# Conservation Commission Packet For 06/29/2016

# NANTUCKET CONSERVATION COMMISSION

## Updated Meeting Notice/Agenda for Wednesday, June 29th 2016

**4:00 P.M**. in the **2nd Floor** of the Public Safety Facility 4 Fairgrounds Road

*Matter has not been heard

**I. PUBLIC MEETING**

**A. Public Comment**

**II. PUBLIC HEARING**

**A. Notice of Intent**

1. Edwin Snider RT – 1 Brock's Ct (42.3.4-84) SE48-2834 **(Cont 07/13/2016)**
2. Edwin Snider RT – 1 Brock's Ct (42.3.4-84) SE48-2835 **(Cont 07/13/2016)**
3. Nantucket Islands Land Bank – 17 Commercial Wharf (42.2.4-7 & 8) SE48-2885 **(Cont 07/27/2016)**
4. *Holt – 98 Squam Road – (12-36) SE48-2898 **(Cont 07/13/2016)**
5. *Windy Point Trust – 5 Hulbert Ave (29.2.3-5) SE48-2897

**B. Amended Order of Conditions**

1. Monomoy Creek RT – 12 Monomoy Creek Road (54-54.1) SE48-2665

**II. PUBLIC MEETING**

**A. Request for Determination**

1. * Cressman II – 300 Polpis Road (20-11)

**B. Certificate of Compliance**

1. Four Saratoga LLC – 14 Tennessee Ave (60.1.2-6) SE48-2506 **(Cont 07/13/2016)**
2. *Five on a Dime – 4,6,8 Pilgrim Court (41-217.3, 217.4 portions 217) SE48-2859
3. *Elizabeth Bagley D.T – 123 Eel Point Rd (33-15) SE48-2547
4. *Five Crow's Nest Way – 5 Crow's Nest Way (12-22.2) SE48-2635
5. *Haslam – 37 Sankaty Head Road (48-2) SE48-1795

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

1. *Windy Point Trust – 5 Hulbert Ave (29.2.3-5) SE48-2897

**E. Other Business**

1. Approval of Minutes 06/15/2016, 06/21/2016.
2. Enforcement Action
3. Emergency Certification
4. Reports: CPC, NP&EDC, Mosquito Control Committee, Other
5. Commissioner's Comment
6. Administrator/ Staff Reports.

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

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

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

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

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

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

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

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

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

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

# NOTICES OF INTENT

# Windy Point Trust

# 5 Hulbert Ave

# (29.2.3-5)

# SE48-2897

# NOTICE OF INTENT APPLICATION

For

Deck and Boardwalk

At

5 Hulbert Ave

Nantucket, MA

June 2016

Prepared For

**Windy Point Trust**

By

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

LOCUS - 2 Markers, Length = 5 miles, 4612 feet | LOCUS - 041° 16' 27.2" N, 070° 12' 19.3" W | ***LOCUS - 041° 17' 26.5" N, 070° 05' 39.8" W***

Name: NANTUCKET
Date: 6/9/116
Scale: 1 inch equals 2000 feet

Location: 041° 17' 21.6" N 070° 06' 39.9" W
Caption: 5 Hulbert Ave.

Copyright (C) 1997, Maptech, Inc.

**Property Information**

| | |
|---|---|
| **Property ID** | 29.2.3 5 |
| **Location** | 5 HULBERT AV |
| **Owner** | WINDY POINT TRUST |

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

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

# WPA Form 3 – Notice of Intent

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

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

## A. General Information

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

5 Hulbert Ave. — a. Street Address
Nantucket — b. City/Town
02554 — c. Zip Code

Latitude and Longitude:
41d 17' 26.6" — d. Latitude
70d 05' 39.3" — e. Longitude

29.2.3 — f. Assessors Map/Plat Number
5 — g. Parcel /Lot Number

2. Applicant:

Windy Point Trust — a. First Name
b. Last Name
c/o Cohen & Cohen Law, PC — c. Organization
PO Box 786 — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
508-228-0337 — h. Phone Number
i. Fax Number
steven@cohenlegal.com — j. Email Address

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

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

4. Representative (if any):

Jeffrey — a. First Name
Blackwell, PLS — b. Last Name
Blackwell & Associates, Inc. — c. Company
20 Teasdale Circle — d. Street Address
Nantucket — e. City/Town
MA — f. State
02554 — g. Zip Code
508-228-9026 x11 — h. Phone Number
508-228-5292 — i. Fax Number
Jeff@blackwellsurvey.com — j. Email address

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

$110 + $25 + $200 — a. Total Fee Paid
$42.50 — b. State Fee Paid
$67.50 + $25 + $200 — c. City/Town Fee Paid

## A. General Information (continued)

6. General Project Description:

The Applicant proposes to obtain a permit for an existing wood deck and wood boardwalk to the beach.

Please refer to the attached Project Narrative and Site Plan for additional information.

7a. Project Type Checklist:

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

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

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

2. Limited Project

8. Property recorded at the Registry of Deeds for:

| | |
|---|---|
| NANTUCKET | 10,332 |
| a. County | b. Certificate # (if registered land) |
| | |
| c. Book | d. Page Number |

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

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

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

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

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

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

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|---|---|---|
| d. ☐ Bordering Land Subject to Flooding | 1. square feet | 2. square feet |
| | 3. cubic feet of flood storage lost | 4. cubic feet replaced |
| e. ☐ Isolated Land Subject to Flooding | 1. square feet | |
| | 2. cubic feet of flood storage lost | 3. cubic feet replaced |
| f. ☐ Riverfront Area | 1. Name of Waterway (if available) | |

2. Width of Riverfront Area (check one):

☐ 25 ft. - Designated Densely Developed Areas only

☐ 100 ft. - New agricultural projects only

☐ 200 ft. - All other projects

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

4. Proposed alteration of the Riverfront Area:

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

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

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

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

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

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

| Resource Area | Size of Proposed Alteration | Proposed Replacement (if any) |
|---|---|---|
| a. ☐ Designated Port Areas | Indicate size under Land Under the Ocean, below | |
| b. ☐ Land Under the Ocean | 1. square feet | |
| | 2. cubic yards dredged | |
| c. ☐ Barrier Beach | Indicate size under Coastal Beaches and/or Coastal Dunes below | |
| d. ☐ Coastal Beaches | 1. square feet | 2. cubic yards beach nourishment |
| e. ☒ Coastal Dunes | 64<br>1. square feet | 2. cubic yards dune nourishment |

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

| | Size of Proposed Alteration | Proposed Replacement (if any) |
|---|---|---|
| f. ☐ Coastal Banks | 1. linear feet | |
| g. ☐ Rocky Intertidal Shores | 1. square feet | |
| h. ☐ Salt Marshes | 1. square feet | 2. sq ft restoration, rehab., creation |
| i. ☐ Land Under Salt Ponds | 1. square feet<br>2. cubic yards dredged | |
| j. ☐ Land Containing Shellfish | 1. square feet | |
| k. ☐ Fish Runs | Indicate size under Coastal Banks, inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above<br>1. cubic yards dredged | |
| l. ☒ Land Subject to Coastal Storm Flowage | 378<br>1. square feet | |

4. ☐ Restoration/Enhancement
If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.2.b or B.3.h above, please enter the additional amount here.

a. square feet of BVW _____ b. square feet of Salt Marsh _____

5. ☐ Project Involves Stream Crossings

a. number of new stream crossings _____ b. number of replacement stream crossings _____

## C. Other Applicable Standards and Requirements

### Streamlined Massachusetts Endangered Species Act/Wetlands Protection Act Review

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

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

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

2008
b. Date of map

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

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

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

   1. ☐ Percentage/acreage of property to be altered:

      (a) within wetland Resource Area _____ percentage/acreage

      (b) outside Resource Area _____ percentage/acreage

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

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

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

      (b) ☐ Photographs representative of the site

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

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

      (d) ☐ Vegetation cover type map of site

      (e) ☐ Project plans showing Priority & Estimated Habitat boundaries

   d. OR Check One of the Following

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

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

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

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

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

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

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

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

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

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

Division of Marine Fisheries -
Southeast Marine Fisheries Station
Attn: Environmental Reviewer
1213 Purchase Street – 3rd Floor
New Bedford, MA 02740-6694

North Shore - Hull to New Hampshire:

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

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

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

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

b. ACEC

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

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

a. ☐ Yes ☐ No

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

a. ☐ Yes ☐ No

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

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

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

2. ☐ A portion of the site constitutes redevelopment

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

b. ☐ No. Check why the project is exempt:

1. ☐ Single-family house

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

2. ☐ Emergency road repair

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

## D. Additional Information

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

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

1. ☒ USGS or other map of the area (along with a narrative description, if necessary) containing sufficient information for the Conservation Commission and the Department to locate the site. (Electronic filers may omit this item.)

2. ☒ Plans identifying the location of proposed activities (including activities proposed to serve as a Bordering Vegetated Wetland [BVW] replication area or other mitigating measure) relative to the boundaries of each affected resource area.

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

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

Site Plan To Accompany A Notice of Intent
a. Plan Title

Blackwell & Associates, Inc.
b. Prepared By

Jeffrey L. Blackwell, PLS
c. Signed and Stamped by

6-9-2016
d. Final Revision Date

1"=20'
e. Scale

f. Additional Plan or Document Title

g. Date

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

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

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

8. ☒ Attach NOI Wetland Fee Transmittal Form

9. ☐ Attach Stormwater Report, if needed.

## E. Fees

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

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

| | |
|---|---|
| 22474 | 6-9-2016 |
| 2. Municipal Check Number | 3. Check date |
| 22473 | 6-9-2016 |
| 4. State Check Number | 5. Check date |
| Blackwell & Assoc., Inc. | |
| 6. Payor name on check: First Name | 7. Payor name on check: Last Name |

## F. Signatures and Submittal Requirements

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

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

| | |
|---|---|
| Jeffrey Rheel, Agent for Windy Point Trust | 6-10-2016 |
| 1. Signature of Applicant | 2. Date |
| | |
| 3. Signature of Property Owner (if different) | 4. Date |
| Jeffrey Rheel | 6-10-2016 |
| 5. Signature of Representative (if any) | 6. Date |

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

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

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

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

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

# NOI Wetland Fee Transmittal Form

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

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

## A. Applicant Information

1. Applicant:

Windy Point Trust
a. First Name

b. Last Name

c/o Cohen & Cohen Law PC
c. Organization

PO Box 786
d. Mailing Address

Nantucket
e. City/Town

MA
f. State

02554
g. Zip Code

508-228-0337
h. Phone Number

i. Fax Number

steven@cohenlegal.com
j. Email Address

2. Property Owner (if different):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

h. Phone Number

i. Fax Number

j. Email Address

3. Project Location:

5 Hulbert Ave.
a. Street Address

Nantucket
b. City/Town

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

## B. Fees

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

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

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

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

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

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

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

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

# NOI Wetland Fee Transmittal Form

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

## B. Fees (continued)

| Step 1/Type of Activity | Step 2/Number of Activities | Step 3/Individual Activity Fee | Step 4/Subtotal Activity Fee |
|---|---|---|---|
| 1 | 1 | $110 | $110 |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| Nantucket Wetland By-law Fee | | | $25 |
| Nantucket Expert Review Fee | | | $200 |

**Step 5/Total Project Fee:** $110 + $25 + $200

**Step 6/Fee Payments:**

| | |
|---|---|
| Total Project Fee: | $110 + $25 + $200<br>a. Total Fee from Step 5 |
| State share of filing Fee: | $42.50<br>b. 1/2 Total Fee **less** $12.50 |
| City/Town share of filling Fee: | $67.50<br>c. 1/2 Total Fee **plus** $12.50 |

## C. Submittal Requirements

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

Department of Environmental Protection
Box 4062
Boston, MA 02211

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

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

BLACKWELL & ASSOCIATES, INC.
*Professional Land Surveyors & Civil Engineers*

B4896

June 10, 2016

## INTRODUCTION

The permitting at 5 Hulbert Avenue in Nantucket, Massachusetts is for the construction of wood decking at grade and a boardwalk to the beach. The boardwalk was constructed over a sand footpath. The decking was constructed over a portion of the shell driveway. Portions of the work has taken place within the 100-foot Buffer Zone to a Coastal Bank and a Costal Dune, and within Land Subject to Coastal Storm Flowage. Some of the work is within 50 feet of a Coastal Dune and a Coastal Bank.

## SITE DESCRIPTION

The site consists of a single lot located on the north side of Hulbert Avenue. The lot is bound on the north by Nantucket Harbor. The site is essentially level with the road, sloping up slightly to a small dune and then down to a bulkhead, beach, and the ocean. The site contains a house, garage, driveway, utilities and landscaping. There is a street (John Street) along the western property line which includes a portion of the driveway and of the Coastal Dune. The resource areas on the site include Land under the Ocean, Coastal Beach, Coastal Bank, Coastal Dune, Land Subject to Coastal Storm Flowage, and the 100-foot Buffer Zone to these areas. Work allowed under an Order of Condition, SE48-1522, has been completed.

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

The Coastal Beach is defined as the unconsolidated sediments between the mean low water line and the bulkhead (Coastal bank). No work is proposed in this resource area.

Coastal bank in this case is the man-made bulkhead. No work is proposed in this resource area.

The Coastal Dune on the site consists of a mound of windblown sand landward of the bulkhead. This area has been planted with Beach Grass to help establish and stabilize the dune. The landward edge of the dune is formed by landscape timbers set along the edge of the lawn and driveway.

A small portion of the dune on the west side of the driveway is not contained by the timbers. Since the dune is separated from the beach by a bulkhead, it is not a significant source of sediment to the beach. It does serve to block waves from coastal storms. A portion of the boardwalk crosses the dune.

Land Subject to Coastal Storm Flowage extends across the entire site at elevation 10.4 feet '34 HTL (half tide level). All of the proposed work will take place within this resource area.

The buffer zone extends 100 feet landward of the Coastal Dune and Coastal Bank. This includes most of the lot, the existing house, lawn, and driveway. The work involves a structure within 50 feet of the Coastal Dune and the Coastal Bank. This structure does not require a waiver from the Nantucket Wetlands By-law because it is a water dependent use associated with the boathouse.

A review of the 2008 "Massachusetts Natural Heritage Atlas," prepared by the Massachusetts Natural Heritage and Endangered Species Program, indicates that the site is not within the known range of any state-listed rare wetlands wildlife species.

## WORK DESCRIPTION

The work at 5 Hulbert Avenue included the construction of a deck and boardwalk connecting to previously permitted structures. Portions of the work occurred within the Buffer Zone and the 50-foot structure setback. All work took place within Land Subject to Coastal Storm Flowage.

## CONCLUSION

The construction of the deck and boardwalk connect the house and boathouse to the shore and therefore satisfy the definition of water dependent use. Therefore no waiver is required.

FORM E

Book 53
Page 182

# Transfer Certificate of Title.

No. 10,332

From Transfer Certificate No. 10,289, Originally Registered November 5th, 1982, in Registration Book 53 Page 139 for the Registry District of Nantucket County.

**This is to Certify** that DIXON R. BROWN, Trustee of WINDY POINT TRUST u/d/t dated December 7, 1982, registered as Document No. 26289 at the Registry District of Nantucket County, c/o Richard Novak, Esq., Hale & Dorr, 60 State Street, Boston in the County of Suffolk and Commonwealth of Massachusetts 02109,

is the owner in fee simple

of that certain parcel of land situate in Nantucket,

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

SOUTHWESTERLY by the northeasterly line of Hulbert Street, one hundred (100.00) feet;

NORTHWESTERLY by the southeasterly line of John Street and by said line protracted northeasterly to Nantucket Harbor, measuring on the upland, about two hundred thirty-five (235.±) feet;

NORTHEASTERLY by Nantucket Harbor; and

SOUTHEASTERLY by land now or formerly of Elizabeth H. Day, measuring on the upland, about two hundred forty and 6/10 (240.6±) feet.

