

Public Meeting

REQUESTS FOR DETERMINATION

Hanson RT

11 Massachusetts Ave

(60-80)

**REQUEST FOR DETERMINATION
OF APPLICABILITY**

For Installation Of A New Well

At

11 Massachusetts Ave.
Nantucket, MA

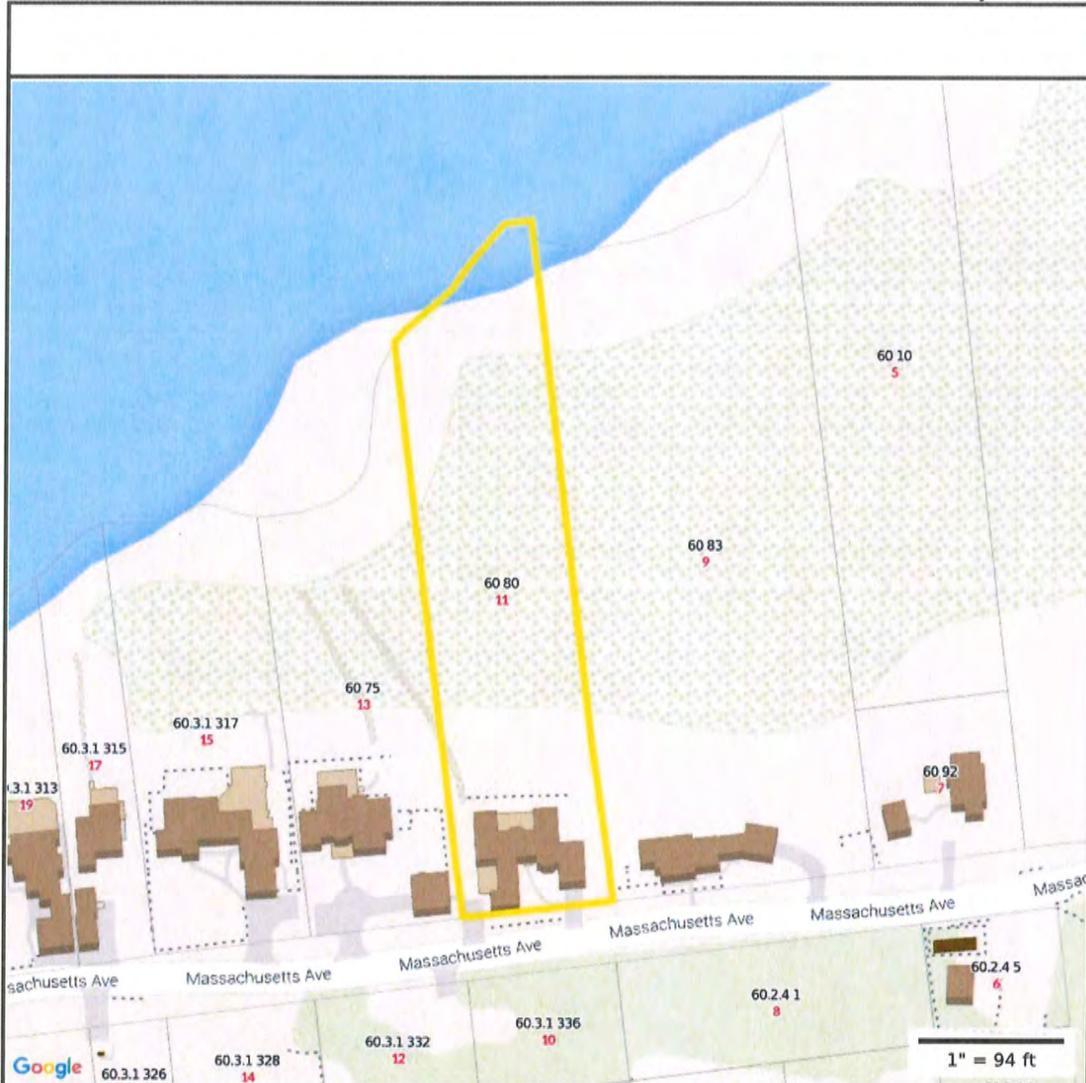
May 2016

Prepared for

Hansin Realty Trust

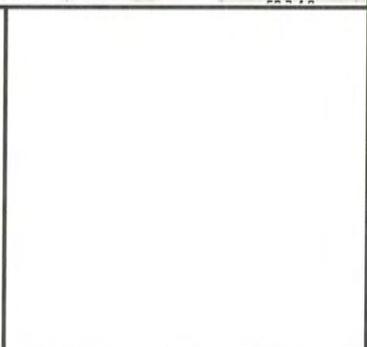
By

BLACKWELL & ASSOCIATES, Inc.
Professional Civil Engineers & Land Surveyors
20 Teasdale Circle
Nantucket, MA 02554
508-228-9026



Property Information	
Property ID	60 80
Location	11 MASSACHUSETTS AV
Owner	HANSON ANN M 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





LOCUS - 1 Markers, Length = 0 feet

LOCUS - 041° 16' 27.2" N, 070° 12' 19.3" W

Name: NANTUCKET

Date: 5/12/116

Scale: 1 inch equals 2000 feet

Location: 041° 16' 20.3" N 070° 10' 46.7" W

Caption: #11 Massachusetts Ave.



WPA Form 1- Request for Determination of Applicability

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

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:

Ann M. Hanson, Trustee of Hanson Realty Trust
Name
415 Glynwynne Rd
Mailing Address
Haverford
City/Town
PA
State
19041
Zip Code
Phone Number
Fax Number (if applicable)

2. Representative (if any):

Blackwell & Assoc., Inc.
Firm
Jeffrey L. Blackwell
Contact Name
20 Teasdale Circle
Mailing Address
Nantucket
City/Town
MA
State
02554
Zip Code
508-228-9026
Phone Number
jeff@blackwellsurvey.com
E-Mail Address
Fax Number (if applicable)

B. Determinations

1. I request the Nantucket Conservation Commission make the following determination(s). Check any that apply:

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance or bylaw** of:

Nantucket
Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

11 Massachusetts Ave

Street Address

60

Assessors Map/Plat Number

Nantucket

City/Town

80

Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

The entire property is located within the 100 flood zone, and partially within LSCSF. Resource areas include land under the ocean, coastal beach, salt marsh, bordering vegetated wetland and LSCSF. The proposed well is above LSCSF and lies within Zone X.

- c. Plan and/or Map Reference(s):

Site Plan To Accompany A Request For Determination of Applicability

Title

May 12, 2016

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Installation of a new well within the Buffer Zone to the Bordering Vegetated Wetland. The well is to be installed along the westerly side of the house, approximately 70' from the BVW. A short trench will be dug from the new well to the west side of the house. A water line and electric line will be placed in the trench. Disturbed areas will be covered with loam and seeded.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Ann M. Hanson, Trustee

Name

415 Glynwynne Rd

Mailing Address

Haverford

City/Town

PA

State

19041

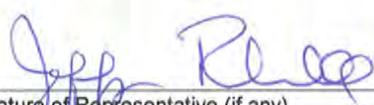
Zip Code

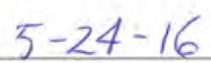
Signatures:

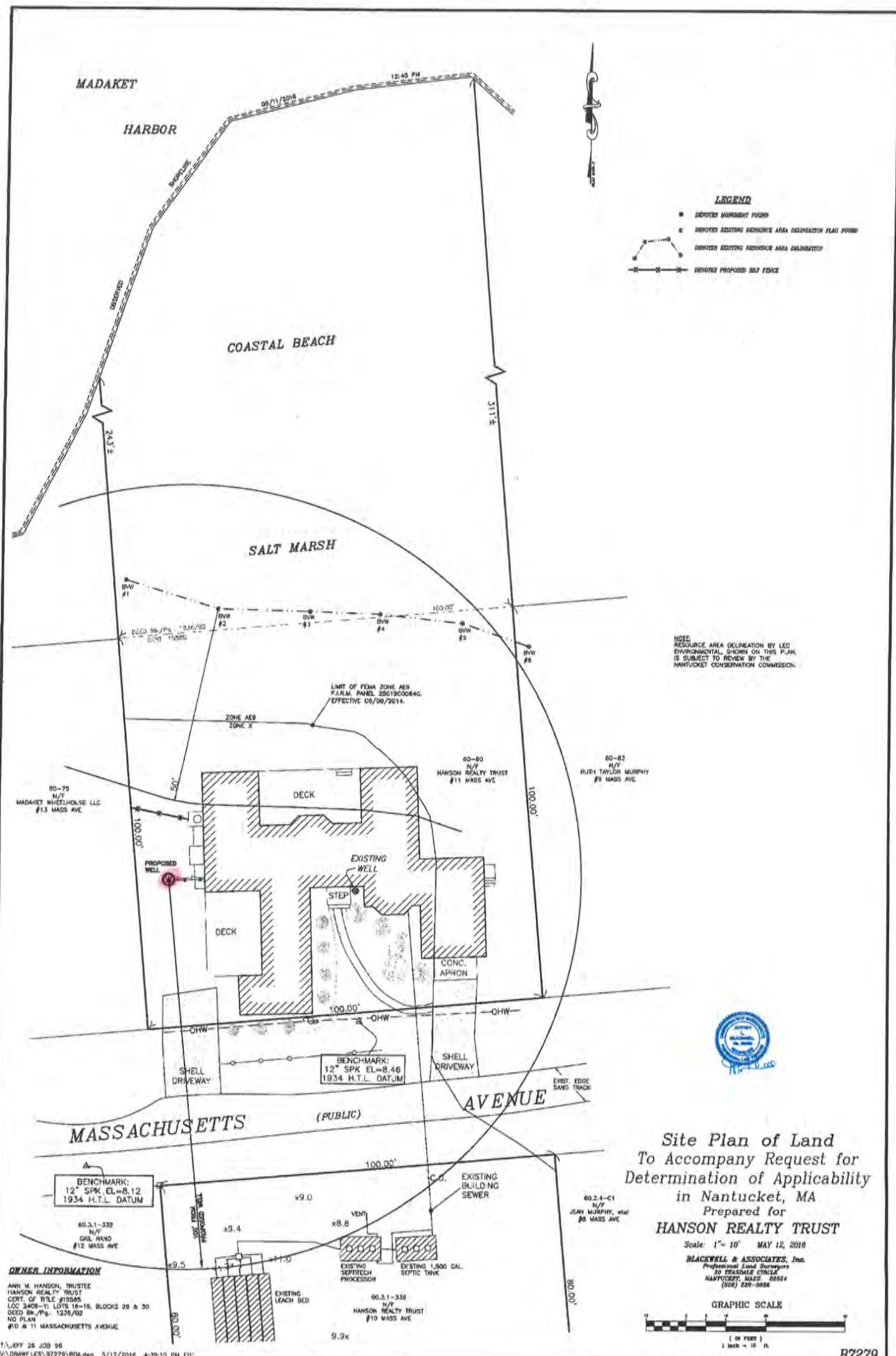
I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.


Signature of Applicant


Date


Signature of Representative (if any)


Date



LEGEND

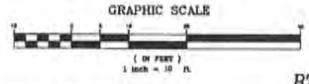
- MONUMENT FOUND
- RESOURCE AREA DELINEATION FLAG FOUND
- RESOURCE AREA DELINEATION
- PROPOSED SALT FENCE

NOTE: RESOURCE AREA DELINEATION BY LEC ENVIRONMENTAL, SHOWN ON THIS PLAN, IS SUBJECT TO REVIEW BY THE NANTUCKET CONSERVATION COMMISSION.



Site Plan of Land
 To Accompany Request for
 Determination of Applicability
 in Nantucket, MA
 Prepared for
HANSON REALTY TRUST
 Scale: 1" = 10' MAY 12, 2016

BLACKWELL & ASSOCIATES, Inc.
 Professional Land Surveyors
 10 TREASURE CIRCLE
 NANTUCKET, MASS 02554
 (508) 228-5854



OWNER INFORMATION
 ANN M. HANSON, TRUSTEE
 HANSON REALTY TRUST
 CERT. OF TITLE #15545
 LOC. 2408-17, LOTS 16-18, BLOCKS 28 & 30
 DEED BK./Pg. 1239/02
 NO PLAN
 #10 & 11 MASSACHUSETTS AVENUE

Transfer Certificate of Title.

No. 15,585

From Transfer Certificate No. 12,523 &
12,524 , Originally Registered July 1st, 19 86, in
173 &
Registration Book 64 Pages 174 for the Registry District of Nantucket County.

This is to Certify that ANN M. HANSON
Trustee of
HANSON REALTY TRUST
u/d/t dated December 22, 1992, and registered as Document No. 59080 at the
Registry District of Nantucket
County, of 415 Glynwynne Road, Haverford, in the Commonwealth of Pennsylvania,
19401

is the owner in fee simple

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

PARCEL I:

Lots numbered sixteen (16), seventeen (17), eighteen (18) and
nineteen (19) in Block Numbered twenty-nine (29) on plan numbered 2408-Y, filed
with Certificate of Title No. 288 at the Registry District of Nantucket County,
and all boundary lines may be located on the ground as shown on said plan.

PARCEL II:

Lots numbered sixteen (16), seventeen (17), eighteen (18) and
nineteen (19) in Block No. 30 on plan numbered 2408-Y, dated May 1, 1913, filed
with Certificate of Title No. 288 at the Registry District of Nantucket County,
and all boundary lines are located on the ground as shown on said plan.

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 ANN M. HANSON
Trustee as aforesaid

to said land is registered under said Chapter, subject, however, to any of the encumbrances mentioned in Section
Parcel II is also subject to
forty-six of said Chapter, which may be subsisting, and ~~subject to~~ the restrictions that no
spirituous liquors shall be sold, no manufacturing, mercantile or other bus-
iness shall be carried on, and no swine, hens or other objectionable animals
or fowl shall be kept upon the granted premises, and that no other offensive
or obnoxious use shall be made of the premises, and that no building shall
be erected or placed upon the granted premises except a one-family dwelling,
to cost not less than two thousand dollars, except a private garage.

WITNESS, JOHN E. FENTON, JR., Esquire, Judge of the Land Court, at Nantucket in the County of
Nantucket the twenty-eighth day of December in the year nineteen hundred
and ninety-two at eleven o'clock and fifty minutes in the fore noon.

Attest, with the Seal of said Court,

Land Court Case No. 2408
Document No. 59079

Sandra M. Chadwick
Assistant Recorder.

D.E.P. Bordering Vegetated Wetland

Delineation Field Data Forms

By:

**Brian Madden
L.E.C.**

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

Applicant: _____ Prepared by: LEC Environmental Project location: 11 Mass Ave DEP File #: _____
Nantucket

Check all that apply:

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

Section I. **Vegetation** Observation Plot Number: 1 Transect Number: 1 Date of Delineation: 4/20/16

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>Ground</u>				
Groundsel tree bush (<i>Baccharis halimifolia</i>)	20.5	46.6%	Y	FACW *
Salt spray rose (<i>Rosa rugosa</i>)	20.5	46.6	Y	FACU-
UNKNOWN X	3.0	6.8	N	
<u>Shrub</u>				
Groundsel tree bush	20.5	50%	Y	FACW *
Salt-spray rose	20.5	50%	Y	FACU-

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

Vegetation conclusion:Number of dominant wetland indicator plants: 2 Number 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 BWV boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP; 3/95

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes no

title/date: Soil Survey of Nantucket County, June 1979

map number: 6

soil type mapped: ReA

hydric soil inclusions: Pa

Are field observations consistent with soil survey? yes no

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	3-0"	(w/rock)	
A	0-18"	10YR 6/6 loamy sand (coarse)	10YR 2/1 10YR 5/6

Remarks: Plot taken w/ hand-held auger down gradient of wetland flag #4

3. Other:

Conclusion: Is soil hydric? yes no

T1, P1

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

- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: @ 12"±
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other): _____
- _____
- Other: _____

Vegetation and Hydrology Conclusion

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

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

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

Applicant: _____ Prepared by: LEC Environmental Project location: 11 Mass Ave DEP File #: _____
Nantucket

Check all that apply:

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

Section I. **Vegetation** Observation Plot Number: 2 Transect Number: 1 Date of Delineation: 4/20/16

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>Ground</u>				
Salt-spray rose (<i>Rosa rugosa</i>)	85.5	100%	Y	FACU-
<u>Shrub</u>				
Salt-spray rose	63.0	55.0%	Y	FACU-
Bush honeysuckle (<i>Lonicera</i> sp)	20.5	17.9	N	—
Bayberry (<i>Morella pensylvanica</i>)	20.5	17.9	N	—
Groundsel tree bush (<i>Baccharis halimifolia</i>)	10.5	9.2	N	—

* 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: 0 Number 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 BWV boundary, submit this form with the Request for Determination of Applicability or Notice of Intent.

MA DEP, 3/95

Section II. Indicators of Hydrology

Hydric Soil Interpretation

1. Soil Survey

Is there a published soil survey for this site? yes notitle/date: Soil Survey of Nantucket County ^{June} 1979

map number: 6

soil type mapped: ReA

hydric soil inclusions: Pc

Are field observations consistent with soil survey? yes no

Remarks:

2. Soil Description

Horizon	Depth	Matrix Color	Mottles Color
O	0.5-0"		
A	0-6"	10YR 2/1 Sand loam	N/A
B	6-20"	10YR 5/6 Sandy loam	N/A

Remarks: Plot taken w/ hand-held auger,

3. Other: upgradient of wf #4

Conclusion: Is soil hydric? yes no

N/A

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

- T1 P2
- Site inundated: _____
- Depth to free water in observation hole: _____
- Depth to soil saturation in observation hole: _____
- Water marks: _____
- Drift lines: _____
- Sediment deposits: _____
- Drainage patterns in BVW: _____
- Oxidized rhizospheres: _____
- Water-stained leaves: _____
- Recorded data (stream, lake, or tidal gauge; aerial photo; other) : _____
- Other: _____

Vegetation and Hydrology Conclusion

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

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

MADAKET

HARBOR

COASTAL BEACH

SALT MARSH

LEGEND

- DENOTES MONUMENT FOUND
- DENOTES EXISTING RESOURCE AREA DELINEATION FLAG FOUND
- DENOTES EXISTING RESOURCE AREA DELINEATION
- x—x—x— DENOTES PROPOSED SILT FENCE

NOTE:
RESOURCE AREA DELINEATION BY LEC
ENVIRONMENTAL, SHOWN ON THIS PLAN,
IS SUBJECT TO REVIEW BY THE
NANTUCKET CONSERVATION COMMISSION.

