

Conservation
Commission
Packet

For

04/20/2016



NANTUCKET CONSERVATION COMMISSION
Updated Meeting Notice/Agenda for Wednesday, April 20th 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 (05/04/16)**
2. Edwin Snider RT – 1 Brock's Ct (42.3.4-84) SE48-2835 **Cont (05/04/16)**
3. Zarella – 125 Wauwinet Road (12-8) SE48- 2856 **Cont (05/04/16)**
4. Zarella – 129 Wauwinet Road (12-4) SE48- 2857 **Cont (05/04/16)**
5. Great State Properties, LLC – 92 Washington St (42.2.3-22) SE48-2870
6. *Pocomo Neighbours – 47,53,55,57,61,63 & 69 Pocomo Road (Multiple) SE48-2874
7. Savel Nominee Trust– 47 Pocomo Road (15-19) SE48-2872
8. *Wilson- 24 Brant Point Rd (29-85.1) SE48-2876
9. *Maine Ave Trust – 10,12,14 Maine Avenue (60.3.1-433,459,463 & 431) SE48-2877
10. *Swift- 231 Madaket Road (38-10) SE48-2878
11. *A & B Realty Trust – 53 & 55 Baxter Road (49-17 & 18) SE48-

B. Amended Order of Conditions

1. *Five and Nine Medouie Creek RT – 5 & 9 Medouie Creek Road (20-5 & 4) SE48-2587
2. *Cumberland Farms, Inc – 115 Orange Street (55-364) SE48-2709

II. PUBLIC MEETING

A. Request for Determination

1. *4 The Kids Realty Trust – 79 Pocomo Road (15-5)

B. Minor Modifications

1. Cliff ACK Realty Trust – 96 Cliff Road (41-15) SE48-2066
2. *Collis – 5 Galen Ave (29-122) SE48-2815
3. *Wesquo Capital Partners – 57 Washington St. (42.2.3-37 Lot 1A) SE48-2796
4. * Wesquo Capital Partners – 57 Washington St. (42.2.3-37 Lot 1B) SE48-2837

C. Certificate of Compliance

1. *Cunningham – 103 Eel Point Road (32-6) SE48-2545

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

1. Great State Properties, LLC – 92 Washington St (42.2.3-22) SE48-2870
2. *Pocomo Neighbours – 47,53,55,57,61,63 & 69 Pocomo Road (Multiple) SE48-2874
3. Savel Nominee Trust– 47 Pocomo Road (15-19) SE48-2872
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7. *A & B Realty Trust – 53 & 55 Baxter Road (49-17 & 18) SE48-

E. Extension for Order of Conditions

1. Nantucket Yacht Club – 1 South Beach Street (42.4.2-10) SE48-2559

F. Other Business

1. Approval of Minutes 04/06/16.
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.

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.lectenvironmental.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.

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

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

PLYMOUTH, MA

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

WAKEFIELD, MA

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

WORCESTER, MA

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

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

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5.1.1	Land Subject to Coastal Storm Flowage	4
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Literature Referenced

Appendices

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

A. General Information



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.

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



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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.



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and The Town of Nantucket Wetlands 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)

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.

<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.

- 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.



Provided by MassDEP:
MassDEP File Number
Document Transaction Number
Nantucket
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C. Other Applicable Standards and Requirements (cont'd)

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

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

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

(f) OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

3. Separate MESA review completed.
Include copy of NHESP “no Take” determination or valid Conservation & Management Permit with approved plan.

3. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only b. Yes No

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

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

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

North Shore - Hull to New Hampshire border:

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

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



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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.



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

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

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

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:

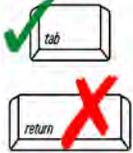
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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>
h. Phone Number	i. Fax Number
<u></u>	<u></u>
j. Email Address	

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

B. Fees

Fee should be calculated using the following process & worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

NOI Wetland Fee Transmittal Form

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40
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>
	a. Total Fee from Step 5
State share of filing Fee:	<u>\$152.50</u>
	b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:	<u>\$177.50</u>
	c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
Box 4062
Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

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).

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 13th 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.

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.

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.

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

Massachusetts Natural Heritage Atlas, 13th 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.

Massachusetts Wetlands Protection Act (M.G.L. c. 131, §. 40) and its implementing *Regulations* (310 CMR 10.00), 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.

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.

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

Figure 1: USGS Topographic Map
 92 Washington Street (Ext)
 Nantucket, Massachusetts

N

 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.

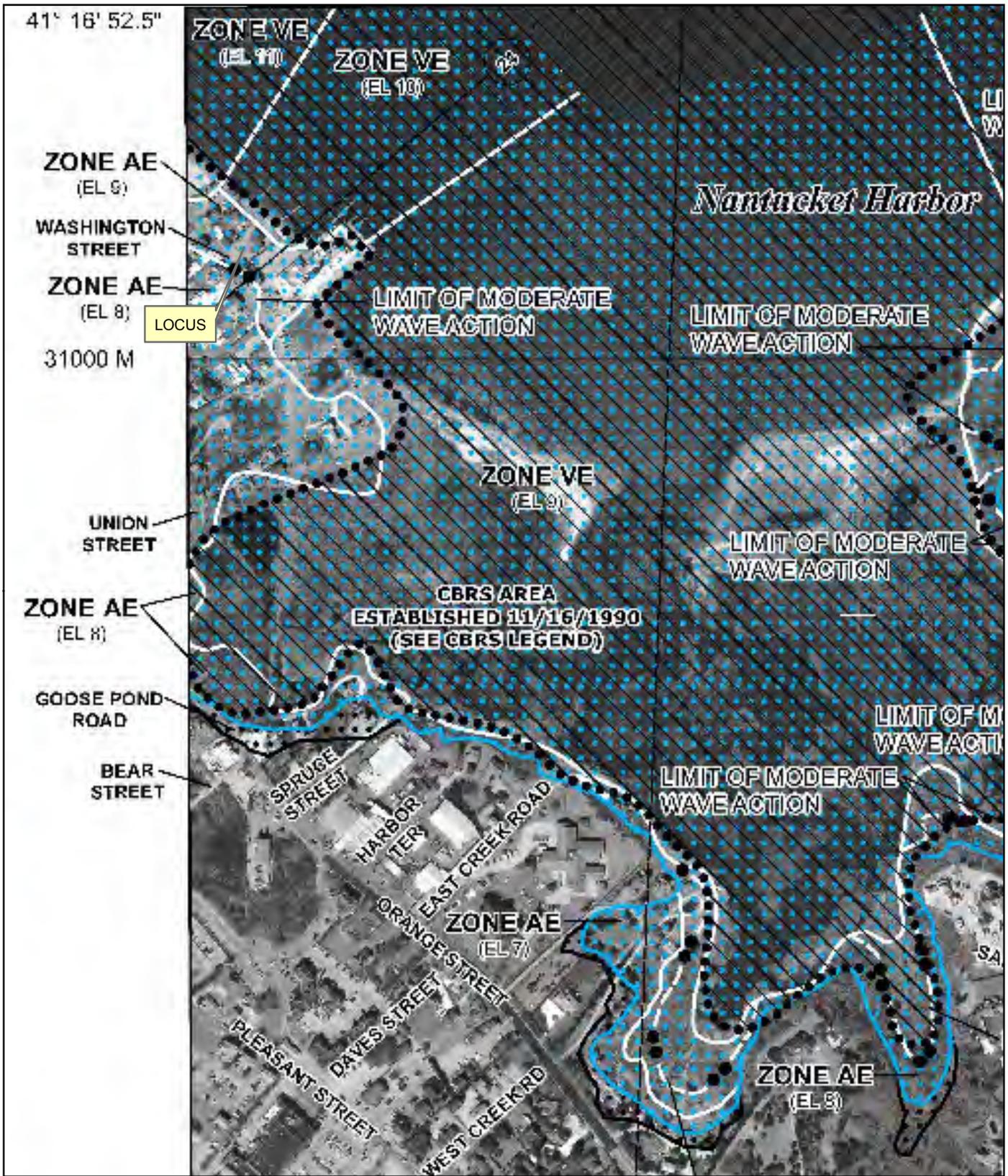
Plymouth, MA
508.746.9491
www.lecenvironmental.com

Figure 2: Aerial Orthophoto

92 Washington Street (Ext)
Nantucket, Massachusetts



March 4, 2016



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



LEC Environmental Consultants, Inc.

Plymouth, MA
508.746.9491
www.lecenvironmental.com

92 Washington Street (Ext)
Nantucket, Massachusetts



Effective Date:
June 9, 2014



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



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

Appendix B

Photographs

Streetside photos



Waterside photos

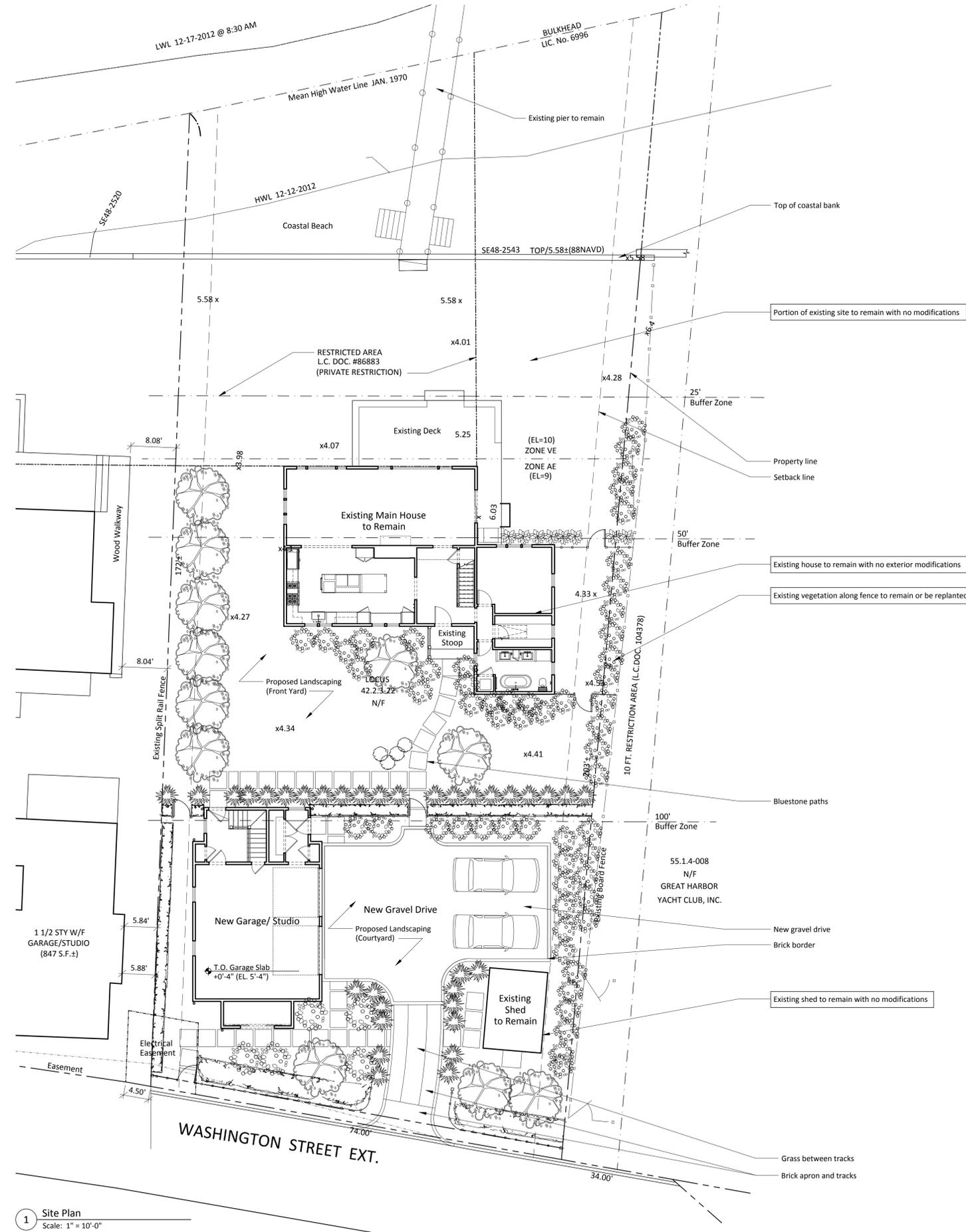


West and east side yard photos



Appendix C

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



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

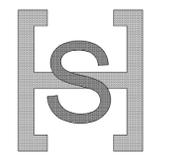
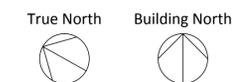


Zoning Information	
Assessor's Map and Parcel Number	42.2.3.22
Zone	RC
Minimum lot size	5,000 S.F.
Current Lot Size	14,635 S.F.
Front Setback	0'-0"
Side and Rear Setback	5'-0"
Allowable ground cover ratio	50%
Allowable ground cover	7,317 S.F.
Current ground cover	1,342 S.F.
Current ground cover ratio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

**NEW
INFORMATION
FOR CURRENT
HEARING**

BLACKWELL & ASSOCIATES, INC.

Professional Land Surveyors

20 Teasdale Circle
NANTUCKET, MASSACHUSETTS 02554

FAX (508) 228-5292
(508) 228-9026

LETTER OF TRANSMITTAL

TO NANTUCKET CONSERVATION
COMMISSION
#2 BATHING BEACH RD.

DATE	<u>4/15/16</u>	JOB NO.	<u>B7956.1</u>
ATTENTION	<u>JO CUPPONE</u>		
RE:	<u>REVISED PLANS</u>		
	<u>NOI - GREAT STATE PROPERTIES</u>		
	<u>#92 WASHINGTON ST.</u>		
	<u>42.23 - 022</u>		
	<u>SE 48 - 2870</u>		

BY HAND + EMAIL

WE ARE SENDING YOU Attached Under separate cover via _____ the following items:

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order REVISED PLANS

COPIES	DATE	NO.	DESCRIPTION
<u>2</u>	<u>4/15/16</u>		<u>REVISED PLANS - SHEETS 1 OF 2 & 2 OF 2</u> <u>NOI SE48-2870 / 92 WASHINGTON ST. EXT.</u>

THESE ARE TRANSMITTED as checked below:

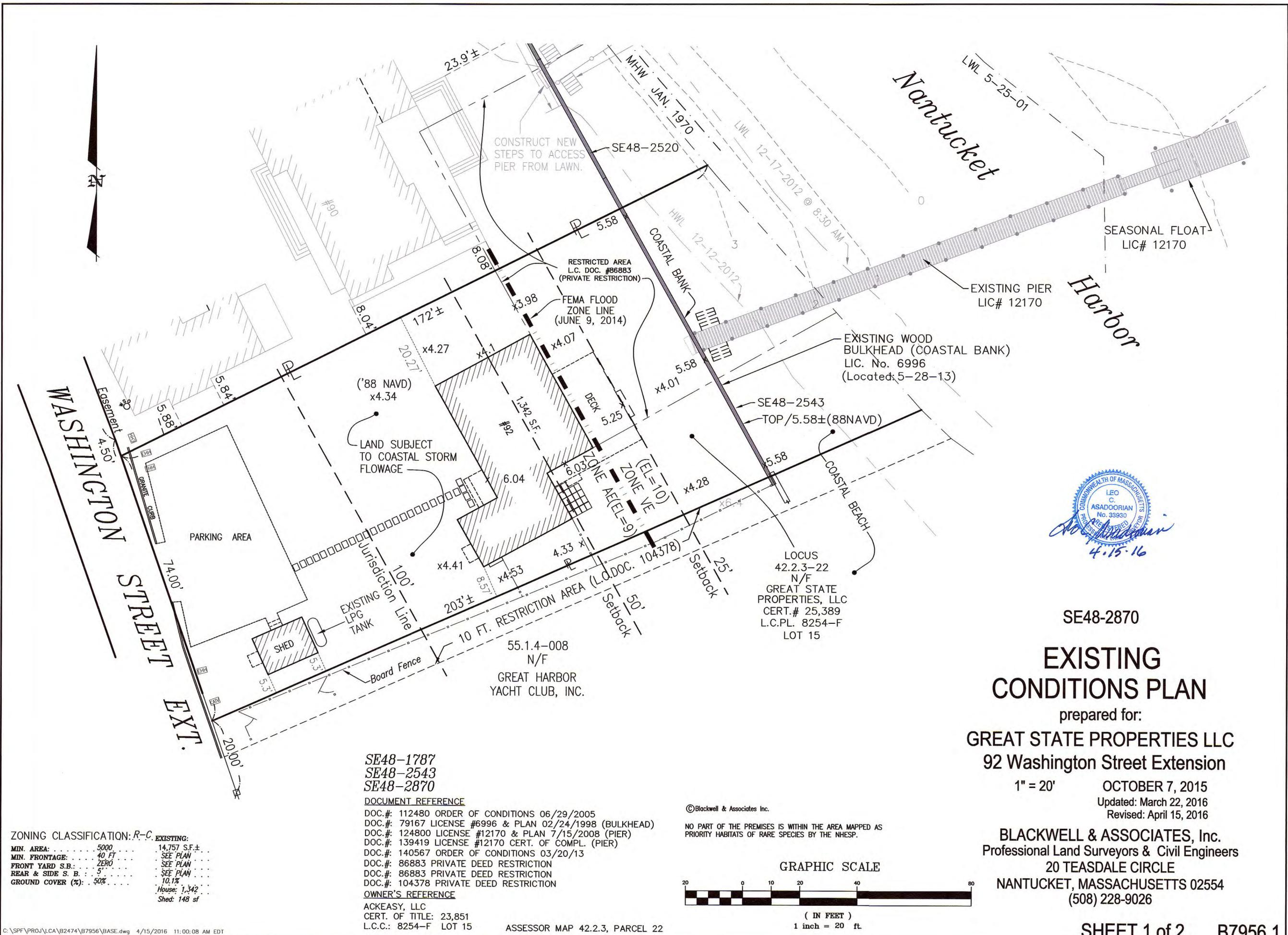
- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ PRINTS RETURNED AFTER LOAN TO US

REMARKS _____

COPY TO STAN HUMPHRIES (LEC), FILE, DEP

SIGNED: LEO C. ASADOORIAN PS

If enclosures are not as noted, kindly notify us at once.



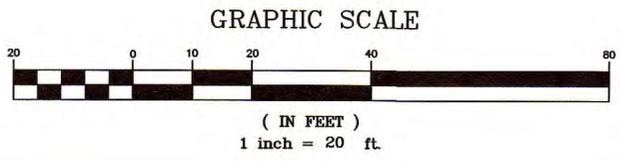
SE48-2870
**EXISTING
 CONDITIONS PLAN**

prepared for:
GREAT STATE PROPERTIES LLC
 92 Washington Street Extension

1" = 20' OCTOBER 7, 2015
 Updated: March 22, 2016
 Revised: April 15, 2016

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors & Civil Engineers
 20 TEASDALE CIRCLE
 NANTUCKET, MASSACHUSETTS 02554
 (508) 228-9026

©Blackwell & Associates Inc.
 NO PART OF THE PREMISES IS WITHIN THE AREA MAPPED AS
 PRIORITY HABITATS OF RARE SPECIES BY THE NHESP.



ZONING CLASSIFICATION: R-C
 MIN. AREA: 5000
 MIN. FRONTAGE: 40 FT
 FRONT YARD S.B.: ZERO
 REAR & SIDE S. B.: 5'
 GROUND COVER (%): 50%
 EXISTING:
 14,757 S.F.±
 SEE PLAN
 SEE PLAN
 SEE PLAN
 10.1%
 House: 1,342
 Shed: 148 sf

SE48-1787
 SE48-2543
 SE48-2870
 DOCUMENT REFERENCE
 DOC.#: 112480 ORDER OF CONDITIONS 06/29/2005
 DOC.#: 79167 LICENSE #6996 & PLAN 02/24/1998 (BULKHEAD)
 DOC.#: 124800 LICENSE #12170 & PLAN 7/15/2008 (PIER)
 DOC.#: 139419 LICENSE #12170 CERT. OF COMPL. (PIER)
 DOC.#: 140567 ORDER OF CONDITIONS 03/20/13
 DOC.#: 86883 PRIVATE DEED RESTRICTION
 DOC.#: 86883 PRIVATE DEED RESTRICTION
 DOC.#: 104378 PRIVATE DEED RESTRICTION
 OWNER'S REFERENCE
 ACKEASY, LLC
 CERT. OF TITLE: 23,851
 L.C.C.: 8254-F LOT 15
 ASSESSOR MAP 42.2.3, PARCEL 22

Pocomo Neighbours

47,53,55,57,61,63 & 69

Pocomo Road

(Multiple)

SE48-2874



NOTICE OF INTENT APPLICATION

For Coastal Bank Stabilization

At

47, 53, 55, 57, 61, 63, 67, 69 Pocomo Road
Nantucket, MA

March 2016

Prepared For

POCOMO NEIGHBORS

Locus Map - 47, 53, 55, 57, 61, 63, 67, 69 Pocomo Road



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

Town and County of Nantucket, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2014
Properties updated January, 2015



March 17, 2016

Mr. Ernest Steinauer, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent for Coastal Bank Stabilization
47, 53, 55, 57, 61, 63, 67, 69 Pocomo Road
Nantucket, Massachusetts

Dear Mr. Steinauer:

On behalf of the property owners listed on the attached document titled Applicants for Pocomo Neighbors Coastal Stabilization Project, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed Coastal Bank stabilization activities at the above referenced Pocomo Road properties (the "Site") in Nantucket, Massachusetts.

Proposed activities consist of stabilization, nourishment, and planting of American Beach Grass along the length of Coastal Bank located at the Site. Resource areas at the Site include Coastal Bank, Coastal Beach, Land Subject to Coastal Storm Flowage and Land Under the Ocean. No alteration is proposed to the Coastal Beach but it will be used as a working area during proposed Coastal Bank stabilization activities. Attached are permit drawings, including plans showing a site locus, existing conditions including resource area locations, and proposed construction areas.

A completed WPA Form 3 – Notice of Intent is attached along with the NOI Wetland Fee Transmittal Form including checks for \$1,012.50, \$25 and \$200 to cover the WPA filing fee, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$266.90 to the Inquirer & Mirror for publication of the notice of the public hearing. A Waiver Request from Section 2.05.B.3 of the Town of Nantucket Bylaw Chapter 136 has also been provided with this letter.

Notification of this NOI filing was provided to all abutting property owners by certified mail. This property owner listing was obtained from the Town of Nantucket Assessor's office. Documentation of the notification is provided including a copy of the notification letter, the property owner listing and certified mail receipts.

Attached is a publication by the Massachusetts Office of Coastal Zone Management which promotes this type of alternative for coastal stabilization. Also included are pages from the Order of Conditions (SE48-2789) issued on August 19, 2015 for a very similar project with similar conditions within Nantucket Harbor. The pages contain the Additional Conditions which this applicant also agrees to adhere to. That project has been constructed without apparent adverse impact to the interests protected by the Commission.

Please refer to the attached Site Assessment Report prepared by Lee Weishar, Ph.D. of the Woods Hole Group for additional supporting information.

20 Mary Ann Drive • Nantucket, MA 02554
508-825-5053 • www.NantucketEngineer.com

Site Description

The Properties at 47, 53, 55, 57, 61, 63, 67, 69 Pocomo Road are listed as Map 15, Parcels 19, 17, 18, 16, 15, 12, 11, 10 (Respectively) by the Town of Nantucket Assessor's Office. The combined property area is approximately 21-acres, and located in a residential area along the northern side of Pocomo Point. The properties are bounded to the north by Nantucket Harbor and to the east, west by existing residential properties. Pocomo Road runs along the southern side of the properties. Resource Areas on the Site consist of Coastal Bank and Coastal Beach and associated buffer zones, Land Subject to Coastal Storm Flowage and Land under the Ocean (Nantucket Harbor). No work is proposed in Nantucket Harbor (Land Subject to Coastal Storm Flowage), or below Mean High Water.

The Coastal Beach is located between the harbor and the existing Coastal Bank. Work proposed in this resource area includes only temporary machine activity associated with the project.

The Coastal Bank is located between the Coastal Beach and the upland areas (dunes). Work in this area consists of installation of five rows of sand-filled fiber rolls anchored into the Coastal Bank with duckbill anchors and anchor posts. The fiber rolls will be covered with sand and planted with American Beach Grass. Performance standards within this area are met, due to available sediment for transfer from the bank and fiber rolls to the adjacent resource areas. The 4 by 4-inch anchor posts at 5 feet on center are necessary to provide structural stability to the embankment slope and the toe until such time a full vegetative cover is established.

Land Subject to Coastal Storm Flowage extends to the 100-year flood elevation of 10 (NAVD88). The performance standards within this area are met as the ability of the land to contain flood waters is not impacted.

A portion of the project area is located within National Heritage and Endangered Species Program (NHESP) Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife. A copy of this application has been provided to NHESP for review and comment.

Project Description

The Pocomo Neighbors will retain an experienced contractor to perform the proposed Coastal Bank stabilization. The plans show the proposed construction details, including final grading and planting details. The proposed Coastal Bank stabilization that is the subject of this NOI consists of the following:

- Temporarily removing existing stairs;
- Adjustment of the embankment grade to 1:1.5 slope;
- Installing proposed stabilization system consisting of horizontal rows of 20-inch diameter fiber rolls, anchored in with duckbill anchors and anchor posts;
- Placement of erosion control blanket over the upper slope with a hand dug lock in trench;
- Placement of sand fill over fiber rolls (approximately 6 inches);
- Planting of American Beach Grass and other native species on the fiber rolls and on the slope.

Work Description

The applicant proposes to re-establish a vegetated slope on the face of the Coastal Bank, and enhance the ability of the landform to maintain a vegetated slope with the installation of biodegradable sand-filled fiber rolls with anchors, re-vegetation of the Coastal Bank, and maintenance of sand over the rolls. The sand cover will serve as sacrificial sediment to replicate a natural bank for storm damage protection and will maintain the available supply of sediment to the littoral system during storms.

The construction access for the project will be from the end of Pocomo Road to the beach along the existing sand track. This access will be used for once daily trips to get a small track excavator to the beach. No equipment will be left on the beach overnight or during severe storms. The beach access will be restored to match the existing conditions. Before and after construction photographs will be provided to the Commission to document appropriate restoration of the access area.

Sand and materials for the project will be delivered to the upland portion of the property for staging and transported to the beach as needed via small hoppers or front end loader.

Existing sand will be used as available and tested for grain size as part of this work. Supplemental sand brought in from offsite will be tested to confirm similar grain size characteristics to the existing sand.

Upon completion of the project, the face of the Coastal Bank will be vegetated with American Beach Grass and other appropriate native species.

Monitoring & Maintenance

The applicant proposes to conduct the following observation and maintenance program for the installed slope stabilization:

- Visit the site twice per year in early spring and late fall to observe condition of the slope and assess need for maintenance.
- Visit the site after each significant storm to assess conditions and provide as needed repairs.
- When significant storm damage is observed, the Conservation Commission will be notified to implement corrective measures.

Conclusion

The work as proposed will not affect the ability of the resource areas to function as they currently do, and will result in an improvement to the stability and vegetative community of the coastal bank system. The project will not result in an adverse impact on the areas or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and scenic views.

Sincerely,



Arthur D. Gasbarro, PE, PLS, LEED AP

POCOMO NEIGHBORS COASTAL STABILIZATION PROJECT





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

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

A. General Information (continued)

6. General Project Description:

The applicants are proposing to install an anchored fiber roll array with reinforced soil lifts, timber posts, sand nourishment cover and beach grass/native species plantings along the face of a coastal bank. The existing debris and fence posts will be removed and the entire area cleaned up. Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

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

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

1. Yes No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET

a. County

Refer to Attached List ("Pocomo Neighbors")

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.

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

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



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

Provided by MassDEP:
MassDEP File Number
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NANTUCKET
City/Town

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area
2. Width of Riverfront Area (check one):
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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

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

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. Designated Port Areas
b. Land Under the Ocean
c. Barrier Beach
d. Coastal Beaches
e. Coastal Dunes



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

Provided by MassDEP:
MassDEP File Number
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NANTUCKET
City/Town

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

	<u>Size of Proposed Alteration</u>	<u>Proposed Replacement (if any)</u>
f. <input checked="" type="checkbox"/> Coastal Banks	1,800' +/- Fiber Rolls, Sand Fill & Beach Grass Plantings	
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	21,000+/-	
	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.

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

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581**

10/1/08
b. Date of map



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:
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 No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

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

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

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



WPA Form 3 – Notice of Intent

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

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

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

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent – 2 Sheets

a. Plan Title	Blackwell & Associates, Inc. & Nantucket Engineering & Survey, P.C.	Arthur D. Gasbarro, PE, PLS, LEED AP
	March 17, 2016	c. Signed and Stamped by
d. Final Revision Date		1" = 30'
		e. Scale

f. Additional Plan or Document Title	Site Assessment by Woods Hole Group, Lee Weishar, Ph.D	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.



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

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

E. Fees

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

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

<u>108</u>	<u>3/13/16</u>
2. Municipal Check Number	3. Check date
<u>107</u>	<u>3/13/16</u>
4. State Check Number	5. Check date
<u>Kenneth G.</u>	<u>Bartels (P N. Account)</u>
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.

<u><i>Arthur D. Salas</i></u> Agent	<u>3/16/16</u>
1. Signature of Applicant	2. Date
<u><i>Arthur D. Salas</i></u> Agent	<u>3/16/16</u>
3. Signature of Property Owner (if different)	4. Date
<u><i>Arthur D. Salas</i></u>	<u>3/16/16</u>
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.



To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

A. Applicant Information

1. Applicant:

Refer to Attached List ("Pocomo Neighbors")

a. First Name _____ b. Last Name _____

c. Organization

c/o Arthur I. Reade, Jr., P.O. Box 2669

d. Mailing Address

Nantucket

e. City/Town

MA

f. State

02584

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

2. Property Owner (if different):

Refer to Attached List ("Pocomo Neighbors")

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, 53, 55, 57, 61, 63, 67, 69 Pocomo Road

a. Street Address

Nantucket

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
Install fiber rolls, sand fill & plant American beach grass.	1,800 l.f.	\$4/foot	\$2,000 (Max.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Nantucket Wetland By-law Fee	_____	_____	\$25
Nantucket Expert Review Fee	_____	_____	\$200
Step 5/Total Project Fee:			\$2,000 + \$25 + \$200
Step 6/Fee Payments:			
Total Project Fee:			<u>\$2,000 + \$25 + \$200</u> a. Total Fee from Step 5
State share of filing Fee:			<u>\$987.50</u> b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>\$1012.50</u> c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

Refer to Attached List ("Pocomo Neighbors")

a. First Name _____ b. Last Name _____

c. Organization _____

c/o Arthur I. Reade, Jr., P.O. Box 2669

d. Mailing Address _____

Nantucket _____ MA _____ 02584 _____

e. City/Town _____ f. State _____ g. Zip Code _____

h. Phone Number _____ i. Fax Number _____ j. Email Address _____

2. Property Owner (if different):

Refer to Attached List ("Pocomo Neighbors")

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, 53, 55, 57, 61, 63, 67, 69 Pocomo Road _____ Nantucket _____

a. Street Address _____ b. City/Town _____

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).

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
Install fiber rolls, sand fill & plant American beach grass.	1,800 l.f.	\$4/foot	\$2,000 (Max.)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
Nantucket Wetland By-law Fee	_____	_____	\$25
Nantucket Expert Review Fee	_____	_____	\$200
Step 5/Total Project Fee:			\$2,000 + \$25 + \$200
Step 6/Fee Payments:			
Total Project Fee:			<u>\$2,000 + \$25 + \$200</u>
			a. Total Fee from Step 5
State share of filing Fee:			<u>\$987.50</u>
			b. 1/2 Total Fee less \$12.50
City/Town share of filing Fee:			<u>\$1012.50</u>
			c. 1/2 Total Fee plus \$12.50

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)



APPLICANTS FOR POCOMO NEIGHBORS COASTAL STABILIZATION PROJECT

<u>Owner</u>	<u>(#Pocomo Rd)</u>	<u>Map 15 Parcel</u>	<u>Certificate of Title</u>
Jacqueline R. McCoy, Trustee Savel Nominee Trust 31 St. James Ave, Suite 740 Boston, MA 02116	(#47 & 53)	19 17	22,538 24,570
Arthur B. Page, Trustee Fifty-Five Pocomo Realty Trust P.O. Box 1022 Marlborough, MA 01752	(#55)	18	20,152
Robert S. Shapiro, Trustee Lois K. Shapiro, Trustee Pocomo Realty Trust II 273 Lansing Island Rd Satellite Beach, FL 32937	(#57)	16	13,605
Pocomo, LLC c/o York Capitol 767 5 th Ave 17 th Floor New York, NY 10153	(#61)	15	19,629
Peter Barrett & Mary V. Barrett 303 Columbus Ave #401 Boston, MA 02116	(#63)	12	19,639
Martin Wayne & Susan Wayne 440 Harris Road Bedford Hills, NY 10507	(#67)	11	22,595
Kenneth G. Bartels, Trustee 69 Pocomo Nominee Trust 38 Close Road Greenwich, CT 06831	(#69)	10	22,603

**Pages from Title Documents
For Project Properties**

Transfer Certificate of Title

Cert No:22538
Doc No:119609

From Transfer
Certificate No. 21999 Originally Registered October 31, 2005

the Registry District of Nantucket County

This is to Certify that

**JACQUELINE R. MCCOY, Trustee of SAVEL NOMINEE TRUST, u/d/t dated March 5, 2007,
registered as Document No. 119610 at the Registry District of Nantucket County,**

of Paul McCoy Family Office Services LLP, 31 St. James Avenue, Suite 880, Boston in the
County of Suffolk and the Commonwealth of Massachusetts 02116,
is the owner in fee simple, of that land situated in Nantucket,
in the County of Nantucket and said Commonwealth, bounded and described as follows:

SOUTHERLY	by the line of Pocomo Road, two hundred twenty and 74/100 (220.74) feet;
WESTERLY	by Lot 4 on plan hereinafter mentioned, measuring on the upland, about five hundred eighty-five (585.+-) feet;
NORTHERLY	by Nantucket Harbor; and
EASTERLY	by land now or formerly of Richard M. Everett et al, Trs., measuring on the upland, about six hundred twenty-four (624.+-) feet.

All of said boundaries, except the water lines, are determined by the Court to be located
as shown upon plan numbered 20689-D, drawn by J. E. Marcklinger & Associates, Inc., Surveyors, dated
April 14, 1982, and filed with Certificate of Title No. 10208 at the Registry District of Nantucket County. Said
land is shown thereon as Lot 5.

There is appurtenant to said land the right to use, in common with all other persons
lawfully entitled thereto, all the Proprietors Roads, shown on Plan No. 22667-A, which are not public,
adjacent to the said land, to and from Pocomo Road and Nantucket Harbor.

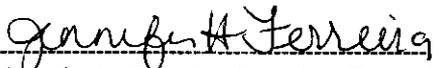
And it is further certified that said land is under the operation and provisions of Chapter 185 of the General
Laws, and that the title of said

JACQUELINE R. MCCOY, Trustee of SAVEL NOMINEE TRUST

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in
section forty-six of said chapter, which may be subsisting, and subject also as aforesaid; also subject to
any and all public rights legally existing in and over the same below mean high water mark.

Witness **KARYN F. SCHEIER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of
Nantucket the twelfth day of March in the year two thousand and seven
at two o'clock and twelve minutes in the afternoon.

Attest , with the Seal of said Court,


Jennifer H. Ferreira, Assistant Recorder

Purported Property Address: 47 Pocomo Road

Land Court Case No. 20689

CERTIFICATE OF TITLE NO. 22538



2012 00139365

Cert: 24570 Doc: DD

Registered: 12/18/2012 03:15 PM

DEED

I, JOHN G. McMILLIAN, Trustee of the McMILLIAN FAMILY TRUST under Declaration of Trust dated May 12, 2010, registered with Nantucket Registry District as Document No 134920, of Park City Utah, for consideration paid in the amount of \$6,000,000.00, grant to JACQUELINE McCOY, Trustee of the SAVEL NOMINEE TRUST, under Declaration of Trust dated March 5, 2007, registered with Nantucket Registry District as Document No. 119610, with a mailing address of Suite 740, 31 St. James Avenue, Boston, Massachusetts 02116, with QUITCLAIM COVENANTS,

The land, together with all buildings, structures and improvements existing thereon, now known and numbered as 53 Pocomo Road, Town and County of Nantucket, Massachusetts, more particularly bounded and described as follows:

SOUTHERLY	by Pocomo Road, Two Hundred Thirty-One and 01/100 (231.01) feet;
WESTERLY	Two Hundred Eighty-Nine and 12/100 (289.12) feet;
NORTHERLY	Forty-One and No/100 (41.00) feet;
WESTERLY	One Hundred Fifty and No/100 (150.00) feet;
SOUTHERLY	Forty-One and No/100 (41.00) feet;
WESTERLY	measuring on the upland about One Hundred (100+) feet, by Lot 6, as shown on a plan hereinafter mentioned;
NORTHERLY	by Nantucket Harbor; and

EASTERLY by Lot 5, as shown on said plan, measuring on the upland about Five Hundred Seventy-Two (572+) feet.

Said land is shown as Lot 7 on Land Court Plan No. 20689-E.

Said land is conveyed subject to real estate taxes assessed by the Town of Nantucket for the fiscal year 2013 commencing on July 1, 2012.

For title, see Certificate of Title No. 24024.

The undersigned, by virtue of his execution hereof, hereby certifies that: (a) he is the sole Trustee of McMillian Family Trust; (b) said Trust has not been altered, amended, revoked, or terminated; (c) that no beneficiary of said Trust is a minor or under any incapacity; and (d) that he has been authorized and directed by all of the beneficiaries of said Trust to execute, acknowledge, and deliver the within deed.

Executed and sealed on December 15, 2012.

NANTUCKET LAND BANK CERTIFICATE	
<input checked="" type="checkbox"/> Paid \$	<u>20,000.00</u>
<input type="checkbox"/> Exempt	
<input type="checkbox"/> Non-applicable	
<u>33469</u>	<u>12/18/12</u>
No.	Date
Authorization	<u>[Signature]</u>

[Signature]
John G. McMillian, Trustee of
McMillian Family Trust

STATE OF UTAH

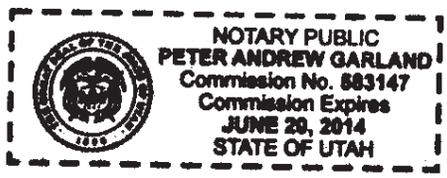
MASSACHUSETTS EXCISE TAX
Nantucket County ROD #16 001
Date: 12/18/2012 08:15 PM
Ctrl# 460377 26952 Doc# 00139365
Fee: \$27,360.00 Cons: \$6,000,000.00

SUMMIT, ss.

On this 15TH day of December, 2012, before me, the undersigned notary public, personally appeared John G. McMillian proved to me through satisfactory evidence of identification, which was PERSONALLY KNOWN, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed voluntarily for its stated purpose and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

[Signature]
Notary Public

My commission expires:
6/20/2014



TRANSFER CERTIFICATE OF TITLE

Cert. No. 20152
Docu. No. 95181

From TRANSFER Certificate No. 18045 Originally Registered

September 22, 1997 in Registration Book 95 Page 23

for the Registry District of Nantucket County.

THIS IS TO CERTIFY that ARTHUR B. PAGE, TRUSTEE of the FIFTY-FIVE POCOMO REALTY TRUST u/d/t dated 11/26/2001 and registered as document # 95180, of P.O. Box 1022, Marlborough in the County of Middlesex and Commonwealth of Massachusetts 01752

is the owner in fee simple

of that land situated in NANTUCKET

in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

Lot 8 on plan 20689-F, drawn by Nantucket Surveyors, Inc., Surveyors, dated April 7, 1994, filed with Certificate of Title No. 13,604 at the Registry District of Nantucket County.

So much of the land hereby registered as is included within the limits of Pocomo Road, shown on said plan, is subject to the rights of the public in and over the same.

So much of the land hereby registered as is included within the limits of said Proprietors Road is subject to the rights of all persons lawfully entitled thereto in and over the same.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said ARTHUR B. PAGE, TRUSTEE of the FIFTY-FIVE POCOMO REALTY TRUST

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate; and to any and all public rights legally existing in and over the same below mean high water mark.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said County of Nantucket.

The eighteenth day of December in the year two thousand and one at 9 o'clock and 5 minutes in the forenoon.

Attest, with the seal of said court,


Joanne L. Kelley, Assistant Recorder

Case # 20689

Purported Address of Property:
55 POCOMO ROAD
CERTIFICATE OF TITLE NO. 20152

Transfer Certificate of Title.

No.13,605

Bk 71
Pg 55

From Transfer Certificate No. 8863 , Originally Registered September 6, 19 79, in
Registration Book 46 Page 43 for the Registry District of Nantucket County.

This is to Certify that
ROBERT S. SHAPIRO
and
LOIS K. SHAPIRO
Trustees of
~~in the County of~~ ~~and Commonwealth of Massachusetts,~~
POCOMO REALTY TRUST III

u/d/t dated April 19, 1988 and registered as Document No. 43509 at the
Registry District of Nantucket County, of 50 Century Lane, Watchung in
the State of New Jersey 07060

are the owner s in fee simple

of that certain parcel of land situate in Nantucket,
of Massachusetts,
in the County of Nantucket and ~~and~~ Commonwealth/bounded and described as follows:

- SOUTHERLY by Proprietors Road, three hundred ten (310.00) feet;
- WESTERLY by Proprietors Road, measuring on the upland, about five hundred forty-seven (547.±) feet;
- NORTHERLY by Nantucket Harbor; and
- EASTERLY by Lot 2 on plan hereinafter mentioned, measuring on the upland, about five hundred seventy-eight (578.±) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 20689-C, drawn by Josiah S. Barrett, Engineer, dated April 8, 1963, and filed with Certificate of Title No. 4792 at the Registry District of Nantucket County. Said land is shown thereon as Lot 1.

So much of said premises as is included within the limits of Pocomo Road is subject to the rights of the public in and over the same.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

ROBERT S. SHAPIRO
and

LOIS K. SHAPIRO
Trustees as aforesaid

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section forty-six of said Chapter, which may be subsisting, and subject also ~~to~~ as aforesaid; and to any and all public rights legally existing in and over the same below mean high water mark.

WITNESS, MARILYN M. SULLIVAN, Esquire, Judge of the Land Court, at Nantucket in the County of
Nantucket the twentieth day of April in the year nineteen hundred
and eighty-eight at four o'clock and three minutes in the afternoon.

Attest, with the Seal of said Court,

Land Court Case No. 20689
Document No. 43508

Marilyn M. Sullivan
Assistant Recorder.

Book 87
Page 198

Transfer Certificate of Title.

No. 16,315

From Transfer Certificate No. 13,604, Originally Registered April 20th, 1988, in
Registration Book 71 Page 54 for the Registry District of Nantucket County.

This is to Certify that ROBERT S. SHAPIRO
and
LOIS K. SHAPIRO
Trustees of

~~in the County of~~ ~~the Commonwealth of Massachusetts,~~
POCOMO REALTY TRUST III.
u/d/t dated April 19, 1988, ~~registered~~ registered as Document No. 43509 at the
Registry District of Nantucket County,
of 50 Century Lane, Watchung in the State of New Jersey 07060,

are the owners in fee simple

of that certain parcel of land situate in Nantucket,
of Massachusetts,
in the County of Nantucket and ~~the~~ Commonwealth/bounded and described as follows:

Lot 9 as shown upon plan numbered 20689-F, drawn by Nantucket
Surveyors, Inc., Surveyors, dated April 7, 1994, and filed with Certificate
of Title No. 13,604 at the Registry District of Nantucket County.

So much of the land hereby registered as is included within the
limits of Pocomo road, shown on said plan, is subject to the rights of the
public in and over the same.

So much of the land hereby registered as is included within the
limits of said Proprietors Road is subject to the rights of all persons lawfully
entitled thereto in and over the same.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General
Laws, and that the title of said
ROBERT S. SHAPIRO
and
LOIS K. SHAPIRO
Trustees as aforesaid
to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section
forty-six of said Chapter, which may be subsisting, and subject also ~~to~~ as aforesaid; and to any
and all public rights legally existing in and over the same below mean high
water mark.

WITNESS, ROBERT V. CAUCHON, Esquire, Judge of the Land Court, at Nantucket in the County of
Nantucket the twenty-fourth day of May in the year nineteen hundred
and ninety-four at two o'clock and twenty minutes in the after noon.

Attest, with the Seal of said Court,

Land Court Case No. 20689
Document No. 64831

Andrea M. Chadwick
Assistant Recorder.

✓

TRANSFER CERTIFICATE OF TITLE

Cert. No. 19629
Docu. No. 90418

From TRANSFER Certificate No. 19346 Originally Registered

February 23, 2000

for the Registry District of Nantucket County.

THIS IS TO CERTIFY that POCOMO, LLC of 550 PARK AVENUE, NEW YORK IN THE STATE OF NEW YORK 10021

is the owner in fee simple

of that land situated in NANTUCKET

in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

Lot 43 as shown on plan numbered 22667-M, drawn by Schofield Brothers Inc., Surveyors, dated July 14, 1971, filed with Certificate of Title No. 6515 at the Registry District of Nantucket County.

So much of the land hereby registered as is included within the limits of all Proprietors' Roads not marked public on said plan is subject to the rights of all persons lawfully entitled thereto in and over the same.

So much of said Lot 15A as is included within the limits of Pocomo Road shown on said plan, is subject to the rights of the public in and over the same.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said POCOMO, LLC

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate and subject to the memoranda of encumbrances for this certificate and to any and all public rights legally existing in and over the same below mean high water mark.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said County of Nantucket.

The twenty-second day of September in the year two thousand at 1 o'clock and 30 minutes in the afternoon.

Attest, with the seal of said court,


Joanne L. Kelley, Assistant Recorder

Case # 22667

Purported Address of Property:
61 POCOMO RD
CERTIFICATE 19629

✓

TRANSFER CERTIFICATE OF TITLE

Cert. No. 19639
Docu. No. 90488

From TRANSFER Certificate No. 6515 Originally Registered

April 26, 1972 in Registration Book 33 Page 115

for the Registry District of Nantucket County.

