



Nantucket Land Council

Nantucket's Environmental Advocate

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May 18th, 2023

Ms. Ashley Erisman, Chair
Nantucket Conservation Commission
131 Pleasant Street, 2nd Floor
Nantucket, Ma 02554

Re: AOOO; Doherty ACK, LLC- 2 Mariner Way (55.1.4-72.4) SE48-3511

Dear Commissioners,

The Nantucket Land Council, Inc. is a 501(c)(3) member supported non-profit organization. We have reviewed the Amended Order of Conditions filing by Doherty ACK, LLC for the reconfiguration of the approved dwelling and driveway, removal of the approved garage and the installation of a pool within Land Subject to Coastal Storm Flowage (LSCSF). We would like to make the following comments.

PERFORMANCE STANDARDS

The proposed changes to the originally approved Order of Conditions approved by this Commission on March 29th, 2022 will be detrimental to the resources protected under the Nantucket Wetlands Bylaw. Approval of these proposed changes to the original NOI would also set a poor precedent for future applicants seeking to install pools in ecologically sensitive areas as well as areas subject to future coastal storm damage.

We believe the Commission has the ability to issue a negative order for this AOOO based on the site's designation within Land Subject to Coastal Storm Flowage.

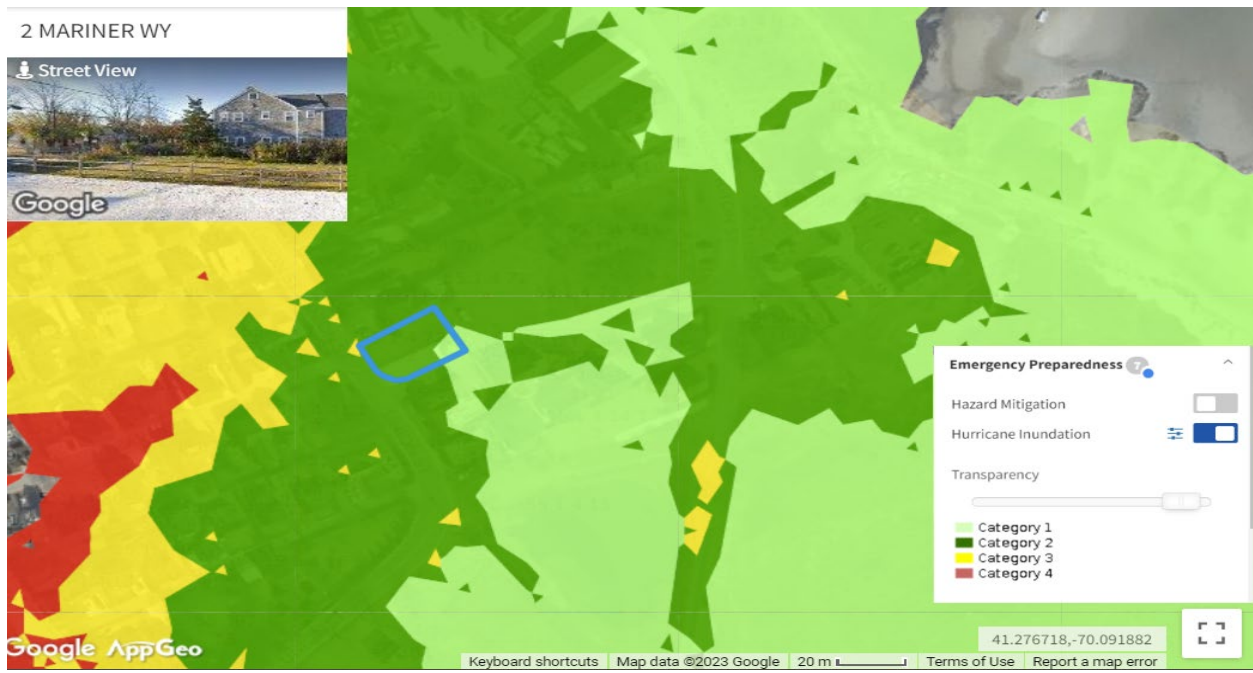
Nantucket Wetlands Bylaw, Section 2.10, Land Subject to Coastal Storm Flowage (LSCSF), (B) #2 states "Projects shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage."

The proposed above ground pool, mounted on helical pilings, will cause water pollution triggered by coastal storm flowage in this low-lying area which is a mere 6 feet in elevation above current sea level and under 600 feet from Nantucket Harbor. The surrounding area is already struggling with stormwater storage and flowage from regular rain and tide events; it is possible that within the life of this project a storm of higher magnitude with storm surge will cause damage to this structure as proposed. This Performance Standard cannot be met.

Section 2.10, LSCSF, (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."

