

Public Meeting

MINOR MODIFICATIONS

Cliff ACK Realty TR

96 Cliff Road

(41-15)

SE48-2066



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

April 1, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Minor Modification Request
D.E.P. File No SE48-2066
Applicant: Steven L. Cohen, Trustee Cliff ACK Realty Trust
96 Cliff Road
Map: 41 Parcel: 15

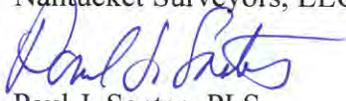
Dear Commission Member,

On behalf of the applicant, Nantucket Surveyors LLC is requesting a Minor Modification to incorporate a revised Landscape Plan to the file and remove the existing tree as indicated thereon. The project was issued an Order of Conditions for the construction of a residential dwelling, pervious driveway, construction of onsite sewage disposal facilities and associated grading within the buffer zone to an isolated vegetated wetland (local jurisdiction only), bordering vegetated wetland and vernal pool habitat on April 14, 2008 (Permit valid until April 14, 2017). The project was also issued a Minor Modification Request for the changing of the previously approved MicroFAST Treatment System to a Septitech Engineered System, Model Septitech Processor M400 on May 25, 2011, a Minor Modification Request for the existing landscaping on November 9, 2011, and an Amended Order of Conditions Request to construct a modified version of the previously approved residential dwelling and associated site improvements on July 9, 2014.

Work permitted is as indicated on the Findings and Additional Conditions attached hereto.

Thank you for your attention to this matter. If you have any questions, please contact our office.

Sincerely,
Nantucket Surveyors, LLC


Paul J. Santos, PLS
Agent for the Applicant

Enclosure: Two (2) copies of Landscape Plan dated March 18, 2016
One (1) filing fee to the Town of Nantucket \$25.00

CC: Steven L. Cohen, Trustee of Cliff ACK Realty Trust

Office located at 5 Windy Way • Nantucket, MA 02554

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



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions

SE48-2066

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

Provided by DEP

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.



1. Applicant:

Steven L. Cohen Trustee (Cliff ACK Realty Trust)

Name

7 Laurus Lane

Mailing Address

Newton

City/Town

MA

State

02459

Zip Code

2. Property Owner (if different):

Same As Applicant

Name

Mailing Address

City/Town

State

Zip Code

B. Authorization

The Order of Conditions (or Extension Permit) issued to the applicant or property owner listed above on:

04/14/2015

Date

Issued by:

Nantucket

Conservation Commission

for work at:

96 Cliff Rd

Street Address

41

Assessor's Map/Plat Number

15

Parcel/Lot Number

recorded at the Registry of Deeds for:

Nantucket

County

1459

Book

321

Page

Certificate (if registered land)

is hereby extended until:

04/14/2017

Date

Date the Order was last extended (if applicable)

This date can be no more than 3 years from the expiration date of the Order of Conditions or the latest extension. Only unexpired Orders of Conditions or Extension may be extended.

This Extension Permit must be signed by a majority of the Conservation Commission and a copy sent to the applicant and the appropriate DEP Regional Office (<http://www.mass.gov/dep/about/region/findyour.htm>)

Signatures:

03/18/2015

Date

[Handwritten signatures: Gordon, Saul Oktaf, Ernest Steunawa, Dawn W. Lydon]

[Handwritten signatures: Andrew Bennett, Nick G. Glau]



Bk: 1475 Pg: 196 Page: 1 of 2
Doc: EP_03/19/2015 11:50 AM



**Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands**

DEP File Number:

WPA Form 7 – Extension Permit for Orders of Conditions
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

SE48-2066
Provided by DEP

C. Recording Confirmation

The applicant shall record this document in accordance with General Condition 8 of the Order of Conditions (see below), complete the form attached to this Extension Permit, have it stamped by the Registry of Deeds, and return it to the Conservation Commission.

Note: General Condition 8 of the Order of Conditions requires the applicant, prior to commencement of work, to record the final Order (or in this case, the Extension Permit for the Order of Conditions) in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, it shall be noted in the Registry's Granter Index under the name of the owner of the land upon which the proposed work is to be done. In the case of registered land, it shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done.

Detach this page and submit it to the Conservation Commission prior to the expiration of the Order of Conditions subject to this Extension Permit.

To:

Conservation Commission

Please be advised that the Extension Permit to the Order of Conditions for the project at:

Project Location

DEP File Number

has been recorded at the Registry of Deeds of:

County

for:

Property Owner

and has been noted in the chain of title of the affected property in accordance with General Condition 8 of the original Order of Conditions on:

Date

Book

Page

If recorded land the instrument number which identifies this transaction is:

Instrument Number

If registered land, the document number which identifies this transaction is:

Document Number

Signature of Applicant

NANTUCKET COUNTY Received & Entered
Attest: Jennifer H. Ferris Registrar of Deeds

FINDINGS and ADDITIONAL CONDITIONS

Kristen Hanley

DEP FILE NUMBER SE48-2066

ASSESSOR'S MAP 41, PARCEL 15

96 Cliff Road

UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT
(MGL CHAPTER 131, SECTION 40)
AND THE WETLANDS BYLAW OF THE TOWN OF NANTUCKET
(CHAPTER 136)

This Order of Conditions permits the construction of a residential dwelling, pervious driveway, construction of onsite sewage disposal facilities and associated grading within the buffer zone to an isolated vegetated wetland (local jurisdiction only), bvw and vernal pool habitat. A waiver is required, and has been granted, for the construction of the onsite sewage disposal leaching facilities (including retaining walls) within 100' of the isolated vegetated wetland. **This Order is amended on 7/9/2014 to include a revised dwelling design and revised grading, landscaping and utilities. These changes are reflected on the Amended Plan of Record: Site plan to Accompany an Amended Order of Conditions, dated 6/20/2014 and stamped by Dale MacKinnon, P.E.**

FINDINGS

1. Applicant Name Kristen Hanley DEP File Number SE48-2066.
2. This Order of Conditions is being issued based upon strict accordance with the information submitted in the Notice of Intent dated 9/6/08 with attachments and the Plan of Record (Sheets 1 and 2) dated as revised on 4/4/08 stamped by Dale MacKinnon. Also considered was other pertinent supplemental information including but not limited to:
 - Nantucket Surveyors Plan titled Conventional Title V System dated as revised 4/4/08
 - Nantucket Surveyors Plan titled Watershed Plan: Proposed Conditions dated as received 4/4/08 with accompanying narrative and data entitled Drainage Calculations for a Proposed Single Family Residential Lot, 96 Cliff Road
 - Nantucket Surveyors Plan dated 4/2/04 titled Groundwater Map 96 Cliff Road with attached narrative dated 4/4/08
 - Letters from Nantucket Surveyors dated 11/16/07 and 4/4/08
 - DEP Bio-Microbics, Inc Renewal of Certification for General Use provided by applicant
 - Nantucket Surveyors Septic Alternatives Narrative dated as received 4/4/08
 - Copy of Article 52 from the Town of Nantucket 2006 Annual Warrant
 - Letter from Vaughan, Dale, Hunter, Stetina and Beaudette dated 4/4/08
 - Letter from Philbrick and Avery LLP dated 11/28/07

- Letter from Nantucket Land Council, Inc. dated 4/7/08 with attachment
- 3. Areas subject to protection/regulation are isolated vegetated wetland (local jurisdiction only), vernal pool habitat, vegetated wetland and their buffer zones.
- 4. This Order is in accordance with a vote by the Nantucket Conservation Commission to close the public hearing on 4/9/2008 and a vote to issue Orders taken by the Commission on 4/9/2008.
- 5. This Order permits the construction of a residential dwelling, pervious driveway, construction of onsite sewage disposal facilities and associated grading within the buffer zone to an isolated vegetated wetland (local jurisdiction only), bvw and vernal pool habitat..
- 6. A waiver is necessary, and has been granted, for construction of septic leaching facilities within 100' of the isolated vegetated wetland and construction of the associated retaining wall within 50' of the isolated vegetated wetland.
- 7. The isolated vegetated wetland is less than 5000 sq. ft. and as such is not jurisdictional as isolated land subject to flooding under MGLCh131s40 and 310CMR10.00.
- 8. The vernal pool habitat shown on the Plan of Record has been documented by the applicant but has not been certified by the Massachusetts Natural Heritage and Endangered Species Program as of 4/9/08.
- 9. The applicant has provided evidence from a credible source that dominant groundwater flow across the site is from the north toward the south. Therefore groundwater flows toward the bvw and vernal pool habitat and away from the isolated vegetated wetland.
- 10. The Commission finds that the applicant has provided evidence from a credible source that there are no reasonable alternatives for the placement of the onsite septic leaching facilities to the location as shown on the Plan of Record with respect to the 100' setback from the isolated vegetated wetland.
- 11. The Commission finds that the applicant has met the burden of proof necessary with respect to the proposed onsite sewage disposal design incorporating a 50% reduction in leaching field area for compliance with Title 5.
- 12. The Commission finds that the leaching facilities component of the project as permitted, with waivers, will not adversely impact public and private water supply, groundwater, flood control, erosion control, storm damage prevention, water pollution, fisheries, shellfish, wildlife, scenic views and recreation. Specifically The septic leaching facilities are not located within 100 feet of or within the recharge to private or public drinking water supplies; are located downgradient of the groundwater recharge zone for the isolated vegetated wetland and so will not result in groundwater flow to the isolated vegetated wetland that could impact water quality, water pollution, fisheries, shellfish, wildlife and/or recreation; will not adversely impact fisheries, shellfish or wildlife in the isolated vegetated wetland as none have been documented to be present; will not adversely impact flood control, erosion control or storm damage prevention as ground and surface water flow from the septic leaching facilities does not fall within the recharge zone to the isolated vegetated wetland; and the septic leaching facilities will not adversely impact wetland scenic

views of the isolated vegetated wetland as these facilities are on private land and separated from the isolated vegetated wetland by a public street and public bike path. Therefore, the project as permitted meets the Nantucket Wetlands Protection Bylaw and Regulations waiver provisions.

In addition to the above referenced GENERAL CONDITIONS the Commission has found it necessary to include the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136. The above listed General Conditions and Findings are automatically part of this Order of Conditions.

