

Conservation  
Commission  
Packet

For

04/06/2016



**NANTUCKET CONSERVATION COMMISSION**  
**Updated Meeting Notice/Agenda for Wednesday, April 6th 2016**  
**4:00 P.M. in the 2nd Floor of the Public Safety Facility 4 Fairgrounds Road**

\*Matter has not been heard

**I. PUBLIC MEETING**  
**A. Public Comment**  
**II. PUBLIC HEARING**

**A. Notice of Intent**

1. Edwin Snider RT – 1 Brock's Ct (42.3.4-84) SE48-2834 **Cont (04/20/2016)**
2. Edwin Snider RT – 1 Brock's Ct (42.3.4-84) SE48-2835 **Cont (04/20/2016)**
3. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **Cont (04/20/2016)**
4. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **Cont (04/20/2016)**
5. Nantucket Island Land Bank – 46 & 48 South Cambridge St (59.3-41 & 42) SE48-2871
6. Great State Properties, LLC – 92 Washington St (42.2.3-22) SE48-2870
7. \*The Kaplan Family NT – 8 Harbor View Way (42.4.1-28) SE48-2873
8. \*Pocomo Neighbours – 47,53,55,57,61,63 & 69 Pocomo Road (Multiple) SE48-2874 **Cont (04/20/2016)**
9. \*Nantucket Island Land Bank – Off North Gully Road (73.1.3-122) SE48-2875
10. \*Savel Nominee Trust– 47 Pocomo Road (15-19) SE48-2872

**B. Amended Order of Conditions**

1. \*Five and Nine Medouie Creek RT – 5 & 9 Medouie Creek Road (20-5 & 4) SE48-2587
2. \*Goose Cove LLC – 7 South Cambridge Street (59.4-132) SE48-2680

**II. PUBLIC MEETING**

**A. Request for Determination**

1. \* Paul C. Shepard et al – 41 Nonantum Ave (87-41)

**B. Minor Modifications**

1. \*Cliff ACK Realty Trust – 96 Cliff Road (41-15) SE48-2066
2. \*Collis – 5 Galen Ave (29-122) SE48-2815

**C. Certificate of Compliance**

1. \*Raab – 8 Second Way (55-664) SE48-1666

**D. Orders of Conditions** (If the public hearing is closed – for discussion and/or issuance)

Discussion of other closed Notices of Intent

1. Nantucket Island Land Bank – 46 & 48 South Cambridge St (59.3-41 & 42) SE48-2871
2. Great State Properties, LLC – 92 Washington St (42.2.3-22) SE48-2870
3. \*The Kaplan Family NT – 8 Harbor View Way (42.4.1-28) SE48-2873
4. \*Nantucket Island Land Bank – Off North Gully Road (73.1.3-122) SE48-2875
5. \*Savel Nominee Trust – 47 Pocomo Road (15-19) SE48-2872

**E. Other Business**

1. Approval of Minutes 03/23/16.
2. Reports: CPC, NP&EDC, Mosquito Control Committee, Other
3. Commissioner's Comment
4. Administrator/ Staff Reports.

## PUBLIC MEETINGS AND PUBLIC HEARING

*(from pp. 5-7 of the Nantucket Conservation Commission's Information and Procedures)*

Public Meetings and Public Hearings are not the same. Public Meetings are conducted so that the Commission may discuss matters affecting the interests of the public and the rights of individuals in an open forum. To act on a matter, a quorum of the Commission (four of the seven members) must be present. Public Hearings are conducted for the same overall reasons as the Public Meeting – to protect both the public interest and the rights of individuals – with the additional purpose of gathering relevant information from the applicant, interested parties, and the public at large, and providing the Commission with the means of gathering the information necessary to developing an informed opinion and to issuing Orders that are fully supported by the appropriate facts, laws, and science.

Public Meetings, and Public Hearings held within Public Meetings, are held in conformance with the Massachusetts Open Meetings Law, M.G.L. Ch. 39 §§23A-C, and the Code of the Town of Nantucket §§1-7, 2-1, et seq., 136-4, where applicable. Pursuant to Section 1-7 of the Code of the Town of Nantucket, the Commission conducts business in accordance with parliamentary procedure as set out by Roberts Rules. The tenth edition is the most recent and presently effective version of Robert Rules. Additionally, where appropriate, the Commission follows the guidelines for Conservation Commission Meetings and Hearings set out by the Massachusetts Association of Conservation Commissions (MACC), the state umbrella organization of Conservation Commissions that works for strong, workable, science-based laws and regulations.

The Chairman or Chairwoman (hereinafter “Chair”) presides at Public Meetings and Public Hearings. In the absence of the Chair, the Vice Chair, or another Commissioner designated by the Chair presides. Public Hearings are conducted with an appropriate degree of formality, in accordance with Roberts Rules of Order, and with reference to state and local laws and regulations. During the Public Hearing portion of the Public Meeting, the Commission follows the following procedures:

- A. The Hearing is called by the applicant's name and the address of the proposed activity. The applicant may or may not be the owner of the property.
- B. The applicant, or the applicant's representative, presents the proposal to the Commission by describing the activity or project, its environmental impact, and its location relative to resource areas and buffer zones.
- C. The Commissioners or the Commission staff may at this point have questions for the applicant or the applicant's representative relating to clarity of the application.
- D. Interested parties, whether abutters, representatives of other entities, or the public, are invited to provide evidence or propose questions relevant to the project, to the resource area, to the protected interests arising by statute or regulation in relation to the resource area, and/or to the performance standards for such activities in such resource areas. Any questions must be directed to and through the Chair, not to the applicant or another person at the hearing. The time available for such public input may be limited by the Chair, especially where a large number of people seek to address the Commission. Public input should be limited to new information—if someone already has provided the same information to the Commission it is unnecessary for it to be restated by another speaker. For the above reasons, it is helpful to the Commission, and often will have more impact, if comments or questions are submitted in writing, in advance if at all possible.
- E. The Commission staff and/or technical consultants retained by the Commission will provide any additional information they may deem relevant to the application, may answer questions from the Commission, and may provide a recommendation to the Commission.
- F. The Commissioners may have additional questions from either the applicant or from persons who have provided evidence or other input to the Hearing.
- G. The Chairman will ask if the applicant has any additional information based on the questions and input outlined above.
- H. The Commission then will deliberate and decide a course of action. The Commission should not be interrupted during its deliberations.

Comments and questions are welcomed at the appropriate time in the hearing. Those most helpful to assisting the Commission in fulfilling its legal mandate are those comments or questions that pertain to the proposal or resource areas that are the subject of the Public Hearing. Issues beyond the Commission's jurisdiction are not legally relevant and should be avoided.

Because of the acoustics of the room in which the Commissions conducts Public Meetings, it can be difficult for Commissioners to hear those appearing before the Commission, or each other for that matter, if people are engaging in conversation elsewhere in the room. Please take all private conversations to the hallway outside.

Please note that the Commission keeps minutes of its proceedings in accordance with state law. The person keeping the minutes must record the names of persons addressing the Commission, and those addressing the Commission may need to spell their names if the spelling is not obvious. The files related to applications are available for public review at the Commission's office during normal business hours in advance of, and following the Public Meeting. They are not available for such review during the meeting, when such review would be distracting to Commissioners and staff, and would interfere with the orderly conduct of the Public Meeting.

Typically, the persons appearing before the Commission are professionals, that is, persons who are paid to attend the hearings on behalf of their client or employer. Such persons are expected to understand the rules and procedures of the Commission, and the relevancy of evidence, commentary, or questions submitted to the Commission.

It is not unusual for members of the public to appear before the Commission, especially in response to a notice that an activity is proposed on an abutting or nearby property. The Commission's staff is available to assist the public in understanding the applications under consideration by the

Commission relative to resource areas and protected interests. The public may visit the Commission's office and examine the application, the plans that are part of the application, and other materials that may be related to the proposal. Recognizing that non-professionals are not as familiar with the rules and procedures, the Chair is likely to allow them a little more leeway than might be permitted professionals practicing before the Commission. Nevertheless, this guide to Information & Procedures is designed to inform everyone of the practices and procedures. The Chair may redirect anyone at any point if they go beyond what is appropriate under the Commission's rules of procedure.

# Nantucket Islands Land Bank

46 & 48 S Cambridge St  
(59.3-41 & 42)



P.O. Box 3627, Nantucket, Massachusetts 02584-3627  
Tel. (508) 228-0240 Fax (508) 228-9856  
www.nantucketsurveyors.com  
nslinfo@nantucketsurveyors.com

N-10715

March 4, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Nantucket Islands Land Bank & Massasoit Village Condominium-I Association  
48 South Cambridge Street Map: 59.3 Parcel: 42  
46 South Cambridge Street Map: 59.3 Parcel: 41  
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw); Exempt
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee); Exempt
- One (1) Check to the Inquirer & Mirror - \$266.90 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee) Exempt
- One (1) Check to the Commonwealth of MA - \$42.50 (WPA Fee) Copy Exempt

This application is for the proposed removal and or razing of an existing dwelling, abandoning of an existing septic system in accordance with the State Environmental Code Title 5 and removal of existing site improvements, driveway, walkways, etc. on the subject properties. All disturbed areas are to be graded, loamed and seeded upon project completion. The proposed work is shown on the included plan, "Site Plan to Accompany a Notice of Intent #48 & #46 South Cambridge Street", Nantucket, MA prepared by Nantucket Surveyors, LLC dated March 4, 2016.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,  
Nantucket Surveyors, LLC

A handwritten signature in blue ink, appearing to read 'Paul J. Santos', is written over a white background.

Paul J. Santos, PLS

Enclosures

cc: DEP Southeast Regional Office  
Nantucket Islands Land Bank  
Massasoit Village Condominium-I Association

Office located at 5 Windy Way • Nantucket, MA 02554



**Notice of Intent**  
Map 59.3 Parcels 41 & 42  
46-48 South Cambridge Street  
Nantucket, Massachusetts

Prepared for: **Nantucket Islands Land Bank**  
**22 Broad Street**  
**Nantucket, MA 02554**

**Massasoit Village Condominium-I Association**  
**44 Donald Avenue**  
**Auburn, NH 03032**

Prepared by: **Nantucket Surveyors, LLC**  
**5 Windy Way, PO Box 3627**  
**Nantucket, MA 02584**

**March 4, 2016**



**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

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):

46 & 48 South Cambridge Street  
 a. Street Address

Nantucket  
 b. City/Town

02554  
 c. Zip Code

Latitude and Longitude:  
 41.272833  
 d. Latitude

-70.185363  
 e. Longitude

59.3  
 f. Assessors Map/Plat Number

41 & 42  
 g. Parcel /Lot Number

2. Applicant:/Owner:

a. First Name  
 Nantucket Islands Land Bank

b. Last Name

c. Organization

22 Broad Street  
 d. Street Address

Nantucket  
 e. City/Town

MA  
 f. State

02554  
 g. Zip Code

508-228-7240  
 h. Phone Number

508-228-9369  
 i. Fax Number

rfreeman@nantucketlandbank.org  
 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):

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

02554  
 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-Exempt  
 a. Total Fee Paid

\$42.50-Exempt  
 b. State Fee Paid

\$67.50-Exempt  
 c. City/Town Fee Paid



# 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:

This application is for the proposed removal and or razing of an existing dwelling, abandoning of an existing septic system in accordance with the State Environmental Code Title 5 and removal of existing site improvements, driveway, walkways, etc. on the subject properties. All disturbed areas are to be graded, loamed and seeded upon project completion.

### 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

25722/C-1

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	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.
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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

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 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](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

0

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](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](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:

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

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

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.

Site Plan to Accompany a Notice of Intent #46 & #48 South Cambridge Street

a. Plan Title

Nantucket Surveyors, LLC

Paul J. Santos, PLS

b. Prepared By

c. Signed and Stamped by

3/4/16

1"=40'

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

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

*Eric Anetohy (Land Bank)* *July 16, 2016*

2. Date

*2/16/16*

3. Signature of Property Owner (if different)

*(MASSASOIT VILAGE CONVO ASSOC)*

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:

46 & 48 South Cambridge Street Nantucket  
 a. Street Address b. City/Town  
\$42.50-Exempt  
 c. Check number d. Fee amount

2. Applicant Mailing Address:

Nantucket Islands Land Bank   
 a. First Name b. Last Name  
22 Broad Street  
 c. Organization d. Mailing Address  
Nantucket MA 02554  
 e. City/Town f. State g. Zip Code  
508-228-7240 508-228-9369 rfreeman@nantucketlandbank.org  
 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

**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 removal and or razing of an existing dwelling, abandoning of an existing septic system in accordance with the State Environmental Code Title 5 and removal of existing site improvements, driveway, walkways, etc. on the subject properties. All disturbed areas are to be graded, loamed and seeded upon project completion.	1	\$110	\$110

**Step 5/Total Project Fee:** \$110

**Step 6/Fee Payments:**

Total Project Fee:	\$110
State share of filing Fee:	a. Total Fee from Step 5 \$42.50
City/Town share of filling 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

46 & 48 South Cambridge Street  
Nantucket, Massachusetts  
Map: 59.3 Parcels: 41 & 42

List of Plans and Supporting Documents

APPENDIX A – Owner/Applicant Information

APPENDIX B – Assessor’s Map

APPENDIX C – Project Narrative

APPENDIX D – Nantucket Topography Map

APPENDIX E – NHESP Estimated and Priority Habitat Map

APPENDIX F – FEMA Flood Insurance Rate Map

APPENDIX G – Site Photographs

APPENDIX H – Abutter Notification Information

APPENDIX I – “Site Plan to Accompany a Notice of Intent #46 & 48 South  
Cambridge Street”

Prepared by: Nantucket Surveyors LLC

Dated: March 4, 2016

## **APPENDIX A**

### **Owner/Applicant Information**

## APPENDIX A OWNER/APPLICANT INFORMATION

### Applicants:

Nantucket Islands Land Bank  
48 South Cambridge Street  
Nantucket MA 02554

Massasoit Village Condominium-I Association  
46 South Cambridge Street  
Nantucket MA 02554

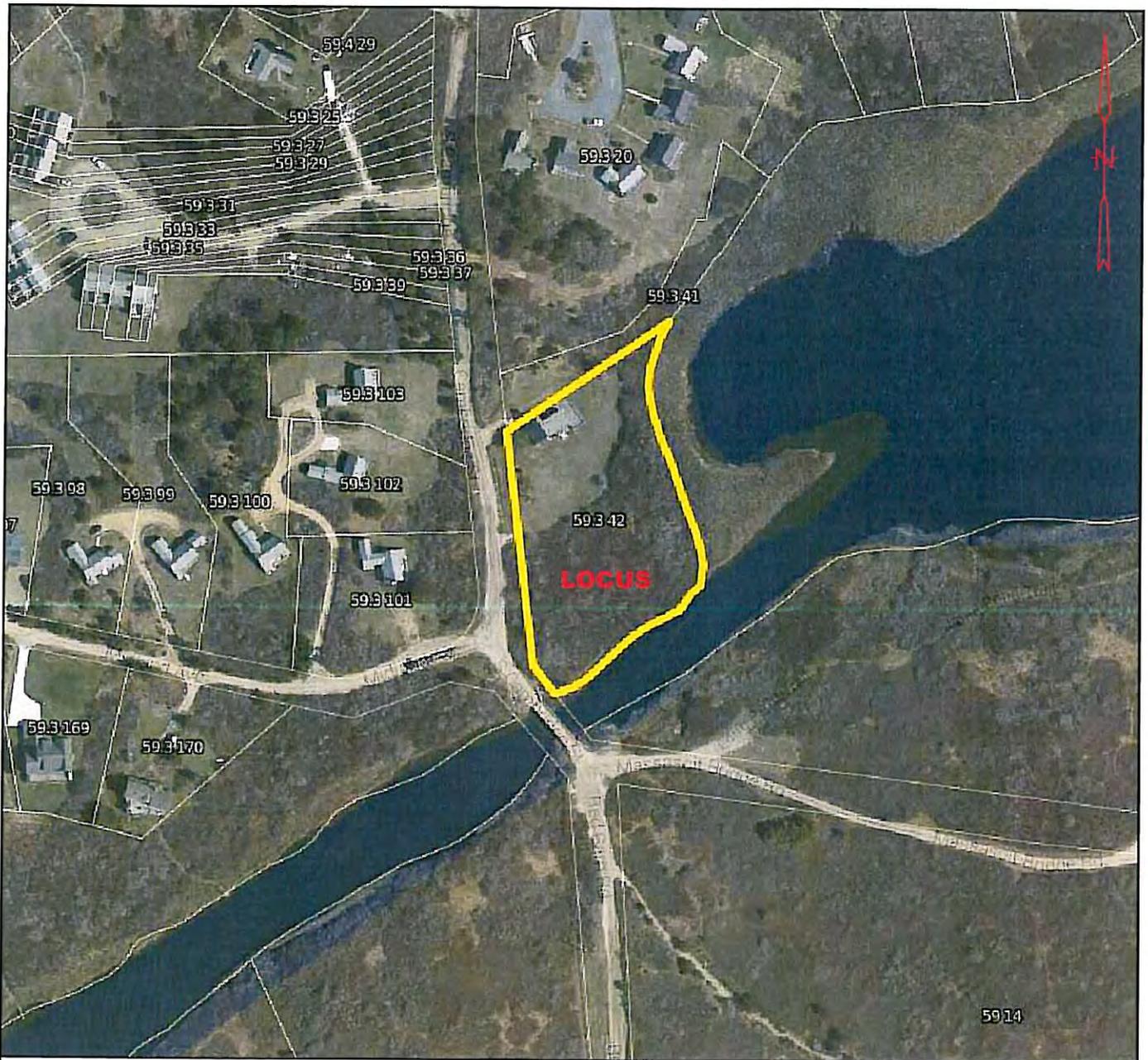
### Owners:

48 South Cambridge Street  
Map: 59.3 Parcel: 42  
Nantucket Islands Land Bank  
22 Broad Street  
Nantucket, MA 02554  
Land Court Certificate: 25722  
Land Court Plan: 3092-27, Lot 389

46 South Cambridge Street  
Map: 59.3 Parcel 41  
Massasoit Village Condominium-I Association  
44 Donald Avenue  
Auburn, NH 03032  
Land Court Document: 25506, Land Court Certificate C-1  
Land Court Plan: 3092-71, Lot 704

