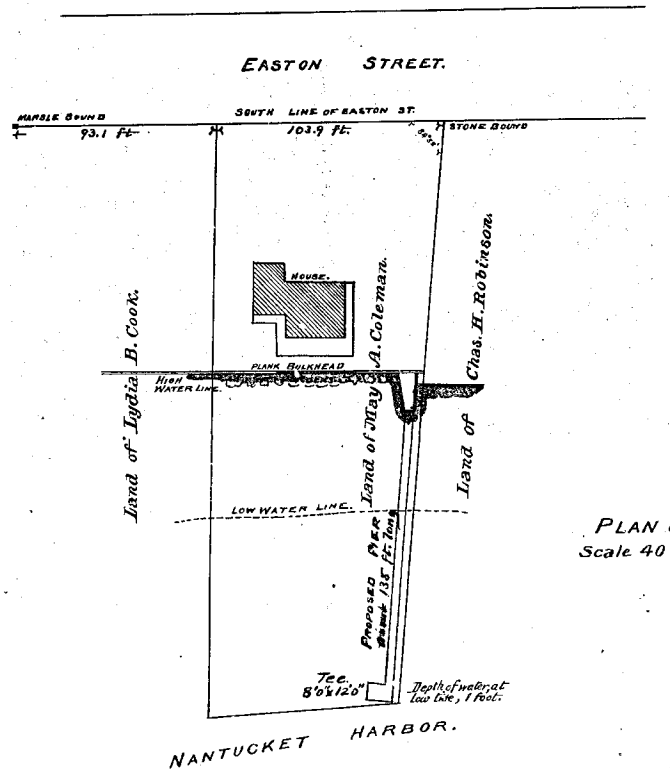
1900's 46 Easton Street
fill, rock/jetty, pier to
right Jone's family
access for 46 + 48
Easton Street on
property line

*Nantucket Historical Assoc
on line library search

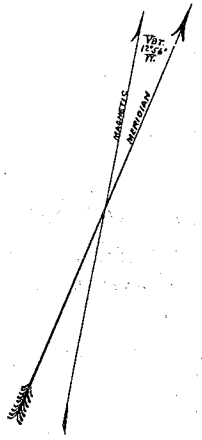
Plans for a Pier to be built on land of May A. Coleman. at Nantucket, Mass.

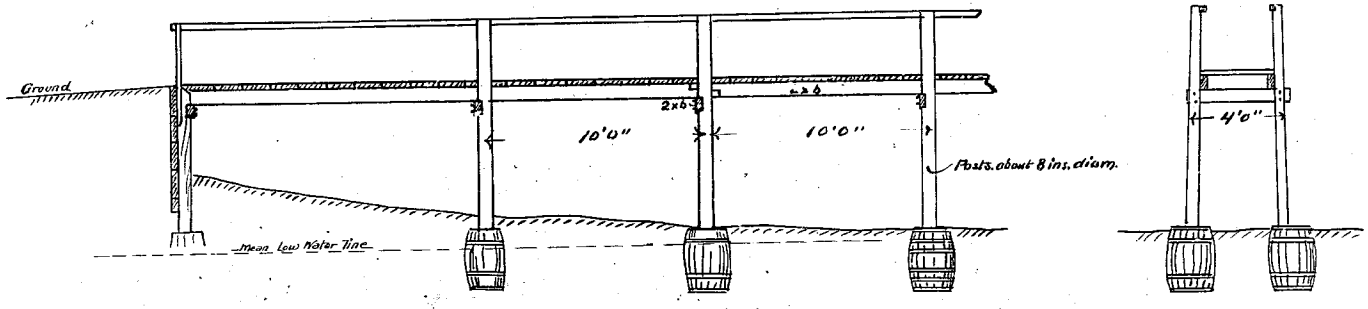
3-35

Wm. F. Codd Surveyor. June 7. 1899.



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



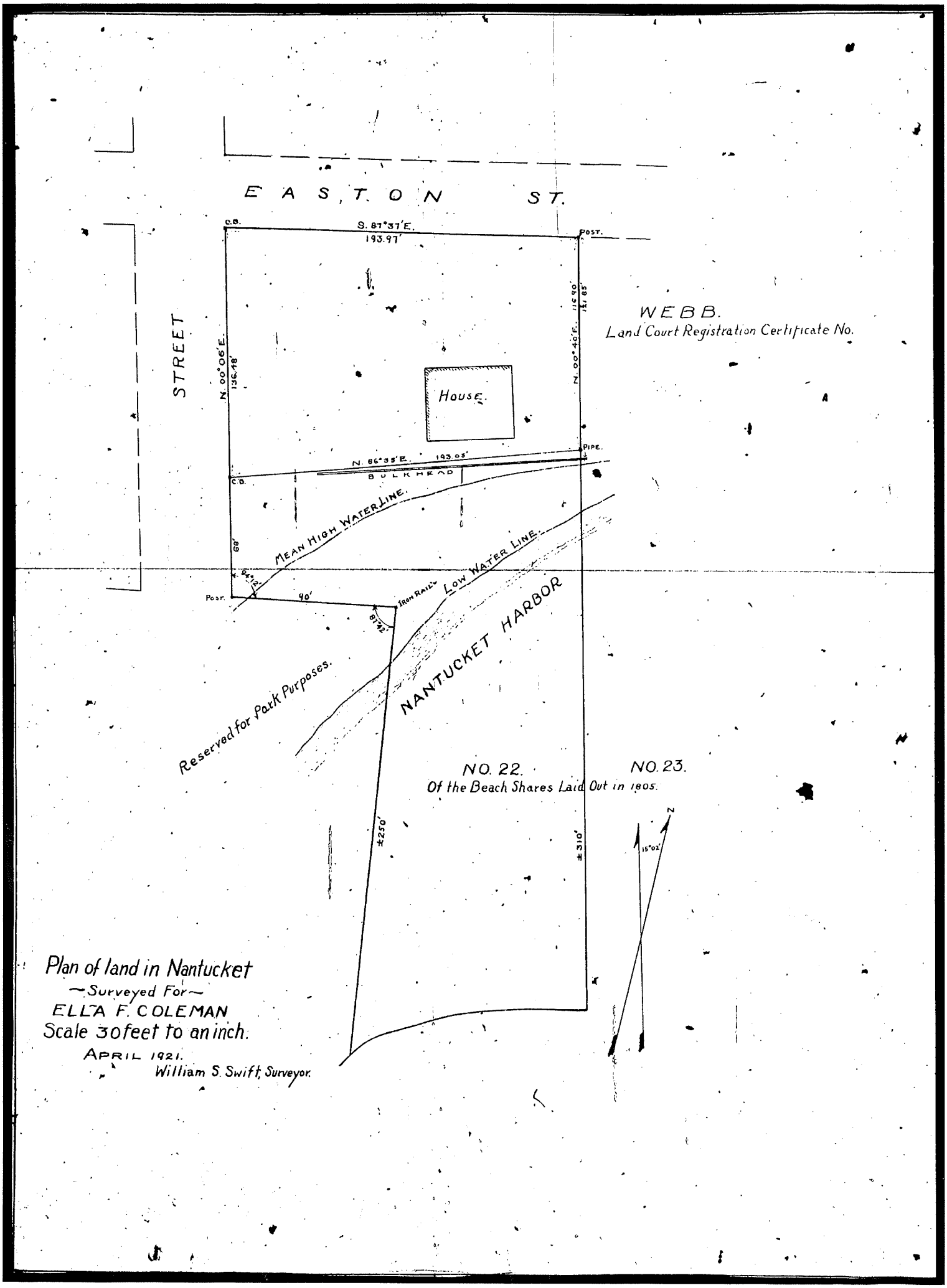


PROPOSED PIER.
Scale 1/4 inch to 1 foot.

No. 2254.
Approved by Harbor and Land Comm.
June 27, 1899.
Thomas Emery
Charles White

December 15th 1899, 2 h. 10 m. P. M. Received and entered with Nantucket Deeds. Book 17 Plans No. 3 page 35
Attest: Lawrence Brock
Register.

N.B. 13/6


EASTON ST.
STREET
C.B.
S. 87°37'E.
193.97'
POST.
N. 00°06'E.
136.48'
N. 00°40'E.
116.90'
137.85'
WEBB.
Land Court Registration Certificate No.
HOUSE.
PIPE.
N. 86°35'E. 193.03'
BULKHEAD
C.B.
MEAN HIGH WATER LINE.
LOW WATER LINE.
68'
N. 84°12'
POST.
40'
IRON RAILS
81°42'
NANTUCKET HARBOR
Reserved for Park Purposes.
NO. 22.
NO. 23.
Of the Beach Shares Laid Out in 1905.
±250'
±310'
N
15°02'
Plan of land in Nantucket
~Surveyed For~
ELLA F. COLEMAN
Scale 30 feet to an inch.
APRIL 1921.
William S. Swift, Surveyor.

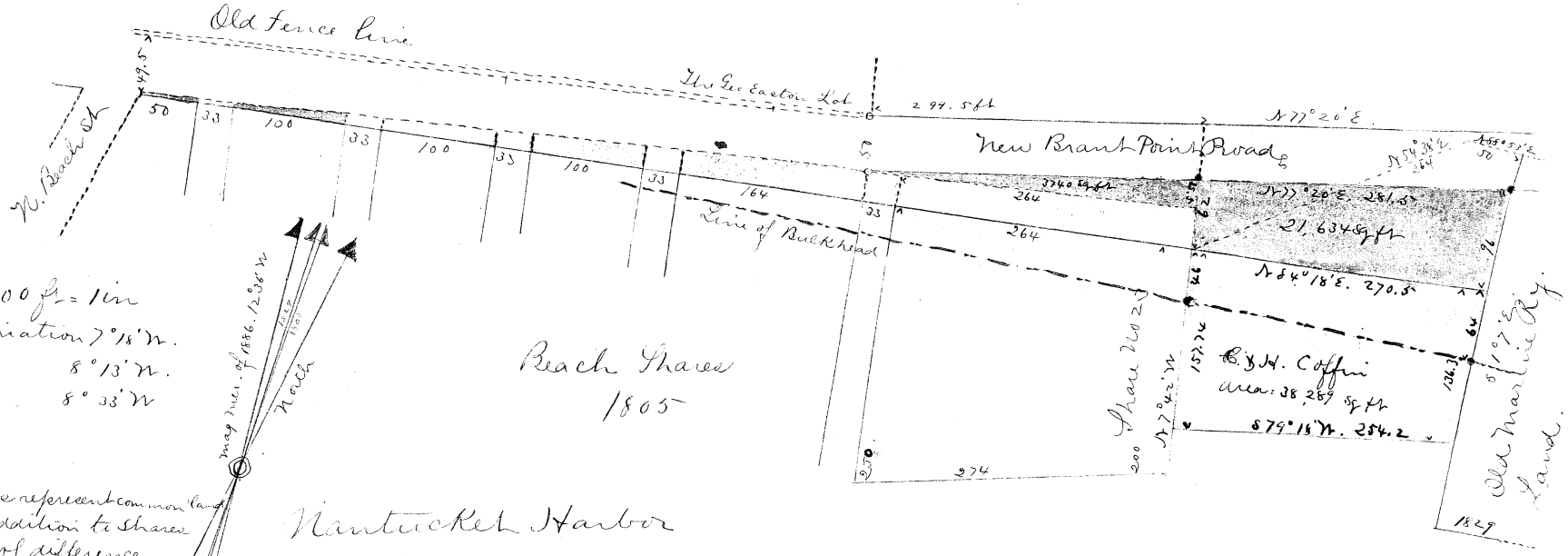
Ella F. Coleman
Share No. 22
46 Easton Street
April 1921
Plan 6-34 on record 5/10/1922
Refers to "of the Beach Share
Laid out in 1805"
shows bulkhead, fill, mean high
water, low water line

* Registry of Deeds on line Search

Filed with the set off to Henry Coffin and the heirs of Chas. G. Coffin Feb 23. 1886. See Proprietors Records Book 6 page 50. Attest
Allen Coffin, asst. Clerk.

Nantucket ss. April 13th 1887.
A true copy from Nantucket Co. Records of Deeds Book of Hamd 102 p 46.
Attest
Edward B Thussey Register

For copy of the corresponding Returns of the Lot layers on land at Brant Point set off to Henry Coffin and Chas G. Coffin's heirs, Feb 23. 1886, See Prop's Records Book 6 p 50. See also original Returns on file.
Allen Coffin Asst Clerk



Note.
Red Areas represent common land
" " addition to shares
by virtue of difference between the "Line of Easton St" and its "Record".
This plan is drawn on the Magnetic Meridian of 1886.
All distances are in feet.
Cedar Posts set at points

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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Emily Molden
Executive Director

RJ Turcotte
Resource Ecologist

Meg McNeely Browers
Development Director

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.

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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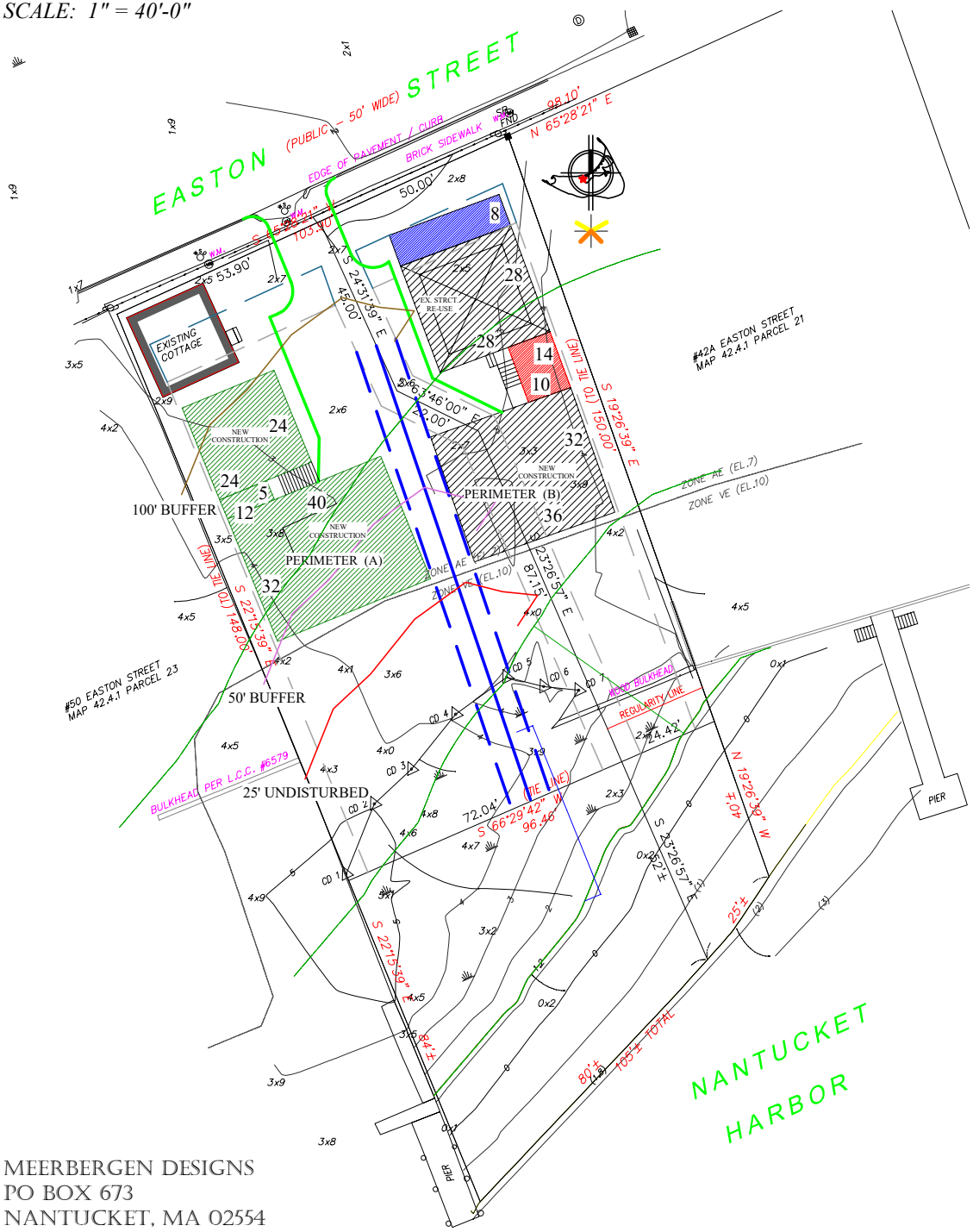

LOCUS MAP - NOT TO SCALE
46 EASTON STREET - MAP 42.4.1; PCL 22

MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

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

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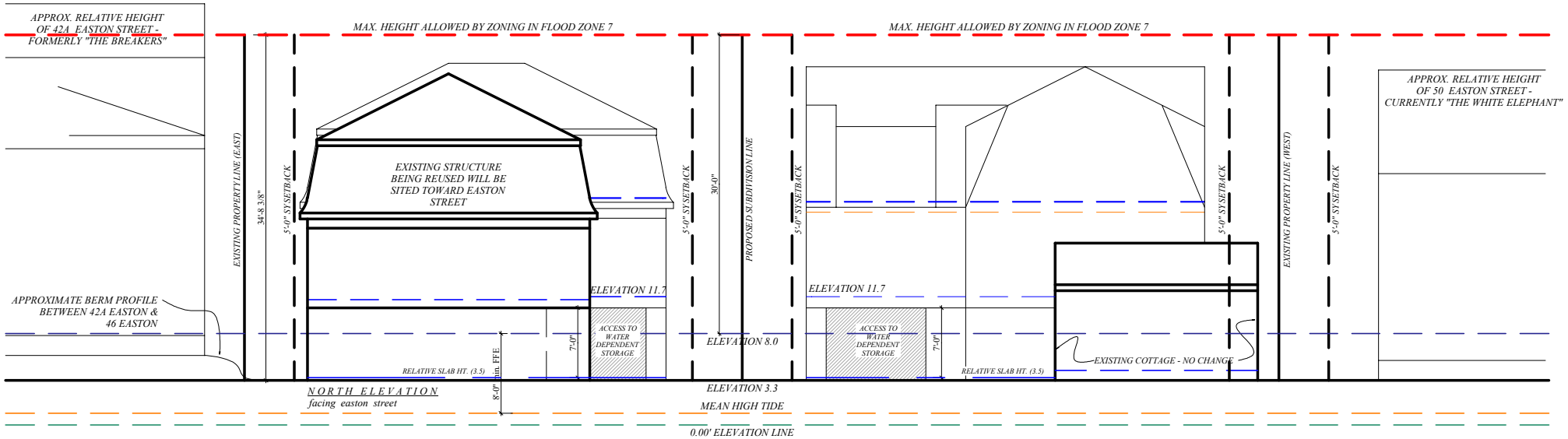

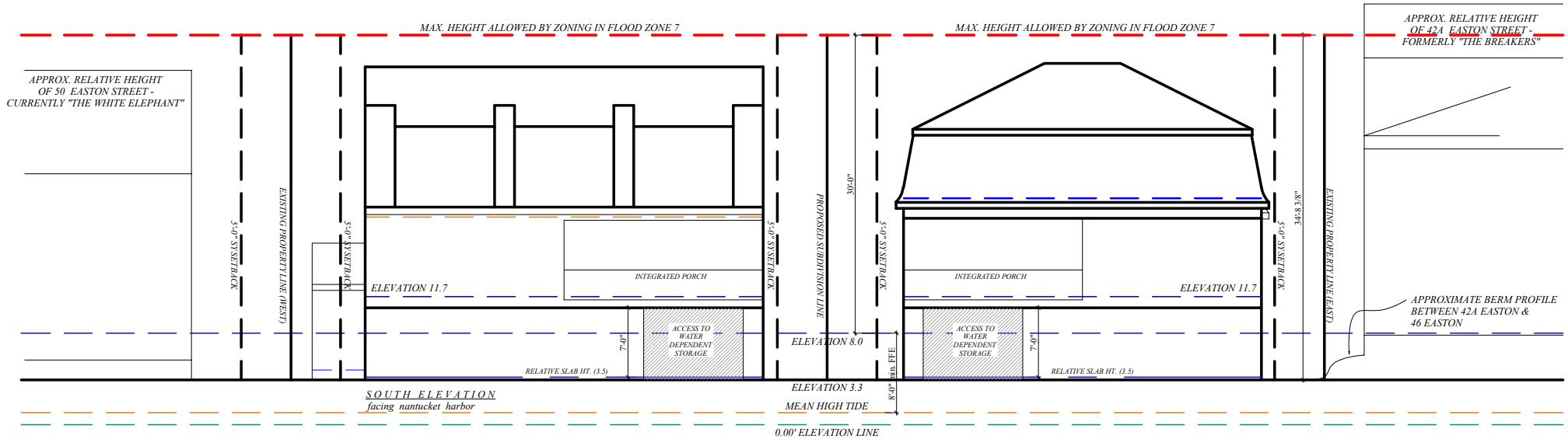

MEERBERGEN DESIGNS
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NANTUCKET, MA 02554
508.228.1388

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

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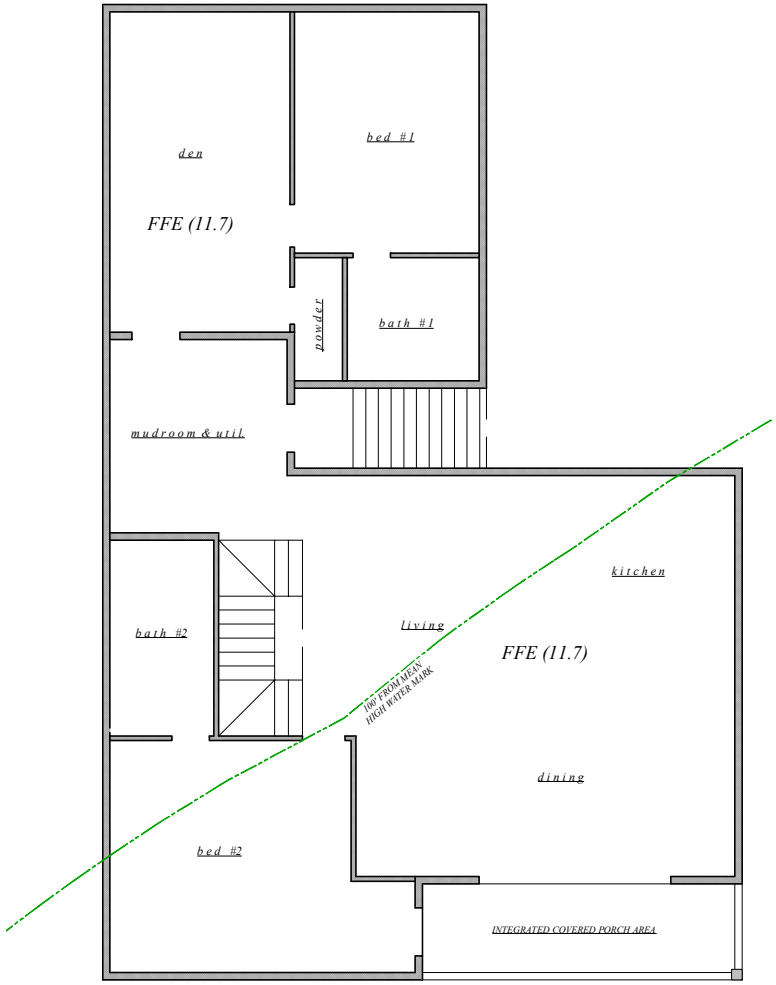
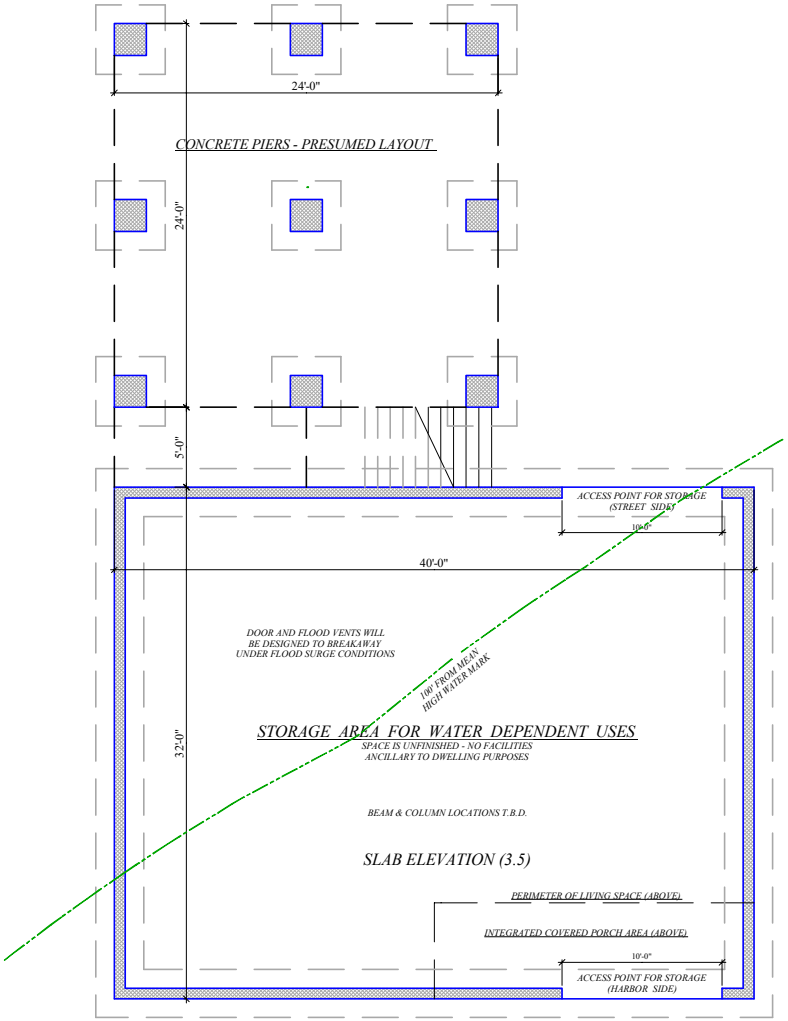


PERIMETER (A) - FIRST FLOOR



PERIMETER (A) - GROUND FLOOR

MEERBERGEN DESIGNS
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NANTUCKET, MA 02554
508.228.1388

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

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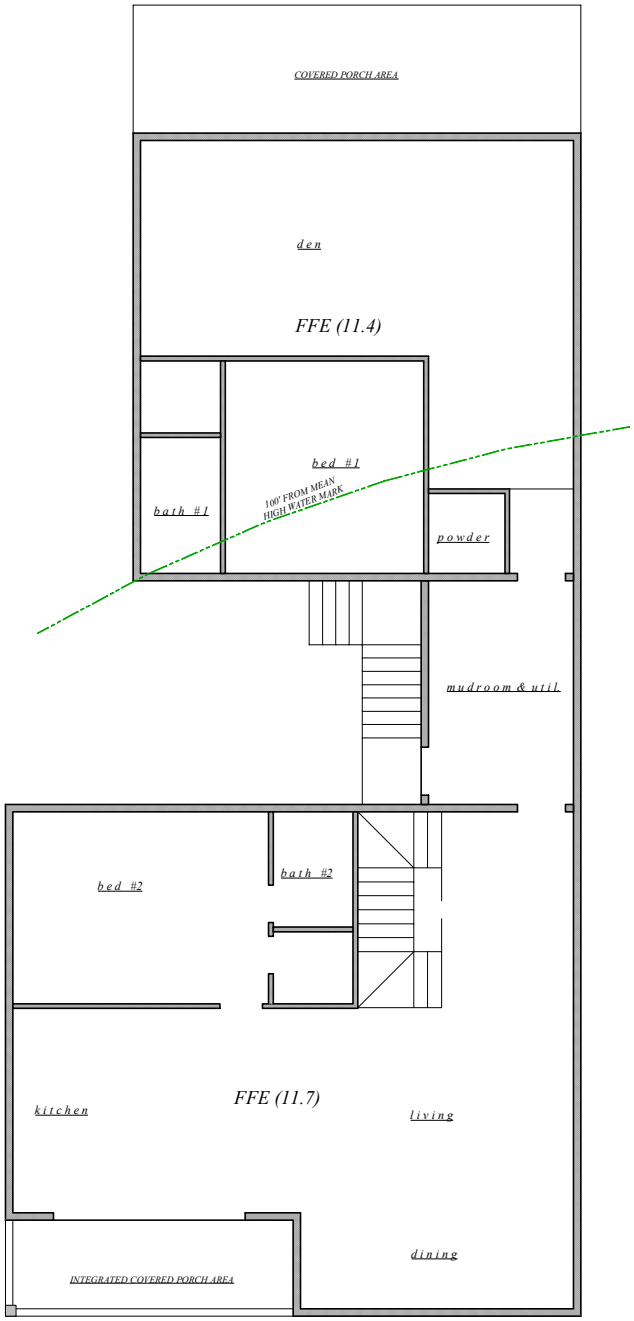
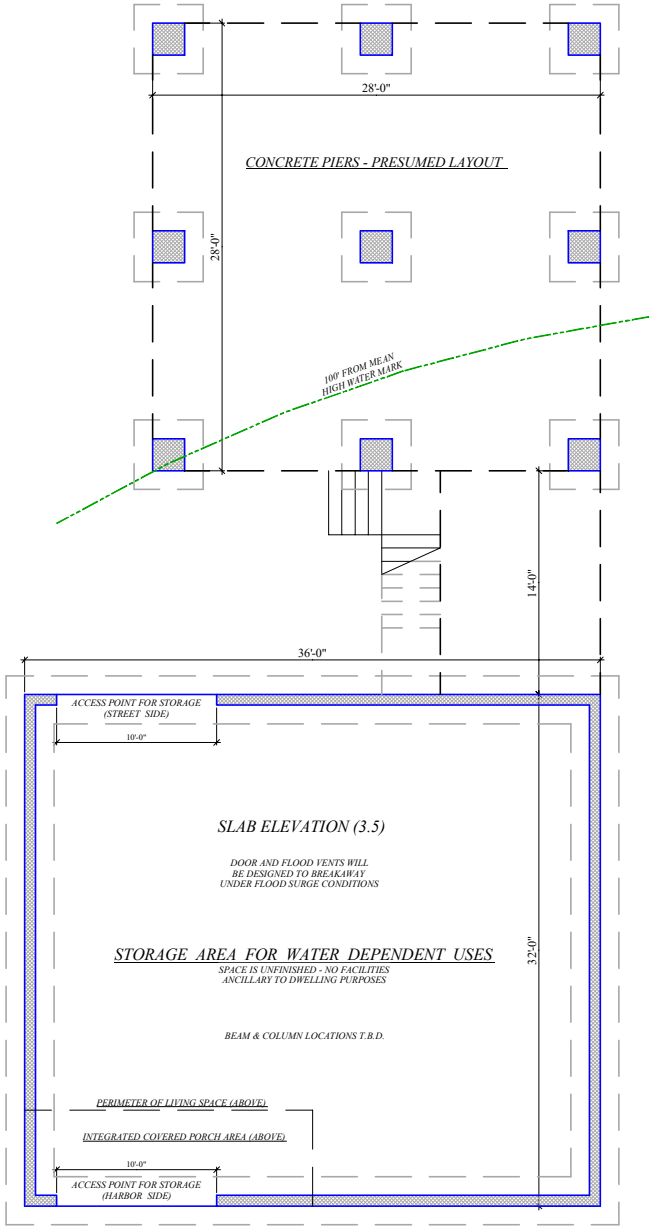
or in any other manner without the express
consent of brook meerbergen.

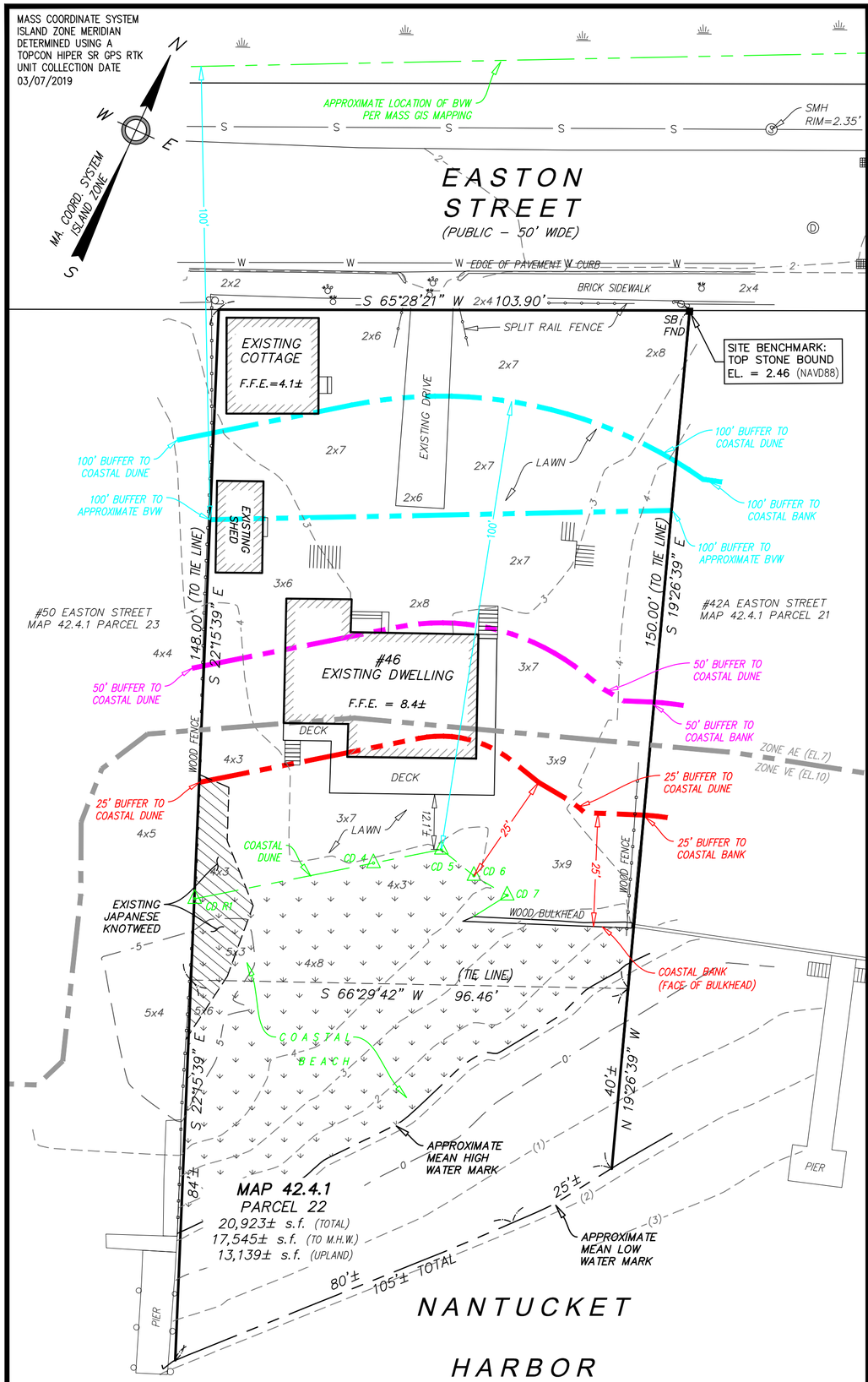


PERIMETER (B) - FIRST FLOOR



PERIMETER (B) - GROUND FLOOR

MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388



EXISTING CONDITIONS

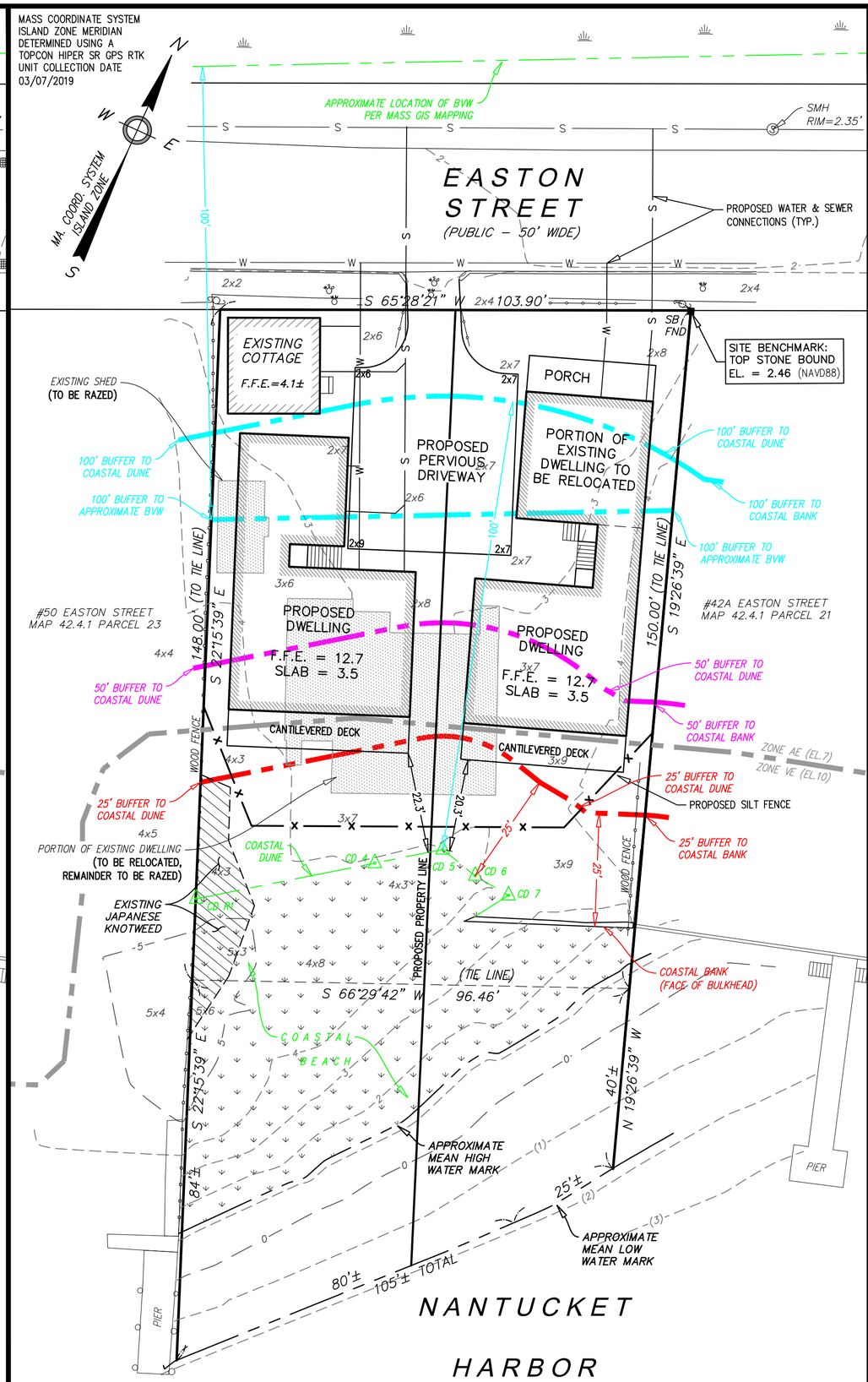
0 4 8 12 16 20 30 40 60

1 inch = 20 feet

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

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

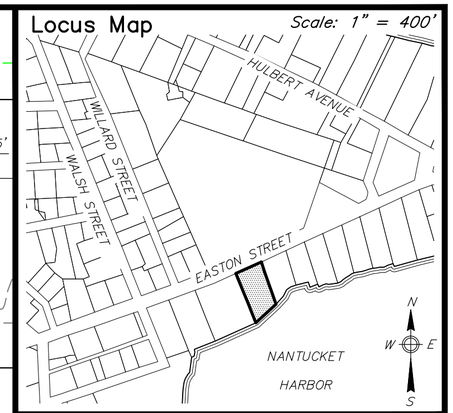
PROPOSED AREA SUMMARY

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

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

Locus Map

Scale: 1" = 400'



Notes

1. LOCUS: #46 EASTON STREET
   MAP 42.4.1 PARCEL 22
2. OWNER: HOWARD AUBURN COTTAGE LLC, ETAL
   31 SETTLERS PATH
   LANCASTER, MA 01523
3. DEED REF: BOOK 1417, PAGE 3
   BOOK 1417, PAGE 1
   BOOK 1414, PAGE 258
4. PLAN REF: BOOK 5, PAGE 40
5. 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.
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. REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM – INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
8. A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
9. NO CHANGES IN EXISTING SITE GRADES ARE BEING PROPOSED.

Prepared By:

BRACKEN ENGINEERING, INC.

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www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

GCP ACQUISITIONS, LLC

#46 EASTON STREET
MAP 42.4.1 PARCEL 22

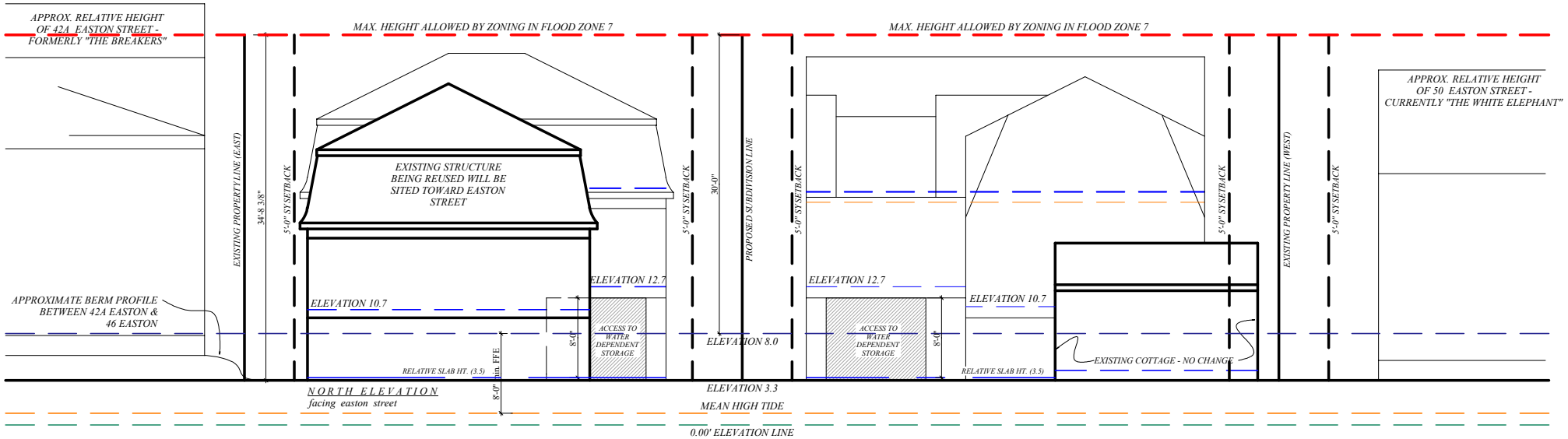
No.	Date	Revision Description	By
3	3/19/20	REVISE STRUCTURE & ADJUST SUMMARY OF AREAS	RMM
2	3/11/20	ADD JAPANESE KNOTWEED, UPDATE COASTAL DUNE	RMM
1	3/04/20	UPDATE BUFFER ZONE LINES & NOTES	ERC

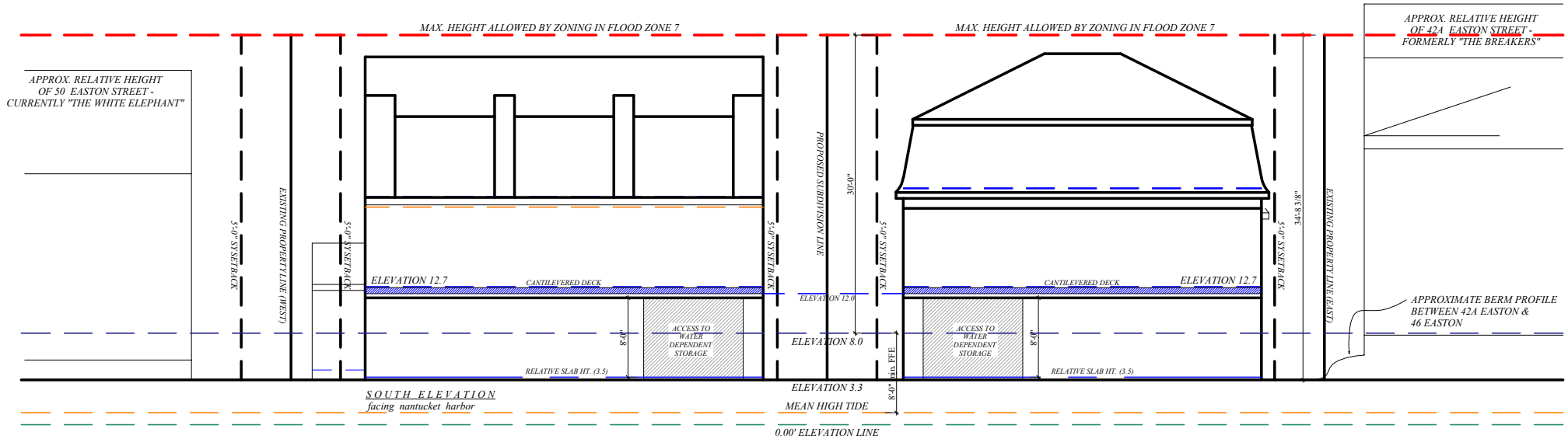
Date:	Drawn:	Checked:	Sheet:
FEBRUARY 13, 2020	RMM/DAF/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev3.dwg

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

these designs are the property of brook meerbergen designs and may not be reproduced electronically or in any other manner without the express consent of brook meerbergen.





MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

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

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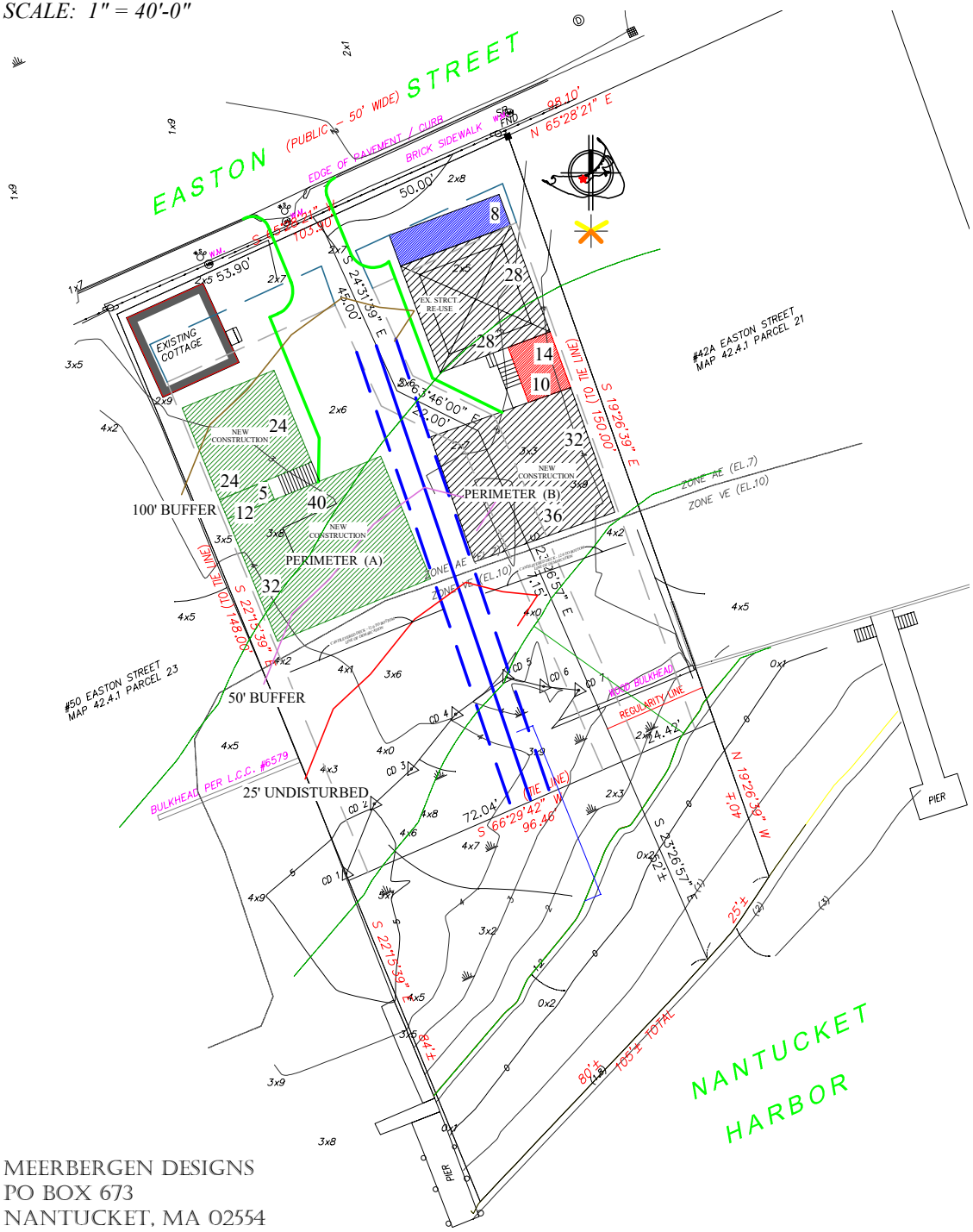

LOCUS MAP - NOT TO SCALE
46 EASTON STREET - MAP 42.4.1; PCL 22

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NANTUCKET, MA 02554
508.228.1388

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

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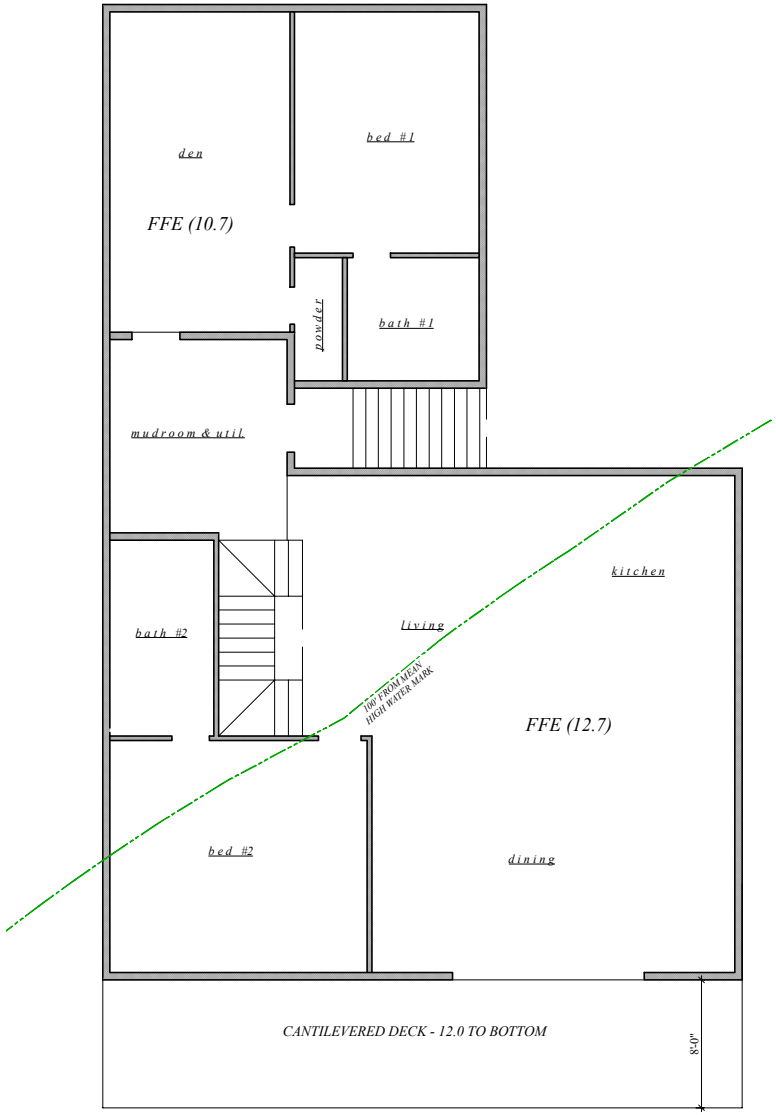
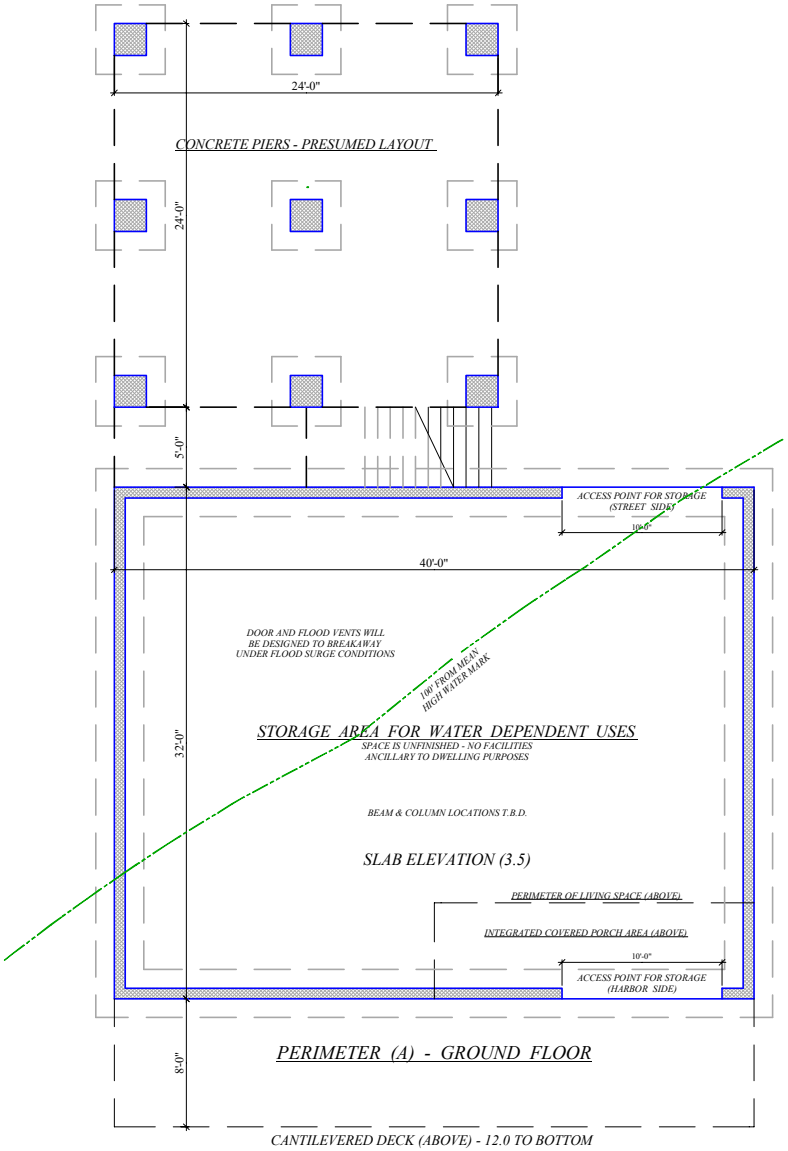


PERIMETER (A) - FIRST FLOOR



PERIMETER (A) - GROUND FLOOR

CANTILEVERED DECK (ABOVE) - 12.0 TO BOTTOM

MEERBERGEN DESIGNS
PO BOX 673
NANTUCKET, MA 02554
508.228.1388

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

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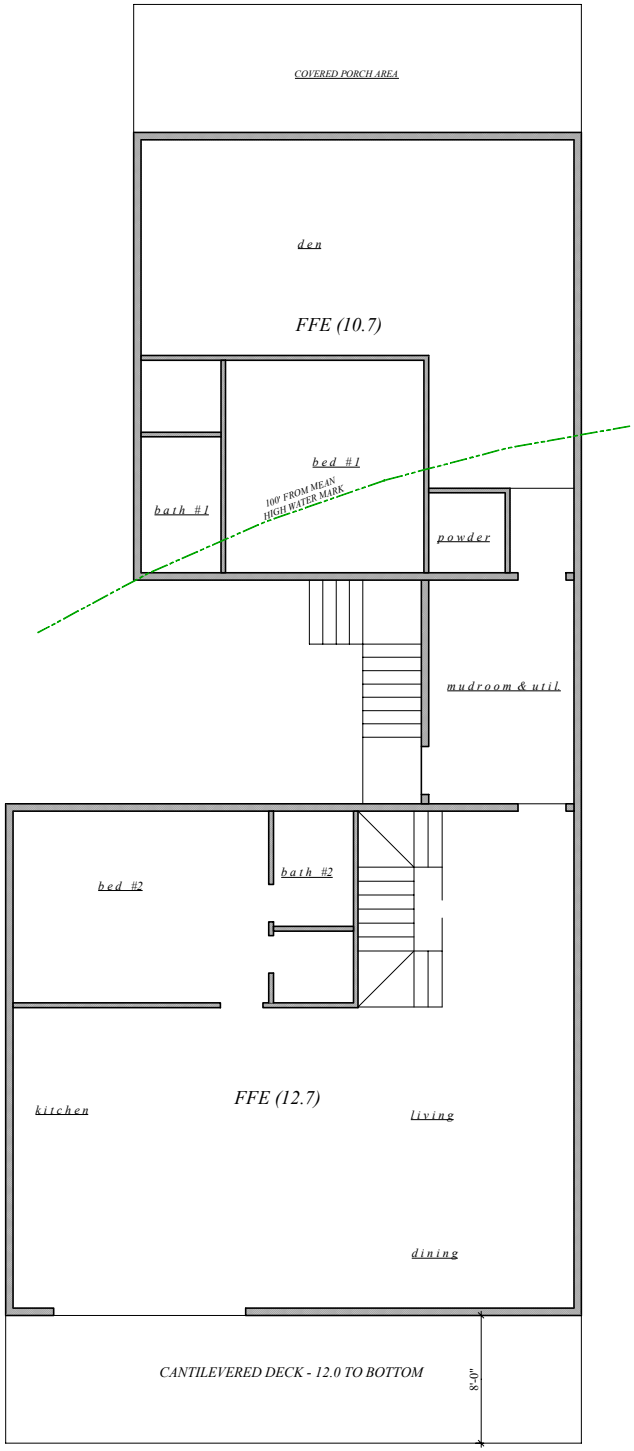
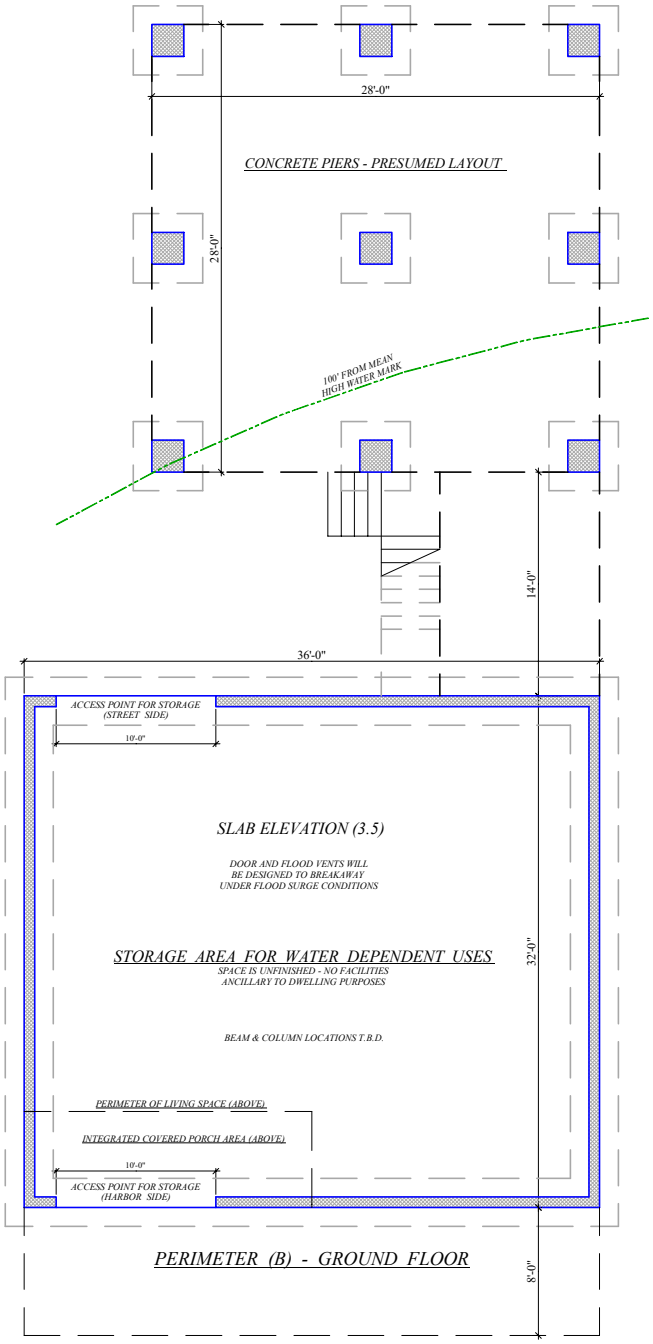


PERIMETER (B) - FIRST FLOOR



PERIMETER (B) - GROUND FLOOR

CANTILEVERED DECK (ABOVE) - 12.0 TO BOTTOM

MEERBERGEN DESIGNS
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NANTUCKET, MA 02554
508.228.1388

PIERCE ATWOOD LLP

Daniel J. Bailey III

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Boston, MA 02110

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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

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

PIERCE ATWOOD LLP

Daniel J. Bailey III

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22nd Floor
Boston, MA 02110

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www.pierceatwood.com

Admitted in: MA

By Electronic Mail

August 14, 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.

The Applicant has revised the project plans to respond to comments raised by Commission members at the July 9 Commission hearing. Attached is a revised plan titled "Proposed Site Plan in Nantucket, Massachusetts, Prepared for GCP Acquisitions, LLC, 46 Easton Street," last revised 8/13/20 ("Revised Site Plan"). The Revised Site Plan makes the following changes:

1. Both structures have been moved further landward, away from the existing resource areas;

2. Both structures have been removed entirely from the 25-foot buffer;

3. The total amount of structure located in the 50-foot buffer has been reduced from 1,819 square feet (as previously proposed) to 1,263 square feet. This 1,263 square feet of structure within the 50-foot buffer is substantially less than the existing 1,523 square feet of structure within the 50-foot buffer.

4. The entire length of the exiting wooden bulkhead has been identified. The Applicants' engineers excavated the western section of the bulkhead that had been buried by sand accretion, so the entire bulkhead is now shown on the plan.

5. Approximately 140 sf of new dune is now proposed behind the eastern edge of the bulkhead.

Also enclosed are the following:

- A plan showing a schematic bulkhead design for replacement of some or all of the existing bulkhead

- A Power Point presentation prepared by Howard Lincoln, P.E., the current owner of 46 Easton Street, that documents the build-up of sand along the western side of the bulkhead, and including a chart that shows the sand overburden at 46 Easton Street resulting from the construction of the Z bulkhead at the White Elephant in the early 1960s.

- A Power Point presentation title "Auburn Cottage (46 Easton Street) A pictorial history of the development ofIts three bulkheads and the resultant beaches 1897-2018," that includes a series of photographs that document the bulkheading history at the site.

- Harbor and Land Commissioners License No. 2254, dated June 27, 1899, approving a pier and bulkhead at 46 Easton Street. This documents the approval of a bulkhead well over 100 years ago.

- A series of photographs of the 46 Easton Street property and other properties on Easton Street, showing that all other properties on Easton Street have rebuilt bulkheads.

- A series of photographs that depict the deterioration of the bulkhead at 46 Easton Street and the accretion of sand.

- Numerous previously issued conservation commission orders of conditions granting waivers for other Easton Street properties for reconstruction of structures within the 50-foot buffer and for reconstruction of bulkheads.

We look forward to discussing the revised proposal with the Commission next week.

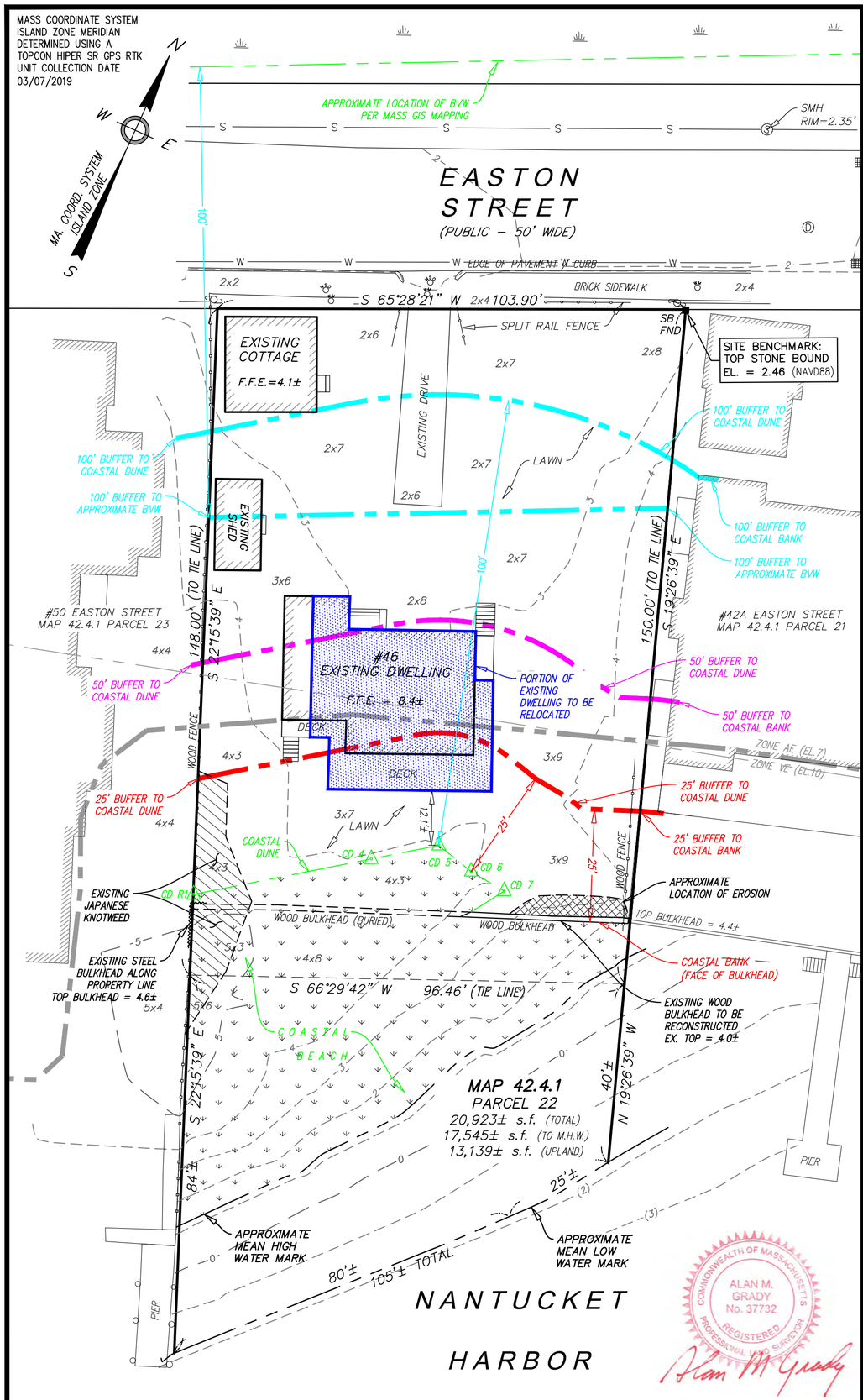
Sincerely yours,

Daniel J. Bailey

Daniel J. Bailey III

DJB/smg

cc: Kim Glowacki
Dan Mills
Don Bracken



EXISTING CONDITIONS

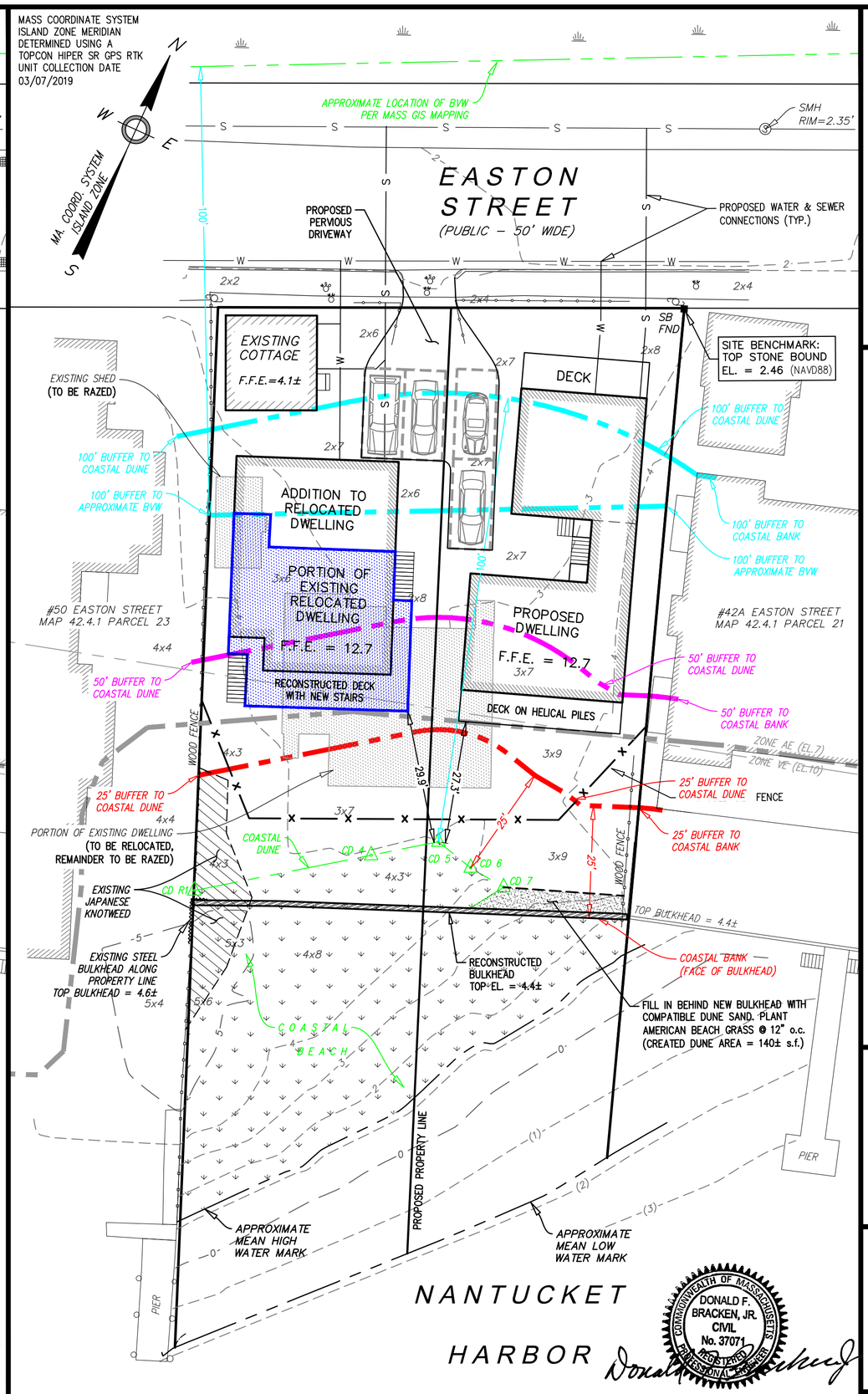
0 4 8 12 16 20 30 40 60

1 inch = 20 feet

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

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

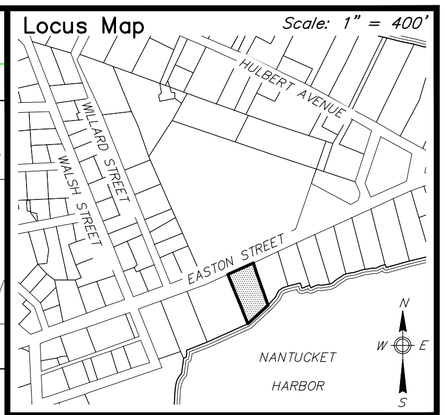
PROPOSED AREA SUMMARY

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

TOTAL STRUCTURE AREA WITHIN 25' TO 50' BUFFER = 1,263± s.f.

Locus Map

Scale: 1" = 400'



Notes

1. LOCUS: #46 EASTON STREET
   MAP 42.4.1 PARCEL 22
2. OWNER: HOWARD AUBURN COTTAGE LLC, ETAL
   31 SETTLERS PATH
   LANCASTER, MA 01523
3. DEED REF: BOOK 1417, PAGE 3
   BOOK 1417, PAGE 1
   BOOK 1414, PAGE 258
4. PLAN REF: BOOK 5, PAGE 40
5. 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.
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. REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM – INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
8. A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
9. NO CHANGES IN EXISTING SITE GRADES ARE BEING PROPOSED.

Prepared By:

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PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

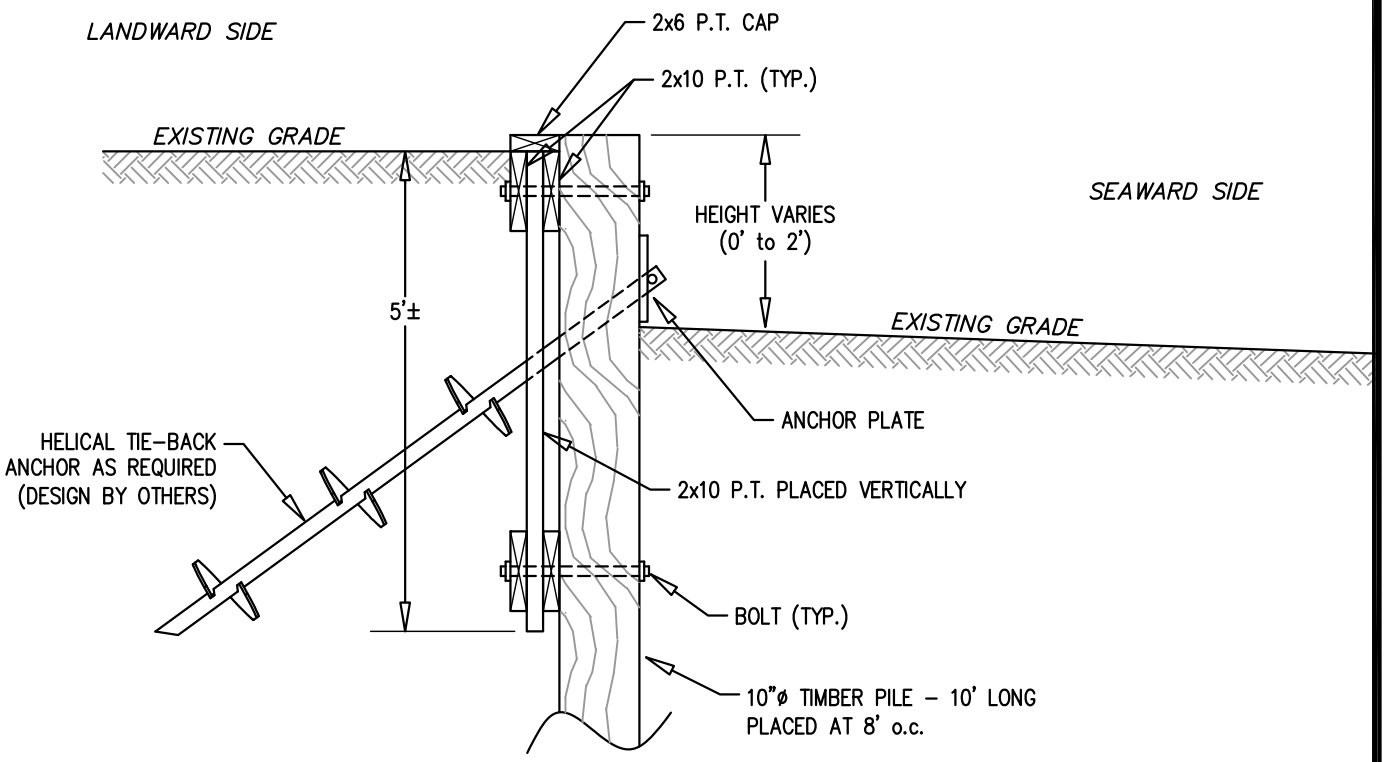
GCP ACQUISITIONS, LLC

#46 EASTON STREET
MAP 42.4.1 PARCEL 22

No.	Date	Revision Description	By
4	8/13/20	REVISE STRUCTURES & MISC.	RMM
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:	Drawn:	Checked:	Sheet:
FEBRUARY 13, 2020	RMM/DAF/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev4.dwg



TYPICAL SECTION

NOT TO SCALE

1. ALL HARDWARE TO BE HOT DIPPED GALVANIZED.
2. THIS IS A SCHEMATIC DESIGN TO BE USED FOR PERMITTING ONLY. FINAL BULKHEAD DESIGN BY OTHERS.

BRACKEN ENGINEERING, INC.
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(tel) 508-325-0044
www.brackeneng.com

SCHEMATIC BULKHEAD DESIGN
IN NANTUCKET, MASSACHUSETTS

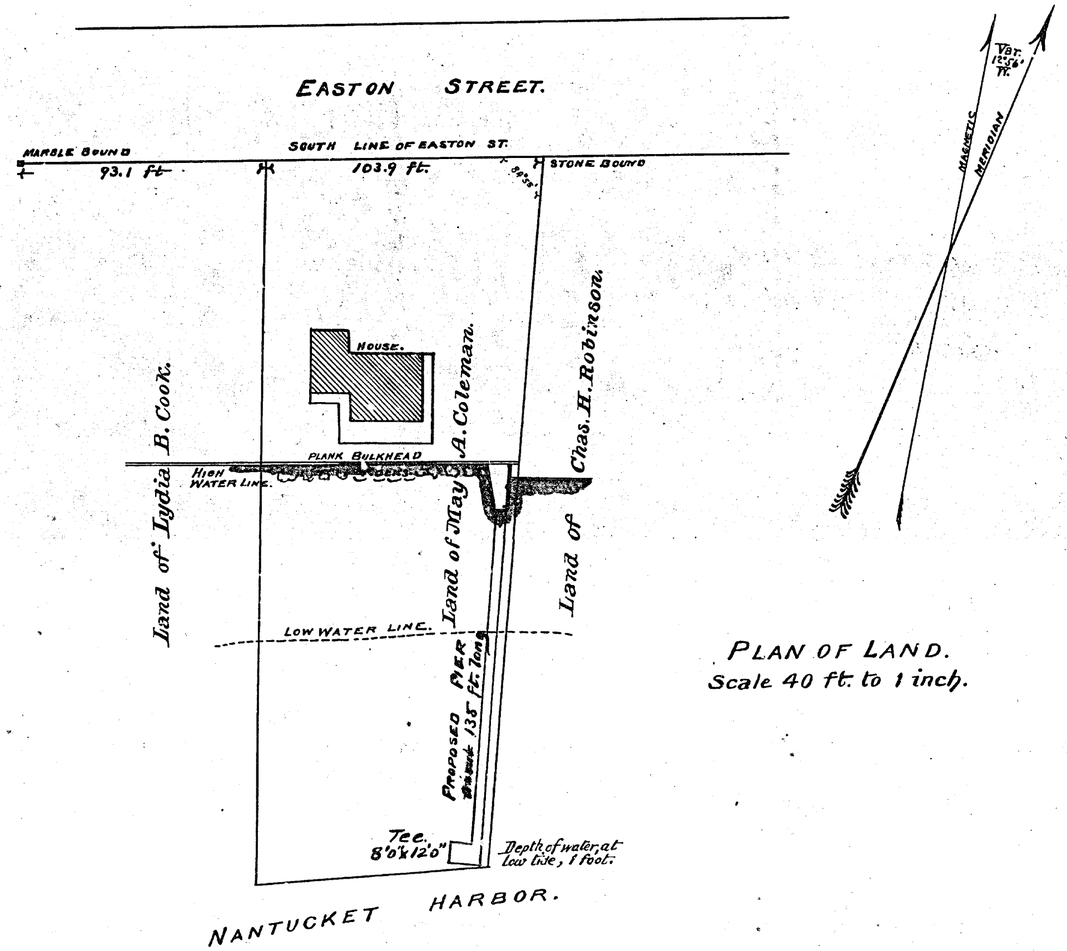
Prepared for:
GCP ACQUISITIONS, LLC
#46 EASTON STREET
MAP 42.4.1 PARCEL 22

Date: AUGUST 13, 2020
Checked: AMG
Drawn By: RMM/ERC/BEI

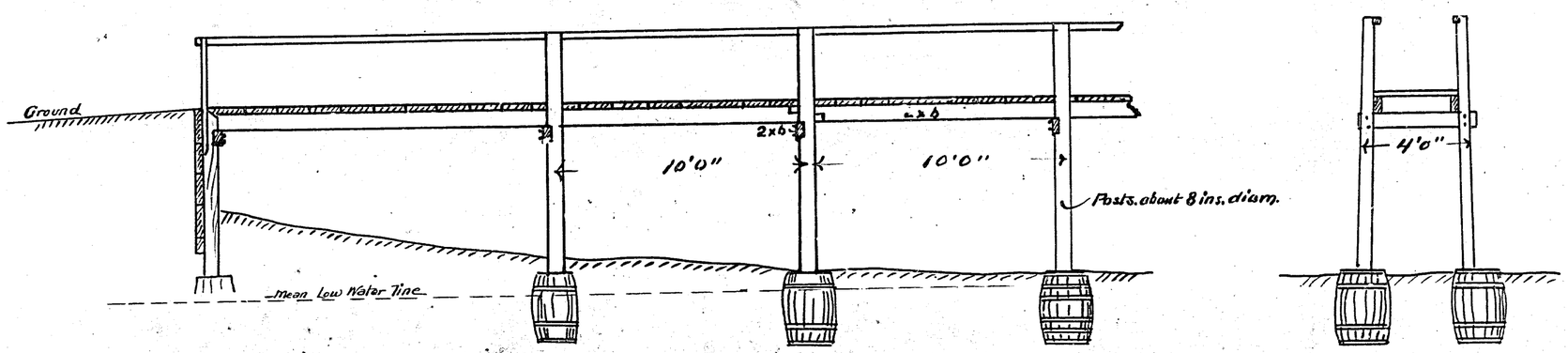
Plans for a Pier to be built on land of May A. Coleman. at Nantucket, Mass.

3-35

Wm. E. Codd Surveyor. June 1. 1899.



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

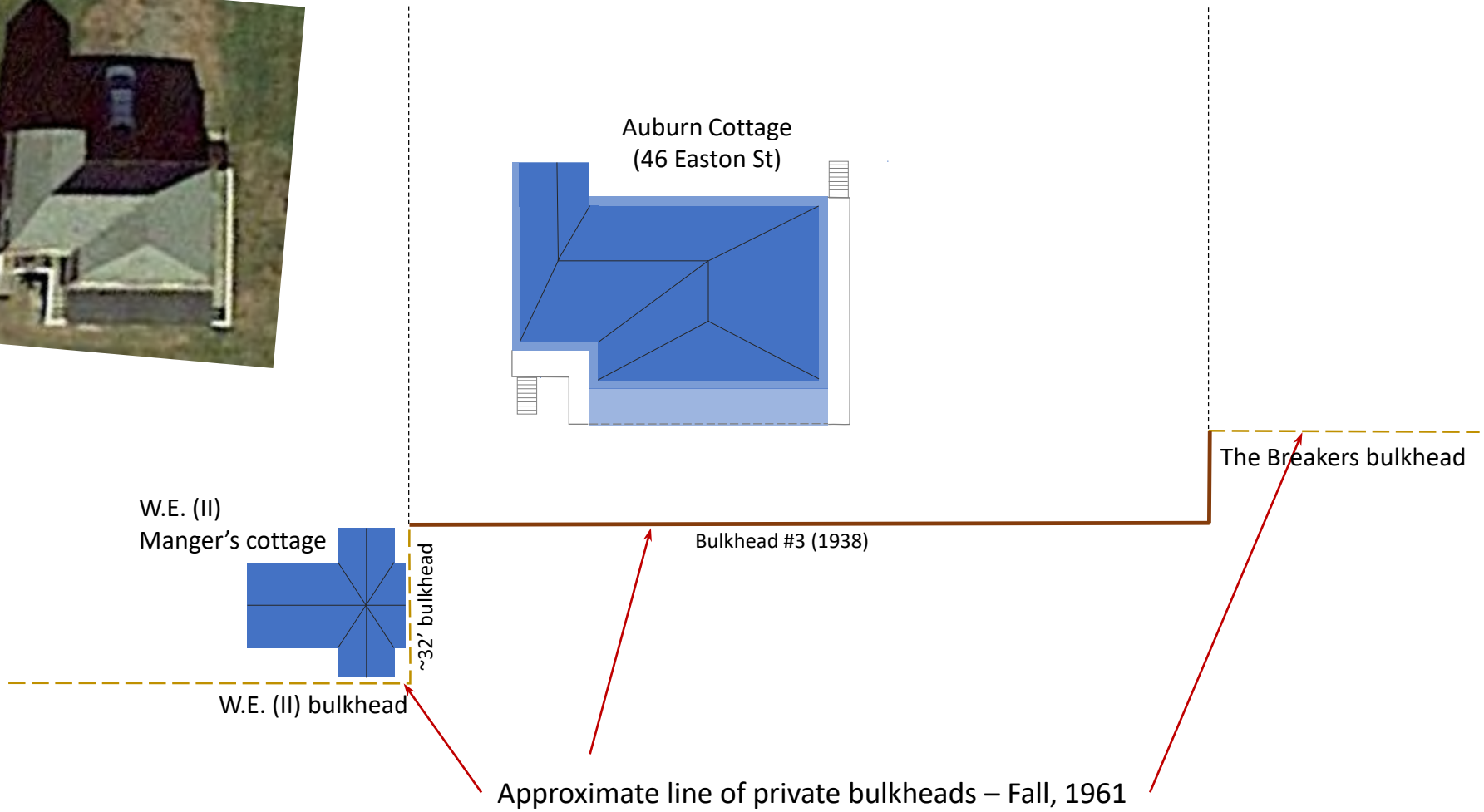


PROPOSED PIER.
Scale 1/4 inch to 1 foot.

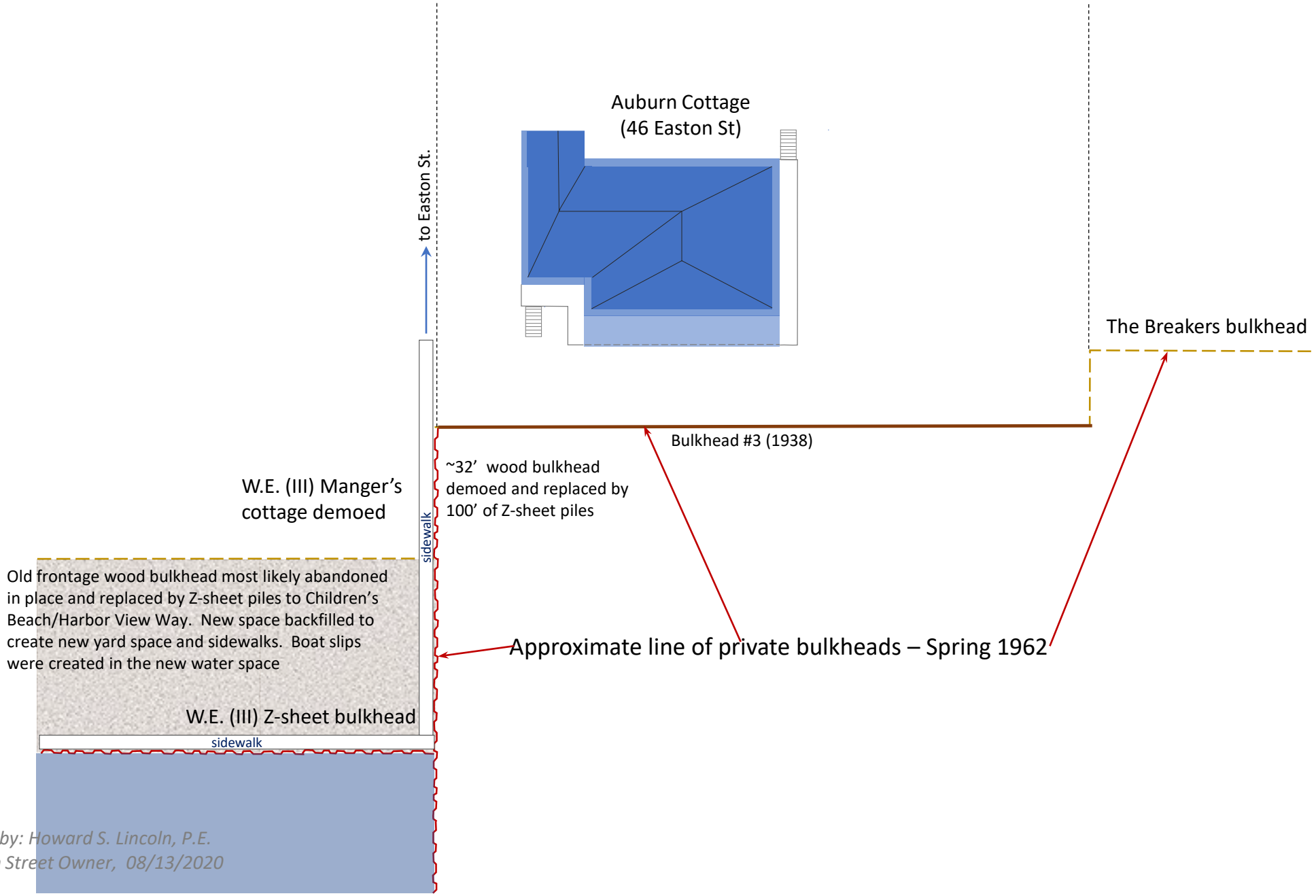
No. 2254.
Approved by Harbor and Land Comm.
June 27, 1899.
Nathaniel Emery
Clinton White

December 15th 1899. 2 h. 10 m. P. M. Received and entered with Nantucket Deeds. Book 17 Plans No. 3 page 35
Attest: Lawrence Brock, Register.

N.B. 13/6



Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020



Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020

Top of Bulkhead #3

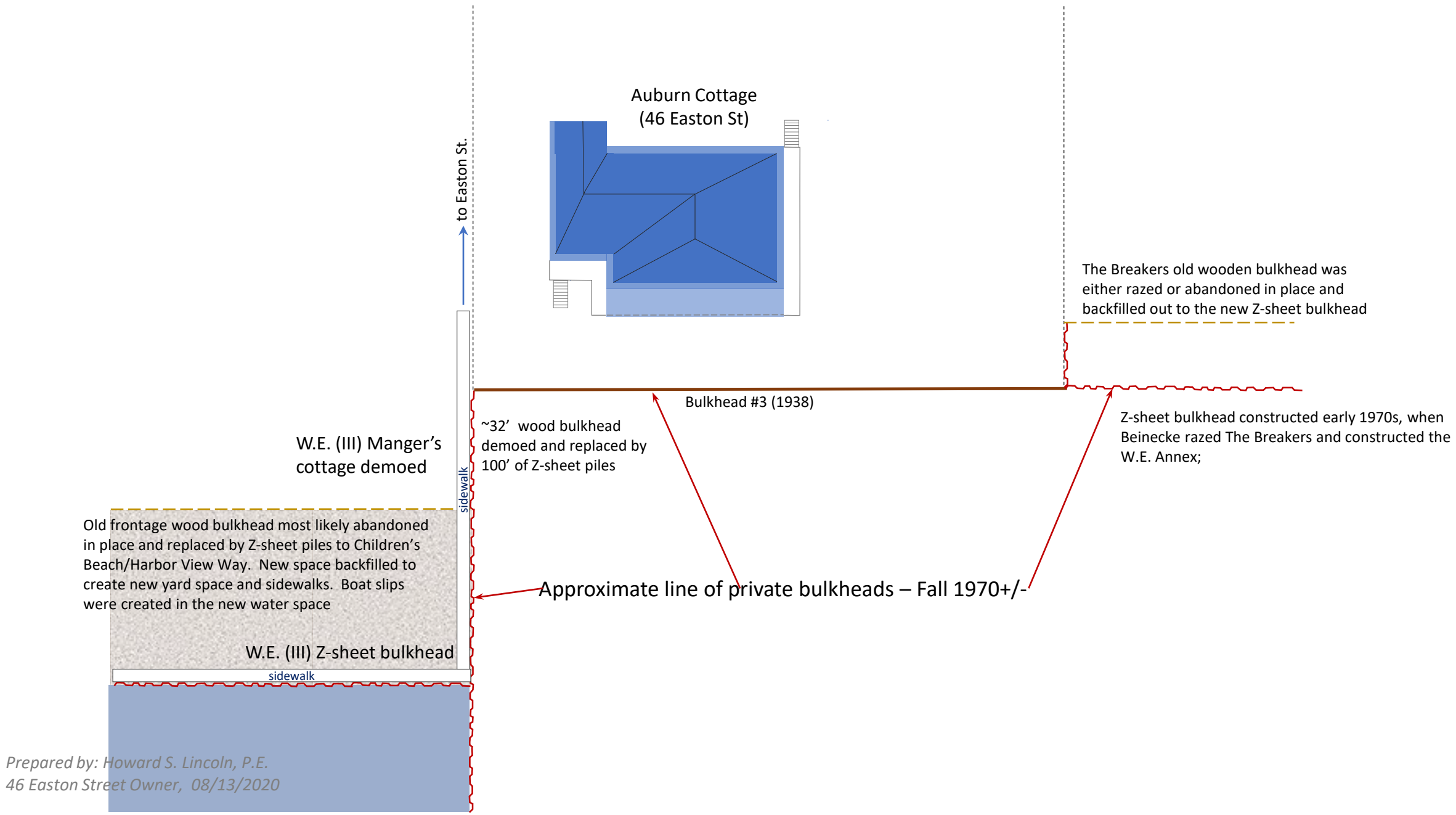
~14” of freeboard from top of bulkhead to beach sand

Top of Bulkhead #3

~18” of freeboard from top of bulkhead to beach sand

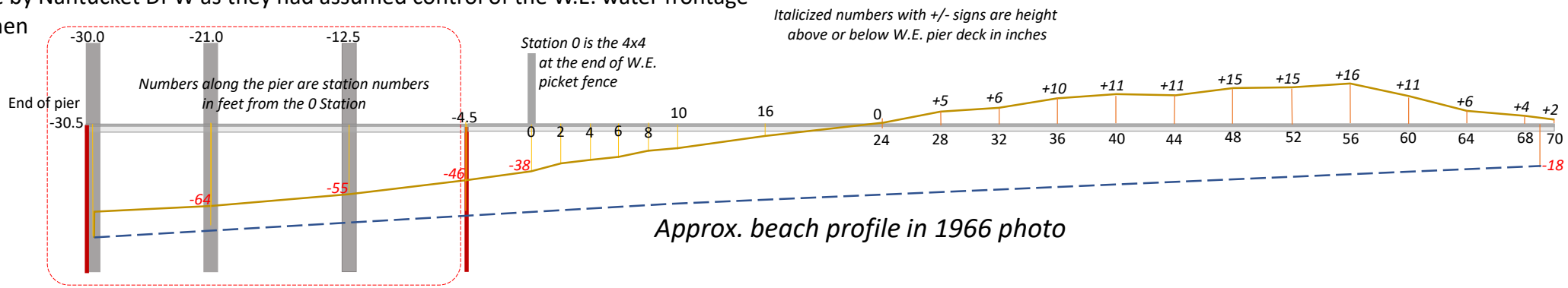
Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020

Auburn Cottage Beach & Bulkhead – July 1966


Auburn Cottage
(46 Easton St)
to Easton St.
The Breakers old wooden bulkhead was either razed or abandoned in place and backfilled out to the new Z-sheet bulkhead
Bulkhead #3 (1938)
~32' wood bulkhead demoed and replaced by 100' of Z-sheet piles
Z-sheet bulkhead constructed early 1970s, when Beinecke razed The Breakers and constructed the W.E. Annex;
W.E. (III) Manger's cottage demoed
sidewalk
Old frontage wood bulkhead most likely abandoned in place and replaced by Z-sheet piles to Children's Beach/Harbor View Way. New space backfilled to create new yard space and sidewalks. Boat slips were created in the new water space
Approximate line of private bulkheads – Fall 1970+/-
W.E. (III) Z-sheet bulkhead
sidewalk
Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020

Current beach profile Aug 2020
looking west toward W.E. bulkhead

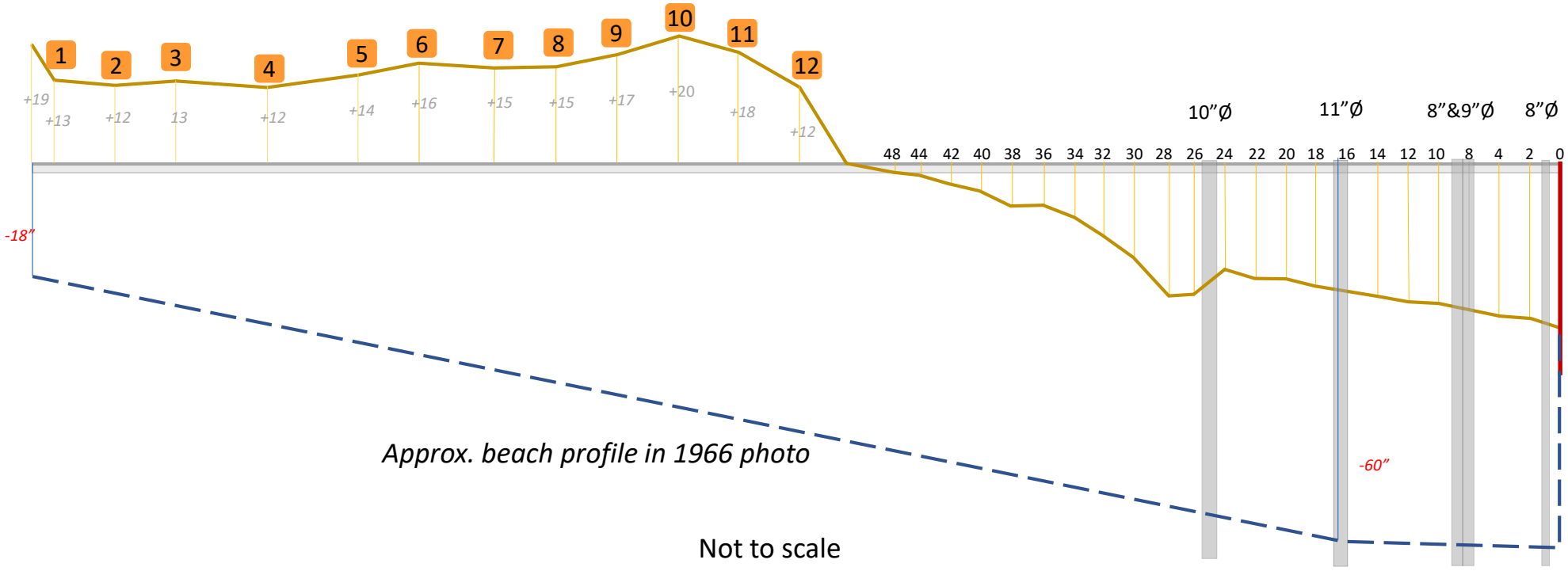
This section of the W.E. pier was replaced with 3 - 12”Ø+ pressure treated piles that replaced the single pile at the end of the pier. This was probably done by Nantucket DPW as they had assumed control of the W.E. water frontage by then



Not to scale
Vertical scale is exaggerated

Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020

Current beach profile Aug 2020
looking north towards Auburn Cottage



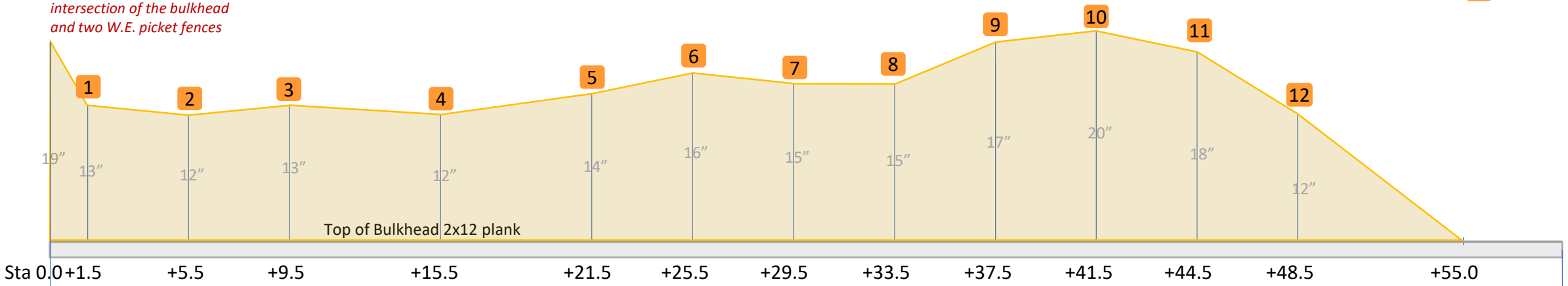
Not to scale
Vertical scale is exaggerated

Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 08/13/2020

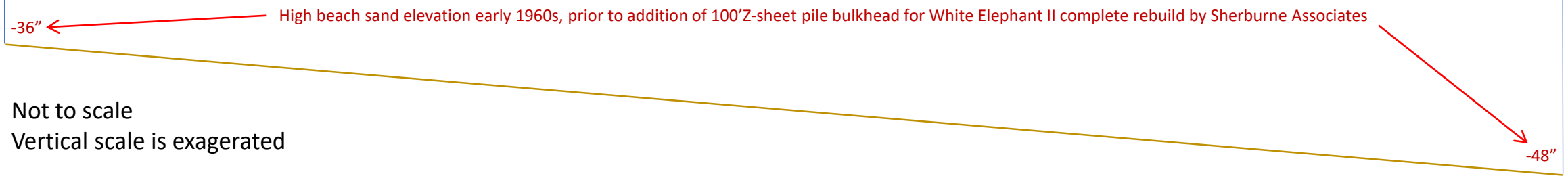
Displaced beach sand over 1938 bulkhead as of: 07/30/2020

Station 0.0 is the face of the 4x4 vertical W.E. fence post on the property line at the intersection of the bulkhead and two W.E. picket fences

Station Rebar Safety Cap # 12



With the installation of 100’ Z-Sheet piling bulkhead extension into the harbor from the northeast corner of the White Elephant’s property line (installed in the early 1960s (‘62 or ’63?) the beach at 46 Easton Street (Auburn Cottage) has built up through the last fifty years to the point that it has overtopped the 1938 bulkhead by the heights shown above. All the displaced sand has been sea driven due to S & SE winter storms and harbor tidal currents over the last 50+ years. The displaced sand started overtopping the 1938 bulkhead in the mid-90s, and with the house in its current position the sand sits it the lee of Auburn Cottage and is not blown back into the harbor from N & NW storms.



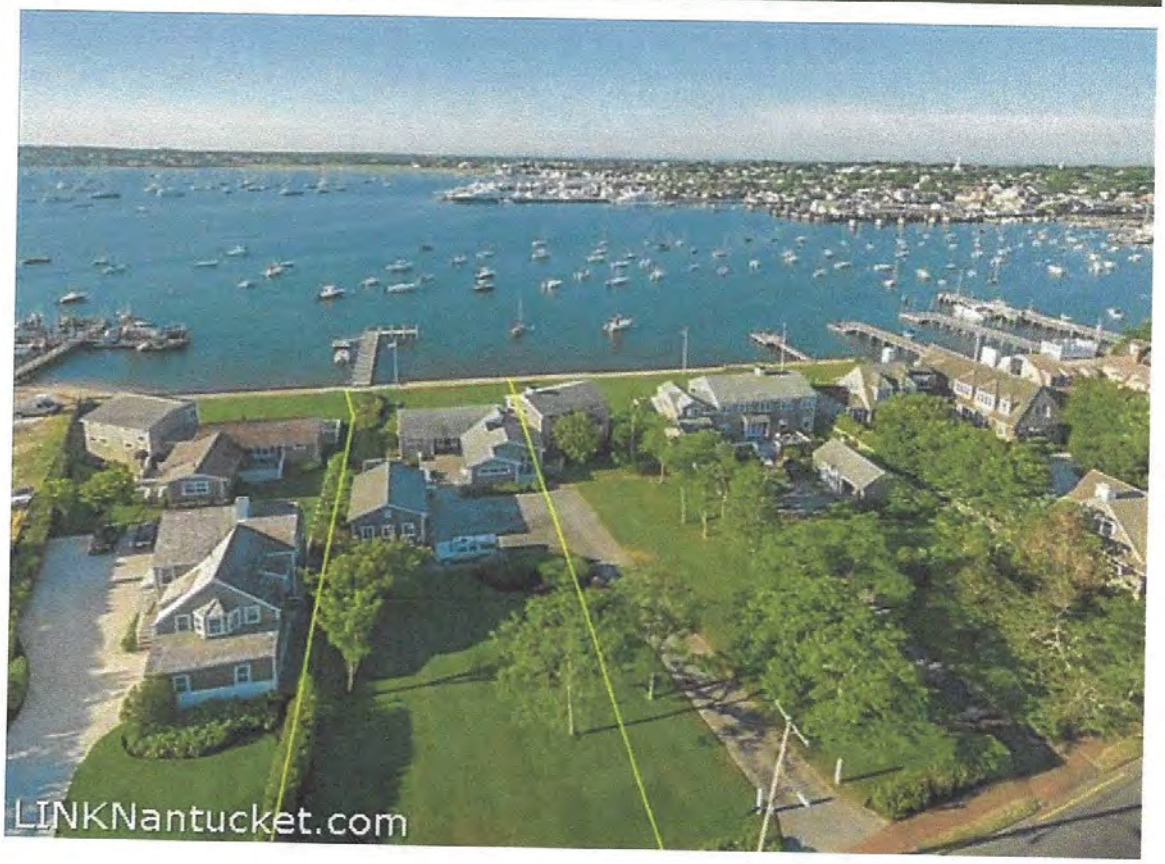
Not to scale
Vertical scale is exagerated

Prepared by: Howard S. Lincoln, P.E.
46 Easton Street Owner, 07/30/2020

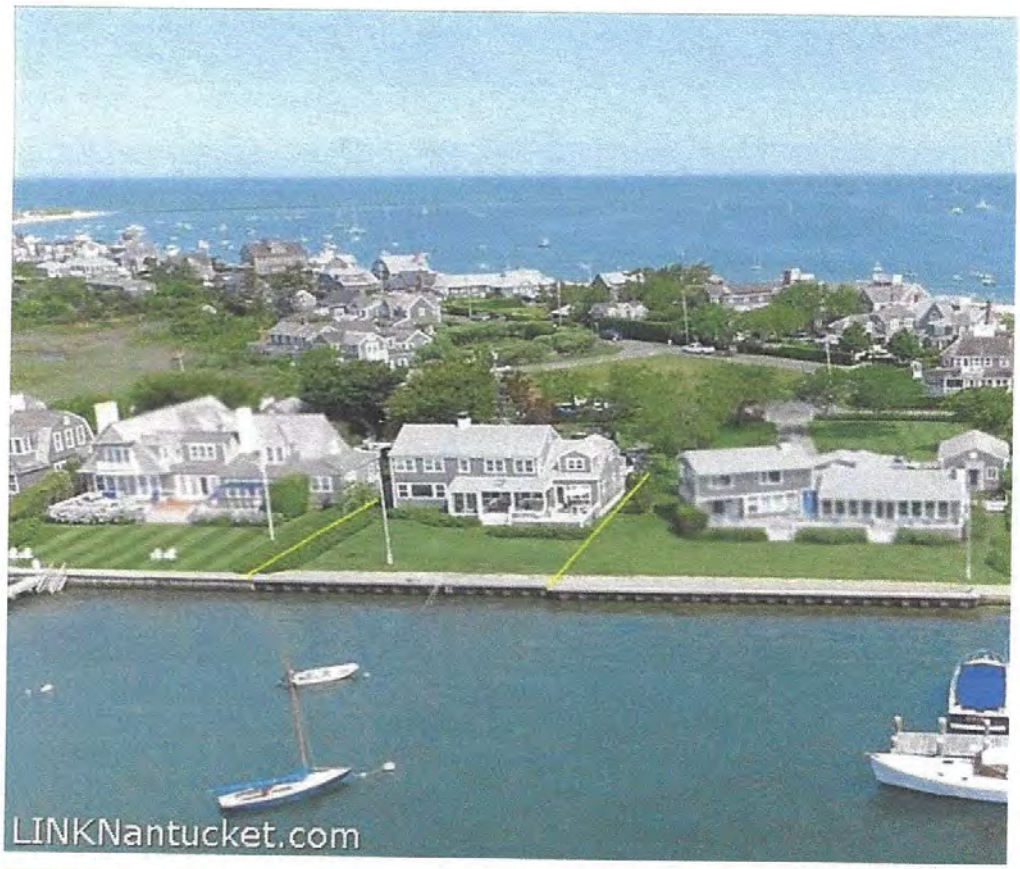
POV: From beach looking N towards Auburn Cottage porch

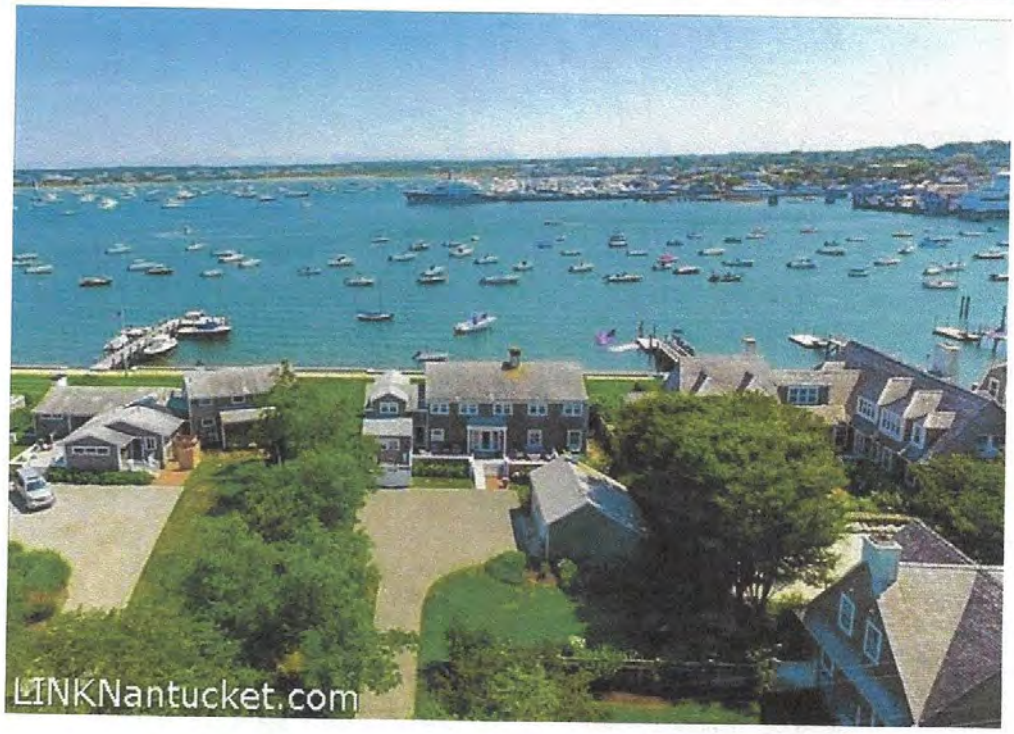
EASTON STREET AERIAL MAPS

26, 22, 16 EASTON STREET

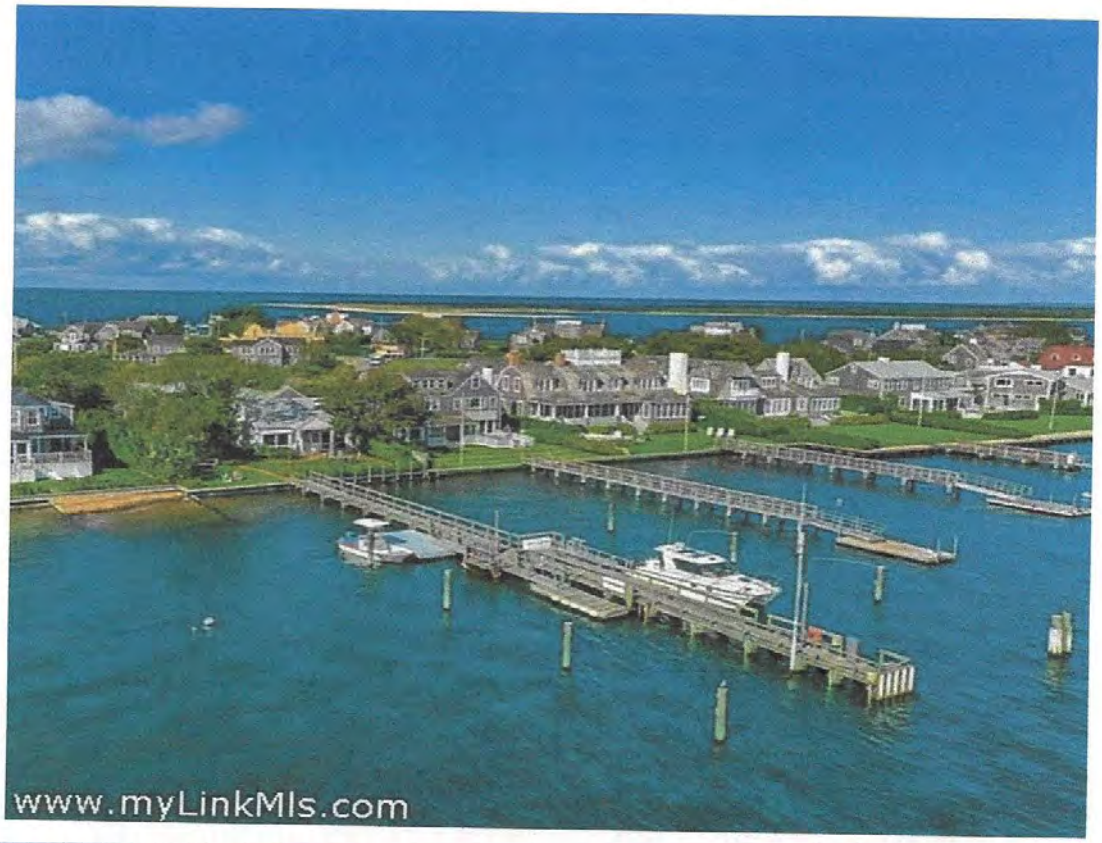


28, 26, 22 EASTON STREET

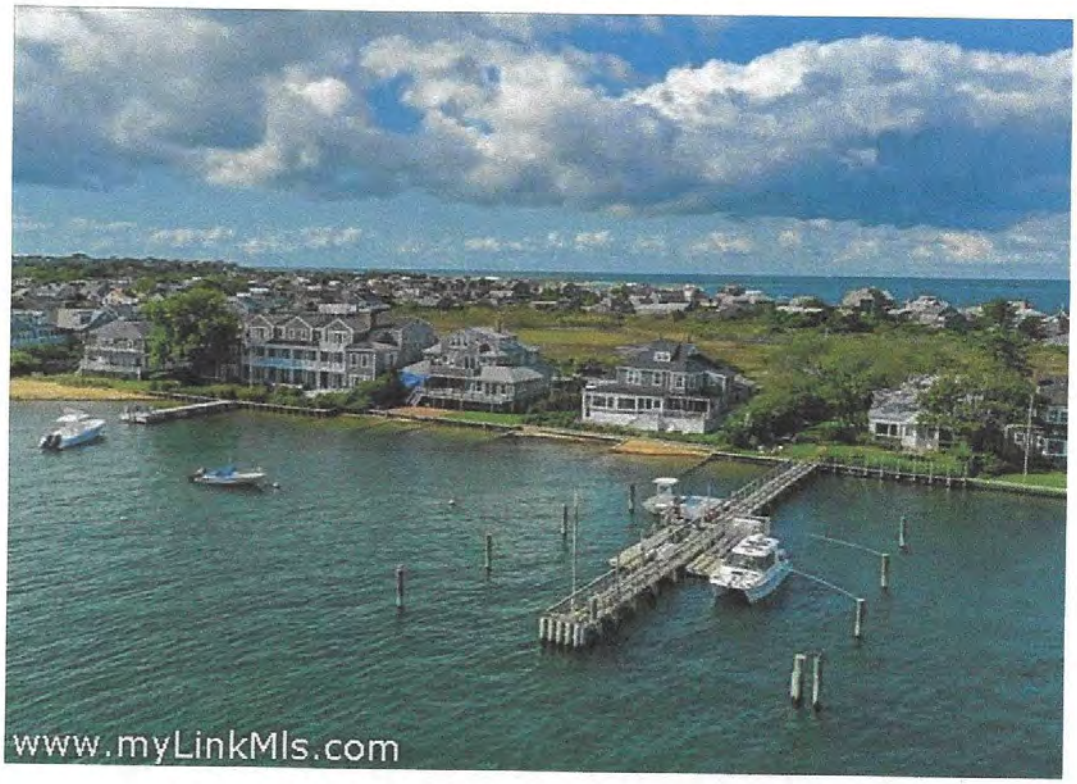




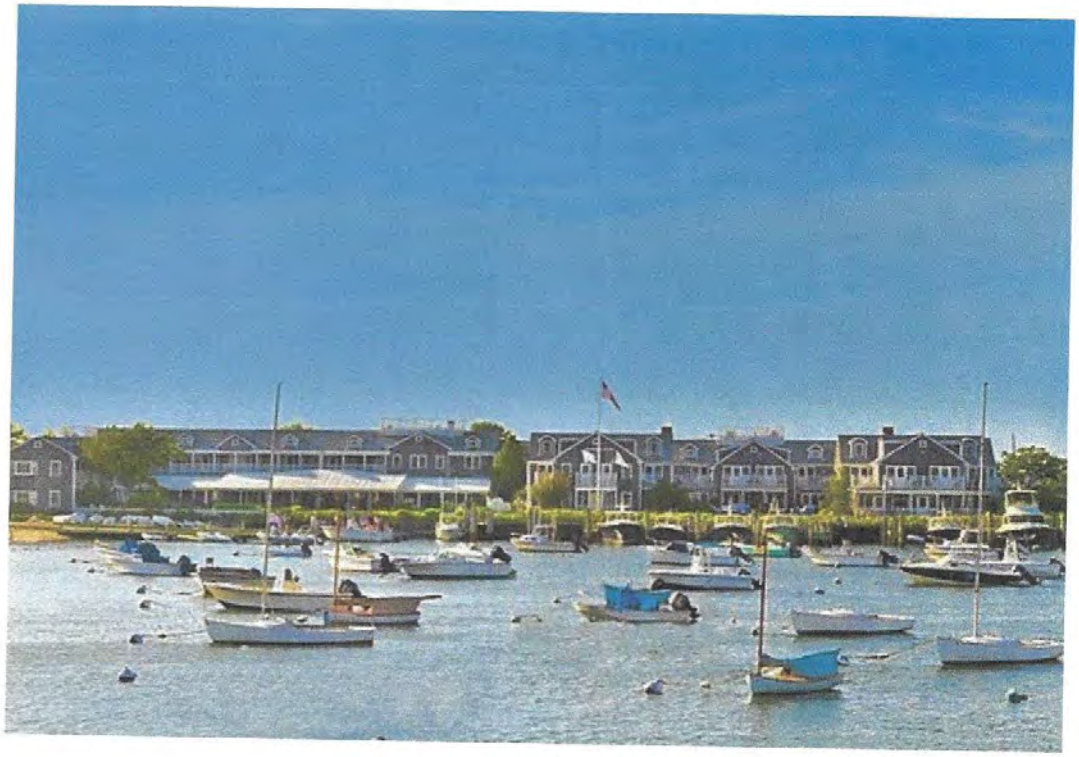
36, 34, 32, 30, 28, 26, 22 EASTON STREET



46 (LOCUS), 42A/B, 40, 36, 34



WHITE ELEPHANT – IMMEDIATE ABUTTER TO THE EAST



CONSERVATION COMMISSION APPROVALS FOR WATER FRONT PROPERTIES ON EASTON STREET – ON RECORD SINCE 1990

1 EASTON STREET	1 APPROVAL
2 EASTON STREET	2 APPROVALS
6 EASTON STREET	NONE ON RECORD
(THERE IS NO 8, 10, 12, 14 EASTON STREET)	
16/22 EASTON STREET	1 APPROVAL
16/22/26 EASTON STREET	1 JOINT APPROVAL FOR A COMMON BULKHEAD REPLACEMENT
26 EASTON STREET	2 APPROVALS
28 EASTON STREET	4 APPROVALS (2017 OF PARTICULAR NOTE)
30 EASTON STREET	3 APPROVALS
32 EASTON STREET	1 APPROVAL
34 EASTON STREET	1. APPROVAL
36 EASTON STREET	1 APPROVAL
40 EASTON STREET	1 APPROVAL
42 EASTON STREET	5 APPROVALS ("BREAKERS")
(THERE IS NO 44 EASTON STREET)	
46 EASTON STREET	LOCUS, NO ORDERS OF CONDITIONS
(THERE IS NO 48 EASTON STREET)	
50 EASTON STREET	5 APPROVALS

310 CMR 10.99 W.E. 50 EASTON STREET
Form 5

First Winthrop

DEQE File No. SE 48-579
(To be provided by DEQE)

49652

Commonwealth of Massachusetts

City/Town NANTUCKET

Applicant First Winthrop

Map 42.4.1 Parcel 23, 24, 25

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 First Winthrop Properties, Inc. (Name of Applicant)

~~Sherborne~~ Sherburne Associates Realty Trust (Name of property owner)

Address 1 International Place
Boston, Mass. 02110

Address Zero Main Street
Nantucket, Mass. 02554

This Order is issued and delivered as follows:

☒ by hand delivery to applicant or representative on February 28, 1990 (date)

☐ by certified mail, return receipt requested on _____ (date)

This project is located at 50 Easton Street (White Elephant Hotel)

The property is recorded at the Registry of Nantucket

Book _____ Page _____

Certificate (if registered) # 12975 Lots A & B Land Court Plan 8810 - B

The Notice of Intent for this project was filed on January 5, 1990 (date)

The public hearing was closed on February 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):

- ☐ Public water supply
- ☐ Private water supply
- ☑ Ground water supply
- ☑ Erosion Control (Bylaw)
- ☑ Wetland Scenic Views (Bylaw)
- ☑ Flood control
- ☑ Storm damage prevention
- ☑ Prevention of pollution
- ☑ Recreation (Bylaw)
- ☑ Land containing shellfish
- ☑ Fisheries
- ☐ Protection of wildlife habitat (Act)
- ☑ Wildlife (Bylaw)

Total Filing Fee Submitted $ 525.00 State Share 250.00 (½ fee in excess of $25)

City/Town Share $ 275

Total Refund Due $ 0.00 City/Town Portion $ _____ (½ total) State Portion $ _____ (½ total)

49652

DEP File Number
SE 48 - 579

PLANS:

TITLE	DATED	SIGNED AND STAMPED	FILED WITH
1. White Elephant Hotel " A Plan to Accompany Notice of Intent "	Dec 18, 1989 (Recv'd 1/5/90)	Nantucket Surveyors	The Commission
2. Existing Conditions/ Demolition Plan	September (recv'd 1/5/90)	Keith P. LeBlanc	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

UNDER THE NANTUCKET WETLANDS BYLAW ONLY:

The Commission hereby grants waivers from Sections 2.02(B)(6), 2.05(B)(5), and 2.10(B)(4) of the Wetlands Protection Regulations of the Town of Nantucket, under the Nantucket Wetlands Bylaw (Chapter 136). Sections 2.02(B)(6) and 2.05(B)(5) require a distance of 50 feet between structures which are not water-dependent and a coastal beach (or tidal flat) or coastal bank, respectively. These two sections also require a 25-foot natural undisturbed area adjacent to a coastal beach (or tidal flat) or coastal bank. Section 2.10(B)(4) prohibits building upon areas subject to coastal storm flowage in locations where such structure would be subject to storm damage. However, there has been a clear and convincing showing by the applicant 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. There is little if any slope and the lawn is below the top of the bulkhead, so it is unlikely that the coastal bank or beach would be adversely affected by the construction work. These waivers are granted under the authority of Section 1.03(F)(1)(a) of the Wetlands Protection Regulations of the Town of Nantucket.

###

W.E. 50 EASTON STREET

310 CMR 10.99
Form 5

086186

DEQE File No. SE48-1249
(To be provided by DEQE)

Commonwealth of Massachusetts

City/Town Nantucket

Applicant Nantucket Island Resorts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To: Nantucket Island Resorts LLC (Name of Applicant) — same (Name of property owner)

Address c/o Russ Cleveland — Address POB 1139, Nantucket MA 02554

This Order is issued as follows:

☒ by hand delivery to applicant or representative on 5/27/99 to Melissa Philbrick (date)

☐ by certified mail, return receipt requested on _____ (date)

This project is located at 50 Easton St. (Address) 42.4.1 (Assessor's Map #) 23-25 (Parcel #)

The property is recorded at the Registry of Nantucket

Book _____ Page _____ Lots A+B

Certificate (if registered) 18414, Land Court Plan: 8810-B; 6579-A

The Notice of Intent for this project was filed on 1/8/99 (date)

The public hearing was closed on 4/15/99 (date)

Findings

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

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

Total Filing Fee Submitted 525 — State Share 250 — (1/2 fee in excess of $25)

City/Town Share 275 —

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

Effective 11/10/92

FINDINGS and ADDITIONAL SPECIAL CONDITIONS
Nantucket Islands Resorts LLC (White Elephant)
DEP FILE NUMBER SE48 – 1249
ASSESSOR'S MAP 42.4.1, PARCELS 23, 24, & 25
50 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

FINDINGS

1.) Areas present on this site subject to protection are coastal beach, coastal bank, land subject to coastal storm flowage, and their buffer zones.

2.) This Order memorializes a vote taken by the Conservation Commission on April 29, 1999 to close the Public Hearing. It is issued based on a vote 6-0 by the Commission on May 13, 1999.

3.) This Order permits the removal of several buildings, swimming pool, terraces, and permits the construction of a new hotel building, and establishes an undisturbed buffer. Work is permitted as conditioned by this Order.

4.) A waiver is herein issued allowing the activity shown on the approved plans, including the planting of new vegetated buffer and lawn , and construction of walkways and a flagpole within the 25' undisturbed buffer and construction a portion of the structure within the 50' no-structure buffer zone.. Said waiver is granted by the Commission because the increased buffer to the resource areas and the removal of structures and reduced impervious surfaces will improve the natural capacity of the resource areas to protect interests described within the Bylaw.

ADDITIONAL SPECIAL CONDITIONS

3. The applicant shall inform the Commission in writing of the name, address, business and home telephone number of the project supervisor who will be responsible for ensuring on-site compliance with this Order.

4. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.

5. 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.

6. Prior to any activity at the site, appropriate site control measures, such as silt fence, or the combination of snow fence and hay bales, shall be staked outside of the undisturbed buffer and between the resource area(s) and the project site to eliminate any sedimentation or erosion as a result of any activity in the project area. After the measures have been installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 48 hours after said notice is given, so as to allow**

27. Any area within the undisturbed buffer shall be planted and maintained with site-appropriate, non-introduced species as described in The Vascular and Non-Vascular Flora of Nantucket, Tuckernuck, and Muskeget Islands, Sorrie & Dunwiddie 1996. The as-built shall note the plant materials installed. This Condition shall be noted on the Certificate of Compliance as an ongoing Condition that shall survive the expiration of this Order.

28. 310 CMR 10.30(3) of the State Wetlands Regulations, promulgated under M.G.L c. 131, s. 40, and Sections 2.03(B)(1) and 2.05(B)(1) of the Nantucket Wetland Protection Regulation, require that no new coastal engineering structures of any kind, such as bulkhead, revetment, or seawall, shall be permitted on the property in the future to protect the project allowed by this Order of Conditions. This Condition shall be noted on the Certificate of Compliance as an ongoing Condition that shall survive the expiration of this Order. This condition does not preclude repairing; replacing; or maintaining existing coastal engineering structures after obtaining all necessary permits.

WAIVER UNDER THE NANTUCKET WETLANDS BYLAW:

The Commission hereby grants the applicant a waiver to Sections 2.02 (B)(6) and 2.05 (B)(5) of the Wetlands Protection Regulations of the Town of Nantucket, under the Wetlands Bylaw (Chapter 136). These sections require that a 25' undisturbed buffer and a 50' structure-free buffer be established from coastal beaches and banks, respectively. However, the applicant has demonstrated that portions of the proposed project, including the establishment of an undisturbed buffer and the removal existing structures and impervious surfaces will increase the capacity of the resource areas to function. As carefully conditioned herein, the project will increase the natural capacity of the resource area to protect the interests identified by the Bylaw and the Act. Therefore, this waiver is granted under the authority of Section 1.03(F)(1) and 1.03(F)(2) (c) and (d) of the Wetlands Protection Regulations.

###

0000 W.E. 50 EASTON STREET

096299

DEP File Number:

SE48-1508

Provided by DEP

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 Bylaw Chapter 136

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

This issuance if for (check one):

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

Nantucket Island Resorts, LLC
Name

One Wells Avenue
Mailing Address

Newton | MA | 02459
City/Town | State | Zip Code

Property Owner (if different from applicant):

same
Name

Mailing Address

City/Town | State | Zip Code

1. Project Location:

50 Easton Street
Street Address

Nantucket
City/Town

Land on PL 6579-A
Lots A+B PL 8810-B

42.4.1
Assessors Map/Plat Number

23, 24, 25
Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket
County

Book

Page

18, 414
Certificate (if registered land)

3. Dates:

January 10, 2002
Date Notice of Intent Filed

February 13, 2002
Date Public Hearing Closed

February 15, 2002
Date of Issuance

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

Maintenance Dredging White Elephant for Nantucket Island Resorts as revised — Feb. 8, 2002
Title — Date

Sediment Analysis from Woods Hole Group — Jan. 30, 2002
Title — Date

Title — Date

5. Final Plans and Documents Signed and Stamped by:

Jeffrey W. Oakes
Name

6. Total Fee:

$ 725.00
(from Appendix B: Wetland Fee Transmittal Form)

FINDINGS and ADDITIONAL CONDITIONS
Nantucket Island Resorts LLC
DEP FILE NUMBER SE48-1508
ASSESSOR'S MAP 42.4.1, PARCELS 23,24, & 25
50 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits maintenance dredging between existing finger piers. The project as permitted is water dependent.

FINDINGS

1. Applicant's Name Nantucket Island Resorts LLC DEP File Number SE48-1508 .
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent, and attachments, dated 1/8/02 and the Plan of Record dated as revised 2/8/02, stamped and signed by Jeffrey Oakes. Also considered was other pertinent supplemental information including but not limited to:
   - Sediment Analyses (Chemical) from Woods Hole Group dated 1/30/02
3. Areas subject to protection/regulation are land under the ocean, coastal bank and their buffers and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 2/13/2002 and a vote to issue Orders taken by the Commission on 2/13/2002.
5. This Order permits maintenance dredging between existing finger piers.
6. No waivers are required as the projected permitted by this Order is water dependent.

In addition to the above referenced ADDITIONAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. The applicant shall provide duplicate copies of all design plans, project narratives and construction information to the Town of Nantucket Marine Department.

19. To minimize the effects on shellfish and finfish habitat and on recreation, the dredging is limited to between November 1st and March 15th or as otherwise required by state and local regulatory authorities, including the Town of Nantucket Marine Department.

W. E. 50 EASTON STREET

118652

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 Bylaw Chapter 136

White elephant dredging

DEP File Number:

SE48-1971

2006 00118652
Cert: 18414 Doc: OOC
Registered: 12/12/2006 03:08 PM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	c. Company
		Nantucket Island Resorts LLC

d. Mailing Address: P.O Box 1139, 10 Amelia Drive

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

4. Property Owner (if different from applicant):

a. First Name	b. Last Name	c. Company
Same		

d. Mailing Address

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

5. Project Location:

a. Street Address	b. City/Town
50 Easton Street	Nantucket

c. Assessors Map/Plat Number	d. Parcel/Lot Number
42.4.1	23,24 and 25

Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):

e. Latitude	f. Longitude

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

a. County	b. Certificate (if registered land)
Nantucket	~~U-12000~~ 18414 (parcel 2)

c. Book	d. Page

7. Dates:

a. Date Notice of Intent Filed	b. Date Public Hearing Closed	c. Date of Issuance
October 20, 2006	November 1, 2006	November 7, 2006

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

a. Plan Title: Maintenance Dredging

b. Prepared By	c. Signed and Stamped by
CLE Engineering, Inc	Carlos G. Pena

d. Final Revision Date	e. Scale
October 2, 2006	

f. Additional Plan or Document Title	g. Date

9. Total WPA Fee Paid:

a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid
$1450.00	$712.50	$737.50

FINDINGS and ADDITIONAL CONDITIONS
Nantucket Island Resorts LLC
DEP FILE NUMBER SE48-1971
ASSESSOR'S MAP 42.4.1, PARCELS 23,24, & 25
50 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits maintenance dredging between existing finger piers. The project as permitted is water dependent.

FINDINGS

1. Applicant's Name Nantucket Island Resorts LLC DEP File Number SE48-1971.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent, and attachments, dated 10/20/06 and the Plan of Record dated 9/25/06, stamped and signed by .
3. Areas subject to protection/regulation are land under the ocean, coastal bank and their buffers and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 11/1/2006 and a vote to issue Orders taken by the Commission on 11/1/2006.
5. This Order permits maintenance dredging between existing finger piers.
6. No waivers are required as the projected permitted by this Order is water dependent.

In addition to the above referenced ADDITIONAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. The applicant shall provide duplicate copies of all design plans, project narratives and construction information to the Town of Nantucket Marine Department.

19. To minimize the effects on shellfish and finfish habitat and on recreation, the dredging is limited to between November 1st and January 15th or as otherwise required by state and local regulatory authorities, including the Town of Nantucket Marine Department.

W.E. 50 EASTON STREET

153745

2016 00153745

Cert: 23726 Doc: OOC
Registered: 12/09/2016 01:22 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- 2934
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:

Scott — a. First Name
Kelley — b. Last Name
Nantucket Island Resorts (NIR) — c. Organization
10 Amelia Drive — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant — a. First Name
White Elephant Hotel LLC — b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

White Elephant, 50 Easton Street — a. Street Address
Nantucket — b. City/Town
42.4.1 — c. Assessors Map/Plat Number
23 — d. Parcel/Lot Number

Latitude and Longitude, if known: 41.288058 — d. Latitude; -70.096292 — e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	Adjacent to 50 Easton Street
Assessor's Map and Parcel:	42.4.1-23 (adjacent waterbody)
Property Owner:	New England Development
Applicant:	Nantucket Island Resorts
DEP File Number:	SE48-2934
Filing Date:	11/14/2016
Date Hearing Closed:	11/30/2016
Date Orders Issued:	11/30/2016
Plan of Record Information:	Maintenance Dredging Project White Elephant, Nantucket, MA, dated 9/1/2016, and stamped by Carlos G. Pena, P.E.

Permit Overview:
This order permits the maintenance dredging of the slips and channel within Land Under the Ocean and Land Containing Shellfish with off- site stockpiling of excavated material. Waivers are not required for this project.

Additional Findings:
1. The area falls outside mapped habitat areas and did not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. Silt curtains shall be installed to best contain the work area and the barge used for dewatering.
20. No dredging shall occur during the period April 1 – August 31.
21. Upon filing for renewal, extension, or amendment of the orders of Conditions, the applicant shall contact the Division for written response regarding impacts to Resource Area habitat of state-listed wildlife.
22. Dredging shall not occur between January 15 to May 31 to minimize impacts to spawning winter flounder.
23. Any further maintenance dredging to be performed from shore shall require the filing of an Amended Order of Conditions request or new Notice of Intent detailing the access points, resource areas impacted and work methods to be reviewed and conditioned by the Commission at that time.
24. All dredge spoils shall be removed to an area outside of Commission jurisdiction.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for this project.

42 EASTON STREET
"BREAKERS"

084538

The Commonwealth of Massachusetts

1999

No. 5342

Current owner: Nantucket Island Resorts LLC
Title Reference: Certificate of Title No. 18,414
Land on L.Ct. Plan 6579-A; Lots A+B on L.Ct. Plan 8810-B;
Land on L.Ct. Plan 5543-A

Street Address:
50 Easton Street
*42 Easton St.

Whereas, Sherburne Associates Realty Trust

of -- Nantucket --, in the County of -- Nantucket -- and Commonwealth aforesaid, has applied to the Department of Environmental Protection for license to --- maintain existing bulkheads, backfill, walkways and pile-supported piers ----------

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

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

-- Sherburne Associates Realty Trust -----, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to -- maintain existing bulkheads, backfill, walkways and pile-supported piers ----------

in and over the waters of -- Nantucket Harbor -- in the Town of -- Nantucket -- and in accordance with the locations shown and details indicated on the accompanying DEP License Plan No. 5342, (4 Sheets).

* original plans filed in Plan Book 26 Page 13

PRINTED ON RECYCLED PAPER

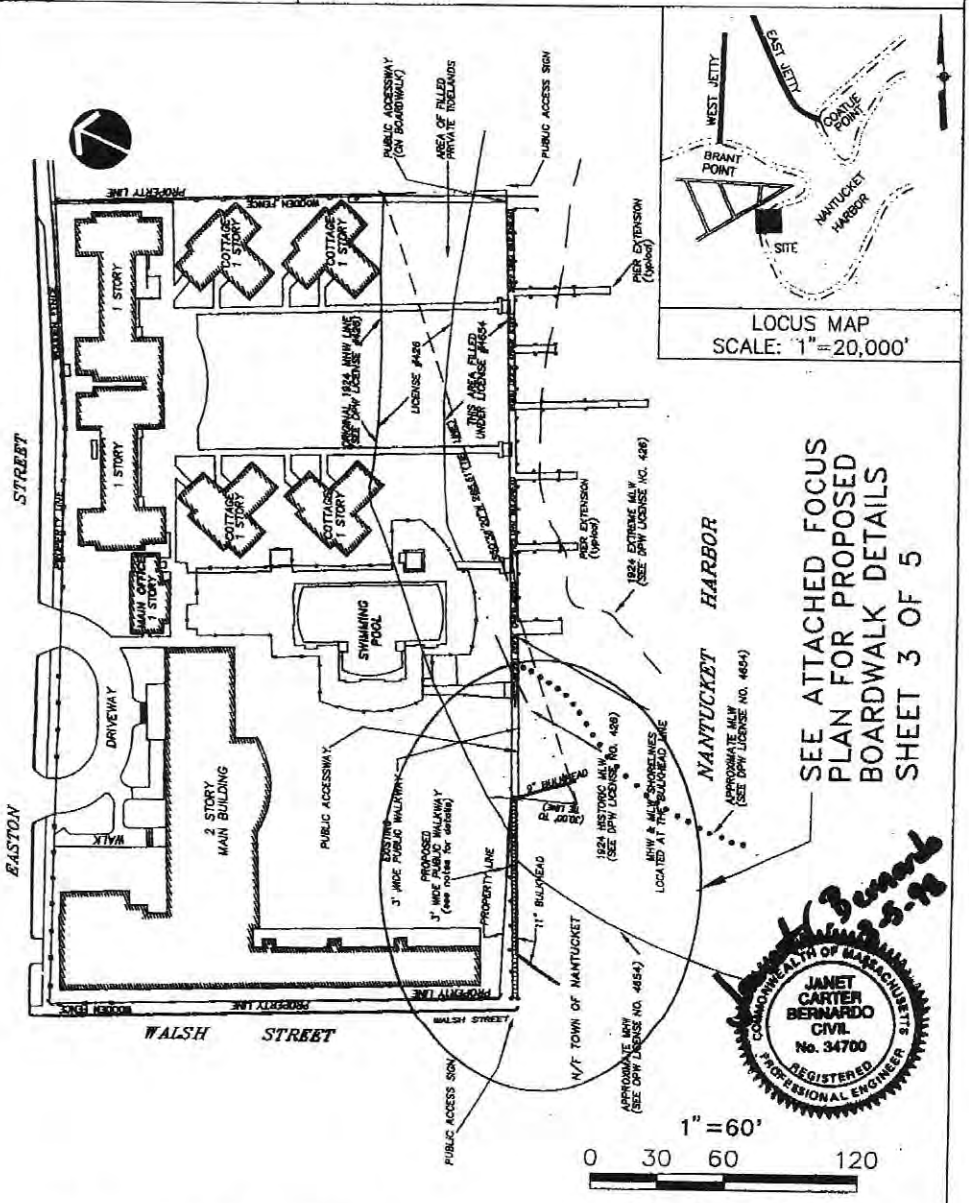
084538

I HEREBY CERTIFY THAT THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE REGISTRY OF DEEDS.

COMMONWEALTH OF MASSACHUSETTS
JANET CARTER BERNARDO
CIVIL
No. 34700
REGISTERED PROFESSIONAL ENGINEER

Janet C. Bernardo — 3-5-98

REGISTERED PROFESSIONAL ENGINEER — DATE

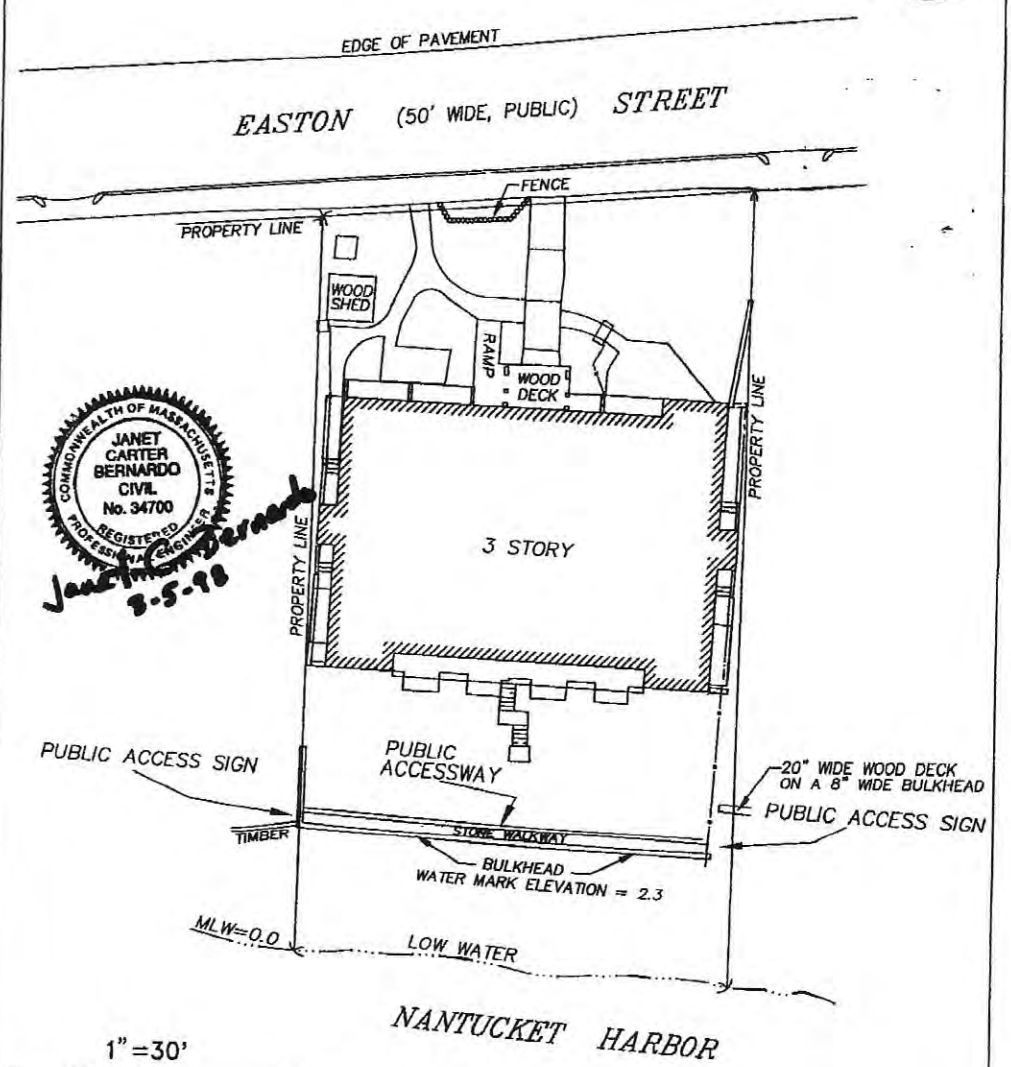


THE WHITE ELEPHANT HOTEL
EXISTING CONDITIONS LOT-1
TOWN OF NANTUCKET
(NANTUCKET COUNTY), MA
PLANS ACCOMPANYING PETITION OF
SHERBURNE ASSOCIATES REALTY TRUST
TO LICENSE EXISTING STRUCTURES AND FILL AND PROPOSED BOARDWALK EXTENSION IN NANTUCKET HARBOR
Prepared By: ESS, WELLESLEY HILLS, MA
Sheet 1 of 5 REVISED OCTOBER 1996

LICENSE PLAN NO. 5342
Approved by Department of Environmental Protection of Massachusetts
FEB 23 1999
David B. Struhs
Commissioner

8399.DTI 062996MPO

084538



COMMONWEALTH OF MASSACHUSETTS
JANET CARTER BERNARDO
CIVIL
No. 34700
REGISTERED PROFESSIONAL ENGINEER

Janet C. Bernardo
8-5-98

1" = 30'

0 15 30 60

SCALE IN FEET

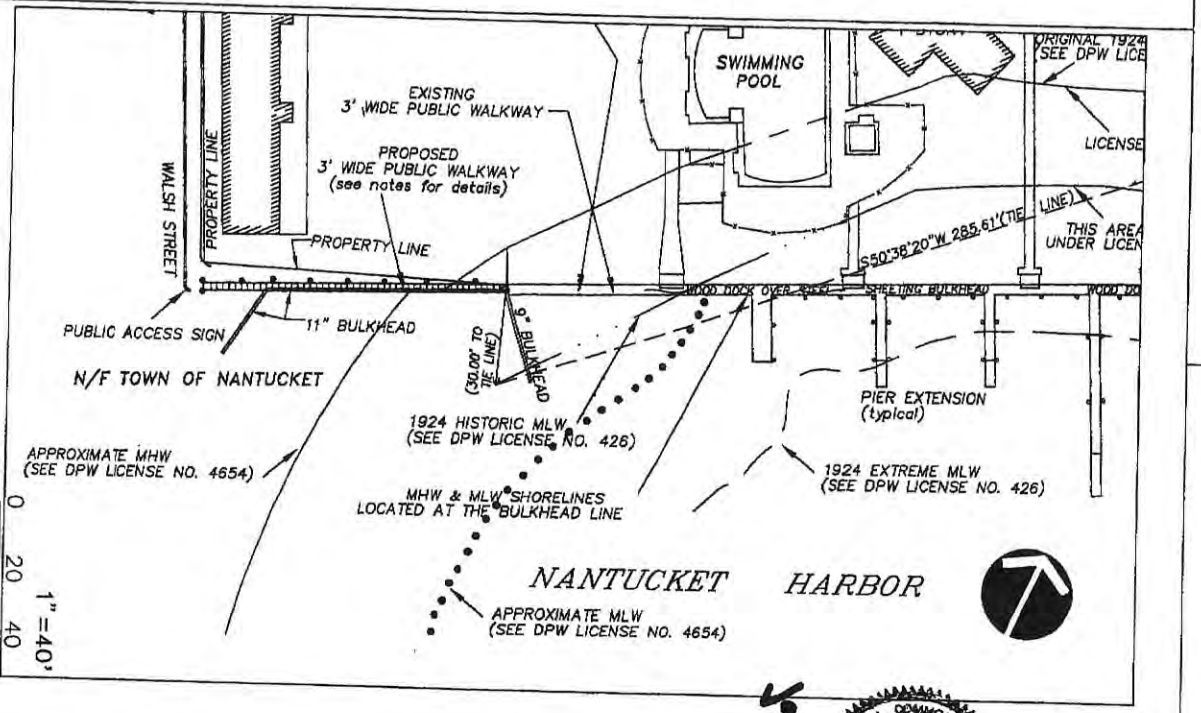
License Plan No 5342

LICENSE PLAN NO. 5342
Approved by Department of Environmental Protection
Date: FEB 23 1999

THE WHITE ELEPHANT HOTEL
EXISTING CONDITIONS LOT-2

Prepared By: ESS, WELLESLEY HILLS, MA

.012 6-7-95NK



THE WHITE ELEPHANT HOTEL
PROPOSED BOARDWALK EXTENSION
FOCUS PLAN

Prepared By: ESS, WELLESLEY HILLS, MA
Sheet 3 of 5 REVISED OCTOBER, 1996

License Plan No. 5342

LICENSE PLAN NO. 5342
Approved by Department of Environmental Protection
Date: FEB 23 1999

Note: 1. The boardwalk extension will be sloped at the Walsh Street end no more than a slope of 1:20 to facilitate access.
2. The boardwalk extension will be constructed of pressure treated typical 5/4" timber planking.
3. A decorative pile and rope fence will be constructed along the landward edge of the boardwalk.

COMMONWEALTH OF MASSACHUSETTS
JANET CARTER BERNARDO
CIVIL
No. 34700
REGISTERED PROFESSIONAL ENGINEER

3-5-98

For Permitting Purposes Only

084538

(42 EASTON STREET 112797 "BREAKERS")

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Reissue Order of Conditions

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

DEP File Number:
SE48-1728
Provided by DEP

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

2005 00112797
Cert: 21246 Doc: OOC
Registered: 07/29/2005 03:36 PM

This issuance if for (check one):

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

Whitney A. Gifford Trustee per Doc 107312
Name

6 Youngs Way
Mailing Address

Nantucket | MA | 02584
City/Town | State | Zip Code

Property Owner (if different from applicant):

42 Easton Street Nominee Trust
Name

C/o 6 Youngs Way
Mailing Address

Nantucket | Ma | 02554
City/Town | State | Zip Code

1. Project Location:

42 Easton Street
Street Address

Nantucket
City/Town

42.4.1
Assessors Map/Plat Number

21
Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket
County

Book | Page

21246
Certificate (if registered land)

5343-A
Land Court Plan

3. Dates:

June 15, 2004
Date Notice of Intent Filed

August 25, 2004
Date Public Hearing Closed

August 27, 2004
Date of Issuance

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

Proposed T-pier
Title

08/09/04
Date

Title

Date

Title

Date

5. Final Plans and Documents Signed and Stamped by:

John DeRugeris
Name

6. Total Fee:

$120.00
(from Appendix B: Wetland Fee Transmittal Form)

FINDINGS and ADDITIONAL CONDITIONS
Whitney Gifford
DEP FILE NUMBER SE48-1728
ASSESSOR'S MAP 42.4.1, PARCEL 21
42 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGLCHAPTER 131, SECTION 40) and
THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW

This Order of Conditions permits the construction and maintenance of a fixed pier with outhaul in Nantucket Harbor. No dredging requested or permitted by this Order. No use of boat motors is allowed at the pier or between the pier and out haul post.

FINDINGS

1. Applicant's Name is Whitney Gifford. DEP File Number is SE48-1728.
2. This Order of Conditions is being issued based upon strict accordance with information submitted in the Notice of Intent as revised 8/18/04, with faxed protocol dated 8/20/04 and the Plan of Record dated as revised 8/9/04 and stamped by John DeRugeris. Also considered was other pertinent supplemental information including but not limited to:
   - Letters from Donald and Anne Stinnett dated 7/14/04 and 7/28/04.
   - Division of Marine Fisheries letter dated 7/8/04
   - Letters from Phillip Lincoln dated 7/14/04 and 8/6/04.
3. Areas subject to regulation are land under the ocean, land containing shellfish, coastal beach, coastal bank and their buffer zones and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 8/25/04 and a vote to issue Orders taken by the Commission on 8/25/2004.
5. This Order permits the construction and maintenance of a fixed pier with out haul in Nantucket Harbor. No dredging is requested or permitted by this Order. No use of boat motors is allowed at the pier or between the pier and out haul post.
6. The project as permitted by this Order is considered to be water dependent.
7. The work permitted and conditioned by this Order will employ best available measures to minimize adverse effects to fisheries and wildlife habitat by not significantly altering or destroying:
   - water circulation
   - vegetative cover
   - distribution of sediment grain size
   - water quality or
   - natural drainage from adjacent land and
   - by maximizing sunlight penetration.

42 EASTON STREET "BREAKERS" 114542

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 Bylaw Chapter 136

Gifford

DEP File Number:

SE48- 1860

2005 00114542
Cert: 21246 Doc: OOC
Registered: 12/14/2005 02:22 PM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

Whitney	Gifford	
a. First Name	b. Last Name	c. Company

Six Young's Way, P.O. Box 2669
d. Mailing Address

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

4. Property Owner (if different from applicant):

Whitney A.	Gifford	Trustee Of 42 Easton Street Nominee Trust
a. First Name	b. Last Name	c. Company

Six Young's Way PoBox 2669
d. Mailing Address

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

5. Project Location:

42 Easton Street	Nantucket
a. Street Address	b. City/Town
42.4.1	21
c. Assessors Map/Plat Number	d. Parcel/Lot Number

Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):

e. Latitude	f. Longitude

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

Nantucket	Doc. # 107312 (LCP 5343-A)
a. County	b. Certificate (if registered land)
c. Book	d. Page

7. Dates:

November 18, 2005	November 29, 2005	December 2, 2005
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):

Breakers Residence (Sheets A7&S1)
a. Plan Title

Lynchmartinez Architects LLC	Raymond C. Lynch
b. Prepared By	c. Signed and Stamped by
September 15, 2005	¼ "= 1'-0"
d. Final Revision Date	e. Scale

f. Additional Plan or Document Title g. Date

9. Total WPA Fee Paid:

$1,000.00	$487.50	$512.50
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid

FINDINGS and ADDITIONAL CONDITIONS
Whitney Gifford
DEP FILE NUMBER SE48- 18XX 1860
ASSESSOR'S MAP 41.4.1, PARCEL 21
42 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGLCh131s40) AND
THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the renovation of an existing structure, construction of addition, construction of a foundation and the construction of two garages within the buffer to a vegetated wetland and coastal bank and within land subject to coastal storm flowage. A waiver is required for the foundation and construction of a structure within 50 feet of a coastal bank and with less than 2' separation to highest groundwater (vegetated wetland).

FINDINGS

1. Applicant Name is Whitney Gifford DEP File Number SE48-18XX.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 11/17/2005 and the Plan of Record dated as revised 11/25/05 stamped by John Shugure and architectural plans (Sheets A7 & S1) by lynchmartinez architects dated 11/22/05 and stamped by Raymond Lynch.
3. Areas subject to protection/regulation are vegetated wetland, coastal bank and their buffer zones and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 11/30/2005 and a vote to issue Orders taken by the Commission on 11/30/2005.
5. This Order permits the renovation of an existing structure, construction of a foundation, construction of addition and construction of two garages within the buffer to a vegetated wetland and coastal bank and within land subject to coastal storm flowage.
6. Waivers are required for the work as permitted by this Order.
7. The Commission finds that there are no reasonable alternatives and no adverse impacts to the interests of the Wetlands Protection Bylaw for the construction as permitted by this Order (Regulations Sections 1.03(F)(3)(a) and that the work permitted by this Order is separated from the vegetated wetland by a paved town road (Regulations Section 1.03(F)(3)(c).

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to the Town

42 EASTON STREET "BREAKERS"

116996

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 Bylaw Chapter 136

Gifford
DEP File Number:

SE48-1887

2006 00116996
Cert: 21246 Doc: OOC
Registered: 07/20/2006 02:32 PM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

Whitney — a. First Name
Gifford — b. Last Name
c. Company
Six Youngs Way P.O Box 2669 — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

4. Property Owner (if different from applicant):

Whitney A. — a. First Name
Gifford — b. Last Name
Trustee of 42 Easton Street Nominee Trust — c. Company
Six Youngs Way, P.O Box 2669 — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

5. Project Location:

42 Easton Street — a. Street Address
Nantucket — b. City/Town
42.4.1 — c. Assessors Map/Plat Number
21 — d. Parcel/Lot Number
Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):
e. Latitude
f. Longitude

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

Nantucket — a. County
Doc # 107312 (Land Court Plan 5343-A) — b. Certificate (if registered land) CERT 21246
c. Book
d. Page

7. Dates:
February 10, 2006 — a. Date Notice of Intent Filed
March 22, 2006 — b. Date Public Hearing Closed
March 24, 2006 — c. Date of Issuance

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

42 Easton Street Proposed Bulkhead — a. Plan Title
CLE Engineering Inc. — b. Prepared By
Carlos G. Pena — c. Signed and Stamped by
February 21, 2006 — d. Final Revision Date
1 inch = 20 ft — e. Scale
Notice of Intent as revised — f. Additional Plan or Document Title
3/17/2006 — g. Date

9. Total WPA Fee Paid:
$372.00 — a. Total Fee Paid
$173.50 — b. State Fee Paid
$198.50 — c. City/Town Fee Paid

FINDINGS and ADDITIONAL CONDITIONS
Whitney Gifford
DEP FILE NUMBER SE48- 1887
ASSESSOR'S MAP 41.4.1, PARCEL 21
42 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGLCh131s40) AND
THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the replacement of the existing steel bulkhead cap and timber walkway within the buffer to a coastal bank and within the top of a coastal bank and land subject to coastal storm flowage. A waiver is required for the work within 50 feet of a coastal bank and within the top of the coastal bank.

FINDINGS

1. Applicant Name is Whitney Gifford DEP File Number SE48-1887.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the updated Notice of Intent dated as received 3/17/2006 and the Plan of Record dated as revised 3/16/06 stamped by Carlos Pena on 3/17/06.
3. Areas subject to protection/regulation are coastal bank and its buffer zone and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 3/22/2006 and a vote to issue Orders taken by the Commission on 3/22/2006.
5. This Order permits the replacement of an existing steel bulkhead cap and timber walkway within the buffer to a coastal bank and within the top of a coastal bank and land subject to coastal storm flowage.
6. Waivers are required for the work as permitted by this Order.
7. The Commission finds that there are no reasonable alternatives and no adverse impacts to the interests of the Wetlands Protection Bylaw for the construction as permitted by this Order (Regulations Sections 1.03(F)(3)(a)).

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. All proposed and/or repaired lawn areas shall be underlain with a minimum of 6" of organic topsoil.

42 EASTON STREET
" BREAKERS

122825

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 Bylaw Chapter 136

Gifford

DEP File Number:

SE48-2092

2008 00122825

Cert: 21246 Doc: OOC
Registered: 01/08/2008 03:08 PM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

Whitney A. — a. First Name
Gifford Trustee of — b. Last Name
42 Easton Street Nominee Trust — c. Company
Six Youngs Way, P.O Box 2669 — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

4. Property Owner (if different from applicant):

Same — a. First Name
b. Last Name
c. Company
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

42 Easton Street — a. Street Address
Nantucket — b. City/Town
42.4.1 — c. Assessors Map/Plat Number
21 — d. Parcel/Lot Number
Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):
e. Latitude
f. Longitude

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

Nantucket — a. County
21246 — b. Certificate (if registered land)
c. Book
d. Page

7. Dates:
November 29, 2007 — a. Date Notice of Intent Filed
January 2, 2008 — b. Date Public Hearing Closed
January 4, 2008 — c. Date of Issuance

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

Site Plan — a. Plan Title
CLE Engineering, Inc — b. Prepared By
Carlos G. Pena — c. Signed and Stamped by
November 20, 2007 — d. Final Revision Date
e. Scale
f. Additional Plan or Document Title
g. Date

9. Total WPA Fee Paid:
$100.00 — a. Total Fee Paid
$37.50 — b. State Fee Paid
$62.50 — c. City/Town Fee Paid

FINDINGS and ADDITIONAL CONDITIONS
Whitney Gifford
DEP FILE NUMBER SE48- 2092
ASSESSOR'S MAP 42.4.1, PARCEL 21
42 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGLCHAPTER 131, SECTION 40) and
THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW

This Order of Conditions permits only the relocation of existing outhaul piling in Nantucket Harbor. No dredging, construction of floats, piers etc. are requested or permitted by this Order. No use of boat motors is allowed at the pier or between the pier and out haul post.

FINDINGS

1. Applicant's Name is Whitney Gifford. DEP File Number is SE48-2092.
2. This Order of Conditions is being issued based upon strict accordance with information submitted in the Notice of Intent dated 11/21/07 including construction protocols, and the Plan of Record dated 11/20/07 and stamped by Carlos Pena. Also considered was other pertinent supplemental information including but not limited to:
   - Letter from Anne Stinnett dated 12/11/07
   - Letter from Phillip Lincoln dated 12/12/07
   - Verbal sign off from Dave Fronzuto received 12/28/07
3. Areas subject to regulation are land under the ocean, land containing shellfish, coastal beach, coastal bank and their buffer zones and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 1/2/08 and a vote to issue Orders taken by the Commission on 1/2/2008.
5. This Order permits only the relocation of an existing outhaul piling in Nantucket Harbor. No dredging, construction of floats, piers, etc., are requested or permitted by this Order. No use of boat motors is allowed at the pier or between the pier and out haul post.
6. The project as permitted by this Order is considered to be water dependent.
7. The work permitted and conditioned by this Order will employ best available measures to minimize adverse effects to fisheries and wildlife habitat by not significantly altering or destroying:
   - water circulation
   - vegetative cover
   - distribution of sediment grain size
   - water quality or
   - natural drainage from adjacent land and
   - by maximizing sunlight penetration.

40 EASTON STREET 089860

Issued by the Nantucket Conservation Commission

Signature(s) MICHAEL GLOWACKI, Peter Hall, Charles Passios, John McLaughlin, COLIN SYRES, Wallace C. Howard

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

On this 6th day of July 2000, before me personally appeared the Above named Commissioners of the Nantucket Conservation Comm., to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged that he/she/they executed the same as his/her/their free act and deed.

Judith A. Haddon
Notary Public

JUDITH A. HADDON
Notary Public
My Commission Expires Aug. 11, 2000

My commission expires

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 Protection to issue a Superseding Order, providing the request is made by certified mail or hand delivery to the Department, with the appropriate filing fee and Fee Transmittal Form as provided in 310 CMR 10.03(7), within ten days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and the applicant.

Document No. 089860 Order of Conditions Nantucket Registry District

RECEIVED FOR REGISTRATION JUL 21 2000 10 O'CLOCK 55 m A M

NOTED ON CERTIFICATE NO. 76674 IN REGISTRATION BOOK 1 PAGE

ATTEST Joanne A. Gallery ASST. RECORDER

Detatch 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 8 on _____, 19____

If recorded land, the instrument number which identifies this transaction is _____

If registered land, the document number which identifies this transaction is _____

Signature _____ Applicant

Document No. 089860

089860

FINDINGS and ADDITIONAL CONDITIONS
Lee Gillespie
DEP FILE NUMBER SE48-1371
ASSESSOR'S MAP 42.1.4, PARCEL 20
40 Easton Street
AND THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW
(CHAPTER 136)

FINDINGS

1. Applicant's Name Lee Gillespie ~~DEP File Number SE48-1371.~~
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 6/9/2000 and the Plan of Record dated 6/16/2000 as stamped by Leo Asadorian. Also considered was other pertinent supplemental information including but not limited to:
   - DEP Wetlands Forms
   - Waiver justification narrative by William Burns III dated 6/15/00
   - Addition architecturals by Thornwell Design, LLC dated 6/7/00
3. Areas subject to protection/regulation are coastal bank, vegetated wetland, land subject to coastal storm flowage and their buffer zones.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 7/6/2000 and a vote to issue Orders taken by the Commission on 7/6/2000.
5. This Order permits the reconstruction and maintenance within the footprint of an existing residential structure, permits the expansion of the existing residential footprint with the additions as shown on the plan of record and permits the expansion of the existing deck (above grade) within 100 feet of a coastal bank, within 100 feet of a vegetated wetland and within land subject to coastal storm flowage. Waivers are required.
6. The Commission has determined that the coastal bank does not serve as a sediment supply source to down gradient coastal resource areas but is significant to flood control and storm damage prevention.
7. The Commission finds that the waiver justification argument provided by the applicant is sufficient and specific with respect to impact analysis of potential short term and long term impacts to erosion control, scenic views, wildlife and wildlife habitat and provides information documenting that the proposed addition of living space can not be accomplished in an alternative manner. Further, the applicant has provided information regarding the proposed deck expansion to show that the deck will be supported above grade and that no proposed addition or deck component will be closer to any wetland resource area then exist currently.

8. The Commission finds that a) good cause has been shown, b) the work requested is rare and unusual, c) that there are no reasonable alternatives that would allow the increase in building footprint, d) that the project as proposed will serve to improve the natural capacity of the wetland resource area and f) that the applicant has documented that the project will not have any adverse effects upon any of the Interests Protected by the Bylaw.
9. The Commission therefore grants the necessary waivers to allow the applicant to construct and maintain the additions as proposed, to construct and maintain the deck expansion as proposed and to perform necessary site work as preparation to the constructed as permitted.

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

STANDARD SPECIAL CONDITIONS

1. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.

2. No work approved under this Order shall take place until all administrative appeal periods from the Order have lapsed, 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 5 days prior to the start of work. The letter shall state the name, address, 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 appropriate erosion control measures shall be placed as specifically approved by the Commission. After the fence or haybales are installed, written 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 siltation fence 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 not be removed until all soils are stablized and revegetated or until permission to remove it is given by the Commission.

36 EASTON STREET

126176

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 Bylaw Chapter 136

Thrity-Six Easton
DEP File Number:

SE48-2202

2009 00126176
Cert: 14914 Doc: OOC
Registered: 01/27/2009 01:53 PM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

a. First Name	b. Last Name	Thirty- Six Easton Corp c. Company
1130 8th Street d. Mailing Address		
New Orleans e. City/Town	LA f. State	70115-2208 g. Zip Code

4. Property Owner (if different from applicant):

a. First Name	b Last Name	Thirty-Six Easton Corp c. Company
1130 8th Street d. Mailing Address		
New Orleans e. City/Town	LA f. State	70115-2208 g. Zip Code

5. Project Location:

36 Easton Street a. Street Address	Nantucket b. City/Town
42.1.4 c. Assessors Map/Plat Number	19 d. Parcel/Lot Number
Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):	e. Latitude / f. Longitude

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

Nantucket a. County	14,914 b. Certificate (if registered land)
c. Book	d. Page

7. Dates: January 6, 2009 (a. Date Notice of Intent Filed) January 21, 2009 (b. Date Public Hearing Closed) January 23, 2009 (c. Date of Issuance)

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

Site Plan of Land to Accompany a Notice of Intent a. Plan Title	
Blackwell and Associates Inc b. Prepared By	Arthur D. Gasbarro c. Signed and Stamped by
January 16, 2009 d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

9. Total WPA Fee Paid: $280.00 (a. Total Fee Paid) $127.50 (b. State Fee Paid) $152.50 (c. City/Town Fee Paid)

FINDINGS and ADDITIONAL CONDITIONS
Thirty – Six Easton Corp
DEP FILE NUMBER SE48-2202
ASSESSOR'S MAP 42.4.1, PARCEL 19
36 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGLCHAPTER 131, SECTION 40) and
THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW

This Order of Conditions permits the reconstruction/replacement of an existing timber bulkhead, using Trimax structural lumber materials, within the same footprint. No stormwater management system exists within or adjacent to the bulkhead. A sediment control curtain will be installed prior to the start of work. No dredging is requested or permitted by this Order. A waiver is required for the work permitted by this Order.

FINDINGS

1. Applicant's Name is Thirty-six Easton Corp DEP File Number is SE48-2202.
2. This Order of Conditions is being issued based upon strict accordance with information submitted in the Notice of Intent, with attachments, dated 1/6/09 and the Plan of Record dated 1/16/09 and stamped by Arthur Gasbarro.
3. Areas subject to regulation are land under the ocean, land containing shellfish, coastal beach, coastal bank and their buffer zones.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 1/21/09 and a vote to issue Orders taken by the Commission on 1/21/2009.
5. This Order permits the reconstruction/replacement of an existing timber bulkhead, using Trimax structural lumber materials, within the same footprint. No stormwater management system exists within or adjacent to the bulkhead. A sediment control curtain will be installed prior to the start of work. No dredging is requested or permitted by this Order. A waiver is required for the work permitted by this Order..

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Additional Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw Regulations. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. All work shall be done from the upland. No work requiring a barge is permitted by this Order.

See Compliance Cert BK 368 PG 148

34 EASTON STREET

#2970 BOOK 0364 PAGE 284

310 CMR 10.99
Form 5

DEP File No. SE48 - 600
(To be provided by DEP)
City/Town Nantucket
Applicant Seward Johnson

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To J. Seward Johnson, Jr. (Name of Applicant) (Same) (Name of property owner)

Address P.O. Box 550, Princeton, N.J. 08542 Address (Same)

This Order is issued as follows:

[ ] by hand delivery to applicant or representative on _____ (date)

[X] by certified mail, return receipt requested on August 27, 1990 (date)

This project is located at 34 Easton Street (Address) 42.1.4 (Assessor's Map #) 18 (Parcel #)

The property is recorded at the Registry of Nantucket

Book 147 Page 41

Certificate (if registered) _____

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

The public hearing was closed on August 9, 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):

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

Total Filing Fee Submitted $ 188.00 State Share $ 81.50
City/Town Share $ 106.50 (½ fee in excess of $25)
Total Refund Due $ 0.00 City/Town Portion $ 0.00 (½ total) State Portion $ 0.00 (½ total)

Effective 11/10/89

SE48- DEP File Number 600

Plans:

Title	Dated	Signed and Stamped by	On File with
1) "Bulkhead Repairs" .	July 11, 1990 (Recv'd 8/9/90)	John J. Shugrue, P.E., R.L.S.	The Commission

(To be revised as required in Additional Special Condition # 11)

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in the methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require 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 by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITIONAL SPECIAL CONDITIONS ATTACHED

XX Yes

No

7. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

8. 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.

9. 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.

10. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

11. The new bulkhead and all coverings shall be no more than two (2) feet seaward of the existing bulkhead at its furthest point.

12. Before the start of construction, a plan showing the bulkhead design as amended in Condition # 11 shall be submitted to the Commission.

###

NANTUCKET COUNTY
Received and Entered
MAY 17 1991 11:45 AM
Attest Sandra M. Chadwick
Register

32 EASTON STREET

310 CMR 10.99
Form 5

052674

DEP File No. SE48-636
(To be provided by DEP)

City/Town Nantucket

Applicant Cross

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To Lisa W. Cross (Name of Applicant)

17 Homeward Lane
Address Weston, CT 06883

Same (Name of property owner)

Address

This Order is issued as follows:

☐ by hand delivery to applicant or representative on _____ (date)

☒ by certified mail, return receipt requested on ~~December~~ January 8, 1991 ~~, 1990~~ (date)

This project is located at 32 Easton Street (Address) 42.1.4 (Assessor's Map #) 17 (Parcel #)

The property is recorded at the Registry of Nantucket

Book 54 Page 196

Certificate (if registered) 10546

The Notice of Intent for this project was filed on November 29, 1990 (date)

The public hearing was closed on December 13, 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):

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

Total Filing Fee Submitted $146.00 State Share $60.50
City/Town Share $85.50 (½ fee in excess of $25)
Total Refund Due $ 0 City/Town Portion $ 0 (½ total) State Portion $ 0 (½ total)

Effective 11/10/89

052674

DEP File Number
SE48-636

Plans:

Title	Dated	Signed and Stamped by	On File with
1. Bulkhead Repairs for Lisa W. Cross	9/26/90 Rec'd 11/29/90	John J. Shugrue, P.E.	Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in the methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require 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 by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITIONAL SPECIAL CONDITIONS ATTACHED

☒ Yes
☐ No

3024

052514

310 CMR 10.99
Form 5

30 EASTON STREET

DEP File No. SE48 - 627
(To be provided by DEP)

City/Town Nantucket
Applicant Cahill

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To Anthony B. Cahill (Name of Applicant) (Same) (Name of property owner)

Address Rte 6, Rd 9, Carmel, New York 10512 Address (Same)

This Order is issued as follows:

☐ by hand delivery to applicant or representative on _____ (date)

☒ by certified mail, return receipt requested on December 5, 1990 (date)

This project is located at 30 Easton Street (Address) 42.1.4 (Assessor's Map #) 16 (Parcel #)

The property is recorded at the Registry of Nantucket

Book 77 Page 57

Certificate (if registered) # 14,507

The Notice of Intent for this project was filed on October 19, 1990 (date)

The public hearing was closed on November8, 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):

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

Total Filing Fee Submitted $ 146.00 State Share $ 60.50
City/Town Share $ 85.00 (½ fee in excess of $25)

Total Refund Due $ 0 City/Town Portion $ 0 (½ total) State Portion $ 0 (½ total)

Effective 11/10/89

052514

DEP File Number
SE48- 627

Plans:

Title	Dated	Signed and Stamped by	On File with
1.) Bulkhead Repairs in Nantucket, Ma.	Sept. 26, 1990 Rec: October 19, 1990	John Shugrue, R. P. E.	THe Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in the methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require 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 by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITIONAL SPECIAL CONDITIONS ATTACHED

xx Yes

☐ No

30 EASTON STREET ~~131412~~

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Cahill

SE48-2313
MassDEP File Number

WPA Form 5 – Order of Conditions

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

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:

Anthony B., Richard Forhan and James — a. First Name
Cahill, Jr. Cahill, Cahill — b. Last Name
Trustee of the Richard Forhan Cahill Trust — c. Organization
188 Bennetts Farm Road — d. Mailing Address
Ridgefield — e. City/Town
CT — f. State
06877 — g. Zip Code

4. Property Owner (if different from applicant):

Same — a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

30 Easton Street — a. Street Address
Nantucket — b. City/Town
42.1.4 — c. Assessors Map/Plat Number
16 — d. Parcel/Lot Number

Latitude and Longitude, if known:
e. Latitude
f. Longitude

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

Nantucket — a. County
22661 — b. Certificate Number (if registered land)
c. Book
d. Page

7. Dates:
May 21, 2010 — a. Date Notice of Intent Filed
June 9, 2010 — b. Date Public Hearing Closed
June 11, 2010 — c. Date of Issuance

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

Site Plan of Land to Accompany a Notice of Intent — a. Plan Title
Blackwell and Associates Inc., — b. Prepared By
Arthur D. Gasbarro — c. Signed and Stamped by
June 3, 2010 — d. Final Revision Date
1" = 10' — e. Scale
f. Additional Plan or Document Title
g. Date

2010 00131412
Cert: 22661 Doc: OOC
Registered: 09/15/2010 10:34 AM

FINDINGS and ADDITIONAL CONDITIONS
Cahill
DEP FILE NUMBER SE48-2313
ASSESSOR'S MAP 42.1.4, PARCEL 16
30 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(Chapter 131s40) and
THE TOWN OF NANTUCKET WETLANDS PROTECTION BYLAW

This Order of Conditions permits the removal/construction of a single family dwelling with foundation, removal of garage with replacement by an accessory structure with foundation, construction of studio with foundation, installation of utilities and associated grading with temporary dewatering within the buffer zone to a coastal bank (bulkhead) and vegetated wetland and within land subject to coastal storm flowage. Waivers are required, and have been granted for the work permitted by this Order of Conditions.

FINDINGS

1. Applicant Name Anthony Cahill et al DEP File Number SE48-2313.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 5/21/2010 , the Site Plan of Record dated as revised 6/3/2010 stamped by Arthur Gasbarro, and the architectural drawings for the Main House, Studio & Carriage House.
3. Areas subject to protection/regulation are coastal bank, vegetated wetland and their buffer zones and within land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 6/9/2010 and a vote to issue Orders taken by the Commission on 6/9/2010.
5. This Order permits the removal/construction of a single family residence with foundation, removal of garage with replacement by an accessory structure with foundation, construction of a studio with foundation, installation of utilities and associated grading with temporary dewatering within the buffer zone to a coastal bank (bulkhead) and vegetated wetland and within land subject to coastal storm flowage.
6. Waivers are required, and have been granted, for the work permitted by this Order.