All of said boundaries, except the water lines, are determined by the Court to be located as shown upon plan numbered 10221-A, and filed with Certificate of Title No. 1259 at the Registry District of Nantucket County.

The land hereby registered is subject to restrictions as set forth in a deed given by Edwin F. Atkins to Clifton H. Dwinnell, dated September 18, 1909, duly recorded in Book 94, Page 61.

There is appurtenant to said land the right to pass and repass for all purposes of travel over and upon said John Street, as shown on said plan, in common with others entitled thereto.

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

WITNESS, WILLIAM I. RANDALL, Esquire, Judge of the Land Court, at Nantucket in the County of Nantucket the thirteenth day of December in the year nineteen hundred and eighty-two at two o'clock and twenty-one minutes in the after noon.

Attest, with the Seal of said Court,
Land Court Case No. 10221
Document No. 26288

Margaret C. Pignato
Assistant Recorder.

BLACKWELL & ASSOCIATES, INC
PROFESSIONAL CIVIL ENGINEERS & LAND SURVEYORS

# NANTUCKET CONSERVATION COMMISSION
# NOTICE OF PUBLIC HEARING OR MEETING

Dear Property Owner,

In accordance with Massachusetts General Laws, Chapter 131, Section 40 and Town of Nantucket By-laws, Chapter 136, Section 4, you are hereby notified that a Public Hearing or Meeting will be held during the Conservation Commission meeting that begins at 4:00 P.M. in the Public Safety Facility (PSF) Training Room, 2nd Floor, 4 Fairgrounds Road on the following date:

**June 29, 2016**

The purpose of the hearing is to discuss a Notice of Intent application, pages 1 & 2 of which are enclosed. Copies of the complete application are available for examination at our office by appointment, or at the Conservation Commission offices at 2 Bathing Beach Road, 508-228-7230.

Sincerely,
Blackwell & Associates, Inc.
By: Jeffrey L. Blackwell, PLS

20 TEASDALE CIRCLE • NANTUCKET, MA • 02554
PHONE: 508-228-9026 • FAX: 508-228-5292

AFFIDAVIT OF SERVICE

UNDER THE MASSACHUSETTS WETLANDS PROTECTION ACT

We, BLACKWELL & ASSOCIATES, Inc. (name), hereby certify under the pains and penalties of perjury that on June 9, 2016 (date) we gave notification of abutters in compliance with the second paragraph of Massachusetts General Laws chapter 131 Section 40, and the DEP Guide to Abutter Notification dated April 8, 1994, in connection with the following matter:

**A NOTICE OF INTENT**

filed under the Massachusetts Wetlands Protection Act by:

**Windy Point Trust** with the

**Nantucket Conservation Commission** on

**6-10-2016** (date) for property located at:

**5 Hulbert Ave Nantucket, MA 02554** (address)

The form of the notification, and a list of the abutters to whom it was given and their addresses, are attached to this Affidavit of Service.

BLACKWELL & ASSOCIATES, Inc.
By:

Jeff Rhodes

Name

6-10-2016.

Date

#5.00 ✓

RECEIVED
BOARD OF ASSESSORS

JUN 01 2016

TOWN OF
NANTUCKET, MA

TOWN OF NANTUCKET

CONSERVATION COMMISSION

LIST OF PARTIES IN INTEREST IN THE MATTER OF THE PETITION OF:

PROPERTY OWNER..... WINDY POINT TRUST C/O BNY MELLON

MAILING ADDRESS..... - - - - - - - - - -

PROPERTY LOCATION..... 5 HULBERT AVE

ASSESSOR MAP/PARCEL..... 29.2.3-005

SUBMITTED BY..... BLACKWELL & ASSOCIATES.....

JOB REF# B4869

SEE ATTACHED PAGES

I certify the foregoing is a list of persons who are owners of land directly abutting the property on which the proposed activity will occur (the locus), owners of land separated a distance of one hundred feet or less from the locus by a public or private street or way or stream and owners of land separated a distance of three hundred feet or less from the locus by a body of water, all as they appear on the most recent applicable tax list.

June 2, 2016
DATE

Patricia Giles
ASSESSOR'S OFFICE
TOWN OF NANTUCKET

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

04/20/2016 10:16

# AMENDED ORDER OF CONDITIONS REQUESTS

# Monomoy Creek RT 12 Monomoy Creek Road

(54-54.1)

SE48-2665

LEC WETLANDS WILDLIFE WATERWAYS

May 27, 2016

**Email** [jcuppone@nantucket-ma.gov]

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Re: Request to Amend the Order of Conditions** [LEC File #BrEI\15-018.01]
**DEP File #SE 48-2665**
**12 Monomoy Creek Road (54-54.1)**
**Nantucket, Massachusetts**

Dear Members of the Commission:

On behalf of the new Property Owner/Applicant, Monomoy Creek Road Nominee Trust (c/o Sarah F. Alger, Trustee), LEC Environmental Consultants, Inc., is submitting a Request to the Amend the Order of Conditions (DEP File #SE 48-2665) originally issued on May 14, 2014, permitting the *relocation of an existing dwelling, construction of additions on the structure, construction of a patio, reconfiguration of the existing driveway, installation of a pool, construction of a cabana, re-location of a sewer forcemain, the naturalization of buffer zone areas, and associated grading, landscaping and utilities within the buffer zone to Bordering Vegetated Wetlands and Coastal Banks.*

An Amended Order was issued on June 24, 2015, *to include the revision of the building footprints and locations, alteration to the pool size and location, construction of a structure* (boat house, formerly labeled "cabana") *and construction of a shed.* Construction is currently on-going.

This Amendment Request involves updates to the pool/patio/fence and boat house (size and location), minor adjustments to the house foundation, replacing the previously approved shed with a garage, reconfiguration of the driveway, and regrading modifications as depicted on the *Proposed Site Plan*, prepared by Bracken Engineering, Inc., last revised on May 26, 2016. No changes have been made to the previously approved Limit of Work.

The proposed pool/patio/fence and boat house remain outside the 50-foot Buffer Zone to downgradient Wetland Resource Areas (BVW and/or Coastal Bank). The minor modifications to the house foundation (under construction) are primarily confined to slight adjustments for window wells.

The previously approved shed is being replaced by a proposed garage to be located east of the house. Approximately 168± sf of the garage will be located within the 50-foot Buffer Zone to Coastal Bank. The garage on slab will not result in an adverse impact on the Coastal Bank as the existing driveway exists

between the proposed structure and the Resource Area. The proposed garage is located greater than 50 feet from the downgradient BVW. Shifting the garage to the south will result in placing the majority of the parking area closer to the Coastal Bank and BVW (e.g., potential source for pollutants from leaking oil) and/or potentially encroaching on the restoration planting area associated with the removal of the gabion basket retaining wall and regrading/revegetating the slope of the former parking area (see DEP File #SE48-2797). The proposed garage will also replace a previously approved retaining wall, 46± sf of which was located within the 50-foot Buffer Zone. The driveway has been minimally shifted between the house and garage, while the pervious parking area has been reduced in size south of the garage.

The proposed amendment still results in a net reduction in approximately 340± sf of "structure" within the 50-foot Buffer Zone in comparison to pre-existing conditions. The Applicant remains committed to the Revegetation Areas and restoration of the former driveway parking area. Consequently, the updated project is consistent with the original and amended Order of Conditions (DEP File #SE 48-2665) and Waivers previously issued under Section 1.03 F.3.(a & c) of the Nantucket *Wetlands Protection Regulations*.

Should you have any questions or require additional information in advance of the June 15, 2016 Public Hearing, please do not hesitate to contact me at 508-746-9491 or at bmadden@lecenvironmental.com.

Sincerely,

**LEC Environmental Consultants, Inc.**

Brian T. Madden
Wildlife Scientist

May 27, 2016

**CERTIFIED MAIL**

«Name»
«Name2»
«Address»
«City», «State»  «Zip»

**Re: Request to Amend the Order of Conditions** [LEC File #BrEI\15-018.01]
**DEP File #SE 48-2665**
**12 Monomoy Creek Road (54-54.1)**
**Nantucket, Massachusetts**

Dear Abutter:

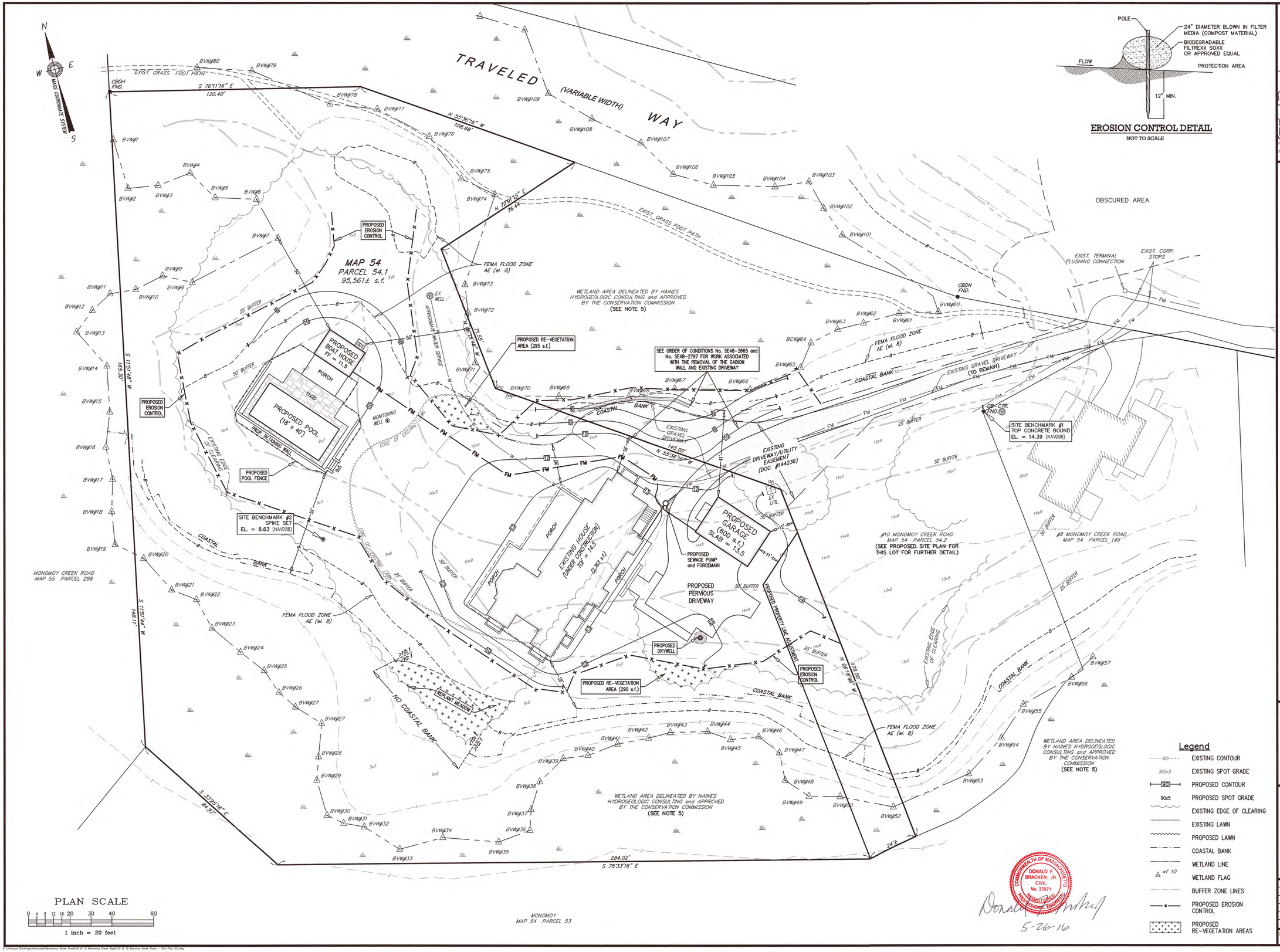
On behalf of the Property Owner/Applicant, Monomoy Creek Road Nominee Trust (c/o Sarah F. Alger, Trustee), LEC Environmental Consultants, Inc., (LEC) is submitting a Request to the Amend the Order of Conditions (DEP File #SE 48-2665). The Request involves proposed updates to the pool/patio/fence and boat house, minor adjustments to the house foundation, replacing the previously approved shed with a garage, reconfiguration of the driveway, and regrading modifications within the 100-foot Buffer Zone to Coastal Bank, Bordering Vegetated Wetlands, and Land Subject to Coastal Storm Flowage; Resource Areas protected under the *Massachusetts Wetlands Protection Act* (M.G.L., c. 131, s. 40), its implementing *Regulations* (310 CMR 10.00), and/or the *Town of Nantucket Bylaw* (Chapter 136) and *Wetlands Protection Regulations*.

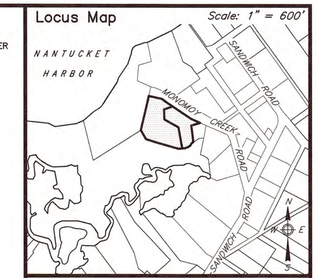
The Amendment Request and accompanying site plan are available for review by the public at the Nantucket Conservation Commission office located at 2 Bathing Beach Road in Nantucket, MA. A Public Hearing has been scheduled for June 15, 2016, with the Nantucket Conservation Commission. Public Hearings with the Nantucket Conservation Commission commence at 4:00 pm at the Public Safety Facility, 4 Fairgrounds Road. Further information regarding the Public Hearing will appear in the *Inquirer and Mirror* at least five (5) days prior to the hearing date.

Please do not hesitate to review the materials at the Conservation Commission office, attend the Public Hearing(s), and/or contact LEC should you have any questions or concerns about the Amendment Request.

Sincerely,
**LEC Environmental Consultants, Inc.**

Brian T. Madden
Wildlife Scientist
Enclosure




## Notes

1. LOCUS: #12 MONOMOY CREEK ROAD
   MAP 54 PARCEL 54.1

   OWNER: MONOMOY CREEK ROAD NOMINEE TRUST
   SARAH F. ALGER, trustee
   2 SOUTH WATER STREET
   NANTUCKET, MA 02554

   DEED REF: Cert. #25520

   PLAN REF: L.C. Plan 13306-C (LOT 4)
2. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
3. LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
4. EXISTING CONDITIONS SHOWN ARE TAKEN FROM A PLAN ENTITLED "SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA", PREPARED BY BLACKWELL AND ASSOCIATES WITH A REVISION DATE OF 6/9/14 AND SUPPLEMENTED WITH A FIELD SURVEY BY THIS FIRM.
5. SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
6. A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES."


