

Conservation
Commission
Packet

For

02/10/2016

NOTICES OF INTENT

Edwin Snider RT

1 Brock's Court



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

NOTICE OF INTENT APPLICATION

Relocation of an Existing Single Family residence and Construction of an Addition Partially Within Wetland Resource Area Buffer Zones

**1 Brock's Court
Portions of Map 42.3.4 Parcel 84
Nantucket, Massachusetts**

Prepared for:

**Edwin Snider Realty Trust
C/O Cohen and Cohen Law PC
34 Main Street
Second Floor
Nantucket, MA 02554**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

October 30, 2015

SDE No.: 12035

WPA FORM 3

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

Important:

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



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>1 Brock's Court</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:	<u>41 17 01.78</u>	<u>70 06 15.92</u>
	d. Latitude	e. Longitude
<u>42.3.4</u>	<u>84</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Edwin Snider Realty Trust C/O Cohen & Cohen Law PC</u>	<u></u>	
a. First Name	b. Last Name	
c. Organization		
<u>34 Main Street Second Floor</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Mark</u>	<u>Rits</u>	
a. First Name	b. Last Name	
<u>Site Design Engineering, LLC</u>		
c. Company		
<u>11 Cushman Street</u>		
d. Street Address		
<u>Middleboro</u>	<u>MA</u>	<u>02346</u>
e. City/Town	f. State	g. Zip Code
<u>508-802-5832</u>	<u>508-967-0674</u>	<u>mrirts@sitedesigneng.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$220.00</u>	<u>\$97.50</u>	<u>\$122.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

Relocation of an existing Single Family Residence and construction of an addition located partially within the 100-foot buffer zone to a Bordering Vegetated Wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- 2008 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following
1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
 2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
 3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Conditions Site Plan

a. Plan Title

Site Design Engineering, LLC

Daniel C. Mulloy, P.E.

b. Prepared By

c. Signed and Stamped by

October 29, 2015

See Plan

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

3341

29-Oct-2015

2. Municipal Check Number

3. Check date

3344

29-Oct-2015

4. State Check Number

5. Check date

Site Design Engineering, LLC.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

DocuSigned by: <i>Elizabeth Frasier</i>	10/30/2015
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

PROJECT DESCRIPTION

1 Brock's Court NANTUCKET, MASSACHUSETTS

October 30, 2015

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within 100 feet of a Bordering Vegetated Wetland (BVW) resource area on property located at 1 Brock's Court in Nantucket (Subject Property). The work includes the previously performed relocation of an existing single family residence (SFR) and the construction of an addition, wooden deck, and pervious patio. The work was performed by a previous property owner and was not subject to an Order of Conditions (OOC). The previously performed work was located within the 100-foot buffer zone to a BVW resource area but was entirely outside of the 50-foot BVW buffer zone.

This Notice of Intent application is presented by the following Property Owner/Applicant:

1 Brock's Court
(Map 42.3.4 Lot 84)

Edwin Snider Realty trust
C/O Cohen and Cohen Law PC
34 Man Street
Second Floor
Nantucket, MA. 02554

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 18,675 square foot (0.43 acre) lot located on the south side of Brock's Court and west of Liberty Street (see Figures 1 through 3 and Site Plan). To the north, the Subject Property is bordered by developed residential property. To the east, the Subject Property is bordered by Liberty Street, a paved public way, and developed residential properties. To the south, the Subject Property is bordered by developed residential properties. To the west, the Subject Property is bordered by undeveloped property (see Figures 1 through 3 and Site Plan). The Subject Property has been historically developed and is the site of an SFR, deck, pervious driveway, and associated landscaping/grading. A BVW resource area is located on the adjacent property to the west and extends onto the western portion of the Subject Property. The extent of the wetland resource area has been previously delineated as part of a separate NOI application for work performed on an adjacent property and was used as a basis for an OOC for property located at 3 Brock's Court.

The extent of wetland resource areas on the Subject Property and adjacent properties has been previously confirmed as part of filings on adjacent properties. However, all previous delineations have since expired. In order to confirm that all work on the Subject Property was performed outside of the 50-foot BVW buffer zone, Laura A. Schofield of Schofield Brothers of Cape Cod (Schofield) performed a wetland delineation on the Subject Property on June 25, 2015. The location of all wetland boundaries on the Subject Property and associated buffer zones are indicated on the Site Plan. A delineation report and DEP BVW Delineation Forms are included as an attachment to this NOI Application. Based on the delineation performed by

SITE DESIGN ENGINEERING, LLC.

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Schofield, a large portion of the Subject Property is located within the 50-foot BVW buffer zone. This portion of the Subject Property has been historically maintained as a lawn area nearly to the edge of the BVW. All previously performed activities are located well outside of the 50-foot BVW buffer zone and the previously performed work does not require any waivers under the Bylaw.

The Subject Property is located entirely outside of the 100-year flood zone as determined from the Digital FEMA Flood Maps available from MassGIS and site specific topographic survey information (see Figure 6 and Site Plan) and is therefore outside of Land Subject to Coastal Storm Flowage (LSCSF).

PROJECT ACTIVITIES

Work on the Subject Property was performed by a previous property owner and included the relocation of the existing SFR from within the 100-foot BVW buffer zone to a portion of the Subject Property outside of the 100-foot BVW buffer zone. The previously performed work also included the construction of an addition partially within the 100-foot BVW buffer zone. The constructed addition, including the wooden deck, has a smaller footprint within the 100-foot BVW buffer zone than the previously existing SFR and occupies nearly the same footprint. Finally, previously performed work also included the construction of a pervious patio and planting of a privet hedge along the eastern side of the previously existing pervious driveway and parking area. All previously performed work, was located entirely outside of the 50-foot BVW buffer zone with the exception of a small portion of the hedge which is located partially within the 50-foot BVW buffer (see Site Plan). The existing SFR is connected to town sewer and water.

NHESP / MESA

The Subject Property is located entirely outside of both Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2008 NHESP Atlas available through MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

No erosion or sedimentation control is proposed as part of this NOI. All described work and activities have already been completed.

WETLAND RESOURCE AREAS

The previously performed project was a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland Protection Regulations (Local Regs):

- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan)

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The previously performed project was a residential redevelopment project and included the relocation of an existing SFR and the construction of an addition, a wooden deck, a pervious patio, and associated landscaping within the 100-foot buffer zone to a BVW.

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State Wetlands Performance Standards

Bordering Vegetated Wetlands

The previously performed project occurred within the 100-foot buffer zone to a BVW. No work is proposed within any State or local BVW Resource Areas. The Proposed Project includes the construction of a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading which will be located within the 100-foot buffer zone to a BVW. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed appropriate under local Bylaws. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

Local Wetlands Performance Standards

Vegetated Wetlands

"Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:"

3.02B(1)

"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."

The previously performed project, including relocation of the existing SFR and construction of an addition, wooden deck, and pervious patio. All structural components were constructed entirely outside of the 50-foot BVW buffer zone. All new structures including the addition and wooden deck were located almost entirely within the footprint of the previously existing SFR. No new structures were built within the 50-foot BVW buffer zone and no new alterations occurred within the 25-foot BVW buffer zone. The portion of the Subject Property located within the 25-foot and 50-foot BVW buffer zones has been historically maintained as a lawn area. This portion of the Subject Property was not significantly altered as a result of the previously performed site work and will be maintained.

3.02B(2)

"Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means)."

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The Proposed Project included the relocation of an existing SFR and the construction of an addition, wooden deck, and pervious patio. No significant grading or filling was performed within the 50-foot BVW buffer zone. The previously performed project did not have any adverse impact on the ability of the BVW to provide flood protection.

3.02B(3)

"No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss."

This standard is not applicable. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)

"The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland."

This standard is not applicable. The Propose Project will be connected to town water and sewer.

3.02B(5)

"Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw."

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

"Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands."

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

3.02B(7)

"The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw."

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

CONCLUSION

The Subject Property is a historically developed property which included an SFR, pervious driveway, and associated landscaping and grading. The majority of the 25-foot and 50-foot BVW buffer zone has been historically maintained as a lawn area. Work performed on the Subject Property by a previous owner included the relocation of the existing SFR and the

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

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construction of an addition, wooden deck, pervious patio, and associated landscaping. The previously existing SFR was entirely outside of the 50-foot BVW buffer zone. The majority of the newly constructed structures including the addition and wooden deck are within the footprint previously occupied by the existing SFR. No new structures are located within the 50-foot BVW buffer zone and no new alterations occurred within the 25-foot BVW buffer zone. All work performed is in compliance with State and local regulations and does not require any waivers under the Bylaw. The Applicant is seeking an OOC approving the previously performed site work. The Applicant feels that all previously performed activities did not result in any significant new or additional adverse impacts to the BVW or associated buffer zones and that the work was performed in compliance with all State and local performance standards. Therefore, the Applicant respectfully requests that the Commission grant an OOC approving the previously performed site alterations.

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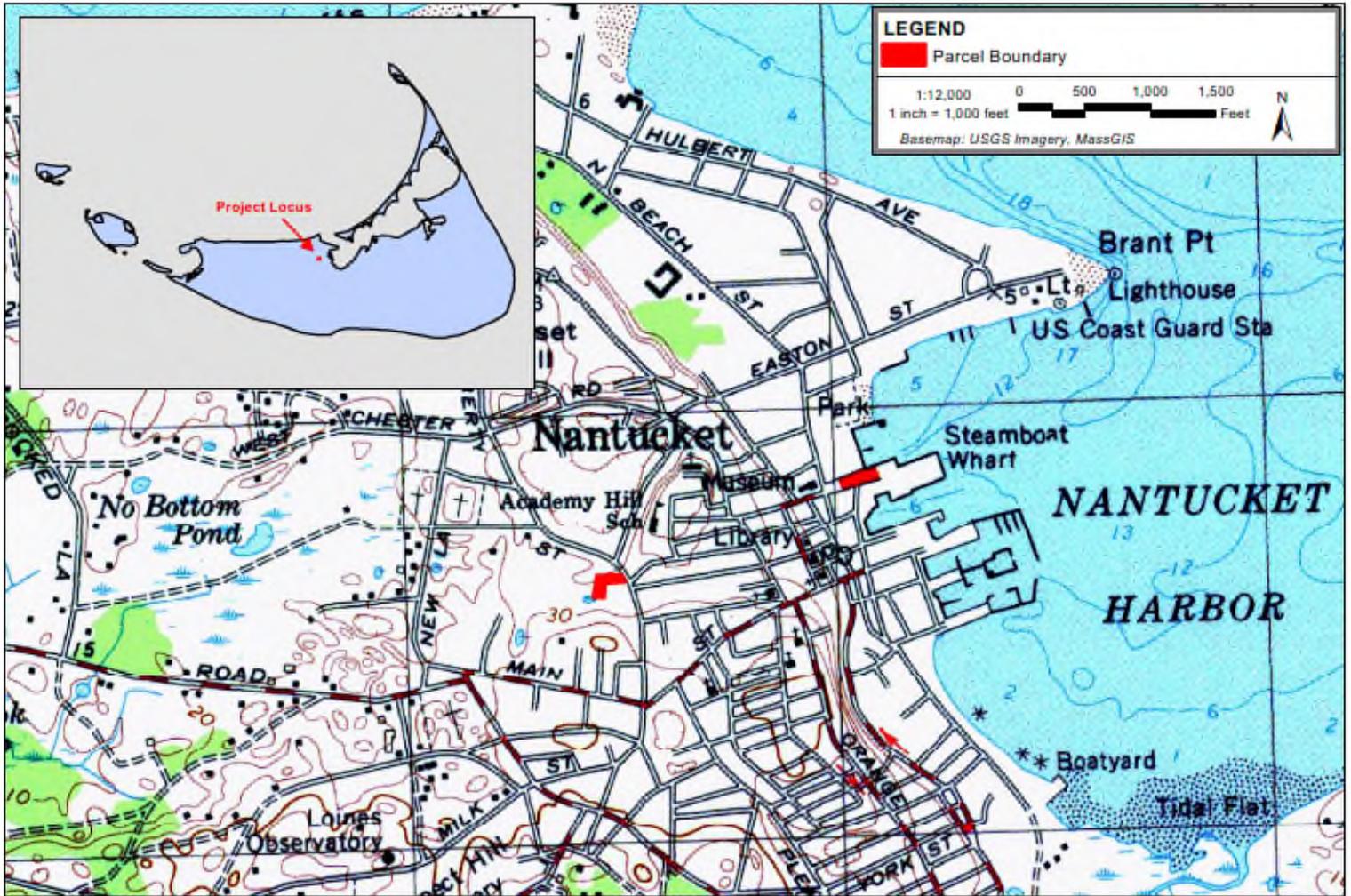
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P: 508-967-0673 F: 508-967-0674

FIGURES

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 1 - USGS Locus Map
October 30, 2015





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 2 - Site Overview
October 30, 2015





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 3 - Detailed Site Overview
October 30, 2015

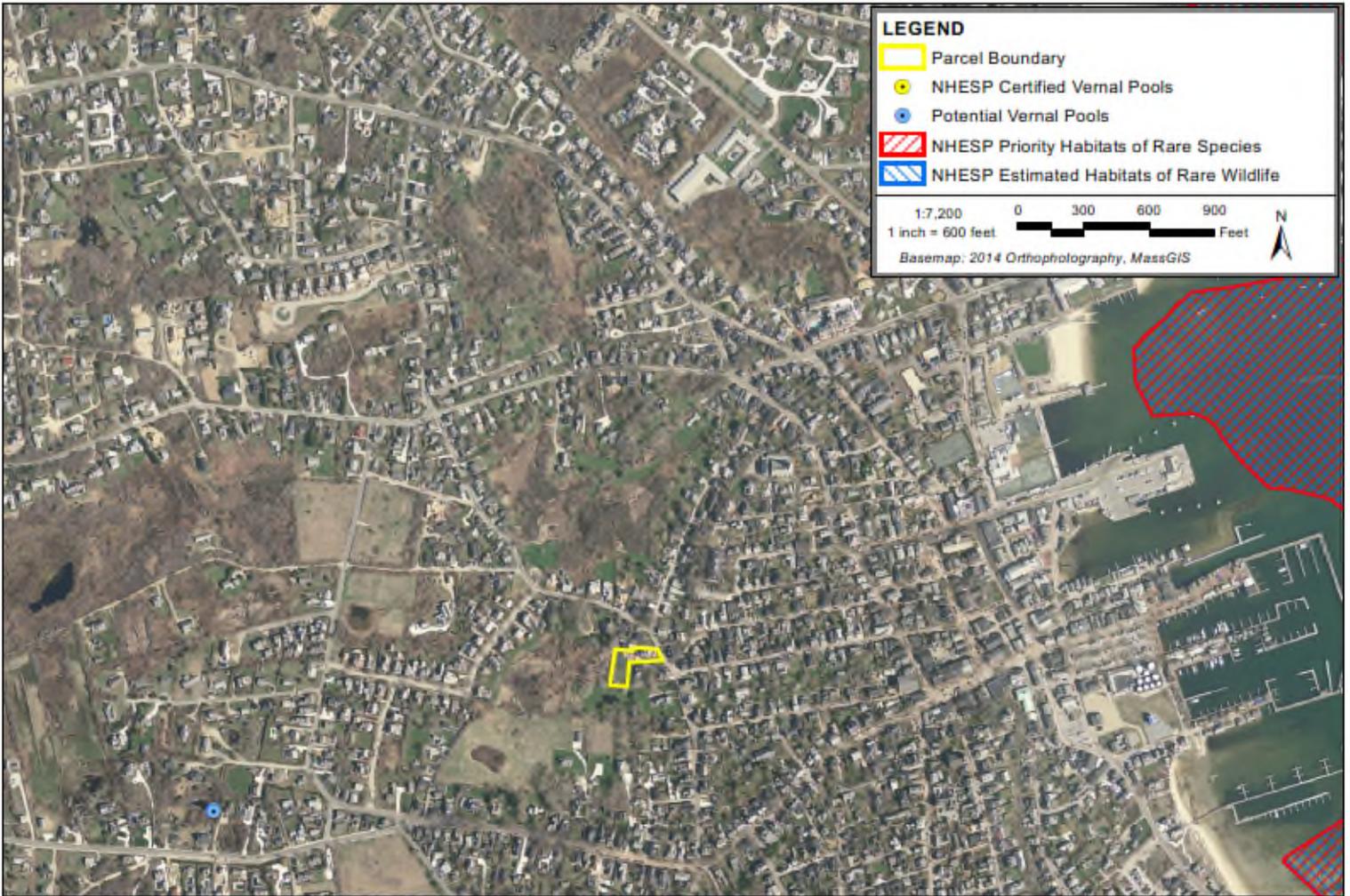




1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 4 - Wetland Boundaries
October 30, 2015





LEGEND

- Parcel Boundary
- NHESP Certified Vernal Pools
- Potential Vernal Pools
- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife

1:7,200 0 300 600 900 N
 1 inch = 600 feet Feet

Basemap: 2014 Orthophotography, MassGIS

1 Brock's Court - Nantucket, Massachusetts
 Map 42.3.4 Lot 84
 SDE Project No. 12035

Figure 5 - NHESP Habitat
 October 30, 2015





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 6 - FEMA Flood Zones
October 30, 2015



WETLAND DELINEATION INFORMATION

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

SCHOFIELD BROTHERS OF CAPE COD

Engineering - Land Surveying
Environmental Permitting
161 Cranberry Highway
P.O. Box 101
Orleans, MA 02653-0101
508-255-2098 - 508-240-1215 (fax)
E-mail: schobro@verizon.net

July 16, 2015

Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346
Attn: Daniel Mulloy, PE
Principal

RE: 44 Liberty Street
Nantucket, Massachusetts

Dear Mr. Mulloy;

At your request, on June 25, 2015 I visited the above referenced address to identify and delineate wetlands at or immediately adjacent to the subject property. It is my understanding that the buffer zone of a nearby wooded swamp may extend over the work limit for an existing dwelling that was recently renovated without a permit.

Project Location/Description

The subject property is located at 44 Liberty Street, west of downtown Nantucket. The existing and recently renovated dwelling is located on the easterly portion of the site. There is an existing lawn area in between the dwelling and the wooded swamp. The lawn area is surrounded by a well-established privet hedge.

According to Flood Insurance Rate Map #25019C0086G effective date June 9, 2014 the subject parcel is not within land subject to flooding.

There are two wetland resource areas affecting the subject property; a wooded swamp/isolated wetland to the west and a small pond to the southwest.

Wetland Resource Area Descriptions

Isolated Wooded Swamp/Vegetated Wetland

There is a wooded swamp that borders the westerly property line. The swamp is isolated, as it is surrounded by development. Topography within the wetland is rather hummocky and appear to have been altered in the past.

Consecutively numbered blue survey ribbon was used to delineate the wetland boundaries in the field. The wetland line was established utilizing topographic and hydrologic indicators. A small bank was observed in the topography running parallel to and behind the existing privet hedge separating the woods from the lawn. During the site visit made on June 25, 2015 there were areas of standing water observed within the wetland and in some places the soil was damp at the surface. It should be noted that in the northwesterly corner of the property, standing water was observed. However, upon further investigation, that particular area of standing water appears to be the result of a sump pump discharge and not standing groundwater.

SCHOFIELD BROTHERS OF CAPE COD
Engineering - Land Surveying
Environmental Permitting

The vegetation at the site was evaluated in accordance with the methods described in the Delineating Bordering Vegetated Wetlands Under the Massachusetts Wetlands Protection Act Handbook dated 1995 by the MA Department of Environmental Protection Division of Wetlands and Waterways. A significant amount of vegetation at this site is invasive. Japanese knotweed has overwhelmed the herbaceous and shrub layers of the wooded swamp. Other invasive plants observed within the wooded area immediately adjacent to the isolated wetland include garlic mustard and barberry. The vegetation in the area is predominantly invasive, non-wetland indicator plants. White poplar and red maple are the predominant trees within the wooded area. White poplar is not a wetland indicator plant, but the white poplars at the site showed signs of high groundwater indicators, such as shallowly rooted individual trees that have blown over. Red maple is a wetland indicator plant.

Small Pond/Inland Water Body

There is a small pond (shown on the attached locus map) located on an adjacent parcel southerly of the locus parcel. The pond's 100 foot buffer zone, and possibly portions of the 50 foot buffer zone, overlap the subject property. The edges of the pond should be accurately located to establish the buffer zones.

Massachusetts Wetland Protection Act/Nantucket Wetlands Regulations

Massachusetts Wetland Protection Act

The pond does not exceed a surface area 10,000 square feet and therefore would be considered *Isolated Land Subject to Flooding* (and not a pond) under the Massachusetts Wetlands Protection Act. The wooded swamp area appears to border on a marshy area to the west, but it does not border on a stream, river, creek, pond or lake and therefore the wooded swamp is also considered *Isolated Land Subject to Flooding* under the Massachusetts Wetlands Protection Act. *Isolated Land Subject to Flooding* does not have a protective buffer zone pursuant to the state act.

Nantucket Wetlands Regulations

Land within 100 feet of Vegetated Wetlands and Small Ponds are presumed to be significant to the interests of the Nantucket Bylaw and therefore both the small pond and the isolated vegetated wetland have protective buffer zones under the local regulations.

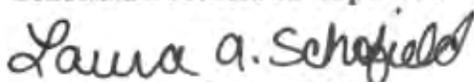
Natural Heritage and Endangered Species

Based on a review of the Massachusetts GIS online mapping Natural Heritage Data Layer, the site does not exist within any area designated as Estimated Habitat or Priority Habitat of Rare Wetlands Wildlife. There are also no certified vernal pools or potential vernal pools on this site or the adjacent parcels to the subject property.

Should you have any questions, please do not hesitate to contact me.

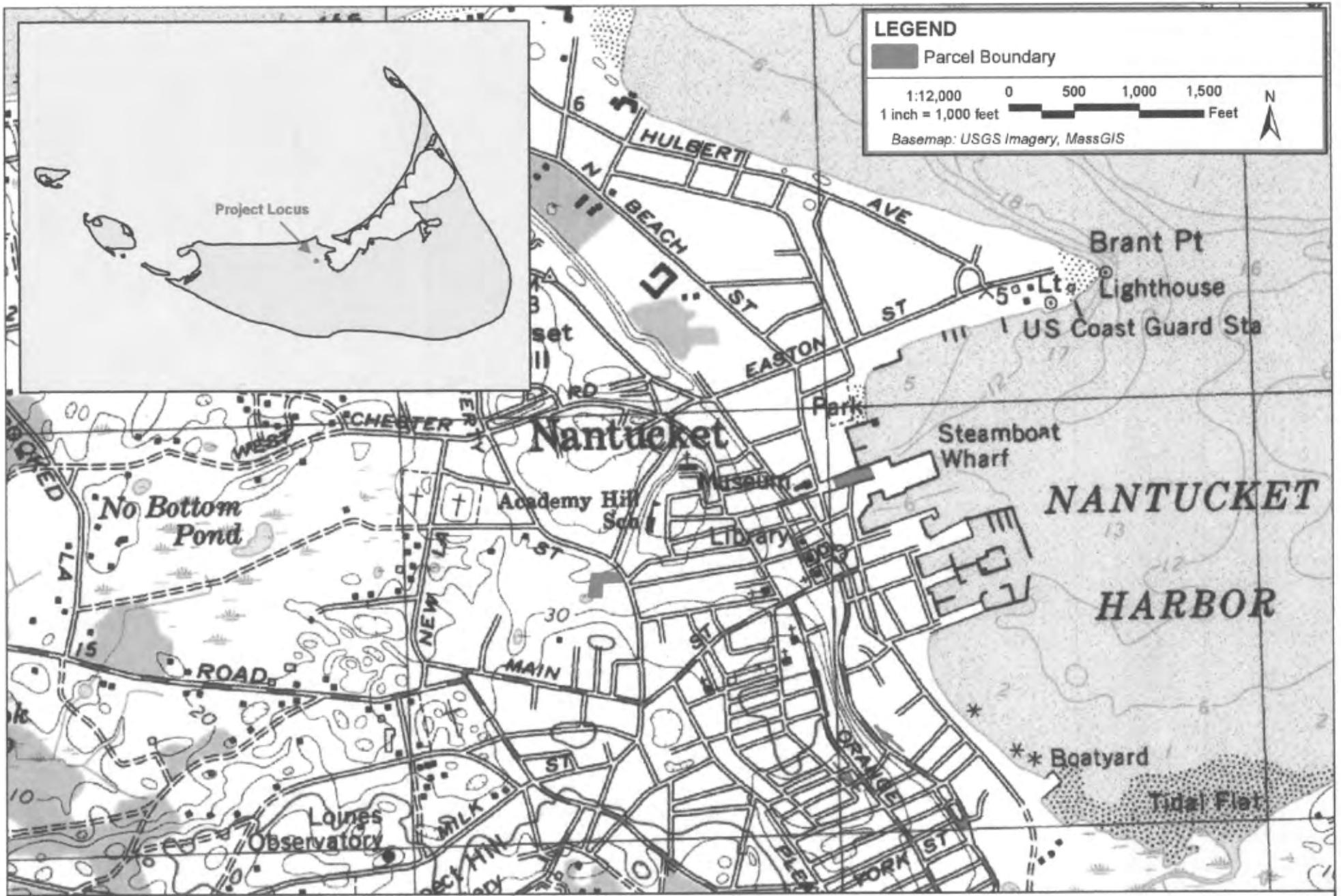
Sincerely,

Schofield Brothers of Cape Cod



Laura A. Schofield, RS, SE
Principal

enc.



44 Liberty Street - Nantucket, Massachusetts
 Map 42.3.4 Lot 84
 SDE Project No. 12035

Figure 1 - USGS Locus Map
 May 28, 2015



DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: L. Schofield Project location: 44 Liberty St DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
- Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
- Method other than dominance test used (attach additional information)

8± west of WF#4

Section I. Vegetation

Observation Plot Number: 1W Transect Number: 1 Date of Delineation: 6/25/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
<u>Herbaceous Layer</u>				
<u>Japanese Knotweed/Polygonum cuspidatum</u>	<u>75%</u>	<u>100</u>	<u>yes</u>	<u>FACU-</u>
<u>Shrub Layer</u>				
<u>Japanese Knotweed/Polygonum cuspidatum</u>	<u>80%</u>	<u>80%</u>	<u>yes</u>	<u>FACU-</u>
<u>Privet/Ligustrum vulgare</u>	<u>20%</u>	<u>20%</u>	<u>yes</u>	<u>FACU</u>
<u>Tree Layer</u>				
<u>Red maple, Acerrubrum</u>	<u>20</u>	<u>19%</u>	<u>no</u>	<u>FAC*</u>
<u>White poplar, Populus alba</u>	<u>85%</u>	<u>81%</u>	<u>yes</u>	<u>NI* shallow roots</u>

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: 1 Number of dominant non-wetland indicator plants: 3Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no
 title/date:
 map number:
 soil type mapped:
 hydric soil inclusions:

Are field observations consistent with soil survey? yes no

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
---------	-------	--------------	---------------

Remarks:

3. Other:

Conclusion: Is soil hydric? yes no

Site has been overwhelmed by → invasives. Dominant tree shows adaptations to high groundwater elevation. (shallow root system)

Other Indicators of Hydrology: (check all that apply and describe)

- Site inundated: standing water in places
- Depth to free water in observation hole: _____
- ~~Depth to soil saturation in observation hole:~~ at surface in places
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

Vegetation and Hydrology Conclusion		
	yes	no
Number of wetland indicator plants ≥ number of non-wetland indicator plants	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Wetland hydrology present:		
hydric soil present	<input type="checkbox"/>	<input type="checkbox"/>
other indicators of hydrology present	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sample location is in a BVW	<input type="checkbox"/>	<input type="checkbox"/>

Submit this form with the Request for Determination of Applicability or Notice of Intent.

DEP Bordering Vegetated Wetland (310 CMR 10.55) Delineation Field Data Form

Applicant: _____ Prepared by: L. Schofield Project location: 44 Liberty St. DEP File #: _____

Check all that apply:

- Vegetation alone presumed adequate to delineate BVW boundary: fill out Section I only
 - Vegetation and other indicators of hydrology used to delineate BVW boundary: fill out Sections I and II
 - Method other than dominance test used (attach additional information)
- within lawn east of WF#4*
- Boring was performed ~ soil damp at 33"*

Section I. Vegetation Observation Plot Number: 10pl. Transect Number: 1 Date of Delineation: 6/25/15

A. Sample Layer and Plant Species (by common/scientific name)	B. Percent Cover (or basal area)	C. Percent Dominance	D. Dominant Plant (yes or no)	E. Wetland Indicator Category*
Herbaceous Layer: Lawn grass	100%	100%	yes	NO
Shrub Layer: Privet/Ligustrum vulgare	25%	71%	yes	FACU
Japanese Knotweed/ Polygonum cuspidatum	10%	28%	yes	FACU-

* Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus *Sphagnum*; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.

Vegetation conclusion:

Number of dominant wetland indicator plants: _____ Number of dominant non-wetland indicator plants: 3

Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

If vegetation alone is presumed adequate to delineate the BVW boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

November 27, 2015

SDE No. 12035

Ernest Steinauer
Chairman – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834
1 Brock's Court
Nantucket, Massachusetts
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during the November 18, 2015 Public Hearing for the above referenced NOI application. Specifically, the Commission requested additional groundwater information, foundation information, and structural footprint information within the 100-foot BVW buffer zones.

Groundwater Information

Five (5) auger holes were performed on the Subject Property. The depth to groundwater at each auger location has been provided on the revised Site Plan.

Foundation Information

It has been confirmed that the entire existing structure is constructed on a slab and frost wall foundation. The existing structure does not have a full basement.

Structural Footprint

The previously existing structure had a footprint of approximately 1,150 square feet within the 100-foot BVW buffer zone. The existing structure has a footprint of approximately 475 square feet within the 100-foot BVW buffer zone. The existing wooden deck has a footprint of approximately 310 square feet within the 100-foot BVW buffer zone.

If you have any questions please feel free to contact me via email at mrirts@sitedesigneng.com or at 508-802-5832.

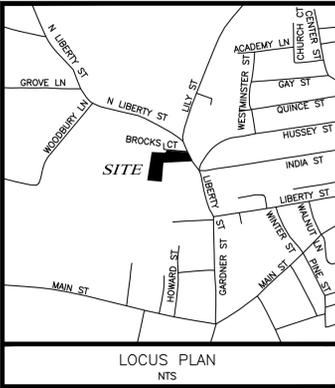
Respectfully,
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read 'Mark Rits'.

Mark Rits
Project Manager/Permitting Specialist

J. MARCKLINGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 896
 NANTUCKET, MA. 02554
 (310) 945-7054

**SITE DESIGN
 ENGINEERING, LLC.**
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDSIGNENG.COM



LEGEND

- PROPERTY LINE
- 20.3 x SPOT ELEVATION
- x FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- △ WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW DEPTH TO GROUNDWATER

ZONING CLASSIFICATION: R-1

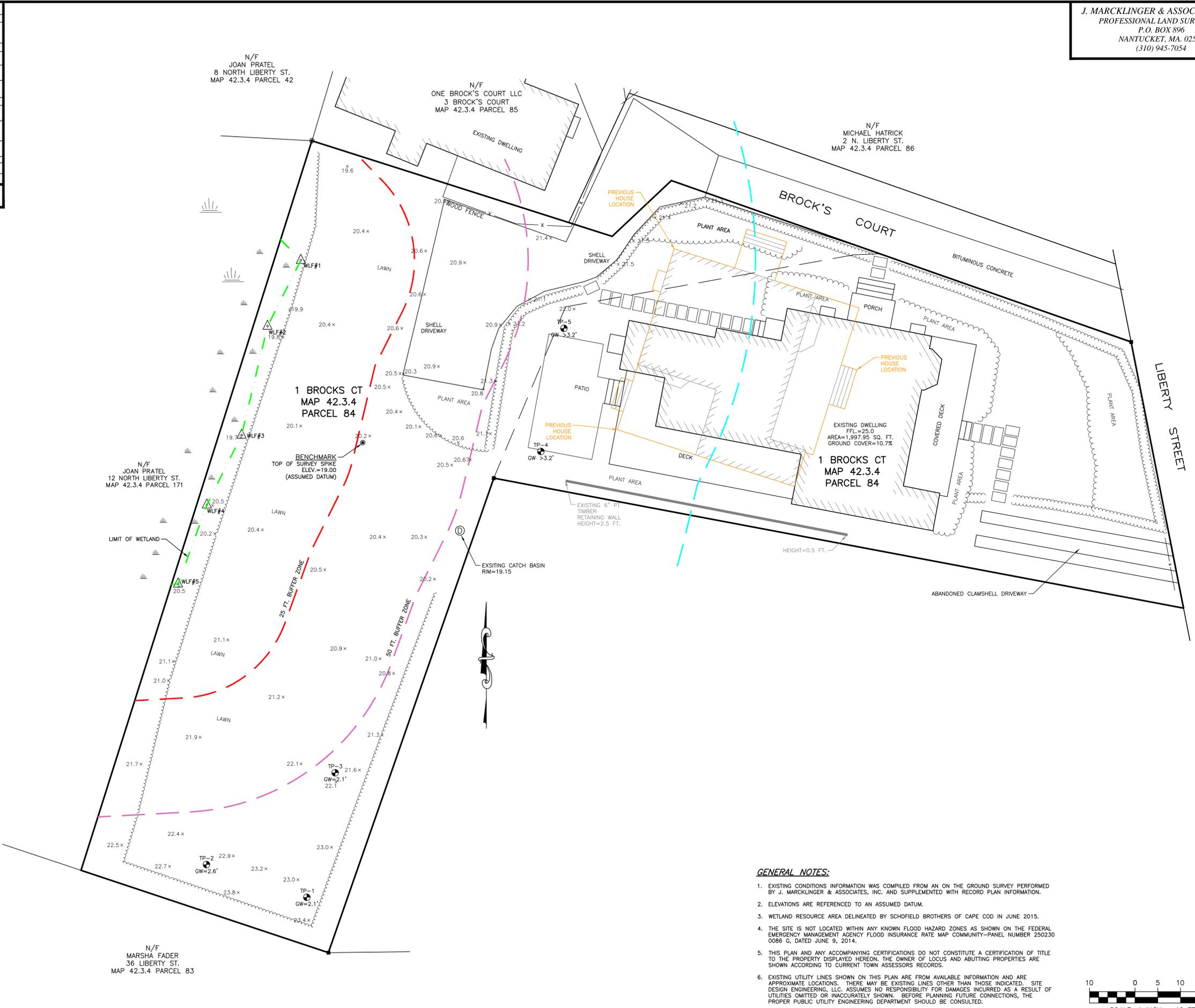
- MINIMUM LOT SIZE 5,000 SQ. FT.
- MINIMUM FRONTAGE 50 FT.
- FRONT YARD SETBACK 10 FT.
- REAR YARD SETBACK 5 FT.
- SIDE YARD SETBACK 5 FT.*
- GROUND COVER RATIO 30%±

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

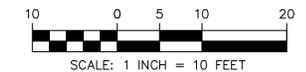
OVERLAY DISTRICT APPLICABILITY

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MULTI-FAMILY	—
SIASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



GENERAL NOTES:

- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
- ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
- WETLAND RESOURCE AREA DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
- THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
- THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
- EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.



NO.	DATE	DESCRIPTION	DCM	APPROVED
1	11/25/15	ADDED BORING LOCATIONS REMOVE SHED		

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL



EXISTING CONDITIONS PLAN
 1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS
 PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:

**EXISTING
 CONDITIONS PLAN**

SCALE: **1"=10'**

SHEET NO.

1 OF 1



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

January 5, 2016

SDE No. 12035

Ernest Steinauer
Chairman – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834
1 Brock's Court
Nantucket, Massachusetts
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during the Public Hearing for the above referenced NOI application. Specifically, the Commission requested additional groundwater and soils information for the Subject Property.

Additional site evaluation was performed on December 9, 2015 by Daniel C. Mulloy, PE and on December 16, 2015 By Laura Schofield. The December 9, 2015 evaluation included the excavation of three deep test pits (TP-6 through TP-8) along the eastern portion of the Subject Property (see attached plan). The December 16, 2015 evaluation included the excavation of three shallow test pits adjacent to the BVW on the western portion of the Subject Property.

Rainfall totals from the Nantucket Airport were obtained from the Weather Underground website (www.weatherunderground.com) for the 7 days prior to each site visit (dates highlighted in blue) and are provided in Table 1 below.

Table 1: Total rainfall data for the Nantucket Airport from www.weatherunderground.com for the 7-day period prior to each site visit. Site visits highlighted in blue.

Date	Precipitation (in)	Events
12/2/2015	0.1	Fog-Rain
12/3/2015	0.03	Fog-Rain
12/4/2015	0	
12/5/2015	0	
12/6/2015	0	Fog
12/7/2015	0	
12/8/2015	0.3	Rain
12/9/2015	0	
12/10/2015	0.02	Rain
12/11/2015	0	Fog
12/12/2015	0	
12/13/2015	0	
12/14/2015	0.33	Fog-Rain
12/15/2015	0.36	Fog-Rain
12/16/2015	0	

Nantucket received approximately 0.3 inches of rainfall in the 48 hours prior to the December 9, 2015 site visit and approximately 0.69 inches of rainfall in the 48 hours prior to the December 15, 2015 site visit.

Deep Observation Hole Groundwater Information

Three (3) deep observation holes were excavated using a small track mounted excavator along the eastern side of the Subject Property on December 9, 2015. TP-6 was located near the southeast corner of the Subject Property closest to the Fader Pond. TP-7 was located along the central portion of the Subject Property near the existing catch basin. TP-8 Was located in the existing shell driveway adjacent to the existing stone patio. Complete logs of each test pit location are provided below.

TP-6 showed weeping at the top of the C-1 layer (36") and mottling at 32". No weeping was observed within the C-1 layer. After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 108 inches.

TP-7 showed weeping at 24-48" (within the C-1 layer). No mottles were observed in TP-7. After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 88 inches.

TP-8 showed weeping just above the C-1 layer (26-32") and mottling was observed at 70". After the observation hole had been allowed to stay open for a time standing water was observed at a depth of 75 inches.

Shallow Test Pit Groundwater Information

Three (3) shallow test pits were excavated by Laura Schofield along the western portion of the Subject Property on December 16, 2015. These test pits were excavated by hand. Test Pit #1 was located along the southwestern portion of the Subject Property closest to the Fader Pond. Test Pit #2 was located along the central portion of the Subject Property. Test Pit #3 was located along the northwestern portion of the Subject Property. Complete logs for each Test Pit are included in the Attached Schofield Brothers report.

Test Pit #1 showed isolated weeping in one pocket at a depth of 12 inches. No mottles were observed in the test pit. A boring was done in the center of the Test Pit and groundwater was encountered at 43". After the Test Pit had been allowed to remain open for a time ground water rose to 31".

Test Pit #2 showed no weeping. No mottles were observed in the test pit. A boring was done in the center of the Test Pit and groundwater was encountered at 33". Remnants of an old organic horizon was encountered at 39 inches.

Test Pit #3 showed no weeping. No mottles were observed in the test pit. No ground water was observed in the test pit.

Summary

The supplemental soils and groundwater information indicates that there is a transient perched water table at a depth of 2-3 feet below the surface with an actual water table at a greater depth. Soils

information collected by Laura Schofield in the area immediately upland of the BVW boundary indicates that hydric soils are not present and confirms the previously delineated extent of the BVW.

If you have any questions please feel free to contact me via email at mrits@sitedesigneng.com or at 508-802-5832.

Respectfully,
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Rits
Project Manager/Permitting Specialist

Deep Observation Hole Number: 6

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-12	A	10 YR 2/2				Sandy Loam					
12-36	B	10 YR 5/8	-	-	0	Loamy Sand					
36-100	C1	5 Y 6/3	-	-		Silt Loam, Clay			massive		firm
100-120	C2	5 Y 5/1				Sand			loose	wet	

Additional Notes:

Weeping at 36", mottling at 32", no weeping within C1 layer, perched water table on top of C1 restrictive layer, standing water 108"

Deep Observation Hole Number: 7

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-12	A	10 YR 2/2				Sandy Loam					
12-84	C1	10 YR 3/1	-	-	0	Sandy Loam			blocky	moist	
84-120	C2	5 Y 5/1	-	-		Sand			loose	wet	

Additional Notes:

Weeping at 24"-48" perched, no mottling observed, standing water 88"

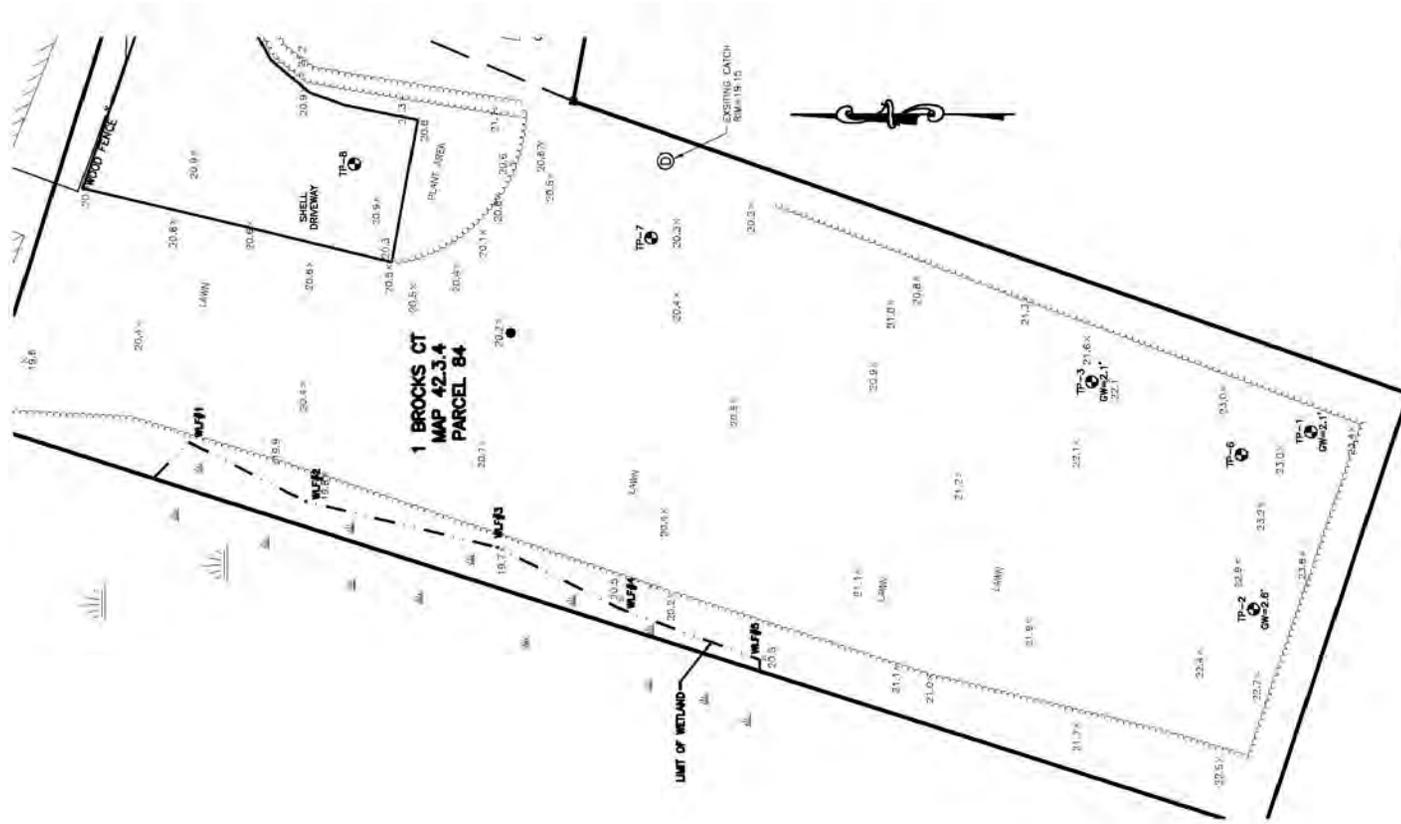
Deep Observation Hole Number: 8

Depth (in.)	Soil Horizon/ Layer	Soil Matrix: Color- Moist (Munsell)	Redoximorphic Features			Soil Texture (USDA)	Coarse Fragments % by Volume		Soil Structure	Soil Consistence (Moist)	Other
			Depth	Color	Percent		Gravel	Cobbles & Stones			
0-32	Fill										
32-68	C1	10 YR 3/1	-	-	0	Sandy Loam			blocky	moist	
68-108	C2	5 Y 5/1	-	-		Sand			loose	wet	

Additional Notes:

Weeping at 26"-32" perched, standing water 75", mottling at 70"

Field Diagrams



SCHOFIELD BROTHERS OF CAPE COD

Engineering - Land Surveying
Environmental Permitting
161 Cranberry Highway
P.O. Box 101
Orleans, MA 02653-0101
508-255-2098 - 508-240-1215 (fax)
E-mail: schobro@verizon.net

December 21, 2015

Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346
Attn: Mark Ritts

RE: 1 Brock's Court
Nantucket, MA

Dear Mr. Ritts;

As you requested, I conducted a site visit on December 16, 2015 for the purpose of evaluating the soil conditions within the lawn adjacent to the privet hedge along the westerly property line at 1 Brock's Court to provide additional information to the Conservation Commission.

Three test pits were performed parallel to the westerly privet hedge. The results are as follows:

Test Pit #1

Horizon	Depth	Matrix Color	Mottles Color
Fill	0-18"	10 YR 2/2	No mottles observed but some oxidized rhizospheres noted at 8-14".

Fill is a sandy loam. Bits of brick were observed. At 12" some weeping in the pit was noted, but it was observed only in one pocket and there had been rain in the prior 24 hours. A boring was done in the bottom of the test pit. Groundwater was encountered at 43". Eventually the groundwater rose to 31" after the boring was left to stand open for a period of time.

Test Pit #2

Horizon	Depth	Matrix Color	Mottles Color
Fill	0-18"	10 YR 2/2	No – but some oxidized rhizospheres noted

Fill is a sandy loam. At 12" there were some small pockets of sand (10 YR5/3) noted. Fill contains few pieces of brick.

A boring was done in the bottom of the test pit. Remnants of an old organic horizon was noted at 39"
Groundwater observed at 33"

SCHOFIELD BROTHERS OF CAPE COD

Engineering - Land Surveying

Environmental Permitting

Test Pit #3

Horizon	Depth	Matrix Color	Mottles Color
Fill	0-12"	10 YR 2/2	No mottles observed but some oxidized rhizospheres noted

Fill is a sandy loam. Brick pieces observed in the fill.

Fill (sand)	12-18"	10 YR 5/4	No mottles observed. No groundwater observed.
-------------	--------	-----------	--

In a report dated July 16, 2015 summarizing my initial field visit, I noted that "a small bank was observed in the topography running parallel to and behind the existing privet hedge separating the wooded swamp from the lawn". The depth of the observed water table below the test pits seems consistent with the elevation of the adjacent wetland. The presence of the fill in the test pits and the traces of an old organic horizon at approximately the same elevation suggest that the lawn area was altered at some point in the past.

While some oxidized rhizospheres were observed in the test pits, and these are an indicator of saturated soil conditions, the fill material in the test pits is a very dark brown material and any mottles, if present, were not observed within 18" of the ground surface.

Catch basin/drainage swale at the inside corner of the L-shape property corner

There is a catch basin located at the inside corner of the L-shape in the subject property. There is what appears to be man-made drainage swale in conjunction with the catch basin that extends along the property line in a southerly direction for several feet until it dwindles away into the privet hedge. Running or standing water was not observed in the swale during my December 16, 2015 field visit. As the swale does not connect to another wetland resource area upgradient of the catch basin, it appears that the swale was perhaps intended to collect and direct surface water runoff towards the catch basin.

Very truly yours,

Schofield Brothers of Cape Cod

Laura A. Schofield

Laura A. Schofield, RS, SE
Project Manager



January 12, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**RE: Review, Notices of Intent
 Brock's Court, Nantucket, MA
 DEP Files SE 48-2834, 2835
 NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) met Jeff Carlson, representing the Nantucket Conservation Commission, and consultants to the Notice of Intent applicants at Brock's Court on January 7, 2015. NEE was representing the interests of concerned abutters to the property. During the site visit all parties were able to observe aspects of current hydrology and soil conditions at the 1 Brock's Court and 36 Liberty Street properties. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

Soils and wetland boundaries

NEE, representing the abutters, and Laura Schofield, representing the applicant, had noted that a small pond and potential bordering wetlands were present on the 36 Liberty Street property, well within 100 feet of a proposed new house on the Brock's Court property. During the site assessment on January 7, several soil borings and pits were made in the mown lawn on the northern side of the pond. It was agreed that hydric soil profiles were present in most of these locations. The soil profiles were similar to the soil profile described in the NEE report of September 9, 2013, and were consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Due to fading daylight and limited time, it was agreed to mark the edge of soil profiles agreed by all parties to be hydric. Three orange stick flags numbered A1-A3 were placed adjacent to soil borings. This was not a wetland boundary delineation, as soils were not sampled in all locations north of these flags, but it marks the limit of wetland conditions agreed during the available time on January 7. The flags were to be surveyed and placed on the project plans by Site Design Engineering. Revised plans have not been made available as of this submission on January 12.

A separate soil pit was excavated on the Brock's Court property, approximately 15 feet south-southeast of flag WF5, in mown lawn east of the privet hedge which occupies the western edge of this lot. This soil profile was consistent with NRCS Hydric Soil Indicator F6 (Depleted Dark Surface). A description of this soil, with photographs, is attached to this report. Again, time limitations made it impossible to conduct further examination of soils within the Brock's Court lawn. However, this soil did have oxidized

rhizospheres within the upper 12”, as well as other high-chroma pore linings. Oxidized rhizospheres were noted in the three soil profiles submitted by Schofield Brothers in a letter to Site Design Engineering, dated December 21, 2015. These are high-chroma redoximorphic features which form under saturated soil conditions. Observation of 2% or more oxidized rhizospheres within the top 12” of the soil is considered a primary indicator of wetland hydrology (Corps of Engineers Hydrology Indicator C3). The Schofield letter noted “no mottles” within the three profiles, but this contradicts the finding of oxidized rhizospheres.

These soil observations support the finding that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incomplete or incorrect, and that additional wetlands within the Brock’s Court lawn and associated with the 36 Liberty Street pond will extend their 50-foot no-structures buffer zones onto the footprint of the proposed new house at Brock’s Court.

Site and neighborhood hydrology

Three additional deep observation holes were dug by Site Design Engineering on the Brock’s Court site on December 9, 2015, and labeled TP-6, TP-7, and TP-8 on the Field Diagram which accompanies the letter to the Nantucket Commission dated January 5, 2016. Water was recorded as weeping from the sides of these pits at 26”, 24”, and 36”, respectively, with “mottling” noted in TP-8 at 32”. Groundwater in three soil borings around TP-8 (TP-1, 2, and 3) was noted to be at 2.1’, 2.6’, and 2.1’, respectively, on the revised Existing Conditions Plan by Site Design Engineering, revision date 11/25/15. Water was noted weeping from one of the Schofield shallow pits at 12”, standing water in another at 33”, and no water in the third pit which extended only down to 18”. Standing water in the NEE pit southeast of flag WF5 was seen at 18”. All of these observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12” and 36”. However, this is not the high water level on this site. 2015 was a dry year (30.38” precipitation, over 7” under the annual average of 37.53”), and even in a normal year, groundwater levels are highest in the early spring. The following table shows water levels below ground surface in the two USGS groundwater monitoring wells closest to Brock’s Court, which are located to the east near Old South Road (411609070050701) and Rugged Road (411535070051002).

well number	spring average*	11/25/2015	12/22/2015
411535070051002	20.07 feet	22.47 feet	22.25 feet
411609070050701	7.70 feet	9.86 feet	9.75 feet

* 10-year average 2006-2015, inclusive, of readings on April 24-29, except 2012, when the reading was on March 29.

This data shows that groundwater levels in these two wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring. If groundwater on the Brock’s Court site showed a similar pattern, we could expect that high water levels in a normal spring would be within a foot of the surface, and possibly at the surface in low spots. If these water levels were to persist for a week or more during the growing season, then wetland hydrology would be present.

Observations made during the site visit on January 7 confirmed that the pond on the Liberty Street property is at a higher elevation than the Brock’s Court lawn. Both surface water and groundwater can be expected to move north, following the surface topography. Groundwater moving north from Brock’s Court may flow through sandy soils under North Liberty Street, toward the topographical depression known as Lily Pond. The unpermitted fill already placed around the existing home, and the proposed new structures, will alter the neighborhood hydrology. Neighbors have already observed increased

surface flooding on adjacent properties. The construction of a pool and house, with increased impervious surface and structures sure to be within groundwater, will further displace groundwater and affect the flow of surface water. There is currently a lack of information about existing hydrology, in particular whether the grate in the privet hedge on the eastern side of the lawn is connected to a working drainage system, and the fate of surface water running off the property. Further, the applicant has not, to this point, modeled the hydrological changes which will result from the project. Both groundwater and surface water leaving the site may end up in Lily Pond. The effects upon water levels and water quality are unknown.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,
New England Environmental, Inc.



Bruce Griffin
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket
Mark Rits, P.E., Site Design Engineering, LLC
Laura Schofield, R.S., Schofield Brothers of Cape Cod
Kendra Kinscherf, Esq., Davis, Malm & D'Agostine, P.C.
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets

SOIL

Sampling Point: 15' SE of WF5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3"	2.5Y2.5/1	100%	none				sandy loam	some stripped grains
3-14"	10YR3/1	88%	7.5YR4/4,4/6	2%	C	PL	sandy loam	incl. oxidized rhizospheres
			10YR4/1,5/1	10%	D	M		
14-18"	10YR4/1	90%	10YR7/1	10%	D	M	sandy loam	
18-24"	10YR4/1	60%	10YR7/1	20%	D	M	sandy loam	
	10YR3/1	20%						

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Redox concentrations, including but not limited to oxidized rhizospheres, begin at about 6" from surface.



SOIL - additional photos and remarks from Brocks Court soil pit

Sampling Point:

15' SE of WF5



Remarks: Photographs of redox concentrations and depletions within second layer of soil profile. Evidence of historic fill and disturbance, including a chip of coal, were seen. Standing water at 18" was observed in the pit. This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

Kendra Kinscherf

January 13, 2016

VIA EMAIL

Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: One Brock's Court Notices of Intent (SE48-2834 & SE48-2835)

Dear Members of the Conservation Commission:

This office represents Marsha Fader, who is an abutter to the proposed project at One Brock's Court. I submit this letter in opposition to the proposed development of the property. The proposed development does not comply with the Nantucket Wetlands Bylaw and Wetland Protection Regulations and will have a significant impact on wetlands resources in the neighborhood.

My client's and the Applicant's properties are located adjacent to Bordering Vegetative Wetlands (BVW), which are protected under Nantucket's bylaw and regulations. The following provisions are relevant to the applications before you:

- All structures that are not water dependent must be at least 50 feet from the vegetated wetland;
- No more than 50% of the area located within the 25- and 50-foot buffer shall be altered; and
- All structures must maintain an undisturbed two-foot separation to high groundwater.

In order to grant waivers from these requirements, the Applicant has the burden of demonstrating:

that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations... The burden of proof to show no

direct 617-589-3891 *direct fax* 617-305-3171
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reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not [*sic*] otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

Regulations § 1.03F.3(a). The Applicant has not met any of these requirements.

The Proposal Does Not Meet the Performance Standards Set Forth in the Regulations

The Applicant proposes to construct a second home on the Property and install a pervious patio, pervious driveway, and an in-ground pool. Although the Applicant has not yet provided all of the previously requested information, it is clear that the proposal will not comply with the applicable performance standards.

As addressed during the first hearing, the Applicant's delineation of the BVW is not accurate. Additional soil samples taken by Schofield Brothers of Cape Cod and New England Environmental, Inc. have identified hydric soils at least twenty feet from the pond on Ms. Fader's property and also in the lawn area of the Applicant's property, as well as oxidized rhizospheres along the privet hedge on the Applicant's property. According to the DEP's Delineating Bordering Wetlands Manual, hydric soil indicators take many years to develop and are therefore good indicators of wetland hydrology. Also as noted in that Manual, where the vegetation was previously altered (as here with the filled and lawn areas of the properties), the use of soil characteristics is necessary to delineate BVW due to the lack of native vegetation. The presence of the hydric soils and oxidized rhizospheres are indicators of wetland hydrological conditions and confirm saturated soil conditions just below the surface. In addition, the presence of hydric soils meets the definition of freshwater wetlands in the Nantucket Wetlands Regulations.

Schofield Brothers of Cape Cod has also noted that the Applicant's property has areas of fill. It is our understanding that the location of the pool, if not a greater area, is an area previously filled. According to DEP's Manual, in order to accurately characterize filled areas, it is necessary to dig below the fill and take samples of the original soil. It does not appear this practice was followed by Schofield at all test locations. However, in its December 21, 2015 report, Schofield indicated that the groundwater was at a shallower depth than the original soil (groundwater at 33"; old organic soil at 39").

Based on this data, the Applicant's delineation of the BVW is not accurate and the boundary of the BVW is located farther within the boundaries of the Applicant's property. In addition, the pond on Ms. Fader's property meets the Nantucket Wetlands Regulations' definition of a pond, subjecting it and the surrounding vegetated wetland (meadow) to protection.

As a result of a proper delineation, the locations of the 25-foot, 50-foot, and 100-foot buffer setbacks will change from those shown on the plans submitted and have a significant impact on the proposed

project. The 50-foot buffer should be shifted to the east, and thus, the proposed second home and in-ground pool will be in between the 25-foot and 50-foot buffer. Since structures are not permitted within that buffer zone, the proposed project will violate the performance standards under the local regulations. *See* Regulations §§ 3.02B.1 & 3.03B.1.

Even if the Applicant's wetlands delineation and buffer setbacks are not changed, the proposed project does not comply with the performance standards. Based upon the plans, it appears that more than 50% of the area between the 25- and 50-foot buffers will be altered and become a pervious driveway and patio. Although these areas will be pervious, they will become compacted over time, reducing the capability of water infiltration and drainage. This raises concerns of flooding in an area already prone to flooding due to the high water table.

Based upon the Applicant's waiver request, the proposed project does not meet the requirement of maintaining the 2-foot separation between structures (the second home and the pool) and groundwater. Regarding the in-ground pool, the Applicant indicates that groundwater is at a depth greater than 3.2 feet. No information on the precise depth is provided. Because the pool will be at a depth greater than 3.2 feet and because it is well documented that the water table is high in this area, a 2-foot separation will not occur.

In addition, as described by NEEI in its most recent submission, it is likely that the groundwater will be within a foot of the surface during normal spring conditions. Therefore a 2-foot separation between the foundation of the new building and groundwater will not be maintained.

Overall, the large amount of compacted pervious and impervious surfaces proposed to be added to the Applicant's property likely will cause a significant alteration to the hydrology of the area and result in adverse impacts to the resources protected by Nantucket's Wetlands Bylaw and Regulations.

The Applicant Has Not Demonstrated Waivers Are Appropriate

As conceded by the Applicant, waivers are necessary for the proposed project even if the wetlands delineation remains the same. The Applicant is required to provide an analysis of alternatives and an explanation why such alternatives are not feasible. The Applicant also must demonstrate that the proposed project will not adversely affect the wetlands resources.

The Applicant utterly failed to provide any analysis of alternatives that would not result in violations of the regulations. In considering possible alternatives, the Conservation Commission should analyze the proposal as a single project because the Applicant should not benefit from the previous unapproved work by arbitrarily separating it into two Notices of Intent. This is not a case in which the Applicant is left with no possibility of developing its property. When viewed as a whole, the Applicant already has a single-family home on the property. There is absolutely no need for a secondary dwelling or in-ground swimming pool. Simply put, the Applicant's first Notice of Intent seeking approval for work already done to improve the single-family home can be approved with no

January 13, 2016
Page 4

DAVIS MALM &
D'AGOSTINE P.C.
ATTORNEYS AT LAW

significant violations of the regulations. The requested waivers for the additional work therefore are unjustified.

In addition, it cannot seriously be contended that the project will not have adverse impacts on the interests protected by Nantucket's Wetlands Bylaw. The Bylaw protects wetlands values in Nantucket, including groundwater and flood control. The proposed project likely will alter groundwater and the infiltration and drainage capacity of the soils in the area by increasing the amount of compacted and impervious surfaces, and by displacement due to the below-surface structures.

Since the Applicant cannot meet its burden of demonstrating compliance with Section 1.03F.3(a), the Conservation Commission should deny the request for the waivers.

The proposed project does not meet the requirements of the local wetlands regulations, and Ms. Fader respectfully requests that the Conservation Commission deny an Order of Conditions.

