

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

July 29, 2021

FedEX & Electronically

Nantucket Conservation Commission
131 Pleasant Street
Nantucket, MA 02554

**Re: Amend Order of Conditions SE48-3367
4 East Lincoln Avenue (Map 42.4.1, Parcel 49)
Nantucket, Massachusetts**

Dear Members of the Commission:

On behalf of the Applicants, please accept this letter as a request to Amend the above referenced Order of Conditions issued on 12/9/2020 to Brian A. Nester and Constantina Pippis-Nester for the above referenced project. A Site Plan has been prepared showing the proposed modifications.

The following changes are proposed:

- Reduce the size of the proposed dwelling;
- Add a 14' x 32' swimming pool with a stone patio;
- Remove stockade fence and replace with a new fence; and
- Add hedges and landscaping.

Enclosed you will find the recorded pages, abutter notification documents and three checks for the required filing fees; one payable to the Town of Nantucket for Twenty-Five Dollars (Bylaw Fee), a check for Two Hundred Dollars (Reviewer Fee) and the other payable to the Inquirer and Mirror for One-Hundred Sixty-Seven and fifty-six cents (Advertising Fee). Should you have any questions or require additional information in advance of the August 12th public hearing, please do not hesitate to contact me at 508-325-0044 or don@brackeneng.com.

Sincerely,

Bracken Engineering, Inc.

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', written in a cursive style.

Donald F. Bracken, Jr. PE
President



Cert: 27950 Doc: OOC
Registered: 12/18/2020 03:13 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- 3367

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:

Brian A. Nester
a. First Name b. Last Name

c. Organization
1995 Augusta Drive

d. Mailing Address

Center Valley PA 18034
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:

4 East Lincoln Avenue
a. Street Address b. City/Town

42.4.1
c. Assessors Map/Plat Number d. Parcel/Lot Number

41.289810 -70.098880
Latitude and Longitude, if known: d. Latitude e. Longitude

FINDINGS and ADDITIONAL CONDITIONS
 Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
 Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 4 East Lincoln Avenue
 Assessor's Map and Parcel: 42.4.1-49
 Property Owner: Brian A. Nester & Constantina Pippis-Nester
 Applicant: Brian A. Nester & Constantina Pippis-Nester
 DEP File Number: SE48-3367
 Filing Date: November 13, 2020
 Date Hearing Closed: December 3, 2020
 Date Orders Issued: December 9, 2020
 Plan of Record Information: Proposed Site Plan, November 11, 2020, stamped by
 Alan M. Grady, P.L.S. and Donald F. Bracken, Jr P.E.

Permit Overview:

This order permits the relocation and renovation of an existing structure, construction of a structure and installation of a driveway with associated grading, landscaping and utilities within Land Subject to Coastal Storm Flowage. 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.

AFFIDAVIT OF SERVICE

Under the
Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Regulations*

I, Penni L. Pomeroy, on behalf of the Applicants, Brian & Constantina Nester, hereby certify under the pains and penalties of perjury that on July 28, 2021, I gave notification to abutters in compliance with the Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Act*, in connection with the following matter:

A request to Amend Order of Conditions SE48-3367 was filed under the Town of Nantucket Bylaw (Chapter 136) and *Wetlands Protection Act* by Bracken Engineering, Inc., on behalf of Brian & Constantina Nester with the Town of Nantucket Conservation Commission on July 29, 2021, for the property located at 4 East Lincoln Avenue, Map 42.4.1 Parcel 49, in Nantucket, Massachusetts.

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



Penni L. Pomeroy
Bracken Engineering, Inc.

July 28, 2021

Date

TOWN OF NANTUCKET
CONSERVATION COMMISSION

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... Brian & Constantina Nester
MAILING ADDRESS..... 1995 Augusta Dr., Center Valley, PA 18034
PROPERTY LOCATION..... 4 East Lincoln Avenue
ASSESSOR MAP/PARCEL..... Map 4241, Parcel 49
 Bracken Engineering, Inc.
SUBMITTED BY..... 49 Herring Pond Road, Buzzards Bay, MA 02532

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.