## **APPENDIX B**

### Assessors Map



**Figure 1: ASSESSOR'S MAP**

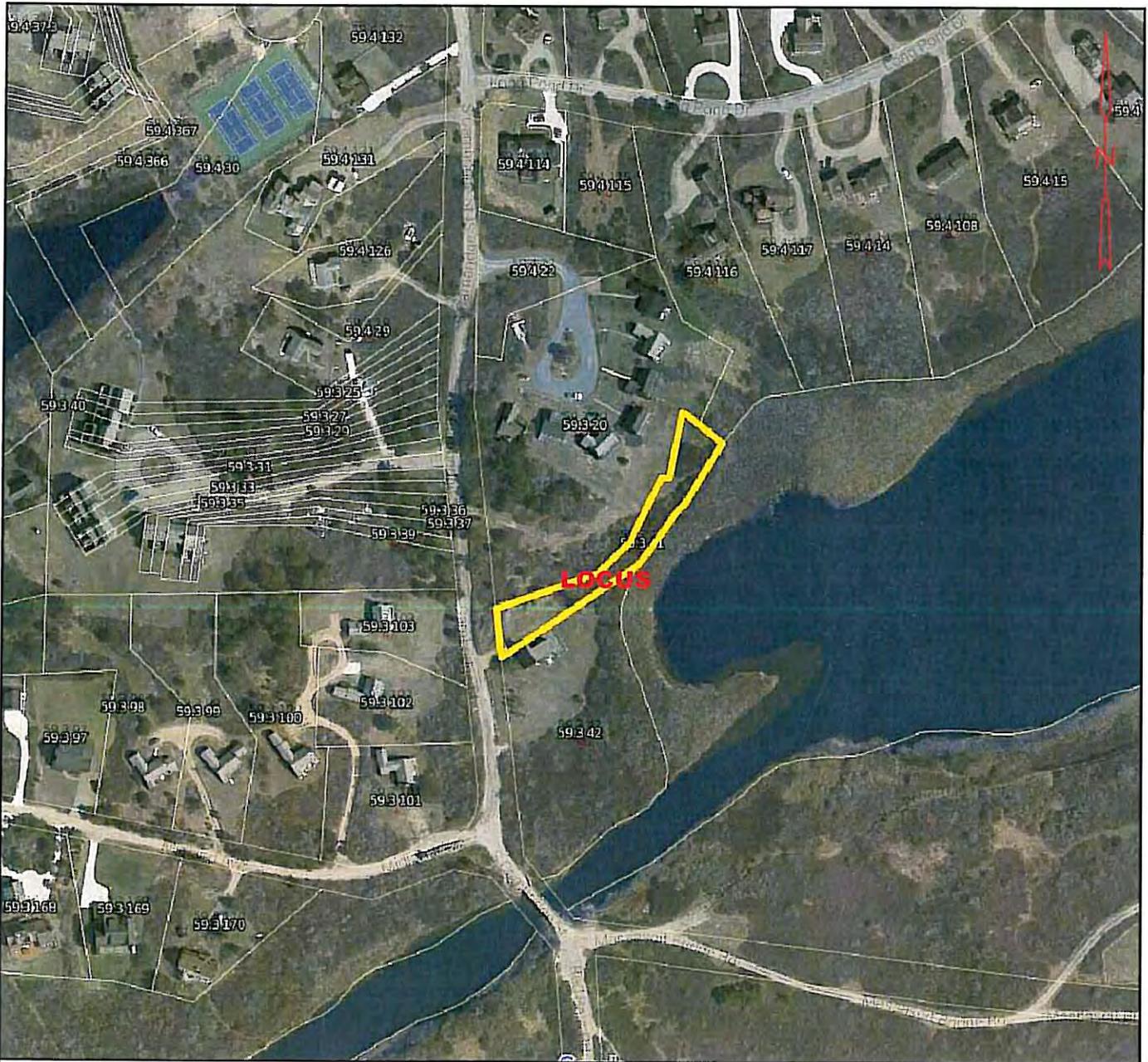
#48 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S.    DATE: MARCH 4, 2016

ASSESSOR'S REFERENCE:  
 MAP: 59.3    PARCEL: 42

PREPARED FOR:  
 NANTUCKET ISLANDS LAND BANK

NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554



**Figure 1: ASSESSOR'S MAP**

#46 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS  
 SCALE: N.T.S. DATE: MARCH 4, 2016  
 ASSESSOR'S REFERENCE:  
 MAP: 59.3 PARCEL: 41

PREPARED FOR:  
 MASSASOIT VILLAGE CONDOMINIUM-I  
 ASSOCIATION  
 NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

## **APPENDIX C**

### **Project Narrative**

## **APPENDIX C 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 removal and or razing of an existing dwelling, abandoning of an existing septic system in accordance with the State Environmental Code Title 5 and removal of existing site improvements, driveway, walkways, etc. on the subject properties. All disturbed areas are to be graded, loamed and seeded upon project completion.

### **Existing Site Conditions**

The subject properties are located on the east side of the South Cambridge Street, Nantucket Assessors Map: 59.3 Parcels: 41 & 42. The surrounding land uses are residential.

This site contains resource areas subject to jurisdiction under the Nantucket Wetland Bylaw and Massachusetts Wetlands Protection Act. The resource area includes Bordering Vegetated Wetlands, 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. 25019C0068G), dated June 9, 2014 shows that the property is located within Zone X and Zone AE (Elev. 8).

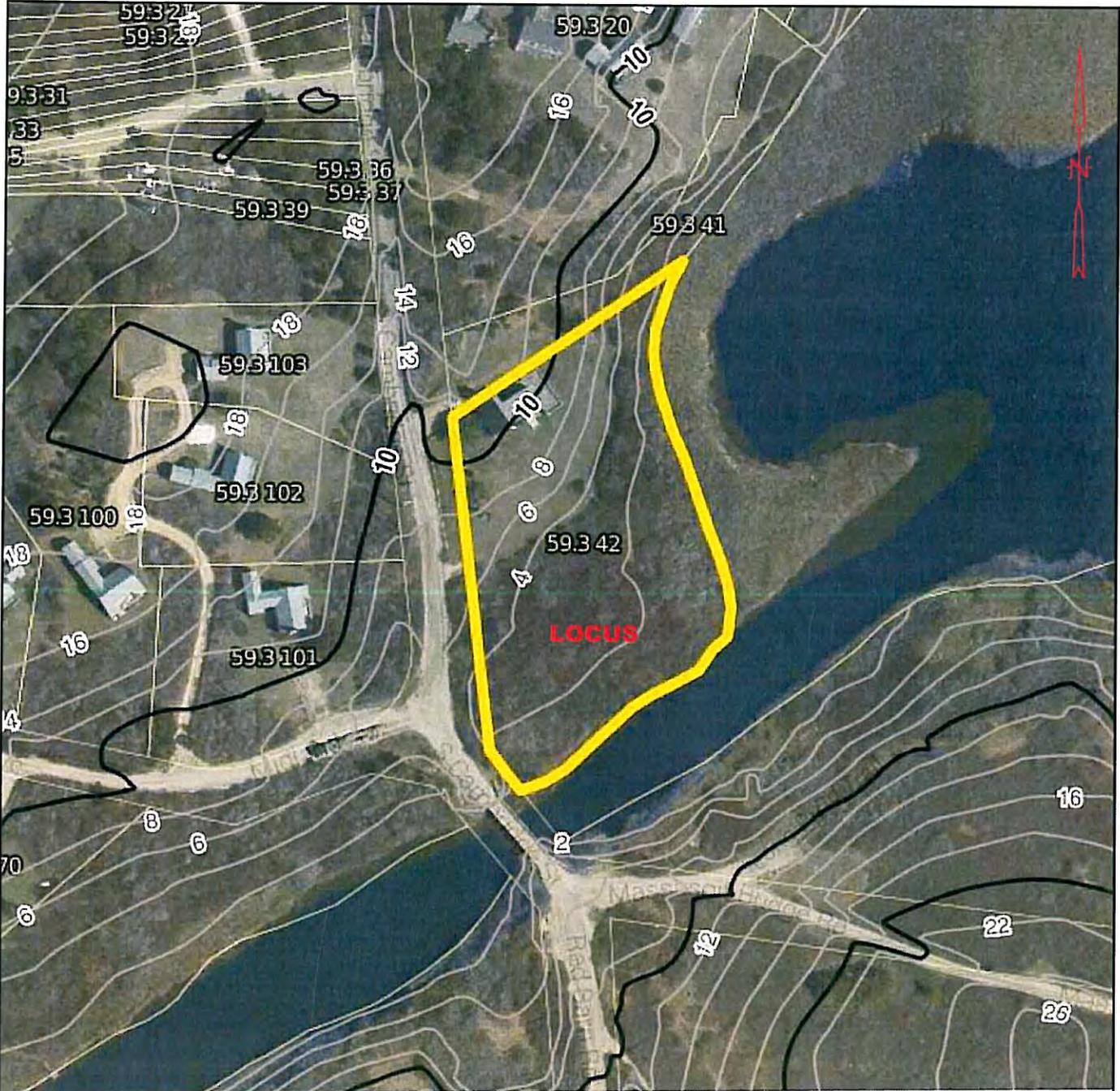
The Massachusetts Natural Heritage Atlas, 13<sup>th</sup> Edition, dated October 2008 (Appendix D) shows that Priority Habitat and Estimated Habitat is mapped with the project vicinity. The proposed work does require a filing with NHESP.

### **Proposed Work**

The proposed work is shown on the included plan, “Site Plan to Accompany a Notice of Intent #46 & 48 South Cambridge Street”, Nantucket, MA prepared by Nantucket Surveyors, LLC dated March 4, 2016.

## **APPENDIX D**

### Nantucket Topography



**Figure 2: Nantucket Topography Map**

#48 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS  
 N.T.S.

DATE: MARCH 4, 2016  
 ASSESSOR'S REFERENCE:  
 MAP: 59.3 PARCEL: 42

PREPARED FOR:  
 NANTUCKET ISLANDS LAND BANK

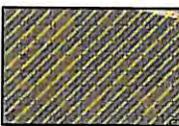
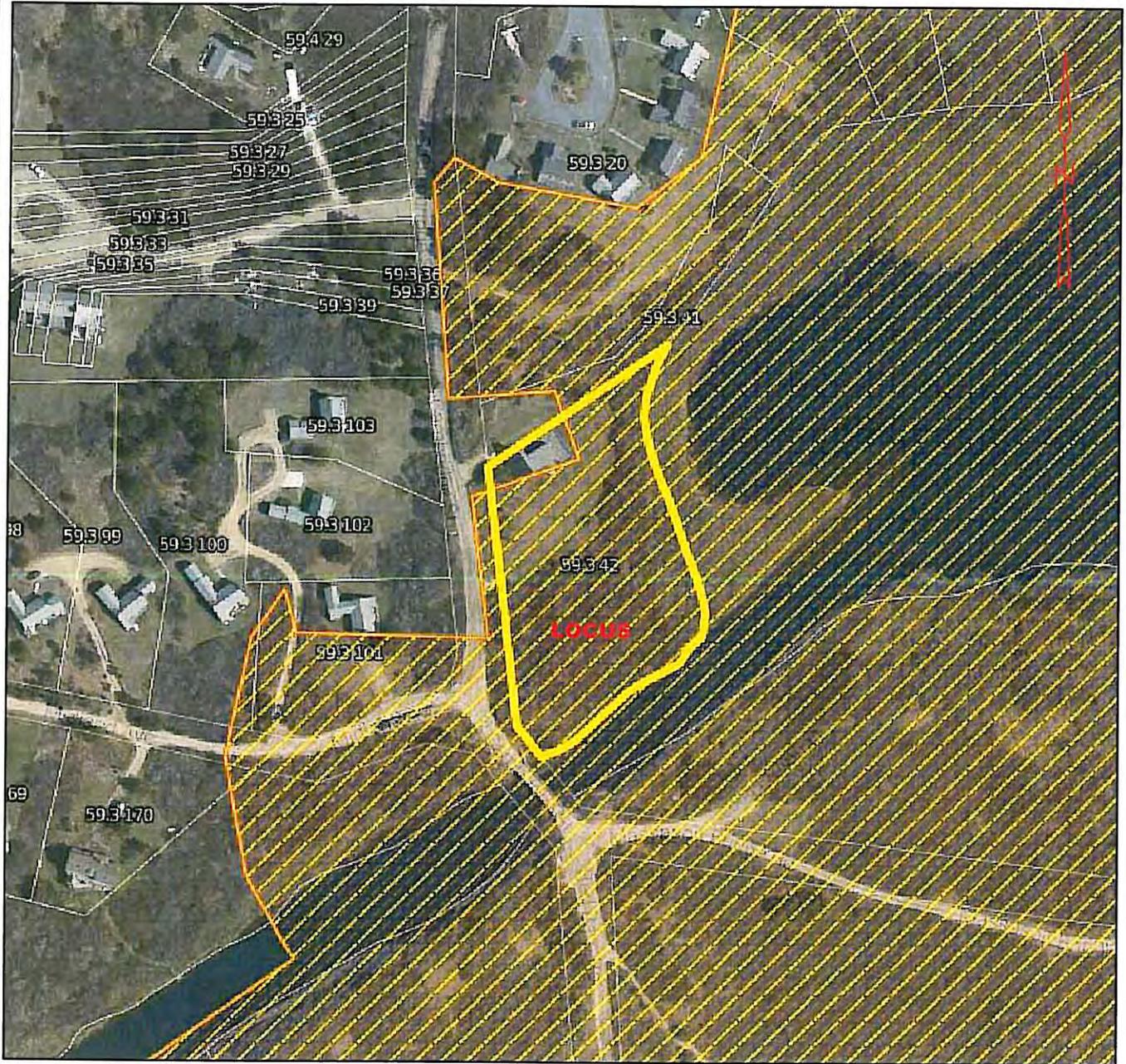
NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

K:\005\9632\_1039\10000\10700\510710\510715\CON\COM\NOTICE OF INTENT\MAP5.dwg, 2/22/2016 1:36:41 PM, DWG To PDF.pc3



## **APPENDIX E**

NHESP Estimated and Priority Habitat Map

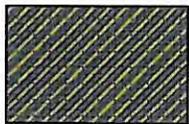
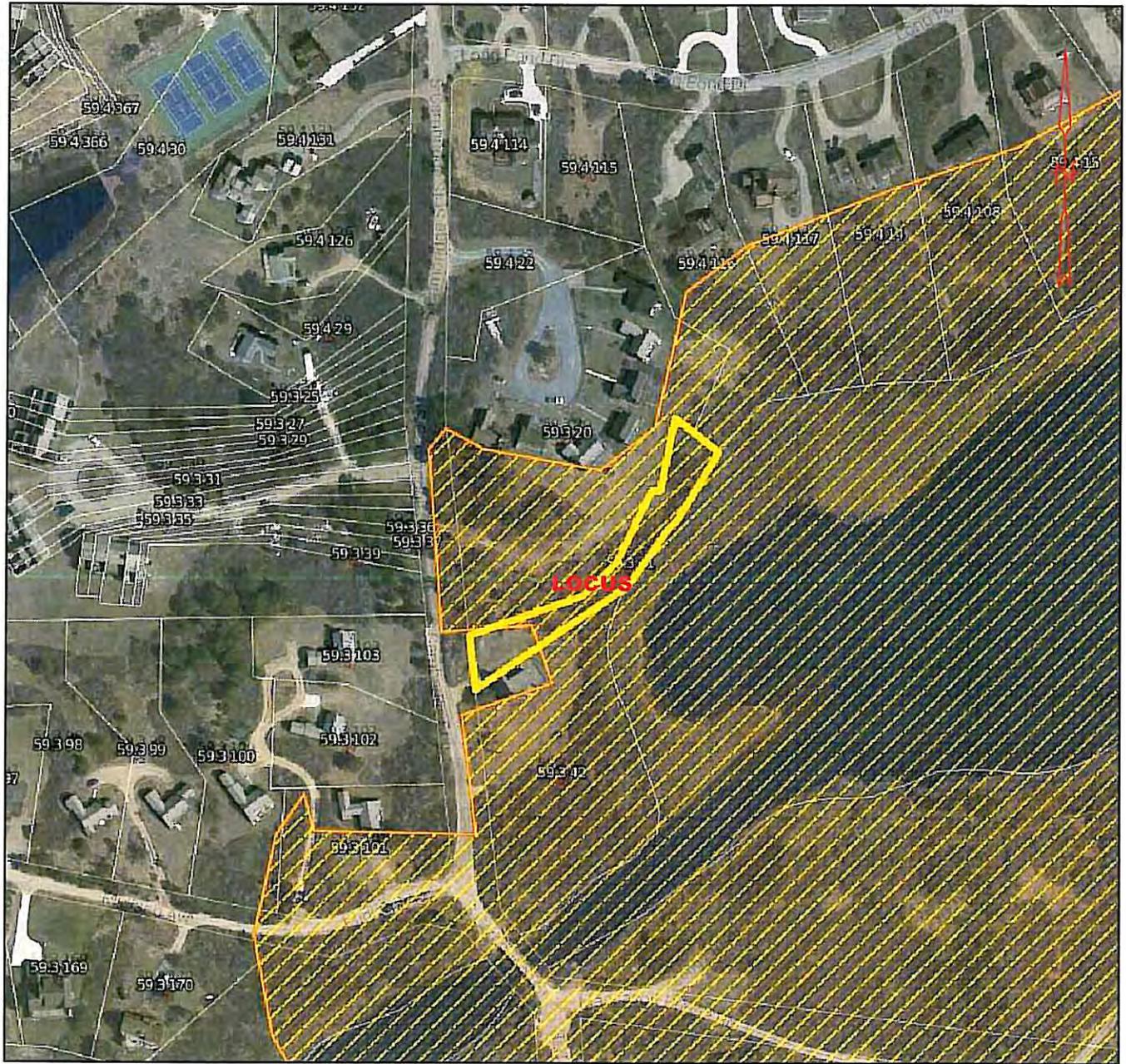


NHESP PRIORITY HABITATS OF RARE SPECIES  
 NHESP ESTIMATED HABITATS OF RARE WILDLIFE

**Figure 3: NHESP MAP**

#48 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS  
 SCALE: N.T.S. DATE: MARCH 4, 2016  
 ASSESSOR'S REFERENCE:  
 MAP: 59.3 PARCEL: 42  
 PREPARED FOR:  
 NANTUCKET ISLANDS LAND BANK

NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554



NHESP PRIORITY HABITATS  
OF RARE SPECIES  
NHESP ESTIMATED HABITATS  
OF RARE WILDLIFE

**Figure 3: NHESP MAP**

#46 SOUTH CAMBRIDGE STREET  
NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: MARCH 4, 2016

ASSESSOR'S REFERENCE:  
MAP: 59.3 PARCEL: 41

PREPARED FOR:  
MASSASOIT VILLAGE CONDOMINIUM—I  
ASSOCIATION

NANTUCKET SURVEYORS LLC  
5 WINDY WAY

NANTUCKET, MA. 02554

**APPENDIX F**

FEMA Flood Insurance Rate Map



**Figure 4: FIRM MAP**

#48 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S. DATE: MARCH 4, 2016

ASSESSOR'S REFERENCE:  
 MAP: 59.3 PARCEL: 42  
 25019C0068G

PREPARED FOR:  
 NANTUCKET ISLANDS LAND BANK

NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

SOURCE: FEMA MAP SERVICE CENTER

N-10715



**Figure 4: FIRM MAP**

#46 SOUTH CAMBRIDGE STREET  
 NANTUCKET, MASSACHUSETTS

SCALE: N.T.S.      DATE: MARCH 4, 2016

ASSESSOR'S REFERENCE:  
 MAP: 59.3    PARCEL: 41  
 25019C0068G

PREPARED FOR:  
 MASSASOIT VILLAGE CONDOMINIUM-I  
 ASSOCIATION

NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

SOURCE: FEMA MAP SERVICE CENTER

N-10715

## **APPENDIX G**

### **Site Photographs**

**46 & 48 South Cambridge Street, Nantucket, MA**  
**Applicants: Nantucket Islands Land Bank & Massasoit Village Condominium-I Association**



View of dwelling to be removed or razed



View of dwelling to be removed or razed

## **APPENDIX I**

**“Site Plan to Accompany a Notice of Intent #46 & 48 South  
Cambridge Street”**

**Prepared by: Nantucket Surveyors LLC**

**Dated: March 4, 2016**



SITE PLAN TO ACCOMPANY  
 A NOTICE OF INTENT  
 #46 & #48 SOUTH CAMBRIDGE STREET  
 IN  
 NANTUCKET, MASSACHUSETTS  
 SCALE: 1"=40 DATE: 3/4/16

DEED REFERENCE: L.C. CERT. #25722/C-1  
 PLAN REFERENCE: 3092-27/3092-71

ASSESSOR'S REFERENCE:  
 MAP: 59.3 PARCEL: 41 & 42

PREPARED FOR:  
 NANTUCKET ISLANDS LAND BANK  
 NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

PAUL J. SANTOS  
 No. 35124  
 PROFESSIONAL  
 LAND SURVEYOR  
*Paul J. Santos*  
 3/4/16

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.