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) 508.325.0044
www.brackeneng.com


# PROPOSED SITE PLAN
## IN NANTUCKET, MASSACHUSETTS

Prepared For:

## MONOMOY CREEK ROAD NOMINEE TRUST

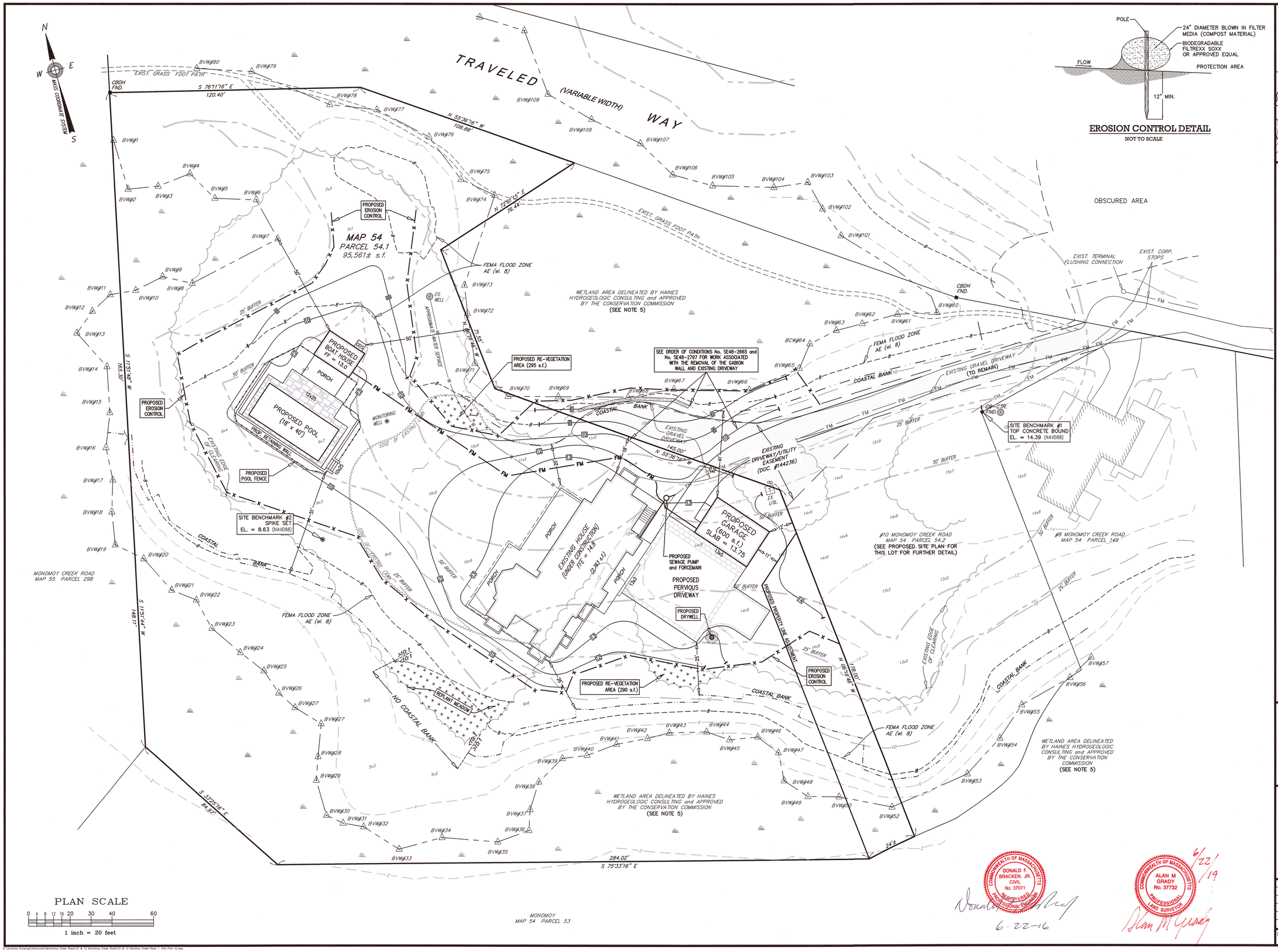
#12 MONOMOY CREEK ROAD
MAP 54 PARCELS 54.1

| No. | Date | Revision Description | By |
|---|---|---|---|
| 1 | 5/26/16 | REVISE POOL, BOAT HOUSE and DRIVEWAY LAYOUT WITH ASSOC. GRADING, REMOVE SHED and ADD GARAGE | RMM |

| Date: | Drawn: | Checked: | Sheet: |
|---|---|---|---|
| JUNE 4, 2015 | RMM/ERC/DLH | DFB/AMG | 1 of 1 |

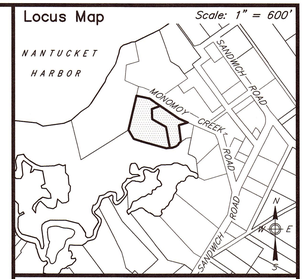
G:\Autocad Drawings\Nantucket\Monomoy Creek Road\10 & 12 Monomoy Creek Road\10 & 12 Monomoy Creek Road - Site Plan (h).dwg

# NEW INFORMATION FOR CURRENT HEARING




## Locus Map

Scale: 1" = 600'







**EROSION CONTROL DETAIL**

NOT TO SCALE

## Notes

1. LOCUS: #12 MONOMOY CREEK ROAD
   MAP 54 PARCEL 54.1

   OWNER: MONOMOY CREEK ROAD NOMINEE TRUST
   SARAH F. ALGER, trustee
   2 SOUTH WATER STREET
   NANTUCKET, MA 02554

   DEED REF: Cert. #25520

   PLAN REF: L.C. Plan 13306-C (LOT 4)
2. LOCUS DOES FALL WITHIN SPECIAL FLOOD HAZARD ZONE AE (EL 8) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP No. 25019C-0089-G dated 06/09/2014.
3. LOCUS DOES FALL WITHIN THE NATURAL HERITAGE and ENDANGERED SPECIES PROGRAM (NHESP) AREAS OF ESTIMATED HABITATS OF RARE WILDLIFE and PRIORITY HABITATS OF RARE SPECIES.
4. EXISTING CONDITIONS SHOWN ARE TAKEN FROM A PLAN ENTITLED "SITE PLAN OF LAND TO ACCOMPANY A NOTICE OF INTENT IN NANTUCKET, MA", PREPARED BY BLACKWELL AND ASSOCIATES WITH A REVISION DATE OF 6/9/14 AND SUPPLEMENTED WITH A FIELD SURVEY BY THIS FIRM.
5. SEE ORDER OF CONDITIONS MassDEP File #SE48-2665 FOR MORE INFORMATION.
6. A DETERMINATION OF APPLICABILITY WAS ISSUED BY THE CONSERVATION COMMISSION ON APRIL 30, 2014, APPROVING THE WETLAND RESOURCE AREA BOUNDARIES."

## Legend

| | |
|---|---|
| 90 | EXISTING CONTOUR |
| 90x5 | EXISTING SPOT GRADE |
| 90 | PROPOSED CONTOUR |
| 90x5 | PROPOSED SPOT GRADE |
| | EXISTING EDGE OF CLEARING |
| | EXISTING LAWN |
| | PROPOSED LAWN |
| | COASTAL BANK |
| | WETLAND LINE |
| wf 10 | WETLAND FLAG |
| | BUFFER ZONE LINES |
| | PROPOSED EROSION CONTROL |
| | PROPOSED RE-VEGETATION AREAS |

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) 508.325.0044
www.brackeneng.com


# PROPOSED SITE PLAN IN NANTUCKET, MASSACHUSETTS

Prepared For:

## MONOMOY CREEK ROAD NOMINEE TRUST

#12 MONOMOY CREEK ROAD
MAP 54 PARCELS 54.1

| No. | Date | Revision Description | By |
|---|---|---|---|
| 1 | 6-22-16 | MINIMAL UPDATES TO PROPOSED GRADING & DRIVEWAY | RMM |

| Date: | Drawn: | Checked: | Sheet: |
|---|---|---|---|
| MAY 25, 2016 | RMM/ERC/DLH | DFB/AMG | 1 of 1 |

COMMONWEALTH OF MASSACHUSETTS
DONALD F. BRACKEN, JR.
CIVIL
No. 37071
REGISTERED PROFESSIONAL ENGINEER

Donald F. Bracken Jr.
6-22-16

COMMONWEALTH OF MASSACHUSETTS
ALAN M GRADY
No. 37732
PROFESSIONAL LAND SURVEYOR

Alan M Grady
6/22/19

PLAN SCALE

0 4 8 12 16 20 30 40 60

1 inch = 20 feet

S:\Autocad Drawings\Nantucket\Monomoy Creek Road\10 & 12 Monomoy Creek Road\10 & 12 Monomoy Creek Road - Site Plan (2).dwg

# Public Meeting

# REQUESTS FOR DETERMINATION

# Cressman II

# 300 Polpis Road

# (20-11)

# REQUEST FOR DETERMINATION OF APPLICABILITY

For Installation Of New Septic System

At

300 Polpis Road
Nantucket, MA

June 2016

Prepared for

**Caleb N. Cressman, II**

By

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

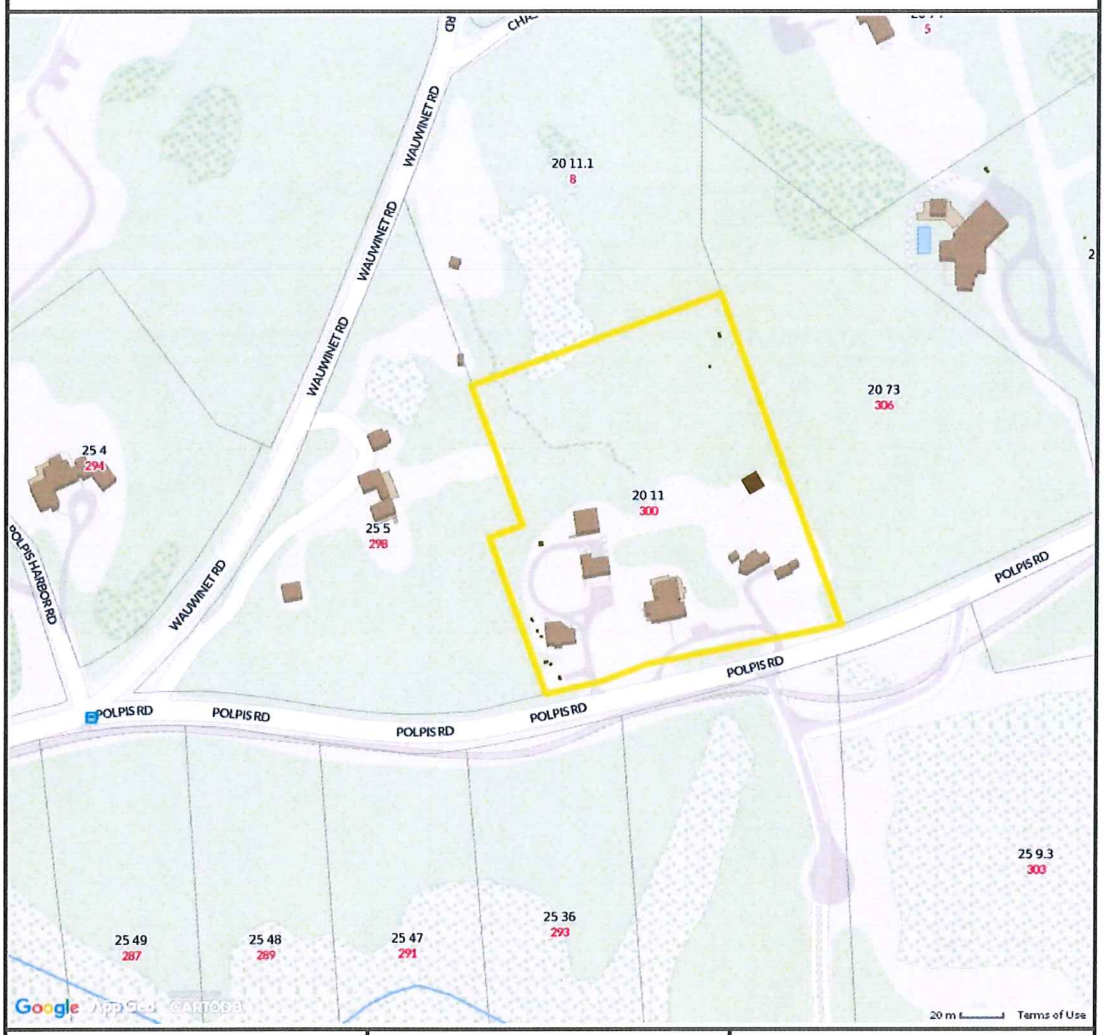
<Default> - 1 Markers, Length = 0 feet

*LOCUS - 041° 17' 59.8" N, 070° 00' 21.7" W*

Name: SIASCONSET
Date: 6/9/116
Scale: 1 inch equals 2000 feet

Location: 041° 18' 10.9" N 070° 00' 08.9" W
Caption: #300 Polpis Road

Copyright (C) 1997, Maptech, Inc.




**Property Information**

| | |
|---|---|
| **Property ID** | 20 11 |
| **Location** | 300 POLPIS RD |
| **Owner** | CRESSMAN CALEB N II |

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

**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

## 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:

Caleb N. Cressman, II
Name

lrmlrm@gmail.com
E-Mail Address

300 Polpis Rd
Mailing Address

Nantucket
City/Town

MA
State

02554
Zip Code

508-901-1057
Phone Number

Fax Number (if applicable)

2. Representative (if any):

Blackwell & Assoc., Inc.
Firm

Jeffrey Blackwell
Contact Name

jeff@blackwellsurvey.com
E-Mail Address

20 Teasdale Circle
Mailing Address

Nantucket
City/Town

MA
State

02554
Zip Code

508-228-9026
Phone Number

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).

## C. Project Description

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

| | |
|---|---|
| 300 Polpis Rd | Nantucket |
| Street Address | City/Town |
| 20 | 11 |
| Assessors Map/Plat Number | Parcel/Lot Number |

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

The Bordering Vegetative Wetland extends around the westerly and northerly portions of the developed portions of the property.

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

| | |
|---|---|
| Proposed Upgrade of a Subsurface Sewage Treatment & Disposal System | June 9, 2016 |
| Title | Date |
| | |
| Title | Date |
| | |
| Title | Date |

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

Replace existing septic systems with a new enhanced treatment system.

## 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.)

**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

## 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:

Caleb N. Cressman, II
Name

300 Polpis Rd
Mailing Address

Nantucket
City/Town

MA — State

02554 — 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.