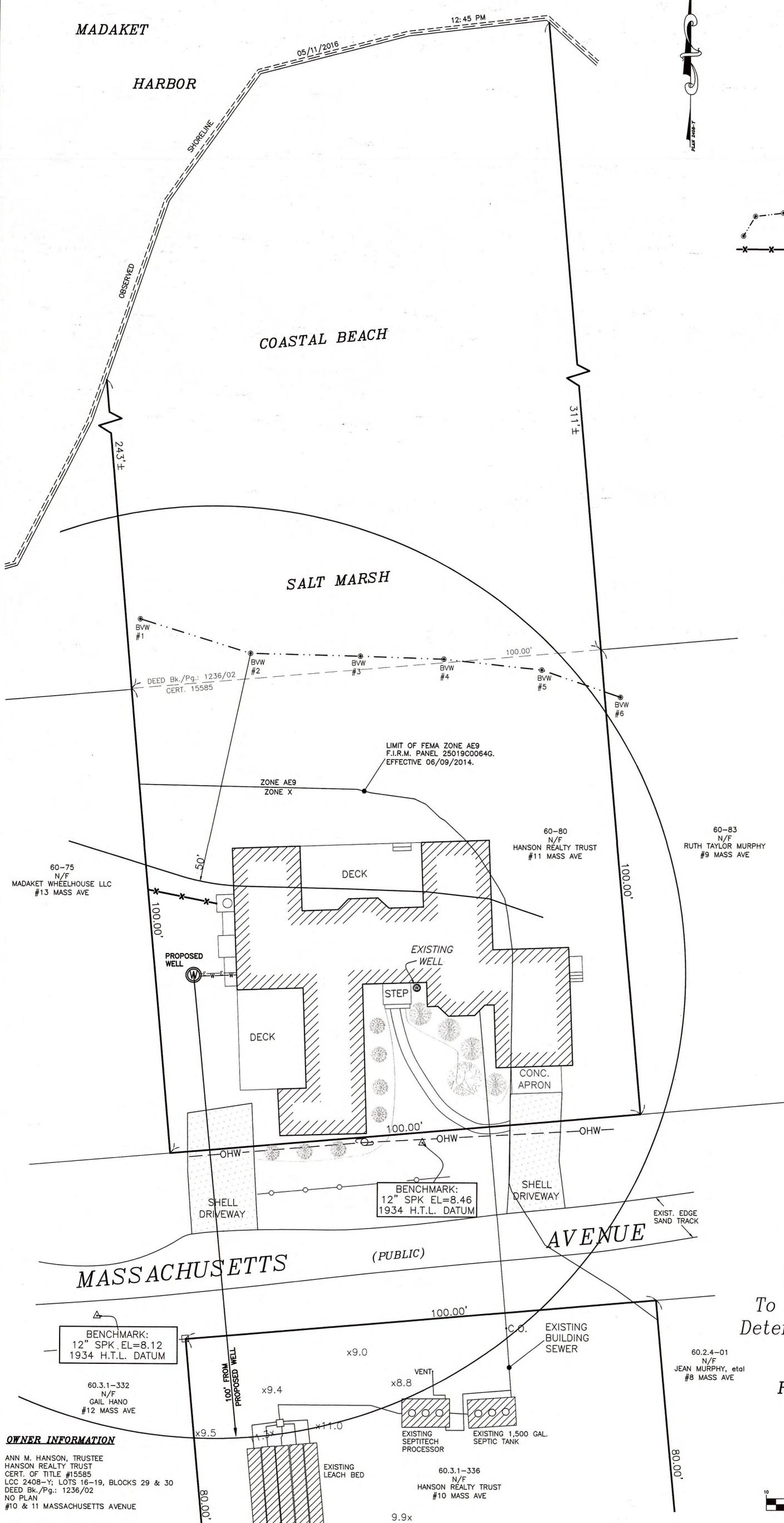
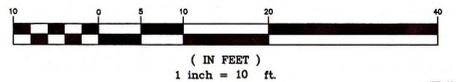


Site Plan of Land
To Accompany Request for
Determination of Applicability
in Nantucket, MA
Prepared for
HANSON REALTY TRUST

Scale: 1" = 10' MAY 12, 2016

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

GRAPHIC SCALE



OWNER INFORMATION
ANN M. HANSON, TRUSTEE
HANSON REALTY TRUST
CERT. OF TITLE #15585
LCC 2408-Y; LOTS 16-19, BLOCKS 29 & 30
DEED Bk./Pg.: 1236/02
NO PLAN
#10 & 11 MASSACHUSETTS AVENUE

Elliot

1 Elliot's Way

(92.4-319)

Request for Determination of Applicability

#1 Elliot's Way
Nantucket, MA

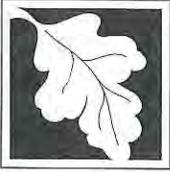


Main Office:
49 Herring Pond Rd.
Buzzards Bay, MA 02532
Ph. 508-833-0070
Fax 508-833-2282

Nantucket Office:
19 Old South Rd.
Nantucket, MA 02554
www.brackeneng.com
Ph. 508-325-0044

List of Materials and Plans submitted with Request for Determination of Applicability (RDA) Application

1. WPA Form 1
2. U.S.G.S. Map
3. Certified Abutters List
4. Notice to Abutters
5. Filing Fees:
 - Town Bylaw Fee (\$25.00, check #11260)
 - Advertising Fee (\$266.90, check #11262) to Inquirer and Mirror
 - Consultant Fee (\$200.00, check #11261)
6. Plan: "Subsurface Sewage Disposal System Plan in Nantucket, MA" prepared by Bracken Engineering, Inc., Dated May 12, 2016.



WPA Form 1- Request for Determination of Applicability

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

A. General Information



1. Applicant:

Robert M. Elliot
Name _____ E-Mail Address _____
 235 East River Drive, #1402
Mailing Address _____
 East Hartford _____ CT _____ 06108
 City/Town _____ State _____ Zip Code _____

 Phone Number _____ Fax Number (if applicable) _____

2. Representative (if any):

Bracken Engineering, Inc.
Firm _____
 Donald F. Bracken, Jr., P.E.
Contact Name _____ E-Mail Address Don@Brackeneng.com
 19 Old South Rd.
Mailing Address _____
 Nantucket _____ MA _____ 02554
 City/Town _____ State _____ Zip Code _____
 508-325-0044 _____ 508-833-2282
 Phone Number _____ Fax Number (if applicable) _____

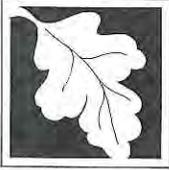
B. Determinations

1. I request the Nantucket _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Nantucket
Name of Municipality _____

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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



C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

1 Elliot's Way	Nantucket
Street Address	City/Town
Map 92.4	319
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Site contains approximately 121,000 s.f. and a single residential structure, that is serviced by a failed on-site septic system.

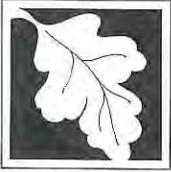
The site contains a locally defined coastal bank and under local jurisdiction only.

- c. Plan and/or Map Reference(s):

Subsurface Sewage Disposal System Plan in Nantucket, MA	5/12/16
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Existing septic system is to be abandoned, new sewer line to be installed within 100' of a coastal bank.



WPA Form 1- Request for Determination of Applicability

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



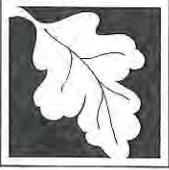
C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project. **N/A**

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Nantucket
City/Town

WPA Form 1- Request for Determination of Applicability

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



D. Signatures and Submittal Requirements

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

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Robert M. Elliot

Name

235 East River Drive, #1402

Mailing Address

East Hartford

City/Town

CT

State

06108

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

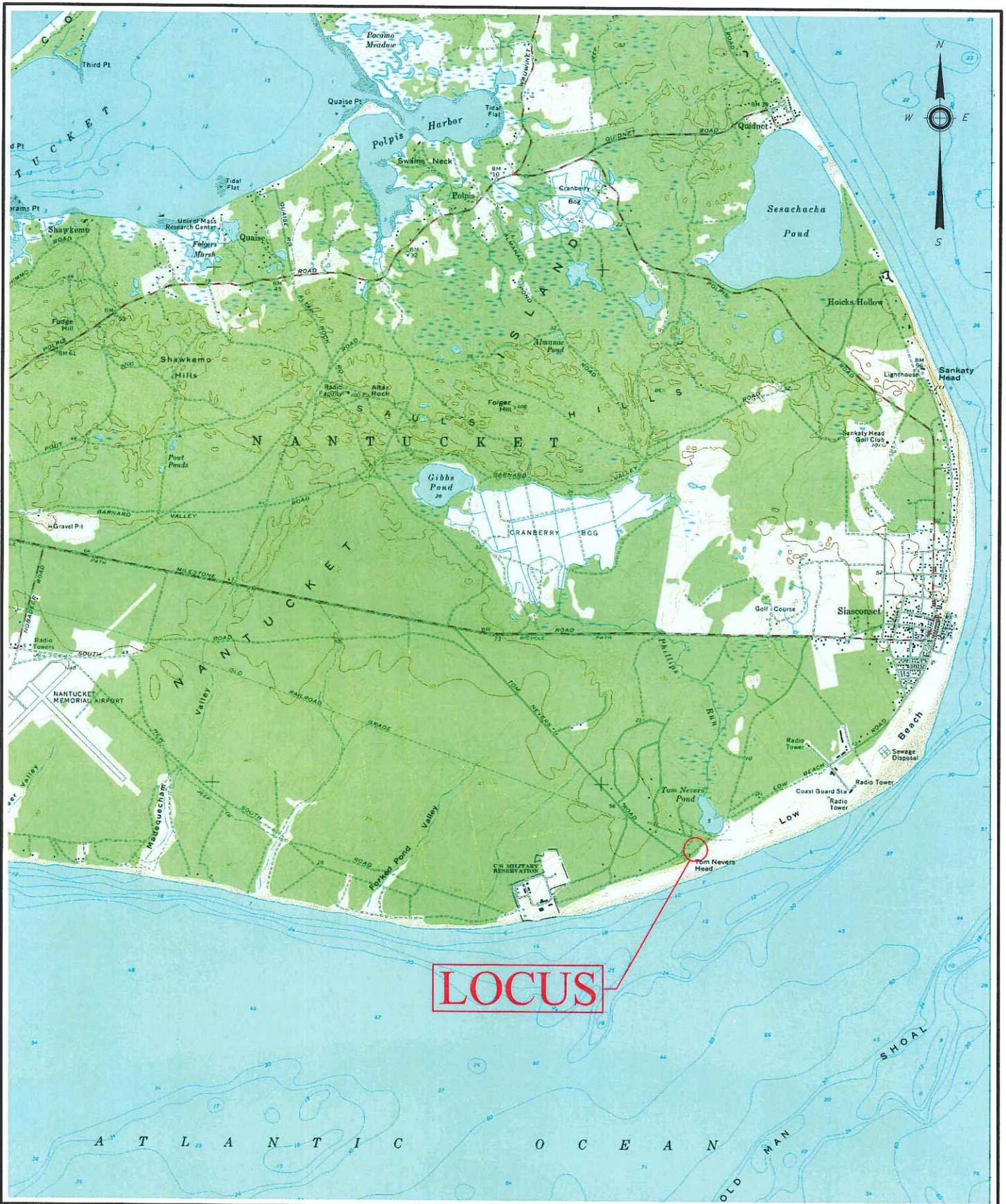
Date

Robert M. Elliot

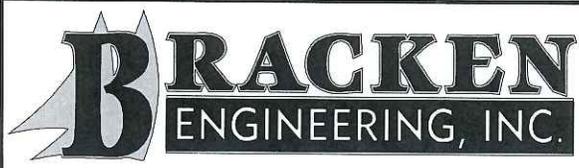
Signature of Representative (if any)

5-12-16

Date



LOCUS

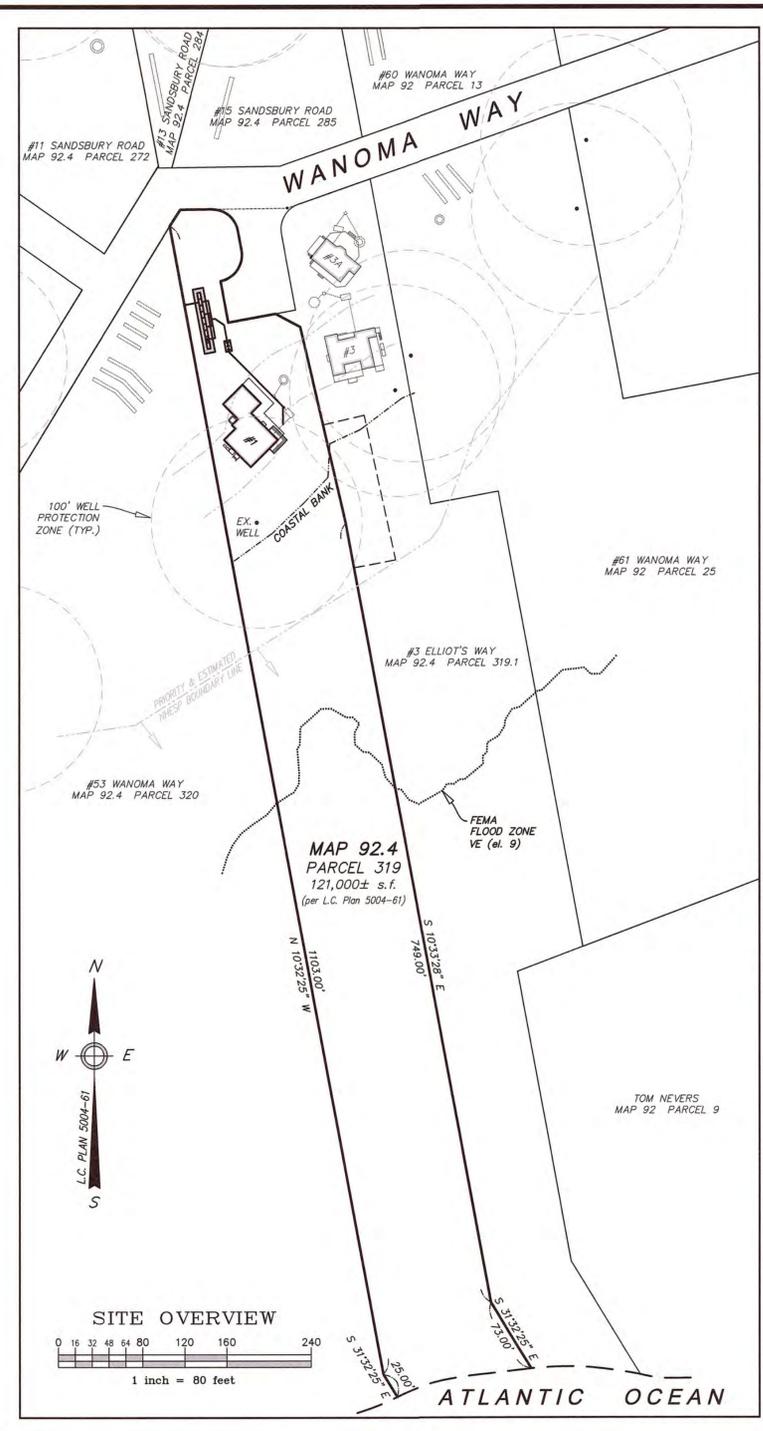
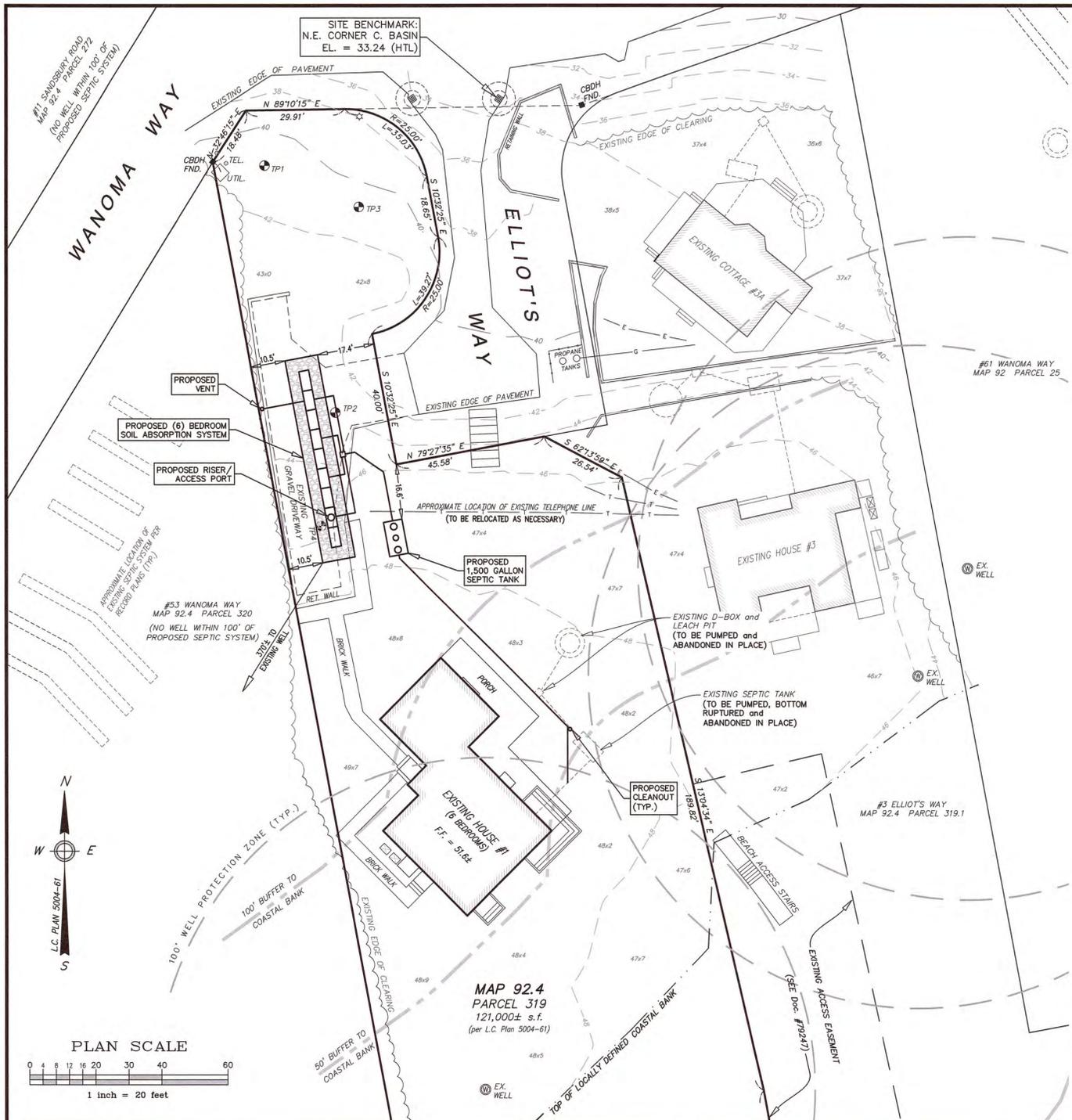


