

REQUESTS FOR DETERMINATION

Lounsberry, Jr. et al

71 Cliff Road

(30-160)

REQUEST FOR DETERMINATION OF APPLICABILITY
at
71 CLIFF ROAD
NANTUCKET, MASSACHUSETTS

Prepared for:

PHILLIPS LOUNSBERRY, JR.
c/o BARBARA JOHNSON
553 GUARD HILL ROAD
BEDFORD, NY 10506

August 2016

Prepared by:

HAINES HYDROGEOLOGIC CONSULTING
141 OLD ENFIELD ROAD
BELCHERTOWN, MA 01007



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:

Phillips Lounsberry, Jr. et al
Name E-Mail Address

c/o Barbara Johnson, 553 Guard Hill
Mailing Address

Bedford NY 10506
City/Town State Zip Code

Phone Number Fax Number (if applicable)

2. Representative (if any):

Haines Hydrogeologic Consulting
Firm

David Haines haineshydro@gmail.com
Contact Name E-Mail Address

141 Old Enfield Road
Mailing Address

Belchertown MA 01007
City/Town State Zip Code

413-323-7156
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).

NA



WPA Form 1- Request for Determination of Applicability

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

C. Project Description

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

<u>71 Cliff Road</u>	<u>Nantucket</u>
Street Address	City/Town
<u>30</u>	<u>160</u>
Assessors Map/Plat Number	Parcel/Lot Number

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

See attached Wetland Evaluation Letter, 7/18/16, by Haines Hydrogeologic Consulting.

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

<u>Site Plan to Accompany Request for Determination, prepared by NSI</u>	<u>8/5/16</u>
Title	Date
<u> </u>	<u> </u>
Title	Date
<u> </u>	<u> </u>
Title	Date

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

No work is proposed at this time.



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (cont.)

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

NA

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.)

NA



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:

Phillips Lounsberry, Jr. et al
 Name
 c/o Barbara Johnson, 553 Guard Hill Road
 Mailing Address
 Bedford
 City/Town
 NY
 State
 10506
 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.

David Stein (Rep) 8/5/16
 Signature of Applicant Date

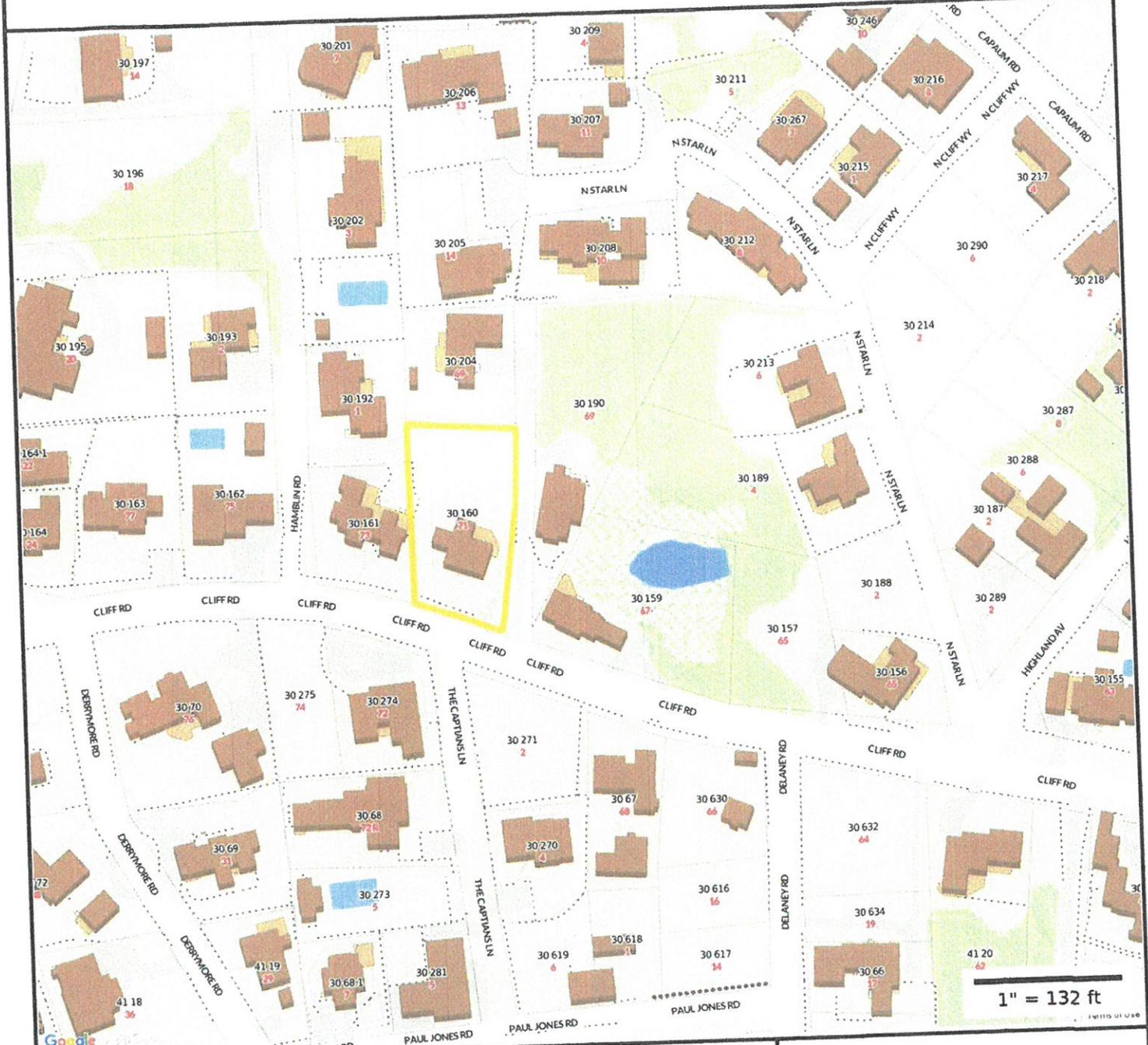
Harvest Hydro 8/5/16
 Signature of Representative (if any) Date

Locus Map
71 Cliff Road
Nantucket MA



USGS Nantucket Quad
1:25000

Phillips Site Assessors Map



Property Information

Property ID	30 160
Location	71 CLIFF RD
Owner	LOUNSBERY PHILLIPS JR ETAL

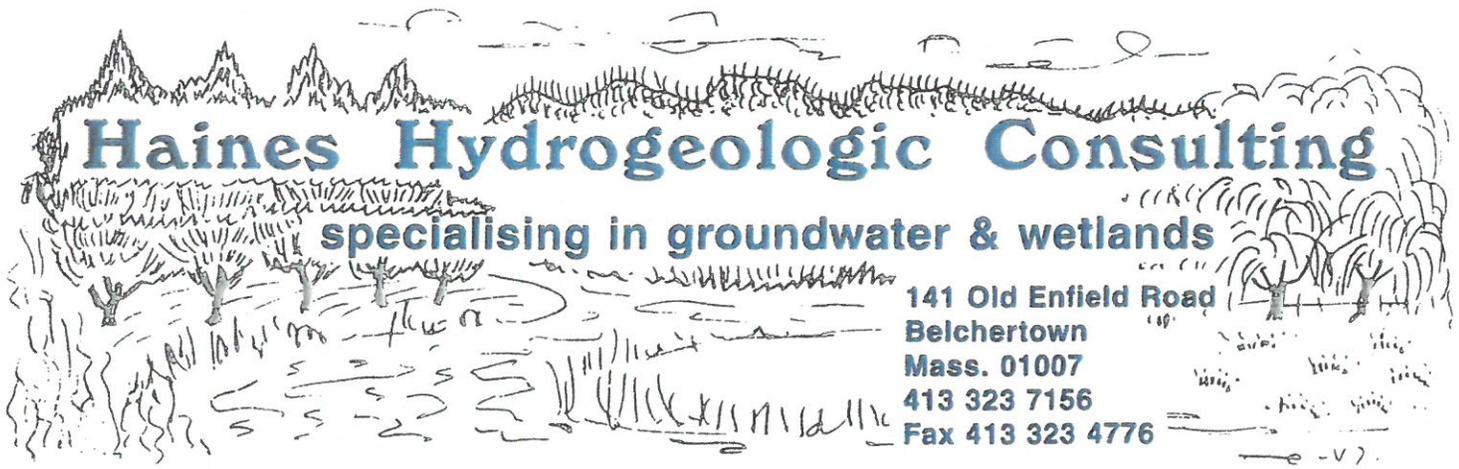


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

WETLAND EVALUATION LETTER



Paul Santos
Nantucket Surveyors Inc.
5 Windy Way
Nantucket, MA 02554

July 18, 2016

Re: Wetland Evaluation Letter - Lounsberry Site, 71 Cliff Road, Nantucket

Dear Mr. Santos:

As requested, we have inspected the above-referenced property for the presence of jurisdictional areas under the *Massachusetts Wetlands Protection Act*, Section 404 of the *Federal Clean Water Act*, and the *Nantucket Wetlands By-law*. The site consists of a parcel of land located on the north side of Cliff Road in Nantucket.

The site contains a house, lawn, driveway and shrubby area. The land slopes down from the road and house to a closed depression at the rear of the site. The depression is blocked by a raised driveway to the lot to the rear. There is no culvert beneath the road.

The depression is dominated by upland vegetation including Black Cherry, Autumn Olive, Tartarian Honeysuckle, Privet, Bayberry, Fox Grape, Virginia Creeper and Bramble. No significant wetland vegetation was observed. The soils were non-hydric, well drained sandy soils. There was a small area adjacent to the driveway that appeared to occasionally puddle water for a short period of time. This puddling was estimated to total approximately 500 ft². Since the puddled area does not meet the criterion of containing 1000 ft² of flooded water, the area should not be considered Isolated Land Subject to Flooding under the *Nantucket Wetlands By-law*. The area in our opinion does not meet the criteria to qualify as a wetland resource area under the above-noted regulations. The properties to the west are uphill, developed and show no evidence of containing wetland resource areas. The property to the east slopes down and contains a wetland along its eastern side. That wetland boundary was shown on a plan prepared by John Sugrue (4/21/2000). This plan indicates that the 100-foot Buffer Zone to the wetland to the rear of the house extends onto the site.

In summary, the site does not contain wetland resource areas under jurisdiction under the *Massachusetts Wetlands Protection Act*, Section 404 of the *Federal Clean Water Act*, and the *Nantucket Wetlands By-law*.

There is a possibility that the 100-foot Buffer Zone from an offsite wetland to the east may encroach on the site. The Nantucket Conservation Commission files should be examined to determine whether there is a wetland within 100 feet of the site.

Please contact us if you have any questions.

Yours truly,

David M. Haines
Hydrogeologist/Wetland Scientist

Haines Hydrogeologic Consulting



SITE PLAN TO ACCOMPANY A REQUEST FOR DETERMINATION OF APPLICABILITY #71 CLIFF ROAD

IN NANTUCKET, MASSACHUSETTS

SCALE: 1"=30' DATE: 8/5/16

ASSESSOR'S REFERENCE: MAP: 30 PARCEL: 160

PREPARED FOR: BARBARA & CHARLES R. JR. JOHNSON NANTUCKET SURVEYORS LLC 5 WINDY WAY NANTUCKET, MA. 02554

N-10755



CURRENT ZONING: R-1
MINIMUM LOT SIZE: 5,000 S.F.
MINIMUM FRONTAGE: 50 FT.
FRONTYARD SETBACK: 10 FT.
SIDE AND REAR SETBACK: 5 FT.
ALLOWABLE G.C.R.: 30 %

FOR PROPERTY LINE DETERMINATION THIS PLOT PLAN RELIES ON CURRENT DEEDS AND PLANS OF RECORD, VERIFIED BY FIELD MEASUREMENTS AS SHOWN HEREON.

I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE THAT THE PREMISES SHOWN ON THIS PLAN IS NOT LOCATED IN A FLOOD HAZARD ZONE ON THE "FIRM" MAP NO. 25019C0086G; EFFECTIVE: JUNE 9, 2014 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

COPYRIGHT BY NANTUCKET SURVEYORS, LLC

Holland Jr.

66 West Chester St

(41-371)



SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

REQUEST FOR DETERMINATION OF APPLICABILITY

Verification of Wetland Boundaries and Associated Buffer Zones and Request to Perform Brush Cutting within Portions of the BVW Buffer Zone

**66 West Chester Street
Map 41 Parcel 371
Nantucket, MA**

Prepared for:

**Mr. & Mrs. Gill Holland, Jr.
PO Box 40
Harrods Creek, KY 40027**

Prepared By:

**Site Design Engineering, LLC
11 Cushman Street
Middleboro, MA 02346**

August 5, 2016

SDE No.: 14156

WPA FORM 1

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



WPA Form 1- Request for Determination of Applicability

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

A. General Information

Important:

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1. Applicant:

Mr. & Mrs. Gill Holland, Jr.

Name

E-Mail Address

PO Box 40

Mailing Address

Harrods Creek

City/Town

KY

State

40027

Zip Code

Phone Number

Fax Number (if applicable)

2. Representative (if any):

Site Design Engineering, LLC

Firm

Mark Rits

Contact Name

mrits@sde-ldec.com

E-Mail Address

11 Cushman Street

Mailing Address

Middleboro

City/Town

MA

State

02346

Zip Code

508-802-5832

Phone Number

508-967-0674

Fax Number (if applicable)

B. Determinations

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

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

Nantucket

Name of Municipality

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



WPA Form 1- Request for Determination of Applicability

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

C. Project Description (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).

See Attached Narrative

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

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

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



WPA Form 1- Request for Determination of Applicability

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

D. Signatures and Submittal Requirements

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

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

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

Name and address of the property owner:

Eilers F. Farney, Jr. & Tuthill Howard III etal Trustees
 Name
 36 Wilshire Road
 Mailing Address
 Madison
 City/Town
 CT
 State
 06443-3350
 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.

[Handwritten Signature]
 Signature of Applicant
 05-AUG-2016
 Date

[Handwritten Signature]
 Signature of Representative (if any)
 05-AUG-2016
 Date

PROJECT NARRATIVE

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

PROJECT DESCRIPTION

66 West Chester Street NANTUCKET, MASSACHUSETTS

August 5, 2016

INTRODUCTION

The purpose of this Request for Determination of Applicability (RDA) is to request that the Nantucket Conservation Commission (Commission) confirm the extent of Bordering Vegetated Wetland (BVW) resource area boundaries and associated buffer zones under the Massachusetts Wetland Protection Act (WPA) and Nantucket Wetlands Protection Bylaw (Bylaw) and to request approval to perform brush cutting in portions of the 100-foot BVW buffer zone for property located at 66 West Chester Street (Map 41 Parcel 371) in Nantucket (Subject Property).

This RDA application is being submitted by the following property owner and Applicant:

66 West Chester Street

(Map 41 Lot 371)

Property Owner

Eilers F. Farney, Jr. & Tuthill Howard III,
Etal Trustees
36 Wilshire Road
Madison, CT 06443-3350

Applicant

Mr. & Mrs. Gill Holland, Jr.
PO Box 40
Harrods Creek, KY 40027

SITE OVERVIEW & EXISTING CONDITIONS

The Subject Property consists of an approximately 25,439 square foot lot located on the south side of West Chester Street (see Figures 1 through 3 and Site Plan). To the east and west, the Subject Property is bordered by residentially developed properties. To the north, the Subject Property is bordered by West Chester Street, a paved public way, and residentially developed properties. To the south, the Subject Property is bordered by undeveloped property (see Figures 1 through 3 and Site Plan). The Subject Property is currently developed and is the site of a single family residence (SFR), garage, pervious driveway, and associated landscaping/grading. A BVW is found on the southern portion of the Subject Property. The extent of this BVW resource area has been survey located by Frank Holdgate Land Surveying (Holdgate) (see Site Plan). An off-site BVW resource is located on the abutting property to the east. This BVW resource area is located on the opposite side of a paved driveway which runs along the abutting property adjacent to the western boundary of the Subject Property. The extend of this BVW resource area has been determined from record plans for the abutting property (see Site Plan). The 25-foot, 50-foot, and 100-foot BVW buffer zones have been calculated from the surveyed flag locations on the Subject Property and for the previously approved wetland boundary on the adjacent property to the west and have been included on the Site Plan.

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346

P: 508-967-0673 F: 508-967-0674

PROPOSED ACTIVITIES

The Applicant is proposing to perform brush cutting within portions of the 100-foot BVW buffer zone. No brush cutting is currently proposed inside the 25-foot BVW buffer zone and greater than 50% (fifty percent) of the area between the 25-foot and 50-foot BVW buffer zones will remain as native vegetation (see Site Plan). No other activities are proposed as part of this RDA.

NHESP / MESA

The Subject Property is located entirely outside of Natural Heritage and Endangered Species Program (NHESP) mapped Estimated or Priority Habitat of Rare and Endangered Species as indicated on the 2008 NHESP Atlas as available from MassGIS (see Figure 5).

EROSION / SEDIMENTATION CONTROL & CONSTRUCTION PROTOCOL

No erosion or sedimentation controls are necessary as no work other than brush cutting is proposed on the Subject Property as part of this RDA.