COPYRIGHT BY NANTUCKET SURVEYORS, LLC.

N-10715

Great State Properties,  
LLC

92 Washington St  
(42.2.3-22)

# Notice of Intent Application

---

March 2, 2016

Subject Property

92 Washington Street (Ext.)  
Map 42.2.3, Parcel 22  
Nantucket, Massachusetts

Applicant/Property Owner

Great State Properties, LLC  
c/o Arthur I. Reade, Jr.  
P.O. Box 2669  
Nantucket, MA 02584

**LEC Environmental Consultants, Inc.**

12 Resnik Road, Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 fax

*[www.lecenvironmental.com](http://www.lecenvironmental.com)*



March 2, 2016

**Email** (Original via Federal Express)

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**Re:    Notice of Intent Application  
      92 Washington Street (Ext.)  
      Map 42.2.3, Parcel 22  
      Nantucket, Massachusetts**

[LEC File #: MarsW\14-449.01]

Dear Members of the Commission:

On behalf of the Owner and Applicant, Great State Properties, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for construction of a garage/studio, gravel driveway and landscaping activities on the above-referenced subject parcel. Proposed work activities occur within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to a Coastal Bank and Beach protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations (Bylaw)*. Details of the proposed project are depicted on the *Site Plan* prepared by Smith & Hutton, LLC, dated March 4, 2016. No Waivers are required.

Enclosed please find three checks made payable to the Town of Nantucket: One Hundred and Seventy-Seven Dollars and Fifty Cents (\$177.50) for the town portion of the WPA filing fee; Two Hundred Dollars (\$200.00) for the Town Consultant fee; and Twenty-Five Dollars (\$25.00) for the *Bylaw* fee. A check made payable to the *Inquirer and Mirror* (\$266.90) has also been submitted for the legal advertising fee. The state portion of the WPA filing fee (\$152.50) has been forwarded to the DEP Lockbox.

Thank you for your consideration of this Application. We look forward to meeting with you at the March 23, 2016 Public Hearing to discuss the project further. Should you have any questions or require additional information, please do not hesitate to contact me at 508-746-9491 or [shumphries@lecenvironmental.com](mailto:shumphries@lecenvironmental.com).

Sincerely,

**LEC Environmental Consultants, Inc.**

Stanley M. Humphries  
Senior Coastal Geologist

cc:        DEP SERO; Arthur I. Reade, Jr.; Scott Hutton.

LEC Environmental Consultants, Inc.

[www.lecenvironmental.com](http://www.lecenvironmental.com)

12 Resnik Road  
Suite 1  
Plymouth, MA 02360  
508-746-9491  
508-746-9492 (Fax)

380 Lowell Street  
Suite 101  
Wakefield, MA 01880  
781-245-2500  
781-245-6677 (Fax)

100 Grove Street  
Suite 302  
Worcester, MA 01605  
508-753-3077  
508-753-3177 (Fax)

P. O. Box 590  
Rindge, NH 03461  
603-899-6726  
603-899-6726 (Fax)

**PLYMOUTH, MA**

**WAKEFIELD, MA**

**WORCESTER, MA**

**RINDGE, NH**

---

i.	WPA Form 3 – Notice of Intent
ii.	WPA Appendix B – Wetland Fee Transmittal Form
iii.	Copy of Filing Fees
iv.	Affidavit of Service
v.	Letter to Abutters
vi.	Abutter Notification Form
vii.	Certified List of Abutters

---

**Wetland Resource Area Analysis and Report**

---

<b>1.</b>	<b>Introduction</b>	<b>1</b>
<b>2.</b>	<b>General Site Description</b>	<b>1</b>
2.1	Floodplain Designation	2
2.2	Natural Heritage and Endangered Species Program Designation	2
<b>3.</b>	<b>Wetland Resource Area Descriptions</b>	<b>2</b>
3.1	Coastal Beach	2
3.2	Coastal Bank	3
3.3	Land Subject to Coastal Storm Flowage	3
<b>4.</b>	<b>Proposed Project</b>	<b>4</b>
<b>5.</b>	<b>Performance Standards</b>	<b>4</b>
5.1	<b>Massachusetts Wetland Protection Act Regulations</b>	4
5.1.1	Land Subject to Coastal Storm Flowage	4
5.1.2	Coastal Beach	5
5.1.3	Coastal Bank	5
5.2	<b>Nantucket Wetland Protection Regulations</b>	5
5.2.1	Coastal Beach (and Tidal Flats)	5
5.2.2	Coastal Bank	6
5.2.3	Land Subject to Coastal Storm Flowage	6
<b>6.</b>	<b>Summary</b>	<b>8</b>

**Literature Referenced**

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**Appendices**

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**Appendix A**

Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Aerial Orthophoto

Figure 3: FEMA Flood Insurance Rate Map

Figure 4: NHESP Map

**Appendix B**

Photographs

**Appendix C**

*Site Plan*, prepared by Smith & Hutton, LLC, dated March 4, 2016.



# 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



**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>92 Washington Street (Ext.)</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
Latitude and Longitude:		
<u>41°16'46.45" N</u>	<u>70°05'31.34" W</u>	
d. Latitude	e. Longitude	
<u>42.2.3</u>	<u>22</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>c/o Arthur</u>	<u>Reade, Jr.</u>	
a. First Name	b. Last Name	
<u>Great State Properties, LLC</u>		
c. Organization		
<u>P.O. Box 2669</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02584</u>
e. City/Town	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

_____	_____	
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):

<u>Stanley</u>	<u>Humphries</u>	
a. First Name	b. Last Name	
<u>LEC Environmental Consultants, Inc.</u>		
c. Company		
<u>12 Resnik Road, Suite 1</u>		
d. Street Address		
<u>Plymouth</u>	<u>MA</u>	<u>02360</u>
e. City/Town	f. State	g. Zip Code
<u>508-746-9491</u>	<u>508-746-9492</u>	<u>shumphries@lecenvironmental.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  
and The Town of Nantucket Wetlands Bylaw Chapter 136

## A. General Information (continued)

6. General Project Description:

Construct new garage/studio with gravel drive and landscaping activities in 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:

<u>Nantucket</u>	<u>C0025389</u>
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  
and The Town of Nantucket Wetlands Bylaw Chapter 136

## 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) - <b>specify coastal or inland</b> _____	

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. _____
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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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and The Town of Nantucket Wetlands Bylaw Chapter 136

## 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 checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	6,300	
	_____	
	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](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 1, 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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Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
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](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](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](mailto: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](mailto: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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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
and The Town of Nantucket Wetlands Bylaw Chapter 136

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

Site Plan

a. Plan Title

Smith & Hutton, LLC

b. Prepared By

c. Signed and Stamped by

1" = 10'

d. Final Revision Date

e. Scale

March 4, 2016

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:

13382

2. Municipal Check Number

3.2.16

3. Check date

13381

4. State Check Number

3.2.16

5. Check date

LEC Environmental Consultants, Inc.

6. Payor name on check: First Name

7. Payor name on check: Last Name



# WPA Form 3 – Notice of Intent

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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

*GREAT STATE PROPERTIES, LLC Tracy C. Hurdell*

2. Date

*3-1-2016*

3. Signature of Property Owner (if different)

*Carl J. Hurdell*

4. Date

*3/1/2016*

5. Signature of Representative (if any)

*Emily S. Hurdell*

6. Date

*3/1/2016*

### 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  
 and The Town of Nantucket Wetlands Bylaw Chapter 136

**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>92 Washington Street (Ext.)</u>	<u>Nantucket</u>
a. Street Address	b. City/Town
<u>13381</u>	<u>\$152.50</u>
c. Check number	d. Fee amount

2. Applicant Mailing Address:

<u>c/o Arthur I.</u>	<u>Reade, Jr.</u>	
a. First Name	b. Last Name	
<u>Great State Properties, LLC</u>		
c. Organization		
<u>P.O. Box 2669</u>		
d. Mailing Address		
<u>Nantucket</u>	<u>MA</u>	<u>02584</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 (if different):

<u></u>	<u></u>
a. First Name	b. Last Name
<u></u>	<u></u>
c. Organization	
<u></u>	<u></u>
d. Mailing 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	

**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  
and The Town of Nantucket Wetlands Bylaw Chapter 136

**B. Fees** (continued)

Step 1/Type of Activity	Step 2/Number of Activities	Step 3/Individual Activity Fee	Step 4/Subtotal Activity Fee
Cat. 1a.	3	\$110.00	\$330.00
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee:	<u>\$330.00</u>
State share of filing Fee:	<u>\$152.50</u>
City/Town share of filing Fee:	<u>\$177.50</u>
	a. Total Fee from Step 5
	b. 1/2 Total Fee <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$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.)

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## 1. Introduction

On behalf of the Owner and Applicant, Great State Properties, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this Notice of Intent (NOI) Application for construction of a garage/studio, gravel driveway and landscaping activities at 92 Washington Street (Ext). Proposed work activities occur within Land Subject to Coastal Storm Flowage and the 100-foot Buffer Zone to a Coastal Bank and Beach protected under the Massachusetts Wetlands Protection Act (M.G.L., c. 131, s. 40), its implementing Regulations (310 CMR 10.00), and/or the Town of Nantucket Bylaw (Chapter 136) and Wetlands Protection Regulations (Bylaw). No Waivers are required.

The following NOI Application provides a description of the existing site conditions, Wetland Resource Areas, proposed project, and mitigating measures proposed to protect the interests and values of the Wetland Resource Areas enumerated within the above-referenced statutes. Details of the proposed project are depicted on the *Site Plan* prepared by Smith & Hutton, LLC, dated March 4, 2016 (Appendix C).

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## 2. General Site Description

The 0.39± acre subject parcel is located northeast of Washington Street (Ext.) and southwest of Nantucket Harbor, abutting the Great Harbor Yacht Club (Appendix A, Figures 1 and 2). Residential and commercial development surround the site, but for the harbor side. The site itself is currently improved by a single-family dwelling and shed surrounded by lawn/landscaped conditions (Appendix B). A licensed wooden bulkhead and residential pier are located on the waterside of the property and a gravel parking area provides access off Washington Street (Ext).

The topography of the site is generally flat with elevations between 4-5 feet NAVD landward of the beach and bulkhead. The soils are classified as “Ba”, for beach, between the harbor and Washington Street. This is the classification for all of the land between The Creeks and Brant Point seaward of the first main road. Historically, the entire area has been filled as indicated on the surficial geology map classification as “dg”, for disturbed ground, undifferentiated. There is very little vegetation on the property and a managed lawn dominates the landscaping.

## 2.1 **Floodplain Designation**

According to the June 9, 2014, Federal Emergency Management Agency Flood Insurance Rate Map for the Town of Nantucket (25019C0089G), the project site is located within Zone VE (el. 10), *coastal flood zone with velocity hazard (wave action), base flood elevations determined* and Zone AE (Elevation 9), *Special Flood Hazard Areas inundated by 100-year flood, base flood elevations determined* (Appendix A, Figure 3).

## 2.2 **Natural Heritage and Endangered Species Program Designation**

According to the 13<sup>th</sup> edition of the Massachusetts *Natural Heritage Atlas* (effective October 1, 2008) published by the Natural Heritage & Endangered Species Program (NHESP), the project site does not occur within an Estimated Habitat of Rare Wildlife or Priority Habitat of Rare Species. No Certified or Potential Vernal Pools occur within the vicinity of the project site (Appendix A, Figure 4).

## 3. **Wetland Resource Area Descriptions**

There are several Wetland Resource Areas that occur within or adjacent to the work area, including Coastal Beach, Coastal Bank and Land Subject to Coastal Storm Flowage as described below. Photographs taken last year are attached to show the existing conditions on the property (Appendix B).

### 3.1 **Coastal Beach**

Coastal Beach is defined at 310 CMR 10.27(2) as *unconsolidated sediment subject to wave, tidal and coastal storm action which forms the gently sloping shore of a body of salt water and includes tidal flats. Coastal beaches extend from the mean low water line landward to the dune line, coastal bank line or the seaward edge of existing man-made structures, when these structures replace one of the above lines, whichever is closest to the ocean.*

Coastal Beach extends landward from Mean Low Water (MLW) of the Sound to the seaward edge of a timber bulkhead and is less than 25 feet wide. The sediments range from fine sand to small gravel in size. The Massachusetts Coastal Zone Management (MCZM) shoreline change data indicate this area has a long-term (1887–2009) accretion rate of approximately +0.33 feet per year and a short-term (1994 – 2009) accretion rate of

+0.39 feet per year. The beach is significant to storm damage prevention and flood control.

### 3.2 **Coastal Bank**

Coastal Bank is defined at (310 CMR 10.30 (2)) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, land subject to tidal action, or other wetland.*

Coastal Bank is defined in the *Bylaw* (Section 1.02) as *the seaward face or side of any elevated landform, other than a Coastal Dune, which lies at the landward edge of a Coastal Beach, Coastal Dune, land subject to tidal action or coastal storm flowage, or other coastal wetland. Any minor discontinuity of the slope notwithstanding, the top of the bank shall be the first significant break in slope as defined by site specific topographic plan information, site inspection, wetland habitat evaluation, geologic origin, and/or relationship to coastal storm flowage. A bank may be partially or totally vegetated, or it may be comprised of exposed soil, gravel, stone, or sand. A bank may be created by man and/or made of man-made materials. A bank may or may not contribute sediment to coastal dunes, beaches and/or to the littoral drift system. A bank may be significant as a major source of sediment, as a vertical buffer, for wildlife habitat and for wetland scenic views.*

The Coastal Bank is approximately 2 feet in height and runs perpendicular to the property lines behind the timber bulkhead. Since the bank is protected by a coastal engineering structure, it is currently very stable with no signs of erosion. The bank only functions as a vertical buffer and is not significant as a sediment source, as wildlife habitat or as a wetland scenic view.

### 3.3 **Land Subject to Coastal Storm Flowage**

LSCSF is defined at 310 CMR 10.04 as *land subject to any inundation caused by coastal storms up to and including that caused by the 100-year storm, surge of record or storm of record, whichever is greater.*

According to the FEMA Flood Insurance Rate Map (FIRM), the site is located in a Zone VE (el. 10) and a Zone AE (el. 9) and, therefore, is also defined as Land Subject to Coastal Storm Flowage (LSCSF). With this designation, wave heights are expected to be greater than 3 feet during the 100-year storm seaward of the existing dwelling. The area

landward for the remaining part of the property is a Zone AE (9) where wave heights will be less than 1.5 feet high.

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#### 4. **Proposed Project**

Construction of a new garage/studio, gravel driveway and landscaping activities are proposed primarily on the streetside of the existing dwelling. The garage/studio is a detached, two-story building covering approximately 900 square feet and constructed on a concrete slab foundation at elevation 5.0 feet. Flood vents will be provided as required by FEMA and building code requirements. The lower level will provide vehicular and occupant access whereas the upper level will provide habitable space above the 100- year floodplain.

The proposed gravel drive and landscaping activities will cover approximately 1,300± square feet southwest of the existing dwelling. The driveway entrance will include a brick apron and tracks with grass between the tracks. Several bluestone paths and vegetative landscaping are proposed southwest of the dwelling, including areas within the 50-100 foot Buffer Zone Coastal Bank and Beach. Minimal plantings are proposed within the 50-foot Buffer. No undesirable or invasive species are proposed to be planted.

The existing dwelling and shed will remain without any proposed exterior work.

In summary, the proposed structural work will occur landward of the 50-foot Buffer Zone and only minimal planting is proposed within the 50-foot Buffer Zone. No work is proposed within the 25-foot Buffer Zone to the Coastal Bank or Beach. Erosion control barriers will be installed to contain all work activities and prevent erosion/sedimentation to Washington Street.

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#### 5. **Performance Standards**

The following addresses pertinent state and local Performance Standards for work proposed in Land Subject to Coastal Storm Flowage and the Buffer Zone to Coastal Beach and Coastal Bank.

##### 5.1 **Massachusetts Wetlands Protection Act Regulations**

5.1.1 Land Subject to Coastal Storm Flowage – there are no Performance Standards, currently.

5.1.2 Coastal Beach

As stated in 310 CMR 10.27, *when a coastal beach is determined to be significant to storm damage prevention, flood control, or protection of wildlife habitat, 310 CMR 10.27(3) through (7) shall apply.* These standards only apply to activities that are proposed on a Coastal Beach, not within 100-feet of the beach. Since no work is proposed on the beach, no standards apply to this proposed project.

5.1.3 Coastal Bank

As stated in 310 CMR 10.30, *when a coastal bank is determined to be significant to storm damage prevention or flood control because it is a vertical buffer to stormwaters, 310 CMR 10.30(6) through (8) shall apply.* No work is proposed on the Coastal Bank. The proposed landscaping on the streetside of the existing dwelling within 100-feet of the bank; only performance standard (6) applies. Standards (7) and (8) do not apply since they relate to coastal engineering structures and there are no specified habitat sites of rare species within the project area.

According to 310 CMR 10.30 (6), *Any project on a coastal bank or within 100 feet landward of the top of a coastal bank shall have no adverse effects on the stability of the coastal bank.* The planting of vegetation and installation of bluestone paths is located over 45 feet landward of the 2-foot high bank, protected by a bulkhead, where the topography is flat. No adverse effects will occur to the stability of the bank from construction or long-term stormwater runoff.

5.2 **Nantucket Wetlands Protection Regulations**

5.2.1 Coastal Beach (and Tidal Flats)

As stated in Section 2.01B, *A Coastal Beach, Tidal Flat or Land within 100 feet of a Coastal Beach or Tidal Flat shall be presumed significant to the Interests Protected by the Bylaw, as referenced in Section A,* and there are ten regulations. No work is proposed on the Coastal Beach. For the proposed landscaping on the streetside of the existing dwelling within 100-feet of the beach, only performance standards (9 and 10), regarding fertilizers and other requirements, apply. The other nine regulations do not apply since they address projects in Land Under the Ocean (1), coastal engineering structures (2), dredging (3), beach nourishment (4), septic systems (5), projects not water dependent (6), building setbacks (7) and vehicle access (8), none of which are being proposed in this project.