THIS IS TO CERTIFY that PETER BARRETT and MARY V. BARRETT of 84 LORDS HIGHWAY, EAST, WESTON IN THE STATE OF CONNECTICUT 06883

are the owner(s) in fee simple as joint tenants with rights of survivorship

of that land situated in NANTUCKET

in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY	by Nantucket Harbor;
EASTERLY	by Lot 43 on plan hereinafter mentioned, about three hundred twenty-six (326.+-) feet;
NORTHERLY	by said Lot 43, two hundred (200.00) feet;
EASTERLY	by Proprietors Road, twenty (20.00) feet;
SOUTHERLY	by Lots 41 and 42 on said plan, three hundred (300.00) feet; and
WESTERLY	by Lot 39 as shown on said plan, about three hundred fifty-four (354.+-) feet.

All of said boundaries, except the water line, are determined by the Court to be located as shown upon plan numbered 22667-M, drawn by Schofield Brothers, Inc., Surveyors, dated July 14, 1971, and filed with Certificate of Title No. 6515 at the Registry District of Nantucket County. Said land is shown thereon as Lot 44.

So much of the land hereby registered as is included within the limits of all Proprietors' Roads not marked public on said plan is subject to the rights of all persons lawfully entitled thereto in and over the same.

Said Lot 44 is restricted for the benefit of other property of the Grantors, to single-family residential usage and shall not be further subdivided.

Said Lot 44 is subject to a ten (10) foot wide easement way over its westerly border to Nantucket Harbor in favor of Lots 41 and 42 on said plan together with the reserved rights appurtenant to Lots 41 and 42 to use the beach front of Lot 44 for the purposes of bathing and boating.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said PETER BARRETT and MARY V. BARRETT

to said land is registered under said chapter, subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting and subject as aforesaid; and to the memoranda of encumbrances for this certificate and to any and all public rights legally existing in and over the same below mean high water mark.

WITNESS, PETER W. KILBORN, Esquire, Chief Justice of the Land Court, at Nantucket, in said County of Nantucket.

Transfer Certificate of Title

Cert No:22595
Doc No:120206

From Transfer
Certificate No. 13939 Originally Registered January 10, 1989
the Registry District of Nantucket County

This is to Certify that

MARTIN WAYNE and SUSAN WAYNE

of 440 Harris Road, Bedford Hills in the State of New York 10507, are the owners in fee simple, as tenants by the entirety of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by Nantucket Harbor;
EASTERLY by Lot 36 on L.C. Plan 22667-J, about five hundred ninety-nine (599+) feet;
SOUTHERLY by Lot 40 as shown on plan hereinafter mentioned, three hundred ninety-four and 51/100 (394.51) feet;
WESTERLY by Proprietors' Road, sixty and 29/100 (60.29) feet;
NORTHERLY by Lot 37 on L.C. Plan 22667-K, one hundred fifty (150.00) feet;
WESTERLY by said Lot 37, two hundred forty (240.00) feet;
NORTHERLY by said Lot 37, fifty (50.00) feet; and
WESTERLY by said Lot 37, about two hundred ninety (290+) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 22667-L, drawn by Schofield Brothers, Inc., Surveyors, dated June 17, 1969, and filed with Certificate of Title No. 5924 at the Registry District of Nantucket County. Said land is shown thereon as Lot 39.

So much of the land hereby registered as is included within the limits of all Proprietors' Roads not marked public on said plan is subject to the rights of all persons lawfully entitled thereto in and over the same.

So much of said Lot 39 as is included within the limits of Pocomo Road, as shown on said plan, is subject to the rights of the public in and over the same.

Said Lot 39 is subject to the restriction that no building or structure will be built or maintained on Lot 39 northerly of a line running easterly across Lot 39 from the bound at the southeast corner of the 50.00 foot jog as appearing on said plan and on the same course.

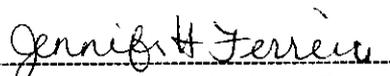
And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

MARTIN WAYNE and SUSAN WAYNE

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid; and to any and all public rights legally existing in and over the same below mean high water mark.

Witness **KARYN F. SCHEIER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of
Nantucket the first day of May in the year two thousand and seven
at two o'clock and no minutes in the afternoon.

Attest, with the Seal of said Court,


Jennifer H. Ferreira, Assistant Recorder

Transfer Certificate of Title

Cert No:22603
Doc No:120359

From Transfer
Certificate No. 21978 Originally Registered October 17, 2005

the Registry District of Nantucket County

This is to Certify that

KENNETH G. BARTELS, Trustee of 69 POCOMO NOMINEE TRUST u/d/t dated May 15, 2007, and registered as Document No. 120358 at the Registry District of Nantucket County

of 38 Close Road, Greenwich in the State of Connecticut, 06831 is the owner in fee simple, of that land situated in Nantucket, in the County of Nantucket and Commonwealth of Massachusetts, bounded and described as follows:

NORTHERLY by Nantucket Harbor;
EASTERLY by Lot 38 on plan hereinafter mentioned, about two hundred ninety (290.-) feet;
SOUTHERLY by said Lot 38, fifty (50.00) feet;
EASTERLY by said Lot 38, two hundred forty (240.00) feet;
SOUTHERLY by the line of Pocomo Road, one hundred fifty (150.00) feet; and
WESTERLY by a Proprietors Road, about five hundred forty-one (541.-) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 22667-K, drawn by Schofield Brothers, Inc., Registered Land Surveyors, dated November 20, 1967, and filed with Certificate of Title No. 5476 at the Registry District of Nantucket County. Said land is shown thereon as Lot 37.

Said property is subject to the restriction that no dwelling or other structure shall be constructed within thirty (30) feet of the easterly boundary of Lot 37, or within sixty-two (62) feet of the top of the bank as presently existing on said plan.

So much of the land hereby registered as is included within the limits of all Proprietors Roads not marked public on said plan is subject to the rights of all persons lawfully entitled thereto in and over the same.

So much of Lot 37 as is included within the limits of Pocomo Road, as shown on said plan, is subject to the rights of the public in and over the same.

And it is further certified that said land is under the operation and provisions of Chapter 185 of the General Laws, and that the title of said

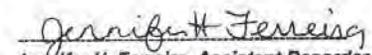
KENNETH G. BARTELS, Trustee of 69 POCOMO NOMINEE TRUST

to said land is registered under said Chapter subject, however, to any of the encumbrances mentioned in section forty-six of said chapter, which may be subsisting, and subject also as aforesaid; and to any and all public rights legally existing in and over the same below mean high water mark.

Witness **KARYN F. SCHEIER**, Esquire, Chief Justice of the Land Court, at Nantucket in said County of Nantucket the fifteenth day of May in the year two thousand and seven

at one o'clock and thirty-seven minutes in the afternoon.

Attest, with the Seal of said Court,


Jennifer H. Ferrelra, Assistant Recorder

Purported Property Address: 69 Pocomo Road

Land Court Case No. 22667

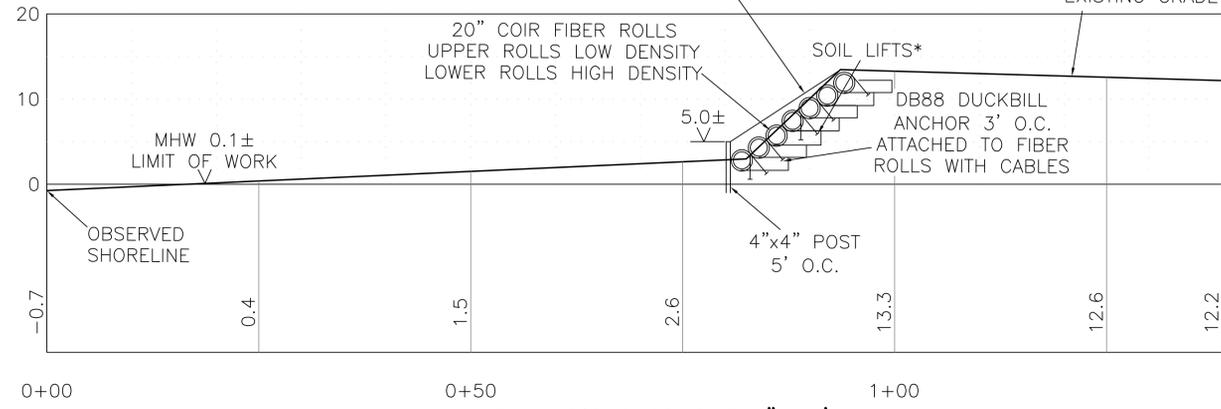
CERTIFICATE OF TITLE NO. 22603

Project Plans

GENERAL NOTES:

1. THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR AND EQUIPMENT TO PERFORM THE WORK DESCRIBED ON THESE PLANS, AND AS APPROVED BY THE NANTUCKET CONSERVATION COMMISSION.
2. WORK SHALL BE IN COMPLIANCE WITH THE PLANS, SPECIFICATION AND THE ORDER OF CONDITIONS ISSUED BY THE NANTUCKET CONSERVATION COMMISSION.
3. THE CONTRACTOR SHALL ATTEND A PRE-CONSTRUCTION ON-SITE MEETING WHICH WILL BE ATTENDED BY THE ENGINEER, WITH NOTIFICATION TO A REPRESENTATIVE OF THE NANTUCKET CONSERVATION COMMISSION. THE CONTRACTOR WILL PRESENT THE PROPOSED METHODS AND MEANS TO CONSTRUCT THE PROPOSED IMPROVEMENTS.
4. THE CONTRACTOR SHALL NOT VARY FROM THE PLANS, SPECIFICATION, ORDER OF CONDITIONS OR INSTRUCTIONS PROVIDED AT THE PRE-CONSTRUCTION MEETING, WITHOUT FIRST OBTAINING APPROVAL OF THE CONSERVATION COMMISSION REPRESENTATIVE AND THE ENGINEER.
5. ONLY CLEAN COMPATIBLE FILL SHALL BE USED FOR FILL AND COVER FOR THIS PROJECT. THE CONTRACTOR AGREES TO OBTAIN SEDIMENT GRAIN SIZE DISTRIBUTION ANALYSIS, FROM A QUALIFIED LABORATORY, IF REQUESTED BY THE CONSERVATION COMMISSION REPRESENTATIVE.
6. UPON COMPLETION OF RESTORATION, AND PRIOR TO DEMOBILIZATION OF EQUIPMENT, THE CONTRACTOR SHALL ARRANGE FOR A POST-CONSTRUCTION MEETING WITH THE ENGINEER. SHORT COMINGS AND DEFICIENCIES WILL BE OUTLINED TO THE CONTRACTOR AT THIS MEETING, THAT MUST BE CORRECTED PRIOR TO DEMOBILIZATION AND FINAL PAYMENTS FOR THE WORK.

PROPOSED GRADE. CLEAN COMPATIBLE SAND FILL OVER ROLLS. SLOPE 1:1.5
COVER WITH COIR NETTING AND
PLANT WITH AMERICAN BEACH GRASS AND NATIVE SPECIES
EXISTING GRADE

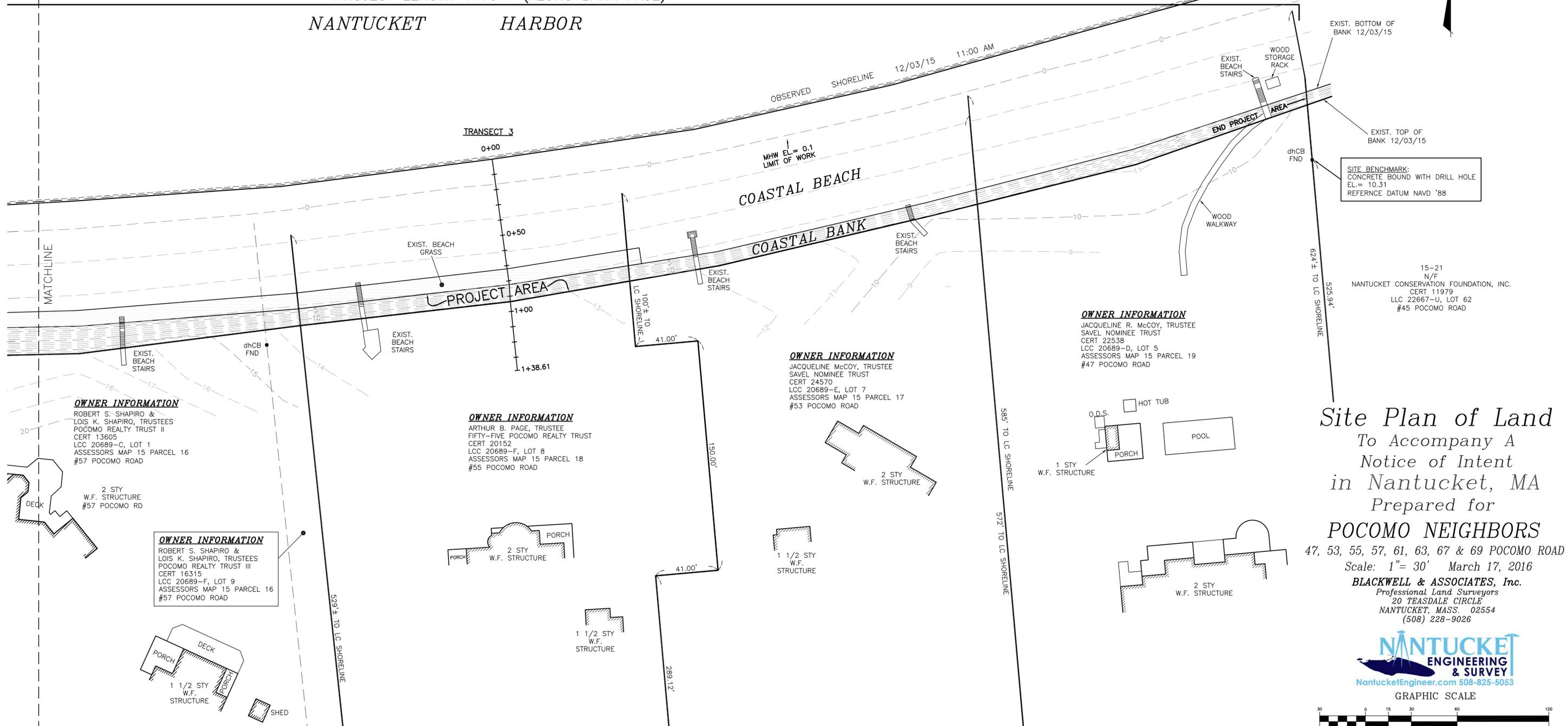


- LEGEND**
- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - dhCB □ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - DENOTES EXIST. WOOD W/WIRE FARM FENCE
 - 25 — DENOTES EXIST. GRADE CONTOUR
 - 22.3 DENOTES EXIST. GRADE SPOT ELEVATION

PROJECT LENGTH 1775'± (ALONG BANK FACE)

TRANSECT 3 PROFILE 1"=10'

NANTUCKET HARBOR



**Site Plan of Land
To Accompany A
Notice of Intent
in Nantucket, MA
Prepared for
POCOMO NEIGHBORS**

47, 53, 55, 57, 61, 63, 67 & 69 POCOMO ROAD
Scale: 1"= 30' March 17, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



**Waiver Request,
Impact Analysis of Protected Interests
&
Alternatives Analysis**



March 15, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Waiver Request

Dear Commission Members,

The purpose of this letter is to request and justify a waiver from Section 2.05.B.3 of Wetland Protection Regulations for administering the Town of Nantucket Wetlands By-law Chapter 136, which reads:

2.05.B.3: All projects shall be restricted to activity as determined by the Commission to have no adverse effect on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view, or the use of a bank as a sediment source.

The request is to allow the placement of anchored fiber rolls with reinforced sand lifts and sand fill within a Coastal Bank Resource Area. The bank face will then be planted with American Beach Grass at eighteen inches on center.

The commission may grant a waiver from these regulations when the commission finds that a project will provide long-term net benefit/improvement to the resource area, provided any adverse effects are minimized by carefully considered conditions. However, no such project may be permitted which could have adverse effect on rare wildlife species. All proposed work is also being submitted to MA NHESP for review per the Mass. Endangered Species Act and will comply with their suggestions so there will be no adverse effects to rare or endangered species. Waivers from the By-law can be granted for a number of reasons including:

Chapter 1.03 F.3.a. (No Reasonable Alternative with No Adverse Impact) & Chapter 1.03 F.3.d. (Long-term net benefit/improvement) The proposed work in the Buffer Zone will improve the resource area without any adverse impact to the interests of the resource area protected by the Commission including storm damage prevention, erosion and flood control, serve as a sediment source for beach and inter-tidal areas, provide

wildlife habitat, and serve to provide important wetland scenic views and recreation. The fence and plantings will improve the existing bare bank by meeting the interest described in the Regulations, Section 2.05.A.1 – “Vegetation tends to stabilize a coastal bank and reduce the rate of erosion due to wind and rain runoff. Vegetated banks are critical to reducing wind and rain erosion and for providing important habitat and biodiversity.”

We therefore request that the Commission grant a waiver under Sections 1.03 F.3.a & 1.03 F.3.d because there are no reasonable alternatives that would allow the project to proceed in compliance with the Regulations. As described in the cover letter included with the Notice of Intent, the supporting documents and presented to the Commission, the project will have no adverse effect on the protected interests, and will result in a long-term net benefit and improvement to the resource areas.

I plan to attend the Public Hearing on this matter to address any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro". The signature is written in a cursive style with a large initial 'A'.

Arthur D. Gasbarro, PE, PLS, LEED AP



Impact Analysis of Protected Interests of Coastal Bank and Coastal Beach Resource Areas

Bank Height – The project will have no adverse effect or impact on the height of the bank, which is not expected to change.

Bank Stability – The project will have no adverse effect or impact on the stability of the bank. Instead, the purpose of the project is to increase the stability of the bank.

Wildlife Habitat – The project will have no adverse effect or impact on wildlife through the utilization of protective measures such as monitoring for wildlife activity. The stabilized and vegetated bank will provide improved wildlife habitat.

Vegetation – The project will have no adverse effect or impact on vegetation on the bank. Instead, the purpose of the project is to stabilize the bank, protecting existing vegetation and supplementing with additional plantings along the restored portions of the bank.

Use of the Bank as a Sediment Source – The project will alter the rate at which sediment is available without an adverse effect or impact by supplying additional sediment for the beach from the sacrificial cover over the fiber rolls. Frequent monitoring to add cover when needed, along with biannual inspection and reporting to the Commission will ensure no adverse effect.

Wetland Scenic Views – The project will have no adverse effect or impact on the wetland scenic views because views will not be altered.

Public or Private Water Supply – The project will not interfere with water supplies in any way, and therefore have no impact on public or private water supplies.

Groundwater – The project will have no impact to groundwater. No dewatering or handling of water is proposed as part of this project.

Flood Control – The project will improve flood control by reducing wave energy through absorption, and providing sacrificial nourishment as a buffer, with no adverse impact on flood control.

Erosion Control – The project will have no adverse impact on erosion control and will improve conditions by supplying additional sediment for the beach from the sacrificial layer.

Storm Damage Prevention – The project will have no adverse impact to storm damage prevention. The project will stabilize the existing Coastal Bank and provide a sacrificial cover layer that will reduce wave energy.

Water Pollution – The project will not cause water pollution. The property use remains the same and the project will not result in pollution of surface water or groundwater.

Fisheries – The project will have no adverse impact on fisheries because no work is proposed below the mean high water line.

Shellfish – The project will have no adverse impact on shellfish because no work is proposed below the mean high water line.

Rare species, including rare, threatened or endangered plant species and animals and habitats – The project will have no adverse impact on rare species as the work will adhere to conditions provided by NHESP.

Recreation – The project will have no adverse impact on recreation because the use of the property is not changing. Access across the beach will be maintained at all times during construction.

Alternatives Analysis

No Action – The Coastal Bank will continue to be damaged by storm-related erosion if no action is taken. This alternative would not achieve the goal of the proposed project.

Sand Drift Fence with Nourishment – This option allows for the rapid transport of unconsolidated nourishment material, and does not provide adequate protection for the property and staircase structures on the properties. This alternative would not achieve the goal of the proposed project.

Anchored Coir Fiber Rolls with Reinforced Sand Lifts and Cover Nourishment (Most Favorable Alternative) – This option is the most preferable alternative to achieve the goal of the proposed project and is detailed in the submitted documents. This alternative will require considerable maintenance effort as is described in this NOI.

Geotextile Fabric Tubes – This option would provide good resistance to wave damage however there are concerns with wave refraction impacts on the beach and considerable on-going maintenance costs. This option is also susceptible to damage from vandalism, debris, and UV degradation.

Stone Gabions – This option would provide good resistance to wave damage. However, there are concerns with wave refraction and wave energy impacts on adjacent areas, as well as past unfavorable action by the Commission. Disposal of materials could be a concern if removal was required in the future.

Marine Mattresses – This option would provide good resistance to wave damage. However, this option is considered to be hard, not friendly to the natural habitat creation, uncharacteristic

with the greater Nantucket inner harbor setting and will result in wave refraction impacts. Other concerns about this option include some on-going maintenance costs and past unfavorable action by the Commission.

Stone Revetment – This option provides a high level of protection but is dismissed due to concern for wave refraction impacts, alteration of natural habitat and uncharacteristic with the natural shoreline of Nantucket Harbor, and past unfavorable action by the Commission.

Wooden Bulkhead – This option provides a high level of protection but is dismissed due to concern for wave refraction impacts and past unfavorable action by the Commission.

Site Assessment Report

By

Woods Hole Group

Lee Weishar, Ph.D.



WHG Project # 2015-0168

March 18, 2016

Mr. Ernest Steinauer, Chairman
c/o Mr. Jeff Carlson
Natural Resource Coordinator
2 Bathing Beach Road
Nantucket, MA 02554

Transmitted via electronic mail: jcarlson@nantucket-ma.gov

Re: Site Assessment at 47, 53, 55, 57, 61, 63, 67, & 69 Pocomo Road, Nantucket, MA

Dear Mr. Steinauer:

The Woods Hole Group was asked to perform a site assessment and make recommendations on the most appropriate method to stabilize the coastal bank located at 47, 53, 55, 57, 61, 63, 67, & 69 Pocomo Road, on Nantucket. The purpose of the assessment was to examine the conditions on the beach, quantify the coastal processes at the site, determine the rate of change on the coastal beach and coastal bank, and to assess the impacts of sea level rise on the project. The results of my assessment are described in the following paragraphs.

The following letter presents the winds, water levels, and shoreline change at the property, makes recommendations on the best method to protect the coastal bank, and discusses if the project provides adequate sediment to replace sediment that would have been provided by erosion of the coastal bank. Additionally, the letter explains how this project is permissible under both the Massachusetts Wetland Protection Act and the Nantucket Wetlands Bylaws.

Project Setting

The proposed project is located within Nantucket Harbor on a north facing shoreline (Figures 1 & 2). The shoreline is generally oriented in the east-west (Figure 2). The coastal beach is protected from waves generated in Nantucket Sound by the barrier beach that encloses Nantucket Harbor, known as Coatue. The beach is oriented predominately to the east and west, however, there is a slight arcuate shape to the beach. The two apexes of the beach are located at the east and west ends while the middle of the project is slightly curved to the south (Figure 2).

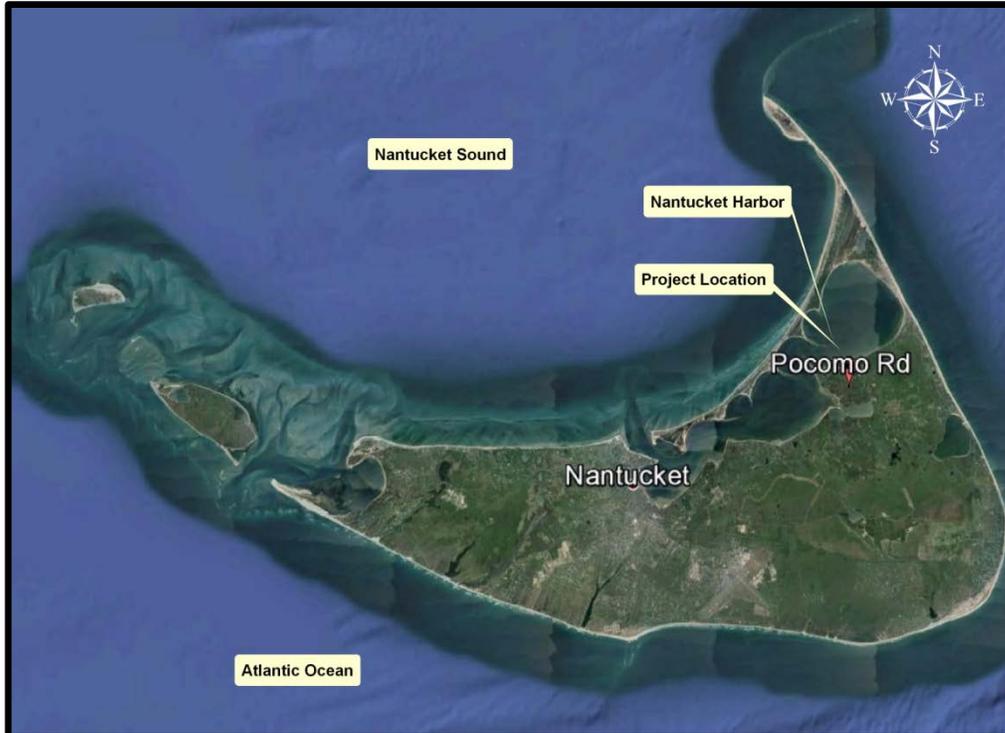


Figure 1. Project location within Nantucket Harbor.



Figure 2. This figure shows the project location, shoreline orientation and fetch lengths in the project boundaries.

The coastal resources located on the beach front are land subject to coastal storm flowage, land under the ocean, coastal beach, and coastal bank. At the time of the writing of this letter report there was no coastal dune present on the property. The proposed project will provide stabilization to the toe of the coastal bank for eight (8) properties and encompasses approximately 1,800 ft of shoreline.

The average width of the beach varies as you move through the project area. The average width of the beach from Mean Low Water to base of the coastal bank is approximately 80 ft while the average width of the high tide beach measured from the Mean Tide Level to the toe of the coastal bank is approximately 30 ft wide. The height of the coastal bank (measured from the toe of the bank to the crest) above the beach varies along the project length from a high of about 18 ft to a low of approximately 6 ft.

Because the beach is isolated from Nantucket Sound by the Coatue barrier beach the beach is exposed only to waves that are locally generated within Nantucket Harbor. The fetch lengths (the continuous distance over water that the wind can blow) for the project area are shown in Figure 2. The fetch lengths are 1.0, 2.1, and 1.9 miles from the northwest, north, and northeast respectively as shown in Figure 2. The relatively short fetch lengths will generate fetch-limited waves that in combination with storm surge will erode and destabilize the face of the coastal bank.

Site Visit

A site visit was performed on January 13, 2016. During the site visit, I had the opportunity to observe the project site, the coastal beach, and coastal bank. The project encompasses approximately 1,800 ft of beach within Nantucket Harbor. The beach is generally oriented from the east to the west and is slightly arcuate. The width of the low tide beach varies as you travel from the east to the west. In general, the widest low tide beaches are located at the eastern and western ends of the project (approximately 80 ft in width). The narrowest beaches are located in the center of the project area which is in the center of the arc. The high tide beach is relatively narrow and is approximately 30 ft wide in the project area.

I began the site visit by walking the beach from the west to the east. Figure 3 was taken at the western end of the project and is looking to the east and shows the eroded coastal bank which is vertical and has a pronounced undercut at the top of the bank. This is clearly seen by the stranded roots hanging down the face of the bank. Figure 3 also shows the remnants of a sand fence. The fence has been destroyed over the years by waves and storm surge from winter and spring storms. Figure 4 also was taken from the western side of the project and is looking to the east. This figure shows an almost continuous line of sand fence that is mostly not functional. The bank is slightly undercut (not as pronounced as shown in Figure 3) and is unstable. The bank is composed of glacial till and while it is mostly sand it does have a large fraction of gravel and some small cobble. Figure 5 is again looking to the east and shows the relatively wide low tide beach that is composed of sand. Figure 6 looking to the east and shows the near vertical bank and the vegetation that has slumped down the face of the bank. Evidence of bank slumping is apparent along the entire bank face throughout the entire project area. This figure also shows the stranded sand fence.



Figure 3. A view looking to the east from the western project terminus.



Figure 4. A view to the east showing the eroded coastal bank and dilapidated sand fence.



Figure 5. A view showing the shallow and flat inter-tidal beach.



Figure 6. A view of the dilapidated sand fence, vegetation slumps on the bank face, and the undercut top of bank.

Figure 7 is a view taken from the eastern boundary of the project looking back to the west. This figure shows that the coastal bank is lower in elevation and is eroding. The vegetation has eroded from the top of the bank and has slumped down the bank face to the toe of the bank. The intertidal beach is wide along this section of beach. However, the high tide beach remains relatively narrow. There are no stranded sand fences or other debris on this section of beach. This figure also shows the arcuate shape of the beach extending to the east.



Figure 7. A view from the western project terminus looking to the east showing the eroded bank and inter-tidal beach.

Figure 8 was taken along the same section of beach looking to the east and shows the relatively wide and flat intertidal beach which is characteristic of the project area.

Storms Impacting Nantucket Harbor's Shoreline

As previously stated, the shoreline is generally oriented in east and west directions. The longest fetches are from the northeast clockwise through the north-northeast (Figure 2). Therefore, storms that generate winds from the northwest through the north-northeast produce waves which will impact the project shoreline.

Anecdotal observations and meteorologists have suggested that there have been more storms over the past several years and the frequency and intensity of these storms will continue to increase over the next several years and into the future. However, we have observed over the years that storm frequency and intensity tends to be cyclic. In order to determine if this was true, we analyzed the number of storms that occurred between 1980 and 2015 during the storm season. We defined the storm season to be between September and May of two successive years.

The 2015 storm season contained storm data only through mid February 2016. Therefore, wind data was parsed between the fall of one year and the spring of the next. The sustained wind data was binned first by direction, then by events that had sustained wind gusts with velocities equal to or greater than 25 miles per hour, and then finally if the event had a duration of 3 hours or greater. This means a storm was accepted for the analysis if it approached the Nantucket Harbor shore, had sustained wind gusts that exceeded 25 mph, and lasted at least 3 hours.



Figure 8. A view of the inter-tidal beach from the west end of the project.

Figure 9 shows the data for sustained winds with sustained gust velocities of 25 knots or greater and a duration of at least 3 hours or longer for the years 1980 through 2015. This figure shows that in general there is a steady increase of storms between 1982 and 1989. There was a decrease in the number of storms that occurred during the period between 1989 and 1993. In general, there is a 2 to 4 year cycle of increasing and decreasing frequency of storms. The last cycle shown on the graph shows a decrease in storm frequency between 2000 and 2001. While the cyclic nature of the storm frequency is clearly shown in Figure 9, the long-term average number of storms has been increasing since 1992¹.

The winds for the January 22-25, 2016 storm are shown in Figure 10. This figure shows the winds beginning out of the northeast early on January 23. The steady wind velocities increase to over 25 knots with sustained wind of over 30 knots with wind gusts over 40 knots. The sustained wind speeds lasting for over 24 hours. The storm surge produced by the January 22-25, 2016 storm is shown in Figure 11. This figure shows that at the height of the storm, the elevation of the storm surge exceeded MHW for four consecutive tidal cycles (Figure 11).

¹ Note that the 2015 data contained wind data only through mid February 2016.

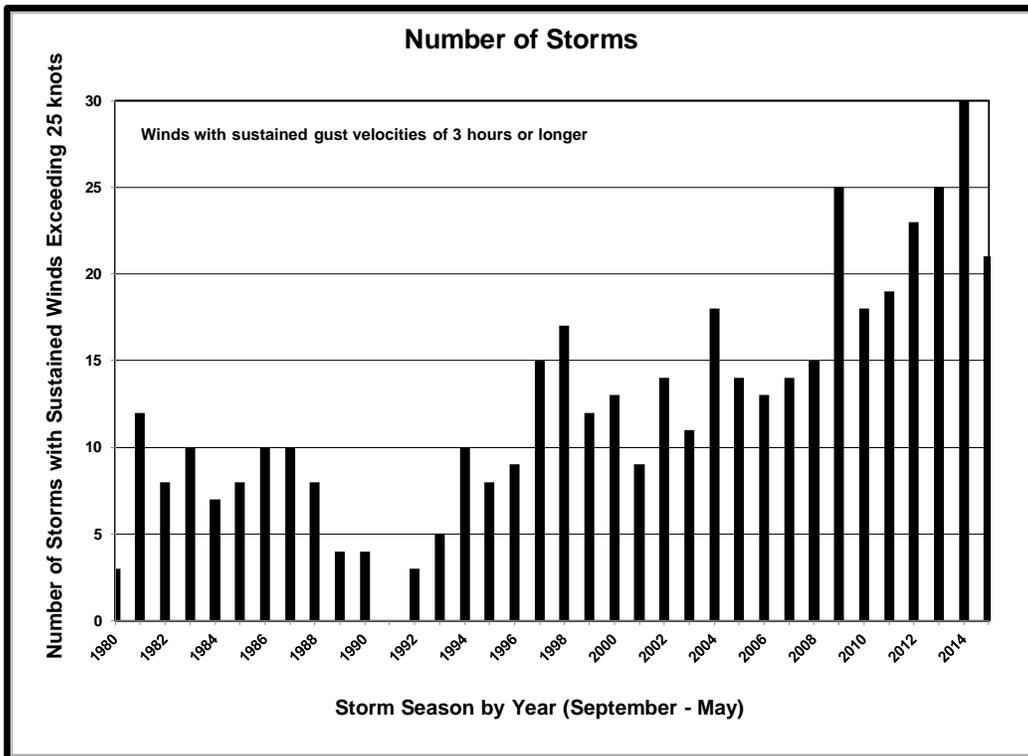


Figure 9. Number of storms occurring for each storm season from 1980 through 2014. The 2015 storm season has data only through February 16, 2016.

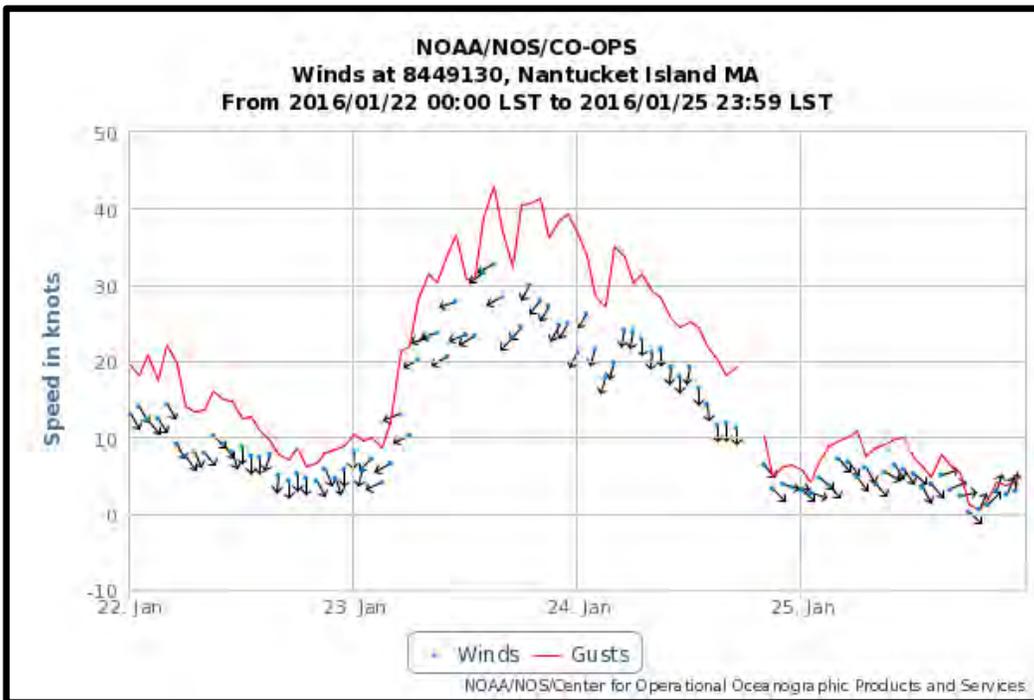


Figure 10. Figure showing a typical storm event that met the threshold criteria with winds out of the north & northeast, velocities greater than 25 knots, and lasting over 3 hours.

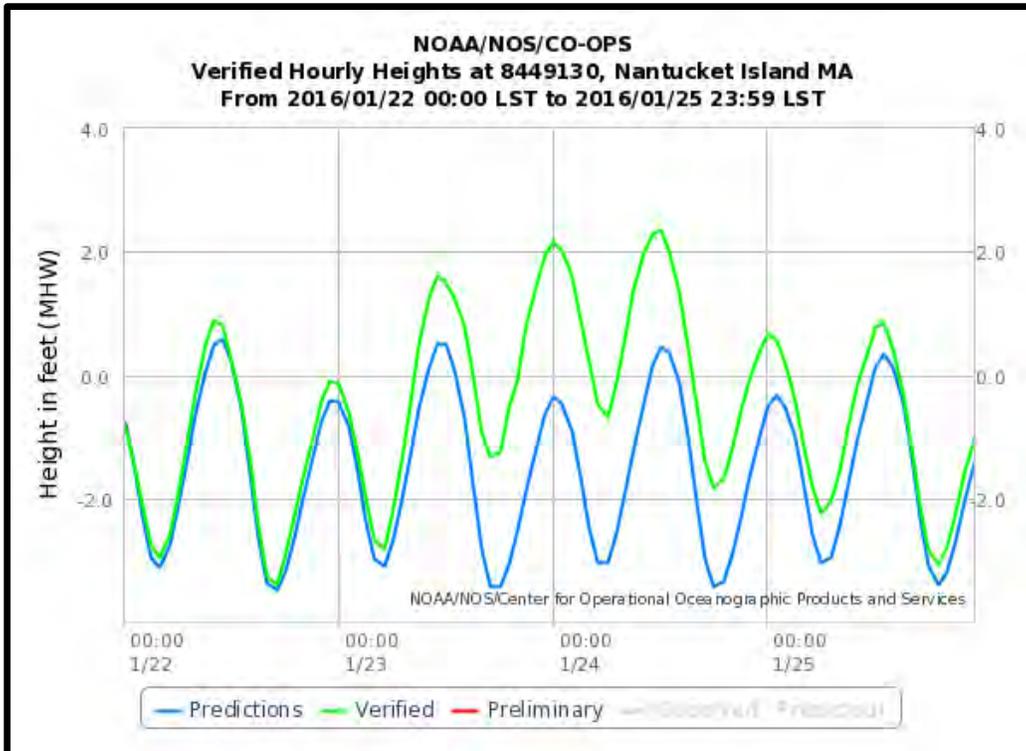


Figure 11. Water levels produced by the January 22, 2016 storm winds shown in Figure 10.

At the height of the storm, the water level was over 2.2 ft above MHW. All the while, the wind and waves were battering the shoreline and the toe of the coastal bank. Figure 12 shows the effect of this storm on the beach and the coastal bank at the site. Figure 21A shows the beach looking to the east along the shoreline and Figure 21B shows looking to the west along the beach. Both Figures show that the storm surge has completely inundated the high tide beach and that the waves and run-up are attacking the toe of the coastal bank.

Another disturbing trend was observed in the wind and wave data. The increase in storms has produced an increase in the number of storm surge events that have impacted the shoreline. While examining the data many smaller storms were noted that did not exceed the threshold criteria but produced water levels that were above MHW for one or more tidal cycles. This means that with the increased frequency of storm events, the toe of the coastal bank is being inundated and attacked on a more frequent basis.

Waves at the Site

Storm surge increases the depth of water in the nearshore and allows waves to break on the beach or directly at the base of the coastal bank. Therefore, an analysis was completed to calculate the maximum wave height that would be produced during a storm. Waves generated offshore can break either offshore in the nearshore zone or on the beach and at the base of the coastal bank. The waves breaking offshore of the beach are important because they are responsible for eroding the beach and transporting sediment downdrift of the breaking waves. The second breaker line will occur high on the beach and at the base of the coastal bank if the storm surge is high enough and will result in erosion of the toe of the bank.



Figure 12. View of the project looking to the east (A) and from the west (B) during the storm shown in Figure 11.

As a result, waves were calculated using two methods. The first method utilized the US Army Corps of Engineers (USACE) Automated Coastal Engineering System (ACES) models. This group of computer programs was developed by the USACE Coastal Engineering Research Center² at the Waterways Experiment Station. The second technique used linear wave theory to calculate the maximum wave height that can be supported for a given water depth on the beach.

The ACES analysis calculates the maximum wave height that can be generated in Nantucket Harbor for a given wind speed and direction. A general storm (average) storm condition was synthesized using a wind speed of 40 miles per hour was used with a duration of 4 hours. We also ran the computer model for two storms conditions that occurred on Nantucket. The first was Nemo, a nor'easter that occurred on January 26, 2015 and the second unnamed nor'easter that occurred on January 22, 2016. Table 1 shows the results obtained from the ACES wave model for wind directions from the northwest clockwise through the north-northeast for these storms. These are the maximum wave heights that will be generated offshore of the beach during these storms. A larger storm will increase the water level, last longer, and will produce larger waves. Table 1 also shows the waves generated for the conditions shown in Figure 10 and 13A.

² Now the USACE Coastal and Hydraulic Laboratory.

Table 1. Wave heights in the harbor calculated from ACES.

Direction (deg)	Wave Height (ft) Winds ~40 mph 3 hr	Wave Height (ft) Nemo 1-26-15	Wave Height Nor'Easter (ft) 1-22-16
340	1.9	1.9	1.7
0	2.1	2.7	2.3
20	2.1	2.6	2.2

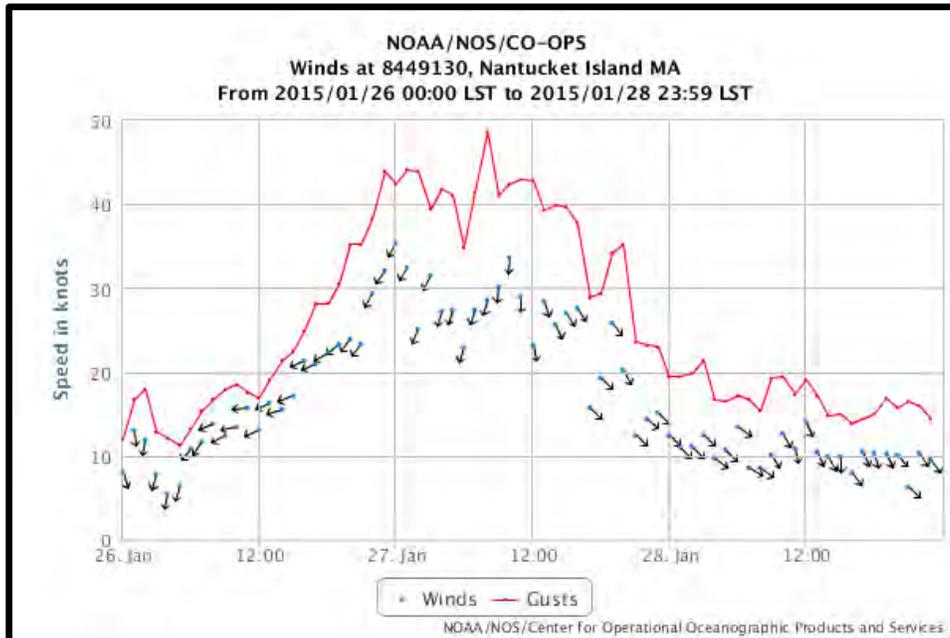


Figure 13A. Winds generated during the nor'easter Nemo January 2015.

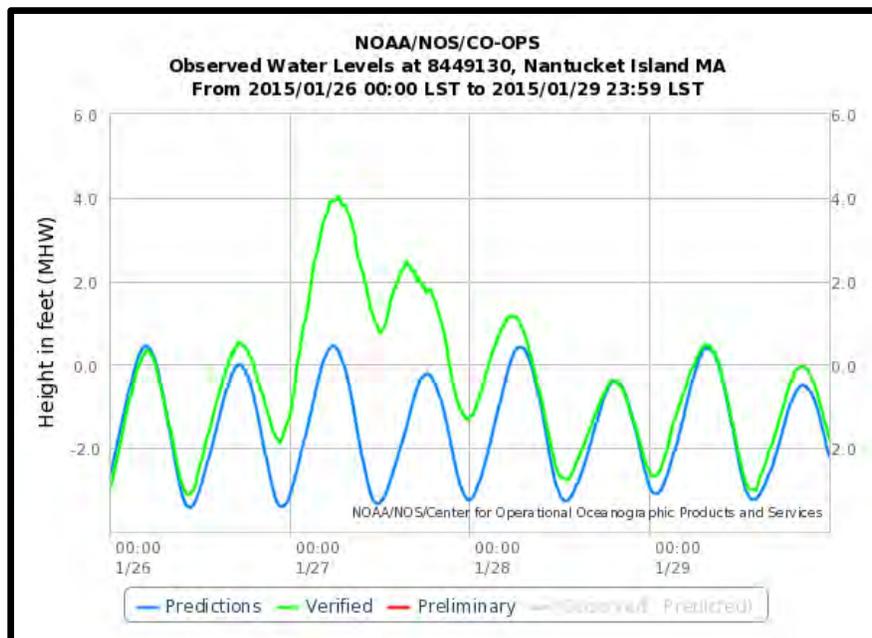


Figure 13B. Water levels that occurred during the nor'easter Nemo January 2015.

The waves calculated clearly show that the frequently occurring storms produce waves that will erode the beach and water levels that will inundate the entire beach.

The ACES model calculated wave heights in Nantucket Harbor. However, it is instructive to calculate the height of the wave that will break on the toe of the coastal bank. A height of a wave that approaches the beach and breaks on or at the toe of the bank will be dependent only on the depth of water at the toe of the coastal bank. Table 3 shows the depth of the water during the peak of the storm and the maximum height if the wave that will break at the toe of the coastal bank for the average, Nemo, and the January 22, 2016 storms. The water level during the peak of the storm shown in Figure 12 resulted in a water depth of approximately 0.5 – 0.75 ft at the base of the bank and produced a braking wave heights of 0.6 ft at the toe of the coastal bank. Nemo and the January 20126 nor'easter produced breaking wave heights of 4.0 and 2.7 ft respectively. These conditions allowed waves to not only break at the toe of the bank but also run up the face of the bank. The result is that during normal storm conditions the storm surge reaches the base of the bank allowing waves to break on the lower 1 ft of the bank. These conditions ensure that the bank face will remain vertical and will not have a chance to reach an angle of repose and to naturally vegetate.

