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RICHARD J. GLIDDEN
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JOHN B. BRESCHER

JAMES K. GLIDDEN
(1917 – 2009)

July 13, 2021

Via Email Only (jdodd@nantucket-ma.gov)

Joanne Dodd

RE: 13 Commercial Wharf
SE 48-1461

Dear Joanne,

Enclosed please find the following:

1. Request for Certificate of Compliance.
2. Copy of recorded Order of Conditions (Document Number 93423).
3. Check payable to the Town of Nantucket in the amount of \$25.00 to cover filing fee.

This letter will certify that the work was never started, and the Order of Conditions has expired.

Thank you for your assistance and let me know if you need any additional documentation.

Very truly yours,



Richard J. Glidden
RJG:alp

Cc: Ryan Kelly (rpk@parkerscheer.com)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8A – Request for Certificate of Compliance

SE 48-1461
Provided by DEP

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

A. Project Information

Important:

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



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

1. This request is being made by:(current Title holder):

David F. Muller

Name

87 Chestnut Street

Mailing Address

Boston

City/Town

MA

State

02108

Zip Code

508-680-4200

Phone Number

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

David F. Muller

Applicant

July 6, 2001

Dated

DEP File Number

3. The project site is located at:

13 Commercial Wharf

Street Address

Nantucket

City/Town

42.24

Assessors Map/Plat Number

10

Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Property Owner (if different)

Nantucket

County

Book

Page

19728 / Document No. 93423

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>).

Document No. 093423
Order of Conditions

Document No. 093423

000278

Sanhuket Registry District

JUL 23 2001

RECEIVED FOR REGISTRATION

10 O'CLOCK 10^m A^m M

NOTED ON CERTIFICATE NO. 19728

IN REGISTRATION BOOK PAGE

ATTEST *James D. Kelley* ASST RECORDER

000274

093423



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:

SE48-1461

Provided by DEP



Nantucket Wetlands
Bylaw (Chapter 136)

A. General Information

From:

Nantucket Conservation Commission
Conservation Commission

This issuance is for (check one):

- Order of Conditions
- Amended Order of Conditions

To: Applicant:

David Muller
Name
Mile Crk Capital 30-31 Union Wharf
Mailing Address
Boston MA 02109
City/Town State Zip Code

Property Owner (if different from applicant):

same David F. Muller
Name
Mailing Address
City/Town State Zip Code

1. Project Location:

13 Commercial Wharf Nantucket
Street Address City/Town
42.2.4 10
Assessors Map/Plat Number Parcel/Lot Number

2. Property recorded at the Registry of Deeds for:

Nantucket
County Book Page
19,728
Certificate (if registered land)

3. Dates:

May 11, 2001 July 5, 2001 July 6, 2001
Date Notice of Intent Filed Date Public Hearing Closed Date of Issuance

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

Plan Prepared to Accompany a Notice of Intent Showing Existing Conditions	April 2, 2001
Title	Date
Plan Prepared to Accompany a NOI Showing Proposed Conditions	April 2, 2001
Title	Date
Title	Date

5. Final Plans and Documents Signed and Stamped by:

Michael S. Bachman
Name

6. Total Fee:

\$ 250.00
(from Appendix B: Wetland Fee Transmittal Form)

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:

SE48-1401
Provided by DEP**B. Findings**

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. Check all that apply:

- | | | |
|---|--|--|
| <input type="checkbox"/> Public Water Supply | <input checked="" type="checkbox"/> Land Containing Shellfish | <input checked="" type="checkbox"/> Prevention of Pollution |
| <input type="checkbox"/> Private Water Supply | <input checked="" type="checkbox"/> Fisheries | <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| <input type="checkbox"/> Groundwater Supply | <input checked="" type="checkbox"/> Storm Damage Prevention | <input checked="" type="checkbox"/> Flood Control |
| <input checked="" type="checkbox"/> Recreation (Bylaw) | <input checked="" type="checkbox"/> Erosion and Sediment (Bylaw) | <input checked="" type="checkbox"/> Wildlife (Bylaw) |
| <input checked="" type="checkbox"/> Wetland Scenic View (Bylaw) | <input checked="" type="checkbox"/> Protection of Wildlife Habitat (Bylaw) | |

Furthermore, this Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- the following conditions which are necessary, in accordance with the performance standards set forth in the wetlands regulations, to protect those interests checked above. 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.

Denied because:

- the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations to protect those interests checked above. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect these interests, and a final Order of Conditions is issued.
- 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).

General Conditions (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.



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

093423

DEP File Number:

SE48-1461

Provided by DEP

B. Findings (cont.)

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. 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.
7. 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.
8. 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 this 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.
9. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MA DEP"]
"File Number SE48-1461 "
10. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before DEP.
11. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
12. The work shall conform to the plans and special conditions referenced in this order.
13. Any change to the plans identified in Condition #12 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.
14. 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.



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:

SE48-1461

Provided by DEP

B. Findings (cont.)

15. 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.
16. 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.
17. 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.

Please reference attached findings and additional conditions

Findings as to municipal bylaw or ordinance

Furthermore, the Nantucket Conservation Commission hereby finds (check one that applies):
Conservation Commission

that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw specifically:

Municipal Ordinance or Bylaw

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.

that the following additional conditions are necessary to comply with a municipal ordinance or bylaw, specifically:

Nantucket

Chapter 136

Municipal Ordinance or Bylaw

Citation

The Commission orders that all work shall be performed in accordance with the said additional 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.