ADDITIONAL CONDITIONS

18. Prior to the start of work the applicant shall submit the vernal pool assessment report and data to the Massachusetts Natural Heritage and Endangered Species Program for certification of the documented and mapped vernal pool habitat.
19. No changes or repairs to the onsite sewerage disposal system leaching facilities shall be allowed without the filing of an Amended Order of Conditions request or a new Notice of Intent.
20. Should the site be allowed to connect to a municipal sewer system, the applicant shall file a minor modification request.
21. No equipment, materials or debris shall be stored within 50 feet of the vegetated wetland or within 75 feet of the vernal pool habitat.
22. All proposed and/or repaired lawn areas shall be underlain with a minimum of 6" of organic topsoil.
23. Prior to the start of work the applicant shall submit a detailed planting plan to the Commission office for review and approval.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS:

The Commission hereby grants a waiver to Section 3.02 (B)(1 & 4) of the Wetlands Protection Regulations of the Town of Nantucket, under the Wetlands Bylaw (Chapter 136), which states that all structures which are not water dependent shall maintain at least a 50 foot buffer to a vegetated wetland and all leaching facilities shall be at least 100' from a vegetated wetland. The Commission finds that there are no reasonable alternatives to the work (leaching facilities and retaining wall), that the work as permitted will not adversely impact the interests identified in the Bylaw (leaching facilities, retaining wall) and that the work (retaining wall) is separated from the vegetated wetland by a town street. Therefore a waiver is granted under the authority of Sections 1.03(F)(2) and 1.03(F)(3)(a and c) of the Wetlands Protection Regulations for the Town of Nantucket.

96 Cliff Road
Applicant: Steven L. Cohen, Trustee Cliff ACK Realty Trust



View of 96 Cliff Road from Cliff Road



View of Proposed Dwelling Location



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

April 15, 2016

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Minor Modification Request
D.E.P. File No SE48-2066
Applicant: Steven L. Cohen, Trustee Cliff ACK Realty Trust
96 Cliff Road
Map: 41 Parcel: 15

Dear Commission Member,

On behalf of the applicant, Nantucket Surveyors LLC is submitting the attached revised Landscape Plan to supplement the Minor Modification Request filed on April 1, 2016.

Thank you for your attention to this matter. If you have any questions, please contact our office.

Sincerely,
Nantucket Surveyors, LLC

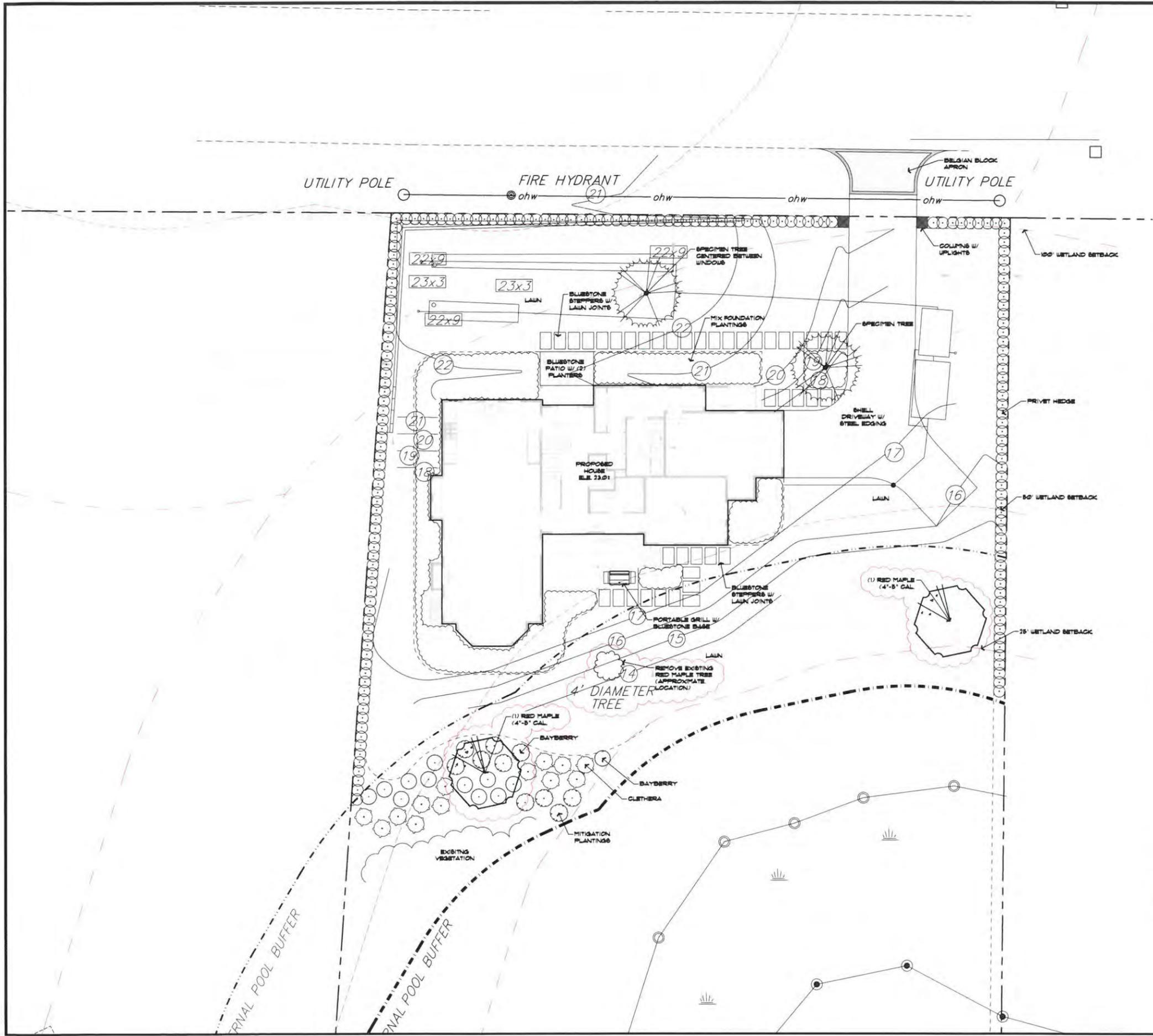

Paul J. Santos, PLS
Agent for the Applicant

Enclosure: Two (2) copies of Landscape Plan dated March 18, 2016 Revised April 10, 2016

CC: Steven L. Cohen, Trustee of Cliff ACK Realty Trust

Office located at 5 Windy Way • Nantucket, MA 02554

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



THIS CONCEPTUAL DRAWING AS DEPICTED IS PRELIMINARY IN NATURE AND INTENDED TO ILLUSTRATE DESIGN INTENT BASED ON DATA MADE AVAILABLE. MODIFICATIONS TO THIS CONCEPTUAL DRAWING MAY BE REFLECTED IN THE FINAL DEVELOPMENT PLAN BASED ON ADDITIONAL DATA COLLECTED OR CHANGES TO EXISTING DATA RELATED TO SITE BOUNDARY, TOPOGRAPHY, WETLAND DELINEATION, LOCAL AND STATE GOVERNMENT REGULATORY REVIEW, AND PERMITTING REQUIREMENTS.

PRIOR TO CONSTRUCTION THE OWNER AND/OR CONTRACTOR ARE RESPONSIBLE FOR CONFIRMING ALL PROJECT REQUIREMENTS AS (DEPICTED IN THESE DRAWINGS) AS TO CONFORMITY WITH ALL STATE AND LOCAL BUILDING CODES AND REGULATIONS, (ZONING, CONSERVATION, HEALTH, ETC.). ALL CRITICAL SITE REQUIREMENTS, GRADING MATERIAL QUALITY, QUANTITY AND SIZES, CRITICAL TOLERANCES, ALL DIMENSIONS, PROPER SIZING AND DETAILING OF ALL STRUCTURAL ELEMENTS SHALL BE REVIEWED AND CONFIRMED AS SATISFACTORY BY A REGISTERED ENGINEER IN THE STATE OF MASSACHUSETTS.

PREPARED BY:
RIDGEVALE
 DEVELOPMENT
 32 Deep Wood Drive
 Sandwich, Massachusetts 02644

PREPARED FOR:
Cliff ACK Realty Trust
 96 Cliff Road
 Nantucket, MA . 02554

PROJECT ADDRESS:
 96 CLIFF ROAD
 NANTUCKET, MA.

TITLE:
 LANDSCAPE PLAN

REVISIONS
 1. ADD RED MAPLE TREES - 4.10.2016

DESIGNED BY: RJC
 DRAFTED BY: RJC
 CHECKED BY: JS
 MAP: 41
 PARCEL: 15
 DATE: 18 MAR. 2016
 PROJ. NO.: 1280



EXISTING RED MAPLE TO BE REMOVED



REPLACE W/ 4"-5" CAL. RED MAPLE



REPLACE W/ 4"-5" CAL. RED MAPLE

0' 4' 8' 16'
 ONE INCH EQUALS EIGHT FEET
 SCALE IN FEET



**NEW
INFORMATION
FOR CURRENT
HEARING**

CERTIFICATES OF COMPLIANCE

Twenty-Two Easton NT

22 Easton Street

(42.1.4-12, 12.1)

SE48-1646

SARAH F. ALGER, P.C.

ATTORNEYS AT LAW

TWO SOUTH WATER STREET • NANTUCKET, MASSACHUSETTS • 02554

TELEPHONE: 508-228-1118 FACSIMILE: 508-228-8004

SARAH F. ALGER
sfa@sfapc.com

CHRISTINE A. JENNESS
caj@sfapc.com

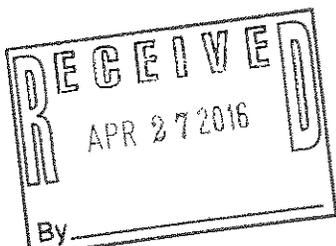
FIVE PARKER ROAD • POST OFFICE BOX 449
OSTERVILLE • MASSACHUSETTS • 02655
TELEPHONE: 508-428-8594 FACSIMILE: 508-420-3162

JOHN R. ALGER
1931-2007

April 26, 2016

Jeff Carlson, Natural Resources
Coordinator
Town of Nantucket
Natural Resources Department
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Polly B. Sanford and
Jeannette S. Fowlkes,
Trustees of Twenty-Two
Easton Street Nominee Trust
22 Easton Street
Nantucket, Massachusetts



Dear Jeff:

I am enclosing in the above matter a Request for a Certificate of Compliance for the Order of Conditions dated October 3, 2003, registered with Nantucket Registry District as Document No. 106051, as the work was never performed.