Table 3. Water depths at the toe of the coastal bank

Date of Storm	Depth of water at the base of bank (ft)	Wave at Base of Bank (ft)
Normal Storm	0.8	0.6
Nemo 1/26/2015	5.1	4.0
1/22/2016	3.4	2.7

Flood Zone Elevations at the Project Site

The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), dated June 9, 2014. The flood zone data for the project are is shown on Map Panel #25019C00884G. The flood insurance map shows that at the beach there is a Zone VE (EL10) (Figure 14) while just to the east the VE zone drops to a Zone VE (EL9). The Flood Insurance Study (“Brown Book”) shows that the 10- and 50-year still water flood zone elevations are 3.6³ and 5.1 ft respectively. This indicates that during a storm with a 10-year return period the toe of the bank will be attacked by storm surge and waves.

Shoreline Change Analysis

A shoreline change analysis was conducted to evaluate long- and short-term shoreline response of the coastline along the subject properties. There are several techniques that can be used to calculate shoreline change. The most accurate is to compare topographic surveys of the property that have been obtained over the years. However, most properties do not have a back-log of topographic surveys and if they did, the surveys would most likely be confined to the property of

³ FEMA flood zone elevations are in NAVD88.

interest and not include adjacent properties. Therefore, an aerial photographic analysis is commonly used to calculate shoreline change. The method analyses successive aerial photographs and calculates the change in position of the shoreline or the top of the coastal bank. This allows the investigator to calculate rates of change for the beach or top of bank.

The Massachusetts Coastal Zone Management (CZM) has completed a shoreline change analysis for most of Massachusetts. The results of the CZM shoreline change analysis is reported in their Massachusetts Ocean Resource Information System (MORIS). CZM analyzed shorelines from 1844 through 2009 and calculated the shoreline change rates along equally spaced transects throughout Massachusetts. There are ten transects (Figure 14) that fall within the project boundaries (MORIS Transects N-1600 thru N-1610). The MORIS results in Table 2 show that the shoreline change is erosive along this section of shoreline.



Figure 14. Location of the CZM MORIS shoreline change transects.

MORIS long-term erosion rates were calculated using the entire 150-year data set. The short-term rates of change were calculated using data spanning the most recent 30-year data set.

Table 2 shows that the long-term shoreline change is -0.6 ft/yr. The short-term rate of shoreline change is -1.7 ft/yr. The short-term shoreline change rate is usually used when determining how the shoreline will respond in the next 10 years because the short-term shoreline change rate includes the most recent storms but the data set spans a sufficiently long period so that the analysis is not biased by any one large erosion or accretion event.

Table 2. CZM MORIS long- and short-term erosion rates.

MORIS Transect Number	CZM Morris Long-Term Rate (ft/yr)	CZM Morris Short-Term Rate (ft/yr)
N-1600	-0.7	-1.7
N-1601	-0.7	-1.9
N-1602	-0.6	-1.9
N-1603	-0.5	-1.4
N-1604	-0.5	-1.6
N-1605	-0.7	-1.4
N-1606	-0.7	-1.7
N-1607	-0.6	-1.6
N-1608	-0.6	-1.7
N-1609	-0.5	-1.8
N-1610	-0.6	-1.7
Average Change	-0.6	-1.7

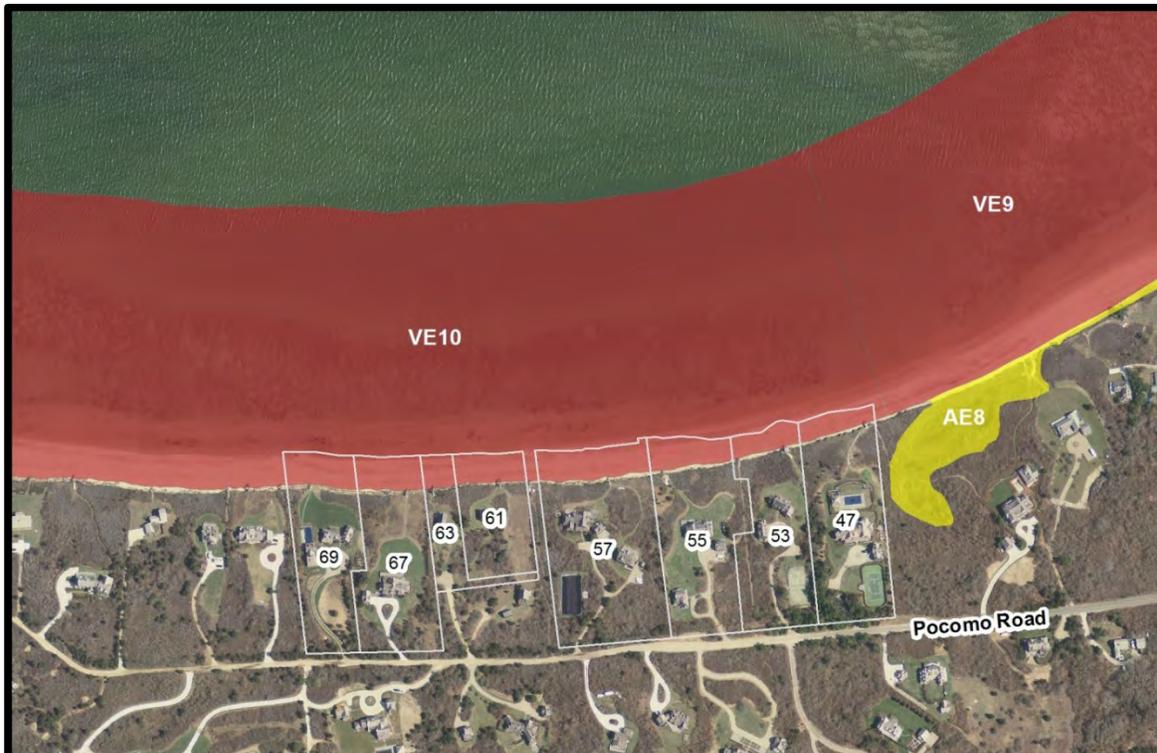


Figure 14. FEMA Flood Zones along the northern shore of Pocomo Road, Nantucket.

The MORIS data set only includes shoreline data up to 2009. Additionally, we have occasionally found some discrepancies in the shoreline change rates that have been reported in MORIS. Therefore, the Woods Hole Group performed its own shoreline change analysis to ensure there were no errors in the MORIS data and to bring the shoreline change analysis forward to include data from 2012, 2014, and 2015.

A computer-based shoreline mapping methodology within a Geographic Information System (GIS) framework was used to compile and analyze changes in historical shoreline positions for the properties along the north shore of Pocomo Road, and the adjacent area. The purpose of this task was to quantify the spatial and temporal changes in shoreline position using the most accurate data sources and compilation procedures available, and to evaluate the long-term and recent rates of change. Assuming that the trends continue at the same rate into the future, the information from the shoreline change analysis can also be used to predict patterns of shoreline erosion over the next several decades.

Woods Hole Group compiled and analyzed data from Google Earth imagery, MassGIS orthophotography, Massachusetts Coastal Zone Management (CZM) shoreline change study data and single-frame historical aerial photographs. Data covering thirteen (13) time periods were evaluated spanning the 128-year period from 1887 to 2015 (Table 3).

Table 3. Data Sources for Shoreline Change Analysis

Year	Source
2015	Google Earth
2014	MassGIS
2012	Google Earth
2009	MassGIS
2003	MassGIS
1999	Col-East, Inc.
1994	MassGIS
1990	Col-East, Inc.
1978	Mass CZM Shoreline
1971	Col-East, Inc.
1963	Col-East, Inc.
1955	Mass CZM Shoreline
1887	Mass CZM Shoreline

Woods Hole Group acquired the photos from MassGIS as georeferenced orthoimagery and the vector shorelines from Mass CZM. However, the aerial photographs from Col-East, Inc. and those extracted from Google Earth required georeferencing. Georeferencing was accomplished by identifying a series of evenly spaced control points on the images for which real world x, y coordinates were known. The 2014 MassGIS orthoimagery was utilized as the base image from which the ground control was obtained for all georeferencing.

Once the additional photographs were geo-referenced, and all data sources were brought to a common coordinate system, the locations of the mean high water line (MHW) and the top of bank (where identifiable) were located and digitized from each of the thirteen (13) data sources. Once these data were compiled, spatial and temporal changes in the data were computed. This was accomplished by identifying a series of shore normal transects along the coastline where discrete measurements of change could be made through time, and where rates of change could be determined. To analyze the shoreline change rates, a total of 95 shore normal transects were established at 50 foot evenly-spaced intervals along the coastline from the western end of

Pocomo Road to Laretta Lane to the west. At each transect, the magnitude of shoreline and bank movement was calculated, and annual rates of change were determined using the various time intervals between the data sources. Rates of change were calculated using the linear regression method. In this method, an average rate of change is based on a best-fit line to a series of points representing the shoreline/bank position over time. The linear regression method is most accurate when looking at long-term averages and is most often used for planning purposes and management decisions.

The digitized locations of the shorelines, as well as the transect locations across the entire study area, are shown in Figure 15. Shoreline change rates were analyzed for the entire time period (1887 to 2015) (Figure 16), as well as two more recent sub-periods; the last 45 years (1971 to 2015) and the last 13 years (2003 to 2015) (Figures 17 & 18). The linear regression rates of shoreline change from these time periods are presented in the graph in Figure 19.

In general, all time periods analyzed show a trend of erosion across the entire study area for both the shoreline and the top of bank, with the rates of shoreline erosion generally greater than the rates of bank erosion. The average shoreline erosion rates for the entire study area were -0.6 ft/yr (1887 to 2015), -1.0 ft/yr (1971 to 2015), and -0.9 ft/yr (2003-2015). The average shoreline erosion rates immediately in front of the subject properties (transects 27 to 62) followed this trend, but with slightly higher rates of -0.8 ft/yr, -1.1 ft/yr and -1.2 ft/yr respectively. Average rates of shoreline change were also computed from the transects on each individual property and are listed in Table 4.

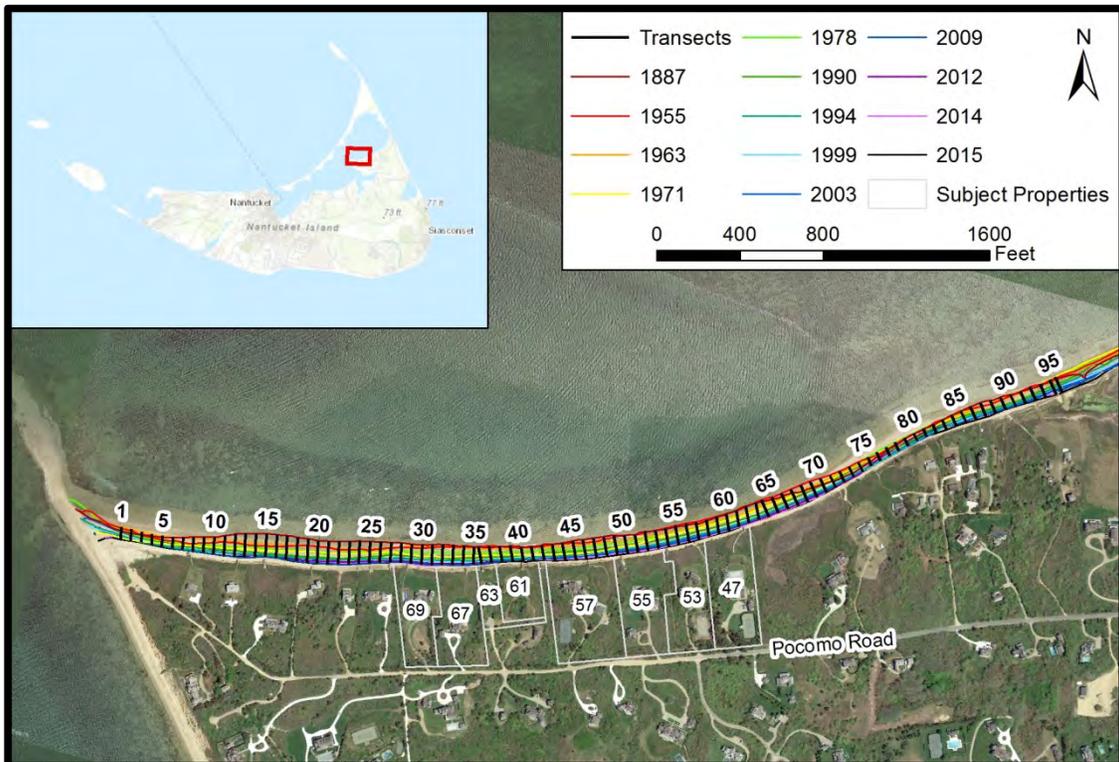


Figure 15. Historical shoreline positions and locations of analysis transects. Background is from 2015 GoogleEarth imagery. Pocomo Road subject properties are identified by their parcel boundaries and street address numbers.

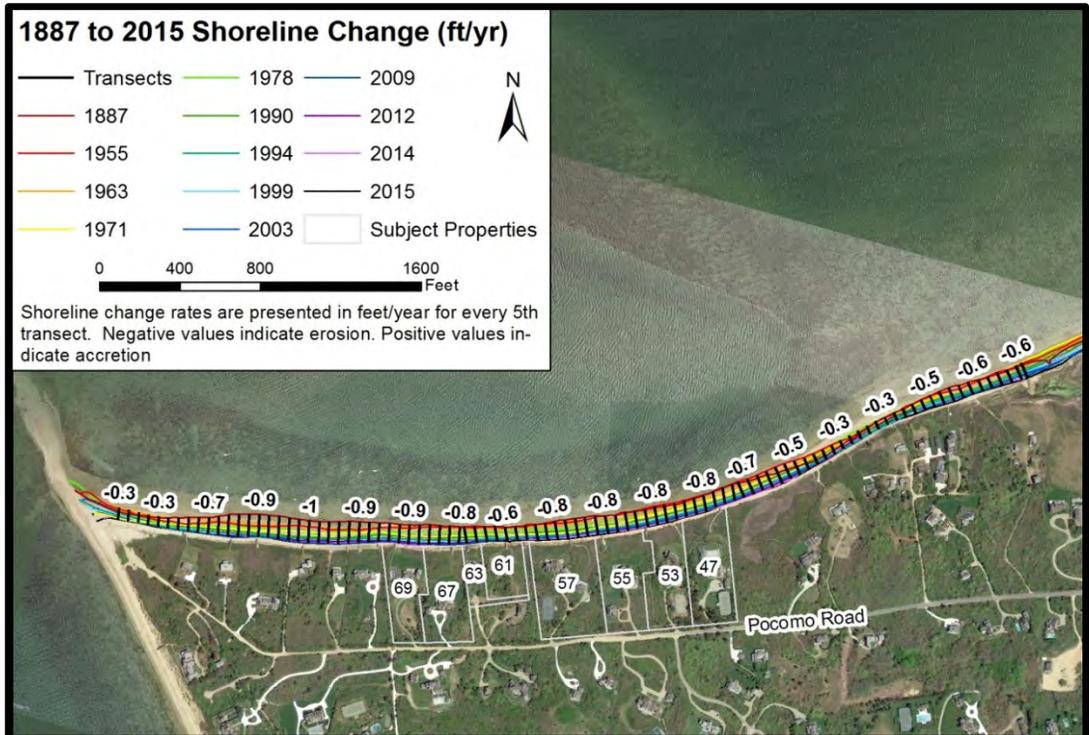


Figure 16. Long-term (1887-2015) rates of shoreline change (feet/year). Background is from 2015 GoogleEarth imagery.

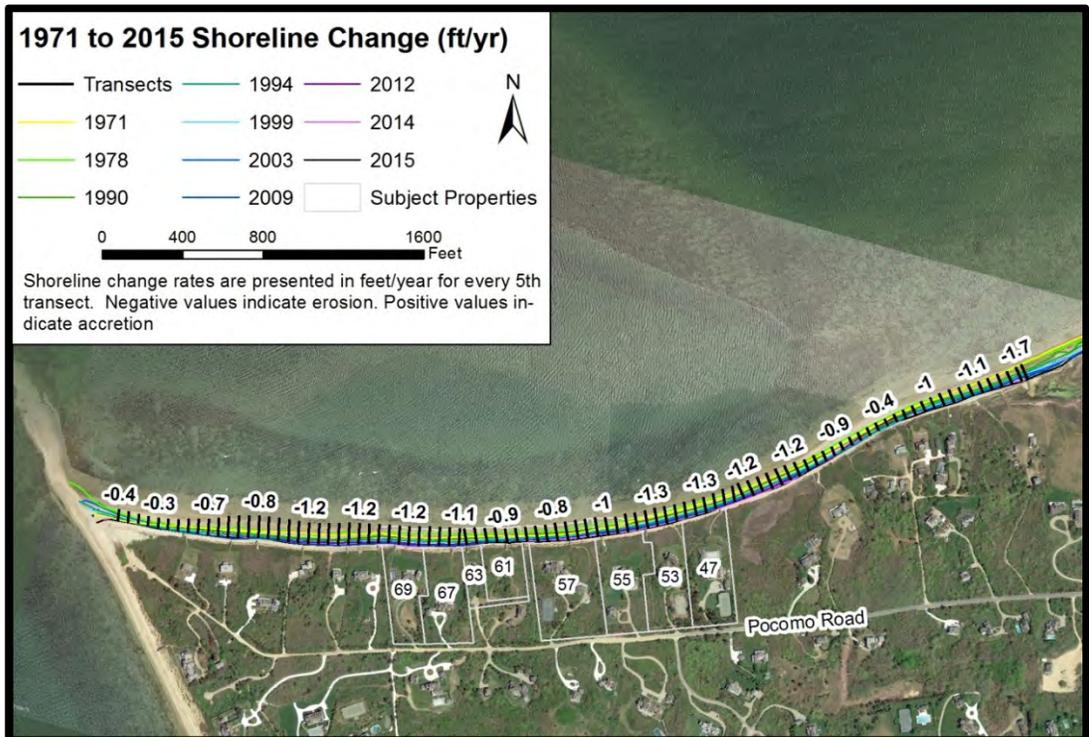


Figure 17. Recent (1971-2015) rates of shoreline change (feet/year). Background is from 2015 GoogleEarth imagery.

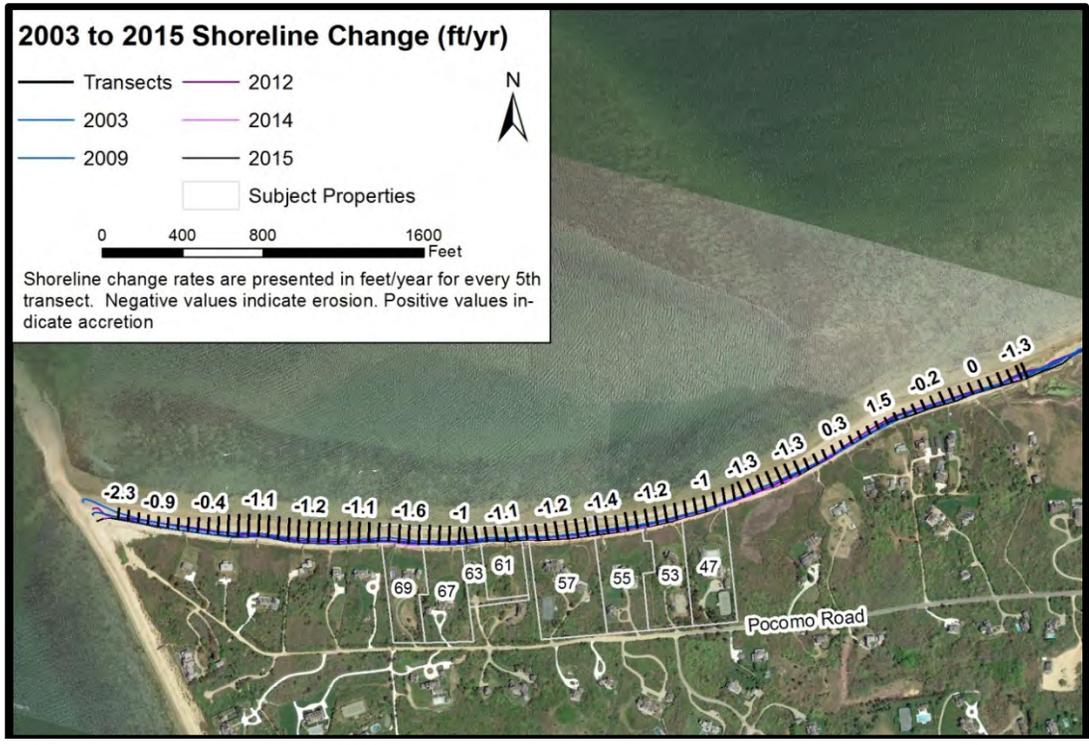


Figure 18. Short-term (2003-2015) rates of shoreline change (feet/year). Background is from 2015 GoogleEarth imagery.

Table 4. Average rate of shoreline and bank change along each subject property’s coastline.

Property	Transects	Linear regression Shoreline		
		1887-2015	2003-2015	1971-2015
69 Pocomo Road	27 to 31	-0.8	-1.5	-1.2
67 Pocomo Road	32 to 35	-0.9	-1.1	-1.2
63 Pocomo Road	36 to 37	-0.8	-1.0	-1.0
61 Pocomo Road	38 to 41	-0.6	-1.1	-0.9
57 Pocomo Road	42 to 48	-0.7	-1.3	-0.9
55 Pocomo Road	49 to 53	-0.8	-1.5	-1.1
53 Pocomo Road	54 to 57	-0.8	-1.2	-1.3
47 Pocomo Road	58 to 62	-0.7	-0.9	-1.3
Average	27 to 62	-0.8	-1.2	-1.1

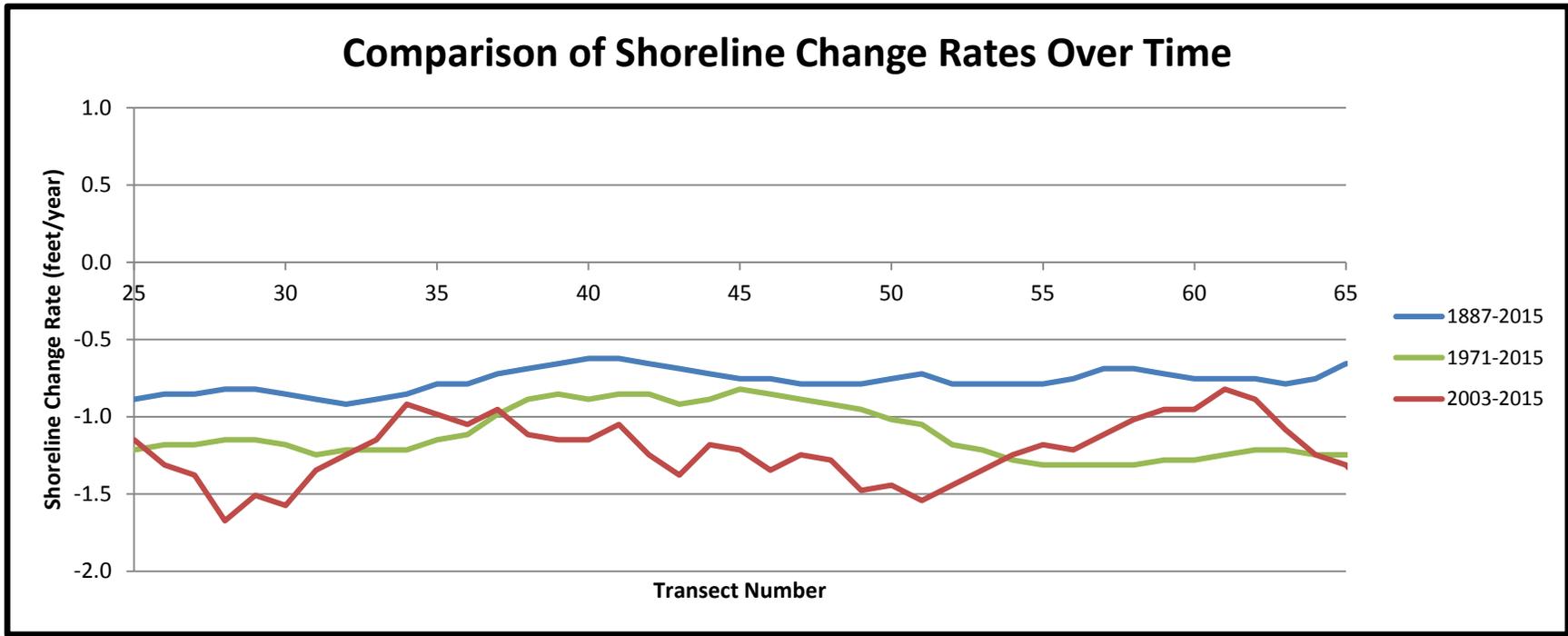


Figure 19. Rates of historical shoreline change for the entire study period (1887-2015), as well as two recent time periods (1971-2015 and 2003-2015) for the transects fronting the subject properties.

Sediment Contribution from the Coastal Bank

Erosion of the bank provides sediment to the littoral system and helps mitigate erosion that occurs downdrift of the property. The bank erodes under the influence of the storm surge and waves produced by coastal storms that have been described above. Therefore, it is important to quantify the shoreline change rates along this section of coast in order to determine how much sand is provided to the beach from coastal bank erosion. The average of the short-term erosion rates calculated from MORIS and from the Woods Hole Group analysis are shown in Table 5.

Table 5. Sediment contribution by the coastal bank calculated from MORIS and the Woods Hole Group rates.

MORIS Short-Term Erosion Rate (ft/yr)	MORIS Annual Bank Contribution (cu yd)	WHG Short-Term Erosion Rate (ft/yr)	WHG Annual Bank Contribution (cu yd)
-1.7	1,253	-1.2	885

The annual sediment contribution calculated using the MORIS shoreline erosion rate of -1/7 ft/yr is 1,253 cu yd/yr and the sediment contribution calculated using the Woods Hole Group short-term erosion rate is 885 cud yd/yr.

Sea Level Rise

Beach nourishment is one of the most effective methods to maintain beaches and minimize the effects of sea level rise. This is because sea level rise is small compared to the effects of storm surge and the design life of a beach nourishment project. A beach nourishment project will need maintenance and will need to periodically be replaced as storms attack the coast and erode the project. However, that is how beach nourishment is intended to work. The beach nourishment is designed to absorb the impact of the waves and erode thus providing sediment to the littoral system while providing protection to the back-beach and toe of the bank.

Sea level rise is on the order of 1.4 millimeters/year in the Barnstable area (Figure 12). This estimate was derived from an examination of tide gauges along the East Coast. A more recent study published by NOAA⁴ showed that the sea level rise for the Boston area is 2.63 millimeters/year. In order to put this in perspective; 2.6 millimeters (Figure 13) is about the thickness of two nickels placed on top of each other. Therefore, a project would require a design life of 30 or 40 years before sea level rise would even become a design factor.

The beach nourishment portion of the project will help mitigate the effects of sea level rise by providing a long-term sediment source to the beach and littoral system. Additionally, the design life of the revetment is effectively 20 to 30 years. Using the information provided above, the water level can be expected to increase between 1.3 and 2.0 inches over the design life of the structure. As a result, the proposed design will not be impacted by sea level rise.

⁴ http://tidesandcurrents.noaa.gov/sltrends/sltrends_station.shtml?stnid=8443970

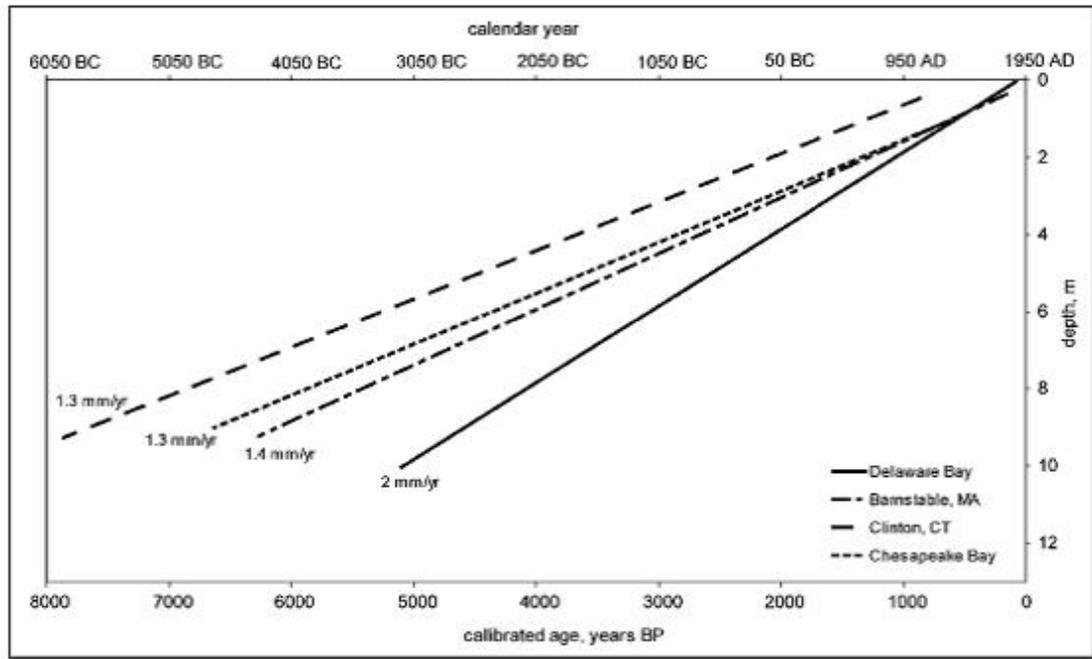


Figure 12. Showing the estimated long-term sea level rise for Barnstable Massachusetts⁵.

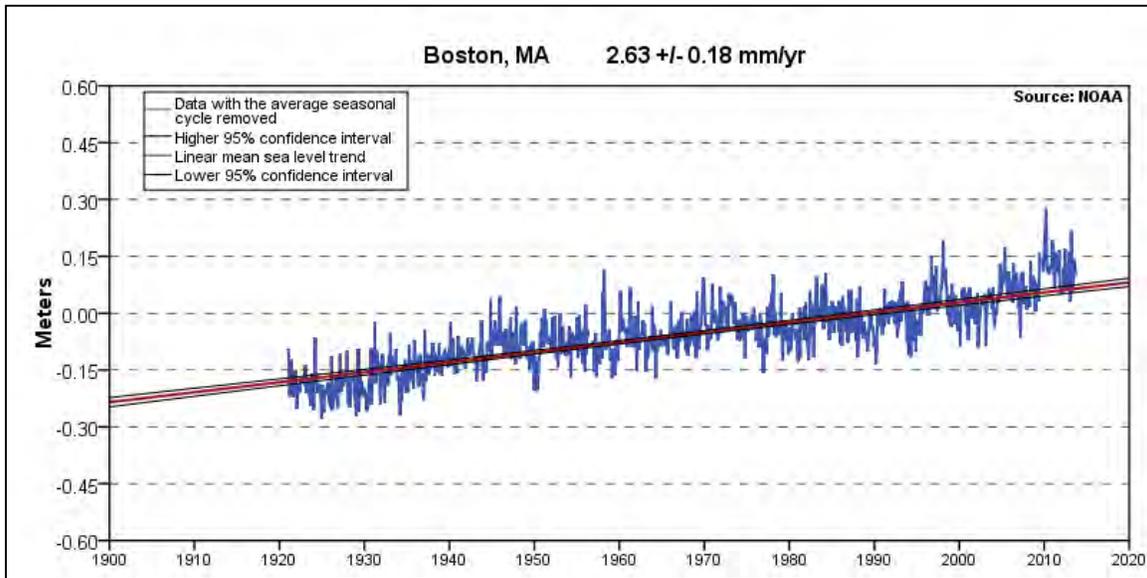


Figure 13. Sea Level Rise graph obtained from the NOAA COOPs web site.

⁵ Relative long-term sea-level trends for Delaware Bay; Clinton, Connecticut; Barnstable, Massachusetts; and Chesapeake Bay (from Larsen and Clark, 2006. A search for scale in sea-level studies. *Journal of Coastal Research*, 22(4), 788–800).

Proposed Project

The proposed project is located with Nantucket Harbor and is approximately 1,800 ft long. The applicant is proposing to install an anchored fiber roll array with reinforced soil lifts. The project will include a series of timber posts to help support and protect the fiber roll array from sliding. The project also includes approximately 1,000 cy of clean beach quality sand to replace sediment that would have been contributed by the coastal bank and to cover the lifts and fiber rolls. The face of the coastal bank will be planted with beach grass.

Performance Standards & Compliance Assessment

Wetland resource areas within one hundred feet seaward of the Project and protected by the Act and Bylaw include Coastal Beach, Coastal Bank and Land Subject to Coastal Storm Flowage. Due to the design of the project and proposed mitigation, the project will not have an adverse affect on any of these resources areas.

Nantucket Wetland Regulations, Section 2.01B: Land Under The Ocean

Land under the ocean provides feeding areas, spawning and nursery grounds, and shelter for manycoastal organisms related to marine fisheries and wildlife. Destruction of eelgrass beds (*Zostera marina*) will harm scallop production. Nearshore areas, and in some cases offshore areas, of land under the ocean help reduce storm damage, erosion, and flooding by diminishing and buffering the high energy effects of storms. Submerged sand bars dissipate wave energy. Such areas provide a source of sediment for seasonal rebuilding of coastal beaches and dunes. The bottom topography and sediment type of nearshore areas of land under the ocean is critical to erosion control, storm damage protection, and flood control. Water circulation and flushing rates, distribution of grain size, water quality (including but not limited to turbidity, temperature, nutrients, pollutants, salinity, and dissolved oxygen), and the habitat of wildlife, finfish, and shellfish are all factors critical to the protection of significant wildlife habitat and marine fin and shell fisheries. Land under the ocean in an unobstructed state is important to recreational swimming, fishing, and shellfishing, to recreational boating and sailing, to commercial fishing and shellfishing, and to wetland scenic views.

In view of the foregoing, whenever a proposed project involves removing, filling, dredging, altering or building upon land under the ocean, the Commission shall find that such land is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife, significant wildlife habitat, recreation, and wetland scenic views. These findings may be overcome only upon a clear showing that the Land Under the Ocean does not play a role in protecting any of the interests given above and only upon a specific written determination to that effect by the Commission.

8. Water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation.

This project does not involve removing, filling, dredging, altering, or building on land under the ocean. has been specifically designed to not have an impact on land under the ocean. The project is at the toe of the bank and will not encroach below the Mean High Water Line.

Additionally, the quantity of sediment that will be placed on the face of the bank has been carefully calculated to ensure that only the quantity of sand that would naturally reach the beach and nearshore system will be available during storms. Therefore, no adverse impacts will occur to wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control, recreation, and aquatic vegetation will occur.

Coastal Beach

The proposed sacrificial sand cover to be placed at the base of the coastal bank, covering the reinforced soil lifts and the coir fiber rolls at the base of the bank where it intersects the coastal beach resource area. The soil lifts and coir fiber rolls will be covered with beach quality sand which will be available to the beach during storms. The coastal beach resource areas are important because they assist in storm damage prevention, erosion and flood control by allowing absorbing wave energy thus aiding in the protection of the toe of the bank and provide sediment to feed the adjacent coastal beach. The cover material will be composed of beach compatible sand and will therefore serve as a source of sediment for downdrift coastal resource areas. The cover material will not reduce the ability of the coastal beach to perform as a protector for the coastal bank and as a source of sediment, and meets all of the following performance standards of a coastal beach found at 310 CMR 10.27 and NWR Section 2.02B:

Wetland Protection Act Regulations, 310 CMR 10.27 – Coastal Beach

Pursuant to 310 CMR 10.27, coastal beaches are significant to storm damage prevention, flood control and the protection of wildlife habitat as they dissipate wave energy by their gentle slope, their permeability and their granular nature, which permit changes in beach form in response to changes in wave conditions. Furthermore, coastal beaches serve as a sediment source for dunes and subtidal areas, and also serve as a sediment source for downdrift coastal areas.

Coastal beaches serve the purposes of storm damage prevention and flood control by dissipating wave energy, by reducing the height of storm waves, and by providing sediment to supply other coastal features. Additionally, wildlife (birds) may nest in the coastal berm, between the toe of a dune and the high tide line.

While the project involves limited work on the coastal beach, the presumption that the coastal beach is significant to storm damage prevention, flood control and the protection of wildlife habitat, is overcome. The coastal beach at this locus is deprived of sediment buildup due to erosion and thus currently cannot function effectively due to its location. Recent storms have left the beach depressed in elevation, thus allowing an abnormal amount of direct wave attack to the base of the bank. The frequent wave attacks have caused instability at the base of the coastal bank causing it to erode and slump. Hence, the coastal beach is starved of beach building sediment and is unable to perform its intended functions which are to break waves and protect the base of the coastal bank.

The Regulations provide that when a coastal beach is determined to be significant to storm damage prevention, flood control, or protection of wildlife habitat, the following performance standards apply (310 CMR 10.27(3) to (7)):

3. *310 CMR 10.27(3). Any project on a coastal beach, except any project permitted under 310 CMR 10.30(3)(a) shall not have an adverse effect by increasing erosion, decreasing the volume or changing the form of any such coastal beach or an adjacent or downdrift coastal beach.*

The sand cover over the fiber roll array will aid in storm damage prevention, erosion and flood control by dissipating wave energy before the waves severely erode the base of coastal bank which serves as the foundation associated with coastal bank stabilization. The proposed project will continue to provide for the replenishment of the volume of the beach and therefore decrease the rate of erosion. Therefore, the project meets the performance standard found in 310 CMR 10.27(3).

4. *Any groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift, in addition to complying with 310 CMR 10.27(3), shall be constructed as follows:*

(a) It shall be the minimum length and height demonstrated to be necessary to maintain beach form and volume. In evaluating necessity, coastal engineering, physical oceanographic and/or coastal geologic information shall be considered.

(b) Immediately after construction any groin shall be filled to entrapment capacity in height and length with sediment of grain size compatible with that of the adjacent beach.

(c) Jetties trapping littoral drift material shall contain a sand by-pass system to transfer sediments to the downdrift side of the inlet or shall be periodically redredged to provide beach nourishment to ensure that downdrift or adjacent beaches are not starved of sediments.

This performance standard does not apply as the project does not include the construction of a groin, jetty, solid pier, or other such solid fill structure which will interfere with littoral drift.

5. *Notwithstanding 310 CMR 10.27(3), beach nourishment with clean sediment of a grain size compatible with that on the existing beach may be permitted.*

The cover material over the fiber rolls will provide for sand contribution to the beach and system as waves reach the base of the bank in storm events. The cover material consisting of the placement of clean supplemental material of similar grain size will be replaced at a minimum of once a year if it is eroded during a severe storm. The erosion of this supplemental material provides compatible material to the nearshore and the adjacent beaches and by removal of the sand cover during storm events, sand will be provided to the littoral system that normally would be available from a functioning coastal bank during a severe storm. This material will provide sacrificial sand along the toe of the coastal bank and will replace sand that would naturally be eroded from the foundation base of the coastal bank.

6. *In addition to complying with the requirements of 310 CMR 10.27(3) and 10.27(4), a project on a tidal flat shall if water-dependent be designed and constructed, using best available measures, so as to minimize adverse effects, and if non-water-dependent, have no adverse effects, on marine fisheries and wildlife habitat caused by:*

- (a) alterations in water circulation,
- (b) alterations in the distribution of sediment grain size, and
- (c) changes in water quality, including, but not limited to, other than natural fluctuations in the levels of dissolved oxygen, temperature or turbidity, or the addition of pollutants.

This performance standard does not apply as the project is not proposed on a tidal flat.

7. *Notwithstanding the provisions of 310 CMR 10.27(3) through 10.27(6), no project may be permitted which will have any adverse effect on specified habitat sites or rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The existing conditions at the locus, caused by the lack of sediment buildup, do not allow for natural buildup of the beach elevation or creation of a natural dune at the base of the bank. The proposed project is not anticipated to remedy this situation. However, the project proposes to provide sediment at the base of the bank along the beach as sacrificial material to feed the beach.

Nantucket Wetland Regulations, Section 2.02B: Coastal Beaches

1. *The provisions of Section 2.01B (1-8) (Land Under the Ocean) shall apply to coastal beaches and tidal flats.*

The project meets the performance standards found at NWR §2.01B (1-5) (Land Under the Ocean) as the project does not involve any dredging activity (NWR §2.01B(1)) and does not involve an aquacultural project or the construction, maintenance or repair of any pier (NWR §§2.01B(2 - 5)).

The project also satisfies the performance standard found at NWR §§2.01B(7) as it will cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control and recreation. The existing coastal bank and coastal beach have been eroded by storms and the main purpose of the project is to prevent or slow down erosion at the property thereby increasing storm damage prevention and flood control resulting in a stabilized coastal bank that is significant to the interest of flood control, erosion control and storm damage prevention. With regard to wildlife, the project is located within an area of existing development and the coastal beach is currently used as a recreational beach. The proposed base stabilized coastal bank will be planted with vegetation, resulting in the project protecting the interest of wildlife and certainly presenting no greater effect on wildlife than those that may presently exist.

The project is a water dependent use and therefore does not require a waiver. We make this statement because the Nantucket Regulations define water dependent as follows:

*Water Dependent Projects or Uses - projects which require direct wetlands access for their intended use and therefore cannot be located out of the Area Subject to Protection Under the Bylaw. **Examples include but are not limited to:** docks, piers, boat landings,*

boathouses, marinas, stairs to beaches, and boardwalks over wetland vegetation. Projects which benefit from wetlands access but which do not require it are not water dependent uses. Examples include: restaurants, dwellings, and commercial enterprises servicing marine-related uses such as fish markets, repair facilities, ships' chandleries, and general use recreational trails.

Our project is water dependent because it requires direct access to the wetland access and cannot be located outside the area subject to projections. The definition defines seven example projects. However, the regulations state that the examples include, but are not limited to, the examples stated.

2. No new bulkheads or coastal engineering structures shall be permitted to protect structures constructed, or substantially improved, after 8/78. Bulkheads may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened building. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure built prior to 9/78, and not substantially improved, from imminent danger.

We are not proposing a coastal engineering structure such as a bulkhead, pier, or groin.

3. Dredging projects in flats must be done in accordance with such procedures as the Commission determines would disturb the absolute minimum amount of habitat possible.

This performance standard does not apply as the project does not include any dredging in flats.

4. Clean fill of similar grain size may be used on a Coastal Beach but not on a Tidal Flat, only if the Commission authorizes its use, and only if such fill is to be used for a beach or dune nourishment project. All possible mitigation measures shall be taken, as determined by the Commission, to limit the adverse effects of the fill.

The Applicant is proposing to use clean fill of similar grain size as sacrificial material for the coastal beach. No work is proposed on a tidal flat.

5. No part of any septic system shall be placed in shifting sands or on a coastal beach. The septic leach facility shall be at least 100 feet from the spring high tide line.

This performance standard does not apply as the project does not include the installation or repair of a septic system.

6. All work on projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal beach. All structures which are not water dependent shall be at least 50 feet from a coastal beach.

This performance standard does not apply as the project requires direct resource area access for its intended use and consists of the installation of coir rolls and the placement of a sand cover over the rolls at the toe of the coast bank.

7. In areas of eroding shoreline, the distance from all buildings to the coastal beach shall be at least 20 times the average annual shoreline erosion or 100 feet, whichever is the lesser. The average annual shoreline erosion rate shall be determined by averaging the annual erosion rate over a 150 year period ending the date the NNOI was filed, or if no NNOI was filed, the date construction began. If erosion data is not available for the 150-year period, the Commission shall determine the average annual erosion rate from such lesser time period for which erosion data is available. In cases where documentation can be provided to show that the use of the 150-year period is inappropriate to existing shoreline characteristics and trends, alternate shoreline change rates may be used when based on a preponderance of credible evidence.

This performance standard does not apply as the project does not include the construction of any buildings.

8. Vehicular access for existing houses or for recreational use shall be as unpaved ways and shall be done in accordance with such procedures as the Commission determines will minimize any adverse effect on the beach and the Interests of the Bylaw.

This performance standard does not apply as the project does not include the installation, maintenance or repair of vehicular access.

E.2 Coastal Bank

The coastal bank is unable to properly sustain vegetation as a result of the slope becoming over-steepened due to erosion and slumping caused by the toe of the bank being eroded. Therefore, the existing coastal bank is not able to provide wildlife habitat to rare, endangered, and otherwise significant wildlife. The project seeks to improve the current condition of the coastal bank by stabilizing the foundation toe and lower face of the coastal bank using rows of anchored sand filled tubes along the base of the bank upward and the placement of sand cover over the face of the tubes. Additionally, the area of the scarpred upper bank will be restored by adding fill and re-grading to a sustainable slope. The face of the upper bank will then be re-vegetated with beach grass. The project meets all of the following performance standards of a Coastal Bank found at 310 CMR 10.30 and NWR §2.05B:

Wetland Protection Act Regulations, 310 CMR 10.30: Coastal Banks

Pursuant to 310 CMR 10.30, coastal banks are likely to be significant to storm damage prevention and flood control by supplying sediment to coastal beaches, coastal dunes and barrier beaches and, due to their height, provide a buffer to upland areas from storm waters.

Coastal banks, because of their height and stability, may act as a buffer or natural wall, which protects upland areas from storm damage and flooding. Bank vegetation tends to stabilize the bank and reduce the rate of erosion due to wind and rain runoff. However, here, the coastal

bank's ability to provide storm damage protection has been severely degraded as the bank is actively eroding.

The project recognizes that the coastal bank is significant to both storm damage prevention and flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches and acts as a protective barrier. Therefore, the project is designed to allow the cover over the soil lifts to erode in response to wave action and supply material to downdrift coastal areas. The coastal bank is also significant to storm damage prevention and flood control as it serves as a vertical buffer to storm waters and therefore the project was also designed to stabilize the bank.

