

11/27/2023

Dear Chair Golding and Members of the Conservation Commission,

I'm writing to point out again that the applicant for the proposed pools at 4 and 6 Mariner Way is not in compliance with the Town of Nantucket General Bylaws, Chapter 136 Wetlands, Section 136-3 Permit required; procedure, Paragraph 3 which stipulates:

*"Such application ... shall be sent by certified mail or by hand delivery to the Town of Nantucket Conservation Commission (the "Commission") and must be filed **concurrently with or after** applications for all other variances and approvals required by the Zoning Bylaw,[1] the Subdivision Control Law or any other bylaw or regulation have been obtained."* (Bolding mine)

On March 21, 2023 the HDC approved a structure for 2 Mariner Way and on April 18, 2023, it approved structures for 4 and 6 Mariner Way, all of which had below-ground pools built into and flush with the decks. On April 27, 2023, the ConCom required the applicant to reformat the pool at 2 Mariner Way to be above-ground, **which resulted in it rising above the deck and being a visible part of the structure**. New plans with this configuration were presented to the ConCom on May 11, 2023. Subsequent plans for the pools at 4 and 6 Mariner Way conformed to this requirement.

**We reconfirmed with the HDC that they must approve the new, above-ground formats.** We appreciated that several Commissioners in the 11/16 hearing acknowledged that the bylaw is how an application is supposed to be done. We heard you say that sometimes there "isn't enough time", but the applicant has had months to go back to the HDC. The applicant never went back to the HDC for 2 Mariner Way.

The application process is clearly stated in the bylaws. The applicant has had plenty of time to follow the process correctly. We appreciate all that you do to preserve the natural resources of our precious island, and we urge you to uphold the bylaws.

Thank you for the consideration.

Respectfully,

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