Sincerely,



Kendra Kinscherf

KK:

cc: Client
Jeff Carlson
Steven Cohen
Mark Rits

The contest of the application for 44 Liberty Street is not about a "not in my backyard" complaint. The proposed development at 44 Liberty Street is about the abuse of a resource--a resource that once was a wooded wetland, home to pheasant and water-loving plants. In the late 1990's this wooded area was cut down, grassed over and filled with soil in an attempt to add yet another piece of property for development. These are facts. In the months that followed, my parents and I watched the remaining trees that bordered this property begin to decline from diversion of a natural water flow. Water, which now had no resting place from its downward path began to pool in the surrounding yards. Gradually, our backyard trees declined and died as the water pooled. Ironically, but obviously to local residents who knew how wet the area already was, no house or structure was ever built on this property despite the unscrupulous efforts of real estate agents to advertise the land as 'developable'. In fact, even mowing the grassed lawn was almost impossible at times because of the naturally high water table. Landscapers can verify this.

This wetland condition is intimately known to us as we have observed it over the many years we have lived at 36 and 42 Liberty Street. The water table has always been close to the surface. To see yet another attempt to sidestep what Mother Nature has naturally intended is frustrating and essentially abusive to what was once a pristine wetland swamp. While the applicant may not know this history as we do, we strongly feel that the science speaks for itself. The science will demonstrate the history of the land and show that the proposed development is ultimately wrong from a regulatory and resource protection standpoint.

Lastly, the final insult to this condition is the disregard for the grading against code which the applicant uses, and the retaining wall which further impedes the flow of water. This exacerbates the already pooling condition of our yard and is clearly over a foot above the lowest section of our yard. We are frankly at a loss as to how this re-grading was allowed by local authorities, and feel further victimized by the damage from the natural water flow. We not only urge decisions on this application to deny further insult to this resource and take absolute steps to enforce local and national wetland law, but propose an absolute remediation of the harm that has already been done.

Greg and Caryl Elder
42 Liberty Street

**NEW
INFORMATION
FOR CURRENT
HEARING**



February 4, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**RE: Review, Notices of Intent
 Brock's Court, Nantucket, MA
 DEP Files SE 48-2834, 2835
 NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) again met Jeff Carlson, representing the Commission, and Mark Rits of Site Design Engineering, LLC at Brock's Court and the adjacent property at 36 Liberty Street on January 21, 2016. During the site visit NEE was able to further investigate soil conditions on and around the Brock's Court site, delineate the edge of wetlands at 36 Liberty Street closest to Brock's Court, and assess neighborhood hydrology and the wetlands complex that occupies the northern slopes of Quarter Mile Hill. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

NEE dug soil pits in two new locations on the Brock's Court lot, and performed soil borings on the adjacent lot to the east, at 42 Liberty Street. Soil profiles are described on attached Corps of Engineers data forms, and were designated H2, H3, and H4. The location of the soil pit dug on January 7, for which a profile was submitted to the Commission previously, was designated H1. The approximate locations of these soils are shown on the attached figure labeled "soil pit sketch". All four locations were also surveyed by Mr. Rits. These soil profiles were all consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Mr. Rits also surveyed the location of three orange stick flags numbered A1-A3 on the 36 Liberty Street property, which were placed adjacent to soil borings agreed by all parties to be hydric during the January 7 assessment. Revised plans showing these hydric soil locations have not been made available as of this submission.

These soil observations provide additional evidence that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incorrect, with additional wetlands within the Brock's Court lawn and extending onto 36 and 42 Liberty Street.

In our letter of January 12, NEE provided evidence that seasonal high groundwater elevations might be higher than those previously submitted by Site Design Engineering. Their observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12" and 36" below the surface. Data from two USGS groundwater monitoring wells on Nantucket shows that groundwater

levels in these wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring.

On January 16 a rain storm deposited over an inch of rain on Nantucket. The pond at 36 Liberty Street was overflowing, with sheet flow toward Brock's Court. Surface water was visible in the Brock's Court lawn and on the lawn at 42 Liberty Street. Photographs of these locations taken at 10 a.m., as the rain was ending, are attached to this letter. Photographs of the same areas a day later, January 17 at 10 a.m., show that water was still visible at the surface. This is further evidence that groundwater levels at the proposed house site on Brock's Court are much higher than previously reported, and that the proposed structure not only cannot be built with the mandated two feet of separation from groundwater, but would actually be within the groundwater during a portion of the year.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,
New England Environmental, Inc.



Bruce Griffin
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket
Gregory DeCesare, Massachusetts Department of Environmental Protection
Mark Rits, P.E., Site Design Engineering, LLC
Laura Schofield, R.S., Schofield Brothers of Cape Cod
Paul Feldman, Esq., Davis, Malm & D'Agostine, P.C.
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets, soil pit sketch, site photographs

SOIL

Sampling Point: H2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4"	10YR2/1	100%	none				sandy loam	some stripped grains
4-10"	10YR3/1	75%	7.5YR3/3,3/4	5%	C	PL	sandy loam	5/1 mixed, not depletions
	2.5Y5/1	20%						
10-20"	2.5Y5/1	65%	2.5Y6/1	15%	D	M	sandy loam	
			7.5YR3/3,3/4	20%	C	PL		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: This hydric soil also matches New England indicator VII, Depleted Below Dark Surface.





Remarks: Photograph of redox concentrations and depletions within third layer of soil profile. Mixing in second layer may be evidence of historic disturbance. Standing water at 16" was observed in the pit. New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).

SOIL

Sampling Point: H3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3"	10YR2/1	100%	none				sandy loam	some stripped grains
3-16"	10YR3/1	85%	7.5YR3/4,4/4	5%	C	PL	sandy loam	refusal at 16" - stones
			2.5Y5/1	10%	D	M		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: This hydric soil formed in entirely filled or regraded material.





Remarks: Photograph of redox concentrations and depletions within second layer of soil profile.
Evidence of historic disturbance included chunks of coal or coke, patches of 10YR4/3 loamy sand around pit walls .
Standing water not observed within this 16" pit.
New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).

SOIL - additional photo and remarks from H4 soil boring

Sampling Point:

H4



Remarks: Photograph of redox concentrations from the first bite of the auger.
Soil probably contains at least some fill.
Standing water at 4" was observed in the hole.
This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

Photo 1:

Looking northeast at the 1 Brocks Court lawn, at the end of a rainstorm. Groundwater is at the surface.

Photograph taken January 16 at 10 a.m.

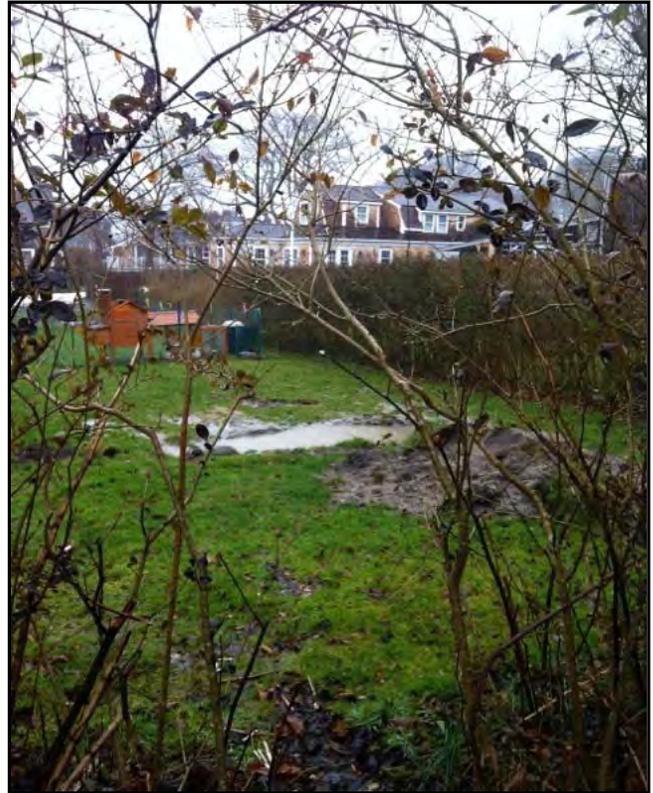


Photo 2:

The same location 24 hours later, with groundwater down only slightly.

Photograph taken January 17 at 10 a.m.





Photo 3: The northern property line at 42 Liberty Street, which is subject to frequent flooding. Photograph taken January 16 at 10 a.m.



Photo 4: The same location on January 17 at 10 a.m.



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February 4, 2016

SDE No. 12035

Ernest Steinauer
Chairman – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834 and SE48-2835
1 Brock's Court
Nantucket, Massachusetts
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during multiple Public Hearings for the above referenced NOI application for work proposed on the 1 Brock's Court property (Subject Property). Specifically, issues associated with a potential wetland resource area on property located at 36 Liberty Street (Map 42.3.4 Lot 83) hereafter referred to as the "Fader Property", questions about the wetland resource delineation on the Subject Property, and questions about groundwater elevations on the Subject Property.

A site visit was performed on both the Subject Property and the Fader Property on January 7, 2016. The site visit was attended by Jeff Carlson (Conservation Commission), Bruce Griffin (New England Environmental), Mark Rits (Site Design), Laura Schofield (Schofield Brothers), Marsha Fader (abutting property owner), and Lucy Dillon (abutter).

The purpose of the site visit was to evaluate potential resource areas on the Fader Property and to provide Mr. Griffin an opportunity to perform a field evaluation of the soils information which was submitted to the Commission on January 5, 2016.

Subject Property Development History

Figure 1 shows a 1940 aerial photograph (Nantucket GIS) of the Subject Property and the surrounding area. It is clear from this photograph that the western portion of the Subject Property was landscaped and that a substantial building was present on the northern portion of the Subject Property approximately where the existing pervious driveway is currently located. It is also clear that there was an enclosure on the southern portion of the Subject Property (likely an animal pen) in the approximate location of the proposed secondary dwelling. Additionally, the property to the west of the Subject Property was in agricultural use and was the site of a large building in an area which is currently delineated as a wetland. It is clear from this photograph that the Subject Property and the surrounding properties have been historically developed and heavily modified and have been in both residential and agricultural use for an extended period of time.

Project Modifications

The Applicant is submitting a two revised site plans dated February 3, 2016 for the NOI application for the previously performed house relocation (SE48-2834). The first revised plan is titled "Existing Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Existing Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The Applicant is also submitting two revised site plans dated February 3, 2016 for the NOI application for the secondary dwelling and swimming pool (SE48-2835). These plans also include minor modifications to the Proposed Project. The first revised plan is titled "Proposed Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Proposed Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The project modifications in both Proposed Conditions plans are the same and include enhanced buffer zone plantings and a modified driveway configuration going to the proposed secondary dwelling. The previously proposed pervious driveway will now include a central grass strip as indicated on both sets of revised site plans.

Fader Property Site Overview

The entirety of the Fader Property including the portion adjacent to the Subject Property has been previously altered, developed, and landscaped. Historical alterations of the Fader Property include extensive terracing of the western portion of the property (see Photos 1 through 4), construction of a partially lined man-made pond on the property (see Photos 5 through 8), use of a circulation pump in portions of the pond (see Photos 9 and 10), construction of a wooden bridge over a portion of the pond (see Photo 7). According to the current property owner, the original terracing of the Fader Property and the excavation of the original man-made pond were performed sometime between 1910 and 1920. The original configuration of the man-made pond was different from the current configuration. Aerial photographs from 1940 (Nantucket GIS) show a pond which is substantially different from the current configuration (see Figure 1 and Figure 2). It is unclear exactly when the pond configuration was altered or when the bridge was constructed, a portion of the pond was lined, and pumping equipment was installed. The terracing altered the existing grade on the Fader Property such that the area adjacent to the man-made pond is now relatively flat (see Photo 5 and Photo 6) instead of following what was likely originally a gentle slope similar to the one which extends onto the Subject Property and the natural wetland to the northwest. The resulting flat portion of the Fader Property is inconsistent with the slope on the southern portion of the Fader Property and the slope which is found on the Subject Property and the adjacent natural wetland area. It is our understanding that the area surrounding the man-made pond has been continuously maintained as a landscaped lawn area since it was constructed. This area does not currently include, nor is there any evidence that it has historically included, any significant native wetland vegetation which was not continuously mowed. The area around the man-made pond as well as the remainder of the western portion of the Fader Property consists of a well maintained manicured lawn (see Photos 11 and 12). Additionally, there are several large stumps located on the northern portion of the Fader

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Property immediately south of the Subject Property boundary (see Photos 13 through 14). Recent aerial photography (Google Earth imagery) indicate that several large trees or shrubs were present on this portion of the property and that they may have been removed from the Fader Property within the last couple of years. Additionally, the Property Owner indicated that there were issues with invasive species encroaching onto the property from the adjacent parcel to the northwest. As there are currently no invasive species along the northern portion of the Fader Property the assumption is that these have been removed. The man-pond on the Fader Property and the area surrounding the man-pond have been significantly altered and have been continuously maintained for an extended period of time and do not exhibit the characteristics of a natural system.

A review of Conservation Commission files for the Fader Property as well as for all abutting properties did not include any filings which delineate the existing man-made pond or any other portions of the Fader Property as a wetland resource area. Additionally, there have been no filings on the Fader Property for any activities including the removal of trees, lining of a portion of the pond, installation of pumping equipment, construction of a bridge, installation of split-rail fencing, or invasive species management along the northern portion of the Fader Property which is located within the buffer zone to an off-site BVW.

Fader Property Site Evaluation (January 7, 2016)

During the January 7, 2016 site visit, a number of auger holes and shallow test pits were excavated on the Fader Property. The test pits and auger holes were excavated between the existing man-made pond and the Subject Property boundary. The presence and/or extent of hydric soils around other portions of the man-made pond was not determined as part of the January 7, 2016 site evaluation. Test pits and auger holes were excavated into fill material which was comprised primarily of topsoil near the surface with medium to fine sands below. The test pits and auger holes indicated that hydric soils were present in an area adjacent to the man-made pond. These hydric soils extend for a distance of approximately 15-20 feet from the edge of the man-made pond in a northerly direction towards the Subject Property boundary. Mr. Griffin indicated that the underlying sands exhibited hydric characteristics because they were very pale in color. It is important to note that on Nantucket the presence of light colored sands may not necessarily be a hydric indicator as light colored sands are widespread throughout the island. A series of three pin flags were placed by Mr. Griffin to delineate the approximate boundary of the near surface hydric soils in the area located between the existing man-made pond and the Subject Property boundary. The location of the pin flags has been survey located and is shown on the revised Site Plan. The observed hydric indicators were present in loam and fill which was placed on the property as part of original historic site alterations and/or more recent landscaping and maintenance work.

A large natural wetland system is found on the property located to the west of the Subject Property and to the north of the western portion of the Fader Property. This wetland is located in a low spot on the landscape at the bottom of the slope which extends northward away from the terraced Fader Property. A series of test pits and auger holes were excavated near the boundary of the Fader Property adjacent to this wetland system in order to determine if there was a connection between the hydric soils on the Fader Property and the natural vegetated wetland. Hydric soils and other ground water indicators were not present within 18 inches of the surface indicating that the hydric soils around the man-made pond on the Fader Property do not connect directly to the vegetated wetland on the abutting property and that these are two discrete systems.

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Fader Property Site Analysis

The hydric soils which are present around the existing man-made pond are the direct result of water leaching from the man-made pond. This water is then impounded by the terrace fill which results in a longer than usual residence time in the soils adjacent to the pond and leads to the development of hydric features within the near surface soils. Because of ongoing maintenance of this area, no wetland vegetation has been established within these hydric soils. It is also likely that if any other landscaping scenario had been utilized around the man-pond, such as landscaping which included trees, shrubs, or vegetation other than lawn, a significant portion of the excess water in the soils around the man-made pond would have been utilized by the vegetation and the development of hydric features in the surrounding soils would have been significantly less likely to occur. It is also likely that use of a more robust vegetative community around the existing man-made pond would alleviate some of the groundwater issues which are a significant concern to abutters in this portion of the neighborhood. Additionally, the relatively recent removal of trees and/or large shrubs along the property boundary has further reduced the amount of water uptake from this area increasing the amount of time water leaching from the man-made pond stays in the surrounding soils. The presence of hydric soils within the terraced fill material adjacent to the man-made pond is directly the result of terracing of the property, excavation of the man-pond, and both historic and ongoing vegetation management practices on this portion of the Fader Property. Without the man-pond, terracing, or maintenance of a lawn it is unlikely that a substantial natural wetland would exist on this portion of the Fader Property.

Typically, wetland resource areas are delineated based on the presence of both hydric soils and the presence of a dominance of facultative and obligate wetland vegetation. In the event that an established existing wetland resource area has been altered, such as when vegetation has been removed from a wetland resource area, the Department of Environmental Protection (DEP) policy is to fall back to a delineation based solely on soil conditions. Again, this methodology is used when a pre-existing wetland resource area has been recently stripped of indicator wetland vegetation. In the case of the area surrounding the man-made pond on the Fader Property, there is no reliable contemporary record that a natural wetland system existed in this area since the area was altered approximately a century ago. It would not be appropriate to determine that this portion of the Fader Property is a wetland resource area when it does not currently, nor has it historically contained any wetland vegetation. Additionally, the existence of hydric soil conditions on this portion of the Fader Property is the direct result of historic site alteration and ongoing landscape maintenance.

Alteration and maintenance of this portion of the Fader Property is so extensive that no natural wetland vegetation is evident. Mowing occurs to the edge of the existing man-made pond and removal of trees or large shrubs has occurred in the area adjacent to the hydric soils.

Subject Property Historical Overview

A review of historical aerial photographs indicates that portions of the Subject Property have been in residential and agricultural use dating back to at least 1938 (see Figure 1) and that this use has varied over time. Extensive historic agricultural and residential use the Subject Property and the surrounding properties has resulted in an area which has likely been excavated and filled over time. Test pits and shallow soil borings indicate the presence of extensive fill which includes fragments of

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brick, clay tile, and other debris. As a result of these alterations which date back at least 75 years, there are no well-developed natural soil conditions on the Subject Property.

Project Justification

The Applicant is proposing a pervious driveway located partially within the 50-foot BVW buffer zone. The proposed pervious driveway will be located entirely within previously altered and landscaped portions of the Subject Property. Under the Bylaw, pervious driveways are permitted up to the 25-foot BVW buffer zone. The Commission has approved numerous pervious driveways and parking areas outside of the 25-foot BVW buffer zone on a variety of other projects on Nantucket.

The Applicant feels that the man-made pond on the Fader Property meets the Bylaw definition of a Pond as it connects to perched groundwater but does not have a hydrologic connection to any adjacent water bodies. Therefore, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the appropriate 25-foot, 50-foot, and 100-foot wetland buffer zones must be measured from the edge of the man-made pond. Proposed Conditions Site Plan A (03-Feb-2016) depicts this extent of jurisdictional wetland resource areas and associated buffer zones as they relate to the Proposed Project. The proposed 774 square foot secondary dwelling on the Subject Property is located outside of the 50-foot wetland buffer zone as calculated from the edge of the man-made pond on the Fader Property. It is standard practice for the Commission to allow applicants to construct structures outside of the 50-foot buffer zone to a wetland resource area.

In the event that the Commission decides that the heavily altered area of hydric soils (hereafter referred to as the Hydric Soil Zone) around the man-made pond on the Fader Property somehow qualify as a jurisdictional wetland resource area under the Bylaw. Proposed Conditions Site Plan B (03-Feb-2016) depicts the extent of wetland resource areas and associated buffer zones in the event that the Commission determines that the Hydric Soil Zone is a jurisdictional resource area under the Bylaw. It is important to keep in mind that all of this Hydric Soil Zone is currently mowed and maintained as lawn area. Additionally, the 25-foot buffer zone to this Hydric Soil Zone is also currently mowed and maintained as lawn area and that all of the area between the 25-foot and 50-foot buffer zones to this Hydric Soil Zone which is located on the Fader Property is also maintained as lawn area. Finally, there is evidence to suggest that several large trees have been recently removed from a portion of the Fader Property which is located within the 25-foot and 50-foot buffer zone to this Hydric Soil Zone.

The man-made pond is a jurisdictional wetland resource area under the Bylaw. Currently all of the 25-foot and 50-foot buffer zone to this jurisdictional wetland are altered and maintained as a lawn area. Additionally, if the Hydric Soil Zone surrounding the man-made pond is determined to be a jurisdictional wetland resource area, the entire resource area as well as the associated 25-foot and 50-foot buffer zones are currently maintained as a lawn and do not include any native wetland vegetation. Current use and maintenance of the Fader Property has resulted in significant impacts to the 25-foot and 50-foot buffer zones to the jurisdictional man-made pond. This ongoing use and maintenance has also resulted in significant impacts to the Zone of Hydric Soils and the associated 25-foot and 50-foot buffer zones if this portion of the Fader Property is determined to be a jurisdictional resource area.

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If the Commission determines that the extent of the wetland resource area on the Fader Property includes the Hydric Soil Zone and determines that 25-foot and 50-foot buffer zones must be cast from the limit of the Hydric Soil Zone, the Applicant feels that the proposed 774 square foot secondary dwelling on the Subject Property meets the requirements for a waiver for a structure within the 50-foot wetland buffer zone. Approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer to the Hydric Soil Zone. The proposed off-locus secondary dwelling will be located on a portion of the Subject Property which is located several feet downgradient of the haltered Hydric Soil Zone on the Fader Property. Any groundwater flow would occur from the Fader Property towards the proposed secondary dwelling. The proposed secondary dwelling would be outside of the 50-foot buffer zone to the man-made pond and would have no adverse impacts on the Hydric Soil Zone or the associated 25-foot and 50-foot buffer zones on the Fader Property as it would be downstream from these features. Additionally, the proposed secondary dwelling will be located on a previously altered and landscaped portion of an abutting property and would not result in the loss of any native buffer zone vegetation. Currently, the Fader Property is mowed and maintained up to the edge of the man-made pond. The entire Hydric Soil Zone and associated 25-foot and 50-foot buffer zones are currently mowed. It is not known if any portions of this maintained lawn area are fertilized or otherwise treated. The Applicant is also proposing approximately 800 square feet of native buffer zone plantings along the western edge of the Subject Property. The proposed plantings will provide a significant net benefit to the resource areas and associated buffer zones. The Applicant feels that the impacts to the man-made pond, Hydric Soil Zone, and the 25-foot and 50-foot buffer zones to these resource areas resulting from ongoing use and maintenance of this portion of the Fader Property are significantly greater than any potential impacts resulting from the construction of a frost wall foundation for the proposed off-locus secondary dwelling located on a previously altered and downgradient portion of an abutting property and that the proposed native plantings will result in an overall net benefit to the resource area and associated buffer zones.

Alternatives Analysis

Proposed Pool

The proposed pool has been located outside of the 50-foot buffer zone to the BVW resource area on the adjacent property to the east and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. Additionally, if the Commission determines that the Hydric Soil zone on the Fader Property is a jurisdictional wetland resource area, the proposed pool is located entirely outside of the 50-foot buffer zone to this potential resource area. The proposed pool is located on the portion of the Subject Property which has groundwater at the lowest elevation. There is no alternative location for the proposed pool which would place it farther from the wetland resource areas or would allow for an increased separation to high groundwater.

Proposed Secondary Dwelling

The proposed secondary dwelling has been located on the portion of the Subject Property which is outside of the 50-foot buffer zone to the natural well established BVW on the abutting property to the west and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. If the Commission determines that the Hydric Soil Zone on the Fader property is a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this heavily altered and maintained resource area. There is no alternative location for the

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proposed secondary dwelling on the Subject Property. Relocating the proposed secondary dwelling anywhere else on the Subject Property would place it within the 50-foot buffer zone to the well-established natural BVW on the abutting property to the west. The proposed location is the best available location for the proposed secondary dwelling.

Project Waivers

Required Ground Water Separation Waiver

The Applicant feels that the wetland resource delineation on the abutting property to the west is accurate and that all structural components of the Proposed Project will be located outside of the 50-foot BVW buffer zone. Additionally, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the Proposed Project will be located entirely outside of the 50-foot buffer zone to this resource area.

It is our understanding that the intent of the two-foot groundwater separation requirement in Section 3.02B(1) of the Bylaw Regulations is to reduce impacts to adjacent wetland resource areas which may result from the construction of foundations or other buried structures which may be sufficiently large so as to act as a dam preventing subsurface groundwater flow from moving naturally towards a downgradient wetland system. Such structures, if sufficiently large, could potentially result in the disruption of groundwater flow to the wetland resource area thereby significantly reducing the amount of water entering the wetland and adversely impacting the ability of the system to support wetland flora and fauna. It is important to note that such an adverse impact would only occur if the buried structure was blocking groundwater flow and was large enough to have a regional impact on the adjacent wetland system.

The proposed secondary dwelling foundation and proposed pool may require a waiver under the Bylaw because high groundwater will be located within 2 feet of the base of the footings for the proposed foundation and base of pool. In a letter to the Commission dated January 5, 2016 detailed information showing groundwater elevations from a deep hole test pit excavated in the proposed foundation location and adjacent to the proposed pool location was submitted to the Commission. In the proposed foundation location weeping was observed at a depth of approximately 36 inches and mottling was observed at a depth of approximately 32 inches placing high ground water at approximately elevation 20. The proposed base of footing for the secondary dwelling foundation will be constructed at elevation 20. The proposed base of footing will be at the top of high groundwater. Adjacent to the proposed pool location weeping was observed at a depth of approximately 26-32 inches, standing water was observed at a depth of approximately 75 inches and, and mottling was observed at a depth of approximately 70 inches placing high ground water at approximately elevation 15. The proposed pool will be located at a surface elevation of approximately 22. The proposed pool will have of a depth of 6 feet placing the bottom of the pool at approximately elevation 16. The bottom of the proposed pool excavation will be at an elevation of approximately 15 which is at or slightly above high groundwater. Neither the proposed foundation footings or the proposed pool will be in high groundwater. Both proposed structures will be at or slightly above high groundwater and will not result in any damming of groundwater flow and therefor will not result in any adverse impacts to the BVW on the adjacent property to the west. A detailed waiver request for this required waiver is provided in the Waiver Request section below.

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In the event that the Commission determines that the Hydric Soil Zone surrounding the man-made pond on the Fader Property is in fact a jurisdictional resource area, the proposed pool will be located outside of the 100-foot buffer zone to this resource area. Additionally, the proposed secondary dwelling foundation footings will be downgradient of the resource area and will not have any adverse impact on groundwater flow into this resource area.

Optional 50-Foot Structural Setback Waiver

It is our understanding that the intent of the 50-foot structural setback to a wetland resource requirement in section 3.02B(1) of the Bylaw Regulations is to reduce impacts to unaltered jurisdictional wetland resource areas which may result from the construction of a structure within 50 feet of a downgradient wetland. These adverse impacts may include disruption of groundwater or surface flow to the resource area, alteration of natural infiltration adjacent to the resource area, leaching of contaminants or other contaminated runoff associated with the structure entering the resource area, impacts to native buffer zone vegetation adjacent to the resource area, or impacts to wildlife which may be using the resource area.

In addition to the required waiver for separation to high groundwater discussed above, the Proposed Project may require a second waiver in the event that the Commission determines that the Hydric Soil Zone on the Fader Property is in fact a jurisdictional wetland resource area. If the Commission makes such a determination, approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. The Applicant feels that the proposed secondary dwelling will not have an adverse impact on this resource area as it will be located off-locus and downgradient of the resource area and will be on a previously altered and landscaped portion of the Subject Property. The Applicant also feels that the proposed planting of 800 square feet of native buffer zone vegetation will result in an overall net benefit to the resource area and associated buffer zones. Additionally, the Applicant feels that the ongoing maintenance and mowing of this resource area, the 25-foot buffer zone to this resource area and fifty percent (50%) of the area between the 25-foot and 50-foot buffers to this resource area constitute a significant and ongoing impact to the resource area and associated buffer zones. The proposed off-locus downgradient structure will not result in any additional impacts to this heavily altered and maintained resource area. A detailed waiver request for this optional secondary waiver is provided in the Waiver Request section below.

Summary

The Applicant feels that the wetland resource area on the Fader Property is defined by the limit of the existing man-made pond and that this casts a 50-foot wetland buffer zone which falls short of the proposed secondary dwelling on the Subject Property. The Applicant also feels that the Hydric Soil Zone present on portions of the Fader Property adjacent to the man-made pond are the direct result of historic and ongoing site alterations and landscape maintenance activities and that this area does not qualify as a jurisdictional wetland resource area. Further, the Applicant feels that the man-made pond and Hydric Soil Zone do not connect to any water body or the nearby natural wetland resource area to the northwest of the Fader Property. In the event that the Commission feels that the Hydric Soil Zone somehow qualifies as a jurisdictional wetland resource area, The Applicant feels that the proposed secondary dwelling qualifies for a 50-foot no structure setback waiver under the Bylaw as it will have no additional adverse impact on the man-made pond and heavily altered and maintained

Hydric Soil Zone especially when compared to existing use and ongoing maintenance of this portion of the Fader Property. The Applicant also feels that the proposed native buffer zone plantings will result in a significant net benefit to the resource areas and associated buffer zones.

WAIVER REQUEST

Secondary Dwelling – Required Groundwater Separation Waiver

The Applicant is proposing to construct a secondary dwelling and pool on the Subject Property. The Applicant feels that the limit of the wetland resource area on the abutting Fader Property is coincident with the edge of the existing man-made pond. Based on that, the proposed secondary dwelling and pool will be located entirely outside of the 50-foot wetland buffer zone to both the man-made pond on the Fader Property wetland and the BVW located to the west of the Subject Property. The base of the footings for the proposed secondary dwelling foundation and the base of the excavation for the proposed pool will be located at approximately the top, or slightly above, the high ground water elevation as detailed above. The proposed foundation footings and pool will not meet the two-foot high groundwater separation requirement. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The proposed foundation and pool will not adversely impact the BVW or associated buffer zones. The proposed foundation and pool will be outside of the 50-foot BVW buffer zone and 50-foot buffer zone to the man-made pond and will be consistent with foundations and other structures approved for numerous projects located outside of the 50-foot wetland buffer zone. The proposed foundation will be located down gradient from the wetland located on the Fader Property and will not have any adverse impact on groundwater flowing towards this wetland as all groundwater flow towards this wetland occurs from upgradient portions of the Fader Property. Because the proposed foundation footings and pool will be located at the top of the high groundwater elevation they will not impede or alter the flow of groundwater towards the wetland located to the west of the Subject Property and will not result in any adverse impacts to this resource area. These structures are consistent with other structures which have been permitted by the Commission within two feet of high groundwater on numerous other properties on Nantucket. Therefore, the Applicant is requesting a waiver for the crawl space foundation two-foot separation to high groundwater under section 1.03F(3)(A) of the Bylaw which state the following:

Section 1.03F(3)(A):

“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow

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P: 508-967-0673 F: 508-967-0674

that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection.”

The proposed secondary dwelling will not include a basement and the base of the proposed footings will be located at the top of high groundwater. The base of the excavation for the proposed pool will be located at or slightly above high groundwater. The proposed foundation and pool are consistent with numerous other projects within 2 feet of high groundwater which have been approved by the Commission for areas outside of the 50-foot BVW buffer zone. The proposed foundation and pool have been designed to minimize or eliminate any adverse impacts to the BVW and associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the foundation and pool within two feet of high groundwater will not result in any adverse impacts to the BVW or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

Secondary Dwelling – Optional 50-Foot Structural Setback Waiver

The Applicant is proposing to construct a secondary dwelling on the Subject Property. In the event that the Commission determines that the Hydric Soil Zone adjacent to the man-made pond on the Fader Property somehow constitutes a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

Although the proposed secondary dwelling will be located partially within the 50-foot buffer zone to the Hydric Soil Zone on the Fader Property it will be located significantly downgradient from this resource area and will not alter or impact groundwater flow into or towards this resource area as all

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groundwater flow to this area originates from upgradient portions of the Fader Property. If the Hydric Soil Zone of Fader Property is in fact a jurisdictional wetland resource area, the entire resource area is currently mowed, altered, and maintained. Additionally, the entire 25-foot buffer zone to this resource area is mowed, altered, and maintained as well as 50% percent of the area between the 25-foot and 50-foot buffer zones to this resource area. The Applicant feels that the existing alteration, maintenance, and use of this resource area and associated buffer zones is a significantly impact to this resource area. The proposed off-locus downgradient structure located on a previously altered and landscaped portion of the Subject Property will not have any impacts the already heavily altered and maintained Hydric Soil Zone and associated buffer zones, especially when compared to the existing impacts resulting from ongoing use and maintenance of this area. Therefore, the Applicant is requesting a waiver for the proposed shed which will be located within the 50-foot buffer zone to a wetland resource area under section 1.03F(3)(A) of the Bylaw which states the following:

Section 1.03F(3)(A):

"The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection."

The proposed secondary dwelling will be located within a previously altered and landscaped portion of the Subject Property and will be located off-locus and downgradient from a completely altered, maintained, and mowed resource area on the Fader Property. The proposed secondary dwelling will not result in any adverse impacts to this wetland resource area or associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the secondary dwelling partially within the 50-foot buffer zone to an off-locus resource area will not result in any adverse impacts to this significantly altered and maintained resource area or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

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SDE No. 12035
1 Brock's Court
SE48-2834 Supplemental Information
February 4, 2016

Page 12 of 19

If you have any questions, please feel free to contact me via email at mrirts@sitedesigneng.com or at 508-802-5832.

Respectfully,
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Rits
Project Manager/Permitting Specialist

SITE DESIGN ENGINEERING, LLC.

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Photo 1: View Southwestward Showing Terracing on Southern Portion of Fader Property.



Photo 2: View Southward Showing Terracing on Fader Property.

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Photo 3: View Southeastward Showing Terracing on Fader Property.



Photo 4: View Eastward Showing Terracing on Fader Property.

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Photo 5: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.



Photo 6: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.

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P: 508-967-0673 F: 508-967-0674



Photo 7: View Northward Showing Partially Lined Man-Made Pond on Fader Property with Subject Property in Background.



Photo 8: View Westward Showing Partially Lined Man-Made Pond on Fader Property.

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Photo 9: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.



Photo 10: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.

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Photo 11: View Westward Showing Extensive Lawn on Western Portion of Fader Property.



Photo 12: View Northwestward Showing Extensive Lawn on Western Portion of the Fader Property.

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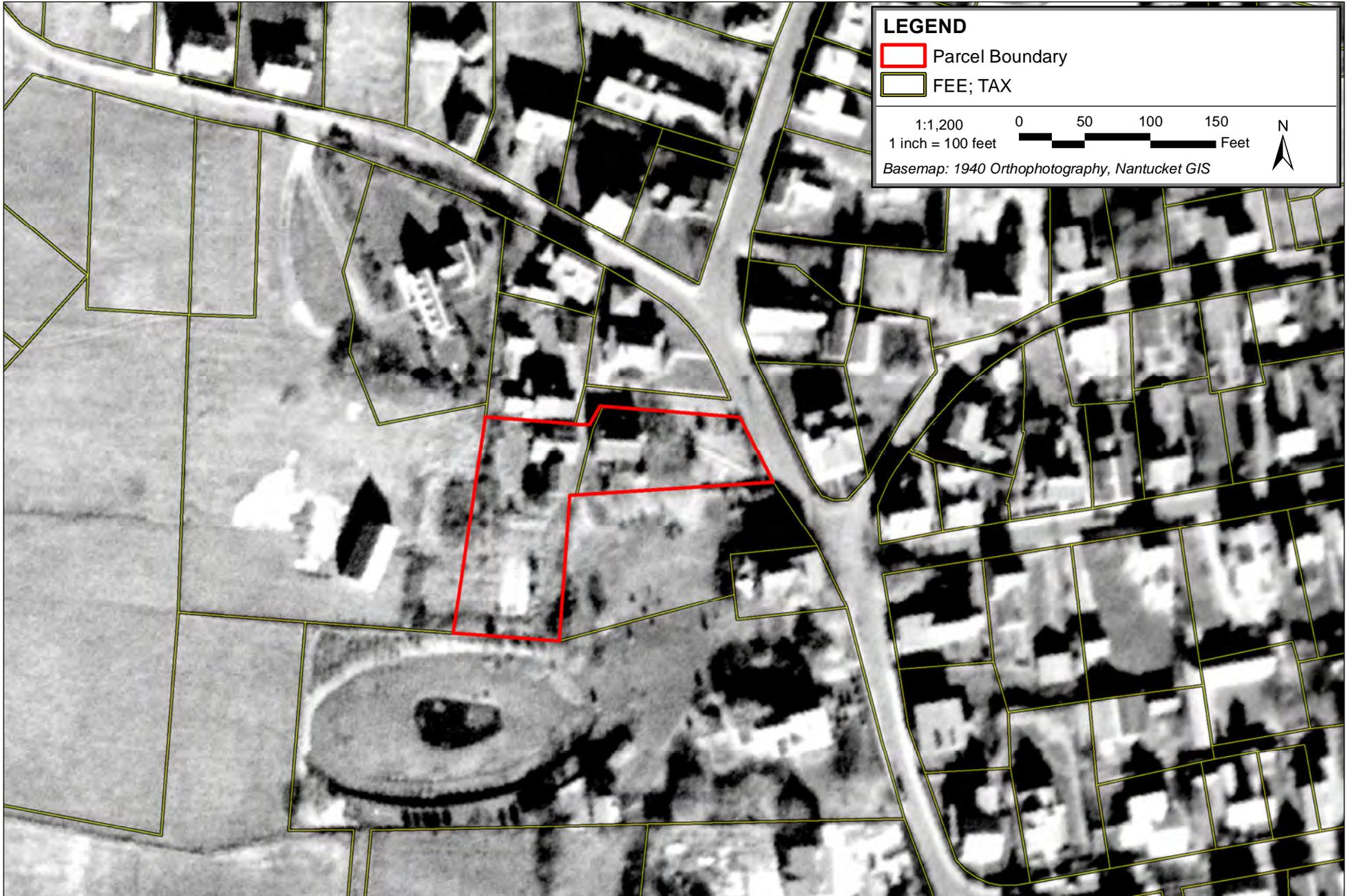
Photo 13: View Eastward Showing Large Stump on Fader Property.



Photo 14: View Northward Showing Large Stumps on Fader Property with Subject Property in the Background.

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1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 1 - Detailed Site Overview - 1940
February 3, 2016





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 2 - Detailed Site Overview - 2014
February 3, 2016





LEGEND

- PROPERTY LINE
- SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- DEPTH TO GROUNDWATER
- TEST PIT
- DEPTH TO GROUNDWATER
- SOIL BORING

ZONING CLASSIFICATION: R-1

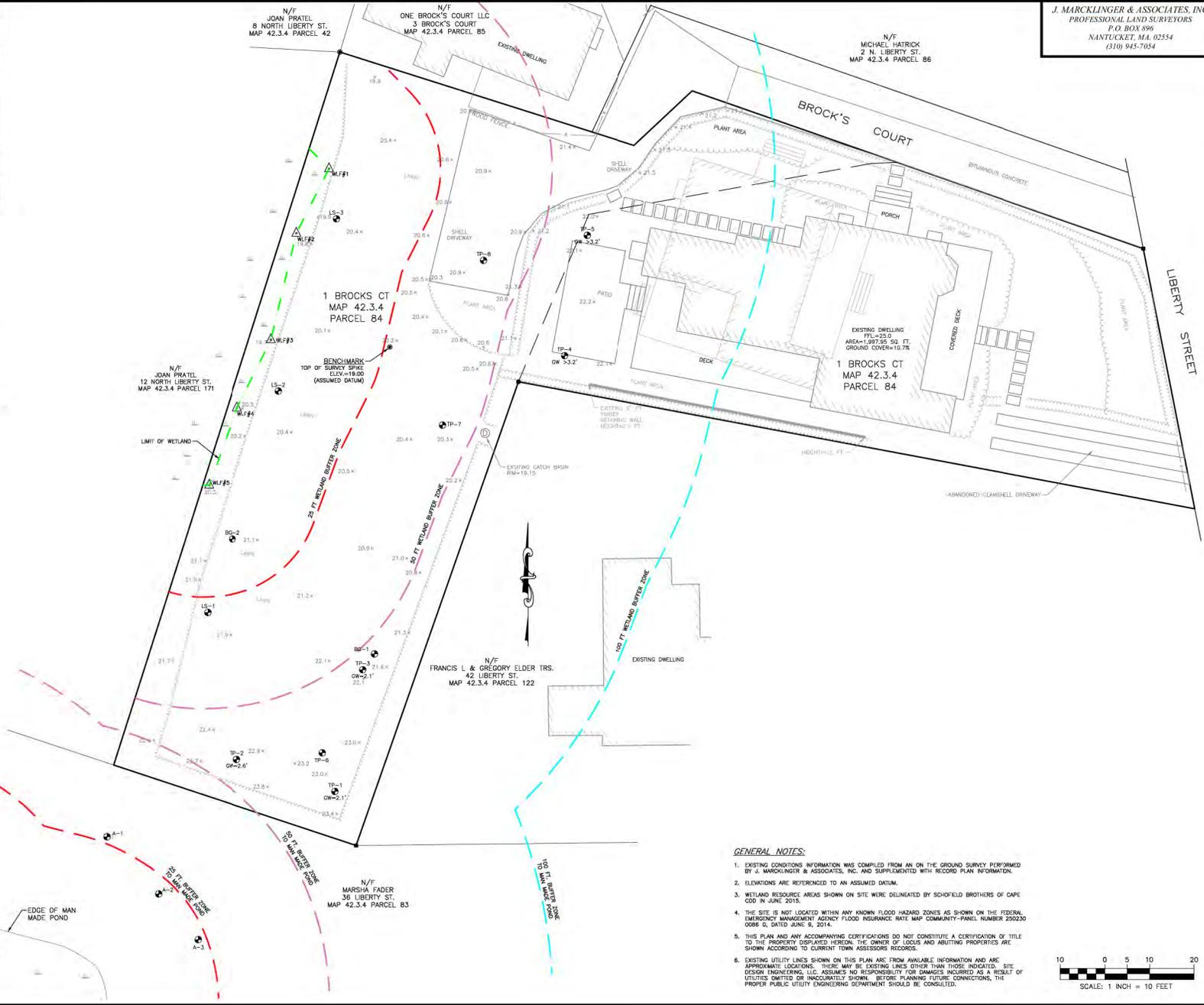
MINIMUM LOT SIZE 5,000 SQ. FT.
 MINIMUM FRONTAGE 20 FT.
 FRONT YARD SETBACK 10 FT.
 REAR YARD SETBACK 5 FT.
 SIDE YARD SETBACK 5 FT.
 GROUND COVER RATE 30%*

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1339 PAGE 294) GRANTING RELIEF OF SIDE LINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

OVERLAY DISTRICT APPLICABILITY

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOOD OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIXCONNET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WETLAND PROTECTION	-
MA SCP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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 (310) 945-7054

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 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	2015	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JLM
 PROJECT NO: 12035
 ISSUED FOR:



EXISTING CONDITIONS PLAN

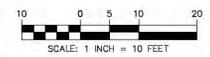
1 BROCK'S COURT
 ASSESSOR'S PARCEL 84
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:
EXISTING CONDITIONS PLAN 'A'

SCALE: **1"=10'**
 SHEET NO:
1 of 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250220 CORR. 6, DATED JUNE 9, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DESCRIBED HEREIN. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
 - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, L.L.C. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES DAMAGED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.





LEGEND

- PROPERTY LINE
- 20.3' SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW DEPTH TO GROUNDWATER
- TP-# TEST PIT
- A-#/B-#/LS-# DEPTH TO GROUNDWATER SOIL BORING

ZONING CLASSIFICATION: R-1

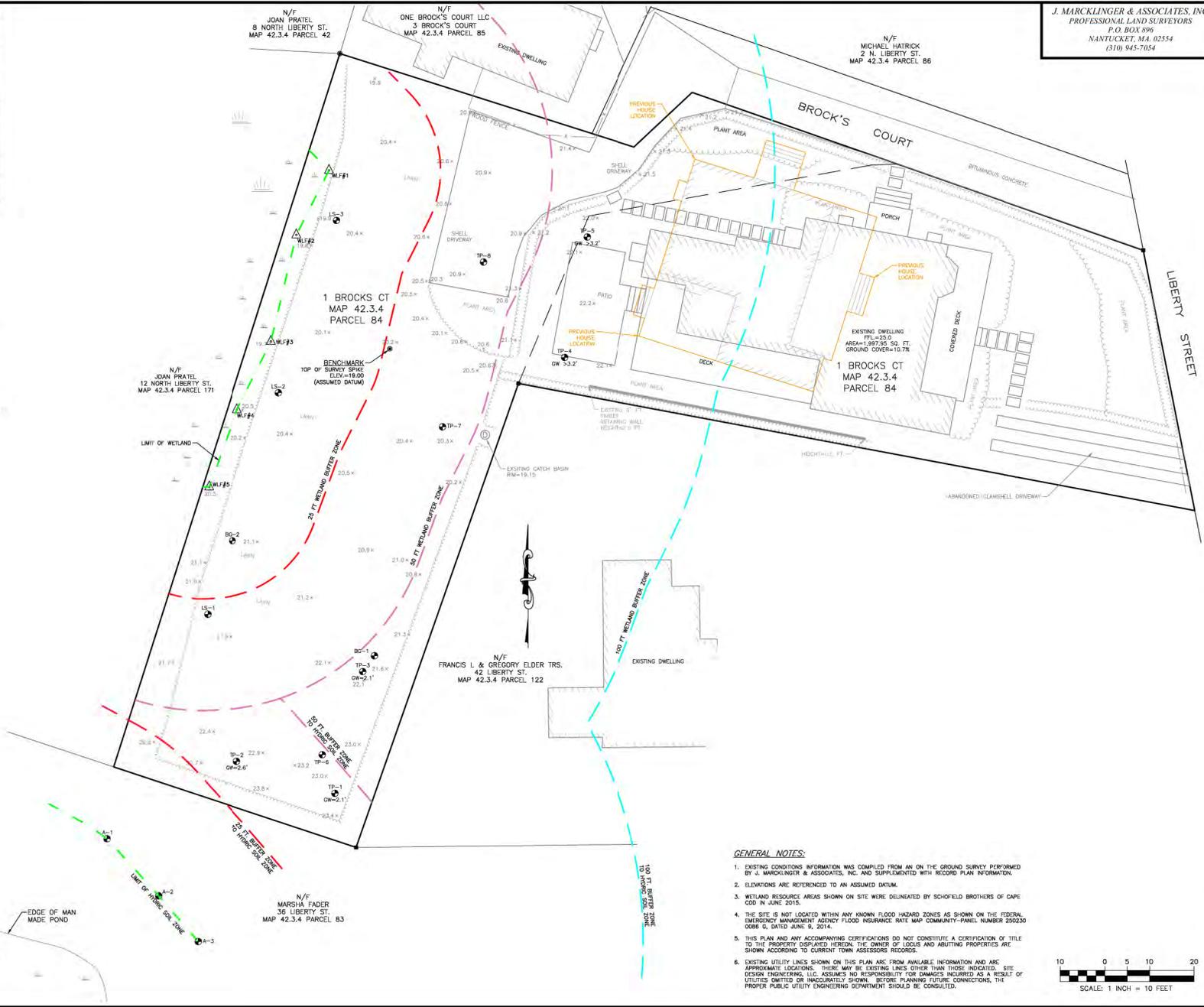
- MINIMUM LOT SIZE 5,000 SQ. FT.
- MINIMUM FRONTAGE 20 FT.
- FRONT YARD SETBACK 10 FT.
- REAR YARD SETBACK 5 FT.
- SIDE YARD SETBACK 5 FT.
- GROUND COVER RATE 30%

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1336 PAGE 294) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

OVERLAY DISTRICT APPLICABILITY

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOV OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIXCONNET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERDRAFT	-
WETLAND PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



J. MARCKLINGER & ASSOCIATES, INC.
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 NANTUCKET, MA. 02554
 (310) 945-7054



NO.	DATE	DESCRIPTION
1	2015	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JJM

PROJECT NO: 12035

ISSUED FOR: APPROVAL



EXISTING CONDITIONS PLAN
 1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4 PARCEL 84
 NANTUCKET, MASSACHUSETTS
 PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:

EXISTING CONDITIONS PLAN 'B'

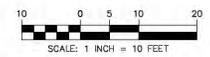
SCALE: 1"=10'

SHEET NO:

1 of 1

GENERAL NOTES:

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- ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
- WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
- THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250220 0085 D, DATED APRIL 9, 2014.
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LEGEND

—	PROPERTY LINE
○	SPOT ELEVATION
—	FENCE
—	HEDGE LINE
—	LANDSCAPING
—	LIMIT OF WETLAND
—	WETLAND FLAG
—	25 FT. BUFFER ZONE
—	50 FT. BUFFER ZONE
—	100 FT. BUFFER ZONE
○	TEST PIT
○	DEPTH TO GROUNDWATER
○	SOIL BORING

ZONING CLASSIFICATION: R-1

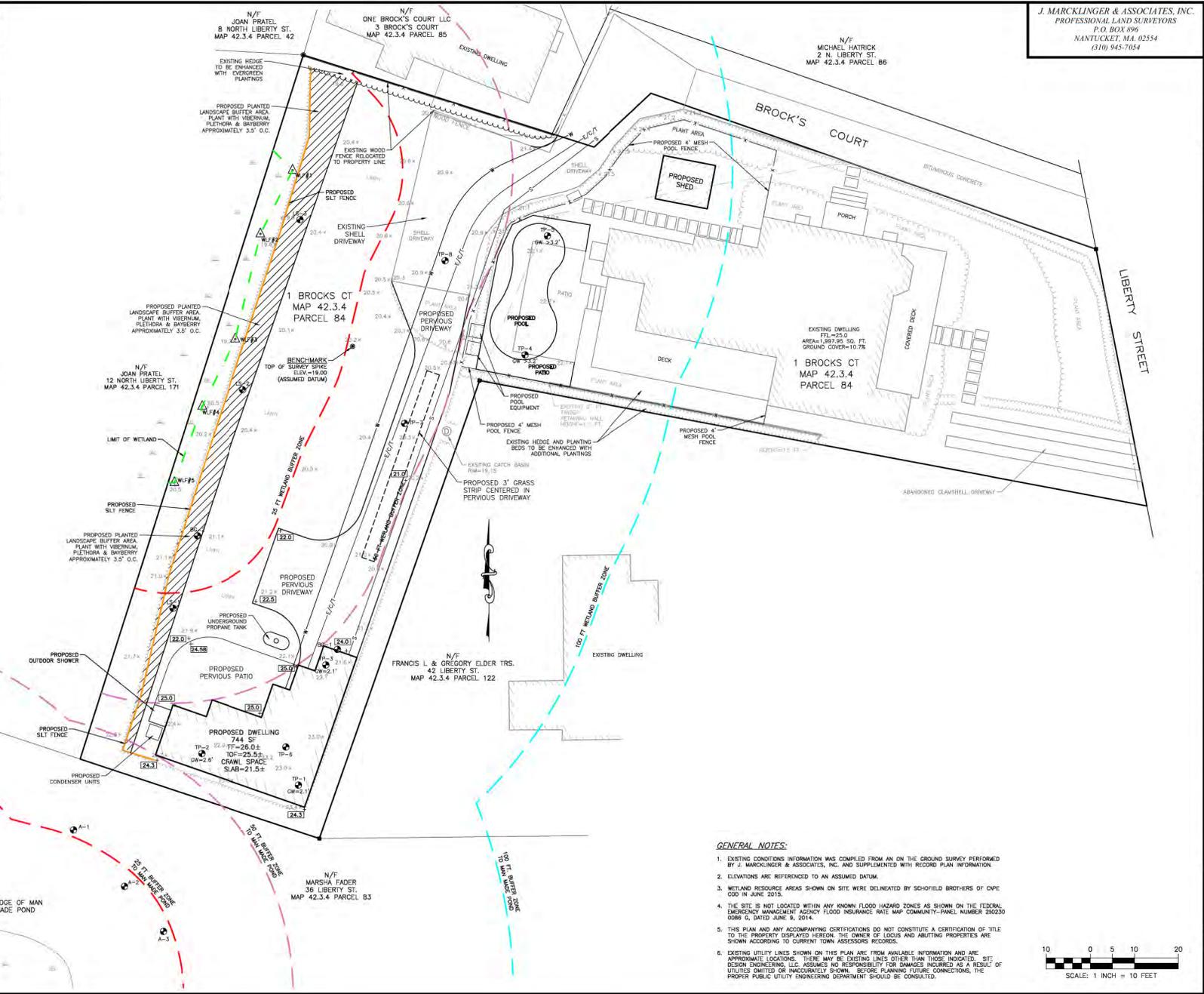
MINIMUM LOT SIZE: 5,000 SQ. FT.
 MINIMUM FRONTAGE: 50 FT.
 FRONT YARD SETBACK: 10 FT.
 REAR YARD SETBACK: 5 FT.
 SIDE YARD SETBACK: 5 FT.
 GROUND COVER RATIO: 30%.

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SETBACK SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.65 FEET.

OVERLAY DISTRICT APPLICABILITY

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	—
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MILL'S FAMILY	—
SASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERSHAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



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PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	11/20/15	ADDED BORING LOCATIONS, REMOVE SHED
2	10/16/15	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM
 PROJECT NO: 12035
 ISSUED FOR: APPROVAL



PROPOSED SITE PLAN

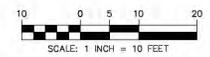
1 BROCK'S COURT
 PARCEL 84
 NANTUCKET, MASSACHUSETTS

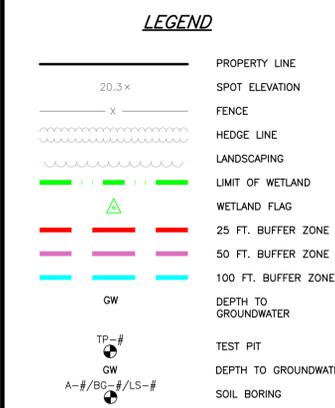
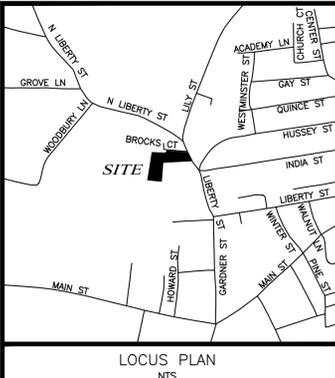
PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:
PROPOSED SITE PLAN 'A'

SCALE: **1"=10'**
 SHEET NO:
1 of 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 230230 009R G, DATED JUNE 8, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSOR RECORDS.
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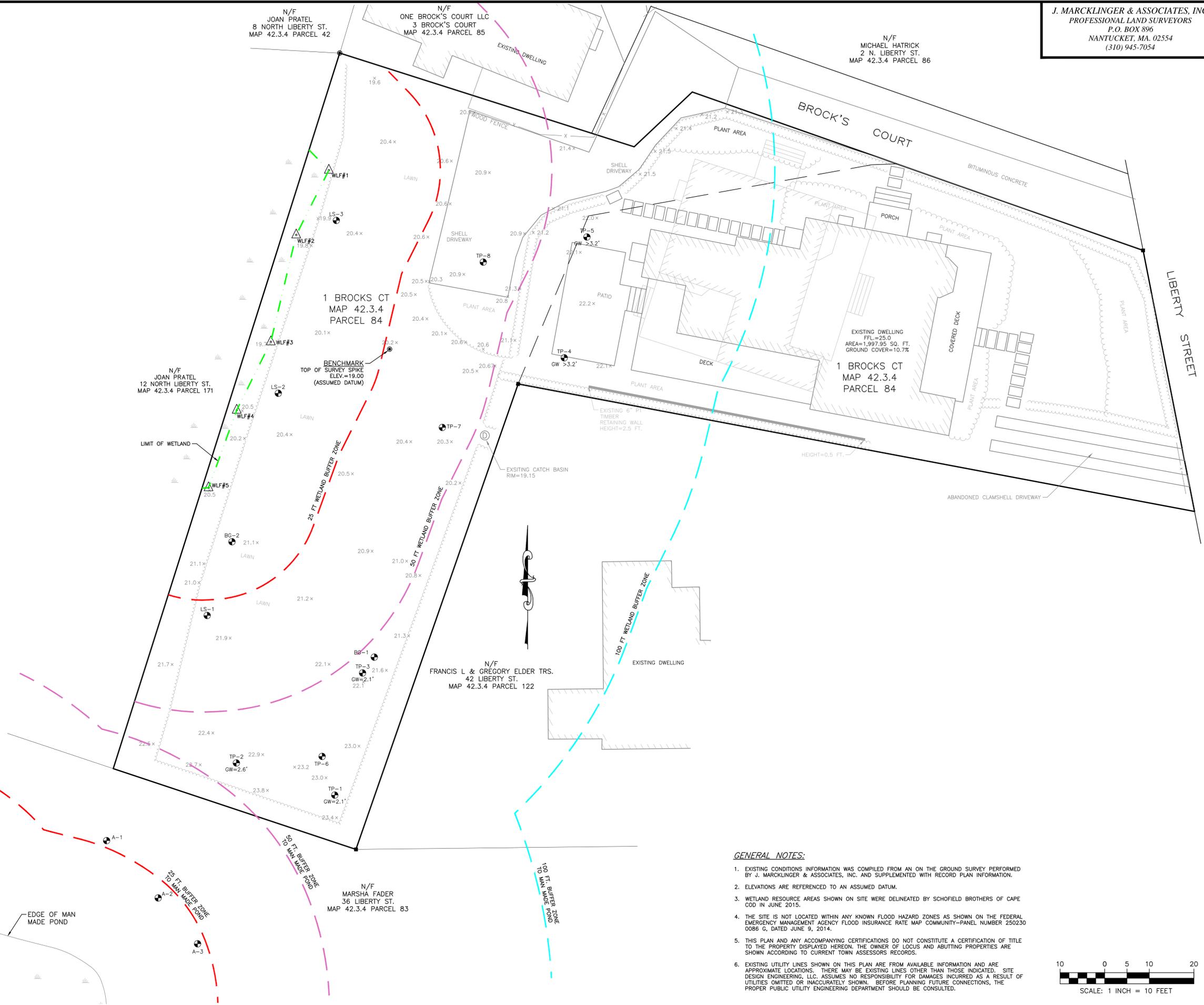
ZONING CLASSIFICATION: R-1

MINIMUM LOT SIZE 5,000 SQ. FT.
 MINIMUM FRONTAGE 50 FT.
 FRONT YARD SETBACK 10 FT.
 REAR YARD SETBACK 5 FT.
 SIDE YARD SETBACK 5 FT.*
 GROUND COVER RATIO 30%±

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 246) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	-
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
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 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
1	2/3/16	ADDED POND AND BORING LOCATIONS	DCM

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL



EXISTING CONDITIONS PLAN

1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS

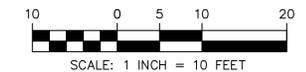
PREPARED FOR EDWIN SNIDER REALTY TRUST

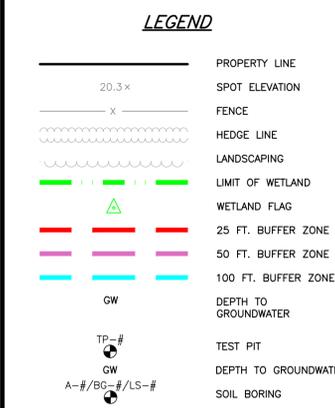
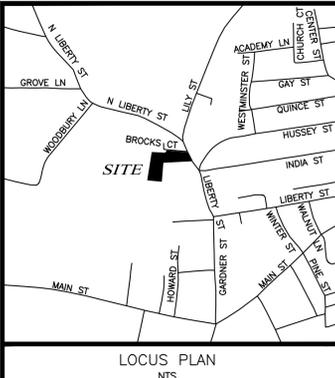
DRAWING TITLE:
EXISTING CONDITIONS PLAN 'A'

SCALE: **1"=10'**

SHEET NO.
1 OF 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
 - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.