Jeff Rel, Agent For Caleb N. Cressman, II
Signature of Applicant

6-10-2016
Date

Jeff Rel
Signature of Representative (if any)

6-10-2016
Date

# D.E.P. Bordering Vegetated Wetland

## Delineation Field Data Forms

By:
Kenneth Panacek

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 1B-Wetplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Shrub | Winterberry | *Ilex verticillata* | 25% | 29.4% | Y | FACW- |
| | Sweet Pepper Bush | *Clethra alnifolia* | 25% | 29.4% | Y | FAC+ |
| | Swamp Azalea | *Rhododendron viscosium* | 25% | 29.4% | Y | OBL |
| | Maleberry | *Lyonia* | 10% | 11.8% | N | FACW |
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* *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: 4 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100%-0% | |

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

### Section II. Indicators of Hydrology

#### Soil Survey

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The wetland plot of Transect #1B is located near at |
| Soil type mapped: EvB/EvC | the base of a moderate slope at flag #14B |
| Hydric soil inclusions: | |
| Are field observations consistent with soil survey? Y | |

#### Soil Profile Description

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-12" | 10YR2/1 | Muck | None obs. | |
| B | 12-18" | 10YR5/1 | LOAMY SAND | None obs. | |
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Remarks:

#### Other Indicators of Hydrology: check all that apply and describe

- ☒ Site inundated:
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: surface saturation
- ☐ 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): Stream
- ☐ Other:

#### Vegetation and Hydrology Conclusion

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 1A-Wetplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Red Maple | *Acer rubrum* | 40% | 100% | Y | FAC |
| | | | | | | |
| Shrub | Sweet Pepper Bush | *Clethra alnifolia* | 30% | 60% | Y | FAC+ |
| | Blueberry | *Vaccinium corymbosum* | 20% | 40% | Y | FACW- |
| | | | | | | |
| G.C. | Sensitive fern | *Onoclea sensibilis* | 25% | 100% | Y | FACW |
| | | | | | | |
| Vines | Greenbrier | *Smilax rotundifolia* | 10% | 100% | Y | FAC |
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* *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: 5 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100%-0% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The wetland plot of Transect #1 is located near at |
| Soil type mapped: EvB/EvC | the base of a moderate slope at flag #28 |
| Hydric soil inclusions: | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-9" | 10YR2/1 | Muck | None obs. | |
| B | 9-18" | 5YR5/1 | LOAMY SAND | None obs. | |
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Remarks:

**Other Indicators of Hydrology: check all that apply and describe**

- ☐ Site inundated:
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: surface saturation
- ☐ 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): Stream
- ☐ Other:

**Vegetation and Hydrology Conclusion**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 2A-Wetplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Red Maple | *Acer rubrum* | 5% | 100% | Y | FAC |
| | | | | | | |
| Shrub | Tupelo | *Nyssa sylvatica* | 15% | 50% | Y | FAC |
| | Winterberry | *Ilex verticillata* | 15% | 50% | Y | FACW+ |
| | | | | | | |
| G.C. | Cinnamon fern | *Osmunda cinnamomea* | 5% | 33.3% | Y | FACW |
| | Marsh fern | *Thelypteris palustris* | 10% | 66.7% | Y | FACW |
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| Vines | Greenbrier | *Smilax rotundifolia* | 25% | 100% | Y | FAC |
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* *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: 6 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100%-0% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The wetland plot of Transect #2A is located near at |
| Soil type mapped: EvB/EvC | the base of a moderate slope at flag #63A |
| Hydric soil inclusions: | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-16" | 10YR2/1 | Muck | None obs. | |
| B | 16-18" | 10YR5/1 | LOAMY SAND | None obs. | |
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Remarks:

**Other Indicators of Hydrology: check all that apply and describe**

- ☒ Site inundated:
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: surface saturation
- ☐ 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): Stream
- ☐ Other:

**Vegetation and Hydrology Conclusion**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 1A-Upplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pennsylvanica* | 15% | 75% | Y | FACU- |
| | Red Cedar | *Juniperus virginiana* | 5% | 25% | Y | FACU |
| | | | | | | |
| G.C. | Brackenfern | *Pteridium* | 15% | 50% | Y | NI |
| | Blackberry | *Rubus allegheniensis* | 15% | 50% | Y | FACU- |
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| Vines | Greenbrier | *Smilax rotundifolia* | 25% | 100% | Y | FAC |
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* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

### Vegetation Conclusion

| | |
|---|---|
| Number of dominant wetland indicator plants: 1 | Number of dominant non-wetland indicator plants: 3 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 25%-75% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The Upland plot of Transect #1A is located near at |
| Soil type mapped: EvB/EvC | the top of a moderate slope at flag #28A |
| Hydric soil inclusions: | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-6" | 10YR3/2 | Sandy Loam | None obs. | |
| B | 6-20" | 10YR5/6 | Sandy Loam | None obs. | |
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Remarks:

**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:
- ☐ 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): Stream
- ☐ Other:

**Vegetation and Hydrology Conclusion**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☐ | no | ☒ |
| Hydric soil present? | yes | ☐ | no | ☒ |
| Other indicators of hydrology present? | yes | ☐ | no | ☒ |
| Sample location is in a BVW? | yes | ☐ | no | ☒ |

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 2A-Upplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pennsylvanica* | 25% | 55.6% | Y | FACU- |
| | Tupelo | *Nyssa sylvatica* | 20% | 44.4% | Y | FAC |
| | | | | | | |
| Shrub | Arrowood | *Viburnum dentatum* | 10% | 40% | Y | FAC |
| | Honeysuckle | *Lonicera* | 15% | 60% | Y | NI |
| | | | | | | |
| Vines | Greenbrier | *Smilax rotundifolia* | 10% | 100% | Y | FAC |
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* *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: 3 | Number of dominant non-wetland indicator plants: 1 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 75% / 25% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The Upland plot of Transect #2A is located near the |
| Soil type mapped: EvB/EvC | the top of a moderate slope at flag #63A |
| Hydric soil inclusions: | in a mowed pasture area |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-12" | 10YR3/2 | Sandy Loam | None obs. | |
| B | 12-20" | 10YR4/6 | Sandy Loam | None obs. | |
| | | | | | |
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Remarks:

**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:
- ☐ 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): Stream
- ☐ Other:

**Vegetation and Hydrology Conclusion**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☐ | no | ☒ |
| Hydric soil present? | yes | ☐ | no | ☒ |
| Other indicators of hydrology present? | yes | ☐ | no | ☒ |
| Sample location is in a BVW? | yes | ☐ | no | ☒ |

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

| | |
|---|---|
| Applicant: Laura B. Hussey | Transect No. 1B-Upplot |
| Project location: 300 Polpis Road | DEP File No: |
| Prepared By: Blackwell and Associates, Inc.<br>Kenneth J. Panacek, Certified Wetland Delineator | Date of Delineation: 2-04-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pennsylvanica* | 30% | 75% | Y | FACU- |
| | Scrub Oak | *Quercus illicifolia* | 10% | 25% | Y | NI |
| | | | | | | |
| Shrub | Arrowood | *Viburnum dentatum* | 20% | 50% | Y | FAC |
| | Bayberry | *Morella pennsylvanica* | 20 % | 50% | Y | FAC |
| | | | | | | |
| Vines | Greenbrier | *Smilax rotundifolia* | 10% | 100% | Y | FAC |
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* *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: 3 | Number of dominant non-wetland indicator plants: 1 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 75% / 25% | |

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

### Section II. Indicators of Hydrology

#### Soil Survey

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | The Upland plot of Transect #1B is located near the |
| Soil type mapped: EvB/EvC | the top of a moderate slope at flag #14B |
| Hydric soil inclusions: | |
| Are field observations consistent with soil survey? Y | |

#### Soil Profile Description

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-9" | 10YR3/2 | Sandy Loam | None obs. | |
| B | 9-20" | 10YR5/6 | Sandy Loam | None obs. | |
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Remarks:

#### 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:
- ☐ 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): Stream
- ☐ Other:

#### Vegetation and Hydrology Conclusion

| | | |
|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes ☐ | no ☒ |
| Hydric soil present? | yes ☐ | no ☒ |
| Other indicators of hydrology present? | yes ☐ | no ☒ |
| Sample location is in a BVW? | yes ☐ | no ☒ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR1A UPLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pensylvanica* | 25% | 75% | Y | FACU- |
| | Red Cedar | *Juniperus virginiana* | 5% | 25% | Y | FACU |
| | | | | | | |
| Shrub | Blackberry | *Rubus allegheniensis* | 15% | 100% | Y | FACU- |
| | | | | | | |
| G.C. | Bracken Fern | *Pteridium Gleditsch* | 15% | 100% | Y | NI |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 15% | 100% | Y | FAC |
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* *Use an asterisk to mark wetland indicator plants: plant species listed in the Wetlands Protection Act (MGL c.131, s.40); plants in the genus Sphagnum; plants listed as FAC, FAC+, FACW-, FACW, FACW+, or OBL; or plants with physiological or morphological adaptations. If any plants are identified as wetland indicator plants due to physiological or morphological adaptations, describe the adaptation next to the asterisk.*

### Vegetation Conclusion

| | |
|---|---|
| Number of dominant wetland indicator plants: 1 | Number of dominant non-wetland indicator plants: 3 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? N | |
| Percent of dominant wetland plants vs. non-wetland plants: 25% / 75% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: TR1A Upland plot is located at the top of a moderate slope above WLF#28A on a level mowed area at the edge of brush. |
| Map number: 5 | |
| Soil type mapped: EvB, EvC, Kp, Be | |
| Hydric soil inclusions: N | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-6 | 10YR3/3 | Sandy Loam | none obs. | |
| | | | | | |
| B | 6-20" | 10YR5/6 | Sandy Loam | none obs. | |
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Remarks:

**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:
- ☐ 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**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☐ | no | ☒ |
| Hydric soil present? | yes | ☐ | no | ☒ |
| Other indicators of hydrology present? | yes | ☐ | no | ☒ |
| Sample location is in a BVW? | yes | ☐ | no | ☒ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR1A WETLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Red Maple | *Acer rubrum* | 30% | 100% | Y | FACW+ |
| | | | | | | |
| Shrub | Sweet Pepper Bush | *Clethra alnifolia* | 30% | 60% | Y | FAC+ |
| | High Bush Blueberry | *Vaccinium corymbosum* | 20% | 40% | Y | FACW- |
| | | | | | | |
| G.C. | Sensitive Fern | *Onoclea sensibilis* | 25% | 100% | Y | FACW |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 10% | 100% | Y | FAC |
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* *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: 5 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100% / 0% | |

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

### Section II. Indicators of Hydrology

#### Soil Survey

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | TR1A wetland plot is located at the bottom of a |
| Soil type mapped: EvB, EvC, Kp, Be | moderate slope below WLF#28A on a level wet area |
| Hydric soil inclusions: N | 10' off the bank of a stream that begins in the BVW |
| Are field observations consistent with soil survey? Y | and flows off the site along its western property line. |

#### Soil Profile Description

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| O | 1-0 | N/A | LEAF DECAY | N/A | Saturated |
| | | | | | |
| A | 0-9 | 10YR2/1 | Muck | N | Saturated |
| | | | | | |
| B | 9-18+ | 5YR5/1 | Sandy Loam | Y | Organic Streaking |
| | | | | | |
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Remarks:

#### Other Indicators of Hydrology: check all that apply and describe

- ☒ Site inundated: Saturation throughout the plot area with areas of standing water
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: Surface saturation in areas without standing water
- ☐ 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): Stream starts in and drains the BVW
- ☐ Other:

#### Vegetation and Hydrology Conclusion

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR2A UPLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pensylvanica* | 25% | 55.6% | Y | FACU- |
| | Tupelo | *Nyssa sylvatica* | 20% | 44.4% | Y | FAC |
| | | | | | | |
| Shrub | Arrowwood | *Viburnum dentatum* | 10% | 40% | Y | FAC |
| | Honeysuckle | *Lonicera* | 15% | 60% | Y | FACU |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 15% | 100% | Y | FAC |
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* *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: 3 | Number of dominant non-wetland indicator plants: 2 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 60% / 40% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | TR2A Upland plot is located on a moderate slope |
| Soil type mapped: EvB, EvC, Kp, Be | above WLF#63A in a level mowed pasture area. |
| Hydric soil inclusions: N | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-12 | 10YR3/2 | Sandy Loam | none obs. | |
| | | | | | |
| B | 12-20" | 10YR4/6 | Clay | none obs. | |
| | | | | | |
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Remarks:

**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:
- ☐ 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**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☐ | no | ☒ |
| Other indicators of hydrology present? | yes | ☐ | no | ☒ |
| Sample location is in a BVW? | yes | ☐ | no | ☒ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR2A WETLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Red Maple | *Acer rubrum* | 5% | 25% | Y | FACW+ |
| | Tupelo | *Nyssa sylvatica* | 15% | 75% | Y | FAC |
| | | | | | | |
| Shrub | Winterberry | *Ilex verticillata* | 15% | 100% | Y | FACW+ |
| | | | | | | |
| G.C. | Marsh Fern | *Thelypteris palustris* | 10% | 66% | Y | FACW+ |
| | Cinnamon Fern | *Osmunda cinnamomea* | 5% | 33% | Y | FACW |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 25% | 100% | Y | FAC |
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* *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: 6 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100% / 0% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | TR2A wetland plot is located at the bottom of a |
| Soil type mapped: EvB, EvC, Kp, Be | moderate slope below WLF#63A on a level wet area |
| Hydric soil inclusions: N | 10' off standing water in an area that is saturated |
| Are field observations consistent with soil survey? Y | near or at the surface. |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| O | 1-0 | N/A | LEAF DECAY | N/A | Saturated |
| | | | | | |
| A | 0-16 | 10YR2/1 | Muck | N | Saturated |
| | | | | | |
| B | 16-18+ | 5YR5/1 | Sandy Loan | Y | Organic Streaking |
| | | | | | |
| | | | | | |

Remarks:

**Other Indicators of Hydrology: check all that apply and describe**

- ☒ Site inundated: Saturation throughout the plot area with areas of standing water
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: Surface saturation in areas without standing water
- ☐ 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**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR1B UPLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Tree | Pin Cherry | *Prunus pensylvanica* | 30% | 75% | Y | FACU- |
| | Scrub Oak | *Quercus ilicifolia* | 10% | 25% | Y | NI |
| | | | | | | |
| Shrub | Arrowwood | *Viburnum dentatum* | 20% | 40% | Y | FAC |
| | Bayberry | *Morella pensylvanica* | 20% | 40% | Y | FAC |
| | Honeysuckle | *Lonicera* | 10% | 20% | Y | FACU |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 15% | 100% | Y | FAC |
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* *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: 3 | Number of dominant non-wetland indicator plants: 3 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 50% / 50% | |

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

**Section II. Indicators of Hydrology**

**Soil Survey**

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: |
| Map number: 5 | TR1B Upland plot is located on a gentle slope |
| Soil type mapped: EvB, EvC, Kp, Be | above WLF#14b in an area of low woody vegetation |
| Hydric soil inclusions: N | |
| Are field observations consistent with soil survey? Y | |

**Soil Profile Description**

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| A | 0-9 | 10YR3/2 | Sandy Loam | none obs. | |
| | | | | | |
| B | 9-18" | 10YR5/6 | Sandy Loam | none obs. | |
| | | | | | |
| | | | | | |
| | | | | | |
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Remarks:

**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:
- ☐ 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**

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☐ | no | ☒ |
| Other indicators of hydrology present? | yes | ☐ | no | ☒ |
| Sample location is in a BVW? | yes | ☐ | no | ☒ |

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

| | |
|---|---|
| Applicant: LAURA L. B. HUSSEY | Transect No. TR1B WETLAND |
| Project location: #300 Polpis Road | DEP File No: |
| Prepared By: Kenneth J. Panacek | Date of Delineation: 1-26-09 |

Check all that apply:

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

### Section I. Vegetation

| Strata | Plant Species | Scientific Name | Percent Cover | Percent Dominance | Dominant Plant? | Wetland Indictor Category* |
|---|---|---|---|---|---|---|
| Shrub | Winterberry | *Ilex verticillata* | 25% | 26.3% | Y | FACW+ |
| | Swamp Azalea | *Rhododendron viscosum* | 25% | 26.3% | Y | OBL |
| | Sweet Pepper Bush | *Clethra alnifolia* | 25% | 26.3% | Y | FAC+ |
| | Maleberry | *Lyonia ligustrina* | 10% | 3.7% | N | FACW |
| | High Bush Blueberry | *Vaccinium corymbosum* | 10% | 3.7% | N | FACW- |
| | | | | | | |
| Vines | Green Brier | *Smilax rotundifolia* | 10% | 100% | Y | FAC |
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* *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: 4 | Number of dominant non-wetland indicator plants: 0 |
| Is the number of dominant wetland plants equal to or greater than the number of dominant non-wetland plants? Y | |
| Percent of dominant wetland plants vs. non-wetland plants: 100% / 0% | |