According to Section 2.02B.9, *Fertilizers shall be used in accordance with the “Best Management Practices for Landscape Fertilizer Use on Nantucket Island” (a copy of which is attached to these regulations as appendix A).* The owner and any landscaping company contracted to do the construction and maintenance work shall be familiar with the required BMP’s and must comply with the recommendations.

According to Section 2.02B.10, *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.* The Applicant is open to any reasonable requirements that the Commission may want to impose to protect the Bylaw interests.

5.2.2 Coastal Bank

As stated in Section 2.05B, Coastal Banks or Land within 100 feet of a Coastal Bank shall be presumed significant to the Interests Protected by the Bylaw as referenced in Section A, and there are nine regulations. No work is proposed on the Coastal Bank. The proposed landscaping is on the streetside of the existing dwelling within 100-feet of the bank. Consequently, only performance standards (3 and 9) apply. The other seven regulations do not apply since they address coastal engineering structures (1), piers (2), elevated walkways (4), projects not water dependent (5), septic systems (6), eroding banks (7) and substantial improvements to existing buildings (8).

According to Section 2.05B.3, *all projects shall be restricted to activity as determined by the Commission to have no adverse effect on the bank height, bank stability, wildlife habitat, vegetation, wetland scenic view, or the use of a bank as a sediment source.* The planting of vegetation and installation of bluestone paths is located over 45 feet landward of the 2-foot high bank, protected by a bulkhead, where the topography is flat. No adverse effects will occur to the bank height or bank stability from construction or long-term stormwater runoff. The protected bank does not have the protectable characteristics of wildlife habitat, vegetation or wetland scenic views and is not a sediment source.

According to Section 2.02B.10, *The Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw.* The Applicant is open to any reasonable requirements that the Commission may want to impose to protect the Bylaw interests.

5.2.3 Land Subject to Coastal Storm Flowage

As stated in Section 2.10B, *Land Subject to Coastal Storm Flowage or Land within 100 feet of Land Subject to Coastal Storm Flowage shall be presumed significant to the*

*Interests Protected by the Bylaw as referenced in Section A, and there are six regulations. For the construction of a new garage/studio, gravel driveway and landscaping activities, four regulations (1, 4, 5 and 6) apply. The other two regulations do not apply since they address septic systems (2) and fuel tanks (3).*

*According to Section 2.10B.1, the work shall not reduce the ability of the land to absorb and contain flood waters, or to buffer inland areas from flooding and wave damage. The detached garage/studio will allow flood waters to travel around and through the building. The gravel driveway will be permeable for proper drainage and the landscaping will contain flooding better than the existing conditions. Overall, the project will improve the ability of the site to buffer inland areas from flooding and wave damage because there will be more obstructions to flow and frictional drag offered by the multiplicity of ground surfaces.*

*According to Section 2.10B.4, building upon areas subject to coastal storm flowage in locations where such structure would be subject to storm damage may not be permitted. If permitted, all construction must be in compliance with state and local building code regulations for flood hazard areas. The garage/studio will have a slab-on-grade foundation below the BFE as allowed in the state and local building code for such a structure located in a Zone AE. Flood vents will be incorporated around the perimeter of the first floor including the garage.*

*According to Section 2.10B.5, fertilizers shall be used in accordance with the “Best Management Practices for Landscape Fertilizer Use on Nantucket Island” (a copy of which is attached to these regulations as appendix A). The owner and any landscaping company contracted to do the construction and maintenance work shall be familiar with the required BMP’s and must comply with the recommendations.*

*According to Section 2.10B.6, the Commission may impose such additional requirements as are necessary to protect the Interests Protected by the Bylaw. The Applicant is open to any reasonable requirements that the Commission may want to impose to protect the Bylaw interests.*

**6. Summary**

On behalf of the Owner and Applicant, Great State Properties, LLC, LEC is submitting this NOI Application for construction of a garage/studio, gravel driveway and landscaping activities at 92 Washington Street (Ext). Proposed work activities occur within LSCSF and the 100-foot Buffer Zone to a Coastal Bank and Beach protected under and with the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations* (Bylaw). As proposed, the project complies with the above-referenced statutes. No Waivers are required.

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Federal Emergency Management Agency Flood Insurance Rate Map, Town of Nantucket (25019C0089G) effective June 9, 2014.

Massachusetts Natural Heritage Atlas, 13<sup>th</sup> Edition. Natural Heritage & Endangered Species Program, Massachusetts Division of Fisheries and Wildlife, Route 135, Westborough, MA 01581, [http://maps.massgis.state.ma.us/PRI\\_EST\\_HAB/viewer.htm](http://maps.massgis.state.ma.us/PRI_EST_HAB/viewer.htm).

*Massachusetts Wetlands Protection Act* (M.G.L. c. 131, §. 40) and its implementing *Regulations* (310 CMR 10.00), [www.state.ma.us/dep](http://www.state.ma.us/dep).

Oldale, Robert N., 1985. *Geologic Map of Nantucket and Nearby Islands, Massachusetts*, Map I-1580 Department of the Interior, U.S. Geological Survey.

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

United States Department of Agriculture, Soil Conservation Service, in cooperation with Massachusetts Agricultural Experiment Station, Soil Survey for Nantucket County, Massachusetts, issued June 1979.

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## Appendix A

### Locus Maps

Figure 1: USGS Topographic Map

Figure 2: Aerial Orthophoto

Figure 3: FEMA Flood Insurance Rate Map

Figure 4: NHESP Map



**MASS GIS**  
 USGS Topographic Map acquired from the Office of Geographic Information (MassGIS) website.

0 500 1,000 2,000 Feet

**LEC**

LEC Environmental Consultants, Inc.

Plymouth, MA  
 508.746.9491  
 www.lecenvironmental.com

**Figure 1: USGS Topographic Map**

92 Washington Street (Ext)  
 Nantucket, Massachusetts



March 4, 2016



**MASS GIS**

2014 Aerial Orthophoto acquired from the Office of Geographic Information (MassGIS) website.

0 100 200 400 Feet

**LEC**

LEC Environmental Consultants, Inc.

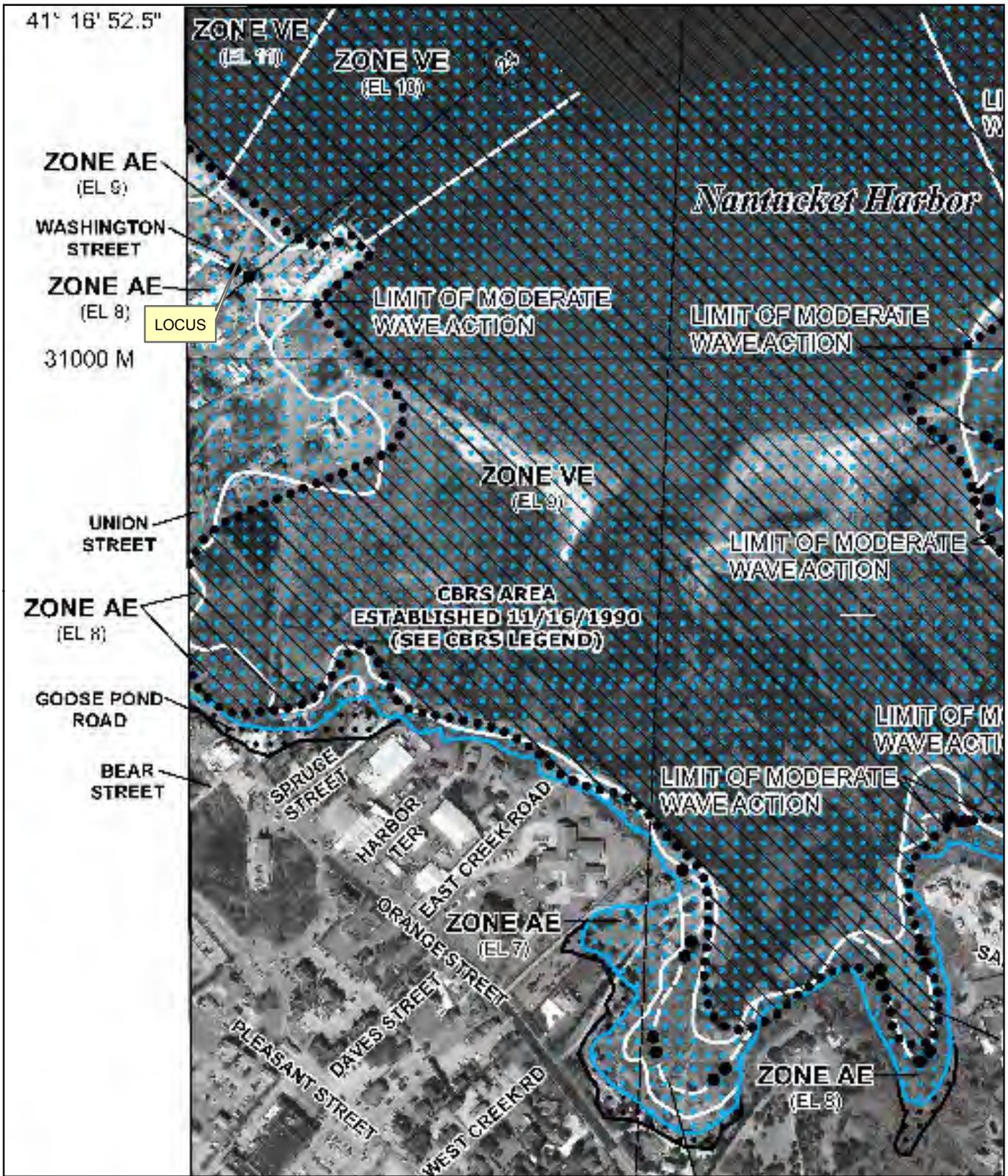
Plymouth, MA  
508.746.9491  
www.lecenvironmental.com

## Figure 2: Aerial Orthophoto

92 Washington Street (Ext)  
Nantucket, Massachusetts



March 4, 2016



LEC Environmental Consultants, Inc.

Plymouth, MA  
508.746.9491  
www.lecenvironmental.com

**Figure 3: FEMA Flood Insurance Rate Map  
25019C0089G**

92 Washington Street (Ext)  
Nantucket, Massachusetts



Effective Date:  
June 9, 2014

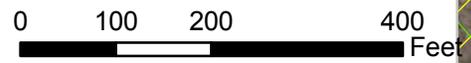


-  Estimated Habitat of Rare Wildlife (2008)
-  Priority Habitat of Rare Species (2008)

LOCUS



2014 Aerial Orthophoto acquired from the Office of Geographic Information (MassGIS) website.



**LEC**  
 LEC Environmental Consultants, Inc.  
 Plymouth, MA  
 508.746.9491  
 www.lecenvironmental.com

**Figure 4: NHESP Map**  
 92 Washington Street (Ext)  
 Nantucket, Massachusetts



March 4, 2016

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## **Appendix B**

Photographs

Streetside photos



Waterside photos



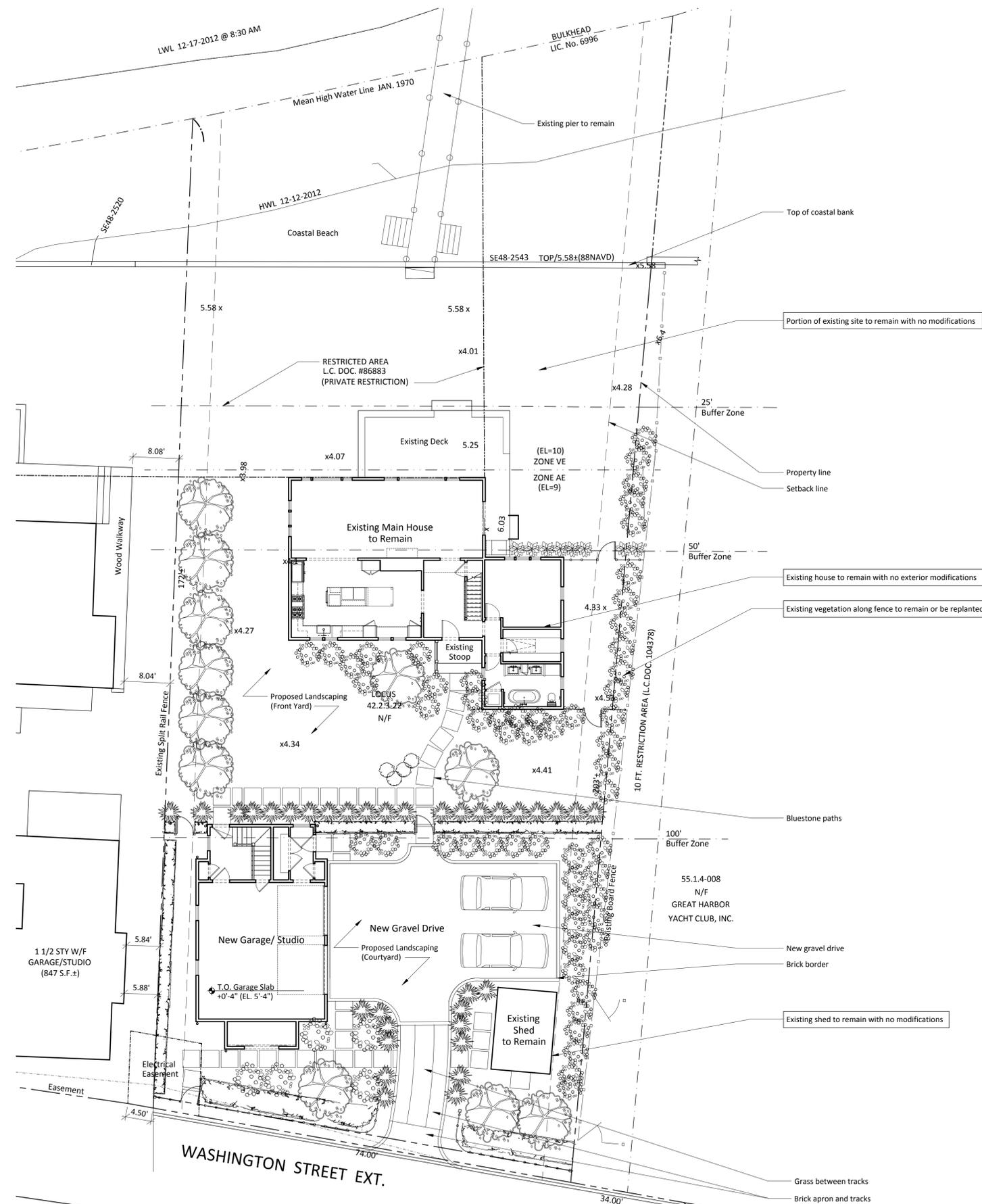
West and east side yard photos



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**Appendix C**

*Site Plan* prepared by Smith & Hutton, LLC, dated March 4, 2016



1 Site Plan  
Scale: 1" = 10'-0"

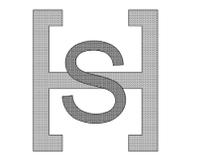
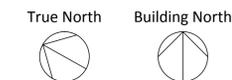


Zoning Information	
Assessor's Map and Parcel Number	42.2.3.22
Zone	RC
Minimum lot size	5,000 S.F.
Current Lot Size	14,635 S.F.
Front Setback	0'-0"
Side and Rear Setback	5'-0"
Allowable ground cover ratio	50%
Allowable ground cover	7,317 S.F.
Current ground cover	1,342 S.F.
Current ground cover ratio	9.2%
Proposed ground cover	2,184 S.F.
Proposed ground cover ratio	15%
Minimum Frontage	40'-0"
Current Frontage	74'-0"

Information based on site plan provided by:  
 Blackwell and Associates, Inc.  
 20 Teasdale Circle  
 Nantucket, MA 02554  
 (508) 228-9026

Drawing List	
A1.1	Cover Sheet and Site Plan
AG2.1	Floor Plans
AG3.1	Exterior Elevations & Door/Window Schedule

\*\*Land subject to coastal storm flowage (entire site) June 9, 2014 FIRM



Smith & Hutton  
architecture ° interior design

19 East Clearfield Road  
Havertown, PA 19083  
610.955.2045 ° 484.431.8611

Copyright © 2014 Smith & Hutton

Great State Residence  
92 Washington St  
Nantucket, MA

Site Plan

CON. COMM. SUBMISSION  
 \*NOT FOR CONSTRUCTION  
 \*Do not scale drawings  
 \*Notify architect of any discrepancies

Issue Date:  
3/4/16 Conservation Commission  
Submission

Project number: 14-40

A1.1

The Kaplan Family NT

8 Harbor View Way

(42.4.1-28)



P.O. Box 3627, Nantucket, Massachusetts 02584-3627  
Tel. (508) 228-0240 Fax (508) 228-9856  
www.nantucketsurveyors.com  
nslcinfo@nantucketsurveyors.com

N-10285

March 18, 2016

Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, Massachusetts 02554

Re: Notice of Intent

Applicant: Bruce M. & Madeline S. Kaplan, Trustees  
8 Harbor View Way Map: 42.4.1 Parcel: 28  
Nantucket, MA 02554

Dear Commission Members,

Enclosed please find the following:

- Two (2) copies of a Notice of Intent for the above-referenced project;
- One (1) Filing Fee to the Town of Nantucket - \$25.00 (bylaw);
- One (1) Filing Fee to the Town of Nantucket - \$200.00 (Consultant review fee);
- One (1) Check to the Inquirer & Mirror - \$266.90 (publishing of the Public Notice).
- One (1) Check to the Town of Nantucket - \$67.50 (WPA Fee)
- One (1) Check to the Commonwealth of MA - \$42.50 (WPA Fee) Copy

This application is for the proposed raising of an existing dwelling to bring it into compliance with National Flood Insurance Program (NFIP) Standards within Land Subject to Coastal Storm Flowage. The proposed work is shown on the included plan, "HDC Submission" prepared by MWP Residential Design dated February 25, 2016.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to call our office.

Respectfully,  
Nantucket Surveyors, LLC

A handwritten signature in blue ink, appearing to read 'Paul J. Santos', is written over the typed name.

Paul J. Santos, PLS

Enclosures  
DEP Southeast Regional Office  
cc: Bruce M. & Madeline S. Kaplan

Office located at 5 Windy Way • Nantucket, MA 02554

Land Surveying • Topographic Surveys • Civil Engineering • Construction • Marine • Environmental Permitting



**Notice of Intent**  
Map 42.4.1 Parcel 28  
8 Harbor View Way  
Nantucket, Massachusetts

**Prepared for: Bruce M. & Madeline S. Kaplan, Trustees  
Kaplan Family Nominee Trust  
750 Hopmeadow Street  
Simsbury, CT 06070**

**Prepared by: Nantucket Surveyors, LLC  
5 Windy Way, PO Box 3627  
Nantucket, MA 02584**

**March 18, 2016**



# 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):

8 Harbor View Way  
a. Street Address

Nantucket  
b. City/Town

02554  
c. Zip Code

Latitude and Longitude:  
41.287872  
d. Latitude

-70.097944  
e. Longitude

42.4.1  
f. Assessors Map/Plat Number

28  
g. Parcel /Lot Number

2. Applicant:

Bruce M. & Madeline S.  
a. First Name

Kaplan  
b. Last Name

Kaplan Family Nominee Trust  
c. Organization

750 Hopmeadow Street  
d. Street Address

Simsbury  
e. City/Town

CT  
f. State

06070  
g. Zip Code

860-202-2166  
h. Phone Number

i. Fax Number

brukap@comcast.net  
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):

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

02554  
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

MassDEP File Number

Document Transaction Number

Nantucket

City/Town

## A. General Information (continued)

6. General Project Description:

This application is for the proposed raising of an existing dwelling to bring it into compliance with National Flood Insurance Program (NFIP) Standards 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:

a. County

756

c. Book

b. Certificate # (if registered land)

54

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

Nantucket

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) - <b>specify coastal or inland</b>	

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

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.