Digitally signed by Rob Ranney
DN: cn=Rob Ranney, o=Town of
Nantucket, ou=Assessor's Office,
email=rranney@nantucket-ma.gov, c=US
Date: 2021.07.19 10:15:39 -04'00'

7-19-2021

DATE

ASSESSOR'S OFFICE
TOWN OF NANTUCKET

REGER ANDREW & BROOKE
52 BATTIN RD
FAIR HAVEN, NJ 07704

MASTAIN RICHARD K JR & ANNE A
7662 GLENWILD DRIVE
PARK CITY, UT 84098

GUDONIS LAUREN B TRST
CEB NOMINEE TRST
56 MASCONOMO ROAD
MANCHESTER, MA 01944

ACK EAST LINCOLN LLC
2626 GARFIELD ST NW
WASHINGTON, DC 20008

JONES MARYANN
176 ROWAYTON AVENUE
ROWAYTON, CT 06853

CARR MARTHA A TRUSTEE
C/O CARR ROBERT
2116 FOURTH AVE APT 1209
SEATTLE, WA 98121

LANE JAYNE E
41 MASSASOIT ROAD
DUXBURY, MA 02332

NAVILILYLUNA LLC
1332 LITTLE BLUE HERON CT
NAPLES, FL 34108

**NANTUCKET CONSERVATION COMMISSION
NOTICE OF PUBLIC HEARING**

Dear Abutter:

In accordance with MGL Chapter 131, Section 40, and pursuant to Regulation 310 CMR 10.05, et seq., and Nantucket By-Law Chapter 136, Section 4, you are hereby notified that a Public Hearing will be held during the Conservation Commission Meeting which begins at 5:00 p.m. in the first floor meeting room at the Public Safety Facility located at 4 Fairgrounds Road, Nantucket, MA 02554 on the following date:

August 12, 2021

Date of Public Hearing

**4 East Lincoln Avenue
Map 42.4.1, Parcel 49**

Street Address/ Map & Parcel

Brian & Constantina Nester

Applicant

The purpose of the meeting is to open a Public Hearing on a request to Amend Order of Conditions SE48-3367.

The proposed amendments to the project are to reduce the size of the proposed dwelling, add a 14' x 32' swimming pool with stone patio, remove stockade fence and replace with a new fence and add hedges and landscaping. The site is located within Land Subject to Coastal Storm Flowage (LSCSF).

Description of Proposed Work

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
131 Pleasant Street, Nantucket 508-228-7230.
Business hours (Monday-Friday 9 am -1 pm)

July 28, 2021

7020 3160 0000 4324 8488

U.S. Postal Service™
CERTIFIED MAIL® RECEIPT
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OFFICIAL USE

Postage: \$.51
Certified Fee: \$ 3.60
Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To REGER ANDREW & BROOKE
52 BATTIN ROAD
Street FAIR HAVEN, NJ 07704
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To ACK EAST LINCOLN LLC
2626 GARFIELD ST NW
Street WASHINGTON, DC 20008
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To JONES MARYANN
176 ROWAYTON AVENUE
Street ROWAYTON, CT 06853
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To MASTAIN RICHARD JR & ANNE
7662 GLENWILD DRIVE
Street PARK CITY, UT 94098
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To NAVILYLUNA LLC
1332 LITTLE BLUE HERON CT
Street NAPLES, FL 34108
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Return Receipt Fee: \$ 2.85
Total Postage & Fees: \$ 6.96



Total \$
Sent To LANE JAYNE E
41 MASSASOIT ROAD
Street DUXBURY, MA 02332
City, St (4 East Lincoln Ave. - AOOC)

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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Certified Fee:	\$ 3.60
Return Receipt Fee:	\$ <u>2.85</u>
Total Postage & Fees:	\$ 6.96



Co: _____
 \$ Total P GUDONIS LAUREN B TRST
 \$ Sent Tr CEB NOMINEE TRST
 \$ Street 56 MASCONOMO ROAD
 Street MANCHESTER, MA 01944
 City, St (4 East Lincoln Ave. - AOOC)

7020 3160 0000 4324 8556

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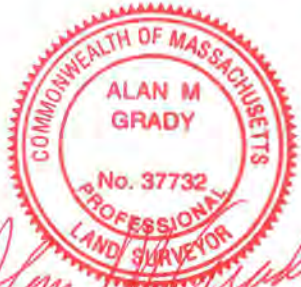
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OFFICIAL USE

Postage:	\$.51
Certified Fee:	\$ 3.60
Return Receipt Fee:	\$ <u>2.85</u>
Total Postage & Fees:	\$ 6.96