The Regulations provide that when a coastal bank is determined to be significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes or barrier beaches and serves as a vertical buffer to storm waters, the following performance standards apply (310 CMR 10.30(3) to (8)):

3. No new bulkhead, revetment, seawall, groin or other coastal engineering structure shall be permitted on such a coastal bank except that such a coastal engineering structure shall be permitted when required to prevent storm damage to buildings constructed prior to the effective date of 310 CMR 10.21 through 10.37 or constructed pursuant to a Notice of Intent filed prior to the effective date of 310 CMR 10.21 through 10.37 (August 10, 1978), including reconstructions of such buildings subsequent to the effective date of 310 CMR 10.21 through 10.37, provided that the following requirements are met:

- (a) a coastal engineering structure or a modification thereto shall be designed and constructed so as to minimize, using best available measures, adverse effects on adjacent or nearby coastal beaches due to changes in wave action, and*
- (b) the applicant demonstrates that no method of protecting the building other than the proposed coastal engineering structure is feasible.*
- (c) protective planting designed to reduce erosion may be permitted.*

This regulation does not apply as we are not proposing to construct a coastal engineering structure. Additionally, the project is designed to avoid, or at least mitigate, potential adverse effects on adjacent or nearby coastal beaches due to changes in wave action. The project is designed to stabilize the toe of the coastal bank with a soft engineering solution that is not a coastal engineering structure.

4. Any project on a coastal bank or within 100 feet landward of the top of a coastal bank, other than a structure permitted by 310 CMR 10.30(3), shall not have an adverse effect due to wave action on the movement of sediment from the coastal bank to coastal beaches or land subject to tidal action.

Since the project is permissible pursuant to 310 CMR 10.30(3), this performance is not applicable. However, the project will improve the condition of the coastal beach and coastal bank. This performance standard is clearly met as the project proposes to stabilize the coastal bank while concurrently providing sediment to downdrift areas.

5. *The Order of Conditions and the Certificate of Compliance for any new building within 100 feet landward of the top of a coastal bank permitted by the issuing authority under M.G.L. c. 131, § 40 shall contain the specific condition: 310 CMR 10.30(3), promulgated under M.G.L. c. 131, § 40, requires that no coastal engineering structure, such as a bulkhead, revetment, or seawall shall be permitted on an eroding bank at any time in the future to protect the project allowed by this Order of Conditions.*

This performance standard does not apply as the project is not proposing any new buildings.

6. *Any project on such a coastal bank or within 100 feet landward of the top of such coastal bank shall have no adverse effects on the stability of the coastal bank.*

The project meets this performance standard as the project will not adversely affect the stability of the coastal bank but actually seeks to improve the stability of the coastal bank by stabilizing the foundation toe and lower face of the coastal bank. This sand cover will be replenished on a regular basis as it is removed by wave activity. The base of the bank would therefore continue to function as a sediment supply source.

7. *Bulkheads, revetments, seawalls, groins or other coastal engineering structures may be permitted on such a coastal bank except when such bank is significant to storm damage prevention or flood control because it supplies sediment to coastal beaches, coastal dunes, and barrier beaches.*

While the coastal bank is significant to both storm damage prevention and flood control in part by supplying sediment to coastal beaches, coastal dunes, and barrier beaches, it is permissible under 310CMR 10.30 because it is not a coastal engineering structure. However, the project will result in a stabilized coastal bank which, along with sand cover will increase the stability of the coastal bank and improve its capability to provide storm damage protection as a vertical buffer. Additionally, the proposed project will provide sediment to downdrift areas.

8. *Notwithstanding the provisions of 310 CMR 10.30(3) through (7), no project may be permitted which will have any adverse effect on specified habitat sites of rare vertebrate or invertebrate species, as identified by procedures established under 310 CMR 10.37.*

The proposed project will not occur within the estimated habitat however, there is mapped potential habitat offshore of the beach and is presumed to be a feeding area for birds. According to previous letters from the Division of Fisheries & Wildlife, Natural Heritage & Endangered Species Program (“NHESP”), if work is prohibited between April 1 and August 31 of any year, “the project will not result in an adverse impact to the resource area habitats of state-listed wildlife species.” If the Commission thinks it is appropriate, we will adhere to the time of year restrictions to avoid any potential conflict. Additionally, the proposed project is located within an area of existing development and the coastal beach is currently used as a recreational beach. The proposed improved coastal bank will be replanted with vegetation, resulting in the proposed project protecting the interest of wildlife and certainly presenting no greater effect on wildlife than those that may presently exist.

Nantucket Wetland Regulations, Section 2.05B: Coastal Bank

1. No new bulkheads, coastal revetments, groin, or other coastal engineering structures shall be permitted to protect structures constructed, or substantially improved, after 8/78 except for public infrastructures. Bulkheads and groins may be rebuilt only if the Commission determines there is no environmentally better way to control an erosion problem, including in appropriate cases the moving of the threatened buildings and/or public infrastructure. Other coastal engineering structures may be permitted only upon a clear showing that no other alternative exists to protect a structure that has not been substantially improved or public infrastructure built prior to 9/78, from imminent danger.

This project employs soft engineering components and is not a coastal engineering structure.

2. Piers shall be constructed in compliance with the Town of Nantucket Zoning Bylaws (e.g. Section 136-22B 6/30/00) using procedures determined by the Commission to be the best available measures to minimize adverse effects on Interests Protected by the Bylaw.

This performance standard does not apply as the project does not include the construction of a pier.

3. All projects shall be restricted to activity as determined by the Commission to have no adverse effect on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view, or the use of a bank as a sediment source.

The proposed project will not have any such adverse effects and will increase bank stability. The bank height will not be altered and the project proposes to stabilize the bank. Additionally, vegetation can act as habitat for endangered species. As the project proposes to stabilize the bank along with sand cover replenishment, it will vastly improve the bank's function as a sediment source without jeopardizing the foundation of the toe of the coastal bank. The project will replace the sand that would normally be eroded from the bank during storms however, since the Commission has required a waiver request for this paragraph for previous projects, we will submit a waiver request for this paragraph in the Notice of Intent.

4. Elevated walkways designed not to affect bank vegetation shall be required for pedestrian passage over a bank.

There are presently stairs over the bank to the beach at both of the properties. The stairs provide elevated access to the beach and prevent people from traversing the face of the coastal bank. We are asking to rebuild and to maintain these existing stairs as appropriate.

5. All projects which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a coastal bank. All structures which are not water dependent shall be at least 50 feet from a coastal bank.

As stated above, this performance standard does not apply as the project is not proposing a structure and requires direct wetland access for its intended use. Additionally, the project seeks to protect a pre-existing structure, restore an eroding coastal bank, supply a source of sediment for downdrift coastal resource areas, and provide a safe access to the recreational beach.

6. *The septic leach facility of a septic system shall be at least 100 feet from the top of the coastal bank and shall not be located within the face of the coastal bank.*

This performance standard does not apply as the project does not include the installation or repair of a septic system.

7. *In areas of eroding shoreline, the distance from all buildings to the coastal bank shall be at least 20 times the average annual shoreline erosion or 100 feet, whichever is the lesser. The average annual shoreline erosion rate shall be determined by averaging the annual erosion over 150-year period ending the date the NOI was filed, or if no NOI was filed, the date construction began. If erosion data is not available for the 150-year period, the Commission shall determine the average annual erosion rate from such lesser time for which erosion data is available. In cases where documentation can be provided to show that use of the 150-year period is inappropriate to existing coastal shoreline characteristics and trends, alternate shoreline change rates may be used when based on a preponderance of credible evidence.*

This performance standard does not apply as the project does not include the construction of any buildings.

8. *All permits issued for the construction of buildings under the Bylaw within 100 feet landward of the top of a coastal bank shall contain the specific condition that no coastal engineering structure of any kind shall be permitted on an eroding bank in the future to protect the project allowed by this permit, except those coastal engineering structures allowed by a waiver issued pursuant to Section 1.03F of these regulations.*

As stated above, this performance standard does not apply as the project does not include the construction of any buildings. However, due to the rapid erosion of the coastal bank the project seeks to protect the existing structure and the coastal bank from additional failure and seeks to protect the existing structure as the distance from the existing structure to the coastal beach is diminishing. Therefore, the project is necessary to maintain an adequate distance between the existing structure and the coastal beach in order to allow the coastal beach to properly function.

E.3 Land Subject to Coastal Storm Flowage Nantucket Wetland Regulations, 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 proposed project will not reduce the ability of the land to absorb and contain flood waters and will not buffer inland areas from flooding and/or wave damage.

2. Projects shall not cause ground, surface, or salt water pollution triggered by coastal storm flowage. All septic tanks shall be outside the 100-year floodplain.

The proposed project will not cause ground, surface, or salt water pollution triggered by coastal storm flowage and a septic system is not being proposed.

3. All private underground fuel tanks shall be outside the 100-year floodplain. Commercial tanks shall be outside the 100-year floodplain, or if the Commission determines this is not practicable, the commercial tanks shall be secured so that they cannot float loose.

This performance standard does not apply as the project does not include underground fuel tanks.

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.

This performance standard does not apply as the project does not propose a structure subject to state and local building codes regulations.

Conclusion

The proposed project will increase the ability of the coastal bank to act as a barrier to flood waters by stabilizing the toe of the bank. Additionally, the proposed project will provide sacrificial sediment that will be available during storm events to provide sediment to the beach and adjacent beaches. The proposed project complies with the regulations, bylaws, and performance standards of both Massachusetts and Nantucket. Therefore, it is permissible under both the Wetlands Protection Act and the Nantucket Wetland Protection bylaws.

Sincerely,



Lee Weishar, PhD; PWS
Senior Scientist

Work Protocol

By

Wilkinson Ecological Design, Inc.

Seth Wilkinson, President



Work Protocols for Fiber Roll Installation
47, 53, 55, 57, 61, 63, 67, & 69 Pocomo Road, Nantucket
March 16, 2016

SCHEDULE AND ACCESS:

Initial stabilization work will be conducted in the Fall/Winter of 2016.

Two access routes are proposed for the project. The western route will bring equipment and materials along Pocomo Road and access the beach via its western terminus. The eastern route, along Proprietors Road between 61 and 57 Pocomo Road, will only be used for delivery of heavy materials such as fiber rolls and sand using compact equipment and noted on sheet one of the Site Plan of Land by Nantucket Engineering and Surveying. To protect existing vegetation within the eastern access route, brush mowing to a height of three inches is proposed. This proposed mowing will protect the root structures and allow regrowth of vegetation following construction. Given the considerable length of the shoreline associated with this project, two access points will reduce the total quantity of trips on the beach and reduce the duration of the project.

The lowest courses of fiber rolls are installed first and construction continues up gradient. Anchoring using Size DB88 Duckbill Anchors (or comparable equivalent) is installed as the array is constructed. All low-density fiber rolls will then be plugged with American beach grass and other native plant species at twelve inches on center.

The embankment will then be immediately seeded with the specified native seed mixture and then 100% biodegradable erosion control blankets will be properly installed over all disturbed sediments on the project area. Plugs of specified native herbaceous grass species will then be planted through the erosion control blankets. Bayberry and beach plum will be installed following the plugging of herbaceous species. A temporary irrigation system will also be installed at this time to water the bank and encourage rapid colonization of the embankment within the first three years after planting. Following establishment of the plantings, the irrigation system will be disconnected and removed from the embankment.

SEDIMENT NOURISHMENT:

Annually, in late March through early May, the fiber roll array will be re-nourished with compatible beach sand to address ongoing beach nourishment to preserve the function of supplying the adjacent coastal resources with an ongoing sediment source and extend the life of the fiber roll array. The goal of the sediment nourishment will be to annually maintain 4-6" of sediment cover over the fiber rolls. The access via the western route on Pocomo Road and the eastern route on Proprietors Road between 61 and 57 Pocomo Road will be utilized for the annual nourishment.



ONGOING MAINTENANCE:

Maintenance of the fiber roll array and associated plants and bioengineering materials is critical for the long-term success of this erosion management strategy. On an annual basis, two primary activities are proposed. The annual sand nourishment is an activity which is described above and should be conducted on a long-term basis in order to maintain compliance with the protected function of providing adjacent coastal resource areas with a sediment source. Additionally, in the winter months it is anticipated that minor maintenance activities such as tightening anchor cables, repairing erosion control blankets and repositioning fiber rolls, if needed. The only other ongoing activities which could be necessary are repairs following damage from significant storms. Upon the necessity of any repairs or for regularly scheduled maintenance, the Conservation Commission shall be notified through its conservation administrator in advance of conducting any activities.



Planting Specification

47, 53, 55, 57, 61, 63, 67, & 69 Pocomo Road, Nantucket
March 16, 2016

COASTAL BANK PLANTING FORBES AND GRASSES

Common Name	Latin Name	Size	Density
American Beach Grass	<i>Ammophila breviligulata</i>	2" Plugs	12" O.C.
Little Bluestem	<i>Schizachyrium scoparium</i>	2" Plugs	12" O.C.
Purple Love Grass	<i>Eragrostis spectabilis</i>	2" Plugs	12" O.C.
Seaside Goldenrod	<i>Solidago sempervirens</i>	2" Plugs	12" O.C.
Switchgrass	<i>Panicum virgatum</i>	2" Plugs	12" O.C.

COASTAL BANK PLANTING SHRUBS

Common Name	Latin Name	Size	Density
Beachplum	<i>Prunus maritima</i>	1 Gallon Pot	4' O.C. in Clusters
Bayberry	<i>Myrica pensylvanica</i>	1 Gallon Pot	4' O.C. in Clusters

WILKINSON SALT-TOLERANT NATIVE GRASS SEED MIXTURE

Common Name	Latin Name	Percentage by Weight
Broomsedge	<i>Andropogon virginicus</i>	18%
Creeping Red Fescue	<i>Festuca rubra</i>	20%
Purple Love Grass	<i>Eragrostis spectabilis</i>	3%
Little Bluestem	<i>Schizachyrium scoparium</i>	18%
Sideoats Grama	<i>Bouteloua curtipendula</i>	8%
Switchgrass	<i>Panicum virgatum</i>	8%
Virginia Wildrye	<i>Elymus virginicus</i>	25%

Pages from Order of Conditions – SE48-2789
For
Similar Project Approved and Installed at
48 Shimmo Pond Road



Cert: 22341 Doc: OOC
Registered: 10/30/2015 01:47 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions- Revised
and Restated**

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

Provided by MassDEP:
SE48- 2789

MassDEP File #

eDEP Transaction #

Nantucket

City/Town

A. General Information

1. From: Nantucket
Conservation Commission

2. This issuance is for
(check one): a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:

Donald Burns
a. First Name b. Last Name

48 SPR LLC
c. Organization

450 Royal Palm Way # 450
d. Mailing Address

Palm Beach FL 33480
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant
a. First Name b. Last Name

c. Organization

d. Mailing Address

e. City/Town f. State g. Zip Code

5. Project Location:

48 Shimmo Pond Rd Nantucket
a. Street Address b. City/Town

43 79
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 41d17'10" 70d04'31"
d. Latitude e. Longitude



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions- Revised
and Restated**

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

Provided by MassDEP:
SE48- 2789
MassDEP File #

eDEP Transaction #

Nantucket
City/Town

A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Nantucket	22341
a. County	b. Certificate Number (if registered land)
c. Book	d. Page

7. Dates:
- | | | |
|--------------------------------|-------------------------------|---------------------|
| 05/22/15 | 08/19/2015 | 08/19/2015 |
| a. Date Notice of Intent Filed | b. Date Public Hearing Closed | c. Date of Issuance |

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Plans for Notice of Intent Coastal Stabilization Fig 1-8	
a. Plan Title	
GEI Consultants	Varoujan Y. Hagopian
b. Prepared By	c. Signed and Stamped by
July 2015	1" 5'
d. Final Revision Date	e. Scale
f. Additional Plan or Document Title	g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- | | | |
|--|--|---|
| a. <input type="checkbox"/> Public Water Supply | b. <input type="checkbox"/> Land Containing Shellfish | c. <input checked="" type="checkbox"/> Prevention of Pollution |
| d. <input type="checkbox"/> Private Water Supply | e. <input type="checkbox"/> Fisheries | f. <input checked="" type="checkbox"/> Protection of Wildlife Habitat |
| g. <input type="checkbox"/> Groundwater Supply | h. <input checked="" type="checkbox"/> Storm Damage Prevention | i. <input checked="" type="checkbox"/> Flood Control |
| | j. <input type="checkbox"/> Wetland Scenic Views (bylaw) | k. <input type="checkbox"/> Recreation (Bylaw) |

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

**REVISED AND RESTATED
FINDINGS and ADDITIONAL CONDITIONS**

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 48 Shimmo Pond Road
 Assessor's Map and Parcel: 43-79
 Property Owner: 48 SPR LLC
 Applicant: 48 SPR LLC
 DEP File Number: SE48-2789
 Filing Date: May 22, 2015
 Date Hearing Closed: August 5, 2015
 Date Orders Issued: August 19, 2015
 Plan of Record Information: Notice of Intent for Coastal Bank Stabilization, dated July 2015, and stamped by Varoujan Hagopian, P.E.

Permit Overview:

This Order permits the applicant to repair existing stone revetments, construct and maintain sand filled coir tubes, sand drift fencing, maintaining of a sacrificial sand cover, removal of duneguard fencing, and removal of other coastal engineering structures on a Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage.

Additional Findings:

1. The Commission finds that the areas subject to regulation are coastal beach, coastal bank, land subject to coastal storm flowage and their associated buffer zones.
2. The Commission finds that the property is located within Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife as defined by the Massachusetts Natural Heritage and Endangered Species Program.
3. The Commission finds that the project is a water dependent project as it requires direct wetlands access for its intended use and therefore cannot be located out of the Area Subject to Protection Under the Bylaw.
4. The Commission finds that coastal beach is determined to be significant to storm damage prevention, flood control and protection of wildlife habitat as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
5. The Commission finds that coastal bank is determined to be significant to storm damage prevention, and flood control because it supplies sediment to the coastal beach as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
6. The Commission finds that coastal bank is determined to be significant to storm damage prevention, and flood control because it is a vertical buffer to storm waters as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
7. The Commission finds that the coastal beach is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife, recreation and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
8. The Commission finds that the coastal bank is significant to the protection of the following interests: flood control, erosion control, storm damage prevention,

wildlife, and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).

9. The Commission finds that the land subject to coastal storm flowage is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, wildlife, and water quality as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
10. The Commission recognizes that the coastal bank is unstable and subject to collapse and/or erosion due to wave action, overland stormwater erosion and/or groundwater flow/discharge.
11. The Commission recognizes the coastal bank to exist in a highly dynamic coastal environment and to be comprised of mixed glacial till material with locally perched groundwater.
12. The Commission finds that the project as conditioned by this Order will not adversely impact the interests protected by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136) and is conditioned to mitigate effects to the resource areas. Further, the Commission finds that given the historical site conditions and current site conditions that there are no reasonable alternatives to this project as conditioned.
13. The Commission finds that this specific make-up, configuration of materials, its proposed rate of breakdown and the focus on natural vegetation is a bio-engineered option and is not a coastal engineering structure.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

14. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
15. The only work areas permitted by this Order include the land specific to the project area as shown on the plan of record. No work is to be performed outside of this area.
16. A detailed as-built plan, stamped by a licensed engineer or surveyor is required to be filed with the Commission upon completion of initial construction. This survey shall include the entire project area.
17. Detailed survey plans as stamped by a licensed surveyor or licensed engineer shall be submitted to the Commission twice a year and post storm events, with storm events being defined as a period of sustained winds in excess of 40MPH for a period of 6 hours, to show from the top of the bank to the beach/bank interface landward of the toe and then extending to Mean Low Water. This survey shall include the entire project area. Reports shall be submitted to the Commission showing the amount of sand delivered to the project area and to which project area it was delivered.
18. Photographs of the project area are required quarterly and in addition photographs shall be required to be submitted, demonstrating the condition of the entire project area within 24 hours of each storm event.
19. All structural materials, such as the coir logs, posts, and anchors, shall be marked for identification. Distinguishing marks shall include tagging of plastic and branding of wood or metal.

20. The applicant shall be responsible for retrieving any and all materials stored, dislodged or washed off site for the life of the project.
21. Should the monitoring reports show an adverse impact to surrounding properties, an adverse impact to the project area, or the narrowing of the beach to where the mean high water mark is contacting the base of the project, the applicant shall appear before the Commission to discuss the proper action to take to mitigate the condition, including but not limited to the removal of the structure, repair of the structure or revision to the nourishment program.
22. The applicant will be required to provide the bi-annual reporting for one year post removal of the structure to demonstrate any impacts from the structure to the remaining coastal beach/bank.
23. Nourishment is required to be maintained to the volumes specified in the plan of record. All nourishment sands are to be beach compatible sand. The applicant shall provide the Commission with a grain size analysis from each sand source being used for the nourishment prior to the delivery to the beach. Following the installation of any post-construction nourishment a new detailed as-built by a licensed surveyor or engineer must be provided to the Commission showing the new profile and location.
24. The applicant shall provide the Commission with contact information including name, mailing address, and phone number of all participants in the project as well as any contractor working on the project.
25. The applicant shall get a written sign off from the Beach Manager on a bi-weekly basis from April 1st to September 15th to use vehicles on the beach. The sign-off will serve to confirm the presence or absence of any protected species within the project area or route of travel to and from the project area.
26. Pedestrian access across the public beach shall be maintained at all times.
27. No machinery or materials are to be stored on the beach.
28. The fence posts shall not exceed 4" x 4"
29. The initial monitoring report shall be presented to the Commission as part of a regular meeting of the Commission and is to take place one year after the installation is completed.
30. The coir logs shall be kept in good repair and if they are damaged they shall be repaired and notice provided to the Commission of the repair.
31. If less than 75% of the plantings are living plants the applicant shall come before the Commission for what remedial action is needed to return the structure into compliance.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.01(B)(8) that water dependent projects shall be designed and performed so as to cause no adverse effects on wildlife, erosion control, marine fisheries, shellfish beds, storm damage prevention, flood control and recreation, Section 2.05(B)(3) that all projects shall be restricted to activity as determined by the Commission to have no adverse effect on bank height, bank stability, wildlife habitat, vegetation, wetland scenic view or the use of a bank as a sediment source, and Section 2.10(B)(1) that 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 of the Nantucket Wetlands Protection Regulations. The Commission finds that given the existing site conditions, the site specific historic conditions of previous and abutting structures and the site specific coastal dynamics that the project as proposed and conditioned will not have an adverse impact and that there are no reasonable alternatives to this project. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Nantucket Wetland Protection Regulations.

**StormSmart Properties Fact Sheet 4:
Bioengineering - Coir Rolls on Coastal Banks**

By

Massachusetts Office of Coastal Zone Management



StormSmart Properties Fact Sheet 4: Bioengineering - Coir Rolls on Coastal Banks

The coast is a very dynamic environment and coastal shorelines—especially beaches, dunes, and banks—change constantly in response to wind, waves, tides, and other factors such as seasonal variation, sea level rise, and human alterations to the shoreline system. Consequently, many coastal properties are at risk from storm damage, erosion, and flooding. Inappropriate shoreline stabilization methods can actually do more harm than good by exacerbating beach erosion, damaging neighboring properties, impacting marine habitats, and diminishing the capacity of beaches, dunes, and other natural landforms to protect inland areas from storm damage and flooding. StormSmart Properties—part of the Massachusetts Office of Coastal Zone Management’s (CZM) StormSmart Coasts program—provides coastal property owners with important information on a range of shoreline stabilization techniques that can effectively reduce erosion and storm damage while minimizing impacts to shoreline systems. This information is intended to help property owners work with consultants and other design professionals to select the best option for their circumstances.

What Are Bioengineering and Coir Rolls?

Coastal bioengineering projects reduce erosion and stabilize eroding shorelines by using a combination of deep-rooted plants and erosion-control products made of natural, biodegradable materials, such as coir rolls. Coir rolls are cylindrical rolls that span 12 to 20 inches in diameter, are packed with coir fibers (i.e., coconut husk fibers), and are held together with mesh. The rolls are typically 10- to 20-feet long and can be stitched together to provide continuous shoreline coverage. In contrast, coir envelopes are coir fabric filled with sand. Coir envelopes have very different impacts and design considerations and should not be confused with coir rolls.

Below: This coir roll has been planted with vegetation prior to installation.

No shoreline stabilization option permanently stops all erosion or storm damage. The level of protection provided depends on the option chosen, project design, and site-specific conditions such as the exposure to storms. All options require maintenance, and many also require steps to address adverse impacts to the shoreline system, called mitigation. Some options, such as seawalls and other hard structures, are only allowed in very limited situations because of their impacts to the shoreline system. When evaluating alternatives, property owners must first determine which options are allowable under state, federal, and local regulations and then evaluate their expected level of protection, predicted lifespan, impacts, and costs of project design, installation, mitigation, and long-term maintenance.



As with all coastal bioengineering projects, salt-tolerant vegetation with extensive root systems is used with coir rolls to help stabilize the site. The vegetation is planted directly into the coir rolls and on the surrounding site. For important instructions on using plants in bioengineering projects, see *StormSmart Properties Fact Sheet 3: Planting Vegetation to Reduce Erosion and Storm Damage*, which includes specific information on how vegetation reduces erosion and storm damage; instructions on selecting, properly planting, and caring for appropriate species; tips on maximizing the effectiveness of vegetation projects and minimizing impacts; and specifics on project design and implementation.

This fact sheet focuses on the use of coir rolls on coastal banks (also known as bluffs), where coir rolls are typically installed at the toe (i.e., base) of the bank—although they can also be installed up the bank face. In coastal areas, coir rolls can also be used to help reduce erosion problems created by to hard structures (i.e., seawalls and revetments). See “Appropriate Locations” in the Design Consideration section (page 4) for additional information.

Coir rolls are often used in conjunction with other techniques for erosion management, such as natural fiber blankets, runoff control, and beach nourishment. Natural fiber blankets are woven mats of natural fibers that are used to stabilize the ground surface while plants become established. Runoff control projects reduce and slow the flow of water over the ground surface, reducing coastal erosion problems. Beach nourishment adds sediment (i.e., sand, gravel, and cobble) from an off-site source to address beach erosion issues. See the following StormSmart Properties fact sheets for more information: *Controlling Overland Runoff to Reduce Coastal Erosion*, *Bioengineering - Natural Fiber Blankets on Coastal Banks*, and *Beach Nourishment*.

How Coir Rolls Reduce Storm Damage on Coastal Banks

If the toe of a bank is eroding, the upper bank may collapse even if it is well vegetated. Coir rolls can be used to protect and stabilize the toe by providing a physical barrier that buffers waves, tides, and currents, reducing erosion of exposed sediments.

Coir rolls provide stability and protection to the site while the vegetation planted in and above the rolls becomes established. As the coir rolls disintegrate, typically over 5-7 years, the plants take over the job of site stabilization. The dense root systems of the plants hold sand, gravel,

and soils in place and help reduce erosion from rain, wind, tides, and waves. In addition, by taking up water directly from the ground and breaking the impact of raindrops or wave-splash, the plants slow the rate and reduce the quantity of upland water runoff that can lead to erosion.

For sites exposed to high wave energy, it may be necessary to replace and maintain coir rolls at the toe of the bank to provide longer-term stability. If the beach in front of the bank is narrow or narrows over time, if the beach elevation is too low or erodes down over time, or if the shoreline has a steep drop off below the low tide line, it may be necessary to combine bioengineering with other techniques, such as dune and beach nourishment, to ensure a successful project. (See the following StormSmart Properties fact sheets for more information: *Artificial Dunes and Dune Nourishment* and *Beach Nourishment*.) A professional with demonstrated success installing bioengineering projects in dynamic environments should be consulted to assess each site and make recommendations regarding the appropriate technique or combination of techniques.



PHOTO BY MASSACHUSETTS OFFICE OF COASTAL ZONE MANAGEMENT

Waves and tides eroded the toe of this bank, causing this collapse of a well vegetated section of the bank face.



Top left: an exposed bank that was eroding at two feet per year before coir rolls and erosion-control vegetation were installed. Top right: the same site 10 years after project completion. (Note: This site has survived Hurricane Irene and Hurricane Sandy.)



Left: the same site during installation of the coir rolls, which were placed at the toe and up the face of the bank. Natural fiber blankets were also installed on the bank face. The site was then planted with salt-tolerant vegetation.

PHOTOS BY NEW ENGLAND ENVIRONMENTAL

Relative Benefits and Impacts Compared to Other Options

Coir rolls provide direct, physical protection to a bank. Because they are made from natural, biodegradable materials and are planted with vegetation, coir rolls absorb much more wave energy than seawalls, rock revetments, or other “hard” shoreline stabilization structures, which reflect significantly more of the wave energy that hits them onto beaches or neighboring properties. The design of a hard structure affects how much wave energy is reflected, for example vertical walls reflect more wave energy than sloping rock revetments. These reflected waves erode beaches in front of and next to a hard structure, eventually undermining and reducing the effectiveness of the structure and leading to costly repairs. This erosion also lowers the elevation of the beach in front of the structure, ultimately leading to a loss of dry beach at high tide and reducing the beach’s value for storm damage protection, recreation, and wildlife habitat. Coir roll projects also allow some natural erosion from the site while hard structures impede virtually all natural erosion of sediment. Without this sediment supply, down-current areas of the beach system are

Under the Massachusetts Wetlands Protection Act, new hard structures are typically prohibited on all beaches and dunes. On coastal banks, hard structures are only allowed when necessary to protect buildings permitted before August 10, 1978, and only if no other alternative is feasible. In many cases, coir roll projects and other non-structural alternatives are therefore the only options available for reducing erosion and storm damage on coastal properties.

subject to increased erosion. In addition, coir rolls can often be installed without the use of mechanized equipment that can significantly impact the site. Because they are made with natural fibers and planted with vegetation, coir rolls also help preserve the natural character and habitat value of the coastal environment.

Like all shoreline stabilization options, however, coir roll projects can result in negative impacts when inappropriately designed or sited. While less severe than with hard structures, coir rolls can reflect some wave energy and they can inhibit the natural supply of sediment to down-current areas. Coir rolls made with synthetic materials or covered in wire mesh can cause additional significant impacts. Synthetic and wire mesh that remains after the rolls are degraded or is found on rolls that have been ripped away from a bank during a storm has the potential to entangle wildlife, disrupt navigation (e.g., by getting wrapped around boat propellers), and harm recreational beach users (e.g., rusted wire can puncture bare feet). To help address this issue, local officials often require identification tags to be sewn on coir rolls when they are installed to ensure proper disposal if the rolls are dislodged from the project site. In addition, wire mesh should not be used on coastal sites and the use of synthetic mesh should be minimized. For sites with higher wave energy, it is often necessary to use high density rolls (7-9 pounds per foot) in the bottom row, which are only available with synthetic mesh. This targeted use of synthetic materials is preferable to using more structural options such as a rock revetment to stabilize the site, which have greater adverse impacts.

Design Considerations for Coir Rolls on Coastal Banks

This section covers a variety of factors that should be considered to minimize adverse impacts and ensure successful design, permitting, construction, and maintenance of coir roll bioengineering projects on a coastal banks.

Appropriate Locations

For coastal bank projects, coir rolls can be used on both sheltered sites and sites exposed to wave energy. However, they are most effective in areas with higher beach elevations with some dry beach at high tide, where the rolls are not constantly subject to erosion from tides and waves. If the dry beach is narrow, the beach elevation is relatively low, and/or the site is exposed to moderate wave energy, more than one row of coir rolls will likely be needed on the face of the bank, as well as at the base. In these exposed conditions, the rolls will have a shorter lifespan and will require more frequent maintenance such as resetting, anchoring, or replacement. Additional erosion-control options may be needed at these sites, such as beach nourishment (see *StormSmart Properties Fact Sheet 8: Beach Nourishment*). It is essential to have a site-specific evaluation conducted by a professional with demonstrated experience and success implementing coir roll projects in exposed settings to determine the viability of coir rolls in these areas.

In some cases, coir rolls can also be used to effectively reduce erosion from hard structures such as seawalls. Coir rolls can be effectively installed at the base of and next to hard structures to help reduce erosion problems under the structure and on neighboring properties. They are also used on the face of the bank above the structure to stabilize the area.

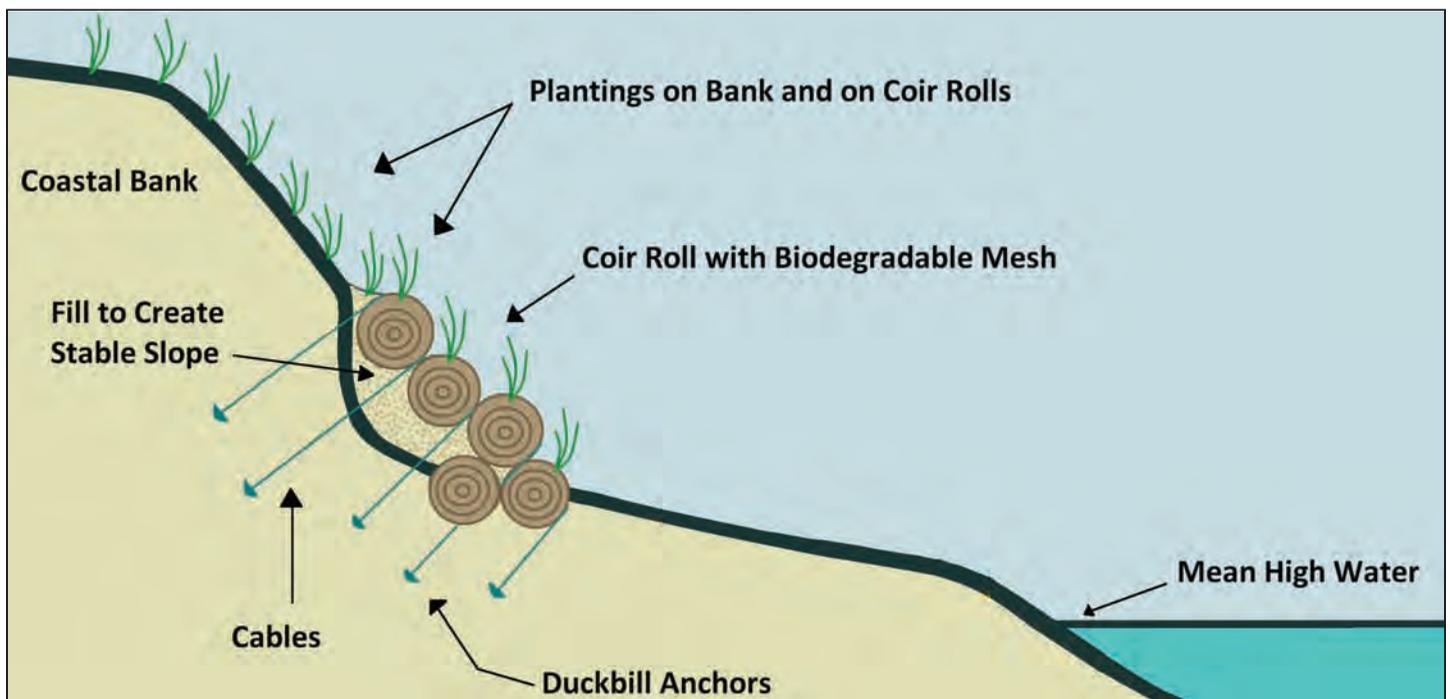


PHOTO BY WILKINSON ECOLOGICAL DESIGN

A coir roll, natural fiber blanket, and fill were installed to minimize erosion at the end of this bulkhead.

Establishing a Stable Slope

On banks, a stable slope is essential for project success. If the bottom of the bank has eroded and its slope is steeper than the upper portion of the bank, the bank is likely unstable. Even when heavily planted with erosion-control vegetation, banks with unstable slopes are extremely vulnerable to



Cross-section of a bioengineering project on a bank in an exposed setting.

slumping or collapse that can endanger property landward of the bank. Before installing coir rolls or planting vegetation, therefore, the bank slope should be stabilized.

Ideally, soil of a similar type to that on the bank or beach is brought in as fill and added to the lower part of the bank to create a slope that matches or is less steep than the upper slope. However, if adding fill brings the toe of the bank within the reach of high tides, the fill will erode quickly and undermine the rest of the bank. In these cases, regrading the bank slope by removing sediment from the top of the bank is a better option. While removing part of the upper portion of the bank does reduce the land area of the property, it can be done in a controlled fashion that improves the overall stability and storm-damage prevention capacity of the bank. And if the slope is not stabilized by either adding fill at the bank toe or regrading the top of the bank, bank collapse during a storm could cause substantially more loss of land area to the sea. In addition, any investment in coir rolls, vegetation, and other site stabilization methods will be lost if the bank collapses. On sites where the top of the bank is well vegetated with mature, salt-tolerant species with extensive roots, the appropriate approach to stabilize the bank should be carefully developed by a professional with extensive experience successfully stabilizing similar sites.

Removing/Replacing Invasive Plants

Invasive plants (i.e., introduced species that thrive at the expense of native plants) should be removed and replaced with appropriate native plants if they are preventing establishment of erosion-control vegetation on a bank. This effort is particularly warranted when bank stability is severely compromised by the invasive plant. Because of their tenacity, successful control of invasive plants can take years to accomplish and may require perpetual monitoring and management. Effective ways to manage invasive species on the bank should therefore be incorporated into project design. See *StormSmart Properties Fact Sheet 3: Planting Vegetation to Reduce Erosion and Storm Damage* for more information.

Controlling Erosion from Overland Runoff and Other Sources

To help ensure the success of newly planted vegetation, sources of erosion on the site—including upland runoff and waves—should be identified and addressed as part of the site evaluation and design process. If overland runoff is causing erosion, this runoff should be reduced or redirected to give newly planted vegetation the best chance of survival (see *StormSmart Properties Fact Sheet 2: Controlling Overland Runoff to Reduce Coastal Erosion* for details). In areas subject to regular erosion from waves, tides, currents, wind, and coastal storms, additional techniques can be used to improve site protection. For example, beach nourishment (i.e., adding sediments, such as sand, gravel, and cobble to widen the beach—see *StormSmart Properties Fact Sheet 8: Beach Nourishment*) can protect coir roll projects by widening beaches in areas with relatively narrow beaches at high tide.

Protecting Vegetation

In addition to controlling erosion (see above), other steps should be taken to protect vegetation. Exposed areas should not be planted during the winter when the plants are dormant because wind or waves are likely to pull them out before they can get established. To prevent trampling of plants, pedestrian access to the shoreline should be restricted to designated access paths or walkways and the number of access points should be limited as much as possible. Often, multiple properties can use a common access point. To limit shading impacts to vegetation, access structures should be elevated on open pilings and their size should be minimized as much as possible.

Maintaining Sediment Supply to the System

Bank erosion is an important source of sediment to beaches and dunes in the shoreline system. To maintain this sediment supply, projects using two or more rows of coir rolls can bring in sediment from an offsite source on a regular basis (e.g., annually and after major storms) and place it on the beach in front of the rolls. This sediment will also help provide storm damage protection to the site by dissipating wave energy before it reaches the bank.

Minimizing Reflected Wave Energy

The ends of a coir roll project should be carefully designed to minimize any redirection of waves onto adjacent properties. Tapering the rolls down in number and height so that the project blends in to the adjacent bank helps address this problem.



PHOTO BY MASSACHUSETTS OFFICE OF COASTAL ZONE MANAGEMENT

This bioengineering project with coir rolls, natural fiber blankets, and vegetation was designed to minimize erosion on the adjacent property. At the end of the property, the number of rolls was tapered down to one and the bank's slope was reduced and blended in to the adjacent bank.

Project Installation and Coir Roll Anchoring

Coir rolls should be placed end to end and laced together with jute or coir twine to create continuous rolls parallel to the shoreline. The rolls are typically anchored by stakes on the seaward side of the rolls, earth anchor systems, or a combination of these two techniques. Wooden stakes are biodegradable but do not always hold well in areas with higher wave energy. Earth anchors, which are typically used for sites exposed to higher rates of erosion, consist of a metal duckbill anchor that extends into the bank and is connected to the coir roll by wire cables. Although earth anchors are not biodegradable, exposed portions of the cable system can be cut off and removed after the coir rolls have broken down to reduce marine debris impacts.

The anchoring system is critical to the success of the project. A professional is needed to determine the appropriate number and type of anchors for the site. It is also essential that the installation be carefully supervised and conducted by contractors with

experience installing projects that have survived multiple storms. Anchors may need to be tightened after a period of time. To improve the longevity of the project, a professional can monitor the rolls over time and identify needed maintenance.

Coir rolls should be fully covered with sediment or tied into the existing bank at both ends of the project to minimize the potential for waves to get behind the rolls and erode the bank. The project can fail if the ends of the coir rolls become exposed.

Coir Roll Configuration and Size

The number of rows of coir rolls needed and their diameter depend on: 1) how exposed the site is to waves, 2) how frequently waves reach the base of the bank, and 3) the steepness of the bank face. In more sheltered sites or on relatively shallow bank slopes, one or two rows of 12-inch-diameter coir rolls may be sufficient. In more exposed areas and on steeper banks, multiple rows of 20-inch-diameter rolls may be needed up the face of the bank to provide effective site stabilization. The bottom row of coir rolls is often buried during installation to prevent undermining by beach erosion during a storm. In some cases, two side-by-side rows of rolls are installed at the base to provide more stability for the rows of rolls above.

Density of Coir Fibers

How densely the coconut husk fibers are packed into the coir rolls is also an important design element. While more densely packed rolls provide greater initial erosion protection, loosely packed rolls can be more heavily planted (because the vegetation can be easily inserted into the roll). This heavy planting allows the plants to become established more quickly, allowing the plant roots to effectively stabilize the site as the coconut fibers degrade. Both high-density and low-density coir rolls can be used together when heavily planted low-density rolls are installed adjacent to high-density rolls to help ensure the high-density rolls become vegetated over time. The professional designing the project should determine where rapid plant colonization or initial structural integrity is most important and then design a mix of rolls accordingly.

Reducing Damage from Sun Exposure

Plants can be used to shade the rolls and slow the degradation of the coir fibers that occurs from exposure to sunlight. The coir rolls can also be covered with sediment and natural fiber blankets (woven mats of natural fibers) to shade the coir rolls and slow degradation.

Heavy Equipment

While heavy equipment is not typically needed for coir roll projects, a mini-excavator or other small mechanized equipment may be necessary. Minimizing the use of heavy equipment can help reduce temporary disturbances from the project. Access for any equipment must be carefully planned to avoid destruction of existing vegetation; creation of ruts; destabilization of banks, beaches, or other landforms; impacts to wildlife and nesting habitat for protected shorebird species (i.e., species that are considered endangered, threatened, or of special concern in Massachusetts); and related impacts. When mechanical equipment is being used, contractors should keep hazardous material spill containment kits on-site at all times in case there is a release of oil, gasoline, or other toxic substances.

Wildlife and Fisheries Protection

If the project is proposed in or adjacent to habitat for protected wildlife species or horseshoe crab spawning areas, there may be limitations on the time of year that the project can be constructed. Information about the location of these resources and special permitting requirements is available from the Natural Heritage and Endangered Species Program of the Massachusetts Division of Fisheries and Wildlife (for protected wildlife species) and the Massachusetts Division of Marine Fisheries (for horseshoe crabs).

Permitting and Regulatory Standards

Most options for addressing coastal erosion, storm damage, and flooding are likely to require a permit under the Massachusetts Wetlands Protection Act through the local Conservation Commission. Additional permits may be needed from the Massachusetts Department of Environmental Protection (MassDEP) Waterways Program and the U.S. Army Corps of Engineers if the project footprint extends below the mean high water line or seaward of the reach of the

highest high tide of the year, respectively. Permits or approvals may also be required from other state agencies and local departments, depending on the location and the work involved. Often, Conservation Commission staff are available to meet with applicants to go over important factors that need to be considered early in the design process.

Generally, regulatory programs are supportive of projects that use non-structural approaches to manage coastal erosion, such as coir rolls and vegetation, as opposed to hard structures. To obtain a permit, projects need to be designed to comply with regulatory requirements, including minimizing or avoiding impacts to sensitive resource areas such as horseshoe crab spawning areas and protected species habitat, which are protected by the various regulatory programs.

Professional Services Required

An environmental professional with significant experience designing, implementing, and successfully maintaining coir rolls and vegetation projects in coastal areas should be chosen to: 1) identify regulatory requirements and ensure the project fully conforms with those requirements; 2) determine the size, density, and number of rows of coir rolls needed based on site conditions (such as erosion history; exposure to winds, wave climate, and soil types; and runoff patterns); 3) determine whether natural fiber blankets, beach nourishment, or other techniques should be used in conjunction with the rolls; 4) identify any additional site conditions (including oversteepened slopes, erosion from overland runoff, and the presence of invasive species) that must be addressed; 5) select plant species and develop a plan for planting and plant maintenance; 6) identify the volume and composition of fill (if needed to re-establish a stable slope); 7) determine the best time of year to install the various components of the project; 8) develop an access plan if heavy equipment is needed; 9) prepare plans for and oversee permitting; 10) prepare design specifications and oversee construction; and 11) monitor and maintain the project. To ensure that essential design elements are appropriately implemented, *construction should be conducted by a contractor with experience installing coir roll projects that have survived multiple storms and carefully supervised by a consultant with significant experience and demonstrated success with coastal coir roll projects. Monitoring and maintenance by a consultant with significant experience is also strongly recommended.*

Project Timeline

It may take as little as four to eight months to have a bioengineering project with coir rolls designed, permitted, and installed, assuming that only a Massachusetts Wetlands Protection Act permit is required—but it can take longer, depending on the factors involved. Factors influencing this timeline include the contractor’s experience with designing and permitting similar projects, completeness of permit applications, special considerations in the permitting process (such as objections by abutters, sensitive resources to be protected, and availability of access for construction), the need for special timing to avoid impacts (e.g., a prohibition on construction during endangered species nesting season), special timing needed for planting vegetation, and/or weather conditions during construction.

Maintenance Requirements

Bioengineering projects with coir rolls and vegetation require ongoing maintenance to ensure their success. Maintenance needs will depend, in part, on the proximity of the coir rolls to the reach of high tide, the elevation and width of the beach, the frequency and severity of storms, and how established the plants are before a storm hits. To maintain the project’s designed level of protection, the coir rolls and vegetation should be inspected regularly, particularly after rain and coastal storms. Any storm damage should be addressed immediately to avoid further deterioration—this includes replacing any sediment that erodes around the coir rolls, resetting or replacing coir rolls as needed, and replanting vegetation (which may have to be conducted at the appropriate time of year). The more frequently high tides and waves reach and overtop the coir rolls, the higher the likely erosion rate and deterioration rate of the rolls. Erosion rates will be even higher if the site is not vegetated. Because the replacement of sediment and plants removed by storms is typically necessary, the original permit application should include a maintenance plan. This plan should specify any replacement materials and activities that may be used on the site and how the site will be accessed so that maintenance can be conducted without additional permitting.

