



August 25, 2023

Mr. Ian Golding, Chair  
Nantucket Conservation Commission  
131 Pleasant Street  
Nantucket, MA 02554

Re: Notice of Intent – SE48-3673  
78 Wauwinet Road  
Map 14 Parcel 18

Dear Mr. Golding:

I am writing to provide supplemental information related to the pending referenced application in response to comments at the first public hearing. Attached are revised site plans, and a letter from Brian Madden of LEC Environmental.

Based on input from the Commission, the width of the elevated walkway has been reduced to four feet, and silt fencing with haybales has been added along the east side of the existing traveled dirt road within Fargo Way in the area where the wetland boundary is within 25 feet. The silt fence will be inspected weekly and maintained in good repair. Should there be any accumulated sediment against the fence, it will be removed.

Also attached is a peer review of the project including an analysis related to the interests protected by the Commission. The Applicant agrees to the conditions recommended by LEC Environmental for Best Management Practices for the project.

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,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro".

Arthur D. Gasbarro, PE, PLS

Cc: MassDEP  
Sarah F. Alger

August 24, 2023

**Email**

Arthur D. Gasbarro, PE, PLS  
 Nantucket Engineering & Survey, P.C.  
 20 Mary Ann Drive  
 Nantucket, MA 02554

**Re:    NOI Application  
       78 Wauwinet Road  
       Map 14, Parcel 18  
       Nantucket, Massachusetts**

[LEC File #: BrEI\22-208.01]

Dear Mr. Gasbarro:

As requested, LEC Environmental Consultants, Inc., (LEC) has reviewed the Notice of Intent (NOI) Application and associated *Site Plan to Accompany a Notice of Intent*, prepared by Nantucket Engineering & Survey, P.C., dated June 13, 2023, for the proposed construction of a single-family dwelling and appurtenances on the above-referenced subject parcel.

Proposed residential construction occurs within the 100-foot Buffer Zone to Bordering Vegetated Wetland (BVW) protected under the *Massachusetts Wetlands Protection Act* (“WPA”, 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)*. The Limit of Work, to be defined by erosion control barriers, has been situated upgradient of the 25-foot Buffer Zone and will not disturb greater than 50% of the on-site area between the 25 and 50-foot Buffer Zone. No structures are proposed within 50 feet of the BVW. It is LEC’s understanding that the structures will maintain greater than a 2-foot separation to high groundwater. As proposed, the residential construction complies with the WPA and *Bylaw* and does not require any Waivers.

The project also involves improvements to an existing beach access path, including a 5-foot wide x 25-foot long elevated walkway over a narrow section of the BVW. The beach access path continues to the north within the 100-foot Buffer Zone to BVW and Coastal Bank and partially through Land Subject to Coastal Storm Flowage (LSCSF) / Flood Zone AE (El. 8) to reach the Coastal Beach along Head of the Harbor. Coastal Bank, LSCSF, and Coastal Beach are also protected under the WPA and *Bylaw*. The Coastal Bank is approximately 1± foot in height where the existing beach access path meets the Coastal Beach. Details of the elevated walkway are depicted on the *Site Key Plan and Details*, prepared by Matthew Cunningham Landscape Design, LLC, dated July 13, 2023, including the use of helical pile supports for the walkway elevated 12-30” above existing grade. During the August 3, 2023 Public Hearing, you indicated that the elevated walkway would be minimized to 4-feet in width. Elevating the



walkway, use of helical supports, and overlapping within the existing path will avoid and/or minimize disturbance. The improvements to the existing beach access path, including the installation of the elevated walkway, qualify as a water-dependent use and therefore, no Waiver is required.

LEC is aware of abutter concerns related to use of Fargo Way, abutting to the west, during and post-construction. On-site BVW abuts a portion of Fargo Way as depicted on the *Site Key Plan and Details*. It is LEC's understanding that no improvements (i.e., widening) to Fargo Way are proposed, but limited vegetative pruning may be necessary to accommodate construction vehicles. Furthermore, no new utilities are proposed to be installed within Fargo Way.