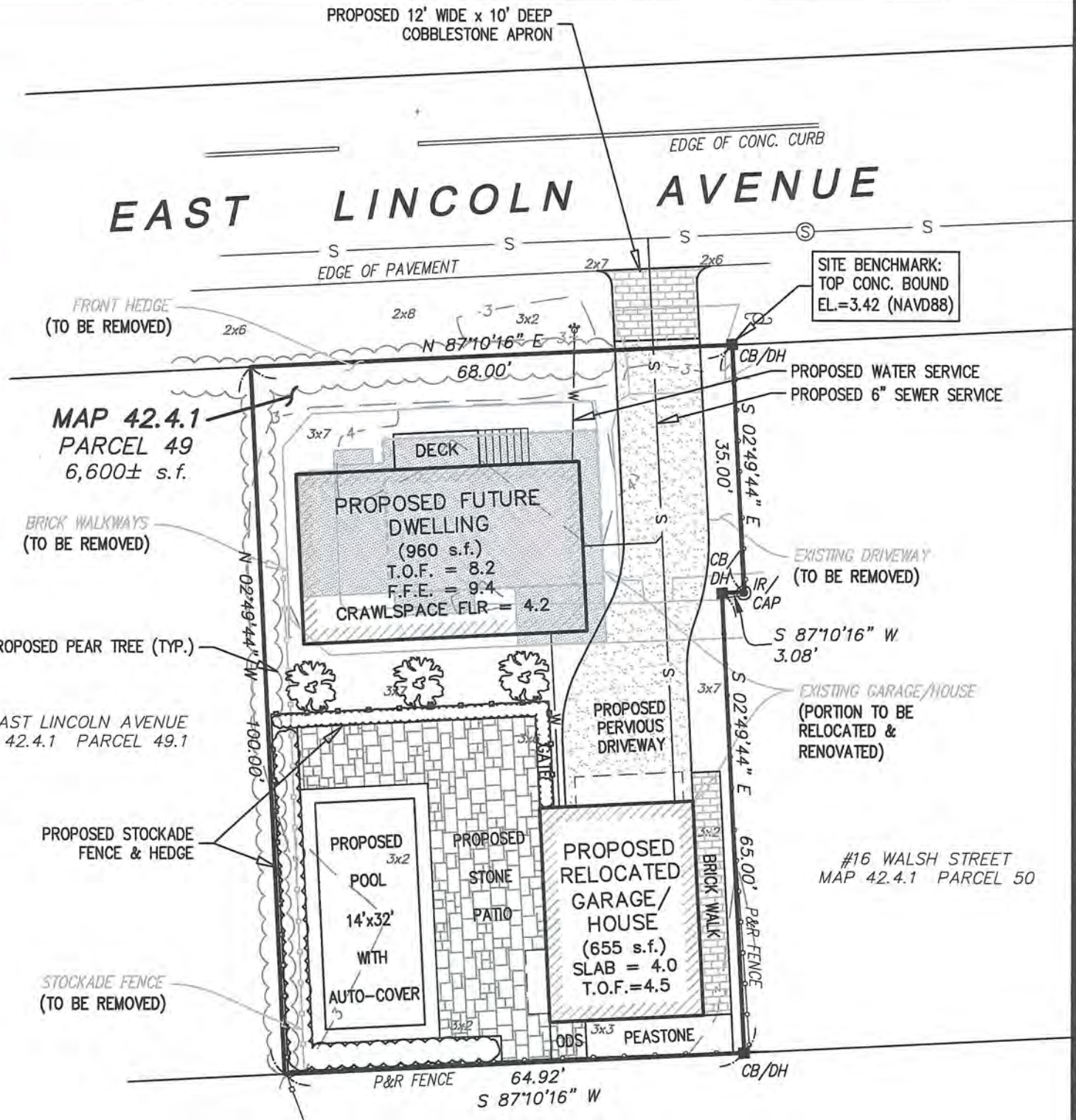
Co: _____
 \$ Total P CARR MARTHA A TRUSTEE
 \$ Sent C/O CARR ROBERT
 \$ Street 2116 FOURTH AVE APT 1209
 Street SEATTLE, WA 98121
 City, St (4 East Lincoln Ave. - AOOC)