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

### Section II. Indicators of Hydrology

#### Soil Survey

| | |
|---|---|
| Title/date: Nantucket County 1979 | Location of Plot: TR1B Wetland plot is located at the bottom of a gentle slope below WLF#14B near the flooded thickett in the BVW. |
| Map number: 5 | |
| Soil type mapped: EvB, EvC, Kp, Be | |
| Hydric soil inclusions: N | |
| Are field observations consistent with soil survey? Y | |

#### Soil Profile Description

| Soil Horizon | Depth - Inches | Color | Soil Texture | Soil Mottling | Comments |
|---|---|---|---|---|---|
| O | 1-0 | N/A | LEAF DECAY | N/A | Saturated |
| | | | | | |
| A | 0-12 | 10YR2/1 | Muck | N | Saturated |
| | | | | | |
| B | 12-18+ | 10YR5/1 | Sandy Loam | | |
| | | | | | |
| | | | | | |

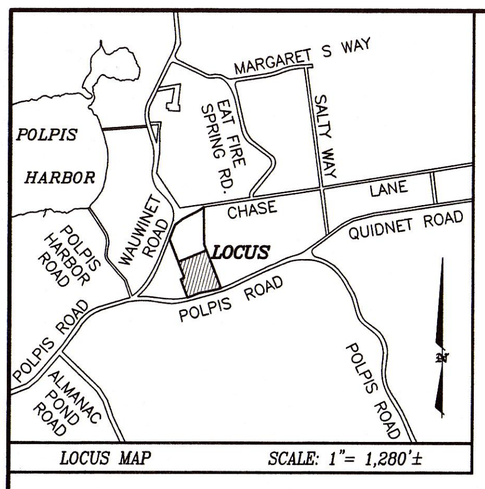
Remarks:

#### Other Indicators of Hydrology: check all that apply and describe

- ☒ Site inundated: Saturation throughout the plot area with areas of standing water
- ☒ Depth to free water in observation hole: 1"
- ☒ Depth to soil saturation in observation hole: Surface saturation in areas without standing water
- ☐ 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

| | | | | |
|---|---|---|---|---|
| Number of wetland indicator plants ≥ number of non-wetland indicator plants? | yes | ☒ | no | ☐ |
| Hydric soil present? | yes | ☒ | no | ☐ |
| Other indicators of hydrology present? | yes | ☒ | no | ☐ |
| Sample location is in a BVW? | yes | ☒ | no | ☐ |




LOCUS MAP SCALE: 1"= 1,280'±

L.C.C. 40907-B

DIRECTION OF GROUNDWATER FLOW PER H.W.H. MAP #2

NOTE: SEPTIC SYSTEM AND WELL LOCATIONS SHOWN HEREON ARE BASED UPON RECORD FILES AT THE NANTUCKET HEALTH DEPARTMENT.

**LEGEND**

| | |
|---|---|
| dhCB | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND |
| CRBw/LP | DENOTES COUNTY ROAD BOUND WITH LEAD PLUG FOUND |
| I-PIPE | DENOTES IRON PIPE FOUND |
| | DENOTES EXIST. SPLIT RAIL FENCE |
| WLF 72A | DENOTES EXIST. WETLAND FLAG FOUND |
| | DENOTES EXIST. WETLAND DELINEATION |
| | DENOTES EXIST. WELL |
| | DENOTES SOIL TEST PIT |
| C.O. | DENOTES PROPOSED CLEANOUT |
| | *DENOTES EXISTING LEACH PIT* |
| | *DENOTES EXISTING SEPTIC TANK* |

NOTES:
BUILDING SEWERS TO BE INSPECTED FOR STRUCTURAL INTEGRITY, REPLACE IF REQUIRED

*EXISTING SEPTIC TANK TO BE PUMPED EMPTY, BOTTOM RUPTURED, AND FILLED WITH CLEAN COMPACTED MATERIAL

*EXISTING LEACH PIT TO BE ABANDONED PER 310 CMR 15.354 TITLE V

LOT IS WITHIN HARBOR WATER PROTECTION ZONE B

20-11.1
N/F
TESSA B. CRESSMAN
DEED BK: 1326 PG: 90
PLAN No. 2012-32, LOT A

376.23'
571.20'
571.07'
495.03'
496.22'
211.50'
99.88'
236.31'
50.00'
231.19'
71.02'
80.85'
R=1175.00'
L=47.57'
ChD=47.57'

20-73
N/F
JOHN L. COLTON
CERT. #23618
L.C.C. 40907-B
LOT 1
VACANT LOT

25-5
N/F
AMY THOMPSON REVOCABLE TRUST
DEED BK. 887, PG. 47

25-9.3
N/F
NANTUCKET CONSERVATION FOUNDATION, INC.
CERT. #11647
L.C.C. 7300-8
LOT 52
VACANT LOT

25-38
N/F
NANTUCKET CONSERVATION FOUNDATION, INC.
VACANT LOT

25-36
N/F
NANTUCKET CONSERVATION FOUNDATION, INC.
CERT. #10387
L.C.C. 7300-4
LOT 38
VACANT LOT

POLPIS (1951 COUNTY LAYOUT - DOC. #5562) (PUBLIC - 50' WIDE) ROAD

WETLAND DELINEATED BY KENNETH J. PANACEK, CERTIFIED WETLANDS DELINEATOR FLAGS 21A-30A TO BE REPLACED FOR VERIFICATION

PROPOSED INSPECTION PORT
PROPOSED VENT
RELOCATE TENT PLATFORM
PROPOSED LEACH BED 18'x50' W/ 48 CHAMBERS TOATL
PROPOSED 5' OVEREXCAVATION-REMOVE AND REPLACE TO THE C2 LAYER WITH TITLE V FILL
PROPOSED 15' MIN TO BREAKOUT EL=22.0
WETLAND BOUNDARY APPROVED BY THE NANTUCKET CONSERVATION COMMISSION REF. SE48-2320
EXIST. 2 STY. W/F STRUCTURE
PROPOSED ELECTRICAL AND ALARM SERVICE
PROPOSED INTAKE/VENT
PROPOSED SEPTITECH M750N
PROPOSED SILT FENCE
PROPOSED 1.5" PUMPBACK LINE
INVERT OUT STRUCTURE =22.06±
INVERT OUT STRUCTURE =18.71±
PROPOSED 3,000-GAL. 2-COMPARTMENT SEPTIC TANK
EXIST. GRAVEL DRIVEWAY
EXIST. BRICK WALKWAY
EXIST. FIELDSTONE PATIO
FIRE PIT
DMH
CLOTHES LINE
BENCHMARK: X CUT IN RIM, EL.=22.00
PLAY SET
L.P. TANK
DUST COLLECTION UNIT
EXIST. 2 STY. W/F STRUCTURE 983 S.F.±
EXIST. 1 STY. W/F STRUCTURE 755 S.F.±
EXIST. 1 STY. W/F STRUCTURE 65 S.F.±
EXIST. 1 STY. W/F STRUCTURE 91 S.F.±
TREE CLUMP
PRIVET
EXIST. EDGE OF PAVEMENT
NON-TANGENT
I-PIPE FND. (HELD)
dhCB FND.
CRBw/LP FND.

*LOCAL UPGRADE APPROVALS REQUIRED*

TITLE 5:310 CMR 15.248(1): REQUIREMENT FOR 100% RESERVE AREA. PROPOSED SYSTEM IS AN UPGRADE WITH NO INCREASED FLOW PROPOSED.

COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35388
REGISTERED PROFESSIONAL LAND SURVEYOR

**OWNER INFORMATION**

CALEB N. CRESSMAN, II
DEED BK. 1242, PG. 339
PLAN No. 2012-32, LOT B
ASSESSOR'S MAP 20, PARCEL 11
#300 POLPIS ROAD

*LOT CREATED: APRIL 24, 2012*
*LOT AREA=190,439 S.F.±*

GRAPHIC SCALE
30 0 15 30 60 120
( IN FEET )
1 inch = 30 ft.

**CONTACTS**

| | |
|---|---|
| Dig-Safe | 1-888-344-7233 |
| On-Target | 1-800-598-0628 |
| Health Department | 508-325-7587 |
| National Grid | 1-800-322-3223 |
| Public Works | 228-7244 |
| Water, Wannacomet | 228-0022 |
| Building Dept | 325-7587 |
| Conservation Comm | 228-7230 |
| Police, EMERGENCY | ---911--- |
| Environmental Police | 257-6932 |
| State Police | 228-0706 |

*SHEET 1 OF 2*

PROPOSED UPGRADE OF A
SUBSURFACE SEWAGE TREATMENT & DISPOSAL SYSTEM
PREPARED FOR
*CALEB N. CRESSMAN, II*
#300 POLPIS ROAD
NANTUCKET, MA
REVISED: JUNE 09, 2016

| | | |
|---|---|---|
| CHECKED BY ADG/JLB | ASSESSOR MAP: 20 PARCEL: 11 | |
| DESIGNED BY ADG/CLR | DRAWN BY PBO/CLR | DATE 03/04/16 |
| SCALE AS NOTED | JOB NO. B7451 | SHEET: 1 OF 2 |

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

B7451

T:\JOSH 25 JOB 20
V:\DRAWFILES\B7451\RDA 2016.dwg 6/9/2016 5:04:41 PM EDT

# CERTIFICATES OF COMPLIANCE

# Five On A Dime LLC

# 4,6,8 Pilgrim Court

# (41-217.3,217.4 & Portions of 217)

# SE48-2859

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

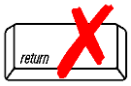
# WPA Form 8A – Request for Certificate of Compliance

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

DEP File Number:
SE48-2859
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.




1. This request is being made by:(current Title holder):

Five on a Dime LLC
Name
12 Amelia Drive
Mailing Address
Nantucket | MA | 02554
City/Town | State | Zip Code

Phone Number

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

Five on a Dime LLC
Applicant
02/10/2016 | SE48-2859
Dated | DEP File Number

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.

3. The project site is located at:

4, 6, & 8 Pilgrim Court | Nantucket
Street Address | City/Town
41 | 217.3, 217.4, portions of 217
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for: (name on Order)

Five on a Dime LLC
Property Owner (if different)
Nantucket
County | Book | Page
25881
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).
See Attached Narrative

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

## A. Project Information (cont.)

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

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

☐ No

## B. Submittal Requirements

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

**SITE DESIGN ENGINEERING, LLC.**
11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

June 22, 2016 SDE No. 15019

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

**Subject: Request for Certificate of Compliance**
**4, 6, & 8 Pilgrim Court, Nantucket, MA**
**Assessors Map 41, Parcels 217.3 and 217.4 and portions of 217**
**DEP File No.: SE48-2859**

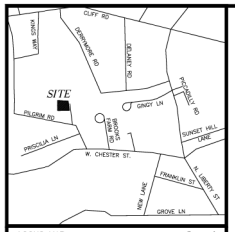
Dear Mr. Carlson:

The purpose of this letter is to request that the Conservation Commission (Commission) issue a Certificate of Compliance (COC) for the above referenced Order of Conditions (OOC). The hearing for SE48-2859 was closed on February 10, 2016 and the OOC was issued on February 10, 2016. The OOC is currently valid and has an expiration date of February 10, 2019. SE48-2859 allowed for the construction of a retaining wall and associated landscaping/grading. The proposed retaining wall was outside of the 50-fooot BVW buffer zone. Portions of the proposed landscaping/grading were inside of the 50-foot BVW buffer zone. The proposed work did not require any waivers under the Bylaw. The approved grading has been performed in substantial compliance with the OOC. An As-Built Plot Plan prepared by Site Design Engineering, LLC and J. Marcklinger & Associates, Inc. Professional Land Surveyors dated June 17, 2016 is included and shows the locations of all site work performed on the Subject Property under this OOC. Since the site work has been completed and is in substantial compliance with the approval issued under SE48-2859, the Applicant respectfully requests that the Commission grant a COC for the above referenced OOC.

If you have any questions, please feel free to call me at (508) 802-5832 or email me at (mrits@sde-ldec.com).

Respectfully,

Mark Rits
Site Design Engineering, LLC.




LOCUS MAP SCALE 1"=600'

## GENERAL NOTES:

1. EXISTING CONDITIONS INFORMATION WAS COMPILED FROM AN ON THE GROUND SURVEY PERFORMED BY J. MARCKLINGER & ASSOCIATES, INC. AND SUPPLEMENTED WITH RECORD PLAN INFORMATION.
2. ELEVATIONS ARE REFERENCED TO AN ASSUMED DATUM.
3. THE SITE IS NOT LOCATED WITHIN ANY KNOWN 100 YEAR FLOOD HAZARD ZONES AS SHOWN ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP COMMUNITY–PANEL NUMBER 250230 0088 G, DATED JUNE 9, 2014.
4. THIS PLAN AND ANY ACCOMPANYING CERTIFICATIONS DO NOT CONSTITUTE A CERTIFICATION OF TITLE TO THE PROPERTY DISPLAYED HEREON. THE OWNER OF LOCUS AND ABUTTING PROPERTIES ARE SHOWN ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.
5. EXISTING UTILITY LINES SHOWN ON THIS PLAN ARE FROM AVAILABLE INFORMATION AND MAY BE APPROXIMATE LOCATIONS. THERE MAY BE EXISTING LINES OTHER THAN THOSE INDICATED. SITE DESIGN ENGINEERING, LLC. ASSUMES NO RESPONSIBILITY FOR DAMAGES INCURRED AS A RESULT OF UTILITIES OMITTED OR INACCURATELY SHOWN. BEFORE PLANNING FUTURE CONNECTIONS, THE PROPER PUBLIC UTILITY ENGINEERING DEPARTMENT SHOULD BE CONSULTED.