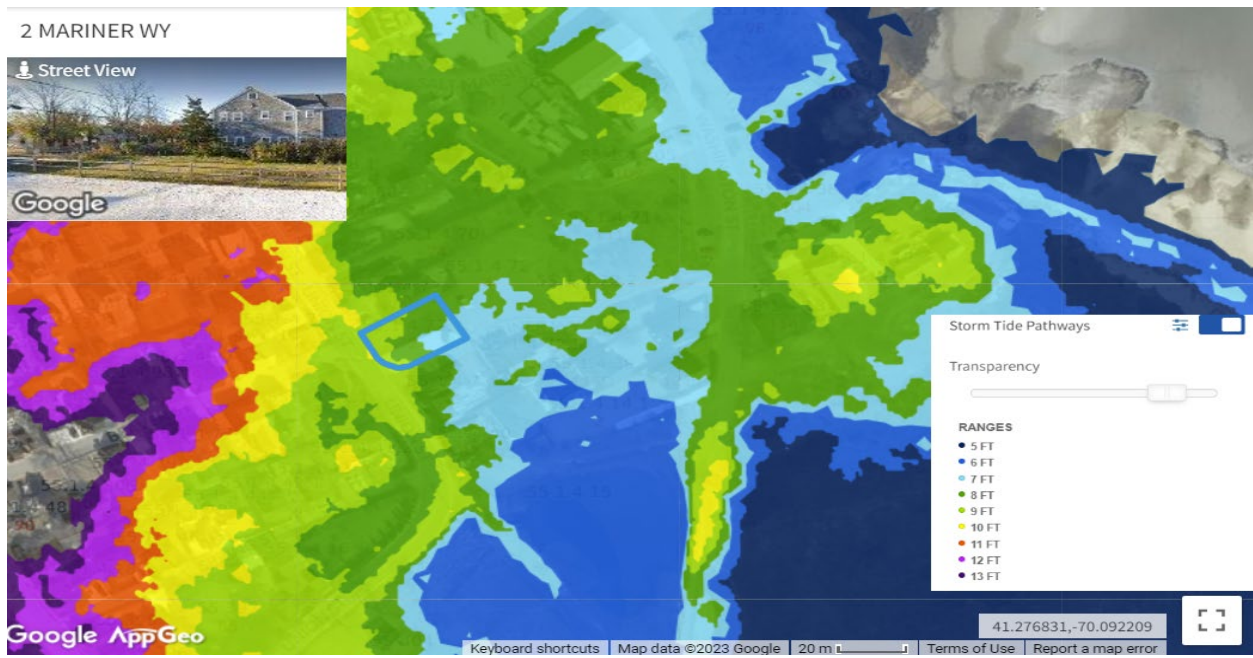
The intent of Performance Standard #4 as written, was to address proposals such as this one. In lands subject to coastal storm flowage, excess structures such as pools create unnecessary risks for a resource area that is under constant and increasing threats from human activities and climate change. The existing issues with flooding in this area, combined with the threat of storm damage from the site's low-lying location in the coastal floodplain, mean that this Performance Standard cannot be met.

Figure 1: 2 Mariner Way Hurricane Inundation



Based on the Town's publicly available GIS data, 2 Mariner Way is at risk of Category 2 storm surge inundation at present sea levels. Storm surges regularly knock structures loose, and once loose these structures are able to cause damage to the resource area and protected interests under the Nantucket Wetlands Bylaw.

Figure 2: 2 Mariner Way Storm Tide Pathways



According to the Town’s Storm Tide Pathways data, 2 Mariner Way is vulnerable to extensive storm-related flooding at *present* sea levels and will become more vulnerable as sea levels continue to rise.

Figure 3: 2 Mariner Way 2030 Probability of Coastal Flooding



At present, 2 Mariner Way is projected to have a 25% chance of regular coastal flooding by 2030, well within the project life of this AOOO proposal. According to NOAA’s 2022 Sea Level Rise Technical Report, “*sea level along the U.S. coastline is projected to rise, on average, 10-12 inches (0.25-0.30 meters) in the next 30 years (2020-2050), which will be as much as the rise measured over the last 100 years (1920-2020).* ([Click here to view 2022 NOAA technical sea level rise report](#))

CONCLUSION

The proposed changes to the original permit, specifically the addition of a pool supported on helical piles, will be detrimental to the resources protected by the Nantucket Wetlands Bylaw. This site is already in a vulnerable area of the coastal flood plain abutting Nantucket Harbor, and site conditions are projected to worsen as sea level continues to rise. According to the National Oceanographic and Atmospheric Administration's 2022 Sea Level Rise Technical Report, we are likely to experience as much sea level rise by 2050 as we have over the past century. To permit a pool in an area such as this would set a poor precedent for activities within Land Subject to Coastal Storm Flowage (LSCSF). As outlined above, this project as proposed does not meet the performance standards of our local regulations, and there are no waiver provisions that can be met to allow this project to proceed.

Thank you for your time.

Sincerely,



RJ Turcotte

Nantucket Waterkeeper