WETLAND RESOURCE AREAS

The purpose of this RDA is to request that the Commission confirm the presence and extent of the following wetland resource areas and associated buffer zones subject to the jurisdiction of the Nantucket Conservation Commission under the State Wetlands Protection Act (310 CMR 10.00, Act) and it implementing Regulations (Regs) and the Nantucket Wetlands Protection Bylaw (§136-7, Bylaw) and that the Commission allow the Applicant to perform brush cutting within portions of the 100-foot BVW buffer zone:

- Bordering Vegetated Wetland (BVW) (see Site Plan);
- 25-foot BVW Buffer Zone (see Site Plan);
- 50-foot BVW Buffer Zone (see Site Plan); and
- 100-foot BVW Buffer Zone (see Site Plan)

The extent of all BVW wetland resource areas on the Subject Property was determined by Site Design Engineering, LLC (SDE) and was survey located by Holdgate.

CONCLUSION

The Applicant is requesting that the Commission confirm the presence and extent of all BVW wetland resource areas and associated buffer zones on the Subject Property. The Applicant is also requesting that the Commission approve the proposed brush cutting as indicated on the Site Plan. Portions of the proposed brush cutting will be located inside the 100-foot BVW buffer zone. No brush cutting is proposed inside the 25-foot BVW buffer zone. Greater than 50% (fifty percent) of the area between the 25-foot and 50-foot BVW buffer zones will remain as native vegetation. With the exception of the proposed brush cutting, the Applicant is not proposing any new work on the Subject Property as part of this RDA. Therefore, the Applicant respectfully requests that the Commission confirm the extent of Coastal wetland resource areas and associated buffer zones on the Subject Property and grant permission to perform the brush cutting as proposed.

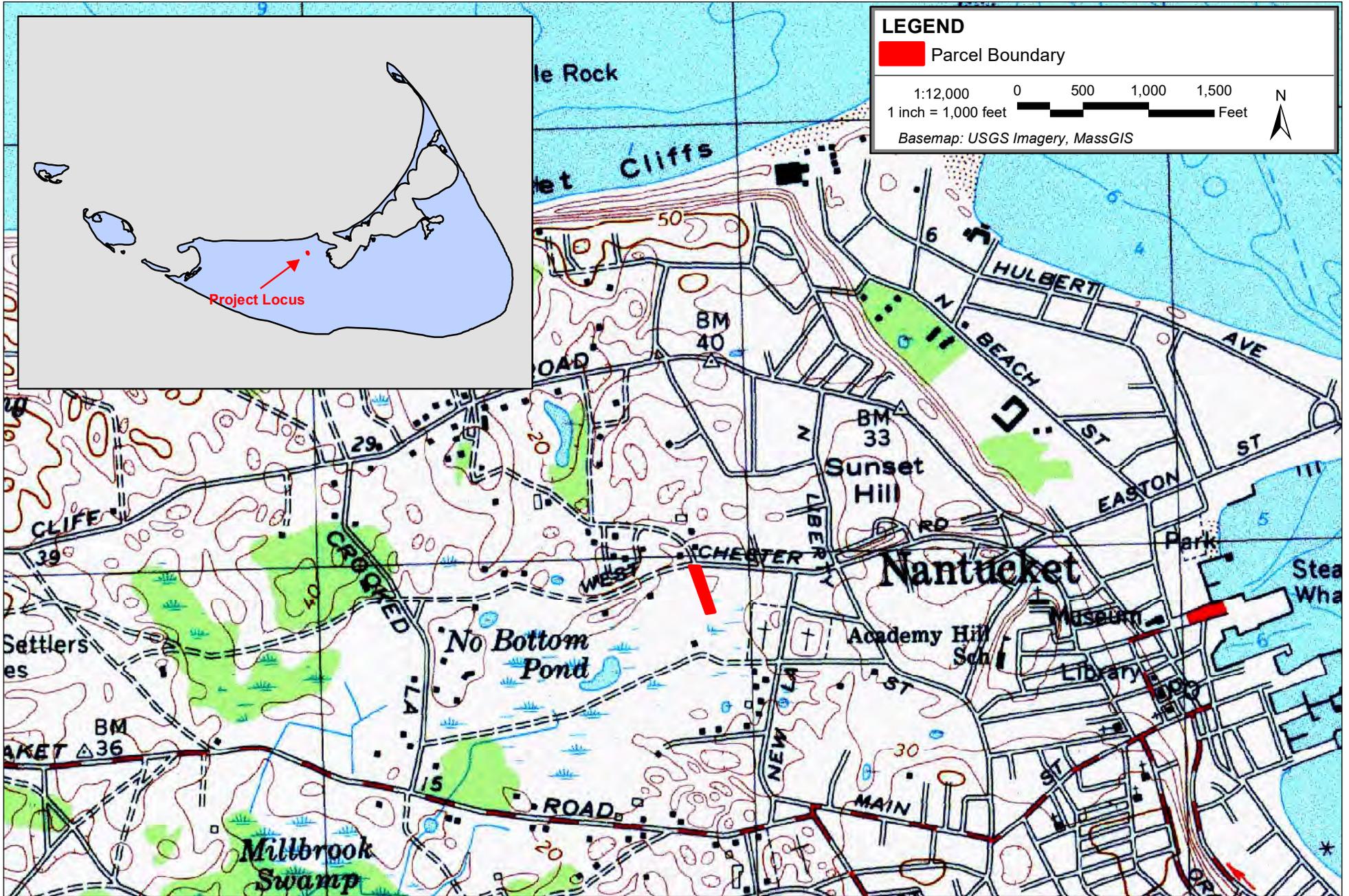
SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674

FIGURES

SITE DESIGN ENGINEERING, LLC.

11 Cushman Street, Middleboro, MA 02346
P: 508-967-0673 F: 508-967-0674



66 West Chester Street - Nantucket, Massachusetts
 Map 41 Lot 371
 SDE Project No. 14156

Figure 1 - USGS Locus Map
 August 5, 2016





66 West Chester Street - Nantucket, Massachusetts
Map 41 Lot 371
SDE Project No. 14156

Figure 2 - Site Overview
August 5, 2016

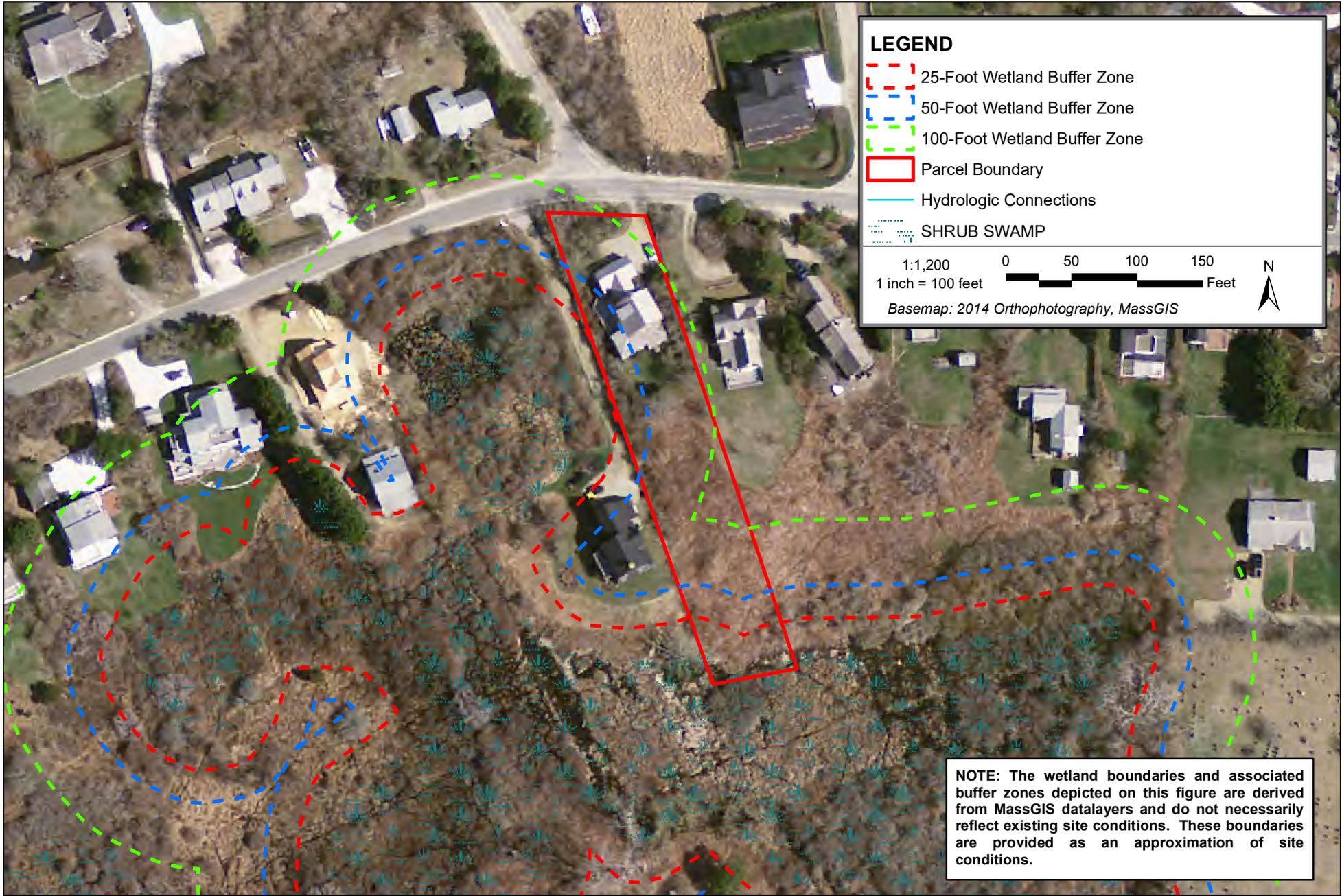




66 West Chester Street - Nantucket, Massachusetts
 Map 41 Lot 371
 SDE Project No. 14156

Figure 3 - Detailed Site Overview
 August 5, 2016





LEGEND

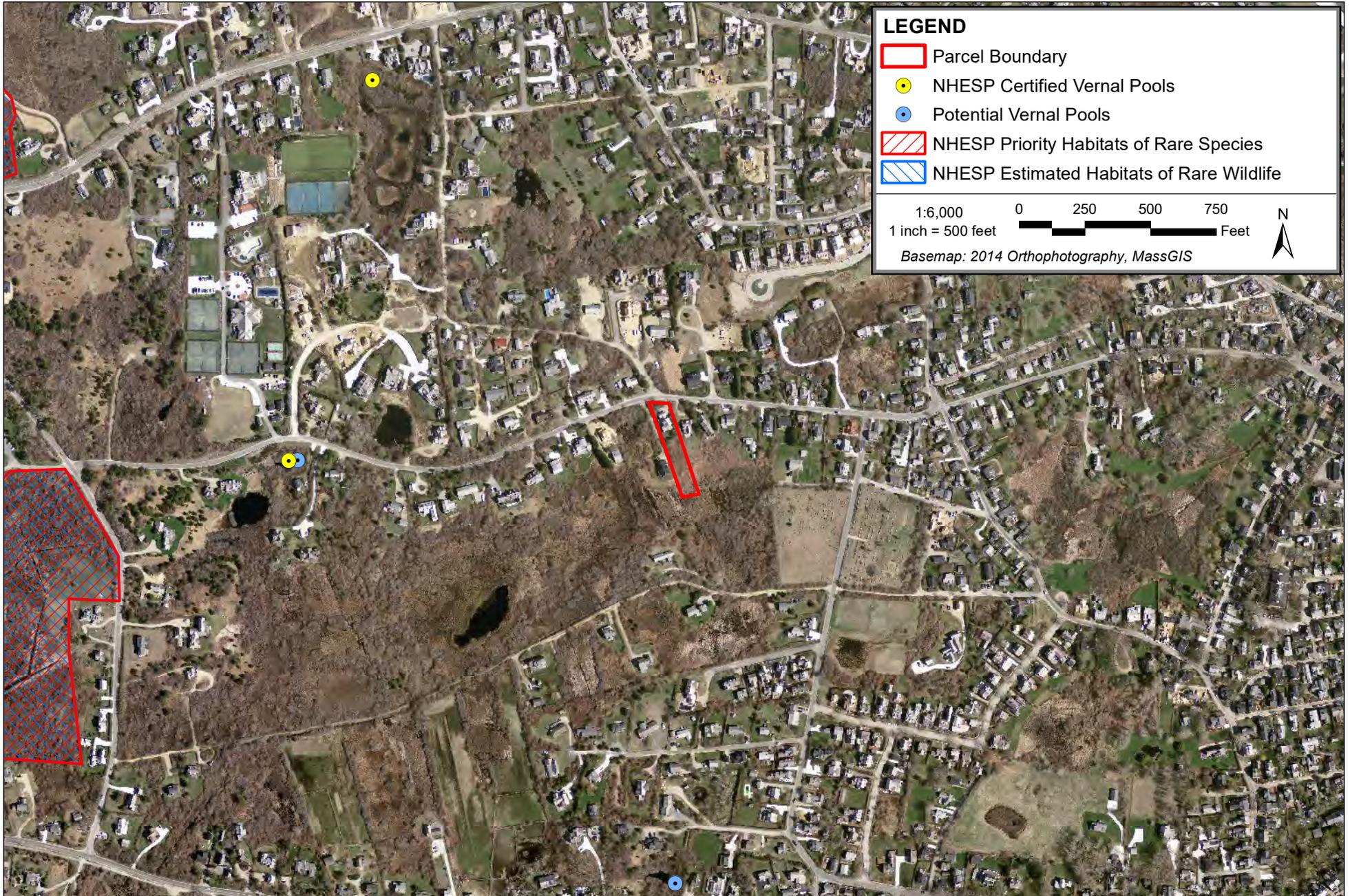
- - - 25-Foot Wetland Buffer Zone
- - - 50-Foot Wetland Buffer Zone
- - - 100-Foot Wetland Buffer Zone
- ▭ Parcel Boundary
- Hydrologic Connections
- ▨ SHRUB SWAMP

1:1,200 0 50 100 150
 1 inch = 100 feet Feet N

Basemap: 2014 Orthophotography, MassGIS

NOTE: The wetland boundaries and associated buffer zones depicted on this figure are derived from MassGIS datalayers and do not necessarily reflect existing site conditions. These boundaries are provided as an approximation of site conditions.

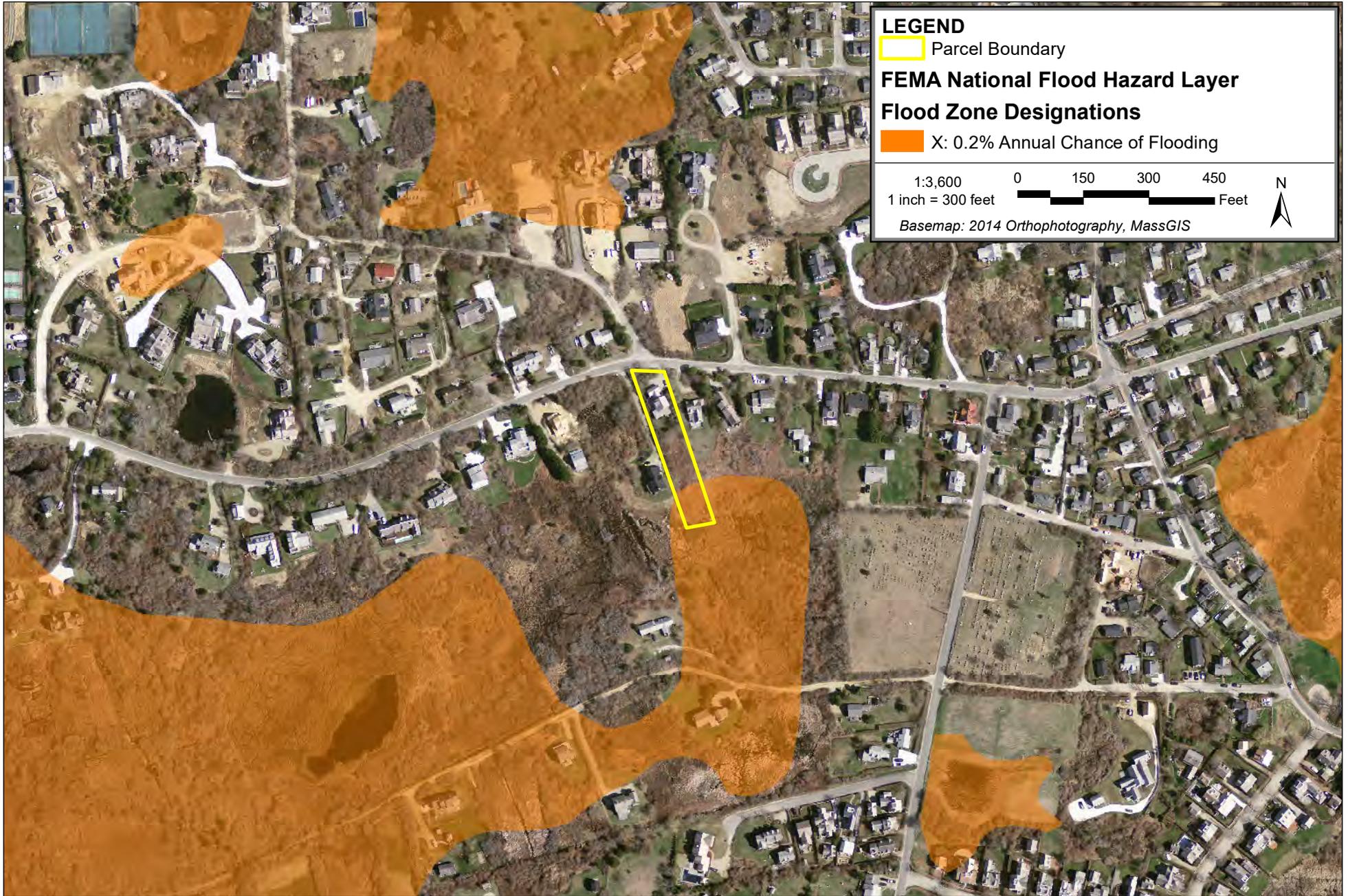




66 West Chester Street - Nantucket, Massachusetts
 Map 41 Lot 371
 SDE Project No. 14156

Figure 5 - NHESP Mapped Habitat
 August 5, 2016





66 West Chester Street - Nantucket, Massachusetts
Map 41 Lot 371
SDE Project No. 14156

Figure 6 - FEMA Flood Zones
August 5, 2016



Collis

5 Galen Ave

(29-122)

SE48-2815

BLACKWELL & ASSOCIATES, INC.
PROFESSIONAL LAND SURVEYORS

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

B8067

August 4, 2016

Mr. Jeff Carlson, Natural Resources Coordinator
Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

Re: SE48-2815. #5 Galen Avenue. Map 29, Parcel 122.
M. Leighton Collis, Certificate of Title 22536.