## ZONING REQUIREMENTS:

THE SITE IS ZONED RESIDENTIAL 1 (R–1)

| | REQUIRED |
|---|---|
| LOT AREA | 5,000 S.F. |
| LOT FRONTAGE | 50 FT. |
| FRONT YARD SETBACK | 10 FT. |
| REAR YARD SETBACK | 5 FT. |
| SIDE YARD SETBACK | 5 FT. |
| MAX. GROUND COVER RATIO | 30 % |

## OVERLAY DISTRICT APPLICABILITY

TOWN
TOWN SEWER


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

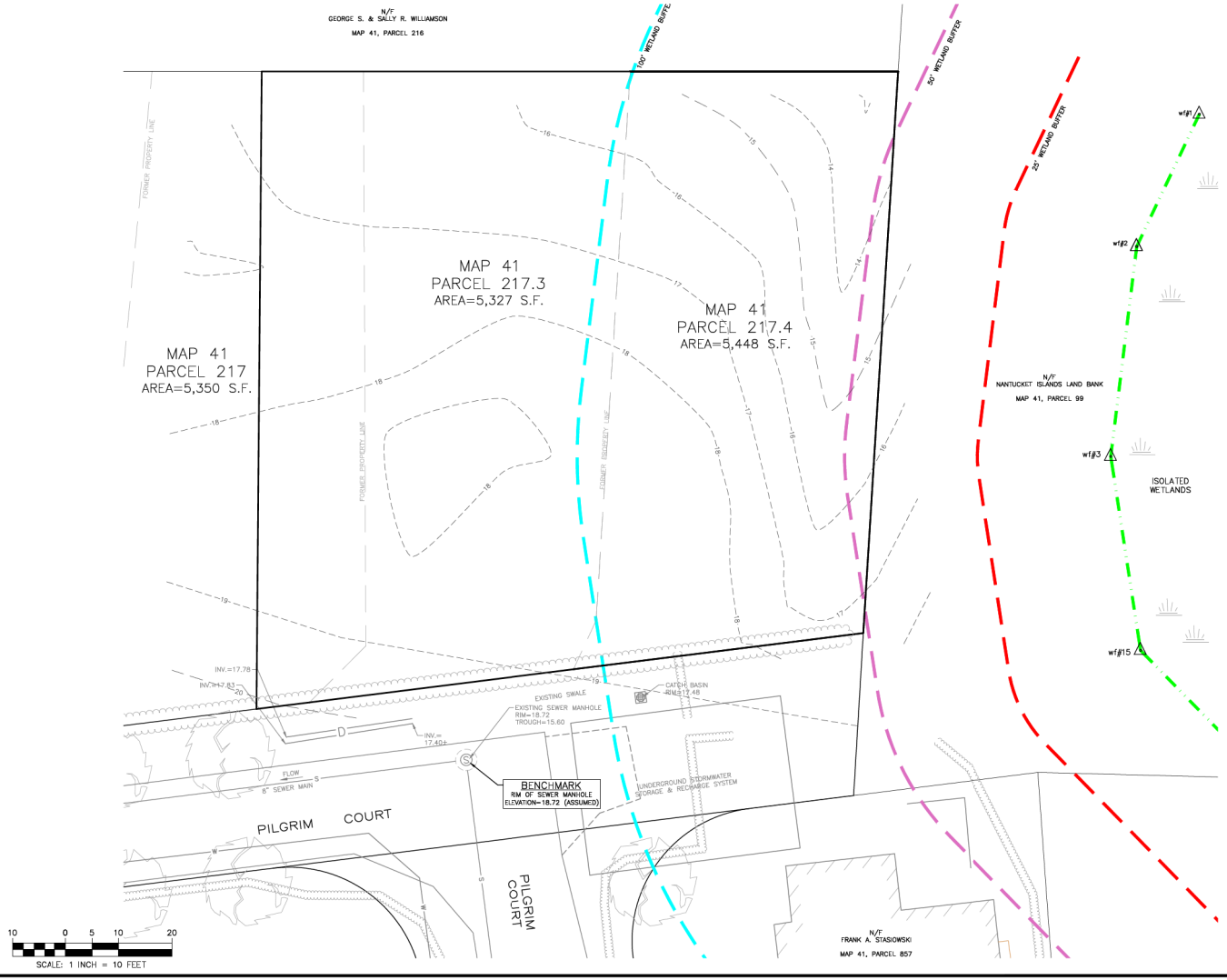

## LEGEND

EXISTING

- PROPERTY LINE
- TOPOGRAPHIC CONTOUR
- SEWER MANHOLE
- SEWER MAIN
- WATER MAIN
- TREE
- HEDGE LINE
- LIMIT OF WETLAND
- 25 FT. BUFFER ZONE
- 50 FT. BUFFER ZONE
- 100 FT. BUFFER ZONE

PROPOSED

- TOPOGRAPHIC CONTOUR
- SPOT ELEVATION
- SEWER SERVICE
- WATER SERVICE





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


| NO. | DATE | DESCRIPTION | APPROVED |
|---|---|---|---|
| | | | |

PLAN REVISIONS

DATE: JUNE 17, 2016

| DRAWN BY: | DESIGN BY: | CHECK BY: |
|---|---|---|
| SKD | SKD/DCM | DCM |

PROJECT NO. 15019

ISSUED FOR: PERMITTING

COMMONWEALTH OF MASSACHUSETTS
DANIEL C. MULLOY
CIVIL
No. 41757

# EXISTING CONDITIONS PLAN

8 PILGRIM COURT
ASSESSOR'S MAP 41, PARCELS 217.4
NANTUCKET, MASSACHUSETTS

PREPARED FOR FIVE ON A DIME, LLC.

DRAWING TITLE: EXISTING CONDITIONS PLAN

SCALE: 1"=10'

SHEET NO. 1 OF 1

Elizabeth Bagley D.T

123 Eel Point Road

(33-15)

SE48-2547

June 10, 2016

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

RE: 123 Eel Point Road
Map 33 Parcel 15
SE48-2547

Dear Jeff:

I am writing to request a Certificate of Compliance for the referenced project. The work was completed in substantial compliance with the issued Order of Conditions. Attached are a Site Plan, photographs and front-page copy of the Order recorded at the Nantucket Registry of Deeds. There was no sand added or repairs necessary in the past year.

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

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

CC: Elizabeth Bagley Descendants Trust
Charles Lenhart, Owner Representative

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

**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:
SE48-2547
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.

1. This request is being made by:

Arthur D. Gasbarro, PE, PLS - Nantucket Engineering & Survey, P.C.
Name

20 Mary Ann Drive
Mailing Address

Nantucket | MA | 02554
City/Town | State | Zip Code

508-825-5053
Phone Number

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

The Elizabeth Bagley Descendents Trust - Thomas B. Wagner & Elizabeth Frawley Bagley, Trustees
Applicant

5/1/2013 | SE48-2547
Dated | DEP File Number

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.

3. The project site is located at:

123 Eel Point Road | Nantucket
Street Address | City/Town

33 | 15
Assessors Map/Plat Number | Parcel/Lot Number

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

Property Owner (if different)

Nantucket
County | Book | Page

24786
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.

## A. Project Information (cont.)

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

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

☐ No

## B. Submittal Requirements

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

141074

2013 00141074
Cert: 24786 Doc: OOC
Registered: 05/15/2013 10:28 AM

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

# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48-2547
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:

Thomas B. — a. First Name
Wagner, Trustee — b. Last Name
Elizabeth Bagley Descendants Trust + Elizabeth Frawley Bagley — c. Organization
1539 29th Street NW — d. Mailing Address
Washington — e. City/Town
D.C. — f. State
20007 — 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

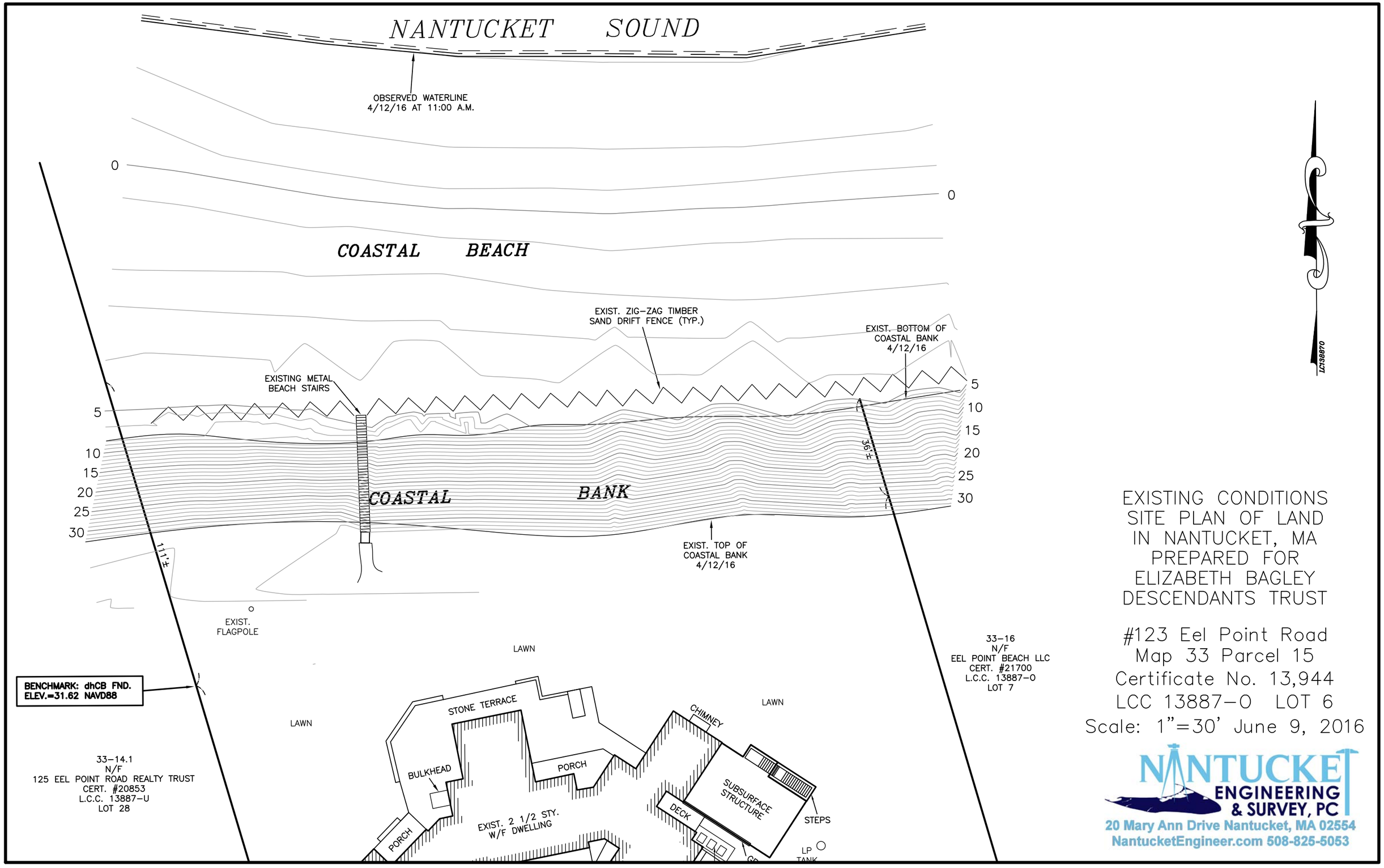
5. Project Location:

123 Eel Point Road — a. Street Address
Nantucket — b. City/Town
33 — c. Assessors Map/Plat Number
15 — d. Parcel/Lot Number

Latitude and Longitude, if known: d m s — d. Latitude; d m s — e. Longitude

East End of Project – 4/12/16

West End of Project – 4/12/16




EXISTING CONDITIONS
SITE PLAN OF LAND
IN NANTUCKET, MA
PREPARED FOR
ELIZABETH BAGLEY
DESCENDANTS TRUST

#123 Eel Point Road
Map 33 Parcel 15
Certificate No. 13,944
LCC 13887-O LOT 6
Scale: 1"=30' June 9, 2016

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

# Five Crow’s Nest Way

# 5 Crow’s Nest Way

# (12-22.2)

# SE48-2635

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

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

B7698

June 23, 2016

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

Re: # 5 Crow's Nest Way, Map 12 Parcel 22.2 SE 48-2635.

Dear Jeff:

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

I certify that the project was completed in substantial compliance with the Order of Conditions. The Jacuzzi was moved from the deck to the granite patio, which had been identified for conversion to deck.

If you have any questions, please call. Thank you.

Sincerely,

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:
SE48-2635
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.

1. This request is being made by:(current Title holder):

Mark P. Chioffi, Trustee of Five Crow's Nest Nominee Trust
Name

20 Beachside Common
Mailing Address

Westport | CT | 06880
City/Town | State | Zip Code

Phone Number

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

Mark P. Chioffi
Applicant

2/05/2013 | SE48-2635
Dated | DEP File Number

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.

3. The project site is located at:

5 Crow's Nest Way | Nantucket
Street Address | City/Town

12 | 22.2
Assessors Map/Plat Number | Parcel/Lot Number

4. The final Order of Conditions was recorded at the Registry of Deeds for : (name on Order)

Property Owner (if different)

County | Book | Page

23695
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.

## A. Project Information (cont.)

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

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

☐ No

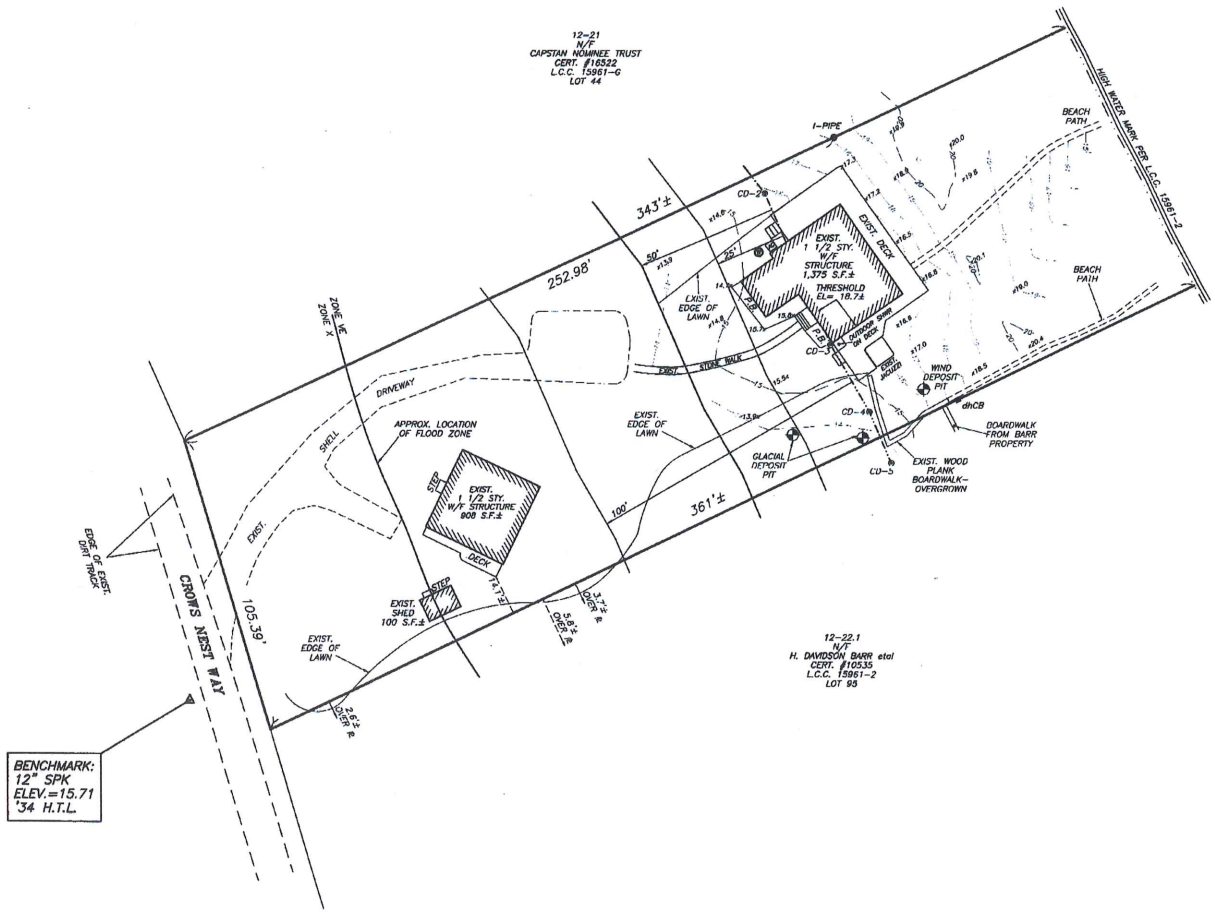
## B. Submittal Requirements

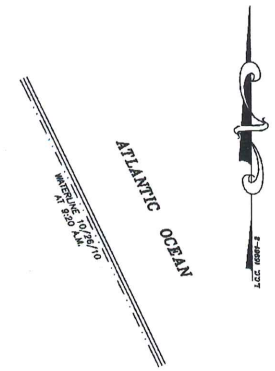
Requests for Certificates of Compliance should be directed to the issuing authority that issued the final Order of Conditions (OOC). If the project received an OOC from the Conservation Commission, submit this request to that Commission. If the project was issued a Superseding Order of Conditions or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

WITHIN COASTAL DUNE RESOURCE AREA:

PROPOSED DECK & STEPS= 967 S.F.±

EXISTING DECK & STEPS= 940 S.F.±




**LEGEND**

| | |
|---|---|
| dhCB ■ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND |
| I-PIPE ○ | DENOTES IRON PIPE FOUND |
| CD#4 ● | DENOTES COASTAL DUNE FLAG FOUND |
| | DENOTES COASTAL DUNE BOUNDRY |
| 5 — — — | DENOTES EXIST. GRADE CONTOUR |
| x4.2 | DENOTES EXIST. GRADE SPOT ELEVATION |
| ⊗ | DENOTES EXIST. WELL |
| AC | DENOTES EXIST. AIR CONDITIONING UNIT |
| ODS | DENOTES OUTDOOR SHOWER |
| P.B. | DENOTES PLANTING BED |

SE48-2635

# Site Plan of Land
in Nantucket, MA
Prepared for
*FIVE CROWS NEST NOMINEE TRUST*

#5 Crows Nest Way

Assesor Map 12, Parcel 22.2

Scale: 1"= 20' JUNE 06, 2016


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


GRAPHIC SCALE

20 0 10 20 40 80

( IN FEET )
1 inch = 20 ft.