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Additional Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

133839

30 EASTON STREET

2011 00133839
Cert: 23635 Doc: OOC
Registered: 06/08/2011 01:36 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- 2387
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:

William J.
a. First Name

Koman, Jr., Trustee
b. Last Name

ACK 30 E Street Trust
c. Organization

One Forest Ridge Place
d. Mailing Address

Clayton
e. City/Town

MO
f. State

63105
g. Zip Code

4. Property Owner (if different from applicant):

Same as applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

30 Easton Street
a. Street Address

Nantucket
b. City/Town

42.1.4
c. Assessors Map/Plat Number

16
d. Parcel/Lot Number

Latitude and Longitude, if known: 41d17m21s N
d. Latitude

70d05m40s W
e. Longitude

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	30 Easton Street
Assessor's Map and Parcel:	42.1.4-16
Property Owner:	ACK 30 E Street Trust
Applicant:	Same
DEP File Number:	SE48-2387
Filing Date:	April 8, 2011
Date Hearing Closed:	May 11, 2011
Date Orders Issued:	May 27, 2011
Plan of Record Information:	Site Plan of Land to Accompany a Notice of Intent, Dated April 8, 2011 stamped by Arthur Gasbarro, III, PLS

Permit Overview:
This order permits the replacement of the decking on the timber pier, replacing the existing dock float and supports, installation of railings along the dock, and the installation of low-level lighting along the pier within land under the ocean.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record.
19. Prior to the start of work any eelgrass within the footprint of the pier shall be documented and the report provided to the Commission.
20. Prior to the start of work a lighting plan shall be provided to the Commission for review.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

No waivers are required for this project as it is a water dependent use.

28 EASTON STREET

052177

310 CMR 10.99
Form 5

DEP File No. SE48-625
(To be provided by DEP)

City/Town Nantucket

Applicant Sandra Pine Doubleday

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To Sandra Pine Doubleday (Name of Applicant) — Same (Name of property owner)

Address 84 Gomez Hobe Sound, FL 33455 — Address

This Order is issued as follows:

☒ by hand delivery to applicant or representative on _____ (date)

☐ by certified mail, return receipt requested on December 14, 1990 (date)

This project is located at 28 Easton Street (Address) 42.1.4 (Assessor's Map #) 14 & 15 (Parcel #)

The property is recorded at the Registry of Nantucket

Book _____ Page _____

Certificate (if registered) Cert. #14,591 L.C. Plan #4602D

The Notice of Intent for this project was filed on October 23, 1990 (date)

The public hearing was closed on November 29, 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):

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

Total Filing Fee Submitted $250.00 State Share $112.50 (½ fee in excess of $25)

City/Town Share $137.50

Total Refund Due $ 0 City/Town Portion $ 0 (½ total) State Portion $ 0 (½ total)

Effective 11/10/89

SE48- DEP File Number 625

Plans:

Title	Dated	Signed and Stamped by	On File with
1.) Topographic Plan to accompany Notice of Intent at 28 Easton Street	9/19/90 Rev.: 10/22/90 Rec.: 10/23/90	Unsigned by Nantucket Surveyors	The Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in the methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require 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 by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITIONAL SPECIAL CONDITIONS ATTACHED

XX Yes

☐ No

16. During the Public Hearing, there was considerable discussion on the landscaping plans for the property. The Commission is concerned about nutrient loading of Nantucket Harbor due to additional the use of fertilizers and herbicides on the proposed new plantings. While this Order does not allow the disturbance of the 25 foot buffer zone, this does not preclude discussion of this area in the future.

17. The top of the new foundation under the existing house and the proposed addition shall be no higher than nine (9) feet above half tide level (elevation 10.5 MLW).

18. No coastal engineering structure of any kind shall be permitted on the property in the future to protect the new project (the addition) 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.

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310 CMR 10.99
Form 5

28 EASTON STREET

057036

DEP File No. SE48-721
(To be provided by DEP)

City/Town Nantucket

Applicant Doubleday

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To Sandra P. Doubleday a/k/a Sandra Pine Doubleday (Name of Applicant) Same (Name of property owner)

Address 84 Gomez Hobe Sound, FL 33455 Address

This Order is issued as follows:

☐ by hand delivery to applicant or representative on _____ (date)

☒ by certified mail, return receipt requested on June 15, 1992 (date)

This project is located at 28 Easton Street (Address) 42.1.4 (Assessor's Map #) 15 (Parcel #)

The property is recorded at the Registry of Nantucket

Book _____ Page _____

Certificate (if registered) 14591, L.C. Plan 4602 D

The Notice of Intent for this project was filed on May 4, 1992 (date)

The public hearing was closed on May 28, 1992 (date)

Findings

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

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

Total Filing Fee Submitted $159.00 State Share $67.00
City/Town Share $92.00 (½ fee in excess of $25)
Total Refund Due $_____ City/Town Portion $_____ (½ total) State Portion $_____ (½ total)

Effective 11/10/89

Regulations promulgated under the Bylaw, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310 CMR 10.00 through 10.99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.

8. The applicant, owners, successors or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site and monitoring site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to see that the maintenance conditions are complied with as required by this order.

9. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

10. Used petroleum products from the maintenance of construction equipment, construction debris, and unused paint and paint-related products shall be collected and disposed of responsibly off the site. No on-site disposal of these items is allowed.

11. Dust control, if required, shall be limited to water. No salts or other wetting agents shall be used.

12. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.

13. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

14. Natural vegetation between the wetland edge and the project site shall be left intact except where it is necessary to temporarily use this area. After construction, any disturbed area within this buffer area shall be replanted with native plants. With the exception of the following items, there must be a 25-foot undisturbed buffer zone on the upland side of the wetland boundary:

    a.) There is allowed a six (6) foot wide gravel buffer between the top of the bulkhead and the area of plantings. Contrary to the final approved plans, this gravel buffer is allowed on the landward side of the bulkhead only;

b.) there is allowed one three (3) foot wide board walk at grade from the edge of the existing lawn to the top of the bulkhead;

c.) the remainder of the 25-foot undisturbed buffer shall be replanted with beach grass and/or rosa rugosa for the width of the lot.

15. To minimize adverse effects on wildlife, the use of any pesticide or fertilizer more than 15 feet from the house is prohibited.

16. The use of timber pressure treated with CCA (cromated copper arsenate) or its equivalent is permitted. Creosote treated timbers are prohibited. The Commission suggests the use of non-wooden alternative materials be used in the wetlands. The wood preservative must be dry before the treated wood is used in construction.

17. Using the existing pilings, the deck of the existing pier is allowed to be replaced to a finished width of four (4) feet as shown in the final approved plans. NO additional length of the pier is permitted.

18. With the exception of some minor manual repairs, all work on the bulkhead repair is to be performed from the landward side of the bulkhead. NO machinery is allowed on the beach.

19. All excavated soils are to be placed and stockpiled on the landward side of the bulkhead. NO materials and/or soils are to be placed on the coastal beach.

###

000185

28 EASTON STREET

106053

DEP File Number:

SE48-1647

Provided by DEP

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 Bylaw Chapter 136

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

This issuance if for (check one):

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

Mr. and Mrs. Nelson Doubleday
Name

108 Forest Avenue - PO Box 447
Mailing Address

Locus Valley | NY | 11560
City/Town | State | Zip Code

Property Owner (if different from applicant):

Sandra Pine Doubleday
Name

108 Forest Avenue - PO Box 447
Mailing Address

Locus Valley | NY | 11560
City/Town | State | Zip Code

1. Project Location:

28 Easton Street
Street Address

Nantucket
City/Town

42.1.4
Assessors Map/Plat Number

14, 15
Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket
County

Book | Page

14,591 Lots 4, 5: LCPL 4602-D
Certificate (if registered land)

Land Court Plan

3. Dates:

August 6, 2003
Date Notice of Intent Filed

October 1, 2003
Date Public Hearing Closed

October 3, 2003
Date of Issuance

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

Existing & Proposed Conditions Plan Steel Sheeting
Title

June 18, 2003
Date

Notice of Intent and attachments
Title

July 3, 2003
Date

Title

Date

5. Final Plans and Documents Signed and Stamped by:

Carlos G. Pena
Name

6. Total Fee:

$230.00
(from Appendix B: Wetland Fee Transmittal Form)

FINDINGS and ADDITIONAL CONDITIONS
Nelson & Sandra Pine Doubleday
DEP FILE NUMBER SE48-1647
ASSESSOR'S MAP 42.1.4, PARCELS 14 & 15
28 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the reconstruction/maintenance of the existing wooden bulkhead with installation of sheet piling driven directly in front of the existing timber face boards. The project as permitted requires a waiver.

FINDINGS

1. Applicant's Name Nelson & Sandra Pine Doubleday DEP File Number SE48-1647.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 7/18/03 and the Plan of Record dated 6/18/03, stamped (7/8/03) and signed by Carlos Pena. Also considered was other pertinent supplemental information including but not limited to:
   - Project Narrative provided by CLE Engineering, Inc. as attached to the Notice of Intent
3. Areas subject to protection/regulation are land under the ocean, coastal bank and their buffers and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 10/1/2003 and a vote to issue Orders taken by the Commission on 10/1/2003.
5. This Order permits the reconstruction/maintenance of the existing wooden bulkhead with installation of sheet piling directly in front of the existing face boards.
6. Waivers are required for the project permitted by this Order and area granted as maintenance of a pre-existing use.

In addition to the above referenced ADDITIONAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. The applicant shall provide duplicate copies of all design plans, project narratives and construction information to the Town of Nantucket Marine Department.

19. The structure as permitted shall be continuously maintained in a manner that will insure safe use and shall be subject to inspection by Conservation Commission and Marine Department staff.

155509

28 EASTON STREET

2017 00155509
Cert: 26177 Doc: OOC
Registered: 06/27/2017 11:42 AM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48- 2978
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:

Richard J.
a. First Name

Glidden, Trustee
b. Last Name

28 Easton Street Realty Trust
c. Organization

37 Centre Street
d. Mailing Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

28 Easton Street
a. Street Address

Nantucket
b. City/Town

42.1.4
c. Assessors Map/Plat Number

15
d. Parcel/Lot Number

Latitude and Longitude, if known: 41d 17'20.18"N
d. Latitude

70d 05'39.48"W
e. Longitude

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	28 Easton Street
Assessor's Map and Parcel:	42.1.4-15
Property Owner:	28 Easton Street Realty Trust
Applicant:	28 Easton Street Realty Trust
DEP File Number:	SE48-2978
Filing Date:	June 9, 2017
Date Hearing Closed:	June 21, 2017
Date Orders Issued:	June 21, 2017
Plan of Record Information:	Site Plan of Land, dated June 1, 2017 and stamped by Arthur D. Gasbarro, P.E.

Permit Overview:

This order permits the construction of a new bulkhead in front of an existing failing bulkhead, replacement of the pier and the installation of pilings. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.
2. The Commission finds that the existing structure was constructed prior to the enacting of the Wetlands Protection Act and Town of Nantucket Wetlands Bylaw.

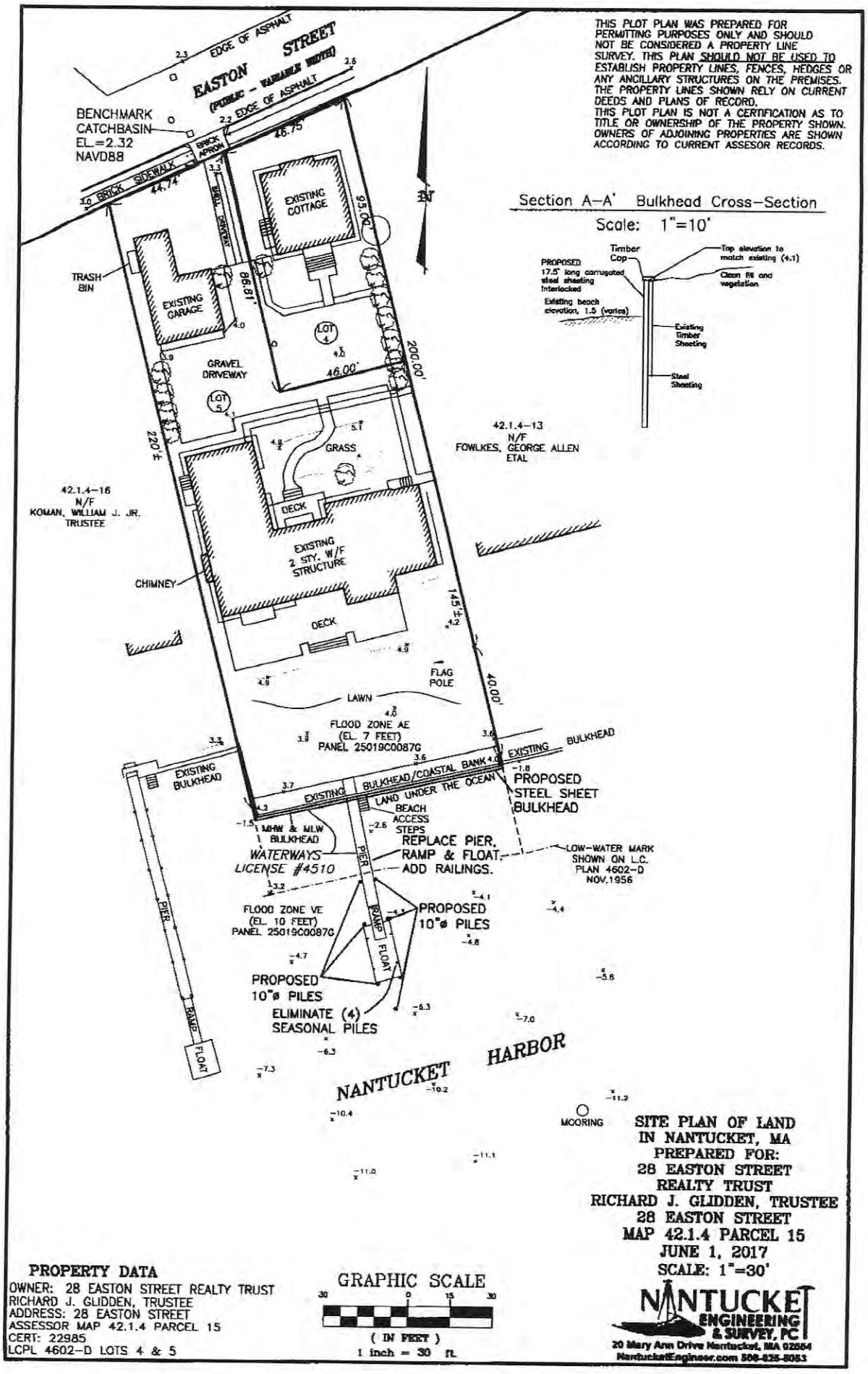
In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. Excluding the barge and materials on the barge all materials and machinery are to be stored outside of the resource areas.
20. All refueling of land based machinery must be done in excess of fifty feet from the upland side of the timber bulkhead.
21. The barge shall maintain the best possible separation from the bottom of the vessel and Land Under the Ocean at all times.
22. A siltation boom shall be attached to the barge and setup to confine the active work area.
23. Any work beyond May 1st will require authorization from Commission staff.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for the project as proposed.

155509


THIS PLOT PLAN WAS PREPARED FOR PERMITTING PURPOSES ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESOR RECORDS.
EDGE OF ASPHALT
EASTON STREET
(PUBLIC - VARIABLE WIDTH)
EDGE OF ASPHALT
BENCHMARK
CATCHBASIN
EL.=2.32
NAVD88
BRICK APRON
BRICK SIDEWALK
44.74'
46.75'
EXISTING COTTAGE
95.00'
TRASH BIN
EXISTING GARAGE
86.81'
LOT 4
46.00'
200.00'
GRAVEL DRIVEWAY
LOT 5
220'±
GRASS
42.1.4-13
N/F
FOWLKES, GEORGE ALLEN
ETAL
42.1.4-16
N/F
KOMAN, WILLIAM J. JR.
TRUSTEE
DECK
EXISTING 2 STY. W/F STRUCTURE
CHIMNEY
DECK
145'±
40.00'
FLAG POLE
LAWN
FLOOD ZONE AE
(EL. 7 FEET)
PANEL 25019C0087G
EXISTING BULKHEAD
EXISTING BULKHEAD
EXISTING BULKHEAD/COASTAL BANK
LAND UNDER THE OCEAN
PROPOSED STEEL SHEET BULKHEAD
BEACH ACCESS STEPS
MHW & MLW
BULKHEAD
WATERWAYS
LICENSE #4510
REPLACE PIER, RAMP & FLOAT.
ADD RAILINGS.
LOW-WATER MARK SHOWN ON L.C. PLAN 4602-D NOV.1956
PIER
FLOOD ZONE VE
(EL. 10 FEET)
PANEL 25019C0087G
PROPOSED 10"ø PILES
RAMP
FLOAT
PROPOSED 10"ø PILES
ELIMINATE (4) SEASONAL PILES
PIER
RAMP
FLOAT
NANTUCKET HARBOR
MOORING
Section A-A' Bulkhead Cross-Section
Scale: 1"=10'
Timber Cap
Top elevation to match existing (4.1)
PROPOSED 17.5' long corrugated steel sheeting interlocked
Clean fill and vegetation
Existing beach elevation, 1.5 (varies)
Existing Timber Sheeting
Steel Sheeting
SITE PLAN OF LAND
IN NANTUCKET, MA
PREPARED FOR:
28 EASTON STREET
REALTY TRUST
RICHARD J. GLIDDEN, TRUSTEE
28 EASTON STREET
MAP 42.1.4 PARCEL 15
JUNE 1, 2017
SCALE: 1"=30'
PROPERTY DATA
OWNER: 28 EASTON STREET REALTY TRUST
RICHARD J. GLIDDEN, TRUSTEE
ADDRESS: 28 EASTON STREET
ASSESSOR MAP 42.1.4 PARCEL 15
CERT: 22985
LCPL 4602-D LOTS 4 & 5
GRAPHIC SCALE
30 0 15 30
(IN FEET)
1 inch = 30 ft.
NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

310 CMR 10.99 26 EASTON STREET

Form 5

061783

DEP File No. SE48-800

(To be provided by DEP)

City/Town Nantucket

Applicant Fowlkes

Commonwealth of Massachusetts

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To George A. & Jeanette S. Fowlkes (Name of Applicant) George Allen Fowlkes and Jeannette S. Fowlkes (Name of property owner)

Address 755 Park Avenue; NYC, NY 10021 Address

This Order is issued as follows:

☐ by hand delivery to applicant or representative on _____ (date)

☒ by certified mail, return receipt requested on september 17, 1993 (date)

This project is located at 26 Easton Street (Address) 4214 (Assessor's Map #) 013 (Parcel #)

The property is recorded at the Registry of Nantucket

Book _____ Page _____

Certificate (if registered) LC Cert. 9199; Lot 9; LC Plan 4602-F

The Notice of Intent for this project was filed on August 9, 1993 (date)

The public hearing was closed on September 16, 1993 (date)

Findings

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

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

Total Filing Fee Submitted $160.00 State Share $67.50

City/Town Share $92.50 (½ fee in excess of $25)

Total Refund Due $ _____ City/Town Portion $ _____ (½ total) State Portion $ _____ (½ total)

Effective 11/10/89

061783

Fowlkes
DEP File Number
SE48- 800

Plans:

Title	Dated	Signed and Stamped by	On File with
Site Plan of Lane rec. 8/9/93	August 6, 1993	Leo Asadoorian	The Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in the methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require 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 by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

~~ADDITIONAL SPECIAL CONDITIONS ATTACHED~~

☒ Yes

☐ No

FINDINGS and ADDITIONAL SPECIAL CONDITIONS
George A. and Jeannette Fowlkes
DEP FILE NUMBER SE48 - 800
ASSESSOR'S MAP 42.1.4, PARCEL 13
26 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

FINDINGS

1.) Resource areas are coastal bank (the top of the bulkhead), coastal beach, land subject to tidal action, land subject to coastal storm flowage, land under the ocean, and their buffer zones.

2.) It was represented to the Commission during the Public Hearings that the bulkhead had been in existence for at least forty years.

ADDITIONAL SPECIAL CONDITIONS

3. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.

4. With the exception of minor repairs with prior approval of the Commission, no work is approved under this Order.

5. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

6. This Order of Conditions is for the validation of the bulkhead prior to the establishment of the coastal regulations.

###

000326 (1 26 EASTON STREET

107018

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 Bylaw Chapter 136

DEP File Number:
SE48-1688
Provided by DEP

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

This issuance if for (check one):

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

George Allen Fowlkes, Jeannette S. Fowlkes
Easton Steeet Nominee Trust (NW) 64123101
Name

755 Park Avenue
Mailing Address

New York | NY | 10021
City/Town | State | Zip Code

Property Owner (if different from applicant):

Same
Name

Mailing Address

City/Town | State | Zip Code

1. Project Location:

26 Easton Street
Street Address

Nantucket
City/Town

42.1.4
Assessors Map/Plat Number

13 (incl. parcel 12.2) (lot 9 and 11)
Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket
County

Book | Page

19,110
Certificate (if registered land)

Land Court Plan

3. Dates:

February 26, 2004
Date Notice of Intent Filed

March 10, 2004
Date Public Hearing Closed

March 12, 2004
Date of Issuance

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

Plan and Sections — 1/11/04
Title — Date

Title — Date

Title — Date

5. Final Plans and Documents Signed and Stamped by:

Carlos G. Pena
Name

6. Total Fee:

$60.00
(from Appendix B: Wetland Fee Transmittal Form)

FINDINGS and ADDITIONAL CONDITIONS
George Fowlkes
DEP FILE NUMBER SE48-1688
ASSESSOR'S MAP 42.1.4, PARCEL 13, inc. 12.2
26 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the construction/maintenance of a pile supported timber pier extending from existing bulkhead. The project as permitted does not require a waiver.

FINDINGS

1. Applicant's Name George Fowlkes DEP File Number SE48-1688.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 2/25/04 and the Plan of Record dated as revised 3/12/04, stamped and signed by Carlos Pena. Also considered was other pertinent supplemental information including but not limited to:
   - Project Narrative provided by CLE Engineering, Inc. as attached to the Notice of Intent
3. Areas subject to protection/regulation are land under the ocean, coastal bank and their buffers and land subject to coastal storm flowage.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 3/10/2004 and a vote to issue Orders taken by the Commission on 3/10/2004.
5. This Order permits the construction/maintenance of a pile supported timber pier extending from the existing bulkhead.

In addition to the above referenced ADDITIONAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. Prior to the start of work the applicant shall submit a revised plan showing a reduction in cross supports to the pier structure.

19. Prior to the start of construction the applicant shall provide duplicate copies of all design plans, project narratives and construction information to the Town of Nantucket Marine Department.

20. The structure as permitted shall be continuously maintained in a manner that will insure safe use and shall be subject to inspection by Conservation Commission and Marine Department staff.

21. Use of a barge shall be restricted to after September 15th and prior to January 15th of any calendar year unless specific written authorization is received from the Marine Department and Conservation Commission.

22. Piles/sheeting must be driven, not jetted into the substrate.

23. Storage of materials and equipment shall be limited to the barge or in excess of 50' from the top of coastal bank (bulkhead).

24. The barge shall not rest on bottom sediments at any time.

25. All materials to be used in the construction/maintenance of the pier shall be reviewed and approved by Commission staff and shall not contain creosote, CCA or other leaching preservatives.

26. The pier as permitted SHALL BE RESTRICTED to a swimming and sun bathing, no boating use is proposed or permitted by this Order of Conditions.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

No waivers are required for the project as permitted by this Order of Conditions.

145700

16/22/26 EASTON STREET
COMMON BULKHEAD

2014 00145700
Cert: 23776 Doc: OOC
Registered: 09/24/2014 03:29 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- 2699
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:

Alfred — a. First Name
Sanford — b. Last Name
c. Organization
13 Pleasant St — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

4. Property Owner (if different from applicant):

See attached list — a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

16, 22 & 26 Easton St — a. Street Address
Nantucket — b. City/Town
42.1.4 — c. Assessors Map/Plat Number
11(16), 12(22), 13(26) — d. Parcel/Lot Number

Latitude and Longitude, if known: 41*17'20.5"N — d. Latitude
70*05'35.2"W — e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	16, 22 & 26 Easton Street
Assessor's Map and Parcel:	42.1.4-11, 12 & 13
Property Owner:	Alfred Sanford
Applicant:	Alfred Sanford
DEP File Number:	SE48-2699
Filing Date:	July 18, 2014
Date Hearing Closed:	September 3, 2014
Date Orders Issued:	September 3, 2014
Plan of Record Information:	Plot Plan to Accompany a Notice of Intent, dated 7/30/2014 and stamped by Roger Paul Michniewicz, P.E.

Permit Overview:
This order permits the construction of a new bulkhead in front of an existing failing bulkhead. Waivers are not required for this project.

Additional Findings:

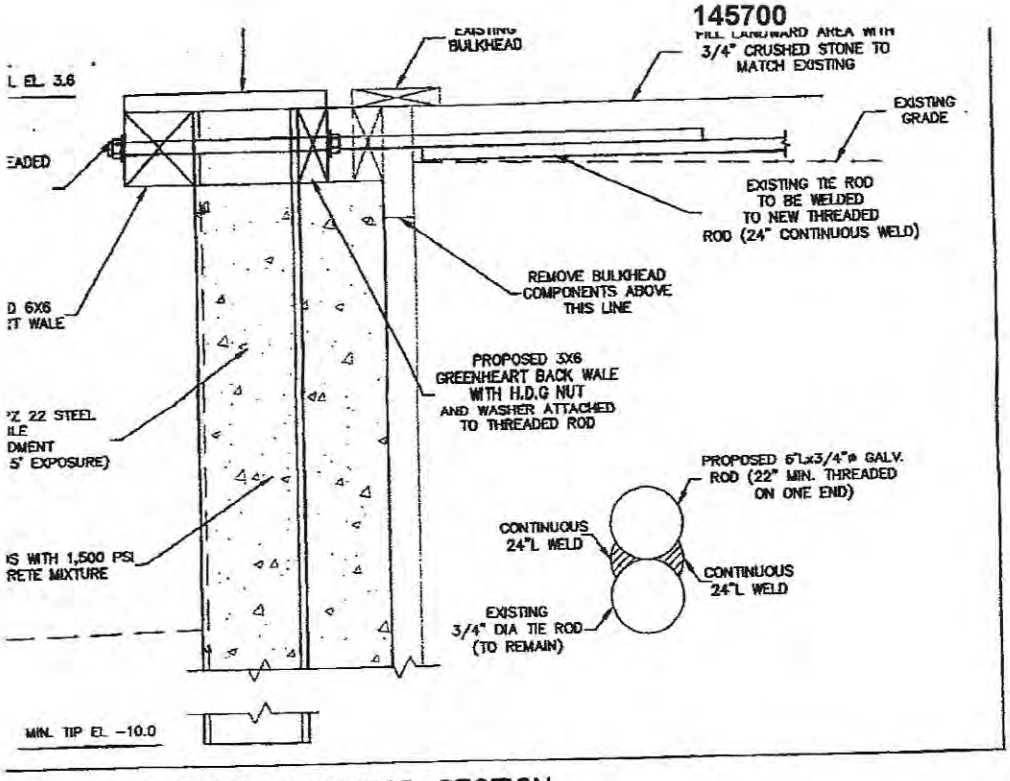
1. The area falls outside mapped habitat areas and does not require NHESP review.
2. The Commission finds that the existing structure was constructed prior to the enacting of the Wetlands Protection Act and Town of Nantucket Wetlands Bylaw.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. Excluding the barge and materials on the barge all materials and machinery are to be stored outside of the resource areas.
20. All refueling of land based machinery must be done in excess of fifty feet from the upland side of the timber bulkhead.
21. The barge shall maintain the best possible separation from the bottom of the vessel and Land Under the Ocean at all times.
22. A siltation boom shall be attached to the barge and setup to confine the active work area.
23. Any work beyond May 1st will require authorization from Commission staff.

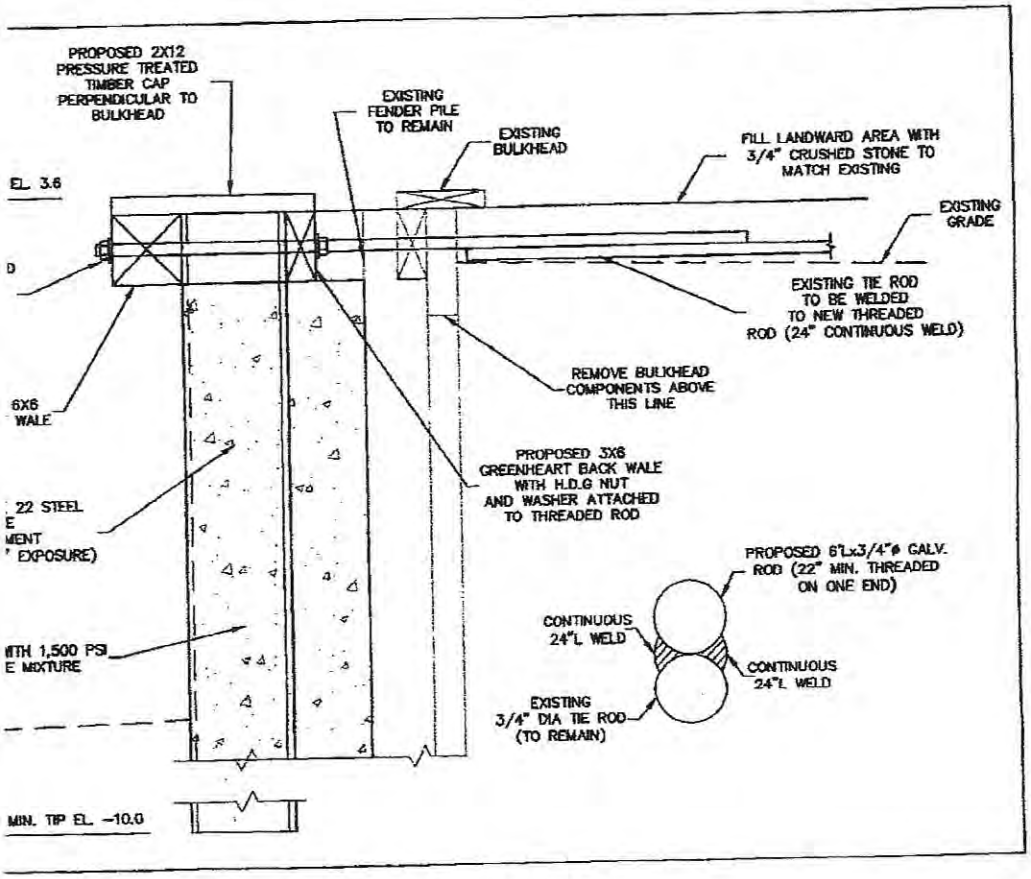
WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.

145700



TYPICAL BULKHEAD SECTION

SCALE: 1"=10'



TYPICAL BULKHEAD SECTION (WITH EXISTING FENDER PILE)

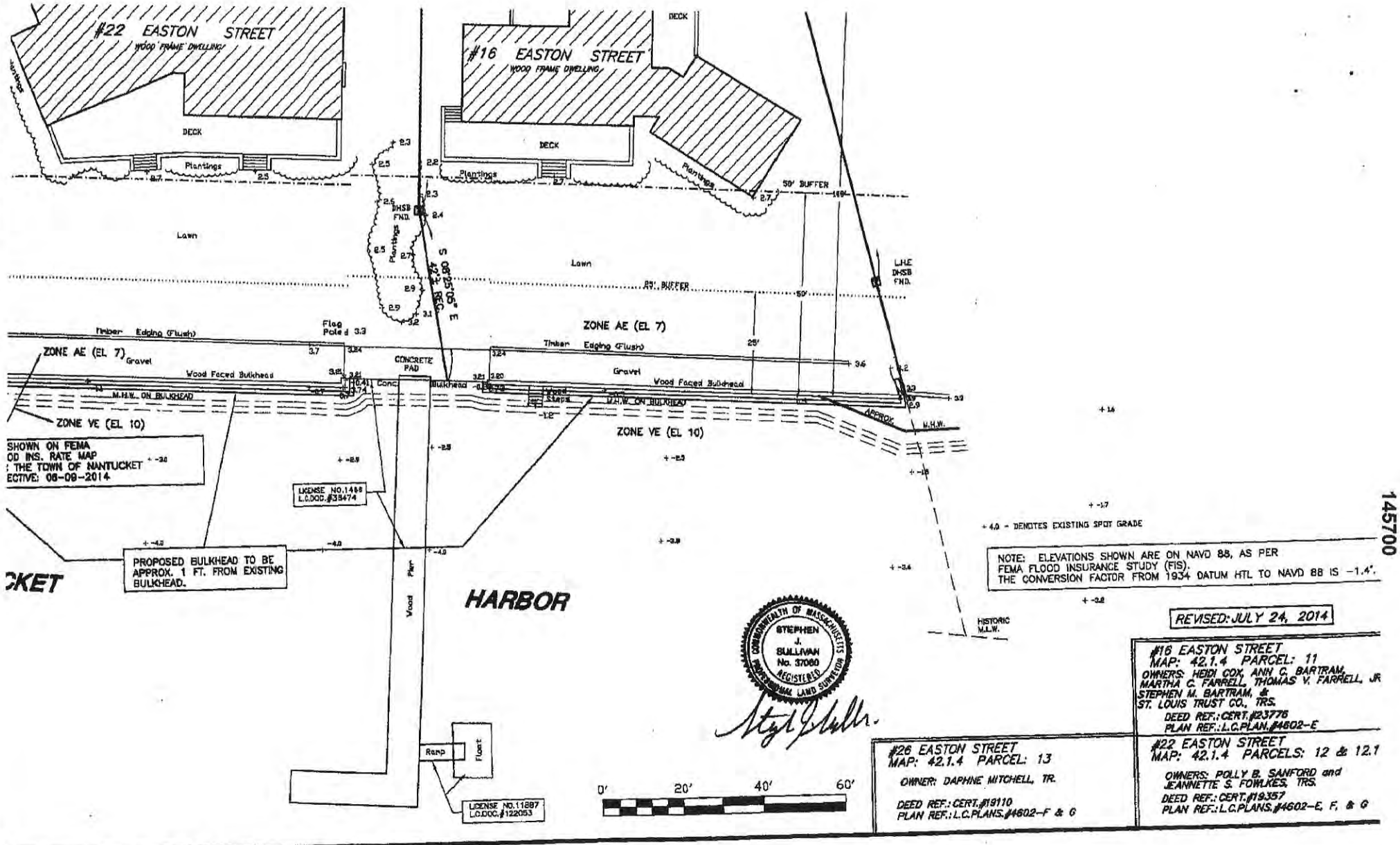
SCALE: 1"=10'

+4.0 – DENOTES EXISTING SPOT GRADE

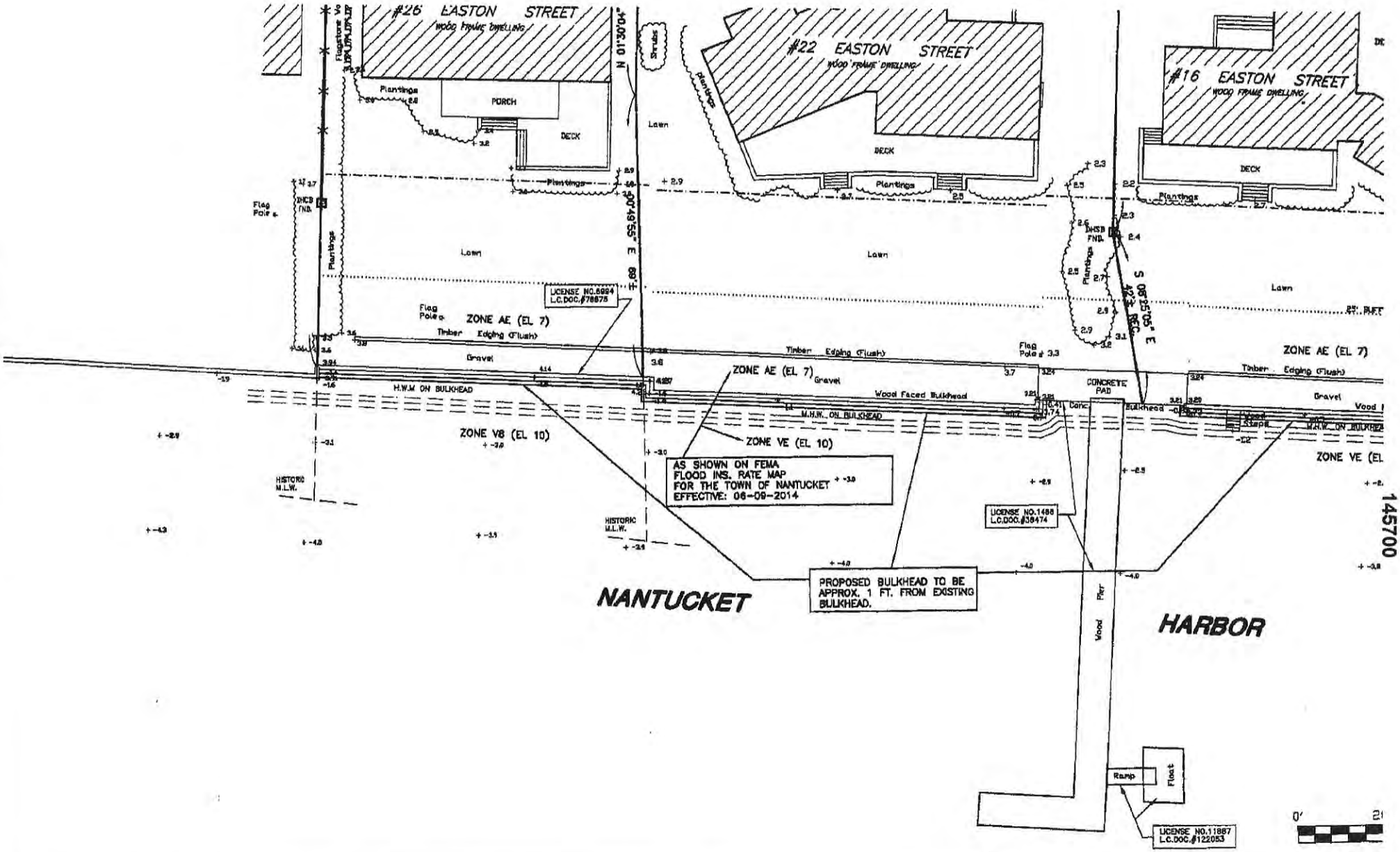
C19001.00

NOTE: ELEVATIONS SHOWN ARE ON NAVD 88, AS PER FEMA FLOOD INSURANCE STUDY (FIS). THE CONVERSION FACTOR FROM 1934 DATUM HTL TO NAVD 88 IS -1.4'.

DESIGN ENGINEERS:


#22 EASTON STREET
WOOD FRAME DWELLING
DECK
Plantings
Lawn
#16 EASTON STREET
WOOD FRAME DWELLING
DECK
Plantings
50' BUFFER
25' BUFFER
DHSB FND.
L.H.E. DHSB FND.
S 00°05'00" E 124.47' REC.
Flag Pole d 3.3
Timber Edging (Flush)
ZONE AE (EL 7)
Gravel
Wood Faced Bulkhead
CONCRETE PAD
Conc
Bulkhead
Wood Steps
M.H.W. ON BULKHEAD
ZONE VE (EL 10)
APPROX. M.H.W.
SHOWN ON FEMA
OD INS. RATE MAP
: THE TOWN OF NANTUCKET
ECTIVE: 06-09-2014
LICENSE NO.1488
L.C.DOC.#38474
PROPOSED BULKHEAD TO BE APPROX. 1 FT. FROM EXISTING BULKHEAD.
CKET
HARBOR
Wood Pier
Ramp
Float
LICENSE NO.11887
L.C.DOC.#122053
+ 4.0 - DENOTES EXISTING SPOT GRADE
NOTE: ELEVATIONS SHOWN ARE ON NAVD 88, AS PER FEMA FLOOD INSURANCE STUDY (FIS).
THE CONVERSION FACTOR FROM 1934 DATUM HTL TO NAVD 88 IS -1.4'.
HISTORIC M.L.W.
COMMONWEALTH OF MASSACHUSETTS
STEPHEN J. SULLIVAN
No. 37060
REGISTERED PROFESSIONAL LAND SURVEYOR
0' 20' 40' 60'
REVISED: JULY 24, 2014
#26 EASTON STREET
MAP: 42.1.4 PARCEL: 13
OWNER: DAPHNE MITCHELL, TR.
DEED REF.: CERT.#19110
PLAN REF.: L.C.PLANS.#4602-F & G
#16 EASTON STREET
MAP: 42.1.4 PARCEL: 11
OWNERS: HEIDI COX, ANN C. BARTRAM, MARTHA C. FARRELL, THOMAS V. FARRELL, JR STEPHEN M. BARTRAM, & ST. LOUIS TRUST CO., TRS.
DEED REF.: CERT.#23776
PLAN REF.: L.C.PLAN.#4602-E
#22 EASTON STREET
MAP: 42.1.4 PARCELS: 12 & 12.1
OWNERS: POLLY B. SANFORD and JEANNETTE S. FOWLKES, TRS.
DEED REF.: CERT.#19357
PLAN REF.: L.C.PLANS.#4602-E, F, & G

145700


#26 EASTON STREET
WOOD FRAME DWELLING
#22 EASTON STREET
WOOD FRAME DWELLING
#16 EASTON STREET
WOOD FRAME DWELLING
PORCH
DECK
Plantings
Lawn
Shrubs
Flagstone Walk
Flag Pole
INCB FND.
N 01°30'04" W
S 08°53'05" E
REC.
LICENSE NO.6994
L.C.DOC.#78875
ZONE AE (EL 7)
Timber Edging (Flush)
Gravel
H.W.W ON BULKHEAD
M.H.W. ON BULKHEAD
Wood Faced Bulkhead
CONCRETE PAD
Bulkhead
Stairs
ZONE V8 (EL 10)
ZONE VE (EL 10)
ZONE VE (EL
HISTORIC M.L.W.
AS SHOWN ON FEMA
FLOOD INS. RATE MAP
FOR THE TOWN OF NANTUCKET
EFFECTIVE: 06-09-2014
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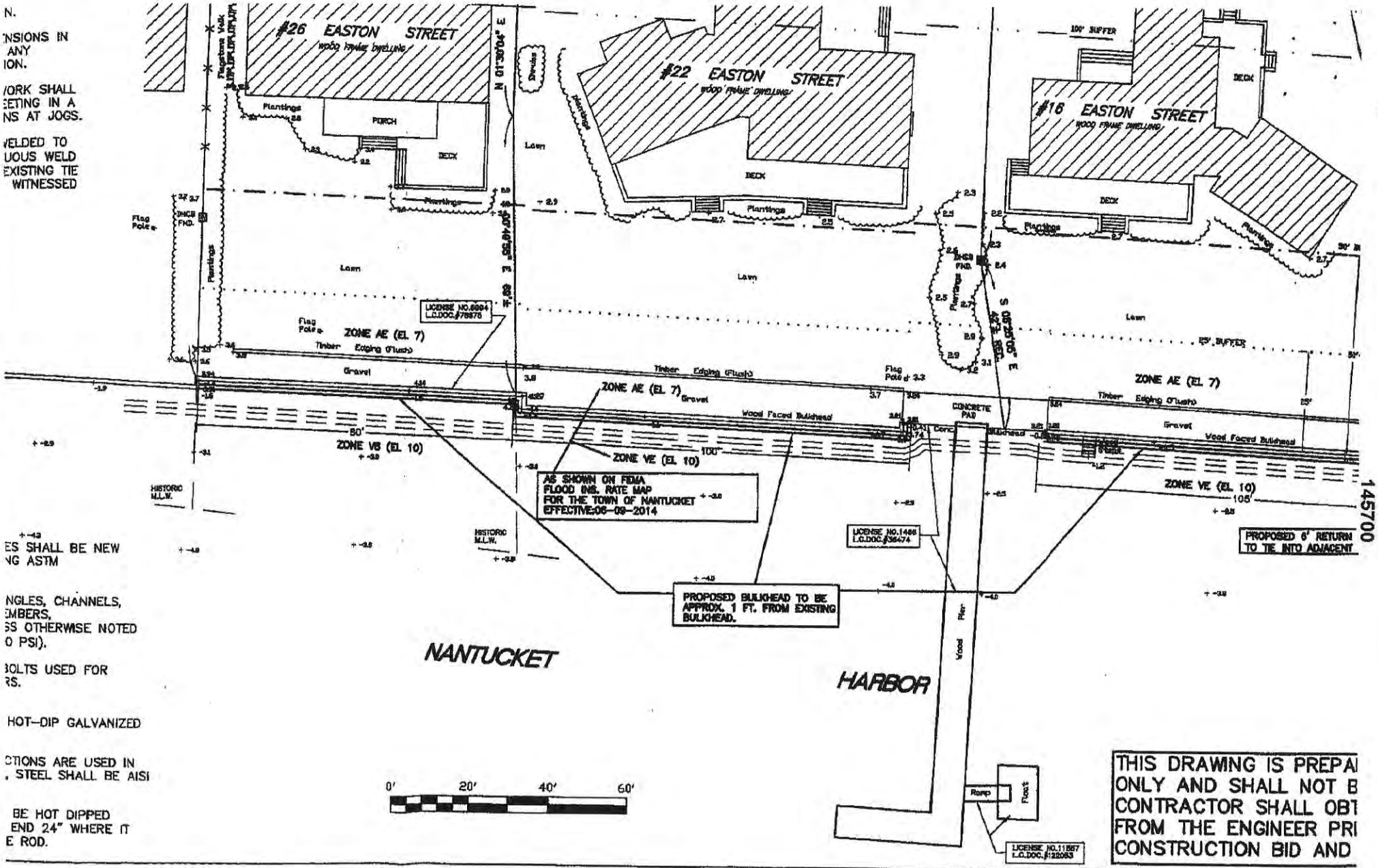

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139158

16/22 EASTON STREET

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Cert: 23776 Doc: OOC
Registered: 12/05/2012 02:14 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:
SE48-2499
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:

Alfred — a. First Name
Sanford — b. Last Name
c. Organization
13 Pleasant St. — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

4. Property Owner (if different from applicant):

See attached page — a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

16 & 22 Easton Street — a. Street Address
Nantucket — b. City/Town
42.1.4-11 (16 Easton) — c. Assessors Map/Plat Number
42.1.4-12 (22 Easton) — d. Parcel/Lot Number

Latitude and Longitude, if known: d m s — d. Latitude; d m s — e. Longitude

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	16 & 22 Easton Street
Assessor's Map and Parcel:	42.1.4-11, 12 & 12.1
Property Owner:	Alfred Sanford
Applicant:	Alfred Sanford
DEP File Number:	SE48-2499
Filing Date:	September 28, 2012
Date Hearing Closed:	October 17, 2012
Date Orders Issued:	November 2, 2012
Plan of Record Information:	Plot Plan to Accompany a Notice of Intent, Dated 9/18/2012, stamped by Stephen J. Sullivan, P.L.S.

Permit Overview:
This order permits the repair of an existing bulkhead and concrete pad adjacent to the bulkhead within Land Subject to Coastal Storm Flowage, Coastal Beach and Coastal Bank (bulkhead) and their associated buffer zones. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and did not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes and details set out on the plan of record, provided project narratives, and protocols.
19. No expansion of the project area is allowed under this Order.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for the project as proposed.

2 EASTON STREET

310 CMR 10.99
Form 5

BOOK 0628 PAGE 099

DEQE File No. SE 48-1280
(To be provided by DEQE)

Commonwealth of Massachusetts

City/Town Nantucket

Applicant Two Easton St RT

Order of Conditions

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

FROM THE NANTUCKET CONSERVATION COMMISSION

To: Two Easton Street Realty Trust (same) William C. Cox Jr Tr Roy A. Hammer, Tr.
(Name of Applicant) (Name of property owner)

Address c/o Nantucket Surveying Address

This Order is issued as follows:

☒ by hand delivery to applicant or representative on 6/25/99 to Glen Wills (date)

☐ by certified mail, return receipt requested on _____ (date)

This project is located at #2 Easton St. (Address) Map 42.1.4 (Assessor's Map #) 8 (Parcel #)

The property is recorded at the Registry of Nantucket

Book 148 Page 201

Certificate (if registered) _____ Land Court Plan: _____

The Notice of Intent for this project was filed on May 21, 1999 (date)

The public hearing was closed on June 24, 1999 (date)

Findings

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

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

Total Filing Fee Submitted 50 - State Share 12.50
City/Town Share 37.50 (1/2 fee in excess of $25)
Total Refund Due $ _____ City/Town Portion $ _____ (1/2 total) State Portion $ _____ (1/2 total)

12. The work shall conform to the following plans and special conditions:

SE48- DEP File Number 1280

Plans:

Title	Dated	Signed and Stamped by	On File with
Plans filed with NOI	rec - 5/27/99	Nantucket Surveyors, Inc	the Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require filing of a new Notice of Intent. No changes are allowed unless authorized in advance, in writing, by the Commission.

2. This project is approved, contingent upon approval by the Health Inspector when required by law, as specified by the Notice of Intent and all attachments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITONAL SPECIAL CONDITION ATTACHED

☒ Yes

☐ No

FINDINGS and ADDITIONAL SPECIAL CONDITIONS
Two Easton Street
Realty Trust
DEP FILE NUMBER SE48 – 1280
ASSESSOR'S MAP 42.1.4, PARCEL 008
2 Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

FINDINGS

1.) Areas present on this site subject to protection is land under ocean, land under water body and their buffer zones.

2.) This Order memorializes a vote taken by the Conservation Commission on June 10, 1999 to close the Public Hearing. It is issued based on a vote by the Commission on June 24, 1999.

3.) This Order permits the replacement of a mooring system consisting of anchor chains and blocks with four CCA-treated timber piles. Work is permit as conditioned by this Order.

ADDITIONAL SPECIAL CONDITIONS

3. The applicant shall inform the Commission in writing of the name, address, business and home telephone number of the project supervisor who will be responsible for ensuring on-site compliance with this Order.

4. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.

5. 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.

6. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts and having the same or larger scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any pipe/culvert inverts for inflow and outfalls; pipe slope, size and composition; location of other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the one foot grade contours within 100 feet of the wetland; the extent of lawn or garden area to be regularly maintained; the types and locations of all plant materials installed or altered under this Order, and the location of the undisturbed buffer and its markers.

7. Members, employees, and agents of the Commission shall have the right to enter and inspect the

2 EASTON STREET

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Two Easton
SE48-2362
MassDEP File Number

WPA Form 5 – Order of Conditions

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

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:

William C. & Roy A. (a. First Name) Cox, Jr. & Hammer, Trustees (b. Last Name)
Two Easton Street Realty Trust c/o The St. Louis Trust Company (c. Organization)
7701 Forsyth Blvd Ste 1100 (d. Mailing Address)
St. Louis (e. City/Town) MO (f. State) 63105 (g. Zip Code)

4. Property Owner (if different from applicant):

Same (a. First Name) (b. Last Name)
(c. Organization)
(d. Mailing Address)
(e. City/Town) (f. State) (g. Zip Code)

5. Project Location:

2 Easton Street (a. Street Address) Nantucket (b. City/Town)
42.1.4 (c. Assessors Map/Plat Number) 8 (d. Parcel/Lot Number)
Latitude and Longitude, if known: (e. Latitude) (f. Longitude)

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

Nantucket (a. County) (b. Certificate Number (if registered land))
460 (c. Book) 65 (d. Page)

7. Dates: December 17, 2010 (a. Date Notice of Intent Filed) January 19, 2011 (b. Date Public Hearing Closed) February 4, 2011 (c. Date of Issuance)

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

Plan to accompany Petition Sheets 1 – 5 (a. Plan Title)
Nantucket Surveyors, Inc. (b. Prepared By) Michael S. Bachman (c. Signed and Stamped by)
September 24, 1996 (d. Final Revision Date) (e. Scale)
Notice of Intent & supporting documentation by Blackwell & Associates, Inc. filed on (f. Additional Plan or Document Title) December 17, 2010 (g. Date)

2011 00000546
Bk: 1269 Pg: 128 Page: 1 of 15
Doc: OOC 02/18/2011 01:06 PM

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	Two Easton Street
Assessor's Map and Parcel:	42.1.4-8
Property Owner:	Two Easton Street Realty Trust
Applicant:	same
DEP File Number:	SE48-2362
Filing Date:	December 17, 2010
Date Hearing Closed:	January 19, 2011
Date Orders Issued:	February 4, 2011
Plan of Record:	"Plan to Accompany Petition … to maintain an Existing Timber Bulkhead, Groins, Pier, Gangway and Float in Nantucket Harbor," Michael Bachman, Professional Land Surveyor, License Plan Number 7067, Approved by Department of Environmental Protection April 2, 1998
Jurisdiction:	Land Under the Ocean; Land Containing Shellfish

Permit Overview: **This Order permits the replacement of the four outermost pilings on an existing and licensed pier. No waivers are required.**

Additional Findings:

1. The area falls outside the NHESP mapped Estimated Habitat of Rare Wildlife.
2. This Order permits the replacement of the four outermost pilings on an existing and licensed pier.
3. The area immediately surrounding the end of the pier contains no eelgrass.
4. The proposal and work description calls for removing the existing damaged pilings and placing the new pilings in the location of the removed pilings.
5. The barge performing the work will, necessarily, be positioned above eelgrass beds.
6. Work on licensed and permitted piers is considered a water-dependent activity and requires no waivers.
7. The work as proposed will not impact shellfish or scallops and requires no waivers.

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 as described in the Project Narrative contained within the Notice of Intent.
19. The applicant shall obtain advanced permission from the Marine Superintendent/Harbormaster to perform the work permitted by this Order.
20. The construction barge, from which the work will be performed, shall time its work and its anchoring location so as not to rest on the bottom and so as to prevent prop

1 EASTON STREET

076491

310 CMR 10.99
Form 5

ORIGINAL

DEQE File No. SE48- 1072
(To be provided by DEQE)

Commonwealth of Massachusetts

City/Town Nantucket

Applicant Berry, Trustees

Order of Conditions

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

demo and reconstruct 2-storey dwelling and rotate and expand garage

FROM THE NANTUCKET CONSERVATION COMMISSION

To: Muffet Realty Trust Samson Nominee Trust
Max N. Berry, Tr/and Heidi Berry, Tr/ same
(Name of Applicant) (Name of property owner)
c/o 2716 Chesapeake, NW
Washington DC 20008
Address Address

This Order is issued as follows:

☐ by hand delivery to applicant or representative on _____ (date)

☒ by certified mail, return receipt requested on 6/24/97 (date)

This project is located at 1 Easton Street 42.1.4 6 & 6.1
(Address) (Assessor's Map #) (Parcel #)

The property is recorded at the Registry of Nantucket

Book _____ Page _____

Certificate (if registered) ~~14734 & 15682~~ 17727 and 17728, Land Court Plan: _____

The Notice of Intent for this project was filed on 4/28/97 (date)

The public hearing was closed on 6/5/97 (date)

Findings

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

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

Total Filing Fee Submitted $377.25 State Share $140.00
City/Town Share $205.00 (1/2 fee in excess of $25)
Total Refund Due $ _____ City/Town Portion $ _____ State Portion $ _____
(1/2 total) (1/2 total)

076491

12. The work shall conform to the following plans and special conditions:

SE48- DEP File Number 1072

Plans:

Title	Dated	Signed and Stamped by	On File with
Proposed House for Max & Heidi Berry	dated 5/22/97 rev. 6/17/97	Daylor Consulting Group	The Commission

ATTENTION: SPECIAL CONDITIONS

1. Any changes intended to be made in the most recent plans listed above or in methods described in the Notice of Intent shall require the applicant to inquire of the Conservation Commission, in writing, as to whether the desired change is substantial enough to require filing of a new Notice of Intent. No changes are allowed unless authorized in advance, in writing, by the Commission.

2. This project is approved, contingent upon approval by the Health Inspector when required by law, as specified by the Notice of Intent and all attaschments, the most recent plans cited above, and the general and special conditions in this document. However, if there is a conflict between this Order and the application or plans, this Order shall prevail.

ADDITONAL SPECIAL CONDITION ATTACHED

☒ Yes

☐ No

FINDINGS and ADDITIONAL SPECIAL CONDITIONS
Max N. And Heidi Berry
DEP FILE NUMBER SE48 - 1072
ASSESSOR'S MAP 42.1.4, PARCELS 6 & 6.1
One and Three Easton Street
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

FINDINGS

1.) Areas present on this site which are subject to protection are coastal bank, coastal beach, coastal dune, land subject to coastal storm flowage, and their buffer zones.

2.) This Order memorializes a vote taken by the Conservation Commission on June 5, 1997 to close the Public Hearing. It is issued based on a **3 - 2 vote** by the Commission on June 19, 1997.

ADDITIONAL SPECIAL CONDITIONS

3. Pursuant to General Condition Number 8, this Order of Conditions must be registered in the Registry of Deeds for Nantucket and proof of recording shall be submitted to the Commission, prior to commencement of any work approved in this Order.

4. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.

5. Prior to any activity at the site, a snow fence shall be staked along the line as shown on the final approved plans, or at a higher elevation. After the fence or haybales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 48 hours after said notice is given, so as to allow Commission members time to inspect all siltation devices**. The snow fence, siltation fence or haybale line, erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of 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.

6. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts and have the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance and shall specify how, if at all, the completed plan

differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any pipe/culvert inverts for inflow and outfalls; pipe slope, size and composition; location of other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.

7. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Nantucket Wetlands Bylaw, the Regulations promulgated under the Bylaw, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310 CMR 10.00 through 10.99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.

8. The applicant, owners, successors or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site and monitoring site activities so as to prevent erosion, siltation, sedimentation, chemical contamination or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to see that the maintenance conditions are complied with as required by this order.

9. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

10. Used petroleum products from the maintenance of construction equipment, construction debris, and unused paint and paint-related products shall be collected and disposed of responsibly off the site. No on-site disposal of these items is allowed.

11. Dust control, if required, shall be limited to water. No salts or other wetting agents shall be used.

12. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.

13. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

14. In all cases, no part of any structure, including decks, stairs, cantilevers, etc. may be closer than 50 feet from the approved wetland boundary and as shown on the final approved plans.

15. Natural vegetation between the wetland edge and upland edge of the undisturbed buffer shall be left intact. After construction, any disturbed area within this buffer area shall be replanted with native plants. Lawn, landscaping and undisturbed dune/beach grass plantings shall be as shown on final submitted plans. In addition, bare areas within the

areas of existing beach grass may be replanted at the same time that the new beach grass plantings is done.

16. Pursuant to Chapter 136 (1)(A)(11) of the Code of Nantucket and to minimize adverse effects on wildlife, the use of any pesticide or fertilizer within the Commission's jurisdiction is prohibited.

17. The use of timber pressure treated with CCA (cromated copper arsenate) or its equivalent is permitted. Creosote treated timbers are prohibited. The Commission suggests the use of non-wooden alternative materials be used. The wood preservative must be dry before the treated wood is used in construction.

18. Once the footings (or foundations) have been poured and before any framing construction begins, the siting of the foundation shall be inspected by the Commission or its representative (and a partial Certificate of Compliance may be issued). It shall be the responsibility of the applicant to furnish a stamped, certified plot plan to the Commission showing the location of the foundation(s) on the lot(s) and accessory structures, if any, as originally approved.

19. The top of the finished first floor shall be no higher than elevation 10.5 half tide datum as shown on the final submitted plans. Certification of this elevation shall be included with the request for a certificate of compliance, or sooner.

20. There shall be **no** stockpiling of excavated or building materials on the ocean side of the proposed dwelling.

21. The foundation of the proposed main dwelling shall be driven piles as represented during the Public Hearings.

###

ECR

Environmental Consulting & Restoration, LLC

Specializing in Wetland and Coastal Resource Area Delineation & Permitting

NOTICE OF INTENT

45 Hulbert Avenue, Nantucket

SUBMITTED TO

Nantucket Conservation Commission

July 2020

APPLICANT

Kent & Mollie Wallace
Nine Greenway Plaza, Suite 2400
Houston, TX 77046

REPRESENTATIVE

Environmental Consulting & Restoration, LLC
P.O. Box 4012
Plymouth, MA 02361
(617) 543 – 1654

ECR
Environmental Consulting & Restoration, LLC

July 31, 2020

Town of Nantucket
Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Notice of Intent, Proposed Single-Family Home Raze & Rebuild Project, 45 Hulbert Avenue, Nantucket

Dear Members of the Conservation Commission:

Please accept this Notice of Intent application for the proposed single-family home raze & rebuild project located at 45 Hulbert Avenue in Nantucket (the site). The Town of Nantucket Assessors Department references the site as Parcel #29-16. The proposed project includes razing the existing single-family home, rebuilding within the same general footprint to include a shell driveway, attached storage area and planting a native salt-tolerant herbaceous buffer strip. Portions of the proposed project are located within the buffer zone to a Coastal Dune, buffer zone to a Coastal Bank, buffer zone to a Coastal Beach and Land Subject to Coastal Storm Flowage. This application is being submitted in accordance with the Massachusetts Wetlands Protection Act and the Town of Nantucket Wetlands Protection Bylaw.

If you have any questions or require additional information, please contact me at (617) 543-1654.

Sincerely,
Environmental Consulting & Restoration, LLC

Stanley M. Humphries

Stanley M. Humphries
Coastal Geologist

CC: Department of Environmental Protection, Wetland Division, 20 Riverside Drive, Lakeville, MA 02347

Kent & Mollie Wallace, Nine Greenway Plaza, Suite 2400, Houston, TX 77046

David C. Wetherill, Trustee of the Alice C. Wetherill Income Trust Agreement, 17 Governors Lane, Princeton, NJ 08540

Blackwell & Associates, Inc.

NOTICE OF INTENT
TABLE OF CONTENTS

Item	Attachment
Notice of Intent Form	1
Copy of the Filing Fees	2
Project Narrative	3
USGS Site Locus Map	4
FEMA Map	5
Massachusetts Natural Heritage & Endangered Species Map	6
Abutter Information	7
Site Plan	8

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):

45 Hulbert Ave. — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41º 17' 31.63" N — d. Latitude
70º 05' 55.13" W — e. Longitude

29 — f. Assessors Map/Plat Number
16 — g. Parcel /Lot Number

2. Applicant:

Kent and Mollie — a. First Name
Wallace — b. Last Name
WALLACE ACK, LLC, a Texas limited liability company — c. Organization
Nine Greenway Plaza, Suite 2400 — d. Street Address
Houston — e. City/Town
TX — f. State
77046 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

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

David C. — a. First Name
Wetherill — b. Last Name
Trustee of the ALICE C. WETHERILL INCOME TRUST AGREEMENT — c. Organization
17 Governors Lane, — d. Street Address
Princeton — e. City/Town
NJ — f. State
08540 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Stan — a. First Name
Humphries — b. Last Name
Environmental Consulting & Restoration, LLC — c. Company
26 Union Street — d. Street Address
Plymouth — e. City/Town
MA — f. State
02361 — g. Zip Code
617-543-1654 — h. Phone Number
i. Fax Number
Stan@ecrwetlands.com — j. Email address

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

$610.00 — a. Total Fee Paid
$292.50 — b. State Fee Paid
$317.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

Raze and rebuild a single-family dwelling, a shell driveway, an attached storage area and plant native salt tolerant herbaceous species within an existing 5 1\2 foot sandy area behind an existing timber bulkhead.

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	Document No. 42394
a. County	b. Certificate # (if registered land)
C0013	0442
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.

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Bureau of Resource Protection - Wetlands

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

Provided by MassDEP:

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

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	4,000 1. square feet	

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

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

5. ☐ Project Involves Stream Crossings

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

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C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   August 2017
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area _____ 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

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* 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)

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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D. Additional Information (cont'd)

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

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

Site Plan of Land
a. Plan Title

Blackwell & Associates, Inc.
b. Prepared By

Jeffrey L. Blackwell, PLS
c. Signed and Stamped by

July 30, 2020
d. Final Revision Date

1" = 10'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5131
2. Municipal Check Number

7/29/20
3. Check date

5132
4. State Check Number

7/29/20
5. Check date

Kent or Mollie
6. Payor name on check: First Name

Phelan Wallace
7. Payor name on check: Last Name

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Provided by MassDEP:

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City/Town

F. Signatures and Submittal Requirements

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

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

Wallace ACK LLC
By:

1. Signature of Applicant Reymond Kenneth Wallace, Manager	2. Date 7/29/2020
3. Signature of Property Owner (if different) David C. Wetherill, Trustee of the Alice C. Wetherill Trust	4. Date 7/29/2020
5. Signature of Representative (if any) By Arthur L. Neadeau, Jr., attorney	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.

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NOI Wetland Fee Transmittal Form

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

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

A. Applicant Information

1. Location of Project:

45 Hulbert Ave..	Nantucket
a. Street Address	b. City/Town
5132	$292.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Kent and Mollie	Wallace
a. First Name	b. Last Name

WALLACE ACK, LLC, a Texas limited liability company
c. Organization

Nine Greenway Plaza, Suite 2400
d. Mailing Address

Houston	TX	77046
e. City/Town	f. State	g. Zip Code

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

3. Property Owner (if different):

David C.	Wetherilll
a. First Name	b. Last Name

Trustee of the ALICE C. WETHERILL INCOME TRUST AGREEMENT
c. Organization

17 Governors Lane,
d. Mailing Address

Princton	NJ	08540
e. City/Town	f. State	g. Zip Code

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

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

B. Fees

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

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

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

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

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

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

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

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NOI Wetland Fee Transmittal Form

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B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 1	1	$110.00	$110.00
Category 2	1	$500.00	$500.00

Step 5/Total Project Fee: $610.00

Step 6/Fee Payments:

Total Project Fee:	$610.00 a. Total Fee from Step 5
State share of filing Fee:	$292.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$317.50 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.)

PROJECT DESCRIPTION

1. Introduction

The project consists of razing and reconstructing a single-family dwelling located at 43 Hulbert Avenue in Nantucket (the Site). The Town of Nantucket Assessors Department references the site as Parcel #29-16. The proposed project occurs within the limits of Land Subject to Coastal Storm Flowage and Buffer Zones to Coastal Beach, Coastal Dune and Coastal Bank. The new dwelling will meet or exceed FEMA floodplain requirements and to provide several net benefits. This application is being submitted in accordance with the *Massachusetts Wetlands Protection Act* and the *Town of Nantucket Wetlands Protection Bylaw.*

2. Site Description

The site consists of a single-family dwelling with garage which was built in 1939. The site also includes a pervious driveway, maintained lawn, landscaped areas, access stairway to the beach, a timber bulkhead, a wooden slat beach fence, and two timber groins. The site is located to the north of Hulbert Avenue and surrounded by single-family homes to the east, south and west with Nantucket Sound located to the north. Environmental Consulting & Restoration, LLC (ECR) performed a review of existing site conditions on site on July 16, 2020. As a result of the field work and review of available environmental databases, ECR confirms that the site contains the following wetland resource areas and areas of Conservation Commission jurisdiction:

- Coastal Bank protected by an existing timber bulkhead;
- Coastal Beach;
- Coastal Dune;
- 100-foot Buffer Zone to these resources; and,
- Land Subject to Coastal Storm Flowage (FEMA Flood Zones VE and AE el. 9 ft.)

Notes:

1. The site <u>is not located</u> within an area mapped as Priority Habitat & Estimated Habitat for Rare Species according to the Massachusetts Natural Heritage & Endangered Species Program (NHESP);
2. The site <u>does not contain</u> or is near a Certified Vernal Pool according to the NHESP;
3. The site <u>does not contain</u> any filled tidelands; and,
4. The site <u>is not located</u> within an Area of Critical Environmental Concern (ACEC).

3. Proposed Activities

The purpose of this application is to obtain an Order of Conditions approving the proposed razing and reconstruction of a single-family dwelling, shell parking area, attached storage area, and planting native salt tolerant plants located at 45 Hulbert Avenue. The proposed project occurs within Land Subject to Coastal Storm Flowage and the Buffer Zones to Coastal Beach, Coastal Dune and Coastal Bank. The existing and proposed conditions are shown on the *Plan of Land* prepared by Blackwell & Associates dated July 30, 2020. The proposed project will involve the following activities:

- **Establish the Limit of Work** – Prior to the start of work, the work limits will be established in the field around the proposed project area with sediment and erosion control (e.g. silt fence) around the project perimeter.

- **Raze Existing Dwelling** – Best available measures will be used to demolish the existing 1939 dwelling. All materials will be disposed of according to the Nantucket Building Inspector.

- **Reconstruct New Dwelling** – The new foundation will comprise a concrete footing and crawl space type stem wall approximately 5 feet above existing grade. Smart Vent engineered flood vents will be installed around the foundation perimeter to allow passage of flood water beneath the house, as required by FEMA, State building codes and the Nantucket wetland regulations.

- **Install Plantings** – Along the existing 493 s.f. sandy area behind the bulkhead, native salt tolerant herbaceous species are proposed to be planted in the early spring season (April 1st to May 15th) using the following: Beach Heather (*Hudsonia tomentosa),* Switch Grass (*Panicum virgatum*) and Seaside Goldenrod (*Solidago sempervirens*). American Beachgrass (*Ammophila breviligulata*) is also proposed for planting in early spring (Prior to May 1st) or late fall (after October 31st). Plantings will include 2 culms of beachgrass planted approximately 8 inches deep and 18 inches on center. A 3 ft. wide path will be maintained to the beach stairs.

4. Analysis of Performance Standards

The proposed project is located within Land Subject to Coastal Storm Flowage (LSCSF) and Buffer Zones to Coastal Beach, Coastal Dune and Coastal Bank. The activities are subject to the *Massachusetts Wetlands Protection Act*, the associated *Massachusetts Wetland Regulations (310 CMR 10.00)*, the *Nantucket Wetlands Protection Bylaw (Chapter 136)*, and the associated *Nantucket Wetland Protection Regulations*. Specifically, the proposed project is subject to the state performance standards under 310 CMR 10.28(3) for Coastal Dune and to the Bylaw Regulations under sections 2.02 B.6 for Coastal Beach, 2.03 B.2 and 7 for Coastal Dune, 2.05 B.5 for Coastal Bank, and 2.10 B.1 and 4 for LSCSF. Below, the performance standards are shown in italics to include an analysis of how the proposed project meets those specific standards directly below.

310 CMR 10.27 Coastal Dune

(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.

Reconstruction of the single-family dwelling will occur beyond 30 feet from the Coastal Dune located along the western property line and separated by an existing managed lawn area. The structure will not have an adverse effect on any of the six standards (a-f) listed above because of its setback from the dune and any landward movement would be south not east.

Section 2.02 B. Coastal Beaches

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

There is no 25-foot natural undisturbed buffer since a managed lawn has occupied that area since at least 1995. The existing dwelling was constructed within 50 feet of the beach in 1939 and it currently occupies 1,164 s.f. Although the new dwelling will be constructed less than 1 foot closer to the beach, it will occupy 1,102 s.f., which is 62 s.f. less than the existing house. We understand that a waiver is required and hereby requested since there would be a net benefit related to the smaller footprint.

Section 2.03 B Coastal Dunes

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 dependant shall be at least 50 feet from a coastal dune.*

There is no 25-foot natural undisturbed buffer since a managed lawn has occupied that area since at least 1995. The existing dwelling was constructed within 50 feet of the dune in 1939 and it currently occupies

1,164 s.f. The new dwelling will be constructed 5 feet further from the dune and will occupy 1,102 s.f., which is 62 s.f. less than the existing house. We understand that a waiver is required and hereby requested since there would be a net benefit related to the smaller footprint.

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 existing dwelling was constructed within 50 feet of the dune in 1939 and it currently occupies 1,164 s.f. The new dwelling will be constructed 5 feet further from the dune and will occupy 1,102 s.f., which is 62 s.f. less than the existing house. In addition, and more importantly, the first floor will be raised 1.65 feet and no longer be located below the 100-year base flood elevation. We understand that a waiver is required and hereby requested since there would be a net benefit related to the floodplain clearance.

Section 2.05 B. Coastal Banks

5. *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.*

There is no 25-foot natural undisturbed buffer since a managed lawn has occupied that area since at least 1995. The existing dwelling was constructed within 50 feet of the bank in 1939 and it currently occupies 1,164 s.f. Although the new dwelling will be constructed less than 1 foot closer to the bank, it will occupy 1,102 s.f., which is 62 s.f. less than the existing house. We understand that a waiver is required and hereby requested since there would be a net benefit related to the smaller footprint.

Section 2.10 B. Land Subject to Coastal Storm Flowage

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.*

Currently, the existing dwelling displaces flooding within an area of 1,080 s.f. With the proposed dwelling and use of Smart Vents, there will be no displacement. In addition, the existing driveway is 1,373 s.f. and the proposed driveway/parking will be 429 s.f. or a reduction of 944 s.f. As a result of these two proposed changes, the project increase, not reduce, the ability of the land to absorb and contain flood waters, and to buffer inland areas from flooding.

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.*

The existing dwelling is subject to coastal storm flowage and the first floor is below the 100-year base flood elevation. While the new dwelling will be constructed in LSCSF, it will comply with state and local building code regulations for flood hazard areas concerning elevation and avoid hydrostatic pressure differentiation in the crawl space due to the use of Smart Vents. These two improvements will also provide a net benefit to the proposed project.

5. Summary

The proposed project consists of razing and reconstructing a single-family dwelling located at 43 Hulbert Avenue in Nantucket. The proposed project occurs within the limits of Land Subject to Coastal Storm Flowage and Buffer Zones to Coastal Beach, Coastal Dune and Coastal Bank. Since the reconstruction is not water-dependent and is proposed within 50 feet of the beach, dune and bank, waivers are requested with the Commission's consideration of the following overall project net benefits:

1. A smaller footprint with the new dwelling by 62 s.f.;
2. A reduction in driveway area by 944 s.f.;

3. Elimination of coastal flood water displacement by 1,080 s.f.;
4. First floor is elevated above the 100-year base flood; and,
5. Addition of a native vegetated buffer strip along the bulkhead.

Any erosion control measures shall remain in place and be maintained until such time that a Certificate of Compliance has been issued by the Nantucket Conservation Commission, stating that the project has been constructed in accordance with the conditions set forth in the Order of Conditions. Taking the net benefits inti account, the project protects the interests of the *Massachusetts Wetlands Protection Act* and the *Town of Nantucket Wetlands Protection Bylaw* for the adjacent Resource Area and the Applicants respectfully request an Order of Conditions approving the project.

USGS SITE LOCUS MAP
45 Hulbert Avenue
Nantucket, Massachusetts

Source: MassGIS Oliver Viewer

N
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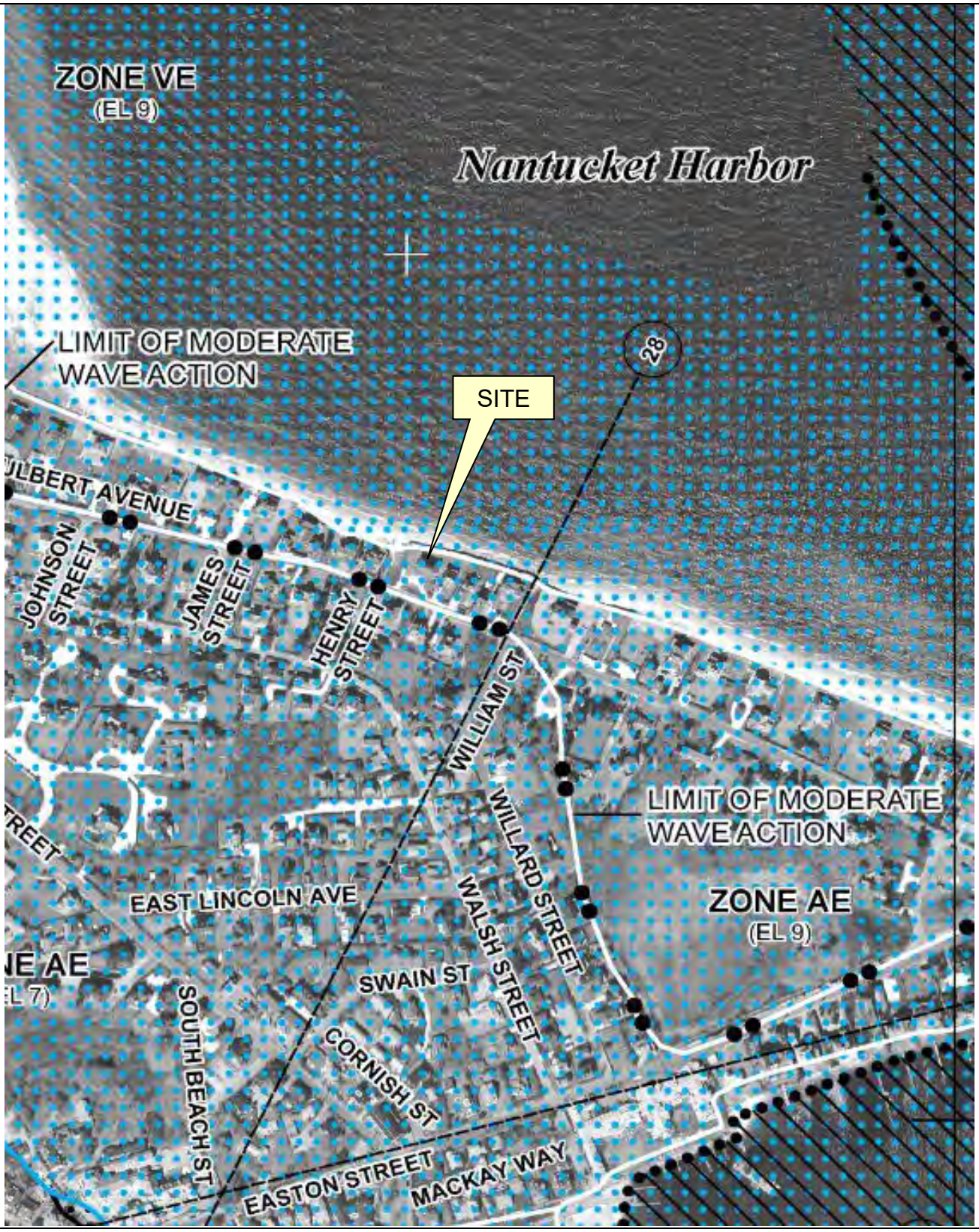

FEMA MAP
45 Hulbert Avenue
Nantucket, Massachusetts

Source: FEMA Map 25019C0086G 06/09/2014

N
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Priority Habitats of Rare Species, Estimated Habitat of Rare Wildlife & Certified Vernal Pools Map
45 Hulbert Avenue
Nantucket, Massachusetts

Source: MassGIS Oliver Viewer

N
Δ

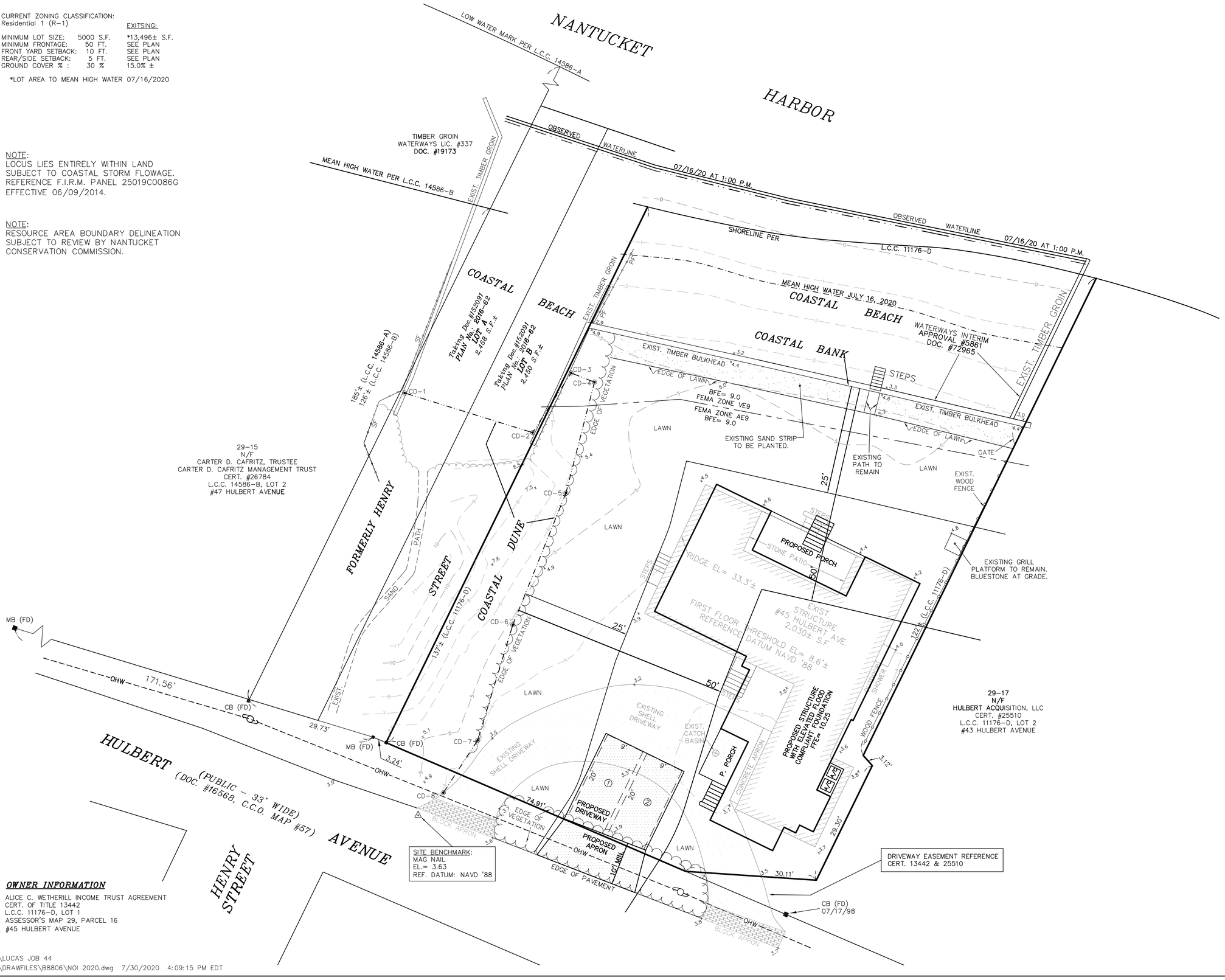
CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

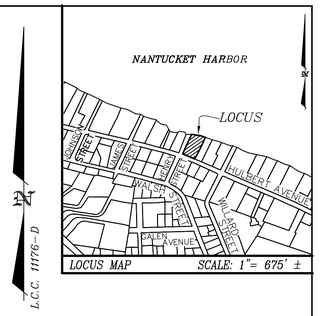
		EXITSING:
MINIMUM LOT SIZE:	5000 S.F.	*13,496± S.F.
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
FRONT YARD SETBACK:	10 FT.	SEE PLAN
REAR/SIDE SETBACK:	5 FT.	SEE PLAN
GROUND COVER % :	30 %	15.0% ±

*LOT AREA TO MEAN HIGH WATER 07/16/2020

NOTE:
LOCUS LIES ENTIRELY WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE. REFERENCE F.I.R.M. PANEL 25019C0086G EFFECTIVE 06/09/2014.

NOTE:
RESOURCE AREA BOUNDARY DELINEATION SUBJECT TO REVIEW BY NANTUCKET CONSERVATION COMMISSION.





L.C.C. 11176-D

LEGEND

- ○ or ■ DENOTES MONUMENT FOUND
- —OHW— DENOTES EXISTING UTILITY POLE WITH OVERHEAD WIRES
- ◉ DENOTES EXISTING COASTAL DUNE FLAG FOUND
- DENOTES EXISTING COASTAL DUNE DELINEATION JULY, 2020

Site Plan of Land
To Accompany a Notice of Intent
in Nantucket, MA
Prepared for
MOLLIE WALLACE
KENT WALLACE

Scale: 1"= 10' JULY 30, 2020

ASSESSOR MAP 29 PARCEL 16

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

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

OWNER INFORMATION
ALICE C. WETHERILL INCOME TRUST AGREEMENT
CERT. OF TITLE 13442
L.C.C. 11176-D, LOT 1
ASSESSOR'S MAP 29, PARCEL 16
#45 HULBERT AVENUE

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B8806

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B8806

August 14, 2020

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

Re: SE48-3331, #45 Hulbert Avenue, Wallack ACK, LLC.

Dear Ashley,

Enclosed please find an updated site plan. The plan shows a design change to the proposed house which shifts the porch to the west. No increase to the proposed footprint will occur. Also, a list of the plants proposed to be planted along the landward edge of the bulkhead has been added to the plan.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.

Enclosures

JLB/dmm

CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

		EXITSING:
MINIMUM LOT SIZE:	5000 S.F.	*13,496± S.F.
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
FRONT YARD SETBACK:	10 FT.	SEE PLAN
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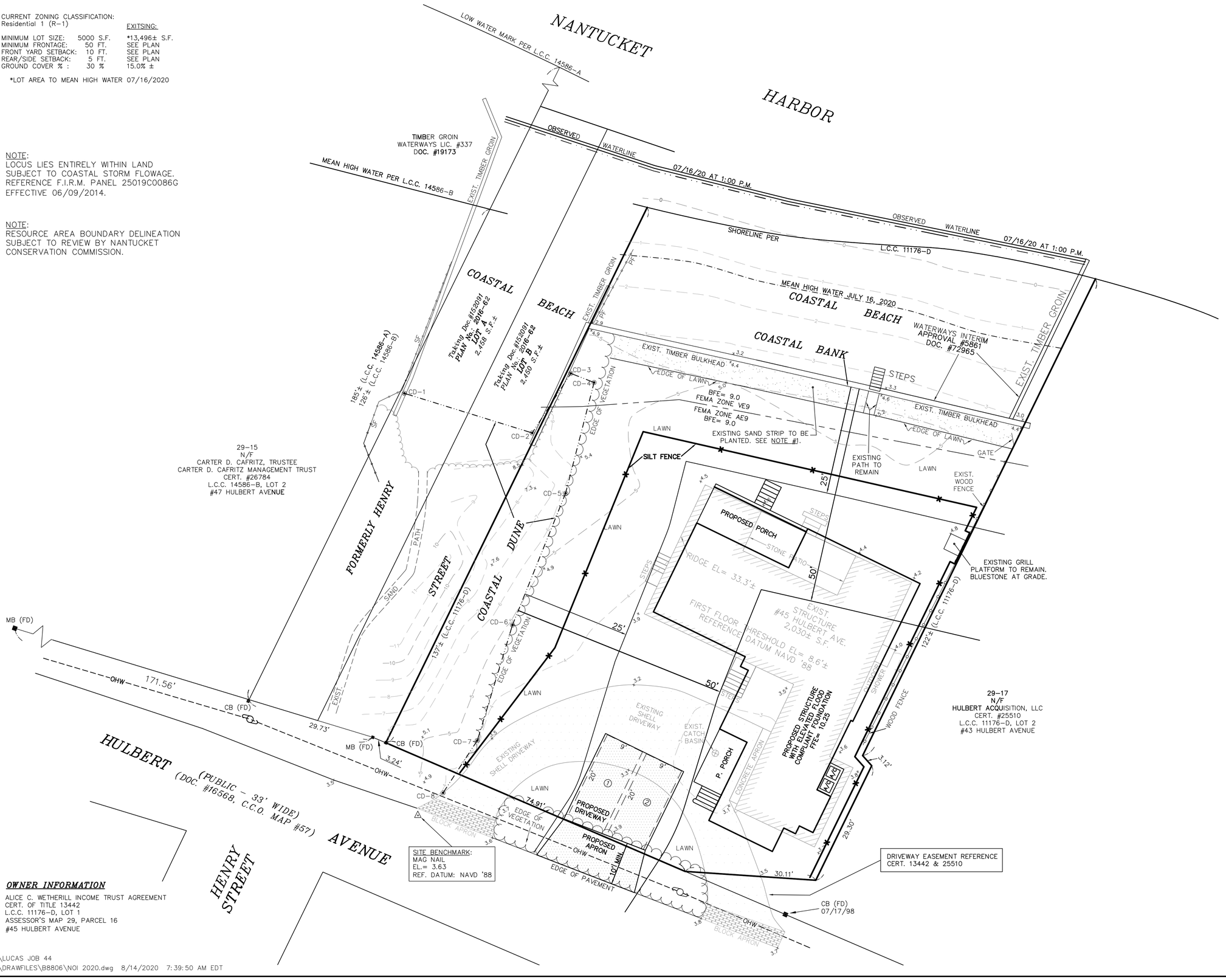

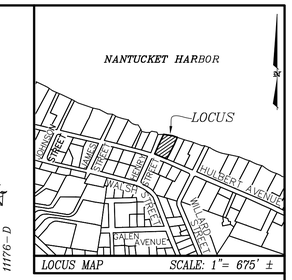

LEGEND

- ○ or ■ DENOTES MONUMENT FOUND
- OHW DENOTES EXISTING UTILITY POLE WITH OVERHEAD WIRES
- DENOTES EXISTING COASTAL DUNE FLAG FOUND
- DENOTES EXISTING COASTAL DUNE DELINEATION JULY, 2020
- DENOTES PROPOSED SILT FENCE

NOTE #1

PLANTINGS ALONG BULKHEAD
- Eastern Showy Aster (Eurybia spectabilis) (native)
- Sea-lavender (Limonium sp.) (native)
- Little Bluestem (Schizachyrium scoparium) (native)
- Beachgrass (Ammophila brevigulata) (native)

Site Plan of Land
To Accompany a Notice of Intent
in Nantucket, MA
Prepared for
MOLLIE WALLACE
KENT WALLACE

Scale: 1"= 10' JULY 30, 2020
Revised: August 13, 2020

ASSESSOR MAP 29 PARCEL 16

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

GRAPHIC SCALE
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(IN FEET)
1 inch = 10 ft.

B8806

OWNER INFORMATION
ALICE C. WETHERILL INCOME TRUST AGREEMENT
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#45 HULBERT AVENUE

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SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

FOUR NORTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554
TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

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JENNIFER E. CAREY
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FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931–2007

August 28, 2020

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

Re: 45 Hulbert Avenue
Wallack ACK, LLC.
SE48-3331

Dear Ms. Erisman,

I am writing to provide new information and to address questions raised by Commissioners in the first public hearing.

Enclosed is a revised site plan. As you will see from the plan, the orientation and position of the proposed house has been revised so that the proposed house is further away from the Coastal Bank and Coastal Dune than the existing house, within the 50' setback. In addition, the size of the proposed structure within 50 feet of the Coastal Bank and Coastal Dune has been reduced and is now 93 square feet less that the existing structure.

The existing stone masonry terrace conforms with the definition of structure in the Nantucket Wetlands Protection Regulations.

> *Structure - a combination of materials assembled at a fixed location to give support … such as a ... retaining wall, platform … The term structure may also be applied to appurtenances that are constructed of impervious surfaces …*

Please refer to the attached photographs of the terrace. The terrace is 3.2 feet above grade and is constructed of concrete masonry, stone, and sand fill. The height above grade exceeds Building Department requirements for railings on structures 2.5 feet above grade or higher.

Section 2.10 B.1. of the Wetland Protection Regulations, Land subject to Coastal Storm Flowage, states that, "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 raised solid fill terrace structure would require a waiver from performance standard 2.10 B.1 if proposed to be constructed today. Therefore, this stone terrace has been included in the calculation of existing structure within 50 feet of the Coastal Bank and Coastal Dune.

As requested, I am enclosing copies of the existing and proposed elevations, along with a plan of the existing ground floor that shows the below-grade storage and laundry areas that will be eliminated as part of the proposal. I am also enclosing a photograph of the westerly elevation of the existing structure that shows the foundation and the entrance to one of the below grade areas.

Also as requested, I am enclosing a waiver request letter from Jeffrey L. Blackwell, PLS that details the long-term net benefits provided by the proposed project and contains a no reasonable alternative analyses.

Finally, I want to remind the Commission that numerous homes up and down Hulbert Avenue have been replaced in kind with Conservation Commission approval over the past several years. In particular, as a prime example, I am enclosing information on the project at 43 Hulbert Avenue, a direct abutter to the locus, which was approved in 2015. The work performed at 43 Hulbert Avenue is similar to the work that the Applicant is proposing for 45 Hulbert Avenue, with two notable exceptions. First, the current 45 Hulbert Avenue application will reduce the amount of structure within the 50′ buffer zone by 93 square feet, while the new structure approved at 43 Hulbert Avenue actually increased the amount of structure within the 50′ buffer by 21 square feet. Second, as detailed in Jeff Blackwell's waiver letter, the present 45 Hulbert Avenue application will provide significant long-term net benefits, which justifies the granting of a waiver under Chapter 136 1.03F.3.c); the project at 43 Hulbert Avenue provided no such long-term net benefits, requiring, as a result, a waiver with an alternatives analysis under Chapter 136 1.03F.3.a).

Please let me know if you have any questions or need any further information.

Thank you for your attention to this matter.

Sincerely,

SFA/

Enclosures

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B8806

August 26, 2020

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

Re: Waiver Request for #45 Hulbert Avenue, Wallack ACK, LLC, SE48-3331

Dear Commission Members,

I am writing this letter to request and justify waivers from the Wetland Protection Regulations for Administering the Town of Nantucket By-Law Chapter 136. A waiver is required from section 2.05B.5. to allow a portion of the structure to be within 50 feet of a coastal bank. A waiver is also required from Section 2.03B.2 to allow a portion of a non-water dependent structure to be within 50 feet of a coastal dune.

> *Chapter 136 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 project may be permitted which could have an adverse effect on rare wildlife species.*

The project will provide a long-term net benefit /improvement to the resource area by increasing the distance between the structure and the resource areas, by reducing the amount of structure within the 50' buffer zone, by removing driveway areas within 25' and 50' of the resource areas, by eliminating concrete stairs and walls, and by providing for augmented plantings of salt-tolerant native pollinators that will enhance habitat.

- 391 square feet of driveway will be entirely removed from within 25' of the coastal dune and revegetated.
- The existing structure will be replaced in kind with a structure that will be located further away from the resource areas.
- The amount of structural area within the 50-foot buffers will be decreased by 93 square feet.
- The current, noncompliant, substandard concrete foundation will be replaced by a foundation that will eliminate existing useable basement areas and provide a compliant crawlspace that will allow for the free movement of flood waters.
- There will be decreased displacement of flood waters and increased absorption of flood waters associated with the house.

- The existing driveway area will be reduced by 944 square feet within Land subject to Coastal Storm Flowage, which will enhance the infiltration of coastal flood waters.
- Approximately 954 square feet of the existing garage, raised masonry terrace, and basement areas will be eliminated which will, in turn, eliminate the displacement of coastal flood waters and enhance the ability of the land to absorb flood waters.
- Seaside goldenrod, Eastern showy aster, sea lavender, and little bluestem, all salt-tolerant, native pollinators, will be planted within the sand strip behind the bulkhead and will provide enhanced habitat.

The project area is not mapped for, or known to contain, protected rare and endangered species. The proposed project will not have any adverse impact to the interests protected in the resource area.

Based upon the net benefits included in the proposed project at 45 Hulbert Avenue and the absence of any adverse effect on rare wildlife species, this waiver request is being made under Chapter 136 1.03F.3.c), which unlike Chapter 136 1.03F.3.a), does not require an alternatives analysis. Nevertheless, the Applicant considered the following alternatives in filing its Notice of Intent:

- **Do Nothing.** The structure, built in 1939, is aging and in need of substantial repair, maintenance, and upgrading to current code. The foundation is substandard and non-compliant, and the basement provides useable space that would not be allowed under the current regulations. The structure would potentially be at serious risk in a major storm event. The Applicant would like to provide a compliant foundation to be in a position to obtain reasonable flood insurance coverage. In the long term, doing nothing will result in greater disturbance to the resource area because of the increasing maintenance needs of the structure. Further in doing nothing, the intrusion into the 50' and 25' buffer zones would be unchanged, and none of the long-term net benefits discussed above would be realized.
- **Rehabilitate the Existing Structure.** Given the age, condition, and construction of the existing dwelling, it does not lend itself to rehabilitation. It is not possible to rehabilitate the existing structure in a way that is fully compliant with the regulations. Considering the relative impacts to the dune and coastal bank resource areas, the construction methodologies dictated by F.E.M.A. and state building codes, and the longer period of site disturbance inherent to building rehabilitation work, rehabilitation is not a reasonable alternative. The longer the site is disturbed during construction, the greater the chance of negative impacts to the resource areas in the event of storms. Storm events could erode unconsolidated construction excavations and littler the resource area with construction materials. The time required to upgrade and re-structure an old building to conform with current building codes is much greater than with new construction. As previously mentioned, the structure needs a new, compliant foundation. This work would be so extensive that the entire structure would be required to be brought into conformity with current flood plain and building code requirements. This work would essentially result in the structure being completely rebuilt. There would be nowhere on the lot to move the structure while the old foundation was removed, and a new foundation was constructed. As a result, the work would need to be done under the elevated house, which would be dangerous and leave the structure unstable and vulnerable to damage in the event of a storm. Rehabilitation would also take longer than and be more intrusive, resulting in a prolonged and greater level of disturbance to the

resource areas than replacing the structure in kind. As with the "do nothing" alternative, the intrusion into the 50' and 25' buffer zones would be unchanged, and none of the long-term net benefits to the resource area discussed above would be realized.

- **Replace the Existing Structure in Kind.** Based upon the above alternatives analysis and given the age, condition, and construction of the existing dwelling, the proposed project will not adversely impact the interests identified in the Bylaw. As discussed above, there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. Replacement of the structure in kind will be less intrusive than rehabilitation, will reduce the amount and length of disturbance, and will result in significant net benefits to the resource area detailed above. Accordingly, a waiver under Chapter 136 1.03F.3.a) would be supported by the regulations and, in the absence of a waiver under Chapter 136 1.03F.3.c), should be granted.

If you have any questions, please call. Thank you for your attention.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.

Enclosures

JLB/dmm

CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

		EXITSING:
MINIMUM LOT SIZE:	5000 S.F.	*13,496± S.F.
MINIMUM FRONTAGE:	50 FT.	SEE PLAN
FRONT YARD SETBACK:	10 FT.	SEE PLAN
REAR/SIDE SETBACK:	5 FT.	SEE PLAN
GROUND COVER % :	30 %	15.0% ±

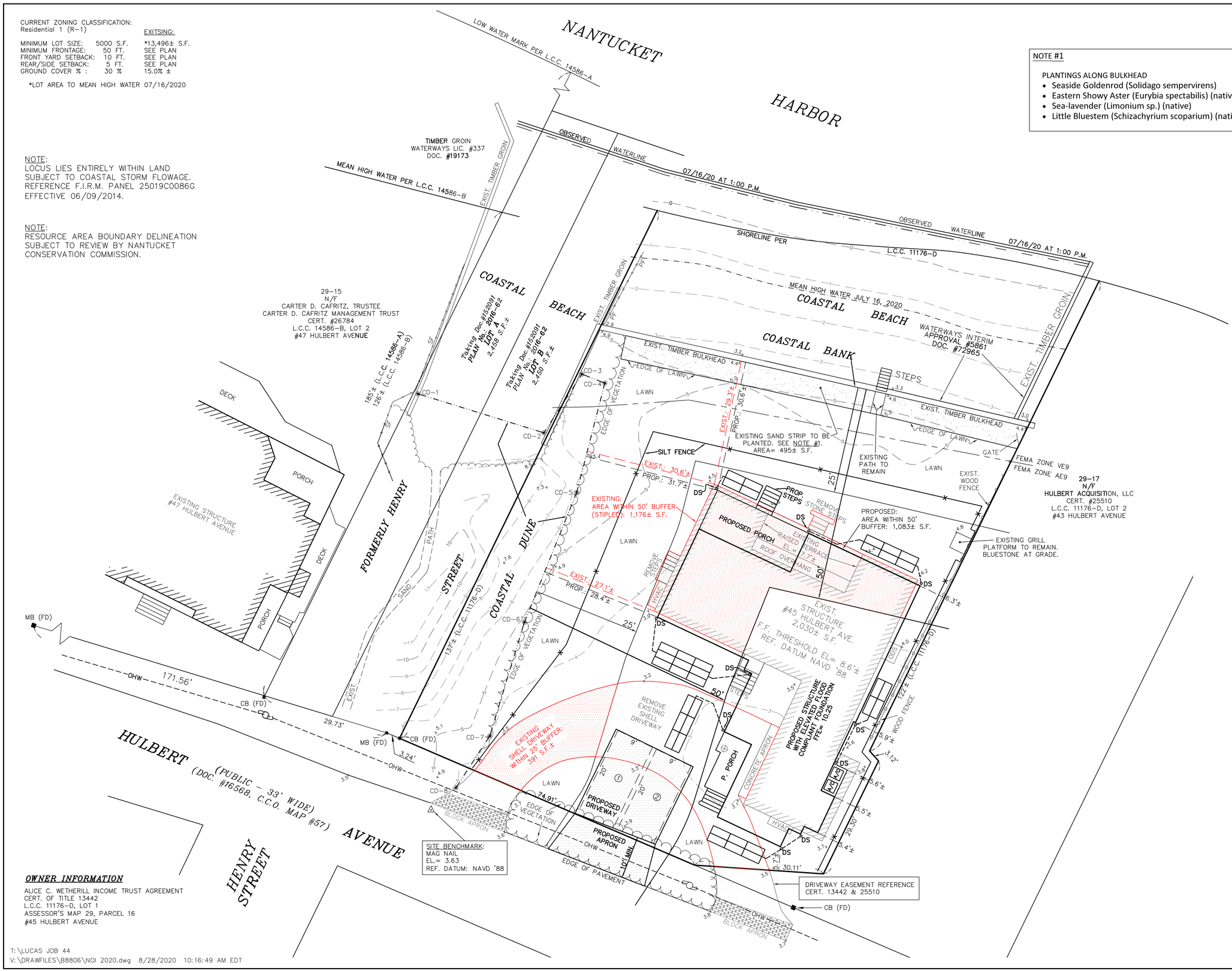
*LOT AREA TO MEAN HIGH WATER 07/16/2020

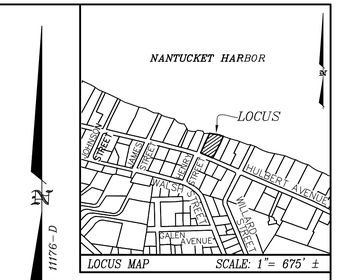
NOTE:
LOCUS LIES ENTIRELY WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE. REFERENCE F.I.R.M. PANEL 25019C0086G EFFECTIVE 06/09/2014.

NOTE:
RESOURCE AREA BOUNDARY DELINEATION SUBJECT TO REVIEW BY NANTUCKET CONSERVATION COMMISSION.

NOTE #1

PLANTINGS ALONG BULKHEAD
- Seaside Goldenrod (Solidago sempervirens)
- Eastern Showy Aster (Eurybia spectabilis) (native)
- Sea-lavender (Limonium sp.) (native)
- Little Bluestem (Schizachyrium scoparium) (native)





LEGEND

- o or ■ — DENOTES MONUMENT FOUND
- OHW — DENOTES EXISTING UTILITY POLE WITH OVERHEAD WIRES
- DENOTES EXISTING COASTAL DUNE FLAG FOUND
- DENOTES EXISTING COASTAL DUNE DELINEATION JULY, 2020
- DENOTES PROPOSED SILT FENCE
- DENOTES EXISTING CATCH BASIN
- DENOTES PROPOSED LOW PROFILE INFILTRATOR CHAMBERS
- DS — DENOTES PROPOSED ROOF DOWNSPOUT

EXISTING AND PROPOSED FLOOD WATER DISPLACEMENT

EXISTING	PROPOSED	DECREASE
1,080 S.F.±	0 S.F.±	1,080 S.F.±

EXISTING AND PROPOSED STRUTURE AREAS WITHIN 25' AND 50' WETLAND BUFFER ZONES

EXISTING 0'-25'	PROPOSED 0'-25'	DECREASE
391 S.F.±	0 S.F.±	391 S.F.±

EXISTING 25'-50'	PROPOSED 25'-50'	DECREASE
1,176 S.F.±	1,083 S.F.±	93 S.F.±

SE48-3331
Site Plan of Land
To Accompany a Notice of Intent
in Nantucket, MA

Prepared for

MOLLIE WALLACE
KENT WALLACE

Scale: 1"= 10' JULY 30, 2020
Revised: August 13, 2020
Revised: August 24, 2020
Revised: August 28, 2020

ASSESSOR MAP 29 PARCEL 16

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
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GRAPHIC SCALE
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(IN FEET)
1 inch = 10 ft.

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ASSESSOR'S MAP 29, PARCEL 16
#45 HULBERT AVENUE

T:\LUCAS JOB 44
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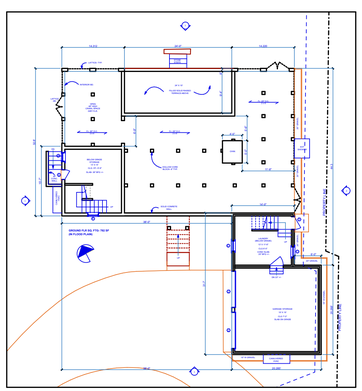
B8806

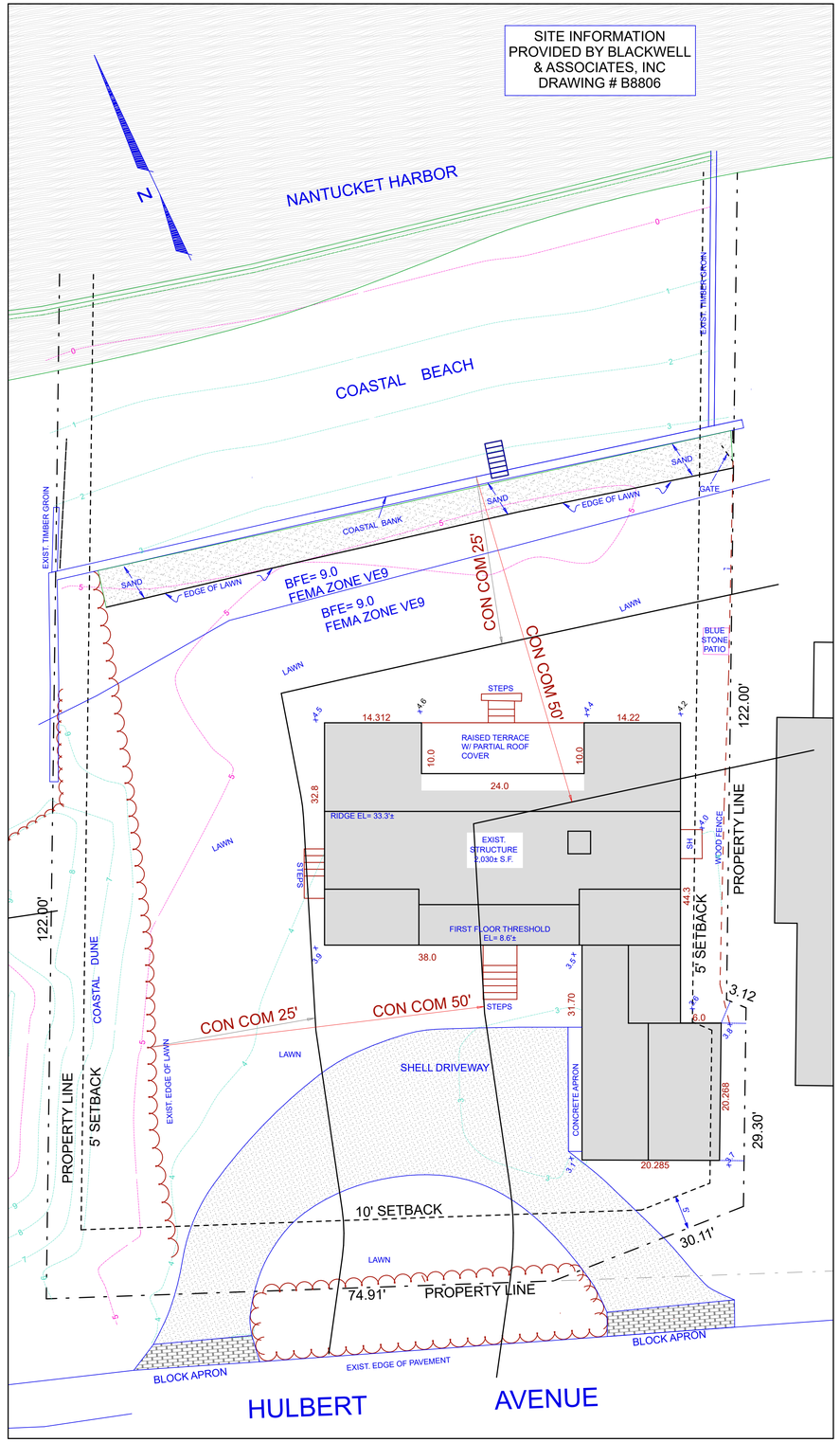
Existing Building
intended for a replacement in kind

45 Hulbert Ave
Nantucket , Massachusetts



Foundation ,plan to grade & Partial basement

SCALE: 1/16" = 1'-0"



Site Plan- Existing

SCALE: 1" = 10'

ZONING: R-1
45 HULBERT AVE
MAP/PARCEL: MAP 29 PARCEL 16

ZONING INFO

	EXISTING
MINIMUM LOT SIZE: 5000 S.F.	12,280+/- SF
MINIMUM FRONTAGE: 50 FT.	SEE PLAN
FRONT YARD SETBACK: 10 FT	SEE PLAN
REAR & SIDE SETBACK: 5 FT	SEE PLAN
ALLOWABLE G.C.R. : 30%	16.5 % +/-

Locus

South Elevation- Existing

SCALE: 1/16" = 1'-0"

East Elevation- Existing

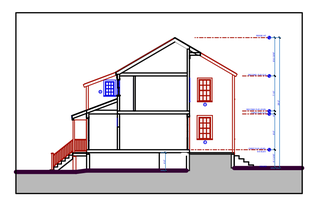
SCALE: 1/16" = 1'-0"

North Elevation- Existing

SCALE: 1/16" = 1'-0"

West Elevation - Existing

SCALE: 1/16" = 1'-0"



East Elev @ Patio- Existing

SCALE: 1/16" = 1'-0"

ISSUES/REVISION	DATE
AS BUILTS	7/23/20
Con Com	8/27/20

Existing Building
Intended for a Replacement in Kind
45 Hulbert Street
Nantucket, Massachusetts

USE OF DRAWING

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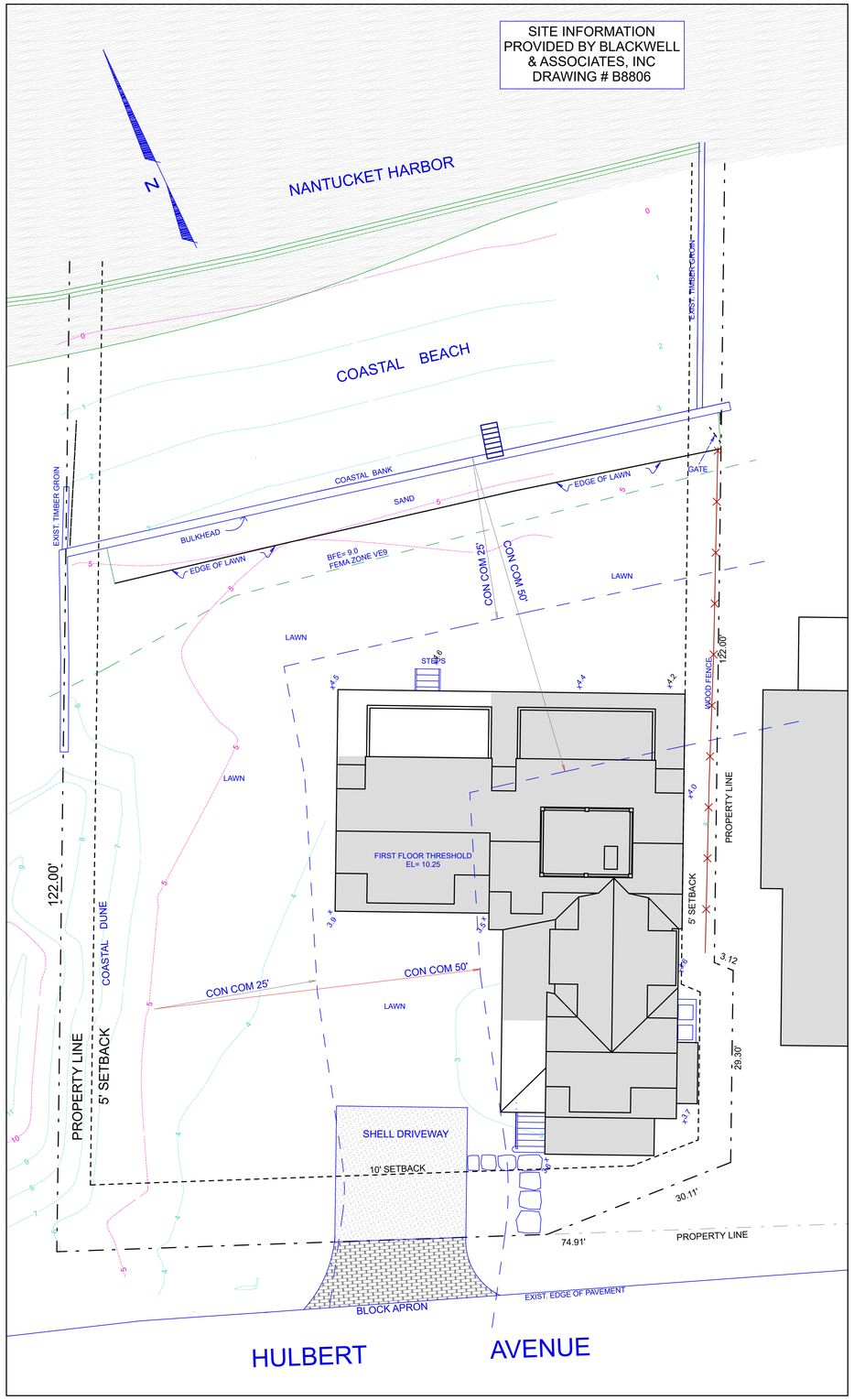
Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PM
Checked by: LT

Sheet No:
01

Contents:
Con Com- Existing

Proposed
Wallace Residence
45 Hulbert Ave
Nantucket , Massachusetts



Site Plan- Proposed

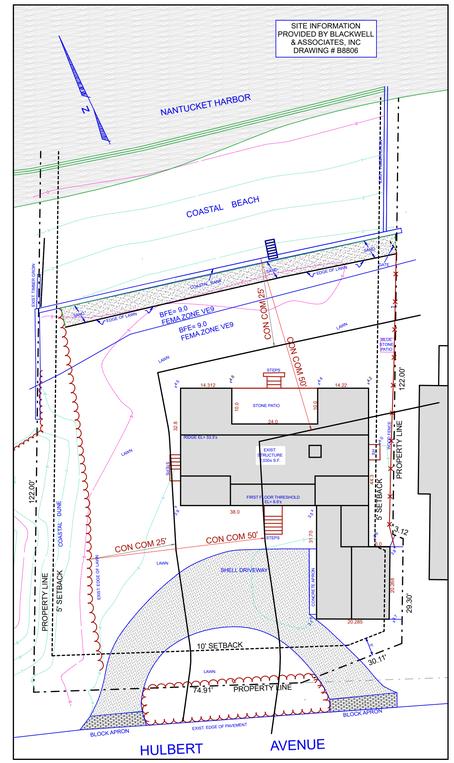
SCALE: 1" = 10'

ZONING: R-1
45 HULBERT AVE
MAP/PARCEL: MAP 29 PARCEL 16

ZONING INFO	EXISTING
MINIMUM LOT SIZE: 5000 S.F.	12,280+/- SF
MINIMUM FRONTAGE: 50 FT.	SEE PLAN
FRONT YARD SETBACK: 10 FT	SEE PLAN
REAR & SIDE SETBACK: 5 FT	SEE PLAN
ALLOWABLE G.C.R. : 30%	16.5 % +/-
PROPOSED G.C.- 2305 SF	

FIRST FLOOR SF- 2305 SF
SECOND FLOOR SF- 1772 SF
THIRD FLOOR SF- 140 SF
TOTAL SF- 4217 SF

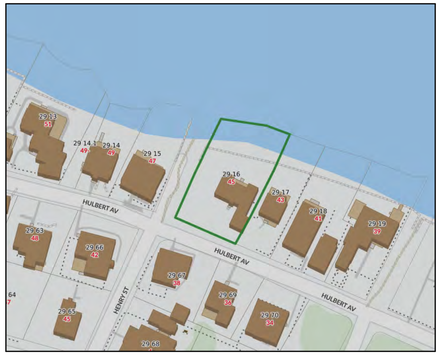
FIRST FLOOR PORCHES- 321 SF
SECOND FLOOR DECKS- 320 SF
ROOF WALK- 140 SF



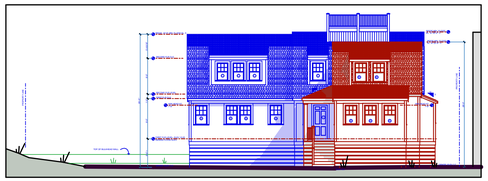
Existing Site Plan

SCALE: 1" = 20'

Southwest Perspective

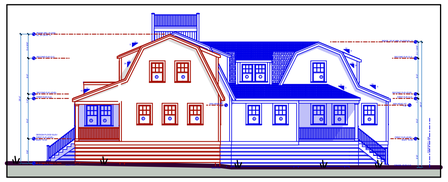


Locus



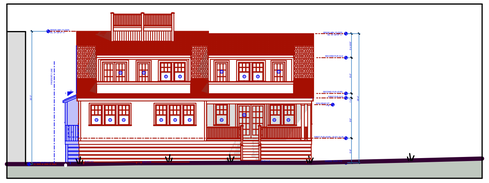
South Elevation- Proposed

SCALE: 1/16" = 1'-0"



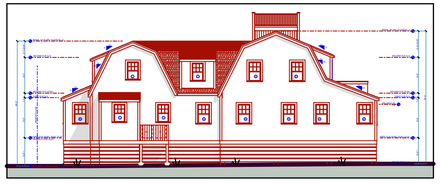
West Elevation- Proposed

SCALE: 1/16" = 1'-0"



North Elevation- Proposed

SCALE: 1/16" = 1'-0"



East Elevation- Proposed

SCALE: 1/16" = 1'-0"

ISSUES/REVISION	DATE
HDC 1	8/24/20
Con Com	8/27/20

Proposed
Wallace Residence
45 Hulbert Ave
Nantucket, Massachusetts
Map & Parcel
29- 16

USE OF DRAWING

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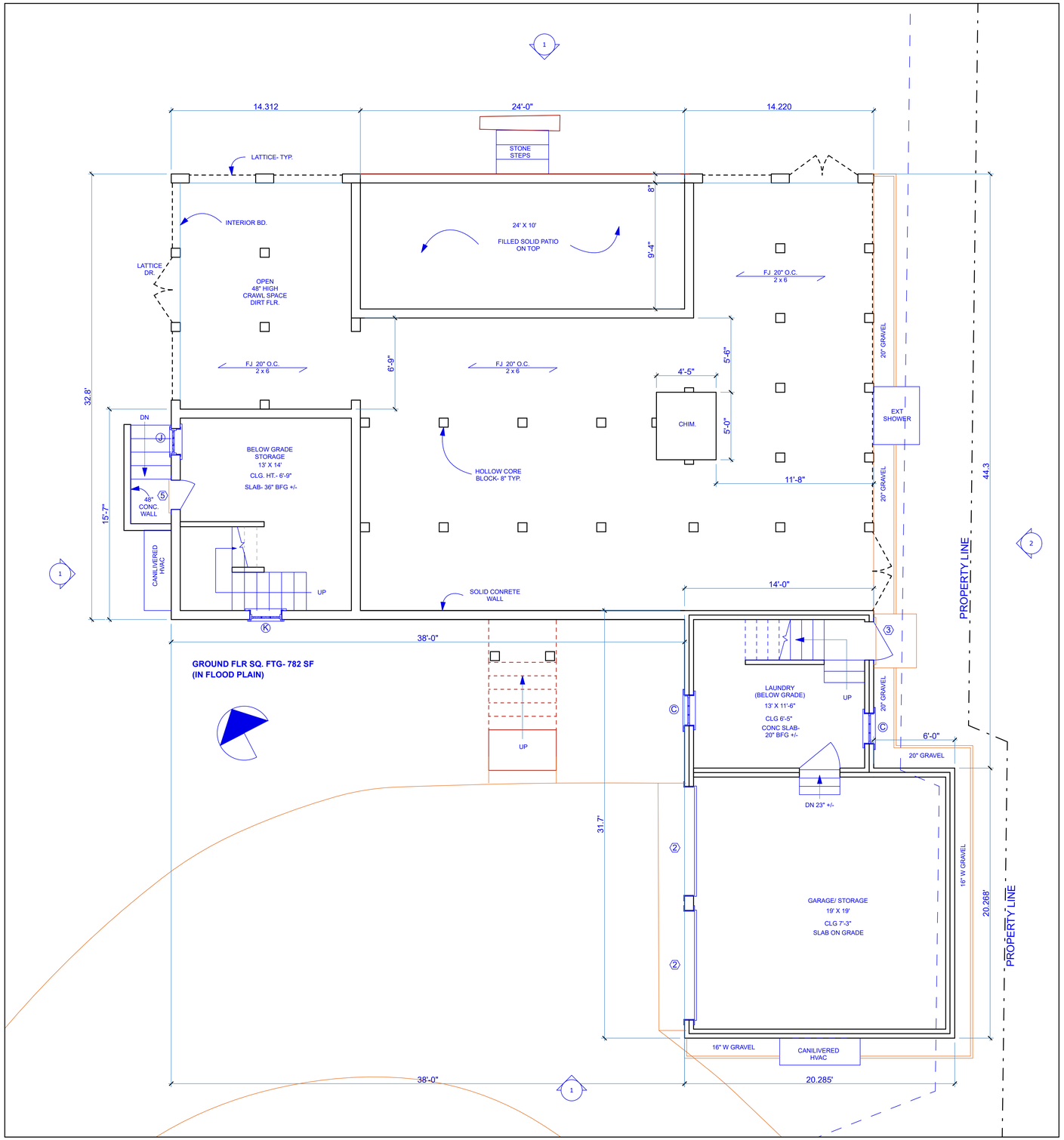
Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PR
Checked by: LT

Sheet No:
02

Contents:
Con Com- Proposed



First Floor Plan- Existing

SCALE: 1/4" = 1'-0"

ISSUES/REVISION	DATE
AS BUILTS	7/23/20
	8/24/20

Existing Building
Proposed Demolition or Move off

45 Hulbert Street
Nantucket, Massachusetts

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Thornewill Design LLC
48 Dukes Road
Nantucket, Ma. 02554
Tele. 508 228 9161 Fax 508 228 3165

Project No:
Designed by: LT
Drawn by: PH
Checked by: LT

Sheet No:

A1.0

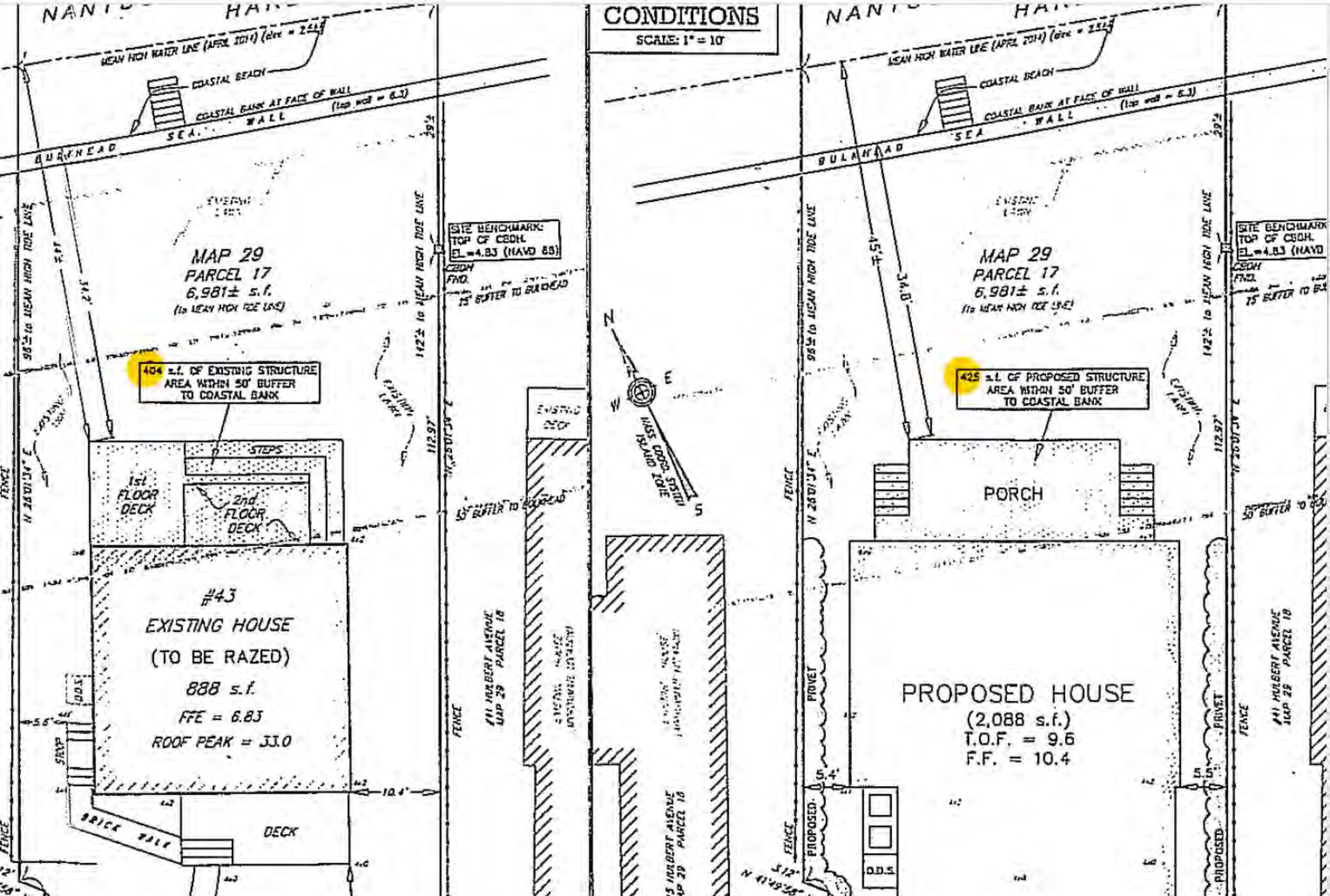
Contents:
Gound Floor Plan

RAISED TERRACE

#45 Hulbert Avenue

WEST ELEVATION

#45 Hulbert Avenue


CONDITIONS
SCALE: 1" = 10'
MEAN HIGH WATER LINE (APRIL 2014)
COASTAL BEACH
COASTAL BANK AT FACE OF WALL
BULKHEAD
SEA WALL
MAP 29
PARCEL 17
6,981± s.f.
(to MEAN HIGH TIDE LINE)
SITE BENCHMARK:
TOP OF CBDH
EL.=4.83 (NAVD 88)
CBDH FND.
15' BUFFER TO BULKHEAD
404 s.f. OF EXISTING STRUCTURE
AREA WITHIN 50' BUFFER
TO COASTAL BANK
STEPS
1st FLOOR DECK
2nd FLOOR DECK
#43
EXISTING HOUSE
(TO BE RAZED)
888 s.f.
FFE = 6.83
ROOF PEAK = 33.0
STOP
BRICK WALK
DECK
EXISTING DECK
50' BUFFER
#41 HUBERT AVENUE
MAP 29 PARCEL 18
FENCE
425 s.f. OF PROPOSED STRUCTURE
AREA WITHIN 50' BUFFER
TO COASTAL BANK
PORCH
PROPOSED HOUSE
(2,088 s.f.)
T.O.F. = 9.6
F.F. = 10.4
PROVET
PROPOSED
O.D.S.

147740

2015 00147740

Cert: 25510 Doc: OOC
Registered: 04/21/2015 02:30 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- 2755
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:
c. Organization: Hulbert Acquistion, LLC
d. Mailing Address: 43 Hulbert Ave
e. City/Town: Nantucket
f. State: MA
g. Zip Code: 02554

4. Property Owner (if different from applicant):

a. First Name: Same
b. Last Name:
c. Organization:
d. Mailing Address:
e. City/Town:
f. State:
g. Zip Code:

5. Project Location:

a. Street Address: 43 Hulbert Ave
b. City/Town: Nantucket
c. Assessors Map/Plat Number: 29
d. Parcel/Lot Number: 17

Latitude and Longitude, if known:
d. Latitude: N 41.29210
e. Longitude: W 70.09841

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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Nantucket
City/Town

A. General Information (cont.)

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

Nantucket
a. County

~~146949~~ ~~23248~~ 25510
b. Certificate Number (if registered land)

~~1456~~
c. Book

~~235~~
d. Page

7. Dates: 01/16/15 a. Date Notice of Intent Filed; 02/18/2015 b. Date Public Hearing Closed; 02/18/2015 c. Date of Issuance

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

Proposed Site Plan
a. Plan Title

Braken Engineering, INC
b. Prepared By

Donald F. Braken JR
c. Signed and Stamped by

02/11/15
d. Final Revision Date

1"=10'
e. Scale

Site Plan Overlay
f. Additional Plan or Document Title

02/11/15
g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

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

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

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

Approved subject to:

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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B. Findings (cont.)

Denied because:

b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**

c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**

3. ☐ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ 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. ☐ Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet
5. ☐ Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet
6. ☐ Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet
	e. c/y dredged	f. c/y dredged		
7. ☐ Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet
Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. ☐ Isolated Land Subject to Flooding	a. square feet	b. square feet		
Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. ☐ Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet

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B. Findings (cont.)

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

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. ☐ Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. ☐ Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. ☐ Coastal Beaches	a. square feet	b. square feet	c. nourishment	cu yd d. nourishment
14. ☐ Coastal Dunes	a. square feet	b. square feet	cu yd c. nourishment	cu yd d. nourishment
15. ☐ Coastal Banks	a. linear feet	b. linear feet		
16. ☐ Rocky Intertidal Shores	a. square feet	b. square feet		
17. ☐ Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. ☐ Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. ☐ Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. ☐ Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. ☒ Land Subject to Coastal Storm Flowage	3,500 +/- a. square feet	b. square feet		

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B. Findings (cont.)

22. ☐ Restoration/Enhancement *:

a. square feet of BVW | b. square feet of salt marsh

23. ☐ Stream Crossing(s):

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

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
   a. the work is a maintenance dredging project as provided for in the Act; or
   b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **02/18/18** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.

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

9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.

10. A sign shall be displayed at the site not less then two square feet or more than three square feet in size bearing the words,

    "Massachusetts Department of Environmental Protection" [or, "MassDEP"]

    "File Number SE48- 2755 "

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.

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

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement) for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.

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

g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.

i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.

j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.

k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

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

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

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

      1. Municipal Ordinance or Bylaw — 2. Citation

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

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

      1. Municipal Ordinance or Bylaw — 2. Citation
3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.
   The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):
   Please view additional findings and conditions page(s)

Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2755

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:

SE48-2755

Provided by DEP

B1. Additional Conditions (cont.)

☒ 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.

☒ 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.

☒ 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.

☒ 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.

☒ 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.

☒ 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.

☒ 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.

☒ 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.

☒ 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:

Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.

☒ 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	43 Hulbert Avenue
Assessor's Map and Parcel:	29-17
Property Owner:	Hulbert Acquisition, LLC
Applicant:	Hulbert Acquisition, LLC
DEP File Number:	SE48-2755
Filing Date:	January 16, 2015
Date Hearing Closed:	February 18, 2015
Date Orders Issued:	February 18, 2015
Plan of Record Information:	Proposed Site Plan, dated 1/13/2015, and stamped by Donald F. Bracken, Jr. P.E. and Alan M. Grady, P.L.S.

Permit Overview:
This order permits the demolition of an existing dwelling, the construction of a new dwelling, construction of porches, associated grading, landscaping, and utilities within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Bank (bulkhead). Waivers are required for this project.

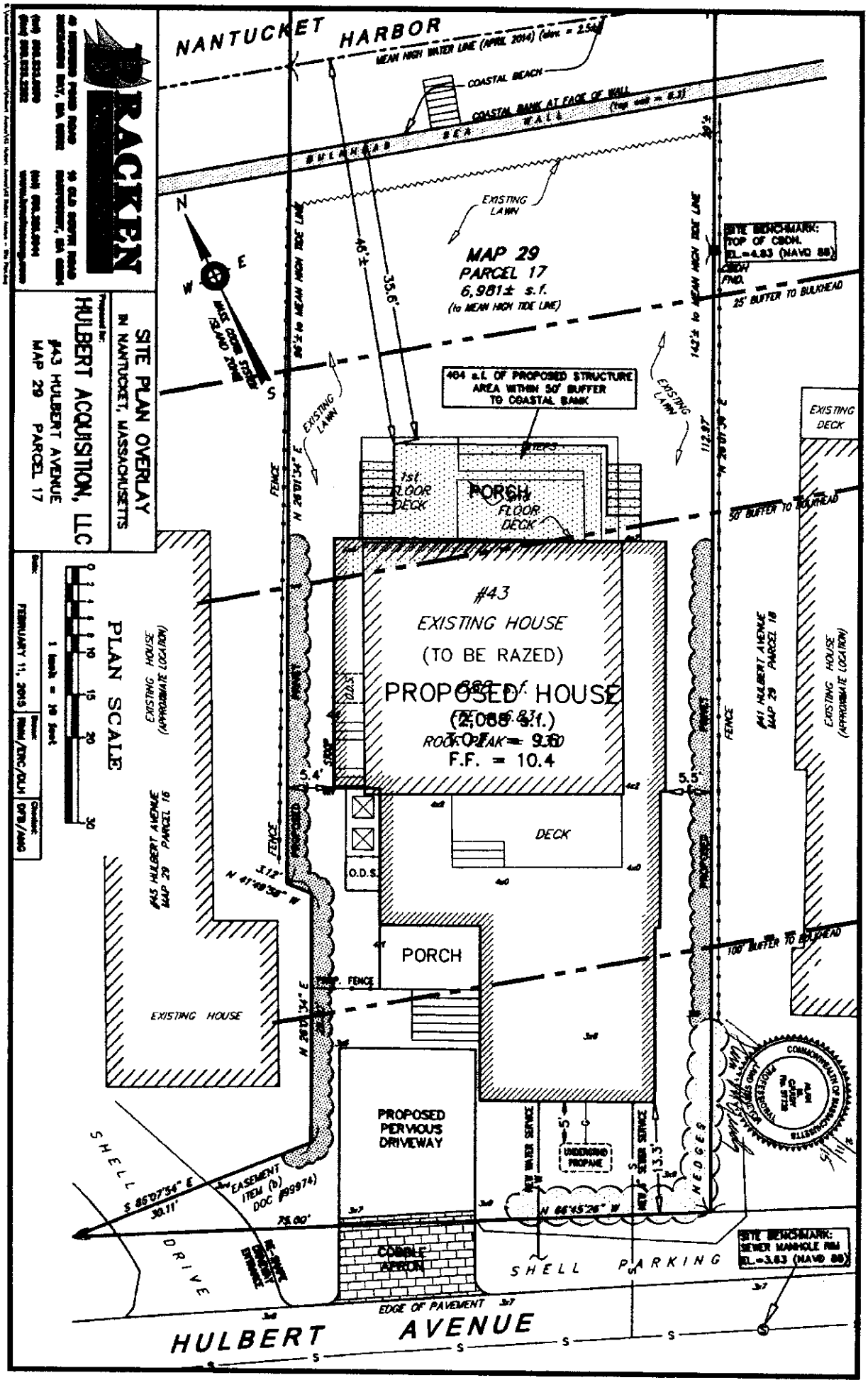
Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
19. All materials are to be stored outside of the fifty foot setback.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are required to Section 2.05(B)(5) that all projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area to a coastal bank and that all structures that are not water dependent shall be at least 50 feet from a coastal bank. The Commission finds that given the historic site conditions, pre-existing structures, and the proposed conditions that the project will not have an adverse impact and that there are no reasonable alternatives. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Town of Nantucket Wetland Protection Regulations.


NANTUCKET HARBOR
MEAN HIGH WATER LINE (APRIL 2014)
COASTAL BEACH
COASTAL BANK AT EDGE OF WALL
BULKHEAD
SEA WALL
EXISTING LAWN
MAP 29
PARCEL 17
6,981± s.f.
(to MEAN HIGH TIDE LINE)
SITE BENCHMARK:
TOP OF CBDH.
EL.=4.83 (NAVD 88)
25' BUFFER TO BULKHEAD
404 s.f. OF PROPOSED STRUCTURE AREA WITHIN 50' BUFFER TO COASTAL BANK
EXISTING DECK
1st FLOOR DECK
PORCH
FLOOR DECK
50' BUFFER TO BULKHEAD
#43
EXISTING HOUSE
(TO BE RAZED)
PROPOSED HOUSE
(2,085 s.f.)
ROOF PEAK = 9.60
F.F. = 10.4
DECK
O.D.S.
PORCH
100' BUFFER TO BULKHEAD
EXISTING HOUSE
PROPOSED PERVIOUS DRIVEWAY
UNDERGRND PROPANE
HEDGES
SHELL DRIVE
SHELL PARKING
COBBLE APRON
EDGE OF PAVEMENT
HULBERT AVENUE
SITE BENCHMARK:
SEWER MANHOLE RIM
EL.=3.63 (NAVD 88)
PLAN SCALE
1 inch = 10 feet
SITE PLAN OVERLAY
IN NANTUCKET, MASSACHUSETTS
HULBERT ACQUISITION, LLC
#43 HULBERT AVENUE
MAP 29 PARCEL 17
FEBRUARY 11, 2013
RACKEN

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- 2755
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.

02/18/2015
1. Date of Issuance

Please indicate the number of members who will sign this form.
This Order must be signed by a majority of the Conservation Commission.

7
2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Ernest Steinauer

Sarah Oktay

Ashley Erisman

Andrew Bennett

Bam LaFarge

Michael Glowacki

David LaFleur

☒ by hand delivery on

02/18/2015
Date

☐ by certified mail, return receipt requested, on

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – 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- 2755
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

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

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147740

DOC No: 00147740

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 21,2015 at 02:30P

Document Fee: 75.00 Rec Total:$150.00

CERTIFICATE No: 25510

Transfer Certificate of Title

Cert No:25510
Doc No:146949

From Transfer
Certificate No. 23248 Originally Registered May 29, 2009 at the Registry District of Nantucket County

This is to Certify that

HULBERT ACQUISITION, LLC, a Massachusetts limited liability company

of 64 Woodridge Drive, New Canaan in the State of Connecticut 06840 is the owner, in fee simple, of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

SOUTHWESTERLY	by the line of Hulbert Avenue, seventy-five (75.00) feet;
NORTHERLY	thirty and 11/100 (30.11) feet,
NORTHWESTERLY	twenty-nine and 30/100 (29.30) feet,
NORTHEASTERLY	three and 12/100 (3.12) feet, and
NORTHWESTERLY	measuring on the upland, about one hundred twenty-two (122.+/-) feet, by Lot 1 on plan hereinafter mentioned;
NORTHERLY	by Nantucket Harbor; and
SOUTHEASTERLY	by Lot D as shown on said plan, on two courses, measuring on the upland, about one hundred sixty-five (165.+/-) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 11176-D, drawn by Schofield Brothers Inc., Surveyors, dated March 26, 1979, and filed with Certificate of Title No. 8962 at the Registry District of Nantucket County. Said land is shown thereon as Lot 2.

Said Lot is subject to an easement running in favor of the owner of said Lot 1 to use and enjoy the existing driveway across the southwestern corner of said Lot 2 and running between said Lot 1 and Hulbert Avenue.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

HULBERT ACQUISITION, LLC

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid; and to the memoranda of encumbrances for this certificate and subject also to any and all public rights legally existing in and over the same below mean high water mark.

Witness **JUDITH C. CUTLER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the fifteenth day of January in the year two thousand and fifteen at 2 o'clock and 47 minutes in the afternoon.

Jennifer H. Ferreira

Attest, with the Seal of said Court, ----------
Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 43 Hulbert Avenue
Land Court Case No. 11176
CERTIFICATE OF TITLE NO. **25510**

VAUGHAN, DALE, HUNTER, BEAUDETTE AND SWAIN
PROFESSIONAL CORPORATION
ATTORNEYS AT LAW
WHALER'S LANE
P.O. BOX 659
NANTUCKET, MASSACHUSETTS 02554
TEL: (508) 228-4455
FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN
KEVIN F. DALE
RICHARD P. BEAUDETTE
BRYAN J. SWAIN

WILLIAM F. HUNTER
OF COUNSEL

September 2, 2020

VIA EMAIL

Joanne Dodd
Natural Resources Coordinator
2 Bathing Beach Road
Nantucket, MA 02554

Re: Wallace ACK, LLC
45 Hulbert Avenue, Nantucket, MA 02554
SE48-3331

Dear Ms. Dodd:

As you are aware, my office represents the 38 Hulbert Avenue Real Estate Nominee Trust, the owner of the real property located at 38 Hulbert Avenue, Nantucket Town and County, Massachusetts. My client received an abutter notification from the Conservation Commission informing it that Wallace ACK, LLC, the owner of 45 Hulbert Avenue, Nantucket Town and County, Massachusetts (the "Premises"), is seeking an Order of Conditions to raze and reconstruct a single-family dwelling with an attached storage area and plant various species of salt-tolerant plants within the 25' and 50' resource areas on the Premises (the "Work").

At the Conservation Commission's August 20, 2020 meeting, the Work was presented to the Commissioners as a Notice of Intent application. I informed the Commissioners, during the public comment portion of the application, that I represented an abutter that owns a property upland and across the street from 45 Hulbert Avenue and that my client was concerned that the mature height of the proposed plantings could interfere with their wetland scenic views. I further stated that my client would like the Commissioners to limit the height of the mature plantings to three (3) feet. I believe that the Commissioners acknowledged this concern and were open to ensuring that my client's wetland scenic view was not obstructed.

My client's property located at 38 Hulbert Avenue, Nantucket Town and County, Massachusetts, has been in their family for a long time, and they cherish the time that they spend together as a family on their property and their unobstructed view of the Nantucket Harbor (as seen on the photo attached hereto as Exhibit "A") is very important to them. Unfortunately, my

client was unable to resolve this matter directly with the Applicant. Therefore, on behalf of my client, I am requesting that the Commission impose a condition in the Order of Conditions for the Work that restricts the mature plant heights on the Premises, within the 25' and 50' resource areas, to three (3) feet or less. I think that this is a reasonable request given the magnitude and scope of the proposed Work within in the resource areas. Thank you for taking the time to read this letter and your consideration of my client's request.

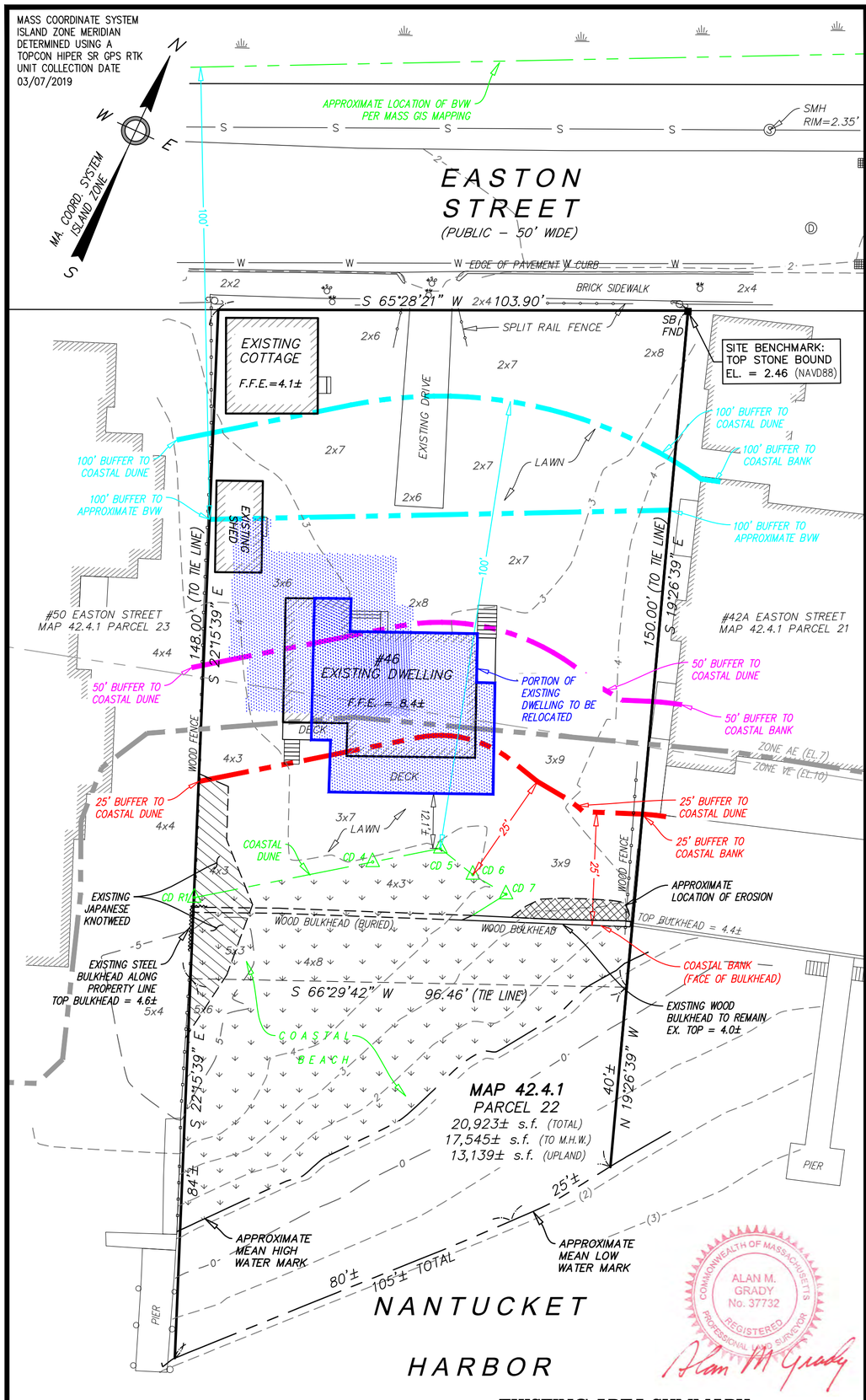
Sincerely,

Bryan J. Swain, Esq.

CC: 38 Hulbert Avenue Real Estate Nominee Trust

Sarah F. Alger, P.C.

EXHIBIT "A"



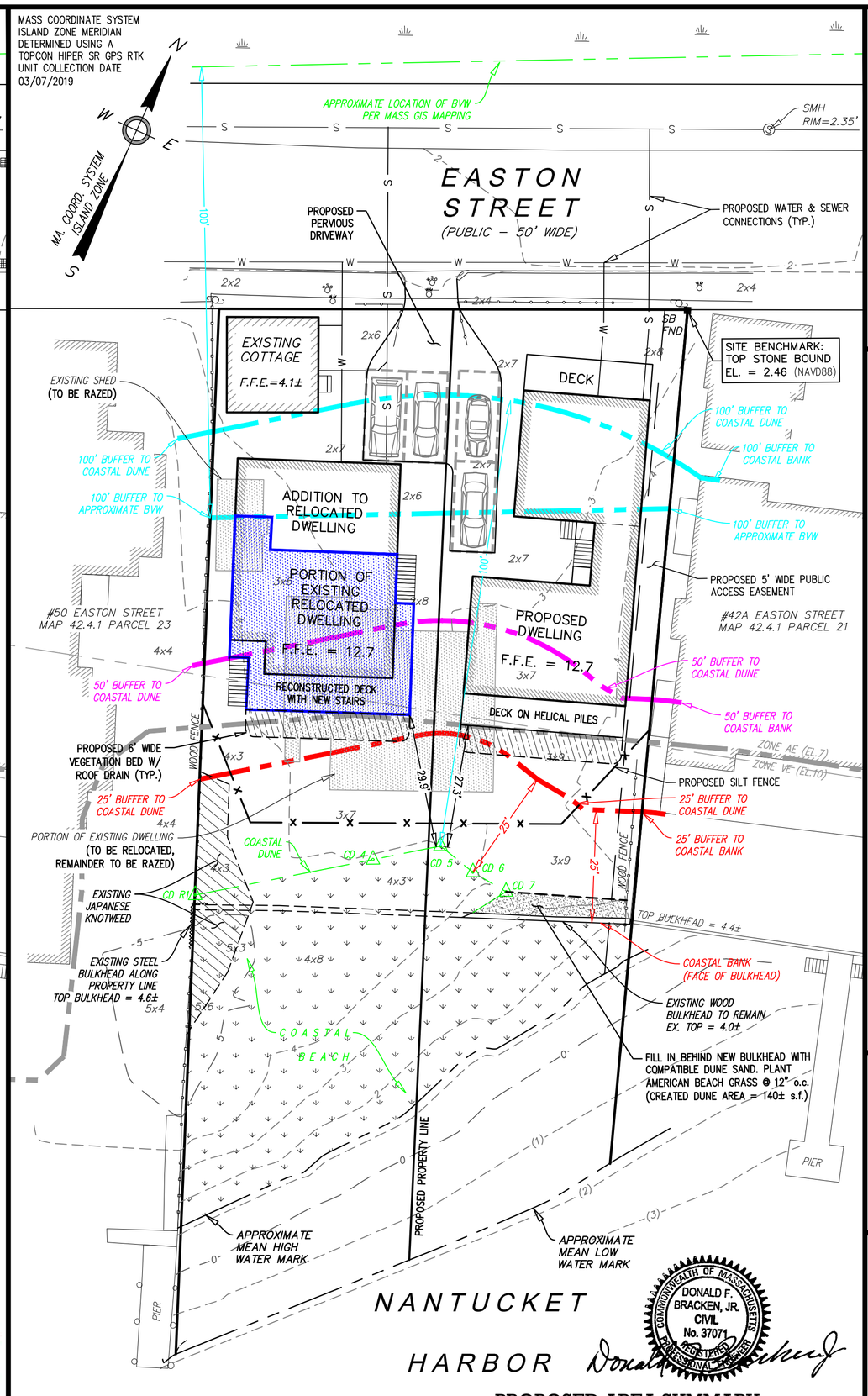
EXISTING CONDITIONS

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

EXISTING AREA SUMMARY

TOTAL STRUCTURE AREA WITHIN 25' BUFFER	=	403± s.f.
TOTAL STRUCTURE AREA WITHIN 25' TO 50' BUFFER	=	1,120± s.f.
TOTAL DISTURBED AREA WITHIN 25' TO 50' BUFFER	=	2,609± s.f.



PROPOSED CONDITIONS

0 4 8 12 16 20 30 40 60

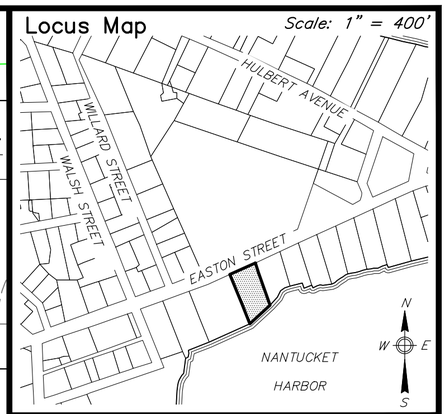
1 inch = 20 feet

PROPOSED AREA SUMMARY

TOTAL STRUCTURE AREA WITHIN 25' BUFFER	=	0 s.f.
TOTAL STRUCTURE AREA WITHIN 25' TO 50' BUFFER	=	1,263± s.f.
TOTAL DISTURBED AREA WITHIN 25' TO 50' BUFFER	=	2,609± s.f.

Locus Map

Scale: 1" = 400'



Notes

1. LOCUS: #46 EASTON STREET
   MAP 42.4.1 PARCEL 22
2. OWNER: HOWARD AUBURN COTTAGE LLC, ETAL
   31 SETTLERS PATH
   LANCASTER, MA 01523
3. DEED REF: BOOK 1417, PAGE 3
   BOOK 1417, PAGE 1
   BOOK 1414, PAGE 258
4. PLAN REF: BOOK 5, PAGE 40
5. 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.
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. REFER TO BUZZARDS BAY NATIONAL ESTUARY PROGRAM – INTERACTIVE TIDAL DATUM VIEWER FOR DETERMINATION OF MHW AND MLW ELEVATIONS.
8. A FIELD SURVEY WAS CONDUCTED BY THIS FIRM IN MARCH OF 2019.
9. 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
5	9/24/20	MISC. REVISIONS & ADD 2nd SHEET	RMM
4	8/13/20	REVISE STRUCTURES & MISC.	RMM
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:	Drawn:	Checked:	Sheet:
FEBRUARY 13, 2020	RMM/DAF/BEI	DFB/AMG	1 of 2

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev5.dwg

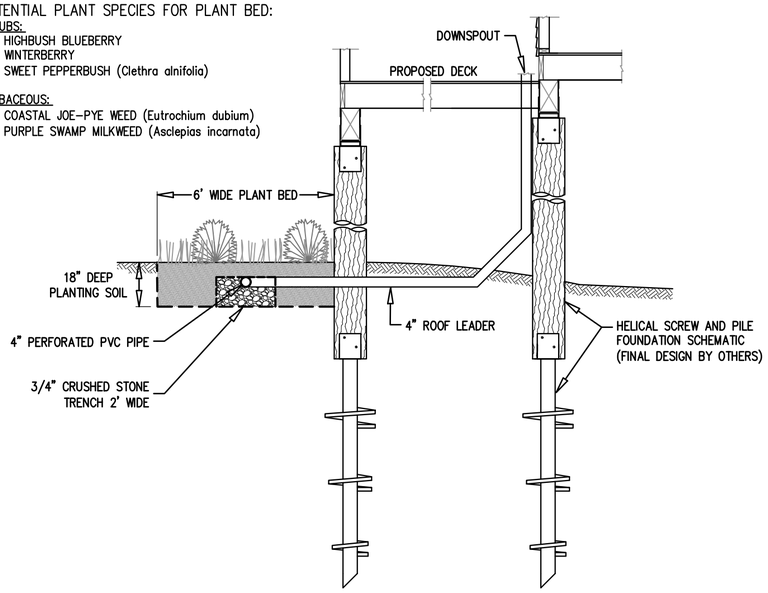
POTENTIAL PLANT SPECIES FOR PLANT BED:

SHRUBS:

1. HIGHBUSH BLUEBERRY
2. WINTERBERRY
3. SWEET PEPPERBUSH (Clethra alnifolia)

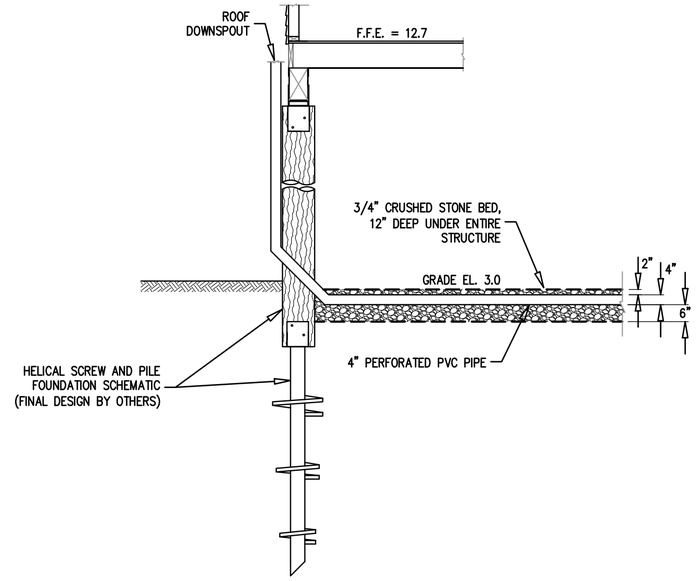
HERBACEOUS:

1. COASTAL JOE-PYE WEED (Eutrochium dubium)
2. PURPLE SWAMP MILKWEED (Asclepias incarnata)



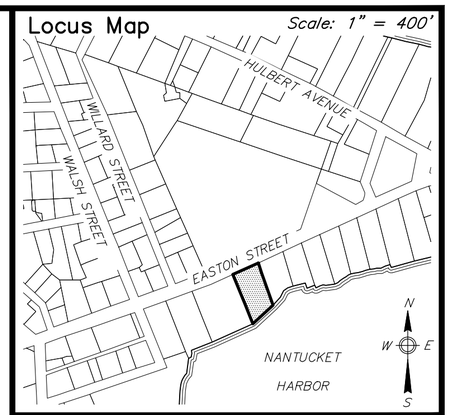
PLANTING BED & ROOF DRAIN DETAIL

NOT TO SCALE



ROOF INFILTRATION DETAIL

NOT TO SCALE



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COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37071
REGISTERED PROFESSIONAL ENGINEER

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

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5	9/24/20	MISC. REVISIONS & ADD 2nd SHEET	RMM
4	8/13/20	REVISE STRUCTURES & MISC.	RMM
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:	Drawn:	Checked:	Sheet:
FEBRUARY 13, 2020	RMM/DAF/BEI	DFB/AMG	2 of 2

S:\Autocad Drawings\Nantucket\Easton Street\46 Easton Street\46 Easton Street – Site Plan_rev5.dwg

LEC

WETLANDS WILDLIFE WATERWAYS

Notice of Intent Application

January 17, 2020

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

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

LEC Environmental Consultants, Inc.

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

www.lecenvironmental.com

January 17, 2020

Email/Overnight Mail

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

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

Dear Members of the Commission:

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

The following checks made payable to the Town of Nantucket are being hand-delivered to your office: Two Hundred, Sixty-Two Dollars and Fifty Cents ($262.50) for the town portion of the WPA filing fee; Two Hundred Dollars ($200.00) for the Town Consultant fee; and Twenty-Five Dollars ($25.00) for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* ($335.10) will also be submitted for the legal advertising fee. The state portion of the WPA filing fee ($237.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the February 5, 2020 Public Hearing to discuss the project further. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

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

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

Wetland Resource Area Analysis and Report

1. Introduction 1

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

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

4. Proposed Project 4

5. Waiver Request 6

6. Summary 7

Literature Referenced

Appendices

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

Appendix B
Photographs

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NANTUCKET
City/Town

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

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

A. General Information

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

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

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

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

2. Applicant:

Nantucket Point of View, LLC — a. First Name
b. Last Name
c/o John D. Flavin, AYCO — c. Organization
P.O. Box 860 — d. Street Address
Saratoga Springs — e. City/Town
NY — f. State
12866 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

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

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

4. Representative (if any):

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

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

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

A. General Information (continued)

6. General Project Description:

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

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

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

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

1. ☐ Yes ☒ No

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket	26591
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

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

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

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

5. ☐ Project Involves Stream Crossings

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

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   8/1/17
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area _____ percentage/acreage

         (b) outside Resource Area _____ percentage/acreage

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

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

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

   (b) ☐ Photographs representative of the site

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

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

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

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

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

Proposed Site Plan	
a. Plan Title	
Bracken Engineering, Inc.	Alan M. Grady
b. Prepared By	c. Signed and Stamped by
1/15/2020	1"=20'
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

F. Signatures and Submittal Requirements

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

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

Robert D. Hardie 1. Signature of Applicant	1/13/20 2. Date
Bud Mahan 3. Signature of Property Owner (if different)	1/16/2020 4. Date
5. Signature of Representative (if any)	6. Date

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

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

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

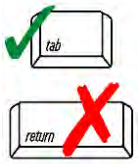
The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

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



A. Applicant Information

1. Location of Project:

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

2. Applicant Mailing Address:

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

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

d. Mailing Address: P.O. Box 860

Saratoga Springs	NY	12866
e. City/Town	f. State	g. Zip Code

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

3. Property Owner (if different):

a. First Name	b. Last Name

c. Organization

d. Mailing Address

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

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

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

B. Fees

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

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

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

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

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

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

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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

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

B. Fees (continued)

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

Step 5/Total Project Fee: $500.00

Step 6/Fee Payments:

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

C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

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

1. Introduction

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

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, and the proposed project designed to restore, enhance, and protect the interests and values of the Resource Areas identified within the above-referenced statutes. A Waiver is concurrently requested for the proposed project. Details of the proposed project are depicted on the *Site Plan & Stair Plan*, prepared by The Garden Design Co., dated January 15, 2020 (Appendix C) and the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated January 15, 2020 (Appendix D).

2. General Site Description

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

2.1 Flood Hazard Area Designation

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0086G), Flood Zone AE (El. 8) extends

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

2.2 Natural Heritage and Endangered Species Program Designation

According to the 14th edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2017) published by the Natural Heritage & Endangered Species Program (NHESP), the project site does not occur within an Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No Certified or Potential Vernal Pools occur within the vicinity of the project site (Appendix A, Figure 4).

3. Wetland Resource Area Descriptions

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

3.1 Coastal Bank

Coastal Bank is defined at (310 CMR 10.30 (2)) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, land subject to tidal action, or other wetland.*

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

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

3.2 Land Subject to Coastal Storm Flowage

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

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

3.3 Isolated Vegetated Wetland

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

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

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

4. Proposed Project

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

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

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

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

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

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

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

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

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

5. Waiver Request

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

Section 1.03 F.3.a) states that *the Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations.* Section 1.03 F.3.c) states that *the Commission may grant a waiver from these regulations when the Commission finds that a project will provide a long-term net benefit/improvement to the resource area, provided any adverse effects are minimized by carefully considered conditions.*

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

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

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

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

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

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

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

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

6. Summary

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

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

Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0086G) effective June 9, 2014.

https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm

Massachusetts Natural Heritage Atlas, 14th Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm..

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

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

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

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 1: USGS Topographic Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019

LEC Environmental Consultants, Inc.

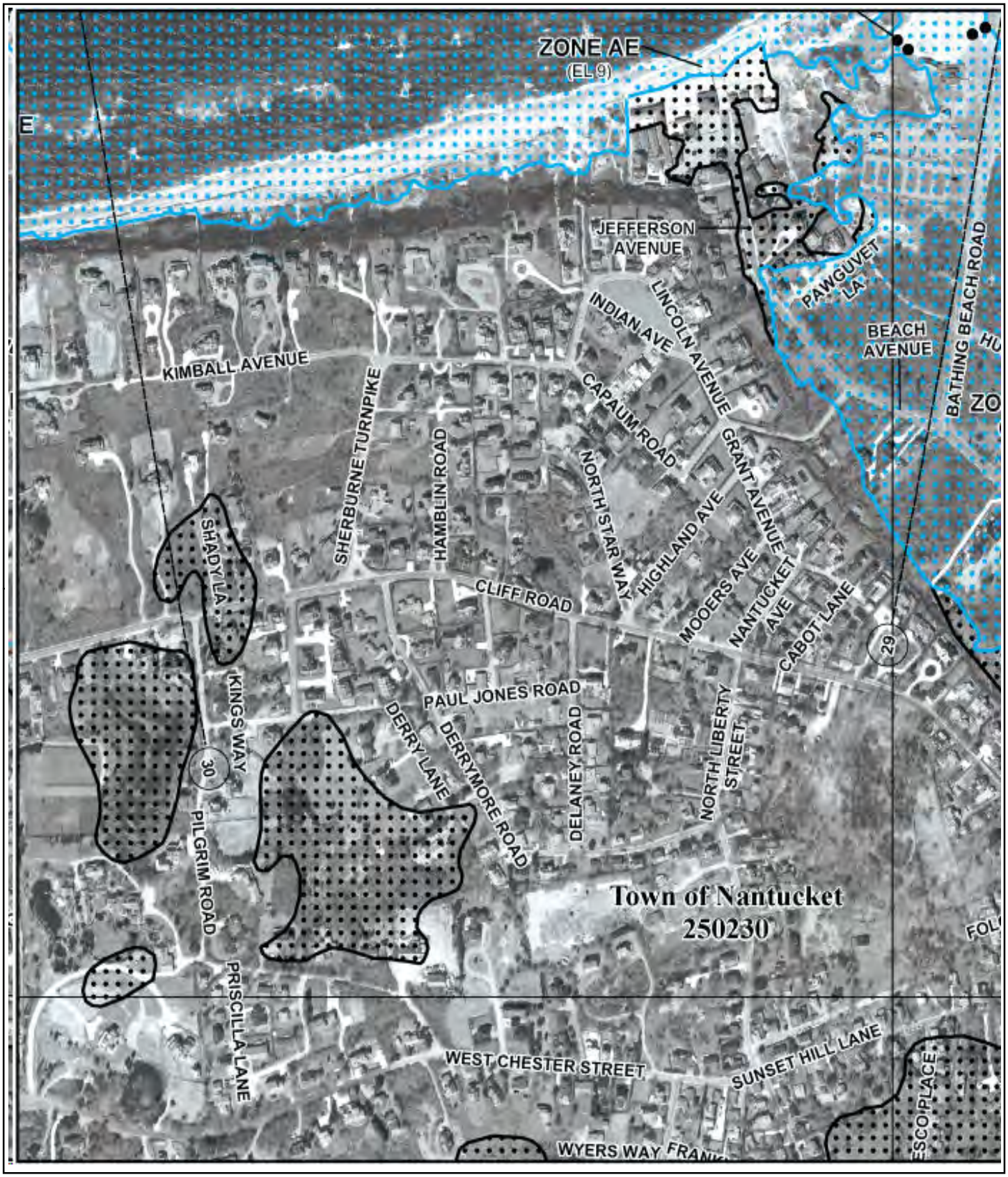
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019



LEC Environmental Consultants, Inc.

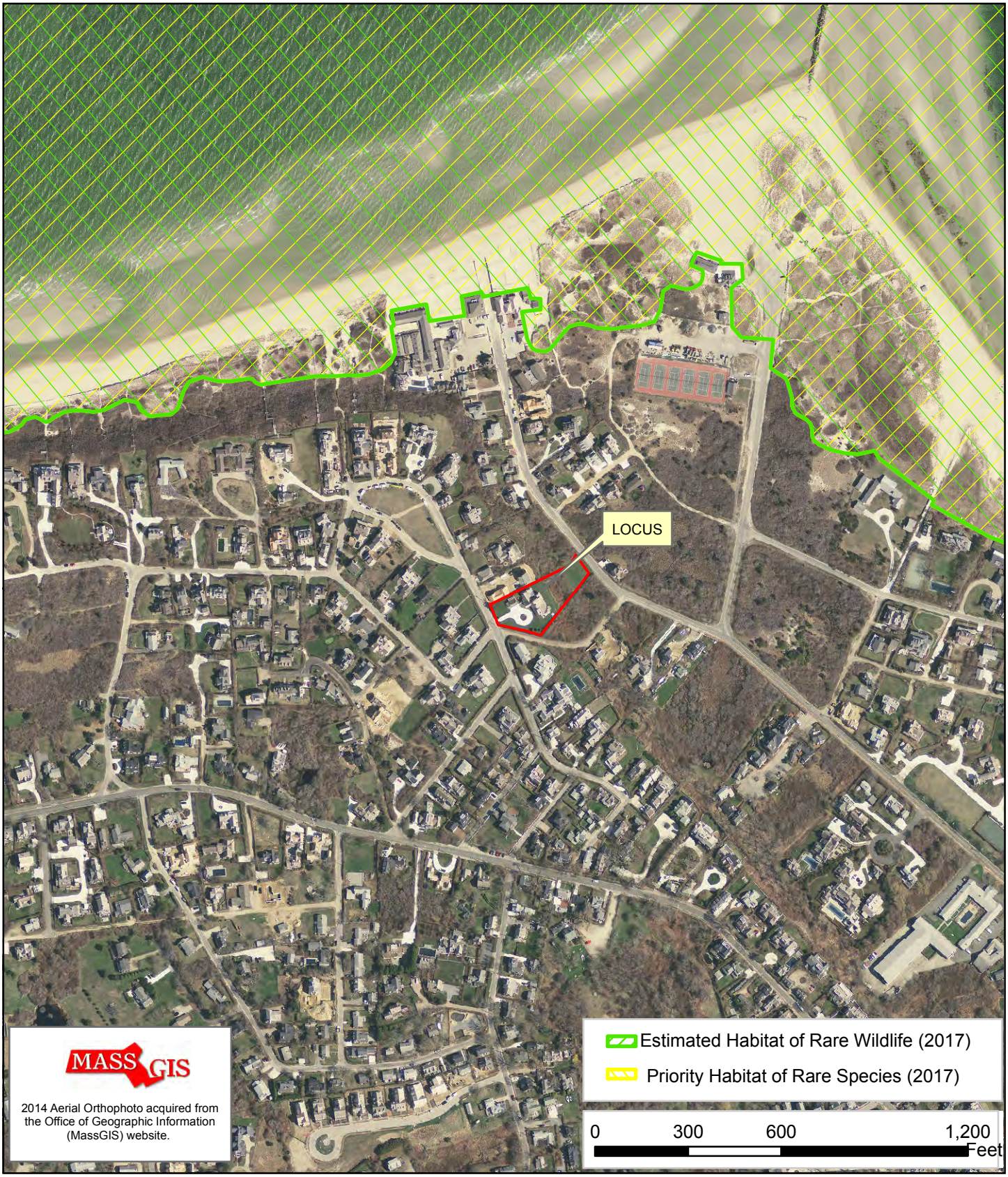
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 3: FEMA Flood Insurance Rate Map

9 Lincoln Avenue
Nantucket, Massachusetts

N

December 17, 2019



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Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 4: NHESP Map

9 Lincoln Avenue
Nantucket, Massachusetts

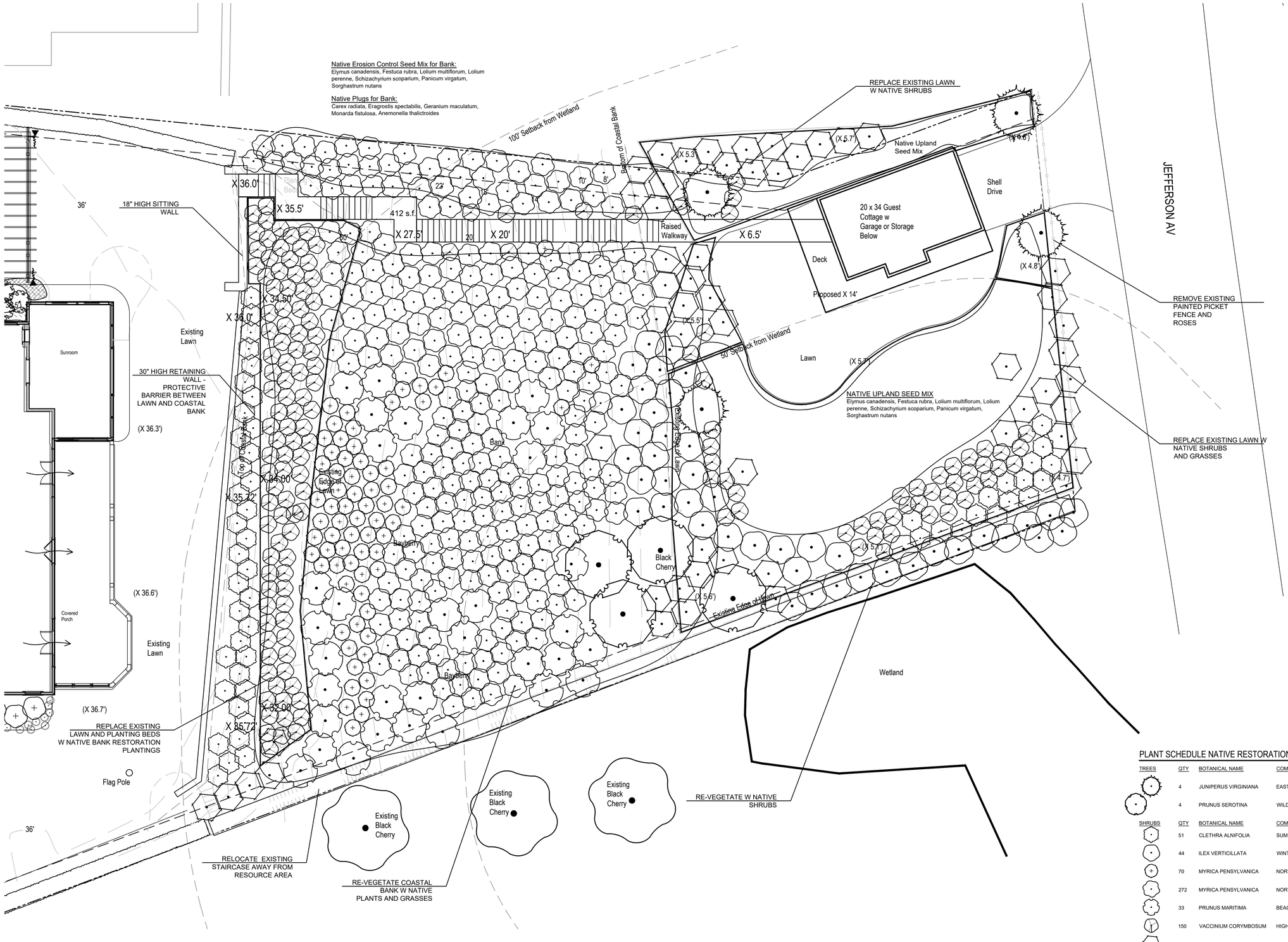
N

December 17, 2019

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

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

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



PLANT SCHEDULE NATIVE RESTORATION

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT
	4	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7-8` B&B
	4	PRUNUS SEROTINA	WILD BLACK CHERRY	5-6` B&B
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**
	51	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	5 GAL
	44	ILEX VERTICILLATA	WINTERBERRY	4-5` B&B
	70	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	3 GAL.
	272	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	7 GAL
	33	PRUNUS MARITIMA	BEACH PLUM	10 GAL
	150	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	5 GAL.
	54	VIBURNUM DENTATUM	VIBURNUM	10 GAL.