19 OLD SOUTH ROAD
NANTUCKET, MA 02554

(tel) 508.325.0044
(fax) 508.833.2282
www.brackeneng.com

USGS MAP

#1 Elliot's Way
Nantucket, MA



DESIGN CALCULATIONS

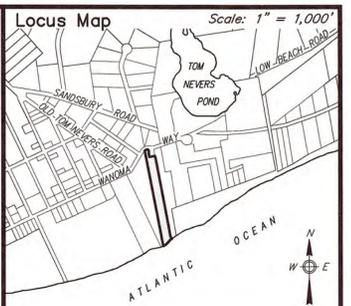
SOIL TEXTURAL CLASS: CLASS 1
 PERC. RATE: < 2 MINUTES/INCH
 NO. OF BEDROOMS: 6
 DESIGN FLOW REQUIRED: 660 GPD
 SEPTIC TANK PROVIDED: 1500 GALLONS
 SEPTIC TANK REQUIRED: 1500 GALLONS

LEACHING SYSTEM:
 STONE LEACHING BED WITH LC-6 CHAMBERS:
 (9) LC-6 LEACHING CHAMBERS
EFFECTIVE LEACHING:
 10' WIDE x 62' LONG x 2' DEEP LEACHING SYSTEM
 BOTTOM AREA = 620 SF
 SIDE AREA = 288 SF
 LOADING RATE = 0.74 GPD/SF
 FLOW PROVIDED: 672 GPD > 660 GPD (REQUIRED)

SOIL LOGS

TP NO.	1	2	3	4
GRD. EL.	40.8	42.9	40.7	45.6
GW. EL.	NONE TO 28.9	NONE TO 32.3	NONE TO 29.0	NONE TO 35.0
0"	FINE SANDY LOAM 10YR 3/4	FILL	FINE SANDY LOAM 10YR 3/4	FILL
12"	SANDY LOAM 10YR 4/4	42.3	SANDY LOAM 10YR 4/4	45.0
24"	C1 MEDIUM SAND 10YR 5/6	36.6	C1 MEDIUM SAND 10YR 5/6	36.7
48"	C2 MEDIUM TO COARSE SAND 10YR 6/3-6/42	36.6	C2 MEDIUM TO COARSE SAND 10YR 6/3-6/42	36.7
142"	NO WATER NO MOTILES	28.8	NO WATER NO MOTILES	29.0
127"	NO WATER NO MOTILES	32.3	NO WATER NO MOTILES	35.0

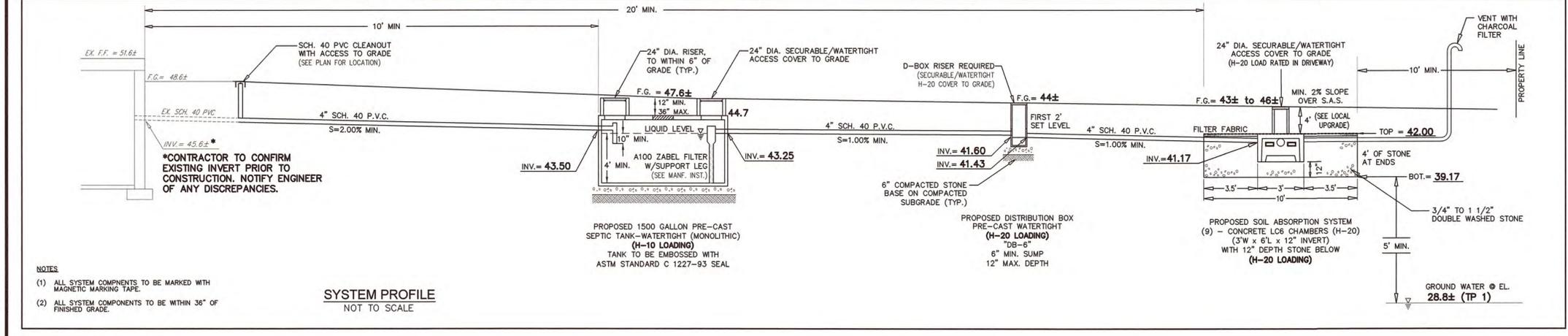
DATE PERFORMED: APRIL 18, 2008
 SOIL EVALUATOR: GERALD G. BUZANOSKI, PE (SE #286)
 WITNESSED BY: ARTELL CROWLEY - AGENT
 PERC. RATE: < 2 MINUTES/INCH
 SOIL CLASS: CLASS 1
 MAX. GROUND WATER ELEV.: NONE TO 28.8
 METHOD OF DETERMINATION: NO MOTILES
 INVERT PRIMARY: 41.17
 BOTTOM PRIMARY: 39.17
 (SEE SOIL REPORT ON FILE WITH BOARD OF HEALTH FOR MORE DETAILED DESCRIPTION)



- ### Notes
- BENCHMARK: ELEVATION = 33.24 (HTL) N.E. CORNER of CATCH BASIN
 - 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 WATERTIGHT.
 - 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/APPLICANT: ROBERT M. ELLIOT, 235 EAST RIVER DRIVE, #1402, EAST HARTFORD, CT 06108
 - DEED REFERENCE: Cert. #23301
 - PLAN REFERENCE: L.C.C. 5004-61 (LOT 902)
 - 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 PARTIALLY FALLS WITHIN AN MHESP ESTIMATED HABITAT OF RARE WILDLIFE and PRIORITY HABITAT OF RARE SPECIES.
 - LOCUS PARTIALLY FALLS WITHIN FLOOD HAZARD ZONE "VE (EL.9)" AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 250230-0176-6 dated 06/09/2014.

LOCAL UPGRADE APPROVAL REQUESTED:
 15.405(1)(b) - A 1.0' DIVERGENCE FROM FULL COMPLIANCE IS REQUESTED FOR A FINISHED GRADE OF 4.0' OVER A SOIL ABSORPTION SYSTEM.

Prepared By: **BRACKEN ENGINEERING, INC.**
 49 HERRING POND ROAD BUZZARDS BAY, MA 02532 (tel) 508.833.0070 (fax) 508.833.2282
 19 OLD SOUTH ROAD NANTUCKET, MA 02554 (tel) 508.328.0044 (fax) 508.328.2282 www.brackeneng.com



Olof Clausson
30 Eel Point Road
(40-44.1)

Request for Determination of Applicability

#30 Eel Point Road
Nantucket, MA

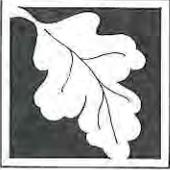


Main Office:
49 Herring Pond Rd.
Buzzards Bay, MA 02532
Ph. 508-833-0070
Fax 508-833-2282

Nantucket Office:
19 Old South Rd.
Nantucket, MA 02554
www.brackeneng.com
Ph. 508-325-0044

List of Materials and Plans submitted with Request for Determination of Applicability (RDA) Application

1. WPA Form 1
2. U.S.G.S. Map
3. Certified Abutters List
4. Notice to Abutters
5. Filing Fees:
 - Town Bylaw Fee (\$25.00, check #11263)
 - Advertising Fee (\$266.90, check #11265) to Inquirer and Mirror
 - Consultant Fee (\$200.00, check #11264)
6. Plan: "Propose Site Plan in Nantucket, MA" prepared by Bracken Engineering, Inc., Dated May 12, 2016.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Nantucket
City/Town

WPA Form 1- Request for Determination of Applicability

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

A. General Information



1. Applicant:

Olof Clausson (c/o Latham & Watkins)

Name

E-Mail Address

99 Bishops Gate

Mailing Address

London, England EC2M 3XF

City/Town

State

Zip Code

508-228-7345

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Bracken Engineering, Inc.

Firm

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

Contact Name

Don@Brackeneng.com

E-Mail Address

19 Old South Rd.

Mailing Address

Nantucket

City/Town

MA

02554

State

Zip Code

508-325-0044

Phone Number

508-833-2282

Fax Number (if applicable)

B. Determinations

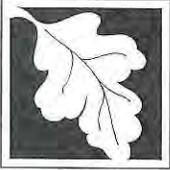
1. I request the Nantucket _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Nantucket

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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



C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

30 Eel Point Road	Nantucket
Street Address	City/Town
Map 40	44.1
Assessors Map/Plat Number	Parcel/Lot Number

- b. Area Description (use additional paper, if necessary):

Site contains 103,100 s.f. and three structures, main house, cottage, and cabana.

The site contains an isolate, vegetated wetland, subject to local jurisdiction only.

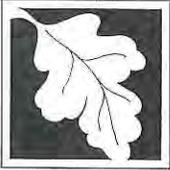
The site also falls within the NHESP Priority Habitat of Rare Wildlife.

- c. Plan and/or Map Reference(s):

Proposed Site Plan in Nantucket, MA	5/12/16
Title	Date
_____	_____
Title	Date
_____	_____
Title	Date
_____	_____

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

Construct a shed to enclose the existing pool equipment, located within 100' of an isolated, vegetated wetland.



WPA Form 1- Request for Determination of Applicability

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



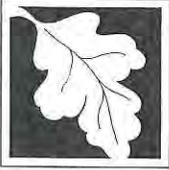
C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project. **N/A**

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
- New agriculture or aquaculture project
- Public project where funds were appropriated prior to 8/7/96
- Project on a lot shown on an approved, definitive subdivision plan where there is a recorded deed restriction limiting total alteration of the Riverfront Area for the entire subdivision
- Residential subdivision; institutional, industrial, or commercial project
- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

Nantucket
City/Town

WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements



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

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

Olof Clausson (c/o Latham & Watkins)

Name

99 Bishops Gate

Mailing Address

London, England EC2M 3XF

City/Town

State

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Signature of Applicant

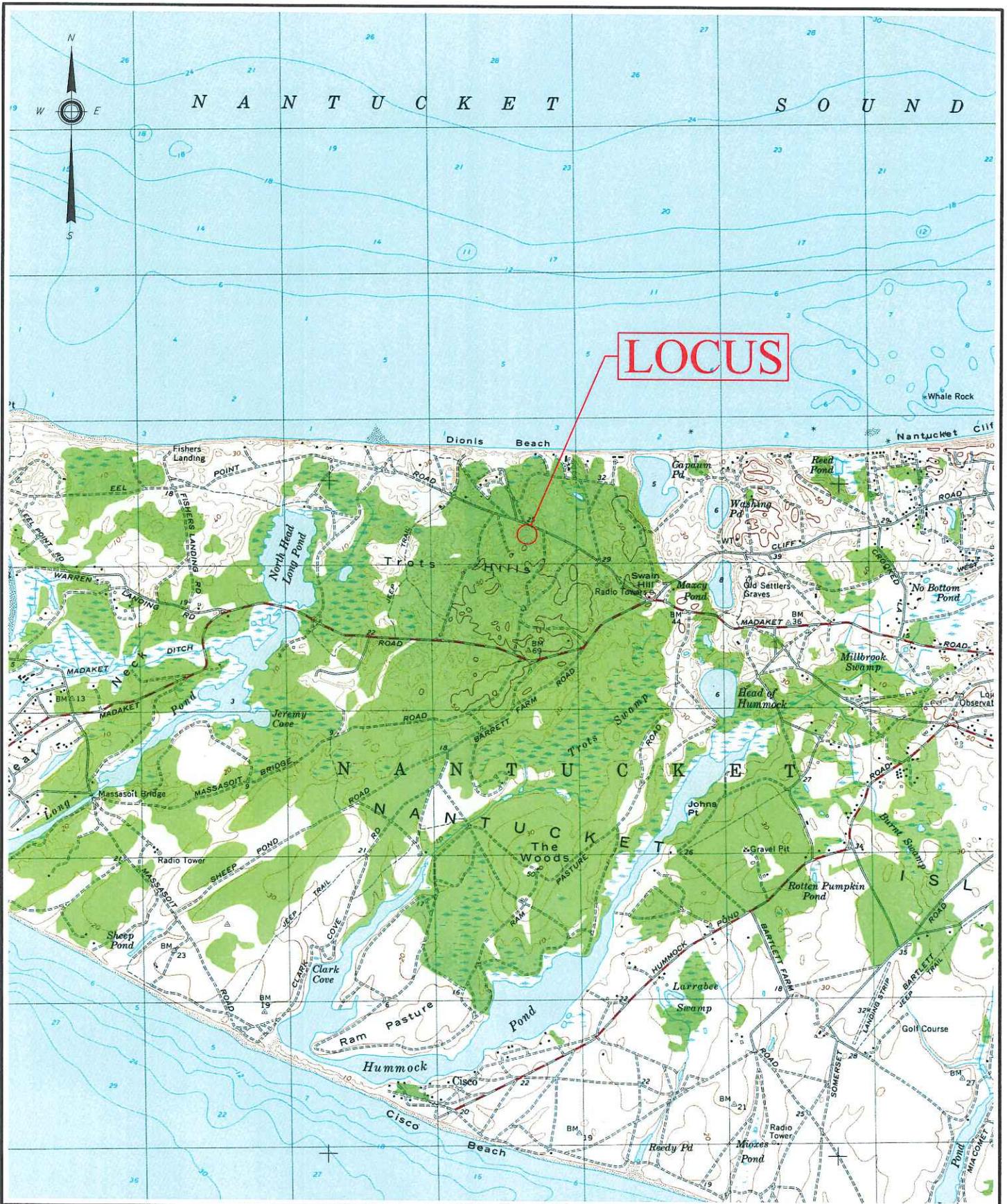
Date

Donald F. Marking

Signature of Representative (if any)

Date

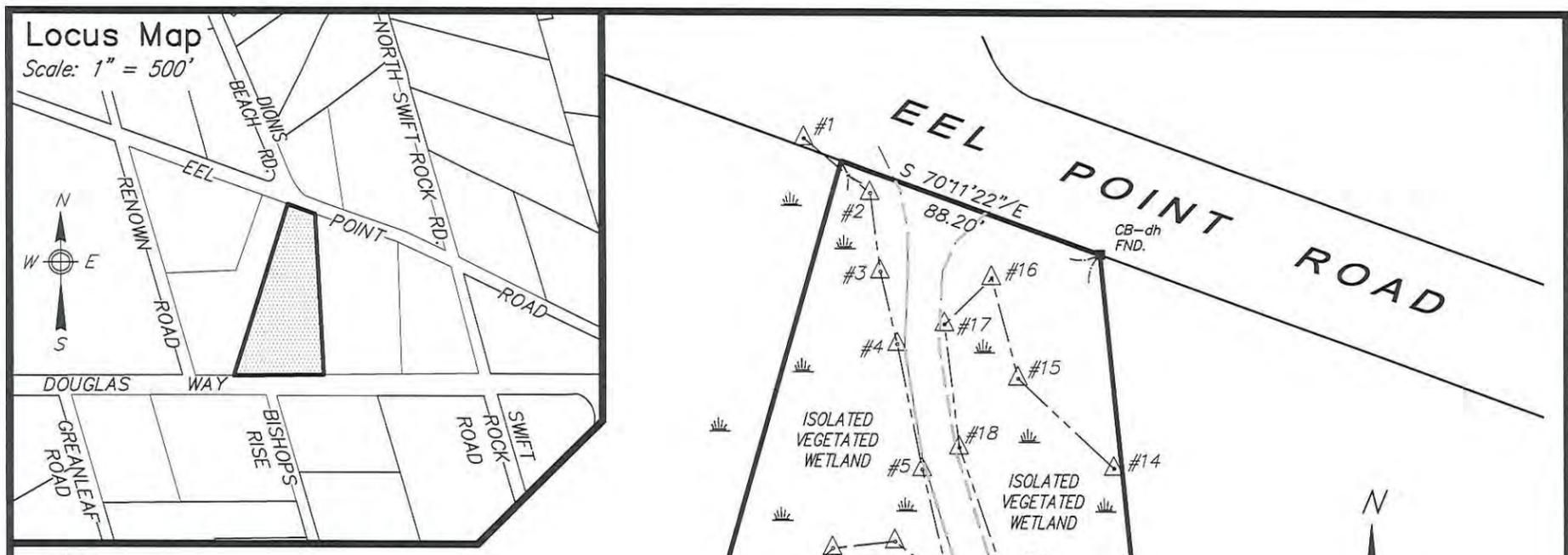
5-12-16



19 OLD SOUTH ROAD
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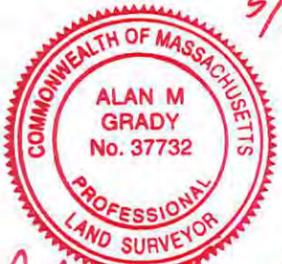
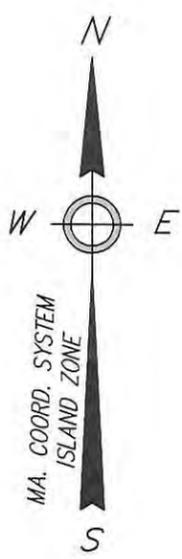
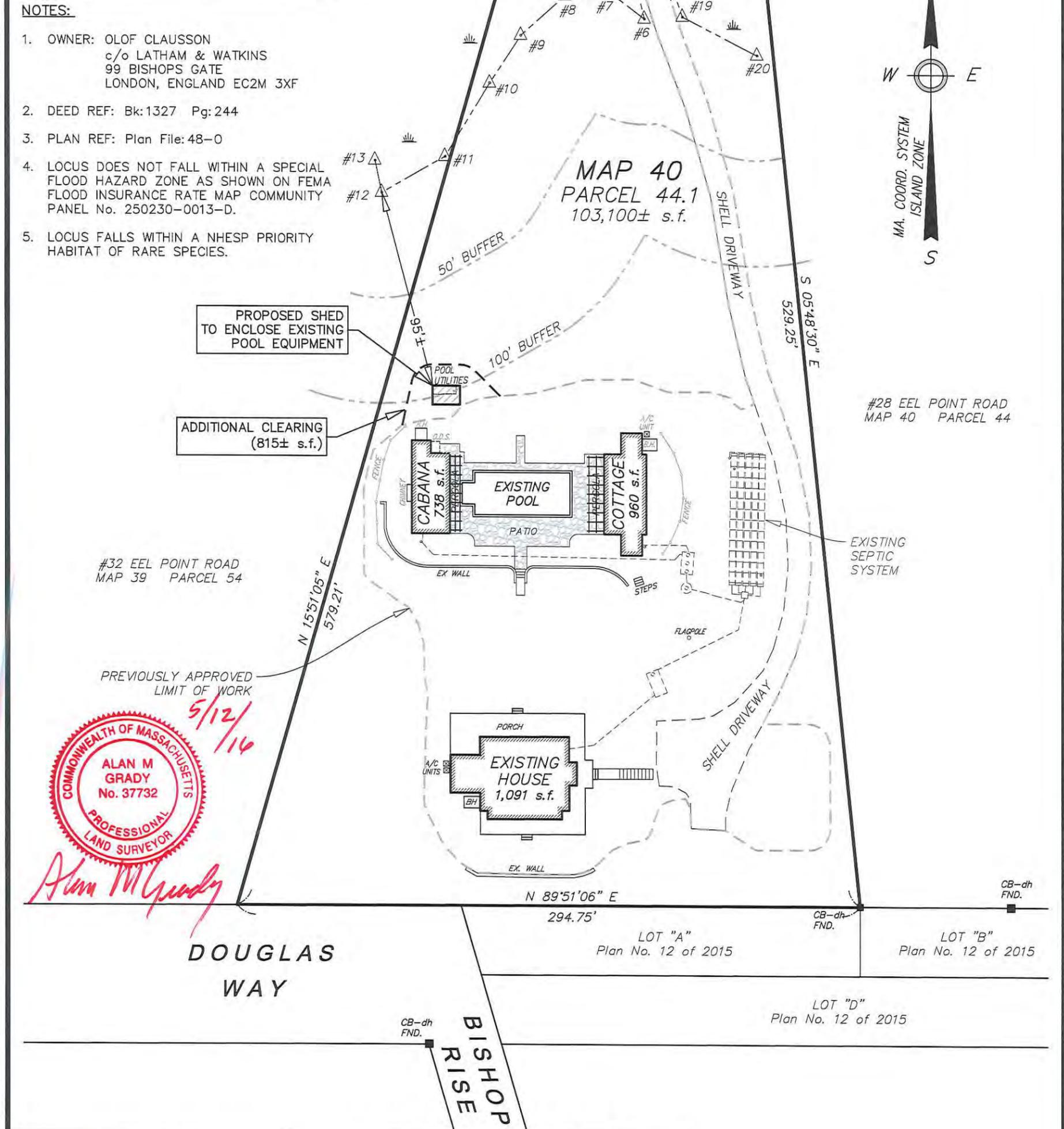
USGS MAP

#30 Eel Point Road
Nantucket, MA



NOTES:

- OWNER: OLOF CLAUSSON
c/o LATHAM & WATKINS
99 BISHOPS GATE
LONDON, ENGLAND EC2M 3XF
- DEED REF: Bk:1327 Pg:244
- PLAN REF: Plan File: 48-0
- LOCUS DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP COMMUNITY PANEL No. 250230-0013-D.
- LOCUS FALLS WITHIN A NHESP PRIORITY HABITAT OF RARE SPECIES.