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

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	1,680	
	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

MassDEP File Number \_\_\_\_\_

Document Transaction Number \_\_\_\_\_

Nantucket

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](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.



# WPA Form 3 – Notice of Intent

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

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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](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](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](mailto: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](mailto: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

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.



MassDEP File Number

Document Transaction Number

Nantucket

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.

HDC Submission

a. Plan Title

MWP Residential Design

b. Prepared By

2/25/16

d. Final Revision Date

Kaplan Residence (Foundation Plan)

f. Additional Plan or Document Title

c. Signed and Stamped by

As Noted

e. Scale

2/29/16

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:

6760

2. Municipal Check Number

6761

4. State Check Number

Bruce M.

6. Payor name on check: First Name

2/4/16

3. Check date

2/4/16

5. Check date

Kaplan

7. Payor name on check: Last Name



# WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

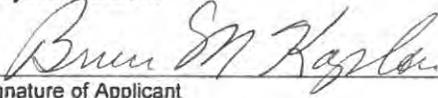
Nantucket

City/Town

## 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.

	<u>2/4/16</u>
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:

8 Harbor View Way  
 a. Street Address  
 Nantucket  
 b. City/Town  
 \$42.50  
 d. Fee amount

2. Applicant Mailing Address:

Bruce M. & Madeline S.  
 a. First Name  
 Kaplan  
 b. Last Name  
 Kaplan Family Nominee Trust  
 c. Organization  
 750 Hopmeadow Street  
 d. Mailing Address  
 Simsbury  
 e. City/Town  
 CT  
 f. State  
 06070  
 g. Zip Code  
 860-202-2166  
 h. Phone Number  
 i. Fax Number  
 brukap@comcast.net  
 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

**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 raising of an existing dwelling to bring it into compliance with National Flood Insurance Program (NFIP) Standards within Land Subject to Coastal Storm Flowage.	1	\$110	\$110

**Step 5/Total Project Fee:** \$110

**Step 6/Fee Payments:**

Total Project Fee:	\$110
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 <b>less</b> \$12.50
	c. 1/2 Total Fee <b>plus</b> \$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

8 Harbor View Way  
Nantucket, Massachusetts  
Map: 42.4.1 Parcel: 28

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 – HDC Submission  
Prepared by MWP Residential Design  
February 25, 2016

Kaplan Residence (Foundation Plan)  
Prepared by SJG Engineering  
February 29, 2016

**APPENDIX A**

**Assessors Map**



**Figure 1: ASSESSOR'S MAP**

#8 HARBOR VIEW WAY  
 NANTUCKET, MASSACHUSETTS  
 SCALE: N.T.S.    DATE: MARCH 18, 2016  
 ASSESSOR'S REFERENCE:  
 MAP: 42.4.1    PARCEL: 28

PREPARED FOR:  
 BRUCE M. & MADELINE S. KAPLAN

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 raising of an existing dwelling to bring it into compliance with National Flood Insurance Program (NFIP) Standards within Land Subject to Coastal Storm Flowage.

### **Existing Site Conditions**

The subject property is located on the north side of Harbor View Way, Nantucket Assessors Map: 42.4.1 Parcel: 28. The site is approximately 7,371±S.F. 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 area includes Land Subject to Coastal Storm Flowage.

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for this portion of Nantucket (Map No. 25019C0086G), dated June 9, 2014 shows that the property is located within Zone AE (Elev. 7). Adjacent to Zone AE (Elev. 8)

The Massachusetts Natural Heritage Atlas, 13<sup>th</sup> Edition, dated October 2008 (Appendix D) shows that Priority Habitat and Estimated Habitat is not mapped within the project vicinity. The proposed work does not require a filing with NHESP.

### **Proposed Work**

This application is for the proposed raising of an existing dwelling to bring it into compliance with National Flood Insurance Program (NFIP) Standards within Land Subject to Coastal Storm Flowage. No change in existing site grades are proposed (Average Grade at existing Dwelling is 4.3± NAVD88 Datum. The proposed work is shown on the included plan, “HDC Submission” prepared by MWP Residential Design dated February 25, 2016.

## **APPENDIX C**

### Nantucket Topography



**Figure 2: Nantucket Topography Map  
1934 HTL DATUM**

#8 HARBOR VIEW WAY  
NANTUCKET, MASSACHUSETTS  
N.T.S.

DATE: MARCH 18, 2016  
ASSESSOR'S REFERENCE:  
MAP: 42.4.1 PARCEL: 28

PREPARED FOR:  
BRUCE M. & MADELINE S. KAPLAN

NANTUCKET SURVEYORS LLC  
5 WINDY WAY  
NANTUCKET, MA. 02554

## **APPENDIX D**

NHESP Estimated and Priority Habitat Map



**Figure 3: NHESP MAP**

#8 HARBOR VIEW WAY  
 NANTUCKET, MASSACHUSETTS  
 SCALE: N.T.S. DATE: MARCH 18, 2016  
 ASSESSOR'S REFERENCE:  
 MAP: 42.4.1 PARCEL: 28  
 PREPARED FOR:  
 BRUCE M. & MADELINE S. KAPLAN



NHESP PRIORITY HABITATS  
 OF RARE SPECIES  
 NHESP ESTIMATED HABITATS  
 OF RARE WILDLIFE

NANTUCKET SURVEYORS LLC  
 5 WINDY WAY  
 NANTUCKET, MA. 02554

**APPENDIX E**

FEMA Flood Insurance Rate Map



**Figure 4: FIRM MAP**

#8 HARBOR VIEW WAY  
NANTUCKET, MASSACHUSETTS  
SCALE: N.T.S.    DATE: MARCH 18, 2016  
ASSESSOR'S REFERENCE:  
MAP: 42.4.1 PARCEL: 28  
25019C0086G

PREPARED FOR:  
BRUCE M. & MADELINE S. KAPLAN

NANTUCKET SURVEYORS LLC  
5 WINDY WAY  
NANTUCKET, MA. 02554

## **APPENDIX F**

### Site Photographs



KAPLAN RESIDENCE 8 HARBOR VIEW WAY  
ELEVATION: SOUTH (STREET VIEW) 2-25-16



KAPLAN RESIDENCE 8 HARBOR VIEW WAY  
ELEVATION: SOUTHEAST 2-25-16



KAPLAN RESIDENCE 8 HARBOR VIEW WAY  
ELEVATION: SOUTHWEST 2-25-16



KAPLAN RESIDENCE 8 HARBOR VIEW WAY  
ELEVATION: NORTHEAST (SIDE YARD) 2-25-16KA

## **APPENDIX H**

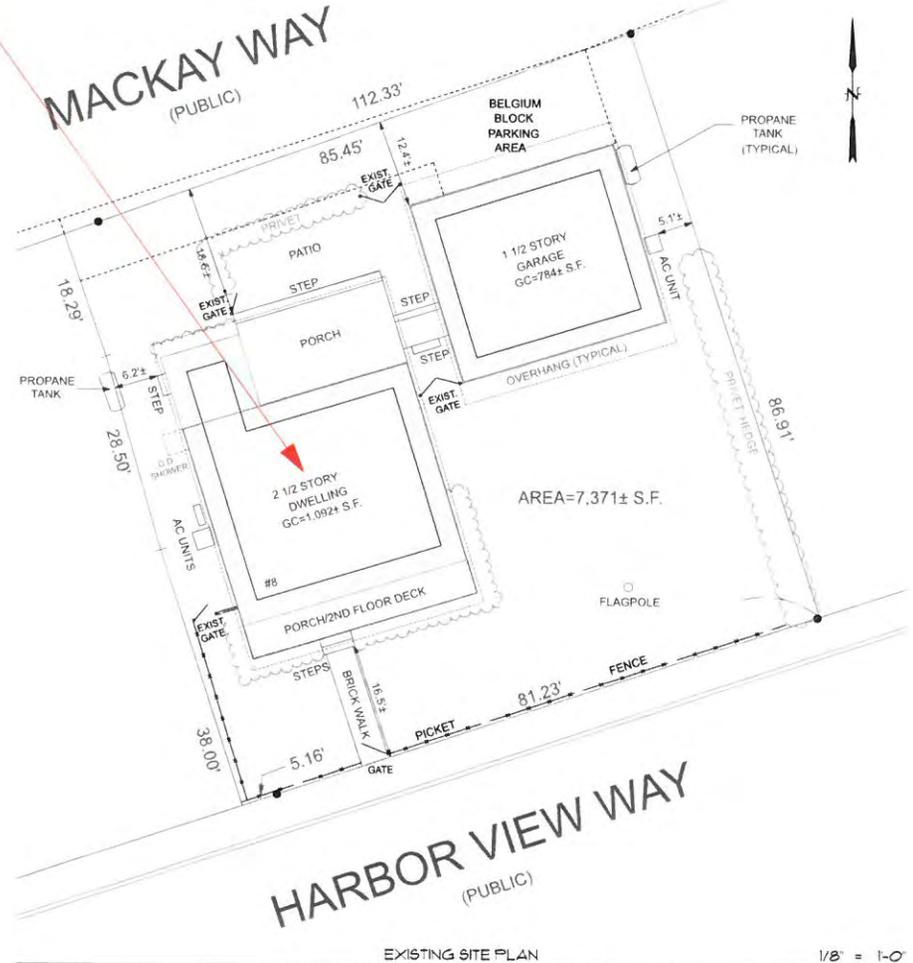
HDC Submission  
Prepared by MWP Residential Design  
February 25, 2016

Kaplan Residence (Foundation Plan)  
Prepared by SJG Engineering  
February 29, 2016



TON GIS MAP

LOCUS



EXISTING SITE PLAN

1/8" = 1'-0"



EXISTING HARBOR VIEW WAY

CURRENT ZONING: LC (LIMITED COMMERCIAL)  
 MIN. LOT SIZE: 5,000 S.F.  
 MIN. FRONTAGE: 40'  
 FRONT YARD SETBACK: 0'  
 SIDE & REAR SETBACKS: 5'  
 MAX. G.C.R.: 50%  
 EXIST. G.C.R.: 25.5% +/-

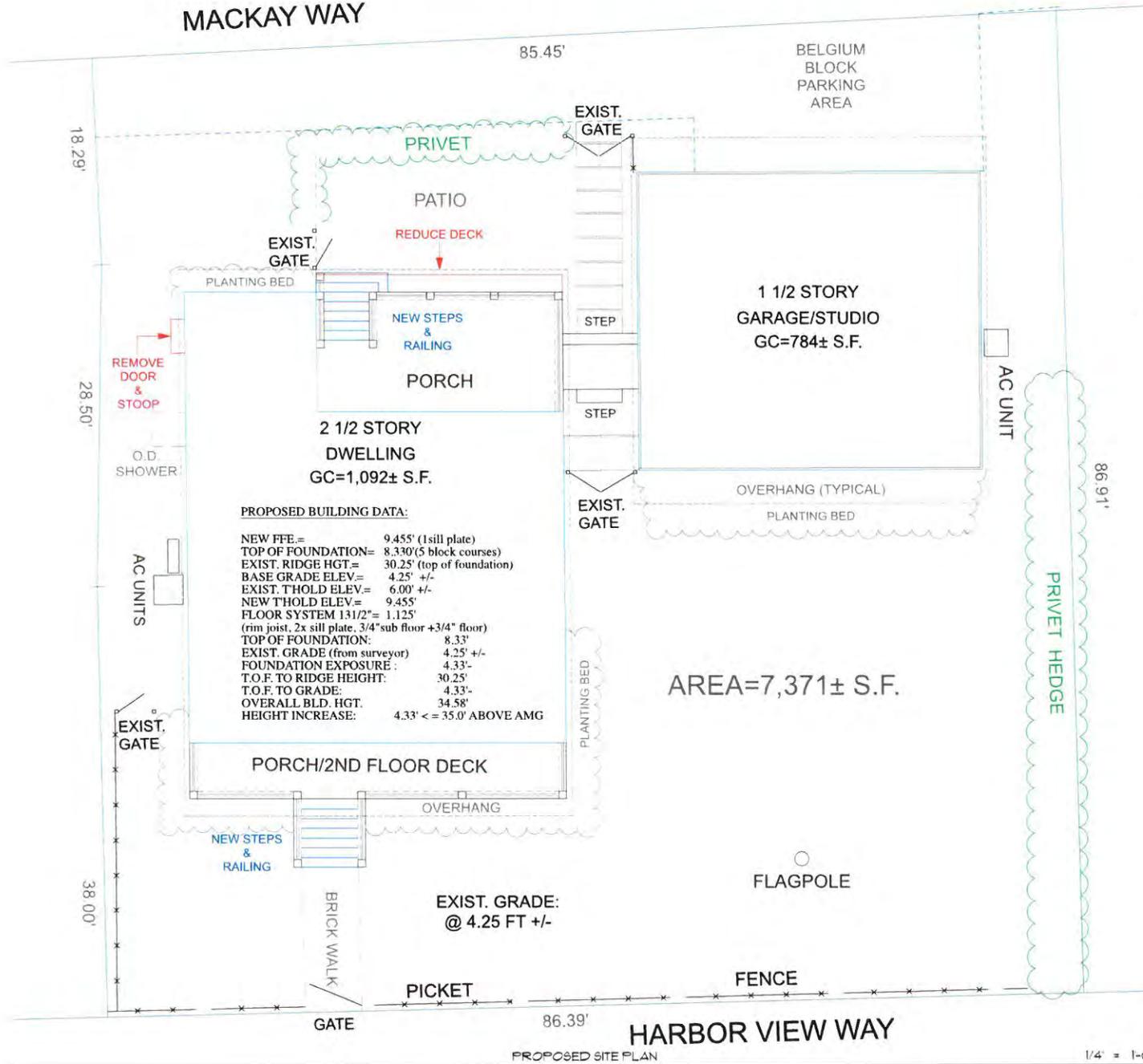
**M&M**  
 RESIDENTIAL  
 DESIGN

2/25/16

LOC SUBMISSION  
 ELEVATE EXISTING BUILDING  
 Map No. 42-11-28  
 SCALE: AS NOTED

KAPLAN RESIDENCE  
 8 Harbor View Way  
 Nantucket, MA, 02554  
 SITE PLAN & LOCUS MAP

MACKAY WAY



PROPOSED SITE PLAN

1/4" = 1'-0"



**MWDR**  
RESIDENTIAL  
DESIGN  
P.O. BOX 110 • NANTUCKET, MA 02554

2/25/16

LDC SUBMISSION  
ELEVATE EXISTING BUILDING  
Map No. 42-11 18  
Scale: 41 Notes

KAPLAN RESIDENCE  
8 Harbor View Way  
Nantucket, MA, 02554  
PROPOSED SITE PLAN

\$



EXISTING SOUTH ELEVATION

1/4" = 1'-0"



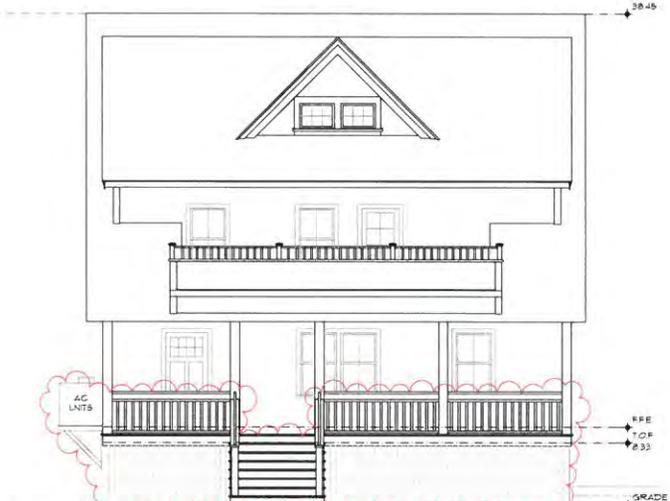
PROPOSED SOUTH ELEVATION

1/4" = 1'-0"



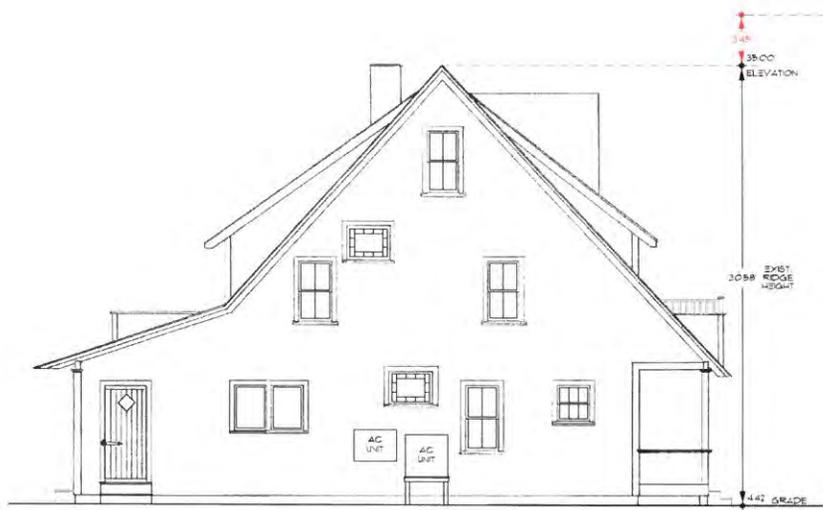
EXISTING NORTH ELEVATION

1/4" = 1'-0"



PROPOSED NORTH ELEVATION

1/4" = 1'-0"



EXISTING WEST ELEVATION

1/4" = 1'-0"



PROPOSED WEST ELEVATION

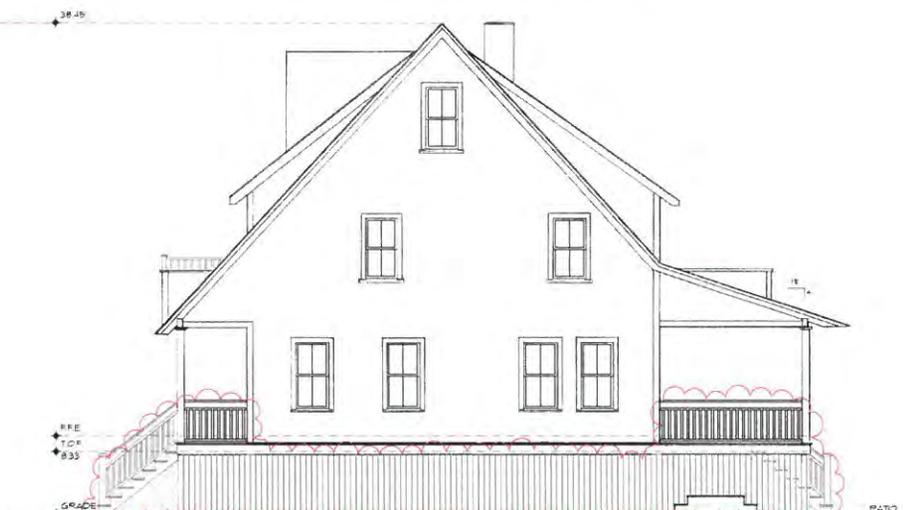
1/4" = 1'-0"