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

GENERAL NOTES

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

9 Lincoln Ave.
Nantucket, MA

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

L1.2
SITE PLAN

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

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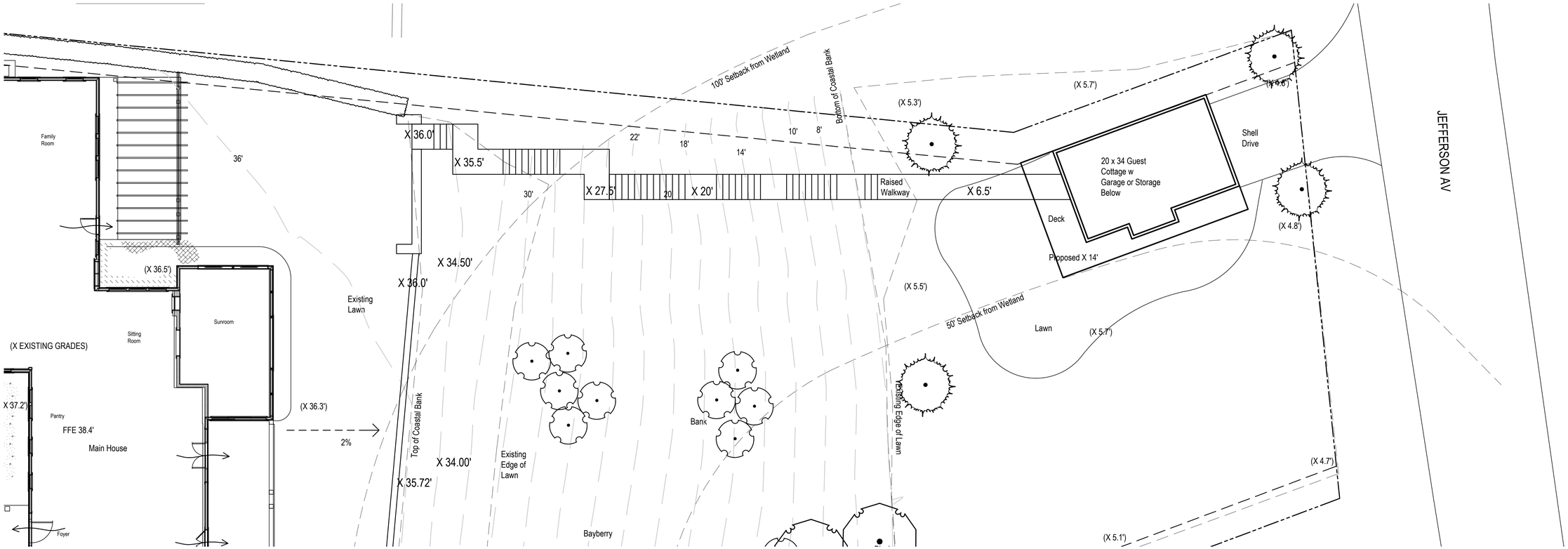

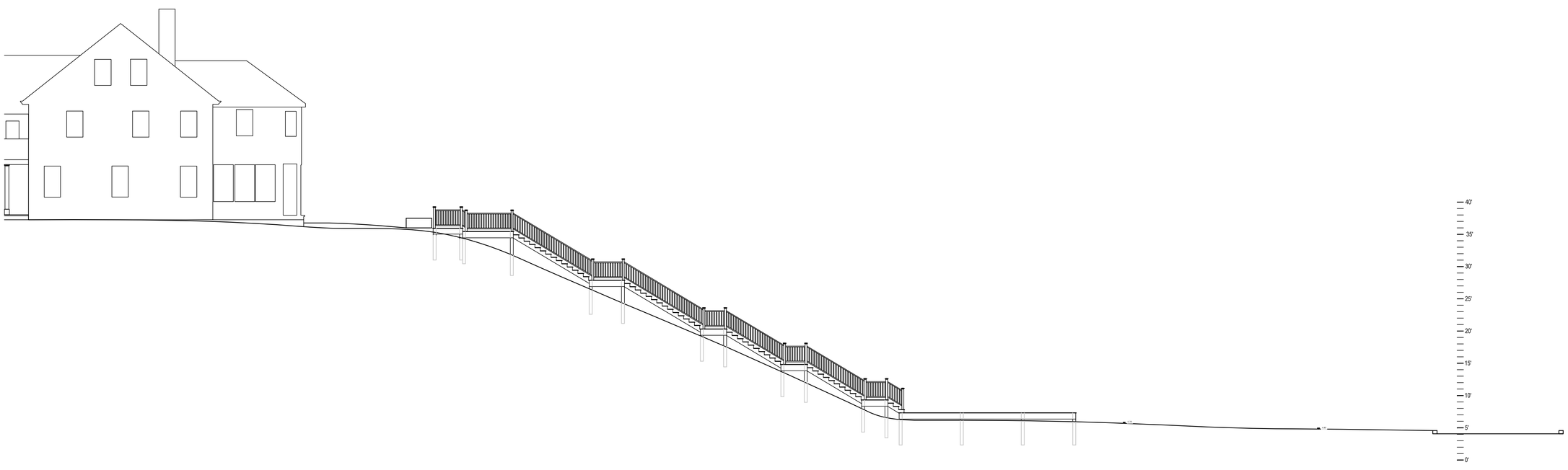

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

CONSTRUCTION NOTES

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

9 Lincoln Ave.
Nantucket, MA

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

L3.2
STAIR PLAN

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

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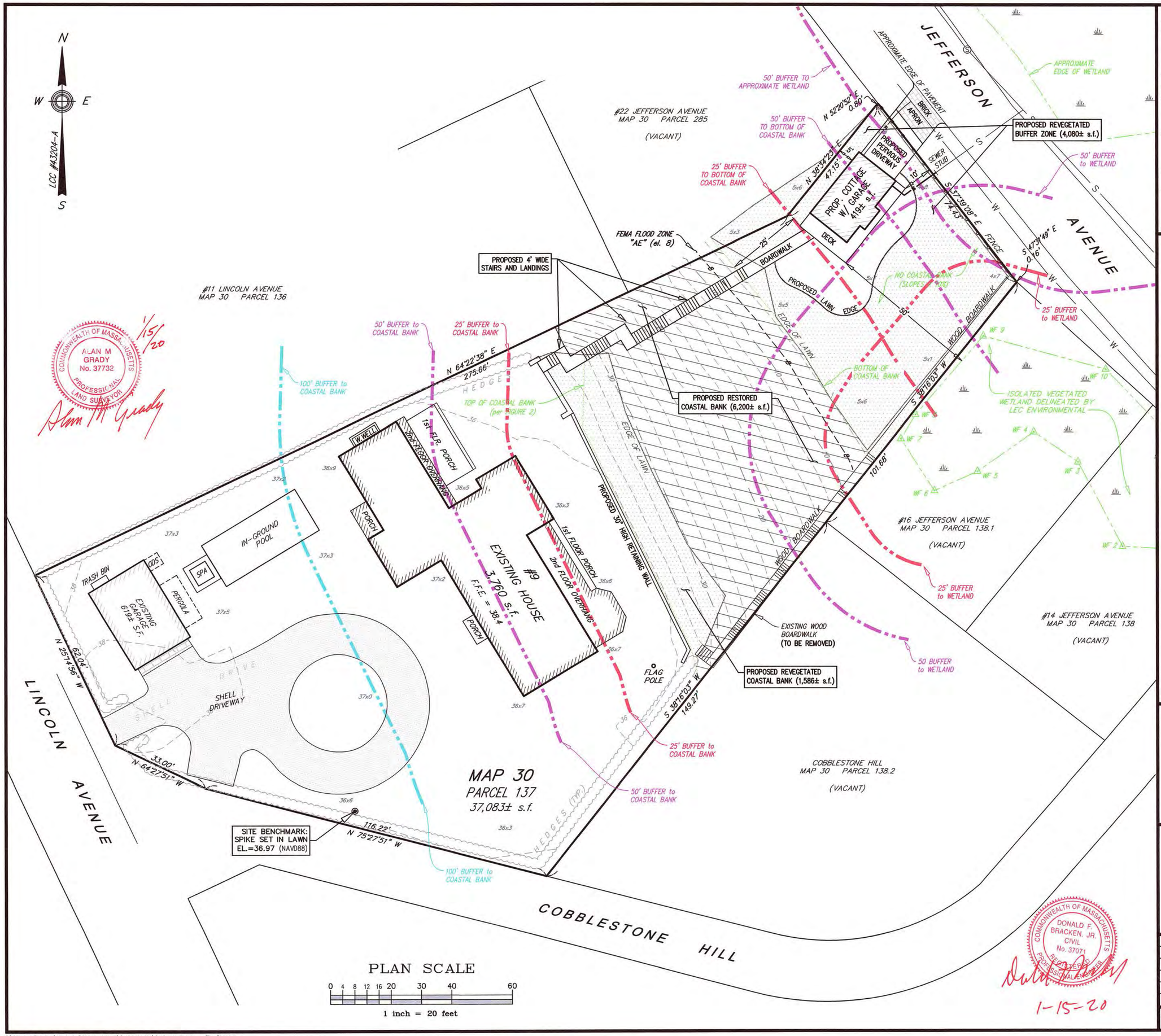
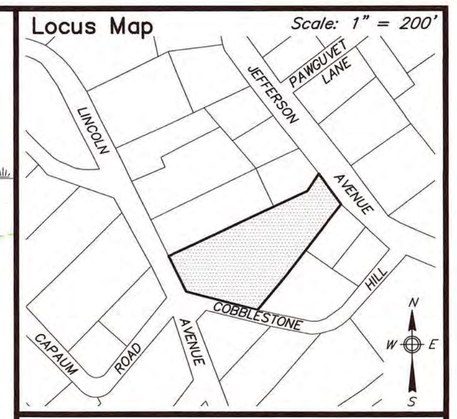


Locus Map

Scale: 1" = 200'



NOTES:

1. LOCUS: #9 LINCOLN AVENUE
   MAP 30 PARCEL 137
2. OWNER: NANTUCKET POINT OF VIEW, LLC
   c/o JOHN D. FLAVIN, AYCO
   P.O. BOX 860
   SARATOGA SPRINGS, NY 12866
3. DEED REF: CERT #26591
4. PLAN REF: LCC #43204-A
5. LOCUS PARTIALLY FALLS WITHIN FLOOD HAZARD ZONE "AE (EL.8)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.

ZONE: R-1

REQUIRED

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

Prepared By:

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

NANTUCKET POINT OF VIEW, LLC

#9 LINCOLN AVENUE
MAP 30 PARCEL 137

No.	Date	Revision Description	By
-	-	-	-

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

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

Joanne Dodd

From: Steven Cohen <steven@cohenlegal.net>
Sent: Monday, February 3, 2020 11:07 AM
To: Jeff Carlson; Joanne Dodd
Subject: 9 Lincoln NOI
Attachments: IMG_3276.jpg; IMG_3275.jpg

Jeff,
Please accept the following photographs as an addition to my prior filing.

1) The first is of the wetland across the street which appears to extend to the edge of pavement. As you can see, there was one orange wetland flag tied on a branch, so it may be that this has been flagged that way. If so, the 50-foot buffer zone would likely extend into the footprint of the proposed structure from that direction, which requires a request and a waiver that is not applied for or justified here.
2) The second shows that the bank is thickly vegetated with stable with mature vegetation. Even if some of the species are invasive, reworking the entire resource area to claim a benefit to justify waivers for new structures seems like a bit of a stretch in this case, and the applicant should not get credit for it in the way proposed. This is even more true with the reasonable alternative location for the structure.

Best,
Steven

STEVEN L. COHEN, ESQ.
PARTNER | COHEN & COHEN LAW PC
34 Main Street, 2nd Floor
Mail: Post Office Box 786
Nantucket, Massachusetts 02554
Tel. (508) 228-0337; Fax (508) 228-0970

Email: **STEVEN@COHENLEGAL.NET**
Visit: **COHENLEGAL.NET** | Connect on **LINKEDIN** | View my **BIO**

WIRE INSTRUCTIONS: To avoid cyber-fraud and wire-fraud, please confirm all wiring instructions to our office via phone at (508) 228-0337, especially if you receive an e-mail or notice purporting to change wiring instructions.

We do not accept or request changes to wiring instructions via e-mail or fax; always call to verify.

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Joanne Dodd

From: Steven Cohen <steven@cohenlegal.net>
Sent: Sunday, February 2, 2020 3:39 PM
To: Jeff Carlson; Joanne Dodd
Subject: 9 Lincoln NOI

Jeff,
I represents the property owners 11, 13, and 13A Lincoln Avenue, and at 22, 24, and 26 Jefferson Ave.
My clients are concerned about the NOI filed to do work at 9 Lincoln Avenue. We have the following notes and questions.

1) A 2' separation from ground water (or a waiver of such) is needed for the work in the buffer zone for the vegetated wetland to the east and north, but the Applicant has not provided information or data on the ground water level and has not requested this waiver. Applicant should provide the data forms for wetland delineation and provide ground water information. It is unlikely that the footings will be compliant without a waiver, for example.
2) The wetland to the north, across the street, is shown as "approximate location" and no delineation has been done. Since the structure is close to the 50' buffer, an actual delineation should be done.
3) There is work proposed within 25' of the buffer zone for the vegetated wetland. This needs a waiver that is not requested or justified.
4) The application does not address that the garage apartment is a new impervious surface with new run-off.
5) No construction methodology was provided and no dewatering plan was provided. How are they protecting the wetlands and what are they doing with the water?
6) It is not stated whether the sewer connection is an existing stub or just proposed. If it needs to be installed, that involves a lot of trenching within the 25' buffer, with no data provided, and no mitigation plan provided.
7) The applicant proposes significant revegetation, but the value of some of it is questionable as a benefit here. For example, the revegetation of the coastal bank requires clear-cutting and denuding it, and the revegetation of the buffer area requires use of herbicides.
8) The retaining wall is not justified or necessary. The issue of "safety" is not applicable, or accurate, and it could easily be addressed with a split rail fence or similar without building a wall and putting fill at the top of the bank.
9) The structure will impact wetland scenic views but no information is provided about its height, massing, color, or other materials. The wetlands at the base of the bank should not be overly interrupted, nor should the view of the bank itself. The structure, if allowed, should be minimal in its impact on such views. For example, it could be limited to a single story building with a minimal height adjustment for flood rules. That is, this building could be less than 15' tall and does not need to be 30' tall, if allowed.
10) The second curb cut on Jefferson Avenue will require a Planning Board permit, which has not been applied for yet. The factors in that permit focus on traffic safety, which means that the Planning Board is likely to require an on-site turn around to prevent backing out into the road, if the permit is granted. An on-site turn around would require much more impervious surface in the buffer zone. Therefore, the application is not realistic in a way that skews the disturbance/mitigation numbers.
11) Some of the waivers here require a showing of no reasonable alternative and no adverse impact. The project will have an adverse impact (work in buffer zone, use of herbicides, dewatering), and there is plenty of room for the structure in the southern and western portion of their lot, toward Lincoln Avenue, which is outside of the 50' buffer and even outside of the 100' buffer. There is no right, need or justification for waivers to locate the structure on the north and east portion of the lot.
12) The new stairs are wider and more structure than the existing ones, and there is no need to replace them. Removing and replacing it will impact the bank and should wait for a need to do so, or should be justified by some greater need.

We trust that the Commission will give this application the appropriate review and attention.

Best,
Steven

STEVEN L. COHEN, ESQ.
PARTNER | COHEN & COHEN LAW PC
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Mail: Post Office Box 786
Nantucket, Massachusetts 02554
Tel. (508) 228-0337; Fax (508) 228-0970

Email: **STEVEN@COHENLEGAL.NET**
Visit: **COHENLEGAL.NET** | Connect on **LINKEDIN** | View my **BIO**

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LEC

WETLANDS WILDLIFE WATERWAYS

March 13, 2020

Email/Overnight Mail

Nantucket Conservation
Commission 2 Bathing Beach Road
Nantucket, MA 02554

Re: NOI Supplement—DEP File #SE48-3278 [LEC File #: BrEI\14-419.01]
9 Lincoln Avenue
Map 30, Parcel 137
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Nantucket Point of View, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting supplemental information to address feedback received at the February 5, 2020 Public Hearing. The following reviews the project updates as depicted on the *Proposed Site Plan,* prepared by Bracken Engineering, Inc., last revised on March 12, 2020, and site plans (L1.2, L1.4, & L3.2), prepared by The Garden Design Co., dated March 12, 2020.

Upper Lawn Area

The proposed 30" tall retaining wall along the top of the Coastal Bank has been eliminated in lieu of a dense native hedgerow. The design of the 18" tall sitting wall abutting the top of the relocated stairs has been further developed to avoid impacts to the downgradient Coastal Bank. The fieldstone wall with a bluestone cap will require minimal excavation for footing installation. The footing will extend only 6" beyond the width of the sitting wall. The top of the Coastal Bank angles away from the sitting wall within the northern portion of the property. No regrading is proposed within the upper lawn area, outside of the steps leading to the top of the stairs.

A dry laid stone patio is also depicted within the upper lawn area, outside of the 25-foot Buffer Zone.

Coastal Bank Restoration

The Coastal Bank restoration activities are proposed to be phased. As currently proposed, the 1,480± square foot upper lawn area on the Coastal Bank will be planted per the *Site Plan L1.2* in spring 2020, pending Order of Conditions issuance. Concurrently, the invasive black locust saplings on the Coastal Bank will be flush cut prior to leaf out. Limited invasive vegetative material will be hand-pulled or flush cut in order to access the black locust saplings.

Continued invasive species removal will be staggered through the 2020-2021 and 2021-2022 winter

seasons to maintain slope stability and vegetative cover. Native plantings will be installed in spring 2021 and spring 2022. Invasive species management will be continuous for the first three growing seasons to ensure native plants successfully establish.

Best Management Practices (BMPs) will be implemented during invasive species management and planting, as detailed within the NOI Application. Soil disturbance will be kept to a minimum and biodegradable erosion control blankets will be utilized, as necessary, for slope stability.

The restoration/enhancement areas will be monitored and managed with annual monitoring reports submitted to the Commission for three growing seasons to ensure successful restoration.

Proposed Boathouse

The proposed structure within the lower lawn area has been relabeled as a boathouse to more accurately reflect the intended nature of the structure. The lower level is to be used for boat/accessory storage with living space above. The boathouse is proposed to be 2½ stories. All building materials would be cedar and cedar shake, natural to weather, matching the aesthetic along Jefferson Avenue. A sketch rendering is attached herein, representing the conceptual aesthetic of the boathouse. Please note that this sketch was prepared in July 2018, and does not coincide with the current design elements or footprint. The boathouse will be subject to HDC review following formal design post issuance of an Order of Conditions.

To reiterate, the boathouse will comply with building code requirements for construction within the Flood Zone (El. 8 / LSCSF). The second story (living level) will be well above El. 8, while the lower storage area will be constructed with flood vents. Any A/C units, etc., will be installed underneath the second story back deck, above El. 8.

Based on soil investigations, high groundwater has been documented at 32± inches deep. The proposed slab foundation will be situated above high groundwater; however, the footing will not. Consequently, the Applicant is respectfully requesting a Waiver from the two-foot separation requirement. The proposed slab foundation is a preferred alternative in comparison to a crawlspace foundation to avoid and minimize intrusion to high groundwater. During the small window associated with the footing installation, high groundwater will be dewatered to a filter bag surrounded by strawbales within the southerly portion of the lower lawn area. The proposed slab foundation will not result in an adverse impact to high groundwater. A proposed 2’ wide by 2’ deep stone drip edge will be installed along the north and south façades of the boathouse to capture roof runoff from the 419± s.f. structure.

As requested by the Commission, LEC reviewed the potential for siting the structure within the upper lawn area, southeast of the driveway and southwest of the dwelling. This area is not feasible for a structure due to presence of geothermal wells and subsurface drainage structures. Furthermore, siting a structure off Lincoln Avenue contradicts the intent and purpose of the boathouse. The proposed

configuration and the location of the boathouse has been specifically designed to minimize the footprint, maximize the setback to the toe of the Coastal Bank, and maintain the 50-foot setback to the flagged off-site IVW's, including that across Jefferson Avenue, while complying with minimum zoning setbacks (e.g., ten feet side yard and five feet front yard).

Lastly, the question of wetland scenic views was discussed at the February 5, 2020 Public Hearing. Should wetland scenic views of the landward Coastal Bank from Jefferson Avenue be of interest, approximately 50 linear feet of unobstructed sight lines of the Coastal Bank will be afforded south of the 20-foot wide boathouse (looking straight on). An unobstructed view of the entire Coastal Bank is provided along the southerly frontage of Jefferson Avenue. Coastal Bank wetland scenic views will be further enhanced through the restoration efforts.

Summary

As proposed, the project has been further revised to ensure potential adverse impacts are avoided, while providing a long-term net benefit/improvement to the on-site Resource Areas. The 1,480± s.f. of existing upper lawn area will be converted to naturally-vegetated Coastal Bank conditions, 6,200± s.f. of Coastal Bank will be restored/enhanced, and 4,080± s.f. of existing lawn area within the Buffer Zone to Coastal Bank and IVW will be naturally revegetated. As proposed, the project will improve Resource Areas and Buffer Zones in comparison to existing conditions. The current functions and values of the Coastal Bank, LSCSF, and IVWs will be protected and further enhanced through the project.

Thank you for your consideration of this supplemental information. We look forward to meeting with you at the March 18, 2020 Public Hearing to discuss the project revisions. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

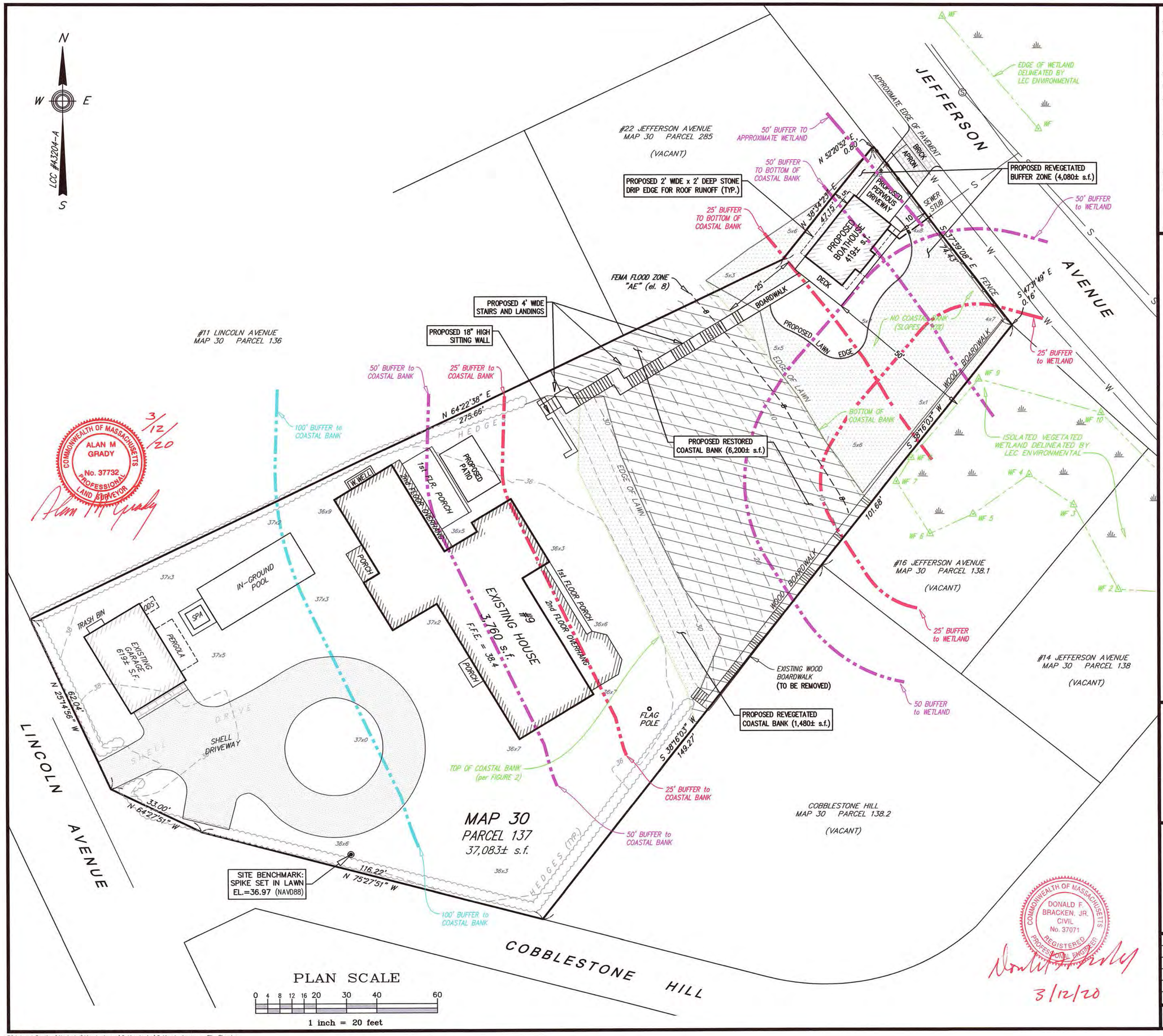
LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

Attachments

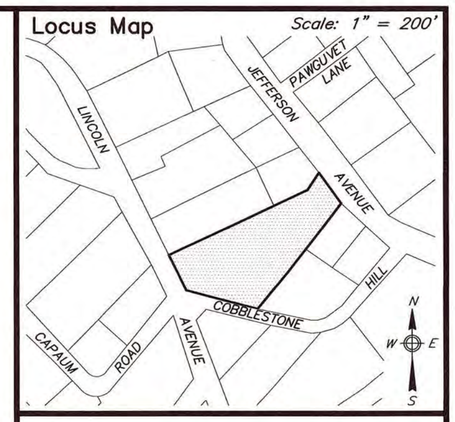
Attachment A

Proposed Site Plan, Prepared by Bracken Engineering, Inc., Revised March 12, 2020



Locus Map

Scale: 1" = 200'



NOTES:

1. LOCUS: #9 LINCOLN AVENUE
   MAP 30 PARCEL 137
2. OWNER: NANTUCKET POINT OF VIEW, LLC
   c/o JOHN D. FLAVIN, AYCO
   P.O. BOX 860
   SARATOGA SPRINGS, NY 12866
3. DEED REF: CERT #26591
4. PLAN REF: LCC #43204-A
5. LOCUS PARTIALLY FALLS WITHIN FLOOD HAZARD ZONE "AE (EL.8)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0086-G dated 06/09/2014.
6. LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.

ZONE: R-1

REQUIRED

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

Prepared By:

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.0070
(fax) 508.833.2282

19 OLD SOUTH ROAD
NANTUCKET, MA 02554
(tel) 508.325.0044
www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

NANTUCKET POINT OF VIEW, LLC

#9 LINCOLN AVENUE
MAP 30 PARCEL 137

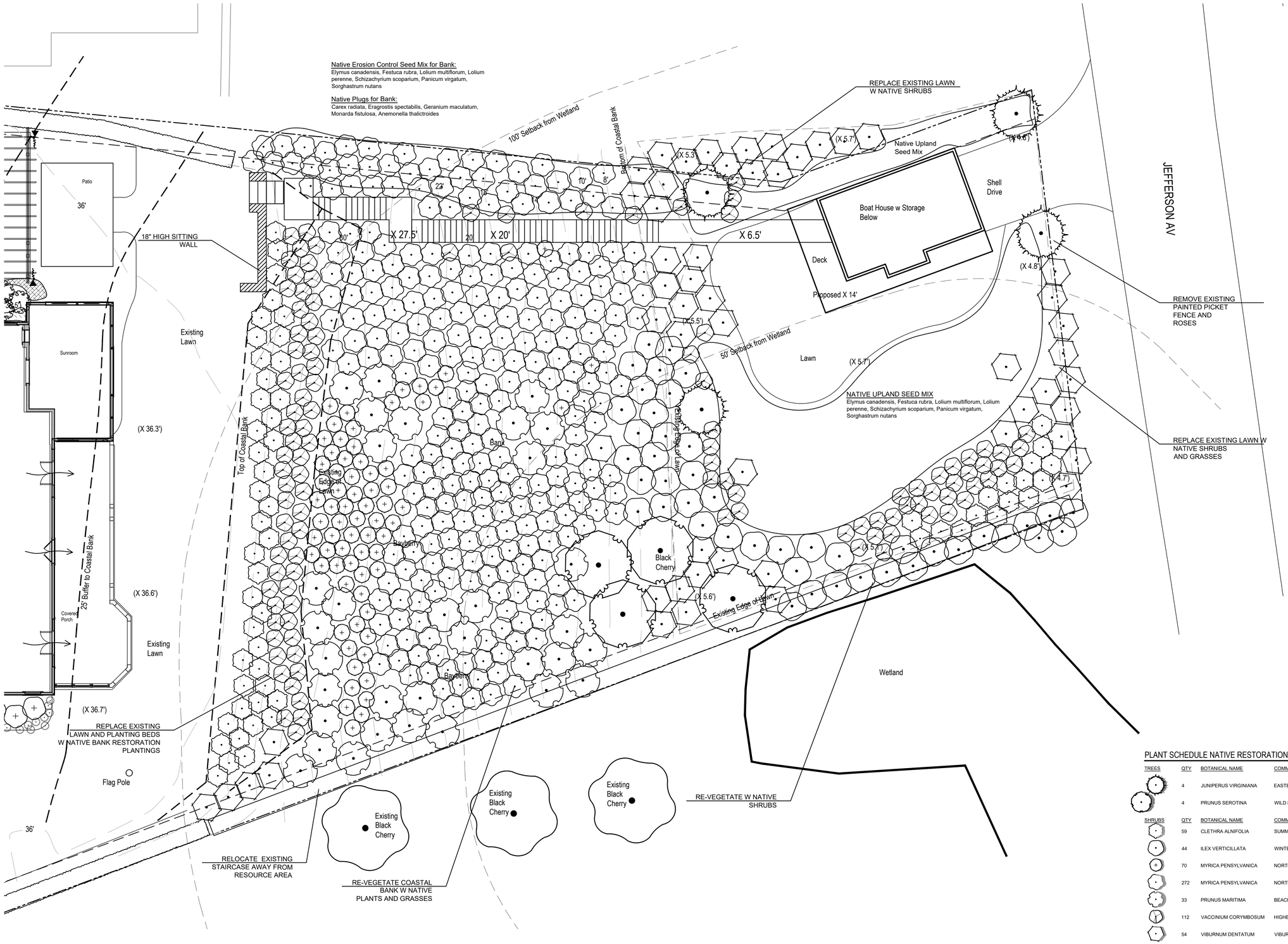
No.	Date	Revision Description	By
2	3/12/20	MISC. REVISIONS	RMM
1	2/18/20	ADD ADDITIONAL WETLAND FLAGS	RMM

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

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

Attachment B

Site Plans, Prepared by The Garden Design Co., Dated March 12, 2020



PLANT SCHEDULE NATIVE RESTORATION

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT
	4	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7-8' B&B
	4	PRUNUS SEROTINA	WILD BLACK CHERRY	5-6' B&B
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**
	59	CLETHRA ALNIFOLIA	SUMMERSWEET CLETHRA	5 GAL
	44	ILEX VERTICILLATA	WINTERBERRY	4-5' B&B
	70	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	3 GAL.
	272	MYRICA PENSYLVANICA	NORTHERN BAYBERRY	7 GAL
	33	PRUNUS MARITIMA	BEACH PLUM	10 GAL
	112	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	5 GAL.
	54	VIBURNUM DENTATUM	VIBURNUM	10 GAL.

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508-325-0044

ARCHITECT
Lyman Perry
508-228-3340

GENERAL NOTES

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

9 Lincoln Ave.
Nantucket, MA

DATE: 3/12/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L1.2

SITE PLAN

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

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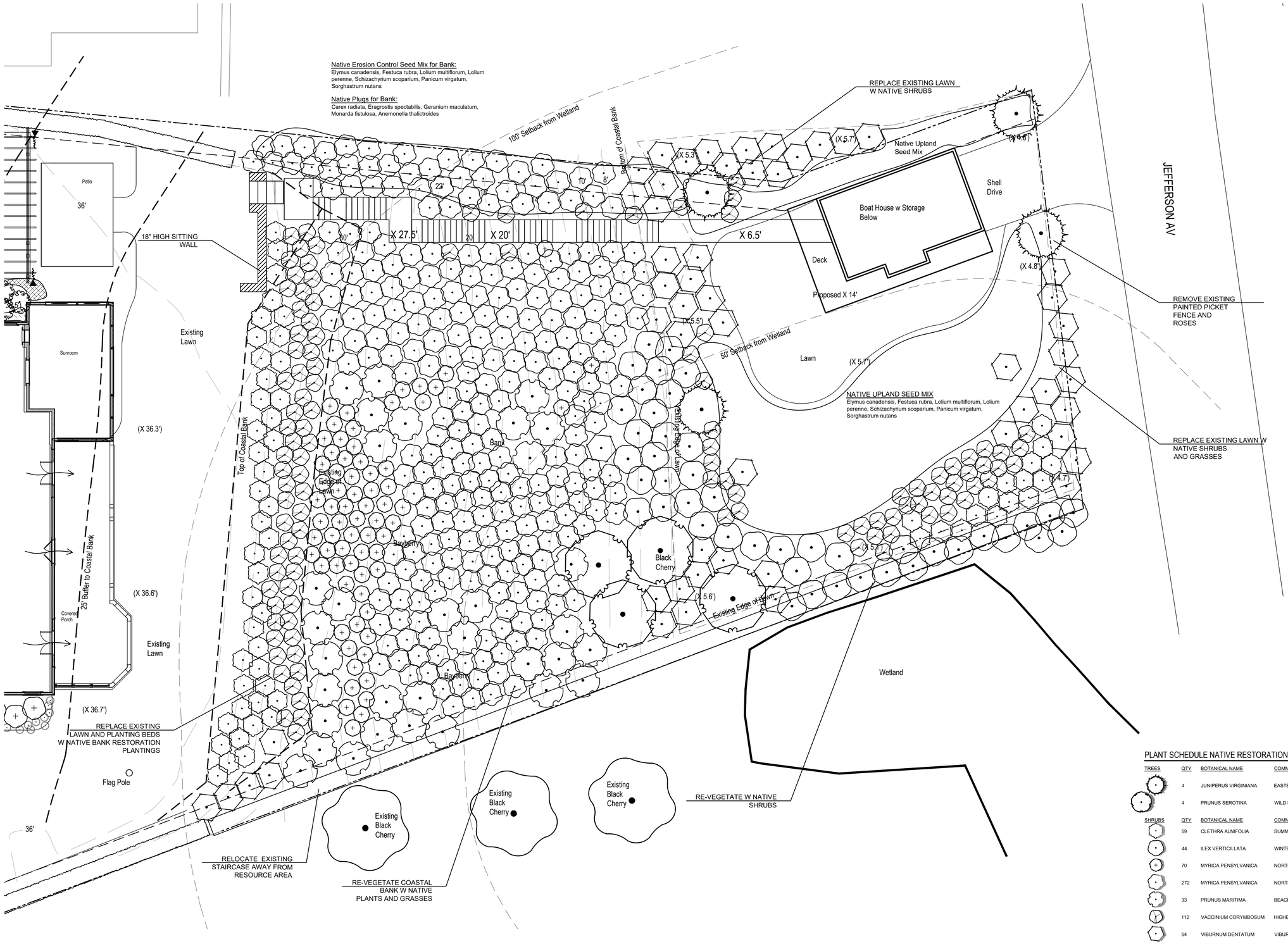

PLANT SCHEDULE NATIVE RESTORATION

TREES	QTY	BOTANICAL NAME	COMMON NAME	CONT
	4	JUNIPERUS VIRGINIANA	EASTERN RED CEDAR	7-8' B&B
	4	PRUNUS SEROTINA	WILD BLACK CHERRY	5-6' B&B
SHRUBS	**QTY**	**BOTANICAL NAME**	**COMMON NAME**	**SIZE**
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	112	VACCINIUM CORYMBOSUM	HIGHBUSH BLUEBERRY	5 GAL.
	54	VIBURNUM DENTATUM	VIBURNUM	10 GAL.

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508-325-0044

ARCHITECT
Lyman Perry
508-228-3340

GENERAL NOTES

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

9 Lincoln Ave.
Nantucket, MA

DATE: 3/12/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L1.2

SITE PLAN

P.O. BOX 3153
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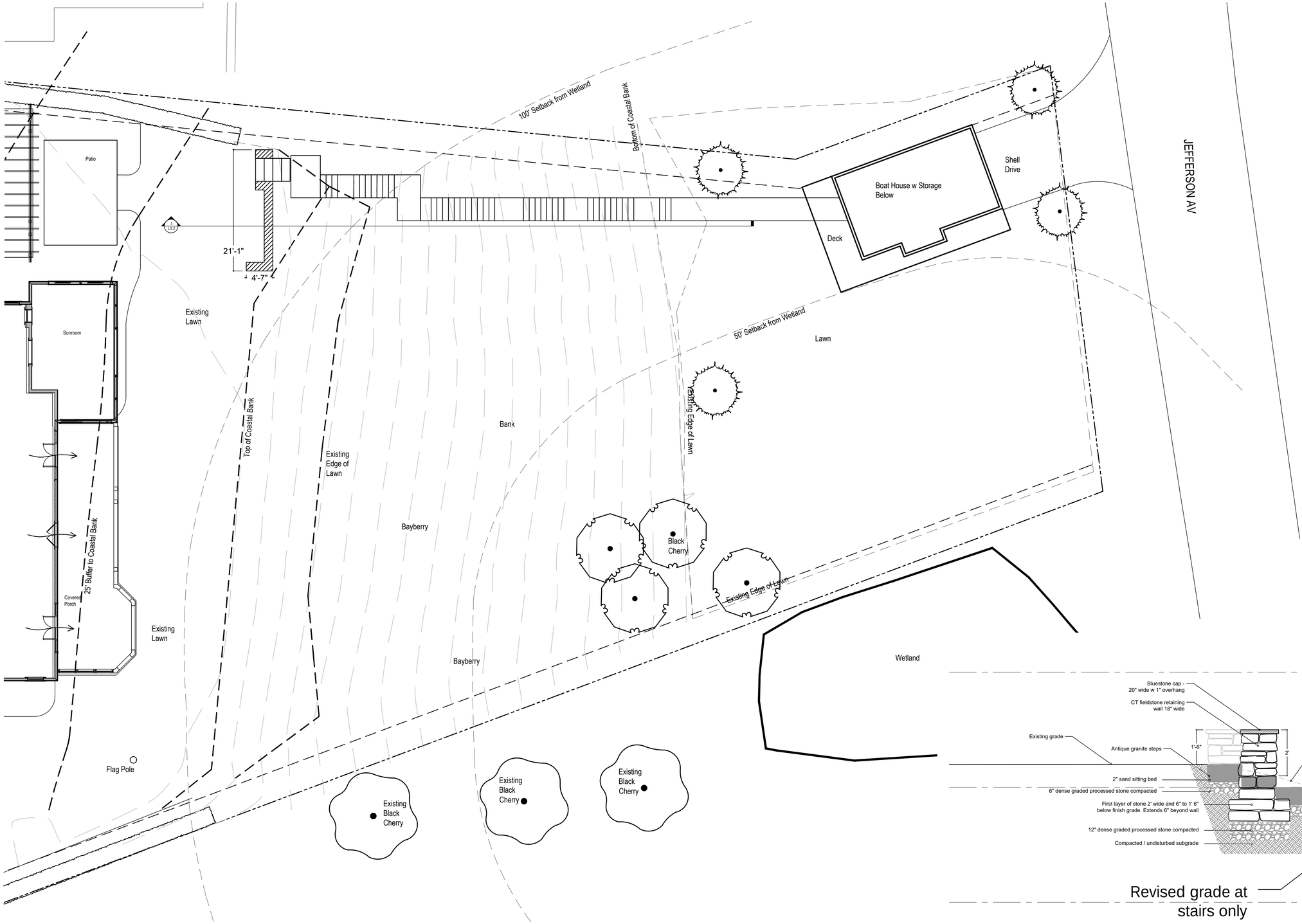
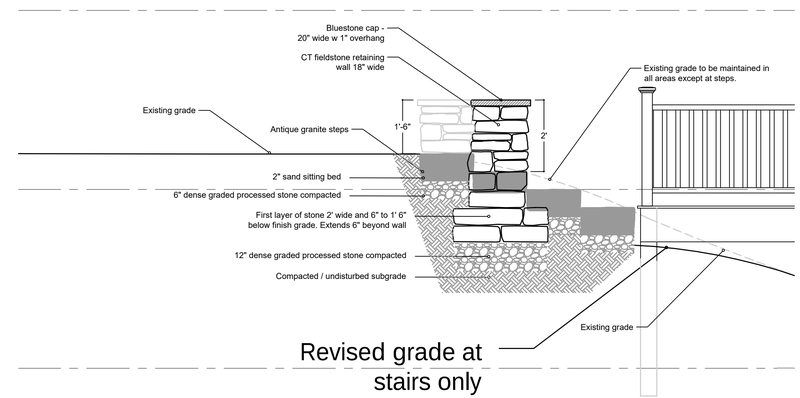


1 SITE PLAN DETAIL

SCALE: 1/8" = 1' - 0" PLAN



2 FIELDSTONE WALL W BLUESTONE CAP AND GRANITE STEPS

SCALE: 1/2" = 1' - 0" SECTION

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

GENERAL NOTES

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

9 Lincoln Ave.
Nantucket, MA

DATE: 3/12/20
SCALE: Various
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L1.4
SITE PLAN

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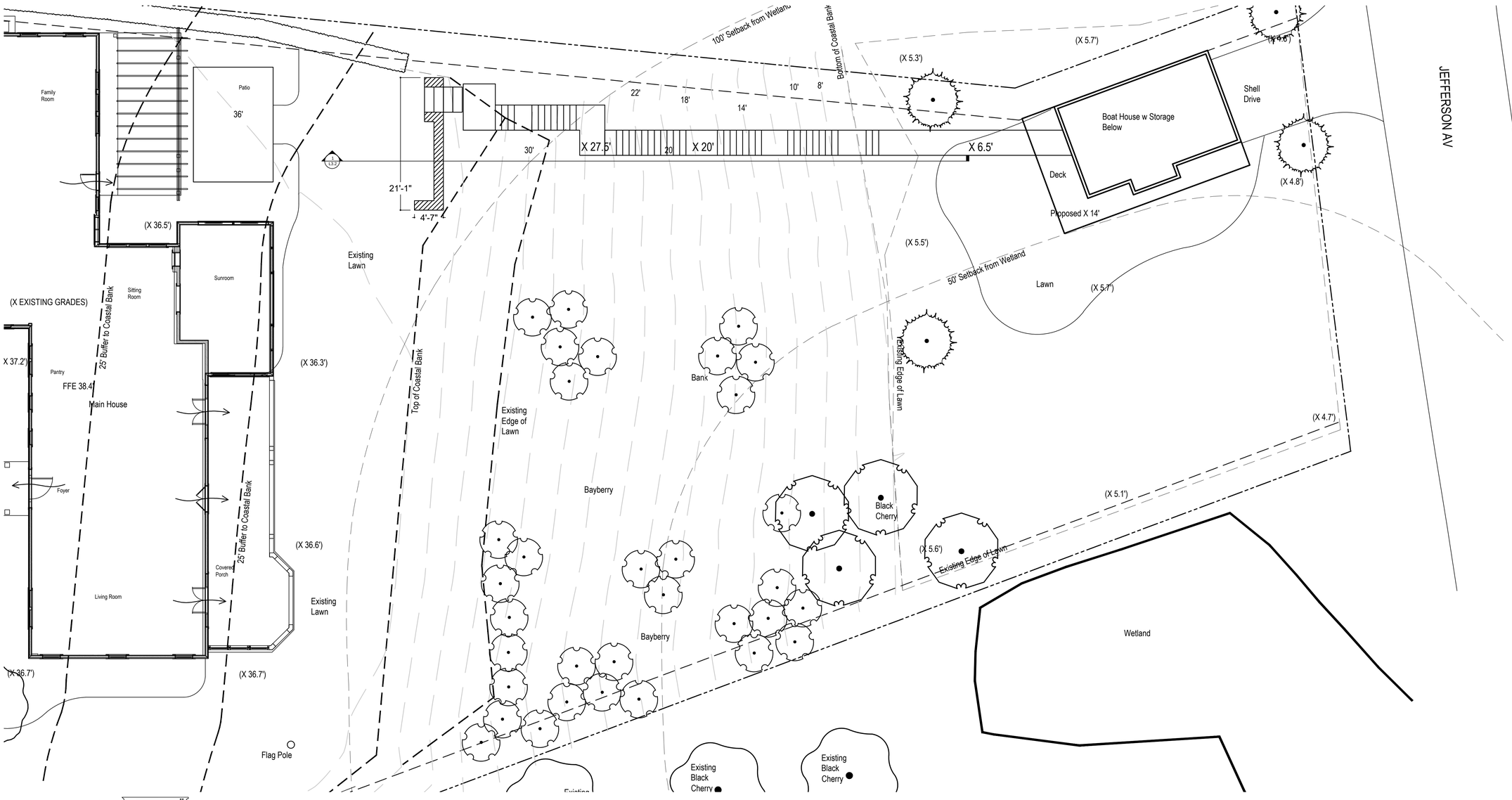

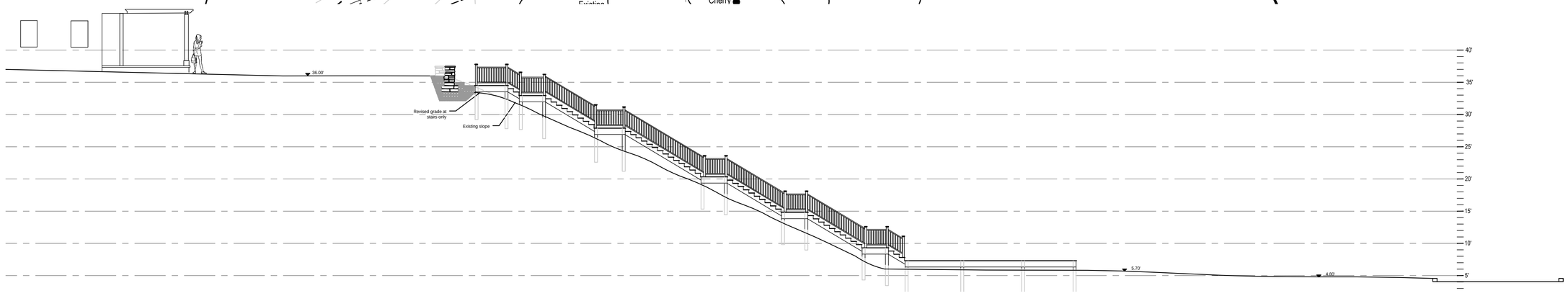

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508-325-0044

ARCHITECT
Lyman Perry
508-228-3340

CONSTRUCTION NOTES

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

9 Lincoln Ave.
Nantucket, MA

DATE: 3/12/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L3.2
SECTION ONE

P.O. BOX 3153
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www.juliejordin.com

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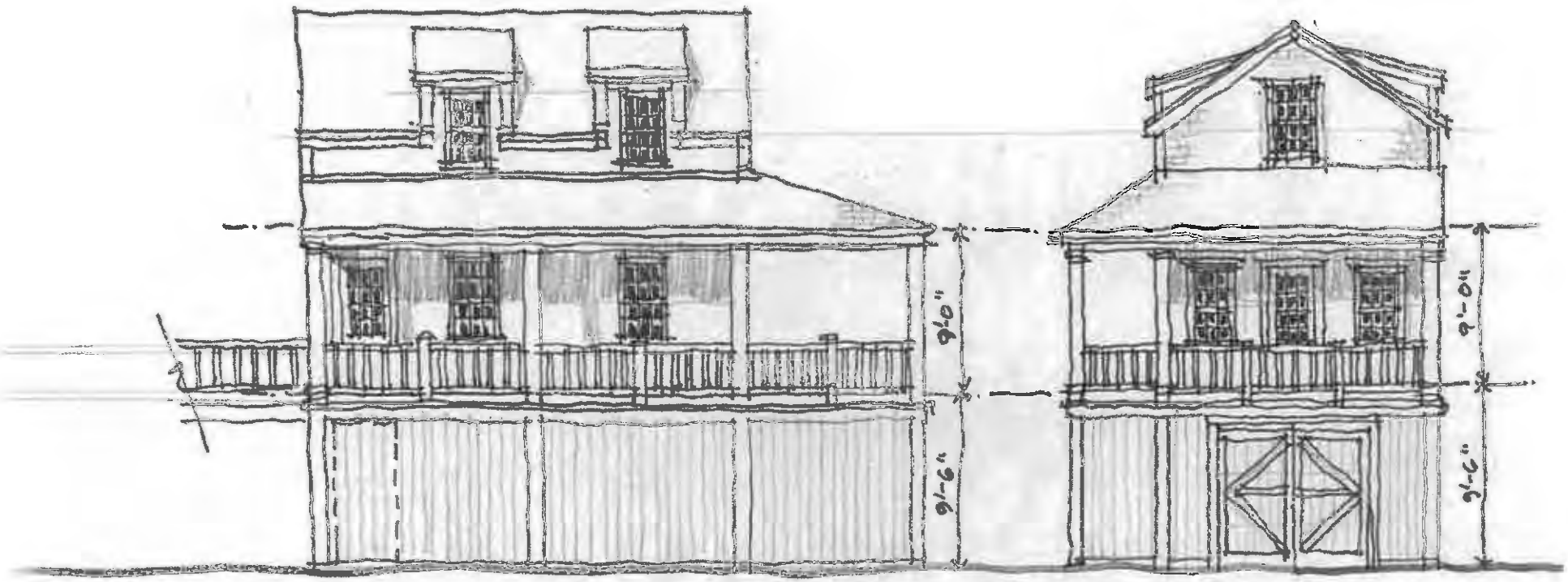
Attachment C

Boathouse Concept Sketch Rendering



South Elevation

East Elevation

SK1802.2

Proposed Boat House / Guest House
9 Lincoln Avenue
LPDG July 30, 2018
Scale 1/8" = 1'-0"

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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RJ Turcotte
Resource Ecologist

Meg McNeely Browers
Development Director

March 12, 2020

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

Re: NOI; John D. Flavin, 9 Lincoln Avenue (Map 30, Parcel 137)

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 John D. Flavin for the construction of a cottage/garage and appurtenances, installation of a retaining wall at the top of a coastal bank, and replacement of existing stairs/ boardwalk at 9 Lincoln Avenue. We would like to make the following comments.

PERFORMANCE STANDARDS

The proposed garage/cottage, driveway, and restoration work at the northeastern corner of the property is within the 50-foot buffer zone to a bordering vegetated wetland to the northeast across Jefferson Avenue, as well as within the 50-foot and 25-foot buffer zone to an isolated vegetated wetland along the southern property line, encompassing 14 and 16 Jefferson Avenue. It also appears that some of the revegetation work described is to occur on the abutting property 22 Jefferson Avenue. The proposed expanded stairs, boardwalk, and retaining wall all occur on or within the buffer zone to the coastal bank on the property. The project, as proposed, requires multiple waiver requests and will have an adverse impact to the resource

areas on-site and abutting the 9 Lincoln Avenue parcel. These performance standards are highlighted below.

Nantucket Wetland Protection Regulations:

Section 2.05, Coastal Banks, (B) #3 states "All projects shall be restricted to activity as determined by the Commission to have no adverse impact on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view, or the use of a bank as a sediment source."

While the coastal bank on the property was developed before the implementation of the local and state regulations, the Conservation Commission should not encourage further degradation of the resource area. The retaining wall proposed by the applicant serves no real purpose, and alternatives to this permanent impervious structure such as split rail fencing would cover safety concerns of the applicant. The proposed stairs and boardwalk are larger than the existing stairs to the south, and removing the existing, functional stairs and replacing them would cause significant disturbance to established vegetation on the coastal bank. This performance standard has not been 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."

Since a reasonable alternative already exists for the proposed stairs and boardwalk, and there is no way to build the new stairs and boardwalk while maintaining the required 50-foot buffer, the proposed stairs and boardwalk do not meet this performance standard. A waiver cannot be granted for this work due to the preexisting alternative, the additional adverse impact that the new construction would create, and the lack of net benefit. While the removal of invasive species alone could be an improvement to the habitat of the coastal bank, it cannot offset the permanent adverse impacts of the larger structural elements proposed.

Section 2.10, Land Subject to Coastal Storm Flowage, (B) #4 states "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."

The proposed location for the cottage/garage structure is on land subject to coastal storm flowage. It is increasing impervious surfaces in an area of high groundwater that is subject to flooding. There are alternative locations on the property for the proposed structure outside of the LSCSF. This performance standard cannot be met for the proposed project.

Section 3.02, Vegetated Wetlands, (B) #1 states "Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to 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 applicant did not provide wetland delineation forms with the Notice of Intent application. As the northern portion of the property has been maintained as lawn it is not possible to accurately delineate the adjacent wetlands without soil data. The Commission must request soil data for the wetland delineations shown on the proposed plan in order to confirm their boundaries and should request soil samples be taken across the site to determine groundwater levels. Given the proximity of the wetlands to the southern property line and northern side of Jefferson Avenue along with existing elevations, the wetlands may functionally extend onto or across this site as well. It is also likely that the foundational footings for the proposed cottage/garage would be within two feet of high groundwater. Alternative locations for the structure also exist on the property. Given existing information, it is unlikely that this performance standard can be met.

The applicant has not provided any information on the likelihood that construction of the proposed cottage/garage will require dewatering, and should address this concern providing additional contingency information on how this water could be handled.

Alternatives Analysis:

Proposed cottage/garage- An alternative location adjacent to existing structures on the property above the coastal bank exists. This location would move the project outside of the 50-foot buffer to all three resource areas on the site. It would likely eliminate the need to build within two feet of high groundwater on the site. The new location would also eliminate the need for new stairs and boardwalk, further limiting disturbance of the bordering vegetated wetlands and coastal bank for the duration of the project.

Retaining wall atop coastal bank- The retaining wall does not serve a justifiable purpose. The safety concerns raised by the applicant can be easily addressed with permitting of a split rail fence. The split-rail fencing would have a much smaller, less permanent impact to the top of the coastal bank.

Removal of existing stairs, and installation of new staircase and boardwalk on coastal bank- The proposed stairs and boardwalk constitute a significantly larger area than the existing stairs. The existing stairs already fulfill the need of connecting the upper and lower portions of the property, and the new stairs and boardwalk would cause unnecessary disturbance to the resource area. Continued maintenance of the existing stairs should be considered a reasonable alternative by the Commission.

CONCLUSION

The project proposed at 9 Lincoln Avenue for the construction of a garage/cottage, driveway, associated landscaping, a retaining wall at the top of the coastal bank, and new stairs and boardwalk will have a negative impact to the bordering vegetated wetlands adjacent to the property and coastal bank located on the property. The Commission needs more information from the applicant, such as soil samples to determine groundwater level at the site, documentation of soil data justifying the delineations for the bordering vegetated wetland across Lincoln Avenue and the isolated vegetated wetland on 16 Jefferson Avenue, and more detailed plans for the proposed structures relating to any dewatering that may be necessary.

Reasonable alternatives exist for all aspects of the proposed project. There are sites elsewhere on the property that would accommodate the cottage/garage and minimize disturbance of the resource areas. The retaining wall as proposed serves no purpose, and any safety concerns can be addressed with a more environmentally friendly split-rail fence. Lastly, the proposed stairs and boardwalk would significantly expand on the size of the existing stairs, while causing unnecessary disturbance to the coastal bank resource area. The continued maintenance of the existing stairs would serve to connect the property and minimize disturbance of the resource area.

As stated above, the project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations. The structural elements proposed do not qualify as a long-term net benefit and reasonable alternatives exist for all aspects of the proposed project; thus the applicant's waiver request cannot be granted.

Thank you for your time.

Sincerely,

RJ Turcotte
Resource Ecologist

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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James W. Sutherland, Ph.D.

Staff

Emily Molden
Executive Director

RJ Turcotte
Resource Ecologist

Meg McNeely Browers
Development Director

April 1, 2020

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

Re: re: NOI; John D. Flavin, 9 Lincoln Avenue (Map 30, Parcel 137)

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the new material added to the Notice of Intent filing by John D. Flavin for the construction of a cottage/garage, removal of old stairs on a coastal bank, installation of new stairs across a coastal bank, and planting of a hedge row atop a coastal bank. We would like to make the following comments.

RESOURCE AREA IMPACTS

Proposed Cottage/Garage Dwelling: The applicant's new materials reference high groundwater at 32" but makes no indication of exactly where this measurement was taken. LEC also references "soil investigations" but has not provided details of where this work was done or what in fact was found. The alternative location at the top of the property has been rejected by LEC based on the presence of geothermal wells and subsurface drainage structures. The location of these wells and drainage structures are not specified anywhere in the submitted materials. Therefore, the alternative site for the dwelling cannot be conclusively ruled out. LEC states that "siting a structure off Lincoln Avenue contradicts the intent and purpose of the boathouse." This structure is clearly a dwelling with garage, or boat storage, underneath- Permitting it on Lincoln avenue would not inhibit the intended use of the dwelling and storage in any way. The

applicant has not met the burden of proof to justify a waiver from the separation to high groundwater. Finally, the applicant has still not provided wetlands delineation field forms for the wetland boundary across Jefferson Avenue or the isolated vegetated wetland on 14 and 16 Jefferson Avenue. The existing well-maintained lawn on the subject property adjacent to Jefferson Avenue requires hydric soil data to document the wetland boundaries at this site as natural vegetation is clearly not an option. Based on topography soil data **should be required from across this portion of 9 Lincoln Avenue to demonstrate that the wetlands do not in fact extend onto the property itself.**

Removal of existing stairs, installation of new stairs and boardwalk on a coastal bank: We maintain our original position that the extensive work and disturbance necessary to remove the existing, functional stairs and replace them with **larger** stairs and **boardwalk** in an entirely new location on the coastal bank will have an adverse impact to the resource area. The existing stairs have a smaller footprint and serve the same purpose as the proposed stairs and boardwalk, thus serving as a reasonable alternative. Continued maintenance and use of these stairs will minimize disturbance of the resource area and provide suitable foot access between the upper and lower portions of the lot.

Restoration work: The latest revegetation plan continues to show revegetation work being done on abutting properties 22 and 16 Jefferson Avenue.

CONCLUSION

The Conservation Commission must request detailed soil data and wetland delineations for the proposed plans to determine precisely where the wetlands and their buffer zones occur in relation to the proposed project. The Commission cannot evaluate the impacts of the proposed project without this information, and the applicant has not met their burden of justifying a waiver from the two-foot separation requirement to high groundwater. The revegetation work appears to extend onto neighboring properties abutting 9 Lincoln Avenue, and must be addressed. Lastly, the proposed new stairs and boardwalk will have a negative impact on the resource area, and a reasonable alternative currently exists on the property.

Thank you for your time.

Sincerely,

RJ Turcotte
Resource Ecologist

April 10, 2020

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

jcarlson@nantucket-ma.gov

VIA EMAIL ONLY

Re: Site Evaluation & Analysis of Project Compliance
9 Lincoln Avenue (Parcel 137, DEP File 48-3278)
22 Jefferson Avenue (Parcel 285)
Nantucket, MA

Dear Ms. Erisman and Members of the Commission:

On behalf of the Eleven Lincoln Ave Trust, owner of property immediately adjacent to the proposed project, Oxbow Associates, Inc. (OA) has reviewed the above referenced properties and the proposed project at 9 Lincoln Avenue for compliance with the MA Wetlands Protection Act (MGL ch. 131, s. 40), its Regulations (310 CMR 10.00), the Nantucket Bylaw (Chapter 136), and Nantucket Wetland Protection Regulations (Revised 2013). Prior to the Site Evaluation, OA reviewed the Notice of Intent (NOI prepared by LEC: January 17, 2020) and NOI Supplement submitted by LEC (March 13, 2020), revised Proposed Site Plan by Bracken Engineering (March 12, 2020), and other reference material available on MassGIS.

OA, specifically S. Smyers, conducted a site evaluation at the above referenced site on April 6, 2020. OA did not access the property associated with #9 Lincoln Ave. (Parcel 137) but was able to make close observations from the perimeter on all sides. As indicated on the Proposed Site Plan, there are delineated wetlands up to the southern property boundary and across Jefferson Avenue to the east. Both wetlands had shallow surface water at the time of observation. The water appeared deeper and more extensive in the wetland east of Jefferson Avenue compared to the wetland south of the site. Spring peepers (*Pseudacris crucifer*) were calling from east of Jefferson Avenue indicating suitable habitat for breeding amphibians.

The topography is relatively flat in the eastern end of the site, just west of Jefferson Avenue. At the western side of this flat area, there is an abrupt slope where the elevation increases 30 vertical feet (Coastal Bank). The flat area within Parcel 137 has

been maintained as lawn, but the hillside is densely vegetated with a mix of woody species. Similarly, Parcel 285 is densely vegetated with a mix of shrubs and a few trees including cherry (*Prunus* sp.), willow (*Salix* sp.), honeysuckle (*Lonicera* sp.), privet (*Ligustrum vulgare*), blackberry (*Rubus* sp.), and highbush blueberry (*Vaccinium corymbosum*). Privet and honeysuckle are the dominant vegetation and there were no indications of prolonged surface water or other drainage features. OA does not believe this area contains a wetland plant community although this area is likely inundated during severe storms.

According to the Soil Mapping available on MassGIS, the Site is near the intersection of three soil types: Beaches, Evesboro, and Riverhead-Nantucket Complex. Soil mapping units are not perfectly accurate at the scale necessary to for this project (residential neighborhood) and they should not be relied upon for project planning. Therefore, field evaluations are necessary to understand the soil characteristics at a finer scale.

OA hand-dug three soil test pits and located each one with GPS (see Figure 1 and Photos 1-5). Pits 1 and 2 are located approximately 15-feet from the proposed structure on the abutting lot. The weather was favorable for scoring the color (clear and sunny). Each profile is detailed as follows.

Pit 1: A (0-9"), 10YR 3/3, sandy loam;
Bw1 (9-16"), 10 YR 5/2, loamy silt with 10YR 5/6 mottles;
Ab (16-26"), 10 YR 4/2 sandy loam (buried peat) with 10YR 4/4 mottles;
Ground Water at 15"

Pit 2: A (0-5"), 10YR 3/2, sandy loam;
Bw1 (5-10"), 10YR 4/3, loamy silt with 10YR 5/1 and 5/6 mottles;
Bw2 (10-24"), 10YR 5/6; sand;
Ab, (24-29"), 10YR 3/2 with 10YR 3/6 mottles;
Ground Water at 23"

Pit 3: A (0-5"), 10YR 3/2, sandy loam;
Bw1 (5-24"), 10YR 4/3, loamy silt with 10YR 4/1 and 5/8 mottles;
Ab (24-27+"), 10YR 3/2, sandy loam;
Ground Water at 15"

Geologically, OA agrees that the soil mapping is generally accurate in that Beaches extends to the base of the Coastal Bank where Evesboro Sand and Riverhead-Nantucket Complex extend landward. However, the boundaries of these mapping units are not crisp, distinct lines and the silty layer encountered in our test pits indicate Evesboro and Nantucket soils extend into the Beaches soil unit. Specifically, Pits 1 and 3 contain a layer of loamy silt more indicative of Nantucket soils and the coarse sand in Pit 2 is likely an inclusion of Evesboro Sand.

The sparsity of hydrophytic vegetation in survey area provide evidence that this area is not jurisdictional Vegetated Wetland and groundwater is not near the surface throughout the growing season. However, the depth to observed groundwater and redoximorphic features (mottles) within 10 inches of the soil surface indicate seasonally high groundwater in the eastern end of Parcels 137 and 285.

Analysis of Project Compliance

The project includes a proposed Boathouse, relocation of a walkway, an invasive species control program, native plantings, and landscaping. All of the proposed work is within the jurisdiction of the Nantucket Conservation Commission (NCC). The structure is proposed within the Land Subject to Coastal Storm Flowage (LSCSF) and within the Buffer Zone to Vegetated Wetlands and Coastal Bank. The structure is proposed to include Flood Vents and these details should be reviewed by a qualified Professional Engineer.

A portion of the ecological restoration/landscaping and construction of the proposed stairs and landings will occur on the Coastal Bank. Any work on this slope should be conditioned to minimize exposed soil and potential erosion. The phased approach currently proposed is appropriate and removing dense invasive vegetation is a benefit to the local ecology, but the NCC should consider frequent monitoring reports to reduce the likelihood of negative impacts to the Resource Areas.

After the initial filing, LEC delineated a section of the wetland east of Jefferson Avenue with two flags along the roadside and has designated this as an Isolated Vegetated Wetland (IVW). In the original NOI, there is only mention of IVWs adjacent to the site and this was not revised in the NOI Supplement. OA recommends the NCC reconsider this wetland as a Bordering Vegetated Wetland (BVW) due to the presence of channels within this wetlands system that are likely to qualify as jurisdictional Bank, thus qualifying the wetland east of Jefferson Avenue as BVW.

In the NOI Supplement, LEC states, "Based on soil investigations, high groundwater has been documented at 32+/- inches deep." They do not provide details as to the location of the soil investigation or method of observation. As explained above, OA observed groundwater in hand-dug pits between 15-23 inches. Redoximorphic features were even closer to the surface (within 10 inches in some cases). This information must be considered when evaluating the separation between the structure and high groundwater. The NCC should require additional soils and groundwater details before accepting 32 inches as the depth to high groundwater (as provided in Nantucket Wetland Protection Regulations 3.02 B.1.). Only after the NCC is satisfied with the elevation of groundwater can they determine if dewatering methods are adequate.

In the NOI Supplement, LEC clarified that the proposed structure has been relabeled as a "Boathouse" from its original label as a "Cottage with Garage". However, this "Boathouse" is proposed to have living space above, which disqualifies it as a genuine Boathouse as defined in the Nantucket Wetland Protection Regulations.

Boathouse – Any structure on or near the water used exclusively for the storage and maintenance of boats, with related items. A boathouse may not contain habitable space.

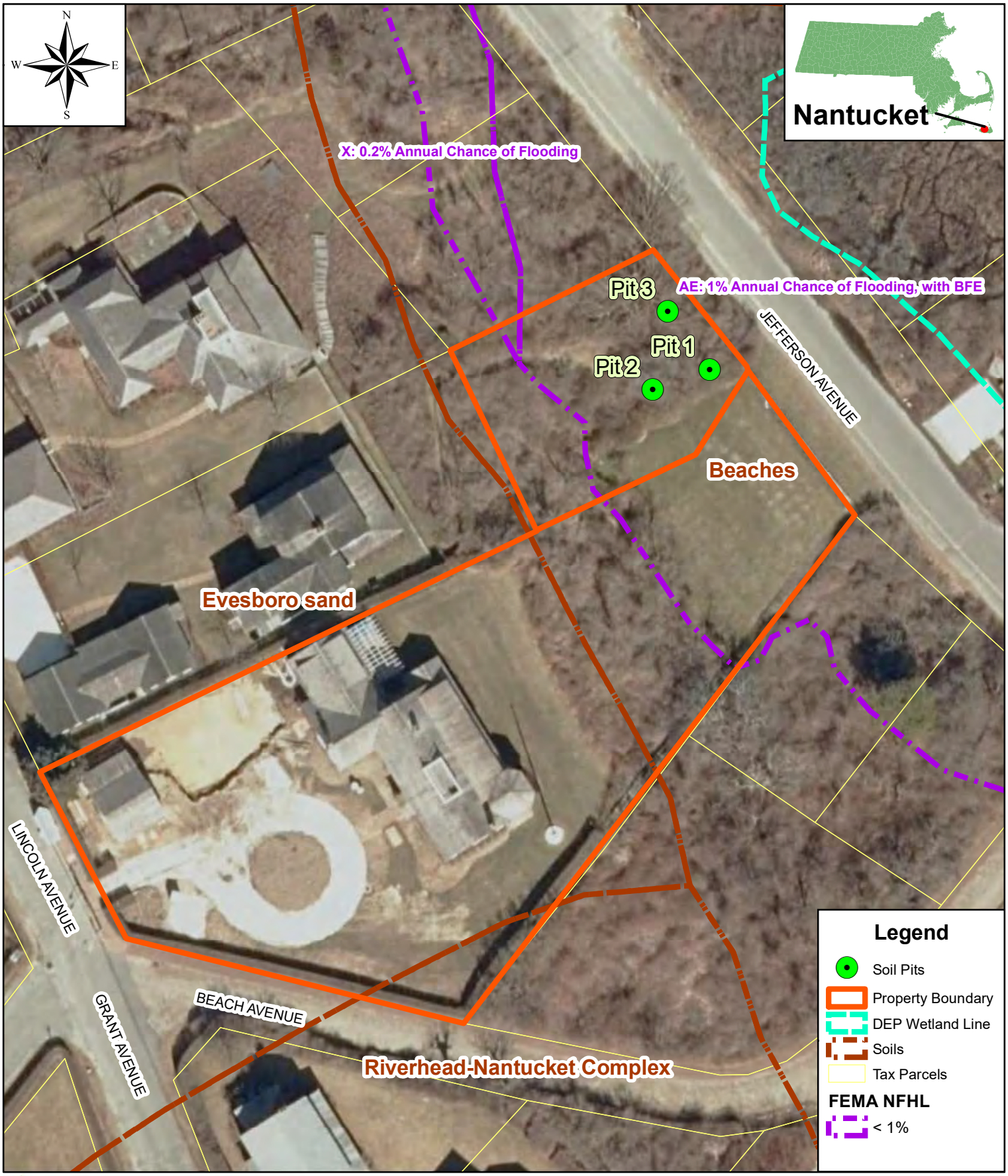
The Applicant requests three waivers: work on a Coastal Bank, building a structure within the 50-foot setback to a Resource Area, and the 2-foot separation to high groundwater for the footings of the proposed structure. Detailed drawings of the proposed foundation are required in order evaluate the proposed separation distance between the estimated seasonal high groundwater elevation and the bottom of the structure. The NCC should consider the issues explained in this report before granting any waivers from your Nantucket Regulations.

Please contact Scott Smyers with questions and I will be available to discuss these topics further at your upcoming public hearing for the proposed project.

Sincerely,
Oxbow Associates, Inc.

Scott D. Smyers, MS PWS

encs.
cc: Steven L. Cohen, Cohen and Cohen Law, PC
Eleven Lincoln Ave Trust



OXBOW ASSOCIATES, INC.

1:600

1 inch = 50 feet

0 50 100
Feet

Figure 1.
9 Lincoln Ave.,
22 Jefferson Ave.
NANTUCKET, MA

April 10, 2020

Photo 1. Pit 1 located north of thr lawn (see in background) and west of Jefferson Avenue

Photo 2. Observed groundwater in Pit 1.

Photo 3. Depth to groundwater in Pit 2.

Photo 4. Example soil from Bw1 in Pit 3.

Photo 5. Buried A (Ab) form Pit 3.

September 11, 2020

Email

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: NOI Supplement—DEP File #SE48-3278 [LEC File #: BrEI\14-419.01]
9 Lincoln Avenue
Map 30, Parcel 137
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Nantucket Point of View, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting supplemental information for the proposed boathouse, relocated stairs and boardwalk, and Resource Area/Buffer Zone restoration/enhancement activities on the above-referenced subject parcel. A Public Hearing was held on February 5, 2020 Public Hearing. In response to Commission feedback during the meeting, supplemental materials were submitted on March 13, 2020, for the March 18th Public Hearing, which was ultimately continued due to the pandemic. To summarize, the March 13th submission detailed: 1) the elimination of the originally proposed 30" tall retaining wall along the top of the Coastal Bank, 2) phasing for the Coastal Bank restoration, and 3) provided further detail on the boathouse.

The following reviews the Coastal Bank restoration planting updates as depicted on the *Site Plan* (L1.2), prepared by The Garden Design Co., dated August 18, 2020, along with additional information relative to the proposed boathouse construction.

Coastal Bank Restoration

The *Site Plan* (L1.2) provides a refined planting layout for the Nantucket native species, including eastern red cedar (*Juniperus virginiana*), black cherry (*Prunus serotina*), sweet pepperbush (*Clethra alnifolia*), winterberry (*Ilex verticillata*), bayberry (*Myrica pensylvanica*), beach plum (*Prunus maritima*), purple-osier willow (*Salix purpurea*), and arrowwood (*Viburnum dentatum*). The native upland seed mix and plugs will supplement the native woody plantings as depicted on the *Site Plan*.

As previously relayed, the Coastal Bank restoration activities are proposed to be phased. The 1,480± square foot upper lawn area on the Coastal Bank will be planted in fall 2020 or spring 2021, pending issuances of the Order of Conditions. Concurrently, the invasive black locust saplings on the Coastal

Bank will be flush cut during the non-growing season, prior to leaf-out. Limited invasive vegetative material will be hand-pulled or flush cut in order to access the black locust saplings.

Invasive species within the top half of the Coastal Bank will be concurrently removed in fall 2020 or spring 2021 and subsequently planted when appropriate. As originally proposed, biodegradable erosion control blankets will be used as necessary to ensure slope stability. The lower half of the Coastal Bank will be restored in fall 2021 or spring 2022, as site conditions allow.

The Coastal Bank restoration activities are intended to be adaptive to achieve successful restoration/plant establishment, while maintaining slope stability. BMPs will be implemented, as necessary. The restoration is proposed to be monitored and managed with annual monitoring reports submitted to the Commission for three growing seasons. Commission Staff will be consulted on restoration updates.

Proposed Boathouse

The boathouse is proposed within the lower lawn area that been present since at least 1938 as evidenced in historic aerial images. The boathouse is proposed on a slab foundation that has been specifically designed to minimize any impacts associated with construction. The slab will be situated above high groundwater and rest on a gravel bed and clean sand. The Applicant has previously requested a Waiver from the two-foot separation to high groundwater and provided dewatering details, which will only be necessary for a limited timeframe. To reiterate, the proposed slab foundation is a preferred alternative in comparison to a crawlspace foundation to avoid and minimize intrusion to high groundwater.

On February 5, 2020, LEC conducted soil investigation within the proposed footprint of the boathouse. High groundwater was documented at 32± inches deep as follows:

A: 0-10", 10YR 2/1, sandy loam;
B1: 10-15", 10 YR 5/3, silt loam with 10 YR 5/6 mottles
B2: 15-32", 10 YR 5/6, coarse sandy loam (no mottles)
Ab: 32-42”, 10YR 2/1, sandy loam; with 10 YR 5/3 & 10 YR 5/6 mottles
Weeping at 32"

The 17” deep soil horizon between 15-32” below grade is composed of coarse sandy loam. No redoximorphic features or other signs of high groundwater were documented within the soil profile. Soil conditions vary slightly within the historic lawn area and presumably within off-site conditions due to surface contributions (e.g., runoff down Jefferson Ave, surrounding slopes, etc.) and historic manipulation. An 12-18” break in slope occurs along the easterly edge of the lawn area abutting the off-site IVW.

To reiterate, the boathouse will comply with building code requirements for construction within the Flood Zone (El. 8 / LSCSF). The second story (living level) will be well above El. 8, while the lower storage area will be constructed with flood vents. Any A/C units, etc., will be installed underneath the second

story back deck, above El. 8. A proposed 2' wide by 2' deep stone drip edge will be installed along the north and south façades of the boathouse to capture roof runoff from the 419± s.f. structure.

The proposed configuration and the location of the boathouse has been specifically designed to minimize the footprint, maximize the setback to the toe of the Coastal Bank, and maintain the 50-foot setback to the flagged off-site IVW's, including that across Jefferson Avenue, while complying with minimum zoning setbacks (e.g., ten feet side yard and five feet front yard). Furthermore, the boathouse is not proposed as a water-dependent structure or as a "boathouse" defined under the *Nantucket Wetlands Protection Regulations*. The structure has simply been relabeled as a boathouse to more accurately reflect its use with boat/accessory storage below and living space above, as originally proposed.

Summary

The proposed project has been designed to avoid potential adverse impacts to the on and off-site Resource Areas, while providing a long-term net benefit. The 1,480± s.f. of existing upper lawn area will be converted to naturally-vegetated Coastal Bank conditions, 6,200± s.f. of Coastal Bank will be restored/enhanced, and 4,080± s.f. of existing lawn area within the Buffer Zone to Coastal Bank and IVW will be naturally revegetated. As proposed, the project will improve Resource Areas and Buffer Zones in comparison to existing conditions. The current functions and values of the Coastal Bank, LSCSF, and IVWs will be protected and further enhanced through the project.

Thank you for your consideration of this supplemental information. We look forward to meeting with you at the September 17, 2020 Public Hearing to discuss the project revisions. If you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

Attachments

PLANT SCHEDULE NATIVE RESTORATION

TREES	QTY	BOTANICAL / COMMON NAME	CONT
	3	Juniperus virginiana / Eastern Red Cedar	7-8' B&B
	6	Prunus serotina / Wild Black Cherry	5-6' B&B
SHRUBS	**QTY**	**BOTANICAL / COMMON NAME**	**CONT**
	90	Clethra alnifolia / Summersweet Clethra	5 gal
	45	Ilex verticillata / Winterberry	4-5' b&b
	134	Myrica pensylvanica / Northern Bayberry	7 gal
	28	Prunus maritima / Beach Plum	10 gal
	52	Salix purpurea / Purple Osier Willow	5-6' B&B
	47	Viburnum dentatum / Viburnum	10 gal.
GROUND COVERS	**QTY**	**BOTANICAL / COMMON NAME**	**CONT**
	2,481 sf	Native Meadow	seed

JULIE JORDIN
THE GARDEN DESIGN COMPANY

SURVEYOR
Bracken Engineering
508.325.0044

ARCHITECT
Lyman Perry
508.228.3340

GENERAL NOTES

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

9 Lincoln Ave.
Nantucket, MA

DATE: 8/18/20
SCALE: 1/8" = 1'
DRAWN BY: Julie Jordin
MAP/PARCEL: 30/137
ZONING: R1
REVISION:

L1.2
SITE PLAN

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

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LEC

WETLANDS WILDLIFE WATERWAYS

Notice of Intent Application

September 10, 2020

Subject Property
18 Quidnet Road
Map 21, Parcel 117.5
Nantucket, Massachusetts

Applicant/Property Owner
Marcia S. Kleinberg
460 E 79th Street
New York, NY 10021

LEC Environmental Consultants, Inc.

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

www.lecenvironmental.com

September 10, 2020

Email/Overnight Delivery

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Application [LEC File #: BrEI\20-224.01]
18 Quidnet Road
Map 21, Parcel 117.5
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Marcia S. Kleinberg, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed pool, patio, and landscaping on the above-referenced subject parcel. Proposed work activities occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW)/Vegetated Wetlands protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (*Bylaw*). Details of the proposed project are depicted on the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated September 9, 2020.

Enclosed please find the following three checks made payable to the Town of Nantucket: $177.50 for the town portion of the WPA filing fee, $200.00 for the Town Consultant fee, and $25.00 for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* ($201.07) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee ($152.50) and MESA filing fee ($300.00) have been forwarded to the DEP Lockbox and NHESP, respectively.

Thank you for your consideration of this Application. We look forward to discussing the project at the October 1, 2020 Public Hearing. If you should have any questions or require additional information, please do not hesitate to contact me at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: DEP SERO; NHESP; Kleinberg; Bracken Engineering, Inc.

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

Wetland Resource Area Analysis and Report

1. Introduction 1

2. General Site Description 1
2.1 Floodplain Designation 2
2.2 Natural Heritage and Endangered Species Program Designation 2

3. Wetland Boundary Determination Methodology 2

4. Wetland Resource Area Descriptions 3
4.1 Bordering Vegetated Wetland/Vegetated Wetlands 3

5. Proposed Project 4

6. Summary 4

Literature Referenced

Appendices

Appendix A

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

Appendix B
Field Data Forms

Appendix C
Proposed Site Plan, Prepared by Bracken Engineering, Inc., Dated September 9, 2020

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

A. General Information

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

18 Quidnet Road — a. Street Address
Nantucket — b. City/Town
MA — c. Zip Code

Latitude and Longitude:
41°18'14.24"N — d. Latitude
69°59'33.54"W — e. Longitude

Map 21 — f. Assessors Map/Plat Number
Parcel 117.5 — g. Parcel /Lot Number

2. Applicant:

Marcia — a. First Name
Kleinberg — b. Last Name
c. Organization
460 E. 79th Street — d. Street Address
New York — e. City/Town
NY — f. State
10021 — g. Zip Code
h. Phone Number
i. Fax Number
marsuek@aol.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):

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

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

$330.00 — a. Total Fee Paid
$152.50 — b. State Fee Paid
$177.50 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The Applicant is proposing a pool, patio, and landscaping within the 100-foot Buffer Zone to Bordering Vegetated Wetlands.

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

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

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

1. ☐ Yes ☒ No

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket	
a. County	b. Certificate # (if registered land)
516	257
c. Book	d. Page Number

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

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

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

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

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

5. ☐ Project Involves Stream Crossings

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

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   8/1/17
   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.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

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

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

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

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

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

Proposed Site Plan
a. Plan Title

Bracken Engineering, Inc.
b. Prepared By

Alan M. Grady
c. Signed and Stamped by

9/9/20
d. Final Revision Date

1"= 30'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

15337
2. Municipal Check Number

9/9/20
3. Check date

15338
4. State Check Number

9/9/20
5. Check date

Bracken Engineering, Inc.
6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant	2. Date 9/4/20
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date 9/10/2020

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.

1. Introduction

On behalf of the Applicant, Marcia S. Kleinberg, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for a proposed pool, patio, and landscaping at 18 Quidnet Road. Proposed work activities occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW)/Vegetated Wetlands protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00, collectively the "WPA"), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (*Bylaw*).

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, and proposed project designed to protect the interests and values of the Wetland Resource Areas enumerated within the above-referenced statutes. Details of the proposed project are depicted on the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated September 9, 2020 (Appendix C).

2. General Site Description

The 52,650± square foot subject parcel affords frontage off Quidnet Road to the south; however, access is gained via Poor Richards Way to the west (Appendix A, Figures 1 and 2). Developed single-family residential properties occur to the north, south, and west. Undeveloped forested uplands and wetlands are located to the east.

The site is currently improved by an existing single-family dwelling, surrounded by lawn/landscaped conditions within the northern portion of the lot, accessed via a shell driveway from Poor Richards Way. BVW/Vegetated Wetlands extend across the central portion of the site (B-series flagging). An Isolated Vegetated Wetland (IVW) minimally extends onto subject parcel southwest of the dwelling (A-series flagging). A BVW/Vegetated Wetland is located east of the dwelling (C-series flagging). Topography moderately ascends to the dwelling and surrounding areas.

Dominant upland vegetation surrounding developed conditions consists of scattered sassafras (*Sassafras albidum*), black cherry (*Prunus serotina*) trees and saplings, and American hazelnut (*Corylus americana*), sweet pepperbush (*Clethra alnifolia*), scrub oak (*Quercus ilicifolia*), and arrowwood (*Viburnum dentatum*) shrubs, along with dense entanglement of common greenbrier (*Smilax rotundifolia*) and fox grape (*Vitis labrusca*).

2.1 Floodplain Designation

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0111G), the project site is located within Zone X (unshaded), areas determined to be outside the 0.2% annual chance flood (Appendix A, Figure 3).

2.2 Natural Heritage and Endangered Species Program Designation

According to the 14th Edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2017 published by the Natural Heritage & Endangered Species Program (NHESP), the project site is not located within an Estimated Habitat of Rare Wildlife (Appendix A, Figure 4). However, the northerly portion of the site occurs within Priority Habitat. A copy of this NOI is therefore concurrently being submitted to NHESP for review under *Massachusetts Endangered Species Act* (MESA, M.G.L. c. 131A) and its implementing *Regulations* (321 CMR 10.00).

3. Wetland Boundary Determination Methodology

LEC conducted a site evaluation on July 8, 2020, to identify and characterize existing protectable Wetland Resource Areas located within or immediately abutting the site. The BVW and Vegetated Wetland boundaries were determined through observations of the existing plant communities, using the "fifty percent criteria" to determine dominance of wetland/upland vegetation, the interpretation of soil characteristics, and other indicators of hydrology, in accordance with the principals of DEP's handbook, *Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act* (March 1995), the *Field Indicators for Identifying Hydric Soils in New England-Version 4, May 2017*, and the criteria set forth in 310 CMR 10.55(2) and the *Bylaw*, specifically analyzing the depth of high groundwater within 18 inches of the ground surface.

Based on these methods, the boundaries of IVW (A1-3), BVW (B1-B10), and BVW (C1-3) were demarcated with sequentially numbered blaze orange surveyor's tape with the words "LEC Resource Area Boundary" embossed in bold, black print. As survey-located by Bracken Engineering, Inc., the wetland flagging locations are depicted on the *Proposed Site Plan* (Appendix C). Field Data Forms have been included to support the wetland delineation (Appendix B).

4. Wetland Resource Area Descriptions

On-site Wetland Resource Areas include Bordering Vegetated Wetland (BVW)/ Vegetated (Freshwater) Wetlands, as described below.

4.1 Bordering Vegetated Wetland / Vegetated (Freshwater) Wetland

Bordering Vegetated Wetlands (BVW) are defined in 310 CMR 10.55(2) as *freshwater wetlands which border on creeks, rivers, streams, ponds, and lakes. In these areas soils are saturated and/or inundated such that they support a predominance of wetland indicator plants. The boundary of BVW is the line within which 50% or more of the vegetational community consists of wetland indicator plants and saturated or inundated conditions exist.*

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

The BVW/Vegetated Wetlands are occupied by a mix of mature red maple (*Acer rubrum*) and tupelo (*Nyssa sylvatica*) trees and moderate to dense shrubs composed of sweet pepperbush, arrowwood, groundsel tree bush (*Baccharis halimifolia*), winterberry (*Ilex verticillata*), bayberry (*Morella pensylvanica*), and highbush blueberry (*Vaccinium corymbosum*), along with dense common greenbrier entanglements. Cinnamon fern (*Osmunda cinnamomea*), sphagnum moss (*Sphagnum* spp.), sedges (*Carex* spp.), and rushes (*Juncus* spp.) occupy portions of the groundcover. The B-series BVW contains an intermittent stream that receives overflow from wetland areas to the east before infiltrating on-site.

The A-series IVW occurs within a small confined bowl depression that contains groundsel tree bush (*Baccharis halimifolia*) and switchgrass (*Panicum virgatum*).

5. Proposed Project

The Applicant is proposing a pool and dry laid patio northeast of the dwelling within existing lawn areas. The pool will be ≤6 feet in depth. The pool equipment will be situated within the northwesterly portion of the property, outside of the 100-foot Buffer Zone. A proposed wire fence will encircle the pool, patio, and surrounding lawn area. Minimal regrading and new lawn/landscaping is proposed around the pool and patio, as depicted on the *Proposed Site Plan*.

All proposed work is located in excess of 50 feet from the easterly off-site C-series BVW. Erosion control barriers will be installed along the easterly Limit of Work. Work is proposed greater than 100 feet from the A-series IVW and B-series BVW. The pool will maintain greater than a two-foot separation to perched high groundwater associated with the C-series BVW, estimated at or below El. 41. No Waivers are required for the project.

6. Summary

On behalf of the Applicant, Marcia S. Kleinberg, LEC is submitting this NOI Application for a proposed pool, patio, and landscaping within the 100-foot Buffer Zone to BVW/Vegetated Wetlands protected under the WPA and *Bylaw*. The proposed project has been designed in compliance with these regulations and no Waivers are required.

Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0111G) effective June 9, 2014.

Massachusetts Natural Heritage Atlas, 14th Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm..

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

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

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

United States Department of Agriculture, Soil Conservation Service, in cooperation with Massachusetts Agricultural Experiment Station, Soil Survey for Nantucket County, Massachusetts, issued June 1979.

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 1: USGS Topographic Map

18 Quidnet Road
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

18 Quidnet Road
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

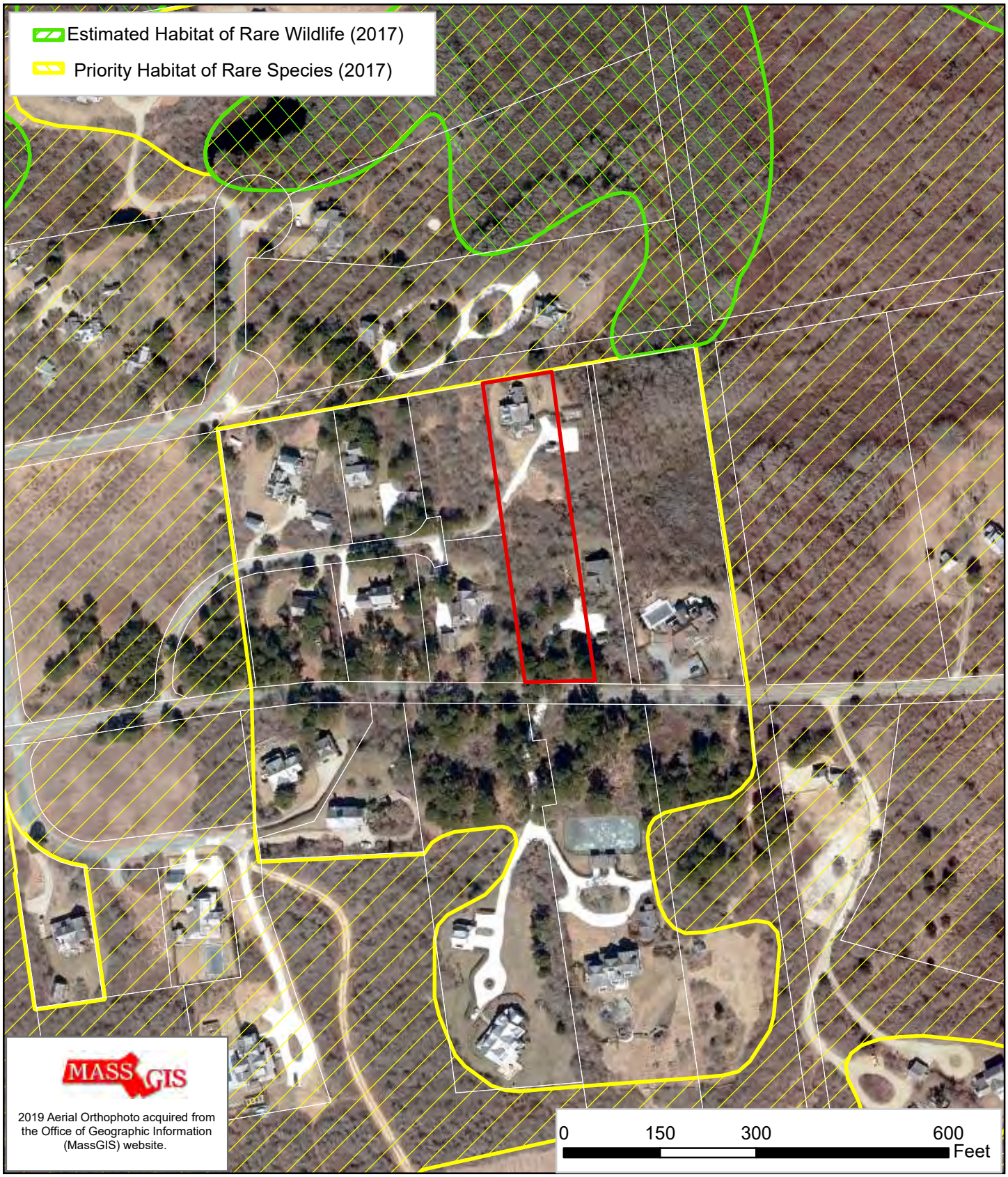
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 3: FEMA Flood Insuance Rate Map

18 Quidnet Road
Nantucket, Massachusetts

N

September 9, 2020



LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 4: NHESP Map

18 Quidnet Road
Nantucket, Massachusetts

N

September 9, 2020

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: **Plymouth-Evesboro complex**
hydric soil inclusions :**Freetown & Swansea mucks**

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

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	**0.5-0"**		
A	**0-7"**	**10 YR 2/1**	
B	**7-24"**	**10 YR 5/2**	

Remarks:
Plot taken with hand-held auger downgradient of wetland flag #B5

3. Other:

Conclusion: Is soil hydric? **YES**

18 Quidnet Road, Nantucket (T1/P1)

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

- ❑ Site Inundated: _____
- ❑ Depth to free water in observation hole:**18± inches**
- ❑ Depth to soil saturation in observation hole: **@ surface**
- ❑ Water marks: **YES**
- ❑ Drift lines: _____
- ❑ Sediment Deposits: _____
- ❑ Drainage patterns in BVW: **YES**
- ❑ Oxidized rhizospheres: **YES**
- ❑ Water-stained leaves: **YES**
- ❑ 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 BVW	**X**	_____

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: **Plymouth-Evesboro complex**
hydric soil inclusions: **Freetown & Swansea mucks**

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

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	**0.5-0"**		
A	**0-24"**	**10 YR 2/1**	**N/A**

Remarks:
Plot taken with hand-held auger upgradient of wetland flag #B5

3. Other:

Conclusion: Is soil hydric? **NO**

18 Quidnet Road, Nantucket (T1/P2)

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	_____	**X**
Wetland hydrology present:		
Hydric soil present	_____	**X**
Other indicators of hydrology present	_____	**X**
Sample location is in a BVW	_____	**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 Kleinberg Prepared by: LEC Environmental Project location: 18 Quidnet 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: **2**		Transect Number: **1**	Date of Delineation: **7/8/20**
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				
Pennsylvania sedge (*Carex pensylvanica*)	38.0	26.2	Yes	NI
Red Fescue (*Festuca rubra*)	38.0	26.2	Yes	FACU
Timothy grass (*Phleum pratense*)	38.0	26.2	Yes	FACU
Scrub oak (*Quercus ilicifolia*)	20.5	14.1	No	
Blackberry (*Rubus allegheniensis*)	10.5	7.2	No	
Shrub				
Scrub oak	20.5	100	Yes	NI

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

Vegetation conclusion:

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

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

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

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

Applicant Kleinberg Prepared by: LEC Environmental Project location: 18 Quidnet 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: **7/8/20**
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				
Switchgrass (*Panicum virgatum*)	38.0	39.2	Yes	FAC *
Soft rush (*Juncus effusus*)	38.0	39.2	Yes	FACW+ *
Bayberry (*Myrica pensylvanica*)	10.5	10.8	No	
Rush X (*Juncus sp.*)	10.5	10.8	No	
Shrub				
Scrub oak	38.0	100	Yes	NI
Vine				
Fox Grape (*Vitis labrusca*)	10.5	100	Yes	FACU

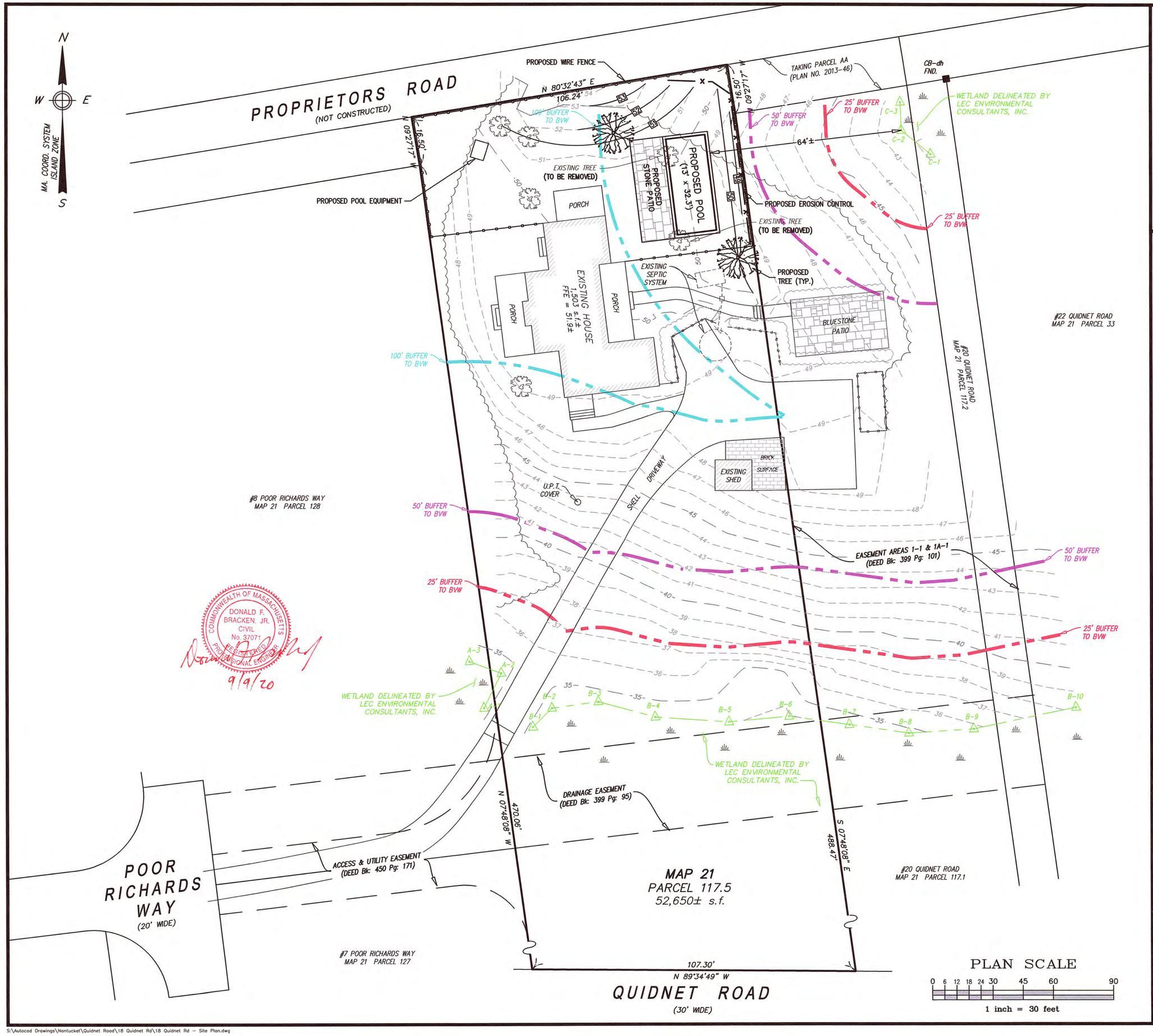
* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as 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: **2**

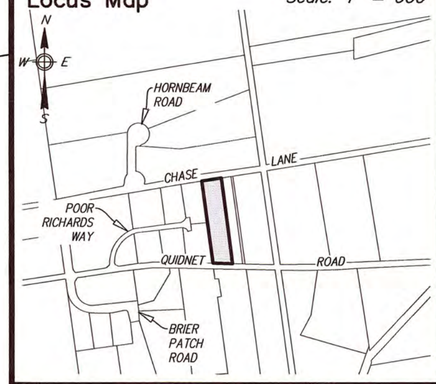
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES** no

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



Locus Map

Scale: 1" = 600'



NOTES:

1. OWNER: NORMAN C. & MARCIA S. KLEINBERG
   460 EAST 79TH STREET
   NEW YORK, NY 10021
2. DEED REF: Bk: 516 Pg: 257
3. PLAN REF: PLAN FILE: 42-F (PARCEL A)
   PLAN No. 2013-46 (PARCEL BB)
4. EASEMENT: Bk: 399 Pg: 101
   Bk: 399 Pg: 98
   Bk: 399 Pg: 95
   Bk: 450 Pg: 171
4. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 25019C-0111-G dated 06/09/14.
5. 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.

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR
9/9/20

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:

NORMAN C. & MARCIA S. KLEINBERG

#18 QUIDNET ROAD
MAP 21 PARCEL 117.5

No.	Date	Revision Description	By
-	-	-	-

Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 9, 2020	RMM/ERC/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\Quidnet Road\18 Quidnet Rd\18 Quidnet Rd - Site Plan.dwg

Notice of Intent Application

September 10, 2020

Subject Property
26 West Chester Street
Map 42.4.3, Parcel 56
Nantucket, Massachusetts

Applicant/Property Owner
Robert E. Furdak Trust
c/o Robert Furdak, Trustee
26 West Chester Street
Nantucket, MA 02554

LEC Environmental Consultants, Inc.

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

www.lecenvironmental.com

LEC WETLANDS WILDLIFE WATERWAYS

September 10, 2020

Email/Overnight Delivery

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Application [LEC File #: BrEI\11-052.01]
26 West Chester Street
Map 42.4.3, Parcel 56
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, the Robert E. Furdak Trust (c/o Robert Furdak, Trustee), LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for proposed driveway improvements, spa, patios, landscaping, and restoration activities on the above-referenced subject parcel. Proposed work activities occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and/or Isolated Vegetated Wetlands protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (*Bylaw*). Details of the proposed project are depicted on the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated September 9, 2020.

Enclosed please find the following three checks made payable to the Town of Nantucket: $262.50 for the town portion of the WPA filing fee, $200.00 for the Town Consultant fee, and $25.00 for the *Bylaw* fee. A check made payable to *The Inquirer and Mirror* ($201.07) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee ($237.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to discussing the project at the October 1, 2020 Public Hearing. If you should have any questions or require additional information, please do not hesitate to contact me at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: DEP SERO; Furdak; Bracken Engineering, Inc.

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

Wetland Resource Area Analysis and Report

1. Introduction 1

2. General Site Description 1
2.1 Floodplain Designation 2
2.2 Natural Heritage and Endangered Species Program Designation 2

3. Wetland Boundary Determination Methodology 2

4. Wetland Resource Area Descriptions 2
4.1 Bordering Vegetated Wetland/Vegetated Wetlands 3

5. Proposed Project 3

6. Summary 4

Literature Referenced

Appendices

Appendix A

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

Appendix B
Field Data Forms

Appendix C
Proposed Site Plan, Prepared by Bracken Engineering, Inc., Dated September 9, 2020

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

A. General Information

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

26 West Chester Street — a. Street Address
Nantucket — b. City/Town
MA — c. Zip Code

Latitude and Longitude:
41°17'11.95"N — d. Latitude
70° 6'18.91"W — e. Longitude

Map 42.4.3 — f. Assessors Map/Plat Number
Parcel 56 — g. Parcel /Lot Number

2. Applicant:

Robert — a. First Name
Furdak, Trustee — b. Last Name
Robert E. Furdak Trust — c. Organization
26 West Chester — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
h. Phone Number
i. Fax Number
robert.furdak@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):

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

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

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

A. General Information (continued)

6. General Project Description:

The Applicant is proposing driveway improvements, a spa, patios, landscaping, and restoration activities within the 100-foot Buffer Zone to Bordering and/or Isolated Vegetated Wetlands.

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

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

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

1. ☐ Yes ☒ No

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

2. Limited Project Type

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

8. Property recorded at the Registry of Deeds for:

Nantucket	
a. County	b. Certificate # (if registered land)
1758	217
c. Book	d. Page Number

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

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

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

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

5. ☐ Project Involves Stream Crossings

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

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   8/1/17
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area _____ percentage/acreage

      (b) outside Resource Area _____ percentage/acreage

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

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

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

   (b) ☐ Photographs representative of the site

---

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

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

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

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

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

Proposed Site Plan
a. Plan Title

Bracken Engineering, Inc.
b. Prepared By

Alan M. Grady
c. Signed and Stamped by

9/9/20
d. Final Revision Date

1"= 30'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

15332
2. Municipal Check Number

9/9/20
3. Check date

15333
4. State Check Number

9/9/20
5. Check date

Bracken Engineering, Inc.
6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant	2. Date: 3 Sept 2020
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date: 9/10/2020

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.

1. Introduction

On behalf of the Applicant, the Robert E. Furdak Trust (c/o Robert Furdak, Trustee), LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for proposed driveway improvements, spa, patios, landscaping, and restoration activities at 26 West Chester Street. Proposed work activities occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands (BVW) and/or Isolated Vegetated Wetlands (IVW) protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (*Bylaw*). Waivers are requested for proposed work activities within the 25-foot Buffer Zone to Vegetated Wetlands.

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, and proposed project designed to protect the interests and values of the Wetland Resource Areas enumerated within the above-referenced statutes. Details of the proposed project are depicted on the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated September 9, 2020 (Appendix C).

2. General Site Description

The 21,065± square foot subject parcel is located south of West Chester Street, proximate to the town center on Nantucket, Massachusetts (Appendix A, Figures 1 and 2). Single-family dwellings immediately surround the property. The site itself is currently improved by a dwelling and associated lawn/landscaped conditions. The property is accessed via a long pervious (shell) driveway extending off West Chester Street. An IVW occupies the northeastern portion of the property, east of the driveway. An IVW occurs on the easterly abutting property, southeast of the on-site dwelling. BVW associated with Lily Pond NILB property occurs to the west, approximately 100 feet away, across Wesco Place.

Vegetated upland conditions are primarily limited to fringing areas along property boundaries. Observed species include sycamore maple (*Acer pseudoplatanus*), black cherry (*Prunus serotina*), Siberian elm (*Ulmus pumila*), bush honeysuckle (*Lonicera sp.*), privet (*Ligustrum sp.*), blackberry (*Rubus allegheniensis*), multiflora rose (*Rosa multiflora*), and English ivy (*Hedera helix*). Japanese knotweed (*Fallopia japonica*) also occurs along portions of the southerly property boundary.

2.1 Floodplain Designation

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0086G), proposed work activities are not located within a Special Flood Hazard Zone X, but the site occurs within the *0.2% annual chance flood* (Zone X, Appendix A, Figure 3).

2.2 Natural Heritage and Endangered Species Program Designation

According to the 14th Edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2017 published by the Natural Heritage & Endangered Species Program (NHESP), the subject parcel is not located within an Estimated/Priority Habitat of Rare Wildlife (Appendix A, Figure 4).

3. Wetland Boundary Determination Methodology

LEC conducted a site evaluation on August 31, 2020, to re-establish previously demarcated Resource Areas. The Vegetated Wetland boundaries were determined through observations of the existing plant communities, using the "fifty percent criteria" to determine dominance of wetland/upland vegetation, the interpretation of soil characteristics, and other indicators of hydrology, in accordance with the principals of DEP's handbook, *Delineating Bordering Vegetated Wetlands under the Massachusetts Wetlands Protection Act* (March 1995), the *Field Indicators for Identifying Hydric Soils in New England-Version 4, May 2017*, and the criteria set forth in 310 CMR 10.55(2) and the *Bylaw*, specifically analyzing the depth of high groundwater within 18 inches of the ground surface.

Based on these methods, the northeasterly IVW was demarcated with sequentially numbered blaze orange surveyor's tape with the words "LEC Resource Area Boundary" embossed in bold, black print (#1-7). The southeasterly off-site IVW boundary was flagged by LEC and recently established under DEP File #SE48-3305. As survey-located, the wetland flagging locations are depicted on the *Proposed Site Plan* (Appendix C). Field Data Forms have been included to support the wetland delineation (Appendix B).

4. Wetland Resource Area Descriptions

On-site Wetland Resource Areas include Vegetated (Freshwater) Wetlands as described below. As stated above, an IVW occurs off-site to the southeast and BVW associated

with the Lily Pond NILB property occurs to the west, approximately 100 feet away, across Wesco Place.

4.1 Vegetated (Freshwater) Wetland

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

An IVW occupies the northeastern portion of the subject parcel, abutting the site's driveway. The interior of wetland is dominated by sensitive fern (*Onoclea sensibilis*) and jewelweed (*Impatiens capensis*) before transitioning to a moderately dense scrub shrub plant community consisting of winterberry (*Ilex verticillata*), elderberry (*Sambucus canadensis*), blackberry, multiflora rose, and bush honeysuckle. Saplings from the surrounding upland canopy exist along the outer perimeter of the wetland.

5. Proposed Project

The Applicant is proposing driveway improvements, a 10' x 15' spa, dry laid patios, landscaping, and restoration activities as depicted on the *Proposed Site Plan* (Appendix C). Proposed erosion control barriers will be installed upgradient of on and off-site Resource Areas to prevent erosion/sedimentation into Vegetated Wetlands.

Under existing conditions, the existing pervious shell driveway extends directly parallel to the IVW. On August 31, 2020, LEC observed minimal wash-out over the edging towards the wetland. The Applicant is proposing to realign and shift the driveway further away from the IVW. While the proposed driveway improvements occur within the 25-foot Buffer Zone, the Applicant is proposing to revegetate 320± s.f. on the east side of the driveway, immediately upgradient of the IVW boundary. The former driveway footprint will be reseeded with a native seed mix and be converted to naturally vegetated conditions. The driveway improvements will also prevent wash-out towards the IVW.

The Applicant is also proposing to add a pervious parking spot immediately north of the dwelling, upgradient of the 25-foot Buffer Zone. The abutting Siberian elm tree is proposed to be removed as the tree poses a "moderate risk" to the dwelling and parked vehicles, as assessed by Bartlett Tree Experts. Three saplings (e.g., red maple and/or tupelo) are proposed to replace the Siberian elm along the driveway.

A 2-3 foot high retaining wall is proposed on the east side of the dwelling, upgradient of the 50-foot Buffer Zone.

South of the dwelling, the Applicant is proposing to install dry laid patios, a 10' x 15' spa, retaining walls, and associated landscaping. The proposed spa and retaining walls are located upgradient of the 50-foot Buffer Zone. The spa will be approximately four-foot deep and maintain greater than a two-foot separation to high groundwater based on LEC's work on surrounding properties.

The Japanese knotweed along the southerly property boundary will be removed implementing Best Management Practices. Cut stalks will be bagged and brought to the Solid Waste Digester at the Madaket Landfill for proper disposal. As necessary, a 25% glyphosate water-based solution (Rodeo or equal) and/or triclopyr (Renovate 3 or equal) will be applied to cut stems (via sponge applicator, red weeder, and/or stem injection). Reapplication may be necessary to manage documented regrowth. Following treatment, American holly (*Ilex opaca*) will be planted to augment the 25-foot Buffer Zone.

As proposed, the proposed Japanese knotweed management, driveway improvements, and revegetation activities within the 25-foot Buffer Zone will result in a long-term net improvement to the IVW's. As such, the Applicant is respectfully requesting a Waiver under Section 1.03 F.3.(c) of the Nantucket *Wetlands Protection Regulations.*

6. Summary

On behalf of the Applicant, the Robert E. Furdak Trust (c/o Robert Furdak, Trustee), LEC is submitting this NOI Application for proposed driveway improvements, spa, patios, landscaping, and restoration activities within the 100-foot Buffer Zone to Vegetated Wetlands. The proposed project will result in an improvement over existing conditions.

Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0111G) effective June 9, 2014.

Massachusetts Natural Heritage Atlas, 14th Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm..

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

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

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

United States Department of Agriculture, Soil Conservation Service, in cooperation with Massachusetts Agricultural Experiment Station, Soil Survey for Nantucket County, Massachusetts, issued June 1979.

MASS GIS

USGS Topographic Map acquired from the Office of Geographic Information (MassGIS) website.

1:25,000 USGS Topographic Maps - April 2001

LEC

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 1: USGS Topographic Map

26 West Chester Street
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

26 West Chester Street
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 3: FEMA Flood Insurance Rate Map

26 West Chester Street
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 4: NHESP Map

26 West Chester Street
Nantucket, Massachusetts

N

September 9, 2020

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: **Riverhead-Nantucket complex**
hydric soil inclusions: **Berryland Variant loamy sand**

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

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	**0.5-0"**		
A	**0-18"**	**10 YR 2/1**	**10 YR 4/2 at 16"**
B	**18-24"**	**10 YR 4/2**	**10 YR 2/1**

Remarks:
Plot taken with hand-held auger downgradient of wetland flag #2

3. Other:

Conclusion: Is soil hydric? **YES**

26 West Chester St, Nantucket (T1/P1)

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: **interior**
- ❑ Drift lines: _____
- ❑ Sediment Deposits: _____
- ❑ Drainage patterns in BVW: _____
- ❑ Oxidized rhizospheres: _____
- ❑ Water-stained leaves: **interior**
- ❑ 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 an IVW	**X**	_____

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: **Riverhead-Nantucket complex**
hydric soil inclusions: **Berryland Variant loamy sand**

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

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	**0.5-0"**		
A	**0-24"**	**10 YR 2/1**	**N/A**

Remarks:
Plot taken with hand-held auger upgradient of wetland flag #2

3. Other:

Conclusion: Is soil hydric? **NO**

26 West Chester St, Nantucket (T1/P2)

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	_____	**X**
Wetland hydrology present:		
Hydric soil present	_____	**X**
Other indicators of hydrology present	_____	**X**
Sample location is in a BVW	_____	**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 Robert E. Furdak Trust Prepared by: LEC Environmental Project location: 26 W Chester St, 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: **2**		Transect Number: **1**	Date of Delineation: **8/31/20**
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				
Orchard grass (*Dactylis glomerata*)	38.0	38.0	Yes	FACU
Privet (*Ligustrum* sp.)	20.5	20.5	Yes	FACU
Wild lettuce (*Lactuca virosa*)	20.5	20.5	Yes	NI
Dewberry (*Rubus flagellaris*	10.5	10.5	No	
English ivy (*Hedera helix*)	10.5	10.5	No	
Shrub (excluding planted arrowwood)				
Privet	20.5	49.4	Yes	FACU
Multiflora rose (*Rosa multiflora*)	10.5	25.3	Yes	FACU
Bush honeysuckle (*Lonicera* sp.)	10.5	25.3	Yes	NI
Tree				
Norway maple (*Acer platanoides*)	63.0	62.4	Yes	NI
Siberian elm (*Ulmus pumila*)	38.0	37.6	Yes	NI

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

Vegetation conclusion:

Number of dominant wetland indicator plants: **0** Number of dominant non-wetland indicator plants: **8**

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

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

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

Applicant Robert E. Furdak Trust Prepared by: LEC Environmental Project location: 26 W Chester St, 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: **8/31/20**
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				
Orchard grass (*Dactylis glomerata*)	38.0	44.4	Yes	FACU
Jewelweed (*Impatiens capensis*)	20.5	24.0	Yes	FACW *
Privet (*Ligustrum* sp.)	10.5	12.3	No	
Dewberry (*Rubus flagellaris*	10.5	12.3	No	
Norway maple (*Acer platanoides*)	3.0	3.5	No	
Hickory (*Carya* sp.)	3.0	3.5	No	
Shrub				
Bush honeysuckle (*Lonicera* sp.)	38.0	100	Yes	NI
Sapling				
Norway maple	20.5	100	Yes	NI
Tree				
Norway maple	20.5	100	Yes	NI

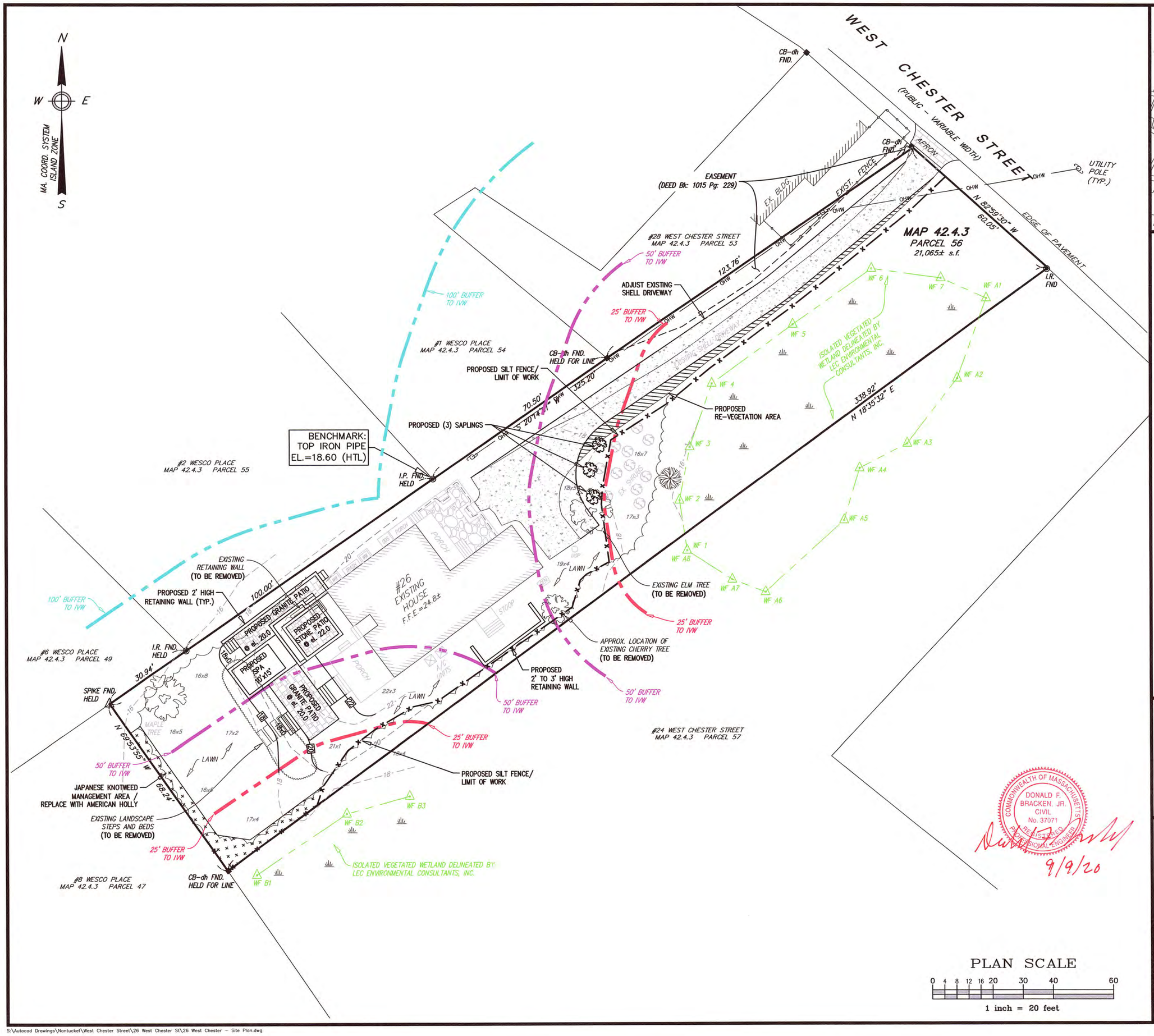
* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as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

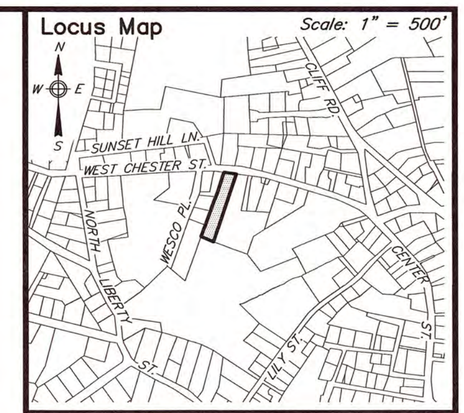
Vegetation conclusion:

Number of dominant wetland indicator plants: **1** Number of dominant non-wetland indicator plants: **4**

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

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





NOTES:

1. OWNER: 26 WEST CHESTER REALTY TRUST
   c/o RICHARD J. GLIDDEN, trustee
   6 PIERCE ROAD
   WELLESLEY, MA 02481
2. DEED REF: Bk: 1742 Pg: 155
3. PLAN REF: PLAN FILE: 2011-55
4. EASEMENT: Bk: 1346 Pg: 33
5. LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 25019C-0086-G dated 06/09/14.
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.

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR
9/9/20

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37071
REGISTERED PROFESSIONAL ENGINEER
9/9/20

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

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:

26 WEST CHESTER REALTY TRUST

#26 WEST CHESTER STREET
MAP 42.4.3 PARCEL 56

No.	Date	Revision Description	By
–	–	–	–

Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 9, 2020	RMM/ERC/BEI	DFB/AMG	1 of 1

S:\Autocad Drawings\Nantucket\West Chester Street\26 West Chester St\26 West Chester - Site Plan.dwg

LEC WETLANDS WILDLIFE WATERWAYS

Notice of Intent Application

September 10, 2020

Subject Property
36 Shawkemo Road
Map 27, Parcel 3
Nantucket, Massachusetts

Applicant/Property Owner
Shawkemo I, LLC
c/o Sarah F. Alger, P.C.
4 North Water Street
Nantucket, MA 02554

LEC Environmental Consultants, Inc.

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

www.lecenvironmental.com

September 10, 2020

Email/Overnight Mail

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent Application [LEC File #: BrEI\16-276.01]
36 Shawkemo Road
Map 27, Parcel 3
Nantucket, Massachusetts

Dear Members of the Commission:

On behalf of the Applicant, Shawkemo I, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for proposed renovations to the existing "boat house" on the above-referenced property. Proposed work activities occur within the 100-foot Buffer Zone to Coastal Bank, Land Subject to Coastal Storm Flowage, and Bordering Vegetated Wetlands (BVW)/Vegetated Wetlands; Resource Areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*. Details of the proposed project are depicted on the *Proposed Site Plan* prepared by Bracken Engineering, Inc., dated September 9, 2020.

Existing Conditions

The 7.8 ± acre subject parcel affords frontage off Shawkemo Road to the south and Nantucket Harbor to the north (Appendix A, Figures 1 and 2). Single-family dwellings occur to the east and west of the property and further to the south. The subject parcel is currently improved by a primary dwelling surrounded by lawn/landscaped conditions, decking/patios, and a pool. Several accessory structures and features are located on the property, including a detached garage/studio, boat house, cabanas, tennis court, and two small storage/mechanical buildings (sheds). Access is provided off Shawkemo Road via a pervious driveway. Redevelopment under a November 29, 2017 Order of Conditions (DEP File #SE48-3032) was recently completed.

Separate BVW/Vegetated Wetland systems abut developed conditions to the east and west, transitioning to Salt Marsh and ultimately a fringing Coastal Beach along Nantucket Harbor. A Salt Pond is located within the northwestern portion of the subject parcel. Coastal Bank is also present on the property, as depicted on the *Proposed Site Plan*. Wetland Resource Areas are comprehensively detailed in the 2017 NOI Application, and remain unchanged.

Naturally-vegetated upland conditions abutting developed conditions are primarily occupied by scattered black cherry (*Prunus serotina*), eastern red cedar (*Juniperus virginiana*), and sassafras (*Sassafras albidum*) young trees and saplings along with a moderately dense shrub layer of arrowwood (*Viburnum dentatum*), bush honeysuckle (*Lonicera* spp.), bayberry (*Myrica pensylvanica*), and Virginia rose (*Rosa virginiana*), in addition to fox grape (*Vitis labrusca*) entanglements. Dewberry (*Rubus flagellaris*), poison ivy (*Toxicodendron radicans*), Virginia creeper (*Parthenocissus quinquefolia*), pilewort (*Erechtites hieracifolia*), Canada goldenrod (*Solidago canadensis*), and seedlings from the shrub layer primarily occupy portions of the groundcover.

Flood Hazard Area Designation

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0091G), Flood Zone AE (El. 9) exists west and north of developed conditions, while Flood Zone AE (El. 8) occurs to the east (Appendix A, Figure 3). Developed portions of the subject parcel are located within Zone X, *Areas determined to be outside the 0.2% annual chance flood*. No work occurs within the Flood Zone.

Natural Heritage and Endangered Species Program Designation

According to the 14th Edition of the Massachusetts *Natural Heritage Atlas* (effective August 1, 2017) published by the Natural Heritage & Endangered Species Program (NHESP), proposed work activities occur within Priority Habitat, but not within an Estimated Habitat of Rare Wildlife (Appendix A, Figure 4). A copy of the NOI is being forwarded to NHESP for review under MESA.

Proposed Conditions

The proposed renovations to the existing "boat house" involve adding a screened porch and a 109± square foot addition. The screened porch will overlap with a portion of the existing deck and stone patio (to remain). Erosion control barriers will be installed around the Limit of Work. All proposed work is located upgradient of the 50-foot Buffer Zone to the closest Resource Areas, either Coastal Bank or BVW/Vegetated Wetlands. No Waivers are required for the proposed project.

Enclosed are three checks made payable to the Town of Nantucket for the town portion of the WPA filing fee ($67.50), the Town Consultant fee ($200.00), and the *Bylaw* fee ($25.00).

A check made payable to the *Inquirer and Mirror* ($201.07) has also been submitted for the legal advertising fee. The state WPA ($42.50) and MESA ($300.00) filing fees have been forwarded to the DEP Lockbox and NHESP, respectively.

Thank you for your consideration of this Application. We look forward to discussing the project at the October 1, 2020 Public Hearing. If you have any questions or require additional information, please do not hesitate to contact me at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: DEP SERO; NHESP; Shawkemo I, LLC; Bracken Engineering, Inc

Notice of Intent Application

i. WPA Form 3-Notice of Intent
ii. Affidavit of Service
iii. Abutter Letter
iv. Abutter Notification
v. Certified List of Abutters

Appendices

Appendix A

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

Appendix B

Proposed Site Plan, Prepared by Bracken Engineering, Inc., Dated September 9, 2020

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

A. General Information

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

36 Shawkemo Road — a. Street Address
Nantucket — b. City/Town
MA — c. Zip Code

Latitude and Longitude:
41°17'40.23"N — d. Latitude
70°13'25.61"W — e. Longitude

27 — f. Assessors Map/Plat Number
3 — g. Parcel /Lot Number

2. Applicant:

Shawkemo I, LLC — a. First Name
c/o Sarah F. Alger, P.C. — b. Last Name
c. Organization
4 North Water Street — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
508-228-1118 — h. Phone Number
508-228-8004 — i. Fax Number
sfa@sfapc.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):

Brian — a. First Name
Madden — b. Last Name
LEC Environmental Consultants, Inc. — c. Company
12 Resnik Road, Suite 1 — d. Street Address
Plymouth — e. City/Town
MA — f. State
02630 — g. Zip Code
508-746-9491 — h. Phone Number
508-746-9492 — i. Fax Number
bmadden@lecenvironmental.com — j. Email address

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

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

A. General Information (continued)

6. General Project Description:

Proposed renovation to a boat house within the 100-foot Buffer Zone to Coastal Bank and BVW.

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	26401
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

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

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

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

5. ☐ Project Involves Stream Crossings

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

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☐ Yes ☒ No

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

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

   8/1/17
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area _____ percentage/acreage

         (b) outside Resource Area _____ percentage/acreage

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

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

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

   (b) ☐ Photographs representative of the site

---

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

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

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

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

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

Proposed Site Plan	
a. Plan Title	
Bracken Engineering, Inc.	Alan Grady
b. Prepared By	c. Signed and Stamped by
9/9/20	1:30
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

15342	9/9/20
2. Municipal Check Number	3. Check date
15343	9/9/20
4. State Check Number	5. Check date
Bracken Engineering, Inc.	
6. Payor name on check: First Name	7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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:

36 Shawkemo Road	Nantucket
a. Street Address	b. City/Town
15343	$42.50
c. Check number	d. Fee amount

2. Applicant Mailing Address:

Shawkemo I, LLC	c/o Sarah F. Alger, P.C.
a. First Name	b. Last Name

c. Organization

4 North Water Street
d. Mailing Address

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

508-228-1118	508-228-8004	sfa@sfapc.com
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

a. First Name	b. Last Name

c. Organization

d. Mailing Address

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

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

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

B. Fees

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

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

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

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

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

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

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

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 1: USGS Topographic Map

36 Shawkemo Road
Nantucket, Massachusetts

N

September 9, 2020

LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto Map

36 Shawkemo Road
Nantucket, Massachusetts

N

September 9, 2020

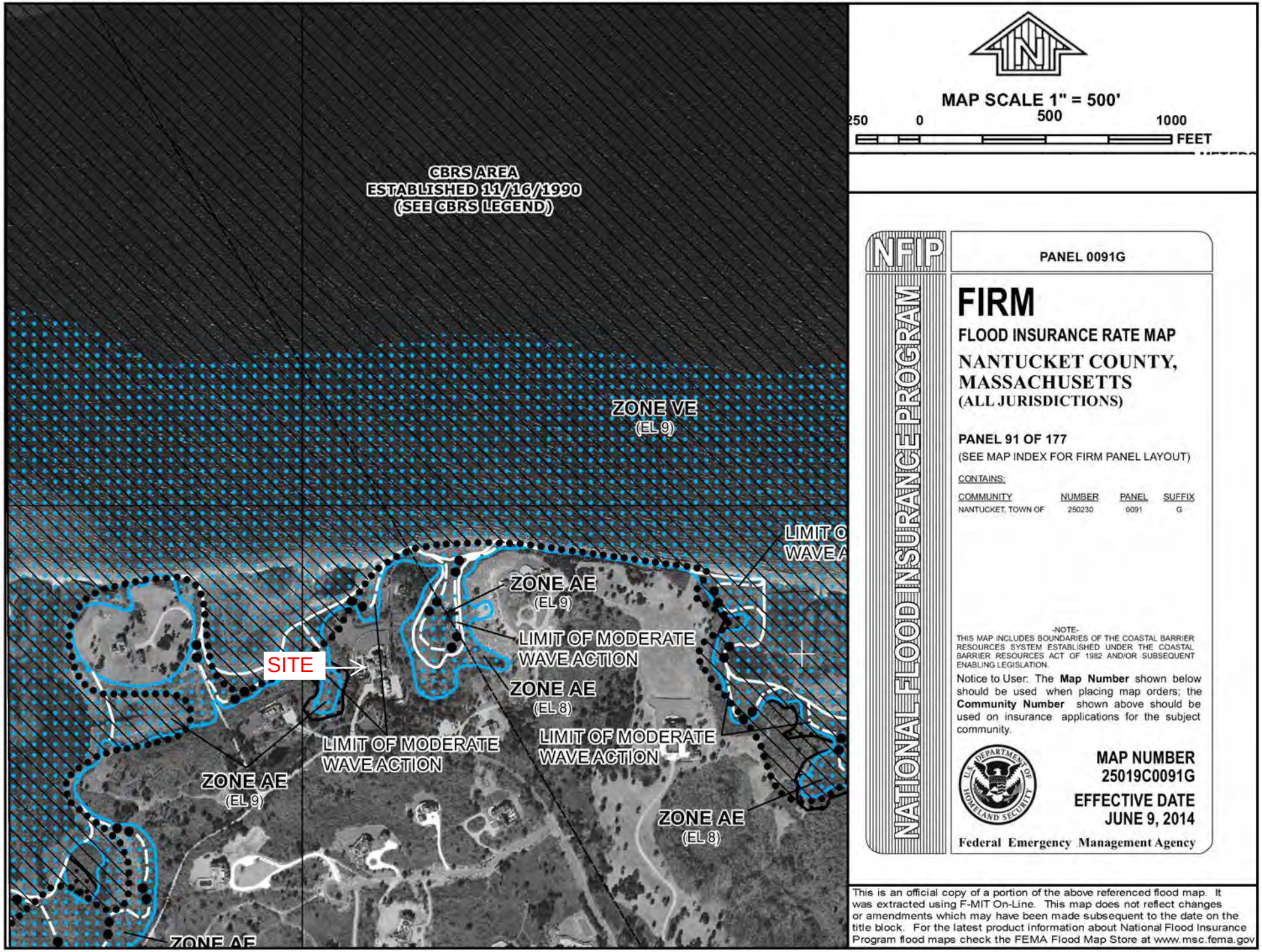


Figure 3: FEMA Flood Insurance Rate Map

LEC Environmental Consultants, Inc.

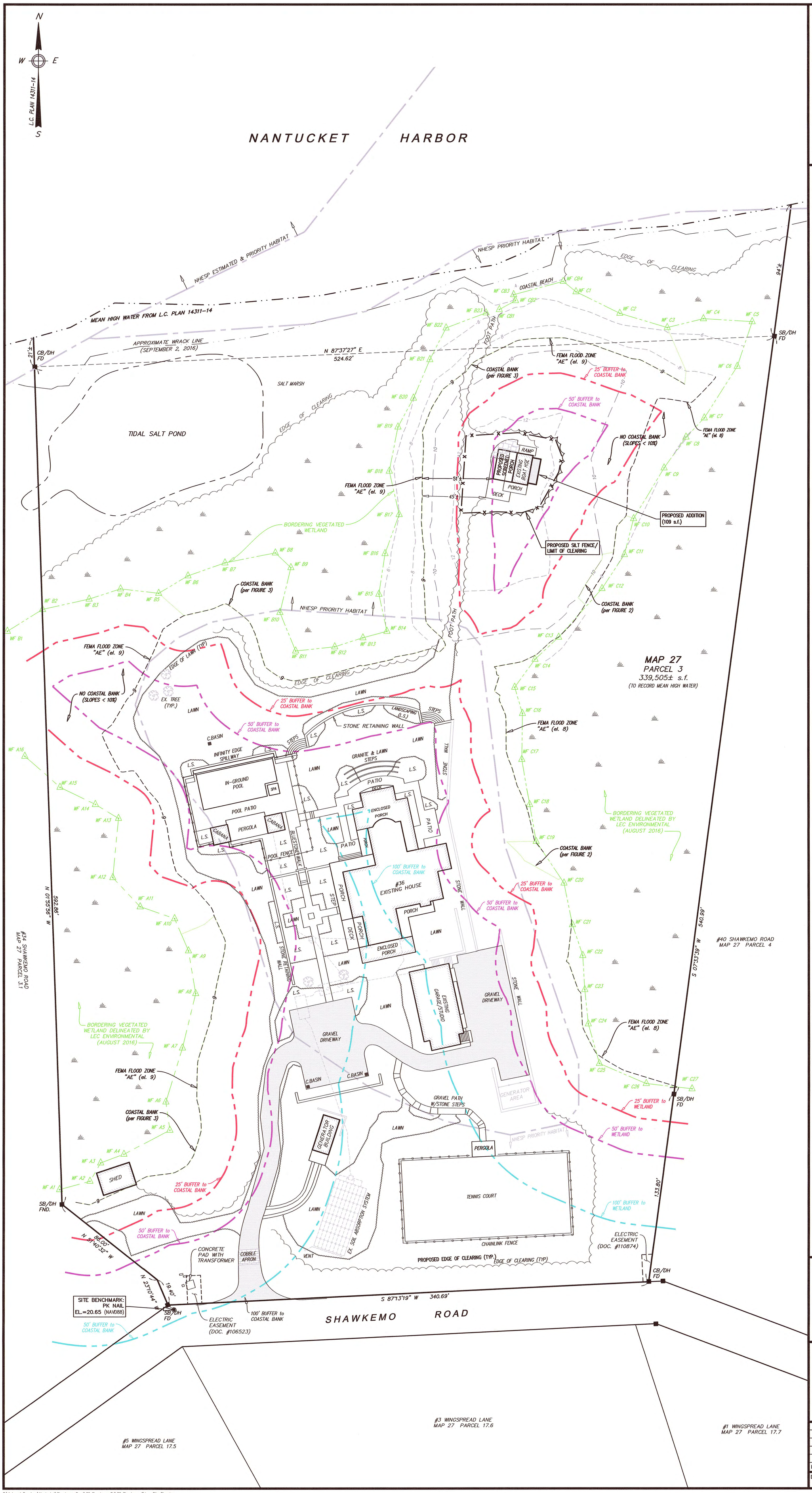
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 4: NHESP Map

36 Shawkemo Road
Nantucket, Massachusetts

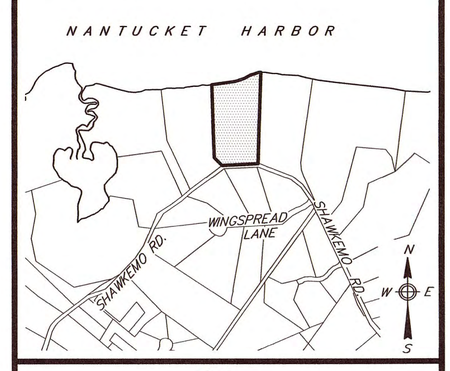
N

September 9, 2020



Locus Map

Scale: 1" = 1000'



Notes

1. LOCUS: #36 SHAWKEMO ROAD MAP 27 PARCEL 3
2. OWNER: SHAWKEMO I, LLC c/o SARAH F. ALGER, P.C. 4 NORTH WATER STREET NANTUCKET, MA 02554
3. DEED REF: Cert. #26401
4. PLAN REF: L.C.C. #14311-14 (LOT 64)
5. PORTIONS OF THE LOCUS DO FALL WITHIN SPECIAL FLOOD HAZARD ZONES "AE" (el. 8 & el. 9) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0091-G dated 06/09/2014.
6. LOCUS FALLS WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
7. WETLANDS DELINEATED BY LEC ENVIRONMENTAL IN AUGUST OF 2016.

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37971
REGISTERED PROFESSIONAL ENGINEER
9/9/20

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR
9/9/20

PLAN SCALE

0 6 12 18 24 30 45 60 90

1 inch = 30 feet

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:

SHAWKEMO I, LLC

#36 SHAWKEMO ROAD
MAP 27 PARCEL 3

No.	Date	Revision Description	By

Date:	Drawn:	Checked:
SEPTEMBER 9, 2020	RMM/ERC/BEI	DFB/AMG

S:\Autocad Drawings\Nantucket\Shawkemo Road\36 Shawkemo Rd\36 Shawkemo Rd - Site Plan.dwg

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 #:
eDEP Transaction #:1205778
City/Town:NANTUCKET

A.General Information

1. Project Location:

a. Street Address	35 ALMANACK POND ROAD		
b. City/Town	NANTUCKET	c. Zip Code	02554
d. Latitude	41.28644N	e. Longitude	70.01260W
f. Map/Plat #	46	g.Parcel/Lot #	7.1

2. Applicant:

☐ Individual ☑ Organization

a. First Name	TAYLOR	b.Last Name	DONOVAN		
c. Organization	NANTUCKET ISLANDS LAND BANK				
d. Mailing Address	22 BROAD STREET				
e. City/Town	NANTUCKET	f. State	MA	g. Zip Code	02554
h. Phone Number	508-228-7240	i. Fax		j. Email	tdonovan@nantucketlandbank.org

3.Property Owner:

☐ more than one owner

a. First Name		b. Last Name			
c. Organization	NANTUCKET ISLANDS LAND BANK				
d. Mailing Address	22 BROAD STREET				
e. City/Town	NANTUCKET	f.State	MA	g. Zip Code	02554
h. Phone Number	508-228-7240	i. Fax		j.Email	tdonovan@nantucketlandbank.org

4.Representative:

a. First Name	TAYLOR	b. Last Name	DONOVAN		
c. Organization	NANTUCKET ISLANDS LAND BANK				
d. Mailing Address	22 BROAD STREET				
e. City/Town	NANTUCKET	f. State	MA	g. Zip Code	02554
h.Phone Number	508-228-7240	i.Fax		j.Email	tdonovan@nantucketlandbank.org

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

a.Total Fee Paid	0.00	b.State Fee Paid	0.00	c.City/Town Fee Paid	0.00

6.General Project Description:

THE LAND BANK IS REQUESTING PERMISSION TO EXPAND THEIR EXISTING TRAIL NETWORK AND INSTALL ONE BOARDWALK TO FACILITATE A WETLAND CROSSING. THE TRAIL THROUGH THE WETLAND RESOURCE AREA BUFFER ZONES WILL CONNECT TO THE CONSERVATION FOUNDATION?S MAIN TRAIL LOOP WITHIN THE NORWOOD FARM PROPERTY, AFFORDING A SHORTER WAY TO ACCESS THE HEART OF BEACHWOOD FARM.

7a.Project Type:

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 (eg., 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:

a.County:	b.Certificate:	c.Book:	d.Page:
NANTUCKET	24716		

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

1.Buffer Zone & Resource Area Impacts (temporary & permanent):

☐ This is a Buffer Zone only project - 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)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a.☐ Bank	1. linear feet	2. linear feet
b.☑ Bordering Vegetated Wetland	1170 1. square feet	2. square feet
c.☐ Land under Waterbodies and Waterways	1. Square feet	2. square feet
	3. cubic yards dredged	
d.☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e.☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

f.☐ Riverfront Area

1. Name of Waterway (if any)

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)

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

4.Restoration/Enhancement

☐ Restoration/Replacement

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 entered the additional amount here.

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

5.Projects Involves Stream Crossings

☐ Project Involves Streams Crossings

If the project involves Stream Crossings, please enter the number of new stream crossings/number of replacement stream crossings.

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

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage of Endangered Species program (NHESP)?

a. ☑ Yes ☐ No

If yes, include proof of mailing or hand delivery of NOI to:
Natural Heritage and Endangered Species
Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

b. Date of map:FROM MAP VIEWER

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18)....

c. Submit Supplemental Information for Endangered Species Review * (Check boxes as they apply)

1.☑ Percentage/acreage of property to be altered:

(a) within Wetland Resource Area 1170 SQ FT percentage/acreage

(b) outside Resource Area percentage/acreage

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

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

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

b.☑ Photographs representative of the site

c.☑ MESA filing fee (fee information available at: http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/mass-endangered-species-act-mesa/mesa-fee-schedule.html)
Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

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

d.☐ Vegetation cover type map of site

e.☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the following

1.☐ Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/eea/agencies/dfg/dfw/laws-regulations/cmr/321-cmr-1000-massachusetts-endangered-species-act.html#10.14; 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 Number
   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.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review...

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

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

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

   Division of Marine Fisheries -
   Southeast Marine Fisheries Station
   Attn: Environmental Reviewer
   836 S. Rodney French Blvd
   New Bedford, MA 02744

   North Shore - Hull to New Hampshire:

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

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

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☑ No

   If yes, provide name of ACEC (see instructions to WPA Form 3 or DEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC Name

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
   a. ☐ Yes ☑ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L.c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L.c. 130, § 105)?
   a. ☐ Yes ☑ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
   a. ☐ Yes, Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol.2, Chapter 3)
      2. ☐ A portion of the site constitutes redevelopment
      3. ☐ Proprietary BMPs are included in the Stormwater Management System
   b. ☑ No, Explain why the project is exempt:

1. ☐ Single Family Home

2. ☐ Emergency Road Repair

3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

1. ☑ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. ☑ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. ☑ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s). Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. ☑ List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title:	b. Plan Prepared By:	c. Plan Signed/Stamped By:	c. Revised Final Date:	e. Scale:
4838R	BLACKWELL AND ASSOCIATES, INC., SURVEYORS	DEBORAH J. PATTERSON	02/06/2013	400 FT TO 1 IN.

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. ☑ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. ☑ Attach NOI Wetland Fee Transmittal Form.
9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payer name on check: First Name	7. Payer name on check: Last Name

F. Signatures and Submittal Requirements

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

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

1. Signature of Applicant	2. Date
3. Signature of Property Owner(if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

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

For MassDEP:

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

Other:

If the applicant has checked the "yes" box in Section C, Items 1-3, 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 Wetland FeeTransmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File #:
eDEP Transaction #:1205778
City/Town:NANTUCKET

A. Applicant Information

1. Applicant:

a. First Name	TAYLOR		b.Last Name	DONOVAN	
c. Organization	NANTUCKET ISLANDS LAND BANK				
d. Mailing Address	22 BROAD STREET				
e. City/Town	NANTUCKET	f. State	MA	g. Zip Code	02554
h. Phone Number	5082287240	i. Fax		j. Email	tdonovan@nantucketlandbank.org

2.Property Owner:(if different)

a. First Name			b. Last Name		
c. Organization	NANTUCKET ISLANDS LAND BANK				
d. Mailing Address	22 BROAD STREET				
e. City/Town	NANTUCKET	f.State	MA	g. Zip Code	02554
h. Phone Number	5082287240	i. Fax		j.Email	tdonovan@nantucketlandbank.org

3. Project Location:

a. Street Address	35 ALMANACK POND ROAD	b. City/Town	NANTUCKET

Are you exempted from Fee? ☐ (YOU HAVE SELECTED 'YES')

Note: Fee will be exempted if you are one of the following:

- City/Town/County/District
- Municipal Housing Authority
- Indian Tribe Housing Authority
- MBTA

State agencies are only exempt if the fee is less than $100

B. Fees

Activity Type	Activity Number	Activity Fee	RF Multiplier	Sub Total
	City/Town share of filling fee		State share of filing fee	Total Project Fee
	$0.00		$0.00	$0.00

List of Plans and Supporting Documents
35 Almanack Pond Rd
Nantucket, Massachusetts
Notice of Intent

1. Project Narrative, Resource Area Descriptions, and Waiver Request
2. Locus Map
3. Existing Conditions Map
4. Topography Map
5. Proposed Alterations Map
6. Wetland Resource Area Delineation Map
7. NHESP Priority Habitat Map
8. Site Photographs
9. Quitclaim Deed
10. Property Plan

Notice of Intent Application
35 Almanack Pond Road
Map 46, Parcel 7.1

Site Description

The 207-acre Beechwood Farm property was jointly purchased by the Nantucket Islands Land Bank ("Land Bank") and the Nantucket Conservation Foundation ("Conservation Foundation") in 2013. Last year, the Land Bank had the opportunity to add approximately 20 additional acres to the property by purchasing two adjacent parcels (Map/Parcel 46 11.1 & 11.2). New trails will be added throughout these two new parcels this summer, providing new routes for visitors to travel while visiting the Beechwood Farm property. The site, the southern portion of the parcel located at 35 Almanack Pond Road which abuts Barnard Valley Road (Map/Parcel 46 7.1), is bordered by conservation land belonging to both the Land Bank and the Conservation Foundation on all sides.

One **Bordering Vegetated Wetland** resource area, defined under 310 CMR 10.55 (Chpt. 136, Vegetated (Freshwater) Wetland 3.02), is located in the center of the property.

According to the 14th Edition of the Massachusetts Natural Heritage Atlas (effective August 1, 2017) published by the Natural Heritage and Endangered Species program (NHESP), all of the project site within the 35 Almanack Pond Road parcel falls within Priority Habitat of Rare Species. Proper documentation has been filed with the NHESP.

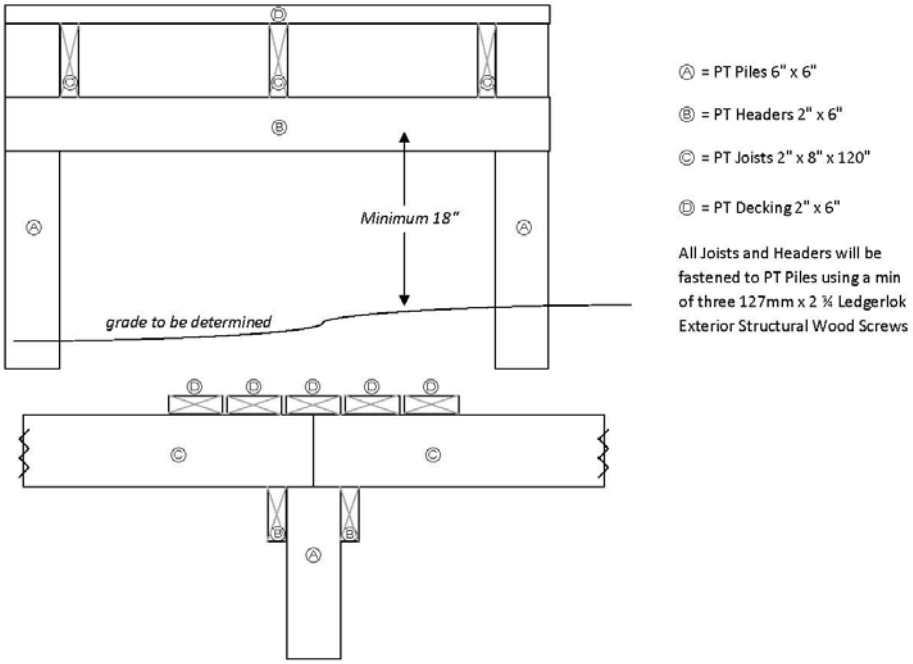
Project Overview

The Land Bank is requesting permission to expand their existing trail network and install one boardwalk to facilitate a wetland crossing. The trail through the wetland resource area buffer zones will connect to the Conservation Foundation's main trail loop within the Norwood Farm Property, affording a shorter way to access the heart of Beachwood Farm.

Project Details

The boardwalk design is identical to what the Land Bank has installed at Lily Pond and other areas throughout the island. The proposed walkways are 60" (2x6 planks with decking spaced ½" apart) wide and the minimum distance between the marsh surface and the base of the joists will be 18" (Figure 1). The boardwalk will span approximately 234 feet across the wetland area, beginning and ending at each 25-foot buffer line.

Figure 1. Proposed elevated walkway design.



The goal of the boardwalk is to improve public access to the Beechwood Farm property while increasing our compliance with performance standard 3.01 B(6), which states that "elevated walkways determined to be water dependent designed not to effect existing vegetation shall be required for pedestrian passage over wetlands". By installing a section of boardwalk, the Land Bank will be able to reduce impacts to the resource areas and their associated buffer zones.

Proposed work activities will occur within **Bordering Vegetated Wetland** buffer zones**.**

Waiver Request

The Land Bank is respectfully requesting a waiver for the installation of an elevated walkway within the 25-foot buffer to a **Bordering Vegetated Wetland.** Extending the elevated walkway across the wetland and the associated buffer zones facilitates compliance with the requirement that elevated walkways be provided for public pedestrian passage through a wetland resource area. The chosen pathway provides the most direct route between the two conservation properties, while minimizing adverse impact. The nature of this project should not impact the ability of this site to absorb or contain floodwaters. Therefore, the Land Bank is requesting a waiver be issued under Section 1.03(F) (3a and b) of the Nantucket Wetland Protection Regulations.

Beechwood
1A-WET

*=wetland indicator plant

6/17/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	~~Mottles Color~~	Depth	Matrix Color	Mottle	%
O		0-4"	7.5YR 2.5/1		
A		4-8"	10YR 2/1		
B		8-13"	10YR 2/2	10YR 3/1	20%
C		13-18"	10YR 2/1	10YR 3/3	15%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg
~~CARLN~~ - 100%
*NYSSYL - 80%
*OSMCIN - 25%
TRIBOR - 10%
QUEALB - 35
PARQUI - 1
ACERUB - 15
*RAN spp. - 1
moss spp. - 20
SMIROT - 1

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 14.5"
- ☒ Depth to soil saturation in observation hole: 10"
- ☐ 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 BVW	X	

Beechwood delin. 6/17/20 1B wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/1	
A	3-7"	10 YR 3/1	
B	7-12"	10YR 3/3	10YR 4/6 20%, 10YR 3/6 50%
C	12-18"	10 YR 4/4	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

veg:

CLEGLN 100%
TRIBOR 10%
ACERUB 2%
* OSMCIN 10%
* NYSSYL 50%
* VACCOR 20%
QUEALB 50%
* Ran. Spp. 2%
SMIROT 1%

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: 15"
- ☐ 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 BVW		

Beechwood
1C - DRY

6/17/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-4"	10 YR 2/2	
A	4-8"	10 YR 3/1	
B	8-11"	10 YR 4/2	
C	11-13"	10 YR 3/3	
C2	13-18"	10 YR 4/6	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg
CLEALN - 75
*RHOVS (?) - 70
TRIBOR - 5
ACERUB - 2
*RAN SPP. - 2
QUERLB - 80
*NYSSYL - 10
*VACCOR - 5
SMIROT - 1
QUERUB - 20
*LYOLIG - 10

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	___	X
Wetland hydrology present:		
Hydric soil present	___	X
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood wetland delin.
2a - wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-4"	7.5YR 2.5/2	
A	4-7"	10YR 2/1	
B	7-11"	10YR 3/1	10YR 3/6 15%
C	11-14"	10YR 3/4	10YR 2/2 10%
	14-18"	10YR 4/6	

Remarks: c2

3. Other:

Conclusion: Is soil hydric? yes no

vegetation:

CLEALN 90%
*VACCOR 20%
ACERUB 3%
SMIROT 1%
TRIBOR 5%
*OSMCIN 30%
QUEALB 65%
*NYSSYL 25%
moss spp. 1%
*Rhovis(?) 25%
TOXRAD 1%
VIBDEN 1%
PARQUI 1%

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: 18"
- ☐ 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 BVW	X	

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

Beechwood 6/17/20

2B - Dry

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/1	
A	3-6"	10YR 3/2	
B	6-10	10YR 3/6	
C	10-18	10YR 5/8	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg
CLEALN-70
QUEALB-70
* VACCOR-25
TRIBOR - 3
* RHOVIS (?) - 5
moss spp. - 10
ACERUB - 3
* NYSSYL - 25
ILEOPA - 2

AMEARB - 1
GAYBAC - 25%
SMIROT - 1%
Corylus spp. - 1%

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	___	X
Wetland hydrology present:		
Hydric soil present	___	X
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood 3a

6/18/20 - UP

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-2"	10YR 2/1	
A	2-6"	10YR 3/2	10YR 5/1 30%
B	6-11"	10YR 2/2	
C	11-18"	10YR 3/6	10YR 2/1 10%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

vegetation

CLEALN	75%	QUEALB	75%
* VACCOR	30%	GAUPRO	5%
TRIBOR	10%	* RHOVIS	15%
		MOSS	3%
ACERUB	2%	SMIEDT	1%
NABTRI	3%	* NYSSYL	80%
* RAN. SPP.	1%	QUERUB	35%
* OSMCIN	5%		

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood 6/18/20

3b – Wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-5"	10YR 2/1		
A	5-10"	10YR 2/2	7.5YR 2.5/3	30%
B	10-12	7.5YR 2.5/1		
C	12-18"	10YR 4/4		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg
CLEALN – 90%
*VACCOR – 20%
TRIBOR – 10
* RAN SPP – 1%
GAUPRO – 3%
* OSMCIN – 15%
* RHOVIS – 15%
* NYSSYL – 80%
QUEALB – 20
ACERUB – 35
SMIROT – 2%
NABTRI – 2%
PARQUI – 1%

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

- ☐ Site Inundated: ~~16~~
- ☒ Depth to free water in observation hole: 16"
- ☒ Depth to soil saturation in observation hole: 10"
- ☐ 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 BVW	X	

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

Beechwood 4a.
6/18/20 - wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/1	
B	3-6"	10YR 2/2	
C	6-11"	10YR 3/1	→ 10YR 4/2 20%
	11-18"	10YR 4/3	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

vegetation:

CLEALN 80%
TRIBOR 15%
TOXRAD 5%
ACERUB 2%
* Ran. spp. 1%
MOSS 15%
* NYSSYL. 60%
QUEALB 50%
SMIROT 1%
* VACCOR 10%
* RHOVIS 5%
* OSMCIN 30%
CARPEN 1%
CONYLUS spp. 1%
VIBDEN 1%

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 17"
- ☒ Depth to soil saturation in observation hole: 11"
- ☐ 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 BVW	X	

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

4B – Down Beechwood

6/18/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-2	10YR 2/2	
A	2-5	10YR 2/1	
B	5-9	10YR 4/1	
C	9-13	10YR 3/1	10YR 2/6, 50%
C_2	13-18	10YR 4/4	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg

CLEALN 60%
* NYSSYL 100%
* VACCOR 25
ACERUB 2%
TRIBOR 10
QUEALB 25
VIBDEN 1
PARQUI 1

* RAN SPP. 2
* RHOVIS 3
Moss SPP. 5
SMAROT 2
Baby pine* 1
TOXRAD 3

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: 15"
- ☐ 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 BVW	X	

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

Beechwood 4C
6/18/20 - UP 3

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/2	
A	3-8"	10YR 3/1	
B	8-13"	10YR 4/2 →	10YR 2/1 15%
C	13-18"	10YR 3/2	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

vegetation:

CLEALN 75% *VACCOR 20
*NYSSYL 100% PARQUI 2%
*RHOVIS 30% TOXRAD 2%
ACERUB 5% *RAN. SPP. 1%
TRIBOR 15% TOXRAD 1%
SMIROT 3% CONYUS SPP.
MOSS 10%

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood

5A - WET

6/19/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-6"	7.5YR 2.5/1	
A	6-13"	10YR 2/1	
B	13-16"	10YR 4/1	10YR 2/1 - 40%
C	16-18"	10YR 5/1	

Remarks:

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 16"
- ☒ Depth to soil saturation in observation hole: 6"
- ☐ 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: _____

3. Other:

Conclusion: Is soil hydric? yes no

Veg

CLEALN - 20%
* OSMCIN - 85%
TRIBOR - 12%
TOXRAD - 10%
* NYSSYL - 70%
* RHOVIS - 20%
QUEALB - 60%

MOSS SPP. - 30
SMIROT - 1%
PARQUI - 1%
ACERUB - 35%
VIBDEN - 1%
* VACCOR - 40%
GAUPRO - 1%

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 BVW	X	

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

Beechwood 5 B
06/19/20 -wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/1	
A	3-9"	10YR 3/1	→ 10YR 2/2 20%
B	9-14"	10YR 2/2	
C	14-18"	10YR 3/4	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CIEALN 60% *VACCOR 30%
* OSMCIN 70% CORYLUS SPP. 1%
* NYSSYL 80% PARQUI 2%
QUEALB 35% GAUPRO 5%
TRIBOR 5% * RHOVIS 15%
ACERUB 3% VIBDEN 1%
SMIROT 2% CARPEN 1%
TOXROO 60%
MOSS 5%

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 17"
- ☒ Depth to soil saturation in observation hole: 14"
- ☐ Water marks: _____
- ☐ Drift lines: _____
- ☐ Sediment Deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: _____
- ☐ Water-stained leaves: _____
- ☐ Recorded Data (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 BVW	X	

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

Beechwood
5c - Dry

6/19/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10 YR 2/2	
A	3-9"	10 YR 5/2	
B	9-11"	10 YR 3/6	10 YR 3/3 - 30%
C	11-18"	10 YR 5/8	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes (no)

veg
CLEALN - 90% * VACCOR - 10%
QUEALB - 70% TOXRAD - 5%
* NYSSYL - 55% ACERUB - 2%
PARQUI - 7%
AMEARB - 2%
VIBDEN - 1%
Moss spp. - 5%
TRIBOR - 10

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	___	X
Wetland hydrology present:		
Hydric soil present	X	___
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood 6a
8/19/20 - dry

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/2	
A	3-8"	10YR 4/2 →	10YR 3/2 20%
B	8-12"	10YR 2/1	
C	12-18"	10YR 5/6 →	10YR 3/4 40%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN	100%	PARQUI	5%
* OSMCIN	10%	SMIROT	2%
TOXRAD	15%	AMENAN	3%
* VACCOR	15%	GAUPRO	5%
* NYSSYL	75%	NABTRI	3%
QUEALB	30%		
* RHOVIS	15%		
ACERUB	2%		
TRIBOR	10%		

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood

6b - Wet

6/9/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-4"	10YR 2/2		
A	4-8	10YR 3/1		
B	8-11	10YR 3/3	10YR 4/4	10%
C	11-18	10YR 4/6		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 40%
* OSMCIN - 80%
* VACCOR - 35
ACERUB - 40
* RHOVIS - 20
* NYSSYL - 80
TRIBOR - 8
TOXRAD - 50
AMEARB - 3

GRAPRO - 5
PARQUI - 2
Moss spp. - 20
SMIROT - 2

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 15"
- ☒ Depth to soil saturation in observation hole: 10"
- ☐ 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 BVW	X	

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

Beechwood 7a

6/19/20 — Up

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-1"	10YR 2/2	
A	1-4"	10YR 3/3	
B	4-9"	10YR 4/3	→ 10YR 4/6 20%
C	9-18"	10YR 5/6	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 95%, QUEALB 80%, ACERUB 25%, VIBDEN 1%, * VACCOR 2%, * NYSSYL 50%, TRIBOR 20%, SMIROT 5%

CONJWS spp. 8%, AMENAM 1%, EPIREP 1%, CARPEN 5%, * RUBHIS 1%, * RAN. spp. 8%, TOXRAD 1%, * RHOVIS 10%, PRUSER 1%

PTEAQU 5%, PYRROT 5% (Pyrola rotundi), KALANG 3%

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood 7b - LINE

6/24/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-2"	10YR 2/2		
A	2-6"	10YR 3/1		
B	6-12"	10YR 3/4	10YR 2/1	10%
C	12-18"	10YR 4/6		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

veg

CLEALN - 75%
*OSMCIN - 25%
TRIBOR - 10%
TOXRAD - 3%
ACERUB - 45
QUERALB - 60
*VACCOR - 20%
NABTRI - 2
SMIROT - 3

AMEARB - 2
*FRAN spp. - 2
CARPEN - 5
*RHOVIS - 20
mosi spp - 30
*NYSSYL - 20
~~QUERUB~~
KALANG - 2

~~FRAXPENN~~
COR spp. - 4
PYRROT - 1

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: 18"
- ☐ 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 BVW	X	___

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

Beechwood 6/24/20
7C - wet

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
	0-2"	10YR2/1	
	2-6"	10YR 3/2	
	6-11"	10YR 3/1	
	11-18"	10YR 2/1	10YR 3/3 30%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 60% *OSMCIN 35% SMIROT 7%
*VACLOR 30% TOXRAD 5% *DECVER 3%
CARPEN 5% *RUBHIS 5%
*RHOVIS 15% *GRITRI 3%
MOSS spp. 40%
ACERUB 55% *NYSSYL 15%
QUEALB 55% NABTRI 1%
TRIBOR 12% PARNOV 7%
AMENAN 2%

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 17"
- ☒ Depth to soil saturation in observation hole: 12"
- ☐ 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 BVW	X	

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

Beechwood
8A- Line

6/25/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-3"	10YR 2/1		
A	3-6"	10YR 2/1		
B	6-11"	7.5YR 2.5/2	7.5YR 2.5/1	40%
C	11-18"	10YR 3/3		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg
CLEALN - 60%
*OSMCIN - 10%
QUEALB - 85%
ACERUB - 25%
* RHOVIS - 15%
TOXRAD - 15%
* VACCOR - 30%
TRIBOR - 10%
AMEARB - 5%
*NYSSYL - 7%
SMIROT - 7%
*RUBHIS - 2%
MOSS SPP. - 25%
CARPEN - 15%
PARNON - 20%

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: 18"
- ☐ 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 BVW	X	

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

Beechwood 8B
6/25/20 -up

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-2"	10YR 2/2	
A	2-6"	10YR 3/2	
B	6-11"	10YR 4/6	10YR 2/1 40%
C	11-18"	10YR 5/6	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 95%
SMIROT 10%
QUEALB 90%
* NYSSYL 35%
ACERUB 20%
TRIBOR 15%
TOXRAD 5%
NABTRI 3%
Conyzas spp. 2%
VIBDEN 3%
KALANG 10%
PARNOV 5%
AMEARB 4%
moss spp. 3%
* RUBHIS spp. 3%
PTEAQU 3%
* Ran. spp. 3%
CARPEN 2%

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood

9a-Wet

9/25/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-3"	2.5YR 2.5/1		
A	3-5"	10YR 2/1		
B	5-10"	10YR 2/2	10YR 4/1; 7.5YR 2.5/2	35%
C	10-18"	10YR 4/6		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Veg.

CLEALN - 40%
*OSMCIN - 60%
*RHOVIS - 25
*VACCOR - 20
*RAN spp. - 3
Moss spp. - 3
TOXRAD - 10
QUEALB - 75

ACERUB - 45%
*NYSSYL - 55%
TRIBOR - 15
KALANG - 7
SMIROT - 7
CARPEN - 2
VIBDEN - 1
AMEARB - 5
VITLAB - 5

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: 16"
- ☐ 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 BVW	X	

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

Beechwood 9B
6/25/20 - dry

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-2	10YR 2/2	
A	2-5	10YR 2/1	
B	5-9	10YR 3/1 →	10YR 3/3 20%
C	9-18	10YR 5/8 →	10YR 3/6 30%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 100%
* VACCOR 20%
TRIBOR 15%
* NYSSYL 75%
QUEALB 50%
ACERUB 5%
AMEARB 3%
* Ram. spp. 1%
PYRROT 3%

MOSS spp. 2%
CONYWS spp. 2%
TOXRAD 5%
PTEAQU 7%
KALANG 3%
* RUBHIS 10%
SMIROT 3%

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	___	X
Wetland hydrology present:		
Hydric soil present	X	___
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood

10a - Wet

6/25/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-3"	10YR 2/2		
B	3-7"	10YR 3/1		
B	7-10"	7.5YR 2.5/1	10YR 2/1	15%
C	10-18"	10YR 4/6		

Remarks:

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: 6"
- ☐ 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: _____

3. Other:

Conclusion: Is soil hydric? yes no

Veg

CLEALN - 40%
* OSMCIN - 45
* VACCOR - 20
* RHOVIS - 25
QUEVEL - 7
* NYSSYL - 80
ACERUB - 35
GAUPRO - 20
TRIBOR - 7

TOXRAD - 10
MITREP - 2
CARDEN - 7
MELLIN - 5
PYRROT - 7
AMEARB - 5
* RAN spp. - 3
VIBDEN - 3
Moss spp. - 15

KALANG - 7
SMIROT - 3
PARQUI - 3

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 BVW	X	

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

Beechwood 10B - dry

6/25/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-2"	10YR 3/3	
A	2-4"	10YR 2/2	
B	4-9"	10YR 3/2	10YR 3/1 20%
C	9-18	10YR 5/6	10YR 3/3 15%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN	85%	*RAN SPP.	4%
* VACCOR	40%	KALANG	3%
* NYSSYL	85%	PTEAQU	10%
QUEALB	30%	CORYWS SPP.	15%
TOXRAD	30%	VIBDEN	3%
AMEARB	20%	QUEVEL	15%
SMIROT	3%	*RUBHIS	5%
PYRROT	2%	GAUPRO	1%
ACERUB	7%		
TRIBOR	5%		

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		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present		X
Sample location is in a BVW		X

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

Beechwood / 11A – UP

6/25/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/1	
A	3-7"	10YR 2/2	
B	7-14"	10YR 3/6	
C	14-18"	10YR 5/8	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN - 80%
*OSMCIN - 5%
PYRROT - 7
* NYSSYL - 95%
TRIBOR - 15
MAIRAC - 3
ACERUB - 25%
*RAN Spp - 12
MORCAR - 4
QUEALB - 40
Moss Spp - 5
COR Spp. - 12
QUEVEL - 3%
CARPEN - 5
VIBDEN - 3
GAUPRO - 7
*VACCOR - 60
SMIROT - 7
KALANG - 3
* RHOVIS - 30
VITLAB - 15
AMEARB - 2
TOXRAD - 25
PARQUI - 20
ILEOPA - 4
* RUBHIS - 5

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	___	X
Wetland hydrology present:		
Hydric soil present	___	X
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood 11b
6/25/20 - down

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-6"		
A	6-10"	10YR 3/1 →	10YR 2/2 30%
B	10-15"	10YR 5/2	10YR 3/4 30%
C	15-18"	10YR 4/1 →	

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 30% *Ranunculus spp. 2%
*VACCOR 25% CARPEN 3%
*OSMCIN 35% *RHOVIS 15%
ACERUB 100% QUEVEL 4%
QUEALB 60% SMIROT 5%
*NYSSYL 55% Corylus spp. 1%
TOXRAD 20% *RUBHIS spp. 3%
moss spp. 25%
TRIBOR 10%

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

- ☐ Site Inundated: _____
- ☒ Depth to free water in observation hole: 16"
- ☒ Depth to soil saturation in observation hole: 10"
- ☐ 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 BVW	X	

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

Beechwood
12A - Dry

6/26/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0-2"	10YR 2/1		
A	2-8"	10YR 3/1		
B	8-14"	10YR 3/6	10YR 6/6	5%
C	14-18"	10YR 5/6		

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN-90% PYRROT-12% VITLAB-10%
*NYSSYL-90% ACERUB-30% PTERQU-2%
*VACCER-45% PARQUI-20%
MORCAR-25% GAUPRO-5%
QUERALB-25% MOSS SPP-3%
QUEVEL-2% TOXRAD-3%
TRIBOR-7% *RUBHIS-5%
*RAN SPP.-15% SMIROT-3%
CARPEN-5% COR SPP.-30%
VIBDEN-2%

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	___	X
Wetland hydrology present:		
Hydric soil present	X	___
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood 12-B
6/26/20 - dry

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0-3"	10YR 2/2	
A	3-6"	10YR 3/1	
B	6-10"	10YR 4/2 →	10YR 3/3 20%
C	10-18	10YR 3/6 →	10YR 4/6 15%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN 25%
*VACCOR 60%
*OSMCIN 70%
TOXRAD 17%
*NYSSYL 80%
ACERUB 55%
*RHOVIS 15%
QUEALB 20%
moss spp. 15%
PYRROT 10%

VIBDEN 5%
*RUBHIS 3%
CARPEN 7%
SMIROT 5%
*Ranunculus spp. 3%
MITREP 1%
TRIBOR 2%
Conyzas spp. 2%
QUEVEL 3%
GAUPRO 3%
PARQUI 7%

ILEOPA 7%
KALANG 2%

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	___	X
Wetland hydrology present:		
Hydric soil present	X	___
Other indicators of hydrology present	___	X
Sample location is in a BVW	___	X

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

Beechwood
12c - Wet

6/26/20

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
title/date:
map number:
soil type mapped:
hydric soil inclusions:

Are field observations consistent with soil survey? yes no
Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color	%
O	0 – 6"	10YR 2/1		
A	6 – 9"	10YR 3/1		
B	9 – 12"	10YR 2/2	10YR 3/6	15%
C	12 – 18"	10YR 3/4	7.5YR 2.5/3	20%

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

CLEALN-15% GAUPRO-5 PYRROT-4
* OSMCIN-70 TRIBOR-7 PARQUI-5
* NYSSYL-85 TOXRAD-20 VIBDEN-2
* VACCOR-45 Moss spp.-25 * RUBHIS-3
* RHOVIS-20 ILEOPA-5 AMEARB-1
ACERUB-50 SMIROT-3
QUEALB-5 MITREP-30%
QUEVEL-4 CARPEN-3
* RAN spp.-3 KALANG-3

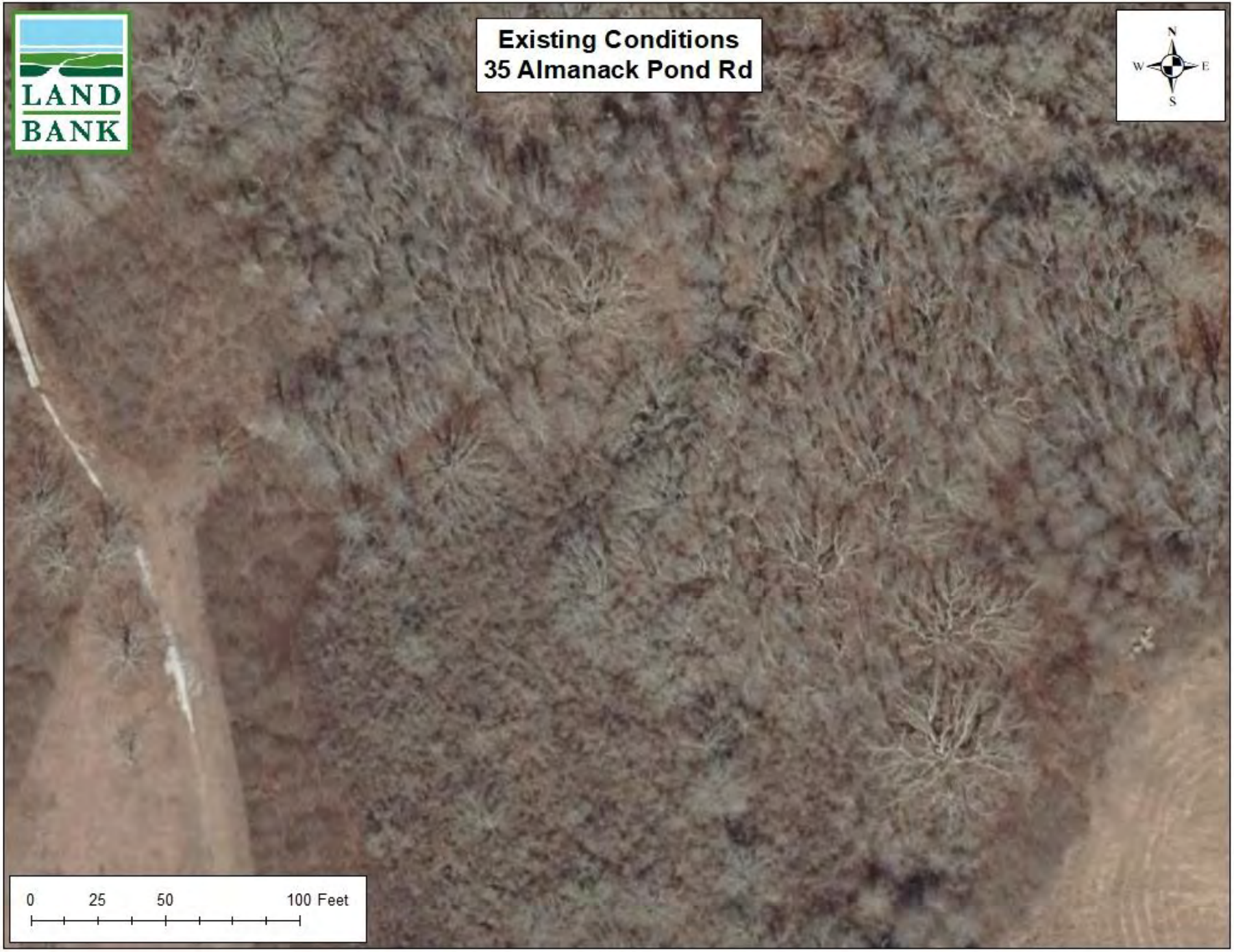
Other Indicators of Hydrology: (check all that apply & describe)

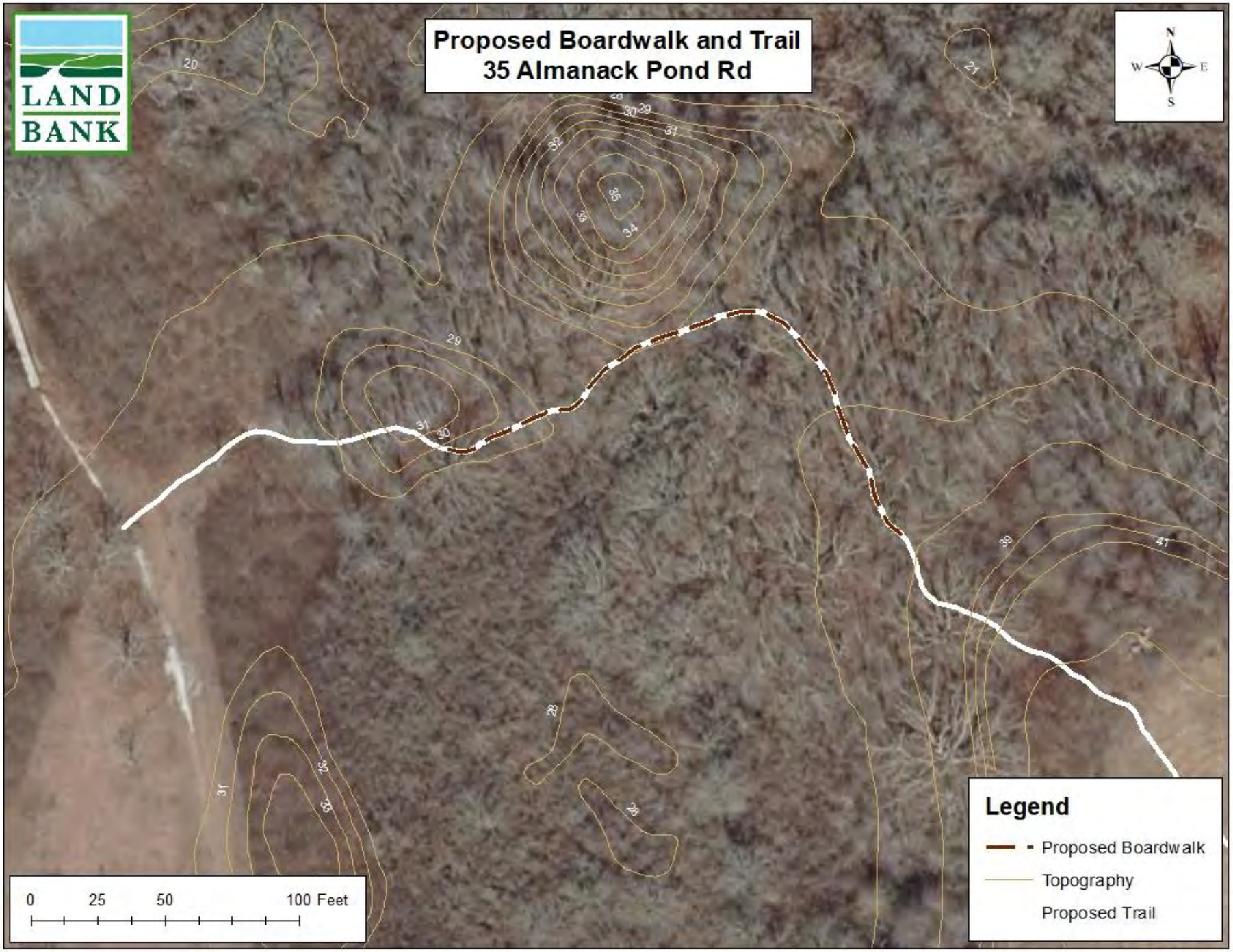
- ☐ Site Inundated: _____
- ☐ Depth to free water in observation hole: _____
- ☒ Depth to soil saturation in observation hole: 6"
- ☐ Water marks: _____
- ☐ Drift lines: _____
- ☐ Sediment Deposits: _____
- ☐ Drainage patterns in BVW: _____
- ☐ Oxidized rhizospheres: _____
- ☐ Water-stained leaves: _____
- ☐ Recorded Data (streams, lake, or tidal gauge; aerial photo; other): _____
- ☐ Other: _____

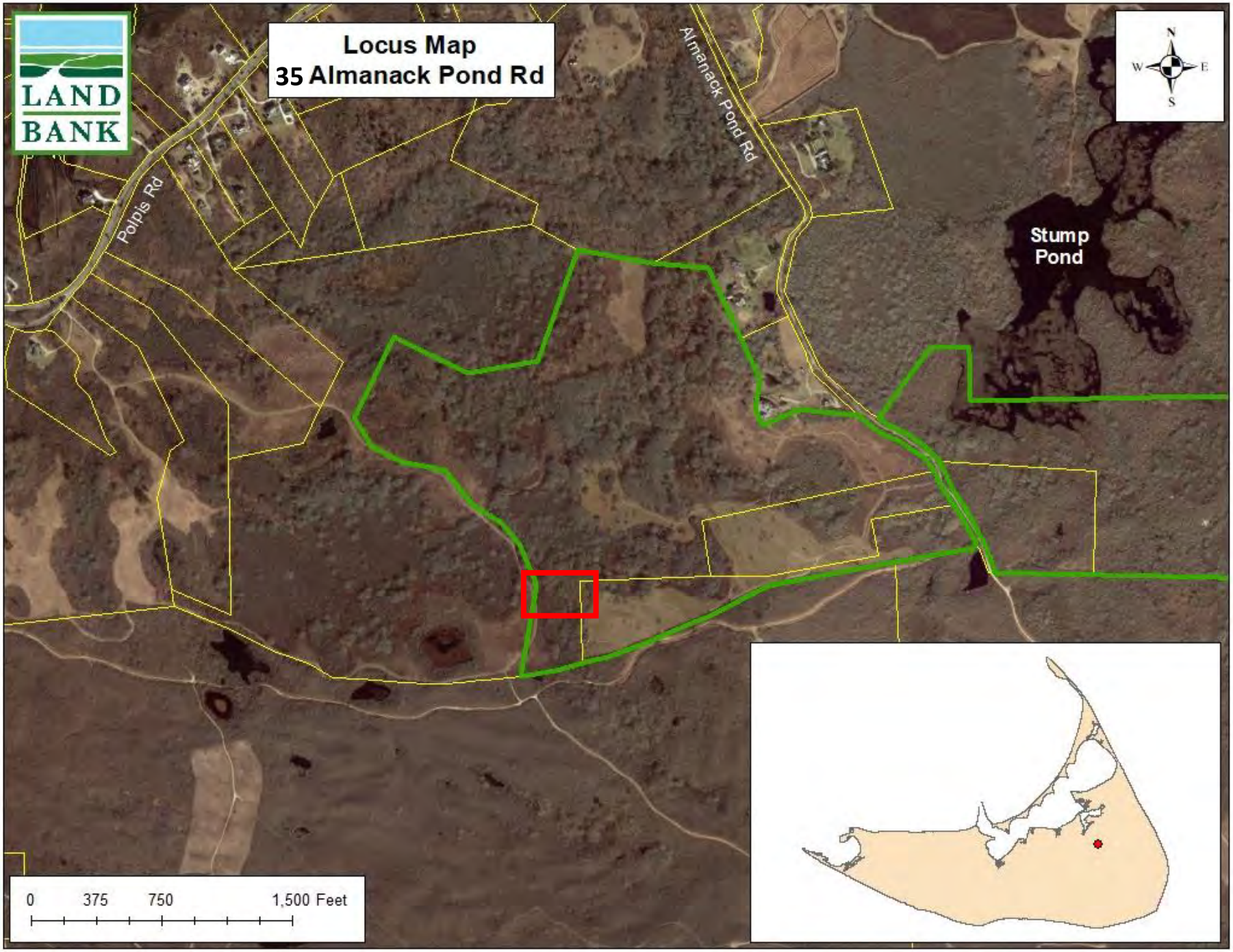
Vegetation and Hydrology Conclusion

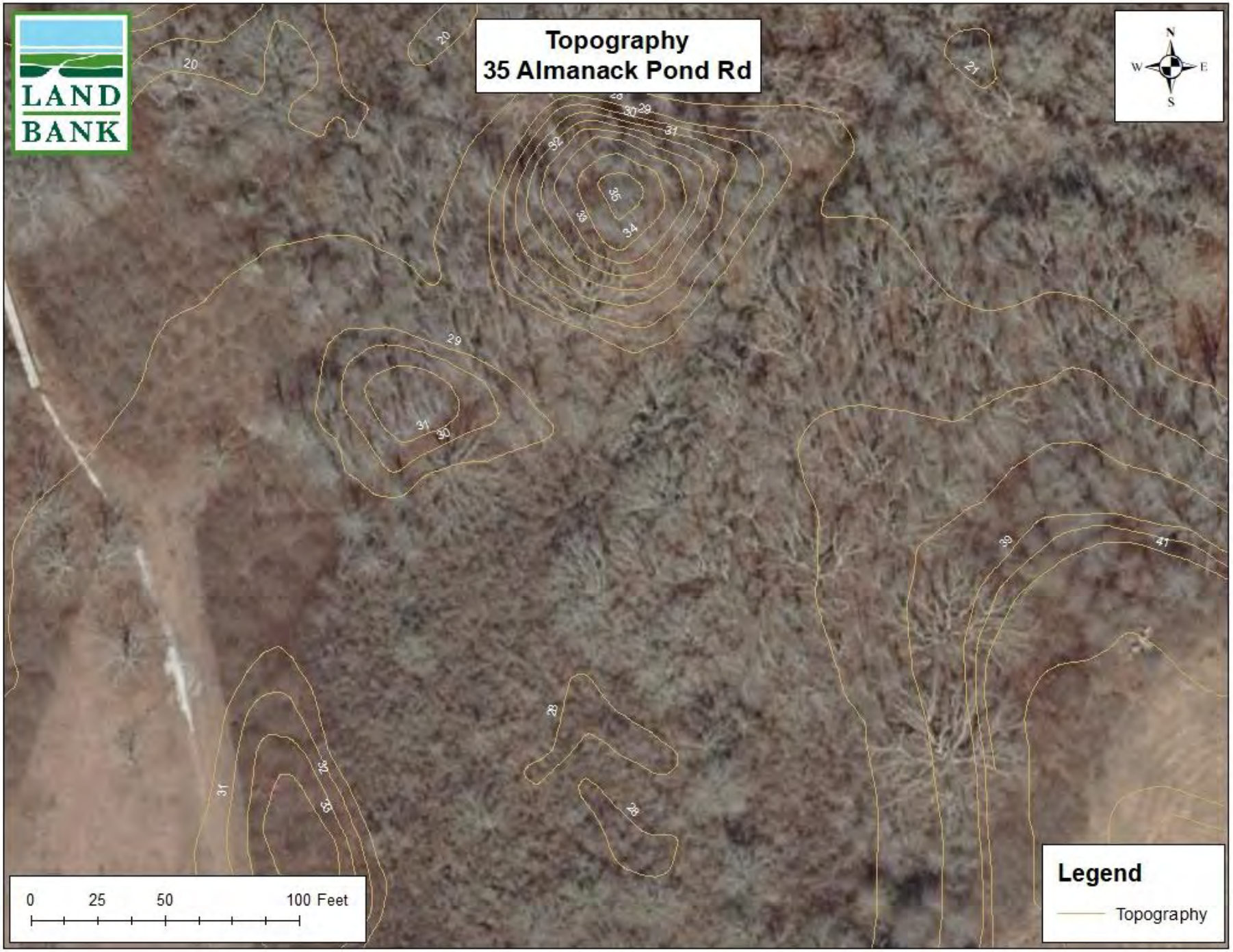
	Yes	No
Number of wetland indicator plants ≥ # of non-wetland indicator plants		X
Wetland hydrology present:		
Hydric soil present	X	
Other indicators of hydrology present	X	
Sample location is in a BVW	X	

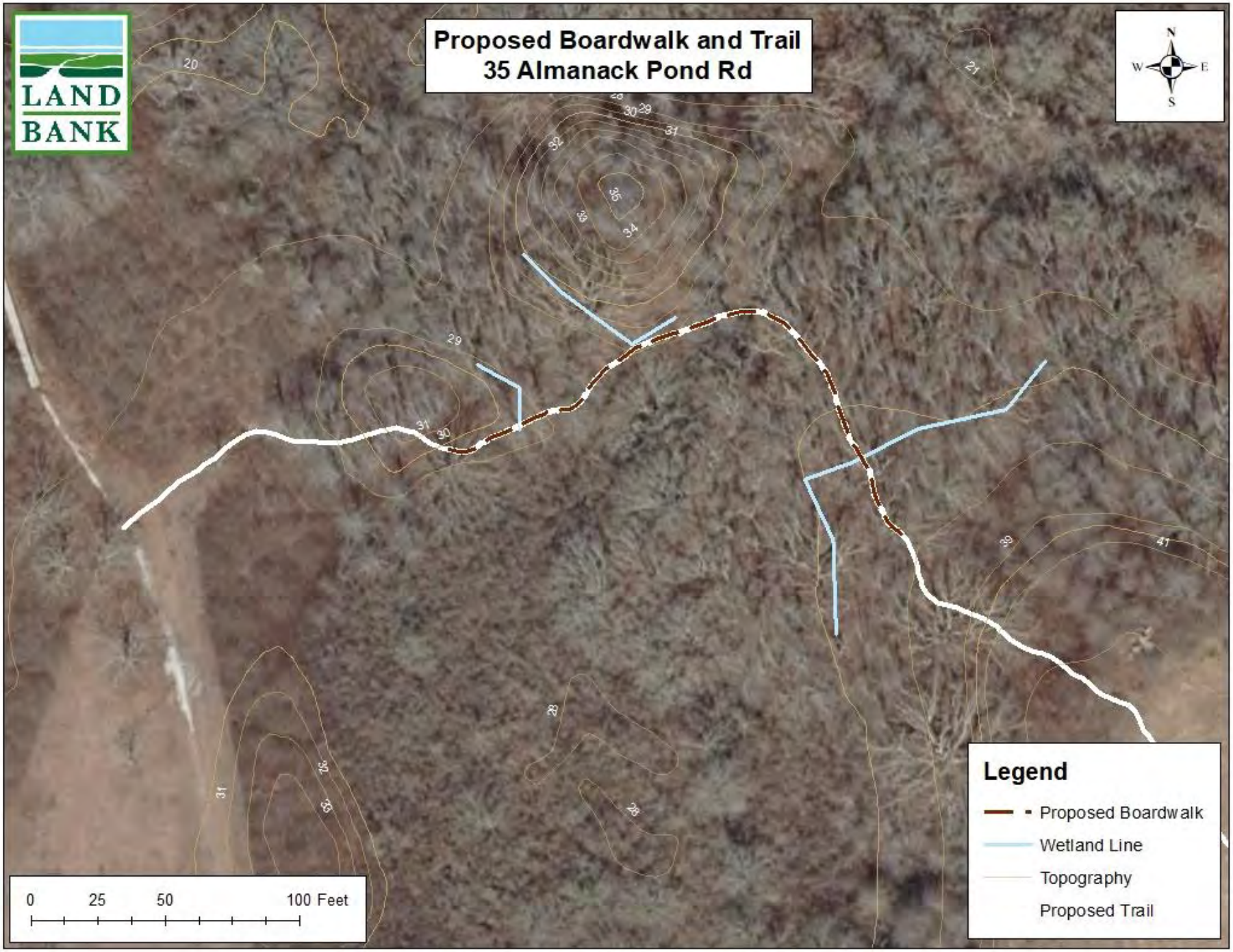
Submit this form with the Request for Determination of Applicability or Notice of Intent.