Experience with what works, what doesn’t, and how to adjust a design as site conditions change is very important to the success of bioengineering projects, particularly in coastal areas. Therefore, it is strongly recommended that the consultant who designed the

project be involved in the monitoring and maintenance after any erosion from rain or coastal storms.

Project Costs

With coir roll projects, a range of options are available that give increasing levels of protection with increased construction costs. In addition, whenever you hire a professional to conduct work on your property, total costs are expected to vary significantly based on site-specific considerations. The considerations that most influence the costs of coir roll projects on coastal banks are: the severity of erosion, the width and elevation of the beach in front of the bank, the grading needed to create a stable slope, the diameter and number of rows of rolls, and the type and size of plants selected. For comparison with other shoreline stabilization options, the relative costs for coir roll projects are:

- Low-medium for design and permitting.
- Medium-high for construction.
- Low-medium for maintenance.
- Low for mitigation.

See the StormSmart Properties web page at www.mass.gov/czm/stormsmart-properties for a *Relative Costs of Shoreline Stabilization Options* chart that gives a full comparison.

Additional Information

Bioengineering with coir rolls can be used in conjunction with many other techniques for erosion management. See the following fact sheets on the CZM StormSmart Properties web page at www.mass.gov/czm/stormsmart-properties for additional information:

- *StormSmart Properties Fact Sheet 1: Artificial Dunes and Dune Nourishment.*
- *StormSmart Properties Fact Sheet 2: Controlling Overland Runoff to Reduce Coastal Erosion.*
- *StormSmart Properties Fact Sheet 3: Planting Vegetation to Reduce Erosion and Storm Damage.*
- *StormSmart Properties Fact Sheet 5: Bioengineering - Natural Fiber Blankets on Coastal Banks.*
- *StormSmart Properties Fact Sheet 8: Beach Nourishment.*

The following publications and websites also provide valuable information on bioengineering with coir rolls and vegetation:

- CZM’s Coastal Landscaping website (www.mass.gov/czm/coastal_landscaping) focuses on

landscaping coastal beaches, dunes, and banks with salt-tolerant vegetation to reduce storm damage and erosion.

- CZM's *Landscaping to Protect Your Coastal Property from Storm Damage and Flooding* fact sheet (www.mass.gov/eea/docs/czm/stormsmart/ssc/ssc6-landscaping.pdf; PDF, 955.7 KB) gives specific information for homeowners on appropriate plants for erosion control in coastal areas.
- Woods Hole Sea Grant's *Marine Extension Bulletin, Biodegradable Erosion Control* (www.whoi.edu/fileserver.do?id=82284&pt=2&p=88928; PDF, 722 KB), provides information on various components of a coir roll project for coastal erosion control.
- CZM's *Environmental Permitting in Massachusetts* (www.mass.gov/eea/agencies/czm/program-areas/federal-consistency-review/environmental-permitting-in-massachusetts.html) gives brief descriptions of major environmental permits required for projects proposed in Massachusetts.
- *Guidelines for Barrier Beach Management in Massachusetts* (www.mass.gov/eea/docs/czm/stormsmart/beaches/barrier-beach-guidelines.pdf; PDF, 12.5 MB), which was produced by the Massachusetts Barrier Beach Task Force in 1994, provides an overview of the Massachusetts Wetlands Protection Act Regulations and the function of beaches, dunes, barrier beaches, and other resource areas (in Chapter 2). This document also gives
- information on various erosion-management techniques, their potential impacts, and recommended management measures to minimize impacts (Chapter 5).
- Massachusetts Wetlands Protection Act Regulations (310 CMR 10.00) (www.mass.gov/eea/agencies/masdep/water/regulations/310-cmr-10-00-wetlands-protection-act-regulations.html) cover work in wetland resource areas and buffer zones.
- The Natural Heritage and Endangered Species Program website (www.mass.gov/eea/agencies/dfg/dfw/natural-heritage) provides information on protected species in Massachusetts, habitat maps, and regulatory review for projects in or adjacent to these habitats.
- The Massachusetts Division of Marine Fisheries can provide information on horseshoe crab protection and other fisheries resources. See their website at www.mass.gov/eea/agencies/dfg/dmf for contact information.
- The Massachusetts Ocean Resource Information System, or MORIS, is a web-based mapping tool for interactively viewing coastal data that is available at www.mass.gov/czm/mapping. It includes shoreline change data, which should be considered when evaluating and designing shoreline stabilization projects. Other data layers in MORIS (such as endangered species habitat, shellfish, and eelgrass) can help identify sensitive resource areas within or near the project site.



www.mass.gov/czm/stormsmart



COMMONWEALTH OF MASSACHUSETTS
Deval L. Patrick, Governor



EXECUTIVE OFFICE OF ENERGY
AND ENVIRONMENTAL AFFAIRS
Richard K. Sullivan Jr., Secretary



MASSACHUSETTS OFFICE OF
COASTAL ZONE MANAGEMENT
Bruce K. Carlisle, Director

MASSACHUSETTS OFFICE OF COASTAL ZONE MANAGEMENT | 251 Causeway Street, Suite 800 | Boston, MA 02114 | (617) 626-1200
CZM INFORMATION LINE: (617) 626-1212 | CZM WEBSITE: www.mass.gov/czm



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PUBLICATION DATE: December 2013

FEMA's National Flood Hazard Layer

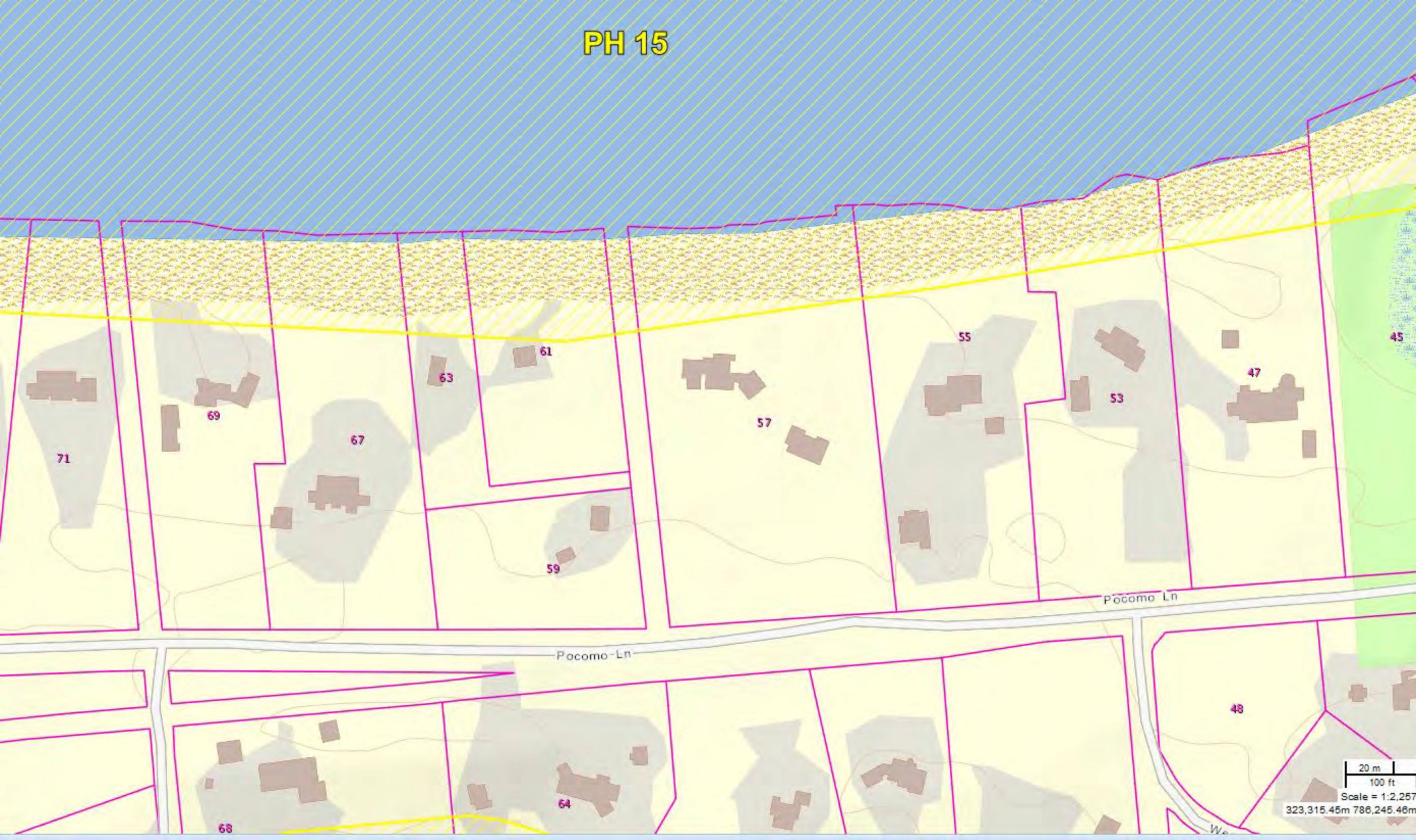


**Estimated & Priority Habitat Mapping
On MassGIS**

By

Massachusetts Natural Heritage & Endangered Species Program

PH 15



Canoe Trips

Active Data Layers

Check all | Uncheck all

- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- Tax Parcels for Query
- Detailed Features

Legend

- NHESP Priority Habitats of Rare Species
- NHESP Estimated Habitats of Rare Wildlife
- Tax Parcels for Query

20 m | 100 ft

Scale = 1:2,257

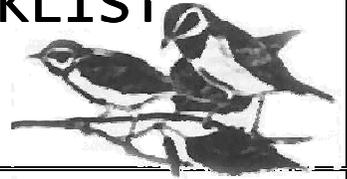
323,315.45m 786,245.46m



MESA PROJECT REVIEW CHECKLIST

Massachusetts Endangered Species Act M.G.L. c. 131A and Regulations (321 CMR 10.00)

Massachusetts Division of Fisheries & Wildlife
Natural Heritage & Endangered Species Program



~~~~ CONTACT INFORMATION ~~~~

If you already completed your Notice of Intent-Form 3, you can send page 1 of the NOI in place of questions 1 through 4 in this section.

1. Project Location:

Street Address/Location _____	City/Town _____	Zip Code _____
Assessors Map/Plat Number _____	Parcel /Lot Number _____	

2. Applicant:

First Name _____	Last Name _____	Company _____
------------------	-----------------	---------------

Mailing Address _____

City/Town _____	State _____	Zip Code _____
-----------------	-------------	----------------

Phone Number _____	Fax Number _____	Email address _____
--------------------	------------------	---------------------

3. Property owner (if different from applicant):

First Name _____	Last Name _____	Company _____
------------------	-----------------	---------------

Mailing Address _____

City/Town _____	State _____	Zip Code _____
-----------------	-------------	----------------

Phone Number _____	Fax Number _____	Email address _____
--------------------	------------------	---------------------

4. Representative (if any):

Company _____

Contact Person First Name _____	Contact Person Last Name _____
---------------------------------	--------------------------------

Mailing Address _____

City/Town _____	State _____	Zip Code _____
-----------------	-------------	----------------

Phone Number _____	Fax Number _____	Email address _____
--------------------	------------------	---------------------

The MESA does not allow project segmentation. Your filing must reflect all anticipated work associated with the proposed project (CMR 321 10.16).

~~~~ ADDITIONAL INFORMATION ~~~~

- Will this project require a filing with the Conservation Commission and/or DEP? No Yes
- Will this project meet any threshold for a MA Environmental Policy Act (MEPA) filing (excluding rare species, 301 CMR 11.03 (2))? No Yes
- Has this project previously been issued a NHESP Tracking Number (either by previous NOI Submittal or MESA Information Request Form)? No Yes - Tracking No. _____

from top:
Golden Winged Warbler - E

Small whorled pogonia - E

Marbled Salamander - T



* For an electronic copy of this form, visit www.nhesp.org *

~~~~PROJECT DESCRIPTION (attach separate sheet, as needed)~~~~

Certain projects or activities are exempt from review, see 321 CMR 10.14

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We will notify the applicant within 30 days if the materials submitted do not satisfy requirements for a filing and request submission of any missing materials (321 CMR 10.18(1)).

~~~~INCLUDE THE FOLLOWING INFORMATION~~~~

ALL Applicants must submit:

- USGS map(1:24,000 or 1:25,000) with property boundary clearly outlined
- Project plans with existing and proposed conditions
- Assessor's map or right-of-way plan of site
- Project description
- Statement/proof that applicant is the Record Owner or that applicant is a person authorized in writing by the record owner to submit this filing
- Photographs representative of the site

Projects altering* 10 or more acres, must also submit:

- A vegetation cover type map of the site
- Project plans showing Priority Habitat boundaries

*Alteration: Any physical alteration of land, soils, drainage or destruction of plant life, see "Project or Activity" (321 CMR 10.02). If only a portion of the project site is located within Priority Habitat, indicate total area of disturbance for site as a whole

We may request additional information, such as, but not limited to, species and habitat surveys, wetland reports, soil map and reports, and stormwater management reports (321 CMR 10.16).

~~~~ FILING FEES ~~~~~

*For fees, see [www.nhesp.org](http://www.nhesp.org)*

a. Total MESA Fee Paid \_\_\_\_\_

b. Acreage of Alteration\* \_\_\_\_\_

c. Total Site Acreage \_\_\_\_\_

~~~~ REQUIRED SIGNATURES ~~~~~

I hereby certify under the penalties of perjury that the foregoing MESA filing and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.

 Agent

 Signature of Property Owner/Record Owner of Property

3/16/16

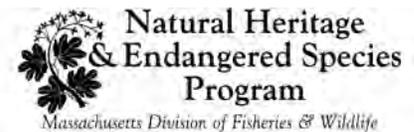
Date

 Signature of Applicant (required, if different from Owner)

Date

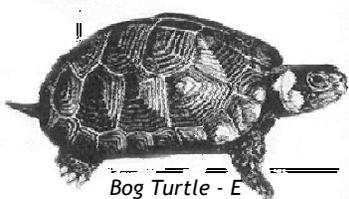
Please send form, required information, and filing fee (payable to "NHES Fund") to:

Regulatory Review
 Natural Heritage & Endangered Species Program
 North Drive, Route 135
 Westborough, MA 01581



Telephone: 508-792-7270, Fax: 508-792-7821

Questions or Comments? natural.heritage@state.ma.us



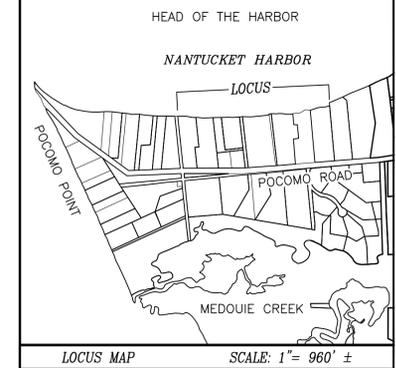
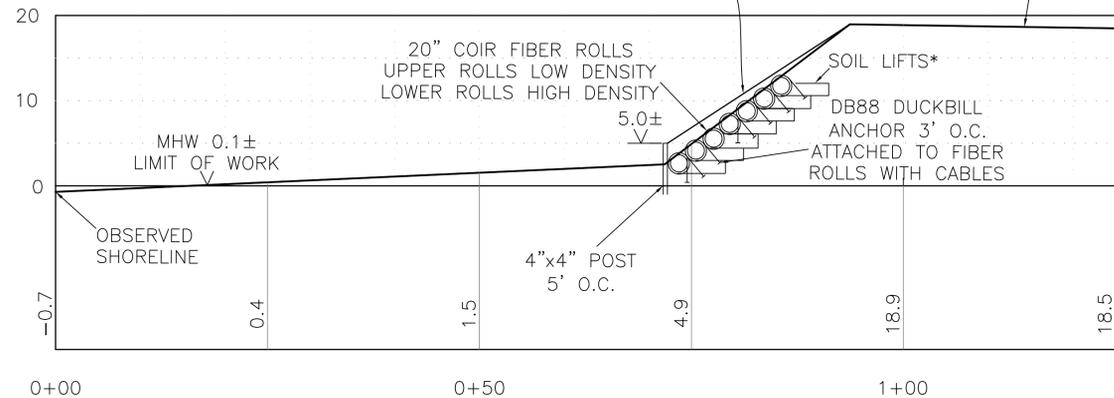
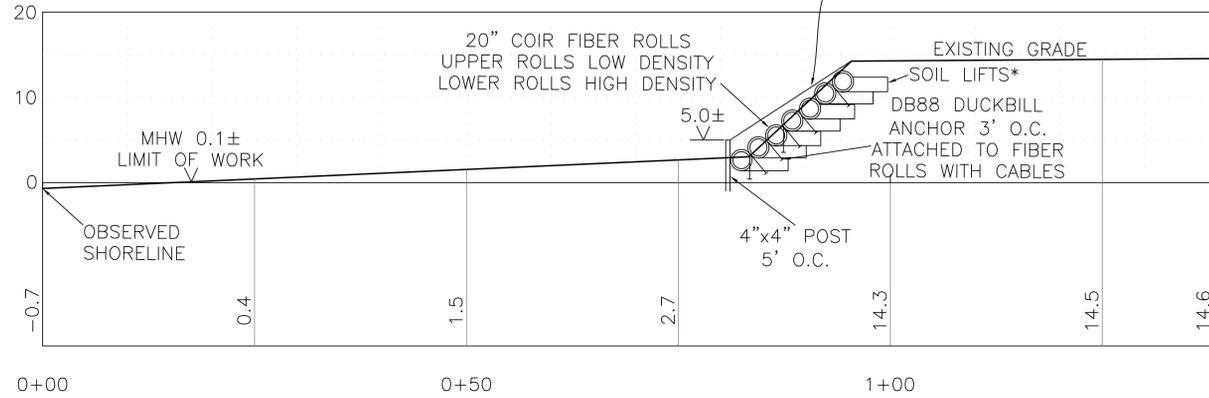
Bog Turtle - E

* For an electronic copy of this form, visit www.nhesp.org *

*SOIL LIFTS CONSISTING OF A SINGLE LAYER OF C-700 COIR NETTING AND MESH COMPARABLE TO THE CASING OF FIBER ROLLS

PROPOSED GRADE. CLEAN COMPATIBLE SAND FILL OVER ROLLS. SLOPE 1:1.5
COVER WITH COIR NETTING AND PLANT WITH AMERICAN BEACH GRASS & APPROPRIATE NATIVE SPECIES

EXISTING GRADE



LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- dhCB □ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- DENOTES EXIST. WOOD W/WIRE FARM FENCE
- 25- DENOTES EXIST. GRADE CONTOUR
- DENOTES EXIST. GRADE SPOT ELEVATION

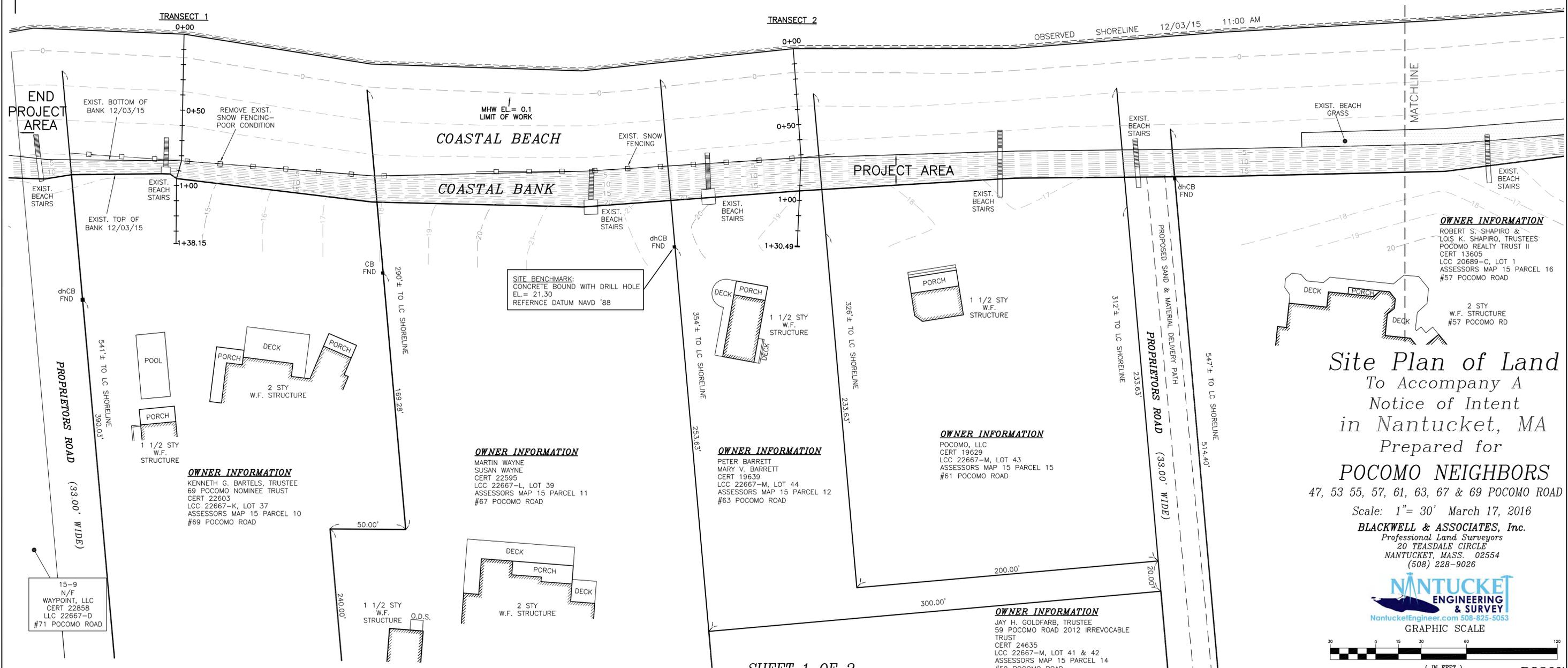
TRANSECT 1 PROFILE 1"=10'

NANTUCKET

HARBOR

TRANSECT 2 PROFILE 1"=10'

PROJECT LENGTH 1775'± (ALONG BANK FACE)



OWNER INFORMATION
ROBERT S. SHAPIRO &
LOIS K. SHAPIRO, TRUSTEES
POCOMO REALTY TRUST II
CERT 13605
LCC 20689-C, LOT 1
ASSESSORS MAP 15 PARCEL 16
#57 POCOMO ROAD

OWNER INFORMATION
KENNETH G. BARTELS, TRUSTEE
69 POCOMO NOMINEE TRUST
CERT 22603
LCC 22667-K, LOT 37
ASSESSORS MAP 15 PARCEL 10
#69 POCOMO ROAD

OWNER INFORMATION
MARTIN WAYNE
SUSAN WAYNE
CERT 22595
LCC 22667-L, LOT 39
ASSESSORS MAP 15 PARCEL 11
#67 POCOMO ROAD

OWNER INFORMATION
PETER BARRETT
MARY V. BARRETT
CERT 19639
LCC 22667-M, LOT 44
ASSESSORS MAP 15 PARCEL 12
#63 POCOMO ROAD

OWNER INFORMATION
POCOMO, LLC
CERT 19629
LCC 22667-M, LOT 43
ASSESSORS MAP 15 PARCEL 15
#61 POCOMO ROAD

OWNER INFORMATION
JAY H. GOLDFARB, TRUSTEE
59 POCOMO ROAD 2012 IRREVOCABLE TRUST
CERT 24635
LCC 22667-M, LOT 41 & 42
ASSESSORS MAP 15 PARCEL 14
#59 POCOMO ROAD

Site Plan of Land
To Accompany A
Notice of Intent
in Nantucket, MA
Prepared for
POCOMO NEIGHBORS
47, 53 55, 57, 61, 63, 67 & 69 POCOMO ROAD

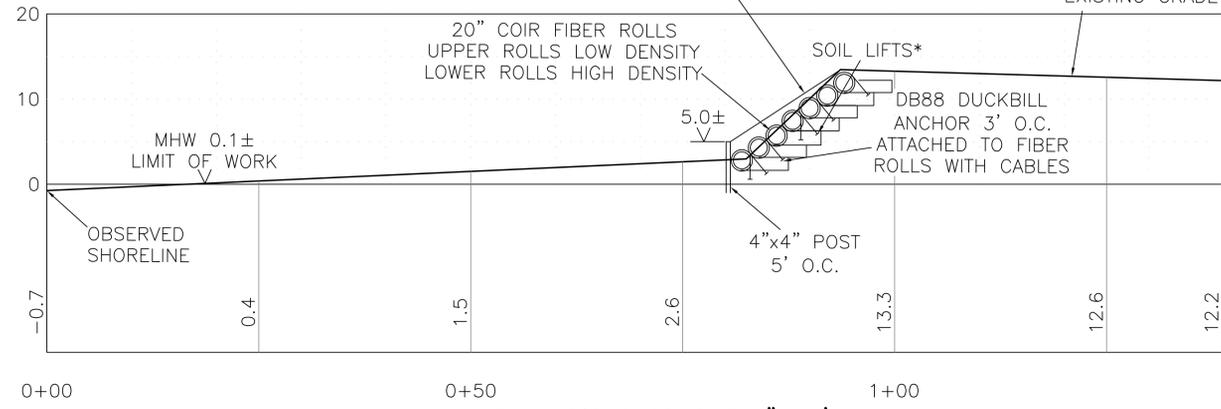
Scale: 1" = 30' March 17, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



GENERAL NOTES:

1. THE CONTRACTOR SHALL PROVIDE ALL MATERIAL, LABOR AND EQUIPMENT TO PERFORM THE WORK DESCRIBED ON THESE PLANS, AND AS APPROVED BY THE NANTUCKET CONSERVATION COMMISSION.
2. WORK SHALL BE IN COMPLIANCE WITH THE PLANS, SPECIFICATION AND THE ORDER OF CONDITIONS ISSUED BY THE NANTUCKET CONSERVATION COMMISSION.
3. THE CONTRACTOR SHALL ATTEND A PRE-CONSTRUCTION ON-SITE MEETING WHICH WILL BE ATTENDED BY THE ENGINEER, WITH NOTIFICATION TO A REPRESENTATIVE OF THE NANTUCKET CONSERVATION COMMISSION. THE CONTRACTOR WILL PRESENT THE PROPOSED METHODS AND MEANS TO CONSTRUCT THE PROPOSED IMPROVEMENTS.
4. THE CONTRACTOR SHALL NOT VARY FROM THE PLANS, SPECIFICATION, ORDER OF CONDITIONS OR INSTRUCTIONS PROVIDED AT THE PRE-CONSTRUCTION MEETING, WITHOUT FIRST OBTAINING APPROVAL OF THE CONSERVATION COMMISSION REPRESENTATIVE AND THE ENGINEER.
5. ONLY CLEAN COMPATIBLE FILL SHALL BE USED FOR FILL AND COVER FOR THIS PROJECT. THE CONTRACTOR AGREES TO OBTAIN SEDIMENT GRAIN SIZE DISTRIBUTION ANALYSIS, FROM A QUALIFIED LABORATORY, IF REQUESTED BY THE CONSERVATION COMMISSION REPRESENTATIVE.
6. UPON COMPLETION OF RESTORATION, AND PRIOR TO DEMOBILIZATION OF EQUIPMENT, THE CONTRACTOR SHALL ARRANGE FOR A POST-CONSTRUCTION MEETING WITH THE ENGINEER. SHORT COMINGS AND DEFICIENCIES WILL BE OUTLINED TO THE CONTRACTOR AT THIS MEETING, THAT MUST BE CORRECTED PRIOR TO DEMOBILIZATION AND FINAL PAYMENTS FOR THE WORK.

PROPOSED GRADE. CLEAN COMPATIBLE SAND FILL OVER ROLLS. SLOPE 1:1.5
COVER WITH COIR NETTING AND
PLANT WITH AMERICAN BEACH GRASS AND NATIVE SPECIES
EXISTING GRADE



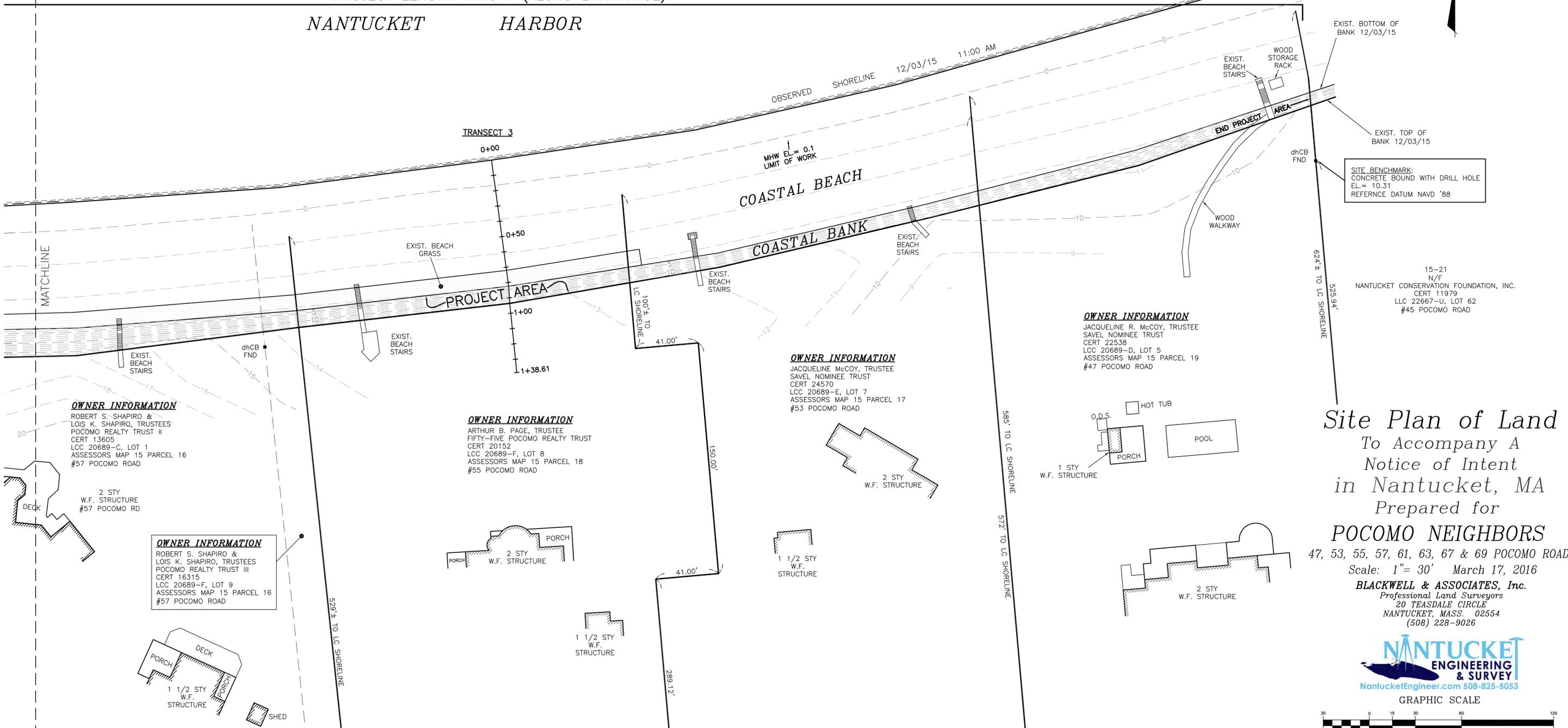
LEGEND

| | |
|--------|---|
| dhCB ■ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND |
| dhCB □ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND |
| —○— | DENOTES EXIST. WOOD W/WIRE FARM FENCE |
| —○— | DENOTES EXIST. GRADE CONTOUR |
| 25 | DENOTES EXIST. GRADE SPOT ELEVATION |

PROJECT LENGTH 1775'± (ALONG BANK FACE)

TRANSECT 3 PROFILE 1"=10'

NANTUCKET HARBOR



Site Plan of Land
To accompany A
Notice of Intent
in Nantucket, MA
Prepared for
POCOMO NEIGHBORS

47, 53, 55, 57, 61, 63, 67 & 69 POCOMO ROAD
Scale: 1"= 30' March 17, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



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 |



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Nantucket

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



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

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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).

Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address

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

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/mesa/mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

a. NHESP Tracking # _____

b. Date submitted to NHESP _____

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

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



WPA Form 3 – Notice of Intent

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

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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: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | 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:
- Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)
 - A portion of the site constitutes redevelopment
 - Proprietary BMPs are included in the Stormwater Management System.
- b. X No. Check why the project is exempt:
- 1.X Single-family house



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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

MassDEP File Number

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

Document Transaction Number

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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

Polpis Harbor

Squam Swamp

Five Fingered Point

Pocomo Head

Pocomo Meadow

Quaise Pt

Polpis

Cranberry Bog

Univ of Mass Research Center

Folgers Marsh

Quaise

Shawkemo Hills

Radio Facility

Altar Rock

Folger Hill

Gibbs Pond

BARNARD

VALLEY

CRANBERRY BOG

1997
1:25000

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 | |
|----------------------|-------------------------|
| 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

\$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 NEMINIEE 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 BANK
BOTTOM OF BANK

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. SE48-2236



Wood Frame Cabana
Basement Access
Shower
Spa
Roof Over Patio

INGROUND POOL

Flagstone

Catch Basin

Putting Green

Lawn

Lawn

Plantings

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.

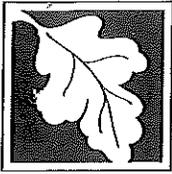
EARLE & SULLIVAN, INC.
PROFESSIONAL LAND SURVEYORS
6 YOUNGS WAY
NANTUCKET, MA. 02554
508-332-4808

Wilson

24 Brant Point Rd

(29-85.1)

SE48-2876



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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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):

24 Brant Point Rd
 a. Street Address

Nantucket
 b. City/Town

02554
 c. Zip Code

Latitude and Longitude:
 41.290432
 d. Latitude

70.101308
 e. Longitude

29
 f. Assessors Map/Plat Number

85.1
 g. Parcel /Lot Number

2. Applicant:

Jay and Stephanie
 a. First Name

Wilson
 b. Last Name

c. Organization

1002 Winding Way
 d. Street Address

Baltimore
 e. City/Town

MD
 f. State

21210
 g. Zip Code

410-340-2054
 h. Phone Number

i. Fax Number

jaymwilson@comcast.net
 j. Email Address

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

Jay And Stephanie
 a. First Name

Wilson
 b. Last Name

c. Organization

1002 Winding Way
 d. Street Address

Baltimore
 e. City/Town

MD
 f. State

21210
 g. Zip Code

410-340-2054
 h. Phone Number

i. Fax Number

jaymwilson@comcast.net
 j. Email address

4. Representative (if any):

Christopher
 a. First Name

Powers
 b. Last Name

Powers Landscaping Inc.
 c. Company

160 Hummock Pond Road
 d. Street Address

Nantucket
 e. City/Town

MA
 f. State

02554
 g. Zip Code

508-826-9486
 h. Phone Number

i. Fax Number

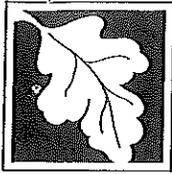
chris@chrispowerslandscaping.com
 j. Email address

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

110.00
 a. Total Fee Paid

42.50
 b. State Fee Paid

67.50
 c. City/Town Fee Paid



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

City/Town _____

A. General Information (continued)

6. General Project Description:

Removal of Invasive species *Polygonum cuspidatum* (Japanese knotweed) in a 1,800 S.F section of the property along the southwest boundary. After sufficient remediation of the Japanese knotweed the area will be replanted with Birch trees, Maple trees & winterberry.

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

a. County

1357

c. Book

b. Certificate # (if registered land)

32

d. Page Number

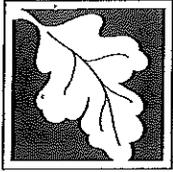
B. Buffer Zone & Resource Area Impacts (temporary & permanent)

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

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

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

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



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):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

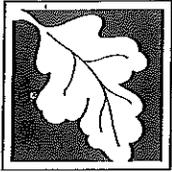
6. Was the lot where the activity is proposed created prior to August 1, 1996? Yes No

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

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

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

| <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 _____ |



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

| | <u>Size of Proposed Alteration</u> | <u>Proposed Replacement (if any)</u> |
|--|---|--|
| f. <input type="checkbox"/> Coastal Banks | 1. linear feet | |
| g. <input type="checkbox"/> Rocky Intertidal Shores | 1. square feet | |
| h. <input type="checkbox"/> Salt Marshes | 1. square feet | 2. sq ft restoration, rehab., creation |
| i. <input type="checkbox"/> Land Under Salt Ponds | 1. square feet | |
| | 2. cubic yards dredged | |
| j. <input type="checkbox"/> Land Containing Shellfish | 1. square feet | |
| k. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | |
| | 1. cubic yards dredged | |
| l. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage | ~1800(from Narrative) | |
| | 1. square feet | |
| 4. <input type="checkbox"/> Restoration/Enhancement | If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here. | |
| | a. square feet of BVW | b. square feet of Salt Marsh |

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

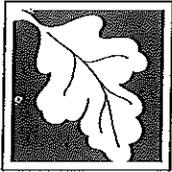
1. Is any portion of the proposed project located in **Estimated Habitat of Rare Wildlife** as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the *Massachusetts Natural Heritage Atlas* or go to <http://www.mass.gov/dfwele/dfw/nhESP/nhregmap.htm>.

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

Natural Heritage and Endangered Species Program
 Division of Fisheries and Wildlife
 Route 135, North Drive
 Westborough, MA 01581

Online _____
 b. Date of map

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



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

1. c. Submit Supplemental Information for Endangered Species Review *

1. Percentage/acreage of property to be altered:

(a) within wetland Resource Area _____
 percentage/acreage

(b) outside Resource Area _____
 percentage/acreage

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

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

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

(b) Photographs representative of the site

(c) MESA filing fee (fee information available at:
<http://www.mass.gov/dfwele/dfw/nhesp/nhenvmesa.htm>)

Make check payable to "Natural Heritage & Endangered Species Fund" and **mail to NHESP** at above address

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

(d) Vegetation cover type map of site

(e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.

Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, <http://www.mass.gov/dfwele/dfw/nhesp/nhenvexemptions.htm>; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)

2. Separate MESA review ongoing.

_____ a. NHESP Tracking Number

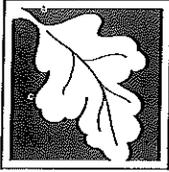
_____ b. Date submitted to NHESP

3. Separate MESA review completed.

Include copy of NHESP "no Take" determination or valid Conservation & Management Permit with approved plan.

* Some projects not in Estimated Habitat may be located in Priority Habitat, and require NHESP review (see www.nhesp.org regulatory review tab). Priority Habitat includes habitat for state-listed plants and strictly upland species not protected by the Wetlands Protection Act.

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

City/Town

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

2. For coastal projects only, is any portion of the proposed project located below the mean high water line or in a fish run?

a. Not applicable – project is in inland resource area only

b. Yes No If yes, include proof of mailing or hand delivery of NOI to either:

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

North Shore - Hull to New Hampshire:

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
838 South Rodney French Blvd.
New Bedford, MA 02744

Division of Marine Fisheries -
North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930

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

3. Is any portion of the proposed project within an Area of Critical Environmental Concern (ACEC)?

a. Yes No If yes, provide name of ACEC (see instructions to WPA Form 3 or MassDEP Website for ACEC locations). **Note:** electronic filers click on Website.

b. ACEC

4. Is any portion of the proposed project within an area designated as an Outstanding Resource Water (ORW) as designated in the Massachusetts Surface Water Quality Standards, 314 CMR 4.00?

a. Yes No

5. Is any portion of the site subject to a Wetlands Restriction Order under the Inland Wetlands Restriction Act (M.G.L. c. 131, § 40A) or the Coastal Wetlands Restriction Act (M.G.L. c. 130, § 105)?

a. Yes No

6. Is this project subject to provisions of the MassDEP Stormwater Management Standards?

a. Yes. Attach a copy of the Stormwater Report as required by the Stormwater Management Standards per 310 CMR 10.05(6)(k)-(q) and check if:

1. Applying for Low Impact Development (LID) site design credits (as described in Stormwater Management Handbook Vol. 2, Chapter 3)

2. A portion of the site constitutes redevelopment

3. Proprietary BMPs are included in the Stormwater Management System.

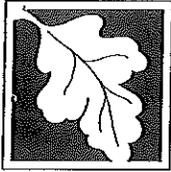
b. No. Check why the project is exempt:

1. Single-family house

2. Emergency road repair

3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

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



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.

Site Plan at 24 Brant Point Road

a. Plan Title

Island Surveyors, LLC

Edward F. King Jr

b. Prepared By

c. Signed and Stamped by

02/26/2016

1=15

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
17490 / 17485

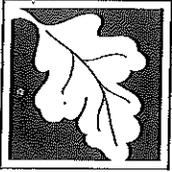
3. Check date
3/24/16

4. State Check Number
17484

5. Check date
3/24/16

6. Payor name on check: First Name
CHRISTOPHER

7. Payor name on check: Last Name
PINES



WPA Form 3 – Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

City/Town

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

3/25/14

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.

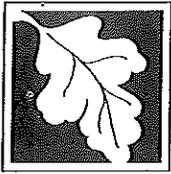
For MassDEP:

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:

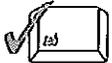
If the applicant has checked the "yes" box in any part of Section C, Item 3, above, refer to that section and the Instructions for additional submittal requirements.

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. Applicant:

Christopher Powers
 a. First Name b. Last Name
Powers Landscaping Inc.
 c. Organization
160 Hummock Pond Rd
 d. Mailing Address
Nantucket MA 02554
 e. City/Town f. State g. Zip Code
508-826-9486 chris@chrispowerslandscaping.com
 h. Phone Number i. Fax Number j. Email Address

2. Property Owner (if different):

Jay and Stephanie Wilson
 a. First Name b. Last Name
 c. Organization
1002 Winding Way
 d. Mailing Address
Baltimore MD 21210
 e. City/Town f. State g. Zip Code
410-340-2054 jaymwilson@comcast.net
 h. Phone Number i. Fax Number j. Email Address

3. Project Location:

24 Brant Point Road Nantucket
 a. Street Address b. City/Town

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

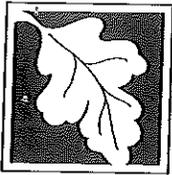
Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|--------------------------|-----------------------------|--------------------------------|------------------------------|
| Invasive species removal | 1 | \$110.00 | \$110.00 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

Step 5/Total Project Fee: \$110.00

Step 6/Fee Payments:

| | |
|--------------------------------|-------------------------------|
| Total Project Fee: | \$110.00 |
| State share of filing Fee: | \$42.50 |
| City/Town share of filing Fee: | 67.50 |
| | a. Total Fee from Step 5 |
| | b. 1/2 Total Fee less \$12.50 |
| | c. 1/2 Total Fee plus \$12.50 |

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a copy of this form; and a copy of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

NOTICE OF INTENT

Introduction

The proposed work at 24 Brant Point Road in Nantucket, Massachusetts involves the eradication of Japanese Knotweed in a 1,800 S.F. section of the property along the southwest boundary. After sufficient remediation of the Japanese Knotweed, the area will be replanted with Birch trees, Maple trees and Winterberry.

Site Description

The 1,800 S.F. section with the invasive species is on the southwest boundary of the .80 acre lot. The proposed remediation site slopes down toward the neighboring lot on North Beach Street and extends from the back of the existing retaining wall along the property line to the southernmost corner of the lot. The vegetation in the wetland area consists of Japanese Knotweed, Honey Suckle, Bittersweet, Olive trees and a Maple Tree.

Work Description

The proposed work at 24 Brant Point Road involves the removal of a large patch of Japanese Knotweed in a 1,800 S.F. area of the lot. The site plan also calls for the removal of Olive trees and the stump of a fallen Ash tree. The site will be replanted with Birch trees, Maple trees and Winterberry.

All work will be done in the area shown on the site plan prepared by Island Surveyors, LLC. Prior to the commencement of the work, a silt fence will be installed. This fence will be inspected and regularly replaced or repaired as necessary until the work has been completed and the site is stable. At that point the fence will be removed and disposed of properly.