Alan M. Grady

5/12/14

BRACKEN ENGINEERING, INC.

49 HERRING POND ROAD BUZZARDS BAY, MA 02532
(tel) 508.833.0070 (fax) 508.833.2282

19 OLD SOUTH ROAD NANTUCKET, MA 02554
(tel) 508.325.0044 www.brackeneng.com

PROPOSED SITE PLAN
IN NANTUCKET, MASSACHUSETTS

Prepared for:

OLOF CLAUSSON
#30 EEL POINT ROAD
MAP 40 PARCEL 44.1

PLAN SCALE

1 inch = 50 feet

Date:	Drawn:	Checked:
MAY 12, 2016	RMM/ERC/BEI	DFB/AMG

MBC RT & Wetherill
Henry Street btw 45 &
47 Hulbert Ave
(29-16 & 15)



**REQUEST FOR DETERMINATION
OF APPLICABILITY
APPLICATION**

For
Resource Area Delineation

At

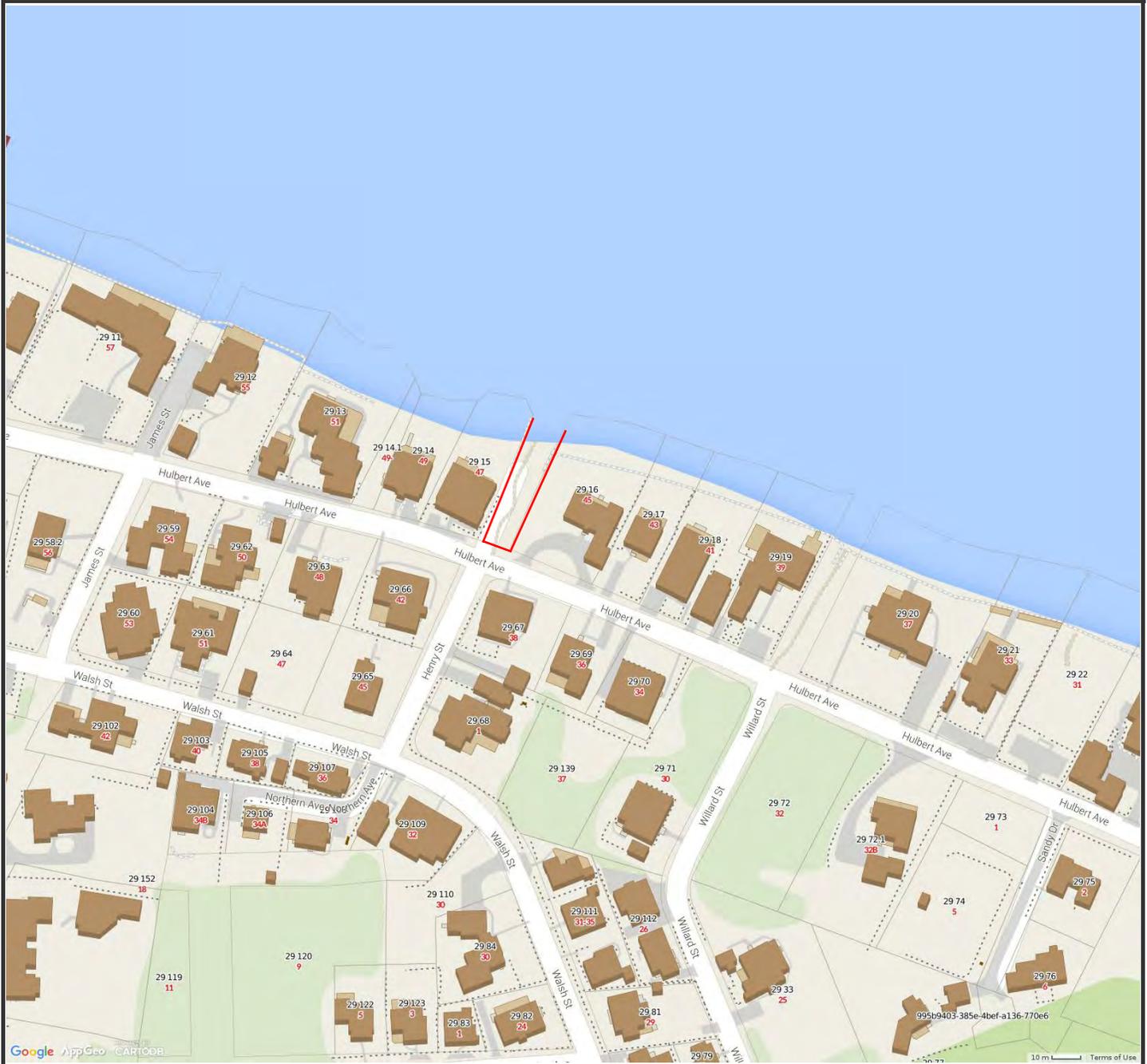
Henry Street Between
45 & 47 Hulbert Ave
Nantucket, MA

May 2016

Prepared For

**MBC TRUST
&
ALICE C. WETHERILL INCOME TRUST**

Locus Map - Henry Street



**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



WPA Form 1- Request for Determination of Applicability

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

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:

<u>MBC Trust & Alice C. Wetherill Income Trust Agreement</u>		_____	
Name		E-Mail Address	
<u>4340 Cathedral Ave & 17 Governors Lane</u>			
Mailing Address			
<u>Washington & Princeton</u>		<u>DC & NJ</u>	<u>20016 & 08540</u>
City/Town		State	Zip Code
_____		_____	
Phone Number		Fax Number (if applicable)	

2. Representative (if any):

<u>Nantucket Engineering & Survey, P.C.</u>		_____	
Firm		E-Mail Address	
<u>Arthur D. Gasbarro, PE, PLS</u>		<u>art@NantucketEngineer.com</u>	
Contact Name		E-Mail Address	
<u>20 Mary Ann Drive</u>			
Mailing Address			
<u>Nantucket</u>		<u>MA</u>	<u>02554</u>
City/Town		State	Zip Code
<u>508-825-5053</u>		_____	
Phone Number		Fax Number (if applicable)	

B. Determinations

1. I request the Nantucket _____ make the following determination(s). Check any that apply:
Conservation Commission

- a. whether the **area** depicted on plan(s) and/or map(s) referenced below is an area subject to jurisdiction of the Wetlands Protection Act.
- b. whether the **boundaries** of resource area(s) depicted on plan(s) and/or map(s) referenced below are accurately delineated.
- c. whether the **work** depicted on plan(s) referenced below is subject to the Wetlands Protection Act.
- d. whether the area and/or work depicted on plan(s) referenced below is subject to the jurisdiction of any **municipal wetlands ordinance** or **bylaw** of:

Name of Municipality

- e. whether the following **scope of alternatives** is adequate for work in the Riverfront Area as depicted on referenced plan(s).



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

1. a. Project Location (use maps and plans to identify the location of the area subject to this request):

Henry Street – Between 45 & 47 Hulbert Ave

Street Address

Nantucket

City/Town

29

Assessors Map/Plat Number

16 & 15

Parcel/Lot Number

b. Area Description (use additional paper, if necessary):

The subject property is located on north side of Hulbert Ave, with frontage on Nantucket Harbor. The resource areas on-site include Land Subject to Coastal Storm Flowage, Coastal Beach and Coastal Dune. The applicant requests confirmatino of the resource area boundary between the Coastal Beach and Coastal Dune, delineated by flags 1 through 4 at the site.

c. Plan and/or Map Reference(s):

Site Plan to Accompany a Request for Determination of Applicability

Title

5/10/16

Date

Title

Date

Title

Date

2. a. Work Description (use additional paper and/or provide plan(s) of work, if necessary):

No work is proposed.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

b. Identify provisions of the Wetlands Protection Act or regulations which may exempt the applicant from having to file a Notice of Intent for all or part of the described work (use additional paper, if necessary).

No work is proposed.

3. a. If this application is a Request for Determination of Scope of Alternatives for work in the Riverfront Area, indicate the one classification below that best describes the project.

- Single family house on a lot recorded on or before 8/1/96
- Single family house on a lot recorded after 8/1/96
- Expansion of an existing structure on a lot recorded after 8/1/96
- Project, other than a single family house or public project, where the applicant owned the lot before 8/7/96
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- Public project where funds were appropriated prior to 8/7/96
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- Municipal project
- District, county, state, or federal government project
- Project required to evaluate off-site alternatives in more than one municipality in an Environmental Impact Report under MEPA or in an alternatives analysis pursuant to an application for a 404 permit from the U.S. Army Corps of Engineers or 401 Water Quality Certification from the Department of Environmental Protection.

b. Provide evidence (e.g., record of date subdivision lot was recorded) supporting the classification above (use additional paper and/or attach appropriate documents, if necessary.)



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

I further certify that the property owner, if different from the applicant, and the appropriate DEP Regional Office were sent a complete copy of this Request (including all appropriate documentation) simultaneously with the submittal of this Request to the Conservation Commission.

Failure by the applicant to send copies in a timely manner may result in dismissal of the Request for Determination of Applicability.

Name and address of the property owner:

MBC Trust, etal. & Alice C. Wetherill Income Trust Agreement

Name

4340 Cathedral Ave & 17 Governors Lane

Mailing Address

Washington & Princeton

City/Town

DC & NJ

State

20016 & 08540

Zip Code

Signatures:

I also understand that notification of this Request will be placed in a local newspaper at my expense in accordance with Section 10.05(3)(b)(1) of the Wetlands Protection Act regulations.

Arthur D. Salasuo

Signature of Applicant

Agent

5/12/16

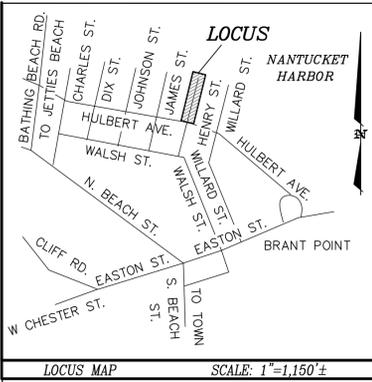
Date

Arthur D. Salasuo

Signature of Representative (if any)

5/12/16

Date



CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

MINIMUM LOT SIZE: 5000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONT YARD SETBACK: 10 FT.
REAR/SIDE SETBACK: 5 FT.*
GROUND COVER % : 30 %

*139-16 C.(3): 10' SETBACK REQUIRED FOR ANY STREET OR WAY.

OWNER INFORMATION

ALICE C. WETHERILL INCOME TRUST AGREEMENT
CERT. OF TITLE 13442
L.C.C. 11176-D, LOT 1
ASSESSOR'S MAP 29, PARCEL 16
#45 HULBERT AVENUE

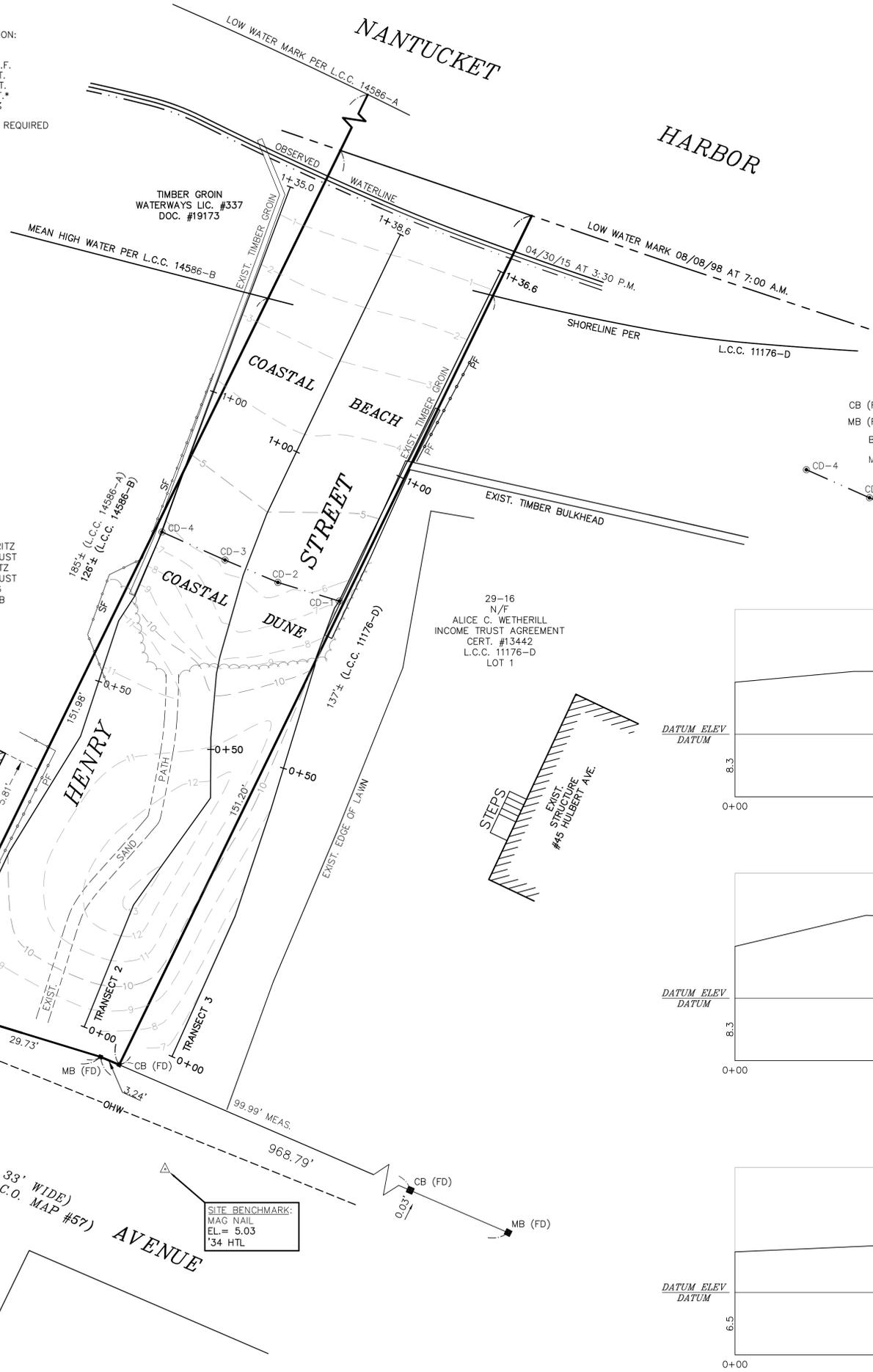
CARTER D. CAFRITZ MANAGEMENT TRUST
MELISSA CAFRITZ MANAGEMENT TRUST
MBC TRUST
CERT. OF TITLE #24266
L.C.C. 14586-B, LOT 2
ASSESSOR'S MAP 29, PARCEL 15
#47 HULBERT AVENUE

NOTE:
LOCUS LIES ENTIRELY WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE. REFERENCE F.I.R.M. PANEL 25019C0086G EFFECTIVE 06/09/2014.