Dear Jeff:

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

1. A timber framed sand area with planters within it.
2. A brick patio between the front porch and Galen Avenue.
3. Bluestone stepping stones set in peastone along the east side of the house.

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

Regards,

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



JLB/dmm



2015 00149250

Cert: 22536 Doc: OOC
Registered: 09/10/2015 03:34 PM



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

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

Provided by MassDEP:
SE48- 2815
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:

M. Leighton Collis
a. First Name b. Last Name

82 Charles St
c. Organization d. Mailing Address

Boston MA 02114
e. City/Town f. State g. Zip Code

4. Property Owner (if different from applicant):

Same As Applicant
a. First Name b. Last Name

c. Organization

d. Mailing Address

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

5. Project Location:

5 Galen Avenue Nantucket
a. Street Address b. City/Town

29 122
c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: 41d 17' 26.1" 70d 05' 58.4"
d. Latitude e. Longitude



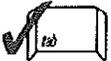
Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 8A – Request for Certificate of Compliance
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

SE48- 2815
 Provided by DEP

A. Project Information

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



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

1. This request is being made by:

Jeffrey L. Blackwell

Name

20 Teasdale Circle

Mailing Address

Nantucket

City/Town

MA

State

02554

Zip Code

508-228-9026

Phone Number

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

M. Leighton Collis

Applicant

8/19/2015

Dated

SE48-2815

DEP File Number

3. The project site is located at:

5 Galen Ave

Street Address

29

Assessors Map/Plat Number

Nantucket

City/Town

122

Parcel/Lot Number

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

M. Leighton Collis

Property Owner (if different)

Nantucket

County

22536

Certificate (if registered land)

Book

Page

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

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

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

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



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

DEP File Number:

SE48- 2815
 Provided by DEP

A. Project Information

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1. This request is being made by:

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

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

M. Leighton Collis
 Applicant
8/19/2015 SE48-2815
 Dated DEP File Number

3. The project site is located at:

5 Galen Ave Nantucket
 Street Address City/Town
29 122
 Assessors Map/Plat Number Parcel/Lot Number

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

M. Leighton Collis
 Property Owner (if different)
Nantucket
 County Book Page
22536
 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).

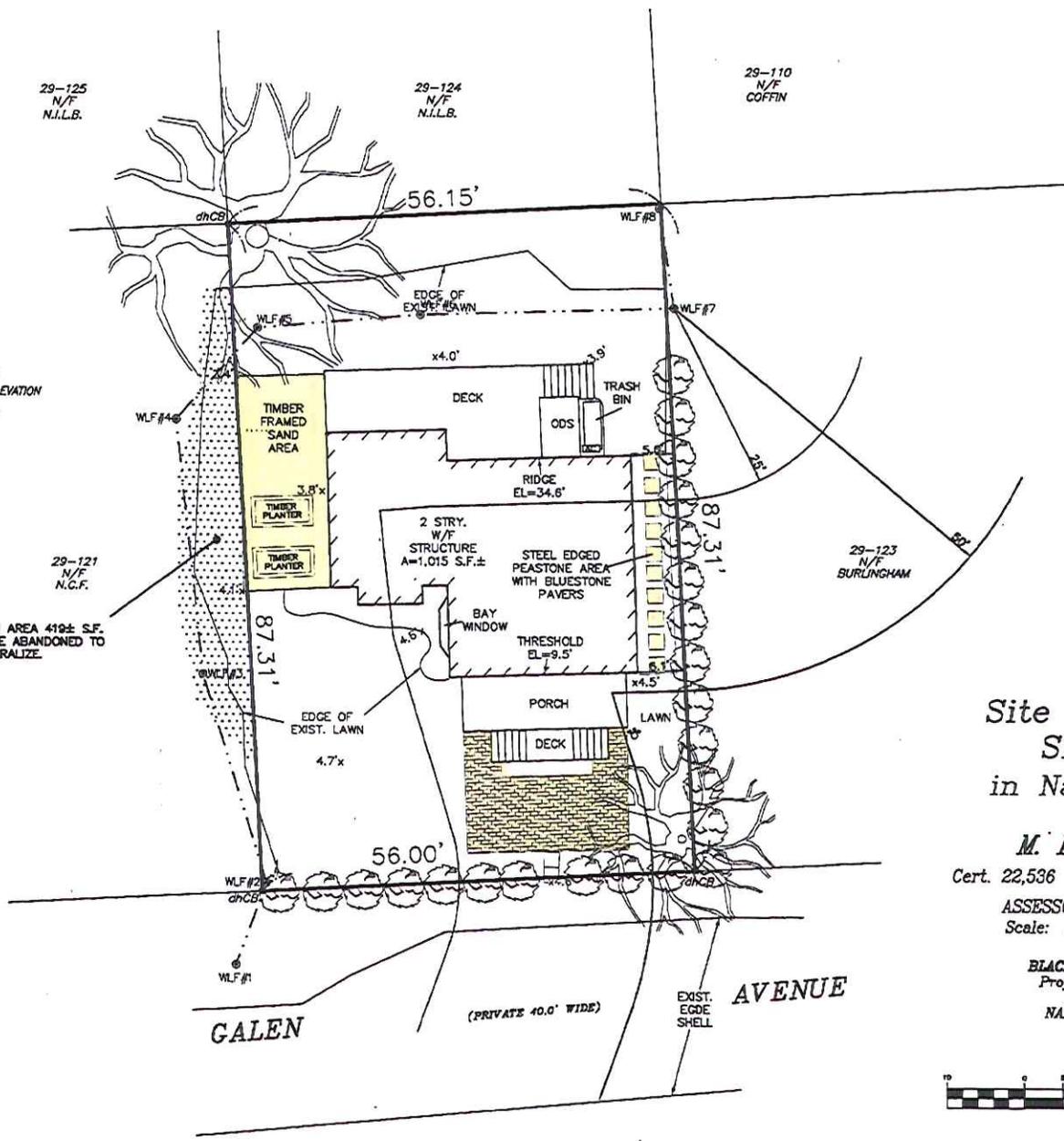
- the above-referenced Order of Conditions has lapsed and is therefore no longer valid, and the work regulated by it was never started.

CURRENT ZONING CLASSIFICATION:
Residential 1 (R-1)

MINIMUM LOT SIZE:	5000 S.F.	EXISTING	4,898 S.F.±
MINIMUM FRONTAGE:	50 FT.	SEE PLAN	
FRONT YARD SETBACK:	10 FT.	SEE PLAN	
REAR/SIDE SETBACK:	5 FT.	SEE PLAN	
GROUND COVER % :	30 %	20.7% ±	

NOTES:
LOCUS IS WITHIN LAND SUBJECT TO COASTAL STORM FLOWAGE.
LOCUS IS SERVED BY MUNICIPAL WATER AND SEWER SERVICE.

L.C. 37064-A



LEGEND

- dhCB ■ DENOTES CONCRETE BOUND WITH DRILLHOLE FOUND
- ODS DENOTES OUTDOOR SHOWER
- WLF #4 ● DENOTES WETLAND FLAG FOUND
- x4.2 DENOTES EXIST. GRADE SPOT ELEVATION
- ⊖⊖⊖⊖⊖⊖ DENOTES EXIST. 5' WIDE PRIVET



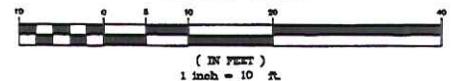
Site Plan of Land SE48-2815

in Nantucket, MA
Prepared for
M. LEIGHTON COLLIS

Cert. 22,536 L.C. Plan 37064-A, Lot 1
ASSESSOR'S MAP 29, PARCEL 122
Scale: 1" = 10' JUNE 22, 2016

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

GRAPHIC SCALE



Monitoring Reports

SBPF

87-105 Baxter Road

(Multiple)

SE48-2824



August 12, 2016

PRINCIPALS

Theodore A Barten, PE
Margaret B Briggs
Michael E Guski, CCM
Dale T Raczynski, PE
Cindy Schlessinger
Lester B Smith, Jr
Robert D O'Neal, CCM, INCE
Andrew D Magee
Michael D Howard, PWS
Douglas J Kelleher
AJ Jablonowski, PE
Stephen H Slocomb, PE
David E Hewett, LEED AP

Nantucket Conservation Commission
2 Bathing Beach Road
Nantucket, MA 02554

**Subject: Interim Monitoring Update
SE48-2824, Sconset Bluff Geotextile Tube Project**

Dear Commissioners:

On behalf of the Sconset Beach Preservation Fund (SBPF), we are submitting an interim update on the Project's monitoring for the Sconset Bluff Geotextile Tube Project. It is anticipated that all monitoring results will be reviewed in detail during the project's annual review later this fall. The following information is intended to provide an interim update on the bluff and shoreline monitoring conducted to date.

The interim update is provided as a PowerPoint presentation, as many of the monitoring results are best explained graphically.

We look forward to reviewing the attached information with the Commission at the August 24, 2016 hearing.

Sincerely,
EPSILON ASSOCIATES, INC.

A handwritten signature in black ink that reads "Maria Hartnett".

Maria Hartnett
Associate

3 Clock Tower Place, Suite 250
Maynard, MA 01754
www.epsilonassociates.com

978 897 7100

FAX 978 897 0099

Sconset Bluff Geotextile Tube Project – Interim Update



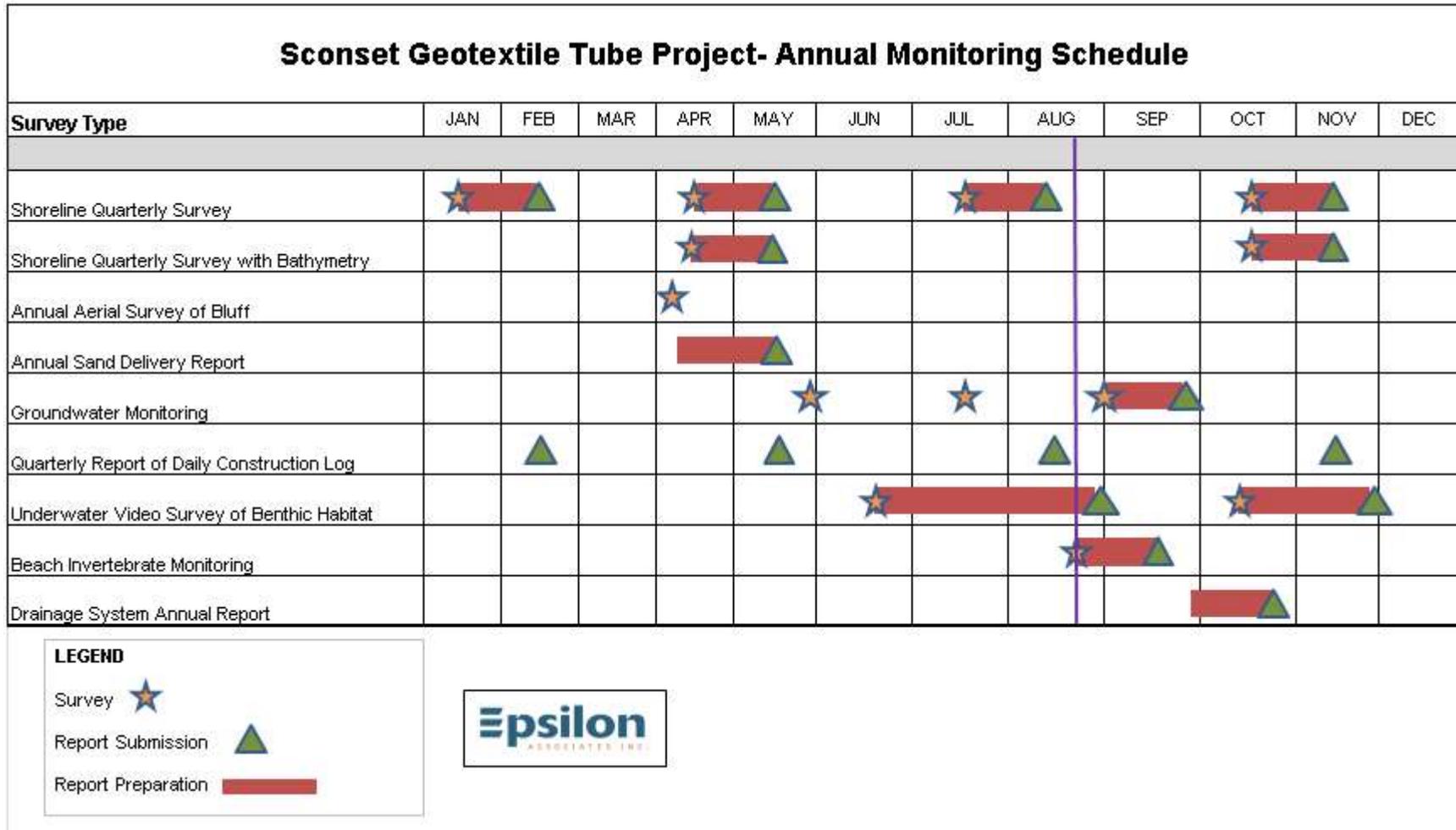
June 2016

Key Findings

- Base of bluff has been stabilized by the geotextile tubes.
- Bluff survey indicates that mitigation sand template is contributing more than the unprotected bluff.
- Shoreline in geotube area and immediately adjacent areas is in expected location based on historic data (or even farther seaward), with no indication of accelerated erosion in front of or adjacent to the geotubes.
- All mitigation sand has been delivered, with about ~14,000 cy currently in the template.
- Bluff face appears to be stabilized.



Monitoring Schedule



- Interim update today is focused on aerial survey of bluff, sand delivery, and shoreline surveys.
- Much of today's information comes from the "April 2015 - March 2016 Sand Delivery and Contribution Report" submitted in June 2016.

Annual Aerial Survey

- An aerial survey was performed of the Project area on April 2, 2016.
- A UAV was used to capture imagery and elevation data for the bluff face and geotextile area.
- The images were stitched together using photogrammetric techniques to create a photomosaic. These were geo-referenced using control points for location accuracy.
- An aerial survey will be performed **annually** going forward.
- 2016 survey results were compared to most recent aerial survey (July 2013).



Annual Aerial Survey

- The elevation data from the survey was processed and used to produce a digital elevation model and 1-foot contours of Sconset Bluff.
- A 3D model of the bluff face above the geotextile tubes as well as north and south of the bluff was also generated from this data.



2013-2016 Sand Contribution from Unprotected Bluff

- The results of the 2016 aerial survey were compared to the 2013 aerial survey for those unprotected areas immediately adjacent to the geotextile tube project.
- For the north unprotected area, the section of bluff within 800 feet immediately to the north of the geotextile tubes was used.
- For the south unprotected area, the section on bluff within 210 feet immediately to the south of the geotextile tubes was used. Areas farther south than this could not be used because they had coir or jute terraces installed and so were not representative of the unprotected bluff.



2013-2016 Sand Contribution from Unprotected Bluff

- The change in the bluff volume in these unprotected areas was calculated from the toe of the bluff (elevation +11 MLW) to the top of the bluff.