NOTE: (3) FLOOD WATER OPENINGS TBD BY ENGINEER



EXIST EAST ELEVATION

1/4" = 1'-0"

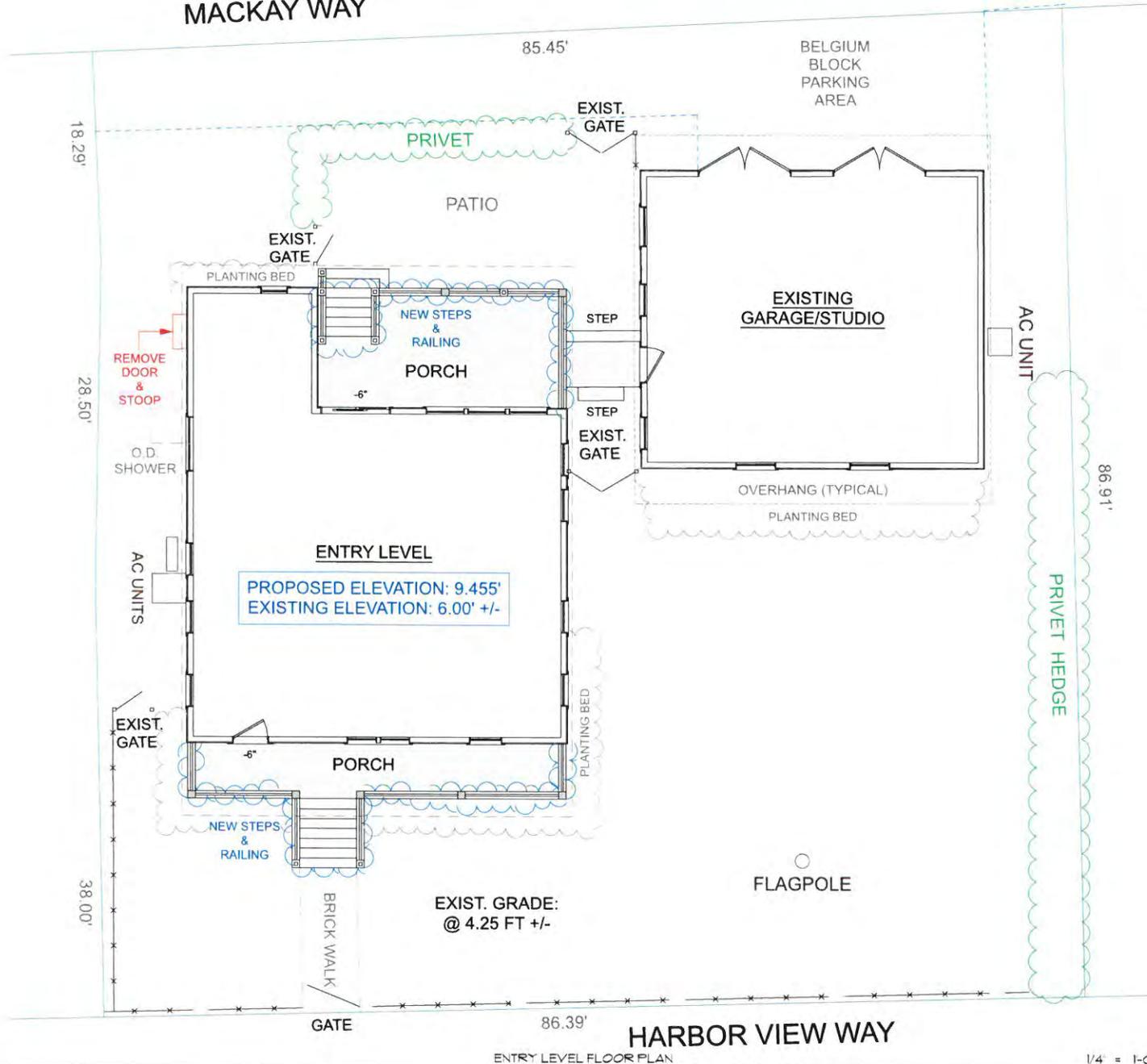


PROPOSED EAST ELEVATION

1/4" = 1'-0"

NOTE: (3) FLOOD WATER OPENINGS TBD BY ENGINEER

MACKAY WAY







Nantucket Island Land  
Bank

Off North Gully Road

(73.1.3-122)

SE48-2875



# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Bylaw Chapter 136



## A. General Information

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

<u>Odd North Gully Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.264534</u>	<u>-69.962527</u>
	d. Latitude	e. Longitude
<u>73.1.3</u>	<u>122</u>	
f. Assessors Map/Plat Number	g. Parcel /Lot Number	

2. Applicant:

<u>Nantucket Islands Land Bank</u>		
a. First Name	b. Last Name	
<u>c. Organization</u>		
<u>22 Broad Street</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>(508)- 228 - 7240</u>	<u>(508) – 228 - 9369</u>	<u>rfreeman@nantucketlandbank.org</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>Wade Cottages Nominee Trust</u>		
c. Organization		
<u>35 Charles Street</u>		
d. Street Address		
<u>New York</u>	<u>New York</u>	<u>10014</u>
e. City/Town	f. State	g. Zip Code
<u>h. Phone Number</u>	<u>i. Fax Number</u>	<u>j. Email address</u>

4. Representative (if any):

<u>Rachael</u>	<u>Freeman</u>	
a. First Name	b. Last Name	
<u>Nantucket Islands Land Bank</u>		
c. Company		
<u>22 Broad Street</u>		
d. Street Address		
<u>Nantucket</u>	<u>MA</u>	<u>02554</u>
e. City/Town	f. State	g. Zip Code
<u>(508) – 228-7240</u>	<u>(508) – 228 - 9369</u>	<u>rfreeman@nantucketlandbank.org</u>
h. Phone Number	i. Fax Number	j. Email address

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

<u>EXEMPT</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
And the Town of Nantucket Bylaw Chapter 136

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



A. General Information (continued)

6. General Project Description:

Removal of existing stairs and construction of new stairs on a coastal bank

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 12197
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.

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.



# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Bylaw Chapter 136

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

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



<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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.

<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



# WPA Form 3 – Notice of Intent

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40  
And the Town of Nantucket Bylaw Chapter 136

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



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

	Size of Proposed Alteration	Proposed Replacement (if any)
f. <input checked="" type="checkbox"/> Coastal Banks	<u>50</u> 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

## 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/regulatory\\_review/priority\\_habitat/online\\_viewer.htm](http://www.mass.gov/dfwele/dfw/nhosp/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**

2008  
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 Bylaw Chapter 136

Provided by MassDEP:
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## 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/nhesp/regulatory\\_review/ mesa/ mesa\\_fee\\_schedule.htm](http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/ mesa/ mesa_fee_schedule.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/regulatory\\_review/ mesa/ mesa\\_exemptions.htm](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

\* Some projects **not** in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see <http://www.mass.gov/dfwele/dfw/nhesp/nhesp.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  
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## 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:   | North Shore - Hull to New Hampshire:   |
| Division of Marine Fisheries - Southeast Marine Fisheries Station<br>Attn: Environmental Reviewer<br>838 South Rodney French Blvd.<br>New Bedford, MA 02744 | Division of Marine Fisheries - North Shore Office<br>Attn: Environmental Reviewer<br>30 Emerson Avenue<br>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



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## 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.

_____	
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.



Provided by MassDEP:
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# WPA Form 3 – Notice of Intent

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## E. Fees

- XX 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:

**EXEMPT**

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

## 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



**A. Applicant Information**

1. Applicant:

Nantucket Islands Land Bank

a. First Name

b. Last Name

c. Organization

22 Broad Street

d. Mailing Address

Nantucket

MA

02554

e. City/Town

f. State

g. Zip Code

(508) – 228 - 7240

(508) – 228 - 9369

rfreeman@nantucketlandbank.org

h. Phone Number

i. Fax Number

j. Email Address

2. Property Owner (if different):

a. First Name

b. Last Name

Wade Cottages Nominee Trust

c. Organization

35 Charles Street

d. Mailing Address

New York

NY

10014

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Project Location:

Off North Gully Rd

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.



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

**Step 5/Total Project Fee:** \_\_\_\_\_

**Step 6/Fee Payments:**

Total Project Fee: EXEMPT  
 a. Total Fee from Step 5

State share of filing Fee: \_\_\_\_\_  
 b. 1/2 Total Fee **less** \$12.50

City/Town share of filing Fee: \_\_\_\_\_  
 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.)

## **Project Overview**

The Nantucket Islands Land Bank owns map and parcel 73.1.5 5.8, a 1.9 acre property that is east of Shell Street in Sconset (Fig. 1). The subject property borders the ocean and contains a Coastal Bank, Coastal Dune, Coastal Beach and Land Subject to Flooding resource areas. To the west is map and parcel 73.1.3 122, which is owned by the Wade Cottages Nominee Trust. This area contains a Coastal Bank resource area with stairs down the Coastal Bank and a footpath across Land Bank land to the beach. The site is not located within Estimated Habitat of Rare Wildlife as mapped by the *Massachusetts Natural Heritage and Endangered Species Program* (NHESP).

Map/parcel 73.1.5 5.8 was purchased in 1985 by the Land Bank and during negotiations, an agreement was made that the public could use the existing stairs on the adjacent property owned by the Wade Cottages Nominee Trust to access the beach if the Land Bank would maintain them. The proposed project requests a waiver from the Nantucket Conservation Commission to remove the failing stairs on the Wade Cottage Property (Map/Parcel 73.1.3 122) and construct a new stairway in the same location. The purpose of this project is to maintain public safety by repairing the stairway while minimizing disturbance and adverse impacts to the Coastal Bank resource area by keeping the stairway in the same location.

## **Project Details**

To the best of our knowledge, no major repairs have been performed on the stairs at the Wade Cottage Property since the Land Bank acquired their parcel in 1985. As a result, the wood is deteriorated and much of the structure is unsafe. To maintain public safety, the Land Bank is requesting permission to remove the existing stair material and construct a new stairway in the same location.

The existing stairs will be demolished and removed by hand. All material will be carried to the top of the bank and properly disposed of at the Nantucket Waste Options Facility.

New stairs will be constructed using pressure treated lumber and will be similar in design to the existing stairs. The stairs will be 36" wide with an 8"/12" rise/run. Individual treads will be constructed of two 2" x 6" boards that will extend across the 36" width. The resulting seam in the center of the tread will promote flexibility and resiliency. Building codes require that a landing be installed after 12 vertical feet or, with an 8" rise, 18 stairs. A minimum of 33 stairs will be necessary to reach the base of the bank and therefore three landings will need to be installed; one at the top of the stairs and 2 on the bank. All landings will be 48" deep but the width will vary depending on the location. The first landing will match the width of the stairs while the second and third landings will be 72" wide, double the width of the stairs. The added width will allow the middle section of stairs to be adjacent to the top and bottom sections for safety reasons. 6" x 6" posts will be installed at 8-12 foot intervals to stabilize the steps, landings and handrails.



**Existing Stairway on the Coastal Bank**

**Resource Area Information and Waiver Request:**

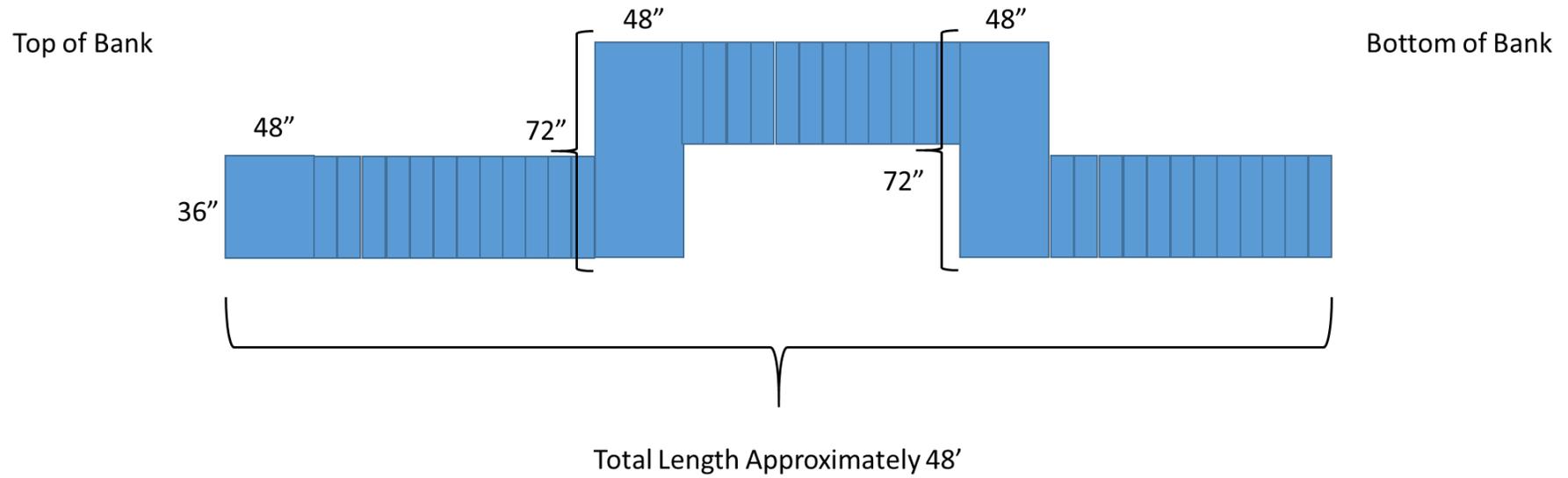
The Wade Cottage property contains a Coastal Bank resource area. Specifically, under the Massachusetts Wetlands Protection Act as defined by its regulations 310 CMR, the property contains Coastal Bank (10.30). As defined by the Nantucket Wetland Protection Regulations (Chapter 136), the property contains a Coastal Bank (2.05).

Coastal Bank: the seaward face or side of any elevated land form, other than coastal dune, which lies at the landward edge of a coastal beach, coastal dune, land subject to tidal action or coastal storm flowage, or other coastal wetland.

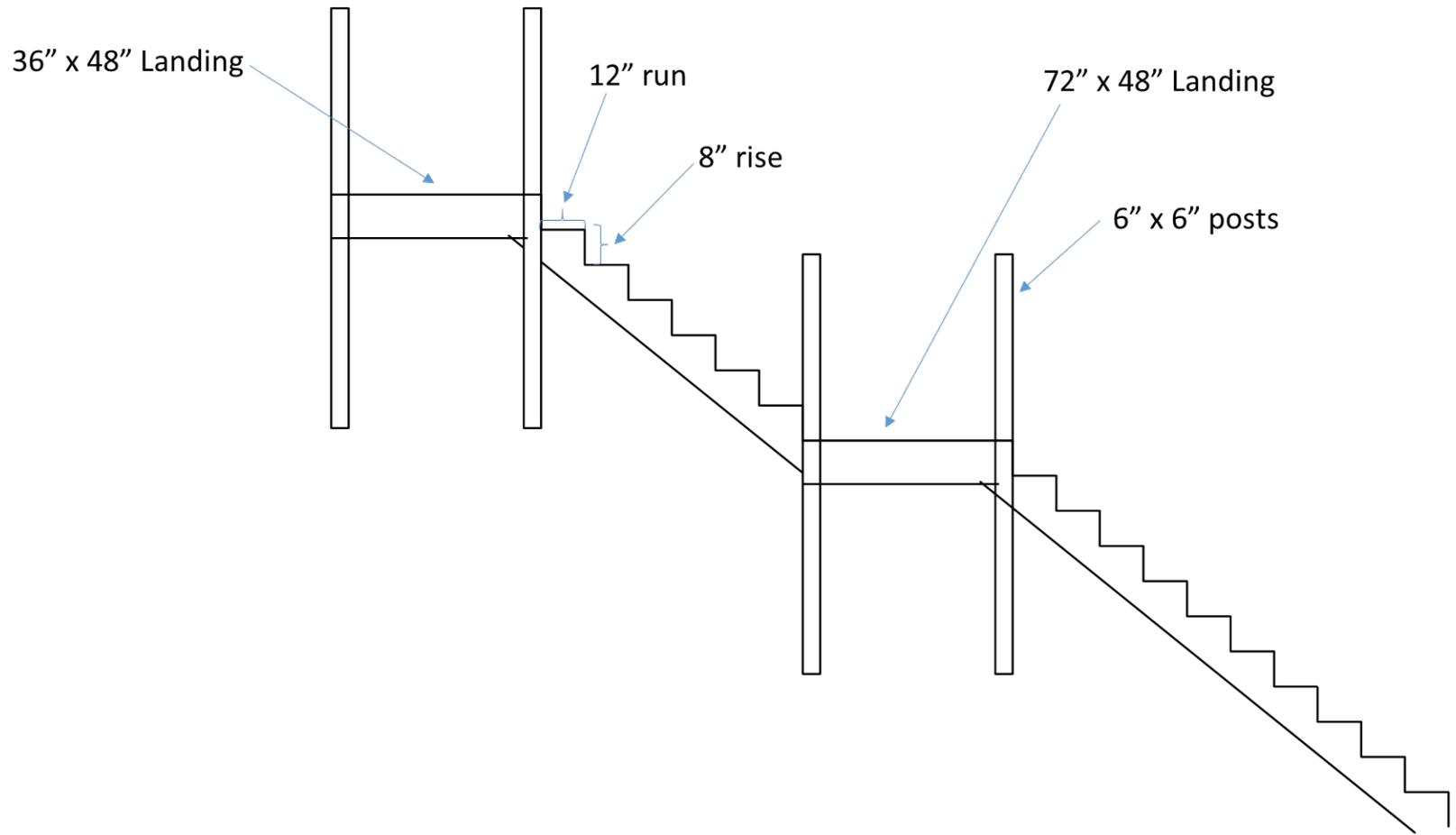
Section 2.05 (Coastal Bank) requires that all non-water dependent projects maintain a natural 25-foot undisturbed buffer adjacent to the Coastal Bank. The proposed project seeks to remove an existing stairway and construct new stairs/landings within the resource area (Coastal Bank).

The goal of this project is to promote public safety while minimizing disturbance and adverse impacts to the Coastal Bank by installing the new stairway in its current location. The Land Bank recognizes that the Coastal Bank is already altered by an existing set of stairs that function as a public beach access. Therefore, the Land Bank is requesting a waiver be issued under section 1.03(F) (3b) of the Nantucket Wetland Protection Regulations.