29-15
N/F
CARTER D. CAFRITZ
MANAGEMENT TRUST
MELISSA CAFRITZ
MANAGEMENT TRUST
CERT. #24266
L.C.C. 14586-B
LOT 2

29-16
N/F
ALICE C. WETHERILL
INCOME TRUST AGREEMENT
CERT. #13442
L.C.C. 11176-D
LOT 1

SITE BENCHMARK:
MAG NAIL
EL. = 5.03
'34 HTL



LEGEND

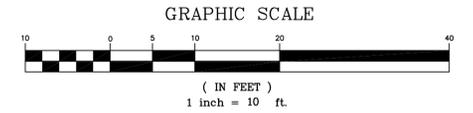
- CB (FD) ■ DENOTES CONCRETE BOUND FOUND
- MB (FD) ■ DENOTES MARBLE BOUND WITH CROSS CUT FOUND
- B.G. DENOTES BELOW GRADE
- MEAS. DENOTES MEASURED DISTANCE BETWEEN RECORD MONUMENTS
- CD-4 DENOTES COASTAL DUNE/COASTAL BEACH DELINEATION FLAG FOUND
- CD-3 DENOTES COASTAL DUNE/COASTAL BEACH DELINEATION FLAG FOUND

Site Plan of Land
To Accompany Request for
Determination of Applicability
in
Nantucket, MA
Prepared for
CARTER D. CAFRITZ MANAGEMENT TRUST, etal.
ALICE C. WETHERILL INCOME TRUST AGREEMENT

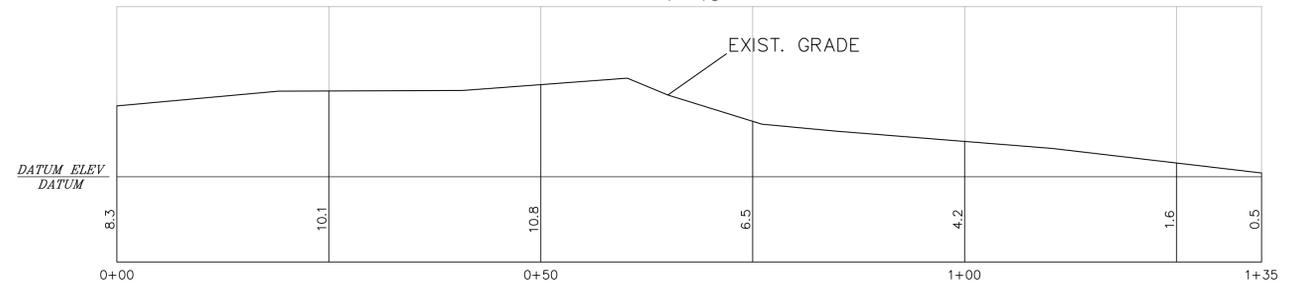
Scale: 1" = 10' MAY 10, 2016

ASSESSOR'S MAP 29, PARCELS 15 & 16

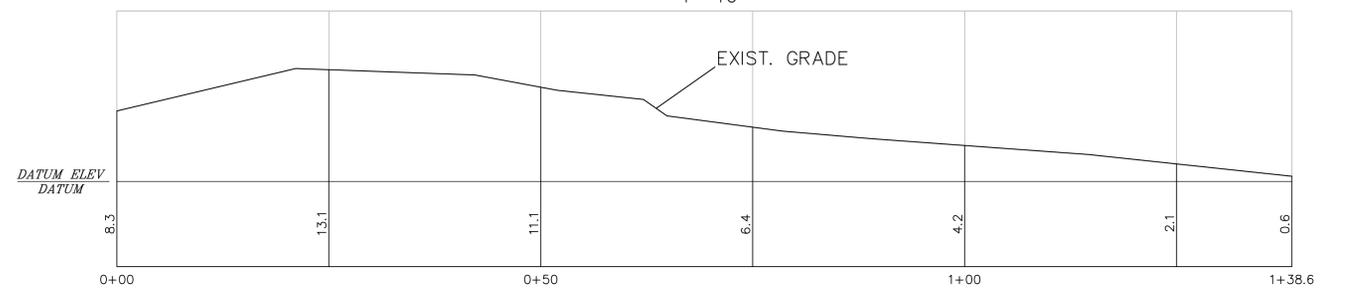
BLACKWELL & ASSOCIATES, Inc.
Professional Land Surveyors
20 TEASDALE CIRCLE
NANTUCKET, MASS. 02554
(508) 228-9026



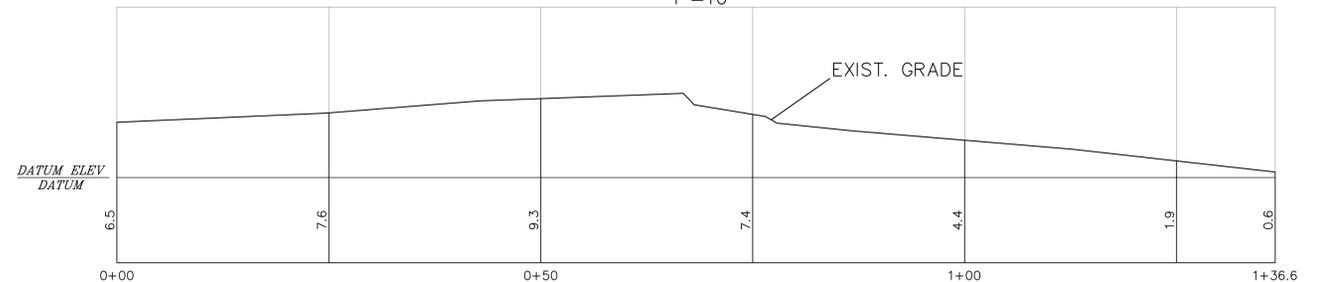
TRANSECT 1 PROFILE
1"=10'



TRANSECT 2 PROFILE
1"=10'



TRANSECT 3 PROFILE
1"=10'



CERTIFICATES OF COMPLIANCE

Nantucket Islands Land
Bank

21 Sesachacha Pond
(21-17)

SE48-2775



4/15/16

To: Dr. Ernie Steinauer

Chair, Nantucket Conservation Commission

2 Bathing Beach Road

Nantucket, MA 02554

Re: Certificate of Compliance for work completed at 21 Sesachacha Pond Rd (Map/Parcel 21/17; SE48-2775)

Dear Dr. Steinauer,

The following letter represents a request for a Certificate of Compliance for the work performed at 21 Sesachacha Pond Rd (Map/Parcel 21/17; SE48-2775). As stated in the Notice of Intent and permitted by the Order of Conditions, the Nantucket Land Bank repaired the existing roadway berm and footpath and cut back and removed invasive species along the coastal bank.

Enclosed are photos of the site taken on 4/15/16 . Please let me know if you would like to schedule a site visit to review our compliance. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Rachael", with a long horizontal line extending to the right.

Rachael Freeman, Environmental Coordinator

Nantucket Islands Land Bank

rfreeman@nantucketlandbank.org







WPA Form 8A – Request for Certificate of Compliance

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

Provided by DEP

A. Project Information



1. This request is being made by:

Nantucket Islands Land Bank

Name

22 Broad Street

Mailing Address

Nantucket

MA

02554

City/Town

State

Zip Code

508-228-7240

Phone Number

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

Nantucket Islands Land Bank

Applicant

4/28/15

Dated

SE48-2775

DEP File Number

3. The project site is located at:

21 Sesachacha Road

Street Address

21

Assessors Map/Plat Number

Nantucket

City/Town

16

Parcel/Lot Number

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

Nantucket Islands Land Bank

Property Owner (if different)

Nantucket

County

1480

Book

275

Page

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
And the Town of Nantucket Wetlands Bylaw Chapter 136

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 and a copy of the As-built.

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/dep/about/region/findyour.htm>).

Nantucket Islands Land
Bank

28 Washington St

(42.3.2-23.1)

SE48-2526



5/23/2016

To: Dr. Ernie Steinauer
Chair, Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: Partial Certificate of Compliance for 28 Washington Street

Dear Dr. Steinauer,

The following letter represents a request for a partial Certificate of Compliance for 28 Washington Street. The original Order of Conditions (SE48-2526), issued on 2/4/2013 permitted the removal of structures from 28, 30A and 30B Washington Street, pruning, and re-vegetation of disturbed areas. On 11/2/2015 a partial Certificate of Compliance was issued for the completion the approved work at 30A and 30B Washington Street.

The building at 28 Washington Street that houses the Maria Mitchell Aquarium was not removed due to the current tennant's in ability to relocate the Aquarium. The work proposed for this site will be postponed until the Maria Mitchell Association can raise the funds necessary for moving the Aquarium and Natural Science Center. In February of 2015, the Maria Mitchell Association filed for a lease extension until November 17, 2022. The Land Bank is seeking to close out the existing permit as it is unlikely the aquarium relocation will occur within the year. Our plan is to reapply to the Conservation Commission for permission to remove the building when the Maria Mitchell Association is prepared to undertake this project.

Enclosed are photos of the site taken on 5/18/2016. Please let me know if you would like to schedule a site visit to review our compliance. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink that reads "Shea Fee". The signature is fluid and cursive.

Shea Fee, Assistant Environmental Coordinator

Nantucket Islands Land Bank

rfreeman@nantucketlandbank.org













Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

WPA Form 8A – Request for Certificate of Compliance

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

Provided by DEP

A. Project Information



1. This request is being made by:

Nantucket Islands Land Bank

Name

22 Broad Street

Mailing Address

Nantucket

MA

02554

City/Town

State

Zip Code

508-228-7240

Phone Number

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

Nantucket Islands Land Bank

Applicant

5/23/16

Dated

SE48-2526

DEP File Number

3. The project site is located at:

28 Washington Street

Street Address

42.3.2

Assessors Map/Plat Number

Nantucket

City/Town

23.1

Parcel/Lot Number

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

Nantucket Islands Land Bank

Property Owner (if different)

Nantucket

County

23720

Book

Page

Certificate (if registered land)

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

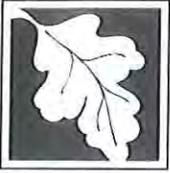
the work regulated by the above-referenced Order of Conditions has been satisfactorily completed.

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

Structures were removed from 30A and 30B Washington St, lawn areas have revegetated and are

well established, and pruning to maintain vistas took place.

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
And the Town of Nantucket Wetlands Bylaw Chapter 136

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 and a copy of the As-built.

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/dep/about/region/findyour.htm>).

Four Saratoga LLC

14 Tennessee Ave

(60.1.2-6)

SE48-2506

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

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

B7648

May 25, 2016

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

Re: Map 60.1.2 Parcel 6. #14 Tennessee Avenue. SE48-2506

Dear Jeff:

I am writing to request a Certificate of Compliance for the referred Order of Conditions. I certify that the project was completed in substantial compliance with the Order except for the following:

1. Steps attached to the deck and porch. These steps are necessary because the house was elevated to comply with F.E.M. A. and Building Code requirements, highlighted in the plan.
2. Elevated utility platforms along the easterly property line. The generator and electrical control units on these platforms ate more than 100' from the BWV but lie within LSCSF.

If you have any questions, please call.

Regards,

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



JLB/dmm

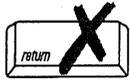


Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:
SE48-2506
 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:

Jeffrey Blackwell
 Name
20 Teasdale Circle
 Mailing Address
Nantucket MA 02554
 City/Town State Zip Code
508-228-9026
 Phone Number

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

Four Saratoga, LLC
 Applicant
11/16/2012 SE48-2506
 Dated DEP File Number

3. The project site is located at:

14 Tennessee Ave. Nantucket
 Street Address City/Town
60.1.2 6
 Assessors Map/Plat Number Parcel/Lot Number

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

Four Saratoga, LLC
 Property Owner (if different)
Nantucket
 County Book Page
23890
 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.



2013 00141696

Cert: 23890 Doc: OOC
Registered: 07/25/2013 01:09 PM



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:
SE48-2506
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:

a. First Name _____ b. Last Name _____
Four Saratoga, LLC c/o Vaughn, Dale, Hunter & Beaudette, P.C.
 c. Organization _____
P.O. Box 659
 d. Mailing Address _____
Nantucket MA 02554
 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:
14 Tennessee Ave. Nantucket
 a. Street Address _____ b. City/Town _____
60.1.2 6
 c. Assessors Map/Plat Number _____ d. Parcel/Lot Number _____
 Latitude and Longitude, if known: _____
 d. Latitude _____ e. Longitude _____



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:

SE48-2506

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

23890

a. County

b. Certificate Number (if registered land)

c. Book

d. Page

7. Dates: 10/12/2012 10/31/2012 11/16/2012
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):

Site Plan of Land to Accompany a Notice of Intent

a. Plan Title

Blackwell & Associates, Inc.

Arthur D. Gasbarro, III, P.L.S.

b. Prepared By

c. Signed and Stamped by

10/12/2012

1"=20'

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. Public Water Supply b. Land Containing Shellfish c. Prevention of Pollution
d. Private Water Supply e. Fisheries f. Protection of Wildlife Habitat
g. Groundwater Supply h. Storm Damage Prevention i. Flood Control
j. Wetland Scenic Views (bylaw) k. 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.



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:
SE48-2506
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Nantucket
City/Town

B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	_____ a. linear feet	_____ b. linear feet	_____ c. linear feet	_____ d. linear feet
5. <input type="checkbox"/> Bordering Vegetated Wetland	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
	_____ e. c/y dredged	_____ f. c/y dredged		
7. <input type="checkbox"/> Bordering Land Subject to Flooding	_____ a. square feet	_____ b. square feet	_____ c. square feet	_____ d. square feet
Cubic Feet Flood Storage	_____ e. cubic feet	_____ f. cubic feet	_____ g. cubic feet	_____ h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	_____ a. square feet	_____ b. square feet		
Cubic Feet Flood Storage	_____ c. cubic feet	_____ d. cubic feet	_____ e. cubic feet	_____ f. cubic feet
9. <input type="checkbox"/> Riverfront Area	_____ a. total sq. feet	_____ b. total sq. feet		
Sq ft within 100 ft	_____ c. square feet	_____ d. square feet	_____ e. square feet	_____ f. square feet
Sq ft between 100-200 ft	_____ g. square feet	_____ h. square feet	_____ i. square feet	_____ j. square feet



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:
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Nantucket
City/Town

B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
14. <input type="checkbox"/> Coastal Dunes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. nourishment	<u> </u> d. nourishment
15. <input type="checkbox"/> Coastal Banks	<u> </u> a. linear feet	<u> </u> b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	<u> </u> a. square feet	<u> </u> b. square feet		
17. <input type="checkbox"/> Salt Marshes	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	<u> </u> a. square feet	<u> </u> b. square feet		
	<u> </u> c. c/y dredged	<u> </u> d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	<u> </u> a. square feet	<u> </u> b. square feet	<u> </u> c. square feet	<u> </u> d. square feet
20. <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			
	<u> </u> a. c/y dredged	<u> </u> b. c/y dredged		
21. <input checked="" type="checkbox"/> Land Subject to Coastal Storm Flowage	<u>2500</u> a. square feet	<u>2500</u> b. square feet		



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:
SE48-2506
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Nantucket
City/Town

B. Findings (cont.)

22. Restoration/Enhancement *:

_____ a. square feet of BWW

_____ b. square feet of salt marsh

23. Stream Crossing(s):

_____ a. number of new stream crossings

_____ b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. the work is a maintenance dredging project as provided for in the Act; or
 - b. the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order.
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on **11/16/2015** unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.
8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.



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
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.

NOTICE OF STORMWATER CONTROL AND MAINTENANCE REQUIREMENTS

19. The work associated with this Order (the "Project") is (1) is not (2) subject to the Massachusetts Stormwater Standards. If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;
 - iv.* all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
 - v.* any vegetation associated with post-construction BMPs is suitably established to withstand erosion.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following: *i.*) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and *ii.*) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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
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Provided by MassDEP:
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eDEP Transaction #
Nantucket
City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.

- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.

- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):



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:
SE48-2506
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

D. Findings Under Municipal Wetlands Bylaw or Ordinance

- 1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
- 2. The Nantucket hereby finds (check one that applies):
Conservation Commission

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

1. Municipal Ordinance or Bylaw

2. Citation

- 3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

Please view additional findings and conditions page(s)



Town of Nantucket, Massachusetts
WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2506

Provided by DEP

B1. Additional Conditions

The Town of Nantucket Conservation Commission has found it necessary to include these additional conditions as a standard part of every Order. If the condition applies, then the corresponding box will be checked:

- 1. Pursuant to General Condition Number 8, this Order of Conditions must be registered with the Registry of Deeds for Nantucket, and proof of recording shall be submitted to the Commission prior to the commencement of any work approved in this Order.
- 2. No work approved under this Order shall take place until all administrative appeal periods from the Order have elapsed, or, if an appeal has been filed, until all proceedings have been completed.
- 3. The landowner, applicant, and/or the contractor will notify the Commission in writing five days prior to the start of work. The letter shall state the name, address, and telephone number of the project supervisor who will be responsible for insuring onsite compliance with this Order. (All erosion/sedimentation control devices shall be installed BEFORE the start of work.)
- 4. Prior to any activity at the site, a snow fence, siltation fence or a line of straw bales shall be staked as shown on the plan of record. After the fence or straw bales are installed, notice shall be given to the Nantucket Conservation Commission. **No work shall begin on the site for 72 hours after said notice is given; so as to allow Commission members time to inspect all siltation devices.** The snow fence, siltation fence, or straw bale line erected to prevent siltation, erosion, filling of the wetland, and trap windblown debris during construction, will also serve as a limit of the activity for work crews. It shall remain in good repair during all phases of construction, and it shall not be removed until all soils are stabilized and revegetated or until permission to remove it is given by the Commission.
- 5. An as-built plan, signed and stamped by a registered professional engineer or land surveyor in the Commonwealth of Massachusetts, and having the same scale as the final approved plans, shall be submitted to the Commission at the same time as a written request for a Certificate of Compliance, and shall specify how, if at all, the completed plan differs from the final approved plan. The as-built plan shall include, but not be limited to, the following: any/culvert inverts for inflow and outfalls; pipe slope, size, and composition; location of any other drainage structures and their composition; limits of fill or alteration; location of all structures and pavement within 100 feet of the wetland; the edge of the wetland; the grade contours within 100 feet of the wetland.
- 6. Members, employees, and agents of the Commission shall have the right to enter and inspect the premises to evaluate compliance with the conditions and performance standards stated in this Order, the Massachusetts Wetlands Protection Act, and pertinent Massachusetts regulations (310CMR10:00 through 10:99). The Commission may require the submittal of any data deemed necessary by the Commission for that evaluation.
- 7. The applicant, owners, successors, or assignees shall be responsible for maintaining any on-site drainage structures and outfalls, assuring the lasting integrity of vegetative cover on the site, and monitoring of site activities so as to prevent erosion, siltation, sedimentation, chemical contamination, or other detrimental impact to any on-site or off-site resource area. It shall be the responsibility of the property owner of record to ensure compliance with the maintenance conditions required by this Order.



Town of Nantucket, Massachusetts

WPA Form 5 – Order of Conditions

The Town of Nantucket Bylaw Chapter 136

DEP File Number:

SE48-2506

Provided by DEP

B1. Additional Conditions (cont.)

- 8. This document shall be included in all construction contracts and subcontracts dealing with the work proposed and shall supersede other contract requirements.
- 9. A complete copy of this permit, including its drawings, Special Conditions, and any Amendments shall be available at the work site whenever work is being performed. The permittee shall provide a copy of this permit to all contractors, subcontractors, and other personnel performing work relating to this project in order to assure full knowledge and compliance with the permit's terms and conditions.
- 10. Natural vegetation between the wetland edge and upland edge of the Undisturbed Buffer shall be left intact. Within 48 hours of project completion, weather permitting, all disturbed areas shall be replanted as previously approved by the Commission. There shall be at least a 25-foot undisturbed buffer on the upland side of the wetland boundary, unless otherwise specified by this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 11. To minimize adverse effects on wildlife and water resources, the use of any pesticide or fertilizer requires explicit permission to be granted by the Commission. This shall be an ongoing Condition that shall survive the expiration of this permit, and shall be so noted on the Certificate of Compliance.
- 12. In all cases, no part of any structure, including decks, stairs, cantilevers, etc., may be closer than 50 feet from the approved wetland boundary unless otherwise specified in this Order. This shall be an ongoing Condition that shall survive the expiration of this permit and shall be so noted on the Certificate of Compliance.
- 13. Any refuse material found on the site shall be disposed of at an approved landfill and in no case may these materials be buried or disposed of in or near a wetland.
- 14. This Order of Conditions shall apply to any successor in interest or successor in control of the property.
- 15. No underground petroleum product storage tanks are allowed within 100 feet of any wetland or within any velocity (V) flood zone as indicated on the most recent FEMA floodplain maps.
- 16. No work under this Order of Conditions may proceed until the applicant has filed all necessary permits and applications with:
Board of Health, ZBA, HDC, Building Inspector, Army Corps of Engineers, DEP, Waterways, MNH, etc.
- 17. All construction and alterations must comply with the above referenced plans and the Conditions of this Order. Any changes intended to be made in the plans or in the work shall require the applicant to file a new Notice of Intent, or to inquire of the Commission in writing whether the change is substantial enough to require a new filing. No change in plan or work under this filing is permissible without a new Notice of Intent, or permission from the Commission.