If everything is in order, please issue a Certificate of Compliance to be recorded at the Nantucket Registry District.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script that reads 'Sarah F. Alger/hjv'.

SFA/hv

Enclosures



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
 SE48-1646
 Provided by DEP

A. Project Information

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Sarah F. Alger, Attorney
 Name
Two South Water Street
 Mailing Address
Nantucket MA 02554
 City/Town State Zip Code
(508) 228-1118
 Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Polly B. Sanford and Jeannette S. Fowlkes, as Trustees of the Twenty-Two Easton Street
 Applicant Nominee Trust
October 3, 2003 SE48-1646
 Dated DEP File Number

3. The project site is located at:

22 Easton Street Nantucket
 Street Address City/Town
Map 42.1.4 Parcels 12 and 12.1
 Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Nantucket County Document 106051
 Property Owner (if different) County ~~XXXX~~ ~~XXXX~~
Certificate of Title No. 19357
 Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

Walsh

46 Shimmo Pond Rd

(43-77)

SE48-939/2707



April 25, 2016

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

RE: 46 Shimmo Pond Road
Map 43 Parcel 77
SE48-939 & 2707

Dear Jeff:

I am writing to request Certificates of Compliance for the referenced projects. The work was completed in substantial compliance with the issued Order of Conditions. Attached are a Site Plan, photographs and front-page copy of the Orders recorded at the Nantucket Registry of Deeds.

Please feel free to contact me should you have any questions or concerns with this request.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS, LEED AP

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

CC: Sarah F. Alger



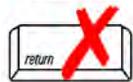
WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

Important:

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



Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Arthur D. Gasbarro, PE, PLS - Nantucket Engineering & Survey, P.C.
Name
20 Mary Ann Drive
Mailing Address
Nantucket MA 02554
City/Town State Zip Code
508-825-5053
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Patricia S. Walsh
Applicant
8/8/95 SE48-939
Dated DEP File Number

3. The project site is located at:

46 Shimmo Pond Road Nantucket
Street Address City/Town
43 77
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
Nantucket
County Book Page
14,133
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

DEQE File No. SE48- 939
(To be provided by DEQE)



Commonwealth of Massachusetts



City/Town Nantucket
Applicant Walsh

Order of Conditions

issued under the
Massachusetts Wetlands Protection Act (G. L. c.131, Sec. 40)
and the
Nantucket Wetlands Bylaw (Chapter 136)

FROM THE NANTUCKET CONSERVATION COMMISSION

To: Patricia S. Walsh Same
(Name of Applicant) (Name of property owner)

c/o Arthur I. Reade, Attorney
Address P.O. Box 2669, Nantucket, MA 02584 Address

This Order is issued as follows:

by hand delivery to applicant or representative on (date)

by certified mail, return receipt requested on 8/8/95 (date)

This project is located at 46 Shimmo Pond Road 43 76 & 77
(Address) (Assessor's Map #) (Parcel #)

The property is recorded at the Registry of Nantucket

Book Page
Certificate (if registered) 14133, Land Court Plan: Lot 69; LC Plan 11461-H
Lot 36; LC Plan 11461-E

The Notice of Intent for this project was filed on 6/22/95 (date)

The public hearing was closed on 7/20/95 (date)

Findings

The Nantucket Conservation Commission has reviewed the above-referenced Notice of Intent and plans and has held a public hearing on the project. Based on the information available to the Commission at this time, the Commission has determined that the area on which the proposed work is to be done is significant to the following interests in accordance with the Presumptions of Significance set forth in the regulations for each Area Subject to Protection Under the Act and/or the Bylaw (checked as appropriate):

- Public water supply
- Private water supply
- Ground Water supply
- Erosion control (Bylaw)
- Wetland scenic views (Bylaw)
- Flood Control
- Storm damage protection
- Prevention of pollution
- Recreation (Bylaw)
- Land containing shellfish
- Fisheries
- Protection of wildlife habitat (Act)
- Wildlife (Bylaw)

Total Filing Fee Submitted \$110.00 State Share \$67.50
City/Town Share \$42.50 (1/2 fee in excess of \$25)
Total Refund Due \$ City/Town Portion \$ State Portion \$
(1/2 total) (1/2 total)



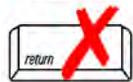
WPA Form 8A – Request for Certificate of Compliance

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

A. Project Information

Important:

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Upon completion of the work authorized in an Order of Conditions, the property owner must request a Certificate of Compliance from the issuing authority stating that the work or portion of the work has been satisfactorily completed.

1. This request is being made by:

Arthur D. Gasbarro, PE, PLS - Nantucket Engineering & Survey, P.C.
Name
20 Mary Ann Drive
Mailing Address
Nantucket MA 02554
City/Town State Zip Code
508-825-5053
Phone Number

2. This request is in reference to work regulated by a final Order of Conditions issued to:

Patricia S. Walsh
Applicant
10/1/2014 SE48-2707
Dated DEP File Number

3. The project site is located at:

46 Shimmo Pond Road Nantucket
Street Address City/Town
43 77
Assessors Map/Plat Number Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for:

Property Owner (if different)
Nantucket
County Book Page
14,133
Certificate (if registered land)

5. This request is for certification that (check one):

- the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.
 the following portions of the work regulated by the above-referenced Order of Conditions have been satisfactorily completed (use additional paper if necessary).

- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.



Massachusetts Department of Environmental Protection

Bureau of Resource Protection - Wetlands

WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:

SE48-2707

Provided by DEP

A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).



2014 00146154

Cert: 14133 Doc: OOC
Registered: 10/31/2014 09:54 AM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48- 2707
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:
Patricia S. Walsh
a. First Name b. Last Name
- c. Organization
4102 Angus Way
d. Mailing Address
- Lafayette Hill PA 19444
e. City/Town f. State g. Zip Code
4. Property Owner (if different from applicant):
- a. First Name b. Last Name
- c. Organization
- d. Mailing Address
- e. City/Town f. State g. Zip Code
5. Project Location:
46 Shimmo Pond Rd Nantucket
a. Street Address b. City/Town
- 43 77
c. Assessors Map/Plat Number d. Parcel/Lot Number
- Latitude and Longitude, if known: 41°16'49"N 70°03'20"W
d. Latitude e. Longitude

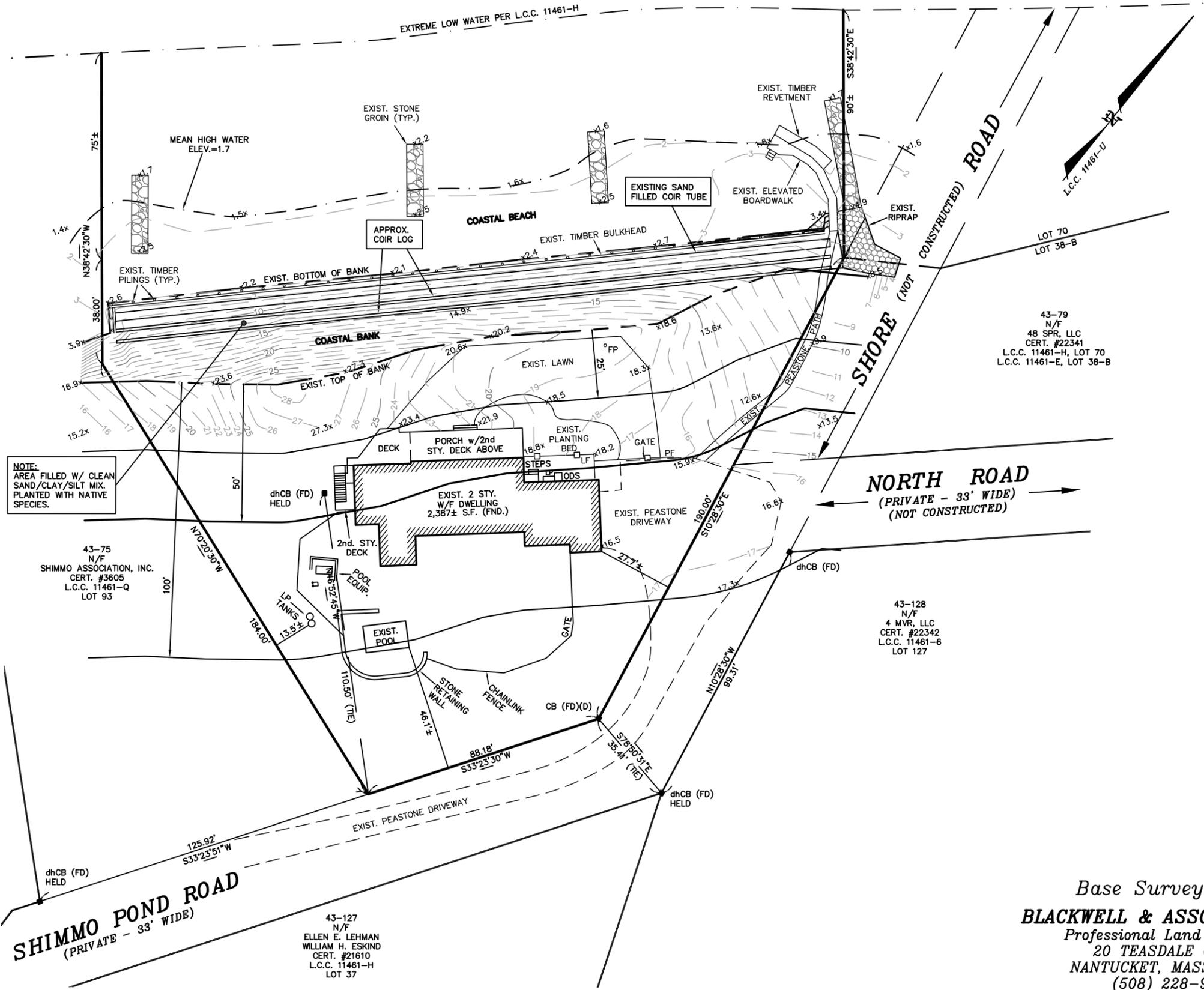
April 21, 2016



NANTUCKET HARBOR

CURRENT ZONING CLASSIFICATION:
Limited Use General 1 (L.U.G.-1)

	EXISTING
MINIMUM LOT SIZE:	40,000 S.F. 34,874 S.F.±
MINIMUM FRONTAGE:	100 FT. SEE PLAN
FRONT YARD SETBACK:	35 FT. SEE PLAN
REAR/SIDE SETBACK:	10 FT. SEE PLAN
GROUND COVER %:	7% 6.8% ±



THIS PLOT PLAN WAS PREPARED FOR THE TOWN OF NANTUCKET BUILDING DEPARTMENT AND NANTUCKET CONSERVATION COMMISSION ONLY AND SHOULD NOT BE CONSIDERED A PROPERTY LINE SURVEY. THIS PLAN SHOULD NOT BE USED TO ESTABLISH PROPERTY LINES, FENCES, HEDGES OR ANY ANCILLARY STRUCTURES ON THE PREMISES. THE PROPERTY LINES SHOWN RELY ON CURRENT DEEDS AND PLANS OF RECORD. THIS PLOT PLAN IS NOT A CERTIFICATION AS TO TITLE OR OWNERSHIP OF THE PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE SHOWN ACCORDING TO CURRENT ASSESSOR RECORDS.