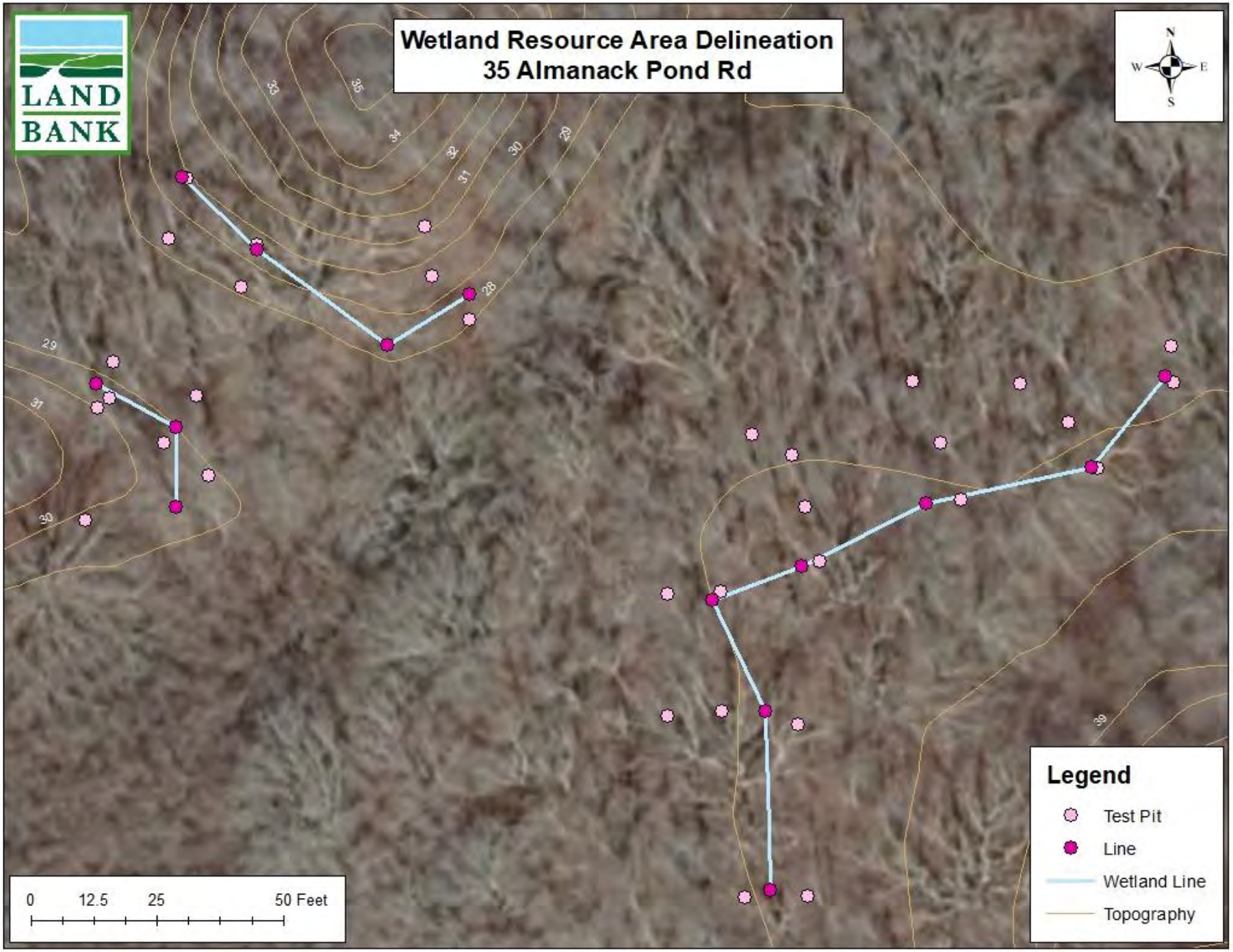

LAND
BANK
Existing Conditions
35 Almanack Pond Rd
N
W
E
S
0
25
50
100 Feet

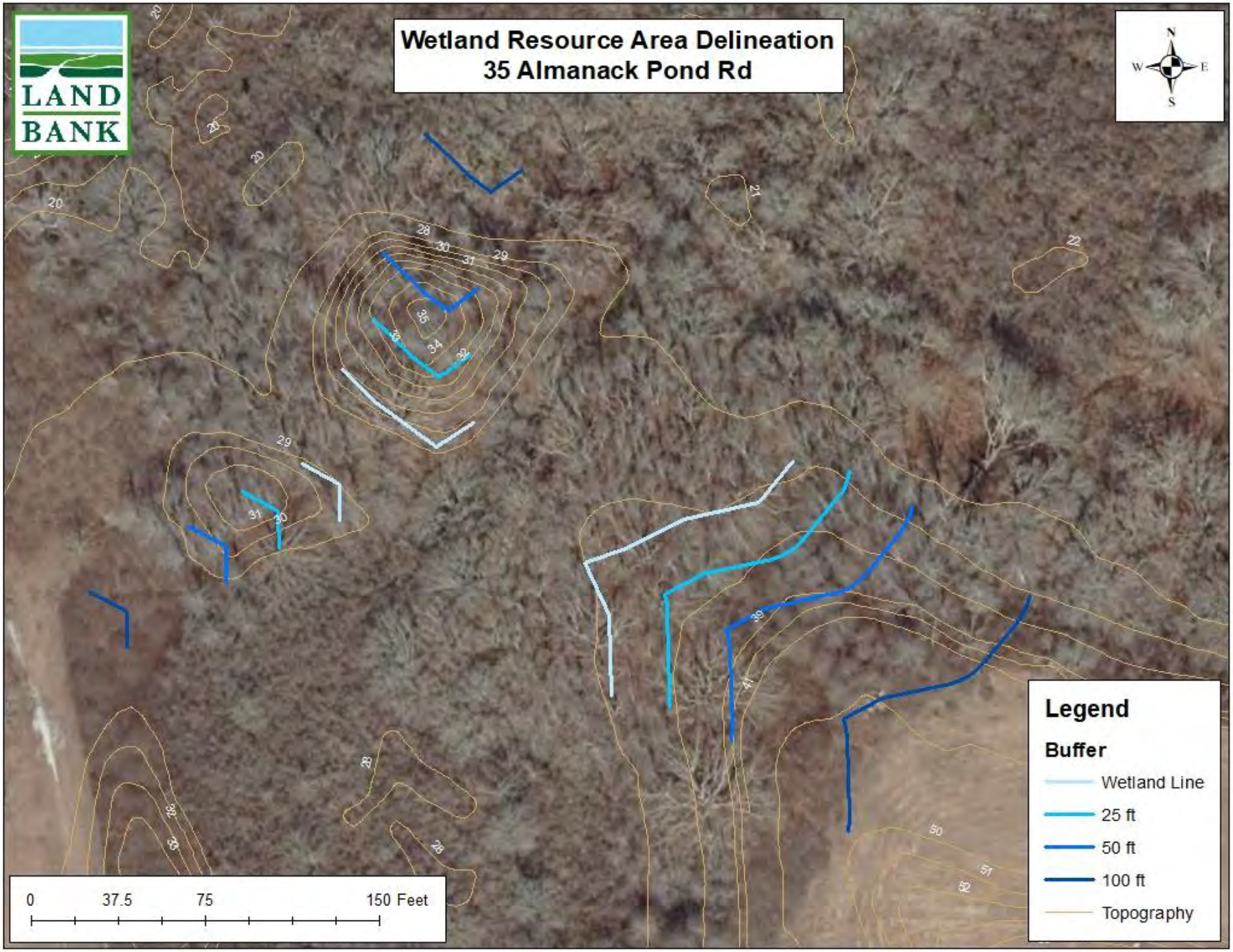

LAND BANK
Proposed Boardwalk and Trail
35 Almanack Pond Rd
N
W
E
S
Legend
Proposed Boardwalk
Topography
Proposed Trail
0
25
50
100 Feet


Locus Map
35 Almanack Pond Rd
LAND BANK
Almanack Pond Rd
Polpis Rd
Stump Pond
N
W
E
S
0
375
750
1,500 Feet


Topography
35 Almanack Pond Rd
LAND BANK
N
W
E
S
0
25
50
100 Feet
Legend
Topography


Proposed Boardwalk and Trail
35 Almanack Pond Rd
LAND BANK
N
W
E
S
Legend
Proposed Boardwalk
Wetland Line
Topography
Proposed Trail
0
25
50
100 Feet


LAND BANK
Wetland Resource Area Delineation
35 Almanack Pond Rd
N
W
E
S
Legend
Test Pit
Line
Wetland Line
Topography
0
12.5
25
50 Feet


Wetland Resource Area Delineation
35 Almanack Pond Rd
LAND BANK
N
W
E
S
Legend
Buffer
Wetland Line
25 ft
50 ft
100 ft
Topography
0
37.5
75
150 Feet

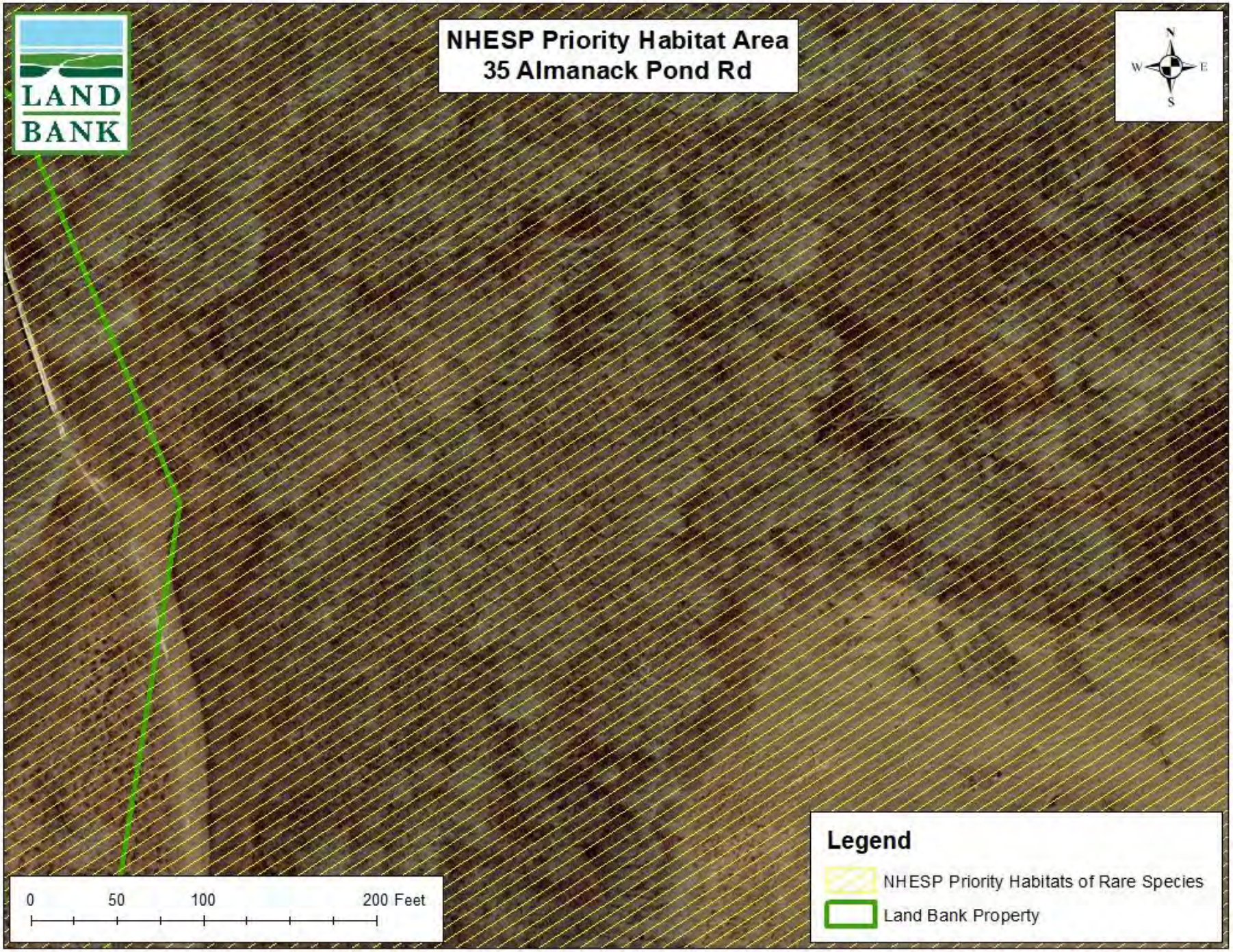

NHESP Priority Habitat Area
35 Almanack Pond Rd
LAND BANK
N
W
E
S
0
50
100
200 Feet
Legend
NHESP Priority Habitats of Rare Species
Land Bank Property

Photo A: View of wetland resource area from proposed trail.

Photo B: View of wetland resource area from proposed trail.

Photo C: View of proposed trail.

Photo D: View of wetland resource area from proposed trail.

Photo E: Jack-in-the-Pulpit *(Arisaema triphyllum)* in wetland resource area.

Photo F: Black tupelo *(Nyssa sylvatica)* along proposed trail edge, in wetland buffer zone.

Photo G: View of proposed trail through cinnamon ferns *(Osmundastrum cinnamomeum)* in wetland resource area.

Photo H: View of wetland resource area from proposed trail.

Photo I: View of wetland resource area from proposed trail.

140312

2013 00140312
Cert: 24716 Doc: DD
Registered: 03/01/2013 11:56 AM

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

Feb. 27, 2013

Plan 4838R Lot 20
(EXAMINED AS DESCRIPTION ONLY)
T.C. Pontbriand Engineer SJK

QUITCLAIM DEED

NANTUCKET CONSERVATION FOUNDATION, INC. ("Grantor"), a Massachusetts non-profit corporation having principal offices at 118 Cliff Road, Nantucket, Nantucket County, Massachusetts, for consideration paid and in full consideration of SEVEN MILLION AND 00/100 (7,000,000.00) DOLLARS, grants to NANTUCKET ISLANDS LAND BANK ("Grantee"), a body politic and corporate, having offices at 22 Broad Street, Nantucket, Nantucket County, Massachusetts with QUITCLAIM COVENANTS,

that certain parcel of land situated on Almanac Pond Road (a/k/a Beechwood Road) in the Town and County of Nantucket, Commonwealth of Massachusetts, bounded and described as follows:

> Lot 20 on Land Court Plan No. 4838-R (Pending), filed with Certificate of Title No. 24,636 at the Nantucket Registry District for the Land Court.

Said land is conveyed subject to the following matters:

(a) Agreement for Easements dated October 30, 2004, registered as Document No. 109801 at the Nantucket Registry District.

(b) Stipulation with the Nantucket Islands Land Bank dated August 21, 2009, registered as Document No. 129739 at Nantucket Registry District.

(c) Stipulation with Nantucket Conservation Foundation, Inc., dated April 26, 2009, registered as Document No. 129740 at Nantucket Registry District.

(d) Order of Conditions issued by the Nantucket Conservation Commission in File No. SE48-2402, registered as Document No. 135045 at Nantucket Registry District.

(e) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2013, commencing on July 1, 2012.

(f) Declaration of Non-Exclusive Cross Access/Joint Use Walking Path Easement filed herewith as Document No. 140310.

For title reference, see Certificate of Title No. 24,636, filed with the Nantucket Registry District for the Land Court.

The undersigned certify that this deed is not a conveyance of all or substantially all of the assets of the Grantor corporation.

Executed and sealed for and on behalf of Nantucket Conservation Foundation, Inc., by David B. Poor, its President, and Arthur A. Gosnell, its Treasurer, each hereunto duly authorized, on ~~February~~ January 18, 2013. Please see Certificate of Vote, attached.

NANTUCKET CONSERVATION
FOUNDATION, INC.
By:

David B. Poor, its President

Arthur A. Gosnell, its Treasurer

STATE OF CONNECTICUT

Fairfield, ss. February 22, 2013

Then personally appeared the above-named David B. Poor as President of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

Sworn to and subscribed
before me this
22 day of Feb, 2013

Laura C. Claudio
Notary Public

My commission expires:

LAURA C. CLAUDIO
NOTARY PUBLIC OF CONNECTICUT
My Commission Expires 9/30/2016

STATE OF NEW YORK

Westchester, ss. February ____, 2013

Then personally appeared the above-named Arthur R. Gosnell as Treasurer of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

Notary Public

My commission expires:

NANTUCKET LAND BANK
CERTIFICATE
☐ Paid $
☑ Exempt A
☐ Non-applicable
No. 33911 Date 3/1/13
Authorization SR

Executed and sealed for and on behalf of Nantucket Conservation Foundation, Inc., by David B. Poor, its President, and Arthur A. Gosnell, its Treasurer, each hereunto duly authorized, on February __ 2013. Please see Certificate of Vote, attached.

NANTUCKET CONSERVATION
FOUNDATION, INC.
By:

_____
David B. Poor, its President

Arthur A. Gosnell
_____
Arthur A. Gosnell, its Treasurer

STATE OF CONNECTICUT

Fairfield, ss. February ____, 2013

Then personally appeared the above-named David B. Poor as President of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

_____
Notary Public

My commission expires:

STATE OF NEW YORK

Westchester, ss. February 25, 2013

Then personally appeared the above-named Arthur R. Gosnell as Treasurer of Nantucket Conservation Foundation, Inc., and acknowledged the foregoing instrument to be the free act and deed of Nantucket Conservation Foundation, Inc., before me,

Elizabeth DeFaber
_____
Notary Public

My commission expires: June 2, 2016

ELIZABETH DeFABER
Notary Public, State of New York
No. 01DE6188080
Qualified in Westchester County
Commission Expires June 2, ~~2012~~ 2016 ED

CERTIFICATE OF VOTE

This is to certify that at a Regular Meeting of the Board of Trustees of the Nantucket Conservation Foundation, Inc., a Massachusetts nonprofit charitable corporation having its usual place of business at 118 Cliff Road, Post Office Box 13, Nantucket, Massachusetts 02554, held on January 18, 2013 at 1:00 p.m.in New York, New York, all those members who were either present or communicating by telephone and voting, it was unanimously:

VOTED: to authorize the following officers of the corporation to execute purchase agreements, deeds, a walking path easement and any and all other documents necessary and required to complete the sale of 76.30 +/- acres of land to the Nantucket Islands Land Bank, being the vacant land situated in Nantucket, Nantucket County, Massachusetts, and further being a portion of the land now known and numbered as 243 Polpis Road, consisting of Lot 20 on Land Court Plan 4838-R (Pending).

(list of officers)

David B. Poor, President

Arthur A. Gosnell, Treasurer

A TRUE COPY ATTEST:

Mary G. West, Clerk

Nantucket Conservation Foundation, Inc.

February 22, 2013

date

140312

The Commonwealth of Massachusetts

Secretary of the Commonwealth

State House, Boston, Massachusetts 02133

William Francis Galvin
Secretary of the Commonwealth

February 21, 2013

TO WHOM IT MAY CONCERN:

I hereby certify that according to the records of this office

NANTUCKET CONSERVATION FOUNDATION, INC.

is a domestic corporation organized on **May 19, 1964 (Chapter 180)**.

I further certify that there are no proceedings presently pending under the Massachusetts General Laws Chapter 180 section 26 A, for revocation of the charter of said corporation; that the State Secretary has not received notice of dissolution of the corporation pursuant to Massachusetts General Laws, Chapter 180, Section 11, 11A, or 11B; that said corporation has filed all annual reports, and paid all fees with respect to such reports, and so far as appears of record said corporation has legal existence and is in good standing with this office.

In testimony of which,
I have hereunto affixed the
Great Seal of the Commonwealth
on the date first above written.

William Francis Galvin

Secretary of the Commonwealth

Processed By jbm

* This is not a tax clearance. Certificates certifying that all taxes due and payable by the corporation have been paid or provided for are issued by the Department of Revenue.

140312

DOC No: 00140312

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

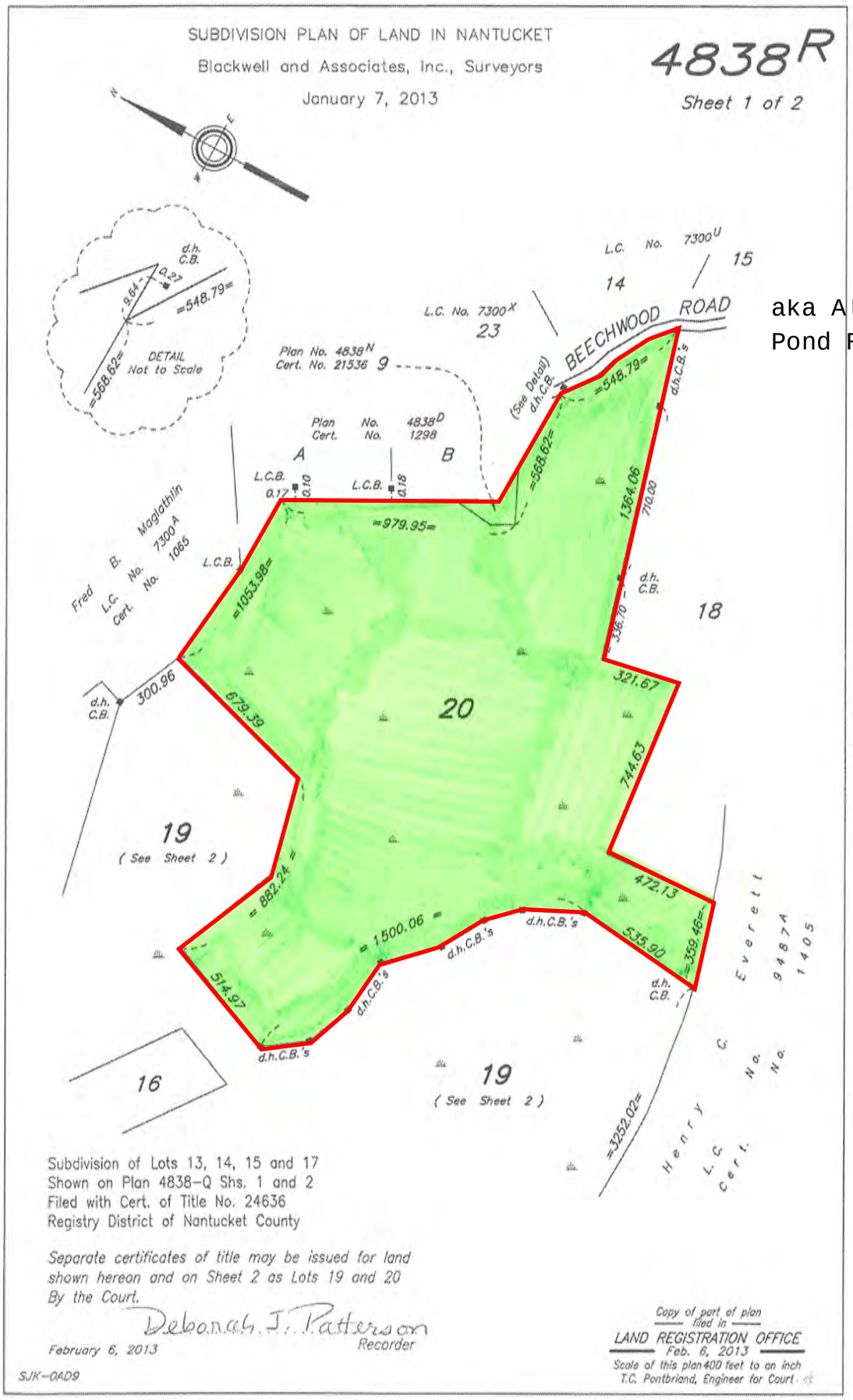
On: Mar 01,2013 at 11:56A

Document Fee: 125.00 Rec Total:$575.00

CERTIFICATE No: 24716

Also noted on CERT 24636

Norwood Farm Trust / Nantucket Conservation Foundation
Acquired 3/1/2013 for $7M (deed @ doc 140312)
76.3 acres; LB # 33911



aka Almanac Pond Road

Notice of Intent for

Ongoing Maintenance of Land Bank Properties

July 28, 2020

Project Overview

The Nantucket Land Bank performs various maintenance activities on its properties throughout the year. We are requesting permission to execute these activities on Land Bank property within wetland resource areas and their respective buffer zones. The ongoing maintenance of Land Bank properties includes mowing, viewshed and vista pruning, road, trail and culvert maintenance, and the installation of seasonal benches and picnic tables, repair of boardwalks, bridges, bulkheads, dinghy racks, decks, and stairs. All of these activities are necessary to promote safety, provide scenic vistas, and facilitate public access on Land Bank properties.

The proposed maintenance activities are to take place on Land Bank properties across Nantucket. Under the Massachusetts Wetlands Protection Act as defined by its regulations 310 CMR, these properties cumulatively contain Bordering Vegetative Wetland (10.55), Inland Bank (10.54), Land Subject to Flooding (10.56), Land Subject to Coastal Storm Flowage (10.04), Pond (10.34), Coastal Bank (10.30), Coastal Beach (10.27), Coastal Dune (10.28), and Salt Marsh (10.32). According to the local Nantucket bylaw, Town of Nantucket Conservation Commission Wetland Protection Regulations (2013), the proposed work falls within Vegetated Wetlands (3.02), Inland Bank (3.01), Land Subject to Flooding (3.04), Land Subject to Coastal Storm Flowage (2.10), Coastal Bank (2.05), Coastal Beach (2.02), Coastal Dune (2.03), and Salt Marsh (2.06) resource areas.

The primary purpose of this application is to promote public safety, maintain existing infrastructure, and allow the public to access Land Bank properties in a way that does not negatively impact plants and wildlife. Land Bank properties provide recreational space for the public, habitat for plants and animals, and contain valuable wetland resources. We continue to strive for best practices on our properties and permitting the yearly maintenance activities that occur within Conservation Commission jurisdiction will further improve our compliance.

Requested Work

Below is a list of the type of work requested, which is described in further detail in the Land Bank's Field Crew Maintenance Guide (Appendix A).

Bench/Picnic Table Installation

Boardwalk/Bridge Maintenance

Bulkhead Maintenance

Culvert Maintenance

Deck Maintenance

Dinghy Rack Maintenance

Dock Maintenance

Ongoing Maintenance Mowing

Seasonal Mowing of Wetland Resource Area Buffers

Vegetation Management for Pond Access

Road Maintenance

Stair Maintenance

Trails (through Dune) Maintenance

Trails (through Wetland Buffer) Maintenance

Seasonal Viewshed Maintenance / Vista Pruning to a Minimum Height of 3-feet

Hazard Tree or Branch Removal

Resource Areas

Under the Massachusetts Wetlands Protection Act as defined by its regulations 310 CMR, Land Bank properties cumulatively contain Bordering Vegetative Wetland (10.55), Inland Bank (10.54), Land Subject to Flooding (10.56), Land Subject to Coastal Storm Flowage (10.04), Pond (10.34), Coastal Bank (10.30), Coastal Beach (10.27), Coastal Dune (10.28), and Salt Marsh (10.32). According to the local Nantucket bylaw, Town of Nantucket Conservation Commission Wetland Protection Regulations (2013), the proposed work falls within Vegetated Wetlands (3.02), Inland Bank (3.01), Land Subject to Flooding (3.04), Land Subject to Coastal Storm Flowage (2.10), Coastal Bank (2.05), Coastal Beach (2.02), Coastal Dune (2.03), and Salt Marsh (2.06) resource areas (Appendix B).

Natural Heritage

Some of the work listed in this Notice of Intent falls within Estimated Habitat as defined by the Massachusetts Natural Heritage and Endangered Species Program.

Waiver Request

The proposed work does require a waiver under the Nantucket Wetland Regulations as some projects will take place within the resource area and respective buffer zones. Waivers may be granted for the following reasons:

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 cannot otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

b) The Commission may grant a waiver from these regulations when portions of the Buffer Zone between the proposed project and adjacent resource area are previously altered and are not within the control of the project owner/applicant, such as public or semi-public pedestrian and vehicular accessways.

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.

d) The Commission shall grant a waiver from these regulations when the work proposed is grandfathered and qualifies as a pre-existing use.

From creating trail networks, to providing beach access, and supporting locally grown produce and meat, the Land Bank actively seeks opportunities for the public to be exposed to Conservation, Outdoor Recreation and Agriculture. Many of the properties the Land Bank owns contain wetland resources that fall within the jurisdiction of the Nantucket Conservation Commission. Therefore, we are regularly seeking Conservation Commission approvals to continue increasing and maintaining public access to our properties. The goal of this Notice of Intent is to have the common maintenance activities that Land Bank staff performs on a yearly basis permitted.

To that end, the Land Bank respectfully requests a waiver for ongoing maintenance of its properties within and adjacent to inland and coastal resource areas. The Land Bank's management is always designed to minimize adverse impacts to wetland resources and when we are requesting permission to perform work, it is always that there is no reasonable alternative based on the need for public safety and accessibility. For example, when we are maintaining boardwalks or trails through wetland resource areas or buffers, the route was always carefully selected as the best or only option and the boardwalks are designed to meet performance standards. Similarly, providing well maintained pond access benefits the resource area by allowing the public to enjoy the water body while discouraging the creation of numerous individual small accesses. In addition, much of this work has a long-term net-benefit. Examples of a net-benefit to the resource area includes reducing siltation into water bodies by maintaining proper drainages and cleaning culverts or promoting native plant growth by either mechanically or chemically treating invasive species.

In Conclusion

We appreciate the Conservation Commission's consideration of this general Notice of Intent for yearly maintenance activities. Maintenance of Land Bank property is ongoing and grows exponentially as the Land Bank adds property to its holdings and the popularity of outdoor recreation increases. Moving forward, this permit will help the Land Bank be compliant with wetland regulations as well as improve our efficiency in the field.

APPENDIX A

Field Crew Maintenance Guide

NANTUCKET LAND BANK

2020

MISSION AND PURPOSE

The purpose of this guide is to ensure that maintenance is being performed in an efficient, orderly, and timely manner to achieve the standards set by the Commission with regard to the maintenance of Land Bank properties. The Nantucket Land Bank is committed to maintaining its properties to the highest standards. It is important to remember this when maintaining a property or a segment of that property. If maintenance is proactive, steady and consistent properties will present in a manner consistent with this philosophy. Upon arrival to any Land Bank property, it is the duty of all staff members (regardless of job title or department) to size up, mitigate, and/or report issues to the appropriate department. Any work performed in a wetland boundary must be conveyed to the Environmental Resource Department. This guide is simply to be used for quick reference. Overlap of Departments may occur from time to time, it is the responsibility of The Department Foreman to communicate their needs. New projects will not be found in this Maintenance Guide. All new projects will be addressed on The Annual Work Task list. Thorough planning amongst departments will be performed before any new projects are to begin.

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Facilities, Structures, and Property Department

Foreman -
Assistant -
Seasonal -

Upon arrival to any Land Bank property, it is the duty of all staff members regardless of job title or department, to size up, mitigate or report issues to the appropriate department.

General Overview of
The FSP Department-

Maintain all buildings, structures, signage, playground equipment, fencing, shop space, and tools.
New construction and fabrication as designated.

Maintain all properties void of trash.

*Buildings - performs all preventative maintenance including painting, cleaning, repairing, and renovations. Assist with the design and fabrication of new construction. Routine inspections of all safety equipment which include smoke detectors, Co2 detectors, first aid kits, fire extinguishers, emergency lighting for building egress. Routinely inspects heating systems and dryer vents. Winterizes buildings if necessary. Develop and implement a cyclic maintenance plan for all buildings.

*Structures - Monitor, maintain, repair, renovate existing structures. Assist with design, fabrication, and installation of new construction. Develop and implement cyclical maintenance plans for all structures. Structures are to include but not limited to boardwalks, docks, dinghy racks, viewing decks, benches, picnic tables, beach stairs, fences, and bulkheads. Acknowledge that all structures are safe and secure.

*Signage - Installs and maintains all signage including property boxes.

*Fencing - repairs any and all broken or missing rails and posts. Installs any new fencing that does not require Heavy Equipment to complete the task (coordinate with LM foreman)

*Storm Damage Mitigation Pre and Post - Prepare and implement an Emergency Preparedness Plan. Address any storm-related damage that falls within this department (structures, buildings, docks, stairs, dinghy racks, boardwalks, playground equipment, etc.) **** there should be overlap with departments

*Playground equipment - routine monitoring and inspections of all playground equipment. Repairs as necessary. Develop and implement a cyclical maintenance plan for all playground equipment. Acknowledge that all playground equipment is safe and secure.

*Miacomet Golf Employees Housing - Inspect, monitor, and delegate who is responsible for any maintenance and repairs. Ensures that all housing is equipped with proper safety equipment including smoke detectors, Co2 detectors, fire extinguishers, properly maintained egress and secondary egress. Ensures upon inspections, that buildings are being maintained in an acceptable manner i.e. cyclical maintenance, proper trash removal, proper winterization.

*Deceased Wildlife - remove any deceased wildlife that has become a public issue (if heavy equipment is necessary for the removal to communicate your needs to the LM Foreman and Resource Department if within a wetland buffer zone)

* Tools and Shop space - Maintains shop space to ensure a clean, safe and orderly work environment. Clean and maintain all tools associated with the department.

*Rx Fire Program - maintain equipment and Engine setup associated with burn day, maintain qualifications and attend training when available ***** there should be overlap with all departments

Qualifications and skills required
*Construction Supervisor License
helpful but not necessary
*General knowledge and experience with construction site plans
*Must be able to design and fabricate basic structures, including
- Benches, boardwalks, outbuildings, beach stairs, docks

*Must be able to perform all phases of general carpentry, including but not limited to the following
- Framing, roofing, sidewalls, painting, interior/exterior trim work, general knowledge of plumbing, heating, and electrical

*Strong organizational and communication skills
*Must possess strong problem-solving skills
*Must be able to work independently or as part of a team

Land Management Department

Foreman -
Assistant -
Seasonal -

Upon arrival to any Land Bank property, it is the duty of all staff members regardless of job title or department, to size up, mitigate or report issues to the appropriate department.

General Overview of
The LM Department -

*Maintain all trails to ensure accessibility, monitor and mitigate hazard trees, monitor and mitigate any safety issues associated with the trail system (downed trees, erosion, etc.)Install new trails upon Commission's request and Resource Department's approval.

*Maintain beach access trails for accessibility and erosion control

*Road Edge Maintenance - any road that has been identified as having vegetation encroachment, creating a safety issue and requiring vegetation to be cut back

*Maintain all vegetation along with all buildings, structures, fence lines, property posts, signage, stairs, parking lots, road edges, benches, boardwalks, etc.

*View Shed Maintenance - perform all approved view shed maintenance (Keane, Wolfe, Settlers, Washington st(Maria Mitchell) Codfish Park, Point of Breakers, Stone, etc.)

*Summer Cyclical Mowing - Lily Pond, Hinsdale Park, Settlers, Garden by the Sea, etc. etc.

*Garden Maintenance - mulching, raking, pruning, planting, overseeding (22 Broad St, Fair st, Garden By The Sea)

*Plantings - any tree, plant; shrub, etc. installs that can be performed by the Land Management Dept.

* Site Lines Maintenance - maintain existing and mitigate any newly identified site line issues

*Culvert Maintenance - ensure that culverts are free of vegetation and debris and are flowing properly.

*Mitigation/Natural Heritage - Under the supervision and guidance of The Resource Department performs all mowing, brush cutting, tree work, and masticating associated with permit requirements. (Industrial Park, SHAC, Nobadeer Ball Fields)

*Habitat Restoration and Maintenance- Under the supervision and guidance of The Resource Department performs all mowing, brush cutting, tree work, and masticating necessary to maintain predetermined habitats. (HOP, Cisco, Madaquecham, Millbrook, Beechwood Farm, FAA, etc.)

* Open space, Agricultural and Meadow mowing and maintenance - Performs all mowing, tree work, etc. associated with maintaining open space (Craig, Gardner, Eilert, Skating Pond, Severns, Hummock Pond Fields, Peterson, etc.)

*Site Clearings - any new or existing project that requires vegetation removal (Hinsdale, Dog Park, etc.)

*Heavy Equipment Operators - Any project to be performed by Land Bank field crew that requires heavy equipment (Demo work, parking lot surface maintenance, job site rehab, land repairs, etc.)

* Parking Lot Maintenance - maintain the surface area and vegetation control

*Invasive Plant Management - assist as needed under the direction of The Resource Department.

*Storm Damage Mitigation Pre and Post - Any storm-related damage that falls within this department. Downed trees, widow makers, road and trail washouts, severe erosion that has become a safety issue. **** there should be overlap with the departments

*Rx Fire program - Prep burn units as necessary, install or improve firebreaks, provide training to burn crew, maintain qualifications, planning with the Resource Department. ***** there should be overlap with all departments

*Equipment Maintenance - Tractors, Skid Steers, Excavator, UTV, Fleet Vehicle Trucks, Trailers, Chainsaws, Pumps, Mowers, Mowing Attachments, Small engines

*Qualifications - must maintain all qualifications, required to perform duties, through continuing education

*Qualifications and Skills needed

- Hoisters License class 2&4
- CDL License class A
- Pesticide License

- Basic engine and small engine repair
- NWCG or OSHA approved chainsaw and tree felling training
- Knowledge and experience in Ecological Land Management
- General Landscape knowledge and experience
- Individuals must be able to maintain all licenses through continuing education
- Individuals must be organized, display good communication skills, work independently and be part of a team.
- The tasks performed in this department are arduous and also require heavy lifting.

1. **Beaches** - All beaches must be free of litter and debris at all times. Beaches must be safe, hazard-free, accessible and inviting. They should be monitored on a regular basis and more frequently during the height of the tourist/summer season.

    1. 40th Pole/151 Eel Point Rd
    2. Aladjem/72 Washington St
    3. Carter/27 Quaise Rd
    4. Cathcart/22 Cathcart Rd
    5. Cisco/Smooth Hummocks
    6. Goodwillie/38 Washing Pond Rd
    7. Madequecham- Madequecham Valley Rd
    8. Miacomet Park?
    9. Settlers Landing/27 & 29 N. Cambridge St
    10. South Shore (Smooth Hummocks)
    11. Tom Nevers
    12. Wolfe/66 Washington St
    13. Wood/55 Warrens Landing Rd

2. **Beach Stairs** - Monitor closely by making routine inspections. Ensure that stairs are safe, stable, accessible and well maintained at all times. Perform preventative maintenance and make necessary repairs in a timely manner.

1. Apthorpe/32 Western Ave
2. Carter/27 Quaise Rd
3. Cisco/Smooth Hummocks
4. Footsteps/Clifford St
5. Settlers Landing A/29 N. Cambridge St
6. Settlers Landing B/27 N. Cambridge St
7. Stones/45 Nonantum Ave
8. Wade Cottages/Shell St
9. Wolfe/66 Washington St

3. **Benches and Picnic Tables** - All benches and picnic tables must be maintained using preventive measures to ensure that they are safe, sturdy, secure, and in good condition. Perform preventative maintenance and make necessary repairs in a timely manner. Maintenance is to include but not limited to fastening systems, weather protection applications and cyclical paint schedules

1. Apthorpe/32 Western Ave - 4 benches
2. Bachman/158 Orange St - TBD
3. Carter/27 Quaise Rd - 1 bench
4. Chase/50 Tennessee Ave - 1 bench
5. Consue - 1 picnic table
6. Easy St/27 Easy St - TBD
7. Fair St Park/0 Fair St - 3 benches
8. Farrell/40 Western Ave - 1 bench
9. Gardner/181 Hummock Pond Rd - 1 bench*
10. Hinsdale Playground/50 Old South Rd - 3 benches 3 picnic tables
11. Hinsdale Labyrinth/50 Old South Rd - 5 benches
12. King Of Crabs/Madaket Rd (2nd Bridge) - 1 bench
13. Lamb/36 Wauwinet Rd - 2 benches
14. Lily Pond/17 N Liberty St - 4 benches
15. Monument Park/106 Main St - 1 bench
16. NISDA/73 Washington St - TBD
17. Peterson/54 Madaket Rd - 1 picnic table
18. Petrel Landing/17 Commercial St - 1 picnic table
19. Reyes/231 Polpis Rd - 3 benches*
20. Codfish Park Playground/4 Codfish Park Rd - 4 benches 1 picnic table
21. Settlers Landing/29 N Cambridge St - 1 picnic table
22. Sharpe/22 Tennessee Ave - 1 picnic table
23. Skating Pond - 1 Bench
24. Soverino/21 Tennessee Ave - 1 bench*
25. Union St Park/50 Union St - 1 bench
26. Wolfe/66 Washington St - 2 benches

4. **Boardwalks** - Closely monitor by making routine inspections. Ensure that boardwalks are stable, accessible, and in good condition at all times. Perform preventative maintenance and make necessary repairs in a timely manner.

1. Beechwood Farm/35 Almanack Pond Rd*
2. Consue Springs
3. Craig/4 Polpis Harbor Rd
4. Gardner/181 Hummock Pond Rd
5. Lily Pond/17 N Liberty St
6. Settlers Landing A/29 N Cambridge St
7. Settlers Landing B/27 N Cambridge St
8. Sharpe/22 Tennessee Av
9. Stump Pond/44 Almanack Pond Rd

5. **Buildings** - All buildings are to have an individual cyclical maintenance plan. Preventative maintenance is imperative. Make necessary repairs in a timely manner. Ensure that all safety equipment is updated and operational. Ensure that residential and commercial egress codes are being monitored.

1. Apple Orchard NLB/60 Millbrook Rd - 1 Shed
2. Bamber MGC/6 W Miacomet Rd - 1 Residential Building
3. Broad street NLB/22 Broad St - 1 Commercial/Residential Building
4. Farmhouse NLB/125 Somerset Rd - 1 Residential Building
5. Gardner NLB/MGC/159 Hummock Pond Rd - 2 Residential Buildings 1 Garage
6. Hays NLB/174 Orange St*
7. Hinsdale Park NLB/50 Old South Rd - 2 Sheds
8. Maintenance Facility NLB/125 Somerset Rd - 5 Commercial Buildings
9. Massasoit Bridge Road A NLB/2A Massasoit Bridge Rd - 1 Residential Building 1 Shed
10. Massasoit Bridge Road B MGC/2B Massasoit Bridge Rd - 1 Residential Building
11. Mizzenmast Extension MGC/30 Mizzenmast Ext - 1 Residential Building
12. Sconset Golf Clubhouse MGC/260 Milestone Rd - 1 Commercial Building
13. Soverino Ray Boathouse NLB/21 Tennessee Av - 1 Commercial Building

6. **Bulkheads**- Closely monitor by making routine inspections. Ensure that bulkheads are secure, stable and in good working condition. Closely monitor for undermining and alignment. Make necessary repairs in a timely manner.

1. Carter/27 Quaise Rd
2. Consue Springs
3. Easy Street/27 Easy St
4. Petrel Landing/17 Commercial St*
5. Wolfe/66 Washington St

7. **Dinghy Racks** - Closely monitor by making routine inspections. Perform preventative maintenance and make necessary repairs in a timely manner. Ensure that the small watercraft policies are being enforced. Maintain all signage associated with policy. Policy states “Any boats left on property between Nov 1st and April 15th will be considered abandoned and will be removed.

1. Cathcart/22 Cathcart Rd
2. Craig/4 Polpis Harbor Rd
3. Jackson Point/3 Massachusetts Ave

8. **Watercraft Storage Beach Locations** - All watercraft must be removed from the following locations. These locations must be posted with Land Bank Policy Signage in regard to temporary watercraft storage. It is important to monitor and enforce to limit the build-up of abandoned watercraft and to minimize coastal bank erosion due to seasonal weather events. Policy states “Any boats left on property between Nov 1st and April 15th will be considered abandoned and will be removed”

1. Settlers Landing/29 N Cambridge St
2. Wood/55 Warrens Landing Rd

9. **Docks** - Closely monitor by making routine inspections. Ensure that docks are safe, secure, stable, and accessible at all times. Perform preventative maintenance and make necessary repairs in a timely manner.

1. Bachman/158 Orange St
2. Chase/50 Tennessee Ave
3. McAlinden/48 S Cambridge St*
4. Sharpe/22 Tennessee Ave

10. **Fountains** - Must be monitored to ensure that they are working properly (leaks, flow obstructions) Perform routine maintenance (paint, loose or missing parts, etc.) Fountains are to be shut down and winterized in early October and operable in May.

1. Codfish Park Playground/4 Codfish Park Rd
2. Fair Street Park/0 Fair St
3. Hinsdale Playground/50 Old South Rd (2)

11. **Primary Parking Areas and Property Patrols** - all parking areas must be free of litter and debris. Routine patrols must take place on a weekly basis, increasing the number of days in the summer months. This is an opportunity to size up, mitigate or report issues to the appropriate department. Parking areas and properties must be safe, clean, accessible and inviting at all times. There are four property lists used as a guide to help accomplish these goals.

1. Outskirts loop
2. Interior Loop
3. Solo Loop
4. Weekend Loop

Outskirts

Beach Access Trailhead Parking

Week of _____

	Property/Address	Monday	Tuesday	Wednesday	Thursday	Friday
1	Bachman/158 Orange St					
2	Keane/16 East Creek Rd					
3	50 Union St					
4	Aladjem/72 Washington St					
5	Wolfe/66 Washington St					
6	Petrel Landing/17 Commercial St					
7	Arno/ 27 Easy Street					
8	Fair Street Park/0 Fair St					
9	Lily Pond/17 N. Liberty					
10	Goodwillie/36 Washing Pond Rd					
11	Maxcy Pond/204 Cliff Road					
12	Reith/21 N. Cambridge St					
13	Settlers Landing/27-29 N. Cambridge St					
14	Chase/50 Tennessee Av					
15	Sharp/22 Tennessee Av					
16	Jackson Point/3 Massachusetts Av					
17	Wood/55 Warrens Landing Rd					
18	Sanford Farm West/136 Madaket Rd					
19	Ranger Road/Parking Area					

Please initial each property on corresponding day when complete

Outskirts

Beach Access Trailhead Parking

Week of _____

	Property/Address	Monday	Tuesday	Wednesday	Thursday	Friday
20	Rodts/117 Polpis Rd					
21	Eilert/167 Polpis Rd					
22	Carter/27 Quaise Rd					
23	Norwood Farm/243 Polpis Rd					
24	Sanguinetti/44-48 Almanack Rd					
25	Craig/4 Polpis Harbor Rd					
26	Reyes/231 Polpis Road					
27	Lamb/36 Wauwinet Rd					
28	Codfish Park Playground/4 Codfish Pk Rd					
29	Tom Nevers Parking					
30	Madaquecham Parking					
31	Milestone Trail Pking/40 Milestone Rd					
32	Hinsdale Park/50 Old South Rd					
33	Nobadeer Parking/64 Nobadeer Av					
34	Stones Beach/45 Nonantum Av					
35	Apthorpe/32 Western Av					
36	Farrell/40 Western Av					
37	Backus/5 Backus Ln					
38	Severns/9 Vesper Ln					

Please initial each property on corresponding day when complete

Outskirts
Beach Access Trailhead Parking

Week of _____

Property/Address	Notes

Please initial each property on corresponding day when complete

Interior Loop

Week of _____

	Property/Address	Monday	Tuesday	Wednesday	Thursday	Friday
1	Cisco Beach/Parking					
2	Gardner Farm/181 Hummock Pond Rd					
3	Nicollachi/60 Millbrook Road					
4	40th Pole/151 Eel Point Rd					
5	Peterson/50-54 Madaket Road					
	Smooth Hummocks					
6	All Beachs (Gunrack to WasteWater TP)					
7	All Beach Parking (Gunrack to Miacomet Pond)					
8	Burchell Circle Parking/28 W Miacomet Rd					
9	All Interior Roads					
10	Mizzenmast/Mizzenmast Ext.					
11	Trimpi/40, 41, 45 & 46 Cato Ln					
12	Andrews/end of Cathcart Road					
13	South Shore Road Parking					
14	Myrick Trail/15 South Shore Rd					
15	Nude Beach A (Miacomet) Parking					
16	Nude Beach B Parking					

Please initial each property on corresponding day when complete

Interior Loop

Week of _____

Property/Address	Notes

Please initial each property on corresponding day when complete

SOLO LOOP

Week of _____

Property/Address	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Interior Loop					
Gardner Farm/181 Hummock Pond Rd					
Cisco Beach/Parking					
Smooth Hummocks					
Gun Rack Beach Parking					
Ladies Beach Parking/Smooth Hummocks					
Radio Tower Beach Parking/38 Washing Pond Rd					
Miacomet Pond West Parking/Miacomet Rd					
Burchell Circle Parking/28 W Miacomet Rd					
All Beach(Gunrack to WasteWater TP)					
Nude Beach A (Miacomet) Parking					
Nude Beach B Parking					
South Shore Road Parking					
Madaket					
40th Pole/151 Eel Point Rd					
Wood Property/55 Eel Point Rd					
Sharp/22 Tennessee Av					
Settlers Landing/26 N. Cambridge St.					
Goodwillie/36 Washing Pond Rd					
Peterson/50-54 Madaket Rd					
Town					
Fair Street Park/0 Fair St					
Arno/27 Easy St					
Petrel Landing/17 Commercial Wharf					
Wolfe/66 Washington St					
Keane/16 East Creek Rd					

Please initial each property on corresponding day when complete

SOLO LOOP

Week of _____

Property/Address	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Bachman/158 Orange Street					
Andrews/22 Cathcart Rd					
Carter/27 Quaise Rd					
Craig/4 Polpis Harbor Rd					
Surfside					
Farrell/40 Western Av					
Stones Beach/45 Nonantum Av					
Nobadeer Parking/64 Nobadeer Av					
East End					
Codfish Park Playground/4 Codfish Pk Rd					
Madequecham Parking Lot					

Please initial each property on corresponding day when complete

Weekend Loop

Week of _____

	Property/Address	Saturday	Sunday
	SMOOTH HUMMOCKS		
1	MIACOMET POND TO GUNRACK BEACH (ALL BEACHES AND PARKING AREAS)		
2	CISCO BEACH		
	WEST END		
3	40TH POLE/151 EEL POINT RD		
4	GOODWILLIE/36 WASHING POND RD		
	TOWN		
5	EASY STREET/27 EASY ST		
6	PETREL LANDING/17 COMMERCIAL ST		
7	FAIR STREET/0 FAIR ST		
	SURFSIDE		
8	STONES/45 NONANTUM		
9	NOBADEER/64 NOBADEER AV		
	EAST END		
10	CODFISH PARK PLAYGROUND/4 CODFISH PK RD		

Property	Notes

Please initial each property on corresponding day when complete

12. **Secondary Parking Areas and Property Patrols** - The following list of properties must be free of litter and debris. Routine patrols must take place at a minimum x1 weekly throughout the year. This is an opportunity to size up, mitigate, or report issues to the appropriate department. Parking Areas and Properties must be safe, clean, accessible and inviting at all times.

1. Barnard Valley Rd/Pout Pond Rd
2. Chicken Hill/15, 17, 19 Mill Hill Ln
3. Eel Point Parking for Trotts Hills/48 Eel Point Rd
4. Ferreira/70 Miacomet Rd
5. Girl Scout Camp/45 Polpis Rd
6. Head Of Plains
7. Long Pond Trail Parking Area/Massasoit Bridge Rd
8. Reis/Miacomet Pond/80 Miacomet Ave
9. Sesachacha Pond/21 & 23 Sesachacha Rd
10. Sconset, Codfish Park/Ocean View Drive
11. Tom Nevers Stairs/9 Wanoma Way

13. **Playgrounds** - Will require the most attention from the Field crew. It is important to continuously monitor for wear and tear on all moving parts, structures, pathways, etc. Safety is the #1 priority. Accessibility and cleanliness must also be of high priority. Being proactive with continuous preventative maintenance is imperative. All hazards must be identified and mitigated in a timely manner.

1. Hinsdale Park/50 Old South Rd
2. Codfish Park Playground/4 Codfish Park Rd
3. Dog Park/1,3,5,7,9 Miacomet Rd*

14. **Signage** - Signage is constantly changing. It is important to maintain signage so that the message is clearly legible. Make sure that signs are securely mounted. Replace when wear and tear or damage occurs. The height of signs will vary depending on location and message being sent, use your best judgment. Signs are typically mounted on 6 x 6 or 4 x 4 pressure treated posts.

15. **Split Rail Fence Lines** - All fence lines must be maintained in a satisfactory condition, which includes replacement or repair of broken rails and posts. The purpose of the fence lines is primarily for the following reasons - delineate parking areas, delineate property lines, prevent vehicles from accessing the property, mitigating encroachment issues and delineating trailheads.

1. Bachman/158 Orange St
2. Barnard Valley Road Fence Lines/71 Polpis Rd
3. Chicken Hill/15,17,19 Mill Hill Ln
4. Cisco Beach Access Road/Smooth Hummocks
5. Cisco Horse Field/168 Hummock Pond Rd
6. Farrell/40 Western Ave
7. Gardner Parking Area/181 Hummock Pond Rd
8. Hinsdale Park/50 Old South Rd
9. Keane/16 E Creek Rd
10. Lily Pond/17 N Liberty St
11. Monohansett Trail Easement/Monohansett Rd Cul de Sac
12. Ocean Ave/26,28 & 32 Ocean Ave
13. Radio Tower Road parking area/Smooth Hummocks
14. Reyes/231 Polpis Rd
15. Sesachacha Pond Road Edge/Sesachacha Rd
16. Codfish Park Playground/4 Codfish Park Rd
17. Settler’s Landing/27 N Cambridge St
18. Trotts Hills Parking Area/48 Eel Point Rd
19. **Apple Orchard/60 Millbrook Rd - Deer fence
20. **Fair Street/0 Fair St - Wrought Iron

16. **Trailhead Signage** - It is important to maintain Trailheads signage so that the message is clearly legible. Make sure that signage is securely mounted. Replace signage when wear and tear or damage occurs. Closely monitor by making routine inspections, perform preventative maintenance and make necessary repairs in a timely manner.

1. Beechwood Farm/35 Almanack Pond Rd
2. Cassidy/63 Madaket Rd
3. Craig/4 Polpis Harbor Rd
4. Eilert/0 Polpis Rd (169)
5. Gardner/Nicolacci/181 Hummock Pond Rd & 60 Millbrook Rd
6. Hinsdale/50 Old South Rd
7. Head Of Plains?
8. Smooth Hummocks?
9. Milestone/Sheep Commons/Pout Pond/Girl Scout Camp/40 Milestone Rd
10. Mizzenmast/Mizzenmast Ext
11. Reyes/231 Polpis Rd
12. South Shore/Miacomet Park?
13. Stump Pond/45 Almanack Pond Rd
14. Shawkemo Hills/117 Polpis Rd
15. Trotts Hills

17. **Viewing Decks** - Closely monitor by making routine inspections. Ensure that decks are safe, stable, in good condition and accessible at all times. Perform preventative maintenance and make necessary repairs in a timely manner.

1. Settlers Landing A/29 N Cambridge St
2. Settlers Landing B/27 N Cambridge St
3. Stones Beach/45 Nonantum Ave

18. **Emergency Preparedness Pre and Post** - In the event of forecasted severe weather ie. blizzard, Nor'easter, hurricane, please refer to the checksheet provided, listing what actions should be taken pre and post-emergency.

Pre-emergency

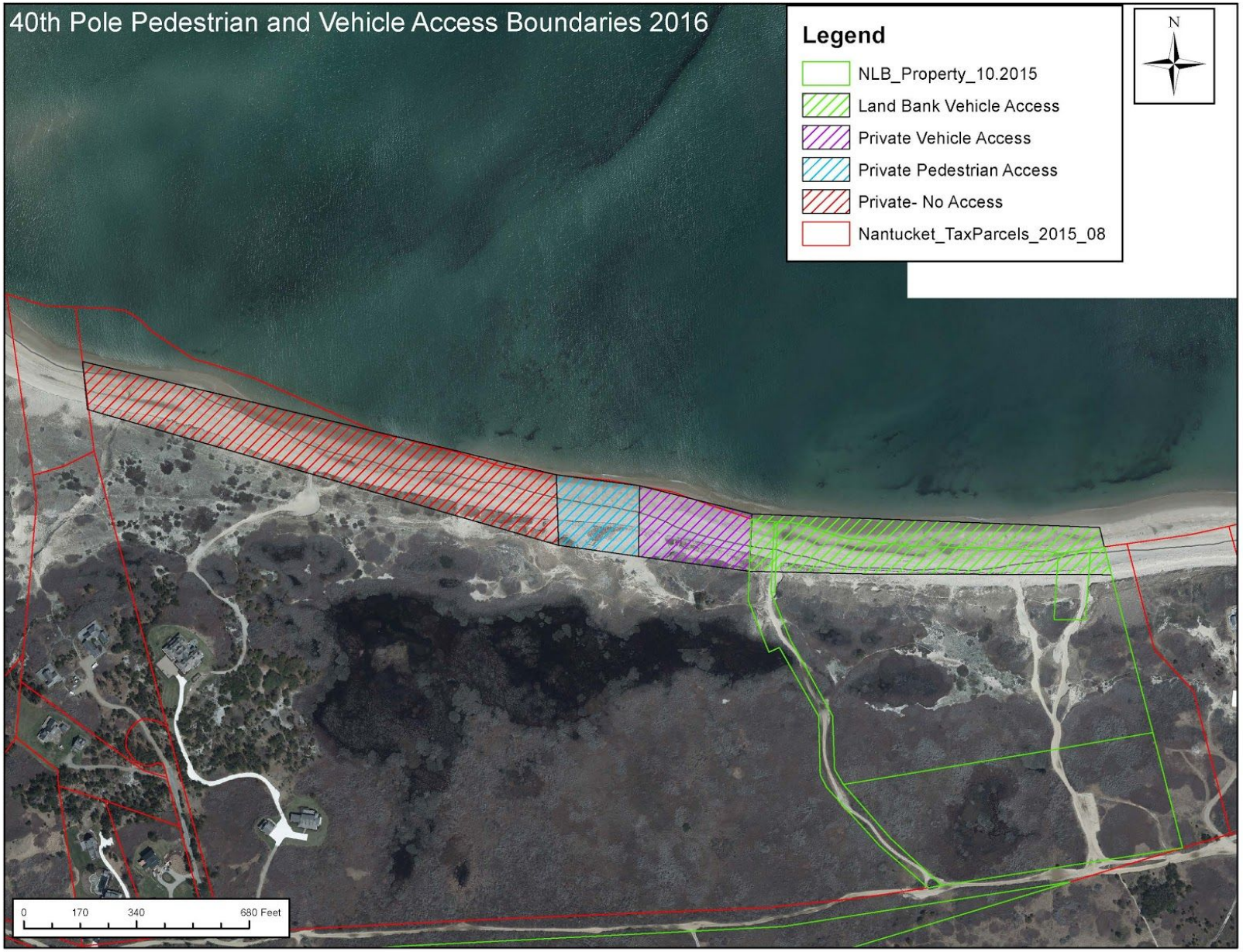
1. Docks - remove if applicable
2. Storm windows - close (all buildings)
3. Air conditioners - remove all
4. Hinsdale Park shade sails - wind speeds will determine course of action
5. Sandbags - place where flooding is known to occur
6. Garage doors - mount stabilizing brackets if equipped
7. Generators - check for availability and readiness

Post-emergency - Size Up & Mitigate any issue occurred due to weather event

1. Hazard trees
2. Trails
3. Erosion
4. Beach access
5. Roads
6. Culverts
7. Structures Damage - (Beach Stairs, Boardwalks, Buildings, Dinghy Racks, Docks, Bulkheads)

19. **Summer Preparedness** - The following is a list of items that typically don't fall within the daily scope of maintenance and management but must be addressed. Summer preparedness usually begins the first week of June and ends shortly after Labor Day.

1. 40th Pole License Agreement (see attachment)
2. Sharpe Dock Install
3. July 4th Holiday Preparations
4. Porta Potties - Hinsdale, 40th Pole, Cisco, 4th of July
5. Seasonal Staff Hires
6. Seasonal Housing Preparedness
7. Girl Scout Camp - X1 yearly Field Crew performs vegetation maintenance
8. Osprey Poles inspections - TBD


40th Pole Pedestrian and Vehicle Access Boundaries 2016
Legend
NLB_Property_10.2015
Land Bank Vehicle Access
Private Vehicle Access
Private Pedestrian Access
Private- No Access
Nantucket_TaxParcels_2015_08
N
0
170
340
680 Feet

LICENSE AGREEMENT BETWEEN
THE TOWN OF NANTUCKET AND NFI REALTY TRUST

1. This License Agreement covers the section of beach to the west of the Land Bank property and included in an existing Conservation Restriction (approximately 300' running east to west). The Trust understands that said restriction prohibits the use of vehicles on this specified portion of the beach and, while it has no objection for the purposes of this Agreement, will leave any enforcement to the discretion of the Land Bank.

2. The Town understands and agrees that the beach from the westerly point of the above-referenced conservation area and running to the west approximately 150 yards may be utilized for beach recreation but excluding vehicles of any type.

3. The westerly end of the Trust's property running to the east is to be maintained as private property with no access (except for emergency vehicles). Fires are not permitted on any of the Trust's property.

4. The Town and/or Land Bank shall maintain the beach to include trash pickup on the beach and the dune area located immediately behind the beach. Portable sanitary facilities shall be provided by the Town/Land Bank and regularly maintained and serviced, as needed. Failure of the Town or Land Bank to maintain and enforce the above to the satisfaction of the Trust will result in revocation of this license.

5. The beach will be clearly posted, with language subject to review and approval of the Trust, by the Town and/or Land Bank (not the Trust) to reflect the above referenced boundaries including the permitted and prohibited uses and with some notation that the public be respectful of the resources and to clean the area after use.

6. The Town and/or Land Bank will clearly mark the usable areas on an aerial photograph that show the Land Bank and Trust property.

7. The Town and/or Land Bank, at its/their sole expense, shall purchase a comprehensive liability insurance policy which is equal to the statutory maximum allowed by Massachusetts state law to insure the Trust against any claims for injury or death occurring on the Trust property.

8. The License given herein is subject to revocation by the Trust, at the Trust's sole exclusive discretion, and shall not constitute a waiver by the Trust of any of its rights with respect to its ownership interests in the subject property. In the event of revocation of this license by the Trust and upon notification thereof to the Town by the Trust, the Town/Land Bank shall remove all signs and facilities and otherwise immediately restore the Trust property to its private use. This agreement shall not be interpreted to waive or in any way limit the existing rights of the public to access the beach under Massachusetts General Laws Chapter 91 or any similar statutory or common law doctrine, nor shall it be interpreted to limit any other existing right of the public.

9. By executing this agreement, the undersigned John H. Brazilian represents and warrants that he is authorized by NFI Realty Trust to enter into this agreement, and that NFI Realty Trust is legally bound hereby. Pursuant to Section 3.2 of the Charter of the Town of Nantucket, the Chairman of the Board of Selectmen is authorized to sign agreements duly approved by the Board.

10. This agreement shall be effective upon execution through October 15, 20154.

For NFI Realty Trust:	For the Town of Nantucket
By:	By:
_____	_____
John H. Brazilian, Attorney	Rick Atherton, Chairman, Nantucket Board of Selectmen
Date:_____	Date:_____

20. **Agriculture and Cyclical Maintenance Mowing** - The following properties will get mowed to maintain existing habitat. Mowing can be done anytime of the year but is typically performed during the growing season.

1. Craig/4 Polpis Harbor Rd
2. Eilert/0 Polpis Rd (169)
3. Gardner Fields/181 Hummock Pond Rd
4. Lamb/36 Wauwinet Rd
5. Maxcy Pond/204 & 212 Cliff Rd
6. Nicolacci/60 Millbrook Rd
7. Peter Pucks/107 & 109 Hummock Pond Rd
8. Peterson/54 Madaket Rd
9. Reith/21 N Cambridge
10. Severns/9 Vesper Ln
11. Skating Pond/25 New Ln
12. Trimpi/40,41,45,46 Cato Ln
13. Mt. Vernon Farm/168 Hummock Pond Rd
14. Barnard Valley Rd Fields/71 Polpis Rd

21. **Culverts** - Culverts must be maintained at a minimum of X2 yearly to ensure proper water flow is constant so that there is no negative impact to roads or trails. Maintenance is to include vegetation control, debris control, and sand, silt, or foreign objects from obstructing proper flow.

1. Almanack Pond Road/39 Almanack Pond Rd
2. Beechwood Farm/35 Almanack Pond Rd
3. Bewkes/Miacomet/7 Cudweed
4. Cassidy/63 Madaket Rd
5. Craig/4 Polpis Harbor Rd
6. Lily Pond/17 N Liberty St

22. **Equipment Maintenance** - Cyclical maintenance of all Heavy Equipment, Vehicles, Small Engines, and all Motor Driven equipment must be performed when necessary according to hours and use. Winterize equipment when applicable.

1. F-150's 4
2. F-550's. 2
3. F-250 1
4. Chevy Type 6
5. Humvee Type 6
6. Bobcat Mini Excavator
7. Bobcat T870
8. Bobcat T300
9. John Deere Tractor 2017
10. John Deere Tractor 2019
11. John Deere Tractor 1990 ?
12. John Deere UTV 2019
13. Honda Pumps 6
14. Honda Generators 2
15. Chainsaws 6
16. Hedge trimmers 4
17. Leaf blowers 3
18. Weed wackers 6

23. **Garden Maintenance** - Mulching, Pruning, Planting's and Mowing must be performed in a timely manner (Spring - Fall) Any garden being maintained by an outside contractor must submit and insert into this section of The Maintenance Guide a description of the work that they are responsible for performing.

1. 22 Broad Street
2. Codfish Park Playground/4 Codfish Park Rd
3. Easy Street/27 Easy St*
4. Fair Street Park/0 Fair St
5. Garden by The Sea/14 & 16 Candle House Ln
6. Union Street/50 Union St
7. Washington Street (NISDA)/73 Washington St*

24. **Grass Lawn Mowing** - Grass lawn mowing includes all general maintenance necessary to maintain a healthy and inviting lawn. Mowing, thatching, aerating, raking and overseeding fall into this category. Irrigation Systems are to be winterized in October and operable in May.

1. Apthorpe/32 Western Ave
2. Apple Orchard (rows between trees)/60 Millbrook Rd
3. Bachman/158 Orange St
4. Chase/50 Tennessee Ave
5. Codfish Park Playground/4 Codfish Park Rd
6. Gaillard/86 Union St
7. Hinsdale Park/50 Old South Rd
8. Lily Pond/17 N Liberty
9. Maintenance Facility/Farmhouse/125 Somerset Rd
10. McAlinden/48 S Cambridge
11. Monument Park/106 Main St
12. Peter Puck/107 & 109 Hummock Pond Rd
13. Pony Field/1 N Mill St, 12 & 14 Mill St
14. Garden by The Sea/14 & 16 Candle House Ln
15. Quahog/30A & 30B Washington St
16. Reith/21 N Cambridge St
17. Reyes/231 Polpis Rd
18. Sharpe/22 Tennessee Ave
19. Settler’s Landing/29 N Cambridge St
20. Soverino/21 & 23 Tennessee Ave
21. Wolfe/66 Washington St
22. 50 Union

25. **Habitat Restoration and Maintenance** - Under direct leadership of The Environmental Resource Department yearly Brush cutting, Mowing, Masticating and Chainsaw work will be performed.

1. Beechwood Farm/35, 39 & 41 Almanack Pond Rd
2. Head Of Plains
3. Sanford Farm/136 Barrett Farm Rd
4. Trotts Hills

26. **Invasive Species Management** - Under the leadership of The Environmental Resource Department the Field Crew will provide assistance when attempting to mitigate invasive vegetation. Best Management Practice will be determined by The Environmental Resource Department.

1. Bachman/158 Orange St - Phragmite
2. Beechwood Farm/35 Almanack Pond Rd - Miscanthus
3. Burchell Pond/101 Miacomet Ave - Parrot Feather
4. Cisco area - Spotted Knapweed
5. Codfish Park/4 Codfish Park Rd - Garlic Mustard
6. Gardner Fields/181 Hummock Pond Rd - Spotted Knapweed
7. Hinsdale/50 Old South Rd - Garlic Mustard, Japanese Knotweed, Bamboo
8. Lily Pond/17 N Liberty St - where to begin
9. Miacomet Pond - Phragmite, Purple Loosestrife
10. Peterson/54 Madaket Rd - Bamboo, Japanese Knotweed
11. Reis/80 Miacomet Ave - Japanese Knotweed, Phragmite
12. Severns/9 Vesper St - Garlic Mustard, Japanese Knotweed, ???
13. Smooth Hummocks - Miscanthus, Phragmite, Spotted Knapweed, ???

27. **Irrigation Systems** - Systems must be winterized by mid-October and operable by mid-May. This work is to be performed and coordinated with WaterWorks Inc. Any leaks or systems malfunction must be reported in a timely manner.

1. Apple Orchard/60 Millbrook Rd
2. Bachman/158 Orange St
3. Codfish Park Playground/4 Codfish Park Rd
4. Fair Street Park/0 Fair St
5. Hinsdale Park and Playground/50 Old South Rd
6. 22 Broad Street Garden
7. 50 Union Street Park

28. **License and Certifications** - Field Crew members that are licensed or certified to perform specific parts of their job must be maintained to current status at all times. Continuing Education is a requirement to keep qualifications current. The following is a list of licenses held by 1 or more Field Crew members.

1. Hoisters 2 & 4
2. CDL Class A
3. Faller A&B
4. Core Applicators License
5. Construction Supervisor License
6. DOT Physical
7. First Aid/CPR
8. First Responder
9. NWCG FFT2 - RXB2
10. OSHA Certified **

29. **Natural Heritage Mitigation**

1. Smooth Hummocks - Mitigation for Miacomet Golf Expansion is approximately 92 acres per year. Under the leadership of The Environmental Resource Department, management strategies are to include Mowing, Brush Cutting, Masticating, Invasive Species control, Chainsaw work, and RX Fire
2. Industrial Park/Madequecham - Under the leadership of The Environmental Resource Department yearly Brush cutting, Mowing, Masticating and Chainsaw work will be performed. Acres and cost will vary year to year
3. Nobadeer Ball Fields - Under direct leadership of The Environmental Resource Department yearly Brush cutting, Mowing, Masticating and Chainsaw work will be performed. Acres and cost will vary year to year.

30. **Parking Surface Area Maintenance** - Any parking area that is not asphalt will be routinely maintained to avoid undermining along asphalt roads and bike paths, to prevent potholes and washouts within the parking area. Extra attention should be given to handicap parking spaces. Maintain vegetation to prevent encroachment to the surface area.

1. Bachman/158 Orange St
2. Cisco/Smooth Hummocks
3. Craig/4 Polpis Harbor Rd
4. Eilert/0 Polpis Rd (69)
5. Farrell/40 Western Ave
6. Gardner/181 Hummock Pond Rd
7. HOP 3
8. Keane/16 E Creek Rd
9. Lily Pond/17 N Liberty St
10. Long Pond/Massasoit Bridge Rd
11. Maintenance Facility/125 Somerset Rd
12. Madequecham/Madequecham Valley Rd
13. McAlinden/48 S. Cambridge St
14. Millbrook/60 Millbrook Rd
15. Mizzenmast/Mizzenmast Ext
16. Nobadeer/64 Nobadeer Ave
17. Quaise(Carter)/27 Quaise Rd
18. Radio Tower Road/Smooth Hummocks
19. Reith/21 N Cambridge St
20. Reyes/231 Polpis Rd
21. Sanford Farm/136 Barrett Farm Rd
22. South Shore/Smooth Hummocks 6
23. Stone/45 Nonantum
24. Tom Nevers
25. Trotts Hills/Eel Point Rd
26. Goodwillie/38 Washing Pond

31. **Property Posts** - All property posts shall be monitored, maintained, and repaired as needed. Maintain surrounding vegetation to ensure visibility and to prevent damage and rot. The following specs for new or replacement posts should be followed as closely as possible for continuity.

1. Height above grade is 36 inches to top of post
2. Posts are 6x6 Pressure Treated
3. Logo Box is fabricated from 5/4-inch Cedar
4. Logos are typically installed on 3 sides
5. Property Posts are primarily used to mark corners of property lines and encroachment issues.
6. Bevels are 45 degrees and 1 inch below top of post
7. Cedar logo box is set 1 inch below bottom of pressure treated post bevel

32. **Road Edge Maintenance** - Proper road edge maintenance ensures that vegetation does not impact the width of the road layout. Management techniques used to accomplish tasks are Boom Mowing, Brush Cutting, Chainsaw and Chipper, and Hedge Trimmers.

1. Barnard Valley Road
2. Barrett Farm Road
3. Eilert/0 Polpis Rd (169)
4. Head of Plains
5. Millbrook Road/60 Millbrook Rd
6. Smooth Hummocks

33. **Road Grading Maintenance and General Repairs** - Any dirt road that is being negatively impacted by vehicle traffic due to a Land Bank destination property will be maintained at a minimum X 1 yearly by a contractor and will be maintained by Field Crew when appropriate. Annual Road Grading performed by a contractor should take place in early May. A site visit before scheduled work should take place to avoid negative impacts towards the natural surroundings. Maps will be provided to the General Contractor before work is to begin.

1. Barrett Farm Road
2. Barnard Valley
3. Clarks Cove Road
4. Cisco Beach access
5. Eel Point Road
6. Smooth Hummocks
7. West Miacomet Road/Park
8. Washing Pond Road

34. **Sight Line Maintenance** - To ensure safety to the general public it is important to maintain proper sight line clearances for vehicles entering and exiting Land Bank properties. Management techniques include mowing, brush cutting, hedge trimmers, chainsaw and chipper.

1. Apple Orchard/60 Millbrook Rd
2. Eilert/0 Polpis Rd (169)
3. Gardner/181 Hummock Pond Rd
4. Hinsdale/50 Old South Rd
5. Intersection of Bartlett and Hummock Pond road
6. Peterson/54 Madaket Rd
7. Reyes/231 Polpis Rd
8. Shawkemo Hills/117 Polpis Rd
9. Settlers Landing/27 N Cambridge St
10. Sharpe/22 Tennessee Ave
11. ???

35. **Trails** - Trails must be maintained on a regular basis to ensure accessibility, safety and cleanliness. Trail systems are to be free of trash and debris. Maintenance includes Size up and Hazard tree mitigation, storm related debris removal, maintaining walking surface and proper width of trails.

1. Beechwood/35, 39 & 41 Almanack Pond Rd
2. Cassidy/63 Madaket Rd
3. Craig/4 Polpis Harbor Rd
4. Eilert/0 Polpis Rd (169)
5. FAA/7 Massasoit Bridge Rd
6. Gardner/181 Hummock Pond Rd
7. Girl Scout Camp/45 Polpis Rd
8. Hinsdale/50 Old South Rd
9. Head of Plains
10. Long Pond/Massasoit Bridge Rd
11. Miacomet Park
12. Milestone/Sheep Commons/Pout Pond
13. Mizzenmast
14. Monahansett Easement
15. Myrick/15 South Shore Rd
16. Nicolacci/60 & 40 Millbrook Rd
17. Reyes/231 Polpis Rd
18. Shawkemo/117 Polpis Rd
19. Smooth Hummocks
20. South Shore Loop
21. Trimpi/40,41,45 & 46 Cato Ln
22. Trotts Hills/Eel Point Rd
23. Weweeder Valley*

36. **Viewshed Maintenance** - The following list of view sheds have been determined to be important and have been approved by NLB Commissioners, NLB Environmental Resource Department, and the Conservation Commission to be maintained using proper protocols and minimal impact procedures. Work is usually performed in the Non Growing Season.

1. Aladjem/72 Washington St
2. Apthorpe/32 Western Ave
3. Barrett/Zissi/30A & 30B Washington St
4. Chase/50 Tennessee Ave
5. Eilert/0 Polpis Rd (169)
6. Farrell/40 Western Ave
7. Hays/174 Orange St*
8. Jackson Point/3 Massachusetts Ave
9. Keane/16 E Creek Rd
10. McAlinden/48 S Cambridge St
11. Low Beach Rd/20 Low Beach Rd
12. Ottison/160, 162 & 170 Orange St*
13. Quaise(Carter)/27 Quaise Rd
14. Reith/21 N Cambridge St
15. Reyes/231 Polpis Rd
16. Settlers Landing A/29 N Cambridge St
17. Settlers Landing B/27 N Cambridge St
18. Sharpe/22 Tennessee Ave
19. Stone/45 Nonantum
20. Stump Pond/44 Almanack Pond Rd
21. Wolfe/66 Washington St
22. Wood/55 Warrens Landing Rd

37. **Vegetation Maintenance for Structures** - It is imperative that all structures be clear of vegetation to prevent rot, damage and encroachment.

1. Beach Stairs/ page 10
2. Benches/ page 11
3. Boardwalks/ page 12
4. Buildings/ page 13
5. Fence Lines/ page 31
6. Parking Areas/ page 49
7. Playgrounds/ page 29
8. Property Posts/ page 50
9. Signage/ page 30
10. Trailheads/ page 32
11. Viewing Decks/ page 33

NOTICE OF INTENT
for
DRIVEWAY INSTALLATION
at
33 QUIDNET ROAD
NANTUCKET, MASSACHUSETTS

Prepared for:

TINA EGER McGOLDRICK TRUST
4 CHURCH HILL ROAD
FAIRFIELD, CT 06825

July 2020

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING
141 OLD ENFIELD ROAD
BELCHERTOWN, MA 01007

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

A. General Information

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

33 Quidnet Road — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41.301852N — d. Latitude
69.985334W — e. Longitude

21 — f. Assessors Map/Plat Number
27.2 — g. Parcel /Lot Number

2. Applicant:

Tina Eger — a. First Name
McGoldrick, Trust — b. Last Name
c. Organization
4 Church Hill Road — d. Street Address
Fairfield — e. City/Town
CT — f. State
06825 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

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

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

4. Representative (if any):

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

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

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

A. General Information (continued)

6. General Project Description:

The project includes construction of a driveway in the 100-foot Buffer Zone to Land under Water with Banks and Bordering Vegetated Wetlands.

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	21942
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

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

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

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

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

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

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

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

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

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

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

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

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

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

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

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

   a. ☒ Yes ☐ No

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

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

   2017
   b. Date of map

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

   c. Submit Supplemental Information for Endangered Species Review*

   1. ☒ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area — 0/0 (percentage/acreage)

      (b) outside Resource Area — 6%/0.16 acres (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

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

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

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

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

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

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

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

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

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

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

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

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

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

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

North Shore - Hull to New Hampshire border:

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

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

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

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

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No — If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☐ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

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

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

Site Plan prepared for Tina Eger McGoldrick
a. Plan Title

Island Surveyors LLC
b. Prepared By

Edward King PLS
c. Signed and Stamped by

7/15/20
d. Final Revision Date

1"=30'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☒ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

3090
4. State Check Number

7/15/20
5. Check date

Haines Hydrogeologic Consulting
6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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.

Rep 1. Signature of Applicant	7/16/20 2. Date
Rep 3. Signature of Property Owner (if different)	7/16/20 4. Date
Harvey Hydro 5. Signature of Representative (if any)	7/16/20 6. Date

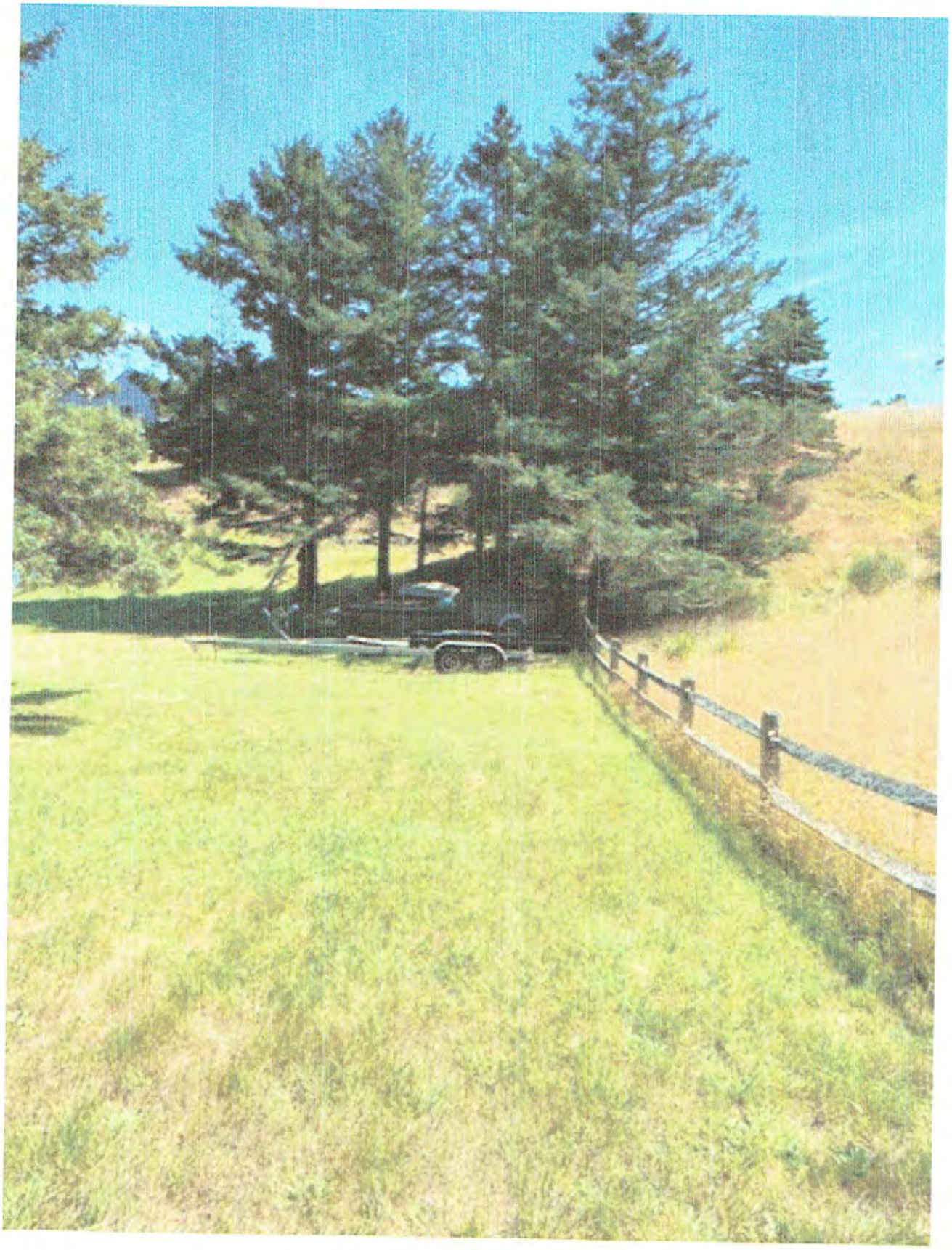
For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

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.

LOCUS MAP
33 QUIDNET Rd
USGS SIASCONSET QUAD
1:25,000



Town and County of Nantucket, MA

Property

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INTRODUCTION

The proposed work at 33 Quidnet Road in Nantucket, Massachusetts includes the installation of a gravel driveway to an existing house. A portion of the work will occur in the **100-foot Buffer Zone** to an isolated pond surrounded by a narrow wetland. The work on the driveway will be 40 feet from the wetland boundary at its closest point. All other existing vegetated areas in the buffer zone will remain in their existing condition. The front portion of the lot is within mapped Priority Habitat of Rare Species as identified by the Massachusetts *Natural Heritage and Endangered Species Program* (NHESP) and the pond is mapped by NHESP as a potential Vernal Pool. Therefore, a copy of this Notice of Intent is being submitted to NHESP for review.

SITE DESCRIPTION

The site consists of a single 2.36-acre lot located on the south side of Quidnet Road in Nantucket. There is an existing house at the rear of the lot. The topography drops off from the road down to an isolated pond on both the #33 and #31 Quidnet Road properties. The land then rises up to the rear house site. Most of the site is meadow with a few scattered trees and shrubs. The existing driveway to the house crosses the #31 Quidnet Road lot. The resource areas on the lot include **Banks, Bordering Vegetated Wetlands, Land under Water** and the associated **100-foot Buffer Zone**.

Banks in this case are the edges of the pond on the site. The upper boundary of a **Bank** is defined as the first observable break in slope or the mean annual flood elevation, whichever is lower. The lower boundary of a **Bank** is the mean annual low flow level. No work is proposed in this resource area.

The **Bordering Vegetated Wetlands** on the site consist of the narrow band of wet meadow around the pond. They were delineated with numbered flags using the three technical criteria of vegetation, soils and hydrology outlined in the *"Federal Manual for Identifying and Delineating Jurisdictional Wetlands"*, prepared for the U.S. Army Corps of Engineers. Wetland Data Forms are attached.

The wetlands are comprised of wet meadow. The vegetation in the wetlands includes Soft Rush, Woolgrass, Tussock Sedge, Pickerel Weed, Moneywort and Umbellate Pennywort. The soils in the wetlands range from saturated black muck to seasonally saturated dark brown sandy loam over mottled sandy loam. No work is proposed within this resource area.

Land under Water consists of the land beneath the pond on the site. No work is proposed within this resource area.

The work in the **100-foot Buffer Zone** includes the construction of a portion of the driveway. The closest work will be approximately 40 feet from the wetland boundary. Impacts to the adjacent wetland will be prevented through the use of appropriate sediment and erosion controls and soil stabilization measures.

A review of the 2017 *"Massachusetts Natural Heritage Atlas"*, prepared by the Massachusetts Natural Heritage and Endangered Species Program, indicates that a portion of the site is within a Priority Habitat of Rare Species as mapped by NHESP species. Therefore, a copy of this Notice of Intent is being sent to NHESP for review. The area where the driveway is proposed is lawn and mowed field with a few scattered trees. The natural community is best described as a "cultural grassland" with scattered clumps of Pitch Pine and Scrub Oak community.

WORK DESCRIPTION

The proposed work includes the installation of a gravel driveway. It will be constructed by removing the topsoil, regrading and finishing with hardening and gravel. The closest point of work will be approximately 40 feet from the wetland boundary. All areas between the work and the wetland will be left in their current state. No work will occur within two feet of the water table. No waivers from the *Nantucket Wetlands By-law* are required.

The work will be performed as shown on the site plan prepared by Island Surveyors LLC. Prior to the commencement of work, a silt fence will be installed at the limit of work. This fence will be inspected regularly and will be maintained as necessary. The fence will remain in place until the work has been completed and all soils have stabilized. At that time, it will be removed and disposed of properly.

The driveway will be constructed as shown on the site plan. All disturbed areas will be treated with six inches of good quality loam, seeded, and mulched with hay. Any excess soils will be removed from the buffer zone. Disturbed soils will be stabilized with loam and seed and, if necessary, landscape netting. The success of the seeding effort will be monitored and adjustments will be made as needed.

The work as proposed will not impact the adjacent **Bordering Vegetated Wetlands** or the pond.

CONCLUSION

The proposed work at 33 Quidnet Road in Nantucket, Massachusetts includes the installation of a gravel driveway to an existing house.

The closest point of work will be 40 feet from the wetland boundary and greater than two feet to the water table. No waivers from the *Nantucket Wetland By-law* are required. Portions of the work area are located in a Priority Habitat of Rare Species as mapped by NHESP, and therefore a copy of this Notice of Intent is being sent to NHESP for review. Impacts to the adjacent wetland will be prevented through the use of appropriate sediment and erosion controls and soil stabilization measures.

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

Applicant: McGoldrick Trust Prepared by: Haines Hydrogeologic Consulting Project location: 33 Quidnet Road Nantucket, MA DEP File #:

Check all that apply:

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

Section I.

10 feet below flag #19

Vegetation	Observation Plot Number: #19 Wet		Transect Number: #19	Date of Delineation: 6/10/20
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*
Tussock Sedge	20.5	21%	Yes	Obl
Sedge	10.5	10%	Yes	Facw
Wool Grass	20.5	21%	Yes	FacW+
Rush	10.5	10%	Yes	Facw
Soft Rush	3.0	3%	No	-
Umbellate Pennywort	10.5	10%	Yes	Obl
Moneywort	10.5	10%	Yes	Obl
Marsh Fern	10.5	10%	Yes	Facw+

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 7 Number of dominant non-wetland indicator plants: 0

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

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

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

Applicant: McGoldrick Trust Prepared by: Haines Hydrogeologic Consulting Project location: 33 Quidnet Rd Road DEP File #:
Nantucket, MA

Check all that apply:

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

Section I.

15 feet above Flag # 19

Vegetation	Observation Plot Number: #19 Up		Transect Number: #19	Date of Delineation: 6/10/20
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*
White Pine	20.5	50%	Yes	FacU
Black Cherry	10.5	25%	Yes	FacU
Pitch Pine	10.5	25%	Yes	FacU
Lawn Grass	60.0.	63%	Yes	Up
White Clover	20.5	21%	Yes	FacU-
Common Plantian	10.5	11%	No	-
Dandelion	3.0	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:

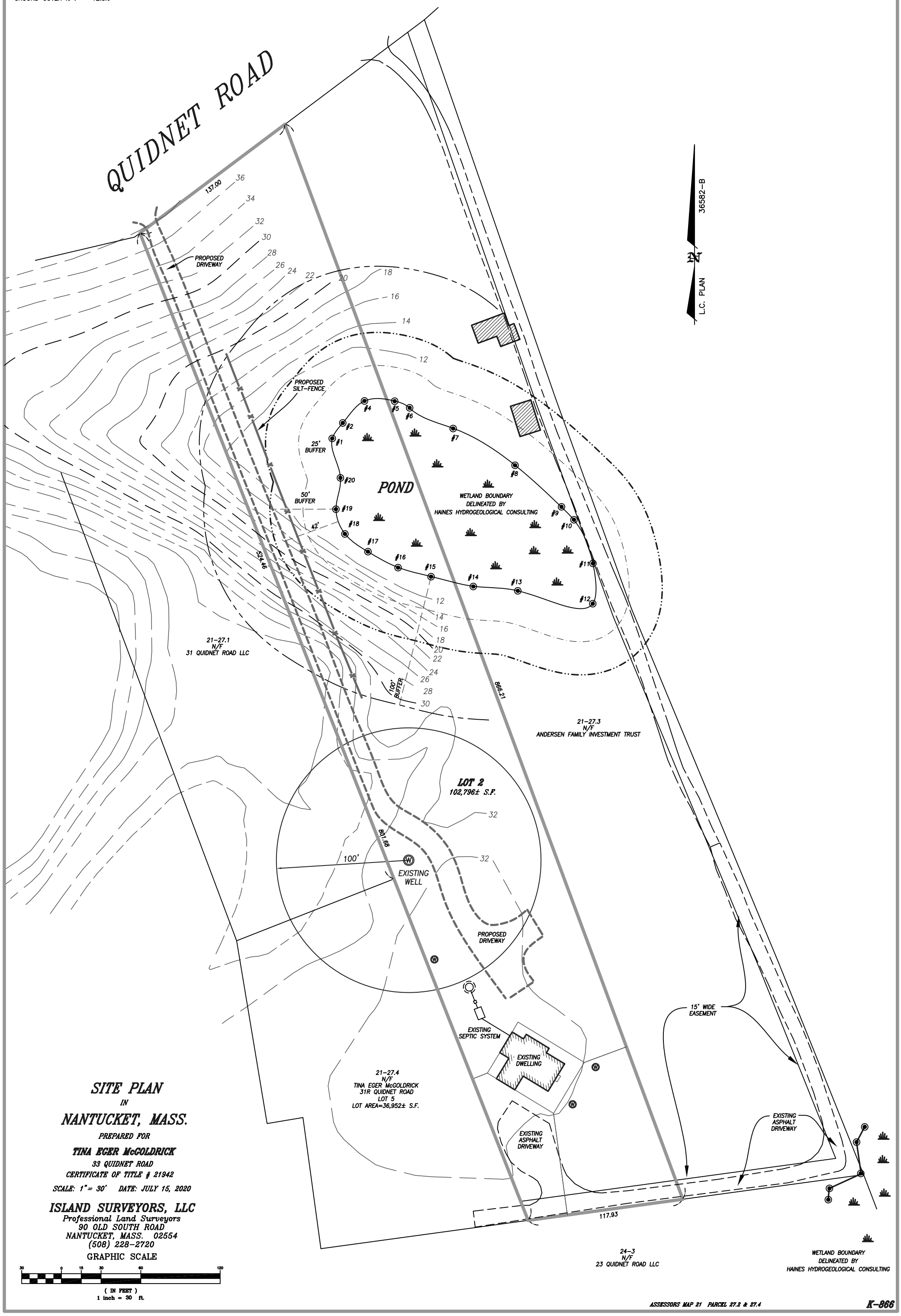
Number of dominant wetland indicator plants: 5 Number of dominant non-wetland indicator plants: 0

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

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

CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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



SITE PLAN
IN
NANTUCKET, MASS.

PREPARED FOR

TINA EGER McGOLDRICK

33 QUIDNET ROAD

CERTIFICATE OF TITLE # 21942

SCALE: 1"= 30' DATE: JULY 15, 2020

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

GRAPHIC SCALE

30 0 15 30 60 120

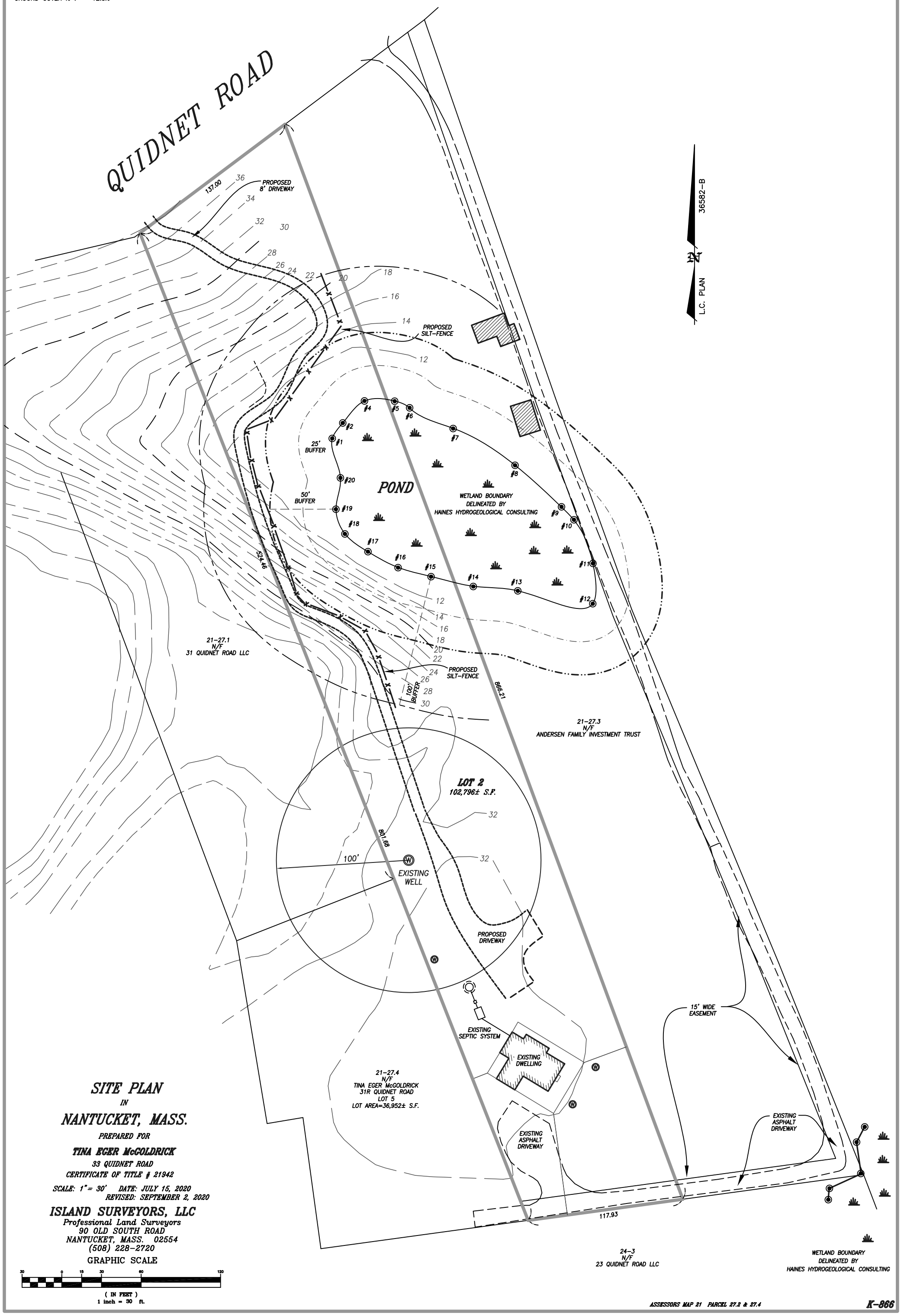
(IN FEET)
1 inch = 30 ft.

ASSESSORS MAP 21 PARCEL 27.2 & 27.4

K-866

CURRENT ZONING CLASSIFICATION:
Residential 20 (R-20)

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



SITE PLAN
IN
NANTUCKET, MASS.

PREPARED FOR

TINA EGER McGOLDRICK

33 QUIDNET ROAD

CERTIFICATE OF TITLE # 21942

SCALE: 1"= 30' DATE: JULY 15, 2020
REVISED: SEPTEMBER 2, 2020

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

GRAPHIC SCALE

30 0 15 30 60 120

(IN FEET)
1 inch = 30 ft.

ASSESSORS MAP 21 PARCEL 27.2 & 27.4

K-866

NOTICE OF INTENT
for
ADDITION TO AN EXISTING SHED
at
41 MAYHEW LANE
NANTUCKET, MASSACHUSETTS

Prepared for:

DARRELL W. CLARK
FOURTEEN MAYHEW LANE NOMINEE TRUST
c/o CURT E. BURWELL
63 EAST 93RD STREET
NEW YORK, NY 10028

September 2020

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING
141 OLD ENFIELD ROAD
BELCHERTOWN, MA 01007

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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

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

A. General Information

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

14 Mayhew Lane — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41.283927N — d. Latitude
40.111202W — e. Longitude

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

2. Applicant:

Darrell W. — a. First Name
Clark Trust — b. Last Name
Fourteen Mayhew Lane Nominee Trust c/o Curt E. Burwell — c. Organization
63 East 93rd Street — d. Street Address
New York — e. City/Town
NY — f. State
10028 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

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

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

4. Representative (if any):

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

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$110.00;$25.00;$200.00 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50;$25.00;$200.00 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The proposed work includes the construction of an addition onto an existing shed in the 100-foot Buffer Zone to a Bordering Vegetated Wetland and 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:

a. County: Nantucket
b. Certificate # (if registered land):
c. Book: 01405
d. Page Number: 0222

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. ☐ Yes ☒ No

If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

2017
b. Date of map

If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

1. ☐ Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____ percentage/acreage

(b) outside Resource Area _____ percentage/acreage

2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) ☐ Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

*Projects altering **10 or more acres** of land, also submit:*

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☒ Not applicable – project is in inland resource area only b. ☐ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

C. Other Applicable Standards and Requirements (cont'd)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

      or

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Site Plan for Fourteen Mayhew Lane Nominee Trust
a. Plan Title

Island Surveyors LLC
b. Prepared By

Edward King PLS
c. Signed and Stamped by

9/8/20
d. Final Revision Date

1:20
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2743
2. Municipal Check Number

9/8/20
3. Check date

3123
4. State Check Number

9/8/20
5. Check date

David Haines DBA
6. Payor name on check: First Name

Haines Hydrogeologic Consulting
7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

[signature] (REP)	9/10/20
1. Signature of Applicant	2. Date
(REP)	9/10/20
3. Signature of Property Owner (if different)	4. Date
[signature] Haines Hydrogeologic Consulting	9/10/20
5. Signature of Representative (if any)	6. Date

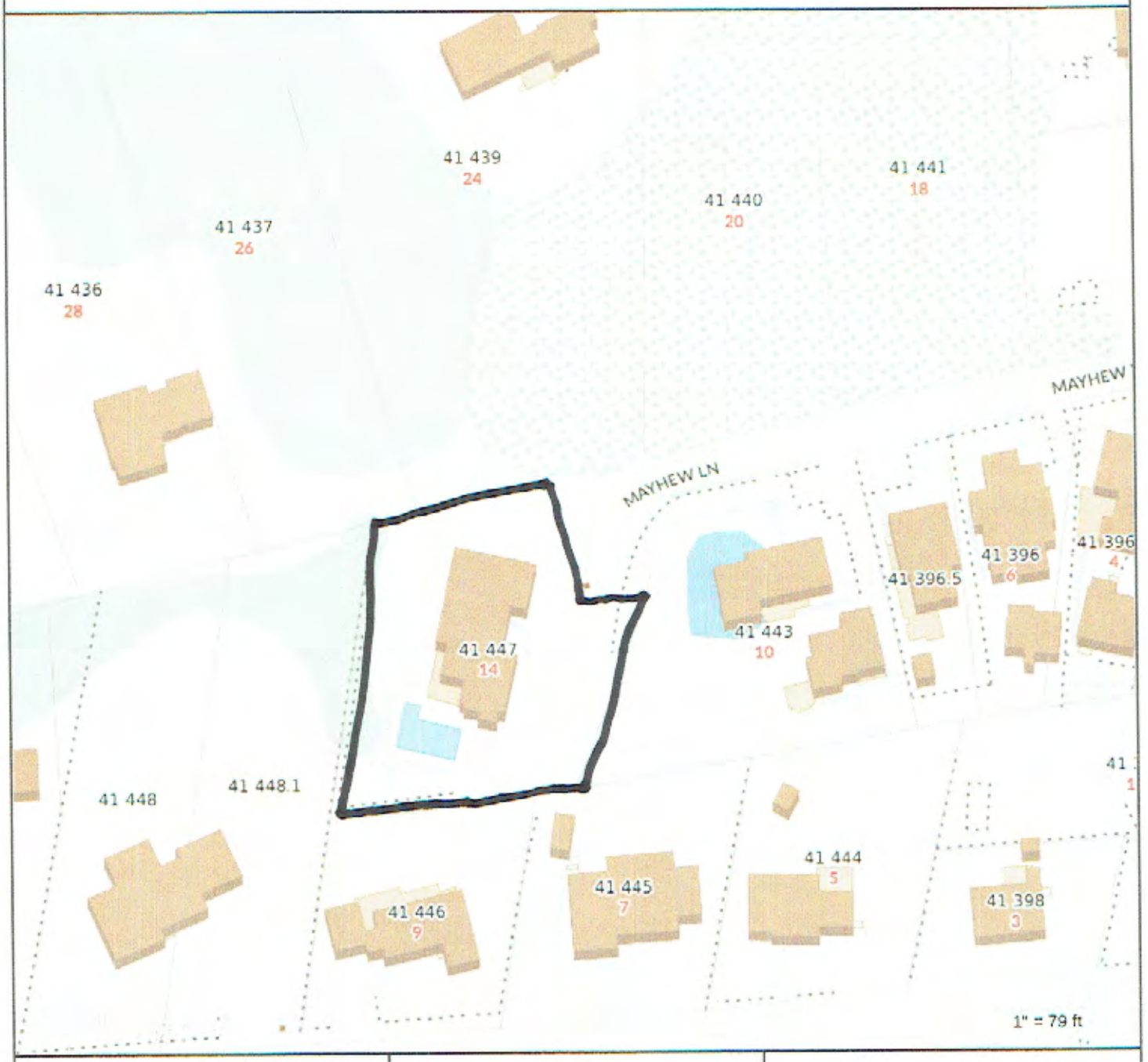
For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

LOCUS MAP
14 MAYHEW LANE
USGS NANTUCKET QUAD
1:25000 1979



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 11/16/2018

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

INTRODUCTION

The proposed work at 14 Mayhew Lane in Nantucket, Massachusetts includes construction of an addition onto an existing shed. Portions of the work are within the **100-foot Buffer Zone** to a **Bordering Vegetated Wetland** and **Isolated Vegetated Wetland**. All structures will be outside the 50-foot setback. Impacts to the adjacent wetlands will be prevented through the use of appropriate sediment and erosion controls and soil stabilization measures. The existing vegetated buffers will be preserved. No waivers from the *Nantucket Wetlands By-law* are required. No review by the Massachusetts *Natural Heritage and Endangered Species Program* (NHESP).

SITE DESCRIPTION

The site consists of a half-acre lot located on the end of Mayhew Lane in Nantucket. The lot contains a single-family house, pool, shed, shell driveway, lawn and landscape plantings. The lot is served by Town water and sewer. There is a **Bordering Vegetated Wetland** along the northern property line, and there is an **Isolated Vegetated Wetland** on the abutting property to the east. The jurisdictional areas on/or adjacent to the site include **Bordering Vegetated Wetland**, **Isolated Vegetated Wetland** (local jurisdiction only), and their associated **100-foot Buffer Zone**.

The **Bordering Vegetated Wetland** on and adjacent to the site is a shallow fresh marsh rimmed by a shrub swamp. The wetland was delineated using the three technical criteria of vegetation, soils and hydrology specified in Section 404 of the *Federal Clean Water Act*, the *Massachusetts Wetlands Protection Act*, and the *Nantucket Wetlands By-law*. The wetland boundary was previously approved by the Nantucket Conservation Commission. The boundary flagging has been re-established and we have reaffirmed its accuracy. The vegetation in the wetland includes Winterberry Holly, Arrowwood, Tartarian Honeysuckle, Japanese Knotweed, Cattail, sedges and rushes. Wetland Data Forms documenting the delineation are attached. The soils in the wetland range from seasonally saturated dark brown sandy loam over mottled sandy loam subsoil to thick saturated black muck over gleyed sandy loam subsoil. No work is proposed in this resource area.

There is a previously delineated **Isolated Vegetated Wetland** (under local jurisdiction only) located on the abutting property to the east. This wetland was delineated and approved under a previous filing with the Nantucket Conservation Commission. The **100-foot Buffer Zone** from this wetland extends onto the site. No work is proposed in this vegetated wetland.

The **100-foot Buffer Zone** from the wetlands covers most of the site and much of the work area. No work is proposed in the buffer zone to the **Bordering Vegetated Wetlands.** The work will be 74 feet from the **Isolated Vegetated Wetland** at its closest point. No work on structures within the 50-foot setback is proposed.

A review of the 2017 *Massachusetts Natural Heritage Atlas*, prepared by the Massachusetts Natural Heritage and Endangered Species Program, indicates that the site is not within a "Priority Habitat of Rare Species" or "Estimated Habitat of Rare Wildlife".

WORK DESCRIPTION

The proposed work involves the construction of an addition onto an existing shed. This work will take place within the **100-foot Buffer Zone** to the **Isolated Vegetated Wetland**. No work on structures within 50 feet of the wetland boundaries is proposed. The work as proposed meets the performance standards and no waivers are required.

Prior to the commencement of work, 100 feet of silt fence will be available on site. This silt fence will be used as needed if erosion or sedimentation occurs. If so, the fence will remain until the work has been completed and all soils have stabilized. At that time, the fence will be removed and disposed of properly.

The work will be performed as shown on the site plan. An addition will be constructed onto the existing shed. The shed will be constructed in the **100-foot Buffer Zone** greater than 50 feet from the wetland boundaries.

The addition will be placed within existing lawn and on a gravel base with no foundation.

Any demolition debris and construction waste will be removed from the site and disposed of at the landfill.

All disturbed areas will be treated with six inches of good quality topsoil and either seeded with grass seed or planted or treated with a shell surface. The success of the planting will be monitored and adjustments will be made as necessary to achieve stabilization.

CONCLUSION

The proposed work at 14 Mayhew Lane in Nantucket, Massachusetts involves the construction of an addition onto an existing shed.

The work meets the performance standards for **Bordering Vegetated Wetlands** and **Isolated Vegetated Wetlands** and therefore no waivers are required. Impacts to the adjacent resource areas will be prevented through the use of appropriate sediment and erosion controls and soil stabilization measures. The site is not within a mapped NHESP priority or rare species habitat, so no review by NHESP is required. The work as proposed will not adversely impact the adjacent resource areas.

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: 14 Mayhew Ln NT Prepared by: Haines Hydrogeologic Consulting Project location: 14 Mayhew Lane DEP File #: _____
Nantucket, MA

Check all that apply:

- X Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ☐ Vegetation and other indicators of hydrology usedto delineateBVW boundary: fill out Sections I and II
- ☐ Method other than dominance test used (attach additional information)

Section I.

15 feet below flag #2

Vegetation	Observation Plot Number: #2 Wet		Transect Number: #2	Date of Delineation: 12/21/11 Reconfirmed8-26-20
A. Sample Layer & Plant Species (by common/scientific name)	B. Percent Cover (or basal Area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Winterberry Holly	20.5	100%	Yes	Facw+
Japanese Knotweed	20.5%	26%	Yes	FacU-
Cattail	60.0	74%	Yes	Obl

* *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: 1

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? **YES** no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent

MassDEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: : N/F Martin Prepared by: Haines Hydrogeologic Consulting Project location: 14 Mayhew Lane DEP File #: _____
Nantucket, MA

Check all that apply:

- X Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- ❑ Vegetation and other indicators of hydrology usedto delineateBVW boundary: fill out Sections I and II
- ❑ Method other than dominance test used (attach additional information)

Section I.

15 feet above Flag # 2

Vegetation	Observation Plot Number: #2 Up		Transect Number: #2	Date of Delineation 12/21/11 Reconfirmed 8-26-20
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*
Tartarian Honeysuckle	10.5	33%	Yes	FacU
Forsythia	20.5	67%	Yes	Up
Japanese Knotweed	20.5	35%	Yes	FacU-
Lawn Grass	38.0	65%	Yes	UL

* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation conclusion:

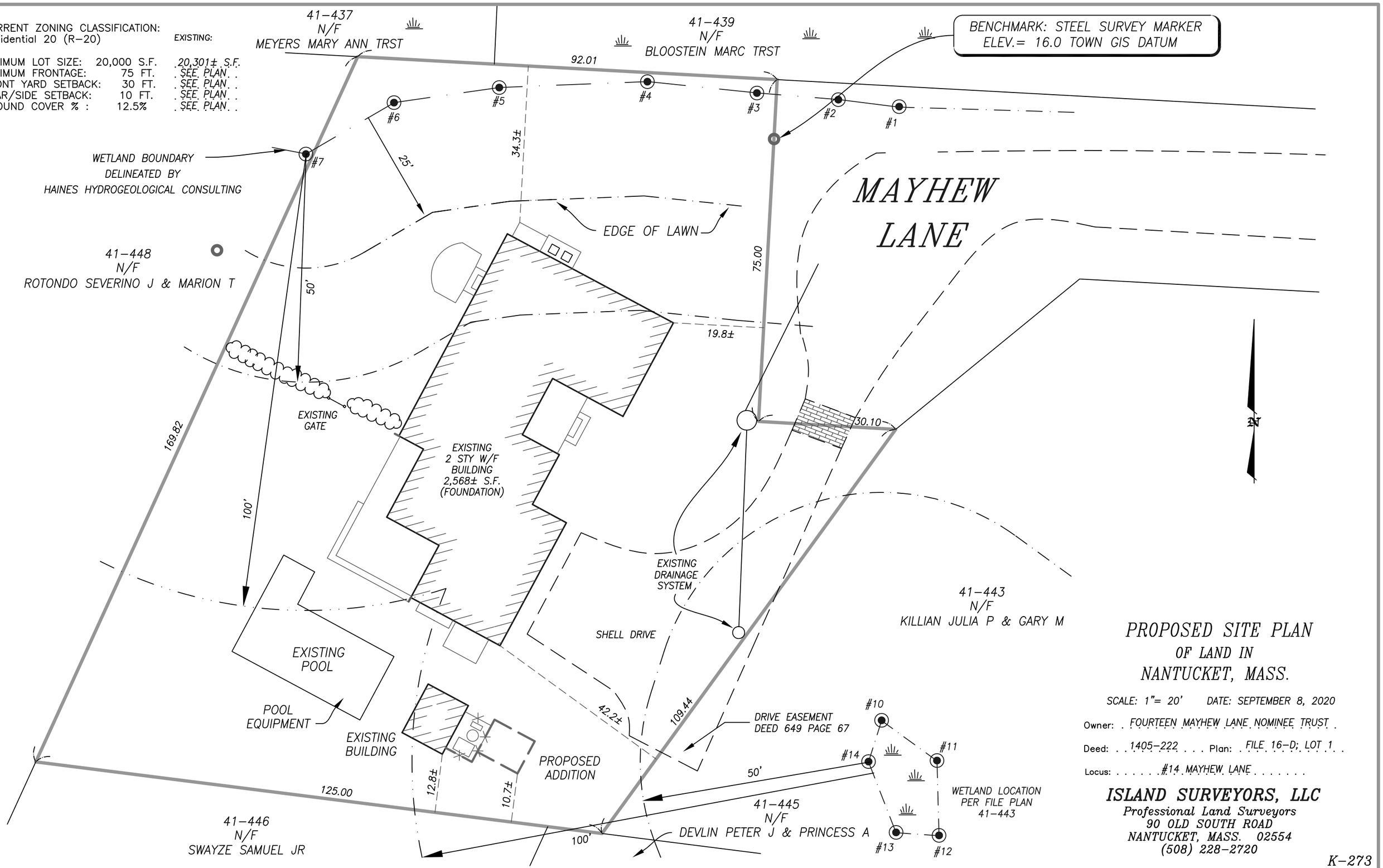
Number of dominant wetland indicator plants: 0 Number of dominant non-wetland indicator plants: 3

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

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

		EXISTING:
MINIMUM LOT SIZE:	20,000 S.F.	20,301± S.F.
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER % :	12.5%	SEE PLAN



PROPOSED SITE PLAN
OF LAND IN
NANTUCKET, MASS.

SCALE: 1"= 20' DATE: SEPTEMBER 8, 2020

Owner: FOURTEEN MAYHEW LANE NOMINEE TRUST

Deed: 1405–222 Plan: FILE 16–D; LOT 1

Locus: #14 MAYHEW LANE

ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228–2720

K–273

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 Secondary Dwelling, Pool, Retaining Wall, and associated Landscaping/Grading Located Partially Within the 100-foot Wetland Buffer Zone

80 Millbrook Road
Map 40 Parcel 79.1
Nantucket, MA

Prepared for:

Adam Abramson
37 Radcliffe Road
Weston, MA 02493

Prepared By:

Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346

August 28, 2020

SDE No.: 20128

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):

80 Millbrook Road — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41 16 48.15 — d. Latitude
70 07 55.50 — e. Longitude

40 — f. Assessors Map/Plat Number
79.1 — g. Parcel /Lot Number

2. Applicant:

Adam — a. First Name
Abramson — b. Last Name
c. Organization
37 Radcliffe Road — d. Street Address
Weston — e. City/Town
MA — f. State
02493 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

Deborah B. — a. First Name
Bryan (Trustee) — b. Last Name
Jasper Nominee Trust — c. Organization
80 Millbrook Road — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Mark — a. First Name
Rits — b. Last Name
Site Design Engineering, LLC — c. Company
11 Cushman Street — d. Street Address
Middleboro — e. City/Town
MA — f. State
02346 — g. Zip Code
508-802-5832 — h. Phone Number
508-967-0674 — i. Fax Number
mrits@sde-ldec.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$500.00 — a. Total Fee Paid
$237.50 — b. State Fee Paid
$262.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

Construction of a Secondary Dwelling, Pool, Retaining Wall, Elevated Walkway, and Associated Landscaping/Grading Partially within the 100-foot BVW buffer zone.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

1. ☒ Single Family Home
2. ☐ Residential Subdivision
3. ☐ Commercial/Industrial
4. ☐ Dock/Pier
5. ☐ Utilities
6. ☐ Coastal engineering Structure
7. ☐ Agriculture (e.g., cranberries, forestry)
8. ☐ Transportation
9. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No

If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket	23510
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☒ Bordering Vegetated Wetland	64 (0 new) 1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f**. above.

Massachusetts Department of Environmental Protection
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

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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

   2017
   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

   c. Submit Supplemental Information for Endangered Species Review*

   1. ☒ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area — 0 percentage/acreage

      (b) outside Resource Area — 13.5% (6.4% New)/19,100 sf (9,000 sf New) 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

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* 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)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan - 80 Millbrook Road
a. Plan Title

Site Design Engineering, LLC.
b. Prepared By

Daniel C. Mulloy, P.E.
c. Signed and Stamped by

August 28, 2020
d. Final Revision Date

1 Inch = 10 Feet
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

5259
2. Municipal Check Number

8/28/2020
3. Check date

5262
4. State Check Number

8/28/2020
5. Check date

Site Design Engineering, LLC
6. Payor name on check: First Name

7. Payor name on check: Last Name

PROJECT DESCRIPTION

80 Millbrook Road
NANTUCKET, MASSACHUSETTS

August 28, 2020

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within the 100-foot buffer zone to a Bordering Vegetated Wetland (BVW) resource area and NHESP habitat on property located at 80 Millbrook Road in Nantucket (Subject Property). The proposed work includes the construction of a secondary dwelling, pool, retaining wall, elevated walkway and associated landscaping/grading portions of which will be located within the 100-foot buffer zone to a BVW resource area. With the exception of portions of the proposed elevated walkway, all structures will be located outside of the 50-foot BVW buffer zone. A small portion of the proposed elevated walkway will be located within BVW.

This Notice of Intent application is presented by the following Property Owner/Applicant:

80 Millbrook Road
(Map 40 Lot 79.1)

Owner
Jasper Nominee Trust
Deborah B. Bryan Trustee
80 Madaket Road
Nantucket, MA 02554

Applicant
Adam Abramson
37 Radcliffe Road
Weston, MA 02493

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 143,312 square foot parcel located on the western side of Millbrook Road (see Figures 1 through 3 and Site Plan). To the north and south, the Subject Property is bordered by developed residential properties. To the east, the Subject Property is bordered by Millbrook Road, a paved public way and developed residential properties. To the west, the Subject Property is bordered by the Head of Hummock Pond. The Subject Property is currently developed and is the site of a single-family residence (SFR), detached garage, pool, tennis court, pervious driveway, and extensive associated landscaping/grading. The Subject Property also includes an existing foot path which traverses the 25-foot BVW buffer zone, a short section of BVW, and extends to the Head of Hummock Pond (see Site Plan). A BVW is found adjacent to Head of Hummock Pond on the Subject Property. The BVW extends onto abutting property to the north of the Subject Property. The extent of the BVW was previously delineated and wetland flags were re-established in the field. The BVW casts buffer zones which extend onto the western and northern portions of the Subject Property (see Site Plan).

PROPOSED ACTIVITIES

The Applicant is proposing to construct a secondary dwelling, pool, retaining wall, and associated landscaping/grading on portions of the Subject Property located partially the 100-foot BVW buffer zone. All structures will be located entirely outside of the 50-foot BVW buffer zone. With the exception of maintenance of an existing footpath to the Head of Hummock Pond, no work is proposed within the 25-foot BVW buffer zone. A detailed description of proposed activities is provided below.

SFR Construction

The Applicant is proposing to construct a secondary dwelling on the southwestern portion of the Subject Property. Portions of the proposed SFR will be located within the 100-foot BVW buffer zone. All proposed SFR components will be located outside of the 50-foot BVW buffer zone. The proposed secondary dwelling does not require waivers under the Bylaw and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

Pool Construction

The Applicant is proposing to construct a pool on the southwestern portion of the Subject Property. The proposed pool will be located largely within the 100-foot BVW buffer zone. The proposed pool and all pool components will be located outside of the 50-foot BVW buffer zone. The Proposed Pool will be maintained in compliance with all requirements for pools located within the 100-foot BVW buffer zone. The proposed pool does not require waivers under the Bylaw and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

Retaining Wall Construction

The Applicant has approval to construct a retaining wall along the western portion of the Subject Property. The proposed retaining wall will be located outside of the 50-foot BVW buffer zone. The proposed retaining wall does not require waivers under the Bylaw and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

Landscaping/Grading

The Applicant is proposing to maintain existing landscaping areas located between the 25-foot and 50-foot BVW buffer zones. Upon completion of proposed landscaping, greater than 50% of the area between the 25-foot and 50-foot BVW buffer zones will be maintained as native vegetation. The proposed landscaping does not require any waivers under the Bylaw and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

Existing Footpath

The Applicant is proposing to maintain and improve an existing footpath to the edge of Head of Hummock Pond. The Applicant is proposing to construct an elevated walkway within portions of the existing footpath footprint. The proposed elevated walkway will be located a minimum of 18 inches above grade and will terminate landward of the highwater line. The proposed elevated walkway will replace an existing footpath which grants access to the Head of Hummock Pond, a water dependent use. Since the Local Regs require that a path across BVW be elevated, the proposed elevated walkway does not require any waivers under the Bylaw and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

NHESP / MESA

The Subject Property is located partially within Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2017 NHESP Atlas available through MassGIS (see Figure 5). Portions of the proposed work will be located within MESA habitat. A copy of the NOI application will be submitted to NHESP for review.

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

In order to minimize impacts to the BVW and associated buffer zones, the Applicant is proposing to install silt fencing along the limit of work line depicted on the Site Plan. The proposed silt fence will reduce siltation into the BVW and will also act to demarcate the limit of work. All equipment staging and materials storage will occur on the upland portion of the Subject Property. No equipment or materials will be stored within the 50-foot BVW buffer zone.

WETLAND RESOURCE AREAS

With the exception of a portion of the proposed elevated walkway which will cross approximately 15 feet of previously altered BVW, the Proposed Project is a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland protection Regulations (Local Regs):

- BVW (Figure 4 and Site Plan); and
- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan)

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The Proposed Project is a residential site modification project which includes the construction of a secondary dwelling, pool, retaining wall, elevated walkway, and associated landscaping/grading. Portions of the proposed work will be located within previously altered and landscaped portions of the 100-foot BVW buffer zone. With the exception of portions of the elevated walkway, all proposed structures will be outside of the 50-foot BVW buffer zone. A short section of elevated walkway will replace an existing footpath located within the BVW.

State Wetlands Performance Standards

Bordering Vegetated Wetlands

The proposed secondary dwelling, pool, retaining wall, and associated landscaping/grading will be located within previously altered and landscaped portions of the 100-foot buffer zone to a BVW but will be entirely outside of the 50-foot BVW buffer zone. A small portion of the proposed elevated walkway will be located within a previously altered portion of the BVW. The remainder of the proposed elevated walkway will be located within the 25-foot and 50-foot BVW buffer zones. The Proposed work will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed appropriate under local Bylaws. A detailed discussion of State permitting requirements for the short section of elevated walkway located within previously altered portions of the BVW is provided below. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

310 CMR 10.55(4)(a)

"Where the presumption set forth in 310 CMR 10.55(3) is not overcome, any proposed work in a Bordering Vegetated Wetland shall not destroy or otherwise impair any portion of said area."

The Proposed Project includes the construction of an elevated walkway over a portion of an existing footpath which traverses a short section of BVW. Elevating the existing footpath will allow for native vegetation to recolonize areas which are currently disturbed resulting in an overall improvement of the resource area.

310 CMR 10.55(4)(b)
"Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of up to 5000 square feet of Bordering Vegetated Wetland when said area is replaced in accordance with the following general conditions and any additional, specific conditions the issuing authority deems necessary to ensure that the replacement area will function in a manner similar to the area that will be lost:

1. *the surface of the replacement area to be created ("the replacement area") shall be equal to that of the area that will be lost ("the lost area");*

2. *the ground water and surface elevation of the replacement area shall be approximately equal to that of the lost area;*

3. *The overall horizontal configuration and location of the replacement area with respect to the bank shall be similar to that of the lost area;*

4. *the replacement area shall have an unrestricted hydraulic connection to the same water body or waterway associated with the lost area;*

5. *the replacement area shall be located within the same general area of the water body or reach of the waterway as the lost area;*

6. *at least 75% of the surface of the replacement area shall be reestablished with indigenous wetland plant species within two growing seasons, and prior to said vegetative reestablishment any exposed soil in the replacement area shall be temporarily stabilized to prevent erosion in accordance with standard U.S. Soil Conservation Service methods; and*

7. *the replacement area shall be provided in a manner which is consistent with all other General Performance Standards for each resource area in Part III of 310 CMR 10.00.*

In the exercise of this discretion, the issuing authority shall consider the magnitude of the alteration and the significance of the project site to the interests identified in M.G.L. c. 131, § 40, the extent to which adverse impacts can be avoided, the extent to which adverse impacts are minimized, and the extent to which mitigation measures, including replication or restoration, are provided to contribute to the protection of the interests identified in M.G.L. c. 131, § 40."

This standard is not applicable. The Proposed Project will not result in any new or increased alterations of the existing BVW and will result in a net improvement over existing conditions.

310 CMR 10.55(4)(c)
"Notwithstanding the provisions of 310 CMR 10.55(4)(a), the issuing authority may issue an Order of Conditions permitting work which results in the loss of a portion of Bordering Vegetated Wetland when;

1. *said portion has a surface area less than 500 square feet;*
2. *said portion extends in a distinct linear configuration ("finger-like") into adjacent uplands; and*
3. *in the judgment of the issuing authority it is not reasonable to scale down, redesign or otherwise change the proposed work so that it could be completed without loss of said wetland."*

This standard is not applicable. The Proposed Project will not result in any new or increased alterations of the existing BVW and will result in a net improvement over existing conditions.

310 CMR 10.55(4)(d)
"Notwithstanding the provisions of 310 CMR 10.55(4)(a),(b) and (c), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.59."

The portion of the Subject Property where work is proposed is located within mapped NHESP Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2008 NHESP Atlas (MassGIS Edition) (see Figure 5 and Site Plan). However, the proposed work will result in a net benefit to the resource area and habitat. A copy of this NOI will be submitted to NHESP for review.

310 CMR 10.55(4)(e)
"Any proposed work shall not destroy or otherwise impair any portion of a Bordering Vegetated Wetland that is within an Area of Critical Environmental Concern designated by the Secretary of Environmental Affairs under M.G.L. c. 21A, § 2(7) and 301 CMR 12.00. This 310 CMR 10.55(4)(e):

1. *supersedes the provisions of 310 CMR 10.55(4)(b) and (c);*
2. *shall not apply if the presumption set forth at 310 CMR 10.55(3) is overcome;*
3. *shall not apply to work proposed under 310 CMR 10.53(3)(l); and*
4. *shall not apply to maintenance of stormwater detention, retention, or sedimentation*
   ponds, or to maintenance of stormwater energy dissipating structures, that have been constructed in accordance with a valid order of conditions."

This standard is not applicable. The Proposed Project is not located within an Area of Critical Environmental Concern.

Local Wetlands Performance Standards

Vegetated Wetlands (Meadows, Marshes, Swamps, and Bogs)

"Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:"

3.02B(1)
"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."

The proposed secondary dwelling, pool, retaining wall, and landscaping/grading will be located outside of the 50-foot BVW buffer zone. All proposed structures will maintain a separation to seasonal high ground water which will be greater than 2 feet. The proposed elevated walkway will be located within eh 25-foot and 50-foot BVW buffer zones but are classified as water dependent.

3.02B(2)
"Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means)."

The Proposed project includes the construction of a retaining wall and grading/filling outside of the 50-foot BVW buffer zone. The proposed retaining wall and associated filling/grading will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

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."

<u>This standard is not applicable</u>. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)
"The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland."

All septic components will be located entirely outside of any jurisdictional areas.

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."

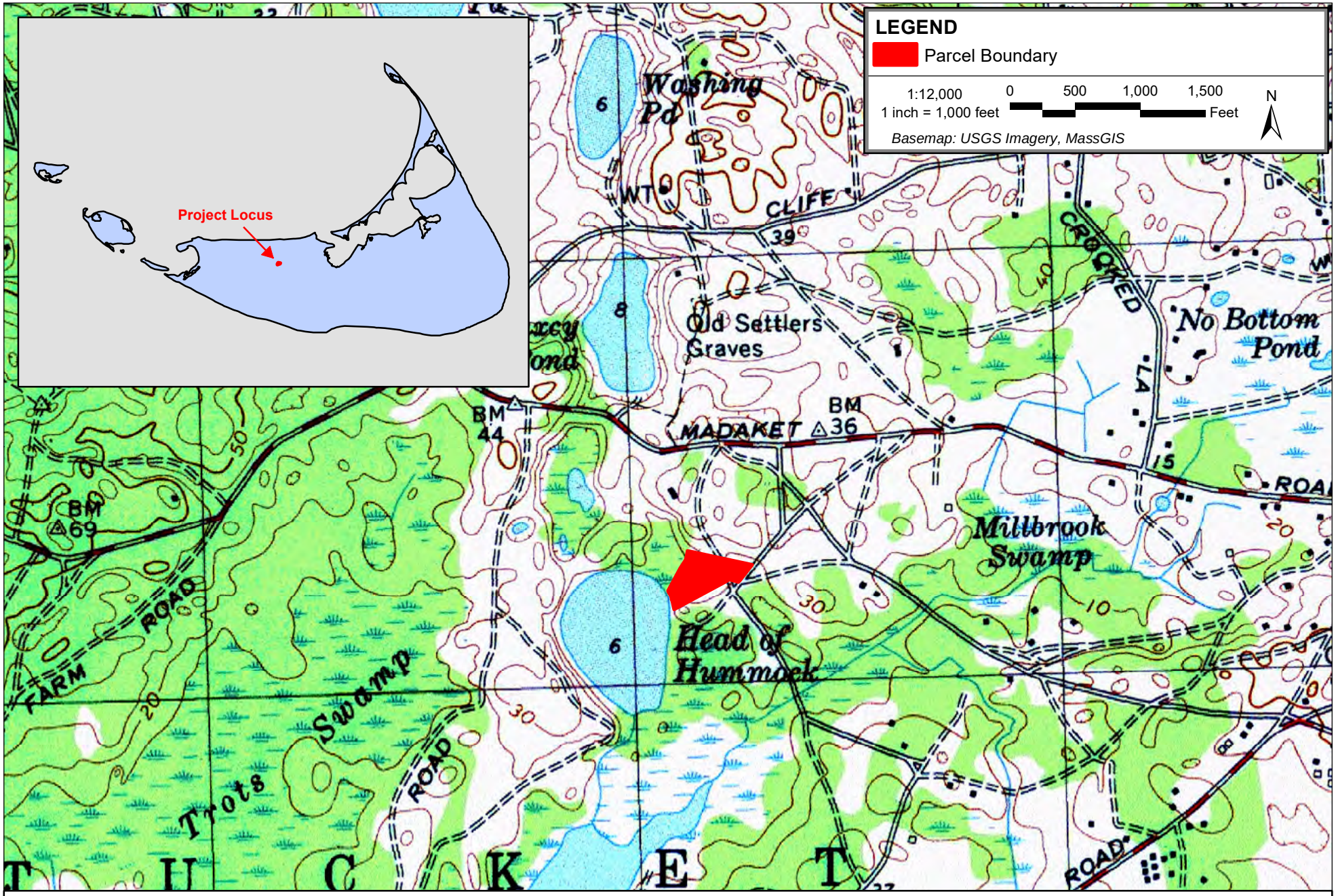
The Proposed Project includes the construction of an elevated walkway to replace an existing footpath which grants access to Head of Hummock Pond. Portions of the existing footpath traverse the BVW and are located within the 25-foot and 50-foot BVW buffer zones. The existing footpath grants access to the Head of Hummock Pond which is a water dependent use. Section 3.02B(6) requires that such access be achieved via elevated walkway. The proposed elevated walkway will be constructed 18-inches above existing grade to allow for vegetation growth.

3.02B(7)
"The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw."

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

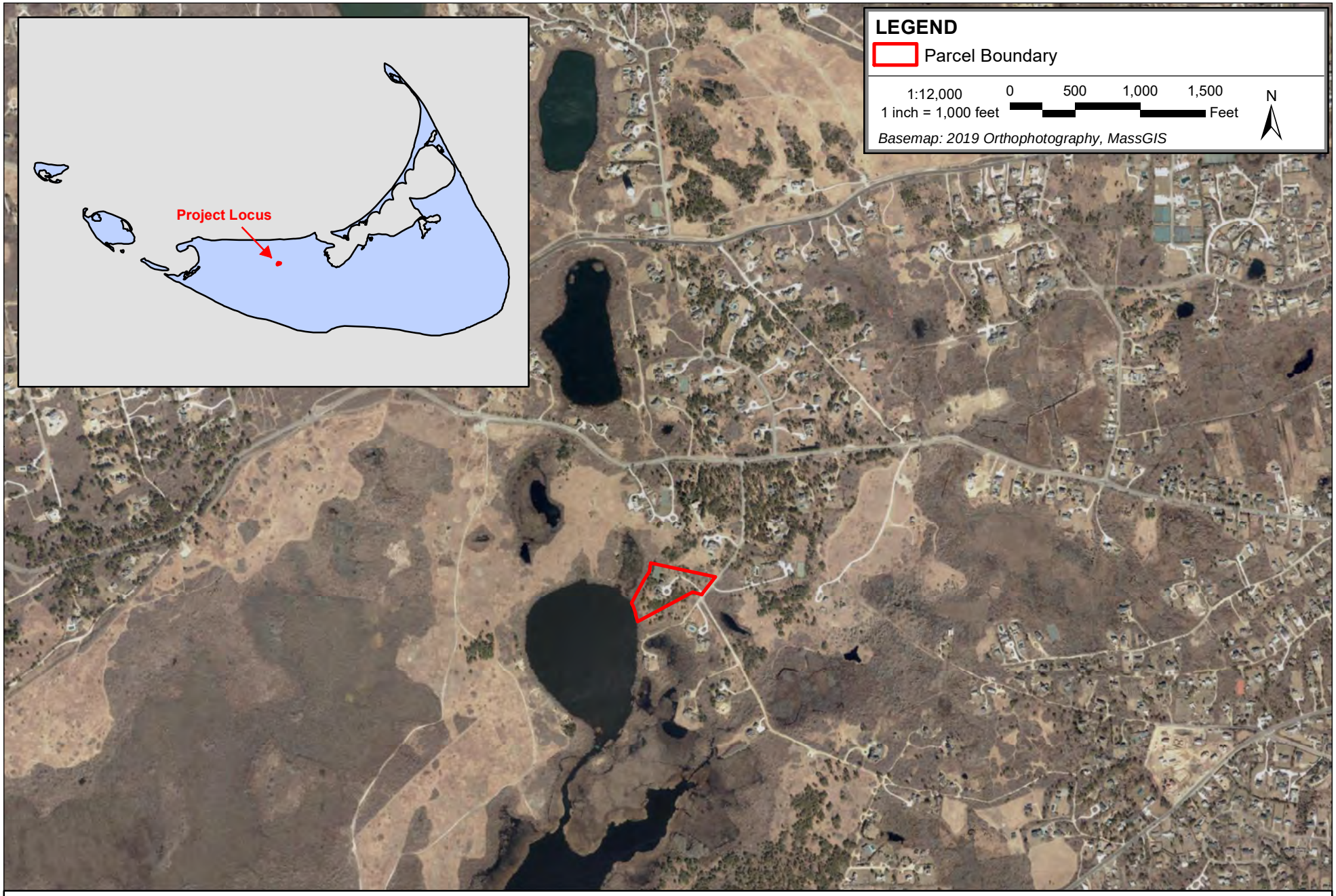
CONCLUSION

The Proposed Project is an alteration of an existing developed residential property which includes the construction of a secondary dwelling, pool, retaining wall, elevated walkway, and associated landscaping/grading. With the exceptions of the elevated walkway all structural components will be located outside of the 50-foot BVW buffer zone. Portions of the elevated walkway will be located within the 25-foot and 50-foot BVW buffer zones and a short section of the proposed elevated walkway will replace an existing footpath located within the BVW. The Proposed Project has been designed to minimize or avoid any adverse impacts to resource areas and associated buffer zones on the Subject Property. The Proposed Project does not require any waivers under the Bylaw. Therefore, the Applicant respectfully requests that the Commission approve the Project as proposed.



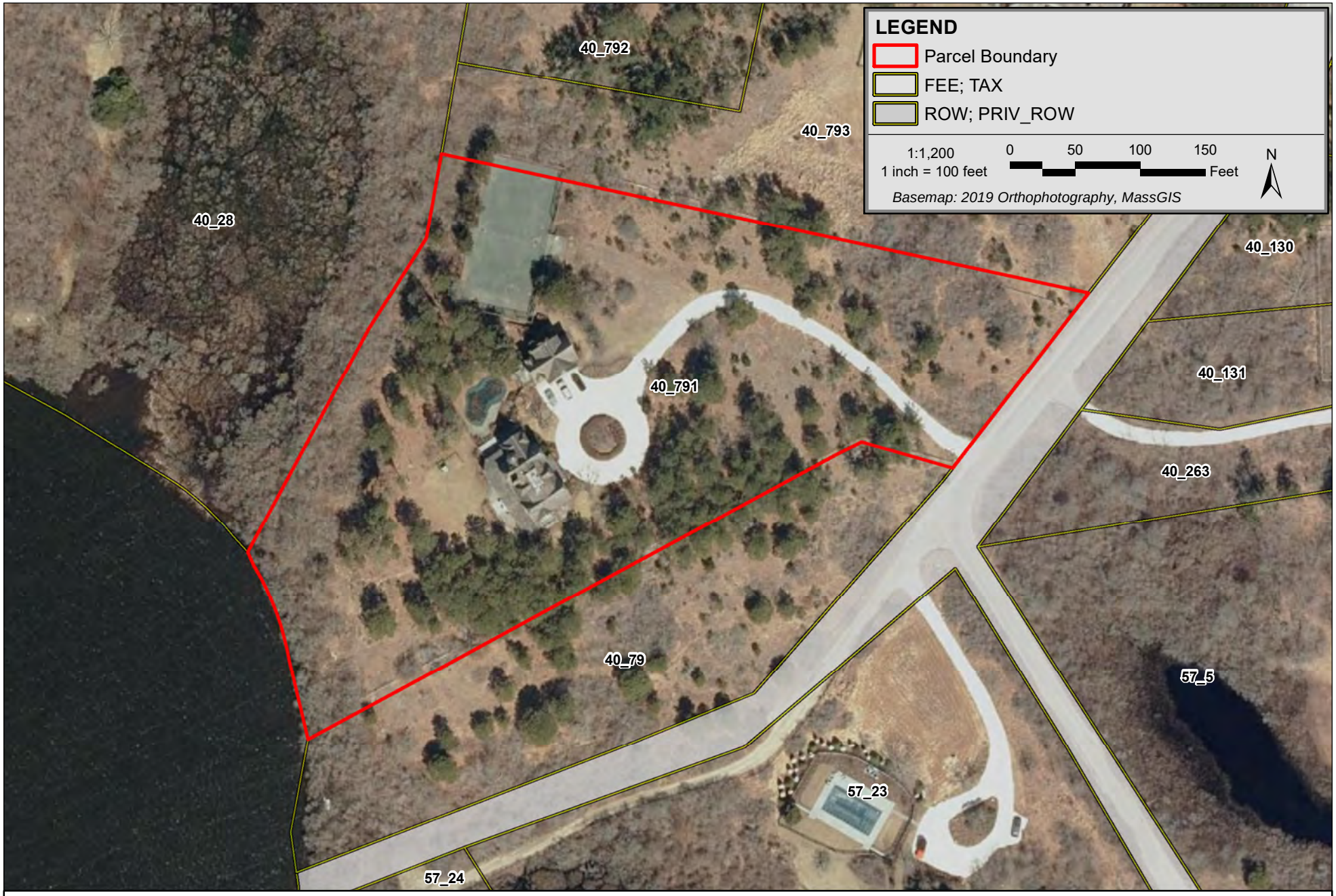
80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 1 - USGS Locus Map
August 28, 2020



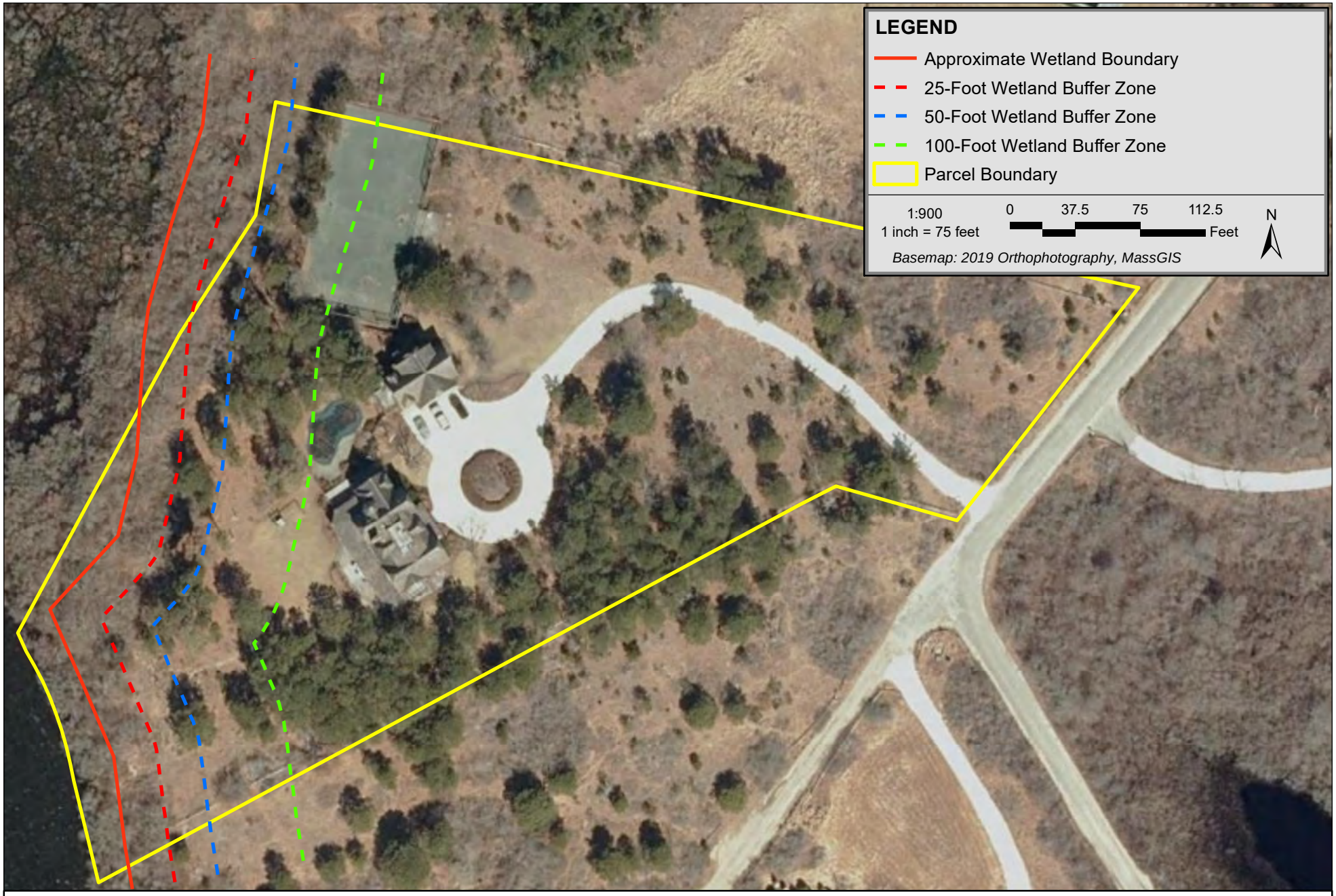
80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 2 - Site Overview
August 28, 2020



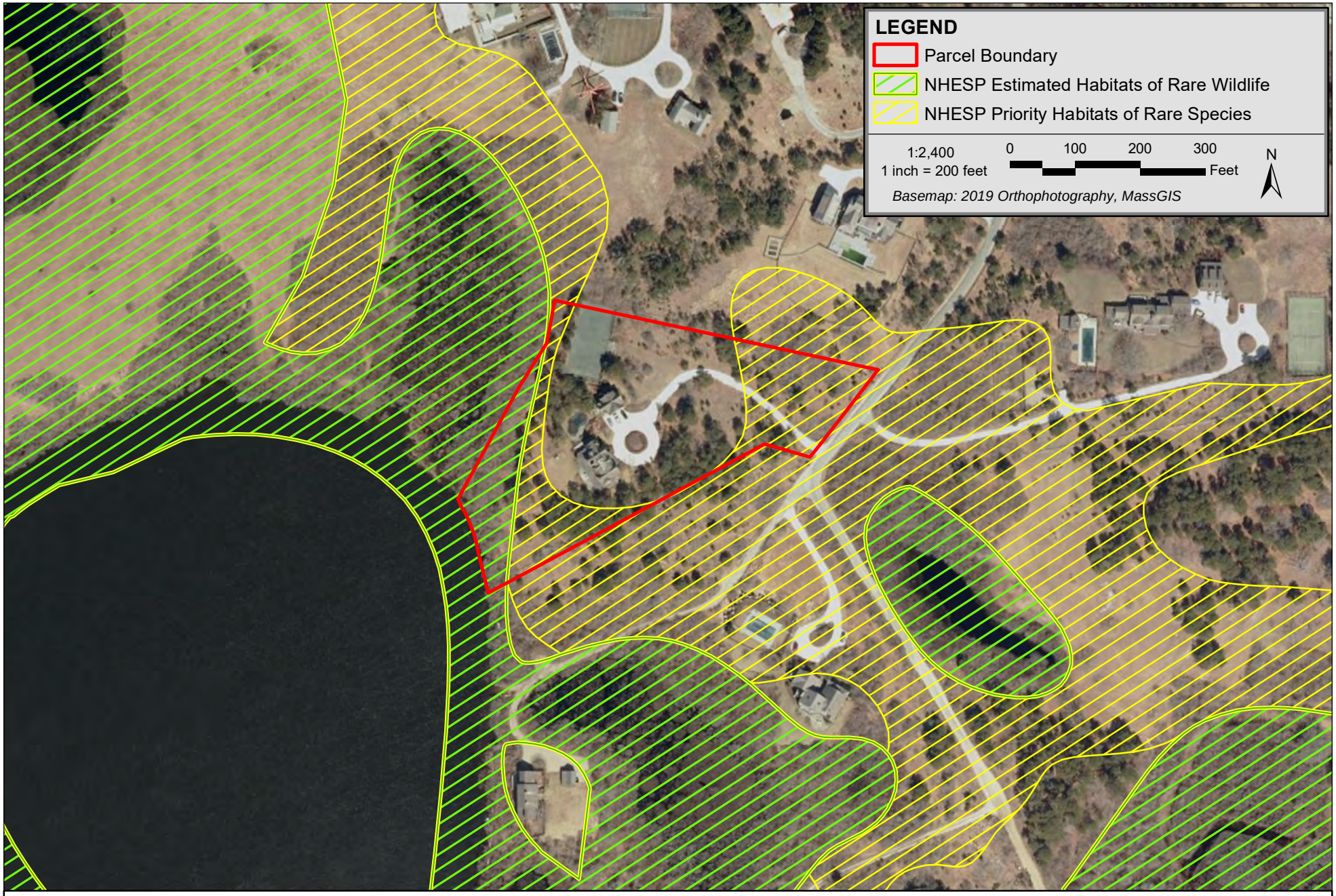
80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 3 - Detailed Site Overview
August 28, 2020



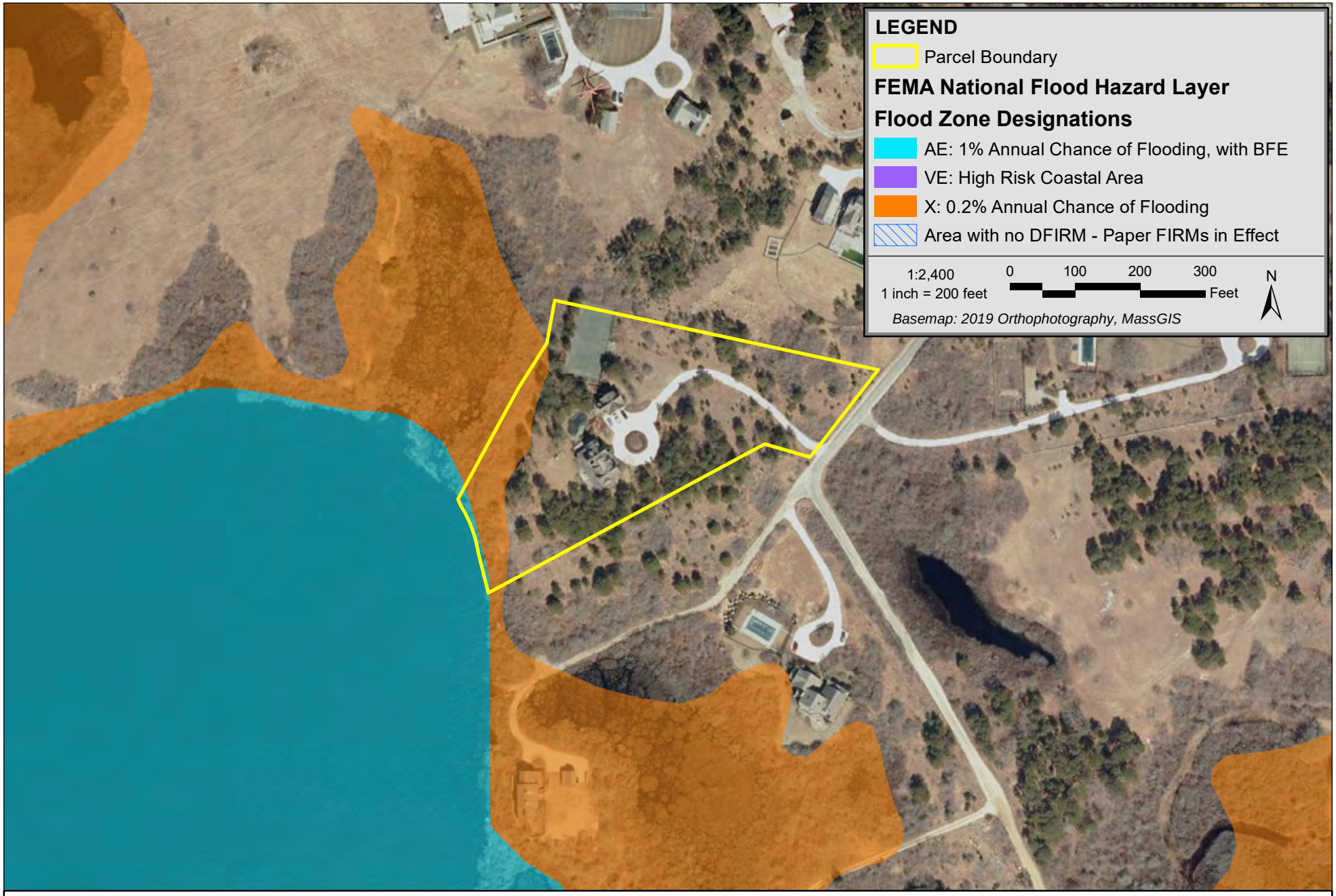
80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 4 - Approximate Wetland Resource Area Boundaries
August 28, 2020



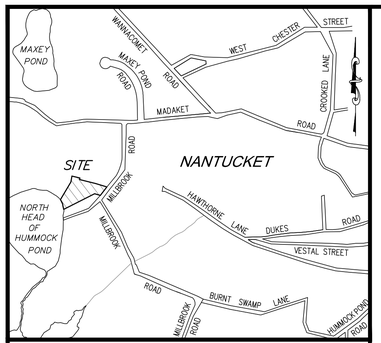
80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 5 - NHESP Habitat
August 28, 2020



80 Millbrook Road - Nantucket, Massachusetts
Map 40 Lot 79.1
SDE Project No. 20128

Figure 6 - Flood Zones
August 28, 2020



LOCUS NOT TO SCALE

NOTES:

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3. THE SITE IS PARTIALLY LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 8) AS DETERMINED FROM THE TOWN OF NANTUCKET FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY–PANEL NUMBER 250230 0069 G (EFFECTIVE DATE JUNE 9, 2014).
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CURRENT OWNER

JASPER NOMINEE TRUST
DEBORAH B. BRYAN, TRUSTEE
80 MILLBROOK ROAD
NANTUCKET, MA 02554

TITLE REFERENCE:
L.C. CERTIFICATE #23510

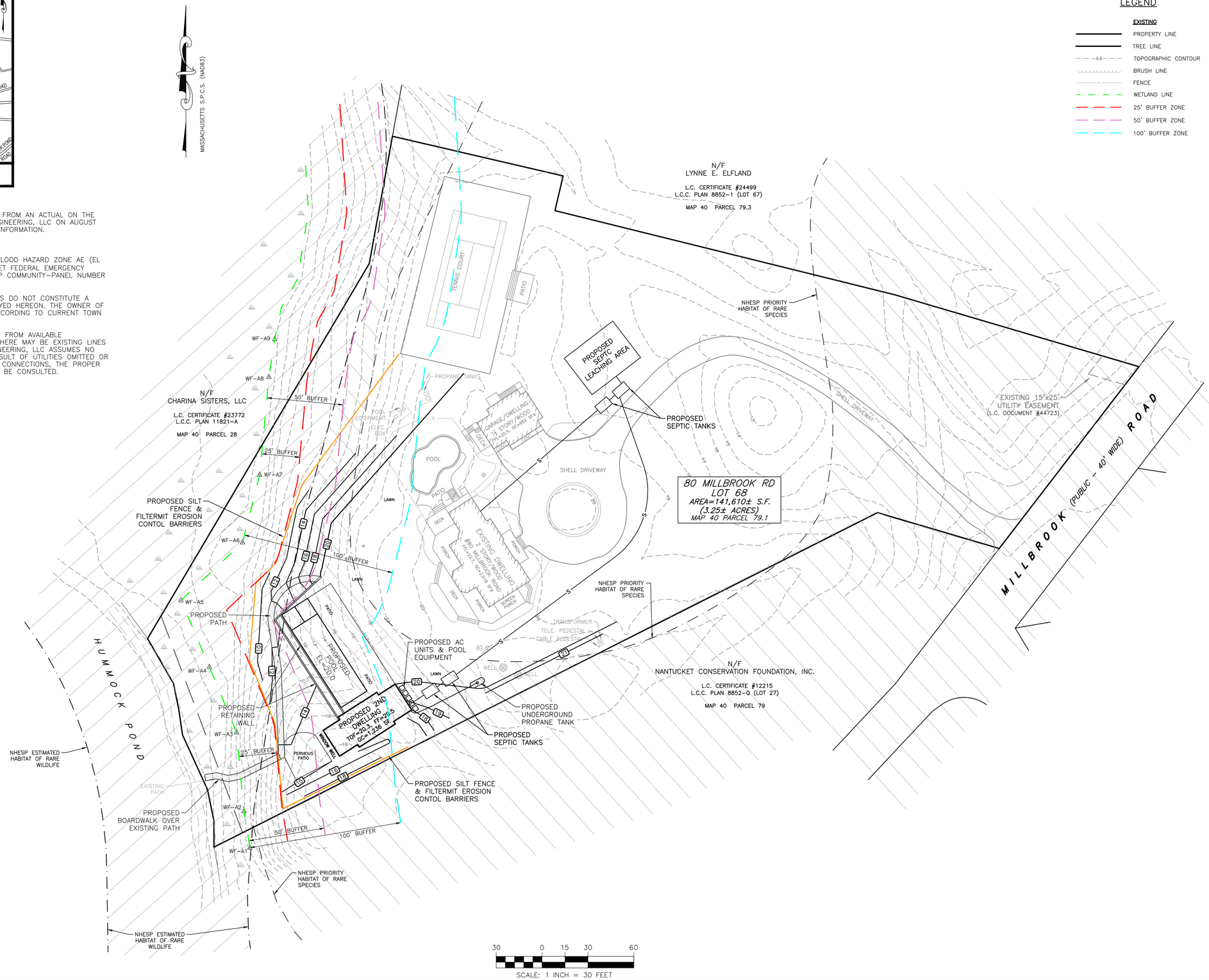
PLAN REFERENCE:
L.C. PLAN 8852–1 (LOT 68)

SITE LOCATION:
80 MILLBROOK ROAD
NANTUCKET, MASSACHUSETTS

ASSESSORS REFERENCE:
MAP 40 PARCEL 79.1

LIMITED USE 2 (LUG–2) ZONING DISTRICT

REGULATION	REQUIREMENT
MIN. LOT AREA	80,000 SQ. FT.
LOT FRONTAGE	150'
FRONT SETBACK	35'
SIDE/REAR SETBACK	15'
GROUND COVER RATIO	4%



SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: AUGUST 28, 2020

DRAWN BY:	COMPS. BY:	CHECK BY:
RLM/DCM	RLM	RLM/DCM

PROJECT NO. 20128

ISSUED FOR: PERMITTING

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
PROFESSIONAL ENGINEER

SITE PLAN

80 MILLBROOK ROAD
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 40, PARCEL 79.1

PREPARED FOR
JASPER NOMINEE TRUST

DRAWING TITLE: SITE PLAN

SCALE: 1" = 30'

SHEET NO. 1 OF 1

19221_163–167 Hummock Pond Rd_Existing Conditions_8–20–2020.dwg

SITE DESIGN ENGINEERING, LLC.
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

September 25, 2020 SDE No. 20128

Ashley Erisman
Chair – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Subject: Supplemental Information for Notice of Intent Application
SE48-3340
80 Millbrook Road
Nantucket, Massachusetts
Map 40, Parcel 79.1

Dear Ms. Erisman:

The purpose of this letter is to provide supplemental information for the above referenced Notice of Intent Application (NOI). Specifically, a revised site plan showing the exact percentage of the area between the 25-foot and 50-foot BVW buffer zones which will be maintained as existing native vegetation. Additionally, the Applicant is providing a copy of the NHESP MESA "No Take" determination.

Revised Site Plan

The Applicant has revised the site plan and made slight adjustments to the proposed retaining wall. The retaining wall is entirely outside of the 50-foot BVW buffer zone and allows for 50.3% of the area between the 25-foot and 50-foot wetland buffer zones to be maintained as existing native vegetation (see Site Plan).

NHESP MESA Review

The Applicant received a letter from NHESP dated September 24, 2020 (attached) which indicates that the Proposed Project will not result in a take of rare or endangered species.

Conclusions

The Applicant has provided information requested by the Commission and has modified the project to comply with all regulatory standards. Therefore, the Applicant respectfully requests that the Commission approve the Project as proposed.

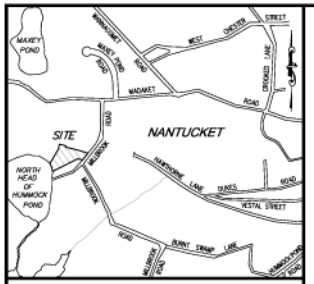
If you have any questions, please feel free to contact me via email at mrits@sde-ldec.com or at 508-802-5832.

Respectfully,
Site Design Engineering, LLC.

Mark Rits
Project Manager/Permitting Specialist

Enclosed:

Modified Site Plan (24-Sep-2020)
NHESP MESA Review Letter No.: 20-39572 (24-Sep-2020)



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DEBORAH B. BRYAN, TRUSTEE
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NANTUCKET, MA 02554

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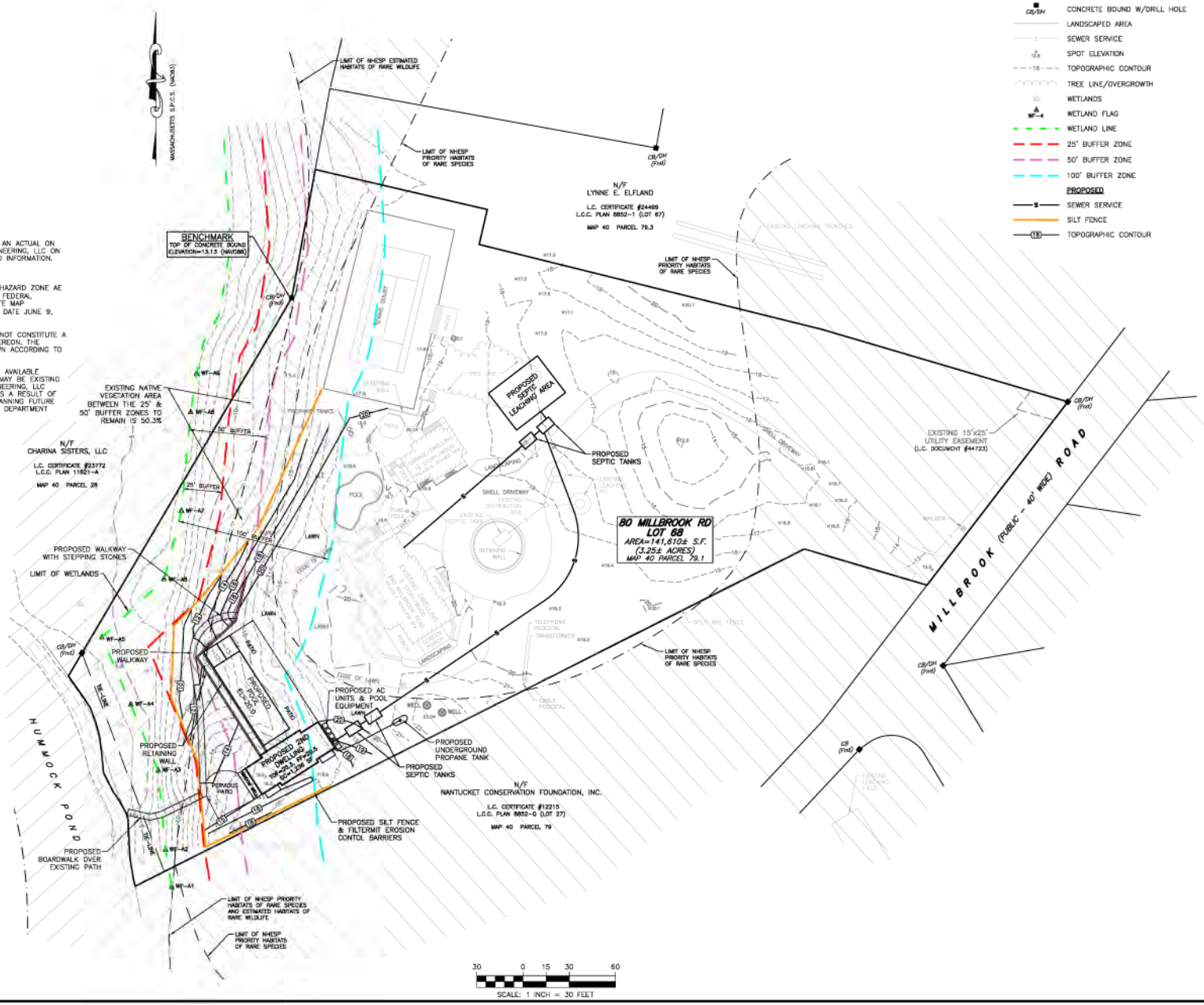


LEGEND

EXISTING

- CB/DH — CONCRETE BOUND W/DRILL HOLE
- LANDSCAPED AREA
- SEWER SERVICE
- SPOT ELEVATION
- TOPOGRAPHIC CONTOUR
- TREE LINE/OVERGROWTH
- WETLANDS
- WF–4 — WETLAND FLAG
- WETLAND LINE
- 25' BUFFER ZONE
- 50' BUFFER ZONE
- 100' BUFFER ZONE

PROPOSED

- SEWER SERVICE
- SILT FENCE
- TOPOGRAPHIC CONTOUR

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED
1	9/24/20	REVISED/REDUCED LIMIT OF WORK AREA	DCM

PLAN REVISIONS

DATE: AUGUST 28, 2020

DRAWN BY:	COMPS. BY:	CHECK BY:
RLM/DCM	RLM	RLM/DCM

PROJECT NO. 20128

ISSUED FOR: PERMITTING

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CML
No. 41757

PROPOSED SITE PLAN

80 MILLBROOK ROAD
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 40, PARCEL 79.1

PREPARED FOR
JASPER NOMINEE TRUST

DRAWING TITLE: PROPOSED SITE PLAN

SCALE: 1" = 30'

SHEET NO. 1 OF 1

MASSWILDLIFE

DIVISION OF
FISHERIES & WILDLIFE

1 Rabbit Hill Road, Westborough, MA 01581
p: (508) 389-6300 | f: (508) 389-7890
MASS.GOV/MASSWILDLIFE

September 24, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket MA 02554

Adam Abramson
37 Radcliffe Road
Weston MA 02493

RE:	Applicant:	Adam Abramson
	Project Location:	80 Millbrook Road
	Project Description:	Secondary Dwelling, Pool, Retaining Wall, Walkway
	DEP Wetlands File No.:	048-3340
	NHESP File No.:	**20-39572**

Dear Commissioners & Applicant:

The Natural Heritage & Endangered Species Program of the Massachusetts Division of Fisheries & Wildlife (the "Division") received a Notice of Intent with site plans (dated August 28, 2020) in compliance with the rare wildlife species section of the Massachusetts Wetlands Protection Act Regulations (310 CMR 10.59). The Division also received the MESA Review Checklist and supporting documentation for review pursuant to the MA Endangered Species Act Regulations (321 CMR 10.18).

WETLANDS PROTECTION ACT (WPA)

Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not adversely affect** the actual Resource Area Habitat of state-protected rare wildlife species. Therefore, it is our opinion that this project meets the state-listed species performance standard for the issuance of an Order of Conditions.

Please note that this determination addresses only the matter of **rare** wildlife habitat and does not pertain to other wildlife habitat issues that may be pertinent to the proposed project.

MASSACHUSETTS ENDANGERED SPECIES ACT (MESA)

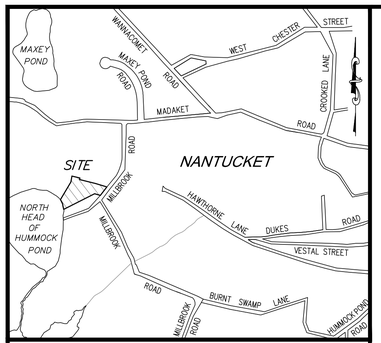
Based on a review of the information that was provided and the information that is currently contained in our database, the Division has determined that this project, as currently proposed, **will not result in a prohibited Take** of state-listed rare species. This determination is a final decision of the Division of Fisheries and Wildlife pursuant to 321 CMR 10.18. Any changes to the proposed project or any additional work beyond that shown on the site plans may require an additional filing with the Division pursuant to the MESA. This project may be subject to further review if no physical work is commenced within five years from the date of issuance of this determination, or if there is a change to the project.

Please note that this determination addresses only the matter of state-listed species and their habitats. If you have any questions regarding this letter please contact Emily Holt, Endangered Species Review Assistant, at (508) 389-6385.