Bluff Volume Loss in Unprotected Areas Adjacent to Geotextile Tubes

Line	Area	Volume Lost (CY)	Length (Feet)	Duration (Years)	Erosion Rate (CY/LF/YR)
1	North Unprotected Area	31,329	800	2.75	14.2
2	South Unprotected Area	4,370	210	2.75	7.6
3	Total Bluff Erosion for Adjacent Unprotected Areas	35,699	1,010	2.75	12.9

- Unprotected bluff contribution volume of 12.9 cy/lf/yr was 59% of the mitigation volume of 22 cy/lf/yr.

2013-2016 Change in Bluff Volume Above Geotextile Tubes

- The change in the bluff volume from 2013 to 2016 was calculated by first generating a 3D digital elevation model from the 2016 survey data of that portion of the bluff above the elevation of the geotextile tube sand cover, which was at approximately +34 feet Mean Low Water (MLW) at the time of the April 2016 survey.
- Similarly, the 2013 photogrammetry survey data was used to construct a 3D model to compare against the 2016 survey. The 2013 data was subtracted from the new survey data and the volumetric change was calculated in GIS based on the results.
- Change in bluff volume was -851 cy.

Changes in Bluff Volume, July 2013 - April 2, 2016

Line	Sand Delivery Amounts	Total CY
Sand Added to Bluff Face (Dec 2013-3/31/2016) (Not Counted as Mitigation)		
1	Total Volume Delivered to Bluff Face (Dec 2013 - March 31, 2014)	2,600
2	Total Volume Delivered to Bluff for Vegetation (April 2015)	3,418
3	Total Volume Delivered to Bluff to Fill Gully South of Viewing Area (Nov/Dec 2015)	931
4	Total Volume Delivered to Bluff to Fill Gully at Viewing Area (Jan 2016)	120
5	Total Volume Delivered to Bluff Face (Not Counted as Mitigation)	7,069
Change in Bluff Volume (July 2013 - April 2, 2016)		
6	Measured Change in Bluff Volume Above Geotube Sand Cover	-851

When the addition of 7,069 cy of sand is taken into account, the bluff face above the geotube sand cover would have decreased in volume by approximately 7,920 cy (851 cy +7,069 cy) but for the addition of 7,069 cy added to fill gullies and smooth the bluff surface for vegetation.

Current View of Bluff Face

- Bluff face now fully vegetated (initial vegetation spring 2015; additional vegetation spring 2016)
- Stormwater system installed in January/February 2016



July 2016

Volume of Sand in Sand Template

- As of April 2016, the volume of sand in the sand template is 14,022 cy, which is about 14.8 cy/lf.
- The volume of sand above the fourth tier is about 2,200-2,300 cy. It is anticipated that sand on top of the sand template, including sand on top of the fourth year, will continue to be pushed down to recover the geotextile tubes as needed. Additionally, the 2,200-2,300 cy that are presently unavailable, but will become available in the future as the sand is pushed down, is less than the Project surplus of just over 3,000 cy.



Sand Delivery Summary

- All required sand has been delivered for the past 3 years.
- Mitigation Volume: start with base required mitigation (22 cy/lf/yr * project length), subtract countable surplus from previous year (surplus is countable only if surplus sand was delivered and surplus sand was still in the template at the start of the next year), and subtract any bluff erosion to yield the adjusted required mitigation volume.

Summary of Sand Delivery in Cubic Yards (CY), December 2013 - March 31, 2016

Line	Sand Amounts	12/13-3/31/14	4/1/14-3/31/15	4/1/15-3/31/16	4/1/16-3/31/17
Base Required Mitigation Volume					
1	Required Mitigation Volume (22 cy/lf * Project Length of 852' for 3 tiers, 947' for 4 tiers w/ret.)	18,744	18,744	20,834	20,834
Mitigation Volume Adjustments					
Surplus Sand From Prior Year					
2	Surplus Delivered in Prior Year (From Line 9 in Preceding Column)	0	5,207	6,892	3,062
3	Volume on Template at Start of Sand Year	0	5,900	8,500	14,022
4	Countable Surplus Present in Sand Template (Line 2; Not to Exceed Line 3)	0	5,207	6,892	3,062
Bluff Erosion					
5	Net Contribution from Erosion of Bluff Face (pre-veg & during 4th tier const.; see Table 5)	0	6,000	1,920	
6	Adjusted Required Mitigation Volume (Line 1 - Line 4 - Line 5)	18,744	7,537	12,022	17,772
Mitigation Volume Summary					
7	Total Volume Delivered for Mitigation (see Line 9 in Table 2; Line 4 in Table 3; Line 8 in Table 4)	23,951	14,429	15,085	TBI
8	Mitigation Surplus/Deficit (Line 7 - Line 6 - Line 8)	5,207	6,892	3,062	
Sand Delivery Summary					
9	Total Volume Delivered for Geotube Construction (See Line 6 in Tables 2 and 4)	12,653	0	2,931	0
10	Total Volume Delivered for Mitigation (see Line 11 in Table 2; Line 4 in Table 3; Line 8 in Table 4)	23,951	14,429	15,085	TBI
11	Total Volume Delivered to Bluff Face (Not Counted as Mitigation; See Ln 10 in Tbl 2 & Ln 12 in Tbl 4)	2,600	0	4,469	0
12	Total Volume Delivered by Truck (Sum Lines 10-12)	39,204	14,429	22,485	TBI

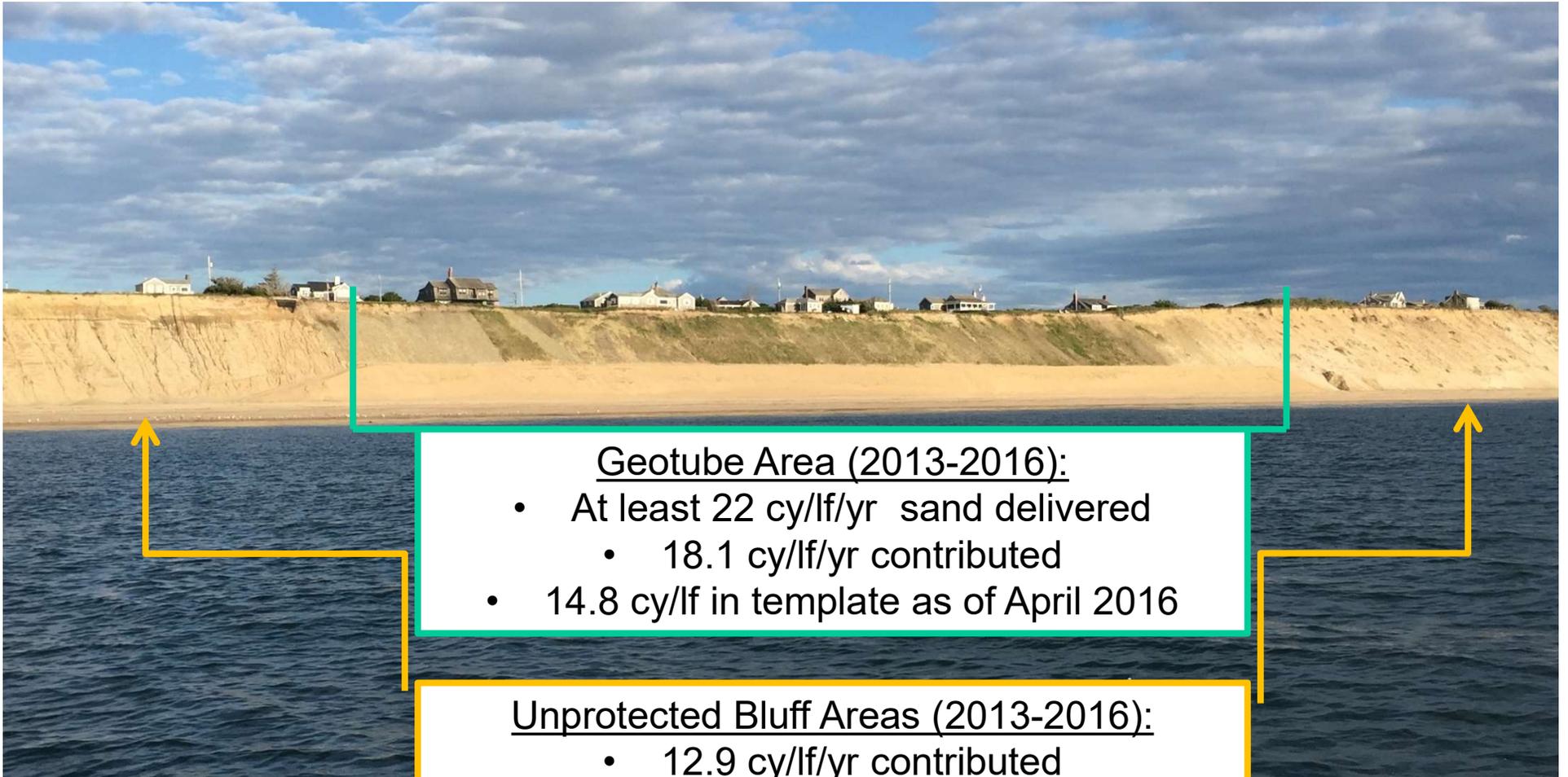
Volume of Sand Contributed to Littoral System

- All 22 cy/lf/yr have been **delivered and are available**.
- Of the 22 cy/lf/yr, we estimated how much has been **contributed**.
- Over the last three years, an average of about 18.1 cy/lf/yr have been contributed.

Summary of Sand Contribution in Cubic Yards (CY), December 2013 - March 31, 2016

Line	Sand Amounts	12/13-3/31/14	4/1/14-3/31/15	4/1/15-3/31/16
Template Sand Contribution				
1	Volume on Template at Start of Sand Year (Line 3 in Table 1)	0	5,900	8,500
2	Total Volume Delivered for Mitigation (2015 and 2016: Line 7 in Table 1; 2014: Lines 6+7 in Table 2)	20,244	14,429	15,085
3	Volume on Template at End of Sand Year (Line 3 in Table 1, using vol. on temp. at start of following yr)	5,900	8,500	14,022
4	Total Volume Contributed from Sand Template	14,344	11,829	9,563
5	Total Volume Contributed from Sand Template (cy/lf/yr)	16.8	13.9	10.1
Bluff Face Contribution				
6	Net Contribution from Erosion of Bluff Face (Line 5 in Table 1)	0	6,000	0
Construction Contribution				
7	Contribution from Construction (Line 8 in Table 2; Line 5 in Table 1)	3,707	0	1,920
Total Annual Sand Contribution				
8	Total Volume Contributed	18,051	17,829	11,483
9	Total Volume Contributed in cy/lf/yr	21.2	20.9	12.1
10	Average Sand Contribution from 2013-2016 (cy/lf/yr)			18.1

Summary



Geotube Area (2013-2016):

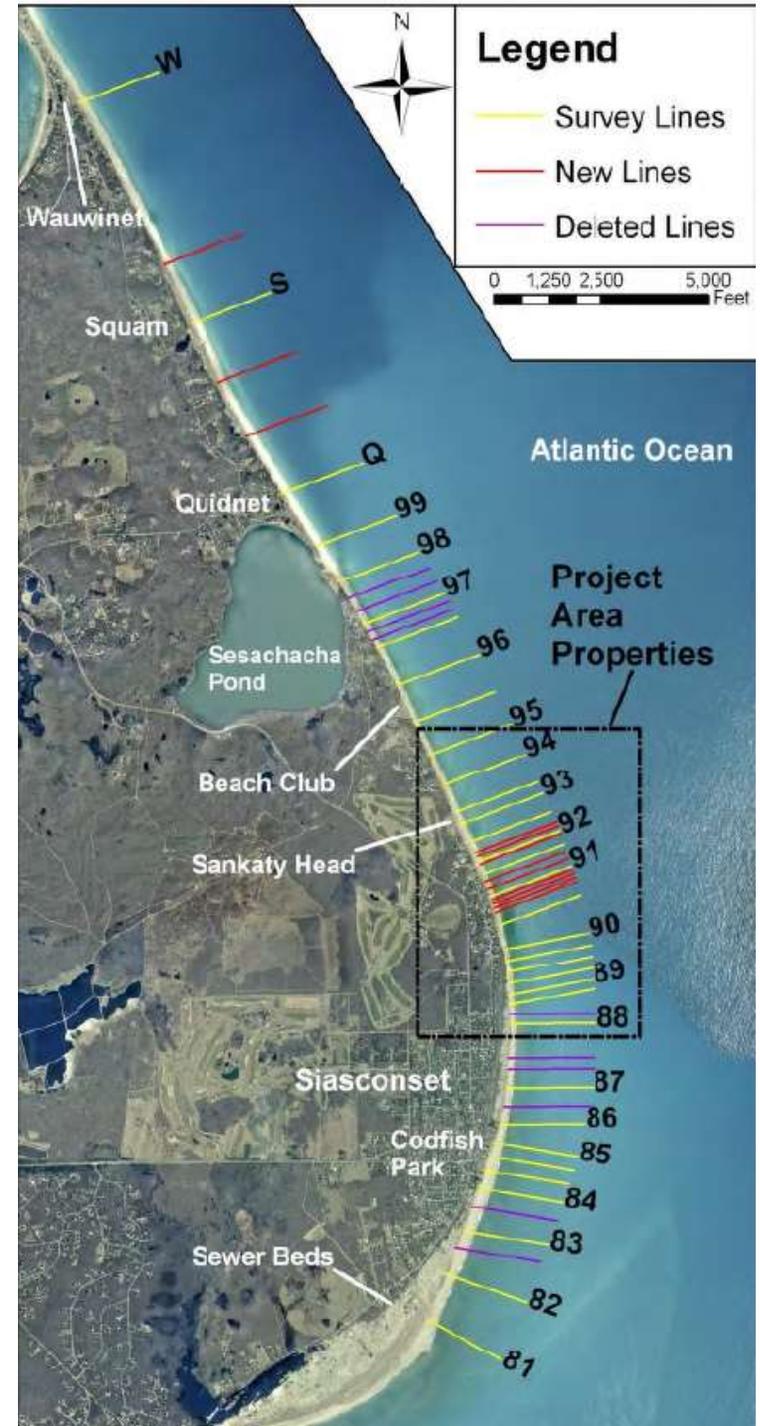
- At least 22 cy/lf/yr sand delivered
 - 18.1 cy/lf/yr contributed
- 14.8 cy/lf in template as of April 2016

Unprotected Bluff Areas (2013-2016):

- 12.9 cy/lf/yr contributed

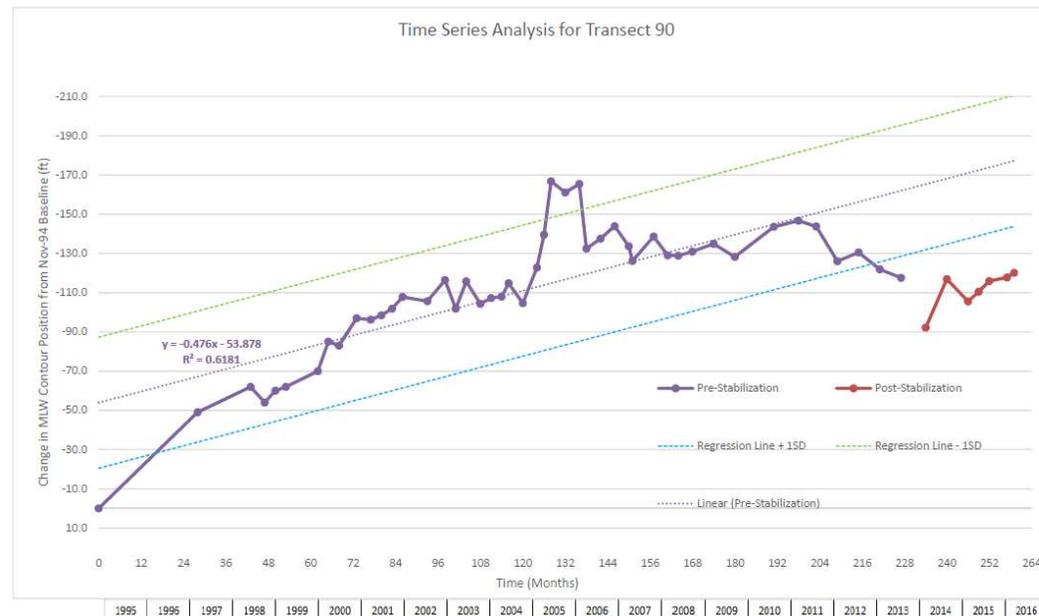
Shoreline Monitoring

- Shoreline monitoring at 46 transects along 6 miles of shoreline conducted quarterly
- Shoreline monitoring measures:
 - Change in position of the shoreline (MLW line) and
 - Change in volume
- Bathymetry (-5 MLW out to 3,000 feet offshore or -35 MLW isobath) conducted in the spring and fall



Analysis of Historic Shoreline Monitoring Trends

- There is an overall trend of erosion (landward movement of the MLW line). A regression line was fit to the shoreline position (MLW line).
- There is quite a bit of natural variability; however, a range of expected shoreline position values can be defined based on the regression line (average erosion) +/- 1 standard deviation (referred to as the “typical range”).
- Even under natural conditions, observed shoreline positions may exceed the typical range, with periods of greater than expected shoreline accretion or erosion that may last 12+ months.
- Given the natural variability, an adverse affect from the project would be detected through the observation of sustained shoreline positions that exceed the predicted typical erosion.