OWNER INFORMATION

PATRICIA S. WALSH
CERT. OF TITLE #14133
L.C.C. 11461-E, LOT 36
L.C.C. 11461-H, LOT 69
ASSESSOR'S MAP 43, PARCEL 77
#46 SHIMMO POND ROAD

Plan of Land
In Nantucket, MA
Prepared for
The Estate Of
PATRICIA S. WALSH
46 SHIMMO POND ROAD
ASSESSOR'S MAP 43, PARCEL 77
Scale: 1" = 40' April 28, 2016

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

NANTUCKET
ENGINEERING
& SURVEY, PC
20 Mary Ann Drive Nantucket, MA 02554
NantucketEngineer.com 508-825-5053

Kafer

143 Wauwinet Road

(11-8)

SE48-2858

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

20 TEASDALE CIRCLE
NANTUCKET, MASSACHUSETTS 02554
(508) 228-9026
FAX: (508) 228-5292
www.blackwellsurvey.com

B3859

April 28, 2016

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

Re: SE48-2858, Kafer. Map 11, Parcel 8. #143 Wauwinet Road.

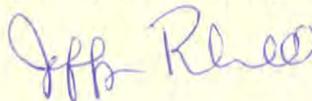
Dear Jeff:

I am writing to request a Partial Certificate of Compliance for the referenced Order of Conditions.

To date, the new system has been installed and inspected by the Nantucket Health Department. The work that remains is planting of beach grass throughout disturbed. A landscaper has been hired to secure a supply of plants for installation in May or June at the Latest. The property is to be sold May 9 and the buyers request issuance of a Partial Certificate of Compliance.

Regards,

Blackwell & Associates, Inc.
By Jeffrey L. Blackwell, P.L.S.



JLB/dmm



A. Project Information (cont.)

6. Did the Order of Conditions for this project, or the portion of the project subject to this request, contain an approval of any plans stamped by a registered professional engineer, architect, landscape architect, or land surveyor?

Yes

If yes, attach a written statement by such a professional certifying substantial compliance with the plans and describing what deviation, if any, exists from the plans approved in the Order.

No

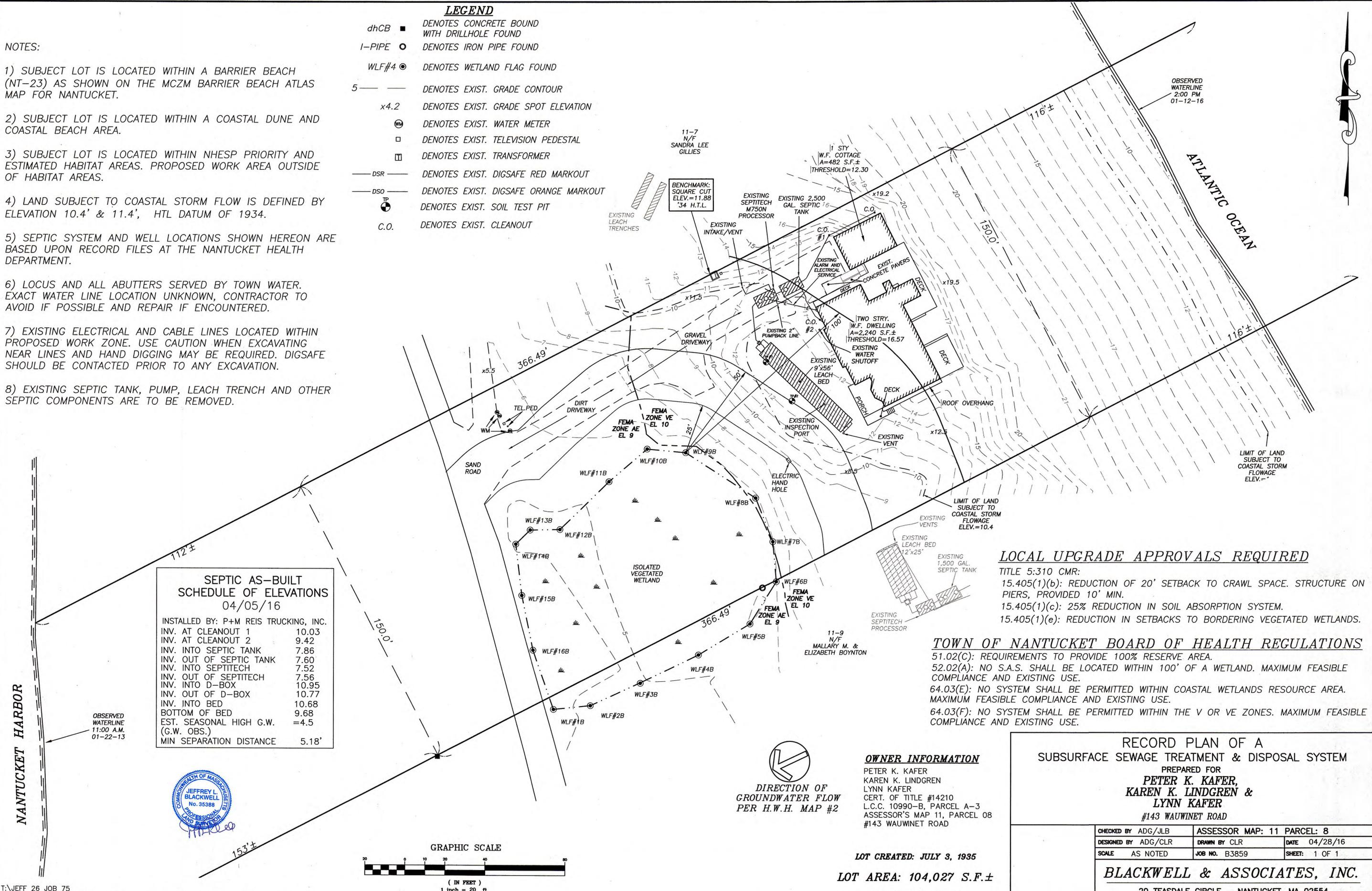
B. Submittal Requirements

Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or was the subject of an Adjudicatory Hearing Final Decision, submit this request to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/find-the-massdep-regional-office-for-your-city-or-town.html>).

NOTES:

- 1) SUBJECT LOT IS LOCATED WITHIN A BARRIER BEACH (NT-23) AS SHOWN ON THE MCZM BARRIER BEACH ATLAS MAP FOR NANTUCKET.
- 2) SUBJECT LOT IS LOCATED WITHIN A COASTAL DUNE AND COASTAL BEACH AREA.
- 3) SUBJECT LOT IS LOCATED WITHIN NHESP PRIORITY AND ESTIMATED HABITAT AREAS. PROPOSED WORK AREA OUTSIDE OF HABITAT AREAS.
- 4) LAND SUBJECT TO COASTAL STORM FLOW IS DEFINED BY ELEVATION 10.4' & 11.4', HTL DATUM OF 1934.
- 5) SEPTIC SYSTEM AND WELL LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.
- 6) LOCUS AND ALL ABUTTERS SERVED BY TOWN WATER. EXACT WATER LINE LOCATION UNKNOWN, CONTRACTOR TO AVOID IF POSSIBLE AND REPAIR IF ENCOUNTERED.
- 7) EXISTING ELECTRICAL AND CABLE LINES LOCATED WITHIN PROPOSED WORK ZONE. USE CAUTION WHEN EXCAVATING NEAR LINES AND HAND DIGGING MAY BE REQUIRED. DIGSAFE SHOULD BE CONTACTED PRIOR TO ANY EXCAVATION.
- 8) EXISTING SEPTIC TANK, PUMP, LEACH TRENCH AND OTHER SEPTIC COMPONENTS ARE TO BE REMOVED.

- LEGEND**
- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - I-PIPE ○ DENOTES IRON PIPE FOUND
 - WLF#4 ● DENOTES WETLAND FLAG FOUND
 - 5 ——— DENOTES EXIST. GRADE CONTOUR
 - x4.2 DENOTES EXIST. GRADE SPOT ELEVATION
 - ⊙ DENOTES EXIST. WATER METER
 - DENOTES EXIST. TELEVISION PEDESTAL
 - ⊞ DENOTES EXIST. TRANSFORMER
 - DSR ——— DENOTES EXIST. DIGSAFE RED MARKOUT
 - DSO ——— DENOTES EXIST. DIGSAFE ORANGE MARKOUT
 - ⊕ DENOTES EXIST. SOIL TEST PIT
 - C.O. DENOTES EXIST. CLEANOUT



SEPTIC AS-BUILT SCHEDULE OF ELEVATIONS
04/05/16

INSTALLED BY: P+M REIS TRUCKING, INC.

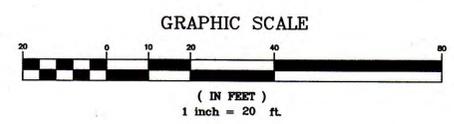
INV. AT CLEANOUT 1	10.03
INV. AT CLEANOUT 2	9.42
INV. INTO SEPTIC TANK	7.86
INV. OUT OF SEPTIC TANK	7.60
INV. INTO SEPTITECH	7.52
INV. OUT OF SEPTITECH	7.56
INV. INTO D-BOX	10.95
INV. OUT OF D-BOX	10.77
INV. INTO BED	10.68
BOTTOM OF BED	9.68
EST. SEASONAL HIGH G.W. (G.W. OBS.)	=4.5
MIN SEPARATION DISTANCE	5.18'

LOCAL UPGRADE APPROVALS REQUIRED

TITLE 5:310 CMR:
 15.405(1)(b): REDUCTION OF 20' SETBACK TO CRAWL SPACE. STRUCTURE ON PIERS, PROVIDED 10' MIN.
 15.405(1)(c): 25% REDUCTION IN SOIL ABSORPTION SYSTEM.
 15.405(1)(e): REDUCTION IN SETBACKS TO BORDERING VEGETATED WETLANDS.