Sincerely,

Everose Schlüter, Ph.D.
Assistant Director

cc: Mark Rits, Site Design Engineering, LLC
Deborah Bryan, Jasper Nominee Trust
MA DEP Southeast Region



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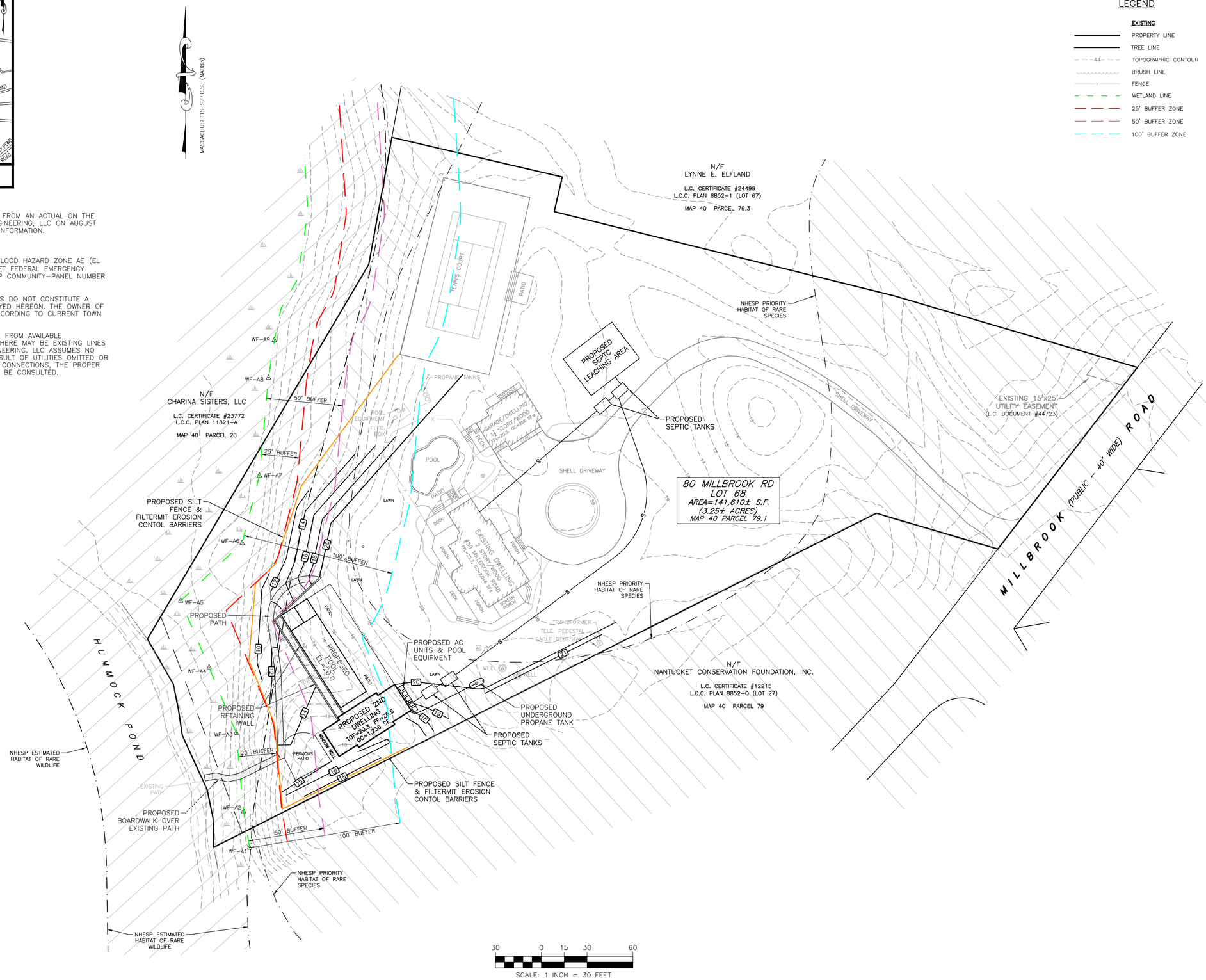

19221_163–167 Hummock Pond Rd_Existing Conditions_8–20–2020.dwg

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WWW.SDE-LDEC.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE: AUGUST 28, 2020

DRAWN BY:	COMPS. BY:	CHECK BY:
RLM/DCM	RLM	RLM/DCM

PROJECT NO. 20128

ISSUED FOR: PERMITTING

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757
PROFESSIONAL ENGINEER

SITE PLAN

80 MILLBROOK ROAD
NANTUCKET, MASSACHUSETTS
ASSESSORS MAP 40, PARCEL 79.1

PREPARED FOR
JASPER NOMINEE TRUST

DRAWING TITLE: SITE PLAN

SCALE: 1" = 30'

SHEET NO. 1 OF 1

Environment

AECOM
9 Jonathan Bourne Drive
Pocasset, MA 02559

Notice of Intent

Bulkhead and Seawall Maintenance and Repair
Commercial Wharf, Nantucket Boat Basin
Nantucket Harbor
Nantucket, Massachusetts

August 28, 2020

Environment

AECOM
9 Jonathan Bourne Drive
Pocasset, MA 02559

August 28, 2020

Via FedEx

Nantucket Conservation Commission
c/o Jeffrey Carlson
Natural Resources Coordinator
Town of Nantucket
2 Bathing Beach Road
Nantucket, MA 02554

Subject: Notice of Intent
Bulkhead and Seawall Maintenance and Repair
Commercial Wharf, Nantucket Boat Basin
Nantucket Harbor
Nantucket, Massachusetts

Dear Mr. Carlson and Members of the Commission:

AECOM is pleased to submit this Notice of Intent on behalf of Nantucket Boat Basin LLC c/o New England Development, for the proposed maintenance and repair of the bulkhead and seawall at Commercial Wharf located at the Nantucket Boat Basin pursuant to the Massachusetts Wetlands Protection Act (the Act) and the Nantucket Wetlands Bylaw (Bylaw). The Project proposes to rehabilitate approximately 521 linear feet of existing bulkhead and seawall. Work will also involve in-kind replacement of finger piers and walkways and pilings. The bulkhead and seawalls support a brick-paved walkway that provides public pedestrian access and access to boat slips along pile-supported finger piers in Nantucket Harbor. Additionally, the finger piers and pile supported buildings extend from the eastern end of the wharf and provide continued public access. Commercial Wharf provides substantial project benefits to visitors and users of the wharf including direct access to the waterfront. Maintaining the existing structures will allow the wharf to continue to provide for public access and the public's enjoyment of the wharf and the water.

According to the Act Regulations at 310 CMR 10.24(7)(c)2, this Project is considered as a "Limited Project" as it involves the "maintenance, repair and improvement (but not substantial enlargement …) of structures, including buildings, piers, towers, headwalls, bridged and culverts which existing on November 1, 1987". In addition, the Project is considered water-dependent as defined by the Bylaw. Notwithstanding the Project being considered a Limited Project, the Project complies with the applicable regulations of both the Act and the Bylaw.

We have included the following filing fees.

- Town of Nantucket (Reviewer fee).....$200.00
- Town of Nantucket (Bylaw fee).....$25.00
- Inquirer and Mirror (Advertising fee).....$335.10
- Town of Nantucket (Town share of fee).....$262.50
- Commonwealth of Massachusetts (State share of fee – sent to lockbox).....$237.50

We are also submitting a reduced-size digital version CD of the Notice of Intent to the Nantucket Conservation Commission. Should you have any questions or need additional information, please do not hesitate to call me. We look forward to presenting this project to the Commission at the public hearing on September 17, 2020.

Yours sincerely,

Katie Barnicle

Kathryn S. Barnicle, PWS
Project Manager, Senior Wetland Scientist
kathryn.barnicle@aecom.com
508-843-7981

cc MassDEP – SE Region
Division of Marine Fisheries – Southeast Marine Fisheries Station
Mike Duffy
John Twohig

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
and the Town of Nantucket Wetlands Protection Bylaw

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):

Commercial Wharf — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41° 16' 57.954" N — d. Latitude
70° 5' 40.7652" W — e. Longitude

42.2.4 3 — f. Assessors Map/Plat Number
g. Parcel /Lot Number

2. Applicant:

John — a. First Name
Twohig — b. Last Name
Nantucket Boat Basin LLC c/o New England Development — c. Organization
75 Park Plaza — d. Street Address
Boston — e. City/Town
MA — f. State
02116 — g. Zip Code
617-243-7070 — h. Phone Number
617-243-7085 — i. Fax Number
jtwohig@nedevelopment.com — j. Email Address

3. Property owner (required if different from applicant): ☒ Check if more than one owner

John — a. First Name
Twohig — b. Last Name
Nantucket Boat Basin LLC c/o New England Development — c. Organization
75 Park Plaza — d. Street Address
Boston — e. City/Town
MA — f. State
02116 — g. Zip Code
617-243-7070 — h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Kathryn — a. First Name
Barnicle — b. Last Name
AECOM — c. Company
9 Jonathan Bourne Drive — d. Street Address
Pocasset — e. City/Town
MA — f. State
02559 — g. Zip Code
508-843-7981 — h. Phone Number
508-833-6951 — i. Fax Number
kathryn.barnicle@aecom.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$500.00 — a. Total Fee Paid
$237.50 — b. State Fee Paid
$262.50 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The Project involves the maintenance and repair of the existing bulkheads at Commercial Wharf located at the Nantucket Boat Basin. See Project Narrative for more information.

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)

See 310 CMR 10.24(7)2
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

b. Certificate # (if registered land)

C0018/0416
c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f**. above.

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☒ Land Under the Ocean	640 1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☒ Coastal Banks	521 1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. ☒ Land Containing Shellfish	640 1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	5,000 approx. (landside) 1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW | b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings | b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

   a. ☐ Yes ☒ No

   If yes, include proof of mailing or hand delivery of NOI to:

   Natural Heritage and Endangered Species Program
   Division of Fisheries and Wildlife
   1 Rabbit Hill Road
   Westborough, MA 01581

   August 1, 2017
   (14th Edition)

   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

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* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

*Projects altering **10 or more acres** of land, also submit:*

(d) ☐ Vegetation cover type map of site

(e) ☐ Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. ☐ Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. ☐ Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only b. ☒ Yes ☐ No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
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.

C. Other Applicable Standards and Requirements (cont'd)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No — If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt: **Project is the repair and maintenance of existing bulkheads in coastal area with no existing drainage system.**

      1. ☐ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), andattach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Nantucket Boat Basin Swains/Commercial Wharf Bulkhead Rehabilitation	
a. Plan Title	
Moffat & Nichol	Full size originals with stamps to be provided
b. Prepared By	c. Signed and Stamped by
April 17, 2020	Varies
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.
Will be provided when proof is received

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed. Not applicable

Additional Plan:

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:

085074	8/13/20
2. Municipal Check Number	3. Check date
085172	8/13/20
4. State Check Number	5. Check date
Nantucket Island Management LLC	c/o New England Development
6. Payor name on check: First Name	7. Payor name on check: Last Name

Project Narrative
Bulkhead and Seawall Maintenance and Repair
Commercial Wharf, Nantucket Boat Basin
Nantucket Harbor
Nantucket, Massachusetts

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Project Narrative
Bulkhead and Seawall Maintenance and Repair
Commercial Wharf, Nantucket Boat Basin
Nantucket Harbor
Nantucket, Massachusetts

1.0 Introduction

On behalf of Nantucket Boat Basin LLC, c/o New England Development, AECOM has prepared this Project Narrative to describe the bulkhead and seawall maintenance and repair proposed at Commercial Wharf at the Nantucket Boat Basin in Nantucket Harbor, Nantucket, Massachusetts (Site) (see Figure 1). This Notice of Intent is submitted pursuant to the Massachusetts Wetlands Protection Act (the Act) and the Nantucket Wetlands Bylaw (Bylaw). The Project proposes to rehabilitate approximately 521 linear feet of existing bulkhead and seawall. Work will also involve in-kind replacement of finger piers and walkways and pilings. A description of the existing and proposed conditions is provided below. Plans are provided in Appendix C. Abutter notification information is provided in Appendix A.

The bulkhead and seawalls support a brick-paved walkway that provides public pedestrian access and access to boat slips along pile-supported finger piers in Nantucket Harbor. Commercial Wharf includes both solid filled wharf and buildings supported by pilings along the eastern edge of the wharf including the fuel dock and Dockmaster offices. Additionally, the finger piers and pile supported buildings extend from the eastern end of the wharf and provide continued public access. Commercial Wharf provides substantial project benefits to visitors and users of the wharf including direct access to the waterfront. Maintaining the existing structures will allow the wharf to continue to provide for public access and the public's enjoyment of the wharf and the water.

According to the Act Regulations at 310 CMR 10.24(7)(c)2, this Project is considered as a "Limited Project" as it involves the "maintenance, repair and improvement (but not substantial enlargement …) of structures, including buildings, piers, towers, headwalls, bridged and culverts which existing on November 1, 1987". In addition, the Project is considered water-dependent as defined by the Bylaw. Notwithstanding the Project being considered a Limited Project, the Project complies with the applicable regulations of both the Act and the Bylaw as described in this application.

2.0 Existing Conditions

The proposed work involves the majority of the exterior of Commercial Wharf but does not include any work relative to the three buildings located on the southern side of the wharf that are not owned by the Proponent (21, 23, and 25 Commercial Wharf). Steel bulkhead structures provide a continuous support wall for Commercial Wharf along the north, east, and part of the southern edges for approximately 401 linear feet. Seawalls comprise approximately 120 linear feet along the southern edge of the wharf, excluding the seawalls on adjacent properties. The wharf is approximately 300 feet in length and 90 feet in width. The existing steel sheet piling along the bulkhead does not have an anchored wall system with an exterior waler and anchor (as exists at Old South Wharf). The bulkhead and seawalls support a brick-paved walkway that provides public pedestrian access and access to boat slips along pile-supported finger piers in Nantucket Harbor. Additionally, the finger piers and pile supported buildings extend from the eastern end of the wharf and provide continued public access. The exposed vertical face of the bulkhead, measured from top of walkway down to the mudline, is approximately 14.8 feet in height. A structural inspection of the structures was conducted by Moffatt & Nichol.

Figure 1: Site Locus

Relative to the Massachusetts Wetlands Protection Act (MGL Chapter 131, s. 40) (the Act) and Regulations (310 CMR 10.00) and Nantucket Wetlands Protection Bylaw (Chapter 136) (the Bylaw) and Regulations, jurisdictional wetland resources at Commercial Wharf include as described below:

- land subject to coastal storm flowage (flood plain) (310 CMR 10.02(1)(d))
- land subject to tidal action (310 CMR 10.02(1)(c)),
- land under the ocean (310 CMR 10.25),
- land containing shellfish (310 CMR 10.34), and
- coastal bank (310 CMR 10.30).

According to the 14th Edition of the *Massachusetts Natural Heritage Atlas* prepared by the Massachusetts Natural Heritage and Endangered Species Program, the Site is not located within a mapped area of Estimated Habitats of Rare Wildlife, Certified Vernal Pools, or Priority Habitats.

2.1 Land Subject to Coastal Storm Flowage

According to 310 CMR 10.04, land subject to coastal storm flowage is defined as "land subject to any inundation caused by coastal storms up to an including that caused by the 100-year storm…" According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) (Community Panel No. 25019C0086G (effective June 6, 2014), the Site is located within the following zones (see Figure 2)[1]: Zone AE (el. 9) for the interior of Commercial Wharf and Zone VE (el. 11) for the exterior portions. Zones mapped as VE are where there is a 1% chance or higher of flooding and additional hazards from storm waves (over three feet high). Zones mapped as AE are A zones which have a 1% chance of flooding with an identified base flood elevation (provided in parentheses). The coastal flood plain is also identified as land subject to coastal storm flowage under the Act and Regulations (310 CMR 10.04) and Bylaw and Regulations (2.10). There is no buffer zone associated with this resource area under the Act but there is one under the Bylaw.

As shown on Figure 2, there is a cross hatched area to the south and east of the site identified as CBRS or Coastal Barrier Resources System mapped under the Coastal Barrier Resources Act (CBRA). Based on existing mapping, the buildings at Commercial Wharf are not located within the CBRS or the adjacent 20 foot buffer zone.

2.2 Land Subject to Tidal Action

According to 310 CMR 10.04, land subject to tidal action is defined as being "subject to the periodic rise and fall of a coastal water body, including spring tides." This resource area is located from the spring high tide (SHT) elevation seaward. As the SHT elevation intersects the Site along the face of the bulkheads, the portion of the structures that experiences the daily tidal fluctuations is considered to be found within this resource area. There is no buffer zone associated with this resource area under the Act but there is one under the Bylaw.

2.3 Land Under the Ocean

According to 310 CMR 10.25, land under the ocean is defined as "land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries". At Commercial Wharf, land under the ocean is located from the Mean Low Water (MLW) elevation seaward.

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[1] All FEMA zones are based on NAVD 88 datum

Figure 2: FEMA Flood Map

As MLW elevation intersects the Site along the face of the bulkheads, the sediment at the bottom of the harbor is considered land under the ocean. There is no buffer zone associated with this resource area under the Act but there is one under the Bylaw. No eelgrass (*Zostera marina*) or widgeon grass (*Rupia maritime*) beds were observed within the work footprint adjacent to Commercial Wharf. In addition, the Massachusetts Department of Environmental Protection (MassDEP) mapping available for seagrass does not identify any seagrass beds within the Nantucket Boat Basin (see Figure 3).

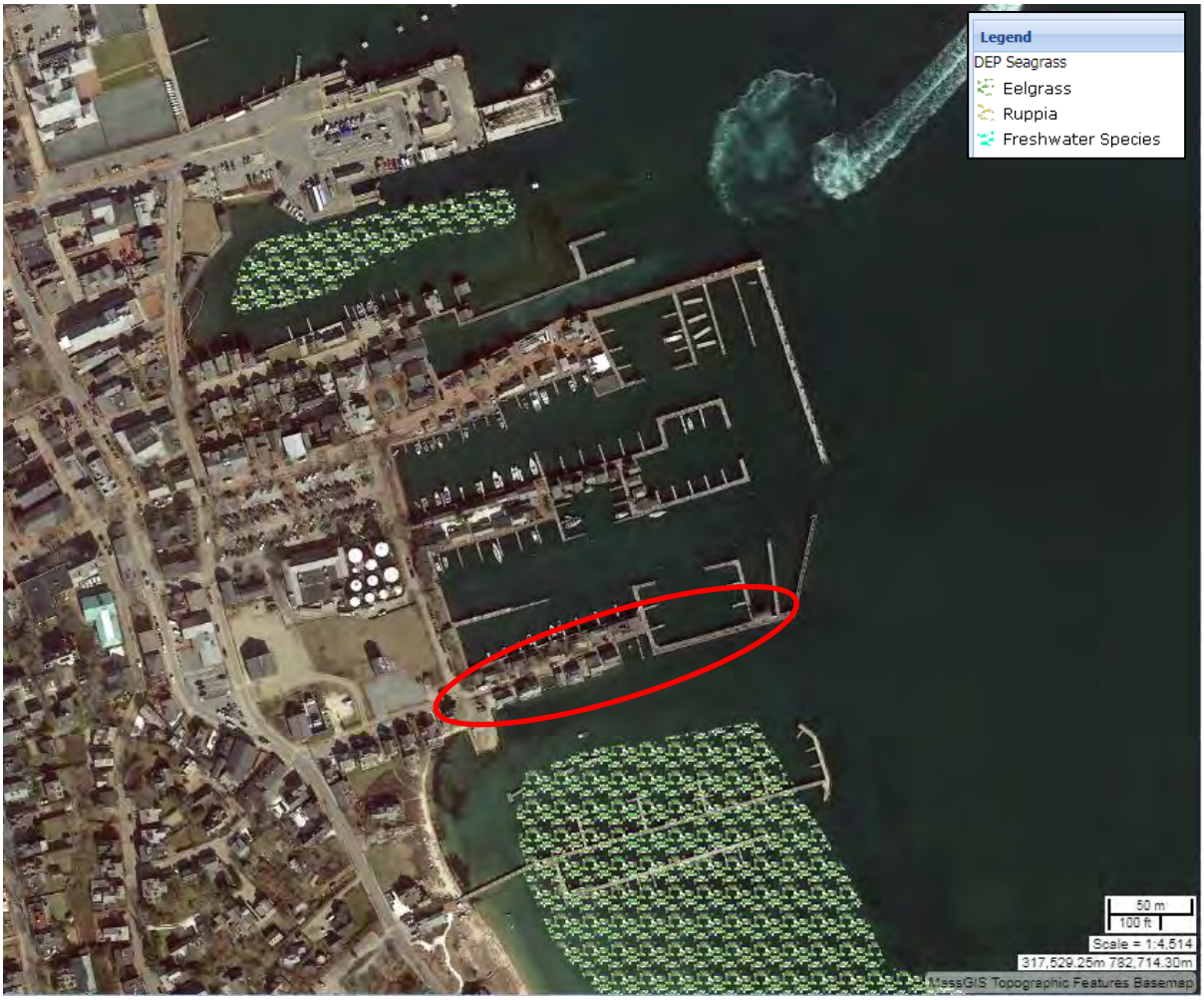


Figure 3: MassDEP Seagrass Mapping (MassGIS, Oliver, 2018)

2.4 Land Containing Shellfish

According to 310 CMR 10.34, land containing shellfish is found within the land under the ocean resource area. Within the replacement footprint along portions of Commercial Wharf, it is assumed that shellfish may inhabit the area. Nonetheless, the Massachusetts Division of Marine Fisheries has classified the area as “Prohibited” for shellfishing (see Figure 3). There is no buffer zone associated with this resource area under the Act but there is one under the Bylaw. AECOM performed a shellfish survey of the work footprint on August 10, 2020 (see Appendix B) and made the following observations:

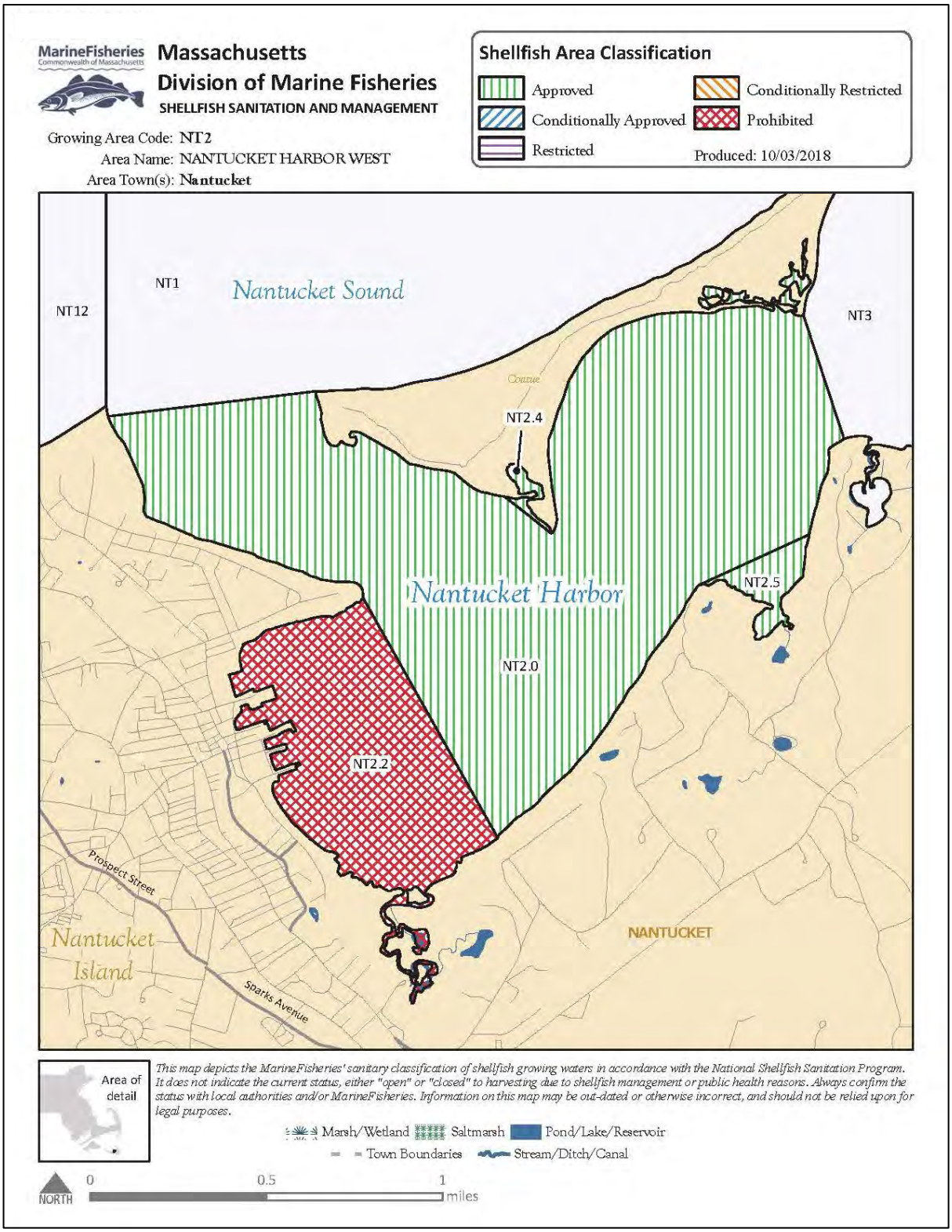


Figure 4: Shellfish Map

Based on AECOM's shellfish sampling efforts, four quahogs were present from three of the thirteen samples collected along the bulkhead of Commercial Wharf. Occasional oysters were observed attached to the existing bulkhead however none were collected in the sediment. The sediment along the north edge of the existing bulkhead consisted of black, anoxic silt with a strong sulfidic odor (H_2S). Sediment on the south side of the bulkhead consisted of a mix of sand, rocks and gravel. Man-made materials such as trash, fishing line and glass were encountered throughout the survey area.

AECOM's survey encountered low shellfish abundance across the thirteen samples. Less than 25% of the samples contained shellfish. The silty anoxic sediment and hydrogen sulfide odor does not provide optimal shellfish habitat. Sediment that is anoxic with hydrogen sulfide creates an acidic environment that degrades the calcareous shells of quahogs, soft shell clams and oysters, in particular the thin shells of juvenile stages making the habitat sub-optimal for the sustainability of juvenile stages of shellfish. Adult quahogs which have thicker shells, may be able to exist in anoxic sediment if the overlying water column remains oxidized but their shells will also degrade, and this will reduce their likelihood of survivability. The proposed bulkhead repair will not have significant long-term impacts to local shellfish resources.

2.5 Coastal Bank

According to 310 CMR 10.30, a coastal bank is defined by the Act is "the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland." The coastal bank at this Site is comprised of the bulkhead coastal engineering structure. The top of the coastal bank is the top of the metal cap on top of the bulkheads. This resource area has a 100-foot jurisdictional buffer zone. The top of the coastal bank has been delineated in accordance with the MassDEP Wetlands Protection Program Policy 92-1 "Definition and Delineation Criteria for Coastal Bank."

3.0 Proposed Maintenance and Repair

The proposed maintenance and repair work involves the installation of new steel sheet piling, reconstruction of seawall, building removal (temporary during construction), utility relocation, and in-kind replacement of timber finger piers, walkways, and pilings. This section also discusses resiliency and facilities and management of the Nantucket Boat Basin.

3.1 Steel Sheet Bulkheads

Along the north, east, and south bulkhead faces, the new steel sheet pilings will be offset approximately 4-6 inches from the seaward face of existing steel sheets (or as close as technically feasible, not to exceed 6 inches) with the newly installed sheets being 18 inches in width. The installation of the sheet piling will be installed as close as technically feasible to the old sheet piling. The greatest distance between the furthest structural member on the new steel sheet piling to the inner face of the existing sheet will be no more than 6 inches. For most of the existing bulkhead, any walers (horizontal structural members) are located behind or within the bulkhead. This is different than the Old South Wharf project where walers exists on the outer face (seaward) of the existing bulkhead.

The sheet piling will be installed using a vibratory hammer to slowly drive the sheets vertically down into sand below the mudline. No excavation or dewatering is anticipated. The existing sheet piling and any tie-backs or walers will remain in place behind the new sheet piling and will be effectively buried by backfilling the space between existing and proposed sheet piling with granular material (sand). Selective demolition of the existing bulkhead will be limited to facilitate installation of the new sheet piling and anchor system.

At the north and south faces, soil anchors will be installed with the new sheet piling to replace the existing tieback anchor system of the existing bulkhead. The soil anchors require minimal excavation for installation as they are drilled into place at an angle from behind the bulkhead. Soil anchors will be installed and connected to the new bulkhead wale system prior to backfilling behind the new structure and between the existing and new bulkhead structures. The east face will be tied back utilizing a combination of the diagonal rods tied back to the sheet pilings along the north and south faces and three battered steel pipe piles below the existing laundry building east of the wharf. The battered steel pipe piles are required in location because additional diagonal rods are obstructed by the existing utility building at the northeast corner of the wharf. Soil anchors along the east face cannot be installed due to interference from the tie rods along the north and south faces.

The installation of the new sheet piling will require removal and replacement of the existing paver walkway, removal of the finger piers and the removal of timber piles at the boat slips to provide for practical construction access. The existing steel cap along the bulkhead will be replaced with a new steel cap. The replaced portions of the finger piers and timber piles will match the existing locations.

Currently, the fuel line is located above ground in a steel enclosure above the steel bulkhead cap. The existing fuel line will be removed and a new fuel line will be buried below grade behind the new and existing bulkhead within the utility trench. The proposed top of bulkhead elevation will be approximately the same elevation of the existing cap with future provisions for resiliency being planned. The final project construction allows for flexibility as resiliency measures are under review. Small elevation modifications will be required to properly drain the site.

Dredging will not be required to complete the work. The work will be performed using a combination of barge (water) and land side access depending on equipment availability, weather, and the Contractor's preferred means and methods. It is anticipated that the majority of the work will be staged using barges in the water. Silt curtains/turbidity screens will be installed to prevent sedimentation and will be installed prior to work. This will also allow for work to be performed at any time of the year (in the Time-of-Year restrictions) as the silt curtains will prevent any sedimentation from entering the harbor. If work including staging is to be performed from the land side, haybales or silt fence will be used. A landside work zone on the brick walkways will provide for land-based access and a potential work and material staging area.

The following is a suggested construction sequence to be utilized for the installation of the new steel sheet bulkheads:

1. Installation of a turbidity curtain around the work area.
2. Installation of temporary barriers and signage on the landside areas of the wharf provide directions to the public for access and safety.
3. Temporarily remove, protect, and/or disconnect existing utilities.
4. Remove existing decking or brick along the walkways.
5. Remove finger piers.
6. Commence "in water" work by removing existing timber piles.
7. Install new steel sheet piling.
8. Install new timber piles at finger piers and boat slips and complete any remaining "in water" work.
9. Install new soil anchors.
10. Install new steel cap.
11. Replace timber or brick decking at walkway and finger piers.
12. Reinstall utilities and restore hardscaping and landscaping.

Upon completion of the waterfront construction, minor modifications of the site's grading will be made to improve drainage and the brick pavers replaced in-kind. The overall accessibility for the site will remain unchanged.

3.2 Seawalls and Building Removal

At the Meridian cottage (#12) located in the southwest corner of the wharf, the existing seawall has deteriorated and sustained damage by storms resulting in a sinkhole. In order to repair this area, the entire cottage will be lifted and removed from the location to be stored off-site. When the cottage has been removed, the area beneath the cottage will be excavated (see Sheet S-302) and concrete piles will be installed (the building now sits on cinder blocks). The deck located on the waterside of the cottage will be demolished. The material under the cottage will be excavated down to the mean low water line and replaced with granular fill on top of a geosynthetic filter fabric. This material and design will help to prevent future sink holes from occurring. The top four courses of the seawall will be restacked to form a plumb seaward face. Concrete will then be backfilled on the landward side of the seawall to plug voids between the granite blocks. When this work has been completed, the cottage can then be restored back to the same footprint on concrete piles and the deck reconstructed (cantilevered over the water). Additional information is provided in the next section.

At the End of Rope cottage (#5) located next to the Orion cottage at in the southeastern corner of the wharf, the same methodology will be used as described for the steel sheet bulkhead repair. As this cottage will be located immediately adjacent to the proposed steel sheet bulkhead, the seawall will be pushed back in order to install a wale to support the new steel sheeting to be located seaward of the seawall. The bulkhead will be installed using the same methodology as the rest of the bulkhead work, that is, the new bulkhead will be placed as close as possible to the seawall but no more than 6 inches. The wale in this area will be installed using the same means and methods used throughout the bulkhead. The wale will be bolted to the new sheet pile bulkhead while the tieback anchors will be drilled through the existing seawall. Once the cottage is restored back to the same footprint, the deck will be reconstructed including replacement in kind of five timber piles.

The continuation of the bulkhead in this area provides structural continuity between all upland structures owned by the Proponent (apart from Meridian) because it is separated by the three privately owned residences. The portion of seawall that will now be replaced by the bulkhead has experienced significant upland fill loss and displays seaward deflection. The new proposed bulkhead system will provide secure upland fill and limit subsidence. By repairing the seawall in front of Meridian it provides structural continuity between the three private residences and the isolated Meridian property while still maintaining a clean aesthetic look between varying wall system materials.

3.3 Building Demolition

A portion of the laundry building will be removed in order to access the easternmost edge of the wharf. The existing building is located on both the solid fill wharf and on pilings. The portion of the building to be demolished includes the part on the solid fill wharf. Once demolished, the bulkhead repair will be performed included the installation of three battered piles as described in more detail below. Once this work is completed, the demolished portion of the laundry room will be rebuilt in-kind with the same existing footprint.

3.4 Utilities

Utilities at the site include water, sewer, electric, and fuel lines primarily located on the northern side. The water, sanitary sewer, and electric will be replaced in kind. All utilities will be relocated behind the bulkhead within the utility trench. A previously abandoned underground fuel line on northern side will be removed and the newer fuel line (located beneath the steel cap on top of the existing bulkhead) will be relocated within the utility trench.

3.5 Pile Replacement

During the bulkhead maintenance work, numerous piles will need to be removed for access including timber mooring piles, fender piles, and piles supporting the finger piers. As these will be removed, the applicant will use this opportunity to replace the older creosote covered piles with CCA treated piles, as consistent with continued maintenance operations on site. All piles will be removed and replaced in approximately the same location and configuration as under existing conditions.

Three batter piles are required along the eastern bulkhead under the existing laundry building. The batter piles act as the support member for the east bulkhead system. This type of system was used because internal soil anchors were not constructible as they would interfere with the soil anchors on the north and south faces. The alternative option was a cantilever wall system that would exceed 24” past the existing bulkhead resulting in greater impacts to land under water. The proposed piles will be driven with an impact hammer and tested for structural tip capacity.

There are three dolphin piles located outward of the northern side of the wharf and used for vessels docking at the adjacent fuel dock. During construction, these dolphins will be removed to allow for barge access. Following construction, the dolphins will be replaced in kind at their original location using the same methodology previously explained for timber piles with new piles.

3.6 Stormwater Management

Minor drainage modifications are planned for the rehabilitation of Commercial Wharf which will tie into the existing drainage patterns. The exterior of the northern portion of the wharf consisted of brick pavers used for the pedestrian access network. Under existing conditions, surface runoff occurs from the roofs of the small buildings, the brick walkways, and the timber finger piers and walkways. Vehicles are only allowed within the existing roadway.

The minor drainage improvements are designed to enhance positive drainage in the pedestrian areas of the Project with the addition of trench drains, in-kind replacement of outlet pipes, and installation of Tide Flex check valves to prevent stormwater backflow. All drainage will continue to drain through the existing catch basins within the roadway (located in the central portion of the wharf). Each catch basin has a drainpipe that exits through the bulkhead on the north side. These pipes will be extended through the new bulkhead and be equipped with a tideflex backflow flap to prevent tidal water from entering the pipes. The overall drainage patterns and the amount of impervious areas located on Commercial Wharf will remain unchanged and therefore application of the Massachusetts Stormwater Handbook will not apply.

The replacement of the bulkhead and seawall (both existing water-dependent structures) does not produce any change to the existing runoff characteristics at the Site. As this Site is developed, this work would fall under the redevelopment category. As there are only minor modifications to impervious areas or stormwater management, application of the Massachusetts Stormwater Handbook, including the standards, will not apply.

Incorporating best management practices (BMPs) for stormwater are a challenge in a size-limited area like Commercial Wharf and in areas within a coastal setting which are subject to tidal fluctuation. There is limited room for installation of subsurface BMPs like catch basins as the walkways are required for the utilities that services the wharf and the boat slips (i.e., water, sewer, electric). Trench drains tied into the existing drainage system are part of the minor improvements.

3.7 Resiliency

As the Nantucket Boat Basin is located within the low-laying areas of the downtown area and within the mapped 100-year flood plain, Commercial Wharf is susceptible to coastal storms. Whereas the proposed repair and maintenance of the bulkheads will provide for storm damage prevention and flood control, storms over a certain elevation will flood into and over the wharf. We are looking at a 40-year horizon of what potential impacts could occur should sea level rise and storm frequencies increase. In order to make this wharf more resilient, we are looking at elevating the bulkhead cap higher than the grade elevation of the pavers. Even a slight increase in elevation of less than one foot would provide for protection of the wharf including the wharf structures (i.e., retail stores) from the increasing frequency of storms which is primarily Nor'easters in this location. We anticipate that the elevation of the bulkhead could be increased with the addition of concrete caps from approximately five to eight inches and are presently reviewing this issue. The current design allows for flexibility and the ability to include a resilient solution, like the additional cap, after further review and consideration. The addition of the concrete caps will have to be designed to not impede access to the boat slips and for the public to access the waterfront.

3.8 Facilities and Management at the Nantucket Boat Basin

Although not part of this Notice of Intent or associated with the bulkhead Project at Commercial Wharf, we believe it is important to identify that the Nantucket Boat Basin has a long history of making sure that that users of the facilities, such as boaters, are provided with educational materials to ensure that pollution into Nantucket Harbor is eliminated.

The Nantucket Boat Basin has developed an infrastructure to allow all vessels to pump out black and gray water from each of the individual marina slips. Pump out facilities and associated hoses are located throughout the marina for this purpose. In addition, there are fixed pump out facilities at the fueling dock and at each of the large yacht slips. There is no charge for the use of these pump out facilities. The Nantucket Boat Basin, in addition to funding these improvements, has also been awarded grant monies under the Clean Vessel Act to provide these services for free.

Each vessel owner is provided with educational materials when they check in to the marina office on the importance of waste disposal. The information includes how to discharge black and gray waste and the marina provides clean waste bags for recycling in accordance with local recycling requirements. In addition, the Nantucket Boat Basin website includes additional information regarding environmental concerns and stewardship at http://www.nantucketboatbasin.com/services.aspx.

4.0 Proposed Impacts and Regulatory Compliance

Fill associated with the new steel sheeting is calculated based on the approximate 4 to 30-inch distance (minimum is zero) between the existing sheeting and the new sheeting, the void of which will be backfilled, once sheeting is installed. Based on the linear feet measurements, the proposed impact from fill will be approximately 640 s.f. based on the maximum distance proposed (in order to provide a conservative impact estimate). This fill would be located within land under the ocean and land containing shellfish. All work is proposed within the coastal flood plain. The replacement of the bulkheads would be considered as alteration of the coastal bank resource area which is allowed for the repair and maintenance of these structures as described below.

4.1 Limited Project

According to the Act Regulations (310 CMR 10.24(7)(c)2., this Project would be considered as a "Limited Project" as it involves the "maintenance, repair and improvement (but not substantial enlargement …) of

structures, including buildings, piers, towers, headwalls, bridged and culverts which existing on November 1, 1987". That is, notwithstanding the provisions of the regulations for each of the wetland resource areas identified above, a Limited Project may be approved with conditions. Nonetheless, this section identifies the applicable regulations and how the Project is in compliance with both the Act and the Bylaw.

The Bylaw defines water dependent uses as "projects which require direct water 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."

4.2 Construction BMPs

As much work as possible will be performed from land. Marine construction performed from the water is much more costly than performing the work by land. Only construction activities adjacent or above the waterway, such as sheet pile driving, soil anchor installation and the replacement of the fender piles and boat slips will be performed by water.

A turbidity barrier will be deployed around any construction activity that is anticipated to produce debris or sediment (see contract drawing note). For terrestrial sediment control measures, silt dams, traps, compost socks, synthetic filter barriers and hay bale barriers will be utilized.

The proposed project does not contemplate any periods where the barge would remain stationary in shallow water for a prolonged period of time. The barge will move along the wharf as construction progresses so that it will not remain in any one location for a significant period of time. Additionally, while the barge is in any given location, the barge will never be sitting close to the harbor floor as even at low tide there is a space of a number of feet between the bottom of the barge and the harbor floor.

Fuel spills from the refueling of construction equipment and/or work associated with the fuel line relocation would impact sensitive marine resource areas. If equipment is refueled on-site, adequate containment and clean up material should be required. In addition, the turbidity barrier and technical specification Section 31 25 00 'Erosion and Sedimentation Control', Section 01 57 00 'Temporary Controls' requires a Marine Resuspension Control Plan for controlling sediment, turbidity, sheen, floating oil and/or tar migration during construction activities.

4.3 Land Subject to Coastal Storm Flowage

The entire Project is located within the coastal flood plain (estimated at approximately 5,000 s.f. including landside work areas). There are no performance standards for Land Subject to Coastal Storm Flowage in the Act or Regulations. Performance standards under the Bylaw and Regulations for this resource area are discussed below. The Project will not adversely impact the interests protected by the Bylaw for this resource area as described in more detail in this section.

Work proposed in the coastal flood plain will be performed in compliance with the applicable performance standards, as outlined in the Bylaw (Section 2.10.B) and as demonstrated below:

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 will not change or increase impervious surfaces on the Site and will not diminish the ability of the land to absorb and contain flood waters, or to buffer inland areas from flooding and wave damage. Flood waters will not be displaced onto adjacent parcels in association with the proposed activities. The landform will not be materially altered, the floodplain will not be increased in elevation or velocity, and there will be no change in surficial drainage or flow characteristics of the flood plain at the Site.

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 proposed work will not impact the existing pervious surface material and not cause ground, surface, or salt water pollution triggered by coastal storm flowage. No septic tanks are present as the Site is sewered.

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 relevant to the Project.

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.*

The Project involves temporarily moving two structures for the repair of the seawalls and the demolition and rebuild of a portion of the laundry building to access the bulkhead repair. No other structures on the wharfs will be impacted. All work will be in compliance with state and local building code regulations for flood hazard areas.

5. *Fertilizers shall be used in accordance with the "Best Management Practices for Landscape Fertilizer Use on Nantucket Island"*

This standard is not relevant to the Project.

6. *The Commission may impose such additional requirements as are necessary to protect the Interests Project by the Bylaw*

No further comment is needed.

4.4 Land Under the Ocean

Approximately 640 s.f. of land under the ocean is proposed to be impacted by this Project for the installation of the new bulkhead. In addition, the replacement of the pilings and finger piers will occur within this resource area. In order to avoid impacts to land under the ocean, silt curtains and/or turbidity booms will be utilized during construction.

In accordance with 310 CMR 10.24,

(5) *Projects … which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes.*

The proposed work will not impact the ability of land under the ocean to provide for storm damage protection and protection from erosion. The area of land under the ocean to be impacted by this Project will be minimized through the design of the new bulkhead.

(6) Projects … which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:

(a) alterations in water circulation;
(b) destruction of eelgrass (Zostera marina) or widgeon grass (Rupia maritina) beds;
(c) alterations in the distribution of sediment grain size;
(d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or
(e) alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.

The BMPs proposed will be used during the construction phase to minimize potential adverse effects. There is no eelgrass or widgeon grass located within the areas where the proposed bulkheads will be installed.

In accordance with Chapter 136, Section 2.01 B, the following regulations are applicable to the Project:

3. Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.

This regulation is not applicable as this is a maintenance and repair Project on solid fill wharfs that are used for commercial and retail purposes. These wharfs have existed for hundreds of years and are an important part of historic Nantucket. This work will not impact any public moorings during and after construction.

4. Construction of commercial piers shall be in compliance with the Town of Nantucket Zoning Bylaws and shall not affect sediment transport, and shall not destroy or pollute fisheries and shellfish habitat or nutrient source areas for those resources. No solid fill piers shall be permitted.

No new construction of solid fill piers or wharfs is proposed as this is a maintenance and repair Project. All work will be in compliance with Nantucket Zoning Bylaws.

5. Best available measures as determined by the Commission shall be used to minimize adverse effects of a commercial or residential pier on the interests protected by the Bylaw.

BMPs are proposed during the construction phase to reduce any potential for sedimentation into the harbor. All silt curtains and other BMPs will be maintained in good condition throughout the entire Project.

6. Aquaculture projects shall be undertaken pursuant to such means as may be established by the Commission so as to have the least possible adverse effect on wildlife, erosion control, storm damage prevention, flood control, recreation or public access. No destruction of habitat or areas where shellfish feed, or change in water quality or circulation in any manner which adversely affects productivity of marine fisheries or shellfish beds shall be permitted.

This Project does not involve aquaculture.

This area is presently closed to shellfishing and, while shellfish is expected to be present, does not provide any significant shellfish beds. The work will not impact the productivity of marine fisheries.

7. *No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed or substantially improved after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, but not substantially improved, from imminent danger.*

The bulkheads are in a state of deterioration and require significant maintenance and repair. The wharfs have existed for hundreds of years with various forms of bulkheads. The work proposed has been designed to minimize impact to this resource area as described above.

8. *Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, and recreation.*

The Project has been designed to not cause any adverse effects to marine fisheries by the installation of silt curtains which will be maintained in good repair throughout the entire Project. The work will not impact the ability of land under ocean to provide for storm damage prevention, flood control, and recreation.

9. *No activity on land under the ocean which is not water dependant shall be permitted by the Commission, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

The wharfs are considered to be water-dependent as they were originally constructed for marine use and continue with marine uses today. Therefore, this regulation is not applicable to the Project.

10. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

No further comment is needed.

4.5 Land Containing Shellfish

If a resource area such as land under the ocean is determined to be significant to the protection of land containing shellfish, then certain regulations apply. We do not believe that this area would be considered as significant for shellfish due to the existing recreational boating uses. Based on the results of the Shellfish Survey (see Appendix B), there are limited numbers of shellfish adjacent to the wharf and these areas are presently closed to shellfishing. In accordance with 310 CMR 10.34(4), the work will not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

(a) alterations of water circulation;
(b) alterations in relief elevation;
(c) the compacting of sediment by vehicular traffic;
(d) alterations in the distribution of sediment grain size;
(e) alterations in natural drainage from adjacent land; or
(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

In accordance with Chapter 136, Section 2.08.B:

1. *Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, or natural drainage from adjacent land.*

The proposed work will include the use of silt curtains and other BMP's to prevent any siltation from entering the harbor.

2. *Land containing shellfish shall not be compacted by vehicular traffic or other means. The land's elevation and sediment grain size shall also not be altered.*

The Project will result in impact to approximately 640 s.f. of land containing shellfish. As the work is being performed from the water side using barges where possible, there will be no impact to shellfish, elevation of the harbor bottom or alteration of the existing grain size.

3. *Projects shall not obstruct the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish.*

The entire interior of Nantucket Harbor is closed to shellfishing as shown in Figure 4.

4. *Any project which may release pollutants shall utilize the best known technology to remove pollutants or prevent risk of pollution.*

Work during the construction phase will include barges and other machinery. This work will involve BMPs to prevent the release of any pollutants into the water including the use of silt curtains.

5. *All septic leach facilities shall be at least 100 feet from land containing shellfish.*

This standard is not relevant to the Project.

6. *Fertilizers shall be used in accordance with the "Best Management Practices for Landscape Fertilizer Use on Nantucket Island".*

This standard is not relevant to the Project.

7. *No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

This work will not impact scallops as the scallop fishery is typically found elsewhere in the harbor and the Project area is presently closed to all shellfishing. Nonetheless, the scallop fishery utilizes the Nantucket Boat Basin for their boats and access to Nantucket Harbor. The proposed work will not impact the ability of the fishermen to utilize the boat basin as there is ample room elsewhere within the Nantucket Boat Basin to dock the boats and provide access.

8. *Piers shall be constructed and maintained using the best available measures to minimize adverse effects on the Interests protected by the Bylaw.*

No further comment is needed.

9. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

No further comment is needed.

4.6 Coastal Bank

In accordance with 310 CMR 10.30(2), "when a coastal bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches:" The bulkheads and seawalls provide for storm damage prevention and flood control for the wharf and its environs and does not provide a sediment supply to other resource areas.

(4) Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.

The proposed work will not have an adverse effect on wave action or movement of sediment from the Site.

In accordance with Chapter 136, Section 2.05.B:

1. *No new bulkheads, coastal revetments, groins, or other coastal engineering structures shall be permitted to protect structures constructed, or substantially improved, after 8/78 except for public infrastructures. Bulkheads and groins may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened buildings and/or public infrastructure. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure that has not been substantially improved or public infrastructure built prior to 9/78, from imminent danger.*

The wharfs have existed for hundreds of years and the structures including the buildings and walkways have existed prior to 1978. The work involves the maintenance and repair of existing bulkheads and seawalls. No new structures are proposed. There are no alternatives to the Project without threatening the stability of the wharfs.

2. *Piers shall be constructed in compliance with the Town of Nantucket Zoning Bylaws using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests Protected by the Bylaw.*

The Project will be in compliance with applicable Nantucket Zoning Bylaws.

3. *All projects shall be restricted to activity as determined by the Commission to have no adverse effect on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view, or the use of a bank as a sediment source.*

The work will enhance the use of the Nantucket Boat Basin for recreation, scenic views, and bank stability. The work will not have any adverse effect on wildlife habitat or vegetation. The wharfs are not considered to be sediment sources.

4. *Elevated walkways designed not to affect bank vegetation shall be required for pedestrian passage over a bank.*

There is no natural vegetation existing on the wharfs. Any landscaped areas that are altered during the construction phase will be repaired in kind.

5. *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 dependant shall be at least 50 feet from a coastal bank.*

The Project is considered water dependent; therefore no waivers are needed from the offset requirement.

6. *The septic leach facility of a septic system shall be constructed at least 100 feet from the top of the coastal bank and shall not be located within the face of the coastal bank.*

This standard is not relevant to the Project.

7. *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.*

This standard is not relevant to the Project.

8. *All permits issued for the substantial improvement of an existing building or new construction of buildings under the Bylaw within 100 feet landward of the top of a coastal bank shall contain the specific condition that no coastal engineering structure of any kind shall be permitted on an eroding bank in the future to protect the project allowed by this permit, except those coastal engineering structures allowed by a waiver issued pursuant to Section 1.03F of these regulations.*

This standard is not relevant to the Project.

9. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

No further comment is needed.

5.0 Existing Permitting

The maintenance and repair of the bulkhead is allowed by the U.S. Army Corps of Engineers under the Massachusetts General Permit (GP) program pursuant to the Clean Water Act (Section 404) and Rivers and Harbors Act of 1899 (Section 10) which allows for projects which involve the repair, rehabilitation, or maintenance of existing, currently serviceable, authorized structures including associated fill as long as there is no expansion or change in use. The structure must be rebuilt in same footprint, however minor deviations in structure design are allowed.

A 401 Water Quality Certification is not required for the maintenance and repair of the bulkhead as this Project will not result in the placement of 5,000 s.f. or more of fill within state or federal wetlands or waters of the US. The Order of Conditions issued by the Nantucket Conservation Commission would stand as the 401 Water Quality Certification.

A Chapter 91 license (#12345A and B) was issued by the MassDEP for the Nantucket Boat Basin in 2009. This license requires that “the structures and/or fill authorized herein shall be maintained in good repair

and in accordance with the terms and conditions…" of the license. There will be no change in license uses associated with the wharfs or the Nantucket Boat Basin. We will be requesting a Minor Project Modification for the proposed work, similar to what was obtained for the Old South Wharf project.

6.0 Conclusion

The Project proposes to rehabilitate approximately 521 linear feet of existing bulkhead and seawall. Work will also involve in-kind replacement of finger piers and walkways and pilings. The bulkhead and seawalls support a brick-paved walkway that provides public pedestrian access and access to boat slips along pile-supported finger piers in Nantucket Harbor. Additionally, the finger piers and pile supported buildings extend from the eastern end of the wharf and provide continued public access. Commercial Wharf provides substantial project benefits to visitors and users of the wharf including direct access to the waterfront. Maintaining the existing structures will allow the wharf to continue to provide for public access and the public's enjoyment of the wharf and the water.

According to the Act Regulations at 310 CMR 10.24(7)(c)2, this Project is considered as a "Limited Project" as it involves the "maintenance, repair and improvement (but not substantial enlargement …) of structures, including buildings, piers, towers, headwalls, bridged and culverts which existing on November 1, 1987". In addition, the Project is considered water-dependent as defined by the Bylaw. Notwithstanding the Project being considered a Limited Project, the Project complies with the applicable regulations of both the Act and the Bylaw.

Appendix B: Shellfish Survey Report

Environment

AECOM
9 Jonathan Bourne Drive
Pocasset, MA 02559

August 13, 2020

Mr. Mike Duffy
Nantucket Boat Basin LLC c/o New England Development
75 Park Plaza
Boston, MA 02116

Subject: Shellfish Survey
Bulkhead Maintenance and Repair
Commercial (Swain's Wharf), Nantucket Boat Basin
Nantucket, Massachusetts

Dear Mr. Duffy:

AECOM is pleased to provide you with this Shellfish Survey performed in support of the proposed repair and maintenance of the Commercial Wharf bulkhead located at the Nantucket Boat Basin within the waters of Nantucket Harbor (**Figure 1**). The purpose of this shellfish survey is to provide Nantucket Boat Basin LLC with an assessment of shellfish resources within the proposed bulkhead project location. The survey was conducted to assist with the planning and design of bulkhead replacement and modifications. The Nantucket Boat Basin is a full service marina that provides dockage for a variety vessels and has been in operation for 50 years.

On August 10, 2020 AECOM staff performed a shellfish habitat assessment directly adjacent to the northern and southern bulkheads of Commercial Wharf. The AECOM field team consisted of Dr. Pamela Neubert and Mr. Darron Kriegel, both marine biologists. On the day the field work was performed, the marina was busy accommodating the seasonal rush of recreational boaters. Weather was sunny and hot with temperatures in the high 80's.

Existing Conditions

The proposed project is not located within an area determined by the Massachusetts Division of Marine Fisheries (MADMF) to be suitable habitat for shellfish (**Figure 2**) and the area is designated by MADMF as restricted for shellfishing. No eelgrass was observed during AECOM's shellfish survey which is consistent with Massachusetts Department of Environmental Protection (MassDEP) figures provided within the MassGIS OLIVER mapping website (http://maps.massgis.state.ma.us/map_ol/oliver.php).

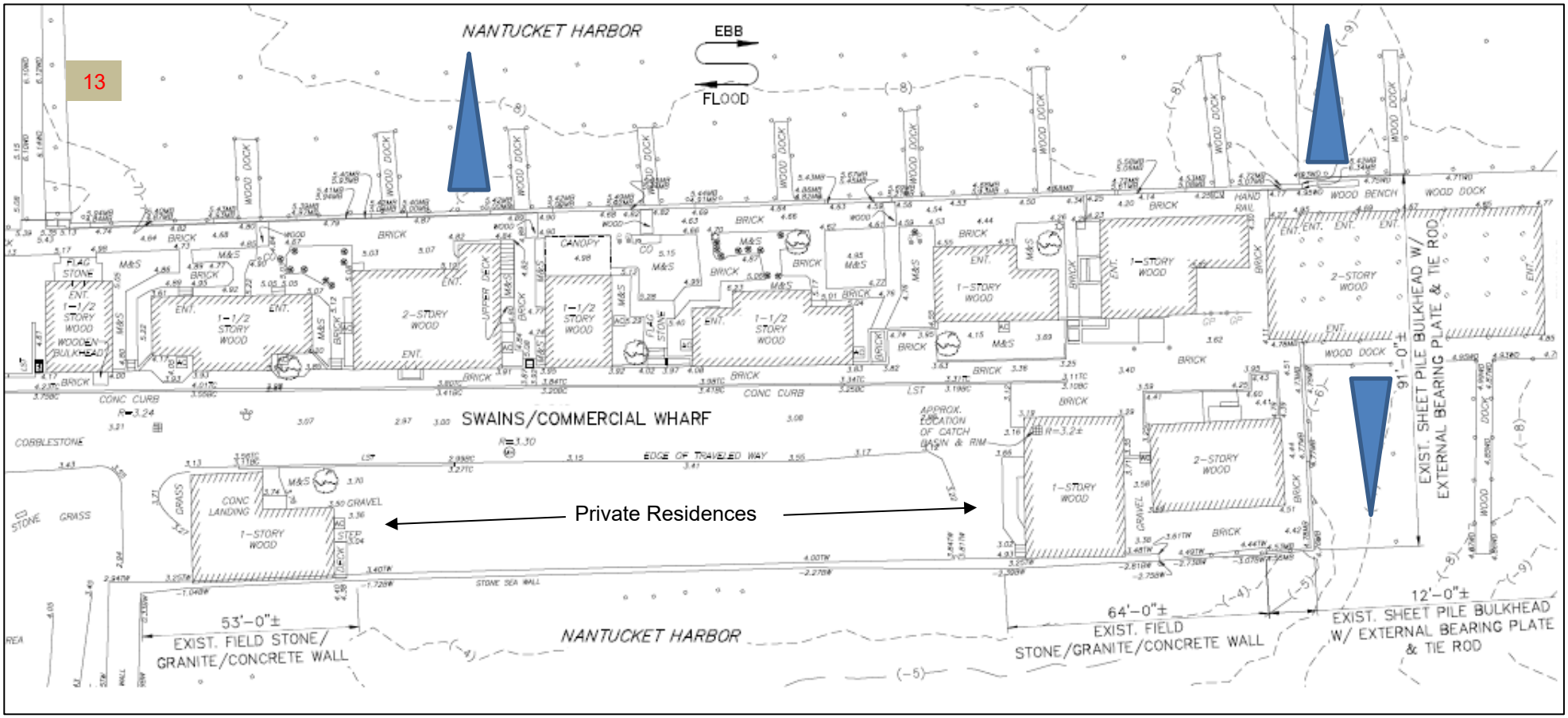
Survey Methodology

AECOM's shellfish survey was conducted along the edges of the existing bulkhead structure. Shellfish stations were sampled between the wooden piers, parallel to the bulkhead. Samples were collected approximately three feet (3 ft) from existing bulkhead. Large vessels docked close to the bulkhead prevented access to some sample locations (**Figure 3**). Private property restricted sampling along the southern edge of the bulkhead, samples 2 and 3 were taken along a walk way between the houses. (**Figure 3**). A total of thirteen (13) one cubic foot (1-ft.^{3}) shellfish samples were collected and processed through a ¼ inch mesh basket at each station location (**Figure 3**). All work was performed from the wharf or finger piers. Any shellfish encountered that were commercially important, were identified and measured then returned from where they were collected. Notes as to general sediment texture and other fauna observed were recorded and provided within **Table 1**.

Figure 1: Locus Map

Figure 2: MADMF Shellfish Suitability Map

Figure 3: Shellfish Sample locations



Blue diamonds illustrate slips with occupied boats or inadequate space to collect a sample

10 Red numbers illustrate shellfish sample locations with no findings

3 Green numbers illustrate shellfish sample locations with findings

Table 1: Shellfish Survey Results

Sample	Sediment composition	Total Shellfish	**Quahog*** size (inches)
NBB-1	Sand	0	
NBB-2	Sand, rocks, gravel	0	
NBB-3	Sand, rocks, gravel	**2**	**1**-2x2, **1**-1x1
NBB-4	Black silt, H_2S odor, shell hash	0	
NBB-5	Black silt, H_2S odor, shell hash	0	
NBB-6	Black silt, H_2S odor	**1**	**1**-2x2
NBB-7	Black silt, H_2S odor	0	
NBB-8	Black silt, H_2S odor	0	
NBB-9	Black silt, H_2S odor	**1**	**1**-2x2
NBB-10	Black silt, H_2S odor	0	
NBB-11	Black silt, H_2S odor	0	
NBB-12	Black silt, H_2S odor	0	
NBB-13	Black silt, H_2S odor	0	
Totals		4	4

* *Mercenaria mercenaria*; H_2S = hydrogen sulfide; shell hash is substrate layer consisting of loose shell fragments less than 2.5 inches.

Survey Results

Based on AECOM's shellfish sampling efforts, four quahogs were present from three of the thirteen samples collected along the bulkhead of Commercial Wharf (**Figure 3, Table 1**). Occasional oysters were observed attached to the existing bulkhead however none were collected in the sediment. The number of shellfish observed in the survey area are summarized below and in **Table 1**.

Total number of samples:..... 13
Total shellfish observed 4
Total number of quahogs (*Mercenaria mercenaria*) 4

The sediment along the north edge of the existing bulkhead consisted of black, anoxic silt with a strong sulfidic odor (H_2S). Sediment on the south side of the bulkhead consisted of a mix of sand, rocks and gravel. Man-made materials such as trash, fishing line and glass were encountered throughout the survey area.

Regulatory Summary

Pertinent resource areas as defined by Massachusetts Wetlands Protection Act (MGL c. 131, s. 40) and Regulations (310 Code of Massachusetts Regulations [CMR] 10.00) include:

- Land Under the Ocean 310 CMR 10.25
- Land Containing Shellfish 310 CMR 10.34

Land Under the Ocean 310 CMR 10.25

The regulations for Land Under the Ocean at 310 CMR 10.25 states: "When land under the ocean or nearshore areas of land under the ocean are found to be significant to the protection of marine fisheries, protection of wildlife habitat, storm damage prevention or flood control, 310 CMR 10.25(3) through (7) shall apply". These include as summarized below:

(5) Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage, erosion, coastal banks, dunes or salt marshes.

(6) Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:

   (a) alterations in water circulation;
   (b) destruction of eelgrass (*Zostera marina*) or widgeon grass (*Ruppia maritima*) beds;
   (c) alterations in the distribution of sediment grain size;
   (d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of pollutants; or (e) alterations of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae.

(7) Notwithstanding the provisions of 310 CMR 10.25(3) through (6), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.

The proposed Project will not adversely affect sediment transport, destroy or pollute fisheries and shellfish habitat or add nutrients to Nantucket Harbor. There is no eelgrass or widgeon grass in the Project area, there are no rare vertebrates or invertebrate species identified that would be affected by this project.

Land Containing Shellfish 310 CMR 10.34

The regulations for Land Containing shellfish at 310 CMR 10.34 defines land containing shellfish as "Land Containing Shellfish means land under the ocean, tidal flats, rocky intertidal shores, salt marshes and land under salt ponds when any such land contains shellfish. Significance. Land containing shellfish shall be found significant to the protection of land containing shellfish and to the protection of marine fisheries when it has been identified and mapped as follows:

(a) by the conservation commission or the Department in consultation with the Division of Marine Fisheries and based upon maps and designations of the Division of Marine Fisheries; or

(b) by the conservation commission or the Department, based upon maps and written documentation of the shellfish constable or the Department. In making such identification and maps the following factors shall be taken into account and documented: the density of shellfish, the size of the area and the historical and current importance of the area to recreational or commercial shellfishing.

   Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

(a) alterations of water circulation;
(b) alterations in relief elevation;
(c) the compacting of sediment by vehicular traffic;
(d) alterations in the distribution of sediment grain size;
(e) alterations in natural drainage from adjacent land; or
(f) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

(6) In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b) (i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environmental Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced.
(7) Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted.
(8) Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37".

According to 310 CMR 10.34(5) Notwithstanding the provisions of 310 CMR 10.34(4), "projects which temporarily have an adverse effect on shellfish productivity but which do not permanently destroy the habitat maybe permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension".

- Water circulation would not be adversely changed. Tidal currents in the area are small and would not be altered by the placement of the proposed bulkhead.
- There will not be an increase in compacting of sediment by vehicular traffic as the area is developed and does not allow vehicles .
- The project will not significantly alter the distribution of sediment grain size because there is an existing bulkhead.
- The project will not adversely alter the natural drainage from adjacent land because there is an existing bulkhead.
- The project will not change the water quality, including, salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.
- This project will have no adverse effect on rare vertebrate or invertebrate species as the proposed Project is not within an area considered as habitat for rare wildlife for coastal wetlands.

Conclusion

AECOM's survey encountered low shellfish abundance across the thirteen samples. Less than 25% of the samples contained shellfish. The silty anoxic sediment and hydrogen sulfide odor does not provide optimal shellfish habitat. Sediment that is anoxic with hydrogen sulfide creates an acidic environment that degrades the calcareous shells of quahogs, soft shell clams and oysters, in particular the thin shells of juvenile stages making the habitat sub-optimal for the sustainability of juvenile stages of shellfish. Adult quahogs which have thicker shells, may be able to exist in anoxic sediment if the overlying water column

remains oxidized but their shells will also degrade, and this will reduce their likelihood of survivability. The proposed bulkhead repair will not have significant long term impacts to local shellfish resources.

Should you have questions please do not hesitate contact me.

Yours sincerely,

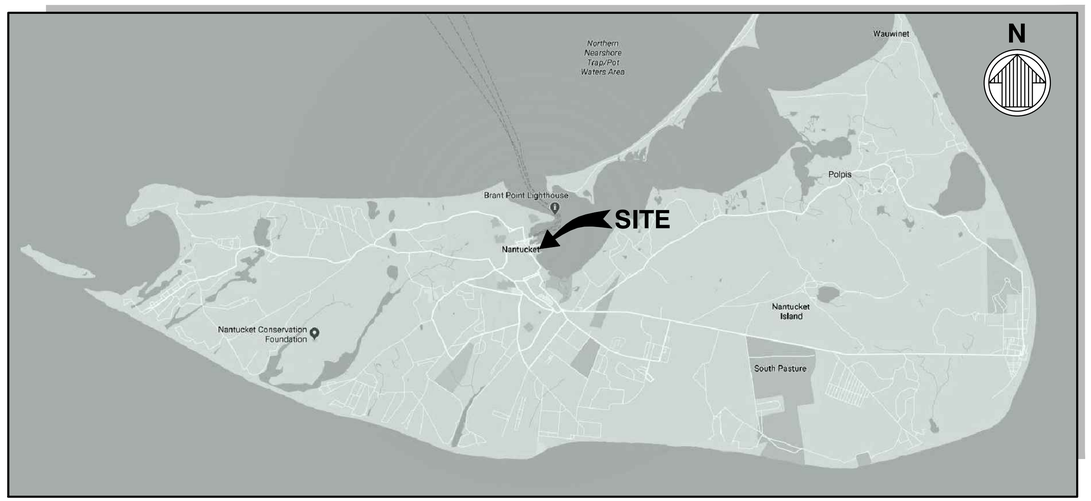
Katie Barnicle

Kathryn S. Barnicle, PWS
Project Manager, Senior Wetland Scientist
kathryn.barnicle@aecom.com
508-843-7981

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION
NANTUCKET, MASSACHUSETTS

PREPARED FOR

NANTUCKET BOAT BASIN, LLC



VICINITY MAP
NOT TO SCALE

LOCATION MAP
NOT TO SCALE

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

COVER SHEET

Designed by: RAD		Date: 2020-08-22	Rev.
Dwn by: TPA	Ckd by: JAB	M&N Project No. 10279-06	
Reviewed by: JSC		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

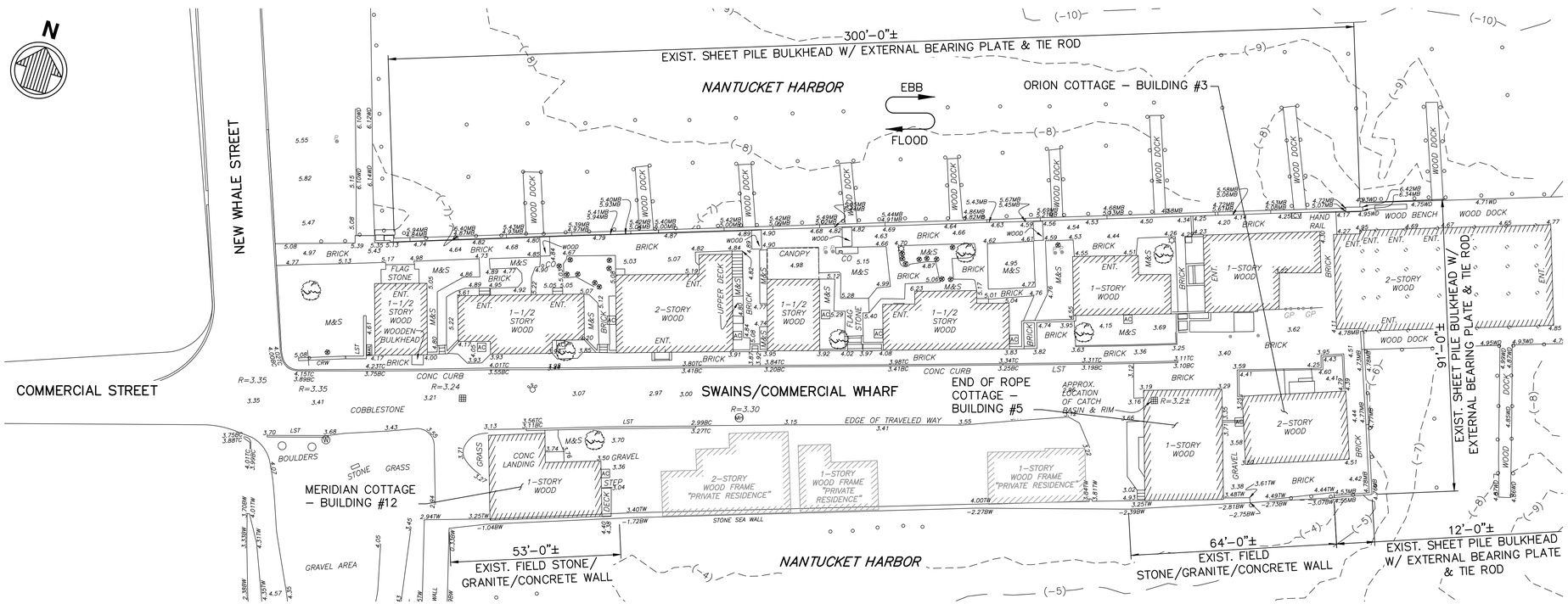
moffatt & nichol
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)289-7330

SEAL

Sheet Reference No.
G-001

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279G6-G001; Plotted: 8/13/2020 1:32 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 10:59 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



LEGEND

- SEWER MANHOLE
- DRAIN MANHOLE
- ELECTRIC MANHOLE
- MANHOLE
- HYDRANT
- WATER SHUT OFF
- GAS SHUT OFF
- CATCH BASIN
- LIGHT POLE
- ELECTRIC HANDHOLE
- SHORE POWER BOLLARD
- BOLLARD
- SIGN
- CO — CLEAN OUT
- VGC — VERTICAL GRANITE CURB
- BIT — BITUMINOUS
- CONC — CONCRETE
- TC — TOP OF CURB
- BC — BOTTOM OF CURB
- I= — INVERT ELEVATION
- INACC. — INACCESSIBLE
- R= — RADIUS OR RIM ELEVATION
- WD — WOOD DOCK
- MB — METAL BULKHEAD
- (F) — FLUSH AT GRADE
- S — SEWER
- D — DRAIN
- W — WATER
- G — GAS
- E — ELECTRIC
- # — MAJOR CONTOUR
- # — MINOR CONTOUR

NOTES

1. COORDINATES SHOWN HEREON ARE IN FEET AND REFERENCED TO MASSACHUSETTS STATE PLANE, NORTH AMERICAN DATUM 1983 (NAD83).
2. ELEVATIONS HEREON ARE IN FEET AND REFERENCED TO NORTH AMERICAN VERTICAL DATUM 1988 (NAVD88).
3. TOPOGRAPHIC SURVEY PROVIDED BY FELDMAN LAND SURVEYORS, 152 HAMPDEN STREET BOSTON, MASSACHUSETTS 02129, PHONE: (617) 357–9740
4. BATYHMETRIC SURVEY PROVIDED BY STEELE ASSOCIATES MARINE CONSULTANTS. LLC, 94 GIFFORD STREET FALMOUTH, MASSACHUSETTS 02540
5. OLD SOUTH WHARF IS PROVIDED FOR ADDITIONAL INFO BUT NOT INCLUDED IN THE CONTRACT.
6. FOR GENERAL NOTES, LEGEND AND ABBREVIATIONS, SEE DRAWING G–003.

20' 0' 20' 40'

SCALE: 1"=20'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

OVERALL EXISTING SITE PLAN

Designed by: RAD	Date: 2020–08–22
Dwn by: TPA	Ckd by: JAB
Reviewed by: JSC	Drawing code:
Submitted by: MOFFATT & NICHOL	Drawing Scale: Plot scale: 1:1 (0 SHEET)
	M&N Project No. 10279–06
	Rev.

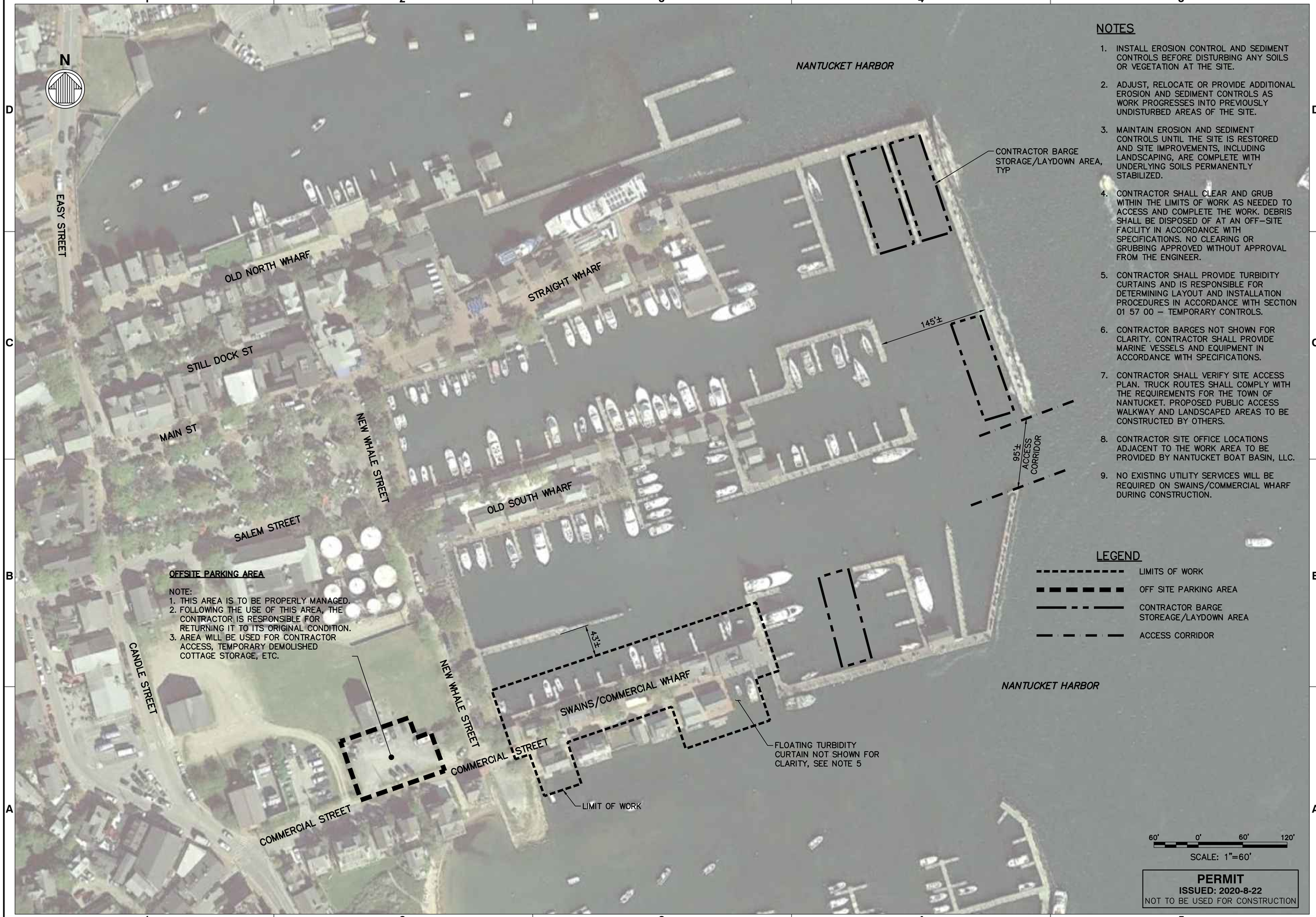
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298–7330
moffatt & nichol

SEAL

Sheet Reference No.
G-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-G101; Plotted: 8/13/2020 1:33 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 12:16 PM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



NOTES

1. INSTALL EROSION CONTROL AND SEDIMENT CONTROLS BEFORE DISTURBING ANY SOILS OR VEGETATION AT THE SITE.
2. ADJUST, RELOCATE OR PROVIDE ADDITIONAL EROSION AND SEDIMENT CONTROLS AS WORK PROGRESSES INTO PREVIOUSLY UNDISTURBED AREAS OF THE SITE.
3. MAINTAIN EROSION AND SEDIMENT CONTROLS UNTIL THE SITE IS RESTORED AND SITE IMPROVEMENTS, INCLUDING LANDSCAPING, ARE COMPLETE WITH UNDERLYING SOILS PERMANENTLY STABILIZED.
4. CONTRACTOR SHALL CLEAR AND GRUB WITHIN THE LIMITS OF WORK AS NEEDED TO ACCESS AND COMPLETE THE WORK. DEBRIS SHALL BE DISPOSED OF AT AN OFF-SITE FACILITY IN ACCORDANCE WITH SPECIFICATIONS. NO CLEARING OR GRUBBING APPROVED WITHOUT APPROVAL FROM THE ENGINEER.
5. CONTRACTOR SHALL PROVIDE TURBIDITY CURTAINS AND IS RESPONSIBLE FOR DETERMINING LAYOUT AND INSTALLATION PROCEDURES IN ACCORDANCE WITH SECTION 01 57 00 – TEMPORARY CONTROLS.
6. CONTRACTOR BARGES NOT SHOWN FOR CLARITY. CONTRACTOR SHALL PROVIDE MARINE VESSELS AND EQUIPMENT IN ACCORDANCE WITH SPECIFICATIONS.
7. CONTRACTOR SHALL VERIFY SITE ACCESS PLAN. TRUCK ROUTES SHALL COMPLY WITH THE REQUIREMENTS FOR THE TOWN OF NANTUCKET. PROPOSED PUBLIC ACCESS WALKWAY AND LANDSCAPED AREAS TO BE CONSTRUCTED BY OTHERS.
8. CONTRACTOR SITE OFFICE LOCATIONS ADJACENT TO THE WORK AREA TO BE PROVIDED BY NANTUCKET BOAT BASIN, LLC.
9. NO EXISTING UTILITY SERVICES WILL BE REQUIRED ON SWAINS/COMMERCIAL WHARF DURING CONSTRUCTION.

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

SITE ACCESS & GENERAL CONDITIONS PLAN

Designed by: RAD	Date: 2020-08-22		Rev.
Dwn by: TPA	Ckd by: JAB	M&N Project No. 10279-06	
Reviewed by: JSC		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

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SEAL

Sheet Reference No.
G-103

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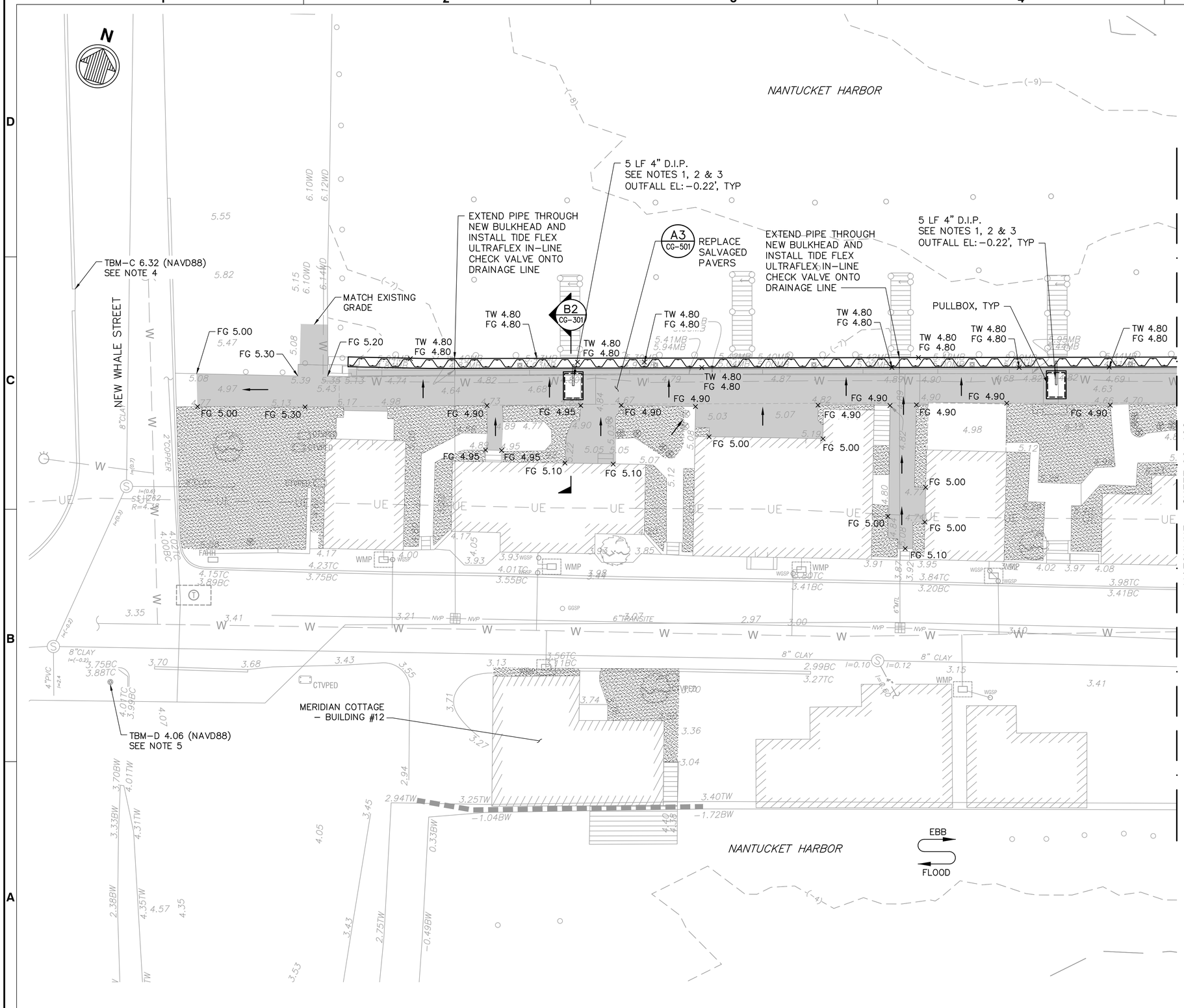

NOTES

1. TIDE FLEX 4" CHECKMATE ULTRAFLEX INLINE CHECK VALVE, OR APPROVED EQUAL, TO BE INSTALLED.
2. DUCTILE IRON PIPE COATINGS: INTERIOR COATING WILL BE AWWA C104 DOUBLE THICK CEMENT LINED. EXTERIOR COATING WILL BE INDURON CERAMARAP EPOXY COATING.
3. 4" DUCTILE IRON PIPE SLOPE 1% MINIMUM.
4. TBM C: SQUARE CUT ON SOUTHEAST CORNER OF CURB ON WEST SIDE OF NEW WHALE STREET, APPROXIMATELY 50' NORTH OF COMMERCIAL STREET.
5. TBM D: TOP OF EXISTING SURVEY MARKER #23529 IN SOUTH SIDEWALK AT INTERSECTION OF NEW WHALE STREET AND COMMERCIAL STREET.
6. IF DISCREPANCIES DEVELOP BETWEEN THE PROPOSED GRADES AS SHOWN ON THE PLAN AND THE EXISTING GROUND SURFACE, THE CONTRACTOR, WITH PRIOR APPROVAL FROM THE OWNER SHALL MAKE GRADING ADJUSTMENTS NECESSARY TO MAINTAIN THE GENERAL INTENT OF THE DESIGN.
7. ALL WALKS SHALL HAVE A CROSS SLOPE OF 1.5% MAXIMUM UNLESS NOTED OTHERWISE.
8. ALL WALKS SHALL NOT EXCEED 4.5% LONGITUDINAL SLOPE (THIS MAX IS TO INCLUDE THE CONSTRUCTION TOLERANCE AS WELL).
9. ADA RAMPS SHALL NOT EXCEED 8.0% (THIS MAX IS TO INCLUDE THE CONSTRUCTION TOLERANCE AS WELL).
10. METHOD OF MEASUREMENT FOR ACCESSIBLE ROUTES
    - A 24" DIGITAL SMARTLEVEL WILL BE USED TO MEASURE POINTS ALONG THE ACCESSIBLE ROUTE. THE LINE OF MEASUREMENT SHALL BE PARALLEL TO THE LONG EDGE OF THE RAMP OR ACCESSIBLE ROUTE, WHETHER STRAIGHT OR CURVED. LONGITUDINAL MEASUREMENT LINES SHALL BE SPACED 3 FT APART, BUT IN NO CASE SHALL FEWER THAN TWO LINES BE USED.
11. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUST OF FINAL GRADES MAY BE NECESSARY.
12. ACCESSIBLE ROUTES
    - MUST COMPLY WITH ADA, THE FAIR HOUSING ACT AND ICC/ANSI A117.1–2003.
    - TESTING FOR ACCESSIBLE ROUTES SHALL COMPLY WITH ASTM–E1155 WITH A FF 38

LEGEND

TW = TOP OF WALL

FG = FINISHED GRADE

DIP = DUCTILE IRON PIPE

TBM = TEMPORARY BENCH MARK

= REPLACE SALVAGED PAVERS

10' 0 10' 20'
SCALE: 1"=10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

GRADING AND DRAINAGE (SHEET 1 OF 2)

Designed by: CRZ
Date: 2020–08–22
Rev.
Dwn by: TPA
Ckd by:
M&N Project No. 10279–06
Reviewed by:
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

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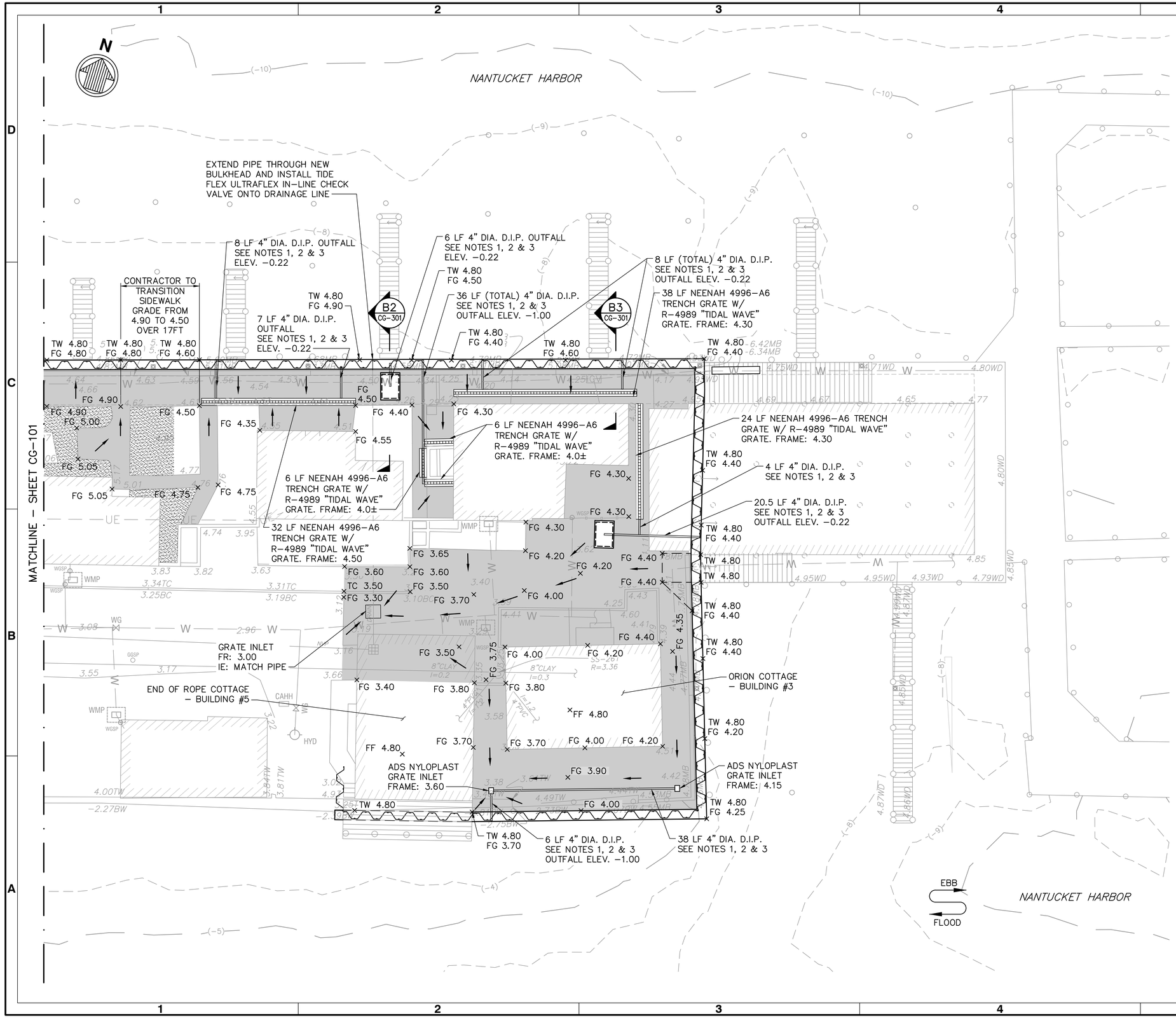
SEAL

Sheet Reference No.
CG-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279D6-CG101; Plotted: 8/13/2020 1:33 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 11:29 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



NOTES

1. TIDE FLEX 4" CHECKMATE ULTRAFLEX INLINE CHECK VALVE, OR APPROVED EQUAL, TO BE INSTALLED.
2. DUCTILE IRON PIPE COATINGS: INTERIOR COATING WILL BE AWWA C104 DOUBLE THICK CEMENT LINED. EXTERIOR COATING WILL BE INDURON CERAMARAP EPOXY COATING.
3. 4" DUCTILE IRON PIPE SLOPE 1% MINIMUM.
4. IF DISCREPANCIES DEVELOP BETWEEN THE PROPOSED GRADES AS SHOWN ON THE PLAN AND THE EXISTING GROUND SURFACE, THE CONTRACTOR, WITH PRIOR APPROVAL FROM THE OWNER SHALL MAKE GRADING ADJUSTMENTS NECESSARY TO MAINTAIN THE GENERAL INTENT OF THE DESIGN.
5. ALL WALKS SHALL HAVE A CROSS SLOPE OF 1.5% MAXIMUM UNLESS NOTED OTHERWISE.
6. ALL WALKS SHALL NOT EXCEED 4.5% LONGITUDINAL SLOPE (THIS MAX IS TO INCLUDE THE CONSTRUCTION TOLERANCE AS WELL).
7. ADA RAMPS SHALL NOT EXCEED 8.0% (THIS MAX IS TO INCLUDE THE CONSTRUCTION TOLERANCE AS WELL).
8. METHOD OF MEASUREMENT FOR ACCESSIBLE ROUTES
   - A 24" DIGITAL SMARTLEVEL WILL BE USED TO MEASURE POINTS ALONG THE ACCESSIBLE ROUTE. THE LINE OF MEASUREMENT SHALL BE PARALLEL TO THE LONG EDGE OF THE RAMP OR ACCESSIBLE ROUTE, WHETHER STRAIGHT OR CURVED. LONGITUDINAL MEASUREMENT LINES SHALL BE SPACED 3 FT APART, BUT IN NO CASE SHALL FEWER THAN TWO LINES BE USED.
9. PROVIDE A SMOOTH TRANSITION BETWEEN EXISTING PAVEMENT AND NEW PAVEMENT. FIELD ADJUST OF FINAL GRADES MAY BE NECESSARY.
10. ACCESSIBLE ROUTES
    - MUST COMPLY WITH ADA, THE FAIR HOUSING ACT AND ICC/ANSI AII7.1–2003.
    - TESTING FOR ACCESSIBLE ROUTES SHALL COMPLY WITH ASTM–EII55 WITH A FF 38

LEGEND

TW = TOP OF WALL

FG = FINISHED GRADE

DIP = DUCTILE IRON PIPE

TBM = TEMPORARY BENCH MARK

= REPLACE SALVAGED PAVERS

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

GRADING AND DRAINGE (SHEET 2 OF 2)

Designed by: CRZ	Date: 2020-08-22		Rev.
Dwn by: TPA	Ckd by:	M&N Project No. 10279-06	
Reviewed by:		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

180 WELLS AVENUE, SUITE 302
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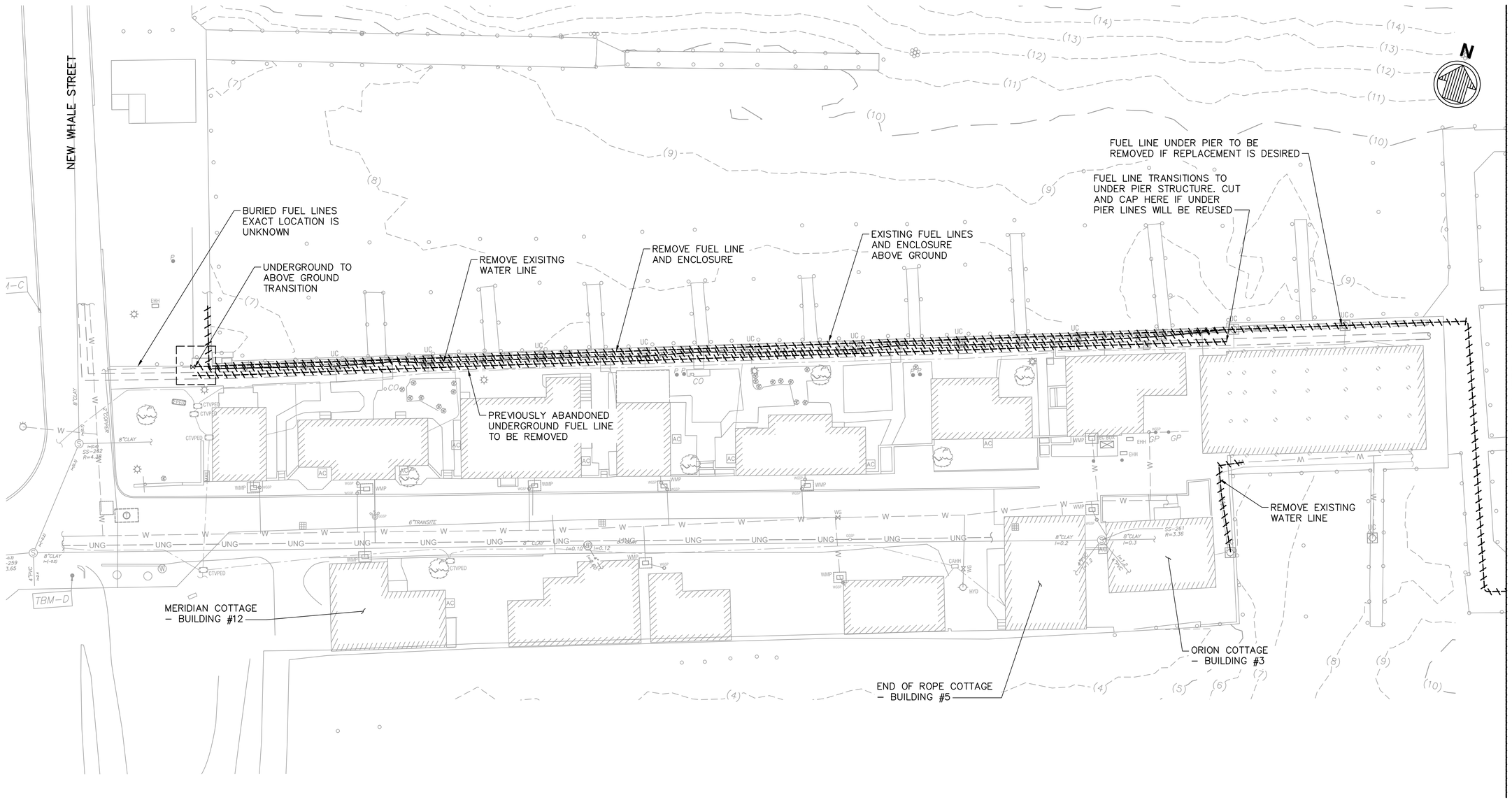
SEAL

Sheet Reference No.
CG-102

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279G-CG102; Plotted: 8/13/2020 1:33 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 11:35 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



FUEL DEMOLITION PLAN

SCALE: 1/16"=1'-0"

NOTE

1. DISPOSE PIPING PER EPA REQUIREMENTS. REPLACE IN-KIND ANY EXCAVATED OR UNDER PIER FUEL LINE THAT IS IN POOR CONDITION.

16' 0' 16' 32'

SCALE: 1"=16'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

MECHANICAL DEMOLITION PLAN (SHEET 1 OF 2)

Designed by: WR	Date: 2020-08-22		Rev.
Dwn by: TPA	Ckd by:	M&N Project No. 10279-06	
Reviewed by:		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (D SHEET)	

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(617)289-7330
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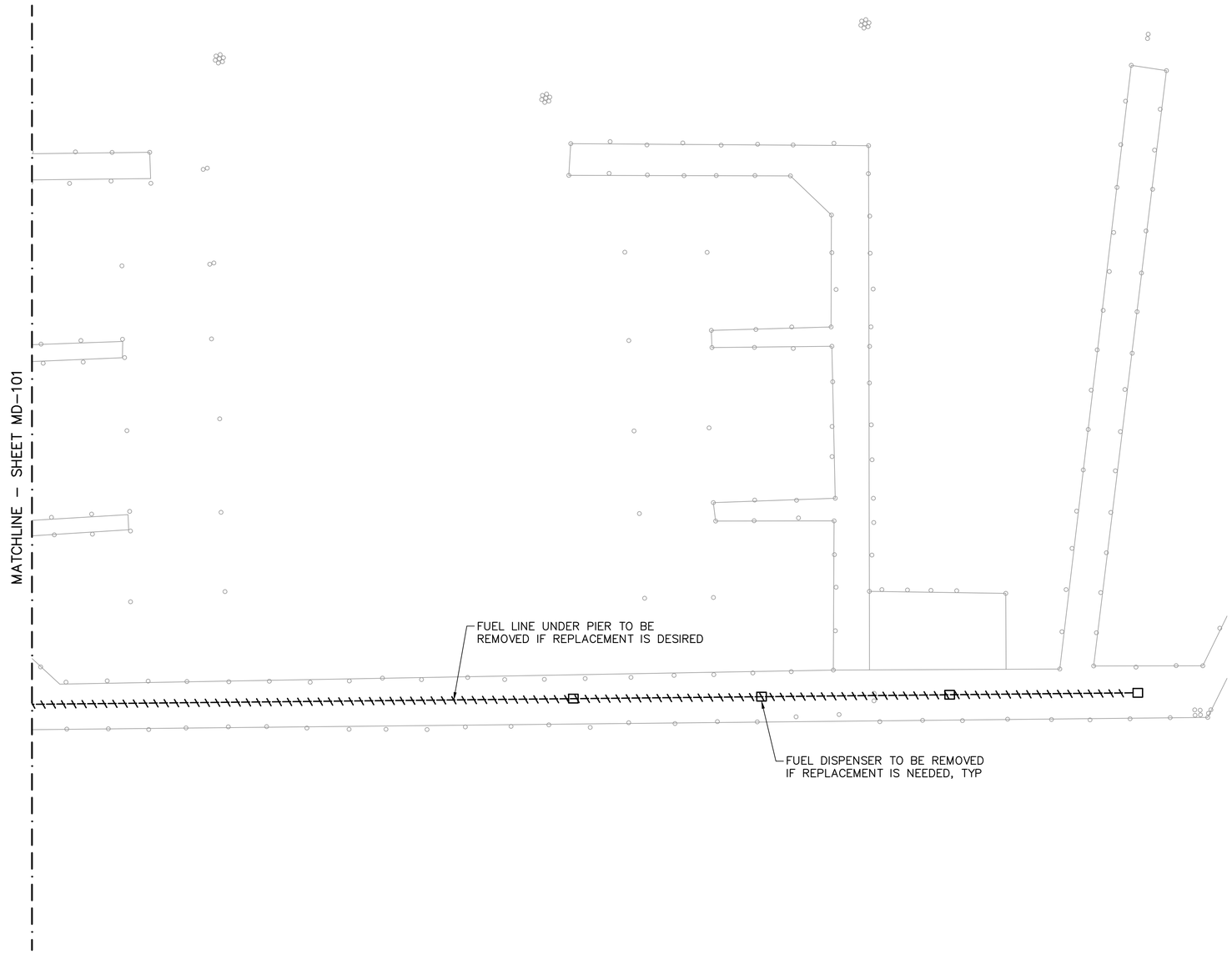
SEAL 10/11/19

Sheet Reference No.
MD-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279-06-MD101; Plotted: 8/13/2020 1:35 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 12:16 PM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



FUEL DEMOLITION PLAN

SCALE: 1/16"=1'–0"

NOTE

1. DISPOSE PIPING PER EPA REQUIREMENTS. REPLACE IN–KIND ANY EXCAVATED OR UNDER PIER FUEL LINE THAT IS IN POOR CONDITION.

16' 0' 16' 32'

SCALE: 1"=16'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

MECHANICAL DEMOLITION PLAN
(SHEET 2 OF 2)

Designed by: WR		Date: 2020–08–22	Rev.
Dwn by: TPA	Ckd by:	M&N Project No. 10279–06	
Reviewed by:		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (D SHEET)	

moffatt & nichol
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298–7330

SEAL 10/11/19

Sheet Reference No.
MD-102

File: Q:\BOS\Projects\10279–06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279D6–MD102; Plotted: 8/13/2020 1:35 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 2:30 PM by TALSTON

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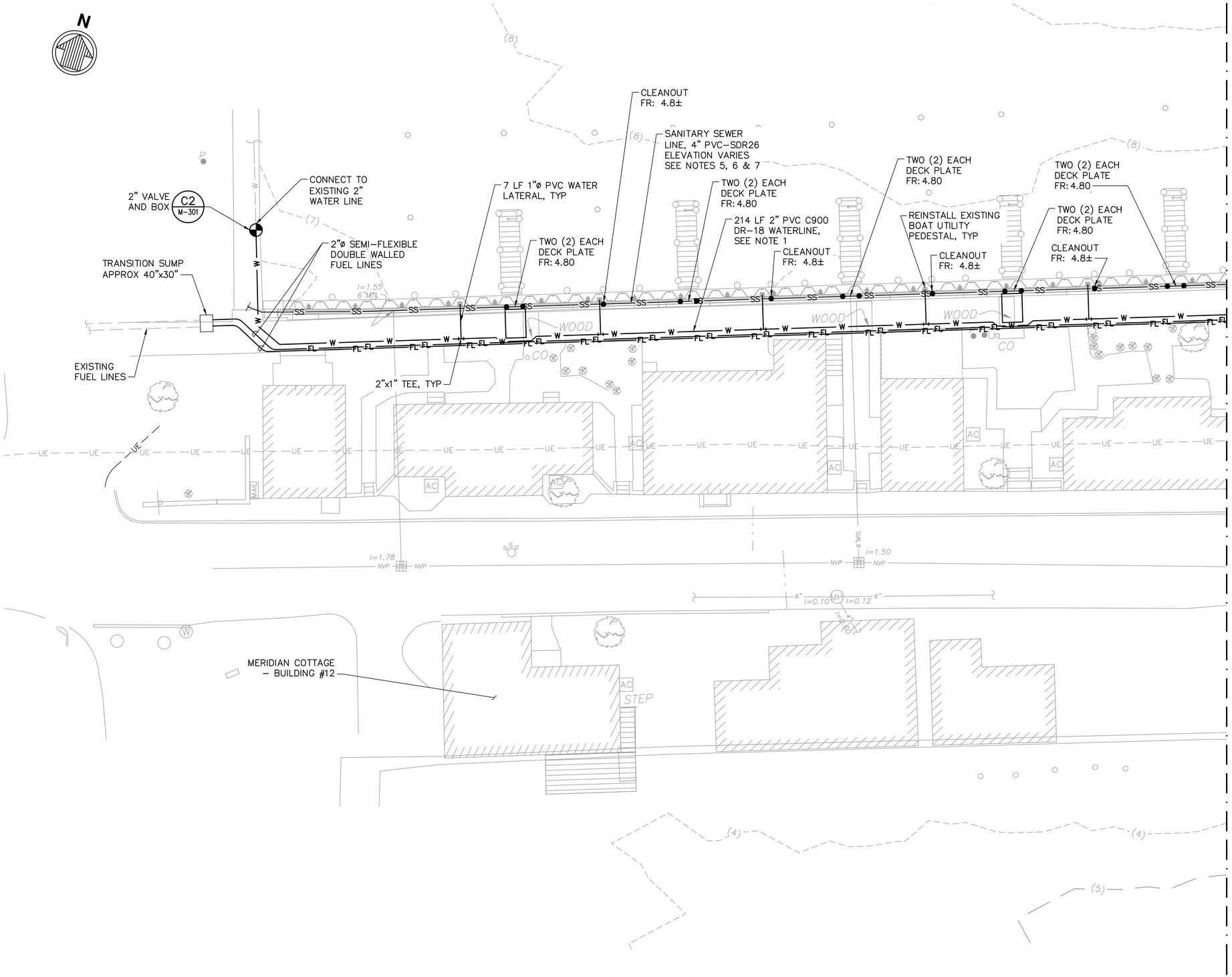


NOTES

1. LENGTH PROVIDED IS TOTAL LENGTH OF POTABLE WATER ON THIS PAGE.
2. PIPES ARE TO BE BEDDED ACCORDING TO DETAIL A1 ON SHEET M501.
3. WHERE NEEDED THRUST BLOCKS ARE TO BE INSTALLED, SEE DETAIL C3 ON SHEET M501.
4. WHERE UTILITY CONFLICTS OCCUR THE WATER LINE SHOULD BE ROUTED AROUND THE OTHER UTILITY, SEE DETAIL A3 ON SHEET M501.
5. LENGTH PROVIDED IS TOTAL LENGTH OF SANITARY SEWER ON THE NORTH SIDE OF THE WHARF.
6. CONTRACTOR SHALL RECONNECT ALL EXISTING RESIDENTIAL SANITARY SEWER LATERALS TO THE NEW SANITARY SEWER LINE.
7. ALL DECK PLATES WILL BE BUCK ALGONQUIN PIPE DECK PLATES – BRONZE. MANUFACTURER NUMBER OOPDP200NM – 2" NO MARK.

MECHANICAL SITE PLAN

SCALE: 1" = 10'

10' 0 10' 20'
SCALE: 1"=10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

MECHANICAL PLAN
(SHEET 1 OF 2)

Designed by: WR		Date: 2020-08-22	Rev.
Dwn by: TPA	Ckd by:	M&N Project No: 10279-06	
Reviewed by:		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

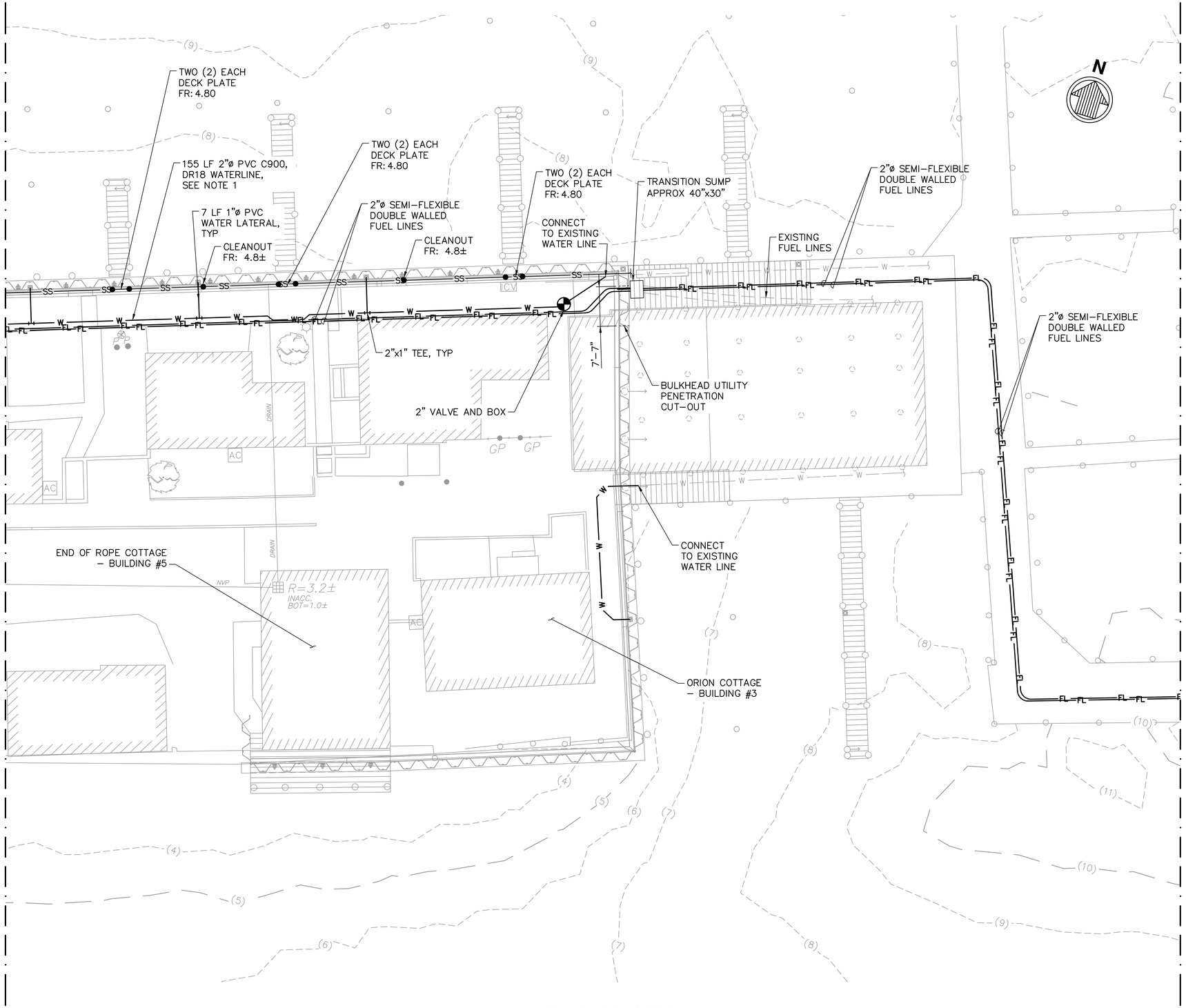
moffatt & nichol
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298-7330

SEAL

Sheet Reference No.
M-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-M101; Plotted: 8/13/2020 1:36 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 11:29 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



NOTES

1. LENGTH PROVIDED IS TOTAL LENGTH OF POTABLE WATER ON THIS PAGE.
2. PIPES ARE TO BE BEDDED ACCORDING TO DETAIL A1 ON SHEET M501.
3. WHERE NEEDED THRUST BLOCKS ARE TO BE INSTALLED, SEE DETAIL C3 ON SHEET M501.
4. WHERE UTILITY CONFLICTS OCCUR THE WATER LINE SHOULD BE ROUTED AROUND THE OTHER UTILITY, SEE DETAIL A3 ON SHEET M501.
5. LENGTH PROVIDED IS TOTAL LENGTH OF SANITARY SEWER ON THE NORTH SIDE OF THE WHARF.
6. CONTRACTOR SHALL RECONNECT ALL EXISTING RESIDENTIAL SANITARY SEWER LATERALS TO THE NEW SANITARY SEWER LINE.
7. ALL DECK PLATES WILL BE BUCK ALGONQUIN PIPE DECK PLATES – BRONZE. MANUFACTURER NUMBER OOPDP200NM – 2" NO MARK.

MECHANICAL SITE PLAN

SCALE: 1" = 10'

10' 0 10' 20'
SCALE: 1"=10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

MECHANICAL PLAN
(SHEET 2 OF 3)

Designed by: WR
Date: 2020-08-22
Rev.
Dwn by: TPA
Ckd by:
M&N Project No. 10279-06
Reviewed by:
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

180 WELLS AVENUE, SUITE 302
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(617)299-7330
moffatt & nichol

SEAL

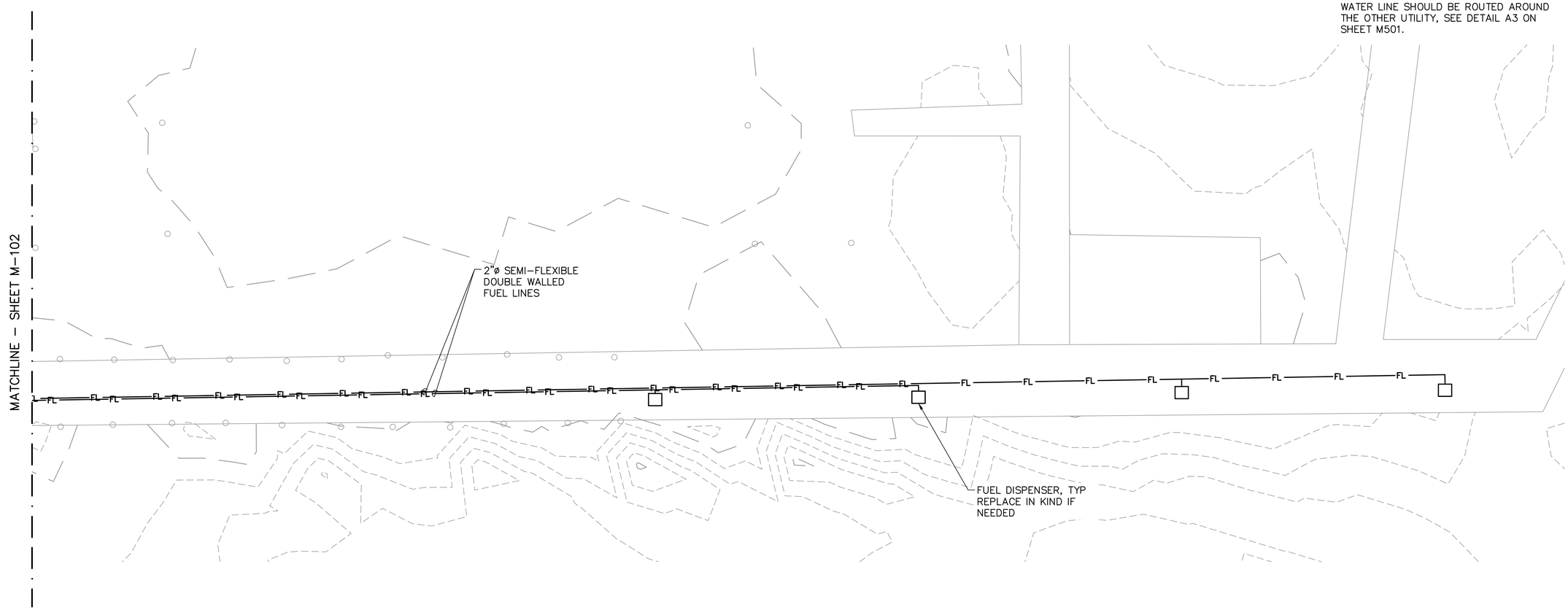
Sheet Reference No.
M-102

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-M102; Plotted: 8/13/2020 1:36 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 11:34 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

NOTES

1. LENGTH PROVIDED IS TOTAL LENGTH OF POTABLE WATER ON THIS PAGE.
2. PIPES ARE TO BE BEDDED ACCORDING TO DETAIL A1 ON SHEET M501.
3. WHERE NEEDED THRUST BLOCKS ARE TO BE INSTALLED, SEE DETAIL C3 ON SHEET M501.
4. WHERE UTILITY CONFLICTS OCCUR THE WATER LINE SHOULD BE ROUTED AROUND THE OTHER UTILITY, SEE DETAIL A3 ON SHEET M501.



10' 0 10' 20'
SCALE: 1"=10'

MECHANICAL SITE PLAN

SCALE: 1" = 10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

MECHANICAL PLAN (SHEET 3 OF 3)

Designed by: WR		Date: 2020-08-22	Rev.
Dwn by: TPA	Ckd by:	M&N Project No. 10279-06	
Reviewed by:		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

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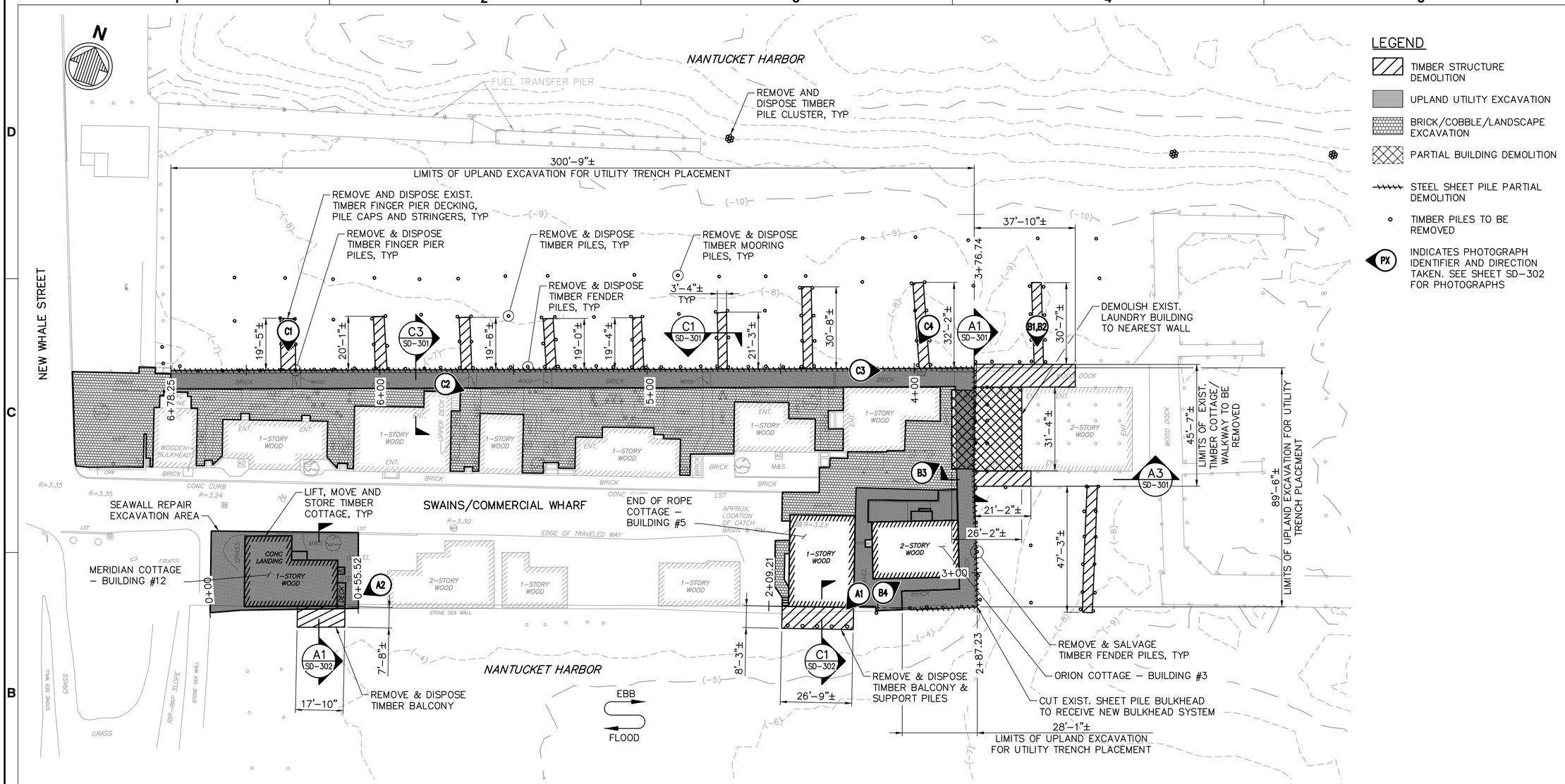
(617)289-7330

SEAL

Sheet Reference No.
M-103

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-M103; Plotted: 8/13/2020 1:36 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 2:36 PM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



LEGEND

- TIMBER STRUCTURE DEMOLITION
- UPLAND UTILITY EXCAVATION
- BRICK/COBBLE/LANDSCAPE EXCAVATION
- PARTIAL BUILDING DEMOLITION
- STEEL SHEET PILE PARTIAL DEMOLITION
- TIMBER PILES TO BE REMOVED
- PX — INDICATES PHOTOGRAPH IDENTIFIER AND DIRECTION TAKEN. SEE SHEET SD-302 FOR PHOTOGRAPHS

20' 0' 20' 40'

SCALE: 1"=20'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

SWAINS WHARF
DEMOLITION PLAN

Designed by: RAD
Dwn by: TPA
Cad by: JAB
Reviewed by: JSC
Submitted by: MOFFATT & NICHOL
Date: 2020-08-22
M&N Project No. 10279-06
Drawing code:
Drawing Scale:
Plot scale: 1:1 (0 SHEET)
Rev.

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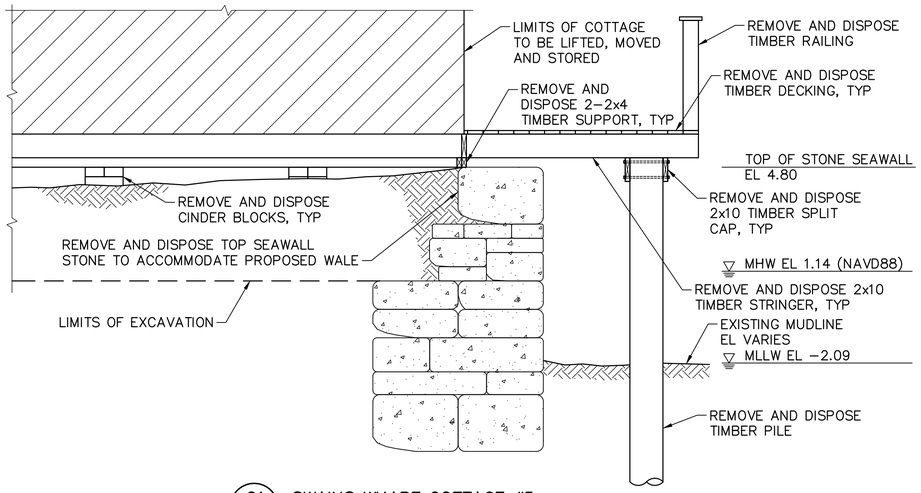
SEAL

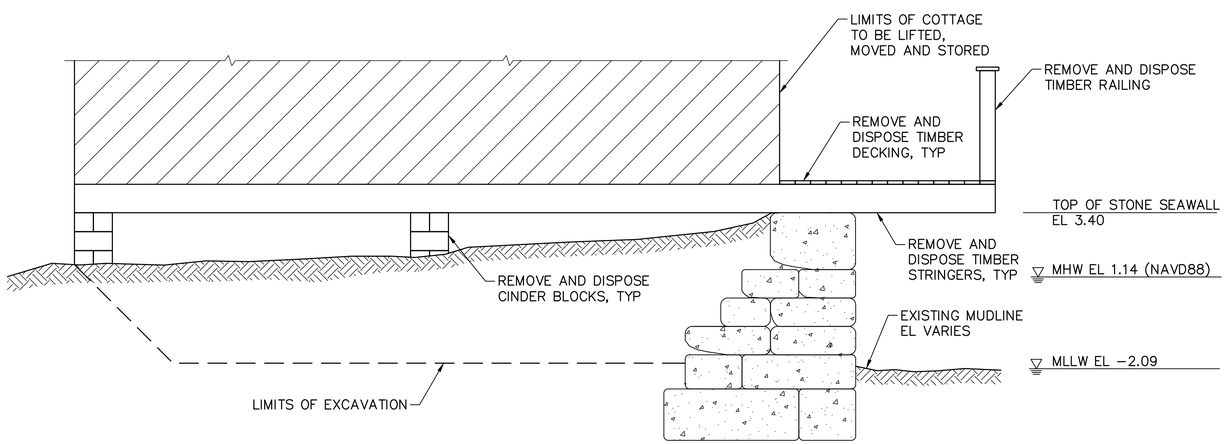
Sheet Reference No.
SD-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279-06-SD101; Plotted: 8/13/2020 1:36 PM by MOYA, CRISTIAN; Saved: 8/13/2020 12:16 PM by CMOYA(GLES)AS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



C1 / SD-101 SWAINS WHARF COTTAGE #5
SCALE: 3/8"=1'-0"



A1 / SD-101 SWAINS WHARF COTTAGE #12
SCALE: 3/8"=1'-0"

4' 0 2' 4'
SCALE: 3/8"=1'-0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

DEMOLITION SECTIONS
(SHEET 2 OF 3)

Designed by: RAD
Date: 2020-08-22
Rev.
Dwn by: TPA
Cad by: JAB
M&N Project No. 10279-06
Drawing code:
Reviewed by: JSC
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298-7330
moffatt & nichol

SEAL 10/11/19

Sheet Reference No.
SD-302

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-SD302. Plotted: 8/13/2020 1:37 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 6:46 AM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

NOTE:
1. FINGER PIER LADDERS TO BE REMOVED AND REPLACED. FINGER PIER FLOOR LIGHTING TO BE REMOVED, SALVAGED AND REINSTALLED.

C1 / SD-101 SWAINS WHARF – FINGER PIER LADDERS
SCALE: NTS

NOTE:
1. BUILDING OVERHANG SIZE, DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

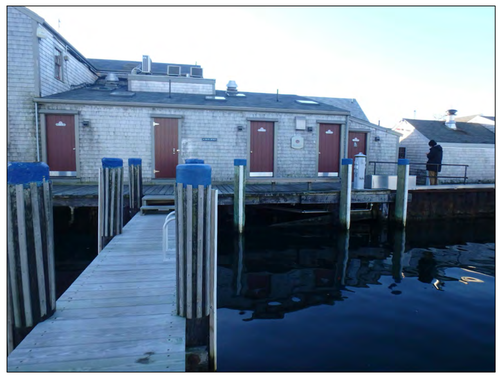
C2 / SD-101 SWAINS WHARF – COTTAGE OVERHANG
SCALE: NTS

NOTE:
1. OIL BOOM PILE SIZE, DIMENSIONS AND MATERIAL TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

C3 / SD-101 SWAINS WHARF – OIL BOOM PILE
SCALE: NTS

NOTE:
1. FIRE PROTECTION PIPING SIZE, DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

C4 / SD-101 SWAINS WHARF – FIRE PROTECTION PIPE
SCALE: NTS



NOTE:
1. NORTHERN FACE OF LAUNDRY BUILDING DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

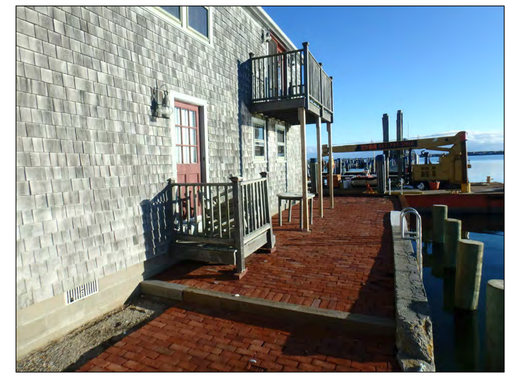
B1 / SD-101 SWAINS WHARF – NORTH FACE LAUNDRY BUILDING
SCALE: NTS

NOTE:
1. NORTHERN FACE OF LAUNDRY BUILDING DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

B2 / SD-101 SWAINS WHARF – NORTH FACE LAUNDRY BUILDING
SCALE: NTS

NOTE:
1. SOUTHERN FACE OF LAUNDRY BUILDING DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

B3 / SD-101 SWAINS WHARF – SOUTH FACE OF LAUNDRY BUILDING
SCALE: NTS



NOTE:
1. O'RYAN COTTAGE DECK SIZE, DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

B4 / SD-101 SWAINS WHARF – ORION COTTAGE
SCALE: NTS

NOTE:
1. END OF ROPE COTTAGE DECK SIZE, DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

A1 / SD-101 SWAINS WHARF – END OF ROPE COTTAGE
SCALE: NTS

NOTE:
1. MERIDIAN COTTAGE DECK SIZE, DIMENSIONS AND MATERIALS TO BE VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION.

A2 / SD-101 SWAINS WHARF – MERIDIAN COTTAGE
SCALE: NTS

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

DEMOLITION SECTIONS
(SHEET 3 OF 3)

Designed by:
Date: 2020-08-22
Rev.
Dwn by:
Ckd by:
M&N Project No. 10279-06
Reviewed by:
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale:
Plot scale: 1:1 (0 SHEET)

180 WELLS AVENUE, SUITE 302
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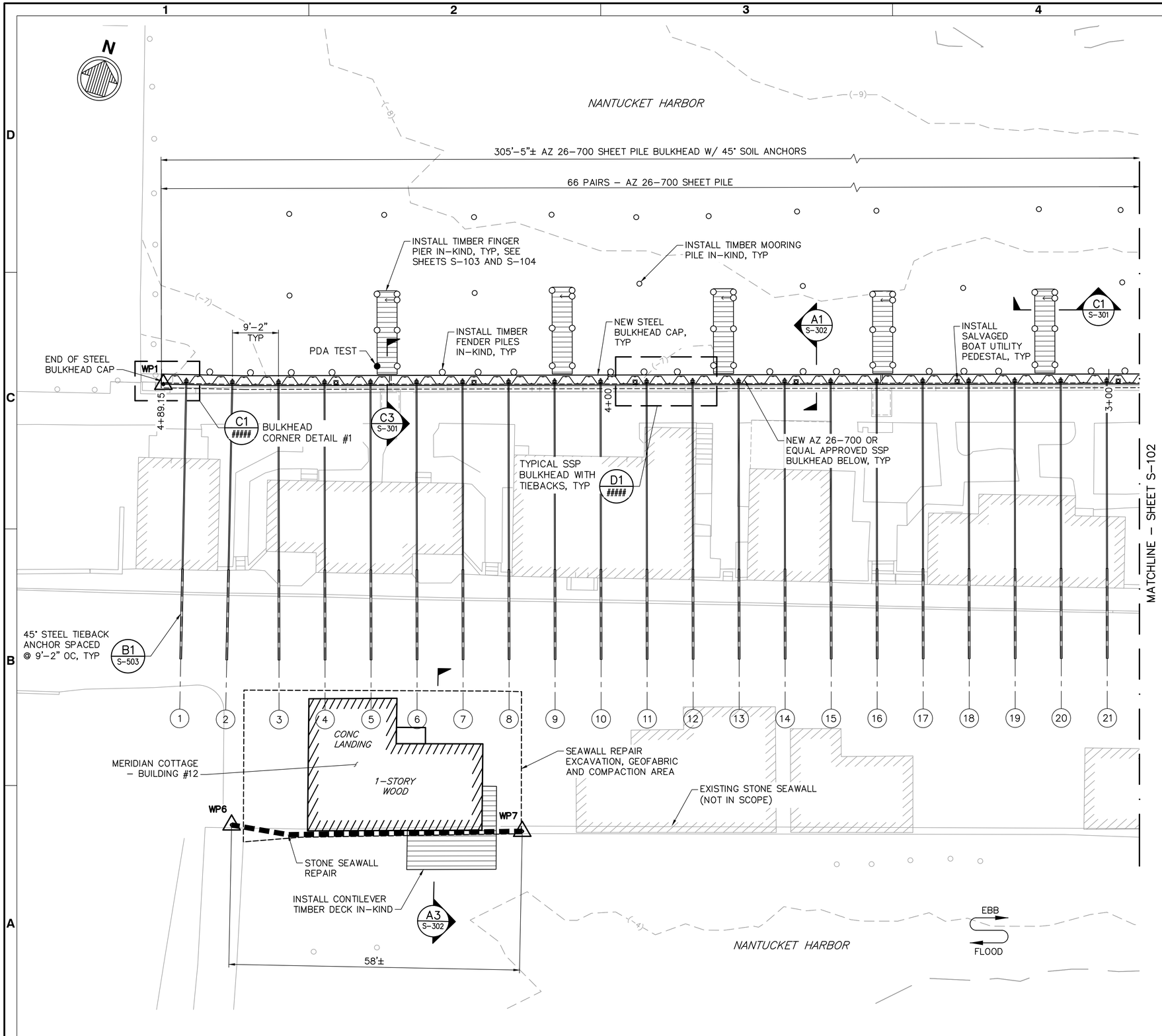
(617)289-7330
moffatt & nichol

SEAL
10/11/19

Sheet Reference No.
SD-303

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279D6-SD303; Plotted: 8/13/2020 1:37 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 6:45 AM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



NOTES

1. PRIOR TO WALL INSTALLATION CONTRACTOR SHALL VERIFY PIPE LOCATIONS, DIMENSIONS AND ELEVATIONS OF EXISTING PENETRATIONS. CONTRACTOR SHALL NOTIFY CONSTRUCTION MANAGER AND ENGINEER OF ANY DISCREPANCIES.
2. PRIOR TO INSTALLATION OF THE SSP BULKHEAD, CONTRACTOR SHALL PERFORM ALL BULKHEAD DEBRIS REMOVAL IN ACCORDANCE WITH SECTION 02 41 19 – SELECTIVE DEMOLITION.
3. EXACT EXISTING TIEROD LOCATIONS ARE NOT SHOWN. CONTRACTOR SHALL FIELD LOCATE ALL EXISTING TIEROD LOCATIONS PRIOR TO EXCAVATION AND INSTALLATION OF PROPOSED TIEBACK ANCHORS AS TO NOT DISTURB THE STRUCTURAL INTEGRITY OF THE EXISTING BULKHEAD DURING INSTALLATION.
4. ALL NEW TIMBER MOORING PILES SHALL BE INSTALLED IN THE EXACT SAME LOCATION AS THE PREVIOUS EXISTING PILES. PILE LOCATIONS SHALL BE VERIFIED IN ACCORDANCE WITH SECTION 02 21 00 – SURVEYS.
5. ALL NEW TIMBER FENDER PILES ALONG THE PILE FACE SHALL BE INSTALLED IN THE EXACT SAME LOCATION AS THE PREVIOUS EXISTING PILES.
6. CONTRACTOR SHALL COORDINATE LOCATION OF OUTFALL PIPE PENETRATION THROUGH BULKHEAD WITH SHEETS CG-101 AND CG-102. SEE S-507 FOR PENETRATION DETAILS.

LEGEND

WP# WORKING POINT

OUTFALL PENETRATION (APPROXIMATE LOCATION)

TIMBER BATTER PILE

BULKHEAD LAYOUT POINTS			
I.D.	NORTHING	EASTING	DESCRIPTION
WP1	103309.14	1751683.28	NORTHWEST BULKHEAD CORNER
WP6	103230.07	1751724.24	STONE SEAWALL SOUTHWEST END
WP7	103247.36	1751779.65	STONE SEAWALL SOUTHEAST END

10' 0 10' 20'
SCALE: 1"=10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

SWAINS WHARF BULKHEAD PLAN (SHEET 1 OF 2)

Designed by: RAD
Dwn by: TPA
Ckd by: JAB
Reviewed by: JSC
Submitted by: MOFFATT & NICHOL
Date: 2020-08-22
M&N Project No. 10279-06
Drawing code:
Drawing Scale:
Plot scale: 1:1 (0 SHEET)
Rev.

180 WELLS AVENUE, SUITE 302
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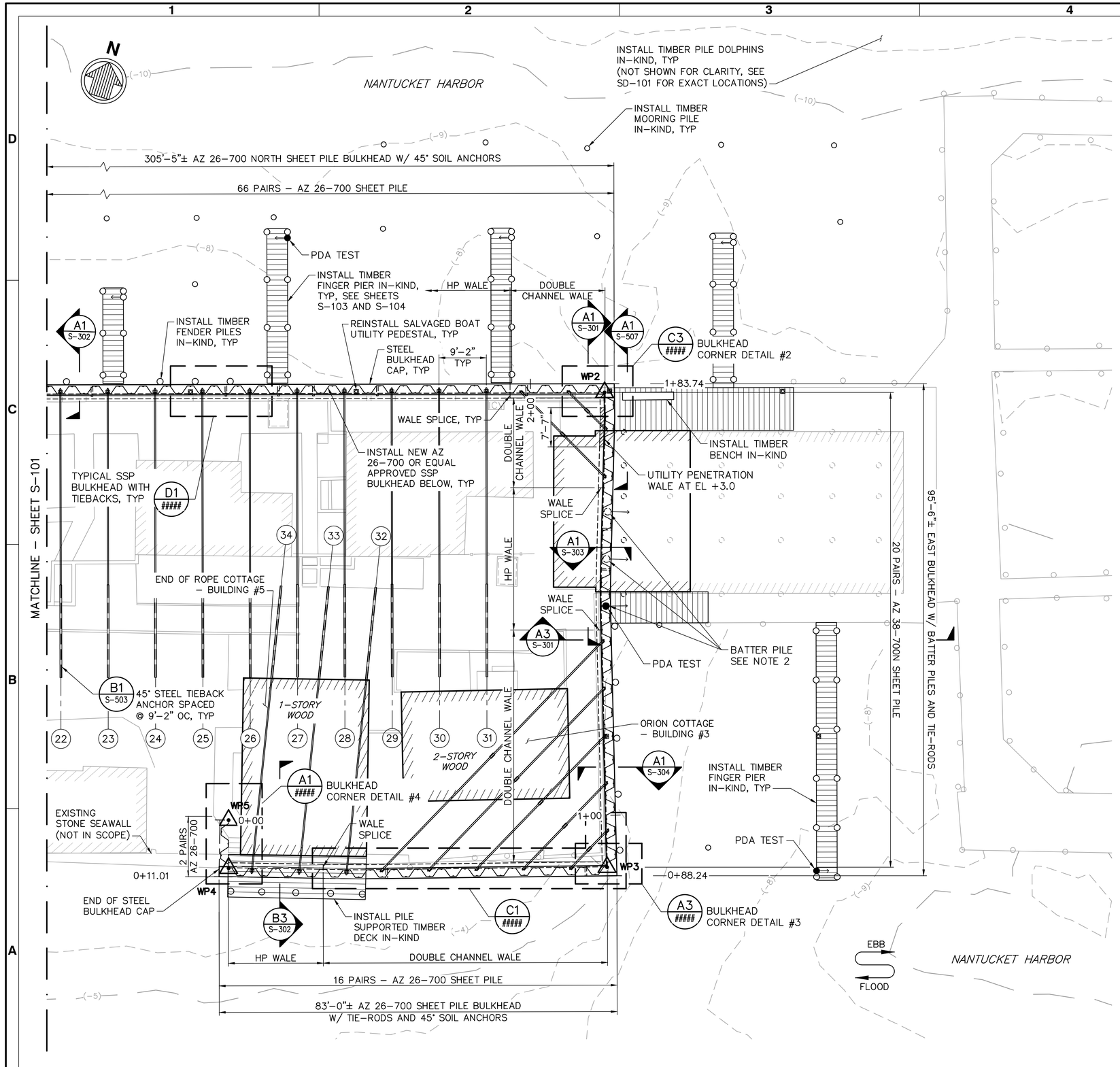
(617)289-7330
moffatt & nichol

SEAL

Sheet Reference No.
S-101

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279B6-S101; Plotted: 8/13/2020 1:37 PM by MOYA IGLESIAS, CRISTIAN; Saved: 8/13/2020 11:29 AM by CMOYAIGLESIAS

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



NOTES

1. REFER TO NOTES ON S-101.
2. 7-PILE TIMBER DOLPHIN NOT SHOWED FOR CLARITY. REFER TO SD-101 FOR LATITUDINAL AND LONGITUDINAL REINSTALLATION POSITIONING. REFER TO S-508 FOR STRUCTURAL DETAILING.

LEGEND

WP# WORKING POINT

OUTFALL PENETRATION (APPROXIMATE LOCATION)

STEEL BATTER PILE

TIMBER BATTER PILE

BULKHEAD LAYOUT POINTS			
I.D.	NORTHING	EASTING	DESCRIPTION
WP2	103406.33	1751970.44	NORTHEAST BULKHEAD CORNER
WP3	103319.15	1752000.25	SOUTHEAST BULKHEAD CORNER
WP4	103295.56	1751930.69	LOWER SOUTHWEST CORNER
WP5	103304.40	1751930.69	UPPER SOUTHWEST CORNER

STEEL BATTER PILE SCHEDULE				
PILE LOCATION	APPROX. PILE CUT-OFF ELEV. (NAVD88)	APPROX. PILE TIP ELEV. (NAVD88)	APPROX LENGTH OF PILE (FT)	DRIVEN PILE TIP ELEV.
A (PDA)	+0.50'	-94.0	105+5	
B	+0.50'	-94.0	105	
C	+0.50'	-94.0	105	

STEEL PIPE PILE NOTES:

1. DRIVING CRITERIA:

COMPRESSION (KIPS)	
ALLOWABLE	ULTIMATE
200	400

2. CONTRACTOR TO PURCHASE 4 ADDITIONAL STEEL BATTER PILES FOR POTENTIAL USE ALONG THE EAST FACE OF THE BULKHEAD.

TIMBER PILE NOTES:

1. TIMBER PLUMB PILES SHALL BE 60 FEET LONG.
2. TIMBER BATTER PILES SHALL BE 70 FEET LONG.
3. PDA TEST 3 TIMBER PILES. SEE SHEETS S-101 AND S-102 FOR LOCATIONS.

10' 0 10' 20'
SCALE: 1"=10'

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

SWAINS WHARF BULKHEAD PLAN (SHEET 2 OF 2)

Designed by: RAD
Date: 2020-08-22
Rev.
Dwn by: TPA
Ckd by: JAB
M&N Project No: 10279-06
Reviewed by: JSC
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

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NEWTON, MA 02459
(617)298-7330

SEAL

Sheet Reference No.
S-102

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

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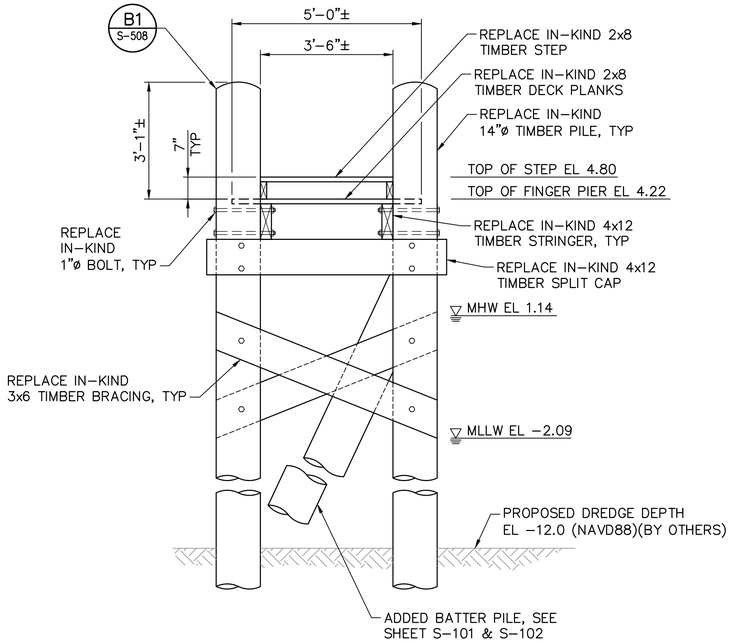
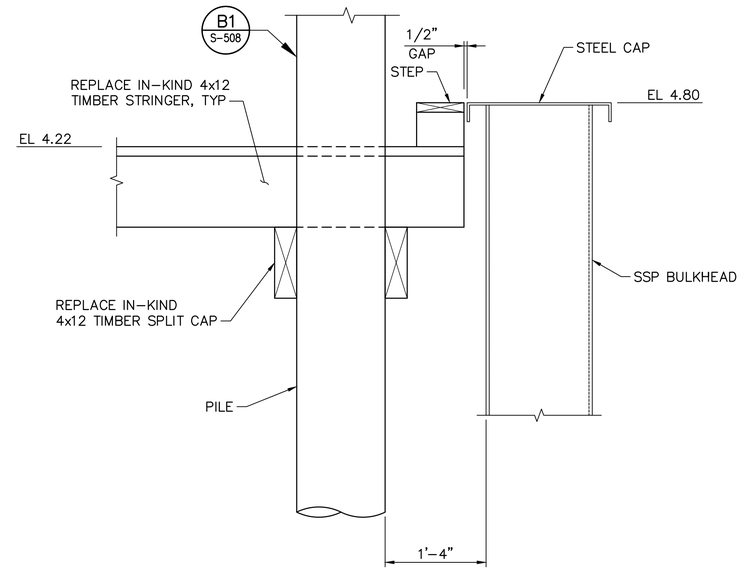


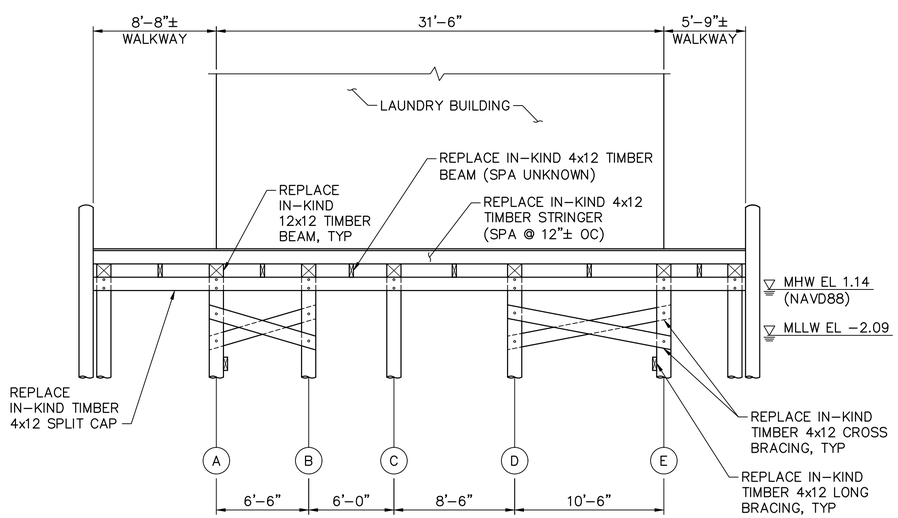
C1 S-101 SWAINS WHARF FINGER PIER – NORTH
SCALE: 1/2"=1'-0"



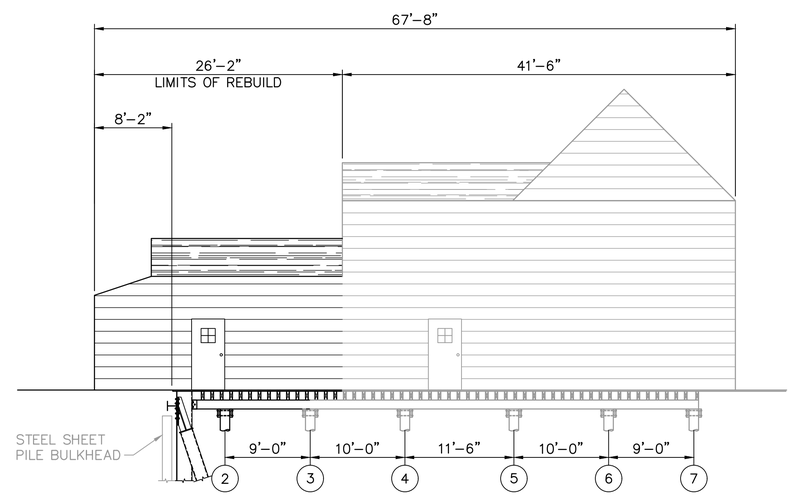
C3 S-101 PARTIAL LONGITUDINAL SECTION
SCALE: 1"=1'-0"

NOTES

1. TIMBER PLUMB PILES SHALL BE 60 FEET LONG.
2. TIMBER BATTER PILES SHALL BE 70 FEET LONG.



A1 S-102 LAUNDRY BUILDING – SUPPORT STRUCTURE PARTIAL REBUILD
SCALE: 3/16"=1'-0"



NOTE: BUILDING SUPPORT STRUCTURE FRAMING AND BRACING NOT SHOWN FOR CLARITY. CONTRACTOR TO VERIFY BUILDING FRAMING AND SUPPORT STRUCTURE.

A3 S-102 LAUNDRY BUILDING – PARTIAL REBUILD
SCALE: 1/8"=1'-0"

16' 0 16' 32'
SCALE: 1/8"=1'-0"

8' 0 4' 8'
SCALE: 3/16"=1'-0"

2' 0 2' 4'
SCALE: 1/2"=1'-0"

1' 0 1' 2'
SCALE: 1"=1'-0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

FINGER PIER TYPICAL ELEVATION AND SECTIONS

Designed by: RAD	Date: 2020-08-22		Rev.
Dwn by: TPA	Ckd by: JAB	M&N Project No. 10279-06	
Reviewed by: JSC		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

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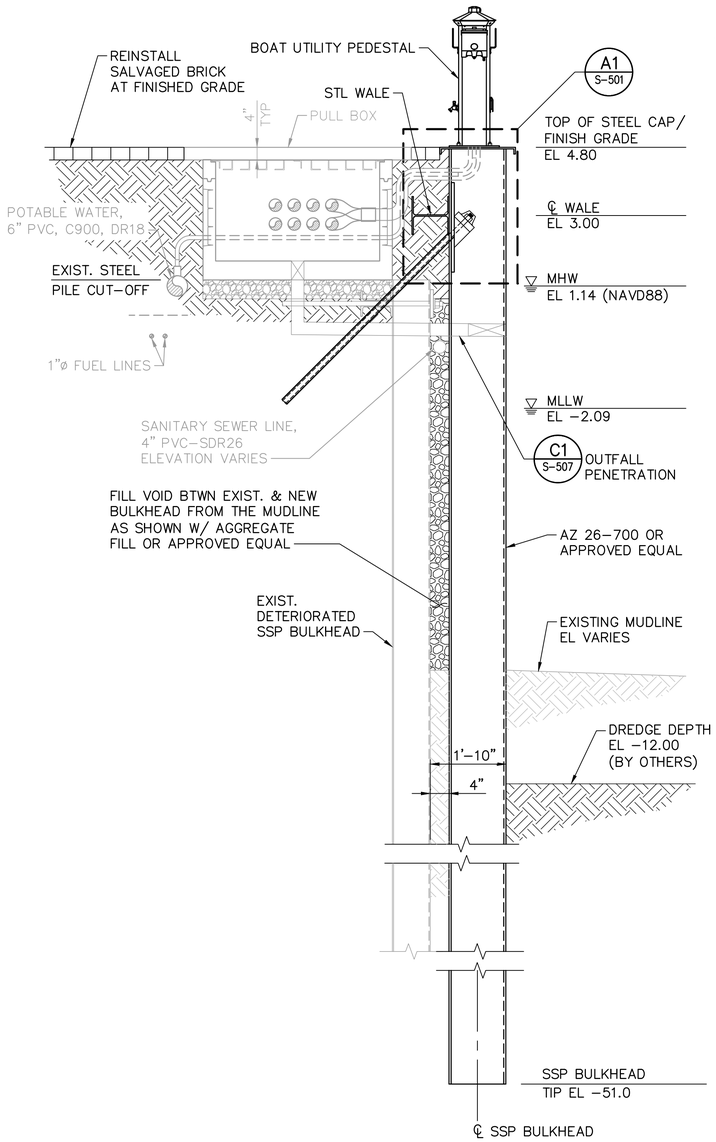
SEAL 10/11/19

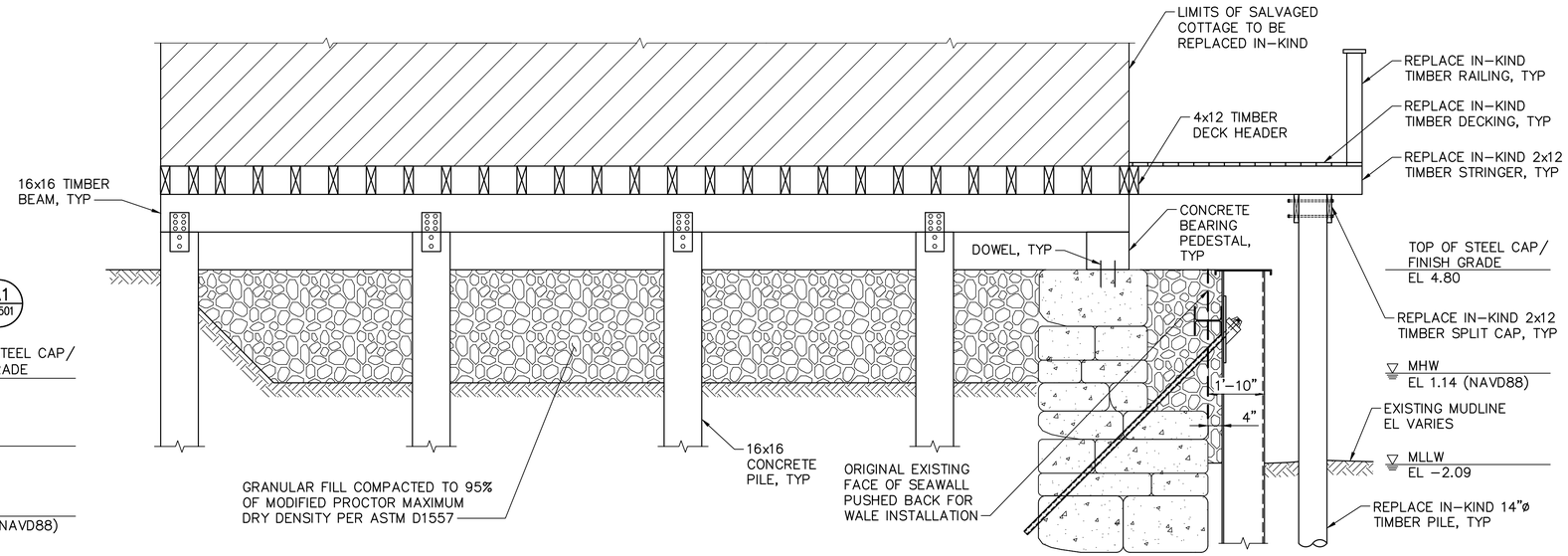
Sheet Reference No.
S-301

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\10279006-S301; Plotted: 8/13/2020 1:38 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 7:05 AM by TALSTON

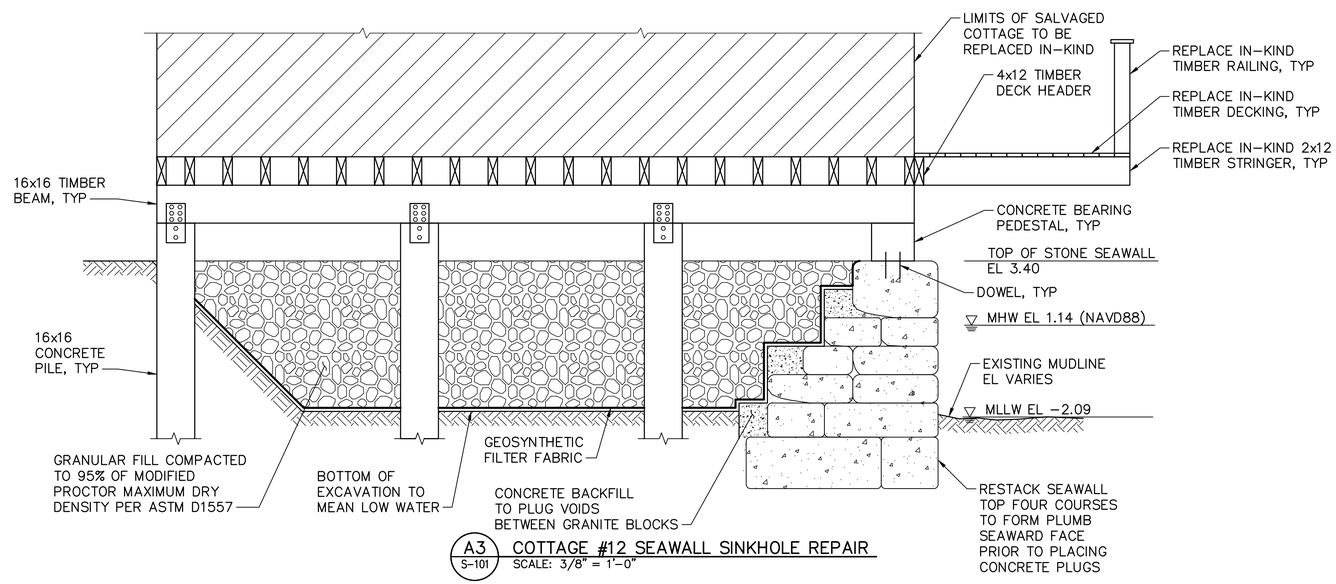
DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



A1 S-101 NORTH SSP BULKHEAD – TIEBACK ANCHOR SYSTEM
SCALE: 1/2"=1'-0"



B3 S-102 COTTAGE #5 SEAWALL SINKHOLE REPAIR
SCALE: 3/8" = 1'-0"



A3 S-101 COTTAGE #12 SEAWALL SINKHOLE REPAIR
SCALE: 3/8" = 1'-0"

NOTES

1. REFER TO SECTIONS 31 00 00 – EARTHWORK AND 32 11 23 – AGGREGATE BASE COURSE.
2. CONTRACTOR SHALL PERFORM ALL BULKHEAD PRE-CLEARING DEBRIS REMOVAL IN ACCORDANCE WITH SECTION 31 41 16 – METAL SHEET PILING.
3. CONTRACTOR SHALL INSTALL ANCHORS IN ACCORDANCE WITH SECTION 31 68 13 – SOIL ANCHORS.
4. THE CONTRACTOR SHALL FILL VOIDS ADJACENT TO THE EXISTING BULKHEAD CAP AS APPLICABLE WITH SELECT FILL.
5. BURN HOLE IN EXISTING STEEL SHEET PILE TO ALLOW NEW SOIL ANCHOR SLEEVE/CASING TO PASS THROUGH.

4' 0 2' 4'
SCALE: 3/8"=1'-0"

2' 0 2' 4'
SCALE: 1/2"=1'-0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

NORTH AND SOUTH BULKHEAD SECTIONS

Designed by: RAD	Date: 2020-08-22		Rev.
Dwn by: TPA	Cxd by: JAB	M&N Project No: 10279-06	
Reviewed by: JSC		Drawing code:	
Submitted by: MOFFATT & NICHOL		Drawing Scale: Plot scale: 1:1 (0 SHEET)	

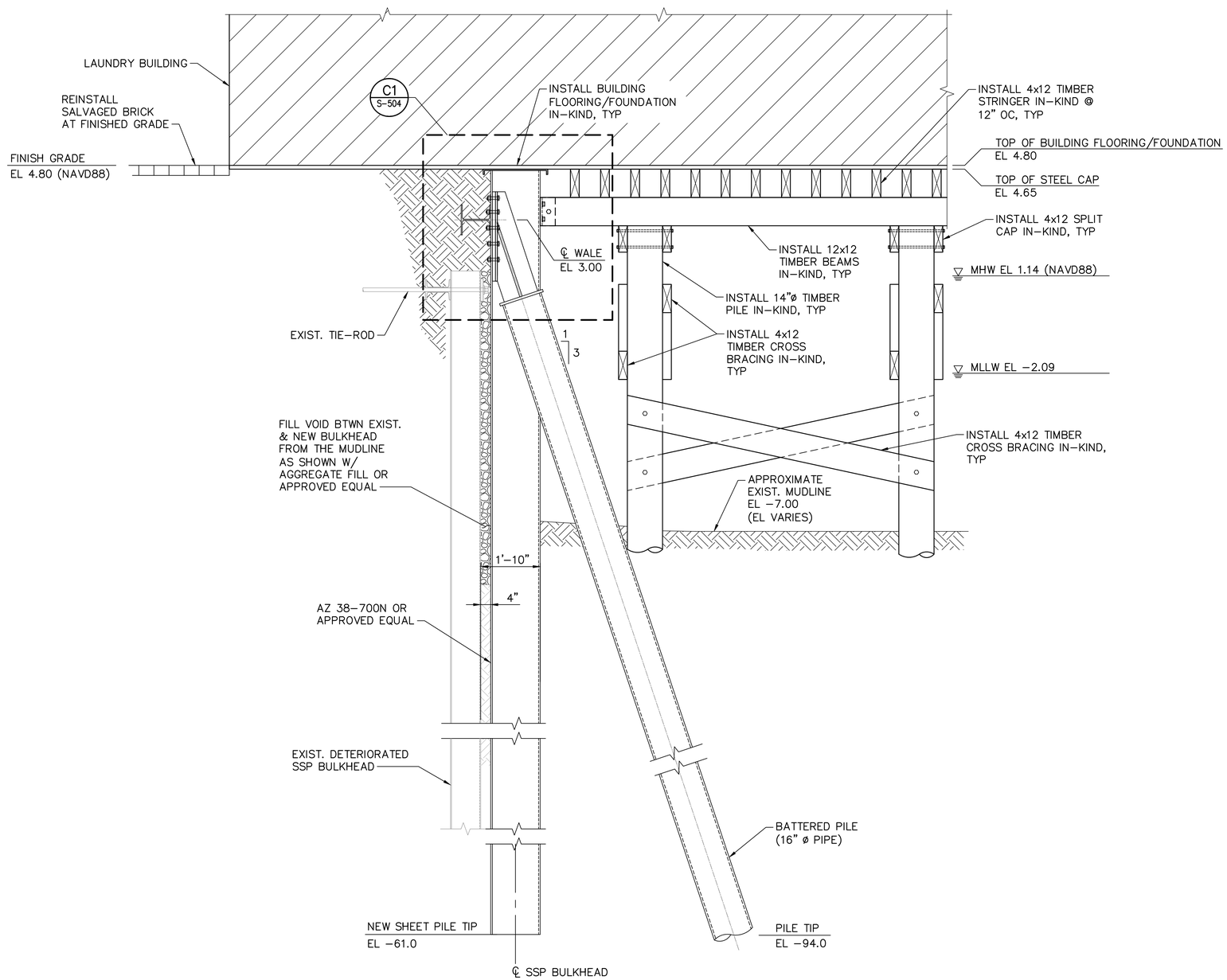
moffatt & nichol
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298-7330

SEAL 10/11/19

Sheet Reference No.
S-302

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-S302; Plotted: 8/13/2020 1:38 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 7:14 AM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING



A1 / S-102 EAST SSP BULKHEAD – BATTER PILE SYSTEM
SCALE: 1/2"=1'-0"

NOTES

1. REFER TO SECTIONS 31 00 00 – EARTHWORK AND 32 11 23 – AGGREGATE BASE COURSE.
2. CONTRACTOR SHALL PERFORM ALL BULKHEAD PRE-CLEARING DEBRIS REMOVAL IN ACCORDANCE WITH SECTION 31 41 16 – METAL SHEET PILING.
3. CONTRACTOR SHALL INSTALL ANCHORS IN ACCORDANCE WITH SECTION 31 68 13 – SOIL ANCHORS.
4. THE CONTRACTOR SHALL FILL VOIDS ADJACENT TO THE EXISTING BULKHEAD CAP AS APPLICABLE WITH SELECT FILL.
5. BURN HOLE IN EXISTING STEEL SHEET PILE TO ALLOW NEW SOIL ANCHOR SLEEVE/CASING TO PASS THROUGH.
6. TIMBER PLUMB PILES SHALL BE 60 FEET LONG.

2' 0 2' 4'
SCALE: 1/2"=1'-0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

EAST BULKHEAD SECTIONS

Designed by: RAD
Date: 2020-08-22
Rev.
Dwn by: TPA
Ckd by: JAB
M&N Project No. 10279-06
Reviewed by: JSC
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale:
Plot scale: 1:1 (0 SHEET)

180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)299-7330
moffatt & nichol

SEAL
10/11/19

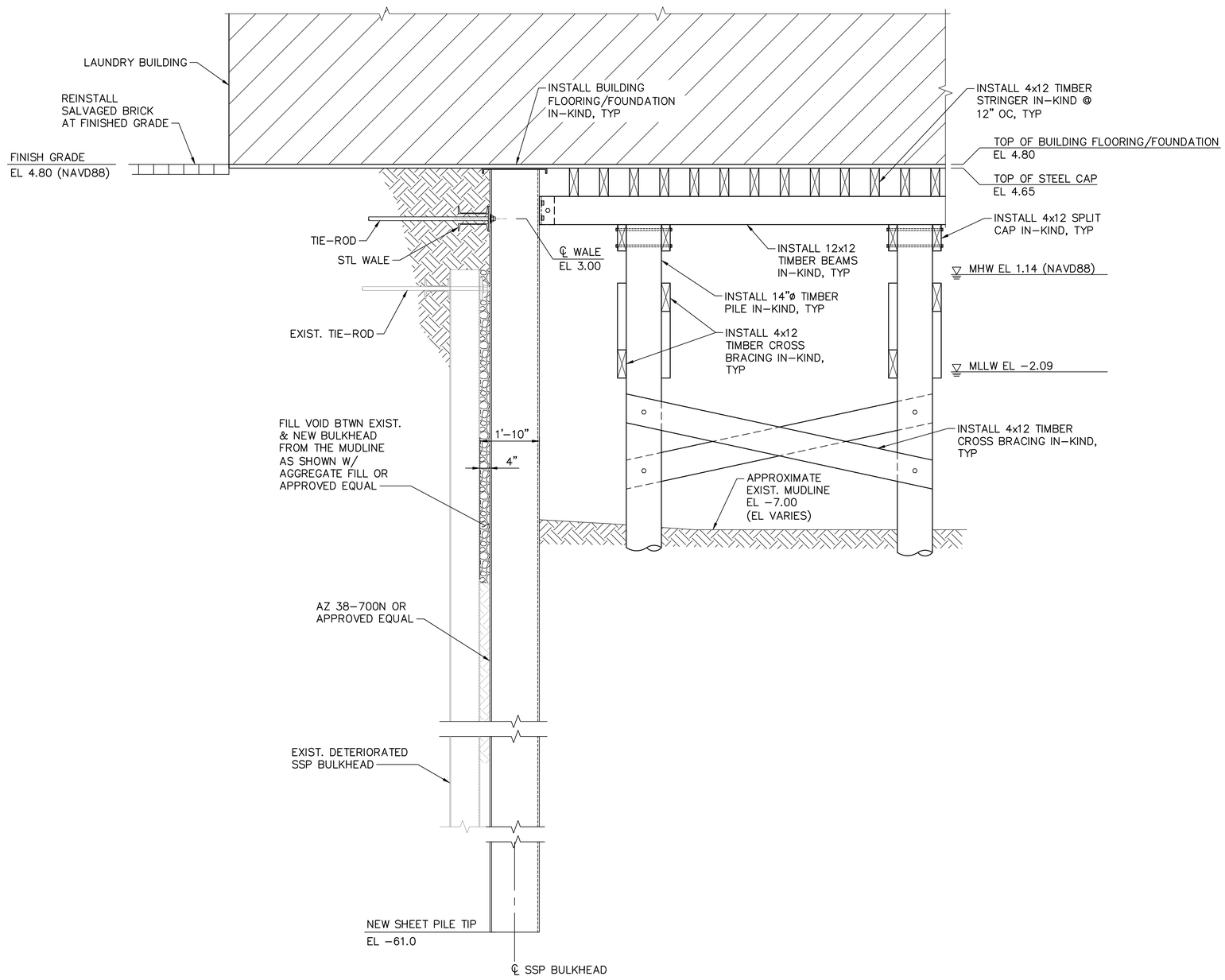
Sheet Reference No.
S-303

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-S303; Plotted: 8/13/2020 1:38 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 7:18 AM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

NOTES

1. REFER TO SECTIONS 31 00 00 – EARTHWORK AND 32 11 23 – AGGREGATE BASE COURSE.
2. CONTRACTOR SHALL PERFORM ALL BULKHEAD PRE–CLEARING DEBRIS REMOVAL IN ACCORDANCE WITH SECTION 31 41 16 – METAL SHEET PILING.
3. CONTRACTOR SHALL INSTALL ANCHORS IN ACCORDANCE WITH SECTION 31 68 13 – SOIL ANCHORS.
4. THE CONTRACTOR SHALL FILL VOIDS ADJACENT TO THE EXISTING BULKHEAD CAP AS APPLICABLE WITH SELECT FILL.
5. BURN HOLE IN EXISTING STEEL SHEET PILE TO ALLOW NEW SOIL ANCHOR SLEEVE/CASING TO PASS THROUGH.
6. TIMBER PLUMB PILES SHALL BE 60 FEET LONG.



A1 / S–102 EAST SSP BULKHEAD – TIE–ROD SYSTEM
SCALE: 1/2"=1'–0"

2' 0 2' 4'
SCALE: 1/2"=1'–0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN SWAINS/COMMERCIAL WHARF BULKHEAD REHABILITATION

EAST BULKHEAD SECTIONS

Designed by: RAD
Date: 2020–08–22
Rev.
Dwn by: TPA
Ckd by:
M&N Project No. 10279–06
Reviewed by:
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

moffatt & nichol
180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)289–7330

SEAL 10/11/19

Sheet Reference No.
S-304

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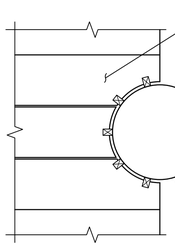

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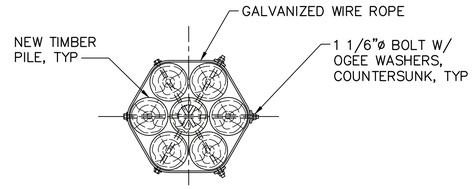

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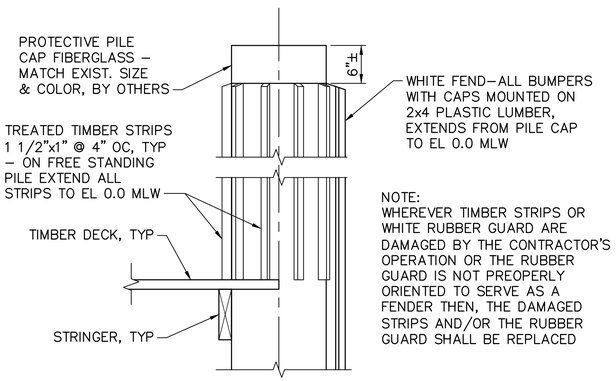
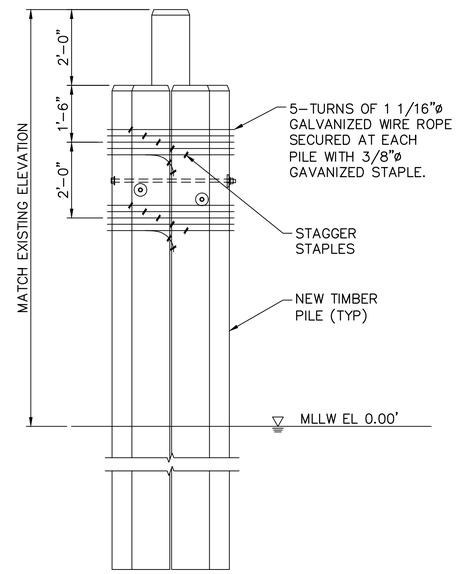


SECTION

B1 / S-301 TIMBER PILE
SCALE: 1"=1'–0"



ELEVATION

B2 / S-102 7–PILE TIMBER DOLPHIN
SCALE: 1/2"=1'–0"

1' 0 6" 1'
SCALE: 1 1/2"=1'–0"

2' 0 2' 4'
SCALE: 1/2"=1'–0"

1' 0 1' 2'
SCALE: 1"=1'–0"

PERMIT
ISSUED: 2020-8-22
NOT TO BE USED FOR CONSTRUCTION

Mark	Description	Date	Appr.

NANTUCKET BOAT BASIN
SWAINS/COMMERCIAL WHARF
BULKHEAD REHABILITATION

MISCELLANEOUS DETAILS

Designed by: RAD
Date: 2020-08-22
Rev.
Dwn by: TPA
Cad by: JAB
M&N Project No. 10279-06
Reviewed by: JSC
Drawing code:
Submitted by: MOFFATT & NICHOL
Drawing Scale: Plot scale: 1:1 (0 SHEET)

180 WELLS AVENUE, SUITE 302
NEWTON, MA 02459
(617)298-7330
moffatt & nichol

SEAL 10/11/19

Sheet Reference No.
S-508

File: Q:\BOS\Projects\10279-06 NBB Swains Wharf\0500_CAD_Active_Swains Wharf_Permit\1027906-S508; Plotted: 8/13/2020 1:39 PM by MOYA IGLESIAS, CRISTIAN; Saved: 4/17/2020 2:43 PM by TALSTON

DRAWING SCALES SHOWN BASED ON 22"x34" DRAWING

The Commonwealth of Massachusetts
Division of Marine Fisheries

251 Causeway Street, Suite 400, Boston, MA 02114
p: (617) 626-1520 | f: (617) 626-1509
www.mass.gov/marinefisheries

CHARLES D. BAKER	KARYN E. POLITO	KATHLEEN A. THEOHARIDES	RONALD S. AMIDON	DANIEL J. MCKIERNAN
Governor	Lt. Governor	Secretary	Commissioner	Director

September 16, 2020

Nantucket Conservation Commission
Town Building Annex – 1st Floor
37 Washington Street
Nantucket, MA 02554

Dear Commissioners:

The Division of Marine Fisheries (MA DMF) has reviewed the Notice of Intent by Nantucket Boat Basin c/o New England Development, Commercial Wharf, to repair and maintain 120' of seawall and 401' of existing bulkhead on Nantucket Harbor in the Town of Nantucket with respect to potential impacts to marine fisheries resources and habitat.

MA DMF has identified Nantucket Harbor as winter flounder (*Pseudopleuronectes americanus*) spawning habitat. Winter flounder enter the area and spawn from January through May, laying clumps of eggs directly on the substrate. These demersal eggs hatch approximately fifteen to twenty days later. The Atlantic States Marine Fisheries Commission has designated winter flounder spawning habitat as "Habitat Areas of Particular Concern" (HAPC). The most recent stock assessment has determined that Southern New England/Mid Atlantic winter flounder populations are at 18 % of the recommended recovery level, and even though it is not currently experiencing overfishing, the stock is overfished [1]. Because of the winter flounder stock status, every effort should be made to protect winter flounder and their spawning habitat.

MA DMF offers the following comments for your consideration:

- To protect winter flounder spawning and juvenile development, MA DMF recommends no in-the-water or silt producing activities during the flounder spawning season **January 15 - May 31** [2].
- Work from the upland as much as practicable.
- Minimize seaward encroachment of the steel sheet bulkhead to the maximum extent possible.
- Anchoring the barge in shallow water may result in hydraulic excavation of the substrate, similar to that by a float in water less than 2' deep. MA DMF recommends no barge groundings be allowed.

- Appropriate containment techniques should be used to prevent construction debris, stormwater runoff and loose sediments from entering the marine environment during construction.

Questions regarding this review may be directed to eileen.feeney@mass.gov.

Sincerely,

Eileen M. Feeney

Eileen M. Feeney
Fisheries Habitat Specialist

cc: Kathryn Barnicle, AECOM
JC Johnsen, Shellfish Constable
Barbara Newman, ACOE
Robert Boeri, CZM
David Wong, DEP

EF

References

1. Atlantic States Marine Fisheries Commission. (2017). Southern New England Mid-Atlantic Winter Flounder Operational Assessment. Available at: http://www.asmfc.org/uploads/file/5a95d671SNE-MA_WinterFlounderOperationalAssessment_2017.pdf Accessed on: 7/24/2020
2. Evans NT, Ford KH, Chase BC, Sheppard J (2011) Recommended Time of Year Restrictions (TOYs) for Coastal Alteration Projects to Protect Marine Fisheries Resources in Massachusetts. Massachusetts Division of Marine Fisheries Technical Report, TR-47.

Massachusetts Department of Environmental Protection

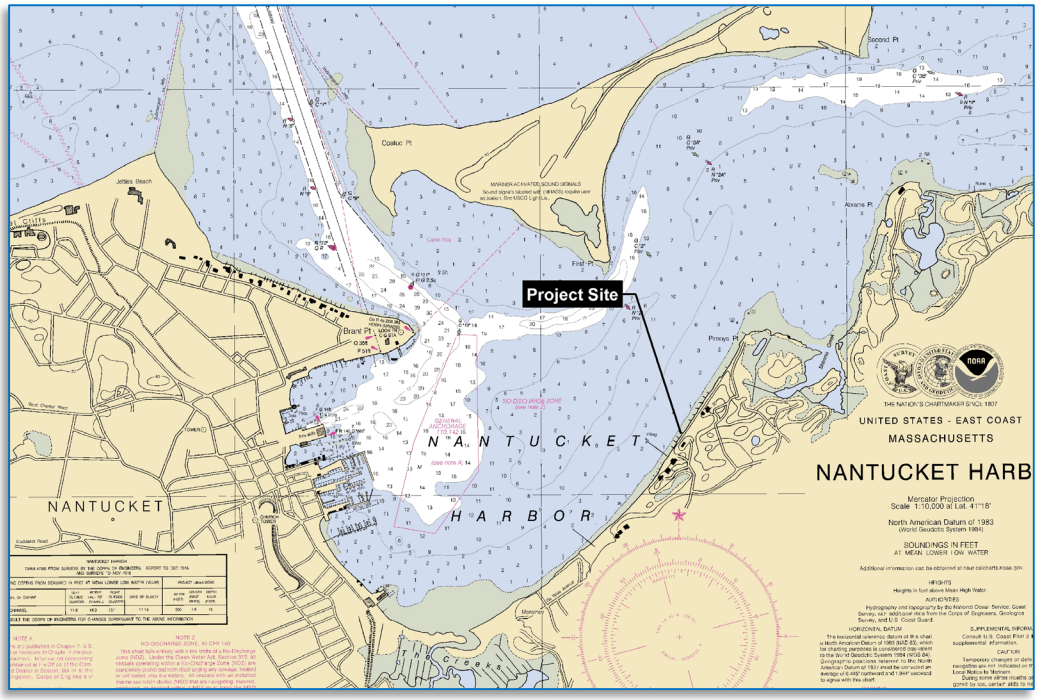
Bureau of Resource Protection – Wetlands and Waterways

WPA Form 3 - Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Nantucket Wetlands Protection Bylaw

Dock Improvement
46 Shimmo Pond Road, Nantucket



Submitted to:

Nantucket Conservation Commission

2 Bathing Beach Road

Nantucket, MA 02554

Submitted by:

Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust

c/o Arthur I. Reade, Jr., P.C.