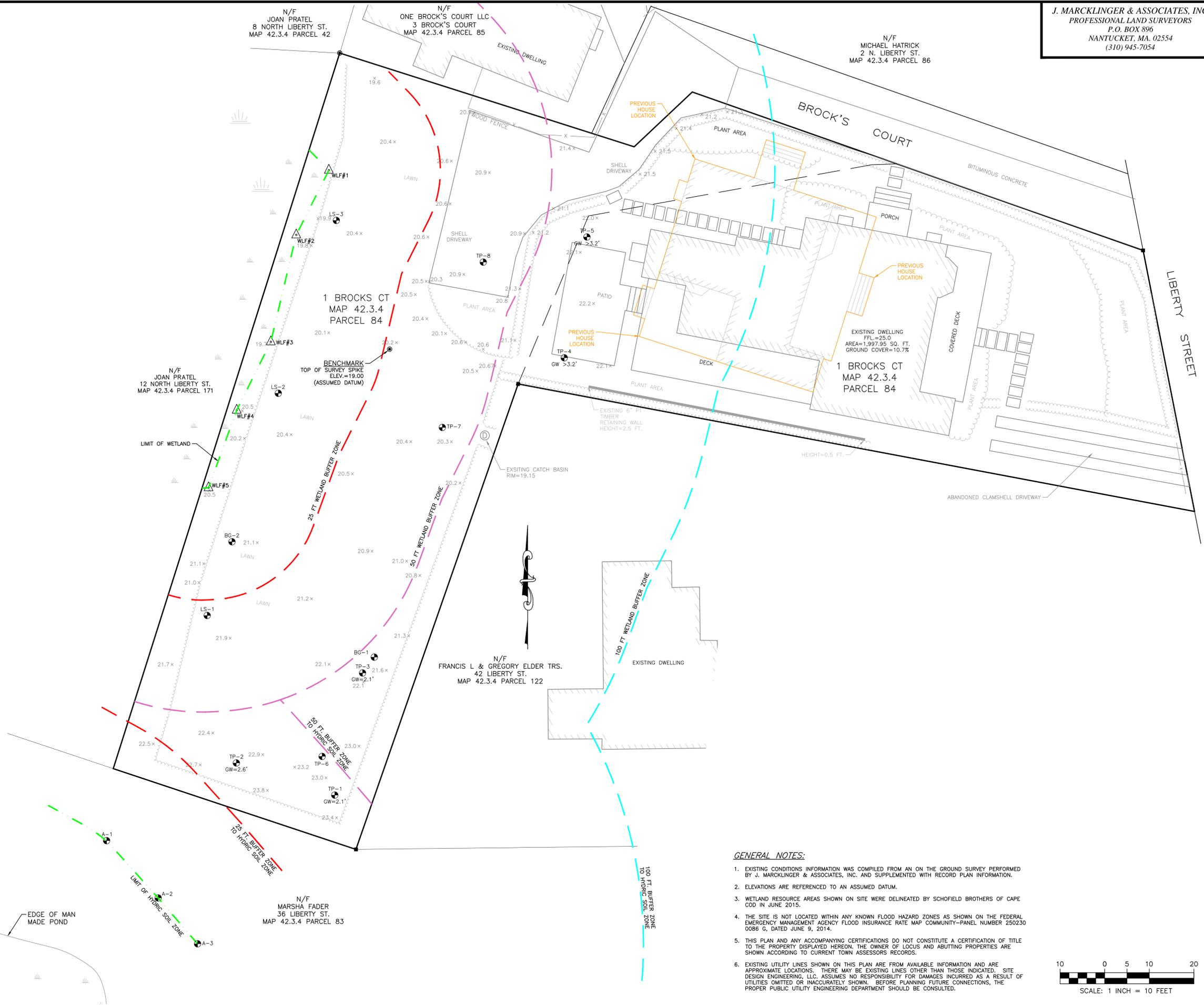
ZONING CLASSIFICATION: R-1

MINIMUM LOT SIZE 5,000 SQ. FT.
 MINIMUM FRONTAGE 50 FT.
 FRONT YARD SETBACK 10 FT.
 REAR YARD SETBACK 5 FT.
 SIDE YARD SETBACK 5 FT.*
 GROUND COVER RATIO 30%±

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 246) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	-
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



J. MARCKLINGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 896
 NANTUCKET, MA. 02554
 (310) 945-7054

SITE DESIGN ENGINEERING, LLC.
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
1	2/3/16	ADDED POND AND BORING LOCATIONS	DCM

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL



EXISTING CONDITIONS PLAN

1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:
EXISTING CONDITIONS PLAN 'B'

SCALE: **1"=10'**

SHEET NO.
1 OF 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ADJUTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
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Edwin Snider RT

1 Brock's Court



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

NOTICE OF INTENT APPLICATION

Construction of a Secondary Dwelling, Pool, Shed, and Pervious Driveway Within Wetland Resource Area Buffer Zones

**1 Brock's Court
Portions of Map 42.3.4 Parcel 84
Nantucket, Massachusetts**

Prepared for:

**Edwin Snider Realty Trust
C/O Cohen and Cohen Law PC
34 Main Street
Second Floor
Nantucket, MA 02554**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

October 30, 2015

SDE No.: 12035

WPA FORM 3

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

<u>1 Brock's Court</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41 17 01.78</u>	<u>70 06 15.92</u>
	d. Latitude	e. Longitude
<u>42.3.4</u>	<u>84</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Edwin Snider Realty Trust C/O Cohen & Cohen Law PC</u>	<u></u>	
a. First Name	b. Last Name	
<u>34 Main Street Second Floor</u>		
c. Organization		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u></u>		
d. Street Address		
<u></u>	<u></u>	<u></u>
e. City/Town	f. State	g. Zip Code
<u></u>	<u></u>	<u></u>
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Mark</u>	<u>Rits</u>	
a. First Name	b. Last Name	
<u>Site Design Engineering, LLC</u>		
c. Company		
<u>11 Cushman Street</u>		
d. Street Address		
<u>Middleboro</u>	<u>MA</u>	<u>02346</u>
e. City/Town	f. State	g. Zip Code
<u>508-802-5832</u>	<u>508-967-0674</u>	<u>mrits@sitedesigneng.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$330.00</u>	<u>\$152.50</u>	<u>\$177.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

Construct a secondary dwelling, pool, shed, and pervious driveway located within the 100-foot buffer zone to a Bordering Vegetated Wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



WPA Form 3 - Notice of Intent

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

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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bank, Bordering Vegetated Wetland, and Land Under Waterbodies and Waterways.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Bordering Land Subject to Flooding and Isolated Land Subject to Flooding.

- f. Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: square feet

4. Proposed alteration of the Riverfront Area:
a. total square feet b. square feet within 100 ft. c. square feet between 100 ft. and 200 ft.

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete Section B.2.f. above.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	_____	
	1. square feet	

	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	_____	_____
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	_____	_____
	1. square feet	2. cubic yards dune nourishment
	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	_____	
	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	_____	
	1. square feet	
h. <input type="checkbox"/> Salt Marshes	_____	_____
	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	_____	
	1. square feet	

	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	_____	
	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	

	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	
	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BVW	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

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Nantucket

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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

- 2008 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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

Provided by MassDEP:

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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

- 1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
- 2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
- 3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

- 3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
 - a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
 Southeast Marine Fisheries Station
 Attn: Environmental Reviewer
 1213 Purchase Street – 3rd Floor
 New Bedford, MA 02740-6694
 Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
 North Shore Office
 Attn: Environmental Reviewer
 30 Emerson Avenue
 Gloucester, MA 01930
 Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

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Nantucket

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
 b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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City/Town

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Conditions Site Plan

a. Plan Title

Site Design Engineering, LLC

Daniel C. Mulloy, P.E.

b. Prepared By

c. Signed and Stamped by

October 29, 2015

See Plan

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

3346

29-Oct-2015

2. Municipal Check Number

3. Check date

3349

29-Oct-2015

4. State Check Number

5. Check date

Site Design Engineering, LLC.

6. Payor name on check: First Name

7. Payor name on check: Last Name



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 3 – Notice of Intent
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

DocuSigned by: <i>Elizabeth Frazier</i>	10/30/2015
1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

PROJECT DESCRIPTION

1 Brock's Court NANTUCKET, MASSACHUSETTS

October 30, 2015

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within 100 feet of a Bordering Vegetated Wetland (BVW) resource area on property located at 1 Brock's Court in Nantucket (Subject Property). The proposed work includes the construction of a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading. The proposed work including the secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading will be located within the 100-foot buffer zone to a BVW resource area.

This Notice of Intent application is presented by the following Property Owner/Applicant:

1 Brock's Court
(Map 42.3.4 Lot 84)

Edwin Snider Realty trust
C/O Cohen and Cohen Law PC
34 Man Street
Second Floor
Nantucket, MA. 02554

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 18,675 square foot (0.43 acre) lot located on the south side of Brock's Court and west of Liberty Street (see Figures 1 through 3 and Site Plan). To the north, the Subject Property is bordered by developed residential property. To the east, the Subject Property is bordered by Liberty Street, a paved public way, and developed residential properties. To the south, the Subject Property is bordered by developed residential properties. To the west, the Subject Property is bordered by undeveloped property (see Figures 1 through 3 and Site Plan). The Subject Property is currently developed and is the site of a single family residence (SFR), deck, pervious driveway, and associated landscaping/grading. A BVW resource area is located on the adjacent property to the west and extends onto the western portion of the Subject Property. The extent of the wetland resource area has been delineated as part of a separate NOI application for work performed on the Subject Property by a previous owner. A large portion of the Subject Property is located within the 50-foot BVW buffer zone and has been historically maintained as a lawn area nearly to the edge of the BVW.

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The Subject Property is located entirely outside of the 100-year flood zone as determined from the Digital FEMA Flood Maps available from MassGIS and site specific topographic survey information (see Figure 6 and Site Plan) and is therefore outside of Land Subject to Coastal Storm Flowage (LSCSF).

PROPOSED ACTIVITIES

The Applicant is proposing to construct a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading. The proposed work including the secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading will be located within the 100-foot buffer zone to a BVW resource area. All structural components, except a portion of the proposed shed, will be located entirely outside of the 50-foot BVW buffer zone. The proposed shed will be located within a previously altered and landscaped portion of the Subject Property and will be partially within the 50-foot BVW buffer zone. The Applicant understands that the proposed shed may require a waiver under the Bylaw (see Waiver Request Section below). The proposed pervious patio and pervious driveway will be located entirely outside of the 25-foot BVW buffer zone and will be within previously altered and landscaped portions of the Subject Property. The majority of the 25-foot BVW buffer zone and the area between the 25-foot and 50-foot BVW buffer zones has been historically maintained as lawn area. The Applicant is proposing to maintain existing lawn areas on the western portion of the Subject Property.

NHESP / MESA

The Subject Property is located entirely outside of both Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2008 NHESP Atlas available through MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

In order to minimize impacts to the BVW and associated buffer zones, the Applicant is proposing to install silt fencing along the limit of the existing lawn area as indicated on the Site Plan. The proposed silt fence will reduce siltation into the BVW and will also act to demarcate the limit of work. All work will occur outside of the 25-foot BVW buffer zone. With the exception of the portion of work necessary for the construction of the driveway and shed all remaining work will be located outside of the 50-foot BVW buffer zone. All equipment staging and materials storage will occur on the upland portion of the Subject Property. No equipment or materials will be stored within the 50-foot BVW buffer zone.

WETLAND RESOURCE AREAS

The Proposed Project is a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland Protection Regulations (Local Regs):

- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan)

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The Proposed Project is a residential development project and includes the construction of a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading which will be located within the 100-foot buffer zone to a BVW. A portion of the proposed shed and portions of the pervious driveway and pervious patio will be located in

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previously altered and landscaped portions of the 50-foot BVW buffer zone but will be entirely outside of 25-foot BVW buffer zone.

State Wetlands Performance Standards

Bordering Vegetated Wetlands

The Proposed Project will occur within the 100-foot buffer zone to a BVW. No work is proposed within any State or local BVW Resource Areas. The Proposed Project includes the construction of a secondary dwelling, pool, shed, pervious patio, pervious driveway, and associated landscaping/grading which will be located within the 100-foot buffer zone to a BVW. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed appropriate under local Bylaws. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

Local Wetlands Performance Standards

Vegetated Wetlands

“Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:”

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

With the exception of the proposed shed, all proposed structures will be located entirely outside of the 50-foot BVW buffer zone. Portions of the proposed pervious patio, pervious driveway, and landscaping/grading will be located within the 50-foot BVW buffer zone. Historically almost the entire 25-foot and 50-foot BVW buffers zones have been maintained as mowed lawn. Only a very small portion of the 25-foot BVW buffer zone is vegetated (see Site Plan). The Applicant is proposing to maintain the historic use of this portion of the Subject Property. The proposed shed will be located partially within the 50-foot BVW buffer zone. The proposed shed will be located in a previously altered and landscaped portion of the Subject Property and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones. The Applicant understands that this portion of the Proposed Project may require a waiver under the Bylaw and therefore requests the necessary waiver (see Waiver Request section below). Additionally, the proposed secondary dwelling will be constructed on a crawl space foundation. The proposed foundation may be located within 2 feet of high groundwater. The Applicant

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understands that this portion of the Proposed Project may require a waiver under the Bylaw and therefore requests the necessary waiver (see Waiver Request section below).

3.02B(2)

“Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means).”

The Proposed Project includes minor grading along the driveway and minimal fill adjacent to the proposed secondary dwelling. No significant grading or filling will be performed within the 25-foot BVW buffer zone. The Proposed Project as designed will not have any adverse impact on the ability of the BVW to provide flood protection.

3.02B(3)

“No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss.”

This standard is not applicable. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)

“The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland.”

This standard is not applicable. The Proposed Project will be connected to town water and sewer.

3.02B(5)

“Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw.”

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

“Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands.”

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

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3.02B(7)

"The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw."

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

CONCLUSION

The Subject Property is currently developed and is the site of an SFR pervious driveway and extensive landscaped areas. Portions of the 25-foot and 50-foot BVW buffer zone have been historically maintained as lawn areas. The Applicant is proposing to construct a secondary dwelling, pool shed, pervious patio, pervious driveway, and associated landscaping/grading within the 100-foot BVW buffer zone. Portions of the proposed shed will be located within the 50-foot BVW buffer zone. All remaining structures will be located outside of the 50-foot BVW buffer zone. Portions of the proposed pervious patio and pervious driveway will be located inside the 50-foot BVW buffer zone but will be entirely outside of the 25-foot BVW buffer zones. The proposed secondary dwelling will be constructed on a crawl space foundation and may be located within two feet of high groundwater. The Applicant understands that the proposed shed and crawl space foundation may require waivers under the Bylaw. All work is proposed within previously altered and landscaped portions of the Subject Property and will not affect any native vegetation. The Applicant feels that the Proposed Project has been designed to minimize or avoid adverse impacts to the BVW and associated buffer zones. Therefore, the Applicant respectfully requests that the Commission grant the necessary waivers (see Waiver Request section below) and approve the project as proposed.

WAIVER REQUEST

Proposed Shed

The Applicant is proposing to construct a small shed partially within the 50-foot BVW buffer zone. The proposed shed will be located within a previously altered and landscaped portion of the Subject Property and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones. Under the Bylaw the proposed shed may require a waiver and therefore, the Applicant is respectfully requesting the necessary waivers from the following sections of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."

Although the proposed shed will be partially within the 50-foot BVW buffer zone, the proposed shed will be located within previously altered and landscaped portions of the Subject Property and will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones. The Applicant is requesting a waiver for the proposed shed which will be located

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within the 50-foot buffer zone to a BVW under section 1.03F(3)(A) of the Bylaw which states the following:

Section 1.03F(3)(A):

“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection.”

The proposed shed will be located within previously altered and landscaped portions of the Subject Property and given existing site conditions, will not result in any significant new or additional adverse impacts to the BVW or associated buffer zones.

Secondary Dwelling

The Applicant is proposing to construct a secondary dwelling on the Subject Property. The proposed secondary dwelling will be located entirely outside of the 50-foot BVW buffer zone. The proposed secondary dwelling will be constructed on a crawl space foundation. The proposed foundation will likely be within two feet of high groundwater. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The proposed foundation will not adversely impact the BVW or associated buffer zone and will be consistent with foundations used for similar projects outside of the 50-foot BVW buffer zone. The Applicant is requesting a waiver for the crawl space foundation two-foot separation to high groundwater under section 1.03F(3)(A) of the Bylaw which state the following:

Section 1.03F(3)(A):

“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden

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of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection.”

The proposed secondary dwelling will not include a full basement but will instead be constructed using a crawl space foundation so as to significantly reduce the depth of excavation required for the project. The proposed foundation is consistent with numerous other projects located outside of the 50-foot BVW buffer zone. The proposed foundation has been designed to minimize or eliminate any adverse impacts to the BVW and associated buffer zones. Therefore, the Applicant feels that constructing the foundation within two feet of high groundwater will not result in any adverse impacts to the BVW or associated buffer zones.

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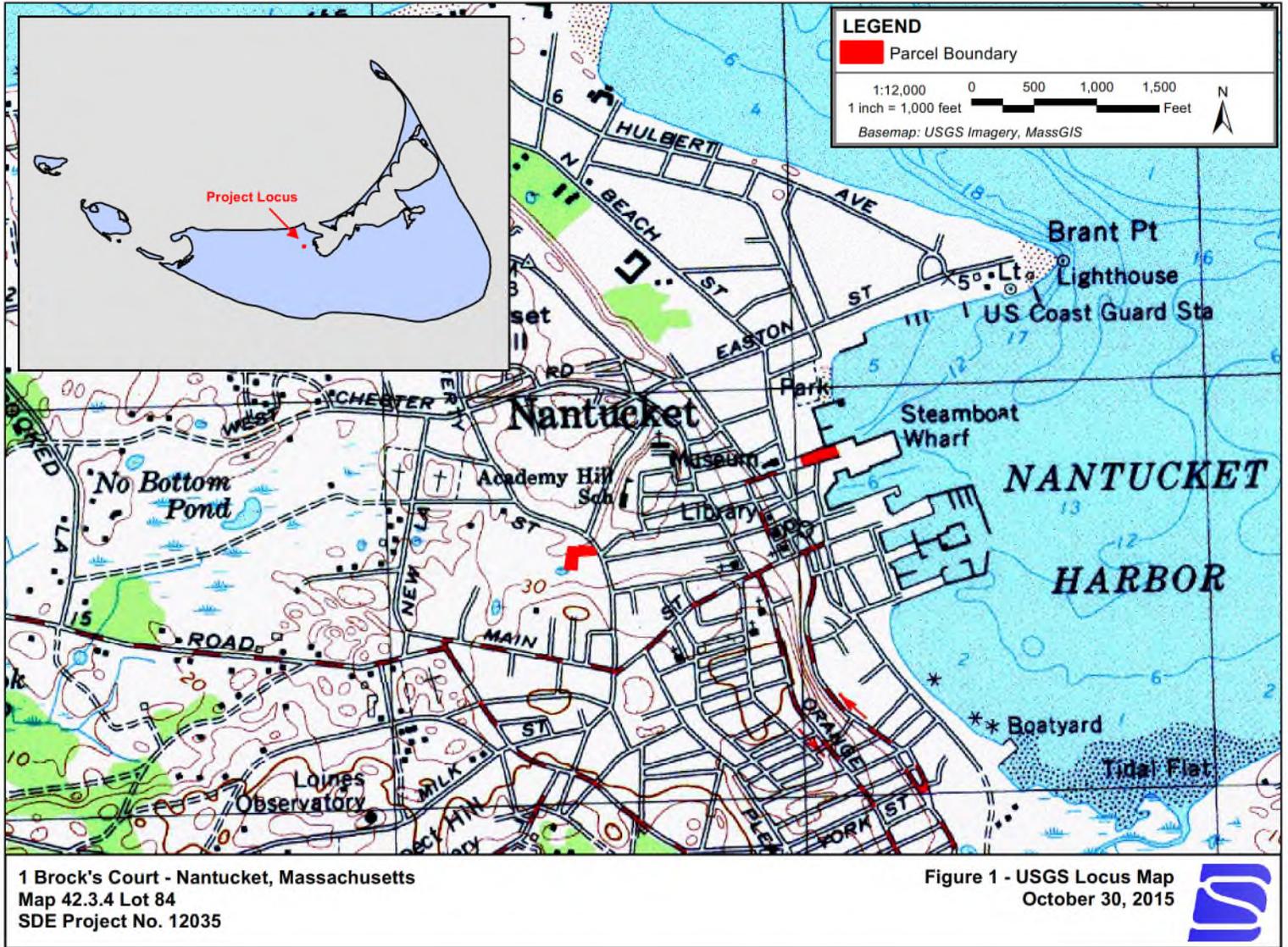
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FIGURES

SITE DESIGN ENGINEERING, LLC.

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1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 2 - Site Overview
October 30, 2015





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 3 - Detailed Site Overview
October 30, 2015





LEGEND

- Parcel Boundary
- Wetland Boundary
- 25-Foot Buffer Zone
- 50-Foot Buffer Zone
- 100-Foot Buffer Zone

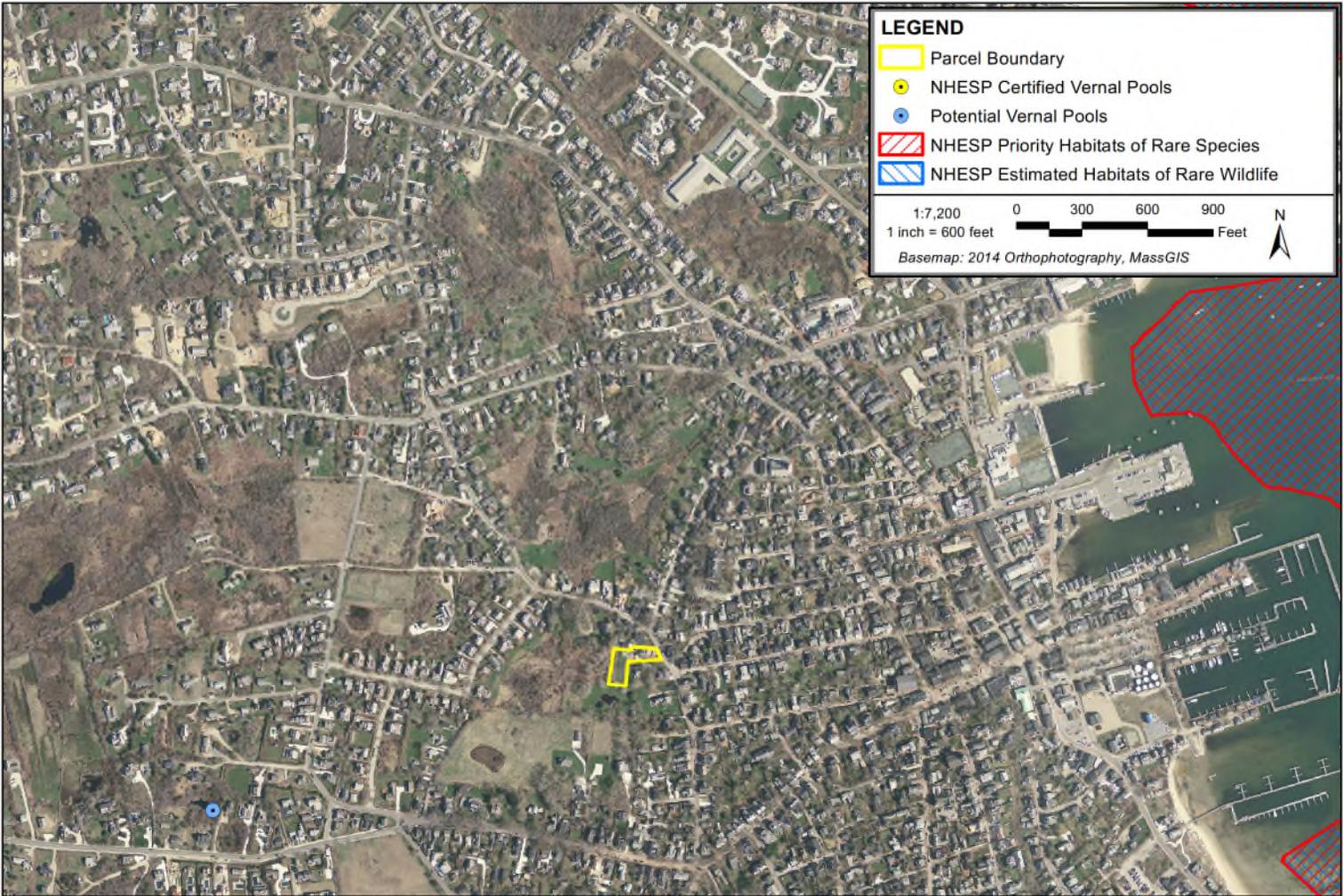
1:900 0 37.5 75 112.5
 1 inch = 75 feet Feet

Basemap: 2014 Orthophotography, MassGIS

1 Brock's Court - Nantucket, Massachusetts
 Map 42.3.4 Lot 84
 SDE Project No. 12035

Figure 4 - Wetland Boundaries
 October 30, 2015

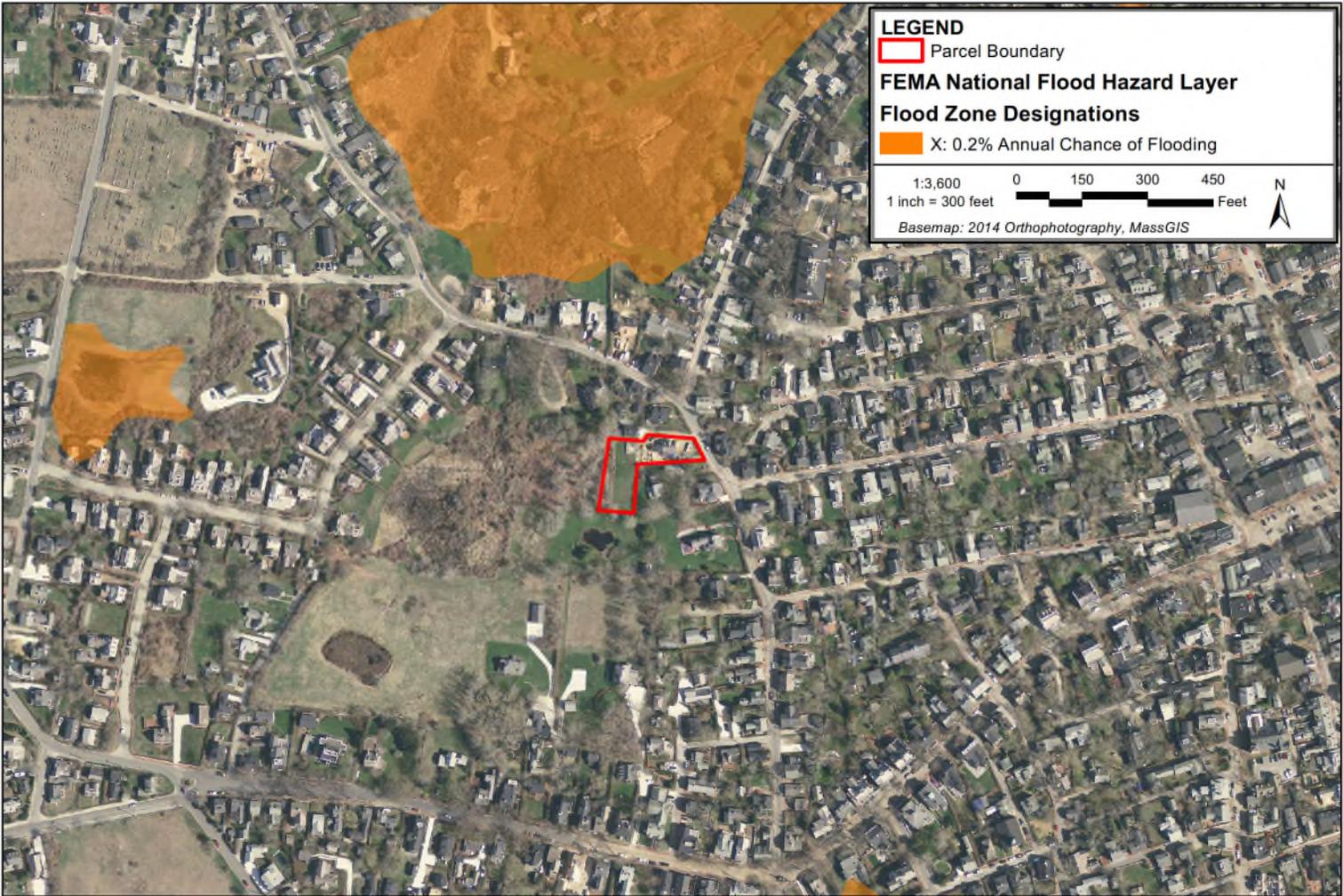




1 Brock's Court - Nantucket, Massachusetts
 Map 42.3.4 Lot 84
 SDE Project No. 12035

Figure 5 - NHESP Habitat
 October 30, 2015





1 Brock's Court - Nantucket, Massachusetts
 Map 42.3.4 Lot 84
 SDE Project No. 12035

Figure 6 - FEMA Flood Zones
 October 30, 2015



Laurentide Environmental, LLC
14 South Shore Road
Nantucket, MA 02554

e-mail: laurentideenvironmental@comcast.net

(508) – 332 – 9722

Field Inspection Report

Date: November 12, 2015

Applicant / Owner: Edwin Snider Realty Trust

Location: 1 Brocks Court

Agent: Site Design Engineering – Mark Rits

Comments: Developed lot off North Liberty Street. The applicant has submitted two NOIs for separate work. The wetland boundary is the same for both the NOIs.

The wetland boundary reflects the conditions that exist on the site today.

NOI #1: This requests validation of work performed within the Commission's jurisdiction with out a valid permit. Based on aerials of the area it appears that the work was conducted in 2013 and 2014 (Google Earth mapping).

The work performed was the relocation of the existing dwelling, expansion of the dwelling, construction of decks, landscaping (privet plantings) and driveway improvements. With the expansion of the dwelling without a permit causes some problems for the second NOI filed for this property.

NOI # 2: This NOI requests new work on the property including the construction of a new dwelling, in-ground pool, a shed, driveway access to the new dwelling, and grading. The application also requests two waivers for the work.

Waiver # 1: The construction of the shed within 50 feet to the wetland boundary. The application fails to meet the requirements of the requested waiver. There is no alternatives analysis as required by the regulations. There is no proof submitted that the change from landscaped lawn to an impervious structure will not impact the wetlands. There are plenty of locations available outside the 50-foot no build buffer to locate this shed. Including areas that were impacted by the unpermitted work.

Waiver # 2: The request is for a reduction of the 2-foot separation of the proposed foundation to the high groundwater. There is no information of the bottom of the foundation elevation or the elevation of the groundwater. This area through Woodbury Lane and Lily Pond is well known for high groundwater and

thick clay layer(s) that prevent percolation. Without further information on the soils and groundwater, it is hard to make the determination on no adverse impact in either long or short term. In addition with the known soils and groundwater problems in the area, it is hard to believe that the installation of the pool will not result in the same problems as the proposed foundation.

Questions and Recommendations:

Why was no application for the proposed work in NOI #1? The current property are aware of the Commission's Regulations.

Additional information is needed to justify both waivers, including a discussion on long and short term impacts (de-watering).

More details on the pool size, depth, water discharge, etc.

No mitigation is proposed for the two requested waivers.

Inspector: B. Perry

Dear Mr. Carlson,

I am writing regarding the two NOI applications submitted by Edwin Snider Realty Trust for 1 Brock's Court and are on the agenda for the meeting this Wednesday, November 18, 2015, agenda item numbers 9 and 10 in Section II - A.

I am the owner of 40 Liberty Street, which is two houses away from the aforementioned property. As an abutter in close proximity to the property in concern, I would like to respectfully submit my multiple concerns regarding these proposals.

1. First and foremost, I received the notice by certified mail only yesterday even though the letter is dated October 31. I know that other neighbors also did not receive the NOI until this weekend. I have been given no time to submit any comments or concerns which can not be proper procedure.

2. One of the two proposals requests approval "to relocate an existing single family residence, construct an addition, pervious patio, wooden deck, and associated landscaping buffer." I find this incredibly shocking since the residence was already moved almost two years ago, obviously without your approval!!

Regarding the addition of a second dwelling and a pool:

3. The Land Court's decision in April, 2013, to allow subdivision of the property, originally known as 44 Liberty Street, was based on a Wetland Assessment from 2007. Since wetland assessments are only valid for three years, this was an improper basis for approval. I had a Wetland Assessment conducted June, 2013 by New England Environment, Inc at the suggestion of Gerald Buzanoski, and they concluded that the assessment that was used was out of date, that the wetland boundary had expanded, and that the property in question was certainly in wetlands since three sides of the bordering properties were in wetlands. I have attached that assessment.

4. In the three years that I have owned my house, I have had to install french drains, a sump pump, two dehumidifiers and three fans in my basement. In fact, the sump pump sits in water because the water table at my house is 10-12 inches. The whole area is wet and getting wetter. Indigenous vegetation has slowly been dying in the area due to the constant wet conditions. It would be **unconscionable** to add any further barriers or impervious cover to that area. The lack of percolation will redirect water which therefore would destroy even more native vegetation. Certainly the new dwelling would have water issues since the water table is so high. And, any wildlife that still exists there would be further displaced.

5. The area comprising of The Joan Pratel Trust land and Marsha Fader's land is one of the few open spaces left in town. What a shame to further impinge on that beauty and tranquility that Nantucket is so valiantly trying to preserve and protect.

In summation, the additions of a pool and second dwelling would negatively impact not only the architectural integrity of the neighborhood by cramming in more structures but the natural conditions as well. (Even the HDC has decided to expand the Historic District's borders so that

there are no more additions of pools, etc., in the area of question.) The area is wetland and adding any more barriers will severely impact much as the run-off of water will be re-directed in unknown ways. Also, the owner of the property in question has already not followed the rules by moving the residence without approval. In fact, the construction on this property to date has already changed the grading and therefore the subsequent drainage has killed neighboring native plants and hedges. His arrogance and entitlement is universally known as he has posted blogs and videos on how to railroad through rules and regulations to get the job done. I certainly hope that he doesn't prevail again!

Thank you for your consideration. Should you have any questions, I can be reached at 610-658-0878.

Sincerely,
Joanna Lewis

Please acknowledge receipt of this email. Thank you!



September 9, 2013

Liberty Ladies, LLC
40 Liberty Street
Nantucket, MA

Mr. Gregory Elder
44 Liberty Street
Nantucket, MA

Ms. Marsha Fader
36 Liberty Street
Nantucket, MA

**RE: Wetland Assessment at Brock's Court
Nantucket, MA
NEE File 13-4266**

Please find attached information NEE has developed to review the wetlands adjacent to Brock's Court. We evaluated the wetlands, soil conditions, and hydrology of this area on June 20, 2013. This letter finalizes a draft memo sent to you on July 31, 2013.

A wetland boundary adjacent to the Brock's Court Subdivision was approved by the Nantucket Conservation Commission based on a plan dated October 27, 2007 prepared by Blackwell & Associates, Inc. which is part of the Conservation Restriction by Joan Pratel to the Nantucket Land Council. This restriction was recorded on December 21, 2007.

A proposed plan for 1 Brock's Court was produced by On-Island Survey, Inc. on April 6, 2011 for Jay Nichols. This plan uses the same wetland boundaries and numbering system which was part of the above referenced Conservation Restriction on the Pratel parcel. There is no new wetland assessment or new wetland delineation evident on the property relative to any new work proposed by Mr. Nichols.

NEE reviewed the wetland site conditions on the Pratel and Fader properties and located an old wetland flag at location WLF #50/59 which is the closest location to the Brock's Court site. This wetland flag was placed by LEC consultants. We conducted a wetland data point in this location (attached) which was found to be saturated, with water within 13" of the surface, and containing hydric (wetland) soils with significant fill and debris as evidence of previous filling. A second wetland data point within a mown lawn area was recorded on the Fader property near the south end of the Brock's Court property. This data point showed hydric soils, saturated conditions, and a water table close to the land surface, at a similar elevation of the pond.

We located historic drainage channels, a drop inlet, a small pond, saturated soil conditions, small open water pools within the wetlands, and subsurface evidence of historic and current soil saturation and wetland site conditions in this area.

Findings. Wetland boundary determinations are valid for a period of three years and may not be extended, unless the Conservation Commission issues an Order of Resource Area Delineation. We do not know if there has been a Determination of Applicability of the wetland boundaries associated with the Pratel Conservation Restriction, but there was an approval by the Conservation Commission of the wetlands for the purpose of accepting the conservation restriction. It is not appropriate to re-use a wetland boundary which is more than 3 years old, or to use the 2007 wetland boundary as confirmation of current (2013) wetland conditions. It is our assessment based on our June, 2013 site conditions, that the wetlands have slightly expanded from the 2007 delineation, and that wetlands may have been filled to the east of wetland flag #50/59 which would change buffer setback boundaries. We did not conduct any work on the Brock's Court property; however an assessment of the wetlands on this property would be appropriate and any new development work should be based on a current wetland delineation and assessment of existing site conditions.

Based on our soil evaluations on adjacent properties, it is possible that the open lawn on the Brock's Court property has filled historic wetlands. There are presently wetlands located on all three sides of this lawn: delineated BVW to west; a pond and adjacent wetlands to the south; and a drainage ditch and outlet to the east. Any future development or land use change within the lawn area would encroach on the buffers to these wetlands, and would require the approval of the Nantucket Conservation Commission.

Please do not hesitate contacting NEE if you have any questions regarding these findings. Photographs, plans, wetland data forms, and additional information we reviewed are attached.

Sincerely,
New England Environmental, Inc.



Michael Marcus
Professional Wetland Scientist
Principal



Bruce Griffin
Certified Professional Soil Scientist

cc: Gerald G. Buzanoski, P.E.

enc. Photographs
Blackwell & Associates Plan, 2007
On-Island Survey Plan, 2011
Aerial Photograph, topographic Map, NEE
Soil Map



NHESP Designated Locations
 1 Brock Court
 Nantucket, Massachusetts

New England Environmental, Inc.
 Environmental Consulting
 15 Research Drive
 Amherst, MA 01002
 (p) 413.256.0202
 (f) 413.256.1092
 www.neeinc.com



Data Source: MassGIS, MA DEP Wetlands
 NHESP 2008 Estimated Habitats for Rare Wildlife
 for use with the MA Wetlands Protection Act
 NHESP 2008 Priority Habitats for State-Protected
 Rare Species. NHESP 2011 Massachusetts Certified
 Vernal Pools. NHESP Potential Vernal Pools 2000:
 Not Equivalent to Certified Vernal Pools.

NEE Job # 13-4266



Latitude 41° 17' 13.758" N
 Longitude 70° 6' 28.282" W



June, 2013



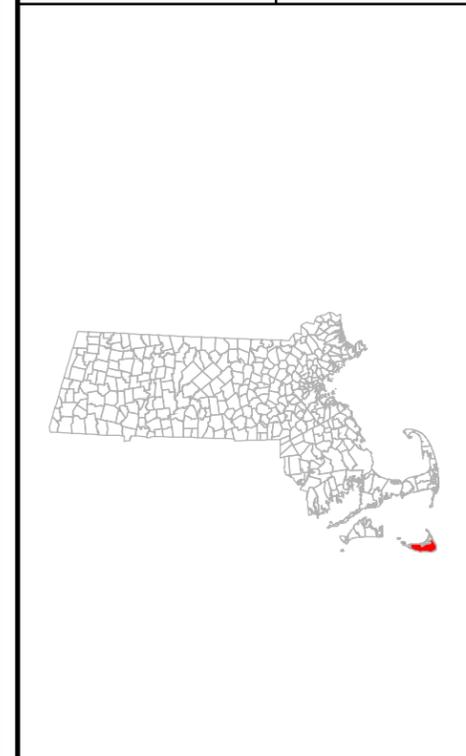


Prepared by:
New England Environmental, Inc.
Environmental Consulting
15 Research Drive
Amherst, MA 01002
(p) 413.256.0202
(f) 413.256.1092
www.neeinc.com



Prepared for:

Date: 06/18/013 NEE File # 13- 4266	Drawn by: JB Checked by:
--	-----------------------------



**1 Brock Court
Nantucket, MA**

Data Source: MassGIS
Commonwealth of Massachusetts
Executive Office of Environmental Affairs
Ortho photo: Nantucket Quad
NEE File # 13-4266

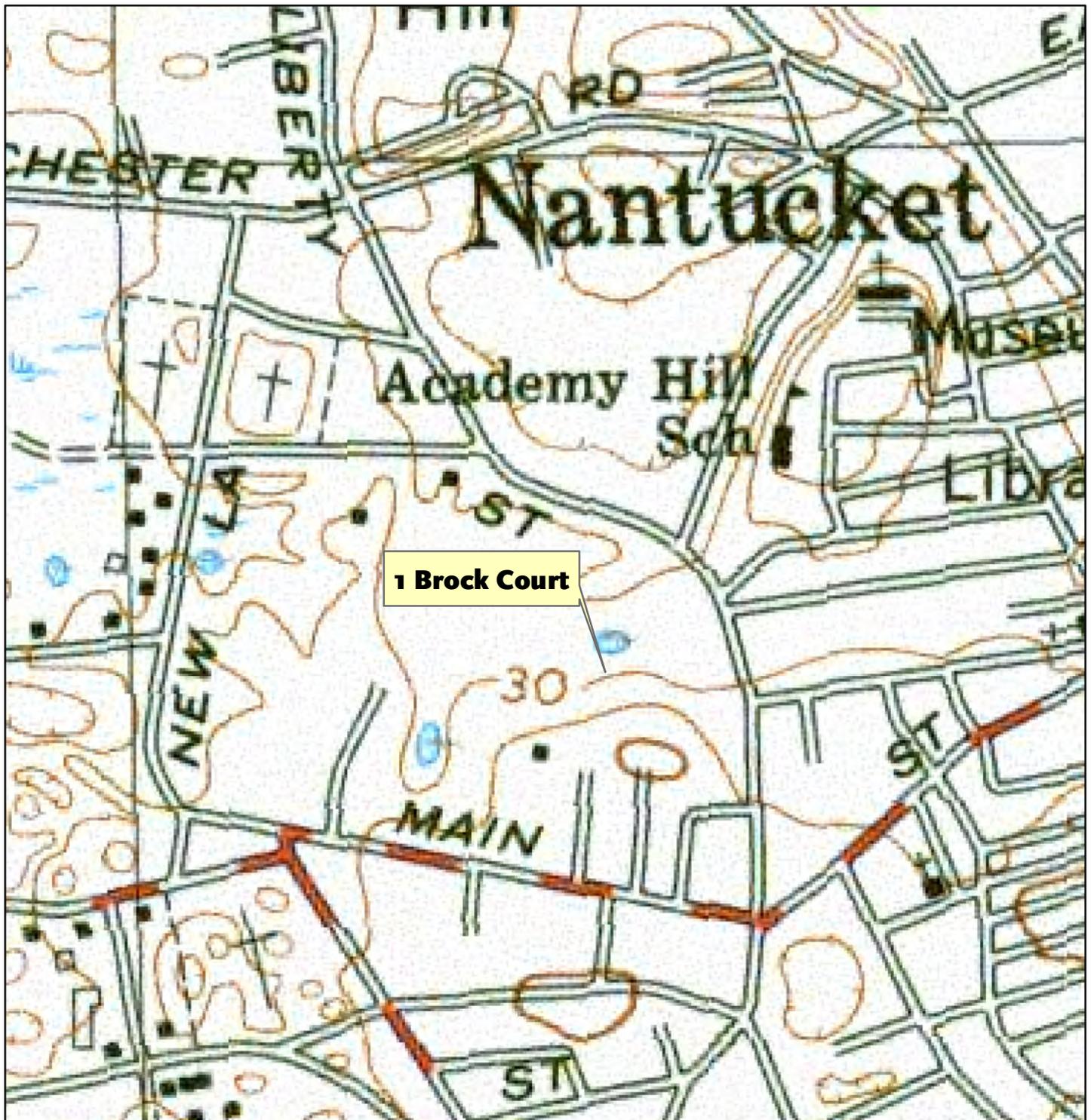


Figure 1: Topographic Map
 Brocks Court
 Nantucket, MA

Data Source:
 MassGIS, Commonwealth of
 Massachusetts Executive Office
 of Environmental Affairs



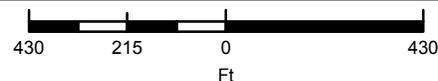
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USGS Nantucket, Mass Quadrangle

NEE Job # 13-4266

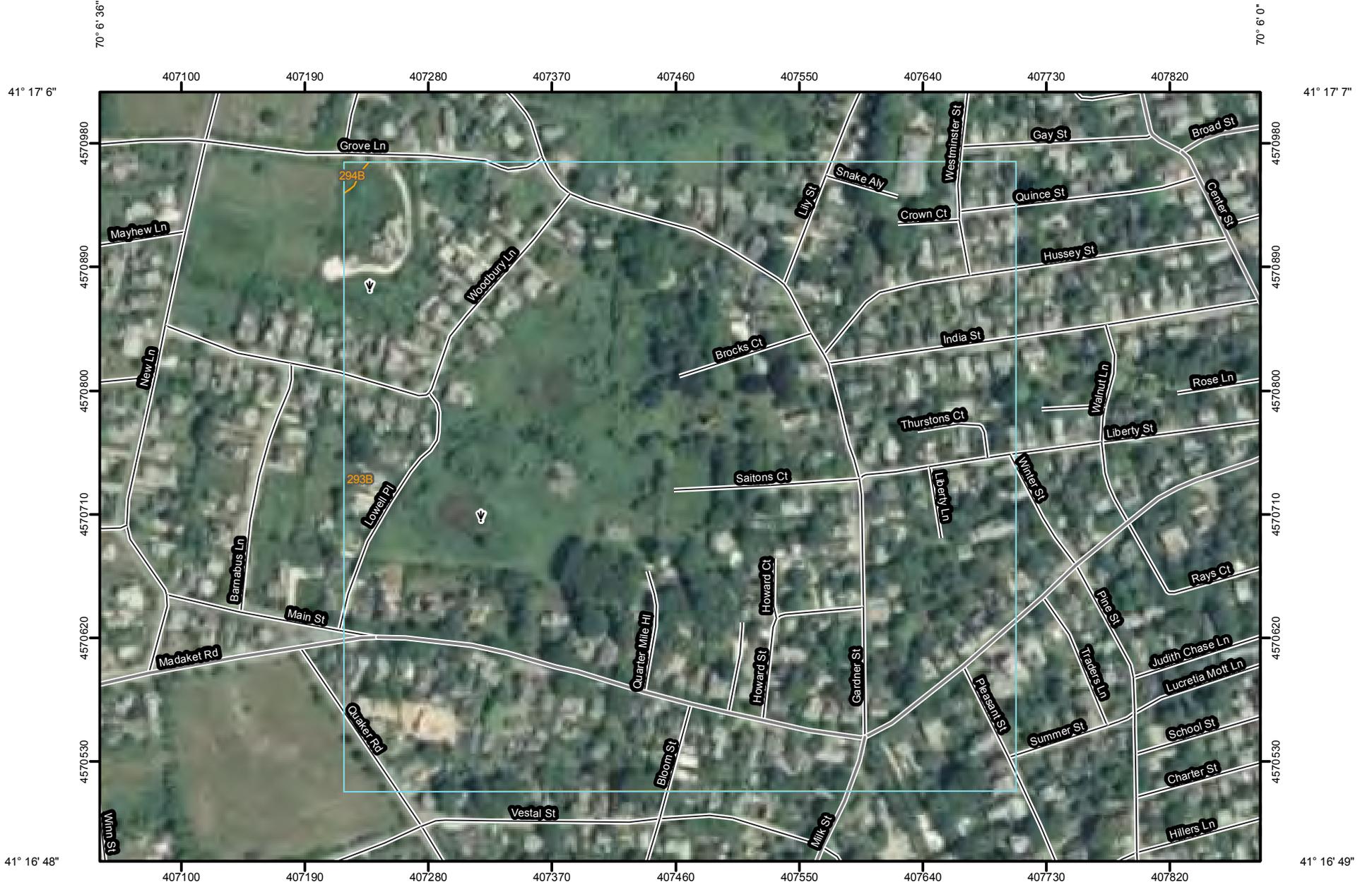
Latitude 41°17'13.758"N
 Longitude 70°6'28.282"W



June 18, 2012



Soil Map—Nantucket County, Massachusetts
(1 Brock Court)



Map Scale: 1:4,010 if printed on A size (8.5" x 11") sheet.



MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Special Point Features

-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot
-  Spoil Area
-  Stony Spot

 Very Stony Spot

 Wet Spot

 Other

Special Line Features

-  Gully
-  Short Steep Slope
-  Other

Political Features

 Cities

Water Features

 Streams and Canals

Transportation

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

MAP INFORMATION

Map Scale: 1:4,010 if printed on A size (8.5" × 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 19N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Nantucket County, Massachusetts
Survey Area Data: Version 9, Feb 24, 2010

Date(s) aerial images were photographed: 7/26/2003

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Nantucket County, Massachusetts (MA019)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
293B	Riverhead-Nantucket complex, 3 to 8 percent slopes	55.4	99.9%
294B	Evesboro sand, 3 to 8 percent slopes	0.1	0.1%
Totals for Area of Interest		55.4	100.0%

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Near Brock's Court City/ County: Nantucket Sampling Date: 6/20/13

Applicant/Owner: _____ State: MA Sampling Point: wooded plot

Investigator(s): New England Environmental, Inc. Section, Township, Range: _____

Landform (hillslope, terrace, etc.): outwash terrace Local relief (concave, convex, none): concave

Slope (%): 0% Lat: 41° 17' 2" N Long: 70° 6' 17" W Datum: 1983

Soil Map Unit Name: Riverhead-Nantucket complex, 3-8% slopes NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)

Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____

Are Vegetation X*, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <u>X*</u> Hydric Soil Present? Yes <u>X</u> No _____ Wetland Hydrology Present? Yes <u>X</u> No _____	Is the Sampled Area within a Wetland? Yes <u>X*</u> No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Locus is 8' from an LEC delineation flag, and 4' from the privet hedge at the property line. * Three of the dominant plants are non-native species, with two rated as FACU and one not listed in the regional wetland plant list. The only native plant is a wetland indicator. If the unlisted <i>Populus alba</i> were considered a wetland plant (it appears to be growing happily in a wet location around the sampled area), then two of the four plants would be wet, and the plant community would rank as wet.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply)	Secondary Indicators (minimum of two required)
<input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input checked="" type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	<input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)

Field Observations: Surface Water Present? Yes _____ No <u>X**</u> Depth (inches): _____ Water Table Present? Yes <u>X</u> No _____ Depth (inches): <u>13"</u> Saturation Present? Yes <u>X</u> No _____ Depth (inches): <u>7"</u> (includes capillary fringe)	** surface water visible approximately 8' from test pit. Wetland Hydrology Present? Yes <u>X</u> No _____
---	---

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: This plot location has a hydric soil formed in fill and a mixed, disturbed plant community dominated by non-native and invasive species. Oxidized rhizospheres in top 6" are a strong indicator of wetland hydrology. Photographs of plant community and soil on following pages.

VEGETATION - Use scientific names of plants.

Sampling Point: wooded plot

<u>Tree Stratum</u> (Plot size: <u>30 ft radius</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Populus alba</i>	38	Yes	NL
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 1 (A)

Total Number of Dominant Species Across All Strata: 3 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: 33.00% (A/B)

38 = Total Cover

<u>Sapling/Shrub Stratum</u> (Plot size: <u>15 ft radius</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. _____			
2. _____			
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>0</u>	x 1 = <u>0</u>
FACW species <u>0</u>	x 2 = <u>0</u>
FAC species <u>20.5</u>	x 3 = <u>61.5</u>
FACU species <u>123.5</u>	x 4 = <u>494</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>144</u>	(A) <u>555.5</u> (B)
Prevalence Index = B/A = <u>3.857638889</u>	

0 = Total Cover

<u>Herb Stratum</u> (Plot size: <u>5 ft radius</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Fallopia japonica</i>	85.5	Yes	FACU
2. <i>Alliaria petiolata</i>	38	Yes	FACU
3. _____			
4. _____			
5. _____			
6. _____			
7. _____			
8. _____			
9. _____			
10. _____			
11. _____			
12. _____			

Hydrophytic Vegetation Indicators:

Rapid Test for Hydrophytic Vegetation

Dominance Test is >50%

Prevalence Index is ≤3.0¹

Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

123.5 = Total Cover

<u>Woody Vine Stratum</u> (Plot size: <u>30 ft. radius</u>)			
	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Vitis riparia</i>	20.5	Yes	FAC
2. _____			
3. _____			
4. _____			

0 = Total Cover

Definitions of Vegetation Strata:

Tree - Woody Plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody Plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft. tall.

Woody vines - All woody vines greater than 3.28 ft. in height.

Hydrophytic Vegetation Present? Yes No *

Remarks: Photographs of vegetation at the plant plot on wooded lot.



* If *P. alba* were considered a wetland indicator, 50% would be wet.

SOIL

Sampling Point: wooded plot

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6"	2.5Y2.5/1	98%	7.5YR4/6	2%	C	PL	mucky l.sand	includes oxidized rhizospheres and stripped sand grains
6-9"	2.5Y3/1	98%	7.5YR4/6	2%	C	PL	mucky l.sand	
9-15"	2.5Y3/1	85%	7.5YR4/6	5%	C	PL	sandy loam	10% shell fragments
15-20"	2.5Y4/1	80%	7.5YR4/6	5%	C	PL	sandy loam	15% shell fragments & gravel, glass fragments at 16"

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:		Indicators for Problem:
<input type="checkbox"/> Histosol (A1)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR R, MLRA 149B)	<input type="checkbox"/> 2 cm Muck (A10) (LRR K, L, MLRA 149B)
<input type="checkbox"/> Histic Epipedon (A2)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR R, MLRA 149B)	<input type="checkbox"/> Coast Prairie Redox (A16)(LRR K, L, R)
<input type="checkbox"/> Black Histic (A3)	<input type="checkbox"/> Loamy Mucky Mineral	<input type="checkbox"/> 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
<input type="checkbox"/> Hydrogen Sulfide (A4)	<input type="checkbox"/> Loamy Gleyed Matrix (F2)	<input type="checkbox"/> Dark Surface (S7) (LRR K, L)
<input type="checkbox"/> Stratified Layers (A5)	<input type="checkbox"/> Depleted Matrix (F3)	<input type="checkbox"/> Polyvalue Below Surface (S8) (LRR K, L)
<input type="checkbox"/> Depleted Below Dark Surface (A11)	<input type="checkbox"/> Redox Dark Surface (F6)	<input type="checkbox"/> Thin Dark Surface (S9) (LRR K, L)
<input type="checkbox"/> Thick Dark Surface (A12)	<input type="checkbox"/> Depleted Dark Surface (F7)	<input type="checkbox"/> Iron-Manganese Masses (F12) (LRR K, L, R)
<input type="checkbox"/> Sandy Mucky Mineral (S1)	<input type="checkbox"/> Redox Depressions (F8)	<input type="checkbox"/> Piedmont Floodplain Soils (F19) (MLRA 149B)
<input type="checkbox"/> Sandy Gleyed Matrix (S4)		<input type="checkbox"/> Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
<input type="checkbox"/> Sandy Redox (S5)		<input type="checkbox"/> Red Parent Material (TF2)
<input type="checkbox"/> Stripped Matrix (S6)		<input type="checkbox"/> Very Shallow Dark Surface (TF12)
<input type="checkbox"/> Dark Surface (S7) (LRR R, MLRA 149B)		<input checked="" type="checkbox"/> Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):
 Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Profile does not fit any national hydric soil indicators. Fits NEIWPCC New England Indicator VII, depleted below dark surface. Presence of glass and shells indicates this is fill. Plastic cup also found in top 6". Oxidized rhizospheres in photo below.



Soil from test pit.

WETLAND DETERMINATION DATA FORM – Northcentral and Northeast Region

Project/Site: Near Brock's Court City/ County: Nantucket Sampling Date: 6/20/13
 Applicant/Owner: _____ State: MA Sampling Point: mown lawn
 Investigator(s): New England Environmental, Inc. Section, Township, Range: _____
 Landform (hillslope, terrace, etc.): outwash terrace Local relief (concave, convex, none): concave
 Slope (%): 0% Lat: 41° 16' 60" N Long: 70° 6' 17" W Datum: 1983
 Soil Map Unit Name: Riverhead-Nantucket complex, 3-8% slopes NWI classification: _____

Are climatic / hydrologic conditions on the site typical for this time of year? Yes No _____ (If no, explain in Remarks.)
 Are Vegetation _____, Soil _____, or Hydrology _____ significantly disturbed? Are "Normal Circumstances" present? Yes No _____
 Are Vegetation _____, Soil _____, or Hydrology _____ naturally problematic? (If needed, explain any answers in Remarks.)

SUMMARY OF FINDINGS – Attach site map showing sampling point locations, transects, important features, etc.

Hydrophytic Vegetation Present? Yes _____ No <input checked="" type="checkbox"/> ** Hydric Soil Present? Yes <input checked="" type="checkbox"/> No _____ Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____	Is the Sampled Area within a Wetland? Yes <input checked="" type="checkbox"/> No _____ If yes, optional Wetland Site ID: _____
Remarks: (Explain alternative procedures here or in a separate report.) Locus is approximately 14' from the edge of the pond to the south, and 30' from a privet hedge along the property line to the north. **Closely-mown grasses and sedges cannot be identified as to species, so the plant community cannot be assessed. However, the one identifiable plant is an obligate wetland plant. DEP guidance for assessing the wetland status of lawns is to depend upon soils information. The soil and observed hydrology in this location indicate that this is a wetland.	

HYDROLOGY

Wetland Hydrology Indicators: Primary Indicators (minimum of one is required; check all that apply) _____ <input type="checkbox"/> Surface Water (A1) <input type="checkbox"/> Water-Stained Leaves (B9) <input checked="" type="checkbox"/> High Water Table (A2) <input type="checkbox"/> Aquatic Fauna (B13) <input checked="" type="checkbox"/> Saturation (A3) <input type="checkbox"/> Marl Deposits (B15) <input type="checkbox"/> Water Marks (B1) <input type="checkbox"/> Hydrogen Sulfide Odor (C1) <input type="checkbox"/> Sediment Deposits (B2) <input checked="" type="checkbox"/> Oxidized Rhizospheres on Living Roots (C3) <input type="checkbox"/> Drift Deposits (B3) <input type="checkbox"/> Presence of Reduced Iron (C4) <input type="checkbox"/> Algal Mat or Crust (B4) <input type="checkbox"/> Recent Iron Reduction in Tilled Soils (C6) <input type="checkbox"/> Iron Deposits (B5) <input type="checkbox"/> Thin Muck Surface (C7) <input type="checkbox"/> Inundation Visible on Aerial imagery (B7) <input type="checkbox"/> Other (Explain in Remarks) <input type="checkbox"/> Sparsely Vegetated Concave Surface (B8)	Secondary Indicators (minimum of two required) <input type="checkbox"/> Surface Soil Cracks (B6) <input type="checkbox"/> Drainage Patterns (B10) <input type="checkbox"/> Moss Trim Lines (B16) <input type="checkbox"/> Dry-Season Water Table (C2) <input type="checkbox"/> Crayfish Burrows (C8) <input type="checkbox"/> Saturation Visible on Aerial Imagery (C9) <input type="checkbox"/> Stunted or Stressed Plants (D1) <input type="checkbox"/> Geomorphic Position (D2) <input type="checkbox"/> Shallow Aquitard (D3) <input type="checkbox"/> Microtopographic Relief (D4) <input type="checkbox"/> FAC-Neutral Test (D5)
--	--

Field Observations: Surface Water Present? Yes _____ No <input checked="" type="checkbox"/> Depth (inches): _____ Water Table Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>at surface</u> Saturation Present? Yes <input checked="" type="checkbox"/> No _____ Depth (inches): <u>at surface</u> (includes capillary fringe)	Wetland Hydrology Present? Yes <input checked="" type="checkbox"/> No _____
---	--

Describe Recorded Data (stream gauge, monitoring well, aerial photos, previous inspections), if available:

Remarks: This plot location has a hydric soil and a mown plant community with the only identifiable species an obligate wetland plant. Oxidized rhizospheres and obvious wetland hydrology are also present. Photographs of plant community and soil on following pages.

VEGETATION - Use scientific names of plants.

Sampling Point: mown lawn

Tree Stratum (Plot size: <u>30 ft radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>Acer pseudoplatanus</i>	NR		
2.			
3.			
4.			
5.			
6.			
7.			

Dominance Test worksheet:

Number of Dominant Species That Are OBL, FACW, or FAC: 0 (A)

Total Number of Dominant Species Across All Strata: 0 (B)

Percent of Dominant Species That Are OBL, FACW, or FAC: _____ (A/B)

0 = Total Cover

Sapling/Shrub Stratum (Plot size: <u>15 ft radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>NR</i>			
2.			
3.			
4.			
5.			
6.			
7.			

Prevalence Index worksheet:

Total % Cover of:	Multiply by:
OBL species <u>10.5</u>	x 1 = <u>0</u>
FACW species <u>0</u>	x 2 = <u>0</u>
FAC species <u>0</u>	x 3 = <u>0</u>
FACU species <u>0</u>	x 4 = <u>0</u>
UPL species <u>0</u>	x 5 = <u>0</u>
Column Totals: <u>10.5</u>	(A) <u>0</u> (B)
Prevalence Index = B/A = <u>0</u>	

0 = Total Cover

Herb Stratum (Plot size: <u>5 ft radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>mown grasses & sedges</i>	98	Yes	N/A
2. <i>hydrocotyle americana</i>	10.5	No	OBL
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

Hydrophytic Vegetation Indicators:

Rapid Test for Hydrophytic Vegetation

Dominance Test is >50%

Prevalence Index is ≤3.0¹

Morphological Adaptations¹ (Provide supporting data in Remarks or on a separate sheet)

Problematic Hydrophytic Vegetation¹ (Explain)

¹Indicators of hydric soil and wetland hydrology must be present, unless disturbed or problematic.