TOWN OF NANTUCKET BOARD OF HEALTH REGULATIONS

51.02(C): REQUIREMENTS TO PROVIDE 100% RESERVE AREA.
 52.02(A): NO S.A.S. SHALL BE LOCATED WITHIN 100' OF A WETLAND. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 64.03(E): NO SYSTEM SHALL BE PERMITTED WITHIN COASTAL WETLANDS RESOURCE AREA. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.
 64.03(F): NO SYSTEM SHALL BE PERMITTED WITHIN THE V OR VE ZONES. MAXIMUM FEASIBLE COMPLIANCE AND EXISTING USE.



OWNER INFORMATION

PETER K. KAFER
 KAREN K. LINDGREN
 LYNN KAFER
 CERT. OF TITLE #14210
 L.C.C. 10990-B, PARCEL A-3
 ASSESSOR'S MAP 11, PARCEL 08
 #143 WAUWINET ROAD

RECORD PLAN OF A SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM
 PREPARED FOR
PETER K. KAFER, KAREN K. LINDGREN & LYNN KAFER
 #143 WAUWINET ROAD

CHECKED BY ADG/JLB	ASSESSOR MAP: 11	PARCEL: 8
DESIGNED BY ADG/CLR	DRAWN BY CLR	DATE 04/28/16
SCALE AS NOTED	JOB NO. B3859	SHEET: 1 OF 1

BLACKWELL & ASSOCIATES, INC.
 20 TEASDALE CIRCLE - NANTUCKET, MA 02554
 (508)228-9026 FAX (508)228-5292 B3859

Monitoring Reports

34 Shawkemo, LLC
34 Shawkemo Road
(27-3)
SE48-2540

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 34 Shawkemo Road
Assessor's Map and Parcel: 27-3 (portion)
Property Owner: 34 Shawkemo, LLC
Applicant: 34 Shawkemo, LLC
DEP File Number: SE48-2540
Filing Date: January 30, 2013
Date Hearing Closed: March 20, 2013
Date Orders Issued: April 3, 2013
Plan of Record Information: Environmental Submission Plan, Dated 1/28/2013, with a final revision date of 3/15/2013 stamped by Alan M. Grady, P.L.S.

Permit Overview:

This order permits the construction of an elevated walkway through a bordering vegetated wetland, salt marsh, land subject to coastal storm flowage, coastal beach and their associated buffer zones. No waivers are required for the project as proposed.

Additional Findings:

1. The area falls inside mapped habitat areas and required NHESP review.
- 2.

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, and protocols.
19. The elevated walkway shall maintain at least a 36" minimum height off of the soil surface of the resource areas.
20. All construction shall be done by hand and no construction materials shall be stored within the fifty foot setback.
21. The applicant shall provide the Commission with a monitoring report for the walkway area including under the walkway and two feet on either side of the walkway, with photographs that clearly demonstrates the condition and composition of the vegetation in this area. This report shall be provided to the Commission prior to construction and at the beginning and end of each growing season. This report will also show the seasonal mean high water location.
22. No motorized vessels or watercraft shall be tied to the walkway or pulled onto the marsh adjacent to the walkway.
23. No boats or boating materials shall be stored on the marsh or on the walkway.
24. No cleats or other tie off points shall be installed on the walkway.
25. No water or electric utilities shall be installed on the walkway.
26. No lighting is permitted on the walkway.
27. This site shall be monitored and reports filed annually until a Certificate of Compliance is issued.

28. The walkway shall be inspected on a bi-weekly basis and any loose vegetation shall be removed from around the posts.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

No waivers are required for this project



July 12, 2013

Email

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

**Re: Baseline Monitoring Report
DEP File #SE 048-2540
34 Shawkemo Road
Nantucket, Massachusetts**

[LEC File #VDH\13-001.01]

Dear Mr. Carlson:

On behalf of the Applicant, 34 Shawkemo, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this *Baseline Monitoring Report* in accordance with Special Condition #21 of the Order of Conditions (DEP File #SE048-2540) issued by the Nantucket Conservation Commission on April 3, 2013, permitting *the construction of an elevated walkway through a bordering vegetated wetland, salt marsh, land subject to coastal storm flowage, coastal beach and their associated buffer zones.*

Prior to the start of work, LEC conducted a site visit on July 9, 2013, to document the condition and composition of salt marsh vegetation under the proposed walkway and two feet on either side. . Two transects were established 10 feet north and south (respectively) of the existing salt marsh creek’s centerline. The salt marsh creek (drainage channel) represents a rough mid-point of the proposed walkway’s extension over the salt marsh as depicted on the plan of record; *Environmental Submission Plan*, prepared by Bracken Engineering, Inc., last revised on March 15, 2013. The proposed walkway’s centerline had been previously staked out in the field.

Three 1 m² quadrats were established within each transect; one representing the 3± foot wide area underneath the proposed walkway and one on either side (west and east), encapsulating the required evaluation area. In each quadrat, live vascular plants were identified to the species level and cover of each species was estimated visually. Percent cover values were assigned and have been transferred to the Braun-Blanquet cover-abundance scale (+ = ≤5, few individuals; 1 = ≤5, numerous individuals; 2 = 5-25%; 3 = 25-50%; 4 = 50-75%; and 5 = 75-100% [cover range]). Additional features (e.g., bare mud/sand, water levels, wrack/litter, standing dead vascular plants, etc.) were also documented. The site visit took place 2-3 hours before high tide and while no standing water was observed, all quadrats were generally saturated to the surface. The baseline results of represented below:

Transect South of Creek

Center

- *Spartina patens* (SPPA): 95% (Braun-Blanquet [B-B]: 5)
- *Spartina alterniflora* (SPAL): 10% (B-B: 2)

Notes: 100% vegetative cover, healthy

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

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

384 Lowell Street
Suite 206
Wakefield, MA 01880
781-245-2500
781-245-6677 (Fax)

74 Elm Street
Worcester, MA 01609
508-753-3077
508-753-3177 (Fax)

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

CORPORATE
P. O. Box 778
Cataumet, MA 02534
508-746-9491
508-746-9492 (Fax)

PLYMOUTH, MA

WAKEFIELD, MA

WORCESTER, MA

RINDGE, NH

CATAUMET, MA



West

- SPPA: 99% (B-B: 5)
- SPAL: 2% (B-B: 1)

Notes: 100% vegetative cover, healthy

East

- SPPA: 80% (B-B: 5)
- SPAL: 20% (B-B: 2)

Notes: 98% vegetative cover, healthy; 2% bare mud

Transect North of Creek

Center

- SPPA: 90% (B-B: 5)
- SPAL: 20% (B-B: 2)

Notes: 100% vegetative cover, healthy

West

- SPPA: 90% (B-B: 5)
- SPAL: 15% (B-B: 2)

Notes: 100% vegetative cover, healthy; one (1) quahog (*Mercenaria mercenaria*) shell observed

East

- SPPA: 80% (B-B: 5)
- SPAL: 35% (B-B: 2)

Notes: 100% vegetative cover, healthy

As required, a monitoring report will be submitted at the end of the 2013 growing season, following construction of the walkway. Vegetative monitoring protocols will be duplicated and can be modified as requested by the Commission or Staff.

Should you have any questions or require additional information, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: 34 Shawkemo, LLC
Woodmeister

[Attachment: Photographs 1 & 2]



Photograph 1: Northerly view of transect located south of salt marsh creek, wooden stake represents the proposed walkway's centerline immediately south of creek (7/9/13).



Photograph 2: Southerly view of transect located north of salt marsh creek (7/9/13).



November 18, 2014

Email (jcarlson@nantucket-ma.gov)

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

Re: Monitoring Report
DEP File #SE 048-2540
34 Shawkemo Road
Nantucket, Massachusetts

[LEC File #VDH\13-001.01]

Dear Mr. Carlson:

On behalf of 34 Shawkemo, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this *Monitoring Report* in accordance with Special Condition #21 of the Order of Conditions (DEP File #SE048-2540) issued by the Nantucket Conservation Commission on April 3, 2013, permitting *the construction of an elevated walkway through a bordering vegetated wetland, salt marsh, land subject to coastal storm flowage, coastal beach and their associated buffer zones.*

Installation of the elevated walkway was completed in September 2013. LEC conducted a site inspection on October 3, 2013, prior to the Conservation Commission issuing a Certificate of Compliance (COC) on December 4, 2013 for the completed project. As noted within the COC, Special Condition #21 is an ongoing condition.

In 2014, LEC conducted monitoring site evaluations on June 11th and September 15th, to document the condition and composition of salt marsh vegetation under the walkway and two feet on either side. Based off the methodology reviewed within LEC's *Baseline Monitoring Report* (7/12/14), two transects were established 10 feet north and south (respectively) of the existing salt marsh creek's centerline, representing a rough mid-point of the walkway over the salt marsh. Three 1 m² quadrats were established within each transect; one representing the 3± foot wide area underneath the walkway and one on either side (west and east), encapsulating the required evaluation area. In each quadrat, live vascular plants were identified to the species level and cover of each species was estimated visually. Percent cover values were assigned and have been transferred to the Braun-Blanquet cover-abundance scale (+ = ≤5, few individuals; 1 = ≤5, numerous individuals; 2 = 5-25%; 3 = 25-50%; 4 = 50-75%; and 5 = 75-100% [cover range]). Additional features (e.g., bare mud/sand, water levels, wrack/litter, standing dead vascular plants, etc.) were also documented.