Reade, Gullicksen, Hanley & Gifford, LLP

Post Office Box 2669

Nantucket, MA 02584

Prepared by:

Epsilon Associates, Inc.

3 Mill & Main Place, Suite 250

Maynard, MA 01754

September 11, 2020

Epsilon ASSOCIATES INC.

Epsilon
ASSOCIATES INC.

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3 Mill & Main Place, Suite 250
Maynard, MA 01754
www.epsilonassociates.com

978 897 7100
FAX 978 897 0099

Projects:\5483 Shimmo Pond Road\NOI

September 11, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Subject: Notice of Intent | 46 Shimmo Pond Road

Dear Commission Members:

Enclosed please find two (2) copies (including one original copy) of the above referenced Notice of Intent ("NOI") filed on behalf of 46 Shimmo Pond Nominee Trust ("Applicant"), who plan to install a pile-supported dock that will extend into Nantucket Harbor from 46 Shimmo Pond Road. Please note that the dock has been redesigned to address concerns raised by the commission and others during the review of the prior Notice of Intent application for dock construction at this site.

This NOI has been prepared in accordance with the Massachusetts Wetlands Protection Act ("WPA" or the "Act") (MGL c.131 §40) and implementing Regulations (310 CMR 10.00) and the Nantucket Wetlands Protection Bylaw (Chapter 136) and regulations, amended July 1, 2013. The NOI includes a description of the subject property, the wetland resource areas located thereon, and the activities proposed to be undertaken within areas subject to the jurisdiction of the Nantucket Conservation Commission.

The Applicant requests that the Nantucket Conservation Commission review the proposed activities at the October 1, 2020 public hearing. If you have any questions regarding the NOI, or wish to conduct a site visit prior to the hearing, please contact me at 978-461-6256 or via email at jvaccaro@epsilonassociates.com.

Sincerely,
EPSILON ASSOCIATES, INC.

Jack Vaccaro
Senior Consultant

Massachusetts Department of Environmental Protection
Bureau of Resource Protection – Wetlands and Waterways

WPA Form 3 - Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
Nantucket Wetlands Protection Bylaw

Dock Improvement
46 Shimmo Pond Road, Nantucket

Submitted to:
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Submitted by:
Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust
c/o Arthur I. Reade, Jr., P.C.
Reade, Gullicksen, Hanley & Gifford, LLP
Post Office Box 2669
Nantucket, MA 02584

Prepared by:
Epsilon Associates, Inc.
3 Mill & Main Place, Suite 250
Maynard, MA 01754

September 11, 2020

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Figure 3 – DEP Wetland Resource Areas
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Figure 6 – Eelgrass Habitat

ATTACHMENT C CHAPTER 91 LICENSE
ATTACHMENT D BATHYMETRIC, SIDE SCAN SONAR AND UNDERWATER VIDEO EELGRASS SURVEY REPORT (CR ENVIRONMENTAL INC., AUGUST 2019)
ATTACHMENT E SITE PLAN (PREPARED BY NANTUCKET ENGINEERING AND SURVEY PC)
ATTACHMANT F ABUTTER NOTIFICATION INFORMATION
ATTACHMENT G FILING FEE INFORMATION

WPA Form 3 – Notice of Intent

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

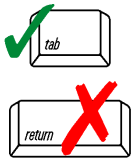
Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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):

46 Shimmo Pond Road — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41°17' 7.36"N — d. Latitude
70° 4' 32.31"W — e. Longitude

Map 43 — f. Assessors Map/Plat Number
Lot 77 — g. Parcel /Lot Number

2. Applicant:

Michael — a. First Name
Bass — b. Last Name
46 Shimmo Pond Road Nominee Trust — c. Organization
40 Soldiers Field Place — d. Street Address
Boston — e. City/Town
MA — f. State
02135 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name
b. Last Name
c. Organization
d. Street Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Jack — a. First Name
Vaccaro — b. Last Name
Epsilon Associates, Inc. — c. Company
3 Mill & Main Place, Suite 250 — d. Street Address
Maynard — e. City/Town
MA — f. State
01754 — g. Zip Code
978-897-7100 — h. Phone Number
i. Fax Number
jvaccaro@epsilonassociates.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$376.00 — a. Total Fee Paid
$175.50 — b. State Fee Paid
$200.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

The applicant proposes to construct an extension of the existing pier which is only accessible from the water during the higher parts of the tidal cycle. The configuration was selected to minimize impacts to eelgrass and shellfish resources in the vicinity of the site.

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	26571
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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Nantucket
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☐ Riverfront Area	1. Name of Waterway (if available) - **specify coastal or inland**	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f**. above.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☒ Land Under the Ocean	150 sf (6 sf of pile area) 1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☒ Coastal Beaches	70 sf (3 sf of pile area) 1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☒ Land Containing Shellfish	150 sf (6 sf of pile area) 1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW | b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings | b. number of replacement stream crossings

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
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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

   2017
   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

   c. Submit Supplemental Information for Endangered Species Review*

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area <1
      percentage/acreage

      (b) outside Resource Area
      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

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* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review).
Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review).
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, https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat; 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@mass.gov

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@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. ☐ Is this an aquaculture project? d. ☐ Yes ☒ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).

Massachusetts Department of Environmental Protection
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C. Other Applicable Standards and Requirements (cont'd)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☐ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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D. Additional Information (cont'd)

3. ☐ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany A Notice of Intent in Nantucket, MA prepared for 46 Shimmo Pond Road Nominee Trust, Michael A. Bass Trustee

Nantucket Engineering and Survey LLC	Arthur Gasbarro
b. Prepared By	c. Signed and Stamped by
September 8, 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:

42725	9/8/2020
2. Municipal Check Number	3. Check date
42726	9/8/2020
4. State Check Number	5. Check date
Epsilon Associates, Inc.	
6. Payor name on check: First Name	7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

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Provided by MassDEP:

MassDEP File Number

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Michael Barry, Trustee

1. Signature of Applicant

2. Date 9/9/2020

By: William C. Rudolph, Attorney

3. Signature of Property Owner (if different)

4. Date 9-9-2020

5. Signature of Representative (if any)

6. Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Attachment A

Project Narrative

ATTACHMENT A – PROJECT NARRATIVE

1.0 Introduction

Epsilon Associates, Inc. is submitting this Notice of Intent to the Nantucket Conservation Commission on behalf of Michael Bass, Trustee for 46 Shimmo Pond Road Nominee Trust ("Applicant") who is seeking permission to extend an existing dock approximately eighty-eight feet seaward into Nantucket Harbor ("Project"). The proposed construction will require alteration to Coastal Beach, Land Under the Ocean and Land Containing Shellfish.

This NOI has been prepared in accordance with the regulation established under the Massachusetts Wetlands Protection Act (M.G.L. c. 131, s. 140), and the Nantucket Wetlands Protection Regulations. It provides a description of the Site and the resource areas present that will be affected by the Project. It also describes the proposed construction activities, and how the work will be conducted in a manner that minimize impacts to these resource areas. Finally, it addresses how the proposed work will comply with applicable performance standards as specified in the Massachusetts Wetlands Protection Act Regulations and Nantucket Wetland Protection Regulations.

2.0 Existing Site Conditions

The Site is a waterfront residential property located at 46 Shimmo Pond Road in Nantucket (refer to Attachment B, Figure 1, Nantucket Harbor NOAA Chart). The property consists of approximately 1 ¼ acres of land with around 270 feet of frontage on Nantucket Harbor. The property abuts other residential properties to the north and east, and a private association parking area and boat landing lies directly to the south (refer to Attachment B, Figure 1, Nantucket Harbor NOAA Chart and Figure 2, Aerial Photograph).

The property is located on a coastal bluff opposite the entrance to Nantucket Harbor, with the residence occupying the high point of land at approximate elevation 20 feet (NAVD88). The property is exposed to a northwesterly fetch but the seaward face of the bluff is protected by a timber bulkhead that spans almost the entire waterfront of the property. The vertical bulkhead is approximately 4 ½ feet in height. Above the bulkhead, the bluff is vegetated with mostly low shrubs, grasses, and other herbaceous plants.

The Federal Emergency Management Agency (FEMA) has mapped two flood hazard zones on and around the Site. These include a velocity zone, Zone VE (elev. 11), which extends landward essentially to the timber bulkhead, and a secondary area prone to still water flooding, Zone AE (elev. 8) which extends to the driveway area near the southeast corner of the site. In addition, the Limit of Moderate Wave Action (LiMWA) appears to fall on the face of the coastal bluff between the timber bulkhead and the residence (refer to Attachment B, Figure 5, FEMA-FIRM).

Four rock groins are spaced along the property's waterfront, extending perpendicular from shore into Nantucket Harbor. A small dock originates from the most northerly of the four groins, arcing in a westerly direction before terminating within the intertidal zone. Both the dock and the groin from which it extends are licensed under Ch. 91 of the Massachusetts Public Waterfront Act, and a copy of this license is provided in Attachment C of this Notice of Intent. There are several private boat moorings in the shallow waters opposite the Site, and most of these are clustered in the area closest to the private landing directly south of the Site and the adjacent private dock opposite 42 Shimmo Pond Road that extends approximately 400 feet into the harbor.

The bathymetry and bottom characteristics of the nearshore area opposite the Site was the subject of a bathymetry, side scan sonar, and underwater video survey performed by CR Environmental Inc. in June 2019, and a report detailing the results of this survey is provided as Attachment D to this Notice of Intent application.

3.0 Wetland Resource Areas and Other Environmental Characteristics

The coastal wetland resource areas at the Project site include Land Subject to Coastal Storm Flowage, Coastal Beach, Coastal Bank, and Land Under the Ocean/Land Containing Shellfish. A summary of these resource areas is provided below. (Refer to Attachment B, Figure 3 – DEP Wetlands Resource Areas and Attachment E – Site Plan).

3.1 Coastal Beach

Coastal Beach is defined as unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing human-made structures, when these structures replace one of the above lines, whichever is closest to the ocean (310 CMR 10.27).

Coastal beaches are presumed significant to storm damage prevention, flood control, and protection of wildlife habitat; they may be significant to protection of marine fisheries and, where shellfish are present, to land containing shellfish.

The profile of the Coastal Beach at the site has a low gradient and the intertidal zone of the beach is relatively wide. Tidal profile data published by the Buzzards Bay National Estuary Program indicates that mean high water elevation of 1.2' and mean low water elevation of -1.9' which generally follows along the seaward end of the four groins at the site. The Coastal Beach extends landward from mean low water to the timber bulkhead.

3.2 Coastal Bank

Coastal Bank means the seaward face or side of any elevated landform, other than a coastal dune, which lies at the landward edge of a coastal beach, land subject to tidal action, or other wetland. Coastal banks are likely to be significant to storm damage prevention and flood control (310 CMR 10.30).

At the Project site the seaward face of the coastal bank has been armored with a timber bulkhead that rises vertically approximately four feet from the grade of the beach. Above the revetment the bank is vegetated with low shrubs, some of which appear to have been planted in an effort to stabilize previously eroded areas. The bank extends upslope to a point where the slope no longer exceeds 4:1, as depicted in Figure 2 of DEP Policy 92-1, which is excerpted at the right.

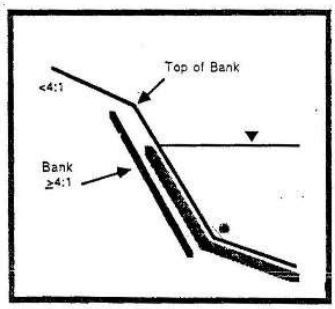

Figure 2

3.3 Land Subject to Coastal Storm Flowage

Land Subject to Coastal Storm Flowage ("LSCSF") is defined at 310 CMR 10.4 and includes all areas along the coast where the topography is low enough that it is inundated by flood waters generally associated with coastal storm events. The Federal Emergency Management Agency ("FEMA") Flood Insurance Rate Map ("FIRM") defines the 100-year floodplain and these are used to delineate LSCSF.

At the Site two flood hazard zones are present; the FEMA velocity zone, Zone VE (elev. 11), extends landward to the timber bulkhead, and Zone AE (elev. 8) an area prone to still water flooding extends to the driveway area near the southeast corner of the site. Additionally, the Limit of Moderate Wave Action (LiMWA) appears to fall on the face of the coastal bluff between the timber bulkhead and the residence.

3.4 Land Under the Ocean/Land Containing Shellfish

Land Under the Ocean means land extending from the mean low water line seaward to the boundary of the municipality's jurisdiction and includes land under estuaries (310 CMR 10.25). Land Under the Ocean is likely to be significant to the protection of marine fisheries and, where there are shellfish, to protection of Land Containing Shellfish. Nearshore areas of Land Under the Ocean are likely to be significant to storm damage prevention, flood control, and protection of wildlife habitat. At the project site, this resource area would include all the land beneath Nantucket Harbor extending along the shore to mean low water, which occurs at approximate elevation -1.9' (NAVD88).

The Division of Marine Fisheries ("DMF") has mapped several areas within Nantucket Harbor that are believed suitable for shellfish. These areas are mapped based on the expertise of the DMF, the local Shellfish Constable, and input from commercial shellfishermen, as well as from information from various shellfish studies conducted in the area. The portion of Nantucket Harbor directly offshore 46 Shimmo Pond Road is recognized as suitable habitat for Bay Scallop (*Argopecten irradians*) and Quahog (*Mercenaria mercenaria*). Thus, the submerged land beneath the harbor at the project locus is characterized as Land Containing Shellfish.

3.5 Rare Species Habitat

The Massachusetts Natural Heritage and Endangered Species Program (NHESP) has mapped almost the entire water sheet of Nantucket Harbor as priority habitat of state-listed rare species. At the Site, the mapped habitat area is located approximately 160 feet offshore and the proposed dock will not encroach into the mapped habitat (refer to Attachment B, Figure 4 – Rare Species and DEP Eelgrass).

3.6 Eelgrass Beds

MassDEP has identified an area of eelgrass in Nantucket Harbor opposite 46 Shimmo Pond Road (refer to Attachment B, Figure 4 – Rare Species and DEP Eelgrass). The presence of eelgrass at the Site has been confirmed by an independent eelgrass survey, but the general distribution density of the eelgrass was found to vary significantly throughout the project vicinity. Several discrete areas of moderate to dense eelgrass were observed, but there were also many areas noted where the eelgrass was absent or sparse. These observations are documented in the Bathymetry, Side Scan Sonar, and Underwater Video Survey report prepared by CR Environmental, which is provided as Attachment D. The location and density of eelgrass is depicted in Attachment B, Figure 6 – Eelgrass Habitat.

4.0 Project Description

The Applicant plans to remove the most landward portion of the existing dock and replace it with a new dock that will extend approximately ninety feet into Nantucket Harbor. The construction will require alteration to Coastal Beach, Land Under the Ocean, and Land Containing Shellfish. Since the new dock will use the existing dock access, there will be no alteration to the other identified landward wetland resource areas (Coastal Bank and Land Subject to Coastal Storm Flowage) that have been identified at the Site.

4.1 Building Materials

The new dock is proposed as a 2.5-foot wide pile-supported structure adjacent to the most northerly of the four groins at the Site. The dock will entail the installation of six pairs of 12-inch diameter timber piles. Each pair of piles will be joined by 2” by 12” stringers and cross members to form the eight “yokes” that will provide a solid foundation for the dock’s gangway and rail system. All wooden material used in the construction will be non-CCA treated lumber products and all fasteners and fittings will be galvanized steel.

4.2 Construction Methodology

Most of the construction required for the dock installation will be completed from a barge that will provide the necessary workspace for pile driving equipment as well as sufficient staging area for timber piles, lumber, and other required construction materials. The only proposed construction requiring access from land is the dismantling and removal of most of the existing

dock and some carpentry to join the new structure to the existing dock. That work can be completed by workers using hand tools. There will be no need to access the beach area whatsoever with heavy equipment.

5.0 Anticipated Impacts

The proposed dock will occupy an area of approximately 220 square feet, with approximately 150 square feet located in Land Under the Ocean/Land Containing Shellfish and approximately 70 square feet located on Coastal Beach. The dock will be founded upon six pairs of 12-inch diameter timber piles. Four of these pairs will contact Land Under the Ocean and two will contact the Coastal Beach. The total area of direct pile impact is small at approximately 9 square feet (approximately 6 sf of contact in Land Under the Ocean and Land Containing Shellfish and 3 square feet in Coastal Beach).[1]

Based on results of underwater video surveys in the vicinity of the proposed dock, the extent of impact to eelgrass is expected to be minimal (refer to Attachment D - Bathymetry, Side Scan Sonar, and Underwater Video Survey report prepared by CR Environmental). The most seaward end of the dock terminates at an area that is only sparsely vegetated with eelgrass, as depicted on Figure 6 – Eelgrass Habitat.

6.0 Mitigation Measures

The Project may result in impacts to Land Under the Ocean and Land Containing Shellfish as discussed and quantified in Section 5. These impacts have been avoided and minimized by the dock design and proposed installation methods, and mitigation for impacts will be provided as appropriate. Perhaps most importantly, the dock alignment is the product of thoughtful consideration of alternatives and its design is intended to avoid and minimize potential impacts to environmental resources and other public interests as discussed below.

6.1 Avoidance and Minimization

The proposed dock has also been designed to satisfy design standards discussed in DEP's 2003 guidance document entitled *"A Guide to Permitting Small Pile-Supported Docks and Piers"* as it applies to installations in Flowed Tidelands, Land Under the Ocean, Land Containing Shellfish and Coastal Beach as outlined in this section.

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[1] These values assume a pile diameter of 12 inches at the point of contact so that each pile represents approximately 0.75 square feet of impact at the point of contact.

Protection of Navigation

The Project has been designed to provide the minimum size necessary for its intended use, to provide access to the water for private recreational purposes. It is no larger than necessary to access navigable water depths for the berthing of a small vessel. It will not extend further seaward than the nearest dock, which is opposite 42 Shimmo Pond Road approximately 350 feet to the south.

The proposed dock will not interfere with lines of sight of vessels navigating in the vicinity. It maintains good separation from the private landing area and associated moorings, and its intended private use will not generate a significant increase in water-borne traffic. It will not substantially impair the public's ability to swim or float freely upon the harbor. The dock will utilize the same means of overland access as the existing dock, which is within 25 feet of the property line.

Protection of Lateral Access Along the Shoreline

The dock has been designed to provide for lateral access below the mean high water line for members of the public who wish to pass within the intertidal zone for purposes related to fishing, fowling, or navigation. The dock originates within the intertidal zone at a point that is seaward of mean high water, and will therefore not interfere with lateral access.

Engineering and Construction Standards to Protect Navigation, Public Health and Safety, and other Shoreline Structures

The proposed dock will be constructed with robust materials and will not pose an unreasonable threat to navigation, adjacent structures or public health or safety if damaged or destroyed in a storm.

Protection of Rare Species Habitats

The proposed dock will extend approximately 94 feet into Nantucket Harbor and will not extend into areas mapped as Priority Habitat by the Natural Heritage and Endangered Species Program.

Maintaining Proper Water Circulation

Nantucket Harbor is presumed significant to marine fisheries, land containing shellfish, and wildlife habitat and the dock design has incorporated elements that are intended to maintain proper water circulation to minimize impact to these resources. The piles have been spaced to satisfy DEP guidelines and all cross bracing will be installed above mean high water. No batten boards or wave attenuators are proposed in the design. The dock is designed as a fixed structure without a float and thus there will always be sufficient vertical separation between the harbor bottom and the dock's lowest horizontal member.

Maintaining Adequate Light to Preserve the Productivity of Wetland Vegetation and Eelgrass Beds

The Applicant's proposed alignment minimizes disturbance to the eelgrass by avoiding this resource to the greatest extent possible. Areas of eelgrass that that were categorized as medium to high density have been avoided, restricting the dock to areas of none, or sparse eelgrass. Only the two most seaward piles are located within the sparsely vegetated area. Thus, only the most minimal impact to eelgrass is anticipated.

6.2 Shellfish and Eelgrass Mitigation

Shellfish

Prior to the commencement of construction and after consultation with the local Shellfish Constable, any shellfish in the immediate vicinity of each pile will be removed and replanted in a suitable location approved by the Division of Marine Fisheries.

Eelgrass

The proposed dock is located over 300 feet from the nearest point of an eelgrass restoration area that is being managed by the Nantucket Land Council and Town of Nantucket (Refer to Attachment B, Figure 6). The Applicant remains willing to assist these two groups with ongoing eelgrass restoration efforts at this site or others within Nantucket Harbor.

6.3 Spill Prevention and Response Plan

A spill containment kit will be kept on board all work barges used for the dock installation. Personnel will be available to respond quickly in the case of a leak or spill. Equipment will be kept in a condition that prevents leakage or discharge of pollutants. Fuel, oil, hydraulic fluids, petroleum products and/or other chemicals will be stored in water-tight containers to minimize their exposure to precipitation and storm water. In the event that there is an accidental release of petroleum product during construction, the contractor will notify the Nantucket Conservation Commission after the appropriate emergency response agencies.

6.4 Material Handling and Disposal

The materials generated through the dismantling of the portion of the existing dock and any scrap lumber or other materials will be removed from the site by barge and properly disposed of in accordance with any applicable regulations.

7.0 Review of Wetlands Protection Act & Wetlands Bylaw Performance Standards

The Project has been designed to avoid alterations to wetland resource areas to the maximum extent practical. As discussed above, portions of the proposed work will occur within Coastal Beach, Land Under Ocean, and Land Containing Shellfish. Compliance with the state and local performance standards for each of these resource areas is described below.

7.1 Coastal Beach Performance Standards

Compliance with the *Wetlands* Protection Act Regulations

In accordance with 310 CMR 10.27(3) through 10.27(7), activities conducted within coastal beach will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.27(3): *"Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach."*

RESPONSE: Project conforms with this standard as it will not have an adverse effect on any coastal beach or an adjacent or downdrift coastal beach.

310 CMR 10.27(4): *"Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:*

a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments."

RESPONSE: Project conforms with this standard as it is not a solid pier, therefore will not change the littoral drift along the project shoreline.

310 CMR 10.27(5): *"Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted."*

RESPONSE: Not applicable, as the project does not involve beach nourishment.

310 CMR 10.27(6): "In addition to complying with the requirements of 310 CMR 10.27(3) and (4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:

a) Alterations in water circulation;

b) Alterations in the distribution of sediment grain size; and

c) Changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

RESPONSE: The dock has been designed to avoid alterations to water circulation, and its installation will have no effect in the distribution of sediment grain size. The project will be constructed with non-CCA treated lumber and will not result in any change in water quality.

310 CMR 10.27(7): *"Notwithstanding the provisions of 310 CMR 10.27(3) through (6), no project may be permitted which will have any adverse effect on specified habitat or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

RESPONSE: The Project site is not located within NHESP mapped Priority or Estimated Habitat.

<u>Compliance with the Nantucket Wetland Protection Bylaw Regulations</u>

In accordance with Section 2.02(B) of the Nantucket Wetland Protection Regulations, activities proposed within Coastal Beach will comply with the performance standards established by the Town as described below.

1. *The provisions of Section 201.B (1-8) (Land Under Ocean) shall apply to coastal beaches and tidal flats.*

RESPONSE: See Section 6.3.2 Compliance with the Nantucket Wetland Protection Regulations, 1 through 8 (Land Under Ocean).

2. *No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed, or substantially improved, after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, and not substantially improved, from imminent danger.*

RESPONSE: Not applicable. No coastal engineering structure is proposed.

3. *Dredging projects in flats must be done in accordance with such procedures as the Commission determines would disturb the absolute minimum amount of habitat possible for both the borrow site and the area in which spoils are placed.*

RESPONSE: Not applicable, no dredging is proposed.

4. *Clean fill of compatible grain size may be used on a Coastal Beach but not on a Tidal Flat, only if the Commission authorizes its use, and only if such fill is to be used for a beach or dune nourishment project. All possible mitigation measures shall be taken, as determined by the Commission, to limit the adverse effects of the fill.*

RESPONSE: Not applicable, no fill or nourishment is proposed.

5. *No part of any septic system shall be placed in shifting sands or on a coastal beach. The septic leach facility shall be at least 100 feet from the spring high tide line.*

RESPONSE: Not applicable.

6. *All work on projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal beach. All structures which are not water dependent, shall be at least 50 feet from a coastal beach.*

RESPONSE: The project is intended to facilitate the homeowner's access to his waterfront, and is therefore water dependent as defined in the Nantucket Wetland Protection Regulations.

7. *In areas of eroding shoreline, the distance from all buildings to the coastal beach shall be at least 20 times the average annual erosion or 100 feet, whichever is the lesser. The average annual shoreline erosion rate shall be determined by averaging the annual erosion rate over a 150-year period ending the date the NOI was filed, or if no 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 period for which erosion data is available. In cases where documentation can be provided to show that the use of the 150-year period is inappropriate to existing shoreline characteristics and tends, alternate shoreline change rates may be used when based on a preponderance of credible evidence.*

RESPONSE: Not applicable.

8. *Vehicular access for existing houses or for recreational use shall be as unpaved ways and shall be done in accordance with such procedures as the Commission determines will minimize any adverse effect on the beach and the Interests of the Bylaw.*

RESPONSE: Not applicable.

9. *Fertilizers shall be used in accordance with the "Best Management Practice for Landscape Fertilizer Use on Nantucket Island".*

RESPONSE: Not applicable.

10. *The Commission may impose such additional requirements as necessary to protect the Interests Protected by the Bylaw.*

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with coastal beach.

7.2 Land Under the Ocean Performance Standards

Compliance with the Wetlands Protection Act Regulations

In accordance with 310 CMR 10.25(3) through 10.25(7), activities proposed within Land Under Ocean will contribute to the protection of the interests identified in the Wetlands protection Act by complying with the following general performance standards:

310 CMR 10.25(3): "Improvement dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures so as to minimize adverse effects on such interests caused by changes in:

a) bottom topography which will result in increased flooding or erosion caused by an increase in the height or velocity of waves impacting the shore;

b) sediment transport processes which will increase flood or erosion hazards by affecting the natural replenishment of beaches;

c) water circulation which will result in an adverse change n flushing rate, temperature, or turbidity levels; or

d) marine productivity which will result from the suspension or transport of pollutants, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat."

RESPONSE: No dredging is proposed in this Project, however the best available measures will be used to minimize adverse effects on such interests listed above.

310 CMR 10.25(4): *"Maintenance dredging for navigational purposes affecting land under the ocean shall be designed and carried out using the best available measures to as to minimize adverse effects on such interests caused by changes in marine productivity which will result from the suspension of transport of pollutants, increases in turbidity, the smothering of bottom organisms, the accumulation of pollutants by organisms, or the destruction of marine fisheries habitat or wildlife habitat."*

RESPONSE: No dredging is proposed in this Project, however the best available measures will be used to minimize adverse effects on such interests listed above.

310 CMR 10.25(5): *"Projects not included in 310 CMR 10.25(3) or (4) which affect nearshore areas of land under the ocean shall not cause adverse effects by altering the bottom topography so as to increase storm damage or erosion of coastal beaches, coastal banks, coastal dunes, or salt marshes."*

RESPONSE: The proposed pier will not cause any adverse effects by altering the bottom topography to increase storm damage or erosion of coastal landforms.

310 CMR 10.25(6): *"Projects not included in 310 CMR 10.25(3) which affect land under the ocean shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries habitat or wildlife habitat caused by:*

a) alterations in water circulation;

b) destruction of eelgrass (Zostera marina) or widgeon grass (Rupia maritina) beds;

c) alterations in the distribution of sediment grain size;

d) changes in water quality, including, but not limited to, other than natural fluctuations in the level of dissolved oxygen, temperature or turbidity, or the addition of the pollutants; or;

e) the alteration of shallow submerged lands with high densities of polychaetes, mollusks or macrophytic algae."

RESPONSE: The proposed dock is water-dependent and has been designed and will be constructed, using the best available measures, so as to minimize adverse effects on marine fisheries habitat or wildlife habitat through the causes listed above.

310 CMR 10.25(7): "Notwithstanding the provisions of 310 CMR 10.25(3) through (6), not project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37."

The proposed pier will not extend into an area of the Nantucket Harbor water sheet that has been designated as Priority Habitat by the Natural Heritage and Endangered Species Program.

<u>Compliance with the Nantucket Wetlands Regulations</u>

In accordance with Section 2.01(B) of the Nantucket Wetland Protection Regulations, activities proposed within Land Under the Ocean will comply with the performance standards established by the Town as described below.

1. *Dredging shall be designed and carried out using the best available measures as determine by the Commission so as to have the least possible adverse effects on or changes in marine productivity caused by changing in, or resulting from suspension or transport of pollutants, sediment transport, smothering of bottom organisms, accumulation of pollutants by organisms, destruction of habitat or nutrient source areas, or changes in water circulation and water quality.*

RESPONSE: No dredging is proposed in this Project, however the work will be performed using the best available measures to avoid or minimize the adverse effects on marine productivity.

2. *All dredging shall use the best available measures to minimize adverse effects cause by changes in bottom topography resulting in an increase in height and velocity of waves hitting the shore, localized changes in circulation patterns or in changes in sediment transport which affect natural replenishment of beaches or maintenance of channels.*

RESPONSE: No dredging is proposed in this Project, therefore this standard is not applicable, however the work will be performed using the best available measures to minimize adverse effects.

3. *Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.*

REPSONSE: The proposed residential pier is not a solid fill pier, and will be designed and constructed to not change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. The design will incorporate the best available measures to avoid or minimize any adverse effects and the pier will be designed to not displace public moorings.

4. *Construction of commercial piers shall be in compliance with the Town of Nantucket Zoning Bylaws and shall not affect sediment transport, and shall not destroy of pollute fisheries and shellfish habitat or nutrient source areas for those resources. No solid fill piers shall be permitted.*

RESPONSE: The proposed pier is for a residential property and for residential use, therefore this standard is not applicable.

5. *Best available measures as determined by the Commission shall be used to minimize adverse effects of a commercial or residential pier on the interests protected by the Bylaw.*

RESPONSE: The proposed residential pier will be designed and constructed using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.

6. *Aquaculture projects shall be undertaken pursuant to such means as may be established by the Commission so as to have the least possible adverse effect on wildlife, erosion control, storm damage prevention, flood control, recreation or public access. No destruction of habitat or areas where shellfish feed, or change in water quality or circulation in any manner which adversely affects productivity of marine fisheries or shellfish beds shall be permitted.*

RESPONSE: This standard is not applicable, no aquaculture activities are proposed in this Project.

7. *No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed or substantially improved after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, but not substantially improved, form imminent danger.*

RESPONSE: No new coastal engineering structures are proposed in this Project; therefore, this standard is not applicable.

8. *Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.*

RESPONSE: The Pier will be designed and constructed in a manner to not cause adverse effects on the surrounding environment and uses listed above.

9. *No activity on land under the ocean which is not water dependent shall be permitted by the Commission, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

RESPONSE: The project is intended to facilitate the homeowner's access to his waterfront, and is therefore water dependent as defined in the Nantucket Wetland Protection Regulations.

10. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with land under the ocean.

7.3 Land Containing Shellfish - Compliance with the Wetlands Protection Act

In accordance with 310 CMR 10.34(4) through 10.34(8), activities proposed within land containing shellfish will contribute to the protection of the interests identified in the Wetlands Protection Act by complying with the following general performance standards:

310 CMR 10.34(4): "Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

a) alterations of water circulation;

b) alterations in relief elevation;

c) the compacting of sediment by vehicular traffic;

d) alterations in the distribution of sediment grain size;

e) alterations in natural drainage from adjacent land; or

f) changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

RESPONSE: The proposed dock construction has been designed to not adversely affect land containing shellfish or marine fisheries. The pier will not alter water circulation, relief elevation, distribution of grain size, or the natural drainage from adjacent land. The Land Containing Shellfish will experience no vehicular traffic, and the proposed pier will not change the water quality of the site beyond natural fluctuations of water quality parameters.

310 CMR 10.34(5): *"Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than on year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension."*

RESPONSE: The proposed dock may displace a small quantity of shellfish but the habitat disturbed are expected to return to pre-construction conditions and productivity, except for the minimal loss of habitat where the individual piles contact the harbor bottom.

310 CMR 10.34(6): *"In the case of land containing shellfish defined as significant in 310 CMR 10.34(3)(b)(i.e., those areas identified on the basis of maps and designations of the Shellfish Constable), except in Areas of Critical Environment Concern, the issuing authority may, after consultation with the Shellfish Constable, permit the shellfish to be moved from such area under the guidelines of, and to a suitable location approved by, the Division of Marine Fisheries, in order to permit a proposed project on such land. Any such project shall not be commenced until after the moving and replanting of the shellfish have been commenced."*

RESPONSE: The Applicant will discuss the proposed work with the Shellfish Constable and Division of Marine Fisheries to determine suitable mitigation efforts for the impacts to land containing shellfish present on site. If deemed necessary, the resident shellfish in the vicinity of each pile will be removed and relocated to a suitable area prior to construction.

310 CMR 10.34(7): *"Notwithstanding 310 CMR 10.34(4) through (6), projects approved by the Division of Marine Fisheries that are specifically intended to increase the productivity of land containing shellfish may be permitted. Aquaculture projects approved by the appropriate local and state authority may also be permitted."*

RESPONSE: The proposed Project is not designed to increase the productivity of land containing shellfish, however the pier will be designed to minimize adverse effects on the productivity of land containing shellfish.

310 CMR 10.34(8): *"Notwithstanding the provisions of 310 CMR 10.34(4) through (7), no project may be permitted which will have any adverse effect on specified habitat of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37."*

RESPONSE: The proposed pier will not extend into an area of the Nantucket Harbor water sheet that has been designated as Priority Habitat by the Natural Heritage and Endangered Species Program.

7.4 Land Containing Shellfish - Compliance with the Nantucket Wetlands Regulations

In accordance with Section 2.08(B) of the Nantucket Wetland Protection Regulations, activities proposed within Land Containing Shellfish will comply with the performance standards established by the Town as described below.

1. *Projects shall not adversely affect water quality (including, but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.*

RESPONSE: The proposed pier will not adversely affect the water quality of the site, water circulation or the natural drainage from adjacent land. The proposed pier may have minimal impact to submerged aquatic vegetation present, but will not result in an adverse impact to this resource.

2. *Land containing shellfish shall not be compacted by vehicular traffic or other means. The land's elevation and sediment grain size shall not be altered.*

RESPONSE: No vehicular traffic will impact the land containing shellfish present on site as it is located within land under the ocean.

3. *Projects shall not obstruct the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish.*

RESPONSE: The proposed pier will not alter the ability of the public to gather shellfish recreationally or the ability of commercial fishermen to harvest shellfish.

4. *Any project which may release pollutants shall utilize the best known technology to remove pollutants or prevent risk of pollution.*

RESPONSE: The proposed pier is not anticipated to release pollutants, however the best known technology will be employed to remove pollutants if present and to prevent risk of pollution.

5. *All septic leach facilities shall be at least 100 feet from land containing shellfish.*

RESPONSE: Not applicable.

6. *Fertilizers shall be used in accordance with the "Best Management Practices for Landscape Fertilizer Use on Nantucket Island".*

RESPONSE: Not applicable.

7. *No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.*

RESPONSE: The proposed pier will impact land containing shellfish, and one of the identified species of interest is bay scallops. However, the Project will incorporate mitigation including pre-construction relocation efforts that is intended to minimize adverse effects on scallops. The Applicant will consult with the Shellfish Constable and Division of Marine Fisheries to facilitate these efforts.

8. *Piers shall be constructed and maintained using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.*

RESPONSE: The pier will be designed, constructed and maintained using the best available measures to minimize adverse effects on the Interests Protected by the Bylaw.

9. *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.*

RESPONSE: The Applicant acknowledges the authority of the Commission to condition the permit as necessary and appropriate to protect the interests associated with Land Containing Shellfish.

8.0 Conclusions

The Project has been redesigned in response to comments received from the Nantucket Conservation Commission and others, and complies with all applicable performance standards of the Wetlands Protection Act regulations (310 CMR 10.55(4)) and the local Wetlands Protection Bylaw.

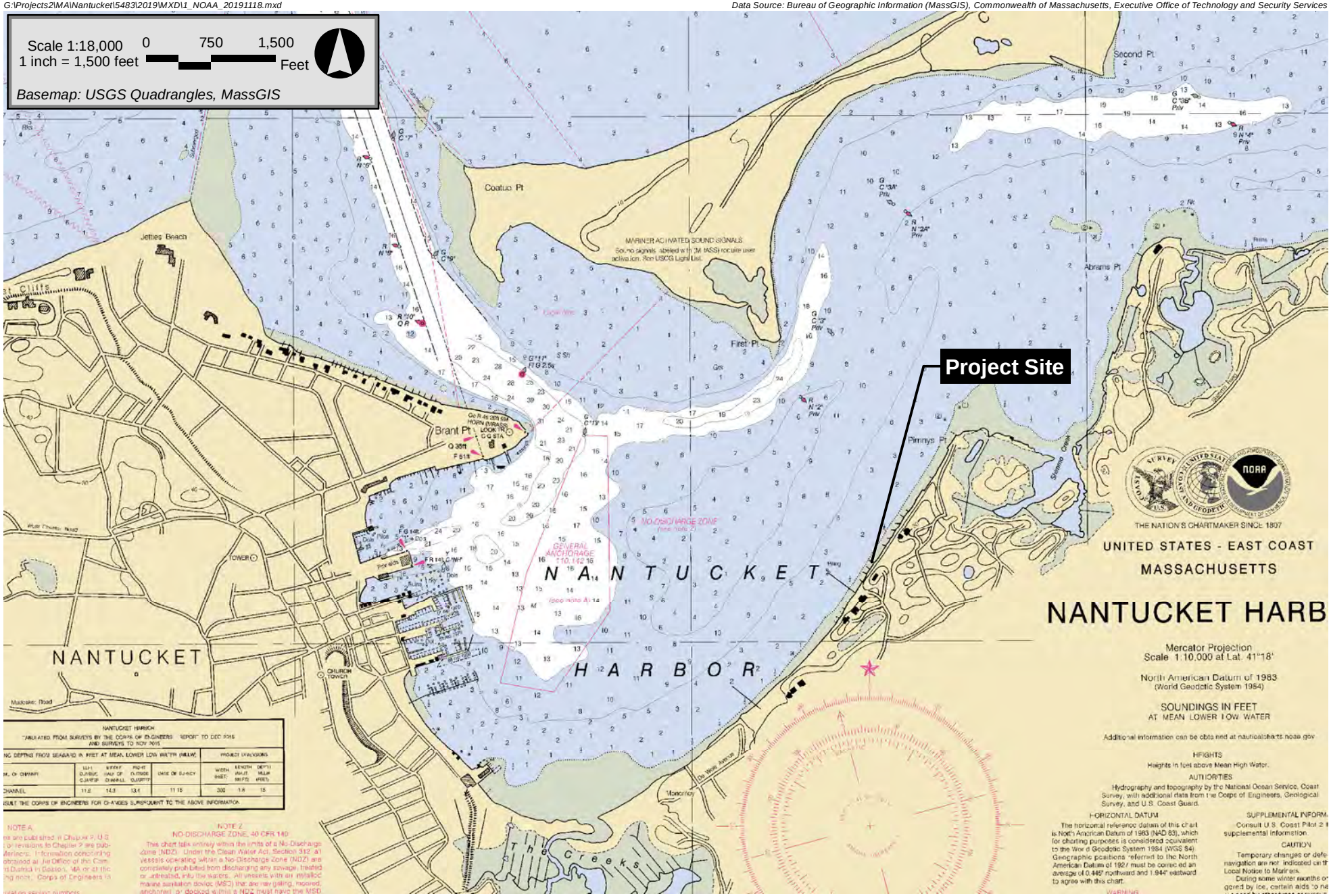
The information contained in this NOI and the accompanying site plans sufficiently describe the site, proposed work, and the effect of the work on the interests identified in the Act and Bylaw. The applicant therefore respectfully requests that the Nantucket Conservation Commission issue an Order of Conditions approving the Project with appropriate conditions to protect those interests identified in M.G.L. c. 131 §40 and the local Wetlands Protection Bylaw.

Attachment B

Figures

G:\Projects2\MA\Nantucket\5483\2019\MXD\1_NOAA_20191118.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



46 Shimmo Pond Road Nantucket, Massachusetts

Epsilon Associates Inc.

Figure 1

Nantucket Harbor NOAA Chart

G:\Projects2\MA\Nantucket\5483\2020\MXD\2_Aerial_20200908.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services

46 Shimmo Pond Road Nantucket, Massachusetts

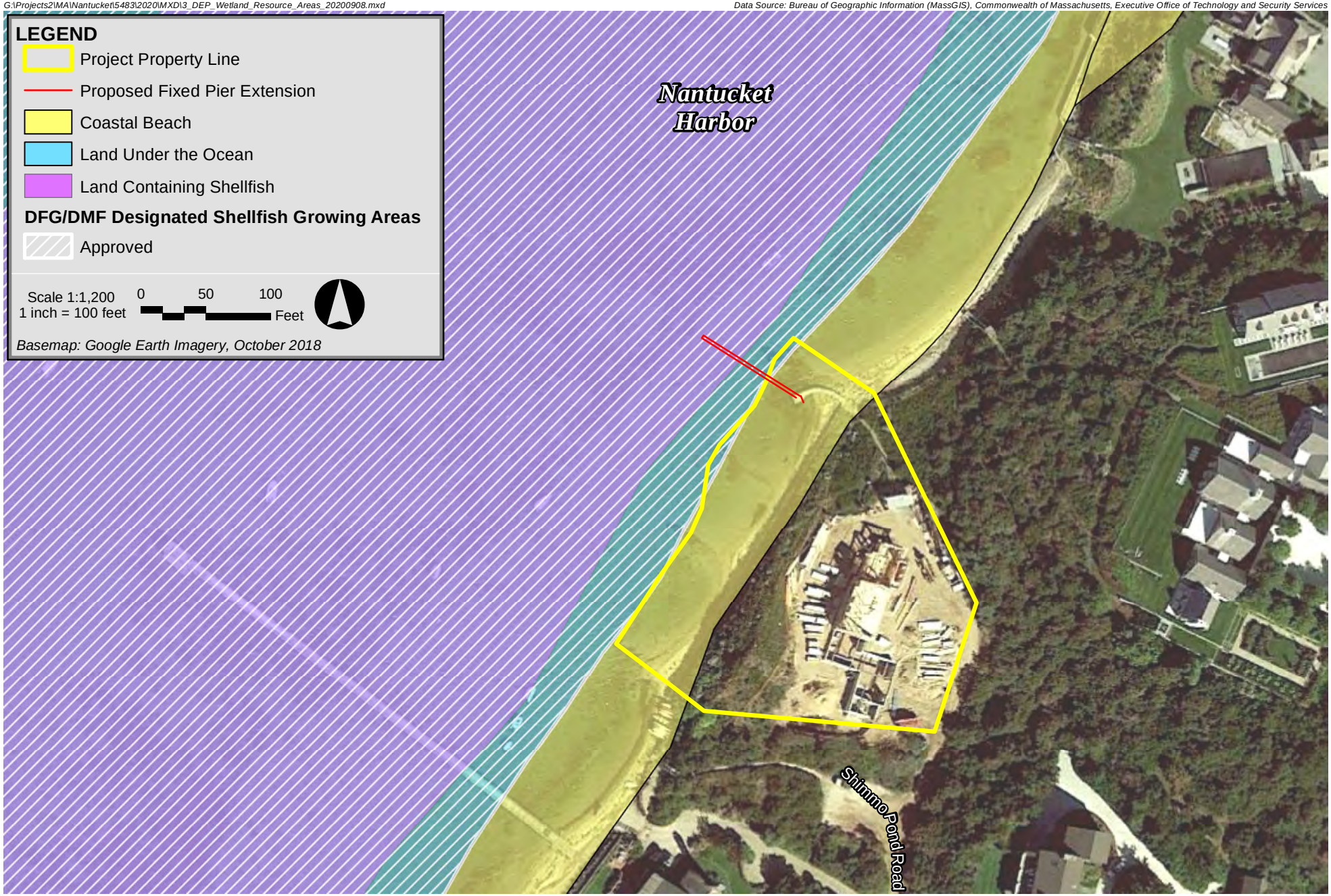
Epsilon Associates Inc.

Figure 2

Aerial Locus

G:\Projects2\MA\Nantucket\5483\2020\MXD\3_DEP_Wetland_Resource_Areas_20200908.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



46 Shimmo Pond Road Nantucket, Massachusetts

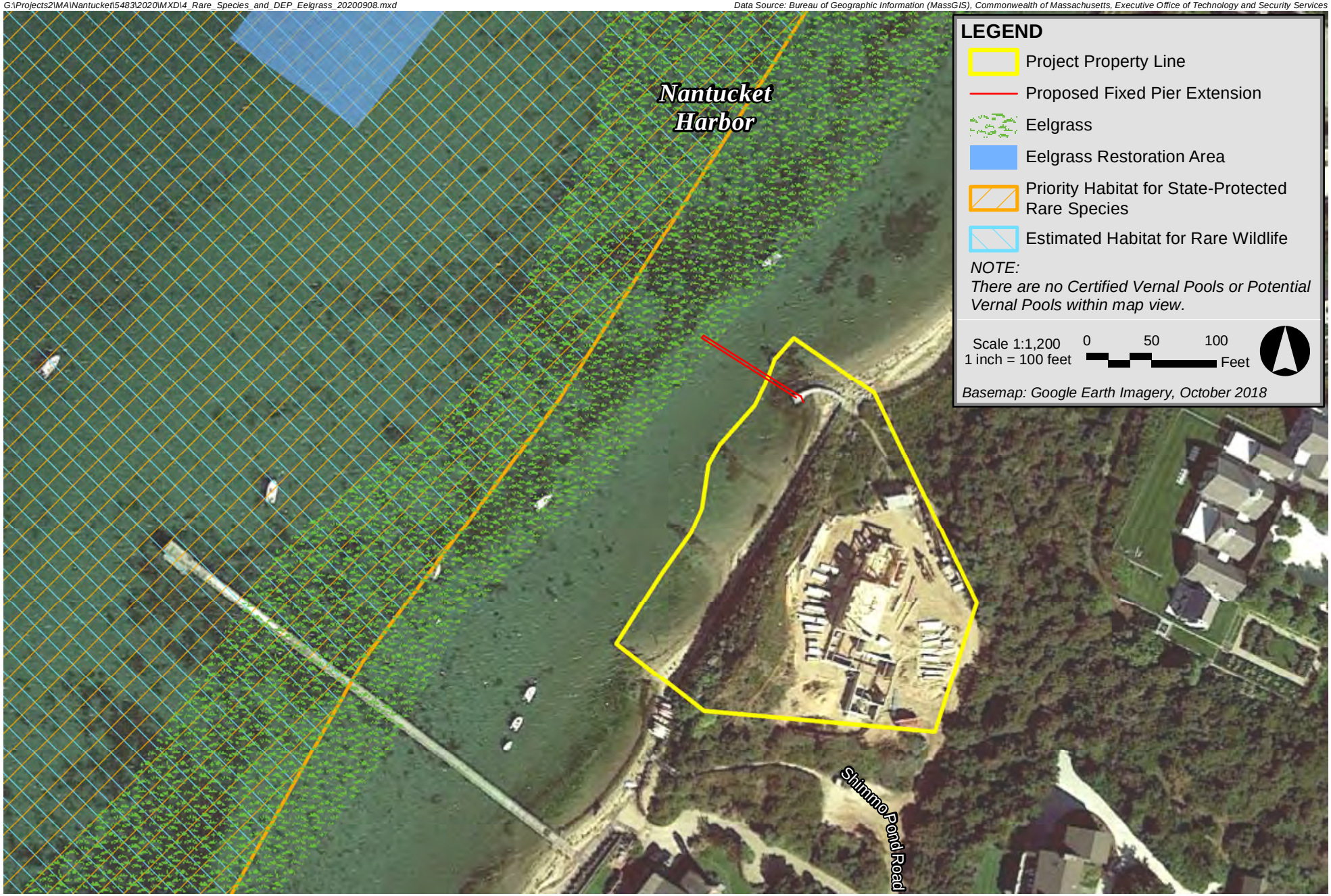
Epsilon Associates Inc.

Figure 3

DEP Wetland Resource Areas

G:\Projects2\MA\Nantucket\5483\2020\MXD\4_Rare_Species_and_DEP_Eelgrass_20200908.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



46 Shimmo Pond Road Nantucket, Massachusetts

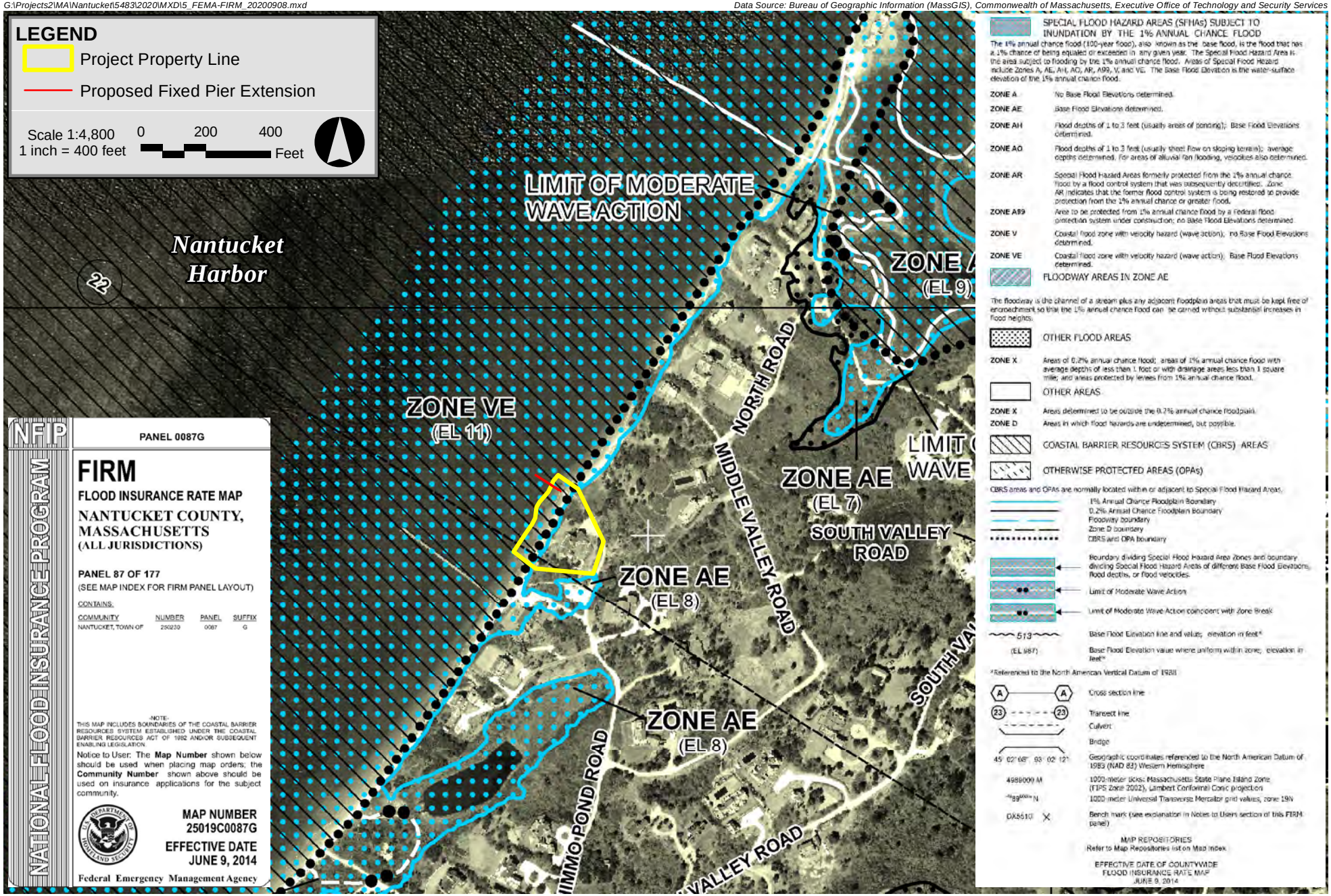
Epsilon Associates Inc.

Figure 4

Rare Species and DEP Eelgrass

G:\Projects2\MA\Nantucket\5483\2020\MXD\5_FEMA-FIRM_20200908.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



46 Shimmo Pond Road Nantucket, Massachusetts

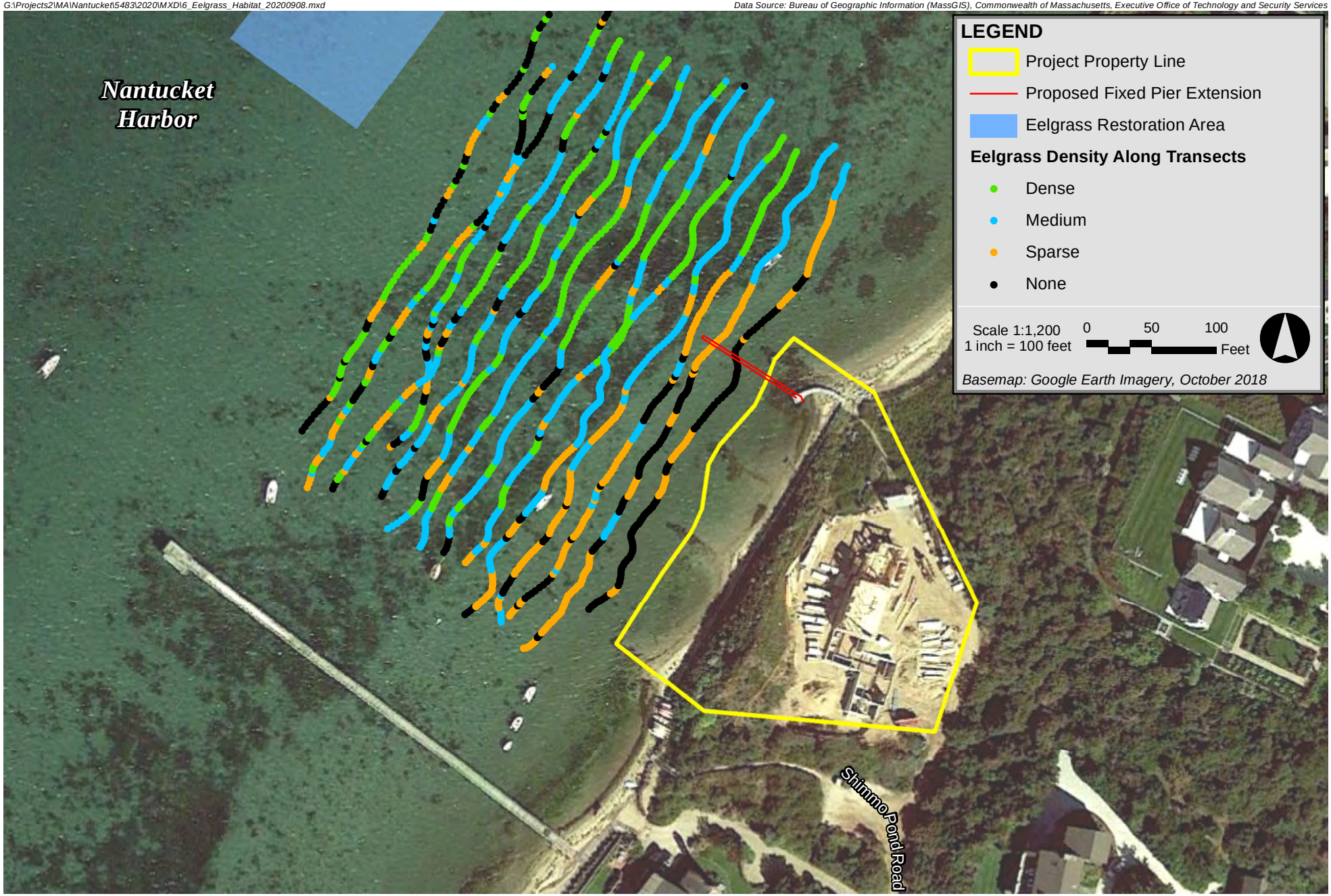
Epsilon ASSOCIATES INC.

Figure 5

FEMA-FIRM

G:\Projects2\MA\Nantucket\5483\2020\MXD\6_Eelgrass_Habitat_20200908.mxd

Data Source: Bureau of Geographic Information (MassGIS), Commonwealth of Massachusetts, Executive Office of Technology and Security Services



46 Shimmo Pond Road Nantucket, Massachusetts

Epsilon Associates Inc.

Figure 6

Eelgrass Habitat

Attachment C

Chapter 91 License

The Commonwealth Of Massachusetts

2019 00161516
Cert: 26571 Doc: LICPL
Registered: 04/17/2019 02:59 PM

No. 14893

SIMPLIFIED LICENSE
BRP WW06

Applicant must fill in pages 1 and 2 of this license.

46 Shimmo Pond Road Nominee Trust, Michael A. Bass, Trustee (Applicant's name) of the Town/City of: Nantucket (Town/City) in: Nantucket (County)

County and Commonwealth aforesaid, has applied to the Department of Environmental Protection for a Simplified License to:

Please check:

☒ maintain an existing (pre-1984):

Please check all that apply below:

- ☒ pier/dock
- ☐ boat ramp
- ☐ ramp
- ☐ float(s)
- ☒ pile(s) (as part of pier)
- ☐ boat lift
- ☐ boat house
- ☐ retaining wall/seawall
- ☐ bulkhead
- ☐ rip rap/stone revetment
- ☒ groin(s)
- ☐ Nonwater-dependent (NWD) residence
- ☐ other _____

☐ construct a proposed or maintain an existing (post-1984):

Please check all that apply below:

- ☐ pier/dock
- ☐ ramp
- ☐ float(s)
- ☐ pile(s)
- ☐ boat lift
- ☐ pile-supported boat house
- ☐ other _____

and has submitted plans of the same; and whereas due notice of said application has been given, as required by law, to the [*Please check one:*] ☒ Board of Selectmen ☐ Mayor and City Council, of the Town/City of: Nantucket (Town/City).

NOW, said Department, having heard all parties desiring to be heard, and having fully considered said application, hereby, subject to the approval of the Governor, authorizes and licenses said Licensee, subject to the provisions of the ninety-first chapter of the General Laws, and of all laws which are or may be in force applicable thereto, to:

Please check all that apply:

☒ maintain existing structure(s) for:

- ☒ non commercial docking/access to navigable water
- ☒ shoreline stabilization
- ☐ residential, NWD building
- ☐ other _____

Please check all that apply:

☐ construct and maintain structure(s) for:

- ☐ non commercial docking/access to navigable water
- ☐ other _____

in and over the waters of: Nantucket Harbor (Waterway) in the Town/City of: Nantucket (Town/City)

and in accordance with the locations shown and details indicated on the accompanying License Sketch Plan No. 14893. (total number of Sheet(s): 2)

License # DEP USE ONLY 14893

The total area of the combined structures, measured below *mean/ordinary high* water shall be no greater than a total of 600 square feet for proposed water-dependent structures, or for structures built or substantially altered after January 1, 1984 without any fill. For structures or fill constructed prior to January 1, 1984 and not substantially altered since that date: any structures and fill, either water-dependent or nonwater-dependent, total no more than 600 square feet. In both instances structure is not a marina (i.e. does not serve ten or more vessels). Dimensions of all structures are shown on the accompanying plan(s).

"I hereby make application for a License to authorize the activities I have described herein. Upon my signature, I agree to allow the duly authorized representative of the Massachusetts Department of Environmental Protection to enter upon the premises of the project site at reasonable times for the purpose of inspection. I hereby certify that the information submitted in this document is true and accurate to the best of my knowledge. And, upon my signature, that I have read the License and conditions and agree to the terms and conditions set forth herein."

BOX A:

ARTHUR I. READE, JR., ATTORNEY FOR 46 SHIMMO POND ROAD NOMINEE TRUST
Print Name

6 YOUNGS WAY
Mailing Address

NANTUCKET
City/Town (not village)

MA	02554	NANTUCKET
State	Zip Code	County

508-228-3128	AIR@READELAW.COM
(area code) telephone	e-mail

Notification: Your signature to the right certifies that you have notified the entities as checked off in the boxes below.

Arthur I. Reade, Atty. for Box C — Signature of applicant — Date 10/12/18

Notification of application has been provided to: (*please check*)

- ☒ Local Conservation Commission
- ☒ Board of Selectman
- ☐ Mayor and City Council
- ☒ Zoning Authority
- ☒ Planning Board

and has been sent by certified mail to: (*please check*)

- ☒ Abutters
- ☐ Interested Parties
- ☐ Landowner (if not applicant)

BOX B:

If site address is different from mailing address:

46 SHIMMO POND ROAD
Site Address of the structures

NANTUCKET
City/Town

MA	02554	NANTUCKET
State	Zip Code	County

BOX C:

If the applicant is different than the owner:

Arthur I. Reade, Jr., Attorney
Owner

Arthur Gasbarro, PE, PLS - Nantucket Engineering & Survey, PC - 508-825-5053
Engineer/Agent

NOTE: This License is not valid until such time as it has been numbered and signed by the appropriate State officials (see page 5) and recorded at the Registry of Deeds.

USE: The structures authorized herein shall be for private non-commercial use of the licensee. The structures shall not be used for commercial purposes, leased, rented or otherwise let for compensation. Any change in use shall require an amendment to this license by the Department. The structures authorized herein shall be limited to the following uses: noncommercial docking and boating access to navigable waters.

TERM: This License will expire fifteen (15) years from the date of License issuance. By written request of the Licensee for an amendment, the Department may grant a renewal for the term of years not to exceed that authorized in the original license.

WATERWAYS CONDITIONS:

1. **ACCESS:** In accordance with any License condition, easement, or other public right of lateral passage that exists in the area of the subject property lying between the high and low water marks" or "below the ordinary high water mark", the Licensee shall allow the public in the exercise of such rights to pass freely over, under or around all structures within such (intertidal) area. Accordingly, the Licensee shall place and maintain, in good repair, a public access sign on the easterly/westerly or northerly/southerly sides of the pier/dock, authorized herein or at each property line, adjacent to the high water shoreline. Said signs shall comply with the Department's signage guidelines (see instructions) and shall be posted immediately upon license issuance or completion of construction. Nothing in this condition shall be construed as preventing the Licensee from excluding the public from portions of said structure(s) or property not intended for lateral passage.

In partial compensation for the private use of structures and/or fill on tidelands and/or private tidelands and/or Great Ponds which interferes with the rights of the public to use such lands, the Licensee shall allow the public to pass on foot, for any purpose and from dawn to dusk, within the area of the subject property lying seaward of the high water mark or, for Great Ponds within the public access way delineated on the License plan/or within 5 feet of the ordinary high water shoreline. This condition shall not be construed to prevent the Licensee from taking reasonable measures to discourage unlawful activity by users of the area intended for public passage, including but not limited to trespassing on adjacent private areas and deposit of refuse of any kind or nature in the water or on the shore. Further, the exercise by the public of free on-foot passage in accordance with this condition shall be considered a permitted use to which the limited liability provisions of M.G.L. c.21, s17c shall apply.

2. This License authorizes structure(s) and/or fill on:
FOR MassDEP USE ONLY

☒ Private Tidelands	In accordance with the public easement that exists by law on private tidelands, the Licensee shall allow the public to use and to pass freely upon the area of the subject property lying between the high and low water marks, for the purposes of fishing, fowling, navigation, strolling and the natural derivatives thereof.
☒Commonwealth Tidelands	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, upon lands lying seaward of the low water mark. The Commonwealth holds said lands in trust for the benefit of the public.
☐ Great Pond	The Licensee shall not restrict the public's right to use and to pass freely upon lands lying seaward of the high water mark for any lawful purpose.
☐ Navigable River or Stream	The Licensee shall not restrict the public's right to use and to pass freely, for any lawful purpose, in the waterway.

3. Unless otherwise expressly provided by this license, the Licensee shall not limit the hours of availability of any areas of the subject property designated for public passage, nor place any gates, fences, or other structures on such areas in a manner that would impede or discourage the free flow of pedestrian movement thereon. No restriction on the exercise of these public rights shall be imposed unless otherwise expressly provided in this license.

4. Any change in use or any substantial structural alteration of any structure or fill authorized herein shall require the issuance by the Department of a new Waterways License in accordance with the provisions and procedures established in Chapter 91 of the Massachusetts General Laws. Any unauthorized substantial change in use or unauthorized substantial structural alteration of any structure or fill authorized herein shall render this Waterways License void.

5. This Waterways License shall be revocable by the Department for noncompliance with the terms and conditions set forth herein. This License may be revoked after the Department has given written notice of the alleged noncompliance to the Licensee and those persons who have filed a written request for such notice with the Department and afforded them a reasonable opportunity to correct said noncompliance. Failure to correct said noncompliance after the issuance of a written notice by the Department shall render this Waterways License void and the Commonwealth may proceed to remove or cause removal of any structure or fill authorized herein at the expense of the Licensee, its successors and assigns as an unauthorized and unlawful structure and/or fill.

6. The structures and/or fill authorized herein shall be maintained in good repair and in accordance with the terms and conditions stated herein.

7. Nothing in this Waterways License shall be construed as authorizing encroachment in, on or over property not owned or controlled by the Licensee, except with the written consent of the owner(s) thereof.

8. This Waterways License is granted subject to all applicable Federal, State, County, and Municipal laws, ordinances and regulations including but not limited to a valid final Order of Conditions issued pursuant to G.L. Chapter 131, s.40, the Wetlands Protection Act.

CONSTRUCTION:

9a. The project shall not significantly interfere with littoral or riparian property owners' rights to access and egress their property from the waterway. All structures shall be set back, at a minimum, at least twenty-five (25) feet from abutting property lines, where feasible.

9b. Structures shall not extend beyond the length of existing piers used for similar purposes; in no case shall the length extend more than ¼ of the way across a water body and shall conform to the square footage requirements as stated in Construction Condition 9a.

9c. Within areas of salt marsh, structures shall be constructed with a minimum height of 4 feet above ground level measured from the bottom of the stringer, and maximum width of 4 feet, or at a 1:1 ratio so as not to have an adverse impact on the salt marsh or aquatic vegetation. Whereas, the width of the pier maybe equal to but not greater than the height. Any ladders shall be constructed of durable materials, shall be fixed to the pier in such a manner so as not to rest on the marsh, shall have a minimum width of 2.0 feet, and shall have adequate railings extending above the pier/dock decking in order to facilitate safe passage.

9d. When removed, all seasonal structures shall be stored landward of the mean or ordinary high water shoreline, vegetated wetlands, dunes and all wetland resource areas. Said storage shall be in conformance with any applicable local, state or federal requirements.

9e. The float(s) shall be constructed with an appropriate number of piles/pipes, legs or stop blocks attached to the float structural elements in order to maintain at least 24 inches of clearance off the bottom at extreme low tides.

9f. All work authorized herein shall be completed within five (5) years of the date of License issuance. Said construction period may be extended by the Department for one or more one year periods without public notice, provided that the Applicant submits to the Department, thirty (30) days prior to the expiration of said construction period, a written request to extend the period and provides an adequate justification for said extension.

DOCKING OF VESSELS:

10a. Motorized vessels shall be moored stern seaward of the float and shall have a draft no greater than that which provides a minimum of one foot clearance from the bottom at extreme low water. Where eelgrass is present, vessels shall not have any adverse affects on eelgrass in the area.

10b. Vessels shall be moored such that they do not become grounded at any tide.

10c. No dredging (including, but not limited to effects of prop wash) is permitted herein.

10d. No boat moored at any dock may block or unduly impede navigation within the waterway or the use of any adjacent dock.

COMPLIANCE
The Licensee, within sixty (60) days of completion of the licensed project, shall submit a written statement to the Department that the project has been completed in substantial conformance with the conditions and plans of said license, or a copy of the Certificate of Compliance for this project issued pursuant to the Wetlands Protection Act (if the project was previously issued an Order of Conditions or Superseding Order of Conditions under said Act).

This License shall be void unless the License and the accompanying plan(s) are recorded within 60 days from the date hereof, in the Registry of Deeds for the said County.

Acceptance of this Waterways License shall constitute an agreement by the Licensee to conform with all terms and conditions stated herein. This License is granted upon the express condition that any and all other applicable authorizations required due to the provisions hereof shall be secured by the Licensee prior to the commencement of any activity of use authorized pursuant to this License.

FOR MassDEP USE ONLY:

THE COMMONWEALTH OF MASSACHUSETTS

IN WITNESS WHEREAS, said Department of Environmental Protection have hereunto set their hands on this 8th (date) day of April (month) in the year 2019 (year)

Commissioner _____

for Program Chief David E. Hill

Department of Environmental Protection

THE COMMONWEALTH OF MASSACHUSETTS

This License is approved in consideration of the payment into the treasury of the Commonwealth by said — 46 Shimmo Pond Road Nominee Trust, Michael A. Bass, Trustee (Applicant) of the further sum of One hundred eleven (Amount) dollars and zero cents ($111.00).

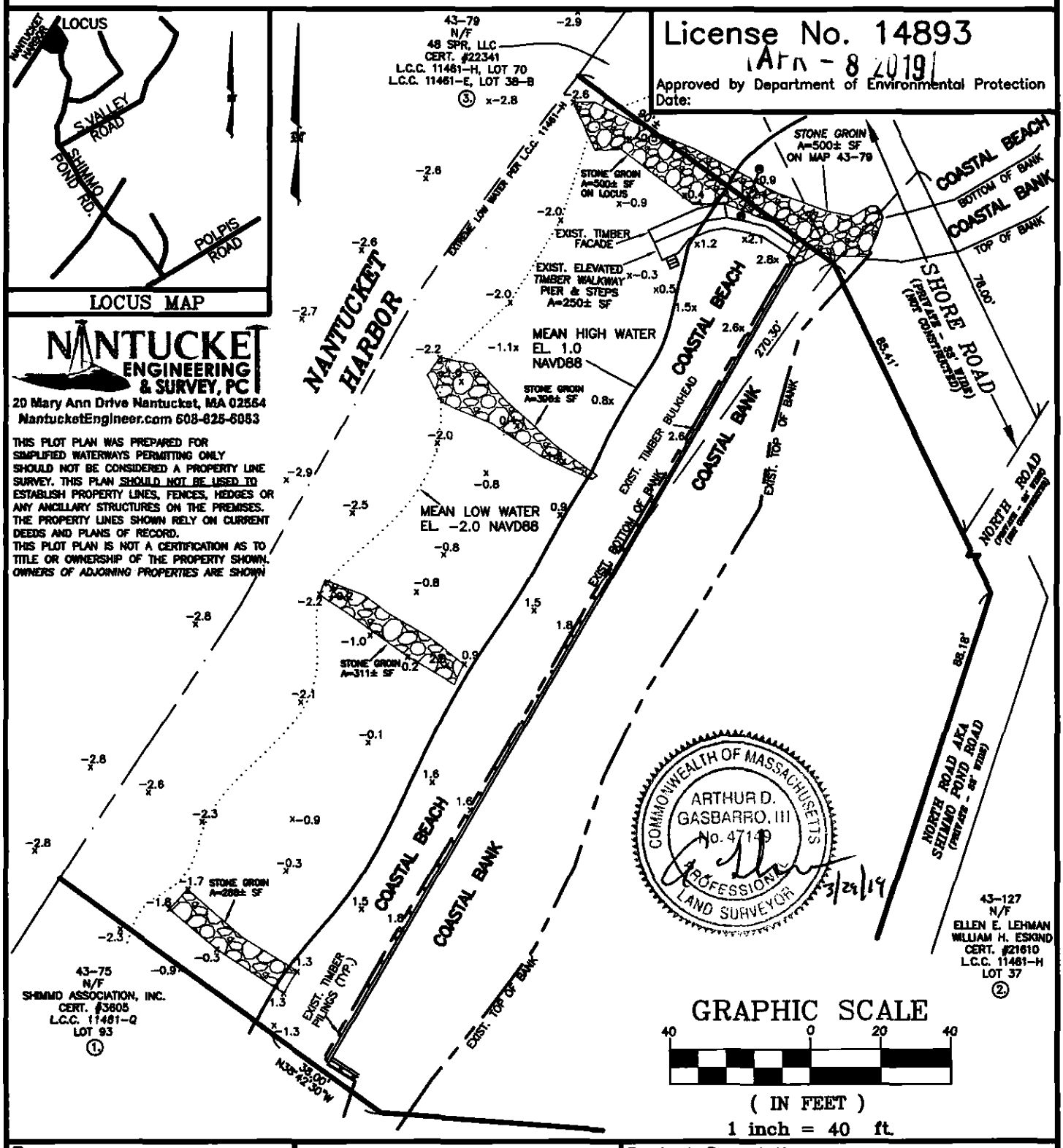
The amount determined by the Governor as a just and equitable charge for rights and privileges hereby granted in the land of the Commonwealth.

Approved by the Governor.

Boston

Governor

License No. 14893
(Apr - 8 2019)
Approved by Department of Environmental Protection
Date:

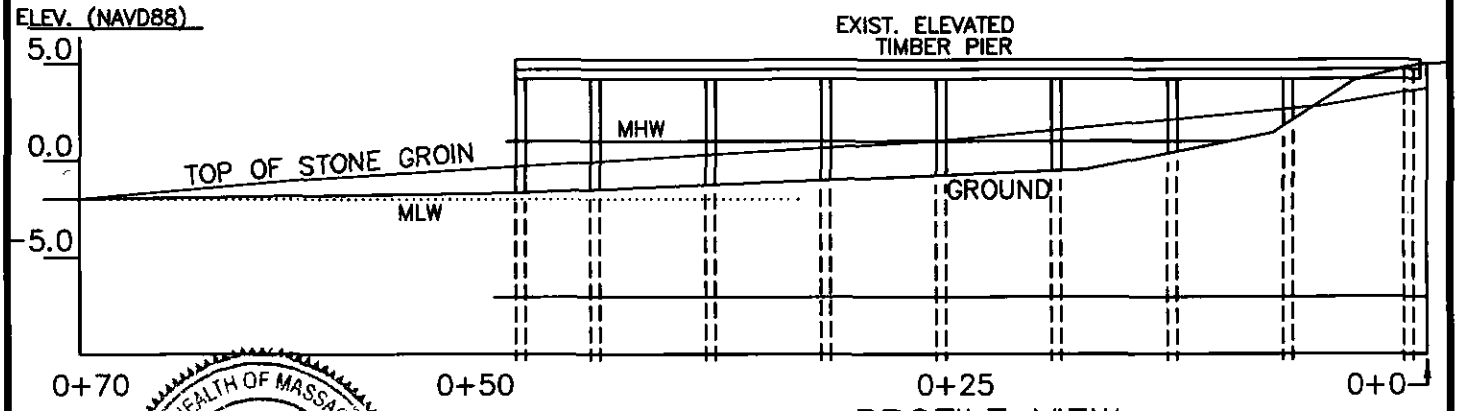


Purpose:	Plan Accompanying Petition of:	Project Description:
Simplified Licensing Adjacent Property Owners: 1. Shimmo Association 2. Lehman & Eskind 3. 48 SPR LLC	46 SHIMMO POND ROAD NOMINEE TRUST MICHAEL A. BASS, TRUSTEE CERT. OF TITLE #26571 L.C.C. 11461-E, LOT 36 L.C.C. 11461-H, LOT 69 MAP 43, PARCEL 77 46 SHIMMO POND ROAD	Maintain Existing Pier/Dock, Piles, Timber Facade, Steps, Groin and Rip Rap In Nantucket, MA at Nantucket Harbor County of Nantucket, State of MA By Applicant: 46 SHIMMO POND ROAD NOMINEE TRUST MARCH 29, 2019 Sheet 1 of 2

161516

License No. 14893
APR - 8 2019
Approved by Department of Environmental Protection
Date:

STONE GROIN CROSS SECTION
TRANSECT Ⓐ-Ⓐ SCALE 1"=4'



PROFILE VIEW
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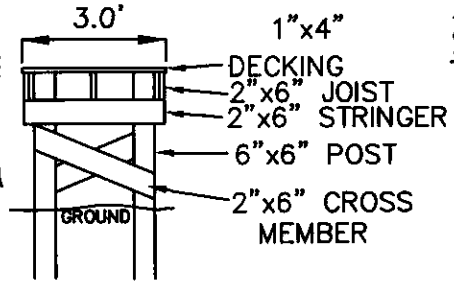
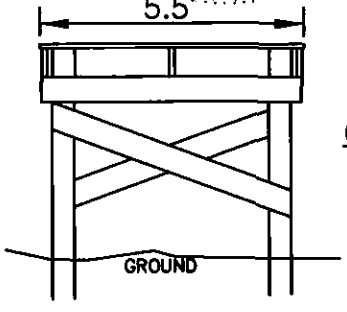


EAST END
CROSS SECTION
SCALE 1"=4'
FIXED PIER



WEST END CROSS SECTION
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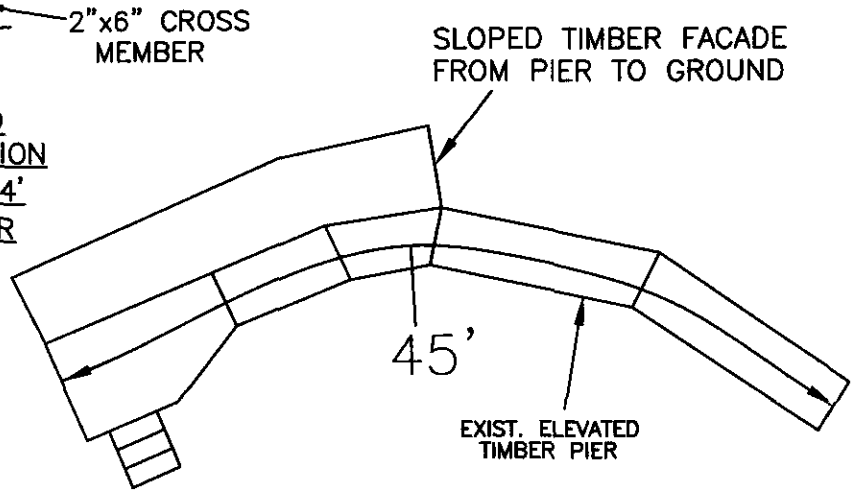


PLAN VIEW
SCALE 1"=10'

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO, III
No. 47149
PROFESSIONAL LAND SURVEYOR
3/29/19

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

Purpose:	Plan Accompanying Petition of:	Project Description:
Simplified Licensing Adjacent Property Owners: 1. Shimmo Association 2. Lehman & Eskind 3. 48 SPR LLC	46 SHIMMO POND ROAD NOMINEE TRUST MICHAEL A. BASS, TRUSTEE CERT. OF TITLE #26571 L.C.C. 11461-E, LOT 36 L.C.C. 11461-H, LOT 69 MAP 43, PARCEL 77 46 SHIMMO POND ROAD	Maintain Existing Pier/Dock, Piles, Timber Facade, Steps, Groin and Rip Rap In Nantucket, MA at Nantucket Harbor County of Nantucket, State of MA By Applicant: 46 SHIMMO POND ROAD NOMINEE TRUST MARCH 29, 2019 Sheet 2 of 2

DOC No: 00161516

NANTUCKET COUNTY LAND COURT

REGISTRY DISTRICT

** RECEIVED FOR REGISTRATION **

On: Apr 17,2019 at 02:59P

Document Fee: 75.00 Rec Total:$75.00

CERTIFICATE No: 26571

161516

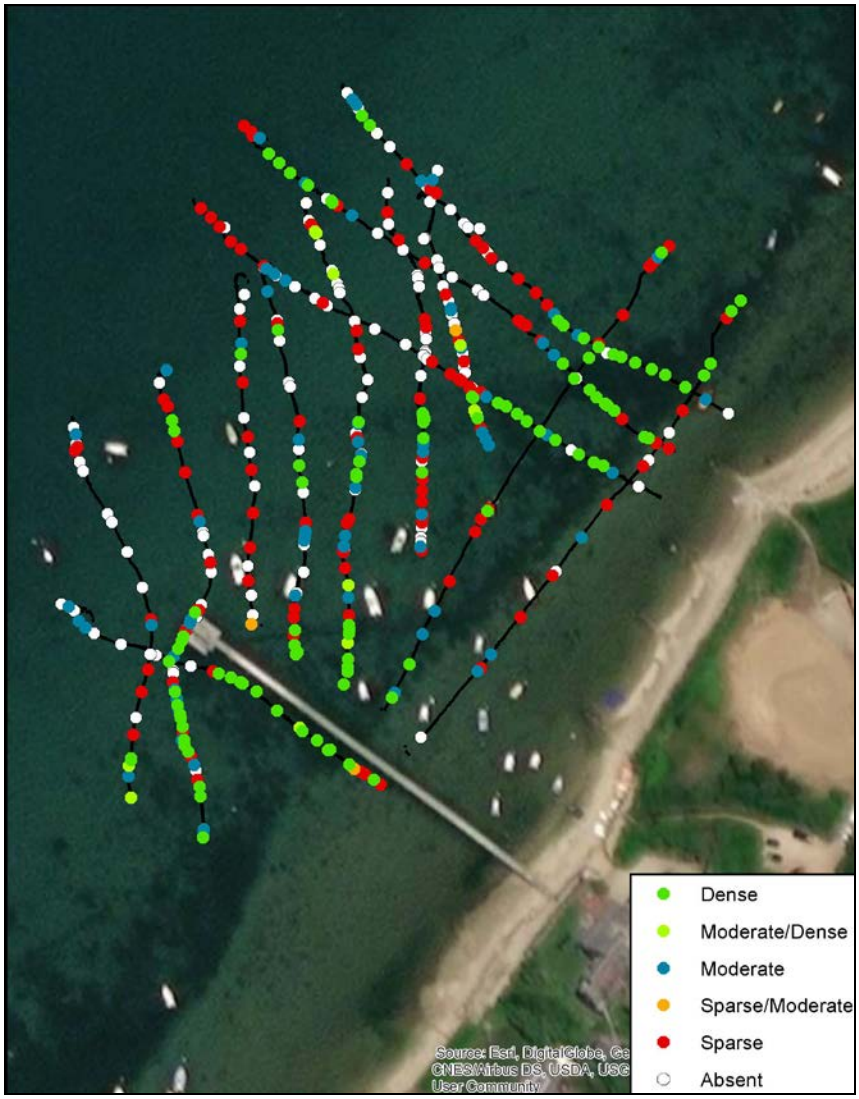
Attachment D

Bathymetry, Side Scan Sonar, and Underwater Video Eelgrass Survey Report

(CR Environmental, August 2019)

Bathymetric, Side Scan Sonar and Underwater Video Eelgrass Survey

45 Shimmo Pond Road
Nantucket Harbor, Nantucket, MA



Eelgrass Density Map Underwater Video Observations June 2019

Prepared By:

CR Environmental, Inc.
639 Boxberry Hill Road
East Falmouth, MA 02536

Prepared For:

Epsilon Associates
3 Mill & Main Place
Maynard, MA 01754

August 2019

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Figure 3 500 – kHz Side Scan Sonar Mosaic and Estimated Boundary of Roughness Characteristic of Submerged Aquatic Vegetation (SAV) Nantucket, MA

Figure 4 Underwater Video Transects, June 19, 2019

Figure 5 **Underwater Video Eelgrass Density Observations, Nantucket, MA**

Figure 6 **Nantucket Harbor Locus of Underwater Video Transects off 45 Shimmo Pond Road and Offshore Eelgrass Reference Site**

PLATES of Representative Video Screen Captures of Eelgrass, Macro Algae, and Biota

Plates 1-15 **Underwater Video Transects 1 through 15**

1.0 INTRODUCTION

On June 18-19, 2019, CR Environmental, Inc. (CR) conducted an eelgrass survey for Epsilon Associates in the waters off 45 Shimmo Pond Road, Nantucket Harbor, Nantucket, MA to aid in the design and permitting of a new dock structure. The survey consisted of a combination of single beam echo sounding for bathymetric mapping, side scan sonar and underwater video for estimating the extent of eelgrass.

2.0 METHODS

2.1 Vessel and Navigation and Survey Design

Vessel operations were performed from CR's 26-foot fiberglass survey boat, *Charlotte Anne* with a large enclosed pilothouse, benches for survey equipment, over-the-side transducer boom, and 110 and 12 volt power supplies. Navigation for the surveys was accomplished using a Hemisphere VS330 Real-time Kinematic Global Positioning System (RTK GPS). The accuracy of the navigation system is approximately 1.0 centimeter horizontally and 2 centimeters vertically (Root Mean Squared 1-sigma). Horizontal accuracy in differential or float mode is approximately 1 foot. RTK corrections were provided via NTRIP internet connection by KeyNet GPS, Inc.

The RTK GPS was serially interfaced to a shipboard computer running HYPACK hydrographic surveying software. During the survey, this system calculated X and Y positions in the desired grid system (MA State Plane (Isl), NAD83, US Foot), recorded the depth and navigation data, and provided a steering display for the vessel captain. HYPACK also depicted the progress of the survey using georeferenced imagery (e.g. orthophotos) as background files, and ensured that the entire survey area was adequately insonified. Primary survey transects were spaced 5-feet apart oriented parallel to the shoreline. Quality control cross-lines were spaced 50-feet apart perpendicular to the shoreline.

2.2 Bathymetric Methods

Soundings were acquired using a Teledyne Odom Hydrographic Echotrac CV-100 single (vertical) beam echo sounder (VBES) equipped with an 8-degree 200-kHz transducer. System accuracy and the measured transducer draft were checked at the start and end of the day by comparing echo sounder water depth measurements to known water depths obtained using the "bar check" method in which a metal plate is lowered beneath the echo sounder's transducer to a measured distance (5 feet) below the water's surface. Additional calibrations were conducted *in situ* by collecting water column profiles of sound velocity using a YSI Castaway sound velocimeter.

During processing for site bathymetry, errant soundings associated with biological interference (i.e., vegetation, fish) were removed through careful examination of digital echograms for each transect. Measured depths were converted to Mean Lower Low Water (MLLW) bottom elevations based on the RTK GPS and NOAA's nearby Tide Station (#8449130). Cleaned bathymetric data were exported in ASCII comma-delimited point format. A surface (grid) was created from point data using a 5-foot x 5-foot node density. Contour maps and GIS layers in SHP, DXF, ASCII text, GRD and TIF formats were prepared from this grid. All data layers were referenced to Mean Lower Low Water.

A colorized and a bathymetric contour map using 0.5 foot contour intervals were plotted over an orthophoto of the site.

2.2 Side Scan Sonar Methods

Side scan sonar data were collected using an Edgetech, Inc. Model 4100-P 100/500 kHz system. Digital data were recorded in XTF format using Chesapeake Technology, Inc. SonarWiz 5 software. Data were collected using a 500 kHz signal and 25 meter per channel swath width. The side scan sonar towfish was deployed off the bow pulpit of the *Charlotte Anne* and a Hemisphere V-104 GPS/Heading Sensor was mounted at the bow to minimize any positional

offsets. Processing of side scan data included removal of the water column portion of records and correction of signal loss with distance using moderate Time Varied Gain (TVG) adjustments.

2.3 Underwater Video Methods

Underwater video tracklines were run throughout the waters offshore of 45 Shimmo Pond Road including along the shoreline, in the proposed dock location and in the vicinity of a neighboring dock to the southwest, as well as, at a designated eelgrass site within the harbor to the west for reference.

Underwater video data were collected with CR's portable towed video sled consisting of a lightweight aluminum frame, Outland Technologies' High Definition color camera, and two wide-angle LED video lights with variable output control. The video camera was cabled to an OTI-1080 HD DVR recorder and high resolution daylight monitor. The sled was raised and lowered using a stern mounted davit and lobster pot hauler, and the height of the system off the bottom was continually adjusted to achieve the best bottom coverage and video quality. When the video camera was one foot off the bottom, the viewing area of the camera was approximately 1.5 feet x 1.5 feet (18 inches x 18 inches), and the video quality was optimal for bottom sediment characterizations and biota identifications.

A total of 13 video transects from three to six minutes in duration were occupied at the site and two additional underwater video transects were run at the reference site.

The underwater video data were reviewed by CR's marine biologist and the eelgrass density data entered into an Excel spreadsheet in the following six classes, dense, moderate/dense, moderate, sparse/moderate, sparse, and absent. Canopy height and plant vigor were also estimated. Bottom substrate and biota observations were also recorded. Representative underwater video screen captures were created for each of the 15 video transects.

3.0 RESULTS

3.1 Bathymetric Survey Results

Water depths recorded during the survey ranged from 0.0 to 3.7 feet MLLW (mean = 1.85 feet) (Figures 1 and 2). The mean difference between mainstay and cross-line transects was -0.032 feet (SD = 0.145 feet), demonstrating conformance with US Army Corps of Engineers (USACE) recommended accuracy standards.

During the summer months when eelgrass canopy heights are typically 2 to 3 feet, a second bathymetric processing effort can be performed to quantitatively map the extent of submerged aquatic vegetation (SAV or eelgrass) using acoustic interference. In this case, the eelgrass height in June was only about 0.5 feet and the bathymetric data could not be used as an effective tool for mapping the SAV.

3.2 Side Scan Sonar Results

Side scan sonar data are typically presented as gray shaded images. The shade of gray corresponds to the strength of the returning signal and can be used to infer bottom type (sediment texture) and to identify underwater structures or debris. A key to sonar shading is provided below.

Key to Side-scan Sonar Image Shading

Sonar shadow---------- Weak Signal Return----------Strong Signal Return

In general, weak signal returns correspond to smooth bottom substrates (e.g., fine sediments with little microtopography), soft materials that absorb the signal, or bottom sloping away from the signal source (towfish). These features appear lighter gray in sonar imagery. Strong signal returns correspond to rough substrates (e.g., gravel, cobble), highly reflective materials, or to a

bottom sloping towards the signal source. These features appear as dark gray to black in the sonar imagery.

Features that rise above the bottom (e.g., rocks, mooring anchors) reflect more of the sonar energy than the surrounding substrate resulting in strong signal returns due to the decreased angle of incidence. These features often prevent insonification of the area opposite the signal source, resulting in a sonar "shadow" (white imagery). The length of these shadows may be used to calculate the approximate height of the feature above the bottom.

A 500 kHz side scan sonar mosaic at the proposed dock location and at the neighboring dock to the southwest shows the estimated boundary of roughness characteristic of submerged aquatic vegetation (Figure 3). Patchy SAV was indicated throughout the survey area with the exception of a large smoother area of open bottom 300 to 400 feet offshore. Side scan sonar data cannot reliably distinguish between low relief eelgrass, macro algae, and algal mat and, therefore, was ground truthed with underwater video bottom coverage to confirm the presence of eelgrass.

3.3 Underwater Video Sled Survey Results

Transect locations were plotted (Figure 4). The transect labels denote the start of each of the 13 transects, and the time along transect is also displayed.

Observations of relative eelgrass density were plotted (Figure 5). Eight representative underwater video screen captures along each of the underwater video transects document the presence of early growth eelgrass, macro algae and other biota (Plates 1-15).

The underwater video data strongly supported the side scan sonar data and confirmed that the eelgrass was not a continuous meadow but was extremely patchy, and generally less than one foot in height. Patchy eelgrass was observed on each transect along with open areas of bottom covered by a blackish brown algal mat. Much of the eelgrass was covered with epiphytic algae. Large patches of dead man's fingers (*Codium fragile*) and branching brown and red algae were common. The bottom substrate was sandy throughout with cobbles and small boulders along the

shoreline. Only limited biota was observed during the video survey. Species included *Bittium* snails on the eelgrass, hermit crabs, sea cucumber, lugworm egg cases, and summer flounder.

4.0 DISCUSSION

Underwater video data documented dense eelgrass in the nearshore portion of the proposed dock alignment and also at the offshore end of the proposed dock where a buoy marks an area where eelgrass had been planted (personal communication, June 20, 2019, Nantucket Natural Resource Department). Dense eelgrass was also observed along the side of the neighboring dock off the adjacent property.

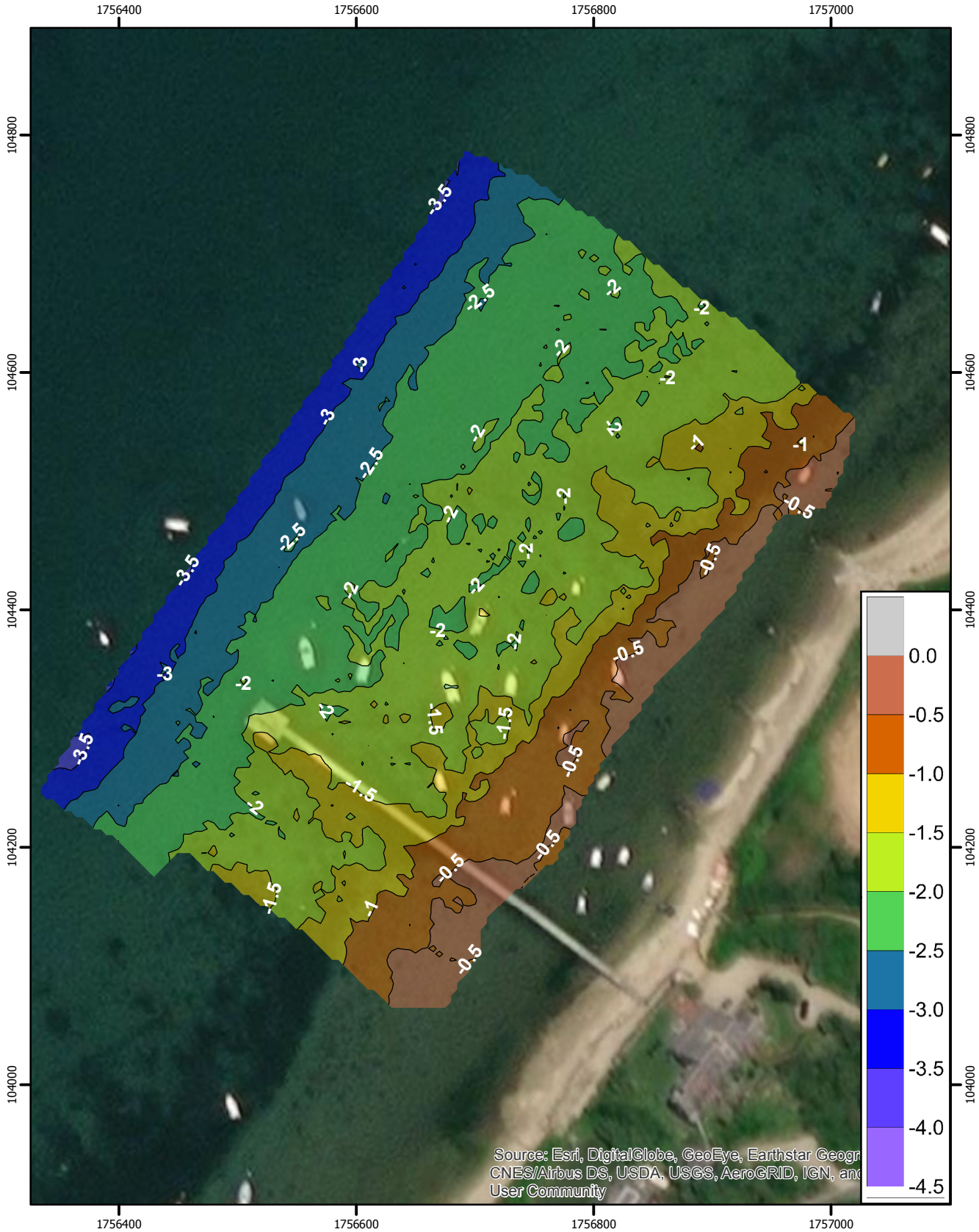
The eelgrass off 45 Shimmo Pond Road was generally patchy, of low relief and covered epiphytic algae. This reduction in light and excess epiphytic growth (possibly due to elevated nutrients within the harbor waters) is likely contributing to the decreased stature and patchiness of the eelgrass. Eelgrass observed at Transects 14 and 15 in the harbor reference area to the west was more of a continuous meadow but was still of low relief and covered with epiphytes.

Unhealthy eelgrass in Nantucket Harbor was also reported by Costello (2016) in a 2015 Nantucket Eelgrass Mapping Project. Costello also identified a black filamentous cyanobaterium, *Hydrocoleum* spp. in the harbor which thrives in nutrient rich waters. These mat forming species are likely those observed covering the seabed throughout the video survey area off 25 Shimmo Pond Road. This species was not observed on the seabed in the harbor reference area.

REFERENCES

Costello, C.T. 2016. *Nantucket eelgrass mapping project – Summer 2015*. Submitted to Nantucket Natural Resources Department, 2 Bathing Beach Road, Nantucket, MA 02554.

FIGURES



www.crenvironmental.com

Mean Lower Low Water Bathymetry
0.5 Foot Contour Interval
Nantucket, Massachusetts

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Data acquired June 18, 2019.

Feet
0 50 100

Figure 1

Mean Lower Low Water Bathymetry
0.5 Foot Contour Interval
Nantucket, Massachusetts

N
W
E
S

www.crenvironmental.com

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Data acquired June 18, 2019.

Feet
0 50 100

Figure 2

www.crenvironmental.com

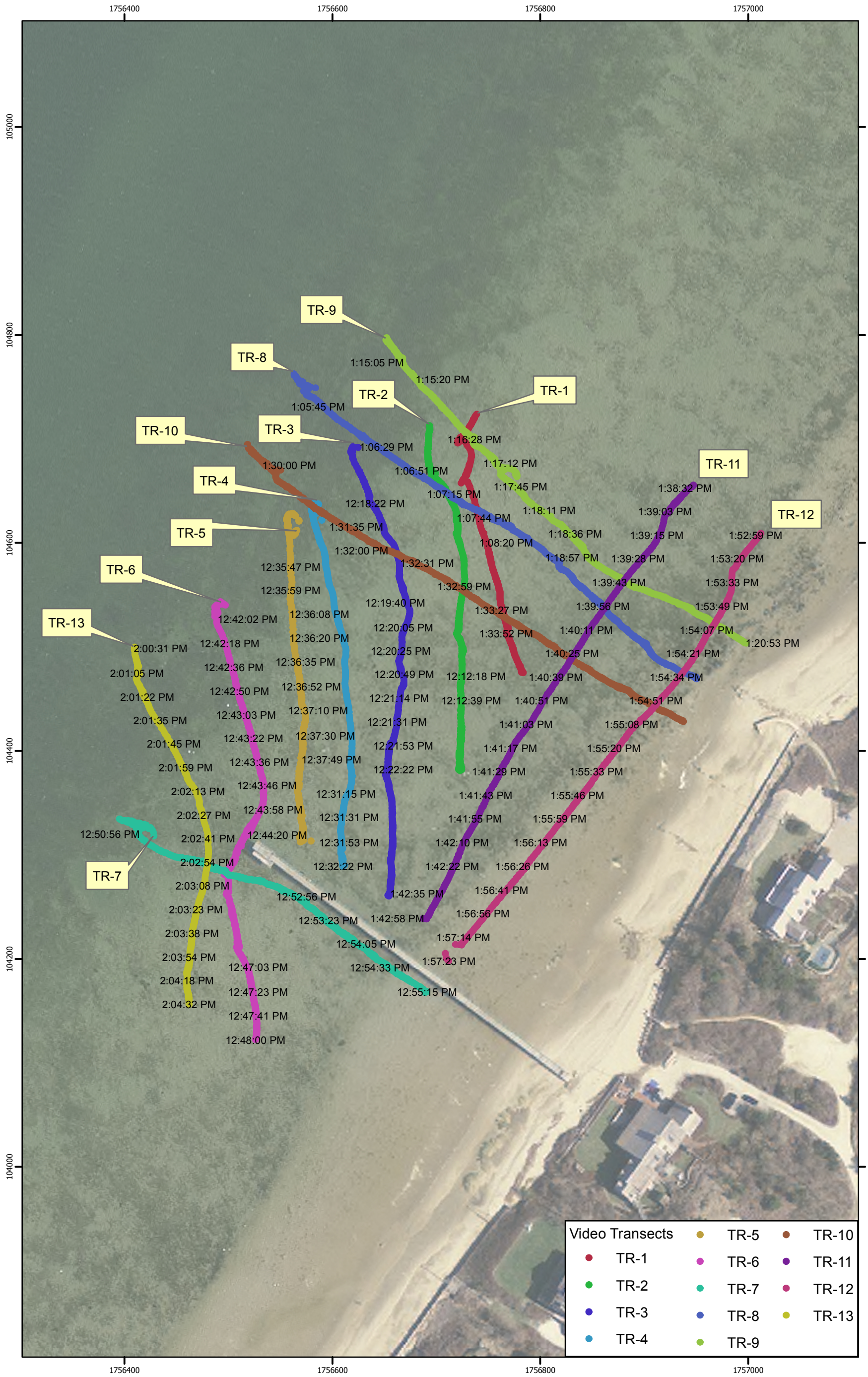
500-kHz SIDE SCAN SONAR MOSAIC
and Estimated Boundary of Roughness Characteristic of SAV
Nantucket, Massachusetts

N
W E
S

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Data acquired June 18, 2019.
3) Roughness boundary based on filtered sonar model.

Feet
0 50 100

Figure 3



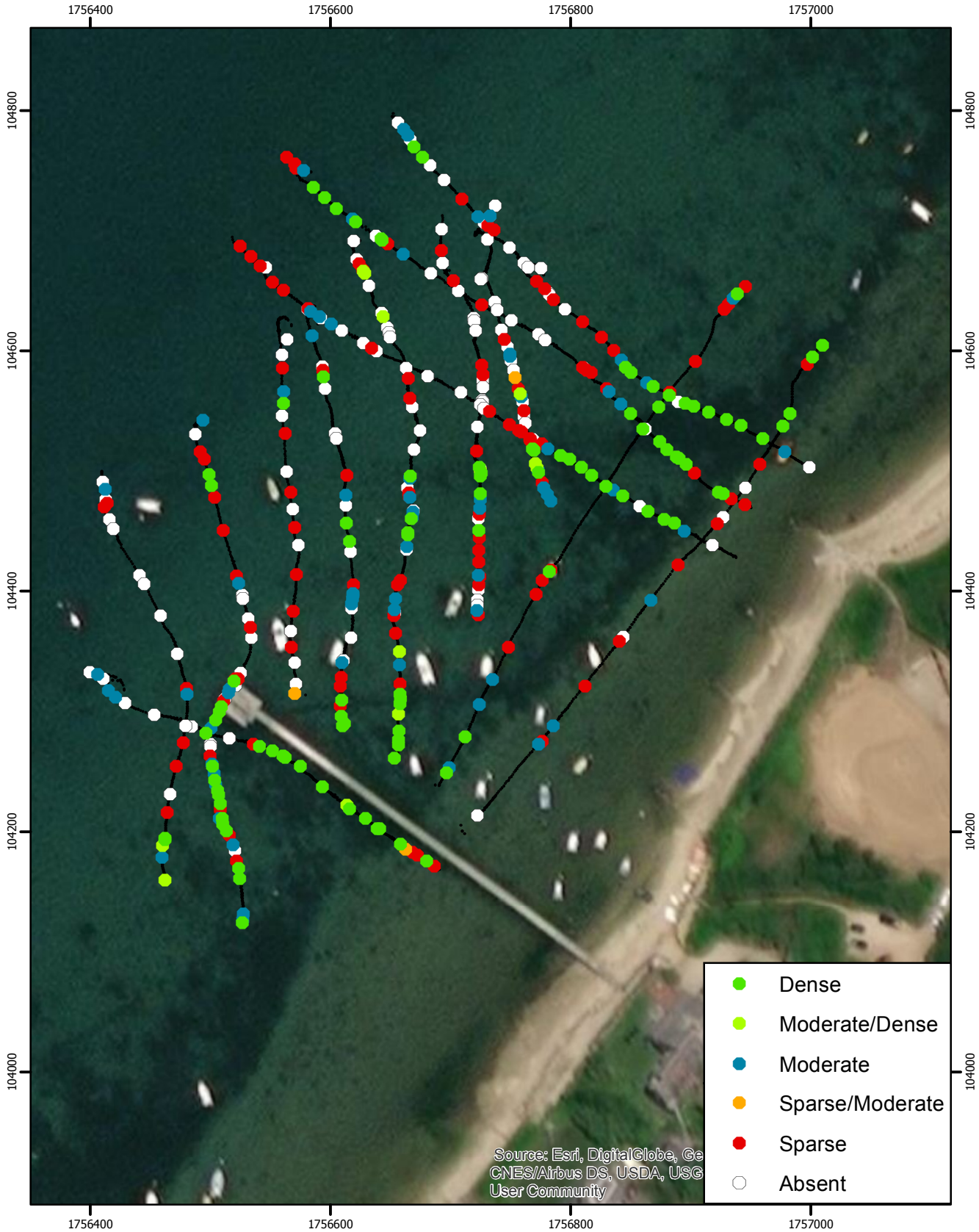
UNDERWATER VIDEO TRANSECTS
June 19, 2019
Nantucket, Massachusetts

www.crenvironmental.com

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Transects labeled at start of recording.
3) 2014 USGS orthophoto.

Feet
0 50 100

Figure 4



UNDERWATER VIDEO EELGRASS
DENSITY OBSERVATIONS
Nantucket, Massachusetts

N
W
E
S

www.crenvironmental.com

NOTES:
1) Grid MA State Plane (Isl), NAD 83, US Foot.
2) Data acquired June 19, 2019.

Feet
0 50 100

Figure 5

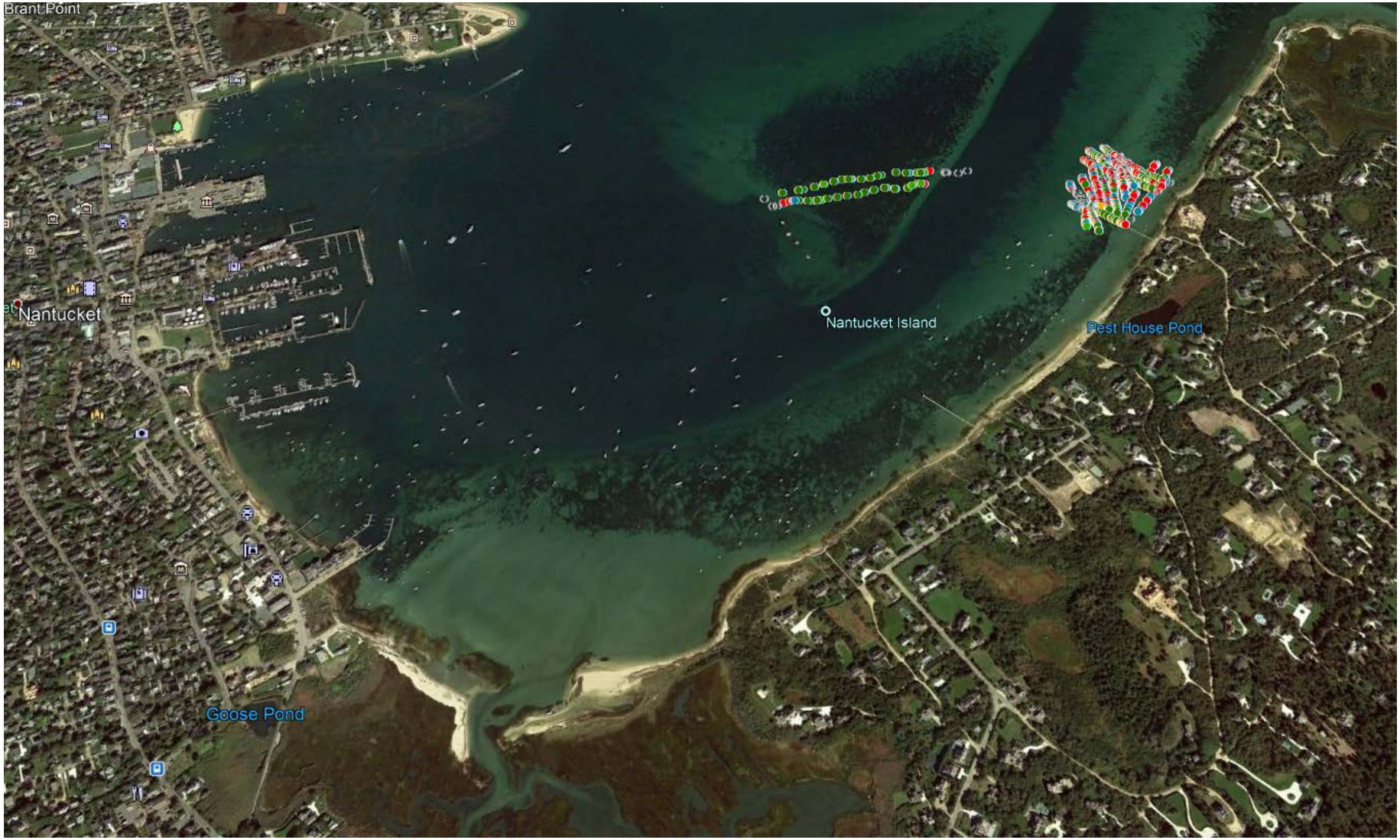


Figure 6. Nantucket Harbor locus of underwater video transects off 45 Shimmo Pond Road and offshore eelgrass reference site

PLATES

PLATES 1-13 UNDERWATER VIDEO SCREEN CAPTURES AT THE SITE

PLATES 14 AND 15 UNDERWATER VIDEO SCREEN CAPTURES AT THE HARBOR REFERENCE AREA

A 12:02:16

B 12:03:13

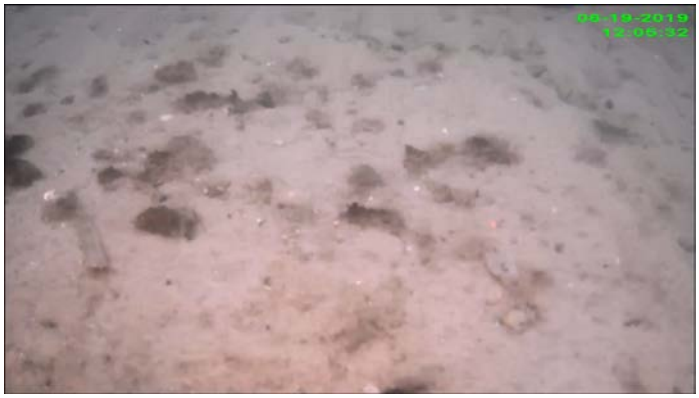
C 12:03:41

D 12:03:58

E 12:04:10

F 12:04:40

G 12:05:12

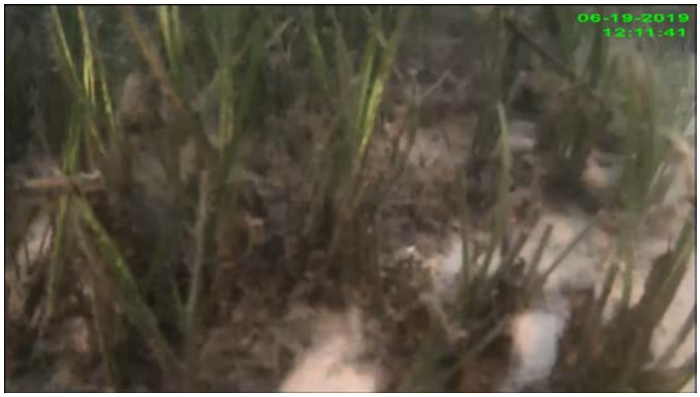


H 12:05:32

Plate 1. Transect-1 (see Figure 4)

A 12:08:37

B 12:10:36



C 12:11:41

D 12:11:59

E 12:12:21

F 12:13:07

G 12:13:12

H 12:13:43

Plate 2. Transect-2 (see Figure 4)

A 12:17:50

B 12:18:39

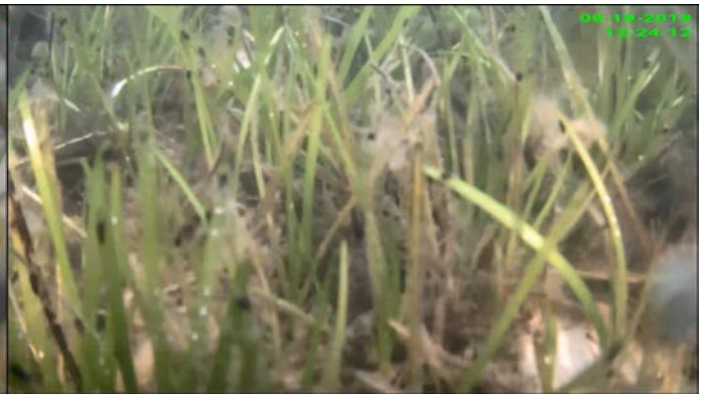
C 12:19:21

D 12:20:30

E 12:20:52

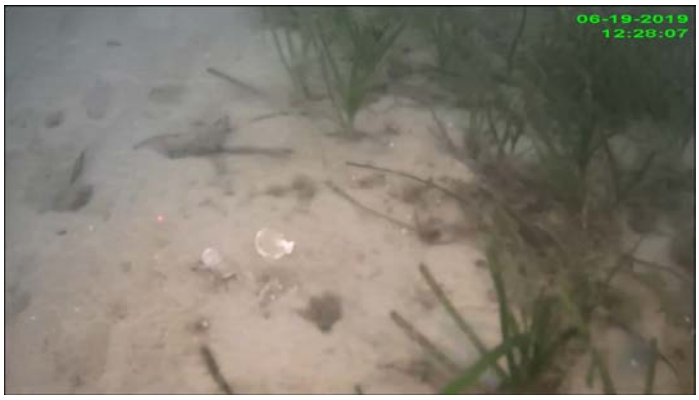
F 12:21:46

G 12:22:59

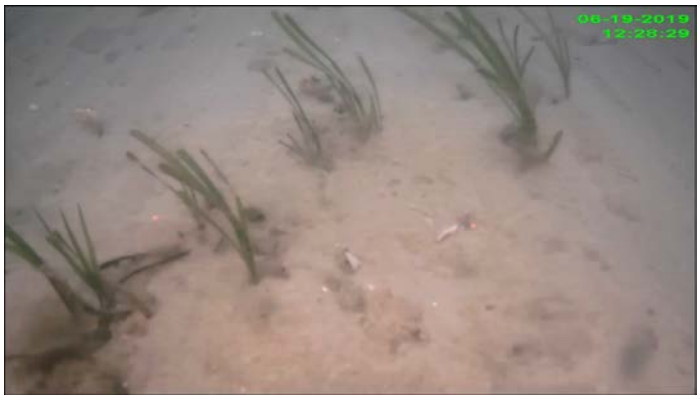


H 12:24:12

Plate 3. Transect-3 (see Figure 4)



A 12:28:07



B 12:28:29

C 12:29:09

D 12:30:03

E 12:30:42

F 12:31:06

G 12:32:04

H 12:32:35

Plate 4. Transect-4 (see Figure 4)

A 12:35:55

B 12:36:08

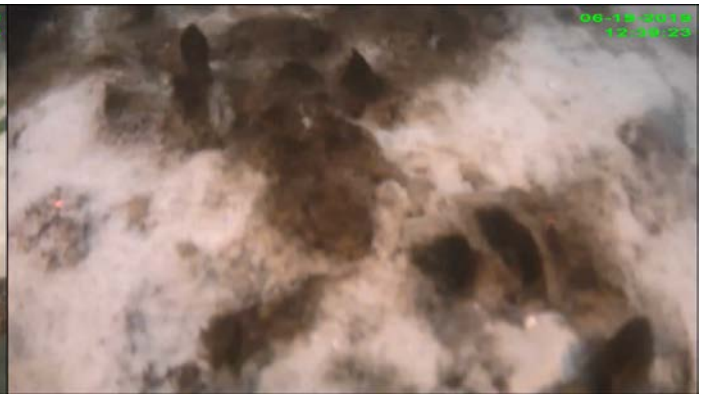
C 12:36:59

D 12:37:55

E 12:38:20

F 12:38:33

G 12:39:12

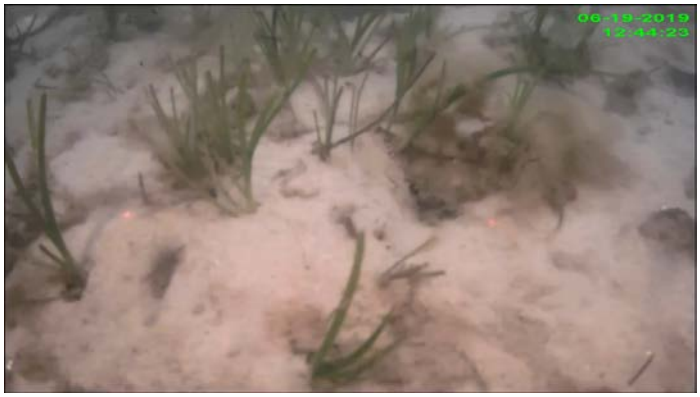


H 12:39:23

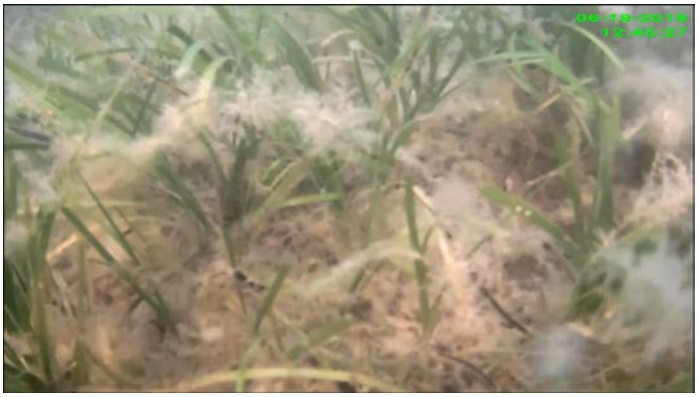
Plate 5. Transect-5 (see Figure 4)

A 12:42:22

B 12:43:40



C 12:44:23



D 12:45:27

E 12:45:58

F 12:47:05

G 12:47:12

H 12:47:58

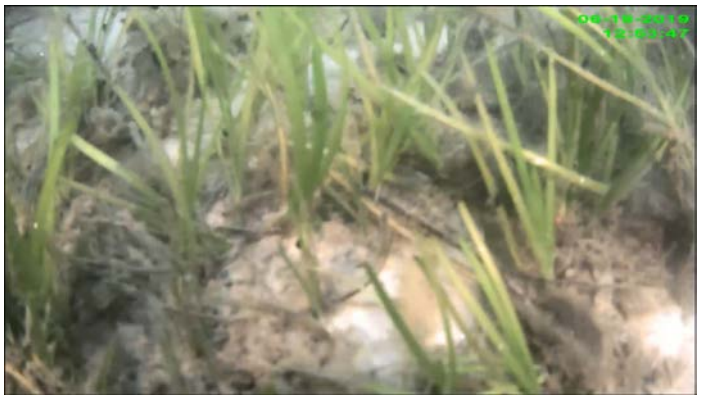
Plate 6. Transect-6 (see Figure 4)

A 12:50:20

B 12:51:21

C 12:52:23

D 12:52:56



E 12:53:47

F 12:54:23

G 12:54:45

H 12:55:08

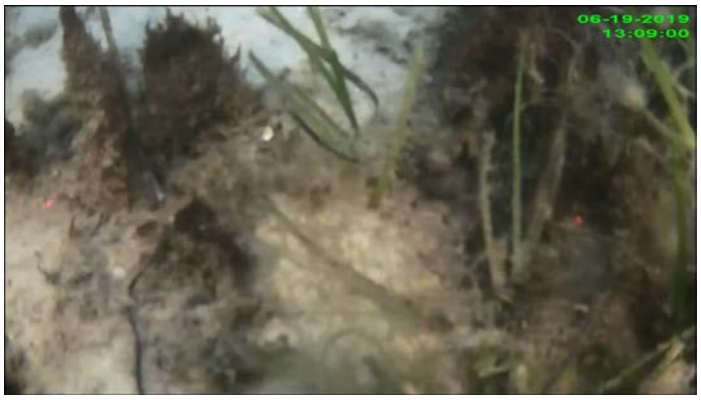
Plate 7. Transect-7 (see Figure 4)

A 13:05:10

B 13:05:56

C 13:06:42

D 13:08:35



E 13:09:00

F 13:10:44

G 13:10:27

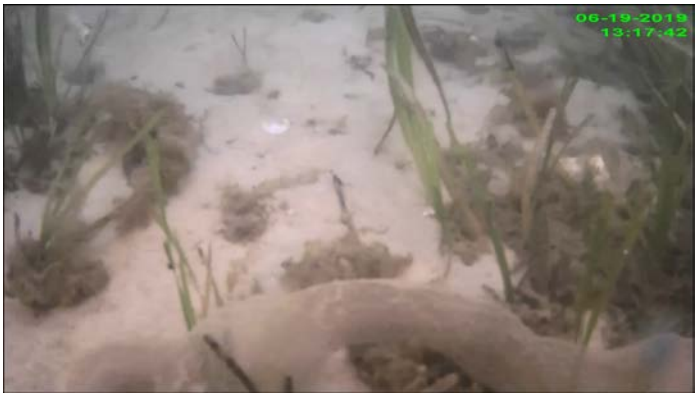
H 13:10:44

Plate 8. Transect-8 (see Figure 4)

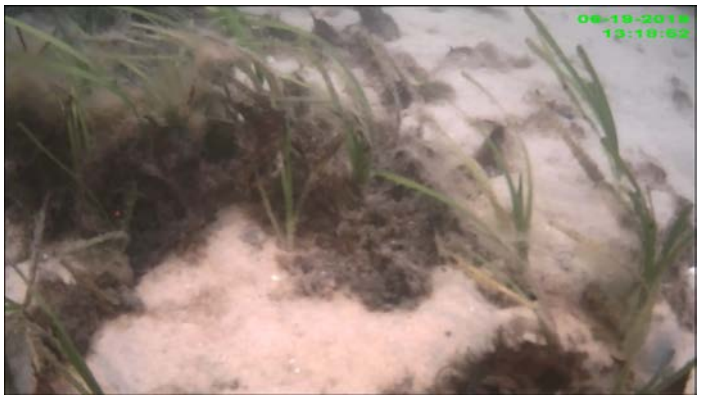
A 13:14:56

B 13:16:01

C 13:17:00



D 13:17:42



E 13:18:52

F 13:20:06

G 13:20:54

H 13:20:54

Plate 9. Transect-9 (see Figure 4)

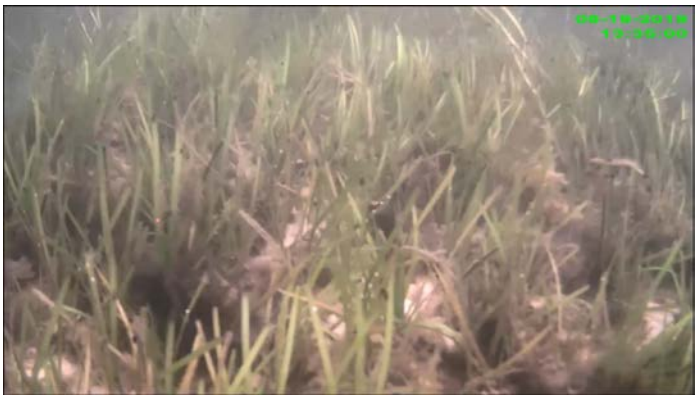
A 13:30:16

B 13:31:18

C 13:31:45

D 13:33:00

E 13:33:32

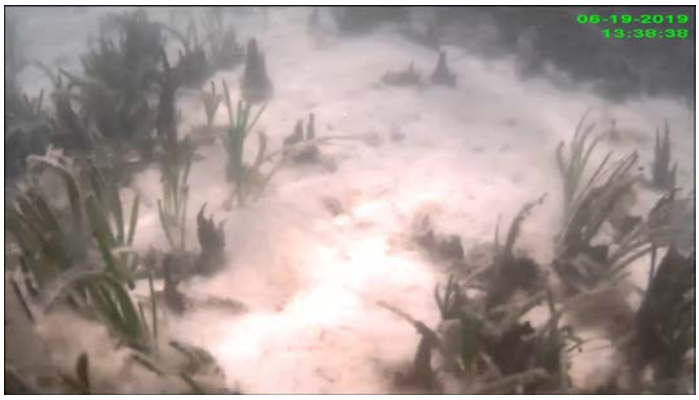


F 13:35:00

G 13:35:20

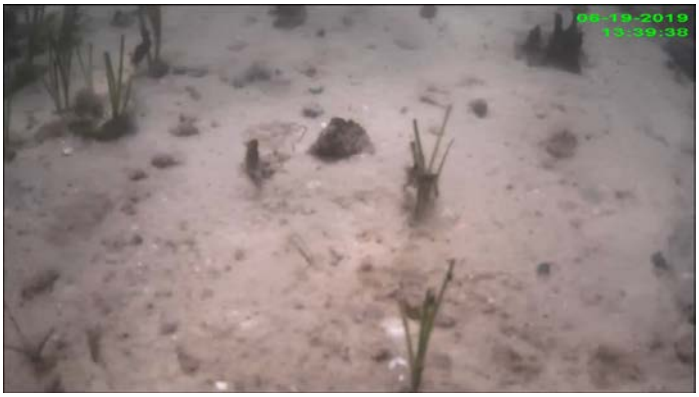
H 13:36:04

Plate 10. Transect-10 (see Figure 4)



A 13:38:38

B 13:38:51



C 13:39:38

D 13:39:56

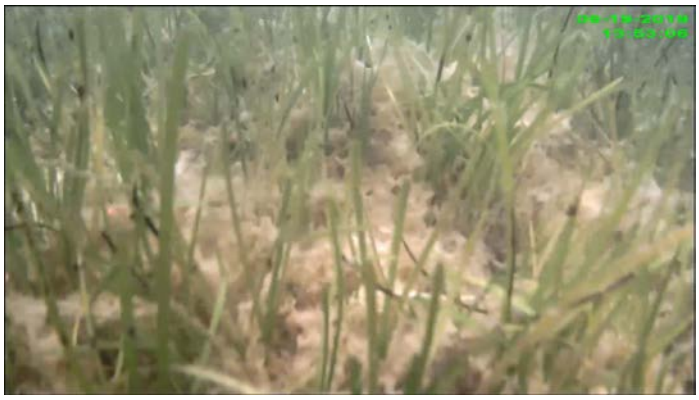
E 13:41:05

F 13:41:42

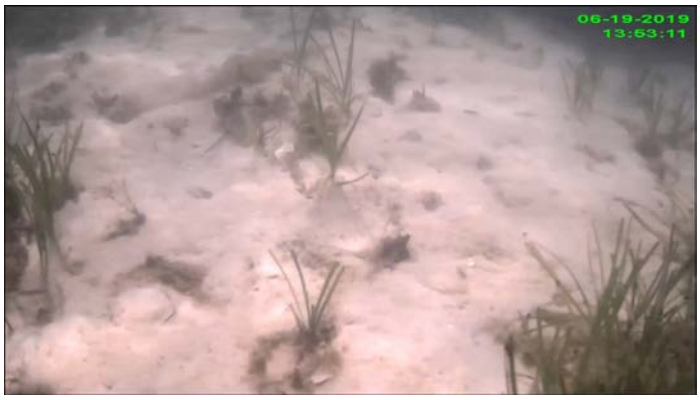
G 13:42:11

H 13:42:46

Plate 11. Transect-11 (see Figure 4)

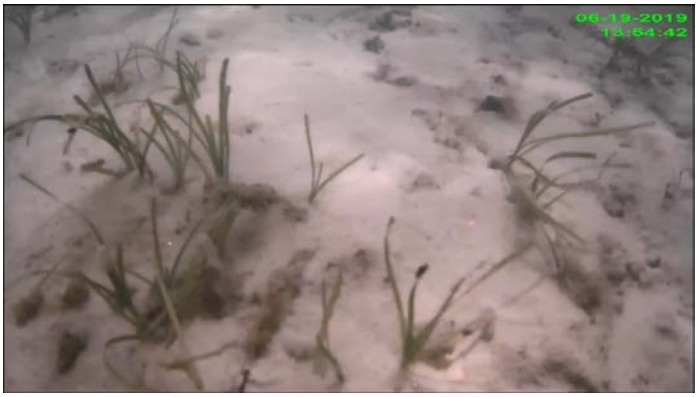


A 13:53:06

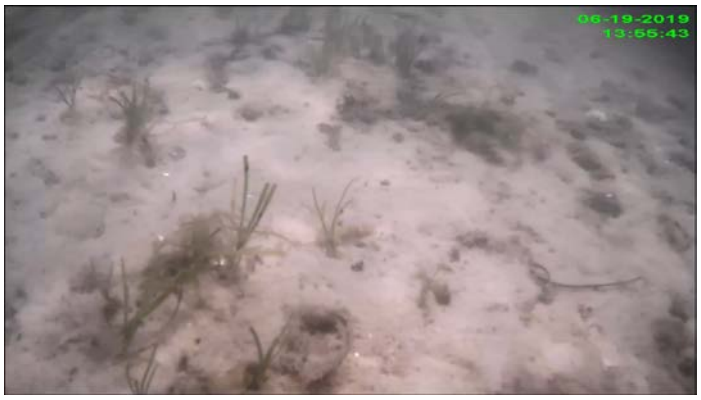


B 13:53:11

C 13:53:39



D 13:54:42



E 13:55:43

F 13:56:05

G 13:56:32

H 13:57:19

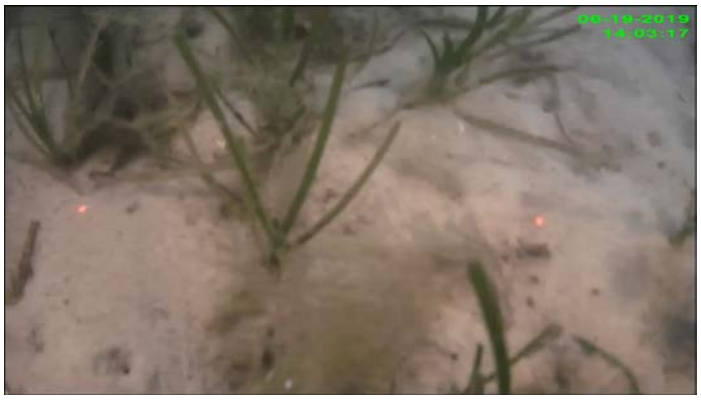
Plate 12. Transect-12 (see Figure 4)

A 14:00:46

B 14:01:59

C 14:02:39

D 14:02:54



E 14:03:17

F 14:03:41

G 14:04:04

H 14:04:30

Plate 13. Transect-13 (see Figure 4)

A 14:11:05

B 14:12:25

C 14:12:50

D 14:13:59

E 14:13:59

F 14:17:03

G 14:17:59

H 14:19:22

Plate 14. Transect-14 (see Figure 6) reference area

A 14:21:26

B 14:22:48

C 14:23:05

D 14:24:02

E 14:25:09

F 14:27:07

G 14:28:15

H 14:29:34

Plate 15. Transect-15 (see Figure 6) reference area

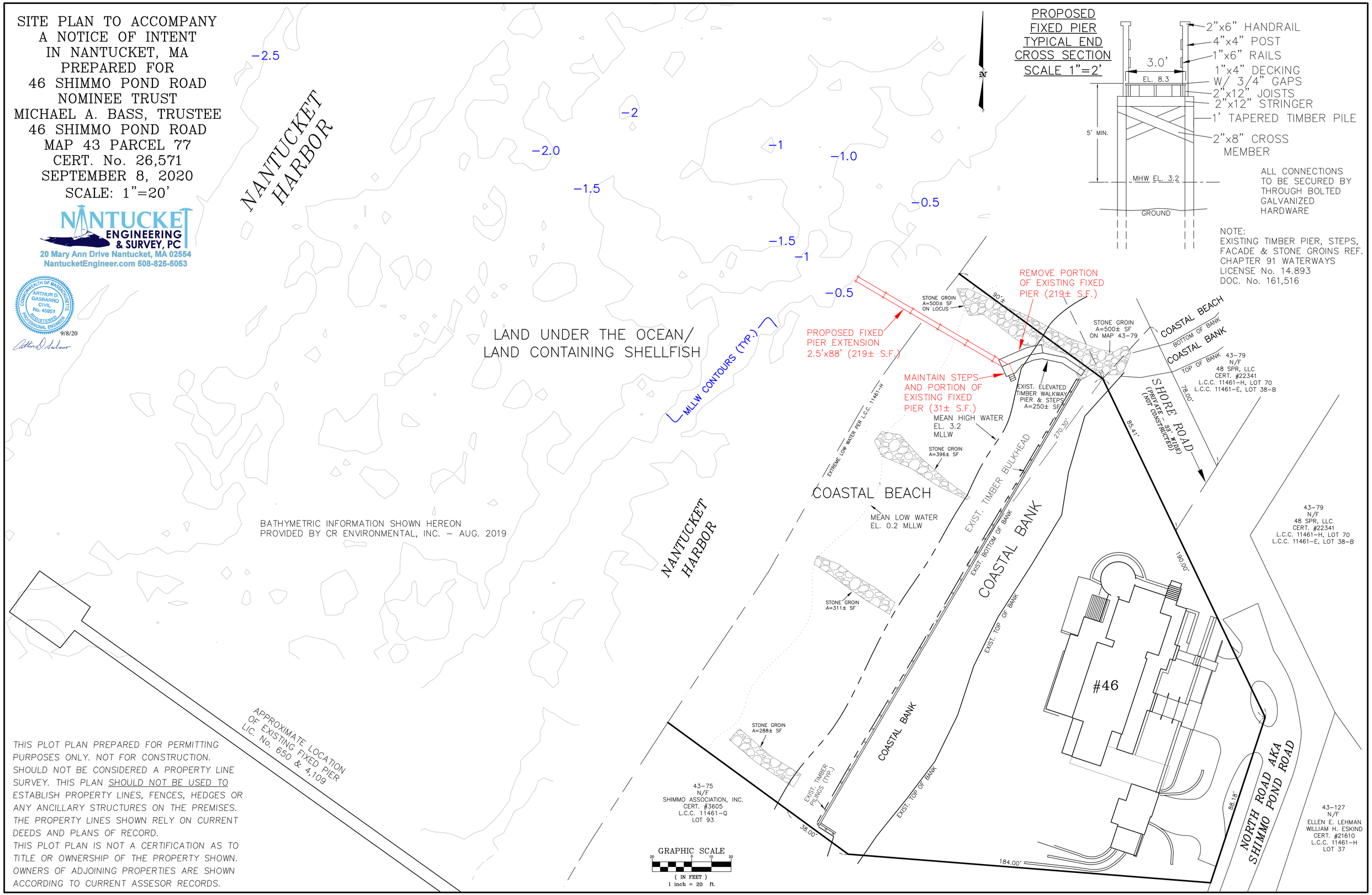
Attachment E

Permit Drawing

SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
IN NANTUCKET, MA
PREPARED FOR
46 SHIMMO POND ROAD
NOMINEE TRUST
MICHAEL A. BASS, TRUSTEE
46 SHIMMO POND ROAD
MAP 43 PARCEL 77
CERT. No. 26,571
SEPTEMBER 8, 2020
SCALE: 1"=20'

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO
CIVIL
No. 45951
REGISTERED PROFESSIONAL ENGINEER
9/8/20



THIS PLOT PLAN PREPARED FOR PERMITTING PURPOSES ONLY. NOT FOR CONSTRUCTION. SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESOR RECORDS.

Attachment F

Abutter Notification Information

Notification to Abutters
Under The Massachusetts Wetlands Protection Act

In accordance with the second paragraph with Massachusetts General Laws Chapter 131, Section 40 you are notified of the following:

1. The name of the applicant is: Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust

2. The applicant has filed a Notice of Intent (NOI) with the Nantucket Conservation Commission. The applicant is proposing to extend an existing dock approximately 88 feet into Nantucket Harbor.

3. The address of the lot where activities are proposed is 46 Shimmo Pond Road, Nantucket, MA 02554.

4. Copies of the NOI and site plans may be examined at the office of the Conservation Commission, located at 2 Bathing Beach Road, Nantucket, MA 02554. The NOI application may be viewed by contacting the Conservation Commission during business hours (Monday – Friday 9AM – 1PM). Contact phone number: 508.228.7230.

5. Information regarding the date, time, and place of the public hearing may be obtained from the Nantucket Conservation Commission. A public hearing is tentatively scheduled to be called to order on October 1, 2020 at 5:00PM via remote access. However, please contact the Conservation Commission prior to the hearing at 508.228.7230 to confirm. Information on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees

NOTE: Notice of the public hearing, including its date, time and place, will be published at least seven (7) calendar days prior to the hearing in the local newspaper.

NOTE: Agenda for the public hearing, including its date, time, and place, will be posted in Town Hall not less than 48 hours prior to the hearing.

NOTE: You also may contact the Massachusetts Department of Environmental Protection – Southeast Regional Office, Service Center / Permit Assistance at 508.946.2714 for more information about this application or the Massachusetts Wetlands Protection Act.

NANTUCKET CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING

Dear Abutter:

In accordance with MGL Chapter 131, Section 40, and pursuant to Regulation 310 CMR 10.05, et seq., and Nantucket By-Law Chapter 136, Section 4, you are hereby notified that a Public Hearing will be held during the Conservation Commission Meeting which will be held via remote participation via Zoom and YouTube pursuant to Governor Baker's March 12, 2020 Order regarding the Open Meeting Law. Information on viewing the meeting can be found at https://www.nantucket-ma.gov/138/Boards-Commissions-Committees.

October 1, 2020 at 5:00pm

Date of Public Hearing

46 Shimmo Pond Road / Map 43, Parcel 77

Street Address/ Map & Parcel

Michael Bass Tr., 46 Shimmo Pond Road Nominee Trust

Applicant Name

The purpose of the meeting is to open a Public Hearing on a Notice of Intent, an Amended Order of Conditions or a Request for Determination.

Description of Work Proposed.

The applicant is proposing to extend an existing dock approximately 88 feet into Nantucket Harbor

For a digital version of the filing please email
jdodd@nantucket-ma.gov and jcarlson@nantucket-ma.gov
Copies of the complete application are available for examination at
The Conservation Commission/ Natural Resources Department
2 Bathing Beach Road, Nantucket 508-228-7230.
Business hours (Monday-Friday 9AM-1pm)

Abutters List

MBLU	Lot	Lot Cut	Owner Full Name	Co-Owner Full Name	Address Line 1	City	State	Zip	Location
43	75		SHIMMO ASSOCIATION	C/O STEVEN ANDERSON	5 SOUTH VALLEY ROAD	NANTUCKET	MA	02554	44 SHIMMO POND RD
43	126		STEWART JAMES TR	C/O STEWART JOLY W TRST	4615 LENAPE LN	LAFAYETTE HILL	PA	19444-1026	42 SHIMMO POND RD
43	127		LEHMAN ELLEN E & ESKIND WILLIAM H		144 ENSWORTH AVE	NASHVILLE	TN	37205	35 SHIMMO POND RD
43	128		4 MVR LLC	JUSTIN MCINERNY, TR	5708 HUNTINGTON PKWY	BETHESDA	MD	20814	4 MIDDLE VALLEY RD
Count:	**4**								

TOWN OF NANTUCKET

CONSERVATION COMMISSION

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER.....Michael A. Bass, Trustee of 46 Shimmo Pond Road Nominee Trust

MAILING ADDRESS.....Epsilon Associates, Inc. (Attn: Sean Scannell) 3 Mill & Main, Suite 250, Maynard, MA, 01754

PROPERTY LOCATION.....46 Shimmo Pond Road

ASSESSOR MAP/PARCEL.....Map 43, Parcel 77

SUBMITTED BY.....Epsilon Associates, Inc.

SEE ATTACHED PAGES

I certify the foregoing is a list of persons who are owners of land directly abutting the property on which the proposed activity will occur (the locus), owners of land separated a distance of one hundred feet or less from the locus by a public or private street or way or stream and owners of land separated a distance of three hundred feet or less from the locus by a body of water, all as they appear on the most recent applicable tax list.

09-01-2020

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

MIDDLE VALLEY RD
SHIMMO POND RD
S VALLEY RD
CATHCART RD

Attachment G

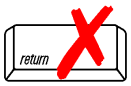
Filing Fee Information

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



A. Applicant Information

1. Location of Project:

46 Shimmo Pond Road
a. Street Address

Nantucket
b. City/Town

c. Check number

$175.50
d. Fee amount

2. Applicant Mailing Address:

Michael
a. First Name

Bass, Tr.
b. Last Name

46 Shimmo Pond Road Nominee Trust
c. Organization

40 Soldiers Field Place
d. Mailing Address

Boston
e. City/Town

MA
f. State

02135
g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract $12.50. To calculate the city/town share of the fee, divide the total fee in half and add $12.50.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Category 5 - Work on a Dock	1	$4 per foot	
		x 94 feet	$376.00

Step 5/Total Project Fee: $376.00

Step 6/Fee Payments:

Total Project Fee:	$376.00 a. Total Fee from Step 5
State share of filing Fee:	$175.50 b. 1/2 Total Fee **less $**12.50
City/Town share of filling Fee:	$200.50 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.)

CASH ONLY IF ALL *CheckLock*™ SECURITY FEATURES LISTED ON BACK INDICATE NO TAMPERING OR COPYING

EPSILON ASSOCIATES, INC.
3 MILL & MAIN PLACE
STE 250
MAYNARD, MA 01754

Middlesex Savings Bank
CONCORD, MA 01742
53-7122/2113

42726

9/8/2020

PAY TO THE ORDER OF Commonwealth of Massachusetts $ **175.50

One Hundred Seventy-Five and 50/100********** DOLLARS

PROTECTED AGAINST FRAUD

PINK ICON DISAPPEARS WITH HEAT

Commonwealth of Massachusetts
P.O. Box 419272
Boston, MA 02441-9272

MEMO

MP

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STE 250
MAYNARD, MA 01754

Middlesex Savings Bank
CONCORD, MA 01742
53-7122/2113

42725

9/8/2020

PAY TO THE ORDER OF Town of Nantucket $ **200.50

Two Hundred and 50/100********** DOLLARS

PROTECTED AGAINST FRAUD

PINK ICON DISAPPEARS WITH HEAT

Town of Nantucket
16 Broad Street
Nantucket, MA 02554

MEMO

MP

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MAYNARD, MA 01754

Middlesex Savings Bank
CONCORD, MA 01742
53-7122/2113

42722

9/8/2020

PAY TO THE ORDER OF Town of Nantucket $ **25.00

Twenty-Five and 00/100********** DOLLARS

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Town of Nantucket
16 Broad Street
Nantucket, MA 02554

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STE 250
MAYNARD, MA 01754

Middlesex Savings Bank
CONCORD, MA 01742
53-7122/2113

42723

9/8/2020

PAY TO THE ORDER OF Town of Nantucket $ **200.00

Two Hundred and 00/100********** DOLLARS

PROTECTED AGAINST FRAUD

Town of Nantucket
16 Broad Street
Nantucket, MA 02554

MEMO

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Development Director

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

September 25, 2020

Ms. Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: NOI; Michael Bass, 46 Shimmo Pond Road (Map 43, Parcel 77)

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the Notice of Intent filing by Michael Bass for the construction of a 90-foot pier at 46 Shimmo Pond Road. We would like to make the following comments.

RESOURCE AREA IMPACTS

Through this most recent application, the applicant and their representatives are attempting to distance and differentiate this project from the one proposed on December 18th, 2019, to which the Commission was strongly opposed. This proposed pier is in fact identical in the ways it will impact the resource areas protected by the Bylaw, and as detailed in comment letters from the first proposal, **a viable alternative exists and is being used by neighbors and fellow members of the Shimmo Homeowners' Association, which unanimously opposes this project.**

EELGRASS MEADOWS: The cover letter accompanying this notice of intent states "*the dock has been redesigned to address concerns raised by the Commission and others during the review of the prior Notice of Intent application for dock construction at this site.*" The project is being described elsewhere in the NOI as a "dock improvement," but the project is most accurately described here as construction of a brand-new timber pile structure attached to an existing rock groin. This project will cause permanent loss of productivity in an area that can, and has historically, supported extensive and healthy eelgrass meadows.

Eelgrass meadows in the area of the proposed project are, according to research conducted by the Nantucket Land Council and Boston University (see attached), light limited and temperature stressed even without an added structure. The installation of a permanent pier will not allow eelgrass to thrive- to the contrary, the structure will further inhibit an already stressed benthic community.

One of the defining characteristics of eelgrass is "patchy" growth as the plants begin to spread and establish in a new area. The patchy growth in the vicinity of the proposed pier will not be allowed to expand and fill the area if the permanent dock is built.

The Nantucket Land Council, in partnership with Boston University and countless volunteers, has successfully established a foothold for eelgrass transplanted from Hussey Shoal to recolonize the extensive eelgrass meadows in this area of Nantucket Harbor. The Nantucket Conservation Commission played a critical role in our restoration efforts by permitting this transplant site mere feet away from the proposed permanent timber pile pier, with the very intention of encouraging eelgrass to once again flower and thrive in this area.

According to the project narrative, "*The proposed dock is located over 300 feet from the nearest point of an eelgrass restoration area that is being managed by the Nantucket Land Council and Town of Nantucket. The Applicant remains willing to assist these two groups with ongoing eelgrass restoration efforts at this site or others within Nantucket Harbor.*"

The proposed pier lies directly in prime eelgrass habitat. The NLC's transplanted eelgrass has already begun to expand along the surrounding harbor bottom, and if unimpeded may be allowed to recolonize the area of the proposed pier within our lifetimes. Restoration and mitigation are used as *a last resort when prime habitat and natural conditions are not available.* This Commission can continue to protect critical eelgrass habitat which is disappearing every day from Nantucket's waters due to human development and climate change. If protected from development and managed appropriately, this area of Nantucket Harbor can support healthy eelgrass meadows once again.

SHELLFISH: According to the Applicant, "*The Applicant will discuss the proposed work with the Shellfish Constable and Division of Marine Fisheries to determine suitable mitigation efforts for the impacts to land containing shellfish present on site. If deemed necessary, the resident shellfish in the vicinity of each pile will be removed and relocated to a suitable area prior to construction.*"

The applicant must consult the Shellfish Constable and Division of Marine Fisheries and have a cohesive relocation plan for Commission review. If the dock, float, railings, and vessel itself are

allowed to permanently shade out prime Nantucket eelgrass habitat, this area will never fully recover to historic densities and percent coverage.

PERFORMANCE STANDARDS

This structure will be a permanent detriment to the resource areas Land Under the Ocean and Land Containing Shellfish in Nantucket Harbor. The project as proposed does not meet the performance standards of the Nantucket Wetland Protection Regulations or the Massachusetts Wetlands Protection Act Regulations. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Nantucket Wetland Protection Regulations:

Section 2.01, Land Under the Ocean, (B) #3 states "Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shell-fishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No Solid fill piers shall be permitted."

The proposed permanent pier, which is being attached to an existing rock groin, will increase the manmade interference to Nantucket Harbor's littoral system. The permanent pier will have a significant detrimental impact to shellfish resources by inhibiting the growth of eelgrass in an area that historically supported healthy meadows. This will have a direct and irreversible impact on marine species such as bay scallops, which directly rely on eelgrass beds for survival. This pier will obstruct future commercial shell-fishing of eelgrass beds attempting to reestablish in the area. This performance standard has not been met.

Section 2.01, Land Under the Ocean, (B) #8 states "Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation and aquatic vegetation."

The proposed permanent pier will have adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention and aquatic vegetation by:

1) Harming and/or displacing shellfish currently inhabiting the project area,
2) Inhibiting future growth of eelgrass in an area that historically supported healthy meadows,
3) Impairing adjacent restoration work being conducted by the Nantucket Land Council in partnership with off-island researchers, the Town of Nantucket Natural Resources Department, local businesses and volunteer community members to restore eelgrass meadows in this area of Nantucket Harbor.
4) Contributing to increased erosion along 46 Shimmo Pond Road and adjacent shoreline through shading out of one of the harbor's best natural wave attenuators, eelgrass meadows. This performance standard has not been met.

Section 2.02, Coastal Beach, (B) #1 states "The provisions of Section 2.01B (1-8)(Land Under the Ocean) shall apply to coastal beaches and tidal flats."

This performance standard has not been met (see comments on Section 2.01B above)

Section 2.02, Coastal Beach, (B) #2 states “All work on projects which are not water-dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal beach. All structures which are not water dependent, shall be at least 50 feet from a coastal beach.”

While docks and piers are considered water dependent uses, the proposed pier is not facilitating access- the applicant already has significant access to Nantucket Harbor via both 270 uninterrupted feet of waterfront and the existing groin structure. Therefore, this pier is not necessary for the applicant to gain the allowed access provided by the Bylaw. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #1 states "Projects shall not adversely affect water quality (including, but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land."

The proposed pier will have permanent impacts to submerged aquatic vegetation. Not only will current eelgrass be impaired by construction activity and shading, but future eelgrass will be adversely impacted by shading and propwash associated with the vessel docked herein. The Commission cannot make an accurate assessment of the proposed project without knowing the length and beam of the proposed vessel, the square footage of both the float used to access the boat and the ramp connecting the timber pier to the float securing the vessel. The shading impacts from these structures may shade more eelgrass habitat than the timber pile pier itself. The pier, extended from an existing rock groin, will adversely impact localized harbor circulation permanently, restricting tidal flow. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #3 states "Projects shall not obstruct the ability of the public to gather shellfish recreationally, or the ability of commercial fishermen to harvest shellfish."

The proposed permanent pier will alter the ability of both recreational and commercial shell fishermen to harvest shellfish. The pier will shade potential eelgrass meadows, which provide prime shellfish habitat, and the pier will also physically obstruct commercial shell-fishermen from harvesting shellfish in the immediate vicinity. This performance standard has not been met.

Section 2.08, Land Containing Shellfish, (B) #7 states "No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F"

This project will be detrimental to scallops, permanently shading an area which historically supported eelgrass meadows that serve as critical bay scallop habitat. No mitigation currently proposed by the applicant will effectively reverse the permanent damage this pier will cause Nantucket Harbor's marine scallop habitat. This performance standard has not been met.

Massachusetts Wetlands Protection Act Regulations:

310 CMR 10.27, Coastal Beaches, (3) states "Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a), shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach."

The proposed permanent pier will have an adverse impact through increased erosion not only at 46 Shimmo Pond Road's segment of coastal beach, but also neighboring waterfront to the east and west of the project. Eelgrass meadows serve as natural wave attenuators, absorbing energy produced by wave action, especially during storm events. By permanently shading out historic eelgrass habitat, waves will more easily erode the shoreline. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (4) states "Except as provided in 310 CMR 10.34(5), any project on land containing shellfish shall not adversely affect such land or marine fisheries by a change in the productivity of such land caused by:

a) Alterations of water circulation;
b) Alterations in relief elevation;
c) The compacting of sediment by vehicular traffic;
d) Alterations in the distribution of grain size;
e) Alterations in natural drainage from adjacent land; or
f) Changes in water quality, including, but not limited to; other than natural fluctuations in the levels of salinity, dissolved oxygen, nutrients, temperature or turbidity, or the addition of pollutants.

The proposed pier will cause a change in nutrient distribution in the immediate area as it will displace or shade out natural nutrient sinks such as shellfish, eelgrass and several species of macroalgae. The Nantucket community has worked hard to improve water quality in Nantucket Harbor through infrastructure improvements, reduced fertilizer use, shellfish seeding, reef building and eelgrass restoration. The applicant's proposed 90-foot pier contradicts all these efforts. This performance standard has not been met.

310 CMR 10.34, Land Containing Shellfish, (5) states "Notwithstanding the provisions of 310 CMR 10.34(4), projects which temporarily have an adverse effect on the shellfish productivity but which do not permanently destroy the habitat may be permitted if the land containing shellfish can and will be returned substantially to its former productivity in less than one year from the commencement of work, unless an extension of the Order of Conditions is granted, in which case such restoration shall be completed within one year of such extension."

The proposed permanent pier will not allow shellfish habitat to return to pre-construction conditions and productivity, as the piles and dock will permanently shade an area that is already light-limited. The Commission also does not know the full extent of impacts to the resource area without knowing the size of the vessel to be stored, or the dimensions of the float, ramp, and railing structures associated with the proposed pier. This performance standard has not been met.

ALTERNATIVES ANALYSIS

A reasonable alternative exists to the proposed pier, is immediately available to the applicant, and is being used extensively by neighbors, fellow members of the Shimmo Homeowners' Association, and hundreds of other boat owners. The applicant has 270 feet of private frontage on Nantucket Harbor providing immediate physical access to the harbor where a more environmentally friendly mooring may be used. Moorings are not permanent structures and can be moved to encourage eelgrass growth if necessary. The new wave of eco-mooring technology is enabling boat owners to eliminate scour caused by traditional mooring hardware. Additionally, since boats can move with wind and current patterns, shading impacts on eelgrass are reduced. Traditional slips and piers cause vessels to shade a particular area constantly, kneecapping eelgrass growth in that area permanently.

CONCLUSION

The proposed 90-foot timber pile pier at 46 Shimmo Pond Road presents the same permanent negative impacts to the resource areas as the applicant's prior proposal- it will shade out prime Nantucket eelgrass habitat, leading to a cascade of negative effects to the harbor ecosystem. As a keystone species, eelgrass provides vital habitat for a diverse group of organisms such as scallops, flounder, quahogs, and crabs. These underwater meadows also serve as nutrient sinks, taking up excess nitrogen from the water and sediment and improving overall water quality in Nantucket Harbor. Healthy eelgrass meadows also protect shorelines from flooding and erosion by stabilizing sediment and physically buffering wave action.

The proposed pier will inhibit the restoration efforts being conducted a short distance away through increased shading and propwash from boating activity. These restoration efforts, led by the Nantucket Land Council, have brought together a diverse group of organizations, businesses, recreational and commercial fishermen, and individual volunteers from Nantucket and elsewhere to bring healthy eelgrass meadows back to this area of Nantucket Harbor. This work will be permanently impaired by permitting such a structure.

A reasonable alternative for boat use exists- the applicant can maintain access to the waterfront through their existing property and utilize a mooring nearby to provide deep water access for their boat. We hope it is only a matter of time before eco-friendly mooring systems are adopted on Nantucket, making mooring fields one of the most environmentally friendly and affordable methods of accessing a boat.

Permitting this dock would be a reversal of the Commission's handling of this resource area and the efforts it has encouraged to restore Nantucket Harbor's habitat. Allowing this new residential dock/pier (which is specifically prohibited in the Nantucket Zoning Bylaw) will set a precedent for countless more which will certainly be proposed throughout the harbor. The Commission should make the appropriate findings in an Order of Conditions identifying the impacts this project will have and the performance standards that this proposal fails to meet. A waiver request has not been submitted with this Notice of Intent application, and there are no waiver provisions that can be met to allow this project to proceed.

Attachments: The effects of boat docks on eelgrass beds in coastal waters of Massachusetts and a copy of the Health Assessment for Eelgrass in Nantucket Harbor, Nantucket, Massachusetts.

Thank you for your time.

Sincerely

RJ Turcotte

Nantucket Waterkeeper

The Effects of Boat Docks on Eelgrass Beds in Coastal Waters of Massachusetts

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ABSTRACT / The effects of docks on eelgrass beds were measured using plant population characteristics (shoot density, canopy height, and growth rates), light levels, and an assessment of eelgrass bed quality in Massachusetts estuaries. Eelgrass populations were impacted under and directly adjacent to docks, as shown by depressed shoot density and canopy structure. Severe impacts can cause fragmentation of eelgrass beds, thus contributing to large-scale declines in estuaries such as Waquoit Bay. Impacts were fewer under docks supported by piers than under floating docks, and taller piers resulted in fewer impacts. Based on this investigation, we conclude that docks should be greater than 3 m in height above the bottom in areas with tidal ranges less than 1 m to allow enough light to sustain eelgrass beds under the docks. In addition to dock height, orientation and width were also found to be important factors affecting eelgrass. Narrow docks with a north–south orientation can best ensure the long-term survival of eelgrass under and near the dock.

Eelgrass is a submerged flowering plant that forms extensive underwater beds, providing a marine habitat of great ecological and economic value (Thayer and others 1984, Short and others 1993). Currently, the health of eelgrass habitats along the entire coastal United States is in decline. In larger estuaries, alarming reductions in the distribution of eelgrass have been studied intensively (Orth and Moore 1982, Short and others 1986, 1993, Dennison and others 1993) and have been primarily attributed to excess nutrient pollution (eutrophication) or wasting disease. However, there have been few investigations of the overall impact of commercial and recreational boating activities on eelgrass. This impact includes the effects of docks, moorings, and boating itself. Although they occur at smaller scales than disease or pollution effects, marine boating activities may have significant impacts and should be assessed (Thayer and others 1975) so that these effects may be minimized through management and education. Walker and others (1989) reported losses of seagrasses from boat moorings in Cockburn Sound, Australia. They found that although the direct damage to seagrass beds was small relative to the entire area of the beds (1.6% of the seagrass bed area was damaged), the physical integrity of the remaining habitat was compromised, leaving it more susceptible to other types of damage.

We investigated the direct impacts of docks on eelgrass, focusing on two Massachusetts estuaries: Waquoit Bay, Falmouth, and Nantucket Harbor, Nantucket (Figure 1). The goals of the study were twofold. The first was to measure the direct physical effects of docks and piers on individual beds, including direct displacement of eelgrass and reduction of available light. We examined dimensions and structural characteristics of docks running through or adjacent to eelgrass beds, physical characteristics of the sites (water depth and light penetration), and eelgrass population characteristics (shoot density, canopy height, and growth rate) to interpret the shading effects of docks. Using the field data, we modeled eelgrass bed quality and light availability to establish a scientific basis for minimizing impacts to seagrasses through improved dock design.

The second goal of the project was to assess the overall area of beds that have been lost on a bay-wide scale through displacement and shading by docks in Waquoit Bay. Waquoit Bay is an intensively studied estuary, being both a National Estuarine Research Reserve and a National Science Foundation Land Margin Ecosystem Research site, surrounded by residential development on the south shore of Cape Cod. Using an eelgrass distribution map of Waquoit Bay based on 1987 aerial photography (Short and others 1993), an estimate of the estuary-wide impact of docks on the distribution and area of eelgrass habitats was produced.

KEY WORDS: Docks; Shade; Eelgrass beds; *Zostera marina;* Seagrass

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HEALTH ASSESSMENT FOR EELGRASS IN NANTUCKET HARBOR, NANTUCKET MASSACHUSETTS

FINAL REPORT TO NANTUCKET LAND COUNCIL

submitted by

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&

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Introduction

Eelgrass (*Zostera marina* L.) is a marine flowering plant that forms extensive meadows in the shallow coastal waters of Massachusetts. The value of eelgrass meadows is well documented and includes stabilizing sediments, improving water quality and clarity, mitigating for CO_2 emissions, and providing habitat to a number of commercially important and/or endangered species (Orth et al. 1984; Heck et al. 1989; Hughes et al. 2002; Lazarri and Tupper 2002). Nantucket Island, located 30 miles off the coast of Cape Cod, supports over 2,000 acres of eelgrass (Costello 2015) that serve as essential habitat to a number of different species including the last commercially viable "wild" bay scallop fishery in the U.S. The abundance of eelgrass, however, has diminished from historic levels in some areas, potentially threatening the future ecology and economy of this system.

Declines in eelgrass in Nantucket over the last decade have been mostly confined to Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the harbor is likely due to an increase in nutrient loading (Curley 2002). In the Executive Summary of the Massachusetts Estuaries Project report, it was noted that to maintain or preserve eelgrass meadow health, a nitrogen threshold of 0.350 mg N L^{-1} should not be exceeded. Nitrogen levels in East Polpis Harbor in 2006 were 0.361 mg N L^{-1} and eelgrass had recently disappeared from most of the area (Shellfish Report 2012), indicating that this is an accurate threshold. At present, it is believed that Nantucket Harbor has reached its nitrogen loading threshold (Howes et al. 2006) and is eutrophied (over-enriched with nutrients; Conant et al., 2006).

Nitrogen loading to Nantucket Harbor results primarily from on-site disposal of wastewater. The Town has a centralized wastewater treatment facility, but there are a number of areas on septic that contribute nitrogen to the system both through transport in direct groundwater discharges to estuarine waters and

through small surface water flows to the fresh and saltwater marshes that are located along the harbor shore (e.g. Mill Brook discharging to Polpis Harbor). In addition to residential septic systems, other nutrient sources include runoff from roads and lawn fertilizers, groundwater discharge, and natural areas such as salt marshes and ponds (Howes et al. 2006; Shellfish Report 2012). In 2013 a Town of Nantucket Board of Health regulation went into effect to control the content and application of fertilizer containing phosphorus and nitrogen into Nantucket's waters and wetlands through an organized educational program, licensure and regulations of practice (Nantucketlandcouncil.org). The effectiveness of these efforts on nitrogen loading in the system has yet to be determined.

Eutrophication can have negative impacts on seagrasses. As eutrophication progresses, macroalgae (in shallow waters) or phytoplankton (in deeper waters) dramatically increase and become dominant resulting in declines of seagrass. Direct underlying mechanisms for declines include competition for light/nitrogen, nitrate inhibition or ammonium toxicity, with light playing a more important role in advanced eutrophication stages (Orth and Moore, 1983; Twilley et al., 1985; Dennison et al., 1993; Harlin, 1993; Lapointe et al., 1994; Short et al., 1995; Hauxwell and Valiela, 2004; Ralph et al., 2006). Many indicators of seagrass plant health and environmental quality have been identified in previous monitoring studies and workshops to help assess the impacts of eutrophication on seagrass. Seagrass cover, above-ground biomass, leaf length and width have been shown to be affected by nutrient loading and shading (Erftemeijer 1994; Lee and Dunton 2000; Burkholder et al. 2007; van Katwijk 2010) along with epiphyte content on blades (Bohrer et al. 1995; Uku and Bjork 2001). In addition, stable isotope analysis is being increasingly used to monitor the health status and nutrient pollution sources of various ecosystems. For example, Cole et al. (2006) showed that water derived from sewage on Cape Cod typically has ^{15}N values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Thus, using these parameters, stable isotope analysis can be used to detect the presence of sewage-derived or agricultural nitrogen (N) in the tissues of eelgrass that continually uptake nutrients from their environment.

The purpose of our study was to assess the health of eelgrass meadows at six sites (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) in Nantucket Harbor influenced by nutrient input. Our objective was accomplished by collecting information on various plant and environmental parameters at each site between May and August 2019. In addition, environmental data was used to identify potential mechanisms responsible for reported declines of eelgrass in this system.

Methods

Eelgrass plant health was assessed by collecting information on meadow structure and nutrient content in leaf tissue and sediment.

Eelgrass morphology and meadow structure

In July 2018, when plants had reached peak biomass, information on meadow structure was collected at 6 sites in Nantucket Harbor (i.e., Monomoy, Pimny's Point, Fulling Mill, Quaise, Pocomo, Wauwinet) as well as at a reference location on Tuckernuck Island (Figure 1). At each site, one 50 m cross transect was laid parallel to the shore. Five 0.25 m^2 quadrats were then haphazardly tossed along the transect and information was collected on percent cover, canopy height, and shoot density. In addition, two representative shoots with roots and rhizomes were collected from each quadrat for morphological measurements (number of leaves, leaf width, above/below-ground weight, and internode length).

Nutrient Content in Leaf Tissue

The influence of nitrogen on eelgrass was assessed by measuring nitrogen (%N), carbon (%C) and stable isotopes of δ13C and δ15N in leaves, as well as calculating C:N ratios and a Nutrient Pollution Indicator (NPI) for eelgrass at each site (Lee et al. 2004). In May 2018, during a period of increased precipitation, ten representative eelgrass shoots were sampled at each of the 6 sites in Nantucket Harbor, with at least 1 m between any two sampled shoots. In July 2018, during a period of decreased precipitation, sampling was repeated at each of the 6 sites in Nantucket Harbor as well as the reference location on Nantucket (Figure 1.) After each sampling event, shoots were returned to the lab for measurements.

In the lab, leaf mass was determined on the second and/or third youngest leaves of each shoot. All epiphytes were removed from leaves. Six 10 cm long sections of constant width were then cut from each leaf to obtain samples of mature leaf tissue. The cleaned leaf sections were dried at 60 °C to a constant weight and leaf mass was quantified. Each leaf segment was then assessed for %C and %N content and stable isotopes of δ13C and δ15N using an Eurovector CN analyzer (see stable isotope section below).

The ratio of the leaf nitrogen content (%N) to area normalized leaf mass mg dry weight cm^{-2} was used to calculate a Nutrient Pollution Indicator value as developed by Lee et al. (2004)

$$NPI = \frac{\text{Leaf nitrogen content (\%N)}}{}$$

Area normalized leaf mass (mg dry wt cm^{-2})

Sediment Samples

One 5 cm sediment sample was taken from each site including the reference using a syringe for sediment grain-size analyses. In addition, sediment cores were taken at 3 sites (i.e., Monomoy, Fulling Mill, and Wauwinet) to assess sediment and nutrient characteristics. The corer (length: 50 cm, diameter: 70 mm) was manually driven to a depth of 25 cm or point of refusal, extracted, capped at both ends under water, and kept in a vertical position during transport to shore. Cores were divided into sections (1 cm sections for the first 10 cm and 5cm sections for the remaining core) and used to measure dry bulk density, %C, %N, analyze stable isotopes of δ13C and δ15N, and determine age of sediments (see methods below).

Grain Size

Grain size was determined for sediment samples taken at each site including the reference using the Malvern Mastersizer 2000 with the Hydro 2000S wet dispersion unit (Malvern Instruments, Malvern, UK) system. Sediment samples were homogenized and extruded through a 2 mm sieve into a beaker, then deionized water was added to the sample to create a suspension that was then analyzed.

Dry Bulk Density

Bulk density reflects the size, shape and arrangement of particles and voids (soil structure) and gives a good indication of the suitability for root growth and sediment permeability. Bulk density generally increases with compaction and tends to increase with depth. Sandy substrate is also more prone to high bulk density. Dry bulk density was determined for sediment core section take at Monomoy., Fulling Mill, and Wauwinet using the mass of sediments dried at 60°C for 7 days divided by the volume of the sediment section. Following bulk density measurements, the sample was sub-divided using a sediment splitter to obtain a smaller portion for stable isotope and ^{210}Pb analyses.

Sediment Accumulation and Core Age

Sedimentation rates for at three sites (i.e., Monomoy, Fulling Mill, Wauwinet) were obtained by analyzing core samples for ^{210}Pb radioisotopes using gamma spectroscopy. Samples were packed in Petri dishes and sealed with electrical tape and paraffin wax 30 days prior to analysis to allow for equilibration between ^{226}Ra and its daughter isotopes (^{214}Pb and ^{214}Bi). Radioisotopic concentrations were determined for all samples along each core using a Canberra GL 2020 low energy germanium detector (Virginia Institute of Marine Science, Gloucester Point, VA). The concentrations of excess ^{210}Pb used to obtain the

age models were determined as the difference between total ^{210}Pb and ^{226}Ra (supported ^{210}Pb). The Constant Rate of Supply (CRS) model was used to calculate mean sedimentation rates over the last 100 years at all sites (Appleby and Oldfield, 1978). These rates were calculated using the following formula:

$$A = A(0)e^{-\lambda t}$$

where A is the excess (unsupported) ^{210}Pb inventory below a given core section, A(0) is the excess ^{210}Pb inventory for the entire core profile, and λ is the ^{210}Pb decay constant. This was used to calculate t, the time a now-buried section of core was at the surface.

The formula from Kaste et al. (2011) was used to calculate error for the CRS model:

$$1\sigma=\sqrt{n}/n$$

where n = the number of detected counts.

Carbon, Nitrogen, and Stable Isotope Analyses

Carbon (%C), nitrogen (%N) and stable isotope analyses on plant and sediment samples was carried out in a Eurovector CN analyzer. During each sequence run by the mass spectrometer, each sample was flash combusted at 1800ºC and the combustion products (CO_2, N_2 and H_2O) were separated chromatographically and introduced into the mass spectrometer, with water removed in a chemical trap. The gases of interest were then introduced into the mass spectrometer for isotope analysis and the rest pumped away. The sample isotope ratio was compared to a secondary gas standard, whose isotope ratio has been calibrated to international standards. For 13CV-PDB the gas will be calibrated against NBS 20 (Solenhofen Limestone), NBS 21 (Spectrographic Graphite), and NBS 22 (Hydrocarbon Oil); for ^{15}Nair the gas was calibrated against atmospheric N_2 and IAEA standards N-1, N-2, and N-3 (all are ammonium sulfate standards). Elemental content of leaf tissue was calculated on a dry weight basis and elemental ratios on a molar basis (QA/QC BU Stable Isotope Lab 2013).

Environmental Conditions

Environmental conditions at each of the six sites were also assessed. Two Hobo light/temperature sensors (http://www.onsetcomp.com/ sensors) were deployed in an array at each site for 2-week intervals from mid-May to the end of August 2018 (peak growing season). Each array included a light sensor at the bottom and a second sensor 0.3 m higher to determine light available to eelgrass at the site and light attenuation due to the water column. One sensor was deployed on land, attached in an unobstructed

location to a fence at Monomoy. The sensors measured and recorded temperature and light every 15 minutes. For comparison between sites, a subset of the light data was collected in a 4-hour period around solar noon (10:00 to 14:00) for two weeks each month for analyses. All the temperature data between May and August.

Statistics

To assess differences among sites in plant and environmental parameters, one way ANOVAs were performed. All data were tested for homogeneity of variances using Cochrans' test. Tukey's post-hoc tests were used to determine groupings in the analysis of stable isotope data. Differences among nitrogen data were not assessed for May and July due to unequal sample sizes.

Results

Eelgrass morphology and meadow structure

Morphological and structural characteristics of the meadow were significantly different among sites in July 2018 (Figures 2 & 3; one-factor ANOVA: leaves/shoot $F_{6,63}$= 4.4663, p<0.0008; leaf width $F_{6,63}$ = 2.1807, p=0.0565; internode length $F_{6,63}$= 3.6630, p=0.0035; above-below ground weight $F_{6,63}$ = 3.6630, p=0.0035; canopy height $F_{6,63}$ = 30.6118, p<0.0001; percent cover $F_{6,20}$ = 5.6475, p=0.0014; shoot density $F_{6,20}$ = 2.4752, p=0.0591.) There were no consistent patterns in shoot morphology and/or meadow structure observed among sites in Nantucket Harbor. However, Tuckernuck, the reference site, had larger shoots with longer leaves than plants from Nantucket Harbor.

Influence of Nitrogen on Leaf Tissue

May

Analysis of eelgrass leaf N content for May samples revealed significant differences in mean leaf %N. (ANOVA: %N $F_{5,6}$= 4.1072, p=0.050) with %N in tissue ranging from 1.2% to 1.9% (Figure 4). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment or loading between the six sites. No differences among sites were observed for δ15N values, C:N or NPI (ANOVA: δ15N values $F_{5,6}$ = 4.3232, p=0.0516; C:N $F_{5,6}$ = 1.7658, p=0.2539; NPI $F_{5,6}$= 1.1683, p=0.4286). Mean δ15N for the system was 4.03 ± 0.39 while C:N for the system was 22.4 ± 0.54 and mean NPI for the system was 0.421 ± 0.028 (Figure 4).

July

Analysis of eelgrass leaf N content for July samples revealed significant differences in mean leaf N, C:N, NPI, and δ15N among sites (Figure 5; ANOVA: %N $F_{6,63}$= 4.9518, p=0.0003; C:N $F_{6,63}$ = 3.6588, p=0.0035; NPI $F_{6,63}$= 3.8674, p=0.0024; δ15N $F_{6,66}$= 54.57, p<0.0001). Leaf N ranged from 0.849 % to 1.2%, C:N ranged from 32.3 to 45.8 and NPI ranged from 0.161 to 0.244. July δ15N values ranged from 3.08 to 5.08‰. Tuckernuck had an average value of 7.46 ‰, which was significantly higher than the other sites (Figure 5). There were no obvious patterns indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading between the six sites and/or the reference site. C:N ratio differences among sites were driven by differences in N content as there was no difference in carbon content among sites.

Sediment Samples

Grain-Size

All sediment samples from Nantucket Harbor and Tuckernuck, consisted of 98 to 99 % sand-sized grains. The highest percentage of coarse sand was found at Fulling Mill (44%) while the highest portion of fine to very fine sand was found at Monomoy (20%) and Pimny's Point (22%). The predominant sediment type was medium to fine-grained sand with lesser amounts of medium and fine sand (Figure 6). Eelgrass grows well in sediment that consists of <70 percent silt to clay so the sediment grain-size distribution was not unexpected.

Bulk Density

The bulk density measurements are comparable to other eelgrass meadows in the region (Plaisted, pers. comm.). The density ranged from 1.25 to 2 g/cm^3 and slightly increased with depth at each site. Dry bulk density at Monomoy (1.6 ± 0.03 g cm^{-3}) was similar to Fulling Mill (1.7 ± 0.01 g cm^{-3}) and Wauwinet (1.5 ± 0.01 g cm^{-3}; Figure 7). The large fluctuation in bulk density values at the top 5 cm at each site can be attributed to the high mobility of substrate in this dynamic system.

Sedimentation Rates and Core Age

The three cores that were dated ranged in age from 64 to 98 years. The highest depth integrated sedimentation rate and youngest core were found in Wauwinet (7.1 ± 1.15 mm/yr; 64 years in the upper 25 cm). Monomoy had a depth integrated sedimentation rate of 6.4 ± 1.6 mm/yr and core age of 98 years in the upper 25 cm. In contrast, Fulling Mill had the lowest depth integrated sedimentation rate (3.95 ± 0.5 mm/yr) and a core age of 82 years in the upper 25 cm (Figure 8). The large variability in

sedimentation rates in the upper 5-10 cm of each core can be attributed to high mobility of substrate within the system (e.g., shoaling).

Stable isotopes

Sediment core material $\delta^{15}N$ ranged from -3.08 ‰ to 6.81 ‰ while $\delta^{13}C$ ranged from -28.63 ‰ to -7.10 ‰ (Figures 9 & 10). Each core showed variability with depth for $\delta^{15}N$ and $\delta^{13}C$. Cole et al. (2006) showed that water derived from sewage typically has $\delta^{15}N$ values of +10 to +20 ‰, while water influenced by atmospheric deposition has values of +2 to +8, and water loaded with fertilizer features values between -3 to +3. Phytoplankton and particulate organic matter have $\delta^{13}C$ ranging from -15 ‰ to -28 ‰ while eelgrass have $\delta^{13}C$ ranging from -5 ‰ to -10 ‰ (Fry and Wainwright, 1991; Fry, 2006; Novak et al., in review).

Environmental Conditions

Light

The average daily light available to eelgrass relative to ambient land conditions between May and August ranged from 0.03% measured at the bottom of the canopy located at Pimny's Point up to 45.9% measured at the top of the canopy Fulling Mill. Large quantities of algae were consistently found in the eelgrass meadow at Pimny's Point. Algae was also observed at the other sites, but mats were not as dense. In June and July, the bottom light sensor at Fulling Mill and the top and bottom light sensors at Pocomo were lost/damaged (Figures 11 & 12).

Temperature

The average monthly temperature measured between May and August ranged from 17.7˚C measured at Monomoy in May and up to ~31˚C measured at Wauwinet in July. During the months of July all sites were above 25˚C more than 50% of the time. In August, Quaise, Pocomo and Wauwinet were above 25˚C more than 50% of the time (Figure 13).

