



NOTICE OF INTENT APPLICATION

**FOR RELOCATION OF A STRUCTURE
AND SITE RESTORATION
WITHIN LAND SUBJECT TO COASTAL STORM
FLOWAGE AND THE BUFFER ZONE TO
A BORDERING VEGETATED WETLAND**

At

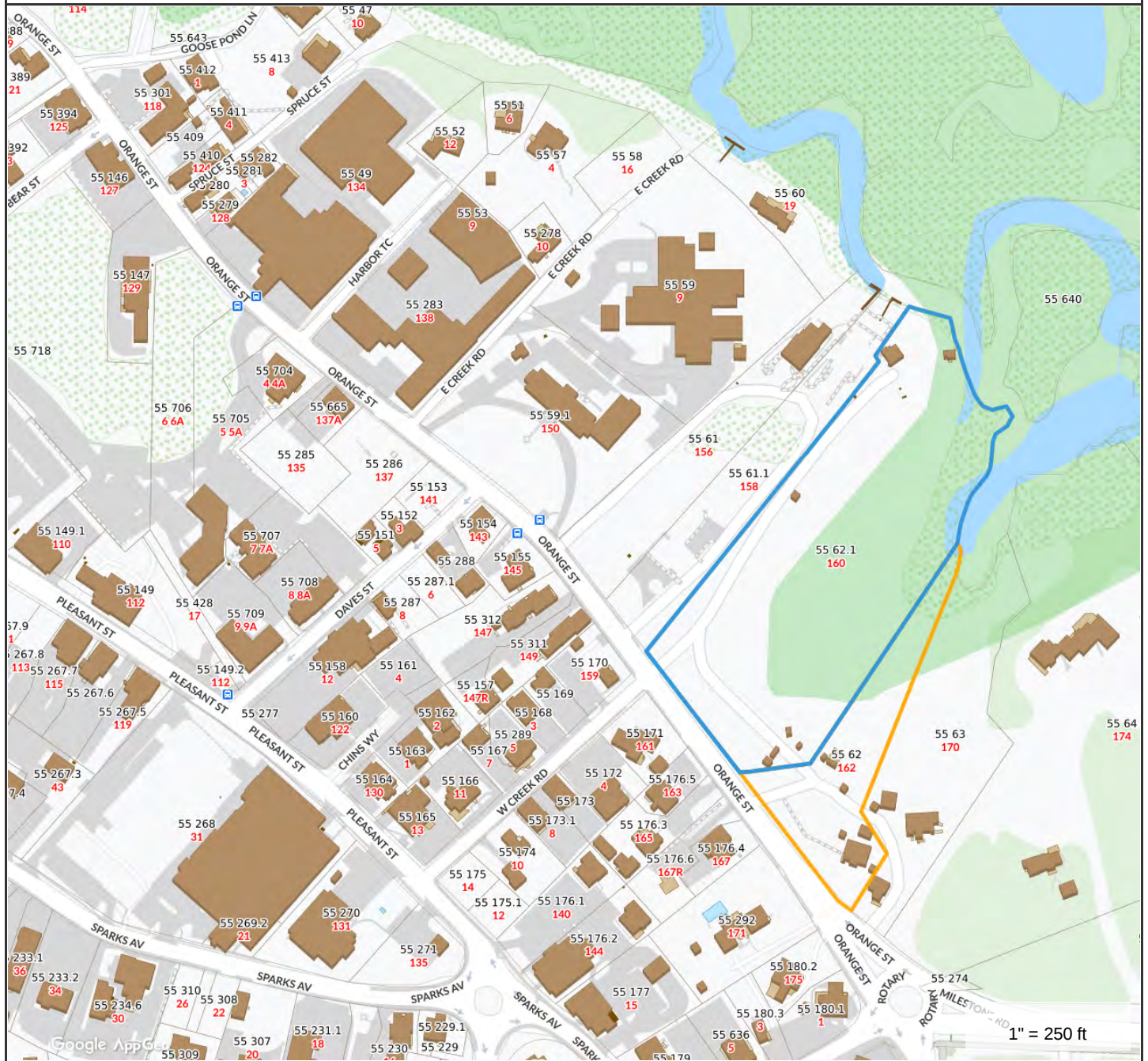
160 & 162 ORANGE STREET

MARCH 2021

Prepared For

NANTUCKET ISLANDS LAND BANK

Locus Map



Property Information

Property ID 55 62.1
Location 160 ORANGE ST
Owner NANTUCKET ISLANDS LAND BANK



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 Jan. 2021
 Data updated Jan. 2021



March 4, 2021

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

Re: Notice of Intent
170 & 162 Orange St
Map 55 Parcels 62.1 & 62

Dear Ms. Erisman:

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

Proposed activities at the Site include the relocation of an existing structure from 160 Orange Street within Land Subject to Coastal Storm Flowage and the Buffer Zone to a Bordering Vegetated Wetland, to 162 Orange Street. Attached are permit drawings, including plans showing a site locus, existing conditions including resource area locations, and proposed construction areas.

A completed WPA Form 3 – Notice of Intent is attached along with a check for \$201.07 to the Inquirer & Mirror for publication of the notice of the public hearing.