The site visits took place during low tide conditions. Minimal disturbance to salt marsh vegetation did occur during the 2013 walkway installation, but the vegetative cover and composition was observed to be rebounding well. Furthermore, significant wrack deposition was observed along the southerly edge of the salt marsh resulting from spring 2014 storms. The 9/15/14 findings are represented below:

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

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

PLYMOUTH, MA

384 Lowell Street
Suite 206
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

Transect South of Creek

Center

- *Spartina patens* (SPPA): 95% (Braun-Blanquet [B-B]: 5)
- *Spartina alterniflora* (SPAL): 15% (B-B: 2)

Notes: Perennial glasswort (*Salicornia virginica*): 1%; ≤5% bare mud; healthy vegetation

West

- SPPA: 95% (B-B: 5)
- SPAL: 5% (B-B: 1)

Notes: *S. virginica*: ≤5%; ≤5% bare mud; healthy vegetation

East

- SPPA: 90% (B-B: 5)
- SPAL: 20% (B-B: 2)

Notes: *S. virginica*: 1%; 1% bare mud; healthy vegetation

Transect North of Creek

Center

- SPPA: 75% (B-B: 5)
- SPAL: 40% (B-B: 3)

Notes: *S. virginica*: 15%; ≤5% bare mud; healthy vegetation

West

- SPPA: 80% (B-B: 5)
- SPAL: 25% (B-B: 2)

Notes: *S. virginica*: 10%; ≤10% bare mud; healthy vegetation; 1 quahog shell

East

- SPPA: 75% (B-B: 5)
- SPAL: 60% (B-B: 4)

Notes: *S. virginica*: 5%; no bare mud; healthy vegetation

In summary, *Spartina* salt marsh vegetation appeared healthy. Subtle fluctuations of *S. alterniflora* to *S. patens* vegetation composition were noted; however, *Spartina* species did not drop within Braun-Blanquet cover-abundance scale. *S. alterniflora* abundance did increase north of the creek. Additionally, perennial glasswort (*Salicornia virginica*) was observed in all plots. Based on the 2014 results, LEC did not observe any attributable negative effects of the elevated walkway's presence on salt marsh vegetation.

Should you have any questions or require additional information, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.



Brian T. Madden
Wildlife Scientist

cc: 34 Shawkemo, LLC

[Attachment: Photographs]



Photograph 1: Southerly view of elevated walkway (9/15/14).



Photograph 2: Southwesterly view of elevated walkway, north of salt marsh creek/drainage channel (9/15/14).



Photograph 3: Westerly view of northerly transect (9/15/14).



Photograph 4: Easterly view of southerly transect (9/15/14).



July 15, 2014

Email (jcarlson@nantucket-ma.gov)

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

Re: Final Monitoring Report
DEP File #SE 048-2540
34 Shawkemo Road
Nantucket, Massachusetts

[LEC File #VDH\13-001.01]

Dear Mr. Carlson:

On behalf of 34 Shawkemo, LLC, LEC Environmental Consultants, Inc., (LEC) is submitting this *Final Monitoring Report* in accordance with Special Condition #21 of the Order of Conditions (DEP File #SE048-2540) issued by the Nantucket Conservation Commission on April 3, 2013, permitting *the construction of an elevated walkway through a bordering vegetated wetland, salt marsh, land subject to coastal storm flowage, coastal beach and their associated buffer zones.*

LEC conducted a baseline monitoring inspection on July 9, 2013. As discussed within LEC's *Baseline Monitoring Report (7/12/13)*, two transects were established 10 feet north and south (respectively) of the existing salt marsh creek's centerline, representing a rough mid-point of the walkway over the salt marsh. Three 1 m² quadrats were established within each transect; one representing the 3± foot wide area underneath the walkway and one on either side (west and east), encapsulating the required evaluation area. In each quadrat, live vascular plants were identified to the species level and cover of each species was estimated visually. Percent cover values were assigned and have been transferred to the Braun-Blanquet cover-abundance scale (+ = ≤5, few individuals; 1 = ≤5, numerous individuals; 2 = 5-25%; 3 = 25-50%; 4 = 50-75%; and 5 = 75-100% [cover range]). Additional features (e.g., bare mud/sand, water levels, wrack/litter, standing dead vascular plants, etc.) were also documented.

Installation of the elevated walkway was completed in September 2013. LEC conducted a site inspection on October 3, 2013, prior to the Conservation Commission issuing a Certificate of Compliance (COC) on December 4, 2013 for the completed project. In 2014, LEC conducted monitoring site evaluations on June 11th and September 15th, repeating the data collection methodology reviewed above.

More recently, LEC conducted a final monitoring site inspection on July 8, 2015, during low tide, to document the condition and composition of salt marsh vegetation under the walkway and two feet on either side. The 2015 findings are represented below:

LEC Environmental Consultants, Inc.

www.lecenvironmental.com

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

PLYMOUTH, MA

384 Lowell Street
Suite 206
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



Transect South of Creek

Center

- *Spartina patens* (SPPA): 85% (Braun-Blanquet [B-B]: 5)
- *Spartina alterniflora* (SPAL): 15% (B-B: 2)

Notes: 15% bare mud; healthy vegetation

West

- SPPA: 90% (B-B: 5)
- SPAL: 5% (B-B: 1)

Notes: 10% bare mud; healthy vegetation

East

- SPPA: 80% (B-B: 5)
- SPAL: 20% (B-B: 2)

Notes: 20% bare mud; healthy vegetation

Transect North of Creek

Center

- SPPA: 65% (B-B: 4)
- SPAL: 40% (B-B: 3)

Notes: Perennial glasswort (*Salicornia virginica*): 15%; ≤10% bare mud (animal path); healthy vegetation

West

- SPPA: 85% (B-B: 5)
- SPAL: 15% (B-B: 2)

Notes: *S. virginica*: 10%; 10% bare mud; healthy vegetation

East

- SPPA: 75% (B-B: 5)
- SPAL: 55% (B-B: 4)

Notes: *S. virginica*: 5%; 20% bare mud (animal path); healthy vegetation

In summary, *Spartina* salt marsh vegetation appeared healthy and relatively robust (see photographs). Subtle fluctuations of *S. alterniflora* and *S. patens* vegetation composition were noted as to be expected within the salt marsh environment, however, *Spartina* species did not drop within Braun-Blanquet cover-abundance scale. No wrack accumulation was noted at any of the helical screw supports and vegetative cover was consistent underneath the boardwalk structure and immediately adjacent. Based on 2014 and 2015 monitoring results, LEC did not observe any attributable negative effects of the elevated walkway's presence on salt marsh vegetation.

LEC is pleased to submit the final monitoring results. Should you have any questions or require any information, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

LEC Environmental Consultants, Inc.

Brian T. Madden
Wildlife Scientist

cc: 34 Shawkemo, LLC



Photograph 1: Northerly view of elevated walkway (7/8/15).



Photograph 2: Southerly view of elevated walkway (7/8/15).



Photograph 3: Westerly view of northerly transect—east side (7/8/15).



Photograph 4: Easterly view of southerly transect—west side (7/8/15).

Cigarran

25 East Tristam Ave

(31-1)

SE48-2840

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 25 East Tristam Avenue
Assessor's Map and Parcel: 31-1
Property Owner: Thomas G. & Constance T. Cigarran
Applicant: Thomas G. & Constance T. Cigarran
DEP File Number: SE48-2840
Filing Date: October 30, 2015
Date Hearing Closed: January 13, 2016
Date Orders Issued: January 13, 2016
Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated 10/20/2015, and stamped by Arthur D. Gasbarro, P.E.

Permit Overview:

This order permits the installation of timbers on top of an existing timber bulkhead, placement of sand fill and planting of American Beach Grass on a Coastal Bank (manmade). Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.
2. The Commission finds that this project is work on an existing, permitted timber bulkhead.

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, and protocols.
19. The applicant shall provide photographs of the areas to be allowed to be planted with American beach grass at the beginning and end of each growing season for a period of three years or until a Certificate of Compliance is issued.
20. An annual report shall be filed with the Commission demonstrating the condition of the structure, amount of sand placed and condition of the existing bulkhead.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for the project as proposed.



April 23, 2016

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

RE: 25 East Tristram Ave
Map 31 Parcel 1
SE48-2840

Dear Jeff:

I am writing to provide the monitoring report required per Condition 19 at the start of the growing season. Attached are current photographs of the coastal bank recently planted with American Beach Grass.

Please feel free to contact me with any questions or concerns regarding this matter.

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, PE, PLS, LEED AP

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

CC: Thomas Cigarran

April 22, 2016



Giles RT

Off of Tennessee Ave

(60.1.2-33)

SE48-2839

FINDINGS and ADDITIONAL CONDITIONS

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

Address: Off of Tennessee Avenue
Assessor's Map and Parcel: 60.1.2-33
Property Owner: Giles Realty Trust
Applicant: Giles Realty Trust
DEP File Number: SE48-2839
Filing Date: October 30, 2015
Date Hearing Closed: November 18, 2015
Date Orders Issued: December 2, 2015
Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated 10/29/2015, stamped by Arthur D. Gasbarro, III P.L.S.

Permit Overview:

This order permits the maintenance of an existing timber dock and walkway, the abandonment of an existing footpath and the establishment of a new footpath within Bordering Vegetated Wetland, Salt Marsh, Land Subject to Coastal Storm Flowage, Land Under the ocean and their associated buffer zones. Waivers are 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.
19. No boats may be stored on the wetland or marsh.
20. A monitoring report including photographs shall be filed with the Commission at the beginning and end of each growing season demonstrating the condition of the footpath. If an adverse impact is reported the applicant shall appear before the Commission with a plan to restore or improve the area.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Sections 2.06(B)(4) and 3.02(B)(1) that all projects that are not water dependent shall be at least 25 feet from a vegetated wetland or salt marsh and that all structures be 50 feet from a vegetated wetland or salt marsh. The Commission finds that given the current and historic site conditions that project as proposed will not have an adverse impact and that there are no reasonable alternatives. The Commission also finds that the existing path and dock pre-date the regulations. Therefore the Commission grants waivers under Section 1.03(F)(3)(a & d) of the Nantucket Wetland Protection Regulations.



Hi, All visitors requesting a CTNCTD to be added to a trail on the California Ave in order to give us access to our. All method CTNCTD when we stand and again when we complete the path. It suggest that I take photos of the path now to show the 'pre growing condition' requirement. I have marked some photos. Please either e-mail or call me at 226-2178. Katie@ctnctd.com

From: Katie <katie@ctnctd.com>
Date: Wed, 20 Dec 2017 12:29:12 PST
Subject: From Katie, California Ave, marked

Reply forwarded message:

Katie & Debbie Cella
Here is what I sent to Jeff on 12/18. Please reply when you receive it. Thanks, Katie Cella

From: katie@ctnctd.com
Subject: From Katie, California Ave, marked
Date: Wed, 14 Dec 2017 12:29:12 PST









Keri & Robbie Giles

Draft Minutes



CONSERVATION COMMISSION PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, April 20, 2016 4:00 P.M.
4 Fairgrounds Road, Training Room

Commissioners: Ernie Steinauer (Chair), Andrew Bennett (Vice Chair), Ashley Erisman, David LaFleur, Ben Champoux, Ian Golding, Joe Topham

Called to order at 4:01 p.m.