Shoreline Monitoring Trends

- The following slides review historic trends for 6 profiles (shown in yellow on the adjacent figure) within and directly adjacent to geotextile tubes



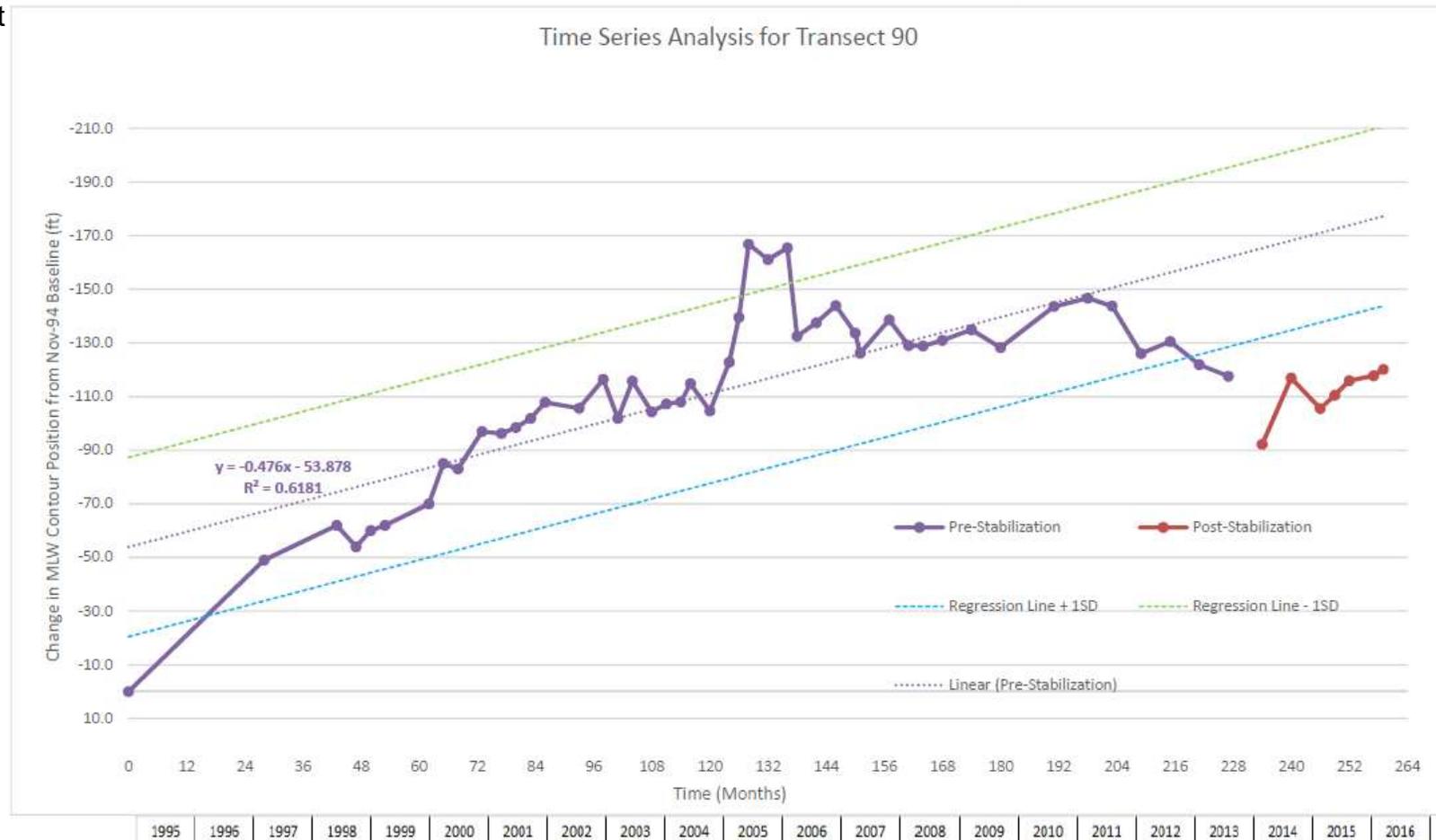
Shoreline Monitoring- Profile 90 (1200' south of geotubes)

Features:

- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data; not unusual for values to exceed typical range for 12+ months
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



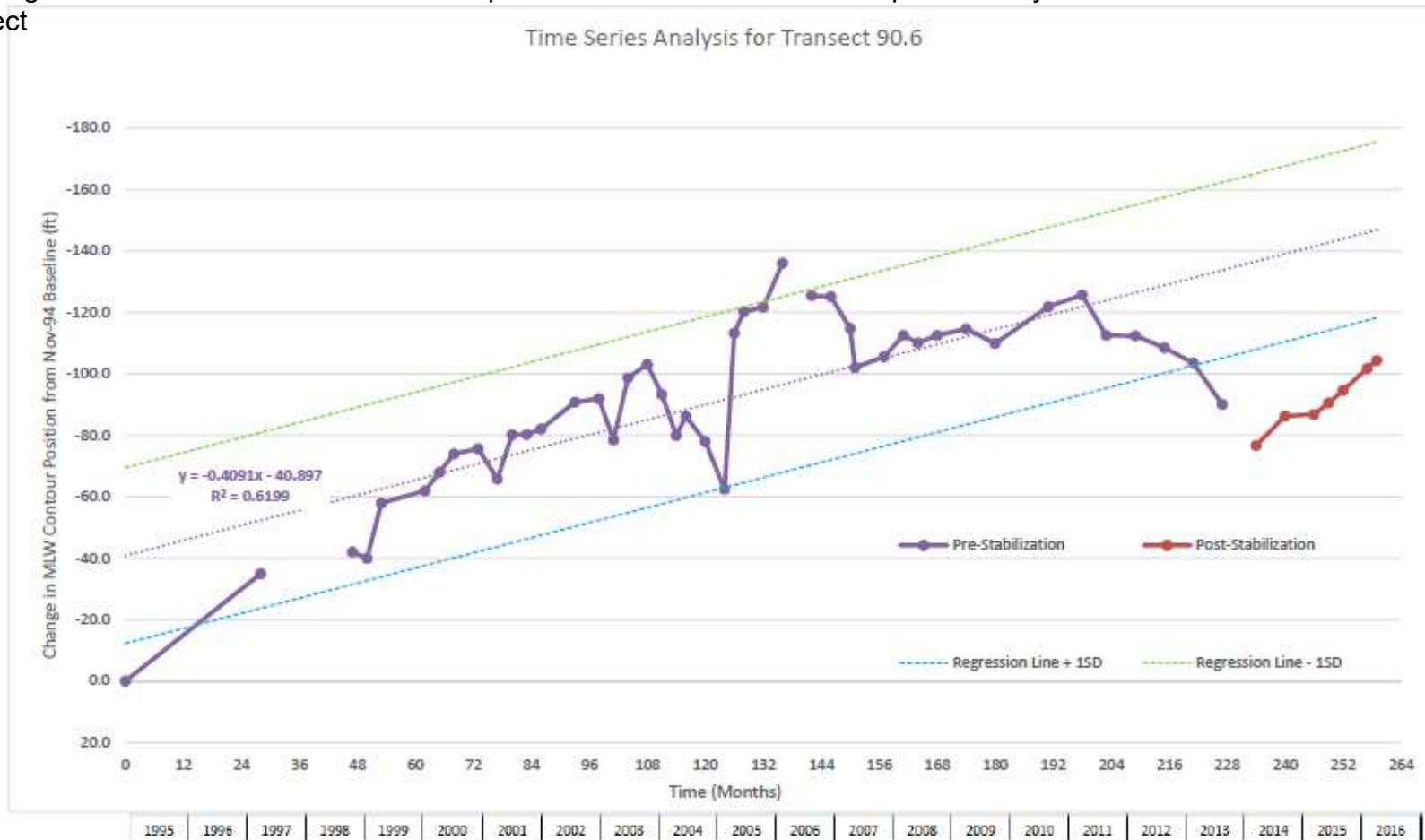
Shoreline Monitoring- Profile 90.6 (600' south of geotubes)

Features:

- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



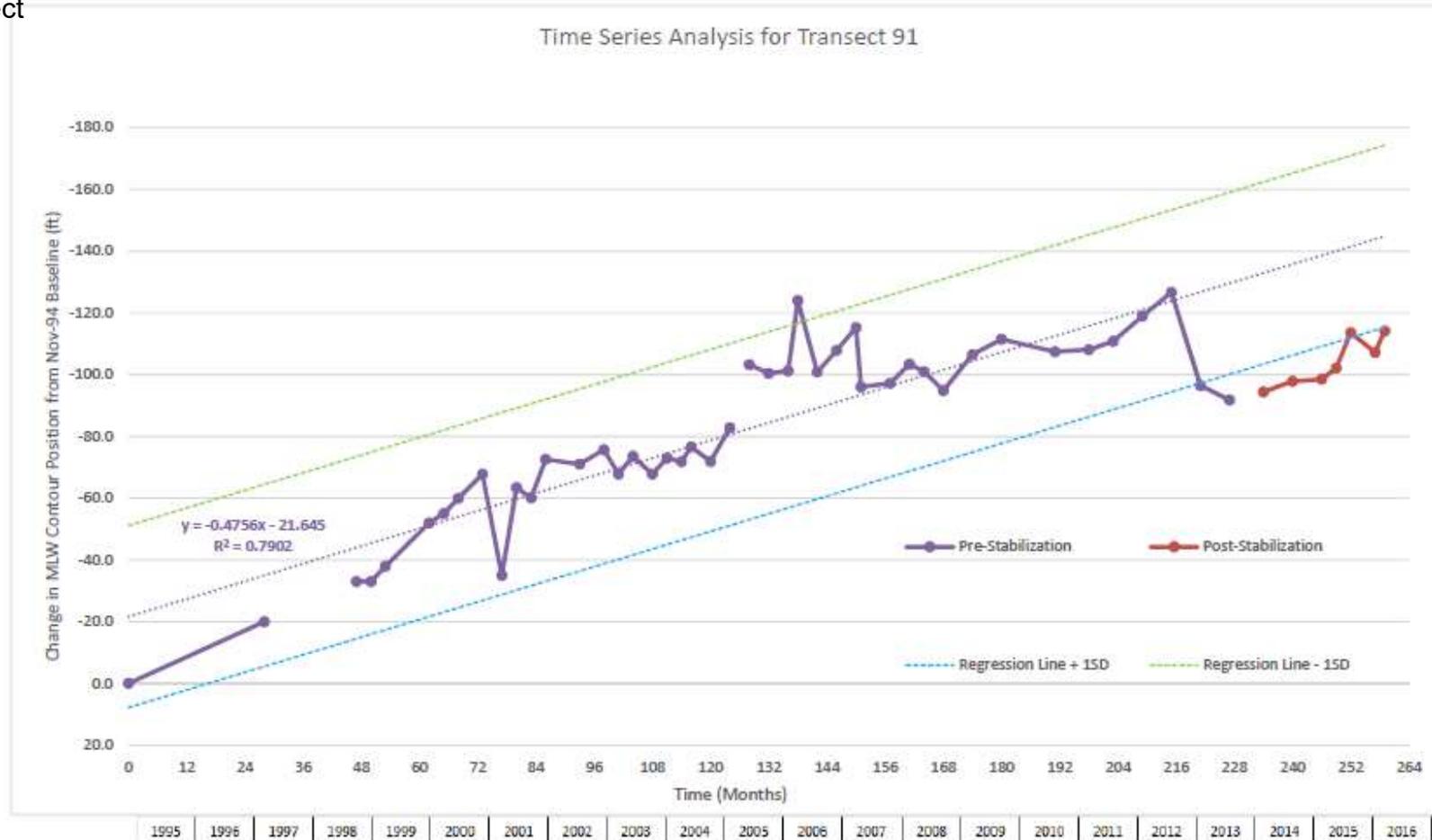
Shoreline Monitoring- Profile 91 (in geotube area)

Features:

- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



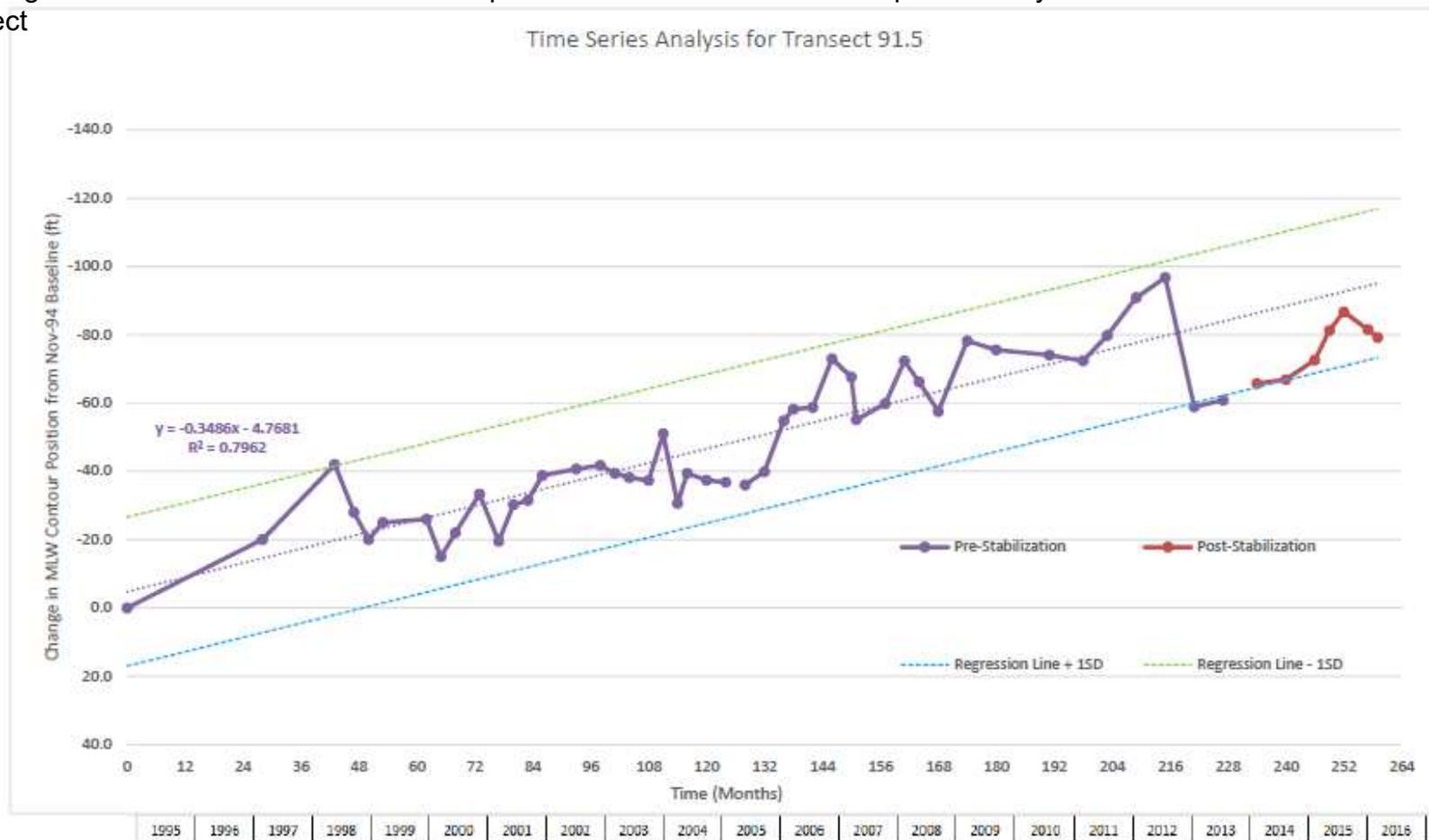
Shoreline Monitoring- Profile 91.5 (in geotube area)

Features:

- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



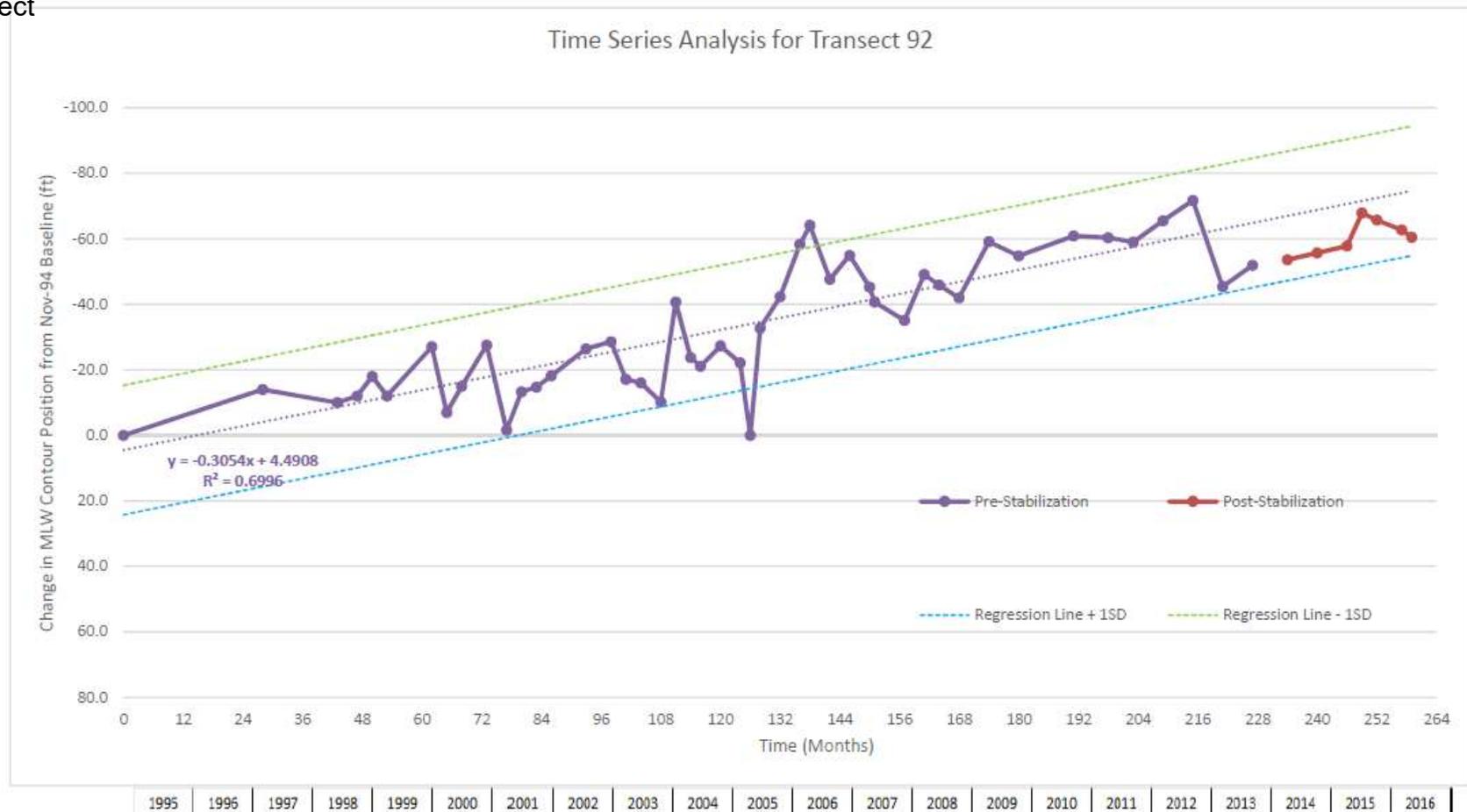
Shoreline Monitoring- Profile 92 (100' north of geotubes)

Features:

- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



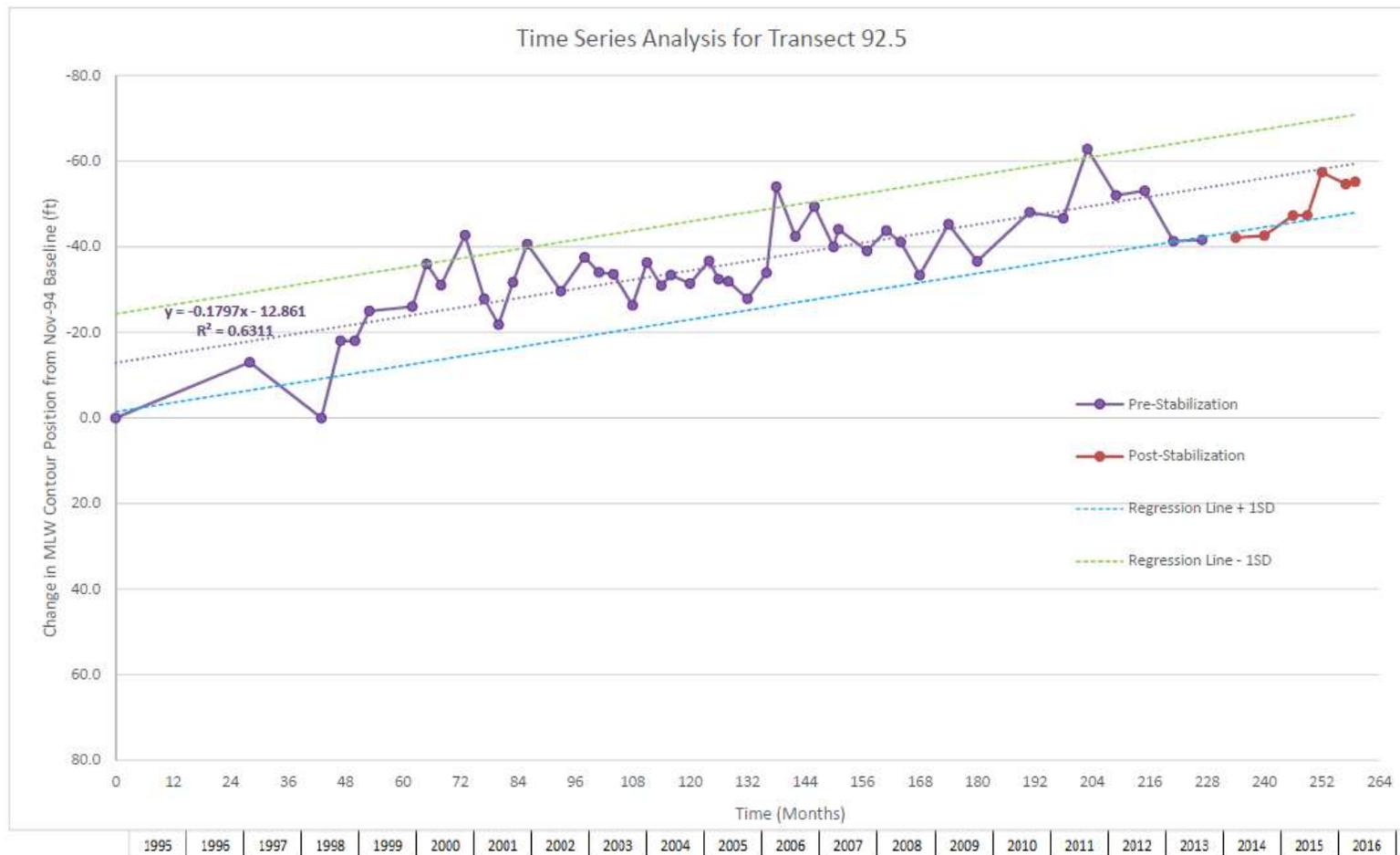
Shoreline Monitoring- Profile 92.5 (500-600' north of geotubes)

Features:

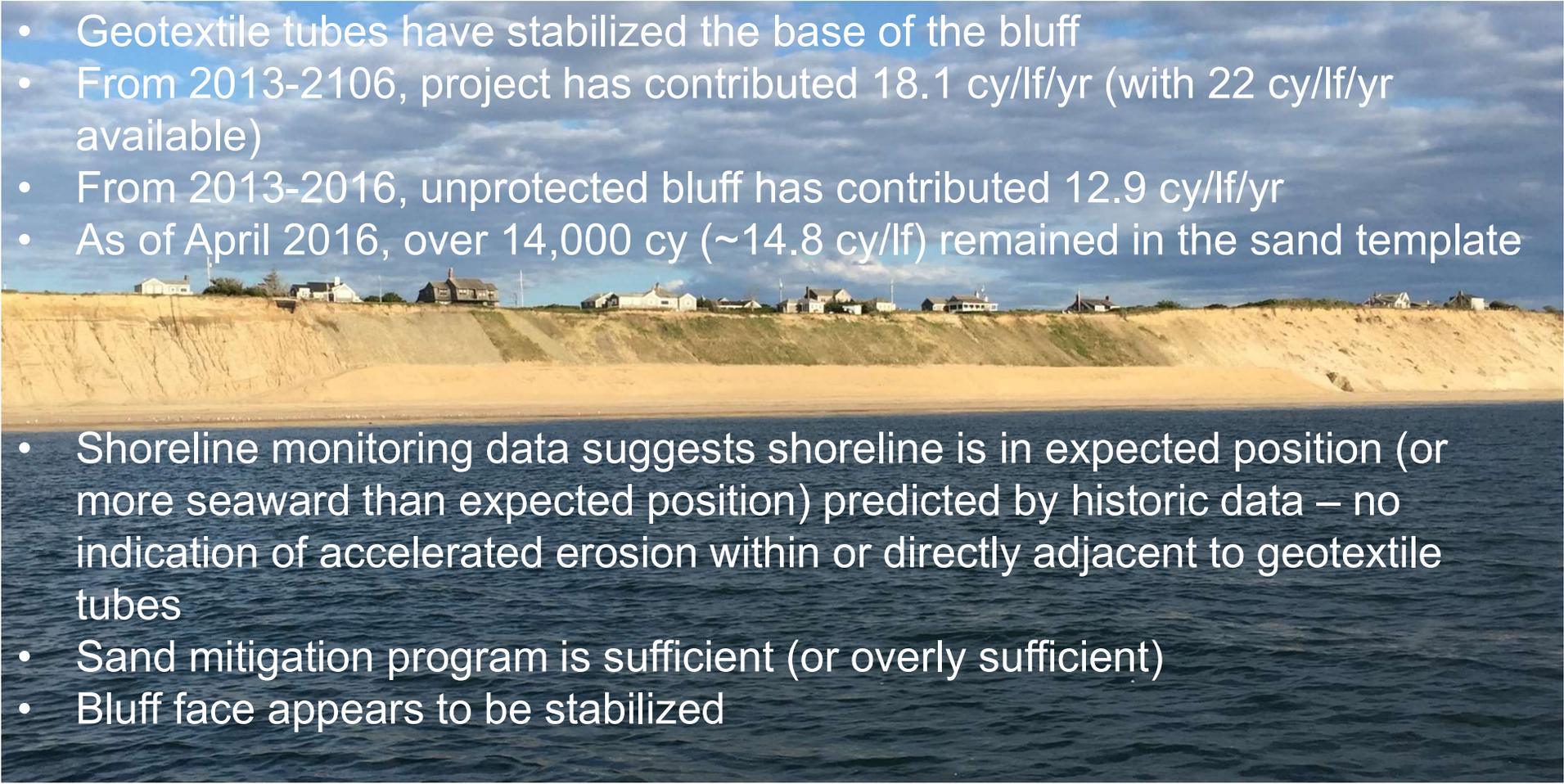
- **Purple Line:** 19 years of historic data (1994 - September 2013)
- **Purple Dotted Line:** Regression line fit to historic data. There is an overall trend of shoreline erosion.
- **Green and Blue Lines:** Range of typical values defined by +/- 1 standard deviation to the regression line.
- **Red Line:** Data from post-geotube installation period (2014 – present)

Observations:

- Historic variability in data
- Given historic variability in data, would need a sustained trend of values below the green line
- Post-geotube installation shows shoreline position is farther seaward than predicted by historic data – no indication of adverse effect



Conclusions

- 
- Geotextile tubes have stabilized the base of the bluff
 - From 2013-2106, project has contributed 18.1 cy/lf/yr (with 22 cy/lf/yr available)
 - From 2013-2016, unprotected bluff has contributed 12.9 cy/lf/yr
 - As of April 2016, over 14,000 cy (~14.8 cy/lf) remained in the sand template
 - Shoreline monitoring data suggests shoreline is in expected position (or more seaward than expected position) predicted by historic data – no indication of accelerated erosion within or directly adjacent to geotextile tubes
 - Sand mitigation program is sufficient (or overly sufficient)
 - Bluff face appears to be stabilized

87 Eel Point R.T

87 Eel Point Road

(32-11)

SE48-2564

FINDINGS and ADDITIONAL CONDITIONS

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

Address: 87 Eel Point Road
Assessor's Map and Parcel: 32-11
Property Owner: 87 Eel Point Road Realty Trust
Applicant: Richard J. Glidden, Trustee
DEP File Number: SE48-2564
Filing Date: April 26, 2013
Date Hearing Closed: May 29, 2013
Date Orders Issued: June 12, 2013
Plan of Record Information: Site Plan of Land to Accompany a Notice of Intent,
Dated 4/26/2013, Final Revision 5/24/2013, stamped by
Arthur D. Gasbarro, P.E.

Permit Overview:

This Order permits the applicant to construct and maintain sand filled coir tubes, sand drift fencing, maintaining of a sacrificial sand cover, and restoration of vegetation on a Coastal Bank, Coastal Beach and Land Subject to Coastal Storm Flowage.

Project Proposal:

The Order of Conditions is based on information submitted in the Notice of Intent dated April 26, 2013, its attachments and the plan of record, Site Plan of Land to Accompany a Notice of Intent, Dated 4/26/2013, Final Revision 5/24/2013, stamped by Arthur D. Gasbarro, P.E. The Commission also considered and relied upon other pertinent supplemental information including and not limited to:

1. Original Filing Package by 87 Eel Point Road Realty Trust dated 4/26/2013
2. Letter from Ellen Harde dated 5/6/2013
3. Letter from Blackwell & Associates, Inc w/attachments dated 5/24/2013

Additional Findings:

1. The Commission finds that the areas subject to regulation are coastal beach, coastal bank, land subject to coastal storm flowage and their associated buffer zones.
2. The Commission finds that the property is not located within Priority Habitat of Rare Species or Estimated Habitat of Rare Wildlife as defined by the Massachusetts Natural Heritage and Endangered Species Program.
3. The Commission finds that the combination of the fencing, intermediate posts and coir logs are a coastal engineering structure.
4. The Commission finds that the project is a water dependent project as it requires direct wetlands access for its intended use and therefore cannot be located out of the Area Subject to Protection Under the Bylaw.
5. The Commission finds that coastal beach is determined to be significant to storm damage prevention, flood control and protection of wildlife habitat as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
6. The Commission finds that coastal bank is determined to be significant to storm damage prevention, and flood control because it supplies sediment to the coastal

- beach as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
7. The Commission finds that coastal bank is determined to be significant to storm damage prevention, and flood control because it is a vertical buffer to storm waters as defined by the Commonwealth of Massachusetts Wetlands Protection Act (MGL Chapter 131§40).
 8. The Commission finds that the coastal beach is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, fisheries, shellfish, wildlife, recreation and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
 9. The Commission finds that the coastal bank is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, wildlife, and wetland scenic views as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
 10. The Commission finds that the land subject to coastal storm flowage is significant to the protection of the following interests: flood control, erosion control, storm damage prevention, wildlife, and water quality as defined by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136).
 11. The Commission recognizes that the coastal bank is unstable and subject to collapse and/or erosion due to wave action, overland stormwater erosion and/or groundwater flow/discharge.
 12. The Commission recognizes the coastal bank to exist in a highly dynamic coastal environment and to be comprised of mixed glacial till material with locally perched groundwater.
 13. The Commission finds that the project as conditioned by this Order will not adversely impact the interests protected by the Town of Nantucket Wetlands Protection Bylaw (Chapter 136) and is conditioned to mitigate effects to the resource areas. Further, the Commission finds that given the historical site conditions and current site conditions that there are no reasonable alternatives to this project as conditioned.

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

14. All work shall be performed in accordance with the Site and Work Description contained within the Notice of Intent and plan notes set out on the plan of record, provided project narratives, waiver requests and protocols.
15. The only work areas permitted by this Order include the land specific to 87 Eel Point Road. No work is to be performed outside of this area.
16. A detailed as-built plan, stamped by a licensed engineer or surveyor is required to be filed with the Commission upon completion of initial construction. This survey shall include the project area, and one quarter mile to the east and west of the project area.
17. Detailed survey plans as stamped by a licensed surveyor or licensed engineer shall be submitted to the Commission twice a year and post storm events, with storm events being defined as a period of sustained winds in excess of 40 MPH for a period of 6 hours, to show from the top of the bank to the beach/bank interface landward of the toe and then extending to Mean Low Water. This survey shall

- include the project area, and one quarter mile to the east and west of the project area. These reports shall also include photographs taken throughout the year and after storm events.
18. Reports shall be submitted to the Commission showing the amount of sand delivered to the project area and to which project area it was delivered.
 19. Photographs of the project area are required monthly and in addition photographs shall be required to be submitted, demonstrating the condition of the entire project area within 24 hours of each storm event.
 20. All structural materials, such as the coir logs, posts, fencing materials and anchors, shall be marked for identification. Distinguishing marks shall include tagging of plastic and branding of wood or metal.
 21. The applicant shall be responsible for retrieving any and all materials stored, dislodged or washed off site for the life of the project.
 22. Upon meeting any of the failure criteria a public hearing will be held to determine if the project will be removed in its entirety at the applicant's expense.
 23. The applicant will be required to maintain an escrow account for the purpose of removal of the project materials for the duration of the project. The amount of the escrow fund is to be determined based on an estimate for the work provided to the Commission prior to the start of work.
 24. The applicant will be required to provide the quarterly reporting for one year post removal of the structure to demonstrate any impacts from the structure to the remaining coastal beach/bank.
 25. Nourishment is required to be maintained to the volumes specified in the plan of record. All nourishment sands are to be beach compatible sand. The applicant shall provide the Commission with a grain size analysis from each sand source being used for the nourishment prior to the delivery to the beach. Following the installation of any post-construction nourishment a new detailed as-built by a licensed surveyor or engineer must be provided to the Commission showing the new profile and location.
 26. The applicant shall provide the Commission with contact information including name, mailing address, and phone number of all participants in the project as well as any contractor working on the project.
 27. All vehicle access along the beach to the project area shall be from the 40th pole access. The applicant shall get a written sign off from the Beach Manager on a bi-weekly basis from April 1st to September 15th to use vehicles on the beach. The sign-off will serve to confirm the presence or absence of any protected species within the project area or route of travel to and from the project area.
 28. Prior to the start of work a sign-off from the Nantucket Islands Land Bank is required to allow for the use of the 40th Pole beach as an access point.
 29. Pedestrian access across the public beach shall be maintained at all times.
 30. No machinery or materials are to be stored on the beach.
 31. Vegetation surveys including species composition and photographs shall be provided to the Commission at the beginning and end of each growing season for the duration of the project.