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

Address: 14 Tennessee Ave.
 Assessor's Map and Parcel: 60.1.2-6
 Property Owner: Four Saratoga, LLC
 Applicant: Four Saratoga, LLC
 DEP File Number: SE48-2506
 Filing Date: October 12, 2012
 Date Hearing Closed: October 31, 2012
 Date Orders Issued: November 16, 2012
 Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, Dated 10/12/2012 and stamped by Arthur D. Gasbarro, III, P.L.S.

Permit Overview:

This order permits the installation of a crawlspace foundation beneath the existing structure within Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. Waivers are required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and did 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 and details set out on the plan of record, provided project narratives, waiver requests and protocols.
19. No fertilizers or irrigation is permitted by this Order.
20. All construction materials or excavated material is to be stored outside of the fifty foot setback from the BVW.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 3.02(B)(1) that all structures shall maintain and undisturbed two-foot separation to high groundwater. The Commission finds that given the current site conditions that the project as proposed will not have an adverse impact and that there are no reasonable alternatives for the project to go forward. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Town of Nantucket Wetland Protection Regulations.



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:
SE48-2506
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

11/16/2012

1. Date of Issuance

Please indicate the number of members who will sign this form.

6

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Ernest Steinauer
Ernest Steinauer

Sarah Oktay
Sarah Oktay

John D. Braginton-Smith
John D. Braginton-Smith

Andrew Bennett
Andrew Bennett

Ian Golding
Ian Golding

Michael Glowacki
Michael Glowacki

Jennifer Karberg
Jennifer Karberg

by hand delivery on

by certified mail, return receipt requested, on

Date

Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request of Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



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:
SE48-2506
MassDEP File #

eDEP Transaction #
Nantucket
City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded 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, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

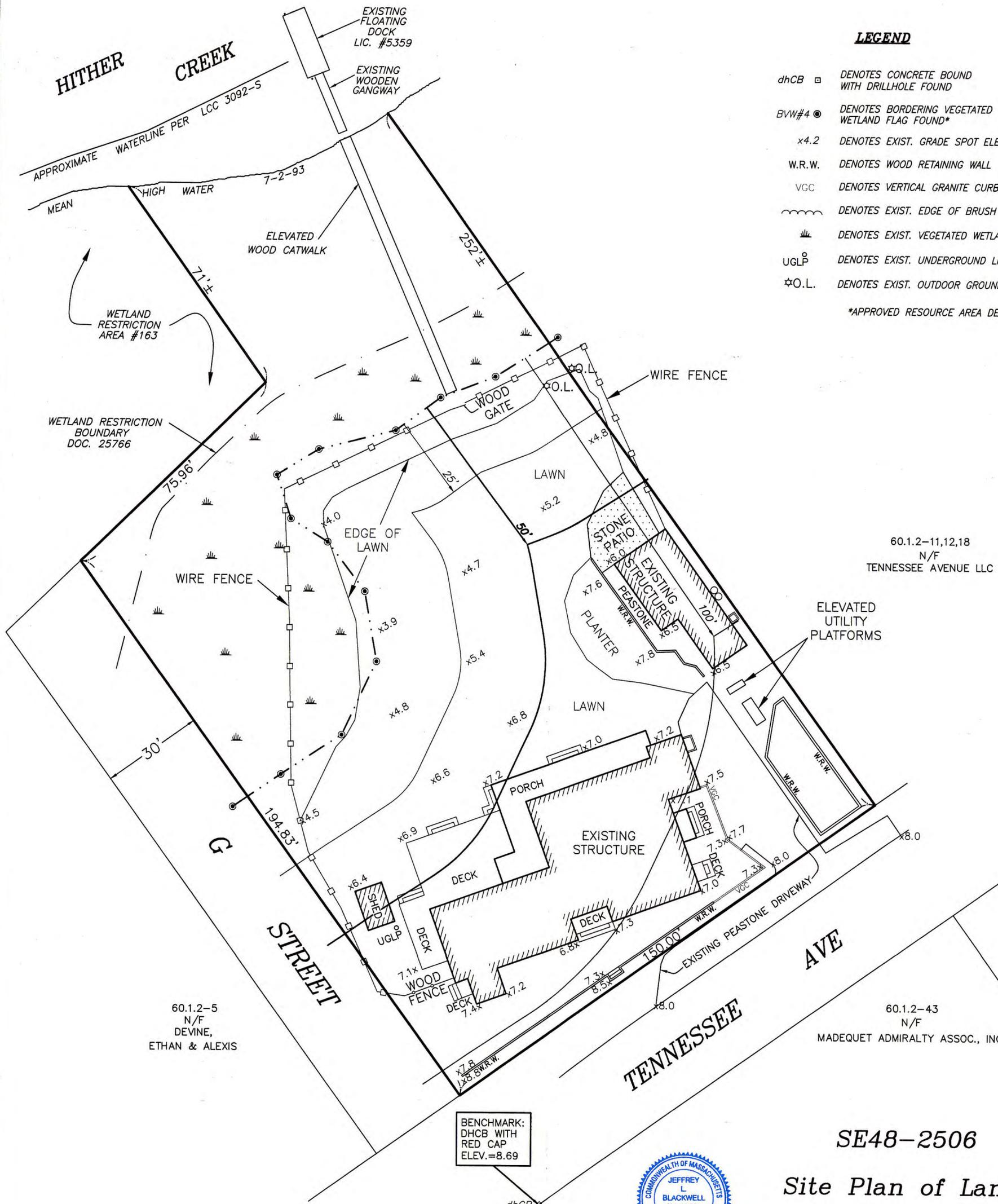
Document Number

Signature of Applicant

HITHER CREEK

LEGEND

- dhCB □ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
 - BVW#4 ● DENOTES BORDERING VEGETATED WETLAND FLAG FOUND*
 - x4.2 DENOTES EXIST. GRADE SPOT ELEVATION
 - W.R.W. DENOTES WOOD RETAINING WALL
 - VGC DENOTES VERTICAL GRANITE CURB
 - ⋯ DENOTES EXIST. EDGE OF BRUSH
 - ⌒ DENOTES EXIST. VEGETATED WETLAND
 - UGLP ○ DENOTES EXIST. UNDERGROUND LP TANK COVER
 - ☆O.L. DENOTES EXIST. OUTDOOR GROUND LIGHT
- *APPROVED RESOURCE AREA DELINEATION



60.1.2-11,12,18
N/F
TENNESSEE AVENUE LLC

60.1.2-5
N/F
DEVINE,
ETHAN & ALEXIS

60.1.2-43
N/F
MADEQUET ADMIRALTY ASSOC., INC.

BENCHMARK:
DHCB WITH
RED CAP
ELEV.=8.69



SE48-2506

**Site Plan of Land
In Nantucket, MA
Prepared for
FOUR SARATOGA LLC**

CERT. OF TITLE: 23890 LCPL: 3092-S, LOTS 3,4,4A,11,12
ASSESSOR'S MAP 60.1.2, PARCEL 6
14-16 TENNESSEE AVENUE

Scale: 1"= 20' MAY 02, 2016

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

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

LOT AREA=34,633±S.F.

B7648

EXTENSION REQUESTS

97 Squam Road NT

97 Squam Road

(12-30)

SE48-2583

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

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

B7398

May 27, 2016

Mr. Jeffrey Carlson, Natural Resources Coordinator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Mass. 02554

**Re: SE48-2583; 3 Year Extension Request: 97 Squam Road Nominee Trust,
applicant and property owner; # 97 Squam Road Nantucket, Massachusetts.
Title reference: Certificate of Title #23737 / Tax Map: 12-30**

Dear Mr. Carlson:

On behalf of the applicant and property owner I am requesting a **three (3)** year Extension of the Order of Conditions (recorded as Land Court Doc.: 142422) issued on August 21, 2013 for the above referenced file number. All work is complete except the construction of the Gazebo. The owner wishes to temporarily delay construction with the possibility that construction will commence in 2-3 years.

In the meantime, under separate cover, photographs will be provided to demonstrate that all disturbed areas have had a suitable vegetative growth in place for the past 2 years.

Enclosed please find a filing fee check in the amount of \$25.00 to properly process this request.

Please feel free to contact me at your convenience, if you require any additional information or if you have any questions in this matter.

Sincerely,



Leo C. Asadoorian, PS, CSE
Blackwell & Associates, Inc

w/enclosures

cc: Jaqueline R. McCoy, Trustee of 97 Squam Road Nominee Trust
Sarah F. Alger, Esq.
David Haines
DEP, Southeast Region.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 7 – Request for Extension Permit for
Orders of Conditions

DEP File Number:

SE48-2583
 Provided by DEP

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

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.



- Applicant:
97 SQUAM ROAD NOMINEE TRUST; JAQUELINE R. McCOY, Trustee
 Name
31 ST. JAMES AVENUE, SUITE 740
 Mailing Address
BOSTON MA 02116
 City/Town State Zip Code
- Property Owner (if different):
SAME
 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:

AUGUST 21, 2013 Issued by: NANTUCKET
 Date Conservation Commission
 for work at: 97 SQUAM ROAD 12 30
 Street Address Assessor's Map/Plat Number Parcel/Lot Number

recorded at the Registry of Deeds for:

NANTUCKET _____
 County Book Page
23737
 Certificate (if registered land)

is hereby extended until: _____ 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.

Monitoring Reports

Nantucket Islands Land
Bank

27 North Cambridge

(38-24)

SE48-2527

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 27 North Cambridge Street
Assessor's Map and Parcel: 38-24
Property Owner: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2527
Filing Date: January 4, 2013
Date Hearing Closed: February 6, 2013
Date Orders Issued: February 6, 2013
Plan of Record Information: Record Plan of Land for an Existing Tight Tank dated 10/31/2011 and prepared by Blackwell and Associates

Permit Overview:

This order permits the removal of the existing dwellings and foundations, pumping out and filling the existing tight tank, grading and replanting of disturbed areas, construction of a viewing platform, construction of a pervious drive, removal of dead or invasive vegetation, maintenance of an existing footpath to the beach and vista pruning within a Coastal Beach, Coastal Dune, their buffer zones, Land Subject to Coastal Storm Flowage and the buffer zone to a Bordering Vegetated Wetland. 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 fertilizers or irrigation are permitted by this Order.
20. A monitoring report including photographs shall be filed at the beginning and end of each growing season demonstrating the condition of the previously disturbed areas as well as the areas containing dead or invasive species for three years or until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.02(B)(2) of the Nantucket Wetlands Protection Regulations, that all projects that are not water dependent shall maintain a 25-foot undisturbed area and that all structures that are not water dependent shall be at least 50 feet from a coastal dune. The Commission finds that given the existing site conditions; the proposed activity will provide a long term-net benefit to the resource area and its buffer zone. Therefore the Commission grants a waiver under Section 1.03(F)(3)(c) of the Nantucket Wetland Protection Regulations.

Monitoring Report
May 16, 2016
Property: 27 North Cambridge Street
DEP File # SE 48-2527



In November of 2015 the existing structures were removed from the property and the associated tight tank was pumped and filled. The disturbed areas were filled, smoothed and replanted with a native seed mix. Ongoing property maintenance includes minimal vegetation pruning to the existing beach access and any necessary repairs to the boardwalk and beach stairs. Additionally, a wooden viewing platform was constructed in the northern section of the property as well as a gravel drive and split rail fence in the southern portion. Monitoring and removal of spotted knapweed is ongoing at this site.













Nantucket Islands Land
Bank

72 Washington St

(42.2.3-17)

SE48-2741

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 72 Washington Street
Assessor's Map and Parcel: 42.2.3-17
Property Owners: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2741
Filing Date: December 19, 2014
Date Hearing Closed: January 21, 2015
Date Orders Issued: January 21, 2015
Plan of Record Information: Figure 3, prepared by Nantucket Islands Land Bank

Permit Overview:

This order permits the demolition/removal of an existing dwelling, regrading of the existing site with replanting of American Beach Grass within the Coastal Beach and its associated buffer zone. Waivers are required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and required 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. A monitoring report including photographs shall show the condition of any of the previously disturbed areas shall be filed at the end of each growing season for three years or until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Sections 2.02 (B)(6) of the Nantucket Wetlands Protection Regulations, that all projects that are not water dependent shall be at least 25 feet and all structures shall be at least 50 feet from a coastal beach. The Commission finds that given the historic, existing and proposed site conditions, that the project as proposed, by removing the existing structures will serve to provide a long term net benefit to the resource areas. Therefore, the Commission grants a waiver under Section 1.03(F)(3)(c) of the Nantucket Wetland Protection Regulations.

Monitoring Report
May 16, 2016
Property: Aladjem, 72 Washington Street
DEP File # SE 48-2741

In April of 2015 the existing single family home was demolished on sight and the garage was removed from the property. The disturbed area was smoothed and the sight was planted, by hand with American beach grass to match the existing vegetation line of the adjacent property. A split rail fence was also constructed along the roadside, extending the fence line from the abutting Land Bank property and a pressure treated wooden post was installed on the beach with signs discouraging the storage of boats. The approved work for this project is complete and the American beach grass has established at the site.







Nantucket Islands Land
Bank

21 Sesachacha Pond
(21-17)

SE48-2775

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 21 Sesachacha Road
Assessor's Map and Parcel: 21-16
Property Owner: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2775
Filing Date: March 13, 2015
Date Hearing Closed: April 15, 2015
Date Orders Issued: April 15, 2015
Plan of Record Information: Site Plan, prepared by the Nantucket Islands Land Bank

Permit Overview:

This order permits the maintenance of an existing footpath, maintenance of a roadway berm, invasive species management and the removal of invasive species along a Coastal Bank. Waivers are required for this project.

Additional Findings:

1. The area falls inside mapped habitat areas and requires 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, and protocols.
19. This Order permits the use of a no greater than 25% glyphosate water-based solution (Rodeo or equal) and the use of triclopyr (Renovate 3 or equal) in a concentration not to exceed the label directions.
20. All herbicide application in the resource area shall be applied by hand.
21. The quantity and specific type of herbicide used will be reported in writing to the Commission on an annual basis.
22. Any excavated material or plant material removed from the site is to be disposed of through the digester at the Nantucket Landfill.
23. Any replanting or work within the wetland area shall require an Amended Order of Conditions or new Notice of Intent.
24. A report including location photographs shall be provided to the Commission showing the conditions prior to work being started and at the conclusion of the growing season. This report shall also include a list of invasive species removed and treatment methods.
25. All reports are required annually until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.05(B)(5) that all project which are not water dependent shall maintain at least a 25-foot natural undisturbed area adjacent to a Coastal Bank and that all structures are to maintain a minimum 50 foot setback from a Coastal Bank. The Commission finds the control of foot traffic and roadway runoff will not have an adverse impact to the interests protected and that there is no reasonable alternative to allow the project to continue. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Nantucket Wetland Protection Regulations.

Monitoring Report
May 16, 2016
Property: 21 Sesachacha Road
DEP File #: SE48-2775

During May of 2015, the roadway berm was restored and the washed out footpath leading to the pond was filled in and smoothed, making it safely passable. However, it has come to our attention that this path may need ongoing yearly maintenance to ensure that it is safe for public use.

The Land Bank removed invasive species along the bank by hand and treated individual plants with glyphosate during 2015. However, the infestation of porcelain berry, oriental bittersweet and Japanese honeysuckle is more extensive than originally thought. The effectiveness of invasive species removal remains negligible in the area and therefore we are abandoning this effort.







Nantucket Islands Land
Bank

28 Washington St

(42.3.2-23.1)

SE48-2526

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 28, 30A, 30B Washington Street
Assessor's Map and Parcel: 42.3.2-231,232,233
Property Owner: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2526
Filing Date: January 4, 2013
Date Hearing Closed: January 23, 2013
Date Orders Issued: January 23, 2013
Plan of Record Information: Resource and Work Map prepared Nantucket Islands Land Bank

Permit Overview:

This order permits the removal of multiple structures, the re-vegetation of lawn areas, continued vista pruning during the dormant season and the maintenance of an existing boardwalk/deck within Land Subject to Coastal Storm Flowage and the buffer zone to a Coastal Dune and Coastal Beach. 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 fertilizers or irrigation is permitted by this Order.
20. A monitoring report including photographs shall be filed at the beginning and end of each growing season demonstrating the condition of the disturbed areas of the site for three years or until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are required to Section 2.03(B)(2) of the Nantucket Wetlands Protection Regulations, that all projects that are not water dependent shall maintain a 25-foot undisturbed area and that all structures that are not water dependent shall be at least 50 feet from a coastal bank. The Commission finds that given the existing site conditions, the removing of existing structures and the revegetation of disturbed areas will provide a long term net benefit to the resource area. Therefore the Commission grants a waiver under Section 1.03(F)(3)(c) of the Nantucket Wetland Protection Regulations.