Notification of this NOI filing was provided to all abutting property owners by certified mail. This property owner listing was obtained from the Town of Nantucket Assessor's office. Documentation of the notification is provided including a copy of the notification letter, the property owner listing and certified mail receipts.

SITE DESCRIPTION

The subject properties are approximately 6.4-acres in size and is located in the mid-island section of Nantucket Island. The property is located on the north side of Orange Street and Milestone Road, adjacent to the "Rotary", and is surrounded by developed residential-use properties. The lots contain several existing single-family dwellings, attendant structures and garage with appurtenant landscaping, and driveways. The buffer zone areas have been maintained for at least 50-years, pre-dating the Wetland Protection Act.

The Wetland Resource Area on locus subject to jurisdiction of the Commission are Land Subject to Coastal Storm Flowage, Saltmarsh, a Coastal Bank and a Bordering Vegetated Wetland, and the respective Buffer Zones which extend onto locus.

A review of the August 1, 2017 "Massachusetts Natural Heritage Atlas", prepared by the Massachusetts Natural Heritage and Endangered Species Program (NHESP), indicates that the work area is not within the known range of state listed rare wildlife species defined by the Estimated Habitat mapping.

WORK DESCRIPTION

The Applicant proposes to remove the existing structure including any rubble. Fill the area with clean sand, cover with topsoil and plant with a conservation seed mix. A basic foundation will be constructed at the proposed location and the structure relocated to that position.

WAIVER REQUEST

A waiver is required from Section 3.02.B.1 to allow a portion of the structure within the 50-foot buffer zone. Waivers from the By-law can be granted for a number of reasons including:

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

The proposed project will improve the interests protected in the resource area by the Commission by increasing the separation distance from the BVW from approximately 28-feet, to 40-feet. Further the structure is being relocated from within, to outside of LSCSF. The structure cannot be positioned further from the BVW due to the front yard zoning setback along Orange Street.

CONCLUSION

The proposed project will result in an overall net benefit without an adverse impact on the areas or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and wetland scenic views.

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

Sincerely,



Arthur D. Gasbarro, PE, PLS

Cc: MassDEP
Nantucket Islands Land Bank



WPA Form 3 – Notice of Intent

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



A. General Information

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

<u>160 & 162 Orange St.</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.271149 N</u>	<u>70.086261 W</u>
	d. Latitude	e. Longitude
<u>55</u>	<u>62.1 & 62, Respectively</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>a. First Name</u>			<u>b. Last Name</u>		
<u>Nantucket Islands Land Bank</u>					
c. Organization					
<u>22 Broad Street</u>					
d. Street Address					
<u>Nantucket</u>		<u>MA</u>		<u>02554</u>	
e. City/Town		f. State		g. Zip Code	
<u>h. Phone Number</u>		<u>i. Fax Number</u>		<u>j. Email Address</u>	

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

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

4. Representative (if any):

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

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

<u>Exempt</u>		
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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Provided by MassDEP:

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town

A. General Information (continued)

6. General Project Description:

The applicants propose to relocate an existing structure from 160 Orange Street, sited within Land Subject to Coastal Storm Flowage and the 50-foot buffer zone to a location on 162 Orange St, beyond LSCSF and further from the Vegetated Wetland, though partially within the 50-foot buffer zone. The location is limited by the front yard zoning setback. Please refer to the attached Project Narrative and Site Plans for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

979

c. Book

b. Certificate # (if registered land)

190

d. Page Number

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

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

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

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

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



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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. [] Bordering Land Subject to Flooding
e. [] Isolated Land Subject to Flooding
f. [] Riverfront Area
2. Width of Riverfront Area (check one):
[] 25 ft. - Designated Densely Developed Areas only
[] 100 ft. - New agricultural projects only
[] 200 ft. - All other projects
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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

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

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. [] Designated Port Areas
b. [] Land Under the Ocean
c. [] Barrier Beach
d. [] Coastal Beaches
e. [] Coastal Dunes



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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	1,200 +/- _____	
	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW _____	b. square feet of Salt Marsh _____
5. <input type="checkbox"/> Project Involves Stream Crossings		
	a. number of new stream crossings _____	b. number of replacement stream crossings _____

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/priority_habitat/online_viewer.htm.

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

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581**

8/1/17
b. Date of map _____



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

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

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ 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/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

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

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

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



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

- 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

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

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

North Shore - Hull to New Hampshire:

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

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

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

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

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

b. ACEC

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

a. Yes No

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

a. Yes No

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

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

- 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- 2. A portion of the site constitutes redevelopment
- 3. Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

- 1. Single-family house

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



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

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

D. Additional Information

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

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

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent

a. Plan Title	Nantucket Engineering & Survey, P.C.		Arthur D. Gasbarro, PE, PLS	
b. Prepared By	3/4/21		c. Signed and Stamped by	
d. Final Revision Date			e. Scale	
f. Additional Plan or Document Title			g. Date	

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.



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E. Fees

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



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

2. Municipal Check Number	3. Check date
4. State Check Number	5. Check date
6. Payor name on check: First Name	7. Payor name on check: Last Name

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	3/4/21
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
 Representative	3/4/21
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.