WAIVERS UNDER THE NANTUCKET WETLANDS BYLAW/REGULATIONS

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



August 13, 2016

Jeff Carlson, Natural Resource Coordinator
Nantucket Marine & Coastal Resources
2 Bathing Beach Road
Nantucket, MA 02554
Via E-mail

RE: Monitoring Report
87 Eel Point Road
Map 32 Parcel 11
SE48-2564

Dear Jeff:

I am writing to provide the monitoring report required per the referenced Order of Conditions. Attached are current photographs and an existing conditions site plan. The Order issued by the Nantucket Conservation Commission requires annual sand nourishment. The volume of sand added this spring was 100 cubic yards. The maintenance activity included the replacement of 520-feet of sand-filled coir tubes, the replacement of 43 sand drift panels, reset 12 posts and replaced 1 post. The upper portions of the coastal bank remain vegetated and stable, with no visible impacts to the beach or bank resource areas.

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

Sincerely,
Nantucket Engineering & Survey, P.C.
By: Arthur D. Gasbarro, P.E., P.L.S.

A handwritten signature in blue ink, reading "Arthur D. Gasbarro". The signature is written in a cursive style and is enclosed in a light blue rectangular box.

Cc: 87 Eel Point Road Realty Trust

Eastern End of the Project – 6/17/16



Middle Section of the Project – 6/17/16

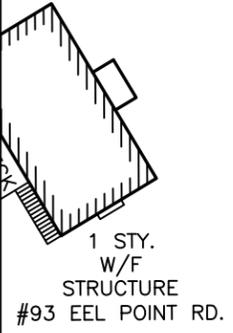
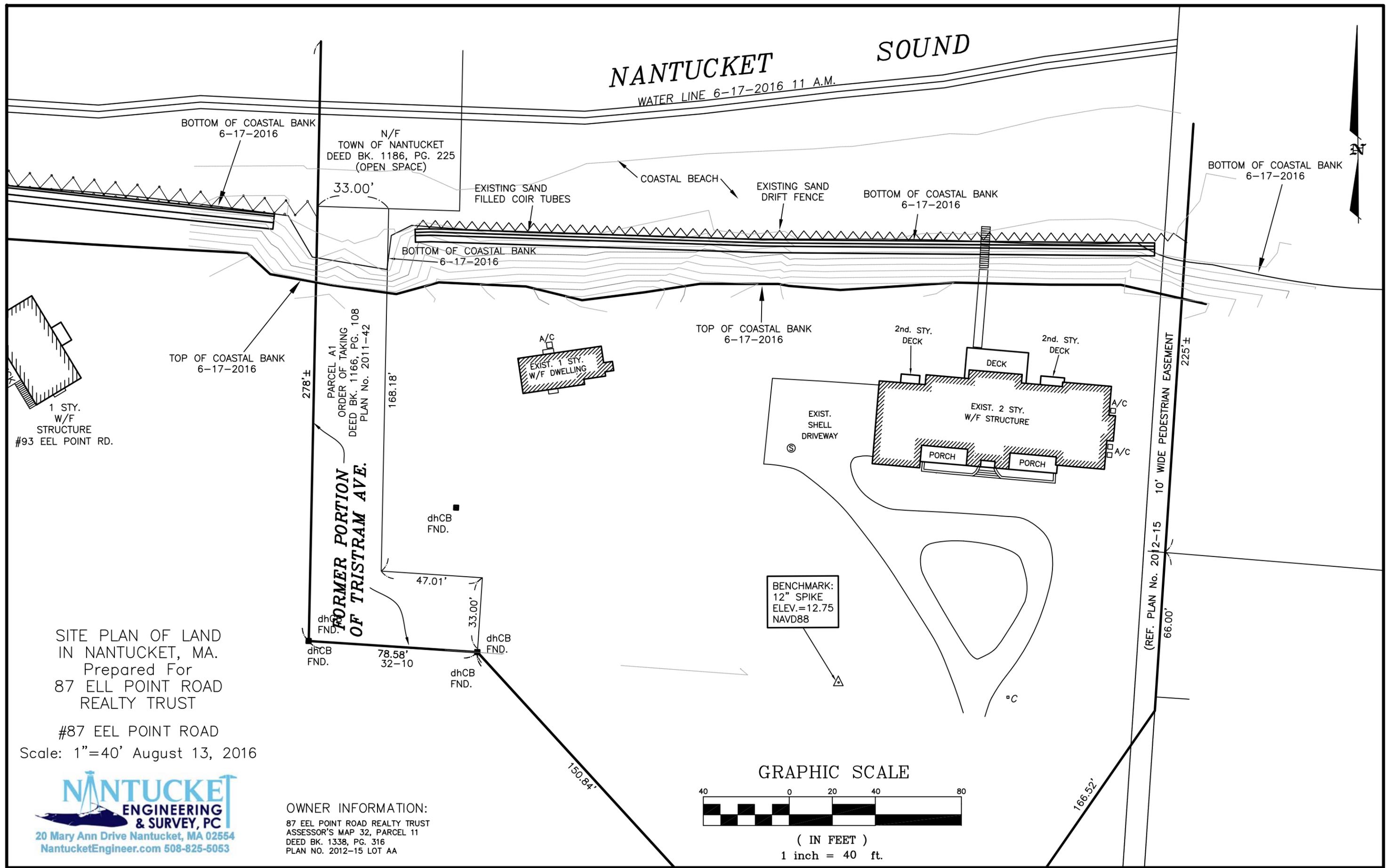


Western End of the Project – 6/17/16



NANTUCKET SOUND

WATER LINE 6-17-2016 11 A.M.

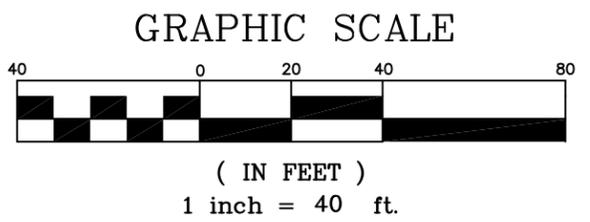


SITE PLAN OF LAND
IN NANTUCKET, MA.
Prepared For
87 ELL POINT ROAD
REALTY TRUST

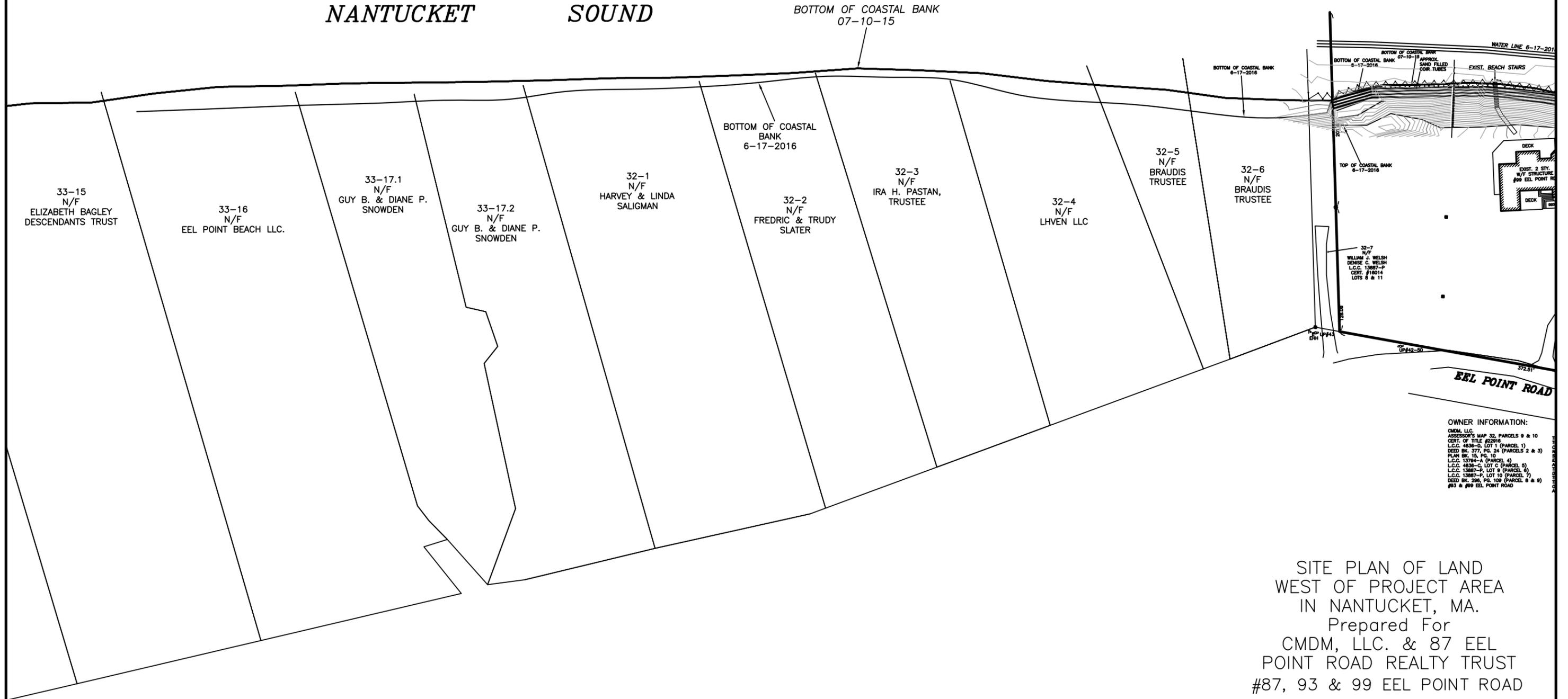
#87 EEL POINT ROAD
Scale: 1"=40' August 13, 2016



OWNER INFORMATION:
87 EEL POINT ROAD REALTY TRUST
ASSESSOR'S MAP 32, PARCEL 11
DEED BK. 1338, PG. 316
PLAN NO. 2012-15 LOT AA



NANTUCKET SOUND



33-15
N/F
ELIZABETH BAGLEY
DESCENDANTS TRUST

33-16
N/F
EEL POINT BEACH LLC.

33-17.1
N/F
GUY B. & DIANE P.
SNOWDEN

33-17.2
N/F
GUY B. & DIANE P.
SNOWDEN

32-1
N/F
HARVEY & LINDA
SALIGMAN

32-2
N/F
FREDRIC & TRUDY
SLATER

32-3
N/F
IRA H. PASTAN,
TRUSTEE

32-4
N/F
LHVEN LLC

32-5
N/F
BRAUDIS
TRUSTEE

32-6
N/F
BRAUDIS
TRUSTEE

32-7
N/F
WILLIAM J. WELSH
DENISE C. WELSH
L.C.C. 13887-P
CERT. #18014
LOTS 8 & 11

EEL POINT ROAD

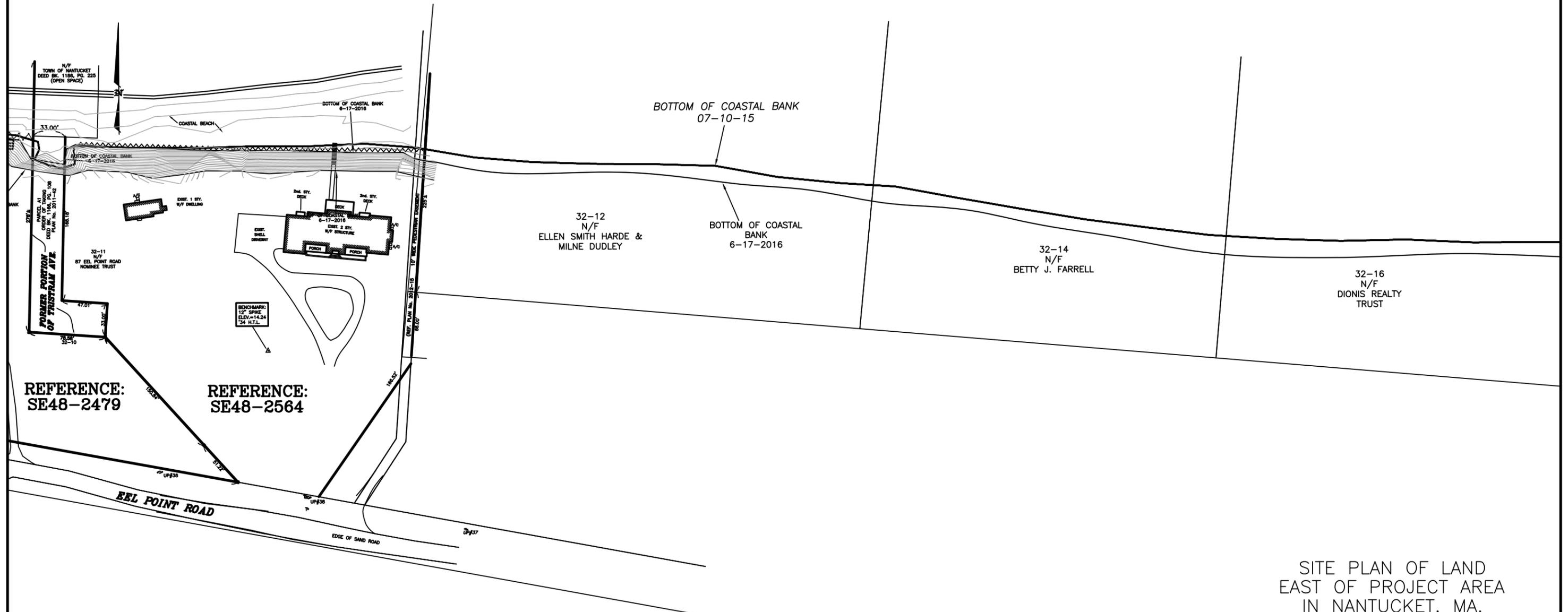
OWNER INFORMATION:
CDDM, LLC.
ASSESSOR'S MAP 32, PARCELS 9 & 10
CERT. OF TITLE #22918
L.C.C. 4838-D, LOT 1 (PARCEL 1)
DEED BK. 377, PG. 24 (PARCELS 2 & 3)
PLAN BK. 15, PG. 10
L.C.C. 13794-A (PARCEL 4)
L.C.C. 4838-C, LOT C (PARCEL 5)
L.C.C. 13887-P, LOT 9 (PARCEL 6)
L.C.C. 13887-P, LOT 10 (PARCEL 7)
DEED BK. 286, PG. 109 (PARCEL 8 & 9)
#93 & #99 EEL POINT ROAD

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

SITE PLAN OF LAND WEST OF PROJECT AREA IN NANTUCKET, MA.
Prepared For
CDDM, LLC. & 87 EEL POINT ROAD REALTY TRUST
#87, 93 & 99 EEL POINT ROAD
MAP 32 PARCELS 9, 10, & 11
Scale: 1"=100' August 13, 2016



NANTUCKET SOUND



REFERENCE:
SE48-2479

REFERENCE:
SE48-2564

SITE PLAN OF LAND
EAST OF PROJECT AREA
IN NANTUCKET, MA.
Prepared For
CMDM, LLC. & 87 EEL
POINT ROAD REALTY TRUST
#87, 93 & 99 EEL POINT ROAD
MAP 32 PARCELS 9, 10, & 11
Scale: 1"=100' August 13, 2016

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

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

Draft Minutes



CONSERVATION COMMISSION

PUBLIC MEETING

2 Bathing Beach Road
Nantucket, Massachusetts 02554

www.nantucket-ma.gov

Wednesday, August 10, 2016 4:00 P.M.
4 Fairgrounds Road, Training Room

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

Called to order at 4:01 p.m.

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

Agenda adopted by unanimous consent

*Matter has not been heard

I. PUBLIC MEETING

A. Public Comment

1. **Rachel Freeman**, Nantucket Islands Land Bank – Update on the Long Pond pilot project for phragmites eradication in the vicinity of Massasoit Bridge. Steinauer – Asked for a stem count so that the success of the program can be used to help evaluate the success of other phragmites eradication programs.