Discussion

Recent studies show that the abundance of eelgrass has diminished from historic levels in Nantucket Harbor (Costello and Kenworthy 2011; Costello 2015). The loss in size and density of eelgrass in the Harbor is believed to be due to an increase in nutrient loading to the system (Curley 2002). In our study, we assessed the health of eelgrass meadows at six sites in Nantucket Harbor influenced by high nitrogen

loadings by collecting information on various plant and environmental parameters and identified mechanisms of declines. Our results show that eelgrass meadows in Nantucket Harbor are light-limited and thermally stressed during the peak growing season, suggesting that long-term loss of eelgrass in this system is due to the joint effect of cultural eutrophication (high nutrient loadings) and warming waters.

Ochieng et al. (2010) demonstrated that eelgrass plants in New England require 58% surface irradiance (SI) and above to grow and expand and are light-limited at 34% SI and below (Ochieng et al. 2010). Kenworthy et al. (2014) further suggested that the threshold for survival is 13.9% based on measurements at the deep edge (2.56 m) of eelgrass meadows in Nantucket Harbor. In our study, all sites received less than 34% SI from May to August except for Fulling Mill, which received more than 45% during the month of August (Figures 11&12). These results indicate that eelgrass meadows in Nantucket Harbor are not receiving enough light throughout the peak growing season to maintain a positive carbon balance and allow growth and expansion of meadows. The causes of light-limitation can be attributed to large quantities of drift macro-algae collecting in eelgrass meadows and reducing the light available to eelgrass through shading. Large quantities of algae were especially prevalent at Pimny's Point from May thru August. In addition to algae, sediment resuspension due to the loss of eelgrass in the system, as well as moored boats may be further reducing light levels in eelgrass meadows and causing declines.

Temperatures above 25°C have previously been identified as another stressful threshold for eelgrass (Greve et al. 2003; Reusch et al. 2005). At 25 °C, water temperatures cause rates of respiration to exceed photosynthesis, resulting in a negative carbon balance (Marsh et al. 1986; Moore et al. 1997). At 28 °C, large scale declines in eelgrass cover have been observed at the southern range of this species distribution (Shields et al. 2019). During the month of July, all study sites in Nantucket Harbor had an average water temperature above 25 °C and were exposed to temperatures above 28 °C for ~13% of the time. In August, only Quaise, Pocomo, and Wauwinet had an average water temperature above 25°C. However, all sites spent more than 50% of the time above the 25°C and more than 3% of the time above 28 °C (Figure 13). The warm water temperatures in Nantucket Harbor during the summer months is higher than temperatures in nearby eelgrass meadows located in shallow subtidal waters on Cape Cod. Between 2003 and 2015, Pleasant Bay (Orleans) and Duck Harbor (Wellfleet) were exposed to temperatures above 25°C less than 16% of the time and above 28 °C less than 2% (NPS, SeagrassNet data). Based on the results of this study, it appears as though eelgrass meadows are also thermally stressed in this system possible due to climate change.

C:N, NPI, and % N in leaves have be used as indicators of nutrient enrichment in seagrass meadows. C:N ratios less than 20 in leaves, NPI values greater than 0.3, and/or leaf nitrogen values above 1.6 % have been found in nutrient enriched systems such as Great Bay (NH), Waquoit Bay (MA), and Narragansett Bay (RI; Heminga and Duarte 2000; Lee et al. 2004). In our study, Pimny's Point had %N values in leaves greater than 1.6% during May (Figure 4). However, all sites had higher C:N, and lower NPI, and %N values during the month of July than nutrient enriched systems (Figure 5). The lower values of %N in eelgrass during the July 2018 sampling could be a result of seasonal nitrogen availability and eelgrass growth rates (Duarte 1990, Fourqurean et al. 1997). Nitrogen is typically limited in the nearshore during summer growing seasons and growth rates are often elevated increasing plant biomass while reducing total nutrient concentrations. Moreover, the extensive algae mats found throughout the system may be reducing the amount of nitrogen available to eelgrass during the summer months; Alexandre et al. (2017) found that some species of algae have higher uptake capacities for nutrients than eelgrass.

Stable isotopes analysis of plant material offers the possibility of detecting the biological role of groundwater flow in the marine environment or the impact of sewage effluent before major ecological changes occur (Mac Clelland et al. 1997; Mac Clelland and Valiela 1998). It is particularly useful in areas where a small nutrient increase could have a significant impact on the ecosystem especially where this nutrient increase is undetectable in the water due to, for example, a low sewage load or rapid dilution in the surrounding environment (Gartner et al. 2002; Yamamuro et al. 2003). In Waquoit Bay (Massachusetts, USA), isotopic studies have permitted the attribution of an isotopic signature to nitrates from waste water, from fertilizer and from atmospheric deposition (MacClelland et al. 1997). In our study, July δ15N values ranged from 3.08 to 5.08‰ in Nantucket Harbor and there was no obvious pattern indicating a gradient towards higher or lower areas of nutrient enrichment and/or type of loading among the six sites. Tuckernuck, a relatively preserved site, had a high δ15N of 7.46‰ (Figure 5). The lack of differentiation between δ15N sources in July in Nantuckets Harbor suggest multiple inputs (i.e., fertilizer and atmospheric deposition). Likewise, the high values in eelgrass tissues from Tuckernuck are not necessarily the reflection of sewage or ground water impacts. For example, Fourqurean et al. (1997) measured the increase of δ15N values of eelgrass from the mouth to the head of Tomales Bay in California. In this relatively preserved bay, groundwater discharge is considered low. The high δ15N values (+12‰) are attributed to the occurrence of denitrification processes in Tomales Bay marine waters, which may have resulted in the 15N enrichment of the remaining inorganic N pool and, consequently, a 15N enrichment of plants which incorporate inorganic N from the water column.

Recommendations

Our study provides baseline information on eelgrass health for Nantucket Harbor and identifies mechanisms for reported declines. As the climate continues to warm, eelgrass in Nantucket Harbor will continue to be exposed to increased water temperatures and periods of thermal stress. However, eelgrass can survive if other environmental parameters that promote growth and expansion are optimal. Below are some recommendations for future work, as well as management actions that will improve eelgrass health and facilitate recovery in the harbor

Restoration of eelgrass meadows in Nantucket Harbor is one suggested strategy to facilitate recovery in this system even in the face of climate change. Restoration involves improving environmental conditions (e.g. water quality) to encourage natural regeneration and/or seeding/transplanting plants from donor meadows. We recommend managers improve water quality within the harbor by reducing land-based pollution and decreasing nutrient and sediment run-off, reducing or eliminating the use of fertilizers and persistent pesticides and increasing filtration of effluent. The reduction in nutrients within the system will lead to a reduction in nuisance algae which limit the amount of light available to eelgrass for growth. Moreover, if plants are no longer light stressed they will be able to tolerate longer periods of thermal stress. In addition, to improving water quality, we recommend continuing transplanting efforts in well flushed areas with low quantities of algae. In September 2018, the Nantucket Land Council along with Boston University began transplanting 1/4 acre plots of eelgrass at Monomoy. This location was selected because it is well-flushed and has historically supported eelgrass (Shellfish Report, 2012). The establishment of eelgrass within this area should help "kick start" natural recovery within the Monomoy section of the harbor. In addition, newly transplanted eelgrass in this area is expected to further improve water quality and clarity through nutrient uptake and suspended sediment deposition (Duarte, 1995).

In addition to restoring eelgrass in Nantucket Harbor, we also recommend monitoring existing eelgrass meadows in the harbor using a hierarchical framework to detect and predict changes so that appropriate management strategies can be developed. The monitoring approach would include three tiers that are integrated across spatial scales and sampling intensities (see Neckles et al. 2012). Tier 1 monitoring would involve mapping eelgrass in Nantucket Harbor every three-five years to provide large-scale information on seagrass distribution and meadow size. Costello (2015) has already developed an appropriate mapping process for this system that involves the acquisition of high resolution digital imagery captured within strict environmental conditions. Tier 2 monitoring would involve bay-wide, quadrat-based assessments of eelgrass percent cover and canopy height at permanent sampling stations

following a spatially distributed random design. The National Park Service on Cape Cod has a design that is used to monitor Pleasant Bay that could be adapted to this system. Tier 3 monitoring would involve high-resolution measurements of seagrass condition (percent cover, canopy height, total and reproductive shoot density, biomass, and seagrass depth limit) at a representative index site in the system. SeagrassNet is an example of a program that collects more detailed Tier 3 data and could be easily implemented in the harbor (http://www.seagrassnet.org/). If a hierarchical approach to monitoring is not feasible for Nantucket Harbor at this time, light and temperature data, as well as percent cover of algae and eelgrass should be monitored at multiple sites within the system.

Costello (2015) showed a slight decline in eelgrass in Madaket while eelgrass was stable to increasing on Tuckernuck. The decline in Madaket was along the deeper edges South of Eel Point and possibly due to storm and tidal current action. A complete loss of habitat in the inner Madaket Harbor area on both sides of the channel and in the upper reaches of the inner harbor was also noted. Water quality issues were suspected in those losses as the contributing watershed seems to have experienced increased development. To increase our understanding of the factors responsible for eelgrass declines and the conditions required to facilitate eelgrass growth and expansion on Nantucket we suggest conducting eelgrass plant health assessments in Madaket Harbor and Tuckernuck utilizing the methodology outlined in this study. Specifically, information on meadow structure and nutrient content in leaf tissue and sediment as well as light and temperature data should be collected at multiple sites in Madaket Harbor and Tuckernuck and compared to the data collected in Nantucket Harbor. We suggest collecting in both spring and summer months.

Lastly, we recommend raising awareness about the socio-economic and ecological values of eelgrass as it is critical in building support for seagrass conservation. Engaging local communities and stakeholders is essential in any conservation strategy. Volunteer monitoring programs can be effective in increasing public awareness of the value of eelgrass meadows and the threats to their survival. Community monitoring programs, such as SeagrassNet, successfully promote stewardship, reinforce the value of eelgrass habitats and collect data about the condition of this species. Public education programs should identify actions that individuals can take to reduce stresses on eelgrass in this system. For example, individuals can help reduce threats to water quality by preventing pollutants (e.g. fertilizers, paint, gasoline, solvents and garden chemicals) from entering storm-water drains. To reduce sediment and nutrient run-off into waterways, individuals can maintain vegetation on riverbanks and adjacent to the harbor, create retention ponds or ditches to reduce high-discharge flows or plant a buffer strip of plants in

these areas. Boaters can also avoid anchoring and running their propellers through eelgrass meadows. Mooring in eelgrass meadows appears to be a serious problem across the island.

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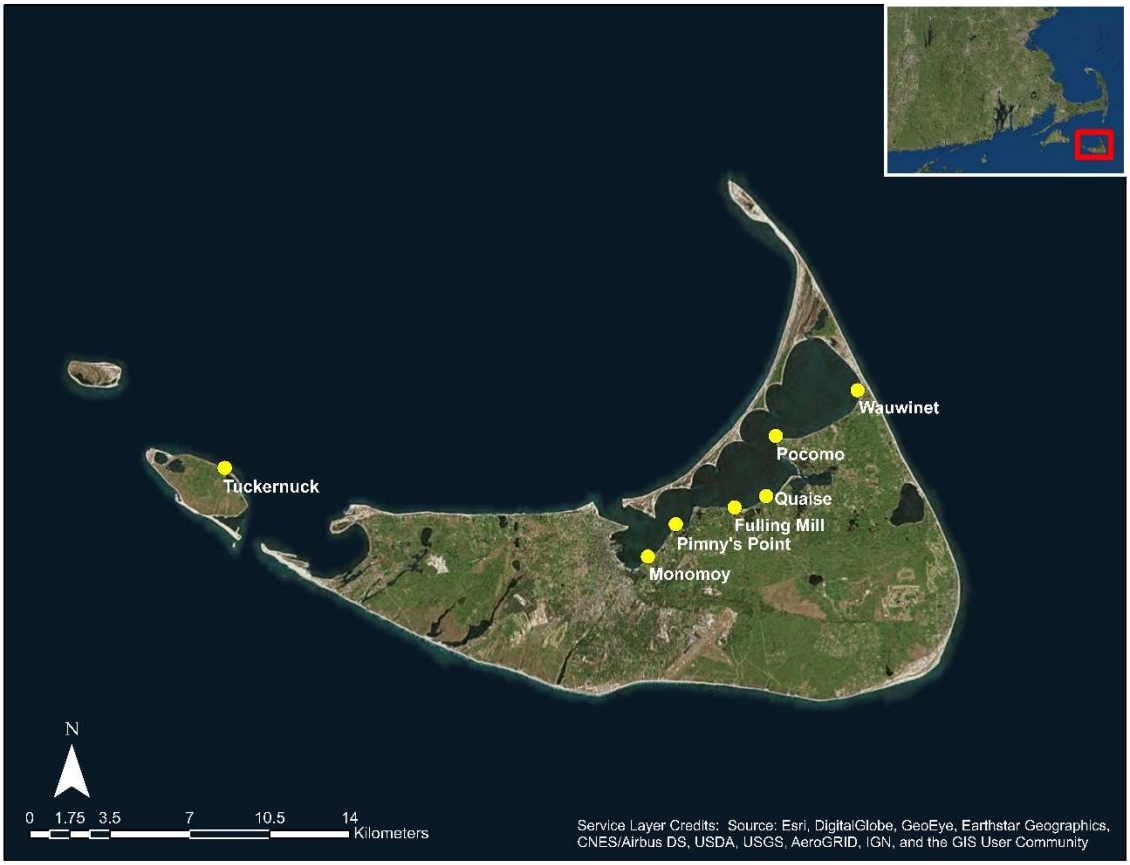

Figure 1. Map showing the location of sampling sites in Nantucket Harbor as well as a reference site near Tuckernuck Island.

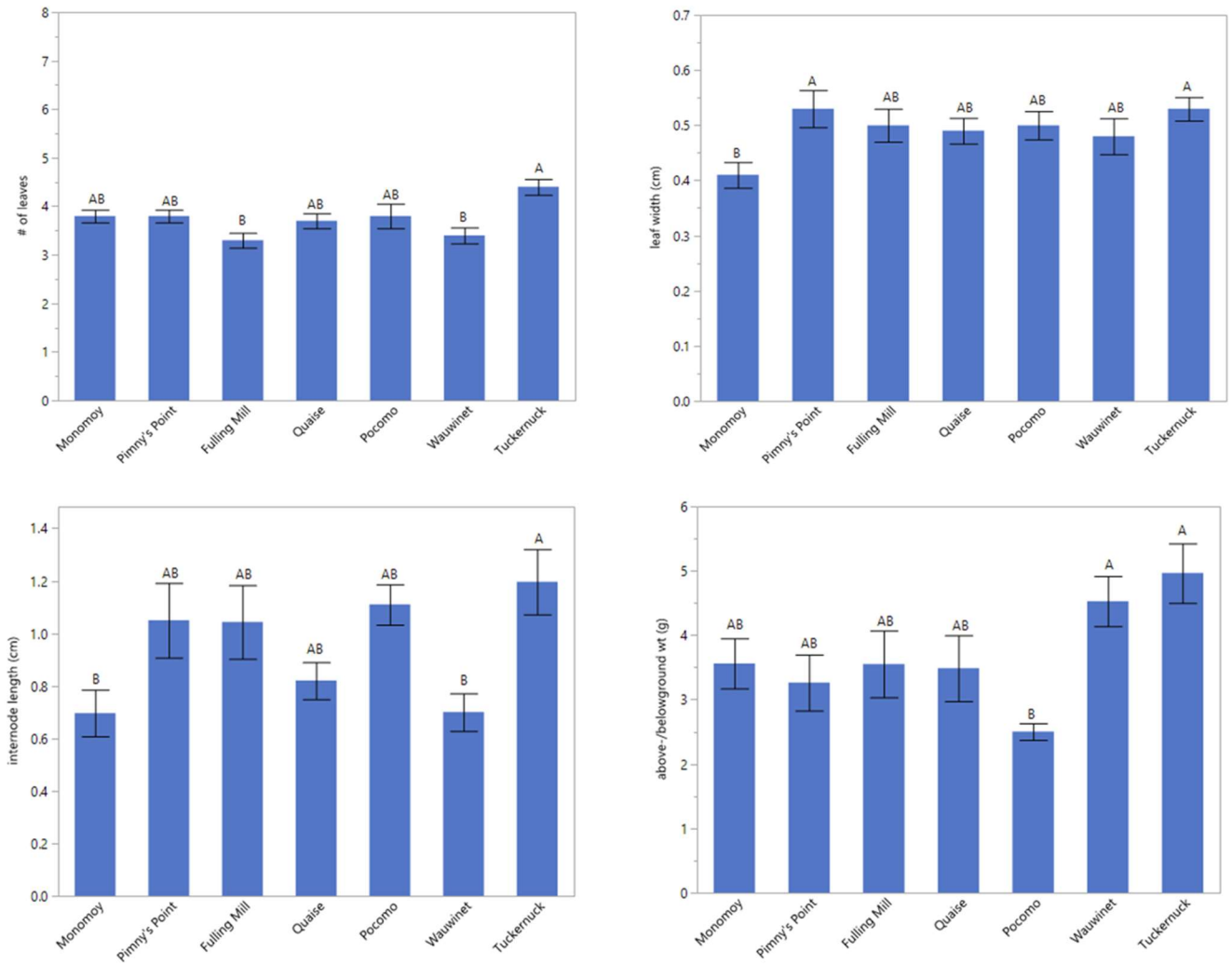

Figure 2. Significant differences in morphological characteristics were observed among sites in July 2018 (means ±SE). Different letters A-B denote Tukey's test results for significant differences among sites at P<0.05.

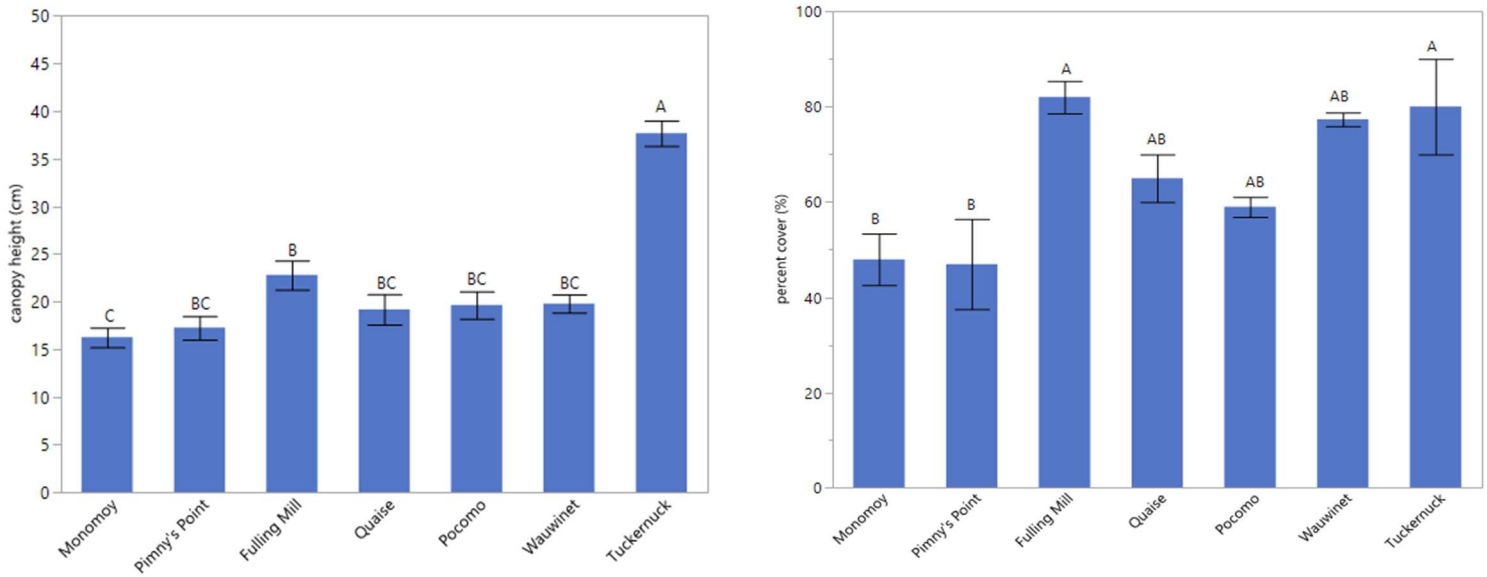

Figure 3. Significant differences in structural characteristics of the meadow were observed among sites for canopy height and percent cover in July 2018 (means ±SE). Different letters A-C denote Tukey's test results for significant differences among sites at P<0.05.

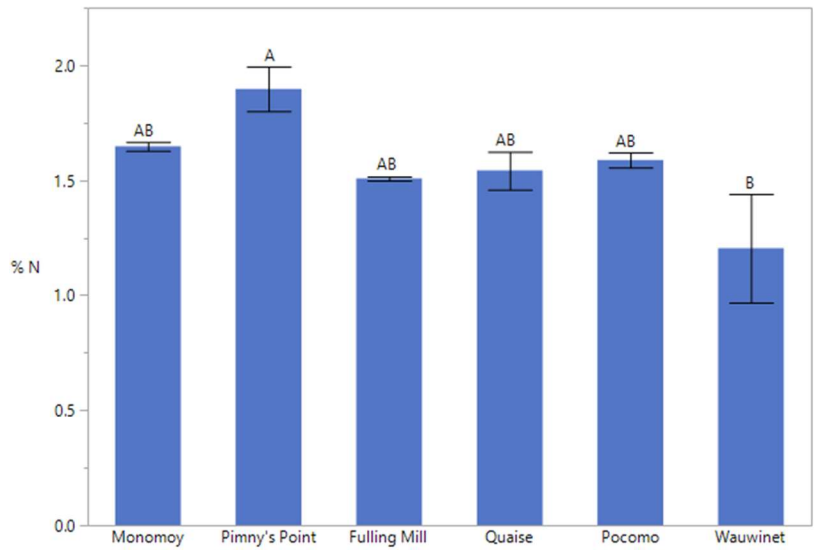

Figure 4. Significant differences in %N were observed among sites during the Spring of 2018 (means ±SE). Different letters A-B denote Tukey's test results for significant differences among sites at P<0.05.

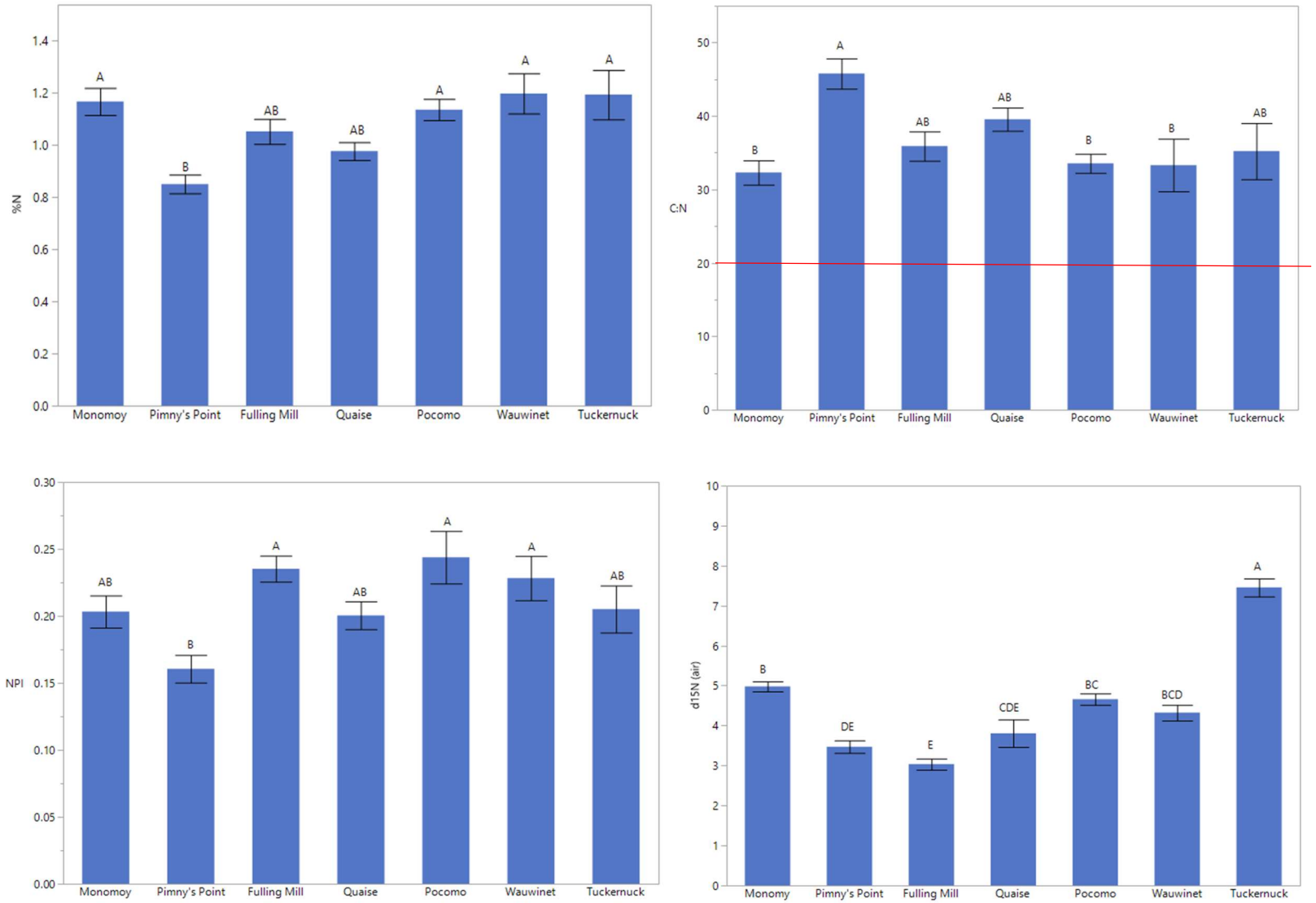

Figure 5. Significant differences in %N, C:N, NPI, and δ15N were observed among sites during the Summer of 2018 (means ±SE). Different letters A-E denote Tukey's test results for significant differences among sites at $P<0.05$. C:N values < 20 indicate nitrogen enrichment (red line).

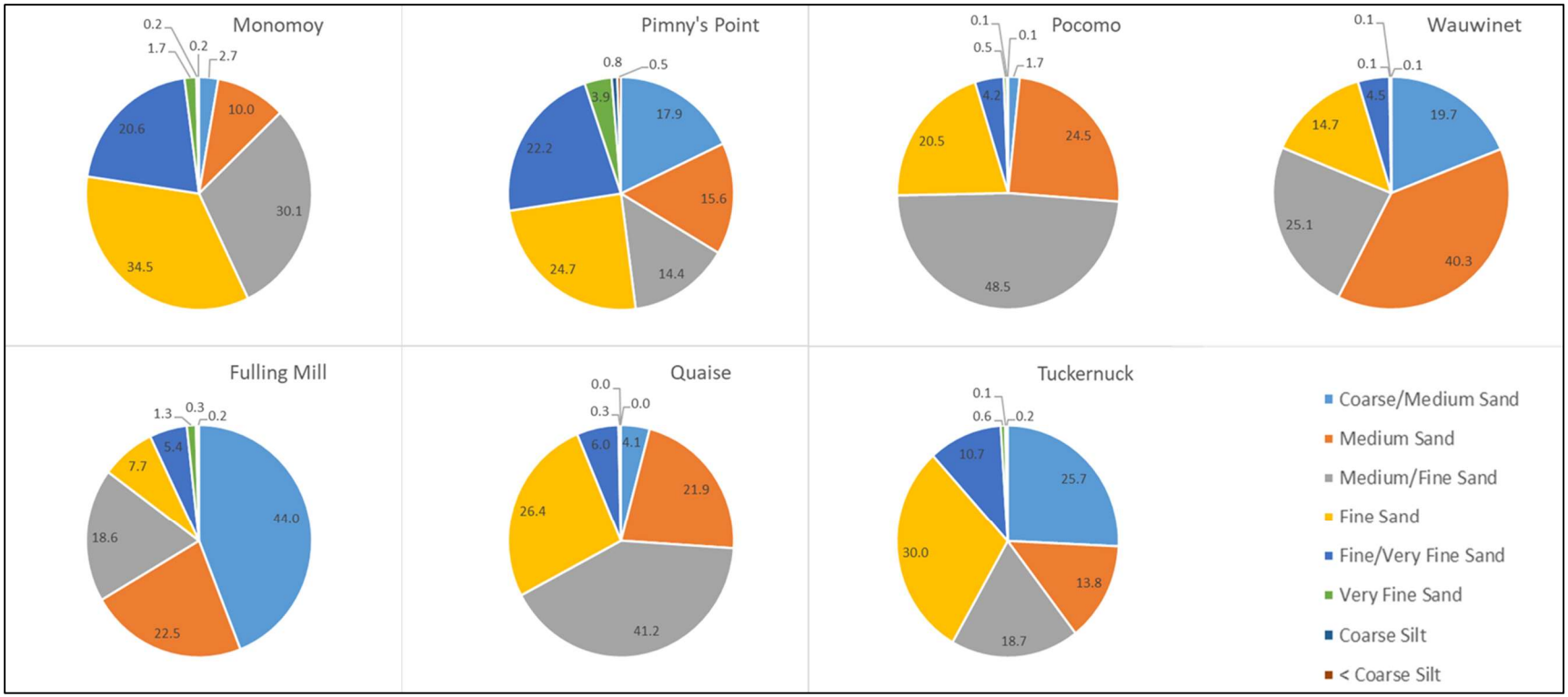

Figure 6. Charts showing sediment grain-size distribution at each of the six sites in Nantucket Harbor as well as at the sample site on Tuckernuck Island.

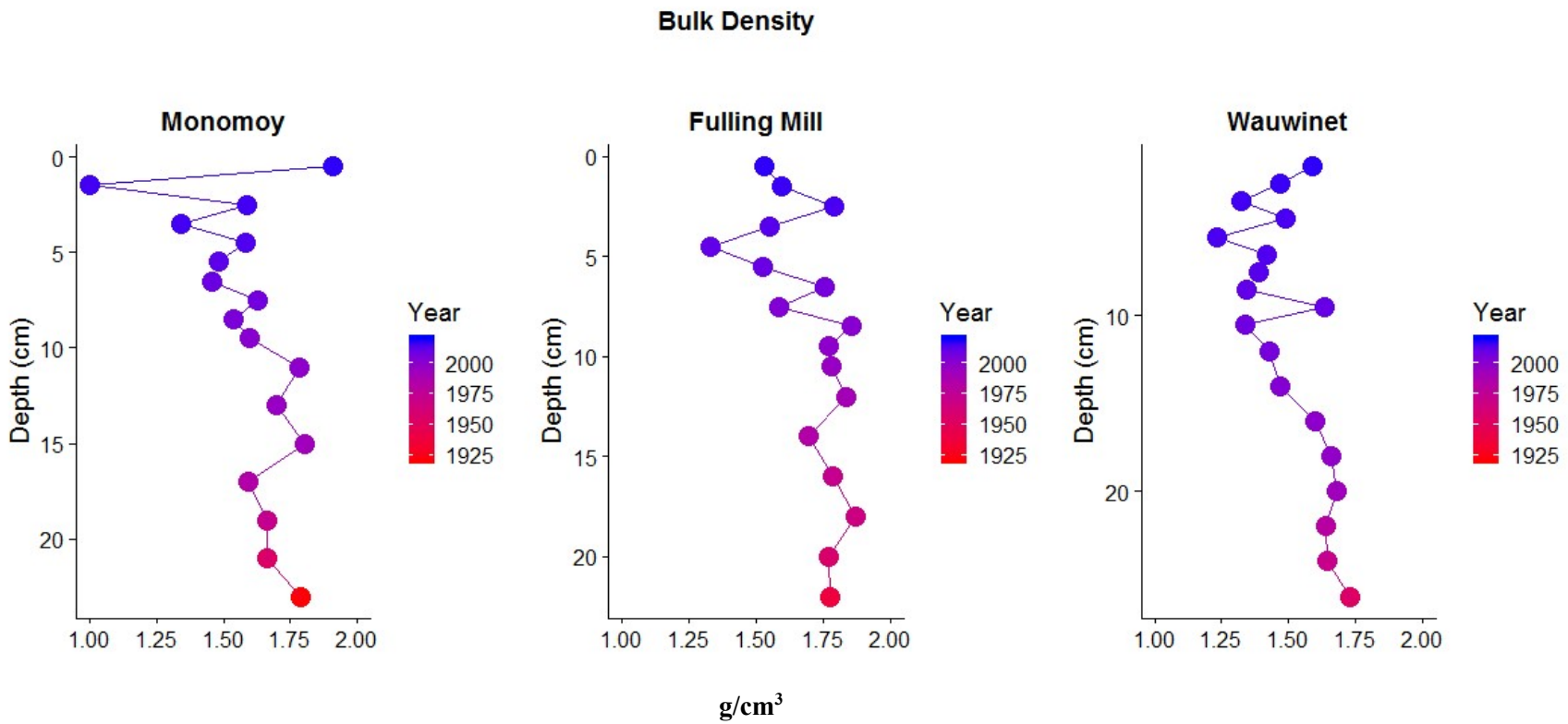

Figure 7. Bulk density (g/cm^3) of sediment cores collected from Monomoy, Fulling Mill, and Wauwinet.

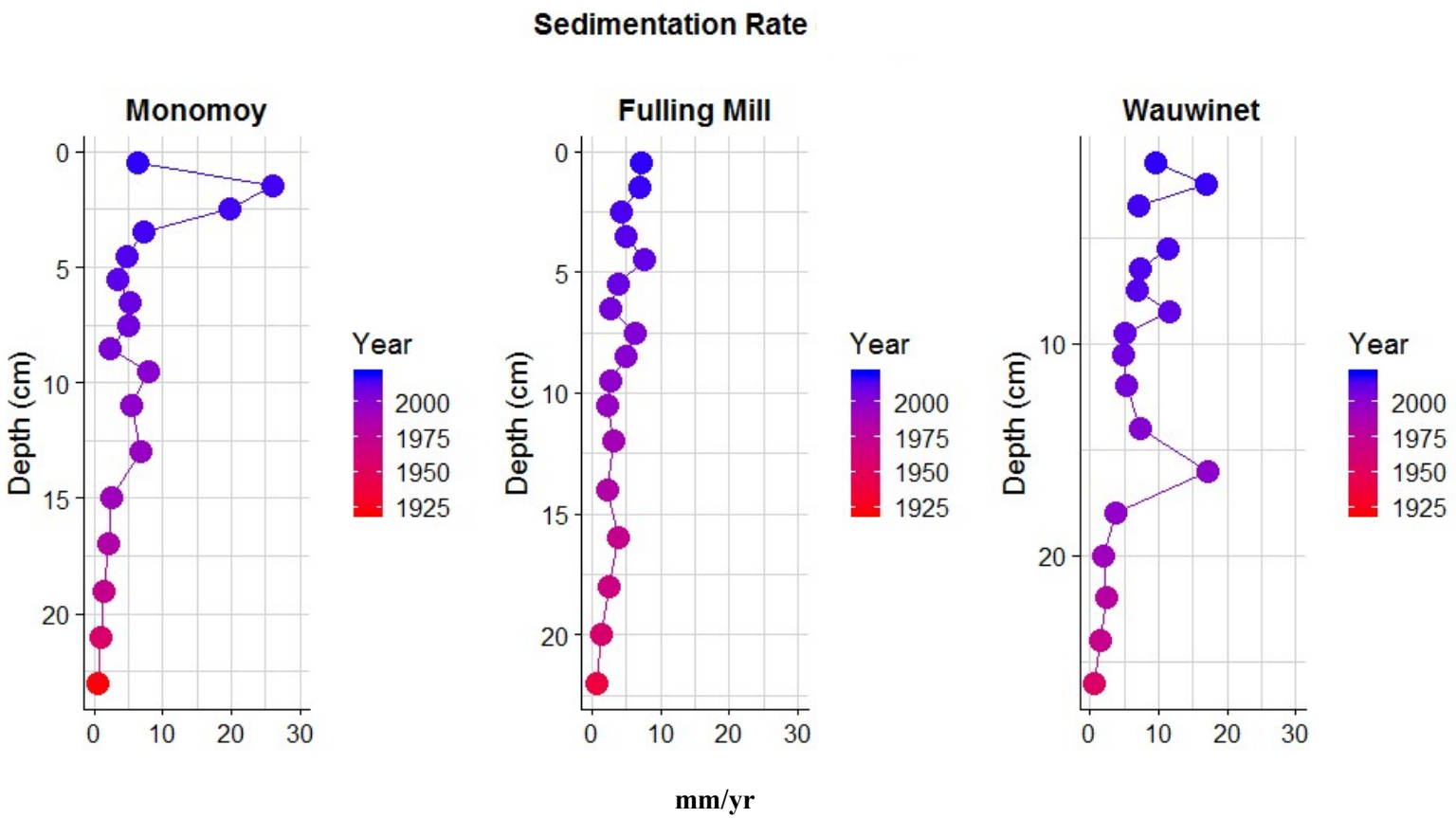

Figure 8. Sedimentation rates at Monomoy, Fulling Mill, and Wauwinet.

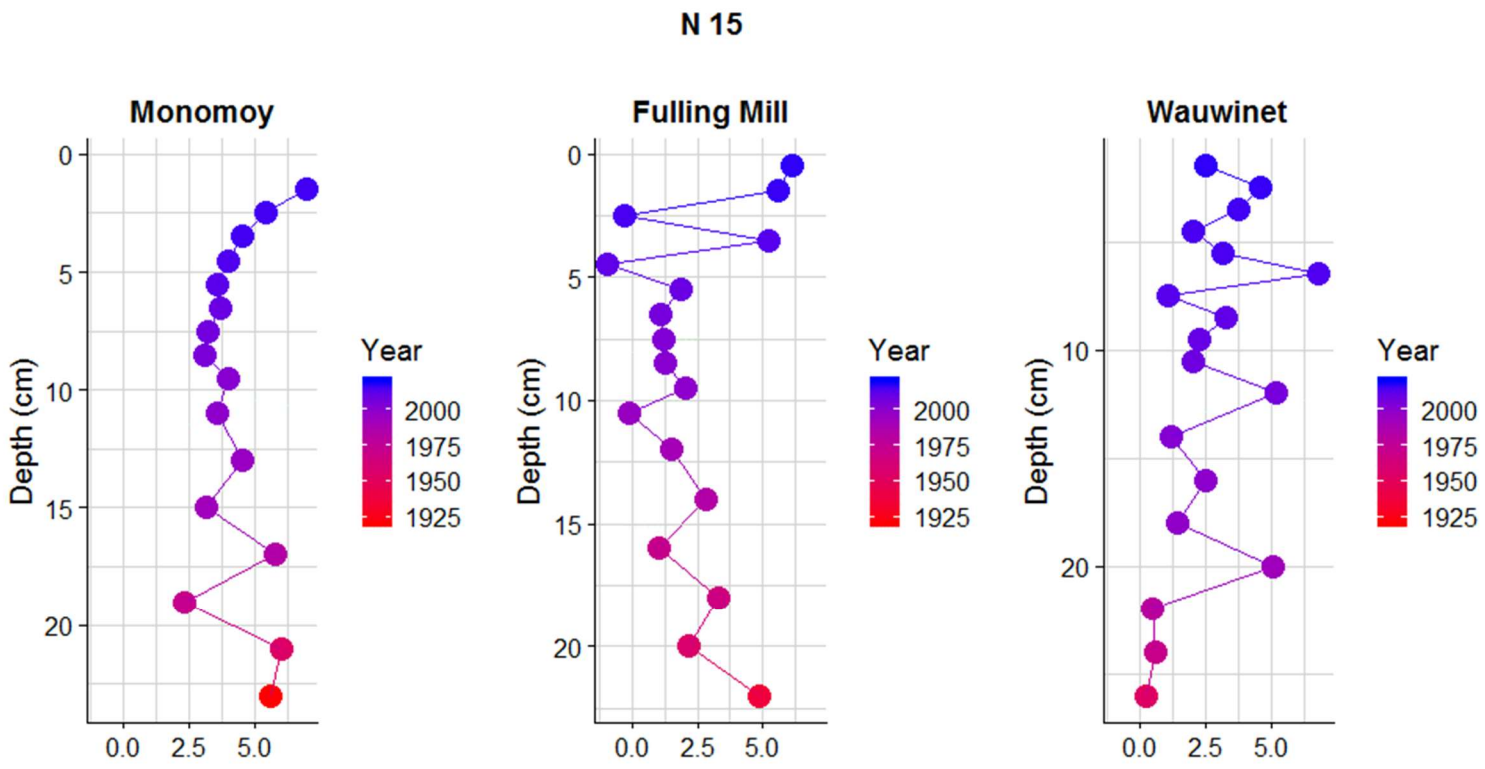

Figure 9. $\delta^{15}N$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{15}N$ can be used to identify nutrient pollution sources.

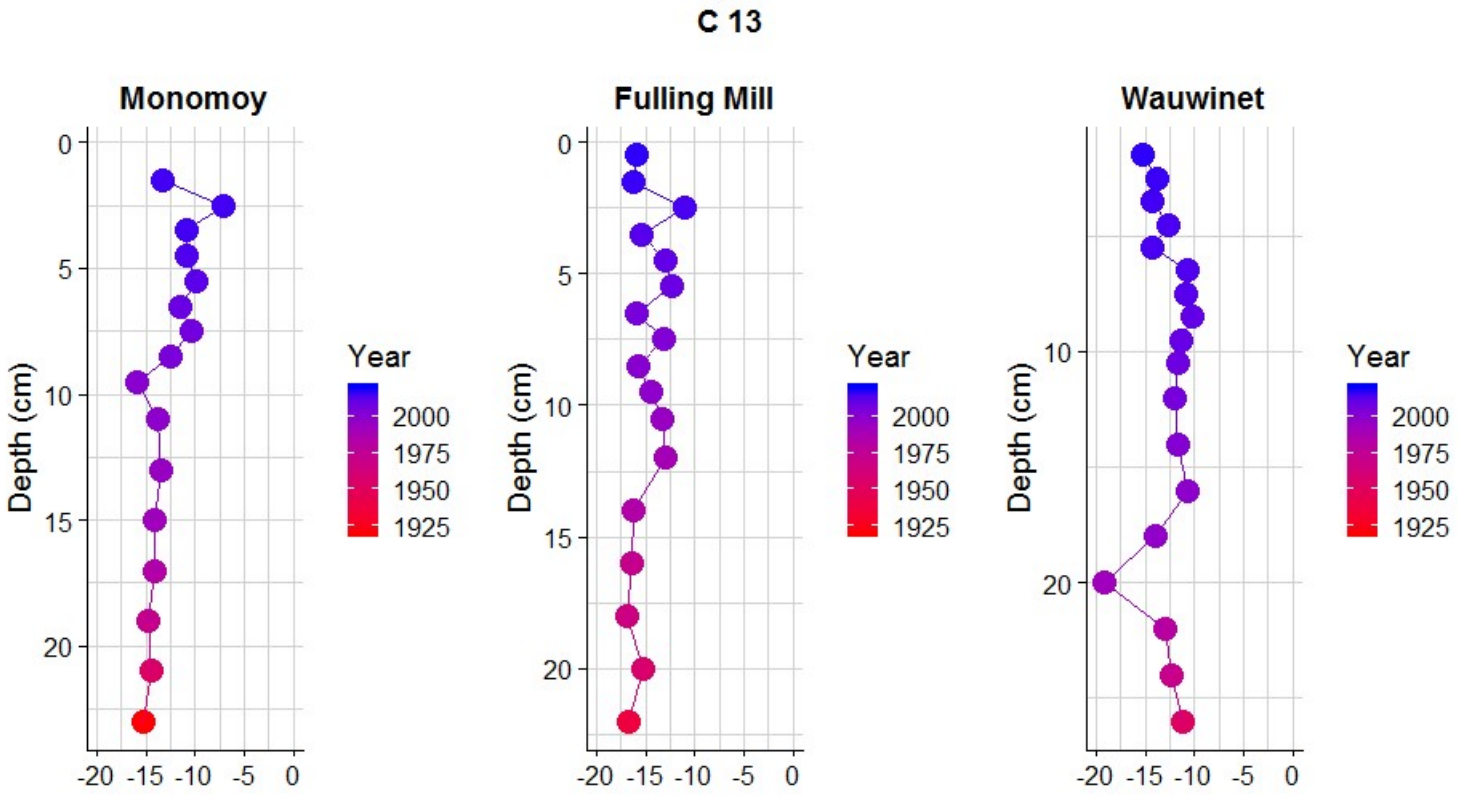

Figure 10. $\delta^{13}C$ values values at Monomoy, Fulling Mill, and Wauwinet. $\delta^{13}C$ can be used to identify sources of carbon.

MAY

Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3274	23.07
Monomoy (Bottom)	2409	16.97
Pimny's Point (Top)	2705	19.06
Pimny's Point (Bottom)	0	0.00
Fulling Mill (Top)	3615	25.46
Fulling Mill (Bottom)	2115	14.90
Quaise (Top)	3176	22.37
Quaise (Bottom)	1454	10.24
Pocomo (Top)	2825	19.90
Pocomo (Bottom)	1836	12.93
Wauwinet (Top)	2920	20.57
Wauwinet (Bottom)	2259	15.91

June

Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3155	28.76
Monomoy (Bottom)	1632	14.88
Pimny's Point (Top)	3217	29.32
Pimny's Point (Bottom)	2276	20.75
Fulling Mill (Top)	3063	27.92
Fulling Mill (Bottom)		
Quaise (Top)	2772	25.27
Quaise (Bottom)	1788	16.30
Pocomo (Top)		
Pocomo (Bottom)		
Wauwinet (Top)	2082	18.98
Wauwinet (Bottom)	1087	9.91

Figure 11. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of May and June.

July

Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	3654	24.46
Monomoy (Bottom)	2498	16.72
Pimny's Point (Top)	4694	31.43
Pimny's Point (Bottom)	1081	7.23
Fulling Mill (Top)	4304	28.81
Fulling Mill (Bottom)	2413	16.15
Quaise (Top)	3676	24.61
Quaise (Bottom)	2311	15.47
Pocomo (Top)	3281	21.96
Pocomo (Bottom)	1288	8.62
Wauwinet (Top)	3180	21.29
Wauwinet (Bottom)	2369	15.86

August

Site	Avg. Intensity	% Surface Irradiance
Monomoy (Top)	2858	26.49
Monomoy (Bottom)	1262	11.70
Pimny's Point (Top)	2299	21.32
Pimny's Point (Bottom)	358	3.32
Fulling Mill (Top)	4878	45.23
Fulling Mill (Bottom)	2514	23.30
Quaise (Top)	3031	28.10
Quaise (Bottom)	1657	15.36
Pocomo (Top)	2442	22.64
Pocomo (Bottom)	1811	16.79
Wauwinet (Top)	3107	28.80
Wauwinet (Bottom)	1939	17.98

Figure 12. Average percent of light reaching the top and bottom of the eelgrass canopy between 10:00 and 14:00 for the months of July and August.

May

Site	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25 °C	% Time > 28 °C
Monomoy (Top)	14.04	28.75	17.74	1.4	0.2
Monomoy (Bottom)	13.94	28.66	17.72	1.3	0.2
Pimny's Point (Top)	13.85	28.75	18.19	1.3	0.3
Pimny's Point (Bottom)	14.23	28.75	17.89	1.3	0.3
Fulling Mill (Top)	13.65	29.45	18.73	1.3	0.4
Fulling Mill (Bottom)	13.75	29.35	18.66	1.1	0.3
Quaise (Top)	14.52	29.45	18.67	1.2	0.3
Quaise (Bottom)	14.52	28.85	18.54	1.2	0.3
Pocomo (Top)	14.33	28.75	18.94	1.1	0.3
Pocomo (Bottom)	14.13	28.56	18.78	1.1	0.3
Wauwinet (Top)	16.05	29.65	19.11	1.0	0.3
Wauwinet (Bottom)	15.95	29.75	19.02	0.9	0.2

June

Site	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25 °C	% Time > 28 °C
Monomoy (Top)	18.14	29.15	22.19	10.6	0.7
Monomoy (Bottom)	18.24	27.86	22.02	9.3	0.0
Pimny's Point (Top)	18.33	30.76	22.72	19.4	1.6
Pimny's Point (Bottom)	18.43	30.05	22.57	15.3	1.1
Fulling Mill (Top)	18.90	30.46	23.20	27.2	2.8
Fulling Mill (Bottom)					
Quaise (Top)	18.90	29.35	23.14	25.3	1.6
Quaise (Bottom)	19.00	29.15	23.06	24.4	1.3
Pocomo (Top)					
Pocomo (Bottom)					
Wauwinet (Top)	19.28	30.56	23.66	24.8	3.7
Wauwinet (Bottom)	19.28	30.15	23.51	22.3	3.2

July

Site	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25 °C	% Time > 28 °C
Monomoy (Top)	21.86	29.65	25.02	52.7	5.1
Monomoy (Bottom)	21.76	29.65	24.90	49.2	4.5
Pimny's Point (Top)	21.57	30.56	25.41	58.4	7.3
Pimny's Point (Bottom)	21.76	29.65	25.15	54.1	4.3
Fulling Mill (Top)	21.76	30.66	25.75	64.9	9.9
Fulling Mill (Bottom)	21.95	30.36	25.74	65.8	8.2
Quaise (Top)	20.23	30.17	25.70	65.3	9.5
Quaise (Bottom)	20.04	30.95	25.65	64.7	9.0
Pocomo (Top)	20.33	30.17	26.16	77.6	13.0
Pocomo (Bottom)	19.95	30.44	25.90	73.3	9.3
Wauwinet (Top)	20.04	31.94	26.25	77.9	12.3
Wauwinet (Bottom)	19.57	30.84	26.14	67.0	10.8

August

Site	MIN (°C)	MAX (°C)	AVG (°C)	% Time > 25 °C	% Time > 28 °C
Monomoy (Top)	21.95	29.55	24.77	41.6	1.5
Monomoy (Bottom)	22.05	29.05	24.61	35.2	0.7
Pimny's Point (Top)	21.86	29.55	24.92	46.7	1.1
Pimny's Point (Bottom)	21.76	28.85	24.69	38.8	0.8
Fulling Mill (Top)	21.76	30.66	24.98	45.9	3.4
Fulling Mill (Bottom)	21.66	29.75	24.87	44.0	2.2
Quaise (Top)	22.33	29.05	25.03	51.2	1.7
Quaise (Bottom)	22.43	28.85	25.07	51.1	1.4
Pocomo (Top)	21.86	29.55	25.27	53.1	4.7
Pocomo (Bottom)	21.86	29.25	25.26	53.0	3.4
Wauwinet (Top)	22.91	29.95	25.54	59.9	5.0
Wauwinet (Bottom)	22.91	29.65	25.44	56.5	2.8

Figure 13. Descriptive statistics for temperature between the months of May and August. Continuous water temperature were collected at 15 minute intervals.

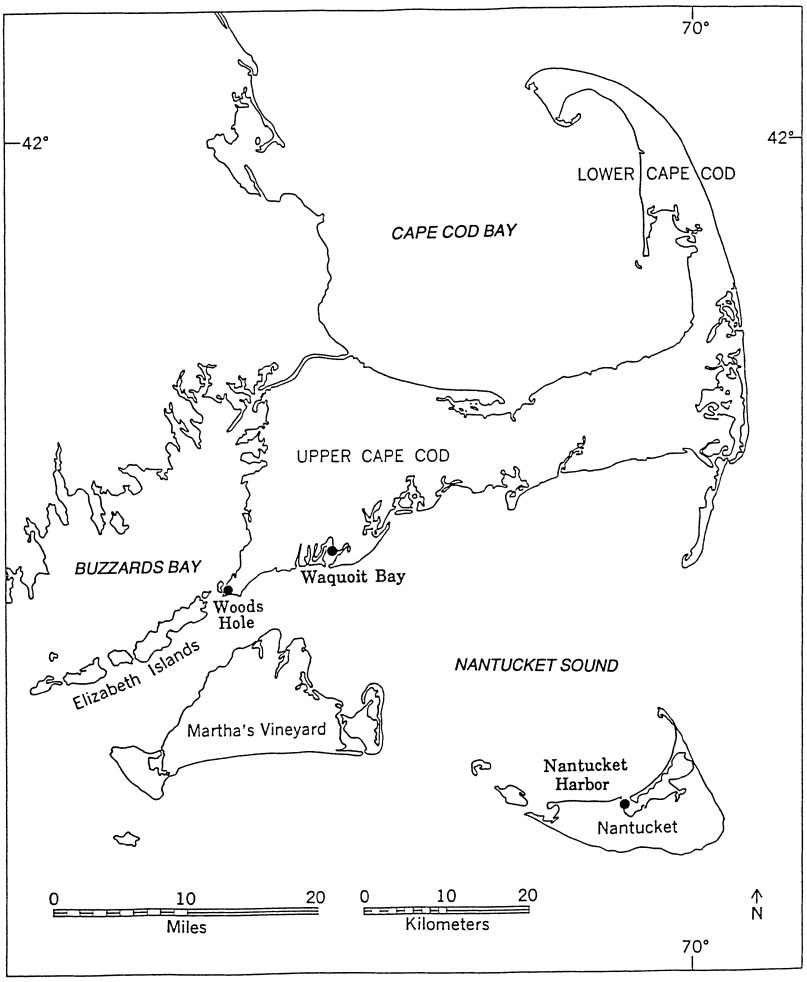

Figure 1. Map of southeastern Massachusetts, showing the two main study areas: Waquoit Bay and Nantucket Harbor, as well as Woods Hole. Ninigret Pond in Rhode Island is not shown. (Map modified from US Department of the Interior/Geological Survey 1976.)

Materials and Methods

Study Sites

The sampling design included investigation of several types of docks and tides that ranged from 0.3 to 0.9 m (mean tidal range). We included both seasonal and permanent docks, and docks with structural extremes (wide and narrow decks various heights above the water, floating and fixed on piers). Our study, limited to estuaries where substantial eelgrass beds currently coexist with docks, was conducted primarily in Nantucket Harbor and Waquoit Bay, Massachusetts (Figure 1). In addition, one dock was examined in Woods Hole Harbor, Massachusetts, and one was examined in Ninigret Pond, Rhode Island.

Dock Descriptions and Measurements

In the estuaries studied, boat docks are used as permanent walkways from shorelines to relatively deep water where boats are kept. Docks are usually wooden, with their walkways supported by piers: whole or milled posts driven into the marine sediments. Vessels are often tied onto floating portions of docks that rise and fall with the tides. Dock orientation is usually shore normal, with the long axis perpendicular to the shoreline. Most of the docks we examined were privately owned and maintained for seasonal recreational use.

Using rulers and tape measures, dock length, width, and thickness (from the top of the walkway deck to the base of the beams that connect the horizontal deck with the vertical piers), dock height above water, height above marine bottom, and dock length along eelgrass beds were measured. Dock orientation was taken with a compass while standing on the dock, facing seaward parallel to the long axis of the dock. Whether the dock was permanent or seasonal, and whether it was elevated on fixed piers or floating were noted. Age of the structure was estimated or obtained through local inquiries.

Collection of Biological and Light Data

Sampling was performed in August, at the time of maximum eelgrass standing stock, or biomass (Short

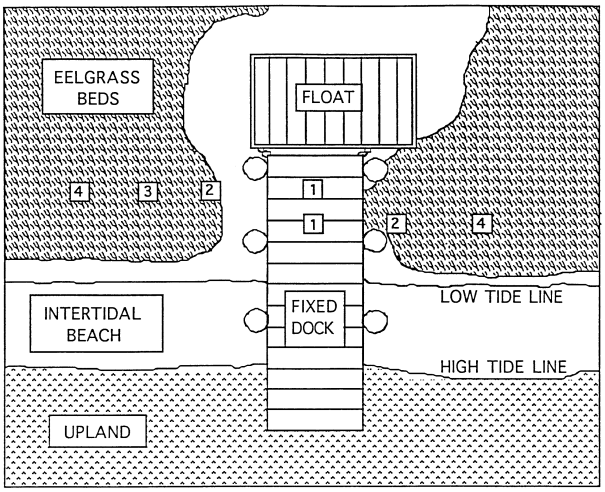

Figure 2. Typical dock showing fixed and floating portions in relation to associated eelgrass beds and stations along two transects from the fixed dock. Stations are coded: 1 = UNDER, 2 = ADJACENT, 3 = MID, 4 = FAR.

and others 1993), but before insolation was significantly reduced. Transects were established at each dock (Figure 2); each transect included one station under the dock (UNDER = 1) and extended perpendicular to the long axis of the dock to a station away from possible dock impacts (FAR = 4). For each transect, up to two other stations were sampled: if there was no eelgrass under the dock, a station was sampled in the first eelgrass bed encountered (ADJACENT = 2), or if there was eelgrass under the dock, the ADJACENT station was located within 2 m of the dock. Sometimes another station (MID = 3) was located between the ADJACENT station and the FAR station of the transect. Eelgrass beds were characterized by shoot density, canopy height (height of 80% of the blades from the bottom), and growth using methods developed in previous studies (Short 1987, Fonseca 1990), as well as by canopy structure, the product of canopy height and shoot density. The portions of the eelgrass beds found directly under the docks were rated to characterize eelgrass bed quality. Eelgrass beds under docks were assigned a number (0–9) representing bed quality when compared to nearby eelgrass beds removed from dock effects. The ratings were: 0 for no eelgrass under the dock, 5 if eelgrass under the dock was half of that found in surrounding beds, 9 if not visibly different from the surrounding beds, interpolating to the nearest whole number for intermediate conditions.

Light was measured with a spherical quantum sensor (Li-Cor 4π; Li-Cor, Inc. Lincoln, Nebraska 68504, USA) that was held 24 cm from the bottom at all transect stations, namely UNDER, ADJACENT, MID, and FAR. Light data was recorded on a Li-Cor LI-1000 data logger and is presented as a percentage of surface light using a comparison to simultaneous surface light measurements from a flat quantum sensor held above the water. Light values used for analyses are means of triplicate measurements.

Relative light levels under docks (measured between 10:00 and 16:00 h) declined from 10:30 h to 12:00 h, when the shadow fell most directly under the dock, increased until 15:00 h, and declined after 15:00 h due to low sun angle. To explain the variation in synoptic light levels under docks, the time of measurement was scaled to the nearest half hour, with 14:30 to 15:00 h the maxima (0) and 11:30 to 12:00 h the minima (−3), producing a variable with an approximately linear response to light. A third-order polynomial curve fit to the percentage of light under docks supported the scaling procedure ($P < 0.0001$).

At four docks in Waquoit Bay, eelgrass was marked with a pinhole just above the meristem to measure growth (Short 1987) using three to six stations per dock site (up to ten shoots at each station, as available). The stations were ADJACENT to docks, beyond the shade effects of the docks (FAR), and in between (MID). Plants were harvested seven days after marking; all surviving plants were collected (two to nine plants per station).

Statistical Analyses

In general, an alpha level of 0.05 was chosen for main and interactive effects in the models, for post hoc tests used to compare means (Fischer's protected *F* test), and for correlations. Residual plots using fitted Y values were examined for regression and ANOVA analyses to ensure assumptions of normality and variance homogeneity were met and to inspect the data for outliers. Descriptive equations for eelgrass bed quality and available light under docks were developed from multiple regressions using dock characteristics and time of sampling with StatView (Abacus Concepts 1992). To build and interpret the regression models, Pearson correlation coefficients were calculated for dock characteristics, eelgrass beds quality, and the average percentage of light under the docks.

Eelgrass population characteristics (shoot density, canopy height, and canopy structure) and growth were analyzed separately by station (UNDER, ADJACENT, MID, and FAR) using ANOVA (Super ANOVA, Abacus Concepts 1989). Data from nine sampling stations that were classified as ADJACENT or MID stations were omitted because the eelgrass appeared to be eliminated by stress not directly caused by docks (e.g., boat propellers). Shoot density was transformed with the natural

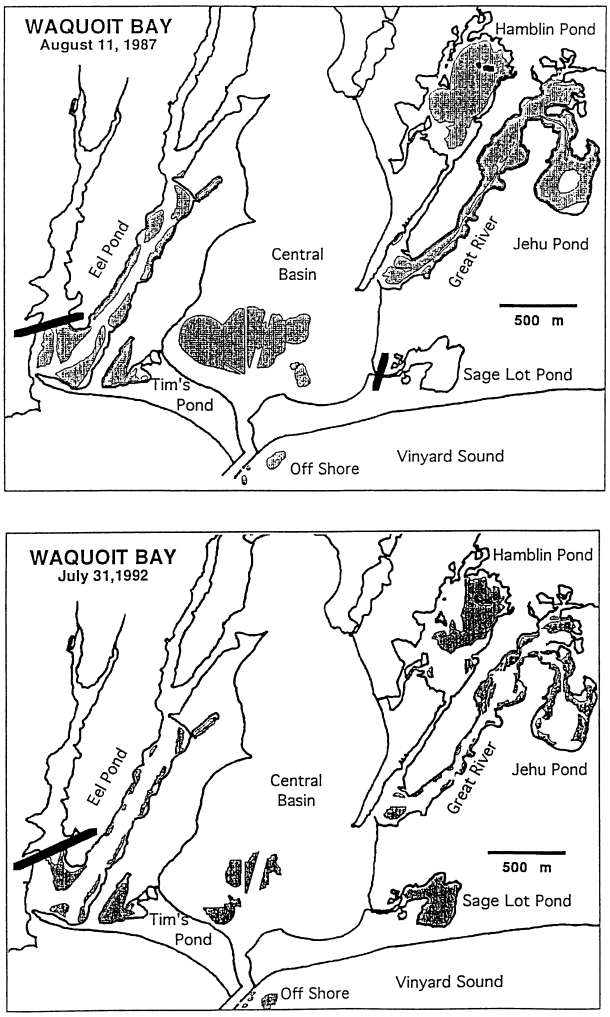

Figure 3. Waquoit Bay eelgrass distribution for 1987 and 1992, from Short and Burdick (1996).

logarithm to improve homogeneity of error variance and was analyzed using water depth as a covariate (ANCOVA). Similarly, canopy structure (transformed to its square root) was regressed on available light and stations were compared using ANCOVA.

Mapping and Methods for Estuary-Wide Assessment

Cumulative dock impacts in Waquoit Bay were assessed using eelgrass distribution maps that were developed from aerial photography of Waquoit Bay taken in 1987 and 1992 (Figure 3) (Short and Burdick 1996). Maps were coupled with extensive ground truthing of beds, especially around docks, in the summer of 1993. The maximum area of eelgrass beds that could be lost because the beds were directly under fixed and floating docks and boats tied to the docks was quantified. For the estuary-wide assessment, we were not able to distinguish the impacts of boat shading on eelgrass from impacts due to shading and direct displacement by docks. Thus, these effects are taken together in our assessment of estuary-wide dock impacts. The area of eelgrass impacted by docks was measured in four subbasins of the Waquoit Bay Estuary: Jehu Pond, Great River, Hamblins Pond, and Eel Pond (Figure 3).

Results

Dock Characteristics

Approximately 20 dock structures that were associated with eelgrass beds were examined (Table 1). Orientations of the docks included all quarters of the compass, with half having a northern aspect and half having a southern aspect. Nine were in an estuary with a mean tidal range of 0.92 m, and the remainder were in estuaries with smaller ranges (0.30 to 0.55 m). Most docks had a floating portion to which boats were tied. Four floating docks and one boat were examined for shading impacts, but the majority of sampling sites were fixed docks. Although most of the docks were 1–2 m wide, deck width varied considerably (0.7–6.9 m), as did the length (3.5–100 m), height above the marine bottom (0.77–3.40 m), and estimated dock age (2–20+ years).

Shading Impacts Under Docks

Bed quality. Although two thirds of the docks that were surrounded by eelgrass had no eelgrass directly under them (14 of 21), several docks had patches of eelgrass under them, and three were located over fairly well-developed eelgrass beds. A number for bed quality of the eelgrass under all docks was assigned (see Materials and Methods). Physical characteristics of the docks were compared to the bed quality using correlations (Table 2) and multiple regression (Table 5 below). When compared with fixed docks, floating docks were found to have severe impacts to eelgrass, and three of the four floats examined quantitatively had no rooted eelgrass under them (Table 1). For fixed docks, the regression model showed that the most important variables determining bed quality were height of the dock above the marine bottom, dock orientation, and width ($F = 12.1$, $P < 0.0006$, $R^2 = 0.75$, $N = 16$). Of these, height of the dock above the bottom was most important ($P < 0.0002$), with greater dock height positively related to bed quality (Table 5 below). Dock height was positively correlated with tidal range ($r = +0.63$; Table 2). Therefore, the effect of dock

Table 1. Characteristics of docks sampled in Nantucket Harbor, Waquoit Bay, and Woods Hole Harbor, Massachusetts, and Ninigret Pond, Rhode Island

Estuary	Site	Tidal range (cm)	Dock Width (m)	Dock Length (m)	Dock Thickness (cm)	Dock Age (y)	Aspect of shore	Dock orientation (degrees)	Permanent/seasonal (P/S)	Floating/fixed (F/X)	Deck height above bottom (cm)	Dock length along bed (m)	Bed quality (0–9)
Nantucket Hrbr	1	92	6.9	58	28	20	south	20	P	X	286	29	1
Nantucket Hrbr	2	92	1.35	21	34	16	south	0	P	X	221	8.7	7
Nantucket Hrbr	3	92	1.25	18.5	32	5	south	60	P	X	184	10	0
Nantucket Hrbr	4	92	1.8	18.5	35	5	south	60	P	X	128	8	0
Nantucket Hrbr	5	92	2.42	100	30	3	north	90	P	X	340	70	3
Nantucket Hrbr	6	92	4.8	3.6	71	3	north	90	S	F	157	3.6	1
Nantucket Hrbr	7	92	2.0	91.5	30	2	north	60	P	X	324	49	5
Nantucket Hrbr	8	92	1.8	93.3	35	20	north	60	P	X	288	70	9
Nantucket Hrbr	9	92	1.52	30	23	20	north	20	P	X	244	12	9
Ninigret Pond	10	30	0.76	5.0	50	5	north	30	S	F	119	37	0
Waquoit Bay	11	55	1.8	16.2	22	15	north	80	P	X	222	12	0
Waquoit Bay	12	55	1.45	13.6	33	5	north	85	P	X	218	3.6	0
Waquoit Bay	13	55	2.5	5.0	100	10	north	85	S	F	77	4	0
Waquoit Bay	14	55	0.73	7.9	16	8	north	70	P	X	134	4	0
Waquoit Bay	15	55	1.87	9.4	27	5	south	40	P	X	109	5.6	0
Waquoit Bay	16	55	3.5	4.8	50	5	south	40	S	F	82	4.8	0
Waquoit Bay	17	55	1.21	18.7	27	3	south	85	P	X	149	4.8	0
Waquoit Bay	18	55	1.22	10.6	23	18	south	40	P	X	128	6	0
Waquoit Bay	19	55	1.02	3.5	16	18	south	40	S	X	161	3.5	0
Waquoit Bay	20	55	1.83	3.7	34	18	south	40	S	F	142	1.8	2
Wood's Hole Hrbr	21	55	1.24	41.9	60	10	south	40	P	X	179	35	5
Minimum		30	0.7	3.5	16	2		0			77	1.8	0
Maximum		92	6.9	100	100	20		90			340	70	9

Table 2. Correlation matrix of dock characteristics

Variable	Tidal range	Width	Depth	Age	Aspect	Axis	Fixed/floating	Deck base above bottom
A. Correlation of dock characteristics with eelgrass bed quality ($N = 21$)[a]								
Width	0.39							
Depth	−0.12	0.26						
Age	0.10	0.07	−0.26					
Aspect	0.02	0.05	−0.20	0.16				
Axis	−0.00	−0.01	0.24	−0.54	−0.49			
Fixed/Floating	−0.38	0.25	0.69	−0.17	−0.14	0.07		
Deck base height above bottom	0.63	0.20	−0.37	0.17	−0.34	−0.02	−0.52	
Bed quality	0.51	−0.09	−0.07	0.41	−0.22	−0.37	−0.26	0.59
B. Correlation of dock characteristics with percentage of available light under docks ($N = 17$)[b]								
Width	0.44							
Depth	−0.01	0.35						
Age	0.22	−0.03	−0.30					
Axis	−0.31	−0.03	0.33	−0.57				
Fixed/Floating	−0.12	0.42	0.70	−0.21		0.24		
Deck base height above bottom	0.73	0.13	−0.36	0.28		−0.19	−0.54	
% Light	0.48	−0.30	−0.28	0.43		−0.22	−0.56	0.55

[a]Correlations greater than 0.43 or less than −0.43 are significant at $\alpha = 0.05$ and are underlined.

[b]Correlations greater than 0.48 or less than −0.48 are significant at $\alpha = 0.05$ and are underlined.

height subsumes any potentially important effects of tidal range, and we found tidal range to be significantly correlated with bed quality ($r = +0.51$), all within the relatively small tidal ranges of the systems we examined.

Docks running east–west supported less eelgrass than those running north–south ($P < 0.0015$). Because the Sun's path is east to west, east–west-oriented docks shade any eelgrass directly under them all day, resulting in poorer bed quality than under north–south docks, which shade eelgrass for only part of the day (Table 5 below). Similarly, wider docks resulted in poorer bed quality ($P < 0.0053$). Dock height, width, and orientation were not correlated (Table 2), suggesting all these factors are important to eelgrass bed quality and survival.

Light. Light is considered the primary factor limiting eelgrass survival and distribution (Dennison and others 1993). Light and bed quality under the docks were positively correlated ($r = 0.59$, $P < 0.05$). Like bed quality, light levels under the docks were primarily controlled by dock height ($P < 0.0117$) as indicated by regression analysis ($F = 7.57$, $P < 0.0035$, $R^2 = 0.636$, $N = 17$). The higher the dock over the bottom, the more diffuse the shadow, resulting in greater light under the dock. As was true for eelgrass bed quality, variables strongly correlated with dock height (i.e., tidal range, dock type) may have important effects on the relative amount of light under docks (Table 2), but these effects were hidden by the effect of dock height. In addition to dock height, other important factors affecting light measurements under docks were dock width ($P < 0.0360$), and time of day ($P < 0.0198$). As dock width increased, less light could reach eelgrass growing under the dock.

Thus, both light and eelgrass bed quality under the docks were primarily dependent upon dock height. After the effects of dock height were accounted for, light levels were dependent upon dock width and time of day, whereas eelgrass bed quality, which reflects light levels reaching the canopy over weeks to months, was influenced by dock orientation and width.

Additional Dock Impacts

Both eelgrass shoot density and canopy height were affected by docks, but exhibited different patterns of response along the sampling transects. Shoot density was very low under docks (in most cases eelgrass was absent), and increased with distance from the dock (Figure 4A). Eelgrass canopy height was lowest adjacent to docks and increased away from docks. However, in the few instances where eelgrass was found under docks, canopy height was similar to beds unaffected by docks (Figure 4B).

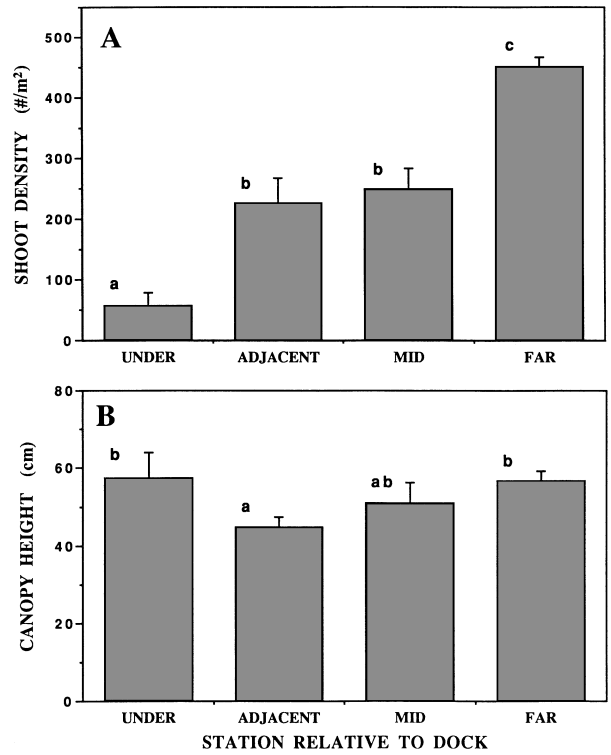

Figure 4. Eelgrass population characteristics of shoot density and canopy height in relation to distance from docks. Bars represent mean values ±SE of 13 to 47 replicates at 21 sites. Bars with the same letters are not significantly different using Fischer's protected F test for post hoc comparisons. **(A)** Shoot density; **(B)** canopy height.

Shoot density and canopy height may be combined into one variable (canopy structure) to describe the structure of the three-dimensional habitat created by eelgrass beds. The most important variable affecting canopy structure was relative light level, which results from a combination of dock variables such as height and width (Figure 5A). After variation due to light was accounted for, sampling station was the most important variable explaining differences in canopy structure. The effects of both light and station on canopy structure were highly significant ($P < 0.0001$), and resulted in a model with $R^2 = 0.572$. Station comparisons indicated the canopy structure was severely impacted in beds under and adjacent to docks (Figure 5B). The model of canopy structure as well as the short stature of eelgrass adjacent to docks (Figure 4B) suggests that not only shading under docks, but shading and/or disturbance from boat activities impacts eelgrass beds near docks. The strongest impact that we observed adjacent to docks was disturbance to the bottom sediments from prop dredging by boat propellers. Boat propellers can generate great turbulence that erodes the bottom

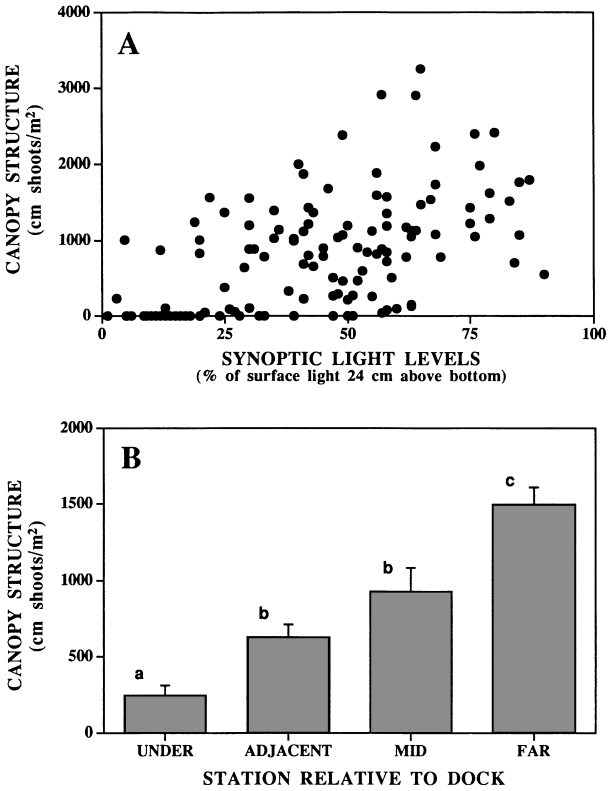

Figure 5. Eelgrass canopy structure as a function of light levels and distance from docks ($F = 35.7$; $P < 0.0001$; $R^2 = 0.52$. **(A)** Synoptic light levels and canopy structure; **(B)** canopy structure of eelgrass beds shown by station. Bars are the means ± SE of 13 to 47 replicates at 21 sites. Bars labeled with the same letters are not significantly different according to Fischer's protected *F* test.

sediments, including rooted eelgrass, when operated in the shallow water often found around docks.

In contrast to the strong patterns of eelgrass population characteristics in relation to docks, the data on leaf growth (growth per shoot, growth per square meter based on density measurements, and specific growth) showed no differences with respect to distance from the dock (Table 3). Growth measurements were performed in Waquoit Bay and included no stations directly under docks.

Estuary-Wide Impacts of Docks in Waquoit Bay

Using a map of eelgrass distribution for 1987, eelgrass beds were found close enough to the shoreline to be directly impacted by docks in three ponds (Jehu, Hamblins, and Eel) and in Great River (Figure 3). All docks in these four subbasins of Waquoit Bay were measured using vertical aerial photography obtained in 1992. A scaling coefficient to calculate dock area from the photography was developed from dock measurements in the field and on the photographs. The areas of the docks that would cover eelgrass beds based on the distribution of eelgrass in 1987 were summed (Table 4). Only about 360 m^2 of eelgrass beds were covered by docks out of a total coverage of 584,000 m^2 of eelgrass beds in these subbasins. In relative terms, docks covered less than 1% of the bed area in 1987. However, most of the docks were associated with boat scars that showed damage to eelgrass beds from boats approaching and leaving the docks.

Table 3. Growth of eelgrass by station on a per shoot basis, specific or relative growth, and growth on an areal basis[a]

Station	*N*	Shoot growth (cm/shoot/day)	Relative growth (cm/cm/day)	Areal growth (g/m^2/day)
UNDER	0	—	—	—
ADJACENT	7	2.95 ± 0.39	0.0199 ± 0.0014	1.98 ± 0.70
MID	3	2.64 ± 0.10	0.0198 ± 0.0022	1.33 ± 0.62
FAR	7	2.56 ± 0.19	0.0175 ± 0.0009	2.07 ± 0.60

[a]Values are means ± standard errors of *N* replicate groups of two to nine shoots per group at four sites (89 shoots total). No significant station effects were found.

Table 4. Direct dock impacts to eelgrass beds in Waquoit Bay, Massachusetts[a]

Subbasin	Eelgrass area (m^2)	Dock area (m^2)	Percentage of bed shaded
Jehu Pond	119,000	94	0.079
Great River	146,000	165	0.113
Hamblins Pond	174,000	11	0.006
Eel Pond	145,000	92	0.063
Total	584,000	362	0.062

[a]Area of eelgrass beds, area of docks that overlaps with eelgrass distribution, and percentage of bed area covered by docks in the Waquoit Bay Estuary. Eelgrass distribution is based on the 1987 map (Figure 3) and docks were measured from 1992 aerial photography.

Discussion

Impacts from Individual Docks

The height of the dock over the marine bottom was clearly the most important variable for predicting the relative light reaching the eelgrass and for predicting eelgrass bed quality under the docks. With increased dock height, the intensity of shading from a dock diminishes because sunlight has a greater distance to diffuse and refract around the dock surface before it reaches the eelgrass canopy. Similarly, light levels are greater under the centers of narrow docks than wide docks. The effect of dock orientation on eelgrass bed

Table 5. Dock heights needed to support eelgrass based on bed quality[a]

Eelgrass bed quality	Compass bearing of the dock long axis				
	0 (N)	30	60	90 (E)	120
9 (equal)	2.7	3.3	3.9	4.5	3.9
7	2.2	2.8	3.4	4.0	3.4
5 (1/2)	1.7	2.3	2.9	3.5	2.9
3	1.2	1.8	2.4	3.0	2.4
0 (none)	0.5	1.1	1.7	2.2	1.7

[a]Dock heights that are needed to support eelgrass as predicted by the model: eelgrass bed quality = 1.0 + 4.0 (dock height) − 0.081 (compass bearing) − 1.4 (dock width). Dock height and width are in meters; compass bearing is in degrees. Estimates are for a typical dock fixed on pilings that is 2 m wide. Underlined values are estimates within the range of observed data, others are extrapolations.

Table 6. Dock heights needed to support eelgrass based on available light[a]

Light under dock	Dock width (m)			
	0.75	1.0	1.5	3.0
50%	4.8	4.9	5.1	5.7
30%	2.9	3.0	3.2	3.8
20%	1.9	2.0	2.2	2.8
10%	0.9	1.0	1.2	1.8

[a]Dock heights and widths needed for eelgrass as predicted by the model: % light = 24.7 + 10.27 (dock height) − 6.97 (hour from 15:00) − 4.14 (dock width). Dock height is reported in meters from base of deck to the marine bottom. Available light is the percentage of surface light that reaches 24 cm above the bottom under docks at noon. Height estimates are for a typical dock fixed on pilings. Underlined values are estimates within the range of observed data; others are extrapolations. Light levels under 20% are not likely to support eelgrass; 30% light supported 50% of normal eelgrass production during summer in eelgrass mesocosms (Short and others 1995).

quality can also be explained in terms of light. If the dock is oriented north–south, its shadow falls directly under the dock for a few hours around solar noon; with an east–west orientation, the shadow falls under the dock the entire day. Thus, docks with a north–south orientation admit more light and can better support eelgrass.

The descriptive equations for eelgrass bed quality developed from the field data suggest that a typical fixed dock running north–south will support half the eelgrass of surrounding beds if it is 1.7 m above the bottom (Table 5). Our model indicates the same dock running east–west would have to be 1.8 m taller (Table 5). Since we sampled no docks greater than 3.4 m in height, estimates of impacts at greater heights are based on modeling alone and are speculative.

In order to connect these field results with previous investigations of the light effects on eelgrass within mesocosms (meso-scale model ecosystems) (Short and others 1995), descriptive equations developed from mesocosm data were used to predict the light levels needed to support eelgrass under docks of different heights and widths, regardless of orientation. For 20% of ambient light levels to reach the canopy under a 1-m-wide dock at noon, the dock must be 2.0 m above the bottom (Table 6). Several studies have suggested that the minimum light requirement to sustain eelgrass is in the range of 10%–20% surface light (Kenworthy and Haunert 1991, Dennison and others 1993, Short and others 1993). In our previous mesocosm studies, we found that any reduction of light impacted production, and in mesocosms with 10% of available light, no net growth was found over one growing season (Short and others 1993). A predictive equation for production in the mesocosms was developed: Production ($g/m^2/day$) = $-2.85 + 3.18 * \log(\%\ light)$ with $r^2 = 0.856$. Using this equation, half of the eelgrass production relative to full light would be obtained at 30% light. Applying 30% light as a desirable minimum light level for support of eelgrass under docks, our model for light (Table 6) predicts a 1-m-wide dock must be 3.0 m above the bottom to achieve 50% production.

Mesocosm studies with eelgrass have also found important effects of eutrophication on plant production and success. The introduction of excess nutrients into mesocosms stimulated various forms and species of algae that outcompeted eelgrass for light and space, and thus severely reduced production and standing crop (Short and others 1993, 1995). Unfortunately, much of the Waquoit Bay Estuary is impacted by eutrophication (Valiela and others 1992); this problem is increasing, and it contributes to eelgrass loss (Short and Burdick 1996). The effects of docks on eelgrass beds are exacerbated by the reduced water clarity accompanying eutrophication. In addition, eelgrass beds in Waquoit Bay have some wasting disease, but the low level of disease activity here suggests wasting disease is not a primary agent reducing eelgrass distribution (Short and others 1993).

The results from eelgrass growth measurements, which showed no significant differences with respect to distance from the dock, are difficult to interpret. Eelgrass plants are composed of one or more shoots that propagate vegetatively by adding shoots as the rhizome grows. Plants growing adjacent to docks possibly curtail new shoot production rather than reduce the growth of any one shoot, with the result that growth of individual shoots is relatively stable across the station transects. This idea is supported by the changing relationship between canopy height and shoot density. Normally,

eelgrass canopy height is negatively related to shoot density ($r = -0.52$, $N = 36$ for Waquoit Bay; data from Short and others 1993), but was positive for stations under and adjacent to docks ($P < 0.0001$). Further work should quantify shoot production and include measurements under docks to obtain a better picture of shading effects on growth.

Large-Scale Impacts

Docks and related structures (floats, ramps, and boats tied to docks) covered only 360 m^2, or 0.06%, of the eelgrass beds in subbasins of Waquoit Bay based on 1987 eelgrass distributions. The area of eelgrass impacted by these structures is potentially much greater than the areas directly under the docks because shading effects were important adjacent to docks and because beds associated with docks have been damaged by boats, as indicated by prop dredging effects and boat scars. Between 1987 and 1992, severe reductions in eelgrass bed area have occurred in Waquoit Bay (Figure 3), but these declines in eelgrass do not appear to be primarily caused by dock and boating activity. More likely, the declines are primarily caused by the effects of eutrophication, as described above. However, the effects of docks and boating activities do have a major role in the documented fragmentation of eelgrass beds in Waquoit Bay (Costa and others 1992, Short and Burdick 1996), and fragmentation may destabilize these valuable habitats.

A study of boat moorings in Western Australia showed that mooring chains and boats have severely impacted 1.6% of the seagrass area within the study sites (Walker and others 1989). As we found for Waquoit Bay, the impacted area was relatively small compared to the size of the seagrass beds, but Walker and others (1989) suggest these impacts might make the entire habitat more susceptible to damage from other stresses, such as storms. In Waquoit Bay, stresses to eelgrass habitats from eutrophication, disease, docks, and boating activities are leading to the large scale declines in eelgrass distribution recently observed (Costa and others 1992, Short and Burdick 1996).

Dock Design Considerations

Our descriptive models (Tables 5 and 6) indicate dock height above the marine bottom is the primary factor controlling light levels and eelgrass bed quality under docks. Dock orientation is more important to eelgrass than dock width. Poor orientation (east–west) can double the dock height required to support eelgrass, from 1.7 to 3.5 m (Table 5), whereas increasing the dock width from 1 to 2 m only increases the needed height by an estimated 0.4 m (Table 6). The independence of dock height, width, and orientation within our survey (i.e., they were not correlated, Table 2) strengthens our conclusions that all three factors must be considered in future research and in recommendations regarding dock design. Our overall recommendation is for fixed docks <2 m wide and oriented within 10° of north–south with the base of the dock decking at least 2.7 m above the marine bottom. If the orientation is beyond the 10° limit, then dock height needs to be 0.2 m greater for every additional 10° increment. Docks wider than 2 m need to add 0.4 m to their height for every meter increment in width.

The majority of docks we sampled had a floating portion to which boats were tied. Floating docks have severe impacts to eelgrass, and usually eliminate all shoots growing under them. Thus, floating portions should only be placed in water depths beyond the lower depth limit for eelgrass in a particular system. This arrangement also tends to reduce or eliminate boat damage to beds adjacent to the dock. If it is not practicable to extend the dock to a deep channel, a dingy kept at the dock could be used to access larger boats moored in a nonvegetated area. Additionally, we recommend docks be shared or jointly occupied. Consideration of seasonal docks that have removable decking on fixed pilings is suggested, since eelgrass beds with reduced productivity during a few summer months may recover substantially when the decking is absent.

Conclusions

Docks and their associated floats and boats placed over eelgrass beds can cause severe localized impacts to eelgrass. Impacts occur through shading from docks as well as boats, and prop dredging by boat motors, leading to the elimination of eelgrass under and around many docks. Impacts under floating docks generally result in complete eelgrass loss. Less severe impacts from shading were found for tall docks, especially those with long axis orientations running north–south. Shading and physical damage to eelgrass associated with docks are widespread in Waquoit Bay, and although small relative to the total area of the bay's eelgrass beds, these impacts may be an important stress that contributed to the rapid eelgrass declines.

This is the first study to examine the effects of docks on eelgrass and suggest designs based on models of dock impacts to eelgrass beds. We found that narrow docks greater than 3 m over the marine bottom and oriented north–south had the least amount of impact to eelgrass beds. The best dock design is a high dock with north–south orientation that extends to the edge of a navigable channel. Here a boat or a float may be kept

with minimal damage to eelgrass if the channel is normally too deep to support eelgrass. The models of dock impacts to eelgrass reported here should be tested at more sites and in estuaries with greater tidal ranges, since covariation between dock height and tidal range occurred in the data set. Our work focused on the impacts of docks on eelgrass; in considering dock regulations, other issues include boat effects on eelgrass and impacts of docks on other marine habitats and resources, as well as aesthetic considerations (e.g., scenic vistas). To reduce fragmentation and stress to eelgrass beds in estuaries like Waquoit Bay, dock regulations that minimize impacts to eelgrass beds must be adopted and enforced.

Acknowledgments

We thank Brad Barr of the Massachusetts Marine Sanctuaries Program, Rick Crawford of the Waquoit Bay National Estuarine Research Reserve, and the staff of the Nantucket Biological Laboratory for their help. Roel Boumans participated in helpful discussions; Catherine Short provided field assistance and edited the manuscript. This research was supported by NOAR grants from the Massachusetts Office of Coastal Zone Management, Reference number SC ENV 1000 31B0114 and the Coastal Ocean Program, NA36RG04970. Jackson Estuarine Laboratory contribution number 337.

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9/24/2020

Ms. Ashley Erisman, Chair Nantucket Conservation Commission

2 Bathing Beach Road

Nantucket, MA 02554

Re: NOI; Michael Bass, 46 Shimmo Pond Road (Map 43, Parcel 77)

Dear Commissioners,

I have several comments on the proposed pier at 46 Shimmo Pond Road for the Commission. My comments are as follows:

I have been a year-round resident and member of the Nantucket community my entire life, and a commercial scallop fisherman since acquiring a license at the age of thirteen. I have seen the ups and downs of the eelgrass and scallop populations on Nantucket for over half a century now. Unfortunately, for our local eelgrass there have been many more "down" years than "up" ones in recent memory. Each year I head out onto Nantucket Harbor to catch scallops, there is less eelgrass. Ninety (90) percent of the eelgrass meadows that covered Nantucket Harbor when I started my career are now gone. The scientific literature confirms what I've learned as a scalloper- as the eelgrass goes, so do the scallops.

At the moment, there is good scallop seed in Nantucket Harbor, but who knows in the coming years? Without the critical habitat eelgrass meadows provide, all of Nantucket's scallops are doomed. The Town of Nantucket has invested significant sums of money into the shellfish hatchery, a tremendous project to restore Nantucket's shellfish populations that I proudly support. The Nantucket Land Council has taken on the ambitious task of restoring eelgrass beds in the area of the proposed pier. I regularly assist them in this work, and have seen their progress firsthand. What good is all of this work if the Town of Nantucket allows projects such as this to be constructed? How much more can our island realistically take? Everyone wants to be on the water, but it's just not sustainable.

As far as I'm concerned, this dock is just another nail in the coffin for Nantucket Harbor, just like the last proposal by this applicant. Not only will commercial scallopers like myself not be able to fish the area anymore due to the physical barrier of a 90-foot pier, but I'm afraid that permitting this project will accelerate the decline of eelgrass on Nantucket, resulting in the loss of scallops as well as other precious natural resources and a large part of our island heritage and way of life. There are other ways for the applicant to access their boat, and I hope the Conservation Commission denies this project as proposed.

Thank you for your time,

Carl Sjolund

Commercial scalloper, Nantucket resident

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Mr. Jeff Carlson, Natural Resources Director
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

BY E-MAIL TO: jcarlson@nantucket-ma.gov

September 23, 2020

RE: Opposition to 46 Shimmo Pond Road N.T. Notice of Intent (NOI) – 46 Shimmo Pond Road (43-77) Dock Improvement.

Dear Mr. Carlson & Members of the Conservation Commission:

This letter is to express continued strong opposition for the above-proposed extension of an existing "dock" at 46 Shimmo Pond Road.

I write as a nominee and representative for my family and my mother, Joly W. Stewart, Trustee, Low Shimmo Nominee Trust, owners of the property at 42 Shimmo Pond Road.

We are immediate neighbors to 46 Shimmo Pond Road as the first waterfront home to the southwest. A small parking lot owned by the Shimmo Association separates our two properties. Our property is a member of the Shimmo Association, and I am also a member of the Shimmo Association Board of Directors.

Existing Dock at 46 Shimmo Pond Road

I know the property at 46 Shimmo Pond Road very well, as my aunt, Patricia Stewart Walsh, owned the property until her death in 2016. The existing dock on the property was neither considered a dock by my family nor was it ever licensed as such during my aunt's ownership. It is unclear as to how that structure was licensed. That structure neither provides access to deep water nor facilitates access to boats or other watercraft. The present structure serves as an access point to the beach and allows for a place to sit.

While my understanding of the term dock and the legal definition of a dock may be quite different, characterizing the above project as an extension of an existing dock is a stretch of the imagination. That characterization would be comedic if it were not so potentially consequential to the surrounding wetland environment.

My family believes that any proposed extension of the dock at 46 Shimmo Pond road will place additional and avoidable stress on aquatic life and ongoing and vital eelgrass restoration in the Shimmo area. We consider that stress an adverse impact on Nantucket harbor as defined by the Conservation Commission (Town of Nantucket Conservation Commission, 1988).

Permitting this dock is prohibited under local Zoning Chapter 139 Section 22 Island Perimeter Restrictions, voted on by Town Meeting in 2008. Additionally, allowing this extension would set a dangerous precedent for additional new residential structures within the harbor.

Our Perspective

Our family has had a unique vantage point in observing first-hand the ill-effects of the combined stresses on the harbor ecosystem. Over the past several decades, we have witnessed an extraordinary reduction in eelgrass with subsequent reduction or elimination of aquatic life that the eelgrass supports, such as scallop, eel, blue crab, and fish such as small skate, flounder, and dogfish. We believe that each additional human-made strain on the ecosystem deserves the highest scrutiny to avoid irreparable harm to our shared resources.

When my family first purchased our property in the late 1970s, eelgrass in the Shimmo area was thick and thriving, the grass line beginning approximately 25 feet from the Shimmo beachfront at mid-tide. The aquatic life that the eelgrass supported resulted in seagulls discarding ankle-deep quantities of scallop shells at the end of our dock that I was responsible for clearing as a teenager (our dock was built during the late 1920s as part of the Shimmo Boat House). Because of the life supported by that ecosystem, I often happened upon eels when wading in the water, stepped on an oyster toadfish, spied half-dozen blue crab clinging to pilings, and had the thrill of catching my first dogfish at dusk.

The gradual and continual decline of that ecosystem has been staggering. Contrast those days in the ‘80s with the Shimmo waterfront of today: the decimation of the eelgrass is significant, and brown algae choke the eelgrass that remains. Cormorants have replaced seagulls that once roosted on our dock: there are little to no shellfish or crab for the gulls, but there is baitfish for the cormorants. Dogfish no longer make their nightly rounds.

Brown algae quickly coat the bottoms of boats and moorings in the Shimmo waterfront. The decline in the quality of the ecosystem is significant, observable, and alarming.

It is my family's position that progressive human-made insults to Nantucket's wetland ecology are avoidable and that the prevention of these insults is enforceable under existing Nantucket Wetlands Protection Regulations. Specific regulations that would preclude the building of the proposed dock extension include:

1. Performance standards for Land Under the Ocean:

    a. (Section 2.01 B(3)) Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted.
    b. (Section 2.01 B(8)) Water dependant projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.

2. Performance standards for Land Containing Shellfish:

    a. (Section 2.08 B(1)): Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land.
    b. (Section 2.08 B(7)): No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.

Considering the above Regulations, combined with local Zoning Chapter 139 Section 22 Island Perimeter Restrictions, and the dangerous precedent this project could present for future waterfront development, our family appeals to the Conservation Commission to reject the proposed application.

On behalf of the Stewart family, thank you for considering our strong objection and thank you for the role you play in safeguarding the health of the natural resources of Nantucket.

Sincerely,

Mahlon K. Stewart
for Joly W. Stewart, Trustee
Low Shimmo Nominee Trust

cc: Joanne Dodd, Natural Resources Coordinator, Nantucket Conservation Commission
Joly W. Stewart, Trustee, Low Shimmo Nominee Trust
Steve Anderson, Secretary, Shimmo Association
Emily Molden, Executive Director, Nantucket Land Council
Lea A. Stewart
James M. Stewart, Jr.
Catherine L. Stewart

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September 24, 2020

Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE Notice of Intent for Dock Improvement at 46 Shimmo Pond Road

Dear Ms. Erisman

The Shimmo Association, as abutters to the property at 46 Shimmo Pond Road, has received a Notice of Intent dated September 11, 2020 with respect to a Dock Improvement submission to the Nantucket Conservation Commission (NCC).

The Shimmo Association is a non-profit Corporation formed in 1953. Members of the Association consist of persons who own property bounded by Land Court Registration in 1926. The Association owns approximately one half acre of land directly on the waterfront which is identified as Parcel 0043-075. The Association land, which is essentially a parking lot, provides access for members to the beach for maintaining dinghies, kayaks, paddle boards, etc. as well as twenty plus moorings for sail and power boats. The Association pays real estate taxes on its land.

The Association Board of Directors unanimously voted on December 4, 2019 to oppose the prior submission by the Applicant and submitted in writing the reasons for opposition and testified at the NCC public hearing held on January 22, 2020. The Association Board of Directors unanimously reaffirmed its opposition at a Board meeting on May 4, 2020. And on September 18, the Board unanimously reaffirmed once again its opposition to the Dock Improvement as proposed in the applicant's Notice of Intent dated September 11, 2020 for the following reasons:

1. A pier is defined as a structure built on or over water for the purpose of tieing up boats. A pier or dock has never existed on this property. A structure has existed since the 1950s and was used to assist the property owner in constructing the four rock groins on the property. Please refer to the letter from Bee Gonnella, a next door neighbor of the property owner, who witnessed in the 1950s the use of this structure. At half tide or lower, this structure is on dry land.

2. The location of this new pier approximately 400 feet to the East of the Stewart pier (one of two private piers in this section of the harbor and which dates to the 1920s) will interfere with and adversely impact the present mooring field of 20 plus moorings plus another 10 or so paddle boards even at its reduced length. With even a moderate breeze coupled with a fairly strong tidal flow which exists in this area recreational use of

the waterfront property by Association family members will be adversely impacted by this proposed dock.

3. There is no assurance that moorings will not need to be displaced (which requires approval by the harbormaster). Even at its reduced length, this new pier will be a major intrusion on the long term use by many individuals and families of this waterfront solely for the benefit of the Applicant.

4. The depth of water where the new pier is proposed is shallow and has become increasingly shallow over the past decade due to continued shoaling. The Applicant states in various places in the Notice of Intent that "...No dredging is proposed in this project, however the work will be performed using the best available measures to avoid or minimize the adverse effects on marine productivity." This statement is of great concern for possible future adverse damage to the underwater habitat of the harbor should dredging become necessary.

5. The pier will be detrimental to marine life and the efforts to reinvigorate eel grass in this section of the harbor and defer to Land Council for their comments.

In summary this proposed new pier will adversely impact the quality of the harbor, the sustainability of shellfish, access to moorings and present users of the waterfront in various ways whether for swimming, sailing or fishing. And it sets a very undesirable precedent for the future of our harbor, a most precious resource.

Respectfully submitted

Ted Bent

Ted Bent
President

Stephen Anderson

Stephen Anderson
Secretary/Treasurer

Shimmo Association, Inc.
C/O Stephen Anderson
5 South Valley Road
Nantucket, MA 02554

Jan. 16, 2020

Mark Beale
Seth Engelbourg
Ashley Erisman
Ian Golding
Dave LaFleur
Maureen Phillips
Joseph Topham

Ms. Erisman,

At its Jan. 7, 2020 meeting, the Harbor & Shellfish Advisory Board (HSAB) voted 7-0 to strenuously oppose the proposed 300-foot pier by 46 Shimmo Pond Road owner Michael Bass. Notwithstanding Mr. Bass' extensive reasons why his pier should be permitted by the Conservation Commission, the Massachusetts Department of Environmental Protection (DEP) and granted a waiver by Nantucket's Zoning Board of Appeals from Chapter 139, Section 22 "Island Perimeter Restrictions" in the Code of Nantucket, the need for this pier is greatly outweighed by its environmental detriments.

The Town definitively prohibited their installation with the approval of Article 52 at the 2008 annual Town Meeting. The HSAB is resolute in its support of this prohibition because of proven deleterious impacts of piers and floats on the marine ecosystem within Nantucket's harbors, the essence of the effort behind the success of Article 52's intent.

Such structures displace otherwise viable harbor bottom preventing the continued growth of our harbors' most vital habitat, eelgrass. Driving of pilings for the pier will mostly certainly kill shellfish including quahogs, bay scallops, soft-shell clams, whelk snails and other shellfish grounding part of our year-round fishing industry. And the pier, proposed at plus or minus 300 feet in length, is purported to occupy 860 square feet of the harbor. That's 860

square feet of harbor bottom deprived of sunlight, which, through photosynthesis, eelgrass derives food from. Construction of this pier would prevent any chance of eelgrass reestablishing itself in this part of Nantucket Harbor because of the pier's shading of the bottom from the sun, regardless of its northwest trajectory. Piers also increase boat traffic nearby, which means propeller wash increases shoaling of sand in the area.

Permitting this pier would set a very bad precedent for additional new residential structures within the harbor.

Mr. Bass' pier proposal comes at a crucial time when Nantucket Harbor is gradually improving in water quality, marine life and habitat health. Currently, this part of Nantucket Harbor where this pier is proposed for is meeting its DEP-mandated total maximum daily load (TMDL).

The town is extending its sewer collection system into Monomoy and Shimmo. Three years ago, the Army Corps of Engineers repaired our east and west jetties by adding boulders to fill holes in the jetties and raised their level to re-establish them as half-tide jetties. Arguably, this repair increased tidal flow in and out of the harbor by three-quarters of a knot. In January 2014, the Town enacted its fertilizer regulations.

The Nantucket Land Council is engaged in a multi-year eelgrass restoration project in Nantucket Harbor near the proposed pier location designed to enhance eelgrass habitat and hence, shellfish population, harbor soil retention, winter flounder habitat and the general health of the harbor.

Construction of this pier runs counter to all of the town's efforts to increase the health of Nantucket Harbor, especially since it would destroy existing habit and bottom where eelgrass density was historically high. All of this shouldn't need to be raised because of the existing prohibition bylaw, but here we are fighting to protect our marine resources despite the existence of a bylaw written to do just that.

The Harbor & Shellfish Advisory Board shares all of the concerns of the Nantucket Shellfish Association and the Nantucket Land Council.
Specifically, our board notes that the Nantucket Wetland Protection Regulations protect many resource areas that include "Land Under the Ocean" and "Land Containing Shellfish", which are relevant to this application. Our shared concerns include:

- The performance standards for Land Under the Ocean including (Section 2.01 B(3)) Residential piers shall be constructed so as not to change shoreline movement of sediment, harm shellfish resources, obstruct commercial shellfishing, or obstruct the reserved public rights of fishing, fowling, navigation, or passage. Residential piers shall not displace public moorings without written approval from the Harbormaster. No solid fill piers shall be permitted. (Section 2.01 B(8)) Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.

- The performance standards for Land Containing Shellfish including: (Section 2.08 B(1)): Projects shall not adversely effect water quality (including but not limited to changes in turbidity, temperature, salinity, dissolved oxygen, and additional nutrients and pollutants), water circulation, aquatic vegetation, or natural drainage from adjacent land. (Section 2.08 B(7)): No project detrimental to scallops shall be permitted, except activity allowed pursuant to a waiver from these regulations, as set forth in Section 1.03F.

We urge the Conservation Commission to do its due diligence on this pier proposal and then issue a denial. We also urge the Conservation Commission to advise the Zoning Board of Appeals

(ZBA) on the potential negative impacts of this pier on Nantucket Harbor and to share its findings with the ZBA.

Thank you for your time and patience.

Sincerely,

Peter B. Brace - Secretary
Andrew G. Lowell - Chairman
David F. Fronzuto – Vice chairman
Virginia F. Andrews
David E. Bossi
Daniel R. Pronk
Thomas C. Szydlowski

Bee Gonnella

14 S0 Valley Rd.

Nantucket, MA 02554

Ashley Erisman

Nantucket Conservation Commission

2 Bathing Beach Rd.

Nantucket, MA 02554

September 24, 2020

Dear Ms. Erisman

I am writing to you today to again state my position on the NOI for a proposed dock at 46 Shimmo Pond Rd. Neither history nor my position have changed. The existing structure on the beach was built as a board walk by Mr. Bulkley, around 1949, to hold equipment for his rock moving project. It never even went to the water. I was there and playing on the beach every day in the summer. Over the last 70 years, erosion of the beach has caused the water to come to it. The existing structure has been remodeled and rebuilt with pressure treated lumber within the last 2 years. Was a permit ever pulled for this??

Another concern is that if the pier is allowed to go forward for 88 feet today, will it go to 188 feet in 5 years and 288 feet after that. This is a very bad precedent to set. The reality is that there could be many more piers built that would destroy the harbor we know and love.

Other people, far more knowledgeable than I, have spoken to the ecological impact this project would have and I support their position. I am firmly opposed to this project and hope, that in their wisdom, the Conservation Commission will deny approval.

Please find enclosed a copy of my letter to the Conservation Commission dated January 11, 2020.

Sincerely,

Bee Gonnella

14 So Valley Rd.

Nantucket, MA 02554

Ms. Ashley Erisman
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Jan. 11, 2020

Dear Ms. Erisman

We write today to express our opposition to the proposed new pile supported timber pier that will extend into Nantucket harbor from 46 Shimmo Pond Road. The WP3 Notice of Intent from Michael Bass, trustee, 46 Shimmo Pond Road Nominee Trust, claims that his pier would be a dock improvement. This is not true. There is no "existing pier," nor was there ever a pier or dock at 46 Shimmo Pond Road. There is an existing structure that was built and licensed within the last 12 months. It has replaced the original, raised boardwalk, but the original boardwalk has been significantly altered.

New Structure as seen from above

Pressure treated board

New Structure as seen from the North

New Structure as seen from the West

Background History:

In 1946 our parents purchased the property from Robert Elder that is now owned by Don Burns and abuts 46 Shimmo Pond Road. At that time 46 Shimmo Pond Road was owned by Mr. Charles Bulkley. He built an elevated boardwalk with a bend to serve as a loading platform for a raft which he used to collect rocks to build the 4 jetties, now called groins. These were constructed for the purpose of building up the beach. He elevated the boardwalk to keep his gear out of the sand. The raft was moored 150 feet off the beach in front of his house, and he made it available to neighborhood children, (including my sister and me,) for swimming. The loading platform was never a pier or a dock of any kind. In the 1950s it terminated above the mean high water line. Erosion over the years has changed that and water has come up to the structure. It never went down to the water when it was constructed. We have been sailing, swimming, scalloping, clamming, fishing and walking this shore for 74 years and there has never been a pier or dock at this location.

Navigation:

Having sailed these waters for many years and having had a boat moored off of the Shimmo Shore, we are well aware of the challenges of picking up a mooring against a swift, rising tide and a South West wind, (the prevailing wind in the summer.) An additional 300 foot pier would be a serious navigational hazard to boats in the existing anchorage.

Eel grass and fisheries:

In his proposal the applicant refers on a number of occasions to “minimal damage” and “minimal loss of habitat.” (p. A-16, 7.3) Neither of these is acceptable for our harbor. What is “minimal damage” today, will be maximum damage tomorrow when larger boats try to access this pier and require dredging. Furthermore, the proposal states that “the pier will be designed to minimize adverse effects on the productivity of land containing shellfish.” (p. A-17, 7.3) It states, “the proposed pier will impact land containing shellfish, and one of the identified species of interest is bay scallops.” (p. 18, 7.4) It further states that “the submerged land beneath the harbor at the project locus is characterized as land containing shellfish.” (p. A-3) Local residents and fisherman have always been clamming and scalloping these beds. Any “adverse effects” are unacceptable to a fragile, finite, resource.

The site for the proposed pier is currently undergoing eel grass restoration. (See pictures of existing site conditions in attachment B of the proposal.) The applicant says that, “there is potential for some indirect impacts to eelgrass and other submerged aquatic vegetation.” This is unacceptable. These photographs depict a fragile ecosystem. Due to the diminishment of the eel grass and the fragility of the ecosystem in this area, all Shimmo residents have been mandated to shut down their septic systems and tie into the town sewer at enormous personal

expense in order to preserve the harbor. Therefore, we cannot support any additional invasion of this shore no matter how “minimal” the impact.

Precedent:

Acceptance of this project will create an unmitigated precedent for future piers and destruction of the harbor. The next request will be to dredge a channel. And then what?

Points of Clarification:

Small boat – What does the applicant mean by this? How much water would the “small boat” draw?

Sufficiently deep water – What does this mean? How many feet?

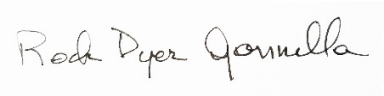
Length of the proposed pier – The applicant says that the existing Shimmo Pier “extends approximately 400 ‘ into the harbor” (p. A-2, A-8) and that his proposed pier is approximately 280 feet in length. (p. 1.0) However, on page 4 he states that the applicant “plans to remove the most seaward half of the existing dock and replace it with a new dock that will extend approximately 300 feet into Nantucket harbor.” (p. A-4) Is it 280’ or 300’? The renderings show the proposed pier to be of almost equal length to the existing pier which the applicant says is approximately 400’.

Passage along the beach within the intertidal zone – Will there be a ramp to make it handicapped accessible?

In conclusion:

For the above stated reasons, we ADAMENTALLY OPPOSE any permitting for this project. We strongly urge the applicant to access his waterfront via dinghy, the same way everyone else does.

Respectfully,



Rock Dyer Gonnella (Bee), owner 14 S. Valley Rd.
Member Board of Directors Shimmo Assoc.

Anne Dyer
Resident 14 S. Valley Rd.

NOTICE OF INTENT APPLICATION

FOR CONSTRUCTION OF A SHED AND ALTERATION OF A WALKWAY WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE

At

46 WALSH STREET

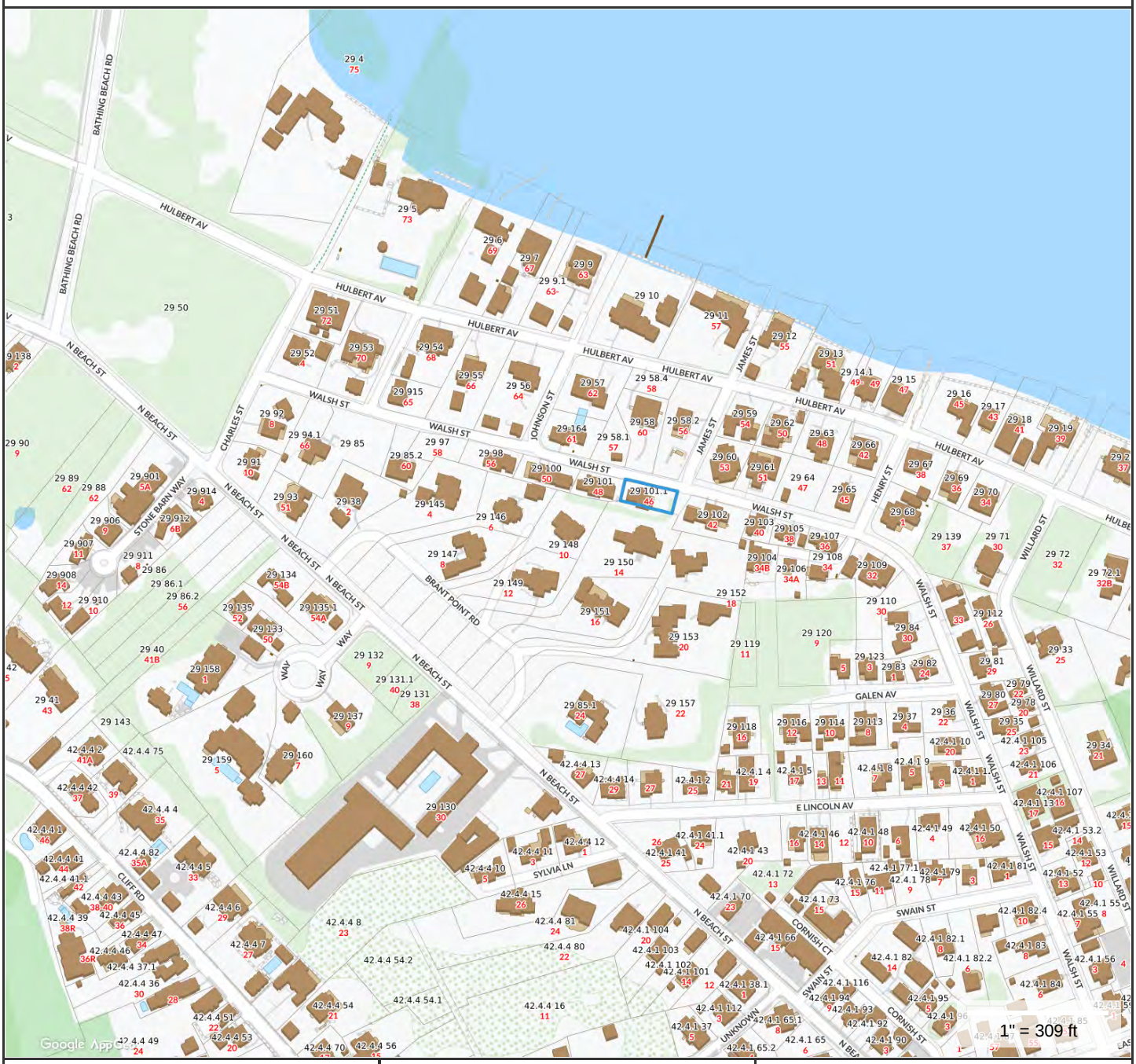
SEPTEMBER 2020

Prepared For

ACK007 PROPERTIES, LLC

20 Mary Ann Drive • Nantucket, MA 02554
508-825-5053 • www.NantucketEngineer.com

Locus Map



Property Information

Property ID	29 101.1
Location	46 WALSH ST
Owner	ACK007 PROPERTIES 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

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
NANTUCKET
City/Town

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

46 Walsh Street — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41d 17' 29"N — d. Latitude
70d 05' 60"W — e. Longitude

29 — f. Assessors Map/Plat Number
101.1 — g. Parcel /Lot Number

2. Applicant:

a. First Name
b. Last Name
ACK007 Properties, LLC — c. Organization
23 Fielding Lane — d. Street Address
Hampton — e. City/Town
NH — f. State
03842 — g. Zip Code
h. Phone Number
i. Fax Number
j. Email Address

3. Property owner (required if different from applicant): ☐ Check if more than one owner

a. First Name
b. Last Name
c. Organization
d. Street Address
e. City/Town
f. State
g. Zip Code
h. Phone Number
i. Fax Number
j. Email address

4. Representative (if any):

Arthur D. — a. First Name
Gasbarro, PE, PLS — b. Last Name
Nantucket Engineering & Survey, P.C. — c. Company
20 Mary Ann Drive — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
508-825-5053 — h. Phone Number
i. Fax Number
art@nantucketengineer.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$110 + $25 + $200 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50 + $25 + $200 — c. City/Town Fee Paid

A. General Information (continued)

6. General Project Description:

The Applicant is proposing to construct a shed and alter a walkway within Land Subject to Coastal Storm Flowage. Please refer to the Site Plan for additional information.

7a. Project Type Checklist:

1. ☒ Single Family Home
2. ☐ Residential Subdivision
3. ☐ Limited Project Driveway Crossing
4. ☐ Commercial/Industrial
5. ☐ Dock/Pier
6. ☐ Utilities
7. ☐ Coastal Engineering Structure
8. ☐ Agriculture (e.g., cranberries, forestry)
9. ☐ Transportation
10. ☐ Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. ☐ Yes ☒ No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET	27,333
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☐ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced
f. ☐ Riverfront Area	1. Name of Waterway (if available)	

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☒ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☒ Land Subject to Coastal Storm Flowage	400+/- within existing lawn 1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW | b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings | b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.

a. ☐ Yes ☒ No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

8/1/17
b. Date of map

C. Other Applicable Standards and Requirements (cont'd)

If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1. c. Submit Supplemental Information for Endangered Species Review*

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area _____ percentage/acreage

      (b) outside Resource Area _____ percentage/acreage

   2. ☐ Assessor's Map or right-of-way plan of site

   3. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ********

      (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

      (b) ☐ Photographs representative of the site

      (c) ☐ MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and ***mail to NHESP*** at above address

      *Projects altering **10 or more acres** of land, also submit:*

      (d) ☐ Vegetation cover type map of site

      (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

   1. ☐ Project is exempt from MESA review.
      Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

   2. ☐ Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/dfwele/dfw/nhesp/nhesp.htm, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

C. Other Applicable Standards and Requirements (cont'd)

3. ☐ Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. ☐ Not applicable – project is in inland resource area only

b. ☐ Yes ☒ No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. ☐ Yes ☒ No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. ☐ Yes ☒ No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. ☐ A portion of the site constitutes redevelopment

3. ☐ Proprietary BMPs are included in the Stormwater Management System.

b. ☒ No. Check why the project is exempt:

1. ☒ Single-family house

C. Other Applicable Standards and Requirements (cont'd)

2. ☐ Emergency road repair

3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☒ List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan of Land to Accompany A Notice of Intent
a. Plan Title

Nantucket Engineering & Survey, P.C.
b. Prepared By

Arthur Gasbarro, PE, PLS
c. Signed and Stamped by

9/10/20
d. Final Revision Date

1"=20'
e. Scale

f. Additional Plan or Document Title

g. Date

5. ☐ If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. ☐ Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. ☐ Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

E. Fees

1. ☐ Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2236	9/10/20
2. Municipal Check Number	3. Check date
2235	9/10/20
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

AGENT	9/10/20
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
	9/10/20
5. Signature of Representative (if any)	6. Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

2019 00162153
Cert: 27333 Doc: DD
Registered: 06/27/2019 01:29 PM

DEED

We, AMANDA B. CROSS and LISA W. POWNALL-GRAY, of Nantucket, Massachusetts, for consideration paid in the amount of $2,250,000.00, grant to ACK007 PROPERTIES, LLC, a New Hampshire limited liability company qualified to do business in Massachusetts, with a mailing address of 23 Fielding Lane, Hampton, New Hampshire 03842, with QUITCLAIM COVENANTS,

That certain parcel of land, together with the buildings thereon, located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 46 Walsh Street, bounded and described as follows:

NORTHERLY by Walsh Street, ninety-six and 52/100 (96.52) feet;

EASTERLY by James Street, fifty-five and 09/100 (55.09) feet;

SOUTHERLY by land now or formerly of John C. Ring et al, Trustees, ninety-six and 54/100 (96.54) feet; and

WESTERLY by Lot 9 as shown on plan hereinafter mentioned, fifty-two and 99/100 (52.99) feet.

Said land is shown as Lot 10 on Land Court Plan 15800-F, filed with Certificate of Title No. 10,808 at Nantucket Registry District.

Said land is conveyed subject to the following matters:

(a) Provisions of an Order of Taking by the County of Nantucket for the layout of Walsh Street, dated October 29, 1975, registered with Nantucket Registry District as Document No. 16527.

(b) Provisions of an Order of Taking by the County of Nantucket for the layout of James Street, dated October 29, 1975, registered with Nantucket Registry District as Document No. 16550.

(c) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2020.

For title, see Certificate of Title No. 14166 at Nantucket Registry District.

We certify that neither of us has an ex-spouse or civil union partner who occupies or intends to occupy the property as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise and hereby release any rights of homestead held by us.

Executed and sealed on June 26, 2019.

Amanda B Cross

Amanda B. Cross

Lisa W. Pownall-Gray

COMMONWEALTH OF MASSACHUSETTS

Nantucket, ss.

On this 26th day of June, 2019, before me, the undersigned notary public, personally appeared Amanda B. Cross, personally known to me, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily, as her free act and deed, for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of her knowledge and belief.

Notary Public

Printed name:
My commission expires:

NANTUCKET LAND BANK CERTIFICATE
☑ Paid $ 45000.00
☐ Exempt
☐ Non-applicable
No. 40797 Date 6/27/19
Authorization

HOLLY J. VISCO
Notary Public
COMMONWEALTH OF MASSACHUSETTS
My Commission Expires
July 13, 2023

MASSACHUSETTS EXCISE TAX
Nantucket County ROD #16 001
Date: 06/27/2019 01:29 PM
Ctrl# 463992 22139 Doc# 00162153
Fee: $10,260.00 Cons: $2,250,000.00

29 58.1
29 101
29 101.1
29 150
Map data ©2020
50 ft

PROPERTY DATA

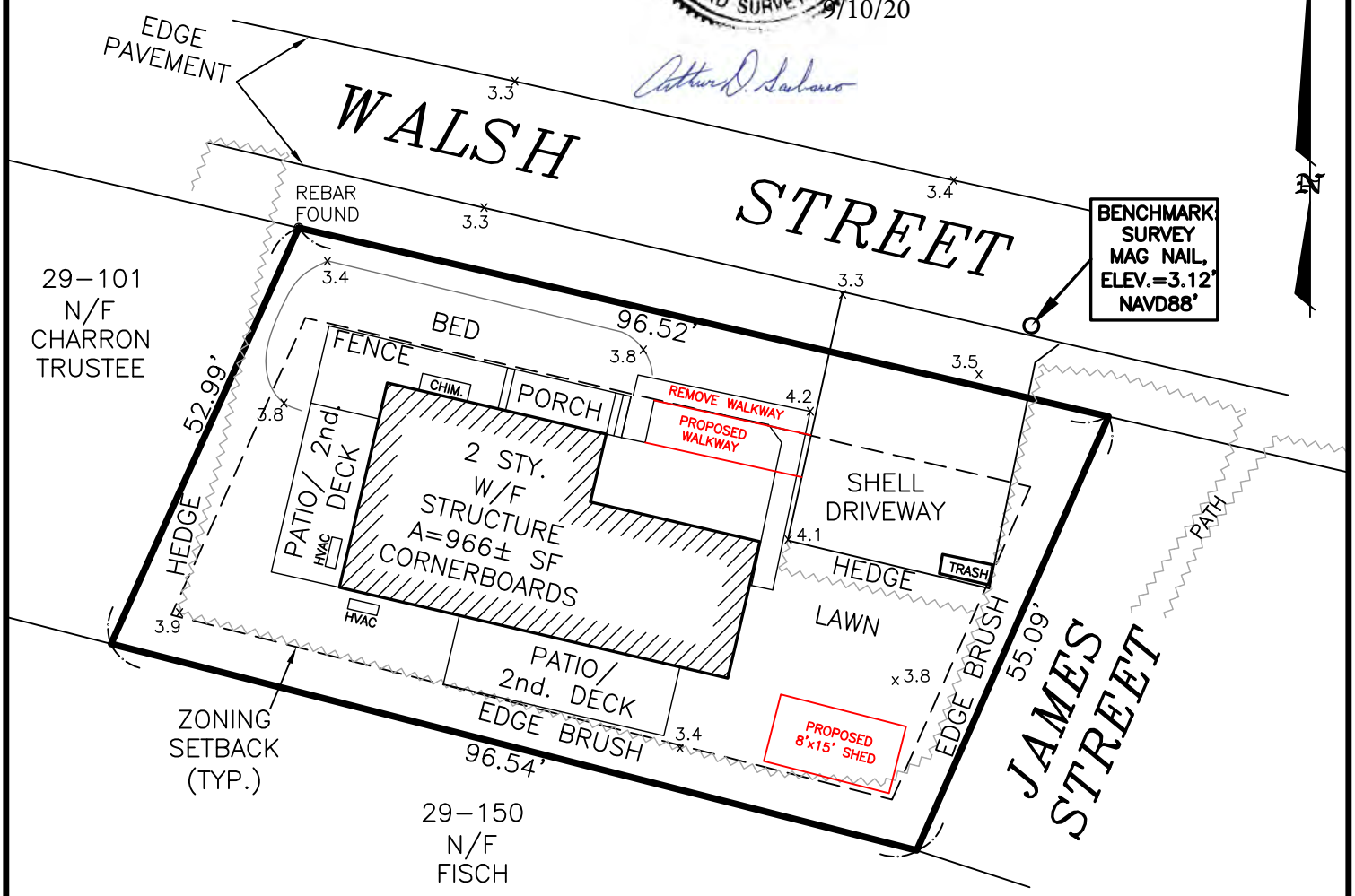
ACK007 PROPERTIES, LLC
ADDRESS: 46 WALSH STREET
ASSESSOR MAP 29 PARCEL 101.1
CERTIFICATE OF TITLE No. 27,333
LAND COURT CASE 15800-F, LOT 10

COMMONWEALTH OF MASSACHUSETTS
ARTHUR D. GASBARRO, III
No. 47149
PROFESSIONAL LAND SURVEYOR
9/10/20

ZONING DISTRICT: RESIDENTIAL-1 (R-1)

MINIMUM LOT SIZE:	5,000 S.F.
MINIMUM FRONTAGE:	50 FT.
FRONT YARD SETBACK:	10 FT.
REAR/SIDE SETBACK:	5 FT.
GROUND COVER % :	30%

LOT AREA=5,132± S.F.



LEGEND

x3.4 SPOT ELEVATION – NAVD88

THIS PLOT PLAN WAS PREPARED FOR PERMITTING PURPOSES ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD.
THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESOR RECORDS.

GRAPHIC SCALE

20 0 10 20

(IN FEET)
1 inch = 20 ft.

NOT TO BE RECORDED

SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA PREPARED FOR ACK007 PROPERTIES, LLC 46 WALSH STREET MAP 29 PARCEL 101.1 SEPTEMBER 10, 2020 SCALE: 1"=20'

NANTUCKET ENGINEERING & SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

NOTICE OF INTENT

FOR THE
ADDITION TO THE GARAGE, DWELLING & ASSOCIATED LANDSCAPING
ON THE NORTH SIDE OF THE EXISTING DWELLING
AT
24 PILGRIM ROAD
NANTUCKET, MASSACHUSETTS

September 2020

Prepared for

Peter E. Halle & Carolyn B. Lamm

Prepared by
BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors / Civil Engineers
20 Teasdale Circle
Nantucket, Massachusetts 02554
(508) 228-9026

PROJ. NO. B-7455

41–809
N/F
WESTMOOR CLUB, LLC

PROPOSED SILT & CONSTRUCTION FENCING. 78 L.F.

35.52'

165.00'
200.52'

61'±

RELOCATED STONE STEPS

RELOCATED STONE STEPS

LEYLAND CYPRESS

EXISTING STONE STEPS

41–95
N/F
WILLIAM H. VROOMAN
&
ROBERT VROOMAN

PILGRIM ROAD

N

NONHYDRIC PIT

HYDRIC PIT

BVW-1A
BVW-2A
BVW-3A
BVW-4A
BVW-5A
BVW-6A

E. LAWN

STONE RETAINING WALL

25'

50'

PROPERTY LINE

EXISTING WIRE POOL FENCE

3.3'±OVER

EXISTING WIRE FENCE

25.4'±

STONE RETAINING WALL

STONE FIRE PIT

EXISTING POOL

STONE PATIO

POOL EQUIP. AREA

WOOD RETAINING WALL

WIRE POOL FENCE

BRICK WALKWAY

STONE RETAINING WALL

E. LAWN

PROP. BRICK

LINE OF EXISTING DECK TO BE REMOVED

SEE NOTE 2

EXISTING DECK

NEW ADDITION

EXISTING GARAGE

EXISTING COBBLE APRON

STONE WALKWAY

PORCH

BRICK WALKWAY

28.5'

EXISTING TWO SYRY. W/F STRUCTURE A=3,526 S.F.±

100'

116.00'

28.63'

ODS

PORCH OVER LIVING SPACE

PORCH

PORCH

PORCH

ARBOR

E. LAWN

EXISTING SHELL DRIVEWAY

BRICK WALKWAY

STONE WALKWAY

E. LAWN

STONE WALKWAY

20' SEWER ESMNT

22.4'

EXISTING SHELL DRIVEWAY

5.00' SEWER & WATER ESMNT

SHELL

EXISTING SHELL DRIVEWAY

11.05'

75.00'

E. LAWN

E. LAWN

BVW-5A
BVW-6A
BVW-7A
BVW-4A
HYDRIC PIT
BVW-8A
BVW-3A
EXISTING STONE CHAIR
BVW-2A
BVW-1A

90.00'

41–822
N/F
NANTUCKET WESTMOOR FARMS LLC

20' WIDE SEWER EASEMENT

41–823
N/F
NANTUCKET WESTMOOR FARMS LLC

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

		EXISTING
MINIMUM LOT SIZE:	20,000 S.F.	33,596 S.F.
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER % :	12.5%	10.5%

GRAPHIC SCALE
0' 12.5' 25' 50' 75'

LOCUS MAP: 1"=508'±

OWNER'S REFERENCE:
PETER E. HALLE & CAROLYN B. LAMM
CERTIFICATE No's: 22,335, 22968 & 25,076
LAND COURT PLANS: 13328–J (LOT 15); 13328–N (LOT 36); 13328–S (LOT 47)
TAX MAP: 41, PARCEL: 94.

NOTES:
1)TOTAL AREA BETWEEN THE 25 FT. AND 50 FT. BUFFER IS 5,226 SF±, THEREFORE TO BE IN COMPLIANCE WITH SECTION 3.02(B)(1), 50% OR 2,613 S.F± OF AREA MUST REMAIN UNALTERED.

2) NEW STRUCTURE FOOTPRINT BEYOND EXISTING FOOTPRINT OF STRUCTURE AND DECK INCREASED BY 52 S.F±.

3) RERERENCE: SE48–2666.

COMMONWEALTH OF MASSACHUSETTS
LEO C. ASADOORIAN
NO. 33930
REGISTERED PROFESSIONAL LAND SURVEYOR

9/10/20

PLAN TO ACCOMPANY A NOTICE OF INTENT

prepared for:

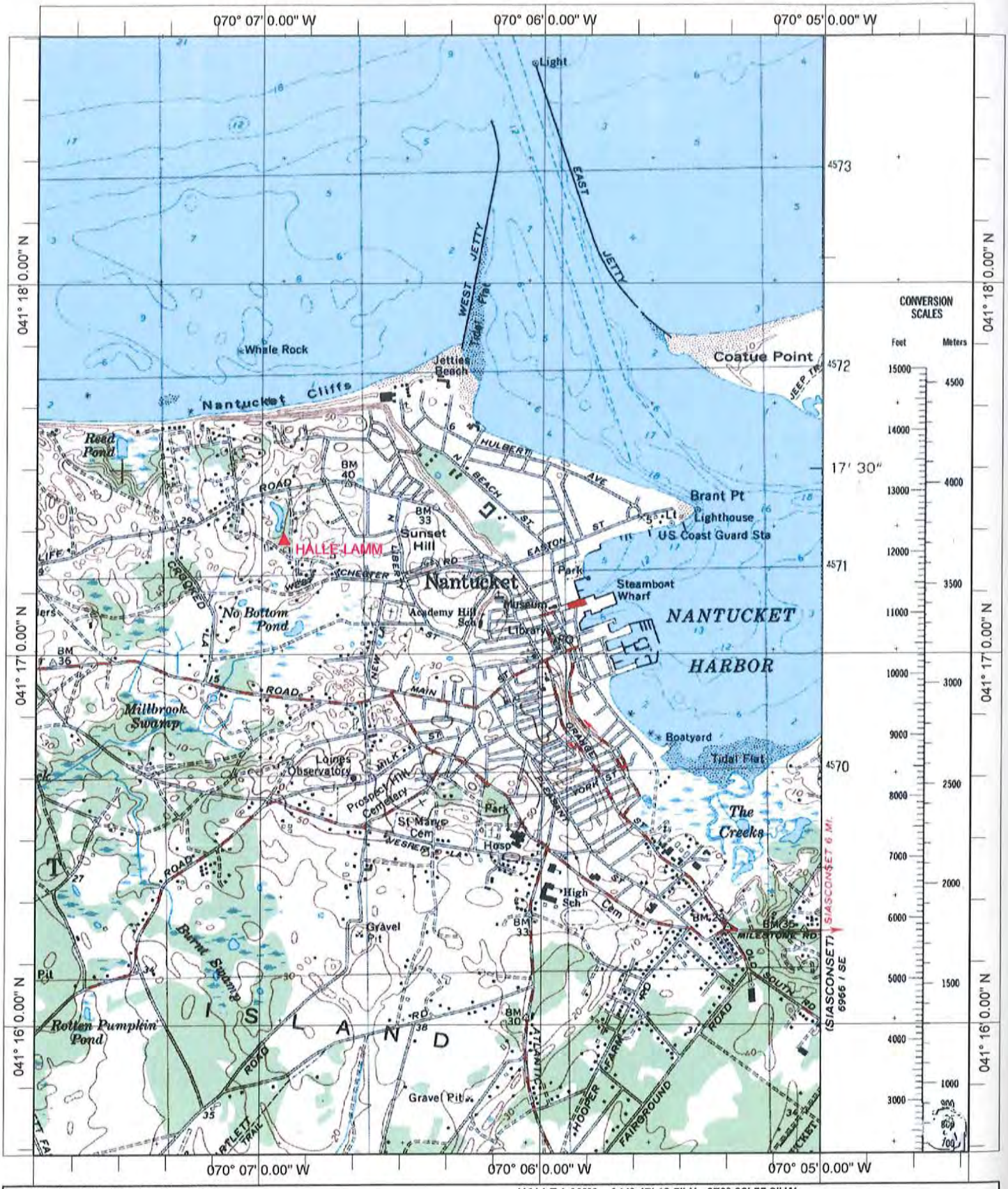
Peter E. Halle and Carolyn B. Lamm
24 Pilgrim Road

1"=25' SEPTEMBER 10, 2020

BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228–9026
www.blackwellsurvey.com

B-7455

V:\DRAWFILES\B7455\BLP-NOI-SEPT 9 2020.dwg, NOI-9-2020, 9/10/2020 8:15:10 PM, HP Color LaserJet CP5225.pc3, 11x17, 1:1



<Default> - 1 Markers, Length = 0 feet

HALLE-LAMM - 041° 17' 18.5" N, 070° 06' 55.2" W

Name: NANTUCKET
Date: 9/10/120
Scale: 1 inch equals 2000 feet

Location: 041° 17' 09.7" N 070° 06' 08.2" W
Caption: PETER HALLE
24 PILGRIM ROAD
NANTUCKET, MA.

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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

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):

24 PILGRIM ROAD — a. Street Address
NANTUCKET — b. City/Town
MA — c. Zip Code

Latitude and Longitude:
41°17'18.4" N — d. Latitude
70°06'54.7"W — e. Longitude

41 — f. Assessors Map/Plat Number
94 — g. Parcel /Lot Number

2. Applicant:

PETER E. — a. First Name
HALLE & LAMM — b. Last Name
c. Organization
2801 CHESTERFIELD PLACE NW — d. Street Address
WASHINGTON — e. City/Town
D.C. — f. State
20008 — g. Zip Code
202-966-2801 — h. Phone Number
i. Fax Number
peter@halle-lamm.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):

LEO C. — a. First Name
ASADOORIAN, PLS — b. Last Name
BLACKWELL & ASSOCIATES, INC. — c. Company
20 TEASDALE CIRCLE — d. Street Address
NANTUCKET — e. City/Town
MA — f. State
02554 — g. Zip Code
508-228-9026 x-12 — h. Phone Number
i. Fax Number
leo@blackwellsurvey.com — j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

$110.00 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50 — c. City/Town Fee Paid

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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City/Town

A. General Information (continued)

6. General Project Description:

Vertical addition to existing garage, addition to the existing dwelling and associated landscaping.

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	22,335, 22,968, 25,076
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

1. ☒ Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
2. ☐ Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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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. ☐ Bank	1. linear feet	2. linear feet
b. ☐ Bordering Vegetated Wetland	1. square feet	2. square feet
c. ☐ Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. ☐ Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. ☐ Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced

f. ☐ Riverfront Area

1. Name of Waterway (if available) - **specify coastal or inland**

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? ☐ Yes ☐ No

6. Was the lot where the activity is proposed created prior to August 1, 1996? ☐ Yes ☐ No

3. ☐ Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f**. above.

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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NANTUCKET
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. ☐ Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. ☐ Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. ☐ Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. ☐ Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. ☐ Coastal Dunes	1. square feet	2. cubic yards dune nourishment

	Size of Proposed Alteration	Proposed Replacement (if any)
f. ☐ Coastal Banks	1. linear feet	
g. ☐ Rocky Intertidal Shores	1. square feet	
h. ☐ Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. ☐ Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. ☐ Land Containing Shellfish	1. square feet	
k. ☐ Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. ☐ Land Subject to Coastal Storm Flowage	1. square feet	

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
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Provided by MassDEP:

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NANTUCKET
City/Town

C. Other Applicable Standards and Requirements

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Limited Project Checklists – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

   a. ☐ Yes ☒ No

   If yes, include proof of mailing or hand delivery of NOI to:

   Natural Heritage and Endangered Species Program
   Division of Fisheries and Wildlife
   1 Rabbit Hill Road
   Westborough, MA 01581

   2017
   b. Date of map

   If *yes*, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.2.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

   c. Submit Supplemental Information for Endangered Species Review*

      1. ☐ Percentage/acreage of property to be altered:

         (a) within wetland Resource Area _____ percentage/acreage

         (b) outside Resource Area _____ percentage/acreage

      2. ☐ Assessor's Map or right-of-way plan of site

2. ☐ Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

   (a) ☐ Project description (including description of impacts outside of wetland resource area & buffer zone)

   (b) ☐ Photographs representative of the site

---

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see https://www.mass.gov/ma-endangered-species-act-mesa-regulatory-review).
Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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City/Town

C. Other Applicable Standards and Requirements (cont'd)

(c) ☐ MESA filing fee (fee information available at https://www.mass.gov/how-to/how-to-file-for-a-mesa-project-review).
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, https://www.mass.gov/service-details/exemptions-from-review-for-projectsactivities-in-priority-habitat; 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@mass.gov

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@mass.gov

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

c. ☐ Is this an aquaculture project? d. ☐ Yes ☐ No

If yes, include a copy of the Division of Marine Fisheries Certification Letter (M.G.L. c. 130, § 57).

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

   a. ☐ Yes ☒ No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

   b. ACEC

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

   a. ☐ Yes ☒ No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

   a. ☐ Yes ☒ No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

   a. ☐ Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

      1. ☐ Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

      2. ☐ A portion of the site constitutes redevelopment

      3. ☐ Proprietary BMPs are included in the Stormwater Management System.

   b. ☒ No. Check why the project is exempt:

      1. ☒ Single-family house

      2. ☐ Emergency road repair

      3. ☐ Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

☐ This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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D. Additional Information (cont'd)

3. ☒ Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. ☐ List the titles and dates for all plans and other materials submitted with this NOI.

PLAN TO ACCOMPANY A NOTICE OF INTENT/ Prepared for Peter E. Halle & Carolyn B Lamm
a. Plan Title

BLACKWELL & ASSOCIATES, Inc
b. Prepared By

Leo C. Asadoorian PLS
c. Signed and Stamped by

September 10, 2020
d. Final Revision Date

1"=25'
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:

25341
2. Municipal Check Number

9/10/2020
3. Check date

25340
4. State Check Number

9/10/2020
5. Check date

BLACKWELL & ASSOCIATES, Inc.
6. Payor name on check: First Name

7. Payor name on check: Last Name

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NANTUCKET
City/Town

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.

Leo C. Asadoorian PS (agent)	9/10/20
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
Leo C. Asadoorian PS (agent)	9/10/20
5. Signature of Representative (if any)	6. Date

For Conservation Commission:
Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:
One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

Project Narrative

Peter E. Halle & Carolyn B. Lamm
24 Pilgrim Road
Nantucket, Mass. 02554
September 2020

Project scope will include the following work on the site.
All required construction and siltation fences will be placed in the location shown on the project plans and inspected by the Commission's representatives *prior* to any construction taking place.

Garage and House Addition:

Applicant is proposing to add to his existing dwelling and garage structures on the north side of the property.
Examining the architectural drawings provided by Normand Residential Design, Inc., which are included in the Notice of Intent, shows the following will be done:

- An addition will be added to the rear of the Garage which will allow the existing kitchen to be expanded into the area at the same level that it now is. In order to accomplish this, a portion of the existing deck will be removed from the current structure. This addition will be supported by three piers and footings. I understand at the time of this filing a structural engineer is in the process of designing the pier system. Due to soil conditions it may be necessary that Helical Anchors may be required as part of the pier system. Soil borings will be performed to make that final determination.
- On the second floor above the existing garage and the newly expanded kitchen, two new home offices will be occupying these spaces. Both offices will have their own 5'x10' balconies looking out from the front and rear (east and west) of the structure.
- As noted on the plan accompanying this Notice, with the removal of a portion of the existing deck on the west side of the structure, this addition will only increase the structure footprint by approximately 52 square feet.
  This new addition will be approximately 61 feet from the Bordering Vegetated Wetland to the west.

Landscaping:

Currently an existing terraced brick and granite walkway traverses from the driveway to the rear of the dwelling and leading to the existing pool area. A portion is also grassed as well. A substantial portion of an existing stone wall may be required to be removed. It is my understanding the applicant will want to keep this existing walkway configuration in place, but a contingency alignment of the walkway has been shown if this cannot be accomplished.
Existing materials that make up the current walkway will be relocated and used in pretty much in the same, terraced configuration.

As the final stages of the construction are completed, all associated landscaping will take place. Filled slopes will be fine graded and covered by 6" of screened loam, seeded and mulched or hydro seeded at the landscaper's discretion. The landscaper will be required to maintain the silt fences in good order and monitor the vegetative growth on the slopes to ensure no siltation of the wetland is realized at any time during construction.

Once all work is complete, a final as built survey will be performed and submitted to the Commission for review and issuance of a Certificate of Compliance.

Peter Halle B-7455

Property Information

Property ID	41 94
Location	24 PILGRIM RD
Owner	HALLE PETER E & LAMM CAROLYN B

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

National Flood Hazard Layer FIRMette

FEMA

70°7'12"W 41°17'33"N

70°6'35"W 41°17'6"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, Area of 1% annual chance flood with average depth less than one foot or with drainag 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
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 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

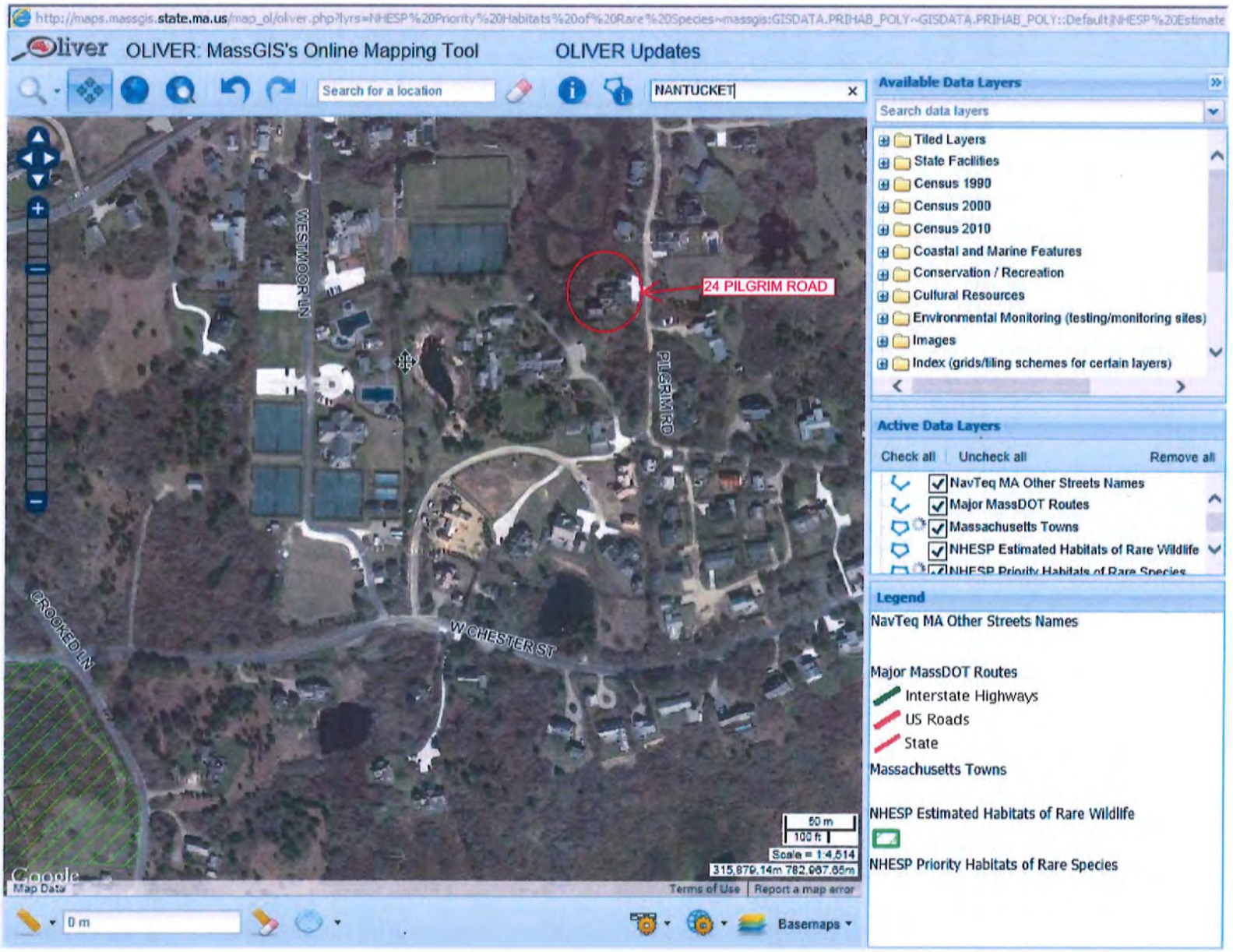
N

The pin displayed on the map is an approximate point selected by the user and does not represe 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 9/10/2020 at 9:17 PM 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.


http://maps.massgis.state.ma.us/map_ol/oliver.php?lyrs=NHESP%20Priority%20Habitats%20of%20Rare%20Species~massgis:GISDATA.PRIHAB_POLY~GISDATA.PRIHAB_POLY::Default|NHESP%20Estimate
Oliver
OLIVER: MassGIS's Online Mapping Tool
OLIVER Updates
Search for a location
NANTUCKET
24 PILGRIM ROAD
WESTMOOR LN
PILGRIM RD
W CHESTER ST
CROOKED LN
50 m
100 ft
Scale = 1:4,514
315,879.14m 782,987.65m
Google
Map Data
Terms of Use
Report a map error
0 m
Basemaps
Available Data Layers
Search data layers
Tiled Layers
State Facilities
Census 1990
Census 2000
Census 2010
Coastal and Marine Features
Conservation / Recreation
Cultural Resources
Environmental Monitoring (testing/monitoring sites)
Images
Index (grids/tiling schemes for certain layers)
Active Data Layers
Check all
Uncheck all
Remove all
NavTeq MA Other Streets Names
Major MassDOT Routes
Massachusetts Towns
NHESP Estimated Habitats of Rare Wildlife
Legend
NavTeq MA Other Streets Names
Major MassDOT Routes
Interstate Highways
US Roads
State
Massachusetts Towns
NHESP Estimated Habitats of Rare Wildlife
NHESP Priority Habitats of Rare Species

FIELD DATA FORMS & SOILS REPORT

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Peter E. Halle & Carolyn B. Lamm	Transect No. BVW-TR1A-Hydric
Project location: 24 Pilgrim Road, Nantucket MA	DEP File No:
Prepared By: Kenneth J. Panacek, KJP Landscape and Environmental	Date of Delineation: 2/7/2014

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW: 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

Strata	Plant Species	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indictor Category*
Shrub	Winterberry	*Ilex verticillata*	8%	100%	Y	FACW
G.C.	Cat tail	*Typha sp.*	30%	75%	Y	OBL
	Soft Rush	*Juncus effusus*	10%	25%	Y	OBL

* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation Conclusion

Number of dominant wetland indicator plants: 3	Number of dominant non-wetland indicator plants: 0
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?	Yes
Percent of dominant wetland plants vs. non-wetland plants: 100% / 0%	

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Section II. Indicators of Hydrology

Soil Survey

Title/date: NRCS Custom Soil Resource Report	Location of Plot: The plot is located on a level area at the bottom of slope adjacent to standing water downslope from flag BVW1A.
Map number: n/a	
Soil type mapped: Evesboro sand / Berryland Variant	
Hydric soil inclusions:	
Are field observations consistent with soil survey? Yes	

Soil Profile Description

Soil Horizon	Depth - Inches	Color	Soil Texture	Soil Mottling	Comments
A	0-15	10YR2/1	Sandy Loam	High Chroma	
B	15-18	10YR4/1	Loamy sand	High Chroma	

Remarks: Soils in the pit evidence the transition from Evesboro sand to Berryland variant.

Other Indicators of Hydrology: check all that apply and describe

- ☒ Site inundated: Standing water
- ☒ Depth to free water in observation hole: 2"
- ☒ 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 (stream, lake or tidal gauge; aerial photo; other): Nantucket GIS Aerial photo
- ☐ Other:

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants?	yes	☒	no	☐
Hydric soil present?	yes	☒	no	☐
Other indicators of hydrology present?	yes	☒	no	☐
Sample location is in a BVW?	yes	☒	no	☐

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Peter E. Halle & Carolyn B. Lamm	Transect No. BVW-TR1A-Nonhydric
Project location: 24 Pilgrim Road, Nantucket MA	DEP File No:
Prepared By: Kenneth J. Panacek, KJP Landscape and Environmental	Date of Delineation: 2/7/2014

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW: 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

Strata	Plant Species	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indictor Category*
Shrub	Honeysuckle	*Lonicera tatarica*	60%	100%	Y	FACU
Vines	Fox Grape	*Vitis labrusca*	30%	100%	Y	FACU

* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation Conclusion

Number of dominant wetland indicator plants: 0	Number of dominant non-wetland indicator plants: 2
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?	No
Percent of dominant wetland plants vs. non-wetland plants: 0% / 100%	

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Section II. Indicators of Hydrology

Soil Survey

Title/date: NRCS Custom Soil Resource Report	Location of Plot: The plot is located on a moderate slope in a honeysuckle and grape thicket upslope from flag BVW1A.
Map number: n/a	
Soil type mapped: Evesboro sand / Berryland Variant	
Hydric soil inclusions:	
Are field observations consistent with soil survey? Yes	

Soil Profile Description

Soil Horizon	Depth - Inches	Color	Soil Texture	Soil Mottling	Comments
A	0-12	10YR3/3	Sandy loam	None obs.	
B	12-20	10YR5/6	Loamy sand	None obs	

Remarks:

Other Indicators of Hydrology: check all that apply and describe

- ☐ Site inundated:
- ☐ Depth to free water in observation hole:
- ☐ Depth to soil saturation in observation hole:
- ☐ Water marks:
- ☐ Drift lines:
- ☐ Sediment deposits:
- ☐ Drainage patterns in BVW:
- ☐ Oxidized rhizospheres:
- ☐ Water-stained leaves:
- ☐ Recorded data (stream, lake or tidal gauge; aerial photo; other):
- ☐ Other:

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants?	yes ☐	no ☒
Hydric soil present?	yes ☐	no ☒
Other indicators of hydrology present?	yes ☐	no ☒
Sample location is in a BVW?	yes ☐	no ☒

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Peter E. Halle & Carolyn B. Lamm	Transect No. IVW-TR1A-Hydric
Project location: 24 Pilgrim Road, Nantucket MA	DEP File No:
Prepared By: Kenneth J. Panacek, KJP Landscape and Environmental	Date of Delineation: 2/7/2014

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW: 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

Strata	Plant Species	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indictor Category*
Tree	Cherry	*Prunus pensylvanica*	15%	100%	Y	FACU
Shrub	Arrowwood	*Viburnum dentatum*	20%	41.7%	Y	FAC
	Winterberry	*Ilex verticillata*	20%	41.7%	Y	FACW
	Honeysuckle	*Lonicera tatarica*	8%	16.6	N	FACU

* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, 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: 1
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Yes	
Percent of dominant wetland plants vs. non-wetland plants: 66.7% / 33.3%	

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Section II. Indicators of Hydrology

Soil Survey

Title/date: NRCS Custom Soil Resource Report	Location of Plot:
Map number: n/a	The plot is located on a flat area downslope from
Soil type mapped: Evesboro sand / Berryland Variant	flag IVW 5A adjacent to standing water.
Hydric soil inclusions:	
Are field observations consistent with soil survey? Yes	

Soil Profile Description

Soil Horizon	Depth - Inches	Color	Soil Texture	Soil Mottling	Comments
A	0-8	10YR2/1	Sandy Loam	None obs.	
B	8-20	10YR4/1	Loamy sand	High chroma	

Remarks:

Other Indicators of Hydrology: check all that apply and describe

- ☒ Site inundated: Standing water
- ☒ Depth to free water in observation hole: 16"
- ☒ Depth to soil saturation in observation hole: 10"
- ☐ Water marks:
- ☐ Drift lines:
- ☐ Sediment deposits:
- ☒ Drainage patterns in BVW: Surface flow from Pilgrim Road
- ☒ Oxidized rhizospheres:
- ☒ Water-stained leaves:
- ☒ Recorded data (stream, lake or tidal gauge; aerial photo; other): Aerial photo
- ☐ Other:

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants?	yes	☒	no	☐
Hydric soil present?	yes	☒	no	☐
Other indicators of hydrology present?	yes	☒	no	☐
Sample location is in a BVW?	yes	☒	no	☐

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: Peter E. Halle & Carolyn B. Lamm	Transect No. IVW-TR1A-Hydric
Project location: 24 Pilgrim Road, Nantucket MA	DEP File No:
Prepared By: Kenneth J. Panacek, KJP Landscape and Environmental	Date of Delineation: 2/7/2014

Check all that apply:

- ☐ Vegetation alone presumed adequate to delineate BVW: 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

Strata	Plant Species	Scientific Name	Percent Cover	Percent Dominance	Dominant Plant?	Wetland Indictor Category*
Tree	Cherry	*Prunus pensylvanica*	5%	100%	Y	FACU
Sapling	Cherry	*Prunus pensylvanica*	10%	50%	Y	FACU
	English Oak	*Quercus robur*	10%	50%	Y	NI
Shrub	Honeysuckle	*Lonicera tatarica*	20%	100%	Y	FACU

* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

Vegetation Conclusion

Number of dominant wetland indicator plants: 0	Number of dominant non-wetland indicator plants: 3
Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants?	No
Percent of dominant wetland plants vs. non-wetland plants: 0% / 100%	

APPENDIX G
DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Section II. Indicators of Hydrology

Soil Survey

Title/date: NRCS Custom Soil Resource Report	Location of Plot:
Map number: n/a	The plot is located above a break in slope containing
Soil type mapped: Evesboro sand / Berryland Variant	the IVW upslope from flag IVW 5A
Hydric soil inclusions:	
Are field observations consistent with soil survey? Yes	

Soil Profile Description

Soil Horizon	Depth - Inches	Color	Soil Texture	Soil Mottling	Comments
A	0-14	10YR4/3	Sandy loam	None obs.	
B	14-20	10YR5/6	Loamy sand	None obs	

Remarks:

Other Indicators of Hydrology: check all that apply and describe

- ☐ Site inundated:
- ☐ Depth to free water in observation hole:
- ☐ Depth to soil saturation in observation hole:
- ☐ Water marks:
- ☐ Drift lines:
- ☐ Sediment deposits:
- ☐ Drainage patterns in BVW:
- ☐ Oxidized rhizospheres:
- ☐ Water-stained leaves:
- ☐ Recorded data (stream, lake or tidal gauge; aerial photo; other):
- ☐ Other:

Vegetation and Hydrology Conclusion

Number of wetland indicator plants ≥ number of non-wetland indicator plants?	yes	☐	no	☒
Hydric soil present?	yes	☐	no	☒
Other indicators of hydrology present?	yes	☐	no	☒
Sample location is in a BVW?	yes	☐	no	☒

United States Department of Agriculture

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Nantucket County, Massachusetts

24 Pilgrim Road

February 7, 2014

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (http://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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294C—Evesboro sand, 8 to 15 percent slopes.....11
References.....13

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map

Map Scale: 1:317 if printed on A landscape (11" x 8.5") sheet.

N

Meters: 0 4 9 18 27

Feet: 0 15 30 60 90

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)

Area of Interest (AOI)

Soils

Soil Map Unit Polygons

Soil Map Unit Lines

Soil Map Unit Points

Special Point Features

Blowout

Borrow Pit

Clay Spot

Closed Depression

Gravel Pit

Gravelly Spot

Landfill

Lava Flow

Marsh or swamp

Mine or Quarry

Miscellaneous Water

Perennial Water

Rock Outcrop

Saline Spot

Sandy Spot

Severely Eroded Spot

Sinkhole

Slide or Slip

Sodic Spot

Spoil Area

Stony Spot

Very Stony Spot

Wet Spot

Other

Special Line Features

Water Features

Streams and Canals

Transportation

Rails

Interstate Highways

US Routes

Major Roads

Local Roads

Background

Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Nantucket County, Massachusetts
Survey Area Data: Version 11, Dec 17, 2013

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 30, 2011—Oct 8, 2011

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Nantucket County, Massachusetts (MA019)			
Map Unit Symbol	**Map Unit Name**	**Acres in AOI**	**Percent of AOI**
25A	Berryland Variant loamy sand, 0 to 3 percent slopes	0.4	81.0%
294C	Evesboro sand, 8 to 15 percent slopes	0.1	19.0%
Totals for Area of Interest		**0.5**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If

intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Nantucket County, Massachusetts

25A—Berryland Variant loamy sand, 0 to 3 percent slopes

Map Unit Setting

Mean annual precipitation: 41 to 48 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 175 to 240 days

Map Unit Composition

Berryland variant and similar soils: 85 percent
Minor components: 15 percent

Description of Berryland Variant

Setting

Landform: Terraces
Landform position (two-dimensional): Toeslope
Landform position (three-dimensional): Tread
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Loose sandy glaciofluvial deposits derived from igneous and metamorphic rock

Properties and qualities

Slope: 0 to 3 percent
Depth to restrictive feature: 15 to 25 inches to ortstein
Drainage class: Very poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Very low to moderately low (0.00 to 0.06 in/hr)
Depth to water table: About 0 inches
Frequency of flooding: None
Frequency of ponding: Frequent
Available water capacity: Very low (about 2.0 inches)

Interpretive groups

Farmland classification: Not prime farmland
Land capability (nonirrigated): 5w
Hydrologic Soil Group: D

Typical profile

0 to 20 inches: Loamy sand
20 to 25 inches: Sand
25 to 42 inches: Loamy sand
42 to 60 inches: Very gravelly sand

Minor Components

Freetown

Percent of map unit: 10 percent
Landform: Bogs

Pompton

Percent of map unit: 5 percent
Landform: Terraces

294C—Evesboro sand, 8 to 15 percent slopes

Map Unit Setting

Elevation: 10 to 450 feet
Mean annual precipitation: 41 to 48 inches
Mean annual air temperature: 50 to 54 degrees F
Frost-free period: 175 to 240 days

Map Unit Composition

Evesboro and similar soils: 85 percent
Minor components: 15 percent

Description of Evesboro

Setting

Landform: Outwash plains
Landform position (two-dimensional): Backslope
Landform position (three-dimensional): Riser
Down-slope shape: Linear
Across-slope shape: Convex
Parent material: Loose sandy glaciofluvial deposits

Properties and qualities

Slope: 8 to 15 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Excessively drained
Capacity of the most limiting layer to transmit water (Ksat): High to very high (2.00 to 20.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water capacity: Low (about 4.5 inches)

Interpretive groups

Farmland classification: Not prime farmland
Land capability (nonirrigated): 7s
Hydrologic Soil Group: A

Typical profile

0 to 6 inches: Sand
6 to 26 inches: Loamy sand
26 to 60 inches: Stratified sand to sandy loam

Minor Components

Udipsamments

Percent of map unit: 5 percent

Riverhead

Percent of map unit: 5 percent

Klej

Percent of map unit: 5 percent

References

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OWNERS CERTIFICATE OF TITLES
and RECORD PLAN(S)

Transfer Certificate of Title

Cert No:22335
Doc No:117409

From Transfer
Certificate No. 21836 Originally Registered June 30, 2005

the Registry District of Nantucket County

This is to Certify that

PETER E. HALLE and CAROLYN B. LAMM

c/o Morgan, Lewis and Bockius, LLP, 1111 Pennsylvania Avenue, N. W., Washington, D.C. 20004, married to each other are the owners in fee simple, as joint tenants with right of survivorship of that land situated in Nantucket,
in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

Lot 15 on plan numbered 13328-J, drawn by Charles W. Hart & Assoc., Inc., Surveyors, dated October 10, 1997, filed with Certificate of Title No. 14,959 at the Registry District of Nantucket County.

There is appurtenant to the land herein conveyed a right of way in common with others entitled thereto as set forth in a deed given by Patrick B. Delany to Alice M. Voss, dated October 7, 1916, duly recorded with Nantucket Registry of Deeds in Book 95, Page 572, appurtenant to the second parcel of land described therein, and a right of way to use Pilgrim Road as shown on Land Court Plan No. 13199-A in common with others entitled thereto to Cliff Road, Nantucket, Massachusetts, as set forth in a grant of right of way by Howard M. Jelleme to Frances E. Holdgate and Barbara L. Holdgate duly recorded with the Nantucket Registry District as Document No. 15654 and noted on Certificate of Title No. 3702.

Also included in this grant is an easement five (5) feet wide parallel and adjacent to the Westerly side of Pilgrim Road, so called, running Southerly from the Southwesterly side of said Lot 6 to the twenty (20) foot way shown on Land Court Plan No. 13328-E for the purposes of installing a sewer line and utilities.

There is appurtenant to the land hereby registered, a right of way as set forth in a deed given by Thomas F. Hamblin to John A. MacDougall, Jr., dated Sept. 19, 1889, duly recorded in Book 73, Page 361, in common with others entitled thereto, and a right of way in common with others entitled thereto as set forth in a deed given by Patrick B. Delany to Alice M. Voss, dated October 7, 1916, duly recorded in Book 96, Page 572.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

PETER E. HALLE and CAROLYN B. LAMM

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid.

Witness **KARYN F. SCHEIER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the twenty-fourth day of August in the year two thousand and six at three o'clock and thirty-six minutes in the afternoon.

Attest, with the Seal of said Court, Joanne L. Kelley
Joanne L. Kelley, Assistant Recorder

Purported Property Address: 24 Pilgrim Road

Land Court Case No. 13328

CERTIFICATE OF TITLE NO. **22335**

124050

Cert: 22968 Doc: DD
Registered: 05/08/2008 01:28 PM

LAND COURT, BOSTON. The land herein ~~described~~ will be shown on our approved plan to follow as
Referred To
MAY 01 2008
Plan 13328N Lot 36
(EXAMINED AS DESCRIPTION ONLY)
T.C. PONTBRIAND
ACTING CHIEF ENGINEER
(TIG)

QUITCLAIM DEED

NANTUCKET WESTMOOR FARMS, LLC, a Massachusetts Limited Liability Company, c/o 8011 Spring Road, Cabin John, Maryland 20818, for consideration paid, grant to PETER E. HALLE and CAROLYN B. LAMM, husband and wife, as joint tenants with right of survivorship, c/o Morgan, Lewis and Bockius, LLP, 1111 Pennsylvania Avenue, N.W., Washington, D.C. 20004, with QUITCLAIM COVENANTS,

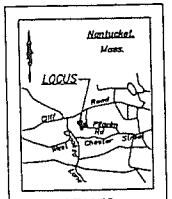
That certain parcel of vacant land situate in Nantucket Town and County, Commonwealth of Massachusetts situated at Pilgrim Road and Westmoor Farms Road and shown as Lot 36 on Land Court Plan No. 13328-N filed with Certificate of Title No. 21835 at the Nantucket Registry District.

This conveyance is made in order to fulfill the obligation of the Grantor to perform the conveyance of said Lot 36 for the consideration set forth in the deed of Lot 15 on Land Court Plan No. 13328-J registered as Document No. 117409 at the Nantucket Registry District, and no further consideration is paid in connection with this conveyance.

The Grantor hereby reserves for itself, its successors and assigns, a perpetual and exclusive easement to use and enjoy said Lot 36 for all lawful purposes. The use and enjoyment of said Lot 36 shall be limited to the Grantor, its successors and assigns, and no others. No structures as defined in Section 139-2 of the Code of the Town of Nantucket, as amended, shall be constructed, placed or allowed to remain on said Lot 36 by the Grantor, its successors and assigns, and by accepting the provisions of this Deed, the Grantees, their heirs, executors, administrators, successors and assigns, agree that no structures, as so defined, shall be constructed or located on said Lot 36. This exclusive use easement shall run with the land, shall be appurtenant to other land of the Grantor shown as Lots 35 and 37 on Land Court Plan No. 13328-N filed with Certificate of Title No. 21835 at the Nantucket Registry District, shall burden said Lot 36 , and shall be binding on the parties, their executors, heirs, administrators, successors, and assigns in perpetuity.

There is appurtenant to said Lot 36 a right of way in common with others thereto as set forth in a deed recorded in Book 95, Page 572 at the Nantucket Registry of Deeds and a right of way to use Pilgrim Road as shown on Land Court Plan No. 13199-A in common with others thereto to Cliff Road as set forth in Document No. 15654 noted on Certificate of Title No. 3702 at the Nantucket Registry District.

There is appurtenant to said Lot 36 an easement five (5') feet wide parallel and adjacent to the westerly side of Pilgrim Road for the purpose of installing a sewer line and utilities as set



13328^N

LAND COURT
APR 2 2008
FILED

ZONING REQUIREMENTS

DISTRICT	Residential–2 (R–2)
Minimum Lot Size	20,000 S.F.
Minimum Frontage	75 FT.
Front Yard Setback	30 FT.
Side Yard Setback	10 FT.
Rear Yard Setback	10 FT.
Ground Cover Ratio	12.5%
Regularity Factor > or =	0.55

Assessors' Map 41, Parcel 811

OWNER OF RECORD

Nantucket Westmoor Farms, LLC
Cert. No. 21835
L.C. Pl. 13328–M
Lots 23, 24, and 33

Traverse Closures

Loop # 1	
Error of Closure:	0.0125'
Direction of Error:	N33°39'56"E
Precision Ratio:	1:221,655
Loop # 2	
Error of Closure:	0.0540'
Direction of Error:	N40°13'09"W
Precision Ratio:	1:29,598
Loop # 3	
Error of Closure:	0.1055'
Direction of Error:	N60°58'38"E
Precision Ratio:	1:17,048
Loop # 4	
Error of Closure:	0.1456'
Direction of Error:	N80°44'32"W
Precision Ratio:	1:31,313

I certify that this actual survey was made on the ground in accordance with the Land Court Instructions of 1989 between December 22, 2002 2006 and November 30, 2007.

Date 02-28-2008

L.S.

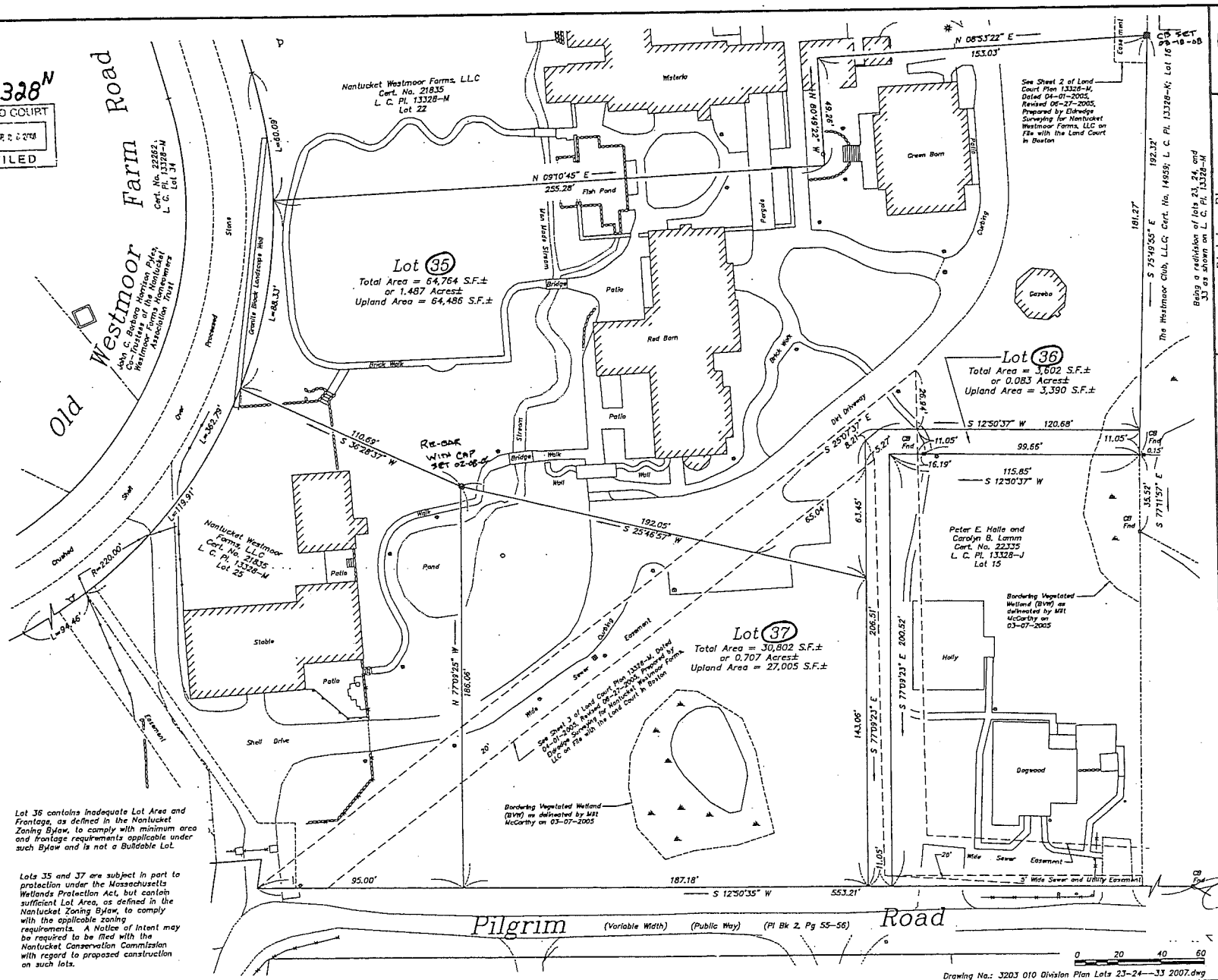
Approval under the Subdivision Control Law NOT required.
Ref. C. 41, s. 81–P., G. L.

NANTUCKET PLANNING BOARD

Date 12-10-2007 File # 9095

Lot 36 contains inadequate Lot Area and Frontage, as defined in the Nantucket Zoning Bylaw, to comply with minimum area and frontage requirements applicable under such Bylaw and is not a Buildable Lot.

Lots 35 and 37 are subject in part to protection under the Massachusetts Wetlands Protection Act, but contain sufficient Lot Area, as defined in the Nantucket Zoning Bylaw, to comply with the applicable zoning requirements. A Notice of Intent may be required to be filed with the Nantucket Conservation Commission with regard to proposed construction on such lots.



Rev. #	Description of Revision	Date
1	Updated conditions on the ground	12/06/07

Division Plan
Nantucket, Massachusetts

NANTUCKET WESTMOOR FARMS, L.L.C.

ELDREDGE SURVEYING & ENGINEERING, LLC
1038 Main Street, Chatham, MA; (508) 945-3965; Fax: (508) 945-5885

Date: 11-30-2007
Scale: 1" = 20'
Project No.: N-3203-01.0
Sheet No.: 1 of 1

143346

2013 00143346

Cert: 25076 Doc: DD
Registered: 12/27/2013 04:04 PM

LAND COURT, BOSTON. The Land herein described will be shown on our approved plan to follow as

NOV 22 2013

Plan 13328S Lot 47
(EXAMINED AS DESCRIPTION ONLY)
T.C. PONTBRIAND
~~ACTING~~ CHIEF ENGINEER
(TIG)

DEED

NANTUCKET WESTMOOR FARMS, LLC, a Massachusetts limited liability company, having its principal place of business at Nantucket, Massachusetts, for consideration paid in the amount of $150,000.00, grants to PETER E. HALLE and CAROLYN B. LAMM, husband and wife, as joint tenants, with a mailing address c/o Morgan, Lewis and Bockius, LLP, 1111 Pennsylvania Avenue, N.W., Washington, with QUITCLAIM COVENANTS,

That certain parcel of vacant land situated in Nantucket, Nantucket County, Massachusetts, being a portion of the land now known and numbered as 22 Pilgrim Road, bounded and described as follows:

EASTERLY	by	Pilgrim Road, seventy-five (75.00) feet;
SOUTHERLY		ninety (90.00) feet, and
WESTERLY		seventy-five (75.00) feet, by Lot 46 on plan hereinafter mentioned; and
NORTHERLY	by	Lot 36 on Land Court Plan 13328-N, ninety (90.00) feet.

Said land is shown as Lot 47 on Land Court Plan 13328-S.

Said land is conveyed subject to real estate taxes assessed by the Town of Nantucket for the fiscal year 2014, commencing on July 1, 2013.

For title, see Certificate of Title No. 21835 at Nantucket Registry District.

F:\EpH\Halle\Deed of Lot 47.docx

143350

2013 00143250
Cert: 25076 Doc: DECL OF
Registered: 12/27/2013 04:04 PM

DECLARATION OF RESTRICTION TO
MERGE LOTS FOR BUILDING AND ZONING PURPOSES

We, PETER E. HALLE and CAROLYN B. LAMM, being the owners of the land located in Nantucket, Nantucket County, Massachusetts, now known and numbered as 24 Pilgrim Road, shown as Lot 15 on Land Court Plan 13328-J ("Lot 15"), Lot 36 on Land Court Plan 13328-N ("Lot 36"), and Lot 47 on Land Court Plan 13328-S ("Lot 47") by virtue of Certificates of Title Nos. 22335, 22968 and 25076, respectively, at the Nantucket Registry District of the Land Court, for consideration received, the receipt and sufficiency of which are hereby acknowledged, hereby impose, in favor of the Inhabitants of the Town of Nantucket, upon Lot 15, Lot 36 and Lot 47, the following restriction:

> Lot 15, Lot 36 and Lot 47 shall henceforth be considered merged as one lot for purposes of applicable building and zoning laws and by-laws. Nothing herein shall prohibit the division of Lot 15, Lot 36 and Lot 47 into two or more lots by one or more plans which are approved by the Nantucket Planning Board or are endorsed by the Nantucket Planning Board as not requiring approval, and in the event of such division, the lots thereby created may be transferred into separate ownership to the extent permitted by law and by the terms of the approval or endorsement thereof by the Nantucket Planning Board.

Executed and sealed on December 18, 2013.

Peter E. Halle

Carolyn B. Lamm

F:\Wpd\Halle\lot combination restriction, Lots 15, 36 and 47.doc

LEGEND

- ■ Concrete Bound (CB)
- ○ Re-bar with Cap

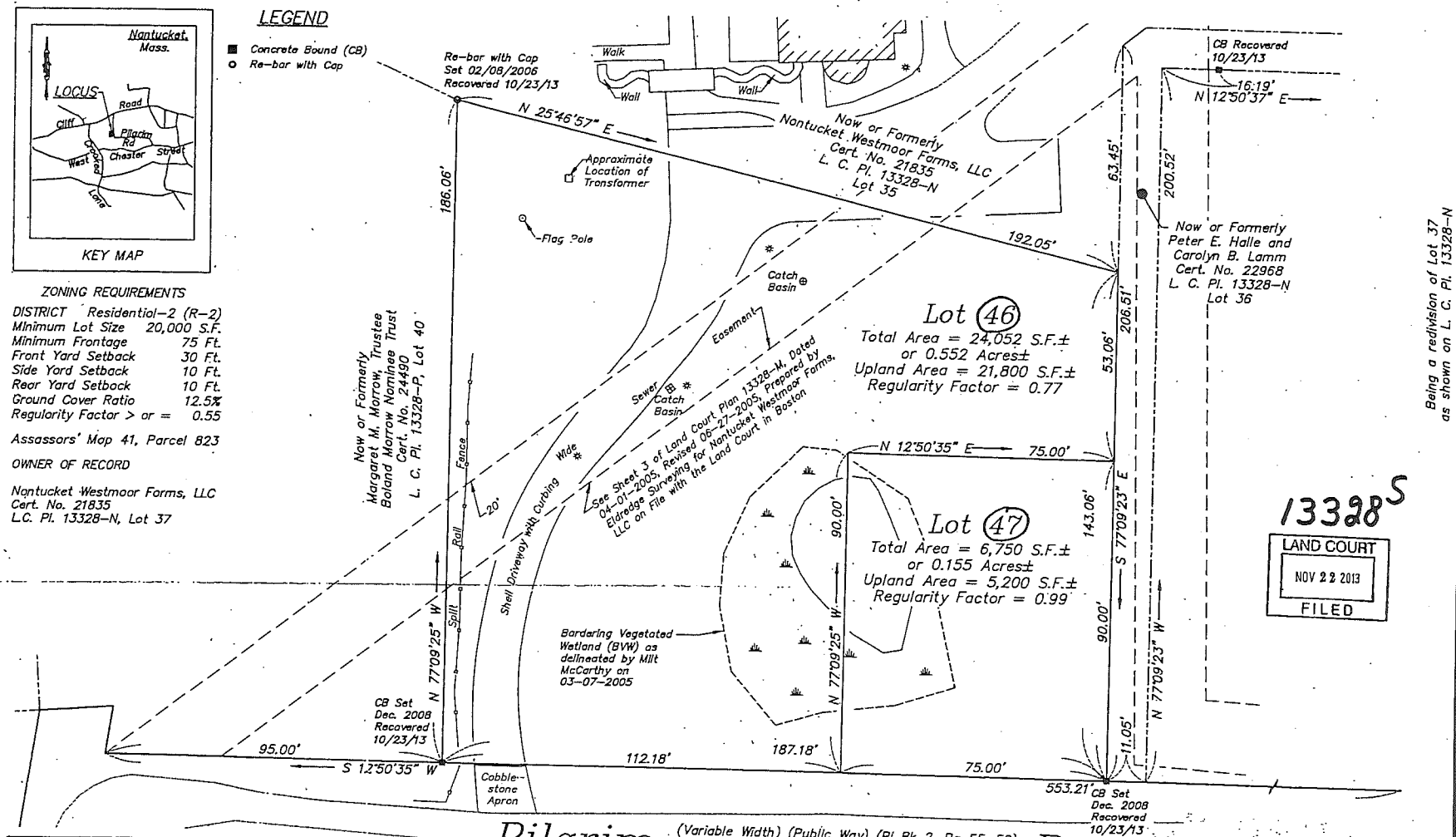
ZONING REQUIREMENTS

DISTRICT	Residential-2 (R-2)
Minimum Lot Size	20,000 S.F.
Minimum Frontage	75 Ft.
Front Yard Setback	30 Ft.
Side Yard Setback	10 Ft.
Rear Yard Setback	10 Ft.
Ground Cover Ratio	12.5%
Regularity Factor > or =	0.55

Assessors' Map 41, Parcel 823

OWNER OF RECORD

Nantucket Westmoor Forms, LLC
Cert. No. 21835
L.C. Pl. 13328-N, Lot 37



Traverse Closures

Loop # 1	
Error of Closure:	0.0125'
Direction of Error:	N33°39'56"E
Precision Ratio:	1:221,655
Loop # 2	
Error of Closure:	0.0540'
Direction of Error:	N40°13'09"W
Precision Ratio:	1:29,598
Loop # 3	
Error of Closure:	0.1055'
Direction of Error:	N60°58'38"E
Precision Ratio:	1:17,048
Loop # 4	
Error of Closure:	0.1456'
Direction of Error:	N80°44'32"W
Precision Ratio:	1:31,313

I certify that this actual survey was made on the ground in accordance with the Land Court Instructions of 1989 (and 2006) between December 22, 2002 and June 27, 2005.