108.5 = Total Cover

Woody Vine Stratum (Plot size: <u>30 ft. radius</u>)	Absolute % Cover	Dominant Species?	Indicator Status
1. <i>none</i>			
2.			
3.			
4.			

0 = Total Cover

Definitions of Vegetation Strata:

Tree - Woody Plants 3 in. (7.6 cm) or more in diameter at breast height (DBH), regardless of height.

Sapling/shrub - Woody Plants less than 3 in. DBH and greater than 3.28 ft (1 m) tall.

Herb - All herbaceous (non-woody) plants, regardless of size, and woody plants less than 3.28 ft. tall.

Woody vines - All woody vines greater than 3.28 ft. in height.

Hydrophytic Vegetation Present? Yes _____ No X

Remarks: Vegetation in lawn north of small pond. Soil pit filled with water completely. Small shiny leaves are marsh-pennywort, an obligate wetland plant. Because the grasslike plants cannot be identified, soil is the determining factor in assessing wetland status here.



SOIL

Sampling Point: mown lawn

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)								
Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-6"	2.5Y2.5/1	100%	none				loamy sand	
6-9"	2.5Y2.5/1	98%	7.5YR4/6	2%	C	PL	loamy sand	includes oxidized rhizospheres
9-11"	2.5Y3/1	100%	none visible				sand	sloppy wet sample
11-20"	2.5Y7/1	100%	none				sand	Possible organic streaking, but soil sample too wet.

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes X No

Remarks: Soil colors indicate sand that is stripped of iron below 9", and redoximorphic features within the top 9". This is a hydric soil.





SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

November 27, 2015

SDE No. 12035

Ernest Steinauer
Chairman – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2835
1 Brock's Court
Nantucket, Massachusetts
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during the November 18, 2015 Public Hearing for the above referenced NOI application. Specifically, the Commission requested additional groundwater information, removal of the proposed shed, relocation of the existing chicken coop, and restoration to provide a project net benefit.

Groundwater Information

Five (5) auger holes were performed on the Subject Property. The depth to groundwater at each auger location has been provided on the revised Site Plan.

Shed

The Applicant has revised the proposed conditions site plan and the previously proposed shed has been removed.

Chicken coop

The Applicant is in the process of temporarily relocating the chicken coop to outside of the 50-foot BVW buffer zone. The chicken coop will be temporarily located in the location of the proposed secondary dwelling and will be removed prior to the construction of the secondary dwelling.

Project Net Benefit

The Applicant is proposing to plant a 5-foot strip of native vegetation along the existing hedge line located within the 25-foot BVW buffer zone. A list of plant species and proposed spacing is provided on the Proposed Conditions Site Plan.

SDE No. 12035
1 Brock's Court
SE48-2835 Supplemental Information
November 27, 2015

Page 2 of 2

If you have any questions please feel free to contact me via email at mrirts@sitedesigneng.com or at 508-802-5832.

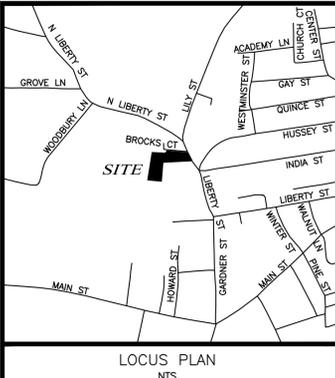
Respectfully,
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits", with a stylized flourish at the end.

Mark Rits
Project Manager/Permitting Specialist

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



J. MARCKLINGER & ASSOCIATES, INC.
 PROFESSIONAL LAND SURVEYORS
 P.O. BOX 896
 NANTUCKET, MA. 02554
 (310) 945-7054

SITE DESIGN ENGINEERING, LLC.
 11 CUSHMAN STREET
 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDSIGNENG.COM

LEGEND

—	PROPERTY LINE
20.3 x	SPOT ELEVATION
— x —	FENCE
— x —	HEDGE LINE
— x —	LANDSCAPING
— x —	LIMIT OF WETLAND
△	WETLAND FLAG
— x —	25 FT. BUFFER ZONE
— x —	50 FT. BUFFER ZONE
— x —	100 FT. BUFFER ZONE
GW	DEPTH TO GROUNDWATER

ZONING CLASSIFICATION: R-1

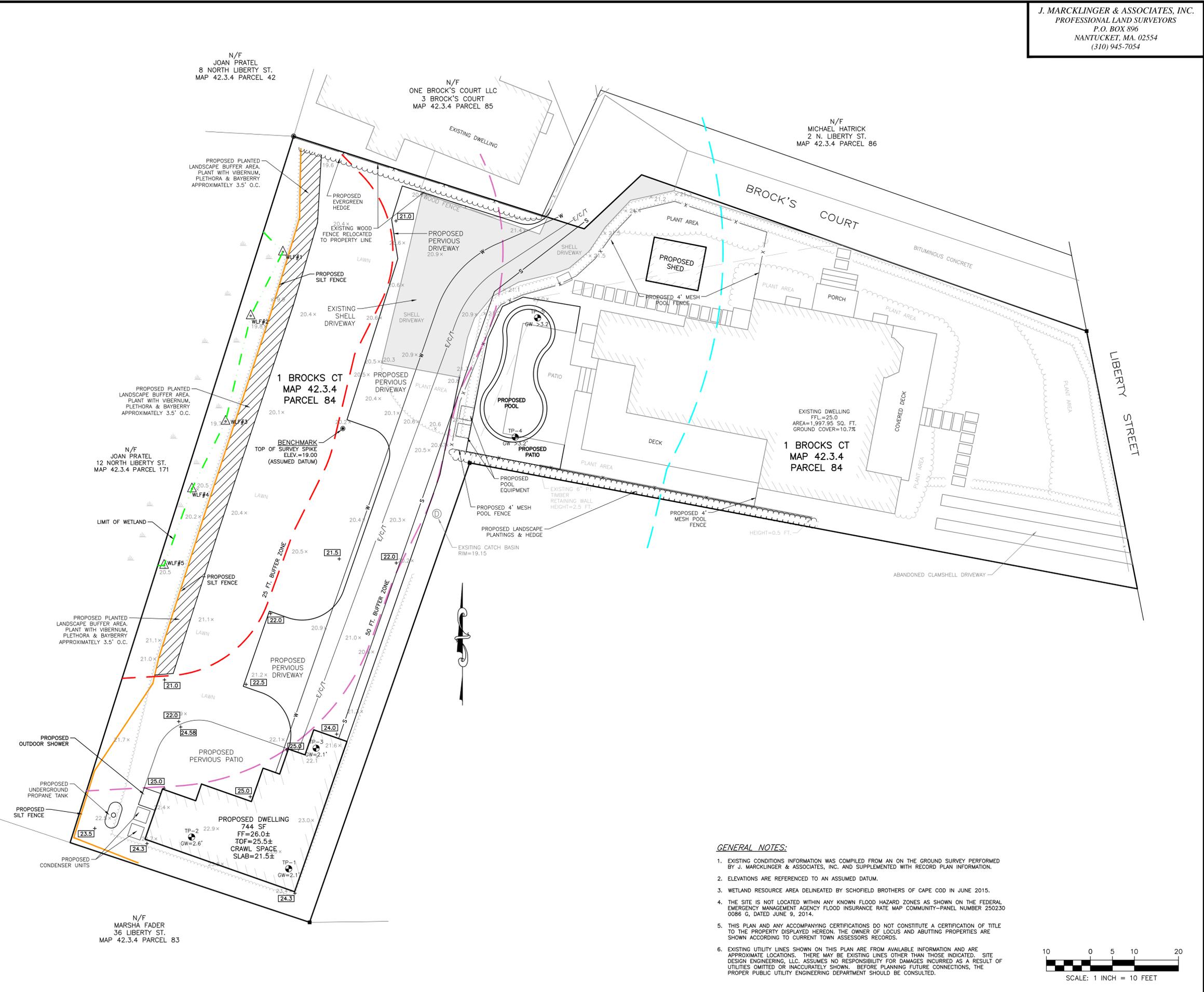
MINIMUM LOT SIZE 5,000 SQ. FT.
 MINIMUM FRONTAGE 50 FT.
 FRONT YARD SETBACK 10 FT.
 REAR YARD SETBACK 5 FT.
 SIDE YARD SETBACK 5 FT.*
 GROUND COVER RATIO 30%±

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

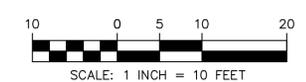
PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MULTI-FAMILY	—
SIASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREA DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON; THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
 - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND ARE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.



PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	11/25/15	ADDED BORING LOCATIONS; REMOVE SHED

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM
 PROJECT NO. 12035
 ISSUED FOR: APPROVAL

PROPOSED SITE PLAN
 1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS
 PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:
PROPOSED PLAN
 SCALE: **1"=10'**
 SHEET NO. **1 OF 1**



January 12, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**RE: Review, Notices of Intent
 Brock's Court, Nantucket, MA
 DEP Files SE 48-2834, 2835
 NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) met Jeff Carlson, representing the Nantucket Conservation Commission, and consultants to the Notice of Intent applicants at Brock's Court on January 7, 2015. NEE was representing the interests of concerned abutters to the property. During the site visit all parties were able to observe aspects of current hydrology and soil conditions at the 1 Brock's Court and 36 Liberty Street properties. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

Soils and wetland boundaries

NEE, representing the abutters, and Laura Schofield, representing the applicant, had noted that a small pond and potential bordering wetlands were present on the 36 Liberty Street property, well within 100 feet of a proposed new house on the Brock's Court property. During the site assessment on January 7, several soil borings and pits were made in the mown lawn on the northern side of the pond. It was agreed that hydric soil profiles were present in most of these locations. The soil profiles were similar to the soil profile described in the NEE report of September 9, 2013, and were consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Due to fading daylight and limited time, it was agreed to mark the edge of soil profiles agreed by all parties to be hydric. Three orange stick flags numbered A1-A3 were placed adjacent to soil borings. This was not a wetland boundary delineation, as soils were not sampled in all locations north of these flags, but it marks the limit of wetland conditions agreed during the available time on January 7. The flags were to be surveyed and placed on the project plans by Site Design Engineering. Revised plans have not been made available as of this submission on January 12.

A separate soil pit was excavated on the Brock's Court property, approximately 15 feet south-southeast of flag WF5, in mown lawn east of the privet hedge which occupies the western edge of this lot. This soil profile was consistent with NRCS Hydric Soil Indicator F6 (Depleted Dark Surface). A description of this soil, with photographs, is attached to this report. Again, time limitations made it impossible to conduct further examination of soils within the Brock's Court lawn. However, this soil did have oxidized

rhizospheres within the upper 12”, as well as other high-chroma pore linings. Oxidized rhizospheres were noted in the three soil profiles submitted by Schofield Brothers in a letter to Site Design Engineering, dated December 21, 2015. These are high-chroma redoximorphic features which form under saturated soil conditions. Observation of 2% or more oxidized rhizospheres within the top 12” of the soil is considered a primary indicator of wetland hydrology (Corps of Engineers Hydrology Indicator C3). The Schofield letter noted “no mottles” within the three profiles, but this contradicts the finding of oxidized rhizospheres.

These soil observations support the finding that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incomplete or incorrect, and that additional wetlands within the Brock’s Court lawn and associated with the 36 Liberty Street pond will extend their 50-foot no-structures buffer zones onto the footprint of the proposed new house at Brock’s Court.

Site and neighborhood hydrology

Three additional deep observation holes were dug by Site Design Engineering on the Brock’s Court site on December 9, 2015, and labeled TP-6, TP-7, and TP-8 on the Field Diagram which accompanies the letter to the Nantucket Commission dated January 5, 2016. Water was recorded as weeping from the sides of these pits at 26”, 24”, and 36”, respectively, with “mottling” noted in TP-8 at 32”. Groundwater in three soil borings around TP-8 (TP-1, 2, and 3) was noted to be at 2.1’, 2.6’, and 2.1’, respectively, on the revised Existing Conditions Plan by Site Design Engineering, revision date 11/25/15. Water was noted weeping from one of the Schofield shallow pits at 12”, standing water in another at 33”, and no water in the third pit which extended only down to 18”. Standing water in the NEE pit southeast of flag WF5 was seen at 18”. All of these observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12” and 36”. However, this is not the high water level on this site. 2015 was a dry year (30.38” precipitation, over 7” under the annual average of 37.53”), and even in a normal year, groundwater levels are highest in the early spring. The following table shows water levels below ground surface in the two USGS groundwater monitoring wells closest to Brock’s Court, which are located to the east near Old South Road (411609070050701) and Rugged Road (411535070051002).

well number	spring average*	11/25/2015	12/22/2015
411535070051002	20.07 feet	22.47 feet	22.25 feet
411609070050701	7.70 feet	9.86 feet	9.75 feet

* 10-year average 2006-2015, inclusive, of readings on April 24-29, except 2012, when the reading was on March 29.

This data shows that groundwater levels in these two wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring. If groundwater on the Brock’s Court site showed a similar pattern, we could expect that high water levels in a normal spring would be within a foot of the surface, and possibly at the surface in low spots. If these water levels were to persist for a week or more during the growing season, then wetland hydrology would be present.

Observations made during the site visit on January 7 confirmed that the pond on the Liberty Street property is at a higher elevation than the Brock’s Court lawn. Both surface water and groundwater can be expected to move north, following the surface topography. Groundwater moving north from Brock’s Court may flow through sandy soils under North Liberty Street, toward the topographical depression known as Lily Pond. The unpermitted fill already placed around the existing home, and the proposed new structures, will alter the neighborhood hydrology. Neighbors have already observed increased

surface flooding on adjacent properties. The construction of a pool and house, with increased impervious surface and structures sure to be within groundwater, will further displace groundwater and affect the flow of surface water. There is currently a lack of information about existing hydrology, in particular whether the grate in the privet hedge on the eastern side of the lawn is connected to a working drainage system, and the fate of surface water running off the property. Further, the applicant has not, to this point, modeled the hydrological changes which will result from the project. Both groundwater and surface water leaving the site may end up in Lily Pond. The effects upon water levels and water quality are unknown.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,
New England Environmental, Inc.



Bruce Griffin
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket
Mark Rits, P.E., Site Design Engineering, LLC
Laura Schofield, R.S., Schofield Brothers of Cape Cod
Kendra Kinscherf, Esq., Davis, Malm & D'Agostine, P.C.
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets

SOIL

Sampling Point: 15' SE of WF5

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3"	2.5Y2.5/1	100%	none				sandy loam	some stripped grains
3-14"	10YR3/1	88%	7.5YR4/4,4/6	2%	C	PL	sandy loam	incl. oxidized rhizospheres
			10YR4/1,5/1	10%	D	M		
14-18"	10YR4/1	90%	10YR7/1	10%	D	M	sandy loam	
18-24"	10YR4/1	60%	10YR7/1	20%	D	M	sandy loam	
	10YR3/1	20%						

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains.

²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: Redox concentrations, including but not limited to oxidized rhizospheres, begin at about 6" from surface.



SOIL - additional photos and remarks from Brocks Court soil pit

Sampling Point: 15' SE of WF5



Remarks: Photographs of redox concentrations and depletions within second layer of soil profile. Evidence of historic fill and disturbance, including a chip of coal, were seen. Standing water at 18" was observed in the pit. This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

Kendra Kinscherf

January 13, 2016

VIA EMAIL

Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: One Brock's Court Notices of Intent (SE48-2834 & SE48-2835)

Dear Members of the Conservation Commission:

This office represents Marsha Fader, who is an abutter to the proposed project at One Brock's Court. I submit this letter in opposition to the proposed development of the property. The proposed development does not comply with the Nantucket Wetlands Bylaw and Wetland Protection Regulations and will have a significant impact on wetlands resources in the neighborhood.

My client's and the Applicant's properties are located adjacent to Bordering Vegetative Wetlands (BVW), which are protected under Nantucket's bylaw and regulations. The following provisions are relevant to the applications before you:

- All structures that are not water dependent must be at least 50 feet from the vegetated wetland;
- No more than 50% of the area located within the 25- and 50-foot buffer shall be altered; and
- All structures must maintain an undisturbed two-foot separation to high groundwater.

In order to grant waivers from these requirements, the Applicant has the burden of demonstrating:

that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations... The burden of proof to show no

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reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not [*sic*] otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

Regulations § 1.03F.3(a). The Applicant has not met any of these requirements.

The Proposal Does Not Meet the Performance Standards Set Forth in the Regulations

The Applicant proposes to construct a second home on the Property and install a pervious patio, pervious driveway, and an in-ground pool. Although the Applicant has not yet provided all of the previously requested information, it is clear that the proposal will not comply with the applicable performance standards.

As addressed during the first hearing, the Applicant's delineation of the BVW is not accurate. Additional soil samples taken by Schofield Brothers of Cape Cod and New England Environmental, Inc. have identified hydric soils at least twenty feet from the pond on Ms. Fader's property and also in the lawn area of the Applicant's property, as well as oxidized rhizospheres along the privet hedge on the Applicant's property. According to the DEP's Delineating Bordering Wetlands Manual, hydric soil indicators take many years to develop and are therefore good indicators of wetland hydrology. Also as noted in that Manual, where the vegetation was previously altered (as here with the filled and lawn areas of the properties), the use of soil characteristics is necessary to delineate BVW due to the lack of native vegetation. The presence of the hydric soils and oxidized rhizospheres are indicators of wetland hydrological conditions and confirm saturated soil conditions just below the surface. In addition, the presence of hydric soils meets the definition of freshwater wetlands in the Nantucket Wetlands Regulations.

Schofield Brothers of Cape Cod has also noted that the Applicant's property has areas of fill. It is our understanding that the location of the pool, if not a greater area, is an area previously filled. According to DEP's Manual, in order to accurately characterize filled areas, it is necessary to dig below the fill and take samples of the original soil. It does not appear this practice was followed by Schofield at all test locations. However, in its December 21, 2015 report, Schofield indicated that the groundwater was at a shallower depth than the original soil (groundwater at 33"; old organic soil at 39").

Based on this data, the Applicant's delineation of the BVW is not accurate and the boundary of the BVW is located farther within the boundaries of the Applicant's property. In addition, the pond on Ms. Fader's property meets the Nantucket Wetlands Regulations' definition of a pond, subjecting it and the surrounding vegetated wetland (meadow) to protection.

As a result of a proper delineation, the locations of the 25-foot, 50-foot, and 100-foot buffer setbacks will change from those shown on the plans submitted and have a significant impact on the proposed

project. The 50-foot buffer should be shifted to the east, and thus, the proposed second home and in-ground pool will be in between the 25-foot and 50-foot buffer. Since structures are not permitted within that buffer zone, the proposed project will violate the performance standards under the local regulations. *See* Regulations §§ 3.02B.1 & 3.03B.1.

Even if the Applicant's wetlands delineation and buffer setbacks are not changed, the proposed project does not comply with the performance standards. Based upon the plans, it appears that more than 50% of the area between the 25- and 50-foot buffers will be altered and become a pervious driveway and patio. Although these areas will be pervious, they will become compacted over time, reducing the capability of water infiltration and drainage. This raises concerns of flooding in an area already prone to flooding due to the high water table.

Based upon the Applicant's waiver request, the proposed project does not meet the requirement of maintaining the 2-foot separation between structures (the second home and the pool) and groundwater. Regarding the in-ground pool, the Applicant indicates that groundwater is at a depth greater than 3.2 feet. No information on the precise depth is provided. Because the pool will be at a depth greater than 3.2 feet and because it is well documented that the water table is high in this area, a 2-foot separation will not occur.

In addition, as described by NEEI in its most recent submission, it is likely that the groundwater will be within a foot of the surface during normal spring conditions. Therefore a 2-foot separation between the foundation of the new building and groundwater will not be maintained.

Overall, the large amount of compacted pervious and impervious surfaces proposed to be added to the Applicant's property likely will cause a significant alteration to the hydrology of the area and result in adverse impacts to the resources protected by Nantucket's Wetlands Bylaw and Regulations.

The Applicant Has Not Demonstrated Waivers Are Appropriate

As conceded by the Applicant, waivers are necessary for the proposed project even if the wetlands delineation remains the same. The Applicant is required to provide an analysis of alternatives and an explanation why such alternatives are not feasible. The Applicant also must demonstrate that the proposed project will not adversely affect the wetlands resources.

The Applicant utterly failed to provide any analysis of alternatives that would not result in violations of the regulations. In considering possible alternatives, the Conservation Commission should analyze the proposal as a single project because the Applicant should not benefit from the previous unapproved work by arbitrarily separating it into two Notices of Intent. This is not a case in which the Applicant is left with no possibility of developing its property. When viewed as a whole, the Applicant already has a single-family home on the property. There is absolutely no need for a secondary dwelling or in-ground swimming pool. Simply put, the Applicant's first Notice of Intent seeking approval for work already done to improve the single-family home can be approved with no

January 13, 2016
Page 4

DAVIS MALM &
D'AGOSTINE P.C.
ATTORNEYS AT LAW

significant violations of the regulations. The requested waivers for the additional work therefore are unjustified.

In addition, it cannot seriously be contended that the project will not have adverse impacts on the interests protected by Nantucket's Wetlands Bylaw. The Bylaw protects wetlands values in Nantucket, including groundwater and flood control. The proposed project likely will alter groundwater and the infiltration and drainage capacity of the soils in the area by increasing the amount of compacted and impervious surfaces, and by displacement due to the below-surface structures.

Since the Applicant cannot meet its burden of demonstrating compliance with Section 1.03F.3(a), the Conservation Commission should deny the request for the waivers.

The proposed project does not meet the requirements of the local wetlands regulations, and Ms. Fader respectfully requests that the Conservation Commission deny an Order of Conditions.

Sincerely,



Kendra Kinscherf

KK:

cc: Client
Jeff Carlson
Steven Cohen
Mark Rits

The contest of the application for 44 Liberty Street is not about a "not in my backyard" complaint. The proposed development at 44 Liberty Street is about the abuse of a resource--a resource that once was a wooded wetland, home to pheasant and water-loving plants. In the late 1990's this wooded area was cut down, grassed over and filled with soil in an attempt to add yet another piece of property for development. These are facts. In the months that followed, my parents and I watched the remaining trees that bordered this property begin to decline from diversion of a natural water flow. Water, which now had no resting place from its downward path began to pool in the surrounding yards. Gradually, our backyard trees declined and died as the water pooled. Ironically, but obviously to local residents who knew how wet the area already was, no house or structure was ever built on this property despite the unscrupulous efforts of real estate agents to advertise the land as 'developable'. In fact, even mowing the grassed lawn was almost impossible at times because of the naturally high water table. Landscapers can verify this.

This wetland condition is intimately known to us as we have observed it over the many years we have lived at 36 and 42 Liberty Street. The water table has always been close to the surface. To see yet another attempt to sidestep what Mother Nature has naturally intended is frustrating and essentially abusive to what was once a pristine wetland swamp. While the applicant may not know this history as we do, we strongly feel that the science speaks for itself. The science will demonstrate the history of the land and show that the proposed development is ultimately wrong from a regulatory and resource protection standpoint.

Lastly, the final insult to this condition is the disregard for the grading against code which the applicant uses, and the retaining wall which further impedes the flow of water. This exacerbates the already pooling condition of our yard and is clearly over a foot above the lowest section of our yard. We are frankly at a loss as to how this re-grading was allowed by local authorities, and feel further victimized by the damage from the natural water flow. We not only urge decisions on this application to deny further insult to this resource and take absolute steps to enforce local and national wetland law, but propose an absolute remediation of the harm that has already been done.

Greg and Caryl Elder
42 Liberty Street

**NEW
INFORMATION
FOR CURRENT
HEARING**



February 4, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**RE: Review, Notices of Intent
 Brock's Court, Nantucket, MA
 DEP Files SE 48-2834, 2835
 NEE File 13-4266**

Dear Commission members,

New England Environmental, Inc. (NEE) again met Jeff Carlson, representing the Commission, and Mark Rits of Site Design Engineering, LLC at Brock's Court and the adjacent property at 36 Liberty Street on January 21, 2016. During the site visit NEE was able to further investigate soil conditions on and around the Brock's Court site, delineate the edge of wetlands at 36 Liberty Street closest to Brock's Court, and assess neighborhood hydrology and the wetlands complex that occupies the northern slopes of Quarter Mile Hill. This letter summarizes certain findings from that site visit and ongoing concerns about the proposed work.

NEE dug soil pits in two new locations on the Brock's Court lot, and performed soil borings on the adjacent lot to the east, at 42 Liberty Street. Soil profiles are described on attached Corps of Engineers data forms, and were designated H2, H3, and H4. The location of the soil pit dug on January 7, for which a profile was submitted to the Commission previously, was designated H1. The approximate locations of these soils are shown on the attached figure labeled "soil pit sketch". All four locations were also surveyed by Mr. Rits. These soil profiles were all consistent with NRCS Hydric Soil Indicators A11 (Depleted Below Dark Surface) and/or F6 (Depleted Dark Surface). Mr. Rits also surveyed the location of three orange stick flags numbered A1-A3 on the 36 Liberty Street property, which were placed adjacent to soil borings agreed by all parties to be hydric during the January 7 assessment. Revised plans showing these hydric soil locations have not been made available as of this submission.

These soil observations provide additional evidence that the delineation of wetlands depicted on the Proposed Site Plan dated October 29, 2015 by Site Design Engineering is incorrect, with additional wetlands within the Brock's Court lawn and extending onto 36 and 42 Liberty Street.

In our letter of January 12, NEE provided evidence that seasonal high groundwater elevations might be higher than those previously submitted by Site Design Engineering. Their observations between November 18, 2015 and January 7, 2016 place the groundwater level between 12" and 36" below the surface. Data from two USGS groundwater monitoring wells on Nantucket shows that groundwater

levels in these wells in November and December of 2015 was more than two feet below the average high water levels recorded in the early spring.

On January 16 a rain storm deposited over an inch of rain on Nantucket. The pond at 36 Liberty Street was overflowing, with sheet flow toward Brock's Court. Surface water was visible in the Brock's Court lawn and on the lawn at 42 Liberty Street. Photographs of these locations taken at 10 a.m., as the rain was ending, are attached to this letter. Photographs of the same areas a day later, January 17 at 10 a.m., show that water was still visible at the surface. This is further evidence that groundwater levels at the proposed house site on Brock's Court are much higher than previously reported, and that the proposed structure not only cannot be built with the mandated two feet of separation from groundwater, but would actually be within the groundwater during a portion of the year.

We hope these observations are helpful. Please contact NEE if you have any questions regarding these findings. We are available to discuss these projects and their implications with the Conservation Commission at the public hearing.

Sincerely,
New England Environmental, Inc.



Bruce Griffin
Certified Professional Soil Scientist

cc: Jeff Carlson, Natural Resources Coordinator, Town of Nantucket
Gregory DeCesare, Massachusetts Department of Environmental Protection
Mark Rits, P.E., Site Design Engineering, LLC
Laura Schofield, R.S., Schofield Brothers of Cape Cod
Paul Feldman, Esq., Davis, Malm & D'Agostine, P.C.
Joanna Lewis, Gregory Elder, and Marsha Fader, abutters

enc. Soil datasheets, soil pit sketch, site photographs

SOIL

Sampling Point: H2

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-4"	10YR2/1	100%	none				sandy loam	some stripped grains
4-10"	10YR3/1	75%	7.5YR3/3,3/4	5%	C	PL	sandy loam	5/1 mixed, not depletions
	2.5Y5/1	20%						
10-20"	2.5Y5/1	65%	2.5Y6/1	15%	D	M	sandy loam	
			7.5YR3/3,3/4	20%	C	PL		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____

Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: This hydric soil also matches New England indicator VII, Depleted Below Dark Surface.





Remarks: Photograph of redox concentrations and depletions within third layer of soil profile. Mixing in second layer may be evidence of historic disturbance. Standing water at 16" was observed in the pit. New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).

SOIL

Sampling Point: H3

Profile Description: (Describe to the depth needed to document the indicator or confirm the absence of indicators.)

Depth (inches)	Matrix		Redox Features				Texture	Remarks
	Color (moist)	%	Color (moist)	%	Type ¹	Loc ²		
0-3"	10YR2/1	100%	none				sandy loam	some stripped grains
3-16"	10YR3/1	85%	7.5YR3/4,4/4	5%	C	PL	sandy loam	refusal at 16" - stones
			2.5Y5/1	10%	D	M		

¹Type: C=Concentration, D=Depletion, RM=Reduced Matrix, CS=Covered or Coated Sand Grains. ²Location: PL=Pore Lining, M=Matrix.

Hydric Soil Indicators:

- Histosol (A1)
- Histic Epipedon (A2)
- Black Histic (A3)
- Hydrogen Sulfide (A4)
- Stratified Layers (A5)
- Depleted Below Dark Surface (A11)
- Thick Dark Surface (A12)
- Sandy Mucky Mineral (S1)
- Sandy Gleyed Matrix (S4)
- Sandy Redox (S5)
- Stripped Matrix (S6)
- Dark Surface (S7) (LRR R, MLRA 149B)

- Polyvalue Below Surface (S8) (LRR R, MLRA 149B)
- Thin Dark Surface (S9) (LRR R, MLRA 149B)
- Loamy Mucky Mineral
- Loamy Gleyed Matrix (F2)
- Depleted Matrix (F3)
- Redox Dark Surface (F6)
- Depleted Dark Surface (F7)
- Redox Depressions (F8)

Indicators for Problematic Hydric Soils³:

- 2 cm Muck (A10) (LRR K, L, MLRA 149B)
- Coast Prairie Redox (A16)(LRR K, L, R)
- 5 cm Mucky Peat or Peat (S3) (LRR K, L, R)
- Dark Surface (S7) (LRR K, L)
- Polyvalue Below Surface (S8) (LRR K, L)
- Thin Dark Surface (S9) (LRR K, L)
- Iron-Manganese Masses (F12) (LRR K, L, R)
- Piedmont Floodplain Soils (F19) (MLRA 149B)
- Mesic Spodic (TA6) (MLRA 144A, 145, 149B)
- Red Parent Material (TF2)
- Very Shallow Dark Surface (TF12)
- Other (Explain in Remarks)

³Indicators of hydrophytic vegetation and wetland hydrology must be present, unless disturbed or problematic.

Restrictive Layer (if observed):

Type: _____
 Depth (inches): _____

Hydric Soil Present? Yes No

Remarks: This hydric soil formed in entirely filled or regraded material.





Remarks: Photograph of redox concentrations and depletions within second layer of soil profile.
Evidence of historic disturbance included chunks of coal or coke, patches of 10YR4/3 loamy sand around pit walls .
Standing water not observed within this 16" pit.
New England indicators found in "Field Indicators for Identifying Hydric Soils in New England" (Version 3, 2004).

SOIL - additional photo and remarks from H4 soil boring

Sampling Point:

H4



Remarks: Photograph of redox concentrations from the first bite of the auger.
Soil probably contains at least some fill.
Standing water at 4" was observed in the hole.
This soil profile also matches the criteria for Indicator VIII, Dark Mineral Soils, in Field Indicators for Identifying Hydric Soils in New England (Version 3, 2004).

Photo 1:

Looking northeast at the 1 Brocks Court lawn, at the end of a rainstorm. Groundwater is at the surface.

Photograph taken January 16 at 10 a.m.

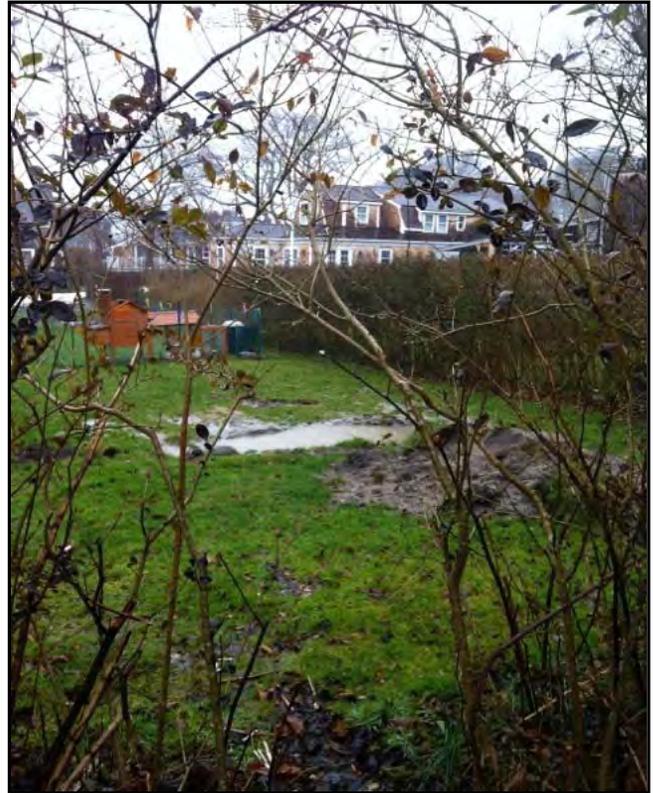


Photo 2:

The same location 24 hours later, with groundwater down only slightly.

Photograph taken January 17 at 10 a.m.





Photo 3: The northern property line at 42 Liberty Street, which is subject to frequent flooding. Photograph taken January 16 at 10 a.m.



Photo 4: The same location on January 17 at 10 a.m.



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February 4, 2016

SDE No. 12035

Ernest Steinauer
Chairman – Nantucket Conservation Commission
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Supplemental Information for Notice of Intent SE48-2834 and SE48-2835
1 Brock's Court
Nantucket, Massachusetts
Tax Map 42.3.4, Parcel 84**

Dear Mr. Steinauer:

The purpose of this letter is to provide supplemental information addressing issues which were discussed by the Commission during multiple Public Hearings for the above referenced NOI application for work proposed on the 1 Brock's Court property (Subject Property). Specifically, issues associated with a potential wetland resource area on property located at 36 Liberty Street (Map 42.3.4 Lot 83) hereafter referred to as the "Fader Property", questions about the wetland resource delineation on the Subject Property, and questions about groundwater elevations on the Subject Property.

A site visit was performed on both the Subject Property and the Fader Property on January 7, 2016. The site visit was attended by Jeff Carlson (Conservation Commission), Bruce Griffin (New England Environmental), Mark Rits (Site Design), Laura Schofield (Schofield Brothers), Marsha Fader (abutting property owner), and Lucy Dillon (abutter).

The purpose of the site visit was to evaluate potential resource areas on the Fader Property and to provide Mr. Griffin an opportunity to perform a field evaluation of the soils information which was submitted to the Commission on January 5, 2016.

Subject Property Development History

Figure 1 shows a 1940 aerial photograph (Nantucket GIS) of the Subject Property and the surrounding area. It is clear from this photograph that the western portion of the Subject Property was landscaped and that a substantial building was present on the northern portion of the Subject Property approximately where the existing pervious driveway is currently located. It is also clear that there was an enclosure on the southern portion of the Subject Property (likely an animal pen) in the approximate location of the proposed secondary dwelling. Additionally, the property to the west of the Subject Property was in agricultural use and was the site of a large building in an area which is currently delineated as a wetland. It is clear from this photograph that the Subject Property and the surrounding properties have been historically developed and heavily modified and have been in both residential and agricultural use for an extended period of time.

Project Modifications

The Applicant is submitting a two revised site plans dated February 3, 2016 for the NOI application for the previously performed house relocation (SE48-2834). The first revised plan is titled "Existing Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Existing Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The Applicant is also submitting two revised site plans dated February 3, 2016 for the NOI application for the secondary dwelling and swimming pool (SE48-2835). These plans also include minor modifications to the Proposed Project. The first revised plan is titled "Proposed Conditions Site Plan A" and shows the wetland resource areas and associated buffer zones on the Subject Property, the surveyed location of the man-made pond on the Fader Property, and the buffer zones to the man-made pond. The second revised plan is titled "Proposed Conditions Site Plan B" and includes the location of the edge of the Hydric Soil Zone and associated buffer zones on the Fader Property as determined during the January 7, 2016 site visit (see discussion below). The project modifications in both Proposed Conditions plans are the same and include enhanced buffer zone plantings and a modified driveway configuration going to the proposed secondary dwelling. The previously proposed pervious driveway will now include a central grass strip as indicated on both sets of revised site plans.

Fader Property Site Overview

The entirety of the Fader Property including the portion adjacent to the Subject Property has been previously altered, developed, and landscaped. Historical alterations of the Fader Property include extensive terracing of the western portion of the property (see Photos 1 through 4), construction of a partially lined man-made pond on the property (see Photos 5 through 8), use of a circulation pump in portions of the pond (see Photos 9 and 10), construction of a wooden bridge over a portion of the pond (see Photo 7). According to the current property owner, the original terracing of the Fader Property and the excavation of the original man-made pond were performed sometime between 1910 and 1920. The original configuration of the man-made pond was different from the current configuration. Aerial photographs from 1940 (Nantucket GIS) show a pond which is substantially different from the current configuration (see Figure 1 and Figure 2). It is unclear exactly when the pond configuration was altered or when the bridge was constructed, a portion of the pond was lined, and pumping equipment was installed. The terracing altered the existing grade on the Fader Property such that the area adjacent to the man-made pond is now relatively flat (see Photo 5 and Photo 6) instead of following what was likely originally a gentle slope similar to the one which extends onto the Subject Property and the natural wetland to the northwest. The resulting flat portion of the Fader Property is inconsistent with the slope on the southern portion of the Fader Property and the slope which is found on the Subject Property and the adjacent natural wetland area. It is our understanding that the area surrounding the man-made pond has been continuously maintained as a landscaped lawn area since it was constructed. This area does not currently include, nor is there any evidence that it has historically included, any significant native wetland vegetation which was not continuously mowed. The area around the man-made pond as well as the remainder of the western portion of the Fader Property consists of a well maintained manicured lawn (see Photos 11 and 12). Additionally, there are several large stumps located on the northern portion of the Fader

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Property immediately south of the Subject Property boundary (see Photos 13 through 14). Recent aerial photography (Google Earth imagery) indicate that several large trees or shrubs were present on this portion of the property and that they may have been removed from the Fader Property within the last couple of years. Additionally, the Property Owner indicated that there were issues with invasive species encroaching onto the property from the adjacent parcel to the northwest. As there are currently no invasive species along the northern portion of the Fader Property the assumption is that these have been removed. The man-pond on the Fader Property and the area surrounding the man-pond have been significantly altered and have been continuously maintained for an extended period of time and do not exhibit the characteristics of a natural system.

A review of Conservation Commission files for the Fader Property as well as for all abutting properties did not include any filings which delineate the existing man-made pond or any other portions of the Fader Property as a wetland resource area. Additionally, there have been no filings on the Fader Property for any activities including the removal of trees, lining of a portion of the pond, installation of pumping equipment, construction of a bridge, installation of split-rail fencing, or invasive species management along the northern portion of the Fader Property which is located within the buffer zone to an off-site BVW.

Fader Property Site Evaluation (January 7, 2016)

During the January 7, 2016 site visit, a number of auger holes and shallow test pits were excavated on the Fader Property. The test pits and auger holes were excavated between the existing man-made pond and the Subject Property boundary. The presence and/or extent of hydric soils around other portions of the man-made pond was not determined as part of the January 7, 2016 site evaluation. Test pits and auger holes were excavated into fill material which was comprised primarily of topsoil near the surface with medium to fine sands below. The test pits and auger holes indicated that hydric soils were present in an area adjacent to the man-made pond. These hydric soils extend for a distance of approximately 15-20 feet from the edge of the man-made pond in a northerly direction towards the Subject Property boundary. Mr. Griffin indicated that the underlying sands exhibited hydric characteristics because they were very pale in color. It is important to note that on Nantucket the presence of light colored sands may not necessarily be a hydric indicator as light colored sands are widespread throughout the island. A series of three pin flags were placed by Mr. Griffin to delineate the approximate boundary of the near surface hydric soils in the area located between the existing man-made pond and the Subject Property boundary. The location of the pin flags has been survey located and is shown on the revised Site Plan. The observed hydric indicators were present in loam and fill which was placed on the property as part of original historic site alterations and/or more recent landscaping and maintenance work.

A large natural wetland system is found on the property located to the west of the Subject Property and to the north of the western portion of the Fader Property. This wetland is located in a low spot on the landscape at the bottom of the slope which extends northward away from the terraced Fader Property. A series of test pits and auger holes were excavated near the boundary of the Fader Property adjacent to this wetland system in order to determine if there was a connection between the hydric soils on the Fader Property and the natural vegetated wetland. Hydric soils and other ground water indicators were not present within 18 inches of the surface indicating that the hydric soils around the man-made pond on the Fader Property do not connect directly to the vegetated wetland on the abutting property and that these are two discrete systems.

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Fader Property Site Analysis

The hydric soils which are present around the existing man-made pond are the direct result of water leaching from the man-made pond. This water is then impounded by the terrace fill which results in a longer than usual residence time in the soils adjacent to the pond and leads to the development of hydric features within the near surface soils. Because of ongoing maintenance of this area, no wetland vegetation has been established within these hydric soils. It is also likely that if any other landscaping scenario had been utilized around the man-pond, such as landscaping which included trees, shrubs, or vegetation other than lawn, a significant portion of the excess water in the soils around the man-made pond would have been utilized by the vegetation and the development of hydric features in the surrounding soils would have been significantly less likely to occur. It is also likely that use of a more robust vegetative community around the existing man-made pond would alleviate some of the groundwater issues which are a significant concern to abutters in this portion of the neighborhood. Additionally, the relatively recent removal of trees and/or large shrubs along the property boundary has further reduced the amount of water uptake from this area increasing the amount of time water leaching from the man-made pond stays in the surrounding soils. The presence of hydric soils within the terraced fill material adjacent to the man-made pond is directly the result of terracing of the property, excavation of the man-pond, and both historic and ongoing vegetation management practices on this portion of the Fader Property. Without the man-pond, terracing, or maintenance of a lawn it is unlikely that a substantial natural wetland would exist on this portion of the Fader Property.

Typically, wetland resource areas are delineated based on the presence of both hydric soils and the presence of a dominance of facultative and obligate wetland vegetation. In the event that an established existing wetland resource area has been altered, such as when vegetation has been removed from a wetland resource area, the Department of Environmental Protection (DEP) policy is to fall back to a delineation based solely on soil conditions. Again, this methodology is used when a pre-existing wetland resource area has been recently stripped of indicator wetland vegetation. In the case of the area surrounding the man-made pond on the Fader Property, there is no reliable contemporary record that a natural wetland system existed in this area since the area was altered approximately a century ago. It would not be appropriate to determine that this portion of the Fader Property is a wetland resource area when it does not currently, nor has it historically contained any wetland vegetation. Additionally, the existence of hydric soil conditions on this portion of the Fader Property is the direct result of historic site alteration and ongoing landscape maintenance.

Alteration and maintenance of this portion of the Fader Property is so extensive that no natural wetland vegetation is evident. Mowing occurs to the edge of the existing man-made pond and removal of trees or large shrubs has occurred in the area adjacent to the hydric soils.

Subject Property Historical Overview

A review of historical aerial photographs indicates that portions of the Subject Property have been in residential and agricultural use dating back to at least 1938 (see Figure 1) and that this use has varied over time. Extensive historic agricultural and residential use the Subject Property and the surrounding properties has resulted in an area which has likely been excavated and filled over time. Test pits and shallow soil borings indicate the presence of extensive fill which includes fragments of

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brick, clay tile, and other debris. As a result of these alterations which date back at least 75 years, there are no well-developed natural soil conditions on the Subject Property.

Project Justification

The Applicant is proposing a pervious driveway located partially within the 50-foot BVW buffer zone. The proposed pervious driveway will be located entirely within previously altered and landscaped portions of the Subject Property. Under the Bylaw, pervious driveways are permitted up to the 25-foot BVW buffer zone. The Commission has approved numerous pervious driveways and parking areas outside of the 25-foot BVW buffer zone on a variety of other projects on Nantucket.

The Applicant feels that the man-made pond on the Fader Property meets the Bylaw definition of a Pond as it connects to perched groundwater but does not have a hydrologic connection to any adjacent water bodies. Therefore, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the appropriate 25-foot, 50-foot, and 100-foot wetland buffer zones must be measured from the edge of the man-made pond. Proposed Conditions Site Plan A (03-Feb-2016) depicts this extent of jurisdictional wetland resource areas and associated buffer zones as they relate to the Proposed Project. The proposed 774 square foot secondary dwelling on the Subject Property is located outside of the 50-foot wetland buffer zone as calculated from the edge of the man-made pond on the Fader Property. It is standard practice for the Commission to allow applicants to construct structures outside of the 50-foot buffer zone to a wetland resource area.

In the event that the Commission decides that the heavily altered area of hydric soils (hereafter referred to as the Hydric Soil Zone) around the man-made pond on the Fader Property somehow qualify as a jurisdictional wetland resource area under the Bylaw. Proposed Conditions Site Plan B (03-Feb-2016) depicts the extent of wetland resource areas and associated buffer zones in the event that the Commission determines that the Hydric Soil Zone is a jurisdictional resource area under the Bylaw. It is important to keep in mind that all of this Hydric Soil Zone is currently mowed and maintained as lawn area. Additionally, the 25-foot buffer zone to this Hydric Soil Zone is also currently mowed and maintained as lawn area and that all of the area between the 25-foot and 50-foot buffer zones to this Hydric Soil Zone which is located on the Fader Property is also maintained as lawn area. Finally, there is evidence to suggest that several large trees have been recently removed from a portion of the Fader Property which is located within the 25-foot and 50-foot buffer zone to this Hydric Soil Zone.

The man-made pond is a jurisdictional wetland resource area under the Bylaw. Currently all of the 25-foot and 50-foot buffer zone to this jurisdictional wetland are altered and maintained as a lawn area. Additionally, if the Hydric Soil Zone surrounding the man-made pond is determined to be a jurisdictional wetland resource area, the entire resource area as well as the associated 25-foot and 50-foot buffer zones are currently maintained as a lawn and do not include any native wetland vegetation. Current use and maintenance of the Fader Property has resulted in significant impacts to the 25-foot and 50-foot buffer zones to the jurisdictional man-made pond. This ongoing use and maintenance has also resulted in significant impacts to the Zone of Hydric Soils and the associated 25-foot and 50-foot buffer zones if this portion of the Fader Property is determined to be a jurisdictional resource area.

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If the Commission determines that the extent of the wetland resource area on the Fader Property includes the Hydric Soil Zone and determines that 25-foot and 50-foot buffer zones must be cast from the limit of the Hydric Soil Zone, the Applicant feels that the proposed 774 square foot secondary dwelling on the Subject Property meets the requirements for a waiver for a structure within the 50-foot wetland buffer zone. Approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer to the Hydric Soil Zone. The proposed off-locus secondary dwelling will be located on a portion of the Subject Property which is located several feet downgradient of the haltered Hydric Soil Zone on the Fader Property. Any groundwater flow would occur from the Fader Property towards the proposed secondary dwelling. The proposed secondary dwelling would be outside of the 50-foot buffer zone to the man-made pond and would have no adverse impacts on the Hydric Soil Zone or the associated 25-foot and 50-foot buffer zones on the Fader Property as it would be downstream from these features. Additionally, the proposed secondary dwelling will be located on a previously altered and landscaped portion of an abutting property and would not result in the loss of any native buffer zone vegetation. Currently, the Fader Property is mowed and maintained up to the edge of the man-made pond. The entire Hydric Soil Zone and associated 25-foot and 50-foot buffer zones are currently mowed. It is not known if any portions of this maintained lawn area are fertilized or otherwise treated. The Applicant is also proposing approximately 800 square feet of native buffer zone plantings along the western edge of the Subject Property. The proposed plantings will provide a significant net benefit to the resource areas and associated buffer zones. The Applicant feels that the impacts to the man-made pond, Hydric Soil Zone, and the 25-foot and 50-foot buffer zones to these resource areas resulting from ongoing use and maintenance of this portion of the Fader Property are significantly greater than any potential impacts resulting from the construction of a frost wall foundation for the proposed off-locus secondary dwelling located on a previously altered and downgradient portion of an abutting property and that the proposed native plantings will result in an overall net benefit to the resource area and associated buffer zones.

Alternatives Analysis

Proposed Pool

The proposed pool has been located outside of the 50-foot buffer zone to the BVW resource area on the adjacent property to the east and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. Additionally, if the Commission determines that the Hydric Soil zone on the Fader Property is a jurisdictional wetland resource area, the proposed pool is located entirely outside of the 50-foot buffer zone to this potential resource area. The proposed pool is located on the portion of the Subject Property which has groundwater at the lowest elevation. There is no alternative location for the proposed pool which would place it farther from the wetland resource areas or would allow for an increased separation to high groundwater.

Proposed Secondary Dwelling

The proposed secondary dwelling has been located on the portion of the Subject Property which is outside of the 50-foot buffer zone to the natural well established BVW on the abutting property to the west and is also outside of the 50-foot buffer zone to the man-made pond on the Fader Property. If the Commission determines that the Hydric Soil Zone on the Fader property is a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this heavily altered and maintained resource area. There is no alternative location for the

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proposed secondary dwelling on the Subject Property. Relocating the proposed secondary dwelling anywhere else on the Subject Property would place it within the 50-foot buffer zone to the well-established natural BVW on the abutting property to the west. The proposed location is the best available location for the proposed secondary dwelling.

Project Waivers

Required Ground Water Separation Waiver

The Applicant feels that the wetland resource delineation on the abutting property to the west is accurate and that all structural components of the Proposed Project will be located outside of the 50-foot BVW buffer zone. Additionally, the Applicant feels that the extent of the wetland resource area on the Fader Property is the edge of the existing man-made pond and that the Proposed Project will be located entirely outside of the 50-foot buffer zone to this resource area.

It is our understanding that the intent of the two-foot groundwater separation requirement in Section 3.02B(1) of the Bylaw Regulations is to reduce impacts to adjacent wetland resource areas which may result from the construction of foundations or other buried structures which may be sufficiently large so as to act as a dam preventing subsurface groundwater flow from moving naturally towards a downgradient wetland system. Such structures, if sufficiently large, could potentially result in the disruption of groundwater flow to the wetland resource area thereby significantly reducing the amount of water entering the wetland and adversely impacting the ability of the system to support wetland flora and fauna. It is important to note that such an adverse impact would only occur if the buried structure was blocking groundwater flow and was large enough to have a regional impact on the adjacent wetland system.

The proposed secondary dwelling foundation and proposed pool may require a waiver under the Bylaw because high groundwater will be located within 2 feet of the base of the footings for the proposed foundation and base of pool. In a letter to the Commission dated January 5, 2016 detailed information showing groundwater elevations from a deep hole test pit excavated in the proposed foundation location and adjacent to the proposed pool location was submitted to the Commission. In the proposed foundation location weeping was observed at a depth of approximately 36 inches and mottling was observed at a depth of approximately 32 inches placing high ground water at approximately elevation 20. The proposed base of footing for the secondary dwelling foundation will be constructed at elevation 20. The proposed base of footing will be at the top of high groundwater. Adjacent to the proposed pool location weeping was observed at a depth of approximately 26-32 inches, standing water was observed at a depth of approximately 75 inches and, and mottling was observed at a depth of approximately 70 inches placing high ground water at approximately elevation 15. The proposed pool will be located at a surface elevation of approximately 22. The proposed pool will have of a depth of 6 feet placing the bottom of the pool at approximately elevation 16. The bottom of the proposed pool excavation will be at an elevation of approximately 15 which is at or slightly above high groundwater. Neither the proposed foundation footings or the proposed pool will be in high groundwater. Both proposed structures will be at or slightly above high groundwater and will not result in any damming of groundwater flow and therefor will not result in any adverse impacts to the BVW on the adjacent property to the west. A detailed waiver request for this required waiver is provided in the Waiver Request section below.

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In the event that the Commission determines that the Hydric Soil Zone surrounding the man-made pond on the Fader Property is in fact a jurisdictional resource area, the proposed pool will be located outside of the 100-foot buffer zone to this resource area. Additionally, the proposed secondary dwelling foundation footings will be downgradient of the resource area and will not have any adverse impact on groundwater flow into this resource area.

Optional 50-Foot Structural Setback Waiver

It is our understanding that the intent of the 50-foot structural setback to a wetland resource requirement in section 3.02B(1) of the Bylaw Regulations is to reduce impacts to unaltered jurisdictional wetland resource areas which may result from the construction of a structure within 50 feet of a downgradient wetland. These adverse impacts may include disruption of groundwater or surface flow to the resource area, alteration of natural infiltration adjacent to the resource area, leaching of contaminants or other contaminated runoff associated with the structure entering the resource area, impacts to native buffer zone vegetation adjacent to the resource area, or impacts to wildlife which may be using the resource area.

In addition to the required waiver for separation to high groundwater discussed above, the Proposed Project may require a second waiver in the event that the Commission determines that the Hydric Soil Zone on the Fader Property is in fact a jurisdictional wetland resource area. If the Commission makes such a determination, approximately 500 square feet of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. The Applicant feels that the proposed secondary dwelling will not have an adverse impact on this resource area as it will be located off-locus and downgradient of the resource area and will be on a previously altered and landscaped portion of the Subject Property. The Applicant also feels that the proposed planting of 800 square feet of native buffer zone vegetation will result in an overall net benefit to the resource area and associated buffer zones. Additionally, the Applicant feels that the ongoing maintenance and mowing of this resource area, the 25-foot buffer zone to this resource area and fifty percent (50%) of the area between the 25-foot and 50-foot buffers to this resource area constitute a significant and ongoing impact to the resource area and associated buffer zones. The proposed off-locus downgradient structure will not result in any additional impacts to this heavily altered and maintained resource area. A detailed waiver request for this optional secondary waiver is provided in the Waiver Request section below.

Summary

The Applicant feels that the wetland resource area on the Fader Property is defined by the limit of the existing man-made pond and that this casts a 50-foot wetland buffer zone which falls short of the proposed secondary dwelling on the Subject Property. The Applicant also feels that the Hydric Soil Zone present on portions of the Fader Property adjacent to the man-made pond are the direct result of historic and ongoing site alterations and landscape maintenance activities and that this area does not qualify as a jurisdictional wetland resource area. Further, the Applicant feels that the man-made pond and Hydric Soil Zone do not connect to any water body or the nearby natural wetland resource area to the northwest of the Fader Property. In the event that the Commission feels that the Hydric Soil Zone somehow qualifies as a jurisdictional wetland resource area, The Applicant feels that the proposed secondary dwelling qualifies for a 50-foot no structure setback waiver under the Bylaw as it will have no additional adverse impact on the man-made pond and heavily altered and maintained

Hydric Soil Zone especially when compared to existing use and ongoing maintenance of this portion of the Fader Property. The Applicant also feels that the proposed native buffer zone plantings will result in a significant net benefit to the resource areas and associated buffer zones.

WAIVER REQUEST

Secondary Dwelling – Required Groundwater Separation Waiver

The Applicant is proposing to construct a secondary dwelling and pool on the Subject Property. The Applicant feels that the limit of the wetland resource area on the abutting Fader Property is coincident with the edge of the existing man-made pond. Based on that, the proposed secondary dwelling and pool will be located entirely outside of the 50-foot wetland buffer zone to both the man-made pond on the Fader Property wetland and the BVW located to the west of the Subject Property. The base of the footings for the proposed secondary dwelling foundation and the base of the excavation for the proposed pool will be located at approximately the top, or slightly above, the high ground water elevation as detailed above. The proposed foundation footings and pool will not meet the two-foot high groundwater separation requirement. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

The proposed foundation and pool will not adversely impact the BVW or associated buffer zones. The proposed foundation and pool will be outside of the 50-foot BVW buffer zone and 50-foot buffer zone to the man-made pond and will be consistent with foundations and other structures approved for numerous projects located outside of the 50-foot wetland buffer zone. The proposed foundation will be located down gradient from the wetland located on the Fader Property and will not have any adverse impact on groundwater flowing towards this wetland as all groundwater flow towards this wetland occurs from upgradient portions of the Fader Property. Because the proposed foundation footings and pool will be located at the top of the high groundwater elevation they will not impede or alter the flow of groundwater towards the wetland located to the west of the Subject Property and will not result in any adverse impacts to this resource area. These structures are consistent with other structures which have been permitted by the Commission within two feet of high groundwater on numerous other properties on Nantucket. Therefore, the Applicant is requesting a waiver for the crawl space foundation two-foot separation to high groundwater under section 1.03F(3)(A) of the Bylaw which state the following:

Section 1.03F(3)(A):

“The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow

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that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection."

The proposed secondary dwelling will not include a basement and the base of the proposed footings will be located at the top of high groundwater. The base of the excavation for the proposed pool will be located at or slightly above high groundwater. The proposed foundation and pool are consistent with numerous other projects within 2 feet of high groundwater which have been approved by the Commission for areas outside of the 50-foot BVW buffer zone. The proposed foundation and pool have been designed to minimize or eliminate any adverse impacts to the BVW and associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the foundation and pool within two feet of high groundwater will not result in any adverse impacts to the BVW or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

Secondary Dwelling – Optional 50-Foot Structural Setback Waiver

The Applicant is proposing to construct a secondary dwelling on the Subject Property. In the event that the Commission determines that the Hydric Soil Zone adjacent to the man-made pond on the Fader Property somehow constitutes a jurisdictional wetland resource area, portions of the proposed secondary dwelling will be located within the 50-foot buffer zone to this resource area. Under the Bylaw this activity would require a waiver and therefore, the Applicant is respectfully requesting a waiver from the following section of the Nantucket Wetlands Protection Bylaw:

3.02B(1)

"Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater."

Although the proposed secondary dwelling will be located partially within the 50-foot buffer zone to the Hydric Soil Zone on the Fader Property it will be located significantly downgradient from this resource area and will not alter or impact groundwater flow into or towards this resource area as all

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groundwater flow to this area originates from upgradient portions of the Fader Property. If the Hydric Soil Zone of Fader Property is in fact a jurisdictional wetland resource area, the entire resource area is currently mowed, altered, and maintained. Additionally, the entire 25-foot buffer zone to this resource area is mowed, altered, and maintained as well as 50% percent of the area between the 25-foot and 50-foot buffer zones to this resource area. The Applicant feels that the existing alteration, maintenance, and use of this resource area and associated buffer zones is a significantly impact to this resource area. The proposed off-locus downgradient structure located on a previously altered and landscaped portion of the Subject Property will not have any impacts the already heavily altered and maintained Hydric Soil Zone and associated buffer zones, especially when compared to the existing impacts resulting from ongoing use and maintenance of this area. Therefore, the Applicant is requesting a waiver for the proposed shed which will be located within the 50-foot buffer zone to a wetland resource area under section 1.03F(3)(A) of the Bylaw which states the following:

Section 1.03F(3)(A):

"The Commission may grant a waiver from these regulations when the Commission finds that, given existing conditions, the proposed project will not adversely impact the interests identified in the Bylaw and there are no reasonable conditions or alternatives that would allow that project to proceed in compliance with the regulations. The burden of proof to show no adverse impact to the interests identified in the Bylaw, Chapter 136 Section 2, shall be the responsibility of the owner/applicant. The burden of proof to show no reasonable alternative shall be the responsibility of the owner/applicant and shall consist of a written alternatives analysis detailing why the proposed project can not otherwise proceed in compliance with the performance standards in these regulations with an explanation of why each is not feasible.

It shall be the responsibility of the applicant to provide the Commission with any information, which the Commission may request in order to enable the Commission to ascertain such adverse effects. The failure of the applicant to furnish any information which has been so requested may result in the denial of a request for a waiver pursuant to this subsection."

The proposed secondary dwelling will be located within a previously altered and landscaped portion of the Subject Property and will be located off-locus and downgradient from a completely altered, maintained, and mowed resource area on the Fader Property. The proposed secondary dwelling will not result in any adverse impacts to this wetland resource area or associated buffer zones. Additionally, the Applicant is proposing to restore approximately 800 square feet of the 25-foot and 50-foot BVW buffer zones on the Subject Property with native buffer zone vegetation resulting in a significant overall net benefit to the existing BVW and associated buffer zones. Therefore, the Applicant feels that constructing the secondary dwelling partially within the 50-foot buffer zone to an off-locus resource area will not result in any adverse impacts to this significantly altered and maintained resource area or associated buffer zones and that the overall project will result in a net benefit to the adjacent jurisdictional resource areas.

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SDE No. 12035
1 Brock's Court
SE48-2834 Supplemental Information
February 4, 2016

Page 12 of 19

If you have any questions, please feel free to contact me via email at mrirts@sitedesigneng.com or at 508-802-5832.

Respectfully,
Site Design Engineering, LLC.

A handwritten signature in black ink, appearing to read "Mark Rits". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mark Rits
Project Manager/Permitting Specialist

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



Photo 1: View Southwestward Showing Terracing on Southern Portion of Fader Property.



Photo 2: View Southward Showing Terracing on Fader Property.