II. PUBLIC HEARING

A. Notice of Intent

1. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2834 **Cont (09/21/16)**
2. Edwin Snider RT – 1 Brock’s Court (42.3.4-84) SE48-2835 **Cont (09/21/16)**
3. Laz Family NT – 20 Waquoit Road (90-5) SE48-2901

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux

Recused None

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

Representative Arthur D. Gasbarro, Nantucket Engineering & Survey

Public None

Discussion (4:15) **Gasbarro** – This is the 2nd hearing for a set of seasonal beach stairs and grass walking path, swimming pool, other landscaping, and additional work on the structure. We were waiting for Massachusetts Natural Heritage sign off, which was received. Reviewed the revised plan.

Steinauer – Asked if the area between the shore and bank is beach.

Erisman – Concerned about brush cutting within the 25- and 50-foot zones.

Gasbarro – Could propose no root disturbance in that zone.

Staff Have everything needed to close.

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

Vote Carried unanimously

4. Third Time Trust – 41A Cliff Road (42.4.4-2) SE48-2904

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux

Recused None

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

Representative Paul Santos, Nantucket Surveyors

Public None

Discussion(4:20) **Santos** – Continuation of a hearing for renovation, addition, and relocation of a structure onto a new foundation. Was continued for Department of Environmental Protection file number and information on invasive species along the top of a coastal bank. His client has agreed to the removal of Japanese Knotweed along the back side of the fence at the top of the coastal bank. Waivers are requested.

Champoux – Asked that whoever is doing removal has a license for removal and follows protocol.

Staff Have everything needed to close.

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

Vote Carried unanimously

5. 102 Wauwinet Road NT - 102 Wauwinet Road (11-24.2) SE48-2902

Sitting Bennett, Erisman, Steinauer, LaFleur
 Recused Champoux
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Don Bracken, Bracken Engineering, Inc.
 Public None
 Discussion (4:23) **Bracken** – This is for stairs on a coastal bank and a foot path. Reviewed resource areas.
 Staff Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Steinauer)
 Vote Carried 4-0

6. Four Quaise Pasture Road NT – 4 Quaise Pasture Road (26-29) SE48-2903

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Don Bracken, Bracken Engineering, Inc.
 Public None
 Discussion (4:25) **Bracken** – Continued for minor changes; reviewed those changes. All proposed work is within existing lawn area.
 Staff Were also waiting for Massachusetts Natural Heritage, which was received. Have everything needed to close.
 Motion **Motion to Close.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

7. The Nantucket Land Bank – 4 Polpis Harbor Road (54-187) SE48-2905 **Cont (08/24/16)**

8. *Haulover LLC - 165 Wauwinet Road (7-1.1) SE48-2907

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Don Bracken, Bracken Engineering, Inc.
 Public None
 Discussion (4:27) **Bracken** – This is a septic system upgrade located at elevation 9 which is in the flood zone. Propose to revegetate disturbed areas with American beachgrass. The silt fence will be on the downhill side. The area is all coastal dune. Reviewed vegetation in the area.
Steinauer – Asked about the shrubs.
Bracken – There’s a lot of rosa rugosa but he didn’t take a close look; he has photographs of the area. At this point they’ve only have specified American beachgrass. He will provide the vegetation information.
 Asked for a 2-week continuance
 Staff None
 Motion Continued to 8/24 without objection
 Vote N/A

9. *Nantucket Pond Coalition – White Goose Cove within Long Pond (594-30,31) SE48-2908

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Robert Williams, Nantucket Pond Coalition
 Public Robert Rezendes, 11 Columbus Avenue
 Hennie Rezendes, 11 Columbus Avenue
 Ronald Zibelli, 8 Long Pond Drive
 Jocelyn Gemis, 12 Long Pond Drive
 Discussion (4:31) **Williams** – With the success of the pilot program, this NOI is for phragmites removal for White Goose Cove; the process will be over a 5-7 year period. Reviewed photos of Madaket land trust public dock which is an example of the conditions in the area. In this case, propose to use a Marsh Master, which is a high amphibious vehicle, for spreading of the herbicide. Do not yet have Massachusetts Natural Heritage signoff but foresee no problems. Solitude Lake Management will be doing the work.
Champoux – Would like to see a presentation of the application process.
Williams – Noted he has concern about leaving the stalk though that is what is recommended. Asked if there are objections to removing the phragmites stalks.
Erisman – Leave them for protection of the ecosystem and habitat.
Champoux – There is also the removal of the seed head component; cut them off and bag them.
Williams – It would be hard to cut and bag the seed head in this case due to the size of the area treated.
Williams – He had hoped the company representative could call in. Stated he will forward a link of a video of the Marsh Master in operation to the commissioners.
Erisman – She would like to see the 5- to 7-year plan to reestablish and manage the area.
Williams – Grants and sponsors of the program assure about \$5000 a year over the next five years.

Steinauer – Long-term control has a lot to do with doing it right in the first place. One concern is the phragmites coming back; that will require monitoring the revegetation.

Discussion about the revitalization of the pond with the removal of the phragmites.

Steinauer – He'd like to see detailed information on the application process: spray nozzle, what kind of drop and drift. The drift should be monitored again due to the use of a new piece of equipment.

R. Rezendes – Watched the phragmites increase in the four years he's lived on Long Pond. It takes a fair amount of effort to organize the community; it is now paying attention.

H. Rezendes – It's not just aesthetics; phragmites obstruct water activities on the pond. If action doesn't take place soon, it will become impossible to handle.

Zibelli – This has been discussed since 1995; it shouldn't be stalled too much longer.

Gemis – Asked if anyone looked at the affect the phragmites have on fish.

Williams – As phragmites move out into the water, they reduce the opportunity for life cycles to operate properly; it is unhealthy on the entire ecology of the pond.

Erisman – Suggested that all the abutters should stop fertilizing their lawns to assist the health of the pond.

Williams – They are putting out a brochure to that effect. Asked for a 2-week continuance.

Staff Noted that the ConCom remote participation policy only allows for commissioners to remotely participate.

Motion Continued to 8/24 without objection

Vote N/A

10. *Pate – 5 Francis Street (42.2.3-26) SE48- 2906

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux

Recused None

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

Representative None

Public None

Discussion (5:07) No questions or comments.

Staff This is within land subject to coastal storm flowage; proposing an addition to rear of house with run off into drywell located on the lot; no new construction. There is no grade increase. existing. The house was recently raised to be flood-zone compliant. Have everything needed to close.

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

Vote Carried unanimously

B. Amended Orders of Conditions

1. *MAK Daddy Trust – 68/72 Monomoy Road (43-119,115) SE48-2803 **Cont (08/24/16)**

III. PUBLIC MEETING

A. Request for Determination of Applicability

1. *Udelson – 94 Tom Nevers Road (91-41)

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux

Recused None

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

Representative Mark Rits, Site Design Engineering

Public None

Discussion (5:09) **Rits** – This is to delineate the top of a coastal bank and associated buffer zones and brush cutting outside the 50-foot buffer. The face of the bank and upper dune are well vegetated.

Erisman – Asked about the vegetation.

Rits – Bayberry and scrub oak and huckleberry; normal scrub growth.

Staff Recommend this be issued as a Positive 2 and Negative 3.

Motion **Motion to Issue as recommended.** (made by: Champoux) (seconded by: LaFleur)

Vote Carried unanimously

B. Minor Modifications

1. Nantucket Conservation Foundation – 183,185, 187 Eel Point Road (33-1-3) SE48-2319

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux

Recused None

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

Representative None

Public None

Discussion (At 5:11, was held to allow the representative a chance to arrive)

The consensus was comfortable with ruling on this at this time.

Staff (5:50) This is an invasive species management project; been trying to treat grey willow and are asking to use Imazapyr injection. This would be the third year of treatment. Reviewed the reporting requirements. Can issue as a minor modification or hold for the representative.

Motion **Motion to Issue.** (made by: Erisman) (seconded by: LaFleur)

Vote Carried unanimously

2. Eleven Crooked Lane, LLC – 10 Hickory Meadow Lane (41-904) SE48-2682

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative Don Bracken, Bracken Engineering, Inc.
 Public None
 Discussion (5:12) **Bracken** – Reviewed the plan from the existing Order of Conditions, which is from 2014. This modification is for the loci of structures to be reconfigured.
 Staff There is very little work within ConCom jurisdiction. The locations are being changed with no change in area. Recommend issue this be issued as a minor modification.
 Motion **Motion to Issue as minor modification.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

3. Nantucket Electrical Co – 1 Candle St (42.3.1-93) SE48-2731

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Recused None
 Documentation Site plans, topographical maps, photos, MNH sign off letter, departmental reports, and correspondence.
 Representative None
 Public None
 Discussion (5:16) No questions or comments.
 Staff The modification is asking to change the large sand bags to smaller sand bags. Recommend this be issued as a minor modification.
 Motion **Motion to Issue as minor modification.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

C. Certificates of Compliance

1. Four Saratoga LLC – 14 Tennessee Avenue (60.1.2-6) SE48-2506 **(Cont 09/21/2016)**
2. Thompson – 14 Fargo Way (14-17) SE48-2645 **(Cont 09/21/2016)**
3. PKG Design Build, LLC - 3 & 3A Pilgrim Road (41-612 & 613) SE48-2382

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative Mark Rits, Site Design Engineering
 Staff Recommend this be issued with no on-going conditions.
 Discussion (5:18) **Rits** – This was for the construction of a subdivision roadway partially within the 100-foot buffer to an offsite isolated vegetated wetland. Work is completed in compliance with original order.
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Chamoux)
 Vote Carried unanimously

4. 5 Quaise, LLC – 5 Quaise Pastures (26-21) SE48-2488

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative Mark Rits, Site Design Engineering
 Staff Recommend this be issued with no on-going conditions.
 Discussion (5:19) **Rits** – All structural components outside 50-foot buffer of a bordering vegetated wetlands. Work is done per order. Most work outside the 50-foot buffer. A second open order is for a boardwalk still under construction.
 Motion **Motion to Issue.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

5. Schwenk – 17 Dukes Road (41-313) SE48-2811

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative Don Bracken, Bracken Engineering, Inc.
 Staff Recommend this be issued with no on-going conditions.
 Discussion (5:22) **Bracken** – Reviewed project; in compliance
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

6. Swain Point Nominee Trust – 260 Polpis Road (25-1) SE48-1133

7. Dale/Phelon Swains Point Trust – 260 Polpis Road (25-1) SE48-1652

8. Swains Point N.T – 260 Polpis Road (25-1) SE48-1266

9. Swains Point N.T – 260 Polpis Road (25-1) SE48-2633

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative Jeff Blackwell, Blackwell & Associates
 Staff The project is in compliance with the permit; however, given the history with this lot, suggested an on-going condition to memorialize the maintenance of the resource areas and following fertilizer best management practices (BMP). There are wetlands and an active stream.
 Discussion(5:23) **Blackwell** – Reviewed all four 260 Polpis Road Orders of Conditions.
 Motion **Motion to Issue with the on-going conditions for maintenance and BMP use of fertilizers for life.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

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

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative Jeff Blackwell, Blackwell & Associates
 Staff The timber and patio are in previous lawn area. The cleanest way to handle this is to require a plan change to memorialize the work then issue the certificate of compliance. The plan is accurate but doesn't reflect the file plans. There are already waivers issued with this project; no new-scope features are being added.
 Discussion(5:32) **Blackwell** – This was for a new foundation in a flood zone and re-establishment of an area within a now delineated bordering vegetated wetlands. Work on the house and landscape meet the Order of Conditions except: patio, sand-filled timber area, and bluestone pavers all within the buffer to the now-delineated bordering vegetated wetlands. All the elements are landscape features and don't displace flood water.
LaFleur – Suggested this be handled through the request for a minor modification.
 Motion Continued to 8/24 by unanimous consent.
 Vote N/A

11. Eilers – 66 West Chester Street (41-371) SE48-809 **Reissue**

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Representative None
 Staff In compliance.
 Discussion(5:23)
 Motion Motion to Reissue. L/C (made by:) (seconded by:)
 Vote Carried unanimously

D. Orders of Condition

1. Laz Family NT – 20 Waquoit Road (90-5) SE48- 2901

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Staff Need to add Condition 21 no root disturbance allowed within the 25- & 50-foot buffers. There is a waiver request that all structures be at least 100 feet from the eroding bank.
 Discussion (5:40) No questions or comments.
 Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

2. 78 Wauwinet Road LLC – 78 Wauwinet Road (14-18) SE48- 2900

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Staff Condition 22 states no permanent dewatering is allowed
 Discussion (5:43) No questions or comments.
 Motion **Motion to Issue.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

3. Third Time Trust – 41A Cliff Road (42.4.4-2) SE48-2904

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Staff Need to add Condition 20: a copy of the applicator's license is to be provided.
 Discussion (5:44) No questions or comments.
 Motion **Motion to Issue as amended.** (made by: Champoux) (seconded by: LaFleur)
 Vote Carried unanimously

4. 102 Wauwinet Road NT - 102 Wauwinet Road (11-24.2) SE48-2902

Sitting Bennett, Erisman, Steinauer, LaFleur
 Staff Pretty straight forward.
 Discussion (5:45) No questions or comments.
 Motion **Motion to Issue as drafted.** (made by: LaFleur) (seconded by: Steinauer)
 Vote Carried 4-0 (Champoux recused)

5. Four Quaise Pasture Road NT – 4 Quaise Pasture Road (26-29) SE48-2903

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Staff Will add Condition 19 for no draining of the pool in area of ConCom jurisdiction and Conditon 20 for no use of cultivars.
 Discussion (5:46) No questions or comments
 Motion **Motion to Issue as amended.** (made by: LaFleur) (seconded by: Champoux)
 Vote Carried unanimously

6. Pate – 5 Francis Street (42.2.3-26) SE48- 2906

Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
 Staff Pretty straight forward.
 Discussion (5:48) No questions or comments.
 Motion **Motion to Issue as drafted.** (made by: Steinauer) (seconded by: Champoux)
 Vote Carried unanimously

7. Turner & Saum – 1 Francis Street (42.2.3-43) SE48-2702 **Reissue**

- Sitting Bennett, Erisman, Steinauer, LaFleur, Champoux
- Staff Lost the order so couldn't record it.
- Discussion (5:48) No questions or comments.
- Motion **Motion to Reissue.** (made by: Champoux) (seconded by: LaFleur)
- Vote Carried unanimously

E. Other Business (5:55)

1. Approval of Minutes, 07/27/2016: **Motion to Approve.** (made by: Champoux) (seconded by: LaFleur) Carried unanimously
2. Enforcement Actions
 - a. Esther Island responded to the notice and scheduled a site visit; will have police accompaniment
 - b. 36 Pocomo Road responded and engaged LEC to delineate the wetlands and put together a restoration plan.
 - c. 12 Monomoy Creek Road property manager will meet with ConCom staff on site on August 11, 2016.
 - d. 4 Swain Street cut phragmites in the wetland without a permit; suggested issuing the enforcement action to get them in here to ensure they treat the phragmites properly and get the treatment as part of their existing order.
Motion to Issue the Enforcement Order. (made by: Steinauer) (seconded by: LaFleur) Carried unanimously
 - e. Kureteck family, corner Quidnet and Polpis Roads, continued with clearing of under growth in a wetland. Would like to issue this out and the letter to start them down the permitting path. Been chasing this site 12 years
Motion to Issue the Enforcement Order. (made by: Champoux) (seconded by: LaFleur) Carried unanimously
 - f. 1 Brocks Court have erected a robust chicken pen on the large grass area in the back: 15X25 with 6" posts and chicken wire on the sides and top. They are not in compliance and the resource area is in question. Asked if the board wants to issue an Enforcement Order or encapsulate the work into the permit. There are open applications in place for a number of activities; however, before their NOI is heard again, it has to be re-noticed since it's been so long. Forcing the resource delineation would be part of the Enforcement Order.
 Consensus of the board wants to issue an Enforcement Order.
Bruce Griffin, for the abutters – Referred to a letter of concerns; would like to see the site restored to previous conditions; on-going activity has been without regard to ConCom authority to protect wetlands. Reviewed the amount of work the abutters believe to be unpermitted.
 Discussion about how the board wishes to proceed: issue Enforcement Order and start them down the punitive path of daily fines.
 Mr. Carlson explained the process of enforcement of punitive actions and penalties.
Motion to Issue the Enforcement Order and have it serve as notice to begin punitive actions. (made by: Champoux) (seconded by: Erisman) Carried unanimously
3. Reports:
 - a. NP&EDC, Bennett
 - b. Mosquito Control Committee, Erisman
4. Commissioners Comment
 - a. Champoux – On the phragmites issue, he doesn't want any group that are getting support behind them to feel discouraged about going through proper channels to remove phragmites.
5. Administrator/Staff Reports
 - a. Smith Point is again open for vehicle traffic. Most beaches are open again.

Motion to Adjourn: 6:28 p.m.

Submitted by:
Terry L. Norton