The Japanese Knotweed will be removed in the following manner:

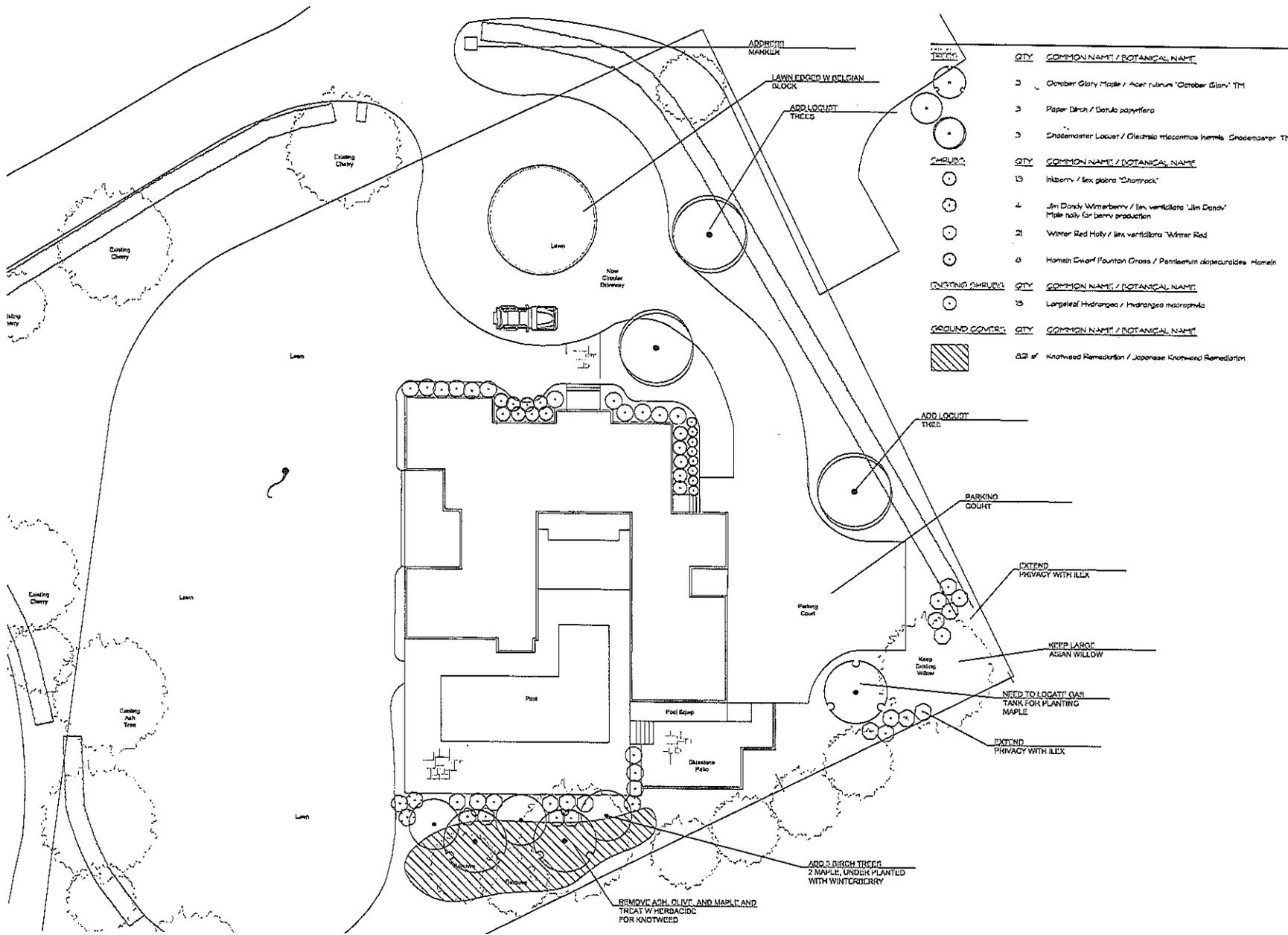
- 1.) During the early spring, the old canes of the Japanese Knotweed will be removed and the site will be cleaned up. In the area where the Maple and Birch trees are to be planted, we will excavate the Olive trees and fallen Ash tree stump. All debris will be disposed of at the Nantucket Landfill.

- 2.) At the first sign of new growth in the spring, the new leaves will be sprayed with a 3% solution of Glyphomate 41 (glyphosate). The product will be applied using a hand sprayer and a Red Weeder under windless conditions when no rain is predicted within 24 hours of application.
- 3.) The treatment will be repeated every few weeks throughout the spring and early summer until regeneration has ceased.
- 4.) The area will be planted with Maple trees, Birch trees and Winterberry as site plan shows.
- 5.) The area will be inspected regularly for regeneration of the Japanese Knotweed for the following 3 springs and will be retreated as necessary.
- 6.) Following the third season of monitoring with little or no regeneration, the area may be planted with additional Winterberry in naturalistic groupings if more coverage is needed.
- 7.) The success of the revegetation program will be monitored throughout the process, and adjustments will be made accordingly.

This work will enhance the vegetated buffer by improving biodiversity and by stopping the rapid spread of Japanese Knotweed and other invasive species. The revegetation program will insure the continued stability and maintain the significant functions of the **Buffer Zone** in this area.

Conclusion

The proposed work at 24 Brant Point Road in Nantucket, Massachusetts includes the elimination of Japanese Knotweed and revegetation in the **100-foot Buffer Zone** to a **Bordering Vegetated Wetland**. The work as proposed will enhance the area by removing an invasive species and recreating a valuable vegetated buffer.

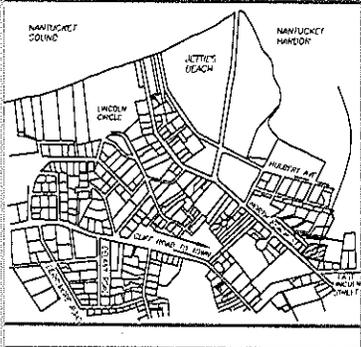


| QTY | COMMON NAME / BOTANICAL NAME |
|------|--|
| 3 | October Glory Maple / Acer rubrum 'October Glory' TM |
| 3 | Paper Birch / Betula papyrifera |
| 3 | Shadblow Locust / Glycyrrhiza inornata Inermis Shadblow TM |
| QTY | COMMON NAME / BOTANICAL NAME |
| 15 | Hydrangea / Ilex glabra 'Shamrock' |
| 4 | Jim Dandy Winterberry / Ilex verticillata 'Jim Dandy' Male only for berry production |
| 21 | Winter Red Holly / Ilex verticillata 'Winter Red' |
| 0 | Hornet Dwarf Fountain Grass / Pennisetum alopecuroides Hornet |
| QTY | COMMON NAME / BOTANICAL NAME |
| 15 | Largeleaf Hydrangea / Hydrangea macrophylla |
| QTY | COMMON NAME / BOTANICAL NAME |
| 0.25 | Knottweed Remediation / Japanese Knotweed Remediation |

General Notes
 Drawing not based on drawings provided by Client. No field visit. Assumptions about site conditions and dimensions of existing structures.

Wilson
 24 Brent Point
 L1 SITE PLAN

L1
 SITE PLAN



BRANT POINT ROAD

NORTH BEACH STREET

DRIVE & UTILITY EASEMENT
SEE PLAN 12-D

EXISTING
2 STY W/F
BUILDING
3,240± S.F.
(FOUNDATION)

PROPOSED
BIRCH AND
MAPLE TREES

PROPOSED KNOTWEED
REMEDATION
1,800± S.F.

POOL

SHELL
DRIVE

42.4.4-13
N/F
J.B. & A.M. CARTER

42.4.4-14
N/F
H.R. FITZGERALD

29-157
N/F
J.K. LOUGHBOROUGH

SITE PLAN
AT 24 BRANT POINT ROAD
IN
NANTUCKET, MASS.

SCALE: 1" = 30' DATE: FEBRUARY 26, 2016

Owner: . . . BRUCE P. WILSON, TRUSTEE
LOT 22
Deed: . . . 568-172 . . . Plan: . . . FILE 12-D
Locus: #24 BRANT POINT ROAD

LEGEND

- 3.0 ± DENOTES EXISTING SPOT ELEVATION
- ⊙ DENOTES WETLAND FLAG

| | | |
|--------------------------------|-----------|--------------|
| CURRENT ZONING CLASSIFICATION: | | EXISTING: |
| Residential 1 (R-1) | | |
| MINIMUM LOT SIZE: | 5000 S.F. | 34,982± S.F. |
| MINIMUM FRONTAGE: | 50 FT. | SEE PLAN. |
| FRONT YARD SETBACK: | 10 FT. | SEE PLAN. |
| REAR/SIDE SETBACK: | 5 FT. | SEE PLAN. |
| GROUND COVER % : | 30 % | SEE PLAN. |

BENCHMARK: HOLD DOWN BOLT ON HYDRANT
ELEV. 6.80' ± 34' N.T.L. (5.40' 88' datum)

WETLAND BOUNDARY
ORDER OF CONDITIONS
DEED BOOK 1342 PAGE 90
DECEMBER 18, 2009

ISLAND SURVEYORS, LLC
Professional Land Surveyors
90 OLD SOUTH ROAD
NANTUCKET, MASS. 02554
(508) 228-2720
GRAPHIC SCALE



ASSESSOR MAP: . . 29 . . , PARCEL: . 85,1 . .

Maine Ave Trust

10, 12 & 14 Maine Ave

(60.3.1-433,459,463 &
431)

SE48-2877



NOTICE OF INTENT APPLICATION

For Removal of Structures &
A Septic System within
Land Subject to Coastal Storm Flowage &
The Buffer Zone to a Coastal Bank

At

10, 12 & 14 Maine Ave
Nantucket, MA

March 2016

Prepared For

MAINE AVENUE TRUST



March 28, 2016

Mr. Ernest Steinauer, Chair
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Notice of Intent
10, 12 & 14 Maine Avenue
Nantucket, Massachusetts

Dear Mr. Steinauer:

On behalf of the property owner, the Maine Avenue Trust, Nantucket Engineering & Survey, P.C. is submitting this Notice of Intent (NOI) to the Nantucket Conservation Commission for proposed activities at the above referenced property in response to an Enforcement Order issued by the Commission. The structures will be moved to an abutting lot (#10 Maine Ave) outside of the buffer zone, and served by a septic tight tank.

Proposed activities consist of the removal of structures and a septic system within Land Subject to Coastal Storm Flowage and the buffer zone to an eroding Coastal Bank. The structures have been removed, and the septic tank pumped empty. The septic tank and leach trench will be excavated and removed so as to not end up on the Coastal Beach. The areas will be backfilled with clean sand to match the existing surrounding grade and covered with topsoil and grass seed. Attached are permit drawings, including plans showing a site locus, and existing conditions including resource area locations.

A completed WPA Form 3 – Notice of Intent is attached along with the NOI Wetland Fee Transmittal Form including checks for \$42.50, \$67.50, \$25 and \$200 to cover the WPA filing fees, Nantucket Wetland by-law fee and the Nantucket Expert Review fee. Also included is a check for \$266.90 to the Inquirer & Mirror for publication of the notice of the public hearing. A Waiver Request from Section 2.05.B.5 of the Town of Nantucket Bylaw Chapter 136 has also been provided with this letter.

Notification of this NOI filing was provided to all abutting property owners by certified mail. This property owner listing was obtained from the Town of Nantucket Assessor's office. Documentation of the notification is provided including a copy of the notification letter, the property owner listing and certified mail receipts.

Site Description

The Properties at 10, 12 & 14 Maine Avenue are listed as Map 60.3.1, Parcels 433, 459,463 & 431 (Respectively) by the Town of Nantucket Assessor's Office. The combined property area is approximately 20,000 square-feet, and located in a residential area along the southern side of the area of Madaket past Millie's Bridge. The properties are bounded to the north, east, west by

existing residential properties, and to the south by the Atlantic Ocean. Resource Areas on the Site consist of Coastal Bank and Coastal Beach and associated buffer zones, Land Subject to Coastal Storm Flowage.

The Coastal Beach is located between the Atlantic Ocean and the existing Coastal Bank. No work is proposed in this resource area.

The Coastal Bank is located between the Coastal Beach and the upland areas. No work is proposed in this resource area.

Land Subject to Coastal Storm Flowage extends to the 100-year flood elevation of 9 (NAVD88). Work in this area consists of the removal of structures and a septic system. The performance standards within this area are met as the ability of the land to contain flood waters is not impacted.

The project area is not located within National Heritage and Endangered Species Program (NHESP) Priority Habitats of Rare Species or Estimated Habitats of Rare Wildlife.

Work Description

The applicant proposes to relocate the structures on #14 Maine Ave to an abutting lot, #10 Maine Ave, and to remove the septic system components. The structures have been removed, and the septic tank pumped empty. The septic tank and leach trench will be excavated and removed so as to not end up on the Coastal Beach. The structures and tight tank will be located outside of the 100-foot buffer zone on #10 Maine Ave. The work on #10 Maine Ave within the buffer zone includes staging areas for the relocation activities. The areas will be backfilled with clean sand to match the existing surrounding grade and covered with topsoil and grass seed.

Conclusion

The work as proposed will not affect the ability of the resource areas to function as they currently do, and will result in an improvement by removal of the structures and septic system before they end up on the beach. The project will not result in an adverse impact on the areas or the interests protected by the Commission including flood control, erosion control, storm damage prevention, prevention of pollution, wildlife, and scenic views.

Sincerely,



Arthur D. Gasbarro, PE, PLS, LEED AP



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

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

| | | |
|----------------------------------|--|--------------------|
| <u>10, 12 & 14 Maine Ave</u> | <u>Nantucket</u> | <u>02554</u> |
| a. Street Address | b. City/Town | c. Zip Code |
| <u>Latitude and Longitude:</u> | <u>41d 17'48"N</u> | <u>70d 00'02"W</u> |
| | d. Latitude | e. Longitude |
| <u>60.3.1</u> | <u>433, 459, 463 & 431, respectively</u> | |
| f. Assessors Map/Plat Number | g. Parcel /Lot Number | |

2. Applicant:

| | | |
|--------------------------------------|--------------------------|------------------|
| <u>James M.</u> | <u>Meerberg, Trustee</u> | |
| a. First Name | b. Last Name | |
| <u>Maine Avenue Trust</u> | | |
| c. Organization | | |
| <u>c/o Jack Keefe 14 Main Street</u> | | |
| d. Street Address | | |
| <u>Dover</u> | <u>MA</u> | <u>02030</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

| | | |
|--|---------------|------------------|
| <u>* Applicant - #12 &14 Maine Ave</u> | | |
| a. First Name | b. Last Name | |
| <u>Town of Nantucket - #10 Maine Ave</u> | | |
| c. Organization | | |
| <u>16 Broad Street</u> | | |
| d. Street Address | | |
| <u>Nantucket</u> | <u>MA</u> | <u>02554</u> |
| e. City/Town | f. State | g. Zip Code |
| _____ | _____ | _____ |
| h. Phone Number | i. Fax Number | j. Email address |

4. Representative (if any):

| | | |
|---|-----------------------------------|--------------|
| <u>Arthur D.</u> | <u>Gasbarro, PE, PLS, LEED AP</u> | |
| a. First Name | b. Last Name | |
| <u>Nantucket Engineering & Survey, P.C.</u> | | |
| c. Company | | |
| <u>20 Mary Ann Drive</u> | | |
| d. Street Address | | |
| <u>Nantucket</u> | <u>MA</u> | <u>02554</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>508-825-5053</u> | <u>art@NantucketEngineer.com</u> | |
| h. Phone Number | i. Fax Number | |
| _____ | j. Email address | |

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

| | | |
|-----------------------------|-------------------|-------------------------------|
| <u>\$110 + \$25 + \$200</u> | <u>\$42.50</u> | <u>\$67.50 + \$25 + \$200</u> |
| a. Total Fee Paid | b. State Fee Paid | c. City/Town Fee Paid |



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

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

A. General Information (continued)

6. General Project Description:

The Applicant is filing this application in response to an Enforcement Order issued by the Commission to remove structures and a septic system within Land Subject to Coastal Storm Flowage and the buffer zone to an eroding Coastal Bank. The structures have been removed, and the septic tank pumped empty. The septic tank and leach trench will be excavated and removed so as to not end up on the Coastal Beach. The structures will be relocated to #10 Maine Ave and served by a septic tight tank outside of the 100-foot buffer zone. The disturbed areas will be backfilled with clean sand to match the existing surrounding grade and covered with topsoil and grass seed.

7a. Project Type Checklist:

- 1. [X] 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 [X] No If yes, describe which limited project applies to this project:

2. Limited Project

8. Property recorded at the Registry of Deeds for:

NANTUCKET
a. County
22,413 (#12&14) & Taking Doc. 148,406 (#10)
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.

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



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

Provided by MassDEP:
MassDEP File Number
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NANTUCKET
City/Town

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area
2. Width of Riverfront Area (check one):
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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

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

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. Designated Port Areas
b. Land Under the Ocean
c. Barrier Beach
d. Coastal Beaches
e. Coastal Dunes



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

Provided by MassDEP:
MassDEP File Number
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NANTUCKET
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B. Buffer Zone & Resource Area Impacts (temporary & permanent) (cont'd)

Table with columns: Description, Size of Proposed Alteration, Proposed Replacement (if any). Rows include Coastal Banks, Rocky Intertidal Shores, Salt Marshes, Land Under Salt Ponds, Land Containing Shellfish, Fish Runs, Land Subject to Coastal Storm Flowage, Restoration/Enhancement, and Project Involves Stream Crossings.

C. Other Applicable Standards and Requirements

Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

1. Is any portion of the proposed project located in Estimated Habitat of Rare Wildlife as indicated on the most recent Estimated Habitat Map of State-Listed Rare Wetland Wildlife published by the Natural Heritage and Endangered Species Program (NHESP)? To view habitat maps, see the Massachusetts Natural Heritage Atlas or go to http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/online_viewer.htm.

a. [] Yes [x] No If yes, include proof of mailing or hand delivery of NOI to:

Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581

10/1/08
b. Date of map



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
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| NANTUCKET |
| City/Town |

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

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

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

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

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



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
| 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 No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

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

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

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



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
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| City/Town |

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

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

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

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

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

Site Plan to Accompany a Notice of Intent Application

| | | |
|--------------------------------------|------------------------------|-----------------------------|
| a. Plan Title | Blackwell & Associates, Inc. | Arthur D. Gasbarro, PE, PLS |
| b. Prepared By | 3/8/16 | 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.



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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

E. Fees

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

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

| | |
|------------------------------------|-----------------------------------|
| <u>8311</u> | <u>3/21/16</u> |
| 2. Municipal Check Number | 3. Check date |
| <u>8310</u> | <u>3/21/16</u> |
| 4. State Check Number | 5. Check date |
| <u>Jack</u> | <u>Keefe</u> |
| 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.

| | |
|---|----------------|
| <u><i>Arthur D. Salano</i></u> Agent | <u>3/28/16</u> |
| 1. Signature of Applicant | 2. Date |
| <u><i>Arthur D. Salano</i></u> Agent per attached agreement | <u>3/28/16</u> |
| 3. Signature of Property Owner (if different) | 4. Date |
| <u><i>Arthur D. Salano</i></u> | <u>3/28/16</u> |
| 5. Signature of Representative (if any) | 6. Date |

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|----------------------------------|-----------------------------|--------------------------------|---|
| Work on a single family home lot | 1 | \$110 | \$110 |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| Nantucket Wetland By-law Fee | _____ | _____ | \$25 |
| Nantucket Expert Review Fee | _____ | _____ | \$200 |
| Step 5/Total Project Fee: | | | <u>\$110 + \$25 + \$200</u> |
| Step 6/Fee Payments: | | | |
| Total Project Fee: | | | <u>\$110 + \$25 + \$200</u>
a. Total Fee from Step 5 |
| State share of filing Fee: | | | <u>\$42.50</u>
b. 1/2 Total Fee less \$12.50 |
| City/Town share of filing Fee: | | | <u>\$67.50</u>
c. 1/2 Total Fee plus \$12.50 |

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

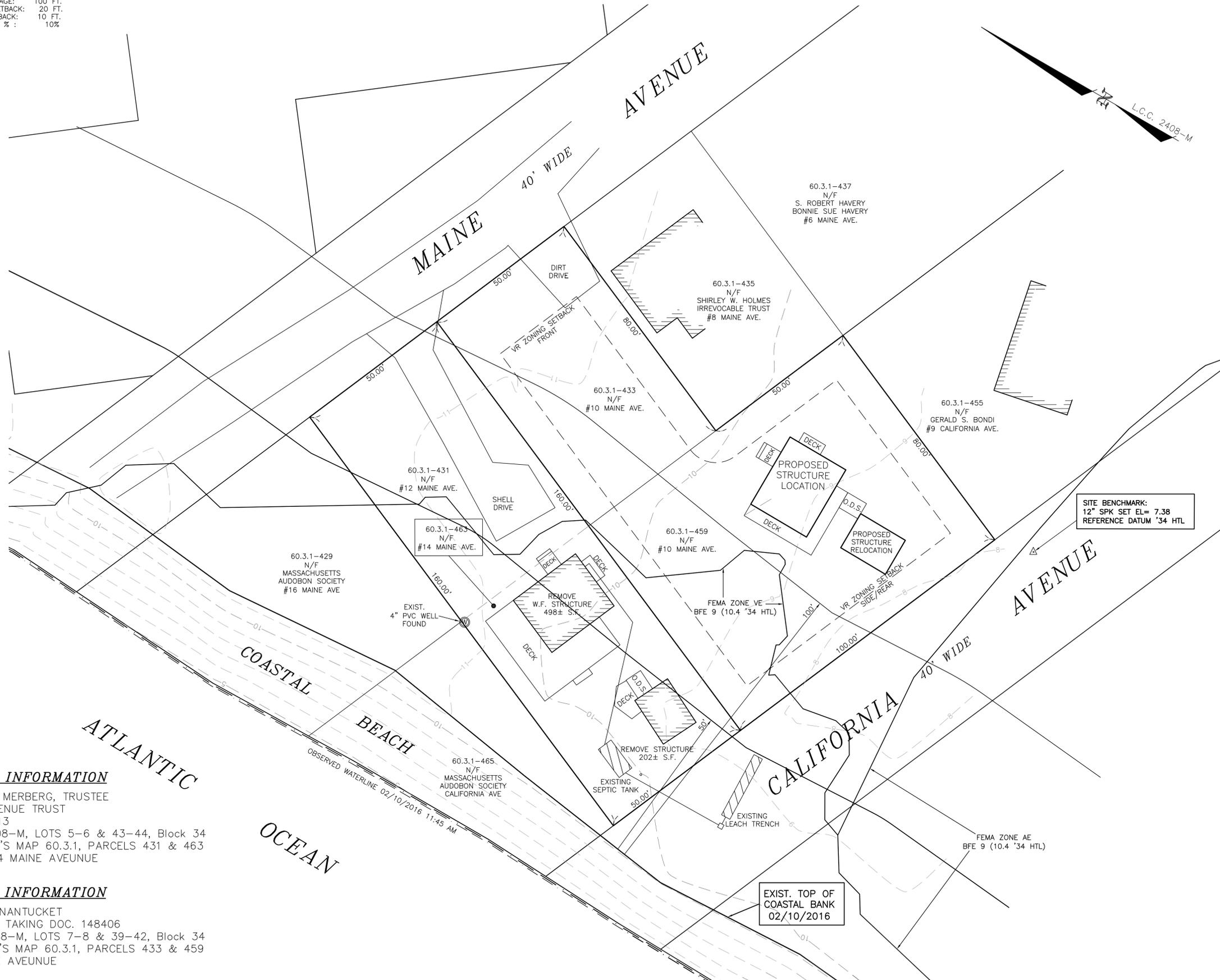
Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

CURRENT ZONING CLASSIFICATION:
Village Residential (VR)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 20 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 10%



OWNER INFORMATION

JAMES M. MERBERG, TRUSTEE
MAINE AVENUE TRUST
Cert. 22413
L.C.C. 2408-M, LOTS 5-6 & 43-44, Block 34
ASSESSOR'S MAP 60.3.1, PARCELS 431 & 463
#12 & #14 MAINE AVENUE

OWNER INFORMATION

TOWN OF NANTUCKET
ORDER OF TAKING DOC. 148406
L.C.C. 2408-M, LOTS 7-8 & 39-42, Block 34
ASSESSOR'S MAP 60.3.1, PARCELS 433 & 459
#10 MAINE AVENUE

**Site Plan of Land
in Nantucket, MA
Prepared for
MAINE AVENUE TRUST**

ASSESSOR'S MAP 60.3.1, PARCELS 431, 433, 459, 463

#10, 12 & 14 MAINE AVENUE

Scale: 1" = 15' March 8, 2016

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



(IN FEET)
1 inch = 15 ft.



March 28, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

RE: Waiver Request
10, 12 & 14 Maine Avenue

Dear Commission Members:

The purpose of this letter is to request and justify a waiver from Section 2.05.B.5 of Wetland Protection Regulations for administering the Town of Nantucket Wetlands By-law Chapter 136. The request is to allow the removal of a septic tank within 25-feet of a Coastal Bank Resource Area. The disturbed area will be backfilled with clean sand then be planted with American Beach Grass at eighteen inches on center.

The Commission may grant a waiver from these regulations when the commission finds that a project will provide long-term net benefit/improvement to the resource area, provided any adverse effects are minimized by carefully considered conditions. Waivers from the By-law can be granted for a number of reasons including:

Chapter 1.03 F.3.d. (Long-term net benefit/improvement) The proposed work in the Buffer Zone will improve the resource area by avoiding the tank ending up on the Coastal Beach, without any adverse impact to the interests of the resource area protected by the Commission including storm damage prevention, erosion and flood control, serve as a sediment source for beach and inter-tidal areas, provide wildlife habitat, and serve to provide important wetland scenic views and recreation.

We therefore request that the Commission grant a waiver under Sections 1.03 F.3.d because the project will have no adverse effect on the protected interests, and will result in a long-term net benefit and improvement to the resource areas.

I plan to attend the Public Hearing on this matter to address any questions or concerns.

Sincerely,

A handwritten signature in blue ink that reads "Arthur D. Gasbarro". The signature is written in a cursive style.

Arthur D. Gasbarro, PE, PLS, LEED AP



LOCUS MAP
2014 AERIAL

AMENDMENT TO
LICENSE AGREEMENT

THIS AMENDMENT TO LICENSE AGREEMENT (this "Amendment") is entered into as of the 23 day of March, 2016, by and between the Town of Nantucket, a Massachusetts municipal corporation, acting by and through its Board of Selectmen, having an address of Town & County Building, 16 Broad Street, Nantucket, Massachusetts 02554 (the "Licensor"), and James M. Merberg, Trustee of Maine Avenue Trust under Declaration of Trust dated November 1, 2006 filed with Nantucket District Registry of the Land Court as Document No. 118173, having a mailing address of c/o Jack Keefe, 14 Main Street, Dover, Massachusetts 02030 ("Licensee").

WHEREAS, the Licensor and the Licensee entered into a License Agreement, dated as of February 11, 2016 (the "License"), whereby Licensor authorized the Licensee to relocate certain structures on the Licensor's property located at 10 Maine Avenue (the "Licensor's Property") as shown on a plan entitled "Proposed Site Plan, Move off Dwelling from 14 Maine Ave. to 10 Maine Ave." sketched by Blackwell & Associates, which was attached to said License Agreement as Exhibit A;

WHEREAS, the Licensee has revised the plan and the site of the location of the buildings on the Licensor's Property as shown on a plan entitled "Site Plan of Land in Nantucket, MA, Prepared for Maine Avenue Trust, Assessor's Map 60.3.1, Parcels 431, 433, 459 463, #10, 12 & 14 Maine Avenue," dated March 8, 2016, prepared by Blackwell & Associates, Inc. the "Substitute Plan"), a copy of which is attached hereto, and requests the Licensor grant the License pursuant to the location of the structures as shown on the Substitute Plan:

WHEREAS, the parties desire to amend the License to substitute the Plan attached as Exhibit A to the License for the Substitute Plan and all references thereto in the License.

NOW, THEREFORE, for good and valuable consideration, the parties agree as follows:

1. Licensor hereby agrees to substitute the Substitute Plan for the Plan referenced in the License and attached thereto as Exhibit A provided all of the necessary permits and approvals of the appropriate boards of the Town of Nantucket are obtained to relocate the dwelling and structures as shown on the Substitute Plan; and
2. In all other respects, the terms and provisions of the License shall remain unmodified and in full force and effect.

In Witness Whereof, the parties hereto have caused this Amendment to License Agreement to be executed as of the date first set forth above.

LICENSOR:

TOWN OF NANTUCKET,
By Its Board of Selectmen



Robert DeCosta

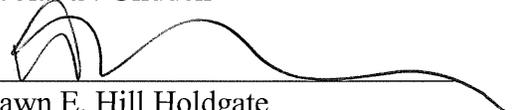


Matthew G. Fee

Rick Atherton



Tobias B. Glidden



Dawn E. Hill Holdgate

LICENSEE: MAINE AVENUE TRUST

By: _____
James M. Merberg, Trustee

VISCO PUMPING, INC.
2 Zachary Way
Nantucket, Massachusetts
(508) 228-2339
FAX: (508) 228-2439

March 14, 2016

14 Maine Ave Trust
C/O James M Merberg Trustee
14 Main St
Dover, MA 02030

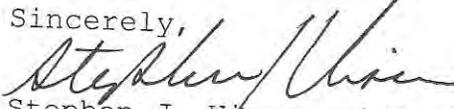
Re: Tight Tank
10 Maine Ave
Nantucket, Massachusetts

Dear: Jack

This letter shall serve to confirm that Visco Pumping, Inc. will pump the holding tank as necessary, with fees for said inspection and pumping to be determined. Septage to be transported to Nantucket Waste Water Treatment Facility by pump truck.

Please indicate your agreement to the foregoing by signing this document where indicated below.

Thank you.

Sincerely,

Stephen J. Visco, Title V
System Inspector

The foregoing terms and conditions are hereby agreed to and acknowledged on March __, 2016.

By: Jack Keefe



NANTUCKET HEALTH DEPARTMENT
 3 EAST CHESTNUT STREET
 NANTUCKET, MASSACHUSETTS 02554
 Telephone 508.228.7200
 Fax 508.325.6117



Cert: 887 Doc: VAR
 Registered: 03/23/2016 11:26 AM

March 21, 2016

Owner: Town of Nantucket
 Order of Taking Document 148406
 LCC 2408-M, lots 7-8 & 39-42, Block 34
 Map 60.3.1 - 433 & 459

Re: Board of Health Decision
Tight Tank Variance Request 10 Maine Avenue, Nantucket, MA 02554
Assessor's Map and Parcel Number 60.3.1 - 433 & 459

Dear Property Owner:

A hearing was held before the Board of Health on Thursday, March 17, 2016, in the First Floor Community Room, Public Safety Building, 4 Fairgrounds Road Nantucket, MA 02554 to discuss your request for a variance of the State Environmental Code, Title 5: 310 CMR 15.260 to install a tight tank at the above referenced address.

DECISION OF THE BOARD OF HEALTH

After some discussion, the Board voted to accept this variance. The new system must be in compliance with 310 CMR 15 (Title 5) and all applicable local regulations.

Should you have any questions concerning this matter you may contact this office at (508) 228-7200.

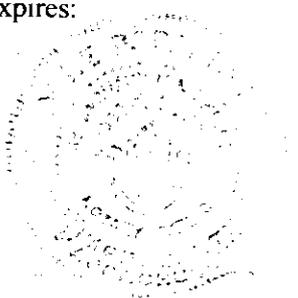
Sincerely,

Roberto J. Santamaría, MPH, MBA, RS
 Director of Health

Notary Public

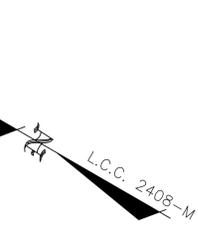
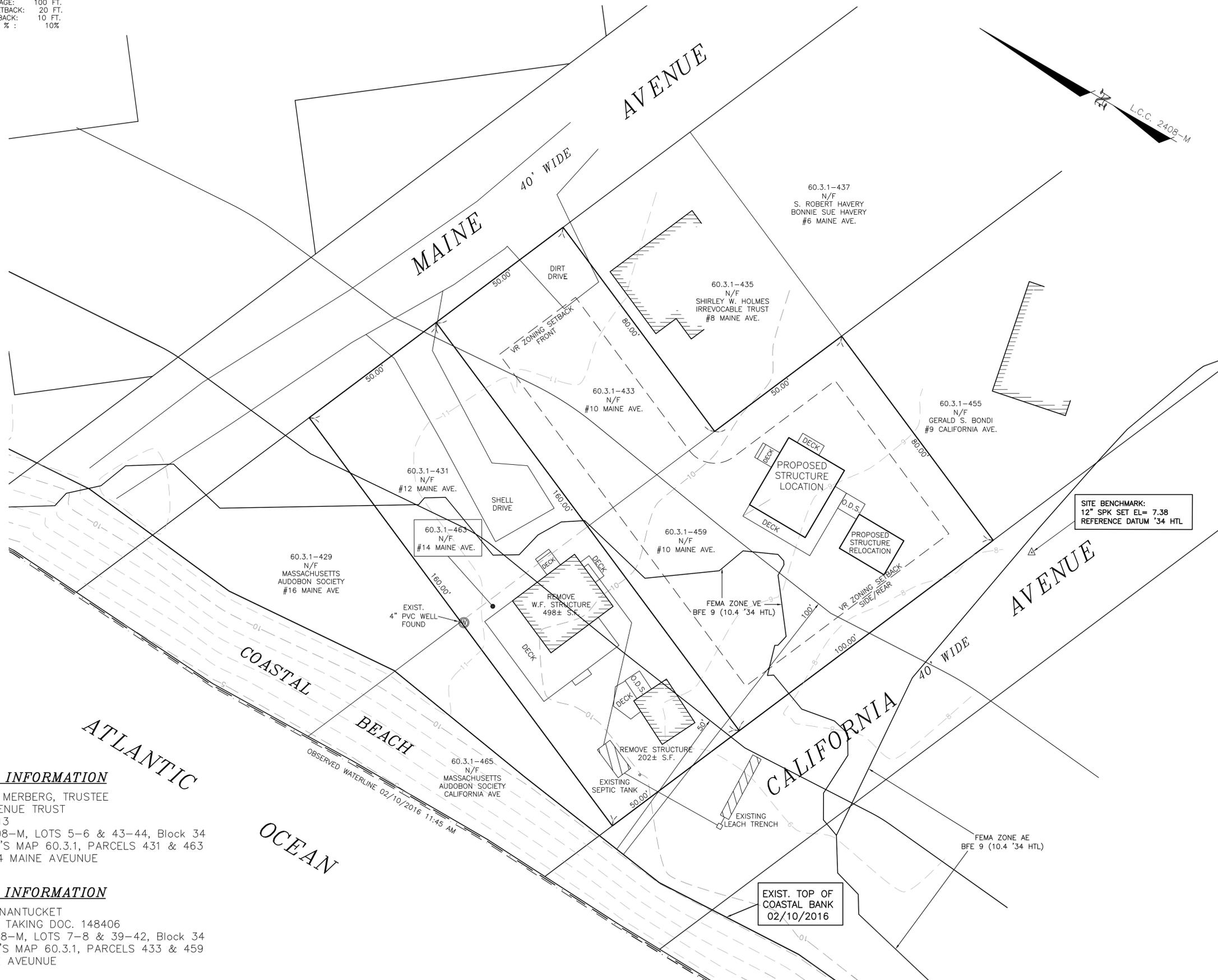


My commission expires:



CURRENT ZONING CLASSIFICATION:
Village Residential (VR)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 100 FT.
FRONT YARD SETBACK: 20 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 10%



OWNER INFORMATION

JAMES M. MERBERG, TRUSTEE
MAINE AVENUE TRUST
Cert. 22413
L.C.C. 2408-M, LOTS 5-6 & 43-44, Block 34
ASSESSOR'S MAP 60.3.1, PARCELS 431 & 463
#12 & #14 MAINE AVENUE

OWNER INFORMATION

TOWN OF NANTUCKET
ORDER OF TAKING DOC. 148406
L.C.C. 2408-M, LOTS 7-8 & 39-42, Block 34
ASSESSOR'S MAP 60.3.1, PARCELS 433 & 459
#10 MAINE AVENUE

Site Plan of Land
in Nantucket, MA
Prepared for
MAINE AVENUE TRUST

ASSESSOR'S MAP 60.3.1, PARCELS 431, 433, 459, 463

#10, 12 & 14 MAINE AVENUE

Scale: 1" = 15' March 8, 2016

BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026

GRAPHIC SCALE



(IN FEET)
1 inch = 15 ft.

Swift

231 Madaket Road

(38-10)

SE48-2878

NOTICE OF INTENT
for
CONSTRUCTION OF AN UPGRADED SEPTIC SYSTEM, FENCING, DECK AND SHEDS
at
231 MADAKET ROAD
NANTUCKET, MASSACHUSETTS

Prepared for:

STEPEHN AND LOUISE SWIFT
231 MADAKET ROAD
NANTUCKET, MA 02554

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

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):

231 Madaket Road

a. Street Address

Nantucket

b. City/Town

02554

c. Zip Code

Latitude and Longitude:

41°16'44"N

d. Latitude

70°11'07"W

e. Longitude

38

f. Assessors Map/Plat Number

10

g. Parcel /Lot Number

2. Applicant:

Stephen & Louise

a. First Name

Swift

b. Last Name

c. Organization

231 Madaket Road

d. Street Address

Nantucket

e. City/Town

MA

f. State

02554

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

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

Same

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):

David

a. First Name

Haines

b. Last Name

Haines Hydrogeologic Consulting

c. Company

141 Old Enfield Road

d. Street Address

Belchertown

e. City/Town

MA

f. State

01007

g. Zip Code

413-323-7156

h. Phone Number

i. Fax Number

haineshydro@gmail.com

j. Email address

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

\$110.00;\$25.00;\$200.00

a. Total Fee Paid

\$42.50

b. State Fee Paid

\$67.50;\$25.00;\$200.00

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:

The proposed work involves replacement of the existing septic system. It is also requested that unpermitted fencing, sheds and a deck be allowed to remain.

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:

Nnatucket

a. County

18771

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

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

2. Width of Riverfront Area (check one):

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

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number _____

Document Transaction Number _____

Nantucket _____

City/Town _____

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

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

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

| <u>Resource Area</u> | <u>Size of Proposed Alteration</u> | <u>Proposed Replacement (if any)</u> |
|--|---|--|
| a. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | |
| b. <input type="checkbox"/> Land Under the Ocean | _____ | |
| | 1. square feet | |
| | _____ | |
| | 2. cubic yards dredged | |
| c. <input type="checkbox"/> Barrier Beach | Indicate size under Coastal Beaches and/or Coastal Dunes below | |
| d. <input type="checkbox"/> Coastal Beaches | _____ | _____ |
| | 1. square feet | 2. cubic yards beach nourishment |
| e. <input type="checkbox"/> Coastal Dunes | _____ | _____ |
| | 1. square feet | 2. cubic yards dune nourishment |
| | <u>Size of Proposed Alteration</u> | |
| 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 | 4200 | |
| | 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.

5. Project Involves Stream Crossings



WPA Form 3 - Notice of Intent

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

Provided by MassDEP:

MassDEP File Number

Document Transaction Number

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

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

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

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

2008
b. Date of map

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

c. Submit Supplemental Information for Endangered Species Review

- Percentage/acreage of property to be altered:

(a) within wetland Resource Area percentage/acreage

(b) outside Resource Area percentage/acreage

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

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

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

(b) Photographs representative of the site

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

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



WPA Form 3 – Notice of Intent

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

MassDEP File Number

Document Transaction Number

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.

Proposed Subsurface Sewage Disposal System in Nantucket, for Stephen B. & Louise J. Swift

a. Plan Title

Bracken Engineering Inc.

Donald Bracken, PE

b. Prepared By

c. Signed and Stamped by

3/29/16

1"=20'

d. Final Revision Date

e. Scale

f. Additional Plan or Document Title

g. Date

5. If there is more than one property owner, please attach a list of these property owners not listed on this form.
6. Attach proof of mailing for Natural Heritage and Endangered Species Program, if needed.
7. Attach proof of mailing for Massachusetts Division of Marine Fisheries, if needed.
8. Attach NOI Wetland Fee Transmittal Form
9. Attach Stormwater Report, if needed.

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

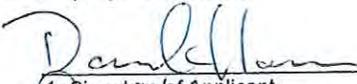
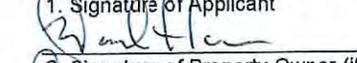
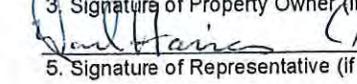
Nantucket

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.

| | | |
|---|-----------------------------|---------|
|  | REP | 3/30/16 |
| 1. Signature of Applicant | | 2. Date |
|  | REP | 3/30/16 |
| 3. Signature of Property Owner (if different) | | 4. Date |
|  | CHAWES Hydrogeologic Const. | 3/30/16 |
| 5. Signature of Representative (if any) | | 6. Date |

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Location of Project:

231 Madaket Road Nantucket
 a. Street Address b. City/Town

 c. Check number d. Fee amount

2. Applicant Mailing Address:

Stephen & Louise Swift
 a. First Name b. Last Name

 c. Organization
231 Madaket Road
 d. Mailing Address
Nantucket MA 02554
 e. City/Town f. State g. Zip Code

 h. Phone Number i. Fax Number j. Email Address

3. Property Owner (if different):

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

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.

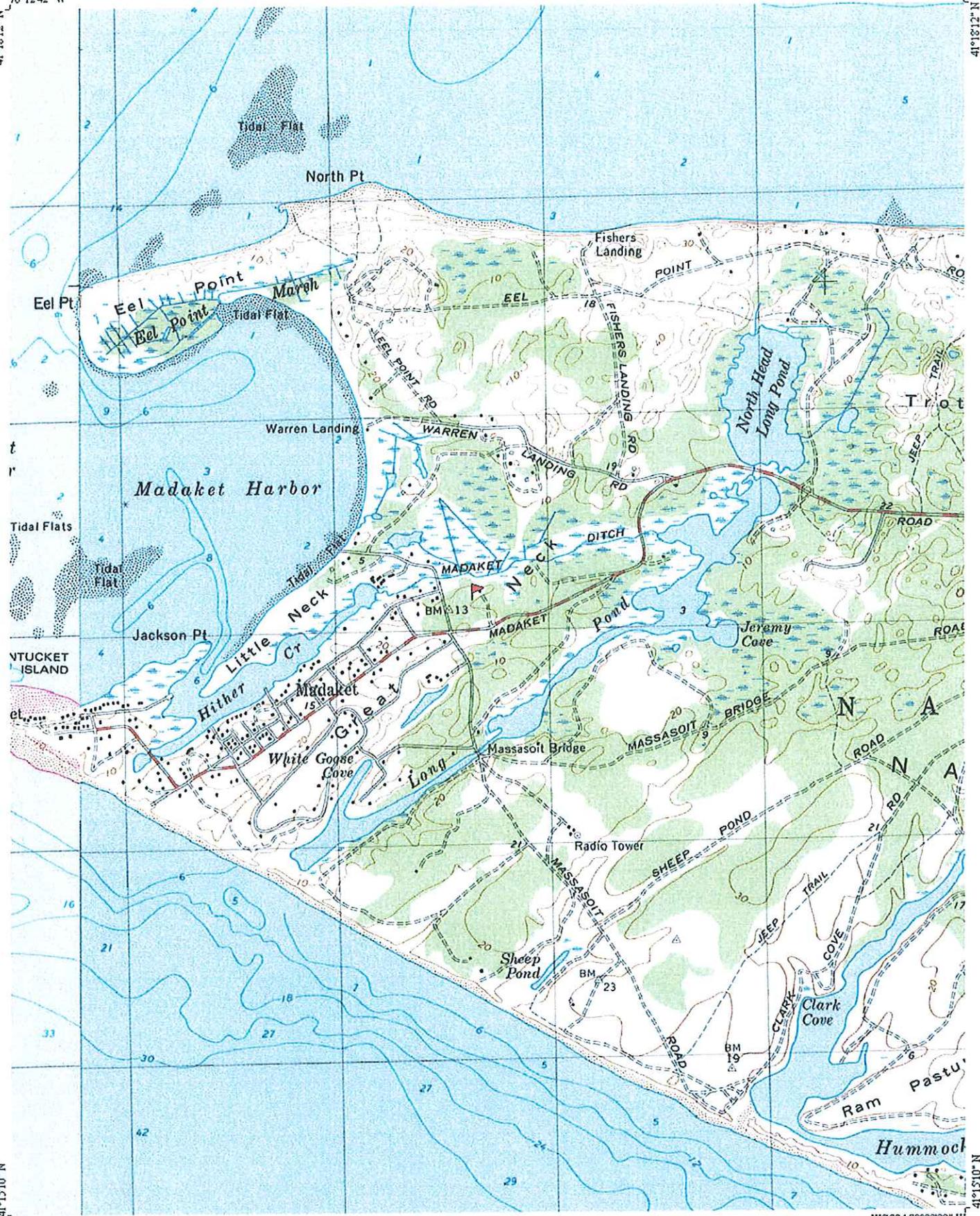
Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

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).

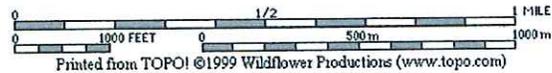
41°18'12" N
70°12'42" W

WGS84 70°09'30" W
41°18'12" N



41°15'10" N
70°12'42" W
MN
16°

WGS84 70°09'30" W
41°15'10" N



SITE AND WORK DESCRIPTION

INTRODUCTION

The work at 231 Madaket Road in Nantucket, Massachusetts involves the completion of work permitted by Orders of Conditions issued in 2006 (DEP #SE48-1902 and DEP #SE48-1928), and after the fact approval of fencing, two sheds and a deck. The approved work included the upgrade of an existing septic system, construction of an addition onto an existing house, construction of a detached garage, and the vegetative enhancement of a mowed wetland and 25-foot buffer. Of this work, the septic system and replanting portions of the 25-foot undisturbed buffer has yet to be completed. Waivers from the *Nantucket Wetlands By-law* are being requested for placement of structures, existing fencing and a second story deck within 50 feet of a vegetated wetland and work within the 25-foot buffer. A waiver is also being sought for the placement of structures within two feet of the water table. The work has and will enhance the vegetative diversity and setbacks to the wetlands and therefore provides a long-term net benefit/improvement to the resource areas.

SITE DESCRIPTION

The site consists of a 2.4-acre parcel of land located off a common driveway on the north side of Madaket Road. The site contains a house, an addition and garage, a well, a septic system, driveway and lawn. There is a wetland in the northwestern portion of the site. The land is fairly level and slopes gently down to the wetland. A portion of the delineated wetland and the associated 25-foot buffer was previously maintained as lawn. The previously disturbed portion of the wetland and most of the 25-foot buffer have been revegetated and allowed to naturalize. Two portions of the 25-foot buffer was not restored but will be as part of this Notice of Intent. The resource areas on the site include **Bordering Vegetated Wetlands**, the associated **100-foot Buffer Zone**, and **Land Subject to Coastal Storm Flowage**.

The **Bordering Vegetated Wetlands** are comprised of a shrub swamp rimming a shallow fresh marsh along Hither Creek. The wetland was delineated using the three technical criteria of vegetation, soils and hydrology. Wetland data forms are attached. The vegetation in the wetlands includes Shadbush, Sweet Pepperbush, Winterberry Holly, Swamp Azalea, Inkberry, Bayberry, Shining Rose, Pasture Rose, Groundsel Tree, Highbush Blueberry, Black Huckleberry, Cattail, goldenrods (*Solidago*, *Euthamia* spp.), sedges (*Carex* spp.), and rushes (*Juncus* spp.). The soils in the wetlands range from seasonally saturated dark brown sandy loam over mottled sandy loam to saturated black muck over gleyed sandy loam. As per the original Order of Conditions, 775 ft² of **Bordering Vegetated Wetlands** were restored and allowed to naturalize. This area was previously maintained as lawn. The area has become established with Sweet Pepperbush, Highbush Blueberry, Winterberry Holly, Sensitive Fern and sedges and rushes.