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P: 508-967-0673 F: 508-967-0674



Photo 3: View Southeastward Showing Terracing on Fader Property.



Photo 4: View Eastward Showing Terracing on Fader Property.

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Photo 5: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.



Photo 6: View Southwestward Showing Partially Lined Man-Made Pond on Fader Property.

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P: 508-967-0673 F: 508-967-0674



Photo 7: View Northward Showing Partially Lined Man-Made Pond on Fader Property with Subject Property in Background.



Photo 8: View Westward Showing Partially Lined Man-Made Pond on Fader Property.

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P: 508-967-0673 F: 508-967-0674



Photo 9: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.



Photo 10: Photo Showing Pumping Equipment in Partially Lined Man-Made Pond on Fader Property.

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P: 508-967-0673 F: 508-967-0674



Photo 11: View Westward Showing Extensive Lawn on Western Portion of Fader Property.



Photo 12: View Northwestward Showing Extensive Lawn on Western Portion of the Fader Property.

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P: 508-967-0673 F: 508-967-0674



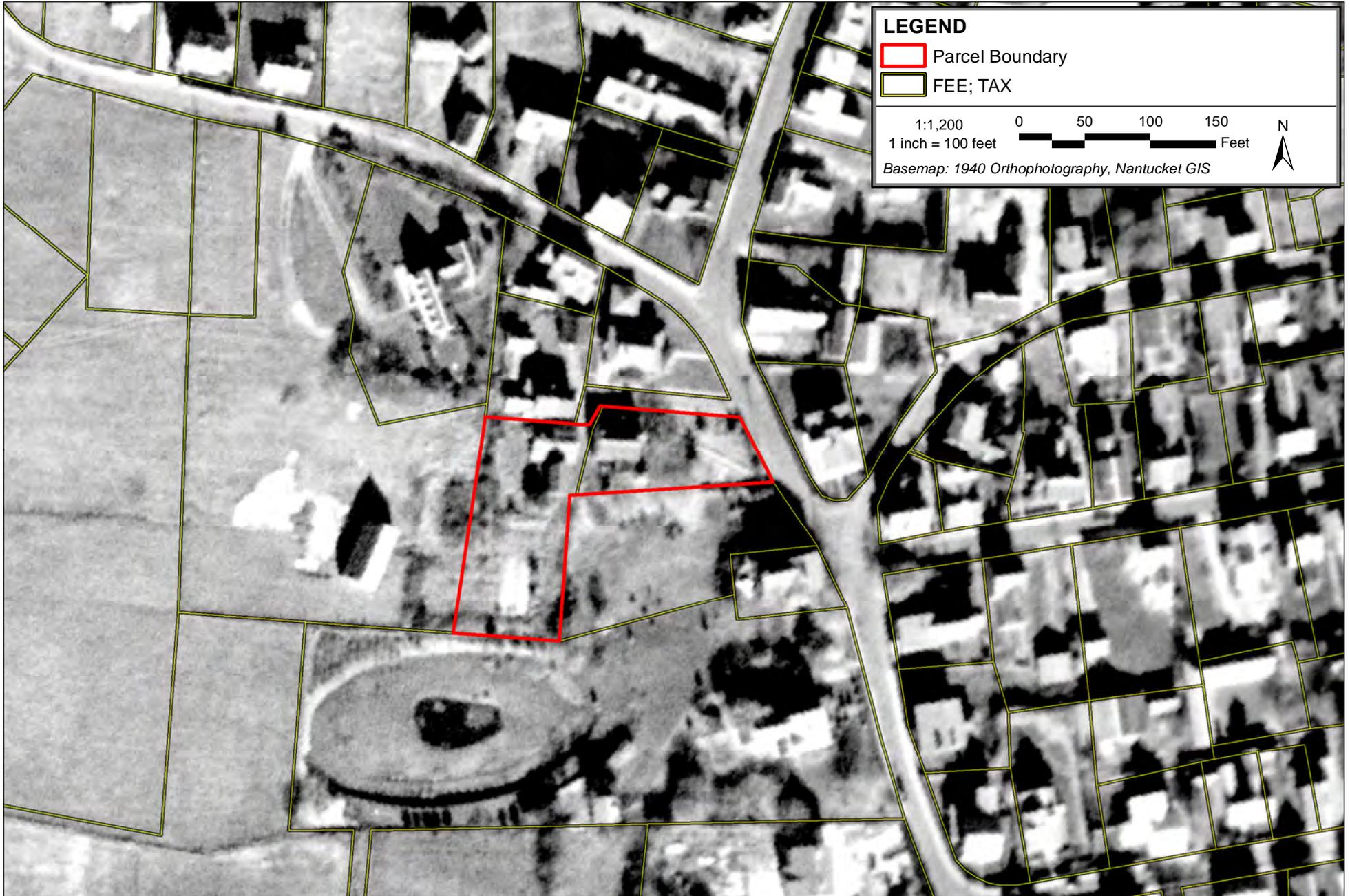
Photo 13: View Eastward Showing Large Stump on Fader Property.



Photo 14: View Northward Showing Large Stumps on Fader Property with Subject Property in the Background.

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1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 1 - Detailed Site Overview - 1940
February 3, 2016





1 Brock's Court - Nantucket, Massachusetts
Map 42.3.4 Lot 84
SDE Project No. 12035

Figure 2 - Detailed Site Overview - 2014
February 3, 2016





LEGEND

- PROPERTY LINE
- SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- DEPTH TO GROUNDWATER
- TEST PIT
- DEPTH TO GROUNDWATER
- SOIL BORING

ZONING CLASSIFICATION: R-1

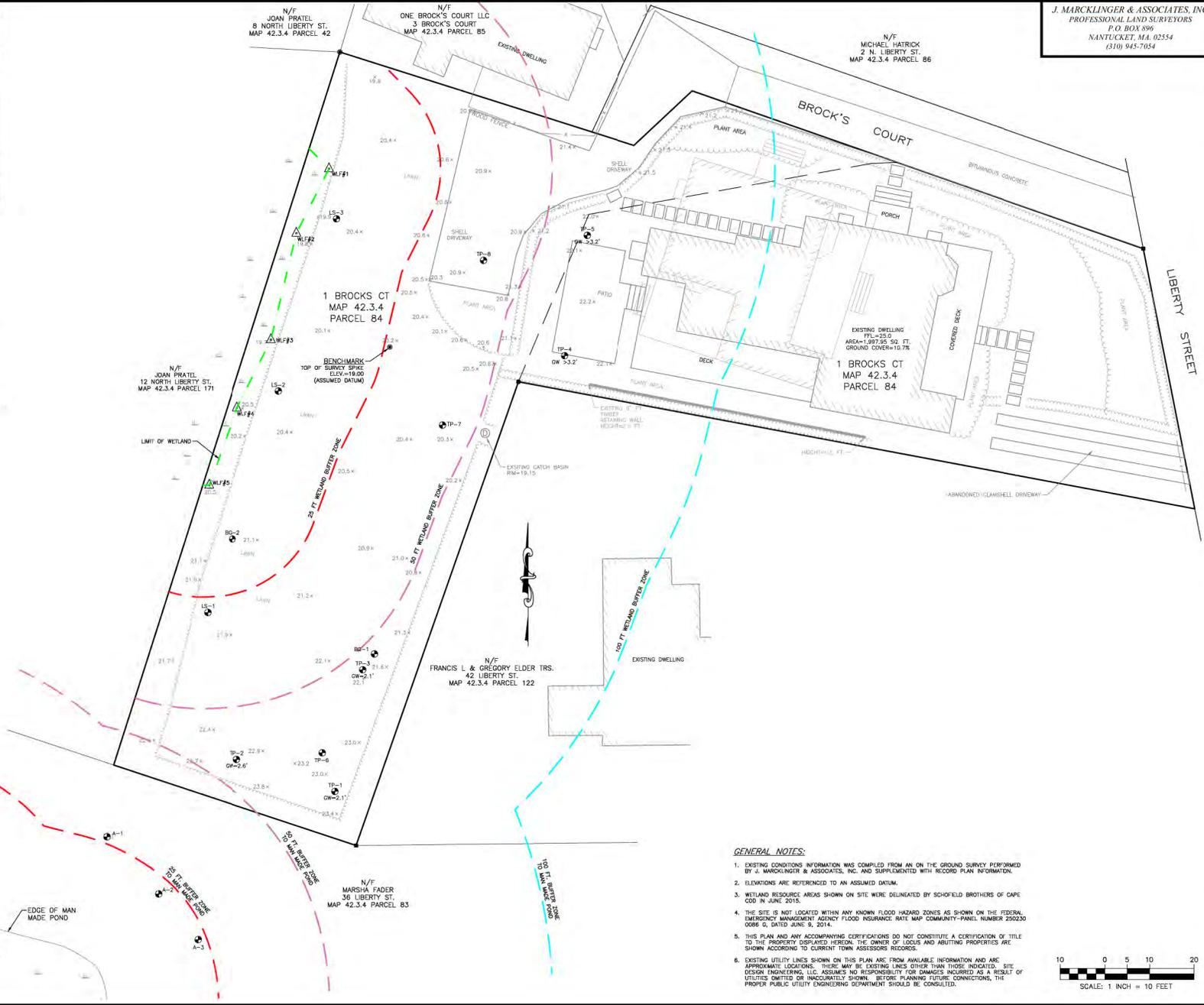
MINIMUM LOT SIZE 5,000 SQ. FT.
 MINIMUM FRONTAGE 20 FT.
 FRONT YARD SETBACK 10 FT.
 REAR YARD SETBACK 5 FT.
 SIDE YARD SETBACK 5 FT.
 GROUND COVER RATE 30%.

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1336 PAGE 294) GRANTING RELIEF OF SIDE LINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

OVERLAY DISTRICT APPLICABILITY

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOOD OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIXCONNET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WETLAND PROTECTION	-
MA SCP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	2015	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JLM
 PROJECT NO: 12035

APPROVAL

EXISTING CONDITIONS PLAN

1 BROCK'S COURT
 ASSESSOR'S PARCEL 84
 NANTUCKET, MASSACHUSETTS

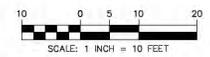
PREPARED FOR EDWIN SWIDER REALTY TRUST

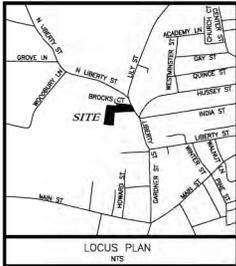
DRAWING TITLE:
EXISTING CONDITIONS PLAN 'A'

SCALE: **1"=10'**

SHEET NO:
1 of 1

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
 - WETLAND RESOURCE AREAS SHOWN ON SITE WERE DELINEATED BY SCHOFIELD BROTHERS OF CAPE COD IN JUNE 2015.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250220 CORRECTION DATED APRIL 9, 2014.
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LEGEND

- PROPERTY LINE
- 20.3.1' SPOT ELEVATION
- FENCE
- HEDGE LINE
- LANDSCAPING
- LIMIT OF WETLAND
- WETLAND FLAG
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE
- GW DEPTH TO GROUNDWATER
- TP-# TEST PIT
- A-#/B-#/LS-# DEPTH TO GROUNDWATER SOIL BORING

ZONING CLASSIFICATION: R-1

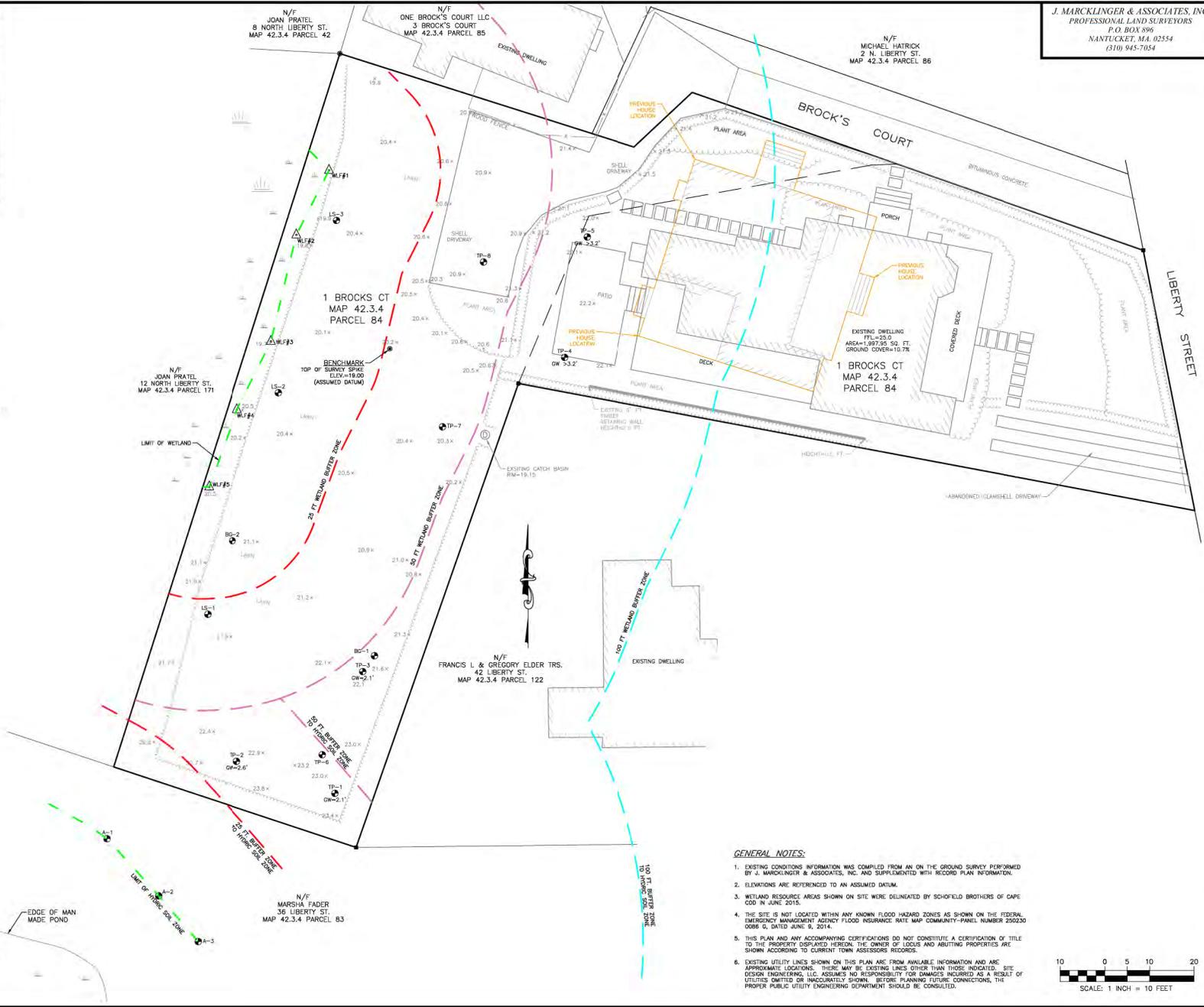
- MINIMUM LOT SIZE 5,000 SQ. FT.
- MINIMUM FRONTAGE 20 FT.
- FRONT YARD SETBACK 10 FT.
- REAR YARD SETBACK 5 FT.
- SIDE YARD SETBACK 5 FT.
- GROUND COVER RATE 30%

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPLICABLES (BOOK 1336 PAGE 294) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.62 FEET.

OVERLAY DISTRICT APPLICABILITY

DOMINANT	-
EMPLOYEES HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HOOD OLD HISTORIC	YES
MAZAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIXCONNET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERDRAFT	-
WETLAND PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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NO.	DATE	DESCRIPTION
1	2015	ADDED POND AND BORING LOCATIONS

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JJM

PROJECT NO: 12035

ISSUED FOR:

APPROVAL



EXISTING CONDITIONS PLAN
 1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4 PARCEL 84
 NANTUCKET, MASSACHUSETTS
 PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:

EXISTING CONDITIONS PLAN 'B'

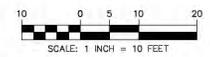
SCALE: **1"=10'**

SHEET NO:

1 of 1

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LEGEND

—	PROPERTY LINE
○	SPOT ELEVATION
—	FENCE
—	HEDGE LINE
—	LANDSCAPING
—	LIMIT OF WETLAND
—	WETLAND FLAG
—	25 FT. BUFFER ZONE
—	50 FT. BUFFER ZONE
—	100 FT. BUFFER ZONE
○	TEST PIT
○	DEPTH TO GROUNDWATER
○	SOIL BORING

ZONING CLASSIFICATION: R-1

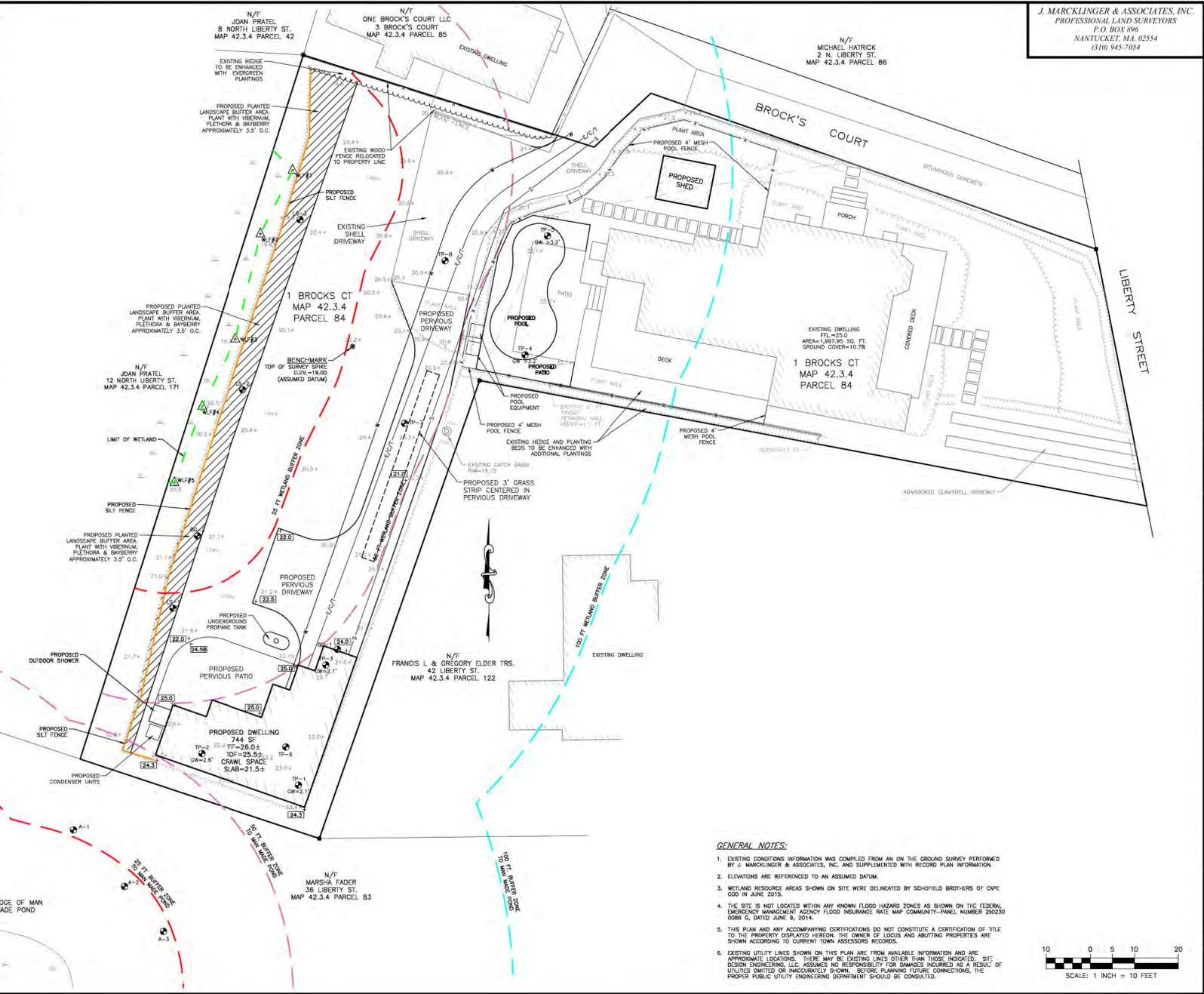
MINIMUM LOT SIZE: 5,000 SQ. FT.
 MINIMUM FRONTAGE: 50 FT.
 FRONT YARD SETBACK: 10 FT.
 REAR YARD SETBACK: 5 FT.
 SIDE YARD SETBACK: 5 FT.
 GROUND COVER RATIO: 30%.

* SIDE YARD SETBACK IS 10 FT. ADJACENT TO ANY STREET OR WAY.

PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 248) GRANTING RELIEF OF SETBACK SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.65 FEET.

OVERLAY DISTRICT APPLICABILITY

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	—
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MILL'S FAMILY	—
SASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERSHAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



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 MIDDLEBORO, MA 02346
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PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	11/20/15	ADDED BORING LOCATIONS, REMOVE SHED
2	10/16/15	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM
 PROJECT NO: 12035

ISSUED FOR: **APPROVAL**

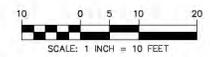
PROPOSED SITE PLAN
 1 BROCK'S COURT
 PARCEL 84
 NANTUCKET, MASSACHUSETTS

PREPARED FOR EDWIN SWIDER REALTY TRUST

DRAWING TITLE:
PROPOSED SITE PLAN 'A'

SCALE: **1"=10'**
 SHEET NO:
1 of 1

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LEGEND

—	PROPERTY LINE
20.5±	SPOT ELEVATION
—	FENCE
—	HEDGE LINE
—	LANDSCAPING
—	LIMIT OF WETLAND
—	WETLAND FLAG
—	25 FT. BUFFER ZONE
—	50 FT. BUFFER ZONE
—	100 FT. BUFFER ZONE
TP-#	TEST PIT
OW	DEPTH TO GROUNDWATER
—#/#/15-#	SOIL BORING

ZONING CLASSIFICATION: R-1

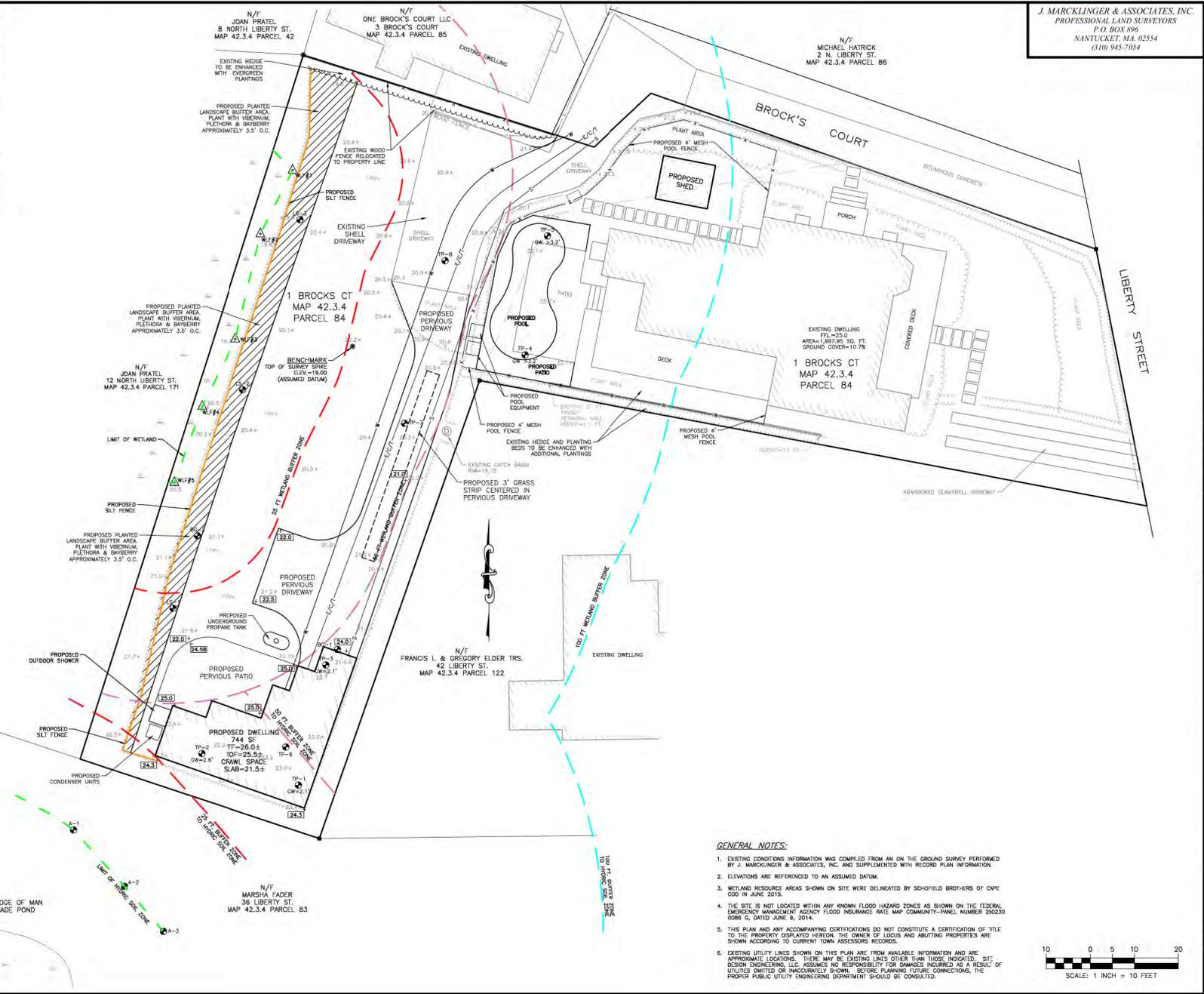
MINIMUM LOT SIZE: 5,000 SQ. FT.
 MINIMUM FRONTAGE: 50 FT.
 FRONT YARD SETBACK: 10 FT.
 REAR YARD SETBACK: 5 FT.
 SIDE YARD SETBACK: 5 FT.
 GROUND COVER RATIO: 30%±

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OVERLAY DISTRICT APPLICABILITY

DORMITORY	—
EMPLOYEE HOUSING	—
FLOOD HAZARD	—
HARBOR WATERSHED PROTECTION ZONE	YES-B
IDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	—
MID-ISLAND PLANNED	—
MILL'S FAMILY	—
SASCONSET SEWER	—
TOWN	YES
TOWN SEWER	YES
WATERSHAFT	—
WELLHEAD PROTECTION	—
MA DEP ZONE II	—
FORMULA BUSINESS EXCLUSION DISTRICT	—



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PLAN REVISIONS

NO.	DATE	DESCRIPTION
1	12/20/15	ADDED BORING LOCATIONS, REMOVE SHED
2	2/20/16	ADDED POND AND BORING LOCATIONS

DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM
 PROJECT NO: 12035
 ISSUED FOR: APPROVAL



PROPOSED SITE PLAN
 1 BROCK'S COURT
 PARCELS 84 & 85
 NANTUCKET, MASSACHUSETTS

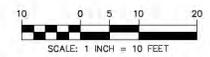
PREPARED FOR EDWIN SWIDER REALTY TRUST

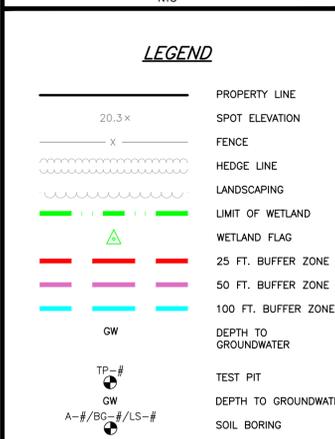
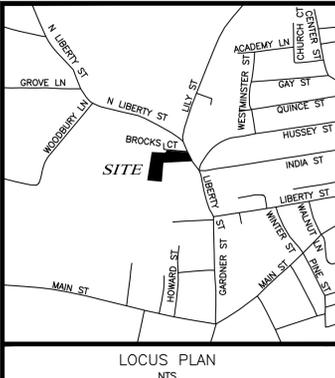
DRAWING TITLE:
PROPOSED SITE PLAN 'B'

SCALE: **1"=10'**

SHEET NO:
1 of 1

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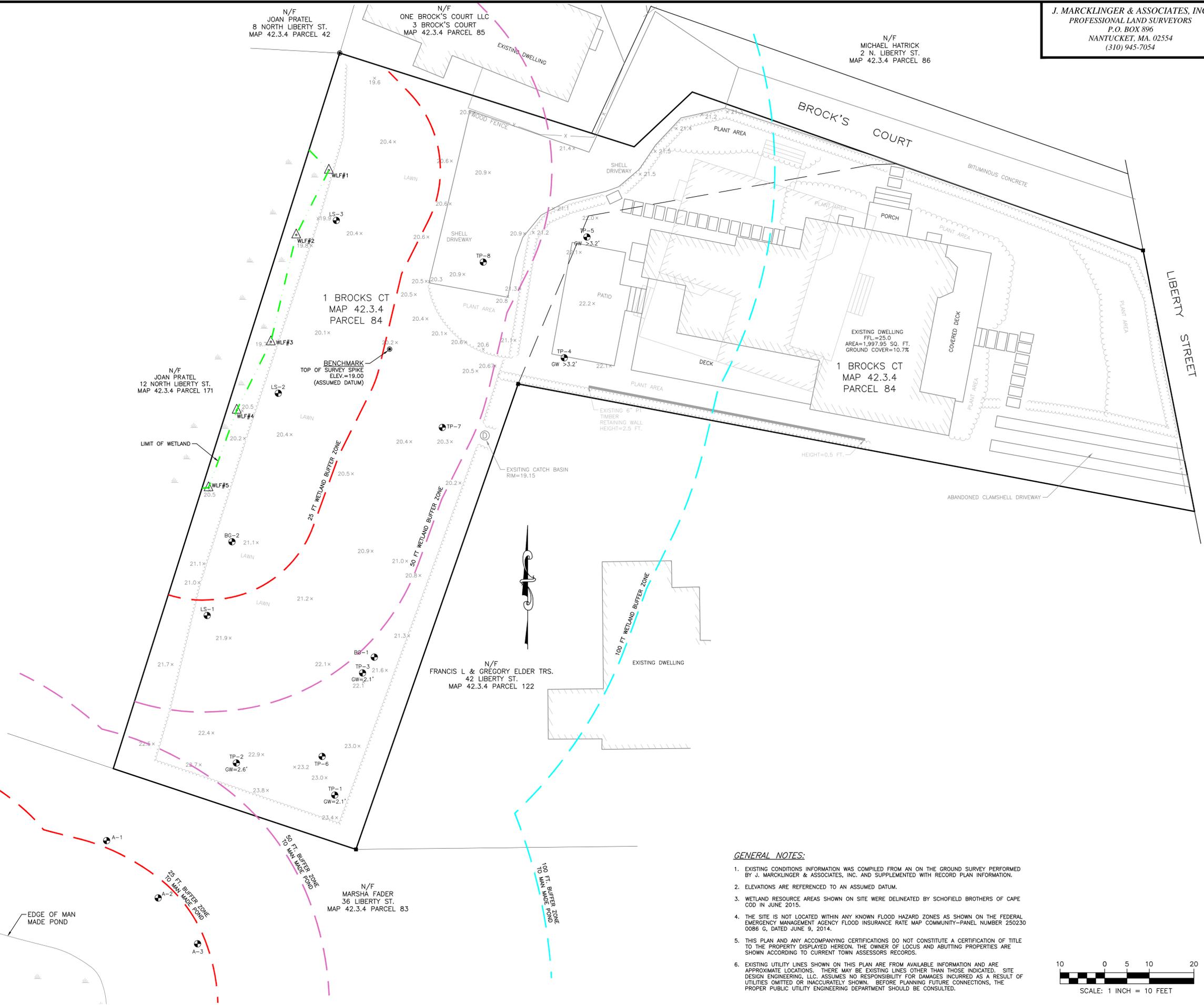
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 MINIMUM FRONTAGE 50 FT.
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 REAR YARD SETBACK 5 FT.
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PROPERTY SUBJECT TO SPECIAL PERMIT FROM BOARD OF APPEALS (BOOK 1359 PAGE 246) GRANTING RELIEF OF SIDELINE SETBACK TO BROCK'S COURT FROM 10 FEET TO 4.6± FEET.

OVERLAY DISTRICT APPLICABILITY	
DORMITORY	-
EMPLOYEE HOUSING	-
FLOOD HAZARD	-
HARBOR WATERSHED PROTECTION ZONE	YES-B
HDC OLD HISTORIC	YES
MADAKET HARBOR WATERSHED PROTECTION	-
MID-ISLAND PLANNED	-
MULTI-FAMILY	-
SIASCONSET SEWER	-
TOWN	YES
TOWN SEWER	YES
WATERCRAFT	-
WELLHEAD PROTECTION	-
MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED
1	2/3/16	ADDED POND AND BORING LOCATIONS	DCM

PLAN REVISIONS

DATE: OCTOBER 29, 2015

DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM/JM

PROJECT NO. 12035

ISSUED FOR: APPROVAL



EXISTING CONDITIONS PLAN

1 BROCK'S COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS

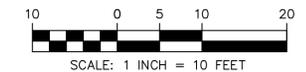
PREPARED FOR EDWIN SNIDER REALTY TRUST

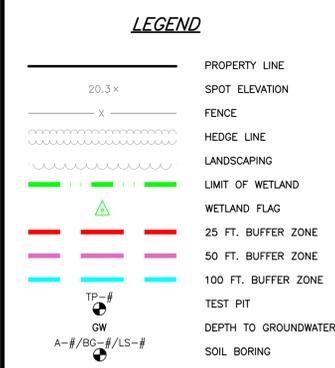
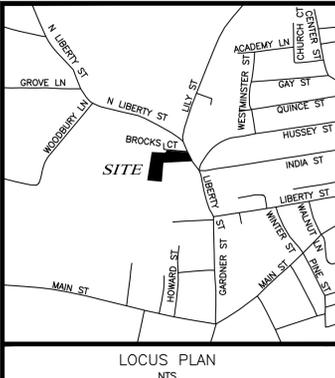
DRAWING TITLE:
EXISTING CONDITIONS PLAN 'A'

SCALE: **1"=10'**

SHEET NO.
1 OF 1

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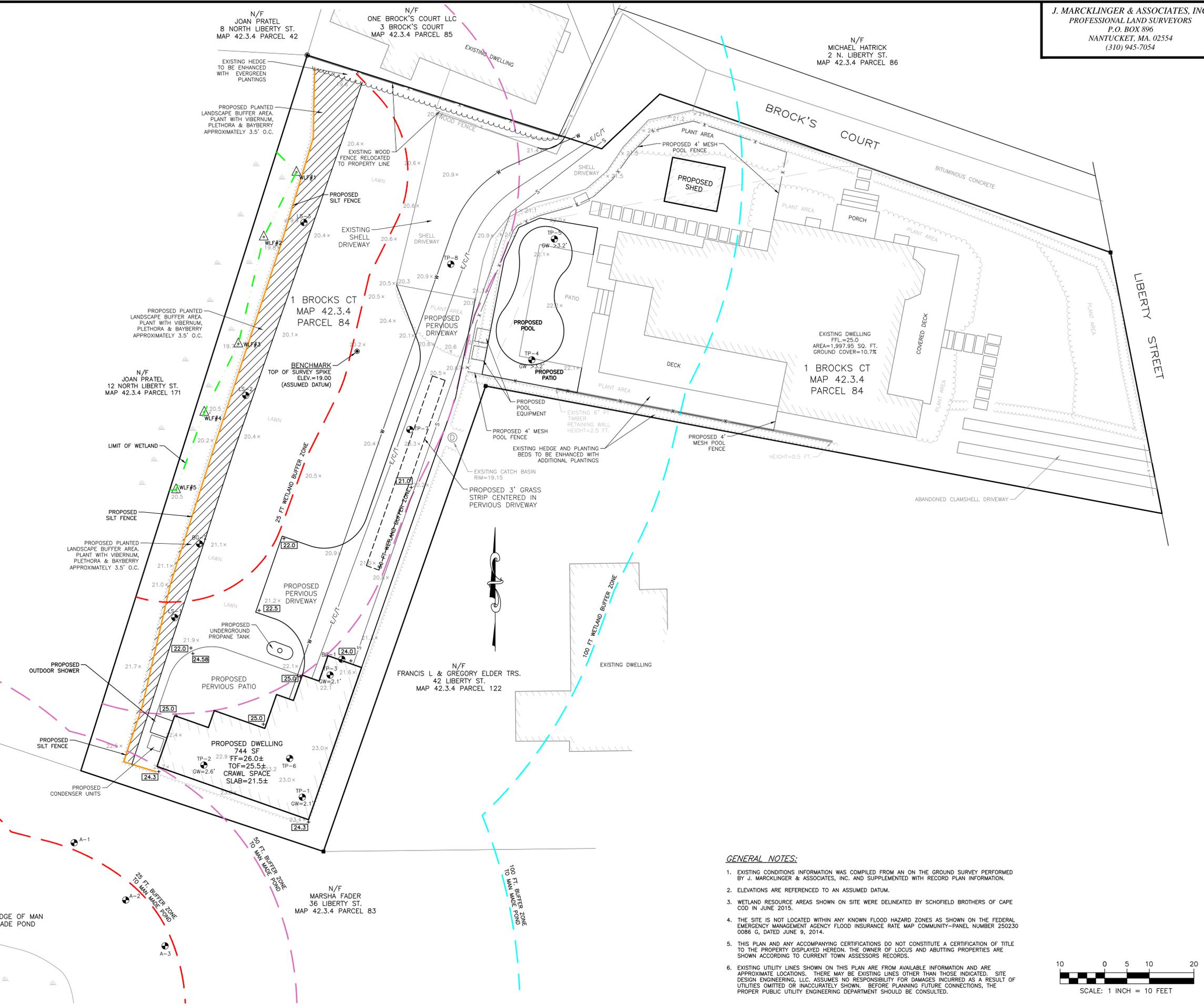
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EMPLOYEE HOUSING	-
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NO.	DATE	DESCRIPTION
1	11/25/15	ADDED BORING LOCATIONS REMOVE SHED
2	2/3/16	ADDED POND AND BORING LOCATIONS

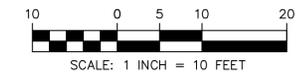
DATE: OCTOBER 29, 2015
 DRAWN BY: SKD DESIGN BY: DCM CHECK BY: DCM
 PROJECT NO: 12035

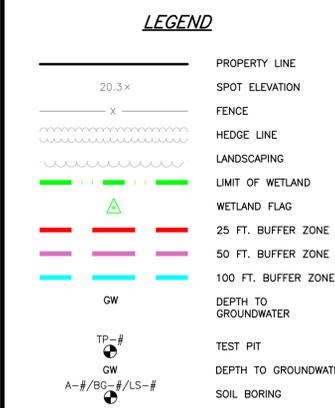
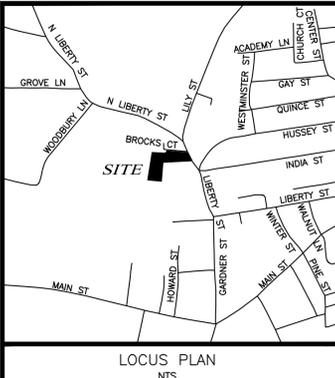
APPROVAL

PROPOSED SITE PLAN
 1 BROCKS COURT
 ASSESSOR'S MAP 42.3.4, PARCEL 84
 NANTUCKET, MASSACHUSETTS
 PREPARED FOR EDWIN SNIDER REALTY TRUST

DRAWING TITLE:
PROPOSED SITE PLAN 'A'
 SCALE: **1"=10'**
 SHEET NO.
1 OF 1

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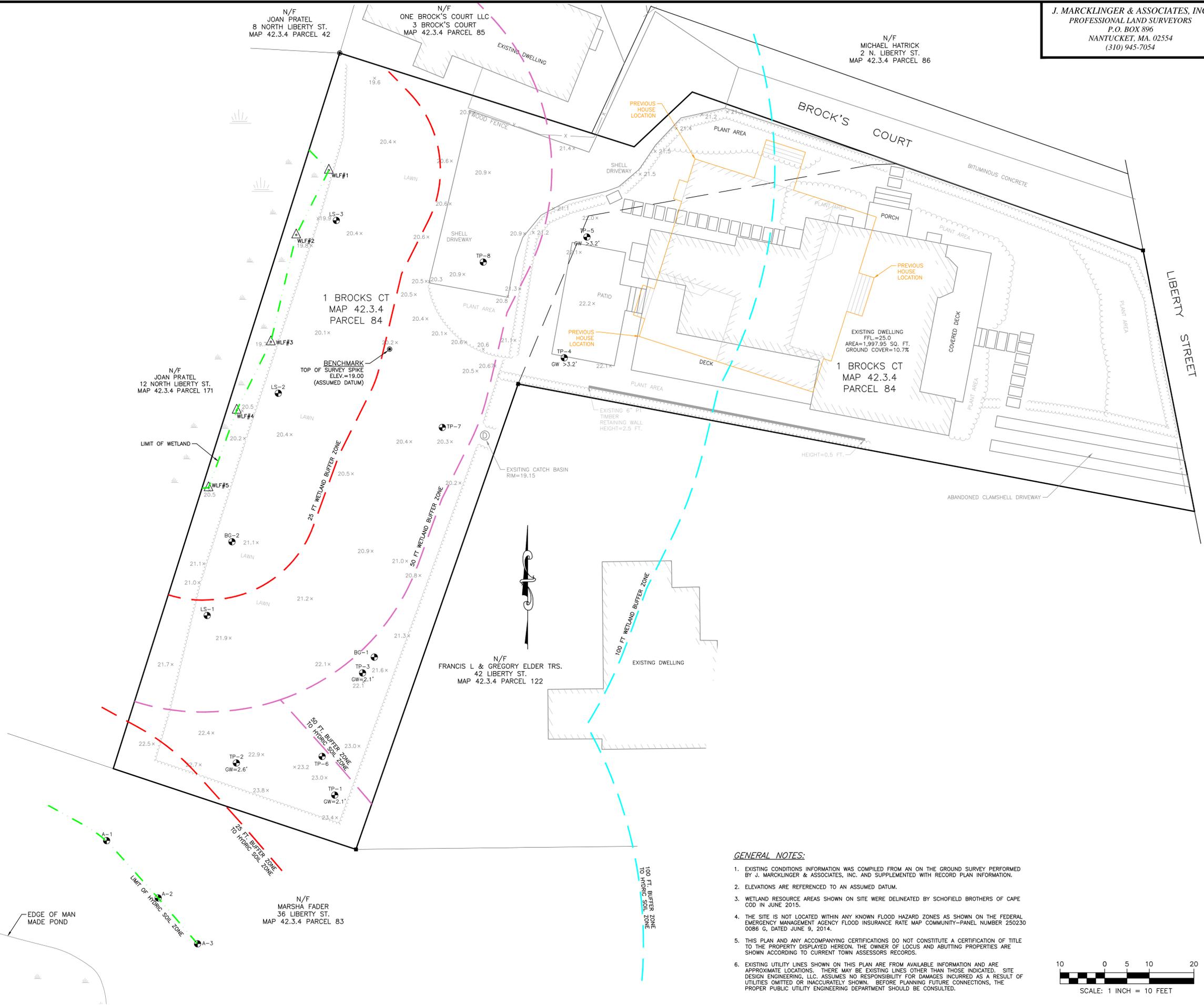
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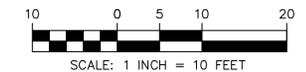
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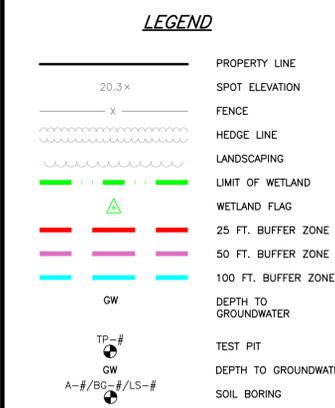
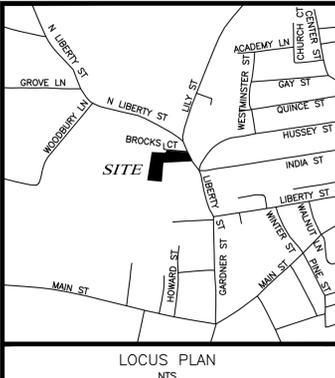
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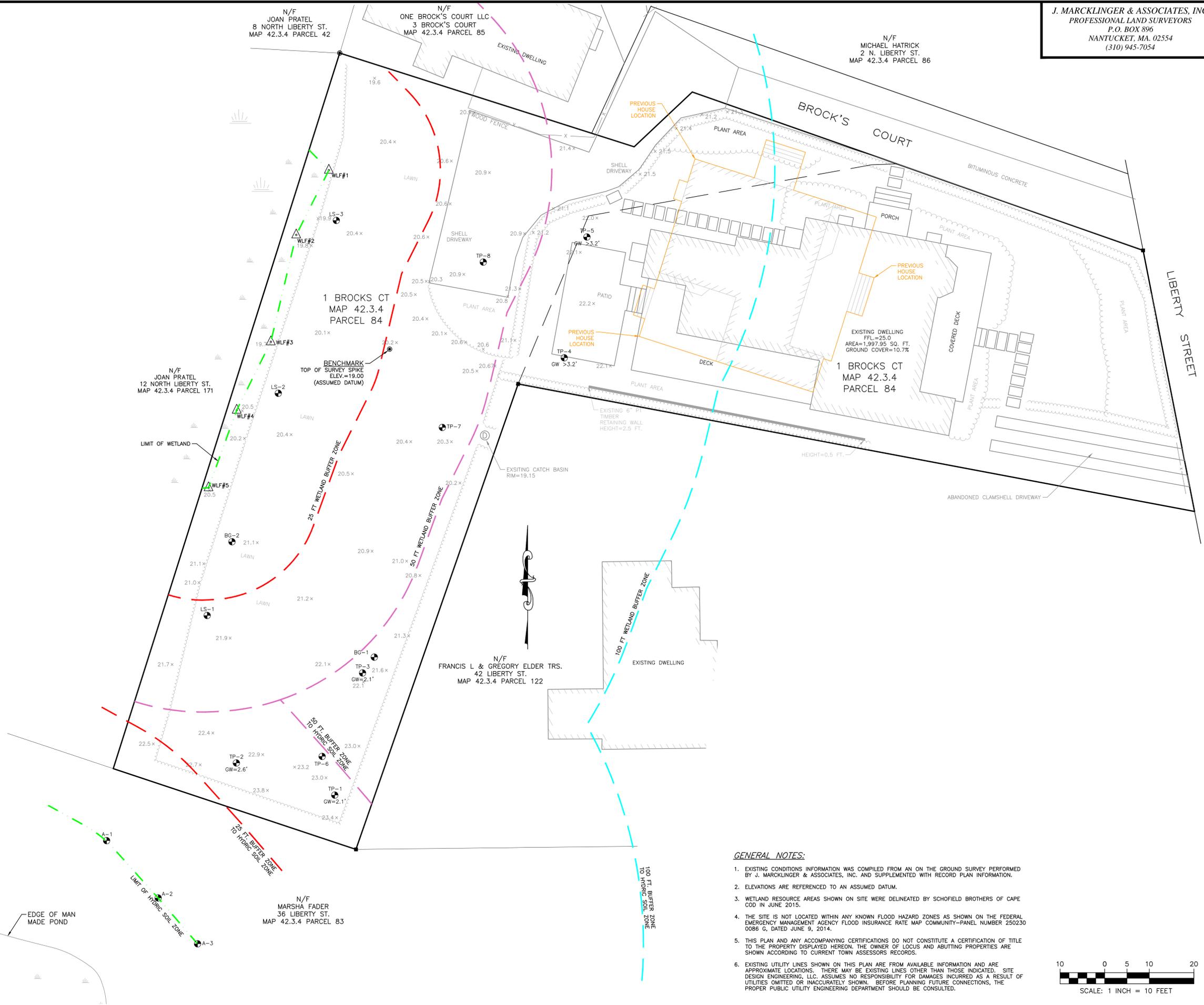
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MA DEP ZONE II	-
FORMULA BUSINESS EXCLUSION DISTRICT	-



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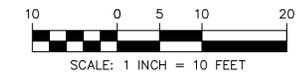
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 NANTUCKET, MASSACHUSETTS
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Quidnet Properties, LLC

84 Quidnet Road

(21-100 & 101)

SE48-2855



Notice of Intent
Map 21 Parcels 100 & 101
84 Quidnet Road
Nantucket, Massachusetts

Prepared for: **Quidnet Properties, LLC**
c/o Harvey Eisen
177 W. Putman Avenue
Greenwich, CT 06830

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

January 8, 2016



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>84 Quidnet Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.305690</u>	<u>-69.979664</u>
	d. Latitude	e. Longitude
<u>21</u>	<u>100 & 101</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Quidnet Properties, LLC</u>	<u></u>
a. First Name	b. Last Name
<u>177 W. Putman Avenue</u>	
c. Organization	
d. Street Address	
<u>Greenwich</u>	<u>CT</u>
e. City/Town	f. State
<u>508-228-8050</u>	<u>06830</u>
h. Phone Number	g. Zip Code
<u></u>	<u>chuck.lenhart@comcast.net</u>
i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

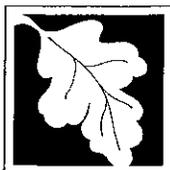
<u></u>	<u></u>
a. First Name	b. Last Name
<u></u>	
c. Organization	
<u></u>	
d. Street Address	
<u></u>	<u></u>
e. City/Town	f. State
<u></u>	<u></u>
g. Zip Code	
<u></u>	<u></u>
h. Phone Number	i. Fax Number
<u></u>	<u></u>
	j. Email address

4. Representative (if any):

<u>Paul</u>	<u>Santos</u>
a. First Name	b. Last Name
<u>Nantucket Surveyors, LLC</u>	
c. Company	
<u>P.O. Box 3627</u>	
d. Street Address	
<u>Nantucket</u>	<u>MA</u>
e. City/Town	f. State
<u>508-228-0240</u>	<u>02554</u>
h. Phone Number	g. Zip Code
<u>508-228-9856</u>	<u>psantos@nantucketsurveyors.com</u>
i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110</u>	<u>\$67.50</u>	<u>\$42.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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



City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

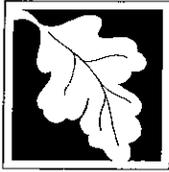
a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



WPA Form 3 – Notice of Intent

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



City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____ 2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	

4. Restoration/Enhancement

If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

_____ a. square feet of BVW

_____ b. square feet of Salt Marsh

5. Project Involves Stream Crossings

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the Massachusetts Natural Heritage Atlas or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

October 2008
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).

c. Submit Supplemental Information for Endangered Species Review*

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area 0 percentage/acreage
(b) outside Resource Area 7%/0.04 acres percentage/acreage

- Assessor's Map or right-of-way plan of site

- Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

- (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
(b) Photographs representative of the site

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. a. NHESP Tracking # _____ b. Date submitted to NHESP _____
3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

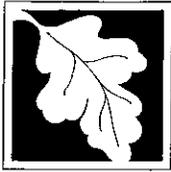
South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



WPA Form 3 – Notice of Intent

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



City/Town _____

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC _____
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



WPA Form 3 – Notice of Intent

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



City/Town _____

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Sewage Disposal System

a. Plan Title

John J. Shugrue, Inc.

b. Prepared By

3/23/05

d. Final Revision Date

John J. Shugrue, PE

c. Signed and Stamped by

1"=30'

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

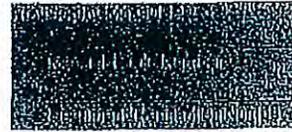
9. Attach Stormwater Report, if needed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 3 - Notice of Intent

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



City/Town _____

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

_____	_____
4262	1/5/16
2. Municipal Check Number	3. Check date
4263	1/5/16
4. State Check Number	5. Check date
Chuck	Lenhart
6. Payor name on check: First Name	7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

_____	_____
1. Signature of Applicant	2. Date
_____	_____
3. Signature of Property Owner (if different)	4. Date
_____	_____
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

84 Quidnet Road Nantucket
 a. Street Address b. City/Town
 4263 67.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

_____ _____
 a. First Name b. Last Name
 Quidnet Properties, LLC
 c. Organization
 177 W. Putman Avenue
 d. Mailing Address
 Greenwich CT 06830
 e. City/Town f. State g. Zip Code
 508-228-8050 _____
 h. Phone Number i. Fax Number j. Email Address
 _____ chuck.lenhart@comcast.net

3. Property Owner (if different):

_____ _____
 a. First Name b. Last Name

 c. Organization

 d. Mailing Address
 _____ _____ _____
 e. City/Town f. State g. Zip Code
 _____ _____ _____
 h. Phone Number i. Fax Number j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. ***Please see Instructions before filling out worksheet.***

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
This application is for the proposed repair of an existing onsite sewage disposal system within the buffer zone to a coastal dune.	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: _____

Step 6/Fee Payments:

Total Project Fee:	\$110
State share of filing Fee:	\$67.50
City/Town share of filling Fee:	\$42.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ATTACHMENT A

NOTICE OF INTENT
Item D

84 Quidnet Road
Nantucket, Massachusetts
Map: 21 Parcel: 100 & 101

List of Plans and Supporting Documents

APPENDIX A – Project Narrative

APPENDIX B – Nantucket Town GIS

APPENDIX C – NHESP Estimated and Priority Habitat Map

APPENDIX D – FEMA Flood Insurance Rate Map

APPENDIX E – Site Photographs

APPENDIX F – Abutter Notification Information

APPENDIX G – “Proposed Sewage Disposal System”
Prepared By: John J. Shugrue, Inc.
Dated: March 23, 2005

APPENDIX A

Project Narrative

APPENDIX A PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, for the proposed repair of an existing onsite sewage disposal system within the buffer zone to a coastal dune.

Existing Site Conditions

The subject property is located on the east side of Quidnet Road, Nantucket Assessors Map: 21 Parcel: 100 & 101. The site is approximately 21,974 S.F., consisting of a single family dwelling and fully developed residential lot. The surrounding land use is residential.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (FIRM Map No. 25019C0111G), dated June 9, 2014, shows that the area of proposed development is not located within a Flood Hazard Zone.

The Massachusetts Natural Heritage Atlas, 12th Edition, dated October 2008 (Appendix C) shows that Priority Habitat and Estimated Habitat is mapped within the area of proposed development. The proposed work does require a filing with MESA.

Erosion Control

Silt fence erosion control will be installed along the limit of the work as depicted on the site plan filed herewith.

APPENDIX B

Nantucket Town GIS



Figure 1: TOWN GIS MAP

84 QUIDNET ROAD
NANTUCKET, MASSACHUSETTS
N.T.S.

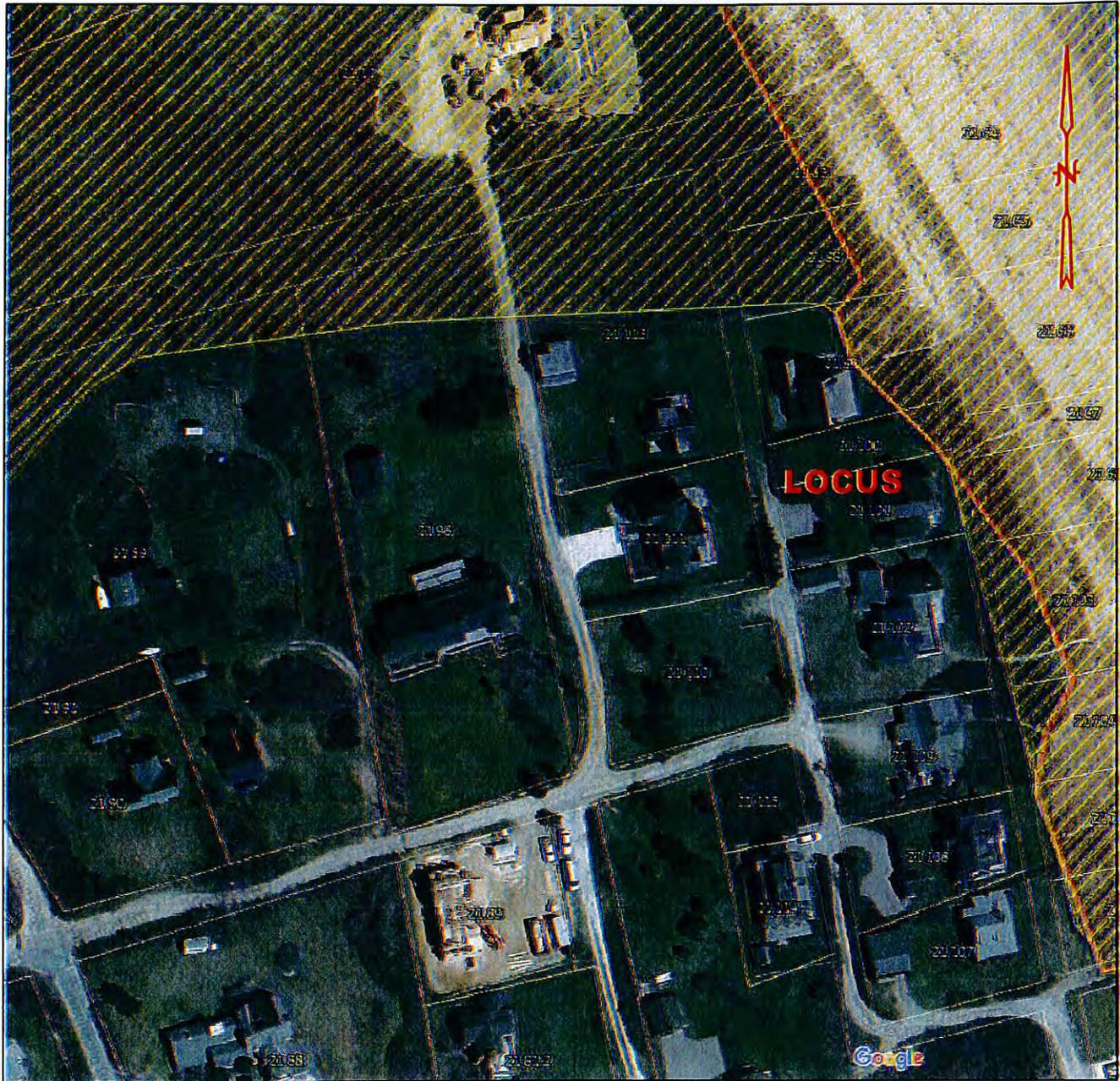
DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 21 PARCEL: 100 & 101

PREPARED FOR:
QUIDNET PROPERTIES, LLC

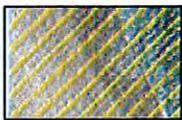
NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX C

NHESP Estimated and Priority Habitat Map



K:\085 962-10995\10000\5\10700\5\10713\CON COMMONNOTICE OF INTENT\USGS.dwg, 1/4/2016 4:26:21 PM, DWG To PDF.pc3



NHEP 2008 PRIORITY
HABITATS OF RARE SPECIES
AND ALSO ESTIMATED
HABITATS OF RARE WILDLIFE

FIGURE 2: AERIAL PHOTO/NHESP MAP
84 QUIDNET ROAD
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: 1/8/16
ASSESSOR'S REFERENCE:
MAP: 21 PARCEL: 100 & 101
PREPARED FOR:
QUIDNET PROPERTIES, LLC

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

SOURCE: 2008 NHESP PRIORITY HABITAT AND ESTIMATED HABITAT

N-10713

APPENDIX D

FEMA Flood Insurance Rate Map

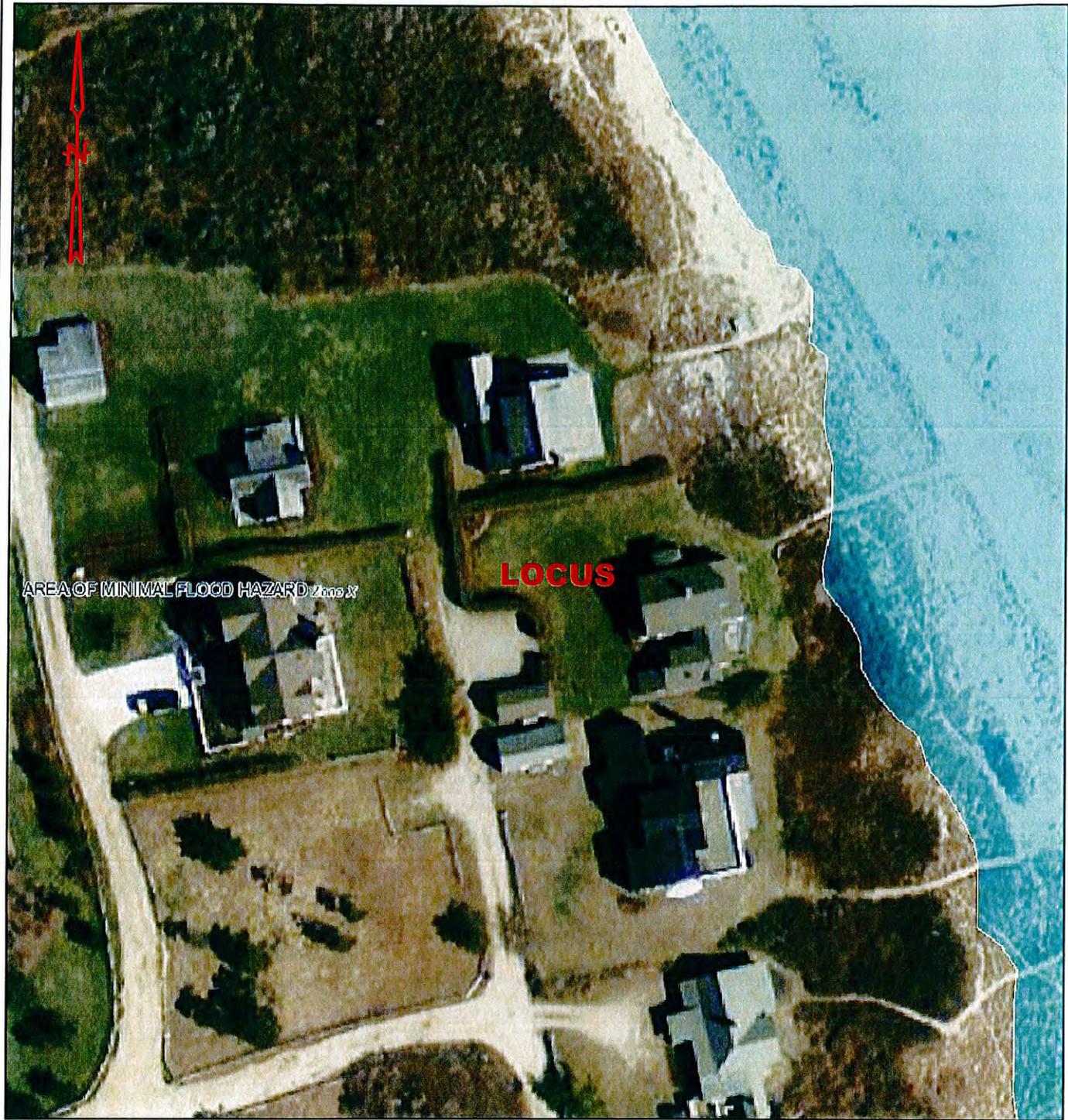


Figure 3: FEMA FIRM MAP

84 QUIDNET ROAD
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: JANUARY 8, 2016

ASSESSOR'S REFERENCE:
MAP: 21 PARCEL: 100 & 101

PREPARED FOR:
QUIDNET PROPERTIES, LLC

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX E

Site Photographs

84 Quidnet Road, Nantucket, MA
Applicant: Quidnet Properties, LLC



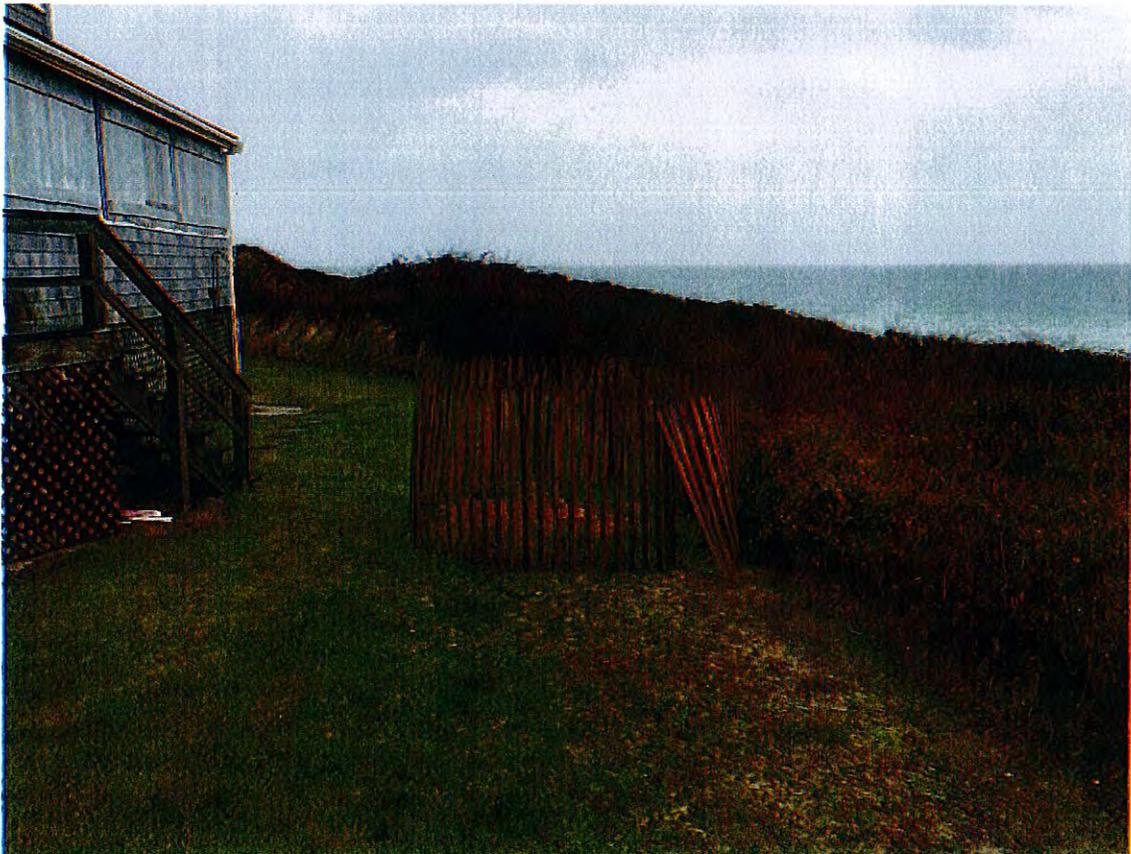
View of Existing Well



View of Existing Dwelling



View of Existing Septic Location



View of Existing Septic Location



Rear view of Existing Dwelling

APPENDIX G

“Proposed Sewage Disposal System”

Prepared By: John J. Shugrue, Inc.