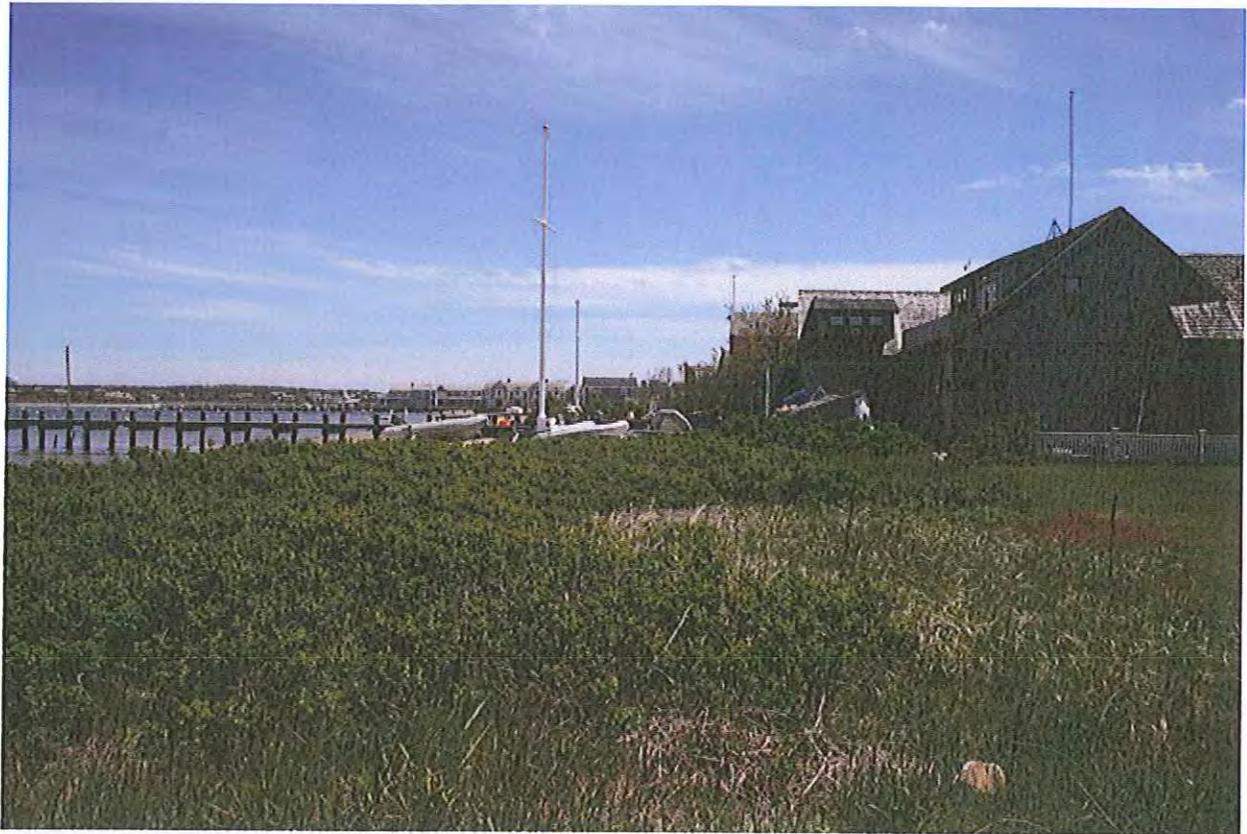
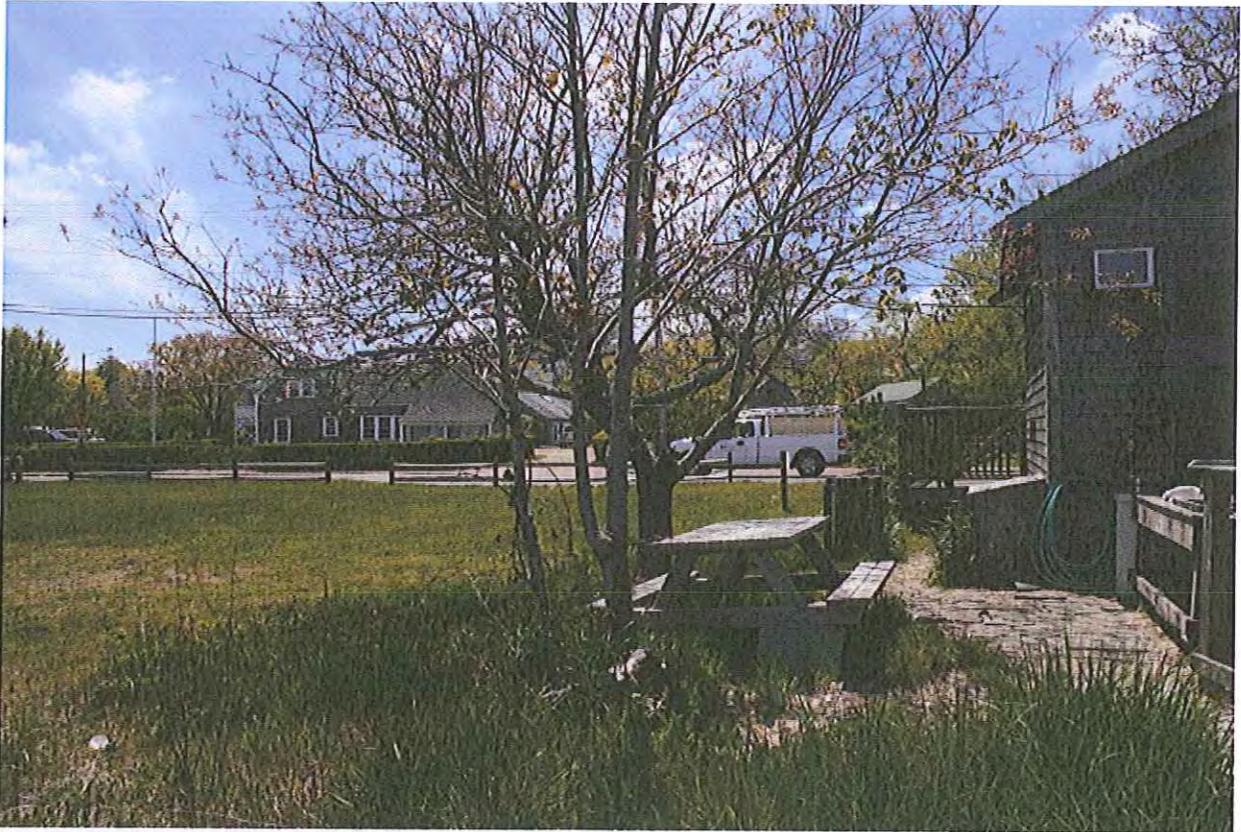
Conservation Commission Update
May 16, 2016
Property: 28, 30A & 30B Washington Street
DEP File #: SE 48-2526

In the spring of 2013 all structures were removed from 30A and 30B Washington Street. Soon after the building removal, the foundation holes were filled, smoothed, and seeded with lawn grasses. Ongoing property maintenance includes seasonal vegetation pruning and mowing of existing lawn areas. The footpath at 30A Washington Street has been allowed to revegetate and a split rail fence was installed along the road edge of 30A and 30B Washington Street.

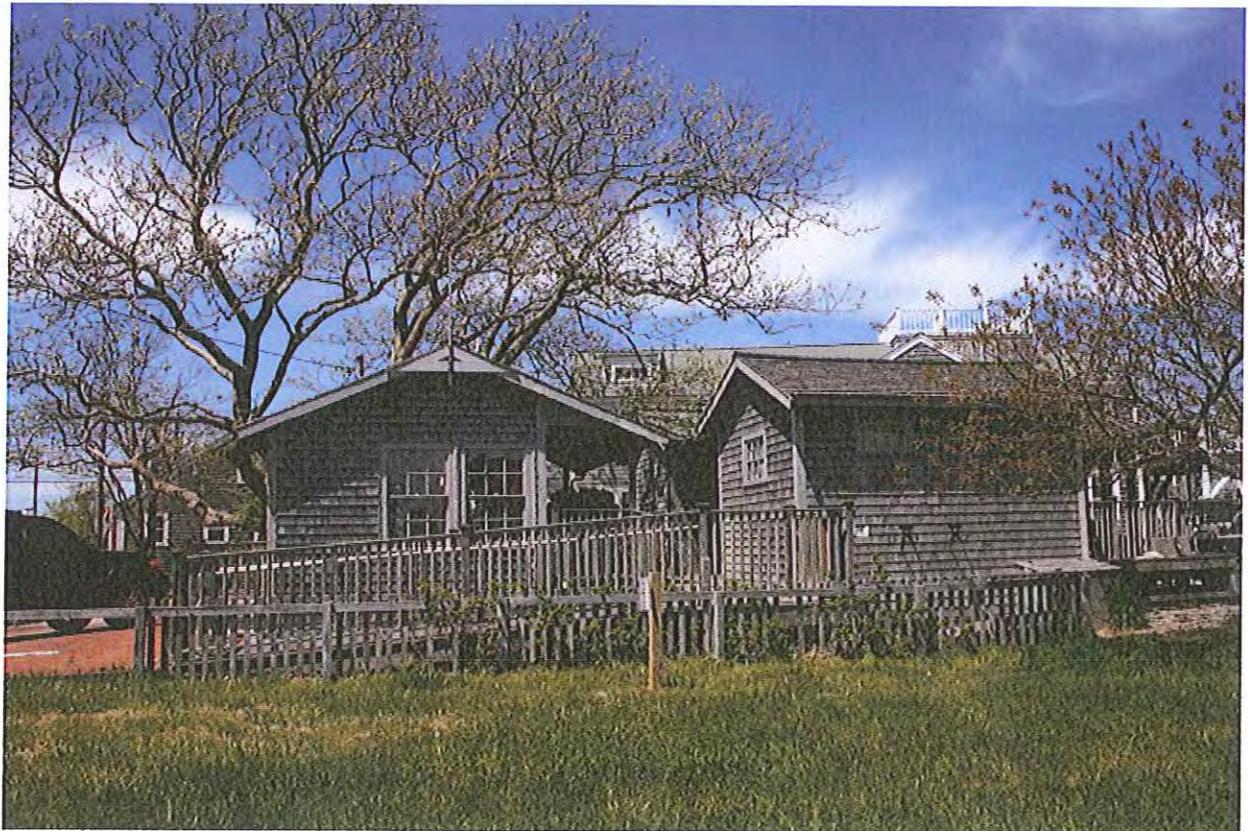
The structure at 28 Washington Street that houses the Maria Mitchell Aquarium still remains. The Maria Mitchell Association filed for a lease extension until November 17, 2022 to raise the funds necessary for relocating the Aquarium and Natural Science Center. Due to the unforeseen delay in moving the Aquarium building, the Land Bank is seeking to close out the existing permit. Our plan is to reapply to the Conservation Commission for permission to remove the building when the Maria Mitchell Association is prepared to undertake this project. Therefore, approved work for this project has been completed.

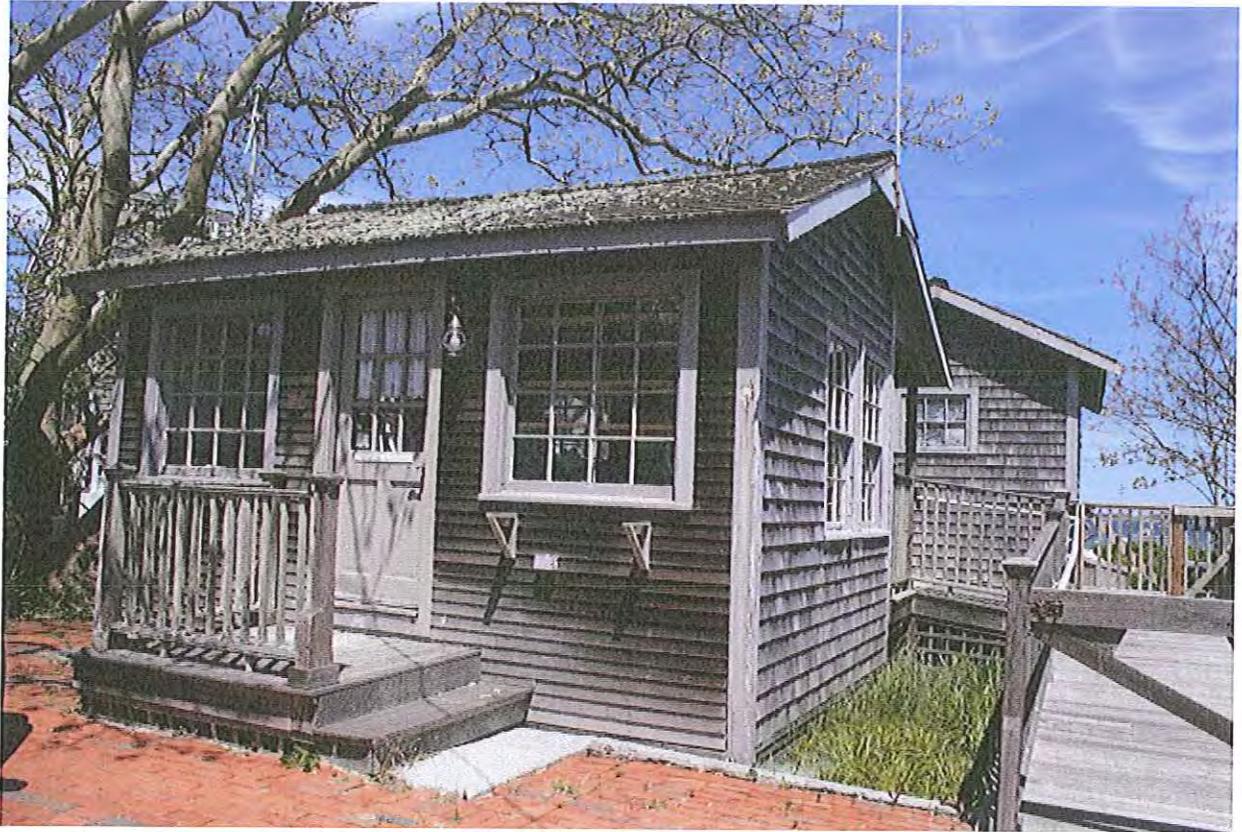












Nantucket Islands Land
Bank

22 Cathcart Rd
(43-68)

SE48-2810

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 22 Cathcart Road
Assessor's Map and Parcel: 43-68
Property Owner: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2810
Filing Date: June 19, 2015
Date Hearing Closed: August 5, 2015
Date Orders Issued: August 19, 2015
Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent, dated 6/18/2015, and stamped by Arthur D. Gasbarro, P.E.

Permit Overview:

This order permits the removal of vegetation and re-grading a portion of a Coastal Bank and its associated buffer zone for the purpose of a public parking area. Waivers are required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and did 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. The applicant shall file a yearly monitoring report including photographs demonstrating the condition of the area at the beginning and end of the growing season for three years or until a Certificate of Compliance is issued.
20. Any invasive species found in the naturalization areas shall be removed using best management practices as approved by Commission staff.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are to Section 2.05(B)(5) that proposed projects which are not water dependent shall maintain at least a 25-foot natural undisturbed buffer area adjacent to a coastal bank. The Commission finds that given the current and historic site conditions that the proposed use and activity will not have an adverse impact to the interests protected and that there are no alternatives to the project proceeding. Therefore the Commission grants a waiver under Section 1.03(F)(3)(a) of the Nantucket Wetland Protection Regulations.

Monitoring Report
May 16, 2016
Property: 22 Cathcart Road
DEP File #: SE48-2810

During the summer of 2015 construction began on the expansion of the parking lot at 22 Cathcart Road. Vegetation and stumps were removed from the site and the area was smoothed and topped with a mixture of sand and gravel. In an effort to protect the nearby wetland from sedimentation, a biodegradable fiber roll was installed along the northern edge of the parking lot and the exposed dirt around the southern and western edges of the property was seeded with a Cape Cod grass mixture for aesthetics and to stabilize the raised berm. Additionally, two pressure treated wooden posts were installed along the southern edge of the parking area with signage advising visitors to park "nose in". Construction came to completion in the end of September and the existing parking area was expanded by less than 1,800 square feet.







Nantucket Islands Land
Bank

158 Orange St

(55-61.1)

SE48-2689

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 158 Orange Street
Assessor's Map and Parcel: 55-61.1
Property Owner: Nantucket Islands Land Bank
Applicant: Nantucket Islands Land Bank
DEP File Number: SE48-2689
Filing Date: June 20, 2014
Date Hearing Closed: July 23, 2014
Date Orders Issued: July 23, 2014
Plan of Record Information: Site Plan to Accompany a Notice of Intent, dated 6/20/2014 and a final revision of 7/3/2014, and stamped by Paul J. Santos, P.L.S.

Permit Overview:

This order permits the removal of multiple invasive species within the buffer zone to an isolated vegetated wetland. This Order also permits the removal of an existing structure from within Land Subject to Coastal Storm Flowage and the buffer zone to an isolated vegetated wetland, salt marsh, and coastal bank. Waivers are required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and does not require NHESP review.

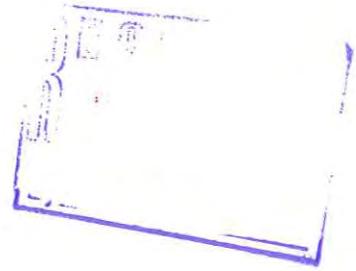
In addition to the General Conditions contained elsewhere in this document, the Commission includes the following Special Conditions pursuant to MGLCh131s40 and the Town of Nantucket Wetlands Protection Bylaw, Chapter 136:

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, and protocols.
19. This Order permits the use of a no greater than 25% glyphosate water-based solution (Rodeo or equal).
20. All herbicide application in the resource area shall be applied by hand.
21. The quantity and specific type of herbicide used will be reported in writing to the Commission on an annual basis.
22. Any excavated material or plant material removed from the site is to be disposed of through the digester at the Nantucket Landfill.
23. All species shall be verified as being on the invasive list in the Nantucket Wetland Protection Regulations prior to any treatment.
24. A report including location photographs shall be provided to the Commission showing the conditions prior to work being started and at the conclusion of the growing season. This report shall also include a list of invasive species removed and treatment methods.
25. All reports are required annually until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS



Monitoring Report
May 11, 2016
Property: Bachman, 158 Orange Street
DEP File # SE 48-2689



During the summer of 2015, all structures were removed from the property and the soil surface of the site was smoothed. In September of 2015, the smoothed area was seeded with a Cape Cod grass mix and six red maple trees were planted along the northwestern border. *Phragmites* located within the wetland in the middle of the property was cut in the winter of 2015 by Land Bank Staff using gas-powered hedge trimmers. The plants were cut in anticipation of herbicide application in 2016. A portion of the *Phragmites* patch extends across the property line and with the permission of the neighbor, the Land Bank plans to remove the *Phragmites* on the abutter's property. In addition, the Land Bank requested a minor modification to the existing Order to remove non-native species from around the wetland edge and replant natives.









97 Squam Road NT

97 Squam Road

(12-30)

SE48-2583

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 97 Squam Road
Assessor's Map and Parcel: 12-30
Property Owner: 97 Squam Road Nominee Trust
Applicant: 97 Squam Road Nominee Trust
DEP File Number: SE48-2583
Filing Date: July 18, 2013
Date Hearing Closed: August 21, 2013
Date Orders Issued: August 21, 2013
Plan of Record Information: Plan to Accompany a Notice of Intent, Dated 7/18/2013,
Final revision of 7/23/2013 and stamped by Leo C.
Asadoorian, P.L.S and Arthur D. Gasbarro, P.E.

Permit Overview:

This order permits the demolition of an existing structure, the installation of two septic pipes with associated grading and landscaping within the buffer zone to a Coastal Dune. Waivers are not required for this project.

Additional Findings:

1. The area falls outside mapped habitat areas and did 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 and details set out on the plan of record, provided project narratives, and protocols.
19. The applicant shall provide photographs of the disturbed area to the Commission at the beginning and end of each growing season for three years or until a Certificate of Compliance is issued.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

Waivers are not required for this project.

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

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

B7398

May 27, 2016

Mr. Jeffrey Carlson, Natural Resources Coordinator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Mass. 02554

**Re: SE48-2583; MONITORING REPORT: 97 Squam Road Nominee Trust,
applicant and property owner; # 97 Squam Road Nantucket, Massachusetts.
Title reference: Certificate of Title #23737 / Tax Map: 12-30**

Dear Mr. Carlson:

As required by Additional Condition #19 of the Order of Conditions we are providing photographs that demonstrate that a suitable vegetative growth has been in place since construction was completed in 2014 and currently has remained unchanged. Area shown was the position of the former dwelling at 97 Squam Road that was removed from the site, replanted and maintained in good order.