Design of Replacement Stairs

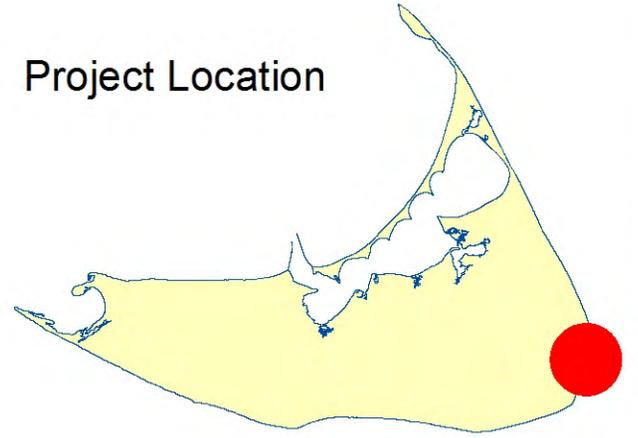


Design of Replacement Stairs

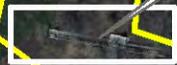




### Project Location

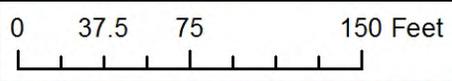


Stairs



### Legend

-  Wade Cottages Nominee Trust Property
-  Land Bank Property
-  Nantucket Tax Parcels



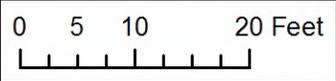


Top of Bank

Toe of Bank

**Legend**

-  Wade Cottages Nominee Trust Property
-  Land Bank Property
-  Nantucket Tax Parcels





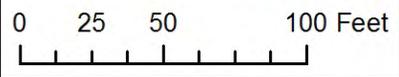
Stairs

39

29

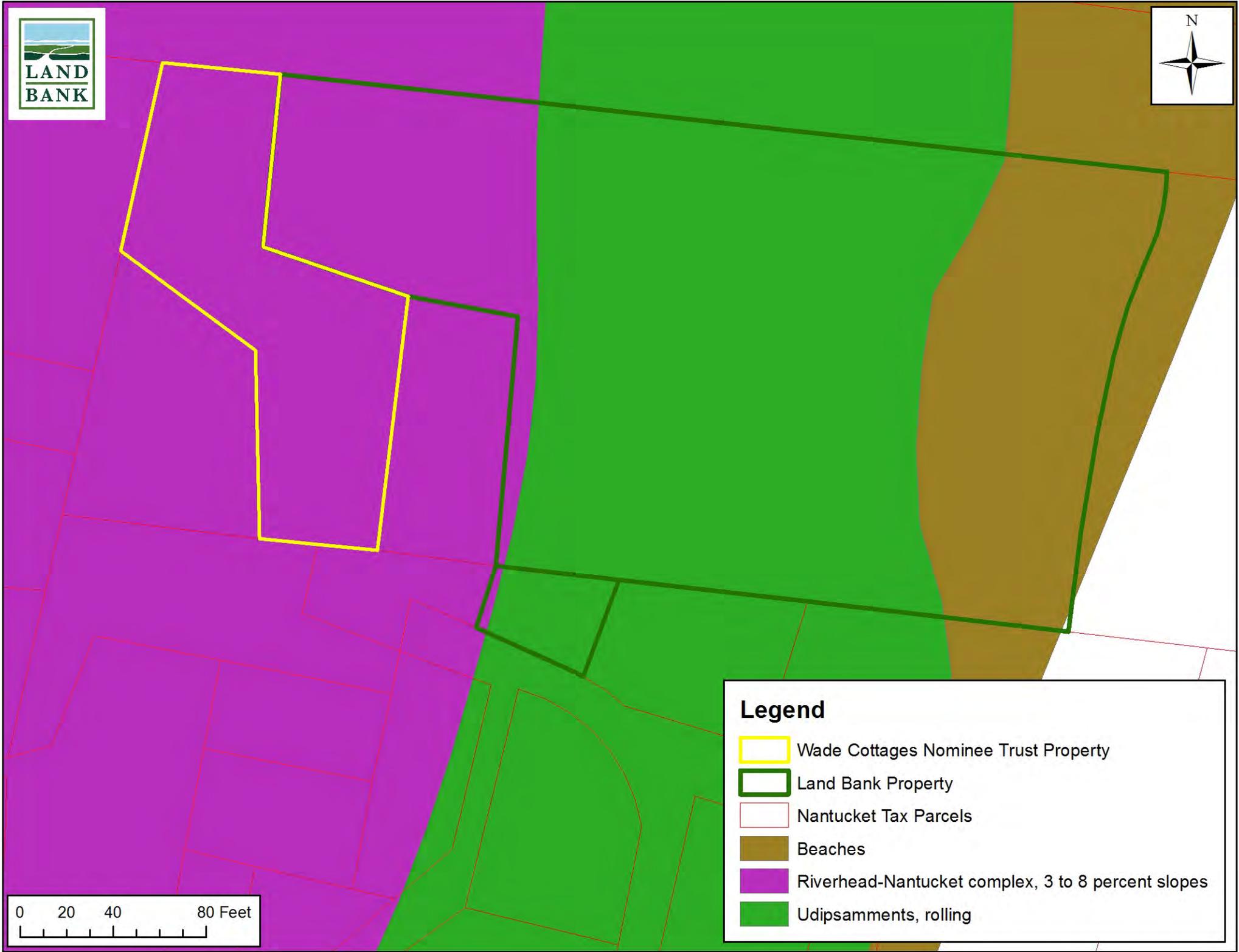
19

6



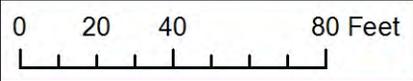
**Legend**

-  Land Bank Property
-  Nantucket Tax Parcels



**Legend**

-  Wade Cottages Nominee Trust Property
-  Land Bank Property
-  Nantucket Tax Parcels
-  Beaches
-  Riverhead-Nantucket complex, 3 to 8 percent slopes
-  Udipsamments, rolling



Savel Nominee Trust

47 Pocomo Road

(15-19)

SE48-2872

NOTICE OF INTENT  
for  
BEACH STAIRS AND BOARDWALK RELOCATION  
at  
47 POCOMO ROAD  
NANTUCKET, MASSACHUSETTS

Prepared for:

JACQUELINE R. McCOY, TRUSTEE  
SAVEL NOMINEE TRUST  
31 ST. JAMES AVENUE SUITE 740  
BOSTON, MA 02116

March 2016

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING  
141 OLD ENFIELD ROAD  
BELCHERTOWN, MA 01007



# 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



## A. General Information

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

<u>47 Pocomo Road</u>	<u>Nantucket</u>	<u>02554</u>
a. Street Address	b. City/Town	c. Zip Code
<u>Latitude and Longitude:</u>	<u>41.31543*N</u>	<u>70.02160*W</u>
<u>15</u>	d. Latitude	e. Longitude
f. Assessors Map/Plat Number	<u>19</u>	g. Parcel /Lot Number

2. Applicant:

<u>Jacqueline R.</u>	<u>McCoy, Trustee</u>	
a. First Name	b. Last Name	
<u>Savel Nominee Trust</u>		
c. Organization		
<u>31 St. James Avenue Suite 740</u>		
d. Street Address		
<u>Boston</u>	<u>MA</u>	<u>02116</u>
e. City/Town	f. State	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>Same</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>David</u>	<u>Haines</u>	
a. First Name	b. Last Name	
<u>Haines Hydrogeologic Consulting</u>		
c. Company		
<u>141 Old Enfield Road</u>		
d. Street Address		
<u>Belchertown</u>	<u>MA</u>	<u>01007</u>
e. City/Town	f. State	g. Zip Code
<u>413-323-7156</u>	<u>haineshydro@gmail.com</u>	
h. Phone Number	j. Email address	

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

<u>\$110.00;\$25.00;\$200.00</u>	<u>\$42.50</u>	<u>\$67.50;\$25.00;\$200.00</u>
a. Total Fee Paid	b. State Fee Paid	c. City/Town Fee Paid



# WPA Form 3 – Notice of Intent

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City/Town \_\_\_\_\_



## A. General Information (continued)

### 6. General Project Description:

The existing beach stairs and a portion of the boardwalk will be relocated due to the erosion of the Coastal Bank.

### 7a. Project Type Checklist:

- |   |   |
|---|---|
| 1. <input checked="" 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 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

22538

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.

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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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Document Transaction Number \_\_\_\_\_

Nantucket

City/Town

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

<u>Resource Area</u>	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
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) _____	

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.X 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.

<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 checked="" type="checkbox"/> Coastal Beaches	60 1. square feet _____	0 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 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

1.72/0045

percentage/acreage

(b) outside Resource Area

0.14/0037

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](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](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

MassDEP File Number

Document Transaction Number

Nantucket

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   X   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
--	--

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   X   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   X   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   X   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. X No. Check why the project is exempt:
    - 1.X Single-family house



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

Plot Plan to Accompany Notice of Intent for 47 Pocomo Road

a. Plan Title

Earle & Sullivan Inc.

b. Prepared By

3/3/16

d. Final Revision Date

Stephen Sullivan

c. Signed and Stamped by

1"=20'

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. X 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. X Attach NOI Wetland Fee Transmittal Form
- 9.  Attach Stormwater Report, if needed.



# 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

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:

6316	3/4/16
2. Municipal Check Number	3. Check date
6319	3/4/16
4. State Check Number	5. Check date
Hehir Group Custom Builders 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.

	(Rep)	3/16/16
1. Signature of Applicant		2. Date
	(Rep)	3/16/16
3. Signature of Property Owner (if different)		4. Date
	HAINES Hydrogeologic Consultants	3/16/16
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



**A. Applicant Information**

1. Applicant:

Jacqueline R. \_\_\_\_\_ McCoy, Trustee \_\_\_\_\_  
 a. First Name b. Last Name  
 Savel Nominee Trust \_\_\_\_\_  
 c. Organization  
 31 St. James Avenue Suite 740 \_\_\_\_\_  
 d. Mailing Address  
 Boston \_\_\_\_\_ MA \_\_\_\_\_ 02116 \_\_\_\_\_  
 e. City/Town f. State g. Zip Code  
 \_\_\_\_\_  
 h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

Same \_\_\_\_\_  
 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:

47 Pocomo 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.



Locus MAP  
477 Pocomo Road.  
USGS - S. ASCONSET QUAD



H A R B O R

Site

Pocomo Head

Pocomo

Pocomo Meadow

Polpis Harbor

Swains Neck

Polpis

Squam Swamp

Five Fingered Point

Folgers Marsh

Shawkemo Hills

Gibbs Pond

Folger Hill

Almanac Pond

Cranberry Bog

1997  
1:25000

N A N T U C K E T

CRANBERRY BOG

SITE AND WORK DESCRIPTION

## INTRODUCTION

The proposed work at 47 Pocomo Road in Nantucket, Massachusetts includes the relocation of an existing set of beach stairs and boardwalk. The existing stairs must be relocated because of the erosion of the **Coastal Bank**. The work on the beach stairs and boardwalk is a water dependent use; therefore, no waiver from the *Nantucket Wetlands By-law* is required. The work as designed meets the performance standards for the resource areas involved. The site is within an "Estimated Habitat of Rare Wildlife" and a "Priority Habitat of Rare Species" (2008), as mapped by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). A copy of this Notice of Intent is being submitted to NHESP for review. The work as proposed will not impact the ability of the resource areas to function as they currently do.

## SITE DESCRIPTION

The site consists of a 3-acre parcel of land located between Pocomo Road and Nantucket Harbor. Most of the lot is fairly level with the road; the rear of the lot drops off over a **Coastal Bank** to the **Coastal Beach** along Nantucket Harbor. The site contains a house, pool, tennis court, driveway, lawn, accessory buildings and landscaped and naturally vegetated areas.

The site includes resource areas under jurisdiction of the *Federal Clean Water Act*, the *Massachusetts Wetlands Protection Act* and/or the *Nantucket Wetlands By-law*. These resource areas are identified as **Land under the Ocean, Coastal Beach, Coastal Bank, Land Subject to Coastal Storm Flowage** and the associated **100-foot Buffer Zone**.

The resource area **Land under the Ocean** is that portion of the site seaward of the mean low water line beneath Nantucket Harbor. No work is proposed in this resource area.

The **Coastal Beach** is defined as the unconsolidated sediments between the mean low water line and the toe of the **Coastal Bank**. The proposed work in this resource area consists of the relocation of the base of the existing beach stairs. The work will not result in the loss of any of this resource area.

The **Coastal Bank** is the seaward face of the steep embankment landward of the **Coastal Beach**. It is comprised of glacial sand and gravel deposits and is not vegetated. This bank has eroded approximately 16 feet between 2008 and 2014.

The proposed work on this resource area includes the relocation of the existing beach stairs. The stairs will be elevated above the bank, thereby allowing the bank to continue to function as it currently does.

**Land Subject to Coastal Storm Flowage** consists of the area shown on the FEMA floodplain maps. These maps show that the 100-year floodplain (VE) extends onto the site up to an elevation of 10 feet NAVD 88. The proposed work in this resource area will not alter the ability of the area to function as it currently does.

The **100-foot Buffer Zone** to the resource areas **Coastal Beach** and **Coastal Bank** extends 100 feet horizontally into the site. The proposed work in this area includes the removal of a portion of the existing boardwalk and construction of a new section. The **100-foot Buffer Zone** from an off-site, previously reviewed **Bordering Vegetated Wetland** extends onto the site but not into the work area.

A review of the 2008 "*Massachusetts Natural Heritage Atlas*", prepared by the Massachusetts Natural Heritage and Endangered Species Program, indicates that the site is within the known range of a state-listed rare wetlands wildlife species. Accordingly, a copy of this Notice of Intent is being sent to NHESP for review.

The area of the site within the mapped habitats is either unvegetated beach and bank or vegetated buffer zone. These areas are best described as "maritime beach strand", "maritime erosional cliff" and "sandplain heathland" communities. The vegetative community in the sandplain heathland is densely vegetated with Scrub Oak, Black Huckleberry, Bayberry, Beach Rose, Groundsel Tree, Chokeberry, Beach Plum, Hairgrass, Pennsylvania Sedge, Little Bluestem and American Beach Grass.

#### WORK DESCRIPTION

The proposed work on the site includes the relocation of an existing set of beach stairs. The existing stairs have been undermined by erosion and are unsafe. The boardwalk as also being realigned to make future relocation of the stairs minimally disruptive to the buffer zone vegetation. The beach stairs will be elevated above the **Coastal Bank** so that they do not alter the bank. The work as proposed will not affect the ability of the resource areas to function as they currently do.

The work will be performed as shown on the site plan. The existing stairs will be removed and relocated to their new position. All work will be done by hand. The stairs will be mounted on 4x4 posts, as they are now. The beach and bank beneath the existing stairs will be allowed to naturalize.

The boardwalk will be reconstructed in its new location and will be elevated to match the existing boardwalk.

The vegetation beneath the new boardwalk will be trimmed to allow for placement of the boardwalk. There will be no soil disturbance except for the installation of the new posts. The boardwalk to be abandoned will be removed. The area beneath the removed boardwalk will be seeded with a conservation seed mix and will be allowed to naturalize.

All demolition debris will be removed and reused, or will be disposed of at the landfill.

The work as proposed will not impact the ability of the resource areas to function as they currently do.

### CONCLUSION

The proposed work at 47 Pocomo Road in Nantucket, Massachusetts includes the relocation of existing beach stairs and a portion of boardwalk. The stairs have become unstable due to erosion of the *Coastal Bank*. The boardwalk will be realigned to reduce disturbance during future moves. The beach stairs are considered water dependent and therefore do not require a waiver from the *Nantucket Wetlands By-law*. The work as proposed meets the pertinent performance standards and will not affect the ability of the resource areas to function as they currently do.

NHESP INFORMATION

# 47 Pocomo Rd, Nantucket, Aerial and NHESP



### Property Information

**Property ID** 15 19  
**Location** 47 POCOMO RD  
**Owner** MCCOY JACQUELINE R TRST



### 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

# 47 Pocomo Road Nantucket Mass, Assessor's Map



Property Information	
<b>Property ID</b>	15 19
<b>Location</b>	47 POCOMO RD
<b>Owner</b>	MCCOY JACQUELINE R TRST

  
**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

\$7 Pocomo Road  
Nantucket  
Photographs  
December 30, 2015



Existing Stairs



Beach Stair Location



Proposed Boardwalk and Beach Stair Location

ABUTTER NOTIFICATION

PLAN REF.: L.C.PL.#20689-D



**NANTUCKET**  
**HARBOR**

L.C.PL.#20689-D

APPROX. RECORD WATER MARK  
1982  
MEAN HIGH WATER 3/2016

12' SPK  
SET 2008

APPROXIMATE LOCATION AS SHOWN ON  
THE FEMA FLOOD INSURANCE RATE MAP  
FOR THE TOWN OF NANTUCKET, JUNE 9, 2014

ZONE VE(EL.10)  
ZONE X

NHESP DESIGNATED ENDANGERED SPECIES & HABITAT AREA  
(APPROX. LOCATION AS SCALED FROM TOWN G.I.S. MAP)

15-17  
SAVEL NADINIEE TRUST

525.00' TO LOT CORNER/POCOMO RD.  
N 05°20'38" W

100' COASTAL BANK  
BUFFER

50' COASTAL BANK  
SETBACK

25' COASTAL BANK  
SETBACK

TOP OF  
COASTAL BANK 2008

BOTTOM  
OF

PROPOSED  
RELOCATED  
STAIRS

EXISTING STAIRS TO  
BE RELOCATED

PORTION OF BOARDWALK  
TO BE REMOVED.

BENCHMARK  
DHC B ELEV.=10.66'  
NAVD 88

N 11°55' W  
30' ±

S 05°20'38" E  
54.06'

S 05°20'38" E

525.94' TO LOT CORNER/POCOMO RD.

15-21  
NANTUCKET CONSERVATION FOUNDATION, INC.

EDGE OF WETLAND  
DEP FILE NO. SE-48-2236



PLOT PLAN TO ACCOMPANY  
A NOTICE OF INTENT  
FOR  
#47 POCOMO ROAD  
IN  
NANTUCKET, MASS  
SCALE: 1"=20' DATE: MARCH 3, 2016

DEED REF.: CERT.#22538  
PLAN REF.: L.C.PL.#20689-D  
ASSESSORS MAP 15 PARCEL 19  
CURRENT OWNER:  
JACQUELINE R. MCCOY, TR.

EARLE & SULLIVAN, INC.  
PROFESSIONAL LAND SURVEYORS  
6 YOUNGS WAY  
NANTUCKET, MA. 02554  
508-332-4808

# AMENDED ORDER OF CONDITIONS REQUESTS

Five & Nine Medouie  
Creek RT

5 & 9 Medouie Creek  
Rd

(20- 4 & 5)

SE48-2587

*Main Office:*  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
Tel (508) 833-0070  
Fax (508) 833-2282



*Nantucket Office:*  
19 Old South Road  
Nantucket, MA 02554  
Tel (508) 325-0044

March 17, 2016

Jeff Carlson  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE: Request for Amended Order of Conditions, 5 & 9 Medouie Creek Road,  
DEP File No. SE48-2587**

Dear Mr. Carlson:

Please accept this letter as a request for an Amended Order of Conditions for the above referenced project. The project was originally reviewed and approved on September 18, 2013.