Date 11-13-2013

L. S.

I certify that the conditions on the ground are the same now as at the time of the original survey between December 22, 2002 and June 27, 2005, with the exception of a portion of the driveway that has been removed, a new driveway that has been constructed and a fence that has been installed.

Date 11-13-2013

L. S.

Lot 46 is subject in part to protection under the Massachusetts Wetlands Protection Act, but contains sufficient Lot Area, as defined in the Nantucket Zoning Bylaw, to comply with the applicable zoning requirements. A Notice of Intent may be required to be filed with the Nantucket Conservation Commission with regard to proposed construction on such lot.

Lot 47 contains inadequate Lot Area as defined in the Nantucket Zoning Bylaw, to comply with minimum area requirements applicable under such Bylaw and is not a Buildable Lot and will be conveyed to an abutter.

Approval under the Subdivision Control Law NOT required.
Ref. C. 41, s. 81-P., G. L.

NANTUCKET PLANNING BOARD

Date 11-14-13 File # 7607

LC Pl. 13328-G

Division Plan
Nantucket, Massachusetts

Rev. #	Description of Revision	Date
1	Added update certification.	11/12/13

NANTUCKET WESTMOOR FARMS, L.L.C.

ELDREDGE SURVEYING & ENGINEERING, LLC
1038 Main Street, Chatham, MA 02633 (508) 945-3965; Fax (508) 945-5885

COMMONWEALTH OF MASSACHUSETTS
TERRY WAYNE ELDREDGE
No. 30328
PROFESSIONAL LAND SURVEYOR

Date: 10-24-2013
Scale: 1" = 20'
Project No.: N-3203-01.0
Sheet No.: 1 of 1

EXHIBIT A
PROJECT PLAN(S)

41–809
N/F
WESTMOOR CLUB, LLC

PROPOSED SILT & CONSTRUCTION FENCING. 78 L.F.

35.52'

165.00'
200.52'

61'±

RELOCATED STONE STEPS

RELOCATED STONE STEPS

LEYLAND CYPRESS

EXISTING STONE STEPS

41–95
N/F
WILLIAM H. VROOMAN
&
ROBERT VROOMAN

PILGRIM ROAD

N

NONHYDRIC PIT

HYDRIC PIT

BVW-1A
BVW-2A
BVW-3A
BVW-4A
BVW-5A
BVW-6A

E. LAWN

STONE RETAINING WALL

25'

50'

PROPERTY LINE

EXISTING WIRE POOL FENCE

3.3'±OVER

EXISTING WIRE FENCE

25.4'±

STONE RETAINING WALL

STONE FIRE PIT

EXISTING POOL

STONE PATIO

POOL EQUIP. AREA

WOOD RETAINING WALL

WIRE POOL FENCE

BRICK WALKWAY

STONE RETAINING WALL

E. LAWN

PROP. BRICK

LINE OF EXISTING DECK TO BE REMOVED

SEE NOTE 2

EXISTING DECK

NEW ADDITION

EXISTING GARAGE

EXISTING COBBLE APRON

STONE WALKWAY

PORCH

BRICK WALKWAY

28.5'

EXISTING TWO SYRY. W/F STRUCTURE A=3,526 S.F.±

100'

116.00'

28.63'

ODS

PORCH OVER LIVING SPACE

PORCH

PORCH

PORCH

ARBOR

E. LAWN

EXISTING SHELL DRIVEWAY

BRICK WALKWAY

STONE WALKWAY

E. LAWN

STONE WALKWAY

20' SEWER ESMNT

22.4'

EXISTING SHELL DRIVEWAY

5.00' SEWER & WATER ESMNT

SHELL

EXISTING SHELL DRIVEWAY

11.05'

75.00'

E. LAWN

E. LAWN

BVW-5A
BVW-6A
BVW-7A
BVW-4A
HYDRIC PIT
BVW-8A
BVW-3A
EXISTING STONE CHAIR
BVW-2A
BVW-1A

90.00'

41–822
N/F
NANTUCKET WESTMOOR FARMS LLC

20' WIDE SEWER EASEMENT

41–823
N/F
NANTUCKET WESTMOOR FARMS LLC

CURRENT ZONING CLASSIFICATION:
Residential 20 (R–20)

		EXISTING
MINIMUM LOT SIZE:	20,000 S.F.	33,596 S.F.
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER % :	12.5%	10.5%

GRAPHIC SCALE
0' 12.5' 25' 50' 75'

LOCUS MAP: 1"=508'±

OWNER'S REFERENCE:
PETER E. HALLE & CAROLYN B. LAMM
CERTIFICATE No's: 22,335, 22968 & 25,076
LAND COURT PLANS: 13328–J (LOT 15); 13328–N (LOT 36); 13328–S (LOT 47)
TAX MAP: 41, PARCEL: 94.

NOTES:
1)TOTAL AREA BETWEEN THE 25 FT. AND 50 FT. BUFFER IS 5,226 SF±, THEREFORE TO BE IN COMPLIANCE WITH SECTION 3.02(B)(1), 50% OR 2,613 S.F± OF AREA MUST REMAIN UNALTERED.

2) NEW STRUCTURE FOOTPRINT BEYOND EXISTING FOOTPRINT OF STRUCTURE AND DECK INCREASED BY 52 S.F±.

3) RERERENCE: SE48–2666.

COMMONWEALTH OF MASSACHUSETTS
LEO C. ASADOORIAN
NO. 33930
REGISTERED PROFESSIONAL LAND SURVEYOR

9/10/20

PLAN TO ACCOMPANY A NOTICE OF INTENT

prepared for:

Peter E. Halle and Carolyn B. Lamm
24 Pilgrim Road

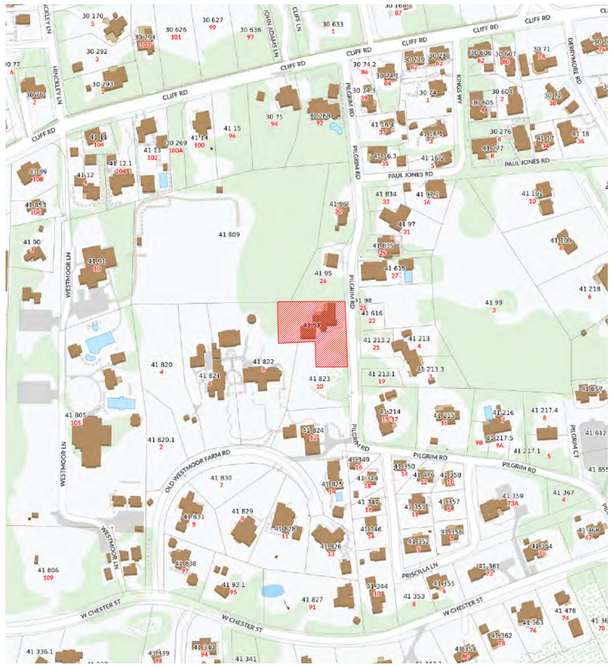
1"=25' SEPTEMBER 10, 2020

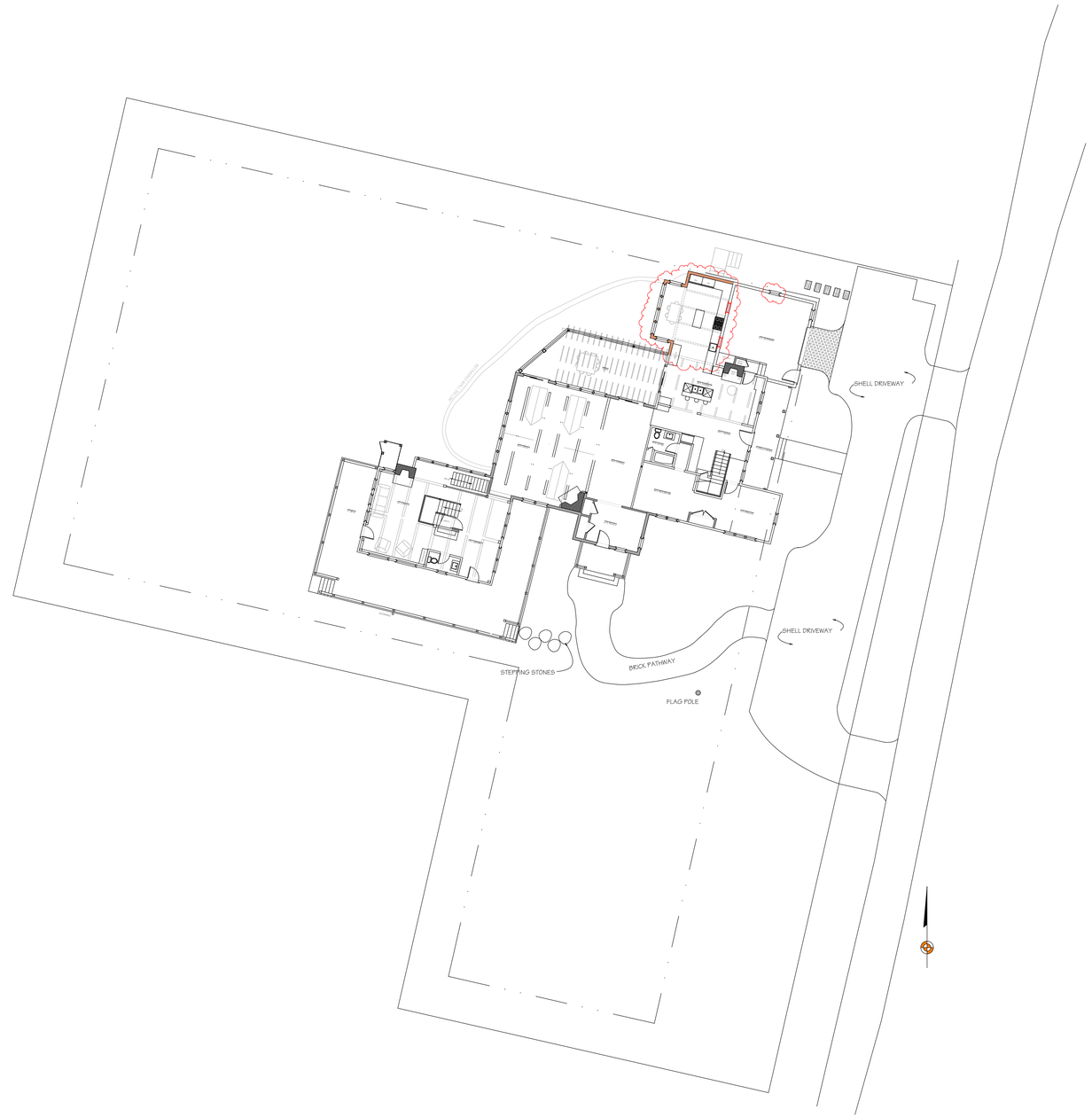
BLACKWELL & ASSOCIATES, Inc.
PROFESSIONAL LAND SURVEYORS & CIVIL ENGINEERS
20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228–9026
www.blackwellsurvey.com

B-7455

V:\DRAWFILES\B7455\BLP-NOI-SEPT 9 2020.dwg, NOI-9-2020, 9/10/2020 8:15:10 PM, HP Color LaserJet CP5225.pc3, 11x17, 1:1

THE HALLE/LAMM RESIDENCE
24 PILGRIM ROAD
NANTUCKET, MA 02554





MAP & PARCEL: 41 x 94
ZONE: R-20
FRONT / REAR SETBACKS: 30' / 10'
MINIMUM LOT SIZE: 20,000 s.f.
LOT AREA: 30,998 s.f. (TBD)
GROUND COVER RATIO: 12.5%
EXISTING GROUND COVER: 3,439 s.f.
PROPOSED NEW G.C.: 290 s.f.
TOTAL GROUND COVER: 3,729 s.f.
ALLOWABLE GROUND COVER: 3,875 S.F. (TBD)

NOT FOR CONSTRUCTION

BENJAMIN
NORMAND RESIDENTIAL
DESIGN, INC
P.O. BOX 1375 – NANTUCKET, MA 02554
(508) 228-2044 NORMANDRESIDENTIAL.COM

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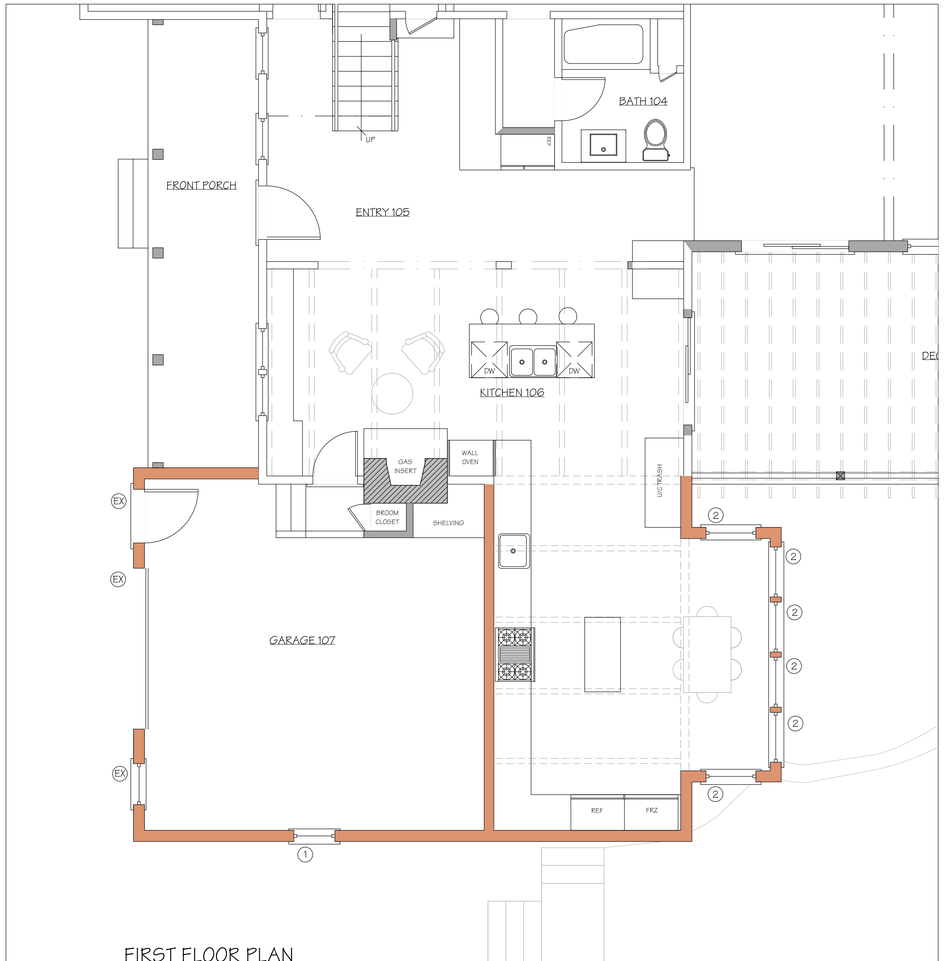
COVER SHEET
DATE: 08/31/2020
SCALE: AS NOTED

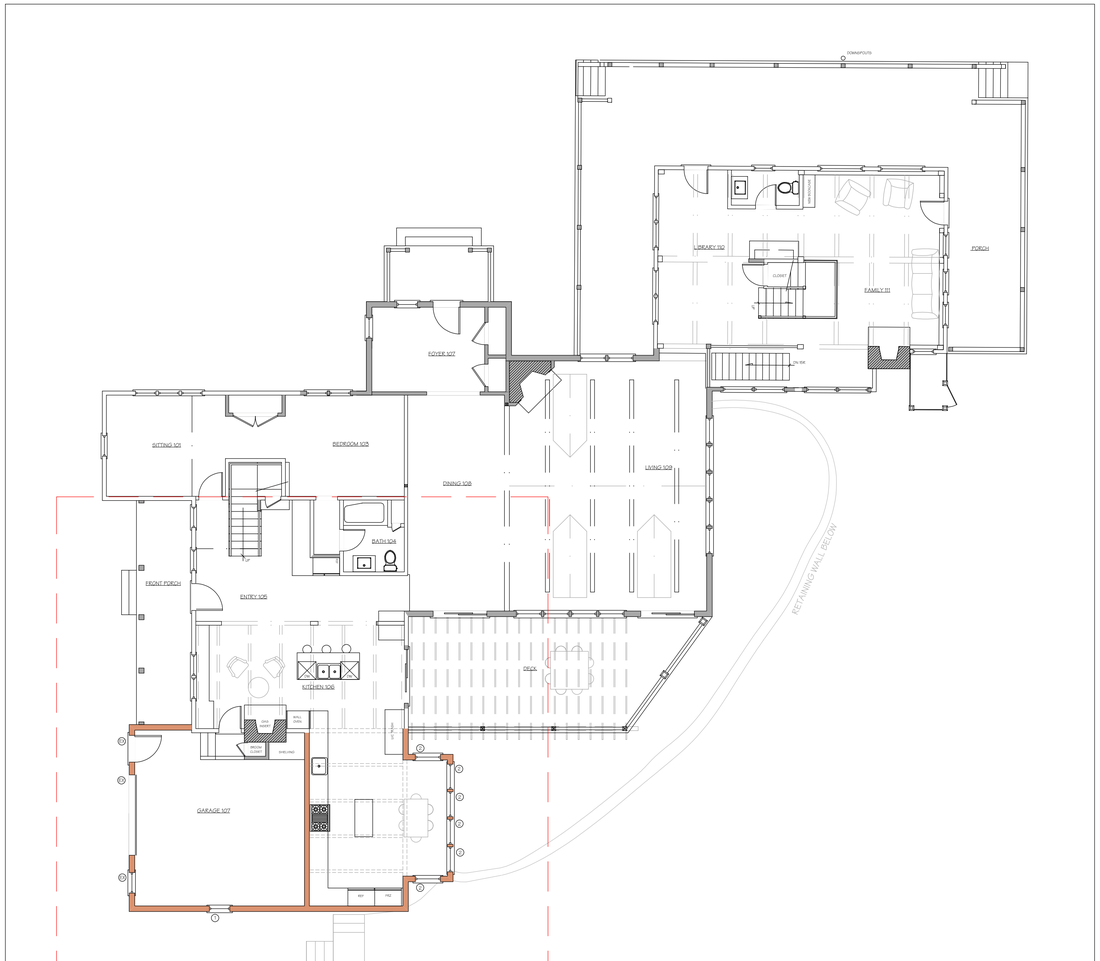
M/P: 41 / 94

THE HALLE/LAMM RESIDEN
24 PILGRIM RD.
NANTUCKET, MA

A



FIRST FLOOR PLAN



FIRST FLOOR PLAN

EFFECTED AREA

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FIRST FLOOR PLAN
DATE: 08/31/2020
SCALE: 1/4" = 1'-0"

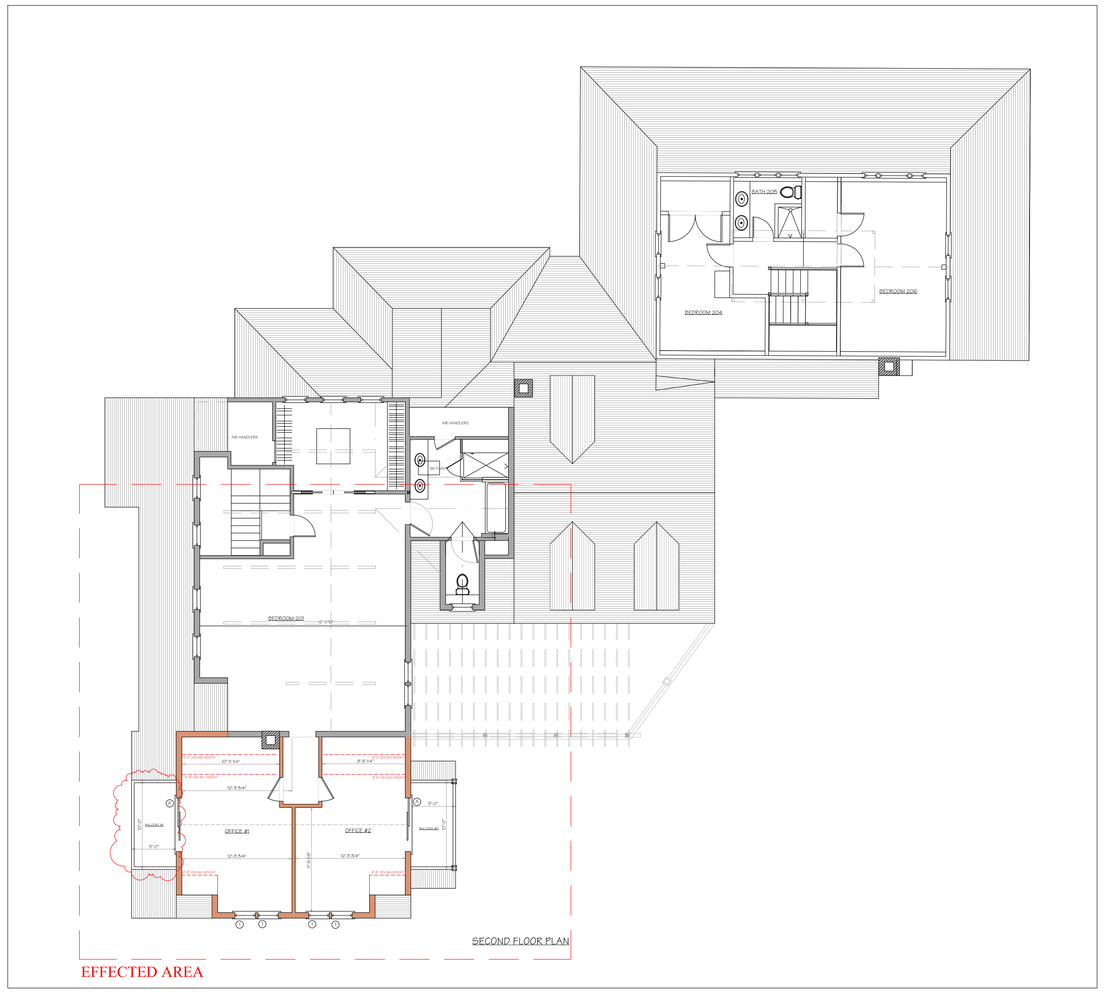
M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

1

NOT FOR CONSTRUCTION

SECOND FLOOR PLAN



NOT FOR CONSTRUCTION

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SECOND FLOOR PLAN
DATE: 08/31/2020
SCALE: 1/4" = 1'0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

2

EAST ELEVATION

Halle Residence						8/31/2020	
Number	Sash/Unit Size	Rough Opening	Manuf.	Type	Units	Comments	Quant.
1	2' 5 5/8" x 4' 4 7/8"	2' 6 1/8" x 4' 4 7/8"	Andersen	Double hung	Single		5
2	2' 9 5/8" x 5' 4 7/8"	2' 10 1/8" x 5' 57/8"	Andersen	Double hung	Single		5
A	6' 0" x 6' 8"	TBD	Andersen	15 light	slider	w/ transom	2

Window Notes (unless otherwise noted)

1. Jamb width to be determined on site before ordering windows
2. All window casing details to match elevations
3. All windows and doors must be D.P. rated in accordance to Building Code 780 CMR 5301.2
4. All ganged windows to have double stud pocket

Note:

Contractor is responsible for coordinating window and door sizes and for verifying and updating any inconsistencies

EAST ELEVATION

EXISTING CONDITIONS

NOT FOR CONSTRUCTION

BENJAMIN
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ELEVATIONS
DATE: 08/31/2020
SCALE: 1/4" = 1'-0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

3

EXISTING CONDITIONS

NOT FOR CONSTRUCTION

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ELEVATIONS
DATE: 08/31/2020
SCALE: 1/4"= 1'-0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

WEST ELEVATION

WEST ELEVATION

EXISTING CONDITIONS

NOT FOR CONSTRUCTION

BENJAMIN
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ELEVATIONS
DATE: 08/31/2020
SCALE: 1/4" = 1'-0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

SOUTH ELEVATION

SOUTH ELEVATION

EXISTING CONDITIONS

NOT FOR CONSTRUCTION

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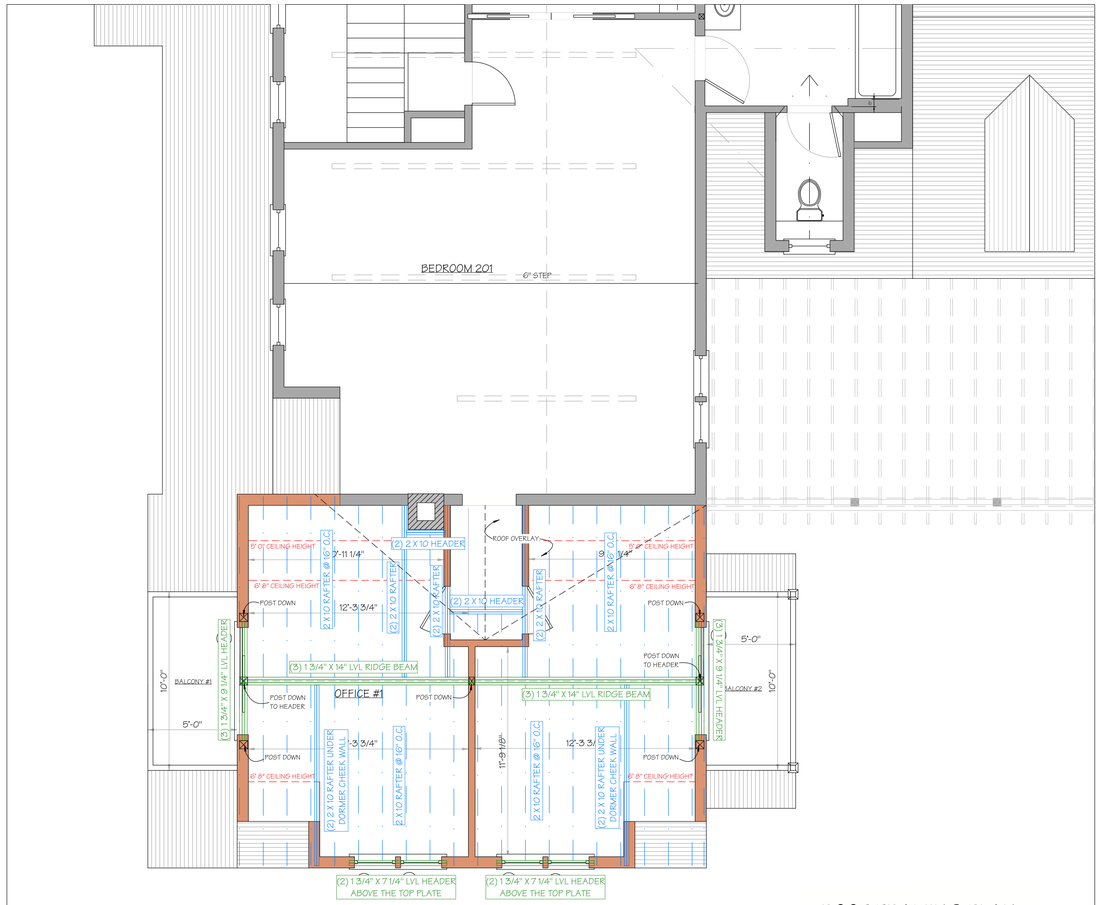
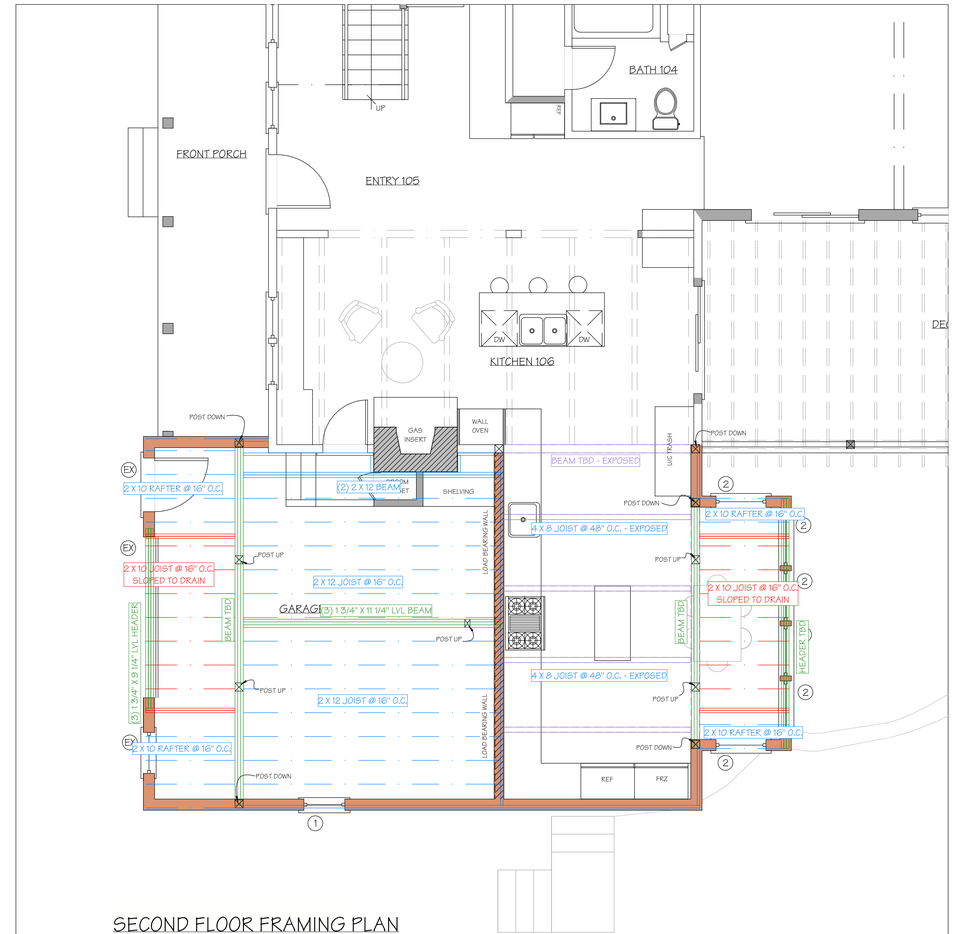
ELEVATIONS
DATE: 08/31/2020
SCALE: 1/4" = 1'-0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA



ROOF FRAMING PLAN



SECOND FLOOR FRAMING PLAN

BENJAMIN
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DESIGN, INC
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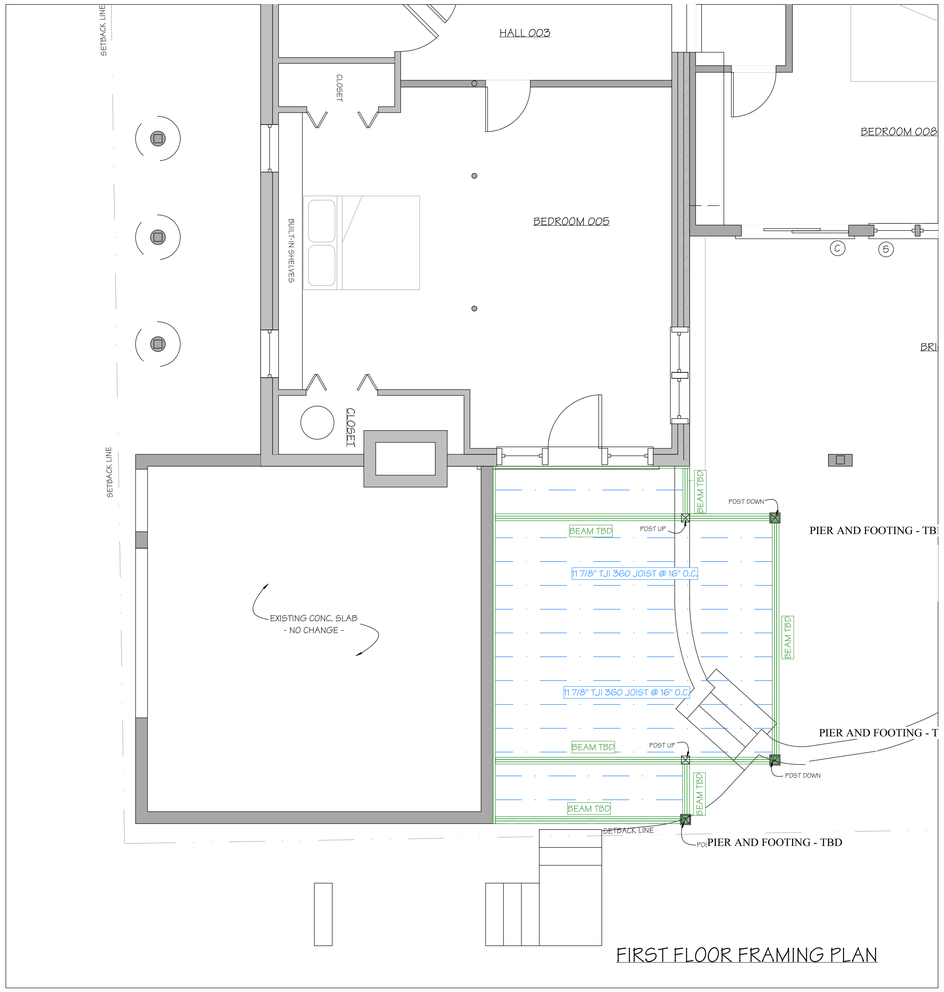
ROOF FRAMING AND 2ND FLOOR FRAMING
DATE: 08/31/2020
SCALE: 1/2" = 1' 0"

M/P: 41 / 94

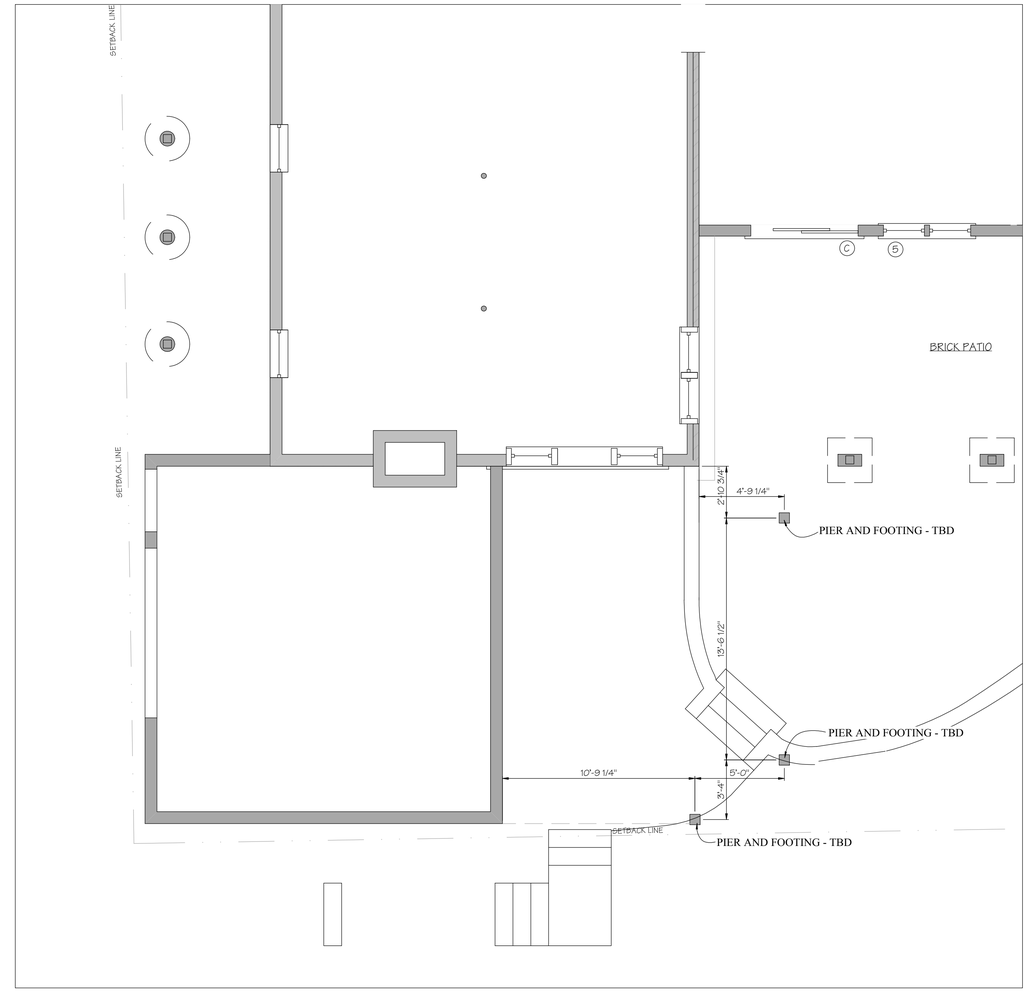
THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

S1

NOT FOR CONSTRUCTION



FIRST FLOOR FRAMING PLAN



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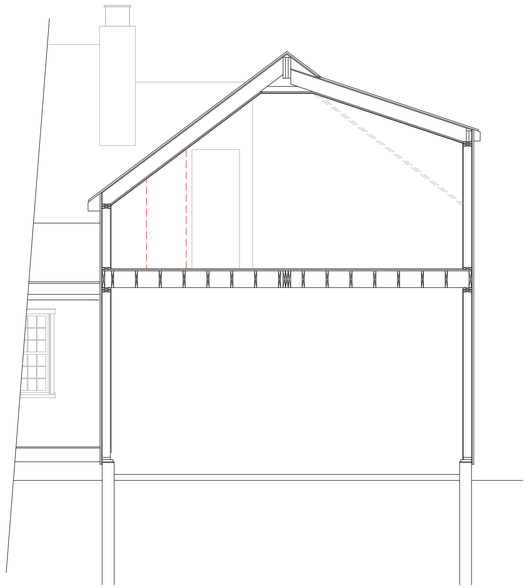
FIRS FLOOR FRAMING AND FOUNDATION
DATE: 08/31/2020
SCALE: 1/2" = 1'-0"

M/P: 41 / 94

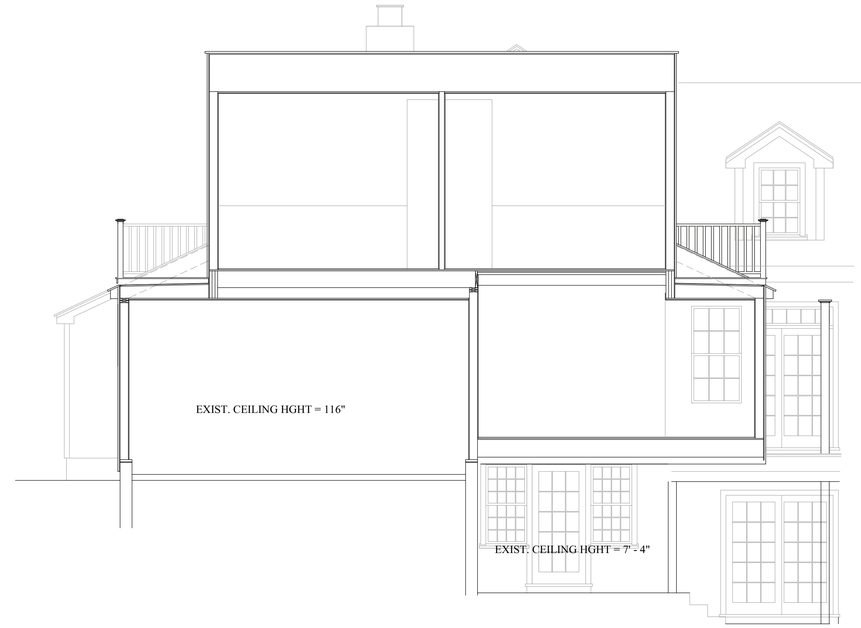
THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

S2

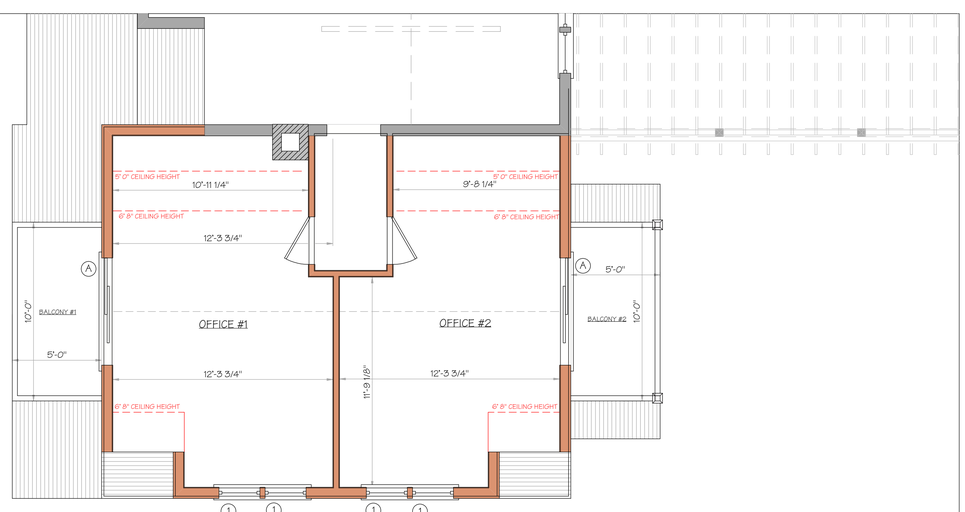
NOT FOR CONSTRUCTION



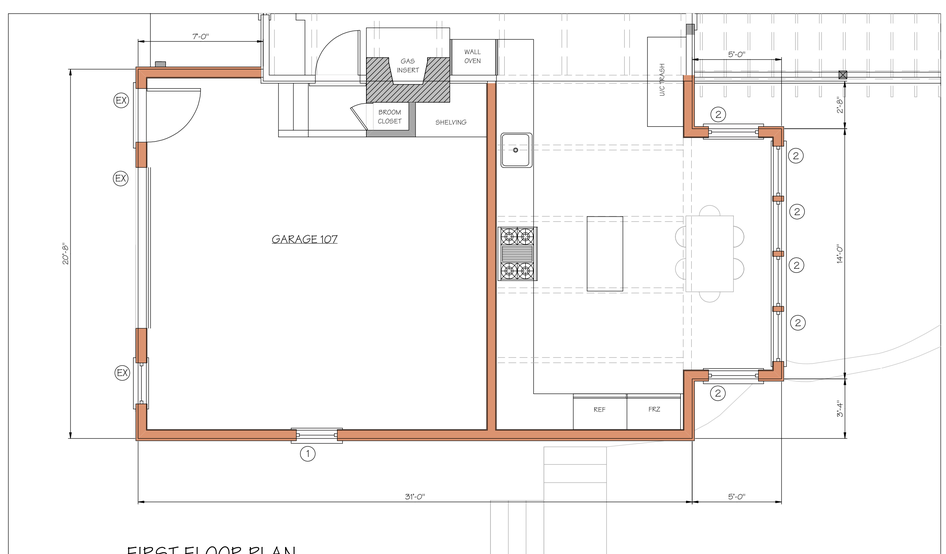
SECTION AA



SECTION BB



SECOND FLOOR PLAN



FIRST FLOOR PLAN

NOT FOR CONSTRUCTION

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SECTIONS AND SHEARWALL PLANS
DATE: 08/31/2020
SCALE: 1/2" = 1'-0"

M/P: 41 / 94

THE HALLE/LAMM RESIDENCE
24 PILGRIM RD.
NANTUCKET, MA

S3

Richard and Valerie Norton
PO Box 476
Nantucket, MA 02554

September 14, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Minor Modification Request
DEP File # SE 48-2765
24 North Cambridge Street (38-20)
Nantucket, MA

Dear Members of the Commission,

Richard and Valerie Norton, as owners of 24 North Cambridge Street are submitting a Request for Minor Modifications to the Order of Conditions (DEP File # SE 48-2765) issued on March 4, 2015. The Minor Modification involves the relocation of the approved pool from the front yard to the back yard and reduction in size of the pool from 20' x 40' to 16' x 32', as shown on the Site Plan prepared by Bracken Engineering, Inc, dated March 8, 2019.

The following list explains the reasoning for the change:

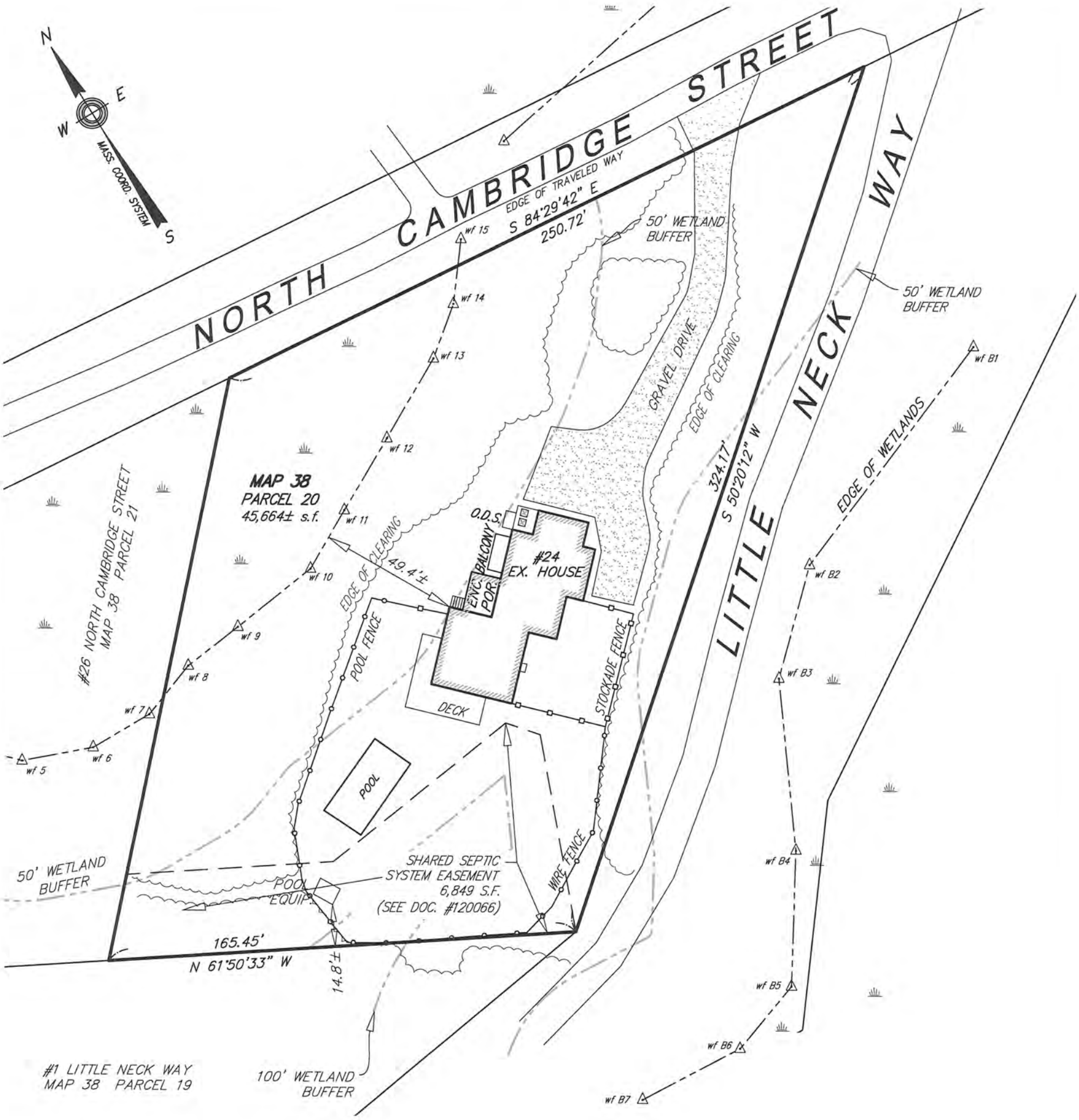
- Greater separation from the wetlands affording no construction or disturbance within the 50' buffer.
- Further insure separation between ground water and the bottom of the pool.
- Naturally meet FEMA Flood Hazard Zone AE elevation 9', without major alterations to the grade.
- Comply with the HDC pool siting requirements.

Thank you in advance for your review of our application. If you should have any questions or require additional information, we are happy to provide this for you. Please do not hesitate to contact us by phone at 508-228-9987 or by email at valerie@nortonpreservationtrust.com.

Yours Truly,

Richard E. Norton Valerie G Norton

Richard E Norton and Valerie G Norton



NOTES:

1. OWNER: RICHARD EDWARD NORTON and VALERIE G. NORTON
2. DEED REF: CERT #25635 (DOC #148105)
3. PLAN REF: LCC #15459-E (LOT B14)
4. EASEMENT REF: DOCUMENT #120066
5. ORDER OF CONDITIONS: MASS DEP FILE# SE-2765 Doc. #147741
6. LOCUS DOES FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AE (EL 9) AND ZONE AE (EL 8) AS SHOWN ON F.E.M.A. FLOOD INSURANCE RATE MAP NO. 25019C-0064-G, DATED 06/09/2014.

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR
3/20/19

PLAN SCALE

0 8 16 24 32 40 60 80 120

1 inch = 40 feet

Date:	Drawn:	Checked:
MARCH 8, 2019	ERC/PCM/BEI	AMG

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

EXISTING CONDITIONS PLAN
IN NANTUCKET, MA

Prepared for:
RICHARD EDWARD NORTON
VALERIE G. NORTON
#24 NORTH CAMBRIDGE STREET
MAP 38 PARCEL 20

S:\Autocad Drawings\Nantucket\North Cambridge Street\24 North Cambridge Street\24 N Cambridge Street - Ex Cond Plan (3-20-19).dwg

MAIN OFFICE:
49 Herring Pond Road
Buzzards Bay, MA 02532
TEL: (508) 833-0070
FAX: (508) 833-2282

NANTUCKET OFFICE:
19 Old South Road
Nantucket, MA 02554
TEL: (508) 325-0044
www.brackeneng.com

September 16, 2020

Hand Delivery and Electronically

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Certificate of Compliance Request
131 Wauwinet Road
Map 12, Parcel 5
SE48-2201

Dear Commission Members:

On behalf of the Applicant, Jeffrey Johnston, Trustee of Jeffrey H. Johnston Trust, enclosed with this letter is the WPA Form 8A, recorded OOC pages, Septic As-Built plan dated 9/18/2012, O & M from Hughes Septic Service, Certificate of Compliance from the Board of Health and a check for $25.00 for the Bylaw filing fee.

The Order of Conditions issued on 1/23/2009 permits the relocation of existing water line and upgrade of an existing failed septic systems with a tight tank system within a CZM mapped barrier beach and land subject to coastal storm flowage (A zone) and within the buffer zone to a vegetate wetland.

To the best of our knowledge, all work has been completed in substantial conformance with the approved plans. If you have any further questions, please do not hesitate to contact me at 508-325-0044 or don@brackeneng.com.

Sincerely,

Bracken Engineering, Inc.

Donald F. Bracken, Jr., P.E
President

Enclosures

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

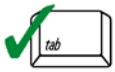
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-2201
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This request is being made by:(current Title holder):

Jeffrey Johnston, TR of the Jeffrey H. Johnston Trust
Name

PO Box 1085
Mailing Address

Solvang | CA | 93464
City/Town | State | Zip Code

805-245-2160
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Jeffrey Johnston TR, Jeffrey H. Johnston Trust
Applicant

1/23/2009 | SE48-2201
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

131 Wauwinet Road | Nantucket
Street Address | City/Town

12 | 5
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Jeffrey Johnston TR, Jeffrey H. Johnston Trust
Property Owner (if different)

Nantucket | |
County | Book | Page

10708 Doc #130440
Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

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 Bylaw Chapter 136

Johnston
DEP File Number:

SE48-2201

2010 00130440
Cert: 10708 Doc: OOC
Registered: 05/18/2010 11:18 AM

A. General Information

From: Nantucket
1. Conservation Commission

2. This issuance is for (check one): ☒ Order of Conditions ☐ Amended Order of Conditions

3. To: Applicant:

Jeffrey — a. First Name
Johnston, Trustee — b. Last Name
c. Company
P.O Box 112 — d. Mailing Address
Buellton — e. City/Town
CA — f. State
93427 — g. Zip Code

4. Property Owner (if different from applicant):

William R. Johnston and — a. First Name
Jeffrey H. Johnston Trust — b Last Name
Jeffrey H. Johnston Trustee — c. Company
d. Mailing Address
e. City/Town
f. State
g. Zip Code

5. Project Location:

131 Wauwinet Road — a. Street Address
Nantucket — b. City/Town
12 — c. Assessors Map/Plat Number
5 — d. Parcel/Lot Number
Latitude and Longitude, if known (**note:** electronic filers will click for GIS locator):
e. Latitude
f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket — a. County
10,708 — b. Certificate (if registered land)
c. Book
d. Page

7. Dates:
January 2, 2009 — a. Date Notice of Intent Filed
January 21, 2009 — b. Date Public Hearing Closed
January 23, 2009 — c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Subsurface Sewage disposal System — a. Plan Title
Bracken Engineering, Inc. — b. Prepared By
Donald F. Bracken Jr — c. Signed and Stamped by
December 12, 2009 — d. Final Revision Date
e. Scale
f. Additional Plan or Document Title
g. Date

9. Total WPA Fee Paid:
$110.00 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50 — c. City/Town Fee Paid

FINDINGS and ADDITIONAL CONDITIONS
Jeffrey Johnston, Trustee
DEP FILE NUMBER SE48-2201
ASSESSOR'S MAP 12, PARCEL 5
131 Wauwinet Road
UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the relocation of existing water line and upgrade of an existing failed septic system with a tight tank system within a CZM mapped barrier beach and land subject to coastal storm flowage (A zone) and within the buffer zone to a vegetated wetland. Waivers are required for the work permitted by this Order.

FINDINGS

1. Applicant Name Jeffrey Johnston, Trustee, DEP File Number SE48-2201.
2. This Order of Conditions is being issued in accordance with the information submitted in the Notice of Intent dated 12/29/2008 and the Plan of Record dated 12/12/08 stamped by Donald Bracken Jr, and John Farren.
3. Areas subject to protection/regulation are barrier beach, coastal dune, vegetated wetland, their buffer zones and land subject to coastal storm flowage..
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 1/21/2009 and a vote to issue Orders taken by the Commission on 1/21/2009.
5. This Order permits the relocation of an existing water line and upgrade of an existing failed onsite sewage disposal system with a tight tank system within a CZM mapped barrier beach and land subject to coastal storm flowage (A zone) and within the buffer zone to a vegetated wetland.
6. A waiver is required and has been granted as the project as permitted will serve to provide a long term net benefit to the coastal dune and vegetated wetland.

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Additional Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. All disturbed areas shall be planted with American beach grass spaced 12" on center as soon as weather permits.

19. The applicant shall provide the Commission with a signed O & M contract with a qualified professional to service the tight tank.
20. No material, machinery or equipment shall be stored within 25 feet of the vegetated wetland.
21. Temporary dewatering as described by the applicant is permitted by this Order.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

The Commission grants waivers to Section 2.03(B)(5) and 3.02 B(4) of the Wetlands Protection Regulations of the Town of Nantucket Wetlands Bylaw (Chapter 136) which states that projects that all septic leaching facilities shall be in excess of 100 feet from a coastal dune and a vegetated wetland. The Commission finds that the work permitted by this Order (septic upgrade to a tight tank) will serve to provide a long term net benefit to the coastal dune and the interests of the Town of Nantucket Wetlands Protection Bylaw. Therefore waivers are granted under the authority of Sections 1.03(F)(2) and 1.03(F)(3)(c) of the Wetlands Protection Regulations for the Town of Nantucket.

Hughes Septic Service
4 Lewis Court
Nantucket, MA 02554
Phone/Fax 508-228-4697

12/23/08
Date

Mr. Jeff Johnston
P.O. Box 1085
Solvang, CA 93464

RE: Tight Tank, 131 Wauwinet Rd., Nantucket, MA

Dear Mr. Johnston:

This letter shall serve to confirm that Hughes Septic Service will inspect the tank at the above referenced property weekly and will pump it as necessary, with fees for said inspection and pumping to be determined. Septage to be transported to Nantucket Waste Water Treatment Facility by pump truck.

Please indicate your agreement to the forgoing by signing this document where indicated below.

Sincerely,

Hughes Septic Service

The foregoing terms and conditions are hereby agreed to and acknowledged on 12/23/08 (date)

By: Jeff Johnston:

Jeff Johnston

White Copy-Inspector • Yellow Copy-Owner
Pink Copy-Board of Health

42-10

The Commonwealth of Massachusetts

BOARD OF HEALTH

Town of Nantucket

Certificate of Compliance

This is to certify, that the Individual Sewage Disposal System

Constructed ( ) or Repaired (X)

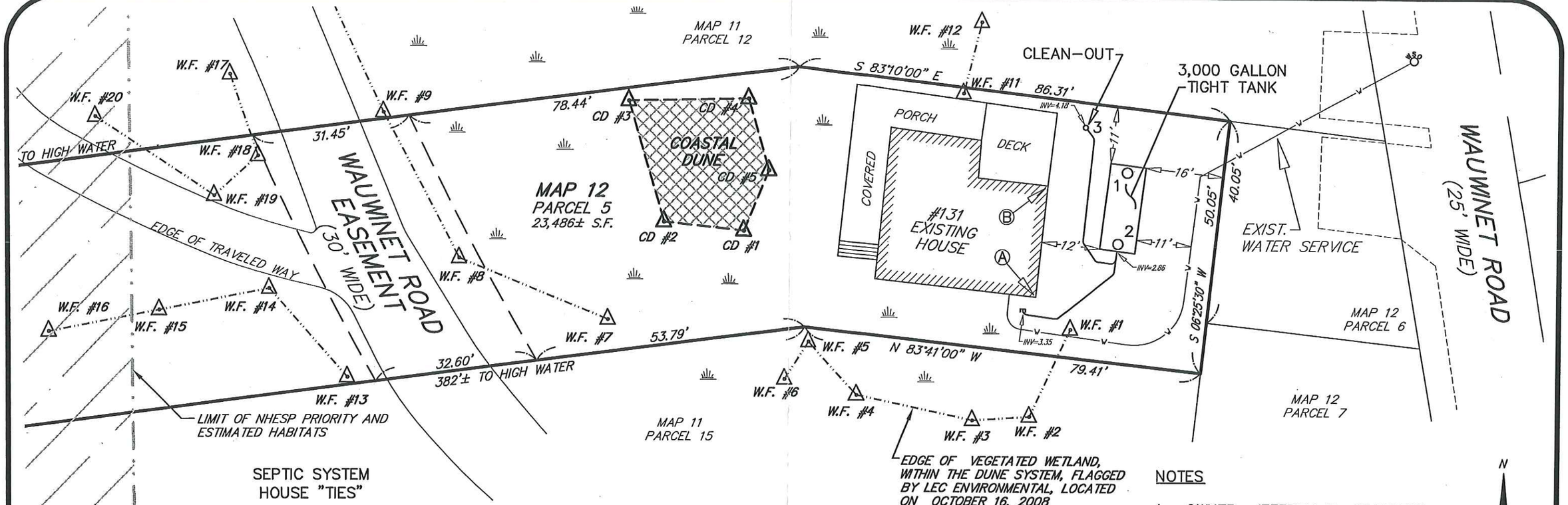
by TCE LLC - Jeff Johnston (Installer)

at map 12 parcel 5 - 131 Wauwinet Rd.

has been installed in accordance with the provisions of Title V of the State Sanitary Code as described in the application for Disposal Works Construction Permit No. 42-10

Dated 5-26-10 ISSUANCE OF THIS CERTIFICATE SHALL NOT BE CONSTRUED AS A GUARANTEE THAT THE SYSTEM WILL FUNCTION SATISFACTORY.

Dated 1-24-13 Inspector [signature]



SEPTIC SYSTEM
HOUSE "TIES"

	A	B	DESCRIPTION
1)	30.5'	16.0'	S. TANK INLET LID
2)	19.4'	18.0'	S. TANK OUTLET LID
3)	34.8'	13.7'	CLEAN-OUT

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

TO THE TOWN OF NANTUCKET:

"I CERTIFY THAT THE SEPTIC SYSTEM HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE TERMS OF THE PERMIT AND THE APPROVED DESIGN PLAN AND MEETS THE REQUIREMENTS OF THE TOWN AND STATE REGULATIONS, AS-BUILT".

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37071
REGISTERED PROFESSIONAL ENGINEER

DONALD F. BRACKEN, Jr., P.E.

INSTALLER

NOTES

1. OWNER: JEFFREY H. JOHNSTON
2. DEED REF: CERT #10708
3. PLAN REF: LCC #10990-T
4. LOCUS FALLS WITHIN A SPECIAL FLOOD HAZARD ZONE "AE(EL7) PER FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 250230-0002-E.

N W E S

Prepared By:
BRACKEN ENGINEERING, INC.
Engineering - Surveying
Environmental Permitting
19 Old South Road
Nantucket, MA 02554
Phone: 508-325-0044 Fax: 508-833-2282

SEPTIC AS-BUILT PLAN IN NANTUCKET, MA

Prepared For:

JEFFREY H. JOHNSTON

#131 WAUWINET ROAD
MAP 12 PARCEL 5

Date: DECEMBER 18, 2012		Job No.: 525-01
Drawn By: RMM/DLH	Checked By: DFB	Scale: 1" = 20'
Drawing Name: 131 Wauwinet-TightTank-SAB-rev1.dwg		

S:\Autocad Drawings\Nantucket\Wauwinet Road\131 Wauwinet Rd\131 Wauwinet-TightTank-SAB-rev1.dwg

FILE COPY
525-01

MAIN OFFICE:
49 Herring Pond Road
Buzzards Bay, MA 02532
TEL: (508) 833-0070
FAX: (508) 833-2282

BRACKEN ENGINEERING, INC.

NANTUCKET OFFICE:
19 Old South Road
Nantucket, MA 02554
TEL: (508) 325-0044
www.brackeneng.com

September 16, 2020

Hand Delivery and Electronically

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Certificate of Compliance Request
100R Wauwinet Road
Map 11, Parcel 24.3
NAN-130

Dear Commission Members:

On behalf of the Applicant, 100R Wauwinet Road Nominee Trust, Jeffrey L. Bewkes & Elwood B. Davis, Trustees, enclosed with this letter is the WPA Form 8A, recorded OOC pages, Septic As-Built plan dated 9/1/2020, Certificate of Compliance from the Board of Health and a check for $25.00 for the Bylaw filing fee.

The Order of Conditions issued on 12/18/2019 permits the installation of septic tanks, abandonment of the existing septic system and associated grading, landscaping, and utilities within the buffer zone to an Isolated Vegetate Wetland (IVW).

To the best of our knowledge, all work has been completed in substantial conformance with the approved plans. If you have any further questions, please do not hesitate to contact me at 508-325-0044 or don@brackeneng.com.

Sincerely,

Bracken Engineering, Inc.

Donald F. Bracken, Jr., P.E
President

Enclosures

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

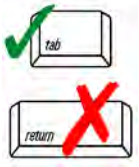
WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
NAN-130
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This request is being made by:(current Title holder):

100R Wauwinet Road Nominee Trust, Jeffrey L. Bewkes & Elwood B. Davis, Trustees
Name

P.O. Box 2630
Mailing Address

Westport | CT | 06880
City/Town | State | Zip Code

203-325-8500
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

100R Wauwinet Road Nominee Trust, Jeffrey L. Bewkes & Elwood B. Davis, Trustees
Applicant

12/18/2019 | NAN-130
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

100R Wauwinet Road | Nantucket
Street Address | City/Town

11 | 24.3
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

100R Wauwinet Road Nominee Trust, Jeffrey L. Bewkes & Elwood B. Davis, Trustees
Property Owner (if different)

Nantucket | | |
County | Book | Page

25021 Doc #164320
Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

Cert: 25021 Doc: OOC
Registered: 01/22/2020 08:39 AM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
NAN-130
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: Elwood B. Davis, Trustee

Jeffrey L. — a. First Name
Bewkes, Trustee — b. Last Name

100R Wauwinet Road Nominee Trust — c. Organization

P.O Box 2630 — d. Mailing Address

Westport — e. City/Town
CT — f. State
06880 — g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant — a. First Name
b. Last Name

c. Organization

d. Mailing Address

e. City/Town
f. State
g. Zip Code

5. Project Location:

100R Wauwinet Road — a. Street Address
Nantucket — b. City/Town

11 — c. Assessors Map/Plat Number
23 — d. Parcel/Lot Number

Latitude and Longitude, if known: 41.326394 — d. Latitude
-69.999141 — e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	100R Wauwinet Road
Assessor's Map and Parcel:	11-23
Property Owner:	100R Wauwinet Road Nominee Trust
Applicant:	100R Wauwinet Road Nominee Trust
NAN File Number:	NAN-130
Filing Date:	November 29, 2019
Date Hearing Closed:	December 18, 2019
Date Orders Issued:	December 18, 2019
Plan of Record Information:	Proposed Site Plan, dated November 25, 2019 and stamped by Alan M. Grady, P.L.S. and Donald F. Bracken, Jr., P.E final revision of December 18,2019 and stamped by Alan M. Grady, P.L.S. and Donald F. Bracken, Jr., P.E

Permit Overview:
This order permits the installation of septic tanks, abandonment of the existing septic system and associated grading, landscaping and utilities within the buffer zone to an Isolated Vegetated Wetlands. Waivers are not required for this project.

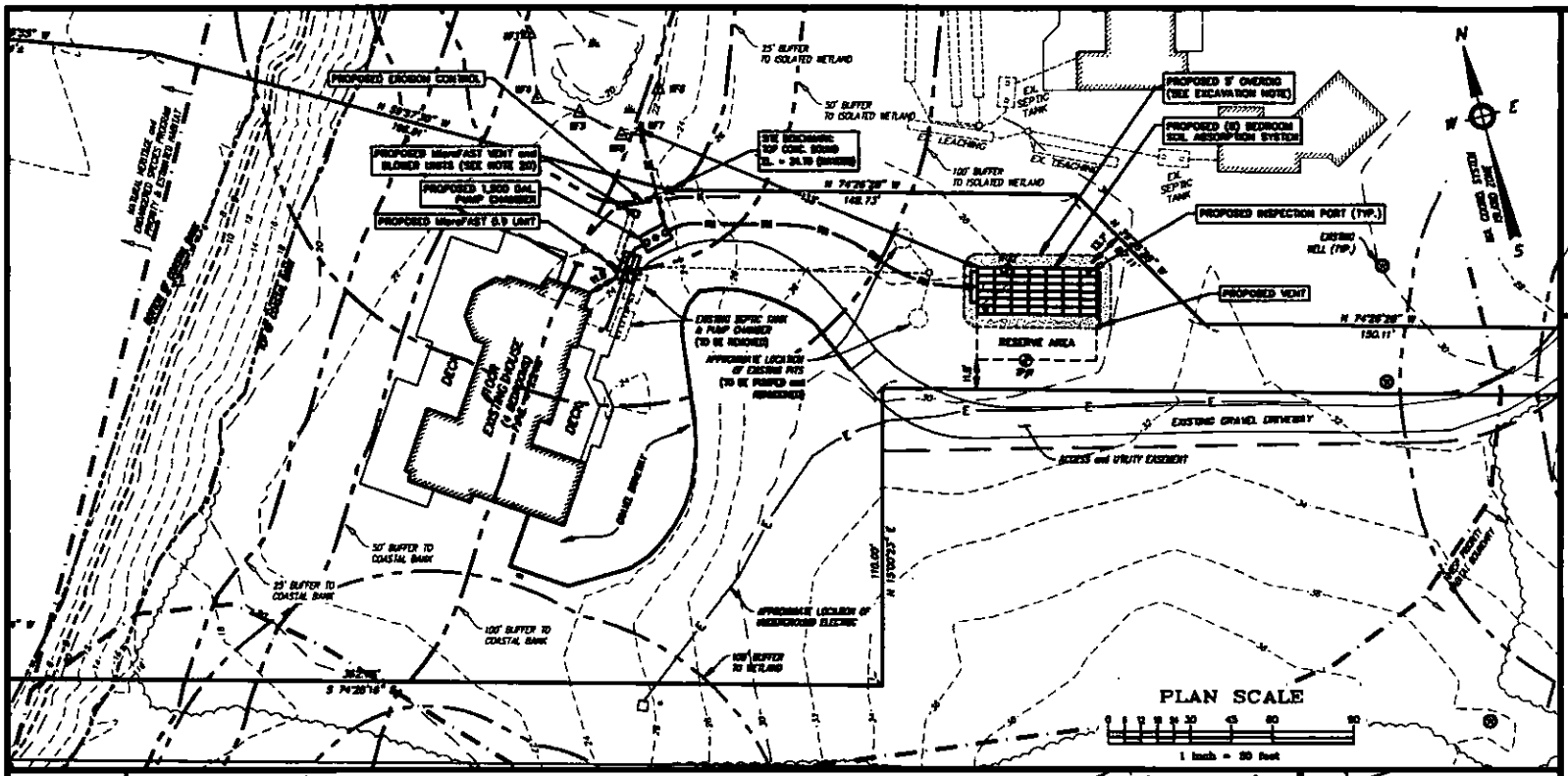
Additional Findings:

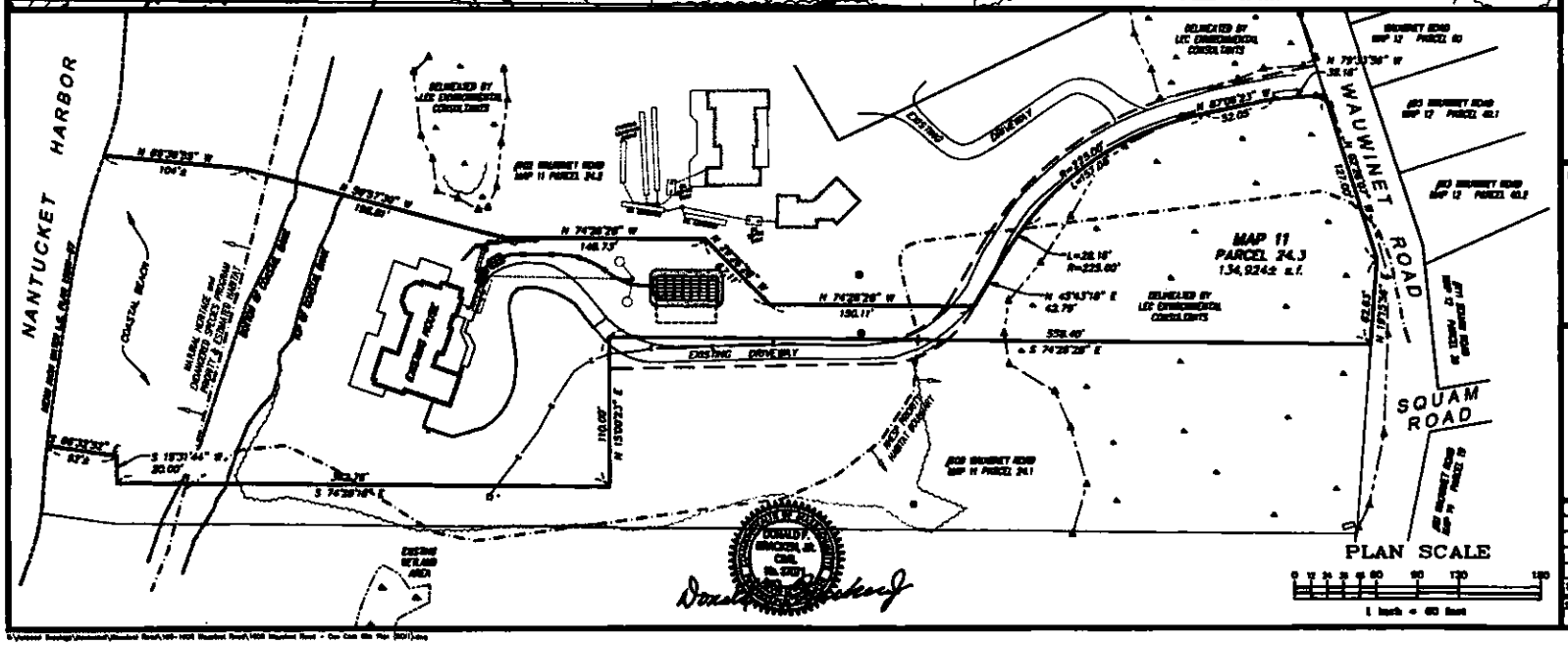
1. The area falls outside mapped habitat areas and does not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives and protocols.

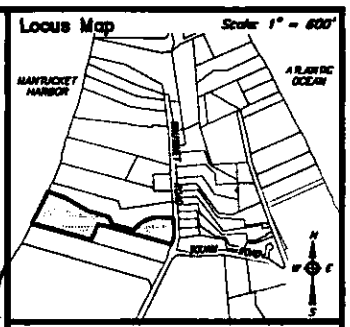
WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.





Locus Map

Scale: 1" = 600'



Notes

1. LOCUS: #100R WAUWINET ROAD
   MAP 11 PARCEL 24.3
2. OWNER: 100R WAUWINET ROAD NOMINEE TRUST
   c/o JEFFREY LAWRENCE BEWKES, trustee
   c/o ELWOOD B. DAVIS, trustee
   51 MARKER WAY
   VERO BEACH, FL 32963
3. DEED REF: Cert. #25021
4. PLAN REF: L.C. Plan 15861-35 (LOT 171)
   L.C. Plan 15861-37 (LOT 176)
   L.C. Plan 15861-38 (LOT 175)
5. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE "AE" el. 9 AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0103-G dated 06/09/2014.
6. LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.

ALAN M. GRALEY No. 27732 REGISTERED PROFESSIONAL ENGINEER

Prepared By:

BRACKEN ENGINEERING

40 HEDGING POND ROAD
BUZZARDS BAY, MA 02532
(tel) 508.833.8870
(fax) 508.833.2302

19 OLD SOUTH ROAD
NANTUCKET, MA 02584
(tel) 508.228.9444
www.bracken-eng.com

PROPOSED SITE PLAN IN NANTUCKET, MASSACHUSETTS

Prepared For:

100R WAUWINET ROAD NOMINEE TRUST

#100R WAUWINET ROAD
MAP 11 PARCEL 24.3

No.	Date	Revision Description	By
1	12/16/19	COLOR BUFFER ZONE LINES	BBM

Date:	Drawn:	Checked:	Sheet:
NOVEMBER 23, 2019	BMM/EWC/BBT	DTB/AMG	1 of 1

DONALD T. BRACKEN, JR. CIVIL No. 37001 REGISTERED PROFESSIONAL ENGINEER

164320

Commonwealth of Massachusetts
Board of Health
Town of Nantucket

Map-Block-Lot
1124.3

CERTIFICATE OF COMPLIANCE

THIS IS TO CERTIFY, That the Individual Sewage Disposal System (Construct)

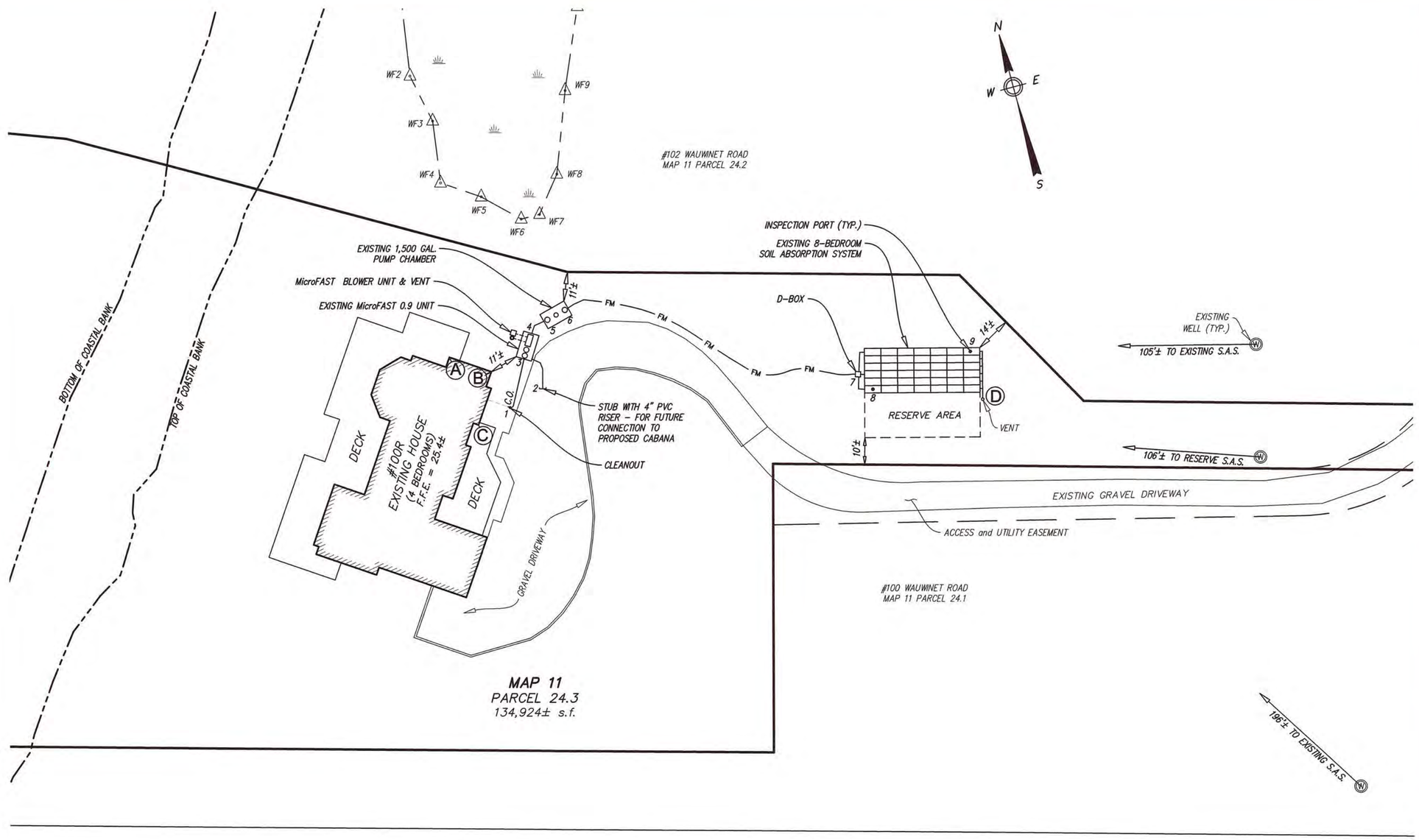
by Toscana Corp.
Installer

at No 100R WAUWINET RD

has been installed in accordance with the provisions of TITLE 5 of the State Environmental Code as described in the application for Disposal Works Construction Permit No. BHP-2020-0102 Dated September 06, 2019

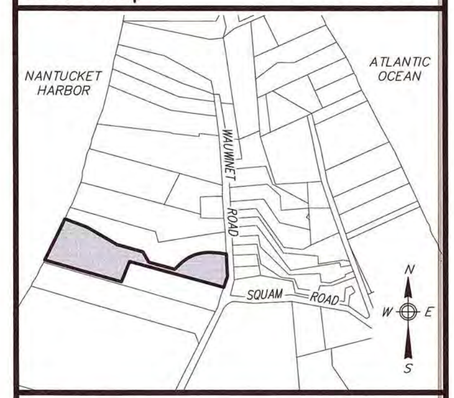
Printed On: Sep-08-2020

9/2/2020
Board of Health



Locus Map

Scale: 1" = 600'



TO THE TOWN OF NANTUCKET:

"I CERTIFY THAT THE SEPTIC SYSTEM HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE TERMS OF THE PERMIT AND THE APPROVED DESIGN PLAN AND MEETS THE REQUIREMENTS OF THE TOWN AND STATE REGULATIONS, AS-BUILT".

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37071
REGISTERED PROFESSIONAL ENGINEER

DONALD F. BRACKEN, Jr., P.E.

INSTALLER – HOLDGATE PARTNERS

PLAN SCALE

0 6 12 18 24 30 45 60 90

1 inch = 30 feet

INVERT SCHEDULE

DESCRIPTION	ELEVATION
INV. AT CLEANOUT	21.16
INV. IN TANK	20.79
INV. OUT TANK	20.52
INV. IN PUMP CHAMBER	20.26
2" INV. OUT PUMP CHAMBER	20.03
2" INV. IN D. BOX	26.26
INV. OUT D. BOX	26.00
INV. IN FIELD	25.86
BOTTOM FIELD	24.80

SEPTIC SYSTEM "TIES" TO HOUSE CORNERS

No	A	B	C	D	DESCRIPTION
1	–	15.4'	13.7'	–	CLEANOUT
2	–	20.5'	28.0'	–	STUB FOR FUTURE CONN.
3	28.6'	14.1'	–	–	MICROFAST TANK INLET LID
4	30.9'	18.9'	–	–	MICROFAST OUTLET LID
5	39.8'	29.1'	–	–	PUMP CHAMBER INLET LID
6	47.4'	36.5'	–	–	PUMP CHAMBER OUTLET LID
7	145.4'	–	–	48.1'	DISTRIBUTION BOX
8	150.1'	–	–	41.8'	RISER COVER
9	188.5'	–	–	18.8'	CLEANOUT

Prepared By:

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD
BUZZARDS BAY, MA 02532

19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.833.0070
(fax) 508.833.2282

(tel) 508.325.0044
www.brackeneng.com

AS-BUILT
SEWAGE DISPOSAL PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared For:

100R WAUWINET ROAD NOMINEE TRUST

#100R WAUWINET ROAD
MAP 11 PARCEL 24.3

No.	Date	Revision Description	By

Date:	Drawn:	Checked:	Sheet:
SEPTEMBER 1, 2020	RED/BEI	DFB	1 of 1

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S:\Autocad Drawings\Nantucket\Wauwinet Road\100-100R Wauwinet Road\100R Wauwinet Road - SAB.dwg

SITE DESIGN ENGINEERING, LLC.
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

CERTIFICATE OF COMPLIANCE REQUEST

SE48-2382

Construction of a Stormwater Recharge System and Subdivision Roadway Located Partially within the 100-Foot Buffer to a Vegetated Wetland

3 & 3A Pilgrim Road
Map 41 Parcel 612 & 613 Lots 10 & 11
Nantucket, Massachusetts

Prepared for:

Peter Glazer
PKG Design Build, LLC.
179 South Avenue Unit 14
New Canaan CT 06840

Prepared By:

Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346

September 17, 2020

SDE No.: 9053

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-2382
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. This request is being made by:(current Title holder):

Peter Glazer, PKG Design Build, LLC
Name

179 South Avenue Unit 14
Mailing Address

New Canaan | CT | 06840
City/Town | State | Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Peter Glazer, PKG Design Build, LLC.
Applicant

April 15, 2011 | SE48-2382
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

3 & 3A Pilgrim Road | Nantucket
Street Address | City/Town

41 | 612 & 613 (Lot 10 & 11)
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for: (name on Order)

Carl M. Jelleme
Property Owner (if different)

Nantucket
County | Book | Page

22095
Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

SITE DESIGN ENGINEERING, LLC.
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

September 17, 2020 SDE No. 9053

Jeff Carlson
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Subject: Request for Certificate of Compliance
3 & 3A Pilgrim Road, Nantucket MA
Assessors Map 41, Parcels 612 & 613 (Lots 10 &11)
DEP File No.: SE48-2382

Dear Mr. Carlson:

The purpose of this letter is to request that the Conservation Commission (Commission) issue a Certificate of Compliance (COC) for the above referenced Order of Conditions (OOC). The OOC allowed the Applicant to construct a stormwater recharge system and subdivision roadway portions of which are located within the 100-foot Bordering Vegetated Wetland (BVW) buffer zone. The work was approved under SE48-2382 issued on April 15, 2011 and has been completed. The OOC had an original expiration date of April 15, 2014. The Approval was subject to the Permit Extension Act (PEA) and the extended expiration date of the OOC was April 15, 2018. The approved work was performed in substantial compliance with the conditions set forth in the OOC. An Existing Conditions Site Plan prepared by Site Design Engineering, LLC (SDE) and ACKME Survey, LLC (ACKME) dated August 3, 2016 is included and shows the extent of the work performed on the Subject Property under this OOC. Since the site work has been completed and is in substantial compliance with the approval issued under SE48-2382, the Applicant respectfully requests that the Commission grant a COC for the above referenced OOC.

If you have any questions, please feel free to call me at (508) 802-5832 or email me at (mrits@sde-ldec.com).

Respectfully,

Mark Rits
Site Design Engineering, LLC.

133744

2011 00133744
Cert: 22095 Doc: OOC
Registered: 05/25/2011 01:34 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:
SE48-2382
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:

Peter — a. First Name
Glazer — b. Last Name
PKG Design Build, LLC — c. Organization
179 South Avenue Unit 14 — d. Mailing Address
New Canaan — e. City/Town
CT — f. State
06840 — g. Zip Code

4. Property Owner (if different from applicant):

Carl M. — a. First Name
Jelleme — b. Last Name
c. Organization
29 Quaise Road — d. Mailing Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code

5. Project Location:

3 and 3A Pilgrim Road — a. Street Address
Nantucket — b. City/Town
41 — c. Assessors Map/Plat Number
612 & 613 — d. Parcel/Lot Number
LOTS 10+11 LC 14393-C

Latitude and Longitude, if known: d m s — d. Latitude; d m s — e. Longitude

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-2382
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
   Nantucket — a. County
   22095 — b. Certificate Number (if registered land)
   c. Book
   d. Page

7. Dates: March 25, 2011 — a. Date Notice of Intent Filed; April 13, 2011 — b. Date Public Hearing Closed; April 15, 2011 — c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
   Definitive Subdivision plan – Pilgrim Court — a. Plan Title
   Site Design Engineering, LLC — b. Prepared By
   c. Signed and Stamped by
   d. Final Revision Date
   e. Scale
   f. Additional Plan or Document Title
   g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

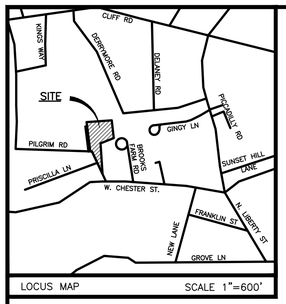
   Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply
b. ☒ Land Containing Shellfish
c. ☒ Prevention of Pollution
d. ☒ Private Water Supply
e. ☒ Fisheries
f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☒ Flood Control
j. ☒ Wetland Scenic Views (bylaw)
k. ☒ Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

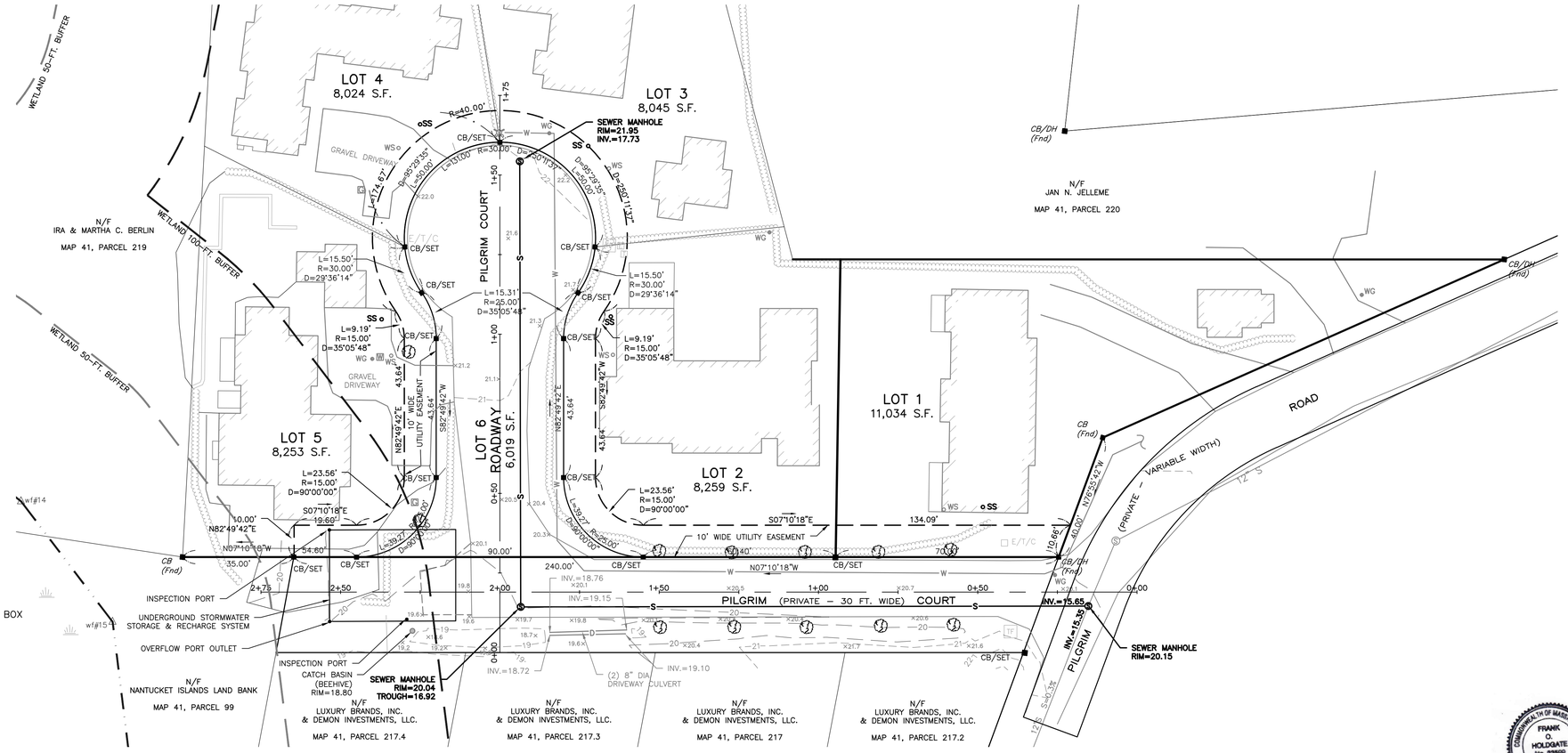
a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

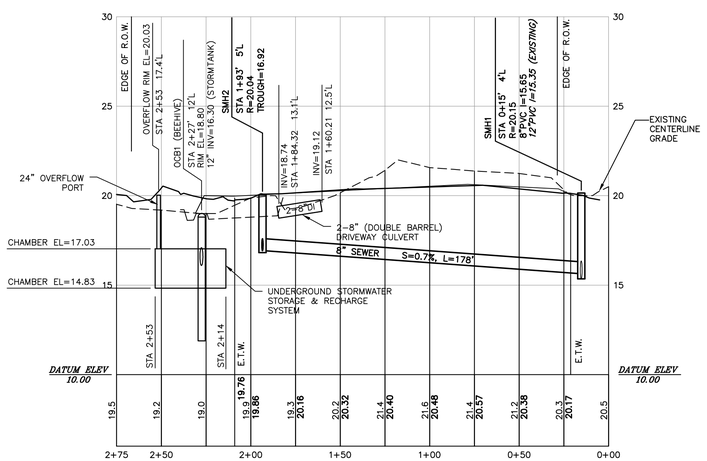


LOCUS MAP SCALE 1"=600'

LEGEND

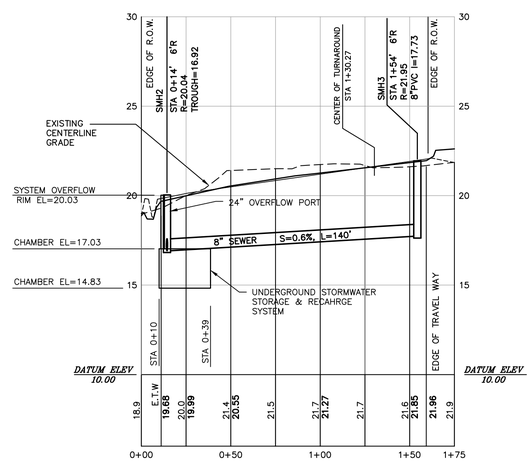
	PROPERTY LINE
CB (Fnd)	CONCRETE BOUND/FOUND
CB/SET	CONCRETE BOUND/SET
18	TOPOGRAPHIC CONTOUR
17.6×	SPOT ELEVATION
SS	SEWER STUB
S	SEWER MANHOLE
S	SEWER MAIN
	HYDRANT
WG	WATER GATE
WS	WATER STUB
M	WATER METER
W	WATER MAIN
	UNDERGROUND PROPANE TANK
TF	TRANSFORMER
E/T/C	ELECTRIC/TELEPHONE/CABLE TV SERVICE BOX
E	ELECTRIC HANDHOLE
T	TELEPHONE SERVICE BOX
	TREE
	HEDGE LINE
	LIMIT OF WETLAND
	50 FT. BUFFER ZONE
	100 FT. BUFFER ZONE





PILGRIM COURT PROFILE

SCALE: HORIZONTAL 1"= 40' VERTICAL 1"= 4'



PILGRIM COURT – EXTENSION PROFILE

SCALE: HORIZONTAL 1"= 40' VERTICAL 1"= 4'

SITE DESIGN ENGINEERING, LLC.
11 CUSHMAN STREET
MIDDLEBORO, MA 02346
T: 508-967-0673 F: 508-967-0674
WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
1.	8/3/16	WETLAND BUFFER ZONES	DCM

PLAN REVISIONS

DATE: JULY 31, 2015

DRAWN BY:	DESIGN BY:	CHECK BY:
SKD	RT/DCM	DCM

PROJECT NO. 9053

ISSUED FOR: APPROVAL

COMMONWEALTH OF MASSACHUSETTS FRANK O. HOLDGATE No. 33050 PROFESSIONAL ENGINEER

COMMONWEALTH OF MASSACHUSETTS DANIEL C. MULLOY CIVIL No. 41757 REGISTERED PROFESSIONAL ENGINEER

ROAD AS-BUILT PLAN

PILGRIM COURT
ASSESSOR'S MAP XX, PARCEL XXXX
NANTUCKET, MASSACHUSETTS

PREPARED FOR PKG DESIGN BUILD, LLC.

DRAWING TITLE: ROAD AS-BUILT PLAN

SCALE: **AS NOTED**

SHEET NO. **1 OF 1**

AECOM
9 Jonathan Bourne Drive
Pocasset, MA 02559

508-833-6950 tel
508-833-6951 fax

September 24, 2020

Nantucket Conservation Commission
c/o Jeffrey Carlson
Natural Resources Coordinator
Town of Nantucket
2 Bathing Beach Road
Nantucket, MA 02554

Re: Request for Certificate of Compliance
Lot 3 Mariner Way
Nantucket, Massachusetts
DEP File No. SE 48-2745

Dear Members of the Commission:

On behalf of S/P Norwell LLC c/o New England Development, AECOM requests a Certificate of Compliance for the development of Lot 3 Mariner Way (now referred to as 3 Mariner Way) under the Massachusetts Wetlands Protection Act and the Nantucket Wetlands Protection Bylaw. The Order of Conditions was issued on January 7, 2015. The work was performed and completed in 2018 and involved the construction of a single family dwelling and associated amenities such as driveway and lawn where an existing driveway formerly existed, all located within Land Subject to Coastal Storm Flowage. The dwelling is located outside of the 100 foot buffer zone from the edge of the isolated vegetated wetland (IVW). The lawn and driveway are partially within the 50 foot buffer zone to this IVW. No garage was constructed under the final house design.

Enclosed is the as-built plot plan for 3 Mariner Way prepared by Nantucket Surveyors LLC. An Occupancy Permit has been issued for this dwelling by the Nantucket Building Department. Based on this as-built, the work has been completed in accordance with and is in substantial compliance with the approved plan. We have also included the Mariner Way site plan which includes the wetland resource areas relative to Lot 3.

We will be sending original stamped large-format as-built plans by Nantucket Surveyors LLC dated May 15, 2018 under separate cover. We have attached 8-1/2 x 11 format plan to this request. The Town of Nantucket - local fee of $25.00 is enclosed along with the appropriate request form. Please do not hesitate to contact me should you have any questions or need additional information. Thank you.

Sincerely,

Katie Barnicle

Kathryn S. Barnicle, PWS
Senior Wetland Scientist
Kathryn.barnicle@aecom.com

Encls.

Cc: S/P Norwell LLC

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

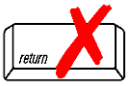
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-2745
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This request is being made by:(current Title holder):

S/P Norwell LLC, c/o New England Development
Name

75 Park Plaza
Mailing Address

Boston | MA | 02116
City/Town | State | Zip Code

617-965-8700
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

S/P Norwell LLC
Applicant

January 7, 2015 | SE48-2745
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

Lot 3 Mariner Way | Nantucket
Street Address | City/Town

55.1.4 | 72
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for: (name on Order)

S/P Norwell, LLC
Property Owner (if different)

Nantucket | 1484 | 271
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

☒ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

2015 00001443
Bk: 1484 Pg: 271 Page: 1 of 16
Doc: OOC 05/28/2015 10:51 AM

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48- 2745
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:

Scott — a. First Name
Kelley — b. Last Name
S/P Norwell LLC c/o New England Development — c. Organization
One Wells Avenue — d. Mailing Address
Newton — e. City/Town
MA — f. State
02459 — g. Zip Code

4. Property Owner (if different from applicant):

Same — a. First Name
b. Last Name
c. Organization
d. Mailing Address
e. City/Town
f. State
g. Zip Code

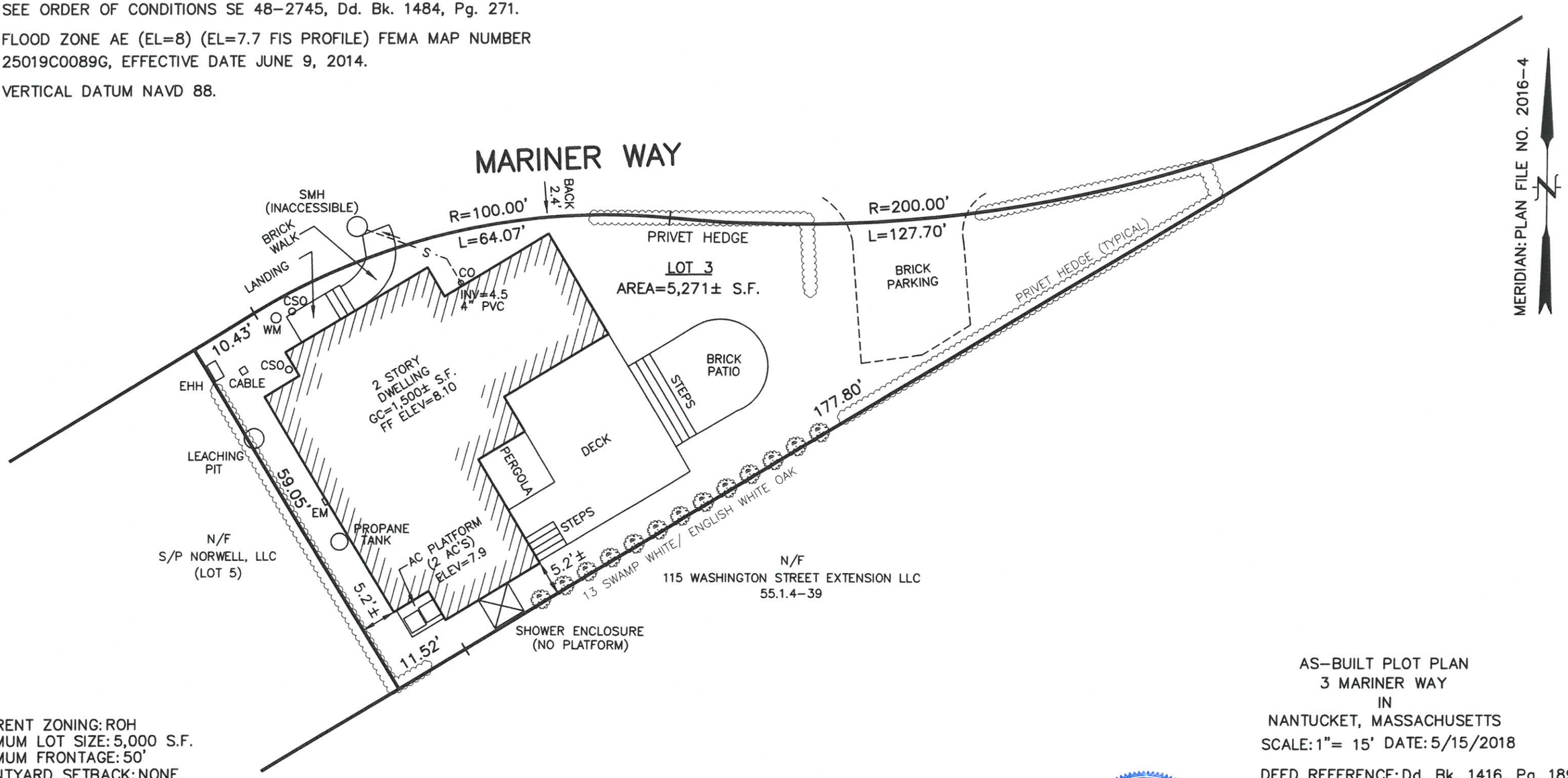
5. Project Location:

Lot 3 Mariner Way — a. Street Address
Nantucket — b. City/Town
55.1.4 — c. Assessors Map/Plat Number
72 — d. Parcel/Lot Number

Latitude and Longitude, if known: 41-16.664 N — d. Latitude; 70-05.598 W — e. Longitude

PERMIT NOTES:

1. SEE (AR) APPROVAL PLANNING BOARD FILE #7770, Dd. Bk. 1512, Pg. 40.
2. SEE ORDER OF CONDITIONS SE 48-2745, Dd. Bk. 1484, Pg. 271.
3. FLOOD ZONE AE (EL=8) (EL=7.7 FIS PROFILE) FEMA MAP NUMBER 25019C0089G, EFFECTIVE DATE JUNE 9, 2014.
4. VERTICAL DATUM NAVD 88.



CURRENT ZONING: ROH
MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 50'
FRONTYARD SETBACK: NONE
SIDE AND REAR SETBACK: 5'
ALLOWABLE G.C.R.: 50%
EXISTING G.C.R.: 28.4%±

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B.: 419/63

AS-BUILT PLOT PLAN
3 MARINER WAY
IN
NANTUCKET, MASSACHUSETTS

SCALE: 1"= 15' DATE: 5/15/2018

DEED REFERENCE: Dd. Bk. 1416, Pg. 189
PLAN REFERENCE: PLAN FILE NO. 2016-4

ASSESSOR'S REFERENCE:
MAP: 55.1.4 PARCEL: 72.3

PREPARED FOR:
S/P NORWELL, LLC

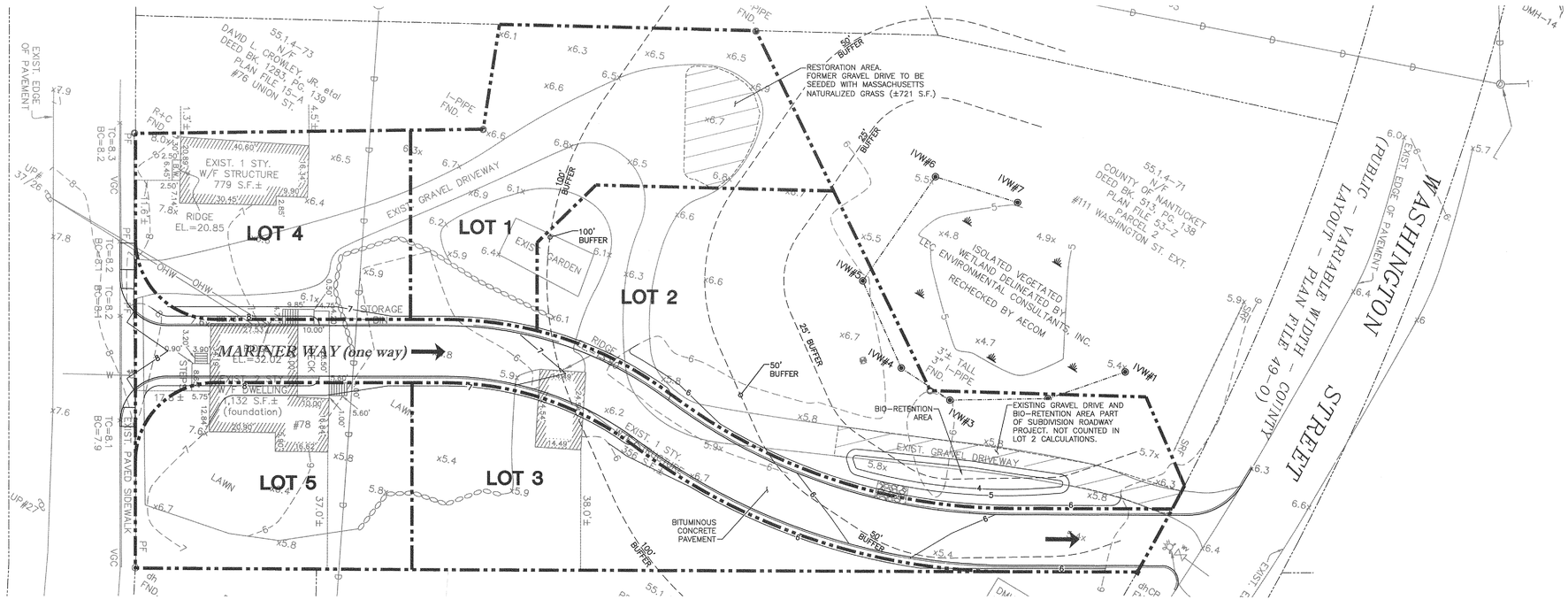
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR
5/15/18

N-10817

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

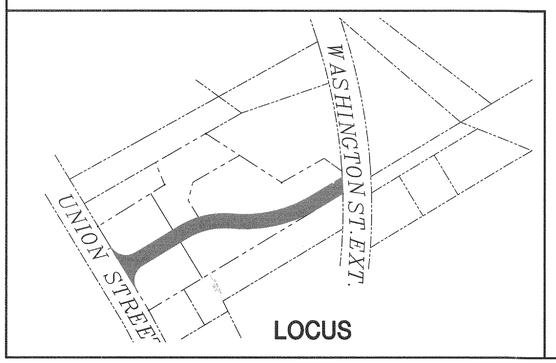
I:\JOBS 9632-10999\10000's\10800'S\10810'S\10817\AUTOCAD\N10817 ASB LOT 3.dwg, LAYOUT, 5/15/2018 11:24:47 AM, dcasali



NOTES:

1. THE ENTIRE PROPERTY IS LOCATED WITHIN ZONE AE (ELEVATION 8 NAVD 88, ELEVATION 9.4 HALF TIDE LEVEL DATUM OF '34) ACCORDING TO FLOOD INSURANCE RATE MAP NUMBER 25019C0089G DATED JUNE 9TH, 2014.

2. ALL ELEVATIONS REFER TO THE HALF TIDE LEVEL DATUM OF 1934.



LOCUS

MARINER WAY AREA = ±40,330 SQ. FT. ±0.93 ACRES	
ALTERATION OF BUFFER ZONES (SQUARE FEET)	
0' - 25'	208 S.F. 400 S.F. Restoration
25' - 50'	2,701 S.F.
50' - 100'	2,402 S.F.

20 0 10 20 40
GRAPHIC SCALE IN FEET

No.	Revision	Date
2.	ISSUED TO CONSERVATION COMMISSION FOR AMENDED ORDER OF CONDITIONS	06/17/2015
1.	ISSUED TO CONSERVATION COMMISSION FOR NOI	12/18/2014

Seal: COMMONWEALTH OF MASSACHUSETTS JAMIE T. ANDERSON CIVIL No. 49994 REGISTERED PROFESSIONAL ENGINEER 06/17/15

Designed by:	JTA
Drawn by:	MCR
Checked by:	JTA
Scale:	1"=20'
Date:	12/18/2014

Prepared for:
S/P NORWELL LLC
C/O NEW ENGLAND DEVELOPMENT
ONE WELLS AVENUE
NEWTON, MA 02459

Prepared by:
RJO'CONNELL & ASSOCIATES, INC.
CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
80 MONTVALE AVE
STONEHAM, MA 02180
781-279-0180
FAX: 781-279-0173

Project Name:
MARINER WAY SUBDIVISION
NANTUCKET, MA

Drawing Name:
SITE PLAN MARINER WAY

Drawing No.:
C-1F
Project No.: 14045

Copyright © 2015 by R.J. O'Connell & Associates, Inc.

Drawing name: G:\MA\Nantucket\NED\78 Union Street\Main\Notice of Intent\14045_C-1 NOI GRADING & DRAINAGE.dwg
Jun 17, 2015 - 11:45am

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

20 Teasdale Circe, Nantucket, MA 02554
(508) 228-9026

B8614

September 25, 2020

Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SE48-3120 # 7 Walsh Street. Owner: 247 LLC. Deed Book 1664 , Page 139.

Dear Ashley,

I am writing to request a Certificate of Compliance for the referenced Order of Conditions. I certify that the project was completed in compliance with the permit.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.

JLB/dmm

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE48-3120
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. This request is being made by:(current Title holder):

247 LLC
Name

Sheep Commons Lane
Mailing Address

Nantucket | MA | 02554
City/Town | State | Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

247 LLC Amended Order of Conditions
Applicant

9/18/2020 | SE48-3120
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

7 Walsh Street | Nantucket
Street Address | City/Town

42.4.1 | 55
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

247 LLC
Property Owner (if different)

Nantucket | 1767 | 69
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

XX the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

XX 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).

2020 00002461
Bk: 1767 Pg: 69 Page: 1 of 19
Doc: AMENDME 09/24/2020 10:

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Amended Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3120
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:
c. Organization: 247, LLC
d. Mailing Address: Sheep Commons Lane
e. City/Town: Nantucket
f. State: MA
g. Zip Code: 02554

4. Property Owner (if different from applicant):

a. First Name: Same As Applicant
b. Last Name:
c. Organization:
d. Mailing Address:
e. City/Town:
f. State:
g. Zip Code:

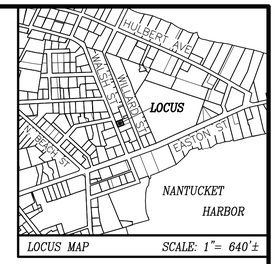
5. Project Location:

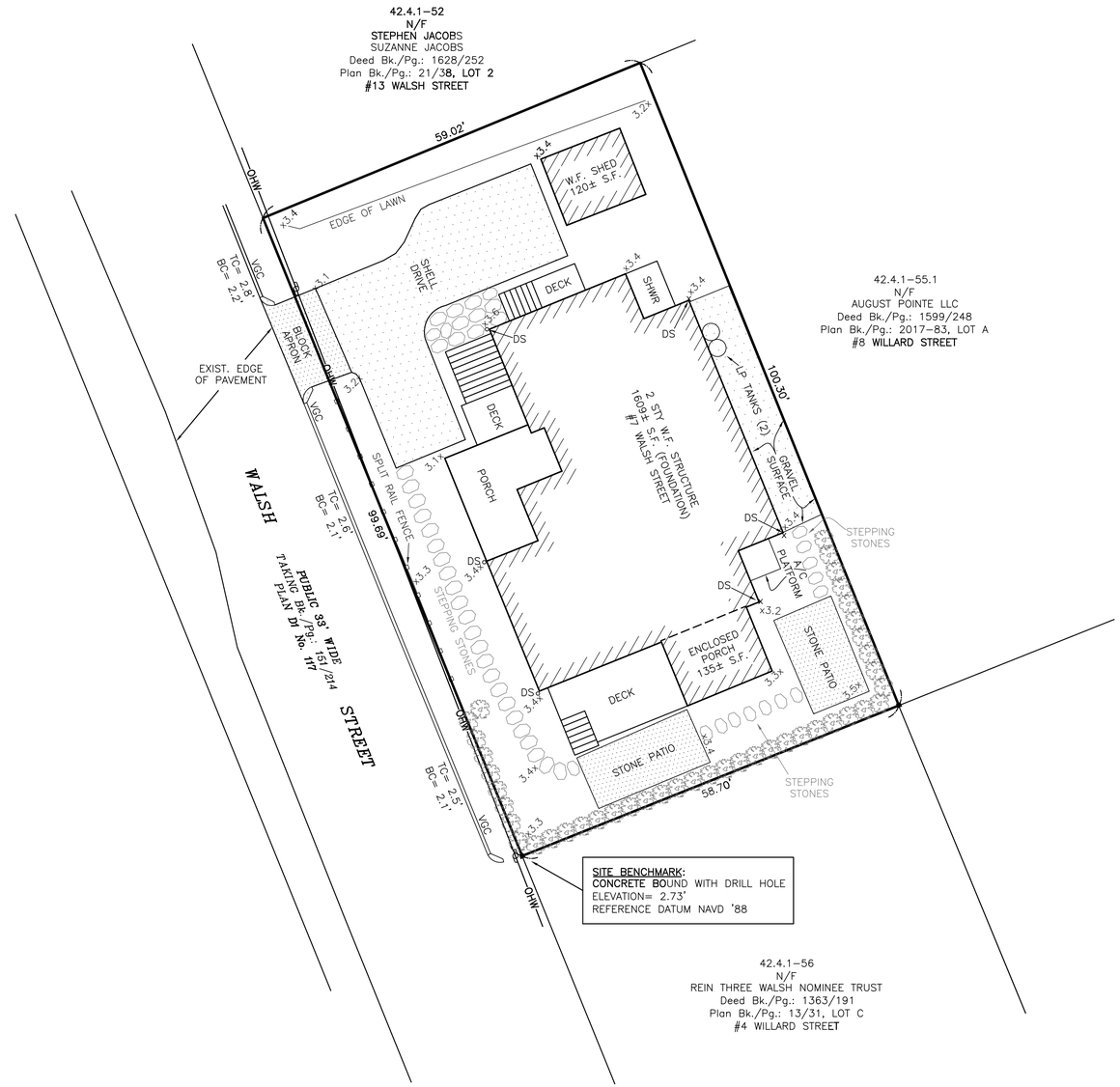
a. Street Address: 7 Walsh Street
b. City/Town: Nantucket
c. Assessors Map/Plat Number: 42.4.1
d. Parcel/Lot Number: 55

Latitude and Longitude, if known:
d. Latitude: 41d' 17' 21.3"
e. Longitude: 70d 05'51.8"

CURRENT ZONING CLASSIFICATION:
Residential 1 (R–1)

MINIMUM LOT SIZE:	5000 S.F.
MINIMUM FRONTAGE:	50 FT.
FRONT YARD SETBACK:	10 FT.
REAR/SIDE SETBACK:	5 FT.
GROUND COVER % :	30 %





LEGEND

■	*DENOTES CONCRETE BOUND FOUND*
TC= 2.6'	*DENOTES EXIST. TOP OF CURB ELEVATION*
BC=2.1'	*DENOTES EXIST. BOTTOM OF CURB ELEVATION*
VGC	*DENOTES EXIST. VERT. GRANITE CURB*
x5.2	*DENOTES EXIST. GRADE SPOT ELEVATION*
—OHW—	*DENOTES EXIST. UTILITY POLE WITH OVERHEAD WIRES*
DS ○	*DENOTES EXIST. DOWNSPOUT CONNECTED TO SUBSURFACE INFILTRATION CHAMBER*
x	*DENOTES EXIST. DOWNSPOUT DIRECTED TO PLANTING BED OR GRAVEL SURFACE*

NOTE:
LOCUS LIES ENTIRELY WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE. REFERENCE FEMA F.I.R.M. PANEL 25019C0086G ZONE AE BASE FLOOD ELEVATION 7.0'

OWNER INFORMATION

247 LLC
DEED Bk./Pg.: 1664/139
PLAN No. 2017–83, LOT B
ASSESSOR'S MAP 42.4.1, PARCEL 55
#7 WALSH STREET

SE48–3120

Site Plan of Land
To Accompany a Request for a Certificate of Compliance
in Nantucket, MA

Prepared for

247 LLC

ASSESSOR'S MAP 42.4.1, PARCEL 55
#7 WALSH STREET

Scale: 1"= 10' September 23, 2020

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228–9026

GRAPHIC SCALE

(IN FEET)
1 inch = 10 ft.

B8614

T:\CHRIS 1 JOB 119
V:\DRAWFILES\B8614\C of C.dwg 9/23/2020 11:48:48 AM EDT

Nantucket SURVEYORS LLC
One of The TILTON Companies

P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nsllcinfo@nantucketsurveyors.com

NS10933

September 25, 2020

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Certificate of Compliance Request SE48-3098
Applicant: 11 Meadow Lane, LLC
11B Meadow Lane, Map: 41 Parcel: 448.1
Nantucket, MA 02554

Dear Commissioners:

I am writing on behalf of 11 Meadow Lane, LLC to request a Certificate of Compliance for the above referenced project. The lot is subject to an Order of Conditions recorded as Bk: 1663 Pg: 110, DEP File No. SE48-3098, issued on August 8, 2018. The Order of Conditions permitted the construction of a dwelling and pool with associated grading landscaping and utilities within the buffer zone to a Bordering Vegetated Wetland.

A Minor Modification was approved on September 11, 2019 to include an addition of an outdoor shower and deck to the guest house.

An Amendment to the Order was issued on June 26, 2020 to include the removal of invasive species.

The work outlined in the Order of Conditions with the exception of the invasive species removal has been completed within substantial compliance of the order.

Thank you for your attention to this matter.

Sincerely,

Paul J. Santos, PLS
Nantucket Surveyors, LLC

Enclosures

- As-Built Plot Plan #11B Meadow Lane in Nantucket, MA, Dated 9/4/2020
- One (1) filing fee to Town of Nantucket for $25.00

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE48-3098
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

11 Meadow Lane, LLC
Name

12 Okorwaw Avenue
Mailing Address

Nantucket | MA | 02554
City/Town | State | Zip Code

917-510-3796
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Same as Applicant
Applicant

8/8/18 | SE48-3098
Dated | DEP File Number

3. The project site is located at:

11B Meadow Lane | Nantucket
Street Address | City/Town

41 | 448.1
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Same as Applicant
Property Owner (if different)

Nantucket | 1628 | 328
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☒ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).
All work excluding removal of invasives species.

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

☒ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

☐ No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html).

2018 00002625
Bk: 1663 Pg: 110 Page: 1 of 17
Doc: OOC 09/18/2018 12:58 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:
SE48-3098
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:
c. Organization: 11 Meadow Lane, LLC
d. Mailing Address: 12 Okorwaw Avenue
e. City/Town: Nantucket
f. State: MA
g. Zip Code: 02554

4. Property Owner (if different from applicant):

a. First Name: Same As Applicant
b. Last Name:
c. Organization:
d. Mailing Address:
e. City/Town:
f. State:
g. Zip Code:

5. Project Location:

a. Street Address: 11 Meadow Lane
b. City/Town: Nantucket
c. Assessors Map/Plat Number: 41
d. Parcel/Lot Number: 448 (Lot 6B)

Latitude and Longitude, if known:
d. Latitude: 41.283495
e. Longitude: -70.111834

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	11 Meadow Lane
Assessor's Map and Parcel:	41-448 (Lot 6B)
Property Owner:	11 Meadow Lane LLC
Applicant:	11 Meadow Lane LLC
DEP File Number:	SE48-3098
Filing Date:	July 24, 2018
Date Hearing Closed:	August 8, 2018
Date Orders Issued:	August 8, 2018
Plan of Record Information:	Topographic Plan of Land, dated July 20, 2018 and stamped by Paul J. Santos, P.L.S. Landscape Plan, dated June 26, 2018 prepared by Atlantic Landscaping, Inc.

Permit Overview:
This order permits the construction of a dwelling, and pool with associated grading, landscaping and utilities within the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.
2. Other site work shown on the plans of records are outside of Commission jurisdiction

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The pool may not be drained or discharged to an area within Commission jurisdiction. Chemical treatment of the pool shall end three weeks prior to any draining.
20. No work or alteration is permitted inside the 50 foot setback.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.

Town of Nantucket Conservation Commission
Minor Modification Request Approval

Town of Nantucket Bylaw Chapter 136
And Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number
SE48-3098
Provided by DEP

A. General Information

From:

Nantucket Conservation Commission

To:

Applicant:

11 Meadow Lane, LLC
Name
12 Okorwow Avenue
Mailing Address
Nantucket MA 02554
City/Town State Zip Code

Property Owner (if different from applicant):

Name

Mailing Address

City/Town State Zip Code

Project Location:

11 Meadow Lane
Street Address

Nantucket
City/Town

41
Assessors Map/Plat Number

448 (Lot 6B)
Parcel /Lot Number

2. Title and Date (or Revised Date if applicable) of Final Plans and Other Documents:

Landscape Plan prepared by Atlantic Landscaping, Inc — 09/6/19
Title — Date

Title — Date

Title — Date

4. Description of Minor Modification:

Addition of a ODS and Deck outside of 50ft setback

3. Dates:

09/06/2019	09/11/2019	08/18/2018
Date Minor Modification Filed	Date of Approval	Order of Conditions Date of

Note: The date of issuance for the Order of Conditions is 08/18/2018 and is not extended further by this minor modification.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Amended Order of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3098
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

11 Meadow Lane, LLC
c. Organization

11B Meadow Lane
d. Mailing Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

11B Meadow Lane
a. Street Address

Nantucket
b. City/Town

41
c. Assessors Map/Plat Number

448.1
d. Parcel/Lot Number

Latitude and Longitude, if known:

41.283495
d. Latitude

-70.111834
e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address:	11 Meadow Lane
Assessor's Map and Parcel:	41-448 (Lot 6B)
Property Owner:	11 Meadow Lane LLC
Applicant:	11 Meadow Lane LLC
DEP File Number:	SE48-3098
Filing Date:	July 24, 2018
Date Hearing Closed:	August 8, 2018
Date Orders Issued:	August 8, 2018
Date Amended:	**June 26, 2020**
Plan of Record Information:	Topographic Plan of Land, dated July 20, 2018 and stamped by Paul J. Santos, P.L.S. Landscape Plan, dated June 26, 2018 prepared by Atlantic Landscaping, Inc.
Amended Plan of Record:	**Same as above**

Permit Overview:
This order permits the construction of a dwelling, and pool with associated grading, landscaping and utilities within the buffer zone to a Bordering Vegetated Wetland. Waivers are not required for this project. **This Order is Amended to include the removal of invasive species.**

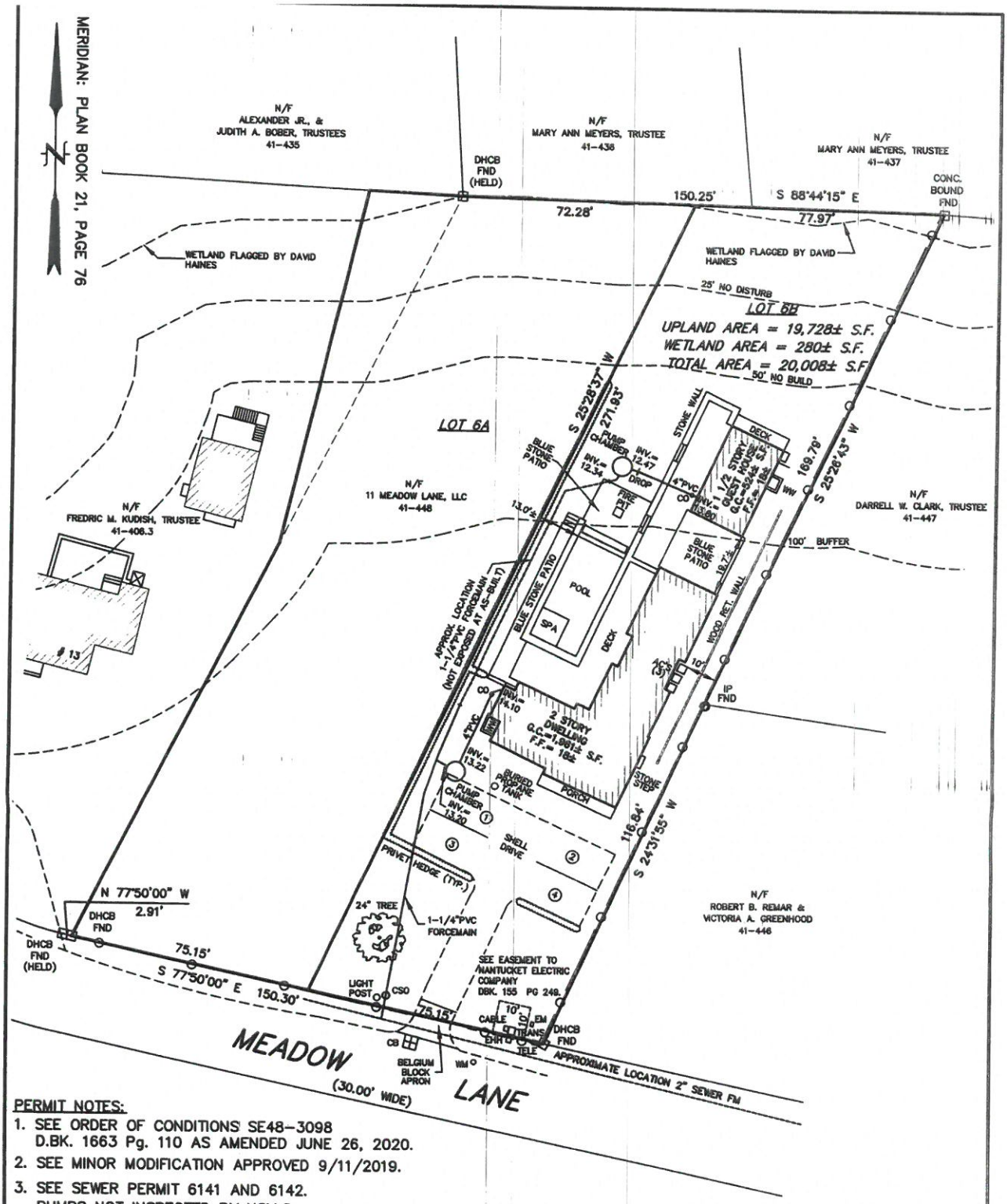
Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.
2. Other site work shown on the plans of records are outside of Commission jurisdiction

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, and protocols.
19. The pool may not be drained or discharged to an area within Commission jurisdiction. Chemical treatment of the pool shall end three weeks prior to any draining.
20. ~~No work or alteration is permitted inside the 50 foot setback.~~ **This condition is removed to allow for the removal of invasive species within this area.**

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS
Waivers are not required for the project as proposed.



PERMIT NOTES:

1. SEE ORDER OF CONDITIONS SE48-3098 D.BK. 1663 Pg. 110 AS AMENDED JUNE 26, 2020.
2. SEE MINOR MODIFICATION APPROVED 9/11/2019.
3. SEE SEWER PERMIT 6141 AND 6142. PUMPS NOT INSPECTED BY NSLLC.
4. SEE SECOND DWELLING APPROVAL 8/13/2018.
5. ELEVATION DATUM NAVD88.

CURRENT ZONING: R-20
MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75'
FRONTYARD SETBACK: 30'
SIDE AND REAR SETBACK: 10'
ALLOWABLE G.C.R.: 12.5%
EXISTING G.C.R.: 12.4%±

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED WITHIN A FLOOD HAZARD ZONE AS DELINEATED ON "FIRM" MAP NO. 25019C0086G; EFFECTIVE DATE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

N.B. 433/70 & 438/18

COMMONWEALTH OF MASSACHUSETTS
PAUL J. SANTOS
No. 36124
PROFESSIONAL LAND SURVEYOR
9/4/2020

AS-BUILT PLOT PLAN
#11B MEADOW LANE
IN
NANTUCKET, MASSACHUSETTS

SCALE: 1"=30' DATE: 9/4/2020

DEED REFERENCE: Dd. Bk. 1628, Pg. 328
PLAN REFERENCE: Pl. NO. 2018-71

ASSESSOR'S REFERENCE:
MAP: 41 PARCEL: 448.1

PREPARED FOR:
11 MEADOW LANE, LLC

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

N-10933

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

20 Teasdale Circe, Nantucket, MA 02554
(508) 228-9026

B5763

September 23, 2020

Ashley Erisman, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SE48-1468 # 101 Baxter Road. Certificate of Compliance.
Map: 48, Parcel: 17. Owner: 101 Baxter Road LLC.

Dear Ashley,

I am writing to request a Certificate of Compliance for the referenced project. I certify that the project was completed in compliance with the permit.

If you have any questions, please call. Thank you.

Sincerely,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.

JLB/dmm

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

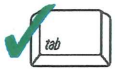
WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE48-1468
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



1. This request is being made by:(current Title holder):

101 Baxter Road LLC
Name

21 Vineyard Lane
Mailing Address

Greenwich | CT | 06831
City/Town | State | Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

James Walker
Applicant

August 3, 2001 | SE48-1468
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

101 Baxter Road | Nantucket
Street Address | City/Town

48 | 17
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

James Walker
Property Owner (if different)

Nantucket | 711 | 193
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

XX the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

☐ the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

XX 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).

BOOK 711 PAGE 0193

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

DEP File Number:
SE48-1468
Provided by DEP

Nantucket Wetlands Bylaw (Chapter 136)

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

This issuance if for (check one):

☒ Order of Conditions

☐ Amended Order of Conditions

To: Applicant:

James Walker
Name
337 Guard Hiu Road
Mailing Address
Bedford | NY | 10506
City/Town | State | Zip Code

Property Owner (if different from applicant):

same
Name
Mailing Address
City/Town | State | Zip Code

1. Project Location:

101 Baxter Road — Street Address
Nantucket — City/Town
48 — Assessors Map/Plat Number
17 — Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket — County
584 — Book
39 — Page
Certificate (if registered land)

3. Dates:

July 6, 2001 — Date Notice of Intent Filed
August 1, 2001 — Date Public Hearing Closed
August 3, 2001 — Date of Issuance

4. Final Approved Plans and Other Documents (attach additional plan references as needed):

Title	Date
Site Plan of Land for James E. and Deborah C. Walker	March 15, 2001
Untitled Plan dated as received July 6, 2001	
Emergency Permit issued by the Conservation Commission	March 14, 2001

5. Final Plans and Documents Signed and Stamped by:

Jeffrey L. Blackwell
Name

6. Total Fee:

$ 55.00
(from Appendix B: Wetland Fee Transmittal Form)

2014 00000721
Bk: 1427 Pg: 341 Page: 1 of 2
Doc: DD 03/18/2014 02:52 PM

DEED

We, JAMES E. WALKER, III and DEBORAH C. WALKER, of Greenwich, Connecticut, for consideration paid, grant to 101 BAXTER ROAD LLC, a Massachusetts limited liability company, with a mailing address of 21 Vineyard Lane, Greenwich, Connecticut 06831, with QUITCLAIM COVENANTS,

That certain parcel of vacant land, located in the Village of Siasconset, Town and County of Nantucket, Massachusetts, now known and numbered as 101 Baxter Road, being Lot 2 on plan recorded with Nantucket Deeds in Plan File 47-K.

Said land is conveyed subject to the following matters:

(a) Provisions of an Order of Taking, dated October 29, 1975, recorded with Nantucket Deeds in Book 151, Page 224.

(b) Provisions of a Covenant, dated November 1, 1984, recorded with Nantucket Deeds in Book 221, Page 188.

(c) Provisions of a Variance, dated May 13, 1988, recorded with Nantucket Deeds in Book 301, Page 293.

(d) Provisions of a Variance, dated May 13, 1988, recorded with Nantucket Deeds in Book 316, Page 237.

(e) Provisions of an Order of Conditions, dated January 25, 1989, recorded with Nantucket Deeds in Book 316, Page 297.

(f) Provisions of an Order of Conditions, dated January 29, 1998, recorded with Nantucket Deeds in Book 563, Page 281.

(g) Provisions of an Order of Conditions, dated August 3, 2001, recorded with Nantucket Deeds in Book 711, Page 193.

(h) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2014.

For title, see deed recorded with Nantucket Deeds in Book 584, Page 39.

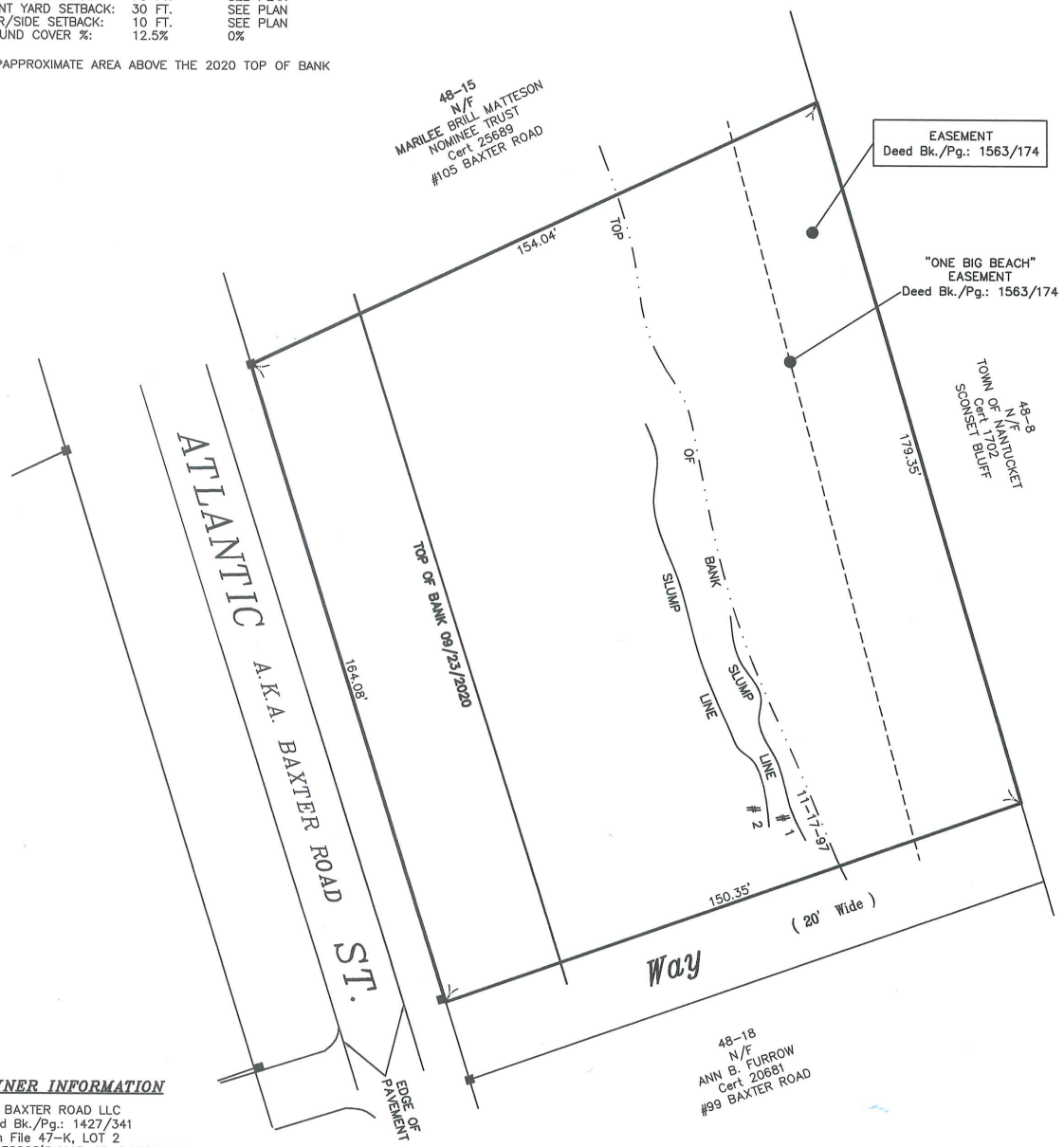
We hereby certify that no owner, spouse or civil union partner of an owner, no former spouse or former civil union partner of an owner resides in the property as their primary residence.

This conveyance is made without monetary consideration as a transfer to a limited liability company at the time of its formation in exchange for a membership interest in said company.

CURRENT ZONING CLASSIFICATION:
Siasconset Residential 20 (SR–20)

		EXISTING
MINIMUM LOT SIZE:	20,000 S.F.	**4900± S.F.
MINIMUM FRONTAGE:	75 FT.	SEE PLAN
FRONT YARD SETBACK:	30 FT.	SEE PLAN
REAR/SIDE SETBACK:	10 FT.	SEE PLAN
GROUND COVER %:	12.5%	0%

**APPROXIMATE AREA ABOVE THE 2020 TOP OF BANK



LEGEND

■ DENOTES POINTED CONC. BOUND FOUND

Plan FILE 47–K

SE48–1468

Site Plan of Land To Accompany a Request for a Certificate of Compliance in Nantucket, MA

Prepared for

101 BAXTER ROAD LLC

Deed Bk. 1427 Pg. 341
101 BAXTER ROAD
ASSESSOR'S MAP 48, PARCEL 17

Scale: 1"= 20' SEPTEMBER 25, 2020

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228–9026

GRAPHIC SCALE

20 0 10 20 40 80

(IN FEET)
1 inch = 20 ft.

OWNER INFORMATION

101 BAXTER ROAD LLC
Deed Bk./Pg.: 1427/341
Plan File 47–K, LOT 2
ASSESSOR'S MAP 48, PARCEL 17
#101 BAXTER ROAD

V:\CHIP 8A DIR#16
V:\DRAWFILES\B5763\C of C.dwg 9/25/2020 8:47:00 AM EDT

B5763

2014 00000721
Bk: 1427 Pg: 341 Page: 1 of 2
Doc: DD 03/18/2014 02:52 PM

DEED

We, JAMES E. WALKER, III and DEBORAH C. WALKER, of Greenwich, Connecticut, for consideration paid, grant to 101 BAXTER ROAD LLC, a Massachusetts limited liability company, with a mailing address of 21 Vineyard Lane, Greenwich, Connecticut 06831, with QUITCLAIM COVENANTS,

That certain parcel of vacant land, located in the Village of Siasconset, Town and County of Nantucket, Massachusetts, now known and numbered as 101 Baxter Road, being Lot 2 on plan recorded with Nantucket Deeds in Plan File 47-K.

Said land is conveyed subject to the following matters:

(a) Provisions of an Order of Taking, dated October 29, 1975, recorded with Nantucket Deeds in Book 151, Page 224.

(b) Provisions of a Covenant, dated November 1, 1984, recorded with Nantucket Deeds in Book 221, Page 188.

(c) Provisions of a Variance, dated May 13, 1988, recorded with Nantucket Deeds in Book 301, Page 293.

(d) Provisions of a Variance, dated May 13, 1988, recorded with Nantucket Deeds in Book 316, Page 237.

(e) Provisions of an Order of Conditions, dated January 25, 1989, recorded with Nantucket Deeds in Book 316, Page 297.

(f) Provisions of an Order of Conditions, dated January 29, 1998, recorded with Nantucket Deeds in Book 563, Page 281.

(g) Provisions of an Order of Conditions, dated August 3, 2001, recorded with Nantucket Deeds in Book 711, Page 193.

(h) Real estate taxes assessed by the Town of Nantucket for the fiscal year 2014.

For title, see deed recorded with Nantucket Deeds in Book 584, Page 39.

We hereby certify that no owner, spouse or civil union partner of an owner, no former spouse or former civil union partner of an owner resides in the property as their primary residence.

This conveyance is made without monetary consideration as a transfer to a limited liability company at the time of its formation in exchange for a membership interest in said company.

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-1137
Provided by DEP

A. Project Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. This request is being made by:(current Title holder):

101 Baxter Road LLC
Name

21 Vineyard Lane
Mailing Address

Greenwich | CT | 06831
City/Town | State | Zip Code

Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Robert Berwick & Marilyn Matz
Applicant

Jan. 29, 1998 | SE48-1137
Dated | DEP File Number

Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

3. The project site is located at:

101 & 103 Baxter Rd. | Nantucket
Street Address | City/Town

48 | 17 & 40
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Robert Berwick and Marilyn Matz
Property Owner (if different)

Nantucket | 563 | 281
County | Book | Page

Certificate (if registered land)

5. This request is for certification that (check one):

☐ the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

☐ the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

XX the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

   ☐ Yes — If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

   XX 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).

SITE DESIGN ENGINEERING, LLC.
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

ORDER OF CONDITIONS EXTENSION REQUEST

Residential Development of a Single-Family Property Located Partially within the 100-Foot Wetland Buffer Zone

Lot 2 Fisher Lane
(Formerly a Portion of
101 Low Beach Road)
Map 75 Parcel 32.1
(Formerly Portions of
Map 75 Parcel 32)
Nantucket, MA

Prepared for:

Net Zero LLC
C/O Adam Ross
Resident Agent
50 Okorwaw Avenue
Nantucket, MA 02554

Prepared By:

Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346

September 21, 2020

SDE Project No.: 17114

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 7 – Request for Extension Permit for Orders of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48-3020
Provided by DEP

A. General Information

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. Applicant:

Net Zero LLC., Adam Ross – Resident Agent
Name

50 Okorwaw Avenue
Mailing Address

Nantucket | MA | 02554
City/Town | State | Zip Code

2. Property Owner (if different):

Same
Name

Mailing Address

City/Town | State | Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

11/01/2017 (Date) Issued by: Nantucket (Conservation Commission)

for work at: Lot 2 Fisher Lane (Formerly 101 Low Beach Road) | 75 (Assessor's Map/Plat Number) | 32.1 (Formerly 32) (Parcel/Lot Number)

recorded at the Registry of Deeds for:

Nantucket (County) | Book | Page

26201
Certificate (if registered land)

is hereby extended until: 11/01/2023 (Date) | Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

SITE DESIGN ENGINEERING, LLC.
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

September 21, 2020 SDE No. 17114

Ashley Erisman
Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Subject: Request for Extension of Order of Conditions
SE48-3220
Fisher Lane – Lot 2 (101 Low Beach Road – Lot 2)
Nantucket, Massachusetts
Tax Map 75, Parcel 32.1 (Formerly a Portion of 75-32)

Dear Ms. Erisman:

The purpose of this letter is to request three one (1) year extensions for the above referenced Order of Conditions (OOC) for work permitted on property located at Lot 2 Fisher Lane (Formerly 101 Low Beach Road Lot 2) (Subject Property). Under SE48-3020 issued on November 1, 2017 (attached) the Applicant was authorized to construct a driveway and develop a residential property located partially within wetland buffer zones. The OOC has an expiration date of November 1, 2020 and is currently valid. This request for extension is being submitted greater than 30 days prior to the expiration date of the OOC. The construction of the driveway, clearing, and portions of the site work have been completed of the date of this request. In order to complete the project as approved, the Applicant is requesting three one (1) year extension to SE48-3020 to allow for adequate time to complete all previously approved site work. If you have any questions, please call (508) 802-5832 or email me at (mrits@sde-ldec.com).

Respectfully,

Mark Rits
Site Design Engineering, LLC.

Attachments

WPA Form 7 – Request for Extension Permit for Order of Conditions
OOC SE48-3020 Issued November 1, 2017
Nantucket Bylaw Extension Request Filing Fee Check

2017 00156766
Cert: 26201 Doc: OOC
Registered: 11/17/2017 01:22 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:
SE48-3020
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:

Adam
a. First Name

Ross – Resident Agent
b. Last Name

Net Zero LLC
c. Organization

50 Okorwaw Avenue
d. Mailing Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

4. Property Owner (if different from applicant):

Same as applicant
a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

Lot 2 Fisher Lane (formerly 101 Low Beach Road)
a. Street Address

Nantucket
b. City/Town

75
c. Assessors Map/Plat Number

32
d. Parcel/Lot Number

Latitude and Longitude, if known: 41.24999
d. Latitude

69.98479
e. Longitude

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

Provided by MassDEP:
SE48-3020
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket — a. County
26201 — b. Certificate Number (if registered land)
c. Book
d. Page

7. Dates: 10/13/17 — a. Date Notice of Intent Filed; 11/1/2017 — b. Date Public Hearing Closed; 11/1/2017 — c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Site Plan (2 Sheets) — a. Plan Title
Site Design Engineering, LLC — b. Prepared By
Daniel C. Mulloy, P.E. — c. Signed and Stamped by
10/12/17 — d. Final Revision Date
1"=30' — e. Scale
f. Additional Plan or Document Title
g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

a. ☒ Public Water Supply
b. ☒ Land Containing Shellfish
c. ☐ Prevention of Pollution
d. ☒ Private Water Supply
e. ☒ Fisheries
f. ☒ Protection of Wildlife Habitat
g. ☒ Groundwater Supply
h. ☒ Storm Damage Prevention
i. ☒ Flood Control
j. ☒ Wetland Scenic Views (bylaw)
k. ☒ Recreation (Bylaw)

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

CONSERVATION COMMISSION
PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Thursday, September 17, 2020 – 5:00 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 5:03 p.m. by Ms. Erisman
Staff in attendance: Jeff Carlson, Natural Resources Director
Attending Members: Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Agenda adopted by unanimous consents

*Matter has not been heard

I. PUBLIC MEETING

A. Announcements

B. Public Comment

1. Burton Balkind – Regarding 287/289 Hummock Pond Road, at the last hearing for this, ConCom was going to do a site visit regarding a pool within 100 feet of the resources area. Asked that staff or the commission visit the site again due to the recent erosion, which shifted the resource area.
   Carlson – Their intention is to first deal with the emergency house move; once the area stabilizes, there are a lot of elements that will have to be shifted. They will have to amend the Order of Conditions or do a whole new NOI. There is also a revocation process for the permit.

II. PUBLIC HEARING

A. Notice of Intent

1. Eli Zabar – 47 Squam Road (13-22) SE48-3253 **(Cont. 10/15/2020)**
2. The Town of Nantucket – 34 Washington Street (42.2.3-2) SE48-3300 **(Cont. 10/01/2020)**
3. The Town of Nantucket – Pier – 34 Washington Street (42-2.3.2) SE48-3332

Sitting	Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation	Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative	Charlie Gibson, Deputy Police Chief Christine Player, Project Manager Foth Scott Skunick, Foth
Public	None
Discussion (5:14)	**Player** – This is for replacement of the Town Pier floating dock system. The floating docks can't be warranted against storm damage without further protection; extending north side breakwater 100 feet. The existing dingy dock is an unauthorized structure; we plan to install piles to make it a secure and an authorized structure. Resource is land under the ocean; there is eel grass present so did an eel-grass survey. **Golding** – Asked if they anticipate tidal scarring or other negative reflective effects. **Player** – No. The tidal fencing is not embedded so won't change the movement of waves and water. **Golding** – Regarding the 50-year service life, asked if that is guaranteed. **Skunick** – The life span is directionally proportional to the steel corrosion rate. These are designed to survive a 100-year event and designed to perform its function for 50 years. **Beale** – He's not sure what a fixed-house wave attenuator is. **Skunick** – An attenuator doesn't reduce the wave velocity 100% as a jetty or stone groin would.
Staff	Have everything needed to close.
Motion	**Motion to Close.** (made by: Topham) (seconded)
Roll-call Vote	Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

PROPOSED

4. Kim Glowacki – 46 Easton Street (42.4.1-22) SE48-3285

Sitting	Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation	Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative	Dan Bailey, Pierce Attwood, L.P. Dan Wells, Goddard Consulting Don Bracken, Bracken Engineering
Public	None

Discussion (5:28) **Bailey** – The commission expressed concern about rebuilding the bulkhead; we are withdrawing any work on the bulkhead from the project. That leaves the relocation of the cottage, currently located within 12 feet of the coastal bank, to outside the 25-foot buffer and adding a new structure outside the 25-foot buffer. The 1st floor would be elevated to elevation 11 on a pile foundation with breakaway panel. We will also remove a knotweed stand. There would be no adverse impact to the coastal bank or coastal dune. Noted ConCom approved a similar proposal for a structure on Hulbert Avenue. Submits the subdivision of the property is not within ConCom jurisdiction; the commission should focus on reduced the amount of structure within the 25-foot setback.

Erisman – It is easier to review a revised plan without the bulkhead work in order to help the Commission with making a decision.

Engelbourg – An unknown is still the percentage of change within the 50-foot buffer between existing conditions and the relocation of the structure as well as construction of the new structure.

Bracken – The percentage of change within the 50-foot buffer is 4%.

Golding – He gets the point about the Hulbert Avenue approval; however, that was within an existing footprint on a lot not being subdivided.

Bailey – The underlying lot structure and ownership is not a ConCom issue; your issue is the impact to the resource area. Contends the impact is much less and the commission should focus on the totality of the impact.

Engelbourg – He wants to see a better plan before making a decision. At the last meeting, Mr. Bracken talked about the roof infiltration system; he'd like to see a cross section and drawing of that. Asked if the bulkhead will be removed or no work done at all.

Bailey – No work will be done on it. The sand builds up and provided protection to the property; in a discussion with the engineers, we decided we can do without it.

Beale – His concern is the house as it exists; it should be restored/rebuilt in the same location under the grandfather restrictions. We have an opportunity now to make this conform to outside the 50-foot buffer.

Bailey – What we're doing improves the situation. If they don't go forward, the existing encroachment will continue.

LaFleur – He likes that we are getting this out of the 25-foot buffer with a substantial reduction within the 50-foot buffer.

Phillips – The one we approved on Hulbert Avenue, the net benefit for that was clear because the new dwelling was lifted with breakaway panels. This is different because that is not the only thing going on here.

Bailey – Pointed out that a requirement for the Chapter 91 license to work on the site, there must be public access along the east side of the property. Over time, the Department of Environmental Protection (DEP) will require additional public access to the beach for other properties in this area.

Topham – Asked to have the revised plan memorialized. The piers are a better solution in this area; likes that the building is being lifted onto a new foundation.

Erisman – She agrees with many about the new dwelling on the new east lot; it should be completely outside the 50-foot buffer. This proposal increases structures 150% within the 50-foot buffer. The regulations refer to "change" within the area.

Golding – Asked for clarification of the Chapter 91 access – does it depend upon the position of the structure.

Bailey – No it doesn't; 80% to 90% of the site is subject to Chapter 91.

Carlson – R.J. Turcotte, Nantucket Land Council (NLC), Inc. Said new data has become available and asked the commission to make a decision in harmony with the Coastal Resiliency Advisory Committee (CRAC).

Ann Taylor commented she doesn't see anything about public access to the water line; in a large flooding storm, the yard is filled with water.

David Stinnett, owner, asked where Ms. Taylor lives and what impact this has on her.

Erisman – The existing foundation is so decrepit, she doesn't know if it functions as it should.

LaFleur – Even though the foundation is suspect, it impeded tidal flow. This would be a much better situation regarding flood water flow.

Golding – Asked what the subsurface would be.

Bracken – A crush-stone base under the house; it can be developed to deal with roof runoff - that can be included onto the plan.

Erisman – Asked if a crush-stone fill is allowable in a flood zone. She's concerned the alterations will impact the dunes.

Engelbourg – Wants to know if there is an alternative way to deal with runoff such as using vegetation to absorb runoff.

PROPOSED

Bracken – We have to provide the stone base; we can also create vegetated areas to absorb runoff.
Further discussion about the stone base and if it will cause any issues to the resource areas.
Carlson – Mr. Turcotte said the 45 Hulbert raise/reconstruction was an in-kind construction without change to the footprint.
Topham – Doesn't think the piers in totality will be any different than the existing garage in the northwest corner.
Golding – Asked if the Chapter 91 public access would be direct to the water.
Bailey – The property goes to the low-tide line. One thing required for a new Chapter 91 license is public lateral access which would bring the public to the high-water mark; the public then has the right to walk between the high and low tide lines. Asked for a 2-week continuance.

Staff — The 50% change within the buffer is for a bordering vegetated wetland. It's good to have the total change on the plan of record.
Chapter 91 doesn't contemplate the position of the resource area. The historic coverage is 80% to 90% of this lot and activity on the seaward side of that line.
They are not allowed to impact flood storage capacity. The vertical volume isn't being raised.

Motion — Continued to October 1.
Roll-call Vote — N/A

5. Nantucket Point of View, LLC – 9 Lincoln Avenue (30-137) SE48-3278

Sitting — Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation — Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative — Brian Madden, LEC Environmental
Don Bracken, Bracken Engineering
Sarah Alger, Sarah F. Alger P.C.
Public — Steven Cohen, Cohen & Cohen Law P.C. for property owners of 11, 13, and 13A Lincoln Avenue, and at 22, 24, and 26 Jefferson Avenue.
Scott Smyers, for 11 Lincoln Avenue Peter McLaughlin

Discussion (6:05) — **Madden** – Reviewed the project; summarized supplemental information. Reviewed the resource areas: a policy coastal bank and land subject to coastal storm flowage. The foundation will be slab on a gravel bed; footings will be within groundwater so requires a waiver and dewatering. Contends long-term net benefit. Will submit monitoring reports regarding mitigation of invasive species.
Erisman – She is uncomfortable about this structure and replantings; wants to see a planting plan before the boathouse is constructed.
Beale – Asked if this will be a dwelling under our definition; if it's a boathouse with habitable space, that is different than a real boathouse. Asked why they didn't place it on the hill.
Madden – This is a second dwelling. The alternative analysis indicated the area to the southwest has geo-thermal wells and drainage structures.
Engelbourg – The planting plan states the plants are all native to Nantucket; however, six plants are not native to the Island and some aren't even native to the U.S. The planting plan needs to be better thought out to have solely Nantucket native species. The proposed structure meets the regulations as a non-water-dependent structure; the applicant needs to reevaluate the waivers for being within the 50-foot buffer and 2-foot separation. He'd like more information on the specific locations where the soil tests were taken.
Madden – The soil tests came from the central area of the property. The variation on the property as to direction of run-off varies. The lower lawn has been there since 1938.
Engelbourg – The resource area listed as an isolated vegetated wetland should be double checked; it might be a bordering vegetated wetland.
Madden – Looking at the aerial photos; what looks like channels are actually deer trails.
Topham – Likes the phasing of work on the bank; wants that to start before the garage is buitl. The structure will be around 28 feet tall. On the architectural drawings, it looks like the boardwalk meets with the living space above the garage meaning it would be elevated 9 feet.
Madden – He'll get back on that.
Phillips – Going back to the placement of the new structure replacing the existing garage, it was hard to see what the alternatives might be. She'd like to see a more robust alternative analysis. She wants it clarified that this is in fact a dwelling and wants to know how it will look in the space. Our jurisdiction is not only the resource areas but also the view shed.
Madden – The March material provided more details on the nature of the structure. The site line of the coastal bank is unobstructed.
Phillips – Reiterated her desire for a more robust alternative analysis – more specificity about what was looked at.
Beale – Pointed out that a second dwelling must have a common access to the main house so will have to be reviewed by the Planning Board.
Engelbourg – At the top of the proposed stairs, there is a retaining wall; asked what the purpose of that is.
Golding – The drawing of the proposed dwelling doesn't indicate it is in a flood zone.
Madden – Trying to reestablish the upper portion and will use biodegradable erosion blankets. The structure sketch was done a few years back that didn't take into consideration what is need for building in a flood zone.

PROPOSED

Golding – With the lack of the flood zone information and the architectural drawings, you are asking us to approve an "pretend" structure. The boathouse should be removed from the application.

Carlson – R.J. Turcotte, Nantucket Land Council, Inc. said the commission doesn't have enough information; LEC doesn't specify where sediment is located; agrees the wetland to the east is a bordering vegetated wetland.

Cohen – There is a reasonable alternative to building within the 50-foot buffer; there is plenty of space up the hill outside both the 50- and 100-foot buffers. This is not a boathouse but a dwelling; the commissioner doesn't allow a new dwelling within the 50-foot buffer. Also, there are no proper plans for the structure. The testing data is significantly different from testing done on the abutting property a couple of feet away; that should be confirmed by the 3rd party before granting the separation from groundwater waiver. He questions the net benefit because they are denuding the bluff in order to revegetate it. The second dwelling requires Planning Board approval; this application was submitted without Planning Board approval especially for the second curb cut. Part of the mitigation is shown on the abutter's property; they don't have permission for that. This doesn't meet the basic standards for moving forward with a decision.

Smyers – His main concern is depth to groundwater. Asked about the soil profile. Suggested meeting out there to dig a test hole in the presence of someone from ConCom. Thinks the soil will be relatively similar throughout the area. There was talk about the flood zone and the structure; asked how it is elevated and if it has flood vents.

Erisman – We asked for more detail on that. Asked if staff could confirm the groundwater. We should schedule for staff to check the groundwater.

Topham – Asked what time of year the water was tested; you can get varying grades of water based upon the season and tide.

Alger – On the label of the structure, we've never pretended this was a water dependent use. It might not be approved as a second dwelling, but it could be an office or study. Disagrees about the parking requirement. It is similar to 72 (or 68) Monomoy Road with a similar situation of a policy coastal bank. She's happy to have Mr. Madden work on the testing.

Golding – This is not a boathouse; it is a storage place in which a boat might be placed.

Further discussion on the label of boathouse.

Phillips – It was mentioned the location for this was chosen for convenience; that is not relative to an alternative analysis.

Madden – Asked for a 2-week continuance.

Staff — Staff will work with the applicant to schedule a soil test with staff present. In reevaluating soils, we are looking at other characteristics of the soil.

All we are concerned about is that the record indicates it is non-water-dependent structure.

Motion — Continued to October 1st meeting.

Roll-call Vote — N/A

6. *Jeffrey H. Johnston – 131 Wauwinet Road (12-5) SE48-3338

Sitting — Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation — Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative — Brian Madden, LEC Environmental
Don Bracken, Bracken Engineering

Public — None

Discussion (7:04) — **Madden** – The entire property is coastal dune and barrier beach with intermittent wetlands. This is for construction of a 10X20 parking area within a highly fragmented portion of the dune. Area of work will be encompassed by a silt fence and parking enclosed in a small berm to mitigate runoff. An elevated Fibergrate boardwalk will go through the vegetated wetland and portion of the coastal dune. Explained mitigation for work through the wetland. The project is designed to avoid impact to the resource areas. The driveway material will be pervious with no edging or hardened features.

Golding – The plan says any boardwalk exceeding 30 inches might require a handrail. Asked for confirmation it will not get that high.

Madden – It's proposed to be no more than 18" off grade.

Erisman – Her concern is that the Trustees are asking people to air-down farther down the road; she's concerned they will air-down here and widen the mouth of the driveway.

Madden – We don't want people pulling in there; we can look at signage and other measures.

Carlson – Burton Balkind noted this area floods during high-water events; asked if that has been considered.

Madden – We are not proposing anything that will restrict infiltration.

Staff — The handrail is a standard note engineers put on a plan to cover themselves.

A seasonal post with chain would be okay; it can come down off-season; he doesn't think it can be conditioned.

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

7. Nantucket Island Land Bank – 35 Almanack Pond Road (46-7.1) SE48-3317 **(Cont. 10/01/2020)**

PROPOSED

8. *Tina Eger McGoldrick Trust – 33 Quidnet Road (21-27.2) SE48-3327

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative David M. Haines, Haines Hydrogeologic Consulting
Public None
Discussion (7:14) **Haines** – The haven't heard from Massachusetts Natural Heritage. Resource areas: isolated pond and associated wetland and bank. This is for a new driveway; the plans will be revised to reflect Massachusetts Natural Heritage concerns. Closest point of driveway to the bordering vegetated wetland is 40 feet; no waivers are required. Existing vegetated buffers will be maintained. They are not planning on ripping out the old driveway at this time.

Golding – If they want to put in a new driveway, the asphalt should be removed; thinks that would be a distinct benefit.

Haines – He will bring that up with the applicant and the abutting property owner. Asked for a 2-week continuance.

Staff The area of asphalt is outside our jurisdiction.
Motion Continued to October 1st meeting.
Roll-call Vote N/A

9. *Emeritus Ltd – 73 Baxter Road (49-27) SE48-3339

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative David M. Haines, Haines Hydrogeologic Consulting
Public None
Discussion (7:20) **Haines** – This is to relocate and renovate an existing garage within the buffer to the top of bank to 'Sconset Bluff. It is outside the 50-foot buffer, so no waiver is required. There will be minor regrading and landscaping around the structure.

Golding – Asked the construction date of the garage and if moving it removes any protection.

Haines – He doesn't know the date. The house was moved forward away from the bluff.

Erisman – Doesn't think it is wise to be adding a structure closer to the edge of the eroding bluff.

Staff The garage is circa mid-1990s. Besides, moving it would void any pre-1978 qualifications.
Have everything needed to close.
Motion **Motion to Close.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

10. *Mary Jo Buckland – 113 Hummock Pond Road (546-59) SE48-3330 **(Cont. 10/15/2020)**

11. *Abramson – 80 Millbrook Road (40-79.1) SE48-3340

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Mark Rits, Site Design Engineering
Public None
Discussion (7:28) **Rits** – This is for construction of a retaining wall, pool, and secondary dwelling outside the 50-foot buffer to a bordering vegetated wetland. Proposing an elevated Fibergrate boardwalk through the wetlands.

Golding – He would like to see elevations of the grading work within the 50-foot buffer to know what it entails.

Carlson – R.J. Turcotte, Nantucket Land Council, Inc. – Nantucket Land Council is concerned about disturbance in this area and they don't believe 3.02(B)(1) performance standard is being net. Much of this area is native and priority habitat; 50% of the area must not be altered and the applicant must demonstrate that on a plan.

Rits – We can provide and exact calculation. We have approximately 60% to 65% native vegetation within the 25- and 50-foot buffers. The clearing has been maintained in its condition since the 1980s. Asked for a 2-week continuance for Massachusetts Natural Heritage review.

Staff None
Motion Continued to October 1st meeting.
Roll-call Vote N/A

PROPOSED

12. *New England Development – Commercial Wharf (42.2.4.3-Various) SE48-3342

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Katherine Barnicle, Sr Wetland Scientist A.E. Com
Mike Duffy, New England Development
Richard Beaudette, Vaughan, Dale, Hunter, and Beaudette P.C.

Public None

Discussion (7:36) **Barnicle** – This is similar to work permitted on Old South Wharf; replacement in kind of corrugated sheeting and finger piers extending to the north. The resource areas: land subject to coastal storm flowage, land under the ocean, coastal bank, and land containing shellfish. Submitted NOI to Division of Marine Fisheries (DFM) and received a comment back; we will be getting an Army Corps of Engineers (ACE) permit to do the work. DMF referred to restrictions regarding the spawning winter flounder; will place a turbidity curtain. Installation will be by vibratory hammer with work from the upland and barges. The barges won't be placed where they can be grounded at low tide. Reviewed in detail all the work being done and construction method.

Golding – Asked if the ACE fee is substantial. He didn't realize flounder spawned in the harbor. Asked about the angled pile.

Barnicle – The land under the ocean impact fee is around $10,000 range; explained how the fee is used to reestablish shellfish beds and eel grass beds. There is habitat for flounder spawn areas in the harbor. Angled pile will be on the eastern side only; explained angled pile.

Duffy – Typically a bulkhead system has the sheeting then an angled tie-back at a 45-degree angle deep into the earth; we can't do that on that side.

Topham – Petrel Landing will get an upgrade; asked if the wall be tied into that. Asked if the tie-backs are impact hammered in or helical screws.

Duffy – He's not positive on how the angled tie-backs are anchored. Regarding Petrel Landing, we are going only to the property line at this point.

LaFleur – When we did North Wharf, we drilled anchors diagonally behind the bulkhead. He's surprised they are using a battered wooden sheet.

Phillips – With regard to the property, Town has had trouble in the past when projects aren't well coordinated. Asked if they are in touch with all the abutting property owners.

Duffy – We've done outreach and spoken to abutters. The new sheeting will be placed directly in front and tied back and be at the same height. The design is to have minimal impact on abutting properties.

Phillips – The fact plans are specific regarding taking resiliency into account, she was very glad to see that.

Engelbourg – Harbors and estuaries provide habitat or spawning fish; this area would be suitable.

Erisman – She recalls conversations about potentially contaminated soils at Petrel Landing; she's concerned that if Meridian House soil is excavated, it might be contaminated.

Topham – Cited a worksite he was on where oil rose to the surface of holes. He is certain there will be oil.

Barnicle – The turbidity curtains should catch anything from getting out of the work area. If it happens, we'll take care of it.

LaFleur – He drove the sheeting on the abutting property; there was very little issue with oil.

Staff Contamination is contained to the Tank farm and Electric Company land.
Have everything needed to close.

Motion **Motion to Close.** (made by: Topham) (seconded)

Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

13. *Ruth Connor Baltzer 66 Hulbert Nominee Trust – 66 Hulbert Avenue (29-55) SE48-3341

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale

Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.

Representative Paul Santos, Nantucket Surveyors
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Caroline Baltzer Ph.D., co-owner

Public None

Discussion (8:07) **Santos** – Resource areas are land subject to coastal storm flowage and an isolated vegetated wetland. There is an LEC Environmental report in the submittal. This is to relocate a house from 60 Walsh Street onto this property and relocate an existing garage from the Walsh Street side to the Hulbert Avenue side. The relocation site of the house is into a previously disturbed area and within buffer to the isolated vegetated wetland. This has been approved by the Planning Board including a second curb cut; also have Historic District Commission approval. The house 1st floor must be place at elevation 8.5. Reviewed the benefit analysis. Reviewed the planting plan for the reclamation of the 25-foot buffer. Requesting a waiver for work within the 50-foot buffer.

Beale – Asked why the house isn't being sited to take it more out of the 50-foot buffer.

Santos – Must maintained the 10-foot separation between the houses and to protect an existing cherry tree.

Phillips – It is really good to see this kind of recycling of a house.

Topham – Asked where the split rail fence will go.

Santos – It will be placed about 8 feet away from the 25-foot buffer for additional protection.

PROPOSED

Staff Clarified that recessing the stairs was to minimize intrusion within the 50-foot buffer.
Have everything needed to close.
Motion **Motion to Close.** (made by: Topham) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

B. Amended Order of Conditions

1. Gisela G. Lienhard – 11 Jonathan Way (75-42) SE48-3217

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Jeff Blackwell, Blackwell & Assoc.
Public None
Discussion (8:29) **Blackwell** – This was continued for a landscape plan. Unfortunately, the landscape designer has not yet completed the plan. Mr. Carlson included the condition that no construction will commence without submission of the landscape plan.
Staff We had a lot of suggestions for conditions; suggested closing the hearing then discuss the draft order and vote on that.
Motion **Motion to Close.** (made by: LaFleur) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye
Documentation Draft Order
Staff Specific conditions for this are Conditions 22 through 36; reviewed those conditions.
Discussion (8:33) **Golding** – The conditions are very comprehensive.
Motion **Motion to Issue.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Trevor & Margaret Price – 10 Long Pond Road (31-631) SE48-3223

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Brian Madden, LEC Environmental
Public None
Discussion (8:37) **Madden** – This is to add solar panel arrays in a field abutting the property within the 50-foot buffer to a wetland.
Staff None
Motion **Motion to Issue as amended.** (made by: Beale) (seconded)
Roll-call Vote Carried 6-0//Beale, Engelbourg, Erisman, Golding, LaFleur, and Topham-aye; Phillips recused.

3. August Pointe, LLC – 7 Walsh Street (42.4.1-55) SE48-3120

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Jeff Blackwell, Blackwell & Assoc.
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Public None
Discussion (8:40) **Blackwell** – There were some minor departures from the original Order of Conditions; reviewed those differences.
Topham – Asked how the patio was laid (in cement).
Staff Have everything needed to issue.
Motion **Motion to Issue.** (made by: LaFleur) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

4. Heydt – 20 Western Avenue (87-74) SE48-3282

Sitting Erisman, Golding, LaFleur, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Jeff Blackwell, Blackwell & Assoc.
Public None
Discussion (8:43) **Blackwell** – This is to convert a brick patio into a wooden deck and convert the trash bin to a small shed for storage of equipment and to attach the shed to the house.
Golding – Asked about rain run-off on the stone patio.
Blackwell – The bluestone patio is proposed to be dry-laid, but he doesn't expect it to be constructed. An appropriate condition to add would be that the patio is pitched east-west to direct runoff to the lawn, not the coastal dune.
Staff Will add the condition pitching the patio.
Motion **Motion to Close and Issue as amended.** (made by: Beale) (seconded)
Roll-call Vote Carried 6-0/Beale, Engelbourg, Erisman, Golding, LaFleur, and Phillips-aye; Topham recused

PROPOSED

5. Netore, LLC – 34 Dukes Road (56-187) SE48-3196

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Jeff Blackwell, Blackwell & Assoc.
Public None
Discussion (8:51) **Blackwell** – We are proposing slight adjustments to the house. House will be pulled about 1 foot away from the wetland boundary and add a porch on the west side outside the 50-foot buffer. A future pool will also be pulled away from the wetland.
Staff Have everything needed to close and issue.
Motion **Motion to Issue 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. Nantucket Memorial Airport – 33 Squam Road (21-1)

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
Representative Kevin Grant, Federal Aviation Administration (FAA) Environmental Engineer
Public None
Discussion (8:53) **Grant** – This site is the outer marker for Runway 24; the technology is outdated, and we are looking to dispose of the facility. It is within the buffer to a sub-swamp wetland. Runoff created will be controlled. Work would be with one small excavator and maybe 2 workers and take about one day.
Topham – Asked what will happen to the land.
Grant – We plan on letting the native vegetation to grow back; what happens to it is up to FAA Realty Department.
Staff Recommend Negative 3 allowing the work.
Motion **Motion to Issue with a Negative 3.** (made by: Engelbourg) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Daniel W. & Linda C. Cummings – 36 Crooked Lane (41-330)

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 (8:58) **Gasbarro** – This is to clarify an NOI is not required to finish the driveway, install a split-rail fence to maintain the 25-foot buffer, and a planting plan.
Engelbourg – The planting plan has a Festica Ovina, which is non-native; asked that be stricken.
Staff Recommend a Neg 3 and strike the Festica Ovina from the planting plan
Motion **Motion to Issue as modified.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

D. Certificates of Compliance

1. Silver Fox Partners Real Estate, LLC – 235 Madaket Road (59.4-364) SE48-3121 **(Cont. 10/29/2020)**
2. E. Garrett Bewkes, III – 67 Squam Road (13-14) SE48-2836
3. E. Garrett Bewkes, III – 67 Squam Road (13-14) SE48-2940

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Representative Art Gasbarro, Nantucket Engineering & Survey
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Staff Concur with that assessment.
Discussion (9:02) **Gasbarro** – Work for the foundation under SE48-2836 did not occur. Work is substantially in compliance.
Motion **Motion to Issue both SE48-2836 and SE48-2940.** (made by: Topham) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

4. Arthur I. Reade, Jr. Trustee – 47 Monomoy Road (54-295) SE48-2843

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Representative Paul Santos, Nantucket Surveyors
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Staff Work is in compliance. Recommends carrying forward the pool conditions.
Discussion (9:04) **Santos** – Work is in compliance.
Motion **Motion to Issue with on-going conditions relating to the pool.** (made by: Topham) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

PROPOSED

5. Beach Nut, LLC – 1A Crow's Nest Way (12-24) SE48-2895

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Representative Paul Santos, Nantucket Surveyors
Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
Staff Recommend issue with on-going Condition 19 regarding discharge of the Pool and Condition 21 requiring lights aimed down
Discussion (9:06) **Santos** – Work is in compliance; it has a pool.
Motion **Motion to Issue with ongoing Conditions 19 & 21.** (made by: Phillips) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

E. Orders of Condition

1. The Town of Nantucket – Pier – 34 Washington Street (42-2.3.2) SE48-3332

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Asked if there are any requests. He will type up something for this for approval at the next meeting.
Discussion (9:08) No specific requests
Motion No motion at this time.
Roll-call Vote N/A

2. Jeffrey H. Johnston – 131 Wauwinet Road (12-5) SE48-3338

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Photo monitoring conditions and Condition 21 requiring a berm to direct runoff away from the resource area. Will add Condition 19 requiring photo monitoring of the driveway area.
Discussion (9:08) **Engelbourg** – We talked about signage to keep people from pulling off to air-down.
Golding – Noted a spelling error. He doesn't support signs and chains; people will drive over it.
Erisman – The airing down has become an issue and the Trustees are encouraging airing down in that area. Suggested a condition that if there is destruction within the next 3 year they come in to fix it.
Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

3. Emeritus Ltd – 73 Baxter Road (49-27) SE48-3339

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Called out Finding 2 that the garage is not pre-1978 structure.
Discussion (9:13) None
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

4. New England Development – Commercial Wharf (42.2.4.3-Various) SE48-3342

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Asked if there are any thoughts or concerns outside the turbidity curtains.
Discussion (9:15) None
Motion Continued to October 1st meeting
Roll-call Vote N/A

5. Ruth Connor Baltzer 66 Hulbert Nominee Trust – 66 Hulbert Avenue (29-55) SE48-3341

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Documentation Draft Order of Conditions
Staff Condition 10 all material outside the 50; native plants and yearly photo monitoring.
Discussion (9:16) None
Motion **Motion to Approve as drafted.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

F. Public Hearing

1. Amendment of the Town of Nantucket Conservation Commission Wetland Protection Regulations **(Cont. 10/01/2020)**

G. Other Business

1. Approval of Minutes 9/3/2020:
Engelbourg – The date on the minutes should be September 3, 2020.

Motion **Motion to Approve as amended.** (made by: Golding) (seconded)
Roll-call Vote Carried unanimously//Beale, Engelbourg, Erisman, Golding, LaFleur, Phillips, and Topham-aye

2. Discussion of SBPF – 77-122 Baxter Road SE 48-1659; SBPF - 65-67 Baxter Road SE48-1602 **(Cont. 10/01/2020)**
3. BSS Hummock Pond, LLC & Hummock Pond Hold, LLC – 287/289 Hummock Pond Road (83-4:39) SE-3320

Sitting Erisman, Golding, LaFleur, Topham, Engelbourg, Phillips, Beale
Speakers We will back on the site tomorrow to ensure the house and material are being removed; they will be back with amended permits.
Discussion (9:19) **Erisman** – At some point will have to figure out the steel wall up the beach.

PROPOSED

4. Reports:
   a. CRAC, Golding
   b. CPC, Topham
5. Commissioners Comment
   a. Topham – Likes the list of representatives for applications.
   b. Engelbourg – September is Preservation Awareness Month.
6. Administrator/Staff Reports
   a. The MAT Conference this fall is all on line and spans a week; let us know if you want to sign up.
   b. 2021 Meeting Schedule: Probably remoting through the rest of this year and into the next; leaving meetings on Thursday, which allows us to shift our filing deadlines. The means we only have to advertise once and thus cut the cost of the fee. Changing the fee requires a regulatory change. Putting together a comparable fee study.
   Golding – We put something together about 5 years ago to increase fees to cover the cost of an enforcement officer. It sounds as though that wasn't implemented. Asked that be forwarded for fellow commissioners to look at.

H. Adjournment

Motion	**Motion to Adjourn at 9:33 p.m.** (made by: Golding) (seconded)
Roll-call Vote	Carried unanimously//Beale; Engelbourg; Erisman; Golding; LaFleur; Phillips; Topham-aye

Submitted by:
Terry L. Norton

PROPOSED