Dated: March 23, 2005

300

111555



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 Bylaw Chapter 136

Eisen & Herron
 DEP File Number:
 SE48-1788

A. General Information



From: Nantucket
 1. Conservation Commission

2. This issuance is for (check one): Order of Conditions Amended Order of Conditions

3. To: Applicant:
Harvey P. Eisen Andrea Herron
 a. First Name b. Last Name c. Company
100 South Bedford Road
 d. Mailing Address
Mount Kisco NY 10549-0000
 e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):
Harvey P. and Andrea Eisen & Herron
 a. First Name b. Last Name c. Company
100 South Bedford Road
 d. Mailing Address
Mount Kisco NY 10549
 e. City/Town f. State g. Zip Code

5. Project Location:
84 Quidnet Road Nantucket
 a. Street Address b. City/Town
21 100 and 101
 c. Assessors Map/Plat Number d. Parcel/Lot Number
Latitude and Longitude, if known (note: electronic 73.539275 40.692299
filers will click for GIS locator): e. Latitude f. Longitude

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
Nantucket 17,656
 a. County b. Certificate (if registered land)
L.C 8606 – B Lot 35, 8606 –A Lot 9, 8606 –F lot 10 35 A
 c. Book d. Page

7. Dates: March 31, 2005 April 20, 2005 April 22, 2005
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
Proposed Sewage Disposal System
 a. Plan Title
John J. Shugrue Inc John J. Shugrue
 b. Prepared By c. Signed and Stamped by
March 23, 2005 1"=30'
 d. Final Revision Date e. Scale

f. Additional Plan or Document Title g. Date
 9. Total WPA Fee Paid: \$110.00 \$42.50 \$67.50
 a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid

FINDINGS and ADDITIONAL CONDITIONS
Harvey P. Eisen & Andrea Herron
DEP FILE NUMBER SE48-1788
ASSESSOR'S MAP 21, PARCELS 100 & 101
84 Quidnet Road
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 repair of an existing onsite sewage disposal system within the buffer zone to a coastal bank. The leaching facilities as permitted are in excess of 100' from MHW and the system as permitted includes innovative/alternative treatment including enhanced nitrogen removal. A waiver is required for the work permitted by this Order.

FINDINGS

1. Applicant's Name Harvey P. Eisen & Andrea Herron DEP File Number SE48-1788.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 3/30/2005 and the Plan of Record dated 3/23/05 and stamped by John Shugrue.
3. Areas subject to protection/regulation are coastal bank, coastal beach, bordering vegetated wetland and their buffer zones.
4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 4/20/2005 and a vote to issue Orders taken by the Commission on 4/20/2005.
5. This Order permits the repair of an existing onsite sewage disposal system within the buffer zone to a coastal bank. The leaching facilities as permitted are in excess of 100' from MHW and the system as permitted includes innovative/alternative treatment including enhanced nitrogen removal.
6. A waiver is required for work within 25' from the top of coastal bank.

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.

ADDITIONAL CONDITIONS

18. Copies of all effluent water quality monitoring required by the Board of Health shall be provided to the Commission within 7 days of receipt by the Board of Health.

19. All disturbed lawn areas shall be underlain by a minimum of 6" of organic topsoil and planted within 30 days of the completion of the repairs to the onsite sewage disposal system.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

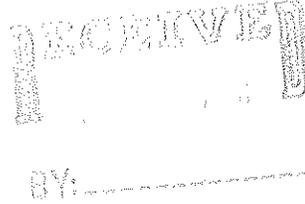
The Commission hereby grants waivers to Section 2.05 (B)(5) of the Wetlands Protection Regulations of the Town of Nantucket Wetlands Bylaw (Chapter 136) which states that all projects that are not water dependent shall maintain at least a 25' natural undisturbed area adjacent to the coastal bank. The Commission finds that, given existing conditions, the work permitted within the 25' buffer will not adversely impact the interests of the Town bylaw and that there are no other reasonable alternatives. Therefore waivers are granted under the authority of Sections 1.03(F)(2) and 1.03(F)(3)(a) of the Wetlands Protection Regulations for the Town of Nantucket.



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nllcinfo@nantucketsurveyors.com

January 22, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554



Re: Waiver Request

Applicant: Quidnet Properties, LLC
84 Quidnet Road – Map: 21 Parcels: 100 & 101

Dear Commissioners:

On behalf of the applicant, Nantucket Surveyors, LLC, is requesting a waiver from the Nantucket Wetland Protection Regulations, Section 2.03 (B)(2)(5) for the above referenced project, Specifically a waiver to complete the removal of an existing on site sewage disposal system and replacement with an innovative/alternative treatment system including enhanced nitrogen removal within the 25 and 100 foot setbacks. The applicant wishes to apply for this waiver under the premise that project will not adversely impact the interests identified in the bylaw and there are no other reasonable conditions or alternatives that would allow the project to proceed on compliance with regulations. (Section 1.03 (F) (3a).

Interests Protected:

- **Public and Private Water Supply:** The existing site is connected a private well. Existing well will be relocated to maintain a 100' setback to the onsite sewage disposal system.
- **Groundwater:** Not applicable to this project.
- **Fisheries and Shellfish:** Not applicable to this project.
- **Recreation:** The area of disturbance is on private property, and it is not available for recreational use by the public.
- **Water Pollution:** All resource areas will be protected during the construction. No erosion is anticipated.

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting

- **Wetland Scenic Views:** The existing views will not be altered.
- **Wildlife:** No changes in landscape will take place that would cause a change in the movement of wildlife. No wildlife obstruction will occur.
- **Flood control and Storm Damage Prevention:** There is no new change in grades proposed by this project.
- **Erosion control:** The site will be protected during the construction phase of this project.

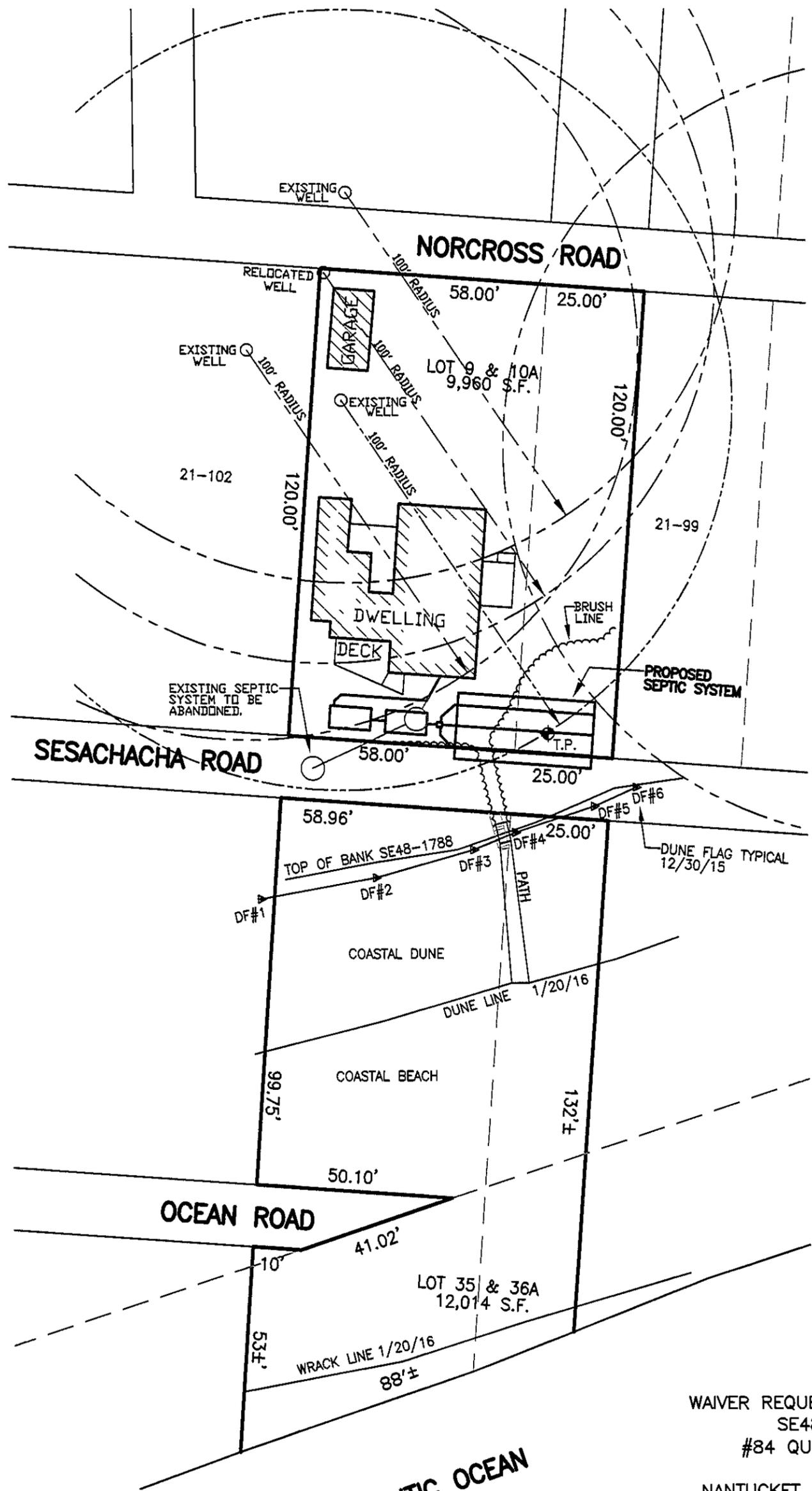
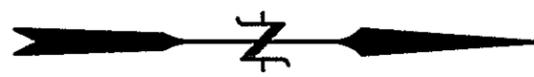
Thank you for your time and attention in this matter.

Sincerely,
Nantucket Surveyors, LLC



By Paul J. Santos, PLS
Agent for the Applicant

CC Quidnet Properties, LLC



WAIVER REQUEST EXHIBIT PLAN
 SE48-2855
 #84 QUIDNET ROAD
 IN
 NANTUCKET, MASSACHUSETTS
 SCALE: 1"=30' DATE: 1/22/16
 ASSESSOR'S REFERENCE:
 MAP: 21 PARCEL: 100&101
 PREPARED FOR:
 QUIDNET PROPERTIES, LLC
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554

PAUL J. SANTOS
 No. 36524
Paul J. Santos
 1/22/16

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN
 RELIES ON CURRENT DEEDS AND PLANS OF RECORD,
 VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON.
 THIS PLAN IS NOT REPRESENTED TO BE A TITLE
 EXAMINATION OR A RECORDABLE SURVEY.

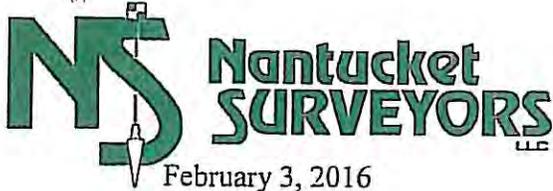
N.B. 399/29

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

N-10713

I:\JOBS\9632-10999\10000\10700\10710\10713\AUTOCAD\10713 WAIVER REQUEST PLAN.dwg, 1/21/2016 7:12:21 PM

**NEW
INFORMATION
FOR CURRENT
HEARING**



P.O. Box 3627, Nantucket, Massachusetts 02584-3627
Tel. (508) 228-0240 Fax (508) 228-9856
www.nantucketsurveyors.com
nslinfo@nantucketsurveyors.com

Mr. Artell Crowley, Assistant Health Director
Nantucket Board of Health
3 East Chestnut Street
Nantucket, MA 02554

Re: 84 Quidnet Road
Map: 21 Parcels: 100 & 101

Dear Artell:

On behalf of the Owner Quidnet Properties, LLC; Nantucket Surveyors, LLC "NSLLC" respectfully submits the following to request acknowledgement that the Nantucket Board of Health will not require an I/A innovative alternative system with enhanced nitrogen removal on the subject property.

The owner intends to repair an existing 4 bedroom grandfathered onsite sewage disposal system within the buffer zone to a coastal dune. The existing system is composed of a metal septic tank and leach pit.

The existing facility is located outside of the Nantucket Harbor Watershed Protection District, is not located within 300 feet of a Board of Health designated Nitrogen Sensitive Area, (Sesachacha Pond), and HWH Map #2 indicates groundwater flow directly to the Atlantic Ocean.

Thank you in advance for your consideration
Very truly yours,

Paul J. Santos, PLS
Nantucket Surveyors, LLC

Cc: Quidnet Properties, LLC
Nantucket Conservation Commission

Acknowledgement by:
Artell Crowley
Assistant Health Director

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting

Zarella

125 Wauwinet Road

(12-8)



RECEIVED

Notice of Intent
BY: _____
Map 12 Parcel 8
125 Wauwinet Road
Nantucket, Massachusetts

Prepared for: **Ronald L. Zarella**
195 Sandringham Road
Rochester, NY 14610

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

January 8, 2016



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>125 Wauwinet Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>12</u>	<u>41.330564</u>	<u>-69.996120</u>
f. Assessors Map/Plat Number	d. Latitude	e. Longitude
	<u>8</u>	
	g. Parcel /Lot Number	

2. Applicant:

<u>Ronald L.</u>	<u>Zarella</u>	
a. First Name	b. Last Name	
c. Organization		
<u>195 Sandringham Road</u>		
d. Street Address		
<u>Rochester</u>	<u>NY</u>	<u>14610</u>
e. City/Town	f. State	g. Zip Code
<u>585-281-4000</u>	<u>rlzarrella@mymail.serverdata.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

<u>127 Wauwinet, LLC</u>	<u>14610</u>	
a. First Name	b. Last Name	
c. Organization		
<u>195 Sandringham Road</u>		
d. Street Address		
<u>Rochester</u>	<u>NY</u>	<u>14610</u>
e. City/Town	f. State	g. Zip Code
<u>585-281-4000</u>	<u>rlzarrella@mymail.serverdata.net</u>	
h. Phone Number	i. Fax Number	j. Email address

4. Representative (if any):

<u>Paul</u>	<u>Santos</u>	
a. First Name	b. Last Name	
<u>Nantucket Surveyors, LLC</u>		
c. Company		
<u>P.O. Box 3627</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02584</u>
e. City/Town	f. State	g. Zip Code
<u>508-228-0240</u>	<u>508-228-9856</u>	<u>psantos@nantucketsurveyors.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110</u>	<u>\$42.50</u>	<u>\$67.50</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of Seasonal Sand Drift Fencing on a Barrier Beach within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket
a. County

24110
b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

- f. Riverfront Area
1. Name of Waterway (if available) - specify coastal or inland
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input checked="" type="checkbox"/> Coastal Beaches	0	0
	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	0	
	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- 2008 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area 0 _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
 b. No. Check why the project is exempt:
 1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number

City/Town _____

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent #125 Wauwinet Road

a. Plan Title

Nantucket Surveyors, LLC

Paul J. Santos, PLS

b. Prepared By

c. Signed and Stamped by

1/8/16

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

9946

2. Municipal Check Number

1/8/16

3. Check date

9947

4. State Check Number

1/8/16

5. Check date

Ronald L.

6. Payor name on check: First Name

Zarella

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

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



City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Ronald L. Zavelle

1. Signature of Applicant

1/8/2016

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Seasonal Sand Drift Fencing	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110.00

Step 6/Fee Payments:

Total Project Fee:	\$110.00
State share of filing Fee:	\$42.50
City/Town share of filling Fee:	\$67.50
	a. Total Fee from Step 5
	b. 1/2 Total Fee less \$12.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ATTACHMENT A

NOTICE OF INTENT

125 Wauwinet Road
Nantucket, Massachusetts
Map: 12 Parcel: 8

List of Plans and Supporting Documents

APPENDIX A – Assessor’s Map

APPENDIX B – Project Narrative

APPENDIX C – Nantucket Topography Map

APPENDIX D – NHESP Estimated and Priority Habitat Map

APPENDIX E – FEMA Flood Insurance Rate Map

APPENDIX F – Site Photographs

APPENDIX G – Abutter Notification Information

APPENDIX H – “Site Plan to Accompany a Notice of Intent #125 Wauwinet Road”
Prepared by Nantucket Surveyors LLC
January 8, 2016

APPENDIX A

Assessors Map

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Figure 1: ASSESSOR'S MAP

#125 WAUWINET ROAD
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 8

PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX B

Project Narrative

APPENDIX B PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, this application is for the proposed installation of Seasonal Sand Drift Fencing on the subject property.

Existing Site Conditions

The subject property is located on the east side of Wauwinet Road, Nantucket Assessors Map: 12 Parcel: 8. The site is approximately .6 acres. The surrounding land uses are residential.

This site contains coastal resource areas subject to jurisdiction under the Nantucket Wetland Bylaw and Massachusetts Wetlands Protection Act. The resource areas include Coastal Dune, Barrier Beach, and Land Subject to Coastal Storm Flowage.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (Map No. 25019C0103G), dated June 9, 2014 shows that the property is located within Zone AE (Elev. 9) and Zone VE (Elev. 10).

The Massachusetts Natural Heritage Atlas, 13th Edition, dated October 2008 (Appendix D) shows that Priority Habitat and Estimated Habitat are mapped within the project vicinity. The proposed work requires a filing with NHESP.

Proposed Work

This application is for the proposed installation of Seasonal Sand Drift Fencing. The proposed work is shown on the included plan, “Site Plan to Accompany a Notice of Intent #125 Wauwinet Road”, Nantucket, MA prepared by Nantucket Surveyors, LLC dated January 8, 2016.

APPENDIX C

Nantucket Topography

APPENDIX D

NHESP Estimated and Priority Habitat Map

APPENDIX E

FEMA Flood Insurance Rate Map

I:\JOBS 9632-10999\10000's\10440's\10440's\10449\CON COM\SEASONAL SAND DRIFT FENCE\125 WAUWINET\MAPS.dwg, 1/6/2016 8:37:32 AM



Figure 4: FIRM MAP

#125 WAUWINET ROAD
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 8
25019C0103G

PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX F

Site Photographs

125 Wauwinet Road, Nantucket, MA
Applicant: Ronald L. Zarella



View of Proposed fence location



View of Proposed fence location

APPENDIX H

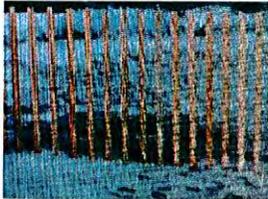
**“Site Plan to Accompany a Notice of Intent #125 Wauwinet Road”
Prepared by Nantucket Surveyors LLC
Dated January 8, 2016**



K:\085 9632-10999\10000\10440\10440\CON COM\SEASONAL SAND DRIFT FENCE\125 WAUWINET\NOI SITE PLAN.dwg, 1/8/2016 8:18:31 AM, DWG To PDF.pc3

LEGEND

— x — x — x — SEASONAL SAND DRIFT FENCING



FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

SITE PLAN TO ACCOMPANY
A NOTICE OF INTENT
#125 WAUWINET ROAD
IN

NANTUCKET, MASSACHUSETTS

SCALE: NTS DATE: 1/8/16

DEED REFERENCE: L.C.C. #24110

PLAN REFERENCE: L.C.P. #10990-R

L.C.P. #10990-W

ASSESSOR'S REFERENCE:

MAP: 12 PARCEL: 8

PREPARED FOR:

RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC

5 WINDY WAY

NANTUCKET, MA. 02554

Zarella

129 Wauwinet Road

(12-4)



Notice of Intent
Map 12 Parcel 4
129 Wauwinet Road
Nantucket, Massachusetts

RECEIVED
BY: _____

Prepared for: **Ronald L. Zarrella**
195 Sandringham Road
Rochester, NY 14610

Prepared by: **Nantucket Surveyors, LLC**
5 Windy Way, PO Box 3627
Nantucket, MA 02584

January 8, 2016



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

WPA Form 3 – Notice of Intent

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

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

129 Wauwinet Road
a. Street Address

Nantucket
b. City/Town

02554
c. Zip Code

Latitude and Longitude:
41.330860
d. Latitude

-69.995910
e. Longitude

12
f. Assessors Map/Plat Number

4
g. Parcel /Lot Number

2. Applicant:

Ronald L.
a. First Name

Zarella
b. Last Name

c. Organization

195 Sandringham Road
d. Street Address

Rochester
e. City/Town

NY
f. State

14610
g. Zip Code

585-281-4000
h. Phone Number

i. Fax Number

rizarrella@mymail.serverdata.net
j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

Ondine, LLC
c. Organization

129 Wauwinet Road
d. Street Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

585-281-4000
h. Phone Number

i. Fax Number

rizarrella@mymail.serverdata.net
j. Email address

4. Representative (if any):

Paul
a. First Name

Santos
b. Last Name

Nantucket Surveyors, LLC
c. Company

P.O. Box 3627
d. Street Address

Nantucket
e. City/Town

MA
f. State

02584
g. Zip Code

508-228-0240
h. Phone Number

508-228-9856
i. Fax Number

psantos@nantucketsurveyors.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110
a. Total Fee Paid

\$42.50
b. State Fee Paid

\$67.50
c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

A. General Information (continued)

6. General Project Description:

This application is for the proposed installation of Seasonal Sand Drift Fencing on a Barrier Beach within Land Subject to Coastal Storm Flowage.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Commercial/Industrial
- 4. Dock/Pier
- 5. Utilities
- 6. Coastal engineering Structure
- 7. Agriculture (e.g., cranberries, forestry)
- 8. Transportation
- 9. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

- 1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR 10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

25331

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

- f. Riverfront Area
1. Name of Waterway (if available) - **specify coastal or inland**
2. Width of Riverfront Area (check one):
- 25 ft. - Designated Densely Developed Areas only
 - 100 ft. - New agricultural projects only
 - 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



WPA Form 3 - Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users: Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Designated Port Areas, Land Under the Ocean, Barrier Beach, Coastal Beaches, Coastal Dunes.

Table with 3 columns: Resource Area, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, Land Subject to Coastal Storm Flowage.

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BWV b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings b. number of replacement stream crossings



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581

- 2008
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); *OR* complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

- c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area 0
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

(c) MESA filing fee (fee information available at http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. a. NHESP Tracking # b. Date submitted to NHESP

3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.
- b. ACEC
5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
- a. Yes No
6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
- a. Yes No
7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 2. A portion of the site constitutes redevelopment
 3. Proprietary BMPs are included in the Stormwater Management System.
- b. No. Check why the project is exempt:
1. Single-family house
 2. Emergency road repair
 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
MassDEP File Number
Document Transaction Number

City/Town _____

D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent #129 Wauwinet Road

a. Plan Title

Nantucket Surveyors, LLC

Paul J. Santos, PLS

b. Prepared By

c. Signed and Stamped by

1/8/16

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

9937

2. Municipal Check Number

1/8/16

3. Check date

9942

4. State Check Number

1/8/16

5. Check date

Ronald L.

6. Payor name on check: First Name

Zarella

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

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



City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

Ronald L. Zavelle

1/8/2016

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

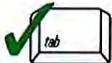
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

<u>129 Wauwinet Road</u>	<u>Nantucket</u>
a. Street Address	b. City/Town
<u>9942</u>	<u>\$42.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>Ronald L.</u>	<u>Zarella</u>	
a. First Name	b. Last Name	
<u></u>		
c. Organization		
<u>195 Sandringham Road</u>		
d. Mailing Address		
<u>Rochester</u>	<u>NY</u>	<u>14610</u>
e. City/Town	f. State	g. Zip Code
<u>585-281-4000</u>	<u>rlzarrella@mymail.serverdata.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

3. Property Owner (if different):

<u></u>	<u></u>	
a. First Name	b. Last Name	
<u>Ondine, LLC</u>		
c. Organization		
<u>129 Wauwinet Road</u>		
d. Mailing Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>585-281-4000</u>	<u>rlzarrella@mymail.server.net</u>	
h. Phone Number	i. Fax Number	j. Email Address

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Seasonal Sand Drift Fencing	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Step 5/Total Project Fee:			\$110.00

Step 6/Fee Payments:

Total Project Fee:	\$110.00
State share of filing Fee:	a. Total Fee from Step 5 \$42.50
City/Town share of filing Fee:	b. 1/2 Total Fee less \$12.50 \$67.50
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

ATTACHMENT A

NOTICE OF INTENT

129 Wauwinet Road
Nantucket, Massachusetts
Map: 12 Parcel: 4

List of Plans and Supporting Documents

APPENDIX A – Assessor’s Map

APPENDIX B – Project Narrative

APPENDIX C – Nantucket Topography Map

APPENDIX D – NHESP Estimated and Priority Habitat Map

APPENDIX E – FEMA Flood Insurance Rate Map

APPENDIX F – Site Photographs

APPENDIX G – Abutter Notification Information

APPENDIX H – “Site Plan to Accompany a Notice of Intent #129 Wauwinet Road”
Prepared by Nantucket Surveyors LLC
January 8, 2016

APPENDIX A

Assessors Map

i:\JOBS\9632-10998\10000\10400\10440\10449\CON COM\SEASONAL SAND DRAFT FENCE\129 WAUWNET\MAPS.dwg, 1/6/2016 8:47:20 AM



Figure 1: ASSESSOR'S MAP

#129 WAUWNET ROAD
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 4

PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX B

Project Narrative

APPENDIX B PROJECT NARRATIVE

Introduction

This Notice of Intent is submitted to the Nantucket Conservation Commission (“the Commission”) and the Massachusetts Department of Environmental Protection (MassDEP) pursuant to the Massachusetts Wetlands Protection Act, MGL c.131, s.40, this application is for the proposed installation of Seasonal Sand Drift Fencing on a Barrier Beach within Land Subject to Coastal Storm Flowage.

Existing Site Conditions

The subject property is located on the east side of Wauwinet Road, Nantucket Assessors Map: 12 Parcel: 4. The site is approximately .65 acres. The surrounding land uses are residential.

This site contains coastal resource areas subject to jurisdiction under the Nantucket Wetland Bylaw and Massachusetts Wetlands Protection Act. The resource areas include Coastal Dune, Barrier Beach, and Land Subject to Coastal Storm Flowage.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (Map No. 25019C0103G), dated June 9, 2014 shows that the property is located within Zone AE (Elev. 9) and Zone VE (Elev. 10).

The Massachusetts Natural Heritage Atlas, 13th Edition, dated October 2008 (Appendix D) shows that Priority Habitat and Estimated Habitat are mapped within the project vicinity. The proposed work requires a filing with NHESP.

Proposed Work

This application is for the proposed installation of Seasonal Sand Drift Fencing. The proposed work is shown on the included plan, “Site Plan to Accompany a Notice of Intent #129 Wauwinet Road”, Nantucket, MA prepared by Nantucket Surveyors, LLC dated January 8, 2016.

APPENDIX C

Nantucket Topography



Figure 2: Nantucket Topography Map

#129 WAUWINET ROAD
NANTUCKET, MASSACHUSETTS
N.T.S.

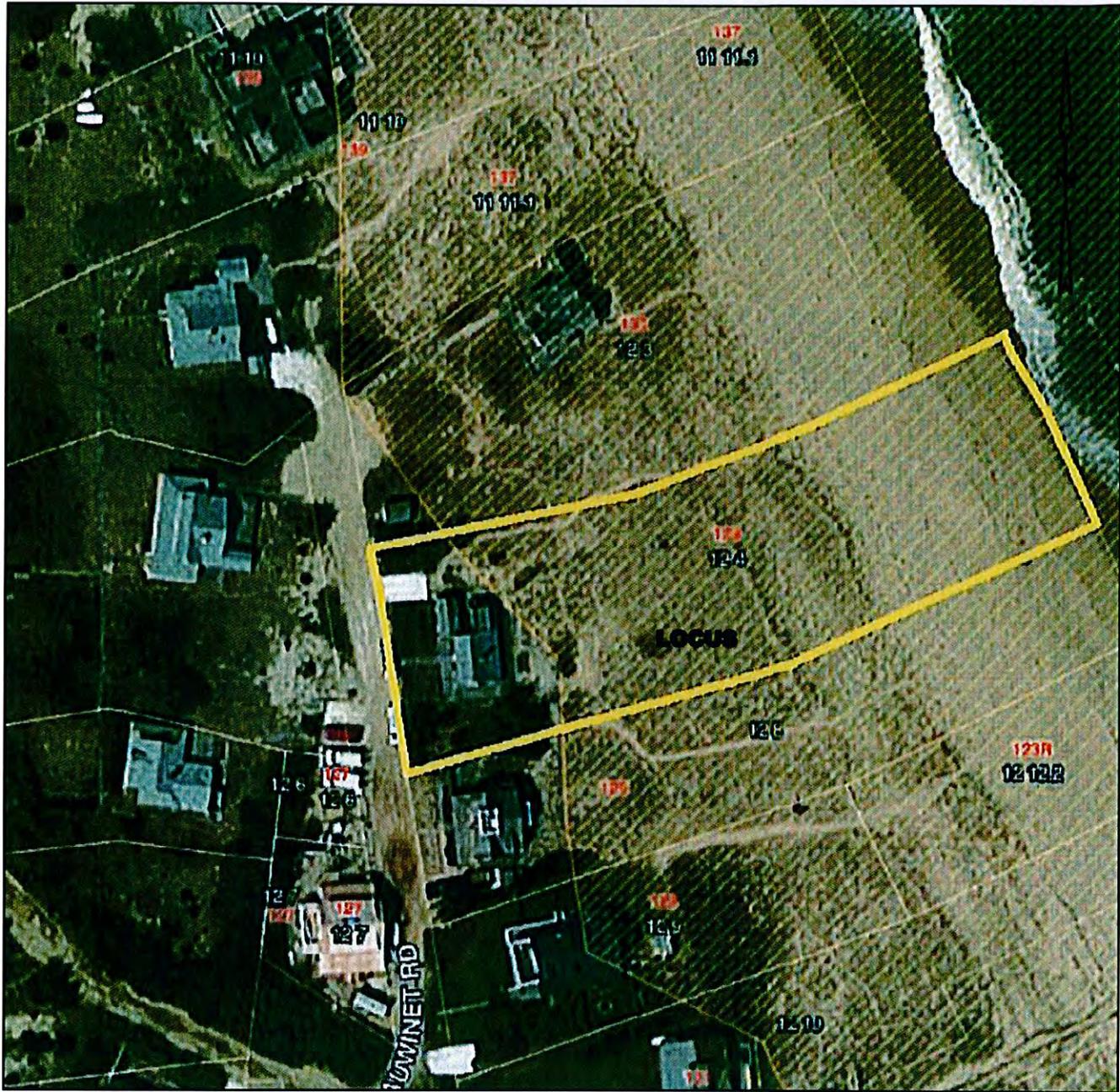
DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 4

PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX D

NHESP Estimated and Priority Habitat Map



NHESP PRIORITY HABITATS
OF RARE SPECIES
NHESP ESTIMATED HABITATS
OF RARE WILDLIFE

Figure 3: NHESP MAP

#129 WAUWINET ROAD
NANTUCKET, MASSACHUSETTS
SCALE: N.T.S. DATE: JANUARY 8, 2016
ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 4
PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX E

FEMA Flood Insurance Rate Map



Figure 4: FIRM MAP

#129 WAUWINET ROAD
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: JANUARY 8, 2016

ASSESSOR'S REFERENCE:
MAP: 12 PARCEL: 4
25019C0103G

PREPARED FOR:
RONALD L. ZARELLA

NANTUCKET SURVEYORS LLC
5 WINDY WAY
NANTUCKET, MA. 02554

APPENDIX F

Site Photographs

129 Wauwinet Road, Nantucket, MA
Applicant: Ronald L. Zarella



View of Proposed fence location



View of Proposed fence location

APPENDIX H

“Site Plan to Accompany a Notice of Intent #129 Wauwinet Road”

Prepared by Nantucket Surveyors LLC

Dated January 8, 2016



K:\OBS 9632-10999\10000\10440\10449\CON COM\SEASONAL SAND DRIFT FENCE\129 WAUWINET\NOI SITE PLAN.dwg, 1/8/2016 8:22:26 AM, DWG To PDF.pc3

LEGEND

x x x x SEASONAL SAND DRIFT FENCING



FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON. THIS PLAN IS NOT REPRESENTED TO BE A TITLE EXAMINATION OR A RECORDABLE SURVEY.

SITE PLAN TO ACCOMPANY
 A NOTICE OF INTENT
 #129 WAUWINET ROAD
 IN
 NANTUCKET, MASSACHUSETTS
 SCALE: NTS DATE: 1/8/16
 DEED REFERENCE: L.C.C. #25331
 PLAN REFERENCE: L.C.P. #10990-U
 L.C.P. #10990-M
 ASSESSOR'S REFERENCE:
 MAP: 12 PARCEL: 4
 PREPARED FOR:
 RONALD L. ZARELLA
 NANTUCKET SURVEYORS LLC
 5 WINDY WAY
 NANTUCKET, MA. 02554

Town of Nantucket
Quaise Road Layout
(26-13)



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>Quaise Road Layout and 23 Quaise Road</u> a. Street Address	<u>Nantucket</u> b. City/Town	<u>02554</u> c. Zip Code
<u>Latitude and Longitude:</u>	<u>26</u> f. Assessors Map/Plat Number	<u>13</u> g. Parcel /Lot Number
	<u>d. Latitude</u>	<u>e. Longitude</u>

2. Applicant:

<u>Town of Nantucket</u> c. Organization	<u>16 Broad Street</u> d. Street Address	<u>Nantucket</u> e. City/Town	<u>MA</u> f. State	<u>02554</u> g. Zip Code
<u>Michael G.</u> a. First Name	<u>Ryan, Trustee</u> b. Last Name			
<u>8404 Parham Court</u> d. Street Address	<u>McLean</u> e. City/Town	<u>VA</u> f. State	<u>22102</u> g. Zip Code	
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email Address</u>		

3. Property owner (required if different from applicant): Check if more than one owner

<u>Michael G.</u> a. First Name	<u>Ryan, Trustee</u> b. Last Name			
<u>8404 Parham Court</u> d. Street Address	<u>McLean</u> e. City/Town	<u>VA</u> f. State	<u>22102</u> g. Zip Code	
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>		

4. Representative (if any):

<u>Dave</u> a. First Name	<u>Fronzuto</u> b. Last Name			
<u>Town of Nantucket</u> c. Company	<u>16 Broad Street</u> d. Street Address	<u>Nantucket</u> e. City/Town	<u>MA</u> f. State	<u>02554</u> g. Zip Code
<u>508-325-4100x7007</u> h. Phone Number	<u>i. Fax Number</u>	<u>dfronzuto@nantucket-ma.gov</u> j. Email address		

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>Exempt</u> a. Total Fee Paid	<u>Exempt</u> b. State Fee Paid	<u>Exempt</u> c. City/Town Fee Paid
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WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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A. General Information (continued)

6. General Project Description:

Installation of fill on a Coastal Bank, removal of an existing footpath and construction of a new footpath. Project is proposed on a Coastal Bank, Coastal Beach Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Nantucket	17373
a. County	b. Certificate # (if registered land)
c. Book	d. Page Number

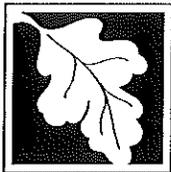
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet	2. square feet
	3. cubic feet of flood storage lost	4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet	
	2. cubic feet of flood storage lost	3. cubic feet replaced

f. Riverfront Area

1. Name of Waterway (if available) _____

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number _____

Document Transaction Number _____

Nantucket

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	50 1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BVW	b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhesp/nhregmap.htm>.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

Online viewer _____

b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number _____

Document Transaction Number _____

Nantucket

City/Town _____

C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)

Make check payable to "Natural Heritage & Endangered Species Fund" and *mail to NHESP* at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking Number _____

b. Date submitted to NHESP _____

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

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Nantucket
City/Town

C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

1. Single-family house

2. Emergency road repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

[Signature] D.F. FROST TOWN OF NANTUCKET

1/7/16

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

a. First Name		b. Last Name	
Town of Nantucket			
c. Organization			
16 Broad Street			
d. Mailing Address			
Nantucket		MA	02554
e. City/Town		f. State	g. Zip Code
508-228-7200			
h. Phone Number	i. Fax Number	j. Email Address	

2. Property Owner (if different):

a. First Name		b. Last Name	
Same			
c. Organization			
d. Mailing Address			
e. City/Town		f. State	g. Zip Code
h. Phone Number		i. Fax Number	j. Email Address

3. Project Location:

Quaise Road Layout and 23 Quaise Road		Nantucket
a. Street Address	b. City/Town	

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

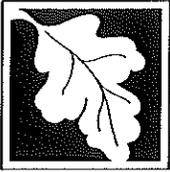
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract

B. Fees (continued)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: Exempt

Step 6/Fee Payments:

Total Project Fee:	<u>Exempt</u>
State share of filing Fee:	<u>Exempt</u>
City/Town share of filling Fee:	<u>Exempt</u>

a. Total Fee from Step 5
 b. 1/2 Total Fee less \$12.50
 c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

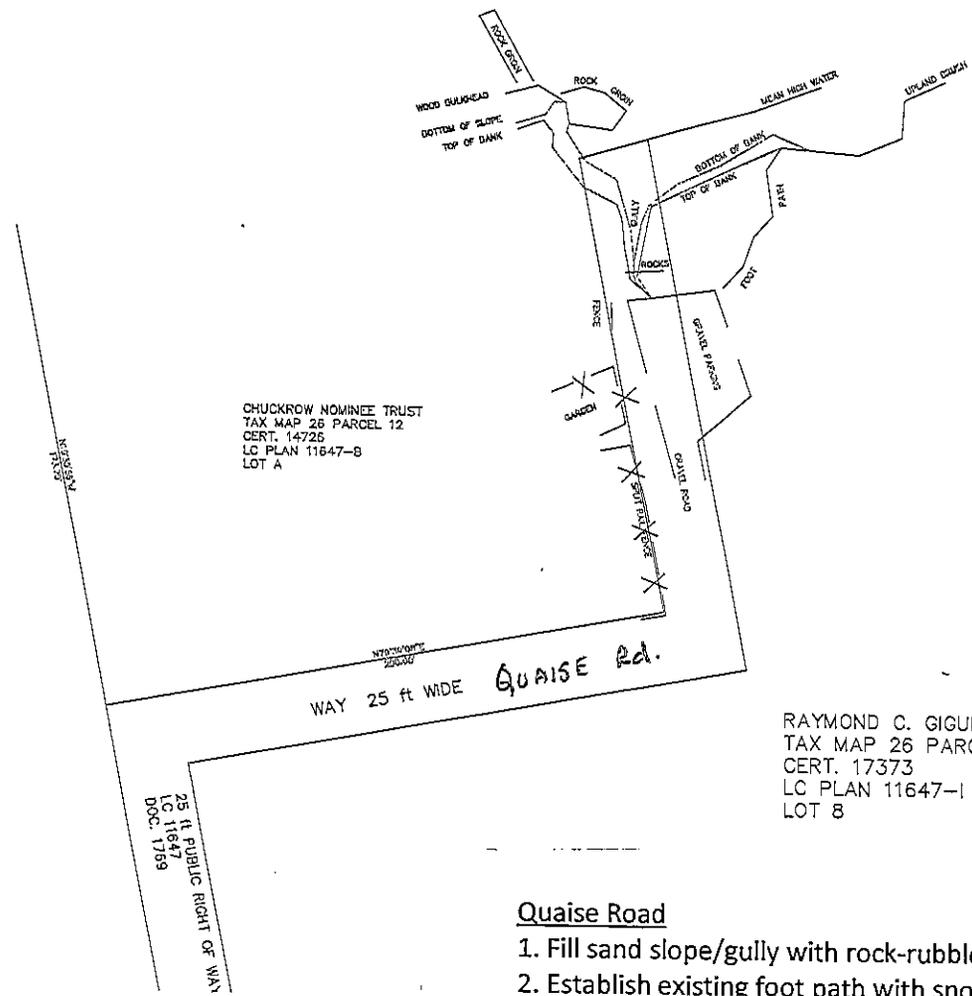
- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

NOISE



NANTUCKET HARBOR



CHUCKROW NOMINEE TRUST
 TAX MAP 26 PARCEL 12
 CERT. 14726
 LC PLAN 11647-B
 LOT A

RAYMOND C. GIGUERE
 TAX MAP 26 PARCEL 13
 CERT. 17373
 LC PLAN 11647-1
 LOT 8

Quaise Road

1. Fill sand slope/gully with rock-rubble/sand, vegetate with salt tolerant plants
 2. Establish existing foot path with snow fence and signage
 3. Grade existing parking lot away from eroding bank
 4. Continuous monitoring with photo record
- ** IAW Coastal Management Plan adopted May 2014

**NEW
INFORMATION
FOR CURRENT
HEARING**

Aerial 1998, Quaise Rd



Property Information

Property ID 26 13
Location 23 QUAISE RD
Owner RYAN MICHAEL G TRUSTEE



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

Aerial 2014, Quaise Rd



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

Town of Nantucket
Madaket Road Layout
(Adjacent 60-14)



WPA Form 3 – Notice of Intent

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City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

Madaket Road Layout (adjacent to 334 Madaket Road) Nantucket 02554
b. City/Town c. Zip Code

Latitude and Longitude:
adjacent to 60 140
f. Assessors Map/Plat Number g. Parcel /Lot Number

2. Applicant:

a. First Name Town of Nantucket b. Last Name

c. Organization 16 Broad Street

d. Street Address Nantucket

e. City/Town MA 02554

f. State g. Zip Code

h. Phone Number i. Fax Number j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

Same as applicant

a. First Name b. Last Name

c. Organization

d. Street Address

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

h. Phone Number i. Fax Number j. Email address

4. Representative (if any):

Dave Fronzuto

a. First Name b. Last Name

Town of Nantucket

c. Company

16 Broad Street

d. Street Address

Nantucket MA 02554

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

508-325-4100x7007 dfronzuto@nantucket-ma.gov

h. Phone Number i. Fax Number j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

Exempt Exempt Exempt

a. Total Fee Paid b. State Fee Paid c. City/Town Fee Paid



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket
City/Town

A. General Information (continued)

6. General Project Description:

Removal of asphalt and plantings within the buffer zone to a Coastal Bank and Coastal Beach.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number _____

Document Transaction Number _____

Nantucket

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____	b. square feet within 100 ft. _____	c. square feet between 100 ft. and 200 ft. _____
----------------------------	-------------------------------------	--

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input type="checkbox"/> Coastal Dunes	1. square feet _____	2. cubic yards dune nourishment _____



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet	
	2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BWV	b. square feet of Salt Marsh

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhesp/nhregmap.htm>.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

Online viewer
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

_____ a. NHESP Tracking Number

_____ b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

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City/Town

C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

- 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
- 2. A portion of the site constitutes redevelopment
- 3. Proprietary BMPs are included in the Stormwater Management System.

b. No. Check why the project is exempt:

- 1. Single-family house
- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number

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Nantucket
City/Town

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant	2. Date
3. Signature of Property Owner (if different)	4. Date
5. Signature of Representative (if any)	6. Date

[Handwritten signatures and dates follow]

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

a. First Name		b. Last Name	
Town of Nantucket			
c. Organization			
16 Broad Street			
d. Mailing Address			
Nantucket		MA	02554
e. City/Town		f. State	g. Zip Code
508-228-7200			
h. Phone Number	i. Fax Number	j. Email Address	

2. Property Owner (if different):

a. First Name		b. Last Name	
Same			
c. Organization			
d. Mailing Address			
e. City/Town		f. State	g. Zip Code
h. Phone Number	i. Fax Number	j. Email Address	

3. Project Location:

Madaket Road-adjacent to 334 Madaket Road	Nantucket
a. Street Address	b. City/Town

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract

B. Fees (continued)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: Exempt

Step 6/Fee Payments:

Total Project Fee:	<u>Exempt</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>Exempt</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>Exempt</u>
	c. 1/2 Total Fee plus \$12.50

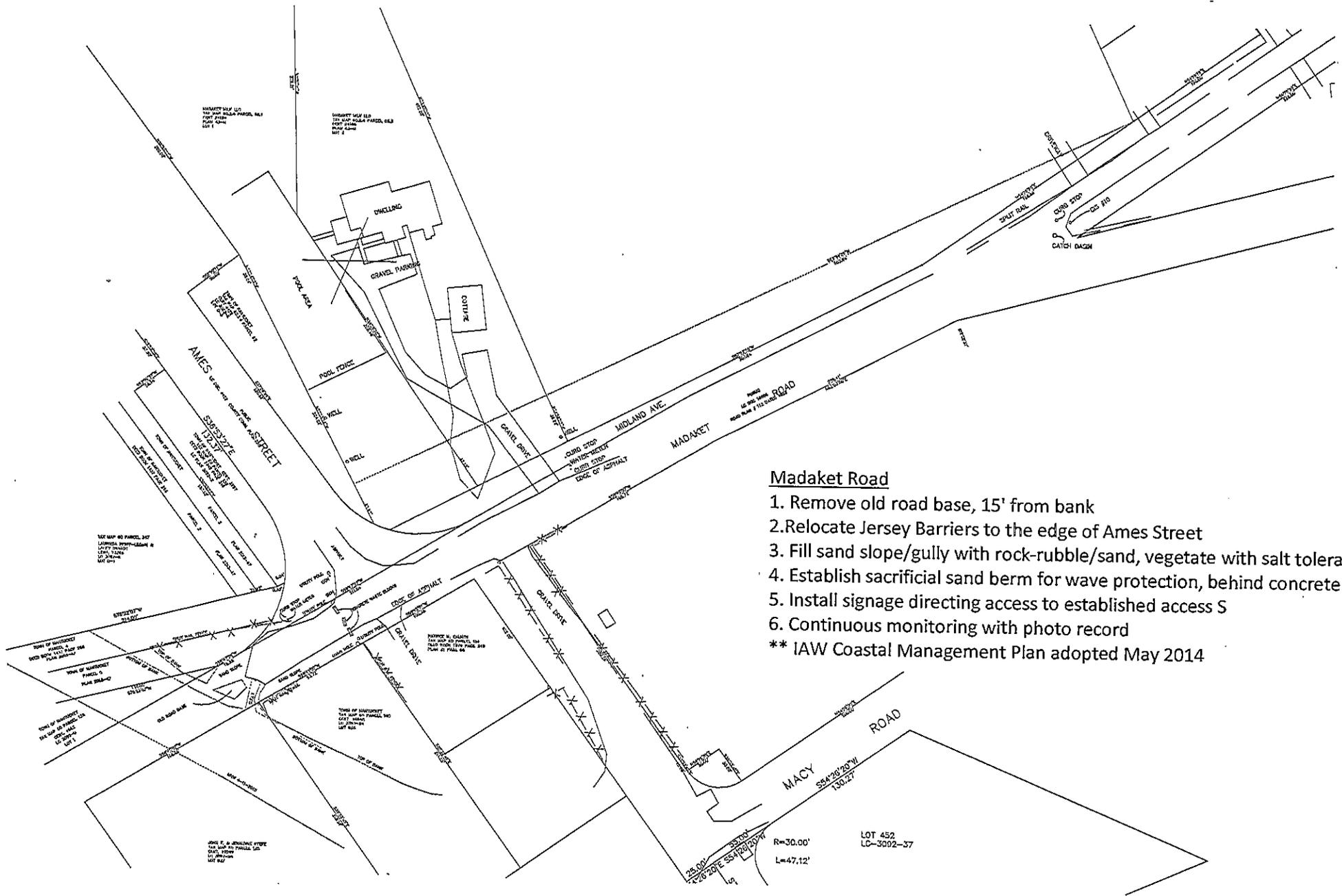
C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Madaket Road

1. Remove old road base, 15' from bank
 2. Relocate Jersey Barriers to the edge of Ames Street
 3. Fill sand slope/gully with rock-rubble/sand, vegetate with salt tolerant plant.
 4. Establish sacrificial sand berm for wave protection, behind concrete barriers
 5. Install signage directing access to established access S
 6. Continuous monitoring with photo record
- ** IAW Coastal Management Plan adopted May 2014

**NEW
INFORMATION
FOR CURRENT
HEARING**

Aerial 1998 Madaket Road



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

*11 cars parked WEST OF
AMES ST.*

Aerial 2014, Madaket Road



Property Information

Property ID 57 12
 Location RAM PASTURE
 Owner NANTUCKET CONSERVATION FOUND I



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

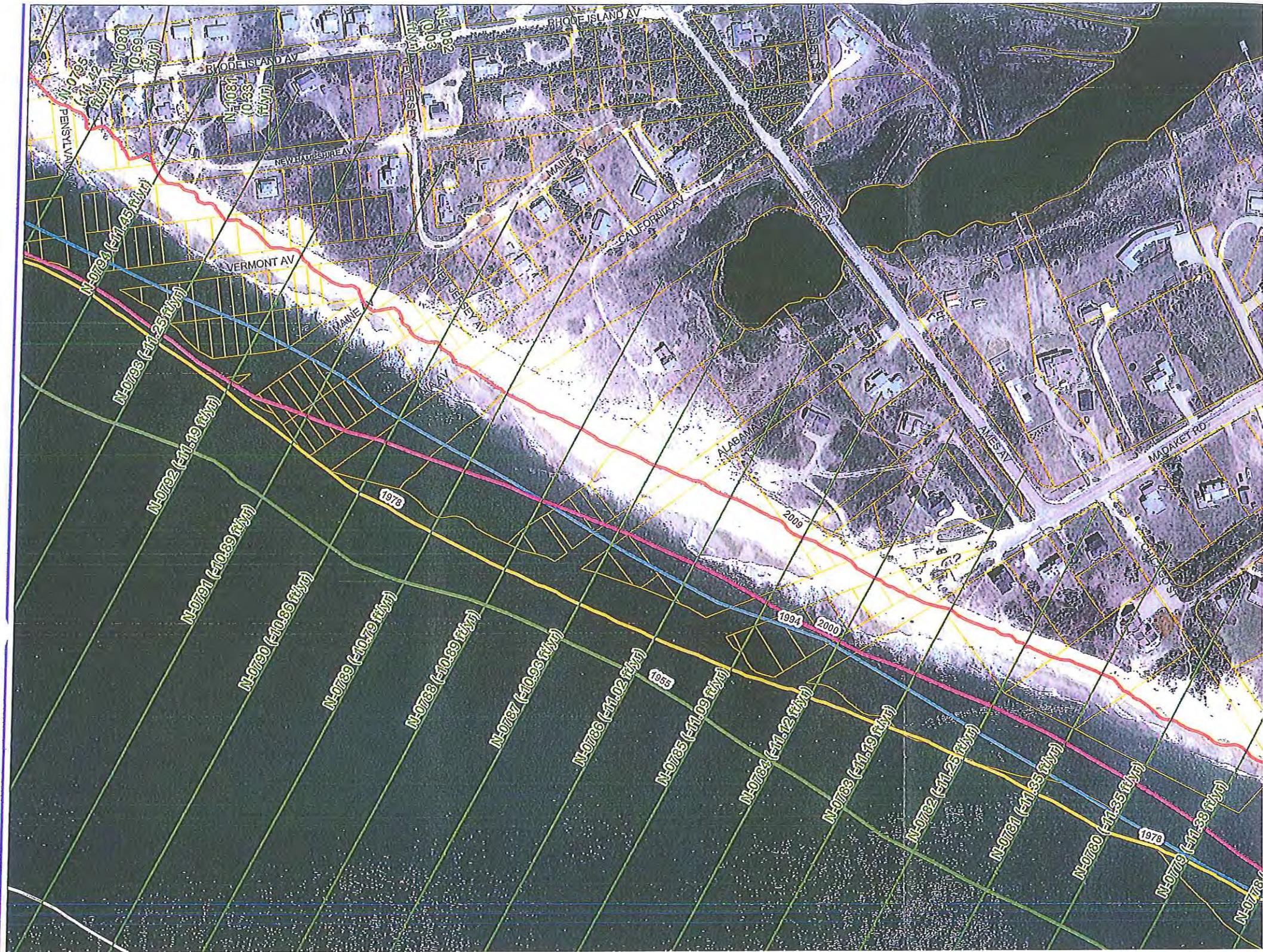
Parcels updated December, 2014
 Properties updated January, 2015

WATER SHEETING ON Rd

MADAKET ROAD.
2013

RECEIVED

BY: _____



Town of Nantucket
Hummock Pond Road
(Adjacent 83-30)



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Nantucket Wetlands Bylaw (Chapter 136)

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

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



Note:
Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (Note: electronic filers will click on button to locate project site):

Hummock Pond Road

a. Street Address

Nantucket

b. City/Town

02554

c. Zip Code

Latitude and Longitude:

adjacent to 83

f. Assessors Map/Plat Number

d. Latitude

30

g. Parcel /Lot Number

e. Longitude

2. Applicant:

a. First Name

Town of Nantucket

b. Last Name

c. Organization

16 Broad Street

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant):

Check if more than one owner

Same as applicant

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Dave

a. First Name

Fronzuto

b. Last Name

Town of Nantucket

c. Company

16 Broad Street

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

508-325-4100x7007

h. Phone Number

i. Fax Number

dfronzuto@nantucket-ma.gov

j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

Exempt

a. Total Fee Paid

Exempt

b. State Fee Paid

Exempt

c. City/Town Fee Paid



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

a. First Name _____ b. Last Name _____
 Town of Nantucket
 c. Organization _____
 16 Broad Street
 d. Mailing Address _____
 Nantucket MA 02554
 e. City/Town _____ f. State _____ g. Zip Code _____
 508-228-7200
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

2. Property Owner (if different):

a. First Name _____ b. Last Name _____
 Same
 c. Organization _____
 d. Mailing Address _____
 e. City/Town _____ f. State _____ g. Zip Code _____
 h. Phone Number _____ i. Fax Number _____ j. Email Address _____

3. Project Location:

Hummock Pond Road Nantucket
 a. Street Address _____ b. City/Town _____

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

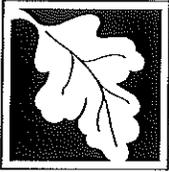
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract _____

B. Fees (continued)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
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 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee

Step 5/Total Project Fee: Exempt

Step 6/Fee Payments:

Total Project Fee:	<u>Exempt</u> a. Total Fee from Step 5
State share of filing Fee:	<u>Exempt</u> b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>Exempt</u> c. 1/2 Total Fee plus \$12.50

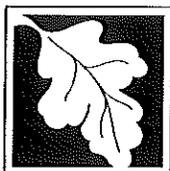
C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



WPA Form 3 – Notice of Intent

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MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

Removal of asphalt and plantings within the buffer zone to a Coastal Bank and Coastal Beach.