While the project is located within a Priority Habitat of Rare Wildlife/Estimated Habitat of Rare Species, the Massachusetts Natural Heritage and Endangered Species Program (NHESP) has affirmed that the project will not adversely affect the actual Resource Area Habitat of state-protected rare wildlife species and must be conditioned to avoid a "take" of state-listed rare species. Conditions included recording the NHESP determination letter, installation of symbolic fencing to delineate the Limit of Work, and submission of a Compliance Report within 30 days of work completion.

It is LEC's professional opinion that the project can be conditioned to ensure the protection of the on-site Resource Areas. LEC offers the following recommendations:

- Install erosion control barriers abutting and within 50 feet of the BVW abutting Fargo Way.
- Limbs or branches to be pruned along Fargo Way and within the 100-foot Buffer Zone shall be marked and confirmed by Conservation Staff prior to cutting and appropriately monitored.
- Contractors shall be educated on the use of Fargo Way to avoid BVW and Buffer Zone impacts.
- No parking of construction vehicles along Fargo Way.
- Maintenance of all erosion control barriers throughout construction.
- Vegetation within the footprint of the elevated walkway should be trimmed by hand and minimized as necessary. No uprooting or grubbing shall take place.

Implementation of the above-measures will ensure that adverse impacts to BVW, Coastal Bank, Coastal Beach, and LSCSF are avoided and Resource Areas are adequately protected during and post-work.

Should have any questions or require additional information in advance of the August 31, 2023 Public Hearing, please do not hesitate to contact me.

Sincerely,

**LEC Environmental Consultants, Inc.**

Brian T. Madden

Senior Wildlife/Wetland Scientist

NANTUCKET HARBOR  
 SHORELINE PER L.C.C. 15961-W  
 OBS. WATERLINE  
 COASTAL BEACH  
 LAND SUBJECT TO COASTAL STORM FLOWAGE  
 COASTAL BANK  
 TOP OF BANK

14-17  
 N/F  
 COTOCKTA NOMINEE TRUST  
 CERT. #22108  
 L.C.C. 16220-P  
 LOT 50 & 51

14-15  
 N/F  
 WAUWINET REALTY TRUST  
 CERT. #19917  
 L.C.C. 16220-0  
 LOT 47

14-61  
 N/F  
 WAUWINET REALTY TRUST  
 CERT. #19917  
 L.C.C. 16220-S  
 LOT 57

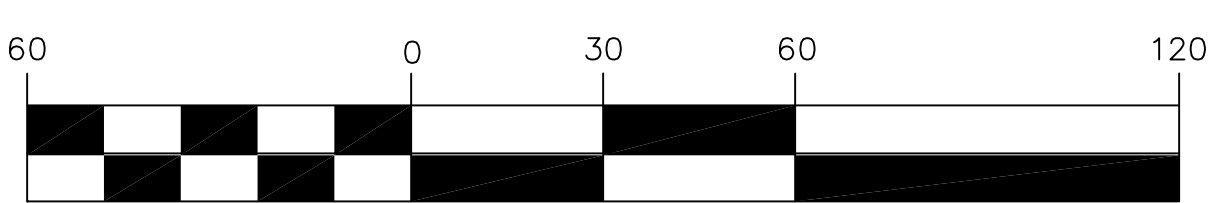
14-61.1  
 N/F  
 K.MORGAN VERNER, III  
 CHILTON DAVIS VARNER  
 CERT. #17733  
 L.C.C. 16220-S  
 LOT 56

THIS PLOT PLAN WAS PREPARED FOR THE NANTUCKET CONSERVATION COMMISSION 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 ASSESSOR RECORDS.

NOTE: ONLY NORTH WESTERN PORTION OF PROPERTY WHERE WORK IS PROPOSED IS SHOWN FOR CLARITY.

WETLAND RESOURCE AREAS PER DETERMINATION OF APPLICABILITY ISSUED 8-9-19

GRAPHIC SCALE



( IN FEET )  
 1 inch = 30 ft.

SITE PLAN  
 TO ACCOMPANY A  
 NOTICE OF INTENT  
 In  
 NANTUCKET, MA  
 Prepared For  
 78 WAUWINET, LLC  
 78 WAUWINET ROAD  
 AUGUST 25, 2023  
 SCALE: 1"=30'