**OWNER REFERENCE**
MARK P. CHIOFFI TRUSTEE
FIVE CROWS NEST NOMINEE TRUST
Cert. of Title: 23895
L.C. PLAN 15961-2, LOT 94
ASSESSORS MAP 12 PARCEL 22.2
#5 CROWS NEST WAY

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B7698

143940

2014 00143940
Cert: 23695 Doc: OOC
Registered: 03/14/2014 09:45 AM

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

# WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48-2635
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:

Mark P.
a. First Name

Chioffi, Trustee
b. Last Name

Five Crows Nest Nominee Trust
c. Organization

20 Beachside Common
d. Mailing Address

Westport
e. City/Town

CT
f. State

06880
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:

5 Crows Nest Way
a. Street Address

Nantucket
b. City/Town

12
c. Assessors Map/Plat Number

22.2
d. Parcel/Lot Number

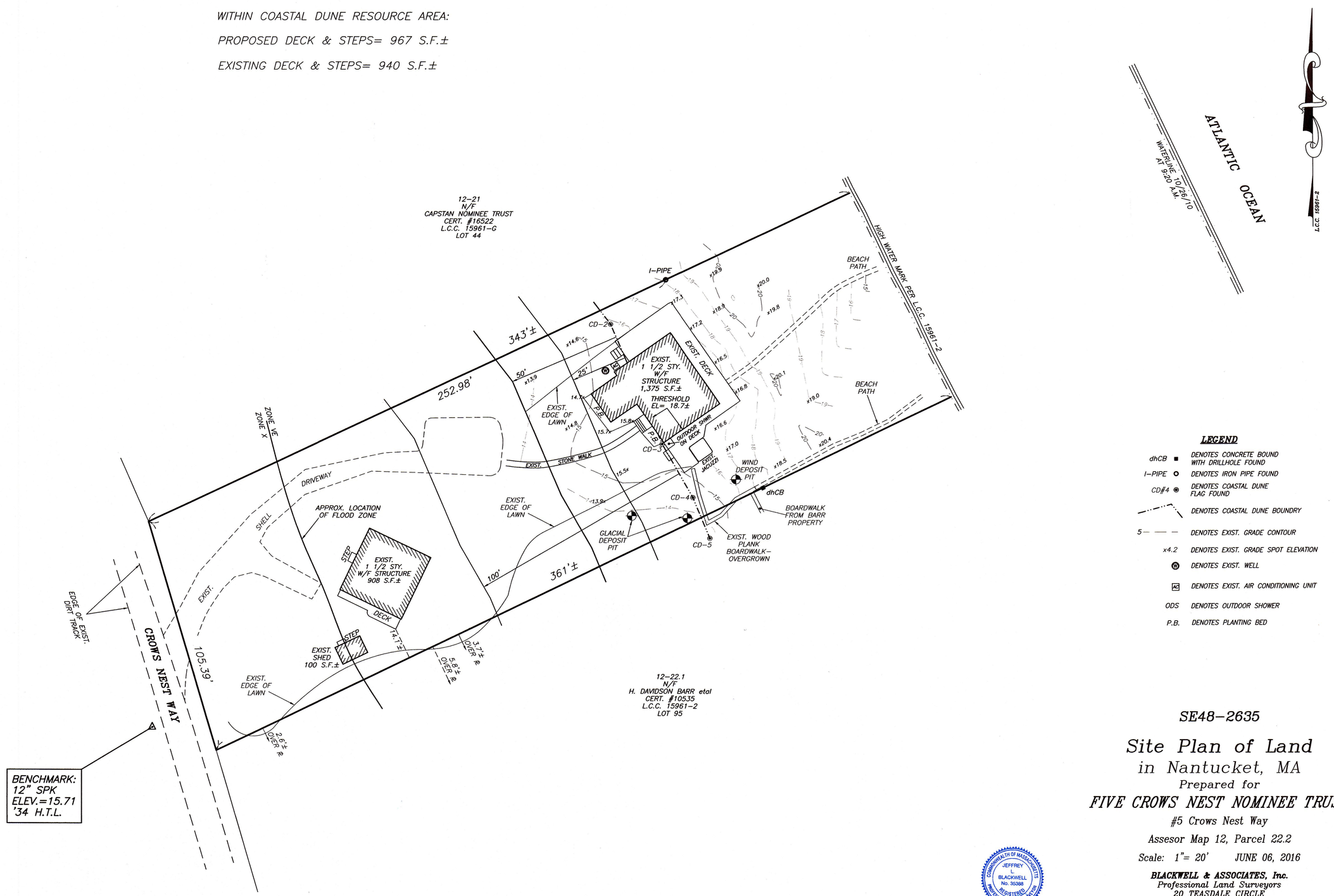
Latitude and Longitude, if known: d m s
d. Latitude

d m s
e. Longitude

WITHIN COASTAL DUNE RESOURCE AREA:

PROPOSED DECK & STEPS= 967 S.F.±

EXISTING DECK & STEPS= 940 S.F.±




**LEGEND**

| | |
|---|---|
| dhCB ■ | DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND |
| I-PIPE ○ | DENOTES IRON PIPE FOUND |
| CD#4 ◉ | DENOTES COASTAL DUNE FLAG FOUND |
| | DENOTES COASTAL DUNE BOUNDRY |
| 5 — — — | DENOTES EXIST. GRADE CONTOUR |
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| AC | DENOTES EXIST. AIR CONDITIONING UNIT |
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Cert. of Title: 23695
L.C. PLAN 15961-2, LOT 94
ASSESSORS MAP 12 PARCEL 22.2
#5 CROWS NEST WAY

SE48-2635

# Site Plan of Land
## in Nantucket, MA
Prepared for
## FIVE CROWS NEST NOMINEE TRUST
#5 Crows Nest Way

Assesor Map 12, Parcel 22.2

Scale: 1"= 20' JUNE 06, 2016


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


COMMONWEALTH OF MASSACHUSETTS
JEFFREY L. BLACKWELL
No. 35388
REGISTERED PROFESSIONAL LAND SURVEYOR

GRAPHIC SCALE

20 0 10 20 40 80

( IN FEET )
1 inch = 20 ft.

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B7698

# Draft Minutes

# CONSERVATION COMMISSION
## PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Wednesday, June 15, 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 4:04 p.m.

| | |
|---|---|
| Staff in attendance: | Jeff Carlson, Natural Resources Coordinator |
| Attending Members: | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Absent Members: | Golding |
| Late Arrivals: | None |
| Earlier Departure: | None |

Agenda adopted by unanimous consent
*Matter has not been heard

**I. PUBLIC MEETING**

**A. Public Comment** – None

**II. PUBLIC HEARING**

**A. Notice of Intent**

1. Haulover – 165 Wauwinet Road (7-1.1) SE48-2894

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence. |
| Representative | **Jeff Blackwell**, Blackwell & Associates – Questions were raised about the ramp obstructing sand flow; after careful study of the situation, he does not believe that will happen. |
| Public | None |
| Discussion (4:05) | **Champoux** – Confirmed that the skirt to the ramp will be no lower than the framing. |
| Staff | Have everything needed to close. |
| Motion | **Motion to Close.** (made by: LaFleur) (seconded by: Champoux) |
| Vote | Carried unanimously |

2. Edell & Alderson – 8 High Brush Path (56-370) SE48-2891

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence. |
| Representative | **Brian Madden**, LEC Environmental – Revised plans show changes to the hardscaping: pool and patio shifting away from the resource area; no change to the existing driveway. Proposes to replant the disturbed buffer area with high-brush blueberry. |
| Public | None |
| Discussion (4:08) | None |
| Staff | Have everything needed to close. |
| Motion | **Motion to Close.** (made by: Champoux) (seconded by: Bennett) |
| Vote | Carried unanimously |

3. Beach Nut LLC – 1A Crow's Nest Way (12-24) SE48-2895

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence. |
| Representative | **Dhruv Patel**, Nantucket Surveyors – Reviewed the project.<br>**David M. Haines**, Haines Hydrogeologic Consulting – Resource areas: ocean, coastal beach and coastal dune; all new work will be outside the 50-foot buffer. Asking for waiver to remove existing structure. |
| Public | None |
| Discussion (4:10) | **Erisman** – Asked what will be the change in the percentage of developed area. The amount of proposed construction will require stripping all vegetation off the lot and that will impact water flow.<br>**Steinauer** – Could grant a waiver under long-term net benefit. |
| Staff | The percentage change is only relative to the 25-50 buffer zone; the only structural work within that area is to remove a structure, that work is in keeping with the regulations. In his opinion, removal of a structure is a project, not construction.<br>Have everything needed to close. |
| Motion | **Motion to Close.** (made by: Bennett) (seconded by: Champoux) |
| Vote | Carried unanimously |

PROPOSED

4. 3 Beacon Lane NT – 3 Beacon Lane (21-26.9) SE48-2892

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence. |
| Representative | **Arthur D. Gasbarro**, Nantucket Engineering & Survey – (4:18) Waiting for Massachusetts Natural Heritage signoff. Asked for a 2-week continuance.<br>(4:25) Reviewed the project: residential redevelopment on Sesachacha Pond. The waiver is related to footings separation from high ground water. Explained dewatering. The site is served by well and septic. No disturbance is intended within the 25-foot buffer. |
| Public | None |
| Discussion (4:25) | ((4:18) Initially this was held pending the MNH sign off.)<br>**Steinauer** – Disclosed that Massachusetts Audubon has a deed restriction on the abutting property but there is no financial impact. |
| Staff | The Massachusetts Natural Heritage sign off was just received; this can be reopened as part of the open public hearing.<br>Have everything needed to close. |
| Motion | **Motion to Close.** (made by: Champoux) (seconded by: Bennett) |
| Vote | Carried unanimously |

5. *Leary Family Realty Co LLC – 7 Massachusetts Avenue (60-92) SE48-2896

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence. |
| Representative | **David M. Haines**, Haines Hydrogeologic Consulting – This is for replacement of a well and installation of a tight tank. Resource areas are a saltmarsh and land subject to coastal storm flowage. The well failed and they received and installation the new well ordered by the Health Department; that has been done. The existing septic will be pumped and left in place to minimize disturbance. Dewatering will be necessary so the plans show the dewatering area. |
| Public | None |
| Discussion (4:20) | None |
| Staff | Have everything needed to close. |
| Motion | **Motion to Close.** (made by: Topham) (seconded by: Bennett) |
| Vote | Carried unanimously |

**B. Amended Orders of Conditions**

1. Monomoy Creek RT – 12 Monomoy Creek Road (54-54.1) SE48-2665

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Recused | None |
| Documentation | Site and topographical plans, photos, requisite departmental reports and correspondence. |
| Representative | **Brian Madden**, LEC Environmental – Noted he will be calling responsible parties in regards to clean up noted as necessary during the site visit. Changes include: pool, patio, fence, and boathouse have all been reconfigured to all be outside the 50-foot buffer; adding a window well to the foundation; reducing the size of the parking area; replacing a shed with a garage. No changes to the limit of work but this results in a net decrease of encroachment into the buffer zones. |
| Public | **Emily Molden**, Nantucket Land Council – Hearing about the erosion control issues, she reminded the board that this was the site she noted had unpermitted dewatering taking place into adjacent wetlands. Suggested the board hold off issuing the amended order until the site is cleaned up. Asked for a continuance. |
| Discussion (4:30) | **Steinauer** – Suggested moving the garage back a little bit more.<br>**Madden** – That would move either the driveway or the parking into the 25-foot buffer.<br>**Erisman** – Wants to ensure all the debris and equipment and material is cleaned out of the 25-foot buffer. |
| Staff | Noted the board can require photo monitoring. The siltation measures need to be brought back into repair. |
| Motion | Continued to June 29 without objection. |
| Vote | N/A |

## III. PUBLIC MEETING

**A. Minor Modifications**

1. Dannheim – 97 Low Beach Road (75-31.2) NAN-119 **(WITHDRAWN)**

**B. Certificates of Compliance**

1. Four Saratoga LLC – 14 Tennessee Avenue (60.1.2-6) SE48-2506 **(Cont 06/29/2016)**

PROPOSED

2. Marsillo – 271 Hummock Pond Road (83 Portion of 42 ) SE48-936 **Reissue**

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff This is to clear the title; work is in compliance; need recordable Certificate of Compliance. Recommend this be reissued.
Discussion (4:42) None
Motion **Motion to Reissue.** (made by: LaFleur) (seconded by: Champoux)
Vote Carried unanimously

3. Bartlett – 271 Hummock Pond Road (83-8 & 42 ) SE48-816 **Reissue.**

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff This is to clear the title; work is in compliance; need recordable Certificate of Compliance. Recommend this be reissued.
Discussion None
Motion **Motion to Reissue.** (made by: Champoux) (seconded by: Bennett)
Vote Carried unanimously

4. Vero Ventures - 18 Cherry Street (55-913) SE48- 2434

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff The site is in compliance and all work completed. Recommend issued with no on-going conditions.
Discussion None
Motion **Motion to Issue.** (made by: Bennett) (seconded by: LaFleur)
Vote Carried unanimously

5. Zaverucha – 45 Easton Street (42.4.1-58) SE48-2720

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff Raised to flood elevation and porch extensions. Recommends this be issued.
Discussion None
Motion **Motion to Issue.** (made by: Bennett) (seconded by: Champoux)
Vote Carried unanimously

6. Goldberg – 156 Orange Street (55-61) SE48-2623
7. Goldberg – 156 & 158 Orange Street (55-61; 61.1)SE48-2739

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff These were to first shift the dock off 156 Orange Street and second reconfigure the stairway. Both are in compliance.
Discussion None
Motion **Motion to Issue SE48-2623 and SE48-2739.** (made by: Champoux) (seconded by: Topham)
Vote Carried unanimously

8. Sohn – West Miacomet Road (86-2) SE48-345 **Reissue**

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff This is to clear the title; work is in compliance; need recordable Certificate of Compliance. Recommend this be reissued.
Discussion None
Motion **Motion to Reissue.** (made by: Champoux) (seconded by: Topham)
Vote Carried unanimously

**C. Orders of Condition**

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

Sitting Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham
Staff What he drafted is similar to the Order of Condition issued for Shimmo. Condition 30: pre-construction beach invertebrate study. Condition 31: memorializes that if there is a large amount of replacement work, they have to reapply. Condition 32: staking of the mean high water line.
Representative Arthur D. Gasbarro, Nantucket Engineering & Survey
Discussion (4:48) **Steinauer** – Asked if there is a requirement to report the amount of replacement sand provided.
Carlson – That is covered in Condition 22 and 23; he'll add to Condition 23 that the yearly report include sand quantities installed. He needs to clarify Condition 31 about what is project materials.
**Erisman** – She has thought a lot about what constitutes failure; they are trying to establish a dune; we would want 60% survival rate of plants.
**Carlson** – Condition 29 requires 75% plant success rate or they come back to the commission. Also this is project conditioned for yearly face to face between the board and applicant to ensure commission satisfaction with what's happening and to evaluate the functionality of the project and if any changes are needed.
**Steinauer** – Suggested issuing a partial certificate upon completion of construction and hold the final until the end of three years to determine whether or not this is working.
**Erisman** – "Working" is a broad term for bioengineering a dune that will not impact the system. Within three years the plants should have taken a hold; there have been large percentages of loss in three years and the habitat could not be established. There are three options: 1) do nothing, 2) move the structures, and 3) build a coastal erosion structure; we are jumping to the third option.