7a. Project Type Checklist:

- | | |
|---|---|
| 1. <input type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Limited Project Driveway Crossing | 4. <input type="checkbox"/> Commercial/Industrial |
| 5. <input type="checkbox"/> Dock/Pier | 6. <input type="checkbox"/> Utilities |
| 7. <input type="checkbox"/> Coastal Engineering Structure | 8. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) |
| 9. <input type="checkbox"/> Transportation | 10. <input checked="" type="checkbox"/> Other |

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

Nantucket

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet 3. cubic yards dredged	2. square feet



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet 3. cubic feet of flood storage lost	2. square feet 4. cubic feet replaced
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet 2. cubic feet of flood storage lost	3. cubic feet replaced
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	
2. Width of Riverfront Area (check one):		
<input type="checkbox"/> 25 ft. - Designated Densely Developed Areas only		
<input type="checkbox"/> 100 ft. - New agricultural projects only		
<input type="checkbox"/> 200 ft. - All other projects		
3. Total area of Riverfront Area on the site of the proposed project:		_____ square feet
4. Proposed alteration of the Riverfront Area:		
a. total square feet	b. square feet within 100 ft.	c. square feet between 100 ft. and 200 ft.
5. Has an alternatives analysis been done and is it attached to this NOI?		<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Was the lot where the activity is proposed created prior to August 1, 1996?		<input type="checkbox"/> Yes <input type="checkbox"/> No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet	
	2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
	1. square feet	2. cubic yards dune nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	
	1. square feet	2. cubic yards dune nourishment



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	a. square feet of BWW _____	b. square feet of Salt Marsh _____

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhosp/nhregmap.htm>.
- a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

Online viewer _____
b. Date of map _____

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*



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C. Other Applicable Standards and Requirements (cont'd)

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

_____ a. NHESP Tracking Number

_____ b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhosp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands:

North Shore - Hull to New Hampshire:

Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System.

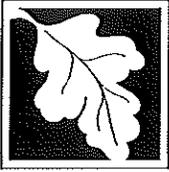
b. No. Check why the project is exempt:

1. Single-family house

2. Emergency road repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



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D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
4. List the titles and dates for all plans and other materials submitted with this NOI.

a. Plan Title

b. Prepared By

c. Signed and Stamped by

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

E. Fees

1. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

2. Municipal Check Number

3. Check date

4. State Check Number

5. Check date

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

2. Date

3. Signature of Property Owner (if different)

4. Date

[Signature] D.F. FROZUTO, TOWN OF NANTUCKET

1-7-16

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

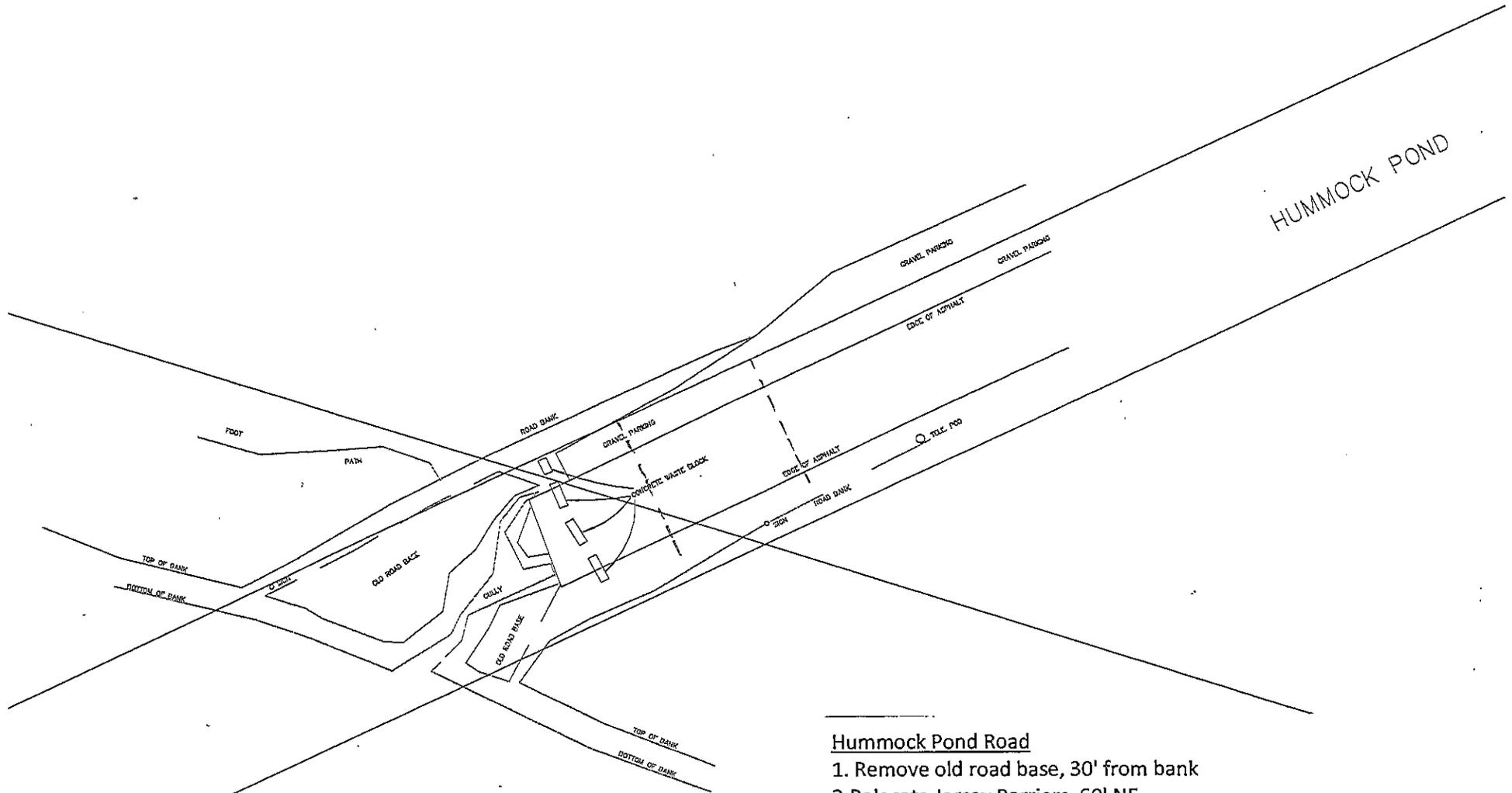
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a **copy** of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Hummock Pond Road

1. Remove old road base, 30' from bank
2. Relocate Jersey Barriers, 60' NE
3. Fill sand slope/gully with rock-rubble/sand, vegetate with salt tolerant plants
4. Establish sacrificial sand berm for wave protection, behind concrete barriers
5. Install signage directing access to established access S
6. Continuous monitoring with photo record

** IAW Coastal Management Plan adopted May 2014

**NEW
INFORMATION
FOR CURRENT
HEARING**

Aerial 1998, Hummock Pond Road



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015

Aerial 2014, Hummock Pond Road



Property Information

Property ID 57 12
 Location RAM PASTURE
 Owner NANTUCKET CONSERVATION FOUND I



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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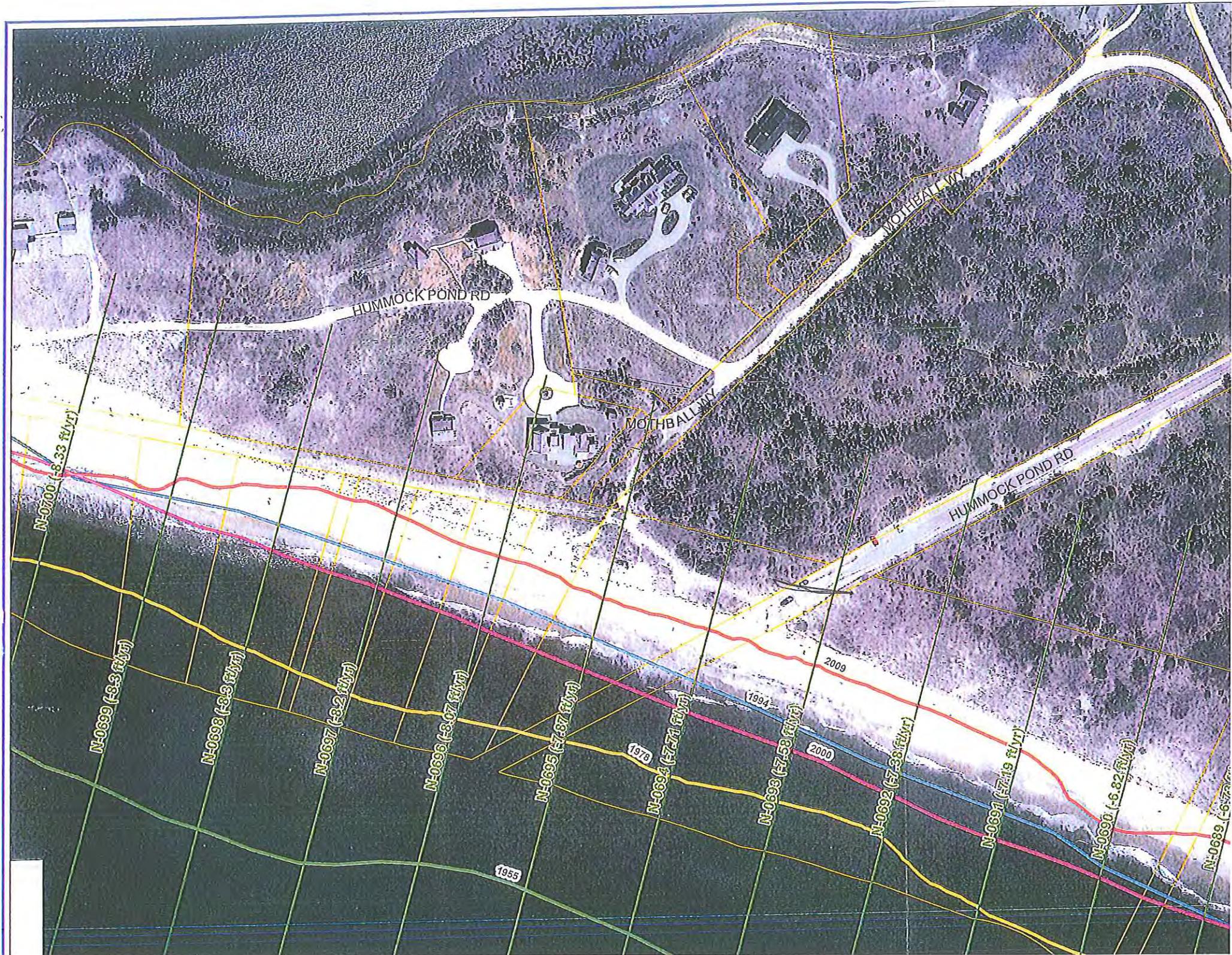
Parcels updated December, 2014
 Properties updated January, 2015

Water SHEETING ON ROAD

HUMMOCK POND RD

2013

RECEIVED
BY: _____



Kafer

143 Wauwinet Road

(11-8)

SE48-2858

NOTICE OF INTENT APPLICATION

To Upgrade an On-site Septic System

At

143 Wauwinet Road

Nantucket, MA

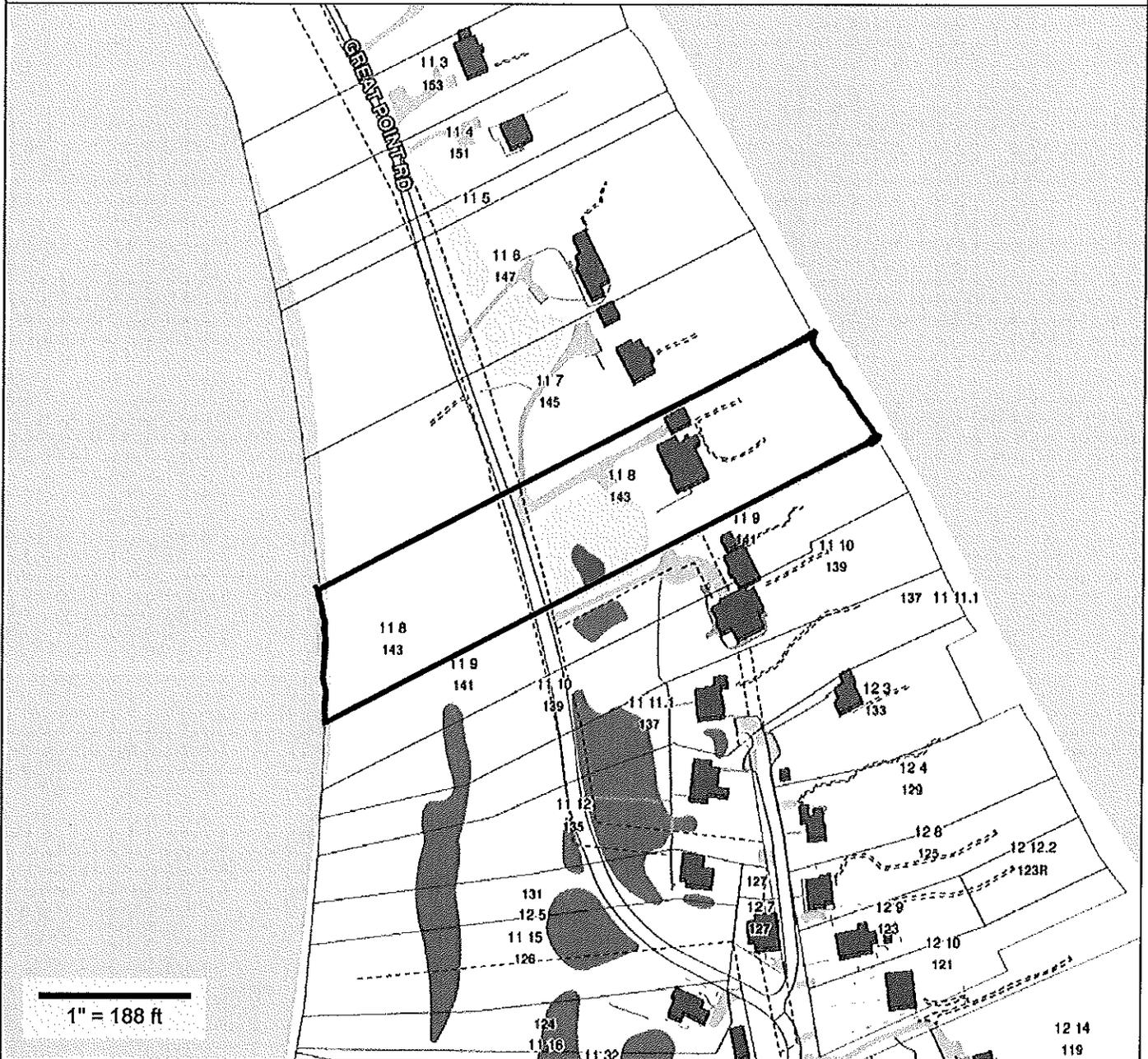
January 2016

Prepared For

PETER KAUFER

By

BLACKWELL & ASSOCIATES, Inc.
Professional Civil Engineers & Land Surveyors
20 Teasdale Circle
Nantucket, MA 02554
508-228-9026



Property Information
Property ID 11 8
Location 143 WAUWNET RD
Owner KAHER NANCY K LIFE EST

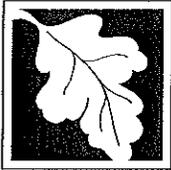


**MAP FOR REFERENCE ONLY
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The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014





Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

Peter Kafer
 a. First Name b. Last Name

189 Wawaset Road
 c. Organization d. Mailing Address

Westchester PA 19382
 e. City/Town f. State g. Zip Code

h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

Applicant is 1/3 Owner – See Attached List
 a. First Name b. Last Name

c. Organization

d. Mailing Address

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

h. Phone Number i. Fax Number j. Email Address

3. Project Location:

143 Wauwinet Road Nantucket
 a. Street Address b. City/Town

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

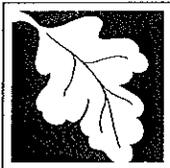
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. **Note:** If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



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A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

<u>143 Wauwinet Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41d 19' 55"N</u>	<u>69d 59' 05"W</u>
	d. Latitude	e. Longitude
<u>11</u>	<u>8</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Peter</u>	<u>Kafer</u>	
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>189 Wawaset Road</u>		
d. Street Address		
<u>Westchester</u>	<u>PA</u>	<u>19382</u>
e. City/Town	f. State	g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email Address</u>

3. Property owner (required if different from applicant): Check if more than one owner

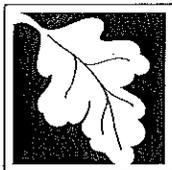
<u>Applicant is 1/3 Owner - See Attached Doc.48461</u>		
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>d. Street Address</u>		
<u>e. City/Town</u>	<u>f. State</u>	<u>g. Zip Code</u>
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>Arthur D.</u>	<u>Gasbarro, PE, PLS, LEED AP</u>	
a. First Name	b. Last Name	
<u>Blackwell & Associates, Inc.</u>		
c. Company		
<u>20 Teasdale Circle</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>508-228-9026 x13</u>	<u>508-228-5292</u>	<u>art@blackwellsurvey.com</u>
h. Phone Number	i. Fax Number	j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

<u>\$110 + \$25 + \$200</u>	<u>\$42.50</u>	<u>\$67.50 + \$25 + \$200</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



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A. General Information (continued)

6. General Project Description:

The Applicant is proposing to upgrade an existing septic system, with no increase in capacity. The project will provide an overall long-term net benefit through the inclusion of nutrient reducing technology, specifically a SeptiTech System. There will also be an increase in the vertical separation distance to groundwater compared to existing conditions. Disturbed areas will be planted with American Beach Grass. Please refer to the attached site plans for additional information.

7a. Project Type Checklist:

- 1. Single Family Home
- 2. Residential Subdivision
- 3. Limited Project Driveway Crossing
- 4. Commercial/Industrial
- 5. Dock/Pier
- 6. Utilities
- 7. Coastal Engineering Structure
- 8. Agriculture (e.g., cranberries, forestry)
- 9. Transportation
- 10. Other

7b. Is any portion of the proposed activity eligible to be treated as a limited project subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

14210

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

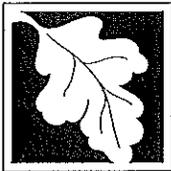
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- 1. Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- 2. Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet	2. linear feet
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet	2. square feet
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet	2. square feet
	3. cubic yards dredged	

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.



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MassDEP File Number _____

Document Transaction Number _____

NANTUCKET

City/Town _____

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____ 3. cubic feet of flood storage lost _____	2. square feet _____ 4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____ 2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet _____ 2. cubic yards dredged _____	
c. <input checked="" type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet _____	2. cubic yards beach nourishment _____
e. <input checked="" type="checkbox"/> Coastal Dunes	6,300 +/- _____ 1. square feet _____	0 _____ 2. cubic yards dune nourishment _____



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City/Town

B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input type="checkbox"/> Coastal Banks	1. linear feet _____	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet _____	
h. <input type="checkbox"/> Salt Marshes	1. square feet _____	2. sq ft restoration, rehab., creation _____
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet _____	
	2. cubic yards dredged _____	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet _____	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above	
	1. cubic yards dredged _____	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet _____	
4. <input type="checkbox"/> Restoration/Enhancement	If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.	
	_____	_____
	a. square feet of BWV	b. square feet of Salt Marsh
5. <input type="checkbox"/> Project Involves Stream Crossings		
	_____	_____
	a. number of new stream crossings	b. number of replacement stream crossings

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

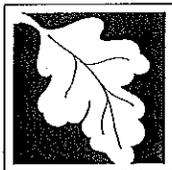
1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

10/1/08

b. Date of map



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town

C. Other Applicable Standards and Requirements (cont'd)

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.C, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.d, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area

percentage/acreage

(b) outside Resource Area

percentage/acreage

2. Assessor's Map or right-of-way plan of site

3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at:

http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_fee_schedule.htm).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

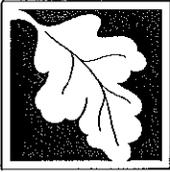
2. Separate MESA review ongoing.

a. NHESP Tracking #

b. Date submitted to NHESP

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhosp/nhosp.htm>, regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

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City/Town

C. Other Applicable Standards and Requirements (cont'd)

- 3. Separate MESA review completed.
Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.
- 2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
 - a. Not applicable – project is in inland resource area only

- b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

South Shore - Cohasset to Rhode Island, and the Cape & Islands: Division of Marine Fisheries - Southeast Marine Fisheries Station Attn: Environmental Reviewer 1213 Purchase Street – 3rd Floor New Bedford, MA 02740-6694	North Shore - Hull to New Hampshire: Division of Marine Fisheries - North Shore Office Attn: Environmental Reviewer 30 Emerson Avenue Gloucester, MA 01930
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Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.

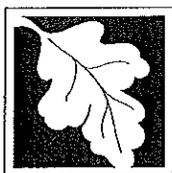
- 3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?
 - a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

- 4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?
 - a. Yes No
- 5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?
 - a. Yes No

- 6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?
 - a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:
 - 1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - 2. A portion of the site constitutes redevelopment
 - 3. Proprietary BMPs are included in the Stormwater Management System.
 - b. No. Check why the project is exempt:
 - 1. Single-family house

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.



WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town

C. Other Applicable Standards and Requirements (cont'd)

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Upgrade of a Subsurface Sewage Treatment & Disposal System

a. Plan Title

Blackwell & Associates, Inc.

Arthur D. Gasbarro, PE, PLS, LEED AP

b. Prepared By

c. Signed and Stamped by

January 22, 2016

1"=20'

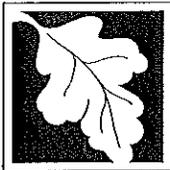
d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

- 5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
- 6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
- 7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
- 8. Attach NOI Wetland Fee Transmittal Form
- 9. Attach Stormwater Report, if needed.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Provided by MassDEP:

WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
And the Town of Nantucket Wetlands Bylaw Chapter 136

MassDEP File Number

Document Transaction Number

NANTUCKET

City/Town

E. Fees

- Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

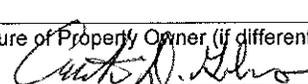
Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

22221	1/22/16
2. Municipal Check Number	3. Check date
22220	1/22/16
4. State Check Number	5. Check date
Blackwell & Associates, Inc.	
6. Payor name on check: First Name	7. Payor name on check: Last Name

F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

 1. Signature of Applicant	1/22/16 2. Date
 3. Signature of Property Owner (if different)	1/22/16 4. Date
5. Signature of Representative (if any)	6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents, two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

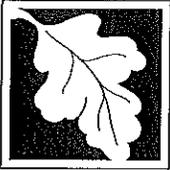
For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see Instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

Peter Kafer
 a. First Name b. Last Name

189 Wawaset Road
 c. Organization d. Mailing Address

Westchester PA 19382
 e. City/Town f. State g. Zip Code

h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

Applicant is 1/3 Owner – See Attached List
 a. First Name b. Last Name

c. Organization

d. Mailing Address

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

h. Phone Number i. Fax Number j. Email Address

3. Project Location:

143 Wauwinet Road Nantucket
 a. Street Address b. City/Town

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

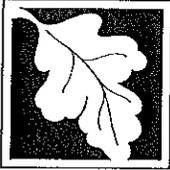
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat. 1 – Work on a single-family home lot	1	\$110	\$110
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Nantucket Wetland By-law Fee	_____	_____	\$25
Nantucket Expert Review Fee	_____	_____	\$200
Step 5/Total Project Fee:			\$110 + \$25 + \$200

Step 6/Fee Payments:

Total Project Fee:	<u>\$110 + \$25 + \$200</u>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filling Fee:	<u>\$67.50 + \$25 + \$200</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) To the Conservation Commission: Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

BLACKWELL & ASSOCIATES, INC.
Professional Land Surveyors

B3859

January 22, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Waiver Request for 143 Wauwinet Road

Dear Commission Members,

The purpose of this letter is to request and justify a waiver from the Wetland Protection Regulations for Administering the Town of Nantucket By-law Chapter 136 to allow a septic system within the 100-foot Buffer Zone to a Vegetated Wetland Resource Area, and within a Coastal Dune Resource Area. The Commission may grant a waiver from the By-law for a number of reasons including:

- **Chapter 1.03 F.3.c (Long-term net benefit/improvement to the Resource Area)**
The proposed project upgrades an existing septic system by replacing the leaching system with a new one at a higher elevation. Also included is a SeptiTech Processor for advanced nutrient removal. Both aspects result in an improvement compared to existing conditions.

Based upon this provision a waiver for the project is justified, and may be granted by the Commission. This proposal will have no adverse effect on the resource areas, or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and wetland scenic views.

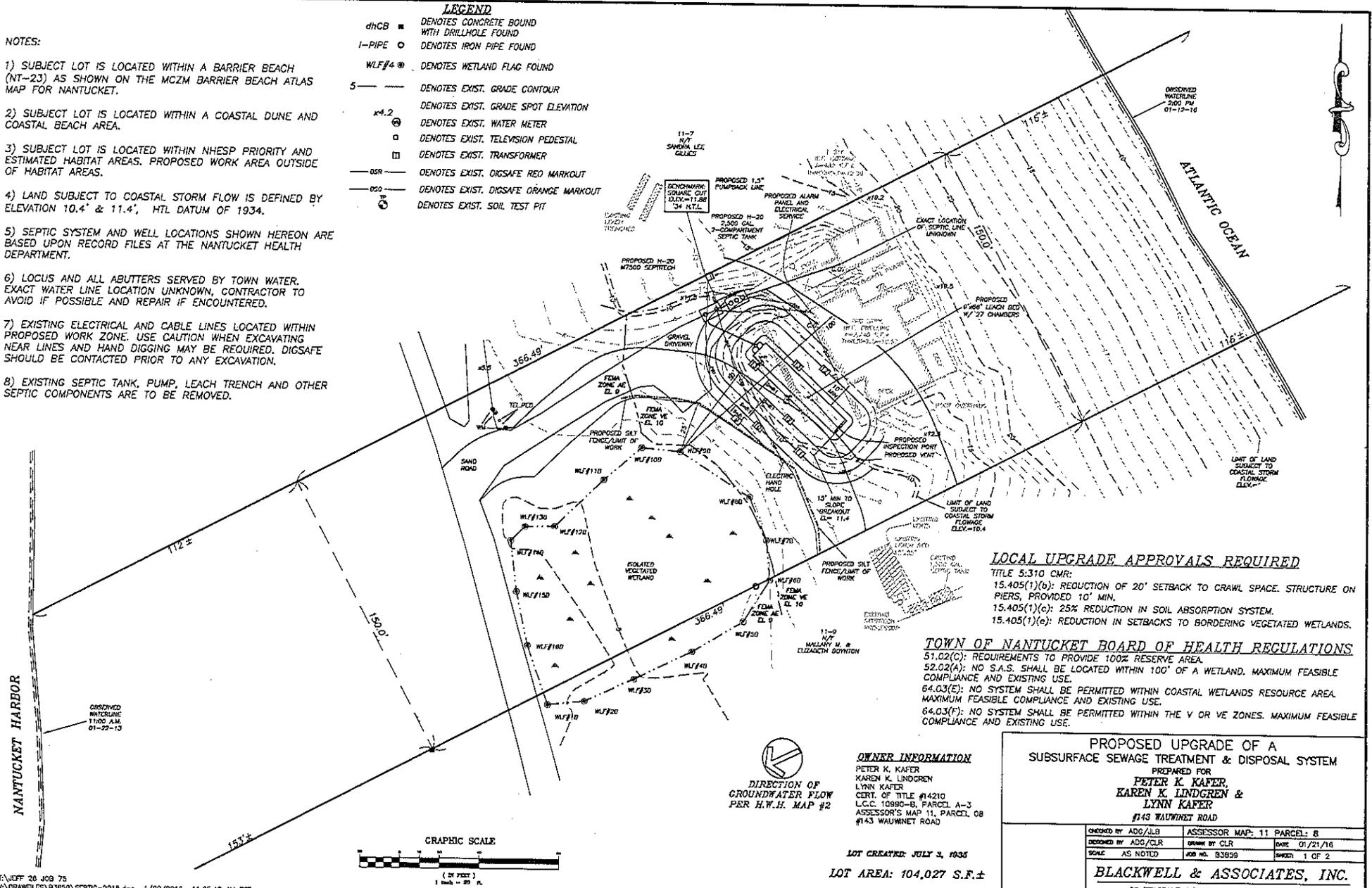
Sincerely,
Blackwell & Associates, Inc.
By: Arthur D. Gasbarro, P.E., P.L.S.



NOTES:

- 1) SUBJECT LOT IS LOCATED WITHIN A BARRIER BEACH (NT-23) AS SHOWN ON THE MCZM BARRIER BEACH ATLAS MAP FOR NANTUCKET.
- 2) SUBJECT LOT IS LOCATED WITHIN A COASTAL DUNE AND COASTAL BEACH AREA.
- 3) SUBJECT LOT IS LOCATED WITHIN NHESP PRIORITY AND ESTIMATED HABITAT AREAS. PROPOSED WORK AREA OUTSIDE OF HABITAT AREAS.
- 4) LAND SUBJECT TO COASTAL STORM FLOW IS DEFINED BY ELEVATION 10.4' & 11.4', HTL DATUM OF 1934.
- 5) SEPTIC SYSTEM AND WELL LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.
- 6) LOCUS AND ALL ABUTTERS SERVED BY TOWN WATER. EXACT WATER LINE LOCATION UNKNOWN, CONTRACTOR TO AVOID IF POSSIBLE AND REPAIR IF ENCOUNTERED.
- 7) EXISTING ELECTRICAL AND CABLE LINES LOCATED WITHIN PROPOSED WORK ZONE. USE CAUTION WHEN EXCAVATING NEAR LINES AND HAND DIGGING MAY BE REQUIRED. DIGSAFE SHOULD BE CONTACTED PRIOR TO ANY EXCAVATION.
- 8) EXISTING SEPTIC TANK, PUMP, LEACH TRENCH AND OTHER SEPTIC COMPONENTS ARE TO BE REMOVED.

- LEGEND**
- dhCB ■ DENOTES CONCRETE FOUND WITH DRILLHOLE FOUND
 - I-PIPE ○ DENOTES IRON PIPE FOUND
 - WLF#4 ⊗ DENOTES WETLAND FLAG FOUND
 - 5 ——— DENOTES EXIST. GRADE CONTOUR
 - x4.2 ○ DENOTES EXIST. GRADE SPOT ELEVATION
 - ⊕ DENOTES EXIST. WATER METER
 - DENOTES EXIST. TELEVISION PEDESTAL
 - ⊞ DENOTES EXIST. TRANSFORMER
 - DSR— DENOTES EXIST. DIGSAFE RED MARKOUT
 - DSO— DENOTES EXIST. DIGSAFE ORANGE MARKOUT
 - ⊙ DENOTES EXIST. SOIL TEST PIT



LOCAL UPGRADE APPROVALS REQUIRED
 TITLE 5:310 CMR:
 15.405(1)(b): REDUCTION OF 20' SETBACK TO CRAWL SPACE. STRUCTURE ON PIERS, PROVIDED 10' MIN.
 15.405(1)(c): 25% REDUCTION IN SOIL ABSORPTION SYSTEM.
 15.405(1)(e): REDUCTION IN SETBACKS TO BORDERING VEGETATED WETLANDS.

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS
 51.02(C): REQUIREMENTS TO PROVIDE 100% RESERVE AREA.
 52.02(A): NO S.A.S. SHALL BE LOCATED WITHIN 100' OF A WETLAND. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 54.03(E): NO SYSTEM SHALL BE PERMITTED WITHIN COASTAL WETLANDS RESOURCE AREA. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 64.03(F): NO SYSTEM SHALL BE PERMITTED WITHIN THE V OR VE ZONES. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.

OWNER INFORMATION
 PETER K. KAFER
 KAREN K. LINDGREN
 LYNN KAFER
 CERT. OF TITLE #14210
 L.G.C. 10980-B, PARCEL A-3
 ASSESSOR'S MAP #1, PARCEL 08
 #143 WAUWINET ROAD

LOT CREATED: JULY 3, 1935
 LOT AREA: 104,027 S.F.±
 SHEET 1 OF 2

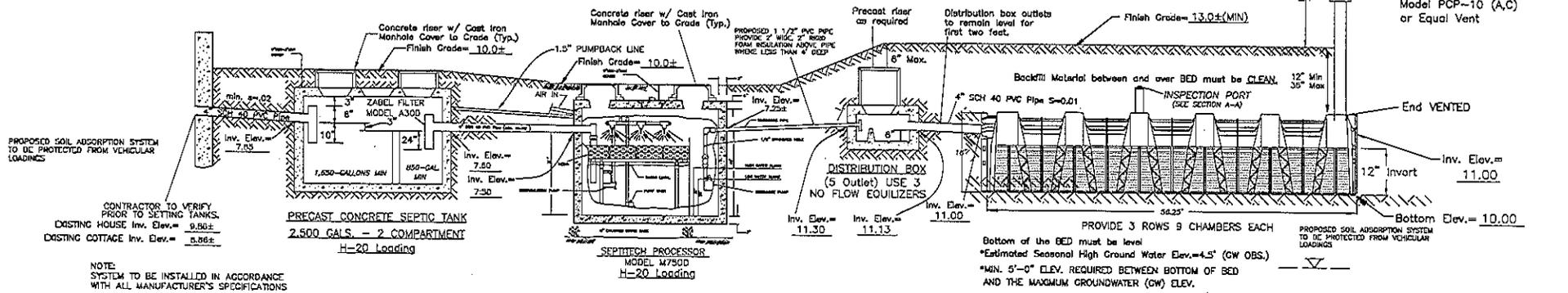
PROPOSED UPGRADE OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM
 PREPARED FOR
PETER K. KAFER, KAREN K. LINDGREN & LYNN KAFER
 #143 WAUWINET ROAD

CHECKED BY: ADG/LLB	ASSESSOR MAP: 11 PARCEL: 8
DRAWN BY: ADG/CLR	DRAWN BY: CLR
SCALE: AS NOTED	JOB NO. B3958 SHEET: 1 OF 2

BLACKWELL & ASSOCIATES, INC.
 20 TEASDALE CIRCLE - NANTUCKET, MA 02554
 (508)228-9028 FAX: (508)228-5292 **B3859**

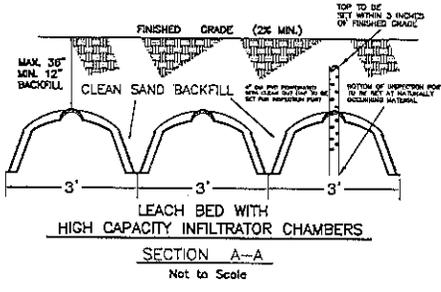
SEPTIC SYSTEM PROFILE

Not to Scale



GENERAL CONSTRUCTION NOTES

1. All construction to conform to 310 CMR 15.00, TITLE 3 and Regulations of the Nantucket Board of Health.
2. Any deviation or alteration in the construction from the approved plans without the expressed permission of the Design Engineer may invalidate the design and endanger the issuance of a certificate of compliance.
3. Bid/cover & Associates, Inc. shall be contacted three (3) days prior to the start of construction by the installer. (508) 228-0025
4. The plan does not warrant or imply any subsurface conditions other than those observed at the immediate test locations. In the event impervious or unsuitable material is encountered during construction, said impervious or unsuitable material is to be removed and replaced. See Title 3, 15.220 Construction in Fill.
5. Delivery piping from the building will to the Distribution Box shall be SCH40, 4-inch diameter PVC placed at a minimum 25% slope (2% = 0.02 feet per foot or 2" per 100'). All PVC to PVC connections are to be SOLVENT WELDED. Ductile material in proximity to delivery and/or distribution lines is to be free from tamping, clay or similar materials.
6. A cleanout is to be provided in proximity to the building wall to enable a Pumpout to clear the house to tank line.
7. Distribution lines are to be PVC Schedule 40 NSF or PVC Schedule 35 may be used for systems designed for less than 2000 gpd and where no vehicular traffic is anticipated. PVC and other are to be provided on Distribution Lines ends that do not require venting. All Distribution Lines over fifty (50') feet in length are to be vented.
8. Any fit required in proximity to delivery piping shall be clean and free of stones larger than 2" and be hand tamped to reduce settlement and assure alignment.
9. The septic tank shall be precast reinforced concrete in accordance with Title 3, 15.223 & 15.225 with an H=20 loading. A Schedule 40 Tee is to be installed in both the inlet and outlet baffles of the Precast Concrete Septic Tank. A gas baffle is to be installed over OUTLET BAFFLE.
10. The tank shall have three (3) inch minimum diameter manholes with readily removable impermeable covers within 6 inches of finish grade.
11. The base of the Distribution Box shall be set on a compacted, suitable, stable base.
12. The Distribution Box shall be fitted with an inlet tee (cut-off 1 inch above the outlet inlets). Distribution Boxes shall be 5 minimum 5 Outlet.
13. The first length (minimum 2 feet) of each pipe outlet pipe from the Distribution Box shall be laid level. All outlet pipes should drain regularly. A WATER TEST WILL BE REQUIRED.
14. Topsoil, peat or other impervious (or unsuitable) material shall be removed from below and for a distance of 5 feet in all directions around the disposal works location and replaced with clean, suitable material as described in Title 3, 15.225 (3) Construction in Fill.
15. Trench sections excavated in natural material must be scarified to offset any machine compaction of the bottom surface.
16. All fill used in conjunction of the system construction must conform to Title 3, 15.220(3) Construction in Fill.
17. All stone used in disposal trench construction must conform to Title 3, 15.247 Aggregate for size and quality.
18. Any impermeable material used for the construction of an impervious barrier must be impermeable. (It will not take water, seals upon contact with water, fine sand is not impermeable).
19. Lines disturbed by construction shall be tested, sealed, mended or otherwise stabilized to minimize seepage. The general system shall be tested with a minimum 25% slope to provide positive drainage. Compliance with any order of Conditions issued by the local Conservation Commission or DEP shall be considered requirements of this design.
20. The property lines depicted hereon are GRAPHIC. It is strongly recommended that the actual property lines be field established prior to construction. Contour lines to spot locations shall be determined by the Owner (Client) prior to construction. This document works are not property lines nor mortgage or title survey.
21. In the event that evidence or critics of human remains is found during the excavation or construction of this proposed works, all activity on-site is to stop. Immediately contact the State Police (508) 228-0706, Nantucket Police 228-1212 (or 911) and District 228-0025.
22. To prevent the carry over of solids and particulates from the septic tank to soil surfaces in the disposal trenches that are prone to clogging, the septic tank shall be inspected periodically to determine the depth of sludge and floatables (grease) accumulation. The tank should be pumped, by a Licensed Pumping, when the sludge volume fills one quarter (1/4) of the tank capacity (or deeper every 2 years).
23. Bid/cover & Associates, Inc. will refuse to issue a positive ASSESSMENT COMPLIANCE certificate if any critical items are not properly corrected prior to adequate inspection by Bid/cover & Associates, and the local Health Agent. The Disposal Works is not to be covered until it is authorized by Bid/cover & Associates, Inc.
24. Adult and inspection line has not been indicated in the boring for this design. Multiple inspections and analysis to correct deviations from the approved design will be billed on a cost-plus charge. Call (508) 228-0025 when you are ready for your inspection.



SEPTITECH NOTES

- SEPTITECH PROCESSOR SHALL BE INSTALLED IN ACCORDANCE WITH SEPTITECH INSTALLATION INSTRUCTIONS.
- TANK(S) SHALL NOT BE INSTALLED AT A DEPTH ANY GREATER THAN 24-INCHES. TANK INSTALLATION REQUIRING A DEPTH GREATER THAN 24-INCHES SHALL DO SO WITH PRIOR APPROVAL BY SEPTITECH ONLY.
- TANK(S) SHALL BE INSTALLED WITH A MINIMUM OF 6-INCHES OF COMPACTED CRUSHED PEA STONE OR SAND BEDDING. SOLID FILL SHALL BE 100% BACKFILLING AROUND TANKS.
- EXTERIOR PIPING CONTRACTOR IS RESPONSIBLE FOR SUPPLYING AND INSTALLING ALL EXTERIOR PIPING PER SEPTITECH INSTALLATION DRAWINGS.
- AIR INTAKE PIPING: AIR INTAKE DUCTWORK SHALL BE INSTALLED WITHIN 100 FEET OF THE PROCESSOR TANK. AIR INTAKE PIPING SHALL BE INSTALLED SUCH THAT A POSITIVE PITCH IS PROVIDED BACK TOWARDS THE PROCESSOR TANK SUCH THAT ANY CONDENSATION BUILD UP IS FREE TO DRAIN.
- PIPE INSULATION CONTRACTOR IS RESPONSIBLE FOR INSULATING ALL PIPING EXTERIOR TO THE SEPTITECH PROCESSOR INCLUDING THE DRAINAGE LINE FROM THE PROCESSOR TO THE DISPOSAL FIELD.
- TANK INSULATION: AFTER TANK HAS BEEN INSTALLED, CONTRACTOR SHALL INSULATE THE TOP AND SIDES OF THE PROCESSOR TANK BELOW FROST DEPTH (4-FOOT MINIMUM) WITH 2" RIGID FOAM (BLUE) BOARD INSULATION AND THEN COMPLETE BACKFILLING.
- ELECTRICAL: ALL ELECTRICAL WORK IS THE RESPONSIBILITY OF THE CONTRACTOR'S LICENSED ELECTRICIAN AND IS NOT PROVIDED BY SEPTITECH. SYSTEM CONTROLS SHOULD BE INSTALLED IN A HEATED BUILDING WHERE AN AMBIENT TEMPERATURE RANGE OF 60 TO 90 DEGREES F IS MAINTAINED. IF THE CONTROL PANEL MUST BE LOCATED OUTSIDE, PLEASE NOTIFY SEPTITECH, INC. SO A HEATER MAY BE INSTALLED WITHIN THE ENCLOSURE.

NOTES

- (-) Chambers and riser sections shall be made water tight.
- (-) The piping shall be secured from movement in all directions with mountings designed to withstand working forces.
- (-) Force main to have constant pitch with no sags.
- (-) Pipe to be set in clean fill material with no stones larger than 2 inches.
- (-) Trenches to be installed where required or where shown.
- (-) All underground pipes, power and control lines to have continuous marker 1 foot above line.
- (-) There are to be no wiring splices within the pump chamber or risers.

OWNER INFORMATION

PETER K. KAUFER
KAREN K. LINDGREN
LYNN KAUFER
CENT. OF TITLE #1430
L.C.C. 10990-B, PARCEL A-3
ASSESSOR'S MAP 11, PARCEL OR #143 WAUNMET ROAD

DEEP OBS. HOLE # 1 EL. = 11.5'

DEPTH	HORIZON	TEXTURE	COLOR
0' to 7.5'	A.B.C.	MED. SAND	10YR 7/2
7.5'			

DEEP OBS. HOLE # 2 EL. = 11.5'

DEPTH	HORIZON	TEXTURE	COLOR
0' to 7.5'	A.B.C.	MED. SAND	10YR 7/2
7.5'			

NO REDOX FEATURES OBSERVED
GW OBSERVED @ 7.5'
NO REFUSAL - CAVING
EST. SEASONAL HIGH GW ELEV. = 4.5' (GW OBS.)
SOIL EVALUATION BY: JEFFREY BLACKWELL, BLACKWELL & ASSOC., INC.
DATE OF TESTING: 01/11/18 WITNESSED BY: ARTELL CROWLEY, BOB AGENT
PERCOLATION RESULTS: RATE (TEST 1) < 5 MIN/INCH

SOIL LOGS

DESIGN CRITERIA

1. TYPE OF ESTABLISHMENT: 7 BEDROOMS
2. DESIGN FLOW: 7 BEDROOMS AT 110 GALS./BEDROOM/DAY = 770 GPD
3. SEPTIC TANK SIZE: 2,500 GALLONS, H=20 - 2-COMPARTMENT TANK (770 x 2008 = 1,540 + 775 = 2,310 MIN)
NO ADDITIONAL CAPACITY HAS BEEN PROVIDED FOR GARBAGE DISPOSAL.
4. DESIGN PERCOLATION RATE: < 5 MINUTES/INCH - SOIL CLASS I FROM TITLE 5 SECTION 15.242: LTAR-EFFLUENT LOADING RATES: 0.74 GPD/SF
5. SOIL ABSORPTION SYSTEM (SAS): 770 GPD / 0.74 GPD/SF = 1,041 SF REQ'D
25% REDUCTION: 1,041 SF x 0.75 = 781 SF REQ'D
PROVIDE: LEACH BED: 9' W x 56.25' L: 3 ROWS, 9 CHAMBERS EACH
27 CHAMBERS x 29.6 SF/CHAMBER = 799 SF.
6. LEACHING CAPACITY PROVIDED (BY TITLE 5): 788 GPD = 799 SF x 0.74 GPD/SF / 0.75
7. MAXIMUM ALLOWABLE LOADING (BY TITLE 5) = 788 GALLONS/DAY
ACTUAL HYDRAULIC LOADING (DESIGN FLOW) = 770 GALLONS/DAY

NOTES:
SEPTITECH 1/4 SYSTEM M750D PER MASSDEP PROVISIONAL USE APPROVAL TO SATISFY TOWN OF NANTUCKET REGULATION 64.03(B) FOR PROPERTIES IN NITROGEN SENSITIVE AREAS.

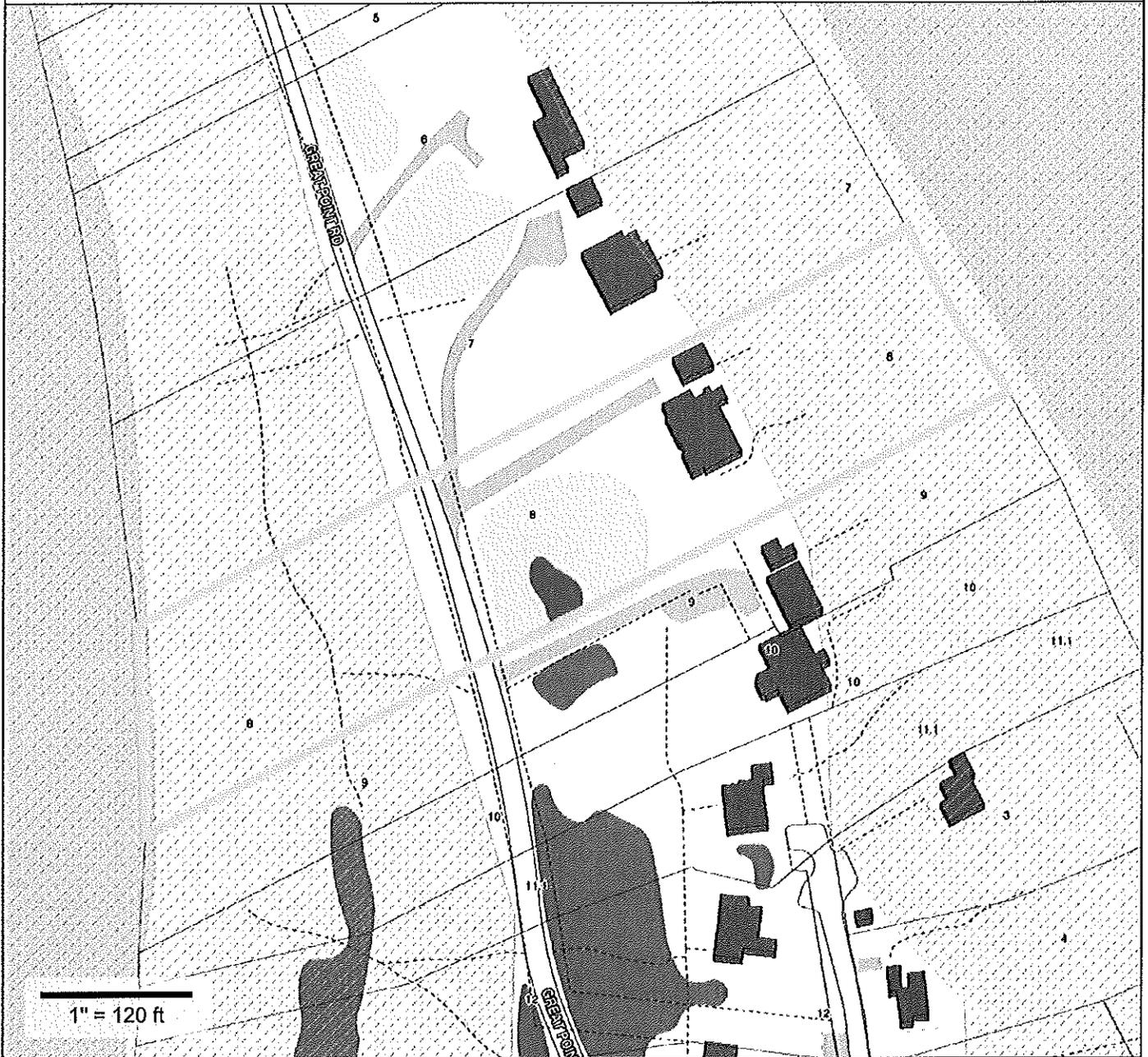
**PROPOSED UPGRADE OF A
SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM**
PREPARED FOR
**PETER K. KAUFER,
KAREN K. LINDGREN &
LYNN KAUFER**
#143 WAUNMET ROAD

CHECKED BY: ADG/JLB	ASSESSOR MAP: 11 PARCEL: B
DESIGNED BY: ADG/CLR	DRAWN BY: CLR
SCALE: AS NOTED	DATE: 01/21/18
	SHEET: 2 OF 2

BLACKWELL & ASSOCIATES, INC.

20 TEASDALE CIRCLE - NANTUCKET, MA 02554
(508)228-9028 FAX (508)228-5292

NHESP



Property Information

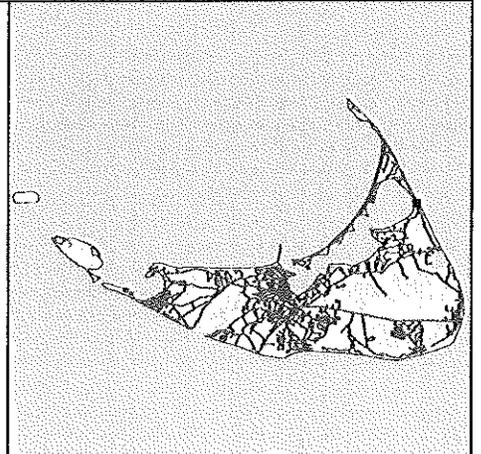
Property ID 118
 Location 143 WAUWNET RD
 Owner KA FER NANCY K LIFE EST



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated January 1, 2011



Transfer Certificate of Title.

No. 14,210

From Transfer Certificate No. 5823, Originally Registered August 4th, 19 69, in
Registration Book 30 Page 23 for the Registry District of Nantucket County.

This is to Certify that ~~PETER K. KAFER~~ for an undivided one-third (1/3) interest, of 4 Hogan Court, Florham Park, New Jersey
~~KAREN K. LINDGREN~~ for an undivided one-third (1/3) interest, of 8 Felipa Ct. Tiburon, California
~~LYNN KAFER~~ for an undivided one-third (1/3) interest, of 4 Hogan Court Florham Park, New Jersey

~~in the County of~~ ~~the Commonwealth of Massachusetts~~
~~and~~

are
the owner ^B in fee simple

NANCY K. KAFER of 4 Hogan Court, Florham Park, New Jersey - subject to Life Estate. (see Document No. 48461)

of that certain parcel of land situate in Nantucket /of Massachusetts,
in the County of Nantucket and ~~the~~ Commonwealth, bounded and described as follows:

- NORTHERLY by Lot numbered A-2, on plan hereinafter mentioned, five hundred ninety-four and 49/100 (594.49) feet;
- EASTERLY by the high water line of the Atlantic Ocean;
- SOUTHERLY by land now or formerly of James A. Backus, six hundred thirty-five and 49/100 (635.49) feet; and
- WBSTERLY by the high water line of Nantucket Harbor.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 10990-B, which is filed with Certificate of Title No. 2129, at the Registry District of Nantucket County, the same being compiled from a plan drawn by Wm. F. Swift, Surveyor, dated June 1935, and additional data on file in the Land Registration Office, all as modified and approved by the Court, and shown thereon as parcel A-3.

The land hereby registered is subject to rights of way legally existing to and from all lands to the North.

There is appurtenant to said land a right of way to and from the public way over intervening land to the South.

Said land is further subject to the rights reserved by James A. Backus as follows: The said James A. Backus reserves for the use of himself, his heirs, assigns and licenses, but not exclusively as against said Lester S. Kafer and his heirs, assigns and licenses, a right of way along the shore of the Atlantic Ocean and a right of way along the shore of Nantucket Harbor, over which to pass and repass on foot, cross and recross, to bathe, and to stand upon to fish, but not within forty (40) feet of the nearest point of House now occupied by said Kafer.

**REGISTER
THIS
COPY**

COMMONWEALTH OF MASSACHUSETTS
LAND COURT
DEPARTMENT OF THE TRIAL COURT

CASE No. 10990-S198909A
(SEAL)

Upon the petition of Nancy K. Kaker, et al, representing that Howard G. Kafer was the registered owner in Certificate of Title No. 5823 issued from the Registry District of Nantucket County;

and representing the death of Howard G. Kafer, testate, in New Jersey on October 12, 1985, and the allowance of his foreign will by the Probate Court for the County of Nantucket, and said Commonwealth;

and praying for a new Certificate of Title, after due proceedings, it is,

ORDERED: that said Certificate of Title No. be cancelled and a new certificate for the land described therein be issued as follows:

- an undivided 1/3 interest to Peter K. Kafer, of Florham Park, in the State of New Jersey
- an undivided 1/3 interest to Karen K. Lindgren, of Tiburon, in the State of California
- an undivided 1/3 interest to Lynn Kafer, of Florham park, New Jersey, subject to a life estate to Nancy K. Kafer, of Florhan Park, in the State of New Jersey

FURTHER ORDERED: that in addition to any other matters appearing upon Certificate of Title No. 5823, said new certificate shall state that the land described therein is subject to the settlement of the estate of Howard G. Kafer.

By the Court.

Attest:

Charles W. Trombly, Jr.
Recorder

Dated: October 2, 1989

- NKK: 4 Hogan Court, Florham Park, New Jersey
- PKK: 4 Hogan Court, Florham Park, New Jersey
- KKL: 8 Felipa Ct. Tiburon, California
- LK: 4 Hogan Court, Florham Park, New Jersey

By the Court.

Attest:

Charles W. Trombly, Jr.
Recorder

MDC/ml

AT TRUE COPY
ATTEST:

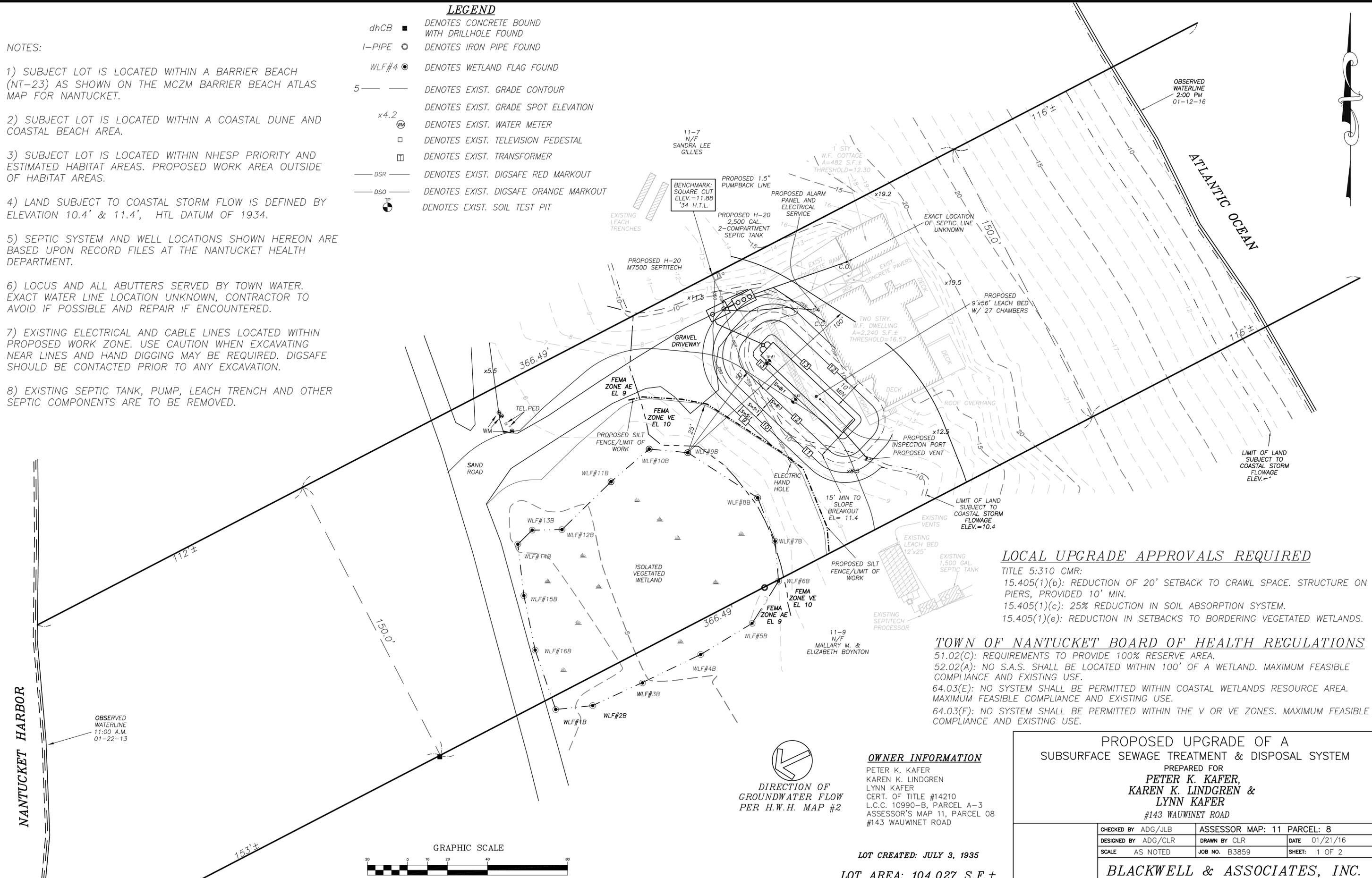
Charles W. Trombly, Jr.
Recorder

NOTES:

- 1) SUBJECT LOT IS LOCATED WITHIN A BARRIER BEACH (NT-23) AS SHOWN ON THE MCZM BARRIER BEACH ATLAS MAP FOR NANTUCKET.
- 2) SUBJECT LOT IS LOCATED WITHIN A COASTAL DUNE AND COASTAL BEACH AREA.
- 3) SUBJECT LOT IS LOCATED WITHIN NHESP PRIORITY AND ESTIMATED HABITAT AREAS. PROPOSED WORK AREA OUTSIDE OF HABITAT AREAS.
- 4) LAND SUBJECT TO COASTAL STORM FLOW IS DEFINED BY ELEVATION 10.4' & 11.4', HTL DATUM OF 1934.
- 5) SEPTIC SYSTEM AND WELL LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.
- 6) LOCUS AND ALL ABUTTERS SERVED BY TOWN WATER. EXACT WATER LINE LOCATION UNKNOWN, CONTRACTOR TO AVOID IF POSSIBLE AND REPAIR IF ENCOUNTERED.
- 7) EXISTING ELECTRICAL AND CABLE LINES LOCATED WITHIN PROPOSED WORK ZONE. USE CAUTION WHEN EXCAVATING NEAR LINES AND HAND DIGGING MAY BE REQUIRED. DIGSAFE SHOULD BE CONTACTED PRIOR TO ANY EXCAVATION.
- 8) EXISTING SEPTIC TANK, PUMP, LEACH TRENCH AND OTHER SEPTIC COMPONENTS ARE TO BE REMOVED.

LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- I-PIPE ○ DENOTES IRON PIPE FOUND
- WLF#4 ○ DENOTES WETLAND FLAG FOUND
- 5 ——— DENOTES EXIST. GRADE CONTOUR
- x4.2 ○ DENOTES EXIST. GRADE SPOT ELEVATION
- DENOTES EXIST. WATER METER
- DENOTES EXIST. TELEVISION PEDESTAL
- DENOTES EXIST. TRANSFORMER
- DSR ——— DENOTES EXIST. DIGSAFE RED MARKOUT
- DSO ——— DENOTES EXIST. DIGSAFE ORANGE MARKOUT
- DENOTES EXIST. SOIL TEST PIT



LOCAL UPGRADE APPROVALS REQUIRED

TITLE 5:310 CMR:
 15.405(1)(b): REDUCTION OF 20' SETBACK TO CRAWL SPACE. STRUCTURE ON PIERS, PROVIDED 10' MIN.
 15.405(1)(c): 25% REDUCTION IN SOIL ABSORPTION SYSTEM.
 15.405(1)(e): REDUCTION IN SETBACKS TO BORDERING VEGETATED WETLANDS.

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS

51.02(C): REQUIREMENTS TO PROVIDE 100% RESERVE AREA.
 52.02(A): NO S.A.S. SHALL BE LOCATED WITHIN 100' OF A WETLAND. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 64.03(E): NO SYSTEM SHALL BE PERMITTED WITHIN COASTAL WETLANDS RESOURCE AREA. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 64.03(F): NO SYSTEM SHALL BE PERMITTED WITHIN THE V OR VE ZONES. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.