I trust these photos satisfy the requirement under the Order of Conditions.

Please feel free to contact me at your convenience, if you require any additional information or if you have any questions in this matter.

Sincerely,



Leo C. Asadoorian, PS, CSE
Blackwell & Associates, Inc

w/enclosures

cc: Jaqueline R. McCoy, Trustee of 97 Squam Road Nominee Trust
Sarah F. Alger, Esq.
David Haines
DEP, Southeast Region.



Backfilled and sodded lawn area where dwelling once stood at 97 Squam Rd. Photo taken on 7-23-2014.



Backfilled and sodded lawn area where dwelling once stood at 97 Squam Rd. Photo taken on 7-23-2014.



Backfilled and sodded lawn area where dwelling once stood at 97 Squam Rd. Photo taken on 5-26-2016.



Backfilled and sodded lawn area where dwelling once stood at 97 Squam Rd. Photo taken on 5-26-2016.

Enforcement Actions

36 Pocomo NT

36 Pocomo Road

(14-11)

VAUGHAN, DALE, HUNTER AND BEAUDETTE

PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

WHALER'S LANE

P.O. BOX 659

NANTUCKET, MASSACHUSETTS 02554

TEL: (508) 228-4455

FAX: (508) 228-3070

EDWARD FOLEY VAUGHAN

KEVIN F. DALE

RICHARD P. BEAUDETTE

—
LORI D'ELIA

BRYAN J. SWAIN

WILLIAM F. HUNTER

OF COUNSEL

May 27, 2016

BY HAND-DELIVERY AND FACSIMILE

Jeff Carlson, Natural Resources Coordinator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, Massachusetts 02554

Re: Scott L. Martin and Andrea G. Martin, Co-Trustees of
36 Pocomo Road Nominee Trust,
36 Pocomo Road, Nantucket, Massachusetts 02554
Map 14, Parcel 11, Certificate of Title No. 23066

Dear Jeff:

This letter will serve to confirm that I represent Mr. and Mrs. Robert C. Wright, the owners of 29 and 33 Medouie Creek Road, Nantucket, Massachusetts 02554. My clients are concerned about the illegal brush cutting that has taken place on the abutting property located at 36 Pocomo Road and owned by Scott L. Martin and Andrea G. Martin, Co-Trustees of the 36 Pocomo Road Nominee Trust and shown as Parcel 79 on Nantucket Assessors Map 14. There is an isolated vegetated wetland on the 36 Pocomo Road property as shown on the

Jeff Carlson, Natural Resources Coordinator
May 27, 2016
Page 2 of 3

enclosed wetlands plan. The property has been extensively "clear cut" within the wetland buffer zones surrounding this wetland without any required determinations or orders from the Nantucket Conservation Commission.

Enclosed are pictures of the clear cutting areas on the 36 Pocomo Road property.

In these circumstances, Mr. and Mrs. Wright ask the Nantucket Conservation Commission to deem this illegal clear cutting a violation of Chapter 136 of the Nantucket Wetlands By-Law and issue an enforcement order against the 36 Pocomo property pursuant to Section 136-4F of the Town By-Law. In addition, Mr. and Mrs. Wright ask the Commission to require the owners of the 36 Pocomo Road property, Scott L. Martin and Andrea G. Martin, Co-Trustees of the 36 Pocomo Road Nominee Trust, to restore the brush cut area within the wetland buffer zones on the 36 Pocomo Road Property to its prior condition by re-vegetating and replicating this area as soon as possible.

Should you have any questions or concerns, please contact me. Thank you for your help.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Carlson", written over a horizontal line.

Jeff Carlson, Natural Resources Coordinator
May 27, 2016
Page 3 of 3

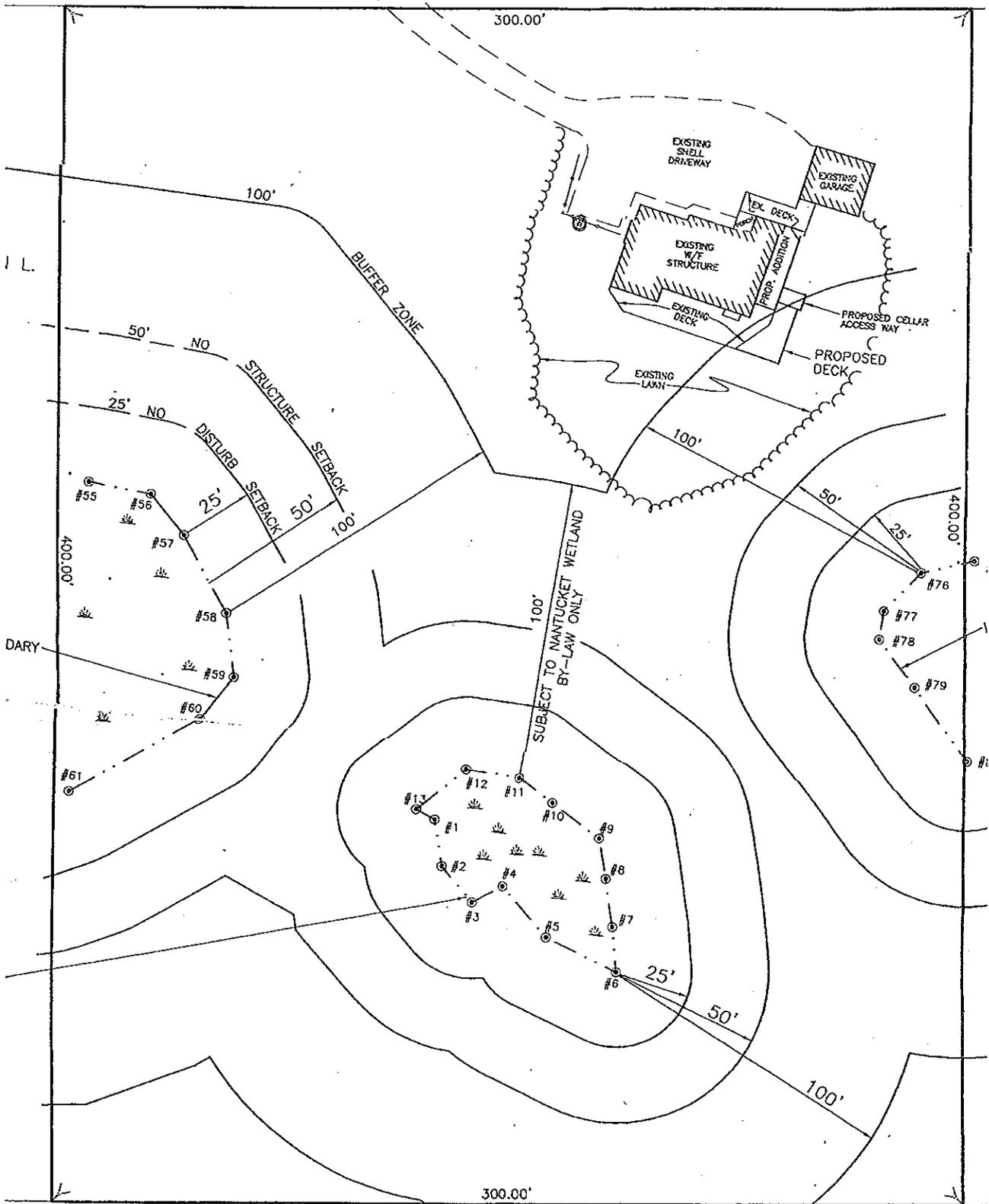
KFD/mep

Enc.

cc: Arthur I. Reade, Jr., Esquire
James Kelly, Chairman, Nantucket Board of Selectmen
Barry Rector, Chairman, Nantucket Planning Board
Roberto Santamaria, Nantucket Board of Health Director
Stephen Butler, Nantucket Building Commissioner

POCOMO

ROAD



.1
SUZANNE

14-35
N/F
ROBERT C. & SUZANNE
WRIGHT











Draft Minutes



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, May 18, 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 4:02 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, 4:03 p.m.
 Earlier Departure: None
 Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

- A. Public Comment** – Emily Molden, Nantucket Land Council – Discussion about availability of a video link for symposium held May 7, 2016 about cynipid gall wasps.

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **(06/29/2016)**
2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **(06/29/2016)**
3. 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 – Have not received sign off from Massachusetts Natural Heritage; asked for a continuance for two weeks.
Public	None
Discussion (4:05)	None
Staff	None
Motion	Continued to June 1 by unanimous consent.
Vote	N/A

4. The Trustees of Reservations – Costaka Coaue Wildlife Refuge and Great Point (7-1.7) SE48- 2884	
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	None
Public	None
Discussion (4:06)	Discussion about continuing in order to allow members to look over the plans.
Staff	The Massachusetts Natural Heritage letter was received with two conditions to be included into the order. Recommends attaching the detailed plan to the order.
Motion	Continued to June 1 by unanimous consent.
Vote	N/A

5. The Town of Nantucket – Consue Springs off Union Street (55.1.4-15) SE48-2880	
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	None
Public	None
Discussion (4:10)	Erisman – Asked if the “mystery pipe” had been identified since the last meeting. Champoux – There was discussion about whether or not there would be flood gates; the abutters were concerned opening the channel would increase the storm surge. The culvert will help the out flow. Erisman – There was a request for before- and after-installation modeling of water levels. Steinauer – The flood gates are contradictory to the reasons for opening the culverts.
Staff	Massachusetts Natural Heritage had no comments. Drafted a positive order. Can condition the removal of the pipe. Have everything needed to close.
Motion	Motion to Close. (made by: Champoux) (seconded by: Topham)
Vote	Carried 6-0//Golding abstained.

6. *Bell – 13C Willard Street (42.4.1-15.3) SE48-2887
- 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 – work within land subject to coastal storm flowage and within 100-foot buffer of bordering vegetated wetlands. Raise structure onto new foundation compliant with flood codes, addition of steps, remove a portion of existing deck within zoning setback, and add infill to deck between bordering vegetated wetlands resource area. Dewatering would be temporary subject to a permit from the Town. Not proposing any fill.
- Public **Carole Beller**, 3 Willard Street for Brant Point Assn. – Can’t imagine how the house can be raised without destroying the neighbor’s house.
Gary Beller, 3 Willard Street – Work last year occurred during the summer season; asked when this work would begin. He knows zoning can put restrictions on external construction.
David Callahan – Supports this project; these houses are getting flooded and need to be lifted.
- Discussion (4:14) None
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: Champoux) (seconded by: Bennett)
 Vote Carried unanimously
7. *Hilderbrand – 60 Crooked Lane (41-198) SE48-2886
- 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 – There is a bordering vegetated wetland to the north in excess of 100 feet from the property. Reviewed the scope of work that will be outside the 50-foot no-build buffer but within the 100-foot buffer; there will be a shed within the 50-foot no-build zone. Asked for two waivers: work within 2 feet of the groundwater table for the pool; construction of the shed within 50-foot no-build zone. Explained the client is willing to change the shed to keep it outside the no-build zone. Do not need Massachusetts Natural Heritage review.
- Public None
 Discussion (4:23) **Golding** – Asked about the area around the pool and if it would be porous.
Santos – There is no indication about the material of the area around the pool.
Steinauer – Given the size of the pool patio, most of it is outside the 50-foot zone with plenty of land to allow any runoff to percolate back into the ground.
- Staff Have everything needed to close unless the board wants to see revisions to the shed. The shed can be conditioned to be outside the 50.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Bennett)
 Vote Carried unanimously
8. *Asness RT – 3 Hulbert Avenue (29.2.3-6) SE48-2890
- 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 – Two coastal resource areas: land subject to coastal storm flowage and coastal dune on the water side of property before a bulkhead, which acts as a coastal bank. Work is for enclosing front-porch area with supports, rework the deck, add an outdoor shower, move a step off center, add a bay window on the east side of the structure, and addition of a generator adjacent to Hulbert Avenue. The majority of the work is to occur within the 50-foot no-build zone. Waivers required: for work in 50-foot no-build, and work within land subject to coastal storm flowage.
- Public None
 Discussion (4:33) **Erisman** – Asked how the outdoor shower will drain.
Steinauer – The shower drain should be conditioned to discharge outside the 50-foot buffer.
- Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

9. *Lindsay – 15 Pippins Way (43-94.3) SE48-2888
- 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 **Jeffrey Blackwell**, Blackwell & Associates, Inc. – This is for construction on a lot within a subdivision of a house, garage, and cottage outside the 50-foot buffer to the wetland resource area. MNH approved the limit of work uphill from the 25-foot no-disturb zone. Asked to maintain an existing path to the pond. The well exists; the septic will be an enhanced treatment system.
- Public None
- Discussion (4:39) **Steinauer** – Would like to see brush within the 25-foot buffer be allowed to regrow.
Blackwell – There will be an underground pipe that allows air release for the well pump chamber; that can be placed so as not to run toward the silt fence.
Steinauer – Asked if the monitoring wells would remain in place.
Erisman – The area between the resource area and development is very important habitat; this should be conditioned to ensure no fertilizer or pesticide is used in that area. Also, outdoor lighting should not affect the resource area. Would like to see the planting plan.
 Discussion about planting black locust.
Blackwell – Requested a continuance.
- Staff The previous order required use of monitoring wells; they aren't leaving at least as long as that order of conditions is open. Still waiting for the Massachusetts Natural Heritage letter on this.
- Motion Continued to June 1 by unanimous consent.
- Vote N/A
10. *Knight – 12 East Lincoln Avenue (42.4.1-47) SE48-2889
- 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 **Jeffrey Blackwell**, Blackwell & Associates, Inc. – This is for development of vacant lot within land subject to coastal storm flowage. Structures must be elevated above the flood zone. Will have to dewater the site; dewatering is to go into the storm drain. Waiver requested for the high groundwater.
- Public None
- Discussion (4:58) **Erisman** – Asked how roof runoff will be treated.
Blackwell – Can go with shell infiltration or direct it into the storm drain. Hadn't asked for down spouts.
Steinauer – Would like to have that drainage information.
 Blackwell – Requested a continuance.
- Staff Will draft a positive order.
- Motion Continued to June 1 by unanimous consent.
- Vote N/A

III. PUBLIC MEETING

A. Request for Determination of Applicability

1. 40 Jefferson, LLC – 40 Jefferson Avenue (30-119)

- 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 Environmental – Requesting negative determination; no resource areas within 100 feet of property.
 Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP
- Public None
- Discussion (4:59) None
- Staff Zone X, on the plan, is the 500-year flood plan; our land subject to coastal storm flowage relates to the 100-year flood zone. Mr. Humphries depiction is accurate. Recommend this be issued as a Negative 1 confirming there are no areas of jurisdiction.
- Motion **Motion to Issue as a Negative 1.** (made by: Topham) (seconded by: Bennett)
- Vote Carried unanimously

B. Certificates of Compliance

1. Kafer – 143 Wauwinet Road (11-8) SE48-909

- Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
- Staff This is the last order outstanding on this property; work was completed in compliance. Recommend this be issued.
- Discussion (5:06) None
- Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)
- Vote Carried unanimously

C. Orders of Condition

- 1. The Town of Nantucket – Consue Springs off Union Street (55.1.4-15) SE48-2880

Sitting Staff Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Suggests adding Condition 24 relating to monitoring for storm surge. Condition 19 for monitoring reports shall include water-level measurements for tidal flow compared to pre-work flow. There is a condition about material removed from site that might contain invasive species. Will add a condition that the unidentified pipe to be removed.

Discussion (5:07) **Champoux** – Asked if the order contained anything about the unidentified pipe, which was previous discussed.

Erisman – Asked if testing every 6 months for heavy metals could be added.

Discussion about whether or not there is a need for testing of heavy metals and how burdensome that testing is.

Champoux – There is a sewer pipe running through the railroad bed; asked where the culvert would be in relation to that and how would the culvert be installed so as not to break the sewer pipe.

Discussion about installation of the culvert in relation to the sewer pipe.

Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: Topham)

Vote Carried unanimously

- 2. Bell – 13C Willard Street (42.4.1-15.3) SE48-2887

Sitting Staff Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Noted an error that needs to be corrected. Can't place work schedule restrictions unless it is tied to an interest such as protection of shorebirds or to something specific.

Discussion (5:15) **Steinauer** – Noted another error to be corrected.

Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Bennett)

Vote Carried unanimously

- 3. Asness RT – 3 Hulbert Avenue (29.2.3-6) SE48-2890

Sitting Staff Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Condition 20 will be added in regards to the drain for the outdoor shower.

Discussion (5:18) None

Motion **Motion to Issue as amended.** (made by: Golding) (seconded by: Champoux)

Vote Carried unanimously

- 4. Hilderbrand – 60 Crooked Lane (41-198) SE48-2886

Sitting Staff Steinauer, Bennett, Erisman, LaFleur, Champoux, Golding, Topham
 Staff Will include standard pool conditions and condition that the shed be located outside the 50-foot buffer.

Discussion (5:20) **Steinauer** – This is pretty straight forward.

Motion Motion to Issue as will be drafted. (made by: Champoux) (seconded by: Lafleur)

Vote Not Carried unanimously

D. Monitoring Reports

- 1. Cigarran-25 East Tristam Avenue (31-1) SE48-2840
- 2. Giles RT- Off Of Tennessee Avenue (60.1.2-33) SE48-2839

IV. Other Business

- 1. Approval of Minutes: April 20, 2016 & May 04, 2016 – Approved by unanimous consent
- 2. Enforcement Actions
 - a. 2 North Beach Street, aka 65 & 67 Easton Street: Owners wish to appear before the commission in two weeks.
 - b. Holly Farm, 286, 288, 290 Polpis Road: Met with project representatives of 286 Polpis Road and none of the unpermitted cutting took place on that property; 288 Polpis owner identified no work took place there; 290 Polpis Road owner hadn't authorized work on her property; staff will meet with them and their representative when they are available to discuss how to repair the damage.
 - c. Holly Farm, 4 Polpis Harbor Road Rachel Freeman, Nantucket Islands Land Bank is doing the delineations and is monitoring for signs of regrowth in the cut trees, Ms Freeman's plan will be ready for review with the commission at the next meeting. It would be nice to get the performer of the work in front of the commission. Discussion about what changes the commissioners would like to see come out of this event.
- 3. Reports:
 - a. CPC, Golding
 - b. NP&EDC, Bennett
 - c. Mosquito Control Committee, Erisman
- 4. Commissioners Comment
 - a. Erisman – Should set a date to go over regulations. Staff – Asked commissioners to forward to staff a summary of concerns about specific regulations.
- 5. Administrator/Staff Reports

Motion to Adjourn: 5:45 p.m.

Submitted by:
Terry L. Norton