Staff in attendance: Jeff Carlson, Natural Resources Coordinator
Attending Members: Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Absent Members: None
Late Arrivals: LaFleur, 4:01 p.m.
Earlier Departure:

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment – None

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **Cont (05/04/16)**
2. Edwin Snider RT – 1 Brock’s Court (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 Street (42.2.3-22) SE48-2870

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative **Stan Humphries, LEC** – Reviewed previous discussion. Resited the garage to the south side of the property; this requires a shed be relocated to the far west corner. The shed is on 4 concrete piers to allow water to pass under the shed.

Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP

Public None

Discussion (4:02) **Golding** – He had brought up the scenic view from Washington Street; read the Town regulations pertaining to wetland scenic views. He is more comfortable with the resiting of the garage.

Erisman – Asked about the material of the current parking and how much brick will be in the new driveway.

Humphries – It is currently gravel; reviewed the area to be bricked.

Steinauer – Confirmed that the beach will be open for people to walk the harbor.

Have everything needed to close.

Staff Motion **Motion to Close.** (made by: Champoux) (seconded by: Topper)

Vote Carried unanimously

6. *Pocomo Neighbours – 47, 53, 55, 57, 61, 63 & 69 Pocomo Road (Multiple) SE48-2874

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – Reviewed the erosion control project. Length just under 1800 feet covering seven properties. Previous projects to stabilize the bank will be removed; fiber rolls will be installed and covered with sand then planted with American beach grass. The equipment access to the beach is from Pocomo Point and material will be delivered from a proprietor’s road over the bank. Have included in the application the same monitoring conditions imposed on similar projects.

Lee Weishar, Senior Scientist/Coastal Engineer Woods Hole Group — Reviewed his investigation of the property leading to the decision to install this type of coastal erosion structure.

Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP

Seth Wilkinson, Wilkinson Ecological Design

Public Emily Molden, Nantucket Land Council

Discussion (4:08) **Erisman** – Asked at what point in the lunar cycle was the high water measured.

Weishar – He will get back with that information. He studied three events from January 2016 to calculate the affect of storm surge, wave height and water level on the beach and face of the coastal bank. Explained

what he used to make his calculations. A normal storm wave height was about ½ foot breaking on the beach at high tide. During a major storm, the surge was 4 feet with a wave height at 4 feet breaking at the toe of the bank and running up the bank. The third storm had about 2.5-foot wave height breaking on the beach and running up the bank. Short term erosion rate is about 1.7 feet per year. The toe of the bank is regularly exposed to waves and storm surge.

Gasbarro – In the report they prepared, they explained how stabilizing the bank will protect each protected area. He also included his analyses of other options.

Wilkinson – Reviewed locations of similarly designed structures, which he said have been successful. The underlying goal is to reseed the coastal bank but it has to be stable enough to hold the plants.

Golding – Asked how much sand was lost and how much will be reintroduced; the proposed seems far less than what is actually lost. His calculation for 3 to 4 inch sand cover is about 3 cubic yards (CY) per linear foot over the 1800 feet of the project.

Wilkinson – Noted that the sand has to be deeper at the foot than at the top to hold the sand at the top; the goal is to match the contribution. He will recheck the figures.

Erismann – The sand cover at the Shimmo project this past winter looked like it had blown to the next property; she's concerned that could happen here. There are sheltered habitats in front of this beach. Asked if there were any source photos of this bluff. Asked if it had ever been stable or has it always been just a sediment source. Also asked the location of the home closest to the bluff.

Gasbarro – The bottom step of Nr 61 is the closest. Most of the homes are post 1978; said they didn't dig too deep because this isn't a coastal engineering structure. This is a soft solution.

Champoux – Asked what stabilizing plants would be used.

Wilkinson – American beach grass. They will come back after 3-5 years to discuss any changes necessary such as adding shrubs. The upper fiber rolls could be vegetated at the time of installation.

Champoux – We are going to see a lot of these projects and the island will run out of nourishment material. We need to consider where materials will come from when that happens and the effect it will have on the project.

Wilkinson – There is a change at the State regulatory level as to what will be allowed as a sediment source; we don't know what the situation will be in 10 years. As the beach grass begins to grow, it harvests the sand mitigating the amount of nourishment necessary.

Steinauer – Beach grass collects small amounts of sand; asked how deep the grass can be buried and still survive.

Wilkinson – Beach grass buried 4-6 inches has no problem; the more established it gets the more sand it can tolerate.

Erismann – Asked if there is a concern for cliff-nesting birds. Asked also how they intend to monitor the rocky areas in front of the bank.

Carlson – He has never seen cliff-nesting birds in this stretch; they prefer a stable vertical face.

Wilkinson – As for monitoring the cobble, they would review the topographical changes and any changes in compositional elements.

Gasbarro – Explained how he surveyed the material composition of the bank and looked for any pockets of salt marshes.

Steinauer – Asked if the cobble affects wave break.

Weishar – Cobble doesn't help break waves but will slow run up. He noted that action on this beach is dynamic.

Bennett – Asked how long it will be before they can see whether or not the structure is having an effect.

Wilkinson – By looking at vegetated cover, he can ascertain the amount of damage and friction exerted.

Steinauer – Asked how far out from the bank the bottom roll will be.

Wilkinson – Not much further than the existing toe. Noted that in their clean up, they will have to remove only the area of the upper bank which is undercut.

Steinauer – Asked about the possibility of end scour should the fiber rolls become uncovered.

Wilkinson – Looking at other similar projects around Cape and Islands, it doesn't match the absorption rate of wave energy as the bank; have never seen end scour extend more than 5-7 feet off the end. End scour happens when that energy gets trapped.

Gasbarro – Noted that the western end runs into a sand-drift fence project with nourishment.

Molden – Asked whether or not these rolls are designed to release sand when subjected to wave energy; would like more information about the type of mesh and number of layers. Would like to know how the installation will terminate. Nourishment material is the veneer on the front; asked what the material inside the rolls will be. The nourishment plan indicates it will be provided in May; this location should balance the need for downdrift sediment. "Significant storm" has to be redefined in regards to monitoring reports; the current definition doesn't adequately cover some of the northeasters that have hit. To evaluate how much nourishment is being placed, you need an idea of how much is being lost and when. Asked the commission to require, in monitoring, to look at the elevation of the beach and mean high water for the length of the project.

Steinauer – Stated the commission has seen three types of coir installation: bags, logs, and mats.

Gasbarro – The “bag” is referred to as a tube, which is a coir tube filled with sand. This particular product uses a coir roll, which is a roll of fiber around itself. Stated that it will be best for hem to file a supplemental response to Ms Molden’s and the commission’s questions. The mean high water, not just the observed water line, should be shown on all the plans. Every other, or every, monitoring report should be presented, not just submitted. Sediment is coming from the veneer not the rolls. Nourishment delivery is more about what is needed to maintain the template.

Golding – Asked how many transects would be appropriate for monitoring before, during, and after construction; this is 1800 feet long.

Gasbarro – He thought three transects were adequate but he can add more.

Steinauer – Asked if there is an overall organization or separate individuals overseeing this multi-property project. What happens if a property changes hands.

Reade – Can put on record that future owners are subject to the responsibilities set by the prior owner.

Golding – We need to establish failure criteria.

Erisman – At the terminal end at Nr. 47, asked if there is a significant amount of water seeping out of the cliff at that location.

Gasbarro – Asked for a continuance to May 4.

Staff He has never seen cliff-nesting birds in this stretch; they prefer a stable vertical face.

Motion Continued to May 4 without objection.

Vote N/A

7. Savel Nominee Trust – 47 Pocomo Road (15-19) SE48-2872

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative **David M. Haines**, Haines Hydrogeologic Consulting – In regards to Ms Erisman’s question about seepage at 47 Pocomo, confirmed that water does seep out; there is a wetland system in back of the bank. Massachusetts Natural Heritage ruled no adverse affect; they asked that the toe of the stairs be kept as close as possible to the toe of the slope; explained that the stairs will be pulled back.

Public None

Discussion (5:22) None

Staff Were waiting for Massachusetts Natural Heritage comments; those arrived.

He was instructed to draft a positive order.

Have everything needed to close.

Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)

Vote Carried unanimously

8. *Wilson – 24 Brant Point Road (29-85.1) SE48-2876

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham

Recused None

Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.

Representative **Chris Powers** – The project is to eradicate a stand of knotweed by treating it with glyphosate at 3% with red weeder application and then plant two maples and one birch in the area and, if necessary in the future, plant some winterberry. There is an olive tree his client would like to get rid of.

Public None

Discussion (5:25) **Steinauer** – Confirmed that this is solid knotweed with no other plants.

Champoux – The glyphosate should be administered by a licensed applicator.

Golding – There had been concern about the affect of glyphosate on the wetland.

Steinauer – Glyphosate is more effective when the plant is going into dormancy; recommends triclopyr in the Spring and the glyphosate in the Fall.

Champoux – Pointed out the process to completely eradicate the knotweed will take about three years.

Steinauer – Noted that the weeder applies small amounts and the concentration might have to be increased to 10%. A back-pack sprayer delivers more of the product.

Bennett – Asked if the application of the herbicides should be a concern for the trees they want to put in.

Champoux – No.

Steinauer – Typically require a few plots be put out there. Asked how big the area is.

Powers – 200 SF bordering the new lawn area.

Staff The two resources are land subject to coastal storm flowage and a buffer zone to a vegetated wetland.

They could have applied under an RDA but figured, if down the road conditions required adaptation of methods, they could modify the permit. During his site visit, he didn’t find any other plants of the area; the knotweed is pretty thick.

Have everything needed to close.