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093423



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:

SE48-146J
Provided by DEP

B. Findings (cont.)

Additional conditions relating to municipal ordinance or bylaw:

Please reference attached findings and additional conditions

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Date July 6, 2001

This Order must be signed by a majority of the Conservation Commission. 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 (see Appendix A) and the property owner (if different from applicant).

Signatures:

Wallace Howard
Peter Hall
Virginia Andrews
Albert Manning

[Handwritten signatures]

[Handwritten signature] Clark Whitcomb
[Handwritten signature] Archibald McCall

On 5th Day Of July 2001 Month and Year

before me personally appeared

The Above Commissioners

to me known to be the person described in and who executed the foregoing instrument and acknowledged that he/she executed the same as his/her free act and deed.

[Handwritten signature]
Notary Public Margaret F. Pacheco

September 17, 2004
My Commission Expires

This Order is issued to the applicant as follows:

by hand delivery on

by certified mail, return receipt requested, on

Date July 6, 2001

Date

000279

093423



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:

SE48-146 |
Provided by DEP

C. 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 DEP 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 Appendix E: 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.

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.

D. Recording Information

This Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on Page 7 of Form 5 shall be submitted to the Conservation Commission listed below.

Nantucket Conservation Commission
Conservation Commission



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:
SE48-146 I
Provided by DEP

D. Recording Information (cont.)

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Nantucket Conservation Commission
Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location _____ DEP 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
David Muller
DEP FILE NUMBER SE48-1461
ASSESSOR'S MAP 42.2.4, PARCEL 10
13 Commercial Wharf
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 removal/demolition of the existing dwelling and construction of a replacement residential dwelling within land subject to coastal storm flowage, the buffer zone to a coastal beach and filled tidelands.

FINDINGS

1. Applicant's Name David Muller DEP File Number SE48-1461.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 5/11/2001 and the Plans of Record (Existing House and Proposed House) dated 4/2/01 and signed by Michael Bachman.
3. Areas subject to protection/regulation are coastal beach, 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 7/5/2001 and a vote to issue Orders taken by the Commission on 7/5/2001.
5. This Order permits the removal/demolition of the existing dwelling and construction of a replacement residential dwelling within the buffer zone to the coastal beach, within land subject to coastal storm flowage and filled tidelands. A waiver is required for work within 50' of the coastal beach.
6. The Commission recognizes that the removal/demolition of the existing building with reconstruction of the replacement building farther back from the beach and in accordance with the State Building Code for construction in a floodplain will serve to improve the natural capacity of the wetland resource areas and to protect the interests in the Town of Nantucket Wetlands Protection Bylaw.
7. The Commission finds that the replacement of the existing residential dwelling qualifies as a pre-existing use.
8. The Commissions finds that the project as proposed and permitted qualifies for waivers to the Nantucket Wetland Protection Bylaw Regulations, Section 1.03(F)(2)(d & e).

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 a siltation fence with staked haybales shall be placed as shown on the plan of record and as described within the project description. **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 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 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/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 wetland; the edge of the wetland; the grade contours within 100 feet of the wetland, including all grading related to the wetland replication project; and detailed mapping of plantings for wetland replication project.
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 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 maintenance conditions are complied with as required by this Order.
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 in tact. 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' of any wetland or within any velocity (V) floodzone as indicated on the most recent FEMA floodplain maps.

16. No work under this Order of Conditions may go forward 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.

ADDITIONAL SPECIAL CONDITIONS

18. Used petroleum products from the maintenance of construction equipment, construction debris, and unused paint-related products shall be collected and disposed of responsibly off the site. No on-site disposal of these items is allowed.
19. All demolition debris shall be disposed of at a properly licensed disposal facility. All demolition debris shall be stored outside of any wetland resource area or within appropriate solid waste containers located in the coastal floodplain - A Zone only.
20. No construction materials shall be placed within the coastal beach or within 25' of Mean High Water as shown on the plan of record.
21. All work relating to the project shall be in accordance with
 - the procedures outlined in the narrative provided with the Waiver Request dated 5/17/01 from Nantucket Surveyors
 - the plan of record showing the proposed house dated 4/2/01 and stamped by Michael Bachman and
 - the State Building Code as administered by the Town of Nantucket Building Department.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

The Commission hereby grants waivers to Section 2.02 (B)(6) of the Wetlands Protection Regulations of the Town of Nantucket, under the Wetlands Bylaw (Chapter 136) which states that all proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal beach and all structures which are not water dependent shall be at least 50' from a coastal beach. The Commission finds that the work proposed within 25 and 50' of the coastal beach qualifies for waivers for the reasons as cited in Findings #6 & #7. Therefore, waivers are granted under the authority of Sections 1:03(F)(1) and 1:03(F)(2)(d and e) of the Wetlands Protection Regulations for the Town of Nantucket.

00028E

093423

Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Appendix E -- Request for Departmental Action Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

Project Location _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

2. Applicant (as shown on Notice of Intent (Form 3), Abbreviated Notice of Resource Area Delineation (Form 4A); or Request for Determination of Applicability (Form 1));

Name _____

Mailing Address _____

City/Town _____ State _____ Zip Code _____

Phone Number _____ Fax Number (if applicable) _____

3. DEP File Number:

B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions
- Superseding Determination of Applicability
- Superseding Order of Resource Area Delineation

Send this form and check or money order for \$50.00, payable to the *Commonwealth of Massachusetts* to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

000286

093423



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Appendix E – Request for Departmental Action Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a copy of this form and a copy of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see Appendix A).
4. 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.