The following changes to the previously approved plan are requested:

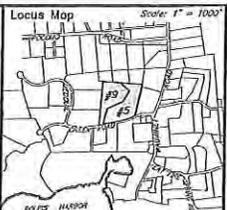
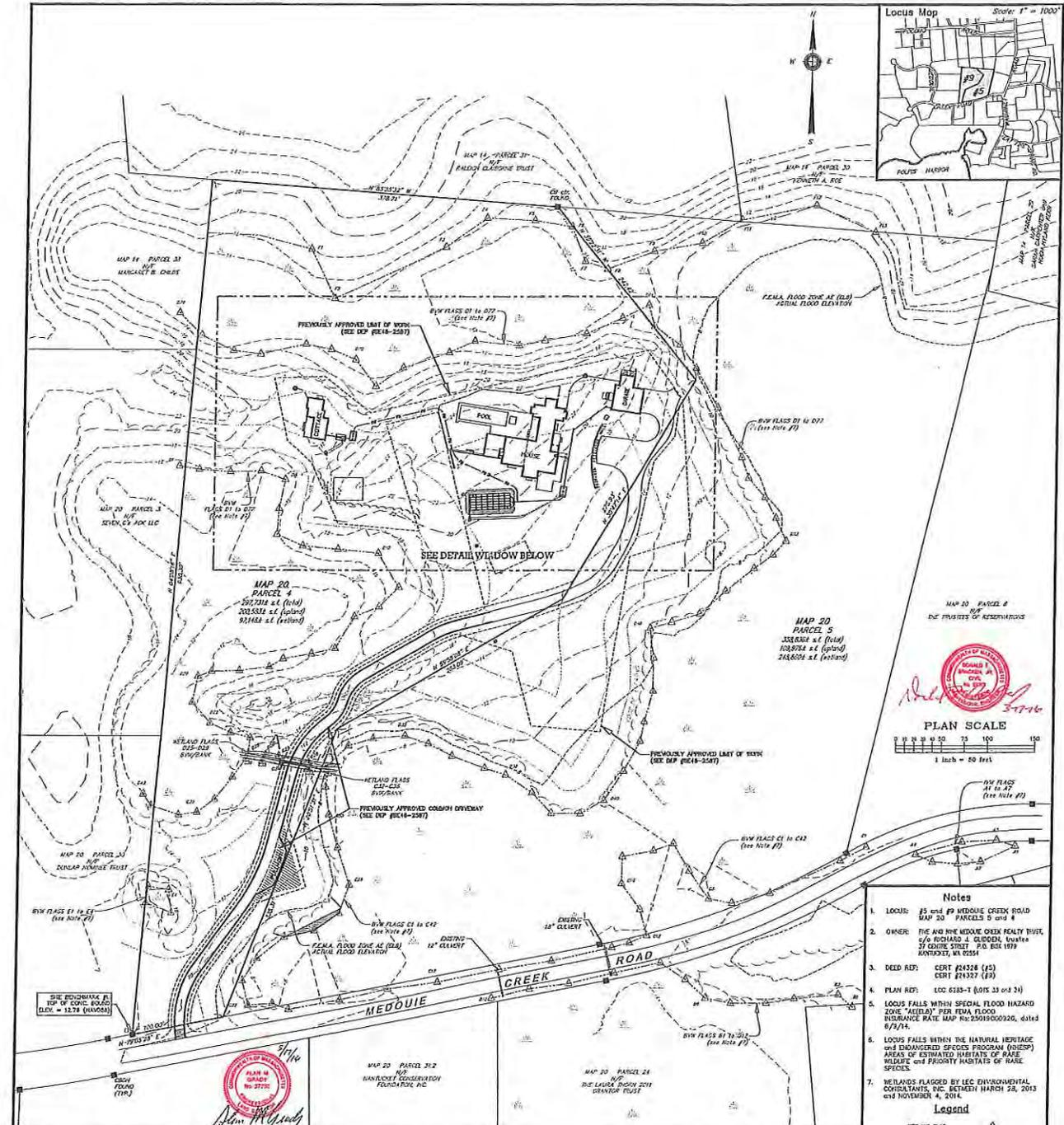
- Proposed garden area and associated grading;
- Proposed pool equipment and retaining wall;
- Revised septic system configuration.

Please see the attached site plan for more detail. Please call our office if you have any questions.

Sincerely,  
Bracken Engineering, Inc.

A handwritten signature in black ink, appearing to read 'Donald F. Bracken, Jr.', is written over the typed name.

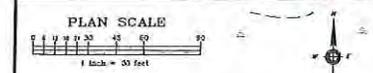
Donald F. Bracken, Jr., P.E.



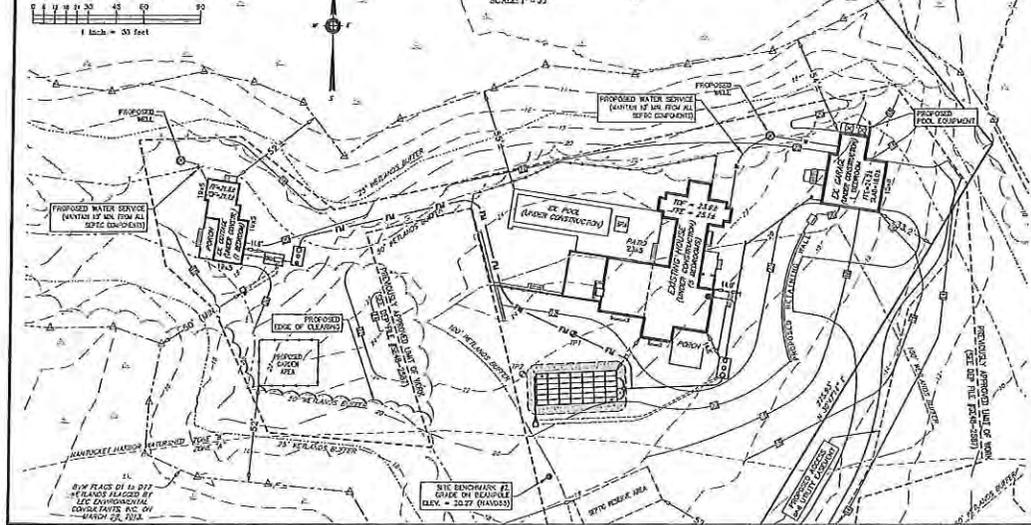
- Notes**
- LOCUS: #5 and #9 MEDOUIE CREEK ROAD MAP 20 PARCELS 5 and 8
  - OWNER: FIVE AND NINE MEDOUIE CREEK REALTY TRUST, 276 RICHARD S. GARDNER, SUITE 27 COVING STREET, P.O. BOX 1079, NANTUCKET, MA 02554
  - DEED REF: CERT #14128 (23) CERT #14127 (23)
  - PLAN REF: LOC 6183-1 (01/13 and 14)
  - LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE "ARELAY" PER FEMA FLOOD INSURANCE RATE MAP #13050100020, 6/18/03 6/2/14.
  - LOCUS FALLS WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
  - WETLANDS FLAGGED BY LEC ENVIRONMENTAL CONSULTANTS, INC. BETWEEN MARCH 28, 2013 and NOVEMBER 4, 2014.

**Legend**

WETLAND FLAG	▲
WETLAND SYMBOL	■
WETLAND LINE	—
WETLANDS ELUSTR	—
EGGSHO CONTROL	X
PROPOSED SENIOR FORECMAN	—
PROPOSED WATER SERVICE	—
PROPOSED POOL FENCE	—
EXISTING EDGE OF CLEARING	—
EXISTING CONTOUR	—
PROPOSED CONTOUR	—
PROPOSED SPOT GRADE	100



**DETAIL WINDOW**  
SCALE: 1" = 20'



Prepared By:

**BRACKEN ENGINEERING INC.**

48 HICKORY FORD ROAD  
BUZZARDS BAY, MA 02532  
(508) 848-8079  
(508) 848-1121

15 OLD SOUTH ROAD  
NANTUCKET, MA 02554  
(508) 226-9248  
www.brackeneng.com

**PROPOSED SITE PLAN  
IN NANTUCKET, MASSACHUSETTS**  
Prepared For:  
**FIVE AND NINE MEDOUIE  
CREEK REALTY TRUST**  
#5 & #9 MEDOUIE CREEK ROAD  
MAP 20 PARCELS 5 & 4

1	3/20/15	ADD GARAGE POOL EQUIPMENT & RETAINING WALL	RAM
2	11/27/14	REAR POOL FENCE 100'x30'	RAM
3	11/27/14	PROPOSED CLEARING	RAM

Date: NOVEMBER 14, 2014  
Drawn: RAM/ALM  
Checked: DRW/JMS  
Sheet: 1 of 1

Goose Cove LLC

7 South Cambridge St

(59.4-132)

SE48-2680

*Main Office:*  
49 Herring Pond Road  
Buzzards Bay, MA 02532  
Tel (508) 833-0070  
Fax (508) 833-2282



FILE COPY

*Nantucket Office:*  
19 Old South Road  
Nantucket, MA 02554  
Tel (508) 325-0044

March 17, 2016

Jeff Carlson  
Nantucket Conservation Commission  
2 Bathing Beach Road  
Nantucket, MA 02554

**RE: Request for Amended Order of Conditions, 7 South Cambridge Street,  
DEP File No. SE48-2680**

Dear Mr. Carlson:

Please accept this letter as a request for an Amended Order of Conditions for the above referenced project. The project was originally reviewed and approved on July 17, 2014.

The following changes to the previously approved plan are requested:

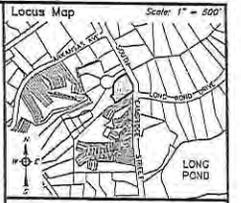
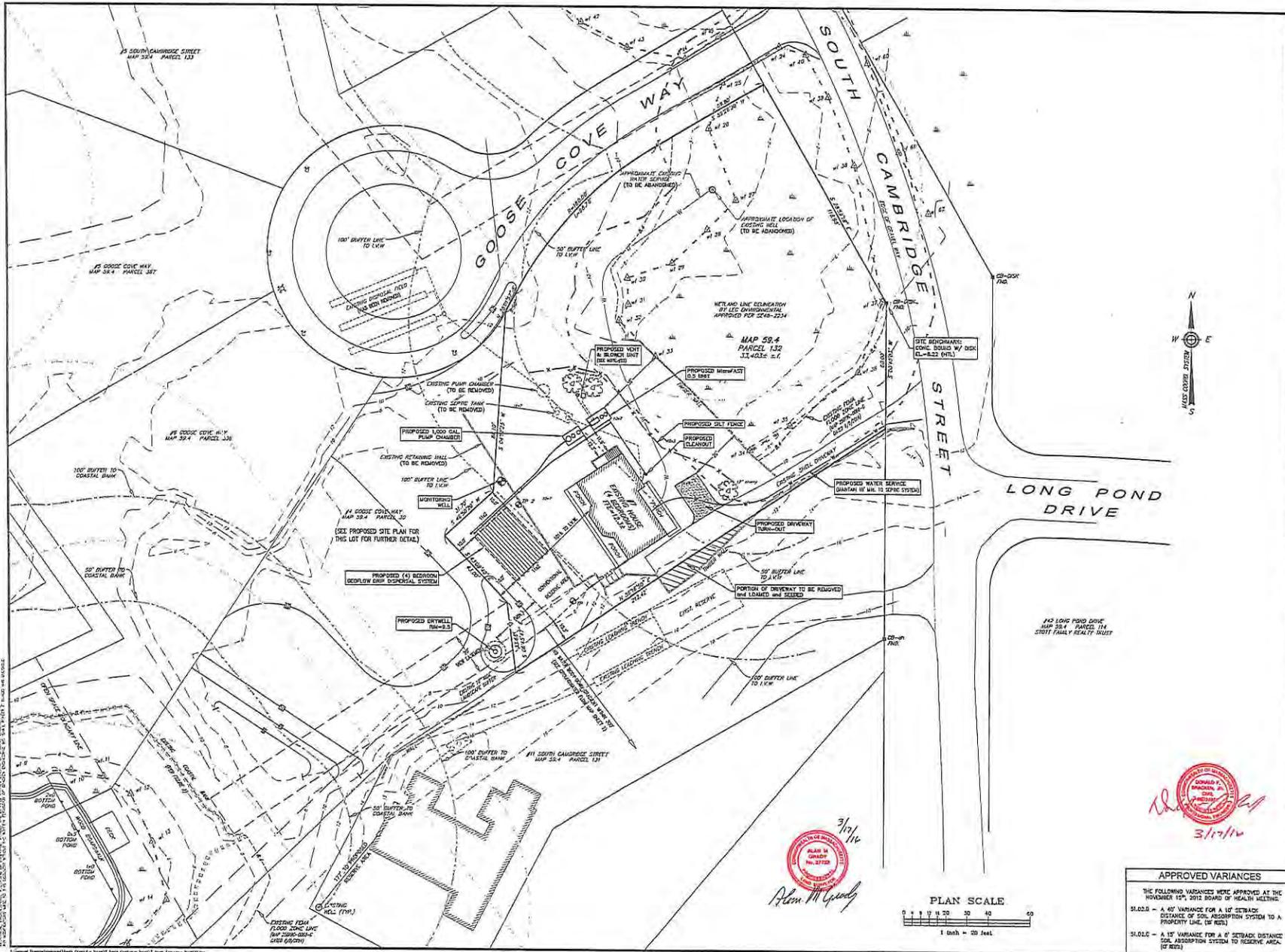
- Proposed driveway turn-out;
- Revised lot configuration.

Please see the attached site plan for more detail. Please call our office if you have any questions.

Sincerely,  
Bracken Engineering, Inc.

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

Donald F. Bracken, Jr., P.E.



- BENCHMARK: ELEVATION = 8.22 (MFL) CONC. BOUND W/ DISK
- ALL CONSTRUCTION METHODS AND MATERIALS TO CONFORM TO TITLE V AND THE TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
- ALL TRENCH COMPONENTS SHALL BE MARKED WITH FLAGGAGE TYPE OR A CONTRASTING HEAVY GREEN TO LOCATE. THIS SHALL BE DONE.
- NO FIELD MODIFICATIONS TO THE SYSTEM SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE DESIGN ENGINEER AND BOARD OF HEALTH.
- ALL JOINTS AND COVERS TO BE WATER-TIGHT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACTUAL LOCATION OF ANY EXISTING UTILITIES.
- A CERTIFICATE OF COMPLIANCE MUST BE OBTAINED PRIOR TO INSTALLATION.
- OWNER: GOOSE COVE, LLC 381 SOUTH CAMBRIDGE STREET NANTUCKET, MA 02554
- DEED REFERENCED: C-61 #24929
- PLAN REFERENCED: L.C. Plan 2002-110 (LOT 893)
- THE DESIGN IS INTENDED TO MEET TITLE V AND OTHER APPLICABLE REQUIREMENTS. THIS PLAN DOES NOT GUARANTEE THAT THE SYSTEM WILL BE INSTALLED AS DESIGNED, NOR DOES THE PLAN GUARANTEE THE OPERATION OF THE SYSTEM.
- THIS SYSTEM IS NOT DESIGNED NOR INTENDED FOR USE WITH A GARBAGE GRINDER.
- THE SYSTEM OWNER SHALL BE RESPONSIBLE TO PUMP THE SOLIDS FROM AT LEAST ONCE EVERY THREE YEARS.
- LOADS DOES NOT FALL WITHIN A ZONE II WELLSHED PROTECTION AREA.
- LOADS DOES NOT FALL WITHIN AN INDEED ESTIMATED HABITAT OF RARE WILDLIFE.
- LOADS DOES NOT FALL WITHIN AN INDEED ESTIMATED HABITAT OF RARE SPECIES.
- LOADS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE AS 4.2 IN PARAGRAPH 6.4 (B) (II) 42 DASHES ON FEMA FLOOD INSURANCE RATE MAPS NO. 22010C-0002-E AND 22010D-0004-E DATE 06/09/2014.
- LOADS DOES NOT FALL WITHIN ZONE "C" OF THE NANTUCKET HARBOR WATERWAYS PROTECTION DISTRICT.
- CONTRACTOR TO REFER TO ALL MANUFACTURER'S REQUIREMENTS AND SPECIFICATIONS FOR INSTALLATION OF THE MANHOLE 603 UNIT AND GEOPOLYMER CYCLON.
- THE RECORDS PROPERTY OWNER IS TO FILE A NOTICE OF DEED RESTRICTION AT THE NANTUCKET COUNTY REGISTERY OF DEEDS PRIOR TO THE INSTALLATION OF THE SYSTEM, INDICATING THE USE OF AN INNOVATIVE/ALTERNATIVE SOLIDS SYSTEM ON THE PROPERTY.
- HOMEOWNER IS TO ESTABLISH AN OPERATION & MAINTENANCE PLAN WITH A COMPANY CERTIFIED SYSTEM OPERATOR FOR THE MANHOLE AND GEOPOLYMER SYSTEM. ALL SYSTEM MAINTENANCE AND REPAIRS SHALL BE CONDUCTED IN ACCORDANCE TO THE MANUFACTURER'S DEPARTMENT OF ENVIRONMENTAL PROTECTION (EPA) GENERAL USE FORMS.
- CONTRACTOR TO COORDINATE PLACEMENT OF ALL ALARM PANELS AND THE MANHOLE 603 UNIT WITH THE HOMEOWNER & SYSTEM MANUFACTURER PRIOR TO INSTALLATION.
- SEE ORDER OF CONDITIONS NUMBER 16 #24-2487 FOR FURTHER INFORMATION REGARDING THE APPROVED SUBSTATION ROADWAY CONSTRUCTION AND MAINTENANCE THE RECORDS FOR APPROVAL TO CONSTRUCT PROPOSED SOL ABSORPTION SYSTEM.

Prepared By:

**BRACKEN ENGINEERING INC.**

49 BERRIDGE FORD ROAD  
BUZZARDS BAY, MA 02532

19 OLD SOUTH ROAD  
NANTUCKET, MA 02554

TEL: 508.333.8979 FAX: 508.338.8844  
WWW.BRACKENENGINEERING.COM

SUBSURFACE SEWAGE DISPOSAL SYSTEM PLAN IN NANTUCKET, MASSACHUSETTS

Prepared For:

**GOOSE COVE, LLC**

#7 SOUTH CAMBRIDGE STREET  
MAP 59.4 PARCEL 132

APPROVED VARIANCES

THE FOLLOWING VARIANCES WERE APPROVED AT THE NOVEMBER 15<sup>TH</sup>, 2016 BOARD OF HEALTH MEETING.

No.	Date	Revision Description	By
31.02.B		A 40' VARIANCE FOR A 10' STRIKE DISTANCE OF SOL ABSORPTION SYSTEM TO A PROPERTY LINE, (IF PER)	
31.01.C		A 10' VARIANCE FOR A 10' STRIKE DISTANCE OF SOL ABSORPTION SYSTEM TO RESERVE AREA, (IF PER)	

No.	Date	Revision Description	By
1	3/17/16	AS NOTED	ALAN M. QUADY

Date: MAY 28, 2016 (Print) Check: (Sign) 1 of 2