Motion **Motion to Close.** (made by: Topham) (seconded by: Champoux)

Vote Carried unanimously

9. *Maine Ave Trust – 10, 12, & 14 Maine Avenue (60.3.1-433,459,463 & 431) SE48-2877
 Sitting Bennett (acting chair), Erisman, LaFleur, Champoux, Golding, Topham
 Recused Steinauer
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – This NOI is a follow up to a friendly enforcement order to relocate structures away from a rapidly eroding coastal bank. The structures have been moved outside the 100-foot buffer.
 Public None
 Discussion (5:36) None
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Topham)
 Vote Carried 6-0

10. *Swift – 231 Madaket Road (38-10) SE48-2878
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **David M. Haines**, Haines Hydrogeologic Consulting – This is for a new septic and clean up between the original plan and what is there now. The septic is outside the buffer zone to a bordering vegetated wetland. The 100-year flood elevation covers the whole property. The previous order established a no-disturb buffer, which wasn't restored; that will be restored under this NOI. Reviewed differences between the original order and what exists. A small portion of a vegetable garden is on Madaket Conservation Land Trust property; his client has permission for that use and it is included in this application.
Don Bracken, Bracken Engineering, Inc. – There is a waiver request for a 2-foot separation for the shed. The septic is standard and reviewed by the BOH.
 Public None
 Discussion (5:38) None
 Staff Aerial archives indicate the use on this property has moved over time; he's not sure at what point the fences appeared. The aerial indicates it was clearly lawn down into the wetland; that is being cleaned up. Have everything needed to close.
 Motion **Motion to Close.** (made by: Golding) (seconded by: Topham)
 Vote Carried unanimously

11. *A & B Realty Trust – 53 & 55 Baxter Road (49-17 & 18) SE48-2879
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – This is for work within the buffer to a coastal bank; relocate structures on the site outside the 50-foot buffer and landscape the vacated area. No dewatering is proposed. The second geothermal well is moving to outside the 100-foot buffer.
 Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
 Public None
 Discussion (5:48) **Erisman** – Asked whether or not it has a basement.
Gasbarro – It doesn't have a basement now; but it will go on a full basement.
 Staff The existing condition plan shows two geothermal wells; one will stay, asked what is happening to the second.
 Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

B. Amended Orders of Conditions

1. Five and Nine Medouie Creek RT – 5 & 9 Medouie Creek Road (20-5 & 4) SE48-2587
 Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative **Don Bracken**, Bracken Engineering, Inc. – Reviewed the original project. This amendment consists of removing 800 square feet (SF) of vegetation and extending the fence for the purpose of a vegetable garden; all work is outside the 50-foot buffer. Pool equipment and retaining walls and location of septic tank are additional changes.
 Public None
 Discussion (5:53) None
 Staff None
 Motion **Motion to Close and issue.** (made by: Champoux) (seconded by: Bennett)
 Vote Carried unanimously

2. Cumberland Farms, Inc – 115 Orange Street (55-364) SE48-2709

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site and topographical plans, photos, requisite departmental reports and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – Reviewed original order. This amended order deals with incorporating a site plan into the file in regards to building size, hardscape, and layout. The existing garage and concrete slab will be replaced with a new storage structure. Drainage and utilities will not change. The front portion of the property is within land subject to coastal storm flowage.
 Public None
 Discussion (5:58) **Erisman** – Thinks there are trees other than Leland Cyprus that are better for the area.
 Staff None
 Motion **Motion to Close and Issue.** (made by: LaFleur) (seconded by: Bennett)
 Vote Carried unanimously

III. PUBLIC MEETING

A. Request for Determination of Applicability

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

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding
 Recused Topham
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – This is for work within the buffer to coastal bank to clear brush, regrade, and seed or plant the area with native plants. Work will not encroach past the 25-foot buffer. No waivers needed or requested.
 Public None
 Discussion (6:04) None
 Staff Recommend approval with a Positive 2A confirming resource areas and Positive 3 for work within the buffer zone.
 Motion **Motion to Approve as recommended.** (made by: Bennett) (seconded by: LaFleur)
 Vote Carried 6-0

B. Minor Modifications

1. Cliff ACK Realty Trust – 96 Cliff Road (41-15) SE48-2066

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – Asking to incorporate a detailed landscape plan into the file and remove the tree that is on the site and located outside the 25-foot buffer to the swamp and 50-foot buffer to the vernal pool. This was held to ascertain the type of the tree, which is confirmed as a red maple. To mitigate its removal, they will replace it with two 4-caliper red maples.
 Public **Emily Molden**, Nantucket Land Council – Red maples are awesome habitat trees and this is a nice specimen. If the commission permits its removal, she encourages replacement with swamp red maples.
 Discussion (6:08) **Champoux** – Red maples are a significant tree in regards to habitat and performance. There is some question that it might be a silver maple. This tree is presenting some structural deficiency. He can't tell which maple it is until the leaves come out. As an arborist, he would recommend its removal.
Santos – If we agree it can be removed, asked if two trees at 4- caliper as replacement trees is adequate.
Champoux – More than two will be required to replace this mature tree. Caliper 8 trees are hard and expensive to move. Suggested getting a tree expert to do an analysis.
Golding – Suggested allowing the tree to be removed then ascertain its type for the mitigation trees.
Steinauer – Asked they hold for a positive identification of the tree. Then we can determine how much and what type of mitigation we want.
 Discussion about how to proceed: whether or not to allow the removal of the tree before knowing its species and replacing with four 6" red maples.
Santos – Asked for a continuance.
 Staff Performance standards don't allow for the destruction of forested swamp to which red maple is a key species. Removing the tree falls within the performance standards. For habitat purposes, the preference is that it be replaced.
 Motion Continued to May 4 without objection.
 Vote N/A

2. Collis – 5 Galen Avenue (29-122) SE48-2815

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Arthur D. Gasbarro**, Nantucket Engineering & Survey – The propane tank is being moved to under the southerly deck, where it will be above ground and strapped to the foundation. The front stairs are turning 90 degrees as opposed to going straight out. The rear deck stairs will be narrower.

Public None
 Discussion (6:32) None
 Staff None
 Motion **Motion to Approve.** (made by: Topham) (seconded by: Bennett)
 Vote Carried unanimously

3. Wesquo Capital Partners – 57 Washington Street (42.2.3-37 Lot 1A) SE48-2796

4. Wesquo Capital Partners – 57 Washington Street (42.2.3-37 Lot 1B) SE48-2837

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative **Paul Santos**, Nantucket Surveyors – Reviewed the original orders of condition. The modification is to incorporate the detailed landscape layout for both properties. This is within land subject to coastal storm flowage. There is a coastal beach across the street. Flood elevation is 9 and the site is at elevation 4.5. Reviewed the landscaping plan. Drive and parking is grass with cobblestone strips. Patios and one spa are elevated; the other spa is at grade; the elevated areas represent about 10% of the lot area for each lot and won't restrict passage of flood waters.

Public None
 Discussion (6:38) **Erisman** – The plan says a rain garden, but the plant list isn't indicative of a rain garden.
Santos – It is actually a retaining area to collect roof run off.
Champoux – The raised areas that are 10% of each lot are getting filled in. Asked how the performance standards address that.
 Discussion about whether or not the lots will be able to continue holding the same amount of flood waters with the raised areas.
Erisman – Asked how much top soil will be added to the site.
Santos – Enough only to bring it back up to 4.5; the site is currently scoured.

Staff If your lot can hold X amount of flood water, it should continue to hold that amount of flood water. Raising any amount of grade alters the ability to hold water.
 Motion **Motion to Issue.** (made by: Bennett) (seconded by: LaFleur)
 Vote Carried 6-1 // Erisman opposed

C. Certificates of Compliance

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

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Permitted but not carried out.
 Discussion (6:56) None
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

2. Nantucket Islands Land Bank – 27 North Cambridge St (38-24) SE48-2527

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Complete with on-going Condition 20.
 Discussion (6:56) None
 Motion **Motion to Issue.** (made by: Golding) (seconded by: Champoux)
 Vote Carried unanimously

3. Nantucket Islands Land Bank – 50 Madaket Rd (41-99) SE48-2205

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Work is being carried out.
 Discussion (6:57) None
 Motion **Motion to Issue.** (made by: Topham) (seconded by: Bennett)
 Vote Carried unanimously

D. Extension for Order of Conditions

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

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Asking for a 1-year extension.
 Discussion (6:58) None
 Motion **Motion to Issue the 1-year extension.** (made by: Golding) (seconded by: Bennett)
 Vote Carried unanimously

E. Orders of Condition

- 1. Great State Properties LLC – 92 Washington Street (42.2.3-22) SE48-2870

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (6:58) None
Motion **Motion to Issue as drafted.** (made by: LaFleur) (seconded by: Champoux)
Vote Carried unanimously

- 2. Savel Nominee Trust – 47 Pocomo Road (15-19) SE48-2872

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (6:59) **Golding** – Asked for a provision that if the restored area doesn’t recover they should come back.
Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
Vote Carried unanimously

- 3. Wilson – 24 Brant Point Rd (29-85.1) SE48-2876

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (7:02) **Golding** – Suggested before and after report on the health of the wetland.
Erisman – It should start regenerating by the end of the first growing season.
Steinauer – We are requiring photographic reports of the restored area.
Motion **Motion to Issue as drafted.** (made by: LaFleur) (seconded by: Bennett)
Vote Carried unanimously

- 4. Maine Ave Trust – 10,12,14 Maine Avenue (60.3.1-433,459,463 & 431) SE48-2877

Sitting Bennett (acting chair), Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (7:04) None
Motion **Motion to Issue as drafted.** (made by: Golding) (seconded by: LaFleur)
Vote Carried 6-0 (Steinauer recused)

- 5. Swift – 231 Madaket Road (38-10) SE48-2878

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (7:06) None
Motion **Motion to Issue as drafted.** (made by: Golding) (seconded by: Champoux)
Vote Carried unanimously

- 6. A & B Realty Trust – 53 & 55 Baxter Road (49-17 & 18) SE48-2879

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
Staff None
Discussion (7:07) None
Motion **Motion to Issue as drafted.** (made by: Bennett) (seconded by: Champoux)
Vote Carried unanimously

F. Other Business

- 1. Approval of Minutes, April 6, 0216: Approved by unanimous consent.
- 2. Reports:
 - a. CPC, Golding – Nothing
 - b. NP&EDC, Bennett – Nothing
 - c. Mosquito Control Committee, Erisman – A new larvicide has been approved
- 3. Commissioners Comment
 - a. Steinauer – The ponds have been opened.
 - b. Erisman – The end of Monomoy Road access is in terrible condition; the property owner on the right cut all the brush along the access which allows water to run down the path.
- 4. Administrator/Staff Reports

Motion to Adjourn: 7:12 p.m.

Submitted by:
Terry L. Norton