Alan M. Grady



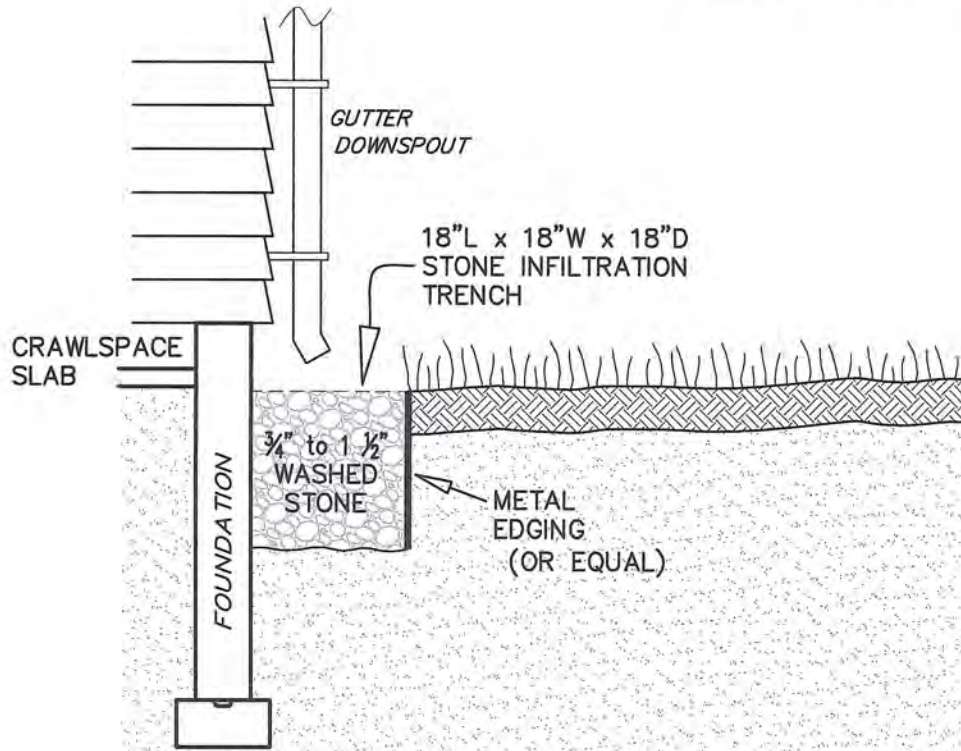
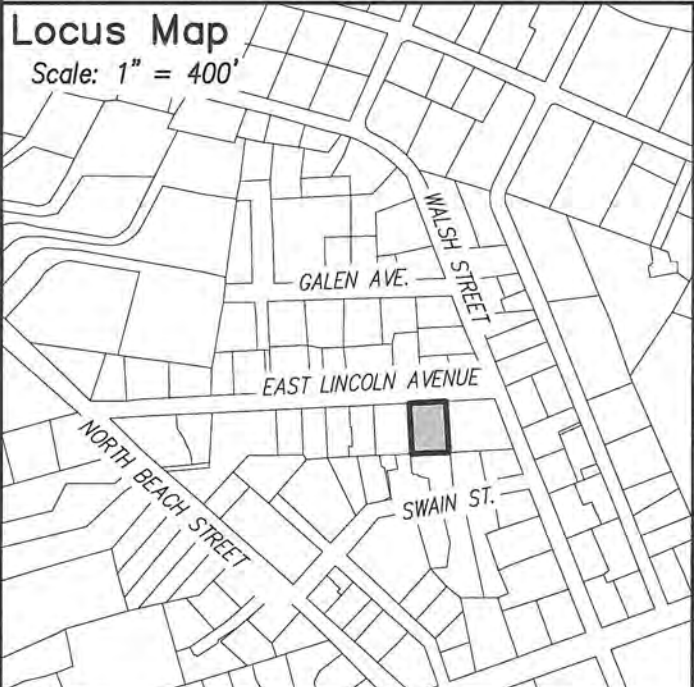
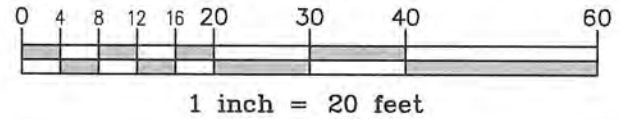
Donald F. Bracken, Jr.
7/26/21



NOTES:

1. LOCUS: #4 EAST LINCOLN AVENUE
MAP 42.4.1 PARCEL 49
2. OWNER: BRIAN A. NESTER &
CONSTANTINA PIPPIS-NESTER
1995 AUGUSTA DRIVE
CENTER VALLEY, PA 18034
3. DEED REF: Cert. #27950
4. PLAN REF: L.C. Plan 25672-F (LOT 9)
5. LOCUS DOES FALL WITHIN SPECIAL FLOOD
HAZARD ZONE "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. ALL DOWNSPOUTS ARE TO DISCHARGE INTO A
STONE INFILTRATION TRENCH, SEE DETAIL.
8. THIS PLAN IS FOR A MODIFICATION TO A
PREVIOUSLY APPROVED OOC. SEE DEP FILE
SE48-3367 FOR MORE INFORMATION.

PLAN SCALE



TYPICAL DOWNSPOUT DISCHARGE

(NOT TO SCALE)



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

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

**PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS**

Prepared for:
**BRIAN A. NESTER &
CONSTANTINA PIPPIS-NESTER**
#4 EAST LINCOLN AVENUE
MAP 42.4.1 PARCEL 49

Revised: JULY 26, 2021 Drawn: RMM/ERC/BEI
Date: NOVEMBER 11, 2020 Checked: DFB/AMG