PROPOSED

**Champoux** – If they are adding tubes every couple of years, this is no longer a bioengineered structure. We need to be able to ascertain at what point a living bank has taken over and there is no need for the structure. Would like to suggested something that allows the board to see how the it does without the replacement of tubes.

**Erisman** – Within 5 to 7 years, the plants should have taken hold; if they are replacing a lot of beach grass then the new dune is not being created.

**Steinauer** – The naturally vegetated banks out there are not holding up. This is becoming a heavily impacted environment due to changes in the direction of the storms.

**Carlson** – They are allowed to maintain the structure in good repair; however, this is designed to intentionally be impacted so he doesn't know if the board can require them to come in with an amendment for repair but we can require repair work be reported.

**Erisman** – Asked again what failure criteria is being add into this.

**Carlson** – Reviewed how Condition 29 can be amended to establish failure criteria.

**Erisman** – She can't agree to the finding that there is no impact on habitat and wildlife.

| | |
|---|---|
| Motion | Motion to Issue as amended. (made by: LaFleur) (seconded by: Bennett) |
| Vote | NOT Carried 3-3 |
| Further discussion (5:11) | **Carlson** - Will have to schedule a special meeting; this needs to be issued before close of business Wednesday, June 22. If this board is going to discuss an order in the negative, reasons why it couldn't be conditioned to meet performance standards need to be established. |

**Champoux** – He is concerned they won't get the data necessary to ensure this is not having an impact.

**Steinauer** – His concern is that this won't perform as promised.

**Champoux** – He doesn't think this is ready for a positive order because it can be rebuilt in perpetuity.

**Steinauer** – That is what is being pushed, using coir bags that are designed to release sand; they need to be rebuilt.

**Erisman** – The bank has glacial deposits that has contributed to the harbor and that is not being matched.

Steinauer – The question of what type of wildlife is supported by the existing bank needs to be answered; beach grass and a couple of other grasses doesn't promote a diverse habitat.

**Steinauer** – Our local regulations don't recognize bioengineered structures as not being structures. He believes this is a structure because the coir logs are hard.

**Bennett** – We have to determine whether or not these are acting as a structure.

**Carlson** – Condition 31 tries to establish at what point the amount of work moves from repair to replace.

**Gasbarro** – Suggested adding to Condition 31: 1/3 of total linear feet.

Discussion about whether or not, due to the size of the project, increasing the number of transects for surveying wildlife will help.

Discussion about how to determine when the area starts acting like a living bank.

**Carlson** – Looking for some way to set a period of time in which to determine whether or not to continue for another three years. If there is an adverse impact, it is subject to enforcement. Noted that since Coastal Zone Management (CZM) and Department of Environmental Protection (DEP) have ruled a bio-engineered project is not a structure, George Pucci of Kopelman & Paige, Town Counsel, tends to agree with that; he noted there has been no court case challenging the CZM/DEP ruling.

**Erisman** – Doesn't believe the board will be able to tell if the project is having an adverse impact. The impact would be on the underlying habitat; something we wouldn't pick up on right away.

**Steinauer** – He thinks it will shed more material than the bank would shed and impact the aquatic environment.

**Champoux** – Asked where the controls on this are. Need control sites that are outside the project area for comparison.

**Gasbarro** – There are seven monitoring transects set every 300 feet to provide invertebrate data. The controls would be the twice-a-year survey. The outside control might be hard to establish; would have to look at the top of bank on other properties.

**Steinauer** – Asked about maintaining a walkable beach.

**Carlson** – That can't be conditioned as this is private property, unlike the 'Sconset Beach project which is on Town property.

**Champoux** – He could support this with beefing up Condition 31 as suggested by Mr. Gasbarro.

**Carlson** – Suggested wording it so that instead of amending the permit, they must file for a new 3-year permit. Reviewed other possible changes to strengthen and clarify the permit. He will write up a fresh draft for commissioner review.

Continued without objection to Monday, June 20, at 4 p.m. location to be determined.

2. Haulover – 165 Wauwinet Road (7-1.1) SE48-2894

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Staff | No special conditions. |
| Discussion (5:56) | None |
| Motion | **Motion to Issue as drafted.** (made by: Champoux) (seconded by: LaFleur) |
| Vote | Carried unanimously |

PROPOSED

3. Edell & Alderson – 8 High Brush Path (56-370) SE48-2891

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Staff | He needs to add Condition 20: no cultivars. |
| Discussion (5:57) | None |
| Motion | **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Champoux) |
| Vote | Carried unanimously |

4. Beach Nut LLC – 1A Crow's Nest Way (12-24) SE48-2895

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Staff | He included pool conditions about water discharge and exterior lighting to be directed downward. Didn't add a waiver; they're removing the structure from the buffer zone. |
| Discussion (5:59) | None |
| Motion | **Motion to Issue as drafted.** (made by: Champoux) (seconded by: Bennett) |
| Vote | Carried unanimously |

5. 3 Beacon Lane NT – 3 Beacon Lane (21-26.9) SE48-289

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Staff | Will add Condition 20: no cultivars. |
| Discussion (6:00) | None |
| Motion | **Motion to Issue as amended.** (made by: Champoux) (seconded by: Bennett) |
| Vote | Carried unanimously |

6. Leary Family Realty Co LLC – 7 Massachusetts Avenue (60-92) SE48-2896

| | |
|---|---|
| Sitting | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Staff | This is for the emergency well and tight tank. No special conditions. |
| Discussion (6:02) | None |
| Motion | **Motion to Issue as drafted.** (made by: LaFleur) (seconded by: Champoux) |
| Vote | Carried unanimously |

**D. Monitoring Reports** (6:03)

1. Sisk – 153 & 155 Wauwinet Road (11-3)SE48-2639
2. Salt Marsh Cranes RT – 5 Salt Marsh Road (55-297) SE48-2606

**E. Other Business** (6:05)

1. Approval of Minutes: 06/01/2016 – Approved by unanimous consent.
2. Enforcement Actions
   a. 36 Pocomo Road: there has been a significant amount of brush cutting within jurisdictional areas to include a potential vernal pool; this will require a restoration plan. Part of the enforcement action should include certification of the vernal pool. **Kevin Dale**, Vaughan, Dale, Hunter and Beaudette, P.C., for direct abutter – Requests a restoration plan require mature trees and bushes and that work take place within a clearly defined timeline.
   **Motion to Ratify Issuance of an Enforcement Order.** (made by: Champoux) (seconded by: Bennett) Carried unanimously
   b. Charles Maurer, Smith Point: new roads were cut, structures and gates were installed in concrete, installed aluminum beach stairs and ramp, stone in concrete walkways; all work is in jurisdictional area. Most work has happened within the past two weeks. This will require the removal of a lot of these structures; this individual should come before the board.
   **Motion to Ratify Issuance of an Enforcement Order.** (made by: Bennett) (seconded by: Champoux) Carried unanimously
   c. Holly Farm: enforcement update; restoration plan is forthcoming.
3. Emergency Certification:
   Leary Family Realty Co LLC – 7 Massachusetts Avenue (60-92)
   **Motion to Issue the Emergency Certification.** (made by: LaFleur) (seconded by: Champoux)Carried unanimously
4. Reports:
   a. NP&EDC, Bennett: nothing
   b. Mosquito Control Committee, Erisman: nothing
5. Commissioners Comment
   a. Champoux – Appreciates the time and care taken in regards to Pocomo Neighbours.
6. Administrator/Staff Reports
   a. Regulations: Looking for areas commissioners would like to cover as a starting point and whether or not to do the work in the regular meetings or in workshops.
   b. By-law change addressing enforcement: working up a warrant article for special town meeting.

Motion to Adjourn: 6:31 p.m.

Submitted by:
Terry L. Norton

PROPOSED

# CONSERVATION COMMISSION
## SPECIAL MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554
www.nantucket-ma.gov
Wednesday, June 21, 2016 4:00 P.M.
16 Broad Street, Town Conference Room

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

Called to order at 4:11 p.m.

| | |
|---|---|
| Staff in attendance: | Jeff Carlson, Natural Resources Coordinator |
| Attending Members: | Steinauer, Bennett, Erisman, LaFleur, Champoux, Topham |
| Absent Members: | Golding |
| Late Arrivals: | None |
| Earlier Departure: | |

Agenda adopted by unanimous consent
*Matter has not been heard

**I. PUBLIC MEETING**

**A. Public Comment**:

1. Peter Brace – Encouraged the commissioners to go look at the mansion on the west side of Pocomo Point, closest to the point, to see how close it is to the edge.
2. Arthur Reade, Reade, Gullicksen, Hanley, & Gifford LLP – The issue was raised about conditions that are over looked after transfer of property; one problem is that the Registry of Deeds does not carry forward the Order of Conditions after the Certificate of Compliance is on record. That is an error; the Order of Conditions should always stay on a property so people know the background. Suggested ConCom come up with a way to do that; he'd be willing to help.

**B. Orders of Condition**

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

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

Representative: Arthur D. Gasbarro, Nantucket Engineering & Survey

Staff: He has made revisions to the draft positive motion based upon commissioner comments. Condition 28 addresses keeping the coir logs in good repair while aiding the establishment of the vegetation after which the coir logs are prohibited.

Discussion: **Champoux** – He suggested that the coir logs be considered temporary in so far as the establishment of the plants; after that, it is important they not be allowed to be replaced because then it starts acting like a structure. We have to trigger what is a success or failure. Coastal Zone Management (CZM) and Environmental Protection Agency (EPA) are saying these are not a structure; however, a lasting structure is replaced every year.

**Steinauer** – Doesn't agree with Department of Environmental Protection (DEP) on this; they permitted three tiers of geo-tubes in front of pre-1978 homes out at Sankaty, which in his opinion tacitly declares that is not a coastal engineering structure (CES). He has lost faith in their decisions.

**Erisman** – CZM brochures reference yearly maintenance and repair which doesn't meet a bio-engineered structure.

**Carlson** – Explained the function of Conditions 28, 29, 30 & 32 to protect against this becoming a permanent structure. Under Condition 32, "project materials" isn't encompassing enough in the respect of a failure criteria; asked for guidance.

**Champoux** – Suggested changing it to read 33% of nourishment material. Assuming the plants get established, spreading nourishment on top of the could damage them.

**Carlson** – It can be worded that all nourishment material is placed in front of vegetation.

**Erisman** – Putting all nourishment in front changes the performance by putting more sand into the system than the bank. Asked how often the high water mark is evaluated.

**Carlson** – The legal high water mark was recently adjusted; the evaluation is done every 19 years.

**Erisman** – Given the public has access only below the mean high water mark, if this is migrating up to the edge of the bluff or beach drops, asked how that access is maintained.

**Steinauer** – This is important wildlife habitat and we depend on that elevation of the beach; to protect our resources, we should require them to maintain a beach similar to what was there before the structure and compare it to neighboring un-armored beaches.

**Bennett** – Asked if it is possible to get a benchmark from an adjacent property.

**Carlson** – He believes so. Condition 34 states the bottom of the bank and high water mark being located outside the project area and that becomes the control spots doing that every 300 feet. To the east and west

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there are some other structures like sand-drift fencing. He'll add wording requiring the mean high water mark be included on the plan.

**Steinauer** – There isn't a lot about sampling of the fauna on the beach prior to work starting.

**Carlson** – That's covered in Condition 31. They've submitted a protocol to do that: 3 invertebrate sites within the project area and two to the east and two to the west. It can be reworded that sampling comes from all the transect areas.

**Steinauer** – Noted that right after construction starts, a big decrease could be likely due to construction vehicles; after the area has been left alone, a slow recovery might become evident.

**Carlson** – Noted that no one aside from storm repairs has permission without a permit from the Town to be on the beach between April and September because this is prime Massachusetts Natural Heritage area for plovers.

**Erisman** – She doesn't believe this project can do justice to the undulating beach and the material it provides into the system.

**Topham** – Wonders if it's possible to monitor how fast material is introduced to the rest of the beach.

**Gasbarro** – Based upon erosion calculations from the Woods Hole Group, they are looking at 1000 cubic yards of sand per year, which comes to less than ½ cubic yard per linear foot of the structure.

**Steinauer** – Noted that no bank on the beach is "self sustaining."

**Carlson** – Condition 13 coupled with the others mentioned creates a failure criteria by defining when it starts acting like a CES.

**Steinauer** – Asked Mr. Gasbarro if he knows which lots have pre- and post-1978 structures.

**Gasbarro** – He didn't research that because this isn't considered a CES; numbers 61 and 63 are pre-1978.

**Steinauer** – Suggested splitting this and approving it under the state but denying it under the local bylaw, which is stricter. Under our bylaw, we could argue this is a CES.

**Champoux** – Believes there are sufficient safeguards now built into this.

**LaFleur** – Agrees. He'd like to see it succeed; feels it's one of the best he's seen.

**Erisman** – Gauging success of the structure is near impossible because 10 years from now there might not be any eel grass because fine sediments didn't get where they needed to go.

**Carlson** – Condition 23 addresses using bank-compatible material as opposed to beach-compatible sand. Discussion about where the bank-compatible material will come from as island pits provide from a different material source and monitoring the grain size onto the project.

**Steinauer** – Stated he spoke with colleagues on the Cape where rock revetments are common; they are much happier with projects like this as far as the beach holding up.

**Erisman** – Nantucket has unique shellfish and how they will be impacted by this is an unknown.

**Steinauer** – Wondered if it's possible to have an experimental project waiver.

**Champoux** – Asked if the Shimmo project is about one year along.

**Carlson** – The lower tubs and plantings have been in place about eight months; the final plantings on the upper portion went in 2 months ago.

**Erisman** – Asked if the other random stuff on the beach is conditioned to be removed and how would it be enforced.

**Carlson** – Removing it is covered in the overview. If the structure was not permitted, we can do an enforcement order; if it's a permitted structure not being kept in repair as required by the order of conditions, it can be enforced for removal or back into compliance.

**Erisman** – She'd like to see a condition that states if a structure is left in disrepair it must be removed.

**Carlson** – That is better handled through the enforcement process.

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

Vote Carried 4-2//Erisman & Steinauer opposed

**C. Other Business**

1. Approval of Minutes: None
2. Enforcement Actions: None
   a. Reports: None
3. Commissioners Comment: None
4. Administrator/Staff Reports: None

Motion to Adjourn: 5:06 p.m.

Submitted by:
Terry L. Norton

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