The **100-foot Buffer Zone** to the **Bordering Vegetated Wetlands** extends across much of the site. The work in the buffer zone includes installation of a septic tank and pump chamber, and relocation of a section of fence, and restoration of a portion of the 25-foot vegetated buffer. There are two sheds, a second story cantilevered deck and fencing that have been installed that were not approved under the original Orders. The dog fence and deck are within the 50-foot structure setback and require a waiver from the by-law. As required by the previous Orders of Conditions, 4776 ft² of the 25-foot buffer have been revegetated and allowed to naturalize. The vegetation includes Groundsel Tree, Maleberry, Dewberry, Fox Grape, Little Bluestem and Red Fescue. In two areas, the restored buffer went beyond the 25-foot line for an additional 733 ft² of restoration. In two other areas, the 25-foot buffer totaling 835 ft² was not planted as proposed. The restoration of these two area is proposed under the NOI.

The FEMA floodplain map indicates that **Land Subject to Coastal Storm Flowage** extends onto the site up to elevation nine feet NAVD80. Since the slope on the site is shallower than 10:1, there is no **Coastal Bank** on the site. Work in this area includes the construction of the septic system, fences and sheds, and replanting the wetland and buffer zone.

The site is not within an "Estimated Habitat for Rare Wildlife" or "Priority Habitat of Rare Species" as shown in the *Massachusetts Natural Heritage Atlas* (2008), prepared by the Massachusetts Natural Heritage and Endangered Species Program (NHESP). No submission to or review by NHESP is required for this project.

WORK DESCRIPTION

The proposed new work involves the installation of an upgraded septic system, relocation of a portion of fencing and replanting the 25-foot buffer strip. It is also requested that the Commission approve the existing dog fence and an existing second story cantilevered deck within the 50-foot structure setback, and two sheds and a garden fence beyond the 50-foot setback. Waivers are required for the structures within 50 feet of the wetland, for work within 25 feet of the wetland and for structures within two feet of the water table. Dewatering will probably be required for the installation of the septic tank and pump chamber.

Prior to the commencement of work, a siltation fence with hay bales or straw wattles will be installed and trenched in as shown on the plan around the dewatering basin. This silt fence will be inspected regularly and maintained until the work has been completed and the site has become stable.

The work will be performed as shown on the plan. No regrading is anticipated except around the leach field. All disturbed soils will be loamed and seeded.

The septic system will be upgraded to come into compliance with current Title 5 and the Nantucket Board of Health regulations. The proposed leach field will be located outside the **100-foot Buffer Zone** and with a six-foot groundwater separation.

The proposed four-bedroom septic system replaces the existing four-bedroom septic system. Portions of the existing leach field are within the **100-foot Buffer Zone** and do not meet the six-foot groundwater separation requirement. The work to replace the septic system was not completed in anticipation of the municipal sewer line being extended to Madaket.

The bottoms of the septic tank and pump chamber are in the water table and will probably require temporary dewatering during installation. If dewatering is necessary, it will be done by pumping to a temporary infiltration pit as shown on the plan. The pit will have sediment and erosion controls surrounding it. It is anticipated that the pit will have ample capacity to infiltrate the entire pumped volume. After completion, the infiltration pit will be filled with clean sand and will be loamed and seeded.

The existing mowed lawn within the 25-foot buffer will be replanted with a mix of shrubs and grass seed mixes after the dog fence has been relocated. Shrubs two to three feet tall will be planted six to eight feet on center. The shrub species will include Beach Plum and Shining Rose. The area will be topdressed with Little Bluestem seed. No regrading or soil disturbance with the exception of light raking is proposed. The area will be mowed and raked prior to planting. The success of the planting will be monitored and adjustments will be made as needed for a minimum of two growing seasons until stabilisation, density and success have been achieved. The replanted area will be watered as necessary either by hand or sprinkler until the vegetation has become established.

All disturbed areas will be stabilized with a minimum of six inches of good quality topsoil and will be seeded. The success of this stabilisation effort will be monitored and adjustments will be made as necessary.

The proposed replanting of the vegetated buffer will enhance the ability of the wetland to serve the interests of the By-law.

CONCLUSION

The proposed work at 231 Madaket Road in Nantucket, Massachusetts involves the installation of an upgraded septic system, and revegetation of portions of the 25-foot buffer. It is also requested that the Commission permit the constructed dog fence and the second story cantilevered deck on the garage within 50 feet of the wetland and two sheds and a garden fence outside of 50 feet.

Waivers from the *Nantucket Wetlands By-law* are required for structures within 50 feet of a **Bordering Vegetated Wetland**, structures within two feet of the water table, and work in a wetland and within 25 feet of a wetland. The work as proposed will not impact the resource areas and will enhance the ability of the wetland to serve the interests of the By-law.

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

Applicant: SwistPrepared by: H. WES Hydroecologic
ConsultyProject location: 231 Madaket Rd
Nantucket

DEP File #: _____

Check all that apply:

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

Section I. Vegetation

Observation Plot Number: 8 WTransect Number: 8Date of Delineation: 1/24/16A. Sample Layer and Plant Species
(by common/scientific name)B. Percent Cover
(or basal area)C. Percent
DominanceD. Dominant Plant
(yes or no)E. Wetland
Indicator
Category*

Sweet Pepper bush

Swamp Azalea

High bush Blueberry

Winterberry Holly

Sensation Fern

20.5

10.5

10.5

10.5

10.5

40

20

20

20

100

Y

Y

Y

Y

Y

FAC+

OBL

FACW-

FACW+

FACW

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 5Number of dominant non-wetland indicator plants: 2Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? yes no

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

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

Applicant: Swi St Prepared by: H. W. S. Hydrogeologic Consult Project location: 231 Madaket Rd Nantucket DEP File #: _____

Check all that apply:

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

Section I. Vegetation

Observation Plot Number: 8 UP Transect Number: 8 Date of Delineation: 1/24/16

15' Above Flag # 8

| A. Sample Layer and Plant Species
(by common/scientific name) | B. Percent Cover
(or basal area) | C. Percent
Dominance | D. Dominant Plant
(yes or no) | E. Wetland
Indicator
Category* |
|--|-------------------------------------|-------------------------|----------------------------------|--------------------------------------|
| <u>Groundswe Tree</u> | <u>10.5</u> | <u>38</u> | <u>Yes</u> | <u>FACW</u> |
| <u>Bramble</u> | <u>20.5</u> | <u>66</u> | <u>Yes</u> | <u>FACW-</u> |
| <u>Fescue</u> | <u>20.5</u> | <u>40</u> | <u>Yes</u> | <u>FACU</u> |
| <u>Mullen</u> | <u>10.5</u> | <u>20</u> | <u>Yes</u> | |
| <u>Little blue stem</u> | <u>20.5</u> | <u>40</u> | <u>Yes</u> | <u>UP
FACU-</u> |

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

Vegetation conclusion:

Number of dominant wetland indicator plants: 1 Number of dominant non-wetland Indicator plants: 4

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

WAIVER REQUEST

Haines Hydrogeologic Consulting

specialising in groundwater & wetlands

141 Old Enfield Road
Belchertown
Mass. 01007
413 323 7156
Fax 413 323 4776

Nantucket Conservation Commission
Town Building
37 Washington Street
Nantucket, MA 02554

March 29, 2016

Re: Waiver Request - Swift Notice of Intent, 231 Madaket Road, Nantucket

Dear Commission Members:

This letter is to request waivers from the Nantucket Wetlands By-law for structures within 50 feet of a wetland boundary, and for work within 25 feet of a wetland. Waivers may be granted when a project will provide a "long-term net benefit/improvement to the resource area..." (1.03 F.3d). A waiver is also being requested for placement of structures within two feet of the water table. Waivers may be granted when the work will not adversely impact the resource area and there is no other reasonable alternative (1.03 F.3a).

The proposed work involves the permitting of existing structures within 50 feet of the wetland on existing lawn area and replanting the remaining lawn area (835 ft²) within 25 feet of the wetland as a vegetated buffer. Previously and currently these areas are maintained as lawn. This work will result in 733 ft² (17%) more vegetated buffer than originally required. The work also includes the upgrading of an existing septic system with the septic tank and the pump chamber within two feet of the water table.

The establishment of a vegetated buffer will provide a long-term net benefit/improvement to the resource area by enhancing the ability of the area to serve the interests of the By-law. Vegetated wetlands are significant to public and private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, scenic views, and recreation. By reestablishing the vegetation in the wetlands and buffer zone, private water supply, water pollution, fisheries, shellfish and wildlife will be improved because of the increased pollutant removal capabilities. Erosion control and storm damage prevention will be enhanced because the stability of the area will be improved and the stem density will be increased.

The new vegetation and increased buffer will provide food, nesting and cover for wildlife. The increased vegetation will improve the wetland scenic views of the wetland. The recreation function of the wetland and buffer will remain unchanged.

The creation of an additional 733 ft² of vegetated buffer where none currently exists offsets the fence and the second story cantilevered deck within 50 feet of a vegetated wetland. Therefore, a waiver may be granted since the project overall will provide a long-term net benefit/improvement to the resource area.

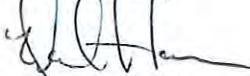
A waiver is also required for the placement of a structure within two feet of the water table. The septic system design requires that the septic tank and pump chamber be placed within two feet of if not within the groundwater table as established by mottling. Waivers may be granted when the work will not adversely impact the interests identified in the By-law and there are no reasonable conditions or alternatives that would allow the project to proceed (1.03 F.3a). The design has allowed for temporary dewatering to install the tanks. These dewatering techniques will prevent impacts to the resource area. The installation of the water-tight tanks will not alter the water table levels or the groundwater quality. The new leach field with a six-foot groundwater separation will improve the water quality leaching to the groundwater. No permanent dewatering is proposed.

The design of the system requires that the grade of the tanks be near or below the water table. This is necessary to have the 1500-gallon septic tank be fed by gravity rather than needing to use a grinder pump.

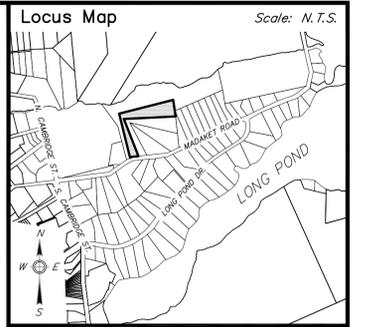
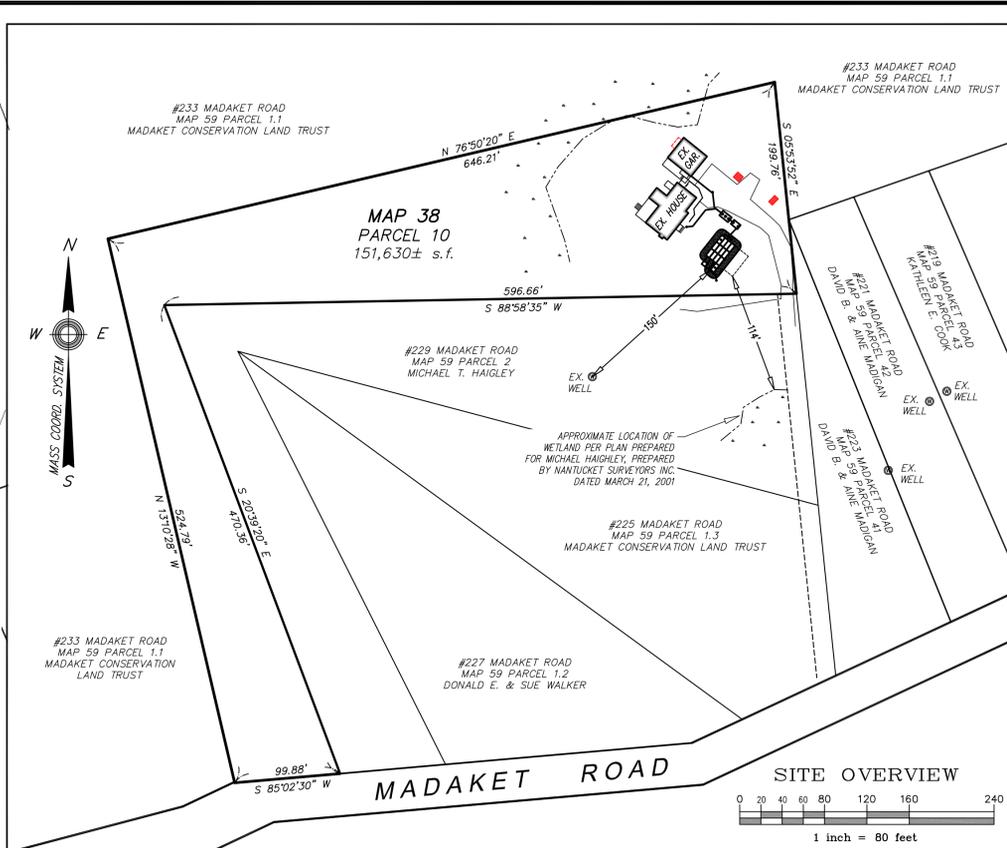
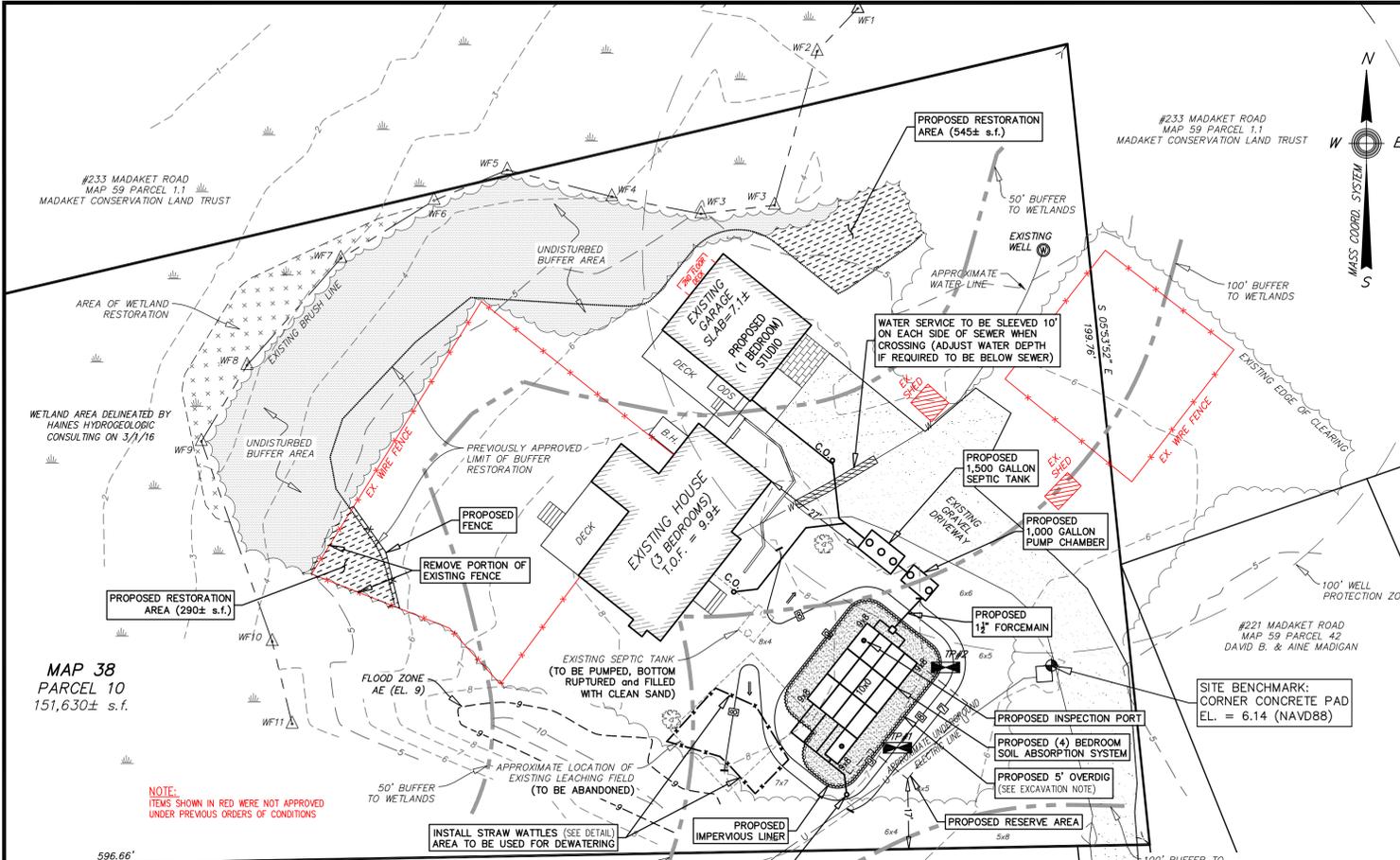
Since the work will not impact the resource area and there is not a reasonable alternative, a waiver may be granted allowing a structure within two feet of the water table.

Thank you for considering these requests. If you have any questions, please call.

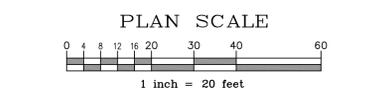
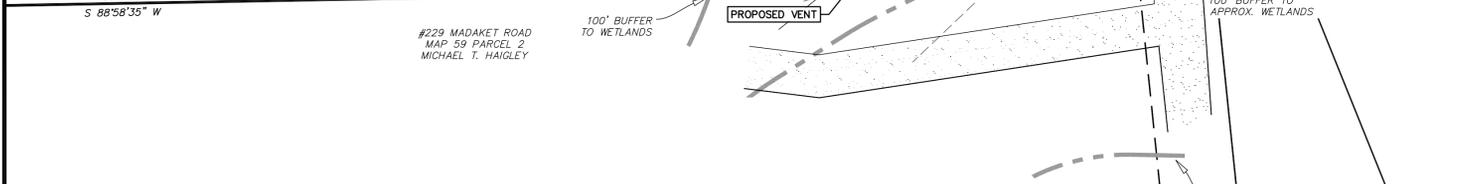
Yours truly,



David M. Haines
Hydrogeologist/Wetland Scientist



- ### GENERAL NOTES
- BENCHMARK: ELEVATION = 6.14 (NAVD88) CORNER OF CONCRETE PAD
 - ALL CONSTRUCTION METHODS AND MATERIALS TO CONFORM TO TITLE V AND THE TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS.
 - ALL SYSTEM COMPONENTS SHALL BE MARKED WITH MAGNETIC TAPE OR A COMPARABLE MEANS IN ORDER TO LOCATE THEM (ONCE BURIED).
 - NO FIELD MODIFICATION 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 BACKFILLING SYSTEM.
 - OWNER: STEPHEN & LOUISE SWIFT 231 MADAKET ROAD NANTUCKET, MA 02554
 - DEED REFERENCE: Cert. #18771
 - PLAN REFERENCE: L.C.C. #3092-59 (LOT 625)
 - 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 THIS 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 SEPTIC TANK AT LEAST ONCE EVERY THREE YEARS.
 - LOCUS DOES NOT FALL WITHIN A ZONE II WELLHEAD PROTECTION AREA.
 - LOCUS DOES NOT FALL WITHIN THE NATURAL HERITAGE AND ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF PRIORITY HABITAT OF RARE SPECIES OR ESTIMATED HABITAT OF RARE WILDLIFE.
 - LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (4) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No 25019C-0068-G dated 06/09/2014.
 - LOCUS DOES FALL WITHIN "ZONE A" OF THE MADAKET HARBOR WATERSHED PROTECTION DISTRICT.
 - LOT WAS CREATED IN 1976.



EXCAVATION NOTE:
THIS SYSTEM REQUIRES THE EXCAVATION OF ALL UNSUITABLE SOIL WITHIN 5' OF THE SOIL ABSORPTION SYSTEM. SOIL SHALL BE EXCAVATED TO THE EXISTING C1 SAND LAYER (24"), ENGINEER TO CONFIRM SOIL DEPTH PRIOR TO INSTALLATION. SOIL IS TO BE REPLACED WITH SAND CONFORMING TO 310 CMR SECTION 15.255, CONSTRUCTION IN FILL.

DESIGN CALCULATIONS

SOIL TEXTURAL CLASS: CLASS I
 PERC. RATE: < 2 MINUTES/INCH
 NO. OF BEDROOMS: 4
 DESIGN FLOW REQUIRED: 440 GPD
 SEPTIC TANK REQUIRED: 1,500 GALLONS
 SEPTIC TANK PROVIDED: 1,500 GALLONS

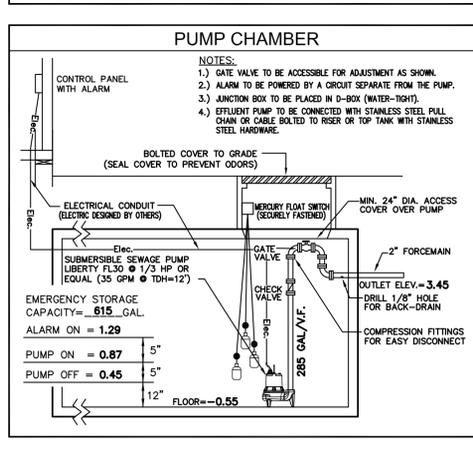
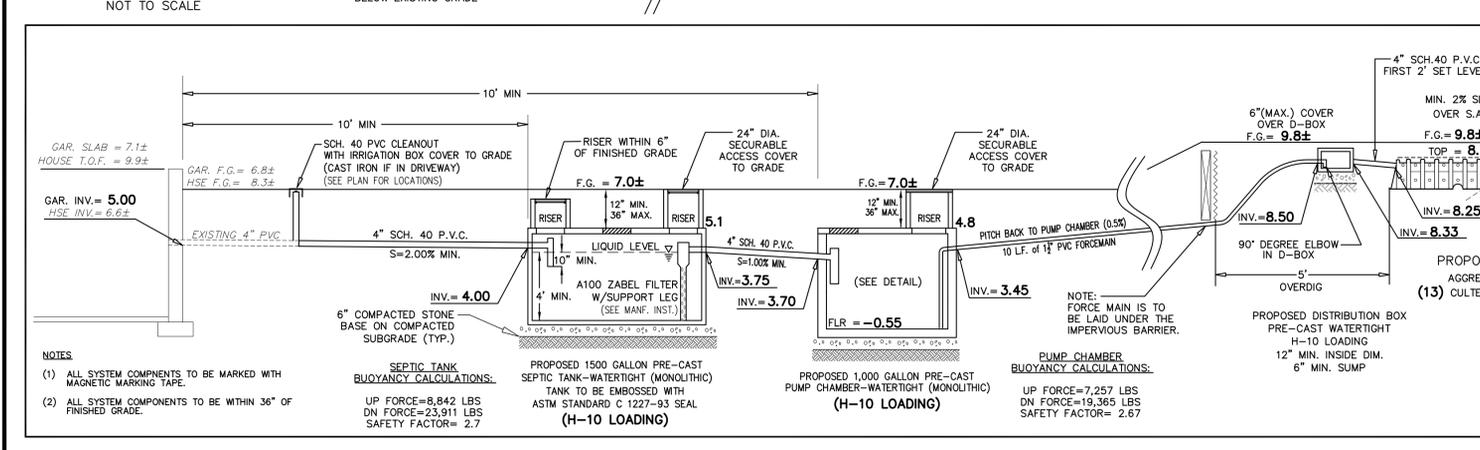
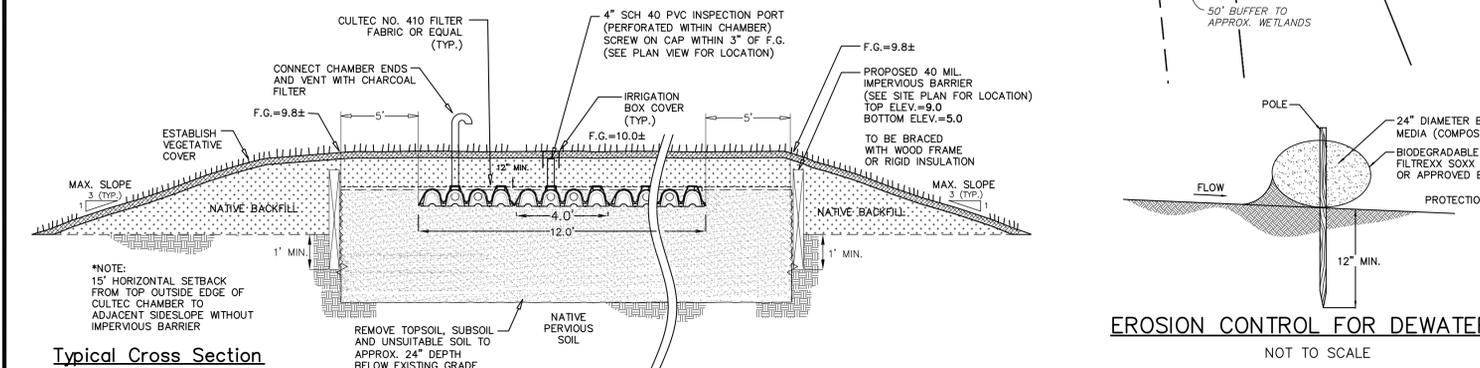
LEACHING SYSTEM:
 (4) ROWS - AGGREGATE FREE CHAMBERS
 (13) CULTEC FIELD DRAIN CONTACTOR C4 UNITS TOTAL

EFFECTIVE LEACHING: (BASED ON GENERAL USE APPROVAL)
 (13 UNITS)(8.0 L.F./UNIT) = 104 L.F.
 (6.7 S.F./L.F.)(104 L.F.) = 698 S.F. EFFECTIVE
 LOADING RATE = 0.74 GPD/SF
 FLOW PROVIDED: 515_GPD > 440 GPD REQUIRED

SOIL LOGS

| TP NO. 1 | TP NO. 2 |
|-------------------------------------|-------------------------------------|
| GRD. EL. 6.8 | GRD. EL. 6.7 |
| GW. EL. 1.8 | GW. EL. 1.7 |
| 0' O/A LOAMY SAND STRIP-OUT | 0' O/A LOAMY SAND STRIP-OUT |
| 6.8 | 6.7 |
| 9' B LOAMY SAND FRIABLE | 10' B LOAMY SAND FRIABLE |
| 6.1 | 5.9 |
| 24' C1 MEDIUM SAND FRIABLE 2.5Y 6/4 | 24' C1 MEDIUM SAND FRIABLE 2.5Y 6/4 |
| 4.8 | 4.7 |
| MOTTLES 060' | MOTTLES 060' |
| 48' C2 MEDIUM SAND LOOSE 2.5Y 6/2 | 48' C2 MEDIUM SAND LOOSE 2.5Y 6/2 |
| 2.7 | 1.7 |
| 72' WEeping 072' WATER | 72' WEeping 072' WATER |
| 0.8 | 0.7 |
| 84' C2 MEDIUM SAND LOOSE 2.5Y 6/2 | 84' C2 MEDIUM SAND LOOSE 2.5Y 6/2 |
| -0.2 | -0.3 |

DATE PERFORMED: JANUARY 25, 2008
 SOIL EVALUATOR: JAY M. MCKINNON
 WITNESSED BY: ARTELL CROWLEY - AGENT
 PERC. RATE: < 2 MINUTES/INCH
 SOIL CLASS: CLASS I
 MAX. GROUND WATER ELEV.: 1.8
 METHOD OF DETERMINATION: MOTTLES TP #1
 INVERT PRIMARY: 8.25 INVERT RESERVE: 8.25
 BOTTOM PRIMARY: 8.00 BOTTOM RESERVE: 8.00
 (SEE SOIL REPORT FOR MORE DETAILED DESCRIPTION)



Prepared By:

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD NANTUCKET, MA 02532
 (tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554
 (tel) 508.325.0044 (fax) 508.325.0044
 www.brackeneng.com

PROPOSED SUBSURFACE SEWAGE DISPOSAL SYSTEM IN NANTUCKET, MASSACHUSETTS

Prepared For:
STEPHEN R. & LOUISE J. SWIFT
 #231 MADAKET ROAD
 MAP 38 PARCEL 10

| No. | Date | Revision | Description | By |
|-----|------|----------|-------------|----|
| | | | | |

Date: MARCH 29, 2016 Drawn: RMM/BEI Checked: DFB/AMG Sheet: 1 of 1

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A & B Realty Trust
53 & 55 Baxter Road
(49-17 & 18)



NOTICE OF INTENT APPLICATION

For the Relocation of Structures
& Landscaping Within
The Buffer Zone to a Coastal Bank

At

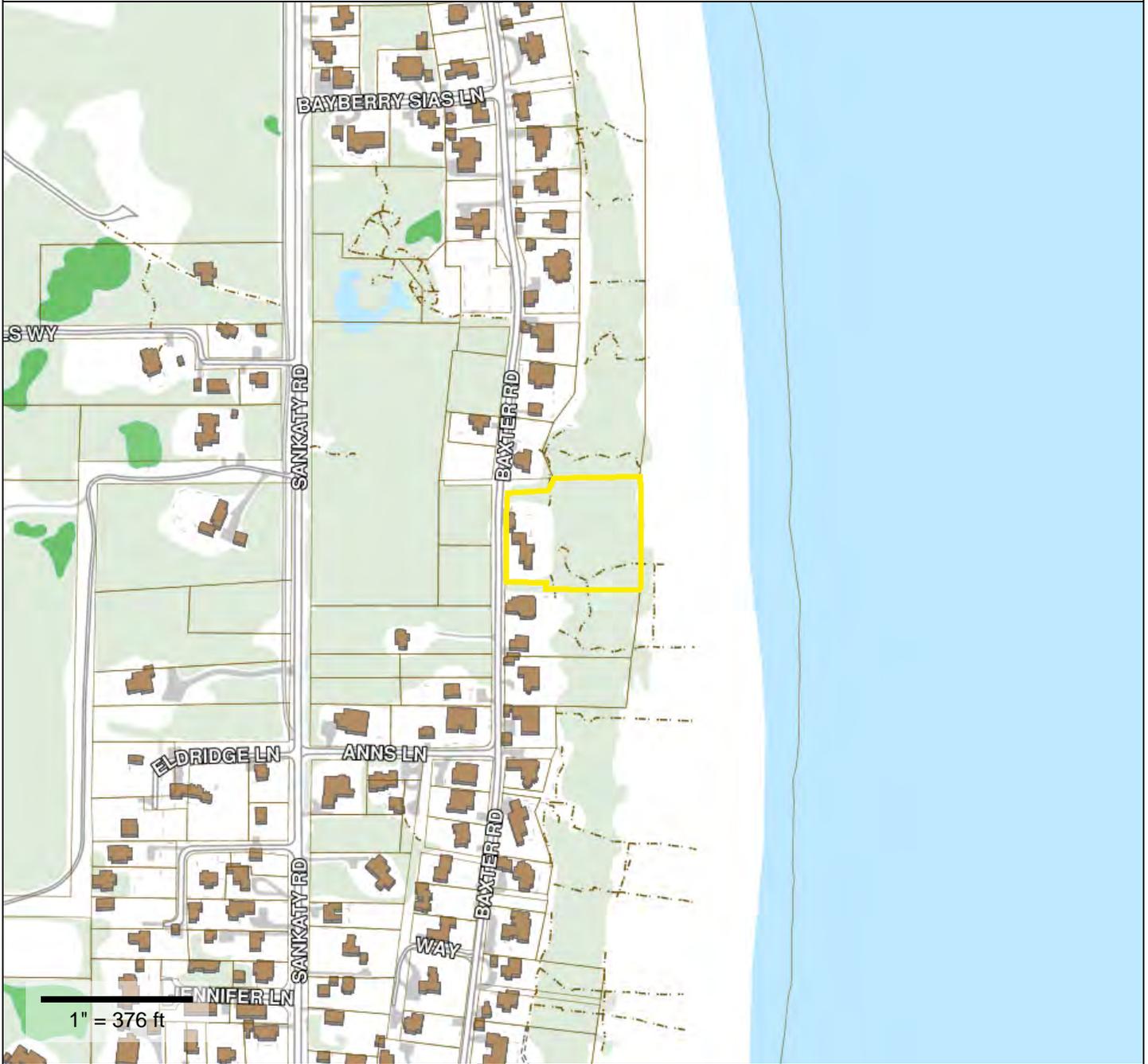
53 & 55 Baxter Road
Nantucket, MA

March 2016

Prepared For

A & B REALTY TRUST

53 Baxter Rd



Property Information

Property ID 49 17
Location 53 BAXTER RD
Owner KIDDER STEPHEN W TRST ETA
C/O A & B REALTY TRUST



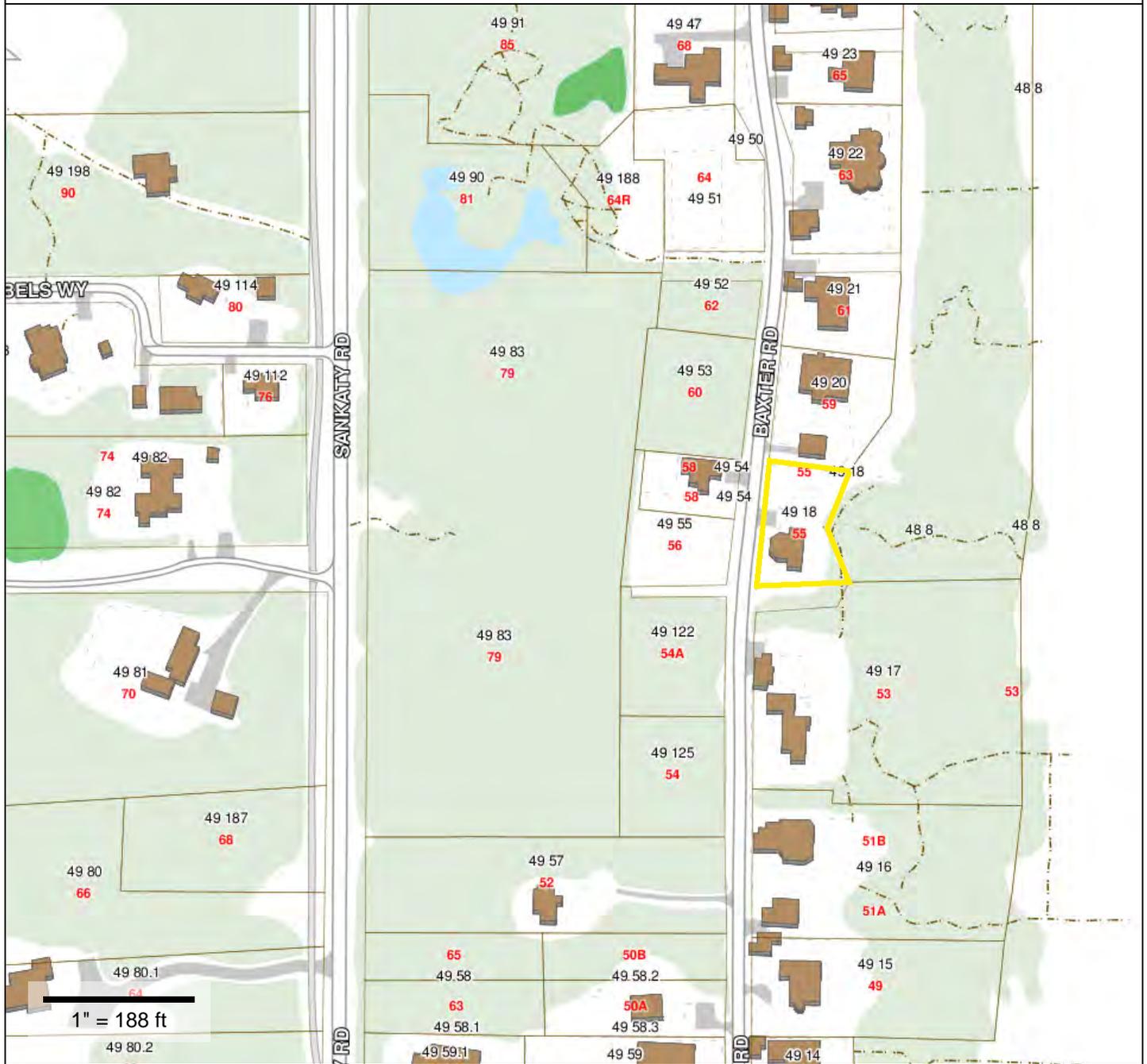
**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2013



55 BAXTER RD - LOCUS MAP



Property Information

Property ID 49 18
Location 55 BAXTER RD
Owner KIDDER STEPHEN W TRST ETA
 THE PILOT HOUSE



MAP FOR REFERENCE ONLY NOT A LEGAL DOCUMENT

The Town makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Parcels updated December, 2013





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

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

| | | |
|--------------------------------|-----------------------|----------------------|
| <u>53 & 55 Baxter Road</u> | <u>Nantucket</u> | <u>02554</u> |
| a. Street Address | b. City/Town | c. Zip Code |
| <u>Latitude and Longitude:</u> | <u>41d 16' 00" N</u> | <u>69d 58' 06" W</u> |
| | d. Latitude | e. Longitude |
| <u>49</u> | <u>17 & 18</u> | |
| f. Assessors Map/Plat Number | g. Parcel /Lot Number | |

2. Applicant:

| | | |
|--|---|-------------------------|
| <u>Stephen W., Michael J., & Amos B.</u> | <u>Kidder, Puzo, & Hostetter, Jr., Trustees</u> | |
| a. First Name | b. Last Name | |
| <u>A & B Realty Trust</u> | | |
| c. Organization | | |
| <u>The Pilot House - Lewis Wharf</u> | | |
| d. Street Address | | |
| <u>Boston</u> | <u>MA</u> | <u>02110</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>h. Phone Number</u> | <u>i. Fax Number</u> | <u>j. Email Address</u> |

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

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

4. Representative (if any):

| | | |
|---|-----------------------------------|------------------|
| <u>Arthur D.</u> | <u>Gasbarro, PE, PLS, LEED AP</u> | |
| a. First Name | b. Last Name | |
| <u>Nantucket Engineering & Survey, P.C.</u> | | |
| c. Company | | |
| <u>20 Mary Ann Drive</u> | | |
| d. Street Address | | |
| <u>Nantucket</u> | <u>MA</u> | <u>02554</u> |
| e. City/Town | f. State | g. Zip Code |
| <u>508-825-5053</u> | <u>art@nantucketengineer.com</u> | |
| h. Phone Number | i. Fax Number | j. Email address |

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

| | | |
|-----------------------------|-------------------|--------------------------------|
| <u>\$220 + \$25 + \$200</u> | <u>\$97.50</u> | <u>\$122.50 + \$25 + \$200</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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

A. General Information (continued)

6. General Project Description:

The Applicant proposes to redevelop the existing single-family house uses on their two abutting parcels within the buffer zone to a Coastal Bank. The houses will be lifted, shifted and placed on new foundations. Landscaping is proposed within the buffer zone including reconfiguring the driveways. Please refer to the attached Project Narrative and Site Plan for additional information.

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 | 23,030 (#53) |
| a. County | b. Certificate # (if registered land) |
| 1148 | 288 (#55) |
| c. Book | d. Page Number |

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

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

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

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

| <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 |



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

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

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
d. Bordering Land Subject to Flooding
e. Isolated Land Subject to Flooding
f. Riverfront Area
2. Width of Riverfront Area (check one):
3. Total area of Riverfront Area on the site of the proposed project:
4. Proposed alteration of the Riverfront Area:
5. Has an alternatives analysis been done and is it attached to this NOI?
6. Was the lot where the activity is proposed created prior to August 1, 1996?

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

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

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

Resource Area, Size of Proposed Alteration, Proposed Replacement (if any)
a. Designated Port Areas
b. Land Under the Ocean
c. Barrier Beach
d. Coastal Beaches
e. Coastal Dunes



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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

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

| | <u>Size of Proposed Alteration</u> | <u>Proposed Replacement (if any)</u> |
|---|---|---|
| f. <input type="checkbox"/> Coastal Banks | 1. linear feet | |
| g. <input type="checkbox"/> Rocky Intertidal Shores | 1. square feet | |
| h. <input type="checkbox"/> Salt Marshes | 1. square feet | 2. sq ft restoration, rehab., creation |
| i. <input type="checkbox"/> Land Under Salt Ponds | 1. square feet | |
| | 2. cubic yards dredged | |
| j. <input type="checkbox"/> Land Containing Shellfish | 1. square feet | |
| k. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | |
| | 1. cubic yards dredged | |
| l. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | 1. square feet | |
| 4. <input type="checkbox"/> Restoration/Enhancement | If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here. | |
| | a. square feet of 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.

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

**Natural Heritage and Endangered Species Program
Division of Fisheries and Wildlife
Route 135, North Drive
Westborough, MA 01581**

10/1/08
b. Date of map



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

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

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

1. c. Submit Supplemental Information for Endangered Species Review*

1. Percentage/acreage of property to be altered:
 - (a) within wetland Resource Area _____ percentage/acreage
 - (b) outside Resource Area _____ percentage/acreage
2. Assessor's Map or right-of-way plan of site
3. Project plans for entire project site, including wetland resource areas and areas outside of wetlands jurisdiction, showing existing and proposed conditions, existing and proposed tree/vegetation clearing line, and clearly demarcated limits of work ****
 - (a) Project description (including description of impacts outside of wetland resource area & buffer zone)
 - (b) Photographs representative of the site
 - (c) MESA filing fee (fee information available at: http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_fee_schedule.htm).
Make check payable to "Commonwealth of Massachusetts - NHESP" and **mail to NHESP** at above address
Projects altering 10 or more acres of land, also submit:
 - (d) Vegetation cover type map of site
 - (e) Project plans showing Priority & Estimated Habitat boundaries

d. OR Check One of the Following

1. Project is exempt from MESA review.
Attach applicant letter indicating which MESA exemption applies. (See 321 CMR 10.14, http://www.mass.gov/dfwele/dfw/nhosp/regulatory_review/ mesa/ mesa_exemptions.htm; the NOI must still be sent to NHESP if the project is within estimated habitat pursuant to 310 CMR 10.37 and 10.59.)
2. Separate MESA review ongoing. _____ a. NHESP Tracking # _____ b. Date submitted to NHESP

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

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



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
| 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 No If yes, include proof of mailing or hand delivery of NOI to either:
- | | |
|---|--|
| South Shore - Cohasset to Rhode Island, and the Cape & Islands: | North Shore - Hull to New Hampshire: |
| Division of Marine Fisheries - Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694 | Division of Marine Fisheries - North Shore Office
Attn: Environmental Reviewer
30 Emerson Avenue
Gloucester, MA 01930 |

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

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

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



WPA Form 3 – Notice of Intent

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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

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

- 2. Emergency road repair
- 3. Small Residential Subdivision (less than or equal to 4 single-family houses or less than or equal to 4 units in multi-family housing project) with no discharge to Critical Areas.

D. Additional Information

Applicants must include the following with this Notice of Intent (NOI). See instructions for details.
Online Users: Attach the document transaction number (provided on your receipt page) for any of the following information you submit to the Department.

- 1. USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)
- 2. Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.
- 3. Identify the method for BVW and other resource area boundary delineations (MassDEP BVW Field Data Form(s), Determination of Applicability, Order of Resource Area Delineation, etc.), and attach documentation of the methodology.
- 4. List the titles and dates for all plans and other materials submitted with this NOI.

~~Existing and Proposed Conditions Site Plan of Land – 2 Sheets~~

a. Plan Title

Blackwell & Associates, Inc. & Nantucket Engineering & Survey, PC

Arthur Gasbarro, PE, PLS

b. Prepared By
3/22/16 (Existing) & 4/1/16 (Proposed)

c. Signed and Stamped by
1"=10'

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.



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

| |
|-----------------------------|
| Provided by MassDEP: |
| MassDEP File Number |
| Document Transaction Number |
| NANTUCKET |
| City/Town |

E. Fees

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

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

| | |
|-------------------------------------|-----------------------------------|
| <u>2866</u> | <u>3/22/16</u> |
| 2. Municipal Check Number | 3. Check date |
| <u>2863</u> | <u>3/22/16</u> |
| 4. State Check Number | 5. Check date |
| <u>Stephens & Company, Inc.</u> | |
| 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.

| | |
|---|----------------|
| <u><i>Arthur D. Salas</i></u> AGENT | <u>3/31/16</u> |
| 1. Signature of Applicant | 2. Date |
| <u></u> | <u></u> |
| 3. Signature of Property Owner (if different) | 4. Date |
| <u><i>Arthur D. Salas</i></u> | <u>3/31/16</u> |
| 5. Signature of Representative (if any) | 6. Date |

For Conservation Commission:

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

For MassDEP:

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

Other:

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

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



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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



A. Applicant Information

1. Applicant:

Stephen W., Michael J., & Amos B. Kidder, Puzo, & Hostetter, Jr., Trustees
 a. First Name b. Last Name
A & B Realty Trust
 c. Organization
The Pilot House – Lewis Wharf
 d. Mailing Address
Boston MA 02110
 e. City/Town f. State g. Zip Code

 h. Phone Number i. Fax Number j. Email Address

2. 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

3. Project Location:

53 & 55 Baxter Road Nantucket
 a. Street Address b. City/Town

B. Fees

The fee should be calculated using the following six-step process and worksheet. **Please see Instructions before filling out worksheet.**

Step 1/Type of Activity: Describe each type of activity that will occur in wetland resource area and buffer zone.

Step 2/Number of Activities: Identify the number of each type of activity.

Step 3/Individual Activity Fee: Identify each activity fee from the six project categories listed in the instructions.

Step 4/Subtotal Activity Fee: Multiply the number of activities (identified in Step 2) times the fee per category (identified in Step 3) to reach a subtotal fee amount. Note: If any of these activities are in a Riverfront Area in addition to another Resource Area or the Buffer Zone, the fee per activity should be multiplied by 1.5 and then added to the subtotal amount.

Step 5/Total Project Fee: Determine the total project fee by adding the subtotal amounts from Step 4.

Step 6/Fee Payments: To calculate the state share of the fee, divide the total fee in half and subtract \$12.50. To calculate the city/town share of the fee, divide the total fee in half and add \$12.50.

To calculate filing fees, refer to the category fee list and examples in the instructions for filling out WPA Form 3 (Notice of Intent).