OWNER INFORMATION

PETER K. KAfer
 KAREN K. LINDGREN
 LYNN KAfer
 CERT. OF TITLE #14210
 L.C.C. 10990-B, PARCEL A-3
 ASSESSOR'S MAP 11, PARCEL 08
 #143 WAUWINET ROAD

PROPOSED UPGRADE OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM

PREPARED FOR
PETER K. KAfer,
KAREN K. LINDGREN &
LYNN KAfer
 #143 WAUWINET ROAD

CHECKED BY ADG/JLB	ASSESSOR MAP: 11 PARCEL: 8
DESIGNED BY ADG/CLR	DATE 01/21/16
SCALE AS NOTED	SHEET: 1 OF 2

BLACKWELL & ASSOCIATES, INC.

20 TEASDALE CIRCLE - NANTUCKET, MA 02554
 (508)228-9026 FAX (508)228-5292 **B3859**

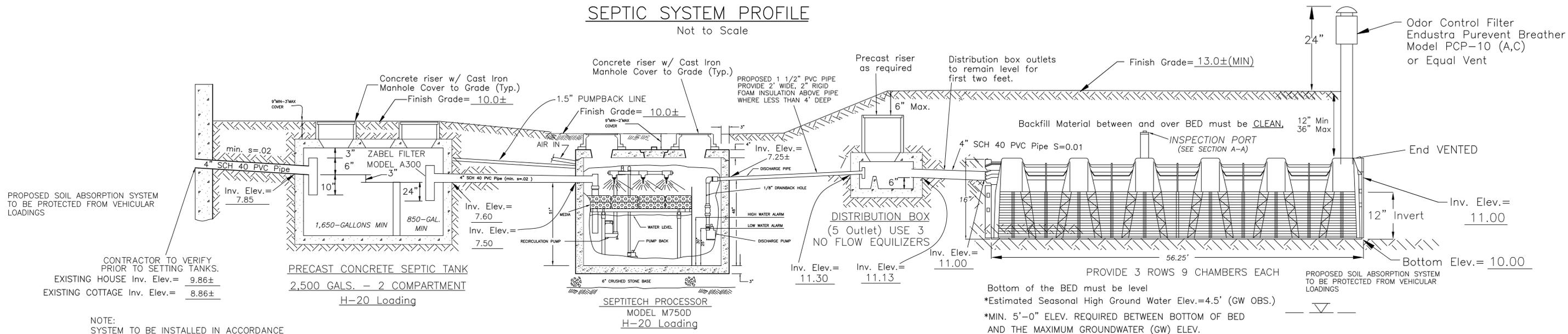
LOT CREATED: JULY 3, 1935

LOT AREA: 104,027 S.F.±

SHEET 1 OF 2

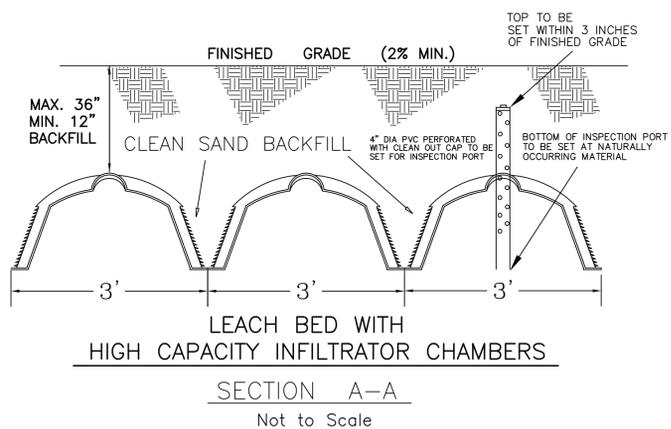
SEPTIC SYSTEM PROFILE

Not to Scale



GENERAL CONSTRUCTION NOTES

- All construction to conform to 310 CMR 15.00, TITLE 5 and Regulations of the Nantucket Board of Health.
- Any deviation or alteration in the construction from the approved plan without the expressed permission of the Design Engineer may invalidate the design and endanger the issuance of a certificate of compliance.
- Blackwell & Associates, Inc. shall be contacted three (3) days prior to the start of construction by the Installer. (508) 228-9026
- This plan does not warrant or imply any subsurface conditions other than those observed at the immediate test pit locations. In the event impervious or unsuitable material is encountered during construction, said impervious or unsuitable material is to be removed and replaced. See Title 5, 15.255 Construction in Fill.
- Delivery piping from the building wall to the Distribution Box shall be SCH40, 4 inch diameter PVC placed at a minimum 2% slope (2% = 0.02 feet per foot or 2' per 100'). All PVC to PVC connections are to be SOLVENT WELDED. Backfill Material in proximity to delivery and/or distribution lines is to be free from tailings, clay or similar materials.
- A cleanout is to be provided in proximity to the building wall to enable a Pumper to clear the house to tank line.
- Distribution lines are to be PVC Schedule 40 NSF or PVC Schedule 35 may be used for systems designed for less than 2000 gpd and where no vehicular traffic is anticipated. PVC end caps are to be provided on Distribution Line ends that do not require venting. All Distribution Lines over fifty (50') feet in length are to be vented.
- Any fill required in proximity to delivery piping shall be clean and free of stones larger than 2" dia and be hand tamped to reduce settlement and assure alignment.
- The septic tank shall be pre-cast reinforced concrete in compliance w/Title 5, 15.223 & 15.226 with an H-20 loading. A Schedule 40 Tee is to be installed in both the inlet and outlet baffles of the Precast Concrete Septic Tank. A gas baffle is to be installed over OUTLET BAFFLE.
- The tank shall have three 20 inch minimum diameter manholes with readily removable impermeable covers within 6 inches of finish grade.
- The base of the Distribution Box shall be set on a compacted, suitable, stable base.
- The Distribution Box shall be fitted with an inlet tee (cut-off 1 inch above the outlet invert). Distribution Boxes shall be a minimum 5 Outlets.
- The first length (minimum 2 feet) of each pipe outlet pipe from the Distribution Box shall be laid level. All outlet pipes should draw equally. A WATER TEST WILL BE REQUIRED.
- Topsoil, peat or other impervious (or unsuitable) material shall be removed from below and for a distance of 5 feet in all directions around the disposal works footprint and replaced with clean, suitable material as described in TITLE 5, 15.255:(3) Construction in Fill.
- Trench bottoms excavated in natural material must be scarified to off-set any machine compaction of the bottom surface.
- All fill used in conjunction of the system construction must conform to Title 5, 15.255:(3) Construction in Fill.
- All stone used in disposal trench construction must conform to Title 5, 15.247 Aggregate for size and quality.
- Any impermeable material used for the construction of an impervious barrier must be impermeable. (Will not pass water, swells upon contact with water, fine sand is not impervious).
- Areas disturbed by construction shall loamed, seeded, mulched or otherwise stabilized to minimize erosion. The general system area shall be graded with a minimum 2% grade to provide positive surface drainage. Compliance with any Order of Conditions issued by the local Conservation Commission or DEP shall be considered requirements of this design.
- The property lines depicted here-on are GRAPHIC, it is strongly recommended that the actual property lines be field established prior to construction. Conformance to local by-laws shall be determined by the Owner (Client) prior to construction. This disposal works design is not a property line, bank mortgage or title survey.
- In the event that evidence or article of human remains is found during the excavation or construction of this proposed works, all activity on-site is to stop. Immediately contact the State Police (508) 228-0706, Nantucket Police 228-1212 (or 911) and Blackwell & Associates 228-9026.
- To prevent the carry over of solids and particulates from the septic tank to soil surfaces in the disposal trenches that are prone to clogging, the septic tank should be inspected periodically to determine the depth of sludge and floatables (grease) accumulation. The tank should be pumped, by a Licensed Pumper, when the sludge volume fills one quarter (1/4) of the tank clear space (or approx every 2 years).
- Blackwell & Associates, Inc. will refuse to issue a positive ASBUILT COMPLIANCE certificate if any portion of the construction is covered prior to adequate inspection by Blackwell & Assoc. and the local Health Agent. The Disposal Works is not to be covered until it is authorized by Blackwell & Assoc., Inc.
- Asbuilt and inspection time has not been included in the billing for this design. Multiple inspections and analysis to correct deviations from the approved design will be billed as add'l charges. Call (508) 228-9026 when you are ready for your inspection.



SEPTITECH NOTES

- SEPTITECH PROCESSOR SHALL BE INSTALLED IN ACCORDANCE WITH SEPTITECH INSTALLATION INSTRUCTIONS.
- TANK(S) SHALL NOT BE INSTALLED AT A DEPTH ANY GREATER THAN 24-INCHES. TANK INSTALLATION REQUIRING A DEPTH GREATER THAN 24-INCHES SHALL DO SO WITH PRIOR APPROVAL BY SEPTITECH ONLY.
- TANK(S) SHALL BE INSTALLED WITH A MINIMUM OF 6-INCHES OF COMPACTED CRUSHED PEA STONE OR SAND BEDDING. SELECT FILL SHALL BE USED BACKFILLING AROUND TANKS.
- EXTERIOR PIPING: CONTRACTOR IS RESPONSIBLE FOR SUPPLYING AND INSTALLING ALL EXTERIOR PIPING PER SEPTITECH INSTALLATION DRAWINGS.
- AIR INTAKE PIPING: AIR INTAKE SNORKEL SHALL BE INSTALLED WITHIN 100 FEET OF THE PROCESSOR TANK. AIR INTAKE PIPING SHALL BE INSTALLED SUCH THAT A POSITIVE PITCH IS PROVIDED BACK TOWARDS THE PROCESSOR TANK SUCH THAT ANY CONDENSATION BUILD UP IS FREE TO DRAIN.
- PIPE INSULATION: CONTRACTOR IS RESPONSIBLE FOR INSULATING ALL PIPING EXTERIOR TO THE SEPTITECH PROCESSOR INCLUDING THE DISCHARGE LINE FROM THE PROCESSOR TO THE DISPOSAL FIELD.
- TANK INSULATION: AFTER TANK HAS BEEN INSTALLED, CONTRACTOR SHALL INSULATE THE TOP AND SIDES OF THE PROCESSOR TANK BELOW FROST DEPTH (4- FEET MINIMUM) WITH 2" RIGID FOAM(BLUE) BOARD INSULATION AND THEN COMPLETE BACKFILLING.
- ELECTRICAL: ALL ELECTRICAL WORK IS THE RESPONSIBILITY OF THE CONTRACTOR'S LICENSED ELECTRICIAN AND IS NOT PROVIDED BY SEPTITECH. SYSTEM CONTROLLER SHOULD BE INSTALLED IN A HEATED BUILDING WHERE AN AMBIENT TEMPERATURE RANGE OF 60 TO 90 DEGREES F IS MAINTAINED. IF THE CONTROL PANEL MUST BE LOCATED OUTSIDE, PLEASE NOTIFY SEPTITECH, INC. SO A HEATER MAY BE INSTALLED WITHIN THE ENCLOSURE.

NOTES

- (-) Chambers and riser sections shall be made water tight.
- (-) The piping shall be secured from movement in all directions with mountings designed to withstand working forces.
- (-) Force main to have constant pitch with no sags.
- (-) Pipe to be set in clean fill material with no stones larger than 2 inches.
- (-) Thrust blocks to be installed where required or where shown.
- (-) All underground pipes, power and control lines to have continuous marker 1 foot above line.
- (-) There are to be no wiring splices within the pump chamber or risers

OWNER INFORMATION

PETER K. KAUFER
 KAREN K. LINDGREN
 LYNN KAUFER
 CERT. OF TITLE #14210
 L.C.C. 10990-B, PARCEL A-3
 ASSESSOR'S MAP 11, PARCEL 08
 #143 WAUWINET ROAD

CONTACTS

Dig-Safe	1-888-344-7233
On-Target	1-800-598-0628
Health Department	508-228-7200
National Grid	1-800-322-3223
Public Works	228-7244
Water, Wannacomet	228-0022
Building Dept	325-7587
Conservation Comm	228-7230
Police, EMERGENCY	--911--
Environmental Police	257-6932
State Police	228-0706

PROPOSED UPGRADE OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM

PREPARED FOR
PETER K. KAUFER,
KAREN K. LINDGREN &
LYNN KAUFER
 #143 WAUWINET ROAD

CHECKED BY	ADG/JLB	ASSESSOR MAP:	11 PARCEL: 8
DESIGNED BY	ADG/CLR	DRAWN BY	CLR
SCALE	AS NOTED	JOB NO.	B3859
		DATE	01/21/16
		SHEET:	2 OF 2

BLACKWELL & ASSOCIATES, INC.

20 TEASDALE CIRCLE - NANTUCKET, MA 02554
 (508)228-9026 FAX (508)228-5292 **B3859**

Five on a Dime LLC
4,6 & 8 Pilgrim Court



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

NOTICE OF INTENT APPLICATION

**Construction of a Retaining Wall and Landscaping/Grading
on a Previously Developed Residential Property Located
Partially Within a Wetland Resource Area Buffer Zone**

**4, 6, & 8 Pilgrim Court
Map 41 Parcels 217.3 & 217.4 and Portions of Parcel 217
Nantucket, Massachusetts**

Prepared for:

**Five On a Dime LLC
12 Amelia Drive
Nantucket, MA 02554**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

January 22, 2016

SDE No.: 15019

WPA FORM 3

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



WPA Form 3 – Notice of Intent

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

MassDEP File Number

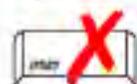
Document Transaction Number

Nantucket

City/Town

Important:

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



Note: Before completing this form consult your local Conservation Commission regarding any municipal bylaw or ordinance.

A. General Information

1. Project Location (**Note:** electronic filers will click on button to locate project site):

4, 6, & 8 Pilgrim Court
a. Street Address

Nantucket
b. City/Town

02554
c. Zip Code

Latitude and Longitude:
41
d. Latitude

70 06 44.93
e. Longitude

217.3, 217.4, and Portions of 217
f. Assessor's Map/Plat Number

g. Parcel /Lot Number

2. Applicant:

Five on a Dime LLC
a. First Name

b. Last Name

c. Organization

12 Amelia Drive
d. Street Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Property owner (required if different from applicant): Check if more than one owner

a. First Name

b. Last Name

c. Organization

d. Street Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email address

4. Representative (if any):

Mark
a. First Name

Rits
b. Last Name

Site Design Engineering, LLC
c. Company

11 Cushman Street
d. Street Address

Middleboro
e. City/Town

MA
f. State

02346
g. Zip Code

508-802-5832
h. Phone Number

508-967-0674
i. Fax Number

mrits@sitedesigneng.com
j. Email address

5. Total WPA Fee Paid (from NOI Wetland Fee Transmittal Form):

\$110.00
a. Total Fee Paid

\$42.50
b. State Fee Paid

\$67.50
c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

A. General Information (continued)

6. General Project Description:

Construction of a retaining wall and associated landscaping/grading on a previously developed residential property located partially within the 100-foot buffer zone to a Bordering Vegetated Wetland.

7a. Project Type Checklist: (Limited Project Types see Section A. 7b.)

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Single Family Home | 2. <input type="checkbox"/> Residential Subdivision |
| 3. <input type="checkbox"/> Commercial/Industrial | 4. <input type="checkbox"/> Dock/Pier |
| 5. <input type="checkbox"/> Utilities | 6. <input type="checkbox"/> Coastal engineering Structure |
| 7. <input type="checkbox"/> Agriculture (e.g., cranberries, forestry) | 8. <input type="checkbox"/> Transportation |
| 9. <input type="checkbox"/> Other | |

7b. Is any portion of the proposed activity eligible to be treated as a limited project (including Ecological Restoration Limited Project) subject to 310 CMR 10.24 (coastal) or 310 CMR 10.53 (inland)?

1. Yes No If yes, describe which limited project applies to this project. (See 310 CMR 10.24 and 10.53 for a complete list and description of limited project types)

2. Limited Project Type

If the proposed activity is eligible to be treated as an Ecological Restoration Limited Project (310 CMR10.24(8), 310 CMR 10.53(4)), complete and attach Appendix A: Ecological Restoration Limited Project Checklist and Signed Certification.

8. Property recorded at the Registry of Deeds for:

a. County

b. Certificate # (if registered land)

c. Book

d. Page Number

B. Buffer Zone & Resource Area Impacts (temporary & permanent)

- Buffer Zone Only – Check if the project is located only in the Buffer Zone of a Bordering Vegetated Wetland, Inland Bank, or Coastal Resource Area.
- Inland Resource Areas (see 310 CMR 10.54-10.58; if not applicable, go to Section B.3, Coastal Resource Areas).

Check all that apply below. Attach narrative and any supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

For all projects affecting other Resource Areas, please attach a narrative explaining how the resource area was delineated.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Bank	1. linear feet _____	2. linear feet _____
b. <input type="checkbox"/> Bordering Vegetated Wetland	1. square feet _____	2. square feet _____
c. <input type="checkbox"/> Land Under Waterbodies and Waterways	1. square feet _____	2. square feet _____
	3. cubic yards dredged _____	

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
d. <input type="checkbox"/> Bordering Land Subject to Flooding	1. square feet _____	2. square feet _____
	3. cubic feet of flood storage lost _____	4. cubic feet replaced _____
e. <input type="checkbox"/> Isolated Land Subject to Flooding	1. square feet _____	
	2. cubic feet of flood storage lost _____	3. cubic feet replaced _____
f. <input type="checkbox"/> Riverfront Area	1. Name of Waterway (if available) - specify coastal or inland _____	

2. Width of Riverfront Area (check one):

- 25 ft. - Designated Densely Developed Areas only
- 100 ft. - New agricultural projects only
- 200 ft. - All other projects

3. Total area of Riverfront Area on the site of the proposed project: _____ square feet

4. Proposed alteration of the Riverfront Area:

a. total square feet _____ b. square feet within 100 ft. _____ c. square feet between 100 ft. and 200 ft. _____

5. Has an alternatives analysis been done and is it attached to this NOI? Yes No

6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

3. Coastal Resource Areas: (See 310 CMR 10.25-10.35)

Note: for coastal riverfront areas, please complete **Section B.2.f.** above.



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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Check all that apply below. Attach narrative and supporting documentation describing how the project will meet all performance standards for each of the resource areas altered, including standards requiring consideration of alternative project design or location.

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

Resource Area	Size of Proposed Alteration	Proposed Replacement (if any)
a. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below	
b. <input type="checkbox"/> Land Under the Ocean	1. square feet 2. cubic yards dredged	
c. <input type="checkbox"/> Barrier Beach	Indicate size under Coastal Beaches and/or Coastal Dunes below	
d. <input type="checkbox"/> Coastal Beaches	1. square feet	2. cubic yards beach nourishment
e. <input type="checkbox"/> Coastal Dunes	1. square feet	2. cubic yards dune nourishment
	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input type="checkbox"/> Coastal Banks	1. linear feet	
g. <input type="checkbox"/> Rocky Intertidal Shores	1. square feet	
h. <input type="checkbox"/> Salt Marshes	1. square feet	2. sq ft restoration, rehab., creation
i. <input type="checkbox"/> Land Under Salt Ponds	1. square feet 2. cubic yards dredged	
j. <input type="checkbox"/> Land Containing Shellfish	1. square feet	
k. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above 1. cubic yards dredged	
l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	1. square feet	

4. Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW

b. square feet of Salt Marsh

5. Project Involves Stream Crossings

a. number of new stream crossings

b. number of replacement stream crossings



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C. Other Applicable Standards and Requirements

- This is a proposal for an Ecological Restoration Limited Project. Skip Section C and complete Appendix A: Ecological Restoration Notice of Intent – Required Actions (310 CMR 10.11).

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

- 1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm.

a. Yes No **If yes, include proof of mailing or hand delivery of NOI to:**

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
1 Rabbit Hill Road
Westborough, MA 01581**

2008 _____
b. Date of map

If yes, the project is also subject to Massachusetts Endangered Species Act (MESA) review (321 CMR 10.18). To qualify for a streamlined, 30-day, MESA/Wetlands Protection Act review, please complete Section C.1.c, and include requested materials with this Notice of Intent (NOI); OR complete Section C.1.f, if applicable. *If MESA supplemental information is not included with the NOI, by completing Section 1 of this form, the NHESP will require a separate MESA filing which may take up to 90 days to review (unless noted exceptions in Section 2 apply, see below).*

c. Submit Supplemental Information for Endangered Species Review*

- 1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
percentage/acreage

(b) outside Resource Area _____
percentage/acreage

- 2. Assessor's Map or right-of-way plan of site

- 2. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work **

(a) Project description (including description of impacts outside of wetland resource area & buffer zone)

(b) Photographs representative of the site

* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/eea/agencies/dfg/dfw/natural-heritage/regulatory-review/>). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

** MESA projects may not be segmented (321 CMR 10.16). The applicant must disclose full development plans even if such plans are not required as part of the Notice of Intent process.



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C. Other Applicable Standards and Requirements (cont'd)

- (c) MESA filing fee (fee information available at http://www.mass.gov/dfwale/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm). Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

Projects altering 10 or more acres of land, also submit:

- (d) Vegetation cover type map of site
- (e) Project plans showing Priority & Estimated Habitat boundaries
- (f) OR Check One of the Following

1. Project is exempt from MESA review. Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwale/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP
3. Separate MESA review completed. Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?
- a. Not applicable – project is in inland resource area only b. Yes No

If yes, include proof of mailing, hand delivery, or electronic delivery of NOI to either:

South Shore - Cohasset to Rhode Island border, and the Cape & Islands:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694
Email: DMF.EnvReview-South@state.ma.us

North Shore - Hull to New Hampshire border:

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930
Email: DMF.EnvReview-North@state.ma.us

Also if yes, the project may require a Chapter 91 license. For coastal towns in the Northeast Region, please contact MassDEP's Boston Office. For coastal towns in the Southeast Region, please contact MassDEP's Southeast Regional Office.



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C. Other Applicable Standards and Requirements (cont'd)

Online Users:
Include your document transaction number (provided on your receipt page) with all supplementary information you submit to the Department.

4. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

- a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC:

5. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

- a. Yes No

6. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

- a. Yes No

7. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

- a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
2. A portion of the site constitutes redevelopment
3. Proprietary BMPs are included in the Stormwater Management System.

- b. No. Check why the project is exempt:

1. Single-family house
2. Emergency road repair
3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

- This is a proposal for an Ecological Restoration Limited Project. Skip Section D and complete Appendix A: Ecological Restoration Notice of Intent – Minimum Required Documents (310 CMR 10.12).

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.

Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.



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D. Additional Information (cont'd)

3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.

4. List the titles and dates for all plans and other materials submitted with this NOI.

Proposed Conditions Site Plan

a. Plan Title

Site Design Engineering, LLC

Daniel C. Mulloy, P.E.

b. Prepared By

c. Signed and Stamped by

January 22, 2016

See Plan

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.

6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.

7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.

8. Attach NOI Wetland Fee Transmittal Form

9. Attach Stormwater Report, if needed.

E. Fees

i. Fee Exempt: No filing fee shall be assessed for projects of any city, town, county, or district of the Commonwealth, federally recognized Indian tribe housing authority, municipal housing authority, or the Massachusetts Bay Transportation Authority.

Applicants must submit the following information (in addition to pages 1 and 2 of the NOI Wetland Fee Transmittal Form) to confirm fee payment:

3462

22-Jan-2015

2. Municipal Check Number

3. Check date

3463

22-Jan-2015

4. State Check Number

5. Check date

Site Design Engineering, LLC.

6. Payor name on check: First Name

7. Payor name on check: Last Name



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F. Signatures and Submittal Requirements

I hereby certify under the penalties of perjury that the foregoing Notice of Intent and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge. I understand that the Conservation Commission will place notification of this Notice in a local newspaper at the expense of the applicant in accordance with the wetlands regulations, 310 CMR 10.05(5)(a).

I further certify under penalties of perjury that all abutters were notified of this application, pursuant to the requirements of M.G.L. c. 131, § 40. Notice must be made by Certificate of Mailing or in writing by hand delivery or certified mail (return receipt requested) to all abutters within 100 feet of the property line of the project location.

1. Signature of Applicant

[Handwritten Signature]

2. Date

1/19/16

3. Signature of Property Owner (if different)

[Handwritten Signature]

4. Date

2/21/2016

5. Signature of Representative (if any)

6. Date

For Conservation Commission:

Two copies of the completed Notice of Intent (Form 3), including supporting plans and documents; two copies of the NOI Wetland Fee Transmittal Form, and the city/town fee payment, to the Conservation Commission by certified mail or hand delivery.

For MassDEP:

One copy of the completed Notice of Intent (Form 3), including supporting plans and documents, one copy of the NOI Wetland Fee Transmittal Form, and a copy of the state fee payment to the MassDEP Regional Office (see instructions) by certified mail or hand delivery.

Other:

If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the instructions for additional submittal requirements.

The original and copies must be sent simultaneously. Failure by the applicant to send copies in a timely manner may result in dismissal of the Notice of Intent.

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

PROJECT DESCRIPTION

4, 6, & 8 Pilgrim Court NANTUCKET, MASSACHUSETTS

January 22, 2016

INTRODUCTION

The purpose of this Notice of Intent (NOI) application is to request approval from the Nantucket Conservation Commission (Commission) under the Massachusetts Wetlands Protection Act (WPA) and its implementing regulations 310 CMR (CMR) and the Town of Nantucket Wetlands Protection Bylaw (Bylaw) and its implementing regulations (Local Regs) for work within 100 feet of a Bordering Vegetated Wetland (BVW) resource area on property located at 4, 6, & 8 Pilgrim Court in Nantucket (collectively the Subject Property). The proposed work includes the construction of a retaining wall and associated landscaping/grading. Portions of the proposed retaining wall and associated landscaping/grading will be located within the 100-foot buffer zone to a BVW resource area. All work will be located greater than 45 feet from the BVW buffer zone.

This Notice of Intent application is presented by the following Property Owner/Applicant:

4, 6, & 8 Pilgrim Court
(Map 41 lot 217.3 & 217.4 and
Portions of lot 217)
Five On a Dime LLC
12 Amelia Drive
Nantucket, MA. 02554

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of three parcels (Map 41 lots 217.3, 217.4, and portions of 217) and has a total lot area of approximately 12,547 square feet (0.288 acres) and is located on the west side of Pilgrim Court and north of Pilgrim Road (see Figures 1 through 3 and Site Plan). The lots which comprise the Subject Property are portions of a previously subdivided residential property. To the west, the Subject Property is bordered by residentially developed properties. To the east, the Subject Property is bordered by Pilgrim Court, a paved way and residentially developed properties. To the south the Subject Property is bordered by the remainder of the previously developed residential property and Pilgrim Road, a paved public way. To the north, the Subject Property is bordered by undeveloped property (see Figures 1 through 3 and Site Plan). The Subject Property is a currently developed residential property and is the site of an SFR, deck, pervious driveway, and associated landscaping/grading. A BVW resource area is located on the adjacent property to the north and casts buffer zones which extend onto the Subject Property. The extent of the wetland resource area was previously delineated under a Request for Determination of Applicability (RDA) which was submitted to the Commission on August 3, 2012. The RDA requested brush cutting and maintenance outside of the 50-foot BVW buffer zone. A Determination of Applicability (DOA) approving the resource area delineation and authorizing brush cutting was issued on August 22, 2012. The DOA expired on August 22, 2015. Brush cutting was performed in accordance with the DOA. Site conditions on the adjacent property have not changed and the extent of the BVW remains the same as it was during the August 2012 delineation. The Applicant is requesting that the Commission once again approve the previously delineated wetland boundary and associated buffer zones as part of this NOI application.

The Subject Property is located entirely outside of the 100-year flood zone as determined from the Digital FEMA Flood Maps available from MassGIS and site specific topographic survey information

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(see Figure 6 and Site Plan) and is therefore outside of Land Subject to Coastal Storm Flowage (LSCSF).

PROPOSED ACTIVITIES

The Applicant is proposing to construct a retaining wall and to perform associated landscaping/grading. Portions of the proposed retaining wall and associated landscaping/grading will be located within the 100-foot BVW buffer zone. All proposed structures will be located entirely outside of the 50-foot BVW buffer zone. A small amount of grading will extend to the northern property boundary but will be greater than 45 feet from the BVW. No work within any wetland resource areas or within 25 feet of any wetland resource areas is proposed as part of this NOI.

NHESP / MESA

The Subject Property is located entirely outside of both Estimated and Priority Habitat of Rare or Endangered Species as indicated on the 2008 NHESP Atlas available through MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

In order to minimize impacts to the BVW and associated buffer zones, the Applicant is proposing to install silt fencing along the northern property boundary as indicated on the Site Plan. The proposed silt fence will reduce siltation into the BVW and will also act to demarcate the limit of work. All structures will be outside of the 50-foot BVW buffer zone and all site alterations will be greater than 45 feet from the BVW. All equipment staging and materials storage will occur on the upland portion of the Subject Property. No equipment or materials will be stored within the 50-foot BVW buffer zone.

WETLAND RESOURCE AREAS

The Proposed Project is a buffer zone project. No activities within any wetland resource areas are proposed as part of this project. All work associated with the Proposed Project will be performed within the following wetland resource area buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (WPA) and 310 CMR (CMR), the Nantucket Wetlands Protection Bylaw (Bylaw) and the Nantucket Wetland Protection Regulations (Local Regs):

- 100-foot Buffer Zone to a BVW (Figure 4 and Site Plan)

COMPLIANCE WITH STATE AND LOCAL PERFORMANCE STANDARDS

The Proposed Project includes the construction of a retaining wall and associated landscaping/grading on a previously developed residential property portions of which will be located within the 100-foot buffer zone to a BVW. A portion of the proposed retaining wall and associated landscaping/grading will be located in previously altered and landscaped portions of the 100-foot BVW buffer zone but will be entirely outside of 50-foot BVW buffer zone.

State Wetlands Performance Standards

Bordering Vegetated Wetlands

The Proposed Project will occur within the 100-foot buffer zone to a BVW. No work is proposed within any State or local BVW Resource Areas. The Proposed Project includes the construction of a retaining wall and associated landscaping/grading of previously altered and landscaped portions of the Subject Property located partially within the 100-foot buffer zone to a BVW. The Act and CMR do not include any specific performance standards for work within the 100-foot buffer zone to a BVW. Instead, local jurisdictions are permitted to regulate the buffer zone areas as deemed

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appropriate under local Bylaws. A detailed discussion of local permitting requirements within the 100-foot BVW buffer zone is included in the Local Wetlands Performance Standards Section below.

Local Wetlands Performance Standards

Vegetated Wetlands

“Vegetated Wetlands or land within 100 feet of Vegetated Wetlands shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, therefore the following regulations shall apply:”

3.02B(1)

“Proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to the vegetated wetlands. All structures which are not water dependent shall be at least 50 feet from a vegetated wetland, and all structures shall maintain an undisturbed two-foot separation to high groundwater. Fifty percent (50%) of the area between the 25-foot buffer and the 50-foot buffer shall not be altered. Additional soils and groundwater information may be required for applications in areas of high groundwater.”

All proposed retaining wall and majority of associated landscaping/grading will be located entirely outside of the 50-foot BVW buffer zone. A small amount of grading will extend to the northern property boundary but will be greater than 45 feet from the BVW. Portions of the proposed retaining wall and associated landscaping/grading will be partially within the 100-foot BVW buffer zone. With the exception of a small amount of grading extending which will occur greater than 45 feet from the BVW, no work is proposed within the 50-foot BVW buffer zone (see Site Plan). The proposed retaining wall will maintain a separation to groundwater that is greater than 2 feet.

3.02B(2)

“Proposed projects shall not use procedures that the Commission determines changes the flood protection function (leveling out of storm surges by storing and slowly releasing water) of vegetated wetlands by significantly changing the rate of water flow through the wetlands (by channelization or other means).”

The Proposed Project includes landscaping/grading. All proposed structures and the majority of the proposed landscaping/grading will occur outside of the 50-foot buffer zone to an offsite BVW. A small amount of grading will extend to the northern property boundary but will be greater than 45 feet from the BVW. The proposed work will not have any adverse impact on the ability of the BVW to provide flood protection.

3.02B(3)

“No permit shall be issued which authorizes the destruction of forested swamps. The Commission may authorize the excavation of other vegetated wetlands to create ponds or clear the edge of a pond if the project is designed to increase wildlife habitat diversity and to minimize groundwater or surface water loss.”

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This standard is not applicable. The Proposed Project does not include the excavation of any wetland resource areas.

3.02B(4)

“The septic leach facility of a septic system shall be at least 100 feet from the vegetated wetland.”

This standard is not applicable. The Propose Project will be connected to town water and sewer.

3.02B(5)

“Piers shall be constructed and maintained using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests protected by the Bylaw.”

This standard is not applicable. The Proposed Project does not include the construction of any piers.

3.02B(6)

“Elevated walkways determined to be water dependent designed not to affect existing vegetation shall be required for pedestrian passage over vegetated wetlands.”

This standard is not applicable. The Proposed Project does not include the construction of any elevated walkways.

3.02B(7)

“The Commission may impose such additional requirements as necessary to protect the Interests Protected under the Bylaw.”

The Applicant acknowledges the right of the Commission to apply additional requirements to protect the Interests of the Bylaw.

CONCLUSION

The Subject Property is a portion of a previously developed residential property which is the site of an SFR, deck, pervious driveway, and extensive landscaped areas. The Applicant is proposing to construct a retaining wall and to perform associated landscaping/grading portions of which will be located within the 100-foot buffer zone to an offsite BVW resource area. All proposed activities structures will be located outside of the 50-foot BVW buffer zone. A small amount of grading will extend to the northern property boundary but will be greater than 45 feet from the BVW. The Applicant feels that the Proposed Project has been designed to minimize or avoid adverse impacts to the BVW and associated buffer zones and that the Proposed Project is in compliance with all requirements of the WPA and Local Regs. Therefore, the Applicant respectfully requests that the Commission approve the project as proposed.

SITE DESIGN ENGINEERING, LLC.

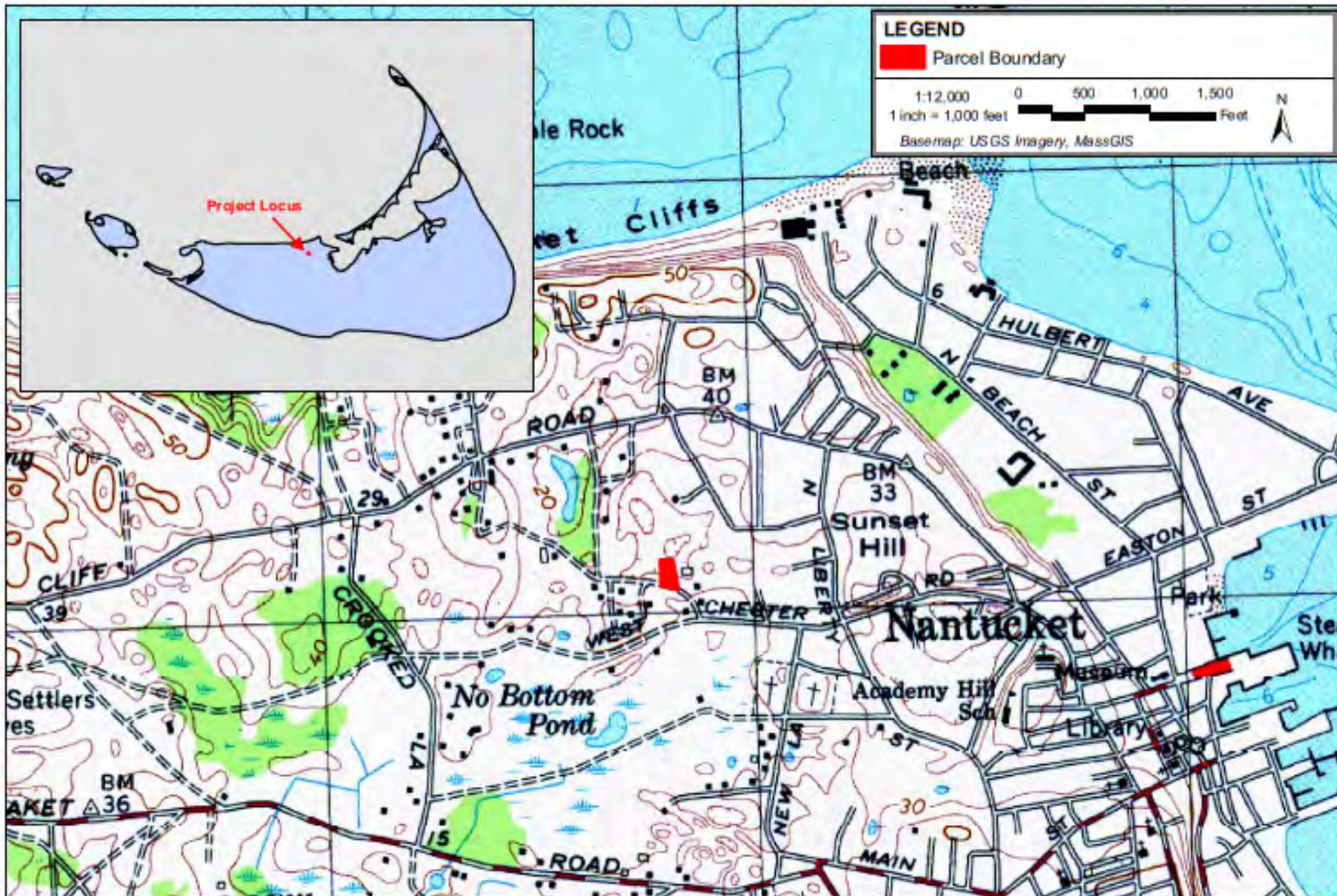
11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

FIGURES

SITE DESIGN ENGINEERING, LLC.

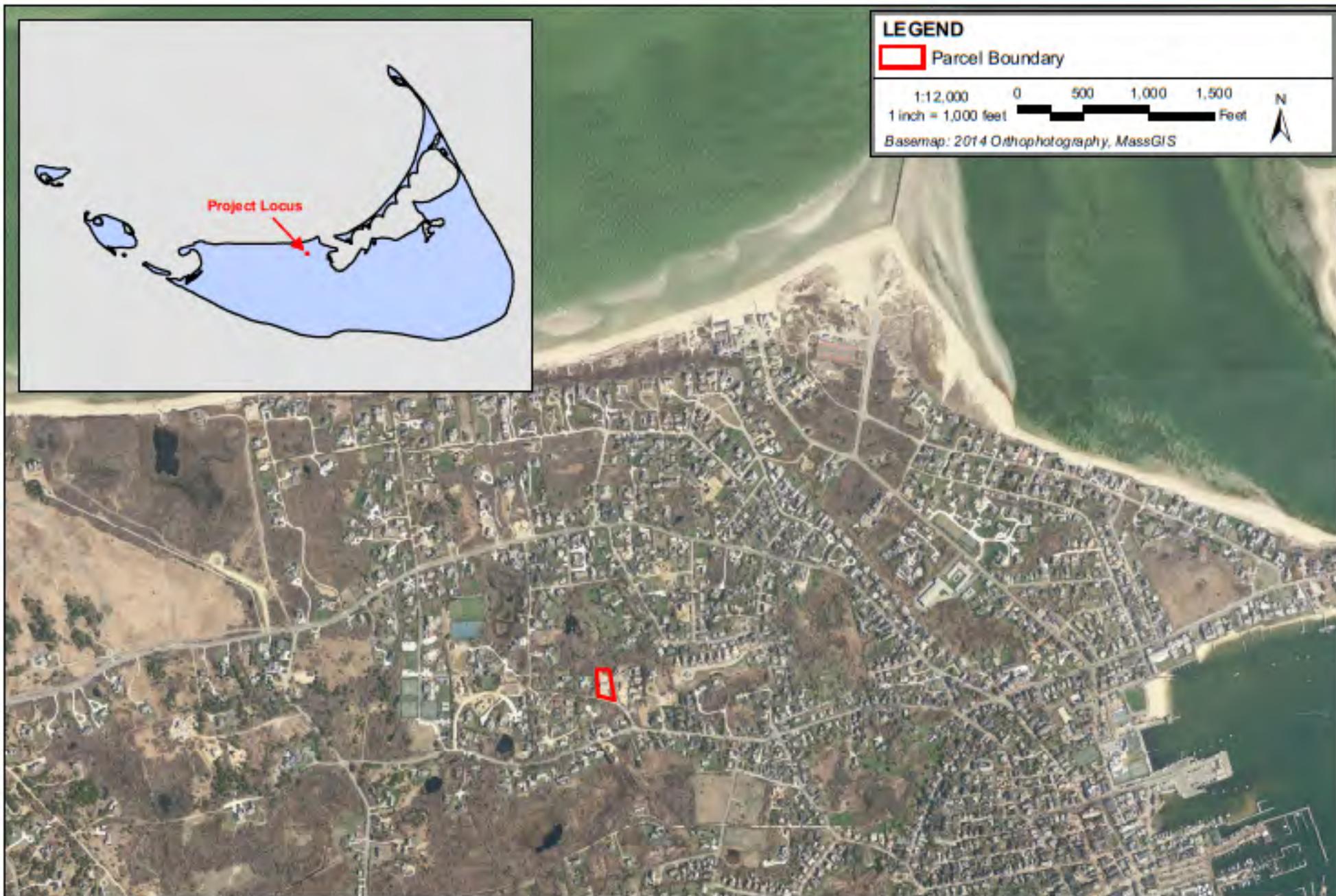
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
 Map 41 Lots 217.3, 217.4, and portions of 217
 SDE Project No. 15019

Figure 1 - USGS Locus Map
 January 22, 2016





LEGEND

 Parcel Boundary

1:12,000 0 500 1,000 1,500
1 inch = 1,000 feet  Feet



Basemap: 2014 Orthophotography, MassGIS

4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
Map 41 Lots 217.3, 217.4, and portions of 217
SDE Project No. 15019

Figure 2 - Site Overview
January 22, 2016

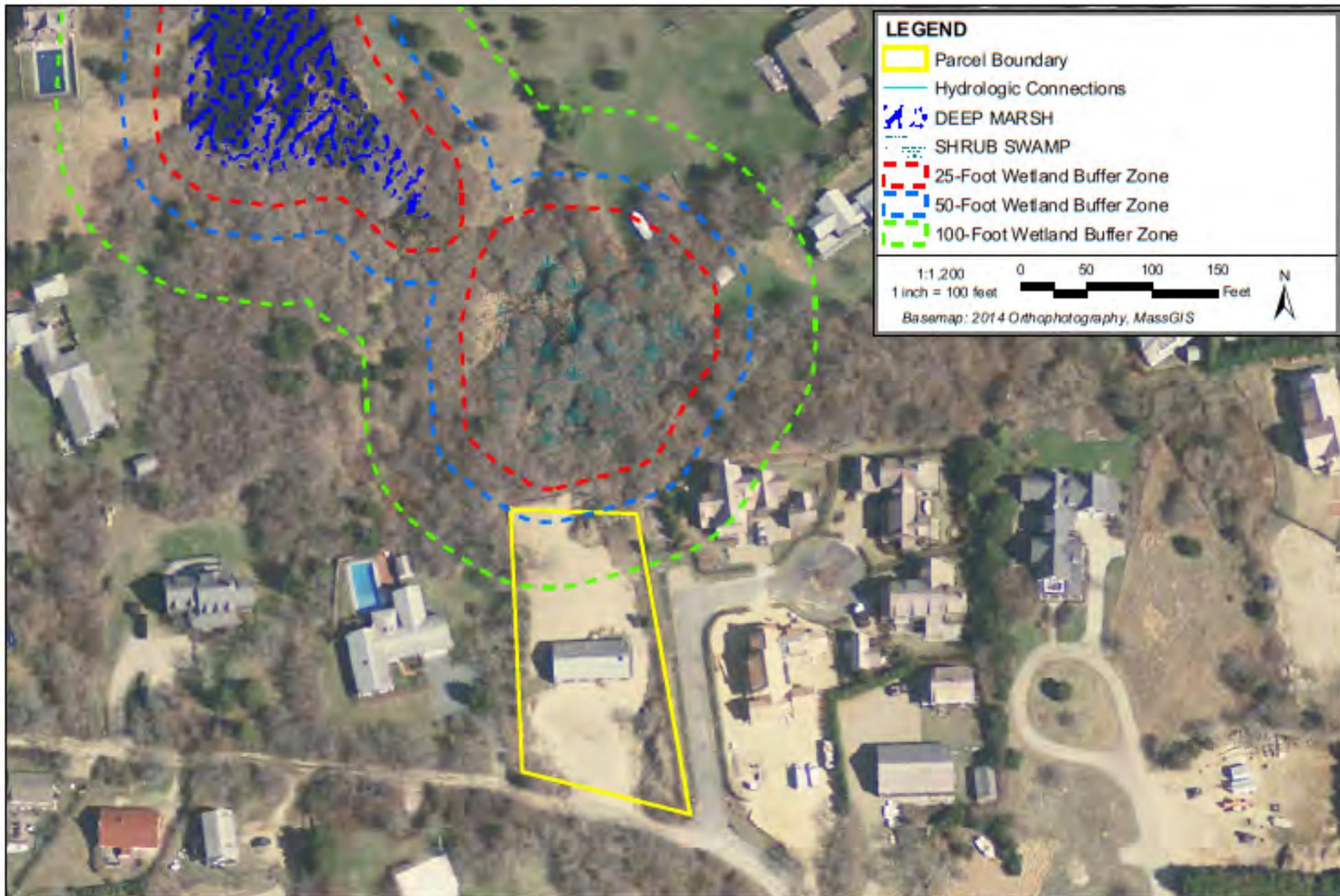




4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
 Map 41 Lots 217.3, 217.4, and portions of 217
 SDE Project No. 15019

Figure 3 - Detailed Site Overview
 January 22, 2016





4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
 Map 41 Lots 217.3, 217.4, and portions of 217
 SDE Project No. 15019

Figure 4 - DEP Listed Wetland Boundaries
 January 22, 2016

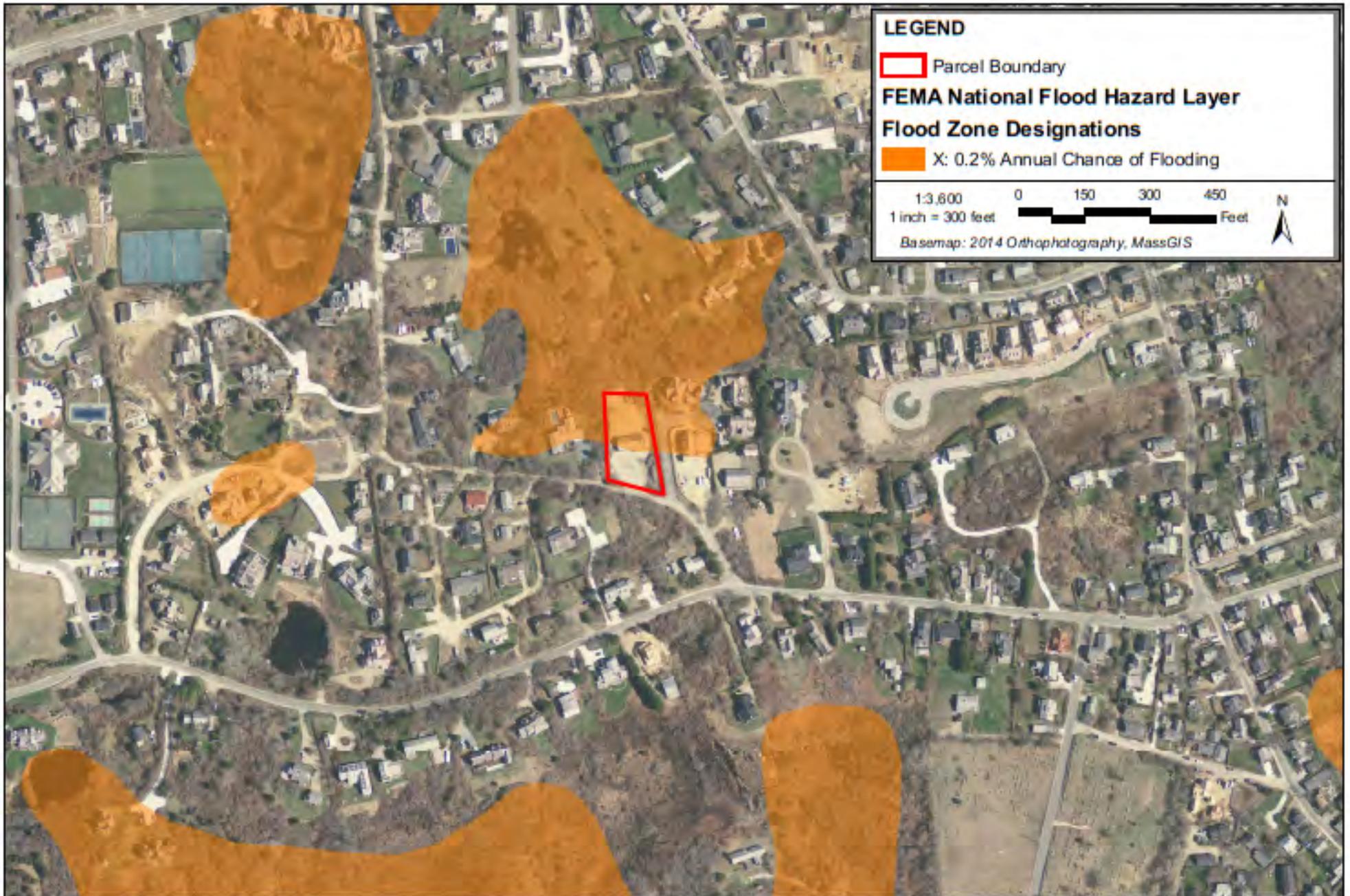




4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
 Map 41 Lots 217.3, 217.4, and portions of 217
 SDE Project No. 15019

Figure 5 - NHESP Habitat
 January 22, 2016





4, 6, & 8 Pilgrim Court - Nantucket, Massachusetts
Map 41 Lots 217.3, 217.4, and portions of 217
SDE Project No. 15019

Figure 6 - FEMA Flood Zones
January 22, 2016



ABUTTER INFORMATION

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



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January 22, 2016

SDE No. 15019

**Subject: Notice of Intent
4, 6, & 8 Pilgrim Court
Nantucket, Massachusetts
41, Parcels 217.3, 217.4 and Portions of Parcel 217**

To Whom It May Concern:

Site Design Engineering LLC (SDE) on behalf of the Applicant, Five On A Dime LLC, has filed a Notice of Intent (NOI) Application with the Nantucket Conservation Commission. The purpose of this NOI is to request approval from the Commission to construct a retaining wall and perform associated landscaping/grading partially within the buffer zone to an off-site Bordering Vegetated Wetland (BVW) resource area.

Copies of the NOI may be viewed at the office of the Nantucket Conservation Commission (508-228-7230) located at 2 Bathing Beach Road during normal business hours. The Commission will hold a public hearing to review this application. The date and time of the public hearing will be published in the Inquirer and Mirror under the legal ads. As of the time of this letter the public hearing is tentatively scheduled for February 10, 2016 at the Public Safety Building at 4 Fairgrounds Road. If you have any questions please call (508) 802-5832 or email Mark Rits at (mrirts@sitedesigneng.com).

Respectfully,

A handwritten signature in black ink, appearing to read 'Mark Rits'.

Mark Rits
Site Design Engineering, LLC.

Notification to Abutters Under the
Massachusetts Wetlands Protection Act

In accordance with the second paragraph of Massachusetts General Laws Chapter 131, Section 40, you are hereby notified of the following:

- A. The name of the applicant is Five on a Dime LLC
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- B. The applicant has filed a Notice of Intent with the Conservation Commission for the municipality of Nantucket seeking permission to remove, fill, dredge or alter an Area Subject to Protection Under the Wetlands Protection Act (General Laws Chapter 131, Section 40).
- C. The address of the lot where the activity is proposed is 4, 6, & 8 Pilgrim Court
Assessors Map 41 Parcels 217.3, 217.4, and Portions of Parcel 217
- D. Copies of the Notice of Intent may be examined at Nantucket Conservation Commission
between the hours of 9:00 am and 1:00pm on the following days of the week:
Monday through Friday
For more information call: (508) 228-7230 Fax: (508) 228-7232
- Check One: This is the applicant , representative , or other (specify):
Nantucket Conservation Commission
-
- E. Copies of the Notice of Intent may be obtained from either (check one) the applicant , or the applicant's representative , by calling this telephone number (508) 802-5832 between the hours of 9 a.m. and 5 p.m. on the following days of the week: Site Design Engineering, LLC. Mark Rits
Monday through Friday
-
- F. Information regarding the date, time, and place of the public hearing may be obtained from Nantucket Conservation Commission
by calling this telephone number (508) 228-7230 Fax: (508) 228-7232 between the hours of 9:00 a.m. and 1:00 p.m. on the following days of the week:
Monday through Friday
- Check One: This is the applicant , representative , or other (specify):
Nantucket Conservation Commission

Note: Notice of the public hearing, including its date, time, and place will be published at least five (5) days in advance in the Nantucket Inquirer & Mirror
(name of newspaper).

NOTE: Notice of the public hearing, including its date, time, and place, will be posted in the City or Town Hall not less than forty-eight (48) hours in advance.

NOTE: You also may contact your local Conservation Commission or the nearest Department of Environmental Protection Regional Office for more information about this application or the Wetlands Protection ACT. To contact DEP call:

Central Region: 508-792-7650

Northeast Region: 978-935-2160

Southeast Region: 508-946-2800

Western Region: 413-784-1100

FILING FEE INFORMATION

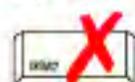
SITE DESIGN ENGINEERING, LLC.

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Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

4, 6, & 8 Pilgrim Court Nantucket
 a. Street Address b. City/Town
 3463 \$42.50
 c. Check number d. Fee amount

2. Applicant Mailing Address:

a. First Name b. Last Name
 Five on a Dime LLC
 c. Organization
 12 Amelia Drive
 d. Mailing Address
 Nantucket MA 02554
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

a. First Name b. Last Name
 c. Organization
 d. Mailing Address
 e. City/Town f. State g. Zip Code
 h. Phone Number i. Fax Number j. Email Address

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat 1. Retaining Wall and Landscaping/Grading	1	\$110.00	\$110.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Step 5/Total Project Fee: \$110.00

Step 6/Fee Payments:

Total Project Fee:	<u>\$110.00</u> a. Total Fee from Step 5
State share of filing Fee:	<u>\$42.50</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	<u>\$67.50</u> c. 1/2 Total Fee plus \$12.50

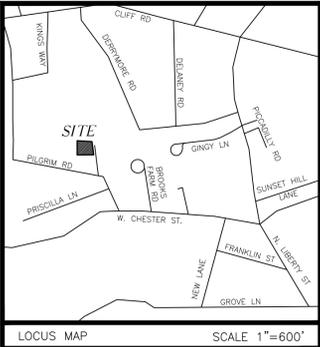
C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



LEGEND

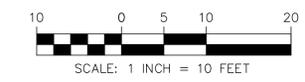
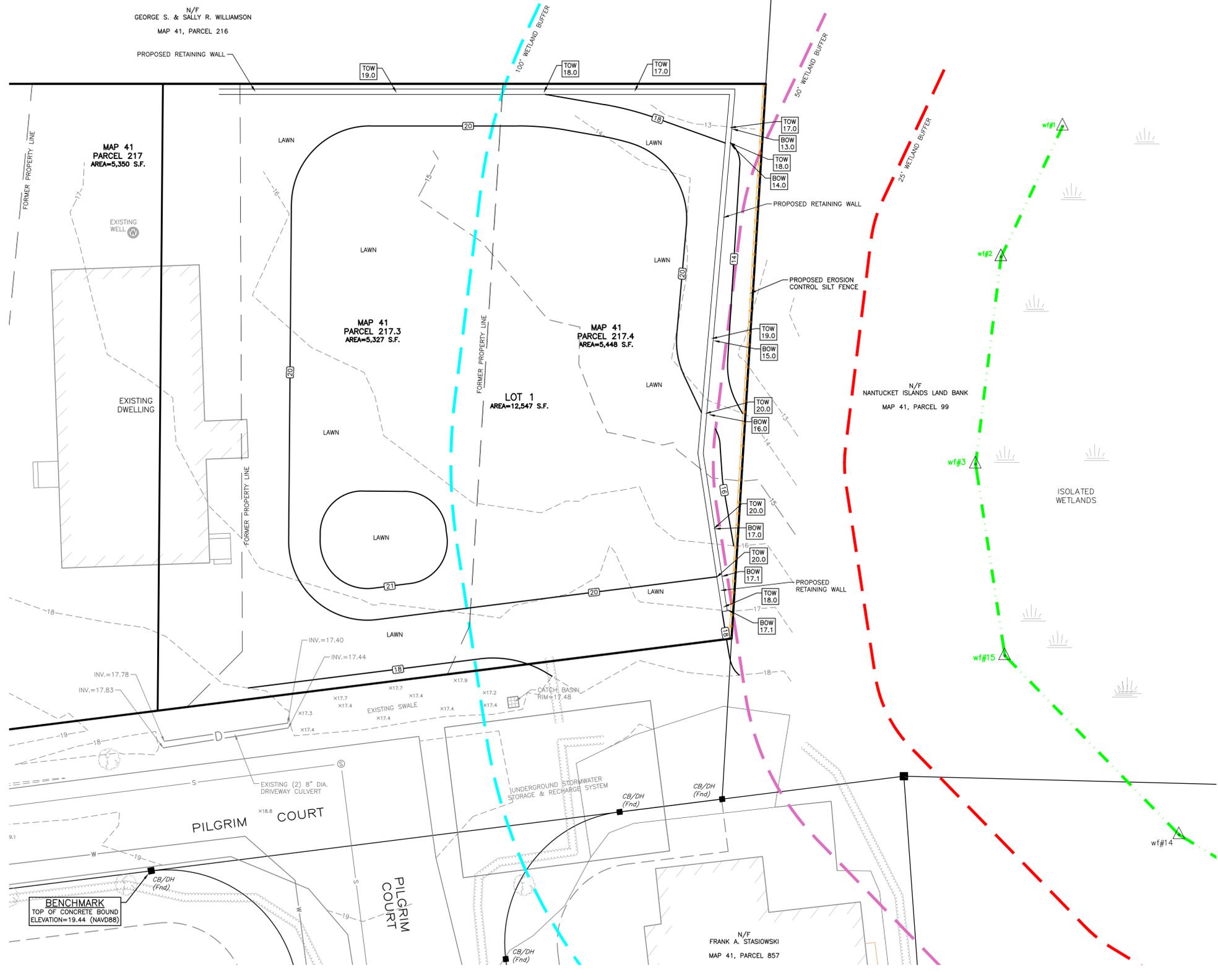
	EXISTING
	PROPERTY LINE
	CONCRETE BOUND/DRILL HOLE
	TOPOGRAPHIC CONTOUR
	SPOT ELEVATION
	SEWER MANHOLE
	SEWER MAIN
	WATER MAIN
	TREE
	HEDGE LINE
	PROPOSED
	PROPERTY LINE
	TOPOGRAPHIC CONTOUR
	TOP OF WALL ELEVATION
	BOTTOM OF WALL ELEVATION
	LIMIT OF WETLAND
	25 FT. BUFFER ZONE
	50 FT. BUFFER ZONE
	100 FT. BUFFER ZONE

- GENERAL NOTES:**
- EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY SITE DESIGN ENGINEERING, LLC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
 - ELEVATIONS ARE REFERENCED TO NAVD 88.
 - THE SITE IS NOT LOCATED WITHIN ANY KNOWN 100 YEAR FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY-PANEL NUMBER 250230 0086 G, DATED JUNE 9, 2014.
 - THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
 - EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND MAY BE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

OVERLAY DISTRICT APPLICABILITY
 TOWN
 TOWN SEWER

ZONING REQUIREMENTS:
 THE SITE IS ZONED RESIDENTIAL 1 (R-1)

	REQUIRED
LOT AREA	5,000 S.F.
LOT FRONTAGE	50 FT.
FRONT YARD SETBACK	10 FT.
REAR YARD SETBACK	5 FT.
SIDE YARD SETBACK	5 FT.
MAX. GROUND COVER RATIO	30 %



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 MIDDLEBORO, MA 02346
 T: 508-967-0673 F: 508-967-0674
 WWW.SITEDESIGNENG.COM

NO.	DATE	DESCRIPTION	APPROVED

PLAN REVISIONS

DATE:	JANUARY 21, 2016
DRAWN BY:	SKD
DESIGN BY:	SKD/DCM
CHECK BY:	DCM
PROJECT NO.:	15019
ISSUED FOR:	PERMITTING



GRADING PLAN - LOT 1
4, 6 & 8 PILGRIM COURT
 ASSESSOR'S MAP 41, PARCELS 217 (PARTIAL), 217.3 & 217.4
 NANTUCKET, MASSACHUSETTS

PREPARED FOR FIVE ON A DIME, LLC.

DRAWING TITLE:
PROPOSED GRADING PLAN

SCALE: **1"=10'**
 SHEET NO.
1 of 1