Structure to be relocated



Proposed
Structure
Relocation



55 61

55 61.1

55 62.1

55 62

55

PROPERTIES OWNER: NANTUCKET ISLANDS LAND BANK

55-62.1, 160 ORANGE STREET, DBK 979/190, LOT 2, PLFL 23-A
55-62, 162 ORANGE STREET, DBK 979/190, LOT 1, PLFL 23-A

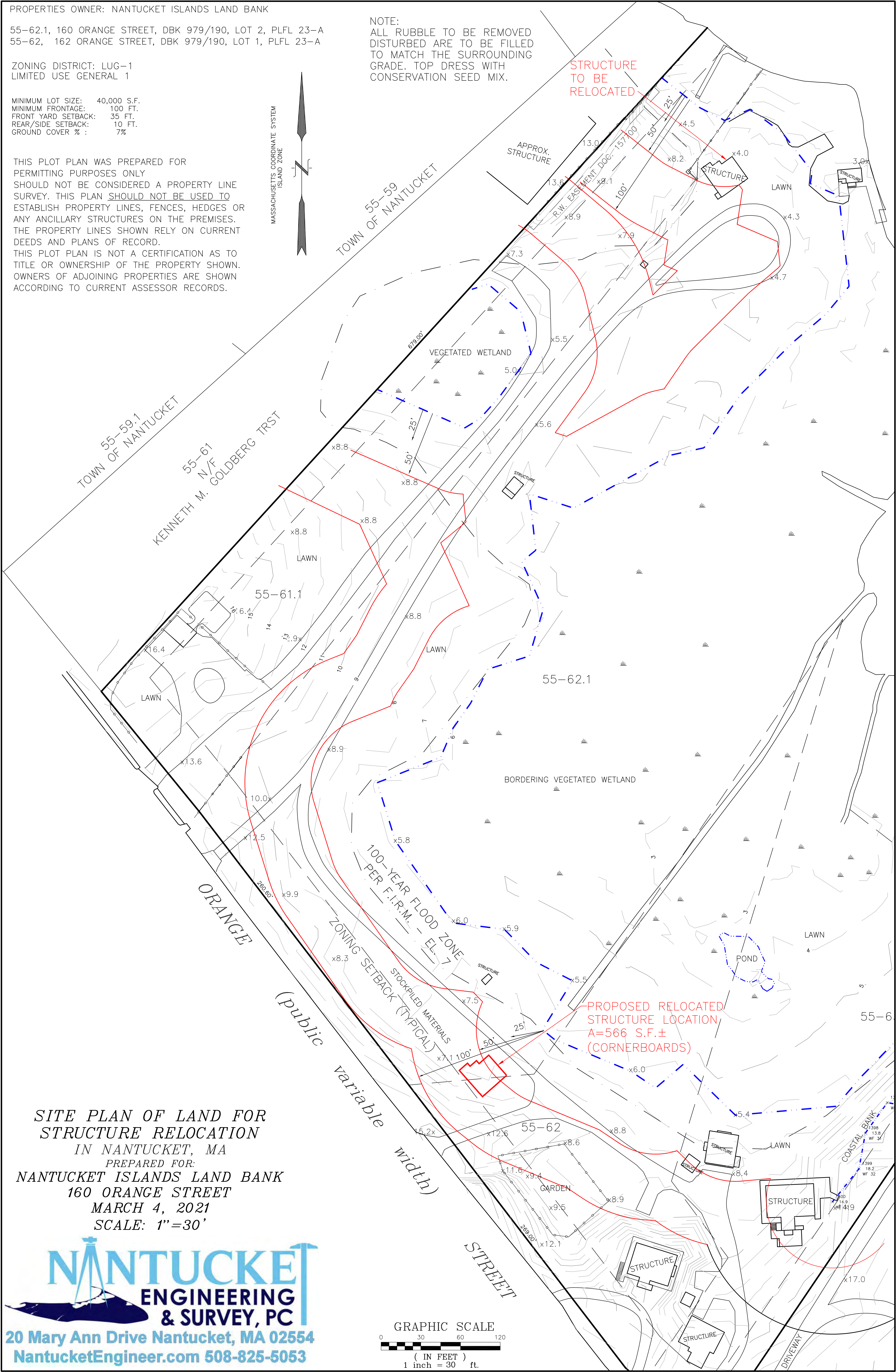
ZONING DISTRICT: LUG-1
LIMITED USE GENERAL 1

MINIMUM LOT SIZE: 40,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 35 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 7%

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

NOTE:
ALL RUBBLE TO BE REMOVED
DISTURBED ARE TO BE FILLED
TO MATCH THE SURROUNDING
GRADE. TOP DRESS WITH
CONSERVATION SEED MIX.

MASSACHUSETTS COORDINATE SYSTEM
ISLAND ZONE



**SITE PLAN OF LAND FOR
STRUCTURE RELOCATION**

IN NANTUCKET, MA

PREPARED FOR:

NANTUCKET ISLANDS LAND BANK

160 ORANGE STREET

MARCH 4, 2021

SCALE: 1"=30'

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