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
NOI Wetland Fee Transmittal Form
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Fees (continued)

| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|------------------------------------|-----------------------------|--------------------------------|------------------------------|
| Work on Single Family Dwelling Lot | 2 | \$110 | \$220 |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| Nantucket Wetland By-law Fee | _____ | _____ | \$25 |
| Nantucket Expert Review Fee | _____ | _____ | \$200 |
| Step 5/Total Project Fee: | | | \$220 + \$25 + \$200 |

Step 6/Fee Payments:

| | |
|--------------------------------|--------------------------------------|
| Total Project Fee: | <u>\$220 + \$25 + \$200</u> |
| | a. Total Fee from Step 5 |
| State share of filing Fee: | <u>\$97.50</u> |
| | b. 1/2 Total Fee less \$12.50 |
| City/Town share of filing Fee: | <u>\$122.50</u> |
| | c. 1/2 Total Fee plus \$12.50 |

C. Submittal Requirements

- a.) Complete pages 1 and 2 and send with a check or money order for the state share of the fee, payable to the Commonwealth of Massachusetts.

Department of Environmental Protection
 Box 4062
 Boston, MA 02211

- b.) **To the Conservation Commission:** Send the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and the city/town fee payment.

To MassDEP Regional Office (see Instructions): Send a copy of the Notice of Intent or Abbreviated Notice of Intent; a **copy** of this form; and a **copy** of the state fee payment. (E-filers of Notices of Intent may submit these electronically.)

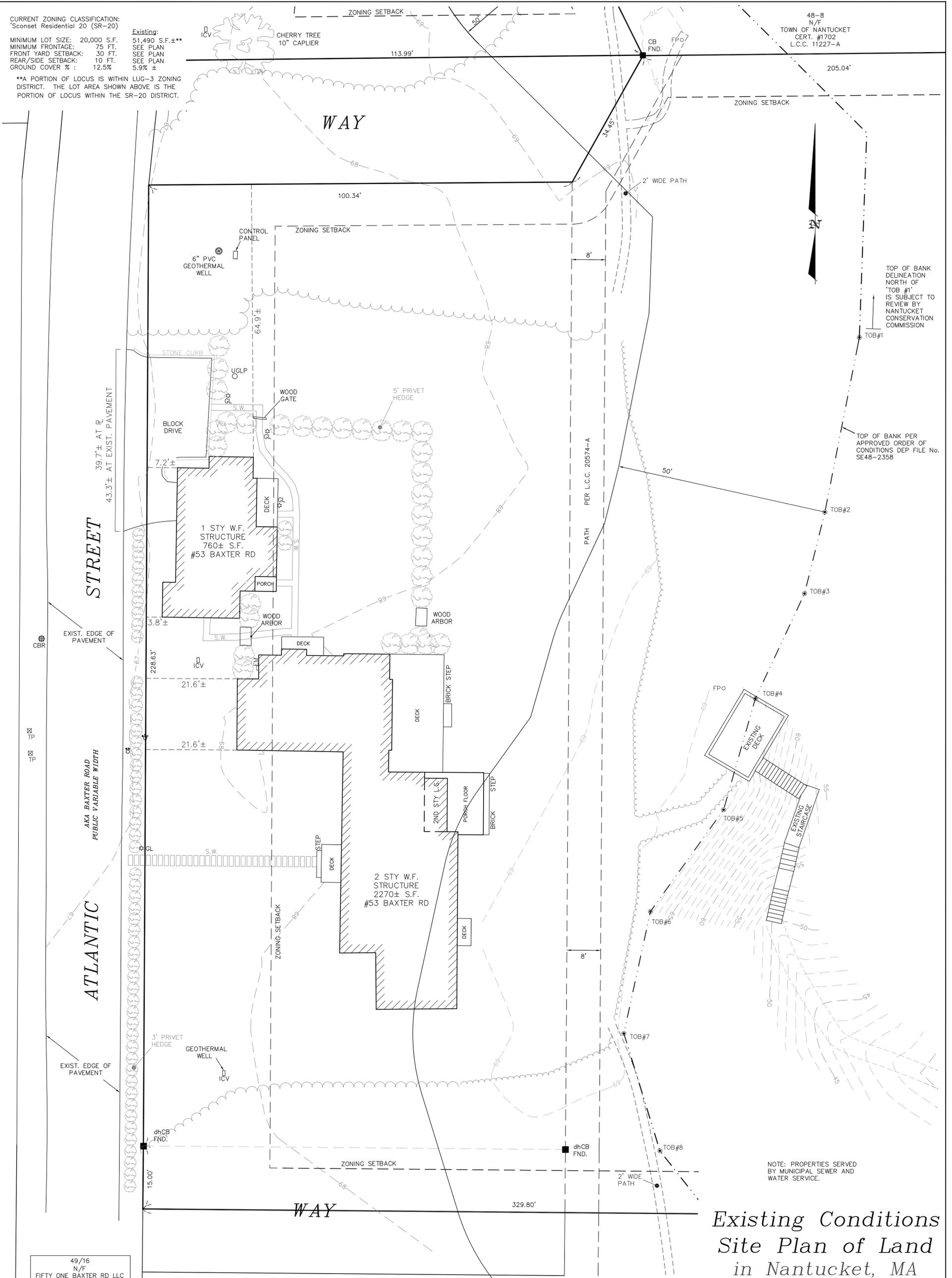
CURRENT ZONING CLASSIFICATION:
Sconset Residential 20 (SR-20)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

Existing:
51,490 S.F.±**
SEE PLAN
SEE PLAN
SEE PLAN
5.9% ±

**A PORTION OF LOCUS IS WITHIN LUG-3 ZONING DISTRICT. THE LOT AREA SHOWN ABOVE IS THE PORTION OF LOCUS WITHIN THE SR-20 DISTRICT.

48-8
N/F
TOWN OF NANTUCKET
CERT. #1702
L.C.C. 11227-A



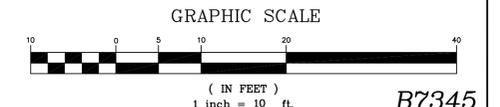
TOP OF BANK DELINEATION NORTH OF TOB #1 IS SUBJECT TO REVIEW BY NANTUCKET CONSERVATION COMMISSION

TOP OF BANK PER APPROVED ORDER OF CONDITIONS DEP FILE No. SE48-2358

NOTE: PROPERTIES SERVED BY MUNICIPAL SEWER AND WATER SERVICE.

Existing Conditions Site Plan of Land in Nantucket, MA

Prepared for
A & B REALTY TRUST
Scale: 1" = 10' MARCH 22, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



LEGEND

- | | | | |
|----------------|---|-------|---|
| dhCB FND.(D) ■ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND (DISTURBED) | ⊠TP | DENOTES EXIST. TELECOMMUNICATIONS PEDESTAL |
| CB FND. ■ | DENOTES CONCRETE BOUND FOUND | ⊠EM | ELECTRIC METER |
| 50 - - - | DENOTES EXIST. GRADE CONTOUR | ⊠EM | DENOTES EXIST. WATER METER |
| ⊠ | DENOTES EXIST. GRADE SPOT ELEVATION | ⊠WS | DENOTES EXIST. WATER SHUT OFF |
| ⊠ | DENOTES EXIST. TOP OF BANK | ⊠FH | DENOTES EXIST. FIRE HYDRANT |
| ⊠ | DENOTES EXIST. TOP OF BANK FLAG FOUND | CBS ⊠ | DENOTES EXIST. CATCH BASIN SQUARE |
| ⊠ | DENOTES EXIST. EDGE OF BRUSH | CBR ⊠ | DENOTES EXIST. CATCH BASIN ROUND |
| FP ⊠ | DENOTES EXIST. FLAGPOLE | ⊠ | DENOTES EXIST. SEWER MAN HOLE |
| UGLP ⊠ | DENOTES EXIST. UNDERGROUND LP TANK | ⊠ICV | DENOTES EXIST. IRRIGATION CONTROL VALVE HAND HOLE |
| ⊠GL | DENOTES EXIST. GROUND LIGHT | ⊠S.W. | DENOTES EXIST. STONE WALKWAY |

49/16
N/F
FIFTY ONE BAXTER RD LLC
C23122
LCC 9406-B LOT 1
#51 BAXTER ROAD

OWNER'S INFORMATION
A & B REALTY TRUST
AMOS B. HOSTETTER, JR., TRUSTEE
STEPHEN W. KIDDER, TRUSTEE
MICHAEL J. PUZO, TRUSTEE
CERT. OF TITLE #23030
L.C.C. 20574-A
ASSESSOR'S MAP 49, PARCEL 17
#53 BAXTER ROAD

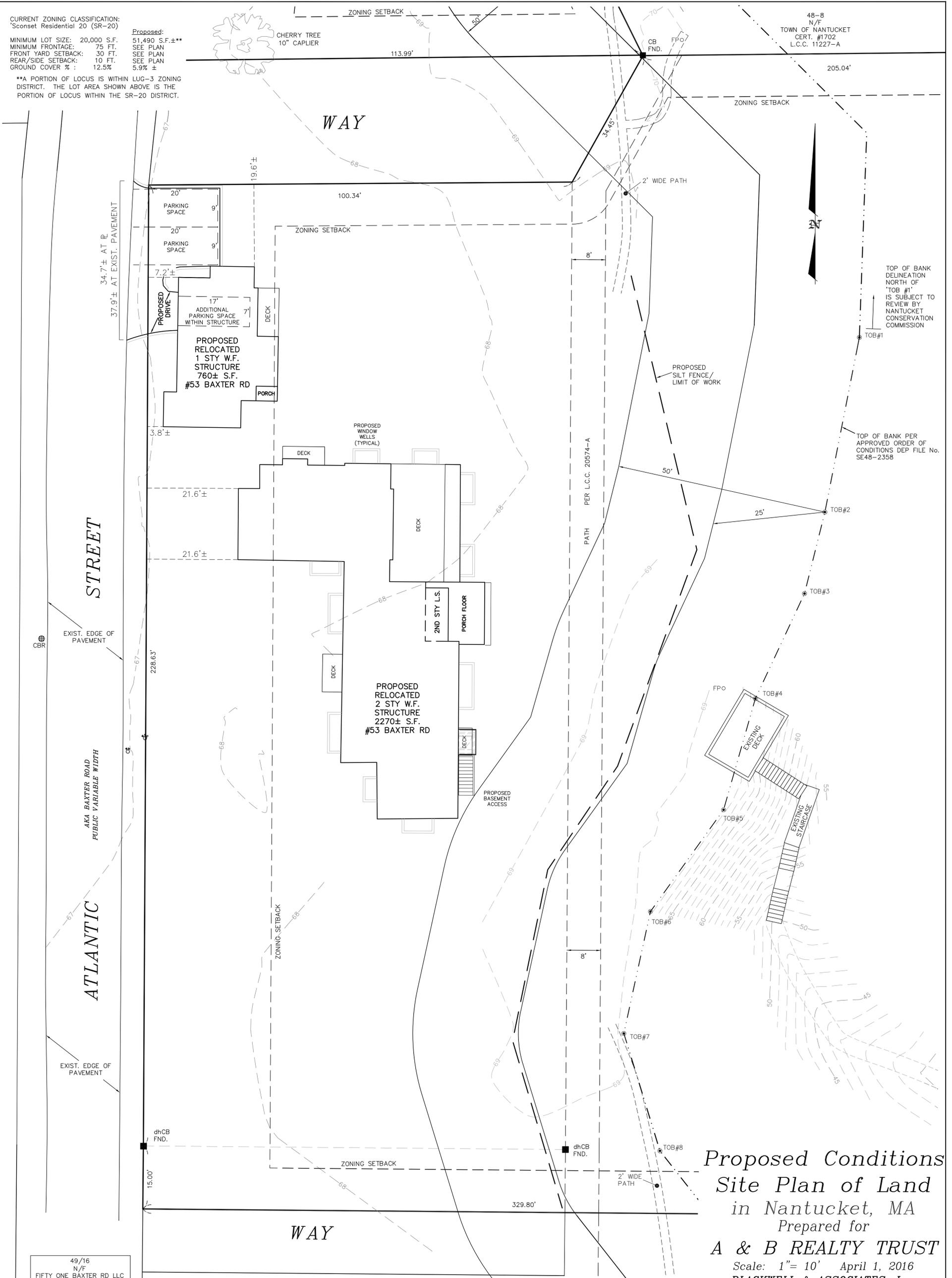
CURRENT ZONING CLASSIFICATION:
Sconset Residential 20 (SR-20)

MINIMUM LOT SIZE: 20,000 S.F.
MINIMUM FRONTAGE: 75 FT.
FRONT YARD SETBACK: 30 FT.
REAR/SIDE SETBACK: 10 FT.
GROUND COVER % : 12.5%

Proposed:
51,490 S.F.±**
SEE PLAN
SEE PLAN
SEE PLAN
5.9% ±

**A PORTION OF LOCUS IS WITHIN LUG-3 ZONING DISTRICT. THE LOT AREA SHOWN ABOVE IS THE PORTION OF LOCUS WITHIN THE SR-20 DISTRICT.

48-8
N/F
TOWN OF NANTUCKET
CERT. #1702
L.C.C. 11227-A



TOP OF BANK DELINEATION NORTH OF TOB #1 IS SUBJECT TO REVIEW BY NANTUCKET CONSERVATION COMMISSION

TOP OF BANK PER APPROVED ORDER OF CONDITIONS DEP FILE No. SE48-2358

STREET

ATLANTIC

AKA BAXTER ROAD
PUBLIC VARIABLE WIDTH

Proposed Conditions Site Plan of Land in Nantucket, MA

Prepared for
A & B REALTY TRUST

Scale: 1" = 10' April 1, 2016
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



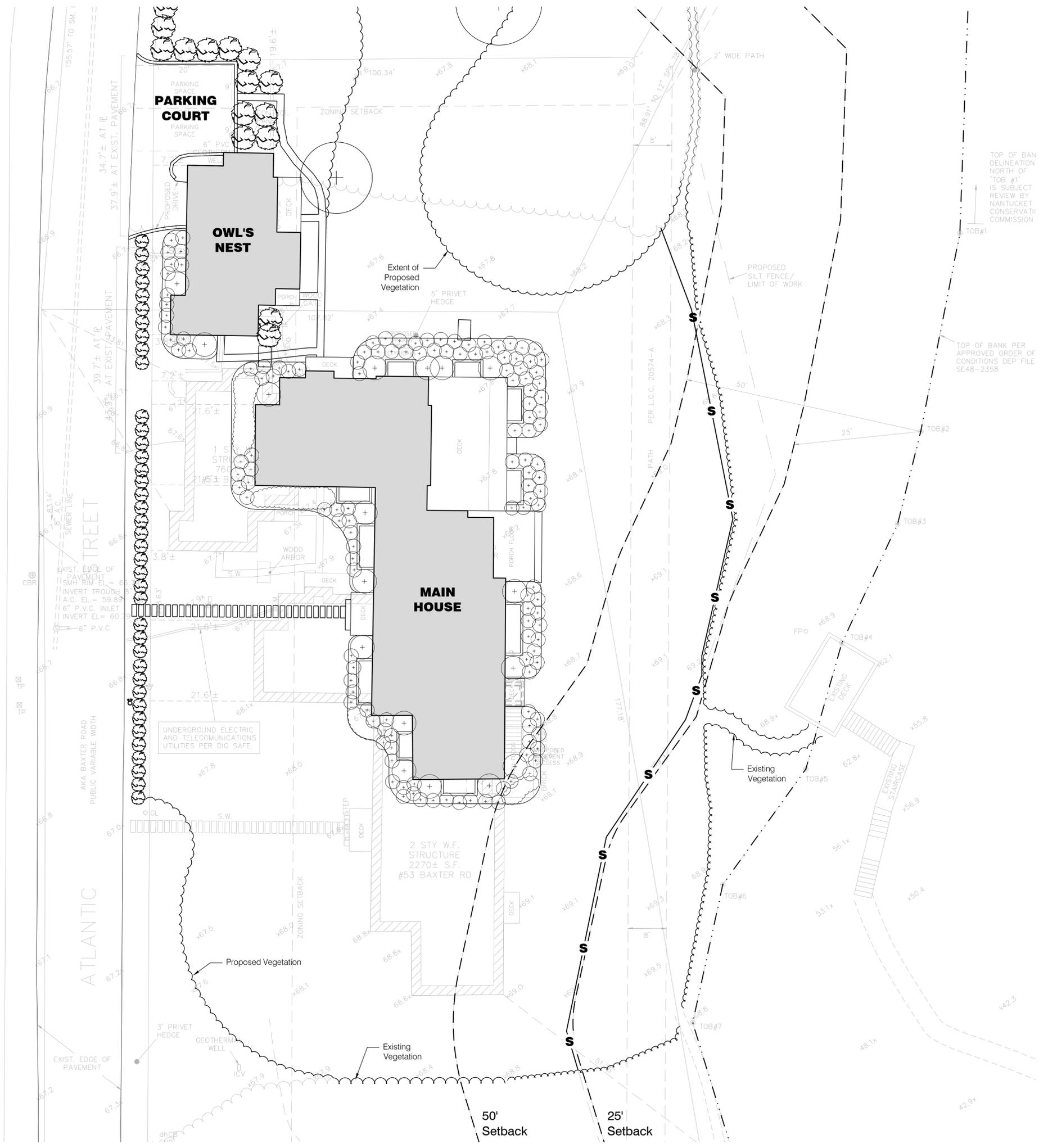
B7345

OWNER'S INFORMATION
A & B REALTY TRUST
AMOS B. HOSTETTER, JR., TRUSTEE
STEPHEN W. KIDDER, TRUSTEE
MICHAEL J. PUZO, TRUSTEE
CERT. OF TITLE #23030
L.C.C. 20574-A
ASSESSOR'S MAP 49, PARCEL 17
#53 BAXTER ROAD

NOTE: PROPERTIES SERVED BY MUNICIPAL SEWER AND WATER SERVICE.

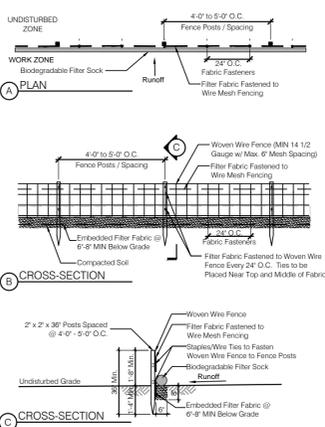
LEGEND

- | | | | |
|----------------|---|-------|---|
| dhCB FND.(D) ■ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND (DISTURBED) | ⊠TP | DENOTES EXIST. TELECOMMUNICATIONS PEDESTAL |
| CB FND. ■ | DENOTES CONCRETE BOUND FOUND | ⊠EM | ELECTRIC METER |
| 50 - - - | DENOTES EXIST. GRADE CONTOUR | ⊠ | DENOTES EXIST. WATER METER |
| ⊕ | DENOTES EXIST. GRADE SPOT ELEVATION | ⊕ | DENOTES EXIST. WATER SHUT OFF |
| ⊙ | DENOTES EXIST. TOP OF BANK | ⊕ | DENOTES EXIST. FIRE HYDRANT |
| ⊙ TOB#9 | DENOTES EXIST. TOP OF BANK FLAG FOUND | CBS ⊠ | DENOTES EXIST. CATCH BASIN SQUARE |
| ⊕ | DENOTES EXIST. EDGE OF BRUSH | ⊠ | DENOTES EXIST. CATCH BASIN ROUND |
| FP⊕ | DENOTES EXIST. FLAGPOLE | ⊠ | DENOTES EXIST. SEWER MAN HOLE |
| UGLP⊕ | DENOTES EXIST. UNDERGROUND LP TANK | ⊠ | DENOTES EXIST. IRRIGATION CONTROL VALVE HAND HOLE |
| ⊕ | DENOTES EXIST. GROUND LIGHT | ⊠ | DENOTES EXIST. STONE WALKWAY |



1 Site Plan

Plan



- CONSTRUCTION SPECIFICATIONS**
1. Woven Wire fence to be fastened securely to fence posts with wire ties or staples. Posts shall be steel either "I" or "U" types or HARDWOOD.
 2. Filter Cloth to be fastened securely to woven wire fence with ties spaced every 24" AT TOP AND MID section. Fence shall be woven wire, 14 1/2" gauge, with 6" MAX mesh opening.
 3. When two sections of filter cloth adjoin each other they shall be overlapped by 6 inches and lapped. Filter cloth shall be either FILTER K, MESH 100, STABLOK T400, or approved equivalent.
 4. Prefabricated units shall be GEOTAB, ENVIROFENCE, or approved equivalent.
 5. Maintenance shall be performed as needed and material removed when "BULGE" develops in the silt fence.

2 Silt Fence Detail
Scale: 1/2" = 1'-0"

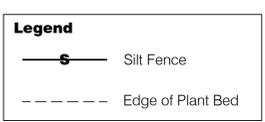
House Perimeter Planting Schedule

| Key | Botanical Name | Common Name | Root | Size |
|-----|---|----------------------------|-------|---------|
| PAJ | <i>Anemone japonica</i> 'Honorine Jobert' | Japanese Anemone | Cont. | #1 |
| PA | <i>Asarum canadense</i> | Wild Ginger | Cont. | #1 |
| CA | <i>Clethra alnifolia</i> | Summersweet | Cont. | 4-6' |
| CPE | <i>Carex pennsylvanica</i> | Pennsylvania Sedge | Cont. | #1 |
| CPR | <i>Carex praegracilis</i> | Field Sedge | Cont. | #1 |
| CAL | <i>Carex alnifolia</i> | Summersweet | Cont. | #1 |
| GB | <i>Gaylussacia baccata</i> | Black Huckleberry | Cont. | 2-4' |
| HA | <i>Hydrangea arborescens</i> 'Ryan Gainey' | Smooth Hydrangea | Cont. | 3-5' |
| GHM | <i>Hydrangea macrophylla</i> | Lacecap Hydrangea | Cont. | #1 |
| HP | <i>Hydrangea paniculata</i> | Limelight PeeGee Hydrangea | Cont. | #1 |
| MP | <i>Morella pensylvanica</i> | Bayberry | Cont. | 4-6' |
| RCI | <i>Rosa</i> 'Climbing Iceberg' | Rose species | Cont. | 2-4' |
| RND | <i>Rosa</i> 'New Dawn' | New Dawn Rose | Cont. | 2-4' |
| PLA | <i>Lavandula x intermedia</i> 'Phenomenal' | English Lavander | Cont. | #1 |
| LA | <i>Ligustrum obtusifolium</i> | Privet | Cont. | #1 |
| PLB | <i>Paeonia lactiflora</i> 'Bowl of Beauty' | Bowl of Beauty Peony | Cont. | #1 |
| PLK | <i>Paeonia lactiflora</i> 'Karl Rosenfield' | Karl Rosenfield Peony | Cont. | #1 |
| PLS | <i>Paeonia lactiflora</i> 'Shirley Temple' | Shirley Temple Peony | Cont. | #1 |
| PPP | <i>Phlox paniculata</i> 'David' | Garden Phlox | Cont. | #1 |
| PSN | <i>Prunus Serotina</i> | Black Cherry | B&B | 3' Cal. |
| PSN | <i>Symphoricarpon novae-angliae</i> 'Purple Dome' | New England Aster | Cont. | #1 |

50' Setback Planting Schedule

| | | | | |
|----|--------------------------------|---------------------|-------|----|
| CP | <i>Comptonia peregrina</i> | Sweetfern | Cont. | #1 |
| KA | <i>Kalmia angustifolia</i> | Sheep Laurel | Cont. | #1 |
| VA | <i>Vaccinium angustifolium</i> | Lowbush Blueberry | Cont. | #1 |
| IV | <i>Itea virginica</i> | Virginia Sweetspire | Cont. | #1 |

MICHAEL VAN VALKENBURGH ASSOCIATES, INC.
231 CONCORD AVE.
CAMBRIDGE, MA 02138
T. 617.864.2076
F. 617.492.3128



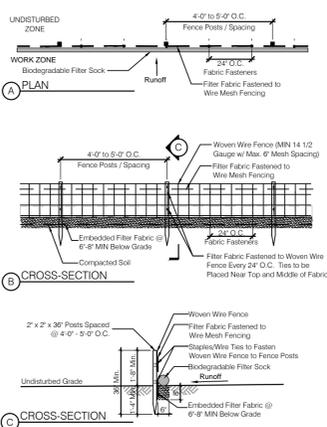
Pricing Set: NOT FOR CONSTRUCTION

| REVIEW: | | REVISIONS: | |
|-----------------------------------|----------|-----------------------|------------|
| CHECKED BY: JN | INITIALS | SET | DATE |
| PROJECT MANAGER: JN | | | |
| ARCHITECT: | | | |
| OWNER: Barbara and Amos Hostetter | | | |
| SCALE: 1" = 10' | | CURRENT ISSUE: | |
| 0 5 10 20 feet | | Pricing Set | DATE |
| | | Not for Construction: | 04.11.2016 |
| DRAWING TITLE: | | | |



1 Site Plan

Plan



CONSTRUCTION SPECIFICATIONS

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2 Silt Fence Detail
Scale: 1/2" = 1'-0"

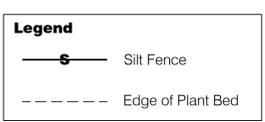
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| CA | <i>Clethra alnifolia</i> | Summersweet | Cont. | 4-6' |
| CPE | <i>Carex pennsylvanica</i> | Pennsylvania Sedge | Cont. | #1 |
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| GB | <i>Gaylussacia baccata</i> | Black Huckleberry | Cont. | 2-4' |
| HA | <i>Hydrangea arborescens</i> 'Ryan Gainey' | Smooth Hydrangea | Cont. | 3-5' |
| GHM | <i>Hydrangea macrophylla</i> | Lacecap Hydrangea | Cont. | #1 |
| HP | <i>Hydrangea paniculata</i> | Limelight PeeGee Hydrangea | Cont. | #1 |
| MP | <i>Morella pensylvanica</i> | Bayberry | Cont. | 4-6' |
| RCI | <i>Rosa</i> 'Climbing Iceberg' | Rose species | Cont. | 2-4' |
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| PLA | <i>Lavandula x intermedia</i> 'Phenomenal' | English Lavander | Cont. | #1 |
| LA | <i>Ligustrum obtusifolium</i> | Privet | Cont. | #1 |
| PLB | <i>Paeonia lactiflora</i> 'Bowl of Beauty' | Bowl of Beauty Peony | Cont. | #1 |
| PLK | <i>Paeonia lactiflora</i> 'Karl Rosenfield' | Karl Rosenfield Peony | Cont. | #1 |
| PLS | <i>Paeonia lactiflora</i> 'Shirley Temple' | Shirley Temple Peony | Cont. | #1 |
| PPP | <i>Phlox paniculata</i> 'David' | Garden Phlox | Cont. | #1 |
| PSN | <i>Prunus Serotina</i> | Black Cherry | B&B | 3' Cal. |
| PSN | <i>Symphoricarpon novae-angliae</i> 'Purple Dome' | New England Aster | Cont. | #1 |

50' Setback Planting Schedule

| | | | | |
|----|--------------------------------|---------------------|-------|----|
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| KA | <i>Kalmia angustifolia</i> | Sheep Laurel | Cont. | #1 |
| VA | <i>Vaccinium angustifolium</i> | Lowbush Blueberry | Cont. | #1 |
| IV | <i>Itea virginica</i> | Virginia Sweetspire | Cont. | #1 |

MICHAEL VAN VALKENBURGH ASSOCIATES, INC.
231 CONCORD AVE.
CAMBRIDGE, MA. 02138
T. 617.864.2076
F. 617.492.3128



Pricing Set: NOT FOR CONSTRUCTION

| REVIEW: | INITIALS | REVISIONS: | DATE |
|-----------------------------------|----------|------------|------|
| CHECKED BY: JN | | SET | |
| PROJECT MANAGER: JN | | | |
| ARCHITECT: | | | |
| OWNER: Barbara and Amos Hostetter | | | |

SCALE: 1" = 20'

CURRENT ISSUE: Pricing Set
Not for Construction: 04.11.2016

DRAWING TITLE:

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:

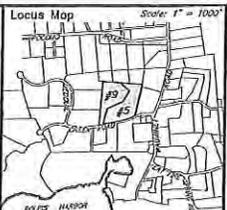
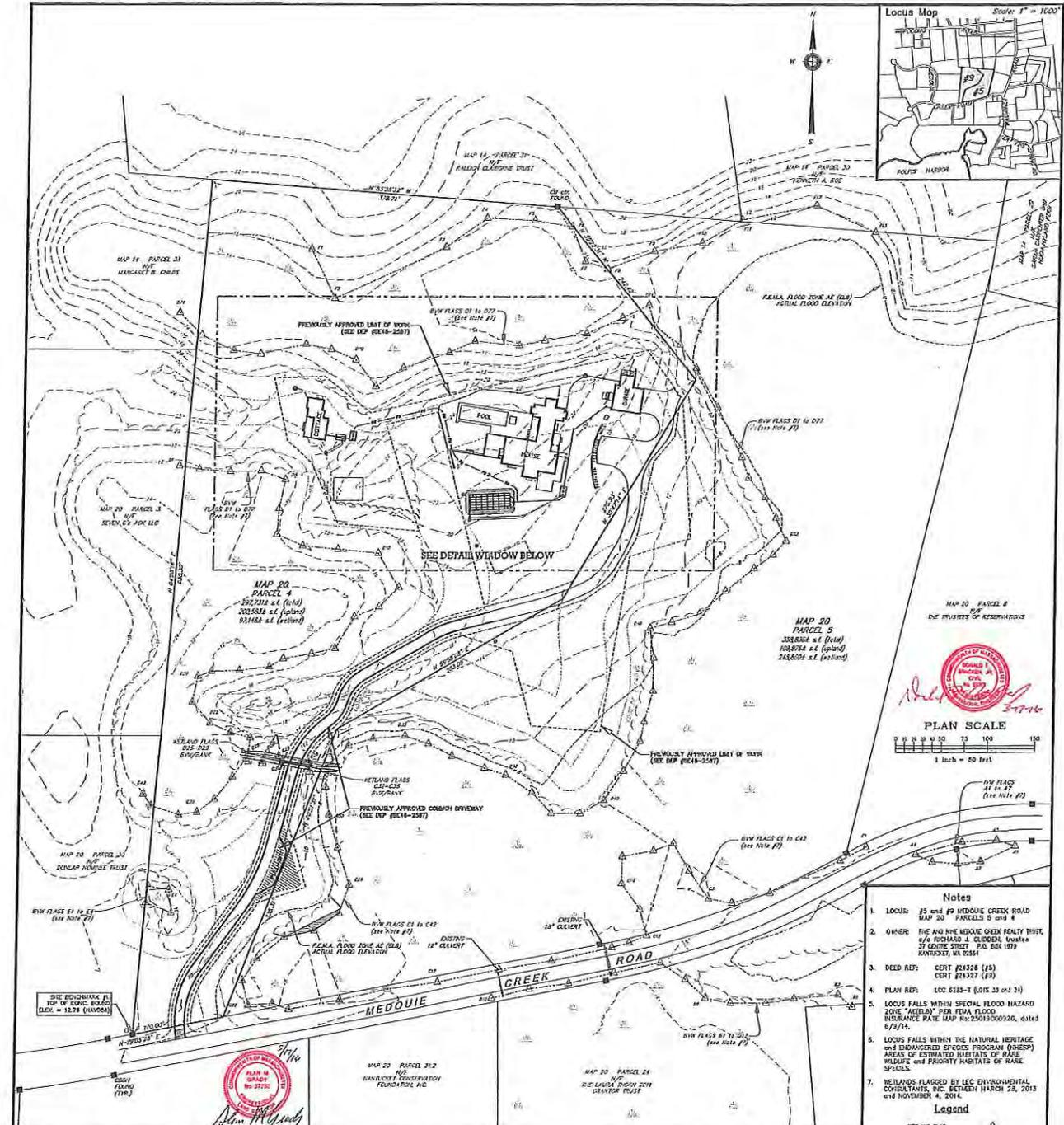
- Proposed garden area and associated grading;
- Proposed pool equipment and retaining wall;
- Revised septic system configuration.

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.

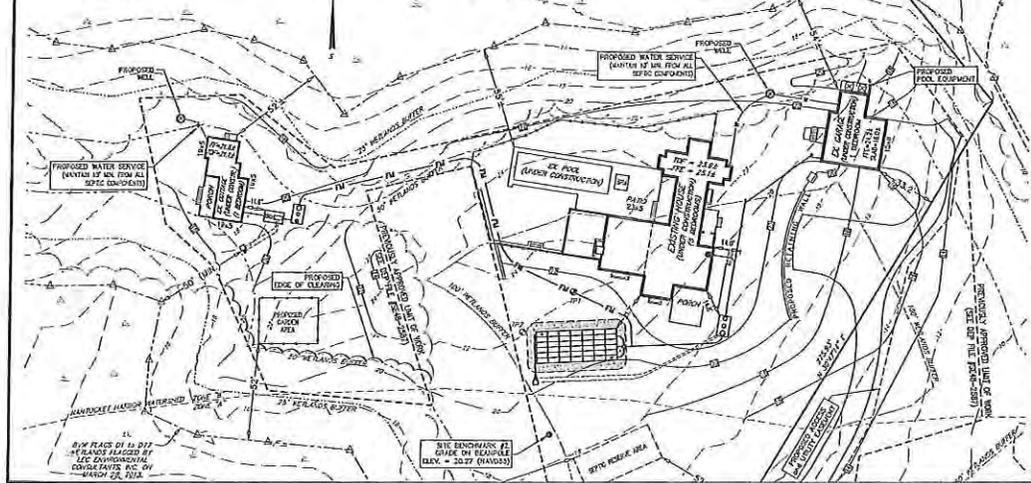
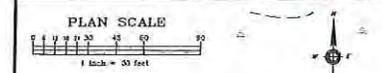
Donald F. Bracken, Jr., P.E.



- Notes**
1. LOCUS: #5 and #9 MEDOUIE CREEK ROAD MAP 20 PARCELS 5 and 6
 2. OWNER: FIVE AND NINE MEDOUIE CREEK REALTY TRUST, 276 RICHARD S. GARDNER, SUITE 27 COUSSE STREET, P.O. BOX 1079, NANTUCKET, MA 02554
 3. DEED REF: CERT #14228 (23), CERT #14227 (23)
 4. PLAN REF: LOC 6183-1 (8/15/23 and 3/4)
 5. LOCUS FALLS WITHIN SPECIAL FLOOD HAZARD ZONE "AE(1%) PER FEMA FLOOD INSURANCE RATE MAP #125001000220, 6/18/18 6/2/24.
 6. LOCUS FALLS WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
 7. 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 |



Prepared By:

BRACKEN ENGINEERING INC.

48 HERRING POND 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 | 3/20/24 | ADD GARAGE POOL EQUIPMENT & RETAINING WALL | RAW |
| 2 | 1/21/24 | REAR POOL FENCE 100'x50' | RAW |
| 3 | 1/21/24 | PROPOSED CONTOUR | RAW |

Date: NOVEMBER 14, 2024

Drawn: [Signature]

Checked: [Signature]

Sheet: [Signature]

1 of 1

Cumberland Farms, Inc

115 Orange St

(55-364)

SE48-2709



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

April 1, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Request for an Amended Order of Conditions (1st Amendment)
D.E.P. File No SE48-2709
Applicant: Cumberland Farms, Inc.
115 Orange Street, Map: 55 Parcel: 364

Dear Commissioners:

On behalf of the applicant, Nantucket Surveyors LLC is writing to request an Amendment to the Order of Conditions for the above-mentioned project. The project was issued an Order of Conditions for the razing of an existing building, construction of a new building, installation of a parking area and drainage improvements within Land Subject to Coastal Storm Flowage.

Within this request the applicant is seeking permission for the razing of an existing garage and construction of a new storage building with associated site improvements. The applicant also notes that the reduced building size and site improvements depicted on the attached plans reflect those approved by the Nantucket Planning Board pursuant to Special Permits #18-14 and #41-15. Applicant also requests the Order be amended to incorporate the approved plans.

The proposed amendments are shown on the attached plan entitled "Minor Site Plan #115 Orange Street, Nantucket MA", dated July 17, 2014 with revision date of September 14, 2015.

Thank you for your attention to this matter. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Paul J. Santos', is written over a light blue horizontal line.

Nantucket Surveyors LLC
Paul J. Santos, PLS
Agent for the Applicant

Enclosures

cc: DEP Southeast Regional Office
Cumberland Farms, Inc.
Sarah F. Alger, P.C.

Office located at 5 Windy Way • Nantucket, MA 02554

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

FINDINGS and ADDITIONAL CONDITIONS

Massachusetts Wetlands Protection Act (MGL Chapter 131, Section 40)
Town of Nantucket Wetlands Bylaw (Chapter 136)

Address: 115 Orange Street
Assessor's Map and Parcel: 55-364
Property Owner: Rose Nominee Trust
Applicant: Cumberland Farms, Inc.
DEP File Number: SE48-2709
Filing Date: July 18, 2014
Date Hearing Closed: October 1, 2014
Date Orders Issued: October 1, 2014
Plan of Record Information: Minor Site Plan, dated 7/17/2014, Final revision of 8/29/2014, stamped by Dale MacKinnon, P.E.

Permit Overview:

This order permits the razing of an existing building, construction of a new building, installation of a parking area and drainage improvements within Land Subject to Coastal Storm Flowage. Waivers are not required for this project.

Additional Findings:

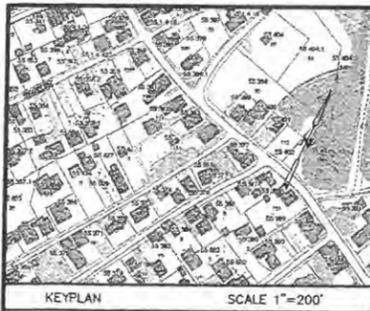
1. The area falls outside mapped habitat areas and does not require NHESP review.

In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

18. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for the project as proposed.



ASSESSOR'S REFERENCE: TAX MAP 55 PARCEL 364
 ZONING REFERENCE: RC (RESIDENTIAL COMMERCIAL)
 DEED REFERENCE: BOOK 584 PAGE 248
 PLAN REFERENCE: PL. BK. 15, PG. 17
 OWNER: GRACE J. ROSE, TRUSTEE ROSE NOMINEE TRUST

ZONING CLASSIFICATION: DISTRICT: RC (RESIDENTIAL COMMERCIAL)
 OVERLAY DISTRICTS: MID-ISLAND PLANNED OVERLAY DISTRICT, TOWN OVERLAY DISTRICT

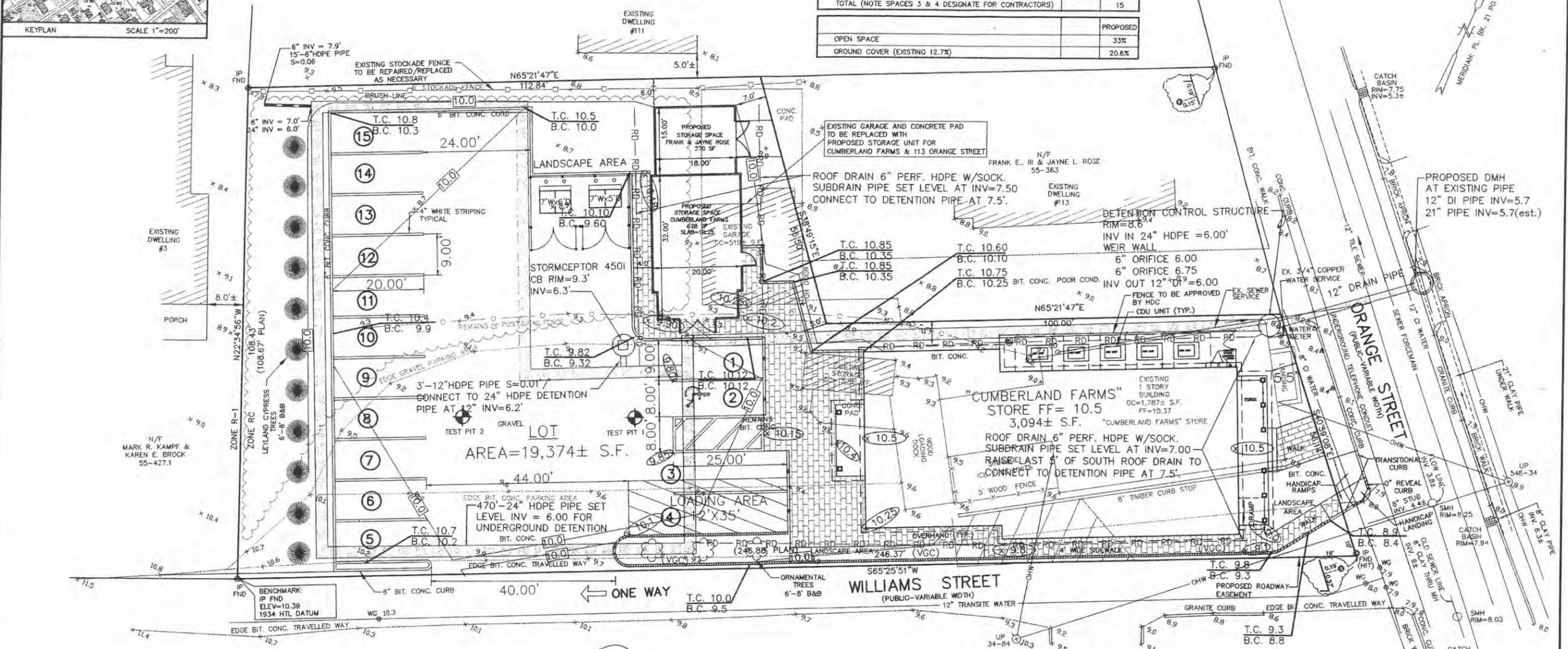
MINIMUM LOT SIZE = 5,000 S.F.
 MINIMUM FRONTAGE = 40'
 FRONT YARD SETBACK = NONE
 REAR & SIDE LINE SETBACK = 5'
 MAX. GROUND COVER RATIO = 50%

| #115 ORANGE STREET | | |
|----------------------------|--------------------------------|---------|
| RETAIL STORES AND SERVICES | NET SALES AREA 1,434 SF/200 SF | 7 |
| STORAGE SPACE | 628 SF/0 SF | 0 |
| EMPLOYEES | 3 EMPLOYEES X 1 SP/3 EMPLOYEES | 1 |
| | | TOTAL 8 |

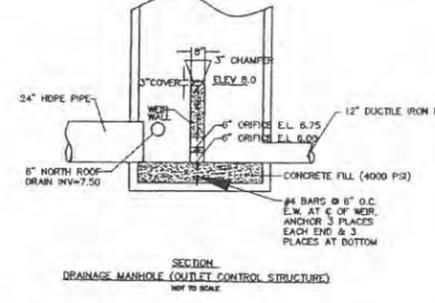
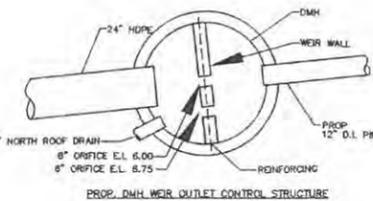
| PARKING SPACES REQUIRED/PROVIDED | REQUIRED | PROVIDED |
|---|----------|----------|
| STANDARD | 8 | 14 |
| ACCESSIBLE (1 PER 25) | 1 | 1 |
| TOTAL (NOTE SPACES 3 & 4 DESIGNATE FOR CONTRACTORS) | | 15 |

| | PROPOSED |
|-------------------------------|----------|
| OPEN SPACE | 33% |
| GROUND COVER (EXISTING 12.7%) | 20.6% |

BENCHMARK:
 "X" CUT BONNET BOLT
 FIRE HYDRANT INTERSECTION OF
 ORANGE AND UNION STREETS
 ELEV= 12.04 1934 HTL DATUM



MINOR SITE PLAN
 115 ORANGE STREET
 NANTUCKET, MA
SITE DEVELOPMENT PLAN:
 GRADING, UTILITIES, & DRAINAGE
 PREPARED FOR: CUMBERLAND FARMS, INC.
 SCALE: 1" = 10' DATE: JULY 17, 2014
 REV. 8/29/2014 DRAINAGE DESIGN
 REV. 12/30/2014 BUILDING SIZE
 REV. 9/14/2015 STORAGE UNIT/SITE REVISION
NANTUCKET SURVEYORS LLC
 5 WINDY WAY, NANTUCKET, MA 02554



TEST PIT LOGS
 NOT TO SCALE
 DATE: 6/17/14
 PERFORMED BY: PAUL J SANTOS, PLS, SE 2142

| TP #1 EL. = 9.3' | TP #2 EL. = 9.3' |
|---------------------------------------|---------------------------------------|
| Parking Area Processed Base 0' (9.3') | Parking Area Processed Base 0' (9.3') |
| M-C Sand+Gravel Fill 8" (8.6') | M-C Sand+Gravel Fill 3" (8.1') |
| Silt Loam 30" (6.0') | Silt Loam 24" (7.3') |
| Fine Sand 60" (4.3') | Fine-Med. Sand 48" (5.3') |
| Med-Course Sand 78" (+2.8') | |

EST. SEAS. HGW EL. = 7.3a'

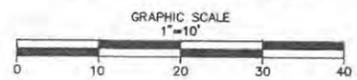
- LEGEND**
- TC TOP OF CURB
 - BC BOTTOM OF CURB
 - TB TOP OF CAPE COD BERM
 - BB BOTTOM OF CAPE COD BERM
 - TW TOP OF WALL
 - BW BOTTOM OF WALL
 - FLOW DIRECTION ARROW
 - PROPOSED SEWER MANHOLE
 - PROPOSED WATER SERVICE
 - PROPOSED FIRE SERVICE
 - PROPOSED SEWER LINE
 - PROPOSED ROOF DRAIN
 - PROPOSED SPOT GRADES
 - EXISTING SPOT GRADE
 - EXISTING CONTOUR
 - PROPOSED CONTOUR
 - ▨ VERTICAL GRANITE CURBING (VGC)



MINOR SITE PLAN
 NANTUCKET PLANNING BOARD

MARCUS SILVERSTEIN, ZONING ENFORCEMENT OFFICER
 LESLIE WOODSON SHELL, DEPUTY DIRECTOR OF PLANNING

DATE APPROVED _____
 DATE SIGNED _____
 FILE NO. _____



NOTE:
 THIS PLAN IS INTENDED FOR PERMITTING PURPOSES ONLY AND SHALL NOT BE USED FOR CONSTRUCTION PURPOSES UNTIL ISSUED FOR CONSTRUCTION BY NANTUCKET SURVEYORS, LLC.

